

## **ATTACHMENT NO. 1**

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

#### **ENTITLEMENT PLAN AMENDMENT NO. 25-001**

##### **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 consists of negligible or no expansion of an existing structure.

##### **SUGGESTED FINDINGS FOR APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 25-001:**

1. Entitlement Plan Amendment No. 25-001 to amend Conditional Use Permit No. 19-002 and Entitlement Plan Amendment No. 19-012 to modify the ABC license from a Type 41 to Type 47 allowing the on-site sale, service, and consumption of alcohol and to modify the hours of operation of the existing 6,955 sq. ft. restaurant and 545 sq. ft. outdoor patio 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 commercial center with other similar uses. The existing restaurant was previously approved for a Type 41 ABC license and the request is to modify the alcohol license to a Type 47. The upgraded ABC Type 47 license will allow the restaurant to serve distilled spirits in conjunction with beer and wine alcohol sales to better serve customers. The expanded hours of operation for the restaurant and patio are not anticipated to generate additional noise, traffic, or impacts above existing conditions. The restaurant storefront and the outdoor patio are both oriented toward Yorktown Ave, a major street, and oriented away from the nearest residential use (approximately 150 ft. away). In addition, the sale, service, and consumption of beer, wine, and distilled spirit beverages will be contained within the 6,955 sq. ft. restaurant and 545 sq. ft. outdoor patio area.
2. The granting of Entitlement Plan Amendment No. 25-001 to amend Conditional Use Permit No. 19-002 and Entitlement Plan Amendment No. 19-012 to modify the ABC license from a Type 41 to Type 47 allowing the on-site sale, service, and consumption of alcohol and to modify the hours of operation of the existing 6,955 sq. ft. restaurant and 545 sq. ft. outdoor patio will not adversely affect the General Plan because it is consistent with the Land Use Element designation of CN (Commercial Neighborhood) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

##### **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-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, wine and distilled spirits within an approved restaurant in conjunction with a permitted outdoor dining patio area. The proposed use with modified hours of operation will market its services to local residents and other customers 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, wine and distilled spirits in conjunction with an existing eating and drinking establishment in a safe manner for residents and customers from the surrounding area. The proposed modification of the ABC license from a Type 41 to a Type 47 and modification of the hours of operation provides expanded goods and services to meet the needs of the area and will add to the capture of sales tax revenue.

3. Entitlement Plan Amendment No. 25-001 to amend Conditional Use Permit No. 19-002 and Entitlement Plan Amendment No. 19-012 to modify the ABC license from a Type 41 to Type 47 allowing the on-site sale, service, and consumption of alcohol and to modify the hours of operation of the existing 6,955 sq. ft. restaurant and 545 sq. ft. outdoor patio 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 the request is permitted within the CG (Commercial General) zoning district pursuant to Sections 211.04 and 241.18 of the HBZSO. The existing establishment is located within an existing commercial center, which conforms to applicable site development standards, including parking.

**SUGGESTED CONDITIONS OF APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 25-001:**

1. The site plan, floor plans, and elevations received and dated April 1, 2025, shall be the conceptually approved design.
2. The use shall comply with the following:
  - a. The hours of operation shall be limited to the following:
    - i. Monday – Sunday: (Inside Restaurant): 7:00 AM – 12:00 AM
    - ii. Monday – Sunday (Outdoor Patio): 7:00 AM – 10:00 PM
  - 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 carryout alcohol sales shall be permitted. All alcoholic beverages shall be consumed within the restaurant. **(PD)**
  - d. 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 who shall be on duty. **(PD)**

- e. An employee of the alcohol business must monitor all areas where alcohol is served. **(PD)**
- f. No reduced price or promotions of alcoholic beverages shall be allowed after 7:00PM. **(PD)**
- g. Games or contests requiring or involving the consumption of alcoholic beverages are prohibited. **(PD)**
- h. 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)**
- 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. 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 services.) **(PD)**
- k. Clearly legible signage shall be affixed inside the restaurant entrances/exits points which shall state "NO OPEN ALCOHOLIC BEVERAGES BEYOND THIS POINT." **(PD)**
- l. Signage, posters, and advertising with "Do Not Drink and Drive" shall be posted in the business. **(PD)**
- m. 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)**
- n. 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)**
- o. 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)**
- p. 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, 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)**
- q. 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)**

- r. The following conditions pertain to the outdoor patio:
  - i. 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)**
  - ii. The patio shall have a physical barrier minimum 36 inches in height surrounding the outdoor dining area and designed in a manner that will prohibit passing of alcohol through the barrier. **(PD)**
  - iii. 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 daily. **(PD)**
- 3. Entitlement Plan Amendment No. 25-001 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 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.