

## ATTACHMENT NO. 1

### SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

#### CONDITIONAL USE PERMIT NO. 25-027

##### SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission 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, Class 1 – Existing Facilities of the CEQA Guidelines, because the project involves negligible or no expansion of the existing use and structure.

##### SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 25-027:

1. Conditional Use Permit No. 25-027 to permit the onsite sale, service, and consumption of alcohol (ABC Type 48 License) within an approved approximately 1,250 sq. ft. eating and drinking establishment in the Beach and Edinger Corridors Specific Plan (BECSP) zoning 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 proposed use is located within an existing commercial center with other similar uses. The sale, service, and consumption of alcohol provides an additional service to the community and surrounding regional area which will benefit and serve customers within the community and the surrounding regional area. The eating and drinking establishment is not anticipated to generate additional noise, traffic, or other impacts above existing conditions. The BECSP and General Plan land use designation anticipated eating and drinking establishment uses with alcohol service, sale and consumption in this area. The request for alcohol is an upgrade to an existing eating and drinking establishment use and will serve to augment the overall customer experience. Furthermore, the consumption of alcoholic beverages will be contained within the building's interior only and will not generate detrimental impacts onto surrounding properties. The nearest residential use is approximately 70 ft. to the east of the subject site and is buffered by the building, drive aisle, and block wall. The use will be required to comply with conditions of approval pertaining to alcohol service and operation to assure that any potential impacts to the surrounding properties are minimized.
2. The granting of Conditional Use Permit No. 25-027 to permit the onsite sale, service, and consumption of alcohol (ABC Type 48 License) within an approved approximately 1,250 sq. ft. eating and drinking establishment will not adversely affect the General Plan because it is consistent with the Land Use Element designation of M-sp (Mixed Use – Specific Plan Overlay) on the subject property. In addition, it is consistent with the following goals, policies, and objectives of the City's General Plan as follows:

##### 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 request will expand the range of goods and services provided in the area by permitting the upgrade from the on-site sales, service and consumption of beer and wine only to full alcohol within an existing approximately 1,250 sq. ft. eating and drinking establishment. The use will operate in a safe manner for residents and customers from the surrounding area because the hours of operation and business functions will remain the same and be contained within the interior of the building. Conditions have been added to the request which limit the use and manner in which alcohol may be sold and consumed to ensure the proposed will be compatible with the surrounding neighborhood while providing a service that will meet the needs of the community and increase sales tax revenue.

3. The granting of Conditional Use Permit No. 25-027 to permit the onsite sale, service, and consumption of alcohol (ABC Type 48 License) within an approved approximately 1,250 sq. ft. eating and drinking establishment will comply with the Town Center Boulevard Segment of the BECSP, and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) because the BECSP allows eating and drinking establishments with alcohol service subject to approval of a Conditional Use Permit. The General Plan land use designation and the BECSP anticipated restaurant uses with alcohol service, sale and consumption in this area. The request for alcohol is an upgrade to an existing eating and drinking establishment and will serve to augment the overall customer experience. The proposed use will comply with all building occupancy/exiting requirements.

**SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 25-027:**

1. The plans received and dated December 2, 2025, and narrative received and dated January 6, 2026, shall be the conceptually approved design.
2. The use shall comply with the following:
  - a. The hours of operation shall be limited to:
    - i. 12:00 PM to 12:00 AM, Sunday through Thursday
    - ii. 12:00 PM to 2:00 AM, Friday and Saturday.
  - b. The Police Department shall conduct a formal review of the business one year after approval of this CUP to verify compliance with all conditions of approval and performance standards. Based on the findings of this review, the City may require corrective actions, impose additional conditions, or initiate modification or revocation proceedings if warranted. **(PD)**
  - c. Performance standards for this CUP shall be based on measurable increases in law enforcement, code enforcement, or emergency service activity reasonably attributable to the operation of the use. An increase of twenty-five percent (25%) or more in calls for service, DUI related incidents, nuisance violations, or similar enforcement activity over any twelve-month period may result in modification or revocation of the permit. **(PD)**
  - d. The business is encouraged to provide prepackaged food or snacks for patron consumption as a measure to support responsible alcohol service and protect the health and safety of the public. **(PD)**

- e. 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)**
- f. The front and rear parking lots and area of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the area. **(PD)**
- g. An employee of the alcohol business must monitor all areas where alcohol is served. **(PD)**
- h. Alcoholic drinks shall not be included in the price of admission. **(PD)**
- i. All alcohol shall remain within alcohol business premises. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee. **(PD)**
- j. Service of alcoholic beverages for consumption off-site shall not be permitted. **(PD)**
- k. There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks. **(PD)**
- l. Games or contests requiring or involving consumption of alcoholic beverages shall be prohibited. **(PD)**
- m. No reduced price or promotions of alcoholic beverages shall be allowed after 7:00 p.m. **(PD)**
- n. Last call for drinks shall be no later than 15 minutes before closing. **(PD)**
- o. Each individual patron shall only be served one standard single-sized alcoholic beverage at a time after midnight. **(PD)**
- p. Consumption of alcoholic beverages by on-duty employees, including servers, bartenders, kitchen staff, management and supervisory personnel is not permitted. **(PD)**
- q. 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)**
- r. 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 premise are required as part of the CUP to be followed. **(PD)**
- s. No patrons shall be permitted to loiter within the vicinity of any entrances and exits at any time. Loitering is prohibited on or around the premises or the area under the control of the licensee. **(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 camera's

minimum requirements shall 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. 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. There shall be no window coverings or advertisements that reduce the visibility inside of the business. **(PD)**
  - v. There shall be no window coverings or advertisements that reduce the visibility inside of the business. **(PD)**
  - w. Signage, posters, and advertising with "Do Not Drink and Drive" shall be posted in the business. **(PD)**
  - x. Signs shall be posted in a conspicuous space at the entrance/exit of the establishment which shall state, "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT." **(PD)**
  - y. 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)**
  - z. If approved to be open past midnight, there shall be a minimum of two identifiable security employees on the premises every Thursday, Friday, and Saturday from 8:00 pm to 2:30 am to control crowds, monitor customers and ensure doors remain closed. **(PD)**
  - aa. The rear doors of the premises shall be equipped on the inside with either a manual or automatic locking device and shall be kept closed between the hours of 5:00 p.m. and 2:00 a.m. of the following day, except in cases of emergency and/or deliveries to the premises, and shall not be used as a means of access by patrons to and from the premises. **(PD)**
3. Prior to submittal of the building permits, zoning entitlement conditions of approval shall be printed verbatim on one of first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical, and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12-point.
  4. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
  5. Conditional Use Permit No. 25-027 shall become null and void unless exercised within two (2) 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 of 30 days prior to the expiration date.

6. The Zoning Administrator reserves the right to revoke Conditional Use Permit No. 25-027 pursuant to a public hearing for revocation, if any violation of the conditions of approval, Huntington Beach Zoning and Subdivision Ordinance, or Municipal Code occurs.
7. The Development Services Departments (Community Development, Fire, 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 Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission 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.