

ATTACHMENT NO. 1

FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 19-011

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because the project consists of no physical expansion of an existing industrial suite.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 19-011:

1. Conditional Use Permit No. 19-011 to permit an approximately 563 sq. ft. tasting area (Type 23 ABC License) within an approximately 3,046 sq. ft. microbrewery/manufacturing use will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood because the proposed use, as conditioned, will not generate noise, traffic, demand for parking, or other impacts to surrounding properties and is consistent with the subject property's industrial zone. The proposed use will have sufficient parking to accommodate the alcohol tasting room and manufacturing use. Moreover, the site is surrounded by other industrial uses and the nearest residential use is approximately 150 ft. to the south, across Ellis Avenue. The residential uses are buffered by the building, a six-foot high masonry wall, and Ellis Avenue.
2. The granting of Conditional Use Permit No. 19-011 to permit an approximately 563 sq. ft. tasting area (Type 23 ABC License) within an approximately 3,046 sq. ft. microbrewery/manufacturing use will not adversely affect the General Plan because it is consistent with the Land Use Element designation of Research and Technology (RT) on the subject property. In addition, it is consistent with the following objective and policies of the General Plan:

A. Land Use Element

Goal LU-5: Industrial businesses provide employment opportunities for residents, supporting the local economy.

Policy LU-5 A: Support and attract new businesses in the City's industrial areas.

Policy LU-5 D: Explore opportunities to optimize use of underutilized or underperforming industrial land that is sensitive to surrounding uses, and to introduce new industrial uses that create jobs.

Goal LU-13: The City provides opportunities for new businesses and employees to ensure a high quality of life and thriving industry.

Policy LU-5 A: Encourage expansion of the range of goods and services provided to accommodate the needs of all residents and the market area.

Conditional Use Permit No. 19-011 to permit an approximately 563 sq. ft. tasting area (Type 23 ABC License) within an approximately 3,046 sq. ft. microbrewery/manufacturing use will provide the City with a new business within an industrial area as well as additional employment opportunities. The proposed use will expand on the range of goods and services for the community and surrounding area. Furthermore, the use is compatible with the surrounding industrial uses as the primary use is the manufacturing of beer within the industrial complex. As conditioned, all operations will occur indoors unless otherwise approved by the Community Development Department. The nearest residential uses are approximately 150 ft. to the south and the use will be buffered by buildings, a six-foot high masonry wall, and Ellis Avenue; therefore, no impacts to the residences are anticipated.

3. Conditional Use Permit No. 19-011 to permit an approximately 563 sq. ft. tasting area (Type 23 ABC License) within an approximately 3,046 sq. ft. microbrewery/manufacturing use will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) because the proposed use conforms to applicable site development standards including minimum setbacks, minimum landscaping, and minimum parking. The proposed approximately 563 sq. ft. tasting area is permitted within the IG (Industrial General) zoning district with the approval of a conditional use permit in accordance with Section 212.04 of the Huntington Beach Zoning and Subdivision Ordinance.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 19-011:

1. The site plan, floor plans, and elevations received and dated March 25, 2019 shall be the conceptually approved design.
2. The use shall comply with the following:
 - a. The hours of operation shall be limited to the following:
 - i. Monday – Thursday: 12:00 PM – 9:00 PM
 - ii. Friday: 12:00 PM – 10:00 PM
 - iii. Saturday: 11:00 AM – 10:00 PM
 - iv. Sunday: 11:00 AM – 8:00 PM
 - b. The tasting room, manufacturing operations, and all activities shall occur entirely indoors unless approval is obtained by the Community Development Department.
 - c. The onsite service and consumption of beer shall be limited to the designated tasting area indicated on the submitted floor plan received and dated March 25, 2019

- d. Prior to manufacturing, sales, service, or consumption of alcoholic beverages the business shall obtain an ABC license authorizing alcohol use in the business. The business shall be limited to a Type 23 Small Beer Manufacturer (Brew Pub or Microbrewery) ABC License. **(PD)**
- e. No reduced price or promotions of alcoholic beverages shall be allowed after 7:00PM. **(PD)**
- f. No games or contests requiring or involving the consumption of alcoholic beverages shall be permitted. **(PD)**
- g. All employees engaged in the sale or service of alcohol shall complete mandatory Responsible Beverage Service (RBS) training and certification. This shall be required for new employees within 90 days of being hired and for existing employees every 12 months. Training shall be provided by ABC or an ABC approved RBS trainer. Records of the training shall be maintained on-site for review. **(PD)**
- h. Consumption of alcoholic beverages by on-duty employees and supervisory personnel is forbidden, except when training for knowledge of brewed beverages and food pairing. The beer brewer(s) is exempt from this rule due to quality control. **(PD)**
- i. An employee of the establishment must monitor all areas where alcohol is served. **(PD)**
- j. There shall be no entertainment allowed without a valid Entertainment Permit issued by the Huntington Beach Police Department. Live amplified entertainment, dancing, or modification of plans dated 03-05-19 would need approval by the Planning Department and may require a Conditional Use Permit (CUP) for this specific use. **(PD)**
- k. A sign shall be posted in a conspicuous space at the exit point which shall state "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT." **(PD)**
- l. Signage, posters, and advertising with "Do Not Drink and Drive" shall be posted in the business. **(PD)**
- m. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. **(PD)**
- n. All areas where the sales, service, and consumption of alcoholic beverages will be permitted must be sufficiently illuminated to permit the identification of patrons. **(PD)**
- o. There shall be no window coverings or advertisements that reduce the visibility inside of the business. This will assist officers in observing crimes in progress. **(PD)**

- p. The establishment shall employ a video surveillance security system with a minimum of one-month video library recorded to a DVR or Cloud based system. The cameras minimum requirements will be: color, digital and able to record in low light. The business shall ensure all public areas, entrances, exits, parking areas to the front and adjacent to the business are covered by video surveillance. Electronic copies of video must be made available to the Huntington Beach Police Department within 48 hours of request. Digital recordings shall be made available for viewing on-scene upon request by police personnel conducting investigations. You are required to have someone able to operate the system on duty during all business hours. **(PD)**
 - q. All owners, employees, representatives, and agents must obey all state, local, and municipal laws, and conditions of the Conditional Use Permit, Alcoholic Beverage Control License and any other regulations, provisions, or restrictions prescribed by a regulatory authority with jurisdiction over the premise at all times. **(PD)**
- 3. CUP No. 19-011 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Community Development Department a minimum 30 days prior to the expiration date.
 - 4. The Development Services Departments and divisions (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Community Development may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.