

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

TO: Zoning Administrator
FROM: Ethan Edwards, Associate Planner
DATE: June 16, 2010

SUBJECT: CONDITIONAL USE PERMIT NO. 2010-017 (PIERSIDE PAVILION CARTS & KIOSKS)

LOCATION: 300 Pacific Coast Highway, 92648 (northeast corner of Pacific Coast Highway and Main Street)

Applicant: Michael Adams, Adams & Associates, PO Box 382, Huntington Beach, CA 92648

Property Owner: Joe Diachendt, Pierside Pavillion, LLC, 300 Pacific Coast Highway # 119, Huntington Beach, CA 92648

Request: To permit the establishment and operation of 18 carts & kiosks within the Pierside Pavilion development along Main Street (public property) and Pacific Coast Highway (private property).

Environmental Status: This request is covered by Categorical Exemption, Section 15301, Class 1, California Environmental Quality Act.

Zone: SP5-3-CZ (Downtown Specific Plan – District No. 3 – Coastal Zone)

General Plan: MV-F12-sp-pd (Mixed Use Vertical – 3.0 floor area ratio (Mixed Use) – 3.0 floor area ratio (Commercial) – 30 dwelling units per acre – Design Overlay – Specific Plan Overlay)

Existing Use: Commercial (mixed use – Pierside Pavillion)

RECOMMENDATION: Staff recommends approval with modifications 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 15301 of the CEQA Guidelines, because the project involves a minor modification to the operation of the existing development involving negligible expansion of an existing use.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2010-017 :

1. Conditional Use Permit No. 2010-017 for the establishment, maintenance and operation of commercial carts and kiosks within the Pierside Plaza development and on adjacent public right-of-way 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. As conditioned, the parallel orientation of carts and kiosks with Main Street and Pacific Coast Highway will not impede pedestrian access and will maintain public views. The location of the carts and kiosks are designed to compliment existing businesses and activate pedestrian corridors while remaining cognizant of adjacent residences by minimizing placement in close proximity to adjacent residential uses (i.e., Pier Colony). Based upon the conditions imposed, the operation will not impact pedestrian circulation, nor will the operation impact the surrounding businesses and residential uses.
2. The conditional use permit will be compatible with surrounding uses because the ancillary operation of commercial carts and kiosks is consistent with the zoning designation and does not represent a significant change from the existing commercial use. The site currently includes carts and kiosks and the conditional use permit will allow for the modified continuation of this ancillary use.
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. As conditioned, the project complies with all aspects of the SP5 (Downtown Specific Plan) including parking, onsite circulation, and setbacks. Carts and kiosks are permitted within the SP5 (Downtown Specific Plan) with the approval of a conditional use permit.
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-F12-sp-pd (Mixed Use Vertical - 3.0 max. floor area ratio - 30 du/ac max. - Specific Plan Overlay - Pedestrian Overlay) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

Land Use Element

Goal LU 7: Achieve a diversity of land uses that sustain a City's economic viability, while maintaining the City's environmental resources and scale and character.

Policy LU 7.1.1 Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

Goal LU 11 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.

Policy LU 15.2.2 Require that uses in the Pedestrian Overlay District be sited and designed to enhance and stimulate pedestrian activity along the sidewalks. Assure that areas between building storefronts and public sidewalks are visually and physically accessible to pedestrians.

The proposed carts and kiosks increases the economic viability of the downtown by providing additional shopping opportunities, additional employment opportunities and captures visitor and tourist activity within the downtown. The project site is located in a mixed-use district of the downtown area and within walking distance of several downtown parking facilities as well as residential uses thus reducing the need for automobile use and increasing the need for pedestrian amenities. The carts and kiosks will further stimulate pedestrian activity along Main Street and Pacific Coast Highway. As conditioned, the carts and kiosks will provide a 10 ft. wide sidewalk to ensure that the area is physically accessible to pedestrians which is consistent with other cart and kiosk locations in the downtown.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2010-017:

1. The site plan received and dated April 28, 2010, shall be the conceptually approved design with the following modifications:
 - a. Depict cart & kiosk orientation that is parallel (instead of perpendicular) with Main Street and Pacific Coast Highway. **(DRB)**
 - b. Depict a minimum 4 ft. customer queuing area around each cart & kiosk. **(DRB)**
 - c. Depict a minimum 10 ft. wide clear passage area for pedestrian access along or within the public sidewalk adjacent to any customer queuing areas around the carts & kiosks. **(PW)**
2. Prior to operation of the carts & kiosks, one set of project plans, revised pursuant to Condition of Approval No. 1, shall be submitted to the Planning Division for review, approval and inclusion in the entitlement file.
3. The use of the carts and kiosks shall comply with the following:
 - a. Hours of operation shall be limited to between 10:00 AM and 10:00 PM.
 - b. The employees of the carts and kiosks shall park on the second (lowest) level of the Pierside Pavilion parking structure.
 - c. The areas around the carts and kiosks shall be kept free of trash.
 - d. Carts and kiosks shall be removed along Main Street during the annual 4th of July Parade and Parade of Lights. **(CS)**
4. Any trenching for proposed or required telephone and electrical conduits shall be replaced with concrete colors, textures, or pavers to match. Trenches shall be cut in a pattern that is complementary to existing concrete expansion patterns. **(PW)**
5. The Director of Planning and Building ensures that all conditions of approval herein are complied with. The Director of Planning and Building shall be notified in writing if any changes to cart and kiosk operations are proposed as a result of the ongoing operation and oversight of the use.
6. Minor modifications to the plans shall be reviewed and approved by the Department of Planning and Building for conformance with the intent of the Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required.

7. 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>).

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.