



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
PARKING EXCEPTION PERMIT NO. PPEX2002280
(BREWYARD BEER COMPANY)**

(ALSO SEE: CONDITIONAL USE PERMIT NO. PCUP 2002278)

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 30.32.020, 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

- (1) To eliminate three (3) existing parking spaces (27 on-site parking spaces proposed; 30 on-site parking spaces existing) and to allow a total 46 parking space reduction to expand the existing tavern with a 950 square-foot outdoor patio dining area.

CODE REQUIRES

Parking Exception Permit

- (1) Approval of a Parking Exception is required to decrease the number of required off-street parking spaces for the expansion of an existing tavern. Taverns require ten (10) parking spaces per 1,000 square-feet of outdoor dining area. (GMC 30.32.050 B and 30.32.060 C 5).

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. Parking spaces required for the proposed use or construction proposal cannot reasonably be provided in size, configuration, number of spaces or locations specified by the provisions of this title without impairment of the project's viability.**

The proposal is to expand an existing 4,502 square-foot tavern with a 950 square-foot, semi-permanent, outdoor patio dining area within the existing 30 space parking lot. The proposed outdoor patio dining area is approximately 50-feet by 19-foot in area located immediately in front of and parallel to Breweryard Beer Company's tenant space and barricaded by a semi-permanent metal partition system (modular partition barrier that is not permanently attached to the surface below). This semi-permanent outdoor patio seating will be located over three existing parking spaces. Per the applicant, the semi-permanent outdoor patio area may be removed to be used as parking spaces, when necessary.

The required parking for the expanded tavern cannot be provided on the site. Adequate public and private facilities, such as utilities, parking spaces, and traffic circulation measures are provided for the use. Breweryard Beer Company is located within an existing, one-story, 23,282 square-foot building, multi-tenant commercial/industrial building constructed in 1978 and fully developed with utilities such as gas, electricity, water, sewers, and landscaping. The site is fully developed and occupied with buildings and a parking lot; there is no space available on site to accommodate additional parking. The majority of the existing 30-space parking lot and required landscaping is located in the center portion of the site, with the subject building located along the majority of the western portion of the subject site. There is no vacant area on the site to locate additional parking, nor could the existing parking be arranged more efficiently to accommodate new spaces. As a result, there are space restrictions on the project site that prohibit any improvement of additional parking spaces without significantly modifying the existing building.

- B. The parking exception will serve to promote specific goals and objectives of the adopted plan for the San Fernando Road Corridor Redevelopment Project Area and will be consistent with the various elements of the General Plan and will promote the general welfare and economic well being of the area.**

The subject site is located within the San Fernando Road Corridor Redevelopment Project Area. Goals of this Area include the elimination and prevention of blight, the provision for increased revenues to the City, and the promotion of private sector investment. The building located on the project site currently operates with a mix of manufacturing, wholesaling, and office uses. The expanded tavern (Brewyard Beer Company) will continue to maintain the industrial nature of the site. The site is located in the IND (Industrial) Zone, which is intended to accommodate industrial and manufacturing objectives in conformance with the comprehensive general plan. In addition, Brewyard Beer Company is located along a portion of Western Avenue (identified as a Major Arterial in the Circulation Element) that functions similar to a local street and can accommodate the concentration of automobile traffic generated by the existing tavern. The tavern will continue to draw patrons from within the neighborhood, as well as from the entire city and region, consistent with the General Plan.

C. The project involves exceptional circumstances or conditions applicable to the property involved, or the intended use or development of the property that do not apply generally to other property in the area.

The subject site, approximately 36,790 square-feet in area, was developed in 1978 with an approximately 23,382 square-foot building and on-site parking. The property cannot reasonably accommodate additional parking spaces due to the physical space limitations on the site and an exceptional circumstance. The parking requirement for the new outdoor dining area is 10 spaces per 1,000 square-feet of outdoor dining area, resulting in ten additional parking spaces. Provided that the subject tavern was authorized by a previous Parking Exception Permit (PPEX 1423991) that allowed a 33-space parking space exception (12 parking spaces credit; 45 parking spaces required for the tavern), the applicant requests to revise the parking exception for the current use and proposed improvements with a 46 space parking exception.

Brewyard Beer Company operates both as a microbrewery and a tavern. The establishment's microbrewery operations are typically from 8:00 a.m. to 3:00 p.m., Monday through Friday, and occasionally on weekends. The business' tasting room operational hours are proposed to be from 3:00 p.m. to 12:00 a.m., Monday through Friday, and 12:00 p.m. to 12:00 a.m. weekends. Because the establishment's brewing operations are to limited to employees, the business' peak hours are typically when the tasting room is open. The applicant submitted a parking study that was conducted over a three – day period during the month of January (2020), demonstrating that more than half of the parking spaces on-site and on the property immediately adjacent to the site are available during the hours the tavern will open for business (3:00 p.m. – 12:00a.m., Monday through Friday; 12:00 p.m. – 12:00 a.m., Saturday through Sunday).

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 two tenants in the same building and the adjacent tenant have similar business hours during the week, allowing the peak demand for those uses to be reciprocal to the peak hours for the tavern use. The limited size and scope of the brewery with its existing 800 square-foot, tasting room (tavern) with its new 950 square-foot, semi-permanent outdoor patio dining area and the hours of operation complementary to the peak parking requirements of the surrounding uses is an exceptional circumstance regarding the project.

D. There are mitigating circumstances whereby the exception will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity of the property or in the neighborhood in which the property is located.

Per the applicant's lease agreement, the tavern may use all of the existing parking spaces (27 after the 3-space elimination) on-site after 5:00 p.m., which has proved to be more than enough to accommodate patrons. Due to the reduced number of employees for the three neighboring tenants in the recent years, the availability of shared parking spaces after the employees leave at the end of their work day, and the fact that most patrons tend to visit breweries after work hours, the shared parking on-site will continue to be feasible. Additionally, the applicant submitted a parking study, conducted over three days in January 2020, showing on average more than half of the parking spaces on-site and on the property immediately adjacent to the site are available during the hours the tavern will open for business (3:00 p.m.– 12:00 a.m., Monday through Friday; 12:00 p.m. – 12:00 a.m., Saturday through Sunday). Therefore, the requested 46-space parking exception is not anticipated to be materially detrimental to the public welfare or injurious to property or in the neighborhood in which the property is located. This part of the city does not have many breweries/tasting rooms or restaurants to serve nearby residents and businesses, since the area is primarily characterized by industrial/commercial uses. Brewery Beer Company will continue to be an asset to this part of the city.

<p>CONDITIONS OF APPROVAL</p>

APPROVAL of the Parking Exception 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 the Parking Exception is valid only insofar as the specific use for which it was granted or similar land use (as determined by the Planning Hearing Officer). The permit runs with this specific land use as long as there is no intensification of the use or that other uses proposed will not require more parking as provided herein as determined by the Planning Hearing Officer, with concurrence from the Director of Community Development.
4. 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.
5. That any expansion or modification of the use, floor area, parking, etc., which is different than what is represented as part of this Parking Exception application, shall require a new application as determined by the Planning Hearing Officer, with concurrence from the Director of Community Development.
6. That the applicant shall apply for a Business Registration Certificate for the use, subject to the findings and conditions outlined in this decision letter.
7. That all signs shall require a separate sign permit.
8. That the premises shall be maintained in a clean and orderly condition, free of weeds, trash and graffiti.
9. That the applicant shall comply with all applicable conditions of the Conditional Use Permit No. PCUP200278.

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**.

906 WESTERN AVENUE
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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 Parking Exceptions (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 Parking Exceptions 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 Parking Exception 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 Parking Exception 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 Parking Exception.

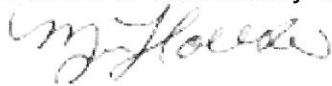
CESSATION

A Parking Exception may be terminated by the review authority upon any interruption or cessation of the use permitted by the Parking Exception 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.