



CITY OF GLENDALE, CALIFORNIA

Community Development
Planning

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September 3, 2020

Kirk Nishikawa
906 Western Avenue
Glendale, CA 91201

**RE: 906 WESTERN AVENUE
CONDITIONAL USE PERMIT NO. PCUP 2002278
(BREWYARD BEER COMPANY)**

(ALSO SEE: PARKING EXCEPTION PERMIT NO. PPEX2002280)

Dear Mr. Nishikawa:

On August 26, 2020, the Planning Hearing Officer conducted and closed a public hearing, pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.42, on your applications for a Conditional Use Permit and a Parking Exception Permit to allow the addition of a semi-permanent, 950 square-foot, outdoor patio dining area to an existing 4,502 square-foot microbrewery/tavern (Brewyard Beer Company); to allow the continued sales, service, and consumption of alcoholic beverages (beer only) at the expanded tavern; and to allow a total 46 space parking exception in conjunction with the expanded tavern, located at **906 Western Avenue**, in the "IND" - (Industrial) Zone, described as Lot B, Parcel Map 100-27, in the City of Glendale, County of Los Angeles

APPLICANT'S PROPOSAL

Conditional Use Permit

- (1) To allow the addition of a semi-permanent, 950 square-foot, outdoor patio dining area to an existing tavern and to continue operations at the expanded tavern.

CODE REQUIRES

Conditional Use Permit

- (1) Approval of a Conditional Use Permit is required for the expansion and continuance of an existing tavern located in the "IND" Zone (GMC 30.11.020 B).

ENVIRONMENTAL DETERMINATION

The project is exempt from CEQA review as a Class 1 “Existing Facilities” exemption pursuant to State CEQA Guidelines Section 15301 because this project is proposing to allow the addition of an outdoor patio dining area to an existing tavern and continue the operations of an existing tavern without providing additional required parking spaces.

REQUIRED/MANDATED FINDINGS

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report by the Community Development Department staff thereon, and the statements made at the public hearing with respect to this application, the Planning Hearing Officer has **GRANTED WITH CONDITIONS**, your application based on the following:

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

The applicant’s request is consistent with the various elements and objectives of the general plan. The zoning land use designation and the General Plan Land Use Element designation for the subject property is IND (Industrial), which is intended to accommodate industrial and manufacturing objectives in conformance with the comprehensive general plan. Under special consideration by a Conditional Use Permit, the IND zone allows the expansion and operation of a tavern.

The tavern is located in an existing 4,502 square-foot, tenant space that is part of an existing industrial office park and is surrounded by manufacturing, warehousing, and wholesale uses. The applicant’s request to allow the continued operation of a tavern with a new 950 square feet, semi-permanent outdoor patio dining area at this location is appropriate, as it will continue to provide commercial activity complementary to the tavern use and would be in keeping with the goals to promote independent small businesses. While Brewery Beer is located along Western Avenue (identified as a Major Arterial in the Circulation Element), the site is accessed by a frontage road of Western Avenue that acts like a local street. Local streets carry lower volumes of traffic from collectors and arterials. With only four lots being accessed from this part of Western Avenue, its function as a local street will provide access to adjacent properties and can accommodate the concentration of automobile traffic generated by the existing tavern, which will operate when most of the surrounding uses are closed.

Since the site is already developed and the Conditional Use Permit application only involves the continued operation of a tavern and expansion of the use with a new, 950 square-foot semi-permanent, outdoor patio dining area by eliminating three existing on-site parking spaces with no actual changes to the use or the building, other elements of the General Plan, including the Circulation, Open Space, Recreation, Housing and Noise Element, will not be impacted as a result of the project.

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 continued operation of an existing tavern and expansion of the use proposing a new 950 square-foot outdoor patio dining area will not be detrimental to the public health or safety, the general welfare, or the environment. The project has been reviewed by the Fire Department, Police Department, Public Works Department, and the Divisions of Neighborhood Services and Planning within the Community Development Department to identify potential negative impacts of the project on the public health, safety, general welfare or environment – no impacts were identified.

The subject property is located in Census Tract 3016.01. Brewery Beer Company is the only small beer manufacturer in this census tract. According to the City's Part 1 crime statistics, there were 254 crimes reported in this census tract in 2019, which is 52 % above the city wide average of 167. While the existing tavern is located in an area that has more crime than some areas of the city, it has a higher concentration of manufacturing, wholesaling, and warehousing uses, which may partially explain the higher crime rate, rather than lower density residential areas, which typify much of the city. In addition, crime rate comparisons do not apply to Type 23 non-retail licenses. This tavern will continue to operate when most of the surrounding uses are closed. The tavern use has not proven to have any negative impacts on the surrounding community and there were no calls for police service at the location in the past year (2019). No major concerns were expressed by the various City divisions and departments with the applicant's request. However, standard conditions are included with this approval to ensure there are no negative impacts to the public health, safety, 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 use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property. The applicant proposes to continue the operations of an existing tavern and improve the business and expand the use into a new 950 square-foot semi-permanent, outdoor patio area for its patrons. While the project will displace three (3), existing, on-site parking spaces to accommodate a semi-permanent, outdoor patio dining area for its patrons, there are no other changes proposed to the existing building or tenant space currently occupied by Brewery Beer Company. The proposed continuation and expansion of the existing tavern is not expected to adversely conflict with the adjacent uses because the establishment has operated at this location for the past five (5) years without incident. The subject site is located on Western Avenue; this area is developed with a mix of industrial uses, where the tavern's operating hours are opposite from the operating hours of a majority of the surrounding businesses. There are no known daycare facilities, churches, or libraries within quarter mile of the existing

tavern, except for one public park (Griffith Manor Park) which is located northwest and separated from the site by railroad tracks. While the nearest residential neighborhoods are approximately 500 feet northeast from the project site, the property is separated from the residential uses by several commercial businesses and a major thoroughfare (San Fernando Road). No evidence was submitted nor presented at the public hearing that would indicate that the subject tavern with on-site sales, service and consumption of alcoholic beverages has been or will be a problem in the future provided that the conditions of approval are followed. One letter was received by a nearby property owner in support of the request and two public comments were received during the public hearing, also in support of the request.

The applicant's request is not anticipated to interfere with the existing operations or development of the neighboring and surrounding uses. Brewery Beer Company has been in operation at this site since 2015. The area is already fully developed and should not impede with any redevelopment of Western Avenue or the San Fernando Corridor, given the proposed Conditional Use Permit only requests the continued operation and expansion of the existing tavern to a new, outdoor patio dining area.

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

Adequate public and private facilities, such as utilities, parking spaces, and traffic circulation measures are provided for the use. The site has been fully developed with utilities such as gas, electricity, water, sewers, and landscaping since 1978. For the past 42 years, the subject property has operated under various industrial uses, from a warehouse to an office, and more recently as a brewery with a tasting room (tavern). In 2015, a Conditional Use Permit was approved to allow the change of use from an office space to a tavern and a 33-space parking exception was granted by the Planning Hearing Officer.

Currently, there are a total of two other occupants in the same building sharing the existing 30 parking spaces: a wholesale (pharmacy) use with business hours from 8:30 a.m. to 6:00 p.m. and a contractor's office with business hours from 6:00 a.m. to 4:30 p.m. In addition, the property immediately adjacent to the east (916 Western) is almost a mirror image of the subject property, developed with a single-story building and occupied by one light-manufacturing use tenant with 25 on-site parking spaces; this tenant has business hours from 6:00 a.m. to 4:30 p.m. The applicant's request is not anticipated to create any negative parking or traffic-related impacts on area streets or other businesses, over and above the existing conditions. While Brewery Beer Company is located along Western Avenue (identified as a Major Arterial in the Circulation Element), the site is accessed by a frontage road of Western Avenue that acts like a local street. Local streets carry lower volumes of traffic from collectors and arterials. With only four lots being

accessed from this part of Western Avenue, its function as a local street will provide access to adjacent properties and can accommodate the concentration of automobile traffic generated by the existing tavern, which will operate when most of the surrounding uses are closed.

Furthermore, this request requires that additional findings of fact be made, as follows:

FOR APPLICATIONS INVOLVING THE SALE, SERVING, OR CONSUMPTION OF ALCOHOLIC BEVERAGES, THE FOLLOWING CRITERIA SHALL BE CONSIDERED IN MAKING THE FINDINGS IN SUBSECTION A. THROUGH D. ABOVE.

E. That all the criteria set forth in Section 30.49.030 (E) to be considered in making the findings in subsection a. through d. above have all been met and thoroughly considered:

- 1) That such use does not or will not tend to intensify or otherwise contribute to the adverse impacts on the surrounding area caused by over concentration as described above in finding B.
- 2) That such use does not or will not tend to encourage or intensify crime within the district as described above in finding B.
- 3) That such use does not or will not adversely impact any other uses within the surrounding area (church, public or private schools or college, day care facility, public park, library, or residential use) as described above in findings B and C.
- 4) That the proposed use satisfies its transportation or parking needs as described above in finding D.
- 5) That, notwithstanding consideration of the criteria in subsections 1 through 4 above, the addition of an outdoor patio area to an existing microbrewery with tasting room (tavern) and continuation of its operations serves a public convenience for the area, because it serves local residents and the surrounding community. Conditions placed on the approval of the project will ensure that it will not adversely impact businesses in the area.

CONDITIONS OF APPROVAL

APPROVAL of the Conditional 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 and presented at the hearing except for any modifications as may be required to meet specific Code standards or other conditions stipulated herein to the satisfaction of the Planning Hearing Officer.

2. That all necessary licenses as required from Federal, State, County or City authorities including the City Clerk shall be obtained and kept current at all times.
3. That access to the premises shall be made available upon request to all City of Glendale authorized staff (i.e. Community Development Department, Fire Department, Police Department, etc.) for the purpose of verifying compliance with all laws and the conditions of this approval.
4. That the sales, service, or consumption of beer for the tavern use shall be permitted between the hours of 3:00 p.m. – 12:00 a.m., Monday through Friday and 12:00 p.m. – 12:00 a.m., Saturday through Sunday.
5. That no exterior signs advertising the sales/service of alcoholic beverages be permitted, banners shall be prohibited, and all signs displayed shall conform to the requirements of the Glendale Municipal Code.
6. That all signs shall require a separate sign permit.
7. That the premises shall be maintained in a clean, orderly condition, free of weeds, trash, and graffiti.
8. That only beer will be served.
9. That no patron of the establishment shall be allowed to bring any alcoholic beverages that were purchased off-site, unless the establishment has an established corkage policy allowing and regulating such.
10. That all music, lighting, noise, and odors shall be confined to the occupancy so as not to disturb occupants of other adjacent business or properties and patrons on the public right-of-way. The business shall comply with all state and local laws and ordinances concerning excessive noise and disturbing peace. The opinion of the Director of Community Development shall prevail to arbitrate any conflict.
11. Adequate means shall be provided for the collection of solid waste generated at the site and that all recyclable items shall be collected and properly disposed of to the satisfaction of the Integrated Waste Management Administrator of the City of Glendale.
12. The facilities shall not be rented, leased, or otherwise occupied for purposes not specified.
13. Any expansion or modification of the facility or use which intensifies the existing Conditional Use Permit shall require a new Conditional Use Permit application. Expansion will constitute adding floor area, changes to the use or operation, or any

physical changes as determined by the Planning Hearing Officer, with concurrence from the Director of Community Development.

14. That the existing tavern adhere to the City's Fresh Air Ordinance.
15. 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.
16. 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.
17. The premises may be utilized for banquets, private parties, or other events, provided that all events comply with the provisions of the applicant's Alcoholic Beverage Control license, and provided they have appropriate Conditional Use Permits and Use Variances if required.
18. No live entertainment is permitted without a "Live Entertainment Permit".
19. The front and back doors of the establishment shall be kept closed at all times while the location is open for business, except in case of emergency.
20. That the applicant shall apply for a Business Registration Certificate for the use, subject to the findings and conditions outlined in this decision letter.
21. That the applicant shall comply with all applicable conditions of the Parking Exception Permit No. PPEX2002280.

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 **SEPTEMBER 18, 2020**.

Any appeal must be filed on the prescribed forms within fifteen (15) days following the actual date of the decision. Information regarding appeals, appeal forms and fees will be provided by the Community Development Department (CDD) staff upon request by calling 818-548-2140.

Due to the current COVID-19 social distancing and work from home orders issued by federal, state and local governmental agencies, in order for any appeal to be considered timely, **the appeal must be postmarked by the SEPTEMBER 18, 2020 deadline (mailed to Community Development Department – Planning Division, Attention Minjee Hahm, 633 East Broadway, Room 103, Glendale, CA 91206) OR emailed to the case planner (Minjee Hahm at mhahm@glendaleca.gov) prior to the close of said business day.** The prescribed fee must be included along with the appeal application and may be submitted either in the form of a check or credit card payment. For credit card payment, please contact the case planner to make arrangements with the cashier. Note: The standard 2.5% fee for credit card payment applies.

APPEAL FORMS available on-line

<https://www.glendaleca.gov/home/showdocument?id=11926>.

If you have any questions, please call the Case Planner, Minjee Hahm at (818) 937-8178 or email at mhahm@glendaleca.gov.

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.

REVOCAION, CONTINUING JURISDICTION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over and Conditional Use Permit (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 30.41 PROVIDES FOR

TERMINATION

Every right or privilege authorized by a Conditional 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 Conditional 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 conditional use permit.

CESSATION

A Conditional Use Permit may be terminated by the review authority upon any interruption or cessation of the use permitted by the Conditional 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 who acted on this case. This would include clarification and 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.

Sincerely,
Philip Lanzafame
Director of Community Development



Milca Toledo
Planning Hearing Officer
MT:MH: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); M.Giblin; M.Saa; and case planner – Minjee Hahm.