

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

TO: Zoning Administrator
FROM: Andrew Gonzales, Associate Planner
DATE: June 6, 2012

SUBJECT: **COASTAL DEVELOPMENT PERMIT NO. 12-01/ TEMPORARY USE PERMIT NO. 12-01 (SURF CITY NIGHTS)**

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

Applicant: HB Downtown Business Improvement District, Mary Senske, 315 3rd Street, Suite E, Huntington Beach, CA 92648

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

Request: To permit the closure of Main and 5th Street every Tuesday night to allow for an outdoor festival for a period of five years (2013-2017). The festival will consist of various activities including sidewalk sales, farmer's market, live entertainment, food preparation and tasting, and kid's activities (bounce house and train). The closure will be between Pacific Coast Highway and Orange Avenue on Main Street including portions of (half-block) of Walnut Avenue and Olive Avenue (between 3rd Street and 5th Street) and between Pacific Coast Highway and Walnut on 5th Street. Parking will be provided via a remote parking lot located at 2000 Main Street with shuttle service to/from the festival to accommodate overflow parking during the peak summer season.

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. 1 – Coastal Zone Overlay)

General Plan: M>30-d-sp-pd (Mixed Use - +30 dwelling units per acre – Design Overlay – Specific Plan Overlay – Pedestrian Overlay)

Existing Use: Right-of-way (Main Street & 5th Street)

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, including carnivals, sales of Christmas Trees, etc., are exempt from further environmental review.

SUGGESTED FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 12-01:

1. Coastal Development Permit No. 12-01 for the development project, as proposed, conforms with the General Plan, including the Local Coastal Program. The project is consistent with the following Coastal Element Land Use Policies:
 - a. 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.
 - b. C 2.4.2: Ensure that adequate parking is maintained and provided in all new development in the Coastal Zone utilizing one or a combination of the following:
 - Monitor parking programs to make the most effective use of parking resources, and
 - Replace any on-street parking lost in the coastal zone on a 1:1 basis within the coastal zone prior to or concurrent with the loss of any parking spaces.
 - c. C 3.2.1: Encourage, where feasible, facilities, programs and services that increase and enhance public recreational opportunities in the Coastal Zone.
 - d. C 3.4.2: Enhance the Municipal Pier and surrounding area to function as the "hubs" of tourist and community activity.

The proposed street festival will attract tourists and Huntington Beach residents to Main St., 5th St., 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 with adequate parking and parking facilities within the downtown and if necessary in satellite facilities. Parking facilities will be monitored to ensure adequate parking is provided. Furthermore, satellite parking lots with valet and shuttle service are available. The temporary removal of parking on Main Street will be adequately replaced as necessary.

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 Municipal Code. The temporary use does not involve the construction of permanent structures. Minimum aisle widths will be provided.
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. All infrastructure exists for the proposed market that is consistent with the Huntington Beach Coastal Element and Coastal Land Use Plan of the General Plan.
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. 12-01:

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 existing property and improvements in the area.
2. Approval of the application for the temporary closure of Main Street every Tuesday night, between Pacific Coast Highway and Orange Avenue including a half block of Olive Avenue and Walnut Avenue on either side of Main St. and between Pacific Coast Highway and Walnut on 5th Street, to allow for an outdoor festival for a period of five years consisting of various activities including sidewalk sales, farmer's market, live entertainment, food preparation and tasting, kids activities (bounce house and train), and seasonal parking lots will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare. The event was held for the past five years without adversely impacting the surrounding area. The applicant will provide adequate traffic controls and security measures to mitigate potential impacts to the surrounding area.

SUGGESTED CONDITIONS OF APPROVAL – COASTAL DEVELOPMENT PERMIT NO. 12-01/TEMPORARY USE PERMIT NO. 12-01:

1. The site plans received and dated February 7, 2012, shall be the conceptually approved layout.
2. In the event that the City determines there is a parking deficiency or if downtown parking facilities reach full capacity for two hours during the summer months as a result of the event, additional parking shall be provided at the City Hall parking lot with shuttle services to and from the event.
3. Prior to operation of the valet/employee parking lots all Planning and Building Department and Public Works Department requirements shall be complied with.
4. Prior to implementation of the street closure on 5th Street:
 - a. An Encroachment Permit from Caltrans is required for placement of traffic control devices on Pacific Coast Highway. **(PW)**
 - b. A traffic control plan showing the street closure on 5th Street shall be prepared and referenced on the Public Works Encroachment Permit. The plan shall show the location of the signage of Pacific Coast Highway and Walnut Avenue in advance of 5th Street and indicate what type of barriers/traffic control devices will be used on 5th Street to restrict vehicular traffic movements. An additional left turn only symbol sign (California Sign R3-5,LT) shall be installed at the alley existing onto 5th Street. **(PW)**
 - c. The applicant shall reimburse the Public Works staff for the installation and removal of the 5th Street closure on event days. **(PW)**
5. 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. If outside contractors are used in lieu of City forces to install traffic control, encroachment permits shall be obtained from Public Works Department and CALTRANS (if required). **(PW)**
6. The Director of Planning and Building may approve minor amendments or modifications to plans and/or conditions of approval as appropriate based on changed circumstances, new information

or other relevant factors. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required.

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.