



January 5, 2021

Station Crafts Inc.
1130 Via Callejon
San Clemente, CA 92673

**CITY OF DANA POINT
ADMINISTRATIVE PERMIT
AMENDMENT 1 to CUP19-0003(M)**

PROJECT APPLICANT: Station Crafts Inc.

PROPERTY OWNER: Vala Properties, LLC.

LOCATION: 34150 Pacific Coast Highway

REQUEST: A request to amend CUP19-0003(M), to establish a California Alcoholic Beverage Control (ABC) license for the sale and serving of beer, wine and distilled spirits for on-site consumption (Type 47), in association with a restaurant currently under construction, located at 34150 Pacific Coast Highway (PCH). The establishment will continue to hold a Type 23 ABC license which allows brewing, tasting and the sale of alcoholic beverages for both on- and off-site consumption.

ENVIRONMENTAL: The project is categorically exempt per Section 15301 of the CEQA Guidelines (Class 1 – Existing Facilities).

DETERMINATION: The Community Development Director hereby
_____ APPROVES
_____ DENIES
the requested ENTITLEMENT described herein subject to the attached findings and applicable conditions.

Brenda Wisneski, Director
Community Development Department

BACKGROUND/DISCUSSION:

- The subject site is located on Pacific Coast Highway (PCH) between El Encanto Avenue and Violet Lantern within the City's Town Center Mixed-Use District (TC-MU).
- The lot abuts retail and office businesses and a mixture of residential development to the north.
- The site contains a 6,410 square foot, two-story commercial building with surface parking which that is currently under construction to establish a new brewery/restaurant (Station Craft).
- In 2019, the City approved a Minor Conditional Use Permit (CUP19-0003(M)) to establish the brewing and tasting of beer on-site, and the sale of beer, wine and ciders for consumption, on- and off-site the manufacturer's licensed premises (California Alcoholic Beverage Control - ABC Type 21 License – Small Beer Manufacturer) in conjunction with a new restaurant (Station Craft) offering dine-in and take-out service.
- The subject application is a request to amend CUP19-0003(M), to include an additional ABC license for the sale and serving of beer, wine and distilled spirits for on-site consumption (Type 47).
- The restaurant will continue to operate with a Type 23 ABC license which allows brewing, tasting and the sale of alcoholic beverages for both on-and off site consumption.
- Pursuant to Section 9.07.040(b)(2) of the Dana Point Zoning Code (DPZC), a Minor Conditional Use Permit shall be required in order to establish an alcoholic beverage outlet when located within one hundred (100) feet of any area zoned or used for residential purposes.
- Since the applicant is proposing to establish an ABC Type 47 license (On-Sale General – Eating Place) in addition to their existing ABC Type 23 license (Small Beer Manufacturer) on a site less than 100 feet from a residential district, a CUP(M) is required.
- Aside from the addition of the Type 47 license, no other operations or conditions described in the original permit shall be modified.
- Therefore, staff recommends approval of Amendment 1 to CUP19-0003(M), subject to the attached findings and conditions of approval.

FINDINGS:

Amendment 1 to Minor Conditional Use Permit CUP19-0003(M)

- A) The proposed conditional use is consistent with the City of Dana Point General Plan and Town Center Plan (DPTCP) **in that the sale of beer, wine and distilled spirits for on-site consumption, in combination with establishment of a new dine-in and take-out restaurant on a single site promotes Goal 6, Policy 6.2 of the Land Use Element of the General Plan as well as Land Use Goal, Policy 1.2 of the DPTCP which together, aim to encourage retail businesses and mixtures of**

land uses that help to generate positive pedestrian activity within the Town Center area.

- B) The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other land use development features prescribed in the Dana Point Municipal Code (DPMC) and required in order to integrate the use with existing and planned uses in the vicinity **in that there is sufficient parking on-site to accommodate the proposed uses and no enlargement or expansions are being made beyond the perimeter of the existing building. Additionally, the proposed alcoholic beverage service areas and designated outdoor eating or drinking are designed to meet all ABC licensing provisions.**
- C) The proposed use will not be contrary to the public interest or injurious to nearby properties, and the spirit and intent of Section 9.07.040 (Alcoholic Beverage Outlets) of the DPMC will be observed **in that the proposal is to establish an additional ABC license type in combination with a previously approved restaurant that already has approval to manufacture and sell beer, wine and ciders (ABC Type 23 License). Customers will be able to purchase both alcoholic and non-alcoholic beverages and food items and consume them both on- and off-site. Additionally, pre-packaged craft beer will be available for purchase for off-site consumption only. Therefore, the new uses will not be contrary to the public interest or injurious to nearby properties.**
- D) The proposed use will not enlarge or encourage the development of a “skid row” area **in that the applicant proposes establish an additional ABC license to the previously approved restaurant which is currently under construction. The ABC license is proposed with a variety of uses inside of the remodeled building and the consumption of alcoholic beverages shall be limited to the ABC approved areas only. Therefore, the issuance of the ABC Type 47 license would not enlarge or encourage the development of a “skid row” area and serve public convenience or necessity.**
- E) The establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any other City program **in that the subject site and uses are not subject to any neighborhood conservation program, nor will it interfere with any other City program.**
- F) All applicable regulations of the zoning district in which the use is permitted will be observed **in that pursuant to the Land Use Matrix of the Town Center Plan, establishments which serve or sell alcohol, are conditionally permitted. Conditions of approval contained in this permit will ensure the proposed use will not result in adverse impacts to neighboring development. All proposed improvements will be subject to building permit approval to ensure all zoning developments standards are met.**

- G) The requirements of the California Environmental Quality Act have been satisfied in that the project qualifies as a **Class 1 (Section 15301 Existing Facilities) exemption pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) because the project involves the establishment of an alcoholic beverage outlet within an existing structure with only minor additions and improvements proposed.**

CONDITIONS OF APPROVAL:

The City of Dana Point hereby approves Amendment 1 to Minor Conditional Use Permit CUP19-0003(M) for the referenced project. This permit is valid subject to the following conditions of approval:

A. General:

1. Approval of this application shall amend CUP19-0003(M), to establish a California Alcoholic Beverage Control (ABC) license for the sale and serving of beer, wine and distilled spirits for on-site consumption (Type 47), in association with a restaurant currently under construction, located at 34150 Pacific Coast Highway (PCH). Subsequent changes to the approved scope-of-work shall be in substantial compliance with those plans presented to the Community Development Director, and in compliance with applicable provisions of the City of Dana Point General Plan and Municipal and Zoning Codes.
2. The application is approved as a plan for the location and design of the uses, structures, features, and materials shown on the approved plans. Any demolition beyond that described in the approved plans or any relocation, alteration, or addition to any use, structure, feature or material, not specifically approved by this application, will nullify this approving action. If any changes are proposed regarding the location or alteration to the appearance or use of any structure, an amendment to this permit shall be submitted for approval by the Director of Community Development. If the Director of Community Development determines that the proposed change complies with the provisions and the spirit and intent of this approval action, and that the action would have been the same for the amendment as for the approved plot plan, he may approve the amendment without requiring a new public hearing.
3. This discretionary permit(s) will become void two (2) years following the effective date of the approval if the privileges authorized are not implemented or utilized or, if construction work is involved, such work is not commenced with such two (2) year time period or; the Director of Community Development or the Planning Commission, as applicable grants an extension of time. Such time extensions shall be requested in writing by the applicant or authorized agent prior to the expiration of the initial two-year approval period, or any subsequently approved time extensions.
4. Failure to abide by and faithfully comply with any and all conditions attached to the granting of this permit shall constitute grounds for revocation of said permit.

5. The applicant or any successor-in-interest shall defend, indemnify, and hold harmless the City of Dana Point ("CITY"), its agents, officers, or employees from any claim, action, or proceeding against the CITY, its agents, officers, or employees to attack, set aside, void, or annul an approval or any other action of the CITY, its advisory agencies, appeal boards, or legislative body concerning the project. Applicant's duty to defend, indemnify and hold harmless the city shall include paying the CITY's attorney fees, costs and expenses incurred concerning the claim, action or proceeding.

The applicant or any successor-in-interest shall further protect, defend, indemnify and hold harmless the City, its officers, employees, and agents from any and all claims, actions or proceedings against the City, its officers, employees, or agents arising out of or resulting from negligence of the applicant or the applicant's agents, employees or contractors. Applicant's duty to defend, indemnify and hold harmless the City shall include paying the CITY's attorney fees, costs and expenses incurred concerning the claim, action, or proceeding.

The applicant shall also reimburse the City for City Attorney fees and costs associated with the review of the proposed project and any other related documentation.

6. The applicant and applicant's successors in interest shall be fully responsible for knowing and complying with all conditions of approval, including making known the conditions to City staff for future governmental permits or actions on the project site.
7. The applicant and applicant's successors in interest shall be responsible for payment of all applicable fees along with reimbursement for all City expense in ensuring compliance with these conditions.
8. The construction site shall be posted with signage indicating that construction not commence before 7:00 AM and must cease by 8:00 PM, Monday through Saturday. No construction activities shall be permitted on Sundays or Federal holidays.
9. The applicant shall obtain all applicable permits for the proposed improvements.
10. The applicant shall be responsible for coordination with water district, sewer district, SDG&E, AT&T California and Cox Communication Services for the provision of water, sewer, electric, telephone and cable television services.
11. There shall be no advertisement of alcoholic beverages outdoors, in windows, or at the front of the building.
12. The sale of alcoholic beverages for off-site consumption sized less than 12 ounces for beer & cider and 750 milliliters for wine is prohibited. Beer containers (bottle or can) shall not be sold individually, and shall be packaged for sale with no less than three (3) containers per item. Additionally, the sale for off-site consumption of single

40-ounce bottles are prohibited.

13. Any employee selling alcoholic beverages shall be 21 years of age or over and complete a Licensee Education on Alcohol and Drugs (LEAD) training program and receive a certificate prior to selling alcohol.
14. All proposed uses shall comply with the provisions of the City's Noise Ordinance at all times.
15. In order to reduce the noise caused by the clanking of bottles into trash/recycling containers at the close of business, all glass containers shall be properly disposed of after 7:00 A.M., the following day into appropriate trash/recycling bins.
16. Consumption of alcoholic beverages shall be prohibited anywhere except in the ABC approved tasting, service and consumption areas only. At no point may beer, wine or cider be consumed outside of the ABC approved areas on the subject site.
17. The ABC license holder/operator shall maintain, post, and enforce the current "Do Not Sell List" provided by the Orange County Sheriff Department.
18. There shall be appropriate and conspicuous postings of a notice inside the premises, indicating that consumption of alcohol outside the approved consumption areas is prohibited by law, except as may be permitted in the designated outdoor dining area. The notice shall be at least one and one-half (1.5) square feet in size.
19. No live entertainment is permitted unless approved through a separate Special Event Permit. A Special Event Permit shall be issued for any future activities which temporarily intensify the impacts (i.e., parking, traffic, noise, light and glare, etc.) of Station Crafts Inc.
20. The City shall maintain the option to reconsider the Conditional Use Permit (and conditions contained herein), at any time if the Community Development Director finds it necessary to re-evaluate impacts of the use on the surrounding community.
21. The owner/operator shall install "Good Neighbor" signage on the designated outdoor eating or drinking area and in and around entrances and exits from the establishment to remind patrons to be considerate of neighboring residential areas.
22. Deliveries and refuse collection shall be prohibited between the hours of 10:00 P.M. and 8:00 A.M. daily, unless otherwise approved by the Director of Community Development.
23. Verification of all conditions of approval are required by all City Departments.
24. All approvals from outside Departments and Agencies are required.

25. All applicable supplemental development impact fees shall be paid prior to building permit issuance.
26. The applicant shall contact the Planning Division to conduct an inspection of the completed project including compliance with all conditions and installation of alcoholic beverage consumption areas, "Good Neighbor" signage, prior to contacting the Building/Safety Division for final project sign-off.

DRAFT