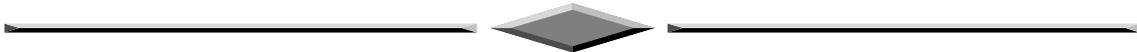


**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Joanna Cortez, Associate Planner
DATE: September 5, 2018

SUBJECT: CONDITIONAL USE PERMIT NO. 18-023/SPECIAL PERMIT 18-001 (HSS PCH OUTDOOR SALES)

LOCATION: 300 Pacific Coast Highway, 92648 (northeast corner of PCH and Main St.)



Applicant: Aaron Pai, 300 PCH, Suite 109, Huntington Beach, CA 92648

Property Owner: Joe Daichendt, 300 PCH Suite 119, Huntington Beach, CA 92648

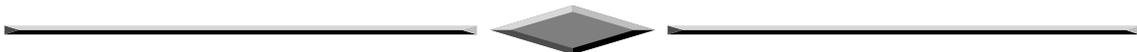
Request: **CUP:** To permit private property outdoor display and sales for up to 64 days per year for a period of five years from 2019-2023; and **SP:** To permit 1) lighted canopies/merchandise in lieu of unlit canopies/merchandise; and 2) outdoor display areas and sales within the plaza area in lieu of a maximum depth of 15 ft. perpendicular to the storefront.

Environmental Status: This request is covered by Categorical Exemption, Section 15311, Class 11, California Environmental Quality Act.

General Plan: M-sp (30-50 du/ac) (Mixed Use – Specific Plan – 30-50 dwelling units per acre)

Zone: SP5 – CZ (Specific Plan No. 5 – Coastal Zone overlay)

Existing Use: Commercial



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 15311 of the CEQA Guidelines, because the project consists of a

temporary use of land appurtenant to an existing commercial facility that will have negligible or no permanent effects on the environment.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 18-023:

5. Conditional Use Permit No. 18-023 to permit private property outdoor display and sales for up to 64 days per year for a period of five years 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 because the 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 project 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.
6. The conditional use permit to permit private property outdoor display and sales for up to 64 days per year for a period of five years will be compatible with surrounding uses because the project area consists of a mix of land uses such as commercial, entertainment, office, residential, and other visitor-serving uses. Outdoor display and sales will compliment a diverse range of land uses, particularly along Main Street and Pacific Coast Highway, and will serve as a commercial focal point for the surrounding community by activating the sidewalk on private sidewalks. The project promotes a dynamic downtown atmosphere and encourages the utilization of Downtown Huntington Beach by providing a family-friendly, indoor/outdoor shopping destination.
7. The proposed conditional use permit to permit private property outdoor display and sales for up to 64 days per year for a period of five years 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 because the project requires approval of a conditional use permit to allow private property outdoor display and sales for up to sixty-four (64) days per year. The outdoor sales on private sidewalks will not include any additional development or modification to existing development. The proposed project is consistent with the intent of the Downtown Specific Plan because the use provides visitor-serving opportunities and promotes a unique and identifiable downtown for Huntington Beach that capitalizes on the distinctive location by providing an economically vibrant, pedestrian-oriented destination for residents and visitors alike.
8. The granting of the conditional use permit to permit private property outdoor display and sales for up to 64 days per year for a period of five years will not adversely affect the General Plan. It is consistent with the Land Use Element designation of M-sp (30-50 du/ac) (mixed use – specific plan – 30-50 dwelling units/acre) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

Land Use Element

Policy LU 11.A: Encourage a variety of commercial uses that cater to local and regional demand to create an environment that meets resident needs and increases the capture of sales tax revenues.

Policy LU 11.C: Maximize the economic development services provided by the City to existing and prospective businesses and industries.

Outdoor display and sales allows the business to promote visitor-serving seasonal retail items on an intermittent basis throughout the year, which in turn helps to sustain the economic viability and promote pedestrian activity within the Downtown shopping district. The proposed sales area will be sited to maintain adequate clearance for pedestrian circulation and visibility.

SUGGESTED FINDINGS OF APPROVAL – SPECIAL PERMIT NO. 18-001:

1. The granting of a Special Permit pursuant to Section 2.5.6 of the Downtown Specific Plan in conjunction with Conditional Use Permit No. 18-023 is for the following:
 - a) outdoor display areas and sales within the plaza area in lieu of a maximum depth of 15 ft. perpendicular to the storefront; and
 - b) lighted canopies/merchandise in lieu of unlit canopies/merchandise.

This Special Permit results in a greater benefit from the project and will promote a better living environment because the storefront is adjacent to a large plaza area. This area lends itself to a larger display and sales area to activate and provide a lively and stimulating pedestrian node, and greater benefits from the project are provided than if the maximum depth of 15 ft. were met. Additionally, the proposal to include light within one row of canopies provides additional visual interest, is attractive to the pedestrians who will utilize this area, and a greater aesthetic benefit from the project is provided than if no lights were provided.

2. The granting of a Special Permit will provide better land planning techniques with maximum use of aesthetically pleasing site layout and design due to the use of appropriately arranged tables, garment racks and canopies. The site layout promotes a vibrant pedestrian area with open-air activity while maintaining appropriate pedestrian circulation, minimum clearances and open space areas. The Special Permit allows for a larger display within the plaza area and lighted canopies to provide additional visual interest.
3. The granting of a Special Permit will not be detrimental to the general health, welfare, safety, and convenience of the neighborhood or City in general, nor detrimental or injurious to the value of property or improvements of the neighborhood or City in general. The project has been evaluated for compatibility with the surrounding neighborhood and incorporates a design that appeals to pedestrians. Outdoor sales within the plaza area with lighted canopies contribute in a positive way to the visual appearance of the community. Outdoor sales have been operating at this location in an orderly fashion for over 10 years.
4. The granting of a Special Permit will be consistent with objectives of the Downtown Specific Plan in achieving a development adapted to the terrain and compatible with the surrounding environment. Outdoor sales within the plaza area promote visitor-serving, seasonal retail items on a temporary basis, which in turn helps to sustain economic viability and promote pedestrian activity within the Downtown shopping district. The Special Permit benefits the overall design of the project and therefore increases compatibility of the use and fosters a positive experience for the resident, tenant, customer, and visitor to the downtown area.

5. The granting of a Special Permit is consistent with the policies of the Coastal Element of the City's General Plan and the California Coastal Act. The project is consistent with applicable Coastal Element goals, objectives, and policies as noted under the Conditional Use Permit findings. Public services are currently available to the project site, as well as the surrounding parcels. The proposed Special Permit in conjunction with Conditional Use Permit No. 18-023 will comply with State and Federal Law.

**SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 18-023/
SPECIAL PERMIT NO. 18-001:**

5. The site plans received and dated May 29, 2018 shall be the conceptually approved design.
6. The use shall comply with the following:
 - a. Five (5) years maximum (2019-2023)
 - b. Sixty-four (64) days maximum per calendar year.
 - c. Ten (10) consecutive days maximum.
 - d. The outdoor sales area shall be entirely confined to private property. Any encroachment into the public right-of-way is prohibited.
 - e. 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.
 - f. A four-foot wide clearance shall be maintained along the public sidewalk, adjacent to outdoor display areas.
 - g. A ten-foot wide clear path of travel shall be maintained along the public sidewalk, adjacent to outdoor display areas.
 - h. 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.
 - i. All overhead obstructions shall be a minimum of 80- inches above the walking surface.
 - j. Furniture pieces shall weigh less than 35 pounds each.
 - k. 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.
 - l. Sales to patrons in vehicles or in the public right-of-way shall be prohibited.
 - m. Line formations within the public right-of-way shall be prohibited.

- n. Customers shall be prohibited from trying on clothing or other merchandise while in the public right-of-way.
 - o. Sales events, including associated furniture, structures, patron lines, etc., shall not in any way interfere with access to any commercial establishment.
 - p. All displays associated with outdoor sales events shall be maintained in an orderly, uncluttered and aesthetically pleasing condition, and present a family-friendly atmosphere.
 - q. 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.
 - r. No sign(s) shall be posted outside of the designated display area or on the public art installation.
 - s. All display tables shall be skirted and all boxes and storage containers shall be concealed from view.
 - t. All signage shall be uniform per business in design, color(s), placement, etc. and professional in appearance.
 - u. 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 Conditional Use Permit.
 - v. Outdoor sales event dates shall be coordinated per calendar year to coincide with outdoor sale events of similar businesses along Main Street and Pacific Coast Highway.
7. CUP No. 18-024/SP 18-001 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.
8. 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.