

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

TO: Zoning Administrator
FROM: Kimo Burden, Planning Aide
DATE: July 19, 2017

SUBJECT: TEMPORARY USE PERMIT NO. 17-003 (STS. SIMON AND JUDE FESTIVAL)

LOCATION: 20444 Magnolia Street, 92646 (northeast corner of Magnolia Street and Indianapolis Avenue)

Applicant: Colleen Murray, Saints Simon & Jude, 20444 Magnolia Street, Huntington Beach, CA 92646

Property Owner: Fr. Daniel Barica O.F.M. / Saints Simon & Jude Church, 20444 Magnolia Street, Huntington Beach, CA 92646

Request: To permit an annual festival for three days during the months of September and October, for a five year period (2017-2021). The event will include live entertainment, food and alcohol sales, crafts, games, and carnival rides.

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

General Plan: P(RL – 6.5) (Public(Residential Low Density – 6.5 units/acre)

Zone: RL (Residential Low Density)

Existing Use: Religious Assembly

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 the project involves a minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc.

SUGGESTED FINDINGS FOR APPROVAL - TEMPORARY USE PERMIT NO. 17-003:

1. The proposed temporary use to permit an annual three day festival will be located, operated and maintained in a manner consistent with the policies of the General Plan and the provisions of Chapter 241. The event is temporary in nature, compatible with surrounding uses, and consistent with the following objectives and policies:

A. Land Use Element:

Objective LU 7.1: Accommodate the development of a balance of land uses that provides for the housing, commercial, employment, 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. Noise Element:

Policy N 1.8.1: Require that entertainment and restaurant/bar uses take appropriate steps to control the activities of their patrons on-site, as well as within a reasonable and legally justified distance or proximity, to minimize potential noise-related impacts on adjacent residential neighborhoods.

The festival has been held for several years as a fundraiser for the on-site school and religious assembly to assist the community. The event provides a variety of recreational opportunities for a period of three days per year with limited hours of operation. The festival is located in the same vicinity on the subject property as previous years with adequate setbacks provided for the rides and tents.

2. Approval of the application for an annual festival for three days during the months of September and October for a five year period (2017-2021) will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare. The proposed temporary structures such as booths and rides will be located with adequate separation from adjacent residential uses and removed upon completion of the event. The main tent, which includes a stage and amplified music, will be located a minimum of 56 ft. from the nearest residential property. As conditioned, the project will not generate additional impacts above existing conditions. The temporary festival will not alter any existing property in the area as the event will occur entirely on the church's property. No complaints regarding the festival from neighbors have been recorded with the Code Enforcement Division.

SUGGESTED CONDITIONS OF APPROVAL - TEMPORARY USE PERMIT NO. 17-003:

1. The site plan received and dated May 23, 2017 shall be the conceptually approved design.
2. Prior to the commencement of the festival, the following shall be completed:

- a. The applicant shall obtain clearance from the Public Liability Claims Coordinator, Administrative Services Department, and/or shall provide a Certificate of Insurance and Hold Harmless Agreement to be executed at least five (5) days prior to the event.
 - b. Prior to operation of any equipment used in conjunction with the amusement rides, the City shall be in receipt of State Certification and permits showing inspection within a one (1) year period, stating that the rides meet all requirements of the State Industrial Safety Division.
 - c. The applicant shall request a Code Enforcement Section inspection of the site for compliance with conditions of approval prior to 10:00 AM on opening day.
 - d. During all church services and events, an announcement shall be made to parishioners requesting that they refrain from parking on neighborhood streets.
 - e. A minimum of 10 days prior to the commencement of the festival, the applicant shall submit to the Planning Division an outline describing a security plan and implementation procedure during the event including the number of security staff, shift hours and staff responsibilities for review and approval by the Planning Division and Police Department.
3. The use shall comply with the following:
- a. Beer and wine consumption shall be limited to an area for adults which shall be roped off and controlled by Church personnel. **(PD)**
 - b. Servers shall check the identification of all patrons purchasing alcoholic beverages to ensure they are a minimum of 21 years of age. **(PD)**
 - c. Servers shall be at least 21 years of age and shall not consume alcoholic beverages while serving alcohol. **(PD)**
 - d. Beer cups shall be 16 ounces or less and wine/spirit cups shall be eight ounces or less. All cups utilized for alcoholic beverages shall be distinguishable from non-alcoholic beverages. **(PD)**
 - e. Patrons may only be served two drinks at one time. **(PD)**
 - f. A minimum of two security guards shall be required during alcohol sales and live entertainment. Security shall remain at the event until one hour after close. An additional security guard shall be required for every 250 attendees. **(PD)**
 - g. All security guards must be clearly identifiable as security guards and shall be licensed with the California Department of Consumer Affairs, Bureau of Security & Investigative Services. **(PD)**

h. All games and raffles must comply with state law. **(PD)**

i. Hours of operation shall be limited as follows:

	<u>Open</u>	<u>Rides Close</u>	<u>Close</u>
Friday	5:00 PM	10:00 PM	11:00 PM
Saturday	12:00 PM	10:00 PM	11:00 PM
Sunday	12:00 PM	8:00 PM	9:00 PM

j. All machinery, except the refrigeration truck, shall be turned off between the hours of 10:00 PM and 8:00 AM.

k. If a refrigeration truck is provided, it shall be placed as far away from the residential properties as possible to minimize noise.

l. Use of amplifiers, speakers, musical instruments and playing of recorded music shall be limited to the tent area and shall be discontinued as of 10:00 PM each evening. Speakers shall not be directed toward any housing area.

m. Breakdown of stands, equipment, apparatus and rides shall be prohibited after 10:00 PM and shall conform to the provisions of the Huntington Beach Municipal Code regarding noise.

n. The applicant shall provide for clean-up of areas after the closing of the event. Clean-up of the site after 10:00 PM shall not include the use of any machinery or equipment that may disturb the residents in the area. All trash, debris and garbage, as well as special dumpsters, shall be removed from the site within two (2) days of closing of the event.

o. The applicant shall provide professional clean-up crews to clear the adjacent streets of trash and debris each evening after the festival closes. Clean-up shall not commence prior to 7:00 AM each morning.

4. All Alcoholic Beverage Control requirements shall be met.

5. Sts. Simon & Jude Church personnel shall provide direction of traffic and on-site parking.

6. Church personnel shall monitor parking lots. When parking lots become full, a "lot full" sign shall be placed at the entrance to the parking lots.

7. In the event that there are any violations of the foregoing conditions or any violations of life safety codes, the festival activity may be terminated by any Police Officer, Fire Inspector or authorized personnel from the Community Development Department.

8. Requests for subsequent festival shall be made no later than sixty (60) days prior to the event, with review and public hearing by the Zoning Administrator. The Zoning Administrator shall review and evaluate past events for compliance with all conditions of

approval and determine the need for new or modification of conditions of approval. The Zoning Administrator may approve, conditionally approve or deny such requests.

9. The Community Development Department ensures that all conditions of approval herein are complied with. The Community Development Department shall be notified in writing of any changes to the event. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the Huntington Beach Zoning and Subdivision Ordinance.
10. 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
11. Temporary Use Permit No. 17-003 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 Community Development Department a minimum 30 days prior to the expiration date.
12. The Development Services Departments and divisions (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Community Development Department may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.
13. 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/green-building-guidelines-rating>).

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.