

ATTACHMENT NO. 1

FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 19-027

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 consists of negligible or no expansion of an existing structure.

FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 19-027:

1. Conditional Use Permit No. 19-027 to permit the sales, service, and consumption of alcohol (ABC Type 47 License) within a proposed 1,824 sq. ft. eating and drinking establishment and 394 sq. ft. outdoor patio of a proposed 44,448 sq. ft. grocery store with an on-site instructional tasting area (ABC Type 86 License) 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 grocery store and the request for general alcohol service and a tasting area is ancillary to the primary retail use. The additional service of alcohol sales and tasting area will benefit and serve the other uses in the center as well as the residential uses in the vicinity. The restaurant and patio are not anticipated to generate additional noise, traffic, or impacts above existing conditions. The retail storefront and the outdoor patio are both oriented toward Adams Ave, a major street, and oriented away from the nearest residential use (approximately 200 ft. east). In addition the sale, service, and consumption of alcohol will be contained within the 1,824 sq. ft. restaurant and 394 sq. ft. outdoor patio area.
2. The granting of Conditional Use Permit No. 19-027 to permit the sales, service, and consumption of alcohol (ABC Type 47 License) within a proposed 1,824 sq. ft. eating and drinking establishment and 394 sq. ft. outdoor patio of a proposed 44,448 sq. ft. grocery store with an on-site instructional tasting area (ABC Type 86 License) will not adversely affect the General Plan because it is consistent with the Land Use Element designation of CG (Commercial Neighborhood) 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 alcohol in conjunction with a proposed eating and drinking establishment

within a grocery store with an on-site instructional alcohol tasting area in a safe manner for residents and customers from the surrounding area. This 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 in a vacant suite within an existing commercial center and is located along an arterial street with adequate accessibility.

3. Conditional Use Permit No. 19-027 to permit the sales, service, and consumption of alcohol (ABC Type 47 License) within a proposed 1,824 sq. ft. eating and drinking establishment and 394 sq. ft. outdoor patio of a proposed 44,448 sq. ft. grocery store with an on-site instructional tasting area (ABC Type 86 License) 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 proposed eating and drinking establishment with alcohol sales, service, and consumption and an on-site instructional alcohol tasting area within a grocery store is permitted subject to a Conditional Use Permit within the CG (Commercial General) zoning district pursuant to Section 211.04 of the HBZSO. The proposed establishment will be located within an existing commercial center, which conforms to applicable site development standards, including parking.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 19-027:

1. The site plan, floor plans, and elevations received and dated November 8, 2019 shall be the conceptually approved design.
2. The use shall comply with the following:
 - a. The hours of operation shall be limited to the following:
 - i. Monday – Sunday: 6:00 AM – 12:00 AM
 - ii. Monday – Sunday (outdoor patio): 7:00 AM – 10:00 PM
 - b. The business shall obtain an Alcoholic Beverage Control (ABC) license authorizing alcohol use in the business. All ABC requirements shall be met prior to the sales, service, or consumption of alcoholic beverages. **(PD)**
 - c. All areas of the store where the sales, service, and consumption of alcoholic beverages occur shall be equipped with lighting with sufficient power to illuminate and permit the identification of patrons. **(PD)**
 - d. The outdoor dining/patio area shall have a physical barrier of no less than 36 inches in height surrounding the outdoor dining areas and designed in a manner that will prohibit passing alcohol through the barrier. **(PD)**
 - e. No dining or consumption of alcoholic beverages will be permitted on the outdoor patio areas between the hours of 10:00 PM and 7:00 AM. **(PD)**
 - f. An employee of the establishment must monitor all areas where alcohol is served. **(PD)**

- g. 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)**
 - h. No reduced price or promotions of alcoholic beverages shall be allowed after 7:00PM. **(PD)**
 - i. There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks. **(PD)**
 - j. Consumption of alcoholic beverages by on-duty employees, including servers, bartenders, kitchen staff, management and supervisory personnel is forbidden. **(PD)**
 - k. All persons engaged in the sale or service of alcohol shall complete a 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 an ABC approved RBS trainer and records of the training must be maintained on-site for review. **(PD)**
 - l. Clearly legible signage shall be affixed inside the restaurant and outdoor dining/patio area entrances/exits points which shall state, "NO OPEN ALCOHOLIC BEVERAGES BEYOND THIS POINT." **(PD)**
 - m. Signage, posters, and advertising with "Do Not Drink and Drive" shall be posted in the business. **(PD)**
 - n. There shall be no entertainment allowed without a valid Entertainment Permit issued by the Huntington Beach Police Department. **(PD)**
 - o. 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)**
 - p. All owners, employees, representatives, and agents shall obey all state, local, and municipal laws, conditions of the Conditional Use Permit, Alcoholic Beverage Control License, or any other regulations, provision, or restrictions prescribed at all times. Any violations of any law or conditions will be considered violations of the permit to constitute permit suspensions or revocation in addition to civil or criminal enforcement. **(PD)**
3. CUP No. 19-027 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.