

## **ATTACHMENT NO. 1**

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

#### **CONDITIONAL USE PERMIT NO. 20-011** **COASTAL DEVELOPMENT PERMIT NO. 20-012**

#### **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 an addition less than 2,500 square feet to an existing commercial building and façade remodel.

#### **FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 20-011:**

1. Conditional Use Permit No. 20-011 to permit the construction of a an approximately 1,300 sq. ft. addition to an existing commercial building, permit a total of 585 sq. ft. of outdoor dining area, remodel the exterior facades of two existing eating and drinking establishments, and permit the sales, service, and consumption of beer and wine (ABC Type 41 License) within the restaurant addition 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 project is proposed to meet all required development standards, including code required on-site parking and maximum height. The proposed addition to the commercial building will be compatible with surrounding uses because the project is near other mixed-use and visitor-serving commercial uses along Pacific Coast Highway, and the proposed building's scale and layout meets all applicable development standards and is compatible with the adjacent buildings by providing a new commercial use oriented towards Pacific Coast Highway that would not impact sensitive residential uses nearby. The use is not anticipated to generate additional traffic, noise, or other impacts to surrounding properties. All project related parking and circulation will occur onsite and function similarly to comparable commercial properties.
2. The granting of Conditional Use Permit No. 20-011 will not adversely affect the General Plan because the General Plan Land Use Map designation on the subject property is currently M-sp (Mixed Use – Specific Plan Overlay) and mixed use projects are allowed within the property's zoning and land use designation. The project, as designed, is consistent the General Plan goals and policies identified below:

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.

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.

Policy LU 1 (C): Support infill development, consolidation of parcels, and adaptive reuse of existing buildings.

Goal LU 11: Commercial land uses provide goods and services to meet regional and local needs.

Goal LU 1 (B): Encourage new businesses to locate on existing vacant or underutilized commercial properties where these properties have good locations and accessibility.

Goal LU 14: Huntington Beach continues to attract visitors and provides a variety of attractions and accommodations during their stay.

Policy LU 14 (B): Encourage both coastal and inland visitor-serving uses to offer a wide spectrum of opportunities for residents and visitors.

Goal C 3: Provide a variety of recreational and visitor commercial serving uses for a range of cost and market preferences.

Policy C 3.2.4: Encourage the provision of a variety of visitor-serving commercial establishments within the Coastal Zone, including, but not limited to, shops, restaurants, hotels and motels, and day spas.

The proposed project consists of the construction of an approximately 1,300 sq. ft. addition to an existing commercial building, permit a total of 585 sq. ft. of outdoor dining area, remodel the exterior facades of two existing eating and drinking establishments, and permit the sales, service, and consumption of beer and wine (ABC Type 41 License) within the restaurant addition. The addition to the existing commercial building is located in an area designated for commercial uses that will serve tourists and visitors. The proposed project will provide a visitor-serving eating and drinking retail use that meets the regional needs. The project provides a visitor serving commercial use that will meet the needs of residents and visitors on an underutilized parcel consistent with the General Plan.

3. Conditional Use Permit No. 20-011 to construct an approximately 1,300 sq. ft. addition to an existing commercial building, permit a total of 585 sq. ft. of outdoor dining area, remodel the exterior facades of two existing eating and drinking establishments, and permit the sales, service, and consumption of beer and wine (ABC Type 41 License) within the restaurant addition will comply with the development standards and land use provisions in the Downtown Specific Plan, including maximum height, setback requirements and parking because suitable vehicular circulation and access is provided for the project. The project is located within the Downtown Core Mixed Use District of the Downtown Specific Plan, which requires approval of a conditional use permit from the Zoning Administrator for development on properties with less than 100 feet of frontage. Additionally, the project is consistent with the Downtown Specific Plan Design Guidelines for commercial development.

#### **FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 20-012:**

1. Coastal Development Permit No. 20-012 to construct an approximately 1,300 sq. ft. addition to an existing commercial building, permit a total of 585 sq. ft. of outdoor dining area, remodel the exterior facades of two existing eating and drinking establishments, and permit the sales, service, and consumption of beer and wine (ABC Type 41 License) within the restaurant addition conforms with the General Plan, including the Local Coastal Program because the project is consistent with the Coastal Element Land use Policy C 1.1.1 to encourage new development to locate within, contiguous to or in close proximity to existing developed areas able to accommodate it. The proposed addition will occur on a developed property, contiguous to existing mixed use, commercial, and residential development.

2. The request to permit the construction an approximately 1,300 sq. ft. addition to an existing commercial building, permit a total of 585 sq. ft. of outdoor dining area, remodel the exterior facades of two existing eating and drinking establishments, and permit the sales, service, and consumption of beer and wine (ABC Type 41 License) within the restaurant addition is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code because the project will comply with all applicable development regulations, including setbacks, parking, and height.
3. At the time of occupancy, the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program because Coastal Development Permit No. 20-012 to construct an approximately 1,300 sq. ft. addition to an existing commercial building, permit a total of 585 sq. ft. of outdoor dining area, remodel the exterior facades of two existing eating and drinking establishments, and permit the sales, service, and consumption of beer and wine (ABC Type 41 License) within the restaurant addition is located in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.
4. Coastal Development Permit No. 20-012 to construct an approximately 1,300 sq. ft. addition to an existing commercial building, permit a total of 585 sq. ft. of outdoor dining area, remodel the exterior facades of two existing eating and drinking establishments, and permit the sales, service, and consumption of beer and wine (ABC Type 41 License) within the restaurant addition conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act in that the project will not impede public access, recreation, or views to coastal resources.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 20-011/COASTAL DEVELOPMENT PERMIT NO. 20-012:**

1. The site plan, floor plans, and elevations received and dated July 22, 2020 shall be the conceptually approved design.
2. The following dedications to the City of Huntington Beach shall be shown on the Precise Grading Plan:
  - a. A 6.5 foot irrevocable offer of alley dedication to bring the alley right-of-way line to 14 feet from alley centerline to property line. **(PW)**
  - b. A 25 foot radius right-of-way dedication for pedestrian access and public utilities at the intersection corner fronting the project on Pacific Coast Highway and 6<sup>th</sup> Street per Public Works Standard Plan No. 207. **(PW)**
3. Prior to the issuance of a building permit, a public art element, approved by the Design Review Board, Community Development Director, and the Cultural Services Supervisor, shall be depicted on the plans. Public art shall be innovative, original, and of artistic excellence; appropriate to the design of the project; and reflective of the community's cultural identity (ecology, history, or society).
4. The use shall comply with the following:

- a. The hours of operation shall be limited to the following:
  - i. Monday – Thursday (restaurant interior): 7:00 AM – 11:00 PM
  - ii. Friday – Sunday (restaurant interior): 7:00 AM to 12:00 AM
  - iii. Monday – Sunday (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 type 41 (On Sale Beer/Wine eating place). **(PD)**
- c. No carryout alcohol sales shall be permitted. All alcoholic beverages shall be consumed within the restaurant or outdoor dining/patio area. **(PD)**
- d. All alcohol sold by the establishment shall be placed in distinctively marked containers, clearly indicating the contents of the container, thus discouraging customers from carrying the containers out to their cars or to the beach. **(PD)**
- e. 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)**
- f. 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)**
- g. The patio shall have a physical barrier 36 inches in height surrounding the outdoor dining area and designed in a manner that will prohibit passing of alcohol through the barrier. **(PD)**
- h. An employee of the establishment must monitor all areas where alcohol is served. **(PD)**
- i. No reduced price or promotions of alcoholic beverages shall be allowed after 7:00PM. **(PD)**
- j. 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)**
- k. No games or contests requiring or involving the consumption of alcoholic beverages shall be permitted. **(PD)**
- l. There shall be no entertainment allowed without a valid Entertainment Permit issued by the Huntington Beach Police Department. Entertainment shall not be allowed on the patio. **(PD)**
- m. 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)**
- n. 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)**

- o. Consumption of alcoholic beverages by on-duty employees and supervisory personnel is forbidden, except when training for knowledge of food pairing, if applicable. **(PD)**
  - p. Signage, posters, and advertising with "Do Not Drink and Drive" shall be posted in the business. **(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)**
  - r. 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)**
  - 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 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)**
5. Zoning entitlement conditions of approval and code requirements 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.
6. 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.
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.

8. At least 14 days prior to any grading activity, the applicant shall provide notice in writing to property owners of record and tenants of properties within a 500-foot radius of the project site as noticed for the public hearing. 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.
9. During demolition, grading, site development, and/or construction, the following shall be adhered to:
  - a. Construction equipment shall be maintained in peak operating condition to reduce emissions.
  - b. Use low sulfur (0.5%) fuel by weight for construction equipment.
  - c. Truck idling shall be prohibited for periods longer than 5 minutes.
  - d. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
  - e. Discontinue operation during second stage smog alerts.
  - f. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/grading activity.
10. The final building permit(s) cannot be approved until the following have been completed:
  - a. All improvements must be completed in accordance with approved plans.
  - b. Compliance with all conditions of approval specified herein shall be verified by the Community Development Department.
  - c. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
11. Conditional Use Permit No. 20-011/Coastal Development Permit No. 20-012 shall not become effective until all appeal periods following the approval of the entitlement has elapsed.
12. Conditional Use Permit No. 20-011/Coastal Development Permit No. 2020-012 shall become null and void unless exercised within two years of the date of final Coastal Commission 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.

13. 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.