

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

TO: Zoning Administrator
FROM: Tess Nguyen, Associate Planner
DATE: February 18, 2015

SUBJECT: CONDITIONAL USE PERMIT NO. 14-027 (HIGH SPIRITS AND CIGARS LIQUOR STORE- CONTINUED FROM THE NOVEMBER 19, 2014, MEETING)

LOCATION: 6021 Warner Avenue, 92647 (northeast corner of Warner Avenue and Springdale Street)

Applicant: Antoun Safar, 29105 S. Western Avenue, Rancho Palos Verdes CA 90275

Property Owner: George Andrews, 18202 Prairie Avenue, Torrance CA 90504

Request: To permit the establishment of a 2,500 sq. ft. retail store devoted to the sales, display, and storage of alcoholic beverages (more than 10% of the floor area) and other merchandise in an existing shopping center.

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

Zone: CG-FP2 (Commercial General—Flood Plain 2)

General Plan: CG-F1 (Commercial General—0.35 FAR Max)

Existing Use: Vacant Commercial Space

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 minor alterations to an existing tenant suite with negligible or no expansion of the existing commercial center.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 14-027:

1. Conditional Use Permit No. 14-027 for the establishment of a 2,500 sq. ft. retail store devoted to the sales, display, and storage of alcoholic beverages (more than 10% of the floor area) and other merchandise in an existing shopping center 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 use will contribute to the viability of the commercial center by attracting customers and generating lease revenue, thus improving the value of property in the neighborhood. The proposed facility will not generate noise, traffic, and demand for parking or other impacts at levels inconsistent with the commercial zoning applicable to the property. Furthermore, the residential uses to the north and east of the subject site will be adequately buffered by an existing six foot tall block wall separating the two properties.
2. The establishment of a 2,500 sq. ft. retail store devoted to the sales, display, and storage of alcoholic beverages and other merchandise will be compatible with surrounding uses because the proposed retail establishment will operate within a commercial center with sufficient parking capacity, in a suite adequately buffered from residential uses to ensure no detrimental impact. The sale of alcoholic beverages for off-site consumption will be limited to the interior of the building. The retail store is located along a primary arterial with similar commercial uses.
3. The establishment of a 2,500 sq. ft. retail store devoted to the sales, display, and storage of alcoholic beverages and other merchandise 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. The proposed retail establishment is permitted in the CG base district, subject to conditional use permit approval, pursuant to Section 211.04 of the Huntington Beach Zoning and Subdivision Ordinance. The retail use complies with the minimum required on-site parking.
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 Commercial General on the subject property. In addition, it is consistent with the following objective and policies of the General Plan:
 - Policy LU 7.1.1: Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.
 - 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, and capitalize on Huntington Beach's recreational resources.
 - Policy LU 10.1.1: Accommodate the development of neighborhood, community, regional, office, and visitor-serving commercial uses in areas designated on the Land Use Plan Map in accordance with Policy 7.1.1.

The requested conditional use permit will accommodate existing development by allowing alcohol sales at an existing unit permitted for retail sales. The use is compatible in the commercial zone and located to serve a variety of uses within the neighborhood.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 14-027:

1. The site plan and floor plan received and dated September 25, 2014 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. Prior to the sale of alcoholic beverages, a copy of the Alcoholic Beverage Control Board (ABC) license, along with any special conditions imposed by ABC, shall be submitted to the Planning and Building Department for the file. The ABC license shall be limited to "Off-Sale" Type 21 – General Off-Sale. Any conditions that are more restrictive than those set forth in this approval shall be adhered to. **(PD)**
4. The use shall comply with the following:
 - a. "No Loitering" and "No Open Container" signs shall be affixed and clearly visible at the entrance to the location. **(PD)**
 - b. All areas of the store and around the entrance of the location shall be equipped with lighting with sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the premises. **(PD)**
 - c. There shall be no window coverings or advertisements that reduce the visibility inside of the business. **(PD)**
 - d. There shall be no amusement machines or video game devices in the premises at any time. **(PD)**
 - e. Entertainment shall be prohibited. **(PD)**
 - f. Mandatory Responsible Beverage Service (RBS) training and certification shall be required for new employees within 90 days of being hired and for existing employees every 12 months. Training shall be provided by an ABC approved RBS trainer and records of the training must be maintained on-site for review. **(PD)**
 - g. The business shall employ a video surveillance system and a one-month video library. The minimum requirements for the cameras will be: color, digital recording to DVR and able to record in low light. The business shall ensure all doors, eating areas, and parking areas 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 officers conducting investigations. **(PD)**

- h. All owners, employees, representatives, and agents shall 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)**
 - i. The display or sale of the following items shall be prohibited:
 - Wine in containers of less than 750 milliliters.
 - Malt beverage products with alcohol content greater than five and one-half percent by volume.
 - Wine with an alcoholic content greater than 14 percent by volume unless in corked bottles and aged at least two years.
 - Beer or malt liquor sold individually in containers of 40 ounces or less.
 - Containers of beer or malt liquor not in their original factory packages of six-packs or greater.
 - Distilled spirits in bottles or containers smaller than 375 milliliters.
 - Cooler products, either wine or malt beverage based, in less than four-pack quantities. **(PD)**
5. Conditional Use Permit No. 14-027 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 and Building Department a minimum 30 days prior to the expiration date.

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.