



January 4, 2019

Royalty Bakery (DBA Plate & Petal)
216 North Orange Street
Glendale, CA 91203

**RE: 216 NORTH ORANGE STREET
ADMINISTRATIVE USE PERMIT NO. PAUP1801522**

(see: Parking Exception Case No. PPPEX1729400)

Dear Applicant:

Pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.49, the Community Development Department has processed your application to allow the sale of alcoholic beverages for on-site consumption in the "DSP/MO" - Downtown Specific Plan Mid-Orange District, located at **216 North Orange Street**, City of Glendale, County of Los Angeles.

CODE REQUIRES

(1) Alcoholic beverage sales require an Administrative Use Permit in the Downtown Specific Plan Mid-Orange District.

APPLICANT'S PROPOSAL

(1) To allow the sale of alcoholic beverages for on-site consumption at an approximately 5,000 square-foot full service restaurant with a new 2,500 square-foot rear patio for outdoor dining.

ENVIRONMENTAL DETERMINATION

The project is exempt from CEQA review pursuant to State CEQA Guidelines Section 15301, Class 1 - Existing Facilities, because the discretionary permit request is to allow the sale of alcoholic beverages for an existing full-service restaurant use.

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the analysis by Community Development Department staff, this Administrative Use Permit application is **APPROVED WITH CONDITIONS** based on the following:

REQUIRED/MANDATED FINDINGS

A. That the proposed use will be consistent with the various elements and objectives of the general plan.

The proposed use will be consistent with the General Plan. The project site is located within the Downtown Specific Plan Mid-Orange District, a high-density development land use designation and zone. It encourages arts-oriented land uses and low-rise, mixed-use development. A full service bona fide restaurant serving alcoholic beverages is appropriate

in this land use designation and zone because it provides a dining and drinking amenity that is consistent with commercial uses. In terms of the Housing Element, the project does not include any housing units. However, the subject site and all surrounding lots are designated for mixed use development where high density residential uses are encouraged. The project is consistent with the Circulation Element because it is located on Orange Street, which is designated as an Urban Collector. This street type is intended for regional commercial centers and high-density mixed use commercial-residential development. A local full-service restaurant with service of alcoholic beverages with meals is compatible with the regional commercial uses. The subject site does not contain any historic resources and is not designated for open space or recreational use. The proposed use, as conditioned, is compatible with the recommended maximum noise level according to the Noise Element. The site is not within a hazard zone and the conditions placed on the proposed use will ensure the project does not contribute to local crime. The proposed use (on-sale alcoholic beverages) at a full-service restaurant is not a source of or contributor to air pollution.

B. That the use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment.

The sale of alcoholic beverages for on-site consumption at a full service restaurant, in compliance with the conditions in this report, is not anticipated to be detrimental to the public health, safety, general welfare, or environment. The sale of alcoholic beverages is incidental to the primary full-service restaurant use and conditions have been added to prevent this full-service restaurant from changing into a tavern, banquet hall or nightclub which may have different and potentially detrimental impacts to public health, safety, the general welfare and the environment. Less negative impacts from patrons consuming alcoholic beverages are generally anticipated when alcohol service is provided with food at a full-service restaurant compared to alcohol service at a tavern which, by definition, predominantly sells alcohol.

The police noted multiple noise complaints with the existing restaurant and current business operator. These noise complaints raise planning concerns about whether or not adding ancillary alcohol service to this full-service restaurant would foster additional noise complaints from neighbors, particularly potential noise from use of the rear outdoor patio area during evening hours. While the design of the rear outdoor patio is adequate to serve as a full-service restaurant, the design of this area could also lend itself to operation as a banquet hall or tavern, particularly if the outdoor area has amplified sound, an activity which encourages loud conversation. Likewise, service of alcohol with smoking encourages groups to congregate, linger and engage in conversations, resulting in greater noise and alcohol consumption which is the hallmark of taverns and nightclubs, not full-service restaurants. Conditions have been added to prevent unnecessary noise, particularly in the rear outdoor patio area, because multiple noise complaints from this facility have already generated police activity.

The proposed Administrative Use Permit (AUP) has been reviewed by the Police Department and the Neighborhood Services and the Community Development Department to identify and prevent potential negative impacts of the project on the public health, safety, general welfare or environment. The Neighborhood Services Division did not identify any issues with the proposal. The Police Department reviewed the project and reported it is located in census tract 3018.02, where the suggested limit by Alcoholic Beverage Control (ABC) for on-sale (sale of alcohol for on-site consumption) establishments is three. Currently, there are twenty on-sale establishment licenses located in this tract, not including the applicant's requested license. Based on arrests and Part 1 (violent and property) crime

statistics in year 2017 for this census tract, there were 200 crimes, which is 11% above the citywide average of 180. Although the number of licenses is over the suggested limit and the number of crimes is above-average, the restaurant is located in the downtown, where a concentration of restaurant and entertainment activities is desirable. The Police Department has received multiple complaints of loud music, noise and parties taking place at the restaurant. However, since the Police Department issued verbal and written warnings to the restaurant, no additional complaints have been received in the last several months.

Conditions to prevent or reduce future noise impacts, particularly from the outdoor patio, and to prevent the morphing of the full-service restaurant use into a tavern, nightclub, or banquet hall have been added to prevent potential negative impacts to the neighborhood from occurring. The Noise Ordinance will be enforced to address any inappropriate noise levels.

Given these facts, the use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment.

C. That the use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property.

The sale of alcoholic beverages for on-site consumption will not conflict with the adjacent land uses. The building is located in a high-density mixed-use zone with a banquet hall to the south, parking structures to the north and west, and other commercial buildings to the east; thus, the restaurant with outdoor seating can be compatible with adjacent uses. However, this restaurant has generated multiple noise complaints from neighbors requiring police response. Therefore, conditions have been added to eliminate or reduce noise impacts, particularly relating to use of the rear outdoor patio. The sale of alcoholic beverages with food at a full-service restaurant will not impede the normal development of surrounding property because it is a complementary use to surrounding development provided noise impacts are addressed. The project site is located within the Downtown Specific Plan (Mid-Orange District) of the General Plan Land Use Element. This zone is intended to accommodate high density development and uses including arts-oriented and mixed uses. A full-service restaurant providing alcoholic beverages for on-site consumption is appropriate and provides an amenity to commercial and residential tenants in the area; therefore, it is consistent with the desired land use for this district provided it does not generate noise complaints or create other nuisance.

Within walking distance (1/4 mile) to the site, there are three churches (First Baptist Church of Glendale, Scientology Mission of Brand Boulevard, and Science of Mind Spiritual Center of Los Angeles at the Glendale Masonic Temple), and several large, multi-family residential development projects. While these facilities and uses are within close proximity to the project site, the conditions will mitigate or prevent negative impacts to the neighborhood from the use. Therefore, the sale of alcoholic beverages is not anticipated to be detrimental to the community or adversely conflict with the community's normal development.

D. That adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are or will be provided for the proposed use.

Adequate public and private facilities such as utilities are provided for the use and are existing. The subject site has operated as a restaurant use, without the rear outdoor patio, for decades without being required to provide parking. A parking exception was granted (Parking Exception Case Number PPPEX1729400, approved December 12, 2018) for the proposed

2,500 square-foot expansion to their existing 5,000 square-foot operation into the rear outdoor portion of the lot.

REQUIRED ADDITIONAL FINDINGS OF FACT FOR AN AUP FOR ALCOHOL SALES, SERVICE AND CONSUMPTION

That the following criteria set forth in Glendale Municipal Code Section 30.49.030 (E) be considered in making the findings in subsection A through D above.

- 1) **That where an existing or proposed on-site use is located in a census tract with more than the recommended maximum concentration of on-site uses or that where an existing or proposed off-site use is located in a census tract with more than the recommended maximum concentration of off-site uses, both as recommended by the California Department of Alcoholic Beverage Control, such use does not or will not tend to intensify or otherwise contribute to the adverse impacts on the surrounding area caused by such over concentration.** As noted in Finding B above, the recommended limit by ABC for on-sale (sale of alcohol for on-site consumption) establishments is three. Currently, there are twenty on-sale establishment licenses located in this tract, not including the applicant's requested license. The Draft Conditions of approval in this report will ensure the issuance of an on-sale alcohol license to Plate & Petal will not intensify or contribute to adverse impacts to the surrounding area. Further, the Downtown Specific Plan calls for land uses that extend the life of downtown into the evenings and weekends, thus this use is appropriate for the surrounding existing and future mixed-use neighborhood because adequate conditions of approval have been added to ensure adverse impacts from intensification of overconcentration are avoided.
- 2) **That where the existing or proposed use is located in a crime reporting district with a crime rate which exceeds 20 percent of the city average for Part 1 crimes, as reported by the Glendale Police Department, such use does not or will not tend to encourage or intensify crime within the district.** As noted in Finding B above, based on arrests and Part 1 (violent and property) crime statistics in 2017 for this census tract, there were 200 crimes, which is 11% above the citywide average of 180. However, the high crime rate in this census tract is not necessarily related to the project site, but rather other areas within the high density and commercially concentrated census tract. Although the Police Department has noted multiple noise complaints at this facility and service of alcoholic beverages can result in increased noise, this permit is conditioned to prevent noise from becoming a nuisance. The suggested conditions of approval from the Police Department as well as conditions from the Community Development Department have been incorporated into the conditions and, therefore, the use will not encourage or intensify crime within the district.
- 3) **That the existing or proposed use does not or will not adversely impact any church, public or private school or college, day care facility, public park, library, hospital or residential use within the surrounding area.** As more fully detailed in Finding C above, several church and residential uses are within walking distance (1/4 mile) to the site. While these facilities and uses are within close proximity to the project site, the conditions of approval suggested by the Police Department, as well as other conditions concerning the operation of this full-restaurant relevant to the ancillary service of alcoholic beverages have been incorporated into the staff recommendation to ensure any potential negative impacts will be appropriately mitigated or prevented.

- 4) **That adequate parking and loading facilities are or will be provided for the existing or proposed use, or other reasonable alternatives satisfy the transportation and parking needs of the existing or proposed use.** Parking Exception Case Number PPPEX1729400 determined that there are several public parking facilities in the immediate area for use by patrons and employees.
- 5) **That, notwithstanding consideration of the criteria in subsections 1 through 4 above, the existing or proposed use does or will serve a public necessity or public convenience purpose for the area.** The applicant's request to allow the sale of alcoholic beverages for on-site consumption at a full-service restaurant does serve a public convenience because it serves local residents, businesses, and the surrounding community. Conditions placed on the approval of the project will ensure it will not adversely impact nearby businesses and residential uses.

PUBLIC COMMENTS RECEIVED

No public comments were received.

CONDITIONS OF APPROVAL

APPROVAL of this Administrative Use Permit shall be subject to the following conditions:

1. That the development shall be in substantial accord with the plans submitted with the application (which shows a full service restaurant, not a tavern, a nightclub or banquet facility) except for any modifications as may be required to meet specific code standards or other conditions stipulated herein to the satisfaction of the Director of Community Development.
2. That no new proposed fences, walls, trellises, canopies and/or roof/shade structures are part of this approval. Any proposed fences, walls, trellises, canopies and/or roof/shade structures shall be subject to an independent review and permitting process by City Departments to ensure compliance with the Glendale Municipal Code.
3. That any expansion or modification of the facility or use which intensifies the existing business shall require a new Administrative Use Permit application. Expansion shall constitute adding floor area, increased hours of operation, changes to the use or operation, or any physical change as determined by the Director of Community Development.
4. That all necessary licenses, approvals and permits as required from Federal, State, County or City authorities including the City Clerk shall be obtained and kept current at all times.
5. That all necessary permits (i.e., building, fire, engineering, etc.) shall be obtained from the Building and Safety Division and all construction shall be in compliance with the Glendale Building Code and all other applicable regulations.
6. That State Accessibility Standards be met for all parking requirements and building entrance accessibility as required by the Building and Safety Division.

7. That additional or other building code requirements or specific code requirements (i.e. CA Green Building Code, etc.) will be required upon submittal of plans for building plans check and permit.
8. That a Business Registration Certificate be applied for and issued for a full-service restaurant with the on-site sales, service and consumption of alcoholic beverages, subject to the findings and conditions outlined in this decision letter.
9. That the premises shall maintain a bona fide restaurant and shall provide a menu containing an assortment of foods normally offered in such restaurant. Food service shall be available at all times and in all areas of the premises during normal operating hours.
10. The sale of alcoholic beverages at the restaurant shall be incidental to the selling of food. Any service of alcoholic beverages shall also require the purchase of food. No alcoholic beverages may be served without the service of food.
11. That the full service restaurant shall not become a tavern. An establishment that primarily provides for the on-premises sale, serving and consumption of alcoholic beverages and that derives more than fifty (50) percent of gross revenues from the sale of alcoholic beverages is by definition of the code a "tavern" and not a full-service restaurant. This administrative use permit is for a full-service restaurant, not for a tavern. A tavern requires approval of a separate conditional use permit. The restaurant operator shall maintain records of gross receipts that demonstrate compliance with the code requirement that this is a bona fide full-service restaurant and such records shall be made available to City and ABC employees upon request to verify code compliance.
12. That the sale of beer, wine, and/or distilled spirits for consumption off the premises is strictly prohibited.
13. That no exterior signs advertising the service of alcoholic beverages shall be permitted.
14. That the service of alcoholic beverages shall be in full accord with the regulations and conditions established by the State Department of Alcoholic Beverage Control.
15. That no patrons of the restaurant shall be allowed to bring into the establishment, or maintain in the establishment, any alcoholic beverage unless that alcoholic beverage was purchased within the same establishment, unless the facility has an established corkage policy allowing and regulating such.
16. That at all times when the premises are open for business, the service of alcohol shall be made only in the areas as designated with the ABC license. Consumption of alcoholic beverages will only be on those same licensed areas.
17. That the restaurant shall remain open to the public during operating hours. If the establishment has a private party during normal operating hours, the restaurant still needs to remain open for business to regular customers.

18. That if the establishment intends to have a dance floor, the dance floor may not exceed 200 square feet, and dancing will only be allowed on the premises in designated dance floor areas with a proper "Dance" permit. Any establishment serving alcoholic beverages which has a dance floor of greater than 200 square feet is considered a nightclub and will require a separate conditional use permit.
19. That sufficient measures shall be enforced to effectively eliminate interior and exterior loitering, parking congestion, disturbing noise, disturbing light, loud conversation, and criminal activities.
20. That the proprietor and his/her employees shall make an active and conscientious effort to keep customers and employees from trespassing on other nearby properties or otherwise making disturbances in the area.
21. The operating hours of the restaurant shall be 6:00 a.m. to 10 p.m. Monday through Friday, and from 6:00 a.m. to 12 a.m. Friday and Saturday, except for the rear outdoor patio. Alcohol service with food shall be permitted from 9 a.m. to one hour prior to closing of the restaurant. The operating hours of the rear outdoor patio shall be from 9 a.m. to 10 p.m. every day. Seating of new tables in the rear outdoor patio, and service of alcohol in the rear outdoor patio shall cease at 9:00 p.m. The rear outdoor patio shall remain closed and unoccupied, except for staff set-up, clean up and maintenance activities from 10 p.m. to 9 a.m. every day. The rear outdoor patio means the outdoor area adjacent to the alley, not the sidewalk dining area adjacent to the street.
22. That music or noise shall be contained within the edifice of the establishment. The business shall comply with the state and local laws and ordinances concerning excessive noise and disturbing the peace. No amplified sound may be produced without first obtaining an "Amplified Sound Permit." No "Amplified Sound Permit" shall be permitted on the rear outdoor patio. The rear outdoor patio means the outdoor area adjacent to the alley, not the sidewalk dining area adjacent to the street.
23. That no live entertainment is permitted without a "Live Entertainment Permit." No karaoke, no bikini activities or events, no lingerie activities or events, no swimwear activities or events, nor any similar activities or events be allowed where partial clothing of male or female entertainment is provided. No "Live Entertainment Permit" shall be permitted on the rear outdoor patio. The rear outdoor patio means the outdoor area adjacent to the alley, not the sidewalk dining area adjacent to the street.
24. That no outdoor speaker system shall be installed.
25. That all music or other sound produced on the premises, including sound from televisions, shall not be audible off-site so as not to disturb persons in other occupancies/businesses, residences or on public rights-of-way including the alley and street.
26. Any exterior lighting shall be directed downward and away from neighboring properties. Any exterior lighting shall be maintained and operated such that it does not create excessive light in the evening that impacts neighboring properties.
27. That the front and back doors to the restaurant and rear outdoor patio shall be kept closed at all times while the location is open for business, except in case of emergency.

- 28. That there shall be no video machine(s) maintained on the premises.
- 29. That access to the premises shall be made available to all City of Glendale Planning and Neighborhood Services Division, Police Department, and Fire Department staff upon request for the purpose of verifying compliance with all laws and conditions of this approval.
- 30. That no smoking of any kind is permitted in the restaurant or in the rear outdoor patio.
- 31. That all signs displayed shall conform to the requirements of the Glendale Municipal Code.
- 32. That the applicant shall comply with all the conditions of Parking Exception Case No. PPPEX1729400 as specified in the Decision Letter dated December 12, 2018.
- 33. That the authorization granted herein shall be valid for a period of **TEN (10) YEARS UNTIL JANUARY 4, 2029.**

APPEAL PERIOD

The applicant’s attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper City and public agency.

Under the provisions of the Glendale Municipal Code, Title 30, Chapter 30.62, any person affected by the above decision has the right to appeal said decision to the Planning Commission if it is believed that the decision is in error or that procedural errors have occurred, or if there is substantial new evidence which could not have been reasonably presented. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms within fifteen (15) days following the actual date of the decision. Information regarding appeals and appeal forms will be provided by the Permit Services Center (PSC) or the Community Development Department (CDD) upon request and must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **January 22, 2019** at the PSC, 633 East Broadway, Room 101, Monday thru Friday 7:00 a.m. to 12:00 p.m., or at the CDD, 633 East Broadway, Room 103, Monday thru Friday 12:00 p.m. to 5 p.m.

APPEAL FORMS available on-line: <http://www.glendaleca.gov/appeals>

TRANSFERABILITY

This authorization runs with the land or the use for which it was intended for and approved. In the event the property is to be leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions and/or limitations of this grant.

VIOLATIONS OF THESE CONDITIONS

Violations of conditions required by this determination may constitute a misdemeanor or infraction under section 1.20.010 of the Glendale Municipal Code (GMC) and/or a violation of other local, State or Federal laws or regulations. Unless a specific penalty is provided,

any person convicted of a misdemeanor shall be punished by a fine not to exceed one thousand dollars (\$1,000.00), or imprisonment for a term not to exceed six (6) months, or by both fine and imprisonment. Infractions are punishable by a fine not exceeding the sum of five hundred dollars (\$500.00) for each violation. Violations of conditions required by this determination may be grounds for a revocation.

REVOCACTION, CONTINUING JURISDICTION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over variances, administrative use permits, and conditional use permits (individual cases heard and decided upon by the Planning Hearing Officer).

To consider the revocation, the Planning Hearing Officer shall hold a public hearing after giving notice by the same procedure as for consideration of a conditional use permit at least ten (10) days' notice by mail to the applicant or permittee. Continuing jurisdiction over any case is the purview of the Planning Hearing Officer, with concurrence by the Director of Community Development.

GMC CHAPTER 30.4 PROVIDES FOR

Termination

Every right or privilege authorized by an Administrative Use Permit shall terminate two (2) years after the granting of such, unless the exercise of such right or privilege has commenced in good faith prior to such time, except as otherwise provided for.

Extension

An extension of the Administrative Use Permit may be requested one time and extended for up to a maximum of one (1) additional year upon receipt of a written request from the applicant and demonstration that a reasonable effort to act on such right and privilege has commenced within the two (2) years of the approval date. In granting such extension the applicable review authority shall make a written finding that neighborhood conditions have not substantially changed since the granting of the administrative use permit.

Cessation

An Administrative Use Permit may be terminated by the review authority upon any interruption or cessation of the use permitted by the Administrative Use Permit for one year or more in the continuous exercise in good faith of such right and privilege.

NOTICE – subsequent contacts with this office

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the case planner. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **By Appointment Only**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

Should you have any questions regarding this issue, please do not hesitate to contact the case planner, Cassandra Pruett at (818) 937-8186 or cpruett@glendaleca.gov

Sincerely,
Philip Lanzafame
Director of Community Development



Laura Stotler
Planning Hearing Officer

LS:CP:sm

CC: City Clerk (K.Cruz); Police Dept. (A.Jenks/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(J.Halpert); Traffic & Transportation Section (P.Casanova); General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (G. Tom/S. Boghosian/R.Takidin); Glendale Water & Power--Electric Section (B. B.Ortiz/E.Olsen/ M.Navareete/M.Kouassi); Parks, Recreation and Community Services Dept. (T. Aleksanian); Neighborhood Services Division (R.Sada/J.Jouharian/); Integrated Waste Management Admin. (D. Hartwell); Maintenance Services Section Admin. (D. Hardgrove); Street and Field Services Admin.; Engineering and Environmental Management (C.Chew/R. Villaluna);and case planner – Cassandra Pruett.