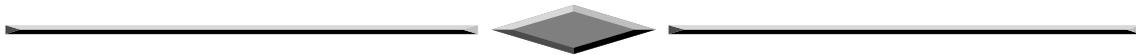
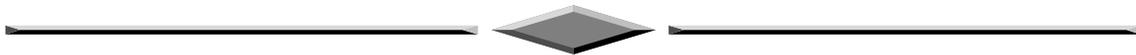


**HUNTINGTON BEACH  
OFFICE OF THE ZONING ADMINISTRATOR  
EXECUTIVE SUMMARY**

**TO:** Zoning Administrator  
**FROM:** Jessica Bui, Assistant Planner  
**DATE:** November 2, 2016  
**SUBJECT:** **TEMPORARY USE PERMIT NO. 16-002 (BUNGALOW TEMPORARY TENT)**  
**LOCATION:** 21058 Pacific Coast Highway #240, 92648 (north side of Pacific Coast Hwy. and south of 1<sup>st</sup> St.)



**Applicant:** Brent Bolthouse, 2800 Olympic Boulevard, Santa Monica, CA 90404  
**Property Owner:** DJM Capital Partners, 60 South Market Street #1120, San Jose, CA 95113  
**Request:** To permit an approximately 1,900 sq. ft. temporary tent structure annually (November 15th to April 15th) on the patio of an existing eating and drinking establishment (The Bungalow) for a period of five (5) years from 2016 to 2020.  
**Environmental Status:** This request is covered by Categorical Exemption, Section 15304, California Environmental Quality Act.  
**Zone:** SP5 - CZ (Downtown Specific Plan – Coastal Zone Overlay)  
**General Plan:** CV – F7 - SP (Commercial Visitor – 3.0 FAR – Specific Plan 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 15304 of the CEQA Guidelines, because the project involves a minor temporary use of land having negligible or no permanent effects on the environment.

**SUGGESTED FINDINGS FOR APPROVAL - TEMPORARY USE PERMIT NO. 16-002:**

1. The proposed temporary use will be located, operated and maintained in a manner consistent with the policies of the General Plan, the Local Coastal Program, the provisions of Chapter 241, and the Downtown Specific Plan. The Land Use Element designation on the subject property is CV-F7-sp (Commercial Visitor – 3.0 FAR – Specific Plan Overlay). The proposed use is consistent with the following goals and policies of the City’s General Plan as follows:

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.

Policy 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 proposed temporary use will diversify and sustain economic viability while providing for the needs of residents and visitors as the temporary tent will allow for patrons of the eating and drinking establishment shelter from natural elements and allow for the use of an existing outdoor patio area during the colder winter months. The proposed temporary use is also consistent with the policies of the Local Coastal Program as a large component of the business is the outdoor patio area which encourages variety in the types of visitor serving uses. The proposed temporary tent will enhance and promote a variety of uses in the Coastal Zone by making full use of the patio area year round.

2. Approval of 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 temporary use will occur on private property within an existing patio area; and as conditioned, will ensure that adequate public, disabled, and emergency access will be maintained. Additionally, exterior lighting outside of the proposed temporary tent structure is prohibited and any possible noise disturbances are minimized to ensure the use will not be detrimental to the surrounding area.

**SUGGESTED CONDITIONS OF APPROVAL - TEMPORARY USE PERMIT NO. 16-002:**

1. The site plan, floor plans, and elevations received and dated September 29, 2016 shall be the conceptually approved design.
2. The use shall comply with the following:

- a. A minimum of 30 days prior to the commencement of the temporary use each year, a schedule to construct and take down the temporary tent structure intended to occur in that year shall be submitted to the Planning Division for review and approval. The schedule shall include the specific date of when the temporary tent will be constructed and the date when the tent will be taken down. The temporary tent shall be permitted for a maximum of five months, annually.
  - b. Temporary Use Permit No. 16-002 is valid for a maximum five year period (2016 – 2020) unless extended by the Community Development Department.
  - c. The temporary tent structure shall be removed by April 15<sup>th</sup> each approved year.
  - d. The temporary tent shall be maintained in a neat and clean manner, free of any tatters, rips, or disrepair. In the event the tent becomes damaged, it shall be repaired and/or replaced immediately.
  - e. All exterior lighting outside of the temporary tent structure shall be prohibited unless otherwise permitted by the Community Development Department.
3. Temporary Use Permit No. 16-002 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 Department of Community Development 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 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.
  5. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/green-building-guidelines-rating>).

**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.