

March 14, 2007

**Honorable Chairman and Members of the  
Hermosa Beach Planning Commission**

**Regular Meeting of  
March 20, 2007**

SUBJECT: INTERPRETATION OF BUSINESS OPERATION AS A SNACK SHOP –  
1303 HERMOSA AVENUE -- STARBUCKS

**Recommendation:**

That the Planning Commission direct staff by minute order as deemed appropriate.

**Background:**

On July 18, 2000, the Planning Commission approved a Precise Development Plan, Conditional Use Permit and Parking Plan for the subject business under P.C. Resolution No. 2000-43. The business was determined to be a snack shop pursuant to Section 17.44.050 and as such, was eligible to provide parking at the retail rather than restaurant parking requirement. The business currently provides coffee drinks, deserts and packaged sandwiches and salads as part of its operation and this menu was recognized by the Planning Commission in making its determination about the proposed "retail" use. The business has since determined that it wants to install warming ovens to increase the menu to include warmed deserts, sandwiches, and soups.

**Analysis:**

The applicant has submitted a proposal to install micro-wave warming ovens as part of a plan to provide warmed prepackaged food in Starbucks. This proposed change is contemplated for the entire chain.

As discussed in prior Commission meetings, the issue of what constitutes a snack shop is significant as it affects the parking requirement for the business. A snack shop is considered a retail business with a parking requirement of 1 space per 250 square feet of floor area (currently 1 space per 333 sq. ft of floor area in the downtown) and a restaurant is required to be parked at 1 space per 100 square feet of floor area.

The appellant asserts that the change to provide warming ovens does not create more interior or exterior seating, does not require table service or affect the amount of retail service area. Thus the business will still be operating as a snack shop will not violate the provisions of Section 17.04 .050 Commercial Land Use Definitions in the Zone Code, according to the appellant

The definition of snack shop is as follows:

***"Snack shop or snack bar*** means a retail establishment that is distinguished from a restaurant as it does not include waiter/waitress table service and does not serve full meals or have a kitchen capable of serving meals but instead serves snacks or

non-alcoholic beverages for consumption on the premises or for take-out; specifically, items such as donuts and other baked goods, ice cream, yogurt, cookies, coffee, tea, and juices are considered snacks.

If the Commission, believes that the proposed use is consistent with the original approval, and approves the change by minute order, the business will obtain any necessary building permits and install the units immediately.



---

Sol Blumerfeld, Director  
Community Development

Attachments

1. Correspondence
2. P.C. Resolution 2000-43

F:/b95/cd/pc/2007/3/20/067StarbucksAppeal3-20-07

Hello Sol.

First I want to wish you all the best for this New Year.

I reviewed the Starbucks' entitlements and definitions for a snack bar / snack shop.

Starbucks' operations comply with definition because meets the specific criteria as follows:

- Starbucks has 25 seats or less and does not provide menus or table service (no waiter or waitresses).
- Starbucks does not prepare or serve full meals nor does it have a commercial kitchen. No cooking of meals is proposed.
- Starbucks currently sells a variety of pre-packaged food items including yogurts, fruit & cheese plates, and cold sandwiches mostly for both on-site and off-site consumption (take-out).

Adding the microwave warming oven will not push Starbucks into a restaurant category because there will be no change of use or impacts.

By adding the warming oven, Starbucks will be providing a customer convenience that will not affect its parking demand or increase its seating capacity. No additional square footage or store expansion is proposed.

Please note that the warming program is incidental to Starbucks core business of coffee sales. Starbucks does not intend to morph into a sandwich eatery or restaurant cafe. It will remain a coffee house.

The circumstances & findings cited in Section 4 of the entitlement still apply and Starbucks will still meet the original conditions of approval. The warming program will not trigger an intensification or substantial change to the existing coffee house.

I appreciate your consideration and would be happy to meet with you to discuss this further.

Best Regards.

Keith Glassman,  
GPA Inc.

Keith Glassman  
President, GPA Inc.  
1309 Post Ave.  
Torrance, CA 90501

310-781-8250 office  
310-781-9051 fax

## P.C. RESOLUTION 00-43

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERMOSA BEACH, CALIFORNIA, APPROVING A PARKING PLAN TO ALLOW A COFFEE HOUSE/SNACK SHOP WITHOUT ADDITIONAL OFF-STREET PARKING REQUIRED, AT 1303 HERMOSA AVENUE LEGALLY DESCRIBED AS LOT 29, BLOCK 14, HERMOSA BEACH TRACT.**

Section 1. An application was filed by the City of Hermosa Beach, seeking approval of a Parking Plan, pursuant to Sections 17.44.030(O) and 17.44.220 to allow a 1,332 square foot snack shop/coffee house with 210 square feet of outdoor seating, within the retail building located at 1303 Hermosa Avenue, to be considered for lesser parking requirements than a restaurant, because of the characteristics of the use and the building, and the location in close proximity to public parking.

Section 2. The Planning Commission conducted a duly noticed de novo public hearing to consider the application for a Parking Plan on July 18, 2000, at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission.

Section 3. Based on evidence received at the public hearing, the Planning Commission makes the following factual findings:

1. The subject coffee house is to be located within a portion of the ground floor area, containing 1332 square feet indoors and 210 square feet of seating outdoors, for a total of 1542 square feet, within a new retail building being constructed by the City adjacent to the North Pier Parking Structure.

2. The City Council approved the Precise Development Plan for a 7,000 square foot retail/office building in conjunction with the adjacent North Pier Parking Structure in 1996. The gross floor area of the building for the purposes of determining parking requirements is 6,710 square feet, and with the proposed outdoor seating calculates as 6,920 square feet.

3. The coffee house/snack portion potentially could be considered a more intense use requiring additional parking pursuant to Section 17.44.030(O) of the Zoning Ordinance. Section 17.44.030 states that snack bars/snack shops shall provide parking at the same ratio as restaurants, but allows the Planning Commission to consider a lesser parking requirement based on the characteristics of the building, the proposed specific snack shop use, and its location.

Section 4. Based on the foregoing factual findings, the Planning Commission makes the following findings pertaining to the application for the Parking Plan:

1. The site is zoned C-2, and is suitable for the proposed use with the proposed amendment;

- 1           2. The proposed use is compatible with surrounding commercial and residential uses;
- 2           3. The imposition of conditions as required by this resolution will mitigate any  
3 negative impacts on nearby residential or commercial properties;
- 4           4. Pursuant to Section 17.44.030(O) applying lesser parking requirement is  
5 appropriate for the snack shop due to the characteristics of the building (a mix of uses of office,  
6 retail and the proposed snack shop with varying peak parking demand times), the  
7 characteristics of the snack shop (a coffee house that is typically not a destination sit-down  
8 business, and offers no meals) and other mitigating factors (the location next to a public  
9 parking structure).
- 10           5. Pursuant to Section 17.44.220 where public parking areas take the place of on-site  
11 parking, parking requirements may be reduced in number and computed at one space per 250  
12 square feet. This reduction is appropriate for this specific use in this location because of the  
13 location adjacent to the Parking Structure, and the mix of uses within the retail building which  
14 includes office and retail uses in addition to the coffee house snack shop which have varying  
15 peak parking demand times.
- 16           6. This project is Categorically Exempt pursuant to Section 15303c of the  
17 California Environmental Quality Act.

18           Section 5. Based on the foregoing, the Planning Commission hereby approves the  
19 Parking Plan, subject to the following **Conditions of Approval:**

- 20           **1. The proposed improvements shall be substantially consistent with submitted plans. Modifications to any of the plans shall be reviewed and may be approved by the Community Development Director.**
- 21           **2. Any intensification or substantial change to the coffee house/snack shop or  
22 substantial change to the mix of uses within the entire retail/office building at 1303  
23 Hermosa Avenue shall require approval by the Planning Commission for impact on  
24 parking requirements.**

25           Section 6. This grant shall not be effective for any purposes until the permittee and the  
26 owners of the property involved have filed a the office of the Planning Division of the  
27 Community Development Department their affidavits stating that they are aware of, and agree to  
28 accept, all of the conditions of this grant.

29           The Parking Plan shall be recorded, and proof of recordation shall be submitted to the  
Community Development Department.

Each of the above conditions is separately enforced, and if one of the conditions of approval is found to be invalid by a court of law, all the other conditions shall remain valid and enforceable.

1 Permitee shall defend, indemnify and hold harmless the City, it agents, officers, and employees  
2 from any claim, action, or proceeding against the City or its agents, officers, or employee to  
3 attack, set aside, void or annul this permit approval, which action is brought within the applicable  
4 time period of Government Code Section 65907. The City shall promptly notify the permittee of  
5 any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails  
6 to promptly notify the permittee of any claim, action or proceeding, or if the City fails to  
7 cooperate fully in the defense, the permittee shall no thereafter be responsible to defend,  
8 indemnify, or hold harmless the City.

7 The permittee shall reimburse the City for any court and attorney's fees which the City may be  
8 required to pay as a result of any claim or action brought against the City because of this grant.  
9 Although the permittee is the real party in interest in an action, the City may, at its sole  
10 discretion, participate at its own expense in the defense of the action, but such participation shall  
11 not relieve the permittee of any obligation under this condition.

11 The subject property shall be developed, maintained and operated in full compliance with the  
12 conditions of this grant and any law, statute, ordinance or other regulation applicable to any  
13 development or activity on the subject property. Failure of the permittee to cease any  
14 development or activity not in full compliance shall be a violation of these conditions.

14 The Planning Commission may review this Parking Plan and may amend the subject conditions  
15 or impose any new conditions if deemed necessary to mitigate detrimental effects on the  
16 neighborhood resulting from the subject use.

17 VOTE: AYES: Schwartz, Pizer, Chairman Perrotti  
18 NOES: None  
19 ABSENT: Hoffman, Ketz  
20 ABSTAIN: None

20 CERTIFICATION

21 I hereby certify the foregoing Resolution P.C. 00-43 is a true and complete record of the action  
22 taken by the Planning Commission of the City of Hermosa Beach, California, at their regular  
23 meeting of July 18, 2000.

24 Sam Perrotti  
25 Sam Perrotti, Chairman

24 Sol Blumenfeld  
25 Sol Blumenfeld, Secretary

26 Date August 15, 2000

27 Pprs1303