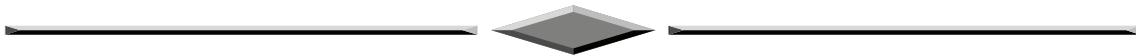


**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Jill Arabe, Assistant Planner
DATE: February 11, 2009

SUBJECT: **CONDITIONAL USE PERMIT NO. 2008-053 (MR. KEGS STORE)**

LOCATION: 5914 Warner Avenue, 92649 (southwest corner of Springdale Street and Warner Avenue)



Applicant: Jim Schaffer, 17871 Beach Boulevard, Huntington Beach, CA 92647

Property Owner: Warner Springdale, LLC, 16101 Goldenwest Street, Huntington Beach, CA 92647

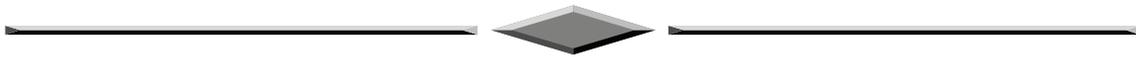
Request: To permit the establishment of a 2,747 sq. ft. retail store devoted to the sales, display, and storage of alcoholic beverages (more than 10% of the floor area).

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

Zone: CG-FP2 (Commercial General – Floodplain 2)

General Plan: CG-F1 (Commercial General – Maximum 0.35 floor area ratio)

Existing Use: Commercial



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 with negligible or no expansion of an existing use.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2008-053:

1. Conditional Use Permit No. 2008-053 for the establishment of a 2,747 sq. ft. retail store devoted to the sales, display, and storage of alcoholic beverages (more than 10% of the floor area) 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 south are buffered by an existing six ft. tall block wall and separated by an approximately 50 ft. setback.
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 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 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*. 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 goals and policies of the General Plan:

LU 7.1.2: Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

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, and capitalize on Huntington Beach's recreational resources.

The requested conditional use permit will accommodate existing development by allowing alcohol sales accessory to 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. 2008-053:

1. The site plan and floor plan received and dated December 30, 2008 shall be the conceptually approved design.
2. "No loitering" signs shall be posted at both the front and rear of the business. **(PD)**
3. Sufficient lighting shall be provided on the exterior of the building to easily identify people or activities around the business. **(PD)**
4. 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.
5. 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 Department for the file. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.

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.