

ATTACHMENT NO. 1

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 19-035

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission 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, which states that operation and minor alteration to existing structures involving negligible or no expansion are exempt from further environmental review.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 19-035:

1. Conditional Use Permit No. 19-035 to permit the onsite sale, service, and consumption of alcohol (Type 47 ABC License) within an existing 6,564 sq. ft. restaurant and 2,028 sq. ft. outdoor dining area in the BECSP zoning 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 in that the proposed use is located within an existing commercial center with other similar uses. The additional service of alcohol to the restaurant will benefit and serve the other uses in the center and residential uses in the vicinity. The restaurant is not anticipated to generate additional noise, traffic, or other impacts above existing conditions. The BECSP and General Plan land use designation anticipated restaurant uses with alcohol service, sale and consumption in this area. The request for alcohol is ancillary to the primary restaurant use and will serve to augment the overall dining experience. Furthermore, the consumption of alcoholic beverages will be contained within the interior of the building and in the outdoor dining areas facing Adams Avenue and the commercial parking lot, and will not generate detrimental impacts onto surrounding properties.
2. Conditional Use Permit No. 19-035 to permit the onsite sale, service, and consumption of alcohol (Type 47 ABC License) within an existing 6,564 sq. ft. restaurant and 2,028 sq. ft. outdoor dining area will be compatible with surrounding residential and commercial uses because the project is located within an existing commercial center. The restaurant is surrounded by office and commercial uses and therefore will be consistent with the existing land use pattern and compatible to its surroundings. The use will be required to comply with conditions of approval pertaining to alcohol service and operation to assure that any potential impacts to the surrounding properties are minimized.

3. Conditional Use Permit No. 19-035 to permit the onsite sale, service, and consumption of alcohol (Type 47 ABC License) within an existing 6,564 sq. ft. restaurant and 2,028 sq. ft. outdoor dining area will comply with the Neighborhood Parkway Segment of the BECSP, and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) in that the BECSP allows eating and drinking establishments with alcohol service subject to approval of a conditional use permit. The General Plan land use designation and the BECSP anticipated restaurant uses with alcohol service, sale and consumption in this area. The request for alcohol is ancillary to the primary restaurant use and will serve to augment the overall dining experience. The proposed use will comply with all building occupancy/exiting requirements.
4. The General Plan Land Use Map designation on the subject property is currently M-SP (Mixed Use – Specific Plan Overlay). The request to permit the onsite sale, service, and consumption of alcohol (Type 47 ABC License) within an existing 6,564 sq. ft. eating and drinking establishment and 2,028 sq. ft. outdoor dining area is consistent with this designation and the goals and policies of the City’s General Plan as follows:

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 proposed conditional use permit will expand the range of goods and services provided in the area by permitting the ancillary sale of alcohol in conjunction with an eating and drinking establishment in a safe manner for residents and customers from the surrounding area. Conditions have been added to the request which limit the use and manner in which alcohol may be sold and consumed to ensure the proposed use will be compatible with the surrounding neighborhood while providing a service that will meet the needs of the community and increase sales tax revenues.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 19-035:

1. The site plan and floor plan received and dated December 20, 2019 shall be the conceptually approved layout.

2. Prior to issuance of building permit or Certificate of Occupancy, submit a copy of the most recent reciprocal access and parking agreement to the Community Development Department.
3. The use shall comply with the following:
 - a. Outdoor dining areas business hours shall be limited to 7:00 AM – 10:00 PM daily. Interior restaurant business hours shall be limited to the following:
 - Sunday – Thursday: 7:00 AM – 10:00 PM
 - Friday and Saturday: 7:00 AM – 12:00 AM
 - b. The business shall obtain an Alcoholic Beverage Control (ABC) license authorizing alcohol use in the business. The ABC license shall be limited to a Type 47 ABC License. All ABC requirements shall be met prior to sales, service, or consumption of alcoholic beverages. **(PD)**
 - c. 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)**
 - d. 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)**
 - e. No carryout alcohol sales shall be permitted. All alcoholic beverages shall be consumed within the restaurant or outdoor dining/patio area. **(PD)**
 - f. No reduced price or promotions of alcoholic beverages shall be allowed after 7:00 PM. **(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, except when training for knowledge of food pairing, if applicable. **(PD)**

- j. There shall be no entertainment allowed without a valid Entertainment Permit issued by the Huntington Beach Police Department. Entertainment which would require modification of plans dated 12/20/19 or that require addition parking, like dancing, would need approval by the Planning Department and may require a Permit for that specific use. **(PD)**
 - k. 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)**
 - l. Signage, posters, and advertising with “Do Not Drink and Drive” shall be posted in the business. **(PD)**
 - m. 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)**
 - n. 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)**
 - o. 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)**
 - p. 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)**
 - q. 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)**
4. The Development Services Departments (Community Development, Fire, and Police Department) 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 Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the provisions of HBZSO Section 241.18.

5. Conditional Use Permit No. 19-035 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 pursuant to a written request submitted to the Community Development Department a minimum 30 days prior to the expiration date.
6. Conditional Use Permit No. 19-035 shall not become effective until the appeal period following the approval of the entitlement has elapsed.
7. The Planning Commission reserves the right to revoke Conditional Use Permit No. 19-035 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.
8. 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.

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.