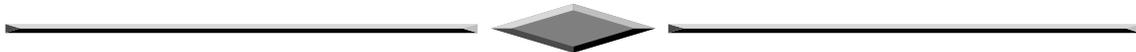


**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Hayden Beckman, Assistant Planner
DATE: April 16, 2016

SUBJECT: CONDITIONAL USE PERMIT NO. 14-006 (ARCO SERVICE STATION ALCOHOL SALES)

LOCATION: 17502 Goldenwest St., 92647 (Southeast corner of Goldenwest St. at Slater Ave.)



**Applicant/
Property**

Owner: Sanjay Vaswani, AKJ Investments, 7962 East Hampshire Road, Orange, CA 92867

Request: To permit the establishment of alcohol sales (beer and wine) within a 1,630 sq. ft. convenience store in conjunction with fuel sales at an existing service station.

Environmental Status: This request is covered by Categorical Exemption, Section 15301, Class 1, California Environmental Quality Act.

Zone: CG – FP2 (Commercial General – Flood Zone A)

General Plan: CV – F1 (Commercial Visitor – Max Floor Area Ratio 0.35)

Existing Use: Existing Arco Service Station



RECOMMENDATION: Staff recommends approval of the proposed project based upon the following findings:

SUGGESTED 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 no expansion of the existing fuel or retail uses.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 14-006:

1. Conditional Use Permit No. 14-006 for the sales of alcoholic beverages (beer and wine) within a 1,630 sq. ft. convenience store in conjunction with fuel sales at an existing service station 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. The proposed alcohol sales, as conditioned, will not generate noise, traffic demand for parking or other impacts above that which currently exists or be inconsistent with the property's zoning. The sale of beer and wine is for off-site consumption only and the service station will continue to provide fuel and convenience goods.
2. The sales of alcoholic beverages (beer and wine) will be compatible with surrounding uses because the subject business is located on a property designated for commercial uses and has been in operation since 1970. The subject business previously held an ABC license for off-site alcohol sales from 1984 until 1993. The existing service station is consistent with the existing land use pattern and compatible with adjacent properties. The use is required to comply with conditions of approval pertaining to alcohol sales and hours of operation to assure that any potential impacts to the surrounding properties is minimized.
3. The sales of alcoholic beverages (beer and wine) 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. In addition, any specific condition required for the proposed use in the district in which it would be located. The proposed project as conditioned complies with the base district and other applicable provisions. There is no physical expansion that includes additional floor area to the building as a part of this request and the use will comply with all building occupancy and exiting requirements.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of CV – F1 (Commercial Visitor – Maximum FAR 0.50) on the subject property. In addition, it is consistent with the following goals, objective, and policy of the General Plan:

A. Land Use Element

Goal LU 7: Achieve a diversity of land uses that sustain a City's economic viability, while maintaining the City's environmental resources and scale and character.

Objective LU 7.1: Accommodate the development of a balance of land uses that (a) provides for the housing, commercial, employment, cultural, entertainment, and recreation needs of existing and future residents, (b) provides employment opportunities for residents of the City and surrounding sub region, (c) captures visitor and tourist activity, and (d) provides open space and aesthetic relief from urban development.

Policy LU 7.1.1: Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

Goal LU 11: Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

B. Economic Development Element

Policy ED 2.4.3: Encourage the expansion of the range of goods and services provided in Huntington Beach to accommodate the needs of all residents in Huntington Beach and the market area.

The sale of alcoholic beverages (beer and wine) increases the economic viability of the service station by offering the sales of alcoholic beverages in addition to other convenience goods. The expansion of services captures and enhances resident, visitor, and tourist activity within the surrounding areas. The site is located within walking distance of residential uses, and the request increases purchasing options for retail and gasoline shoppers on site, thus reducing the need for vehicular travel.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 14-006:

1. The site plan, and floor plans received and dated February 14, 2014 shall be the conceptually approved design.
2. The use shall comply with the following:
 - a. Hours of operation shall be limited to between 5:00 AM and 10:00 PM Monday through Saturday and between 6:00 AM and 10:00 PM Sunday.
 - b. Prior to the sale of alcoholic beverages, a license shall be obtained from the Alcoholic Beverage Control (ABC). All conditions contained in the ABC license shall be adhered to. **(PD)**
 - c. The ABC license shall be limited to "Off-sale" Type 20 – beer and wine only. **(PD)**
 - d. The parking lot of the premises, as well as the area around the location, shall be equipped with lighting of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons on or about the parking lot. **(PD)**
 - e. "No Loitering" and "No Open Container" signs shall be affixed and clearly visible on all sides of the business. **(PD)**
 - f. Not more than 5% of the square footage of the premises (82 sq. ft. maximum) will be used for the display or sale of alcohol. **(PD)**
 - g. The facility shall employ a video surveillance security system and a one-month video library. The minimum requirements for the cameras shall be: color, digital recording to DVR and able to record in low light. 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 officers conducting investigations. **(PD)**
3. Issuance of a Certificate of Occupancy cannot be completed until the following has been provided:
 - a. A site plan identifying the location of signage pursuant to Condition No. 2(e) and floor plan indicating the location and size of the display and sales area of alcoholic

beverages pursuant to Condition No. 2(f) shall be submitted to the Planning Division for approval and inclusion in the project file.

4. CUP No. 14-006 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 Planning Department a minimum 30 days prior to the expiration date.
5. 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 Planning and Building 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.
6. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/green-building-guidelines-rating>).

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.