



## **PLANNING COMMISSION STAFF REPORT**

**APPLICATION:** CUP2019-0014/  
CUP2017-09 (Amended)

**AGENDA ITEM:** PH-2

**PREPARED BY:** Barbara Lynch  
Senior Planner

**MEETING DATE:** November 13, 2019

**SUBJECT:** Conditional Use Permit CUP2019-0014/CUP2017-09 (Amendment)  
235 West Maple Avenue

**REQUEST:** Allow a microbrewery that manufactures specialty beer and offers beer sampling within a tasting room and patio area to add live entertainment inside the building (in the tasting room) and expand its hours of operation. This property is located in the M (Manufacturing) zone.

**APPLICANT:** Wingwalker Brewing LLC (David Robkin)  
235 West Maple Avenue  
Monrovia, CA 91016

**ENVIRONMENTAL DETERMINATION:** Categorical Exemption (Class 1)

**BACKGROUND:** The applicant is requesting approval of a Conditional Use Permit to add live entertainment and expand the hours of operation at a microbrewery, Wingwalker Brewing, that opened for business eleven months ago at 235 West Maple Avenue. The microbrewery's primary function will continue to be the production of specialty beer to be sold wholesale for off-site consumption. The microbrewery is open to the public and sells beer (retail) for off-site consumption and provides on-site beer tasting in a taproom and outdoor patio area. It currently has a Type 23 (Small Beer Manufacturer) license from the California Department of Alcohol Beverage Control (ABC). The addition of live entertainment to the business does not require a license change.

A Conditional Use Permit was approved for Wingwalker Brewing (CUP2017-09) on October 11, 2017 and following the completion of the tenant improvements, opened its doors for business in late December, 2018. The applicant is now requesting a Conditional Use Permit approval to add live entertainment, at times with amplified music, to the overall business operation where alcohol is sold and served (MMC 17.44.055), and expand the previously approved hours of operation.

**SUBJECT PROPERTY:** The subject site is located on the north side of West Maple Avenue between South Magnolia and South Primrose Avenues. The surrounding area is predominantly industrial. Adjacent uses include recently opened Over Town Brewing Company to the east, Decorative Glass Processes, an industrial warehouse to the west, and a multi-tenant industrial/office building across the street to the south.

The subject site is 100' wide and 160' deep totaling 16,000 square feet in size. The site is developed with a 5,246 square foot microbrewery building with an outdoor patio area and an 18 space parking lot.

**DISCUSSION/ANALYSIS:** Generally, a microbrewery is a limited production brewery, typically producing specialty beers and often selling its products to local stores, restaurants, and patrons for off-site consumption. Most microbreweries are also open to the public to allow tasting in taprooms/patios and to provide guided tours throughout the manufacturing and production area. The request to provide live entertainment at Wingwalker Brewing will be incidental to the primary microbrewery use and overall business operation. The current floor plan will remain the same and all entertainment will be conducted indoors in the taproom. The applicant is trying to create a positive and supportive environment for further enhancing the customer experience.

### ***Live Entertainment/Business Operation***

The live entertainment will include an array of amplified and non-amplified music performances including (but not limited to) popular, jazz, blues, American and European Roots, classical, original, standards, and improvisational performances. Other entertainment will include storytelling, poetry, quiz games, improvisation and improvisation comedy classes and performances, lectures and lecture discussions, and other acts generally classified as "variety." The applicant has also been in discussions with a company called Beer and Magic that specializes in booking magicians into brewery taprooms.

The applicant is requesting that the entertainment be allowed to take place on Wednesday and Thursday from 7:00 PM to 9:00 PM, Friday from 7:00 PM to 10:00 PM, Saturday from 2:00 PM to 10:00 PM, and Sunday from 12:00 PM to 9:00 PM.

The microbrewery's taproom hours for beer tasting were initially approved for:

- 5:00 PM – 10:00 PM Monday through Thursday
- 5:00 PM – 11:00 PM Friday and Saturday
- 12:00 PM (noon) – 10:00 PM Sunday

A condition of approval for the microbrewery (CUP2017-09) reads "prior to any changes in the days and hours of operation, the applicant shall obtain approval from the Development Review Committee or the Planning Commission." On December 5, 2018 the DRC approved Saturday opening hours for the taproom to be changed to 12:00 PM (noon) instead of 5:00 PM.

The applicant is now requesting that the taproom/patio be allowed to open at 3:00 PM on weekdays (Monday through Friday) instead of 5:00 PM and on designated holidays; specifically New Year's Day, Memorial Day, Independence Day, Veteran's Day, and Christmas Day to be open from 12:00 PM (noon) to 10:00 PM.

Opening the taproom at 3:00 PM on weekdays is to accommodate the employees of nearby businesses whose workday ends around that time. This is an industrial area where businesses will be closed on many of the holidays specified by the applicant. There should be no negative impacts encountered by these time changes since the microbrewery is in compliance with the required on-site parking and the live entertainment will begin later in the evenings on weekdays. The revised hours require an amendment to CUP2017-09.

Wingwalker Brewery operates the primary manufacturing portion of the business from 7:00 AM to 4:00 PM Monday through Saturday, with one to three employees on the premises. The tasting room and connected outdoor patio is open to the public only during the approved limited hours. There are two to four employees onsite during tasting room hours. The applicant anticipates that the live entertainment will typically vary from one to at most five performers at one time. It will depend on the type of performance and number of musicians in a band.

The tasting room includes beer tasting in 4, 8, 12, 16, and 20 oz. sizes, retail sales of beer for off-site consumption, and brand merchandise for purchase. Additionally, free Wi-Fi and board games are currently available to patrons in the taproom.

### ***Site Plan/Floor Plan***

The microbrewery is located in a 5,246 square foot industrial building located on the west side of the site and an 18 space parking lot is located on the east side of the site. There is approximately 2,867 square feet of the building dedicated to beer manufacturing, 1,234 square feet dedicated to office and storage space and 737 square feet dedicated to the taproom. The outdoor 303 square foot patio area is located in the parking lot, adjacent to and accessible from the taproom. The patio area is delineated with the use of large decorative concrete planters. There are 2 double doors (located behind 2 overhead doors) connecting the indoor and outdoor areas.

The Planning Commission previously approved a seating plan in the taproom consisting of eight tables with 4 chairs each, one table with 2 chairs and 9 bar stools providing seating for 43 patrons. Due to accessibility (ADA) and emergency egress requirements the plan had to be revised to increase required aisle clearances. The current arrangement provides 5 larger tables with bench seating accommodating 6 patrons per table and 9 bar stools. This current layout provides approved seating for 39 patrons. There is also approved seating for an additional 20 patrons in the outdoor patio area. When the live entertainment performances take place the number of tables/seating may be reduced or slightly rearranged but will not exceed the previously approved indoor seating for 39 patrons and patio seating for 20 patrons and will not interfere with ADA and emergency egress requirements. Additional tables and chairs may only be allowed if approved by the Development Review Committee or Planning Commission.

The two performance areas to accommodate the live entertainment will be inside the taproom. The primary performance area where bands will play is located next to the east wall between the two exterior doors that lead to the patio area and the secondary performance area for the “variety” acts will be located at the bar (see attached floor plan). All exterior doors will be kept closed when live entertainment takes place.

### ***Parking***

MMC §17.24.060 requires 1 parking space per 500 square feet of industrial/manufacturing building floor area, 1 parking space per 200 square feet of retail floor area, and 1 parking space per 250 square feet of office floor area. Furthermore, MMC § 17.24.020 requires that where the calculation of the number of parking spaces required results in a fractional number, the next higher whole number shall be used. In this case, the calculation of the microbrewery’s floor plan resulted in the need for 17 parking spaces, 6 spaces for the manufacturing area, 6 spaces for the taproom tasting area, and 5 spaces for the office area. The site provides 18 parking spaces. Because the live entertainment will be incidental to the

primary microbrewery use it does not require additional on-site parking. Also, since the performances will be in the evenings on weekdays and on weekends, if an increase in parking demand occurs on-street parking should be readily available because the majority of nearby businesses will be typically closed and the closest residential neighborhood is over 400 feet away.

### ***Development Review Committee***

The Development Review Committee (DRC) recommended approval of this application at their October 23, 2019 meeting with a request that a condition of approval be added requiring the use (live entertainment) be reviewed by DRC six months after it commences (Data Sheet No 1, #14/CUP2019-0014). No one spoke in favor or in opposition at the meeting.

### ***Conclusion***

The addition of live entertainment as an incidental use located inside the taproom of the microbrewery building allows the applicant to achieve and sustain his business goals which is to create a positive and supportive environment for artistic, intellectual and cultural expression. Even though live entertainment is not part of the customary operations of a microbrewery it should prove to be an asset to the overall business operation. The revised hours for the taproom will provide a wider window to attract additional patrons.

The proposed (CUP2019-0014) and amended (CUP2017-09) conditions of approval will ensure that the live entertainment and revised taproom hours will not negatively impact surrounding properties.

**RECOMMENDATION:** Staff and the Development Review Committee recommend approval of CUP2019-0014 and CUP2017-09 (Amendment). If the Planning Commission concurs with this recommendation then, following the public hearing, the following actions would be:

1. Pursuant to the California Environmental Quality Act ("CEQA") and the City's local CEQA Guidelines, the Planning Commission in the exercise of its independent judgment finds that CUP2019-0014 and CUP2017-09 (Amendment) is categorically exempt from CEQA under Class 1.
2. The Planning Commission finds that the custodian of records for all other materials that constitute the record of proceeding upon which this decision is based is the Planning Division Manager. Those documents are available for public review in the Planning Division located at 415 South Ivy Avenue, Monrovia, California, 91016.
3. The Planning Commission in the exercise of its independent judgment hereby makes the findings listed on attached Data Sheet's No. 3 for CUP2019-0014 and CUP2017-09 (Amended), which are incorporated herein by this reference.
4. The Planning Commission approves CUP2019-0014 and CUP2017-09 (Amendment), subject to the attached Planning Conditions on Data Sheet No. 1 for CUP2019-0014 and attached amended Planning Conditions on Data Sheet No. 1 for CUP2017-09 (Amendment), and recommendations in the Staff Report, all of which are incorporated herein by this reference.

**MOTION:**

**Approve CUP2019-0014 and CUP2017-09 (Amendment) pursuant to the recommendations in the Staff Report.**



Business operations on the site must remain in substantial conformance at all times with the request and application forms and plans submitted by the applicant for CUP2017-09, allowing a microbrewery in an existing industrial building that will manufacture specialty beer, offer specialty beer sampling within a tasting room that will be open to the public for on-site consumption, and offer sale of specialty beer to the public of off-site consumption (Small Beer Manufacturer Type 23 ABC License), as approved by the Planning Commission and placed on file in the office of the Planning Division, except as modified by the conditions imposed by the Planning Commission and by subsequent modifications determined by the Planning Division Manager to be in substantial compliance with the conditions of approval. The term "Applicant" as used herein shall include the applicant, the property developer and all successors in interest to this conditional use permit.

## REQUIREMENTS FOR RESTAURANTS WITH ALCOHOL SERVICE

1. The approval of Conditional Use Permit CUP2017-09 is predicated on the combined use of two lots: APNs 8508-005-017 and 8508-005-018. A covenant to hold properties as one ("Covenant") shall be submitted to the Planning Division Manager. The Covenant must meet the approval of the Planning Division Manager, be acceptable in form and substance to the City Attorney, and once approved by the Planning Division Manager, shall be recorded with the Los Angeles County Recorder's office against each parcel that is included, in whole or in part, within the project. The Covenant shall not be modified or revoked without the prior written approval of the City. The Covenant shall be recorded prior to the commencement of operation pursuant to this Conditional Use Permit.
2. The premises shall be maintained as a Type 23 small beer manufacturer facility only.
3. Retail sales of beer shall be limited to beer manufactured on site.
4. The sale of beer shall be in compliance with all local, State and Federal laws, and all conditions of the Department of Alcoholic Beverage Control (ABC) for the issuance of a Type 23 (Small Beer Manufacturer) license. In addition, the sale of beer shall be in compliance with Title 4, Division 1, Section 53.5 California Code of Regulations, or its successor provision.
5. The approved floor plan is an integral part of the decision approving this CUP. There shall be no change in the design of the floor plan without the approval of the Planning Commission or unless modification is required by the Building Official, Police Department, Fire Department, or State Department of Alcoholic

Beverage Control. Any expansion of the approved tasting areas which has the effect of expanding or intensifying the present use (737 square foot indoor seating area and 303 square foot outdoor seating area) shall require an amendment to the CUP and shall also be based on available parking. Only the tables and chairs as shown on the submitted floor plan shall be allowed. Additional tables and chairs only may be allowed if approved by the Development Review Committee or the Planning Commission.

6. All areas in the microbrewery shall be available for inspection by the Police Department during all open business hours.
7. Service of beer for onsite consumption shall only be permitted during the approved tasting room hours which shall be limited to:
  - ~~5:00~~ **3:00 PM** – 10:00 PM Monday through Thursday
  - ~~5:00~~ **3:00 PM** – 11:00 PM Friday
  - 12:00 PM (noon) – 11:00 PM Saturday
  - 12:00 PM (noon) – 10:00 PM Sunday
  - **12:00 PM – 10:00 PM Holidays (specifically New Year's Day, Memorial Day, Independence Day, Veteran's Day and Christmas)**
8. Prior to any changes in the days and hours of operation, the applicant shall obtain approval from the Development Review Committee or the Planning Commission.
9. Beer shall only be consumed on the premises by the public in the designated areas specified on the floor plan for beer tasting. Signs shall be posted in the tasting room and outdoor seating area advising customers that it is unlawful for any person to drink beer outside of the tasting room and outdoor seating area and in public places.
10. The management shall be responsible for educating the public regarding drunk driving laws and the related penalties for breaking those laws. This includes minimum age law, open container law and driving while intoxicated law.
11. There shall be no off-site sales to patrons, deliveries to or distribution from the premises between 10:00 PM and 6:00 AM Sunday through Thursday and 11:00 PM – 6:00 AM on Friday and Saturday.
12. No members of the public shall be permitted in the tasting room or outdoor seating area past 10:00 PM Sunday through Thursday and past 11:00 PM on Friday and Saturday.
13. The management shall make available to patrons the menus of local restaurants, to allow food to be delivered on-site for consumption.
14. No sporting game or games of competition shall be permitted in conjunction with the business unless approved as part of the CUP application.

15. The display, posting or airing via closed circuit television of any gambling odds shall be prohibited unless pre-empted by the State.
- ~~16. Only pre-recorded amplified music is permitted on the premises, and such music shall not be audible outside the boundaries of the subject property. No entertainment facilities as defined by the Monrovia Municipal Code (such as live entertainment or dancing) are permitted unless approved by the Planning Commission pursuant to the Monrovia Municipal Code.~~
16. Pre-recorded amplified music is permitted on the premises, if no live entertainment is occurring. Such music shall not be audible outside the boundaries of the subject property.
17. There shall be no uses or activities permitted of an adult-oriented nature as defined in Title 17 of the Monrovia Municipal Code.
18. The use of pornographic material in the form of videos, slides, magazines, or pictures shall be prohibited within the business establishment.
19. No locking devices shall be allowed on interior doors that enclose rooms open to the public.
20. No warning devices and/or any action by employees that could serve to alert patrons and employees to the presence of law enforcement or other inspectors shall be permitted.
21. If it is determined by the Community Development Director or Public Services Director that patrons are littering the surrounding streets, sidewalks, parking lots, parks, or adjoining private properties as a result of their coming to or leaving from the establishment, the business will provide employees to pick-up and properly dispose of all litter.
22. Primary access to the site shall be from Maple Avenue. Usage of the alley shall be kept to a minimum.
23. In the event security/policing problems occur, this CUP shall be subject to review by the Development Review Committee (DRC) and may be modified to require uniformed security guard(s) as determined necessary by the DRC.
24. The exterior of the premises, including adjacent public sidewalks shall be illuminated, during the hours of darkness with sufficient lighting to illuminate and make easily discernible the appearance and conduct of all persons on or about the establishment.
25. No outdoor storage or displays shall be permitted at any time.
26. Any graffiti painted or marked upon the premises or on an adjacent area under the control of the licensee shall be removed or painted over within forty-eight hours, unless any law in effect at that time imposes a shorter time period for eradication.



27. No happy hour, no drink specials or other bar promotions are permitted to be advertised outside or in the window/door area.
28. The transfer of the CUP to another owner shall require DRC review and approval.
29. Advertising alcoholic beverage products on the windows or the building is prohibited.
30. No exterior sign may be installed without prior approval of the Development Review Committee.
31. Employees will verify all beer transactions are made to persons that are a minimum of 21 years old.
32. The coverings on the roll-up doors shall be repaired or replaced to the satisfaction of the Planning Division prior to final sign-off of building occupancy.
33. The exterior of the building shall be patched, cleaned and painted prior to final sign-off of building occupancy. All colors and materials shall be approved by the Planning Division prior to building permit issuance.
34. The existing chain link fencing in the rear of the building shall be removed or replaced with an appropriate material subject to review and approval by the Planning Division Manager to match the existing wrought iron fence prior to the issuance of the final building certificate of occupancy and commencement of use of the premises.
35. A decorative trash enclosure shall be constructed per City specifications and regulations, and shall be shown and indicated on the submitted site plan, subject to review and approval by the Planning Division Manager. A trash generation study shall be completed to determine the initial pick-up frequency. Trash pickup shall be scheduled with enough frequency to ensure that the provided dumpster does not overflow.
36. All parking spaces that are provided as part of the project shall be clearly marked by 2" wide pavement paint or alternate method if approved by the Development Review Committee. Double striping shall be used for delineating all parking spaces so as to provide a minimum parking area of 8'-6" in width by 18' in depth.
37. Adequate wheel stops (or a concrete curb not less than six inches high) shall be installed and maintained as a safeguard to abutting property. The barrier shall be at least three feet from any property line, but in no case shall it be less than necessary to meet the intent of MMC §17.24.060 through §17.24.120.
38. Indemnification. As a condition of approval, Applicant agrees to defend, indemnify, protect and hold harmless City, its officers, officials, employees, agents and volunteers from and against any and all claims, suits, demands, actions, losses, damages, judgments, settlements, penalties, fines, defensive costs or expenses (including without limitation, interest, attorneys' fees and

expert witness fees), or liability of any kind or nature arising out of or attributable to the acts or omissions of Applicant, or Applicant's officers, officials, employees, or agents which in any way arise out of, result from, or are in any way related to sale of alcoholic beverages at the property, excepting only liability arising out of the sole negligence or willful misconduct of City, its officers, officials, employees, agents, or volunteers. The City shall promptly notify the Applicant of any claim, action, or proceeding. Nothing contained herein shall prohibit City from participating in a defense of any claim, action or proceeding. The City shall have the option of coordinating the defense, including, but not limited to, choosing counsel for the defense at the Applicant's expense.

## **OUTDOOR SEATING REQUIREMENTS**

39. Outdoor seating with the service of beer is subject to the following additional conditions:
- (a) Outdoor furniture shall be of sturdy construction. The Applicant shall keep outdoor furniture clean, attractive, and serviceable.
  - (b) Decorative umbrellas and tablecloths are encouraged.
  - (c) Power washing shall be required for the outdoor seating area a minimum of one time per month.
  - (d) The placement of approved outdoor seating furniture and the placement of approved portable barriers used for delineation of outdoor seating areas shall be in substantial conformance with the outdoor seating floor plan approved by the DRC. There shall be no change in the design of the outdoor seating plan without the approval of the DRC. The approved portable/fixed barriers use for delineation of outdoor seating area shall be installed prior to the commencement of beer tasting.
  - (e) All outdoor furniture shall be placed indoors when the establishment is not open.
  - (f) The hours of operation for the outdoor seating area shall be limited to the tasting room's hours of operation delineated above.
  - (g) The hours of operation for outdoor seating shall be reviewed by the Development Review Committee for modification if compatibility problems with adjacent uses develop or other nuisance problems develop, and based upon a finding that those problems exist, the DRC may modify the hours of operation. Alternatively, the DRC may refer the matter to the Planning Commission for its review, in which case the Planning Commission may modify the hours of operation if incompatibility with adjacent uses or the existence of other nuisance problems justifies the change, or the Planning Commission may take any other action permitted pursuant to the Monrovia Municipal Code, including modification or revocation of the CUP.

## GENERAL REQUIREMENTS

40. Any violation of these conditions of approval or the Monrovia Municipal Code may be subject to the Administrative Fine Ordinance, other available remedies and/or revocation or modification of this permit at the discretion of the City Attorney and City Prosecutor.
41. In addition to Planning (Data Sheet No. 1) conditions of approval, the Applicant shall also comply with all requirements of the Building Division and Fire Department that are directly applicable to the project.
42. This CUP may be called for review, including modification or revocation, at any time by City Staff, the City Council, or Planning Commission if a violation of the approved conditions or the Monrovia Municipal Code (MMC) is alleged, or if it is alleged that the establishment, or its patrons, are creating a public nuisance, and such violation or public nuisance is verified as valid by the Police Department, Code Enforcement, or other City department. In addition to any other remedy available to the City, security measures may be required such as adding an additional employee to monitor the area where problems are occurring.
43. Indemnification. As a condition of approval, the Applicant agrees to defend, indemnify, protect and hold harmless City, its officers, officials, employees, agents and volunteers from and against any and all claims, actions, or proceeding against the City, its officers, officials, employees, agents and/or volunteers to attack, set aside, void or annul, an approval of the City, Planning Commission or City Council concerning this permit and the project. Such indemnification shall include damages, judgments, settlements, penalties, fines, defensive costs or expenses, including, but not limited to, interest, attorneys' fees and expert witness fees, or liability of any kind related to or arising from such claim, action, or proceeding. The City shall promptly notify the Applicant of any claim, action, or proceeding. Nothing contained herein shall prohibit City from participating in a defense of any claim, action or proceeding. The City shall have the option of coordinating the defense, including, but not limited to, choosing counsel for the defense at Applicant's expense.
44. The Applicant shall, within 30 days after approval by the Planning Commission, submit to the Community Development Department his/her written acknowledgment of receipt of the decision approving the Conditional Use Permit and his/her written consent to all of the conditions of approval contained in Data Sheet Numbers 1 and 2. This CUP shall be void and of no force or effect unless such written acknowledgment and consent is submitted to the City within the 30 day period.
45. The Development Review Committee (DRC) shall review the use permitted by this CUP one (1) year from the date the use commences. The DRC review shall include, but not be limited to, verifying that the required 17 on-site parking spaces are maintained and accessible to patrons and employees.

46. The use or development associated with this CUP shall begin within one (1) year after its approval or it will expire without further action by the City.
47. All of the above conditions shall be complied with prior to commencement of the operation, unless an earlier compliance period is specified as part of a condition.



# DATA SHEET 1

# Planning Conditions

CUP2019-0014

235 West Maple Avenue

Development of the subject property and operations on the site must remain in substantial conformance at all times with the request and application forms and plans submitted by the Applicant for CUP2019-0014 and CUP2017-09 (Amendment) allowing indoor live entertainment in the taproom of an existing microbrewery and revising the hours of operation in the taproom/patio area, as approved by the Planning Commission and placed on file in the office of the Planning Division, except as modified by the conditions imposed by the Planning Commission and by subsequent modifications determined by the Planning Division Manager to be in substantial compliance with the conditions of approval. The term "Applicant" as used herein shall include the applicant, the property developer and all successors in interest to this conditional use permit.

1. In addition to these CUP2019-0014 Planning Conditions, the Planning Conditions (Data Sheet 1) imposed on the original project by CUP2017-09 as approved on October 11, 2017 by the Planning Commission and amended in conjunction with CUP2019-0014, shall apply to this request. Additionally, the Applicant shall comply with all requirements of the Monrovia Municipal Code, Building Division and Fire Department that are directly applicable to this request.
2. The approved live entertainment shall be permitted indoors in the taproom on Wednesday and Thursday from 7:00 PM to 9:00 PM, Friday from 7:00 PM to 10:00 PM, Saturday 2:00 PM to 10:00 PM and Sunday from 2:00 PM to 9:00 PM. Entertainment shall consist of up to 5 performers. No increase in the number of performers is permitted until reviewed and approved by the Development Review Committee.
3. The hours for live entertainment shall be reviewed by the Development Review Committee for modification if compatibility problems with adjacent uses develop or other nuisance problems develop, and based upon a finding that those problems exist, the DRC may modify the hours of operation. This authorization is in addition to any other authority the DRC has pursuant to the Monrovia Municipal Code. Alternatively, the DRC may refer the matter to the Planning Commission for its review, in which case the Planning Commission may modify the hours of operation if incompatibility with adjacent uses or the existence of other nuisance problems justifies the change, or the Planning Commission may take any other action permitted pursuant to the Monrovia Municipal Code, including modification or revocation of the CUP.
4. All entertainment activities shall be conducted entirely within the taproom in the two locations shown on the approved floor plan.

5. All exterior doors shall be kept closed at all times when live entertainment performances are occurring in the taproom.
6. The Applicant is prohibited from operating the entertainment activities in any way that adversely and seriously affects the peace, health, safety and welfare of residents of the community, and the entertainment activities must not contribute to peace, health, safety and general welfare problems including but not limited to loitering, littering, public drunkenness, defacement, and damaging of structures, pedestrian obstructions as well as traffic circulation, parking and noise problems on public streets and adjacent parking lots. The proposed use shall not at any time create serious adverse impacts to the industrial/commercial district. The proposed use must at all times be adequately served by sufficient parking to serve the quantity of traffic it generates. The proposed use must at all times be compatible with the adjoining uses as it relates to noise, traffic and hours of operation. The proposed use must not at any time negatively impact nearby parks, schools, religious assembly facilities, recreation centers or hospitals.
7. This conditional use permit may be called for review, including modification or revocation, at any time by City Staff, the City Council, or Planning Commission if a violation of the approved conditions or the Monrovia Municipal Code (MMC) is alleged, or if it is alleged that the establishment, or its patrons, are creating a public nuisance, and such violation or public nuisance is verified as valid by the Police Department, Code Enforcement, or other City department. In the event security/policing problems occur in connection with the entertainment activities, the review may be conducted by the DRC and the DRC is empowered to modify the CUP by requiring additional conditions as determined necessary by the DRC, or the DRC may refer the matter to the Planning Commission for its review, in which case the Planning Commission may take any action permitted pursuant to the MMC, including modification or revocation of the CUP.

## **GENERAL REQUIREMENTS**

8. Any violation of these conditions of approval or the Monrovia Municipal Code may be subject to the Administrative Fine Ordinance, other available remedies and/or revocation or modification of this permit at the discretion of the City Attorney and City Prosecutor.
9. In addition to Planning (Data Sheet No. 1) conditions of approval the Applicant shall also comply with all requirements of the Monrovia Municipal Code, Building Division and Fire Department that are directly applicable to the project.
10. Indemnification. As a condition of approval, Applicant agrees to defend, indemnify, protect and hold harmless City, its officers, officials, employees, agents and volunteers from and against any and all claims, actions, or proceeding against the City, its officers, officials, employees, agents and/or

volunteers to attack, set aside, void or annul, an approval of the City, Planning Commission or City Council concerning this permit and the project. Such indemnification shall include damages, judgments, settlements, penalties, fines, defensive costs or expenses, including, but not limited to, interest, attorneys' fees and expert witness fees, or liability of any kind related to or arising from such claim, action, or proceeding. The city shall promptly notify the Applicant of any claim, action, or proceeding. Nothing contained herein shall prohibit City from participating in a defense of any claim, action or proceeding. The City shall have the option of coordinating the defense, including, but not limited to, choosing counsel for the defense at Applicant's expense.

11. The Applicant shall, within 30 days after approval by the Planning Commission, submit to the Community Development Department his/her written consent to all of the conditions of approval contained in Data Sheet Number 1. The CUP shall be void and of no force or effect unless such written consent is submitted to the City within the 30 day period.
12. The term "Applicant" as used herein shall include the applicant, the property developer and all successors in interest to this conditional use permit.
13. The use associated with this CUP shall begin within one (1) year after its approval or it will expire without further action by the City.
14. The Development Review Committee (DRC) shall review the use permitted by this CUP six (6) months from the date the live entertainment use commences. The DRC review shall include, but not be limited to, verifying the use is not causing a public nuisance to the surrounding neighborhood due to noise, vibration, parking, trash/littering, etc.
15. If the existing use (Microbrewery) changes or ceases its operation, this CUP shall be void and of no force or effect.
16. All of the above conditions shall be complied with prior to commencement of the operation, unless an earlier compliance period is specified as part of a condition.



# DATA SHEET 3

# Findings

CUP2017-09 (Amendment)

235 West Maple Avenue

As required by Section 17.52.290 of the Monrovia Municipal Code, the decision for granting Conditional Use Permit No. 2017-09 (Amended) to allow the microbrewery tap room/patio hours of operation to be revised at 235 West Maple Avenue is based on the following findings:

- A. The project site is adequate in size, shape and topography for the tap room/patio to open earlier (3:00 PM instead of 5:00 PM) and to be open on designated holidays (12:00 PM to 10:00 PM) at the microbrewery. *The microbrewery is located in a predominantly industrial area that is relatively flat. The site is currently developed with a 5,246 square foot industrial building that houses a microbrewery and an on-site parking lot. No new building square footage is proposed and the 737 square foot tap room and 303 square foot patio will not be enlarged. The subject site is 16,000 square feet and the two underlying parcels are tied by a recorded covenant, to ensure that they will not be sold separately and the on-site parking lot will remain part of the site.*
- B. The project site has sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the expansion of hours in the tap room/patio and the addition of designated holidays. *The existing business will continue to operate primarily as a microbrewery. The tap room/patio will open two hours earlier but will continue to have limited hours of operation. Opening on designated holidays will be when most businesses are closed. The microbrewery is located in an industrial area, which is suited to support these types of uses and traffic loads. Parking and access is provided from an on-site 18 space parking lot with a driveway that provides adequate access from Maple Avenue.*
- C. The microbrewery with the expanded hours of operation for the incidental tasting area within the tap room and patio area is compatible with the General Plan and will not adversely impact the objectives of the General Plan. *The project site is located within the Manufacturing (M) land use designation. The General Plan guidelines for Manufacturing allows for light and heavy manufacturing and encourages industrial properties to conduct business inside a fully-enclosed building and with uses that do not produce adverse noise and vibration. The production of beer will continue to be the primary manufacturing use on the subject site within the building. The expanded hours of operation for the tasting area within the tap room and patio will continue to be incidental to the overall business operation of the microbrewery and the conditions of approval sets forth the specified hours and holidays ensuring that the tasting area remains incidental to the microbrewery use.*
- D. The proposed expanded hours of operation for the incidental tasting area within the tap room and patio will comply with the applicable provisions of the zoning ordinance. *There are no variances requested for this amendment to the CUP and the expanded hours in the tap room and patio does not require additional on-site parking spaces because it is incidental to the primary microbrewery use.*



- E. The proposed expansion of hours in the tasting area at Wingwalker Brewing and the conditions under which the microbrewery will be operated or maintained will not be detrimental to the public health, safety or welfare, nor will it be materially injurious to properties or improvements in the vicinity. *The tasting area within the tap room and patio will continue to be incidental to the overall microbrewery business operation and the expansion of hours will not increase its floor area or occupancy based on the approved floor plan. The Applicant shall comply with the conditions of approval for the amended CUP. The Development Review Committee shall review any modification to the hours the tasting area is open for any compatibility problems with adjacent uses.*

Further, as required by Section 17.44.055 of the Monrovia Municipal Code, the decision for granting Conditional Use Permit No. 2017-09 (Amended) to allow the microbrewery tap room/patio hours of operation to be revised at 235 West Maple Avenue is based on the following findings:

- A. The proposed expanded hours of operation for the incidental tasting area within the tap room and patio area will not adversely and seriously affect the peace, health, safety and welfare of residents of the community. *The conditions of approval insure that the expanded hours will not impact the surrounding industrial neighborhood and that the tasting area in the tap room and patio area will remain incidental to the microbrewery's overall business operation. Conditions of approval are in place that will continue to limit the use and occupancy of the tap room and patio.*
- B. The proposed expanded hours in the tasting area within the tap room and patio will not directly contribute to peace, health, safety and general welfare problems including but not limited to loitering, littering, public drunkenness, defacement and damaging of structures, pedestrian obstructions as well as traffic circulation, parking, and noise problems on public streets and adjacent parking lots. *The applicant will be required to adhere to the conditions of CUP2017-09 that set forth regulations that are specific to the sale of alcohol and the overall business operation. Condition of Approval No. 21 (CUP2017-09) indicates that if the Community Development or Public Services Director determine that patrons are littering as a result of coming or leaving the establishment, the business will be responsible for the pick-up and proper disposal of all litter.*
- C. The proposed expanded hours in the tap room/patio will not create serious adverse impacts to the commercial/industrial district. *The existing business will primarily operate as a microbrewery, with occasional beer tasting in the tap room/patio in an industrial area. The revised Condition of Approval No. 7 (CUP2017-09 Amended) continues to limit the hours of operation and the seating space for beer tasting to ensure that it remains incidental to the microbrewery business operation. Any proposed changes to the hours would require review by the Development Review Committee to determine if there are any compatibility problems with adjacent uses in the area.*
- D. The proposed use is adequately served by sufficient parking to serve the quantity of traffic such use generates. *The microbrewery is located in the Manufacturing zone and is served by its own on-site parking lot. There are 18 parking spaces available which is in compliance with the Zoning Ordinance for a microbrewery and the*

*expanded hours in the tap room/patio does not increase the required number of spaces.*

- E. The proposed use will not be incompatible with the adjoining uses as it relates to noise, traffic, and hours of operation. *The expanded hours allowing the tap room/patio to open at 3:00 PM instead of 5:00 PM on weekdays and to be open on designated holidays does not change the fact that it is incidental to the microbrewery. It will continue to be very limited. The microbrewery is located within an industrial area of the City and the use is compatible with the surrounding existing industrial businesses and neighboring microbrewery. The tap room/patio will not be enlarged and the seating capacity will remain the same allowing a maximum of 39 patrons within the tap room and 20 patrons in the patio area.*
  
- F. The proposed use will not negatively impact nearby parks, schools, recreation centers, religious assembly facilities, and hospitals. *The subject property is within the Manufacturing zone, without any nearby parks, schools, recreation centers, religious assembly facilities or hospitals. The nearest residential properties are located two blocks north (approximately 420 feet) of the subject site. However, these residential properties will not be negatively impacted by the proposed expansion of hours due to the residential blocks distance from the microbrewery. Sufficient safeguards exist that will allow the City to exercise control measures that will protect the peace, health, and safety of surrounding properties. The limited live entertainment is an incidental use to the microbrewery. A condition of approval will require that all exterior doors be kept closed during live entertainment performances.*



## DATA SHEET 3

## Findings

CUP2019-0014

235 West Maple Avenue

As required by Section 17.52.290 of the Monrovia Municipal Code, the decision for granting Conditional Use Permit No. 2019-0014 to allow live indoor entertainment located at 235 West Maple Avenue is based on the following findings:

- A. The project site is adequate in size, shape and topography for live indoor entertainment as an incidental use at the microbrewery. *The microbrewery is located in a predominantly industrial area that is relatively flat. The site is currently developed with a 5,246 square foot industrial building that houses a microbrewery and an on-site parking lot. No new building square footage is proposed for the addition of live entertainment. The subject site is 16,000 square feet and the two underlying parcels are tied by a recorded covenant, to ensure that they will not be sold separately.*
- B. The project site has sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the live indoor entertainment. *The existing business will continue to operate primarily as a microbrewery. The incidental live entertainment will have limited hours of operation. The microbrewery is located in an industrial area, which is suited to support these types of uses and traffic loads. Parking and access is provided from an on-site 18 space parking lot with a driveway that provides adequate access from Maple Avenue.*
- C. The microbrewery with live indoor entertainment is compatible with the General Plan and will not adversely impact the objectives of the General Plan. *The project site is located within the Manufacturing (M) land use designation. The General Plan guidelines for Manufacturing allows for light and heavy manufacturing and encourages industrial properties to conduct business inside a fully-enclosed building with uses that do not produce adverse noise and vibration. Live entertainment performances will be in the taproom, incidental to the overall business operation of the microbrewery and the conditions of approval specifies that all exterior doors shall be closed during the live entertainment performances.*
- D. The proposed live indoor entertainment associated with Wingwalker Brewing will comply with the applicable provisions of the zoning ordinance. *There are no variances requested for this CUP and the live entertainment does not require additional on-site parking spaces because it is incidental to the primary microbrewery use. The peak parking demand for the brewery will be during the hours the taproom is open to the public and when entertainment is provided on Wednesday, Thursday, Friday and Saturday evenings and on Sunday afternoons. This will occur when most of the surrounding businesses are closed.*

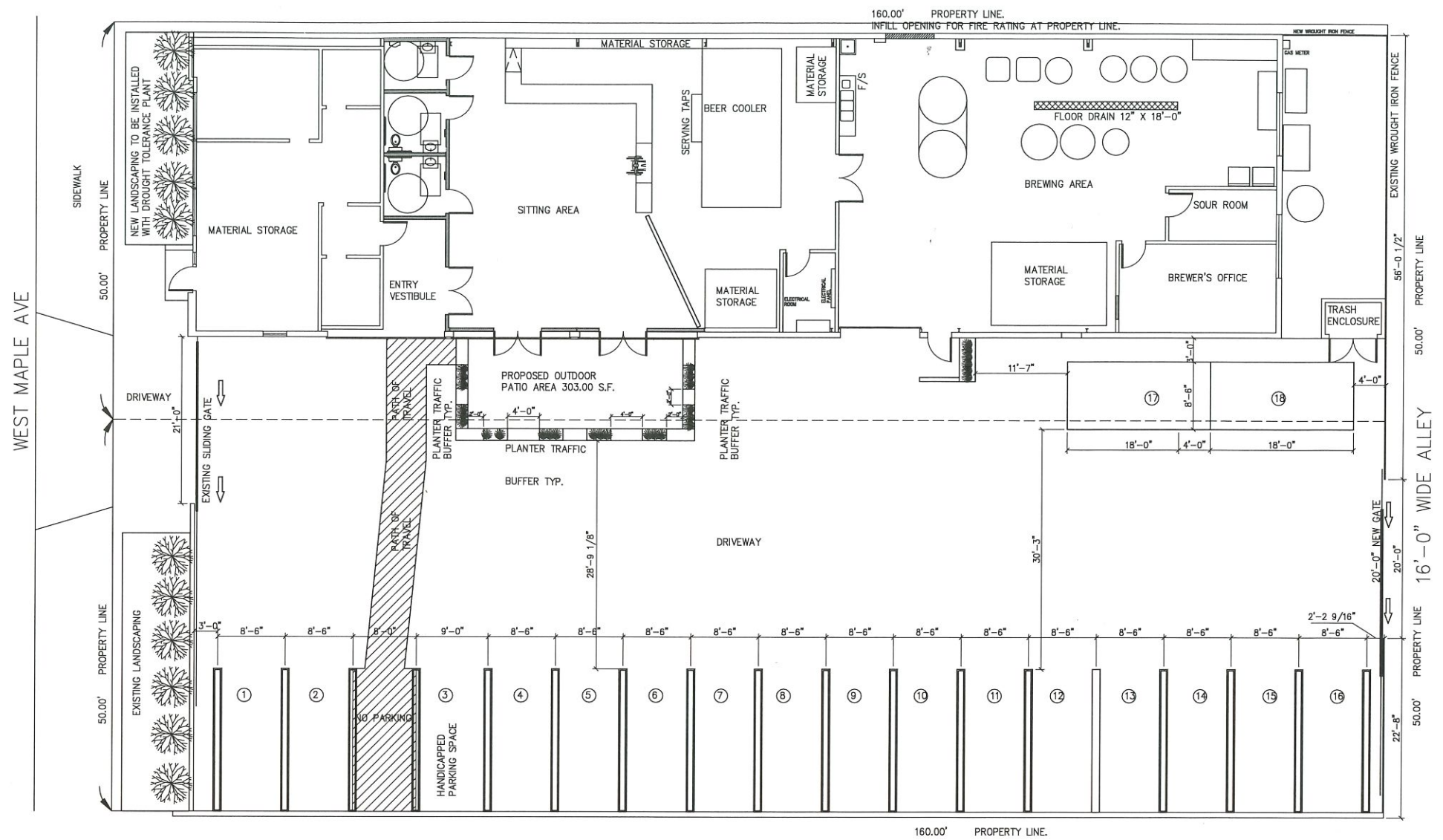
- E. The proposed location of live indoor entertainment at Wingwalker Brewing and the conditions under which it will be operated or maintained will not be detrimental to the public health, safety or welfare, nor will it be materially injurious to properties or improvements in the vicinity. *The live entertainment will be very limited in nature and will operate on the average in the form of one to three person ensembles and there will be no dance floor area. As indicated on the floor plan, there are two designated areas in the taproom where performances will take place. The Applicant shall comply with the conditions of approval for live entertainment. The Development Review Committee shall review any modification to the hours of operation for live entertainment for any compatibility problems with adjacent uses.*

Further, as required by Section 17.44.055 of the Monrovia Municipal Code, the decision for granting Conditional Use Permit No. 2019-0014 to allow live indoor entertainment at Wingwalker Brewing located at 235 West Maple Avenue is based on the following findings:

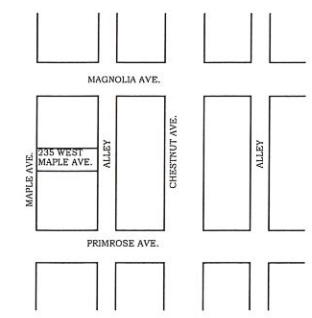
- A. The proposed live indoor entertainment (the “proposed use”) will not adversely and seriously affect the peace, health, safety and welfare of residents of the community. *The conditions of approval insure that the live entertainment will take place indoors only during limited hours. Live entertainment will not negatively impact the area as the use will be incidental to the overall business. Conditions of approval are in place that will limit the date and hours of operation and the floor plan of the microbrewery is not being expanded to allow live entertainment. Furthermore, the business will remain a microbrewery and not become a bar or nightclub.*
- B. The proposed use will not directly contribute to peace, health, safety and general welfare problems including but not limited to loitering, littering, public drunkenness, defacement and damaging of structures, pedestrian obstructions as well as traffic circulation, parking, and noise problems on public streets and adjacent parking lots. *The live indoor entertainment will be required to adhere to the conditions of approval as well as the original conditions of approval for the microbrewery (CUP2017-09) that set forth regulations that are specific to the sale of alcohol, live entertainment and the overall business operation. No cover charge shall be permitted. Additionally, Condition of Approval No. 21 (CUP2017-09) indicates that if the Community Development or Public Services Director determine that patrons are littering as a result of coming or leaving the establishment, the business will be responsible for the pick-up and proper disposal of all litter.*
- C. The proposed use will not create serious adverse impacts to the commercial/industrial district. *The existing business will primarily operate as a microbrewery, with occasional live indoor entertainment in an industrial area. A condition of approval limits the hours of operation for live entertainment activities to Wednesday, Thursday, Friday and Saturday evenings and on Sunday afternoons. Any proposed changes to the hours would require review by the Development Review Committee to determine if there are any compatibility problems with adjacent uses in the area.*
- D. The proposed use is adequately served by sufficient parking to serve the quantity of traffic such use generates. *The microbrewery is located in the Manufacturing zone and is served by its own on-site parking lot. There are 18 parking spaces available*

*which is in compliance with the Zoning Ordinance for a microbrewery and the addition of live entertainment does not increase the required number of spaces.*

- E. *The proposed use will not be incompatible with the adjoining uses as it relates to noise, traffic, and hours of operation. The live entertainment will be very limited in nature and the performances will take place when most surrounding businesses will be closed. As indicated on the floor plan, there are two designated indoor performance areas. The microbrewery is located within an industrial area of the City and the use is compatible with the surrounding existing industrial businesses and neighboring microbrewery. In order to control noise emittance from the tap room a condition of approval requires that the exterior doors of the building be kept closed while the live entertainment performances occur.*
  
- F. *The proposed use will not negatively impact nearby parks, schools, recreation centers, religious assembly facilities, and hospitals. The subject property is within the Manufacturing zone, without any nearby parks, schools, recreation centers, religious assembly facilities or hospitals. The nearest residential properties are located two blocks north (approximately 420 feet) of the subject site. However, these properties will not be negatively impacted by the proposed live entertainment use which will take place in the taproom inside the building. The primary use is the microbrewery and it will not operate as a bar or nightclub. Sufficient safeguards exist that will allow the City to exercise control measures that will protect the peace, health, and safety of surrounding properties. The limited live entertainment is an incidental use to the microbrewery. A condition of approval will require that all exterior doors be kept closed during live entertainment performances.*



1 NEW SITE PLAN  
A-2 1/8"=1'-0"



VICINITY MAP

REV DATE  
9-5-2017

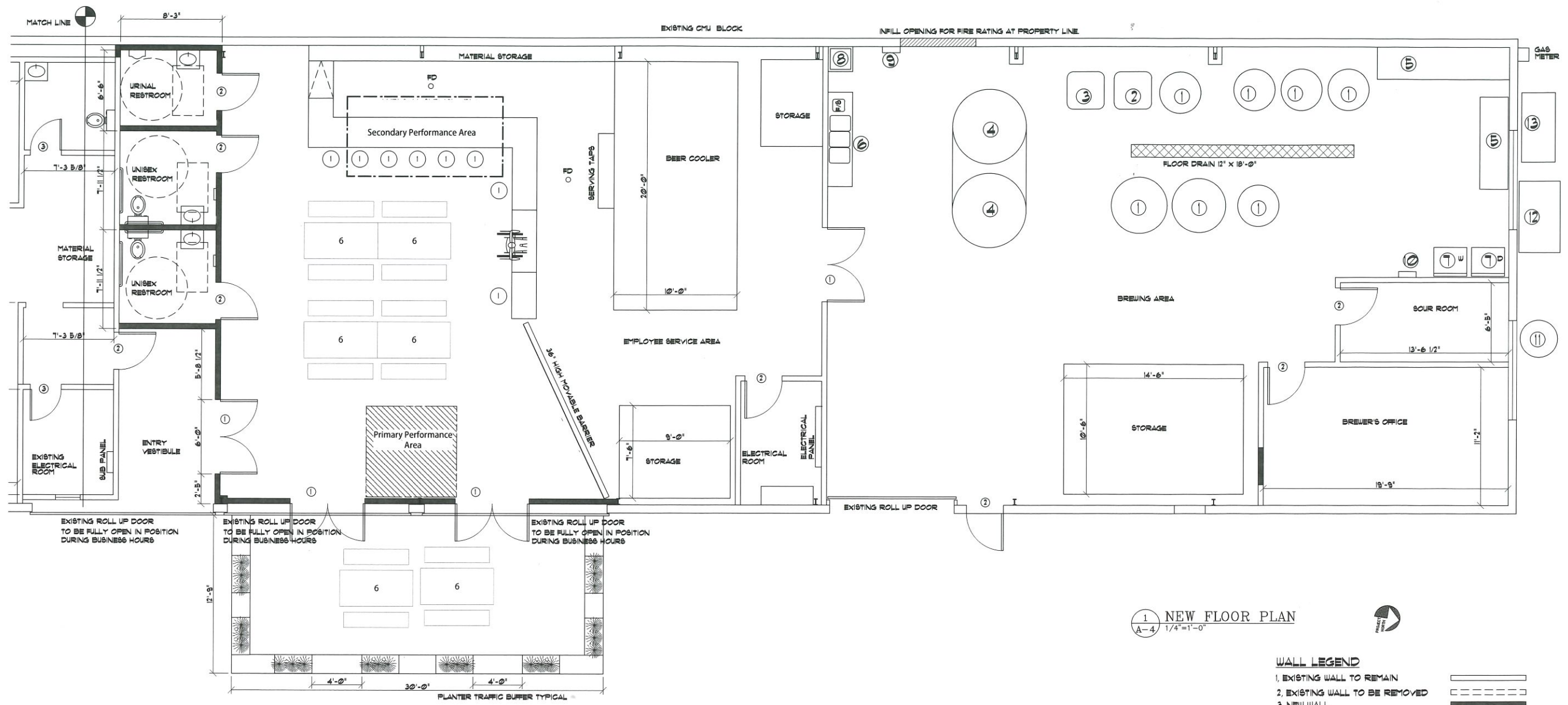
**DAHL ARCHITECTS INC.**  
1134 EL CENTRO STREET SOUTH PASADENA, CA 91030  
PHONE: (626) 564-0011 FAX: (626) 564-1591



**WING WALKER BREWING**  
235 W. MAPLE AVE.  
MONROVIA, CA 91016


**NEW SITE PLAN**

Date 7-1-2017  
Scale AS NOTED  
Drawn A.K  
Job sheet  
**A-2**  
of sheets



1 NEW FLOOR PLAN  
 A-4 1/4"=1'-0"

**WALL LEGEND**  
 1, EXISTING WALL TO REMAIN  
 2, EXISTING WALL TO BE REMOVED  
 3, NEW WALL

REV	DATE
<b>DAHL ARCHITECTS INC.</b>	
1134 EL CENTRO STREET SOUTH PASADENA, CA 91030	
PHONE: (626) 564-0011 FAX: (626) 564-1591	
	
<b>WING WALKER BREWING</b>	
235 W. MAPLE AVE.	
MONROVIA, CA 91016	
<b>NEW FLOOR PLAN</b>	
Date	7-1-2017
Scale	AS NOTED
Drawn	A.K
Job	
sheet	A-4
of	
	sheets