

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

TO: Zoning Administrator
FROM: Joanna Cortez, Acting Associate Planner
DATE: November 1, 2017

SUBJECT: CONDITIONAL USE PERMIT NO. 17-028 (MAX LIQUOR)

LOCATION: 6029 Warner Avenue, 92647 (north east corner of Warner Ave. and Springdale St.)



Applicant: F. Michael Ayaz, Blake and Ayaz, 2107 N. Broadway, Suite 106, Santa Ana, CA 92653

Property Owner: James V. Andrew Living Trust c/o Jerrod Krick, Westrdige Commercial, Inc., 23101 Moulton Parkway, Suite 210, Laguna Hills, CA 92653

Request: To permit off-sale general alcohol sales (ABC License Type 21) within a 900 sq. ft. commercial space within an existing commercial center.

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

General Plan: CG (Commercial General)

Zone: CG-FP2 (Commercial General – Flood Plain Overlay)

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 consists of minor alterations to an existing commercial building involving no expansion in the overall floor area of the structure.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 17-028:

1. Conditional Use Permit No. 17-028 to permit off-sale general alcohol sales (ABC License Type 21) within a 900 sq. ft. commercial space within an existing commercial 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 commercial space was previously approved for beer and wine retail sales. 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 and there will be no access from the rear of the commercial suite facing the residential properties.
2. The conditional use permit to permit off-sale general alcohol sales (ABC License Type 21) within a 900 sq. ft. commercial space within an existing commercial center 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 to allow off-sale general alcohol sales (ABC License Type 21) within a 900 sq. ft. commercial space within an existing commercial center 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 Commercial General 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 to permit off-sale general alcohol sales (ABC License Type 21) within a 900 sq. ft. commercial space within an existing commercial center 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:

B. Land Use Element

Goal LU-1: New commercial, industrial, and residential development is coordinated to ensure that the land use pattern is consistent with the overall goals and needs of the community.

Policy LU-1(D): Ensure the new development projects are of compatible proportions, scale, and character to complement adjoining uses.

Goal LU-11: Commercial land uses provide goods and services to meet regional and local needs.

Policy LU-11(B): Encourage new businesses to locate on existing vacant or underutilized commercial properties where these properties have good location and accessibility.

The establishment of the 900 sq. ft. retail store devoted to off-sale general alcohol sales (ABC License Type 21) in an existing shopping center will accommodate existing development by allowing alcohol sales at an existing commercial suite 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. 17-028:

1. The site plan, floor plans, and elevations received and dated August 25, 2017 shall be the conceptually approved design.
2. The use shall comply with the following:
 - a. Store business hours shall be limited to between 9:00 AM to 11:00 PM daily.
 - b. Prior to the sales of alcoholic beverages, the business shall obtain an ABC license authorizing Off Sale Alcohol Sales. The business shall be limited to a Type 21 (General Off-Sale). All conditions contained in the ABC license shall be adhered to. **(PD)**
 - c. All areas of the store and around the entrance of the location shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the premises. **(PD)**
 - d. "No Loitering" and "No Open Container" signs shall be affixed and clearly visible at the entrance to the location. **(PD)**
 - e. There shall be no window coverings or advertisements that reduce the visibility inside of the business. This will assist officers in observing crimes in progress. **(PD)**
 - f. There shall be no amusement machines or video game devices in the premises at any time. **(PD)**
 - g. All persons engaged in the sale or service of alcohol shall complete a Mandatory Responsible Beverage Service (RBS) training and certification. This 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)**
 - h. 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. You are required to have someone able to operate the system on duty during all business hours. **(PD)**

- i. All owners, employees, representatives, and agents shall obey all state, local, and municipal laws, conditions of the Conditional Use Permit, Alcoholic Beverage Control License, or any other regulations, provision, or restrictions prescribed at all times. Any violations of any law or conditions will be considered violations of the permit to constitute permit suspensions or revocation in addition to civil or criminal enforcement. **(PD)**
 - j. In an effort to reduce the likelihood of alcohol related crimes, the display or sale of the following items shall be prohibited:
 - Wine in containers of less than 750 milliliters.
 - 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, except for small production craft-type beer only available in 40 ounce or less containers.
 - 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)**
3. CUP No. 17-028 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.
 4. The Zoning Administrator reserves the right to revoke Conditional Use Permit No. 17-028 pursuant to a public hearing for revocation, if any violation of the conditions of approval, Huntington Beach Zoning and Subdivision Ordinance, or Municipal Code occurs.
 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.
 6. 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.
 7. 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.