

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

TO: Zoning Administrator
FROM: Andrew Gonzales, Associate Planner
DATE: June 23, 2010
SUBJECT: **TEMPORARY USE PERMIT NO. 2010-004 (NIKE 6.0 MOTEL NO TELL)**
LOCATION: 712-720 Pacific Coast Highway, 92648 (north of Pacific Coast Highway, between 7th and 8th Streets)

Applicant: Mark Billik, BeCore Promotions, 1420 Lawrence Street, Los Angeles, CA 90021

Property Owner: Paul Wakim, 6302 Princeville Circle, Huntington Beach, CA 92648 (712 PCH);
Isam Hanna, P.O. Box 17304, Anaheim, CA 92817 (716 PCH);
Long Han, P.O. Box 518, Glencoe, IL 60022 (720 PCH)

Request: To permit a total of 23 temporary outdoor events for a period of three (3) months (July 1, 2010 through September 7, 2010) consisting of live entertainment, movie viewings, and promotional events in conjunction with the limited onsite consumption of alcoholic beverages on two sites containing a single family residence (712 PCH) and a vacant lot (716 PCH). The site improvements involve the placement of two temporary retail display trailers, perimeter fencing, and associated site improvements including the temporary use of a residence for retail sales (712 PCH) and a motel (720 PCH).

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: MV-F8-d-sp (Mixed Use Vertical – 1.5 max. Floor Area Ratio (Mixed Use) – 0.5 max. Floor Area (Commercial) – 25 du/ac – Design Overlay – Specific Plan Overlay)

Existing Use: Motel, Vacant lot, & single family residence

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 the minor temporary use of land having no negligible or permanent impacts on the environment.

SUGGESTED FINDINGS FOR APPROVAL - TEMPORARY USE PERMIT NO. 2010-004:

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.

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 10.1.8: Require that entertainment, drinking establishments, and other similar uses provide adequate physical and safety measures to prevent negative impacts on adjacent properties.

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. Economic Development Element

Objective – ED 2.2: Maximize Huntington Beach’s visibility by participating in local in local, regional and state marketing efforts.

Policy – 3.2.1: Create commercial-recreation nodes along the inland side of Pacific Coast Highway.

C. Noise Element

Objective – 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 project involves the temporary occupancy of an existing motel including the temporary use of two adjacent lots for the purposes of conducting a total of 23 temporary outdoor events for a period of three (3) months commencing on July 1, 2010 through September 7, 2010. The events will include musical performances, movie viewings, and promotional events in conjunction with the limited onsite consumption of alcoholic beverages. The project also serves to establish a temporary retail sales area within an existing single-family residence which will be temporarily vacated. The goal of the project is to provide a hub in which Nike sponsored athletes will reside during beach related events such as the US Surf Open. The events are intended to facilitate recreational and commercial opportunities which in turn foster greater tourism along Pacific Coast Highway and awareness of the Nike brand within the community. As modified by conditions of approval, appropriate steps are imposed to mitigate any potentially significant impacts of the project such as noise, traffic, lighting, and parking.

2. The establishment of temporary outdoor events consisting of live entertainment, movie viewings, and promotional events in conjunction with the limited onsite consumption of

alcoholic beverages will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare. Temporary events will be limited to total of 23, which shall operate for a maximum period of three months. The hours of operation of each event will be limited to no more than three hours per occasion. The outdoor events will be located within an outdoor recreational area which is fully secured by 6 ft. high perimeter fence. As conditioned, all associated noise generating activities will conclude promptly at 10PM and shall comply with the noise thresholds as established by the City Noise Ordinance (Chapter 8.40 Noise Control). Outdoor activities will be required to direct all noise emitting devices and lighting away from nearby residences. The consumption of alcohol shall be controlled by requiring patrons to be readily identifiable and restricted to a designated area onsite. The use will also include temporary onsite retail sales in which merchandise will be displayed within two temporary trailers and purchased within an existing building (712 PCH) for the event duration only. In addition, a wall mural will be affixed to the exterior elevation of the motel building which will not expose the community to toxic and/or hazardous materials, will not impact pedestrian and vehicular visibility at driveway and street intersections, and will not impact public welfare.

SUGGESTED CONDITIONS OF APPROVAL - TEMPORARY USE PERMIT NO. 2010-004:

1. The site plan and colored elevations received and dated June 1, 2010, and wall mural design concept and color sample dated June 10, 2010, shall be the conceptually approved design.
2. Prior to the commencement of the use, the following shall be completed:
 - a. A post improvement site plan shall be submitted for review and approval by the Planning and Building Department depicting all physical improvements intended to remain onsite after the completion of the temporary outdoor events.
 - b. The revised wall mural design dated June 10, 2010, shall be reviewed and approved by the Community Services Art Center Division.
3. The use shall comply with the following:
 - a. Hours of operation shall be consistent with the schedule of events dated and received June 1, 2010. No single event shall operate past the hours of 10:00 PM.
 - b. The project shall not exceed a maximum number of 23 outdoor events for a period commencing on July 1, 2010 through September 7, 2010.
 - c. The outdoor event area shall be secured by a decorative 6 ft. high perimeter fence. The fence shall be setback a minimum of 7 ft. 6 in. from the front property line and a minimum of 3 ft. from the rear property line. The final fence material and design shall be reviewed and approved by the Planning and Building Department prior installation.
 - d. Alcohol consumption shall be limited to five (5) events only and restricted to the designated event area.
 - e. All appropriate steps shall be made to identify those persons 21 years of age and over in order to prevent underage alcohol consumption and alcohol from leaving the event area.

- f. Any vendors providing alcohol at each event shall possess the appropriate license issued by the California Department of Alcoholic Beverage Control. This license shall be conspicuously posted during the event, and available for inspection by any City or State official.
 - g. Use of amplifiers, speakers, musical instruments and playing of recorded music shall be limited to the event area and shall be discontinued as of 10:00 PM. Speakers shall not be directed toward any housing area.
 - h. Any portable/fixed event lighting and theatrical lighting sets shall be positioned and aimed so that they do not shine towards or impair on-coming street traffic or adjoining residences
 - i. Primary access to the site shall be provided from Pacific Coast Highway only.
 - j. Event patrons/guests, with exception of event staff, shall immediately vacate the outdoor area after the completion of each event.
 - k. Loitering outside of the event area along 7th and 8th Street and the adjacent alley way shall be prohibited.
 - l. A minimum of one (1) security officer shall be provided for every 150 guests in attendance at any one time. The required number of onsite security officers shall not be determined by the anticipated number of guests during the duration of each event.
 - m. All required security officers shall wear distinctive, identifiable uniforms with the word "Security" printed or embroidered in contrasting colors on their shirts and/or jackets.
 - n. All appropriate steps shall be made by event staff to ensure that patrons/guests do not park within the surrounding residential neighborhoods.
 - o. Breakdown of stands, equipment, and apparatus shall be prohibited after 10:00 PM and shall conform to the provisions of the Huntington Beach Municipal Code regarding noise.
 - p. The applicant shall provide for clean-up of areas after the closing of each 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 after the closing of each event.
 - q. The applicant shall provide professional clean-up crews to clear the adjacent streets of trash and debris after each event closure. Clean-up shall not commence prior to 7:00 AM each morning.
 - r. An event liaison shall be permanently established and available to assist neighbors and residents with issues regarding overall site operations. A sign shall be clearly posted on-site identifying the event contact and telephone number.
4. After completion of the final outdoor event (September 7, 2010), the following shall be completed:
- a. Within three (3) calendar days the wall mural shall be removed from the exterior of the motel building (720 PCH).

- b. Within thirty (30) calendar days the “fluorescent 811” accent color utilized on the motel doors and 2nd floor deck lattice cover shall be repainted to either a “white”, “cream”, and/or similar color (720 PCH).
5. The Planning and Building Director ensures that all conditions of approval herein are complied with. The Planning and Building Director shall be notified in writing of any changes to the temporary outdoor events. 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.
6. 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.
7. In the event that there are any violations of the foregoing conditions or any violations of life safety codes, the event activities may be terminated by any Police Officer, Fire Inspector or authorized personnel from the Department of Planning and Building.

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.