

## **ATTACHMENT NO. 1**

### **SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL**

#### **CONDITIONAL USE PERMIT NO. 25-007**

#### **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 15301 of the CEQA Guidelines because the project will allow for beer and wine service within an approximately 5,200 sq. ft. outdoor dining area with full table service in conjunction with an existing eating and drinking establishment; and the project does not involve an expansion to an existing structure.

#### **SUGGESTED FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 25-007:**

1. Conditional Use Permit No. 25-007 to allow the sales, service, and consumption of beer and wine (ABC License Type 41) within a proposed approximately 5,200 sq. ft. outdoor dining area for an eating and drinking establishment with full table service at the Huntington Beach Sports 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 because the use is located within an existing open space park setting. The use is primarily an eating and drinking establishment and the request for alcohol service is ancillary to the primary use. The establishment of a restaurant with service of beer and wine sales will benefit and serve the surrounding area by providing a new service and all operations associated with the proposed use will occur within the delineated outdoor dining area. Although the requested use is proposed to take place within a public park setting, the outdoor patio dining area will be provided with a fence barrier, and a condition has been placed that no alcoholic beverages shall be consumed on any property adjacent to the licensed premises and must be consumed within the demarcated eating establishment's patio dining area. The sale, service and consumption of beer and wine within the proposed outdoor dining area is not anticipated to generate additional noise, traffic, or impacts above existing conditions. Furthermore, the eating and drinking establishment is oriented on the east side of Goldenwest Street between Talbert Avenue and Ellis Avenue, with the outdoor dining patio facing existing baseball fields two and three, with the closest residences located over 450 ft. to the south.
2. The granting of Conditional Use Permit No. 25-007 to allow the sales, service, and consumption of beer and wine (ABC License Type 41) within a proposed approximately 5,200 sq. ft. outdoor dining area for an eating and drinking establishment with full table service at the Huntington Beach Sports Complex will not adversely affect the General Plan because it is consistent with the Land Use Element designation of OS-P (Open Space – Park) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

#### *Land Use Element*

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.

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

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.

Goal LU-14: Huntington Beach continues to attract visitors and provides a variety of attractions and accommodations during their stay.

Policy LU-14 (B): Encourage both coastal and inland visitor serving uses to offer a wide spectrum of opportunities for residents and visitors.

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 eating and drinking establishment in a safe manner for residents and customers from the surrounding area. The 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 within an existing eating and drinking establishment within an existing park area situated within the Huntington Beach Sports Complex area on the east side of Goldenwest Street between Talbert Avenue and Ellis Avenue with adequate accessibility.

3. The granting of Conditional Use Permit No. 25-007 to allow the sales, service, and consumption of beer and wine (ABC License Type 41) within a proposed approximately 5,200 sq. ft. outdoor dining area for an eating and drinking establishment with full table service at the Huntington Beach Sports 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 (HBZSO) because beer and wine sales within eating and drinking establishments with full table service are permitted subject to a Conditional Use Permit within the Open Space – Parks and Recreation Subdistrict. The proposed outdoor patio dining area will be located within the premises of an existing eating and drinking establishment building, which conforms to applicable site development standards, including parking.

#### **SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 25-007:**

1. The site and floor plan received and dated April 22, 2025, shall be the conceptually approved design with the following modifications:
  - a. Site plan shall be updated to provide a barrier allowing for independent access to restrooms without entering the outdoor dining area. **(DRB)**
  - b. Designate a customer walk up window to provide fast service for non-alcohol related items for take-out only. **(DRB)**
2. Applicant shall provide full table service for outdoor dining patio area during operational hours. (HBZSO Sec 213.06)
3. All alcoholic beverages shall be ordered from the dining table only and delivered to guests by service staff.
4. All dine-in guests shall order food and beverage items from their table and shall be delivered by service staff.

5. The business shall obtain an Alcohol Beverage Control (ABC) license authorizing alcohol use in the business and outdoor patio. All ABC requirements shall be met prior to sales, service, or consumption of alcoholic beverages. **(PD)**
6. All areas of the alcohol business that are accessible to patrons shall be illuminated such that the appearance and conduct of all people in the alcohol business are visible from inside the alcohol business. **(PD)**
7. Food service from the regular menu must be available to patrons up to one hour before the scheduled closing time, including a cook and food servers shall be on duty. **(PD)**
8. An employee of the alcohol business must monitor all areas where alcohol is served. **(PD)**
9. Alcoholic drinks shall not be included in the price of admission. **(PD)**
10. All alcohol shall remain within alcohol business premises, including outdoor dining area. **(PD)**
11. Service of alcoholic beverages for consumption off-site shall not be permitted. **(PD)**
12. There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks. **(PD)**
13. Games or contests requiring or involving consumption of alcoholic beverages shall be prohibited. **(PD)**
14. No reduced price or promotions of alcoholic beverages shall be allowed after 7:00 p.m. **(PD)**
15. Last call for drinks shall be no later than 15 minutes before closing. **(PD)**
16. Mandatory Responsible Beverage Service (RBS) training and certification 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 and records of the training must be maintained on-site for review. **(PD)**
17. All owners, employees, representatives, and agents must obey all federal, state, and local laws. In addition, all conditions of the Conditional Use Permit, Alcoholic Beverage Control License and any other regulations, provisions, or restrictions prescribed by an agency with jurisdiction over the premises are required as part of the CUP to be followed. **(PD)**
18. 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 camera's minimum requirements will be: clear, color, digital and able to record in low light. The business shall ensure all public areas surrounding the business, including entrances and exits, 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)**
19. 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. Exclusion: Itemized alcoholic beverage items listed on menu boards that are permanently affixed to the interior or exterior of the building are allowed. **(PD)**

20. Signage, posters, and advertising with "Do Not Drink and Drive" shall be posted in the outdoor dining areas. **(PD)**
21. Signs shall be posted in a conspicuous space at the entrance/exit of the outdoor dining area which shall state, "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT." **(PD)**
22. Dancing and/or dance floor and/or live entertainment is prohibited. (Note: a new or amended Conditional Use Permit and an Entertainment Permit issued by the City is required for these additional activities). **(PD)**
23. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee. **(PD)**
24. The patio shall have a physical barrier of a minimum of 36 inches in height surrounding the outdoor dining area. **(PD)**
25. No dining or consumption of alcoholic beverages shall be permitted in the outdoor patio areas between the hours of 10:00 PM and 7:00 AM. **(PD)**
26. CUP No. 25-007 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.
27. 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.