



PLANNING COMMISSION STAFF REPORT

APPLICATION: CUP2013-02 (Amendment)/ CUP2020-0006 **AGENDA ITEM:** PH-2

PREPARED BY: Austin Arnold **MEETING DATE:** August 12, 2020
Assistant Planner

SUBJECT: Conditional Use Permit CUP2020-0006/CUP2013-02 (Amendment)
1999 and 2015 South Myrtle Avenue

REQUEST: A Conditional Use Permit amendment to CUP2013-12 to allow a microbrewery (Pacific Plate Brewing Co.) to expand its business operations into an additional unit (2015 South Myrtle Avenue) and modify its hours of operation. The applicant is also requesting a new Conditional Use Permit (CUP2020-0006) to add live entertainment within the tasting room of the new tenant space. This property is located in the PD-16 (Planned Development – Area 16) zone.

APPLICANT: Pacific Plate Brewing Co. (Steven Cardenas)
1999 South Myrtle Avenue
Monrovia, CA 91016

ENVIRONMENTAL DETERMINATION: Categorical Exemption (Class 1 – Existing Facilities)

BACKGROUND: A Conditional Use Permit (CUP2013-02) was approved as Monrovia’s first brewery on October 11, 2013 for the Pacific Plate Brewing Company. The 1,650 square foot brewery is located at 1999 South Myrtle Avenue within a multi-tenant industrial complex in the in the Planned Development Area-16 (PD-16) zone.

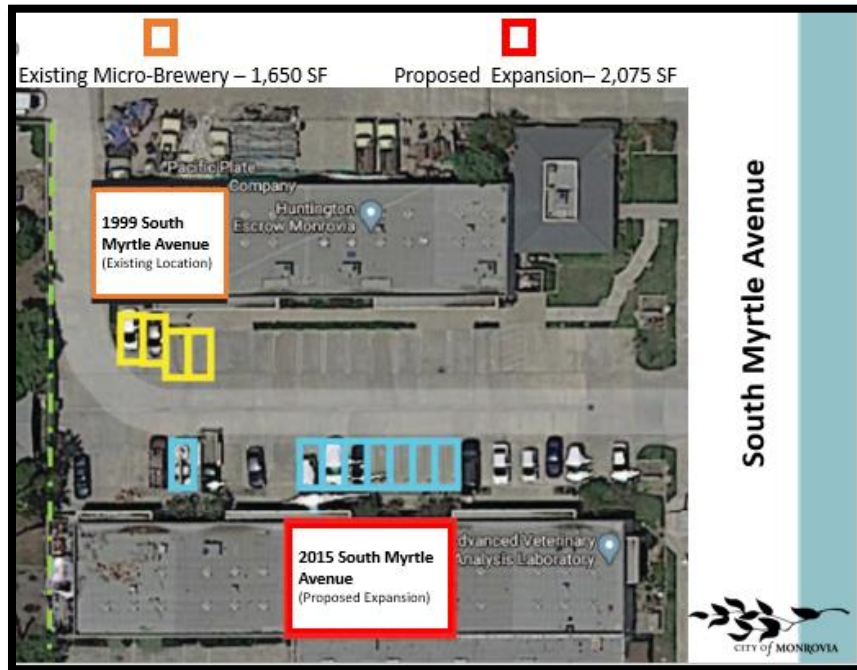
Pacific Plate is a microbrewery and its primary function is to produce specialty beer. Although the beer is sold wholesale for off-site consumption, the microbrewery is also open to the public selling beer for off-site consumption and providing on-site beer sampling within a tasting room. The microbrewery currently has a Type 23 (Small Beer Manufacturer) license from the California Department of Alcohol Beverage Control (ABC). A Conditional Use Permit was required for the use given that there is no definition for a microbrewery in the Zoning Ordinance. Monrovia Municipal Code Section 17.08.030 defines “Other Use” as

“uses not specifically mentioned or easily identified by the Development Review Committee as belonging to one or more of the use types defined (in the definition section of the Zoning Ordinance), and shall be permitted in any zone if granted a Conditional Use Permit by the Commission. When granting a Conditional Use Permit in such a circumstance, the Commission must find that the use is compatible with other uses permitted in the zone.”

Additionally, CUP2013-02 was also required by MMC §17.44.025 as the microbrewery is located within 500 feet of residential zone.

Pacific Plate Brewery Company is proposing to expand their business operation which requires an amendment to their existing Conditional Use Permit. Specifically, the applicant is seeking to expand the business from its current location at 1999 South Myrtle Avenue into an *additional* space within the complex located at 2015 South Myrtle Avenue and modify its overall hours of operation. The applicant is also requesting a separate Conditional Use Permit to allow live entertainment within the new tenant space. Pursuant to Monrovia Municipal Code Section 17.44.055, entertainment facilities requires the approval of a conditional use permit in order to mitigate adverse conditions associated with such establishments.

SUBJECT PROPERTY: The subject site is located on the west side of South Myrtle Avenue between South Magnolia Avenue and South Primrose Avenue. Both tenant spaces, 1999 and 2015 South Myrtle Avenue, are located within the Jensen Myrtle Complex. Other light industrial uses within this complex include: Metro Greens indoor urban farm, Decorative Glass Processes, Advanced Veterinary Analysis, Imager Lands and Huntington Escrow Monrovia. Residential uses are located directly adjacent to the industrial complex to the west.



This property is designated Planned Development – Area 16 in the General Plan zoning designations. The site is surrounded by the following land uses:

North:

General Plan: Planned Development – Area 16
Zoning: Planned Development – Area 16
Land Use: Commercial Office – Team 626

South:

General Plan: Planned Development – Area 16
Zoning: Planned Development – Area 16

Land Use: Commercial Office – Comelit

East:

General Plan: Manufacturing (M)

Zoning: Manufacturing (M)

Land Use: Production Facility-Machine Shop -Aremac

West:

General Plan: Planned Development – Area 16

Zoning: Planned Development – Area 16

Land Use: Multi-Family Residence

DISCUSSION/ANALYSIS: Generally, a microbrewery is a limited production brewery, typically producing specialty beers, 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 samples of the beer and guided tours throughout the manufacturing and production area.

The Pacific Plate Brewery is proposing to expand its operations into an additional location within the same industrial complex. The current location at 1999 South Myrtle Avenue would be used for beer manufacturing only. The new location at 2015 South Myrtle Avenue would include an expanded manufacturing area, a new tasting room with live entertainment, with expanded hours of operation.

Site Plan/Floor Plan/Business Operation Expansion

The subject site consists of three (3) adjoining parcels all located within the Jensen Myrtle Complex. The subject site is developed with two industrial buildings (5,902 and 7,840 square feet) and an office building (1,280 square feet). The subject site also includes 35 parking spaces. (See Exhibit A)

The microbrewery is currently located at 1999 South Myrtle Avenue within a 1,650 square foot tenant space located on the west side (rear) of the site. The existing floor plan is divided into a manufacturing space for brewing and a tasting room. With this proposal the applicant intends to modify the floor plan by removing the tasting room and using the entire space solely beer manufacturing. The expansion into the proposed location will include additional manufacturing space for the brewery operations and a larger tasting room and will provide incidental live entertainment.

The new tenant space totals 2,075 square feet in size. Most of that floor area (1,330 square feet) would be for beer manufacturing and a smaller portion (745 square feet) would be for retail and tasting. The tasting component includes beer samples served in 5 oz. and 16 oz. sizes; the retail component includes the sale of beer for off-site consumption and brand merchandise for purchase. A 35 square foot portion of the retail/tasting area would be designated for live entertainment space and include seating for up to 34 patrons.

The total square footage of both tenant spaces equates to 3,725 square feet. Only 20% (745 square feet) of the total combined floor area will be dedicated to tasting and retail sales. This incidental retail component is similar in size to other microbreweries within the City.

Hours of Operation

Pacific Plate operates the primary manufacturing portion of the business from 9:00 AM to 4:00 PM Monday through Friday, with approximately two employees on the premises. Moreover, the tasting room is open to the public only during limited hours.

CUP2013-02 limited the brewery's retail/tasting area hours as follows:

- 4:00 PM - 10:00 PM (Monday through Friday); and
- 12:00 PM -10:00 PM (Saturday and Sunday)

The applicant is now requesting that the retail/tasting area be allowed to stay open one hour later each day of the week. The proposed hours of operation are as follows:

- 4:00 PM - 11:00 PM (Monday through Friday); and
- 12:00 PM -11:00 PM (Saturday and Sunday).

These revised hours and the expansion with incidental retail/tasting space require an amendment to CUP2013-02. Opening the retail/tasting area until 11:00 PM would accommodate additional hours for the patron and would benefit their overall business concept. Additionally, the industrial complex operates under a shared parking complex.

Live Entertainment

The applicant has applied for a separate Conditional Use Permit to allow live entertainment as an incidental use to the brewery. Live entertainment includes an array of amplified and non-amplified music performances. Non-amplified performances involve events such as "acoustic night", trivia night, paint night, game night, poetry reading and non-certificated educational talks. These events will occur one to three nights per week. The applicant is requesting that the live entertainment be allowed to take place within the following time frames:

- 5:00 PM - 8:00 PM (Monday through Friday); and
- 12:00 PM - 8:00 PM (Saturday and Sunday).

All live entertainment would be conducted within the 2015 South Myrtle Avenue tenant space in order to minimize any noise impacts to neighbors. Condition of Approval #43 will require that all exterior doors be kept closed when the live entertainment takes place to further minimize potential noise impacts. Additionally, Condition of Approval #46 shall require that the noise produced by the live entertainment is not audible outside the boundaries of the subject property.

Parking

MMC §17.24.060 requires 1 parking space per 500 square feet of industrial/manufacturing building floor area and 1 parking space per 200 square feet of retail floor area. Pursuant to MMC § 17.24.020, when a parking ratio results in a fractional number, the next higher whole number shall be used. Based on the microbrewery's floor plan, 10 parking spaces are required and a total of 12 spaces are provided for the business. The site provides shared parking of 35 parking spaces. Because the live entertainment will be incidental to the primary microbrewery use, it does not require additional on-site parking. The performances would occur in the evenings when a majority of nearby businesses are typically closed. If there is an unlikely increase in parking demand after hours, on-street parking on Myrtle Avenue should be readily available away from the residential areas.

Table: Parking Calculations (Pacific Plate Brewery)

Use	Size	Required Parking Ratio	Required Parking Spaces	Required Parking Rounded Up
Brewery Operations	2,980 SF	1 space per 500 SF	5.96 spaces	6 Spaces
Retail/Tasting Area	745 SF	1 space per 200 SF	3.73 spaces	4 Spaces
Total	3,725 SF		9.69 spaces	10 spaces

Development Review Committee

The DRC meeting format changed temporarily due to the COVID-19 pandemic. Although DRC project reviews and determinations are normally conducted during open public meetings, due to the COVID-19 pandemic the arrangement has been temporarily modified to protect residents, property owners, applicants, staff, and elected officials. This change is in accordance with the “Safer at Home” orders, Executive Order N-29-20, and guidance from the California Department of Public Health on gatherings. To further reduce the spread of COVID-19, all DRC review and determination authority was temporarily delegated to the Community Development Director pursuant to City Council Urgency Ordinance (Ordinance No. 2020-06U).

The City’s Community Development Director, on behalf of the City’s DRC, conducted an “Advisory Review” of this proposal and made a formal recommendation to the Planning Commission on June 24, 2020. As part of this Advisory Review, staff sent out a courtesy notice to property owners within 300 feet of the subject property. The courtesy notice was provided to further encourage and allow for public input regarding the project prior to any public hearings. No public comments were submitted. The Community Development Director recommended approval of the project on behalf of the DRC. The Director requested that a condition of approval be added requiring that the live entertainment component be reviewed by the DRC six months after commencement (Data Sheet No 1, #14/CUP2019-0014).

Conclusion

The expansion into the new tenant space with expanded hours for the tasting room will provide a wider window of opportunity to attract additional patrons and allow for the occasional live entertainment with minimal impact to the surrounding business and residents. Additionally, the new tasting room will be further away at the new location providing a 100 foot distance between the 2015 South Myrtle Avenue location and the residential property to the west. The addition of live entertainment as an incidental use allows the applicant to achieve and sustain his business goals and compete with other breweries that have similar features. The live entertainment would be an asset to the overall business operation.

The proposed conditions of approval for CUP2013-02 (Amendment) and CUP2020-0006 will ensure that the microbrewery business with expanded hours of operation and live entertainment will not negatively impact surrounding properties.

RECOMMENDATION: Staff recommends approval of CUP2013-02 (Amendment) and CUP2020-0006. 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 CUP2013-02 (Amendment) and CUP2020-0006 is categorically exempt from CEQA under Class 1. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.
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 No. 3 for CUP2013-02 (Amendment) and CUP2020-0006, which are incorporated herein by this reference.
4. The Planning Commission hereby approves CUP2013-02 (Amendment) and CUP2020-0006, subject to the attached amended Planning Conditions on Data Sheet No. 1 for CUP2013-02 (Amendment) and attached Planning Conditions also on Data Sheet No. 1 for CUP2020-0006, and recommendations in the Staff Report, all of which are incorporated herein by this reference.

MOTION:

Approve CUP2013-02 (Amendment) and CUP2020-0006 pursuant to the recommendations in the Staff Report.



DATA SHEET 1

Planning Conditions

**CUP2013-02 (Amendment)
Micro-Brewery Expansion**

1999 South Myrtle Avenue

**CUP2020-0006
Live Entertainment**

2015 South Myrtle Avenue

The site for this business is defined as 1999 South Myrtle Avenue and 2015 South Myrtle Avenue (“the site” or “the property”), and these Conditional Use Permits pertain to both locations. 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 CUP2013-02 (Amendment) and CUP2020-0006, which allows a micro-brewery 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 the sale of specialty beer to the public for off-site consumption (Small Beer Manufacturer Type 23 ABC License), as well as Live Entertainment within the approved floor pan of the 2015 South Myrtle Avenue tenant space, 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 these conditional use permits.

INCIDENTAL OFF-SITE SALES OF BEER AND ON-SITE BEER TASTING

1. These CUP2013-02(Amendment) and CUP2020-0006 Planning Conditions shall replace the 31 original CUP2013-02 Planning Conditions as approved on January 9, 2013. New conditions herein are underlined. Deleted conditions are stricken through.
2. The approved floor plan is an integral part of the decision approving Conditional Use Permit 2013-02(Amendment) and Conditional Use Permit 2020-0006. 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 uses which has the effect of expanding or intensifying the approved uses shall require an amendment to one or both of the CUPs and shall also be based on available parking. On an overall use basis, not including area for restrooms, corridors, etc., the development contains the following uses:

1999 South Myrtle Avenue – Micro-brewery/manufacturing use: 1,650 SF

2015 South Myrtle Avenue – Micro-brewery manufacturing use: 2,075 SF

2015 South Myrtle Avenue – Tasting Room/Retail beer tasting: 745 SF

3. The 745 square foot tasting room is allowed as the maximum of 20% of the combined floor areas of both 1999 and 2015 South Myrtle Avenue as an incidental use. The primary use shall remain a Micro-Brewery for the manufacturing of beer. If the existing micro-brewery use at either location changes or ceases operation, then the retail sales and service of alcohol shall be null and void.
4. Only the tables and chairs as shown on the submitted floor plan shall be allowed. Additional tables and chairs may only be allowed if approved by the Development Review Committee or the Planning Commission.
5. The premises shall be maintained as a Type 23 small beer manufacturer facility only.
6. Retail sales of beer shall be limited to beer manufactured on-site.
7. 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.
8. The quarterly gross sales of beer, for on-site consumption, shall not exceed 33 percent of all gross sales of all products during the same period. The licensee shall maintain records which reflect separately the gross sales of beer for on-site consumption. Records for the last quarter shall be made available to the City only if complaints have been received regarding the violation of conditions of the CUP.
9. Service of beer for on-site consumption within the tasting room shall only be permitted during the approved tasting room hours which shall be limited to:
 - ~~4:00PM to 10:00 PM Wednesday through Friday~~
 - ~~12:00 PM (noon) — 10:00 PM Saturday~~
 - ~~12:00 PM (noon) — 6:00 PM Sunday~~
 - 4:00 PM to 11:00 PM Monday through Friday
 - 12:00 PM (noon) – 11:00 PM Saturday and Sunday
10. 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.
11. Beer shall only be consumed on the premises by the public in the designated area specified on the floor plan for beer tasting. No outdoor consumption of beer on the premises is permitted. Signs shall be posted in the tasting room advising customers that it is unlawful for any person to drink beer outdoors on the premises and in public places.
12. 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.

13. Employees will verify all beer transactions are made to persons that are a minimum of 21 years old.
14. There shall be no off-site sales to patrons, deliveries to or distribution from the premises between ~~10:00 PM~~ 11:00 PM and 6:00 AM.
15. No members of the public shall be permitted in the tasting room past ~~10:00~~11:00 PM.
16. All exterior doors shall be kept closed at all times, except to permit ingress and egress for patrons and employees, deliveries/shipments and in emergencies.
17. The management shall make available to patrons the menus of local restaurants, to allow food to be delivered on-site for consumption.
18. No sporting game or games of competition shall be permitted in conjunction with the business unless approved as part of the CUP application.
19. The display, posting or airing via closed circuit television of any gambling odds shall be prohibited unless pre-empted by the State.
- ~~20. 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.~~
20. 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.
21. No locking devices shall be allowed on interior doors that enclose rooms open to the public.
22. There shall be no uses or activities permitted of an adult-oriented nature as defined in Title 17 of the Monrovia Municipal Code.
23. The use of pornographic material in the form of videos, slides, magazines, or pictures shall be prohibited within the business establishment.
24. All areas in the microbrewery shall be available for inspection by the Police Department during all open business hours.
25. 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.
26. If it is determined by the Community Development Director or Public Works 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.

27. 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.
28. 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.
29. No outdoor storage or displays shall be permitted at any time.
30. 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.
31. No happy hour, no drink specials or other bar promotions are permitted to be advertised outside or in the window/door area.
32. The transfer of the CUPs to another owner shall require DRC review and approval.
33. Advertising alcoholic beverage products on the windows or the building is prohibited.
34. No exterior sign may be installed without prior approval of the Development Review Committee.
35. 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.

LIVE ENTERTAINMENT

40. The approved live entertainment shall be permitted indoors in the tasting room Monday through Friday from 5:00 PM to 8:00 PM, and Saturday and Sunday from 12:00 PM to 8:00 PM. Live entertainment events shall be limited to three (3) times a week. Entertainment shall consist of up to 5 performers per event. No increase in the number of performers is permitted unless a request is reviewed and approved by the Development Review Committee.
41. The hours for live entertainment is subject to review by the Development Review Committee if compatibility problems with adjacent uses develop or other nuisance problems develop. The DRC may modify the hours of operation based upon a finding that those problems exist. 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.
42. All entertainment activities shall be conducted entirely within the tasting room in the location shown on the approved floor plan.
43. All exterior doors shall be kept closed at all times when live entertainment performances are occurring in the tasting room.
44. No cover charge shall be permitted.
45. No dancing shall be permitted.
46. Amplified music is permitted on the premises during live entertainment events, however, such music shall not be audible outside the boundaries of the property.
47. 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 residential areas located nearby or 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.

48. 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.
49. 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 live entertainment 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.

GENERAL REQUIREMENTS

50. 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.
51. 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.
52. 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.

53. 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.
54. 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.
55. The Development Review Committee (DRC) shall review the use permitted by these CUP's six (6) months from the date the use commences. The DRC review shall include, but not be limited to, verifying that the required 12 on-site parking spaces are adequate and are maintained and accessible to patrons and employees.
56. The use or development associated with these CUPs shall begin within one (1) year after their approval or they will expire without further action by the City.
57. 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.

FIRE REQUIREMENTS

58. The fire sprinkler system shall be modified under separate permit.
59. The maximum occupant load for "retail/sitting" area shall be 49 persons.
60. The Manufacturing Area for the 2015 South Myrtle Avenue tenant space requires a single legal exit door. Rolling doors cannot be used for exiting.



DATA SHEET 3

Findings

CUP2020-0006 (Live Entertainment)
CUP2013-02 (Amendment)

1999 and 2015 South Myrtle
Avenue

As required by Section 17.52.290 of the Monrovia Municipal Code, the decision for granting Conditional Use Permit No. 2020-0006 to allow live indoor entertainment located at 2015 South Myrtle 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 35 space parking lot with a driveway that provides adequate access from South Myrtle 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 Planned Development – Area 16 (PD-16) land use designation. The General Plan guidelines for this Planned Development area allows for light and heavy manufacturing similar to the Manufacturing zone 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 tasting room, incidental to the overall business operation of the microbrewery and the conditions of approval specify that all exterior doors shall be closed during the live entertainment performances.*
- D. The proposed live indoor entertainment associated with Pacific Plate Brewing Co. 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 tasting room is open to the public and when entertainment is provided 1-3 days throughout the week on any given day Monday through Sunday. This will occur when most of the surrounding businesses are closed.*

- E. The proposed location of live indoor entertainment at Pacific Plate Brewing Co. 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 five person ensembles and there will be no dance floor area. As indicated on the floor plan, there is a designated area of 35 square feet in the tasting room 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 Pacific Plate Brewing Co. located at 2015 South Myrtle 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 conditions of approval for the microbrewery (CUP2013-02 Amendment) 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. 26 (CUP2013-02 Amendment) 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 no more than 3 occurrences per week. 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 Planned Development – Area 16 zone and is served by its own on-site parking lot. There are 35 shared parking spaces available on-site, 12 of which will be dedicated to the microbrewery,*

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 is a designated indoor performance area. 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 tasting room a condition of approval requires that the exterior doors of the building be kept closed while the live entertainment performances occur and that the sound shall not be heard outside of the boundaries of the property.*

- F. The proposed use will not negatively impact nearby parks, schools, recreation centers, religious assembly facilities, and hospitals. *The subject property is within the Planned Development – Area 16 zone, without any nearby parks, schools, recreation centers, religious assembly facilities or hospitals. The nearest residential properties are located west, adjacent to the subject property (approximately 100 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 tasting room 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 and that sound shall not be heard outside of the boundaries of the property.*

CONDITIONAL USE PERMIT 2013-02 (Amendment)

As required by Section 17.52.290 of the Monrovia Municipal Code, the decision for amending Conditional Use Permit No. 2013-02 to allow the indoor service and sales of beer for on-site consumption in the proposed microbrewery expansion located at 1999 and 2015 South Myrtle Avenue is based on the following findings:

- F. The project site is adequate in size, shape and topography for the indoor sales of beer and wine for on-site consumption in the proposed microbrewery expansion. *The topography of this commercial area is relatively flat. The proposed microbrewery expansion will occupy a 2,075 square foot tenant space in the Planned Development – Area 16 (PD-16) zone. The interior building area is adequate in size to accommodate the service of beer in a tasting room in conjunction with the microbrewery operations.*

- G. 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 indoor service and sales of beer for on-site consumption in the proposed microbrewery expansion. *The proposed use is located in an industrial area, which is suited to support these types of uses and traffic loads.*

- H. The microbrewery with the indoor service and sales of beer for on-site consumption is compatible with the General Plan and will not adversely impact the objectives of the General Plan. *The project site is located the Planned Development – Area 16 (PD-16) zone. The General Plan Planned Development designations encourages newer light industrial uses and some commercial uses, such as microbreweries, production facilities, and real estate offices.*
- I. The proposed indoor service and sales of beer for on-site consumption associated with Pacific Plate Brewing Co. will comply with the applicable provisions of the zoning ordinance. *There are no variances requested for this CUP. The standard Monrovia Municipal Code conditions of approval for service and sales of beer will apply.*
- J. The proposed location of the microbrewery expansion with indoor service and sales of alcohol for on-site consumption 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 Applicant will be required to adhere to the conditions of approval on Data Sheet No. 1 to ensure service and sales of alcohol for on-site consumption is not detrimental or injurious to the public and surrounding uses. A condition of approval further requires that all areas in the establishment be available for inspection by the Police Department and Community Development Department during all open business hours. 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.*

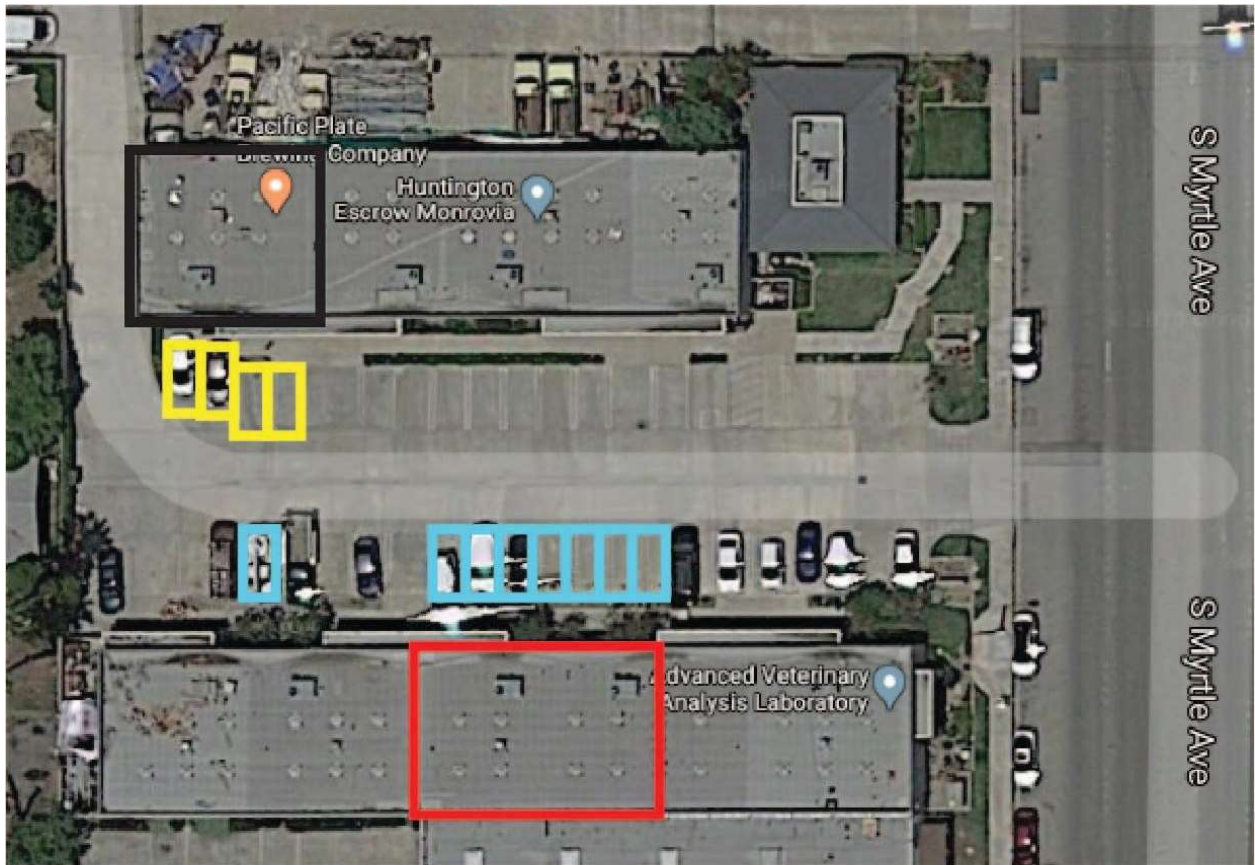
Further, as required by Section 17.44.055 of the Monrovia Municipal Code, the decision for granting Conditional Use Permit No. 2013-02 (Amendment) to allow indoor service and sale of beer for on-site consumption at Pacific Plate Brewing Co. located at 1999 and 2015 South Myrtle Avenue is based on the following findings:

- A. The proposed microbrewery expansion with indoor service and sales of beer for on-site consumption (the “proposed use”) will not adversely and seriously affect the peace, health, safety and welfare of residents of the community *with the conditions of approval insuring that the microbrewery will remain as the proposed primary industrial use and the tasting room to operate as an incidental use, and all conditions of the Department of Alcoholic Beverage Control (ABC) for the issuance of Type 23 license. Sufficient safeguards exist that will allow the City to exercise control measures that will protect the peace, health, and safety of surrounding residents and businesses.*
- 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 proposed microbrewery expansion will be required to adhere to the conditions of approval that set forth regulations that are specific to the sale of beer and the overall business operation. 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. 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 or leaving the establishment, the business will provide employees to pick-up and properly dispose of all litter. 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.

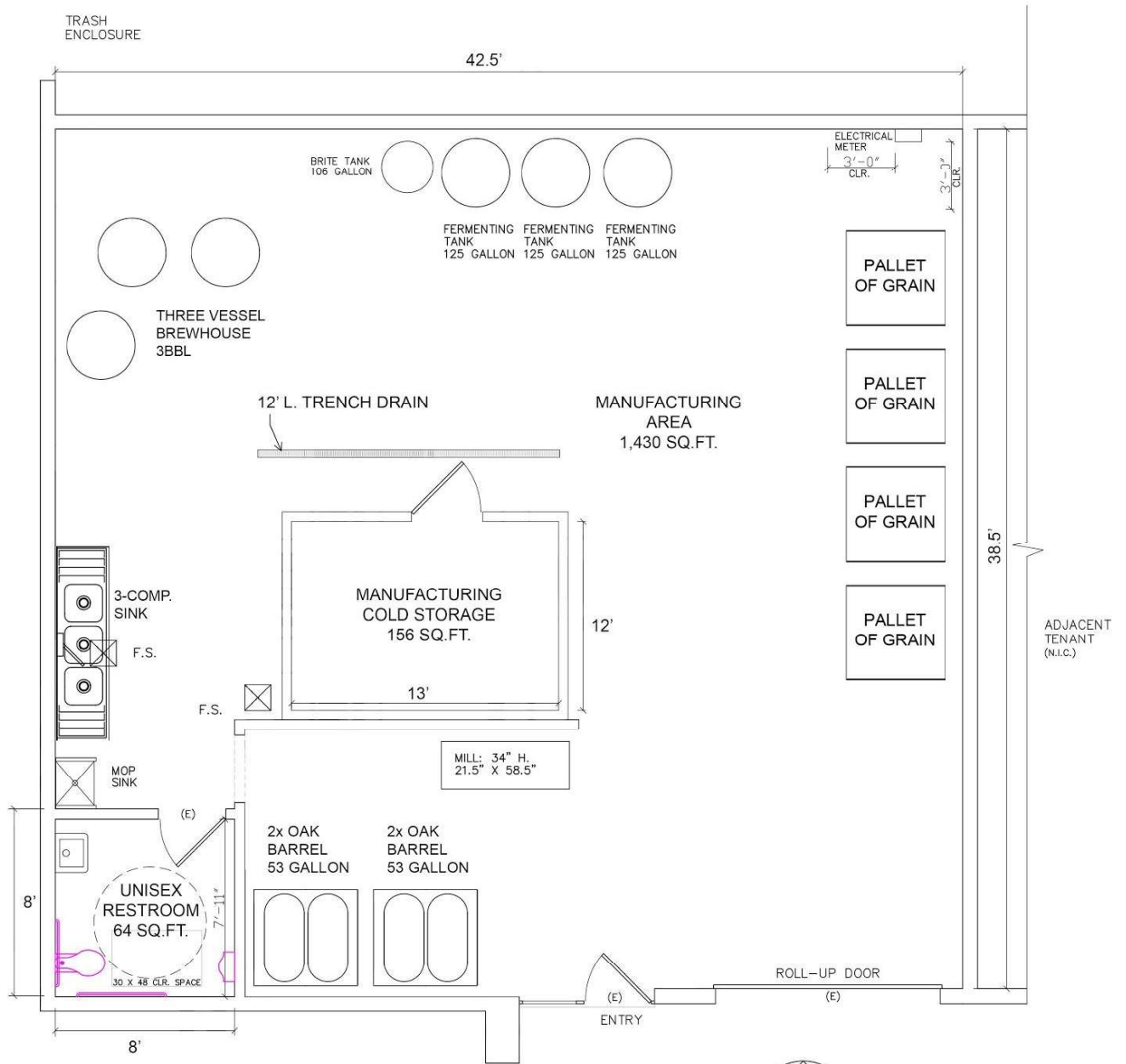
- C. The proposed use will not create serious adverse impacts to the industrial/commercial/residential district. *Microbreweries are an approved use in the Planned Development – Area 16 zone. The proposed microbrewery expansion with indoor service and sales of beer for on-site consumption will operate as a primary manufacturing use for the production of beer with an incidental use for the on-site sale and consumption of beer that is produced on-site and will provide a business that is beneficial to the surrounding businesses.*
- 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 Planned Development – Area 16 (PD-16) zone that is served by the on-site, 35 space parking lot. There 12 parking spaces that will be dedicated within parking lot in close proximity to the proposed microbrewery expansion.*
- E. The proposed use will not be incompatible with the adjoining uses as it relates to noise, traffic, and hours of operation. *The microbrewery expansion will be located within an industrial/commercial area of the City and is a compatible use to the surrounding businesses.*
- F. The proposed use will not negatively impact nearby parks, schools, recreation centers, religious assembly facilities, and hospitals. *The residential properties will not be negatively impacted because sufficient safeguards exist that will allow the City to exercise control measures that will protect the peace, health, and safety of surrounding properties. The CUP may be called for review at any time by City Staff, the City Council, or Planning Commission if complaints are filed and verified as valid by the Police Department, Code Enforcement Division or other City departments concerning a violation of the approved conditions, or the establishment or its customers creating a public nuisance.*

Appendix B: Site Map



-  1999 Unit
-  2015 Unit
-  Dedicated 1999 parking
-  Dedicated 2015 parking

Appendix D: 1999 Floor Plan

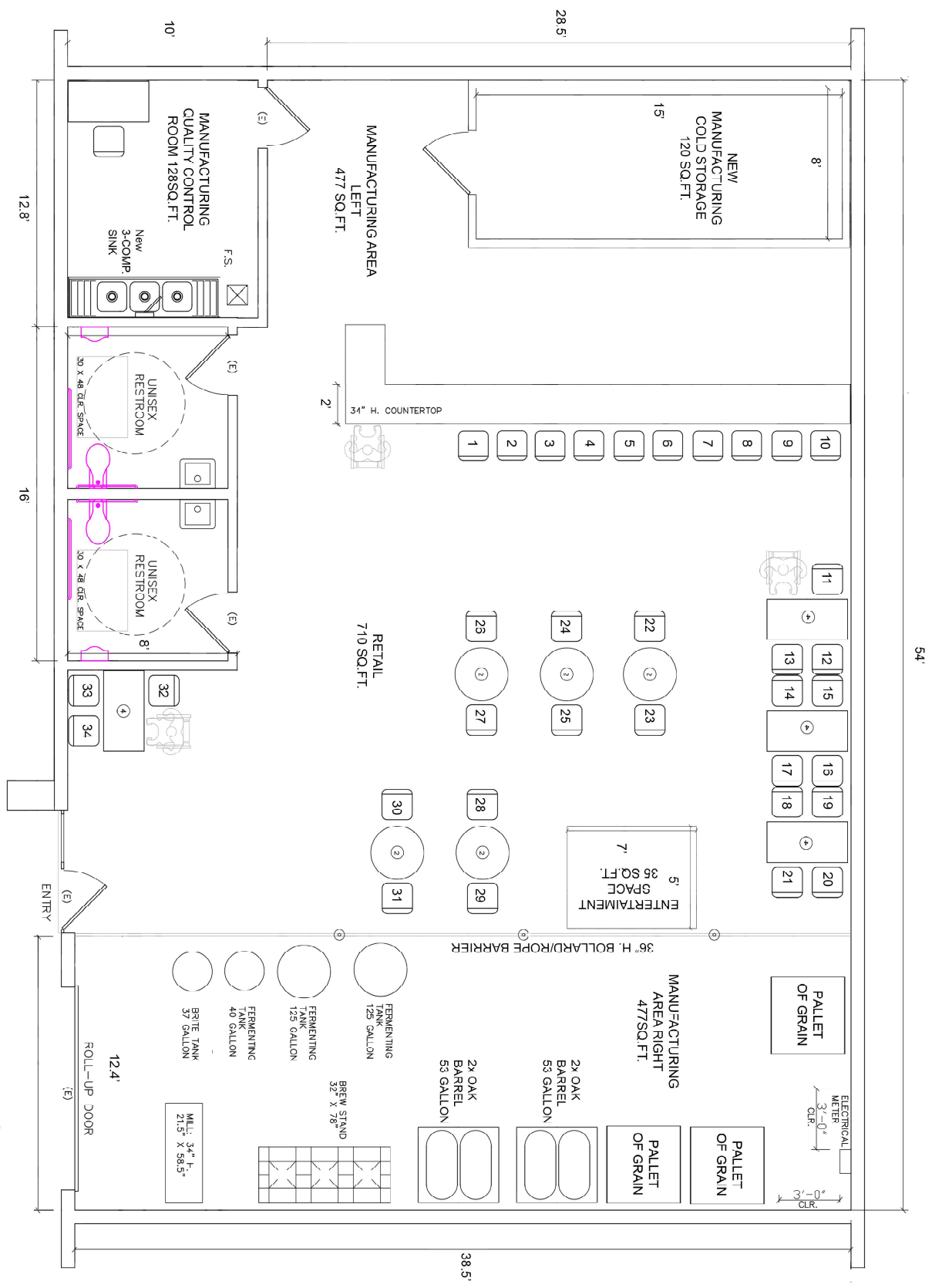


PROPOSED FLOOR PLAN

1999 S. MYRTLE AVE. MONROVIA CA 91016
 LEASABLE AREA: 1650 SQ.FT

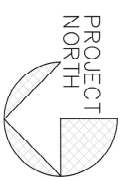


Appendix C: 2015 Floor Plan



PROPOSED FLOOR PLAN

2015 S. WYRTLE AVE. MONROVIA CA 91016
LEASABLE AREA: 2779 SQ.FT



Seats: 34
Tables: 9
ADA seats: 3