

MINUTES
HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR
Room B-8 - Civic Center
2000 Main Street
Huntington Beach California

WEDNESDAY, SEPTEMBER 5, 2018 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Lindsay Ortega, Joanna Cortez, Judy Graham

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 18-008/COASTAL DEVELOPMENT PERMIT NO. 18-032 (PETER'S LANDING PARKING PROGRAM - CONTINUED FROM THE AUGUST 15, 2018 MEETING):

APPLICANT/

PROPERTY OWNER: Kevin Hayes, Pendulum Properties Partners, 5 Park Plaza, Suite 370, Irvine, CA 92614

REQUEST: To establish a shared parking program for an existing 98,823 sq. ft. shopping center (Peter's Landing), which includes a reduction in the number of parking spaces required for the existing and future commercial uses at the commercial shopping center (retail, office, restaurant, marina, and religious assembly)

ENVIRONMENTAL STATUS: This request is covered by Categorical Exemption, Section 15301, Class 1, California Environmental Quality Act.

LOCATION: 16330-16470 Pacific Coast Highway, 92648 (Properties northeast and southeast of Anderson St. and Pacific Coast Highway)

CITY CONTACT: Lindsay Ortega

Lindsay Ortega, Project Planner, displayed project plans and stated the purpose, location, zoning, and existing use of the subject site. Staff provided an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary. Ms. Ortega noted that staff received three emails and three phone calls regarding the proposed project. The callers were inquiring about the project and the emails stated concerns for the potential loss of parking spaces. Mr. Ramos inquired if staff addressed any of the concerns cited by the residences. Ms. Ortega stated that staff had answered their question and addressed their concerns.

Ricky Ramos, Zoning Administrator, had no other questions for staff.

THE PUBLIC HEARING WAS OPENED.

Kevin Hayes, applicant, stated that he had no comments or concerns with the staff's recommendations.

Joyce Kopenski, resident, expressed her concerns with the proposed project. She cited her concerns with the loss of exclusive parking for the boat owners who utilize the marina.

Mr. Hayes gave a brief overview of the proposed project. He stated that the project does not include exclusive parking areas.

Joan Seton, resident, inquired as to who would regulate the parking areas. A discussion took place regarding the proposed project and the plans for the future of the project.

THERE WAS NO ONE ELSE PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Mr. Ramos stated that he would approve the request as recommended by staff.

CONDITIONAL USE PERMIT NO. 18-008/COASTAL DEVELOPMENT PERMIT NO. 18-032 WERE APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS.

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 15301 of the CEQA Guidelines, because the project consists of negligible or no expansion of an existing structure.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 18-008:

1. Conditional Use Permit No. 18-008 for the establishment of a shared parking program for an existing 98,823 sq. ft. shopping center (Peter's Landing), which includes a reduction in the number of code required parking spaces for the mixed-use project (retail, office, restaurant, marina, and religious assembly) for existing and future commercial uses 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 parking demand of the existing and proposed uses was analyzed by Linscott, Law & Greenspan through a Parking Demand Analysis, dated July 19, 2018 and determined that due in part to divergent hours of operation, as well as peak demand time, the future and existing uses would require a maximum of 651 parking spaces and 693 spaces exist on site. Additionally, based on the parking demand analysis the anticipated mix of visitor serving commercial uses of retail, restaurant, outdoor dining, religious assembly, marina, beach parking, and complementary second floor office uses, has a peak weekday demand of 635 parking spaces at 1:00 p.m. The anticipated mix of uses has a weekend demand of 651 parking spaces at 1:00 p.m.

These conclusions were based on a shared parking calculation methodology that utilizes peak parking ratios developed by the Urban Land Institute (ULI), and accounts for a combination of retail, office, restaurant, outdoor dining, marina, and religious assembly uses on-site. Based upon the conditions imposed, the shared parking program will be evaluated with each tenancy to ensure the continued sufficient availability of parking to accommodate all uses on site.

2. Conditional Use Permit No. 18-008 for the establishment of a shared parking program for an existing 98,823 sq. ft. shopping center (Peter's Landing), which includes a reduction in the number of code required parking spaces for the mixed-use project (retail, office, restaurant, marina, and religious assembly) for existing and future commercial uses will be compatible with the surrounding uses because the property is adjacent to visitor serving commercial and residential uses and will continue to provide the necessary parking to meet demand for all the uses on-site. The parking demand analysis analyzed the existing and proposed uses, as well as the anticipated parking demand for each use in order to determine the number of parking spaces needed to meet demand. Based on the study's conclusions, it is determined that the parking required for the mix of proposed and existing uses can be accommodated on-site will minimal impact to the surrounding uses.
3. The proposed conditional use permit for the establishment of a shared parking program for an existing 98,823 sq. ft. shopping center (Peter's Landing), which includes a reduction in the number of parking spaces required for the mixed-use project (retail, office, restaurant, marina, and religious assembly) for existing and future commercial uses will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision with the exception of the request for reduced parking. As a result, a parking demand analysis was conducted by Linscott, Law & Greenspan, dated July 19, 2018, which determined that the peak shared parking demand for the existing and futures uses will require 651 parking spaces and 693 spaces are provided on-site, a surplus of 42 parking spaces. The project is located in the CV zone (Commercial Visitor District) and requests for reduced parking via a shared parking program are subject to approval of a conditional use permit.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of CV (Commercial Visitor) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:
 - A. Land Use Element
 - Goal LU-11: Commercial land uses provide goods and services to meet regional and local needs.
 - 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 B: Encourage new businesses to locate on existing vacant or underutilized commercial properties where these properties have good locations and accessibility.
 - Goal LU-12: Commercial and industrial corridors throughout the planning area are renovated and revitalized.
 - Policy LU-12 A: Encourage renovation and revitalization of deteriorating and struggling nonresidential areas and corridors, particularly commercial locations.

The granting of Conditional Use Permit No. 18-008 for the establishment of a shared parking program for an existing 98,823 sq. ft. shopping center (Peter's Landing), which includes a reduction in the number of parking spaces required for the mixed-use project (retail, office,

restaurant, marina, and religious assembly) for existing and future commercial uses will enable the property owner to revitalize a deteriorating commercial center and attract new visitor-serving commercial tenants. The shared parking program will allow for a greater variation of tenants to meet the needs of both local and regional visitor-serving demand.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 18-032:

1. Coastal Development Permit No. 18-032 to establish a shared parking program for an existing 98,823 sq. ft. shopping center (Peter's Landing), which includes a reduction in the number of parking spaces required for the existing and future commercial uses at the commercial shopping center (retail, office, restaurant, marina, and religious assembly), as proposed, conforms with the General Plan, including the Local Coastal Program. The project site is designated Commercial Visitor by the General Plan Land Use Element, which permits and encourages restaurants and other visitor-oriented uses. The proposed use is consistent with the following goals, policies and objectives of the General Plan Coastal Element:

C 1.1.4: Where feasible, locate visitor-serving commercial uses in existing developed areas or at selected points of attraction for visitors.

C 2.4: Balance the supply of parking with the demand for parking.

C 2.4.1: Maintain an adequate supply of parking that supports the present level of demand and allows for the expected increase in private transportation use.

C 3: Provide a variety of recreational and visitor serving commercial uses for a range of cost and market preferences.

C 3.2.4: Encourage the provision of a variety of visitor-serving commercial establishments within the Coastal Zone, including, but not limited to, shops, restaurants, hotels and motels, and day spas.

The granting of Coastal Development Permit No. 18-032 for the establishment of a shared parking program for an existing 98,823 sq. ft. shopping center (Peter's Landing), which includes a reduction in the number of code required parking spaces for the mixed-use project (retail, office, restaurant, marina, and religious assembly) for existing and future commercial uses will enable the property owner to revitalize a deteriorating commercial center and attract new visitor-serving commercial tenants. The shared parking program allows the existing shopping center to maximize the use of the existing parking spaces and increase the variety of visitor serving commercial establishments, while preserving the original 72 coastal access parking spaces and 225 required marina access spaces, which will result in an overall enhancement to the area and access to the coastal zone.

2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code with the exception of the request for reduced code required parking. Based on a parking demand analysis conducted by Linscott, Law & Greenspan, dated July 19, 2018, which determined that the peak shared parking demand for the existing and future mixed uses will require 651 parking

spaces and 693 spaces are provided on-site, a surplus of 42 parking spaces exists on-site. The project is located in the CV zone (Commercial Visitor District) and requests for reduced code required parking are subject to approval of a conditional use permit. There is no physical expansion proposed as part of the request and the use will continue to comply with all conditions of approval of the original Coastal Development Permit approved by the Coastal Commission. The project preserves the original 72 coastal access spaces, as well as the 225 marina access spaces, while also enhancing the variety of visitor serving commercial establishments at the shopping center.

3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program because the project is an existing shopping center in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roads.

4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act because the development is existing and no additional development will occur as a result of this application. Additionally, public access to coastal resources and recreational opportunities will be preserved in that coastal access around the perimeter of the site along the waters edge will be maintained and the parking program takes into account the original 72 non-exclusive coastal access parking spaces for day-time use, as well as 225 marina access parking spaces. A peak parking demand of 651 parking spaces has been established and 693 parking spaces are provided on-site so no impacts to parking at adjacent properties will occur.

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 18-032 /CONDITIONAL USE PERMIT NO. 18-008:

1. The site plan and parking demand analysis by LLG, received and dated July 19, 2018 shall be the conceptually approved parking program and shall replace all previously approved shared parking documents and/or parking credits at the subject site.
2. Prior to submittal of any new certificate of occupancy applications, an updated parking matrix identifying existing tenants, suite square footage, type of use, and parking demand (based on demand identified in the parking study) shall be submitted to the Planning Division. In the event that the use mix differs from what was analyzed through the approved parking study dated July 19, 2018, a supplement or addendum shall be submitted for review through an administrative permit process.
3. CUP No. 18-008 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 Division a minimum of 30 days prior to the expiration date.
4. 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 Community Development 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, 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, Zoning Administrator 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.

ITEM 2: CONDITIONAL USE PERMIT NO. 18-023/SPECIAL PERMIT 18-001 (HSS PCH

OUTDOOR SALES):

APPLICANT: Aaron Pai, 300 PCH, Suite 109, Huntington Beach, CA 92648
PROPERTY OWNER: Joe Datchendt, 300 PCH Suite 119, Huntington Beach, CA 926481

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. Applicable
LOCATION: 300 Pacific Coast Highway, 92648 (northeast corner of PCH and Main St.)
CITY CONTACT: Joanna Cortez

Joanna Cortez, Associate Planner, stated that she would do the presentation for Items 2 and 3 together and would note the different locations.

ITEM 3: CONDITIONAL USE PERMIT NO. 18-024 (HSS MAIN STREET OUTDOOR SALES):

APPLICANT: Aaron Pai, 300 PCH, Suite 109, Huntington Beach, CA 92648
PROPERTY OWNER: Zeidan Properties, LLC, PO Box 431, Huntington Beach, CA 92648

REQUEST: To permit private property outdoor display and sales for up to 64 days per year for a period of five years from 2019-2023.
ENVIRONMENTAL STATUS: This request is covered by Categorical Exemption Section 15311, Class 11, California Environmental Quality Act. Applicable
LOCATION: 126 Main Street, 92648 (southeast corner of Main St. and Walnut Ave.)
CITY CONTACT: Joanna Cortez

1. 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.
2. 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 comply with 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.
3. 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

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

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.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

CONDITIONAL USE PERMIT NO. 18-023/SPECIAL PERMIT 18-001 WERE APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

Mr. Ramos stated that he would approve the request as recommended by staff.

THERE WAS NO ONE ELSE PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Aaron Pal, applicant, stated that he had no comments or concerns with the staff's recommendations.

THE PUBLIC HEARING WAS OPENED.

Ms. Cortez noted that staff did not receive any inquiries regarding the proposed permits. Joanna Cortez, Associate Planner, displayed project plans and stated the purpose, location, zoning, and existing use of the subject site. Staff provided an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary.

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.

b) Lighted canopies/merchandise in lieu of unlit canopies/merchandise.

a) Outdoor display areas and sales within the plaza area in lieu of a maximum depth of 15 ft. perpendicular to the storefront; and

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:

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

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.

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.

Land Use Element

4. 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:

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 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.

- 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.
2. The use shall comply with the following:

1. The site plans received and dated May 29, 2018 shall be the conceptually approved design.

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

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.
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.
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.
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.

- 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 skitted 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 event 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.

3. 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.

4. 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.

CONDITIONAL USE PERMIT NO. 18-024 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

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.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 18-024:

1. Conditional Use Permit No. 18-024 to allow 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.

2. The conditional use permit to allow 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 complement 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.

3. The proposed conditional use permit to allow 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.

4. The granting of the conditional use permit to allow 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 d/du) (mixed use - specific plan - 30-50 du/acre) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. 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.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 18-024:

1. The site plans received and dated May 29, 2018 shall be the conceptually approved design.
2. 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 skitted 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 event operating in violation of the conditions of approval of the Conditional Use Permit.

- 3. 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.
- 4. CUP No. 18-024 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.

- 5. 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.

THE MEETING WAS ADJOURNED AT 1:55 P.M. TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, SEPTEMBER 19, 2018, AT 1:30 P. M.

Ricky Ramos
Zoning Administrator
RR:jg