

**HUNTINGTON BEACH  
OFFICE OF THE ZONING ADMINISTRATOR  
EXECUTIVE SUMMARY**

**TO:** Zoning Administrator  
**FROM:** Kristi Rojas, Project Planner  
**DATE:** August 21, 2013  
**SUBJECT:** **CONDITIONAL USE PERMIT NO. 13-016 (STARBUCKS ALCOHOL)**  
**LOCATION:** 7101 Yorktown Avenue, 92648 (north side of Yorktown Avenue, between Goldenwest and Main Street)

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**Applicant:** Candice Doyle, Architects Orange, 144 N. orange Street, Orange, CA 92866

**Property**

**Owner:** Shea Properties Management Co., Carol Trueman, 130 Vantis Suite 200, Aliso Viejo, CA 92656

**Request:** To permit alcohol (beer and wine) sales, service, and consumption within an existing 1,821 sq. ft. indoor eating and drinking establishment and approximately 716 sq. ft. outdoor patio area enclosed with a 42-inch high metal railing.

**Environmental Status:** This request is covered by Categorical Exemption, Section 15301, Class 1, California Environmental Quality Act.

**Zone:** SP-9 (Specific Plan 9 – Mixed Development – Area 4)

**General Plan:** MH - SP (Mixed Use Horizontal with Specific Plan Overlay)

**Existing Use:** Commercial (Starbucks)

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**RECOMMENDATION:** Staff recommends approval of the proposed project based upon the following findings:

**SUGGESTED 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 in the overall floor area of the existing eating and drinking establishment.

**SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 13-016:**

- 1. Conditional Use Permit No. 13-016 for the establishment, maintenance and operation of the alcohol (beer and wine) sales, service, and consumption within an existing 1,821 sq. ft. indoor eating and drinking establishment and approximately 716 sq. ft. outdoor patio area enclosed with a 42-inch high metal railing 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 enclosed outdoor dining patio area is located in front of a tenant space facing the shopping center parking lot area and is not oriented toward sensitive surrounding uses. The restaurant tenant is proposing patio railing to physically define the perimeter of the outdoor area and new outdoor dining furniture to provide a more comfortable dining experience for customers. Furthermore, adequate parking is provided on site and the proposed project is consistent with the Master Site Plan of the shopping center.
- 2. The conditional use permit will be compatible with surrounding uses because the subject tenant suite is located within Specific Plan area designated for mixed development that provides for a variety of uses. The existing restaurant is surrounded by commercial, office, and restaurant uses and therefore will be 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 service and hours of operation to assure that any potential impacts to the surrounding properties is minimized.
- 3. The proposed conditional use permit 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. The approximately 716 square foot outdoor dining patio area conforms to all setbacks, required parking, and other provisions of the Holly Seaciff Specific Plan and is consistent with the entitlement history of the subject site.
- 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 Mixed Use Horizontal on the subject property. In addition, it is consistent with the following goal, objective and policy of the General Plan:

A. Land Use Element

Goal LU 10: Achieve the development of a range of commercial uses.

Objective LU 10.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, service visitors to the City, and capitalize on Huntington Beach’s recreational resources.

B. Economic Development Element

Policy ED 2.4.1: Encourage and assist existing and potential commercial owners to modernize and expand their commercial properties.

The enclosed outdoor dining area with alcohol service within the colonnade of the subject tenant suite will provide additional outdoor dining opportunities for customers. The subject shopping center currently features large outdoor dining areas located nearby on the property that are utilized by customers of multiple businesses. To minimize potential related impacts, the enclosed outdoor dining patio will only have one access, as required by the Huntington Beach

Police Department. The service of beer and wine is not anticipated to result in negative impacts on surrounding businesses and adjacent properties.

**SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 13-016:**

1. The site plan, floor plans, and elevations received and dated August 13, 2013 shall be the conceptually approved design.
2. The sales and consumption of alcoholic beverages shall be permitted between the following hours:
  - i. Monday – Saturday: 2:00 PM and 10:30 PM
  - ii. Sunday: 12:00 PM and 10:00 PM
3. The patio shall be for the sole use of Starbucks Coffee customers to prevent alcohol from being easily handed from the dining area to the surrounding sidewalks and walkways where people may loiter. **(PD)**
4. The patio area shall have only one entry/exit point. If another entry/exit point is designed, it shall be designated as an emergency exit only. A sign shall be posted in a conspicuous space at the entrance/exit point of the patio, which shall state, “NO ALCOHOLIC BEVERAGES BEYOND THIS POINT”. **(PD)**
5. An employee of the establishment must be present at all times in areas within the establishment where alcohol is served. **(PD)**
6. All alcohol shall remain on the establishment’s premises, including within outdoor dining areas. **(PD)**
7. All areas of the business that are accessible to patrons shall be illuminated to make easily discernible the appearance and conduct of all people in the business. **(PD)**
8. CUP No. 13-016 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 and Building Department a minimum 30 days prior to the expiration date.
9. Dancing and live entertainment shall be prohibited unless a Conditional Use Permit and Entertainment Permit are approved by the City. **(PD)**
10. The establishment shall follow all conditions of the alcohol license issued by the California Department of Alcoholic Beverage Control, as well as all other relevant portions of the Huntington Beach Zoning and Subdivision Ordinance and Huntington Beach Municipal Code. **(PD)**
11. 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.