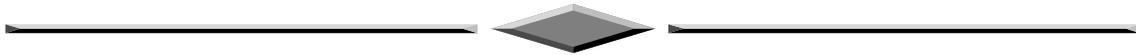


**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Hayden Beckman, Planning Aide
DATE: October 17, 2012

SUBJECT: TEMPORARY USE PERMIT NO. 12-02 (HOME DEPOT OUTDOOR SALES EVENT)

LOCATION: 7100 Warner Avenue, 92647 (southeast corner of Warner Avenue at Goldenwest Street)



Applicant: Jason Malone. Home Depot, 7100 Warner Avenue, Huntington Beach, CA 92647

Property Owner: Huntington Beach Union High School District, 5832 Bolsa Avenue, Huntington Beach, CA 92649

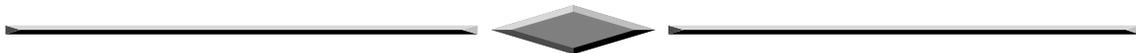
Request: To allow a maximum 50-day temporary outdoor retail sales event located within an existing parking lot adjacent to the Home Depot retail center for a five year period (2012-2016).

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

Zone: CG – FP2 (Commercial General – Flood Zone A)

General Plan: CG – F1 (Commercial General – 0.35 Maximum Permitted Density –)

Existing Use: Existing Home Depot Commercial Site



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. 12-02:

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 goals, objectives and policies 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 building material and home goods 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 Home Depot to promote seasonal retail items on a temporary basis, which in turn helps to sustain the economic vitality and promote pedestrian activity within the Commercial General district.

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 within the existing parking lot adjacent to the existing storefront and will be sited to prevent interference with the on-site pedestrian and vehicular circulation. 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. 12-02:

1. The site plan received and dated June 4, 2012 shall be the conceptually approved design with the following modifications:
 - a. Note on the plans to identify the primary customer access and secondary emergency access points into the temporary outdoor retail sales area.
 - b. Identify location of the cashier and queuing areas within the temporary outdoor retail sales area.
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 review and approval.

3. Prior to (10-days minimum) 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 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;
 - b. 50 days maximum per calendar year.
5. The use shall comply with the following:
 - a. Fire Department Permits may be required for special events. For Fire Department approval, reference and demonstrate compliance with City Specification #432 – *Standards for Tents, Canopies, and Membrane Structures* on the plans. **(FD)**
 - b. As indicated by the applicant in the submitted narrative received and dated February 23, 2012, compliance with City Specification 408 shall be required. **(FD)**
 - c. For Fire Department plan approval, reference on the plans that a Fire Code Permit, if required, shall be obtained in compliance with Huntington Beach Fire Code Section 105.1.1. **(FD)**
 - d. A 4 ft. wide clearance shall be maintained around all merchandise displays.
 - e. All required exists and access points shall be maintained clear and free of obstructions. The minimum required access width shall be 48 inches. **(BS)**
 - f. Sales to patrons in vehicles or in the public right-of-way shall be prohibited.
 - g. Customer line formations shall be contained entirely within the temporary sales area.
 - h. All sales transactions shall occur within the temporary sales area.
 - i. All displays associated with outdoor sales events shall be maintained in an orderly uncluttered and aesthetically pleasing condition.
 - j. No sign(s) shall be posted outside of the designated display area.
 - k. The temporary outdoor sales area shall be entirely confined to private property. Any encroachment into the public right-of-way 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 festival activity may be terminated by any Police Officer, Fire Inspector or authorized personnel of the Department of Planning & Building.

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.