

## **ATTACHMENT NO. 1**

### **SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL**

#### **CONDITIONAL USE PERMIT NO. 19-014**

##### **FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Planning Commission finds that the project will not have any significant effect on the environment and is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15303, Class 3 – *New Construction of Conversion of Small Structures*, because the project involves the construction of one commercial building that is less than 10,000 sq. ft. where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

##### **FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 19-014:**

1. Conditional Use Permit No. 19-014 to demolish an existing auto repair building and construct a 2,323 s.f. convenience store operating 24 hours per day with Type 20 (Off-Sale Beer and Wine) ABC license and an eight pump fueling station in the Beach and Edinger Corridors Specific Plan (BECSP) 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 because the proposed use is located within an existing commercial area with other similar uses. The sale of alcohol provides an additional convenient service to the community and surrounding regional area. The convenience store and fueling station is not anticipated to generate significant noise, traffic, or other impacts that would be detrimental to the surrounding area residents and businesses. The BECSP and General Plan land use designation anticipated convenience store and fueling station uses with alcohol sales in this area. The request for alcohol will serve to augment the overall customer experience by providing an additional convenience for patrons. Furthermore, alcoholic beverages will sold for off-site consumption only, and will not generate detrimental impacts to surrounding properties.
2. Conditional Use Permit No. 19-014 to demolish an existing auto repair building and construct a 2,323 s.f. convenience store operating 24 hours per day with Type 20 (Off-Sale Beer and Wine) ABC license and an eight pump fueling station will be compatible with surrounding multi-family residential and commercial uses because the project is located within an existing commercial area. The convenience store and fueling station abuts other retail uses to the north, east, and south and therefore will be consistent with the existing land use pattern and compatible to its surroundings. The nearest residential use is adjacent to the west of the subject site and is buffered by the proposed building, drive aisle, and block wall. The use will be required to comply with conditions of approval pertaining to alcohol service and operation to assure that any potential impacts to the surrounding properties are minimized.
3. Conditional Use Permit No. 19-014 to demolish an existing auto repair building and construct a 2,323 s.f. convenience store operating 24 hours per day with Type 20 (Off-Sale Beer and Wine) ABC license and an eight pump fueling station will comply with the Town Center Boulevard Segment of the BECSP, and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) because the BECSP allows for the operation of convenience stores and fueling stations with alcohol sales subject to approval of a conditional use permit. The General Plan land use designation and the BECSP

anticipated convenience stores and fueling stations with alcohol sales in this area. The request for alcohol sales will serve to augment the overall customer experience by providing an additional convenience for patrons.

4. The General Plan Land Use Map designation on the subject property is currently M-sp (Mixed Use – Specific Plan Overlay). The request to demolish an existing auto repair building and construct a 2,323 s.f. convenience store operating 24 hours per day with Type 20 (Off-Sale Beer and Wine) ABC license and an eight pump fueling station 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 new businesses to locate on existing vacant or underutilized commercial properties where these properties have good locations and accessibility.

*Policy LU-12(B):* Encourage renovation or revitalization of deteriorating and struggling nonresidential areas and corridors, particularly commercial locations.

The proposed construction of an approximately 2,323 s.f. convenience store operating 24 hours per day with Type 20 (Off-Sale Beer and Wine) ABC license and an eight pump fueling station is coordinated to ensure the land use pattern is consistent with the goals and needs of the community. The proposed development project is compatible in the proportion, scale, and character of the adjoining uses. The proposed architectural elements such as the pronounced corner with clerestory windows, awnings, and stone veneer is compatible with and enhances the character of the adjoining uses. Furthermore, the proposed development of a new, approximately 2,323 s.f. convenience store with Type 20 (Off-Sale Beer and Wine) ABC license and an eight pump fueling station offers a service that meets the regional and local community needs on an underutilized commercial property with an optimal location and accessibility along a state highway and major commercial/mixed use corridor.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 19-014:**

1. The site plan, floor plan, and elevations received and dated November 22, 2019 shall be the conceptually approved layout.
2. The use shall comply with the following:
  - a. 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)**

- 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. 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)**
  - e. 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: 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)**
  - f. Live entertainment is prohibited. **(PD)**
  - g. 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.
3. Signage shall be reviewed under separate permits and applicable processing.
4. At least 14 days prior to any grading activity, the property owner/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.
5. Prior to issuance of a grading permit, the following shall be completed:

- a. A right-of-way dedication for pedestrian access and public utilities along the Beach Boulevard frontage to provide a curb-to-property line width of 10 feet. **(PW)**
  - b. A two (2) foot right-of-way dedication for pedestrian access and public utilities along the Stark Drive frontage to provide a curb-to-property line width of 12 feet. **(PW)**
  - c. An interim parking and building materials storage plan shall be submitted to the Planning Division to assure adequate parking and restroom facilities are available for employees, customers and contractors during the project's construction phase and that adjacent properties will not be impacted by their location. The plan shall also be reviewed and approved by the Fire Department and Public Works Department. The property owner/developer shall obtain any necessary encroachment permits from the Department of Public Works.
  - d. All design and construction shall be per the City Standard codes and street configuration and specifications of the Beach and Edinger Corridors Specific Plan. The frontage along Stark Drive shall comply with the "Neighborhood Streets" configuration and the frontage along Beach Boulevard shall comply with the "Palm Tree Boulevard" configuration.
  - e. A lighting plan depicting the boulevard-scale street lighting and pedestrian-scale street lighting along Beach Blvd. shall be submitted to the Community Development Department for review and approval by the Planning Division and Public Works Department.
6. Prior to final inspection or occupancy, the following shall be completed:
- a. The Developer shall provide a Landscape Maintenance License Agreement for the continuing maintenance and liability of all landscaping, irrigation, street lighting, furniture, and hardscape that is located along the project frontage within the public right of way. The agreement shall describe all aspects of maintenance such as enhanced sidewalk cleaning, trash cans, disposal of trash, signs, tree or palm replacement, and any other aspect of maintenance that is warranted by the development plan improvements proposed. The agreement shall state that the property ownership shall be responsible for all costs associated with maintenance, repair, replacement, liability and fees imposed by the City. **(PW)**
  - b. All existing overhead utilities that occur along the project's westerly property line shall be under-grounded. This includes the Southern California Edison (SCE) aerial distribution lines (12kV) and poles (nos. 102601NG and 1039478E) along the entire length of the westerly property line of the subject project. This condition also applies to all utilities, including but not limited to all telephone, electric, and Cable TV lines. If required, easements shall be quitclaimed and/or new easements granted to the corresponding utility companies. **(PW)**
7. During demolition, grading, site development, and/or construction, the following shall be adhered to: All Huntington Beach Zoning and Subdivision Ordinance and Municipal Code requirements including the Noise Ordinance. All activities including truck deliveries associated with construction, grading, remodeling, or repair shall be limited to Monday -

Saturday 7:00 AM to 8:00 PM. Such activities are prohibited Sundays and Federal holidays.  
**(HBMC 8.40.090)**

8. Conditional Use Permit No. 19-014 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.
9. Conditional Use Permit No. 19-014 shall not become effective until the appeal period following the approval of the entitlement has elapsed.
10. The Planning Commission reserves the right to revoke Conditional Use Permit No. 19-014 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.
11. 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.
12. The Development Services Departments (Community Development, Fire, 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.