



City of Huntington Beach Planning and Building Department
STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning and Building
BY: Ethan Edwards, AICP, Associate Planner *EE*
DATE: September 28, 2010

**SUBJECT: APPEAL OF THE ZONING ADMINISTRATOR'S APPROVAL OF
CONDITIONAL USE PERMIT NO. 10-017 (PIERSIDE PAVILION CARTS)**

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

PROPERTY

OWNER: Joe Daichendt, Pierside Pavilion LLC, 300 Pacific Coast Highway, Suite 119, Huntington Beach, CA 92648

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

STATEMENT OF ISSUE:

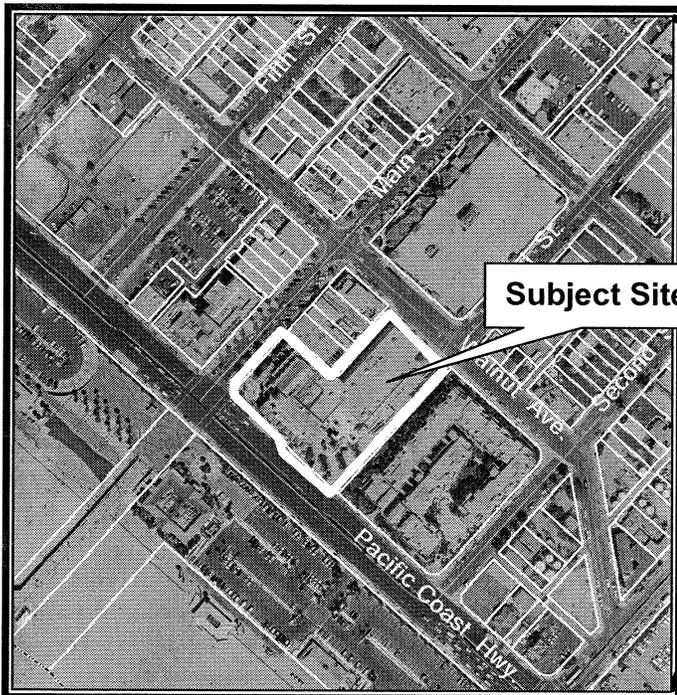
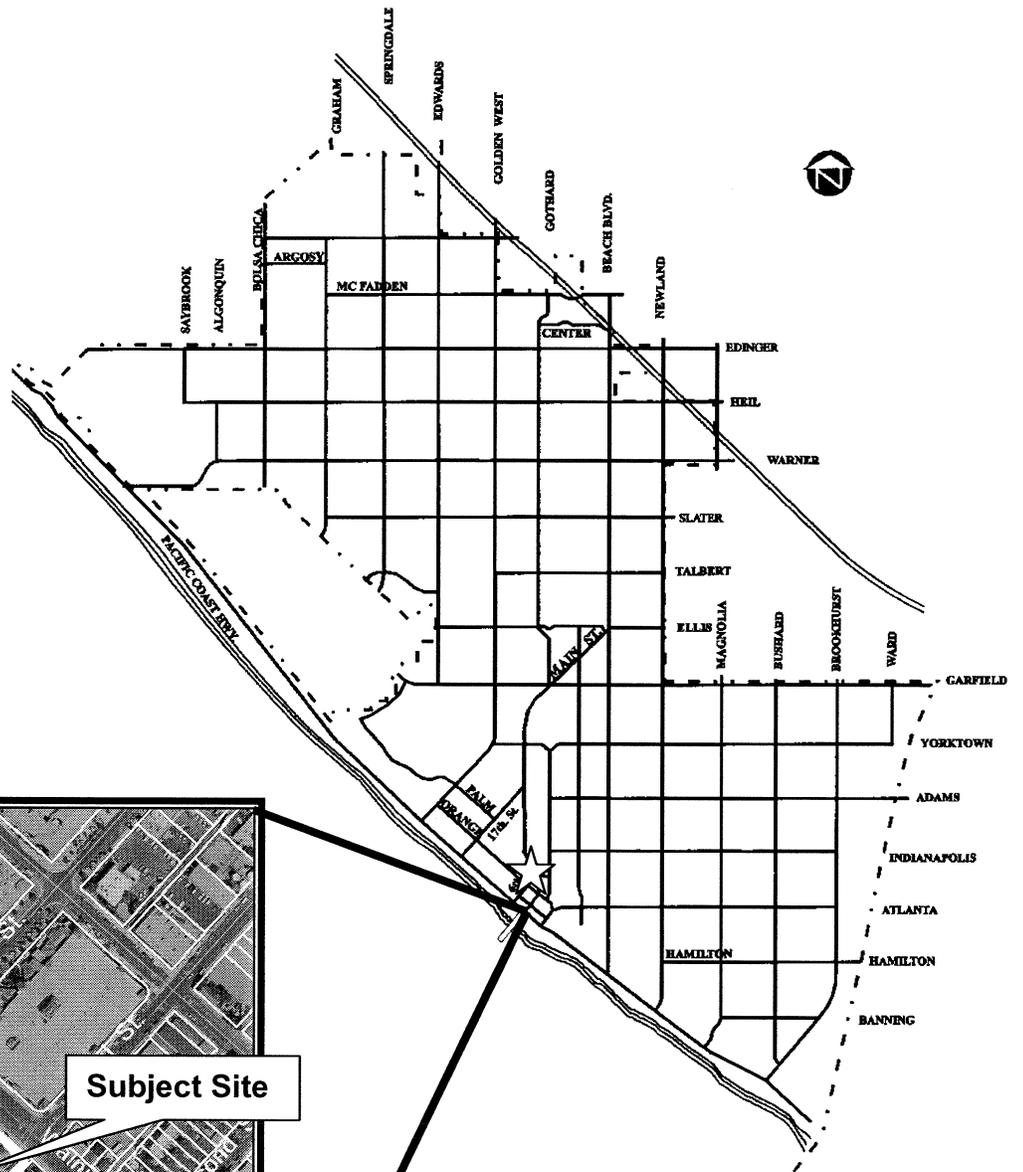
- ◆ Conditional Use Permit No. 10-017 request:
 - To permit the establishment and operation of 18 carts and kiosks within the Pierside Pavilion development along Main Street (6 on public property) and Pacific Coast Highway (12 on private property).

- ◆ Staff's Recommendation:
Approve Conditional Use Permit No. 10-017 based upon the following:
 - The proposed use is consistent with the zoning code and General Plan Land Use Element which encourage visitor-serving uses in the Downtown area.
 - The Downtown Specific Plan promotes outdoor uses to foster pedestrian activity.
 - Complies with carts and kiosks development standards.
 - As conditioned, provides adequate pedestrian corridors between temporary sales, sidewalk amenities, and portable vending carts.

RECOMMENDATION:

Motion to:

“Approve Conditional Use Permit No. 10-017 with suggested findings and conditions of approval (Attachment No. 1).”



**VICINITY MAP
CONDITIONAL USE PERMIT NO. 10-017
(PIERSIDE PAVILION CARTS APPEAL – 300 PACIFIC COAST HWY)**

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

- A. “Deny Conditional Use Permit No. 10-017 with findings for denial.”
- B. “Continue Conditional Use Permit No. 10-017 and direct staff accordingly.”
- C. “Approve Conditional Use Permit No. 10-017 with findings and conditions of approval.”
(Applicant’s Request)

PROJECT PROPOSAL:

Conditional Use Permit No. 10-017 represents a request to permit the establishment and operation of 18 carts and kiosks within the Pierside Pavilion development along Main Street (6 on public property) and Pacific Coast Highway (12 on private property).

Vending carts and kiosks are regulated pursuant to Section 230.94, Carts and Kiosks, Huntington Beach Zoning and Subdivision Ordinance (Attachment No. 14). The proposal includes a request to locate six carts along Main Street, six carts along Pacific Coast Highway and the remaining six carts within the southeasterly plaza area fronting Pacific Coast Highway (Attachment No. 4). The carts will sell a variety of visitor-serving 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 used daily. 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 building.

History:

Below is a brief chronology of entitlement actions for cart and kiosks at Pierside Pavilion:

- CDP No. 00-22/EPA No. 00-12/DR No. 00-45 – Request to permit 2 carts on public property and 4 carts on private property along Main St., 4 carts on private property along PCH, and 12 carts within the southeastern plaza area. On October 12, 2000, the DRB recommended approval to the ZA with conditions to remove all carts & kiosks along Main St. and PCH. On November 15, 2000, the ZA approved 2 carts on private property along PCH and 16 clustered within the southeasterly plaza area for a total of 18 carts (Attachment No. 9).
- EPA No. 03-14/DR No. 03-38 – Request to relocate two of the previously approved carts within the plaza area to a new location on private property along PCH (total of 4). On October 9, 2003, the DRB recommended approval to the ZA of one additional cart on private property along PCH. On November 12, 2003, the ZA denied the request to relocate two additional carts on private property along PCH based on impacts to pedestrian circulation and public views.

It is important to note that the total number of vending carts (18) has remained the same since the original entitlement in 2000. All subsequent requests (including this appeal) were to relocate existing carts from the southeasterly plaza area to areas fronting Main Street and/or Pacific Coast Highway.

Zoning Administrator Action:

On June 16, 2010 the Zoning Administrator (ZA) considered CUP No. 10-017/DR No. 10-011, the request to locate six carts along Main Street, six carts along Pacific Coast Highway and the remaining six carts within the plaza area fronting Pacific Coast Highway. The primary issues discussed during the ZA meeting included impacts to pedestrian circulation, intensification of uses (i.e. cumulative effects of Downtown events, approved outdoor sales onsite, and existing vending carts), and maintaining public views along Main Street and Pacific Coast Highway. The ZA conditionally approved the request to include only two carts along Main Street, four along Pacific Coast Highway and the remaining 12 within the plaza area (Attachment No. 6).

Appeal:

On June 24, 2010 the applicant appealed the ZA's decision to the Planning Commission; contesting condition of approval no. 1, which limits the number of cart locations along Main Street and Pacific Coast Highway (Attachment No. 5). The applicant is requesting to locate six carts along Main Street, six carts along Pacific Coast Highway and the remaining six carts within the southeasterly plaza area fronting Pacific Coast Highway (Attachment No. 3).

Study Session:

The item was presented at the September 14, 2010 Planning Commission study session meeting. Staff gave a brief overview of the project including entitlement history, recent approval by the ZA and primary issues to consider for review. The Planning Commission raised the following issues/questions:

- *Need to identify existing approved carts, recent ZA approved carts, and applicant's request.*

The applicant submitted a revised site plan on September 15, 2010 that graphically depicts the cart locations as approved and requested (Attachment No. 3). Also, see Attachment Nos. 6 & 9 for graphic representations of the existing approval (CDP No. 00-22/EPA No. 00-12) and recent approval by the ZA (Appeal of CUP 10-017).

- *Did staff consider potential noise impacts to adjacent residential?*

All tenants and owners of adjacent residential (Pier Colony development) have been notified including the property manager and homeowner's association. To date, staff has not received any comments related to noise. Also, in 2000, the ZA approved 18 carts; two along PCH and 16 of which can be located within the southeasterly plaza area nearest to Pier Colony. Since approval, staff has not received any noise complaints related to carts and kiosks at this location. The project, as conditioned, would further decrease the number of carts located within the southeasterly plaza area and consequently decrease the likelihood of potential noise impacts to adjacent residential uses.

ISSUES:

Subject Property And Surrounding Land Use, Zoning And General Plan Designations:

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	MV-F12-sp-pd (Mixed Use Vertical – 3.0 Max. Floor Area Ratio/ 35 Dwelling Units per Acre – Specific Plan Overlay – Pedestrian Overlay)	Downtown Specific Plan District 3/Coastal Zone	Retail/Office/ Restaurants
North of Subject Property (across Walnut):	MV-F6/25-sp-pd (Mixed Use Vertical – 2.0 Max. Floor Area Ratio/ 25 Dwelling Units per Acre – Specific Plan Overlay – Pedestrian Overlay)	Downtown Specific Plan District 5/Coastal Zone	Retail/Restaurant/ Parking Structure
East of Subject Property:	MV-F12-sp-pd	Downtown Specific Plan District 3/Coastal Zone	Residential Condominiums
South of Subject Property: (across PCH)	CV-d (Commercial Visitor- Design Overlay)	Downtown Specific Plan District 10/Coastal Zone	Pier/Restaurants/Beach
West of Subject Property: (across Main)	MV-F12-sp-pd	Downtown Specific Plan District 3/Coastal Zone	Retail/Office

General Plan Conformance:

The General Plan Land Use Map designation on the subject property is MV-F12-sp-pd (Mixed Use Vertical - 3.0 max. floor area ratio - 30 du/ac max. - Specific Plan Overlay - Pedestrian Overlay). The proposed project is consistent with this designation and the goals, objectives, and policies of the City's General Plan as follows:

A. 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 adequate separation and 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.

Zoning Compliance:

This project is located in the Downtown Specific Plan – District 3 – Coastal Zone and complies with the requirements of that zone. The proposed portable vending carts, as conditioned, comply with Section 230.94, Carts and Kiosks, which establishes design and locational criteria.

Urban Design Guidelines Conformance:

The City’s Design Guidelines encourages pedestrian-oriented, attractive, inviting, imaginative and functional site arrangement of buildings and sidewalk amenities including carts and kiosks. In addition, accessory elements such as carts and kiosks should be compatible with the architectural style of the project and primary buildings. As conditioned, the vending carts will encourage pedestrian activity while providing for adequate spacing to allow for pedestrian movement and maintenance of views. The design of the carts was approved as part of Design Review No. 00-45 and requires that each portable vending cart match (wagon-wheel theme) with a design that is compatible and complementary to the established building.

Environmental Status:

The proposed project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1—*Existing Facilities*, because the project involves a minor modification to the operation of the existing development involving negligible expansion of an existing use.

Coastal Status:

The proposed project is within a non-appealable area of the Coastal Zone. In 2000, the ZA approved 18 vending carts that included 16 clustered within the southeasterly plaza area and two along Pacific Coast Highway as part of Coastal Development Permit No. 00-22. Because the portable vending carts are already provided with parking under the original entitlement and the use is considered ancillary to the primary uses onsite, this request is not considered an intensification of use and therefore, is covered under the previous coastal development permit.

Redevelopment Status:

The project is located in the Huntington Beach Redevelopment Project, Main-Pier subarea. The Economic Development Department has reviewed the request and recommends a condition of approval

that for sale merchandise is complementary to the existing in-line businesses within Pierside Pavilion (Attachment No. 1 – Suggested Condition of Approval No. 3.e).

Design Review Board:

The Design Review Board (DRB) reviewed the project at their meeting on June 10, 2010, and recommended approval with modifications. The DRB expressed concerns related to: public views, existing storefronts and pedestrian circulation; and ultimately recommended approval with conditions to the Zoning Administrator (Attachment No. 8). The recommended conditions of approval included modifying the orientation of the carts, providing a minimum customer queuing area, minimum pedestrian clear passage area and three-month review of the use. The design of the carts was not reviewed because it was approved as part of Design Review No. 00-45 which requires that each portable vending cart match (wagon-wheel theme) with a design that is compatible and complementary to the established building (Attachment No. 1 – Suggested Condition of Approval No. 4).

Staff generally supports the DRB’s recommendation with additional recommended modifications as discussed in this report.

Subdivision Committee: Not applicable.

Other Departments Concerns and Requirements:

The Departments of Planning & Building, Economic Development, Community Services, Fire, Police, and Public Works have reviewed the application and identified comments and applicable code requirements (Attachment No. 12). The Community Services Department recommends that any carts permitted along Main Street to be removed to avoid impacts during the annual 4th of July Parade and annual Light a Light of Love Parade in December (Attachment No. 1 – Suggested Condition of Approval No. 1.d). The Department of Public Works recommends a minimum 10 ft. wide clear path of travel to be maintained along the public sidewalk adjacent to the portable vending carts (Attachment No. 1 – Suggested Condition of Approval No. 1.b). In addition to the 10 ft. clear path requirements, Planning Division recommends a minimum 4 ft. customer queuing area around each cart and kiosk which is consistent with recent cart and kiosk approvals. All of the comments highlighted above were adopted as conditions of approval by the ZA. The Police Department has reviewed the revised site plan and recommends a minimum 8 ft. separation between vending carts to ensure adequate visibility of storefronts along Main Street and Pacific Coast Highway for public safety (Attachment No. 1 – Suggested Condition of Approval No. 1.c). Lastly, the 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 or a new agreement will be necessary to reflect the expanded use of public property (Attachment No. 1 – Suggested Condition of Approval No. 2.c).

Public Notification:

Legal notice was published in the Huntington Beach/Fountain Valley Independent on September 16, 2010, and notices were sent to property owners of record (*and tenants*) within a 500 ft. radius of the subject property, individuals/organizations requesting notification (Planning and Building Department’s Notification Matrix), tenants at the commercial center, applicant, and interested parties. As of September

21, 2010, staff has received 8 written comments/letters in opposition to the request (Attachment No. 11) and several phone calls in opposition.

Application Processing Dates:

DATE OF COMPLETE APPLICATION:

May 27, 2010

MANDATORY PROCESSING DATE(S):

July 26, 2010

CUP No. 10-017 was filed on April 28, 2010 and deemed complete on May 27, 2010. The application was acted on by the ZA on June 16, 2010, in compliance with the mandatory processing timeline. An appeal was filed by the applicant on June 24, 2010 (Attachment No. 5).

ANALYSIS:

The primary issues to consider when analyzing this request are compliance with the General Plan's Pedestrian Zone Overlay including compatibility with adjacent uses, maintenance of adequate physical and visual access to the area; and compliance with the established zoning regulations for portable vending carts and kiosks within the Downtown.

Land Use Compatibility

As conditioned, the request to permit six carts along Main Street, six carts along Pacific Coast Highway and the remaining six carts within the southeasterly plaza area fronting Pacific Coast Highway is compatible with the existing retail, restaurant, outdoor dining and residential uses nearby. The existing uses and portable vending carts all combine to create a unique pedestrian oriented atmosphere. Staff believes that open air commercial activities within the downtown core are important to help implement the pedestrian walking village envisioned in the Downtown Specific Plan. A mix of uses including retail, restaurants, outdoor sales and vending carts already exist in this section of Main Street and Pacific Coast Highway and the project, as conditioned, will be compatible with adjacent uses. Staff believes that the project as conditioned will be compatible with the existing uses on site and with the surrounding retail and residential uses in the neighborhood.

Carts & Kiosks Development Standards

The proposed project is required to comply with the development regulations for carts and kiosks established in the HBZSO. Specifically, the regulations dictate location and design criteria, factors for decision makers to consider when acting on the request, describe operating requirements, and establish provisions for review and revocation of the use. Although no specific sidewalk or pedestrian corridor width is established in the code for portable vending carts, the regulations do state that the carts shall not obstruct or impede access to parked vehicles, other businesses, or interfere with existing street furniture.

The applicant submitted a revised site plan received September 15, 2010 (Attachment No. 3) amending the original proposed plan received April 28, 2010. The revised site plan includes the location of existing approved carts (CDP 00-22/EPA 00-12), recently approved cart locations (CUP 10-017 – ZA approval), and proposed carts (additional locations). The revised site plan depicts a pedestrian corridor along Main Street that varies in width from 12 feet at the narrowest point to a maximum of 16 feet; and a pedestrian corridor along Pacific Coast Highway that varies in width from 10 feet to approximately 14 feet. Therefore, the proposed sidewalk area is consistent with or exceeds the minimum 10 feet width required

for outdoor dining, access for emergency personnel and disabled persons within this block; and exceeds the staff recommended minimum of 10 ft. This will assist in maintaining public view corridors; although will not alleviate the existing pedestrian congestion in this area. The area surrounding the Main Street/Pacific Coast Highway intersection is known as a highly congested pedestrian node that connects Main Street to Pier Plaza and the Pier beyond. Carts are proposed in the same area where pedestrians tend to congregate and queue prior to or after crossing Pacific Coast Highway. In addition, outdoor retail sales are approved at this location which adds to the intensity. Primary issues discussed during the ZA meeting included impacts to pedestrian circulation and intensification of uses (i.e. cumulative effects of Downtown events, approved outdoor sales onsite, and existing vending carts). After considering the facts presented and public testimony, the ZA permitted a reasonable increase of carts along Main Street and Pacific Coast Highway. Additional cart locations would be detrimental to the general welfare of people, property and improvements in the neighborhood.

The DRB and ZA's recommendation for a four foot customer queuing area around each cart is consistent with existing conditions of approval (Attachment No. 10) to ensure a minimum eight foot separation between carts. This was required to help offset pedestrian congestion and public view impacts. In addition, the Police Department has reviewed the revised site plan and recommends a minimum 8 ft. separation between vending carts to ensure adequate visibility of storefronts along Main Street and Pacific Coast Highway for public safety. The revised site plan depicts a varied separation that ranges between 4 ft. and carts 8 ft. Adherence to the existing 8 ft. separation requirement will result in fewer carts.

Staff supports the ZA's approval of 18 vending carts including limiting the location of carts along Main St. and PCH along with the additional suggested condition of approval to provide minimum separation requirements between the carts (Attachment No. 1 – Suggested Condition of Approval No. 1.c).

ATTACHMENTS:

1. Suggested Findings and Conditions of Approval – CUP No. 10-017
2. Site plan received April 28, 2010 (Original)
3. Site plan received September 15, 2010 (Revised)
4. Project Narrative received April 27, 2010
5. Appeal letter received June 24, 2010
6. Site plan approved by Zoning Administrator on June 16, 2010 – CUP No. 10-017
7. Zoning Administrator Notice of Action dated June 17, 2010 – CUP No. 10-017
8. Design Review Board Notice of Action dated June 11, 2010 – DR No. 10-011
9. Site Plan approved by Zoning Administrator on November 15, 2000 – CDP No. 00-22/EPA No. 00-12
10. Zoning Administrator Notice of Action dated November 16, 2000 – CDP No. 00-22/EPA No. 00-12
11. Public Comments/Letters
12. Code Requirements (for informational purposes only)
13. Police Department comments dated September 14, 2010
14. HBZSO Chapter 230.94 – Carts and Kiosks

SH:HF:EE:kd

ATTACHMENT NO. 1

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 10-017

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the project will not have any significant effect on the environment and is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1—*Existing Facilities*, 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. 10-017:

1. Conditional Use Permit No. 10-017 for the establishment, maintenance and operation of 18 commercial carts and kiosks within the Pierside Pavilion development (six carts on public property along Main Street, six carts on private property along Pacific Coast Highway, and the remaining six carts on private property within the southeasterly plaza area fronting Pacific Coast Highway) 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 complement 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 adequate separation and 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. 10-017:

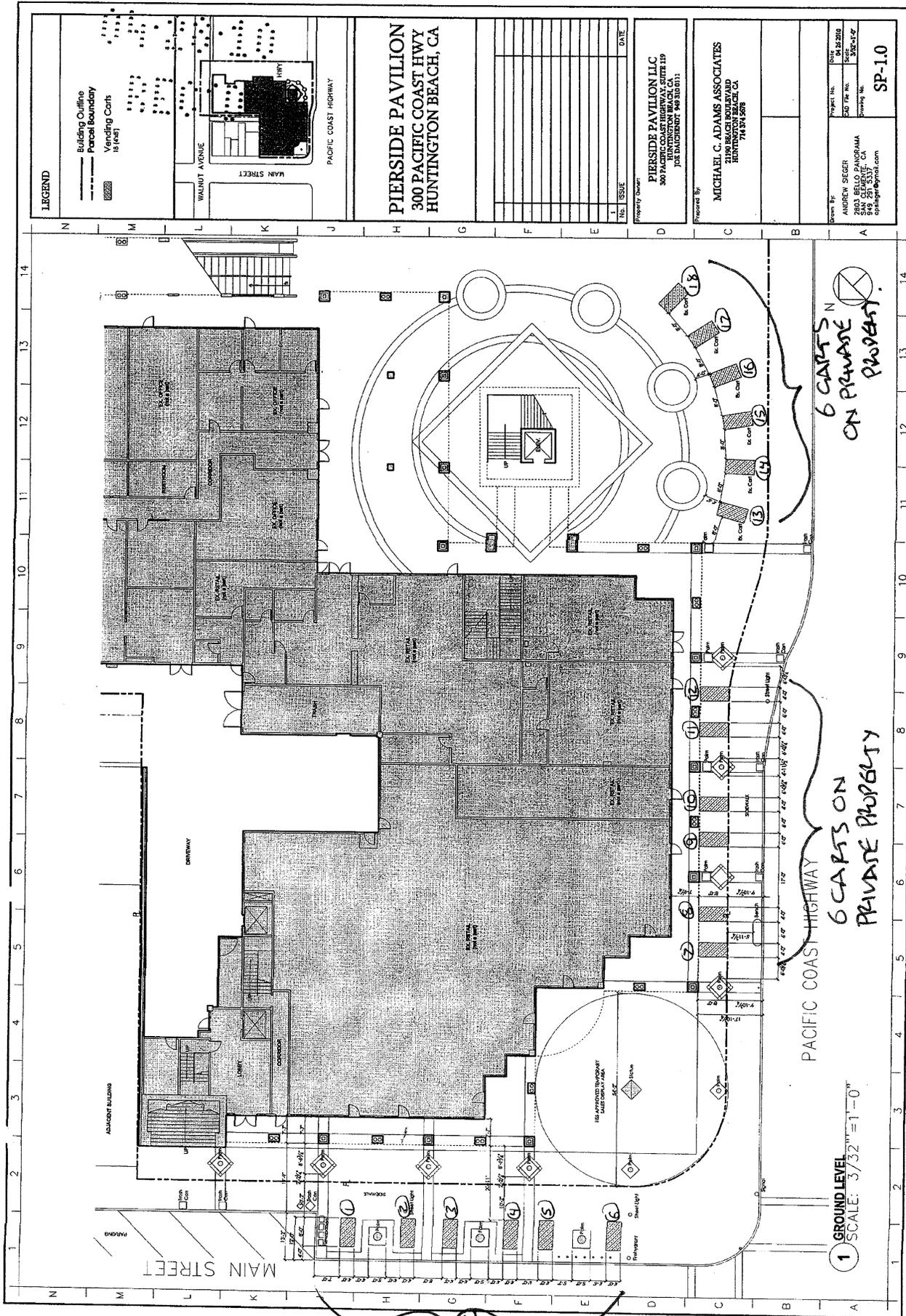
1. The site plan received and dated September 15, 2010, shall be the conceptually approved design with the following modifications:
 - a. Depict a minimum 4 ft. customer queuing area around each cart & kiosk. **(ZA)**
 - b. Depict a minimum 10 ft. wide clear passage area for pedestrian access along or within the public sidewalk adjacent to any customer queuing areas around the carts & kiosks. **(ZA)**
 - c. Depict a minimum eight foot wide separation between portable vending carts & kiosks. **(PD)**
 - d. Depict no more than 2 carts & kiosks along Main Street, 4 carts & kiosks along Pacific Coast Highway, and 12 carts & kiosks within the plaza area. **(ZA)**
2. Prior to operation of the carts & kiosks:
 - a. 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.

- b. A new or 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 an 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. **(PW)**
3. The use of the carts & kiosks shall comply with the following:
 - a. Hours of operation shall be limited to between 10:00 AM and 10:00 PM. **(ZA)**
 - b. The employees of the carts & kiosks shall park on the second (lowest) level of the Pierside Pavilion parking structure. **(ZA)**
 - c. The areas around the carts & kiosks shall be kept free of trash. **(ZA)**
 - d. Carts & kiosks shall be removed along Main Street during the annual 4th of July Parade and the annual Light a Light of Love Parade in December. **(CS)**
 - e. Carts & kiosks shall carry merchandise that is complementary to the existing inline retailers. **(ED)**
4. The design, colors, and materials of the carts & kiosks shall match the plans dated and received September 1, 2000 (DR No. 00-45).
5. 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. **(ZA)**
6. 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.
7. 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. **(ZA)**
8. CUP No. 10-017 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning and Building Department a minimum 30 days prior to the expiration date.
9. 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>). (ZA APPROVED)

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

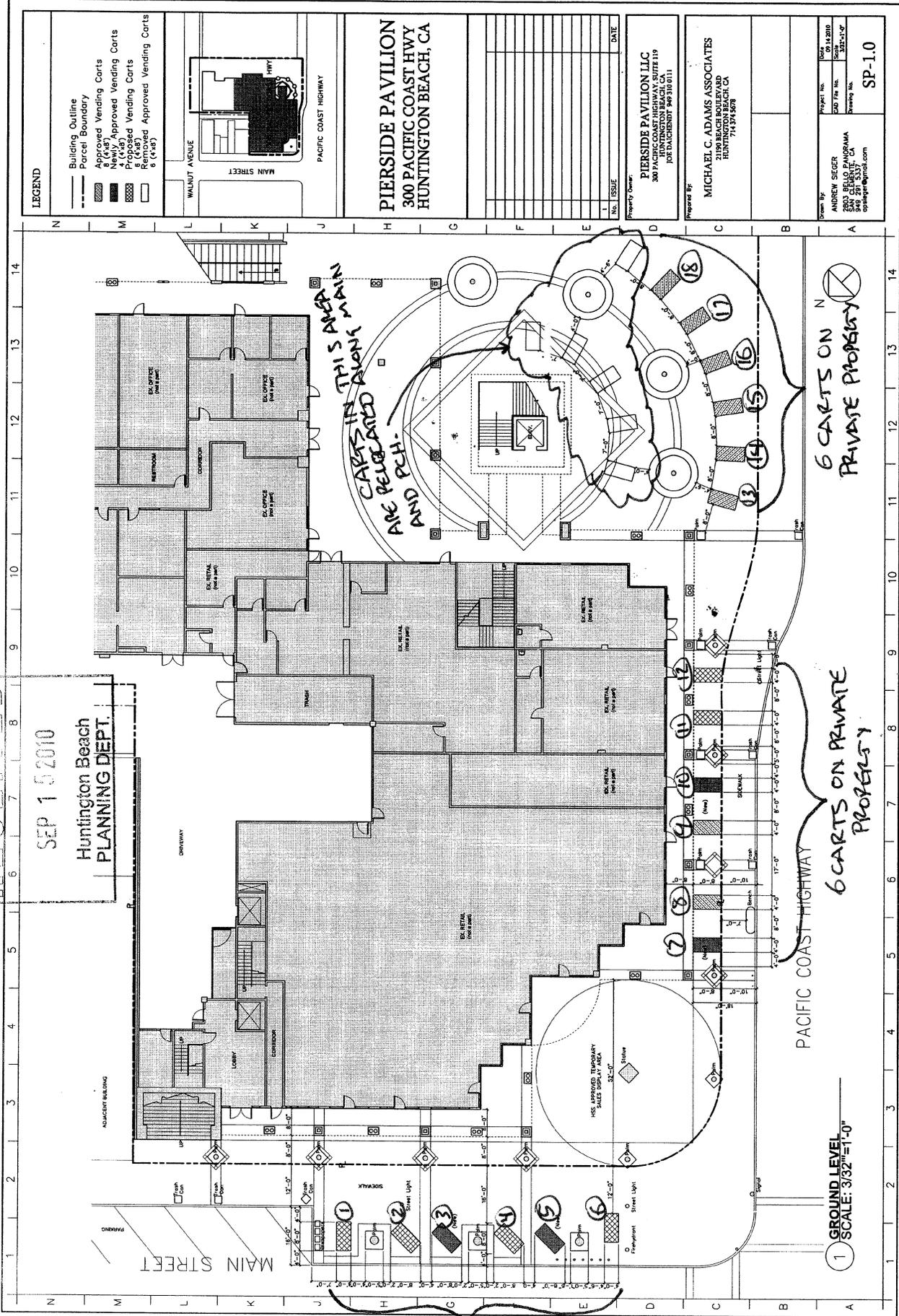
The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, 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.



ATTACHMENT NO. 2.1

APPLICANTS ORIGINAL SUBMITTAL 4-28-10 CUP 10-017

RECEIVED
 SEP 15 2010
 Huntington Beach
 PLANNING DEPT.



ATTACHMENT NO. 3.1

APPLICANT'S REVISED SUBMITTAL 9-15-10 CUP 10-017

NARRATIVE
(04/27/10)

PIERSIDE PAVILION
Conditional Use Permit/Design Review (if necessary)

Location:

300 Pacific Coast Highway



Request:

To revise the location and layout of 12 of the 18 previously approved carts and kiosks at Pierside Pavilion. Originally, 16 carts were approved to be clustered in the theater entrance and elevator plaza area midway between Main Street and Third Street, with two additional carts located along PCH. As shown on the Site Plan, the owner is requesting approval to relocate six carts along the Main Street side of the property and four carts to the PCH side (for a total of six carts along PCH). The remaining six carts would remain located in the theater plaza area.

This request is consistent with the intent and vision of the Downtown Specific Plan to:

- Create an environment that promotes tourism to increase revenues to support community services and transform the City's economy (1.5.1.2)
- Extend Main Street inland from the ocean and encourage pedestrian movement from the beach areas along the downtown streets (1.5.3)
- Extend the activity from the Pier Plaza area north along Main Street, to draw pedestrian traffic further into the heart of the downtown. (1.5.3)
- Create a lively shopping district oriented to pedestrians and offering opportunities to shop, dine, or browse in an ocean-related atmosphere (1.5.3)

All carts are proposed to be 4' x 8' in size and will offer a mix of visitor-serving merchandise and food products. The carts will be designed in an aesthetic manner and will add significant interest and variety to the downtown street scene. The carts are intended to be permanent installation, although portable in design.

The proposed carts shall provide adequate separation and maintain a minimum eight (8) foot clear sidewalk area. The final design will comply with all existing City regulations per the recently-adopted Downtown Specific Plan.

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 extended periods 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 on private property along PCH and within the public right-of-way along Main Street in accordance with the existing Parkway License Agreement with the City. The Site Plan designates 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. Any significant modifications from the approved design may be subject to additional Design Review.

Zoning and
General Plan:

The property is zoned Downtown Specific Plan, District 1 and the General Plan designation is Mixed Use Vertical (MV-F12-sp.pd).

Site History:

Pierside Pavilion was the first Redevelopment Project in downtown Huntington Beach. The project was approved in 1988 with Conditional Use Permit No. 88-7 and Coastal Development Permit 88-3. The project was amended in 1990 with Conditional Use Permit No. 90-37 and Coastal Development Permit No. 90-21. In 2009 it was further amended with Entitlement Plan Amendment No. 07-01.

Outdoor dining and vending carts were approved with Entitlement Plan Amendment No. 00-12. A subsequent amendment, Entitlement Plan Amendment No. 03-14, was approved by the Design Review Board and denied by the Zoning Administrator. The requested Conditional Use Permit for revised cart locations is not intended to modify any other conditions of approved EPA No. 00-12.

Parking:

Commercial parking is provided on two levels, consisting of 296 parking spaces.

Surrounding Uses:

North-General Commercial/Public Parking Structure
East-Multifamily Residential/Pier Colony
South- Visitor Serving Commercial/Municipal Beach
West-Mixed-Visitor Serving Commercial

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 carts are adequately spaced and separated from entries to retail spaces in the adjacent commercial building.

Relocation of carts to the Main Street and Pacific Coast Highway sides of the site will take advantage of and cater to higher pedestrian activity in these corridors, and will reduce the number of carts in close proximity to residences at Pier Colony.

The proposed activity will not generate any unusual noise and 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 nearby residential uses.

MICHAEL C. ADAMS ASSOCIATES

RECEIVED

JUN 25 2010

RECEIVED
Dept. of Planning
& Building

JUN 24 2010

JUN 25 2010

Dept. of Planning

Dept. of Planning
& Building

June 24, 2010

Secretary of the Planning Commission
Planning Department
2000 Main Street
Huntington Beach, CA 92648

Subject: Appeal of Zoning Administrator's Action
Conditional Use Permit No. 2010-017 (Pierside Pavilion Carts and Kiosks)

Dear Secretary:

On behalf of Joe Daichendt, property owner, we wish to appeal the decision of the Zoning Administrator in approving the above-entitled application to the Planning Commission.

We are appealing Condition No. 1 limiting the number of carts and kiosks along Main Street to two and along Pacific Coast Highway to four. We believe that with minor adjustments to the site plan, the additional carts requested can be accommodated while still allowing adequate space for pedestrian traffic and circulation within the sidewalk areas along Main Street and Pacific Coast Highway.

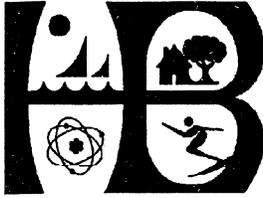
A revised site plan will be submitted to illustrate how this can be accomplished consistent with the objectives of the Downtown Specific Plan.

Very truly yours,



Mike Adams

cc: Herb Fauland
Ethan Edwards
Joe Daichendt



**OFFICE of the ZONING ADMINISTRATOR
CITY OF HUNTINGTON BEACH • CALIFORNIA**

P.O. BOX 190

CALIFORNIA 92648

(714) 536-5271

NOTICE OF ACTION

June 17, 2010

Michael Adams
PO Box 382
Huntington Beach, CA 92648

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

APPLICANT: Michael Adams, Adams & Associates, PO Box 382, 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).

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

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

PROJECT PLANNER: Ethan Edwards

DATE OF ACTION: June 16, 2010

On Wednesday, June 16, 2010, the Huntington Beach Zoning Administrator took action on your application, and your application was **conditionally approved**. Attached to this letter are the findings and conditions of approval.

Please be advised that the Zoning Administrator reviews the conceptual plan as a basic request for entitlement of the use applied for and there may be additional requirements prior to commencement of the project. It is recommended that you immediately pursue completion of the conditions of approval and address all requirements of the Huntington Beach Zoning and Subdivision Ordinance in order to expedite the processing/completion of your total application. The conceptual plan should not be construed as a precise plan, reflecting conformance to all Zoning and Subdivision Ordinance requirements.

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Zoning Administrator 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 Secretary of the Planning Commission within ten (10) calendar days of the date of the Zoning Administrator'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. Said appeal must be accompanied by a filing fee of Two Thousand Two Dollars (\$2,002.00). In your case, the last day for filing an appeal and paying the filing fee is June 28, 2010, at 5:00 PM.

Provisions of the Huntington Beach Zoning and Subdivision Ordinance are such that any application becomes null and void one (1) year after final approval, unless the use has been established.

Excepting those actions commenced pursuant the California Environmental Quality Act, you are hereby notified that you have 90 days to protest the imposition of the fees described in this Notice of Action. If you fail to file a written protest regarding any of the fees contained in this Notice, you will be legally barred from later challenging such action pursuant to Government Code §66020.

If you have any questions regarding this Notice of Action letter or the processing of your application, please contact Ethan Edwards, the project planner, at (714) 536-5561 or via email at Ethan.Edwards@surfcity-hb.org or the Planning and Building Department Zoning Counter at (714) 536-5271.

Sincerely,


Ricky Ramos
Zoning Administrator

RR:EE:jd
Attachment

c: Honorable Mayor and City Council
Chair and Planning Commission
Fred A. Wilson, City Administrator
Scott Hess, Director of Planning and Building
William H. Reardon, Division Chief/Fire Marshal
Herb Fauland, Planning Manager
Steve Bogart, Acting Principal Civil Engineer
Debbie DeBow, Acting Principal Engineer
Gerald Caraig, Permit-Plan Check Manager
Judy Demers
Joe Diachendt
Project File

ATTACHMENT NO. 1

FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 2010-017

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.

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 Pavilion 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.

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 a minimum 4 ft. customer queuing area around each cart & kiosk. **(DRB)**
 - b. 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)**
 - c. Depict no more than 2 carts & kiosks along Main Street, 4 carts & kiosks along Pacific Coast Highway, and 12 carts & kiosks within the plaza area.
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. All conditions of approval required under Coastal Development Permit No. 2000-022 /Entitlement Plan Amendment No. 2000-012, with exception of Conditions of Approval Nos. 1(a, e, f, & g) and 4(a), shall remain valid.
 6. 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.
 7. 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.
 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>).

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.



CITY OF HUNTINGTON BEACH

2000 MAIN STREET

CALIFORNIA 92648

DESIGN REVIEW BOARD

Phone 536-5271
Fax 374-1540
374-1648

NOTICE OF ACTION

June 11, 2010

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

APPLICATION: DESIGN REVIEW NO. 2010-011 (PIERSIDE PAVILION CARTS & KIOSKS)

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

PROPERTY OWNER: Joe Diachendt, Pierside Pavilion, LLC, 300 Pacific Coast Highway # 119, Huntington Beach, CA 92648

REQUEST: Review the design, colors, and materials of proposed retail carts on public and private right-of-ways.

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

DATE OF ACTION: June 10, 2010

The Design Review Board of the City of Huntington Beach took action on your application on **June 10, 2010**, and your application was recommended for **approval** to the Zoning Administrator. Attached to this letter are the recommended conditions of approval for your application.

Please be advised that the Design Review Board reviews the conceptual plan as a basic request for entitlement and forwards any recommendations, in this case, to the Zoning Administrator. The conceptual plan should not be construed as a precise plan, reflecting conformance to all Zoning and Subdivision Ordinance requirements. Please note that there may be additional requirements prior to commencement of the project.

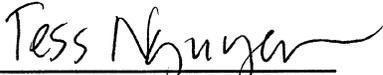
Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Design Review Board is only a recommendation and is not appealable. The recommendations of the Design Review Board will be forwarded to the Zoning Administrator for consideration. You will be notified of the pending hearing date.

ATTACHMENT NO. 8.1

DR No. 10-011
June 11, 2010
Page 2 of 3

If you have any questions, please contact Ethan Edwards, Associate Planner at (714) 536-5561 or via email at ethan.edwards@surfcity-hb.org or the Planning and Building Department Zoning Counter at (714) 536-5271.

Sincerely,



Tess Nguyen
Tess Nguyen, Secretary
Design Review Board

TN:EE

ATTACHMENT(S):

Recommended Conditions of Approval: DR No. 2010-011

c: Herb Fauland, Planning Manager
Joe Diachendt, Pierside Pavilion, LLC, 300 Pacific Coast Highway # 119, Huntington Beach, CA 92648
Project File

ATTACHMENT NO. 1

RECOMMENDED CONDITIONS OF APPROVAL

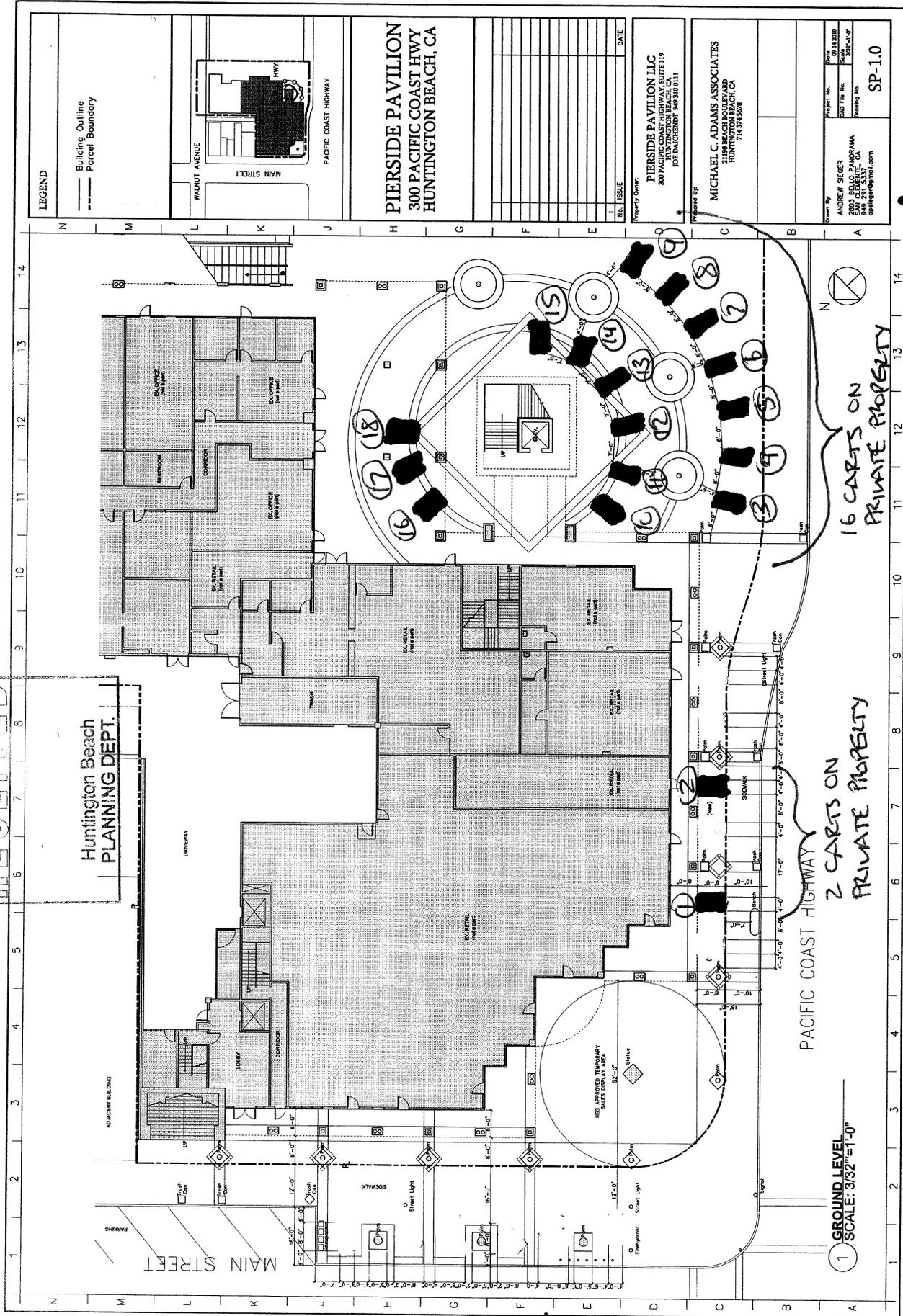
DESIGN REVIEW NO. 2010-011

RECOMMENDED CONDITIONS OF APPROVAL – DESIGN REVIEW NO. 2010-011

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.
 - b. Depict a minimum 4 ft. customer queuing area around each cart & kiosk.
 - 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.
2. A review of the use shall be conducted by the Design Review Board within three (3) months of the installation and operation of all approved carts and kiosks.

RECEIVED

Huntington Beach
PLANNING DEPT.



NO
CARTS
APPROVED
ALONG
MAIN ST.

ATTACHMENT NO. 9

16 CARTS ON
PRIVATE PROPERTY

2 CARTS ON
PRIVATE PROPERTY

EXISTING APPROVAL 11-15-00 CDP 00-22/EPA 00-12

NOTICE OF ACTION

November 16, 2000

PETITION DOCUMENT: COASTAL DEVELOPMENT PERMIT NO. 00-22/ENTITLEMENT PLAN AMENDMENT NO. 00-12 (PIERSIDE PAVILION CARTS/KIOSKS AND ESCALATOR)

APPLICANT: Bob Thornton, 250 Newport Center Drive, Suite M100, Newport Beach, CA 92660

PROPERTY OWNER: Arizona Partners, c/o Sandra O'Clock, 3200 N. Central, #2450, Phoenix, AZ 85012

REQUEST: To permit the establishment and operation of commercial carts and kiosks within the Pierside Pavilion plaza areas, and installation of a new escalator within the existing stairwell adjacent to Main Street.

LOCATION: 300 Pacific Coast Highway (Pierside Pavilion)

PROJECT PLANNER: Wayne Carvalho

COASTAL STATUS: **NON-APPEALABLE**

Dear Applicant:

Your application was acted upon by the Zoning Administrator of the City of Huntington Beach on November 15, 2000, and your request was Conditionally Approved. Included in this letter are the Conditions of Approval for this application.

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Zoning Administrator is final unless an appeal is filed to the Planning Commission by you or by an interested party. Said appeal must be in writing and must set forth in detail the action and grounds by which the applicant or interested party deems himself aggrieved. Said appeal must be accompanied by a filing fee of Six Hundred Ninety Dollars (\$690.00). The appeal shall be submitted to the Secretary of the Planning Commission within ten (10) working days of the date of the Zoning Administrator's action.

The last day for filing an appeal and paying the filing fee for the above noted application is December 1, 2000.

ATTACHMENT NO. 10.1

Provisions of the Huntington Beach Zoning and Subdivision Ordinance are such that any application becomes null and void one (1) year after the final approval, unless actual construction has begun.

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 commercial center.

FINDINGS FOR APPROVAL - ENTITLEMENT PLAN AMENDMENT NO. 00-12:

1. Entitlement Plan Amendment No. 00-12 for the establishment, maintenance and operation of the commercial carts and kiosks throughout the Pierside Pavilion plaza areas, and escalator within the existing stairwell along Main Street 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, the operation will not impact pedestrian circulation, nor will the operation impact the surrounding businesses.
2. The entitlement plan amendment will be compatible with surrounding uses. The ancillary operation of commercial carts and kiosks, and use of an escalator is consistent with the zoning designation and does not represent a significant change from the existing commercial use.
3. Entitlement Plan Amendment No. 00-12 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 and any specific condition required for the proposed use in the district in which it would be located. Adequate on-site parking is provided and no additional parking demand is generated by the ancillary use.
4. The granting of the entitlement plan amendment will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Mixed Use on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:
 - a. Require the inclusion of uses and elements that contribute amenities for visitors, such as public activity areas and on-site recreational facilities. (LU 10.1.7)
 - b. Revitalize, renovate and expand the existing Huntington Beach commercial facilities while attracting new commercial uses. (ED 2.4)
 - c. Encourage the attraction of coastal and inland and visitor serving uses to offer a wider spectrum of visitor opportunities. (ED 2.6.1)

The proposed operation of commercial carts and kiosks and installation of the escalator will compliment the commercial facility while minimizing impacts to adjacent businesses and properties.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 00-22:

1. Coastal Development Permit No. 00-22 for the development project, as proposed or as modified by conditions of approval, conforms with the General Plan, including the Local Coastal Program. The subject site is designated in the General Plan Land Use Element as Mixed Use and has a zoning designation of Downtown Specific Plan-District #3 (Visitor Serving Commercial) which permit visitor serving uses as well as ancillary uses such as retail carts and kiosks. The project will not impact public views or access to coastal resources and will maintain access throughout the plaza areas. It is consistent with the following goals, policies, and objectives in the General Plan:
 - a. Require the inclusion of uses and elements that contribute amenities for visitors, such as public activity areas and on-site recreational facilities. (LU 10.1.7)
 - b. Revitalize, renovate and expand the existing Huntington Beach commercial facilities while attracting new commercial uses. (ED 2.4)
 - c. Encourage the attraction of coastal and inland and visitor serving uses to offer a wider spectrum of visitor opportunities. (ED 2.6.1)
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 complies with all development standards including maximum size and location of the carts and kiosks.
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 services to the commercial carts and kiosks will be self-contained.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will enhance visitor serving commercial opportunities by providing carts and kiosks for retail sales. No impacts to public views or access will occur.

**CONDITIONS OF APPROVAL – COASTAL DEVELOPMENT PERMIT NO. 00-22/
ENTITLEMENT PLAN AMENDMENT NO. 00-12:**

1. The site plan, floor plans, and elevations of the carts and kiosks received and dated September 1, 2000 and site plan, floor plans, and elevations of the escalator received and dated October 2, 2000 shall be the conceptually approved layout with the following modifications:
 - a. Elevations and materials on the carts and kiosks shall depict colors and building materials approved by the Design Review Board.
 - b. The final location of the escalator within the stairway may be determined prior to issuance of building permits provided the minimum clearance/exiting width is provided for the remaining portions of the stairway.
 - c. If outdoor lighting is included, energy saving lamps shall be used. All outside lighting shall be directed to prevent "spillage" onto adjacent properties and shall be shown on the site plan and elevations.
 - d. All approved outdoor dining areas shall be depicted on the site plan.
 - e. All carts and kiosks along Main Street shall be eliminated.
 - f. Carts and kiosks along Pacific Coast Highway shall be limited to two kiosks as depicted on the approved site plan, excluding the south plaza area.
 - g. A minimum eight (8) foot separation shall be provided between all carts and/or kiosks to provide for adequate pedestrian access.
 - h. The placement of carts and kiosks shall comply with all exiting requirements specified in the Uniform Building Code (UBC).
2. Prior to submittal for building permits, zoning entitlement conditions of approval shall be printed verbatim on all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the index.
3. Prior to the commencement of use, the following shall be completed:
 - a. All improvements to the property shall be completed in accordance with the approved plans and conditions of approval specified herein.

- b. Compliance with all conditions of approval specified herein shall be accomplished and verified by the Planning Department.
 - c. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
 - d. A revised site plan shall be submitted to the Planning Department incorporating the modifications required under Condition No. 1 for inclusion in the entitlement file.
4. The use of the carts and kiosks shall comply with the following:
- a. Hours of operation shall be limited from 10:00 AM to 9:00 PM in conjunction with other retail businesses in the center.
 - b. The employees of the carts and kiosks shall be directed to 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; trash shall be removed daily after the closing of the cart/kiosk businesses.
 - d. Only the uses described in the narrative shall be permitted.
 - e. The number of employees at a cart or kiosk shall be limited to maximum two persons at any one time.
 - f. All cart and kiosk uses shall be self-contained for water, waste and power to operate.
 - g. During hours of operation, the carts and kiosks must remain in the location specified on the approved site plan.
 - h. Sale of alcoholic beverages shall be prohibited.
 - i. All cart and kiosk operators shall not sell to or solicit motorists or persons in vehicles.
5. An annual inspection and maintenance program shall be implemented by the property owner to assure that the carts and kiosks are kept in good condition.
6. 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

Zoning Administrator's action and the conditions herein. 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 HBZSO.

INFORMATION ON SPECIFIC CODE REQUIREMENTS:

1. Coastal Development Permit No. 00-22/Entitlement Plan Amendment No. 00-12 shall not become effective until the ten working day appeal period has elapsed.
2. Coastal Development Permit No. 00-22/Entitlement Plan Amendment No. 00-12 shall become null and void unless exercised within one year of the date of final approval which is November 15, 2000 or such extension of time as may be granted by the Planning Director pursuant to a written request submitted to the Planning Department a minimum 30 days prior to the expiration date.
3. The Zoning Administrator reserves the right to revoke Coastal Development Permit No. 00-22/Entitlement Plan Amendment No. 00-12, pursuant to a public hearing for revocation, if any violation of these conditions or the Huntington Beach Zoning and Subdivision Ordinance or Municipal Code occurs.
4. All applicable fees from the Building, Public Works, Planning, Administrative Services and Fire Departments shall be paid prior to operation.
5. The development shall comply with all applicable provisions of the Municipal Code, Building Department, and Fire Department as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein.
6. The size and location of the commercial carts and kiosks shall comply with the Downtown Specific Plan and Huntington Beach Zoning and Subdivision Ordinance unless approved by the Zoning Administrator.
7. Construction shall be limited to Monday - Saturday 7:00 AM to 8:00 PM. Construction shall be prohibited Sundays and Federal holidays.
8. The applicant shall submit a check in the amount of \$43.00 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 Zoning Administrator's action.
9. 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 Zoning Administrator.

10. 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.

The Planning Department will perform a comprehensive plan check relating to all Municipal Code requirements upon submittal of your completed structural drawings.

Please be advised that the Zoning Administrator reviews the conceptual plan as a basic request for entitlement of the use applied for in relation to the vicinity in which it is proposed. The conceptual plan should not be construed as a precise plan reflecting conformance to all Code requirements.

It is recommended that you immediately pursue completion of the Conditions of Approval and address all requirements of the Huntington Beach Municipal Code in order to expedite the processing of your total application.

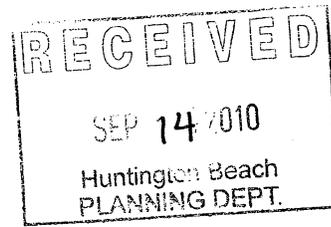
I hereby certify that Coastal Development Permit No. 00-22/Entitlement Plan Amendment No. 00-12 was Conditionally Approved by the Zoning Administrator of the City of Huntington Beach, California, on November 15, 2000, upon the foregoing conditions and citations.

Very truly yours,

Mary Beth Broeren
Zoning Administrator

MBB:WC:rmk

xc: Property Owner



Huntington Beach Downtown Business Improvement District

315 3rd Street, Suite E
Huntington Beach, CA 92648
(714) 536-830; Fax: (714) 536-8383
www.hbdowntown.com

MEMORANDUM

Date: September 1, 2010
To: Planning Commission
HB Economic Development
From: HB Downtown BID Board of Directors
Subject: Pierside Pavilion Carts

The Pierside Pavilion is adjacent to Pacific Coast Highway and thus projects an image of downtown Huntington Beach. The kiosks that are presently on PCH and the two on Main Street lend a nice flair to the beach side community.

Even though the current six (6) kiosks located in the Pierside Pavilion area may enhance the charm of the street scene, the addition of up to TWELVE (12) more will have a reverse effect. The proposal to place 6 in the plaza area may visually have no significant impact. However, due to the poor foot traffic through the plaza those vendors may suffer economically unless significant advertising and signage directs buyers to the plaza. The BID Board (representing just under 300 local businesses) is very concerned about the possible addition of more kiosks on Main Street in particular and also on Pacific Coast Highway for the following reasons:

- **PEDESTRIAN FLOW** -- The area in front of HSS on Main Street has extremely heavy foot traffic and is congested during weekends and holidays. The addition of more carts will further congest the area and may cause not only a hazard but an unpleasant experience to visitors to our downtown area, many who already complain of the congestion.
- **LACK OF VISIBILITY** -- Additional kiosks will further limit the visibility of retail stores, services and restaurants from passing motorists on Pacific Coast Highway. The merchants who pay prime retail rates for access to pedestrian and motor traffic, will experience limited visibility by kiosk vendors that pay a fraction of the rent that the permanent merchants pay.

In closing, it is the opinion of HB Downtown BID Board of Directors that the addition of ANY additional kiosks will not improve the HB Downtown image that the BID or Economic Development has designed.

A few kiosks are an enhancement, but too many clutter the scene and changes the ambience from quaint to congested. This proposal seems to be nothing more than an income-generating decision, completely ignoring the negative impact it will have on the Downtown Businesses paying premium dollar for their prime location.

Celeste Hamil
Marketing Consultant

On behalf of the Huntington Beach Downtown Business Improvement District Board of Directors:

Brett Barnes, President (Duke's Huntington Beach)
Ron McLin, Vice President (Longboard Restaurant and Pub)
Nicole Topor, Treasurer (First Bank)
Lee Love, Secretary (L3 Associates, Inc.)
Susie Smith, Immediate Past President (Makin' Waves Salon)
Bill Cuppy, Director (Altera Real Estate)
Paulette Fischer, Director (Hilton Waterfront Beach Resort)
Craig Franz, Director (Harley Davidson)
Bob Hoxsie, Director (Magiamo Gelato Caffee)
Rob Kee, Director (Enlarge Media)



RECEIVED

JUN 24 2010

Dept. of Planning
& Building

June 21, 2010

Dear Zoning Administrator,

There was a misunderstanding with HSS involving Conditional Use Permit No. 2010-017 (Pierside Pavilion Carts & Kiosks). We have since talk to our landlord Joe Daichendt and are in support of Conditional Use Permit No. 2010-017 (Pierside Pavilion Carts & Kiosks).

Thank you,

A handwritten signature in black ink that reads "Aaron Pai". The signature is written in a cursive style.

Aaron Pai

RECEIVED

JUN 15 2010

Dept. of Planning
& Building

June 11, 2010

Dear Zoning Administrator,

This letter is in reference to Conditional Use Permit No. 2010-017 (Pierside Pavilion Carts & Kiosks)

I am a resident of Huntington Beach and would like to express my objection to permitting the establishment and operating of carts and kiosks on Main St. and Pacific Coast Hwy. This particular part of Main St. and our downtown area is already tremendously impacted with people, cars, and events that keep this portion of sidewalk thick with activity year round. The addition of carts and kiosks to this sidewalk would be a major obstruction to the flow of foot traffic and would pose a concern for the safety of downtown visitors and security for businesses surrounding this area.

Sincerely,



6812 Hitchingpost Circle

Huntington Beach, CA 92648

ATTACHMENT NO. 11.4

June 11, 2010

RECEIVED
JUN 15 2010
Dept. of Planning
& Building

Dear Zoning Administrator,

I am writing to you about the Conditional Use Permit #2010-017 – the Pierside Pavilion Carts and Kiosks.

I have been a resident of Huntington Beach for over 40 yrs. I have watched downtown grow and change to the wonderful place it is today.

I am very concerned and against any more carts or kiosks being placed on Main St and Pacific Coast Hwy. Not only will it make the area look like a swap meet, degrading the high quality of the new beauty, but the foot traffic trying to walk around such carts will cause lots of frustration.

The area may even need more police patrolling. People are not going to walk downtown if it is more crowded.

Please do not allow this permit to go through – not for any amount of carts or kiosks.

Sincerely,



Karen Foster

7381 Coho #202

Huntington Beach, CA 92648

ATTACHMENT NO. 11.5

RECEIVED

JUN 14 2010

Dept. of Planning
& Building

9331 Tidewater Circle
Huntington Beach, CA, 92648

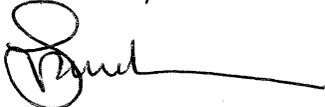
Dear Mr Ethan Edwards

I have resided in Huntington Beach for the past 20 years and wanted to express my concern about the proposal of 18 carts and kiosks within the Pierside Pavilion development along Main Street and PCH. My family and I frequent the downtown area for shopping, Tuesday night street fairs, and entertaining friends from out of town.

I was disappointed to find out that the city may consider adding more clutter to the sidewalks of downtown Huntington Beach. We have seen so many positive changes in Surf City over the past years and are saddened to overcrowd the gateway to HB by trashing the streets with 18 more carts/kiosks. These kiosks do not have the best interest of the city in mind, they are here to make a quick buck and water down the appearance that so many businesses are trying to uphold. These carts congest the streets, that are already extremely crowded during key times of year and add a trashy element to a classy city. How many \$5 sunglass stands can downtown have without it affecting some of the existing businesses? Sarongs, cheap stickers, tattoos, henna applications, beef jerky – is this really what we want representing the city of Huntington Beach on the most prestigious corner in the city? I think not.

Thank you for taking the time to read my concerns. I feel like the Major and City Council Members, along with the residents and business owners in HB, have really been working to establish ourselves as a premier destination worldwide. We are proud to be Surf City USA, let's keep on working together to make this place better than it currently is rather than overcrowding our sidewalks and taking away from the beauty of this area.

Yours Sincerely



Kerry VanderMeulen

345 Avocado Street, Apt #202A
Costa Mesa, CA 92627

June 8, 2010

Mr. Edwards
Project Planner
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

RECEIVED

JUN 14 2010

Dept. of Planning
& Building

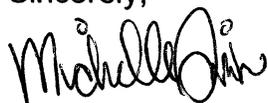
Dear Mr. Edwards,

I am writing in regards to the proposed permit that would allow a number of carts and kiosk to operate on Main Street and PCH. My name is Michelle Dinh and I lived in Huntington Beach for 5 years. Although I just recently (within the last couple months) moved to Costa Mesa I drive by Main and PCH quite frequently to get to work. I also surf so I am in Huntington on the weekends. Also, my boyfriend's parents live in Huntington Beach so we meet his parents often for dinner downtown. Having lived in Huntington Beach and being a surfer that enjoys the beach and downtown area I know very well that downtown can get quite crowded on the weekends, especially during the summer months. Although summer is definitely the busiest month for downtown the Farmers Market on Fridays and the street fair they have each Tuesday definitely draws some people during the non-summer months. With that in mind, just thinking about adding carts and kiosk to the sidewalk is a bit deterring to people who want to come down and enjoy downtown and its restaurants or bars. The sidewalk is already narrow along Main Street. Crowds and kiosks just don't mix and will ultimately make it harder to enjoy downtown, any day of the year. In my opinion, the kiosk will bring a look to downtown that will be hard to and almost impossible to appreciate, turning downtown into a swap meet 7 days a week. Definitely not the look a city like Huntington Beach, with its waterfront real estate, should have.

As far as my commute, and I am sure it is like this for a lot of people I see on a daily basis driving next to me, getting to drive down PCH almost every day to get to work is definitely something I look forward to. I get to see the beach, the wetlands, and downtown. Allowing carts and kiosk to operate on Main and PCH will detract from the unique look and feel of downtown. When I think of Huntington Beach, I think of Main Street and the pier. It would bum me out to drive by and see kiosk clutter the sidewalks of downtown, giving it that Santa Monica 3rd Street look.

As the above indicates, I am opposed to adding and allowing carts and kiosk to operate downtown and possibly on PCH. Thanks for your time.

Sincerely,



Michelle Dinh

7973 Aldea Circle
Huntington Beach, CA 92649

June 10th, 2010

Mr. Ethan Edwards
Project Planner
2000 Main Street
Huntington Beach, CA 92648

RECEIVED
JUN 14 2010
Dept. of Planning
& Building

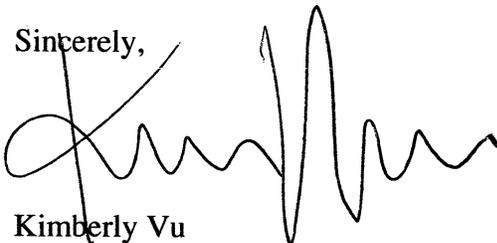
Dear Mr. Ethan Edwards,

My name is Kimberly Vu and I live at 7973 Aldea Circle, Huntington Beach, just behind the Hyatt. I have lived in Huntington Beach for 4 years, having moved from Fullerton with my family. We were instantly drawn to the beach atmosphere of Huntington Beach and I have become accustomed to enjoying the great weather we have here year round. I travel often for work and at times I am in a location for several months at a time. Just recently I was working up in Seattle and commuting back home on the weekends. While home on the weekends I always take advantage of the beach and I enjoy walking at night from our home across the street to the beach and then towards Main Street where we often stop for coffee or gelato or just to walk down the pier or up Main Street. Being so close to downtown has been great because it is so easy to walk there and enjoy dinner or an after dinner treat, especially during the summer when the weather is amazing at night.

Now, with having said all of this, it concerned me to learn that there is the possibility of the sidewalk being cluttered with kiosk carts. Although I have not lived here my entire life it did not take me long to realize that Main Street and PCH is truly the heart of Huntington Beach and what everyone associates Huntington Beach with. You have the pier and Main Street, two very recognizable places and to clutter it up with kiosk carts would be a shame. As it is, the sidewalk area on Main Street is already very congested, especially during the summer when we get a lot of people coming down for the beach. With such crowds, walking up and down Main Street to enjoy the shops will be much more of a hassle.

As a Huntington Beach resident who enjoys downtown frequently I wanted to raise this concern and state my opposition to such a plan. Thank you for your time Mr. Edwards, I appreciate it.

Sincerely,



Kimberly Vu

RECEIVED

JUN 14 2010

Dept. of Planning
& Building

June 10th 2010

Dear Mr Edwards

Topic: Conditional Use Permit No. 2010-017 (Pierside Pavilion carts and kiosks)

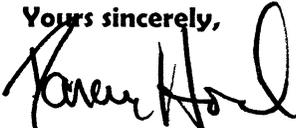
I am writing to you as a concerned resident of Huntington Beach. My family and I take so much pride in Huntington Beach; we live locally, shop locally, and do what we can to support the city we live in. We wanted you to know that we do not support the idea of 18 kiosks going in at the Pierside Pavilion along Main Street and PCH.

We love the crowds that summer brings but do not love the element that those carts bring. The product that they sell is not what we need littering our already crowded sidewalks. The carts cheapen the vibe of the downtown area and take away from the atmosphere we are trying to create in Huntington Beach. Please allow us to show case our beautiful city by having our sidewalks remain open to the immense traffic that we see during the summer months. The sidewalks can barely handle the crowds, bikes and strollers, and to add an additional 18 carts would surely add unnecessary congestion.

PCH and Main Street is the entrance to our downtown area – let us try to keep it unique. Our family feels strongly that we keep our downtown area open and inviting to locals and visitors alike, and do not cheapen our city by adding these carts.

Thank you for taking the time to hear our concern.

Yours sincerely,



Darcy Hord

ATTACHMENT NO. 11.9



CITY OF HUNTINGTON BEACH PLANNING DEPARTMENT

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: May 26, 2010
PROJECT NAME: PIERSIDE PAVILION VENDING CARTS
PLANNING APPLICATION NO. PLANNING APPLICATION NO. 2010-097
ENTITLEMENTS: CONDITIONAL USE PERMIT NO. 2010-017
DATE OF PLANS: APRIL 28, 2010
PROJECT LOCATION: 300 PACIFIC COAST HIGHWAY
PLAN REVIEWER: ETHAN EDWARDS
TELEPHONE/E-MAIL: (714) 536-5561 / ETHAN.EDWARDS@SURFCITY-HB.ORG
PROJECT DESCRIPTION: CUP: To permit 18 carts/kiosks along Main Street (public property) and along Pacific Coast Highway (private property). DR: To review the design, colors, and materials of proposed carts/kiosks.

The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated April 28, 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)**



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

DATE: MAY 5, 2010
PROJECT NAME: PIERSIDE PAVILION CART EXPANSION
PLANNING APPLICATION NO. PLANNING APPLICATION NO. 2010-097
ENTITLEMENTS: CONDITIONAL USE PERMIT NO. 2010-003; DESIGN REVIEW NO. 2010-011
DATE OF PLANS: APRIL 28, 2010
PROJECT LOCATION: 300 ~~MAIN STREET (APN: 024-154-17)~~ *PCH*
PLAN REVIEWER: JASON KWAK, PLAN CHECK ENGINEER
TELEPHONE/E-MAIL: (714) 536-5278 / jkwak@surfcity-hb.org
PROJECT DESCRIPTION: CUP: To permit 18 carts/kiosks along Main Street (public property) and along Pacific Coast Highway (private property). DR: To review the design, colors, and materials of proposed carts/kiosks.

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.



HUNTINGTON BEACH ECONOMIC DEVELOPMENT DEPARTMENT PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: May 13, 2010

PROJECT NAME: PIERSIDE PAVILION CART EXPANSION

PLANNING APPLICATION NO. PLANNING APPLICATION NO. 2010-097

ENTITLEMENTS: CONDITIONAL USE PERMIT NO. 2010-003; DESIGN REVIEW NO. 2010-011

DATE OF PLANS: APRIL 28, 2010

PROJECT LOCATION: 300 ~~MAIN STREET~~ (APN: 024-154-17) *PC-11*

PLAN REVIEWER: LUIS GOMEZ, PROJECT MANAGER

TELEPHONE/E-MAIL: (714) 536-5544/luis.gomez@surfcity-hb.org

PROJECT DESCRIPTION: CUP: To permit 18 carts/kiosks along Main Street (public property) and along Pacific Coast Highway (private property). DR: To review the design, colors, and materials of proposed carts/kiosks.

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.

The Economic Development Department has reviewed the proposed project submittal and has the following comments or concerns:

Economic Development recommends that the proposed 18 semi-permanent kiosks carry merchandise that is complementary to the existing inline retailers.

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: MAY 5, 2010

PC ZA DRB STAFF

PETITION(S): Planning Application No. 10-097; Conditional Use Permit No. 10-017, Design Review No. 10-011

REQUEST(S): **CUP:** To permit 18 carts/kiosks along Main Street (public property) and along Pacific Coast Highway (private property). **DR:** To review the design, colors, and materials of proposed carts/kiosks.

LOCATION: ~~300 Main Street, Huntington Beach (APN: 024-154-17)~~ **PCH**

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

GENERAL PLAN: Mixed Use Vertical (MV-F12-sp-pd)

EXISTING USE: Commercial (mixed-use – Pierside Pavilion)

Please submit your concerns and recommended changes or conditions in writing on or before **May 26, 2010**.

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

RESPONSE BY: DAVID DOMINGUEZ Extension PS309

Attachments: 1. Plans 2. Narrative 3. Photos

Community Services has no major concerns with the proposed project however, carts along Main St will impact viewing areas for the annual 4th of July Parade and Parade of Lights. Project should be conditional to have the main st areas clear during these events.

ATTACHMENT NO. 12.6



CITY OF HUNTINGTON BEACH

PUBLIC WORKS INTERDEPARTMENTAL COMMUNICATION

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: 5/26/10

PROJECT NAME: KIOSKS AT PIERSIDE PAVILION

ENTITLEMENTS: CUP 10-17, DR 10-11

PLNG APPLICATION NO: 2010-0097

DATE OF PLANS: 4/28/10

PROJECT LOCATION: 300 PACIFIC COAST HIGHWAY

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: CUP: TO PERMIT 18 CARTS/KIOSKS ALONG MAIN STREET (PUBLIC PROPERTY) AND ALONG PACIFIC COAST HIGHWAY (PRIVATE PROPERTY). DR: TO REVIEW THE DESIGN, COLORS, AND MATERIALS OF PROPOSED CARTS/KIOSKS.

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)



CITY OF HUNTINGTON BEACH

PUBLIC WORKS INTERDEPARTMENTAL COMMUNICATION

SUGGESTED CONDITIONS OF APPROVAL

DATE: 5/26/10

PROJECT NAME: KIOSKS AT PIERSIDE PAVILION

ENTITLEMENTS: CUP 10-17, DR 10-11

PLNG APPLICATION NO: 2010-0097

DATE OF PLANS: 4/28/10

PROJECT LOCATION: 300 PACIFIC COAST HIGHWAY

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: CUP: TO PERMIT 18 CARTS/KIOSKS ALONG MAIN STREET (PUBLIC PROPERTY) AND ALONG PACIFIC COAST HIGHWAY (PRIVATE PROPERTY). DR: TO REVIEW THE DESIGN, COLORS, AND MATERIALS OF PROPOSED CARTS/KIOSKS.

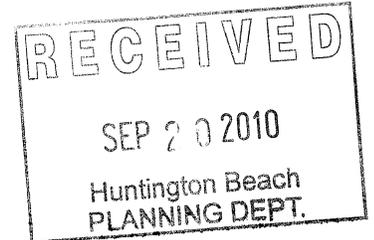
THE FOLLOWING CONDITIONS ARE REQUIRED TO BE COMPLIED WITH FOR THE SUBJECT USE:

1. The site plan received and dated April 28, 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.
2. Prior to a final occupancy or use approval. All trenching for proposed or required telephone and electrical conduits shall have the replacement concrete color match exactly with the existing paving color and the trenches shall be cut in a pattern that is complementary to and is in the character of the existing concrete expansion patterns



HUNTINGTON BEACH POLICE DEPARTMENT

PROJECT IMPLEMENTATION CODE REQUIREMENTS AND RECOMMENDED CONDITIONS



DATE: 09-14-10
PROJECT NAME: PIERSIDE PAVILION CART RELOCATION
PLANNING APPLICATION NO. PLANNING APPLICATION NO. 2010-097
ENTITLEMENTS: CONDITIONAL USE PERMIT NO. 2010-003
DATE OF PLANS: SEPTEMBER 15, 2010
PROJECT LOCATION: 300 PACIFIC COAST HIGHWAY (APN: 024-154-17)
PLAN REVIEWER: ARVAR W. ELKINS III, POLICE OFFICER
TELEPHONE/E-MAIL: 714-960-8825
PROJECT DESCRIPTION: CUP: To permit 18 carts/kiosks along Main Street (public property) and along Pacific Coast Highway (private property).

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.

In reviewing the plans for this project I have no concerns with the carts along PCH, as long as there is a minimum of 8' between each cart. I feel it would be unsafe for the permanent businesses and for Officers responding to those businesses if the space was any less, due to the lack of visibility in both directions.

In the plans it appears that all of the carts on PCH are perpendicular to the roadway while several of the carts on Main St. are at an angle. In reference to the angled carts, it is necessary to have a minimum of 8' between the farthest edges of each of these carts in order to maintain the needed visibility.

I have seen in the past that some of the carts on PCH have been positioned parallel to the roadway. If this is done in the future the 8' space between carts shall be maintained.

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)