



Legislation Details (With Text)

File #: 21-543 **Version:** 1
Type: Public Hearing **Status:** Agenda Ready
File created: 7/14/2021 **In control:** Planning Commission
On agenda: 7/27/2021 **Final action:**
Title: APPEAL OF THE ZONING ADMINISTRATOR'S APPROVAL OF ENTITLEMENT PLAN AMENDMENT NO. 21-002 (CHEVRON CONVENIENCE MARKET) (CONTINUED FROM THE JULY 13, 2021 MEETING AT THE APPLICANT'S REQUEST)

REQUEST:

To amend Conditional Use Permit No. 15-055 to allow the sale of distilled spirits for off-site consumption (ABC License Type 21) in conjunction with a 1,630 sq. ft. convenience market.

LOCATION:

16921 Algonquin Street, 92649 (northwest corner of Algonquin Street and Davenport Drive)

Attachments: 1. Att #1 Suggested Findings and Conditions, 2. Att #2 Site Plan and Floor Plan, 3. Att #3 Appeal Letter, 4. Att #4 Code Requirements Letter, 5. Att #5 Correspondences Received, 6. Att #6 EPA 21-002 ZA Notice of Action, 7. Att #7 CUP 15-055 Notice of Action, 8. Att #8 PowerPoint Presentation, 9. 07/27/21 - Supplemental Communications - Emails

Date	Ver.	Action By	Action	Result
7/27/2021	1	Planning Commission	denied	Pass

PLANNING COMMISSION STAFF REPORT

TO: Planning Commission
FROM: Ursula Luna-Reynosa, Community Development Director
BY: Tess Nguyen, Associate Planner

SUBJECT:
APPEAL OF THE ZONING ADMINISTRATOR'S APPROVAL OF ENTITLEMENT PLAN AMENDMENT NO. 21-002 (CHEVRON CONVENIENCE MARKET) (CONTINUED FROM THE JULY 13, 2021 MEETING AT THE APPLICANT'S REQUEST)

REQUEST:

To amend Conditional Use Permit No. 15-055 to allow the sale of distilled spirits for off-site consumption (ABC License Type 21) in conjunction with a 1,630 sq. ft. convenience market.

LOCATION:

16921 Algonquin Street, 92649 (northwest corner of Algonquin Street and Davenport Drive)

**APPLICANT/
PROPERTY
OWNER:**

Chase Russell, 16061 Beach Boulevard, Huntington Beach, CA 92647

APPELLANT:

City Council Member Erik Peterson

STATEMENT OF ISSUE:

1. Is the project proposal consistent with the City of Huntington Beach's adopted land use regulations (i.e. General Plan, Zoning Map and Zoning Code)?
2. Does the project proposal satisfy all the findings required for approving an Entitlement Plan Amendment?
3. Has the appropriate level of environmental analysis been determined?

RECOMMENDATION:

That the Planning Commission take the following actions:

- A) Find the proposed project categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1 - Existing Facilities, and
- B) Approve Entitlement Plan Amendment No. 21-002 with findings and conditions of approval (Attachment No. 1).

ALTERNATIVE ACTION(S):

- A) Do not make the suggested findings, which will result in a mandatory denial per Section 241.10 (c) of the Zoning and Subdivision Ordinance.
- B) Continue Entitlement Plan Amendment No. 21-002 and direct staff accordingly.

PROJECT PROPOSAL:

On February 3, 2021, the applicant submitted a proposal to amend Conditional Use Permit No. 15-055 to 1) to continue the sale of beer and wine and add the sale of distilled spirits (ABC License Type 21) for off-site consumption in conjunction with a 1,630 sq. ft. convenience market; and 2) amend the hours of operation of the gas station and convenience market to 24 hours a day, 7 days a week and alcohol sales only from 6:00 AM to 2:00 AM.

On May 18, 2021, the applicant withdrew the request to amend the hours of operation of the gas station and convenience market. Therefore, the revised request is only to amend the previous conditional use permit to add the sales of distilled spirits.

Background:

In November 2015, the Zoning Administrator approved Conditional Use Permit No. 15-055 to permit sales, display, and storage of alcohol (ABC License Type 20 - off-sale beer and wine) in conjunction with an existing service station convenience market and carwash (Attachment No. 7). The currently approved hours of operation are limited to between 6:00 AM and 11:00 PM Monday through Sunday.

Zoning Administrator Action:

Entitlement Plan Amendment No. 21-002 was originally scheduled for a public hearing before the Zoning Administrator on April 21, 2021. At the hearing, the Zoning Administrator postponed the project to the May 19, 2021 meeting due to concerns related to the public notice.

The project was presented at the May 19, 2021 Zoning Administrator hearing. Staff gave an overview of the proposal and the applicant gave verbal testimony in support of the project. Staff received 95 letters in opposition and 107 signatures in support of the project. Comments at the hearing were received from five residents who spoke in opposition, citing concerns with the sale of hard liquor, increased traffic, increased noise, location of the market in a residential neighborhood, location near school, and existence of nearby sales of hard liquor. Staff also read aloud 41 letters in opposition of the proposed project. All the correspondences received regarding this proposal are included in Attachment No. 5. Following discussion between staff, the applicant, and residents, the Zoning Administrator approved the project with suggested findings and conditions of approval (Attachment No. 6).

Appeal:

On June 1, 2021, the Zoning Administrator's approval was appealed by City Council Member Erik Peterson (Attachment No. 3).

ISSUES AND ANALYSIS:

Subject Property And Surrounding General Plan Designations, Zoning And Land Uses:

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	CG (Commercial General)	CG-CZ (Commercial General - Coastal Zone)	Chevron Gas Station, Carwash, and Convenience Market
North and West of Subject Property:	CG (Commercial General)	CG-CZ (Commercial General - Coastal Zone)	Huntington Harbour Mall
East of Subject Property:	RMH (Residential Medium High Density)	RMH (Residential Medium High Density)	Multi-Family Residential
South of Subject Property:	RL (Residential Low Density)	RL (Residential Low Density - Coastal Zone)	Single-Family Residential

General Plan Conformance:

The General Plan Land Use Map and Zoning designation on the subject property is CG (Commercial General). The proposed project will implement both the General Plan and zoning designations of this site. The proposed project is consistent with the intent of these regulations, and the goals and policies of the City's General Plan as follows:

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. 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 sales tax revenue.

Zoning Compliance:

The project complies with the requirements of the Commercial General zoning district. The sales, display, and storage of beer and wine was previously allowed via a Conditional Use Permit approval by the Zoning Administrator. The addition of general alcohol sales to the existing convenience market is subject to an Entitlement Plan Amendment approval by the Zoning Administrator.

Urban Design Guidelines Conformance:

Not Applicable

Environmental Status:

The proposed project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1 - Existing Facilities, because the project consists of negligible expansion of an existing use.

Coastal Status:

The project involves the addition of distilled spirits sales to an existing convenience market located within the non-appealable area of the Coastal Zone. The proposed expansion of alcohol sales is exempt from the requirements of HBZSO Chapter 245 and a Coastal Development Permit is not required.

Design Review Board:

Not Applicable

Other Departments Concerns and Requirements:

The Departments of Community Development, Public Works, and Fire have reviewed the project and identified a list of applicable code requirements (Attachment No. 4). The Police Department reviewed the request and recommends several conditions of approval to regulate and monitor the general alcohol sales (Attachment No. 1) to ensure neighborhood compatibility. The Police Department's recommendations include limiting the hours of alcohol sales, obtaining an ABC License, and regulating the size of distilled spirits containers, advertising signage, and signage regarding loitering.

Public Notification:

Legal notice was published in the Huntington Beach Wave on July 1, 2021, and notices were sent to property owners of record and occupants within a 500 ft. radius of the subject property, individuals/organizations requesting notification (Community Development Department's Notification Matrix), applicant, and appellant.

Application Processing Dates:

DATE OF COMPLETE APPLICATION:

March 25, 2021

MANDATORY PROCESSING DATE(S):

May 25, 2021

The project was initially acted on at the May 18, 2021 Zoning Administrator meeting and that decision was subsequently appealed for a new hearing before the Planning Commission.

SUMMARY:

Staff recommends approval of Entitlement Plan Amendment No. 21-002 based on the following:

- Consistent with the CG (Commercial General) Land Use Designation of the General Plan and the CG - CZ (Commercial General - Coastal Zone Overlay) zoning designation;
- Project proposal satisfies all the findings required for approving an Entitlement Plan Amendment;
- Compatibility with the surrounding uses; and
- Provides expanded services to meet local and regional community needs.

ATTACHMENTS:

1. Suggested Findings and Conditions of Approval
2. Site Plan and Floor Plan received and dated February 3, 2021
3. Appeal Letter from City Council Member Erik Peterson received and dated June 1, 2021
4. Code Requirements Letter dated March 25, 2021 (for information purposes only)
5. Correspondences Received
6. Notice of Action Letter - Entitlement Plan Amendment No. 21-002
7. Notice of Action Letter - Conditional Use Permit No. 15-055