

ATTACHMENT NO. 1

FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 21-016

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. 21-016:

1. Conditional Use Permit No. 21-016 to permit the sale, service, and consumption of alcohol (ABC License Type 47) within a new 4,982 sq. ft. eating and drinking establishment 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 restaurant and the sale and service of alcohol (ABC Type 47 License) is ancillary to the restaurant use. The restaurant is not anticipated to generate additional noise, traffic, or impacts above existing conditions because the restaurant is not adding new square footage. The sale, service and consumption of alcohol will be contained within the interior of the building; no outdoor dining is proposed. The restaurant is oriented toward the interior of the shopping center and marina boat dock, approximately 180 ft. west of the nearest residential use, which is buffered by an existing parking lot.
2. The granting of Conditional Use Permit No. 21-016 to permit the sale, service, and consumption of alcohol (ABC License Type 47) within a new 4,982 sq. ft. eating and drinking establishment will not adversely affect the General Plan because it is consistent with the Land Use Element designation of CV 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 allowing the ancillary sale of alcohol in conjunction with an eating and drinking establishment in a safe manner for residents and customers in the surrounding area. The proposed daily operation hours of 10:30 AM to 12:00 AM for the restaurant are not anticipated to generate additional noise, traffic, or impacts above existing conditions. The nearest residence is located approximately 180 ft. east of the subject site and is buffered from noise by the existing parking lot. The restaurant is oriented toward the interior of the shopping center and

marina boat dock, which includes other commercial uses, parking, and boats. Conditions have been added to the request which limit the use and manner in which alcohol may be sold and consumed on-site 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 sale tax revenue.

3. The proposed Conditional Use Permit No. 21-016 to permit the sale, service, and consumption of alcohol (ABC License Type 47) within a new 4,982 sq. ft. eating and drinking establishment 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 because the Commercial Visitor General Plan land use designation and Zoning designation anticipated eating and drinking facilities with alcohol service, sale and consumption in this area. The sale and service of 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.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 21-016:

1. The site plan and floor plans received and dated August 9, 2021 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: 10:30 AM – 12:00 AM daily
 - b. The business shall obtain an Alcoholic Beverage Control (ABC) Type 47 license authorizing alcohol use in the business. All ABC requirements shall be met prior to sales, service, or consumption of alcoholic beverages. **(PD)**
 - c. No carryout alcohol sales shall be permitted. All alcoholic beverages shall be consumed within the restaurant. **(PD)**
 - d. No reduced price or promotions of alcoholic beverages shall be allowed after 7:00PM. **(PD)**
 - e. No games or contests requiring or involving the consumption of alcoholic beverages shall be permitted. **(PD)**
 - f. 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)**
 - g. Consumption of alcoholic beverages by on-duty employees and supervisory personnel is forbidden, except when training for knowledge of food pairing, if applicable. **(PD)**
 - h. There shall be no entertainment allowed without a valid Entertainment Permit issued by the Huntington Beach Police Department. **(PD)**

- i. Dancing is prohibited. **(PD)**
 - j. Clearly legible signage shall be affixed inside the restaurant entrances/exits points which shall state "NO OPEN ALCOHOLIC BEVERAGES BEYOND THIS POINT." **(PD)**
 - k. Signage, posters, and advertising with "Do Not Drink and Drive" shall be posted in the business. **(PD)**
 - l. 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)**
 - 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. 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)**
 - 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 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. Prior to submittal of building permits, 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.
 4. 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.
 5. CUP No. 21-016 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.
 6. 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.