

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

WEDNESDAY, SEPTEMBER 17, 2014 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Joanna Cortez, Jill Arabe, Ethan Edwards, Judy Demers
(recording secretary)

MINUTES: March 5, 2014
April 2, 2014
April 16, 2014

APPROVED AS SUBMITTED

ORAL COMMUNICATION: **NONE**

**ITEM 1: CONDITIONAL USE PERMIT NO. 14-012 (MY PLACE SPORTS BAR & GRILL
OUTDOOR DINING – CONTINUED FROM THE SEPTEMBER 3, 2014 MEETING)**

APPLICANT: Jim Sdrales, 5452 Commercial Drive, Huntington Beach, CA 92649
PROPERTY OWNER: Maria Bizakis, 518 S. Laureltree Drive, Anaheim, CA 92808
REQUEST: To permit the establishment of a 400 sq. ft. outdoor dining area with on-site consumption of alcohol (Type-47) in conjunction with an existing restaurant.
LOCATION: 5452 Commercial Drive, 92649 (southwest corner of Commercial Dr. and Graham St.)
CITY CONTACT: Joanna Cortez

Joanna Cortez, Assistant Planner, displayed project plans and photographs 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. Cortez noted that staff received one letter regarding parking.

Ricky Ramos, Zoning Administrator verified the location of outdoor dining area. Mr. Ramos also inquired if a condition requiring revised plan submittal be added to address Condition 1 (a) and (b). Ms. Cortez agreed that an additional condition should be added.

THE PUBLIC HEARING WAS OPENED.

Jim Sdrales, applicant, stated that he had no comments or concerns regarding staff's recommendations. Mr. Ramos inquired if the applicant was agreeable to the added condition. Mr. Sdrales stated the additional condition was acceptable.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Mr. Ramos stated that, based on the information provided, he would approve the request as recommended by staff.

CONDITIONAL USE PERMIT NO. 14-012 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 15301 of the CEQA Guidelines, because the project consists of minor alterations to an existing commercial building involving no expansion in the overall floor area of the existing restaurant.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 14-012:

1. Conditional Use Permit No. 14-01 to permit onsite sales, service and consumption of alcohol (Type-47) within a proposed 400 sq. ft. outdoor dining area in conjunction with an existing restaurant 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. The proposed alcohol sales and service, as conditioned, will not generate noise, traffic, demand for parking or other impacts above that which currently exists or be inconsistent with the subject property's zoning. The restaurant will continue to serve food and beverages in conjunction with the proposed use.
2. The onsite sales, service and consumption of alcohol (Type-47) within a proposed 400 sq. ft. outdoor dining area will be compatible with surrounding uses because the existing restaurant is surrounded by a majority of industrial uses as office and warehousing uses. The operation of the proposed alcohol sales within the proposed 400 sq. ft. outdoor dining area will be required to comply with conditions of approval pertaining to alcohol service and hours of operation. Additionally, the use is subject to noise regulations to further ensure compatibility with surrounding properties.
3. The onsite sales, service and consumption of alcohol (Type-47) within a proposed 400 sq. ft. outdoor dining area 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 and any specific condition required for the proposed use in the district in which it would be located. The proposed project as conditioned complies with the base district and other applicable provisions. There is no physical expansion that includes additional floor area to the existing building as part of this request and the use will comply with all building occupancy/exiting requirements.
4. The granting of onsite sales, service and consumption of alcohol (Type-47) within a proposed 400 sq. ft. outdoor dining area will not adversely affect the General Plan. It is consistent with the Land Use Element designation of I-F2-d (Industrial-0.50 FAR—Design Overlay) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:
 - a. Goal LU 12: Achieve the development of industrial uses that provide job opportunities for existing and future residents, as well as the surrounding sub region, and generate revenues for the City.

- b. Policy LU 12.1.1: Accommodate the continuation of existing and development of new manufacturing, research and development, professional offices, supporting retail commercial (including, but not limited to, sales area for manufacturers and photocopy stores), restaurants, financial institutions, and similar uses consistent with the Land Use and Density Schedules in the General Plan.

The proposed alcohol sales within a 400 sq. ft. outdoor dining area will be consistent with the Land Use Element designation and will help to increase the economic viability of the existing eating and drinking establishment. The service of alcohol is not anticipated to result in negative impacts on surrounding businesses and adjacent properties.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 14-012:

1. The site plan, floor plans, and elevations received and dated shall be the conceptually approved design with the following modifications:
 - a. Depict 48 existing parking spaces as noted by staff's field inspection.
 - b. Provide an enclosure around the proposed outdoor dining area to clearly define it from the waiting area and dog area.
2. Prior to submitting for building permits, plans revised pursuant to Condition No. 1 shall be submitted for review and approval by Planning staff and inclusion in the file.
3. The use shall comply with the following:
 - a. All alcoholic beverages shall remain within the interior of the restaurant or within the confines of the fenced patio area, per §9.44.010 of the Huntington Beach Municipal Code (HBMC). A sign shall be posted stating alcoholic beverages are not allowed outside of the restaurant. **(PD)**
 - b. Service of alcoholic beverages for consumption off-site shall not be permitted. **(PD)**
 - c. No loitering shall be permitted within the vicinity of any entrances and exits at any time. **(PD)**
 - d. Signs shall be posted in a conspicuous space at the entrance/exit points of the patio, which shall state, "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT". **(PD)**
 - e. To further reduce the likelihood of noise disturbances from the patrons during late night and early morning hours, no dining or consumption of alcoholic beverages will be permitted on the outdoor patio areas between the hours of 10:00 PM and 7:00 AM. **(PD)**
 - f. To ensure the location maintains a restaurant atmosphere, food service from the regular menu shall be available from the time the business opens to the public, until at least one hour prior to the scheduled closing time. **(PD)**
 - g. There shall be no entertainment allowed at the establishment without a valid Entertainment Permit issued by the Huntington Beach Police Department. **(PD)**
 - h. An employee shall maintain continuous supervision at all times of the outdoor dining area when it is being utilized for the sales, service or consumption of alcoholic beverages. **(PD)**
 - i. The sale of alcoholic beverages in the outdoor dining area shall be made only in conjunction with the sale of food to the person ordering the beverage. **(PD)**

- j. All outdoor areas where the sales, service, consumption of alcoholic beverages will be permitted shall be sufficiently illuminated to permit the identification of patrons. **(PD)**
 - k. The business shall employ a video surveillance system and a one-month video library. The minimum requirements for the cameras will be: color, digital recording to DVR and able to record in low light. The business shall ensure all doors, eating areas, and parking areas are covered by video surveillance. Electronic copies of video must be made available to the Huntington Beach Police Department within 48 hours of request. Digital recordings shall be made available for viewing on-scene upon the request by police officers conducting investigations. **(PD)**
 - l. All owners, employees, representatives, and agents must obey all state, local, and municipal laws, and conditions of the Conditional Use Permit, Alcoholic Beverage Control License and any other regulations, provisions, or restrictions prescribed by a regulatory authority with jurisdiction over the premise; at all times. **(PD)**
- 4. CUP No. 14-012 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 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.
 - 6. 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.

ITEM 2: CONDITIONAL USE PERMIT NO. 14-016 (TELEPACIFIC COMMUNITIONS):

APPLICANT: Brian Mahoney, 151 Kalmus Drive, Suite E-220, Costa Mesa, CA 92626
PROPERTY OWNER: United Flight Accessories Holding Corporation, 5602 Research Drive, Huntington Beach, CA 92649
REQUEST: To permit the installation of four antennas and one microwave dish mounted to two tripods on the rooftop of an existing industrial building.
LOCATION: 5602 Research Drive, 92649 (south side of Research Dr., east of Graham St.)
CITY CONTACT: Jill Arabe

Jill Arabe, Associate Planner, displayed project plans and photographs 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. Staff noted that no public comments had been received.

THE PUBLIC HEARING WAS OPENED.

Brian Mahoney, applicant, stated that he had no comments or concerns with staff's recommendations.

Mr. Ramos asked the applicant to give a brief overview of inability to screen the antennas. Mr Mahoney briefly explained that the technology used for this site is not able to penetrate the screening material.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Mr. Ramos stated that, based on the information provided, he would approve the request as recommended by staff with the additional condition requiring the applicant to note all property lines on the plans when submitted.

CONDITIONAL USE PERMIT NO. 14-016 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING MODIFIED 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 15301 of the CEQA Guidelines, because the project involves the installation of rooftop antennas on an industrial building with no expansion of the existing industrial use.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 14-016:

1. Conditional Use Permit No. 14-016 for the installation of four antennas and one microwave dish mounted to two tripods on the rooftop of an existing industrial building 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. The building is approximately 154 feet long and the antennas are located along the easterly

portion of the rooftop. The closest antennas to the street are located 36 feet from the front of the building and the remaining antennas are located 22 feet from the rear of the building. Although the facility does not contain any stealth techniques, its overall visibility is limited from different views along the public street. The facility is composed of a slim line design and in comparison to other wireless facilities in the vicinity, is inconspicuous. Only one of the antennas attached to a tripod is five feet long, and the remaining antennas range from eight inches to 24 inches in diameter. Based on the narrative, the multipoint distribution facility is composed of point-to-multipoint and point-to-point antennas, which require line of sight to the end-user and an antenna on the customer's rooftop to receive the signal. Unlike other cellular facilities with frequencies that can penetrate through various building materials, obstructions to the signal for the proposed facility will make it unusable. Due to the overall height of the facility measured from the top of the existing building, the facility cannot be exempt from permitting requirements. No significant impacts related to traffic, safety, or noise will be generated by the rooftop facility. As conditioned, the pipe extension (of one of the tripods) will be removed in order to limit the overall height of the facility along the front of the site.

2. The conditional use permit will be compatible with surrounding uses because it is composed of a slim line design and is minimally visible from different views along the public street. The overall height of the building with the facility is 34 feet and will not exceed the maximum building height of 40 feet in the zone. The antennas and tripods will be painted to match the building. Surrounding uses are primarily industrial with the exception of the school site and multifamily residential uses behind the subject property. The facility projects approximately 11 feet above the industrial building and will be minimally visible from surrounding properties due to the setbacks from the front and rear of the building exterior.
3. The proposed conditional use permit 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. A conditional use permit is required because the facility does not contain completely stealth techniques. The facility complies with the maximum height in the district and is compatible with the vicinity due to its minimal visibility from the street and surrounding wireless facilities designed as monopoles.
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 Industrial on the subject property. In addition, it is consistent with the following goal, policy and objective of the General Plan:

A. Land Use Element

Objective LU 12.1: Provide for the continuation of existing and the development of additional industrial uses that capitalize upon the existing and emerging types of industries, offer opportunities for the clustering of key economic sectors, and maintain the character and quality of the City.

B. Utilities Element

Goal U 5: Maintain and expand service provision to City of Huntington Beach residences and businesses.

Policy U 5.1.1: Continue to work with service providers to maintain current levels of service and facilitate improved levels of service.

The conditional use permit will permit the (unpermitted) installation of rooftop antennas on an industrial building. In order for the facility to operate, it requires unobstructed line-of-

sight to other rooftop antennas served by this facility. The facility is primarily surrounded by industrial uses and is minimally visible from the public street. Approval of the conditional use permit will provide continued services to surrounding businesses.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 14-016:

1. The site plan, floor plans, and elevations received and dated July 1, 2014, shall be the conceptually approved design with the following modifications:
 - a. The pipe mast (extension) of the northerly tripod on the roof shall be removed so as not exceed 7'-6" from the top of the building.
 - b. The facility (including antennas and tripods) shall be painted to the match the building.
 - c. The site plan shall be revised to accurately depict property lines of the subject property.
2. CUP No. 14-016 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.
3. 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.
4. 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.

ITEM 3: CONDITIONAL USE PERMIT NO. 14-022/ SPECIAL PERMIT NO. 14-003 (JACKS PCH OUTDOOR SALES):

APPLICANT/
PROPERTY OWNER: A.D.C., Ron Abdelfattah, 16350 Gothard, Suite 101, Huntington Beach, CA 926474

REQUEST: **CUP:** To permit private property outdoor display and sales for up to seventy-eight (78) days per year. **SP:** To permit lighted canopies/merchandise in lieu of unlit canopies/merchandise.

LOCATION: 101 Main Street, Suite 101, 92648 (northwest corner of Main St. and Pacific Coast Highway)

CITY CONTACT: Ethan Edwards

Ethan Edwards, Associate Planner, displayed project plans and photographs 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.

THE PUBLIC HEARING WAS OPENED.

Jamal, representing the applicant, stated that he had no comments or concerns with staff's recommendations. He inquired regarding the remaining dates available for 2014. Staff verified the remaining dates.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Mr. Ramos stated that, based on the information provided, he would approve the request as recommended by staff.

CONDITIONAL USE PERMIT NO. 14-022/ SPECIAL PERMIT NO. 14-003 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.

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. 14-022:

1. Conditional Use Permit No. 14-022 to permit private property outdoor display and sales for up to sixty-four (64) days per year 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. Proposed sales events will occur within the plaza area adjacent to the applicant's storefront and will be sited to prevent interference with use of the

surrounding area. As conditioned, the maximum number of outdoor display and sales is sixty-four (64) days in lieu of the requested seventy-eight (78) days per year to accommodate a single display tent to market the annual U.S. Open of Surfing. Additionally, 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 outdoor sales and display 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.
3. The proposed conditional use permit 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. As conditioned, the maximum number of outdoor display and sales is sixty-four (64) days in lieu of the requested seventy-eight (78) days per year to accommodate a single display tent to market the annual U.S. Open of Surfing event. 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; and a special permit to allow lighted canopies/merchandise in lieu of unlit canopies/merchandise. The outdoor sales on private sidewalks would 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 will not adversely affect the General Plan. It is consistent with the Land Use Element designation M->30-sp-pd (Mixed Use - >30 du/ac – Specific Plan Overlay – Pedestrian Overlay) on the subject property. In addition, it is consistent with the following goals, policies, and objective of the General Plan:

A. Land Use Element

Objective LU 15.2: Promote the establishment of commercial and mixed-use districts characterized by high levels of pedestrian activity.

Policy LU 15.2.2: 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.

B. Economic Development Element

Goal ED 2: Aggressively retain and enhance the existing commercial, industrial, and visitor serving uses while attracting new uses to Huntington Beach.

C. Circulation Element

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

Policy C 3.4.1: Enhance the Municipal Pier and surrounding areas to function as the “hubs” of tourist and community activity.

The business is located at the primary entry node into the downtown area and within close proximity of the Municipal Pier, where the public sidewalks are heavily traveled by pedestrians. 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.

FINDINGS FOR APPROVAL – SPECIAL PERMIT NO. 14-003:

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. 14-022 is for the lighted canopies/merchandise in lieu of unlit canopies/merchandise. The Special Permit results in a greater benefit from the project and will promote a better living environment because customers will be afforded shade while browsing the sample merchandise and additional lighting for visibility. The canopies provide visual interest with the display adjacent to the storefront.
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 canopies and garment racks. As conditioned, all temporary structures will be located on private property adjacent to the storefront and will not encroach onto public property. The outdoor use stimulates activity along the sidewalks and will maintain adequate pedestrian circulation, minimum clearances, and open space areas. Visual interest is enhanced with lights under the canopies for customer visibility.
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 proposed use is compatible with the surrounding neighborhood by activating the public sidewalk and appealing to pedestrians. The lights under the canopies will enhance the visual appearance of the outdoor display and also be directed over the merchandise for customer visibility.
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 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 area. The Special Permit increases compatibility of the use and fosters a positive experience for customers in a pedestrian oriented environment.
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 policies as noted under the Conditional Use Permit findings. Public services are currently available to the project site, as well as the surrounding areas. The proposed Special Permit in conjunction with Conditional Use Permit No. 14-022 will comply with State and Federal Law.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 14-022/ SPECIAL PERMIT NO. 14-003:

1. The two site plans received and dated August 7, 2014 shall be the conceptually approved designs. The single tent site plan shall be utilized during the US Open of Surfing event each year.
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 and Building Department, Planning Division for review and approval.
3. The use shall comply with the following:
 - a. Five (5) years maximum including 2014.
 - 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.
4. 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.
 5. CUP No. 14-022 and SP No.14-003 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.
 6. 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.

ITEM 4: CONDITIONAL USE PERMIT NO. 14-020 (JACKS MAIN STREET OUTDOOR SALES):

APPLICANT/
PROPERTY OWNER: A.D.C., Ron Abdelfattah, 16350 Gothard, Suite 101, Huntington Beach, CA 92647

REQUEST: To permit private property outdoor display and sales for up to seventy-eight (78) days per year. .

LOCATION: 101 Main Street, Suite 111, 92648 (west side of Main St., north of Pacific Coast Highway)

CITY CONTACT: Ethan Edwards

Ethan Edwards, Associate Planner, displayed project plans and photographs 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.

THE PUBLIC HEARING WAS OPENED.

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

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Mr. Ramos stated that, based on the information provided, he would approve the request as recommended by staff.

CONDITIONAL USE PERMIT NO. 14-020 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. 14-020:

1. Conditional Use Permit No. 14-020 to permit private property outdoor display and sales for up to sixty-four (64) days per year 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. Proposed sales events will occur adjacent to the applicant's storefront and will be sited to prevent interference with use of the surrounding area. As conditioned, the maximum number of outdoor display and sales is sixty-four (64) days in lieu of the requested seventy-eight (78) days per year to accommodate marketing of the annual U.S. Open of Surfing. Additionally, 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 outdoor sales and display 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.

3. The proposed conditional use permit 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. As conditioned, the maximum number of outdoor display and sales is sixty-four (64) days in lieu of the requested seventy-eight (78) days per year to accommodate marketing of the annual U.S. Open of Surfing event. 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 would 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 will not adversely affect the General Plan. It is consistent with the Land Use Element designation of M->30-sp-pd (Mixed Use – >30 du/ac – specific plan overlay – pedestrian overlay) on the subject property. In addition, it is consistent with the following goals, policy and objective of the General Plan:
 - A. Land Use Element
Objective LU 15.2: Promote the establishment of commercial and mixed-use districts characterized by high levels of pedestrian activity.

Policy LU 15.2.2: 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.
 - B. Economic Development Element
Goal ED 2: Aggressively retain and enhance the existing commercial, industrial, and visitor serving uses while attracting new uses to Huntington Beach.
 - C. Circulation Element
Goal C 1.1.4: Where feasible, locate visitor-serving commercial uses in existing developed areas or at selected points of attraction for visitors.

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. 14-020:

1. The site plan received and dated August 7, 2014 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 and Building Department, Planning Division for review and approval.
3. The use shall comply with the following:
 - a. Five (5) years maximum including 2014.
 - 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.
4. 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.

5. CUP No. 14-020 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.
6. 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.

ITEM 5: CONDITIONAL USE PERMIT NO. 14-021 (HUNTINGTON SURF & SPORT MAIN STREET OUTDOOR SALES):

APPLICANT: Aaron Pai, 300 Pacific Coast Highway, Suite 109, Huntington Beach, CA 92648
 PROPERTY OWNER: Adel Zeidan, 200 Pacific Coast Highway, Huntington Beach, CA 92648
 REQUEST: To permit private property outdoor display and sales for up to seventy-eight (78) days per year
 LOCATION: 126 Main Street, 92648 (southeast corner of Main St. and Walnut Ave.)
 CITY CONTACT: Ethan Edwards

Ethan Edwards, Associate Planner, displayed project plans and photographs 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.

THE PUBLIC HEARING WAS OPENED.

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

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Mr. Ramos stated that, based on the information provided, he would approve the request as recommended by staff.

CONDITIONAL USE PERMIT NO. 14-021 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING MODIFIED FINDINGS AND MODIFIED 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. 14-021:

1. Conditional Use Permit No. 14-021 to permit private property outdoor display and sales for up to sixty-four (64) days per year 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. Proposed sales events will occur adjacent to the applicant's storefront and will be sited to prevent interference with use of the surrounding area. As conditioned, the maximum number of outdoor display and sales is sixty-four (64) days in lieu of the requested seventy-eight (78) days per year to accommodate marketing of the annual U.S. Open of Surfing. Additionally, 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 outdoor sales and display 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.
3. The proposed conditional use permit 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. As conditioned, the maximum number of outdoor display and sales is sixty-four (64) days in lieu of the requested seventy-eight (78) days per year to accommodate marketing of the annual U.S. Open of Surfing event. 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 would 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 will not adversely affect the General Plan. It is consistent with the Land Use Element designation of M->30-sp-pd (Mixed Use – >30 du/ac – specific plan overlay – pedestrian overlay) on the subject property. In addition, it is consistent with the following goals, policy and objective of the General Plan:

A. Land Use Element

Objective LU 15.2: Promote the establishment of commercial and mixed-use districts characterized by high levels of pedestrian activity.

Policy LU 15.2.2: 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.

B. Economic Development Element

Goal ED 2: Aggressively retain and enhance the existing commercial, industrial, and visitor serving uses while attracting new uses to Huntington Beach.

C. Circulation Element

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

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. 14-021:

1. The site plan received and dated August 7, 2014 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 and Building Department, Planning Division for review and approval.
3. The use shall comply with the following:
 - a. Five (5) years maximum including 2014.
 - 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.
4. 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.
 5. CUP No. 14-021 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.
 6. 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.

ITEM 6: CONDITIONAL USE PERMIT NO. 14-019/ SPECIAL PERMIT NO. 14-002 (HUNTINGTON SURF & SPORT PCH OUTDOOR SALES):

APPLICANT: Aaron Pai, 300 Pacific Coast Highway, Suite 109, Huntington Beach, CA 92648
PROPERTY OWNER: Joe Daichendt, 300 Pacific Coast Highway, Suite 119, Huntington Beach, CA 92648
REQUEST: **CUP:** To permit private property outdoor display and sales for up to seventy-eight (78) days per year. **SP:** To permit 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.
LOCATION: 300 Pacific Coast Highway, Suite 104, 92648 (northeast corner of Pacific Coast Highway and Main Street)
CITY CONTACT: Ethan Edwards

Ethan Edwards, Associate Planner, displayed project plans and photographs 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.

THE PUBLIC HEARING WAS OPENED.

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

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Mr. Ramos stated that, based on the information provided, he would approve the request as recommended by staff.

CONDITIONAL USE PERMIT NO. 14-019/ SPECIAL PERMIT NO. 14-002 WERE APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING MODIFIED FINDINGS AND MODIFIED 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. 14-019:

1. Conditional Use Permit No. 14-019 to permit private property outdoor display and sales for up to sixty-four (64) days per year 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. Proposed sales events will occur within the plaza area adjacent to the applicant's storefront and will be sited to prevent interference with use of the surrounding area. As conditioned, the maximum number of outdoor display and sales is sixty-four (64) days in lieu of the requested seventy-eight (78) days per year to accommodate a single display tent to market the annual U.S. Open of Surfing. Additionally, 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 outdoor sales and display 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.
3. The proposed conditional use permit 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. As conditioned, the maximum number of outdoor display and sales is sixty-four (64) days in lieu of the requested seventy-eight (78) days per year to accommodate a single display tent to market the annual U.S. Open of Surfing event. 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; and a special permit to allow outdoor display areas and sales within the plaza area in lieu of a maximum depth of 15 ft. perpendicular to the storefront, and lighted canopies/merchandise in lieu of unlit canopies/merchandise. The outdoor sales on private sidewalks would 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 will not adversely affect the General Plan. It is consistent with the Land Use Element designation M->30-sp-pd (Mixed Use - >30 du/ac – Specific Plan Overlay – Pedestrian Overlay) on the subject property. In addition, it is consistent with the following goals, policies, and objective of the General Plan:

A. Land Use Element

Objective LU 15.2: Promote the establishment of commercial and mixed-use districts characterized by high levels of pedestrian activity.

Policy LU 15.2.2: 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.

B. Economic Development Element

Goal ED 2: Aggressively retain and enhance the existing commercial, industrial, and visitor serving uses while attracting new uses to Huntington Beach.

C. Circulation Element

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

Policy C 3.4.1: Enhance the Municipal Pier and surrounding areas to function as the “hubs” of tourist and community activity.

The business is located at the primary entry node into the downtown area and within close proximity of the Municipal Pier, where the public sidewalks are heavily traveled by pedestrians. 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.

FINDINGS OF APPROVAL – SPECIAL PERMIT NO. 14-002:

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. 14-019 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
- 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 5 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. 14-019 will comply with State and Federal Law.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 14-019 SPECIAL PERMIT NO. 14-002:

1. The two site plans received and dated August 7, 2014 shall be the conceptually approved designs. The single tent site plan shall be utilized during the US Open of Surfing event each year.
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 and Building Department, Planning Division for review and approval.
3. The use shall comply with the following:
 - a. Five (5) years maximum including 2014.
 - 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 outdoor sales even operating in violation of the conditions of approval of the Conditional Use Permit.
 - v. Lighting shall be limited to one row of canopies.
4. 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.
 5. CUP No. 14-019 and SP No.14-002 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 Planning and Building Department a minimum 30 days prior to the expiration date.

6. 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 1:51 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, OCTOBER 1, 2014, AT 1:30 P. M.

Ricky Ramos
Zoning Administrator

RR:EE:jd