

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

TO: Zoning Administrator
FROM: Jill Arabe, Associate Planner
DATE: April 16, 2014

SUBJECT: CONDITIONAL USE PERMIT NO. 14-005 (PEDEGO BIKE VALET AND OUTDOOR DISPLAY)

LOCATION: 301 5th St., 92648 (northwest corner of 5th St. and Olive Ave.)

**Applicant/
Business**

Owner: Tom Bock, Pedego HB, LLC, 301 5th Street, Huntington Beach, CA 92648;
Luis Gomez, City of Huntington Beach - Office of Business Development,
2000 Main Street, Huntington Beach, CA 92648

Property

Owner: Andrew Stupin, 215 5th Street, Suite A, Huntington Beach, CA 92648

Request: To permit the establishment and operation of bicycle valet service and the outdoor display of electric bicycles for rent and sale

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

Zone: SP5-CZ (Downtown Specific Plan))

General Plan: M->30-d-sp-pd (Mixed Use - >30 du/acre – Design Overlay – Specific Plan Overlay – Pedestrian Overlay)

Existing Use: Retail

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 15301 of the CEQA Guidelines, because the project involves negligible expansion of the existing retail use.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 14-005:

1. Conditional Use Permit No. 14-005 for the establishment and operation of bicycle valet service and the outdoor display of electric bicycles for sale and rent 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 outdoor uses in conjunction with the business encourage bicycle usage as an alternate mode of transportation to vehicles. The bicycle valet service offers visitors the opportunity to safely park their bicycles at no charge while they patronize the downtown area. The service will help alleviate the high demand for bicycle parking in the downtown. In addition, sufficient area is provided onsite to adequately operate the bicycle valet service and outdoor display. The outdoor display of electric bicycles will enhance the public realm by providing a visitor serving experience for customers. Visitors may rent the electric bicycles or test them before purchasing. The project is not anticipated to generate significant impacts related to noise, traffic, or safety within the surrounding areas.
2. The conditional use permit will be compatible with surrounding uses because the project is ancillary to an existing retail use and reduces the need for automobile use in the downtown area. The proposed use encourages bicycle activity by providing convenient bicycle parking and the sale and rental of electric bicycles. The bicycle valet service is implemented to help balance the increased demand for bicycle parking with additional supply.
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. The bicycle valet service and outdoor bicycle display are subject to approval of a conditional use permit. The uses are consistent with District No. 1 of the Downtown Specific Plan (SP5) because they are visitor serving and promote bicycle use as an alternate mode of transportation.
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-d-sp-pd (Mixed Use 30 du/acre – Design Overlay – Specific Plan Overlay – Pedestrian Overlay) on the subject property. In addition, it is consistent with the following goal and policies of the General Plan:
 - A. Land Use Element

Goal LU 11: Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

Policy LU 15.2.2: Require that structures located in the pedestrian overlay zone be sited and designed to enhance pedestrian activity along the sidewalks.
 - B. Circulation Element

Policy CE 6.4: Explore the possibility of increasing bicycle parking in or near downtown.

The proposed use encourages alternative transportation by providing greater bicycle opportunities for downtown patrons. It supplies bicycle parking for visitors and residents as well as promotes electric bicycles for rent and sale. In addition, the bicycle valet service is intended to balance the supply of bicycle parking with the demand for bicycle parking in the

downtown area. Sufficient area is provided onsite to adequately operate the bicycle valet service and outdoor display without impacting pedestrian or vehicular access.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 14-005:

1. The site plan received and dated Feb. 11, 2014, shall be the conceptually approved design.
2. The use shall comply with the following:
 - a. The uses as described in the narrative received and dated February 11, 2014, shall be permitted.
 - b. A-frame signs shall not be permitted. **(HBZSO Section 233.10)**
 - c. Hours of operation: Daily between the hours of 9:00 AM and 6:00 PM, Tuesdays between the hours of 9:00 AM and 9:00 PM
 - d. Required vehicular drive aisles and vehicle parking spaces shall be maintained for access and clear of obstructions, trash, and debris.
 - e. The outdoor display area and bicycle parking areas shall be maintained clear of trash and debris.
 - f. Outdoor temporary structures including canopy, table, chairs, and electric bicycles shall be removed after the closing of each day.
 - g. Unclaimed bicycles at the closing of each day shall be stored indoors.
3. CUP No. 14-005 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning Division a minimum 30 days prior to the expiration date.
4. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
5. The Development Services Departments and divisions (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning and Building may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul

any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.