



City of Huntington Beach Planning Department  
**STAFF REPORT**

**TO:** Planning Commission  
**FROM:** Scott Hess, AICP, Director of Planning  
**BY:** Tess Nguyen, Associate Planner *TN JHF*  
**DATE:** November 12, 2008

**SUBJECT:** **MITIGATED NEGATIVE DECLARATION NO. 07-007/GENERAL PLAN AMENDMENT NO. 08-006/ZONING MAP AMENDMENT NO. 08-006/CONDITIONAL USE PERMIT NO. 08-032/VARIANCE NO. 08-008/TENTATIVE PARCEL MAP NO. 08-121 (CVS PHARMACY)**

**LOCATION:** 15520 Goldenwest Street, 92647 (southeast corner of Goldenwest Street and McFadden Avenue)

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**STATEMENT OF ISSUE:**

- ◆ Mitigated Negative Declaration (MND) No. 07-007 analyzes the potential environmental impacts associated with implementation of the proposed project.
- ◆ General Plan Amendment (GPA) No. 08-006 represents a request for the following:
  - To amend the General Plan Land Use designation on 1.5 acres from the current P(RL) (Public-Residential Low Density) to the proposed CG-F1 (Commercial General—0.35 Floor Area Ratio) designation.
- ◆ Zoning Map Amendment (ZMA) No. 08-006 represents a request for the following:
  - To amend the Zoning designation from the current PS (Public-Semipublic) to the proposed CG (Commercial General) designation.
- ◆ Conditional Use Permit (CUP) No. 08-032 represents a request to construct a 14,670 sq. ft., 24-hour drive-thru pharmacy with associated site improvements.
- ◆ Variance (VAR) No. 08-008 represents a request to permit a 10-space parking reduction from 74 to 64 parking spaces.
- ◆ Tentative Parcel Map (TPM) No. 08-121 represents a request to subdivide a 1.5 acre parcel from a portion of the Golden West College site.

◆ Staff's Recommendation:

Approve Mitigated Negative Declaration No. 07-007 based upon the following:

- The project (with mitigation) will have no significant adverse environmental impacts.

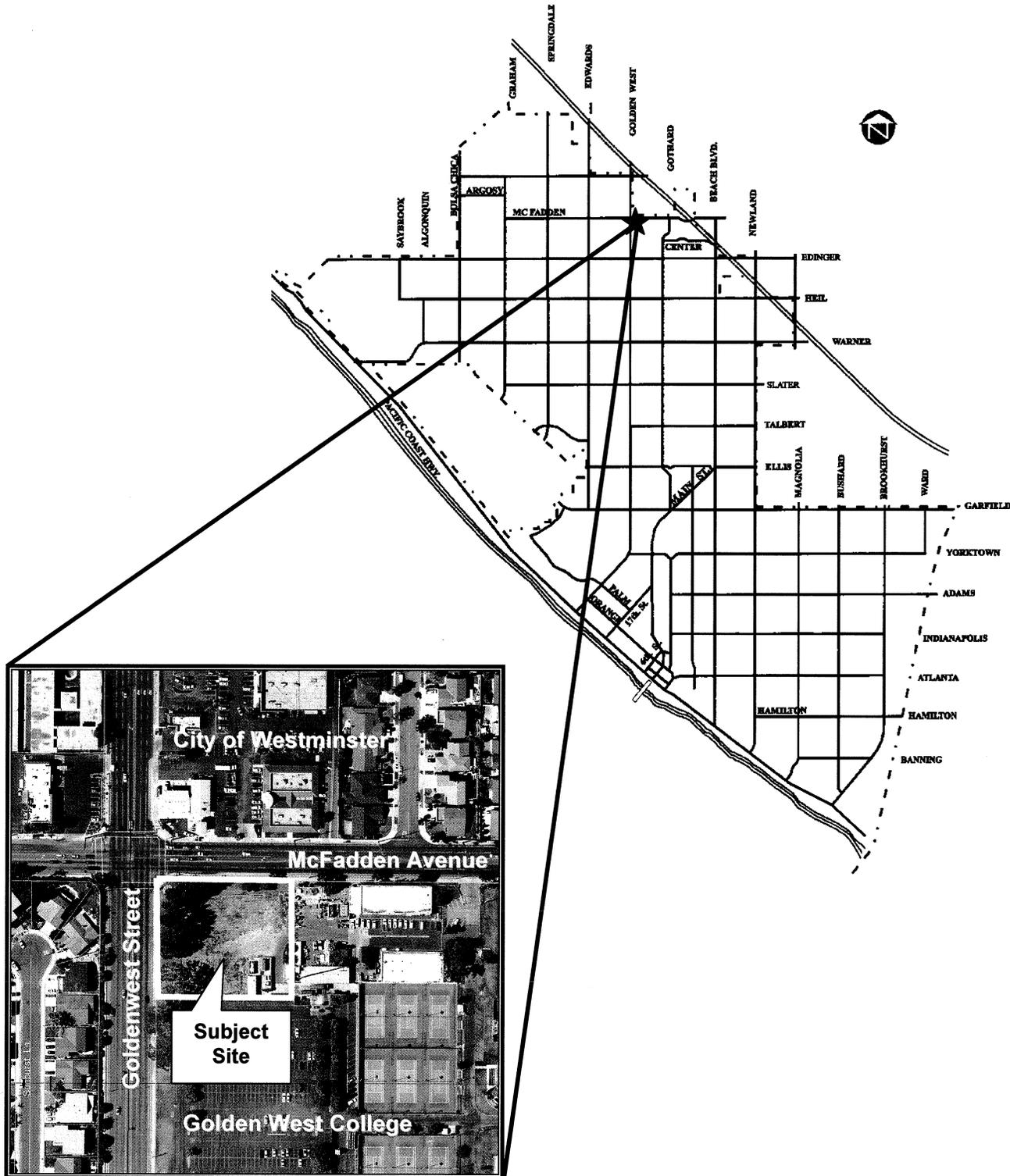
Approve General Plan Amendment No. 08-006, Zoning Map Amendment No. 08-006, Conditional Use Permit No. 08-032, Variance No. 08-008, and Tentative Parcel Map No. 08-121 based upon the following:

- The subject property is located along a major arterial and abuts commercial uses to the north (across McFadden Avenue), single family residential to the west (across Goldenwest Street), and educational uses to the east and south. The 1.5 acre site is suitable for commercial retail development because of its size and location along Goldenwest Street and McFadden Avenue.
- The proposed commercial general plan and zoning designation to allow commercial retail development is compatible and can be integrated and be sensitive to the surrounding land uses with adequate buffers, FAR limits, and urban design amenities.
- The proposed commercial general plan and zoning designation will increase the potential for taxable sales and provide additional funds to the city to reduce service costs.
- The proposed commercial general plan and zoning designation can mitigate the potential impacts to the surrounding area to the greatest extent possible, while still allowing for a market driven commercial project.
- The proposed project is consistent with the zoning code requirements of Commercial General with the exception of the variance for a reduction in the number of required parking spaces. The project does comply with minimum requirements for landscaping, setbacks, maximum floor area ratio, maximum height, and design standards to minimize long, uninterrupted expanses of building wall.
- The architectural elements of the proposed building, the building projections and recesses, and the colors and materials all combine to make the project aesthetically pleasing.

**RECOMMENDATION:**

Motion to:

- A. "Approve Mitigated Negative Declaration No. 07-007 with suggested findings and mitigation measures (Attachment No. 1)."
- B. "Approve General Plan Amendment No. 08-006 by approving the draft City Council Resolution (Attachment No. 2) and forward to the City Council for adoption."
- C. "Approve Zoning Map Amendment No. 08-006 with findings for approval (Attachment No. 3) and forward the draft Ordinance (Attachment No. 4) to the City Council for adoption."
- D. "Approve Conditional Use Permit No. 08-032, Variance No. 08-008, and Tentative Parcel Map No. 08-121 with findings and suggested conditions of approval (Attachment No. 5)."



**VICINITY MAP**  
**MND NO. 07-007/GPA NO. 08-006/ZMA NO. 08-006/CUP NO. 08-032/**  
**VAR NO. 08-008/TPM NO. 08-121**  
**(CVS PHARMACY- 15520 GOLDENWEST STREET)**

**ALTERNATIVE ACTION(S):**

The Planning Commission may take alternative actions such as:

1. “Continue Mitigated Negative Declaration No. 07-007, General Plan Amendment No. 08-006, Zoning Map Amendment No. 08-006, Conditional Use Permit No. 07-043, Variance No. 08-008, and Tentative Parcel Map No. 08-121 and direct staff accordingly.”
2. “Deny Mitigated Negative Declaration No. 07-007, General Plan Amendment No. 08-006, Zoning Map Amendment No. 08-006, Conditional Use Permit No. 07-043, Variance No. 08-008, and Tentative Parcel Map No. 08-121 with findings for denial.”

**PROJECT PROPOSAL:**

**Mitigated Negative Declaration No. 07-007** represents an analysis of potential environmental impacts associated with the following entitlements:

- Proposed General Plan Amendment from Public (Residential Low Density) to Commercial General for the subject property.
- Proposed Zoning Map Amendment from Public-Semipublic to Commercial General for the subject property.
- Proposed construction of a 14,670 sq. ft. drive-thru pharmacy and associated site improvements.
- Proposed reduction of parking spaces from 74 to 64 spaces.

**General Plan Amendment No. 08-006** represents a request by the applicant to amend the City’s General Plan Land Use Element by changing the existing land use category on the 1.5 acre subject property from the current P(RL) (Public-Residential Low Density) to the proposed CG-F1 (Commercial General—0.35 Floor Area Ratio) designation.

**Zoning Map Amendment No. 08-006** represents a request by the applicant to amend the City’s Zoning Map by changing the zoning designation on the subject property from PS (Public-Semipublic) to CG (Commercial General) pursuant to Chapter 247 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO).

**Conditional Use Permit No. 08-032** represents a request by the applicant to construct a 24-hour drive-thru pharmacy with associated site improvements that consists of:

- 14,670 sq. ft. (11,967 sq. ft. retail, 933 sq. ft. receiving area, 1,770 sq. ft. mezzanine area)
- 64 parking spaces
- 39 feet in height

**Variance No. 08-008** represents a request to permit a 10-space parking reduction from 74 to 64 parking spaces.

**Tentative Parcel Map No. 08-121** represents a request to subdivide a 1.5 acre parcel from a portion of the Golden West College site.

### **Background:**

The proposed CVS Pharmacy would provide a 14,670 square-foot 24-hour drive-thru pharmacy with 64 parking spaces and associated site improvements on a vacant lot at the southeast corner of Goldenwest Street and McFadden Avenue. The project site is currently vacant with seasonal use as a pumpkin patch and a Christmas tree lot. The approximate height of the proposed one-story building is 39 feet. The proposal includes drive-thru service in conjunction with the pharmacy use. The CVS Pharmacy, including the drive-thru, is proposed to be open 24 hours a day and seven days a week. The floor plan includes 11,967 square feet of retail area with a 933 square foot receiving area and a 1,770 square foot storage mezzanine. Access to the site is proposed via a two-way driveway along Goldenwest Street and a two-way driveway along McFadden Avenue.

### **Study Session Summary:**

The following are issues that were raised during the Planning Commission Study Session meeting on Tuesday, October 28, 2008:

- Pharmacies in the Vicinity of Project Site—There are seven CVS pharmacies in the City of Huntington Beach. Within a five-mile radius of the project site, there are 117 pharmacies.
- Ownership Status of the Project Site—The applicant is leasing the project site from the Coast Community College District on a long-term basis.
- Golden West College Sign at the corner of the Project Site—Because the subject site is being subdivided from the college site, the Golden West College sign at the corner of Goldenwest Street and McFadden is considered an off-site sign according to Chapter 233 (Signs) of the HBZSO. Since the project site is being leased from Coast Community College District on a long-term basis, the land is still owned by the College District. The possibility of retaining the Golden West College sign on the project site of the CVS Pharmacy is being researched. All permanent signs will be reviewed under a separate process for conformance with Chapter 233 of the HBZSO. At the time of submittal, all proposed signs for the CVS Pharmacy as well as the Golden West College sign will be evaluated and reviewed by the Design Review Board and the Planning Department.
- Notification Requirements—Legal notice was published in the Huntington Beach Independent on October 30, 2008, and notices were sent to property owners of record and occupants within a 500 ft. radius of the subject property, individuals/organizations requesting notification (Planning Department's Notification Matrix), applicant, and interested parties.
- Permitting Process for Alcohol Beverages Sales—Retail markets with no more than 10 percent of the floor area devoted to sale, display and storage of alcoholic beverages are exempt from the conditional use permit process.
- Green Features of the Proposed Project—The project is proposing to implement Green Building methods under the following LEED categories: sustainable sites, water efficiency, energy and

atmosphere, materials and resources, environmental quality, and innovation and design process (Attachment No. 17).

**ISSUES:**

**Subject Property and Surrounding Land Use, Zoning, and General Plan Designations:**

<b>LOCATION</b>	<b>GENERAL PLAN</b>	<b>ZONING</b>	<b>LAND USE</b>
Subject Property	P(RL) (Public-Residential Low Density)	PS (Public-Semipublic)	Vacant
North of Subject Property (across McFadden Avenue)	City of Westminster	City of Westminster	Shopping Center
South and East of the Subject Property	P(RL)	PS	Golden West College
West of Subject Property (across Goldenwest Street)	RL-7 (Residential Low Density—7 Dwelling Units per Acre)	RL (Residential Low Density)	Single-Family Residential

**General Plan Conformance:**

The proposed General Plan Land Use Map designation on the subject property is CG-F1 (Commercial General—0.35 Floor Area Ratio). The proposed General Plan Amendment, Zoning Map Amendment, and project are consistent with this designation and the goals and objectives of the City’s General Plan as follows:

A. Economic Development Element

Goal ED 1: Provide economic opportunities for present and future Huntington Beach residents and businesses through employment and local fiscal stability.

Objective ED 1.1: Enhance the City’s market potential in terms of retail, office, industrial, and visitor serving activity. This would allow Huntington Beach to provide for retail, office, and industrial opportunities that serve the current and projected population and enhance sales and occupancy tax revenue.

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 project promotes development in accordance with Huntington Beach’s Economic Development Element, as commercial development of the site will improve fiscal stability and provide economic opportunities for the City. New employment opportunities will be created both in the construction of the proposed development and in the long-term operations of the retail establishment.

High-quality architecture and site design will enhance the long-term economic success of the proposed development and will further enhance Huntington Beach's economic prospects.

B. Land Use Element

Goal LU 7: Achieve a diversity of land uses that sustain the City's economic viability, while maintaining the City's environmental resources and scale and character.

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

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, serve visitors to the City, and capitalize on Huntington Beach recreational resources.

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 the consideration of:

- a. incorporation of site landscape, particularly along street frontages and in parking lots;
- b. linkage of buildings by common architectural design, landscape and pedestrian systems, to avoid the appearance of independent free-standing structures surrounded by parking;
- c. siting and design of structures to facilitate and encourage pedestrian activity;
- d. siting of one or more buildings in proximity to the street frontage to convey a visual relationship to the street and sidewalks;
- 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; and
- f. inclusion of consistent signage designed and integrated into the building's architectural character. (*I-LU 1, I-LU 4, I-LU 5, I-LU 7, I-LU 10, and I-LU 11*)

Goal LU 11: Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

The retail use at the project site represents development which would support the needs and reflect market demand of City residents and visitors. The proposed development provides additional uses that would attract and complement existing uses along Goldenwest Street. Development of the commercial retail use will generate jobs for the community without substantially increasing the need for housing as most employees will come from the local area. In addition, the proposed project would help the City to achieve its goal of enhancing the community image of Huntington Beach through the design and construction of a high-quality development while still allowing for the market-driven commercial development. The design of the project promotes development of a commercial building that conveys a unified visual image and character. The City's Design Review Board has reviewed the proposed architecture, colors, and materials, and recommends approval of the design concept.

### C. Circulation Element

Goal CE 1: Provide a balanced transportation system that supports the policies of the General Plan and facilitates the safe and efficient movement of people and goods throughout the City while providing a balance between economic development and the preservation of residential neighborhoods, and minimizing environmental impacts.

Goal CE 2: Provide a circulation system which supports existing, approved, and planned land uses throughout the City while maintaining a desired level of service on all streets and at all intersections.

Policy CE 2.1.1: Maintain a city-wide level of service (LOS) not to exceed LOS “D” for intersections during the peak hours.

Policy CE 2.1.2: Maintain a city-wide level of service (LOS) not to exceed LOS “C” for daily traffic, with the exception of Pacific Coast Highway south of Brookhurst Street.

Goal CE 5: Provide sufficient, well-designed, and convenient on- and off-street parking facilities throughout the City.

A traffic impact analysis has been completed by a traffic engineering firm to ensure a balanced transportation system that adequately mitigates the project’s potential traffic impacts while still allowing for commercial development to be achieved. The developer will be required to contribute a fair-share payment toward traffic system improvements to mitigate the project’s proportionate impacts to certain intersections and roadways.

### Zoning Compliance:

One of the entitlements associated with this project are to amend the Zoning designation for the site from Public-Semipublic to Commercial General. The project complies with the requirement of the Commercial General zone with the exception of parking requirements. In addition, a list of City Code Requirements, Policies, and Standard Plans of the Huntington Beach Zoning and Subdivision Ordinance and Municipal Code has been provided to the applicant (Attachment No. 10) for informational purposes only.

### Urban Design Guidelines Conformance:

The proposed project is in substantial conformance with the Urban Design Guidelines, Chapter 4 (General Commercial). The applicant has completed the Urban Design Checklist for the proposed project and indicates compliance with the majority of the Guidelines (Attachment No. 16).

The Urban Design Guidelines recommend specific design criteria for general commercial projects. In particular, several recommendations are discussed for site planning and building design. The Urban Design Guidelines for commercial project site planning recommend incorporation of the following:

- vertical and horizontal offsets to articulate building facades
- architectural elements to provide focal points
- screening of loading and delivery service areas to minimize their visibility

- decorative paving into parking lot design, driveway entries, and pedestrian walkways

The proposed site layout conforms with these design recommendations through the provision of vertical and horizontal articulations to the building and a tower element to serve as a focal point. To soften the look of the building, climbing plants are provided on the building. In addition, the project incorporates decorative paving into the driveway entries and pedestrian walkways. The loading and delivery service area is screened from view by the design of the building. The applicant is utilizing a variety of building materials, design elements, and colors to complement the developments in the vicinity of the project site.

### **Environmental Status:**

Staff has reviewed the environmental assessment and determined that no significant impacts are anticipated as a result of the proposed project that could not be mitigated to a level of insignificance with proper design and mitigation measures. Subsequently, draft MND No. 07-007 (Attachment No. 11) was prepared with mitigation measures pursuant to Section 240.04 of the HBZSO and the provisions of the California Environment Quality Act (CEQA).

Draft MND No. 07-007 was advertised and made available for a thirty (30) day public review and comment period, commencing July 3, 2008 and ending on August 4, 2008. Two comment letters (California Department of Transportation and OC Public Works) were received during the review period, indicating that they have no comments. The Draft MND No. 07-007 was recirculated to reflect changes to the project plans and a request for a variance to deviate from the number of parking spaces required by the HBZSO. The recirculated Draft MND was made available for a thirty (30) day public review and comment period, commencing September 11, 2008 and ending on October 10, 2008. One comment letter (California Department of Transportation) was received during the recirculated review period, indicating that the agency has no comments.

### ***Environmental Board Comments:***

The Environmental Board reviewed draft MND No. 07-007 at their August 7, 2008 meeting and provided a comment letter on August 18, 2008. The Environmental Board's letter addressed the following issues:

- Alternate site for the pharmacy should be considered.
- A new site should be found for all trees worth salvaging (e.g. those rated average or better).
- Traffic is a potential issue in this area, especially left-turning traffic out the driveway south of the proposed site.
- The 24-hour drive-thru concept has the potential to add to pollution levels.
- The City of Westminster should be informed of the project.
- A minimum level of green building measures should be required and incorporated into the project.
- In-lieu park and recreation fees should be dedicated for open space areas within the Beach-Edinger Corridor project area.
- Low emission construction equipment should be used.
- The construction grading and hauling should be reduced to the maximum extent practicable.

Some of the concerns raised by the Environmental Board were addressed in the MND. As for the driveway south of the proposed site, the existing driveway will remain at right-turn-in and right-turn out only to minimize the potential issue in this area. The concerns regarding any potential air quality and emissions impacts will be addressed through standard code requirements, including frequent watering down of the site to prevent dust movement, wind barriers along the perimeter of the site, removal of debris and dirt around the project site, use of low sulfur vehicles, avoiding construction on high-ozone days, and decreasing activities during windy conditions. In addition, the applicant is proposing to implement Green Building methods under the following LEED categories: sustainable sites, water efficiency, energy and atmosphere, materials and resources, environmental quality, and innovation and design process.

Prior to any action on General Plan Amendment No. 08-006, Zoning Map Amendment No. 08-006, Conditional Use Permit No. 08-032, Variance No. 08-008, and Tentative Parcel Map No. 08-121, the Planning Commission must review and act on MND No. 07-007. Based on the initial study of the project, staff is recommending that the MND be approved with suggested findings and mitigation measures.

**Coastal Status:** Not applicable.

**Redevelopment Status:** Not applicable.

**Design Review Board:**

The project was reviewed by the Design Review Board (DRB) on September 11, 2008, September 18, 2008, and October 9, 2008. On September 11, 2008, the DRB reviewed the colors, materials, design, and plans for the CVS Pharmacy. The Board was informed of staff's recommendations regarding compliance with the Urban Design Guidelines. The Board expressed several overall concerns during the initial review of the project, including the following: 1) vertical and horizontal articulations to the building; 2) relocation and redesign of the loading and delivery service areas; 3) incorporation of decorative paving into the driveway entries and pedestrian walkways; 4) provision of climbing plants on the building; and 5) the Golden West College sign at the corner of the project site. After much discussion, the application was continued to the September 18, 2008 meeting. The DRB still had the same concerns with the site layout and building design at the September 18, 2008 meeting and continued the application to the October 9, 2008 meeting to allow the applicant the opportunity to revise the plans. In response, the applicant revised the proposed architectural design, incorporated new vertical and horizontal articulations, redesign of the loading and delivery service areas, decorative paving into the driveway entries and pedestrian walkways, and climbing vines on the building. On October 9, 2008, the DRB recommended conceptual approval of the project with the condition that the first two feet of the 19-foot long parking spaces along the west and north side of the building be provided with landscaping or sidewalk area. In addition, all proposed signs for the CVS Pharmacy as well as the Golden West College sign will be reviewed separately by the DRB and the Planning Department.

**Subdivision Committee:** Not applicable.

**Other Departments Concerns and Requirements:**

The Departments of Building and Safety, Fire, Planning, and Public Works have reviewed the application and identified applicable code requirements. The Code Requirements letter was transmitted on October 10, 2008 and is attached for informational purposes only (Attachment No. 10).

**Public Notification:**

Legal notice was published in the Huntington Beach Independent on October 30, 2008, and notices were sent to property owners of record and occupants within a 500 ft. radius of the subject property, individuals/organizations requesting notification (Planning Department’s Notification Matrix), applicant, interested parties, and individuals/organizations that commented on the environmental document.

**Application Processing Dates:**

<u>DATE OF COMPLETE APPLICATION:</u>	<u>MANDATORY PROCESSING DATE(S):</u>
Mitigated Negative Declaration: September 15, 2008	180 days of complete application or by March 15, 2009
General Plan Amendment: Not Applicable	Not Applicable
Zoning Map Amendment: Not Applicable	Not Applicable
Conditional Use Permit: September 15, 2008	Conditional Use Permit, Variance and Tentative Parcel Map: Within 60 days from Mitigated Negative Declaration Approval
Variance: September 15, 2008	
Tentative Parcel Map: September 15, 2008	

**ANALYSIS:**

The primary issues to consider in conjunction with this request are the proposed amendment of the General Plan Land Use designation, the proposed amendment of the Zoning designation, compatibility with the surrounding land uses, consistency with the General Plan, site layout/design, compliance with the applicable zoning development standards, reduction in the number of required parking spaces, potential environmental impacts, and subdivision of a 1.5 acre parcel.

**General Plan Amendment:**

The request is to amend the General Plan Land Use designation on the approximately 1.5-acre site from the current P(RL) (Public-Residential Low Density) designation to the proposed CG-F1 (Commercial General—0.35 Floor Area Ratio) designation.

The existing General Plan Land Use designation for the site is Public (Residential Low Density), which permits a range of governmental administrative and related facilities, such as public utilities, schools, public parking lots, infrastructure, religious and similar uses. The underlying designation for the site is shown as

Residential Low Density, which has no bearing on the future zoning or land use designation on the subject property. The General Plan has no discussion or corresponding policies that encourages such underlying designation to be considered or applied during the amendment process. The underlying designation is a remnant designation of all Public (P) designated properties within the City and was considered during the discussions by the General Plan Advisory Committee and their land use recommendations. The proposed General Plan Land Use designation is Commercial General (CG), which allows for a range of commercial activities such as retail commercial, professional offices, eating and drinking establishments, household goods, food sales, drugstores, building materials and supplies, personal services, recreational commercial, overnight accommodations, cultural facilities, government offices, educational, health, institutional and similar uses. Staff proposes a maximum allowable floor area ratio of 0.35.

The amendment of the land uses designation is consistent with the activities in the vicinity of the project site. The subject site is surrounded by neighborhood serving commercial uses to the north across McFadden Avenue, residential uses to the west across Goldenwest Street, and educational uses to the east and south. The uses permitted under the current land use designation include governmental administrative and related facilities. The uses permitted under the proposed land use designation include a range of commercial uses. The uses permitted under the current and proposed land use designations and zoning are not very different in terms of traffic generation, noise, utilities or service systems demands. In addition, the area south of the project site (Goldenwest College parking lot at the corner of Goldenwest Street and Edinger Avenue) already has commercial activities (i.e. weekend swap meets). Therefore, the proposed land use designation would permit uses that are compatible with existing uses north and south of the project site. In addition, the proposed use of the site as a pharmacy would serve existing residences to the west as well as the Goldenwest College campus east of the project site. A medical clinic is located across the street (Westminster) and the proposed CVS Pharmacy would provide easy access to prescriptions for patients.

The proposed project would be consistent with the goals and objectives of the Land Use and Economic Development Elements of the General Plan in developing a range of commercial uses that are oriented to the needs of local residents, serving the surrounding region, providing economic opportunities for present and future Huntington Beach residents and businesses, and enhancing the City's market potential. This is also consistent with the City's existing land use pattern by providing commercially zoned and General Plan designated properties at arterial intersections. The City's land use policies generally encourage projects that provide a mix of uses, are compatible and harmonious with surrounding development, and enhance the image and quality of life and the environment. The proposed project would not conflict with the identified policies and objectives contained in the General Plan. Staff recommends approval of the General Plan Land Use designation amendment request to General Commercial.

### **Zoning Map Amendment:**

The request is to amend the Zoning designation on the 1.5-acre site from the current PS (Public-Semipublic) designation to CG (Commercial General) designation. The Zoning Map Amendment would provide consistency with the proposed General Plan Land Use designation of Commercial General.

The existing Zoning designation for the subject site is Public-Semipublic (PS). This designation permits large public and semipublic uses such as but not limited to: Cemeteries, Government Offices, Hospitals,

Maintenance and Service Facilities, Religious Assembly, Schools (private or public), Utilities (minor and major), Eating and Drinking Establishments, Vehicle/Equipment Sales and Services, etc. Development standards permit: minimum parcel size of 2 acres, minimum lot width of 100 feet, maximum building height of 50 feet, maximum floor area ratio of 1.5, and minimum of 8% landscaping. Additional requirements are identified in Chapter 214, Public-Semipublic Districts (Attachment No. 14).

The proposed Zoning designation for the subject site is Commercial General (CG). This designation permits a full range of retail and service businesses such as but not limited to: Group Residential, Community and Human Services, Convalescent Facilities, Day Care, Heliports, Hospitals, Religious Assembly, Schools (private or public), Utilities (minor or major), Animal Sales and Services, Building Materials and Services, Commercial Recreation and Entertainment, Eating and Drinking Establishments, Maintenance and Repair Services, Offices, Retail Sales, Vehicle Equipment Repair, Visitor Accommodations, etc. Development standards permit: minimum lot size of 10,000 sq. ft., minimum lot width 100 feet, maximum building height of 50 feet, maximum floor area ratio of 1.5, and minimum of 8% landscaping. Additional requirements are identified in Chapter 211, Commercial Districts (Attachment No. 15).

The amendment of the Zoning designation for the subject site from Public-Semipublic to Commercial General implements the proposed General Plan Land Use designation of Commercial General. The subject site is bounded by single family residential (RL) across Goldenwest Street to the west, commercial uses to the north (City of Westminster), institutional uses (Golden West College) to the east and south, and a major arterial street (Goldenwest Street) to the immediate west. The proposed zoning of commercial on a site that has arterial frontage is a basic planning principle in the analysis of the proper land use and zoning designation for commercial uses. The City has adopted a number of land use policies to protect residential neighborhoods and allow the future development of commercial uses that stabilize the fiscal viability of the City.

The commercial designation is the appropriate zoning for the site generally because of its size, location, and separation from residential uses. The 1.5 acre project site meets the minimum lot size for commercial development and located at the intersection of two arterials, which provide efficient access to the site. Because this type of land use and zoning pattern is found throughout the City, designating the project site for commercial development is consistent with the existing land use pattern. The zoning regulations (CG) require new construction to be subject to a conditional use permit with a public hearing. The conditional use permit review and analysis requires the future development to mitigate to the greatest extent possible any impacts to the adjacent residential uses and also allow for market driven development. Staff recommends approval of the zoning map amendment request to General Commercial.

### **Conditional Use Permit:**

The primary factors to consider when analyzing this project are compatibility with surrounding land uses, site layout/design, and compliance with the applicable zoning development standards. The following is a detailed discussion of these issues.

### *Compatibility with Surrounding Land Uses*

The subject site is surrounded by neighborhood serving commercial uses to the north across McFadden Avenue in the City of Westminster, residential uses to the west across Goldenwest Street, and institutional uses to the east and south. In addition, the area south of the project site (Goldenwest College parking lot at the corner of Goldenwest Street and Edinger Avenue) already has commercial activities (i.e. weekend swap meets). The development of the proposed project will be compatible with the existing commercial uses of similar nature and intensity north and south of the project site. The proposed use of the site as a pharmacy would serve existing residences to the west as well as the Goldenwest College campus east of the project site.

### *Site Layout and Architectural Treatment*

The proposed project is designed to have the building in the center of the site with parking and driveways along the perimeter of the site. Access to the site will be taken via a two-way driveway along Goldenwest Street and a two-way driveway along McFadden Avenue. Decorative paving will be incorporated into the design of the driveway entries and pedestrian walkways. The architectural treatment of the building includes numerous features that contribute to an attractive design, such as vertical and horizontal offsets to articulate building facades, architectural elements such as a tower to provide a distinct entry, varied rooflines, and window treatments (Attachment No. 8). The project is utilizing a variety of building materials, design elements, and colors to complement the developments in the vicinity of the project site. The use of building materials (stone, clay tiles, plaster), colors (flickering light, sun city, ambrosia ivory), and paving materials (stamped concrete) are designed to convey a high quality visual image and character for the development. Incorporation of the Design Review Board's recommended changes to the parking spaces along the west and north side of the building will enhance the site's pedestrian access.

### *Compliance with Applicable Zoning Development Standards*

The project would comply with the applicable development standards for Commercial General zoning district including minimum lot area and lot width, minimum setbacks, maximum building height, maximum floor area ratio, vehicular and pedestrian access, and minimum landscaping. The proposed project would not comply with the parking requirements and the applicant has applied for a variance to deviate from the parking requirements of the HBZSO. A detailed discussion of the variance is provided below.

### **Variance:**

The variance request is to permit a 10-space reduction in the parking requirements. The HBZSO requires commercial/retail establishments to provide parking at a ratio of 1 space for every 200 square feet of gross floor area. The gross floor area of the proposed project is 14,670 square feet, which would require 74 parking spaces. A total of 64 parking spaces are proposed for the project. Because the proposed project is deficient in parking, the applicant has applied for a variance to deviate from the minimum parking requirements of the HBZSO.

Although the project does not meet the City's code for number of parking spaces, storage uses generally require less parking than retail uses and use a reduced parking standard. Of the total floor area for the proposed project, 11,967 square feet will be utilized as commercial/retail space and 2,703 square feet will be utilized for storage purposes only. The required number of parking spaces for 11,967 square feet of commercial/retail area is 60 and the required number of parking spaces for the receiving and mezzanine storage areas, based on the HBZSO storage/warehouse parking ratio of 1:1000, would be three. If separate parking requirements were applied for each use, based on the requirements of the HBZSO, the total number of parking spaces required would be 63. Although the receiving area was included in the Traffic Impact Assessment for determining vehicle trips, those trips generated by the receiving area would be limited to trucks making deliveries. The delivery trucks would utilize the appropriate loading space on the site and would not generate additional parking demand. In light of this information, and given that the storage areas are not accessible to patrons of the store, it can be further concluded that the actual parking demand would be 63 spaces. Therefore, although the strict application of the City's code would require 74 parking spaces, based on the actual parking demand, the proposed project would require a minimum of 63 spaces.

To confirm that the parking demand is not greater than the number of spaces proposed and mitigate potentially significant impacts associated with inadequate parking capacity, the applicant submitted a Parking Demand Study, prepared by Rick Engineering Company (Attachment No. 13). The Study surveyed the existing parking counts at three comparable CVS Pharmacy sites near the proposed site as follows:

- CVS pharmacy—18872 Beach Boulevard, Huntington Beach
- CVS Pharmacy—102 N Main Street, Santa Ana
- CVS Pharmacy—7065 La Palma Avenue, Buena Park

The Study found that the maximum occupied spaces counted for the three sites ranged from 14 to 33 spaces with a peak demand rate ranging from 1.2 to 2.2 per 1,000 square feet of gross floor area. Based on that finding, the maximum parking demand for the proposed 14,670 sq. ft. pharmacy would be 32 spaces if the demand rate of 2.2 were applied. Therefore, the Study concluded that the 64 parking spaces provided for the proposed CVS Pharmacy would be sufficient for the peak and daily parking demand.

Staff is recommending approval of the reduction in the parking requirements because the site layout of the proposed development is designed to maximize the use of the site and take into consideration the many existing mature trees on the subject site. This reduction will enable the project to preserve and relocate the existing mature trees onsite and develop a high quality design that is sensitive and complementary to surrounding land uses. In addition, parking for the development will be provided to accommodate the actual demand and will not result in insufficient parking capacity. This conclusion is supported by a Parking Demand Study as discussed above. Therefore, the variance for a parking reduction would not result in a parking deficiency or constitute a special privilege.

### **Tentative Parcel Map:**

The request is to subdivide a 1.5 acre parcel from a portion of the Golden West College site for commercial development purposes (Attachment No. 8). The map includes right of way dedications along Goldenwest Street and McFadden Avenue and on-site reciprocal access easements between parcels. As

part of the map, public improvements around the entire development are required along Goldenwest Street and McFadden Avenue. Public Works is recommending that the existing driveway approach on Goldenwest Street be removed and replaced with an ADA compliant driveway approach and a new sewer lateral be installed connecting to the Midway City Sanitation District sewer main in McFadden Avenue. Public Works has included conditions of approval to this effect.

Staff recommends approval of the proposed subdivision with conditions of approval for proper site design, street dedications, and irrevocable reciprocal access agreements. The site is physically suitable for the type and density of development. The 1.5 acre project site is generally flat, rectangular, and provides the necessary area for development consistent with the intensity and density of the General Plan Land Use designation and the proposed Commercial General zoning district. Furthermore, the proposed development complies with the development standards regarding setbacks, building height, and landscaping of the Huntington Beach Zoning and Subdivision Ordinance.

**Environmental Impacts:**

The Mitigated Negative Declaration No. 07-007 determined that no significant impacts are anticipated as a result of the proposed project in all issue areas except for aesthetics, biological resources, and traffic/transportation. Potentially significant impacts include the removal of six and relocation of seven mature trees (aesthetics and biological resources) and inadequate parking capacity (traffic/transportation). These potentially significant impacts could be mitigated to a level of insignificance by incorporating appropriate mitigation measures.

The project site is currently vacant and contains 22 mature trees that would be impacted by the development of the proposed project. An Arborist's Report (Attachment No. 12), prepared by Consulting Arborist Alden Kelley, has been completed for the project site, which identifies trees on the site, describes the size and condition of each tree and the feasibility of retention or relocation of trees. Of the 22 impacted trees, nine are proposed to remain, seven are proposed to be relocated, and six trees are proposed to be removed. The removal of six mature trees has the potential to significantly impact biological resources. To mitigate this potentially significant impact, tree replacement for existing mature trees on-site shall be in accordance with the requirements of Chapter 232—Landscape Improvements of the HBZSO. Twenty seven trees are proposed to replace the six trees that are removed. For the seven trees to be relocated, proper translocation procedures are required in order to avoid potentially significant impacts as a result of the relocation. The detailed specifications and procedures for the translocation of the identified trees are documented in the Arborist's Report in order to ensure that the relocated trees will be maintained and guaranteed to be alive and thriving.

Although there are no wildlife nursery sites within the project site, due to the abundance of mature trees on the college campus and the project site, migratory species may use portions of the site for nesting during breeding season, which are protected under the *Migratory Bird Treaty Act* (MBTA). Project implementation and construction-related activities may result in the disturbance of nesting species protected by the MBTA. The MBTA protects over 800 species, including geese, ducks, shorebirds, raptors, songbirds, and many relatively common species. The loss of nesting efforts of sensitive species protected by the MBTA, as a result of the removal of mature trees onsite, would be considered a potentially significant impact. Therefore, a mitigation measure specifying the time of construction or

vegetation removal would be required to lessen the impact on migratory wildlife species (Attachment No. 11).

Based on the HBZSO, the proposed project would require 74 parking spaces. However, the project is proposing to provide 64 parking spaces. Because the proposed project is deficient in parking, the applicant has applied for a variance to deviate from the parking requirements of the HBZSO. The applicant submitted a Parking Demand Study, prepared by Rick Engineering Company, to confirm that the parking demand is not greater than the number of spaces proposed onsite and mitigate potentially significant impacts associated with inadequate parking capacity. The Study concluded that the 64 parking spaces provided for the proposed CVS Pharmacy would be sufficient for the parking demand. A detailed discussion of the parking requirements is in the Variance section above.

### ***Summary***

Staff finds that the proposed project is compatible with surrounding uses in terms of architecture, site layout, design, access, and other development standards. The current Public land use designation does not allow for commercial uses but the proposed land use designation of Commercial General would allow for the implementation of the proposed project. The site layout and inclusion of many design features, building materials, and colors into the architectural design of the building enhances the project and creates a high quality development. The proposed project would be compatible with the surrounding land uses because its adjacency to existing commercial development to the north and separation from sensitive land uses. Therefore, staff supports the proposed amendments to the General Plan and Zoning designations as well as the proposed development of a pharmacy.

### **ATTACHMENTS:**

1. Suggested Findings and Mitigation Measures for Mitigated Negative Declaration No. 07-007
2. Draft City Council Resolution No. \_\_\_\_ for General Plan Amendment No. 08-006
3. Suggested Findings for Zoning Map Amendment No. 08-006
4. Draft Ordinance No. \_\_\_\_ for Zoning Map Amendment No. 08-006
5. Suggested Findings and Conditions of Approval for Conditional Use Permit No. 08-032, Variance No. 08-008, and Tentative Parcel Map No. 08-121
6. Current/Proposed General Plan Designations (with surrounding designations)
7. Current/Proposed Zoning Designations (with surrounding designations)
8. Site Plan, Floor Plans, Elevations, and Tentative Parcel Map dated October 2, 2008
9. Project Narrative dated August 19, 2008
10. Code Requirements Letter dated October 10, 2008
11. Draft Mitigated Negative Declaration No. 07-007
12. Arborist's Report dated October 2007
13. Parking Study dated October 2, 2008
14. HBZSO Chapter 214—Public-Semipublic Districts
15. HBZSO Chapter 211—Commercial Districts
16. Design Review Board Checklist Completed by the Applicant (General Commercial) dated July 3, 2008
17. Green Building Features Submitted by the Applicant dated October 30, 2008

SH:HF:TN:lw

**ATTACHMENT NO. 1**

**FINDINGS AND MITIGATION MEASURES**

**MITIGATED NEGATIVE DECLARATION NO. 07-007**

**FINDINGS FOR APPROVAL – MITIGATED NEGATIVE DECLARATION NO. 07-007**

1. Mitigated Negative Declaration No. 07-007 has been prepared in compliance with Article 6 of the California Environmental Quality Act (CEQA) Guidelines. It was advertised and available for a public comment period of 30 days. Comments received during the comment period were considered by the Planning Commission prior to action on the Mitigated Negative Declaration No. 07-007.
2. Mitigation measures avoid or reduce the project's effects to a point where clearly no significant effect on the environment will occur. Mitigation measures address potential impacts to aesthetics, biological resources, and traffic and transportation. Mitigation measures were generally designed to minimize impacts related to the removal and relocation of mature trees and inadequate parking capacity at the project site.
3. There is no substantial evidence in light of the whole record before the Planning Commission that the project, as mitigated through the attached mitigation measures, will have a significant effect on the environment. The proposed project will be a high quality development that takes into consideration the many existing mature trees onsite. The mature trees will be preserved or relocated based on the proper translocation procedures and specifications documented in the Arborist's Report to ensure their survival. In addition, the migratory species that may use portions of the site for nesting during breeding season will be protected through the limitation of the time of construction or vegetation removal. As for the reduction in the number of required parking spaces, a Parking Demand Study concludes that the provided parking would be sufficient for the parking demand of the proposed development and would not result in a parking deficiency.

**MITIGATION MEASURES FOR ENVIRONMENTAL CONCERNS:**

1. Nesting habitat for protected or sensitive species:
  - a. Vegetation removal and construction shall occur between September 1 and January 31 whenever feasible.
  - b. Prior to any construction or vegetation removal between February 15 and August 31, a nesting survey shall be conducted by a qualified biologist of all habitats within 500 feet of the construction area. Surveys shall be conducted no less than 14 days and no more than 30 days prior to commencement of construction activities and surveys will be conducted in accordance with California Department of Fish and Game (CDFG) protocol as applicable. If no active nests are identified on or within 500 feet of the construction site, no further mitigation is necessary. A copy of the pre-construction survey shall be submitted to the City of Huntington Beach. If an active nest of a MBTA protected species is identified onsite (per established thresholds), a 250-foot no-

work buffer shall be maintained between the nest and construction activity. This buffer can be reduced in consultation with CDFG and/or U.S. Fish and Wildlife Service.

- c. Completion of the nesting cycle shall be determined by a qualified ornithologist or biologist.
2. The structure cannot be occupied and the final building permit(s) cannot be approved until the removed existing mature trees are replaced in accordance with the requirements of Chapter 232—Landscape Improvements.
3. For the trees to be relocated, the Arborist's Report shall be revised to include the following:
  - a. The trees shall be transplanted by a qualified tree service to be approved by the City of Huntington Beach Public Works Department.
  - b. The detailed specifications and procedures for the translocation of the identified trees as outlined by Darrell W. Simpson from Great Scott Tree Service Inc. in the letters dated June 4, 2008 and June 5, 2008.
  - c. The relocated trees shall be maintained and guaranteed to be alive and thriving after four years by a qualified tree service or arborist to be approved by the City of Huntington Beach Public Works Department. The trees shall be surveyed every six months for a period of four years as to their viability. The survey shall be submitted to the City Landscape Architect for review. In the event that any tree is not surviving, it shall be replaced with the same type and size of tree.
  - d. A letter from the developer stating that the recommendations of the Consulting Arborist will be followed.
4. The applicant shall submit a Parking Demand Study, prepared by a licensed Traffic Engineer, to confirm that the parking demand for the proposed project would not be greater than the number of spaces currently proposed. At a minimum, the study shall include a survey of the parking demand at three CVS Pharmacy locations in Orange County during peak hour weekday and weekend times. If the Parking Demand Study does not confirm a parking demand of no greater than 64 spaces, then the applicant should evaluate providing more parking spaces on site and/or reduce the building size accordingly.

**DRAFT**

**DRAFT**

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF HUNTINGTON BEACH  
APPROVING GENERAL PLAN AMENDMENT NO. 08-006**

**WHEREAS**, General Plan Amendment No. 08-006 proposes to amend the Land Use Element of the City’s General Plan to redesignate an approximate 1.5 acre piece of real property located on the southeast corner of Goldenwest Street and McFadden Avenue, as more particularly described as Exhibits “A” and “B” attached hereto, from P(RL) (Public-Residential Low Density) to CG-F1 (Commercial General – 0.35 Floor Area Ratio).

Pursuant to California Government Code, the Planning Commission of the City of Huntington Beach, after notice duly given, held a public hearing to consider General Plan Amendment No. 08-006 and recommended approval of said entitlement to the City Council; and

Pursuant to California Government Code, the City Council of the City of Huntington Beach, after notice duly given, held a public hearing to consider General Plan Amendment No. 08-006; and

The City Council finds that said General Plan Amendment No. 08-006 is necessary for the changing needs and orderly development of the community, is necessary to accomplish refinement of the General Plan, and is consistent with other elements of the General Plan.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Huntington Beach as follows:

**SECTION 1:** That the real property that is the subject of this Resolution (hereinafter referred to as the “Subject Property”) is generally located on the southeast corner of Goldenwest Street and McFadden Avenue in the City of Huntington Beach, and is more particularly described in the legal description and sketch attached hereto as Exhibits “A” and “B”, respectively, and incorporated by this reference as though fully set forth herein.

**SECTION 2:** That General Plan Amendment No. 08-006, which amends the General Plan Land Use Designation for the subject area from P(RL) (Public-Residential Low Density) to CG-F1 (Commercial General – 0.35 Floor Area Ratio) is approved. The Director of Planning is hereby directed to prepare and file an amended Land Use Map. A copy of said map, as amended, shall be available for inspection in the Planning Department.

**PASSED AND ADOPTED** by the City Council of the City of Huntington Beach at a regular meeting thereof held on the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

*Joseph McRae*  
\_\_\_\_\_  
City Attorney Dec 10/15/08

10/16/08

REVIEWED AND APPROVED:

\_\_\_\_\_  
City Administrator

INITIATED AND APPROVED:

\_\_\_\_\_  
Planning Director

ATTACHMENTS

Exhibit A:    Legal Description  
Exhibit B:    Sketch

**DRAFT**





## **ATTACHMENT NO. 3**

### **SUGGESTED FINDINGS**

#### **ZONING MAP AMENDMENT NO. 08-006**

#### **SUGGESTED FINDINGS FOR APPROVAL—ZONING MAP AMENDMENT NO. 08-006:**

1. Zoning Map Amendment No. 08-006 to change the zoning on a 1.5 acre parcel from PS (Public-Semipublic) to CG (Commercial General) is consistent with the objectives, policies, general land uses and programs specified in the General Plan as well as the proposed General Plan Amendment No. 08-006. The zoning map amendment will enable the property owner and applicant to carry out policies and objectives stated in the Economic Development Element of the General Plan by improving fiscal stability and providing economic opportunities for the City. The proposed commercial general zoning is consistent with the goals and policies of the Land Use Element of the General Plan by allowing the development of uses that would support the needs and reflect market demand of City residents and visitors.
2. In the case of a general land use provision, the Zoning Map Amendment is compatible with the uses authorized in, and the standards prescribed for, the zoning district for which it is proposed. The proposed land uses identified in the Commercial General land use designation is consistent with the General Plan as well as the proposed General Plan Amendment No. 08-006.
3. A community need is demonstrated for the change proposed. The proposed commercial general zoning provides the standards necessary to develop a high quality commercial land use complementing and enhancing surrounding land uses. The commercial designation will generate jobs for the community without substantially increasing the need for housing.
4. The adoption of the Commercial General zoning will be in conformity with public convenience, general welfare and good zoning practice. The Commercial General zoning designation is the appropriate zoning for the site because of its size, location, and separation from residential uses. It was prepared utilizing a comprehensive approach, involving public meetings and reviewing the proposed development in terms of existing development standards, design and architectural guidelines, and landscape requirements.

**DRAFT**

**DRAFT**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH  
AMENDING DISTRICT MAP 15 (SECTIONAL DISTRICT MAP 14-5-11)  
TO REZONE THE REAL PROPERTY GENERALLY LOCATED AT THE  
SOUTHEAST CORNER OF GOLDENWEST STREET AND MCFADDEN AVENUE  
FROM PS (PUBLIC-SEMIPUBLIC) TO CG (COMMERCIAL GENERAL)  
(ZONING MAP AMENDMENT NO. 08-006)**

WHEREAS, pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Map Amendment No. 08-006, which rezones the property generally located at the southeast corner of Goldenwest Street and McFadden Avenue from PS (Public-Semipublic) to CG (Commercial General); and

After due consideration of the findings and recommendations of the Planning Commission and all other evidence presented, the City Council finds that the aforesaid amendment is proper and consistent with the General Plan,

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby ordain as follows:

**SECTION 1.** That the real property that is the subject of this Ordinance (hereinafter referred as the "Subject Property") is generally located at the southeast corner of Goldenwest Street and McFadden Avenue, and is more particularly described in the legal description and sketch attached hereto as Exhibits A and B, respectively, and incorporated by reference as though fully set forth herein.

**SECTION 2.** That the zoning designation of the Subject Property is hereby changed from PS (Public-Semipublic) to CG (Commercial General).

**SECTION 3.** That Huntington Beach Zoning and Subdivision Ordinance Section 201.04B District Map 15 (Sectional District Map 14-5-11) is hereby amended to reflect Zoning Map Amendment No. 08-006 as described herein. The Director of Planning is hereby directed to prepare and file an amended map. A copy of said District Map, as amended, shall be available for inspection in the Office of the City Clerk.

**SECTION 4.** This ordinance shall take effect thirty days after passage.

**PASSED AND ADOPTED** by the City Council of the City of Huntington Beach at a regular meeting thereof held on the \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk

*Jennifer McSpadden*  
\_\_\_\_\_  
City Attorney 0100 10/15/08  
10/16/08

REVIEWED AND APPROVED:

INITIATED AND APPROVED:

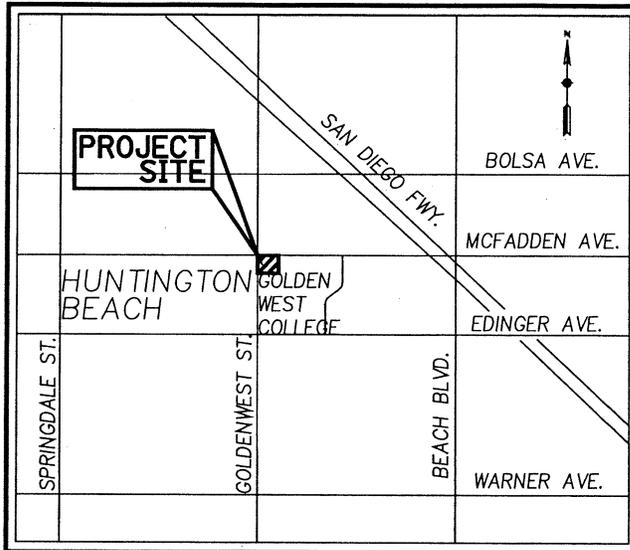
\_\_\_\_\_  
City Administrator

\_\_\_\_\_  
Director of Planning

ATTACHMENTS

Exhibit A: Legal Description  
Exhibit B: Sketch

**DRAFT**



VICINITY MAP

NO SCALE

LEGAL DESCRIPTION PARCEL A

BEING A PORTION OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 5 SOUTH, RANGE 11 WEST, M.D.B. & M, IN THE RANCHO LA BOLSA CHICA, IN THE CITY OF HUNTINGTON BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SAID SECTION IS SHOWN ON A MAP RECORDED IN BOOK 51, PAGE 13 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF ORANGE COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A FOUND PK NAIL WITH TAG STAMPED "LS 5411" IN THE NORTH LINE OF SAID NORTHWEST QUARTER, ACCEPTED AS POINT "GPS# 5126R1" PER THE "COUNTY OF ORANGE, P.F.R.D. / GEOMATICS - LAND INFORMATION SYSTEMS HORIZONTAL CONTROL DATA SHEET"; SAID POINT BEARS NORTH 89°31'11" WEST A DISTANCE OF 4986.78 FEET TO A FOUND SPIKE AT THE CENTERLINE INTERSECTION OF MCFADDEN AVENUE AND EDWARDS STREET, ACCEPTED AS POINT "GPS# 5124" PER SAID HORIZONTAL CONTROL DATA SHEET; THENCE WESTERLY ALONG SAID NORTH LINE, NORTH 89°32'39" WEST 2291.33 FEET TO THE EAST LINE OF "PARCEL 1" AS DESCRIBED IN THE STREET AND PUBLIC UTILITY EASEMENT DOCUMENT RECORDED OCTOBER 8, 1964 AS INSTRUMENT NO. 7771 IN BOOK 7252, PAGE 378, OFFICIAL RECORDS, SAID DOCUMENT HEREINAFTER REFERRED TO AS "STREET EASEMENT DOCUMENT"; THENCE SOUTHERLY ALONG SAID EAST LINE, SOUTH 00°15'57" WEST 313.52 FEET TO THE TRUE POINT OF BEGINNING; THENCE RETRACING A PORTION OF SAID EAST LINE, NORTH 00°15'57" EAST 243.42 FEET TO A POINT IN THE EASTERLY LINE OF "PARCEL 3" AS DESCRIBED IN SAID "STREET EASEMENT DOCUMENT"; SAID POINT BEING THE BEGINNING OF A TANGENT 30.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY; THENCE NORTHEASTERLY ALONG SAID "PARCEL 3" AND ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°11'24" A DISTANCE OF 47.22 FEET TO A POINT IN THE SOUTH LINE OF "PARCEL 2" AS DESCRIBED IN SAID "STREET EASEMENT DOCUMENT"; THENCE EASTERLY ALONG SAID SOUTH LINE, SOUTH 89°32'39" EAST 211.00 FEET; THENCE LEAVING SAID SOUTH LINE, SOUTH 00°07'05" EAST 143.67 FEET; THENCE SOUTH 89°52'55" WEST 9.00 FEET; THENCE SOUTH 00°07'05" EAST 45.50 FEET; THENCE SOUTH 16°51'39" EAST 22.08 FEET; THENCE SOUTH 00°15'59" WEST 62.39 FEET; THENCE NORTH 89°44'03" WEST 239.87 FEET TO THE TRUE POINT OF BEGINNING.

DEVELOPER:  
KZ DEVCO, LLC  
19752 MACARTHUR BLVD.,  
SUITE 250, IRVINE, CA 92612  
949/476-2700 949/476-2777-FAX

PREPARED BY:  
**RICK**  
ENGINEERING COMPANY  
5620 FRIARS ROAD  
SAN DIEGO, CA 92110  
619.291.0707  
(FAX) 619.291.4165

LEGAL DESCRIPTION  
& VICINTIY MAP

PROPOSED CVS PHARMACY  
SEC Golden West  
& McFadden  
Huntington Beach, CA

TITLE: EXHIBIT

SHEET: **A**

DRAWN BY: TUPA  
DATE: 08/07/08  
JOB NUMBER:  
REVISIONS:

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**ATTACHMENT NO. 5**

**SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL**

**CONDITIONAL USE PERMIT NO. 08-032**  
**VARIANCE NO. 08-008/TENTATIVE PARCEL MAP NO. 08-121**

**SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 08-032:**

1. Conditional Use Permit No. 08-032 for the establishment, maintenance and operation of the 14,670 square-foot 24-hour drive-thru CVS Pharmacy with 64 parking spaces 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 meets all Zoning and Subdivision Ordinance standards with the exception of the variance for parking requirements. The proposed project is consistent with the land use/zoning designation applied to the property. The project will not generate noise, traffic, or other impacts which are inconsistent with the property's Commercial General's zoning designation or existing land uses in the surrounding neighborhood. In addition, the project will be designed to provide adequate setbacks, does not exceed building height, provide code required landscaping, and meets the goals and policies of the General Plan.
2. The conditional use permit will be compatible with surrounding uses because the project consists of the development of a commercial building on a commercially zoned property, south of existing commercial development of similar nature and intensity. The proposed project will be designed in a manner that is sensitive to surrounding uses, including orienting the loading and delivery service areas away from residential uses. In addition, the project will provide convenient and safe pedestrian linkages on-site and with the surrounding street system along with a building of high quality architectural design.
3. The proposed 14,670 square foot 24-hour drive-thru CVS Pharmacy with 64 parking spaces 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, except for the variance requesting a reduction in the parking requirements. The proposed development plan complies with the zoning development standards and land use provisions in the Commercial General zoning district by providing code required minimum setbacks, minimum landscaping, maximum building height, and maximum floor area ratio.
4. The granting of the conditional use permit will not adversely affect the General Plan. The project is consistent with the Land Use Element designation of CG-F1 (General Commercial—0.35 Floor Area Ratio) on the subject property. In addition, it is consistent with the goals and policies of the General Plan:

A. Economic Development Element

Goal ED 1: Provide economic opportunities for present and future Huntington Beach residents and businesses through employment and local fiscal stability.

Objective ED 1.1: Enhance the City's market potential in terms of retail, office, industrial, and visitor serving activity. This would allow Huntington Beach to provide for retail, office, and industrial opportunities that serve the current and projected population and enhance sales and occupancy tax revenue.

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 project promotes development in accordance with Huntington Beach's Economic Development Element, as commercial development of the site will improve fiscal stability and provide economic opportunities for the City. New employment opportunities will be created both in the construction of the proposed development and in the long-term operations of the retail establishment. High-quality architecture and site design will enhance the long-term economic success of the proposed development and will further enhance Huntington Beach's economic prospects.

B. Land Use Element

Goal LU 7: Achieve a diversity of land uses that sustain the City's economic viability, while maintaining the City's environmental resources and scale and character.

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

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, serve visitors to the City, and capitalize on Huntington Beach recreational resources.

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 the consideration of:

- a. incorporation of site landscape, particularly along street frontages and in parking lots;
- b. linkage of buildings by common architectural design, landscape and pedestrian systems, to avoid the appearance of independent free-standing structures surrounded by parking;
- c. siting and design of structures to facilitate and encourage pedestrian activity;
- d. siting of one or more buildings in proximity to the street frontage to convey a visual relationship to the street and sidewalks;

- 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; and
- f. inclusion of consistent signage designed and integrated into the building's architectural character. (*I-LU 1, I-LU 4, I-LU 5, I-LU 7, I-LU 10, and I-LU 11*)

Goal LU 11: Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

The retail use at the project site represents development which would support the needs and reflect market demand of City residents and visitors. The proposed development provides additional uses that would attract and complement existing uses along Goldenwest Street. Development of the commercial retail use will generate jobs for the community without substantially increasing the need for housing as most employees will come from the local area. In addition, the proposed project would help the City to achieve its goal of enhancing the community image of Huntington Beach through the design and construction of a high-quality development while still allowing for the market-driven commercial development. The design of the project promotes development of a commercial building that conveys a unified visual image and character. The City's Design Review Board has reviewed the proposed architecture, colors, and materials, and recommends approval of the design concept.

### C. Circulation Element

Goal CE 1: Provide a balanced transportation system that supports the policies of the General Plan and facilitates the safe and efficient movement of people and goods throughout the City while providing a balance between economic development and the preservation of residential neighborhoods, and minimizing environmental impacts.

Goal CE 2: Provide a circulation system which supports existing, approved, and planned land uses throughout the City while maintaining a desired level of service on all streets and at all intersections.

Policy CE 2.1.1: Maintain a city-wide level of service (LOS) not to exceed LOS "D" for intersections during the peak hours.

Policy CE 2.1.2: Maintain a city-wide level of service (LOS) not to exceed LOS "C" for daily traffic, with the exception of Pacific Coast Highway south of Brookhurst Street.

Goal CE 5: Provide sufficient, well-designed, and convenient on- and off-street parking facilities throughout the City.

A traffic impact analysis has been completed by a traffic engineering firm to ensure a balanced transportation system that adequately mitigates the project's potential traffic impacts while still allowing for commercial development to be achieved. The developer will be required to contribute a fair-share payment toward traffic system improvements to mitigate the project's proportionate impacts to certain intersections and roadways.

**SUGGESTED FINDINGS FOR APPROVAL--VARIANCE NO. 08-008:**

1. The granting of Variance No. 08-008 to permit a 10-space reduction in parking requirements will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. Deviations to the parking requirements have been previously granted for pharmacies with storage uses separate from the commercial/retail space when the deviation does not result in insufficient parking capacity. The gross floor area of the proposed project is 14,670 square feet, which would require 74 parking spaces in accordance to the HBZSO parking requirements, instead of the proposed 64 spaces for the development. Of the total floor area for the proposed project, 11,967 square feet will be utilized as commercial/retail space and 2,703 square feet will be utilized for storage purposes only. The required number of parking spaces for 11,967 square feet of commercial/retail area is 60 and the required number of parking spaces for the receiving and mezzanine storage areas, based on the storage/warehouse parking ratio of 1:1000, would be three. Because the receiving and storage areas would not be accessible to customers and therefore would not generate parking demand, the actual parking demand would be 63 spaces. To confirm this parking demand, a Parking Demand Study was prepared and found that the 64 parking spaces provided for the proposed pharmacy would be sufficient for the parking demand. Therefore, the variance for a parking reduction would not result in a parking deficiency or constitute a special privilege.
2. Because of special circumstances applicable to the subject property, such as 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 subject site is a vacant lot with many mature trees along the street frontage and surrounded by existing facilities on the Golden West College campus. The site layout of the proposed development is designed to maximize the use of the site and to preserve and relocate these mature trees.
3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. The variance to reduce the parking requirements will enable the project to preserve and relocate the mature trees onsite and develop a high quality design that is sensitive and complimentary to surrounding uses.
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 variance can be supported because the number of provided parking spaces would be sufficient to satisfy the parking demand of the proposed development. This conclusion is supported by a Parking Demand Study, prepared by Rick Engineering Company, of three comparable CVS Pharmacy sites near the proposed site. The Study concluded that the 64 parking spaces provided for the proposed CVS Pharmacy would be sufficient for the peak and daily parking demand.
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 Floor Area Ratio) on the subject property because parking for the development will be provided to accommodate the actual demand and will not result in insufficient parking capacity.

**FINDINGS FOR APPROVAL—TENTATIVE PARCEL MAP NO. 08-121:**

1. Tentative Parcel Map No. 08-121 to subdivide a 1.5 acre site from a portion of the Golden West College site is consistent with the General Plan Land Use Element designation of CG-F1 (Commercial General—0.35 Floor Area Ratio) on the subject property. The proposed subdivision meets all development standards established in the HBZSO except for the variance for a 10-space parking reduction in the parking requirements.
2. The site is physically suitable for the type and density of development. The 1.5 acre project site is generally flat, rectangular, and provides the necessary area for development consistent with the intensity and density of the General Plan Land Use designation and the proposed Commercial General zoning district. Furthermore, the proposed development complies with the development standards regarding setbacks, building height, and landscaping of the Huntington Beach Zoning and Subdivision Ordinance.
3. The design of the subdivision or the proposed improvements will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The site does not serve as habitat for fish or wildlife.
4. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision unless alternative easements, for access or for use, will be provided. The tentative map provides all the necessary easements and access requirements of the City for the public and provides the necessary improvements. The improvements include dedications, curbs, gutters, sidewalks, and easements with reciprocal access between properties to adequately serve the site and adjacent properties.

**SUGGESTED CONDITIONS OF APPROVAL—CONDITIONAL USE PERMIT NO. 08-032/VARIANCE NO. 08-008/TENTATIVE PARCEL MAP NO. 08-121:**

1. The site plan, floor plans, and elevations received and dated October 2, 2008 shall be the conceptually approved design with the following modifications:
  - a. Bollards shall be installed at the entrance of the building to prevent vehicles from crashing through the front doors of the building. **(PD)**
2. 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>).
3. Prior to issuance of grading permits, the following shall be completed:
  - a. At least 14 days prior to any grading activity, the applicant/developer shall provide notice in writing to property owners of record and tenants of properties within a 500-foot radius of the project site as noticed for the public hearing. The notice shall include a general description of

planned grading activities and an estimated timeline for commencement and completion of work and a contact person name with phone number. Prior to issuance of the grading permit, a copy of the notice and list of recipients shall be submitted to the Planning Department. **(PW)**

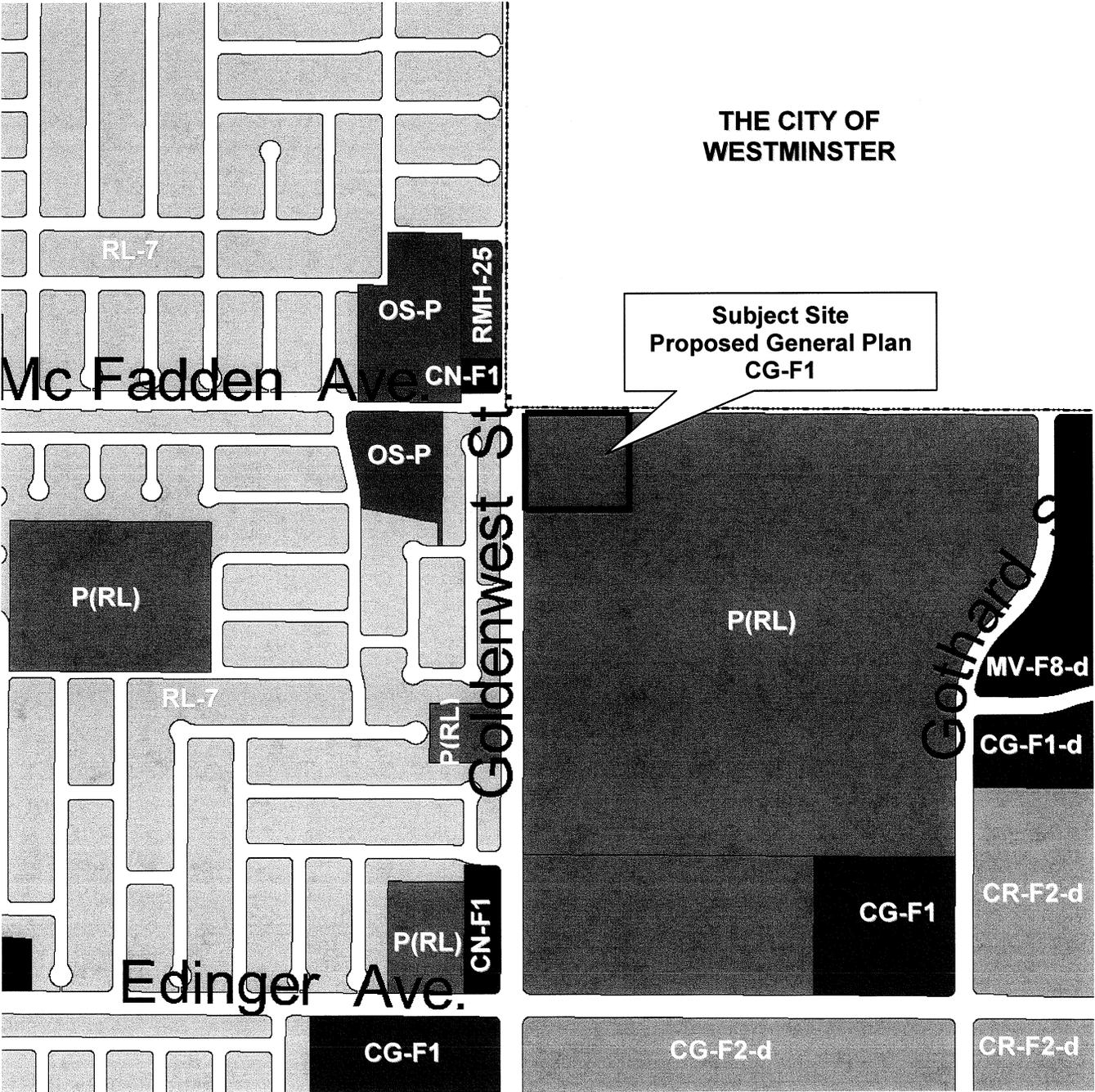
- b. A Precise Grading Plan shall include the following improvements on the plan:
    1. Damaged curb, gutter and sidewalk along the project's Goldenwest Street and Mc Fadden Avenue frontages shall be removed and replaced per Public Works Standard Plan Nos. 202 and 207. (ZSO 230.84) **(PW)**
    2. The existing driveway approach on Goldenwest Street shall be removed and replaced with an ADA compliant driveway approach per Public Works Standard Plan No. 211 for a commercial driveway approach. This driveway shall also provide for ingress of a standard WB-40 vehicle. (ZSO 230.84) **(PW)**
    3. A new sewer lateral shall be installed connecting to the Midway City Sanitation District sewer main in McFadden Avenue. This sewer connection has previously been approved by the Midway City Sanitation District in a Will-Serve letter to Mr. Tom Wilhelm (the CVS Pharmacy owner representative) of KZ Holdings LLC, dated May 29, 2008. **(PW)**
  - c. Any necessary easements (for temporary construction, reciprocal access, etc.) for construction of the aforementioned driveway approach shall be coordinated with the Coast Community College District (Golden West College) and copies shall be provided to Planning and Public Works Departments. **(PW)**
  - d. The developer shall provide a Maintenance License Agreement for maintenance of all enhanced paving in public streets, pedestrian easements, sidewalk, parkway landscaping, and street furniture located behind public street curbs within the project site. Maintenance shall include but not be limited to all facets of landscape irrigation, planting, weed and pest control, any water quality features, trash clean up, repair, replacement and other items that may be shown and developed within the public right of way. The property owner shall be responsible for all costs related to the maintenance, and any fees required for water and electrical use. This agreement shall be in effect until the street improvements within the right of way dedication are completely installed. At that time the Maintenance License Agreement will become mute. **(PW)**
4. Prior to final inspection, the following shall be completed:
    - a. Surveillance cameras shall be installed at the entrance of the building and drive-thru area and recorded 24 hours a day, every day. Video tapes shall be retained form at least 30 days. **(PD)**
  5. The development services departments (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 may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and

approved the proposed changes for conformance with the intent of the Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the provisions of HBZSO Section 241.18.

**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 CITY OF  
WESTMINSTER

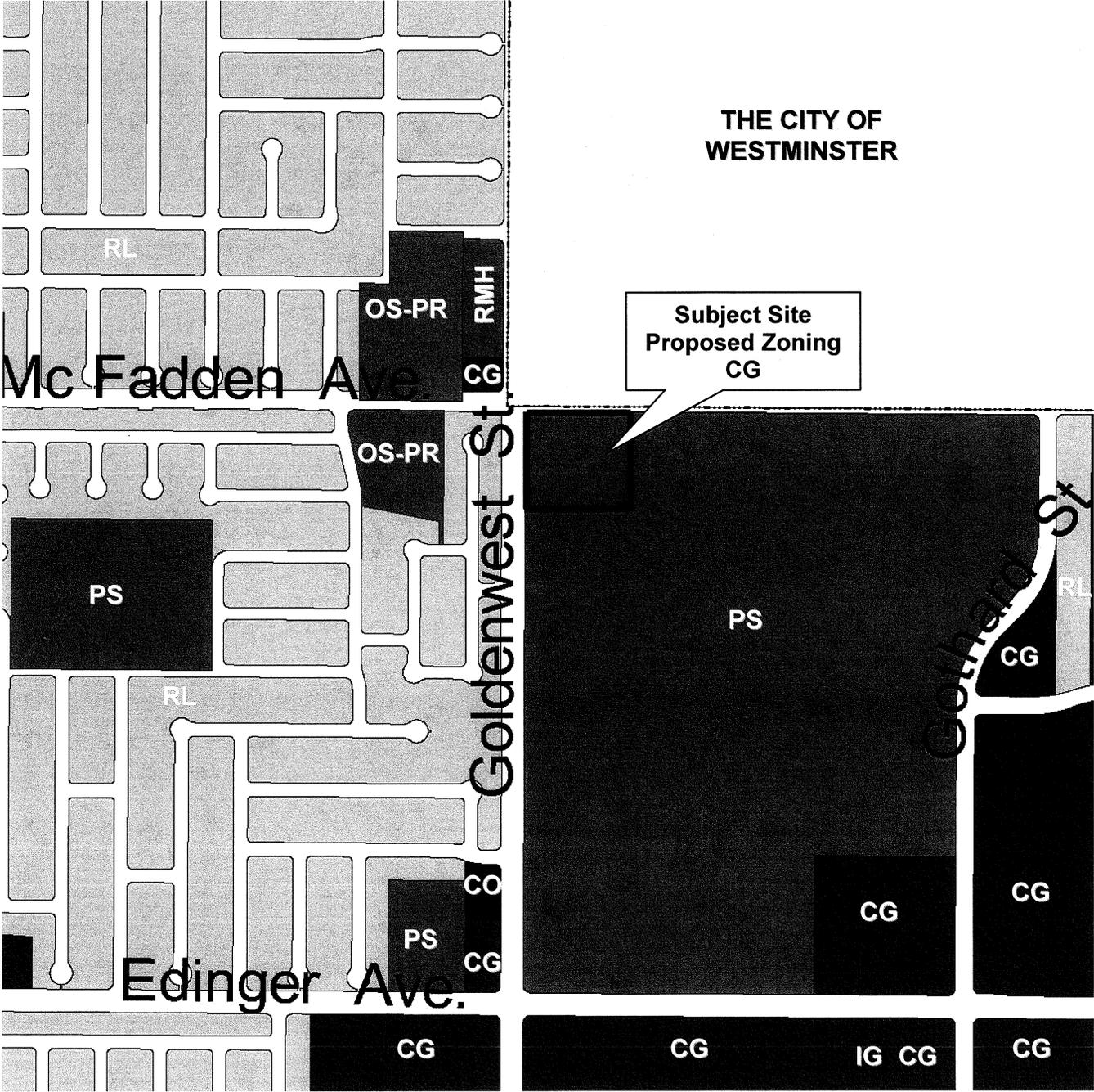


**CURRENT AND PROPOSED GENERAL PLAN DESIGNATIONS**

**GENERAL PLAN AMENDMENT NO. 08-006**

**(CVS PHARMACY- 15520 GOLDENWEST STREET)**

THE CITY OF  
WESTMINSTER



**CURRENT AND PROPOSED ZONING DESIGNATIONS**

ZONING MAP AMENDMENT NO. 08-006

(CVS PHARMACY- 15520 GOLDENWEST STREET)



