

Title:	Humboldt QOZ Fund Starbucks and Habit Burger Drive-Through Restaurants
Project:	Design Review Modification AA-21-0013 (MOD-23-0005)
Locations:	1906 4 <sup>th</sup> Street and 1917 5 <sup>th</sup> Street
APNs:	002-105-017 and 002-105-018
Applicant:	Humboldt QOZ Fund
Property Owner:	Humboldt QOZ Fund
Purpose/Use:	Modify design of two drive-through restaurants approved by Planning Commission on May 9, 2022 but not yet constructed
Application Date:	December 27, 2023
General Plan:	GCS – General Service Commercial
Zoning:	CS – Service Commercial
CEQA:	Exempt under Section 15332 (In-fill Development Projects)
Staff Contact:	Lisa M. Savage, Senior Planner
Recommendation:	Hold a public hearing; and Adopt a resolution conditionally approving the application.
Motion:	"I move the Planning Commission adopt a resolution conditionally approving the Design Review Modification for 1906 4 <sup>th</sup> Street and 1917 5 <sup>th</sup> Street."

Figure 1: Location Map

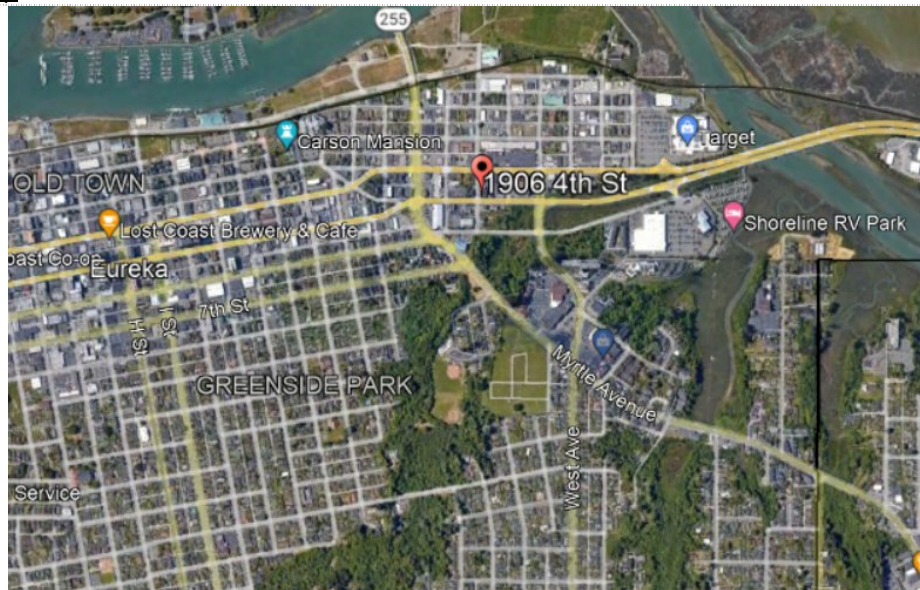
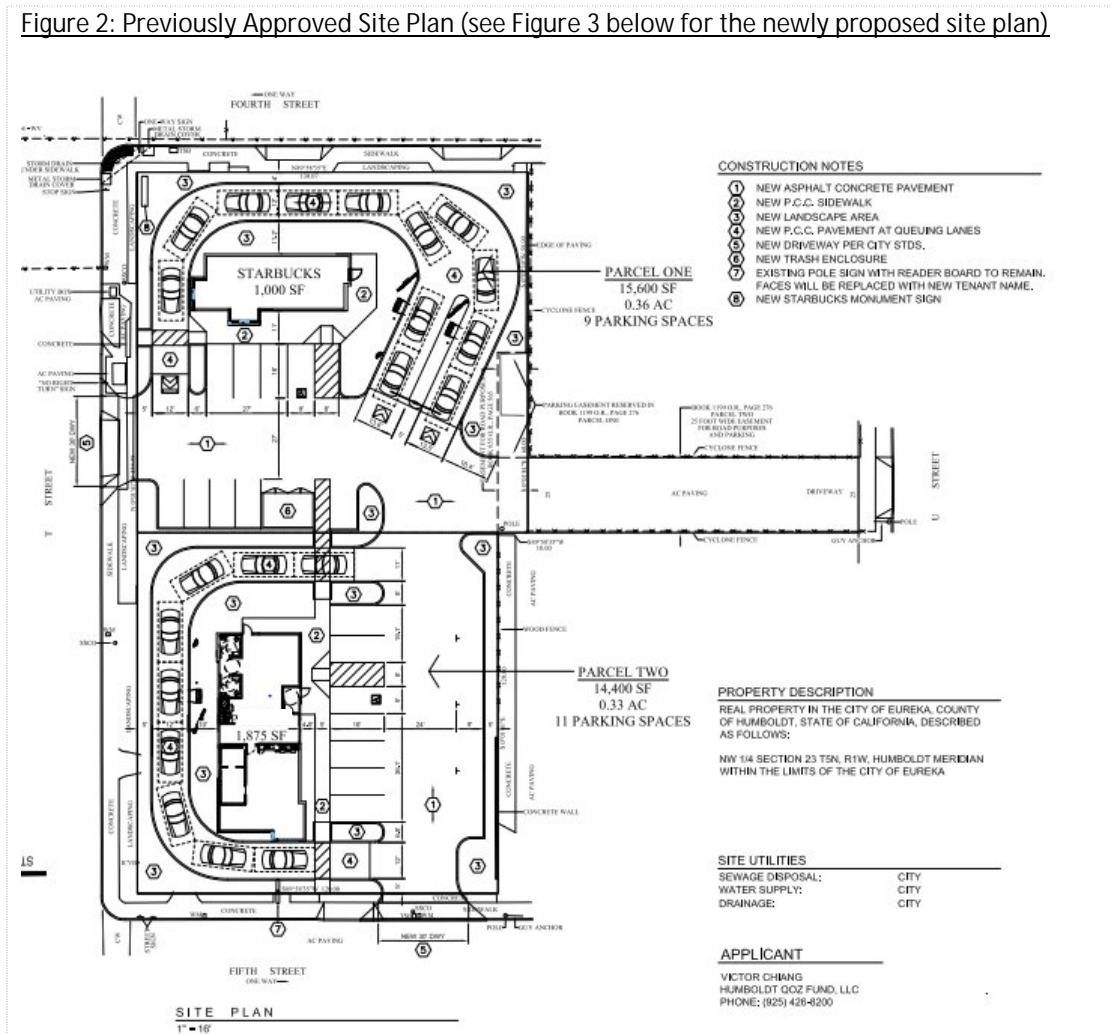


Figure 2: Previously Approved Site Plan (see Figure 3 below for the newly proposed site plan)



## PROJECT SUMMARY

The Applicant, Humboldt QOZ Fund, is proposing modifications to a previously approved Design Review (AA-21-0013) for two drive-through restaurants at 1906 4<sup>th</sup> and 1917 5<sup>th</sup> Streets, respectively. The property is located northeast of the intersection of 5<sup>th</sup> and T Streets in the Service Commercial (CS) zone district within the City's Coastal Zone.

## Project Background

Design Review for two drive-through restaurants with associated parking and landscaping was originally approved by the Planning Commission, along with the required Conditional Use (CUP-21-0011) and Coastal Development (CDP-21-0014) Permits, on May 9, 2022. At that time, Starbucks had been identified as the tenant for the proposed 1906 4<sup>th</sup> Street restaurant, but no tenant had been identified for the 1917 5<sup>th</sup> Street space. Architectural Review, Site Plan Review and a Sign Permit for the Starbucks drive-through at 1906 4<sup>th</sup> Street were approved, but only Site Plan Review was approved for 1917 5<sup>th</sup> Street because the proposed design of the building

facades and signage was unknown. The Applicant has now identified Habitat Burger as the tenant for the drive-through restaurant at 1917 5<sup>th</sup> Street, and is therefore requesting the requisite Design Review Modification to approve the Habit Burger building design.

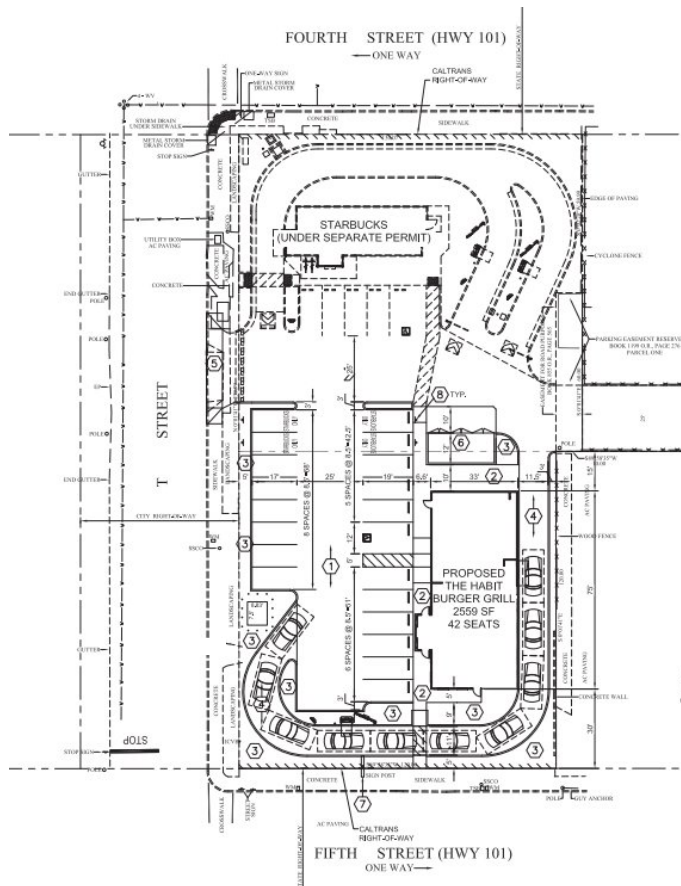
Condition of Approval 15 of Planning Commission Resolution 2022-11 (Attachment 2) requires the Applicant to return to Planning Commission for Design Review Modification for any exterior changes, including landscaping, parking lot layout, and building design. In addition to the newly proposed Habit Burger building design, changes are proposed to the originally approved site layout, which include reconfiguring both parking lots to include dedicated parking for Starbucks on the Habit Burger parcel, reversing the layout of the Habit Burger building and drive-through entrance from the west side (T Street side) to the east side of the parcel, moving the shared trash enclosure slightly to the east to be out of the Starbucks parking area, adding a designated ADA path of travel between the two restaurant buildings and the trash enclosure, and closing the exit onto 5<sup>th</sup> Street (Figures 2 and 3).

The newly proposed Habit Burger drive-through restaurant will have interior access and seating for 42 customers. There are signs proposed for each of the four sides of the restaurant which will be approved in the future under an Administrative Sign Permit (Condition 1). Since the original application for Design Review in November 2021, there has been an update to the City's sign regulations for the Coastal Zone effective September 2022; under the previous sign regulations, signs received Design Review, while under the new regulations, signs consistent with the sign standards now only require an Administration Sign Permit. The application for the proposed modifications was received on December 22, 2023, after the new sign regulations were adopted; therefore, the newly proposed Habit Burger wall signs are not subject to Design Review.

A Pole Sign on the Habit Burger parcel, and a Monument Sign on the Starbucks parcel, were included in the original Design Review approval in May 2022, and each sign proposes to advertise both Starbucks and Habitat Burger. This would not be allowed under the current sign regulations (effective September 2022): if the two parcels are treated as two separate sites, then the signs include off-premise advertising which is now prohibited; if the two parcels are treated as one site under common ownership, only one freestanding sign is allowed. Because of the May 2022 approval of these signs, both are authorized under the previous sign regulations, and therefore the newly proposed changes to these approved but not-yet-constructed signs to incorporate Habit Burger advertising must be included in this Design Review Modification (because the previous sign regulations required Design Review approval for signage). Once installed, these signs will be considered legally nonconforming with the current sign regulations, and future proposed modifications will only be allowed in conformance with the nonconformity regulations of the Coastal Zoning Code.

The City has already approved a Building Permit for the demolition of the existing three restaurants (B-22-0894), as well as a Building Permit for Starbucks (B-22-0893). The Building Permit for Starbucks will need to be updated to reflect the newly proposed site layout.

Figure 3: Newly Proposed Site Plan



## DESIGN REVIEW ANALYSIS

### Site Plan and Architectural Review

As discussed above, the Applicant now has a designated tenant (Habit Burger) for 1917 5<sup>th</sup> Street and is returning to the Planning Commission for a Modification to Design Review (AA-22-0003). Design Review includes both Architectural and Site Plan Review. Since the site plan has changed for both parcels (Figures 2 and 3), the Applicant requires a Modification of the Site Plan Review for both parcels, and Architectural Review is only required for Habit Burger.

Pursuant to EMC §10-5.1801.1, Site Plan Review is intended to:

- 1) preserve the natural beauty of the City's site;
- 2) prevent the

indiscriminate clearing of property and the destruction of trees and shrubs; 3) prevent excessive grading of hillsides and creation of drainage hazards; 4) ensure that structures are properly related to their sites and to surrounding sites and structures and to traffic circulation in the vicinity; and, 5) ensure that parking areas, walkways, and landscaping are arranged to accomplish the objectives of the zoning code. Pursuant to EMC §10-5.1801.2, the purpose of Architectural Review is to prevent the erection of structures that would be inharmonious with their surroundings or would have an adverse effect on the value of property or improvements in the vicinity.

Pursuant to EMC §10-5.1801 et seq., the Planning Commission's review includes exterior design, materials, textures, and colors, but does not include elements of the design that do not affect exterior appearance. The ugly, the inharmonious, the monotonous, and the hazardous shall be barred, but originality in architecture and site planning shall not be suppressed. The Planning Commission must recommend disapproval of drawings for a structure that would be

inharmonious with surrounding development, but the Commission cannot require new structures duplicate a historic architectural style as a condition of approval.

The Habit Burger development includes a 2,559 square-foot restaurant, with sidewalks, parking, landscaping, and a single-lane drive-through. Portions of all four facades are covered in a Café Mocha “Old Mill Brick” product, which is made up of thin pieces of kiln-fired clay brick mounted onto a web sheeting. The rest of the exterior is a stucco, (cement plaster texture) in a fine sand

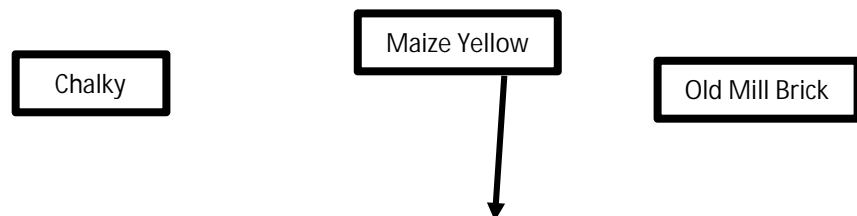
finish in the color Chalky (Figures 4, 5 and 6). On the west elevation there is a “v-groove and folded aluminum wall in powder coated Maize Yellow, and aluminum awnings also in powder coated Maize Yellow. The trim and down spouts and window frames are painted in Jet (blackish color) and the all awnings and the drive-through canopy are powder coated in Yellow Maize (Figure 5).

Five off-street parking spaces are required for Starbucks (including at least one ADA-accessible space), and five are provided. Thirteen off-street parking spaces are required for Habit Burger (including at least one ADA-accessible space), and 16 are provided. Up to 25% of all proposed spaces may be compact car spaces, but no compact spaces are proposed for the Starbucks or Habit Burger parking lots. There are four additional parking spaces designated for Starbucks located across the property line in the Habit Burger Parking lot. Because these spaces are not required by the code, no parking indenture is required.

In accordance with EMC §10-5.1504, the dimensions of the parking spaces and parking drive aisles meet the minimum requirements. Per EMC §10-5.1603, no loading berth is required for commercial uses less than 4,000-square feet (sf), and both restaurants are under 4,000-sf; therefore, no loading berth is required or provided. Based on the above analysis, the Starbucks and Habit Burger restaurant developments meet all parking and loading requirements.

There are no setback requirements for the CS zone district, the maximum Floor Area Ratio (FAR) is 120%, and the maximum building height is 35 feet. The FAR for Habit Burger is 17.8% and the maximum height as proposed is 24 feet. Therefore, based on the analysis above, the proposed restaurant meets all the development standards for the CS zone district.

Figure 4: Exterior Elevation West



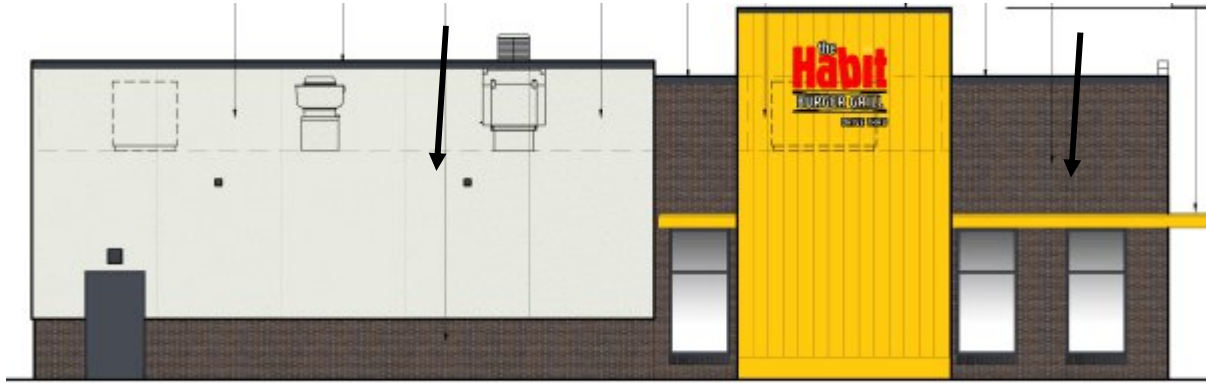


Figure 5: Exterior Elevation East (Drive-through Window)



Figure 6: Exterior Elevation North/South



There are no landscaping requirements for parking facilities in the CS zone district; however, an extensive landscaping plan is proposed. The approved landscaping plan for the Starbucks parcel is not changing and can be viewed in Attachment 2, page 13 of the staff report. The landscaped area on the Habit Burger parcel will be approximately 3,370-sf and will include accent trees, shrubs (of various heights), grasses, ground cover, and vines (Figure 7, below). The plant list below is representative of some of the plants that are being proposed as “appropriate for the location.” According to the Applicant, the final plant selection will be drawn from this list; however, not all plants listed below will be used. The proposed planting design is made up of predominately low-water use trees, shrubs, and groundcover with bio-retention grasses within the proposed retention basin areas. Site irrigation will be supplied by a “Smart Controller”, and will comply with the State’s requirements for water efficiency in landscaping.

Proposed Plant List:

Trees: Western Redbud, Light Lavender Crape Myrtle, October Glory Red Maple, Chinese Pistache, and Chinese Elm, all in 15-gallon size.

Shrubs: Queen Anne Agapanthus, Day Lily, Night Sage, Bottle Brush, Saliva, and Nandina, all in one-gallon size.

Hedges: Waxleaf Privet, Little Ollie Olive, and Compact Xyosma, all in the five-gallon size. Grasses: Feather Reed Grass, Fortnight Lily (both five-gallon size), and Pink Muhly Grass, one-gallon size.

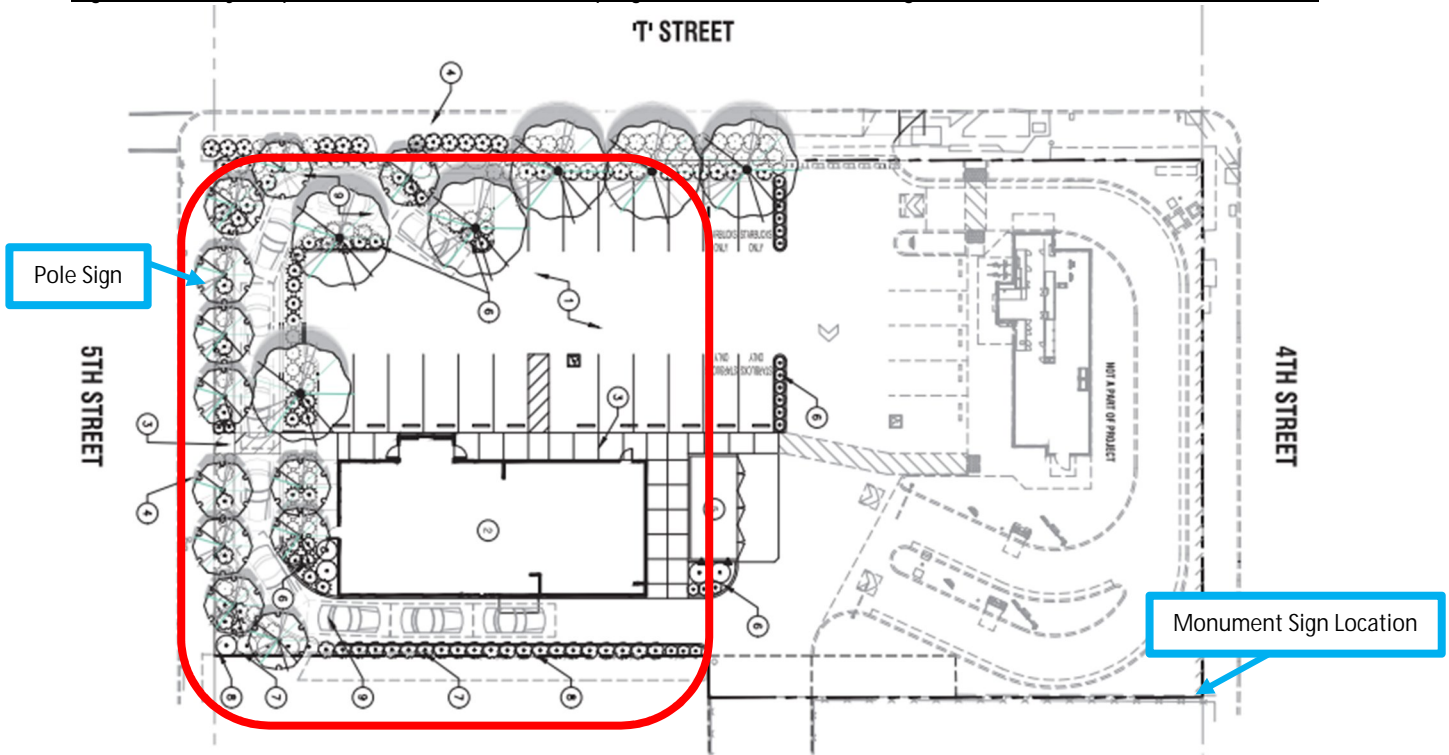
Ground Cover: Emerald Carpet Manzanita, Striebs Findling Cottoneaster, and Pink Trailing Myoporum, all in a one-gallon size.

Screen Shrubs/Hedges: Waxleaf Privet, Little Ollie Olive, and Compact Xylosma, all five-gallon size.

Vines: Weeping Fig, one-gallon size.

Condition 8 of the original project approval remains in full force and effect and requires the owner/applicant follow the requirements in the Humboldt Low Impact Development (LID) Stormwater Manual for Regulated Projects.

Figure 7: Newly Proposed Site Plan with Landscaping and Monument/Pole Sign Locations- Parcel 2 (1917 5<sup>th</sup> Street)



Staff believes the Habit Burger restaurant will be harmonious with its surroundings and will have a positive effect on the value of properties within the vicinity. In addition, the site plan for both parcels as modified is an improvement over the current condition and layout of the site, particularly because of the proposed landscaping and removal of driveways onto 4<sup>th</sup> and 5<sup>th</sup> Street, and can be found consistent with the Site Plan review criteria. As a result, Staff believes the necessary findings, as mentioned above, can be made to approve the Design Review Modification.

#### Design Review for the Pole and Monument Signs

As discussed above under the Project Background section, both the Pole Sign on the Habit Burger parcel, and the Monument Sign on the Starbucks parcel, received Design Review approval under the version of the City's sign regulations in effect prior to May 2022, and now the applicant is requesting a modification to that Design Review to incorporate the proposed Habit Burger advertising. Under the previous version of the code, Architecture Review was intended to prevent the erection of not only structures but also signs that would be inharmonious with their surroundings or would have an adverse effect on the value of property or improvements in the vicinity. In addition, under the old code, to receive Design Review approval, a proposed sign had to meet the following criteria:

- a) The sign is desirable for the applicant's enjoyment of substantial trade and property rights, and does not constitute needless repetition, redundancy or proliferation of signing.
- b) The sign is consistent with the purposes and scope of Article 17 as set forth in §10-5.1701.
- c) The sign does not constitute a detriment to public health, safety and welfare.



- d) The location and design of the proposed sign does not obscure the view of, or unduly detract from, existing adjacent signs.

Pole Sign:

The Habitat Burger Parcel includes an existing Pole Sign along 5<sup>th</sup> Street (previously used for Sizzler advertising) that will be repurposed and remain in its current location (Figure 7). The Habit Burger Parcel is a corner lot with 120-feet (ft) of frontage on both 5<sup>th</sup> and T Streets which allows for a total of 720-sf of signage under the old sign regulations, with both sides of the pole sign counting towards the total sign area. The Pole Sign will display both Habit Burger and Starbucks' signs. The proposed Starbucks' sign is a double-sided, internally-lit sign and each side is 53.33-sf or 106.67-sf for both sides, and the Habit Burger sign is also a double-sided, internally-lit Pole Sign with each side being 42.67-sf, for a total of 85.34-sf for the Habit Burger sign. The total signage for the pole sign is 192-sf. The Habit Burger Pole sign graphic will be the same as the graphic proposed for the Monument Sign shown in Figure 8.

Monument Sign:

The Monument Sign will be located on the Starbuck's Parcel along 4<sup>th</sup> Street (Figure 7), which is a corner lot with 120-ft of frontage on T Street and 130-ft on 5<sup>th</sup> Street, which allows for a total of 750-sf of signage under the old sign regulations. The proposed Monument Sign is internally-lit and is double-sided with each side being 84-sf, for a total of 168-sf (Figure 8). As discussed above, under the old code, both sides of the monument sign count towards the total sign area.<sup>1</sup>

The Monument Sign cabinet is coated aluminum, painted Grey Heron with the sign retainer painted Iron Ore. The cornice and trim cladding are also coated aluminum, painted in Iron Ore. The base cladding is "Nichiha" Modern Brick fiber cement board (Figure 9). The tenant sign copy panels are white lexan (a polycarbonate resin thermoplastic material) with vinyl overlays for the graphics. The Starbucks sign is Kelly Green and the Habit Burger sign is Black Opaque, Cardinal Red, and Golden Yellow. The internal cabinet is lit with white LED lighting.

Figure 8: Pole Sign and Monument Sign

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1 The Pole Sign and Monument Sign are being approved under the old sign regulations. Under the new code, if Habit Burger and Starbucks were considered to be located on one site, they would be allowed a Pole Sign or a Monument Sign with up to 100-sf of sign area (50-sf per tenant). Under the new code, only one side of a double-faced sign counts towards the sign area, so the proposed Pole Sign would be considered to have 96-sf of sign area and would comply with the size limitations of the new code. The proposed Monument Sign would be considered to have 84-sf of sign area, and would also comply with the size limitations of the new code. However, the new code would only allow one freestanding sign with up to 100-sf of sign area whereas two (one Pole Sign and one Monument Sign) are currently proposed. Conversely, the two parcels could be treated as two separate sites and then under the new code each site would be allowed its own freestanding sign, but the sign could only be 50-sf in size maximum and could not advertise for the business on the adjacent parcel.

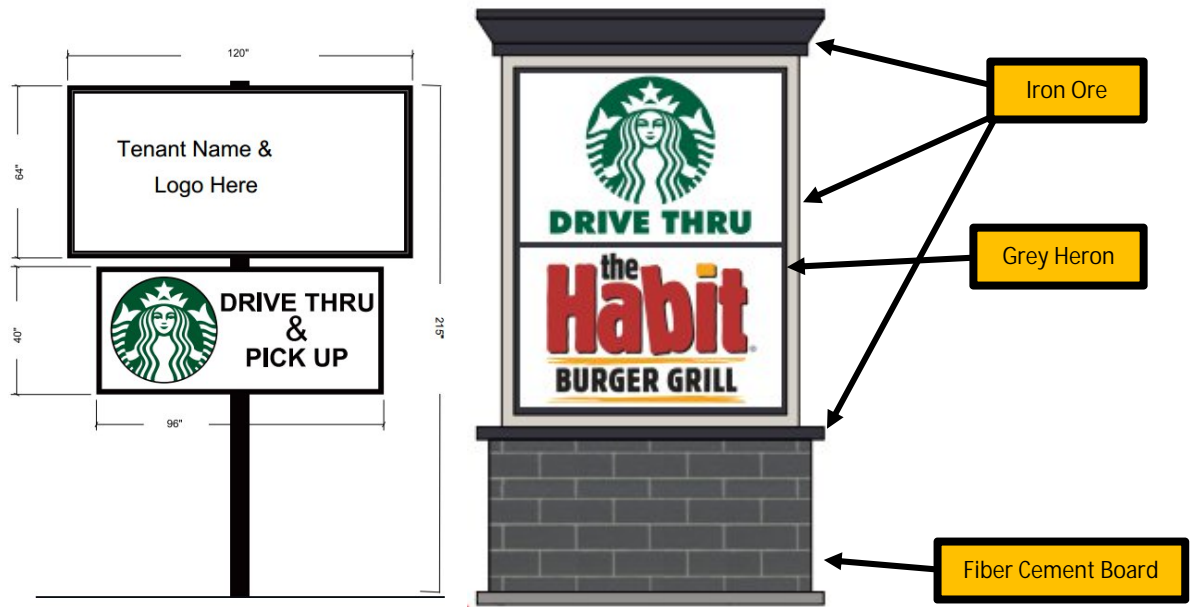


Figure 9: Monument Sign Components



The approved freestanding signs as modified will not be inharmonious with their surroundings or have an adverse effect on the value of property or improvements in the vicinity because the pole sign is existing and no complaints have been received in the past on it, and the monument sign is designed to complement the architecture of the buildings. The approved signs as modified do not constitute needless repetition, redundancy, or proliferation of signage as there will only be one freestanding sign facing 4<sup>th</sup> Street and one facing 5<sup>th</sup> Street, and the overall signage square footage of the proposed freestanding signs in combination with the proposed wall signs is far below the total allowed by the old code. The signage enables drivers to identify Starbucks and Habit Burger without degrading the quality of the City's appearance along Hwy 101 (4<sup>th</sup> and 5<sup>th</sup> Streets) because they are each located on separate street corners and a block apart (as opposed to be located next to each other), consistent with the purpose and scope of the sign regulations of the zoning code. The signage will not obscure the view of, or unduly detract from, existing signs on neighboring parcels. As a result, Staff believes the necessary findings can be made to approve the Design Review Modification for the Pole and Monument Signs.

**ENVIRONMENTAL ASSESSMENT**

On May 9, 2022 the Planning Commission found the overall proposed project exempt from CEQA and approved the Coastal Development Permit (CDP-21-0014), Conditional Use Permit (CUP-21-0011), and Design Review (AA-22-0003) for the demolition of three restaurant structures and construction of two new restaurants with drive-throughs and associated site improvements. The

Planning Commission found that the project qualified for a Class 32 exemption (§15332) from CEQA because: (1) the project site is less than five acres in size (0.69 acres total between the two newly created parcels); (2) the project is consistent with the LUP (i.e. General Plan) designation and policies, as well as all applicable IP (i.e. Zoning Code) designations and regulations; (3) the project is located within the City limits and surrounded by urban uses; (4) the project site has no value for habitat for endangered, rare, or threatened species; (5) approval of the project will not result in any significant effects relating to traffic, noise, air or water quality; and (6) the site can be adequately served by all required utilities and public services. The demolition of the three structures was included under the same exemption because an Architectural and Historical Resources Report was prepared by a Cultural Resources Consultant in August 2021, and the report did not find the three structures to be of architectural or historic significance. The exemption still fits the project as modified, and thus no additional environmental review is required.

PUBLIC HEARING NOTICE

Public notification consisted of notification by mail of property owners within a 300-foot radius of the site on or before February 2, 2024, and posting on the City’s website and bulletin boards. A public hearing notice sign was also posted on the project site on February 2, 2024.

CONCLUSION

With the proposed modifications to the overall site layout for both Starbucks and Habit Burger, the project can still be found consistent with the Site Plan Review criteria, and the newly proposed design of the Habit Burger building can be found consistent with the Architectural Review criteria as it is not ugly, inharmonious, monotonous, or hazardous, and is not inharmonious with its surroundings, and does not have an adverse effect on property values in the vicinity. The pole and monument signs as modified also meet the criteria for Architectural Review and the Design Review criteria for signage from the previous version of the code.

STAFF CONTACT

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DOCUMENTS ATTACHED

Attachment 1: Planning Commission Resolution .....pages 11-12  
Attachment 2: Planning Commission Staff Report and Resolution 2022 .....pages 13- 42  
Attachment 3: Applicant Submitted Materials.....pages 43-47