

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

WEDNESDAY, October 22, 2008 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Andrew Gonzales, Rami Talleh, Kimberly De Coite
(recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: TEMPORARY USE PERMIT NO. 2008-005 (OAK VIEW FARMER'S MARKET)

APPLICANT: Alejandro Tovares, 17241 Oak Lane, Huntington Beach, CA 92647
PROPERTY OWNER: Ocean View School District, 17200 Pinehurst Lane, Huntington Beach, CA 92647
REQUEST: To establish a farmer's market every Saturday within the parking lot area of Oak View Elementary School for a period of five years (2008-2012).
LOCATION: 17241 Oak Lane, 92647 (south of Warner Avenue, east of Nichols Lane)
PROJECT PLANNER: Andrew Gonzales

Andrew Gonzales, Associate Planner, displayed project plans and photographs and stated the purpose, location, and zoning of the subject site. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary.

Mr. Gonzales recommended an additional condition of approval not listed in the executive summary requiring a six month review of the project. He added that Dave Dominguez, Manager of Facilities, Development and Concessions, from the Community Services Department and Code Enforcement Officer Tony Duarte were present to answer any questions.

Mr. Gonzales stated that staff received public comments, from mobile vendors in the area, opposing the request. He also presented one late communication which Mr. Ramos reviewed.

Mr. Ramos inquired if the request included sales of alcoholic beverages. Mr. Gonzales stated that alcohol sales were not a part of the request.

Mr. Ramos asked if any specifics were given regarding the proposed entertainment. Mr. Gonzales replied that the proposed entertainment consisted of plays and musical performances.

THE PUBLIC HEARING WAS OPENED.

Alejandro Tovares, applicant, stated that the conditions of approval were acceptable. He stated that he would like to change the dates for the farmer's market from 2008-2012 to 2009-2013, noting that, if approved, the market would not begin operation until February of 2009.

Mr. Ramos asked Mr. Tovares if he agreed with the staff's additional suggested condition of approval requiring a six month review. Mr. Tovares replied that he had no objection to any of the conditions.

Mr. Ramos asked if the request would include the sale and/or consumption of alcoholic beverages. Mr. Tovares replied that they are not requesting or proposing the sale of alcoholic beverages.

Mr. Ramos asked Mr. Tovares to provide additional information on the types of entertainment proposed. Mr. Tovares indicated that they desired to display local talent and proposed children's plays, puppet shows, musical performances and other similar performances.

Mr. Ramos inquired about the location of the proposed entertainment.

Mr. Ramos asked staff what other conditions might be imposed regarding the entertainment. Mr. Gonzales suggested a condition specifying the exact location of the stage. Mr. Talleh noted that the Police Department was primarily concerned with the possible sales of alcohol.

John Glowacz, 7762 Cypress #4, stated that he did not believe there was adequate parking spaces for the event and that the number of spaces listed in the request was inaccurate. He stated that the market would hamper the monthly neighborhood clean up program. He also expressed concern about the market conflicting with any weekend school activities and/or library activities.

Mr. Ramos asked Mr. Tovares if he was aware of any conflicts with school or library events. Mr. Tovares indicated that the library did have special activities on Saturdays but that he had spoken with the library staff about coordinating events to minimize the impacts to the library. He noted that the library was concerned about the increase in foot traffic but positive about the possibility of increased exposure and awareness.

Mr. Ramos asked if a parking overflow plan had been considered if the parking needs are not met within the proposed parking area. Mr. Tovares stated that he had discussed a possibility of using additional open space at the school for parking with the school district.

Jasmin Sahagun, 17121 Oak Lane #A, expressed concern about the impact of the request on the produce and hot food mobile vendors in the area.

Mr. Ramos asked if the concern was increased competition.

Ms. Sahagun stated that competition was not an issue. She stated that there was concern among the mobile vendors that they would no longer be allowed to vend as a result of the market.

Tony Duarte, Code Enforcement Officer, stated that the farmers market would have no affect on the mobile vendors. He indicated that current ordinances permit vending in the area.

Ms. Sagahum confirmed that there would be no impact or change to the current ordinances and translated that information into Spanish to those around her.

Christine Austerman, Ash Street, stated that parking was already a concern in the area and that she felt this request may increase those concerns. She stated that there would be an additional refuse problem. She noted that while trash collection was addressed through a condition of approval, she believed that there would be an increase in trash along the areas leading to the market. Ms. Austerman stated that she felt there was already sufficient access to food vendors in the area. She asked what the procedure would be for addressing any issues with the market once it is in operation.

Mr. Ramos indicated that Code Enforcement and the Police Department could be contacted with issues that may arise.

Richard Edmunston, 8792 Gallant Drive, stated that the farmer's market would be a positive addition to the neighborhood.

Mr. Tovares stated that surveys had been conducted through the neighborhood and that the residents' top concern was the issue of health and availability of nutritious food. He indicated that the lack of access to fresh produce was a concern and that the market would help to alleviate some of those issues. He stated that there was an interest in approaching local residents and the mobile vendors to participate in the market.

Karla Raud, 11063 Slater Ave, asked if there would be any hot food at the market.

Mr. Tovares stated that there was no plan for hot food vending in initial establishment of the market, but that there was an interest in exploring the possibility at a later date. He encouraged vendors to pursue opportunities with the market.

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

Mr. Ramos asked staff if the condition on placement of the stage area was the only recommended condition regarding the entertainment portion of the request. He stated that he was considering adding a condition requiring a list of entertainers to be submitted. Staff stated that it was in the Zoning Administrator's purview to also limit the use of amplified sound.

Mr. Ramos indicated that he would like to add a condition requiring an alternate parking plan be submitted. He asked Mr. Tovares if he had any objections to these additional conditions. Mr. Tovares stated the he did not object to any of the conditions.

Mr. Ramos indicated that he would approve the request as recommended by staff with additional conditions requiring a six month review, a site plan identifying the location of the stage, submittal of a list of proposed entertainment activities, and an overflow parking plan.

TEMPORARY USE PERMIT NO. 2008-005 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND MODIFIED CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15304 of the CEQA Guidelines, because minor temporary use of land having negligible or no permanent impact on the environment, including carnivals, sales of Christmas Trees, etc., are exempt from further environmental review.

FINDINGS FOR APPROVAL - TEMPORARY USE PERMIT NO. 2008-005:

1. The proposed temporary use will be located, operated and maintained in a manner consistent with the policies of the General Plan and the provisions of Chapter 241. The temporary use permit will be compatible with the surrounding uses, and consistent with following Land Use Policies:

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

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

The temporary use permit will provide a balance of land uses by establishing a commercial/recreational/cultural use on a temporary basis within an existing neighborhood. The farmer's market will provide an affordable option for the purchase of groceries within close proximity to the area's local residents which is otherwise not provided within a three-quarter mile radius from the subject area. Additionally the farmer's market intends to provide a kiosk that will handout literature on nutrition and healthy eating habits, and foster job growth in the local community.

2. Approval of the application for Temporary Use Permit 2008-005 to permit a farmer's market located within a portion of the Oak View Elementary school parking lot every Saturday, for a period of five years (2009-2013) will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare. The temporary use will not occur during the school's operating hours or during other onsite activities. The market will be located more than 100 feet from the closest residential dwellings. Residential uses will be buffered by the Oak View Community Resource Center building and two local streets (Oak Lane and Mandrell Drive). The market will be within walking distance to the neighborhood for which it serves. In addition, parking for the event will be

provided within the remaining school parking spaces. The temporary nature of the market will not alter the subject site. No health impacts are anticipated because proper permits are required from the Orange County Health Care Agency's Department of Environmental Health prior to the market's commencement.

CONDITIONS OF APPROVAL - TEMPORARY USE PERMIT NO. 2008-005:

1. The site plan received and dated July 23, 2008 shall be the conceptually approved design.
2. The use shall comply with the following:
 - a. The farmer's market shall be limited to between the hours of 9 AM and 2 PM on Saturdays only.
 - b. If a refrigeration truck is provided, it shall be placed as far away from the residential properties as possible to minimize noise.
 - c. A trash receptacle, separate from Oak View Elementary and Oak View Community Resource Center, shall be provided onsite for the exclusive use of the market.
 - d. Installation and breakdown of stands, equipment, apparatus and clean up of the site shall be permitted one hour prior to commencement and one hour after the finish of each market event. Clean up of the site shall not include the use of machinery or equipment that may disturb the residents in the area. All trash, debris and garbage, as well as special dumpsters, shall be removed from the site prior to closing the event.
 - e. The applicant shall ensure the clean-up of the adjacent streets of trash and debris associated with the use after the market closes.
 - f. A minimum of two portable restrooms shall be provided onsite during the operation of the market.
 - g. Only the uses described in the submitted narrative received and dated July 23, 2008, shall be permitted.
3. Prior to commencement of the use, the Planning Department shall receive documentation from the applicant verifying approval from the Orange County Health Care Agency's Department of Environmental Health.
4. In the event that there are any violations of the foregoing conditions of any violations of life and safety code, the market may be terminated by any Police Officer, Fire Inspector or authorized personnel of the Department of Planning.
5. The Planning Director ensures that all conditions of approval herein are complied with. The Planning Director shall be notified in writing of any changes to the event. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the Huntington Beach Zoning and Subdivision Ordinance.

6. The applicant and/or applicant's representative shall be responsible for ensuring that accuracy of all plans and information submitted to the City for review and approval.
7. The Planning Department shall review and evaluate past events six months after commencement and on an ongoing basis thereon for compliance with all conditions of approval and determine the need for new or modified conditions subject to approval by the Zoning Administrator.
8. A minimum of one month prior to commencement of the use, a site plan identifying the placement of the stage and list of proposed entertainment activities shall be submitted to the Planning Department for review and approval.
9. A minimum of one month prior to commencement of the use, a plan shall be submitted to the Planning Department for review and approval specifying the locations for overflow parking and documentation authorizing the use of those areas.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

THE MEETING WAS ADJOURNED AT 2:10 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, OCTOBER 29, 2008 AT 1:30 PM.

R. Ramos

Ricky Ramos
Zoning Administrator

:kdc