

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

TO: Zoning Administrator
FROM: Hayden Beckman, Planning Aide
DATE: June 16, 2010

SUBJECT: TEMPORARY USE PERMIT NO. 2010-002 (OAK VIEW CHILI NIGHT)

LOCATION: 17341 Jacquelyn Lane, 92647 (terminus of Jacquelyn Lane, north of Slater Avenue, west of Nichols Lane)

Applicant: Roy Gerber, His Chaplain For You, 9114 Adams Avenue #197,
Huntington Beach, CA 92646

Property Owner: City of Huntington Beach, 2000 Main Street, Huntington Beach, CA 92648

Request: To permit the establishment of a weekly food service event every Wednesday between 5:00 PM and 7:00 PM in the parking lot of the Oak View Child Development Center for a period of five years (2010-2014).

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

Zone: PS (Public – Semipublic)

General Plan: P(RL) Public (Underlying designation Residential Low Density)

Existing Use: Oak View Child Development Center & Oakview Center Park

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 impact on the environment are exempt from further environmental review.

SUGGESTED FINDINGS FOR APPROVAL - TEMPORARY USE PERMIT NO. 2010-002:

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 will be compatible with surrounding uses, and consistent with the following General Plan Objective and Policies:

A. Land Use Element

Objective – LU 7.1: Accommodate the development of a balance of land uses that provides for the commercial, educational, cultural, entertainment, and recreation needs of existing and future residents.

Policy – LU 13.1.1: Allow for the continuation of existing public and private institutional, cultural, educational, and health uses at their present locations and development of new uses in areas designated on the Land Use Plan map in accordance with Policy LU 7.1.1.

B. Recreation and Community Services Element

Policy – RCS 7.1.1: Design recreation facilities and programs that are functional, efficient and affordable.

Policy – RCS 8.1.2: Encourage neighborhood groups, organizations, clubs and businesses to take a greater interest and financial responsibility in the improvement and operations of the parks and recreational facilities through the donation of goods, services, and financial support.

The subject event is intended to facilitate a stronger sense of community and assist lower-income residents through the donation of food and non-alcoholic beverages to the local Oak View community. His Chaplain for You, a local non-profit organization partnered with the Community Services Department, requests to create the Oak View Chili Night on a weekly basis which aims to provide a safe and clean environment for Oak View residents to congregate over meals and beverages.

2. Approval of the application for Oak View Chili Night, a weekly food service event between the hours of 5PM and 7PM each Wednesday night, will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare. Temporary Use Permit No. 2010-002 will not create detrimental impacts to surrounding residential uses by utilizing existing City facilities, limiting the hours of operation, and ensuring the site is cleaned of garbage and other debris after each weekly event. A mobile food service vehicle and two tables for food delivery will be removed from the parking lot of the Oak View Child Development Center at the end of each Wednesday night event. No significant impacts are anticipated, as the event will not generate any additional noise, traffic, or demand on parking above which already exists onsite or within the surrounding area.

SUGGESTED CONDITIONS OF APPROVAL - TEMPORARY USE PERMIT NO. 2010-002:

1. The site plan dated April 13, 2010 shall be the conceptually approved design.
2. The use shall comply with the following:

- a. The event shall operate only between the hours of 5:00 PM and 7:00 PM each Wednesday night of the calendar year for a period of five years (2010-2015)
 - b. The food service vehicle and associated food delivery tables shall be removed from the site each night of a scheduled event.
 - c. The Oak View Child Development Center site and Oak View Park shall be cleared of all trash and debris at the conclusion of each scheduled event.
 - d. The event operators and volunteer crew is responsible for picking up and disposing of all associated garbage and debris at the conclusion of each scheduled event. Clean-up shall not occur before 7:00 AM and after 10:00 PM.
 - e. The applicant shall notify the Department of Planning of any changes to any scheduled event no less than 15 days prior to the comment of the event.
3. In the event that there are any violations of the foregoing conditions or any violations of life safety codes, the subject activity may be terminated by any Police Officer, Fire Inspector or authorized personnel from the Department of Planning & Building.
 4. The Planning Department may review and evaluate past events and determine the need for new or modified conditions of approval, subject to approval by the Zoning Administrator.

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.