

MINUTES
HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR
Room B-8 - Civic Center
2000 Main Street
Huntington Beach California

WEDNESDAY, AUGUST 29, 2006 - 1:30 P.M.

ZONING ADMINISTRATOR: Herb Fauland, Acting Zoning Administrator

STAFF MEMBER: Jill Arabe, Rami Talleh, Kathy Schooley, Pamela Avila
(recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 2007-024 (JARJOUR CONVENIENCE STORE)

APPLICANT: Nabil Jarjour, 22181 Wood Island Lane, Huntington Beach, CA
92646
PROPERTY OWNER: Antoine Triantos, 3275 Red Pine Road, Yorba Linda, CA 92886
REQUEST: To permit the establishment of a convenience store with alcohol
sales.
LOCATION: 7351 Warner Avenue, #102 & #103, 92647 (northwest corner of
Warner Ave., and Gothard St.)
PROJECT PLANNER: Jill Arabe

Jill Arabe, Planning Aide, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary.

Staff indicated that the establishment is compatible with the neighborhood and is provided with sufficient parking. The establishment will encourage pedestrian activity for residential neighbors.

The Police Department (PD) requested a one way mirror be placed in the office and a phone jack be placed in the cooler. PD also requested the area west of the building be paved entirely with concrete. This suggestion was taken into consideration but not included as part of the suggested conditions of approval because the approved landscaping plan calls for trees that will not block visibility in the area. No other written or verbal comments were received in response to the public notification.

Herb Fauland, Acting Zoning Administrator, disclosed that he had no contact with the applicant but did discuss the project with staff. Mr. Fauland confirmed with staff that there were no other concerns regarding the sale of alcohol. He inquired if there were any openings on the western building wall. Staff stated that there was only one man-door.

THE PUBLIC HEARING WAS OPENED.

Nabil Jarjour, applicant, spoke and stated that he has two other convenience stores in Huntington Beach and has a great relationship with the Police Department.

Mr. Fauland asked Mr. Jarjour what types of self policing activities does he perform.

Mr. Jarjour stated that he has been in business for 31 years and has used nighttime lighting and security cameras to avoid loitering at his establishments. Mr. Jarjour stated that with police assistance, he has avoided problems.

Ms. Betty Correa, a nearby resident, stated support of Mr. Jarjour's establishment and that the security system sounded good. Ms. Correa was concerned with drinking on the premises. Mr. Jarjour assured her that it would not be a problem.

Mr. Fauland asked Mr. Jarjour if he had reviewed the suggested conditions and code requirements for the project and if he concurs. Mr. Jarjour confirmed and said that he would comply with all requirements.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Mr. Fauland, Acting Zoning Administrator, stated that he was going to approve Conditional Use Permit No. 2007-024 with findings as outlined in the Executive Summary.

CONDITIONAL USE PERMIT NO. 2007-024 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

Mr. Fauland read for the record the appeal requirements and fees for anyone who wishes to appeal the decision.

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 the operation and minor alteration of an existing commercial structure involving negligible or no expansion of use beyond that previously existing.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2007-024:

1. Conditional Use Permit No. 2007-024 for the establishment, maintenance and operation of an approximately 2,500 square foot convenience store with alcohol sales 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 west and north are buffered by an existing 6 ft. tall block wall and separated by 10 feet and 53 feet setbacks.

2. The conditional use permit 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 convenience store is located along a primary arterial with similar commercial uses.
3. The proposed conditional use permit 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 – *CO, CG, and CV Districts: Land Use Controls*. No new construction is proposed.
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 CN (Commercial Neighborhood) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

LU 10.1.1: 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.

LU 10.1.11: Promote the introduction of a diversity of uses in Commercial General centers, particularly those containing anchor grocery stores that improve their relationship with surrounding residential neighborhoods and increasing their viability as places of community activity.

The proposed establishment will operate as a local convenience store to encourage pedestrian activity for residential neighbors. 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. 2007-024:

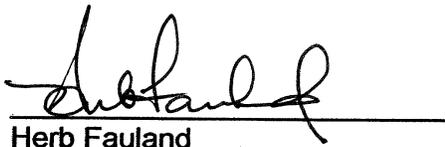
1. The site plan, floor plans, and elevations received and dated June 28, 2007 shall be the conceptually approved design with the following modifications:
 - a. Cut-off lighting low to the ground shall be installed in the setback area to the west of the building. (PD)
 - b. A one way mirror shall be installed in the office. (PD)
 - c. A phone jack shall be installed in the cooler. (PD)
2. Prior to submittal for building permits, the following shall be completed:
 - a. Zoning entitlement conditions of approval shall be printed verbatim on one of the first three pages of all the working drawing sets 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 the ABC, shall be submitted to the Planning Department for the file. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.
4. The use shall comply with the following:
 - a. The shelves in front of the check out counter shall not block visual access to the parking lot. (PD)
 - b. The restrooms shall be available to the public.
5. 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.

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

THE MEETING WAS ADJOURNED AT 1:42 PM BY THE ZONING ADMINISTRATOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON WEDNESDAY, SEPTEMBER 5, 2006 AT 1:30 PM.



Herb Fauland
Acting Zoning Administrator

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