

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

**RECORD PACKET COPY**

December 21, 2000

TO: Coastal Commissioners and Interested Persons

FROM: Deborah Lee, Deputy Director

TH4a

SUBJECT: Concurrence with the Executive Director's determination that the action of the City of Huntington Beach in accepting certification with suggested modifications of Local Coastal Program Amendment 2-98a (Carts and Kiosks) is legally adequate.

STAFF RECOMMENDATION

Staff recommends that the Commission concur with the Executive Director's determination that the City's action is legally adequate.

BACKGROUND

On May 9, 2000, the Coastal Commission certified Local Coastal Program Amendment 2-98a (Carts and Kiosks) with suggested modifications. This amendment added carts and kiosks as a new permitted use to the Downtown Specific Plan which is part of the City's Implementation Program.

On October 16, 2000, the City of Huntington Beach accepted, and agreed to the Commission's suggested modifications by passing Resolutions No. 2000-98 including a draft of Ordinance No. 3482 which incorporated the Commission's suggested modifications into the City's certified Local Coastal Program. Ordinance No. 3482 became effective at the City level on November 6, 2000

As provided for in Section 13544 of the California Code of Regulations, the Executive Director must determine that the City's action is legally adequate and report that determination to the Commission. In this case, the Executive Director has determined that the City's action is legally adequate. Unless the Commission objects to the Executive Director's determination, the certification of the Local Coastal Program Amendment 2-98a (Carts and Kiosks) shall become effective upon the filing of the required notice of certification with the Secretary of Resources as provided in Public Resources Code Section 21080.5(d)(2)(V).

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South Coast Region

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CALIFORNIA
COASTAL COMMISSION

RESOLUTION NO. 2000-98

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
HUNTINGTON BEACH, CALIFORNIA, WHICH ACKNOWLEDGES RECEIPT OF
THE CALIFORNIA COASTAL COMMISSION ACTION AND ACCEPTS AND
AGREES TO LOCAL COASTAL PROGRAM AMENDMENT NO. 98-2A
AS MODIFIED

WHEREAS, the California Coastal Commission reviewed and approved
Huntington Beach Local Coastal Program Amendment No. ~~98-2A~~ as modified at the May
9, 2000 Coastal Commission hearing; and

Section 13542(b) of the Coastal Commission Regulations requires the local
government to accept and agree to the modification by resolution within six (6) months,
or the certification will expire; and

Upon the City Council action staff will forward Resolution No. 2000-98 for final
Coastal Commission certification;

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

1. That the City Council accepts and agrees to the Coastal Commission's approval of
Local Coastal Program Amendment No. ~~98-2A~~ by amending the Huntington Beach
Municipal Code and Downtown Specific Plan as suggested by the Coastal Commission in
the letter dated June 14, 2000, a copy of which is attached hereto as Exhibit "A" and
incorporated by this reference as though fully set forth herein. Said suggested
modifications shall become effective 30 days after the adoption of this Resolution or
upon final Coastal Commission certification, whichever occurs latest.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach
at a regular meeting thereof held on the 16th day of October 2000.

David Sawlat
Mayor

ATTEST:
Connie Brockway
City Clerk 10-20-00

APPROVED AS TO FORM:
P. J. [Signature] 10/3/2000
City Attorney P- 10/3/2000

REVIEWED AND APPROVED:
Ray [Signature]
City Administrator

INITIATED AND APPROVED:
Howard [Signature]
Director of Planning

EXHIBIT A

(V150)

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



June 14, 2000

RECEIVED

JUN 16 2000

Department of Planning

Mr. Howard Zelefsky
Community Development Department
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

**SUBJECT: HUNTINGTON BEACH IMPLEMENTATION PLAN AMENDMENT NO. 2-98A
(CARTS AND KIOSKS)**

Dear Mr. Zelefsky:

We are pleased to notify you that the City of Huntington Beach Implementation Plan Amendment No. 2-98A was approved, with suggested modifications, by the California Coastal Commission (the Commission) at their May 9, 2000 hearing in Santa Rosa. Attached is a complete set of the Commission's suggested modifications (Exhibit A), which can also be found in the staff report dated April 20, 2000.

The Implementation Plan amendment will not become effective until the suggested modifications are adopted by the City of Huntington Beach (the City) and the Commission's Executive Director reviews and certifies to the Commission that the City has complied with the Commission's action. Section 13542(b) of the California Code of Regulations states that the Commission's action to certify Amendment No. 2-98A with suggested modifications shall expire six months from the date of the Commission's action. Therefore, the City has until November 9, 2000 to accept and adopt Amendment No. 2-98A as revised through the suggested modifications.

The LCP cannot become effectively certified until the Executive Director concludes that the City has adopted the changes shown on Exhibit A. If it is determined that the City's action is in compliance with the Commission's action, the Executive Director reports this determination to the Commission for Commission concurrence. If the Commission concurs, the amended Implementation Plan becomes effectively certified with the filing of the Notice of Determination of Amendment No. 2-98A with the Secretary of the Resources Agency.

We look forward to receiving the City's resolution accepting and adopting the Commission's suggested modifications. To assist in our efforts to maintain current records, we request that the City submit two copies of the updated Implementation Plan following the completion of the certification process. Please feel free to contact Mr. Steve Rynas, at (562) 590-5071, if you have any questions regarding this process.

Sincerely,

Teresa Henry
South Coast District Manager
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EXHIBIT A

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

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 October, 2000 by the following vote:

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

Connie Brockway

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

ORDINANCE NO. 3482

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH
AMENDING THE HUNTINGTON BEACH
MUNICIPAL CODE AND THE DOWNTOWN SPECIFIC PLAN
TO INCORPORATE CHANGES
AS SUGGESTED AND APPROVED BY THE CALIFORNIA COASTAL
COMMISSION RELATED TO CARTS AND KIOSKS

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; and

The California Coastal Commission has reviewed LCPA No. ~~48-2A~~ and approved it with suggested modifications; and

The City Council desires to approve the modifications as approved by the Coastal Commission,

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 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
- Florists
- Grocery (convenience)
- Ice cream parlors
- Laundromats, Laundries
- Meat or fish markets
- Newspaper and magazine stores
- Newstands
- Office
- Outdoor dining pursuant to S.4.2.33
- 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 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 (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
- Newstands
- Outdoor dining pursuant to S.4.2.33
- 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.4.2.33
 - 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 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
- Newstands
- Office Supplies
- Offices

- Outdoor dining pursuant to S.4.2.33
- Photographic equipment sales
- Photographic processing
- Public Facilities
- 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 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:

- Antique stores
- Art gallery
- Bakeries
- Banks
- Barber, beauty, manicure shops
- Bicycle sales, rental and repair
- 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
- Hardware stores
- Ice house
- Jewelry stores
- Laundromats, laundries
- Newspaper and magazine stores

- Newstands
- Offices
- Outdoor dining pursuant to S.4.2.33
- Photographic equipment sales
- Photographic processing
- Photographic studios
- Public Facilities
- Shoe repair
- Shoe stores
- Sporting goods
- Tailor shops
- Travel Agency
- Undertakers

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 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.4.2.33
- 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 visitor serving 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.4.2.33

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 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.4.2.33

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 as described in Section 230.94.

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 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 locational and design criteria.

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 Planning 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 Planning 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 6th day of November, 2000.

Dan Sauger
Mayor

ATTEST:

APPROVED AS TO FORM:

Connie Brockway
City Clerk

P. J. ... *10/5/2000*
City Attorney *10/2/2000*

REVIEWED AND APPROVED:

INITIATED AND APPROVED:

Ray Inher
City Administrator

Howard Fisher
Director of Community Development

Ord. No. 3482

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 ordinance was read to said City Council at a regular meeting thereof held on the 16th day of October, 2000, and was again read to said City Council at a regular meeting thereof held on the 6th day of November, 2000, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

AYES: Julien, Sullivan, Garofalo, Dettloff, Bauer

NOES: None

ABSENT: Harman, Green

ABSTAIN: None

I, Connie Brockway CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Independent on November 16, 2000
 In accordance with the City Charter of said City
Connie Brockway, City Clerk
Virginia Melton, Deputy City Clerk

Connie Brockway

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