

ATTACHMENT NO. 1

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

TEMPORARY USE PERMIT NO. 26-002

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 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. 26-002:

1. Temporary Use Permit No. 26-002 to permit private property outdoor display and sales for up to 50 days per year will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood because the 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 project 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.
2. The granting of the temporary use permit to permit private property outdoor display and sales for up to 50 days per year will not adversely affect the General Plan. It is consistent with the Land Use Element designation M-sp (30-50 d/u) (mixed-use – specific plan – 30-50 du/acre) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

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

Policy LU 11.C: Maximize the economic development services provided by the City to existing and prospective businesses and industries.

Outdoor display and sales allow the business to promote visitor-serving seasonal retail items on an intermittent basis throughout the year, 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.

3. The proposed temporary use permit to allow private property outdoor display and sales for up to 50 days per year 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 because the project requires approval of a Temporary use permit to allow private property outdoor display and sales for up to fifty (50) days per year. The outdoor sales on private sidewalks will not include any additional development or modification to existing development. The proposed project is consistent with the intent of the

Downtown Specific Plan because the use provides visitor-serving opportunities and promotes a unique and identifiable downtown for Huntington Beach that capitalizes on the distinctive location by providing an economically vibrant, pedestrian-oriented destination for residents and visitors alike.

SUGGESTED CONDITIONS OF APPROVAL - TEMPORARY USE PERMIT NO. 26-002:

1. The site plan, floor plans, and elevations received and dated February 5, 2026, shall be the conceptually approved design.
2. The Temporary Use Permit shall permit outdoor sales/display events subject to the following limitations:
 - a. 5 years maximum per permit.
 - b. Fifty (50) days maximum outdoor sales days per calendar year.
 - c. Ten (10) consecutive days maximum.
 - d. 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. 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.
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.
5. Outdoor display items shall be identical to items sold within the store and damaged merchandise is prohibited from outdoor displays.
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.
7. 6' maximum height for entire display.
8. No more than 2 items may be stacked.
9. 15' maximum depth, perpendicular to the storefront.
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.
11. 10' minimum clear path of travel shall be maintained along the public sidewalk, adjacent to outdoor display areas.
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.
13. Display merchandise shall not obscure or interfere with any official notice, public safety sign, or device.
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.

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.
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.
17. All outdoor displays, associated furnishings and accessories, including but not limited to display tables, tablecloths/skirts, cashier stations, canopies, and employee uniforms, shall be color coordinated.
18. No outdoor storage shall be permitted in conjunction with any outdoor use.
19. No display of merchandise is allowed from cars, trucks or other vehicles.
20. Items shall not be displayed in bins, boxes, or on standard racks.
21. Merchandise shall not be lit and no electricity shall be utilized by an outdoor merchandise display.
22. No noise shall be generated by outdoor merchandise.
23. All signs shall be uniform per business in design, color, placement, etc. and shall be professional in appearance.
24. No signs shall be posted outside of the designated display area or on the public art installation.
25. All sales transactions shall occur inside the store except where adequate space is provided in the outdoor sales area for cash register queueing, 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.
26. Line formations within the public right-of-way are prohibited.
27. Sales to patrons in vehicles or in the public right-of-way is prohibited.
28. Customers shall be prohibited from trying on clothing or other merchandise while in the public right-of-way.
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.
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.
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.
32. Incidental outdoor uses shall not require additional parking beyond that which is otherwise required for the primary permanent use.
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.

34. Outdoor sales dates shall be submitted at the beginning of each calendar year to the Community Development Department.
35. 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.
36. When a City event conflicts with an approved outdoor sales date, outdoor sales shall be rescheduled for another date within the same calendar year as required by the City.
37. CUP No. 26-002 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 Community Development Department a minimum 30 days prior to the expiration date.
38. 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 Community Development 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.