

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

TO: Zoning Administrator
FROM: Ethan Edwards, Associate Planner
DATE: February 3, 2010
SUBJECT: **CONDITIONAL USE PERMIT NO. 2009-030 (BOLSA CHICA CVS)**
LOCATION: 16922 Bolsa Chica, 92649 (northeast corner of Warner Avenue and Bolsa Chica Street)

Applicant: Austin Rogers, Curt Pringle & Associates, 2400 E. Katella Ave, #350, Anaheim, CA 92806

Property Owner: William Landis, 1901 Avenue of the Stars, Suite 670, Los Angeles, CA 90067

Request: To permit the development of an approximately 14,363 sq. ft. retail/pharmacy building which consists of a drive-thru, 75 space parking lot, and associated site improvements.

Environmental Status: This request is covered by Categorical Exemption, Section 15302, Class 2, California Environmental Quality Act.

Zone: CG (Commercial General)

General Plan: CG-F1 (Commercial General – 0.35 maximum floor area ratio)

Existing Use: Commercial (retail/restaurant/office)

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 15302 of the CEQA Guidelines, because the project consists of the replacement of existing commercial structures with a new structure of substantially the same size, purpose and capacity.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2009-030:

1. Conditional Use Permit No. 2009-030 for the establishment, maintenance and operation of an approximately 14,363 sq. ft. retail/pharmacy building with drive-thru 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 project will not significantly impact adjoining properties because it will be located within an established area containing similar neighborhood serving commercial uses. The building is appropriately sited toward the street corner and provided with a designated pathway to facilitate pedestrian activity along the public right-of-way. The project improves vehicular egress and ingress by consolidating and relocating driveway entrances/exits away from the street corner and establishing reciprocal access onto adjoining commercial properties in order to prevent impacts to circulation along Bolsa Chica Street and Warner Avenue. The drive-thru is located to the rear of the building away from the main entrance which will provide sufficient vehicle queuing and efficient onsite circulation. The site will be adequately parked and will not have any significant impacts onto adjoining properties. Furthermore, the project will not generate significant noise, odors or other detrimental impacts.
2. The conditional use permit will be compatible with surrounding uses because the proposed commercial use will serve the surrounding neighborhood and is designed to facilitate pedestrian, automobile, and bicycle access. The building's design is consistent with the surrounding neighborhood by providing appropriate scale through a single story design and appropriate proportion and character through variable façade offsets and harmonious colors and materials. The project, as conditioned, conforms to the design criteria as stipulated within the City's Urban Design Guidelines by siting the building to accommodate a pedestrian path from the public right-of-way, accommodating anticipated circulation patterns and providing adequate drive-thru queuing.
3. The 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 proposed development plan complies with the zoning development standards and land use provisions in the Commercial General zoning district including minimum building setbacks, minimum onsite landscaping, maximum building height, and maximum floor area ratio. As conditioned, a lot line adjustment shall be required to consolidate three lots into one developable lot in compliance with the minimum lot size standards.
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 (General Commercial – 0.35 maximum FAR) on the subject property. In addition, it is consistent with the following goals, policies, and objectives of the General Plan:

Land Use Element

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

Policy - LU 10.1.1: Accommodate the development of neighborhood, community, regional, office and visitor-serving commercial uses in areas designated on the Land Use Plan in accordance with Policy 7.1.1.

Policy - LU 10.1.4: Require that commercial buildings and sites be designed to achieve a high level of architectural and site layout quality.

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: (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.

The proposed project consists of a neighborhood serving commercial use in an area designated for 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.

Economic Development Element

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

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

The project design features quality architecture and exterior finish materials, a variety of roof lines and façade treatments, and a functional site layout. The project will replace existing aged buildings with a modern development and expand the range of commercial uses.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2009-030:

1. The site plan, floor plans, and elevations received and dated November 12, 2009 shall be the conceptually approved design.
2. Prior to issuance of building permits, the following shall be completed:
 - a. A lot line adjustment shall be filed, approved and recorded – for purposes of merging Assessor's Parcel Numbers 146-601-29, 146-601-30, and 146-661-31.
 - b. The subject property shall provide an irrevocable offer to dedicate, between the subject site and adjacent easterly and northerly properties. The location and width of the accessway shall be reviewed and approved by the Planning Department and Public Works Department. The subject property owner shall be responsible for making necessary improvements to implement the reciprocal driveway. The legal instrument shall be submitted to the Planning Department a minimum of 30 days prior to building permit issuance. The document shall be approved by the Planning Department and the City Attorney as to form and content and, when approved, shall be recorded in the Office of the County Recorder prior to final building permit approval. A copy of the recorded document shall be filed with the Planning Department for inclusion in the entitlement file prior to final building permit approval. The recorded agreement shall remain in effect in perpetuity, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach.
3. Prior to final inspection, surveillance cameras shall be installed at the entrance of the building, loading area, and drive-thru area and recorded for a period of 24-hours on a daily basis. Video tapes shall be retained form at least 30 days. **(PD)**

4. 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/index.cfm?fuseaction=guidelines>).

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.