

**MINUTES**  
**HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR**  
**Room B-8 - Civic Center**  
**2000 Main Street**  
**Huntington Beach California**

**WEDNESDAY, SEPTEMBER 27, 2006 - 1:30 P.M.**

**ZONING ADMINISTRATOR:** Mary Beth Broeren

**STAFF MEMBER:** Ron Santos, Ramona Kohlmann (recording secretary)

**MINUTES:** August 23, 2006  
September 6 and 13, 2006  
**APPROVED AS SUBMITTED**

**ORAL COMMUNICATION:** **NONE**

**ITEM 1: CONDITIONAL USE PERMIT NO. 2006-027 / VARIANCE NO. 2006-011**  
**(STARBUCKS COFFEE – CONTINUED FROM THE AUGUST 23, 2006 MEETING WITH THE**  
**PUBLIC HEARING OPEN)**

**APPLICANT:** Steve Briscoe, 1111 South Coast Drive Suite E-102, Costa Mesa, CA 92626

**PROPERTY OWNER:** Val Beach Garfield, LLC, c/o William Valaika, 4770 Campus Drive, Suite 200, Huntington Beach, CA 92648-0382

**REQUEST:** **CUP:** To permit construction of a 3,001 sq. ft. 2-unit commercial building with a drive-through service window. The existing Max's Sports Bar will be demolished; **VAR:** To permit an eight-ft. wide landscape planter along the front property line (Beach Blvd.), in lieu of the required 10-ft. wide planter, for 85 linear feet.

**LOCATION:** 18922 Beach Boulevard (east side of Beach Boulevard, north of Garfield Avenue)

**PROJECT PLANNER:** Ron Santos

Ron Santos, Staff Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary.

Staff stated that the Design Review Board (DRB) recommended approval to the Zoning Administrator but did not support the proposed eight feet of landscaping. Staff stated that the DRB also recommended a condition that the landscape planter shall be extended along the drive-through lane.

Staff presented an overview of the previously granted variance at the subject site and stated that conformance to code at that time was not feasible.

Staff recommended approval of the request based upon the suggested findings and subject to the suggested conditions as presented in the executive summary and because the proposed project complies with code requirements and design guidelines with the exception of the proposed variance.

Staff stated that two letters were received from one neighboring resident. One letter stated concern related to the potential for accidents, trash and loitering. The second letter recommended that the traffic light at the intersection include a beeping sound for disabled persons and stated that a deli would be more desirable at the subject site. No other written or verbal comments were received in response to the publication notification.

Mary Beth Broeren, Zoning Administrator, reviewed the project plans. Discussion ensued with staff concerning the proposed dimensions. Staff confirmed that the Public Works Department stated that the proposed drive-through turning radius is adequate to accommodate most vehicles. Staff further advised that parking and queuing requirements are in compliance with code.

Further discussion ensued with staff concerning the overall landscaping plans, staff's recommended modifications to the project plans, trash enclosure, access between properties, and lack of a code requiring multiple reciprocal access as discussed at the DRB meeting.

Ms. Broeren stated concern that by the very nature of the proposed Starbucks operation, there could be a potential for stacking of vehicles within the drive-through lane. Discussions ensued.

Ms. Broeren reviewed the two comment letters presented by staff.

#### **THE PUBLIC HEARING WAS CONTINUED OPENED.**

Theodore Friedman, 18832 Florida Street #17, author of the two letters received by staff, stated that he is a legally blind senior citizen. Mr. Friedman stated a need for a traffic light with a directional sound to accommodate the disabled. He also stated that the drive-through route should be re-located.

Steve Briscoe, 1111 South Coast Drive Suite E-102, Costa Mesa, applicant, stated that it would be desirable to move the bus shelter north on Beach Boulevard away from the intersection. Mr. Briscoe addressed landscaping, traffic, access, and the fact that directional signals are used to access and create a line at the drive-through lane. Mr. Briscoe urged the Zoning Administrator's approval.

Ms. Broeren engaged in discussions concerning comments received by staff from the Public Works Traffic Department regarding increase in traffic at the subject intersection and the proposed turning radius; the applicants comments received from the Orange County Transit Authority; typical square footage for a Starbucks Coffee shop; and impact upon business economics if the square footage were to be reduced and elimination of the drive-through.

#### **THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.**

Ms. Broeren emphasized her concern for queuing and stacking of cars at the drive-through lane. Further discussion ensued concerning an alternate location for cars to wait, the

usefulness of the layout, no reciprocal access point, and the ability for queuing to wraparound the store. Ms. Broeren stated that the ample supply of parking and usefulness of the layout serve to create a tradeoff.

Ms. Broeren stated that she was going to approve the requested variance with the suggested conditions based upon the findings recommended by staff.

**CONDITIONAL USE PERMIT NO. 2006-027 / VARIANCE NO. 2006-011 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.**

**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 sections 15302 and 15305 of the CEQA Guidelines, because the project consists of the replacement of an existing commercial structure with a new structure of substantially the same size, purpose and capacity and a minor alteration in land use limitations in an area with an average slope of less than 20%, which will not result in any changes in land use or density.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2006-027:**

1. Conditional Use Permit No. 2006-027 to permit construction of a 3,001 sq. ft. 2-unit commercial building with a drive-through service window 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 proposed project is consistent with the land use/ zoning designation applied to the property. The project will not generate noise, traffic, parking or other impacts which are inconsistent with the property's General Commercial zoning designation or existing land uses in the surrounding neighborhood. The replacement of an existing aged vacant building with a new building featuring a contemporary design and architecture which is compatible with recently redeveloped buildings existing in the shopping center is expected to have a positive impact on the value of property in the vicinity.
2. The conditional use permit will be compatible with surrounding uses because the project consists of the replacement of a commercial building within an existing shopping center, on a commercially zoned property, adjacent to existing commercial development of similar character and intensity. The project provides for a building which is architecturally compatible with recently redeveloped buildings existing in the same shopping center and commercial land uses which are complementary to existing commercial uses in the vicinity.
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 except for the variance approved concurrently, including permitted land uses, minimum building setbacks and parking and maximum floor area ratio and building height.
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 CG-F1 (Commercial General – 0.35

max. floor area ratio) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

LU 10.1.12: Require that Commercial General uses be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development, including: (e) architectural treatment of buildings to minimize visual bulk and mass, using techniques such as the modulation of building volumes and articulation of all elevations.

ED 2.4: Revitalize, renovate and expand existing Huntington Beach commercial facilities while attracting new commercial uses.

The proposed building complies with the City of Huntington Beach Urban Design Guidelines for drive-through and general commercial buildings, including modulation of building volumes, articulation of elevations, screening of drive-through lanes and loading areas, and provision of a canopy at the drive-through pick-up window area.

#### **FINDINGS FOR APPROVAL - VARIANCE NO. 06-011:**

1. The granting of Variance No. 06-011 to allow an existing non-conforming street-side planter width of eight ft. to remain along 85 linear ft. (of 461 linear ft.) of Beach Boulevard property frontage, in lieu of the Code required planter width of 10 feet will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. The existing non-conforming planter width was established in conformance with a now retired version of the zoning ordinance. Many parcels located along Beach Boulevard in the vicinity of the project site were developed to conform with the same standards, and as a result, exist with comparable non-conforming planter widths along the Beach Boulevard street frontage.
2. Because of special circumstances applicable to the subject property, including size, shape, location and surroundings, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The requested landscape setback variance provides for maintenance of an existing non-conforming condition. Moreover, the proposed development is constrained by the location of existing improvements on the subject property, including existing buildings, drive aisles and parking spaces. The requested variance is consistent with a prior variance granted for the shopping center. The proposed planter width exceeds the width of the landscape planter existing at the parcel located contiguously to the south.
3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. The requested variance is necessary to allow the property owner to replace an existing commercial building with a new commercial building constituting less than 50 percent of the total building floor area within the shopping center. The applicant is proposing to exercise a substantial property right by constructing a commercial building in accordance with the land use and development standards applicable in the zone, including maximum floor area ratio, and minimum parking, landscaping and setback requirements, excepting an existing non-conforming planter width which can not be increased without causing unreasonable hardship.
4. The granting of the variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification. The requested variance will provide for

an existing landscape planter width to remain along a portion (85 linear feet) of the street frontage. In addition, the widths of the existing landscape planters located along the remaining portions of the site street frontage (approximately 300 linear feet) conform to code. The proposed project will provide on-site landscaping as a percentage of the lot which exceeds the minimum required.

5. The granting of the variance will not adversely affect the General Plan. It is consistent with the Land Use Element designation of CG-F1 (Commercial General – 0.35 max. floor area ratio) on the subject property including the following Land Use Element policy:

LU 10.1.12: Require that Commercial General uses be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development, including: (a) incorporation of site landscaping, particularly along street frontages and in parking lots.

The requested variance will facilitate a project which constitutes the final phase of redevelopment of an existing shopping center and will result in the replacement of existing aged building with a new building featuring a contemporary design that is compatible with other buildings in the recently redeveloped shopping center. The previous phase of the shopping center's redevelopment included a widening of approximately 300 linear feet planter along the same street frontage.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2006-027 / VARIANCE NO. 2006-011:**

1. The site plan, floor plans, and elevations received and dated August 24, 2006 shall be the conceptually approved design with the following modifications:
  - a. The planter proposed on the east side of the drive-through lane shall be extended southerly approximately 40 feet to join with the planter proposed on the west side of the trash enclosure. **(DRB)**
  - b. Security lighting shall be provided on the east and south sides of the drive aisle through all hours of darkness. **(PD)**
  - c. Plan shall demonstrate no net reduction in the percentage of on site landscaping for the entire shopping center.
  - d. The width of the landscape planter along the project site's Beach Boulevard street frontage shall be dimensioned on the site plan.
2. One complete copy of the approved project plans, reduced to 8.5 by 11 inches, shall be submitted to the Planning Department.

**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.

**THE MEETING WAS ADJOURNED AT 2:20 PM BY THE ZONING ADMINISTRATOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON WEDNESDAY, OCTOBER 4, 2006 AT 1:30 PM.**

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Mary Beth Broeren  
Zoning Administrator

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