

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

TO: Zoning Administrator
FROM: Ethan Edwards, Associate Planner
DATE: July 18, 2012
SUBJECT: **COASTAL DEVELOPMENT PERMIT NO. 12-08/ TEMPORARY USE PERMIT 12-03 (5th STREET CLOSURE)**
LOCATION: 5th Street, 92648 (between Pacific Coast Highway and Walnut Avenue, within The Strand)

Applicant: Anna Maria Padilla, 155 5th Street, Unit P100, Huntington Beach, CA 92648
Property Owner: CIM/Huntington LLC, 155 5th Street, Unit P100, Huntington Beach, CA 92648
Request: To permit the closure of 5th Street between Pacific Coast Highway and Walnut Avenue (within The Strand) everyday between June 15, 2012 and September 15, 2012 to allow for outdoor events. The request consists of various activities including 4th of July Holiday Event, US Open Surfing Championship Event, yoga, movie nights, family craft events, activity booths, and live entertainment including music.
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: M - >30 – sp - pd (Mixed Use - +30 Dwelling Units Per Acre – Design Overlay – Specific Plan Overlay – Pedestrian Overlay)
Existing Use: 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, including carnivals, sales of Christmas Trees, etc., are exempt from further environmental review.

SUGGESTED FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 12-08:

1. Coastal Development Permit No. 12-08 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:

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 temporary 5th Street closure 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 proposed events 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.

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 use consistent with the Huntington Beach Coastal Element.
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. 12-03:

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.
3. Approval of the application for the temporary closure of 5th Street, between Pacific Coast Highway and Walnut Avenue, to allow for an outdoor events on Friday and Saturday only between June 15, 2012 and September 15, 2012, consisting of various activities including 4th of July Holiday Event, US Open Surfing Championship Event, yoga, movie nights, family craft events, activity booths, and live entertainment including music, 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 traffic controls, and security measures to mitigate potential impacts to the surrounding area.

SUGGESTED CONDITIONS OF APPROVAL – COASTAL DEVELOPMENT PERMIT NO. 12-08 / TEMPORARY USE PERMIT NO. 12-03:

1. The site plans received and dated February 11, 2012, shall be the conceptually approved layout.
2. The temporary closure of 5th Street for events shall be limited to Friday and Saturday only between June 15, 2012 and September 15, 2012.
3. Prior to implementation of the street closure on 5th:
 - a. An event description including: date and time, name of performers, expected attendance, advertising methods and sources, site plan, and security plan shall be submitted to the Police Department for review and approval a minimum of 30-days prior to any live entertainment. **(PD)**
 - b. An application for a Specific Event shall be submitted pursuant to Huntington Beach Municipal Code Section 13.54 a minimum of 30-days prior to a scheduled street closure and reviewed and approved by the Specific Events Committee. **(CS)**
 - c. A detailed traffic control plan shall be submitted to the Public Works Department for the closure of 5th Street showing all the proposed traffic control devices that will be in place during the closure. The installed traffic control devices shall require minimal or no maintenance for the duration of the closure **(PW)**
 - d. Crash rated barriers (e.g. water filled “k” rails) shall be installed on 5th Street at Walnut Avenue and on 5th Street just north of the alley exit. Concrete planters shall not be used as barriers. **(PW)**
 - e. Exit devices shall be installed at the alley, which directs exiting vehicles in a southbound direction towards Pacific Coast Highway. Traffic control devices placed near the alley exit shall provide adequate clearance from turning vehicles. **(PW)**
 - f. The sidewalks and curb ramps on 5th Street shall remain accessible at all times. **(PW)**
 - g. 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)**
4. 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.