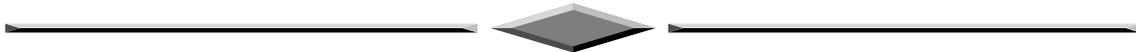


**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Ethan Edwards, Associate Planner
DATE: December 16, 2009

SUBJECT: CONDITIONAL USE PERMIT NO. 2009-032 (FARMERS HARVEST ALCOHOL TASTING)

LOCATION: 19111 Beach Boulevard, 92648 (southwest corner of Beach Boulevard and Garfield Avenue)



**Applicant/
Business**

Owner: Joe Rovirosa, Farmer's Harvest, 19111 Beach Boulevard, Huntington Beach, CA 92648

Property

Owner: Sun Brewer Partners, LP, 9888 Carmel Mountain Road, Suite I, San Diego, CA 92129

Request: To permit the onsite sale and consumption of alcohol within a 7,355 sq. ft. grocery store. The project consists of an approximately 360 sq. ft. designated area for the purpose of tasting alcoholic beverages.

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

Zone: CG (Commercial General)

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

Existing Use: Vacant



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 the minor modification to an existing use within an existing multi-tenant commercial shopping center.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2009-032:

1. Conditional Use Permit No. 2009-032 to permit the onsite sale and consumption of alcohol within a 7,355 sq. ft. grocery store with an approximately 360 sq. ft. designated area for the purpose of tasting alcoholic beverages 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 alcohol consumption is not anticipated to generate additional noise, traffic, parking, or other impacts detrimental to surrounding property and inconsistent with the subject property's commercial zoning. Residential uses to the south of the subject site are buffered from the existing building by mature landscaping, 6 ft. high property line fence, a 26 ft. wide drive aisle along with two rows of parking and the grocery store suite. The storefront and entrance are oriented toward the parking lot and Garfield Avenue, which is away from the residences. The consumption of alcoholic beverages will be for sampling purposes and shall be contained within a delineated tasting area inside the grocery store.
2. The conditional use permit will be compatible with surrounding uses because the onsite consumption of alcoholic beverages will be ancillary to a retail commercial use (grocery store) and will occur entirely within the interior of the building at an established commercial shopping center containing similar and complimentary uses.
3. The 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 and any specific condition required for the use in the district in which it is located. The grocery store conforms to applicable site development requirements including required minimum setbacks and minimum onsite parking. The onsite consumption of alcoholic beverages is permitted within the CG (Commercial General) zoning district with the approval of a conditional use permit.
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 CG – F1 (Commercial General – 0.35 max. Floor Area Ratio) on the subject property. In addition, it is consistent with the following objectives and policies of the General Plan:

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, 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.

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 requested conditional use permit will accommodate an existing commercial development by allowing the addition of alcohol consumption for sampling purposes to a permitted land use (food & beverage sales). The proposed use will market its services to local residents and residents in the surrounding region thereby expanding the service-based commercial opportunities in the City. It will be located in an existing shopping center, which includes service related uses.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2009-032:

1. The site plan and floor plan received and dated October 8, 2009 shall be the conceptually approved design including the area designated for alcohol sampling.
2. Prior to the sale and consumption 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.
3. The use shall comply with the following:
 - a. The onsite service, sale, and consumption of alcoholic beverages shall be limited to the designated tasting area. **(PD)**
 - b. All open containers shall be sealed by a store employee or representative prior to being removed from the tasting area. **(PD)**
 - c. Adequate lighting shall be provided in the tasting area so store employees or representatives can monitor guests and patrons. **(PD)**
 - d. Drinks consumed within the tasting area shall be limited to either alcohol purchased at the store or as provided by a store employee or representative. No outside alcoholic beverages shall be permitted within the tasting area. **(PD)**
 - e. For employee safety, all walk in coolers, and business offices where significant amounts of money will be stored, counted, or maintained, shall be equipped with a panic alarm or similar device. **(PD)**
 - f. The store shall maintain a record of all vendors, manufacturers, and distributors participating in tasting events. Companies participating in said events shall provide the store with a current City of Huntington Beach Business License, which shall be maintained onsite for a period of no less than one year. These records shall be made available to any representative of the City of Huntington Beach for inspection during regular business hours. **(PD)**
 - g. Any glass, cup, or container from which alcoholic beverages will be sampled shall be provided by the store. **(PD)**
 - h. A maximum of one 2-ounce sample of wine (as defined by §23007 of the California Business and Professions Code), or one 4-ounce sample of beer (as defined by

- i. Only samples provided under the initial tasting fee and in accordance with this permit and the conditions of the locations Alcoholic Beverage Control License shall be permitted for consumption. **(PD)**
- j. In support of §25602(a) of the California Business and Professions Code, no person(s) perceived to be intoxicated, common drunkard, or habitual drunkard shall be allowed in the tasting area. **(PD)**
- k. No minors (under the age of 21 years old) shall be permitted within the tasting area. **(PD)**
- l. No alcoholic beverages shall be stored or maintained between the check stands and the front exit doors, or within 15 feet of the front door or any emergency exit. **(PD)**
- m. A clearly legible sign shall be affixed inside the tasting area entrance stating “No open alcoholic beverages will be permitted outside the tasting area”. **(PD)**
- n. A 12-month review of the Conditional Use Permit shall be conducted by staff to ensure the business is operating in compliance with applicable laws and regulations, and to ensure the location is being operated and maintained in the same manner. The review shall be conducted 12-months after the business has opened to the public. **(PD)**

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.