



**OFFICE of the ZONING ADMINISTRATOR
CITY OF HUNTINGTON BEACH • CALIFORNIA**

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P.O. BOX 190

CALIFORNIA 92648

(714) 536-5271

**NOTICE OF ACTION**

November 5, 2015

Sherrie Olson  
1030 N. Mountain Ave  
Ontario, CA 91762

**SUBJECT:** **CONDITIONAL USE PERMIT 15-055 (CHEVRON MARKET BEER AND WINE)**

**APPLICANT:** Sherrie Olson, 1030 N. Mountain Ave., Ontario, CA 91762

**REQUEST:** To permit sales, display, and storage of alcohol (ABC Type 20 License – off-sale beer and wine) in conjunction with fuel sales and an existing 2,600 sq. ft. service station convenience market with carwash.

**PROPERTY OWNER:** Chase Russell, 16921 Algonquin St., Huntington Beach, CA 92649

**LOCATION:** 16921 Algonquin Street, 92649 (located at the northwest corner of Algonquin St. and Davenport Dr.)

**CITY CONTACT:** Joanna Cortez

**DATE OF ACTION:** November 4, 2015

On Wednesday, November 4, 2015, the Huntington Beach Zoning Administrator took action on your application, and your application was **conditionally approved**. Attached to this letter are the findings and conditions of approval.

Please be advised that the Zoning Administrator reviews the conceptual plan as a basic request for entitlement of the use applied for and there may be additional requirements prior to commencement of the project. It is recommended that you immediately pursue completion of the conditions of approval and address all requirements of the Huntington Beach Zoning and Subdivision Ordinance in order to expedite the processing/completion of your total application. The conceptual plan should not be construed as a precise plan, reflecting conformance to all Zoning and Subdivision Ordinance requirements.

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Zoning Administrator becomes final at the expiration of the appeal

period. A person desiring to appeal the decision shall file a written notice of appeal to the Secretary of the Planning Commission within ten (10) calendar days of the date of the Zoning Administrator's action. The notice of appeal shall include the name and address of the appellant, the decision being appealed, and the grounds for the appeal. Said appeal must be accompanied by a filing fee of One Thousand Nine Hundred Seventeen Dollars (\$1,917.00) if the appeal is filed by a single family dwelling property owner appealing the decision on his own property and Two Thousand Five Hundred One Dollars (\$2,501.00) if the appeal is filed by any other party. In your case, the last day for filing an appeal and paying the filing fee is November 16, 2015, at 5:00 PM.

Provisions of the Huntington Beach Zoning and Subdivision Ordinance are such that any application becomes null and void one (1) year after final approval, unless the use has been established, or as modified by condition of approval.

Excepting those actions commenced pursuant the California Environmental Quality Act, you are hereby notified that you have 90 days to protest the imposition of the fees described in this Notice of Action. If you fail to file a written protest regarding any of the fees contained in this Notice, you will be legally barred from later challenging such action pursuant to Government Code §66020.

If you have any questions regarding this Notice of Action letter or the processing of your application, please contact Joanna Cortez, the project planner, at (714) 374-5357 or via email at [Joanna.Cortez@surfcity-hb.org](mailto:Joanna.Cortez@surfcity-hb.org) or the Department of Community Development Zoning Counter at (714) 536-5271.

Sincerely,



Ricky Ramos  
Zoning Administrator

RR:JC:jg  
Attachment

c: Honorable Mayor and City Council  
Chair and Planning Commission  
Fred A. Wilson, City Manager  
Ken Domer, Assistant City Manager  
Scott Hess, Director of Community Development  
William H. Reardon, Division Chief/Fire Marshal  
Jane James, Planning Manager  
Debbie DeBow, Principal Civil Engineer  
Mark Carnahan, Building Manager  
Jim Brown, Fire Protection Analyst  
Steve Eros, Fire Protection Analyst  
Chase Russell  
Project File

## **ATTACHMENT NO. 1**

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

#### **CONDITIONAL USE PERMIT NO. 15-055**

#### **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 no expansion of the existing fuel or retail uses.

#### **FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 15-055:**

1. Conditional Use Permit No. 15-055 for the sales of alcoholic beverages (beer and wine) within a 2,600 sq. ft. service station convenience market with carwash 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 sales, as conditioned, will not generate noise, traffic, demand for parking or other impacts above that which currently exists and inconsistent with the subject property's commercial zoning. 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 sales of alcoholic beverages (beer and wine) will be compatible with surrounding uses because the subject business is located on a property designated for commercial use. The existing service station convenience market will only dedicate 5% of the floor area to the sale of beer and wine. The market is ancillary to the existing service station, is consistent with the existing land use pattern, and compatible with adjacent properties. The use is required to comply with conditions of approval pertaining to alcohol sales and hours of operation to assure that any potential impacts to the surrounding properties is minimized.
3. The sales of alcoholic beverages (beer and wine) 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. There is no physical expansion that includes additional floor area to the building as a part of this request and the use will comply with all building occupancy and exiting requirements.
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 – Maximum FAR 0.50) on the subject property. In addition, it is consistent with the following goals, objective, and policies of the General Plan:

##### **A. Land Use Element**

**Goal LU 7:** Achieve a diversity of land uses that sustain a City's economic viability, while maintaining the City's environmental resources and scale and character.

Objective LU 7.1: Accommodate the development of a balance of land uses that (a) provides for the housing, commercial, employment, cultural, entertainment, and recreation needs of existing and future residents, (b) provides employment opportunities for residents of the City and surrounding sub region, (c) captures visitor and tourist activity, and (d) provides open space and aesthetic relief from urban development.

Policy LU 7.1.1: Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

Goal LU 11: Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

**B. 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 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.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 15-055:**

1. The site plan and floor plans received and dated September 11, 2015 shall be the conceptually approved design.
2. The use shall comply with the following:
  - a. Hours of operation for the gas station shall be limited to between 6:00 AM and 11:00 PM Monday through Sunday.
  - b. 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)**
  - c. Mandatory Responsible Beverage Service (RBS) training and certification 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. Employees may also choose to attend Licensee Education on Alcohol and Drugs (L.E.A.D) a free training provided by ABC in lieu of attending the RBS training. **(PD)**
  - d. 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)

- e. "Consumption of alcohol is prohibited" signage shall be affixed and clearly visible at the exit and in the waiting area of the location. (PD)
  - f. No consumption of alcohol on the premises shall be allowed. (PD)
  - g. Entertainment is prohibited. (PD)
3. CUP No. 15-055 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 Planning Department a minimum 30 days prior to the expiration date.
4. 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 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. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems <http://www.builditgreen.org/green-building-guidelines-rating>).

#### **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.