

RESOLUTION NO 5455

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA APPROVING PLANNED COMMERCIAL-INDUSTRIAL PRECISE PLAN 10-01 TO CONSTRUCT A 213,200 SQUARE FOOT WAREHOUSE BUILDING AT 1111 SOUTH HARBOR BOULEVARD, MAKING THE APPROPRIATE FINDINGS, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS

The City Council of the City of La Habra does hereby resolve as follows

- Section 1 The City Council does hereby find and determine that
- a CVS Pharmacy, Inc filed an application requesting approval of Planned Commercial-Industrial Precise Plan 10-01, to construct a 213,200 square foot warehouse building at 1111 South Harbor Boulevard
 - b This project was reviewed under the guidelines of the California Environmental Quality Act and determined to be Categorically Exempt pursuant to Section 15302, Class 2 "Replacement or Reconstruction" of the California Environmental Quality Act guidelines
 - c The applicant's proposal has been reviewed under the requirements of the City's National Pollutant Discharge Elimination System (NPDES) Municipal Permit, the Local Implementation Plan (LIP), and the Model Water Quality Management Plan (WQMP), Section 7.2. Since the proposal will constitute the disturbance of more than 5,000 square feet of soil, a Priority WQMP is required. A preliminary WQMP has been reviewed and approved. All work undertaken on the site will be required to incorporate Best Management Practices (BMPs) as required by the WQMP.
 - d The Planning Commission held a duly noticed public hearing on December 13, 2010, to consider the applicant's request for Planned Commercial-Industrial Precise Plan 10-01. The Planning Commission, after considering all the written and oral evidence offered, including the staff report and all attachments, recommended that the City Council approve the request.
 - e The City Council held a duly noticed public hearing on March 21, 2011, to consider the applicant's request for Planned Commercial-Industrial Precise Plan 10-01. The City Council after considering the Planning Commission's recommendation, all the written and oral evidence offered including the staff report and all attachments approves this request.

Section 2 The City Council further finds and determines that

a The applicant has been successful in meeting their burden of providing evidence in order to support the granting of the Planned Commercial-Industrial Precise Plan application under Chapter 18 36 of the La Habra Municipal Code (LHMC)

b The City Council hereby makes the following required findings of the Planned Commercial-Industrial Precise Plan application

1 That the location, design, and proposed uses are compatible with the character of existing development in the vicinity

The project is located within an area primarily developed with warehouse and industrial uses. The aesthetics of the property and design of the warehouse will improve the location and will make a positive visual impact in the area, specifically along Harbor Boulevard.

2 That the plan will produce internally an environment of stable and desirable character, and will not tend to cause any traffic congestion on surrounding or access streets

The proposal is part of the larger CVS facility which includes a 1,057,830 square foot warehouse on the adjacent site to the north (777-1105 South Harbor Boulevard). The proposed new warehouse (213,200 square feet) will replace the existing 214,967 square foot warehouse and office structures resulting in a decrease of 1,767 square feet of development. The CVS facility has an internal circulation pattern for all truck traffic which entails entering and exiting the campus via a controlled location at the signalized intersection of Edwards Drive/Beckman Drive and Harbor Boulevard. Thus no new additional impacts to the existing traffic patterns are anticipated.

3 That the standards of development applicable to the planned commercial-industrial development project as shown on the precise plan are subject to one of the following or any combination thereof

a All of the development standards of the appropriate zone which would permit the requested land use

The subject property is zoned Planned Commercial-Industrial (PC-I), which defers development of industrial sites to the Light Manufacturing (M-1) zone. The development, as proposed, meets the development

standards for the M-1 zone as contained within Section 18 38 050

- b Such standards of development which are clearly designated in the approved master plan

The project complies with all development standards with the exception of fence height, however pursuant to Section 18 36 050 A of the LHMC, design alternatives from the development standards can be considered as part of a Master or Precise plan when deemed appropriate. In this case due to the relative openness of the site and the nature of the business, an eight foot tall fence is needed to increase security and reduce unauthorized entrances

- 4 That the proposed development will be well integrated into its setting

The subject property is an integral part of the CVS operations in conjunction with the property to the north at 777 to 1105 South Harbor Boulevard. The properties share parking areas, driveways for internal vehicle circulation, and frontage along Harbor Boulevard. The project has been designed to architecturally match the existing CVS structures on the adjacent property, therefore the subject property is in harmony with adjacent properties and will not be out of character for the general vicinity

- 5 That provision is made for both public and private open space, at least equivalent to that required by the underlying preceding zoning regulations

A continuous street landscape green belt will be provided along Harbor Boulevard. The project complies with all landscape requirements. There is no public or private open space required in this zone

- 6 That suitable provision is made, where appropriate, for the protection and maintenance of private areas reserved for common use

No private areas reserved for common use are required by the zoning code for this development

- 7 That the proposed development does not negatively impact the city's ability to provide services over the short and long term to the city residents because the projected cost of

providing city services to the property outweighs the economic benefits of the project to the city

The proposed facility will not place an undue burden or additional impact on city services. The proposed new 213,200 square foot warehouse will replace the existing 214,967 square foot warehouse and office structures resulting in a decrease of 1,767 square feet of development. The new facility will utilize new construction methods and technology, thereby reducing demands on energy use, and refuse generation and implementing measures that enhance fire safety and improved water quality runoff.

- 8 That there is substantial compliance with the spirit and intent of this code

The project, as submitted, substantially complies with the requirements of the La Habra Municipal Code

- 9 That the phasing of development under the master plan, as provided for by the proposed precise plan, if any, is appropriate

There will be no phasing of this project therefore the development as proposed is appropriate

- 10 That the proposed project complies with all appropriate requirements of the California Environmental Quality Act

This project was reviewed pursuant to the guidelines of the California Environmental Quality Act and determined to be Categorical Exempt per Section 15302, Class 2 "Replacement or Reconstruction" of the California Environmental Quality Act guidelines

Section 3 This action is subject to the following conditions

General conditions

- 1 The applicant/property owner shall comply with all appropriate City of La Habra Municipal Codes and Ordinances
- 2 The applicant/property owner shall comply with the La Habra Security Ordinance per the requirements of the Chief of Police
- 3 The applicant/property owner shall maintain the site in a clean and orderly condition at all times. Any graffiti shall be

- removed from the site within forty-eight (48) hours of its discovery
- 4 The applicant/property owner shall comply with all California/Uniform Building Code requirements to the satisfaction of the Chief Building Official
 - 5 The applicant/property owner operator shall comply with all requirements of the Los Angeles County Fire Department
 - 6 The applicant/property owner shall not utilize any outdoor vending machines
 - 7 The Director of Community Development shall be permitted to review and approve minor modifications through the Administrative Adjustment process to the plans and conditions so long as the intent of the Planning Commission approval is maintained
 - 8 The applicant/property owner shall utilize the CVS facility internal circulation pattern for all truck traffic which entails all trucks enter and exit the complex via the adjacent property at 777 to 1105 South Harbor Boulevard at the controlled location at the signalized intersection of Edwards Drive/Beckman Drive and Harbor Boulevard No trucks are permitted to utilize the driveways at 1111-1121 South Harbor Boulevard (subject site) at any time At such time as any of the CVS properties are sold which will result in a change of the truck internal circulation pattern, an application to modify this precise plan shall be submitted to the Planning Commission for consideration
 - 9 The applicant/property owner shall utilize a roll-off trash compactor of adequate size to service the property, which shall be maintained regularly to prevent any odors or spillage of material The compactor shall be located at the western-most end of the truck dock Should in the future trash bins be placed on the property, the applicant/property owner shall construct an enclosed, six-foot tall masonry block trash enclosure of sufficient area to contain a three-yard refuse bin and a ninety-six gallon recycling cart The finishes of the trash enclosure is to match the main building Said trash enclosure shall conform to NPDES standards, which includes provisions for a solid roofed cover, an area drain connected to the sanitary sewer system, and a hot water hose bib The design and location of the trash enclosure are subject to approval by the City Engineer and Director of Community Development

- 10 This approval is for those plans date stamped October 13, 2010, and February 11, 2011, and which are those plans reviewed and approved by the City of La Habra Planning Commission at its meeting of December 13, 2010 and the City Council at its meeting on March 21, 2011. A copy of said plans shall be maintained in the files of the City of La Habra Planning Division. The project shall be developed and maintained in substantial conformance with said plans, except as otherwise specified in these conditions of approval.
- 11 The failure to comply with any of these conditions of approval by the applicant/property owner shall be grounds for revocation of Planned Commercial-Industrial Precise Plan 10-01.
- 12 In the event that the applicant/property owner violates or fails to comply with any of the conditions of approval of this permit, the City may take measures to cure such violations, including but not limited to, reimburse the City fully for its costs and expenses, including but not limited to, attorney's fees, in undertaking such corrective action. Reimbursement of enforcement costs shall constitute a civil debt and may be collected by any means permitted by law. In the event that violations of this permit occur, the City shall refrain from issuing further permits, licenses or other approvals until such violations have been fully remedied.
- 13 The applicant/property owner shall maintain landscaping in a healthy and well-kept manner at all times. Dead or damaged landscape material/vegetation shall be replaced immediately per the approved landscape plan. The irrigation system shall be maintained at all times.
- 14 The applicant/property owner shall repaint the building to the approved color scheme every eight (8) years or sooner if required to do so by the Director of Community Development.
- 15 The applicant/property owner shall re-slurry and re-stripe the parking lot every five (5) years or sooner if required to do so by the Director of Community Development.

Prior to the issuance of grading or building permits

- 16 The applicant/property owner shall submit a security camera system design plan with proposed locations to the Chief of Police for approval. All tapes shall be kept on file for a minimum of 30 days and be available to the City upon request.

- 17 The applicant/property owner shall dedicate and improve the adjacent portion of Harbor Boulevard to arterial highway standards and to the specifications of the City as required by the City Engineer. One half of the street width shall be reconstructed/rehabilitated to the satisfaction of the City Engineer along the entire street frontage. Pavement shall be reconstructed/rehabilitated between the lip of the gutter and the existing median curb face.
- 18 The applicant/property owner shall post surety and execute an agreement guaranteeing completion of public improvements, to the satisfaction of the City Engineer and City Attorney.
- 19 The applicant/property owner shall develop parking lot structural sections based on recommendations of a soils engineer that are to be submitted, approved and installed per the requirements of the City Engineer and Chief Building Official. Such plans shall take into consideration access and use of the roadways/parking areas by service trucks. A final parking lot design layout shall be submitted to the Director of Community Development providing for a minimum of 218 on-site parking spaces.
- 20 The applicant/property owner shall obtain slope easements or right-of-entry letters from the adjacent property owners for any grading required outside of the project boundaries.
- 21 The applicant/property owner shall design drainage facilities outletting onto adjacent properties in such a manner as to imitate the manner in which the storm water is presently crossing said property line or obtain a drainage acceptance letter from the downstream property owner.
- 22 The applicant/property owner shall utilize a common paint scheme for all the buildings on the CVS properties to create a unified campus. Final colors are to be submitted and approved by the Director of Community Development.
- 23 The applicant/property owner shall install decorative enhanced concrete, such as stamped and stained, at the driveways along Harbor Boulevard within the front twenty-foot setback area. The interior of the existing concrete median in Harbor Boulevard shall be improved with decorative stamped concrete with color to be approved by the City Engineer. Plans for such improvements shall be submitted and approved by the Director of Community Development and the City Engineer.

- 24 The applicant/property owner shall file a waste management plan with the Director of Public Works as per Chapter 15 78 of the La Habra Municipal Code
- 25 The applicant/property owner shall submit utility plans to be reviewed and approved by the Community Development Director and the City Engineer This utility plan shall include the undergrounding of all on-site utilities in accordance with current utility engineering practices
- 26 The applicant/property owner shall submit the precise location of any new monument signs to the City Traffic Engineer for final approval
- 27 The applicant/property owner shall submit for review and approval, street improvement plans prepared on standard size sheets by a licensed Civil Engineer, to the City Engineer Standard plan check and inspection fees shall be paid by the applicant
- 28 The applicant/property owner shall submit for review and approval a detailed landscape and irrigation plan prepared by a licensed landscape architect to the Director of Community Development and Public Works The plan shall include the use of vine plant material placed along the south and west property lines, four (4) foot by four (4) foot tree wells within the existing public sidewalk fronting on Harbor Boulevard, with a spacing not to exceed fifty (50) feet between each tree well, with the provision to provide water or irrigation to the street trees All landscaping shall be installed prior to the issuance of Certificates of occupancy
- 29 The applicant/property owner shall install street lighting along the frontage of Harbor Boulevard per the requirements of the City Traffic Engineer and Southern California Edison
- 30 The applicant/property owner shall have the WQMP for the priority development projects to implement Low Impact Development (LID) principles such that the project infiltrates, harvests and re-uses, evapotranspires, or biotreats stormwater runoff
- 31 The applicant/property owner shall submit a Final Priority WQMP to the City for review and approval This plan shall address the following
 - a Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas,

maximizing permeability, minimizing directly connected impervious areas, creating reduced or zero discharge areas, and conserving natural areas

- b Incorporates the applicable Routine Source Control BMPs as defined in the Drainage Area Management Plan (DAMP)
 - c Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs
 - d Identifies the entity that will be responsible for the long-term operations and maintenance of the Treatment Control BMPs
 - e Describes the mechanism for funding the long-term operation and maintenance of Treatment Control BMPs
 - f Incorporates treatment control BMPs as defined in the DAMP
- 32 The applicant/property owner shall design and construct water supply facilities to the specifications of the City Engineer and be dedicated to the City of La Habra with all incidental fees paid by the developer
- 33 The applicant/property owner shall provide a separate water system for the future use of gray water within all landscape areas. The proposed system is to be submitted and approved by the Public Works Director

Prior to the issuance of the final Certificate of Occupancy

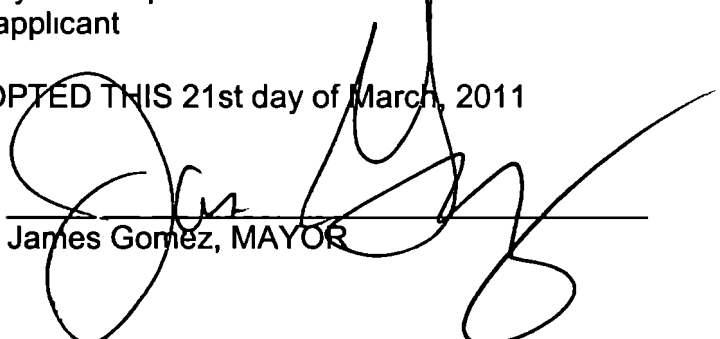
- 34 The applicant/property owner shall remove all barbed wire or razor wire on the property
- 35 The applicant/property owner shall install eight (8) foot tall tubular steel fencing along the southern and western property lines and any portion of fencing facing east directly visible from Harbor Boulevard. The final design is subject to review and approval by the Director of Community Development
- 36 The applicant/property owner shall adjust to grade all utility vaults, manholes, and meters on the pavement and parkway, as necessary per the requirements of the City Engineer

- 37 The applicant/property owner shall remove and replace all sunken and broken curb and gutter adjacent to the property along Harbor Boulevard
- 38 The applicant/property owner shall reconstruct all drive approaches to current City standards as required by the City Engineer
- 39 The applicant/property owner shall demonstrate conformance with the general conditions as stated in the current Drainage Area Management Plan (DAMP) and with the WQMP, to the satisfaction of the City Engineer
- 40 The applicant/property owner shall prepare and record a reciprocal access/parking agreement or applicable easements for the subject properties (APN 019-111-047 and APN 019-111-048) and the adjacent CVS property addressed as 777 to 1105 South Harbor Boulevard (APN 019-111-079) as approved by the Director of Community Development and the City Attorney
- 41 The applicant/property owner shall install all required landscaping and irrigation system as per the approved plans to the satisfaction of the Director of Community Development, Public Works Director, and the City Engineer Upon final inspection, staff will verify quantity, size, placement, and health of all plant material, at which time, staff may require replacement or addition of landscaping material to ensure a high quality planting
- 42 The applicant/property owner shall install a separate fire-line connection with backflow assembly to service the on-site fire protection sprinkler system and submit a fire flow test from an independent company to ensure proper size of the fire line, to the satisfaction of the Public Works Director
- 43 The applicant/property owner shall demonstrate that coverage has been obtained under California's General Permit for Stormwater Discharges Associated with Construction Activity and provide a copy of the Notice of Intent (NOI) to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number as required by the City Engineer Projects subject to this requirement shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) A copy of the current SWPPP shall be kept at the project site and be available for City review on request

- 44 The applicant/property owner shall submit to the City Engineer for review and approval a Final Priority Water Quality Management Plan (WQMP) The WQMP for priority development projects must implement Low Impact Development (LID) principals such that projects infiltrate, harvest, re-use, evapotranspire, or biotreat stormwater runoff
- 45 The applicant/property owner shall demonstrate the following issues related to the WQMP
- a Demonstrate that all structural BMPs described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications
 - b Demonstrate that the applicant is prepared to implement all non-structural BMPs described in the Project WQMP
 - c Demonstrate that an adequate number of copies of the approved Project WQMP are available on-site
 - d Demonstrate that a mechanism or agreement acceptable to the City has been executed for the long-term funding and performance of BMP operations, maintenance, repair, and/or replacement

Section 4 Based upon the foregoing, the City Council of the City of La Habra approves Planned Commercial-Industrial Precise Plan 10-01 The City Clerk shall certify the adoption of this resolution and transmit a copy thereof to the applicant

PASSED, APPROVED AND ADOPTED THIS 21st day of March, 2011



James Gomez, MAYOR

ATTEST



TAMARA D MASON, MMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF LA HABRA)

I, Tamara D Mason, City Clerk for the City of La Habra, do hereby certify that the above and foregoing is a true and correct copy of Resolution No 5455 introduced and adopted at a regular meeting of the City Council of the City of La Habra held on the 21st day of March, 2011 by the following vote

AYES	COUNCILMEMBERS	BEAMISH, ESPINOZA, BLAZEY, SHAW, GOMEZ
NOES	COUNCILMEMBERS	NONE
ABSENT	COUNCILMEMBERS	NONE
ABSTAIN	COUNCILMEMBERS	NONE

Witness my hand and the official seal of the City of La Habra this 21st day of March 2011


TAMARA D MASON, MMC, City Clerk