

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

TO: Zoning Administrator
FROM: Ethan Edwards, Associate Planner
DATE: December 17, 2008

SUBJECT: TEMPORARY USE PERMIT NO. 2008-007 (HUNTINGTON SURF & SPORT OUTDOOR SALES)

LOCATION: 300 Pacific Coast Highway, Unit 104, 92648 (northeast corner of Pacific Coast Highway and Main Street – Downtown Huntington Beach)



Applicant: Aaron Pai, 300 Pacific Coast Highway #408, Huntington Beach, CA 92648

Property Owner: Joe Daichendt, 300 Pacific Coast Highway #119, Huntington Beach, CA 92648

Request: To permit outdoor sidewalk sales for fifty (50) days per year for a period of five (5) years from 2009–2013.

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

Zone: SP5-3-CZ (Downtown Specific Plan – District 3 – coastal zone)

General Plan: MV-F12-sp-pd (mixed use vertical – 3.0(MU)maximum dwelling units per acre/35 du/ac)

Existing Use: Sidewalk in front of Retail



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. 2008-007 :

1. The proposed temporary use will be located, operated and maintained in a manner consistent with the policies of the General Plan (Pedestrian Overlay District), Local Coastal Program and Downtown Specific Plan; and the provisions of Chapter 241 of the Huntington Beach Zoning and Subdivision Ordinance; and Resolution No. 2008-41 including the following policies:

LU 15.5.5: Require that uses in the Pedestrian overlay district be sited and designed to enhance and stimulate pedestrian activity along the sidewalks.

Assure that areas between building storefronts and public sidewalks are visually and physically accessible to pedestrians.

LCP/DTSP: Main Street should be a lively, active commercial district at the street level. The first floor of developments along Main Street should be commercial, with open-air establishments encouraged.

RESO. NO. 2008-41: Policies, standards and requirements that further regulate temporary outdoor retail sales on private property within the Downtown Specific Plan consistent with the City's Zoning and Subdivision Ordinance.

2. Approval of the application for the proposed temporary use will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare. Proposed sales events will occur adjacent to the applicant's storefront and will be sited to prevent interference with use of the surrounding area. The temporary use permit is conditioned to ensure that adequate public, disabled, and emergency access will be maintained; and, to ensure that the operation and design is orderly and aesthetically pleasing fostering a family-friendly atmosphere.

SUGGESTED CONDITIONS OF APPROVAL - TEMPORARY USE PERMIT NO. 2008-007:

1. The site plan, floor plans, and elevations received and dated December 11, 2008 shall be the conceptually approved design.
2. Prior (10 days minimum) to commencement of the use each year, a schedule (dates) for temporary sidewalk sales events to occur in that year shall be submitted to the Planning Department for review and approval.

3. A Temporary Use Permit shall permit outdoor sales/display events subject to the following limitations:
 - a. Five (5) years maximum per permit.
 - b. Fifty (50) days maximum per calendar year.
 - c. Ten (10) consecutive days maximum.
4. The use shall comply with the following:
 - a. The outdoor sales area shall be entirely confined to private property. Any encroachment into the public right-of-way is prohibited.
 - b. The sales area shall be cordoned off along the property line with a minimum 36" high barrier with intermittent openings as necessary for customer access.
 - c. A four-foot wide clearance shall be maintained along the public sidewalk, adjacent to outdoor display areas.
 - d. A ten-foot wide clear path of travel shall be maintained along the public sidewalk, adjacent to outdoor display areas.
 - e. All required exits and access ways to the tenant space, as determined by the Building and Safety Department, shall be maintained clear and free of obstructions. The minimum required access width shall be 48 inches. Required pathways for patron and disabled access shall be maintained clear of obstructions.
 - f. All overhead obstructions shall be a minimum of 80- inches above the walking surface.
 - g. Furniture pieces shall weigh less than 35 pounds each.
 - h. All sales transactions shall occur inside the store except when adequate space is provided in the outdoor sales area for cash register queuing, as determined by the Zoning Administrator. Where outdoor sales transactions are permitted, the store manager shall be responsible for ensuring that no more than five (5) customers are in the queue for the cash register at any time.
 - i. Sales to patrons in vehicles or in the public right-of-way shall be prohibited.
 - j. Line formations within the public right-of-way shall be prohibited.
 - k. Customers shall be prohibited from trying on clothing or other merchandise while in the public right-of-way.
 - l. Sales events, including associated furniture, structures, patron lines, etc., shall not in any way interfere with access to any commercial establishment.
 - m. All displays associated with outdoor sales events shall be maintained in an orderly, uncluttered and aesthetically pleasing condition, and present a family-friendly atmosphere.

- n. All outdoor displays, associated furnishings and accessories, including but not limited to display tables, table cloths/skirts, cashier stations, canopies and employee uniforms, shall be color coordinated.
 - o. No sign(s) shall be posted outside of the designated display area or on the public art installation.
 - p. All display tables shall be skirted and all boxes and storage containers shall be concealed from view.
 - q. Awnings, canopies or other equivalent shade cover, as determined by the Zoning Administrator, shall be required for all outdoor sales/displays.
 - r. All signage shall be uniform per business in design, color(s), placement, etc. and professional in appearance.
 - s. After initial warnings, Code Enforcement staff may order immediate cessation of any temporary outdoor sales even operating in violation of the conditions of approval of the Temporary Use Permit.
5. Outdoor sales even dates shall be coordinated per calendar year to coincide with outdoor sale events of similar businesses along Main Street and Pacific Coast Highway.

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.