

ATTACHMENT NO. 1

FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 18-045

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 15303 of the CEQA Guidelines, because the project involves the construction of a new commercial building not exceeding 10,000 sq. ft. in floor area in an urbanized area with all necessary public services and facilities.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 18-045:

1. Conditional Use Permit No. 18-045 to permit the construction of a 3,232 sq. ft. eating and drinking establishment with drive-thru, 251 sq. ft. of outdoor dining, and a 16 space parking reduction associated with the proposed use within an existing multi-tenant commercial center 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 project will not significantly impact nearby sensitive land uses as the project fronts Adams Ave. and a parking lot to the east. Additionally, the site is surrounded by similar commercial uses to the north, south, east, and west. The nearest residential use is located approximately 250 ft. to the east and is buffered by a parking lot, and other buildings within the commercial center. The outdoor dining area will be enclosed by a 3 ft. wrought iron rail. Adequate automobile drive-through queuing will be provided and potential impacts to on-site and off-site circulation are not anticipated. A pedestrian pathway will be added along Adams Ave. to provide additional pedestrian friendly connectivity and increased landscaping will be added to entrances and parkway along Adams Ave. As such, impacts to the residential use are not anticipated.

The request for reduced parking is based on a shared parking analysis and a transportation demand management plan, prepared by Kimley-Horn and Trevor Briggs, P.E., a state-registered traffic engineer (received March 19, 2019 and March 6, 2019, respectively). An analysis was provided between the City's off-street parking requirements for the project, the existing conditions of the subject site, and ULI shared parking methodology. The study concludes that at least 264 parking spaces would still be available during the peak parking period. As a result, the parking demand study supports a 16-space reduction and demonstrates adequate on-site parking can be accommodated within the existing 685 parking spaces.

2. The granting of Conditional Use Permit No. 18-045 to permit the construction of a 3,232 sq. ft. eating and drinking establishment with drive-thru, 251 sq. ft. of outdoor dining, and a 16 space parking reduction associated with the proposed use within an existing multi-tenant commercial center will not adversely affect the General Plan because it is consistent with the Land Use Element designation of Commercial General (CG) on the subject property. In addition, it is consistent with the following objective and policies of the General Plan:

A. Land Use Element

- a. Goal LU-1: New commercial, industrial, and residential development is coordinated to ensure that the land use pattern is consistent with the overall goals and needs of the community.
- b. Policy LU-1 (A): Ensure that development is consistent with the land use designations presented in the Land Use Map, including density, intensity, and use standards applicable to each land use designation.
- c. Policy LU-1 (D): Ensure that new development projects are of compatible proportion, scale, and character to complement adjoining uses.
- d. Goal LU-11: Commercial land uses provide goods and services to meet regional and local needs.
- e. 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.
- f. Policy LU-11 (B): Encourage new businesses to locate on existing vacant or underutilized commercial properties where these properties have good locations and accessibility.
- g. Policy LU-11 (C): Maximize the economic development services provided by the City to existing and prospective businesses and industries.

Goal LU-12: Commercial and industrial corridors throughout the planning area are renovated and revitalized.

The proposed project consists of the development of a 3,232 sq. ft. drive-through restaurant building with a 251 sq. ft. outdoor patio within an existing shopping center. The project site will continue to serve adjacent residential development and future development within the City as a whole. The project is located within an established area containing similar commercial uses. The building complies with the City's Urban Design Guidelines for commercial buildings, featuring quality architecture and exterior finish materials, a variety of roof lines and façade treatments, and a functional site layout. The proposed building will include enhanced pedestrian areas, and is conditioned to include landscape berming along the drive-through areas to create improved visual relief. The shared parking analysis prepared by Kimley-Horn has determined that the onsite requirement for the eating and drinking establishment is in excess of 264 parking spaces than the expected peak parking demand. The proposed project will further accommodate the redevelopment of an existing commercial site with uses that will serve the needs of local residents and visitors to the City by providing additional commercial serving opportunities. Therefore, the proposed project will be consistent with the overall goals and needs of the community, provide goods and services to meet regional and local needs, and renovate and revitalize an existing retail shopping center.

- 3. The proposed conditional use permit to permit the construction of a 3,232 sq. ft. eating and drinking establishment with drive-thru, 251 sq. ft. of outdoor dining, and a 16 space parking reduction associated with the proposed use within an existing multi-tenant commercial center 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) in that the proposed eating and drinking establishment use is permitted within the CG (Commercial General) zoning district pursuant to Section 211.04 of the HBZSO—*CO, CG, and CV Districts: Land Use Controls*. The restaurant and outdoor dining area will be located within an existing shopping center, which conforms to applicable site development standards in terms of minimum yard setbacks, minimum landscaping, and maximum floor area ratio with exception of the request for reduced parking. The shared parking analysis determined that the onsite parking requirement for the eating and drinking facility is in excess of 264 spaces than the expected peak parking demand. Additionally, a Transportation Demand Management (TDM) plan was prepared by the applicant for the commercial building. The plan incorporates TDM measures such as bicycle racks, transit information, and other strategies as required by HBZSO Section 230.36.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 18-045:

1. The site plan, floor plans, elevations, and Transportation Demand Management Plan received and dated March 6, 2019 and the shared parking analysis received and dated March 19, 2019 shall be the conceptually approved design.
2. The hours of operation shall be limited to the following:
 - i. Drive-thru: 7:00 AM – 2:00 AM (Daily)
 - ii. Dining Room: 7:00 AM – 12:00 AM (Monday – Thursday)
 - iii. Dining Room: 7:00 AM – 2:00 AM (Friday – Saturday)
 - iv. Outdoor Patio: 7:00 AM – 11:00 PM (Daily)
3. Both drive-thru lanes shall be utilized during peak restaurant hours.
4. Non-commercial wall mural/graphics shall not portray any commercial business, product, or food related images. Prior to the installation of any non-commercial wall mural/graphics, the final concept and design shall be reviewed and approved by the Planning Division of the Community Development Department.
2. Signage shall be reviewed under separate permits and processing.
3. At least 14 days prior to any grading activity, the property owner/developer shall provide notice in writing to property owners of record and tenants of properties within a 500-foot radius of the project site. The notice shall include a general description of planned grading activities and an estimated timeline for commencement and completion of work and a contact person name with phone number. Prior to issuance of the grading permit, a copy of the notice and list of recipients shall be submitted to the Community Development Department.
4. Prior to submittal for building permits, the following shall be completed:

- a. One set of project plans (full size) and one 8 ½ inch by 11 inch set of plans, revised pursuant to Condition of Approval No. 1, shall be submitted to the Planning Division for review, approval and inclusion in the entitlement file.
 - b. Zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Fire, Community Development, and Public Works shall be printed verbatim on one of the 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.
 - c. A detailed landscaping plan, including details of the berming along the drive-through, shall be submitted to the Planning Division for review and approval.
5. The final building permit(s) cannot be approved until the following has been completed:
 - a. All improvements shall be completed in accordance with approved plans.
 - b. Compliance with all conditions of approval specified herein shall be verified by the Planning Division.
6. The development services departments and divisions (Planning, Building and Safety, 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 Community Development Director's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Director of Community Development may be required pursuant to the provisions of HBZSO Section 241.18.
7. Conditional Use Permit No. 18-045 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 of Community Development pursuant to a written request submitted to the Planning Division a minimum 30 days prior to the expiration date.

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.