

## **ATTACHMENT NO. 1**

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

#### **ENTITLEMENT PLAN AMENDMENT NO. 25-002**

#### **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 approved outdoor dining area and does not involve an expansion to an existing structure or an expansion in use.

#### **SUGGESTED FINDINGS FOR APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 25-002:**

1. Entitlement Plan Amendment No. 25-002 to modify CUP 2011-018 to allow instructional tastings of beer, wine, and distilled spirits (ABC Type 86 License) at an existing retail store 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 instructional tasting of beer, wine, and distilled spirits is not anticipated to generate additional noise, traffic, parking or impacts detrimental to surrounding properties and is consistent with the subject property's zoning designation. The proposed instructional tasting area will occupy approximately 120 sq. ft. in size within the existing sales floor area and will be compatible with surrounding uses because the proposed use takes place within an existing building located within an existing commercial center. The proposed use is surrounded by commercial, office, and restaurant uses; and the nearest sensitive use (multi-family residential) is approximately 380 feet east of the subject building. The proposed use will be required to comply with conditions of approval pertaining to operation to ensure that any potential impacts to the surrounding properties are minimized. The limited onsite instructional tastings is conditioned to take place within a demarcated area within the existing building and is intended to educate consumers of alcoholic beverages.
2. Entitlement Plan Amendment No. 25-002 to modify CUP 2011-018 to allow instructional tastings of beer, wine, and distilled spirits (ABC Type 86 License) at an existing retail store will not adversely affect the General Plan because it is consistent with the Land Use Element designation of M-sp-d (Mixed Use – specific plan – design overlay) 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 instructional tasting of beer, wine, and distilled spirits in conjunction with an existing retail store 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 increases the economic viability of the commercial center by offering sales and education of alcoholic beverages. The proposed use will continue to market its services to local residents and residents in the surrounding region thereby expanding the service-based commercial opportunities in the City.

3. The proposed Entitlement Plan Amendment 25-002 to modify CUP 2011-018 to allow instructional tastings of beer, wine, and distilled spirits (ABC Type 86 License) at an existing retail store will comply with the provisions of the Beach and Edinger Corridors Specific Plan, and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) because instructional tastings of alcohol is ancillary to the primary use and is permitted subject to a the modification of the Conditional Use Permit 2011-018. The instructional tasting area is located within an existing commercial store, occupying an area of approximately 120 square feet within the existing sales floor.

**SUGGESTED CONDITIONS OF APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 25-002:**

1. The site and floor plan received and dated April 23, 2025, shall be the conceptually approved design.
2. The use shall comply with the following conditions:
  - a. Prior to allowing instructional tasting of beer, wine and distilled spirits, the business shall obtain an ABC License Type 86. (PD)
  - b. No games or contests requiring or involving the consumption of alcoholic beverages shall be permitted. (PD)
  - c. 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 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)

- d. Consumption of alcoholic beverages by on-duty employees and supervisory personnel is forbidden. (PD)
- e. An employee of the establishment must monitor all areas where alcohol is served. (PD)
- f. Proof of minimum age (21) verification shall be required prior to an individual entering the instructional tasting area. (PD)
- g. Service of alcoholic beverages for consumption shall not be permitted outside of the approved use permit and ABC licensed tasting areas. (PD)
- h. A sign shall be posted in a conspicuous space at the exit point of the tasting area which shall state "NO OPEN ALCOHOLIC BEVERAGES BEYOND THIS POINT." (PD)
- i. The tasting areas shall be demarcated by a stanchioned or other significant barrier. (PD)
- j. There must be a sign located at the entry of the tasting area that states only individuals 21 and over are permitted within the tasting area. (PD)
- k. Signage, posters, and advertising with "Do Not Drink and Drive" shall be posted in the business. (PD)
- l. All areas where the sales, service, and consumption of alcoholic beverages are permitted must be sufficiently illuminated to permit the identification of patrons. (PD)
- m. 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)
- n. 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: 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)

- o. 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)
- 3. EPA No. 25-002 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.