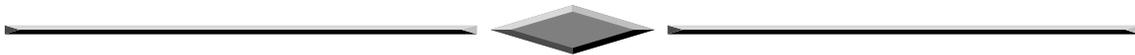


**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: John Ramirez, Project Planner
DATE: April 20, 2016

SUBJECT: **CONDITIONAL USE PERMIT NO. 16-011/ TEMPORARY USE PERMIT NO. 16-001 (FOUR SONS BREWERY EATING & DRINKING ESTABLISHMENT)**

LOCATION: 18421 Gothard Street, Suites 100 & 100B, 92647 (west side of Gothard St. approximately 300 feet north of Ellis Ave.)



**Applicant/
Property**

Owner: Gerard Dufresne, 1506 Pacific Coast Highway, Huntington Beach CA 92648

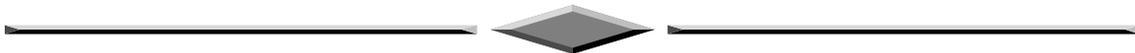
Request: **CUP:** To permit a 2,200 sq. ft. eating and drinking establishment in conjunction with an existing brewery with a joint use parking arrangement within an existing industrial condominium complex. **TUP:** To allow limited outdoor food service for a period of five (5) years in conjunction with an existing brewery.

Environmental Status: This request is covered by Categorical Exemption, Section 15303, Class 3, California Environmental Quality Act.

Zone: General Industrial (IG)

General Plan: Industrial-Max FAR 0.50-Design Overlay (IF2-d)

Existing Use: Brewery with Tasting Room within Industrial Condominium Complex



RECOMMENDATION: Staff recommends approval of the proposed project based upon the following findings:

SUGGESTED 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 15303 of the CEQA Guidelines, because the project involves a conversion of a portion of an existing industrial building into an eating and drinking establishment with minor interior modifications proposed.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 16-011:

1. Conditional Use Permit No. 16-011 to permit a 2,200 sq. ft. eating and drinking establishment in conjunction with an existing brewery with a joint use parking arrangement within an existing industrial condominium complex 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. The eating and drinking establishment operating in conjunction with the existing brewery is not anticipated to generate noise, traffic, parking or other impacts detrimental to surrounding properties nor inconsistent with the subject property's industrial zoning. The proposed use, as conditioned to obtain a joint use parking arrangement, will have sufficient parking to accommodate the eating and drinking establishment. Moreover, the site is entirely surrounded by industrial uses and the nearest residential use is approximately 450 ft. to the south, across Ellis Avenue. The use of the brewery for a tasting area was established approximately two years ago. This request would expand the tasting area into the adjacent tenant space. The consumption of alcoholic beverages will continue to be contained within the delineated tasting area inside the microbrewery/manufacturing business.
2. The 2,200 sq. ft. eating and drinking establishment in conjunction with an existing brewery with a joint use parking arrangement within an existing industrial condominium complex will be compatible with adjacent and surrounding land uses since the onsite consumption of alcoholic beverages will continue to occur entirely within the interior of the industrial building. The existing tasting area and microbrewery has been in operation for almost two years and no complaints or requests for service to Code Enforcement have been received related to the existing operation. The proposed use, with a joint use parking arrangement, will have sufficient parking because two other units within the industrial complex will be closed when the brewery tasting area and limited outdoor food service are operational, therefore ensuring adequate parking will be provided on site. Moreover, the site is entirely surrounded by industrial uses and the nearest residential use is approximately 450 ft. to the south, across Ellis Avenue. Therefore, potential impacts to residential uses within the vicinity are not anticipated.
3. The 2,200 sq. ft. eating and drinking establishment in conjunction with an existing brewery with a joint use parking arrangement within an existing industrial condominium complex 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. The proposed eating and drinking establishment in conjunction with an existing brewery with a joint use parking arrangement conforms to applicable site development requirements including minimum setbacks, minimum landscaping, and minimum onsite parking (with the condition requiring the joint use parking arrangement). The eating and drinking establishment with onsite consumption of alcoholic beverages is permitted within the IG (Industrial General) zoning district with the approval of a conditional use permit.
4. The granting of this permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Industrial on the subject property. In addition, it is consistent with the following objectives and policy of the General Plan:

A. Land Use Element

Objective LU 12.1: Provide for the continuation of existing and the development of additional industrial uses that capitalize upon the existing and emerging types of industries, offer opportunities for the clustering of key economic sectors, and maintain the character and quality of the City.

Policy LU 12.1.1: Accommodate the continuation of existing and development of new manufacturing, research and development, professional offices, supporting retail commercial (including, but not limited to, sales areas for manufactures and photocopy stores), restaurants, financial institutions, and similar uses in areas designated on the Land Use Plan Map in accordance with Polity LU 7.1.1.

B. Economic Development Element

Objective ED 2.2.3: Promote Huntington Beach businesses to increase visibility and local patronage.

The 2,200 sq. ft. eating and drinking establishment in conjunction with an existing brewery with a joint use parking arrangement within an existing industrial condominium complex will contribute to enhanced marketing of this specialty product to local residents and nearby businesses, thereby expanding business visibility and patronage both within the city and in the region. Based upon the operational conditions imposed, the eating and drinking establishment with a joint use parking arrangement is not anticipated to result in negative impacts on adjacent uses or properties.

SUGGESTED FINDINGS FOR APPROVAL - TEMPORARY USE PERMIT NO. 16-001:

1. The proposed temporary use of limited outdoor food service for a period of five (5) years in conjunction with an existing brewery will be located, operated and maintained in a manner consistent with the provisions of the Huntington Beach Zoning and Subdivision Ordinance Chapter 241 and the following goal, objective, and policy of the General Plan and:

Goal LU 7: Achieve a diversity of land uses that sustain the City's economic viability, while maintaining the City's environmental resources and scale and character.

Objective LU 10: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, serve visitors to the City, and capitalize on Huntington Beach's recreational resources.

Policy ED 2.4.3: Encourage the expansion of the range of goods and services provided in Huntington Beach to accommodate the needs of all residents in Huntington Beach and the market area.

The proposed temporary use will increase the diversity of land uses on the site by providing food service in conjunction with an existing brewery. The proposed limited outdoor food service will expand the range of retail services provided in a primarily industrial area, which would serve the needs of both local residents and regional visitors. The proposed limited outdoor food service is located at the end of a row of existing parking spaces and directly

across a secondary drive aisle from the existing brewery. This location would maintain adequate clearance for pedestrian circulation and visibility while minimizing potential conflicts with on-site vehicular circulation. The proposed temporary use would operate during afternoon and evening hours and primarily on weekends to further reduce any potential conflicts with existing on site uses.

2. Approval of the application for the proposed temporary use, as conditioned, will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare. The proposed limited outdoor food service will occur on private property within the existing parking lot located at the end of a row of existing parking spaces in order to prevent any vehicular/pedestrian conflicts. The temporary displacement of approximately three (3) parking stalls within the industrial complex does not impact overall parking needs because the brewery owner will enter into a joint use parking arrangement with other uses in the complex to accommodate the use of the three parking stalls by the limited outdoor food service. Moreover, the proposed temporary use would operate only during afternoon and evening hours and primarily on weekends when other industrial businesses are closed. In addition, the temporary use permit is conditioned to ensure that adequate public, disabled, and emergency access will be maintained.

**SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 16-011/
TEMPORARY USE PERMIT NO. 16-001 :**

1. The site plan, floor plans, and elevations received and dated February 24, 2016, shall be the conceptually approved design.
2. The indoor use shall comply with the following:
 - a. The onsite service and consumption of alcoholic beverages shall be permitted between the following hours: Monday through Thursday from 4:00 PM – 9:00 PM; Friday through Sunday from 12:00 PM (noon) – 9:00 PM.
 - b. Prior to sales, service or consumption of alcoholic beverages within Suite 100b, the business shall obtain an ABC license authorizing alcohol use in this portion of the brewery. The business shall be limited to a Type 23 (Small Beer Manufacturer for a Brew Pub or Micro-brewery) ABC License.
 - c. There shall be no dancing or live entertainment allowed without a valid Entertainment Permit issued by the Huntington Beach Police Department. **(PD)**
 - d. The onsite service and consumption of alcoholic beverages shall be limited to the designated tasting areas indicated on the submitted plans received and dated February 24, 2016. **(PD)**
 - e. All persons 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)**

- f. A clearly legible sign shall be affixed inside the tasting area entrance stating “No open alcoholic beverages will be permitted outside the tasting area”. **(PD)**
 - g. There shall be no pitcher service of beer. Serving sizes shall be limited to a maximum size of 16-ounce pints of beer (as defined by §23006 of the California Business and Professions Code). **(PD)**
 - h. Only samples provided by the business shall be allowed. **(PD)**
 - i. Tasting room in Suite 100b may only be open for customers while an employee is designated to work and monitor this suite. **(PD)**
 - j. There shall be no outdoor games or other activities allowed on site at any time.
3. The TUP for limited outdoor food service shall comply with the following:
- a. Food service shall only be permitted between the following hours: Monday through Thursday from 4:00 PM – 9:00 PM; Friday through Sunday from 12:00 PM (noon) – 9:00 PM.
 - b. Only one food service vehicle shall be allowed at any one time and any such vehicle shall be oriented toward the building or interior of the lot and not toward the public street.
 - c. There shall be no advertising for the outdoor food service allowed on the property at any time.
 - d. Overnight parking or storage of any food service vehicles is strictly prohibited.
 - e. The TUP for limited outdoor food service shall expire five (5) years from the date of approval. Limited outdoor food service shall cease at that time.
 - f. Unless otherwise provided herein, the limited outdoor food service shall comply with the all the provisions of Chapter 5.50 (Mobile Vending) of the Huntington Beach Municipal Code, including obtaining all appropriate licenses, permits and proper business registration for the food service operation.
4. Prior to use of the expanded tasting area, a covenant shall be recorded on the property limiting the uses on site. The legal instrument shall be submitted to the Community Development Department a minimum of 30 days prior to use of the expanded tasting area. A copy of the legal instrument shall be approved by the City Attorney as to form and content and, when approved, shall be recorded in the Office of the County Recorder. A copy of the recorded agreement shall be filed with the Community Development Department. The recorded agreement shall remain in effect in perpetuity, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach and reflect the following:
- a. As requested by the applicant and indicated on plans received and dated February 24, 2016, the following suites shall be restricted from operating during the following

hours: Monday through Thursday from 4:00 PM – 9:00 PM; Friday through Sunday from 12:00 PM (noon) – 9:00 PM.

- i. 18411 Gothard Street, Suite E
 - ii. 18411 Gothard Street, Suite F
5. CUP No. 16-011 and TUP No. 16-001 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.
 6. The Development Services Departments and Divisions (Community Development, Fire, 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.
 7. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/green-building-guidelines-rating>).

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.