

ATTACHMENT NO. 1

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL **CONDITIONAL USE PERMIT NO. 17-026**

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission 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 15303, Class 3 – *New Construction or Conversion of Small Structures* of the CEQA Guidelines as the project involves the construction of one commercial building that is less than 10,000 sq. ft. in an urbanized area where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 17-026:

1. Conditional Use Permit No. 17-026 to construct a new service station canopy, establish beer and wine sales, and allow reduced building setbacks will not be detrimental to the general welfare of persons working or residing in the vicinity nor detrimental to the value of the property and improvements in the neighborhood because the project will revitalize an existing deteriorating area with a development consistent with the General Plan land use and zoning designations. The proposed project will replace an existing service station and liquor store and is compatible in the proportion, scale, and character of the adjoining uses. The one-story commercial building is consistent with the height requirements and complements the adjacent commercial buildings. Additionally, the design of the building is attractive and will incorporate architectural elements such as cornices with articulating rooflines, metal awnings, and stone veneer base. The proposed building setbacks to the existing property line exceed the minimum setback of 15 ft. by approximately six to seven ft. After a required 14 ft. Warner Ave. street dedication and widening for a future right turn lane, the reduced building setback to the ultimate property line will measure approximately seven to eight ft. which will not create adverse impacts to the surrounding neighborhood as it is compatible with other surrounding single-story buildings that have been granted similar reduced setbacks. The site is surrounded by streets on three sides of the property, making it difficult to meet required building setbacks after street dedications and still maintain a viable service station with adequate on-site circulation. Additionally, the proposed retail building will replace two buildings (totaling approximately 3,500 sq. ft.) and replace them with a smaller commercial building. Redevelopment of the site will improve this segment of Beach Boulevard by reducing the width of existing driveway aisles, widening the sidewalks, and adding new landscaping along the right of way. The new layout of the service station will move the gas pumps further away from Beach Blvd. to allow for wider onsite landscape planters and improve circulation efficiency, improvements that may motivate other commercial properties to redevelop. The existing use will remain the

same and the new license for alcohol (beer and wine) sales, as conditioned, will not generate new noise, traffic, demand for parking or other impacts. The sale of beer and wine is for off-site consumption only and the service station will continue to provide fuel and convenience goods.

2. The General Plan Land Use Map designation on the subject property is currently M-sp (Mixed Use – Specific Plan Overlay). Conditional Use Permit No. 17-026 for the construction of a new 4,412 sq. ft. service station canopy, 2,168 sq. ft. retail building and permit off-sale beer and wine sales (ABC License Type 20) within a proposed retail building is consistent with this designation and the goals, policies, and objectives of the City's General Plan as follows:

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 that new development projects are of compatible proportion, 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 renovation and revitalization of deteriorating and struggling nonresidential areas and corridors, particularly commercial locations.

The proposed development is consistent with the Beach and Edinger Corridors Specific Plan which encourages well-articulated building and wider walkways to enhance the pedestrian and public experience. The proposed development project is compatible in the proportion, scale, and character of the adjoining uses. The one-story commercial building is consistent with the height requirements and complements the adjacent commercial buildings. The proposed building setbacks to the existing property line exceed the minimum setback of 15 ft. by approximately six to seven ft. After a required 14 ft. Warner Ave. street dedication and widening for a future right turn lane, the reduced building setback to the ultimate property line will measure approximately seven to eight ft. which will not create adverse impacts to surrounding neighborhood as it is compatible with other surrounding single-story buildings in the area that have been granted similar reduced setbacks. The site is surrounded by streets on three sides of the property, making it difficult to meet required building setbacks after street dedications and still maintain a viable service station with adequate on-site circulation. Additionally, the proposed retail building will replace two buildings (totaling approximately 3,500 sq. ft.) and replace them with a smaller commercial building. The proposed architectural elements such as the cornices with articulating rooflines, metal awnings, and stone veneer base is compatible with and enhances the character of the adjoining uses.

Furthermore, the proposed service station and retail building offers a service that meets the regional and local community needs and revitalizes an existing commercial property with an optimal location and accessibility along a major highway. Additionally, the sale of alcoholic beverages (beer and wine) increases the economic viability of the service station by offering the sales of alcoholic beverages in addition to other convenience goods. The expansion of services captures and enhances resident, visitor, and tourist activity within the surrounding areas. This commercial development is proposed within close proximity of compatible existing commercial uses and residential uses in the vicinity. By permitting a mix of land uses closer together, greater interaction will occur between developments and further the vision and viability of the specific plan.

Circulation Element

Goal CIRC 7: Designated scenic corridors protect and enhance visual quality and scenic views.

Goal CIRC 7 (D): Provide landscaped medians and sidewalk treatments in accordance with City standards within major and primary arterial streets designated as landscape corridors, and continue to require the construction of landscaped medians and sidewalk treatments in new developments.

The proposed streetscape will initiate the vision for the Town Center Boulevard Segment of the specific plan. The project will provide a parkway landscape buffer for pedestrians using the public sidewalk. Additionally, the proposed service station and retail building will revitalize an existing commercial property with an optimal location and accessibility along a major highway.

3. Conditional Use Permit No. 17-026 for the construction of a new 4,412 sq. ft. service station canopy, 2,168 sq. ft. retail building and permit off-sale beer and wine sales (ABC License Type 20) within a proposed retail building will comply with the Town Center Boulevard Segment of the Beach and Edinger Corridors Specific Plan, and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) with the exception of the reduced building setback along Warner Ave., in that the project complies with all other setback standards, building height, top and base architectural element requirements, and parking. The reduced building setback is appropriate as it will allow street dedication and widening for a future right turn lane in addition to revitalizing an existing commercial property with an optimal location and accessibility along a major highway. Additionally, the use will comply with all building occupancy and exiting requirements.

SUGGESTED CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 17-026:

1. The site plan, floor plan, and elevations received and dated June 20, 2018 shall be the conceptually approved layout with the following modification: to further differentiate

private property as recommended by the Police Department, driveway entrances along Beach Blvd., Warner Ave., and A St. shall add pavement treatment such as interlocking unit pavers or scored and colored concrete. **(BECSP 2.7.4.1)**

2. At least 14 days prior to any grading activity, the applicant/developer shall provide notice in writing to property owners of record and tenants of properties within a 500-foot radius of the project site as noticed for the public hearing. The notice shall include a general description of planned grading activities and an estimated timeline for commencement and completion of work and a contact person name with phone number. Prior to issuance of the grading permit, a copy of the notice and list of recipients shall be submitted to the Community Development Department.
3. The use shall comply with the following:
 - a. Hours of operation may be up to 24 hours, daily.
 - b. Hours of alcohol sales shall be limited to between 6:00 AM and 2:00 AM. **(PD)**
 - c. Refrigerators and cabinets where alcohol is located must be locked to customers between 2:00 AM to 6:00 AM. **(PD)**
 - d. Prior to the sales of alcoholic beverages, the business shall obtain a California Department of Alcoholic Beverage Control (ABC) license authorizing off sale alcohol sales. The ABC license shall be limited to "Off-sale" Type 20 – Beer and Wine Off-sale. All conditions contained in the ABC license shall be adhered to. **(PD)**
 - e. At the acquirement of the off-sale beer and wine license (ABC Type 20), the property owner shall not utilize, transfer, nor sell the existing off-sale general alcohol license (ABC Type 21) and shall surrender the license to the California Department of Alcoholic Beverage Control (ABC). **(PD)**
 - f. All persons engaged in the sale 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)**
 - g. The facility shall employ a video surveillance security 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. 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. Live entertainment is prohibited. **(PD)**
 - i. In an effort to reduce the likelihood of alcohol related crimes, the display or sale of the following items shall be prohibited **(PD)**:
 - Wine containers of less than 750 milliliters.
 - Wine with alcoholic content greater than 14 percent by volume unless corked bottles and aged at least two years.
 - Beer or malt liquor products sold individually in containers of less than 24 ounces, except for small production craft-type beer only available in 24 ounces or less containers.
 - Containers of beer or malt liquor not in their original factory packages of six-packs or greater.
 - Cooler products, either wine or malt liquor beverage based, in less than three-pack quantities.
4. Prior to submittal for building permits, the following shall be completed:
- a. 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.
 - b. The property owner/developer shall include a list on the plans to identify which sustainable or “green” building practices will be incorporated into the project from the U.S. Green Building Council’s Leadership in Energy and Environmental Design (LEED) Program certification or Building It Green’s Green Building Guidelines and Rating Systems.
5. Prior to the issuance of a building permit, a Lot Line Adjustment shall be submitted to the Community Development Department, approved by the Public Works Department, and recorded by the County for the consolidation of the two parcels to result in one (1) lot.
6. Prior to issuance of a precise grading permit, the following shall be completed: Caltrans encroachment permits for work within the Caltrans right-of-way (for construction of sidewalks, driveways, utility connections, drainage etc.) shall be obtained by the applicant prior to City issuance of a grading permit. A copy of each submittal, encroachment permit, traffic control plans and/or other permission granted by Caltrans shall be transmitted to the Public Works Department. **(PW)**
7. The structure(s) cannot be occupied, the final building permit(s) cannot be approved, and utilities cannot be released, and issuance of Certificate of Occupancy until the following has been completed:

- a. The existing non-conforming "Liquor" pole sign shall be removed.
 - b. Compliance with all conditions of approval specified herein shall be accomplished and verified by the Community Development Department.
 - c. All improvements must be completed in accordance with approved plans, except as provided for by conditions of approval.
 - d. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
 - e. A Certificate of Occupancy must be approved by the Planning Division and issued by the Building and Safety Division.
8. New signage shall be reviewed under separate permits and applicable processing.
9. The Development Services Departments (Community Development, Fire, and Police Department) 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 Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the provisions of HBZSO Section 241.18.
10. Conditional Use Permit No. 17-026 shall become null and void unless exercised within two (2) 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.

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.