

ADMINISTRATIVE HEARING AGENDA REPORT

SUBJECT: Request to establish an intermittent use for outdoor sales in the Service Commercial (C-S) zone with a Mixed-Use (MU) overlay, with a categorical exemption from environmental review.

PROJECT ADDRESS: 277 Higuera Street

BY: Kip Morais, Planning Technician *KM*
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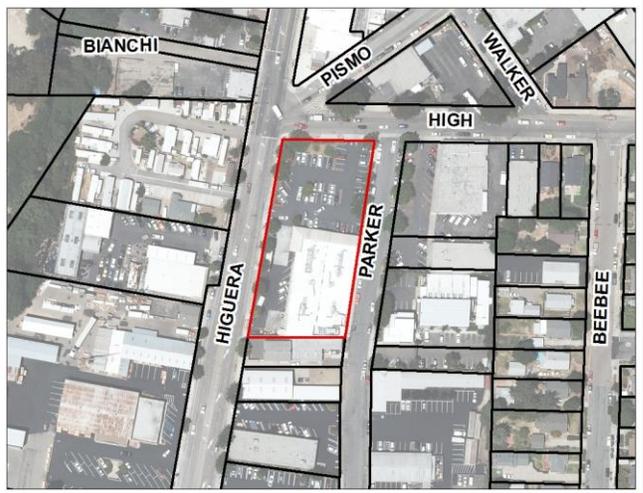
FILE NUMBER: USE-4047-2016

FROM: Tyler Corey, Principal Planner *TC*

RECOMMENDATION

Approve the Administrative Use Permit to allow an intermittent use for parking lot sales for *Harbor Freight*, based on findings and subject to conditions.

SITE DATA

Applicant	Russ Shiraishi	
Complete Date	January 12, 2017	
General Plan	Services and Manufacturing	
Zoning	Service Commercial – Mixed Use (C-S-MU)	
Site Area	49,560 Square Feet	
Environmental Status	Categorically exempt under Section 15301, Class 1, Existing Facilities, of the CEQA Guidelines.	

SUMMARY

The applicant, Russel Shiraishi, has applied for an Administrative Use Permit to establish an intermittent outdoor sales use for a parking lot sale for Harbor Freight. The property is located in the Service Commercial zone (C-S-MU) with a Mixed-Use overlay. The application includes the review of a 48 square foot banner sign in conjunction with the use permit. No physical changes to the building are proposed as part of this use permit application.

1.0 PROJECT INFORMATION

Site Information/Setting

The site for the proposed use is the Harbor Freight parking lot located at 277 Higuera Street. This site is currently zoned Service Commercial with a Mixed Use Overlay (C-S-MU). The project site

is bordered to the North South and East by Service-Commercial zones with Mixed-Use overlays (C-S-MU), and to the West by Retail Commercial with Mixed-Use Overlay (CR-MU). The site is located within the Mid Higuera Enhancement Plan.

Project Description

The applicant, Russ Shiraishi, is requesting to establish an intermittent use for parking lot sales in the Service Commercial zone with the Mixed-Use Overlay (C-S-MU). The proposed parking lot sales would be held outdoors five times per year, with the November Black Friday Sale being held indoors only (Attachment #2, Proposed Sales Dates). The proposed sales will run Friday through Sunday, with setup to occur on Wednesdays and take downs to occur on Mondays. The hours of operation during the event are 8 am to 9 pm Fridays and Saturdays, and 9 am to 7 pm on Sundays. The sale includes the use of one 20 by 40-foot canopy style tent to be located in the west parking lot. This parking lot will be closed to traffic from Higuera as well as closed to traffic from the main parking lot north of Harbor Freight (Attachment #3, Reduced Project Plans). Two weeks prior the event, the applicant is proposing to hang a 4 by 12-foot banner sign from the west elevation of the building that states the event name and dates (Attachment #4, Banner Photograph).

2.0 PROJECT ANALYSIS

Consistency with Zoning Regulations

Chapter 17.08.020 (B) of the Zoning Regulations requires a Director's Use Permit approval for Other Outdoor Sales. The proposed parking lot sale is a well suited temporary use for this site, as the site is large enough to properly hold this event, and is easily accessible to both pedestrian and vehicle traffic. Although the proposed event is to be held in a parking lot, the event area is to be closed to vehicular traffic, which addresses potential safety concerns for event patrons.

Parking: The proposed event is expected to have limited impacts on parking, because the primary general retail use is normally over-parked by 11 spaces. The intermittent use will result in the building being under parked by seven spaces, for a period of five days at a time for each of the five events per year. Parking analysis indicates that there is available on-street parking on High and Parker that could accommodate minor spillover if the parking demand exceeds the on-site supply during the brief periods of time the sales take place.

Intermittent use: Due to the infrequency of this event (five events held per year), the proposed parking lot sales are expected to have limited impacts on neighboring businesses and residences. The proposed event is compatible in terms of noise impacts to the area, because the event concludes at 9:00 P.M. The proposed use, as conditioned, is compatible in terms of light exposure to the neighboring residential units, because the use of lighting for the event has been conditioned to be compliant with the Night Sky Preservation Ordinance, Zoning Regulations Chapter 17.23.040.

Consistency with Sign Regulations

As conditioned, the proposed 4 by 12-foot banner sign is consistent with the Sign Regulations, because Chapter 15.40.300.A.(1) of the Sign Regulations states that banner signs are prohibited unless approved in conjunction with a temporary or intermittent use permit or special event permit.

3.0 ATTACHMENTS

1. Project Description
2. Proposed Sales Dates
3. Reduced Project Plans
4. Banner Sign

4.0 ACTION

The Administrative Hearing Officer does hereby approve the Administrative Use Permit USE-4047-2016, which allows for an intermittent use for parking lot sales in the C-S-MU zone, subject to findings and conditions of approval.

Findings

1. As conditioned, the proposed use will not be detrimental to the health, safety, and welfare of persons living or working at the site or in the vicinity, because the parking lot sale will occur five times per year, and impacts to the neighboring properties have been considered and addressed through conditions.
2. The proposed use is compatible in terms of noise impacts to the area, because the event concludes at 9:00 P.M., and amplified music and noise is prohibited to ensure consistency with the City's Noise Ordinance (SLOMC 9.12).
3. The proposed use is compatible with the neighboring residential units for light exposure, because any lighting for the event is conditioned to be directed away from residential uses.
4. The project is categorically exempt from environmental review (CEQA Guidelines, Section 15301, Existing Facilities), because the proposed use is located in an existing parking lot, with no physical changes made to the site or existing structure, and will not have the potential for causing a significant effect on the environment.

Conditions

Planning Division

1. Any proposed improvements that require a building plan submittal shall be in full conformance with submitted project plans and the following conditions of approval shall be submitted for review and approval of the Community Development Department. A separate, full-size sheet shall be included in working drawings submitted for a building permit that lists all conditions of project approval as Sheet No. 2. Reference should be made in the margin of listed items as to where in plans requirements are addressed.
2. This intermittent use permit shall be valid only for the operation of the proposed parking lot sale held five times per year in March, June, August, October, and January. Expansion,

modification and/or change of the use, not substantially in conformance with this use permit, shall require Community Development Director approval.

3. To ensure there are no disturbances to the neighboring residential units, no amplified music, or other sources of noise above an ambient level is permitted during the parking lot sale or Black Friday sales events.
4. Any lighting used in conjunction with the parking lot sales event, including set up and take down, shall be compliant with the Night Sky Preservation Ordinance, Zoning Regulations Chapter 17.23, and shall especially be directed downwards and away from the neighboring residential units to the West.
5. The use of the proposed four-foot by twelve-foot banner sign will be limited to the week of the sale, including the November Black Friday indoor sale. No other banners, signs, or attention getting devices are approved through this use permit. Any subsequent signage shall require separate review.
6. This use permit shall be reviewed by the Administrative Hearing Officer if any reasonable written complaint is received from any citizen or from the Police Department or upon receipt of evidence that the use is not in compliance with conditions of approval and the Municipal Code. At the time of the use permit review, to insure on-going compatibility between uses on the project site, conditions of approval may be added, deleted, or modified or the use permit may be revoked. The Hearing Officer may refer the complaint to the Planning Commission at his/her discretion.
7. The applicant shall defend, indemnify and hold harmless the City and/or its agents, officers and employees from any claim, action or proceeding against the City and/or its agents, officers or employees to attack, set aside, void or annul, the approval by the City of this project, and all actions relating thereto, including but not limited to environmental review (“Indemnified Claims”). The City shall promptly notify the applicant of any Indemnified Claim upon being presented with the Indemnified Claim and the City shall fully cooperate in the defense against an Indemnified Claim.

Engineering Division

8. The driveway closure off Higuera Street shall be completed with a minimum of MUTCD Type II barricades. Driveway closures shall be clearly defined and maintained at all times during the event to the satisfaction of the City.
9. The applicant shall make provisions to maintain minimum solid waste services to the satisfaction of the City and San Luis Garbage Company.

Action:

- Approve
- Approve as modified
- Deny

Continue to: _____ to allow _____

Continue indefinitely to allow: _____

Doug Davidson, Deputy Director
Hearing Officer

City of San Luis Obispo

919 Palm Street

San Luis Obispo, CA 93401

Harbor Freight Tools

277 Higuera Street

San Luis Obispo, CA 93401

805-549-0483

Hello,

We are applying for an Administrative Use Permit for our Parking lot Sale events that we have six times a year. The one we have in November is actually held inside the building and nothing goes out. Our parking lot sale runs Friday thru Sunday, with a setup on Wednesday and a take down on Monday. Our hours of operation during the event are 8am to 9pm Friday, Saturday, and 9am to 7pm on Sunday. Our tent is a canopy style that's open on all sides and its dimensions are 20' x 40'. The tent will be secured on the west side of the store by Higuera Street. It will be 20 feet away from the property and parked vehicles. The parking lot entrance on the south side of Higuera will be closed to traffic as well as a 2nd interior entrance from the parking lot will be closed. This will not affect our traffic circulation because all of our customers park in front of the store since we only have one entrance to the store. We hire security that watches the merchandise in the tent overnight through the event. Two weeks before the time of the event we do hang a 4' x 12' banner from the building that states we are having a parking lot sale and the dates the event will take place. We have about 12 – 16 employees that work the event every day. We plan on placing the tent on the west side of the property next to Higuera Street, so it will not affect our main parking lot in front of the store. If you have any further questions please let me know?

Thank you,

Russ Shiraishi

Store Manager

Harbor Freight Tools.

2016/2017 Parking Lot Sale Calendar

March Parking Lot Sale (2016) Mar 11 – Mar 13

June Parking Lot Sale (2016) Jun 10 – Jun 12

August Parking Lot Sale (2016) Aug 19 – Aug 21

October Parking Lot Sale (2016) Oct 14 – Oct 16

Black Friday Sale (2016) Nov 25 – Nov 27

January Parking Lot Sale (2017) Jan 13 – Jan 15

March Parking Lot Sale (2017) Mar 10 – Mar 12

June Parking Lot Sale (2017) Jun 9 – Jun 11

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80% MIN. LONG TERM: 7 SPACES REQUIRED,
10% MIN. SHORT TERM: 2 SPACE REQUIRED,

