

## **ATTACHMENT NO. 1**

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

#### **CONDITIONAL USE PERMIT NO. 19-006**

#### **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 involves no expansion in the overall floor area of an existing restaurant.

#### **FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 19-006:**

1. Conditional Use Permit No. 19-006 to allow the sales, service, and consumption of beer and wine (ABC Type 41 License) within an existing 2,176 sq. ft. restaurant and 1,248 sq. ft. 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 proposed sales, service and consumption of beer and wine, as conditioned, will not generate noise, traffic, demand for parking or other impacts as the use is primarily a restaurant and the sales, service, and consumption of beer and wine will be an ancillary part of the restaurant use. The sale, service and consumption of alcohol will occur entirely within the existing restaurant and 1,248 sq. ft. outdoor patio. The restaurant is located within a public park (Central Park). The nearest residential use is located approximately 300 ft. to the west and is buffered by the park, a parking lot, and a public street (Lakeview Dr.). The entrance of the restaurant and patio is oriented west toward Central Park, away from residential uses. The sales, service, and consumption of beer and wine is not permitted in the patio area between the hours of 10:00 PM and 7:00 AM to ensure any potential impacts to surrounding uses are minimized. As such, impacts to the residential uses are not anticipated.
2. The granting of Conditional Use Permit No. 19-006 to allow the sales, service, and consumption of beer and wine (ABC Type 41 License) within an existing 2,176 sq. ft. restaurant and 1,248 sq. ft. outdoor patio will not adversely affect the General Plan. It is consistent with the Land Use Element designation of OS-P (Open Space – Park) on the subject property. In addition, it is consistent with the following objective 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.

Policy LU-11.B: Encourage new businesses to locate on existing vacant or underutilized commercial properties where the properties have good locations and accessibility.

The request to allow beer and wine sales within an existing 2,176 sq. ft. restaurant and 1,248 sq. ft. outdoor patio provides expanded goods and services to meet the needs of the community and regional area and will add to the capture of sales tax revenue. The proposed use is located in an existing restaurant and the consumption of beer and wine will be an ancillary part of the use. The nearest residential use is located approximately 300 ft. to the west and is buffered by the park, a parking lot, and a public street (Lakeview Dr.). The entrance of the restaurant and patio is oriented west toward Central Park, away from residential uses.

3. The proposed conditional use permit to allow the sales, service, and consumption of beer and wine (ABC Type 41 License) within an existing 2,176 sq. ft. restaurant and 1,248 sq. ft. 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). The proposed eating and drinking establishment is permitted subject to a Conditional Use Permit within the OS-PR (Open Space – Parks and Recreation Subdistrict) zoning district pursuant to Section 213.06 of the HBZSO. The sales, service, and consumption of beer and wine will be an ancillary use of an established restaurant building that conforms to applicable site development standards in terms of minimum parking, minimum yard setbacks, minimum landscaping, and maximum floor area ratio.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 19-006:**

1. The site plan, floor plans, and elevations received and dated February 19, 2019.
2. The use shall comply with the following:
  - a. The hours of operation shall be limited to the following:
    - i. Daily (dining room): 7:00 AM – 10:00 PM
    - ii. Daily (outdoor patio): 7:00 AM – 10:00 PM
  - b. Prior to sales, service or consumption of alcoholic beverages the business shall obtain an ABC license authorizing alcohol use in the restaurant. The business shall be limited to a Type 41 (On sale beer/wine eating place) ABC License. **(PD)**
  - c. To ensure the location maintains a restaurant atmosphere, food service from the regular menu shall be available from the time the business opens to the public, until at least one hour prior to the scheduled closing time. **(PD)**
  - d. Service of alcoholic beverages for consumption off-site shall not be permitted. **(PD)**
  - e. No packaged sales of alcohol allowed. **(PD)**

- f. No reduced price or promotions of alcoholic beverages shall be allowed after 7:00PM. **(PD)**
- g. No games or contests requiring or involving the consumption of alcoholic beverages shall be permitted. **(PD)**
- h. 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 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)**
- i. Consumption of alcoholic beverages by on-duty employees and supervisory personnel is forbidden. **(PD)**
- j. An employee of the establishment must monitor all areas where alcohol is served. **(PD)**
- k. There shall be no entertainment allowed without a valid Entertainment Permit issued by the Huntington Beach Police Department. Entertainment which would require additional parking, or modification of plans dated 2-19-19 would need approval by The Planning Department and may require a Conditional Use Permit (CUP) for this specific use. **(PD)**
- l. 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 daily. **(PD)**
- m. A sign shall be posted in a conspicuous space at the exit point in the patio which shall state "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT." **(PD)**
- n. The patio shall have a physical barrier of no less than 36 inches in height surrounding the outdoor dining area and designed in a manner that will prohibit passing of alcohol through the barrier. **(PD)**
- o. Signage, posters, and advertising with "Do Not Drink and Drive" shall be posted in the business. **(PD)**
- p. 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)**
- q. All areas where the sales, service, and consumption of alcoholic beverages will be permitted must be sufficiently illuminated to permit the identification of patrons. **(PD)**
- r. There must be increased motion detected lighting. **(PD)**

- s. 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)**
  - t. The establishment must have a working alarm system. **(PD)**
  - u. The establishment must secure alcohol after hours. **(PD)**
  - v. 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: 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)**
  - w. 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)**
3. CUP No. 19-006 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.