

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

TO: Zoning Administrator
FROM: Ethan Edwards, Associate Planner
DATE: April 1, 2015
SUBJECT: **TEMPORARY USE PERMIT NO. 15-002 (LIVING SPACES OUTDOOR SALES)**
LOCATION: 6912 Edinger Avenue, 92647 (southwest corner of Edinger Ave. and Goldenwest St.)

Applicant: Living Spaces, Brian Saltikov, 14501 Artesia Boulevard, La Mirada, CA 90683

Property Owner: Brookhurst Shopping Centers, LLC, Brett Feuerstein, 8294 Mira Mesa Boulevard, San Diego, CA 92126

Request: To permit a temporary outdoor retail sales event located within an existing parking lot adjacent to the Living Spaces furniture store for twenty-two (22) days per year for a period of five (5) years from 2015 to 2019.

Environmental Status: This request is covered by Categorical Exemption, Section 15304, Class 4, California Environmental Quality Act.

Zone: Beach Edinger Corridors Specific Plan – Town Center Boulevard Segment (SP14)

General Plan: Mixed Use – specific plan overlay – design overlay (M-sp-d)

Existing Use: Furniture Store

RECOMMENDATION: Staff recommends approval of the proposed project based upon the following findings:

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15304 of the CEQA Guidelines, because the project consists of a minor temporary use of land having negligible or no permanent effects on the environment.

SUGGESTED FINDINGS FOR APPROVAL - TEMPORARY USE PERMIT NO. 15-002:

1. The proposed temporary use will be located, operated and maintained in a manner consistent with the provisions of the Huntington Beach Zoning and Subdivision Ordinance Chapter 241 and the following goal, objective, and policy of the General Plan:

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.

Objective LU 10: 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's recreational resources.

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 temporary use will increase the diversity of land uses on the site by providing expanded retail sales on the site of an existing furniture retail store. The proposed outdoor retail area is sited to maintain adequate clearance for pedestrian circulation and visibility while minimizing potential conflicts with on-site vehicular circulation. The proposed temporary use allows Living Spaces to promote special event retail items on a temporary basis, which in turn helps to sustain the economic vitality and promote pedestrian activity within the Beach and Edinger Corridor Specific Plan.

2. Approval of the application for the proposed temporary use, as conditioned, will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare. The proposed outdoor retail sales event will occur on private property within the shopping center parking lot adjacent to the existing storefront and will be sited to prevent interference with on-site pedestrian and vehicular circulation. The proposed displacement of approximately twenty (20) parking stalls within the shopping center, as conditioned for a period of 22 days per year, will have a less than significant impact because the shopping center currently has a surplus of 157 parking spaces; and utilization of twenty (20) stalls represents approximately two percent of the total parking spaces within the shopping center. In addition, the temporary use permit is conditioned to ensure that adequate public, disabled, and emergency access will be maintained.

SUGGESTED CONDITIONS OF APPROVAL - TEMPORARY USE PERMIT NO. 15-002:

1. The site plan received and dated March 2, 2015 shall be the conceptually approved design with the following modifications:
 - a. Depict the tent location within parking row number 3 and maintain clear drive aisles on either side.
 - b. The maximum width of the tent shall not exceed the width of the striped parking row it occupies.

2. Within 30 days of the Zoning Administrator's approval, three copies of a site plan, revised in accordance with Condition of Approval No. 1 shall be submitted to the Planning Division for approval and inclusion in the project file.
3. A minimum of 10 days prior to commencement of the temporary use each year, a schedule (dates) for temporary sales events scheduled to occur in that year shall be submitted to the Planning and Building Department for review and approval. The schedule shall include the anticipated hours of operation and staffing levels.
4. The Temporary Use Permit shall permit outdoor sales/display events subject to the following:
 - a. 5 years maximum per permit (2015-2019);
 - b. 22 days maximum per calendar year.
5. The use shall comply with the following:
 - a. Fire Department Permits shall be required for the use of tents, canopies or membrane structures. For Fire Department approval, reference and demonstrate compliance with City Specification #432 – *Standards for Tents, Canopies, and Membrane Structures* on the plans. **(FD)**
 - b. Provide and maintain Fire Department access in accordance with City Specification #401. **(FD)**
 - c. Generators shall be a minimum of 20 feet from all parts of the tent. **(FD)**
 - d. At least one certified and tagged fire extinguisher (minimum size is 2A:10BC) shall be inside the tent at all times. **(FD)**
 - e. One certified and tagged fire extinguisher (minimum size is 2A:10BC) is required at the generator. **(FD)**
 - f. At least one compliant exit shall be required from the tent, to be maintained clear at all times. **(FD)**
 - g. The tent fabric shall be constructed of flame resistant material, and listed by the California State Fire Marshal's office (CSFM). CSFM label shall be permanently affixed to all panels / roof of the tent. **(FD)**
 - h. A 4 ft. wide clearance shall be maintained around all merchandise displays.
 - i. All required exits and access points shall be maintained clear and free of obstructions. The minimum required access width shall be 48 inches.
 - j. Sales to patrons in vehicles or in the public right-of-way shall be prohibited.
 - k. All displays associated with outdoor sales events shall be maintained in an orderly uncluttered and aesthetically pleasing condition.
 - l. No sign(s) shall be posted outside of the designated display area.
 - m. The temporary outdoor sales area shall be entirely confined to private property. Any encroachment into the public right-of-way shall be prohibited.
 - n. All conditions of Site Plan Review No. 14-002 shall remain in effect.
 - o. Hours of operation for the outdoor retail sales event shall be 10AM to 9PM every day of the week.

- p. No additional exterior lights outside of the tent shall be permitted.
 - q. The use speakers or mechanized machinery creating noise with the potential to impact adjacent residences shall be prohibited.
6. The Director of Planning & Building ensures that all conditions of approval herein are complied with. The Director of Planning & Building shall be notified in writing of any changes to the event. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the Huntington Beach Zoning and Subdivision Ordinance.
 7. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
 8. In the event that there are any violations of the foregoing conditions or any violations of life safety codes, the outdoor retail sales activity may be terminated by any Police Officer, Fire Inspector or authorized personnel of the Department of Planning & Building.
 9. Temporary Use Permit No. 15-002 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning and Building Department a minimum 30 days prior to the expiration date.
 10. The Development Services Departments and divisions (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 and Building 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 Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator 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.