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

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

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Lindsay Ortega, Joanna Cortez, Judy Graham

MINUTES: NONE

ORAL COMMUNICATION: NONE

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

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

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

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

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

CITY CONTACT: Lindsay Ortega

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

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

THE PUBLIC HEARING WAS OPENED.

Kevin Hayes, applicant, stated that he had no comments or concerns with the staff's recommendations.
Joyce Kopenski, resident, expressed her concerns with the proposed project. She cited her concerns with the loss of exclusive parking for the boat owners who utilize the marina.

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

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

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

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

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

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because the project consists of negligible or no expansion of an existing structure.

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

1. Conditional Use Permit No. 18-008 for the establishment of a shared parking program for an existing 98,823 sq. ft. shopping center (Peter's Landing), which includes a reduction in the number of code required parking spaces for the mixed-use project (retail, office, restaurant, marina, and religious assembly) for existing and future commercial uses will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood because the parking demand of the existing and proposed uses was analyzed by Linscott, Law & Greenspan through a Parking Demand Analysis, dated July 19, 2018 and determined that due in part to divergent hours of operation, as well as peak demand time, the future and existing uses would require a maximum of 651 parking spaces and 693 spaces exist on site. Additionally, based on the parking demand analysis the anticipated mix of visitor serving commercial uses of retail, restaurant, outdoor dining, religious assembly, marina, beach parking, and complementary second floor office uses, has a peak weekday demand of 635 parking spaces at 1:00 p.m. The anticipated mix of uses has a weekend demand of 651 parking spaces at 1:00 p.m.

These conclusions were based on a shared parking calculation methodology that utilizes peak parking ratios developed by the Urban Land Institute (ULI), and accounts for a combination of retail, office, restaurant, outdoor dining, marina, and religious assembly uses on-site. Based upon the conditions imposed, the shared parking program will be evaluated with each tenancy to ensure the continued sufficient availability of parking to accommodate all uses on site.
2. Conditional Use Permit No. 18-008 for the establishment of a shared parking program for an existing 98,823 sq. ft. shopping center (Peter's Landing), which includes a reduction in the number of code required parking spaces for the mixed-use project (retail, office, restaurant, marina, and religious assembly) for existing and future commercial uses will be compatible with the surrounding uses because the property is adjacent to visitor serving commercial and residential uses and will continue to provide the necessary parking to meet demand for all the uses on-site. The parking demand analysis analyzed the existing and proposed uses, as well as the anticipated parking demand for each use in order to determine the number of parking spaces needed to meet demand. Based on the study's conclusions, it is determined that the parking required for the mix of proposed and existing uses can be accommodated on-site will minimal impact to the surrounding uses.

3. The proposed conditional use permit for the establishment of a shared parking program for an existing 98,823 sq. ft. shopping center (Peter's Landing), which includes a reduction in the number of parking spaces required for the mixed-use project (retail, office, restaurant, marina, and religious assembly) for existing and future commercial uses will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision with the exception of the request for reduced parking. As a result, a parking demand analysis was conducted by Linscott, Law & Greenspan, dated July 19, 2018, which determined that the peak shared parking demand for the existing and futures uses will require 651 parking spaces and 693 spaces are provided on-site, a surplus of 42 parking spaces. The project is located in the CV zone (Commercial Visitor District) and requests for reduced parking via a shared parking program are subject to approval of a conditional use permit.

4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of CV (Commercial Visitor) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

   A. Land Use Element
      
      **Goal LU-11:** Commercial land uses provide goods and services to meet regional and local needs.

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

      **Policy LU-11 B:** Encourage new businesses to locate on existing vacant or underutilized commercial properties where these properties have good locations and accessibility.

      **Goal LU-12:** Commercial and industrial corridors throughout the planning area are renovated and revitalized.

      **Policy LU-12 A:** Encourage renovation and revitalization of deteriorating and struggling nonresidential areas and corridors, particularly commercial locations.

The granting of Conditional Use Permit No. 18-008 for the establishment of a shared parking program for an existing 98,823 sq. ft. shopping center (Peter's Landing), which includes a reduction in the number of parking spaces required for the mixed-use project (retail, office,
2. The project is consistent with the requirements of the CZ Overlay District. The base zoning will result in an overall enhancement to the area and access to the coastal zone.

The granting of Coastal Development Permit No. 18-032 to the establishment of a shared restaurant, offices, and retail on a parcel located in the coastal zone illustrating, but not limited to, shops, restaurants, and market preferences.

C.3.3: Provide a variety of recreational and visitor-serving commercial uses for a range of cost and market preferences.

C.3.2: Encourage the provision of a variety of visitor-serving commercial uses

C.2.4: Maintain an adequate supply of parking that supports the present level of demand allows for the expected increase in private transportation use.

C.2.1: Maintain an adequate supply of parking with the demand for parking.

C.1.4: Where feasible, locate visitor-serving commercial uses in existing developed areas at selected points of attention for visitors.

Element:

Element consistent with the following goals, policies and objectives of the General Plan and Coastal Plan Commercial Zone, including the General Plan Land Use Element, which is designed to encourage commercial development by the General Plan including the General Plan, the Commercial Shopping Center (retail, office, restaurant, retail, lodging, and religious assembly), and existing 98% of the retail centers (within 750 feet of a parking lot) which include retail/restaurant/retail uses and the number of parking spaces required for the existing and future commercial uses at the existing 98% of the retail centers (within 750 feet of a parking lot) which include retail/restaurant/retail uses.

1. Coastal Development Permit No. 18-032 to establish a shared parking program for an existing 98% of the retail centers (within 750 feet of a parking lot) which include retail/restaurant/retail uses.
Permits shall not be issued until the Development Services Department has reviewed
proposed revisions shall be called out on the plan set submitted for building permits.
Revised plans shall be submitted with a review of the Development Services Department.

4. Any proposed

The Development Services Department and divisions (building & safety, fire, planning

expiration date.

written request submitted to the Planning Division a minimum of 30 days prior to the

of final approval of such extension of time as may be granted by the Director pursuant to a

review through an administrative permit process.

CUP No. 18-008 shall become null and void unless executed within two years of the date

of any new certificate of occupancy applications, in updated parking

be the conditionally approved shared parking program and shall replace all previously

be open to submission of any new application for certificate of occupancy

The site plan and parking demand analysis by LGG, received and dated July 19, 2018 shall

CONSTRUCTION USE PERMIT NO. 18-008:

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 18-032

Parking at adjacent properties will occur.

Parking at adjacent properties are provided on-site so no impacts to

spaces near the existing and 93 parking spaces will also be included in the plan.

4. The development conforms with the public access and public recreation policies of Chapter

3. At the time of occupancy, the proposed development can be provided with infrastructure in a

commercial establishments at the shopping center.

commercial shopping center and retail services and infrastructure

required that is consistent with the Coastal Ordinance. Adjacent public access to coastal

of the Coastal Ordinance. Adjacent public access to coastal

the Coastal Ordinance. Adjacent public access to coastal

available, including water, sewer, and roads

shopping center in an unbuilt area with all necessary services and infrastructure
Joanna Cotone
126 Main Street, Suite 92648 (southwest corner of Main St and Westmont)

Applicable
Section 50371.1, Class 11, California Environmental Quality Act.
This request is covered by categorical exemption.

Date of Application

To permit private property outdoor display and sales, for up to 64 days per year for a period of five years from 2019-2023.

Cost: $1,048 (2019-2023)

ITEM 3: CONDITIONAL USE PERMIT NO. 18-0204 (HSS MAIN STREET OUTDOOR SALES)

According to the different locations,
Joanna Cotone, Associate Planner, denied that she would do the presentation for Items 2 and 3.

Joanna Cotone
300 Pacific Coast Highway, 92648 (northeast corner of PCH and Main St)

 environmental
Section 15371.1, Class 11, California Environmental Quality Act.
This request is covered by categorical exemption.

CUP: To permit private property outdoor display and sales, for up to 64 days per year for a period of five years from 2019-2023.

Cost: $1,048 (2019-2023)

ITEM 2: CONDITIONAL USE PERMIT NO. 18-0203/SPECIAL PERMIT 18-001 (HSS PC)

The City of Simi Valley notified the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

The City's small project may be required pursuant to the provisions of HBSO Section 2418. The City's small project is not subject to the normal provisions of the City's Administrative Procedure Act. The City's small project is subject to the procedures of the City's Administrative Procedure Act. The City's small project is subject to the procedures of the City's Administrative Procedure Act.

The owner of the property is the subject of this project and the project applicant is.

INDEMNIFICATION AND HOLD HARMLESS CONDITION.

The owner of the property which is the subject of this project and the project applicant is.
The proposed conditional use permit to permit private property outdoor display and sales for a family-friendly, indoor/outdoor shopping destination.

2. The conditional use permit to permit private property outdoor display and sales for a residential and other visitor-serving uses. Outdoor display and sales will complement a retail area that consists of a mix of land uses such as commercial, retail, entertainment, office, and mixed-use. The project area will be located within a density of 90 feet per year or a period of five years will be compatible with the environmental setting.

3. The proposal for the management of the project will be consistent with the environmental setting. The project will be consistent with the environmental setting. The project will be consistent with the environmental setting. The project will be consistent with the environmental setting. The project will be consistent with the environmental setting. The project will be consistent with the environmental setting.

FININGS FOR APPROVAL - CONSEQUENTIAL USE PERMIT NO. 18-023:

FININGS FOR PROJECTS EXEMPT FROM CEQA:

(10) CALENDAR DAYS.

THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN ADMINISTRATOR STAFF IS NOT TO SPEAK AGAINST THE REQUEST AND RECOMMENDATIONS.

THE PUBLIC HEARING WAS CLOSED.

THE PUBLIC HEARING WAS OPENED.

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

There was no one else present to speak for or against the request.

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

Joanne Cotes, Associate Planner, displayed project plans and stated the purpose, location, and the potential benefits of the project. She also provided an overview of the project's proposed development and the impacts on the surrounding area.

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FININGS FOR PROJECTS EXEMPT FROM CEQA:

(10) CALENDAR DAYS.

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provided.
the area, and a greater aesthetic benefit from the project is provided than if no light was
provided. The area presents additional visual interest is attractive to the pedestrians' view of
depth of 15 ft. were met. Additionally, the proposal to include light within one row of
peDESTrian traffic and greenery benefits from the project are provided than if the maximum
height of a larger display and sales area to activate and provide a lively and stimulating
environment because the structure is designed to a large plaza area. This area lends

This Special Permit results in a greater benefit from the project and will promote a better
placement and merchandise in lieu of until canopies/merchandise.

(b) Lighted canopies/merchandise in lieu of until canopies/merchandise.

15 ft. perpendicular to the structure.

(a) Outdoor display areas and sales within the plaza area in lieu of a maximum depth of

The granting of a Special Permit pursuant to Section 2.6 of the Downtown Specific Plan in

of Special Permit, No. 18-001:

FINDINGS OF APPROVAL - SPECIAL PERMIT, No. 18-001:

Policy LU 8.01C: Maximize the economic development services provided by the City to

Purpose: To create an environment that meets resident needs and increase the capture of

Policy LU 11A: Encourage a variety of commercial uses that cater to local and regional

Purpose: To create an environment that meets resident needs and increase the capture of

Policy LU 9.02: Land Use Element.

It is consistent with the following goals and policies of the General Plan.

mixed use – specific plan – 30-05 daylighting

in the subject property. In addition,

Consistent with LAUSD Elements Plan.

The approval of this permit is consistent with the workstation designation of M-SP 30-05 (LAUSD).

The area, and a greater aesthetic benefit from the project is provided than if no light was

which in turn helps to sustain the

Outdoor display and sales allow the business to promote visitor-serving seasonal retail

circulation and visibility. The proposed sales area will be sized to maintain adequate clearance for pedestrians.

existing and prospective businesses and industries.

Sales taxes increase.

Policy LU 11D: Land Use Element.

It is consistent with the following goals and policies of the General Plan.

Residential and visitor goals.

distinctive location by providing an economically viable, pedestrian-oriented development for

the project's perimeter and improve the project's visibility by providing a buffer zone around the

Southwest 20-25 of the Huntington Beach Zoning and
CONCEPTUAL DESIGN OF APPROVAL - CONDITIONAL USE PERMIT NO. 18-001

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

2. The use shall comply with the following:

   a. Five (5) years maximum (2019-2023)
   b. Fifty-four (54) days maximum per calendar year.
   c. Ten (10) consecutive days maximum.

3. The outdoor sales area shall be entirely contained to private property. Any outdoor enlargement into the public right-of-way is prohibited.

4. The sales area shall be bounded off along the property line with a minimum 36" high

   a. gate post and rail.
   b. corner, corner, corner, corner.

5. The outdoor sales area shall be entirely contained to private property. Any

   a. Outdoor sales, except for outdoor sales of garage sale, yard sale, and yard sale.
   b. outdoor sales, except for outdoor sales of garage sale, yard sale, and yard sale.

6. The granting of a special permit is consistent with the policies of the Coastal Element of the

   a. General Plan and the California Coastal Act. The project is consistent with applicable
   b. Project is consistent with applicable
   c. Project is consistent with applicable

7. Permits No. 18-023 will comply with state and federal law.

   a. Permits No. 18-023 will comply with state and federal law.
   b. Permits No. 18-023 will comply with state and federal law.
   c. Permits No. 18-023 will comply with state and federal law.

8. Outdoor sales have been approved at this location in an orderly fashion for over 10 years.

   a. Outdoor sales have been approved at this location in an orderly fashion for over 10 years.
   b. Outdoor sales have been approved at this location in an orderly fashion for over 10 years.
   c. Outdoor sales have been approved at this location in an orderly fashion for over 10 years.

9. Outdoor areas have been designated as part of the outdoor area, and visitor to the downtown area.

   a. Outdoor areas have been designated as part of the outdoor area, and visitor to the downtown area.
   b. Outdoor areas have been designated as part of the outdoor area, and visitor to the downtown area.
   c. Outdoor areas have been designated as part of the outdoor area, and visitor to the downtown area.


    c. Outdoor sales within the Plaza Area Promote visitor-serving, Economic Social and Environment.

11. The granting of a Special Permit will be consistent with objectives of the Downtown Specific

    a. The granting of a Special Permit will be consistent with objectives of the Downtown Specific
    b. The granting of a Special Permit will be consistent with objectives of the Downtown Specific
    c. The granting of a Special Permit will be consistent with objectives of the Downtown Specific
The Conditional Use Permit:

Temporary outdoor sales event permits for violation of the conditions of approval of the conditional use permit.

After initial warnings, Code Enforcement shall notify immediate cessation of any unprofessional appearance.

All signage shall be uniform per business in design, color(s), placement, etc. and concealed from view.

In addition:

No signage shall be strung and all boxes and storage containers shall be installed.

Uniforms shall be color coordinated:

- All display tables shall be skidproof outside of the designated display area on the public area.

- All outdoor displays, associated furnishings, and accessories, including but not limited to display tables, display chairs, canvas, and employees.

- All display tables shall be color coordinated with outdoor sales events.

- All displays associated with outdoor sales events shall be maintained in an orderly, neat, and artistically pleasing condition, and present a family-friendly atmosphere.

- All displays associated with outdoor sales events shall be maintained in an orderly, neat, and artistically pleasing condition, and present a family-friendly atmosphere.

- The public right-of-way shall be periodically free of vending or other merchandise while in use.

- Sales or transactions within the public right-of-way shall be prohibited.

- The cash register at any time.

- Where outdoor sales transactions are permitted, the store manager shall be

- Furniture pieces shall weigh less than 50 pounds each.

- All overhead obstructions shall be a minimum of 80 inches above the walking surface.

- All overhead obstructions shall be maintained clear of obstructions.

- Building and Safety Department shall maintain clear and free of obstructions.

- All required exits and access ways to the tenant space as determined by the

- All required exits and access ways to the tenant space as determined by the

- An emergency.

- A four-foot-wide clear area shall be maintained along the public sidewalk adjacent to outdoor display areas.

- A four-foot-wide clear area shall be maintained along the public sidewalk adjacent to outdoor display areas.
1. Conditional Use Permit No. 18-024.

2. The Zoning Administrator finds that the project will not have any significant effect on the environment.

3. Conditional Use Permit No. 18-024.

4. Appeals to the Planning Commission within ten (10) calendar days.

5. Conditional Use Permit No. 18-024 was approved by the Zoning Administrator.

6. For Projects Exempt From CEQA:

7. Indemnification and Hold Harmless Condition:

8. Pursuant to a written request submitted to the Planning and Building Department a minimum of sixty days prior to the expiration date.
Circulation and visibility.
The proposed sales area will be sized to maintain adequate clearance for pedestrian
economic viability and provide pedestrian activity within the downtown shopping district.
outdoor display and sales allows the business to promote visitor-serving seasonal retail
existing and prospective businesses and industries.

Policy LU 11.4. Maximize the economic development services provided by the City to

sales tax revenues.

Policy LU 11.4. Encourage a variety of commercial uses that cater to local and regional
demand to create an environment that meets residents needs and increase the capture of

4. Land use Element
A. General Plan

consistent with the following goals and policies of the General Plan:

mixed use – special plan - 30-60 d/ha (on the subject property, in addition, it is
General Plan, it is consistent with the Land Use Element designation of M-SP-30-60 d/ha)
appropriate use for 90 days per year for a period of five years will not adversely affect the

4. The granting of the conditional use permit to allow private property outdoor display and
residents and visitors alike.

disland like location by providing an economically viable, pedestrian-oriented destination for
promotes a unique and identifiable downtown feature that caters to the interests of
modification to existing development. The proposed project is consistent with the intent of
the downtown sidewalks will not include any additional development or
allow private property outdoor display and sales for up to 64 days per year for a period of five years will comply with the provisions of the base
and other vision-seeking uses. Outdoor display and sales for up to 64
days per year for a period of five years will be compatible with the surrounding uses because

3. The proposed conditional use permit to allow private property outdoor display and sales for up to 64

2. The conditional use permit to allow private property outdoor display and sales for up to 64

family-friendly, indoor/outdoor shopping destination.

The proposed project provides a dynamic downtown
improvements in the neighborhood because the proposed sales events will occur adjacent

emergency access will be maintained, and to ensure the operation and design is

orderly and aesthetically pleasing fostering a family-friendly atmosphere.
CONCEALED FROM VIEW.

9. All displays, signs, signs, and storage containers shall be

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MEETING ON WEDNESDAY, SEPTEMBER 19, 2018, AT 7:00 P.M. TO THE NEXT REGULARLY SCHEDULED IHER.

thereof:
notify the applicant of any claim, action or proceeding and should cooperate fully in the defense
Planning Commission of Design Review Board concerning this project. The City shall promptly
may appeal of the City, including but not limited to any approval granted by the City Council,
city's agents, officers or employees, to attack, set aside, void or annul the decision of the
employees from any claim, action or proceeding. Including attorneys' fees and
Defendants' indemnity and hold harmless the City of Huntington Beach and its agents, officers,
the Owner of the property which is the subject of this project and the project applicant.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

To the provisions of HB350, Section 24.1.8.

the provisions of HB350 Section 24.1.8.

which shall be reviewed by the Zoning Administrator. If the project of the Zoning Administrator may be required pursuant
amendment
Pending permits shall not be issued until the Development Services Departmen's have reviewed
sufficient information or other relevant factors. Any proposed

in accordance with the plan so submitted for building permits.

proposed changes shall be called out on the plan sheets submitted for building permits.

5. The development Services Department's and divisions (Building & Safety, Fire, Planning
requirements for reviewing and approval of applications for building permits.

prior to the expiration date.

4. CUP No. 18-024 shall be null and void unless exercised within two years of the date

3. Outdoor sales even shall be coordinated per calendar year to coincide with outdoor

the conditions of approval of temporary outdoor sales event operating in violation of the conditions of approval of

All signs shall be uniform in size, shape, color, etc., and

proposed in appearance.

the initial warning. Code Enforcement shall make any immediate cessation of any