

## **ATTACHMENT NO. 1**

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

#### **CONDITIONAL USE PERMIT NO. 21-012**

#### **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.

#### **FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 21-012:**

1. Conditional Use Permit No. 21-012 to permit the sales, service, and consumption of beer and wine within a new 1,948 eating and drinking establishment 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 building with other similar uses. The use is primarily a restaurant and the request for beer and wine is ancillary to the primary use. The additional service of beer and wine sales will benefit and serve the other uses in the coastal commercial area as well as the residential uses in the vicinity. The restaurant is not anticipated to generate additional noise, traffic, or impacts above existing conditions. The commercial storefront is oriented south, facing an existing parking lot, and is approximately 225 linear feet from the nearest residence to the east. Additionally, no live entertainment or outdoor dining is proposed and the sale, service, and consumption of beer and wine will be contained within the 1,948 sq. ft. eating and drinking establishment.
2. The granting of Conditional Use Permit No. 21-012 to permit the sale, service, and consumption of beer and wine (ABC License Type 41) within a new 1,948 sq. ft. eating and drinking establishment will not adversely affect the General Plan because it is consistent with the Land Use Element designation of CV (Commercial Visitor) 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.

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 a proposed 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 in a vacant suite

within an existing commercial building and is located within the Peter's Landing commercial center with adequate accessibility.

3. Conditional Use Permit No. 21-012 to permit the sale, service, and consumption of beer and wine (ABC License Type 41) within a 1,948 sq. ft. eating and drinking establishment 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 proposed eating and drinking establishment with beer and wine sales is permitted subject to a Conditional Use Permit within the Commercial Visitor zone pursuant to HBZSO Section 211.04. The proposed establishment will be located within an existing commercial building, which conforms to applicable site development standards, including parking.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 21-012:**

1. The site plan, floor plans, and elevations received and dated August 10, 2021 shall be the conceptually approved design, with the following modification: The colors and materials of the outdoor dining barrier shall be complimentary to the colors and materials of the existing commercial building.
2. The use shall comply with the following conditions:
  - a. Hours of operation shall be from 11 AM to 10 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 carryout alcohol sales shall be permitted. All alcoholic beverages shall be consumed within the restaurant. **(PD)**
  - d. No reduced price or promotions of alcoholic beverages shall be allowed after 7:00 PM. **(PD)**
  - e. No games or contests requiring or involving the consumption of alcoholic beverages shall be permitted. **(PD)**
  - f. All employees engaged in the sale or service of alcohol shall complete mandatory Responsible Beverages 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)**
  - g. Consumption of alcoholic beverages by on-duty employees and supervisory personnel is forbidden, except when training for knowledge of food pairing, if applicable. **(PD)**
  - h. There shall be no entertainment allowed without a valid Entertainment Permit issued by the Huntington Beach Police Department. **(PD)**
  - i. Dancing is prohibited unless a new or amended Conditional Use Permit and an Entertainment Permit is issued by the City. **(PD)**

- j. Clearly legible signage shall be affixed inside the restaurant entrances/exit points which shall state "NO OPEN ALCOHOLIC BEVERAGES BEYOND THIS POINT". **(PD)**
  - k. Signage, posters, and advertising with "Do Not Drink and Drive" shall be posted in the business. **(PD)**
  - l. 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)**
  - m. All areas where the sales, service, or consumption of alcoholic beverages will be permitted must be sufficiently illuminated to permit the identification of patrons. **(PD)**
  - n. 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)**
  - o. 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)**
  - p. 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 premises at all times. **(PD)**
3. CUP No. 21-012 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.