

MINUTES
HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR
Room B-8 - Civic Center
2000 Main Street
Huntington Beach California

WEDNESDAY, MAY 14, 2008 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos, Zoning Administrator

STAFF MEMBER: Jill Arabe, Ron Santos, Andrew Gonzales, Rami Talleh,
Judy Demers (recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

**ITEM 1: TEMPORARY USE PERMIT NO. 2008-002 (REDEEMER LUTHERAN CHURCH
OUTDOOR CONCERT)**

APPLICANT: Dan Rugg, 16351 Springdale Street, Huntington Beach, CA
92649

PROPERTY OWNER: Redeemer Lutheran Church, 15351 Springdale Street,
Huntington Beach, CA 92649

REQUEST: To permit an annual outdoor concert for two hours on one
Saturday in July for 10 years (2008-2017).

LOCATION: 16351 Springdale Street, (west side of Springdale Street, north of
Heil Avenue)

PROJECT PLANNER: Jill Arabe

Jill Arabe, Planning Aide, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the subject site. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary.

Ms. Arabe reported that she had not received any correspondence regarding this request.

Ricky Ramos, Zoning Administrator, verified with staff that Saint Bonaventure Church had agreed to allow patrons of Redeemer Lutheran Church to use their parking area during the event.

THE PUBLIC HEARING WAS OPENED.

Dan Rugg, the applicant, stated that the church is willing to comply with all of the conditions recommended by Staff.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Ricky Ramos, Zoning Administrator, approved the request.

TEMPORARY USE PERMIT NO. 2008-002 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS.

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 consists of a minor temporary use of land having negligible or no permanent effects on the environment.

FINDINGS FOR APPROVAL - TEMPORARY USE PERMIT NO. 2008-002:

1. Temporary Use Permit No. 2008-002 to permit an annual outdoor concert for two hours on one Saturday in July for a five (5) year period 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 Land Use Policies:

- LU 7.1 Accommodate the development of a balance of land uses that provide for the housing, commercial, employment, educational, cultural, entertainment, and recreation needs of existing and future residents.
- LU 9.4 Provide for the inclusion of recreational, institutional, religious, educational and service uses that support resident needs within residential neighborhoods.
- RCS 1 Enrich the quality of life for all citizens of Huntington Beach by providing constructive and creative leisure opportunities.

The event is held for community outreach purposes. The public is welcomed, free of charge, to experience the entertainment performed by Redeemer Lutheran Church vocal choir, hand bell choir, and the Huntington Beach Concert Band. The annual concert will occur during the afternoon in the parking lot of the existing church. Additional parking will be provided in the parking lot of St. Bonaventure Church, located across Springdale Street.

2. Approval of the application for an annual outdoor concert for two hours on one Saturday in July for a five year period (2008-2012) will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare. Temporary structures such as the tent, stage, and chairs will be removed upon completion of the event. The temporary event will not alter any existing property in the area.

CONDITIONS OF APPROVAL - TEMPORARY USE PERMIT NO. 2008-002:

1. The site plan received and dated March 26, 2008 shall be the conceptually approved layout with the following modifications:
 - a. An area for crowd spillage shall be provided east of the tent, outside of the required drive aisle.
 - b. Provide contact information for responsible persons on the plan. (FD)
2. At least 10 days prior to the commencement of the concert, the following shall be completed:
 - a. Copies of a detailed site plan, modified per condition 1, and a detailed floor plan of the inside of the tent complying with Fire Code requirements shall be submitted to the Departments of Planning and Fire for review and approval.
 - b. A seating plan showing the seats, aisles, and exits within the tent structure shall be submitted to the Fire Department. Interior lighting shall be portrayed on the plan. (FD)
 - c. During all church services and events, an announcement shall be made to parishioners requesting that they refrain from parking on neighborhood streets.
3. Temporary Use Permit No. 2008-002 shall be valid for five (5) years.
4. The use shall comply with the following:
 - a. Hours of operation shall be limited between 1pm and 3pm during the second Saturday in July.
 - b. Alcohol consumption or sales shall be prohibited.
 - c. The use of amps, speakers, instruments shall cease at 3pm. Speakers shall not be directed towards any housing area.
 - d. Portable or theatrical lighting sets shall be positioned and aimed so that they do not shine towards or blind on-coming street traffic. Trailer mounted lighting shall be secured to prevent rolling. Lighting shall be positioned away from combustibles, such as hay, wood, or fabric. (FD)
 - e. Vehicular parking shall be prohibited in the driveways and driving aisles so that emergency access will not be impeded. This should include the north and south driveways leading to Springdale Street. If these driveways are to utilize barricades, they must be readily movable for emergency access. (FD)
 - f. Guy lines and anchors for the tent shall not impact or intrude into the fire lanes. (FD)
 - g. Temporary Electrical Cords shall be routed so as to be protected from damage and shall not become a tripping hazard. Cords and circuits shall be appropriately sized for the electrical load imposed upon them and shall not be overloaded. (FD)
 - h. Emergency access to the existing fire access roads, hydrants, fire sprinkler connections or controls and buildings located at the site shall be preserved and maintained at all times. Displays and traffic routing shall be positioned so as to allow immediate access to the existing buildings in the event of an emergency. (FD)

- i. Redeemer Lutheran Church personnel shall provide direction of traffic and on-site parking.
 - j. Setup and breakdown of equipment and apparatus shall be limited between 8am and 8pm and shall conform to the provisions of the Huntington Beach Municipal Code regarding noise.
 - k. The applicant shall provide clean-up of areas after the closing of the event.
5. In the event that there are any violations of the foregoing conditions or any violations of life safety codes, the concert activity may be terminated by any Police Officer, Fire Inspector or authorized personnel of the Department of Planning.
 6. The Planning Director ensures that all conditions of approval herein are complied with. The Planning Director 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.
 7. 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.
 8. 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>).
 9. Only the uses described in the narrative dated March 26, 2008 shall be permitted.
 10. Pursuant to an agreement between St. Bonaventure Church and Redeemer Lutheran Church, additional parking for the concert shall be provided in the parking lot of St. Bonaventure Church, located across Springdale Street.
 11. The Planning Department shall review and evaluate past events for compliance with all conditions of approval 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.

ITEM 2: CONDITIONAL USE PERMIT NO. 2004-038 (BEACH CITIES COMMUNITY CHURCH)

APPLICANT/
PROPERTY OWNER: Charlie Koeller, 9872 Hamilton Avenue, Huntington Beach,
CA 92648

REQUEST: To permit the expansion of a religious assembly use into
vacant suites in an adjacent commercial property and permit
joint use parking.

LOCATION: 9946-9872 Hamilton Avenue and 21521 Brookhurst Street,
92646 (southwest corner of Hamilton Avenue and Brookhurst
Street)

PROJECT PLANNER: Ron Santos

Ron Santos, Associate Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the subject site. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary.

Mr. Santos reported that he had received one phone inquiry. The caller stated concerns about possible increases in noise and traffic. He also mentioned that there is a history of young people using the area to skateboard.

Mr. Ramos, verified with staff the hours of operation and also that the doors would be closed to offset noise.

THE PUBLIC HEARING WAS OPENED.

Charlie Koeller, applicant, stated that he will comply with the conditions set forth by staff.

Dr. Steve Aglesten, 20152 Brookhurst, expressed his concern for safety in the driveway area as there have been numerous skateboarders impeding traffic.

Mr. Koeller clarified that the skateboarders are not members of the youth ministry. He is willing to work with local tenants to help resolve this issue

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Ricky Ramos, Zoning Administrator, indicated that he was going to approve the request with the conditions recommended by staff.

CONDITIONAL USE PERMIT NO. 2004-038 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS.

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 15301 of the CEQA Guidelines, because the project consists of the operation of existing private structures involving negligible or no expansion of use beyond that existing.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2004-038:

1. Conditional Use Permit No. 2004-038, to permit the expansion of a religious assembly use into vacant suites (up to 12,947 sq. ft.) at an adjacent commercial property and allow joint use (shared) parking, will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. Based upon the conditions imposed, adequate parking, as required by the Huntington Beach Zoning & Subdivision Ordinance, will be maintained at all times. Moreover, the project does not involve any new construction or physical expansion of existing facilities. The proposed religious assembly uses will displace existing commercial uses as the commercial space is vacated, will operate on a limited basis relative to the existing commercial uses, will not generate noise, traffic odors or other detrimental impacts at levels inconsistent with the existing uses and commercial zoning applicable to the property and therefore will not be detrimental to surrounding neighborhood.
2. The conditional use permit will be compatible with surrounding uses because it authorizes use of existing facilities, as an expansion of an existing use, which will generally operate at a lower intensity than the current uses (commercial) to be displaced.
3. The proposed conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. Religious assembly is a conditionally permitted use in the CG (Commercial General) zone. In addition, the project is subject to specific conditions required for the proposed use which will ensure compliance with the applicable provisions of the HBZSO.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of CG-F1 (Commercial General – 035 maximum floor area ratio) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

Objective LU 9.4: Provide for the inclusion of recreational, institutional, religious, educational and services uses that support resident needs within residential neighborhoods.

Objective LU 13.1: Provide for the continuation of existing and development of new uses, such as governmental administrative, public safety, human service, cultural, educational, infrastructure, religious, and other uses that support the needs of existing and future residents and businesses.

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.

Policy LU13.1.2: Allow for the continuation of existing and development of new religious facilities in any land use zone where they are compatible with adjacent uses and subject to City review and approval.

Conditional Use Permit No. 2004-038 provides for the continuation and expansion of existing religious services which support the needs of the surrounding community. The proposed joint use parking ensures that adequate parking is provided to serve the proposed use.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2004-038:

1. The site plan received and dated April 2, 2008 shall be the conceptually approved design.
2. Prior to issuance of a Certificate of Occupancy for any church-related use at 9946 Hamilton Ave. and/or 21551 Brookhurst St. the following shall be completed:
 - a. An agreement, in proper legal form, for unrestricted joint-use parking between APN's 149-212-17 and 149-212-18 shall be submitted for review and approval by the Planning Department and City Attorney. The agreement shall prohibit concurrent assembly use at 9946 Hamilton Ave./ 21551 Brookhurst St. (the existing commercial space) and 9872 Hamilton Ave. (the existing church assembly building); provided however that the agreement may provide for youth-only assembly/services to occur at 9946 Hamilton Ave./ 21551 Brookhurst St. simultaneously with general assembly/services at 9872 Hamilton Ave.
 - b. The approved agreement shall be recorded in the office of the County Recorder and shall be filed with the City.
 - c. A floor plan(s), site plan and parking tabulation shall be submitted demonstrating that adequate parking, as required by HBZSO Section 231.04 – Off-Street Parking Spaces Required: Schedule A, will be maintained, either on site or pursuant to the provisions of the approved joint-use parking agreement.
3. The use shall comply with the following:
 - a. All provisions of the approved joint-use parking agreement.
 - b. The exterior doors of the church shall be closed during church services.
 - c. All church operations at 9946 Hamilton Ave./ 21551 Brookhurst St. shall terminate no later than 10:00 p.m., seven days a week.

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.

ITEM 3: CONDITIONAL USE PERMIT NO. 2008-012 AND COASTAL DEVELOPMENT NO. 2008-006 (YOUNESSI TEMPORARY PARKING LOT)

APPLICANT: Michael Younessi, Alea Investments, LLC, 16882 Bolsa Chica Street, Suite #105, Huntington Beach, CA 92649
PROPERTY OWNER: Pacific View Plaza, LLC, 16882 Bolsa Chica Street, Suite # 105, Huntington Beach, CA 92649
REQUEST: To permit the construction of a temporary parking lot consisting of 34 parking stalls. The parking lot is proposed for one year..
LOCATION: 1612-620 Pacific Coast Highway Beach, 92648 (northwest corner of Pacific Coast Highway and 7th Street)
PROJECT PLANNER: Andrew Gonzales

Andrew Gonzales, Assistant Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the subject site. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary.

Mr. Gonzales reported that he had received one comment from a landlord whose property is directly across from the alleyway. He expressed concerns regarding noise, increase in traffic, lighting, and overnight parking.

Ricky Ramos, Zoning Administrator, inquired whether the proposed project would require building permits. He also verified that a landscaping plan would be required to be submitted prior to the issuance any permits.

Mr. Gonzales, responded, stating that building permits would be required. He also stated that a landscape plan would be required prior to obtaining permits.

THE PUBLIC HEARING WAS OPENED.

Richard Cahl, the applicant's representative, stated that he is opposed to three aspects of the conditions proposed by staff. The first is the location of the wood post. He would like to have that relocated to within the three foot landscape strip. The second request would be to delete the requirement for an irrigation system as the request is for a temporary parking lot. The third request would be to allow the lot to be open 24 hours a day.

John Bogosian, property owner of 114 7th Street, stated his opposition to the project. He was concerned with the potential for increased noise, traffic, overnight parking, and lighting.

Michael Younessi, applicant, advised the Zoning Administrator that he would ensure any complaints received by the neighboring tenants would be handled immediately.

A discussion ensued between Mr. Ramos, Mr. Younessi, and Mr. Cahl as to the need of an attendant and the ability to secure the lot when closed for business.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED

Mr. Ramos, Zoning Administrator, indicated that he was going to approve the request with one modification to the conditions recommended by staff. The modification was to allow the required post to be relocated within the landscape strip.

CONDITIONAL USE PERMIT NO. 2008-012 AND COASTAL DEVELOPMENT PERMIT 2008-006 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS.

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 temporary parking lot is proposed for a period of one year and consists of minor alternation in the condition of land and does not involve removal of healthy, mature, scenic trees.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2008-006:

1. Coastal Development Permit No. 2008-006 to permit the construction of a temporary parking lot for a one-year period conforms with the General Plan, including the Local Coastal Program. The project is consistent with Coastal Element Land Use Policy C 2.4.1 to maintain an adequate supply of parking that supports the present level of demand and allows for the expected increase in private transportation use. The proposed parking lot will occur on an undeveloped site, contiguous to existing commercial and residential development.
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 project, as conditioned, complies with all applicable development regulations including paving surfacing and boundary fencing, stall dimensions and aisle widths.
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 proposed project will be constructed in an urbanized area with direct access from a public alley and with all necessary services and infrastructure available.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not impede public access or impact public

views to coastal resources. The project will provide additional accessibility by increasing parking opportunities for coastal visitors.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2008-012:

1. Conditional Use Permit No. 2008-012 to permit the construction of a temporary parking lot for a one-year period will not be detrimental to the general welfare of person working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The temporary parking lot will be located on an undeveloped site catering to the parking demands of visitors to the area. The parking lot will obtain access from an existing alley via two driveway entrances. The lot will provide adequate onsite vehicular and pedestrian circulation. The parking lot will be adequately buffered from the nearest residential property by an approximately 17 ft. wide public alley. Ingress and egress to the site will not impact traffic flow on 7th Street and will not impact adjoining residential properties because the lot will be secured by boundary fencing which will allow for unobstructed pedestrian access and high visibility for security surveillance. In addition, onsite activity will be monitored by either a parking lot attendant or a computerized parking lot system.
2. The conditional use permit will be compatible with surrounding uses because the temporary parking lot is consistent in size and shape with other surrounding commercial parking lots. The lot will provide parking for patrons utilizing both the beach and surrounding commercial uses. The lot is not anticipated to impact surrounding residences because the lot will lessen the demand for parking on local streets and provide additional parking opportunities to the surrounding area.
3. The proposed conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). Temporary parking lots are permitted subject to the approval of a conditional use permit. The proposed temporary parking lot complies with the applicable development standards such as paving surface and boundary fencing, stall dimensions and aisle widths.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of MV-F8-d-sp (Mixed Use Vertical – 1.5 max. floor area ratio – 25 du/ac max. – Design Overlay – Specific Plan Overlay) on the subject property. In addition, it is consistent with General Plan policy C 2.4.1 to maintain an adequate supply of parking that supports the present level of demand and allows for the expected increase in private transportation use. The temporary parking lot is intended to meet the parking demand for the beach parking and surrounding commercial uses for a period of up to one year.

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2008-006/CONDITIONAL USE PERMIT NO. 2008-012:

1. The site plan received and dated March 11, 2008 shall be the conceptually approved design with the following modifications:
 - a. The proposed chain link fence shall be omitted and replaced with a combination cable/rope and wood-post fence with a maximum height of 3 feet.

- b. The parking stall located at the corner of 7th Street and Pacific Coast shall be omitted and replaced with a landscaped planter.
 - c. Three, 3-ft. wide openings shall be provided for pedestrian access along 7th Street, Pacific Coast Highway and adjacent to the street corner.
 - d. Section "Detail 1" shall be revised to reflect a 3 ft. min. width landscape planter along both street frontages and wheel stops setback 2 ft. from the head of parking stalls.
 - e. The proposed wooden parking lot attendant enclosure shall be setback a minimum of 20 ft. from the adjoining public right-of-ways.
 - f. 36-inch box trees shall be provided in a planter pots spaced a minimum of 45 ft. on center along Pacific Coast Highway and 7th Street.
 - g. A chain/cable shall be used to close the parking lot during non-business hours.
2. Parking lot lighting shall be provided dusk to dawn. Lighting levels shall be reduced 50% beginning one hour after close of business until sunrise.
 3. Prior to operation of the temporary parking lot:
 - a. A lighting plan identifying the location, design, type, height, and illumination level(s) shall be submitted to the Planning Department for review and approval.
 - b. Lighting shall be installed in accordance with the approved lighting plan.
 4. All on site landscaping shall be served by a temporary irrigation system.
 5. The site shall discontinue operation as a temporary parking lot one year after commencement of the use.
 6. The parking lot shall be closed between the hours of 10PM to 5AM.
 7. A percolation soil test for the proposed locations of infiltration trenches, the proposed structural Best Management Practice (BMP) in the Water Quality Management Plan (WQMP), shall be submitted to Public Works prior to issuance of grading permit. (PW)
 8. A hydrologic and hydraulic calculation for the proposed infiltration trenches BMP in the WQMP shall be submitted to Public Works prior to issuance of grading permit. (PW)

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.

ITEM 4: COASTAL DEVELOPMENT PERMIT NO. 2008-007; TEMPORARY USE PERMIT NO. 2008-001 (SURF CITY NIGHTS)

CO-APPLICANTS: Downtown Business Improvement District, Connie Pedenko and the City of Huntington Beach, 412 Olive Street Unit 149, Huntington Beach, CA 92648; City of Huntington Beach Economic Development Department, 2000 Main Street, Huntington Beach, CA 92648

PROPERTY OWNER: City of Huntington Beach, 2000 Main Street, Huntington Beach, CA 92648

REQUEST: To permit 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., to allow for an outdoor festival for a period of five years (2008-2012). The festival will consist of various activities including sidewalk sales, farmer's market, live entertainment, food preparation and tasting, arts and crafts, and kids' activities (bounce house and train). Parking for the festival will be provided at private and public parking facilities within the downtown area. Additional parking will be available at a remote parking lot located at 2000 Main Street with shuttle service to/from the festival via Lake Street to accommodate overflow parking.

LOCATION: Main Street (between Pacific Coast Highway and Orange Avenue-downtown Huntington Beach)

PROJECT PLANNER: Rami Talleh

Rami Talleh, Senior Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the subject site. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary

Mr. Talleh reported that he received one inquiry from a resident on Lake Street. The resident stated concerns with the use of the shuttles to accommodate overflow parking. The individual commented that his concerns are with the length of the permit, the frequency of the shuttle, the traffic impact, and the potential to use City Hall to accommodate overflow parking. He also mentioned that the increase of traffic could interfere with the fire department's response times as they utilize Lake Street frequently.

One e-mail was also received. It was sent by the California Coastal Commission inquiring into the times of the Main Street closure and the length of the permit.

Ricky Ramos, Zoning Administrator, verified with staff the hours of the event. He also verified that the seasonal parking lot previously proposed in the request is no longer part of the request.

THE PUBLIC HEARING WAS OPENED.

Connie Pedenko, applicant, stated that she has no objections to the conditions of approval.

Stephen Holden, 949 10th Street, stated his opposition the request. He remarked that he believes that the shuttle would increase traffic, pollution, noise and lead to more buses being used in a residential area. He also mentioned his concern that the increase in traffic created by a shuttle may impact the Lake Street Fire Stations response time to emergency calls.

Steve Daniel, President of the Downtown Merchant Group, spoke in favor of the request.

Chris Roland, business owner of a downtown business, said that he is in favor of the request as he wants the event to continue to be successful and continue to grow.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED

Mr. Ramos, Zoning Administrator, indicated that he was going to approve the request.

COASTAL DEVELOPMENT PERMIT NO. 2008-007 AND TEMPORARY USE PERMIT NO. 2008-001 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS.

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.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2008-007:

1. Coastal Development Permit No. 2008-007 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. 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.

FINDINGS FOR APPROVAL - TEMPORARY USE PERMIT NO. 2008-001:

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., to allow for an outdoor festival for a period of one year 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 three months without adversely impacting the surrounding area. The applicant will provide adequate traffic controls and security measures to mitigate potential impacts to the surrounding area.

**CONDITIONS OF APPROVAL – COASTAL DEVELOPMENT PERMIT NO. 2008-007 AND
TEMPORARY USE PERMIT NO. 2008-001:**

1. The site plans received and dated April 9, 2007, and shuttle route received and dated March 20, 2008, shall be the conceptually approved layout with the exception of the following:
 - a. Barricade placement shall be amended to allow alley access from Walnut Avenue for the two alleyways on the east and west sides of Main Street. (PW)
 - b. The shuttle route shall be amended to indicate that the shuttle would enter and exit the City Hall parking lot via the eastern Yorktown Avenue driveway. Also the shuttle shall use the current loading zone on 3rd Street as proposed and either a) proceed west on Walnut Avenue, u-turn and return north on 3rd Street/Lake Street (the preferred option); or b) proceed east on Walnut Avenue, north on 2nd Street, west on Olive Avenue and return north on 3rd Street/Lake Street. (PW)
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 instituting the shuttle service, a signing and directional plan shall be prepared and deployed to direct visitors to the remote parking area and to the shuttle stop locations. (PW)
4. 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)
5. The Director of Planning ensures that all conditions of approval herein are complied with. At the discretion of the Directors of Public Works and Planning, the conditions of approval contained herein may be modified. The Director of Planning shall be notified in writing if any changes to the site plan, list of activities, and shuttle route are proposed as a result of the ongoing operation and oversight of the event.

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.

THE MEETING WAS ADJOURNED AT 2:15 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, MAY 21, 2008 AT 1:30 PM.

R. Ramos

Ricky Ramos
Zoning Administrator

RR:jd