HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY

TO: Zoning Administrator
FROM: Tess Nguyen, Associate Planner
DATE: July 7, 2010

SUBJECT: **COASTAL DEVELOPMENT PERMIT NO. 2010-008/ TEMPORARY USE PERMIT NO. 2010-003 (THE STRAND OUTDOOR YOGA CLASSES)**

LOCATION: 5th Street, 92648 (between Pacific Coast Highway and Walnut Avenue)

Applicant: Jen Orsi, CIM Group, 155 5th Street, Huntington Beach, CA 92648

Property Owner: CIM Group, 155 5th Street, Huntington Beach, CA 92648

Request: **CDP:** To permit the temporary closure of 5th Street every Friday, from 8:00 AM to 1:00 PM, between Pacific Coast Highway and Walnut Avenue, commencing Memorial Day weekend to Labor Day weekend; **TUP:** To permit the establishment of outdoor yoga classes for a period of five years (2010-2014) along 5th Street.

Environmental Status: This request is covered by Categorical Exemption, Section 15304, Class 4, California Environmental Quality Act.

Zone: SP5-CZ (Downtown Specific Plan – Coastal Zone)

General Plan: MV-F12-sp-pd (Mixed Use Vertical – 3.0 (MU) – 3.0 (c)/30 du/ac – Specific Plan – Overlay – Pedestrian Overlay)

Existing Use: 5th Street, public right-of-way

RECOMMENDATION: Staff recommends approval of the proposed project based upon the following findings:

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 15304 of the CEQA Guidelines, because minor temporary use of land having negligible or no permanent effects on the environment is exempt from further environmental review.

SUGGESTED FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2010-008:

1. Coastal Development Permit No. 2010-008 to permit the temporary closure of 5th Street every Friday, from 8:00 AM to 1:00 PM, between Pacific Coast Highway and Walnut Avenue, commencing Memorial Day weekend to Labor Day weekend, conforms with the General Plan, including the Local Coastal Program. The project is consistent with the following Coastal Element Land Use policies:

   Policy - C 1.1.6: Temporary and seasonal activities within the coastal zone which do not qualify as exempt activities pursuant to the Coastal Commission's guidelines adopted by the Commission pursuant to Section 30610(i) of the Coastal Act shall be monitored and regulated through the coastal development permit process to protect coastal resources from adverse impacts associated with the seasonal or temporary activities.

   Policy - C 3.2.1: Encourage, where feasible, facilities, programs and services that increase and enhance public recreational opportunities in the Coastal Zone.

   Policy - C 3.4.2: Enhance the Municipal Pier and surrounding area to function as the "hubs" of tourist and community activity.

   The proposed outdoor yoga classes will attract tourists and Huntington Beach residents to Fifth Street and the Municipal Pier reinforcing Downtown Huntington Beach as a "hub" of community activity. The weekly event increases and enhances recreational opportunities in the coastal zone by providing public recreational and community activities.

2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) and Municipal Code. The outdoor yoga classes will not involve the construction of permanent structures. Adequate pedestrian access will be provided during yoga operations and will maintain minimum aisle widths for purposes of emergency access.

3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The event will temporarily occupy a portion of an existing roadway for yoga operations. Adequate infrastructure exists onsite for the proposed use, and will require no additional infrastructure beyond which already exists.

4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. All public access will remain to the beach and pier area.

SUGGESTED FINDINGS FOR APPROVAL - TEMPORARY USE PERMIT NO. 2010-003:

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 because the event is temporary in nature and is consistent with the character of the area. It will not alter the existing property or physical improvements in the surrounding area.

2. Approval of the application for the temporary closure of Fifth Street every Friday, from 8:00 AM to 1:00 PM, between Pacific Coast Highway and Walnut Avenue, to allow for outdoor yoga classes for a period of five years will not be detrimental to property or improvements in

the surrounding area or to the public health, safety or general welfare. The applicant will provide adequate traffic controls and security measures to mitigate potential impacts to the surrounding area. Sawhorses (traffic barricades) will be placed in front of parked cars to block 5th Street from vehicular traffic. Signage will also be posted in front of sawhorses and parked cars to notify vehicular traffic of the event.

SUGGESTED CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2010-008 /TEMPORARY USE PERMIT NO. 2010-003:

1. The site plans received and dated May 19, 2010 shall be the conceptually approved design.

2. Traffic Control for the event shall be provided in accordance with all Public Works, Police, and Fire Department requirements for access, circulation and protection of the public. The applicant shall install signage on Pacific Coast Highway prohibiting right turns into Fifth Street. All signs shall be promptly removed at the end of each class. **(PW)**

3. The Director of Planning and Building ensures that all conditions of approval herein are complied with. At the discretion of the Directors of Public Works and Planning and Building, the conditions of approval contained herein may be modified. The Director of Planning and Building shall be notified in writing if any changes to the site plan and list of activities are proposed as a result of the ongoing operation and oversight of the event.

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.