

CALIFORNIA COASTAL COMMISSION

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**RECORD PACKET COPY**

April 20, 2000

TO: Commissioners & Interested Persons

FROM: Deborah Lee, Deputy Director
Teresa Henry, District Manager
Maile Seeger Gee, Coastal Program Analyst

SUBJECT: CITY OF HUNTINGTON BEACH
LOCAL COASTAL PROGRAM AMENDMENT 2-98A

Scheduled for Public Hearing and Commission Action at the meeting of May 9-12, 2000 in Santa Rosa, California.

EXECUTIVE SUMMARY AND MAJOR ISSUE:

Request by the City of Huntington Beach (the City) to amend the Local Implementation Plan (LIP) portion of the City's certified Local Coastal Program (LCP) by adding Carts and Kiosks as a new permitted use to the Downtown Specific Plan of the City of Huntington Beach, Orange County. The proposed LIP amendment will add new definitions of Cart/Kiosk, Private Property, Public Property, and Specific Event to the Definitions Chapter 203 of the City's Zoning and Subdivision Ordinance. The proposed LIP amendment will add a new subpart (U) to Section 211.04 of the Commercial Districts Chapter 211 of the Zoning and Subdivision Ordinance for Carts and Kiosks to the list of land use controls required for Retail Sales. The proposed LIP amendment will also add Section 230.94 (Carts and Kiosks) to the Site Standards Chapter 230 in the Zoning and Subdivision Ordinance. The proposed LIP amendment will affect eight districts in the Downtown Specific Plan area including Districts 1, 3, 4, 5, 6, 7, 9, and 10. The major issue before the Commission is the intensification of use and additional parking demand that may result from the proposed LCP amendment.

In addition, the City requested another fifteen (15) changes to the LIP, which were all considered by the Executive Director to be minor amendments to the LCP. These 15 minor amendments will be processed as Minor Amendment 2-98B at the May 9-12, 2000 hearing.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends denial of the Implementation Plan amendment as submitted because it is not in conformity with nor adequate to carry out the provisions of the certified Land Use Plan.

Staff is recommending approval of the Implementation Plan amendment request with suggested modifications that are necessary to make it consistent with and adequate to carry out the provisions of the certified Land Use Plan.

The motions to accomplish this are found on page 2 and 3.

ADDITIONAL INFORMATION:

Copies of this staff report are available at the South Coast District Office of the Coastal Commission. To obtain copies of the staff report by mail, or for additional information contact Coastal Program Analyst, Maile Gee, at (562) 590-5071.

LIST OF EXHIBITS:

- Exhibit 1 City of Huntington Beach Ordinance No. 3248
- Exhibit 2 City Council Resolution No. 98-85
- Exhibit 3 Downtown Specific Plan District Maps
(Districts 1, 3, 4, 5, 6, 7, 9, and 10)

SUBSTANTIVE FILE DOCUMENTS:

City of Huntington Beach Land Use Plan and Local Implementation Program, Certified in March 1985, and subsequent certified amendments.

City of Huntington Beach Zoning and Subdivision Ordinance, Downtown Specific Plan, certified in 1985, and amended in 1995.

I. MOTIONS AND RESOLUTIONS

A. DENIAL OF THE AMENDMENT TO THE LCP IMPLEMENTING ACTIONS AS SUBMITTED

MOTION I: *"I move that the Commission reject Amendment No. 2-98A to the certified Implementation Program for the City of Huntington Beach as submitted."*

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a YES vote. Passage of this motion will result in rejection of Implementation Program Amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY CERTIFICATION OF THE IMPLEMENTATION PROGRAM AS SUBMITTED:

The Commission hereby **DENIES** certification of Amendment 2-98A to the Implementation Program submitted for the City of Huntington Beach and adopts the findings set forth below on grounds that the Implementation Program Amendment as submitted does not meet the requirements of and is not in conformity with the policies of the certified Land Use Plan. Certification of the Implementation Program Amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program Amendment as submitted

B. APPROVAL OF THE AMENDMENT TO THE LCP IMPLEMENTING ACTIONS AS MODIFIED

MOTION II: *"I move that the Commission certify Amendment 2-98A to the certified Implementation Program for the City of Huntington Beach if it is modified as suggested in this staff report."*

STAFF RECOMMENDATION:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Program Amendment with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY THE IMPLEMENTATION PROGRAM AMENDMENT WITH SUGGESTED MODIFICATIONS:

The Commission hereby **CERTIFIES** Amendment 2-98A to the Implementation Program for the City of Huntington Beach if modified as suggested and adopts the findings set forth below on grounds that the Implementation Program Amendment with the suggested modifications will meet the requirements of and be in conformity with the policies of certified Land Use Plan. Certification of the Implementation Program Amendment if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2) there

are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

II. PROCEDURAL PROCESS/STANDARD OF REVIEW

For the proposed Implementation Plan amendment, the standard of review shall be conformance with and adequacy to carry out the provisions of the certified City of Huntington Beach Land Use Plan, which was certified in March 1985. Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or that they are inadequate to carry out the provisions of the certified Land Use Plan. The Commissioners must act by majority vote of the Commissioners present when making a decision on the implementing portion of the Local Coastal Program. Proposed LCP Amendment submittal 2-98A was determined to be complete on May 5, 1999. On June 11, 1999, the Commission granted an extension of time for up to one year. Therefore, the Commission must act on the proposed LCP Amendment prior to June 11, 2000.

III. SUMMARY OF PUBLIC PARTICIPATION:

Section 30503 of the Coastal Act requires public input in Local Coastal Program development. Section 30503 of the Coastal Act states:

During the preparation, approval, certification, and amendment of any local coastal program, the public, as well as all affected governmental agencies, including special districts, shall be provided maximum opportunities to participate. Prior to submission of a local coastal program for approval, local governments shall hold a public hearing or hearings on that portion of the program which has not been subjected to public hearings within four years of such submission.

The City of Huntington Beach Planning Commission held public hearings regarding LCP Amendment 2-98A on November 16, 1993, January 19, 1994, and April 5, 1994. The City of Huntington Beach City Council held public hearings regarding LCP Amendment 2-98A on August 15, 1994 and May 15, 1995. The City Council adopted Ordinance No. 3248 on May 15, 1995. In addition, the City Council held a public hearing on November 16, 1998 and adopted Resolution No. 98-85, which transmitted LCP Amendment 2-98A and LCP Amendment 2-98B to the Commission for review and approval. Public hearings were advertised in the City's local newspaper (Huntington Beach Independent) and notice was sent to property owners within a 1,000 foot radius and interested parties. All staff reports were made available for public review in the City's Department of Community Development and the Huntington Beach Public Library. The issues raised at the public hearings included the following: that separation of carts/kiosks should be a minimum of 1,500 feet; that

sales of alcoholic beverages should be prohibited; that carts/kiosks should be contiguous to businesses, and that cart/kiosk permits should not be transferable. The City chose not to incorporate the minimum separation of the carts and kiosks or require that carts/kiosks be contiguous to businesses as suggested by the interested parties. However, the City did incorporate the prohibition of the sale of alcoholic beverages. The City also stated at the hearing that by law, conditional use permits are transferable; therefore a cart and kiosk would be transferable as a conditional use permit.

IV. LCP AMENDMENT 2-98A AS SUBMITTED BY THE CITY SHOWING THE PROPOSED CHANGES TO IMPLEMENTATION PLAN

The proposed changes submitted by the City in LCP Amendment 2-98A to the City's LIP, including the Zoning and Subdivision Ordinance and the Downtown Specific Plan, are described below and in the City's Ordinance 3248 (Exhibit 1). The City's additions are shown in bold (**bold**) and deletions are shown in strikethrough (~~strikethrough~~). These are not the suggested modifications, but the amendment as submitted by the City. The suggested modifications are presented in Section V on page 17.

1. Proposed Changes to the City's Zoning and Subdivision Ordinance

The LCP Amendment 2-98A proposes to add new definitions to Chapter 203 of the City's Zoning and Subdivision Ordinance as follows:

Chapter 203 – Definitions:

Cart/Kiosk: Any portable, non motorized unit used by a vendor.

Private Property: Property owned in fee by an individual, corporation, partnership, or a group of individuals as opposed to public property.

Public Property: Property dedicated through acquisition or easement for public use which includes but is not limited to streets, alleys, parks, public right-of-ways, and sidewalks.

Specific Event: A short term temporary use of public property as defined in Section 5.68.010.

LCP Amendment 2-98A proposes to add new subpart (U) to the list of Additional Provisions in Section 211.04 of the City's Zoning and Subdivision Ordinance, entitled "CO, CG and CV Districts: Land Use Controls," to read as follows:

(U) See Section 230.94: Carts and Kiosks

LCP Amendment 2-98A proposes to add Additional Provision (U) to the list of land use controls required for Retail Sales Section 211.04 of the City's Zoning and Subdivision Ordinance, entitled "CO, CG and CV Districts: Land Use Controls," as follows:

	CO	CG	CV	Additional Provisions
Retail Sales	--	P	P	(U)

LCP Amendment 2-98A also proposes to add Section 230.94 to the City's Zoning and Subdivision Ordinance Chapter 230, to read as follows:

230.94 Carts and Kiosks. Carts and kiosks may be permitted on private property zoned for commercial purposes, subject to conditional use permit approval by the Zoning Administrator 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.

A. LOCATION AND DESIGN CRITERIA

Cart and Kiosk uses shall conform to the following:

1. No portion of a cart or kiosk shall overhang the property line.
2. The cart or kiosk shall not obstruct access to a parked vehicle, impede the delivery of materials to an adjoining property, interfere with access to an adjoining property or interfere with maintenance or use of street furniture.
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 by the Zoning Administrator.

B. FACTORS TO CONSIDER

The Zoning Administrator shall consider the following factors regarding the location and the design of cart or kiosk uses including:

1. Appropriateness of the cart or kiosk design, color scheme, and character of its location;
2. Appropriateness and location of signing and graphics;

3. The width of the sidewalk or pedestrian accessway;
4. The proximity and location of building entrances;
5. Existing physical obstructions including, but not limited to signposts, light standards, parking meters, benches, phone booths, newsstands, utilities and landscaping.
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;
7. Pedestrian traffic volumes; and
8. Handicapped accessibility.

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.
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 establishment of the use.
4. All provisions of the Huntington Beach Municipal Code which are not in conflict with this section shall apply.
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 Zoning Administrator.
6. The sale of alcoholic beverages shall be prohibited.
7. The number of employees at a cart or kiosk shall be limited to a maximum of two persons at any one time.
8. Fire extinguishers may be required at the discretion of the Fire Department.

9. All cart and kiosk uses shall be self contained for water, waste, and power to operate.
10. A cart or kiosk operator shall provide a method approved by the Zoning Administrator for disposal of business related wastes.

D. PARKING

Additional Parking may be required for cart or kiosk uses by the Zoning Administrator.

E. REVIEW; REVOCATION

The Community Development Department shall conduct a review of the cart or kiosk operation at the end of the first six month period of operation. At that time, if there has been a violation of the terms and conditions of this section or the conditional use permit, a public hearing shall be scheduled before the Zoning Administrator for revocation pursuant to Sections 241.16 and 249.06.

Enforcement hereof shall be by the Community Development Director or his/her designated agent.

2. Proposed Changes to the City's Downtown Specific Plan

LCP Amendment 2.98A includes the addition and deletion of some of the permitted use text in the Downtown Specific Plan, which are described below. Copies of the Downtown Specific Plan District Maps are included as Exhibit 3.

4.3 DISTRICT # 1: - VISITOR-SERVING COMMERCIAL

Purpose. This District is limited to three nodes fronting on Pacific Coast Highway (PCH) which are adjacent to medium and high density residential Districts. These nodes provide sites for commercial facilities to serve visitors to the City and State Beaches.

The area between Goldenwest and 6th Streets will be primarily medium to high density residential. Residential uses will also be permitted in this District, as long as the necessary visitor-serving uses are included in the development.

Boundaries. District #1 includes three nodes: The two blocks from Goldenwest to 21st Streets, between PCH and the midline of the alley; the two blocks from 18th to 16th Streets, between PCH and the midline of the alley; and the block from 9th to 6th between PCH and the midline of the alley.

4.3.01 Permitted Uses.

(a) The following list of Visitor-Serving Commercial uses in District No. I may be allowed. Other ~~visitor serving~~ related uses ~~as described in the Land Use Plan, and which have the same parking demand as the existing use~~ not specified herein may be allowed subject to the approval of the Director. Change of use shall be subject to the approval of the Director. For Example:

- Art gallery
- Bakery
- Banks and savings and loans branch offices (no drive-up windows; not to exceed five thousand (5,000) square feet)
- Beach, swimming and surfing equipment
- Bicycle sales, rental and repair
- Boat and marine supplies
- Bookstores
- **Carts and Kiosks pursuant to Section 230.94 of the Huntington Beach Municipal Code**
- Clothing stores
- Delicatessens
- Drug stores
- **Dry Cleaning**
- Florists
- Grocery (convenience)
- **Hardware stores**
- Ice cream parlors
- Laundromats, Laundries
- Meat or fish markets
- Newspaper and magazine stores
- Newsstands
- Office
- Outdoor dining pursuant to S.4.2.32
- Photographic equipment sales
- Photographic processing
- Public Facilities
- Shoe stores
- Sporting goods
- Tourist related public and semipublic buildings, services and facilities
- Travel agency

4.5 DISTRICT #3: VISITOR-SERVING COMMERCIAL

Permitted Uses. This District is limited to the five blocks fronting on Pacific Coast Highway across from the City pier.

The visitor-serving category is broad enough to include many commercial activities which will also serve the needs of the surrounding community, providing an off-season clientele for the District.

The plan also allows residential and office uses in this District so long as the required visitor-serving commercial is provided. Large amounts of ground level open space are encouraged in this District to further promote the feeling of openness and to provide additional view opportunities.

Boundaries. District #3 includes the area between PCH and Walnut, from 6th to 1st Street.

4.5.01 Permitted Uses.

(a) The following list of uses which establishes a commercial core and which serves as the transition between visitor-serving and year round commercial uses in District No. 3 may be allowed. Other ~~visitor serving related uses as described in the Land Use Plan, and which may have the same parking demand as the existing use~~ not specified herein may be allowed subject to the approval of the Director. Change of use shall be subject to the approval of the Director. For example:

- Art gallery
- Bakeries
- Banks and savings and loans branch offices (no drive-up windows; not to exceed five thousand (5,000) square feet)
- Barber, beauty, manicure shops
- Beach, swimming and surfing equipment
- Bicycle sales, rental and repair
- Boat and marine supplies
- Bookstores
- **Carts and Kiosks pursuant to Section 230.94 of the Huntington Beach Municipal Code**
- Clothing stores
- Delicatessens
- Drug stores
- Florists
- Ice cream parlors

- Newspaper and magazine stores
- Newsstands
- Outdoor dining pursuant to S.4.2.32
- Photographic equipment sales
- Photographic processing
- Shoe -stores
- Sporting goods
- Tourist related public and semi-public buildings, services and facilities
- Travel Agency

4.6 DISTRICT #4: MIXED-USE: OFFICE RESIDENTIAL

Permitted Uses. This District flanks the Downtown core area, separating the area along Main Street from the outlying areas which are primarily residential. The purpose of this District is to provide a transition zone between the existing residential areas to the commercial Main Street corridor. Consequently, mixes of office and residential uses are permitted.

Boundaries. District #4 includes the half-blocks on the northwest side of the Main Street core area from 6th Street to the alley between 6th and 5th Streets; and from the alley between 3rd and 2nd Streets to the alley between 2nd and First Streets, between Walnut and Orange Avenues.

4.6.01 Permitted Uses.

- (a) The following list of principal uses in District No. 4 may be allowed. Other office residential related uses not specified herein may be allowed subject to the approval of the Director. Change of use shall be subject to the approval of the Director. For example:
- Office Use - professional, general business and non-profit offices.
 - Outdoor dining pursuant to S.4.2.32
 - Carts and Kiosks pursuant to Section 230.94 of the Huntington Beach Municipal Code
 - Commercial Use - Commercial uses which are integrated within and clearly incidental to an office use, shall be permitted provided that it cumulatively does not exceed ten (10) percent of total gross floor areas of the development.

Note: Single Family Detached dwellings which comply with the development standards in District #4 shall be subject to the approval of the Design Review Board in lieu of a conditional use permit.

4.7 DISTRICT #5: --MIXED-USE; COMMERCIAL/OFFICE/RESIDENTIAL

Purpose. This District includes the blocks on either side of and including Main Street, and constitutes the oldest commercial area in the City. The purpose of this District is to reestablish the area as the Downtown for the City by creating a more urban atmosphere, encouraging relatively higher intensity development with viable commercial office and residential uses.

View corridors along with height and orientation restrictions in the development requirements of this District are intended to focus development on the Main Street corridor. The Main Street-pier axis is intended to be an active, vital and interesting pedestrian way, intersecting with and complementing the visitor-serving commercial area on PCH and the pier area. The District promotes mixed uses of commercial, office and residential developments.

Boundaries. District #5 includes the area from the alley between 6th and 5th Streets to the alley between 3rd and 2nd Streets and the 1st Street frontage (on the northwest side) from Walnut to Orange Avenues.

4.7.01 Permitted Uses.

(a) The following list of uses which establishes a commercial core and which serves as the transition between visitor-serving and year round commercial uses in District No. 5 may be allowed. Other commercial/ office/ residential related uses not specified herein may be allowed subject to the approval of the Director. Change of use shall be subject to the approval of the Director. For Example:

- Antique stores
- Art gallery
- Bakeries
- Banks and savings and loans branch offices
- Barber, beauty, manicure shops
- Beach, swimming and surfing equipment
- Bicycle sales, rental and repair
- Boat and marine supplies
- Bookstores
- Boutiques

- **Carts and Kiosks pursuant to Section 230.94 of the Huntington Beach Municipal Code**
- Clothing stores
- Delicatessens
- Drug stores
- Dry cleaning
- Florists
- Groceries
- General retail
- Hardware stores
- Hobby supplies
- Ice cream parlors
- Jewelry stores
- Laundromats
- Newsetands
- Office Supplies
- Offices
- Outdoor dining pursuant to S.4.2.32
- Photographic equipment sales
- Photographic processing
- ~~Public Facilities~~
- Shoe repair
- Shoe stores
- Sporting goods
- Stationary stores
- Tailor shops
- Travel Agency

DISTRICT #6: MIXED USE: COMMERCIAL/OFFICE/RESIDENTIAL

Permitted Uses. This District encompasses the area north of the Downtown core and includes the public library. It is intended to provide a location for neighborhood commercial enterprises to serve surrounding residents, as well as office space, public facilities and residential uses. This mixed use node will anchor the inland end of the Main/Pier corridor.

Boundaries. District #6 consists of the blocks located between Sixth Street and Lake Street from Orange Avenue to Palm Avenue.

4.8.01 Permitted Uses.

- (a) The following list of uses which establishes new neighborhood commercial uses and which cater to year round residents in District No. 6 may be allowed. Other

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commercial/office/residential related uses not specified herein may be allowed subject to the approval of the Director. Change of use shall be subject to the approval of the Director. For Example:

- Antique stores
- Art Gallery
- Bakeries
- Banks and savings and loans branch offices
- Barber, beauty, manicure shops
- Beach, swimming and surfing equipment
- Bicycle sales, rental and repair
- Boat and marine supplies
- Boutiques
- Bookstores
- Carts and Kiosks pursuant to Section 230.94 of the Huntington Beach Municipal Code
- Clothing stores
- Delicatessens
- Drug stores
- Dry cleaning
- Florists
- ~~Glass shops~~
- Groceries
- General Retail
- Hardware stores
- Hobby Supplies
- ~~Ice House~~
- Ice Cream Parlors
- Jewelry stores
- Laundromats, laundries
- Newspaper and magazine stores
- Newsstands
- Offices
- Outdoor dining pursuant to S.4.2.32
- Photographic studios
- Photographic equipment sales
- Photographic processing
- ~~Public facilities~~
- Shoe repair
- Shoe stores
- Sporting goods
- Stationary stores

- Tailor shops
- Travel agency
- ~~Undertakers~~

4.9 DISTRICT #7: VISITOR-SERVING COMMERCIAL

Permitted Uses. This District extends southeast of the Downtown core adjacent to Pacific Coast Highway. The principal purpose of this District is to provide commercial facilities to serve seasonal visitors to the beaches as well as to serve local residents on a year round basis. This District also provides a continuous commercial link between the Downtown and the visitor-commercial/recreation District near Beach Boulevard.

Boundaries. District #7 extends from First Street to Huntington Avenue between PCH and the proposed Walnut Avenue extension.

4.9.01 Permitted Uses.

(a) The following list of Visitor-Serving Commercial uses in District No. 7 may be allowed. Other ~~visitor serving~~ related uses ~~as described in the Land Use Plan, and which have the same parking demand as the existing use~~ not specified herein may be allowed subject to the approval of the Director. Change of use shall be subject to the approval of the Director. For example:

- Art gallery
- Bakeries
- Banks and savings and loans branch offices (not to exceed five-thousand (5,000) square feet)
- Beach, swimming and surfing equipment
- Bicycle sales, rental and repair
- Boat and marine supplies
- Bookstores
- **Carts and Kiosks pursuant to Section 230.94 of the Huntington Beach Municipal Code**
- Clothing stores
- Delicatessens
- Florists
- Groceries (convenience)
- Ice cream parlors
- Laundromats, laundries
- Meat or fish markets
- Newspaper and magazine stores

- Newsstands
- Outdoor dining pursuant to S.4.2.32
- Photographic equipment sales
- Photographic processing
- Professional Office (not to exceed fifty [50] percent of total floor area)
- Public Transportation Center
- Shoe stores
- Sporting goods
- Tourist related public and semi-public buildings, services and facilities
- Travel agency

Note: Visitor-serving commercial uses must be a part of all development proposals in this District, with a minimum requirement that the entire street level be devoted to Visitor Serving Commercial Uses.

4.11.01 DISTRICT #9: COMMERCIAL/RECREATION

Permitted Uses. The purpose of this District is to encourage large, coordinated development that is beach-oriented and open to the public for both commercial and recreational purposes.

Boundaries. District #9 is bounded by PCH on the south, Beach Boulevard on the east, Huntington Street on the west, and on the north by the proposed Walnut Avenue extension.

4.11.01 Permitted Uses.

(a) The following list of commercial recreation uses in District No. 9 may be allowed. Other ~~visitor serving/recreational~~ related uses ~~as described in the Land Use Plan, and which have the same parking demand as the existing use~~ not specified herein may be allowed subject to the approval of the Director. A change of use shall be subject to the approval of the Director. For example:

- **Carts and Kiosks pursuant to Section 230.94 of the Huntington Beach Municipal Code**
- Retail sales
- Tourist related uses
- **Outdoor dining pursuant to S.4.2.32**

4.12 DISTRICT # 10: PIER-RELATED COMMERCIAL

Purpose. This District is intended to provide for commercial uses on and alongside the pier which will enhance and expand the public's use and enjoyment of this area. Uses are encouraged which capitalize on the views available from the pier and the unique recreational or educational opportunities it affords. At the same time, care must be exercised to insure that the major portion of the pier will remain accessible to the public at no charge, for strolling, fishing or observation.

Boundaries. Shall be consistent with the Coastal Element of the General Plan.

4.12.01 Permitted Uses.

(a) The following list of pier related commercial uses in District No. 10 may be allowed. Other pier related uses ~~as described in the Land Use Plan, and which have the same parking demand as the existing use~~ not specified herein may be allowed subject to the approval of the Director. A change of use shall be subject to the approval of the Director. For example:

- Bait and tackle shops
- Beach rentals
- **Carts and Kiosks pursuant to Section 230.94 of the Huntington Beach Municipal Code**
- Retail sales (beach-related)
- Outdoor dining pursuant to S.4.2.3332

V. SUGGESTED MODIFICATIONS TO PROPOSED LCP AMENDMENT 2-98A

The certification of the City's proposed LCP Amendment 2-98A is subject to the incorporation of suggested modifications, which are presented below. The proposed changes submitted in LCP Amendment 2-98A, presented in the preceding section, have been incorporated, and the Commission's additions are shown in bold (**bold**) and deletions are shown in strikethrough (~~strikethrough~~).

1. Modifications to the Zoning and Subdivision Ordinance

The proposed LCP amendment to Chapter 203 of the City's Zoning and Subdivision Ordinance has been modified to read as follows:

Cart/Kiosk: Any portable, non-motorized unit used by a vendor **as described in Section 230.94.**

230.94 Carts and Kiosks. Carts and kiosks may be permitted on private property zoned for commercial purposes, subject to conditional use permit approval by the Zoning Administrator 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.

A. LOCATION AND DESIGN CRITERIA

Cart and Kiosk uses shall conform to the following:

1. No portion of a cart or kiosk shall overhang the property line.
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.
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 by the Zoning Administrator.
4. A limit of one cart or kiosk shall be allowed for each commercial business that meets the above location and design criteria.

2. **Modifications to the Downtown Specific Plan**

The proposed changes to Section 4.3.01(a) of the Downtown Specific Plan are modified to read as follows:

4.3.01 Permitted Uses:

- (a) The following list of Visitor-Serving Commercial uses in District No. 1 may be allowed. Other visitor serving related uses as described in the Land Use Plan, and which have the same parking demand as the existing use not specified herein may be allowed subject to the approval of the Director. Change of use shall be subject to the approval of the Director. For example:

- Newsstands
- Outdoor dining pursuant to S.4.2. 3233

The proposed LIP amendment to Section 4.5.01(a) of the Downtown Specific Plan is modified to read as follows:

4.5.01 Permitted Uses.

(a) The following list of uses which establishes a commercial core and which serves as the transition between visitor-serving and year round commercial uses in District No. 3 may be allowed. Other visitor serving related uses as described in the Land Use Plan, and which have the same parking demand as the existing use not specified herein may be allowed subject to the approval of the Director. Change of use shall be subject to the approval of the Director. For example:

- Newsstands
- Outdoor dining pursuant to S.4.2. ~~3233~~

The proposed LIP amendment to Section 4.6.01(a) of the Downtown Specific Plan is modified to read as follows:

4.6.01 Permitted Uses.

(a) The following list of principal uses in District No. 4 may be allowed. Other office-residential related uses not specified herein may be allowed subject to the approval of the Director. Change of use shall be subject to the approval of the Director. For example:

- Office Use - professional, general business and non-profit offices.
- Outdoor dining pursuant to S.4.2. ~~3233~~
- Carts and Kiosks pursuant to Section 230.94 of the Huntington Beach Municipal Code
- Commercial Use - Commercial uses which are integrated within and clearly incidental to an office use, shall be permitted provided that it cumulatively does not exceed ten (10) percent of total gross floor areas of the development.

Note: Single Family Detached dwellings which comply with the development standards in District #4 shall be subject to the approval of the Design Review Board in lieu of a conditional use permit.

The proposed amendment to Section 4.7.01(a) of the Downtown Specific Plan is modified to read as follows:

4.7.01 Permitted Uses.

- (a) The following list of uses which establishes a commercial core and which serves as the transition between visitor-serving and year round commercial uses in District No. 5 may be allowed. Other commercial/office/residential related uses not specified herein may be allowed subject to the approval of the Director. Change of use shall be subject to the approval of the Director. For example:

- Newsstands
- Outdoor dining pursuant to S.4.2. ~~3233~~

The proposed LIP amendment to Section 4.8.01(a) of the Downtown Specific Plan is modified to read as follows:

4.8.01 Permitted Uses.

- (a) The following list of uses which establishes new neighborhood commercial uses and which cater to year round residents in District No. 6 may be allowed. Other commercial/office/residential related uses not specified herein may be allowed subject to the approval of the Director. Change of use shall be subject to the approval of the Director. For example:

- Newsstands
- Outdoor dining pursuant to S.4.2. ~~3233~~

The proposed LIP amendment to Section 4.9.01(a) of the Downtown Specific Plan is modified to read as follows:

4.9.01 Permitted Uses.

- (a) The following list of Visitor-Serving Commercial uses in District No. 7 may be allowed. Other visitor serving related uses as described in the Land Use Plan, and which have the same parking demand as the existing use not specified herein may be allowed subject to the approval of the Director. Change of use shall be subject to the approval of the Director. For example:

- Outdoor dining pursuant to S.4.2. ~~3233~~

The proposed LIP amendment to Section 4.11.01(a) of the Downtown Specific Plan is modified to read as follows:

4.11.01 Permitted Uses.

(a) The following list of commercial recreation uses in District No. 9 may be allowed. Other visitor serving related uses as described in the Land Use Plan, and which have the same parking demand as the existing use not specified herein may be allowed subject to the approval of the Director. A change of use shall be subject to the approval of the Director. For example:

- Carts and Kiosks pursuant to Section 230.94 of the Huntington Beach Municipal Code
- Retail sales
- Tourist related uses
- Outdoor dining pursuant to S.4.2. ~~3233~~

The proposed amendment to Section 4.12.01(a) of the Downtown Specific Plan is modified to read as follows:

4.12.01 Permitted Uses.

(a) The following list of pier related commercial uses in District No. 10 may be allowed. Other pier related uses as described in the Land Use Plan, and which have the same parking demand as the existing use not specified herein may be allowed subject to the approval of the Director. A change of use shall be subject to the approval of the Director. For example:

- Bait and tackle shops
- Beach rentals
- Carts and Kiosks pursuant to Section 230.94 of the Huntington Beach Municipal Code
- Retail sales (beach related)
- Outdoor dining pursuant to S.4.2. ~~3233~~

VI. FINDINGS FOR DENIAL AND APPROVAL OF THE IMPLEMENTATION PLAN AMENDMENT

A. Implementation Plan Amendment Description

The City of Huntington Beach has requested to amend the Implementation Plan (IP) portion of the City's certified Local Coastal Program (LCP) by adding Carts and Kiosks as a new permitted use to the Downtown Specific Plan of the City of Huntington Beach, Orange County. The proposed LIP amendment will add new definitions of Cart/Kiosk, Private Property, Public Property, and Specific Event to the Definitions Chapter 203 of the City's Zoning and Subdivision Ordinance. The proposed LIP amendment will add a new subpart (U) to Section 211.04 of the Commercial Districts Chapter 211 of the Zoning and Subdivision Ordinance for Carts and Kiosks to the list of land use controls required for Retail Sales. The proposed LIP amendment will also add Section 230.94 (Carts and Kiosks) to the Site Standards Chapter 230 in the Zoning and Subdivision Ordinance. The proposed LIP amendment will affect eight districts in the Downtown Specific Plan area including Districts 1, 3, 4, 5, 6, 7, 9, and 10.

B. Findings for Denial as Submitted

1. Visitor Serving Policies of the LUP

Regarding Visitor Serving facilities, the City's certified Land Use Plan policy 5 on page 138 states:

Additional support facilities are necessary in order to accommodate the large numbers of visitors attracted to recreation areas in the coastal zone. The coastal land use plan is designed to provide for sufficient areas strategically located to serve the needs of existing and future levels of visitors. The intent of the following policies is to specifically encourage adequate visitor accommodations.

5. *Protect, encourage, and where feasible provide visitor serving facilities in the coastal zone which are varied in type and price.*

The LIP amendment proposes to add Carts and Kiosks as a permitted use on private property in certain visitor-serving Downtown Specific Plan districts. The use of carts and kiosks in the visitor-serving and other commercial districts of the Downtown Specific Plan area will allow additional visitor-serving commercial opportunities to the public. The proposed carts and kiosks could be used to sell food, beverages, and general merchandise to visitors in Huntington Beach. The proposed LIP Amendment will enhance the existing visitor-serving commercial districts of the Downtown Specific Plan. However, the City proposes to remove specific requirements that only other visitor-serving related uses as described in the Land Use Plan that have the same

parking demand as the existing uses specified for each district may be allowed in the visitor-serving districts of the Downtown Specific Plan, subject to the approval of a conditional use permit. The City's submittal proposes to remove the references to the above requirements in the permitted use Sections 4.3.01 (District 1), 4.5.01 (District 3), 4.9.01 (District 7), 4.11.01 (District 9), and 4.12.01 (District 10) of the Downtown Specific Plan, as presented in section IV of this staff report. As submitted, the proposed amendments to the Downtown Specific Plan are inconsistent with Visitor Serving Policy 5 of the City's certified LUP. For this reason, the proposed LCP Amendment 2-98A is inconsistent with and is not adequate to carry out the visitor-serving policies of the LUP. Therefore, the Commission denies LIP Amendment 2-98A as submitted.

2. Community Facility Policies of the LUP

Section 15l. of the City's certified LUP states that development shall:

Ensure that adequate parking is provided in all new development in the coastal zone utilizing one or a combination of the following:

- *Apply the City's parking standards at a minimum.*
- *Develop parking assessment districts to build off-site parking structures.*
- *Utilize new parking standards specific to the Coastal Zone in conjunction with the development of off-site parking strategies.*

The LIP amendment proposes to add Carts and Kiosks as a permitted use in certain districts of the Downtown Specific Plan area. The proposed addition of Section 230.94 to the Site Standards Chapter 230 of the Zoning and Subdivision Ordinance do not ensure that existing parking spaces will be protected or that adequate parking will be provided to support the use of carts and kiosks. Specifically, Section 230.94(A)(2) Location and Criteria, states that the cart or kiosk "shall not obstruct access to a parked vehicle; impede the delivery of materials to an adjoining property; interfere with access to an adjoining property, or interfere with maintenance or use of street furniture"; however, this section does not restrict the occupation of parking spaces by carts and kiosks. Consequently, it is possible that carts and kiosks could occupy parking spaces and reduce the availability of public parking. In addition, Section 230.94(A)(2) does not require the replacement of any existing parking spaces that may be partially or totally blocked by the proposed cart or kiosk. For this reason, the Commission finds that the proposed IP amendment is inconsistent with and inadequate to carry out Community Facility Policy 15l. of the City's certified Land Use Plan. Therefore, the Commission denies LIP Amendment 2-98A as submitted.

B. Findings for Approval as Modified

Suggested modifications to the City's proposed LIP amendment were made to use Sections 4.3.01, 4.5.01, 4.9.01, 4.11.01, and 4.12.01 of the Downtown Specific Plan to make them consistent with Visitor Serving Policy 5 of the LUP. The Commission has modified the City's proposed changes by adding back the specific requirements that only other visitor-serving related uses as described in the LUP that have the same parking demand as the existing uses specified for each district may be allowed in the visitor-serving districts of the Downtown Specific Plan, subject to the approval of a conditional use permit. The suggested modifications add back the references to the above requirements in the permitted use Sections 4.3.01 (District 1), 4.5.01 (District 3), 4.9.01 (District 7), 4.11.01 (District 9), and 4.12.01 (District 10) of the Downtown Specific Plan, as presented in section IV of this staff report. These modifications will ensure that uses other than those defined as visitor-serving in the LUP cannot be approved with a conditional use permit for the downtown visitor serving districts. The suggested modifications also ensure that uses that have a higher parking demand than the existing visitor-serving uses specified for the above districts cannot be approved with a conditional use permit.

Suggested modifications to the City's proposed LIP amendment were made to section 230.94(A)(2) of the Zoning and Subdivision Ordinance to make them consistent with Community Facility Policy 15I. of the LUP. Location and Criteria Section 230.94(A)(2) was revised to state that carts or kiosks *"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."* Finally, the section was modified to state that if any existing parking spaces will be partially or totally blocked by the proposed cart or kiosk, those spaces must be replaced at a one to one (1:1) ratio. These modifications will ensure that existing parking is preserved in the downtown area, and will not be displaced by cart or kiosk activities. These changes will also ensure that adequate parking is provided for to support the use of carts and kiosks in the downtown area.

With the incorporation of the above suggested modifications into the proposed changes to the Zoning and Subdivision Ordinance and the Downtown Specific Plan, the proposed LIP amendment is consistent with and adequate to carry out the policies of the City's certified LUP.

VII. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program (LCP). Instead, the CEQA responsibilities are assigned to the Coastal Commission. However, the Commission's LCP review and

City of Huntington Beach
Local Coastal Program Amendment 2-98A
Page 25

approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under Section 21080.5 of CEQA, the Commission is relieved of the responsibility to prepare an EIR for each LCP. Nevertheless, the Commission is required in an LCP submittal to find that the LCP does conform to the provisions of CEQA. The City of Huntington Beach LCP amendment 2-98A consists of an LIP amendment.

The LIP amendment as submitted is not in conformity with nor adequate to carry out the visitor serving policies and community facilities policies of the certified LUP. Therefore, the Commission finds that approval of the LCP amendment as submitted will result in significant adverse environmental impacts under the meaning of CEQA. Furthermore, the Commission finds that approval of the LIP amendment with the incorporation of the suggested modifications to implement the LUP would not result in significant adverse environmental impacts under the meaning of CEQA. Therefore, the Commission finds that there are no feasible alternatives under the meaning of CEQA that would further reduce the potential for significant adverse environmental impacts. Therefore, the Commission denies the LCP amendment request 2-98A as submitted and approves LCP amendment request 2-98A with the incorporation of the suggested modifications set forth in this staff report.

RESOLUTION NO. 98-85

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF HUNTINGTON BEACH
ADOPTING LOCAL COASTAL PROGRAM AMENDMENT NO. 98-2
AND REQUESTING ITS CERTIFICATION BY
THE CALIFORNIA COASTAL COMMISSION

WHEREAS, after notice duly given pursuant to *Government Code* Section 65090 and *Public Resources Code* Sections 30503 and 30510, the Planning Commission of the City of Huntington Beach held public hearings to consider the adoption of the Huntington Beach Local Coastal Program Amendment No. 98-2, and such amendment was recommended to the City Council for adoption; and

The City Council, after giving notice as prescribed by law, held at least one public hearing on the proposed Huntington Beach Local Coastal Program Amendment No. 98-2, and the City Council finds that the proposed amendment is consistent with the Certified Huntington Beach Coastal Land Use Plan and Chapter 6 of the California Coastal Act; and

The City Council of the City of Huntington Beach intends to implement the Local Coastal Program in a manner fully consistent with the California Coastal Act,

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby resolve as follows:

SECTION 1. That the Huntington Beach Local Coastal Program Amendment No. 98-2 is hereby approved, consisting of the following Ordinances:

<u>Ordinance</u>	<u>Subject</u>	<u>Description</u>
No. 3248	Code Amendment No. 93-5	Carts and Kiosks
No. 3301	Zoning Text amendment No. 95-1	Residential In-Fill
No. 3286	Zoning Text Amendment No. 95-2	Adult Business
No. 3285	Zoning Text Amendment No. 95-3	Floodplain
No. 3245	Zone Change No. 94-1	Island Bay

No. 3297	Zone Change No. 94-4	Southeast corner Cumberland Drive and Victoria Lane
No. 3276	Zoning Map Amendment No. 94-5	Area bounded by Memphis Avenue, Knoxville Avenue, Beach Boulevard, and Florida Street
No. 3275	Zoning Map Amendment No. 94-6	Southwest corner of Warner Avenue and A Street
No. 3338	Zoning Map Amendment No. 96-2	Northwest corner of Warner Avenue and Airport Circle
No. 3341	Adult Business	Massage and other S.O. Businesses
No. 3360	Zoning Text Amendment No. 95-6	Sign Code
No. 3378	Zoning Text Amendment No. 97-4	Sex Oriented Business
No. 3387	Zoning Map Amendment No. 97-2	20112 Magnolia
No. 3389	Zoning Map amendment No. 97-3	20471 Bushard
No. 3388	Zoning Text Amendment No. 97-3	General Daycare
No. 3362	Zoning Change No. 96-4	Goldenwest and Warner

Copies of the aforesaid ordinances are attached hereto as Exhibits A through O, respectively, and are incorporated by this reference as though fully set forth herein.

SECTION 2. That the California Coastal Commission is hereby requested to consider, approve and certify Huntington Beach Local Coastal Program Amendment No. 98-2.

SECTION 3. That pursuant to Section 13551(b) of the Coastal Commission Regulations, Huntington Beach Local Coastal Program Amendment No. 98-2 will take effect automatically upon Coastal Commission approval, s provided in *Public Resources Code* Sections 30512, 30513, and 30519.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 16th day of November, 1998.

Shirley R. Dittmann
Mayor

ATTEST:

Lonnie Brochway
City Clerk

APPROVED AS TO FORM:

Gail L. Luth
City Attorney
PCA 10-22-98
P 10/22/98

REVIEWED AND APPROVED:

Ray Salas
City Administrator

INITIATED AND APPROVED:

Howard Felder
Director of Planning

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss:
CITY OF HUNTINGTON BEACH)

I, CONNIE BROCKWAY, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing resolution was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council at a regular meeting thereof held on the 16th day of November, 1998 by the following vote:

AYES: Julien, Harman, Green, Dettloff, Bauer, Sullivan, Garofalo
NOES: None
ABSENT: None

Connie Brockway

City Clerk and ex-officio Clerk of the
City Council of the City of Huntington
Beach, California

ORDINANCE NO. 3248

RECEIVED
JAN 6 2000

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH
AMENDING THE HUNTINGTON BEACH MUNICIPAL CODE
AND THE DOWNTOWN SPECIFIC PLAN TO PERMIT CALIFORNIA
CARTS AND KIOSKS COASTAL COMMISSION

WHEREAS, the City Council of the City of Huntington Beach desires to add carts and kiosks to the list of permitted uses in the Huntington Beach Municipal Code and the Downtown Specific Plan,

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. Section 4.3.01(a) of the Downtown Specific Plan is hereby amended to read as follows:

4.3.01 Permitted Uses:

(a) The following list of Visitor-Serving Commercial uses in District No. 1 may be allowed. Other related uses not specified herein may be allowed subject to the approval of the Director. Change of use shall be subject to the approval of the Director. For example:

- Art gallery
- Bakery
- Banks and savings and loans branch offices (no drive-up windows; not to exceed five thousand (5,000) square feet)
- Beach, swimming and surfing equipment
- Bicycle sales, rental and repair
- boat and marine supplies
- Bookstores
- Carts and Kiosks pursuant to Section 230.94 of the Huntington Beach Municipal Code
- Clothing stores
- Delicatessens
- Drug stores
- Dry Cleaning
- Florists
- Grocery (convenience)
- Hardware stores

- Ice cream parlors
- Laundromats, Laundries
- Meat or fish markets
- Newspapers and magazine stores
- Newstands
- Office
- Outdoor dining pursuant to S.4.2.32
- Photographic equipment sales
- Photographic processing
- Public Facilities
- Shoe stores
- Sporting goods
- Tourist related public and semipublic buildings, services and facilities
- Travel agency

SECTION 2. Section 4.5.01(a) of the Downtown Specific Plan is hereby amended to read as follows:

4.5.01 Permitted Uses.

- (a) The following list of uses which establishes a commercial core and which serves as the transition between visitor-serving and year round commercial uses in District No. 3 may be allowed. Other related uses not specified herein may be allowed subject to the approval of the Director. Change of use shall be subject to the approval of the Director. For example:

- Art gallery
- Bakeries
- Banks and savings and loans branch offices (no drive-up windows; not to exceed five thousand (5,000) square feet)
- Barber, beauty, manicure shops
- Beach, swimming and surfing equipment
- Bicycle sales, rental and repair
- Boat and marine supplies
- Bookstores
- Carts and Kiosks pursuant to Section 230.94 of the Huntington Beach Municipal Code
- Clothing stores
- Delicatessens
- Drug stores
- Florists

City of Huntington Beach
LCP Amendment 2-98A

Exhibit 2

Page 2 of 11

- Ice cream parlors
- Newspaper and magazine stores
- Newstands
- Outdoor dining pursuant to S.4.2.32
- Photographic equipment sales
- Photographic processing
- Shoe stores
- Sporting goods
- Tourist related public and semi-public buildings, services and facilities
- Travel Agency

SECTION 3. Section 4.6.01(a) of the Downtown Specific Plan is hereby amended to read as follows:

4.6.01 Permitted Uses.

- (a) The following list of principal uses in District No. 4 may be allowed. Other office-residential related uses not specified herein may be allowed subject to the approval of the Director. Change of use shall be subject to the approval of the Director. For example:

- Office Use - professional, general business and non-profit offices.
- Outdoor dining pursuant to S.4.2.32
- Carts and Kiosks pursuant to Section 230.94 of the Huntington Beach Municipal Code
- Commercial Use - Commercial uses which are integrated within and clearly incidental to an office use, shall be permitted provided that it cumulatively does not exceed ten (10) percent of total gross floor areas of the development.

Note: Single Family Detached dwellings which comply with the development standards in District #4 shall be subject to the approval of the Design Review Board in lieu of a conditional use permit.

SECTION 4. Section 4.7.01(a) of the Downtown Specific Plan is hereby amended to read as follows:

4.7.01 Permitted Uses.

- (a) The following list of uses which establishes a commercial core and which serves as the transition between visitor-serving and year round

City of Huntington Beach
LCP Amendment 2-98A

commercial uses in District No. 5 may be allowed. Other commercial/office/residential related uses not specified herein may be allowed subject to the approval of the Director. Change of use shall be subject to the approval of the Director. For example:

- Antique stores
- Art gallery
- Bakeries
- Banks and savings and loans branch offices
- Barber, beauty, manicure shops
- Beach, swimming and surfing equipment
- Bicycle sales, rental and repair
- Boat and marine supplies
- Boutiques
- Bookstores
- Carts and Kiosks pursuant to Section 230.94 of the Huntington Beach Municipal Code
- Clothing stores
- Delicatessens
- Drug stores
- Dry cleaning
- Florists
- Groceries
- General retail
- Hardware stores
- Hobby supplies
- Ice cream parlors
- Jewelry stores
- Laundromats
- Newstands
- Office Supplies
- Offices
- Outdoor dining pursuant to S.4.2.32
- Photographic equipment sales
- Photographic processing
- Shoe repair
- Shoe stores
- Sporting goods
- Stationery stores
- Tailor shops
- Travel Agency

SECTION 5. Section 4.8.01(a) of the Downtown Specific Plan is hereby amended to read follows:

4.8.01 Permitted Uses.

(a) The following list of uses which establishes new neighborhood commercial uses and which cater to year round residents in District No. 6 may be allowed. Other commercial/office/residential related uses not specified herein may be allowed subject to the approval of the Director. Change of use shall be subject to the approval of the Director. For example:

- Antique stores
- Art gallery
- Bakeries
- Banks and savings and loans branch offices
- Barber, beauty, manicure shops
- Beach, swimming and surfing equipment
- Bicycle sales, rental and repair
- Boat and marine supplies
- Boutiques
- Bookstores
- Carts and Kiosks pursuant to Section 230.94 of the Huntington Beach Municipal Code
- Clothing stores
- Delicatessens
- Drug stores
- Dry cleaning
- Florists
- Groceries
- General retail
- Hardware stores
- Hobby supplies
- Ice cream parlors
- Jewelry stores
- Laundromats
- Newstands
- Office Supplies
- Offices
- Outdoor dining pursuant to S.4.2.32
- Photographic equipment sales
- Photographic processing
- Shoe repair
- Shoe stores

- Sporting goods
- Stationery stores
- Tailor shops
- Travel Agency

SECTION 6. Section 4.9.01(a) of the Downtown Specific Plan is hereby amended to read as follows:

4.9.01 Permitted Uses.

(a) The following list of Visitor-Serving Commercial uses in District No. 7 may be allowed. Other related uses not specified herein may be allowed subject to the approval of the Director. Change of use shall be subject to the approval of the Director. For example:

- Art gallery
- Bakeries
- Banks and savings and loans branch offices (not to exceed five-thousand (5,000) square feet)
- Beach, swimming and surfing equipment
- Bicycle sales, rental and repair
- Boat and marine supplies
- Bookstores
- Carts and Kiosks pursuant to Section 230.94 of the Huntington Beach Municipal Code
- Clothing stores
- Delicatessens
- Florists
- Groceries (convenience)
- Ice cream parlors
- Laundromats, laundries
- Meat or fish markets
- Newsstands
- Outdoor dining pursuant to S.4.2.32
- Photographic equipment sales
- Photographic processing
- Professional Office (not to exceed fifty [50] percent of total floor area)
- Public Transportation Center
- Shoe stores
- Sporting goods
- Tourist related public and semi-public buildings, services and facilities
- Travel Agency
-

Note: Visitor-serving commercial uses must be a part of all development proposals in this District, with a minimum requirement that the entire street level be devoted to Visitor-Serving Commercial Uses.

SECTION 7. Section 4.11.01(a) of the Downtown Specific Plan is hereby amended to read as follows:

4.11.01 Permitted Uses.

(a) The following list of commercial recreation uses in District No. 9 may be allowed. Other related uses not specified herein may be allowed subject to the approval of the Director. A change of use shall be subject to the approval of the Director. For example:

- Carts and Kiosks pursuant to Section 230.94 of the Huntington Beach Municipal Code
- Retail sales
- Tourist related uses
- Outdoor dining pursuant to S.4.2.32

SECTION 8. Section 4.12.01(a) of the Downtown Specific Plan is hereby amended to read as follows:

4.12.01 Permitted Uses.

(a) The following list of pier related commercial uses in District No. 10 may be allowed. Other related uses not specified herein may be allowed subject to the approval of the Director. A change of use shall be subject to the approval of the Director. For example:

- Bait and tackle shops
- Beach rentals
- Carts and Kiosks pursuant to Section 230.94 of the Huntington Beach Municipal Code
- Retail sales (beach related)
- Outdoor dining pursuant to S.4.2.32

SECTION 9. Chapter 203 of the Huntington Beach Municipal Code is hereby amended by adding new definitions thereto to read as follows:

Cart/Kiosk: Any portable, non motorized unit used by a vendor.

Private Property: Property owned in fee by an individual, corporation, partnership or a group of individuals as opposed to public property.

Public Property: Property dedicated through acquisition or easement for public use which includes but is not limited to streets, alleys, parks, public right-of-ways, and sidewalks.

Specific Event: A short term temporary use of public property as defined in Section 5.68.010.

SECTION 10. Section 211.04 of the Huntington Beach Municipal Code, entitled "CO, CG and CV Districts: Land Use Controls," is hereby amended to add new subpart (U) to the list of Additional Provisions, to read as follows:

(U) See Section 230.94: Carts and Kiosks

SECTION 11. Section 211.04 of the Huntington Beach Municipal Code, entitled "CO, CG and CV Districts: Land Use Controls," is hereby amended to add Additional Provision (U) to the list of land use controls required for Retail Sales, as follows:

	CO	CG	CV	Additional Provisions
Retail Sales	-	P	P	(U)

SECTION 12. Title 23 of the Huntington Beach Municipal Code is hereby amended to add new Section 230.94 to read as follows:

230.94 Carts and Kiosks. Carts and kiosks may be permitted on private property zoned for commercial purposes, subject to conditional use permit approval by the Zoning Administrator 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.

A. LOCATION AND DESIGN CRITERIA

Cart and Kiosk uses shall conform to the following:

1. No portion of a cart or kiosk shall overhang the property line.
2. The cart or kiosk shall not obstruct access to a parked vehicle, impede the delivery of materials to an adjoining property, interfere with access to an adjoining property or interfere with maintenance or use of street furniture.

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 by the Zoning Administrator.

B. FACTORS TO CONSIDER

The Zoning Administrator shall consider the following factors regarding the location and the design of cart or kiosk uses including:

1. Appropriateness of the cart or kiosk design, color scheme, and character of its location;
2. Appropriateness and location of signing and graphics;
3. The width of the sidewalk or pedestrian accessway;
4. The proximity and location of building entrances;
5. Existing physical obstructions including, but not limited to signposts, light standards, parking meters, benches, phone booths, newsstands, utilities and landscaping.
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;
7. Pedestrian traffic volumes; and
8. Handicapped accessibility.

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.
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 establishment of the use.
4. All provisions of the Huntington Beach Municipal Code which are not in conflict with this section shall apply.

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 Zoning Administrator.
6. The sale of alcoholic beverages shall be prohibited.
7. The number of employees at a cart or kiosk shall be limited to a maximum of two persons at any one time.
8. Fire extinguishers may be required at the discretion of the Fire Department.
9. All cart and kiosk uses shall be self contained for water, waste, and power to operate.
10. A cart or kiosk operator shall provide a method approved by the Zoning Administrator for disposal of business related wastes.

D. PARKING

Additional parking may be required for cart or kiosk uses by the Zoning Administrator.

E. REVIEW; REVOCATION

The Community Development Department shall conduct a review of the cart or kiosk operation at the end of the first six month period of operation. At that time, if there has been a violation of the terms and conditions of this section or the conditional use permit, a public hearing shall be scheduled before the Zoning Administrator for revocation pursuant to Sections 241.16 and 249.06.

SECTION 13. Enforcement hereof shall be by the Community Development Director or his/her designated agent.

SECTION 14. Any existing cart or kiosk use that has been established without prior conditional use permit approval shall obtain a conditional use permit and, if applicable, a license agreement within 90 days following the effective date of this ordinance.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 15th day of May, 1995.

Victor Lopez
Mayor

ATTEST:

Connie Brockway
City Clerk

APPROVED AS TO FORM:

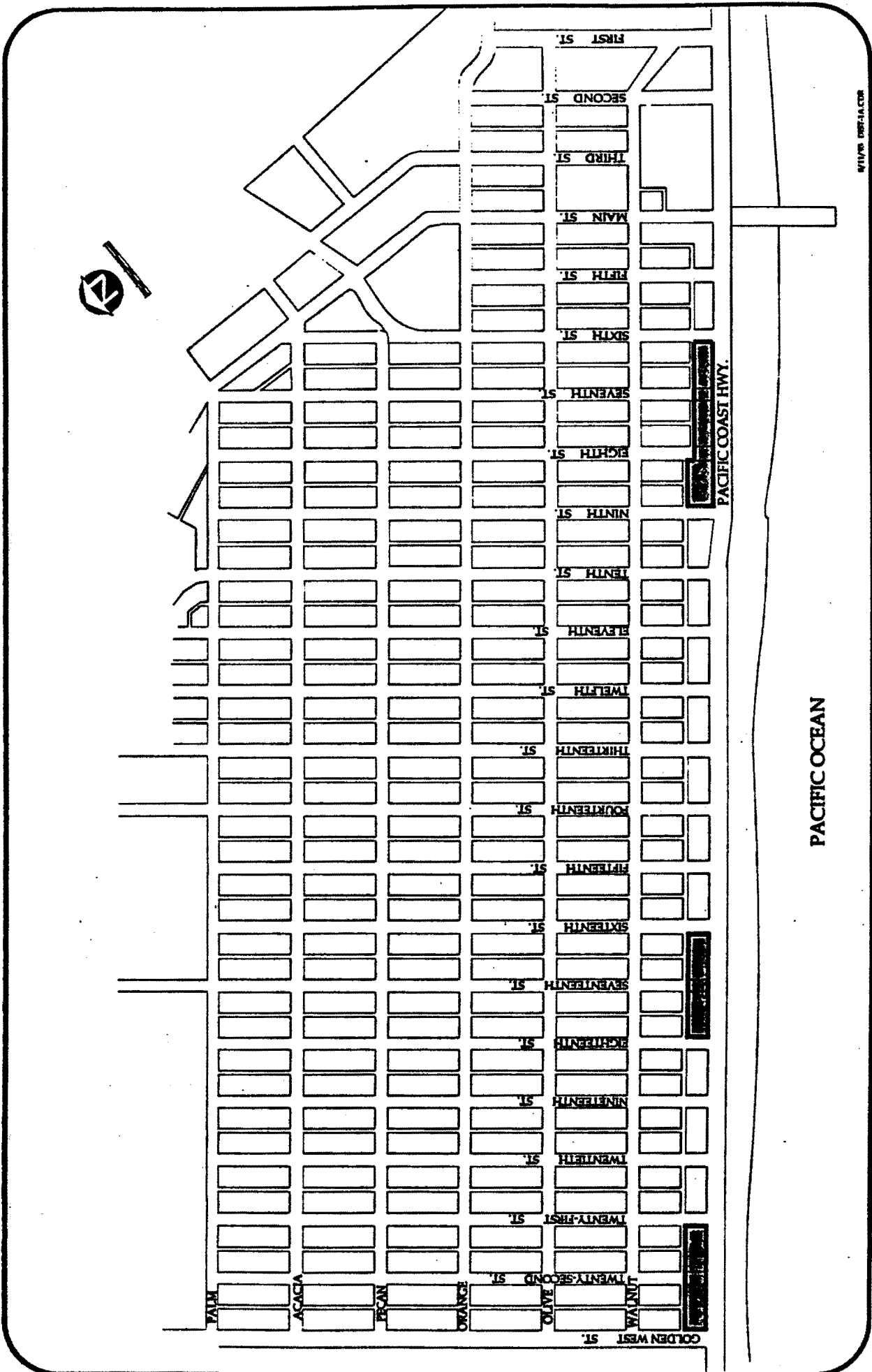
Pe Dele 3/8/95
City Attorney *Pe* 5/7/95
3/8/95

REVIEWED AND APPROVED:

Michael T. Wharmer
City Administrator

INITIATED AND APPROVED:

Melanie Y. Free
Director of Community Development



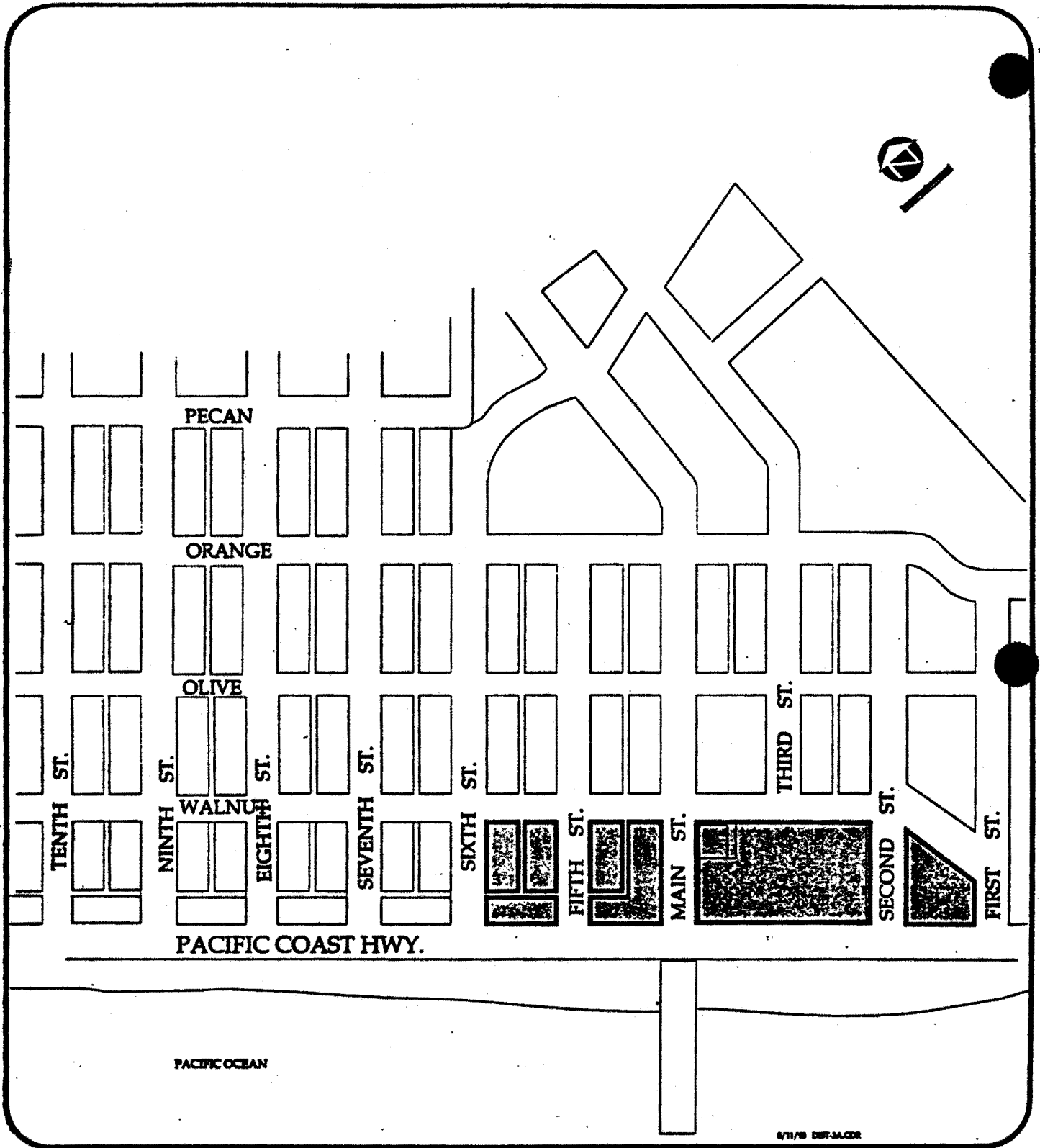
DISTRICT #1

DOWNTOWN SPECIFIC PLAN

DISTRICT #1

HUNTINGTON BEACH CALIFORNIA
PLANNING DEPARTMENT





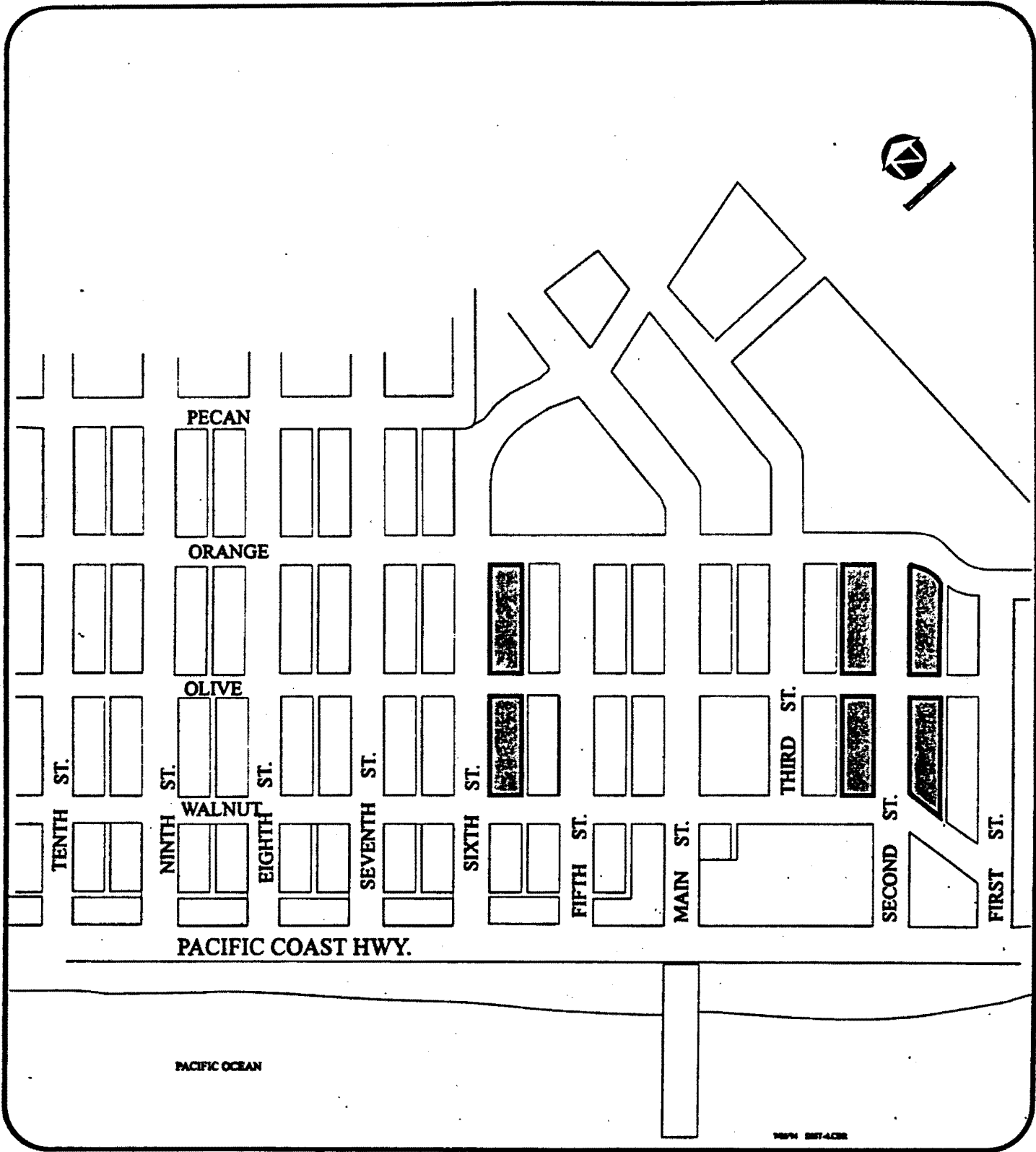
DISTRICT #3



HUNTINGTON BEACH CALIFORNIA
PLANNING DEPARTMENT

DOWNTOWN SPECIFIC PLAN

6/11/98 DER-JACOR

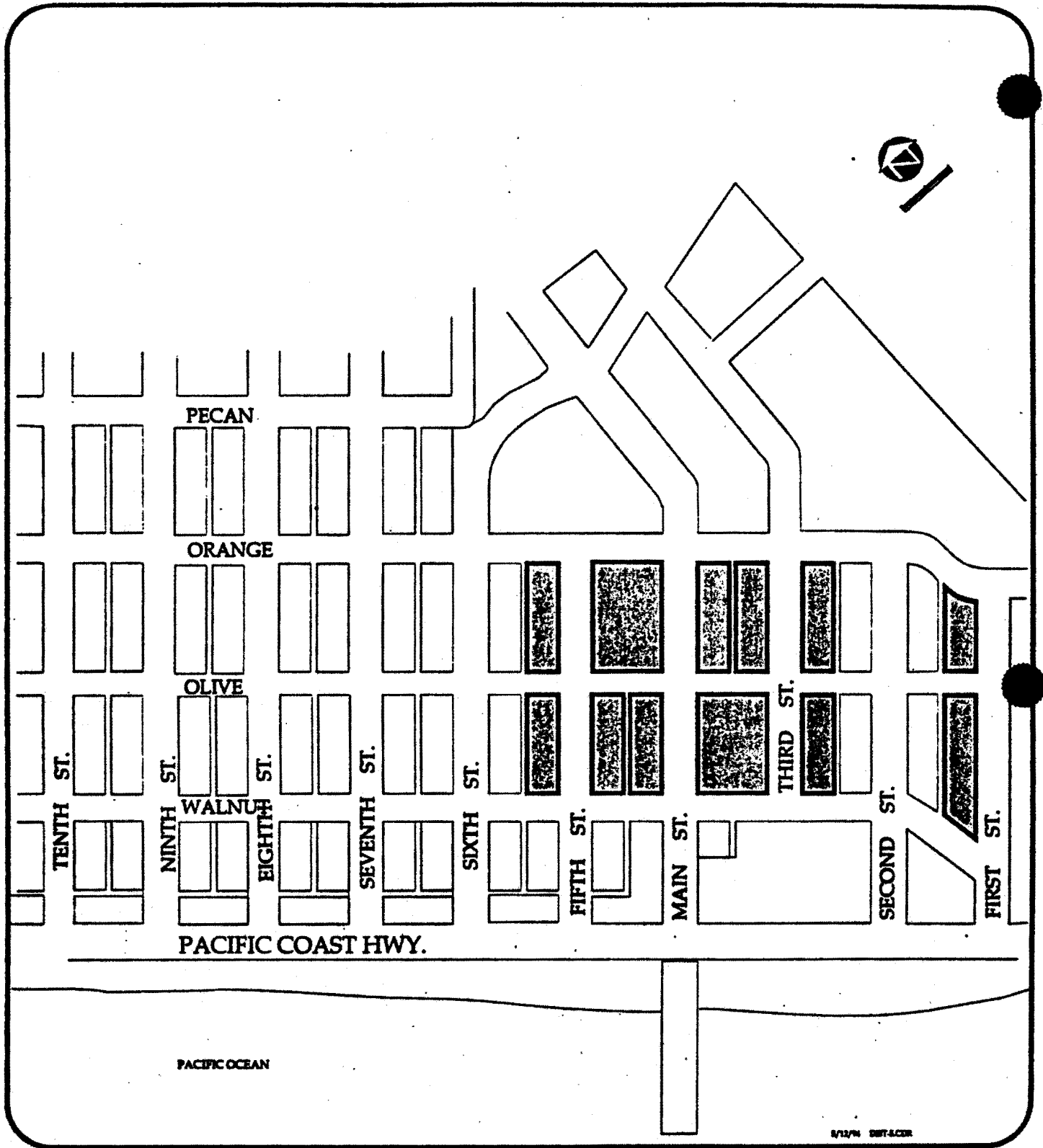


DISTRICT #4



HUNTINGTON BEACH CALIFORNIA
PLANNING DEPARTMENT

DOWNTOWN SPECIFIC PLAN

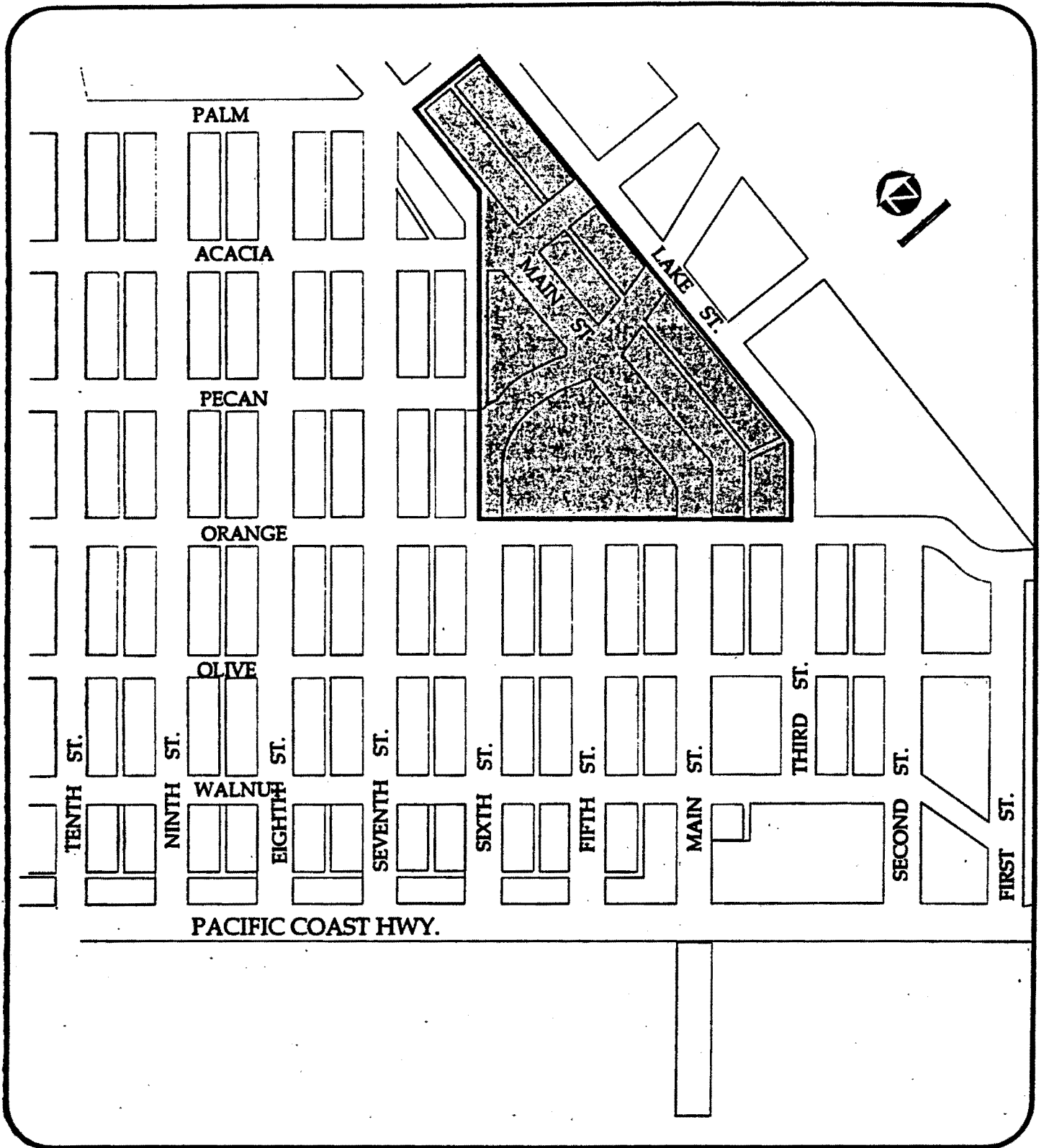


DISTRICT #5



HUNTINGTON BEACH CALIFORNIA
PLANNING DEPARTMENT

DOWNTOWN SPECIFIC PLAN

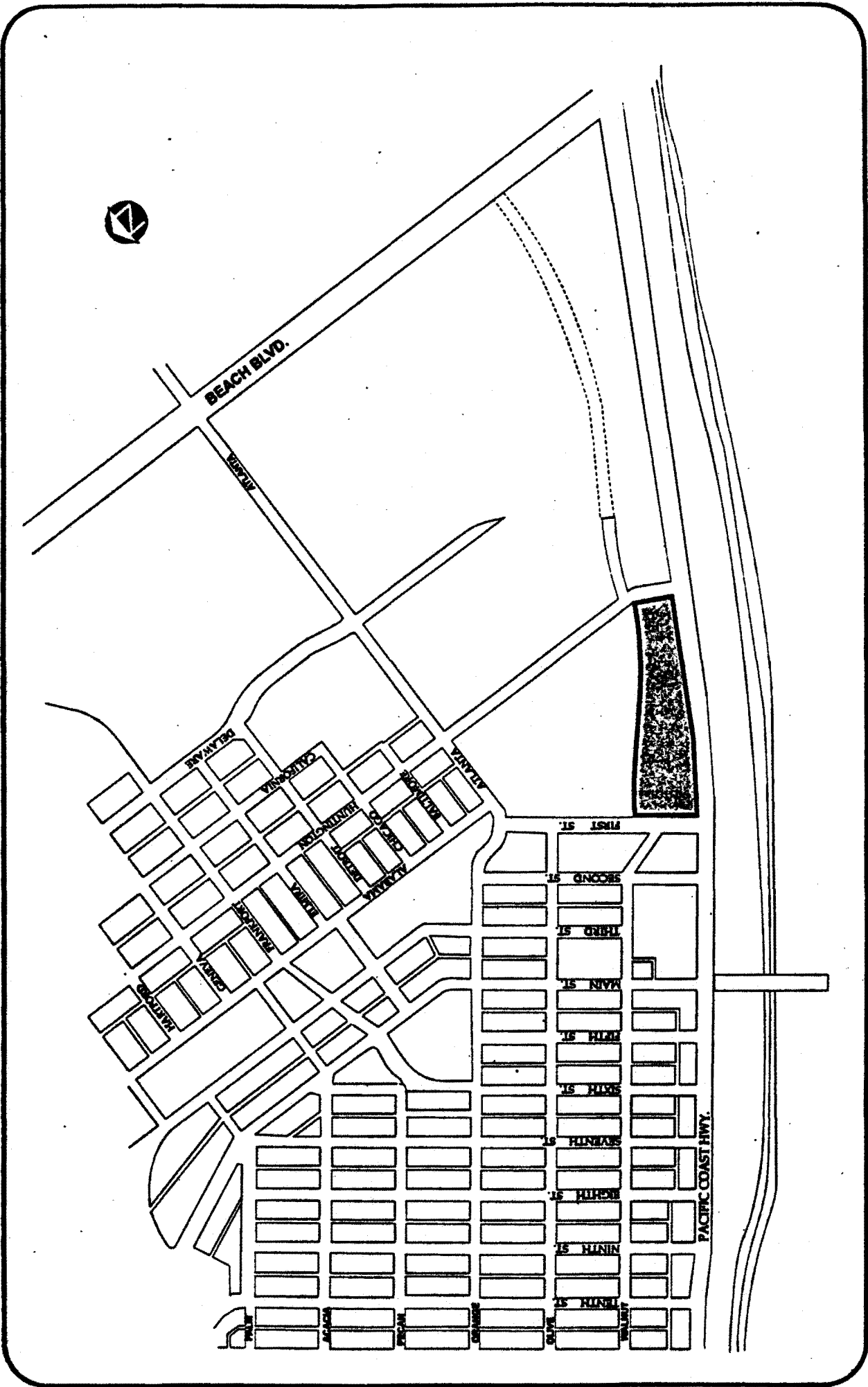


DISTRICT #6



HUNTINGTON BEACH CALIFORNIA
PLANNING DEPARTMENT

DOWNTOWN SPECIFIC PLAN

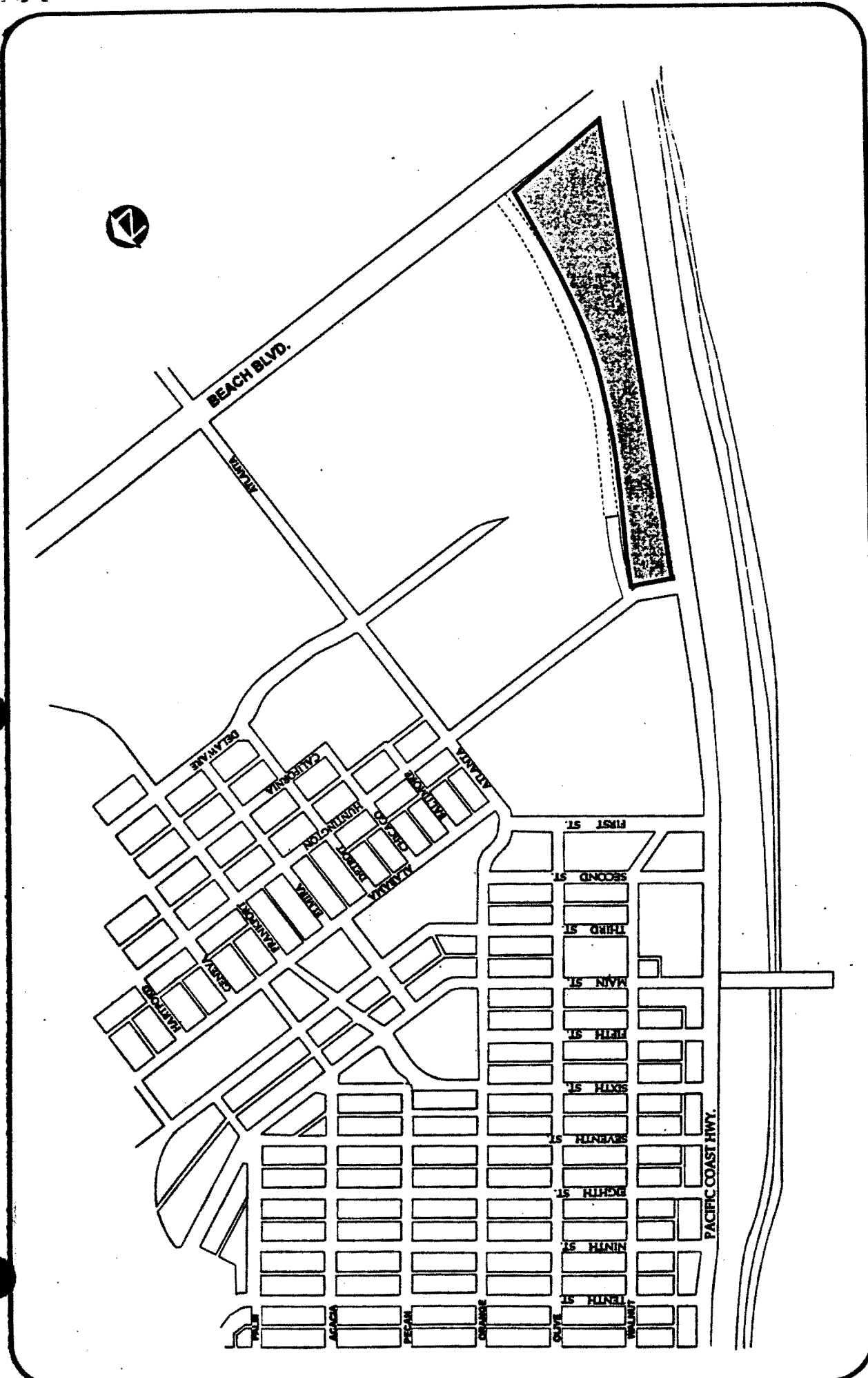


DISTRICT #7

DOWNTOWN SPECIFIC PLAN

HUNTINGTON BEACH CALIFORNIA
PLANNING DEPARTMENT



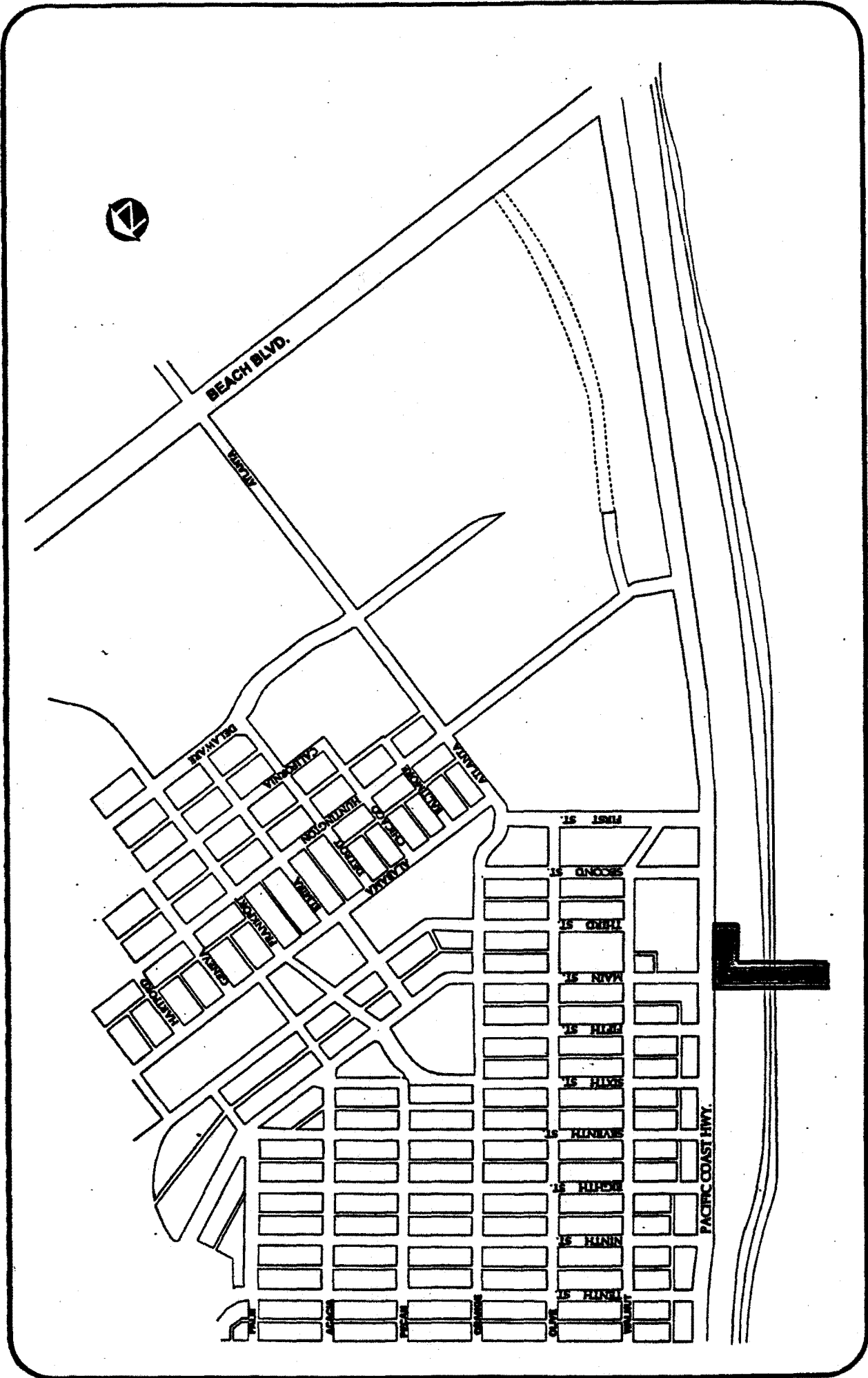


DOWNTOWN SPECIFIC PLAN

DISTRICT #9

**HUNTINGTON BEACH CALIFORNIA
PLANNING DEPARTMENT**





DOWNTOWN SPECIFIC PLAN

DISTRICT #10

HUNTINGTON BEACH CALIFORNIA
PLANNING DEPARTMENT

