

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

**TO:** Zoning Administrator  
**FROM:** Tess Nguyen, Associate Planner  
**DATE:** March 16, 2011

**SUBJECT: COASTAL DEVELOPMENT PERMIT NO. 10-020/ TEMPORARY USE PERMIT NO. 10-007 (PETER'S LANDING FARMER'S MARKET)**

**LOCATION:** 16400 Pacific Coast Highway, 92649 (Pacific Coast Highway, between Anderson Street and Admiralty Drive)

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**Applicant:** Lee Ostendorf, Farmer's Market Operator, 5390 E. 8<sup>th</sup> Street, Long Beach, CA 90804

**Property Owner:** Raymond Lin, 6400 E. Pacific Coast Highway, Long Beach, CA 90803

**Request:** To establish an outdoor farmer's market every Saturday between the hours of 8:00AM and 3:00PM within the parking lot area of the Peter's Landing shopping center for a period of five years (2011-2015).

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

**Zone:** CV - CZ (Commercial Visitor – Coastal Zone)

**General Plan:** CV – F2 - d (Commercial Visitor – Max. 0.50 Floor Area Ratio. – Design Overlay)

**Existing Use:** Parking Lot

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**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 minor temporary use of land having negligible or no permanent effects on the environment is exempt from further environmental review.

**SUGGESTED FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 10-020:**

1. Coastal Development Permit No. 10-020 to permit the establishment of an outdoor farmer's market every Saturday between the hours of 8:00 AM and 3:00 PM within the parking lot of Peter's Landing shopping center for a period of five years (2011-2015) conforms with the General Plan, including the Local Coastal Program. The project is consistent with the following Coastal Element Land Use policies and objective:

Policy C 1.1.6: Temporary and seasonal activities within the coastal zone which do not qualify as exempt activities pursuant to the Coastal Commission's guidelines adopted by the Commission pursuant to Section 30610(i) of the Coastal Act shall be monitored and regulated through the coastal development permit process to protect coastal resources from adverse impacts associated with the seasonal or temporary activities.

Objective C 3.2: Ensure that new development and uses provide a variety of recreational facilities for a range of income groups, including low cost facilities and activities.

Policy C 3.2.1: Encourage, where feasible, facilities, programs and services that increase and enhance public recreational opportunities in the Coastal Zone.

The proposed farmer's market will attract tourists and Huntington Beach residents to the shopping center by providing recreational activities for the community. The farmer's market will improve the quality of life and enhance amenities for surrounding residents and visitors by providing a certified farmer's market and family-oriented activities that support local farmers and allow residents and visitors access to organic vegetables, fruits, and fresh food. The temporary activity will be monitored by the Orange County Health Care Agency's Department of Environmental Health and regulated by the Police and Fire Departments for access, circulation and public protection.

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 Huntington Beach Zoning and Subdivision Ordinance (HBZSO) and Municipal Code. The farmer's market will be located within the parking lot area of the Peter's Landing shopping center and will not involve the construction of permanent structures. Portable canopies will be set up for the event during the hours of operation and will be taken down at the end of the event. Vehicles and saw-horse barricades will be used at the two entry points of the market to protect pedestrians and exhibitors within the boundaries of the market. Adequate pedestrian access will be provided during market operations and will maintain minimum aisle widths for purposes of emergency access. Adequate parking will be maintained in the remainder of the shopping center during the market's operating hours. The site will be able to accommodate the operation of the farmer's market because office uses will be closed during the weekend hours, thereby providing additional onsite parking opportunities.
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. All infrastructure exists for the proposed market that is consistent with the Huntington Beach Coastal Element and Coastal Land Use Plan of the General Plan.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. All public access will remain to the beach and harbor area.

**SUGGESTED FINDINGS FOR APPROVAL - TEMPORARY USE PERMIT NO. 10-007:**

1. The proposed temporary use will be located, operated and maintained in a manner consistent with the policies of the General Plan and the provisions of Chapter 241. The temporary use permit will be compatible with the surrounding uses because the event is temporary in nature and is consistent with the character of the area. The temporary use permit will be consistent with following General Plan Objective and Policies:

A. Land Use Element

Objective – LU 7.1: Accommodate the development of a balance of land uses that provides the housing, commercial, employment, educational, cultural, and entertainment, and recreation needs of existing and future residents.

Policy – LU 13.1.1: Allow for the continuation of existing public and private, institutional, cultural, educational, and health uses at their present locations and development of new uses in areas designated on the Land Use Plan map in accordance with Policy LU 7.1.1.

B. Recreation and Community Services Element

Policy – RCS 7.1.1: Design recreation facilities and programs that are functional, efficient, and affordable.

The temporary use permit will provide a balance of land uses by establishing a commercial/recreational/cultural use on a temporary basis within an existing commercial shopping center. The farmer's market will provide an affordable option for the purchase of groceries within close proximity to the area's local residents intended to be served by the project. Additionally the farmer's market intends to provide the community with nutritious and healthy eating options, in conjunction to fostering job growth and reinvesting market profits into the local community.

2. Approval of the application to permit the establishment of an outdoor farmer's market within the parking lot area of the Peter's Landing shopping center every Saturday for a period of five years will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare. The market will be located more than 240 feet from the nearest sensitive land uses (i.e. residential). The market will be within walking distance to the surrounding residential neighborhood it serves. The temporary nature of the market will not alter the subject site. No health impacts are anticipated because proper permits are required from the Orange County Health Care Agency's Department of Environmental Health prior to the market's commencement.

**SUGGESTED CONDITIONS OF APPROVAL – COASTAL DEVELOPMENT PERMIT NO. 10-020/TEMPORARY USE PERMIT NO. 10-007:**

1. The site plans received and dated December 23, 2010, shall be the conceptually approved design.
2. Prior to commencement of the use, the Planning and Building Department shall receive documentation from the applicant verifying approval from the Orange County Health Care Agency's Department of Environmental Health.
3. The use shall comply with the following:

- a. Only the uses described in the submitted narrative received and dated December 23, 2010 shall be permitted.
  - b. The operation of the farmer's market shall be limited to every Saturday between the hours of 8:00AM and 3:00PM for a period of five years (2011-2015).
  - c. All trash, debris, and garbage, as well as special dumpsters, shall be removed from the site prior to the closing of each event.
  - d. The applicant shall ensure to clean the adjacent streets of any associated trash and debris after each event closure.
  - e. The set-up and take-down of vendor booths shall comply with the Huntington Beach Fire Department safety regulations for vendors at temporary events. **(FD)**
  - f. The applicant shall comply with Health and Safety Code 114259.2 regarding the prohibition of live animals at certified farmer's markets. Adequate signage shall be posted to prohibit live animals in the market. **(PD)**
  - g. Traffic control for the event shall be provided in accordance with all Police and Fire Department requirements for access, circulation, and protection of the public. Barricades shall be sufficient to keep a moving vehicle out of the venue. **(PD)**
4. In the event that there are any violations of the foregoing conditions of any violations of life and safety code, the market may be terminated by any Police Officer, Fire Inspector or authorized personnel of the Department of Planning and Building.
  5. The Director of Planning and Building ensures that all conditions of approval herein are complied with. The Director of Planning and Building shall be notified in writing of any changes to the event. 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 Huntington Beach Zoning and Subdivision Ordinance.
  6. The applicant and/or applicant's representative shall be responsible for ensuring that accuracy of all plans and information submitted to the City for review and approval.
  7. Coastal Development Permit No. 10-020/Temporary Use Permit No. 10-007 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning and Building Department a minimum 30 days prior to the expiration date.
  8. 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.