

ATTACHMENT NO. 1

FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 19-015

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 negligible or no expansion of an existing structure.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 19-015:

1. Conditional Use Permit No. 19-015 to allow the sales, service and consumption of general alcohol (Type 74 ABC License) within a proposed 200 sq. ft. tasting room within a 900 sq. ft. industrial building (craft spirits/liquor distillery) 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 is surrounded by similar industrial uses and the tasting area will be limited to a small portion of the proposed distillery. The proposed 200 sq. ft. tasting room within the existing industrial space is not anticipated to generate noise, traffic, parking, or other impacts detrimental to surrounding properties and is consistent with the subject property's industrial zoning. The proposed use will have sufficient parking to accommodate the alcohol tasting room and the distillery/industrial use. The consumption of alcoholic beverages will be contained within the delineated tasting area inside the industrial business. Additionally, the site is entirely surrounded by industrial uses to the north, south, and east. The nearest residential use is approximately 800 ft. to the south and is adequately buffered by other buildings and an arterial street (Graham St.). Therefore, the proposed use is not anticipated to generate impacts to those residences.
2. The granting of the conditional use permit will not adversely affect the General Plan because it is consistent with the Land Use Element designation of Research and Technology on the subject property. In addition, the request to permit an approximately 200 sq. ft. tasting room (type 74 ABC License) within an approximately 900 sq. ft. craft spirits/liquor distillery is consistent with the following goals 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.

The approximately 200 sq. ft. tasting room (type 74 ABC License) within an approximately 900 sq. ft. craft spirits/liquor distillery will provide the City with a new business within an industrial area and 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 conditioned, all operations will occur indoors unless otherwise approved by the Community Development Department. The nearest residential uses are approximately 800 ft. to the south and are buffered by existing buildings and arterial street (Graham St.). Therefore, no impacts to the residences are anticipated.

3. The proposed conditional use permit 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 because the request to permit an approximately 200 sq. ft. tasting room (type 74 ABC License) within an approximately 900 sq. ft. industrial building (craft spirits/liquor distillery) conforms to applicable site development requirements including minimum onsite parking. The alcohol tasting room within a distillery/manufacturing use is permitted within the IL (Industrial Limited) zoning district with the approval of a conditional use permit.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 19-015:

1. The site plan and floor plans received and dated May 29, 2019 shall be the conceptually approved design with the following modification: Access from the tasting room to the restroom shall be reconfigured to avoid counter-top pass-through access.
2. The use shall comply with the following:
 - a. The onsite service and consumption of alcoholic beverages shall be limited to the following hours:
 - i. Thursday – Sunday: 1:00 PM – 10:00 PM
 - b. Tastings shall only be open for customers while an employee is designated to work and monitor the area.
 - c. The alcohol tasting room, the distillery/manufacturing operations, and all activities shall occur entirely indoors unless approval is obtained from the Community Development Department.

- d. Prior to 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 74 Craft Distillery ABC License. **(PD)**
- e. Consumption of alcohol will only be permitted in the Tasting Area as designated by Plans dated May 29, 2019. **(PD)**
- f. No reduced price or promotions of alcoholic beverages shall be allowed after 7:00PM. **(PD)**
- g. All persons under 21 years of age are prohibited in the tasting area during tasting events. **(PD)**
- h. No games or contests requiring or involving the consumption of alcoholic beverages shall be permitted. **(PD)**
- i. 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)**
- j. Consumption of alcoholic beverages by on-duty employees and supervisory personnel is forbidden, except when training for knowledge of distilled spirits and food pairing, if applicable. The Craft Distiller(s) is exempt from this rule due to quality control. **(PD)**
- k. 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 05/29/19 would need approval by the Planning Department and may require a Permit for this specific use. **(PD)**
- l. A clearly legible sign shall be affixed inside the tasting area entrance/exit points which shall state "NO OPEN ALCOHOLIC BEVERAGES BEYOND THIS POINT." **(PD)**
- m. Signage, posters, and advertising with "Do Not Drink and Drive" shall be posted in the business. **(PD)**
- n. 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)**
- o. 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)**

- p. 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)**
 - q. 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)**
 - r. 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. 19-015 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.