



City of Huntington Beach Planning and Building Department  
**STAFF REPORT**

**TO:** Planning Commission  
**FROM:** Scott Hess, AICP, Director of Planning and Building  
**BY:** Ethan Edwards, AICP, Associate Planner *SE*  
**DATE:** November 26, 2013

**SUBJECT:** TEMPORARY USE PERMIT NO. 13-002/ SPECIAL PERMIT NO. 13-002 - APPEAL  
(HSS P.C.H. OUTDOOR SALES)

**APPELLANT:** Planning Commission Chair Mark Bixby

**APPLICANT:** Aaron Pai, 300 Pacific Coast Highway, #109, Huntington Beach, CA 92648

**PROPERTY**

**OWNER:** Joe Daichendt, 300 Pacific Coast Highway, Suite 119, Huntington Beach, CA 92648

**LOCATION:** 300 Pacific Coast Highway, Suite 104, 92648 (northeast corner of Pacific Coast Highway and Main Street)

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**STATEMENT OF ISSUE:**

- ◆ Temporary Use Permit No. 13-002 request:
  - To permit private property outdoor display and sales for up to fifty (50) days per year for a period of five (5) years from 2014 to 2018.
- ◆ Special Permit No. 13-002 request:
  - 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.
- ◆ Staff's Recommendation:

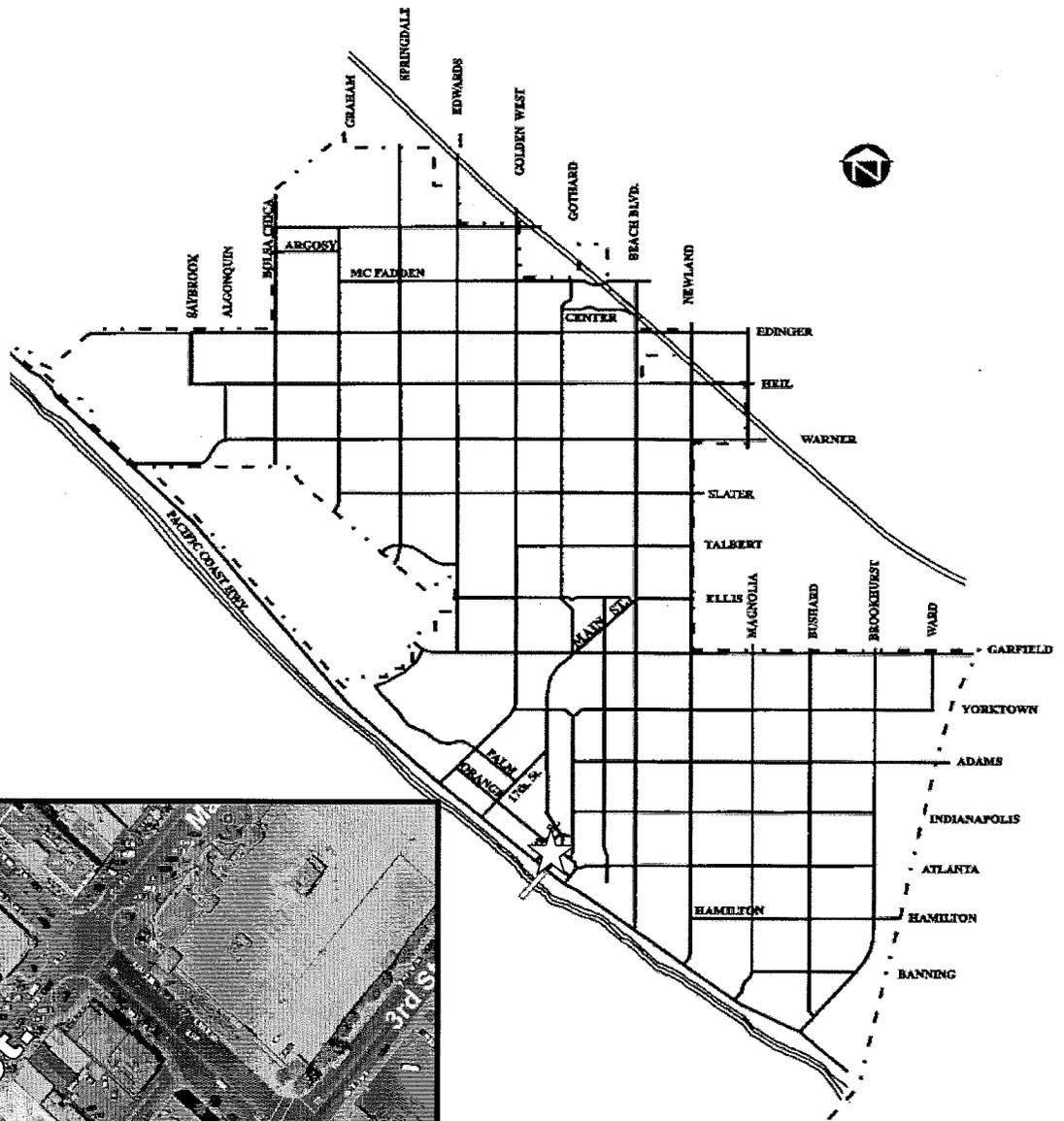
Approve Temporary Use Permit No. 13-002 and Special Permit No. 13-002 based upon the following:

  - Compliance with the General Plan designation of Mixed Use.
  - Consistency with the purpose and permitted uses of the Downtown Specific Plan to be an active, vital, and interesting pedestrian way, intersecting with and complementing the visitor-serving commercial area.
  - Enhancement of the pedestrian environment through creative and appropriate use of outdoor display and sales.

**RECOMMENDATION:**

Motion to:

“Approve Temporary Use Permit No. 13-002 and Special Permit No. 13-002 with suggested findings and conditions of approval (Attachment No. 1).”



**VICINITY MAP**  
**TEMPORARY USE PERMIT NO. 13-002/ SPECIAL PERMIT NO. 13-002**  
**(HSS PCH OUTDOOR SALES APPEAL)**

**ALTERNATIVE ACTION(S):**

The Planning Commission may take alternative actions such as:

- A. “Deny Temporary Use Permit No. 13-002 and Special Permit No. 13-002 with findings for denial.”
- B. “Continue Temporary Use Permit No. 13-002 and Special Permit No. 13-002 and direct staff accordingly.”

**PROJECT PROPOSAL:**

Temporary Use Permit No. 13-002 represents a request to permit outdoor sidewalk sales for up to fifty (50) days per year for a period of five (5) years from 2014 to 2018 pursuant to Section 2.5.8 Temporary Use Permit of the Downtown Specific Plan (DTSP).

Special Permit No. 13-002 represents a request for the following pursuant to Section 2.5.6 Special Permit of the DTSP:

- A. To permit outdoor display areas and sales within the plaza area in lieu of a maximum depth of 15 ft. perpendicular to the storefront pursuant to Section 3.2.25.9 of the DTSP.
- B. To permit lighted canopies/merchandise in lieu of unlit canopies/merchandise pursuant to Section 3.2.25.21 of the DTSP.

The project site is located on the north side of Pacific Coast Highway and west of Main Street known as the Pierside Pavilion shopping center. The proposed outdoor display and sales area is approximately 1,900 sq. ft. and located entirely on private property within the southwest plaza area, adjacent to Huntington Surf & Sport (HSS). The layout primarily consists of six rows of tables and garment racks (one row with canopies), which are centered in the plaza area and generally aligned parallel with PCH. The outdoor sales is staffed by approximately 6-9 employees and operates between the hours of 8:00 AM and 9:00 PM.

**Zoning Administrator Action:**

The Zoning Administrator held a public hearing and reviewed the project on October 16, 2013. Staff gave a brief presentation of the project and indicated that four (4) emails were received in opposition to the request for both HSS locations (PCH and Main St.) based on negative appearance, sales on public property, obstruction of pedestrian traffic and encouragement of other businesses to engage in outdoor sales to remain competitive. Additionally, two (2) members of the public spoke in opposition to the request. One speaker, the appellant, stated that there were two instances in the previous five-year approval in which the schedule submitted to the City was over the 50-days maximum per year by one to two days. The second speaker in opposition described the appearance as swap meet-like and was concerned about the visual aesthetics including visibility and overall enforcement of sidewalk sales. Additionally, three people spoke in support of the request. The applicant, a resident attendee of the sidewalk sales, and the City’s Office of Business Development (formerly Economic Development) described the positive contribution to the downtown, enjoyment of sidewalk sales, and overall success of the event. Staff responded by stating that the request is consistent with how the previous temporary use for HSS was

approved in 2008, and that the DTSP was revised in 2010 with the addition of requirements for outdoor display and sales that addressed many of the stated concerns. The ZA approved the request with a modification to comply with the maximum 15 ft. depth from storefront requirement. The requirement to eliminate lighting of merchandise as required by the DTSP development standards was noted in the Code Requirements letter. Subsequently, the applicant submitted Special Permit No. 13-002 requesting relief from these two code requirements.

**Appeal:**

This item represents an appeal filed on October 23, 2013, by Planning Commission Chair Mark Bixby (Attachment No. 4) of the Zoning Administrator’s approval of TUP No. 13-002. The appeal identifies six primary issues for Planning Commission consideration, including clarification of compliance with the Outdoor Display Areas and Sales and Public Open Space requirements of the DTSP. Staff’s analyses of the reasons for the appeal are summarized in the Analysis section of this report.

**ISSUES:**

**Subject Property And Surrounding Land Use, Zoning And General Plan Designations:**

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property	M->30-sp-pd (Mixed-Use –30 du/ac – specific plan overlay – pedestrian overlay)	DTSP (Downtown Specific Plan - District 1)	Retail/Office/Restaurants /Parking
North of Subject Property (across Walnut Avenue)	M->30-sp-pd	DTSP (District 1)	Retail/Restaurants/ Parking Structure
South of Subject Property (across Pacific Coast Hwy)	CV-d-sp (Commercial Visitor – design overlay – specific plan overlay)	DTSP (District 6)	Pier/Restaurants/Beach
West of Subject Property (across Main Street)	M->30-sp-pd	DTSP (District 1)	Retail/Office
East of Subject Property	M->30-sp-pd	DTSP (District 1)	Residential Condominiums

**General Plan Conformance:**

The General Plan Land Use Map designation on the subject property is M ->30 – sp – pd (Mixed Use ->30 du/ac – specific plan overlay – pedestrian overlay). The proposed project is consistent with this designation and the objective, policy, and goal of the City’s General Plan as follows:

*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.

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

The proposed use allows HSS to promote visitor-serving seasonal retail items on a temporary basis, 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.

**Zoning Compliance:**

The proposed project is located within District 1 of the Downtown Specific Plan (DTSP) and the request complies with the requirements of that designation except as noted in the Special Permit request. A zoning conformance matrix which compares the proposed project with the temporary outdoor sales standards of the DTSP is included as Attachment No. 8.

**Environmental Status:**

The proposed project is Categorically 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.

**Coastal Status:**

The proposed project is located within the non-appealable portion of the Coastal Zone. A Coastal Development Permit is not required for the establishment of a temporary use for outdoor display and sales.

**Design Review Board:** Not applicable.

**Subdivision Committee:** Not applicable.

**Other Departments Concerns and Requirements:**

The Departments of Planning and Building, Public Works, and Fire have reviewed the application and identified applicable code requirements which have been provided to the applicant and are attached for information purposes only (Attachment No. 8). Additionally, the applicant has reviewed the suggested conditions of approval and verbally expressed his understanding and willingness to comply with these conditions if approved.

**Public Notification:**

Legal notice was published in the Huntington Beach/Fountain Valley Independent on November 14, 2013, and notices were sent to property owners of record and tenants within a 500 ft. radius of the subject property, individuals/organizations requesting notification (Planning Division's Notification Matrix), applicant, and interested parties.

**Application Processing Dates:**

**DATE OF COMPLETE APPLICATION:**

September 24, 2013

**MANDATORY PROCESSING DATE(S):**

November 15, 2013

TUP No. 13-002 was filed on September 3, 2013, and deemed complete on September 24, 2013. The Zoning Administrator took action on October 16, 2013, in compliance with the mandatory processing deadlines. The appeal was filed on October 23, 2013, and scheduled for public hearing on November 26, 2013.

**ANALYSIS:**

The proposed project should be analyzed for compliance with the Downtown Specific Plan and consistency with regulations for Outdoor Display Areas and Sales. Staff evaluated the proposed temporary use and the following issues raised as part of the appeal:

1. *Whether the requested 50 sale days per year “enhances the public realm” and “contributes[s] in a positive way to the visual appearance of the community” (DTSP 3.2.25)*
  - Outdoor display areas, sales, and uses are encouraged within the DTSP provided that they enhance the pedestrian environment through the creative and appropriate use of outdoor spaces. The intent is to provide opportunities for businesses to display their products in a manner that “enhances the public realm” and creates an interesting, organized, and comfortable shopping and dining area. Creativity in the design of outdoor displays is encouraged and the quality, character, and design of all items placed outside should “contribute in a positive way to the visual appearance of the community.” HSS outdoor sales have been operating at this location in an orderly fashion as approved through a temporary use permit for over 5 years without code enforcement violations. The outdoor sales allow HSS to promote visitor-serving, seasonal retail items on a temporary basis, which in turn helps to sustain the economic viability and promote pedestrian activity within the Downtown shopping district.
2. *Whether the layouts of the outdoor sales areas comply with the requirement to not exceed 50% of the respective public open space areas (DTSP 3.3.1.15.8)*
  - The DTSP requires that a 50% maximum of the public open space area may be used for outdoor sales. In 1988, Coastal Development Permit No. 88-3/ Conditional Use Permit No. 88-7 was approved for the development of Pierside Pavilion. Approximately 7,512 sq. ft. was required for public open space and 20,351 sq. ft. was provided. The proposed outdoor sales area is approximately 1,900 sq. ft. and does not exceed 50% of the provided public open space areas.
3. *Whether outdoor sales usage of the public open space on the Fourth of July unduly impacts pedestrian flow and spectator use during the parade*
  - The outdoor sale area is entirely on private property. The public sidewalk remains open and available during the Fourth of July activities. Use of the public sidewalk and streets for the

Fourth of July parade is coordinated through the Specific Events Committee and Fourth of July Board, with representatives from the Departments of Building & Safety and Fire to ensure that safe and efficient pedestrian flow is maintained.

4. *Whether the sales days requested by the TUPs in question should be counted cumulatively with HSS outdoor sales activity during Surf City Nights for purposes of the 50 days per year maximum limit (DTSP 3.2.25.2)*
  - The Surf City Nights approval includes sidewalk sales for individual businesses. Therefore, if HSS participates in sidewalk sales on Tuesday nights, they are not counted towards the maximum 50-days per year limit established for temporary use permits for outdoor sales.
5. *Whether HSS canopies are allowed to exceed the 6ft height limit “for entire display” (DTSP 3.2.25.7)*
  - HSS canopies are not considered part of the display. The display consists of tables, garment racks and merchandise. As designed, one row of canopies provides visual interest without obstructing line-of-sight and minimum clearances.
6. *Whether HSS lighted canopies conflict with the requirements that “Merchandise shall not be lit and no electricity shall be utilized by an outdoor merchandise display” (DTSP 3.2.25.21)*
  - See discussion under Special Permit below.

### ***Special Permit***

The DTSP development standards for outdoor display and sales are designed to encourage an aesthetically pleasing appearance. Special Permits allow for minor deviations from development regulations when significantly greater benefits from the project can be provided than would occur if all the minimum requirements were met. A special permit has been requested by the applicant for the following:

- To permit outdoor display areas and sales within the plaza area in lieu of a maximum depth of 15 ft. perpendicular to the storefront.
- To permit lighted canopies/merchandise in lieu of unlit canopies/merchandise.

The DTSP requires that the outdoor display areas and sales are a maximum depth of 15 ft. perpendicular to the storefront. In this case, the private property adjacent to HSS’ storefront is the plaza, an approximately 1,900 sq. ft. area at the southwest corner of the property. At its greatest point, the plaza extends approximately 75 ft. from the HSS storefront. The plaza area is intended to promote a vibrant pedestrian area with open-air activity including temporary outdoor sales that is attractive to both tourists and local residents. HSS has been operating at this location via temporary use permit since 2008 and the current request proposes the same layout. Staff finds that the proposed sales area is unique in that the storefront is adjacent to a large plaza area and lends itself to a larger display and sales area to activate and provide a lively and stimulating pedestrian node, and that greater benefits from the project are provided than if the maximum depth of 15 ft. were met.

Additionally, the DTSP requires that merchandise shall not be lit and no electricity shall be utilized by an outdoor merchandise display. Since 2008, HSS has operated one row of canopies with under-canopy lamps that light the merchandise and provide a soft canopy glow. The intent of outdoor display and sales is to encourage aesthetically pleasing and creative displays. Staff finds that 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 that a greater benefit from the project is provided than if no lights were provided. To

ensure that the lighting is limited, staff recommends a condition of approval to limit the lighting to the one row of canopies, as proposed.

Staff supports the ZA's approval of HSS outdoor sales with additional suggested Condition of Approval No. 5.S. which states, "Lighting shall be limited to one row of canopies," and to remove the ZA's recommended modification to Condition of Approval No. 1 which states, "Revise the plans to be in conformance with Section 3.2.25 of the Downtown Specific Plan including, among others, limiting the sidewalk sales area to a 15 ft. maximum depth perpendicular to the storefront."

### ***Summary***

Staff recommends approval of the proposed project based on the suggested findings and suggested conditions of approval. The project furthers General Plan polices to enhance and stimulate pedestrian activity along the sidewalks, and intent of the Downtown Specific Plan which encourages Main Street as a lively, active commercial district with open-air establishments at the street level. The project creates an interesting, organized, and comfortable shopping area and will not present unsafe conditions for pedestrians or vehicular circulation.

### **ATTACHMENTS:**

1. Suggested Findings and Conditions of Approval – TUP No. 13-002/ SP No. 13-002
2. Site Plan dated November 17, 2013
3. Project Narrative received and dated November 7, 2013
4. Appeal Letter received and dated October 23, 2013
5. Temporary Use Permit No. 13-002 Notice of Action dated October 17, 2013
6. Departments of Planning & Building, and Fire Code Requirements (reference only)
7. Public Comments
8. Zoning Conformance Matrix

SH:JJ:EE:kd

**ATTACHMENT NO. 1**

**SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL**

**TEMPORARY USE PERMIT NO. 13-002/  
SPECIAL PERMIT NO. 13-002**

**SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Planning Commission 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.

**SUGGESTED FINDINGS FOR APPROVAL – TEMPORARY USE PERMIT NO. 13-002:**

1. The granting of the temporary use permit and special 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 objective, policy, and goal of the City’s General Plan as follows:

*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.

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

The proposed use allows HSS to promote visitor-serving seasonal retail items on a temporary basis, 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.

2. Approval of the application for the proposed temporary use and special permit will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare. 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. The temporary use permit and special permit 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.

## **SUGGESTED FINDINGS OF APPROVAL – SPECIAL PERMIT NO. 13-002:**

1. The granting of a Special Permit pursuant to Section 2.5.6 of the Downtown Specific Plan in conjunction with Temporary Use Permit No. 13-002 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 Temporary 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 Temporary Use Permit No. 13-002 will comply with State and Federal Law.

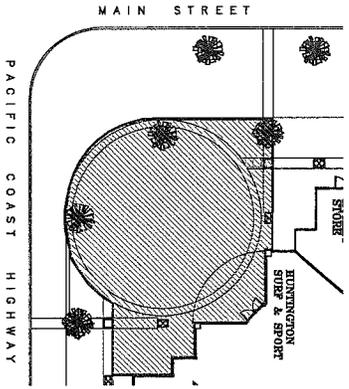
**SUGGESTED CONDITIONS OF APPROVAL – TEMPORARY USE PERMIT NO. 13-002/  
SPECIAL PERMIT NO. 13-002:**

1. The site plan, floor plans, and elevations received and dated November 17, 2013 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. A Temporary Use Permit shall permit outdoor sales/display events subject to the following limitations:
  - a. Five (5) years maximum per permit.
  - b. Fifty (50) days maximum per calendar year.
  - c. Ten (10) consecutive days maximum.
4. The use shall comply with the following:
  - a. The outdoor sales area shall be entirely confined to private property. Any encroachment into the public right-of-way is prohibited.
  - b. 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.
  - c. A four-foot wide clearance shall be maintained along the public sidewalk, adjacent to outdoor display areas.
  - d. A ten-foot wide clear path of travel shall be maintained along the public sidewalk, adjacent to outdoor display areas.
  - e. 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.
  - f. All overhead obstructions shall be a minimum of 80- inches above the walking surface.
  - g. Furniture pieces shall weigh less than 35 pounds each.
  - h. 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.
  - i. Sales to patrons in vehicles or in the public right-of-way shall be prohibited.
  - j. Line formations within the public right-of-way shall be prohibited.

- k. Customers shall be prohibited from trying on clothing or other merchandise while in the public right-of-way.
  - l. Sales events, including associated furniture, structures, patron lines, etc., shall not in any way interfere with access to any commercial establishment.
  - m. All displays associated with outdoor sales events shall be maintained in an orderly, uncluttered and aesthetically pleasing condition, and present a family-friendly atmosphere.
  - n. 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.
  - o. No sign(s) shall be posted outside of the designated display area or on the public art installation.
  - p. All display tables shall be skirted and all boxes and storage containers shall be concealed from view.
  - q. All signage shall be uniform per business in design, color(s), placement, etc. and professional in appearance.
  - r. 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 Temporary Use Permit.
  - s. Lighting shall be limited to one row of canopies.
5. 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.

**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.



**SALES AREA**

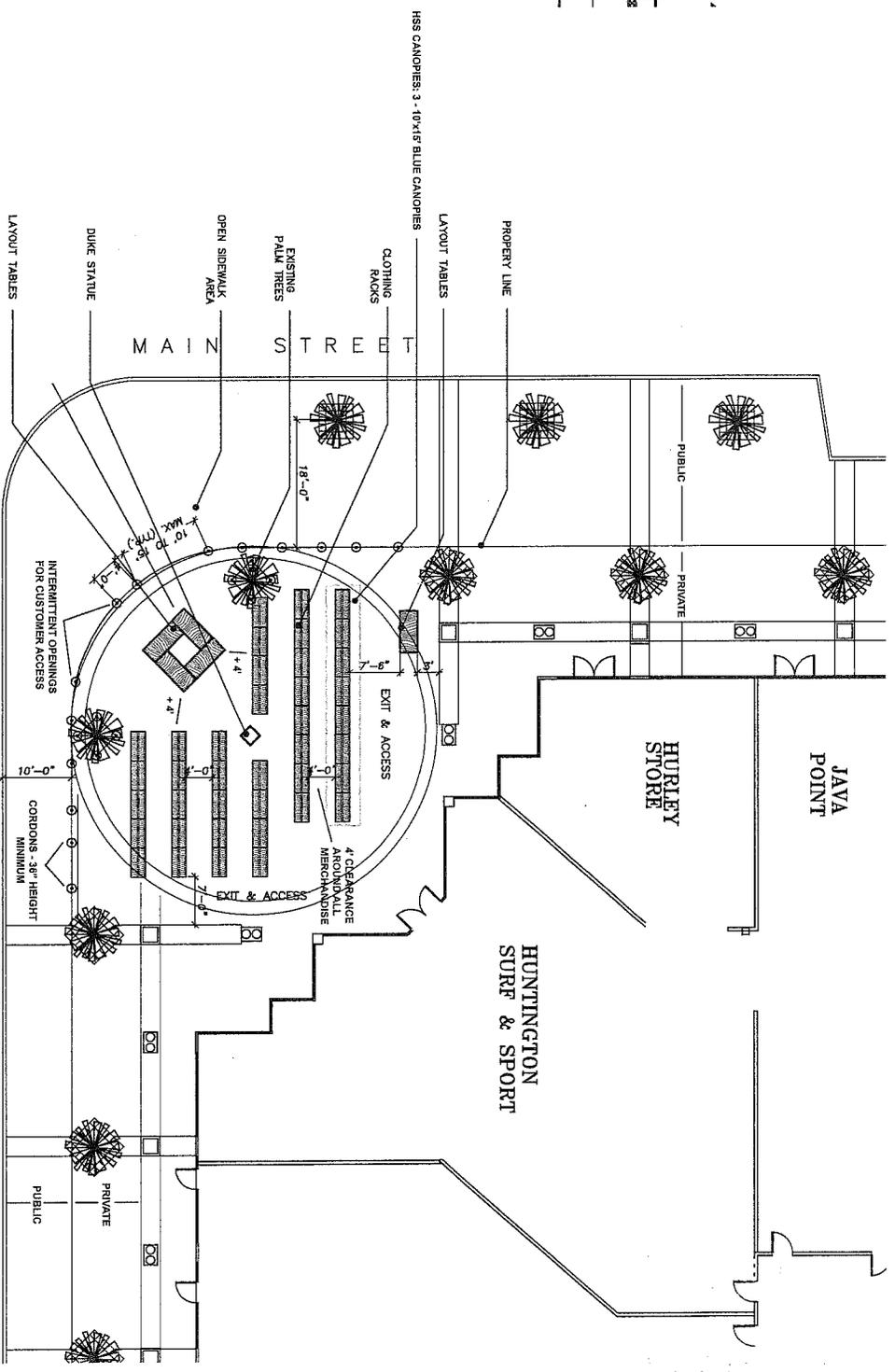
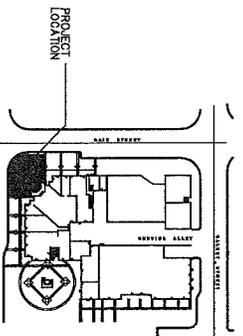
SCALE = 1/8" = 1'-0"

**NOTES**

- ALL DISPLAY TABLES SHALL BE SPACED AND ALL BOXES AND STORAGE CONTAINERS SHALL BE CONCEALED FROM VIEW
- ALL OUTDOOR DISPLAYS, ASSOCIATED FURNISHINGS AND ACCESSORIES, INCLUDING BUT NOT LIMITED TO DISPLAY TABLES, TABLE CLOTHS, CASHIER STATIONS, CANOPES, TENTS, CLOTHES UNIFORMS SHALL BE COLOR COORDINATED - BLUE
- ALL OVERHEAD OBSTRUCTIONS SHALL BE A MINIMUM OF 80 INCHES ABOVE THE WALKING SURFACE
- FURNITURE SHALL WEIGH LESS THAN 35 LBS EACH

**VICINITY MAP**

N.T.S.



**FLOOR PLAN**

SCALE = 1/8" = 1'-0"

**HUNTINGTON SURF & SPORT**  
**300 PACIFIC COAST HIGHWAY**  
**HUNTINGTON BEACH, CALIFORNIA**

A 1

**RTA**  
 ROBERT THORNTON ARCHITECTS, INC.  
 ARCHITECTURE AND PLANNING  
 P.O. BOX 1912  
 NEWPORT BEACH, CA 92669  
 949.850.9876

PROPERTY OWNER  
 JOE DACHENDT  
 714.980.8938

**HSS**  
**HUNTINGTON SURF AND SPORT**  
 APPLICANT:  
 300 PACIFIC COAST HIGHWAY  
 SUITE 108  
 714.972.2972



November 7, 2013

Zoning Administrator  
2000 Main Street  
Huntington Beach, California

RECEIVED  
NOV 07 2013  
Dept. of Planning  
& Building

RE: Temporary Use Permit - 300 PCH

Dear Zoning Administrator,

Huntington Surf and Sport, located at 300 PCH, would like to apply for a temporary use permit for outdoor sidewalk sales on 50 days per year for a period of five (5) years from 2014 - 2018.

It is important to note that this will be our 23<sup>rd</sup> year with absolutely no problems or complaints. As you know, we coincide our sidewalk sale with special times throughout the year: Spring Break, Back to School, Holiday Season, etc.

The square footage of the sidewalk sale space is approximately 1900 sq. feet. Huntington Surf and Sport would take the utmost care in properly presenting the City of Huntington Beach with a First Class sidewalk sale.

To achieve an approximate square footage of 1900 sq. feet our sidewalk sale would extend beyond 15' from the front of the brick and mortar location. Our grandfathered footprint, as approved by Mayor Debbie Cook and the 2008 City Council, is proven to be effective, shoppable and aesthetically appealing. By extending our sale beyond the required 15' we are able to provide a much more spacious shopping area which in turn is a more appealing and convenient shopping experience for our local and visiting customers. This larger space also allows us to offer more options to our loyal customer base and downtown visitors.

To strengthen the aesthetic appeal of our sidewalk sale and to allow local and visiting customers to the downtown area the flexibility to shop at night our sidewalk sale will utilize lighting. By utilizing lighting our customers are able to shop at times that are convenient for them - after work, before or after enjoying restaurants or other activities in the Downtown area, etc. Lighting ultimately allows us to provide a safe and pleasant shopping experience for our customers.

During the proposed activities for the sidewalk sale dates Huntington Surf and Sport would have approximately 6-9 employees and would be open from 8:00 AM until 9:00 PM. All employees would be under the direct supervision of our management. Our sidewalk sales allow us to employ more of the local youth in Huntington Beach for seasonal and part-time work.

Through our sidewalk sales we would be passing on bargains to our loyal customers in a pleasant environment. As a result, many people look forward to our sidewalk sales each year. They have become somewhat of a tradition for our store and community.

300 PACIFIC COAST HIGHWAY, SUITE 109  
PHONE 714.374.2373

HUNTINGTON BEACH, CALIFORNIA 92648  
FAX 536.5065

ATTACHMENT NO. 3.1

We make every effort to ensure that we present an organized, neat and well-maintained area for the sidewalk sale. Ultimately, our sidewalk sale helps contribute to and sustain the economic viability and pedestrian activity of the downtown-shopping district.

Some of the uses of the areas surrounding Huntington Surf and Sport are retail, restaurants, residential as well as recreational water sports, primarily surfing. It is our hope that we are granted permission and the opportunity to maintain our outdoor retail sales so that we may continue to serve our loyal customer base.

RECEIVED  
OCT 23 2013  
Dept. of Planning  
& Building

**FROM:** Planning Commission Chair Mark Bixby *MDB*

**TO:** Planning & Building Director Scott Hess

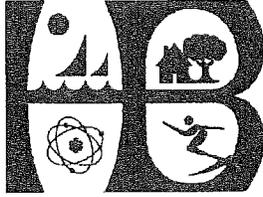
**DATE:** October 23, 2013

**RE:** Appeal of Zoning Administrator approval of Temporary Use Permits #13-002 and #13-003 (HSS outdoor sales)

I am appealing the October 16, 2013 Zoning Administrator approval of the HSS outdoor sales for both HSS locations at 300 Pacific Coast Hwy and 126 Main St.

Issues for planning commission consideration include but are not limited to:

- Whether the requested 50 sale days per year “enhances the public realm” and “contribute[s] in a positive way to the visual appearance of the community” (DTSP 3.2.25)
- Whether the layouts of the outdoor sales areas comply with the requirement to not exceed 50% of the respective public open space areas (DTSP 3.3.1.15.8)
- Whether outdoor sales usage of the public open space on the Fourth of July unduly impacts pedestrian flow and spectator use during the parade
- Whether the sales days requested by the TUPs in question should be counted cumulatively with HSS outdoor sales activity during Surf City Nights for purposes of the 50 days per year maximum limit (DTSP 3.2.25.2)
- Whether HSS canopies are allowed to exceed the 6ft height limit “for entire display” (DTSP 3.2.25.7)
- Whether HSS lighted canopies conflict with the requirement that “Merchandise shall not be lit and no electricity shall be utilized by an outdoor merchandise display” (DTSP 3.2.25.21)



**OFFICE of the ZONING ADMINISTRATOR  
CITY OF HUNTINGTON BEACH • CALIFORNIA**

P.O. BOX 190

CALIFORNIA 92648

**NOTICE OF ACTION**

(714) 536-5271  
October 17, 2013

Aaron Pai  
300 Pacific Coast Highway, #109  
Huntington Beach, CA 92648

**SUBJECT:** TEMPORARY USE PERMIT NO. 13-002 (HSS P.C.H. OUTDOOR SALES)

**APPLICANT:** Aaron Pai, HSS

**REQUEST:** To permit outdoor sidewalk sales on approximately fifty (50) days per year for a period of five (5) years from 2014 to 2018.

**PROPERTY OWNER:** Joe Daichendt, 300 Pacific Coast Highway, Suite 119, Huntington Beach, CA 92648

**LOCATION:** 300 Pacific Coast Highway, Suite 104, 92648 (northeast corner of Pacific Coast Highway and Main Street)

**CITY CONTACT:** Kristi Rojas

**DATE OF ACTION:** October 16, 2013

On Wednesday, October 16, 2013, the Huntington Beach Zoning Administrator took action on your application, and your application was **conditionally approved**. Attached to this letter are the findings and conditions of approval.

Please be advised that the Zoning Administrator reviews the conceptual plan as a basic request for entitlement of the use applied for and there may be additional requirements prior to commencement of the project. It is recommended that you immediately pursue completion of the conditions of approval and address all requirements of the Huntington Beach Zoning and Subdivision Ordinance in order to expedite the processing/completion of your total application. The conceptual plan should not be construed as a precise plan, reflecting conformance to all Zoning and Subdivision Ordinance requirements.

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Zoning Administrator becomes final at the expiration of the appeal period. A person desiring to appeal the decision shall file a written notice of appeal to the Secretary of the Planning Commission within ten (10) calendar days of the date of the Zoning Administrator's action. The notice of appeal shall include the name and address of the appellant, the decision being appealed, and the grounds for the appeal.

Said appeal must be accompanied by a filing fee of Two Thousand Five Hundred One Dollars (\$2,501.00) if the appeal is filed by any other party. In your case, the last day for filing an appeal and paying the filing fee is October 28, 2013, at 5:00 PM.

Provisions of the Huntington Beach Zoning and Subdivision Ordinance are such that any application becomes null and void one (1) year after final approval, unless the use has been established, or as modified by condition of approval.

Excepting those actions commenced pursuant the California Environmental Quality Act, you are hereby notified that you have 90 days to protest the imposition of the fees described in this Notice of Action. If you fail to file a written protest regarding any of the fees contained in this Notice, you will be legally barred from later challenging such action pursuant to Government Code §66020.

If you have any questions regarding this Notice of Action letter or the processing of your application, please contact Kristi Rojas, the project planner, at (714) 374-5058 or via email at [Kristi.Rojas@surfcity-hb.org](mailto:Kristi.Rojas@surfcity-hb.org) or the Department of Planning and Building Zoning Counter at (714) 536-5271.

Sincerely,

  
Ricky Ramos  
Zoning Administrator

RR:KRjd  
Attachment

c: Honorable Mayor and City Council  
Chair and Planning Commission  
Fred A. Wilson, City Manager  
Scott Hess, Director of Planning and Building  
Jane James, Planning Manager  
William H. Reardon, Division Chief/Fire Marshal  
Debbie DeBow, Civil Principal Engineer  
Mark Carnahan, Inspection Manager  
Jim Brown, Fire Protection Analyst  
Joe Morelli, Fire Protection Analyst  
Joe Daichendt  
Project File

**ATTACHMENT NO. 1**

**FINDINGS AND CONDITIONS OF APPROVAL**

**TEMPORARY USE PERMIT NO. 13-002**

**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 - TEMPORARY USE PERMIT NO. 13-002:**

1. The proposed temporary use will be located, operated and maintained in a manner consistent with the policies of the General Plan designation of M-sp-d-pd (Mixed Use – specific plan overlay -design overlay – pedestrian overlay), the provisions of Chapter 241 of the Huntington Beach Zoning and Subdivision Ordinance, and the Downtown Specific Plan including the following policies:

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.

LCP/DTSP: Main Street should be a lively, active commercial district at the street level. The first floor of developments along Main Street should be commercial, with open-air establishments encouraged.

The proposed use allows Huntington Surf & Sport to promote seasonal retail items on a temporary basis, 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.

2. Approval of the application for the proposed temporary use will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare. Proposed sales events will occur adjacent to the applicant's storefront and will be sited to prevent interference with use of the surrounding area. The temporary use permit 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.

**CONDITIONS OF APPROVAL - TEMPORARY USE PERMIT NO. 13-002:**

1. The site plan, floor plans, and elevations received and dated September 3, 2013 shall be the conceptually approved design, with the following modification: revise the plans to be in conformance with Section 3.2.25 of the Downtown Specific Plan including, among others, limiting the sidewalk sales area to a 15 ft. maximum depth perpendicular to the storefront.
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 Department for review and approval.
3. A Temporary Use Permit shall permit outdoor sales/display events subject to the following limitations:
  - a. Five (5) years maximum per permit.
  - b. Fifty (50) days maximum per calendar year.
  - c. Ten (10) consecutive days maximum.
4. The use shall comply with the following:
  - a. The outdoor sales area shall be entirely confined to private property. Any encroachment into the public right-of-way is prohibited.
  - b. 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.
  - c. A four-foot wide clearance shall be maintained along the public sidewalk, adjacent to outdoor display areas.
  - d. A ten-foot wide clear path of travel shall be maintained along the public sidewalk, adjacent to outdoor display areas.
  - e. 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.
  - f. All overhead obstructions shall be a minimum of 80- inches above the walking surface.
  - g. Furniture pieces shall weigh less than 35 pounds each.
  - h. 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.
  - i. Sales to patrons in vehicles or in the public right-of-way shall be prohibited.

- j. Line formations within the public right-of-way shall be prohibited.
  - k. Customers shall be prohibited from trying on clothing or other merchandise while in the public right-of-way.
  - l. Sales events, including associated furniture, structures, patron lines, etc., shall not in any way interfere with access to any commercial establishment.
  - m. All displays associated with outdoor sales events shall be maintained in an orderly, uncluttered and aesthetically pleasing condition, and present a family-friendly atmosphere.
  - n. 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.
  - o. No sign(s) shall be posted outside of the designated display area or on the public art installation.
  - p. All display tables shall be skirted and all boxes and storage containers shall be concealed from view.
  - q. All signage shall be uniform per business in design, color(s), placement, etc. and professional in appearance.
  - r. 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 Temporary Use Permit.
5. Outdoor sales even dates shall be coordinated per calendar year to coincide with outdoor sale events of similar businesses along Main Street and Pacific Coast Highway.

**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.



## HUNTINGTON BEACH PLANNING DIVISION

### PROJECT IMPLEMENTATION CODE REQUIREMENTS

**DATE:** OCTOBER 16, 2013  
**PROJECT NAME:** HSS OUTDOOR SALES  
**PLANNING APPLICATION NO.** PLANNING APPLICATION NO. 13-155  
**ENTITLEMENTS:** TEMPORARY USE PERMIT 2013-002  
**DATE OF PLANS:** SEPTEMBER 3, 2013  
**PROJECT LOCATION:** 300 PACIFIC COAST HIGHWAY, UNIT 104 (ON THE CORNER OF MAIN STREET AND PACIFIC COAST HIGHWAY)  
**PLAN REVIEWER:** KRISTI ROJAS, CONTRACT PLANNER  
**TELEPHONE/E-MAIL:** 714.375.5058/KRISTI.ROJAS@SURFCITY-HB.ORG  
**PROJECT DESCRIPTION:** TO PERMIT OUTDOOR SALES FOR 50 DAYS PER YEAR FOR A PERIOD OF 5 YEARS FROM 2014-2018..

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The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Zoning Administrator in conjunction with the requested entitlement(s), if any, will also be provided should final project approval be received. If you have any questions regarding these requirements, please contact the Plan Reviewer.

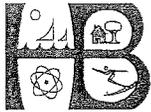
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#### TEMPORARY USE PERMIT NO. 13-002 :

1. Temporary outdoor sales, whether on public or private property, shall be subject to approval of a Temporary Use Permit (TUP) by the Zoning Administrator as well as the following standards. **(DTSP Section 3.2.25)**
2. A TUP shall permit outdoor sales/display events subject to the following limitations:
  - 1) 5 years maximum per permit.
  - 2) 50 days maximum per calendar year.
  - 3) 10 consecutive days maximum.
  - 4) 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 Department for review and approval. **(DTSP Section 3.2.25)**
3. The owner or primary lessee of the private property that immediately abuts the sidewalk or pedestrian plaza is the only one who possesses the vending rights. **(DTSP Section 3.2.25)**

4. Outdoor display areas are not intended to provide additional retail space or locations for clearance and damaged items but to allow merchants the opportunity to attract the public by providing a sample of merchandise that is available inside. **(DTSP Section 3.2.25)**
5. Outdoor display items shall be identical to items sold within the store and damaged merchandise is prohibited from outdoor displays. **(DTSP Section 3.2.25)**
6. Outdoor sales and displays shall be limited to the regular hours of operation of the respective business, and all items placed outside shall be removed each evening, unless otherwise approved. **(DTSP Section 3.2.25)**
7. 6' maximum height for entire display. **(DTSP Section 3.2.25)**
8. No more than 2 items may be stacked. **(DTSP Section 3.2.25)**
9. 15' maximum depth, perpendicular to the storefront. **(DTSP Section 3.2.25)**
10. 4' minimum clearance shall be maintained around all merchandise displays and any other tenant storefront space and from any stationary object or cart or kiosk. **(DTSP Section 3.2.25)**
11. 10' minimum clear path of travel shall be maintained along the public sidewalk, adjacent to outdoor display areas. **(DTSP Section 3.2.25)**
12. 48" minimum access clearance required. Sales events, including associated furniture, structures, patron lines, etc., shall not in any way interfere with access to any commercial establishment. 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. Required pathways for patron and disabled access shall be maintained clear of obstructions. **(DTSP Section 3.2.25)**
13. Display merchandise shall not obscure or interfere with any official notice, public safety sign, or device. **(DTSP Section 3.2.25)**
14. No item shall be located so as to be hazardous to pedestrian or vehicular traffic, or extend into the safe line-of-sight distances at intersections, as determined by the City Engineer. **(DTSP Section 3.2.25)**
15. All displays associated with outdoor sales events shall be maintained in an orderly, uncluttered, and aesthetically pleasing condition, and shall present a family-friendly atmosphere. Unprofessional, cluttered, and unorganized display areas are prohibited. **(DTSP Section 3.2.25)**
16. All display tables shall be skirted and all boxes and storage containers shall be concealed from view. No cardboard or other types of similar storage boxes shall be visible to the public. **(DTSP Section 3.2.25)**
17. 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. **(DTSP Section 3.2.25)**
18. No outdoor storage shall be permitted in conjunction with any outdoor use. **(DTSP Section 3.2.25)**
19. No display of merchandise is allowed from cars, trucks or other vehicles. **(DTSP Section 3.2.25)**

20. Items shall not be displayed in bins, boxes, or on standard racks. **(DTSP Section 3.2.25)**
21. Merchandise shall not be lit and no electricity shall be utilized by an outdoor merchandise display. **(DTSP Section 3.2.25)**
22. No noise shall be generated by outdoor merchandise. **(DTSP Section 3.2.25)**
23. All signs shall be uniform per business in design, color, placement, etc. and shall be professional in appearance. **(DTSP Section 3.2.25)**
24. No signs shall be posted outside of the designated display area or on the public art installation. **(DTSP Section 3.2.25)**
25. All sales transactions shall occur inside the store except where adequate space is provided in the outdoor sales area for cash register queuing, as determined by the Zoning Administrator. Where outdoor sales transactions are permitted, the store manager shall be responsible for ensuring that no more than 5 customers are in the queue for cash register at any time. **(DTSP Section 3.2.25)**
26. Line formations within the public right-of-way are prohibited. **(DTSP Section 3.2.25)**
27. Sales to patrons in vehicles or in the public right-of-way is prohibited. **(DTSP Section 3.2.25)**
28. Customers shall be prohibited from trying on clothing or other merchandise while in the public right-of-way. **(DTSP Section 3.2.25)**
29. No services shall be provided outdoors, except for table service of food in conjunction with approved outdoor seating, as discussed in Section 3.2.24. Outdoor Dining, or as approved by the Director. Personal services such as tattoos, temporary tattoos, hair braiding, and hair wrapping are not permitted outdoors. **(DTSP Section 3.2.25)**
30. All work shall be performed entirely indoors unless approved through a Conditional Use Permit. Any outdoor work allowed shall be in an area specifically provided for such use. No outdoor work shall be performed in designated parking areas or open space areas. In addition, areas approved for outdoor work shall not be counted as open space. **(DTSP Section 3.2.25)**
31. All outdoor use areas shall be continuously supervised by management or employees of the respective business to which the use is connected, to ensure required pathways are kept clear and that all City requirements are met. **(DTSP Section 3.2.25)**
32. Incidental outdoor uses shall not require additional parking beyond that which is otherwise required for the primary permanent use. **(DTSP Section 3.2.25)**
33. After initial warnings, Code Enforcement staff may order immediate cessation of any temporary outdoor sales event operating in violation of the conditions of approval of the Temporary Use Permit. **(DTSP Section 3.2.25)**



## CITY OF HUNTINGTON BEACH

### PUBLIC WORKS INTERDEPARTMENTAL COMMUNICATION

#### PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: 10/7/13  
PROJECT NAME: HSS OUTDOOR SALES  
ENTITLEMENTS: TUP 13-02  
PLNG APPLICATION NO: 2013-0155  
DATE OF PLANS: 9/3/13  
PROJECT LOCATION: 300 PACIFIC COAST HIGHWAY, UNIT 104  
PROJECT PLANNER: KRISTI ROJAS, CONTRACT PLANNER  
TELEPHONE/E-MAIL: 714-374-0000 / [\\_\\_\\_@SURFCITY-HB.ORG](mailto:___@SURFCITY-HB.ORG)  
PLAN REVIEWER: JOSH MCDONALD, CIVIL ENGINEERING ASSISTANT  
TELEPHONE/E-MAIL: 714-536-5509 / [JOSHUA.MCDONALD@SURFCITY-HB.ORG](mailto:JOSHUA.MCDONALD@SURFCITY-HB.ORG)  
PROJECT DESCRIPTION: TO PERMIT OUTDOOR SALES FOR 50 DAYS PER YEAR FROM 2014 TO 2018.

The following is a list of code requirements deemed applicable to the proposed project based on plans as stated above. The items below are to meet the City of Huntington Beach's Municipal Code (HBMC), Zoning and Subdivision Ordinance (ZSO), Department of Public Works Standard Plans (Civil, Water and Landscaping) and the American Public Works Association (APWA) Standards Specifications for Public Works Construction (Green Book), the Orange County Drainage Area management Plan (DAMP), and the City Arboricultural and Landscape Standards and Specifications. The list is intended to assist the applicant by identifying requirements which shall be satisfied during the various stages of project permitting, implementation and construction. If you have any questions regarding these requirements, please contact the Plan Reviewer or Project Planner.

#### THE FOLLOWING REQUIREMENTS SHALL BE COMPLIED WITH DURING THE ENTIRE TERM OF THE SUBJECT PERMIT:

1. The site plan dated September 3, 2013 shall be the conceptually approved layout.
2. The temporary sales area shall be entirely confined to private property. Any encroachment into the public right-of-way shall be prohibited.



## CITY OF HUNTINGTON BEACH

### PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: OCTOBER 9, 2013  
PROJECT NAME: HSS OUTDOOR SALES  
PLANNING APPLICATION NO.: PLANNING APPLICATION NO. 13-156  
ENTITLEMENTS: TEMPORARY USE PERMIT NO. 13-003  
DATE OF PLANS: 9/9/2013  
PROJECT LOCATION: 126 MAIN STREET, UNIT 103  
PROJECT PLANNER: KRISTI ROJAS, CONTRACT PLANNER  
PLAN REVIEWER: JOE MORELLI, FIRE PROTECTION ANALYST  
TELEPHONE/E-MAIL: (714) 536-5531/ [Joe.Morelli@surfcity-hb.org](mailto:Joe.Morelli@surfcity-hb.org)  
PROJECT DESCRIPTION: TEMPORARY USE PERMIT: TO PERMIT OUTDOOR SALES FOR 50 DAYS PER YEAR FOR A PERIOD OF 5 YEARS FROM 2014-2018.

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The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

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1. Compliance with the 2011 California Building Code Chapter 10 Means of Egress shall be adhered to. Exits shall not be blocked, and unhindered means of egress (in accordance with Chapter 10 of the CBC) shall be provided all the way to a Public Way.
2. Access and visibility of Fire Protection equipment (hydrants, Fire Department Connections, Knox Box, etc.) shall not be hindered.



RECEIVED  
NOV 08 2013  
Dept. of Planning  
& Building

November 8, 2013

City of Huntington Beach  
Planning Commission  
2000 Main St.  
Huntington Beach, CA 92648

Planning Commission Chair & Members of the Commission,

I am writing this letter on behalf of Huntington Beach Surf & Sport's application to renew their long-standing TUP and allow the footprint of their 2014 sidewalk sale to remain the same as in previous years and not to be shrunk potentially by 80%. HSS recently applied for their renewal TUP for outdoor sales, got it approved by the zoning administrator, and then to their surprise, had it appealed to the Planning Commission.

HSS has a unique situation in that their sidewalk sale is entirely on their private property. They have a one of a kind business located on the largest corner in the downtown area. Where other businesses in the downtown area have built their brick and mortar out to the right of way, HSS chose to leave the area open, allowing great visibility of the beach. But it is still their private property. Even when the sidewalk sale is set up, the remaining sidewalk is still the largest sidewalk area in downtown. Owner Aaron Pai recently measured it. This anchor business has been compliant with the City and has had no incidents in the past 23 years.

So why the concern now? There is a vocal small minority that feels the sale is detracting from what they consider the image of what downtown should be. They're hinting at accessibility and safety issues as justification. The reality is that there are thousands of people who love the sidewalk sale and the Pai Family has the signatures to prove it. Not everyone sees aesthetics in the same light, and given that, how does one regulate that, and furthermore, should they. Is anyone quizzing the outdoor seating of many downtown restaurants, what they are doing on their private property, the décor of their tables and chairs? No, and again, the sidewalk sale is on the private property of HSS, not on the public sidewalk right of way.

Huntington Surf and Sport cannot afford to wait until January to determine the fate of their sidewalk sale going into 2014. This is not an insignificant portion of their ongoing revenue stream. They need to plan and buy future inventory and they feel their hands are tied going into the last 40 days of this year. We should not be interfering with this longstanding local family business' ability to earn a living, providing many jobs and much property and sales tax revenue for the City in the process. I urge you to quickly approve the TUP renewal, maybe renew it for 10 or twenty years instead of five years and then thank them for being the model HB business that they are.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry L. Wheeler, Sr.", written over a white background.

Jerry L. Wheeler, Sr. TOM  
President/CEO

**Rojas, Kristi**

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**From:** Ramos, Ricky  
**Sent:** Monday, October 14, 2013 8:11 AM  
**To:** Rojas, Kristi  
**Subject:** FW: HBSS boundaries

For the applicant and your file.

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**From:** PARS11@aol.com [mailto:PARS11@aol.com]  
**Sent:** Friday, October 11, 2013 8:31 PM  
**To:** Ramos, Ricky  
**Subject:** HBSS boundaries

I would like to express my concern regarding the excessive amount of outdoor space HBSS continues to use at Main and PCH. It is unsightly and obstructs pedestrian traffic. Enough is enough. They don't pay to use this & it encourages other businesses to do the same.

Merle Moshiri, 19412 Pompano Lane, Huntington Beach, CA 92648

**Rojas, Kristi**

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**From:** PARS11@aol.com  
**Sent:** Friday, October 11, 2013 8:21 PM  
**To:** Rojas, Kristi  
**Subject:** The HBSS mess downtown

As a longtime resident of Huntington Beach, I would like to say I am opposed to HBSS being allowed to take up the sidewalk on the corner of PCH and Main with what looks like a garage/rummage sale nearly every day, especially in the summer. It looks horrible, obstructs pedestrian traffic and is otherwise a public nuisance. We can do better. Jack's is just as bad, along with every other kiosk and eatery that suddenly comes in for more square footage via the public sidewalks. PUBLIC SIDEWALKS.

I object and urge you take a closer look at this situation. They do not pay to use this area. It is NOT their's.

Merle Moshiri, 19412 Pompano Lane, #107, Huntington Beach, CA 92648

**Rojas, Kristi**

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**From:** Ramos, Ricky  
**Sent:** Monday, October 14, 2013 8:12 AM  
**To:** Rojas, Kristi  
**Subject:** FW: HBSS entitlement to a corner/Merle Moshiri 19412 Pompano Ln. HB 92648

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**From:** PARS11@aol.com [mailto:PARS11@aol.com]  
**Sent:** Friday, October 11, 2013 8:32 PM  
**To:** Ramos, Ricky  
**Subject:** HBSS entitlement to a corner/Merle Moshiri 19412 Pompano Ln. HB 92648

Hi Ricky,

I am writing to object to the rummage/garage sale atmosphere that HBSS presents on the corner of PCH & Main. It obstructs pedestrian traffic and really takes away from the ambiance of the downtown area at a very important and prominent spot at the entry to our Main Street area. It also is encouraging other businesses to do the same. We look like a Farmer's Market or street fair 9/10ths of the time. They've had their "run" so to speak and now they need to be reigned in. Its gone beyond common sense obviously, as they just keep over stepping the boundarjes

**Rojas, Kristi**

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**From:** Elaine/Bill Parker [macleod4@earthlink.net]  
**Sent:** Tuesday, October 15, 2013 4:22 PM  
**To:** Rojas, Kristi; Ramos, Ricky; jdiners@surfcity-hb.org  
**Subject:** HSS and PCH Outdoor Sales @ Zoning Meeting - Wednesday, Oct 16

Good Afternoon,

We are sending this email to protest the HSS and sidewalk sales at PCH and Main Street and hoping the ZA will say NO.

They are absolutely garish and rather tacky. When you drive down PCH these are what we have to see every day. With the emphasis on cleaning up Main Street, denial of having these kiosks would be a major help.

They are unsightly and serve no purpose other than to make that corner look terrible.

Bill and Elaine Parker

## Zoning Conformance Matrix – Attachment No. 8

SECTION	ISSUE	CODE PROVISION	PROPOSED
3.2.25.1	Temporary Use Permit (TUP) required	Approval of TUP by Zoning Administrator (ZA)	TUP approved by ZA (appealed - decision stayed)
3.2.25.2	Schedule	1) 5 years maximum per permit 2) 50 days maximum per calendar year 3) 10 consecutive days maximum 4) 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 Department for review and approval	Complies
3.2.25.3	Vending Rights	The owner or primary lessee of the private property that immediately abuts the sidewalk or pedestrian plaza is the only one who possesses the vending rights	Complies
3.2.25.4	Merchandise	Outdoor display areas are not intended to provide additional retail space or locations for clearance and damaged items but to allow merchants the opportunity to attract the public by providing a sample of merchandise that is available inside	Complies
3.2.25.5	Quality	Outdoor display items shall be identical to items sold within the store and damaged merchandise is prohibited from outdoor displays	Complies
3.2.25.6	Hours of Operation	Outdoor sales and displays shall be limited to the regular hours of operation of the respective business, and all items placed outside shall be removed each evening, unless otherwise approved	Complies
3.2.25.7	Display Height	6ft. maximum height for entire display	Complies. See discussion in ANALYSIS section
3.2.25.8	Item Categories	No more than 2 items may be stacked	Complies.
3.2.25.9	Maximum display depth	15ft. maximum depth, perpendicular to the storefront	See Special Permit discussion in ANALYSIS section

SECTION	ISSUE	CODE PROVISION	PROPOSED
3.2.25.10	Minimum display/ storefront clearance	4ft. minimum clearance shall be maintained around all merchandise displays and any other tenant storefront space and from any stationary object or cart or kiosk	Complies
3.2.25.11	Minimum clear path of travel	10ft. minimum clear path of travel shall be maintained along the public sidewalk, adjacent to outdoor display areas	Complies
3.2.25.12	Minimum clearance	48" minimum access clearance required. Sales events, including associated furniture, structures, patron lines, etc., shall not in any way interfere with access to any commercial establishment. 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. Required pathways for patron and disabled access shall be maintained clear of obstructions	Complies
3.2.25.13	Impacts to official signs	Display merchandise shall not obscure or interfere with any official notice, public safety sign, or device	Complies
3.2.25.14	Impacts to line-of-sight	No item shall be located so as to be hazardous to pedestrian or vehicular traffic, or extend into the safe line-of-sight distances at intersections, as determined by the City Engineer	Complies
3.2.25.15	Organized display	All displays associated with outdoor sales events shall be maintained in an orderly, uncluttered, and aesthetically pleasing condition, and shall present a family-friendly atmosphere. Unprofessional, cluttered, and unorganized display areas are prohibited	Complies
3.2.25.16	Display tables/ Storage boxes	All display tables shall be skirted and all boxes and storage containers shall be concealed from view. No cardboard or other types of similar storage boxes shall be visible to the public	Complies
3.2.25.17	Color coordination	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	Complies
3.2.25.18	Outdoor storage	No outdoor storage shall be permitted in conjunction with any outdoor use	Complies - none proposed
3.2.25.19	Display from vehicles	No display of merchandise is allowed from cars, trucks or other vehicles	Complies - none proposed
3.2.25.20	Display from bins, boxes, standard racks	Items shall not be displayed in bins, boxes, or on standard racks	Complies - none proposed

<b>SECTION</b>	<b>ISSUE</b>	<b>CODE PROVISION</b>	<b>PROPOSED</b>
3.2.25.21	Lighting	Merchandise shall not be lit and no electricity shall be utilized by an outdoor merchandise display	See Special Permit discussion in ANALYSIS section
3.2.25.22	Noise	No noise shall be generated by outdoor merchandise	Complies - none proposed
3.2.25.23	Signs	All signs shall be uniform per business in design, color, placement, etc. and shall be professional in appearance	Complies
3.2.25.24	Signs outside display area	No signs shall be posted outside of the designated display area or on the public art installation	Complies - none proposed
3.2.25.25	Sales transactions	All sales transactions shall occur inside the store except where adequate space is provided in the outdoor sales area for cash register queuing, as determined by the Zoning Administrator. Where outdoor sales transactions are permitted, the store manager shall be responsible for ensuring that no more than 5 customers are in the queue for cash register at any time	Complies
3.2.25.26	Lines in public ROW	Line formations within the public right-of-way are prohibited	Complies - none proposed
3.2.25.27	Public ROW sales	Sales to patrons in vehicles or in the public right-of-way is prohibited	Complies - none proposed
3.2.25.28	Trying on clothing	Customers shall be prohibited from trying on clothing or other merchandise while in the public right-of-way	Complies - none proposed
3.2.25.29	Services	No services shall be provided outdoors, except for table service of food in conjunction with approved outdoor seating, as discussed in Section 3.2.24. Outdoor Dining, or as approved by the Director. Personal services such as tattoos, temporary tattoos, hair braiding, and hair wrapping are not permitted outdoors	Complies - none proposed
3.2.25.30	Outdoor Work	All work shall be performed entirely indoors unless approved through a Conditional Use Permit. Any outdoor work allowed shall be in an area specifically provided for such use. No outdoor work shall be performed in designated parking areas or open space areas. In addition, areas approved for outdoor work shall not be counted as open space	Complies - none proposed

<b>SECTION</b>	<b>ISSUE</b>	<b>CODE PROVISION</b>	<b>PROPOSED</b>
3.2.25.31	Management	All outdoor use areas shall be continuously supervised by management or employees of the respective business to which the use is connected, to ensure required pathways are kept clear and that all City requirements are me	Complies
3.2.25.32	Parking	Incidental outdoor uses shall not require additional parking beyond that which is otherwise required for the primary permanent use	Complies
3.2.25.33	Violations	After initial warnings, Code Enforcement staff may order immediate cessation of any temporary outdoor sales event operating in violation of the conditions of approval of the Temporary Use Permit	No Code Enforcement violations on record