

ATTACHMENT NO. 1

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

ENTITLEMENT PLAN AMENDMENT NO. 19-010:

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 15301, Class 1 – *Existing Facilities* of the CEQA Guidelines because the project involves no expansion of the existing facility.

FINDINGS FOR APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 19-010:

1. Entitlement Plan Amendment No. 19-010 to amend CUP No. 08-020 to extend the hours of operation of an existing car wash from 7:00 AM – 7:00 PM daily to 7:00 AM – 10:00 PM daily will not be detrimental to the general welfare or persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood because the proposed use is not anticipated to generate any significant noise, traffic, parking or other impacts detrimental to surrounding properties and is consistent with the subject property's zoning. CUP No. 08-020 included approval of ND No. 08-007, which determined that noise levels would not cumulatively contribute to an increase in levels above established thresholds in the municipal code. The Acoustic Study found the car wash operations would not exceed the daytime (7:00 A.M. – 10:00 P.M.) ambient-based noise limits of the City municipal code at the nearest residential areas. Further, the 2019 Operational Acoustic Study determined that noise generated from the car wash does not substantially increase ambient noise levels at the adjacent multifamily residential building. The proposed extension of operational hours, as conditioned, is not anticipated to result in negative impacts on surrounding businesses and adjacent properties, as the car wash tunnel is setback 47 ft. from the property line shared with an adjacent multifamily residential property. The nearest multifamily residential building is located approximately 131 ft. from the car wash tunnel. The multifamily residences are buffered from the car wash by an existing eight ft. tall block wall, carports, and a driveway. Moreover, the car wash is located along a major corridor and will not generate significant impacts to affect surrounding residential uses. The use is conditioned to operate according to the applicant's narrative received and dated October 3, 2019 which will limit the hours of operation to 7:00 AM – 10:00 PM daily.
2. Entitlement Plan Amendment No. 19-010 to amend CUP No. 08-020 to extend the hours of operation of an existing car wash from 7:00 AM – 7:00 PM daily to 7:00 AM – 10:00 PM daily will comply with the provisions of the base district and other applicable provisions in Titles 21-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO), and any specific condition required for the proposed use in the district in which it would be located. The HBZSO allows for car washes, subject to approval of a conditional use permit or entitlement plan amendment. There are no proposed physical alterations to the property that would impact the applicable development standards such as setbacks, height, and parking.
3. The granting of Entitlement Plan Amendment No. 19-010 to amend CUP No. 08-020 to extend the hours of operation of an existing car wash from 7:00 AM – 7:00 PM daily to 7:00 AM – 10:00 PM daily will not adversely affect the General Plan. It is consistent with the Land Use

Element designation of CG (Commercial General) on the subject property. In addition, it is consistent with the following objectives and policies of the General Plan:

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.

Goal LU-13: The city provides opportunities for new businesses and employees to ensure a high quality of life and thriving industry.

Policy LU-13.A: Encourage expansion of the range of goods and services provided to accommodate the needs of all residents and the market area.

The proposed extension of operational hours for the existing car wash will further the goals of the General Plan by providing a service to accommodate the needs of local residents and serve visitors from the surrounding area. The proposed hours of operation extension will contribute to the economic viability of the property, surrounding commercial shopping centers, and the responsible growth of the City. The proposed extension of operational hours, as conditioned, is not anticipated to result in negative impacts on surrounding businesses and adjacent properties, as the car wash tunnel is setback 47 ft. from the property line shared with an adjacent multifamily residential property. The nearest multifamily residential building is located approximately 131 ft. from the car wash tunnel. The multifamily residences are buffered from the car wash by an existing eight ft. tall block wall, carports, and a driveway. Moreover, the car wash is located along a major corridor and will not generate significant impacts to affect surrounding residential uses. A noise study, received and dated July 29, 2008, prepared by RK Engineering, found that the car wash operations would not exceed the daytime (7:00 A.M. – 10:00 P.M.) ambient-based noise limits of the City municipal code at the nearest residential areas. A supplemental operational noise study determined noise generated by the use will not exceed existing ambient noise levels and will comply with the City's noise ordinance. Noise is attenuated through onsite improvements and existing structures adjacent to the site which include a perimeter block wall and carport structures. Additionally, the property owner has retained the services of RK Engineering again to take new operational noise measurements which demonstrate that noise generated from the car wash does not substantially increase ambient noise levels at the adjacent multifamily residential building. The carwash is conditioned to only operate between 7:00 A.M and 10:00 P.M. daily and to require patrons to turn off engines and stereos while vacuuming or waiting in the queue.

CONDITIONS OF APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 19-010:

1. The site plan received and dated October 3, 2019 shall be the conceptually approved layout.
2. Condition 11(d) of Conditional Use Permit No. 08-020 shall be revised as follows:
 - a. The car wash hours of operation shall be limited to 7:00 AM – 10:00 PM daily.
 - b. Install signage near vacuum station requiring patrons to turn off engines and stereos while utilizing vacuums.
 - c. Install signage near car wash tunnel queue lane to require patrons to turn off stereos while waiting in the queue.
3. Condition 11 of Conditional Use Permit No. 08-020 shall be expanded to include the following:

- a. Hours of alcohol sales limited to between 6:00 AM and 2:00 AM. **(PD)**
 - b. Refrigerators and cabinets where alcohol is located must be locked to customers between 2:00 AM to 6:00 AM. **(PD)**
 - c. 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)**
 - d. The establishment shall employ a video surveillance security system with a minimum of one-month video library recorded to a DVR or Cloud based system. The cameras minimum requirements will be: clear, color, digital and able to record in low light. The business shall ensure all public areas, entrances, exits, parking areas to the front and adjacent to the business 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 personnel conducting investigations. You are required to have someone able to operate the system on duty during all business hours. **(PD)**
 - e. Live entertainment is prohibited. **(PD)**
 - f. 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 40 ounces, except for small production craft-type beer only available in 40 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. Entitlement Plan Amendment No. 19-010 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.
5. 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 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.

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.