

**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Jill Arabe, Assistant Planner
DATE: December 1, 2010

SUBJECT: TEMPORARY USE PERMIT NO. 10-006/ COASTAL DEVELOPMENT PERMIT NO. 10-016 (THE STRAND OUTDOOR SKATING RINK)

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

Applicant: Anna Marie Padilla, CIM Group, 155 5th Street, P100, Huntington Beach, CA 92648

Property Owner: CIM Huntington, LLC., 155 5th Street, P100, Huntington Beach, CA 92648

Request: **CDP:** To permit the temporary closure of 5th Street, between Pacific Coast Highway and Walnut Avenue, for a period of 15 days commencing the 3rd week of December to the 1st week of January. **TUP:** To permit the establishment of an 1,800 sq. ft. ice skating rink for a period of five (5) 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 – District No. 5 - Coastal Zone Overlay)

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, right-of-way

RECOMMENDATION: Staff recommends approval with modifications 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 the project involves the minor temporary use of land for an ice skating rink, which has no permanent effects on the environment.

SUGGESTED FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 10-016:

1. Coastal Development Permit No. 10-016 for temporary closure of 5th Street, between Pacific Coast Highway and Walnut Avenue, to install and operate an artificial ice skating rink for a period of 15 days commencing the 3rd week of December to the 1st week of January, as modified by conditions of approval, 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 301610(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 ice skating rink will provide winter recreation for residents and tourists to the downtown coastal area. The proposed use is conveniently located and reinforces Downtown Huntington Beach as a “hub” of community activity. Although 5th Street will be closed to vehicles as a result of the placement of the rink, pedestrian accessibility and sidewalks along 5th Street to coastal resources will still be accessible.

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 ice skating rink will not involve the construction of permanent structures. It will be composed of interlocking synthetic ice panels placed above the street asphalt. An approximately 3 ft. 6 in. high plastic fence will surround the perimeter of the ice rink. Adequate pedestrian access will be maintained during the ice skating operation and street closure. The visitor serving use will comply with applicable noise thresholds as defined by the City Noise Ordinance (Chapter 8.40 Noise Control) and is consistent with District No. 3 of the Downtown Specific Plan (SP5).
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 operation will temporarily occupy a portion of an existing roadway. 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, pier area, and coastal resources.

SUGGESTED FINDINGS FOR APPROVAL - TEMPORARY USE PERMIT NO. 10-006:

1. The proposed temporary use will be located, operated and maintained in a manner consistent with the provisions of Chapter 241 and the following goals and policies of the General Plan:

A. Recreation & Community Services Element

Goal - RCS 1: Enrich the quality of life for all citizens of Huntington Beach by providing constructive and creative leisure opportunities.

B. Land Use Element

Goal – LU 15: Achieve new development that enhances the city’s quality of development and sense of place, goals for community character, and preserves significant historical resources.

Policy – LU 15.2.2: Require that structures located in the pedestrian overlay zone be sited and designed to enhance pedestrian activity along the sidewalks.

Installation and disassembly of the artificial ice rink will be completed in an expedited timeframe and will not involve refrigeration equipment or other noise generating equipment. The synthetic ice is applied with an environmentally safe solution which can withstand temperamental weather conditions. The temporary use encourages outdoor recreational activity during the winter season. The activity will occur for approximately two weeks along 5th Street, between Walnut Avenue and Pacific Coast Highway, prohibiting vehicular access while promoting pedestrian activity. The recreational opportunity is available for all ages to participate and will attract public activity along 5th Street.

2. Approval of the application for the temporary closure of a portion of 5th Street in conjunction with the establishment of an artificial ice rink for a period of 15 days for a five year period (2010-2014), commencing the 3rd week of December through the 1st week of January 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 produce noise above levels that which already exists because the rink will not require any noise generating equipment. Temporary structures such as the synthetic ice and perimeter rink fencing will be removed upon completion of the two-week event. The activity will not alter any existing property in the area. The use will not generate any additional parking, odor, or lighting above levels that which already exists.

SUGGESTED CONDITIONS OF APPROVAL - TEMPORARY USE PERMIT NO. 10-006:

1. The site plan received and dated November 4, 2010, shall be the conceptually approved design with the following modifications:
 - a. Dimensions shall be provided on the site plan for all skate areas, sidewalks, and seating areas.
 - b. The skate rental and skate storage area shall be depicted on the site plan.
 - c. The location of temporary signage and any additional (portable) lighting shall be depicted on the site plan.

- d. All existing accessibility features such as curb ramps shall be depicted on the site plan and remain usable. **(BS)**
2. Prior to commencement of use, the following shall be completed:
- a. A site plan as amended per Condition No. 1 shall be submitted and reviewed by the Planning & Building Department and for inclusion into the entitlement file.
 - b. A traffic control plan shall be submitted to the Public Works Department for review and approval. The plan shall conform with the City of Huntington Beach and Caltrans standards for temporary traffic control and include the following:
 - i. Signage on Walnut Avenue and Pacific Coast Highway shall prohibit right turns into 5th Street. **(PW)**
 - ii. Type III barricades at the closure points shall be installed. **(PW)**
 - c. A building permit shall be obtained for the installation of the rink and applicable structures. **(BS)**
 - d. A permit from Caltrans shall be obtained for the installation of signs on Pacific Coast Highway. **(PW)**
 - e. The scheduled dates and hours of operation for the use each year shall be submitted to the Planning & Building Department for inclusion into the entitlement file.
3. The use shall comply with the following:
- a. Only the uses described in the narrative received and dated November 8, 2010 shall be permitted.
 - b. A minimum 10 ft. wide clear path shall be provided for pedestrian accessibility along existing sidewalks.
 - c. Two means of egress shall be provided where areas enclosed by saw horses or other barriers exceed 50 occupants. **(BS)**
 - d. All aspects of the ice skating facility shall be handicap accessible, including the rink, sales area, and skate rental areas. **(BS)**
 - e. No traffic control devices shall impede curb ramps and pedestrian sidewalk crossings on Walnut Avenue and Pacific Coast Highway. **(BS)**
 - f. The temporary use shall terminate daily at 10 PM.
 - g. The applicant shall provide for clean-up of areas after the closing of each day. Clean-up of the site after 10:00 PM shall not include the use of machinery or equipment that may disturb neighbors in the area. All trash, debris, and garbage, as well as special dumpsters, shall be removed from the site within one (1) day of event.
 - h. Setup and disassembly of temporary use shall be prohibited after 10:00 PM and before 7:00 AM, and shall conform to the provisions of the Huntington Beach Municipal Code regarding noise.
 - i. Valet drop-off and pick-up operations may be temporarily relocated to the interior of the parking garage with approval of the Shorebreak Hotel.

- j. Use of amplifiers, speakers, playing of recorded music shall be limited to weekends and to the ice skating rink and shall be discontinued as of 4:00 PM. Speakers shall not be directed toward any housing area.
 - k. Lighting shall be designed so as not to produce glare or spillage on any housing area.
 - l. Barriers shall not impede emergency access from the alley onto 5th Street.
 - m. No structures shall be constructed nor additional activities occur without obtaining proper City approvals and permits.
 - n. The use conditions listed herein shall be posted on the premises at all times.
4. TUP No. 10-006/CDP No. 10-016 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 Planning and Building Department a minimum 30 days prior to the expiration date.
5. Incorporating sustainable or “green” building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council’s Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green’s Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).
6. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.

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.