

ATTACHMENT NO. 1

FINDINGS AND CONDITIONS OF APPROVAL

ENTITLEMENT PLAN AMENDMENT NO. 24-001

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 will allow for beer and wine service within an approved outdoor dining area and does not involve an expansion to an existing structure or an expansion in use.

FINDINGS FOR APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 24-001:

1. Entitlement Plan Amendment No. 24-001 to amend Conditional Use Permit No. 98-29 to allow the on-site sale, service, and consumption of beer and wine (ABC Type 23 license) within an approved 390 square foot outdoor dining patio area in conjunction with an approximately 4,700 square foot restaurant space 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 sale, service, and consumption of beer and wine is not anticipated to generate additional noise, traffic, parking or impacts detrimental to surrounding properties and is consistent with the subject property's commercial zoning. The site is located within an existing commercial shopping center and is surrounded by similar commercial uses to the east, west, and south. Residential uses to the north of the subject site are buffered from the existing building by a 6-foot-high perimeter block wall and are located approximately 125 feet away from the rear of the commercial suite. The storefront and entrance are oriented toward Pacific Coast Highway, away from nearby residences. The consumption of alcoholic beverages and will be contained within the 390 square foot delineated outdoor dining patio area and within the previously approved restaurant area.
2. Entitlement Plan Amendment No. 24-001 to allow the on-site sale, service, and consumption of beer and wine (ABC License Type 23) within an approved 390 square foot outdoor dining patio area in conjunction with an approximately 4,700 square foot restaurant space will not adversely affect the General Plan because it is consistent with the Land Use Element designation of CG (General Commercial) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

Goal LU-11: Commercial land uses provide goods and services to meet regional and local needs.

Policy LU-11 (A): Encourage a variety of commercial uses that cater to local and regional demand to create an environment that meets resident needs and increases the capture of sales tax revenues.

Policy LU-11 (B): Encourage new businesses to locate on existing vacant or underutilized commercial properties where these properties have good locations and accessibility.

Policy LU-13 (A): Encourage expansion of the range of goods and services provided to accommodate the needs of all residents and the market area. The requested entitlement amendment will accommodate an existing commercial development by allowing the on-site sale, service, and consumption of beer and wine within an approved outdoor dining patio area in conjunction with a permitted land use (restaurant). The proposed use will market its services to local residents thereby expanding the service-based commercial opportunities in the City.

The request will expand the range of goods and services provided in the area by permitting the ancillary sale of beer and wine in conjunction with an existing eating and drinking establishment in a safe manner for residents and customers from the surrounding area. The proposed establishment provides expanded goods and services to meet the needs of the area and will add to the capture of sales tax revenue. The proposed use is located at an existing restaurant within the Huntington Harbour Center near the northeast corner of Pacific Coast Highway and Warner Avenue.

3. The proposed Entitlement Plan Amendment No. 24-001 to amend Conditional Use Permit No. 98-29 to allow the on-site sale, service, and consumption of beer and wine (ABC License Type 23) within an approved 390 square foot outdoor dining area in conjunction with an existing approximately 4,700 square foot restaurant space 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 beer and wine sales within eating and drinking establishments are permitted subject to a Conditional Use Permit. The outdoor dining area and restaurant establishment are located within an existing commercial building, which conforms to applicable site development standards, including parking.

CONDITIONS OF APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 24-001:

1. The site and floor plan received and dated January 29, 2024, shall be the conceptually approved design.
2. The use shall comply with the following conditions:
 - a. The interior restaurant hours of operation shall be limited to 11:00 AM – 12:00 AM, daily and the patio hours shall be limited to 11:00 AM – 10:00 PM, daily.
 - b. The business shall obtain an Alcoholic Beverage Control (ABC) license authorizing alcohol use in the business. All ABC requirements shall be met prior to sales, service, or consumption of alcoholic beverages. **(PD)**
 - c. No reduced price or promotions of alcoholic beverages shall be allowed after 7:00PM. **(PD)**
 - d. No games or contests requiring or involving the consumption of alcoholic beverages shall be permitted. **(PD)**
 - e. Business must provide food service until one (1) hour before closing including a cook and food servers shall be on duty.

- f. Alcohol shall not be included in the price of admission to the business. **(PD)**
- g. All open alcohol shall remain within the alcohol business, including outdoor dining areas. **(PD)**
- h. 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 60 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)**
- i. Consumption of alcoholic beverages by on-duty employees and supervisory personnel is forbidden, except when training for knowledge of food pairing, if applicable. **(PD)**
- j. There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks. **(PD)**
- k. Last call for alcohol shall be at least 15 minutes before closing. **(PD)**
- l. There shall be no entertainment allowed without a valid Entertainment Permit issued by the Huntington Beach Police Department. **(PD)**
- m. Dancing is prohibited. **(PD)**
- n. Clearly legible signage shall be affixed inside the restaurant entrances/exits points which shall state "NO OPEN ALCOHOLIC BEVERAGES BEYOND THIS POINT." **(PD)**
- o. Signage, posters, and advertising with "Do Not Drink and Drive" shall be posted in the business. **(PD)**
- p. 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. Marquee sign with business name or logo is the exception. **(PD)**
- q. 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)**
- r. 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)**
- s. No patrons shall be permitted to loiter within the vicinity of any entrances and exits at any time. **(PD)**
- t. 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 clear, 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)**

- u. 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)**
 - v. The following conditions pertain to the outdoor dining patio:
 - i. No dining or consumption of alcoholic beverages will be permitted on the outdoor dining patio areas between the hours of 10:00 PM and 7:00 AM. **(PD)**
 - ii. An employee shall monitor the patio area when the patio area is being utilized for the sales, service, or consumption of alcoholic beverages. **(PD)**
 - iii. The outdoor dining patio area shall have a physical barrier of no less than 36 inches in height surrounding the outdoor dining areas and designed in a manner that will prohibit passing alcohol through the barrier. **(PD)**
 - iv. A sign shall be posted in a conspicuous space at the entrance/exit point of the patio, which shall state, "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT." **(PD)**
3. EPA No. 24-001 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.
 4. The applicant shall relocate the bicycle parking stand to be displaced by the outdoor dining area.
 5. 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.