

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

TO: Zoning Administrator
FROM: Joanna Cortez, Associate Planner
DATE: August 19, 2015

SUBJECT: CONDITIONAL USE PERMIT 15-018 (STARBUCKS ALCOHOL - CONTINUED FROM THE AUGUST 5, 2015, MEETING)

LOCATION: 16470 Pacific Coast Highway (north side of PCH, west of Admiralty Dr.)

Applicant: Jim Forgey, 144 N. Orange St., Orange, CA 92866

Property Owner: Raymond Lin, Taki-Sun Inc., 6400 E. PCH, Long Beach, CA 90805

Request: To permit the sales, service, and consumption of alcoholic beverages (beer and wine - ABC Type 41 License) at an existing 1,799 sq. ft. eating and drinking establishment with a 484 sq. ft. outdoor dining area.

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

Zone: CV-CZ (Commercial Visitor – Coastal Zone)

General Plan: CV-F2-d (Commercial Visitor - .50 Maximum Floor Area - design overlay)

Existing Use: Commercial

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. 15-018:

1. Conditional Use Permit No. 15-018 for the sales, service, and consumption of alcohol (beer and wine) within an existing 1,799 sq. ft. indoor eating and drinking establishment and approximately 484 sq. ft. outdoor patio 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 existing restaurant is located within an existing commercial center and is approximately 125 feet to the nearest residential use. Additionally, the restaurant, including the outdoor patio, faces Pacific Coast Highway and the closest residences are buffered by an existing drive aisle and parking lot. The proposed alcohol sales and service, as conditioned, will not generate noise, traffic, demand for parking or other impacts above that which currently exists or be inconsistent with the subject property's zoning. The restaurant will continue to serve food and beverages in conjunction with the proposed use.

2. The sales, service, and consumption of alcohol, which shall be limited to the interior of the restaurant and patio area, will be compatible with the surrounding neighborhood because the subject tenant suite is located within an existing commercial center consisting of 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. Additionally, the use is subject to noise regulations to ensure compatibility with surrounding uses.
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 and any specific condition required for the proposed use in the district in which it would be located. There is no physical expansion that includes additional floor area to the existing building as part of this request and the use will comply with all building occupancy/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 Commercial Visitor (CV) on the subject property. In addition, it is consistent with the following objective and policies of the General Plan:

A. Land Use Element

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, and capitalize on Huntington Beach's recreational resources.

Policy LU 10.1.8: Require that entertainment, drinking establishments, and other similar uses provide adequate physical and safety measures to prevent negative impacts on adjacent properties.

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 proposed use will market its services to local residents and residents in the surrounding region thereby expanding the service-based commercial opportunities in the City. It will be located within an existing commercial center, which includes service and retail uses, and

other restaurants with outdoor dining. Based upon the operational conditions imposed, the restaurant with beer and wine sales and service is not anticipated to result in negative impacts on adjacent properties.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 15-018:

1. The site plan, floor plans, and elevations received and dated August 5, 2015 shall be the conceptually approved design.
2. The use shall comply with the following:
 - a. The sales and consumption of alcoholic beverages shall be permitted everyday day of the week between the hours of 4:00 PM and 9:00 PM.
 - b. Prior to sales, service, or consumption of alcoholic beverages the business shall obtain an ABC license authorizing alcohol use in the establishment. The license shall be limited to a Type 41 – On Sale Beer and Wine for Bona Fide Public Eating Place. **(PD)**
 - c. An employee, manager, or owner of the establishment must maintain supervision of all areas of the establishment and patio where alcohol is being sold, served, and consumed. **(PD)**
 - d. All alcohol shall remain within the establishment or the patio area. Signs shall be posted at each entrance/exit of the establishment and patio stating “NO ALCOHOLIC BEVERAGES BEYOND THIS POINT”. **(PD)**
 - e. Alcohol shall not be purchased, sold, or served in the drive-thru. **(PD)**
 - f. 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)**
 - g. Dancing and live entertainment shall be prohibited unless a Conditional Use Permit and Entertainment Permit are approved by the City. **(PD)**
 - h. All owners, employees, representatives, and agents must obey all state, local, and municipal laws, and conditions of the Conditional Use Permit, Alcoholic Beverage Control License and any other regulations, provisions, or restrictions prescribed by a regulatory authority with jurisdiction over the premise; at all times. **(PD)**
3. CUP No. 15-018 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.
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 Planning and Building may approve minor amendments to conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. 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.