

ATTACHMENT NO. 1

FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 22-031

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 in a vacant space formerly used as a restaurant that will again be used as a restaurant; the project does not involve an expansion to an existing structure or an expansion in use.

FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 22-031:

1. Conditional Use Permit No. 22-031 to allow the on-site sale, service, and consumption of beer and wine (ABC License Type 41) within an existing approximately 2,540 sq. ft. restaurant space and associated 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 use is primarily a restaurant and the request for alcohol service is ancillary to the primary use. The establishment of a restaurant and additional service of beer and wine sales will benefit and serve the other commercial and residential uses in this area of Beach and Edinger Corridors Specific Plan. No live entertainment is proposed as part of this request and all operations associated with the proposed restaurant will occur within the interior of the restaurant and within the existing outdoor patio. The sale, service and consumption of beer and wine within is not anticipated to generate additional noise, traffic, or impacts above existing conditions. Furthermore, the restaurant is oriented east, facing the existing surface parking lot, with the closest residence located over 150 feet to the west.
2. The granting of Conditional Use Permit No. 22-031 to allow the on-site sale, service, and consumption of beer and wine (ABC License Type 41) within an existing approximately 2,540 sq. ft. restaurant space and associated outdoor patio 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 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 an 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 within a vacant building within an existing commercial center that is situated adjacent to the corner of two primary streets within the Beach Edinger Corridor Specific Plan area with adequate accessibility.

3. The granting of Conditional Use Permit No. 22-031 to allow the on-site sale, service, and consumption of beer and wine (ABC License Type 41) within an existing approximately 2,540 sq. ft. restaurant space and associated 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 beer and wine sales within eating and drinking establishments are permitted subject to a Conditional Use Permit within the Neighborhood Segment Boulevard Segment of the Beach and Edinger Corridors Specific Plan (SP 14). The proposed restaurant 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. 22-031:

1. The site and floor plan received and dated September 26, 2022 shall be the conceptually approved design.
2. The use shall comply with the following conditions:
 - a. The daily hours of operation shall be limited to:
 - i. Restaurant: 7:00 a.m. to 10:00 p.m.
 - ii. Outdoor Patio: 7:00 a.m. to 10:00 p.m.
3. 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)**
4. 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)**
5. 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)**
6. An employee of the alcohol business must monitor all areas where alcohol is served. **(PD)**
7. Alcoholic drinks shall not be included in the price of admission. **(PD)**
8. All alcohol shall remain within alcohol business premises, including outdoor dining area. **(PD)**
9. Service of alcoholic beverages for consumption off-site shall not be permitted. **(PD)**
10. There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks. **(PD)**

11. Games or contests requiring or involving consumption of alcoholic beverages shall be prohibited. **(PD)**
12. No reduced price or promotions of alcoholic beverages shall be allowed after 7:00 p.m. **(PD)**
13. Last call for drinks shall be no later than 15 minutes before closing. **(PD)**
14. Consumption of alcoholic beverages by on-duty employees; including servers, bartenders, kitchen staff, management and supervisory personnel is not permitted, except when training for knowledge of food pairing. **(PD)**
15. 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)**
16. 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)**
17. No patrons shall be permitted to loiter within the vicinity of any entrances and exits at any time. **(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 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)**
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. **(PD)**
20. There shall be no window coverings or advertisements that reduce the visibility inside of the business. Signage, posters, and advertising with, "Do Not Drink and Drive" shall be posted in the business. **(PD)**
21. Signs shall be posted in a conspicuous space at the entrance/exit of the restaurant 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. 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)
24. 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)
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. 22-031 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.