

ATTACHMENT NO. 1

FINDINGS AND CONDITIONS OF APPROVAL

ENTITLEMENT PLAN AMENDMENT NO. 22-010

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, Class 1 – *Existing Facilities* of the CEQA Guidelines because the project involved the operation and permitting of an existing development involving negligible expansion of the use and structure.

FINDINGS FOR APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 22-010:

1. Entitlement Plan Amendment No. 22-010 to amend Conditional Use Permit No. 09-026 to permit the establishment of live entertainment, consisting of karaoke and a single acoustic musician, within a 1,200 sq. ft. existing restaurant 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 restaurant is located within an existing multi-tenant shopping center that consists of similar commercial uses such as fitness studios, restaurants, retail shops, and a grocery store. The proposed live entertainment is located within the interior of the restaurant only. As depicted on the floor plan, the tenant space is oriented south towards the shopping center parking lot, away from the nearest residential properties. The closest residential dwelling is approximately 50 ft. from the subject building and is separated by an existing alley. Additionally, the restrooms and kitchen area, both located within the rear of the restaurant, will provide an additional noise buffer between the live entertainment area and the northerly exterior of the restaurant. Furthermore, the live entertainment is ancillary to the primary use of the restaurant and will not generate significant negative impacts related to noise, safety, and traffic. Because the restaurant is also allowed to serve alcohol under the previous Conditional Use Permit issued at this tenant space, conditions have been added to minimize the potential impacts associated to the overall restaurant use.
2. Entitlement Plan Amendment No. 22-010 to amend Conditional Use Permit No. 09-026 to permit the establishment of live entertainment, consisting of karaoke and a single acoustic musician, within a 1,200 sq. ft. existing restaurant will not adversely affect the General Plan because it is consistent with the Land Use Element designation of the Commercial General (CG) zone 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.

The requested entitlement amendment will accommodate an existing commercial development by allowing the addition of live entertainment to 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 restaurant is located in an existing shopping center, which includes service related uses.

B. Noise Element

Goal N-1: Noise-sensitive land uses are protected in areas with acceptable noise levels.

Policy N-1(A): Maintain acceptable stationary noise levels at existing noise-sensitive land uses such as schools, residential areas, and open spaces.

The proposed live entertainment is ancillary to the restaurant use and will enhance the restaurant atmosphere and dining experience. Based upon the placement of the live entertainment area on the floor plan, any associated music and noise generated by the karaoke or acoustic musician are anticipated to travel south towards the parking lot, and away from the residences to the north. The back kitchen and restroom areas provide an additional buffer between the live entertainment area and noise-sensitive uses to the north of the site. The added use will be subject to noise regulations to ensure compatibility with surrounding uses.

3. The proposed Entitlement Plan Amendment No. 22-010 to amend Conditional Use Permit No. 09-026 to permit the establishment of live entertainment consisting of karaoke and a single acoustic musician within the existing 1,200 sq. ft. restaurant 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 HBZSO allows eating and drinking establishments with live entertainment subject to review and approval of a Conditional Use Permit by the Zoning Administrator. The existing restaurant currently operates with a Conditional Use Permit to permit the sale of alcoholic beverages for onsite consumption; therefore, the Entitlement Plan Amendment is required to encompass the use of live entertainment as well.

CONDITIONS OF APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 22-010:

1. The site plan, floor plans, and elevations received and dated January 13, 2023 shall be the conceptually approved layout.
2. The use shall comply with the following conditions:
 - a. The hours of operation for the establishment shall be limited to 9:30 a.m. to 2:00 a.m., daily. Hours of live entertainment shall be limited to 8:00 p.m. to 12:00 a.m., daily.

- b. Live entertainment is limited to karaoke and a single acoustic musician. Dancing shall be prohibited.
- c. The rear doors shall be used by employees only, except in emergency.
- d. Prior to commencing live entertainment activities, an Entertainment Permit shall be obtained from the Police Department. All conditions in the Entertainment Permit shall be adhered to. **(PD)**
- e. The businesses 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)**
- f. No new customers shall be permitted to enter the alcohol business 30 minutes before closing. **(PD)**
- g. 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 businesses. **(PD)**
- h. 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)**
- i. An employee of the establishment must monitor all areas where alcohol is served. **(PD)**
- j. Alcoholic drinks shall not be included in the price of admission. **(PD)**
- k. All alcohol shall remain within the alcohol business premises. **(PD)**
- l. Service of alcoholic beverages for consumption off-site shall not be permitted. **(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 on standard single-sized alcoholic beverages 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 forbidden. **(PD)**
- q. 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 60 days of being hired and for existing employees every 36 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)**
- r. 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)**

- s. No patrons shall be permitted to loiter within the vicinity of any entrances and exits at any time. **(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 cameras minimum requirements will be: clear, color, digital, and able to record in low light. The business shall ensure all public areas, doors, parking areas surrounding entrances and exits of premise 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. No games or contests requiring or involving the consumption of alcoholic beverages shall be permitted. **(PD)**
 - v. 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)**
 - 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 restaurant which shall state, "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT." **(PD)**
 - y. 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. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition. **(PD)**
 - z. 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, doors, parking areas surrounding entrances and exits of premise 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)**
3. Entitlement Plan Amendment No. 22-010 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 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. The establishment's operation of live entertainment of karaoke and single acoustic musician shall comply with declared noise standards. **(Municipal Code §8.40)**
6. The Zoning Administrator reserves the right to revoke Entitlement Plan Amendment 22-010 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. **(HBZSO 249.06)**
7. 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.