

ATTACHMENT NO. 1

FINDINGS AND CONDITIONS OF APPROVAL

ENTITLEMENT PLAN AMENDMENT NO. 21-002

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that this 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 negligible or no expansion of an existing structure.

FINDINGS FOR APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 21-002:

1. Entitlement Plan Amendment No. 21-002 to amend Conditional Use Permit No. 15-055 to 1) allow the sale of beer, wine, and distilled spirits for off-sale consumption (ABC License Type 21) in conjunction with a 1,631 sq. ft. convenience market and 2) amend the hours of operation of the gas station and convenience market to 24 hours a day daily with alcohol sales proposed from 6:00 am to 2:00 am 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 site is located within an existing commercial area with other similar uses surrounding the site. The expanded hours of operation and alcoholic beverage offerings provide an additional service to the community and surrounding regional area. The request will serve to augment the overall customer experience by providing an additional convenience for patrons. Furthermore, the sale of alcoholic beverages is for off-site consumption only and will not generate detrimental impacts to surrounding properties.
2. The granting of Entitlement Plan Amendment No. 21-002 to amend Conditional Use Permit No. 15-055 to 1) allow the sale of beer, wine, and distilled spirits for off-sale consumption (ABC License Type 21) in conjunction with a 1,631 sq. ft. convenience market and 2) amend the hours of operation of the gas station and convenience market to 24 hours a day daily with alcohol sales proposed from 6:00 am to 2:00 am will not adversely affect the General Plan because it is consistent with the Land Use Element designation of Commercial General (CG) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

Land Use Element

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

Policy LU-11 (A): Encourage a variety of commercial uses that cater to local and regional demand to create an environment that meets resident needs and increases the capture of sales tax revenues.

The request will expand the range of goods and services provided in the area by allowing the continuance of ancillary sale of alcohol in conjunction with an existing convenience market in a safe manner for residents and customers from the surrounding area. The 24-hour daily operation of the gas station and convenience market is not anticipated to generate additional noise, traffic, or impacts above existing conditions. The residential uses to the east and south of the subject site are buffered from noise related to the business by major streets (Algonquin Street and Davenport Drive). In addition, the sale of alcoholic beverages will continue to be for off-site consumption only. Conditions have been added to the request which limit the use and manner in which alcohol may be sold to ensure the proposed use will be compatible with the surrounding neighborhood while providing a service that will meet the needs of the community and increase sale tax revenue.

3. Entitlement Plan Amendment No. 21-002 to amend Conditional Use Permit No. 15-055 to 1) allow the sale of beer, wine, and distilled spirits for off-sale consumption (ABC License Type 21) in conjunction with a 1,631 sq. ft. convenience market and 2) amend the hours of operation of the gas station and convenience market to 24 hours a day daily with alcohol sales proposed from 6:00 am to 2:00 am 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 because the Commercial General zoning designation anticipated the sale of alcohol in conjunction with a gas station and convenience market in this area. The sale of alcohol is ancillary to the primary gas station and convenience market use and will serve to augment the overall customer experience by providing an additional convenience for patrons.

CONDITIONS OF APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 21-002:

1. The site plan, floor plan, and elevations received and dated February 3, 2021 shall be the conceptually approved design.
2. The use shall comply with the following:
 - a. Hours of alcohol sales shall be limited to between 6:00 AM and 2:00 AM. **(PD)**
 - b. Refrigerators and cabinets where alcohol is located shall be locked to customers between 2:00 AM and 6:00 AM. **(PD)**
 - c. 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 ABC License Type 21 – Off-Sale General. All conditions contained in the ABC license shall be adhered to. **(PD)**
 - d. No beer or malt beverage products shall be sold, regardless of container size, in quantities of less than six per sale. **(PD)**

- e. Beer, malt beverages, pre-mixed distilled spirits, regardless of size, shall only be sold in pre-packaged multi-unit quantities. **(PD)**
 - f. The sales of distilled spirits in containers of less than 2 oz. shall be prohibited. **(PD)**
 - g. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. **(PD)**
 - h. There shall be signs stating “NO LOITERING IS ALLOWED ON OR IN FRONT OF THESE PREMISES” in a place that is clearly visible to patrons of the licensed premises. **(PD)**
- 3. All other conditions of approval required under Conditional Use Permit No. 15-055 shall remain valid except as modified herein.
 - 4. The Development Services Departments (Fire, Community Development, 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.
 - 5. Entitlement Plan Amendment No. 21-002 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.

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.