



CITY OF HAWAIIAN GARDENS

"Our Youth – Our Future"

via email: andrew@freedomboatclub.com

December 12, 2024

Mr. Andrew Hard
16360 Pacific Coast HWY, Ste 216
Huntington Beach, CA 92649-1813

Subject: Case #PLNG2024-0011 MUP - Deny Application (Boat Sales)
Location: 12347 E. Carson Street, Hawaiian Gardens, CA 90716

Dear Mr. Hard:

The City's Planning Department received your application for a Minor Use Permit (MUP) Application for Boat Sales on property located at 12347 E. Carson Street, Hawaiian Gardens in the C-4 (General Commercial) Zone (APN: 7066-017-127) ("Property"). We also received your Business Description, California Department of Tax and Fee Administration Seller's Permit, and responses to the City's questions in subsequent emails. Upon further review of the entirety of your submittal which consists of all of the documents you have submitted and responses, both verbally and in writing to City questions, the City is unable to make the findings required by the Hawaiian Gardens Municipal Code ("HGMC"). As explained in more detail below, your application for a Minor Use Permit ("MUP") is not approved for the reasons set forth.

The use Table found in Section 18.60.050 (Uses Permitted in Non-Residential Zones) of the HGMC allows auto sales (new or used)¹ as a use that is permitted in the C-4 zone (where the Property is located) subject to issuance of a MUP. Section 18.100.050 (E) lists the required findings for a MUP and states:

"In granting a Minor Use Permit, the Director shall make the following findings:

1. That the proposed use is consistent with the General Plan;
2. That the proposed use is not contrary to the objectives of this Zoning Code or to the objectives of the applicable regulations;
3. That the proposed use will be located, operated, and maintained in a manner consistent with the policies of the general plan and the provisions of this Zoning Code;

¹ HGMC section 18.20.030 defines "automobile sales area" to include "an open area or building used for the display or sales of new or used automobiles, trucks, trailers, **or boats**." (emphasis added).

4. That the proposed use will not be detrimental to the property or improvements in the surrounding area or the public health, safety, or general welfare.”

Based on all of the totality of your application, including your admitted description of how the Property is going to be used and the proposed site layout, the City finds that your operations are more akin to boat storage – which is not a permitted use and thus the City cannot make any of the required findings for the MUP. The proposed use is not consistent with the General Plan and Zoning Code and may be detrimental to the property or improvements in the surrounding area as a stagnant storage area not manned by any employees or frequented regularly by customer looking to purchase boats is a potential target for crime, vandalism and/or loitering.

The above determination is based on your description of how the site will be used. In our meetings and written correspondence, you indicated that you will keep your waterfront office elsewhere (outside of the City of Hawaiian Gardens), that no staff will be onsite, and that you will only occasionally bring a customer to the site to pick up their boat and trailer it to the water for “test drives”. This description supports the City’s determination that the proposed use is more akin to boat storage as the Property will be used as an open air warehouse for boats that are moved elsewhere via trailer to “test drive” the boat. Further it is unclear to the City that if a sale is made in the aforementioned example, where the point of sale will be and where the appropriate sales tax will be paid.

The following is a timeline of the application process:

- 2/20/24 - Application submitted
- 2/20/24 - Application Payment
- 3/12/24 - Application Deemed Incomplete
- 4/30/24 - Meeting to discuss Proposed Project with Applicant
- On 5/1/24, City Planning staff requested business information from you regarding your State License for Boat Sales (email dated 5/2/24). Specifically, City Planning staff asked which Boat Sales license type you will obtain for the proposed Boat Sales business.
- On 7/3/24 City Planning staff again requested the same information (email from 5/1/24) and that the information be submitted by 7/17/24. No State license information was provided in response to the request.
- On 8/28/24 an incomplete letter was issued, indicating that the State License information was not received, and the proposed project application was deemed incomplete.
- To date, the City has not received the State License information for Boat Sales.
- On 10/18/24, you sent a letter outlining reasons why you believe we should issue the MUP, and you provided a California Department of Tax and Fee Administration Seller’s Permit (one component required by the State for resale of products in the State of California). No Boat Sales license was provided (agent or broker license).

Without other information indicating that boat sales will occur, the City is unable to make the required findings to support your proposed project – boat sales. This very same information was discussed with you previously in the City’s August 28, 2024 letter. This was done in the spirit of collaboration to try and work with you. This official determination is being issued based on your request.

If you disagree with Staff's determination, you may file an appeal of this determination per HGMC 18.100 within ten (10) days of the date of this letter.

Thank you,

Tonya Pace

Tonya Pace
Senior Planner