



City of Huntington Beach Planning and Building Department
STUDY SESSION REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning and Building
BY: Ethan Edwards, AICP, Associate Planner *ce*
DATE: July 27, 2010

SUBJECT: ENTITLEMENT PLAN AMENDMENT NO. 2010-003 (PLAZA ALMERIA CARTS – AMENDMENT TO CONDITIONAL USE PERMIT NO. 2000-015(R))

APPLICANT: Michael Adams, Michael C. Adams Associates, P.O. Box 382, Huntington Beach, CA 92648

PROPERTY

OWNER: John Tillotson, J.T. Development, 15272 Bolsa Chica Road, Huntington Beach, CA 92649

LOCATION: 301 Main Street (full block bounded by Main Street, Olive Avenue, Fifth Street, and Orange Avenue – Plaza Almeria)

PROJECT REQUEST AND SPECIAL CONSIDERATIONS

Entitlement Plan Amendment No. 2010-003 represents a request to amend Condition of Approval No. 1 of Conditional Use Permit (CUP) No. 2000-015(R) by increasing the number of approved vending carts from 6 to 18 (Attachment No. 4). CUP 2000-15(R) permitted five outdoor vending carts on public property adjacent to the Main Street landscape planters and one additional cart within the rotunda gallery/lobby area of Plaza Almeria (Attachment No. 2).

Vending carts and kiosks are regulated pursuant to Section 230.94, Carts and Kiosks, Huntington Beach Zoning and Subdivision Ordinance (Attachment No. 5). The proposal includes 15 outdoor carts, located in the public right-of-way fronting Olive Avenue, Main Street, and Orange Avenue; and 3 indoor carts, located within the rotunda gallery/lobby area of Plaza Almeria. The carts will sell a variety of general merchandise and food products. Each cart is approximately four feet wide, eight feet long, and six feet high (excluding the canopy) and is proposed within a fixed location. The carts will be open during regular business hours (approximately 10:00 AM to 10:00 PM daily) and will be removed and stored within the parking structure when not in use. Electricity and telephone connections will be provided via underground conduit for cash register and credit card operations. Each cart will be self-contained for water and power and refuse disposal will be accommodated by the existing trash enclosures / collection bins within the parking structure.

property owner has previously entered into a License and Maintenance Agreement with the City of Huntington Beach for use of public property surrounding the entire project. If the request to amend the entitlement for portable vending carts is approved, the Agreement will require amendments to reflect the expanded use of public property.

PUBLIC MEETINGS, COMMENTS AND CONCERNS

There have been no public meetings regarding this request. To date, there has been one comment in opposition from the public regarding this request (Attachment No. 6).

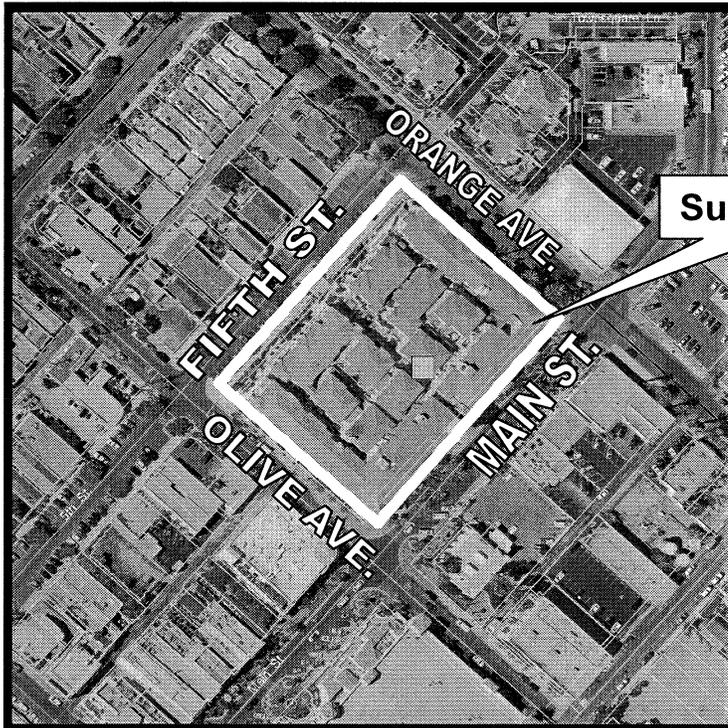
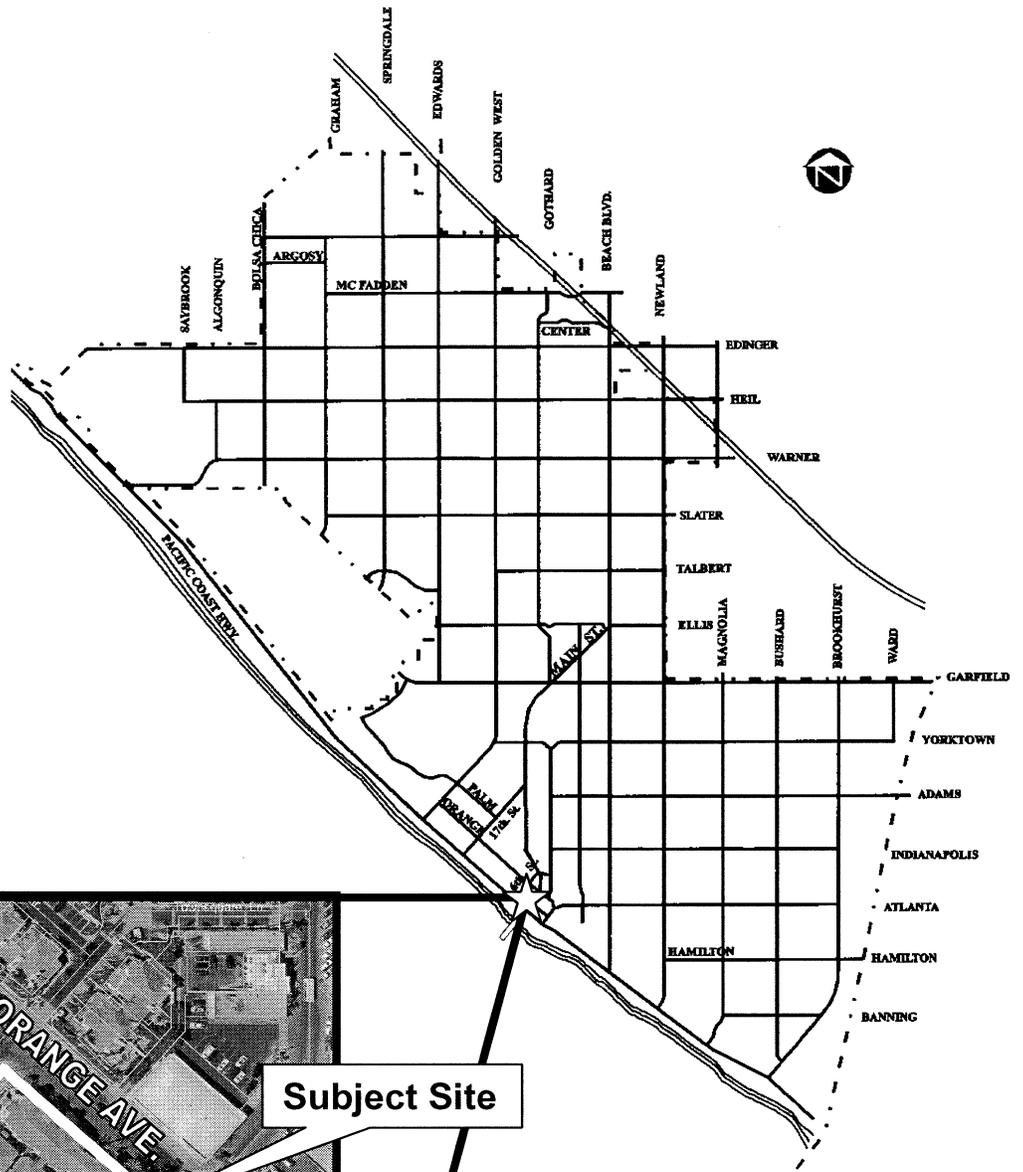
PLANNING ISSUES

The primary issues to consider when analyzing this request are compliance with the General Plan's Pedestrian Zone Overlay including compatibility with adjacent uses, assurance that the areas between building storefronts and public sidewalks are visually and physically accessible; and compliance with the established zoning regulations for portable vending carts and kiosks within the Downtown.

ATTACHMENTS:

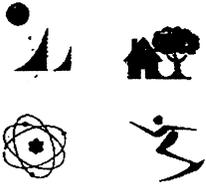
1. Vicinity map
2. Planning Commission Notice of Action dated October 26, 2000 – CUP 2000-015(R)
3. Site plan received June 2, 2010
4. Project Narrative received March 30, 2010
5. HBZSO Chapter 230.94 – Carts and Kiosks
6. Public Comments
7. Code Requirements Letter dated July 13, 2010 (for informational purposes only)

SH:HF:EE:kd



Subject Site

VICINITY MAP
 ENTITLEMENT PLAN AMENDMENT NO. 2010-003
 (PLAZA ALMERIA CARTS – 301 MAIN STREET)



Attachment III

City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

DEPARTMENT OF PLANNING

Phone 536-5271
Fax 374-1540
374-1648

NOTICE OF ACTION

October 26, 2000

Michael C. Adams
JT Development Co., LLC
15272 Bolsa Chica Road
Huntington Beach CA 92649

SUBJECT: **CONDITIONAL USE PERMIT NO. 00-15(R) (PLAZA ALMERIA VENDING CARTS)**

APPLICANT/
PROPERTY

OWNER: Michael C. Adams, JT Development Co., LLC, 15272 Bolsa Chica Road, Huntington Beach CA 92649

REQUEST: To allow five (5) outdoor portable vending carts within the public right-of-way along Main Street and one cart within the main gallery (lobby) at Plaza Almeria.

LOCATION: 301 Main Street (full block bounded by Main Street, Olive Avenue, Fifth Street, and Orange Avenue)

DATE OF
ACTION: October 24, 2000

Your application was acted upon by the Planning Commission of the City of Huntington Beach on October 24, 2000, and your request was **conditionally approved**. Attached to this letter are Findings and modified Conditions of Approval.

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Planning Commission becomes final at the expiration of the appeal period. A person desiring to appeal the decision shall file a written notice of appeal to the City Clerk within ten calendar days of the date of the Planning Commission's action. The notice of appeal shall include the name and address of the appellant, the decision being appealed, and the grounds for the appeal; it shall also be accompanied by a filing fee. The appeal fee is \$1,490.00.

In your case, the last day for filing an appeal and pay the filing fee is November 3, 2000.

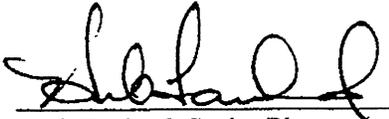
ATTACHMENT NO. 2.1

If there are any further questions, please contact Jane James, Associate Planner at (714) 536-5596.

Sincerely,

Howard Zelefsky, Secretary
PLANNING COMMISSION

By:



Herb Fauland, Senior Planner

HF:JJ:rl

c: Jane James, Associate Planner

Attachment:

1. Findings and Conditions of Approval

ATTACHMENT NO. 2.2

FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 00-15 (R)

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission 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, Class 1 of the CEQA Guidelines, because maintenance and operation of an existing structure is exempt from further review and no adverse environmental impacts are anticipated.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 00-15 (R):

1. Conditional Use Permit No. 00-15 (R) for the establishment, maintenance and operation of five outdoor and one indoor portable vending carts 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 pedestrian passage area will be provided. The project has been evaluated for compatibility with the surrounding neighborhood. The portable vending carts will provide additional open air commercial amenities, are designed on a pedestrian scale and character, will provide sufficient parking to serve the uses on site, and will meet the goals and policies of several elements of the General Plan.
2. The conditional use permit will be compatible with surrounding uses because the exterior is designed with a Spanish Village/Mediterranean theme, which is compatible with the Downtown Design Guidelines. With the conditions of approval imposed the portable vending carts will provide adequate pedestrian passage areas and will enhance the pedestrian character and scale of the street scene surrounding the project.
3. The five outdoor and one indoor portable vending carts 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. In particular, the site plan depicts compliance with location, design, and maximum size criteria.
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-F6/25-sp-pd (Mixed Use Vertical-2.0 FAR/25 du/acre-Specific Plan Overlay-Pedestrian Overlay) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

ATTACHMENT NO. 2.3

A. Land Use Element

Goal LUI: Achieve development that maintains or improves the City's fiscal viability and reflects economic demands while maintaining and improving the quality of life for the current and future residents of Huntington Beach.

Objective LU7.1: Accommodate the development of a balance of land uses that (a) provides for the housing, commercial, employment, educational, cultural, entertainment, and recreation needs of existing and future residents, (b) provides employment opportunities for residents of the City and surrounding sub-region, (c) captures visitor and tourist activity, and (d) provides open space and aesthetic "relief" from urban development.

Goal LU11: Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

B. Economic Development Element

Objective ED1.1: Enhance the City's market potential in terms of retail, office, industrial, and visitor serving activity. This would allow Huntington Beach to provide for retail, office, and industrial opportunities that serve the current and projected population and enhance sales and occupancy tax revenue.

Policy ED3.2.2: Encourage mixed use (retail/office/residential) structures in the downtown area and at the visitor-serving nodes along Pacific Coast Highway.

Policy LUI5.2.2: Require that structures located in the pedestrian overlay zone be sited and designed to enhance pedestrian activity along the sidewalks in consideration of the guidelines noted in the general plan.

The Plaza Almeria mixed use project is located in the Downtown area of Huntington Beach. The design of the building with its retail uses facing Main Street and Olive Avenue was originally designed to encourage pedestrian activity from the pier and PCH to progress further up Main Street. A key component to expanding the pedestrian activity in a downtown beach community is the provision of open air commercial activities and additional outdoor sidewalk uses. This request for portable vending carts contributes to the project's effectiveness in meeting the goals and objectives of the General Plan.

ATTACHMENT NO. 2.4

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 00-15 (R):

1. The site plan and cart elevations received and dated September 13, 2000 shall be the conceptually approved layout with the following modifications:
 - a. A price list (to determine proper size and location) for each portable vending cart business shall be provided for review and approval by the Planning Director. **(Code Requirement)**
2. The use shall comply with the following:
 - a. A minimum eight foot wide separation shall be maintained between portable vending carts.
 - b. A minimum eight foot wide pedestrian corridor shall be maintained between the portable vending carts and other adjacent outdoor uses.
 - c. Each portable vending cart shall be compatible and complementary to the established building colors of off-white, forest green, burgundy, and navy or cobalt blue (awnings and accent tiles).
 - d. During hours of operation, the portable vending carts must remain in the locations specified on the approved site plan. All vending carts shall be removed from the sidewalk area and stored within the building or the parking structure when not in use. **(Code Requirement)**
 - e. The outdoor dining and cart operators shall not sell to or solicit from motorists or persons in vehicles. **(Code Requirement)**
 - f. The sale of alcoholic beverages from vending carts shall be prohibited. **(Code Requirement)**
 - g. Portable vending carts may sell general merchandise, flowers, pre-packaged food items, any other food items as permitted by the Orange County Health Care Agency. Portable vending carts may also sell any other merchandise of a similar nature as the above mentioned items.
 - h. The number of employees at a portable vending cart shall be limited to a maximum of two persons at any one time. **(Code Requirement)**
 - i. Fire extinguishers may be required at the discretion of the Fire Department. **(Code Requirement)**
 - j. All portable vending carts shall be self contained for water, waste, and power to operate. There shall be no overhead or exposed power/utility lines crossing the sidewalk. The applicant shall obtain all electrical and/or encroachment permits if necessary to relocate or install new underground conduit lines. **(Code Requirement)**
 - k. All portable vending cart operators shall dispose of business related waste in the designated refuse receptacles provided within the Plaza Almeria parking structure. **(Code Requirement)**
 - l. Each portable vending cart operator shall obtain a Business License prior to operation. **(Code Requirement)**

ATTACHMENT NO. 2.5

- m. An amended License Agreement, including use fees, shall be obtained from the City for portable vending carts located on public property. The applicant shall apply for and obtain approval of the license agreement from the Public Works Department prior to improvements or use of public property. The License Agreement shall be subject to termination at any time upon a 10 day prior written notice upon determination of the Planning Commission that one or more of the conditions or provisions of Section 4.2.33 or that one or more of the items listed under the Findings for Approval in this document, have been violated. Termination of a License Agreement shall nullify the conditional use permit.
 - n. The applicant shall provide an updated public liability insurance policy as specified in all current insurance resolutions prior to installing improvements or using public property. Such liability insurance shall be provided in a form acceptable to the City Attorney. The policy shall name the City of Huntington Beach as an additional insured and shall be maintained at all times.
 - o. All other conditions of approval of Conditional Use Permit No. 90-39 (R) and Coastal Development Permit No. 90-30 (R), which established 15,000 square feet of restaurant space at this location, as well as Conditional Use Permit No. 00-15, which approved a master plan for restaurants, outdoor dining, and alcohol service, shall be adhered to.
3. The Planning Director ensures that all conditions of approval herein are complied with. The Planning Director shall be notified in writing if any changes to the site plan, elevations and floor plans are proposed as a result of the plan check process. Building permits shall not be issued until the Planning Director has reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action and the conditions herein. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the HBZSO.

INFORMATION ON SPECIFIC CODE REQUIREMENTS:

- 1. Conditional Use Permit No. 00-15 (R) shall not become effective until the ten calendar day appeal period has elapsed.
- 2. Conditional Use Permit No. 00-15 (R) shall become null and void unless exercised within one year of the date of final approval which is June 13, 2000 or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning Department a minimum 30 days prior to the expiration date.
- 3. The Planning Department shall conduct a review of the vending cart operation at the end of the first six (6) month period of operation. At that time, if there has been a violation of the terms and conditions of Section 230.94, HBZSO or Conditional Use Permit No. 00-15 (R), a public hearing shall be scheduled before the Zoning Administrator for revocation pursuant to Section 241.16 and 249.06.
- 4. The development shall comply with all applicable provisions of the Municipal Code, Building Division, and Fire Department as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein.

ATTACHMENT NO. 2.6

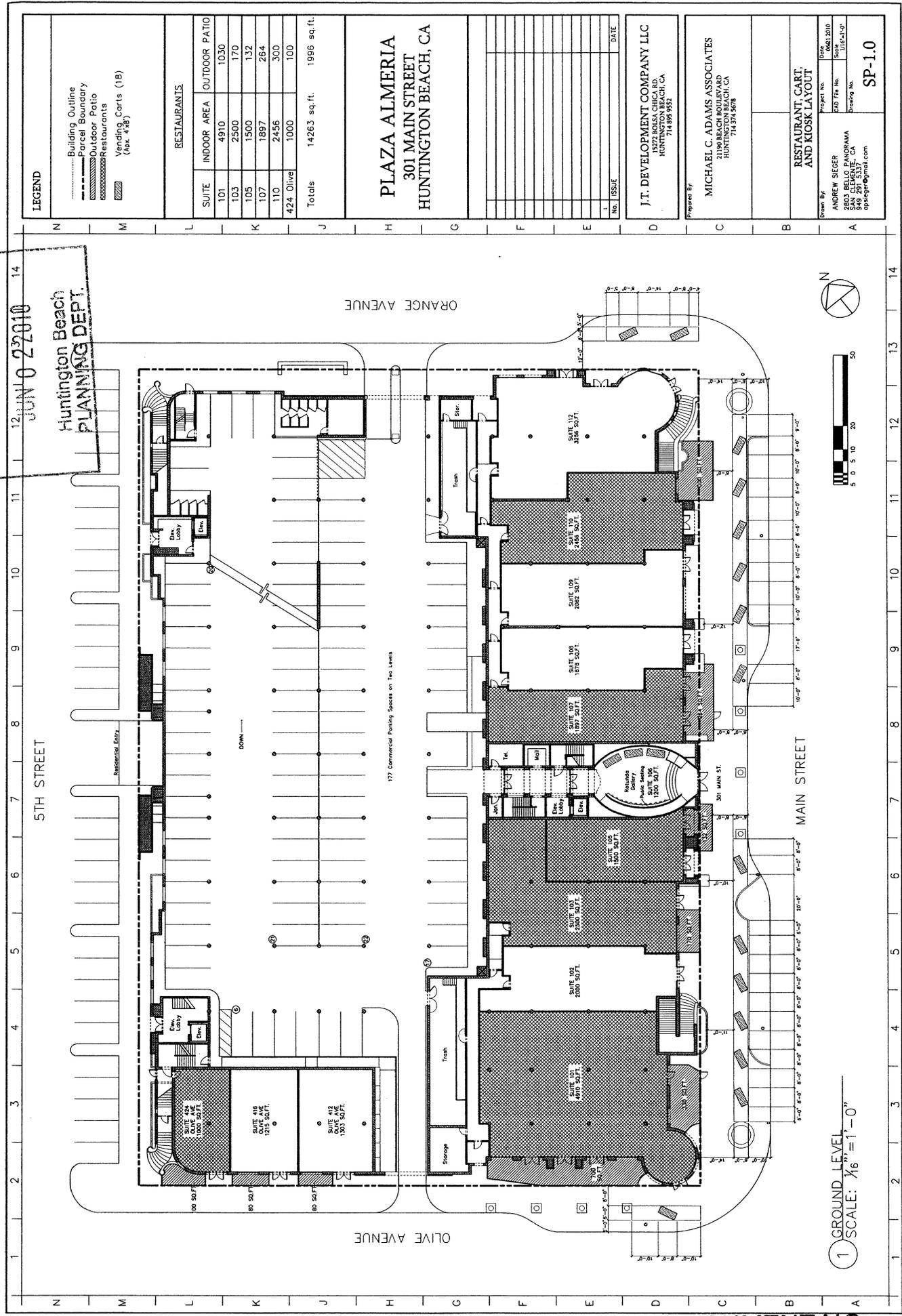
5. The applicant shall submit a check in the amount of \$38.00 for the posting of the Notice of Exemption at the County of Orange Clerk's Office. The check shall be made out to the County of Orange and submitted to the Planning Department within two (2) days of the Planning Commission's action.
6. All landscaping shall be maintained in a neat and clean manner, and in conformance with the HBZSO. Prior to removing or replacing any landscaped areas, check with the Departments of Planning and Public Works for Code requirements. Substantial changes may require approval by the Planning Commission.
7. All signs shall conform to the HBZSO. Prior to installing any new signs, or changing sign faces, a building permit shall be obtained from the Planning Department.
8. An encroachment permit shall be required for all work within the right-of-way. **(PW)**

ATTACHMENT NO. 2.7

RECEIVED

JUN 02 2010

Huntington Beach
PLANNING DEPT.



LEGEND

- Building Outline
- Parcel Boundary
- Outdoor Patio
- Restaurants
- Vending Carts (18)
(Apx. 4'x8')

RESTAURANTS

SUITE	INDOOR AREA	OUTDOOR PATIO
101	4910	1030
103	2500	170
105	1500	132
107	1897	264
110	2456	300
424 Olive	1000	100
Totals	14263 sq.ft.	1996 sq.ft.

PLAZA ALMERIA
301 MAIN STREET
HUNTINGTON BEACH, CA

No.	ISSUE	DATE
1		

J.T. DEVELOPMENT COMPANY LLC
15275 BOLSA CHICA RD.
HUNTINGTON BEACH, CA
714.897.9532

Prepared By:
MICHAEL C. ADAMS ASSOCIATES
21190 BEACH BOULEVARD
HUNTINGTON BEACH, CA
714.374.5678

**RESTAURANT, CART,
AND KIOSK LAYOUT**

Drawn By:
ANDREW SIEGER
3100 W. 171ST AVE
SAN ALBA, CA
949.291.3337
asieger@adams.com

Project No.: 0441.2010
SDD File No.: 11A-1-10
Drawing No.: **SP-1.0**



1 GROUND LEVEL
SCALE: 1/16" = 1'-0"

NARRATIVE
(2/19/2010)

PLAZA ALMERIA
Entitlement Plan Amendment
Conditional Use Permit No. 00-15

Location:

301 Main Street (Full block bounded by Main Street, Olive Avenue, Fifth Street & Orange Avenue)

Request:

To increase the number of vending carts from 6, plus an alternative to 18. The proposed carts along with the existing carts shall provide an adequate separation and maintain an eight (8) foot clear sidewalk area. The vending carts are proposed to be a mix of merchandise and food products. The carts will be designed in an aesthetic manner (apx. 4' x 8') and will add significant interest and variety to the downtown street scene. The carts are intended to be permanent installation, although portable in design.

*NOT PART
OF REQUEST*

~~In addition to vending carts the request is to add an outdoor sales kiosk, one for each suite along Olive and Orange Avenues and Main Street. The kiosks will be smaller than the carts (apx. 4'x4') and will be available for each merchant in the project to offer an outdoor sales component to their business. The proposed kiosks will not be located within the public right-of-way portion of the site.~~

Project Description:

The carts will be placed in designated areas at fixed locations and open during regular business hours (apx. 10 am to 10 pm) on a daily basis. The carts will not be removed daily, however they will be stored within the parking structure when not in use for an extended period of time. Electric and telephone connections will be available for each cart to enable cash register and credit card operations and provide for lighting. The outdoor carts will be located within the public right-of-way (subject to the existing Parkway License Agreement with the City).

The Plans submitted designate areas for the described outdoor activities. The actual usage and final configuration of the outdoor designated areas may change but will not exceed the areas identified in the plans. The cart designs may vary from the typical carts currently in use. Design, material and color guidelines will be presented in a Master Plan for Outdoor Sales booklet to the City for review and approval.

Zoning and
General Plan:

The property is currently zoned Downtown Specific Plan, District 5 and the General Plan designation is Mixed Use Vertical.

Site History:

Plaza Almeria was one to the first Redevelopment Projects in downtown Huntington Beach. The project was approved in 1997 with Conditional Use Permit No. 90-39(R) and Coastal Development Permit 90-30 (R). The project was approved for 15,000 sq. ft. of retail, 15,000 sq. ft. of restaurant, 11,000 sq. ft. of office and includes 42 residential units.

Outdoor dining and vending carts were approved with Conditional Use Permit No. 00.15. The proposed amended Entitlements for outdoor sales activities will replace the plan approved with C.U.P. No 00-15.

Parking:

Commercial parking is provided on two levels, behind the commercial suites, consisting of 177 parking spaces.

Original parking approval was:

Retail @1/250 -	15,000 sf. =	60 sp
Restaurant @1/150 -	15,000 sf. =	100 sp
Office @1/1000 -	11,000 sf. =	<u>11 sp</u>
	Total =	171 sp

Current Uses:

Retail @1/250 -	12,934 sf. =	52 sp
Restaurant @1/150 -	14,263 sf. =	95 sp
Office @1/1000 -	10,390 sf. =	<u>11 sp</u>
	Total =	158 sp

The total parking requirement of the existing and requested use is 158 parking spaces, based on the parking requirements at the time of project construction, since the tenant mix of the project is basically the same as entitled, a surplus of 19 parking spaces, exists. A shared parking analysis, for the project would indicate a greater surplus.

Surrounding Uses:

North-General Commercial/Multifamily Residential
East-Visitor Serving Commercial
South- Visitor Serving Commercial
West-Mixed-Use Commercial with Residential

Environmental Status:

There are no significant environmental impacts associated with this project. The project site is not within a known hazardous waste and substance site.

Land Use Compatibility:

The proposed project is compatible with existing businesses and multi-family housing in the area for the following reasons: The proposed activity will not generate any unusual noise. Any noise generated will comply with the standards set forth in the noise ordinance of the City's municipal code. Hours of operation will be limited to avoid late night conflicts with adjacent residential uses.

230.94 Carts and Kiosks

Carts and kiosks may be permitted on private property zoned for commercial purposes, subject to approval by the Planning Director and compliance with this section. Carts and kiosks may be permitted as a temporary use on public property subject to Specific Event approval pursuant to Chapter 5.68.

(3249-6/95; 3482-12/00; 3525-2/02)

A. Location and Design Criteria . Cart and kiosk uses shall conform to the following:

(3249-6/95)

1. No portion of a cart or kiosk shall overhang the property line. (3249-6/95)
2. The cart or kiosk shall not obstruct access to or occupy a parking space; obstruct access to a parked vehicle, impede the delivery of materials to an adjoining property, interfere with access to public property or any adjoining property, or interfere with maintenance or use of street furniture. If any existing parking spaces will be displaced or partially or totally blocked by the proposed cart or kiosk, those spaces must be replaced on-site at a one-to-one (1:1) ratio. (3249-6/95)
3. The cart or kiosk shall not exceed a maximum of four (4) feet in width excluding any wheels, eight (8) feet in length including any handle, and no more than six (6) feet in height excluding canopies, umbrellas or transparent enclosures unless a larger size is approved. (3249-6/95, 3525-2/02)
4. A limit of one cart or kiosk shall be allowed for each commercial business that meets the above locational and design criteria.

B. Factors to Consider . The following factors shall be considered regarding the location and the design of cart or kiosk uses including: (3249-6/95, 3525-2/02)

1. Appropriateness of the cart or kiosk design, color scheme, and character of its location; (3249-6/95)

2. Appropriateness and location of signing and graphics; (3249-6/95)

3. The width of the sidewalk or pedestrian accessway; (3249-6/95)

4. The proximity and location of building entrances; (3249-6/95)

5. Existing physical obstructions including, but not limited to signposts, light standards, parking meters, benches, phone booths, newsstands, utilities and landscaping; (3249-6/95)

6. Motor vehicle activity in the adjacent roadway including but not limited to bus stops, truck loading zones, taxi stands, hotel zones, passenger loading or parking spaces; (3249-6/95)

7. Pedestrian traffic volumes; and (3249-6/95)

8. Handicapped accessibility. (3249-6/95)

C. Operating Requirements, Provisions and Conditions.

1. During hours of operation, the cart or kiosk must remain in the location specified on the approved site plan. (3249-6/95)

2. A cart or kiosk operator shall not sell to or solicit from motorists or persons in vehicles.

3. The cart or kiosk operator shall pay all fees and deposits required by the Huntington Beach Municipal Code prior to the establishment of the use. (3249-6/95)

4. All provisions of the Huntington Beach Municipal Code which are not in conflict with this section shall apply. (3249-6/95)

5. The prices of items sold from a cart or kiosk must appear in a prominent, visible location in legible characters. The price list size and location shall be reviewed and approved by the Planning Director. (3249-6/95; 3525-2/02)
6. The sale of alcoholic beverages shall be prohibited. (3249-6/95)
7. The number of employees at a cart or kiosk shall be limited to a maximum of two (2) persons at any one time. (3249-6/95)
8. Fire extinguishers may be required at the discretion of the Fire Department. (3249-6/95)
9. All cart and kiosk uses shall be self contained for water, waste, and power to operate. (3249-6/95)
10. A cart or kiosk operator shall provide a method approved by the Planning Director for disposal of business related wastes. (3249-6/95, 3525-2/02)

D. Parking. Additional parking may be required for cart or kiosk uses by the Planning Director. (3249-6/95, 3525-2/02)

E. Review; Revocation. The Planning Department shall conduct a review of the cart or kiosk operation at the end of the first six (6) month period of operation. At that time, if there has been a violation of the terms and conditions of this section or the approval, the approval shall be considered for revocation. (3249-6/95; 3525-2/02)

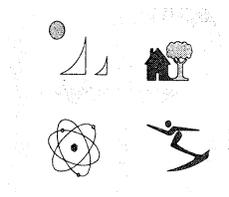
F. Neighborhood Notification. Pursuant to Chapter 241. (3525-2/02, 3710-6/05)

Edwards, Ethan

From: billc4re@earthlink.net
Sent: Tuesday, July 06, 2010 11:10 AM
To: Edwards, Ethan
Subject: kiosks at plaza almeria

Hi Ethan, I am writing this note to let the city know that I oppose the idea of increasing the kiosk count at Plaza Almeria from 6 to 18. The 6 current kiosks are taking up a large area of the sidewalk in front of merchants that pay a very high rent to be on Main Street. The current sunglass vendor has two carts and utilizes the area between the carts and alongside to display additional racks of sunglasses and in effect has the approximate space of a small retailer that would spend appx \$3000 a month in rent at a severely reduced rate. This is not fair to the existing or future tenants in the area. I do not want kiosks in front of my office or blocking the entrance or view to my office. We need the public to have a professional view of the merchants and services available in the downtown area and filling the sidewalks with portable vendors does not perpetuate that view. It instead gives the perception of a discount market or swap meet. Please do not allow the kiosk count to increase until it has been proven that the existing kiosks can work within the rules established by the city and in harmony with the existing businesses in the downtown area. We are trying to improve the image of downtown and all of the businesses in the area have a responsibility to work to a common goal.
Thank you, Bill Cuppy

Bill Cuppy, Realtor
DRE#01233220
ALTERA Real Estate
301 Main St. Suite #112
Huntington Beach, CA 92648
714-473-1118



City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

DEPARTMENT OF PLANNING AND BUILDING

www.huntingtonbeachca.gov

Planning Division

714.536.5271

July 13, 2010

Michael Adams
Michael C. Adams Associates
P.O. Box 382
Huntington Beach, CA 92648

Building Division

714.536.5241

SUBJECT: ENTITLEMENT PLAN AMENDMENT NO. 2010-003 (PLAZA ALMERIA CARTS) – 301 MAIN STREET – PROJECT IMPLEMENTATION CODE REQUIREMENTS

Dear Mr. Adams:

In order to assist you with your development proposal, staff has reviewed the project and identified applicable city policies, standard plans, and development and use requirements, excerpted from the City of Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes. This list is intended to help you through the permitting process and various stages of project implementation.

It should be noted that this requirement list is in addition to any “conditions of approval” adopted by the Planning Commission. Please note that if the design of your project or if site conditions change, the list may also change.

If you would like a clarification of any of these requirements, an explanation of the Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes, or believe some of the items listed do not apply to your project, and/or you would like to discuss them in further detail, please contact me at 714-536-5561 (ethan.edwards@surfcity-hb.org) and/or the respective source department (contact person below).

Sincerely,

Ethan Edwards, AICP
Associate Planner

Enclosures (Project Implementation Code Requirements):

Jason Kwak, Building & Safety Department – 714-374-1538
Louis Gomez, Economic Development – 714-536-5544
Josh McDonald, Public Works – 714-536-5509

cc: Herb Fauland, Planning Manager
Jason Kelly, Planning Department
Property Owner – John Tillotson, J.T.
Development, 15272 Bolsa Chica Road,
Huntington Beach, CA 92649
Project File

ATTACHMENT NO. 7.1



**HUNTINGTON BEACH
ECONOMIC DEVELOPMENT DEPARTMENT
PROJECT IMPLEMENTATION CODE REQUIREMENTS**

DATE: May 10, 2010
PROJECT NAME: PLAZA ALMERIA CART EXPANSION
PLANNING APPLICATION NO. PLANNING APPLICATION NO. 2010-015
ENTITLEMENTS: ENTITLEMENT PERMIT AMENDMENT NO. 2010-003
DATE OF PLANS: MARCH 30, 2010
PROJECT LOCATION: 301 MAIN STREET (APN: 024-143-26)
PLAN REVIEWER: LUIS GOMEZ, PROJECT MANAGER
TELEPHONE/E-MAIL: 714) 536-5544/luis.gomez@surfcity-hb.org
PROJECT DESCRIPTION: EPA: To permit the amendment of an existing cart & kiosk entitlement from 6 carts (with 1 alternate location) to 18 carts.

The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

Economic Development recommends that the proposed 12 semi-permanent kiosks carry merchandise that is complementary to the existing inline retailers.

Recommended Conditions of Approval

Revise existing CUP 00-15 Condition 2. g. as follows:

Portable vending carts may sell general merchandise, flowers, pre-packaged food items, any other food items as permitted by the Orange County Health Care Agency. Portable vending carts may also sell other merchandise of a similar nature as the above mentioned items *with approval from the Planning Director.*



**CITY OF HUNTINGTON BEACH
DEPARTMENT OF BUILDING & SAFETY
PROJECT IMPLEMENTATION CODE REQUIREMENTS**

DATE: MAY 5, 2010
PROJECT NAME: PLAZA ALMERIA CART EXPANSION
PLANNING APPLICATION NO. PLANNING APPLICATION NO. 2010-015
ENTITLEMENTS: ENTITLEMENT PERMIT AMENDMENT NO. 2010-003
DATE OF PLANS: MARCH 30, 2010
PROJECT LOCATION: 301 MAIN STREET (APN: 024-143-26)
PLAN REVIEWER: JASON KWAK, PLAN CHECK ENGINEER
TELEPHONE/E-MAIL: (714) 536-5278 / jkwak@surfcity-hb.org
PROJECT DESCRIPTION: EPA: To permit the amendment of an existing cart & kiosk entitlement from 6 carts (with 1 alternate location) to 18 carts.

The following is a list of code requirements deemed applicable to the proposed project based on plans received as stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. This list is not intended to be a full and complete list and serves only to highlight possible building code issues on the proposed preliminary plans. Electrical, plumbing, and mechanical items are not included in this review. If you have any questions regarding these comments, please contact the plan reviewer.

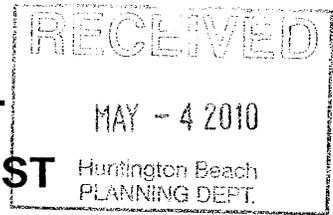
I. SPECIAL CONDITIONS:

1. None

II. CODE ISSUES BASED ON PLANS & DRAWINGS SUBMITTED:

1. Project shall comply with the current state building codes adopted by the City at the time of permit application submittal. Currently they are 2007 California Building Code (CBC), 2007 California Mechanical Code, 2007 California Plumbing Code, 2007 California Electrical Code, 2007 California Energy Code and the Huntington Beach Municipal Code (HBMC). Compliance to all applicable state and local codes is required prior to issuance of building permit.

**PLANNING DEPARTMENT
DEVELOPMENT REVIEW REQUEST**



TO: Steve Bogart, Public Works
Gerald Caraig, Building
Chief Ken Small, Police

Darin Maresh, Fire
Kellee Fritzall, Economic Development
David Dominguez, Community Services

FROM: Ethan Edwards Ext: 5561

DATE: APRIL 21, 2010

PC

ZA

DRB

STAFF

PETITION(S): Planning Application No. 00-015: Entitlement Plan Amendment No. 10-003,

REQUEST(S): **EPA:** To permit the amendment of an existing cart & kiosk entitlement from 6 carts (with 1 alternate location) to 18 carts.

LOCATION: 301 Main Street, Huntington Beach (APN: 024-143-26)

ZONE: Downtown Specific Plan (SP5 (district 3)-CZ)

GENERAL PLAN: Mixed Use Vertical (MV-F6/25-sp-pd)

EXISTING USE: Commercial (mixed-use – Plaza Almeria)

Please submit your concerns and recommended changes or conditions in writing on or before **May 5, 2010**.

COMMENTS: (Use attachments or back side of sheet if necessary)

RESPONSE BY: David Dominguez Extension 5309

Attachments: 1. Plans 2. Narrative 3. Photos

Community Services has no concerns or recommended changes since the proposed carts/kiosks will not impact parking meter operations in the downtown area.



CITY OF HUNTINGTON BEACH

PUBLIC WORKS INTERDEPARTMENTAL COMMUNICATION

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: 5/5/10

PROJECT NAME: PLAZA ALMERIA CART EXPANSION

ENTITLEMENTS: EPA 10-03

PLNG APPLICATION NO: 2010-0000

DATE OF PLANS: 3/30/10

PROJECT LOCATION: 301 MAIN STREET

PROJECT PLANNER: ETHAN EDWARDS, ASSOCIATE PLANNER

TELEPHONE/E-MAIL: 714-536-5561 / ETHAN.EDWARDS@SURFCITY-HB.ORG

PLAN REVIEWER: JOSH MCDONALD, CIVIL ENGINEERING ASSISTANT 

TELEPHONE/E-MAIL: 714-536-5509 / JOSHUA.MCDONALD@SURFCITY-HB.ORG

PROJECT DESCRIPTION: TO PERMIT THE AMENDMENT OF AN EXISTING CART & KIOSK ENTITLEMENT FROM 6 CARTS (WITH 1 ALTERNATE LOCATION) TO 18 CARTS.

The following is a list of code requirements deemed applicable to the proposed project based on plans as stated above. The items below are to meet the City of Huntington Beach's Municipal Code (HBMC), Zoning and Subdivision Ordinance (ZSO), Department of Public Works Standard Plans (Civil, Water and Landscaping) and the American Public Works Association (APWA) Standards Specifications for Public Works Construction (Green Book), the Orange County Drainage Area management Plan (DAMP), and the City Arboricultural and Landscape Standards and Specifications. The list is intended to assist the applicant by identifying requirements which shall be satisfied during the various stages of project permitting, implementation and construction. If you have any questions regarding these requirements, please contact the Plan Reviewer or Project Planner.

THE FOLLOWING REQUIREMENTS SHALL BE COMPLIED WITH FOR THE SUBJECT PERMIT:

1. Kiosks adjacent to street intersections shall conform to the 25-foot sight distance triangle per the City of Huntington Beach Zoning Code. Within the 25-foot visibility triangle, the maximum height permitted for objects that may block sight distance is 42 inches. (ZSO 230.88)
2. All portable vending carts shall be self-contained for water, waste and power to operate. There shall be no overhead or exposed power/utility lines crossing the sidewalk. The applicant shall

obtain all electrical and/or encroachment permits if necessary to relocate or install new under sidewalk conduit lines.

3. All portable vending cart operators shall dispose of business related waste in the designated refuse receptacles provided within the Strand development.
4. Each portable vending cart operator shall obtain a Business License prior to operation.
5. The current tree code requirements shall apply to this site. (ZSO 232)
 - a. Existing trees to remain on site shall not be disfigured or mutilated, (ZSO 232.04E) and,



CITY OF HUNTINGTON BEACH

PUBLIC WORKS INTERDEPARTMENTAL COMMUNICATION

SUGGESTED CONDITIONS OF APPROVAL

DATE: 5/5/10

PROJECT NAME: PLAZA ALMERIA CART EXPANSION

ENTITLEMENTS: EPA 10-03

PLNG APPLICATION NO: 2010-0000

DATE OF PLANS: 3/30/10

PROJECT LOCATION: 301 MAIN STREET

PROJECT PLANNER: ETHAN EDWARDS, ASSOCIATE PLANNER

TELEPHONE/E-MAIL: 714-536-5561 / ETHAN.EDWARDS@SURFCITY-HB.ORG

PLAN REVIEWER: JOSH MCDONALD, CIVIL ENGINEERING ASSISTANT 

TELEPHONE/E-MAIL: 714-536-5509 / JOSHUA.MCDONALD@SURFCITY-HB.ORG

PROJECT DESCRIPTION: TO PERMIT THE AMENDMENT OF AN EXISTING CART & KIOSK ENTITLEMENT FROM 6 CARTS (WITH 1 ALTERNATE LOCATION) TO 18 CARTS.

THE FOLLOWING CONDITIONS ARE REQUIRED TO BE COMPLIED WITH FOR THE SUBJECT USE:

1. The site plan received and dated March 30, 2010 shall be the conditionally approved layout, except for the following:
 - a. A minimum ten foot wide clear path of travel shall be maintained along the public sidewalk adjacent to the portable vending carts and kiosks.



CITY OF HUNTINGTON BEACH PLANNING DEPARTMENT

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: July 13, 2010
PROJECT NAME: PLAZA ALMERIA CART EXPANSION
PLANNING APPLICATION NO.: PLANNING APPLICATION NO. 2010-015
ENTITLEMENTS: ENTITLEMENT PERMIT AMENDMENT NO. 2010-003
DATE OF PLANS: JUNE 2, 2010
PROJECT LOCATION: 301 MAIN STREET (APN: 024-143-26)
PLAN REVIEWER: ETHAN EDWARDS
TELEPHONE/E-MAIL: (714) 536-5561 / ETHAN.EDWARDS@SURFCITY-HB.ORG
PROJECT DESCRIPTION: EPA: To permit the amendment of an existing cart & kiosk entitlement from 6 carts (with 1 alternate location) to 18 carts.

The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated June 2, 2010. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided should the project be approved. If you have any questions regarding these requirements, please contact the Plan Reviewer.

1. No portion of the cart or kiosk shall overhang the property line. **(HBZSO 230.94.A.1)**
2. The cart or kiosk shall not obstruct access to or occupy a parking space; obstruct access to a parked vehicle, impede the delivery of materials to an adjoining property, interfere with access to public property or any adjoining property, or interfere with maintenance or use of street furniture. If any existing parking spaces will be displaced or partially or totally blocked by the proposed cart or kiosk, those spaces must be replaced on-site at a one-to-one (1:1) ratio. **(HBZSO 230.94.A.2)**
3. The cart or kiosk shall not exceed a maximum of four (4) feet in width excluding any wheels, eight (8) feet in length including any handle, and no more than six (6) feet in height excluding canopies, umbrellas or transparent enclosures unless a larger size is approved. **(HBZSO 230.94.A.3)**
4. A limit of one cart or kiosk shall be allowed for each commercial business that meets the above locational and design criteria. **(HBZSO 230.94.A.4)**
5. During hours of operation, the portable vending carts must remain in the locations specified on the approved site plan. **(HBZSO 230.94.C.1)**

6. The outdoor dining and cart operators shall not sell to or solicit from motorists or persons in vehicles. **(HBZSO 230.94.C.2)**
7. The cart or kiosk operator shall pay all fees and deposits required by the Huntington Beach Municipal Code prior to the establishment of the use. **(HBZSO 230.94.C.3)**
8. All provision of the Huntington Beach Municipal Code which are not in conflict with this section shall apply. **(HBZSO 230.94.C.4)**
9. The prices of items sold from a cart or kiosk must appear in a prominent, visible location in legible characters. The price list and location shall be reviewed and approved by the Planning Director. **(HBZSO 230.94.C.5)**
10. The sale of alcoholic beverages shall be prohibited. **(HBZSO 230.94.C.6)**
11. The number of employees at a portable vending cart shall be limited to a maximum of two persons at any one time. **(HBZSO 230.94.C.7)**
12. Fire extinguishers may be required at the discretion of the Fire Department. **(HBZSO 230.94.C.8)**
13. All cart and kiosk uses shall be self contained for water, waste, and power to operate. **(HBZSO 230.94.C.9)**
14. A cart and kiosk operator shall provide a method approved by the Planning Director for disposal of business related waste. **(HBZSO 230.94.C.10)**
15. Additional parking may be required for cart or kiosk uses by the Planning Director. **(HBZSO 230.94.D)**
16. The Planning Department shall conduct a review of the cart or kiosk operation at the end of the first six (6) month period of operation. At that time, if there has been a violation of the terms and conditions of this section or the approval, the approval shall be considered for revocations. **(HBZSO 230.94.E)**
17. The entitlement shall not become effective until the ten calendar day appeal period has elapsed **(HBZSO 241.14)**
18. The entitlement shall become null and void unless exercised within one year 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 Planning Department a minimum 30 days prior to the expiration date. **(HBZSO 241.16.E)**
19. The entitlement shall lapse if the exercise of rights granted by it is discontinued for 12 consecutive months. **(HBZSO 241.16.C)**
20. The applicant shall submit a check in the amount of \$50.00 for the posting of the Notice of Exemption at the County of Orange Clerk's Office. The check shall be made out to the County of Orange and submitted to the Planning Department within three (3) days of the Planning Commission's action. **(California Code Section 15094)**

21. All landscaping shall be maintained in a neat and clean manner, and in conformance with the HBZSO. Prior to removing or replacing any landscaped areas, check with the Departments of Planning and Public Works for Code requirements. Substantial changes may require approval by the Planning Commission. **(HBZSO 232.04)**

22. All permanent, temporary, or promotional signs shall conform to Chapter 233 of the HBZSO. Prior to installing any new signs, changing sign faces, or installing promotional signs, applicable permit(s) shall be obtained from the Planning Department. Violations of this ordinance requirement may result in permit revocation, recovery of code enforcement costs, and removal of installed signs. **(HBZSO 233)**

23. Outdoor dining (and similar uses) located on the sidewalk area of the public right-of-way and on all other areas shall provide a minimum eight (8) foot clear passage area for pedestrian access. A wider clear passage area may be required at the discretion of the decision making body. **(DTSP)**