

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

TO: Zoning Administrator
FROM: Kimo Burden, Planning Aide
DATE: November 2, 2016
SUBJECT: **CONDITIONAL USE PERMIT NO. 16-037 (RALPH'S ALCOHOL TASTING)**
LOCATION: 5241 Warner Ave, 92649 (north of Warner Ave. and east of Airport Circle)

Applicant: David Weissglass, 709 East Colorado Boulevard Suite 200, Pasadena, CA 91101

Property Owner: Fitzpatrick Family Trust C/O The Horowitz Group, 1191 San Vicente Boulevard No. 310, Los Angeles, CA 90049

Request: To permit an 80 sq. ft. alcohol beverage tasting area (ABC Type 86 License – Instructional Tasting) within an existing grocery store.

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

Zone: SP8 (Meadowlark Specific Plan)

General Plan: M-sp (Mix Use – Specific Plan Overlay)

Existing Use: Grocery Store

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 involves no expansion in the overall floor area of an existing retail store.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 16-037:

1. Conditional Use Permit No. 16-037 for the establishment, maintenance and operation of an approximately 80 sq. ft. alcohol tasting area within an existing grocery store, would 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 tasting area would be approximately 80-sq. ft. in size and authorized by a Type 86 ABC License (Instructional Tasting), and is proposed to operate between 10:00 AM and 9:00 PM everyday within an existing grocery store. Since the proposed tasting area would be completely within the existing grocery store and ancillary to the operation of the market, it is not anticipated to generate noise, traffic, parking and other impacts detrimental to surrounding properties or inconsistent with the subject property's Meadowlark Specific Plan zoning. The alcohol beverage tasting area would be located within an existing approximately 52,710 sq. ft. grocery store that currently operates daily from 6:00 AM to 1:00 AM. The existing store has an ABC Type 21 - Off-Sale license and currently sells a full line of alcoholic beverages for off-site consumption. The proposed on site consumption of alcoholic beverages will be for sampling purposes only to introduce/highlight new brands or products featured by the grocery store. The tasting area would be wholly contained within a delineated area inside the store and no change to hours of operation or character of the existing use is proposed.

2. Conditional Use Permit No. 16-037 to permit an 80 sq. ft. alcohol beverage tasting area (ABC Type 86 License – Instructional Tasting) within an existing grocery store, will be compatible with surrounding uses because the on-site consumption of alcoholic beverages will be within and ancillary to the existing grocery store and will be conducted entirely within the interior of a commercial building and during limited hours of operation (10:00 AM and 9:00 PM) everyday.
3. The proposed alcohol tasting area (ABC Type 86 License – Instructional Tasting) 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 and any specific condition required for the use in the district in which it is located. The proposed 80 sq. ft. tasting area within the existing grocery store conforms to applicable site development requirements as the proposed use does not result in any expansion/intensification of the existing use. The onsite consumption of alcoholic beverages is permitted in the Meadowlark Specific Plan commercial zoning district with the approval of a conditional use permit.
4. The granting the Conditional Use Permit No. 16-037 to establish an 80 sq. ft. alcohol beverage tasting area (ABC Type 86 License – Instructional Tasting) within an existing grocery store, will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Mixed Use – Specific Plan Overlay (M-sp) on the subject property. In addition, it is consistent with the following objective and policies of the General Plan:

A. Land Use Element

Objective LU 10.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, serve visitors to the City, and capitalize on Huntington Beach's recreational resources.

Policy LU 10.1.8: Require that entertainment, drinking establishments, and other similar uses provide adequate physical and safety measures to prevent negative impacts on adjacent properties.

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 proposed 80 sq. ft. alcohol tasting (beer, wine and distilled spirits) would be ancillary and incidental to the existing grocery store. The proposed tasting area would market its services to local residents and residents in the surrounding region who shop at the existing grocery store, thereby expanding the service-based commercial opportunities in the City and contributing to the diversity of retail and service uses that are oriented to local and regional residents. Based upon the operational conditions imposed and the incidental nature of the tasting area operation, the alcohol tasting is not anticipated to result in negative impacts on adjacent properties.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 16-037:

1. The site plan and floor plan received and dated October 18, 2016 shall be the conceptually approved design.
2. Prior to submittal for building permits, zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Fire and Public Works 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.
3. The use shall comply with the following:
 - a. The on-site service and consumption of alcoholic beverages shall be permitted between the hours of 10:00 AM and 9:00 PM.
 - b. Prior to the service of alcoholic beverages, a copy of the Alcoholic Beverage Control license, along with any special conditions imposed by the ABC, shall be submitted to the Community Development Department. Any conditions that are more restrictive than those set forth in this approval shall be adhered to. The business shall be limited to the conditions contained in the ABC Type 86 (Instructional Tasting) License.
 - c. Consumption of alcoholic beverages shall be limited to the designated tasting area as indicated on the plans submitted October 18, 2016. **(PD)**
 - d. All persons under 21 years of age are prohibited in the tasting area during tasting events. **(PD)**
 - e. Live Entertainment shall not be permitted unless a Conditional Use Permit for this specific use is reviewed, approved and a valid Entertainment Permit is issued by the Huntington Beach Police Department. **(PD)**
4. Conditional Use Permit No. 16-037 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.

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 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.
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.