

CALIFORNIA COASTAL COMMISSION

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



April 1, 2009

W 8a

ADDENDUM

To: Commissioners & Interested Persons

From: South Coast District Staff

Re: Commission Meeting of Wednesday, April 9, 2009, Item W 8a, Huntington Beach LCP Amendment 1-07B (Cleanup), Huntington Beach, Orange County.

A. Suggested Modification No. 1

Staff is recommending the following minor change to Suggested Modification No. 1. The change is recommended in order to recognize and retain existing language and numbering in the certified Implementation Plan and to eliminate the need to re-number this section of the IP.

Modify Section 230.14.C by adding new subsection **4** [rather than 2] as follows:

230.14.C

1. Calculation of Density Bonus. The amount of density bonus ...
2. For the purpose of this section, units designated for lower income ...
3. For the purpose of this section, those units designated for very low income ...
4. **Reductions in Density Within the Coastal Zone. In reviewing residential development applications for low- and moderate-income housing, as defined in Government Code section 65589.5(h)(3), the City may not require measures that reduce residential densities below the density sought by an applicant if the density sought is within the permitted density or range of density established by local zoning plus the additional density permitted under Government Code section 65915, unless the City makes a finding, based on substantial evidence in the record, that the density sought by the applicant cannot feasibly be accommodated on the site in a manner that is in conformity with the certified local coastal program.**

B. Add New Suggested Modification No. 5

1. Findings in Support of New Suggested Modification No. 5

Add the following findings to the staff report on page 17, following the first paragraph (continued from page 16), at the end of the section under C. Findings for Approval of Implementation Plan Amendment 1-07B if Modified as Recommended, Subsection 6. ZTA 06-07 Bicycle Parking & Privacy Gates:

In November 2007, the Commission approved LCP (LUP only) Amendment No. 1-06 (Parkside). One of the suggested modifications approved by the Commission and formally accepted by the City in conjunction with LCPA 1-06 added the following policy to the certified Land Use Plan:

C 2.4.7

The streets of new residential subdivisions between the sea and the first public road shall be constructed and maintained as open to the general public for vehicular, bicycle, and pedestrian access. General public parking shall be provided on all streets throughout the entire subdivision. Private entrance gates and private streets shall be prohibited. All public entry controls (e.g. gates, gate/guard houses, guards, signage, etc.) and restrictions on use by the general public (e.g. preferential parking districts, resident-only parking periods/permits, etc.) associated with any streets or parking areas shall be prohibited.

The City has informally submitted implementation language to carry out this new policy of the certified LUP and has requested that this language be considered for inclusion in the current amendment request as a suggested modification. The City's language was developed after the submittal of the current Implementation Plan amendment request (LCPA 1-07) was completed and is identical to the certified LUP policy it is intended to implement. The language suggested by the City states:

“The streets of new residential subdivisions between the sea and the first public road shall be constructed and maintained as open to the general public for vehicular, bicycle and pedestrian access. General public parking shall be provided on all streets throughout the entire subdivision. Private entrance gates and private streets shall be prohibited. All public entry controls (e.g. gates, gate/guard houses, guards, signage, etc.) and restriction on use by the general public (e.g. preferential parking districts, resident-only parking periods/permits, etc.) associated with any streets or parking areas shall be prohibited.”

As described above, the proposed IP amendment includes a change to Section 231.18.D.8 which would re-instate language that allows privacy gates in residential development only when it will not create adverse impacts on public access. The LUP policy cited above, and

the language suggested by the City for inclusion in Section 231.18.D.6 of the Implementation Plan will complement Section 231.18.D.8's prohibition on privacy gates that deter public access. The new language establishes that, in addition to privacy gates, other controls that restrict public access in conjunction with residential development are prohibited. Furthermore, Section 231.18.D.8 does allow privacy gates in instances where public access is not affected. The addition of the language suggested by the City is necessary to underscore that no controls that adversely impact public access are allowed in conjunction with residential development within the coastal zone.

The City has suggested adding the above language to Section 231.18.D.6. Section 231.18.D.6 describes parking requirements for residential developments within the Coastal Zone. Currently Section 231.16.D.6 requires a minimum of two on-site parking spaces per residential unit and allows for tandem parking under certain circumstances. The City's language cited above would be added to Section 231.18.D.6 as new subsection 2 (with the existing language becoming subsection 1). LUP policy C.2.4.7, above, was added to the certified LUP via LCPA 1-06 in order to assure that public access and recreation would be maximized. The City's suggested Implementation Plan language is intended to support and carry out certified LUP Policy C.2.4.7. The Commission finds that the language suggested by the City to implement LUP policy C.2.4.7 is consistent with and adequate to carry out LUP Policy C.2.4.7. Therefore, a modification is suggested (Suggested Modification No. 5) to incorporate this language into the certified Implementation Plan as Section 231.18.D.6(2). As modified, the Implementation Plan amendment will be consistent with and adequate to carry out the policies of the certified Land Use Plan, particularly Policy C.2.4.7.

2. Suggested Modification No. 5

Modify existing Section 231.18.D.6

5. Guest Parking. All guest parking ...

6 Coastal Zone. **The following requirements shall apply to residential development in the Coastal Zone.**

1) Each dwelling unit located in the Coastal Zone shall have a minimum of 2 on-site parking spaces. If the total coastal parking requirements exceed the total minimum parking as required by this chapter, the additional required parking spaces may be in tandem with enclosed spaces, provided the tandem space is assigned to an enclosed space and complies with the required turning radius.

2) The streets of new residential subdivisions between the sea and the first public road shall be constructed and maintained as open to the general public for vehicular, bicycle and pedestrian access. General public parking shall be provided on all streets throughout the entire subdivision. Private

entrance gates and private streets shall be prohibited. All public entry controls (e.g. gates, gate/guard houses, guards, signage, etc.) and restriction on use by the general public (e.g. preferential parking districts, resident-only parking periods/permits, etc.) associated with any streets or parking areas shall be prohibited.

CALIFORNIA COASTAL COMMISSION

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**W 8a**

March 18, 2009

TO: Commissioners and Interested Persons

FROM: Sherilyn Sarb, South Coast Deputy Director (Orange County)
Teresa Henry, District Manager
Karl Schwing, Supervisor, Regulation & Planning, Orange County Area
Meg Vaughn, Coastal Program Analyst

SUBJECT: Major Amendment Request No. 1-07B to the City of Huntington Beach Certified Local Coastal Program (For Public Hearing and Commission Action at the April 8 – 10, 2009 meeting in Ventura).

SUMMARY OF LCP AMENDMENT REQUEST NO. 1-07B

Request by the City of Huntington Beach to amend the Implementation Plan (IP) portion of the Local Coastal Program (LCP) by incorporating the changes made by the City over the last few years (2001 -2007). The changes were made by the City via a number of Zoning Text Amendments (ZTAs) and are reflected in the following City Council Ordinances: Nos. 3669, 3673, 3675, 3677, 3679, 3680, 3681, 3705, 3706, 3707, 3708, 3709, 3710, 3711, 3712, 3713 (ZTA 03-02); 3687 (ZTA 04-04); 3724 (ZTA 05-01); 3730 (ZTA 05-02); 3764 (ZTA 06-02); 3763 (ZTA 06-07). The entire amendment request was submitted by the City for Commission action pursuant to City Council Resolution No. 2007-21.

Zoning Text Amendments 03-02 and 05-02 are related and are intended to streamline the City's entitlement process in order to decrease processing time, reduce application fees, and improve customer service for those seeking City approvals for certain types of projects. None of these changes affect the City's coastal development permit-issuing process. The main method proposed to effectuate this streamlining is by allowing the review of a project by the lower hearing body (e.g. Zoning Administrator rather than Planning Commission, etc.) than is presently required. Other changes simplify noticing requirements and add four new words/terms to the definitions in the IP.

Changes proposed under ZTA 04-04 and ZTA 06-02 are also related in that both make changes within Chapter 230 Site Standards which affect the section on Affordable Housing. ZTA 04-04 would codify existing City policy that requires affordable housing in conjunction with the construction of new residential projects. ZTA 06-02 proposes changes to Affordable Housing Incentives/Density Bonus intended to reflect changes to State density bonus law (Government Code Section 65915).

Changes proposed under ZTA 05-01 are intended to modify City codes to comply with the Religious Land Use and Institutionalized Persons Act (RLUIPA) of 2000.

Finally, ZTA 06-07 includes changes proposed to Section 231.20 Bicycle Parking and Section 231.18 relating to privacy gates. This change would clarify the bicycle parking requirement for non-residential buildings and add a new requirement for bicycle parking

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for multiple family residential development. In addition, ZTA 06-07 would reinstate language erroneously deleted regarding the requirement that privacy gates may only be allowed when no adverse impacts to public access would result.

The City of Huntington Beach LCPA 1-07 includes additional changes that were approved as a minor amendment under the LCPA No. 1-07A. The Commission concurred with the Executive Director's determination regarding LCPA 1-07A on October 16, 2008. Changes included under this LCPA No. 1-07B do not qualify as minor amendments and so have been separated out and processed separately.

The issues raised by the amendment request are related to changes proposed in ZTA 06-02 which could allow density bonuses and related incentive(s)/concession(s) for projects that include affordable housing that may result in adverse impacts to coastal resources. Adverse impacts to coastal resources, potentially including public access, protection of sensitive habitat, promotion of visitor serving uses, or protection and enhancement of water quality, may occur due to the lack of a requirement that such bonuses, incentives, and concessions must conform to the certified Land Use Plan as required by the Coastal Act. Staff is recommending four suggested modifications to bring the proposed Implementation Plan amendment into conformity with the policies of the certified Land Use Plan. Those modifications require a determination that any density bonus, incentive, or concession granted by the City to encourage provision of affordable housing results in a project that is consistent with the coastal resource protection requirements of the City's certified Land Use Plan.

Local Coastal Program Amendment 1-07B affects only the Implementation Plan portion of the certified LCP. No changes are proposed to the Land Use Plan.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission, after public hearing:

Deny the amendment request to the Implementation Plan **as submitted**.

Approve the amendment request to the Implementation Plan **if modified as recommended**.

The proposed amendment, if modified as recommended, would be in conformance with and adequate to carry out the provisions of the certified Land Use Plan. **The motions to accomplish this recommendation are found on pages 4 and 5.**

STANDARD OF REVIEW

The standard of review for the proposed amendment to the LCP Implementation Plan is conformance with and adequacy to carry out the provisions of the certified Huntington Beach Land Use Plan.

SUMMARY OF PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in Local Coastal Program development. It 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 made all staff reports related to this LCPA available for public review in the Planning Department and the Huntington Beach Public Library. Public hearing notices were mailed to property owners, occupants and interested parties. Notice of the public hearing was published in a local newspaper of general circulation. A summary of public comments received is attached as Exhibit 3. A public hearing on City Council Resolution No. 2007-21 (submittal resolution) was conducted on March 19, 2007.

Public Hearings on the Zoning Text Amendments (ZTAs) comprising this LCPA were as follows:

ZTA No.	City Council Public Hearing	Planning Commission Public Hearing
03-02 Streamlining	November 15, 2004; May 2, 2005; April 18, 2005; September 20, 2004; November 1, 2004	March 9, 2004
04-04 Affordable Housing	November 1, 2004; October 18, 2004	
05-01 RLUIPA	January 3, 2006; December 19, 2005	October 11, 2005
05-02 Interior Fences	February 21, 2006; February 6, 2006	December 13, 2005
06-02 Affordable Housing Density Bonus	February 5, 2007; January 16, 2007	September 12, 2006
06-07 Privacy Gates - Bicycle Parking	February 5, 2007; January 16, 2007	November 14, 2006

The public hearing for Planning Commission action on Resolution No. 2007-21, requesting Commission action on this amendment request, was held on . The City Council public hearing on this Resolution was held on March 19, 2007. There were no public comments at these public hearings. Numerous public hearings were held over the last 15 years on the various resolutions and ordinances that make up this amendment request.

EXHIBITS

1. City Council Resolution No. 2007-21
2. Summary of LCPA 1-07B Submittal Contents
3. Summary of Public Comments Received at Local Public Hearings
4. Multiple Ordinances - ZTA 03-02 (Streamlining)
5. Ordinance No. 3687 - ZTA 04-04 (Affordable Housing)
6. Ordinance No. 3724 - ZTA 05-01 (RLUIPA)
7. Ordinance No. 3730 - ZTA 05-02 (Interior Fence)
8. Ordinance No. 3764 - ZTA 06-02 (Affordable Housing- Density Bonus)
9. Ordinance No. 3763 - ZTA 06-07 (Bicycle Parking & Privacy Gates)

ADDITIONAL INFORMATION

Copies of the staff report are available on the Commission's website at www.coastal.ca.gov and at the South Coast District office located in the ARCO Center Towers, 200 Oceangate, Suite 1000, Long Beach, 90802. To obtain copies of the staff report by mail, or for additional information, contact Meg Vaughn in the Long Beach office at (562) 590-5071. The City of Huntington Beach contact for this LCPA is Jennifer Villasenor who can be contacted at (714) 536-5271.

I. STAFF RECOMMENDATION

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings.

A. Denial of the IP Amendment as Submitted

MOTION: *I move that the Commission reject the Implementation Plan Amendment No. 1-07B 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 Plan 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 PLAN AS SUBMITTED:

The Commission hereby denies certification of the Implementation Plan Amendment No. 1-07B submitted for the City of Huntington Beach and adopts the findings set forth below on grounds that the Implementation Plan amendment as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Plan 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 Plan as submitted

B. Approval of the IP Amendment with Suggested Modifications

MOTION: *I move that the Commission certify the Implementation Plan Amendment No. 1-07B for the City of Huntington Beach if it is modified as suggested by staff.*

STAFF RECOMMENDATION:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Plan 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 PLAN WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the Implementation Plan Amendment 1-07B for the City of Huntington Beach if modified as suggested and adopts the findings set forth below on grounds that the Implementation Plan amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Plan 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 Plan 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. SUGGESTED MODIFICATIONS

Certification of City of Huntington Beach LCP Amendment Request No. 1-07B is subject to the following modifications.

The Commission's suggested additions are shown in **bold, italic, underlined text**.

The Commission's suggested deletions are shown in **bold, italic, underlined, strike out text**.

Suggested Modification No. 1

Modify Section 230.14.C by adding new subsection 2 as follows:

230.14.C

1. Calculation of Density Bonus. The amount of density bonus ...
2. **Reductions in Density Within the Coastal Zone. In reviewing residential development applications for low- and moderate-income housing, as defined in Government Code section 65589.5(h)(3), the City may not require measures that reduce residential densities below the density sought by an applicant if the density sought is within the permitted density or range of density established by local zoning plus the additional density permitted under Government Code section 65915, unless the City makes a finding, based on substantial evidence in the record, that the density sought by the applicant cannot feasibly be accommodated on the site in a manner that is in conformity with the certified local coastal program.**

Suggested Modification No. 2

Modify Section 230.14.D by adding new subsection 3 as follows:

230.14.D

1. Types of incentives or concessions. The City shall ...
2. Number of Incentives and Concessions. An applicant for a density bonus ...
3. **Requirements for Incentives and Concessions Within the Coastal Zone. Within the coastal zone, any incentive or concession or combination of incentives and concessions must be consistent with the requirements of the certified land use plan.**

Suggested Modification No. 3

Modify Section 230.14.I.1.e, as follows:

230.14

I. Required findings for approval.

1. Density Bonus. In granting ...

- a. The proposed project, which includes ...
- b. The proposed project, which includes ...
- c. The proposed project, which includes ...
- d. The proposed project, which includes ...
- e. If located within the coastal zone, the proposed project which includes a density bonus **will be consistent with the requirements of the certified land use plan** and will not result in the fill, dredge, or diking of a wetlands.

Suggested Modification No. 4

Modify Section 230.14.J1 as follows, including the addition of new subsection c:

230.14

J. Required findings for denial.

1. Concessions or Incentives. The city shall grant the concession or incentive requested by the applicant unless the city makes a written finding, based upon substantial evidence, of **either one or more** of the following:

- a. The concession or incentive is not ...
- b. The concession or incentive would have ...
- c. The concession or incentive is inconsistent with the requirements of the certified Land Use Plan.**

III. FINDINGS

The following findings support the Commission's denial as submitted and approval of the proposed LCP Implementation Plan amendment if modified. The Commission hereby finds and declares as follows:

A. Amendment Description

The City of Huntington Beach has requested to amend the Implementation Plan (IP) portion of the certified Local Coastal Program (LCP). The main document comprising the City's certified Implementation Plan is the City's Zoning and Subdivision Ordinance, but also includes a number of specific plans. The City's current amendment submittal includes a number of unrelated changes. They were processed by the City as Zoning Text Amendments (ZTAs). For clarity, these ZTA numbers will be used herein to describe the different changes proposed. A total of six ZTAs make up the request currently before the Commission. Following is a description of each of the changes proposed to the Implementation Plan via the subject ZTAs.

Of the changes proposed, only ZTA 06-02, which addresses density bonuses, incentives, and concessions to encourage inclusion of affordable housing in market-rate projects, raises issue with regard to consistency with and adequacy to carry out the City's certified Land Use Plan (LUP). The certified IP includes Section 230.14 Affordable Housing Density Bonus. ZTA 06-02 proposes changes to that section that are intended to reflect changes to State density bonus law. The changes proposed to existing Section 230.14 Affordable Housing Density Bonus would allow an increase in the percentage of density bonus units allowed from the existing 25% to up to 35% of the number of units allowed by existing zoning requirements when no affordable units are provided. In addition, the amendment would reduce the number and affordability level of the units a developer must provide in order to receive a density bonus. And the proposed amendment would require that a developer be granted between one to three concessions or incentives, depending on the number of affordable units that would be provided. Types of incentives/concessions that would be allowed are: a reduction in site development standards or modification of zoning code requirements or architectural design requirements; approval of mixed use zoning in conjunction with the housing project; and other regulatory incentives or concessions that result in identifiable, financially sufficient, and actual cost reductions to make the affordable units feasible to provide.

The IP currently requires that certain findings must be made in order to approve a density bonus (230.14 I). The proposed amendment would add a new section (230.14J) identifying the required findings that must be made to deny a concession or incentive. The required findings for approval of an affordable housing density bonus include the requirement that if the project is located within the coastal zone, the project with the density bonus will not result in the fill, dredge, or diking of a wetlands. In addition, the proposed required findings for denial of concessions or incentives allow denial of an

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incentive or concession if it would have a specific adverse impact upon health and safety or physical environment or a property listed on the California Register of Historical Resources. However, neither of these findings specifically addresses protection of all coastal resources as required by the policies of the certified Land Use Plan (LUP). As described in greater detail elsewhere in this report, for this reason the amendment must be denied as submitted. However, if the amendment were modified as suggested it could be found to be consistent with and adequate to carry out the policies of the certified Land Use Plan.

Changes proposed under ZTA 04-04 and ZTA 06-02 are related in that both propose changes within Chapter 230 Site Standards which effect Affordable Housing standards. ZTA 04-04 proposes to add new Section 230.06 "Affordable Housing" and would require the equivalent of ten percent of a project with three or more units to be affordable to very low, low, or median income households. The City's current affordable housing requirements are set forth in a Planning Department memo. The proposed amendment is intended to codify the City's existing policy.

Zoning Text Amendment 03-02 proposes to amend fifteen chapters of the City's Implementation Plan, including changes to the Downtown Specific Plan. ZTA 03-02 is intended to streamline the City's entitlement process by decreasing processing time, reducing application fees, and improving customer service for those seeking City approvals for certain types of projects. None of these changes impact the way the City currently processes coastal development permit applications. The main method proposed to effectuate this streamlining is by allowing the review of a project by a lower hearing body than is presently required (e.g. Zoning Administrator rather than Planning Commission, Director of Planning rather than Zoning Administrator, etc.). The City has indicated that the items selected for streamlining in this way are those that typically are approved without controversy, would not necessitate the preparation of a Planning Commission staff report and so are expected to be able to be adequately handled at the Zoning Administrator or Director level. In addition, the changes proposed under these ZTAs would codify some existing policies and direction from the Planning Commission as well as clarify certain sections of the code. This proposed ZTA includes a new section (241.24 Neighborhood Notification) which would allow a simpler notification process when no entitlement is required. The proposed Neighborhood Notification process would require notification to property owners and tenants within a 300 foot radius of the subject property and processing of an Administrative Use Permit. The amendment proposes to insert references to the new Neighborhood Notification procedure where it is now proposed to apply. Ordinance 3705 proposes to add four new words/terms to Chapter 203 Definitions. The four new words/terms are: "infill lot development", "neighborhood notification", "structure, accessory", and "structure, minor accessory." Related ZTA 05-02 (including Ordinance No. 3730) modifies Section 230.88 A.2. Permitted Fences and Walls. This section is proposed to be modified in ZTA 03-02 (above), and ZTA 05-02 proposes to further modify this Section by reducing the notification required when a two foot lattice extension is added to an existing interior property line wall such that only the adjacent property owners need be notified.

ZTA 05-01 proposes four changes that are intended to comply with the Religious Land Use and Institutionalized Persons Act (RLUIPA) enacted by Congress in 2000. The City's intent in proposing these changes is to ensure that religious assembly uses are treated in the same manner as any other assembly use, consistent with RLUIPA. The four changes proposed are:

- To amend Chapter 204 Land Use Classifications, Section 204.16K (Tent Event) by deleting the word "religious" and replacing it with the word "any" so that Section 204.16K will read: "Tent Event. Allows for overflow of **religious any** assembly for a period not to exceed 72 consecutive hours and not more than once every 3 months."
- To amend Chapter 210 Residential Districts, Section 210.04 Land Use Controls by deleting the last sentence in L-3 (in additional provisions) that cross references Section 230.06 Religious Assembly Yard Requirements as that section is proposed to be deleted.
- To amend Chapter 212 Industrial Districts, Section 212.04 Land Use Controls by permitting Religious Assembly with Zoning Administrator approval of a conditional use permit and deleting the five year time limitation.
- To delete Chapter 230.06 Religious Yard Requirements in its entirety.

Finally, ZTA 06-07 includes changes proposed to Section 231.20 Bicycle Parking and Section 231.18 relating to parking controls and privacy gates. This ZTA would clarify how many bicycle parking spaces would be required for non-residential uses and would add a new requirement for bicycle parking spaces for multi-family residential uses of one bicycle space for every four units.

In the certified IP, privacy gates are permissible for residential (Section 231.18D.8) and for non-residential (Section 231.18E.2) uses when "no adverse impacts to public coastal access, including changes in the intensity of use of water, or of access thereto, shall result from installation of the privacy gates." In processing ZTA 03-02 (Streamlining), this language was inadvertently removed by the City. Proposed ZTA 06-07 would restore this language, which is necessary to assure protection of public access.

The proposed changes are reflected in the following City Council Ordinances: Zoning Text Amendment 03-02 (Streamlining) includes Ordinance Nos. 3669, 3673, 3675, 3677, 3679, 3680, 3681, 3705, 3706, 3707, 3708, 3709, 3710, 3711, 3712, 3713; Zoning Text Amendment No 04-04 includes Ordinance No. 3687 (Affordable Housing); Zoning Text Amendment 05-01 includes Ordinance No. 3724 (Religious Land Use and Institutionalized Persons Act); Zoning Text Amendment 05-02 includes Ordinance No. 3730 (Interior Fences [depends upon changes made in ZTA 03-02 Streamlining]); Zoning Text

Amendment 06-02 includes Ordinance No. 3764 (Affordable Housing); and, Zoning Text Amendment 06-07 includes Ordinance No. 3763 (Bicycle Parking and Privacy Gates). The LCP amendment request was submitted by the City for Commission action pursuant to City Council Resolution No. 2007-21.

LCPA 1-07A included two zoning map amendments, one general plan amendment, and five Zoning Text Amendments. All changes proposed under LCPA 1-07A qualified as minor amendments and were processed as such at the Commission's October 16, 2008 hearing.

B. Findings for Denial of Implementation Plan Amendment 1-07B as Submitted

The standard of review for amendments to the Implementation Plan (IP) of a certified Local Coastal Program (LCP) is whether the Implementation Plan, as amended by the proposed amendment, will be in conformance with and adequate to carry out, the policies of the certified Land Use Plan (LUP).

1. Protection of Coastal Resources – Affordable Housing

Government Code Section 65915(m) states:

(m) Nothing in this section shall be construed to superseded or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code).

Coastal Act Section 30604(f)-(g) states:

(f) The commission shall encourage housing opportunities for persons of low and moderate income. In reviewing residential development applications for low- and moderate-income housing, as defined in paragraph (3) of subdivision (h) of Section 65589.5 of the Government Code, the issuing agency or the commission, on appeal, may not require measures that reduce residential densities below the density sought by an applicant if the density sought is within the permitted density or range of density established by local zoning plus the additional density permitted under Section 65915 of the Government Code, unless the issuing agency or the commission on appeal makes a finding, based on substantial evidence in the record, that the density sought by the applicant cannot feasibly be accommodated on the site in a manner that is in conformity with Chapter 3 (commencing with Section 30200) or the certified local coastal program.

(g) The Legislature finds and declares that it is important for the commission to encourage the protection of existing and the provision of new affordable housing opportunities for persons of low and moderate income in the coastal zone.

In addition, the City's certified LUP includes the following policy goals, which require protection of coastal resources:

Provide coastal resource access opportunities for the public where feasible and in accordance with the California Coastal Act requirements.

Provide a variety of recreational and visitor serving commercial uses for a range of cost and market preferences.

Preserve and, where feasible, enhance and restore the aesthetic resources of the City's coastal zone, including natural areas, beaches, harbors, bluffs and significant public views.

Prevent the degradation of marine resources in the Coastal Zone from activities associated with an urban environment.

Preserve, enhance and restore, where feasible, environmentally sensitive habitat areas (ESHAs) in the City's Coastal Zone, including the Bolsa Chica which is within the City's Sphere of Influence.

The proposed amendment would modify existing Section 230.14 Affordable Housing Density Bonus. The amendment would allow an increase in the percentage of density bonus units allowed from the existing 25% to up to 35% of the number of units allowed by existing zoning requirements when no affordable units are provided. In addition, the amendment would reduce the number and affordability level of the units a developer must provide in order to receive a density bonus. The proposed amendment would also require that a developer be granted between one to three concessions or incentives, depending on the number of affordable units that would be provided. The City is proposing these changes to the affordable housing section of the IP in an effort to make it consistent with changes in to State Affordable Housing law (Government Code section 65915).

Section 65915 of the Government Code, however, provides that it is not intended to limit application of the Coastal Act. The Coastal Act establishes that the standard of review for Implementation Plan amendments is the certified Land Use Plan and that the standard of review for local coastal development permits is the total Local Coastal Program. Thus, any project that is inconsistent with the certified LCP would also be inconsistent with Coastal Act requirements. Therefore, any amendment to the certified IP intended to carry out the requirements of Government Code Section 65915, must also be consistent with the policies of the certified Land Use Plan.

The City's certified LUP includes policies for the protection of public access and recreation, protection of environmentally sensitive habitat areas (ESHA) and wetlands, promotion of visitor serving uses, protection of visual resources, and protection of water quality, among others. The proposed amendment includes a section on required findings necessary for approval of a density bonus. The findings the City must make to approve a density bonus

are that a density bonus project can be adequately serviced by the City and County water, sewer, and storm drain systems; that it will not have an adverse impact on traffic volumes and road capacities or on school enrollments or recreational resources; that the density bonus project will be compatible with the physical character of the surrounding area; consistent with the overall intent of the General Plan, and, if located in the coastal zone, that the project will not result in the fill, dredge, or diking of a wetlands. Furthermore, the proposed amendment includes required findings for denial of a requested concession or incentive. The findings the City must make to deny a concession or incentive include that the concession or incentive is not required in order to provide affordable housing cost; and/or that the incentive or concession would have a specific adverse impact on public health and safety or the physical environment, or on a property listed in the California Register of Historical Resources.

Neither the findings for approval of the density bonus nor the findings for denial of the incentive(s)/concession(s) include a requirement that the project with a density bonus incentive/concession (if applicable) be consistent with the certified LUP. Government Code section 65915 stipulates that it is not intended to limit application of the Coastal Act. It is the Coastal Act that establishes that the standard of review for amending a certified Implementation Plan, such as the City of Huntington Beach Implementation Plan, is the certified Land Use Plan and that the standard for local coastal development permits is the Local Coastal Program as a whole. So any project that's inconsistent with the LCP is also inconsistent with the requirements of the Coastal Act. Pursuant to the Government Code section 65915(m), any revision to bring the affordable housing section of the certified IP into conformity with the requirements of the density bonus statute, must also comply with the requirements of the Coastal Act. As proposed, the amendment will not do that. The amendment does not ensure that any density bonuses, incentives, or concessions would be consistent with the certified LUP and therefore does not conform with, and is inadequate to carry out, the certified LUP as required by Coastal Act section 30513. Consistency with the resource protection policies of the certified LUP is necessary in order to achieve the basic goals of the Coastal Act.¹

In addition, Coastal Act section 30604(f) identifies findings that a local government, or the Commission on appeal, must make if denying a density bonus for low- and moderate-income housing as defined in Government Code section 65589.5(h)(3). The amendment as submitted does not include this requirement.

Therefore, the Implementation Plan amendment must be denied as proposed.

C. Findings for Approval of Implementation Plan Amendment 1-07B if Modified as Recommended

¹ If the City would like to be able to allow density bonuses, incentives, or concessions that are inconsistent with the current certified LUP but that might, at least in some circumstances, be consistent with the Chapter 3 policies of the Coastal Act, the City must submit an amendment to the certified LUP. The Commission would review that amendment for conformity with Chapter 3 requirements.

1. Incorporation of Findings for Denial of Implementation Plan Amendment 1-07B as submitted

The findings for denial of the Implementation Plan amendment as submitted are incorporated as if fully set forth herein.

2. ZTA 06-02 - Protection of Coastal Resources – Affordable Housing

As described above in the findings for denial as submitted, the amendment as submitted will not adequately protect coastal resources. The amendment as reflected in the City's Zoning Text Amendment No 06-02 (Ordinance No. 3764) would modify Section 230.14 Affordable Housing Density Bonus. The amendment is proposed by the City in order to implement changes to the State Affordable Housing Law, Government Code Section 65915. The changes proposed to Section 230.14 of the Implementation Plan as reflected in the proposed amendment, would allow (among other things) an increase in the percentage of density bonus units allowed in conjunction with the provision of affordable housing units and would allow additional concession(s)/incentive(s) when affordable units are provided.

However, as proposed, the section that describes Incentives and Concessions, Section 230.14D, does not include the requirement that any incentive or concession must be consistent with the requirements of the certified Land Use Plan. Furthermore, the Implementation Plan as proposed to be amended includes sections on required findings for approval of a density bonus (Section 230.14 I) and required findings for denial of a concession or incentive (Section 230.14J). These required findings sections do not propose to include the requirement that any density bonus granted and any incentive/concession approved, in addition to the requirements listed, must also be consistent with the policies and provisions of the certified Land Use Plan (LUP). Without these references to the requirement to conform to the LUP (and by extension with the Coastal Act requirements that establish the standard of review), projects may be approved that will have adverse impacts on coastal resources, including but not limited to public access and/or environmentally sensitive habitats. The certified LUP includes polices protecting coastal resources. As proposed, coastal resource protection would not be assured and so the amendment cannot be found to be consistent with or adequate to carry out the policies of the certified LUP and therefore must be denied.

However, if Sections 230.14D, 230.14 I, and 230.14J were modified to include findings that require that approval of a density bonus, concession and/or incentive, must also be consistent with the certified LUP, then coastal resources would be protected as required by the policies of the certified LUP. Therefore, if modified as suggested (Suggested Modification Nos. 2 – 4), the amendment would be consistent with and adequate to carry out the policies and provisions of the certified Land Use Plan.

The amendment also does not address the findings that are required pursuant to Coastal Act section 30604(f) if the City denies a density bonus to a low- or moderate-income residential project as defined by Government Code section 65589.5(h)(3). Suggested Modification No. 1 would amend Section 230.14.C to specify the findings that are required if the City denies a density bonus for a low- or moderate-income residential project. If modified as suggested, the amendment would be consistent with the certified LUP and Coastal Act requirements.

3. ZTA 03-02 & ZTA 05-02 Streamlining

Zoning Text Amendment 03-02 is intended to streamline the City's entitlement process as described previously. The City has indicated that the items selected for streamlining in this way are those that typically are approved without controversy, would not necessitate the preparation of a Planning Commission staff report and so are expected to be able to be adequately handled at the Zoning Administrator or Director level. Nothing proposed will affect Chapter 245 Coastal Development Permit. The standards for when a coastal development permit is required and how it is processed will remain unchanged. Likewise, no change is proposed to Chapter 221 CZ Coastal Zone Overlay Zone and the standards that apply in the City's coastal zone remain unchanged.

Ordinance 3705 (in ZTA 03-02) proposes to add four new words to Chapter 203 Definitions. The four new words are: "infill lot development", "neighborhood notification", "structure, accessory", and "structure, minor accessory." The proposed definition "infill lot development" is proposed to assist in implementing the existing infill lot ordinance (Section 230.22). The definition is proposed to be used to provide a threshold for when the infill lot ordinance applies to properties. The Infill ordinance is intended to minimize impacts on contiguous developed single family residential property and provide standards for compatibility. The proposed definition "neighborhood notification" provides a definition for the new, additional noticing standard (described previously). Finally, the two proposed accessory structure definitions are intended to eliminate confusion and provide clarity and guidance when applying development standards.

As proposed, the changes included in ZTAs 03-02 (with the exception of the deletion of language regarding privacy gates, which is corrected in the City's ZTA 06-07 as described below) and 05-02 are consistent with and adequate to carry out the policies of the certified Land Use Plan.

4. ZTA 04-04 Affordable Housing

ZTA 04-04 is reflected in ordinance No. 3687 and proposes to require that the equivalent of ten percent of a project with three or more residential units be affordable to very low, low or median income households. Currently, the City's affordable housing requirements are set forth in a Planning Department memo policy. This portion of the proposed amendment is intended to codify the existing City policy regarding affordable housing. The changes proposed raise no issue with regard to conformity with the City's certified Land Use Plan.

5. ZTA 05-01 RLUIPA

ZTA 05-01 is reflected in ordinance No. 3724 and proposes to modify four sections of the certified IP: Section 204.16K by modifying the Use Category definition for “Tent Event” to refer to overflow of **any** assembly rather than only religious assemblies; Section 210.04 to delete the cross reference to 230.06 Religious Assembly Yard Requirements; Section 212.04 to allow Religious Assembly use in Industrial Districts subject to approval of the Zoning Administrator rather than approval of a conditional use permit by the Planning Commission; and, deletes Section 230.06 Religious Assembly Yard Requirements, in its entirety. The changes are proposed by the City in order to conform its codes to the requirements of the Religious Land Use and Institutionalized Persons Act enacted by Congress in 2000. The intent of the changes is to provide consistent development regulations and not single out or segregate religious assembly uses from other assembly uses. The changes proposed to the IP will not result in an allowance of religious activity not already permitted in the IP, but are necessary to provide a consistency in development standards for all types of assembly uses. The changes proposed raise no issue with regard to conformity with the City’s certified Land Use Plan.

6. ZTA 06-07 Bicycle Parking & Privacy Gates

In addition to the public access policy cited previously, the City’s certified LUP includes the following policies:

Encourage the use of City and State beaches as a destination point for bicyclists, pedestrians, shuttle systems and other non-automobile oriented transport.

Provide adequate bike racks at appropriate locations within the Coastal Zone with special emphasis for facilities adjacent to the beach.

ZTA 06-07 is reflected in Ordinance No. 3763. This portion of the proposed amendment would modify existing Section 231.20 by adding to the existing bicycle parking requirement for non residential developments (which is one bicycle space for every twenty parking spaces) clarification that buildings up to 50,000 gross square feet are required to provide one bicycle space for every 25 automobile parking spaces required with a minimum of three bicycle spaces; for buildings over 50,000 square feet the Planning Director would determine the number of bicycle spaces based on the use and number of employees. In addition, one bicycle space for every four units is proposed to be required for multiple family residential uses. The changes proposed via ZTA 06-07 regarding the provision of bicycle parking spaces are consistent with and adequate to carry out the public access policies of the certified LUP.

ZTA 06-07 would also replace language regarding privacy gates that was inadvertently removed under ZTA 03-02. The language allows residential (Section 231.18D) and non-residential (231.18E) development to install privacy gates provided certain conditions are

met. ZTA 03-02 inadvertently omitted from the list of requirements the following language: “No adverse impacts to public coastal access, including changes in the intensity of use of water, or of access thereto, shall result from installation of the privacy gates.” The Commission has not approved the deletion, as it is included in ZTA 03-02 which is currently before the Commission. In acting on ZTA 03-02 the City voted on a series of fifteen separate ordinances, one of those ordinances inadvertently deleted the above cited language regarding public access. But ZTA 06-07, also currently before the Commission, restores the language. Thus, the current submittal corrects the unacceptable deletion. Because the City is correcting the mistake, no suggested modification is necessary. The changes proposed via ZTA 06-07 replacing the language allowing privacy gates only when no adverse impacts to coastal access result is consistent with and adequate to carry out the public access policies of the certified LUP.

D. Conclusion

For the reasons described above, only if modified as suggested can the proposed IP amendment be found to be consistent with and adequate to carry out the policies of the City’s certified Land Use Plan. Therefore, the Commission finds that, as modified the proposed Implementation Plan amendment is consistent with and adequate to carry out the provisions of the certified Land Use Plan (LUP).

IV. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 21080.9 of the California Public Resources Code – and the California Environmental Quality Act (CEQA) - exempts local governments from the requirement of preparing environmental impact reports (EIRs), among other things, in connection with their activities and approvals necessary for the preparation and adoption of local coastal programs (LCPs). The Commission’s LCP review and 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 approving an LCP submittal, to find that the proposal does conform with the provisions of CEQA, and to base any certification on a specific factual finding supporting the conclusion that the proposal “meets the requirements of [CEQA] Section 21080.5(d)(2)(i) ... , which requires that an activity will not be approved or adopted as proposed if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.” 14 C.C.R. Sections 13555(b), 1354(a), and 1354(f). The City of Huntington Beach LCP amendment 1-07B consists of an amendment to the Implementation Plan (IP) only.

As outlined in this staff report, the proposed Implementation Plan amendment as submitted could potentially result in impacts to public access, protection of environmentally sensitive habitat areas, protection of visitor serving amenities, and other potential impacts to coastal resources related to application of affordable housing density bonuses and incentives and concessions without regard to the certified Land Use Plan policies and the Coastal Act.

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Various Changes
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However, if modified as suggested, the IP amendment is in conformity with and adequate to carry out the coastal resource protection policies of the certified LUP. Therefore, the Commission finds that approval of the Implementation Plan amendment as modified will not result in significant adverse environmental impacts under the meaning of CEQA. Therefore, the Commission certifies City of Huntington Beach LCP amendment request 1-07B if modified as suggested herein.

RESOLUTION NO. 2007-21

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
HUNTINGTON BEACH, STATE OF CALIFORNIA, ADOPTING LOCAL COASTAL
PROGRAM AMENDMENT NO. 07-01 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 entitlements included in Huntington Beach Local Coastal Program Amendment No. 07-01, 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 meeting on the entitlements included in the proposed Huntington Beach Local Coastal Program Amendment No. 07-01, and the City Council finds that the proposed amendment is consistent with the Huntington Beach General Plan, the Certified Huntington Beach Coastal Land Use Plan and Chapter 6 of 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. 07-01 is hereby approved, consisting of certain Ordinances pertaining to Zoning Text Amendments (ZTA), Zoning Map Amendments (ZMA) and General Plan Amendment (GPA) as listed below:

<u>Exhibit</u>	<u>Ordinance</u>	<u>Subject</u>	<u>Description</u>
A.	No. 3750	ZMA 04-01	Newland Street Residential
B.	Resolution 2006-61	GPA 04-04	Newland Street Residential
C.	No. 3626	ZMA 02-03	21341 Lochlea (RA-FP2 to RL-FP2)
D.	No. 3669	ZTA No. 03-02	Permit Streamlining Citywide
E.	No. 3673	ZTA No. 03-02	Permit Streamlining Citywide
F.	No. 3675	ZTA No. 03-02	Permit Streamlining Citywide
G.	No. 3677	ZTA No. 03-02	Permit Streamlining Citywide


	<u>Ordinance</u>	<u>Subject</u>	<u>Description</u>
H.	No. 3679	ZTA No. 03-02	Permit Streamlining Citywide
I.	No. 3680	ZTA No. 03-02	Permit Streamlining Citywide
J.	No. 3681	ZTA No. 03-02	Permit Streamlining Citywide
K.	No. 3705	ZTA No. 03-02	Permit Streamlining Citywide
L.	No. 3706	ZTA No. 03-02	Permit Streamlining Citywide
M.	No. 3707	ZTA No. 03-02	Permit Streamlining Citywide
N.	No. 3708	ZTA No. 03-02	Permit Streamlining Citywide
O.	No. 3709	ZTA No. 03-02	Permit Streamlining Citywide
P.	No. 3710	ZTA No. 03-02	Permit Streamlining Citywide
Q.	No. 3711	ZTA No. 03-02	Permit Streamlining Citywide
R.	No. 3712	ZTA No. 03-02	Permit Streamlining Citywide
S.	No. 3713	ZTA No. 03-02	Permit Streamlining Downtown Specific Plan
T.	No. 3657	ZTA No. 04-01	Residential Condo Conversions
U.	No. 3690	ZTA No. 04-03	Map Requirements
V.	No. 3687	ZTA No. 04-04	Affordable Housing
W.	No. 3689	ZTA No. 04-05	Mobile Home Park Conversions
X.	No. 3724	ZTA No. 05-01	RLUIPA
Y.	No. 3730	ZTA No. 05-02	Lattice Fence Extensions Citywide
Z.	No. 3764	ZTA No. 06-02	Density Bonus
AA.	No. 3761	ZTA No. 06-05	Large Family Day Care
BB.	No. 3756	ZTA No. 06-06	Vehicle Storage
CC.	No. 3757	ZTA No. 06-06	Vehicle Storage
DD.	No. 3758	ZTA No. 06-06	Vehicle Storage
EE.	No. 3763	ZTA No. 06-07	Bicycle Parking

Copies of the aforesaid ordinances and resolutions are attached hereto as Exhibits A through EE, 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. 07-01.

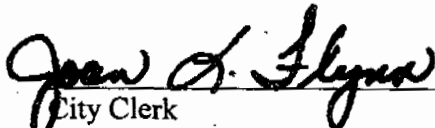
SECTION 3. That pursuant to Section 13551(b) of the Coastal Commission Regulations, Huntington Beach Local Coastal Program Amendment No. 07-01 will take effect automatically upon Coastal Commission approval, as provided in *Public Resources Code* Sections 30512, 30513, and 30519.

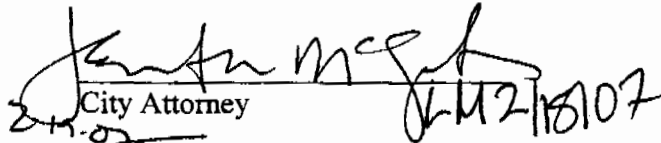
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting held on the 19th day of March, 2007.


Mayer

ATTEST:

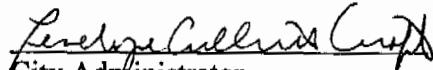
APPROVED AS TO FORM:


City Clerk


City Attorney
2-11-07 6-11-07

REVIEWED AND APPROVED:

INITIATED AND APPROVED:


City Administrator


Planning Director

ATTACHMENT NO. 2

SUMMARY OF ENTITLEMENTS

LCPA No. 07-01 \

- 1-07A
- 1¹. ZONING MAP AMENDMENT NO. 02-03: This application rezoned properties located on the west side of Lochlea Lane at the intersection with Lomond Drive (District Map 14; Sectional District Map 13-6-11). The zoning on the 2.17 acre parcel was changed from RA-FP2 (Residential Agriculture – Flood Plain 2) to RL-FP2 (Residential Low-Density – Flood Plain 2) in order to facilitate construction of an approved 10-lot single-family residential subdivision. The property is not located within the coastal zone.
- 1-07A
- 2¹. ZONING MAP AMENDMENT NO. 04-01 and GENERAL PLAN AMENDMENT NO. 04-04: This application rezoned 23.1 acres of property located at 21471 Newland Street from IL-O-FP2 (Limited Industrial – Oil District Overlay – Flood Plain 2) to RM-FP2 (Medium Density Residential – Flood Plain 2) and changed the General Plan Land Use designation from I-F2-d (Industrial – 0.5 F.A.R. – Design Overlay) to RM (Medium Density Residential). This application also amended the General Plan Land Use Element by removing the subject area from Subarea 9F of the Community District and Subarea Schedule. Approval of these applications provides for the construction of a 204-unit residential development. The property is not located within the coastal zone.
- HNB
LCPA
1-07B
3. ZONING TEXT AMENDMENT NO. 03-02: This application amends 15 chapters of the Huntington Beach Zoning and Subdivision Ordinance and Downtown Specific Plan (SP5) by streamlining entitlements in order to decrease processing time, reduce application fees, and improve customer service. This application also codified existing policies.
- 1-07A
4. ZONING TEXT AMENDMENT NO. 04-01: This application amends Chapter 235, Condominium Conversions, of the Huntington Beach Zoning and Subdivision Ordinance to establish procedures for permitting units previously converted to condominiums without City approval.
- 1-07A
5. ZONING TEXT AMENDMENT NO. 04-03: This application amends Chapter 250, Subdivisions General Provisions, of the Huntington Beach Zoning and Subdivision Ordinance eliminating tentative parcel map procedures for apartments and stock cooperatives that were converted and sold as condominiums prior to June 1, 2004 without City approval.

¹ Any zoning map amendment affecting property in one of the District Maps (Zoning Maps) in the Local Coastal Program (LCP) Implementing Ordinances must be forwarded to the Coastal Commission even if the property is not in the Coastal Zone. Only those District Maps that include property within the Coastal Zone are included in the LCP.

HNB
LCPA
1-07B

6. **ZONING TEXT AMENDMENT NO. 04-04:** This application amends Chapter 230 of the Huntington Beach Zoning and Subdivision Ordinance to require affordable housing in conjunction with the construction of new residential projects. The ordinance requires the equivalent of 10 percent of a project with three or more units to be affordable to very low, low or median income households consistent with existing City policy.

1-07A

~~7. **ZONING TEXT AMENDMENT NO. 04-05:** This application amends Chapter 234 of the Huntington Beach Zoning and Subdivision Ordinance pertaining to Mobile Home Park Conversions by updating definitions and added sections regarding relocation assistance of mobile home park residents.~~

HNB
LCPA
1-07B

8. **ZONING TEXT AMENDMENT NO. 05-01:** This application amends four sections of the Huntington Beach Zoning and Subdivision Ordinance in order to comply with the Religious Land Use and Institutionalized Persons Act (RLUIPA) of 2000. The amendment ensures that religious assembly uses are protected under RLUIPA citywide.

HNB
LCPA
1-07B

9. **ZONING TEXT AMENDMENT NO. 05-02:** This application amends the Huntington Beach Zoning and Subdivision Ordinance, Section 230.88 A, by deleting the Neighborhood Notification requirement for two-foot lattice extensions on the top of a six-foot high fence or wall on an interior property line. The purpose of this zoning text amendment is to reduce processing times and fees for property owners.

HNB
LCPA
1-07B

10. **ZONING TEXT AMENDMENT NO. 06-02:** This application amends the Huntington Beach Zoning and Subdivision Ordinance Section 230.14 Affordable Housing Incentives/Density Bonus in compliance with recent changes to State density bonus law.

1-07A

~~11. **ZONING TEXT AMENDMENT NO. 06-05:** This application amends Chapter 210 of the Huntington Beach Zoning and Subdivision Ordinance to allow Large-family Day Care uses (7-12 children) in residential zoning districts with an Administrative Permit (Neighborhood Notification: 300-foot radius) with no applicable fee or architectural plans.~~

1-07A

~~12. **ZONING TEXT AMENDMENT NO. 06-06:** This application amends Sections 203.06, 204.10.FF7, and 231.18E of the Huntington Beach Zoning and Subdivision Ordinance to define vehicle storage, to clarify storage activity, and to clarify how non-residential parking and loading is intended to be utilized.~~

HNB
LCPA
1-07B

13. **ZONING TEXT AMENDMENT NO. 06-07:** This application amends Chapter 231, Off Street Parking and Loading Provisions of the Huntington Beach Zoning and Subdivision Ordinance, by correcting and adding text to Section 231.20 Bicycle Parking and provided minor cleanup of Section 231.18 relating to parking controls and privacy gates.

ATTACHMENT NO. 3

SUMMARY OF PUBLIC COMMENTS

LCPA No. 07-01

HNB LCPA 1-07A

Item 1. Zoning Map Amendment No. 02-03: The following persons spoke at the City Council meeting:

- a. Ed Bonanni, applicant, spoke in support of the item. He informed the Commission of two community meetings conducted for public input. He stated that he accepts the staff-recommended conditions of approval, with the exception of the added setback of 15 feet for Lot #10. He stated he would prefer an additional 5-foot setback from the front property line so a pool can be included in the rear yard. He mentioned that he provided written comments to staff on the recommended changes. He also discussed restricted on-street parking because of difficulty in turning for fire-trucks. He agreed to red curb the cul-de-sac.
- b. Theresa Ivory, First Team Real Estate, spoke in support of the item and made reference to her September 11, 2003 letter to the Planning Commission included in the staff report as Attachment 6.2. She resides on Lochlea Lane near the proposed project and discussed his October 9, 2003 letter identified as late communication that addressed finished grade differentials, area drainage and construction traffic.

Item 2. Zoning Map Amendment No. 04-01 and General Plan Amendment No. 04-04: The following persons spoke at the City Council meeting:

- a. Kurt Nelson, Applicant with WL Direct Huntington Beach, LLC, described steps taken by the developer towards pursuing the project, including wetlands preservation and soil remediation. He commented on the thorough application process, including several hearings and workshops, and asked Council to approve the item. Mr. Nelson advised that he is confident that everyone will be proud of this project upon completion. He stated he appreciated the efforts of staff, the adjacent homeowner's association and also the neighbors.
- b. Bruce Holler, resident, voiced his approval of the project.
- c. Dianne Gillespie, Surfside Homeowner's Association, stated that the homeowners in the Surfside HOA are very excited about the new development and recommend approval.

COASTAL COMMISSION

HNB LCPA 1-07B

EXHIBIT # 3

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- d. Chris Sullivan, resident, recommended approval of the project and feels that the architecture will be attractive to the area. He also appreciated the protection measures for the wetlands.
- e. Frank Rosen, resident, urged approval of the project and stated he was glad the affordable housing program was being utilized in this project.
- f. Rob Harris, resident who works in Huntington Beach stated his support for the project and welcomes the project's participation in the affordable housing program.
- g. Bryon Tarnutzer, owner of the self-storage business across the street from the project, voiced his support for approval of the Newland Street Residential project.
- h. Richard Loy stated opposition to the project as currently configured, suggesting low-density single-family residential. He recommended the developer pay for increased traffic density, sewer expenses, and water runoff and that Council consider special dispensation for police officers by requiring housing in the project be considered for the officers.
- i. Teri Horner, resident of Surfside neighborhood, asked Council to approve the project since it is residential replacing industrial
- j. Dave Guido, resident who lives north of the project, voiced his support for the Newland Street Residential project. He asked Council to approve the project since it offers a two-acre park, medium density residences, protection of the local wetlands, and an alternative to industrial usage.
- k. Dan McDonald, resident since 1979, spoke in favor of the project. He stated his support for a change in zoning from industrial to residential, for the preservation of the wetlands, and asked Council to approve the project.

Item 3. Zoning Map Amendment No. 03-02: The following persons spoke at the City Council and Planning Commission meetings:

- a. Dick Harlow, speaking on behalf of the Huntington Beach Chamber of Commerce, asked Council to shorten the approval process in order to allow prospective new businesses the ability to take advantage of market opportunities. Mr. Harlow suggested further clarification on specific plans and more detailed zoning ordinances to allow decisions to be made at the staff level. Mr. Harlow spoke in support of the item. He discussed the City's appeal process and an increase of fees. He voiced

EX. 3₂

concerns about the City's budget process (fees being tripled, quadrupled), staff cuts, etc., and discussed timing with lower hearing bodies. He stated that he met with staff prior to application submittal to discuss public notification, and that the Chamber concurs with HB Tomorrow's comments and recommendations identified in late communication. He urged the Commission to approve the request.

- b. Steve Stafford commented on the minimum standard required to create a homeowners association (HOA) and asked Council to better define the relevant code.
- c. Mike Adams asked Council to direct the larger projects for consideration to the Planning Commission and encouraged Council to approve the staff recommendation.
- d. Steve Ray urged Council to approve the recommended action stressing the importance of including public participation in the process. Mr. Ray made several suggestions for Council consideration on specific items from the matrix included on pages D-2.4 through D-2.10 of the staff report in the agenda packet.

Item 4. Zoning Text Amendment No. 04-01: ~~No one spoke or submitted comments regarding this amendment.~~

Item 5. Zoning Text Amendment No. 04-03: ~~The following persons spoke at the City Council meeting:~~

- a. ~~Mike Adams spoke relative to the study done to determine in-lieu fees, stating concerns about the appropriateness of the fees. Mr. Adams asked Council to refer the issue to a committee for further discussion of the proposed fees.~~
- b. ~~Dan Torla informed Council of his concerns regarding potential future fees to homeowners and whether title companies will accept responsibility.~~

Item 6. Zoning Text Amendment No. 04-04: No one spoke or submitted comments regarding this amendment.

Item 7. Zoning Text Amendment No. 04-05: ~~The following persons spoke at the City Council meeting:~~

- a. ~~Robert Lupo spoke regarding the proposed ordinance and the Mobile Home Advisory Board (MHAB). Mr. Lupo asked the City Council to suspend any action to give the attorneys time to review the proposed amended ordinance.~~

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1-07A

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HNB LCPA 1-07A

- b. Vickie Talley, Executive Director of the MHET stated for the record her strong opposition to the proposed ordinance. She spoke relative to state laws and the measure of fair and reasonable relocation costs. Ms. Talley further spoke about the best use of land and the park owners' decisions to pursue such.
- c. Jim Hodson, owner of Pacific Mobile Home Park, spoke about fair compensation, reasonable relocation radius, and property rights as protected in the constitution. Mr. Hodson stated in his opinion that the proposed ordinance would place an undue burden on the mobile home park property owners.
- d. Steve Gullage, President of the Golden State Mobile Homeowners League (GSMOL) spoke relative to reasonable costs of relocation. Mr. Gullage asserted his opinion that the proposed ordinance does not adequately address the various costs involved, and made suggestions to remedy Section 234.08A.
- e. Joey Racano spoke regarding the Cabrillo Mobile Home park use of parklands. He referred to what he defined as unmitigatable damage that can occur to the homeowners.
- f. Mary Jo Baretich spoke in opposition to Chapter 234.09C1 of the proposed ordinance which addresses a landowners application for exemption from relocation assistance obligations and of the need to update the current code.
- g. Michael Kusz informed Council of the similarities between his mobile home and permanent homes and expressed his concerns relating to rent increases.
- h. Elmer Smith spoke in opposition to the changes made by the City Attorney to the proposed ordinance.
- i. Jim Barker asked Council to support the recommendations made by the GSMOL.
- j. Thomas Cox thanked Council for its support on the issue and stated his concern about the exemption allowed in the proposed ordinance.
- k. Cathy Bausch informed Council that she has recently become employed in the City and is concerned that she will not be able to afford to also live in the City. Ms. Bausch spoke regarding a mobile home as an option for her.

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Item 8. Zoning Text Amendment No. 05-01: No one spoke or submitted comments regarding this amendment.

Item 9. Zoning Text Amendment No. 05-02: The following persons spoke at the City Council meeting:

- a. Allen Bayliss spoke at the City Council meeting and voiced concerns related to common wall property owner rights.

Item 10. Zoning Text Amendment No. 06-02: No one spoke or submitted comments regarding this amendment.

Item 11. Zoning Text Amendment No. 06-05: The following persons spoke at the City Council and Planning Commission meetings:

- a. Roseann Andrus of the Orange County United Way spoke regarding the necessity of adequate childcare services in Orange County and voiced her support for approval of ZTA 06-05.
- b. Shannon Anderson, affiliated with the Public Law Center, described services provided by her employer. She stated reasons to support the Recommended Action and encouraged adoption by the City Council.

~~Item 12. Zoning Text Amendment No. 06-06: No one spoke or submitted comments regarding this amendment.~~

Item 13. Zoning Text Amendment No. 06-07: No one spoke or submitted comments regarding this amendment.

HNB LCRA 1-07A

EX. 3₅

LEGISLATIVE DRAFT

Chapter 204 Use Classifications

(3334-6/97, 3378-2/98, 3521-2/02, 3568-9/02)

Sections:

- 204.02 Applicability
- 204.04 Uses Not Classified
- 204.06 Residential Use Classifications
- 204.08 Public and Semipublic Use Classifications
- 204.10 Commercial Use Classifications
- 204.12 Industrial Use Classifications
- 204.14 Accessory Use Classifications
- 204.16 Temporary Use Classifications

204.02 Applicability

Use classifications describe one or more uses having similar characteristics, but do not list every use or activity that may appropriately be within the classification. The Director shall determine whether a specific use shall be deemed to be within one or more use classifications or not within any classification in this Title. The Director may determine that a specific use shall not be deemed to be within a classification, if its characteristics are substantially different than those typical of uses named within the classification. The Director's decision may be appealed to the Planning Commission. (3334-6/97)

204.04 Uses Not Classified

Any new use, or any use that cannot be clearly determined to be in an existing use classification, may be incorporated into the zoning provisions by a Zoning and Subdivision Ordinance text amendment, as provided in Chapter 247. Such an incorporation shall not be effective unless certified by the Coastal Commission as a Local Coastal Program amendment. (3334-6/97)

204.06 Residential Use Classifications

- A. Day Care, Limited (or Small-Family). Non-medical care and supervision of six or fewer persons, **or eight or fewer persons if two of the persons are six years of age or older**, on a less than 24-hour basis. **Children under the age of 10 years who reside in the home shall be counted for purposes of these limits.** This classification includes nursery schools, preschools, and day-care centers for children and adults. (3334-6/97)
- B. Group Residential. Shared living quarters without separate kitchen or bathroom facilities for each room or unit. This classification includes boarding houses, but excludes residential hotels or motels. (3334-6/97)
- C. Multifamily Residential. Two or more dwelling units on a site. This classification includes manufactured homes. (3334-6/97)

HNB LCPA 1-07B
ZTA 03-02 (Streamlining)
Ord. No. 3669

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~~ATTACHMENT NO. 217~~

- D. Residential Alcohol Recovery, Limited. Twenty-four-hour care for no more than six persons suffering from alcohol problems in need of personal services, supervision, protection or assistance. This classification includes only those facilities licensed by the State of California. (3334-6/97)
- E. Residential Care, Limited. Twenty-four-hour non-medical care for 6 or fewer persons in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. This classification includes only those services and facilities licensed by the State of California. (3334-6/97)
- F. Single-Family Residential. Buildings containing one dwelling unit located on a single lot. This classification includes manufactured homes. (3334-6/97)

204.08 Public and Semipublic Use Classifications

- A. Cemetery. Land used or intended to be used for the burial of human remains and dedicated for cemetery purposes. Cemetery purposes include columbariums, crematoriums, mausoleums, and mortuaries operated in conjunction with the cemetery, business and administrative offices, chapels, flower shops, and necessary maintenance facilities. (3334-6/97)
- B. Clubs and Lodges. Meeting, recreational, or social facilities of a private or nonprofit organization primarily for use by members or guests. This classification includes union halls, social clubs and youth centers. (3334-6/97)
- C. Community and Human Service Facilities.
 - 1. Drug Abuse Centers. Facilities offering drop-in services for persons suffering from drug abuse, including treatment and counseling without provision for on-site residence or confinement. (3334-6/97)
 - 2. Primary Health Care. Medical services, including clinics, counseling and referral services, to persons afflicted with bodily or mental disease or injury without provision for on-site residence or confinement. (3334-6/97)
 - 3. Emergency Kitchens. Establishments offering food for the "homeless" and others in need. (3334-6/97)
 - 4. Emergency Shelters. Establishments offering food and shelter programs for "homeless" people and others in need. This classification does not include facilities licensed for residential care, as defined by the State of California, which provide supervision of daily activities. (3334-6/97)
 - 5. Residential Alcohol Recovery, General. Facilities providing 24-hour care for more than six persons suffering from alcohol problems, in need of personal services, supervision, protection or assistance. These facilities may include an inebriate reception center as well as facilities for treatment, training, research, and administrative services for program participants and employees. This classification includes only those facilities licensed by the State of California. (3334-6/97)

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- 6. Residential Care, General. Twenty-four-hour non-medical care for seven or more persons, including wards of the juvenile court, in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. This classification includes only those facilities licensed by the State of California. (3334-6/97)
- D. Convalescent Facilities. Establishments providing care on a 24-hour basis for persons requiring regular medical attention, but excluding facilities providing surgical or emergency medical services. (3334-6/97)
- E. Cultural Institutions. Nonprofit institutions displaying or preserving objects of interest in one or more of the arts or sciences. This classification includes libraries, museums, and art galleries. (3334-6/97)
- F. Day Care, Large-Family. ~~Provision of non-medical care and~~ **supervision for 7 to 12 children persons, or up to 14 persons if two of the persons are six years of age or older on a less than 24-hour basis. Children under the age of 10 years who reside in the home shall be counted for purposes of these limits.** (3334-6/97)
- G. Day Care, General. ~~Provision of non-medical care for 13 or more persons on a less than 24-hour basis.~~ This classification includes nursery schools, preschools, and day-care centers for children or adults. (3334-6/97)
- H. Emergency Health Care. Facilities providing emergency medical service with no provision for continuing care on an inpatient basis. (3334-6/97)
- I. Government Offices. Administrative, clerical, or public contact offices of a government agency, including postal facilities, together with incidental storage and maintenance of vehicles. (3334-6/97)
- J. Heliports. Pads and facilities enabling takeoffs and landings by helicopter. (3334-6/97)
- K. Hospitals. Facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons, primarily on an inpatient basis. This classification includes incidental facilities for out-patient treatment, as well as training, research, and administrative services for patients and employees. (3334-6/97)
- L. Maintenance and Service Facilities. Facilities providing maintenance and repair services for vehicles and equipment, and materials storage areas. This classification includes corporation yards, equipment service centers, and similar facilities. (3334-6/97)
- M. Marinas. A boat basin with docks, mooring facilities, supplies and equipment for small boats. (3334-6/97)
- N. Park and Recreation Facilities. Noncommercial parks, playgrounds, recreation facilities, and open spaces. (3334-6/97)

Ex. 4₃

- O. Public Safety Facilities. Facilities for public safety and emergency services, including police and fire protection. (3334-6/97)
- P. Religious Assembly. Facilities for religious worship and incidental religious education, but not including private schools as defined in this section. (3334-6/97)

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- Q. Schools, Public or Private. Educational institutions having a curriculum comparable to that required in the public schools of the State of California. (3334-6/97)
- R. Utilities, Major. Generating plants, electrical substations, above-ground electrical transmission lines, switching buildings, refuse collection, transfer, recycling or disposal facilities, flood control or drainage facilities, water or wastewater treatment plants, transportation or communications utilities, and similar facilities of public agencies or public utilities. (3334-6/97)
- S. Utilities, Minor. Utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, underground water and sewer lines, and recycling and collection containers. (3334-6/97)

204.10 Commercial Use Classifications

- A. Ambulance Services. Provision of emergency medical care or transportation, including incidental storage and maintenance of vehicles as regulated by Chapter 5.20. (3334-6/97, 3378-2/98)
- B. Animal Sales and Services.
 - 1. Animal Boarding. Provision of shelter and care for small animals on a commercial basis. This classification includes activities such as feeding, exercising, grooming, and incidental medical care, and kennels. (3334-6/97)
 - 2. Animal Grooming. Provision of bathing and trimming services for small animals on a commercial basis. This classification includes boarding for a maximum period of 48 hours. (3334-6/97)
 - 3. Animal Hospitals. Establishments where small animals receive medical and surgical treatment. This classification includes only facilities that are entirely enclosed, soundproofed, and air-conditioned. Grooming and temporary (maximum 30 days) boarding of animals are included, if incidental to the hospital use. (3334-6/97)
 - 4. Animals: Retail Sales. Retail sales and boarding of small animals, provided such activities take place within an entirely enclosed building. This classification includes grooming, if incidental to the retail use, and boarding of animals not offered for sale for a maximum period of 48 hours. (3334-6/97)
 - 5. Equestrian Centers. Establishments offering facilities for instruction in horseback riding, including rings, stables, and exercise areas. (3334-6/97)

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- 6. Pet Cemetery. Land used or intended to be used for the burial of animals, ashes or remains of dead animals, including placement or erection of markers, headstones or monuments over such places of burial. (3334-6/97)

- C. Artists' Studios. Work space for artists and artisans, including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft. (3334-6/97)
- D. Banks and Savings and Loans. Financial institutions that provide retail banking services to individuals and businesses. This classification includes only those institutions engaged in the on-site circulation of cash money. It also includes businesses offering check-cashing facilities. (3334-6/97, 3378-2/98)
 - 1. With Drive-up Service. Institutions providing services accessible to persons who remain in their automobiles. (3334-6/97)
- E. Building Materials and Services. Retailing, wholesaling, or rental of building supplies or equipment. This classification includes lumber yards, tool and equipment sales or rental establishments, and building contractors' yards, but excludes establishments devoted exclusively to retail sales of paint and hardware, and activities classified under Vehicle/Equipment Sales and Services. (3334-6/97, 3378-2/98)
- F. Catering Services. Preparation and delivery of food and beverages for off-site consumption without provision for on-site pickup or consumption. (See also Eating and Drinking Establishments.) (3334-6/97, 3378-2/98)
- G. Commercial Filming. Commercial motion picture or video photography at the same location more than six days per quarter of a calendar year. (See also Chapter 5.54, Commercial Photography) (3334-6/97, 3378-2/98)
- H. Commercial Recreation and Entertainment. Provision of participant or spectator recreation or entertainment. This classification includes theaters, sports stadiums and arenas, amusement parks, bowling alleys, billiard parlors and poolrooms as regulated by Chapter 9.32; dance halls as regulated by Chapter 5.28; ice/roller skating rinks, golf courses, miniature golf courses, scale-model courses, shooting galleries, tennis/racquetball courts, health/fitness clubs, pinball arcades or electronic games centers having more than 4 coin-operated game machines as regulated by Chapter 9.28; card rooms as regulated by Chapter 9.24; and fortune telling as regulated by Chapter 5.72. (3334-6/97, 3378-2/98)
 - 1. Limited. Indoor movie theaters, game centers and performing arts theaters and health/fitness clubs occupying less than 2,500 square feet. (3334-6/97)
- I. Communications Facilities. Broadcasting, recording, and other communication services accomplished through electronic or telephonic mechanisms, but excluding Utilities (Major). This classification includes radio, television, or recording studios; telephone switching centers; telegraph offices; and wireless communication facilities. (3334-6/97, 3378-2/98, 3568-9/02)

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J. Eating and Drinking Establishments. Businesses serving prepared food or beverages for consumption on or off the premises. (3334-6/97, 3378-2/98)

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1. With Fast-Food or Take-Out Service. Establishments where patrons order and pay for their food at a counter or window before it is consumed and may either pick up or be served such food at a table or take it off-site for consumption. (3334-6/97)
 - a. Drive-through. Service from a building to persons in vehicles through an outdoor service window. (3334-6/97)
 - b. Limited. Establishments that do not serve persons in vehicles or at a table. (3334-6/97)
2. With Live Entertainment/Dancing. An eating or drinking establishment where dancing and/or live entertainment is allowed. This classification includes nightclubs subject to the requirements of Chapter 5.44 of the Municipal Code. (3334-6/97)

K. Food and Beverage Sales. Retail sales of food and beverages for off-site preparation and consumption. Typical uses include groceries, liquor stores, or delicatessens. Establishments at which 20 percent or more of the transactions are sales of prepared food for on-site or take-out consumption shall be classified as Catering Services or Eating and Drinking Establishments. (3334-6/97, 3378-2/98)

1. With Alcoholic Beverage Sales. Establishments where more than 10 percent of the floor area is devoted to sales, display and storage of alcoholic beverages. (3334-6/97)

L. Food Processing. Establishments primarily engaged in the manufacturing or processing of food or beverages for human consumption and wholesale distribution. (3334-6/97, 3378-2/98)

M. Funeral and Interment Services. Establishments primarily engaged in the provision of services involving the care, preparation or disposition of human dead other than in cemeteries. Typical uses include crematories, columbariums, mausoleums or mortuaries. (3334-6/97, 3378-2/98)

N. Horticulture. The raising of fruits, vegetables, flowers, trees, and shrubs as a commercial enterprise. (3334-6/97, 3378-2/98)

O. Laboratories. Establishments providing medical or dental laboratory services; or establishments with less than 2,000 square feet providing photographic, analytical, or testing services. Other laboratories are classified as Limited Industry. (3334-6/97, 3378-2/98)

P. Maintenance and Repair Services. Establishments providing appliance repair, office machine repair, or building maintenance services. This

Ex. 4₆

classification excludes maintenance and repair of vehicles or boats; see (Vehicle/Equipment Repair). (3334-6/97)

- Q. Marine Sales and Services. Establishments providing supplies and equipment for shipping or related services or pleasure boating. Typical uses include chandleries, yacht brokerage and sales, boat yards, boat docks, and sail-making lofts. (3334-6/97, 3378-2/98)
- R. Nurseries. Establishments in which all merchandise other than plants is kept within an enclosed building or a fully screened enclosure, and fertilizer of any type is stored and sold in package form only. (3334-6/97, 3378-2/98)
- S. Offices, Business and Professional. Offices of firms or organizations providing professional, executive, management, or administrative services, such as architectural, engineering, graphic design, interior design, real estate, insurance, investment, legal, veterinary, and medical/dental offices. This classification includes medical/dental laboratories incidental to an office use, but excludes banks and savings and loan associations. (3334-6/97, 3378-2/98)
- T. Pawn Shops. Establishments engaged in the buying or selling of new or secondhand merchandise and offering loans secured by personal property and subject to Chapter 5.36 of the Municipal Code. (3334-6/97, 3378-2/98)
- U. Personal Enrichment Services. Provision of instructional services or facilities, including photography, fine arts, crafts, dance or music studios, driving schools, business and trade schools, and diet centers, reducing salons, ~~and~~ fitness studios, **yoga or martial arts studios, and massage in conjunction with Personal Services business.** (3334-6/97, 3378-2/98)
- V. Personal Services. Provision of recurrently needed services of a personal nature. This classification includes barber and beauty shops, seamstresses, tailors, shoe repair shops, dry-cleaning businesses (excluding large-scale bulk cleaning plants), photo-copying, and self-service laundries. (3334-6/97, 3378-2/98)
- W. Research and Development Services. Establishments primarily engaged in industrial or scientific research, including limited product testing. This classification includes electron research firms or pharmaceutical research laboratories, but excludes manufacturing, except of prototypes, or medical testing and analysis. (3334-6/97, 3378-2/98)
- X. Retail Sales. The retail sale of merchandise not specifically listed under another use classification. This classification includes department stores, drug stores, clothing stores, and furniture stores, and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies, medical supplies and equipment, electronic equipment, records, sporting goods, surfing boards and equipment, kitchen utensils, hardware, appliances, antiques, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, and new automotive parts and accessories (excluding service and installation). (3334-6/97, 3378-2/98)

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Y. Secondhand Appliances and Clothing Sales. The retail sale of used appliances and clothing by secondhand dealers who are subject to Chapter 5.36. This classification excludes antique shops primarily engaged in the sale of used furniture and accessories other than appliances, but includes junk shops. (3334-6/97, 3378-2/98)

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- Z. Sex Oriented Businesses. Establishments as regulated by Chapter 5.70; baths, sauna baths and massage establishments, as regulated by Chapter 5.24; and figure model studios as regulated by Chapter 5.60. (3378-2/98)
- AA. Swap Meets, Indoor/Flea Markets. An occasional, periodic or regularly scheduled market held within a building where groups of individual vendors offer goods for sale to the public. (3334-6/97)
- BB. Swap Meets, Recurring. Retail sale or exchange of handcrafted or secondhand merchandise for a maximum period of 32 consecutive hours, conducted by a sponsor on a more than twice yearly basis. (3334-6/97)
- CC. Tattoo Establishment. Premises used for the business of marking or coloring the skin with tattoos as regulated by Chapter 8.70. (3334-6/97)
- DD. Travel Services. Establishments providing travel information and reservations to individuals and businesses. This classification excludes car rental agencies. (3334-6/97)
- EE. Vehicle/Equipment Sales and Services.
1. Automobile Rentals. Rental of automobiles, including storage and incidental maintenance, but excluding maintenance requiring pneumatic lifts. (3334-6/97)
 2. Automobile Washing. Washing, waxing, or cleaning of automobiles or similar light vehicles. (3334-6/97)
 3. Commercial Parking Facility. Lots offering short-term or long-term parking to the public for a fee. (3334-6/97)
 4. Service Stations. Establishments engaged in the retail sale of gas, diesel fuel, lubricants, parts, and accessories. This classification includes incidental maintenance and minor repair of motor vehicles, but excluding body and fender work or major repair of automobiles, motorcycles, light and heavy trucks or other vehicles. (3334-6/97)
 5. Vehicle/Equipment Repair. Repair of automobiles, trucks, motorcycles, mobile homes, recreational vehicles, or boats, including the sale, installation, and servicing of related equipment and parts. This classification includes auto repair shops, body and fender shops, transmission shops, wheel and brake shops, and tire sales and installation, but excludes vehicle dismantling or salvage and tire retreading or recapping. (3334-6/97)

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- a. Limited. Light repair and sale of goods and services for vehicles, including brakes, muffler, tire shops, oil and lube, and accessory uses, but excluding body and fender shops, upholstery, painting, and rebuilding or reconditioning of vehicles. (3334-6/97)

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- 6. Vehicle/Equipment Sales and Rentals. Sale or rental of automobiles, motorcycles, trucks, tractors, construction or agricultural equipment, manufactured homes, boats, and similar equipment, including storage and incidental maintenance. (3334-6/97)
- 7. Vehicle Storage. Storage of operative or inoperative vehicles. This classification includes storage of parking tow-aways, impound yards, and storage lots for automobiles, trucks, buses and recreational vehicles, but does not include vehicle dismantling. (3334-6/97)

FF. Visitor Accommodations

- 1. Bed and Breakfast Inns. Establishments offering lodging on a less than weekly basis in a converted single-family or multi-family dwelling or a building of residential design, with incidental eating and drinking service for lodgers only provided from a single kitchen. (3334-6/97)
- 2. Hotels and Motels. Establishments offering lodging on a weekly or less than weekly basis. Motels may have kitchens in no more than 25 percent of guest units, and "suite" hotels may have kitchens in all units. This classification includes eating, drinking, and banquet service associated with the facility. (3334-6/97)

GG. Warehouse and Sales Outlets. Businesses which store large inventories of goods in industrial-style buildings where these goods are not produced on the site but are offered to the public for sale. (3334-6/97)

HH. Quasi Residential

- 1. Residential Hotels. Buildings with 6 or more guest rooms without kitchen facilities in individual rooms, or kitchen facilities for the exclusive use of guests, and which are intended for occupancy on a weekly or monthly basis. (3334-6/97)
- 2. Single Room Occupancy. Buildings designed as a residential hotel consisting of a cluster of guest units providing sleeping and living facilities in which sanitary facilities and cooking facilities are provided within each unit; tenancies are weekly or monthly. (3334-6/97)
- 3. Time-Share Facilities. A facility in which the purchaser receives the right in perpetuity, for life or for a term of years, to the recurrent exclusive use or occupancy of a lot, parcel, unit or segment of real property, annually or on some other periodic basis for a period of

EX-4₉

time that has been or will be allocated from the use or occupancy periods into which the plan has been divided. A time-share plan may be coupled with an estate in the real property or it may entail a license or contract and/or membership right of occupancy not coupled with an estate in the real property. (3334-6/97)

204.12 Industrial Use Classifications

A. Industry, Custom. Establishments primarily engaged in on-site production of goods by hand manufacturing involving the use of hand tools and small-scale equipment. (3334-6/97)

1. Small-scale. Includes mechanical equipment not exceeding 2 horsepower or a single kiln not exceeding 8 kilowatts and the incidental direct sale to consumers of only those goods produced on-site. Typical uses include ceramic studios, candle-making shops, and custom jewelry manufacture. (3334-6/97)

B. Industry, General. Manufacturing of products, primarily from extracted or raw materials, or bulk storage and handling of such products and materials. Uses in this classification typically involve a high incidence of truck or rail traffic, and/or outdoor storage of products, materials, equipment, or bulk fuel. This classification includes chemical manufacture or processing, food processing and packaging, laundry and dry cleaning plants, auto dismantling within an enclosed building, stonework and concrete products manufacture (excluding concrete ready-mix plants), small animal production and processing within an enclosed building, and power generation. (3334-6/97)

C. Industry, Limited. Manufacturing of finished parts or products, primarily from previously prepared materials; and provision of industrial services, both within an enclosed building. This classification includes processing, fabrication, assembly, treatment, and packaging, but excludes basic industrial processing from raw materials and Vehicle/Equipment Services, but does allow food processing for human consumption. (3334-6/97)

D. Industry, Research and Development. Establishments primarily engaged in the research, development, and controlled production of high-technology electronic, industrial or scientific products or commodities for sale, but prohibits uses that may be objectionable in the opinion of the Director, by reason of production of offensive odor, dust, noise, vibration, or in the opinion of the Fire Chief by reason of storage of hazardous materials. Uses include aerospace and biotechnology firms, and non-toxic computer component manufacturers. (3334-6/97)

This classification also includes assembly, testing and repair of components, devices, equipment, systems, parts and components such as but not limited to the following: coils, tubes, semi-conductors; communication, navigation, guidance and control equipment; data processing equipment; filing and labeling machinery; glass edging and silvering equipment; graphics and art equipment; metering equipment; optical devices and equipment; photographic equipment; radar, infrared and ultraviolet equipment; radio and television equipment. (3334-6/97)

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This classification also includes the manufacture of components, devices, equipment, parts and systems which includes assembly, fabricating, plating and processing, testing and repair, such as but not limited to the following: machine and metal fabricating shops, model and spray painting shops, environmental test, including vibration analysis, cryogenics, and related functions, plating and processing shops, nuclear and radioisotope. (3334-6/97)

This classification also includes research and development laboratories including biochemical and chemical development facilities for national welfare on land, sea, or air; and facilities for film and photography, metallurgy; pharmaceutical, and medical and x-ray research. (3334-6/97)

- E. Wholesaling, Distribution and Storage. Storage and distribution facilities without sales to the public on-site or direct public access except for recycling facilities and public storage in a small individual space exclusively and directly accessible to a specific tenant. This classification includes mini-warehouses. (3334-6/97)

204.14 Accessory Use Classifications

Accessory Uses and Structures. Uses and structures that are incidental to the principal permitted or conditionally permitted use or structure on a site and are customarily found on the same site. This classification includes detached or attached garages, home occupations, caretakers' units, and dormitory type housing for industrial commercial workers employed on the site, and accessory dwelling units. (3334-6/97)

204.16 Temporary Use Classifications

- A. Animal Shows. Exhibitions of domestic or large animals for a maximum of seven days. (3334-6/97)
- B. Festivals, Circuses and Carnivals. Provision of games, eating and drinking facilities, live entertainment, animal exhibitions, or similar activities in a tent or other temporary structure for a maximum of seven days. This classification excludes events conducted in a permanent entertainment facility. (3334-6/97) (3521-2/02)
- C. Commercial Filming, Limited. Commercial motion picture or video photography at a specific location six or fewer days per quarter of a calendar year. (See also Chapter 5.54, Commercial Photography) (3334-6/97)
- D. Personal Property Sales. Sales of personal property by a resident ("garage sales") for a period not to exceed 48 consecutive hours and no more than once every six months. (3334-6/97)
- E. Real Estate Sales. An office for the marketing, sales, or rental of residential, commercial, or industrial development. This classification includes "model homes." (3334-6/97)
- F. Retail Sales, Outdoor. Retail sales of new merchandise on the site of a legally established retail business for a period not to exceed 48 **96** consecutive hours (**four days**) no more than once every 3 months. (3334-6/97)

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- G. Seasonal Sales. Retail sales of seasonal products, including Christmas trees, Halloween pumpkins and strawberries. (3334-6/97)
- H. Street Fairs. Provision of games, eating and drinking facilities, live entertainment, or similar activities not requiring the use of roofed structures. (3334-6/97)

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- I. Trade Fairs. Display and sale of goods or equipment related to a specific trade or industry for a maximum period of five days per year. (3334-6/97)
- J. Temporary Event. Those temporary activities located within the coastal zone that do not qualify for an exemption pursuant to Section 245.08. (3334-6/97)
- K. Tent Event. Allows for the overflow of religious assembly for a period not to exceed 72 consecutive hours and not more than once every 3 months. (3521-2/02)

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ATTACHMENT NO. 328

March 2, 2004

LEGISLATIVE DRAFT

Chapter 214 PS Public-Semipublic District

(3334-6/97, 3524-2/02, 3553-5/02, 3568-9/02)

Sections:

- 214.02 Public-Semipublic District Established
- 214.04 Applicability
- 214.06 PS District: Land Use Controls
- 214.08 PS District: Development Standards
- 214.10 Review of Plans

214.02 Public-Semipublic District Established

The PS Public-Semipublic District is established by this chapter. This district provides areas for large public or semipublic uses. The intent of this district in the coastal zone is to implement the Public, Quasi-Public, and Institutional land use designation of the certified Local Coastal Program Land Use Plan. (3334-6/97)

214.04 Applicability

The PS District shall be the base district for the use classifications listed in Section 214.06 where these have a contiguous site area of 2 acres or more, including alleys, streets, or other rights-of-way. This requirement does not apply to Public-Semipublic use classifications in commercial districts. Public-semipublic use classifications on sites of less than 2 acres shall be subject to the provisions of the base and overlay districts in which they are located. (3553-5/02)

214.06 PS District: Land Use Controls

In the following schedule, letter designations are used as follows:

"P" designates use classifications permitted in PS districts.

"L" designates use classifications subject to certain limitations prescribed by the "Additional Provisions" which follow.

"PC" designates use classifications permitted on approval of a conditional use permit by the Planning Commission.

"TU" designates use classifications allowed on approval of a temporary use permit.

"P/U" for an accessory use mean that the use is permitted on the site of a permitted use but requires a conditional use permit on the site of a conditional use.

Use classifications that are not listed are prohibited. Letters in parentheses in the "Additional Provisions" column refer to provisions following the schedule or located elsewhere in the zoning ordinance. Where letters in parentheses are opposite a use classification heading, referenced provisions shall apply to all use classifications under the heading.

HNB LCPA 1-07B
 ZTA 03-02
 Ordinance No. 3673

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~~ATTACHMENT NO. 3.25~~

PS DISTRICT: P = Permitted
LAND USE CONTROLS L = Limited (see Additional Provisions)
 PC = Conditional use permit approved by Planning Commission
 TU = Temporary Use Permit
 P/U = Requires conditional use permit on site of a conditional use

	PS	Additional Provisions
Public and Semipublic		
Cemetery	PC	
Cultural Institutions	PC	
Day Care, General	PC	
Government Offices	L-1	
Hospitals	PC	
Maintenance & Service Facilities	L-1	
Park & Recreation Facilities	PC	
Public Safety Facilities	PC	
Religious Assembly	ZA	(3524-2/02)
Residential Care, General	PC	
Schools, Public or Private	PC	
Utilities, Major	PC	
Utilities, Minor	P	
Commercial Uses		
Commercial Parking Facility	L-3	
Communication Facilities	L-4	(3568-9/02)
Eating and Drinking Establishments	L-2	
Vehicle/Equipment Sales and Services	L-1	
Accessory Uses		
Accessory Uses and Structures	P/U	
Temporary Uses		
Animal Shows	TU	(A)
Circuses and Carnivals	TU	
Commercial Filming, Limited	TU	
Trade Fairs	TU P	
Nonconforming Uses		
		(B)

Ex. 4/14

PS District: Additional Provisions

- L-1 City-owned facilities are permitted; all other facilities require a conditional use permit from the ~~Planning Commission~~ **Zoning Administrator**.
 - L-2 Permitted as an accessory use in a cultural, educational, hospital, or medical institution occupying no more than 5,000 square feet, only if there is no separate entrance or sign.
 - L-3 Public parking permitted, but commercial parking facilities on City-owned land require a conditional use permit from the ~~Planning Commission~~ **Zoning Administrator**.
 - L-4 Only wireless communication facilities permitted subject to Section 230.96 Wireless Communication Facilities. (3568-9/02)
 - (A) See Section 241.20: Temporary Use Permits.
 - (B) See Chapter 236: Nonconforming Uses and Structures.
-

214.08 PS District: Development Standards

The following schedule prescribes development standards for the PS district. The first column prescribes basic requirements for permitted and conditional uses in the district. Letters in parentheses in the "Additional Requirements" column refer to standards following the schedule or located elsewhere in the zoning ordinance. In calculating the maximum gross floor area as defined in Chapter 203, the floor area ratio is calculated on the basis of net site area. Fractional numbers shall be rounded down to the nearest whole number. All required setbacks shall be measured from ultimate right-of-way and in accordance with definitions set forth in Chapter 203 Definitions.

(Rest of page not used)

EX. 4₁₅

**PS DISTRICT
DEVELOPMENT STANDARDS**

	PS	Additional Requirements
Nonresidential Development		(A)
Minimum Lot Area	2 ac	
Minimum Lot Width (ft.)	100	
Minimum Setbacks		
Front (ft.)	10	(B)(C)(M)
Side (ft.)	0	(D)
Street Side (ft.)	10	(C)
Rear (ft.)	0	(D)
Maximum Height of Structures (ft.)	50	(D)(E)(N) (3334-6/97)
Maximum Floor Area Ratio (FAR)	1.5	
Minimum Site Landscaping (%)	8	(F)(G)
Building Design Standards		(L)(M)
Fences and Walls		(H)(I)
Off-Street Parking/Loading		(J)
Outdoor Facilities	See Section 230.74	(K)
Screening of Mechanical Equipment	See Section 230.76	(K)
Refuse Storage Areas	See Section 230.78	
Underground Utilities	See Chapter 17.64	
Performance Standards	See Section 230.82	
Nonconforming Structures	See Chapter 236	
Signs	See Chapter 233	

PS District: Additional Development Standards

- (A) See Section 230.62: Building Site Required.
- (B) See Section 230.68: Building Projections into Yards and Required Open Space. Double-frontage lots shall provide front yards on each frontage.
- (C) A minimum 50-foot setback is required along Beach Boulevard, Edinger Avenue, and Pacific Coast Highway or 25 foot setback with the setback area entirely landscaped.
- (D) Along a side or rear property line abutting an R district, a 10-foot setback is required, and structures within 45 feet of the district boundary shall not exceed 18 feet in height.
- (E) See Section 230.70: Measurement of Height and Section 230.72: Exceptions to Height Limits.

Ex. 416

(F) Planting Areas:

- (1) Required side and rear yards shall be planting areas or shall be enclosed by a solid concrete or masonry wall at least 6 feet in height.
- (2) A 10-foot wide landscaped strip shall be provided along all street frontages, except for necessary driveways and walks.

(G) See Chapter 232: Landscape Improvements.

(H) See Section 230.88: Fencing and Yards.

(I) A solid masonry or concrete wall at least 6 feet in height shall adjoin the site of an existing ground-floor residential use. However, where the portion of the site within 10 feet of the front property line is occupied by planting area or by a building having no openings except openings opposite a street property line, the Director may grant an exception to this requirement. A wall within 15 feet of a street property line shall not exceed 3.5 feet in height.

(J) See Chapter 231: Off-Street Parking and Loading.

(K) See Section 230.44 Recycling Operations and Section 230.80: Antennae

(L) A front or street side wall surface shall be no longer than 100 feet without a break, a recess or offset measuring at least 20 feet in depth and one-quarter of the building length, or a series of offsets, projections or recesses, at intervals of not more than 40 feet that vary the depth of the building wall by a minimum of 4 feet. The Director may grant exceptions or allow these standards to be modified for exceptional or unique structures subject to Design Review, Chapter 244.

(M) On frontages adjacent to major or primary arterials at least 40 percent of a building surface may be located at the minimum setback line if additional landscaping is provided on the site.

(N) In the coastal zone, the maximum allowable height of structures shall be reduced as necessary to retain compatibility with the established physical scale of the area and to preserve and enhance public visual resources. (3334-6/97)

214.10 Review of Plans

All applications for new construction and exterior alterations and additions shall be submitted to the Community Development Department for review. Discretionary review shall be required for projects requiring conditional use permits. Design Review shall be required for all projects except temporary uses. A Coastal Development Permit is required for projects in the Coastal Zone unless the project is exempt (see Chapter 245).

LEGISLATIVE DRAFT

Chapter 222 FP Floodplain Overlay District (-FP1, -FP2, -FP3)

(3285-7/95, 3334-6/97)

Sections:

- 222.02 Floodplain Overlay District Established
- 222.04 Zoning Map Designator; Establishment of Hazard Areas
- 222.06 Definitions
- 222.08 Methods of Reducing Flood Hazards
- 222.10 General Provisions
- 222.12 Land Use Controls
- 222.14 Development Standards and Standards of Construction
- 222.16 Variances/Appeals

222.02 Floodplain Overlay District Established

The FP Floodplain Overlay District is established and applies to all areas of special flood hazard within the City. If not controlled, periodic inundation results in loss of life and property, health and safety hazards, disruption of commerce and government services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

222.04 Zoning Map Designators; Establishment of Hazard Areas

- A. The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study for the City of Huntington Beach dated August 16, 1982 and delineated on the Flood Insurance Rate Map (FIRM) dated February 16, 1983 (revised September 16, 1989) and the Orange County, County-wide FIRM dated November 3, 1993 and all subsequent revisions and/or amendments are hereby adopted by reference and declared to be a part of this chapter. FEMA's most recent FIRM and flood insurance study (on file with the Director) may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the City Council by the Director.

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222.12 Land Use Controls

A. -FPI Subdistrict

1. Permitted Uses

- a. Flood control channels, levees, spreading grounds and basins, roads, bridges and storm drains.
- b. Agricultural uses which require no permanent structures, landfill, storage of materials or equipment, or stream alteration that would result in any increase in flood levels within the regulatory floodway.

2. Uses Requiring a Conditional Use Permit from the Zoning Administrator

- a. Minor Utilities.
- b. Temporary structures which can be readily removed in the time available after flood warning.
- c. Recreation areas, parks, campgrounds, playgrounds, riding and hiking trails, parking lots, wildlife and natural preserves, and similar open space uses that do not have substantial permanent structures.

2 3. Uses Requiring a Conditional Use Permit from the Planning Commission

- a. Major ~~or minor~~ utilities.

3 4. Prohibited Uses

- a. Landfills, excavations, improvements, developments, or encroachments that will obstruct waterflow, cause any cumulative increase in the elevation of the design flood water profile by more than one (1) foot at any point, tend to broaden direct flood flows out of the floodway, impair the design flood conveyance capability of the floodway, or otherwise create a potential hazard to life or property resulting from flood flows.
- b. All encroachments, including fill, new construction, substantial improvements, and other development unless a California-registered civil engineer demonstrates to the satisfaction of the Director that such encroachments will not result in any increase in flood levels within the floodway.
- c. Permanent structures.

Ex. 4₁₉

LEGISLATIVE DRAFT

Chapter 231 Off-Street Parking and Loading Provisions

(3334-6/97, 3378-2/98, 3494-5/01, 3526-2/02)

Sections:

- 231.02 Basic Requirements for Off-Street Parking and Loading
- 231.04 Off-Street Parking and Loading Spaces Required
- 231.06 Joint Use Parking
- 231.08 Reduced Parking for Certain Uses
- 231.10 Parking In-Lieu Payments Within Downtown Specific Plan Area
- 231.12 Parking Spaces for the Handicapped
- 231.14 Parking Space Dimensions
- 231.16 Application of Dimensional Requirements
- 231.18 Design Standards
- 231.20 Compact Parking
- 231.22 Driveways; Visibility
- 231.24 Landscape Improvements
- 231.26 Parking Area Plan Required
- 231.28 Oceanside or On-Street Parking within the Coastal Zone

231.02 Basic Requirements for Off-Street Parking and Loading

- A. When Required. At the time of initial occupancy of a site, construction of a structure, or major alteration or enlargement of a site or structure, off-street parking facilities and off-street loading facilities shall be provided in accord with this chapter and parking area landscaping shall be provided in accord with Chapter 232. For the purposes of these requirements, "major alteration or enlargement" shall mean a change of use, an expansion of greater than 50 percent of the existing space in a non-residential building or an addition of bedrooms or units in a residential building. A change in occupancy that does not involve a change in the use classification is not considered a change in use for purposes of this requirement unless the change in occupancy involves an intensification of use or an increase in parking demand. (3334-6/97)
- B. Nonconforming Parking or Loading. No existing use of land or structure shall be deemed to be nonconforming solely because of the lack of off-street parking or loading facilities required by this chapter, provided that facilities being used for off-street parking and loading as of the date of adoption of this chapter shall not be reduced in number to less than that required by this chapter. Expansion of a use with nonconforming parking shall be subject to the following requirements: (3334-6/97)
 - 1. A multi-family residential use with nonconforming parking may be expanded by adding bedrooms or additional units provided that the expansion complies with current standards contained in this chapter; (3334-6/97)

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ZTA 03-02
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2. A single-family residence with nonconforming parking may be expanded by adding bedrooms provided the dwelling complies with current standards contained in this chapter; and (3334-6/97)
 3. A nonresidential use with nonconforming parking may be expanded less than 50 percent of the existing square footage or intensified if additional parking is provided for the expansion or intensification. Expansions of 50 percent or more of the existing square footage require the site to be in total compliance with the current parking standards contained in this chapter. (3334-6/97)
- C. Spaces Required for Alteration or Enlargement. The number of parking spaces or loading spaces required for an alteration or enlargement of an existing use or structure, or for a change of occupancy, shall be in addition to the number of spaces existing prior to the alteration, enlargement, or change of occupancy unless the preexisting number is greater than the number prescribed in this chapter. In this case, the number of spaces in excess of the prescribed minimum shall be counted in determining the required number of parking or loading spaces. (3334-6/97)
- D. Spaces Required for Multiple Uses. If more than one use is located on a site, the number of off-street parking spaces and loading spaces to be provided shall be equal to the sum of the requirements prescribed for each use. This requirement applies not only to multiple uses under separate ownership but also to multiple uses in the same ownership. If the gross floor area of individual uses on the same site is less than that for which a loading space would be required by Section 231.06A, but the aggregate gross floor area of all uses is greater than the minimum for which loading spaces would be required, the aggregate gross floor area shall be used in determining the required number of loading spaces. (3334-6/97)
- E. Location and Ownership. Parking facilities required by this chapter shall be on the same site as the use served, except that an adjacent lot may be used which is in the same person's possession as the structure or use. Such possession may be by deed or long-term lease, approved as to form by the City Attorney, and recorded in the Office of the County Recorder. A copy of the recorded document stipulating the reservation of the property for parking purposes shall be filed with the City prior to issuance of a building permit and/or certificate of occupancy, whichever occurs first. No use shall be continued if the parking is removed from the adjacent lot unless substitute parking is provided. Parking facilities provided by a parking district or parking authority are not subject to these locational requirements. (3334-6/97)
1. Parking in Yards in R Districts. The parking of motor vehicles, trailers, campers and boats shall be prohibited on all landscaped areas within the front one-half of the lot except as provided below. (3334-6/97)
 - (a) Oversized vehicles (see Definitions Chapter 203), campers, trailers and boats on trailers may be parked on the paved driveway area or on a paved area between the driveway and the nearest side property line provided that they do not project over any property line and that the area is kept free of trash, debris and parts. (3334-6/97)
 - (b) Commercial oversized vehicles (see Definitions Chapter 203) or special purpose machines shall be prohibited in any yard area. (3334-6/97)

Ex- 4₂₁

OFF-STREET PARKING SPACES REQUIRED: SCHEDULE A (continued) (3334-6/97)

Use Classification	Off-Street Parking Spaces
Schools, Public or Private-cont. Trade schools, music conservatories	1 per 35 sq. ft. of instruction area
Utilities, Major	As specified by conditional use permit
Commercial	
Ambulance Services	1 per 500 sq. ft.; plus 2 storage spaces
Animal Sales and Services Animal boarding Animal grooming Animal hospitals Animal, retail sales	1 per 200 sq. ft. 1 per 200 sq. ft. 1 per 200 sq. ft. 1 per 200 sq. ft.
Artists' Studios	1 per 1,000 sq. ft.
Banks and Savings & Loans Drive-Up Service	1 per 200 sq. ft. Queue space for 5 cars per teller
Building Materials and Services	1 per 1,000 sq. ft. of lot area; minimum 10 plus 1/300 sq. ft. office area
Catering Services	1 per 400 sq. ft.
Commercial Recreation and Entertainment Bowling Alleys Electronic Game Centers Health Clubs Stables Tennis/Racquetball Theaters Other Commercial Recreation and Entertainment	3 per lane, plus 1 per 250 sq. ft. of public assembly and retail areas 1 per 200 sq. ft. 1 per 200 sq. ft. except that area designated for group instruction shall be parked at a ratio of 1 per 100 sq. ft. 1 per 3 corrals plus 1 horse trailer space for each 10 corrals plus 2 for caretaker's unit 3 per court 1 per 3 fixed seats, or 1 per 35 sq. ft. seating area if there are no fixed seats As specified by the Zoning Administrator or Planning Commission
Communications Facilities	1 per 500 sq. ft.
Eating and Drinking Establishments with less than 12 seats with more than 12 seats	1 per 200 sq. ft. 1 per 60 sq. ft. or 1 per 100 sq. ft. when on a site with 3 or more uses

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OFF-STREET PARKING SPACES REQUIRED: SCHEDULE A (continued) (3334-6/97)

Use Classification	Off-Street Parking Spaces
Eating and Drinking Establishments-cont	
with dancing	Plus 1 per 50 sq. ft. of dancing area
with drive through service	Plus queue space for 5 cars per service window
Food and Beverage Sales	1 per 200 sq. ft.
Furniture and Appliance Stores	1 per 500 sq. ft. excluding areas used for storage or loading, but not less than 5
Funeral and Interment Services	1 per 35 sq. ft. of seating space
Hardware Stores	1 per 200 sq. ft. excluding areas used for storage or loading, but not less than 5
Horticulture, Limited	1 per 2 acres
Laboratories	1 per 500 sq. ft.
Maintenance and Repair Services	1 per 500 sq. ft.
Marine Sales and Services	1 per 500 sq. ft.
Nurseries	1 per 1,000 sq. ft. of indoor/outdoor sales and/or display lot area accessible for public viewing, but no less than 10; plus 1 per 300 sq. ft. office area
Offices, Business and Professional	1 per 250 sq. ft. for less than 250,000 sq. ft.; 1 per 300 sq. ft. for 250,000 sq. ft. or more
Offices, Medical and Dental	1 per 175 sq. ft. (includes out-patient medical/surgery centers)
Pawn Shops	1 per 200 sq. ft.
Personal Enrichment Services	1 per 35 sq. ft. of instruction area; or Maximum 1 per 200 sq. ft. provided the number of students per classroom does not exceed required number of parking spaces, plus instruction area does not exceed 75 percent of floor area.
Personal Services	1 per 200 sq. ft.
Research and Development Services	1 per 500 sq. ft.
Retail Sales Not Listed Under Another Use Classification	1 per 200 sq. ft.
Sex Oriented Business Cabaret	(3378-2/98) with less than 12 seats, 1 per 200 sq. ft.; with 12 seats or more, 1 per 60 sq. ft. or 1 per 100 sq. ft. if on a site with three or more uses (3378-2/98)

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ATTACHMENT NO. 3163

March 2, 2004

1. The maximum distance between the building or use and the nearest point of the parking spaces or parking facility shall be 250 feet; and (3334-6/97)
2. There shall be no conflict in the operating hours based on parking space requirements for the different uses on the parcel; and (3334-6/97)
3. Evidence of an agreement for such joint use shall be provided by proper legal instrument, approved as to form by the City Attorney. The instrument shall be recorded in the Office of the County Recorder and shall be filed with the City prior to issuance of building permit and/or certificate of occupancy, whichever occurs first. (3334-6/97)

231.08 Reduced Parking for Certain Uses

- A. The ~~Planning Commission~~ **Zoning Administrator** may approve a conditional use permit to reduce the number of parking spaces to less than the number required per Schedule "A" in Section 231.04, provided that the following findings are made: (3334-6/97, 3526-2/02)
1. The parking demand will be less than the requirement in Schedule A; and (3334-6/97, 3526-2/02)
 2. The proposed use of the building or structure, will not generate additional parking demand; and (3334-6/97, 3526-2/02)
 3. A Transportation Demand Management plan which exceeds the minimum required by Section 230.36 has been approved by the Director. (3334-6/97)
- B. The ~~Planning Commission~~ **Zoning Administrator** may consider survey data prepared by a state-registered traffic engineer and submitted by an applicant or collected at the applicant's request and expense as a basis for approval of a reduction in required parking. (3334-6/97, 3526-2/02)

231.10 Parking In-Lieu Payments Within Downtown Specific Plan Area

Parking requirements for private property uses within the Downtown Specific Plan Area may be met by payment of an "in-lieu" fee for providing parking in a parking facility subject to conditional use permit approval by the Planning Commission. Said fee may be paid in multiple installments. The first installment in an amount established by City Council Resolution for each parking space shall be paid prior to the issuance of building permits or of a certificate of occupancy, whichever comes first. Any successive installments shall be paid and secured by a mechanism established in the conditions of approval. (3334-6/97)

231.12 Parking Spaces for the Handicapped

New and existing parking facilities shall comply with the State Handicapped Regulations as mandated in State law. (3334-6/97)

Ex. 4
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231.14 Parking Space Dimensions (3334-6/97)

Required parking spaces shall have the following minimum dimensions in feet. Striping requirements are depicted in Diagram A. Directional signs and/or pavement markings shall be provided in any facility in which one-way traffic is established. (3334-6/97)

Angle of Parking	Stall Width	Stall Depth	Aisle Width ¹	
			1-way	2-way
0° (Parallel)	9	19 (with 8 ft. Striped maneuvering area between every 2 spaces)	12	20
30°	9	19	14	20
45°	9	19	15	20
60°	9	19	20	20
90°	9	19	26	26
Residential	9	19	25	25
<u>Compact</u>	8	17	subject to Section 231.20	

¹Minimum 24 feet when determined by Fire Department to be a fire lane.

(rest of page not used)

EX-4₂₅

2. Boundaries of such lots shall be marked off and secured by chain or cable, with posts a minimum of 3 feet in height, solidly built. At a minimum, posts shall consist of 4" x 4" wood or equivalent metal posts a minimum of 1-1/2 inches in diameter securely set in the ground and placed 8 feet on center. The posts shall be connected with at least 1 strand of 1/2-inch cable or chain securely fastened to each post. An opening shall be provided to accommodate vehicle access during business hours. Seasonal lots shall be secured to prevent overnight parking between the closing hour on one business day and the opening hour the following business day. (3334-6/97)
3. Temporary parking lots shall have landscaped planters with an inside dimension of 3 feet along street-side property lines excluding driveways. Landscaping shall be protected from vehicle and pedestrian damage by wheel bumpers (asphalt, concrete, or wood), or asphalt or concrete curbs, or any other design that will provide adequate protection. (3334-6/97)
4. Seasonal parking lots are exempt from landscaping requirements of Chapter 232. (3334-6/97)
5. Directional and informational signs shall be displayed on-site to identify the entrance(s), fees, and hours of operation. Such signs shall be located at the entrance of the parking lot and shall not exceed 12 square feet and shall be 6 feet high. Signs for seasonal parking lots shall be removed from the site each season no later than the third weekend in September. (3334-6/97)
6. Automatic entry devices or fee collection points shall be set back a minimum of 20 feet from the public right-of-way, or at a distance recommended by the Department of Public Works and approved by the Director. (3334-6/97)
7. An attendant shall be on duty at all times during business hours of seasonal parking lots. (3334-6/97)
8. An approved fire extinguisher shall be provided on the premises during business hours. (3334-6/97)
9. The site shall be maintained in a clean condition, free from trash and debris. Trash containers shall be placed on the site to accommodate and store all trash that accumulates on the lot. (3334-6/97)

For seasonal parking lots, a certificate of insurance for combined single limit bodily injury and/or property damage including products liability in the amount of \$1,000,000 per occurrence shall be filed with the Department of Administrative Services. A hold harmless agreement holding the City harmless shall also be filed with the Department of Administrative Services. (3334-6/97)

Subsequent to approval of an application for any seasonal or temporary parking lot, the applicant shall meet all standards and requirements and install all improvements. The parking lot shall then be inspected and approved by the Director prior to issuance of a Certificate to Operate. (3334-6/97)

EX. 4₂₆

- G. **Parking Structures.** Parking structures above or below grade shall be subject to conditional use permit approval by the Planning Commission when no other entitlement is required. In addition, parking structures proposed within the coastal zone shall be subject to approval of a coastal development permit. All parking structures shall comply with the following requirements: (3334-6/97)
1. Transition ramps which are also used as back-up space for parking stalls shall have a maximum slope of 5 percent. The maximum slope for transition ramps with no adjacent parking spaces shall be 10 percent. A ramp used for ingress and egress to a public street shall have a transition section at least 16 feet long and a maximum slope of 5 percent. (3334-6/97)
 2. Parking structures with over 300 spaces shall provide secondary circulation ramps and additional ingress and egress if deemed necessary by a traffic study prepared by a state-registered traffic engineer. (3334-6/97)
 3. Parking structures shall be provided with a minimum 10-foot-wide perimeter landscape planter at ground level. Parked cars shall be screened on each level through landscape planters or trellises and/or decorative screening wall or railings. The Design Review Board shall approve the landscaping plan. (3334-6/97)
 4. All parking structures shall be architecturally compatible with existing or proposed structures and shall be subject to review and approval by the Design Review Board prior to hearing. The Design Review Board shall consider the following factors in reviewing a proposal: bulk, scale, proportion, building materials, colors, signage, architectural features, and landscaping. (3334-6/97)
 5. All parking structures proposed for conversion to a fee parking arrangement shall be subject to conditional use permit approval by the Planning Commission. Public parking structures within the coastal zone proposed for conversion to a fee parking arrangement shall be subject to approval of a coastal development permit. (3334-6/97)

231.20 Compact Parking (3334-6/97)

~~The Planning Commission, City Council, or Zoning Administrator~~ **or Director** ~~whichever is the review body,~~ may allow use of compact parking to satisfy a portion of the required parking upon finding that compact parking will result in a more effective and efficient circulation pattern and parking layout and enhance the general appearance of the development and its surroundings. Compact spaces shall be distributed throughout the parking area and have the same aisle width as full-size spaces. Compact spaces shall be marked "COMPACT" on the foot of the stall. The number permitted shall be subject to the following standards: (3334-6/97)

- A. Non-residential developments with a minimum of 20 spaces shall be permitted to have 20 percent of the total spaces as compact parking. (3334-6/97)
- B. Residential developments with a minimum of 50 units may have 20 percent of the non-guest parking spaces as compact provided that an equitable system of assignment and distribution has been established. (3334-6/97)

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231.22 Driveways; Visibility

Visibility of a driveway crossing a street or alley property line or of intersecting driveways shall be consistent with the requirements of Section 230.88. (3334-6/97)

231.24 Landscape Improvements

Landscape, planting and irrigation plans shall be prepared consistent with the requirements of Chapter 232. (3334-6/97)

231.26 Parking Area Plan Required

Prior to the construction, reconstruction, or restriping of an off-street parking area, a parking area plan shall be submitted to the Director for the purpose of indicating compliance with the provisions of this section. This plan shall include: (3334-6/97)

- A. Location and description of fencing and architectural screen walls. (3334-6/97)
- B. Location and placement of parking stalls, including bumpers, striping and circulation, all dimensioned to permit comparison with approved parking standards. (3334-6/97)
- C. Location and placement of lights provided to illuminate the parking area. (3334-6/97)
- D. A drainage plan showing drainage to a public way in accordance with accepted standards or practices. (3334-6/97)
- E. A landscape, planting and irrigation plan prepared consistent with the requirements of Chapter 232. (3334-6/97)
- F. **Existing off-street parking areas that were approved at a reduced dimension (e.g. width, length, aisle width) may be reconstructed and re-striped or only re-striped at their previous reduced dimension.**
- G. **When re-striping, parking stalls shall be as depicted in Section 231.14, Diagram A.**
- H. **If a parking area is proposed to only be re-striped; no landscape, drainage, or lighting plan is required.**

Single-family dwellings on pre-existing lots are exempt from this requirement. (3334-6/97)

231.28 Oceanside or On-Street Parking within the Coastal Zone

If any existing oceanside or on-street parking within the coastal zone is removed, it shall be replaced on a one for one basis in an area that would not result in the loss of any sandy beach area and within walking distance of the existing site. Replacement parking shall be assured prior to the issuance of the coastal development permit and shall be provided before any existing parking is removed so that there will be no reduction in the number of parking spaces available. (3334-6/97)

EX. 4₂₈

March 2, 2004

LEGISLATIVE DRAFT

Chapter 236 Nonconforming Uses and Structures

(3254-10/94, 3378-2/98, 3528A-2/02)

Sections:

- 236.02 General Provisions.
- 236.04 Destruction of a Nonconforming Structure or Use.
- 236.06 Alterations to a Nonconforming Structure or Use.
- 236.08 Sex Oriented Businesses.

236.02 General Provisions

- A. A nonconforming structure or use shall not be enlarged, increased or intensified except as provided in this chapter. If any such use ceases, the subsequent use of such land, structure or building site shall be in conformance with the regulations specified by this code. (3254-10/94)
- B. A nonconforming use shall not be resumed, reestablished, or reopened after it has been abandoned, discontinued or changed to a conforming use. (3254-10/94)
- C. A nonconforming use shall be deemed to be discontinued or abandoned when such use has ceased to operate or to exist for a period of six (6) months. (3254-10/94)
- D. A nonconforming use which is not housed in any structure, but occupies a lot or portion of a lot, shall not be enlarged or extended to any other portion of the lot or any other lot not so occupied at the time the use became classified as nonconforming. (3254-10/94)
- E. A nonconforming use occupying either a conforming structure or nonconforming structure or portion thereof shall not be extended to any portion of the structure not so occupied at the time the use became nonconforming. (3254-10/94)

236.04 Destruction of a Nonconforming Structure or Use

These provisions shall govern reconstruction of the nonconforming structures and/or uses listed below after such structure or use is destroyed by fire, explosion, act of nature or act of the public enemy by the percentage of value specified. (3254-10/94)

- A. Nonconforming structures and nonconforming uses destroyed 50% or less of the value prior to damage may be completely rebuilt. (3254-10/94)
- B. Nonconforming residential uses consisting of 10 or less units destroyed more than 50% of the value may be completely rebuilt. (3254-10/94)

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- C. Nonconforming residential uses consisting of more than 10 units destroyed more than 50% of the value may be completely rebuilt subject to conditional use permit approval by the Planning Commission provided current requirements for setback and parking are met. (3254-10/94)

236.06 Alterations to a Nonconforming Structure or Use

- A. Interior alterations and/or repairs may be made which do not enlarge the square footage or increase the height of a nonconforming use. Reroofing for health and safety purposes may also be permitted. (3254-10/94)
- B. A structure for a nonconforming use shall not be enlarged or altered on the exterior in any manner unless: (3254-10/94)
1. All aspects of the existing structure and the proposed addition are made to conform to applicable provisions of this Code, or (3254-10/94)
 2. The ~~Zoning Administrator~~ **Director** permits such alteration subject to ~~approval of a conditional use permit with~~ **Neighborhood Notification** and the following findings: (3254-10/94, 3528A-2/02)
 - a. That the alteration is necessary to secure added safety or reduce the fire hazard or to improve the aesthetic appearance of the structure's architecture by bringing the design into greater conformance with the surrounding neighborhood. (3254-10/94)
 - b. That the alteration or addition will not increase the number of stories. (3254-10/94)
 - c. That the alterations will not cause the floor area to exceed more than ten (10%) percent of the floor area the structure contained at the time the use became nonconforming. (3254-10/94)
- C. Nonconforming structures may be altered or enlarged provided that the alteration or enlargement is in conformance with applicable provisions of Titles 21 and 22. (3254-10/94)
- D. Additions to nonconforming structures proposed to be constructed at the existing nonconforming yard setbacks shall be subject to **Director approval and Neighborhood Notification** ~~of a conditional use permit by the Zoning Administrator.~~ (3254-10/94)
- E. The area of enlargement to a nonconforming structure in any five year period shall not exceed 50% of the area of the structure as it exists on the effective date of this ordinance. (3254-10/94)

EX. 4₃₀

ATTACHMENT NO. 3205

236.08 Sex Oriented Businesses

- A. Any sex oriented business lawfully operating on the effective date of the Ordinance No. 3378 that is in violation of Section 212.04 of this Code shall be deemed a nonconforming use. A nonconforming use will be permitted to continue for a period of three years with possible one year extensions (maximum extensions of five (5) years) to be granted by the Planning Commission only upon a convincing showing by the applicant of extreme financial hardship which is defined as the recovery of the initial financial investment in the nonconforming use, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two (2) or more sex oriented businesses are within 750 feet of one another and otherwise in a permissible location, the sex oriented business which was first established and continually operating at the particular location is the conforming use and the later established business(es) is nonconforming. (3378-2/98)
- B. A sex oriented business lawfully operating as conforming use is not rendered a nonconforming use by the location, subsequent to the grant of a sex oriented business zoning permit, of a building used for religious assembly, school, park and recreational facility or any property zoned RL, RM, RMH, RH, RMP, and any properties with equivalent designations under any specific plan within five hundred feet (500') of the sex oriented business. (3378-2/98)
- C. Any application for a building permit to operate a sex oriented business in a location that is in violation of Section 212.04 that is filed prior to, but approved after the effective date of Ordinance No. 3378 shall be deemed a nonconforming use pursuant to Section A. Any such building permit shall be in effect subject to the applicable zoning regulations in effect prior to the effective date of Ordinance No. 3378. (3378-2/98)

EX. 4₃₁

March 2, 2004

LEGISLATIVE DRAFT

Chapter 244 Design Review

Sections:

- 244.02 Applicability
- 244.04 Duties of the Design Review Board
- 244.06 Scope of Review
- 244.08 Required Plans and Materials

244.02 Applicability

Design review is required for projects in redevelopment areas, **and applicable specific plans** areas subject to specific plans areas designated by the City Council, and for projects abutting or adjoining PS districts.

244.04 Duties of the Design Review Board

The Design Review Board shall assist the Director, Planning Commission and Zoning Administrator in reviewing development plans and architectural drawings within designated geographic areas of the City and to undertake such other review and approval as provided by this code.

- A. Organization. The Board shall consist of five members appointed by and responsible to the City Council. The membership shall consist of the following:
 1. Two (2) At-large members, consisting of current City residents chosen by the City Council. Alternate City residents may be designated by the City Council.
 2. One (1) current Planning Commissioner chosen by the Planning Commission. An alternate Commissioner may be designated by the Planning Commission.
 3. The Director of his/her designee.
 4. The Public Works Director or his/her designee.

B. Terms of Office.

- 1. At-large Members. The term of office for At-large members shall be our (4) years, except as hereinafter provided. One At-large member shall be

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appointed in 1994, and each fourth year thereafter. One At-large member shall be appointed in 1994 for a two year term, and each fourth year thereafter. No At-large member shall serve more than two (2) consecutive terms, except that the current At-large member may be appointed for the two year term mentioned herein. At-large members may serve until their respective successors are appointed and qualified. An At-large member may be removed prior to the expiration of his/her term by a motion adopted by the City Council.

2. Planning Commission Member. The term of the Planning Commission member shall expire when such member ceases to be a member of the Planning Commission. A Planning Commission member may be removed prior to the expiration of his/her term by a motion adopted by the Planning Commission. Members may serve until their respective successors are appointed and qualified.

C. Powers and Duties. It shall be the duty of the Board to review sketches, layouts, site plans, structural plans, signs, and architectural drawings in connection with any matter before the Board. The Board shall have authority to confer with the applicant or property owner concerning modifications of the proposal, or conditions necessary to approval, and may approve, disapprove, or conditionally approve the proposal. The Board may recommend any matter before them to the discretionary body for consideration of the project.

244.06 Scope of Review

A. In making its determination, the Board shall review and consider

1. The arrangement and relationship of proposed structures and signs to one another and to other developments in the vicinity;
2. Whether that relationship is harmonious and based on good standards of architectural design;
3. The compatibility in scale and aesthetic treatment of proposed structures with public district areas;
4. The adequacy of proposed landscaping, parking spaces, driveways, potential on-site and off-site parking and traffic impacts and other potential impacts upon the environment;
5. Elements of design affecting the performance characteristics of the proposed development; and
6. Whether energy conservation measures have been proposed and the adequacy of such measures, including, but not limited to, the use of active and passive solar energy systems.

B. The Board may impose and/or recommend any conditions deemed reasonable and necessary to the approval of the proposed development plan.

244.08 Required Plans and Materials

Plans and materials to fully describe and explain the proposed development shall be submitted as required by the application form or by the Director, as deemed necessary.

244.09 Time Limit; Transferability, Discontinuance,

A. Time Limit. A Design Review Board recommendation shall become null and void one year after its date of Director approval. If the initial application is in association with another discretionary permit said permit shall become null and void one year after the final action of the hearing body.

EX. 4₃₄

LEGISLATIVE DRAFT

Chapter 250 General Provisions

(3334-6/97, 3530-2/02)

Sections:

250.02	Citation and Authority
250.04	Consistency
250.06	Applicability
250.08	Exceptions
250.10	Definitions
250.12	Responsibilities
250.14	Map Requirements
250.16	Fees and Deposits

250.02 Citation and Authority

This Title is adopted pursuant to Chapter XI, Section 7 of the California Constitution and to supplement and implement the Subdivision Map Act, Section 66410 et seq. of the Government Code. This title may be cited as the Subdivision Ordinance of the City of Huntington Beach.

250.04 Consistency

No land shall be subdivided and developed for any purpose that is inconsistent with the Huntington Beach General Plan, the Local Coastal Program for development within the coastal zone, or any applicable specific plan of the City or that is not permitted by Titles 20-24, Zoning, or other applicable provisions of this Code. (3334-6/97)

The type and intensity of land use as shown on the General Plan, and Local Coastal Program for land within the coastal zone, and any applicable specific plan shall determine, together with the requirements of the Subdivision Map Act and this Title, the type of streets, roads, highways, utilities, and other public services that the subdivider shall provide. (3334-6/97)

250.06 Applicability

The provisions set forth in this Title shall apply to all or parts of subdivisions within the City and to the preparation of subdivision maps and to other maps provided for by the Subdivision Map Act and this Title after the effective date of this Title. All subdivisions and any part thereof lying within the City shall be made and all subdivision maps shall be prepared and presented for approval as provided for in this chapter.

All subdivisions and lot line adjustments located within the coastal zone that meet the definition of development as defined in Section 245.04(J) shall require approval of a coastal development permit. (3334-6/97)

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250.08 Exceptions

This chapter shall not apply to the items listed in Sections 66412, 66412.1, 66412.2 and 66412.5 of the Subdivision Map Act. However subject to the provisions of Section 66412(d) of the Subdivision Map Act, a lot line adjustment between two or more existing adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created, provided that, the lot line adjustment is approved pursuant to Section 250.16B.

250.10 Definitions

For the purposes of this Title, unless otherwise apparent from the context, certain words and phrases used in this Title are defined in this section as set forth below. All definitions provided in Chapters 1.04, 245.04, and 203 of the Municipal Code and all definitions provided in the Subdivision Map Act shall also be applicable to this Title and said definitions are hereby incorporated by this reference as though fully set forth herein.

Access Rights. The right of abutting landowners or occupants to obtain access to an abutting public way.

Acreage. Any parcel of land which is not a lot, as defined in this chapter, and those areas where a legal subdivision has not been made previously, or where a legal subdivision has declared such parcel as acreage.

Block. The area of land within a subdivision, which area is entirely bounded by streets, highways or ways, except alleys, or the exterior boundary or boundaries of the subdivision.

Certificate of Compliance. A valid authorization, issued by the City, stating that the subdivision of creation complies with City subdivision laws applicable at the time of creation or stating that the subdivision complies with the Subdivision Map Act and this Title.

City Engineer. The City Engineer of the City of Huntington Beach.

Collector Street. A street, intermediate in importance between a local street and an arterial highway, which has the purpose of collecting local traffic and carrying it to an arterial highway.

Conversion. The creation of separate ownership of existing real property together with a separate interest in space of residential, industrial or commercial buildings.

Cul-de-Sac. A local street, one end of which is closed and consisting of a circular turnaround.

Day. A calendar day unless otherwise specified.

Department. The Community Development Department of the City of Huntington Beach.

Department of Public Works. The Department of Public Works of the City of Huntington Beach.

Director. The Director of the Community Development Department of the City of Huntington Beach.

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Easement. A grant of one or more property rights by the owner to the City, a public entity, public utility, or private party.

Final Map. A map showing a subdivision of five or more parcels, prepared in accordance with the provisions of the Subdivision Map Act and this Title and designed to be placed on record in the office of the Orange County Recorder.

Lot Line Adjustment. A minor shift or rotation of an existing lot line where a greater or lesser number of parcels than originally existed is not created.

Merger. The joining of two or more contiguous parcels of land under one ownership into one parcel.

Parcel. A unit or portion of a unit of improved or unimproved land.

Parcel Map. A map showing a subdivision of four or fewer parcels or a subdivision pursuant to the exceptions stated in Section 66426 of the Subdivision Map Act prepared in accordance with the provisions of the Subdivision Map Act and this Title and designed to be placed on record in the office of the Orange County Recorder.

Parkway. That area between the curb face and abutting property line.

Person. Any individual, firm, co-partnership, joint venture, organization, corporation, estate, trust, receiver, syndicate, this City, and any other public agency.

Private Street. Any street or accessway which is privately held, maintained and utilized as access to a development.

Remainder. That portion of an existing parcel which is not divided for the purpose of sale, lease, or financing nor part of the subdivision.

Scenic Easement. An easement dedicated to the City that protects a view from a specific location or locations to a specific visual resource by prohibiting or limiting development.

Service Road. A street adjacent to and providing access to an arterial highway.

Standard Plans. Plans and engineering drawings for public improvements as adopted by the Department of Public Works.

Standard Engineering Specifications. Specifications for public improvements adopted by the Department of Public Works.

Subdivision Committee. The Subdivision Committee of the City of Huntington Beach.

Subdivision Map Act. The provisions of Division 2, Subdivisions of the California Government Code, relating to subdivisions of land and real property commencing with Section 66410.

Tentative map. A map made for the purpose of showing the design and improvements of a proposed subdivision and the existing conditions in and around it precedent to the approval of a final map. Tentative map shall include a tentative parcel map, prepared pursuant to the provisions of this Title.

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Usable Parcel Area. That portion of a parcel which does not exceed a slope of 10 percent. Any portion of the parcel exceeding 10 percent shall, for the purpose of this Title, be considered slope and not usable parcel area.

Vesting Tentative Map. A tentative map for a residential subdivision that has, printed conspicuously on its face, the words "vesting tentative map" at the time it is filed with the City, and is processed in accordance with the provisions of Chapter 252 of this Title. (3334-6/97)

250.12 Responsibilities

- A. City Attorney. The City Attorney's responsibilities shall include approving as to form all subdivision improvement agreements; covenants, codes, and restrictions; security, liability agreements and insurance; and all governing documents for a community apartment project, condominium, stock cooperative, or conversion.
- B. City Council. The City Council shall have final jurisdiction in the approval of final maps and improvement agreements and the acceptance by the City of land and/or improvements as may be proposed for dedication to the City for subdivisions of five or more parcels.

The City Council shall act as the appeal board for hearing appeals of all subdivision maps acted upon by the Planning Commission.

- C. Planning Commission. The Planning Commission's responsibilities shall include approving, conditionally approving, or denying the application for tentative map approval of subdivisions of ~~ten~~ **21** or more parcels. The Planning Commission shall act as the appeal board for hearing appeals of tentative parcel maps and tentative maps for subdivisions of ~~9~~ **20** or fewer parcels.
- D. Zoning Administrator. The Zoning Administrator's responsibilities shall include the processing and approval, conditional approval or denial of tentative map approval of subdivisions of **11 to 20** or less parcels, tentative parcel maps and waivers of parcel map requirements, ~~lot line adjustments~~, mergers and certificates of compliance.
- E. City Engineer. The City Engineer's responsibilities shall include:
 - 1. Establishing design and construction details, standards and specifications.
 - 2. Determining if proposed subdivision improvements comply with the provisions of the Subdivision Map Act and this Title.
 - 3. The processing and certification of final maps, reversion to acreage maps, and amended maps and the processing and approval of subdivision improvement plans.
 - 4. Examining and certifying that final maps are in substantial compliance with the approved tentative map.
 - 5. Final jurisdiction in the approval of parcel maps and certification of lot line adjustments.

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6. The inspection and approval of subdivision public improvements.
 7. The acceptance of dedications and public improvements for subdivisions by parcel map, and off-site dedications lying outside a subdivision boundary which require a separate grant deed.
 8. Collection of all required fees and deposits associated with final maps and parcel maps except park and recreation fees.
- F. Director. The Director's responsibilities shall include the processing of tentative maps and lot line adjustments **and the approval of subdivisions of 10 or less parcels.**
1. Determinations of violations of the provisions of the Subdivision Map Act or this Title.
 2. The management of the Planning Division in carrying out the responsibilities imposed upon it by this Title. When necessary to carry out the Director's responsibilities hereunder, the Director may designate and authorize a representative to act on his or her behalf.
 3. Collection of park and recreation fees and fees associated with tentative maps.
- G. Subdivision Committee. The Subdivision Committee's responsibilities shall include examining and determining that tentative and vesting tentative maps comply with the provisions of the Subdivision Map Act, this Title, the Local Coastal Program for maps located within the coastal zone, and the City's General Plan, and recommending approval, disapproval, or conditional approval of tentative or vesting tentative maps to the Planning Commission or Zoning Administrator.

The Subdivision Committee shall consist of the following members or their authorized representatives:

1. The Director who shall serve as chairperson and secretary;
2. The City Engineer;
3. The Fire Chief; and
4. Three members of the Planning Commission.

Representatives from other departments shall attend meetings when requested to do so by the Subdivision Committee.

- H. Coastal Commission. The Coastal Commission shall have appeal jurisdiction over coastal development permits approved for all subdivisions and lot line adjustments located within the appealable area of the coastal zone that constitute development as defined in Section 245.04(J). (3334-6/97)

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250.14 Map Requirements

- A. Tentative and Final Map. A tentative and final map shall be required for all subdivisions creating five or more parcels, five or more condominiums as defined in Section 783 of the Civic Code, a community apartment project containing five or more parcels, or for the conversion of a dwelling to a stock cooperative containing five or more dwelling units. Exceptions as stated in Section 66426 of the Subdivision Map Act shall comply with Subsection B.

- B. Tentative and Parcel Map. A tentative and parcel map shall be required for all divisions of land into four or fewer parcels and exceptions stated in Section 66426 of the Subdivision Map Act. However parcel maps shall not be required for:
 - 1. Subdivisions of a portion of the operating right-of-way of a railroad corporation, which are created by short-term leases terminable by either party on not more than 30 days' notice in writing.
 - 2. Land conveyed to or from a governmental agency, public entity or public utility, or for land conveyed to a subsidiary of a public utility for conveyance to such public utility for rights-of-way, unless a showing is made by the Department in individual cases, upon substantial evidence, that public policy necessitates a parcel map. If a parcel map is not required, the dedication or offer must be indicated by a separate instrument.
 - 3. Lot line adjustments, provided:
 - a. No additional parcels or building sites are created;
 - b. The resulting parcels conform to Titles 20-24 (Zoning) of this Code;
 - c. The lot line adjustment shall not sever any existing structure on either of the two parcels.
 - d. The lot line adjustment shall not allow a greater number of dwelling units than allowed prior to the adjustment.
 - e. The lot line adjustment is approved by the Director or by the Planning Commission on appeal; and (3530-2/02)
 - f. A plat map showing the lot line adjustment is prepared, approved, and filed in accord with the provisions of Section 253.24.
 - 4. Parcel maps waived by the Zoning Administrator as provided by Section 251.20.

- C. Designation of Remainder Parcel. When a subdivision includes a remainder parcel as provided in Section 66424.6 of the Subdivision Map Act, the remainder parcel shall be in conformance with Titles 20-24 and shall require a Certificate of Compliance as provided by Section 258.06.

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250.16 Fees and Deposits

All persons submitting maps as required by this chapter shall pay all fees and/or deposits as provided by this Title and by the City Council resolution establishing applicable fees and charges.

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Chapter 203 Definitions

(3248-6/95, 3334-6/97, 3482-12/00, 3520-2/02, 3568-9/02)

Sections:

- 203.02 Applicability
- 203.04 Rules for Construction of Language
- 203.06 Definitions

203.02 Applicability

The meaning and construction of words and phrases defined in this chapter shall apply throughout the zoning and subdivision ordinance, except where the context clearly indicates a different meaning or construction.

203.04 Rules for Construction of Language

In addition to the General Provisions Chapter 1.04 of the Municipal Code, the following rules of construction shall apply:

- A. The particular shall control the general.
- B. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
 - 1. "And" indicates that all connected words or provisions shall apply.
 - 2. "Or" indicates that the connected words or provisions apply singly.
 - 3. "Either . . . or" indicates that the connected words or provisions shall apply singly but not in combination.
 - 4. "And/or" indicates that the connected words or provisions may apply singly or in any combination.
- C. In case of conflict between the text and a diagram, the text shall control.
- D. All references to departments, commissions, boards, or other public agencies are to those of the City of Huntington Beach, unless otherwise indicated.
- E. All references to public officials are to those of the City of Huntington Beach, and include designated deputies of such officials, unless otherwise indicated.
- F. All references to days are to calendar days unless otherwise indicated. If a deadline falls on a weekend or City holiday, it shall be extended to the next working day.

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Guest House. Living quarters within a main or an accessory building for the sole purpose of providing for persons employed on the premises, or for temporary use by guests of the occupants of the premises. Such quarters shall have no kitchen facilities, and shall be limited to one room, no greater than 500 square feet in size with no more than three plumbing fixtures.

Height of Building. A vertical dimension measured from the top of the highest roof to the top of the subfloor/slab directly underneath. (See Section 230.72.)

Helipad or Helistop. A heliport without auxiliary facilities such as waiting room, helicopter parking, fueling and maintenance equipment.

Heliport. An area, either at ground level or elevated on a structure, that is used or intended to be used for the takeoff and landing of helicopters, and includes some or all the various facilities useful to helicopter operations, including helicopter parking, waiting room, fueling and maintenance equipment.

Home Occupation. Business activity conducted in a dwelling unit in a residential district that is incidental to the principal residential use of a lot or site.

Illumination, Direct. Illumination by means of light that travels directly from its source to the viewer's eye.

Illumination, Indirect. Illumination by means only of light cast upon an opaque surface from a concealed source.

Incentives. Policies, programs or actions taken by the City designed to ensure that a development will be produced at a lower cost.

Infill Lot Development. A lot contiguous to one or more existing single family residential units, excluding parcels separated by streets, a vacant parcel intended for single family development, or a parcel with an existing residential structure, which will have 50 percent or more square footage of habitable area removed in order to remodel or construct a detached single family unit.

Junk Yard. The use of a lot, or contiguous lots, or any portion thereof for the storage of junk, including scrap metal, or other scrap materials, and/or for the dismantling or wrecking of automobiles or other vehicles or machinery.

kennel. Any premises where four or more dogs or cats at least four months of age are kept for any purpose.

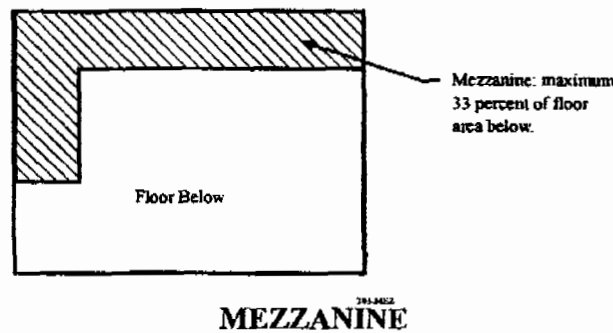
Kitchenette or Kitchen. Any room or part of a room which is designed, built, used, or intended to be used for food preparation and dishwashing; but not including a bar, or similar room adjacent to or connected with a kitchen.

Landscaping. An area devoted to or developed and maintained with native or exotic plantings, lawn, ground cover, gardens, trees, shrubs, and other plant materials, decorative outdoor landscape elements, pools, fountains, water features, paved or decorated surfaces of rock, stone, brick, block, or similar material (excluding driveways, parking, loading, or storage areas), and sculptural elements. Plants on rooftops, porches or in boxes attached to buildings are not considered landscaping.

Lower Income Household. A household whose annual income is at or below eighty percent (80%) of Orange County median income as defined by the State of California Department of Housing and Community Development.

Manufactured Home. A structure transportable in sections which is a minimum of 8 feet in width and 40 feet in length, built on a permanent chassis, and designed to be a dwelling with or without a permanent foundation. Manufactured home includes mobilehome.

Mezzanine. An intermediate floor within a room containing not more than 33 percent of the floor area of the room.



Moderate Income Household. A household whose annual income is at or below one hundred twenty (120%) percent of Orange County median income as defined by the State of California Department of Housing and Community Development.

Municipal Code. The Municipal Code of the City of Huntington Beach.

Negative Declaration. A written statement briefly describing the reasons that a proposed project will not have a significant impact on the environment which meets the requirements of the California Environmental Quality Act. (3334)

Neighborhood Notification. Notification process pursuant to Chapter 24I when no entitlements are required and the use requires such notification as stated in the Zoning and Subdivision Ordinance.

Net Site Area. See Area, Net Lot.

New Well. A new well bore or well hole established at the ground surface. Redrilling from the well bore or well hole of an existing well greater than 150 feet from the existing well bore shall constitute a new well.

Nonconforming Structure. A structure that was lawfully erected but which does not conform with the current development standards.

Nonconforming Use. A use of a structure or land that was lawfully established and maintained, but which does not conform with the current zoning ordinance.

Significant Disruption. Having a substantial adverse effect upon the functional capacity.

Single Ownership. Holding record title, possession under a contract to purchase, or possession under a lease, by a person, firm, corporation, or partnership, individually, jointly, in common, or in any other manner where the property is or will be under unitary or unified control.

Site. A lot, or group of contiguous lots not divided by an alley, street, other right-of-way, or city limit, that is proposed for development in accord with the provisions of this ordinance, and is in a single ownership or has multiple owners, all of whom join in an application for development.

Specific Event. A short term temporary use of public property as defined in Section 5.68.010. (3249-6/95, 3334-8-97, 3482-12/00)

Specific Plan. A plan for a defined geographic area that is consistent with the General Plan and with the provisions of the California Government Code, Section 65450 et seq. (Specific Plans).

Stock Cooperative. A corporation formed for the primary purpose of holding title to, either in fee simple or for a term of years, any real property where the shareholders of the corporation receive a right of exclusive occupancy in a portion of such real property and where the right of occupancy is only transferable by the transfer of shares of stock in the corporation.

Story. That portion of a building included between the surface of any floor and the surface of the floor or finished undersurface of the roof directly above it.

Structure. Anything constructed or erected that requires a location on the ground, excluding swimming pools, patios, walks, access drives, or similar paved areas.

Structure, Accessory. A structure that is appropriate, subordinate and customarily incidental to the main structure of the site and which is located on the same site as the main structure, including swimming pools, garages, gazebos and patio covers.

Structure, Minor Accessory. An accessory structure that does not exceed 64 square feet in floor area, 80 square feet in roof area and a height of six feet, including storage sheds, pet shelters, playhouses, and decorative elements.

Takeoff and Landing Area. That area of the helicopter facility where the helicopter actually lands and takes off.

Transmission Line. An electric power line bringing power to a receiving or distribution substation.

Usable Satellite Signals. Satellite signals from all major communication satellites that, when viewed on a conventional television set, are at least equal in picture quality to those received from local commercial television stations or by way of cable televisions.

Use, Accessory. A use that is appropriate, subordinate, and customarily incidental to the main use of the site and which is located on the same site as the main use.

6/02/05

LEGISLATIVE DRAFT for Ord. 3706

Chapter 210 Residential Districts

(3268-12/94, 3334-6/97, 3410-3/99, 3455-5/00, 3568-9/02)

Sections:

- 210.02 Residential Districts Established
- 210.04 RL, RM, RMH, RH, and RMP Districts: Land Use Controls
- 210.06 RL, RM, RMH, RH, and RMP Districts: Property Development Standards
- 210.08 Development Standards for Senior Projects
- 210.10 Modifications for Affordable Housing
- 210.12 Planned Unit Development Supplemental Standards and Provisions
- 210.14 RMP District Supplemental Development Standards
- 210.16 Review of Plans

210.02 Residential Districts Established

The purpose of the residential districts is to implement the General Plan and Local Coastal Program Land Use Plan residential land use designations. Five (5) residential zoning districts are established by this chapter as follows: (3334-6/97)

- A. The RL Low Density Residential District provides opportunities for single-family residential land use in neighborhoods, subject to appropriate standards. Cluster development is allowed. Maximum density is seven (7) units per acre.
- B. The RM Medium Density Residential District provides opportunities for housing of a more intense nature than single-family detached dwelling units, including duplexes, triplexes, town houses, apartments, multi-dwelling structures, or cluster housing with landscaped open space for residents' use. Single-family homes, such as patio homes, may also be suitable. Maximum density is fifteen (15) units per acre.
- C. The RMH Medium High Density Residential District provides opportunities for a more intensive form of development than is permitted under the medium density designation while setting an upper limit on density that is lower than the most intense and concentrated development permitted in the City. One subdistrict has been identified with unique characteristics where separate development standards shall apply: RMH-A Small Lot. Maximum density is twenty-five (25) units per acre.
- D. The RH High Density Residential District provides opportunities for the most intensive form of residential development allowed in the City, including apartments in garden type complexes and high rise where scenic and view potential exists, subject to appropriate standards and locational requirements. Maximum density is thirty-five (35) units per acre.
- E. The RMP Residential Manufactured Home Park District provides sites for mobile home or manufactured home parks, including parks with rental spaces and parks where spaces are individually owned. Maximum density is nine (9) spaces per acre.

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210.04 RL, RM, RMH, RH, and RMP Districts: Land Use Controls

In the following schedules, letter designations are used as follows:

"P" designates use classifications permitted in residential districts.

"L" designates use classifications subject to certain limitations prescribed by the "Additional Provisions" that follow.

"PC" designates use classifications permitted on approval of a conditional use permit by the Planning Commission.

"ZA" designates use classifications permitted on approval of a conditional use permit by the Zoning Administrator.

"TU" designates use classifications allowed upon approval of a temporary use permit by the Zoning Administrator. (3334-6/97, 3410-3/99)

"P/U" designates that accessory uses are permitted, however, accessory uses are subject to approval of a conditional use permit if the primary use requires a conditional use permit. (3334-6/97, 3410-3/99)

Use classifications that are not listed are prohibited. Letters in parentheses in the "Additional Provisions" column refer to provisions following the schedule or located elsewhere in the zoning ordinance. Where letters in parentheses are opposite a use classification heading, referenced provisions shall apply to all use classifications under the heading.

(Rest of page not used)

EX. 4.47

RL, RM, RMH, RH, and RMP DISTRICTS: LAND USE CONTROLS	P=	Permitted	
	L=	Limited (see <u>Additional Provisions</u>)	(3334-6/97)
	PC=	Conditional use permit approved by Planning Commission	
	ZA=	Conditional use permit approved by Zoning Administrator	
	TU=	Temporary Use Permit	
	P/U=	Requires conditional use permit on site of conditional use	
-=	Not Permitted		

	RL	RM	RMH RH	RMP	Additional Provisions	
Residential Uses					(A)(M)(Q)	(3334-6/97, 3410-3/99)
Day Care, Ltd.	P	P	P	P		
Group Residential	-	-	PC	-		
Multi-family Residential					(B)(C)(D)(R)	(3410-3/99, 3455-5/00)
2 - 4 units	ZA	P	P	-		(3334-6/97, 3410-3/99)
5 - 9 units	ZA	ZA	ZA	-		(3334-6/97, 3410-3/99)
10 or more units	PC	PC	PC	-		(3334-6/97, 3410-3/99)
Manufactured Home Parks	ZA	ZA	-	ZA	(E)(F)	
Residential, Alcohol Recovery, Ltd.	P	P	P	P		
Residential Care, Limited	P	P	P	P		
Single-Family Residential	P	P	P	P	(B)(D)(F)(P)(R)	(3334-6/97, 3410-3/99, 3455-5/00)
Public and Semipublic					(A)(O)	(3334-6/97, 3410-3/99)
Clubs & Lodges	PC	PC	ZA	ZA		(3334-6/97, 3410-3/99)
Day Care, Large-family	ZA	ZA	ZA	ZA		(3334-6/97)
Day Care, General	L-1	ZA	ZA	ZA		(3334-6/97, 3410-3/99)
Park & Recreation Facilities	L-2	L-2	L-2	L-2		(3334-6/97, 3410-3/99)
Public Safety Facilities	PC	PC	PC	PC		
Religious Assembly	L-3	PC	PC	PC		(3334-6/97, 3410-3/99)
Residential Care, General	-	L-1	PC	PC		(3334-6/97, 3410-3/99)
Schools, Public or Private	PC	PC	PC	PC		
Utilities, Major	PC	PC	PC	PC		
Utilities, Minor	P	P	P	P		
Commercial						
Communication Facilities	L-5	L-5	L-5	L-5		(3568-9/02)
Horticulture	ZA	ZA	ZA	ZA		(3410-3/99)
Nurseries	ZA	ZA	ZA	ZA		(3410-3/99)
Visitor Accommodations						
Bed and Breakfast Inns	-	-	L-4	-		(3334-6/97, 3410-3/99)
Accessory Uses	P/U	P/U	P/U	P/U	(A)(G)(H)(I)(L)(M)	(3334-6/97, 3410-3/99)
Temporary Uses					(J)(M)	(3334-6/97, 3410-3/99)
Commercial Filming, Limited	P	P	P	P		
Real Estate Sales	TUP	TUP	TUP	P	(N)	(3334-6/97, 3410-3/99)
Personal Property Sales	P	P	P	P		
Street Fairs	TU	TU	TU	TU		
Nonconforming Uses					(K)(L)	

RL, RM, RMH, RH, and RMP Districts: Additional Provisions

- L-1 A conditional use permit from the Planning Commission is required and only allowed on lots 1.0 acre (gross acreage) or greater fronting an arterial in RL District. (3410-3/99)
- L-2 Public facilities permitted, but a conditional use permit from the Zoning Administrator is required for private noncommercial facilities, including swim clubs and tennis clubs. (3334-6/97, 3410-3/99)
- L-3 A conditional use permit from the Planning Commission is required, and only schools operating in conjunction with religious services are permitted as an accessory use. A General Day Care facility may be allowed as a secondary use, subject to a conditional use permit, if the Planning Commission finds that it would be compatible with adjacent areas and not cause significant traffic impacts. See Section 230.06: Religious Assembly Yard Requirements. (3334-6/97, 3410-3/99)
- L-4 A conditional use permit from the ~~Zoning Administrator~~ **Planning Commission** is required and only allowed on lots 10,000 sq. ft. or greater in RMH-A subdistrict. See also Section 230.42: Bed and Breakfast Inns. (3334-6/97, 3410-3/99)
- L-5 Only wireless communication facilities permitted subject to section 230.96 Wireless Communication Facilities. (3568-9/02)
- (A) Any addition or modification subsequent to the original construction that would result in an increase in the amount of building area, or a structural or architectural alteration to the building exterior, shall require an amendment to the previously approved conditional use permit, if any, or approval of a new conditional use permit. (3334-6/97, 3410-3/99)
- (B) A conditional use permit from the Planning Commission is required for residential uses requesting reduction in standards for senior citizens (See Section 210.08), for affordable housing. (See Sections 210.10 and 230.14), or for density bonus (See Section 230.14).
- (C) A conditional use permit from the Zoning Administrator is required for any multiple family residential development that:
 - (1) abuts an arterial highway;
 - (2) includes a dwelling unit more than 150 feet from a public street; or
 - (3) includes buildings exceeding 25 feet in height. (3334-6/97, 3410-3/99)
- (D) See Section 210.12: Planned Unit Development Supplemental Standards. In addition, a conditional use permit is required for condominium conversion pursuant to Chapter 235.
- (E) See Section 210.14: RMP District Supplemental Standards. In addition, ~~a conditional use permit by the Zoning Administrator~~ **Neighborhood Notification pursuant to Chapter 241** is required for the addition of manufactured home space(s) to an existing Manufactured Home Park. (3334-6/97, 3410-3/99)
- (F) See Section 230.16: Manufactured Homes.
- (G) See Section 230.12: Home Occupation in R Districts.
- (H) See Section 230.08: Accessory Structures.
- (I) See Section 230.10: Accessory Dwelling Units.

Property Development Standards for Residential Districts

	RL	RM	RMH-A Subdistrict	RMH	RH	RMP	Additional Provisions	
Minimum Building Site Width (ft.)	6,000	6,000	2,500	6,000	6,000	10 ac.	(A)(B)(C)	(3410-3/99)
Cul de sac frontage	60	60	25	60	60	N/A		(3334-6/97, 3410-3/99)
Minimum Setbacks	45	45	-	45	45	N/A		(3334-6/97, 3410-3/99)
Front (ft.)	15	15	12	10	10	10	(D)(R)	(3334-6/97, 3410-3/99)
Side (ft.)	3;5	3;5	3;5	3;5	3;5	-	(E)(F)	(3334-6/97, 3410-3/99)
Street Side (ft.)	6;10	6;10	5	6;10	6;10	10	(G)(I)(J)	(3334-6/97, 3410-3/99)
Rear (ft.)	10	10	7.5	10	10	-	(H)	(3334-6/97, 3410-3/99)
Accessory Structure							(I)(J)	
Garage							(U)	(3334-6/97, 3410-3/99)
Projections into Setbacks							(K)	(3334-6/97, 3410-3/99)
Maximum Height (ft.)							(L)(R)	(3334-6/97, 3410-3/99)
Dwellings	35	35	35	35	35	20	(M)	(3334-6/97, 3410-3/99)
Accessory Structures	15	15	15	15	15	15	(M)(R)	(3410-3/99)
Maximum Floor Area Ratio (FAR)	-	-	1.0	-	-	-		(3334-6/97, 3410-3/99)
Minimum Lot Area per Dwelling Unit (sq. ft.)	6,000	2,904	*	1,742	1,244	-		(3410-3/99)
Maximum Lot Coverage (%)	50	50	50	50	50	75	(V)	(3334-6/97, 3410-3/99)
Minimum Floor Area							(N)	(3334-6/97, 3410-3/99)
Minimum Usable Open Space							(O)	
Courts							(P)	(3334-6/97, 3410-3/99)
Accessibility within Dwellings							(Q)	(3410-3/99)
Waterfront Lots							(R)	(3334-6/97, 3410-3/99)
Landscaping			See Chapter 232				(S)	(3334-6/97, 3410-3/99)
Fences and Walls			See Section 230.88					
Lighting							(T)	(3334-6/97, 3410-3/99)
Underground Utilities			See Chapter 17.64					
Screening of Mechanical Equipment			See Section 230.76					
Refuse Storage Areas			See Section 230.78					(3410-3/99)
Antenna			See Section 230.80					(3410-3/99)
Performance Standards			See Section 230.82					
Off-Street Parking and Loading			See Chapter 231					
Signs			See Chapter 233					
Nonconforming Structures			See Chapter 236					
Accessory Structures			See Section 230.08					

* Lots 50 feet or less in width = 1 unit per 25 feet of frontage
 Lots greater than 50 feet in width = 1 unit per 1,900 square feet
 N/A = Not applicable

RL, RM, RMH, RH, and RMP Districts: Additional Development Standards

(O) Open Space Requirements.

(1) The minimum open space area (private and common) for multi-family residential projects in RM, RMH, including RMH-A subdistrict, and RH Districts shall be 25% of the residential floor area per unit (excluding garages). (3334-6/97, 3410-3/99)

(2) Private Open Space.

(a) Private open space shall be provided in courts or balconies within which a horizontal rectangle has no dimension less than 10 feet for courts and 6 feet for balconies. A minimum patio area of 70 square feet shall be provided within the court. (3334-6/97)

(b) The following minimum area shall be provided:

Unit Type	Minimum Area (Sq.Ft.) Ground Floor Units	Units Above Ground Floor
Studio/1 bedroom	200	60
2 bedrooms	250	120
3 bedrooms	300	120
4 or more bedrooms	400	120

(3334-6/97)

(c) Private open space shall be contiguous to the unit and for the exclusive use of the occupants. Private open space shall not be accessible to any dwelling unit except the unit it serves and shall be physically separated from common areas by a wall or hedge exceeding 42 inches in height. (3334-6/97, 3410-3/99)

(d) A maximum of 50% of the private open space requirement, may be on open decks above the second story subject to approval of a conditional use permit by the Zoning Administrator or ~~Planning Commission~~, provided that no portion of such deck exceeds the height limit. (3410-3/99)

(e) **Patio and balcony enclosures within existing planned developments or apartment complexes shall be subject to the following conditions:**

- 1. A maximum of one enclosure per unit shall be allowed.**
- 2. The existing balcony or patio area shall not be enlarged.**
- 3. The balcony or patio enclosure shall comply with the current setback and height requirements for the district in which the site is located.**
- 4. The enclosure shall consist entirely of transparent materials, i.e., no solid walls or opaque walls, except an existing solid roof may be part of the enclosure.**
- 5. No structural change shall occur to the interface wall and doorway between the enclosure and the adjacent inside room of**

(3) Common Open Space.

(a) Common open space, provided by interior side yards, patios, and terraces, shall be designed so that a horizontal rectangle has no dimension less than 10 feet, shall be open to the sky, and shall not include driveways, parking areas, or area required for front or street side yards. (3334-6/97, 3410-3/99)

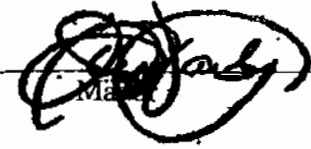
(b) Projects with more than 20 units shall include at least one amenity, such as a clubhouse, swimming pool, tennis court, volleyball court, outdoor cooking facility, or other recreation facility. (3334-6/97, 3410-3/99)

(4) The Director may allow a reduction in the open space requirement to 10% of the livable area per unit for projects with less than 10 units and located within walking distance of 1,000 feet of a public park or beach. (3334-6/97, 3410-3/99)

SECTION 6. All other provisions of Chapter 210 not modified herein shall remain in full force and effect.

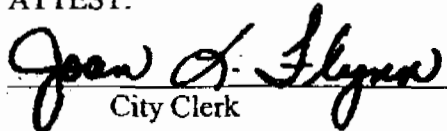
SECTION 7. This ordinance shall become effective 30 days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 2nd day of May, 2005.



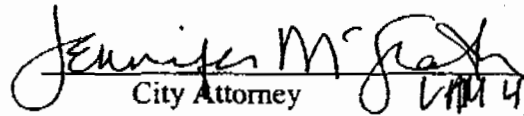
Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



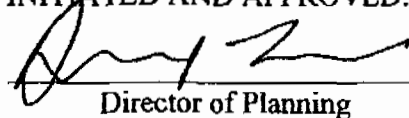
City Attorney *VAM 4/25/05*

REVIEWED AND APPROVED:



City Administrator

INITIATED AND APPROVED:



Director of Planning

EX-452

6/05

LEGISLATIVE DRAFT

For Ord. 3707

Chapter 211 C Commercial Districts

(3285-6/95, 3341-10/96, 3334-6/97, 3482-12/00, 3522-2/02, 3553-5/02, 3568-9/02)

Sections:

- 211.02 Commercial Districts Established
- 211.04 CO, CG, and CV Districts: Land Use Controls
- 211.06 CO, CG and CV Districts: Development Standards
- 211.08 Review of Plans

211.02 Commercial Districts Established

The purpose of the Commercial districts is to implement the General Plan and Local Coastal Program commercial land use designations. Three (3) commercial zoning districts are established by this chapter as follows: (3334-6/97)

- A. The CO Office Commercial District provides sites for offices for administrative, financial, professional, medical and business needs.
- B. The CG General Commercial District provides opportunities for the full range of retail and service businesses deemed suitable for location in Huntington Beach.
- C. The CV Visitor Commercial District implements the Visitor Serving Commercial land use designation within the coastal zone and provides uses of specific benefit to coastal visitors. More specifically, the CV district provides opportunities for visitor-oriented commercial activities, including specialty and beach related retail shops, restaurants, hotels, motels, theaters, museums, and related services. (3334-6/97)

211.04 CO, CG, and CV Districts: Land Use Controls

In the following schedules, letter designations are used as follows:

"P" designates use classifications permitted in commercial districts.

"L" designates use classifications subject to certain limitations prescribed by the "Additional Provisions" that follow.

"PC" designates use classifications permitted on approval of a conditional use permit by the Planning Commission.

"ZA" designates use classifications permitted on approval of a conditional use permit by the Zoning Administrator.

"TU" designates use classifications allowed upon approval of a temporary use permit.

HNB LCRA 1-07B

ZTA 03-02

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Exhibit 4
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"P/U" for an accessory use means that the use is permitted on the site of a permitted use, but requires a conditional use permit on the site of a conditional use.

Use classifications that are not listed are prohibited. Letters in parentheses in the "Additional Provisions" column refer to provisions following the schedule or located elsewhere in the Zoning Ordinance. Where letters in parentheses are opposite a use classification heading, referenced provisions shall apply to all use classifications under the heading.

	P	=	Permitted
CO, CG, and CV Districts Land Use Controls	L	=	Limited (see <u>Additional Provisions</u>)
	PC	=	Conditional use permit approved by Planning Commission
	ZA	=	Conditional use permit approved by Zoning Administrator
	TU	=	Temporary Use Permit
	P/U	=	Requires conditional use permit on site of conditional use
	-	=	Not Permitted

	CO	CG	CV	Additional Provisions
Residential				(J)(Q)(R)(V)
Group Residential	PC	PC	PC	(3334-6/97)
Multifamily Residential	-	-	PC	(3334-6/97) (3334-6/97)
Public and Semipublic				(J)(Q)(R)(V) (3334-6/97, 3553-5/02)
Cemetery	-	-	-	
Clubs and Lodges	ZAP	ZAP	-	(3334-6/97)
Community and Human Services				
Drug Abuse Centers	-	PC	-	
Primary Health Care	L11	L11	-	(3522-2/02)
Emergency Kitchens	-	L-2	-	
Emergency Shelters	-	L-2	-	
Residential Alcohol Recovery, General	-	PC	-	
Residential Care, General	PCZA	PCZA	-	
Convalescent Facilities	PCZA	PCZA	-	
Cultural Institutions	PC	PC	PC	
Day Care, General	L-23	L-23	-	
Day Care, Large-Family	P	P	-	(Y) (3522-2/02)
Emergency Health Care	L-2	L-2	-	(3334-6/97)
Government Offices	P	P	PC	(3334-6/97)
Heliports	PC	PC	PC	(B)
Hospitals	PC	PC	-	(3334-6/97)
Park & Recreation Facilities	L-9	L-9	L-9	
Public Safety Facilities	PC	PC	PC	
Religious Assembly	ZA	ZA	-	(3522-2/02)
Schools, Public or Private	PC	PC	-	
Utilities, Major	PC	PC	PC	
Utilities, Minor	P	P	P	(L)

EX. 4/54

	P	=	Permitted
CO, CG, and CV Districts Land Use Controls	L	=	Limited (see <u>Additional Provisions</u>)
	PC	=	Conditional use permit approved by Planning Commission
	ZA	=	Conditional use permit approved by Zoning Administrator
	TU	=	Temporary Use Permit
	P/U	=	Requires conditional use permit on site of conditional use
	-	=	Not Permitted

	CO	CG	CV	Additional Provisions
Commercial Uses				(J)(Q)(R) (3341-0/86)
Ambulance Services	-	ZA	-	
Animal Sales & Services				
Animal Boarding	-	ZA	-	(3522-2/02)
Animal Grooming	-	P	-	
Animal Hospitals	-	ZA	-	(3522-2/02)
Animals: Retail Sales	-	P	-	
Equestrian Centers (CG Zone)	-	PC	-	(S)
Pet Cemetery	-	PC	-	
Artists' Studios	P	P	P	
Banks and Savings & Loans	P	P	P	
With Drive-Up Service	P	P	P	(3522-2/02)
Building Materials and Services	-	P	-	
Catering Services	P	P	P	
Commercial Filming	P	P	P	(F)
Commercial Recreation and Entertainment	-	PC	PC	(D)
Communication Facilities	L-13	L-13	L-13	(3568-9/02)
Eating and Drinking Estab.	L-4P	L-4P	L-4P	L-4(Y) (3522-2/02)
W/Alcohol	ZA	ZA	ZA	(N)(Y) (3522-2/02)
W/Drive Through	-	ZAP	ZAP	(3522-2/02)
W/Live Entertainment	ZA	ZA	ZA	(W)(Y) (3522-2/02)
W/Dancing	PC	PC	PC	(H)
W/Outdoor Dining	ZA	ZA	ZA	(X)(Y) (3522-2/02)
Food & Beverage Sales	-	P	L-2	
W/Alcoholic Beverage Sales	-	ZA	ZA	(N)
Funeral & Internment Services	-	ZA	-	
Laboratories	L-1	L-1	-	
Maintenance & Repair Services	-	P	-	
Marine Sales and Services	-	P	P	
Nurseries	-	ZA	-	
Offices, Business & Professional	P	P	P	(3334-8/97)
Pawn Shops	-	ZA	-	
Personal Enrichment Services	L-10	L-10	-	(Y) (3522-2/02)
Personal Services	P	P	P	
Research & Development Services	L-1	ZA	-	
Retail Sales	-	P	P	(U)(V) (3285-6/95, 3334-8/97, 3482-12/00)
Secondhand Appliances/Clothing	-	P	-	
Swap Meets, Indoor/Flea Markets	-	PC	-	(T)
Swap Meets, Recurring	-	ZA	-	
Tattoo Establishments	-	PC	-	
Travel Services	P	P	P	

Ex. 455

	P	=	Permitted
CO, CG, and CV Districts Land Use Controls	L	=	Limited (see <u>Additional Provisions</u>)
	PC	=	Conditional use permit approved by Planning Commission
	ZA	=	Conditional use permit approved by Zoning Administrator
	TU	=	Temporary Use Permit
	P/U	=	Requires conditional use permit on site of conditional use
	-	=	Not Permitted

	CO	CG	CV	Additional Provisions
Vehicle Equipment/Sales & Services				
Automobile Rentals	-	L-8	L-8	L-12
Automobile Washing	-	ZAL-7	-	
Commercial Parking	-	PCZA	PCZA	(P)
Service Stations	-	PC	PC	(E)
Vehicle Equip. Repair	-	L-5	-	
Vehicle Equip. Sales & Rentals	ZA	ZA	-	L-12 (3522-2/02)
Vehicle Storage	-	ZA	-	
Visitor Accommodations				
Bed & Breakfast Inns	PCZA	PCZA	PCZA	(K)
Hotels, Motels	-	PCZA	PC	(I) (3334-6/97)
Quasi Residential				
Time Shares	-	PC	PC	(I)(J)(3334-6/97)
Residential Hotel	-	PC	PC	(J)
Single Room Occupancy	-	PC	PC	(J)(O)
Industrial				
Industry, Custom	-	L-6	L-6	(J)(Q)(R)(V) (3334-6/97)
Accessory Uses				
Accessory Uses & Structures	P/U	P/U	P/U	(J)(V) (3334-6/97)
Temporary Uses				
Animal Shows	-	TU	-	(F)(J)(V) (3334-6/97)
Circus and Carnivals and Festivals	-	TU	-	(3522-2/02)
Commercial Filming, Limited	-	P	P	(M)
Real Estate Sales	TUP	TUP	TUP	(3522-2/02)
Retail Sales, Outdoor	-	TU	TU	(M) (3522-2/02)
Seasonal Sales	TU	TU	TU	(M) (3522-2/02)
Tent Event	-	TUP	-	(3522-2/02)
Trade Fairs	-	TUP	-	
Nonconforming Uses				
				(G)(J)(V) (3334-6/97)

(Rest of page not used)

Ex. 4₅₆

CO, CG, and CV Districts: Additional Provisions

- L-1 Permitted if the space is ~~2,500~~ **5,000** square feet or less; allowed with a conditional use permit from the Zoning Administrator **Neighborhood Notification pursuant to Chapter 241** if the laboratory space exceeds ~~2,500~~ **5,000** square feet.
- L-2 Allowed with a conditional use permit from the Zoning Administrator if the space is ~~2,500~~ **5,000** square feet or less; allowed with a conditional use permit from the Planning Commission if the space exceeds ~~2,500~~ **5,000** square feet.
- L-3 **Repealed. (3334-6/07)** Allowed with a conditional use permit from the Zoning Administrator if the space is **2,500 square feet or less; allowed with a conditional use permit from the Planning Commission if the space exceeds 2,500 square feet.**
- L-4 **Permitted** if greater than 300 feet from residential zone or use; if 300 feet or less from residential zone or use ~~limited-neighborhood~~ notification is required **pursuant to Chapter 241** (see ~~Y~~). (3522-2/02).
- L-5 Only "limited" facilities are allowed subject to approval of a conditional use permit from the Zoning Administrator, and body and fender shops are permitted only as part of a comprehensive automobile-service complex operated by a new vehicle dealer.
- L-6 Only "small-scale" facilities, as described in Use Classifications, are permitted with a maximum 7 persons employed full time in processing or treating retail products, limited to those sold on the premises. (3522-2/02)
- L-7 **Repealed.** ~~Attended facilities allowed with a conditional use permit from the Planning Commission unattended facilities allowed with a conditional use permit from the Zoning Administrator.~~
- L-8 On-site storage limited to two rental cars **or two cars for lease.**
- L-9 Public facilities permitted, but a conditional use permit from the Zoning Administrator is required for commercial facilities.
- L-10 Permitted if the space is ~~2,500~~ **5,000** square feet or less; allowed with conditional use permit approval from the Zoning Administrator if space exceeds ~~2,500~~ **5,000** square feet. (3522-2/02)

In addition, Personal Enrichment uses within a retail building parked at a ratio of one (1) space per 200 square feet, shall require no additional parking provided the use complies with the following: (3522-2/02)

EX. 4₅₇

March 10, 2005

- Maximum number of persons per classroom does not exceed the number of parking spaces allocated to the suite based upon the square footage of the building; and (3522-2/02)
- The instruction area does not exceed 75 percent of total floor area of the personal enrichment building area. (3522-2/02)

L-11 Permitted if the space is ~~2,500~~ **5,000** square feet or less; allowed with a conditional use permit from the Zoning Administrator if the space exceeds ~~2,500~~ **5,000** square feet. (3522-2/02)

L-12-Permitted for existing facilities proposing to expand up to 20% of **existing floor area or display area.** (3522-2/02)

L-13 For wireless communication facilities see Section 230.96 Wireless Communication Facilities. All other communication facilities permitted. (3568-9/02)

(A) Reserved. (3553-5/02)

(B) See Section 230.40: Helicopter Takeoff and Landing Areas.

(C) Repealed (3378-2/98)

(D) See Section 230.38: Game Centers; Chapter 5.28: Dance Halls; Chapter 9.24: Card Rooms; Chapter 9.32: Poolrooms and Billiards; and Chapter 9.28: Pinball Machines.

(E) See Section 230.32: Service Stations.

(F) See Section 241.20: Temporary Use Permits

(G) See Chapter 236: Nonconforming Uses and Structures.

(H) For teen dancing facilities, bicycle racks or a special bicycle parking area shall be provided. These may not obstruct either the public sidewalk or the building entry. See also Chapter 5.28: Dancing Halls; Chapter 5.44: Restaurants - Amusement and Entertainment Premises, and Chapter 5.70: Adult Entertainment Businesses. (3341-10/96)

(I) Only permitted on a major arterial street, and a passive or active outdoor recreational amenity shall be provided, ~~subject to approval of the Planning Commission~~

(J) In the CV District the entire ground floor area and at least one-third of the total floor area shall be devoted to visitor-oriented uses as described in the certified Local Coastal Program Land Use Plan. Any use other than visitor serving commercial shall be located above the ground level, and a conditional use permit from the Planning Commission **or the Zoning Administrator** is required. Any use other than visitor serving commercial uses shall only be permitted if visitor serving uses are either provided prior to the other use or assured by deed restriction as part of the development.

No office or residential uses shall be permitted in any visitor serving designation seaward of Pacific Coast Highway. (3334-6/97)

- (K) See Section 230.42: Bed and Breakfast Inns.
- (L) See Section 230.44: Recycling Operations.
- (M) Subject to approval by the Police Department, Public Works Department, Fire Department and the Director. See also Section 230.86 Seasonal Sales.
- (N) The following businesses proposing to sell alcoholic beverages for on-site or off-site consumption are exempt from the conditional use permit process:
 - (1) Retail markets with no more than 10 percent of the floor area devoted to sales, display, and storage of alcoholic beverages provided the sale of alcoholic beverages is not in conjunction with the sale of gasoline or other motor vehicle fuel. (3522-2/02)
 - (2) Restaurants, Bars-and Liquor stores located 300 feet or more from any R or PS district, public or private school, church, or public use. (3522-2/02)
 - (3) Florist shops offering the sale of a bottle of an alcoholic beverage together with a floral arrangement.
- (O) See Section 230.46: Single Room Occupancy.
- (P) See Chapter 231 for temporary and seasonal parking.
- (Q) Development of vacant land or additions of 10,000 square feet or more in floor area; or additions equal to or greater than 50% of the existing building's floor area; or additions to buildings on sites located within 300 feet of a residential zone or use for a permitted use requires approval of a conditional use permit from the Zoning Administrator. The Planning Director may refer any proposed addition to the Zoning Administrator if the proposed addition has the potential to impact residents or tenants in the vicinity (e.g., increased noise, traffic). (3522-2/02)
- (R) Projects within 500 feet of a PS District see Chapter 244.
- (S) See Section 230.48: Equestrian Centers
- (T) See Section 230.50: Indoor Swap Meets/Flea Markets
- (U) See Section 230.94: Carts and Kiosks (3248-6/95, 3334-6/97, 3482-12/00)
- (V) In the coastal zone, the preferred retail sales uses are those identified in the Visitor Serving Commercial land use designation which provide opportunities for visitor-oriented commercial activities including specialty and beach related retail shops, restaurants, hotels, motels, theaters, museums, and related services.

EX-4₅₉

(W) Non-amplified live entertainment greater than 300 feet from a residential zone or use shall be permitted without a conditional use permit. (3522-2/02)

(X) **Outdoor dining with alcohol sales shall be permitted with a conditional use permit to the Zoning Administrator.** Outdoor dining ~~without alcohol sales~~ that is 400 square feet or less ~~with no alcohol sales~~ shall be permitted without a conditional use permit. **If over 400 square feet with no alcohol sales, Neighborhood Notification shall be required pursuant to Chapter 241.** (3522-2/02)

(Y) ~~Limited Neighborhood Notification requirements when no entitlement required.~~ (3522-2/02) **pursuant to Chapter 241.**

1. ~~Ten (10) working days prior to submittal for a building permit or certificate of occupancy, applicant shall notice adjacent property owners and tenants by first class mail.~~ (3522-2/02)

2. ~~Notice of application shall include the following:~~ (3522-2/02)

- a. ~~Name of applicant.~~ (3522-2/02)
- b. ~~Location of planned development or use, including address.~~ (3522-2/02)
- c. ~~Nature of the proposed development shall be fully disclosed in the notice.~~ (3522-2/02)
- d. ~~Planning Department phone number and address of City Hall shall be provided in the notice to call for viewing plans.~~ (3522-2/02)
- e. ~~The date by which any comments must be received in writing by the Planning Department and City appeal procedures.~~ (3522-2/02)
- f. ~~Planning Department shall receive entire list including name and address of those receiving the mailing.~~ (3522-2/02)

211.06 CO, CG and CV Districts: Development Standards

The following schedule prescribes development standards for the CO, CG and CV districts. The first three columns prescribe basic requirements for permitted and conditional uses in each district. Letters in parentheses in the "Additional Requirements" column refer to standards following the schedule or located elsewhere in the zoning ordinance. In calculating the maximum gross floor area as defined in Chapter 203, the floor area ratio is calculated on the basis of net site area. Fractional numbers shall be rounded down to the nearest whole number. All required setbacks shall be measured from ultimate right-of-way and in accordance with definitions set forth in Chapter 203, Definitions.

(Rest of page not used)

**CO, CG and CV DISTRICTS
DEVELOPMENT STANDARDS**

	CO	CG	CV	Additional Requirements
Residential Development				(A)(B)
Nonresidential Development				(B)
Minimum Lot Area (sq. ft.)	10,000	10,000	10,000	(C)
Minimum Lot Width (ft.)	100	100	100	
Minimum Setbacks				
Front (ft.)	10	10	0	(D)(E)(O)
Side (ft.)	5	0	0	(F)
Street Side (ft.)	10	10	0	(E)
Rear (ft.)	5	0	0	(F)
Maximum Height of Structures (ft.)	40	50	50	(F)(G)
Maximum Wall Dimensions				(N)
Maximum Floor Area Ratio (FAR)	1.0	1.5	1.5	
Minimum Site Landscaping (%)	8	8	8	(H)(I)
Building Design Standards				(O)
Fences and Walls				(J)(K)
Off-Street Parking/Loading				(L)
Outdoor Facilities		See Section 230.74		(M)
Screening of Mechanical Equipment		See Section 230.76		(M)
Refuse Storage Areas		See Section 230.78		
Underground Utilities		See Chapter 17.64		
Performance Standards		See Section 230.82		
Nonconforming Structures		See Chapter 236		
Signs		See Chapter 233		

CO, CG, and CV Districts: Additional Development Standards

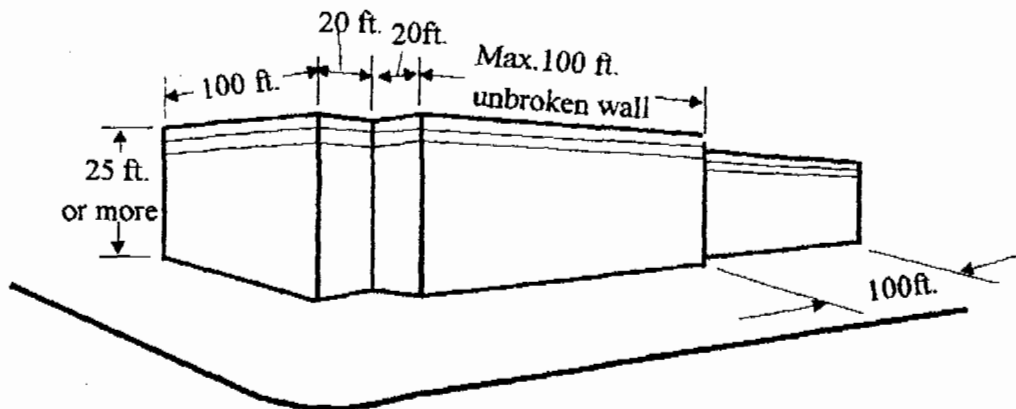
- (A) Dwelling units shall be subject to the standards for minimum setbacks, height limits, maximum density, open space, balconies and bay windows, and parking for the RMH District. The setback standards shall apply only to the stories of a building that are intended for residential use.
- (B) See Section 230.62: Building Site Required and Section 230.64: Development on Substandard Lots.
- (C) The minimum site area for a hotel or motel is 20,000 square feet.
- (D) See Section 230.68: Building Projections into Yards and Required Open Space. Double-frontage lots shall provide front yards on each frontage.

Ex. 4₀₁

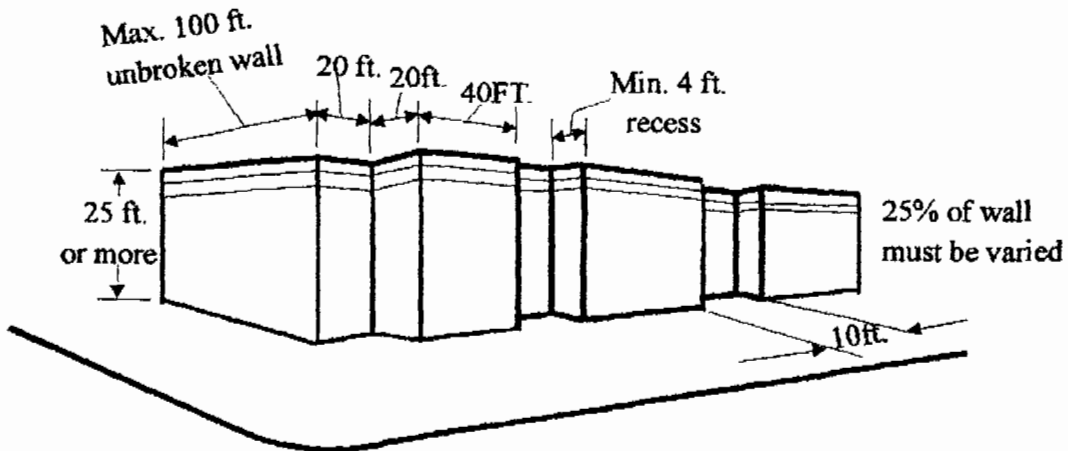
- (E) A minimum 50-foot setback is required along Beach Boulevard, Pacific Coast Highway and Edinger Avenue or 25-foot setback with the setback area entirely landscaped.
- (F) Along a side or rear property line abutting an R district, a 10-foot setback is required, and structures within 45 feet of the district boundary shall not exceed 18 feet in height.
- (G) See Section 230.70: Measurement of Height and Section 230.72: Exceptions to Height Limits.
- (H) Planting Areas:
 - (1) Required front and street side yards shall be planting areas except properties with 50 foot setback shall provide a minimum 10 foot wide planting area along street frontages.
 - (2) Required side and rear yards shall be planting areas or shall be enclosed by a solid concrete or masonry wall at least 6 feet in height.
 - (3) Hotels and Motels. A 15-foot wide landscaped strip shall be provided along all street frontages, except for necessary driveways and walks.
- (I) See Chapter 232: Landscape Improvements.
- (J) See Section 230.88: Fencing and Yards.
- (K) A solid masonry or concrete wall at least 6 feet in height shall adjoin the site of an existing ground-floor residential use. However, where the portion of the site within 10 feet of the front property line is occupied by planting area or by a building having no openings except openings opposite a street property line, the Director may grant an exception to this requirement. A wall within 15 feet of a street property line shall not exceed 3.5 feet in height.
- (L) See Chapter 231: Off-Street Parking and Loading.
- (M) See Section 230.44: Recycling Operations and Section 230.80: Antennae.
- (N) A front or street side wall surface shall be no longer than 100 feet without a break, a recess or offset measuring at least 20 feet in depth and one-quarter of the building length, or a series of offsets, projections or recesses at intervals of not more than 40 feet that vary the depth of the building wall by a minimum of 4 feet. The Director may grant exceptions or allow these standards to be modified for exceptional or unique structures subject to Design Review, Chapter 244.

(Rest of page not used)

EX. 4₀₂



Single Horizontal Offsets: 20ft.



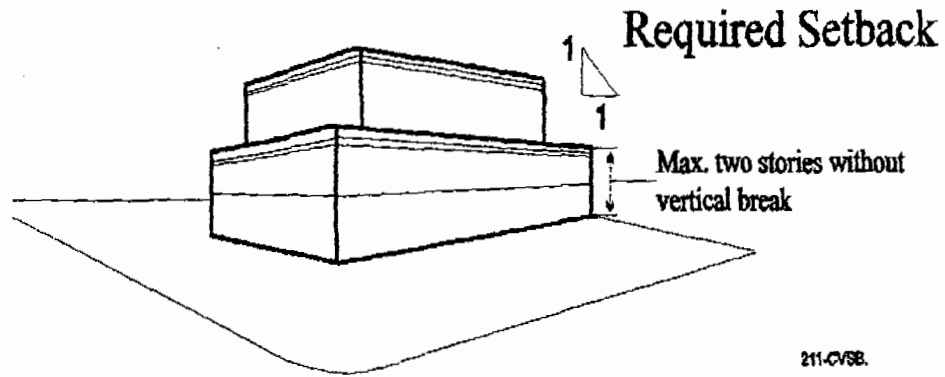
Variable Offsets: 20 ft. and 4 ft.

211-OFFS

MAXIMUM WALL LENGTH AND REQUIRED BREAK

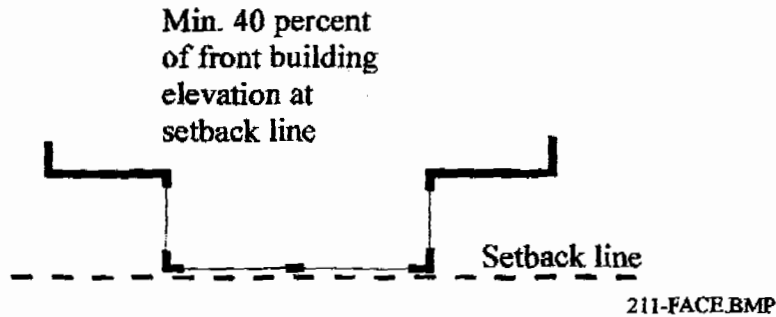
- (O) Two building design standards are established to make commercial areas more attractive and provide a unified streetscape:
 - (1) In the CV District a 10-foot minimum upper-story setback is required above the second story **along street frontages**.

(Rest of page not used)



CV DISTRICT: UPPER-STORY SETBACK

- (2) In the CO and CV Districts, and on frontages adjacent to major or primary arterials in the CG District at least 40 percent of a building surface may be located at the minimum setback line if additional landscaping is provided on the site.



BUILDING FACE AT SETBACK LINE

211.08 Review of Plans

All applications for new construction, initial establishment of use, exterior alterations and additions shall be submitted to the Planning Department for review. Discretionary review shall be required as follows: (3522-2/02)

- A. Zoning Administrator Review. Projects requiring a conditional use permit from the Zoning Administrator; projects on substandard lots; see Chapter 241.
- B. Design Review Board. Projects within redevelopment project areas and areas subject to specific plans; projects within 500 feet of a PS District; see Chapter 244.
- C. Planning Commission. Projects requiring a conditional use permit from the Planning Commission; see Chapter 241.
- D. Projects in the Coastal Zone. A Coastal Development Permit is required unless the project is exempt; see Chapter 245.

LEGISLATIVE DRAFT

For Ord. 3708

Chapter 212 I Industrial Districts

(3254-10/94, 3378-2/98, 3523-2/02, 3568-9/02)

Sections:

- 212.02 Industrial Districts Established
- 212.04 IG and IL Districts: Land Use Controls
- 212.06 IG and IL Districts: Development Standards
- 212.08 Review of Plans

212.02 Industrial Districts Established (3254-10/94)

Two (2) industrial zoning districts are established by this chapter as follows: (3254-10/94)

- A. The IG General Industrial District provides sites for the full range of manufacturing, industrial processing, resource and energy production, general service, and distribution. (3254-10/94)
- B. The IL Limited Industrial District provides sites for moderate- to low-intensity industrial uses, commercial services and light manufacturing. (3254-10/94)

212.04 IG and IL Districts: Land Use Controls (3254-10/94)

In the following schedules, letter designations are used as follows: (3254-10/94)

- "P" designates use classifications permitted in the I districts. (3254-10/94)
- "L" designates use classifications subject to certain limitations prescribed by the "Additional Provisions" which follow. (3254-10/94)
- "PC" designates use classifications permitted on approval of a conditional use permit by the Planning Commission. (3254-10/94)
- "ZA" designates use classifications permitted on approval of a conditional use permit by the Zoning Administrator. (3254-10/94)
- "TU" designates use classifications allowed upon approval of a temporary use permit by the Zoning Administrator. (3254-10/94)
- "P/U" for an accessory use means that the use is permitted on the site of a permitted use, but requires a conditional use permit on the site of a conditional use. (3254-10/94)

Use classifications that are not listed are prohibited. Letters in parentheses in the "Additional Provisions" column refer to requirements following the schedule or located elsewhere in this ordinance. Where letters in parentheses are opposite a use classification heading, referenced provisions shall apply to all use classifications under the heading. (3254-10/94)

Exhibit 4

HNB LCPA 1-07B

ZTA 03-02

Ordinance No. 3708⁸⁹

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**IG AND IL
DISTRICTS:
LAND USE
CONTROLS**

- P - Permitted
- L - Limited (see Additional Provisions)
- PC - Conditional use permit approved by Planning Commission
- ZA - Conditional use permit approved by Zoning Administrator
- TU - Temporary Use Permit
- P/U - Requires conditional use permit on site of conditional use
- - Not Permitted

	IG	IL	Additional Provisions
Residential			
Group Residential	PC	PC	(J)
Public and Semipublic			(A) (M)
Community and Human Service Facilities	PCZA	PCZA	(L)
Day Care, General	ZA	ZA	(3523-2/02)
Heliports	PC	PC	(O)
Maintenance & Service Facilities	PCZA	PCZA	(O)
Public Safety Facilities	P	P	
Religious Assembly	L-10	L-10	
Schools, Public or Private	L-6	L-6	
Utilities, Major	PC	PC	
Utilities, Minor	L-7	L-7	(P)
Commercial Uses			(D)(M)
Ambulance Services	ZA	ZA	
Animal Sales and Services			
Animal Boarding	ZA	ZA	(3523-2/02)
Animal Hospitals	ZA	ZA	(3523-2/02)
Artists' Studios	P	P	
Banks and Savings and Loans	L-1	L-1	
Building Materials and Services	P	P	
Catering Services	-	P	
Commercial Filming	ZA	ZA	
Commercial Recreation and Entertainment	L-2	L-2	
Communication Facilities	L-12	L-12	(3568-9/02)
Eating & Drinking Establishments w/Live Entertainment	L-3	L-3	
Food & Beverage Sales	ZA	ZA	(S)(U) (3523-2/02)
Hospitals and Medical Clinics	ZA	ZA	(3523-2/02)
Laboratories	-	PC	
Maintenance & Repair Services	P	P	
Marine Sales and Services	P	P	
Nurseries	P	P	
Offices, Business & Professional	L-1	L-1	(H)

EX. 4 66

IG AND IL DISTRICTS:
LAND USE CONTROLS

P - Permitted
 L - Limited (see Additional Provisions)
 PC - Conditional use permit approved by Planning Commission
 ZA - Conditional use permit approved by Zoning Administrator
 TU - Temporary Use Permit
 P/U - Requires conditional use permit on site of conditional use
 - Not Permitted

	IG	IL	Additional Provisions
Personal Enrichment	L-9	L-9	(U) (3523-2/02)
Personal Services	L-1	L-1	
Quasi Residential	PC	PC	(K)
Research & Development Services	P	P	
Sex Oriented Businesses (regulated by HBMC Chapter 5.70)	L-11	L-11	(3378-2/98)
Sex Oriented Businesses (regulated by HBMC Chapters 5.24 & 5.60)	PC	PC	(R) (3378-2/98)
Swap Meets, Indoor/Flea Markets	PC	PC	(Q) (3378-2/98)
Vehicle/Equipment Sales & Services			
Service Stations	L-4	L-4	
Vehicle/Equipment Repair	P	P	
Vehicle/Equip. Sales/Rentals	L-5	L-5	
Vehicle Storage	P	ZA	(I)
Visitor Accommodations	PCZA	PCZA	(K)
Warehouse and Sales Outlets	L-8	L-8	
Industrial (See Chapter 204)			(B)(M)(N)
Industry, Custom	P	P	
Industry, General	P	P	
Industry, Limited	P	P	
Industry, R & D	P	P	
Wholesaling, Distribution & Storage	P	P	
Accessory Uses			
Accessory Uses and Structures	P/U	P/U	(C)
Temporary Uses			
Commercial Filming, Limited	P	P	(T) (3523-2/02)
Real Estate Sales	PTU	PTU	(3523-2/02)
Trade Fairs	PTU	PTU	(E)
Nonconforming Uses			(F)

EX 467

IG AND IL Districts: Additional Provisions

- L-1 Only allowed upon approval of a conditional use permit by the ~~Planning Commission~~ **Zoning Administrator** for a mixed use project, subject to the following requirements: (3254-10/94)

Minimum site area: 3 acres (3254-10/94)

Maximum commercial space: 35 percent of the gross floor area and 50 percent of the ground floor area of buildings fronting on an arterial highway. (3254-10/94)

Phased development: 25 percent of the initial phase must be designed for industrial occupancy. For projects over 500,000 square feet, the initial phase must include 5 percent of the total amount of industrial space or 50,000 square feet of industrial space, whichever is greater. (3254-10/94)

- L-2 Allowed upon approval of a conditional use permit by the ~~Planning Commission~~ **Zoning Administrator** when designed and oriented for principal use by employees of the surrounding industrial development or when designed for general public use, after considering vehicular access and parking requirements. (3254-10/94)
- L-3 Allowed upon approval of a conditional use permit by the Zoning Administrator when in a free-standing structure or as a secondary use in a building provided that no more than 20 percent of the floor area is occupied by such a use. (3254-10/94, 3523-2/02)
- L-4 Only stations offering services primarily oriented to businesses located in an I District are allowed with a conditional use permit by the Planning Commission. (3254-10/94)
- L-5 No new or used automobile, truck or motorcycle retail sales are permitted. (3254-10/94)
- L-6 Only schools offering higher education curriculums are allowed with conditional use permit approval by the Planning Commission. No day care, elementary or secondary schools are permitted. (3254-10/94)
- L-7 Recycling Operations as an accessory use are permitted; recycling operations as a primary use are allowed upon approval of a conditional use permit by the ~~Planning Commission~~ **Zoning Administrator**. (3254-10/94)
- L-8 Allowed upon conditional use permit approval by the Planning Commission when a single building with a minimum area of 100,000 square feet is proposed on a site fronting an arterial. The primary tenant shall occupy a minimum 95% of the floor area and the remaining 5% may be occupied by secondary tenants. (3254-10/94)
- L-9 Permitted if the space is ~~2,500~~ **5,000** square feet or less; allowed by ~~conditional use permit~~ **Neighborhood Notification pursuant to Chapter 241** approval by the Zoning Administrator if the space is over ~~2,500~~ **5,000** square feet. (3254-10/94, 3523-2/02)

EX. 4
68

IG AND IL Districts: Additional Provisions (continued)

L-10 Allowed by conditional use permit approval by the Zoning Administrator for a period of time not to exceed five (5) years. (3254-10/94,3523-2/02)

L-11 Allowed subject to the following requirements: (3378-2/98)

- A. A proposed sex oriented business shall be at least five hundred feet (500') from any residential use, school, park and recreational facility, or any building used for religious assembly (collectively referred to as a "sensitive use") and at least seven hundred fifty feet (750') from another sex oriented business. For purposes of these requirements, all distances shall be measured from the lot line of the proposed sex oriented business to the lot line of the sensitive use or the other sex oriented business. The term "residential use" means any property zoned RL, RM, RMH, RH, RMP, and any properties with equivalent designations under any specific plan. (3378-2/98)

To determine such distances the applicant shall submit for review a straight line drawing depicting the distances from the lot line of the parcel of land on which the sex oriented business is proposed which includes all the proposed parking and: (3378-2/98)

1. the lot line of any other sex oriented business within seven hundred fifty feet (750') of the lot line of the proposed sex oriented business; and (3378-2/98)
 2. the lot line of any building used for religious assembly, school, or park and recreational facility within five hundred (500') feet of the lot line of the proposed sex oriented business; and (3378-2/98)
 3. the lot line of any parcel of land zoned RL, RM, RMH, RH, and RMP and any parcels of land with equivalent designations under any specific plans within five hundred feet (500') of the lot line of the proposed sex oriented business. (3378-2/98)
- B. The front facade of the building, including the entrance and signage, shall not be visible from any major, primary or secondary arterial street as designated by the Circulation Element of the General Plan adopted May, 1996, with the exception of Argosy Drive. (3378-2/98)
- C. Prior to or concurrently with applying for a building permit and/or a certificate of occupancy for the building, the applicant shall submit application for Planning Department Staff Review of a sex oriented business zoning permit with the drawing described in subsection A, a technical site plan, floor plans and building elevations, and application fee. Within ten (10) days of submittal, the Director shall determine if the application is complete. If the application is deemed incomplete, the applicant may resubmit a completed application within ten (10) days. Within thirty days of receipt of a completed application, the Director shall determine if the application complies with the applicable development and performance standards of the

IG AND IL Districts: Additional Provisions (continued)

Huntington Beach Zoning and Subdivision Ordinance. Said standards include but are not limited to the following: (3378-2/98)

1. Chapter 203, Definitions; Chapter 212, Industrial Districts; Chapter 230, Site Standards; Chapter 231, Off-Street Parking & Loading Provisions; Chapter 232, Landscape Improvements; and Chapter 236, Nonconforming Uses and Structures. (3378-2/98)
2. Chapter 233.08(b), Signs. Signage shall conform to the standards of the Huntington Beach Zoning and Subdivision Ordinance Code except
 - a. that such signs shall contain no suggestive or graphic language, photographs, silhouettes, drawings, statues, monuments, sign shapes or sign projections, or other graphic representations, whether clothed or unclothed, including without limitation representations that depict "specified anatomical areas" or "specified sexual activities"; and (3378-2/98)
 - b. only the smallest of the signs permitted under Chapter 233.08(b) shall be visible from any major, primary or secondary arterial street, such streets shall be those designated in the Circulation Element of the General Plan adopted May, 1996, with the exception of Argosy Drive.
3. Compliance with Huntington Beach Municipal Code Chapter 5.70. (3378-2/98)
- D. The Director shall grant or deny the application for a sex oriented business zoning permit for a sex oriented business. There shall be no administrative appeal from the granting or denial of a permit application thereby permitting the applicant to obtain prompt judicial review. (3378-2/98)
- E. Ten (10) working days prior to submittal of an application for a sex oriented business zoning permit for Staff Review, the applicant shall: (i) cause notice of the application to be printed in a newspaper of general circulation; and (ii) give mailed notice of the application to property owners within one thousand (1000') feet of the proposed location of the sex oriented business; and the City of Huntington Beach, Department of Community Development by first class mail. (3378-2/98)

The notice of application shall include the following: (3378-2/98)

1. Name of applicant; (3378-2/98)
2. Location of proposed sex oriented business, including street address (if known) and/or lot and tract number; (3378-2/98)

IG AND IL Districts: Additional Provisions (continued)

3. Nature of the sex oriented business, including maximum height and square footage of the proposed development; (3378-2/98)
 4. The City Hall telephone number for the Department of Community Development to call for viewing plans; (3378-2/98)
 5. The date by which any comments must be received in writing by the Department of Community Development. This date shall be ten (10) working days from staff review submittal; and (3378-2/98)
 6. The address of the Department of Community Development. (3378-2/98)
- F. A sex oriented business may not apply for a variance pursuant to Chapter 241 nor a special sign permit pursuant to Chapter 233. (3378-2/98)
- G. A sex oriented business zoning permit shall become null and void one year after its date of approval unless: (3378-2/98)
1. Construction has commenced or a Certificate of Occupancy has been issued, whichever comes first; or (3378-2/98)
 2. The use is established. (3378-2/98)
- H. The validity of a sex oriented business zoning permit shall not be affected by changes in ownership or proprietorship provided that the new owner or proprietor promptly notifies the Director of the transfer. (3378-2/98)
- I. A sex oriented business zoning permit shall lapse if the exercise of rights granted by it is discontinued for 12 consecutive months. (3378-2/98)
- L-12 For wireless communication facilities see section 230.96 Wireless Communication Facilities. All other communication facilities permitted. (3568-9/02)
- ~~(A) Limited to facilities on sites of 2 acres or less. (3254-10/94)~~
- (B) A conditional use permit from the Zoning Administrator is required for any new use or enlargement of an existing use, or exterior alterations and additions for an existing use located within 150 feet of an R district. The Director may waive this requirement if there is no substantial change in the character of the use which would affect adjacent residential property in an R District. (3254-10/94)
- (C) Accessory office uses incidental to a primary industrial use are limited to 10 percent of the floor area of the primary industrial use. (3254-10/94)

(Rest of page not used)

EX 4 71

IG AND IL Districts: Additional Provisions (continued)

- (D) Adjunct office and commercial space, not to exceed 25 percent of the floor area of the primary industrial use is allowed with a conditional use permit from the Zoning Administrator, provided that it is intended primarily to serve employees of the industrial use, no exterior signs advertise the adjunct use, the adjunct use is physically separated from the primary industrial use, any retail sales are limited to goods manufactured on-site, and the primary industrial fronts on an arterial. (3254-10/94)
- (E) See Section 241.22: Temporary Use Permits. (3254-10/94)
- (F) See Chapter 236: Nonconforming Uses and Structures. (3254-10/94)
- (H) Medical/dental offices, insurance brokerage offices, and real estate brokerage offices, except for on-site leasing offices, are not permitted in any I District. (3254-10/94)

Administrative, management, regional or headquarters offices for any permitted industrial use, which are not intended to serve the public, require a conditional use permit from the Zoning Administrator to occupy more than 10 percent of the total amount of space on the site of the industrial use. (3254-10/94)

- (I) Automobile dismantling, storage and/or impound yards may be permitted subject to the approval of a conditional use permit by the Planning Commission and the following criteria: (3254-10/94)
 - (a) The site shall not be located within 660 feet of an R district. (3254-10/94)
 - (b) All special metal cutting and compacting equipment shall be completely screened from view. (3254-10/94)
 - (c) Storage yards shall be enclosed by a solid 6-inch concrete block or masonry wall not less than 6 feet in height and set back a minimum 10 feet from abutting streets with the entire setback area permanently landscaped and maintained. (3254-10/94)
 - (d) Items stacked in the storage yard shall not exceed the height of the screening walls or be visible from adjacent public streets. (3254-10/94)
- (J) Limited to facilities serving workers employed on-site. (3254-10/94)
- (K) **Limited to See Section 230.46: Single Room Occupancy uses (See Section 230.46).** (3254-10/94)
- (L) Limited to Emergency Shelters. (3254-10/94)
- (M) Development of vacant land and/or additions of 10,000 square feet or more in floor area; or additions equal to or greater than 50% of the existing building's floor area; or additions to buildings on sites located within 300 feet of a residential zone or use for a permitted use requires approval of a conditional use permit from the Zoning Administrator. The Planning Director may refer any proposed addition to the Zoning Administrator if the proposed addition has the potential to impact residents or tenants in the vicinity (e.g., increased noise, traffic). (3254-10/94, 3523-2/02)

IG AND IL Districts: Additional Provisions (continued)

- (N) Major outdoor operations require conditional use permit approval by the Planning Commission. Major outside operations include storage yards and uses utilizing more than 1/3 of the site for outdoor operation. (3254-10/94)
- (O) See Section 230.40: Helicopter Takeoff and Landing Areas. (3254-10/94)
- (P) See Section 230.44: Recycling Operations. (3254-10/94)
- (Q) See Section 230.50: Indoor Swap Meets/Flea Markets (3254-10/94)
- (R) See L-11(A) relating to locational restrictions. (3254-10/94, 3378-2/98)
- (S) Non-amplified live entertainment greater than 300 feet from a residential zone or use shall be permitted without a conditional use permit. (3523-2/02)
- (T) Subject to approval by the Police Department, Public Works Department, and Fire Department and the Planning Director. (3523-2/02)
- (U) **Limited Neighborhood** notification requirements when no entitlement required pursuant to Chapter 241. (3523-2/02)
 - 1. ~~Ten (10) working days prior to submittal for a building permit or certificate of occupancy, applicant shall notice adjacent property owners and tenants by first class mail.~~ (3523-2/02)
 - 2. ~~Notice of application shall include the following:~~ (3523-2/02)
 - a. ~~Name of applicant.~~ (3523-2/02)
 - b. ~~Location of planned development or use, including address.~~ (3523-2/02)
 - c. ~~Nature of the proposed development shall be fully disclosed in the notice.~~ (3523-2/02)
 - d. ~~Planning Department phone number and address of City Hall shall be provided in the notice to call for viewing plans.~~ (3523-2/02)
 - e. ~~The date by which any comments must be received in writing by the Planning Department and City appeal procedures.~~ (3523-2/02)
 - f. ~~Planning Department shall receive entire list including name and address of those receiving the mailing.~~ (3523-2/02)

212.06 IG AND IL Districts: Development Standards

The following schedule prescribes development standards for the I Districts. The first two columns prescribe basic requirements for permitted and conditional uses in each district. Letters in parentheses in the "Additional Requirements" column reference requirements following the schedule or located elsewhere in this ordinance. In calculating the maximum gross floor area as defined in Chapter 203, the floor area ratio is calculated on the basis of net site area. Fractional numbers shall be rounded down to the nearest whole number. All required setbacks shall be measured from ultimate right-of-way and in accordance with definitions set forth in Chapter 203, Definitions. (3254-10/94)

	IG	IL	Additional Requirements
Residential Development			(M)
Nonresidential Development			
Minimum Lot Area (sq. ft.)	20,000	20,000	(A)(B) (N)
Minimum Lot Width (ft.)	100	100	(A)(B)
Minimum Setbacks			(A)(C)
Front (ft.)	10;20	10;20	(D)
Side (ft.)	0	15	(E)(F)
Street Side (ft.)	10	10	
Rear (ft.)	0	0	(E)
Maximum Height of Structures (ft.)	40	40	(G)
Maximum Floor Area Ratio (FAR)	0.75	0.75	
Minimum Site Landscaping (%)	8	8	(H)(I)
Fences and Walls	See Section 230.88		
Off-Street Parking and Loading	See Chapter 231		(J)
Outdoor Facilities	See Section 230.74		

IG AND IL Districts: Development Standards (continued)

	IG	IL	Additional Requirements
Screening of Mechanical Equipment	See Section 230.76		(K)
Refuse Storage Area	See Section 230.78		
Underground Utilities	See Chapter 17.64		
Performance Standards	See Section 230.82		(L)
Nonconforming Uses and Structures	See Chapter 236		
Signs	See Chapter 233		

IG AND IL Districts: Additional Development Standards

- (A) See Section 230.62: Building Site Required and Section 230.64: Development on Substandard Lots. (3254-10/94)
- (B) Smaller lot dimensions for new parcels may be permitted by the Zoning Administrator with an approved development plan and tentative subdivision map. (3254-10/94)

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IG AND IL Districts: Additional Development Standards (continued)

- (C) See Section 230.68: Building Projections into Yards and Required Open Space. Double-frontage lots shall provide front yards on each frontage. (3254-10/94)
- (D) The minimum front setback shall 10 feet and the average setback 20 feet, except for parcels fronting on local streets where only a 10 foot setback is required. (3254-10/94)

All I Districts: An additional setback is required for buildings exceeding 25 feet in height (1 foot for each foot of height) and for buildings exceeding 150 feet in length (1 foot for each 10 feet of building length) up to a maximum setback of 30 feet. (3254-10/94)

- (E) In all I districts, a 15-foot setback is required abutting an R district and no openings in buildings within 45 feet of an R district. (3254-10/94)
- (F) A zero-side yard setback may be permitted in the I districts, but not abutting an R district, provided that a solid wall at the property line is constructed of maintenance-free masonry material and the opposite side yard is a minimum of 30 feet. (3254-10/94)

Exception. The Zoning Administrator or Planning Commission may approve a conditional use permit to allow a 15-foot interior side yards opposite a zero-side yard on one lot, if an abutting side yard at least 15 feet wide is provided and access easements are recorded ensuring a minimum 30-foot separation between buildings. This 30-foot accessway must be maintained free of obstructions and open to the sky, and no opening for truck loading or unloading shall be permitted in the building face fronting on the accessway unless a 45-foot long striped areas is provided solely for loading and unloading entirely within the building. (3254-10/94)

- (G) See Section 230.70: Measurement of Height. Within 45 feet of an R district, no building or structure shall exceed a height of 18 feet. (3254-10/94)
- (H) Planting Areas. Required front and street-side yards adjacent to a public right-of-way shall be planting areas except for necessary drives and walks. A 6-foot wide planting area shall be provided adjacent to an R district and contain one tree for each 25 lineal feet of planting area. (3254-10/94)
- (I) See Chapter 232: Landscape Improvements. (3254-10/94)
- (J) Truck or rail loading, dock facilities, and the doors for such facilities shall not be visible from or be located within 45 feet of an R district. (3254-10/94)
- (K) See Section 230.80: Antennae. (3254-10/94)

IG AND IL Districts: Additional Development Standards (continued)

- (L) Noise. No new use shall be permitted, or exterior alterations and/or additions to an existing use allowed, within 150 feet of an R district until a report prepared by a California state-licensed acoustical engineer is approved by the Director. This report shall include recommended noise mitigation measures for the industrial use to ensure that noise levels will conform with Chapter 8.40 of the Municipal Code. The Director may waive this requirement for change of use or addition or exterior alteration to an existing use if it can be established that there had been no previous noise offense, that no outside activities will take place, or if adequate noise mitigation measures for the development are provided. (3254-10/94)
- (M) Group residential or accessory residential uses shall be subject to standards for minimum setbacks and height of the RH District. (3254-10/94)

212.08 Review of Plans

All applications for new construction and exterior alterations and additions shall be submitted to the ~~Community Development~~ **Planning** Department for review. Discretionary review shall be required as follows: (3254-10/94)

- A. Zoning Administrator Review. Projects requiring a conditional use permit from the Zoning Administrator; projects including a zero-side yard exception; projects on substandard lots. (3254-10/94)
- B. Design Review Board. Projects within redevelopment project areas and areas within 500 feet of a PS district; see Chapter 244. (3254-10/94)
- C. Planning Commission. Projects requiring a conditional use permit from the Commission. (3254-10/94)
- D. Projects in the Coastal Zone. A Coastal Development Permit is required unless the project is exempt; see Chapter 245. (3254-10/94)

EX. 4

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6/10/05

LEGISLATIVE DRAFT For Ord. 3709

Chapter 220 O Oil Production Overlay District

Sections:

220.02	Oil Production Overlay District Established
220.04	Zoning Map Designator and Applicability
220.06	Area Requirements
220.08	Reuse Plan Required
220.10	Criteria for Approval of a Reuse Plan
220.12	Site Compliance
220.14	Land Use Controls and Development Standards
220.16	Portable Equipment Required
220.18	Application for Designation
220.20	O1 District - Dedication Requirements
220.22	Waiver or Reduction of Dedication Requirements
220.24	Criteria for Waiver of Reduction of Dedication Requirements

220.02 Oil Production Overlay Districts Established

The Oil Production Overlay District and a subdistrict are established by this chapter as follows:

- A. The O District provides areas to accommodate only oil operations with no drilling.
- B. An O1 subdistrict designation provides areas where oil drilling is allowed, subject to a conditional use permit.

220.04 Zoning Map Designator and Applicability

The zoning map shall show all property affected by adding an "-O" or "-O1" to the base district designator. The provisions in this chapter shall apply in addition to the requirements of any district with which the O or O1 District is combined. Where conflicts arise, the provisions of this chapter shall govern.

220.06 Area Requirements

O District: The minimum area required to establish an O District is 1,500 square feet, with a minimum width of 25 feet and a minimum length of 60 feet.

O1 District: The minimum area required to establish an O1 District is 15,000 square feet, with a minimum width of 100 feet and a minimum length of 150 feet.

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Exhibit 4

January 25, 2005

An oil operator may apply for a waiver or reduction of dedication and improvement requirements when applying for a conditional use permit for drilling, and any such waiver or reduction, when granted, shall apply only to the well or wells specified in the application.

220.24 Criteria for ~~Waiver~~ Modification or Reduction of Dedication Requirements

The ~~Planning Commission~~ **Director** shall approve, conditionally approve, or deny **upon consent of Fire Chief and Director of Public Works** the request for a waiver or reduction of dedication requirements after considering the following factors:

- A. Estimated period of time that the proposed new well(s) and related facilities will be in operation;
- B. Degree of intensity of development of surrounding area;
- C. Effect of the proposed well on vehicular traffic in the vicinity of the site; and
- D. Extent of the proposed oil well operation.

Ex. 478

Legislative Draft for Ord. 3710

Chapter 230 Site Standards

(3249-6/95, 3301-11/95, 3334-6/97, 3410-3/99, 3455-5/00, 3482-12/00, 3494-5/01, 3525-2/02, 3568-9/02, EMG 3594-11/02, EMG 3596-12/02, Resolution No. 2004-80-9/04, 3687-12/04)

Sections:

230.02 Applicability

Residential Districts

230.04 Front and Street Side Yards in Developed Areas
230.06 Religious Assembly Yard Requirements
230.08 Accessory Structures
230.10 Accessory Dwelling Units
230.12 Home Occupation in R Districts
230.14 Affordable Housing-Incentives/Density Bonus
230.16 Manufactured Homes
230.18 Subdivision Sales Offices and Model Homes
230.20 Payment of Park Fee
230.22 Residential Infill Lot Developments
230.24 Small Lot Development Standards (3455-5/00)
230.26 Affordable Housing
230.28 (Reserved)
230.30 (Reserved)

Non-Residential Districts

230.32 Service Stations
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230.40 Helicopter Takeoff and Landing Areas
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230.44 Recycling Operations
230.46 Single Room Occupancy
230.48 Equestrian Centers
230.50 Indoor Swap Meets/Flea Markets
230.52 (Reserved)
230.54 (Reserved)
230.56 (Reserved)
230.58 (Reserved)
230.60 (Reserved)

All Districts

230.62 Building Site Required
230.64 Development on Substandard Lots
230.66 Development on Lots Divided by District Boundaries
230.68 Building Projections into Yards and Courts

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- 230.70 Measurement of Height
- 230.72 Exceptions to Height Limits
- 230.74 Outdoor Facilities
- 230.76 Screening of Mechanical Equipment
- 230.78 Refuse Storage Areas
- 230.80 Antennae
- 230.82 Performance Standards for All Uses
- 230.84 Dedication and Improvements
- 230.86 Seasonal Sales
- 230.88 Fencing and Yards
- 230.90 Contractor Storage Yards/Mulching Operations
- 230.92 Landfill Disposal Sites
- 230.94 Carts and Kiosks
- 230.96 Wireless Communication Facilities

230.02 Applicability

This chapter contains supplemental land use and development standards, other than parking and loading, landscaping and sign provisions, that are applicable to sites in all or several districts. These standards shall be applied as specified in Title 21: Base Districts, Title 22: Overlay Districts, and as presented in this chapter.

Residential Districts

230.04 Front and Street Side Yards in Developed Areas

Where lots comprising 60 percent of the frontage on a blockface in an R district are improved with buildings that do not conform to the front yard requirements, the Planning Commission may adopt by resolution a formula or procedure to modify the front and street side yard setback requirements. The Planning Commission also may modify the required yard depths where lot dimensions and topography justify deviations. Blocks with such special setback requirements shall be delineated on the zoning map. Within the coastal zone any such setback modifications adopted by the Planning Commission shall be consistent with the Local Coastal Program. (3334-6/97)

230.06 Religious Assembly Yard Requirements

Yards, height and bulk, and buffering requirements shall be as specified by a conditional use permit, provided that the minimum interior side yard and rear yard shall each be 20 feet. Yards adjoining street property lines shall not be less than required for a permitted use.

230.08 Accessory Structures

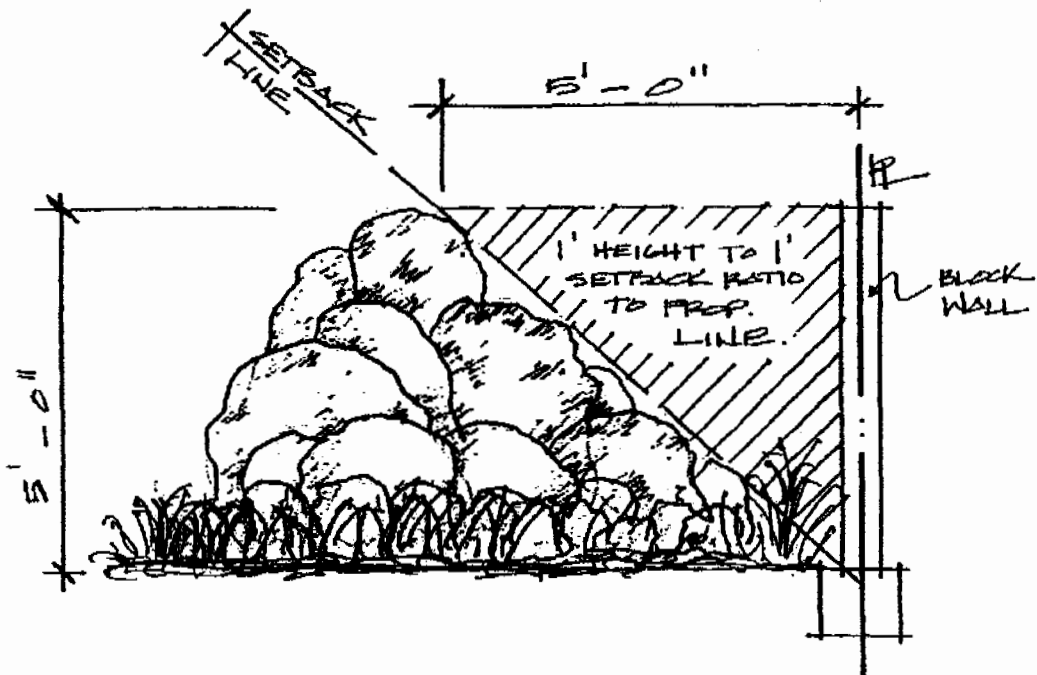
For purposes of applying these provisions, accessory structures are inclusive of minor accessory structures, except where separate provisions are provided in this section.

- A. Timing. Accessory structures shall not be established or constructed prior to the start of construction of a principal structure on a site, except that construction trailers may be placed on a site at the time site clearance and grading begins and may remain on the site only for the duration of construction.
- B. Location. Except as provided in this section, accessory structures shall not occupy a required front, side or street side yard or court, or project beyond the front building line of the

principal structure on a site. An accessory structure shall be setback 5 feet from the rear property line except no setback is required for accessory structures, excluding garages and carports, which abut an alley. ~~No accessory structures shall be permitted off site.~~

Minor accessory structures may be located in required side and rear yard setbacks provided that the structure is located in the rear two-thirds of the lot and a minimum five foot clearance is maintained between said structure and dwelling if it is located in the required side yard. Minor accessory structures that are decorative such as landscape garden walls, fire pits, freestanding barbecues/fireplaces, sculptures, and fountains may be located anywhere on the property provided:

1. They do not exceed 6-feet in height or exceed 42-inches in height when located within the front yard setback and;
2. A minimum 5-foot clearance is maintained between said structure and the dwelling if it is located in a required side yard; and
3. Rock formations shall be setback 1-foot from the side and/or rear property lines for each foot of rock formation height, maximum 5-foot setback required.



- C. Maximum Height. 15 feet, except a detached garage for a single family dwelling may exceed the maximum height when it is designed to be architecturally compatible with the main dwelling and does not include habitable floor area.
- D. Maximum Size in RL District. In an RL district, the total gross floor area of accessory structures more than 4 feet in height that are not attached to a dwelling shall not exceed 600 square feet or 10 percent of lot area, whichever is more.

- E. Patio Covers. A patio cover open on at least 2 sides and complying with all other provisions of this subsection may be attached to a principal structure provided a 5-foot clearance to all property lines is maintained.
- F. Decks. A deck 30 inches or less in height may be located in a required yard.
- G. Separation. The distance between buildings on the same lot shall not be less than 10 feet.

230.10 Accessory Dwelling Units

A. Permit Required. Accessory dwellings may be permitted in all R districts on lots with a single family dwelling subject to a ~~conditional use permit issued by the Zoning Administrator~~ **Director approval**. ~~Requests~~ **Applications** shall be submitted to the Director accompanied by the required **Neighborhood Notification** fee, plans and elevations showing the proposed accessory dwelling and its relation to the principal dwelling, descriptions of building materials, landscaping and exterior finishes to be used and parking to be provided, and any other information required by the Director to determine whether the proposed unit conforms to all requirements of this code. ~~The Director Zoning Administrator shall approve a conditional use permit for an accessory dwelling unit after a duly noticed public hearing upon finding that~~ **the following conditions have been met:**

1. The dwelling conforms to the design and development standards for accessory dwelling units established in Subsection (B C) of this sSection 230.10 **and Section 230.22 A.,**
2. The accessory unit maintains the scale of adjoining residences and is compatible with the design of existing dwellings in the vicinity in terms of building materials, colors and exterior finishes;
3. The main dwelling or the accessory dwelling will be owner-occupied; and
4. Public and utility services including emergency access are adequate to serve both dwellings.

B. Design and Development Standards.

1. Minimum Lot Size. 6,000 square feet.
2. Maximum Unit Size. The maximum square footage of the accessory dwelling unit shall not exceed 650 square feet and shall not contain more than one bedroom.
3. Required Setbacks. Accessory dwelling units shall comply with minimum setbacks of Chapter 210.

4. Height and Building Coverage. The basic requirements of Chapter 210 shall apply unless modified by an overlay district.
5. Parking. All parking spaces shall comply with Section 231.18D. (3334-6/97)
6. Design. The accessory unit shall be attached to the main dwelling unit in such a manner as to create an architecturally unified whole, not resulting in any change to the visible character of the street. The entrance to the accessory unit shall not be visible from the street in front of the main dwelling unit. Building materials, colors and exterior finishes should be substantially the same as those on the existing dwelling.

- C. Ownership. The second unit shall not be sold separately from the main dwelling unit.
- D. Covenant Conditions Recorded. **A covenant with the ownership requirements** ~~The conditional use permit and conditions of approval shall be filed for recordation with the County Recorder within 30 days of~~ **Planning Department Plan Check approval and issuance of building permits.** Evidence of such filing shall be submitted to the Director within 30 days of approval.
- E. Parkland Dedication In-lieu Fee. A parkland dedication in-lieu fee shall be assessed ~~at 25 percent of the fee for a single family residence~~ as set by resolution of the City Council **pursuant to Section 230.20** and paid prior to issuance of the building permit.

230.12 Home Occupation in R Districts

- A. Permit Required. A home occupation in an R district shall require a Home Occupation Permit, obtained by filing a completed application form with the Director. The Director shall approve the permit upon determining that the proposed home occupation complies with the requirements of this section.
- B. Contents of Application. An application for a Home Occupation Permit shall contain:
 1. The name, street address, and telephone number of the applicant;
 2. A complete description of the proposed home occupation, including number and occupation of persons employed or persons retained as independent contractors, amount of floor space occupied, provisions for storage of materials, and number and type of vehicles used.
- C. Required Conditions. Home occupations shall comply with the following conditions:
 1. A home occupation shall be conducted entirely within one room in a dwelling. No outdoor storage shall be permitted. Garages shall not be used in connection with such business except to park business vehicles.
 2. No one other than a resident of the dwelling shall be employed on-site or report to work at the site in the conduct of a home occupation. This prohibition also applies to independent contractors.
 3. There shall be no display of merchandise, projects, operations, signs or name plates of any kind visible from outside the dwelling. The appearance of the dwelling shall not be altered, or shall the business be conducted in a manner to indicate that the dwelling or its premises is used for a non-residential purpose, whether by colors, materials, construction, lighting, windows, signs, sounds or any other means whatsoever.

4. A home occupation shall not increase pedestrian or vehicle traffic in the neighborhood.
5. No commercial vehicle or equipment used in conjunction with the home occupation shall be parked overnight on an adjacent street or in any yard visible from the street.
6. No motor vehicle repair for commercial purposes shall be permitted.
7. A home occupation shall not include an office or salesroom open to visitors, and there shall be no advertising of the address of the home occupation.

8. ~~A conditional use permit~~ **Neighborhood Notification** shall be **in compliance with Chapter 241** ~~issued by the Zoning Administrator~~ when a home occupation involves instruction and/or service, e.g. music lessons, beauty shop, swimming lessons. Where a home occupation involves swimming instruction in an outdoor swimming pool, each swimming class shall be limited to 4 students, and no more than 2 vehicles shall be used to transport students to such classes.
9. Any authorized City employee may inspect the premises of a home occupation upon 48 hours notice to ascertain compliance with these conditions and any requirements of this code. The permit for a home occupation that is not operated in compliance with these provisions shall be revoked by the Director after 30 days written notice unless the home occupation is altered to comply.

230.14 Affordable Housing Incentives/Density Bonus

- A. When a developer of a residential property which is zoned and general planned to allow five (5) or more dwelling units proposes to provide affordable housing, he or she may request a density bonus and/or other incentive through a conditional use permit subject to the provisions contained in this section. A density bonus request pursuant to the provisions contained within this section shall not be denied unless the project is denied in its entirety.
- B. The City may grant incentives to the developer. An incentive includes, but is not limited to, the following:
 1. A density bonus.
 2. A reduction in site development standards or architectural design requirements which exceed the minimum building standards contained within the Uniform Building Code as adopted by the City including, but not limited to, a reduction in setback, lot coverage, floor area ratio, parking and open space requirements.
 3. Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.
 4. A reduction in development and/or processing fees.
 5. Other regulatory incentives or concessions proposed by the developer or the City which result in identifiable cost reductions.
 6. Financial assistance by the City, i.e., housing set-aside funds.

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- d. A statement detailing the number of density bonus units being proposed over and above the number of units normally permitted by the applicable zoning and general plan designations.
2. All subsequent City review of and action on the applicant's proposal for a density bonus and/or consideration of any requested other incentives shall occur in a manner concurrent with the processing of the conditional use permit and any other required entitlements, if any. If the developer proposes that the project not be subject to impact fees or other fees regularly imposed on a development of the same type, final approval will be by the City Council.
3. The Planning Commission/City Council shall review the subject Affordability Agreement concurrently with the development proposal. No project shall be deemed approved until the Affordability Agreement has been approved by the **City Council** ~~appropriate reviewing body~~.
4. The Planning Commission/City Council may place reasonable conditions on the granting of the density bonus and any other incentives as proposed by the applicant. However, such conditions must not have the effect, individually or cumulatively, of impairing the objective of California Government Code Section 65915 et seq., and this section, of providing affordable housing for qualifying residents, lower or very low income households in residential projects.
5. A monitoring fee, as established by resolution of the City Council, shall be paid by the applicant to the City prior to issuance of a certificate of occupancy for the first unit. This fee shall be in addition to any other fees required for the processing of the conditional use permit, environmental analysis, and/or any other entitlements required.

F. Required findings for approval.

1. Density bonus. In granting a conditional use permit for a density bonus, the Planning Commission/City Council shall make all of the following findings:
 - a. The proposed project, which includes a density bonus, can be adequately serviced by the City and County water, sewer, and storm drain systems without significantly impacting the overall service or system.
 - b. The proposed project, which includes a density bonus, will not have a significant adverse impact on traffic volumes and road capacities, school enrollments, or recreational resources.
 - c. The proposed project which includes a density bonus is compatible with the physical character of the surrounding area.
 - d. The proposed project which includes a density bonus is consistent with the overall intent of the General Plan.
 - e. If located within the coastal zone, the proposed project which includes a density bonus will not result in the fill, dredge, or diking of a wetlands. (3334-6/97)
2. Other incentives. A request for an additional incentive shall not be denied by the Planning Commission or City Council unless a finding is made that the incentive is not necessary to the establishment of affordable units.

230.22 Residential Infill Lot Developments

The following Residential Infill requirements are intended to minimize impacts on contiguous developed single family residential property and provide standards that insure compatibility and appropriate design for projects located within existing residential neighborhoods, unless to do so would contravene the terms of an existing Development Agreement. (3301-11/95)

Infill development site plans and building design shall be harmonious and compatible with streets, driveways, property lines, and surrounding neighborhood. Compatibility considerations should include, but not be limited to, lot size, lot frontages, building layout, building configuration and design, building materials, product type, grade height and building height relative to existing dwellings, and visual intrusion concerns. The Director of **Planning Community Development** shall cause all requests for plan check and issuance of building permits for residential infill lot development to be reviewed in accordance with these requirements. (3301-11/95)

A. Privacy Design Standards.

1. New residences and accessory dwelling units shall off-set windows from those on existing residences to insure maximum privacy. The use of translucent glass or similar material, shall be used for all bathroom windows facing existing residences. Consider locating windows high on elevations to allow light and ventilation, and insure privacy. (3301-11/95)
2. Minimize the canyon effect between houses by clipping roof elevations on side yards. Provide roof line variations throughout a multi-dwelling infill development. (3301-11/95)
3. Provide architectural features (projections, off-sets) to break up massing and bulk.
4. Upper story balconies shall be oriented toward the infill house's front or rear yard areas, a public street or permanent open space. (3301-11/95)

B. Noise Considerations.

1. Swimming pool/hot tub equipment, air conditioning equipment, and other permanently installed motor driven equipment shall be located to minimize noise impacts on contiguous residences. (3301-11/95)

C. Pad Height.

1. Pad height for new construction shall match to the extent feasible pad heights of contiguous residences. Any property owner/developer who intends to add fill above the height of the existing contiguous grades shall demonstrate to the Community Development Director and the City Engineer that the additional fill is not detrimental to surrounding properties in terms of compatibility and drainage issues. (3301-11/95)

D. Public Notification Requirements.

1. Ten (10) working days prior to submittal for plan check (plan review) the applicant shall give notice of the application to adjacent property owners and the City of Huntington Beach, Department of Community Development by first class mail. The notice of application shall include the following: (3301-11/95)
 - a. Name of applicant;

4. Employer: Means any person(s), firm, business, educational institution, government agency, non-profit agency or corporation, or other entity which employs or houses tenants that collectively employ 100 or more employees at a worksite on a full and/or part-time/temporary basis.
5. Building Size: Means the total gross floor area measured in square feet of a building or group of buildings at a worksite. Includes the total floor area of both new development and existing facilities.
6. Mixed-Use Development: Means new development projects that integrate any one of these land uses with another: residential, office, commercial, industrial and business park.
7. Tenant: Means the lessee of facility space at a development project who may also serve as an employer.
8. Transportation Demand Management (TDM): Means the implementation of programs, plans or policies designed to encourage changes in individual travel behavior. TDM can include an emphasis on alternative travel modes to the single occupant vehicle (SOV) such as carpools, vanpools and transit; and reduction of VMT and the number of vehicle trips.
9. Vanpool: Means a vehicle occupied by seven (7) or more persons traveling together.
10. Worksite: Means a building or group of buildings which are under common ownership and the place of employment, base of operation, or predominate location of an employee or group of employees.

C. Applicability:

1. These provisions apply to commercial, industrial, institutional, or other uses which are determined to employ 100 or more persons, as determined by the employee generation factors specified under subsection 4. This includes any permit for existing facilities that already have 100 or more employees or will have 100 or more employees.
2. These provisions apply to all districts, planned communities and specific plan areas including those covered by development agreements. These provisions shall supersede other ordinances with which there is a conflict.
3. Notwithstanding "1" above, the following uses and activities shall be specifically exempt from the provisions of this section:
 - a. Temporary construction activities on any affected project, including activities performed by engineers, architects, contract subcontractors and construction workers.
 - b. Other temporary use classifications or as authorized by the ~~Planning Commission~~ /Zoning Administrator/**Director** when such temporary activities are for a period not to exceed 30 days and held no more than once a year.
4. Employee generation factors shall be based on one of the following:
 - a. Employment projections developed by the property owner, subject to approval by the Director;

The following supplemental requirements shall apply to the operation of game centers, including mechanical or electronic games or any other similar machine or device, in order to control the location and hours of operation of game centers so as not to allow school children to play the games during school hours or to encourage minors to congregate in areas close to commercial establishments that sell alcoholic beverages. **The following conditions shall apply:**

- A. ~~Conditional Use Permit Required.~~ Applicants desiring a permit for the purpose of operating a game center as a business in a C district must obtain a conditional use permit from the Zoning Administrator. The permit is valid only for the number of games specified; the installation or use of additional games requires a new or amended permit. **Neighborhood Notification. Submit a request to the Director with neighborhood notification pursuant to Chapter 241.**
- B. Adult Manager. At least one adult manager shall be on the premises during the time a game center is open to the public.
- C. Hours of Operation for Minors under 18 Years of Age. No game center owners, manager or employees shall allow a minor under 18 years of age to play a mechanical or electronic game machine during the hours the public schools of the district in which the center is located are in session, or after 9 p.m. on nights preceding school days, or after 10 p.m. on any night. It is the responsibility of the owner or manager of the game center to obtain a current schedule of school days and hours.
- D. Locational Criteria. A game center shall not be permitted within 2,500 feet of a school site, 300 feet of the boundary of a residential district, or within 500 feet of a liquor store, a nightclub, cocktail lounge or bar. The distance shall be measured as walking distance from the game center to the property line of the school site, the district boundary, or the property line of the liquor store, nightclubs, cocktail lounge, or bar, as the case may be.
- E. Restrictions. The ~~Zoning Administrator~~ **Director** may impose reasonable restrictions on the physical design, location, and operation of a game center and require a special bicycle parking area in order to minimize the effects of noise, congregation, parking, and other nuisance factors that may be detrimental to the public health, safety and welfare of the surrounding community.

230.40 Helicopter Takeoff and Landing Areas

- A. Permit Required. A conditional use permit may be issued for the construction and operation of a heliport, helipad, or helistop if the Planning Commission finds that:
1. The helipad, heliport, or helistop conforms to the locational criteria and standards established in Subsections (B) and (C) of this section, and the requirements of the California Department of Transportation, Division of Aeronautics;
 2. The heliport, helipad, or helistop is compatible with the surrounding environment; and
 3. The proposed operation of the helicopter facility does not pose a threat to public health, safety or welfare.

The Commission may impose conditions of approval on the conditional use permit to prevent adverse impacts on surrounding properties. If such impacts can not be mitigated to an acceptable level, the conditional use permit application shall be denied.

- B. Locational Criteria.

1. Minimum Separation. Minimum separation between heliports, helipads, and helistops shall be 1.5 miles, except for facilities specifically intended for emergency use, such as medical evacuation or police functions, and temporary landing sites.
2. Protected Areas. No heliport, helipad, or helistop shall be located within 1,000 feet of an R district or the site of a public or private school, except for heliports or helistops specifically intended only for emergency or police use. Temporary landing sites within 1,000 feet of a public or private school may be allowed with a temporary use permit subject to approval of the California Department of Transportation.

C. Site Development Standards.

1. Approach and departure paths 65 feet wide shall be free of obstruction for a minimum distance of 400 feet.
2. Setbacks from property lines shall be as follows:
 - a. Takeoff and landing area - 50 feet;
 - b. Helicopter maintenance facilities - 25 feet;
 - c. Administrative or operations building - 15 feet.
3. Any lighting used for nighttime operations shall be directed away from adjacent properties and public rights-of-way.
4. A telephone shall be provided on or adjacent to the heliport, helipad or helistop.
5. Helipads or helistops intended for emergency use shall have a landing pad with a standard landing area designated and the words "Emergency Only." The initial direction of the departure routes shall be indicated on the takeoff and landing area.

DF. Application Requirements. The following additional information shall be submitted with a conditional use permit application:

1. An area map, at a scale of 1" = 800' showing existing land use within a two-mile radius of the facility site and the proposed flight paths.
2. A plot plan of the site and vicinity, including all land within a 400-foot radius of the takeoff and landing area, that shows clearly the height of the takeoff and landing area; the height of existing, approved and proposed structures and trees within 50 feet of the approach and takeoff flight paths; and the maximum allowable building height under existing zoning.
3. A description of the proposed operations, including the type of use, names and descriptions of helicopters expected to use the facility, and anticipated number and timing of daily flights.
4. A helicopter noise study including a map of the approach and departure flight paths at a scale of 1" = 800' showing existing day/night average noise levels in decibels (LDN noise contours), future day/night average noise levels with the proposed facility and anticipated flight operations, and single-event maximum sound levels associated with the types of helicopters expected to use the facility.

230.42 Bed and Breakfast Inns

- A. Permit Required. The ~~Planning Commission~~ **Zoning Administrator** may approve a conditional use permit for a bed and breakfast inn in any C District and RMH-A District, after a duly noticed public hearing upon finding that:
1. The bed and breakfast inn will be operated by a property owner living on the premises;
 2. The bed and breakfast inn conforms to the design and development standards of Subsection (B) of this section and is compatible with adjacent buildings in terms of building materials, colors and exterior finishes; and
 3. Public and utility services, including emergency access, are adequate to serve the bed and breakfast inn.
- B. Design and Development Standards.
1. Minimum Size and Maximum Number of Guest Rooms. The inn shall contain at least 2,000 square feet, but no more than six rooms shall be rented for lodging.
 2. Parking. The requirements of Chapter 231 shall apply.
 3. Signs. The requirements of Chapter 233 apply. In addition, in the RMH-A district, no identifying sign shall be displayed other than a sign no larger than 2 square feet identifying the name of the establishment. The face of the sign may be indirectly illuminated by an exterior light source entirely shielded from view, but no internal illumination from an interior light source shall be permitted.

230.44 Recycling Operations

Collection containers shall be permitted for charitable organizations such as Goodwill. Recycling containers shall be permitted as an accessory use to a permitted use. Recycling and collection containers shall not be located within required parking or landscaped areas or obstruct pedestrian paths. Recycling as an accessory use shall not exceed 500 square feet including any required attendant parking space. A recycling operation as a primary use shall comply with the development standards contained in Chapter 212.

230.46 Single Room Occupancy

Single room occupancy (SRO) shall comply with the following requirements:

- A. General Provisions.
1. All projects shall comply with the most recently adopted City Building, Plumbing, Mechanical, Electrical, Fire, and Housing Codes.
 2. No more than one (1) person shall be permitted to reside in any unit, excluding the manager's unit and up to 25 percent of the total number of units which have double occupancy. (3494-5/01)

A. Permitted Fences and Walls.

1. Fences or walls a maximum of forty-two (42) inches in height may be located in any portion of a lot, except screen walls on lots in the RMH-A subdistrict shall be set back a minimum of three (3) feet from the front property line. Fences or walls exceeding forty-two (42) inches in height may not be located in the required front yard, except as permitted elsewhere in this Section. (3334-6/97, 3410-3/99)
2. Fences or walls a maximum of six (6) feet in height may be located in required side and rear yards, except as excluded in this Section. Fences or walls exceeding six (6) feet in height may be located in conformance with the yard requirements applicable to the main structure except as provided for herein or in the regulations of the district in which they are located.
 - a. Fences and walls located adjacent to arterials along the rear and/or street side yard property lines, and behind the front setback, may be constructed to a maximum total height of eight (8) feet including retaining wall with the following: (3525-2/02)
 - (1) The proposed building materials and design shall be in conformance with the Urban Design Guidelines. (3525-2/02)
 - (2) Extensions to existing wall(s) shall require submittal of engineering calculations to the Building and Safety Department. (3525-2/02)
 - (3) The property owner shall be responsible for the care and maintenance of landscape area(s) and wall(s) and required landscape area(s). (3525-2/02)
 - (4) Approval from Public Works Department. (3525-2/02)
 - b. **Exception: A maximum two foot (2') lattice extension (wood or plastic) that is substantially open may be added to the top of a six foot (6') high wall or fence on an interior property line without Building Permits pursuant to Chapter 241 Neighborhood Notification.**
3. Fences or walls in the rear yard setback area of a through-lot shall not exceed forty-two (42) inches in height. This subsection shall not apply to lots abutting arterial highways.
4. In the RL district, garden or wing walls or fences equal in height to the first floor double plate, but not exceeding nine (9) feet, which are perpendicular to and entirely within a side yard may be constructed to the interior side property line and to within five (5) feet of the exterior side property line provided they are equipped with a three (3) foot gate or accessway.
5. When residential property abuts open or public land or property zoned or used for office, commercial, or industrial purposes, an eight (8) foot high solid masonry or block wall may be constructed on the common side or rear property line.
6. **Only at the time of initial construction of the dwellings and** in order to allow variations in the street scene in R districts, fences or walls exceeding forty-two (42) inches in height may be permitted at a reduced front setback of six (6) feet subject to plan review approval by the Director in conformance with the following criteria:
 - a. The reduced setback shall be only permitted for five (5) or more contiguous lots under the same ownership ~~and only at the time of initial construction of the dwellings.~~
 - b. Such walls shall not encroach into the visibility triangular area formed by measuring seven and one-half (7.5) feet along the driveway and ten (10) feet along the front property line at their point of intersection.
 - c. Such walls shall conform to all other applicable provisions of this section.

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under Appendix Chapter 70 of the Uniform Building Code. Permits for grading on previously approved development projects shall be subject to approval of the Director.

A. Land Disposal Site/Definitions. The following words and phrases shall be construed as defined herein unless a different meaning is apparent from the context:

1. Excavation. Any activity and/or movement of material which exposes waste to the atmosphere.
2. Land disposal site. Any site where land disposal of Group I, II or III waste, as defined by the California Administrative Code, has been deposited either legally or illegally on or into the land, including but not limited to landfill, surface impoundment, waste piles, land spreading, dumps, and coburial with municipal refuse.

B. Operations Plan.

1. No person shall conduct any excavation activity at any land disposal site in the City of Huntington Beach without first submitting to the City an operations plan approved by the Director. Such plan shall include complete information regarding the identity, quantity and characteristics of the material being excavated, including a chemical analysis performed by a laboratory acceptable to the City, together with the mitigation measures that will be used to insure that health hazards, safety hazards, or nuisances do not result from such activity.
2. Mitigation measures contained in the operations plan may include gas collection and disposal of waste, encapsulation, covering waste, chemical neutralization, or any other measures deemed necessary by the City.
3. Ambient air quality monitoring, as well as other monitoring or testing deemed reasonably necessary, shall be included in the operations plan.

C. Approval of Operations Plan.

1. The City shall not approve an operations plan unless such plan includes provisions for the immediate cessation of excavation activity when the operator, or any agent thereof, of a land disposal site has been notified by the City that a nuisance, health, or safety hazard has or is about to occur as a result of such activity therein.
3. Upon determination by any government agency that a nuisance, safety, or health problem exists on any land disposal site in the City, mitigation measures, contained in the operations plan, shall be implemented immediately.

D. Hazardous Waste Sites. For any land disposal site determined to be a hazardous waste site by the State Department of **Toxic Substances Control** ~~Health Services~~ and/or the City of Huntington Beach, the following additional measures shall be taken prior to excavation of such site:

1. All property owners within a half mile radius of the site shall receive written notice of all public hearings to be held regarding proposed excavation on the site. The cost of preparing and mailing such notice shall be paid by the operator/applicant.
2. A type of bond, acceptable to the City Attorney, shall be posted by the operator/applicant insuring that necessary funds are available to restore the site to a safe condition if excavation is prematurely terminated.

3. Excavation of the site shall be performed in accordance with the requirements of the State Department of Health Services, and any other public agency with jurisdiction over hazardous waste sites.

E. Operations Plan Contents. The operations plan shall contain the following:

1. A plan establishing lines of authority and responsibility between public agencies and the operator/applicant, or his agents, during excavation. The plan shall contain specific procedures to be followed by all responsible parties involved with the excavation.
2. A plan containing specific measures to monitor air quality to be implemented during excavation to prevent the exposure of on-site workers or area residents to unhealthful vapors from the site. If deemed necessary by the State Department of **Toxic Substances Control Health Services**, the plan shall also include specific measures for evacuation of residents in the vicinity of the site.
3. A plan showing specific routes for vehicles transporting hazardous wastes from the site.
4. A plan containing specific steps for restoration of the site to a safe condition if excavation is terminated prematurely.

F. Exemptions. The following activities shall be exempt from the requirements of this section unless otherwise determined by the Director:

1. The drilling of holes up to twenty-four (24) inches in diameter for telephone or power transmission poles or their footings.
2. The drilling of oil wells, gas wells or landfill gas collection wells or the maintenance of gas or leachate collection systems.
3. Any excavation activity which has been determined by the Director to pose an insignificant risk, or any activity which has been covered sufficiently in a plan prepared for any other agency having jurisdiction over the site.

G. Excavation Activity Prohibited.

1. No person shall excavate at any land disposal site in the City of Huntington Beach unless he or she first certifies that all applicable regulations of other public agencies with jurisdiction over hazardous waste sites have been met.
2. Compliance with the provisions of this section shall not exempt any person from failing to comply with the requirements of the California Health and Safety Code, and any other applicable codes, rules or regulations.

230.94 Carts and Kiosks. Carts and kiosks may be permitted on private property zoned for commercial purposes, subject to approval by the Planning Director and compliance with this section. Carts and kiosks may be permitted as a temporary use on public property subject to Specific Event approval pursuant to Chapter 5.68. (3249-6/95; 3482-12/00; 3525-2/02)

A. Location and Design Criteria. Cart and kiosk uses shall conform to the following: (3249-6/95)

1. No portion of a cart or kiosk shall overhang the property line. (3249-6/95)

5. The prices of items sold from a cart or kiosk must appear in a prominent, visible location in legible characters. The price list size and location shall be reviewed and approved by the Planning Director. (3249-6/95; 3525-2/02)
 6. The sale of alcoholic beverages shall be prohibited. (3249-6/95)
 7. The number of employees at a cart or kiosk shall be limited to a maximum of two (2) persons at any one time. (3249-6/95)
 8. Fire extinguishers may be required at the discretion of the Fire Department. (3249-6/95)
 9. All cart and kiosk uses shall be self contained for water, waste, and power to operate. (3249-6/95)
 10. A cart or kiosk operator shall provide a method approved by the Planning Director for disposal of business related wastes. (3249-6/95; 3525-2/02)
- D. Parking. Additional parking may be required for cart or kiosk uses by the Planning Director. (3249-6/95; 3525-2/02)
- E. Review; Revocation. The Planning Department shall conduct a review of the cart or kiosk operation at the end of the first six (6) month period of operation. At that time, if there has been a violation of the terms and conditions of this section or the approval, the approval shall be considered for revocation. (3249-6/95; 3525-2/02)
- F. Limited Neighborhood Notification. Pursuant to Chapter 241. Ten (10) working days prior to submittal for a building permit or certificate of occupancy, applicant shall notice adjacent property owners and tenants by first class mail. Notice of application shall include the following: (3525-2/02)
1. ~~Name of applicant.~~ (3525-2/02)
 2. ~~Location of planned development or use, including address.~~ (3525-2/02)
 3. ~~Nature of the proposed development shall be fully disclosed in the notice.~~ (3525-2/02)
 4. ~~Planning Department phone number and address of City Hall shall be provided in the notice to call for viewing plans.~~ (3525-2/02)
 5. ~~The date by which any comments must be received in writing by the Planning Department.~~ (3525-2/02)
 6. ~~Planning Department shall receive entire list including name and address of those receiving the mailing.~~ (3525-2/02)

230.96 Wireless Communication Facilities

- A. Purpose. All wireless communication facilities shall comply with these requirements and guidelines in order to regulate the location and design of wireless facilities for the protection of public safety, general welfare, and quality of life in the City of Huntington Beach. 3568-9/02)

LEGISLATIVE DRAFT for Ord. 3711

Chapter 233 Signs

(3334-6/97, 3360-12/97, 3527-2/02)

Sections:

- 233.02 Reserved
- 233.04 Permits Required
- 233.06 Permitted Signs
- 233.08 Exempt Signs
- 233.10 Prohibited Signs
- 233.12 Electronic Readerboards
- 233.14 Readerboard Signs-Multiple Users
- 233.16 Subdivisional Directional Signs
- 233.18 Promotional Activity Signs
- 233.20 Planned Sign Program
- 233.22 Miscellaneous Signs and Provisions
- 233.24 Nonconforming Signs
- 233.26 Code Compliance
- 233.28 Definitions

233.02 Reserved

233.04 Permits Required

Sign permits are required for all signs, unless expressly exempted under Section 233.08. A sign permit (building permit) for a new sign or change in sign panel/face shall be obtained from the Planning and Building and Safety Departments prior to installation. (3360-12/97, 3527-2/02)

A. Sign Permit. A complete sign application shall include the following information: (3334-6/97)

- 1. Two sets of fully-dimensioned plans drawn to scale. The plans shall include the following: (3334-6/97, 3360-12/97)
 - a. Site plan indicating the location of all proposed signs, as well as the size and location of existing signs on the site. Photographs should be submitted if available. (3334-6/97, 3360-12/97)
 - b. Sign elevations, indicating overall square footage and letter/figure dimensions, letter style, color (indicate standard color number if applicable), materials, proposed copy and illumination method. (3334-6/97)
 - c. Dimensioned building elevations with existing and proposed signs depicted. (3334-6/97, 3360-12/97)

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2. Property owner approval in the form of a letter or signature on the plans, approving the proposed signs and authorizing submission of the sign application. (3334-6/97, 3360-12/97)
 3. For wall signs, method of attachment; for freestanding signs, foundation plan, sign support and attachment plan. (3334-6/97)
 4. Type and method of electrical insulation devices, where applicable. (3334-6/97)
 5. Any design modification from the requirements of this chapter that have been approved shall be noted, and compliance with the planned sign program, limited sign permit, or sign code exception shall be demonstrated. (3334-6/97, 3360-12/97)
- B. Planned Sign Program. Approval of a planned sign program pursuant to Section 233.20 shall be required prior to application for a sign permit for the following requests: (3334-6/97)
1. A site with five or more non-residential businesses or uses. (3334-6/97, 3360-12/97)
 2. A site with two or more freestanding identification signs where there is a request for a new freestanding sign. (3334-6/97, 3360-12/97)
 3. Commercial properties with 1,300 feet or more on one street frontage requesting more freestanding signs than allowed pursuant to Section 233.06. (3360-12/97)
 4. Consolidated subdivision directional signs identifying multiple projects on multiple sign panels. (3360-12/97)
 5. Service stations. (3334-6/97)
 6. Wall signs for second floor businesses with exterior access. (3360-12/97)
 7. Wall signs installed on a building wall not adjacent to the business suite. (3360-12/97)
- C. Sign Code Exception: The Director may grant approval for a sign code exception of not more than ~~10~~ **20** % in sign height or sign area. Ten (10) working days prior to submittal for a building permit, applicant shall notice adjacent property owners and tenants by first class mail. Notice of application shall include the following: (3527-2/02)
1. Name of applicant. (3527-2/02)
 2. Location of planned development or use, including address. (3527-2/02)
 3. Nature of the proposed development shall be fully disclosed in the notice. (3527-2/02)
 4. Planning Department phone number and address of City Hall shall be provided in the notice to call for viewing plans. (3527-2/02)

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5. The date by which any comments must be received in writing by the Planning Department. (3527-2/02)
6. Planning Director shall receive entire list including name and address of those receiving the mailing. (3527-2/02)

The Design Review Board shall review and render a recommendation to the Director for sign code exception requests of more than ~~20~~ 40 % in sign height or sign area supergraphics, three-dimensional signs, and relief from the strict application of Section 233.06. **Neighborhood Notification required pursuant to Chapter 241.** The following findings shall be made prior to approval of any sign code exception: (3334-6/97, 3360-12/97, 3527-2/02))

1. The sign is compatible with the character of the area and is needed due to special circumstances defined by the applicant and applicable to the property. (3334-6/97, 3360-12/97)
 2. The sign will not adversely affect other signs in the area. (3334-6/97)
 3. The sign will not be detrimental to properties located in the vicinity. (3334-6/97)
 4. The sign will not obstruct vehicular or pedestrian traffic visibility and will not be a hazardous distraction. (3334-6/97)
- D. Limited Sign Permit: The owner of a sign which does not conform to the provisions of Section 233.06 may file an application for a limited sign permit to the Director for permission to change the face or copy of such sign. A limited sign permit cannot be processed for illegal signs or signs listed as prohibited in Section 233.10. The Director may approve the face change and extend a sign's use for a time period deemed appropriate, not to exceed two (2) years. A sign permit shall be obtained prior to installation of the new sign panel/face. (3334-6/97, 3360-12/97)

A cash bond in an amount determined by the Director to reflect the cost of removal based on information provided by a sign company shall be required to guarantee the sign's removal upon expiration of the limited sign permit. Approval shall be subject to the following findings: (3334-6/97)

1. Due to unique circumstances, the sign's immediate removal will result in a substantial hardship for the applicant. (3334-6/97)
2. The sign will not adversely affect other lawfully erected signs in the area. (3334-6/97)
3. The sign will not be detrimental to properties located in the vicinity. (3334-6/97)
4. The sign will be in keeping with the character of the surrounding area. (3334-6/97)
5. The sign will not obstruct vehicular or pedestrian traffic visibility and will not be a hazardous distraction. (3334-6/97)

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- E. Design Review Board. When authorized by the provisions of this code, the Design Review Board (DRB) shall review and render a recommendation to the appropriate decision maker (Zoning Administrator, Director, Planning Commission, etc.) on the following items prior to application for a sign permit to the Building Department: (3360-12/97, 3527-2/02)
 - 1. Electronic Readerboard Signs. (3360-12/97, 3527-2/02)
 - 2. Signs on properties within the following areas: (3360-12/97, 3527-2/02)
 - a. Redevelopment project areas; (3360-12/97, 3527-2/02)
 - b. Areas subject to specific plans which do not include design guidelines for signs; (3360-12/97, 3527-2/02)
 - ~~c. Areas within 500 feet of PS (Public Semipublic) districts; (3360-12/97, 3527-2/02)~~
 - dc. OS-PR (Open Space-Parks and Recreation) and OS-S (Open Space-Shoreline districts); and (3360-12/97)
 - ed. Areas designated by the City Council. (3360-12/97)

- F. Temporary Sign Permits. The Director may issue a temporary sign permit valid for up to 30 days, if it is found that the temporary sign is necessary to establish or maintain identity until a permanent sign can be erected. Extensions of the 30 day permit may be granted at the discretion of the Director. The Director may also approve a temporary sign permit for the following temporary signs provided the signs conform with the standards defined in Section 233.06: (3334-6/97, 3360-12/97)
 - 1. Signs necessary to avoid a dangerous condition, including directional signs during construction. (3360-12/97)
 - 2. Signs pertaining to a use permitted by a temporary use permit. (3360-12/97)
 - 3. Promotional activity non-exempt signs, a maximum of 90 days per calendar year pursuant to Section 233.18. (3360-12/97)

233.06 Permitted Signs

All signs shall be governed by the following schedule, except if addressed elsewhere in this chapter. The schedule lists maximum standards for number, area, and height of allowed signs, which does not necessarily ensure architectural compatibility. Therefore, in addition to the enumerated standards, consideration shall be given to building setbacks, visibility of attached signing on the site, and the proposed sign's relationship to the overall appearance of the property, to the surrounding neighborhood, and to community goals. Compatible design, simplicity, sign effectiveness and adherence to the objectives and policies in the Urban Design Element of the General Plan shall be used as guidelines for sign approval. Nothing in this chapter shall preclude public access signage. (3334-6/97, 3360-12/97)

The Planning Commission may, in addition, from time to time adopt policies regarding sign standards. Such policies may include separate standards or provisions for specific areas of the community. (3334-6/97)

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- D. Signs which resemble any official marker erected by the city, state, or any governmental agency, or which, by reason of position, shape, color or illumination would conflict with the proper functioning of any traffic sign or signal or would be a hazard to vehicular or pedestrian traffic. (3334-6/97)
- E. Signs which produce odor, sound, smoke, fire or other such emissions. (3334-6/97)
- F. Flashing, moving, pulsating, or intermittently lighted signs, mechanical movement signs, including searchlights, except electronic readerboards and public service signs such as those for time and temperature. (3334-6/97)
- G. Animals or human beings, live or simulated, utilized as signs. (3334-6/97)
- H. Projecting signs, except canopy or awning signs and under-canopy signs, subject to subsections 233.06(A) and 233.06(E). (3334-6/97, 3360-12/97)
- I. Signs which constitute a nuisance or hazard due to their intensity of light. (3334-6/97)
- J. Signs visible from and within 100 feet of an R district which are illuminated between the hours of 10:00 PM and 7:00 AM unless they identify an establishment open for business during those hours. (3360-12/97)
- K. Off-premises signs, including billboards or advertising structures installed for the purpose of advertising a project, subject or business unrelated to the premises upon which the sign is located, except subdivision directional signs and multiple user electronic readerboards. (3334-6/97)
- L. Abandoned signs and signs which no longer identify a bona fide business conducted on the premises. Such signs shall be removed by the property owner within 60 days of the business' closing date. The sign panel may be turned over (blank side out) if the sign complies with code. (3334-6/97, 3360-12/97)
- M. Signs on any public property, including signs affixed to utility poles, or projecting onto the public right-of-way, except political signs and those required by law. This section shall not prohibit the placement of advertising panels on public service items including, but not limited to, trash receptacles, bicycle racks, bus benches, transit shelters, and telephone booths, within public rights-of-way or in publicly-operated beaches or parks provided such items are placed in accord with an agreement granted by the City Council. (3334-6/97, 3360-12/97)
- N. Vehicle signs, signs affixed to automobiles, trucks, trailers or other vehicles on public or private property for the basic purpose of advertising, identifying or providing direction to a use or activity not related to the lawful use of the vehicle for delivering merchandise or rendering service. Any such vehicle signs which have as their primary purpose to serve as a non-moving or moving display are prohibited. (3334-6/97)

233.12 Electronic Readerboards

Electronic readerboards may be permitted subject to the review by the Design Review Board, and approval of a conditional use permit by the ~~Planning Commission~~ **Zoning Administrator**.
(3334-6/97, 3360-12/97)

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- A. Required Findings: Prior to approving a conditional use permit to allow an electronic readerboard sign, the ~~Planning Commission~~ **Zoning Administrator** shall make the following findings: (3334-6/97)
1. The proposed electronic readerboard sign conforms with the standards and criteria as set forth in this chapter; (3334-6/97)
 2. The proposed electronic readerboard sign is compatible with other signs on the site and in the vicinity; (3334-6/97)
 3. The proposed electronic readerboard sign will not adversely impact traffic circulation in adjacent rights-of-way or create a hazard to vehicular or pedestrian traffic; and (3334-6/97)
 4. The proposed electronic readerboard sign shall not have adverse visual impacts on adjoining commercial and/or residential neighborhoods. (3334-6/97)
- B. Readerboard Sign Criteria: (3360-12/97)
1. Electronic readerboards may be freestanding or wall type signs. (3334-6/97)
 2. The maximum number of electronic readerboards shall be one per site. (3334-6/97)
 3. The maximum sign area shall be 115 square feet; 90 square feet for message center; and 25 feet for other information. (3334-6/97)
 4. The maximum height of a freestanding electronic readerboard sign shall be 25 feet. (3334-6/97, 3360-12/97)
 5. The electronic readerboard shall have cylinders, a shade screen and a photocell for reducing the intensity of lighting at night. (3334-6/97)
 6. The maximum measurable light output of the electronic readerboard shall not exceed 50 foot-candles at any property line. (3334-6/97)
- C. Location Requirements: (3334-6/97)
1. Electronic readerboards shall only be allowed on parcels abutting a freeway and on parcels abutting Beach Boulevard, excluding the portion along Beach Boulevard designated as a landscape corridor south of Adams to Pacific Coast Highway. (3334-6/97)
 2. Minimum lot frontage: 200 feet. (3334-6/97)
 3. Minimum distance between electronic readerboards: 150 feet. (3334-6/97)
 4. Minimum distance to any residence: 150 feet. (3334-6/97)
- D. Other Standards: (3334-6/97)
1. Where a site has an electronic readerboard, temporary banners, balloons, flags, etc. shall be permitted a maximum of 15 days per calendar year. (3334-6/97)

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2. Hours of operation: 6:30 AM to 10:30 PM. At least 10 percent of the message time, or any percentage deemed necessary by the City for emergency conditions, shall be used for public service announcements. (3334-6/97)
3. Messages in an electronic readerboard shall be no faster than one message every four seconds, and the minimum interval between messages shall be at least one second. Continuous motion of messages is not permitted. (3334-6/97)
4. Light intensity changes (other than between day and night uses) are not permitted. (3334-6/97)
5. In addition to the electronic readerboard sign, one monument sign, maximum of seven (7) feet in height and a maximum fifty (50) square feet in sign area, may be permitted and all other signage shall be brought into conformance with this chapter. (3334-6/97)

233.14 Readerboard Signs - Multiple Users

Off-site electronic readerboard signs may be permitted subject to the conditional use permit approval by the ~~Planning Commission~~ **Zoning Administrator**. Approval of electronic readerboard signs shall be subject to the following: (3334-6/97)

- A. Required Findings: Prior to approving a conditional use permit to allow a multiple user electronic readerboard sign, the Planning Commission shall make the following findings: (3334-6/97)
 1. The proposed electronic readerboard sign conforms with the standards and criteria as set forth in the Huntington Beach Zoning and Subdivision Ordinance; (3334-6/97, 3360-12/97)
 2. The proposed electronic readerboard sign will not adversely impact traffic circulation in adjacent right-of-way or create a hazard to vehicle or pedestrian traffic. (3334-6/97, 3360-12/97)
- B. Multiple User Readerboard Sign Criteria: (3360-12/97)
 1. Multiple user electronic readerboard signs may be located at a site which is not the location of any of the parties using the sign for advertising. (3334-6/97)
 2. Multiple user electronic readerboard shall be freestanding. (3334-6/97)
 3. The maximum sign area shall be twelve hundred (1200) square feet. (3334-6/97)
 4. The maximum height of a multiple user readerboard sign shall be eighty-five (85) feet. (3334-6/97)
 5. The multiple user readerboard shall have cylinders or directional incandescent lamps and have a shade screen or louver system, a shade screen and a photocell for reducing the intensity of lighting at night. (3334-6/97)

EX. 4 101

**Chapter 241 Conditional Use Permits and Variances;
Temporary Use Permits; Waiver of Development Standards**

(3334-6/97, 3410-3/99, 3528B-2/02)

Sections:

241.02	Procedures Established
241.04	Authority of Planning Commission and Zoning Administrator
241.06	Initiation
241.08	Notice and Public Hearing
241.10	Required Findings
241.12	Conditions of Approval
241.14	Effective Date; Appeals
241.16	Time Limit; Transferability; Discontinuance; Revocation
241.18	Changed Plans; New Application
241.20	Temporary Use Permits
241.22	Waiver of Development Standards
241.24	Neighborhood Notification

241.02 Procedures Established

This chapter establishes procedures for approval, conditional approval, or disapproval of applications for conditional use permits, and variances, temporary use permits, and waivers of development standards, **and neighborhood notification.**

- A. Conditional use permits are required for use classifications typically having unusual site development features or operating characteristics requiring special consideration so that they may be designed, located, and operated compatibly with uses on adjoining properties and in the surrounding area.
- B. Variances may be granted to resolve practical difficulties or unnecessary physical hardships that may result from the size, shape, or dimensions of a site or the location of existing structures thereon; from geographic, topographic, or other physical conditions on the site or in the immediate vicinity; or from street locations or traffic conditions in the immediate vicinity of the site.

Variances may be granted with respect to fences, walls, landscaping, screening, site area, site dimensions, yards, height of structures, distances between structures, open space, off-street parking and off-street loading, and performance standards.

- C. Temporary use permits may be granted for temporary use classifications and for other uses of a temporary nature.
- D. Waivers of certain development standards may be granted to improve project design, subject to limitations.
- E. **Neighborhood Notification is a procedure that shall notify property owners and tenants within a 300 foot radius when no entitlement is required.**

241.22 Waiver of Development Standards

- A. Standards Which Can be Waived. The Director may waive development standards for setbacks, open space, separation between buildings, height of buildings or fences, site coverage and landscaping without a conditional use permit or a variance, only if he finds that such a waiver improves project design and does not exceed 10 percent deviation. No other standards shall be subject to this waiver provision. (3528B-2/02)
- B. Time Limit. A waiver shall become null and void six months after date of approval.
- C. Extensions. A waiver shall not be extended for more than one year unless the applicant demonstrates that no circumstances relevant to the approval of the waiver, including other development in the neighborhood, have changed from the time of approval.
- D. Limitations. A waiver may not be granted if the waiver would in any way degrade the environment or result in any changes to classification of land use or to height or density. Also, projects not otherwise subject to discretionary review (i.e., conditional use permit, variance, coastal development permit, or subdivision approval) may not apply for waiver.
- E. Decisions and Appeals. The Director's decision may be appealed in accord with Chapter 248. The Director's decision shall be distributed to the City Council, Planning Commission, and Zoning Administrator within 48 hours of such decision.

241.24 Neighborhood Notification

When no entitlement is required and the use requires such notification as stated in the Zoning and Subdivision Ordinance or Downtown Specific Plan, the review and approval process shall include an Administrative Permit and notification to property owners and tenants within a 300 foot radius of the subject property.

Notification requirements are as follows:

- A. **Notification. Ten (10) working days prior to submittal for a building permit or certificate of occupancy or approval for initial establishment of the use, the applicant shall notice property owners and tenants by first class mail.**
- B. **Notice of Application shall include the following:**
 - 1. **Name of applicant.**
 - 2. **Location of planned development or use, including address. (map is optional)**
 - 3. **Complete description of the proposed development or use such that there is full disclosure in the notice.**
 - 4. **Planning Department phone number and address of City Hall where plans may be reviewed.**

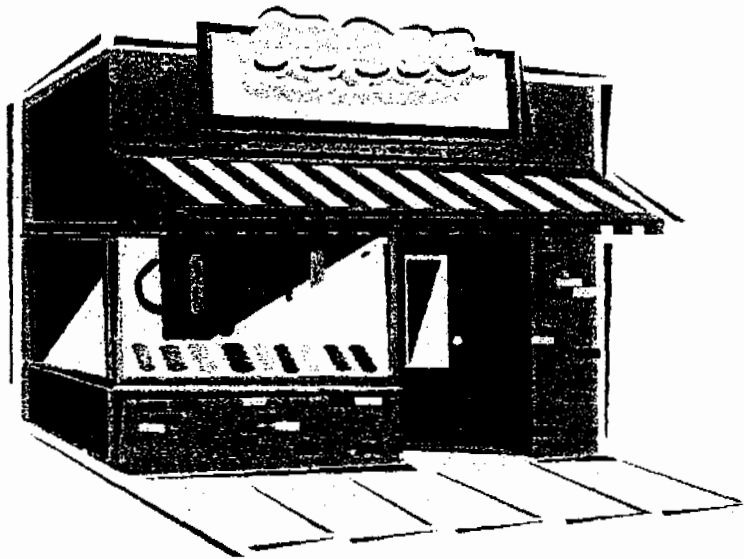
March 14, 2005

5. **The date by which any comments must be received in writing by the Planning Department and City appeal procedures.**
 6. **Planning Department shall receive entire list including name and address of those receiving the mailing.**
- C. **Notice of Action. The Director's decision shall be made in writing with information regarding the appeal process and sent to the applicant and the City Council on the next business day and posted on the City's website.**
- D. **Appeals. The Director's decision may be appealed in accord with Chapter 248.**
- C. **Notice of Action. The Director's decision shall be made in writing with information regarding the appeal process and sent to the applicant and the City Council**

EX. 4104

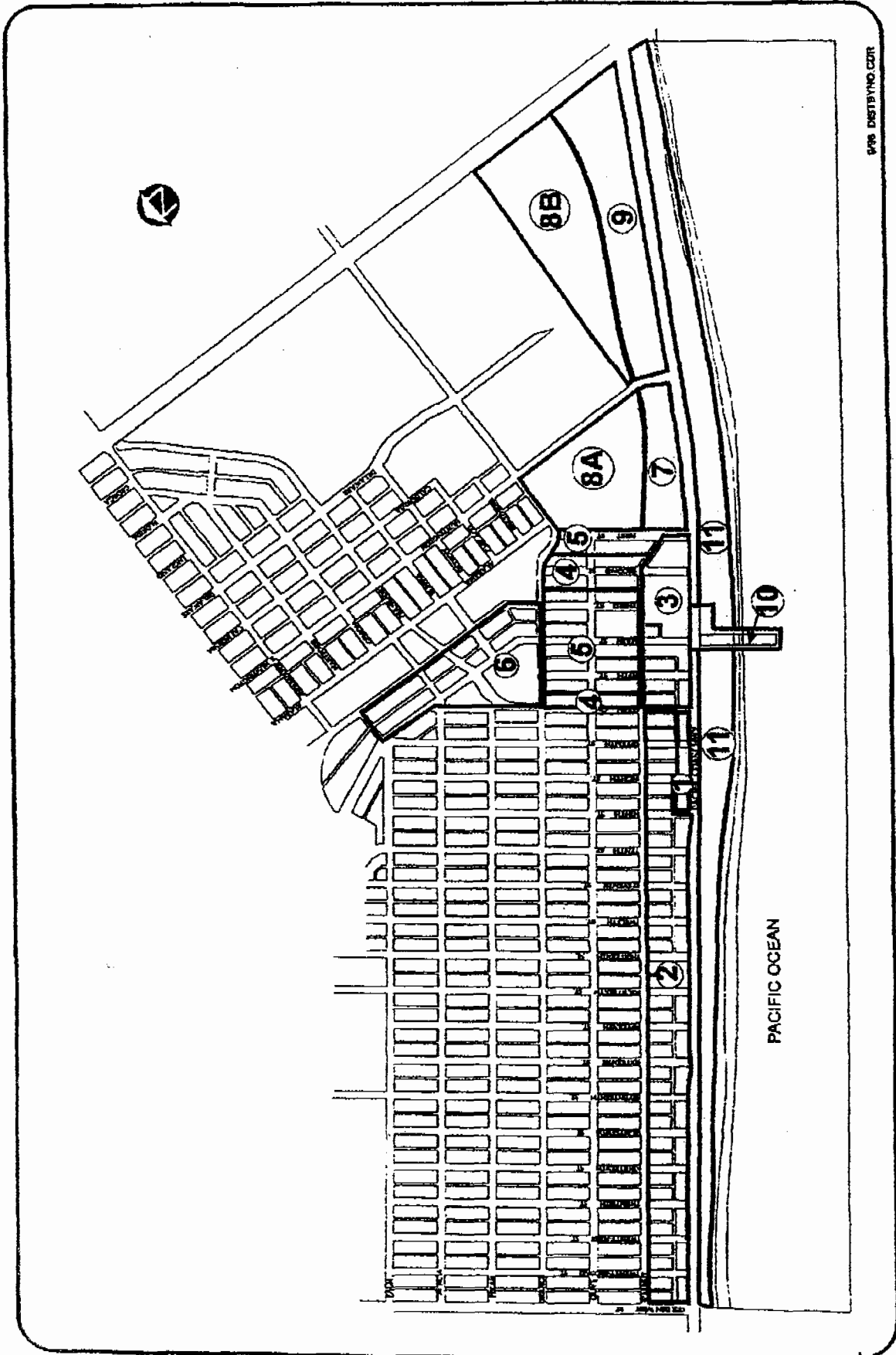
Legislative Draft for
Ord. No. 3713

DOWNTOWN SPECIFIC PLAN "VILLAGE CONCEPT"



ADOPTED JUNE 1, 1995
ORDINANCE NO. 3280
UPDATED FEBRUARY 6, 2002

HNB LCPA 1-07B
ZTA 03-02
Ordinance 3713



SPR DISTBYNO.CDR

DISTRICTS BY NUMBER

DOWNTOWN SPECIFIC PLAN



LEGISLATIVE DRAFT (APRIL 4, 2005)

4.0 DEVELOPMENT STANDARDS

4.0.01 Intent and Purpose

The purpose of this document is to provide for orderly development and improvement within the Downtown Specific Plan. The plan is established to guide the development of the area which is characterized by its unique location, geographic features, land uses and ownership patterns, and should not be regulated by zoning district standards applicable throughout the city. This specific plan will replace the existing zoning with policies, development standards and descriptive maps specifically designed for the downtown area. The specific plan provides for creativity at the individual project level, and at the same time ensures that developments will ultimately combine to create a cohesive community.

The provisions of this ordinance shall not apply to Conditional Use Permits processed with Tentative Tract Maps that have been approved prior to the effective date of this ordinance. Building permits shall be issued for such previously approved entitlements if the applications for such building permits are consistent therewith.

Only paragraph 4.0 et seq., "Development Standards", shall be certified as part of the Local Coastal Program.

4.0.02 Downtown Specific Plan Boundary

The property described herein is included in the Downtown Specific Plan and shall be subject to policies and development standards set forth in this article. Precisely, the Downtown Specific Plan includes the real property described as follows:

Beginning at the most northerly corner of Lot 22, Block 122 of the Huntington Beach Seventeenth Street Section Tract, as recorded in Book 4, page 10 of Miscellaneous Maps, records of Orange County, State of California; thence northerly 50 feet approximately to a point, said point being the intersection of the centerlines of Goldenwest Street and Walnut Avenue; said point also being the true point of beginning; thence southwesterly along the centerline of Goldenwest Street and its prolongation to a point on the high tide line of the Pacific Ocean; thence southeasterly along said high tide line to a line parallel with and 72.50 feet northwesterly, measured at right angles, from the southwesterly along said high tide line to a line parallel with and 72.50 feet northwesterly, measured at right angles, from the southwesterly prolongation of the centerline of Main Street; thence southwesterly along said line 1,470 feet approximately to a line parallel with heretofore said high tide line; thence southeasterly along said line 145 feet approximately to a line parallel with and 72.50 feet southeasterly, measured at right angles, from said southwesterly prolongation of the centerline of Main Street; thence northeasterly along said line to the heretofore said high tide line to the prolonged survey centerline of Beach Boulevard; thence northerly along said survey centerline of Beach Boulevard 2800 feet approximately to the south line of Tract 9580, as shown on a map recorded in Book 444, page 31, records of Orange County, State of California; thence westerly along said line 1995 feet approximately to the centerline of Huntington Street; thence northerly along said centerline 1320 feet approximately to the centerline of Atlanta Avenue; thence westerly along said centerline 857 feet approximately to the centerline of Lake Street; thence northerly along said centerline 2352 feet approximately to the centerline of Palm Avenue; thence westerly along said centerline 332 feet approximately to the centerline of Sixth Street; thence southwesterly to the centerline of Walnut Avenue; thence northwesterly along said centerline 5547 feet approximately to the true point of beginning.

4.0.03 Organization

This section details the development standards for projects in the Specific Plan area. The section includes 1) regulations affecting administration and permitting, 2) general requirements for all projects of a certain size or type, 3) particular requirements for projects within the different Districts and 4) overlays which permit special uses in select areas.

4.0.04 Definitions

The following definitions shall apply to the Downtown Specific Plan. Terms not described under this section shall be subject to the definitions contained in the Huntington Beach **Zoning and Subdivision Ordinance Code**.

Beach Area: The ocean side of Pacific Coast Highway including the Bluff Top Park area and the Pier.

Bluff Top Park Area: That area of improved beach access bounded on the south by 9th Street continuing north to the dividing line of Bolsa Chica State Beach.

Bolsa Chica State Beach: The area seaward of Pacific Coast Highway extending from the Huntington Beach City Pier northwest to Warner Avenue. The portion of this beach from the pier to Goldenwest Street is within the boundary of the Downtown Specific Plan.

Build-to-line: A dimension which specifies where the structure must begin. For example, "build-to-5'", means that the structure must extend to five feet from the lot line.

Common open space: Any part of a lot or parcel unobstructed from the ground upward, excepting architectural features extending no more than thirty (30) inches from the structure and excluding any area of the site devoted to driveways and other parking areas.

Conversion: A change in the original use of land or building/structure.

Director: The Director of **Planning** ~~the Department of Community Development~~.

Development: On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of the use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

Demolition: The deliberate removal or destruction of the frame or foundation of any portion of a building or structure.

Facade: The main face or front of a building.

Wetland: Lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freewater marshes, open or closed brackish water marshes, swamps, mudflats and fens.

Ultimate Right-of-Way: The most lateral edge of the area dedicated for street, utilities or alley purposes.

4.1 ADMINISTRATION

4.1.01 Approvals Required

All development within the Downtown Specific Plan shall be subject to one or more of the following, as identified in each district: a Conditional Use Permit from the **Planning Commission, and/or Zoning Administrator; review and recommendation of and/or the Director pursuant to the** Design Review Board provisions of the Huntington Beach **Zoning and Subdivision Ordinance Code.**

All physical development shall be required to be reviewed by the Design Review Board prior to processing additional entitlements if required. The Historical Resources Board shall provide recommendations for structures considered to be historically significant. In addition, a Conditional Use Permit shall be required for any residential cooperative subdivision, mixed-use development, or any project which requires a special permit (Section 4.1.02). The **Director, Design Review Board, Zoning Administrator, Planning Commission** or the City Council shall also consider the following: ~~before approving a project:~~

- (a) Projects shall be in conformance with the adopted Design Guidelines for the area.
- (b) Architectural features and general appearance of the proposed development shall enhance the orderly and harmonious development of the area or the community as a whole.
- (c) Architectural features and complimentary colors shall be incorporated into the design of all exterior surfaces of the buildings in order to create an aesthetically pleasing project.
- (d) Particular attention shall be given to incorporating signs, including their colors, into the overall design of the entire development in order to achieve uniformity.
- (e) Vehicular accessways shall be designed with landscaping and building variation to eliminate an alley-like appearance.

4.1.02 Special Permit

The Downtown Specific Plan development standards are designed to encourage developments creating an aesthetically pleasing appearance, enhancing the living environment, and facilitating innovative architectural design and adaptation of the development to the unique surrounding environment.

A special permit may not be granted for deviations from maximum density or parking or from requirements of the Conservation Overlay in any district. Nor shall any special permits be granted for deviations from maximum building height in District 1, 2, 4, 10, 11.

Special Permits allow for minor deviations from the development regulations of this Specific Plan. Special Permits may be granted at the time of project approval for unique architectural siting or features, including but not limited to site coverage, setbacks, open space and landscaping.

Special Permits shall only be allowed when, in the opinion of the Planning Commission, **or Zoning Administrator** significantly greater benefits from the project can be provided than would occur if all the minimum requirements were met. Some additional benefits, which may make a project eligible for approval of Special Permits include: greater open space, greater setbacks, unique or innovative designs, public parking, public open space, and the use of energy conservation or solar technology. The developer may request a Special Permit at the same time as the filing of an application for a Conditional Use Permit and both requests shall be heard concurrently. The Planning Commission **and Zoning Administrator** may approve the Special Permit in whole or in part only upon the finding that the proposed development, in addition to providing greater benefits as required above, will also:

- (a) Promote better living environments; and
- (b) Provide better land planning techniques with maximum use of aesthetically pleasing types of architecture, landscaping, site layout and design; and
- (c) Not be detrimental to the general health, welfare, safety and convenience of the neighborhood or City in general, nor detrimental or injurious to the value of property or improvements of the neighborhood or of the City in general; and
- (d) Be consistent with objectives of the Downtown Specific Plan in achieving a development adapted to the terrain and compatible with the surrounding environment; and
- (e) Be consistent with the policies of the Coastal Element of the City's General Plan and the California Coastal Act; and
- (f) Comply with State and Federal law.

4.1.03 Coastal Permit

Developments within the Downtown Specific Plan area will be subject to the requirements pertaining to Coastal Development Permits (CDP) in the Local Coastal Program Implementing Ordinances, in addition to the other provisions of the Huntington Beach **Zoning and Subdivision Ordinance Code**, except as modified by this Specific Plan.

4.1.04 Severability

If any section, subsection, sentence, clause, phrase, or portion of this title, or any future amendments or additions hereto, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this title, or any future amendments or additions hereto. The Council hereby declares that it would have adopted these titles and each sentence, subsection, sentence, clause, phrase, or portion or any future amendments or additions thereto, irrespective of the fact that any one or more sections, subsections, clauses, phrases, portions or any future amendments or additions thereto may be declared invalid or unconstitutional.

4.1.05 Appeals

Decisions by the Director on non-zoning matters may be appealed to the City Administrator; decisions on zoning matters may be appealed to the Planning Commission and City Council.

4.1.06 Huntington Beach **Zoning and Subdivision** Ordinance code.

If not specifically addressed in this Specific Plan, the applicable provisions of the Huntington Beach **Zoning and Subdivision** Ordinance Code and Huntington Beach Municipal code shall apply.

4.2 GENERAL PROVISIONS

The general provisions of this article shall apply to all developments within the Downtown Specific Plan area wherever the size or type of development proposed would make such provisions applicable.

All development shall comply with all existing standard plans and specifications and all applicable provisions of the Huntington Beach **Zoning and Subdivision Ordinance** and Municipal Codes.

4.2.01 Permitted Uses. Permitted uses shall be established in each District and shall be required to meet all applicable provisions of the Huntington Beach **Zoning and Subdivision** Ordinance Code. In addition, the following shall apply:

- (a) All structures incidental and accessory to a permitted principal use or structure may be erected on any parcel containing a main building provided that such structure(s) shall not exceed fifteen (15) feet in height nor to be closer than ten (10) feet to any other structure on the same parcel and shall conform with all setback requirements of the District.

Exception: Parking structures are excluded from this provision.

- (b) Parcels which, prior to the effective date of this ordinance, had an oil suffix (O,O1) and are identified in Figure 4.14, shall retain such suffix in combination with the new zoning designation "Downtown Specific Plan" (see Section 4.14).
- (c) Parcels which, prior to the effective date of this ordinance, had a Mobile home District (MH), shall retain such designation in combination with the new zoning designations in the "Downtown Specific Plan" serving as an overlay, for the effected Districts (see Section 4.16).
- (d) All non conforming uses or structures, or uses which have been abandoned for more than six (6) months, shall be required to meet all applicable provisions of the Huntington Beach **Zoning and Subdivision** Ordinance Code in each of the following:

Any expansion of floor area greater than ten (10) percent; increase in height; or an increase in the permitted density shall require a conditional use permit **to the Zoning Administrator** and shall be required to comply with all applicable provisions of the Huntington Beach **Zoning and Subdivision** Ordinance Code. Deviations to parking and density development standards are not allowed. Minor deviations to other development standards shall be subject to special permits.

Any change of use, expansion of use, or change in occupant to a use which would require additional off street parking shall provide the required off street parking according to the Huntington Beach **Zoning and**

Subdivision Ordinance Code or as required by the Downtown Parking Master Plan.

If fifty percent (50%) or more of an existing structure is demolished and reconstructed, the new structure must provide the required off-street parking. The parking may be provided through the payment of in-lieu fees as allowed by the Downtown Specific Plan in-lieu fee parking program.

Exception: Any building alteration, rehabilitation or facade improvement which does not exceed ten (10) percent expansion of the existing floor area; does not increase the height; or result in an increase in permitted density. The Design Review Board shall review and approve any proposed exterior modifications.

4.2.02 Minimum Parcel Size. A minimum parcel size shall be established in each District. A waiver of this requirement may be granted by the Director for residual parcels.

In addition, the following minimum floor areas shall apply to all residential dwelling units, except affordable units (see Section 4.2.30):

<u>Unit Type</u>	<u>Minimum Floor Area (Sq. Ft.)</u>
Bachelor and single	450
One (1) bedroom	650
Two (2) bedrooms	900
Three (3) bedrooms	1100
Four (4) bedrooms	1300

4.2.03 Maximum Density/Intensity. The maximum allowable density and/or intensity (Floor Area Ratio) shall be established in each District.

4.2.04 Maximum Building Height. The maximum allowable building height shall be established in each District. In addition, the following shall apply:

- (a) An additional ten (10) feet in height will be allowed for roof line treatment, architectural features such as chimneys, solar energy equipment and mechanical devices. In no case may the air space granted for these purposes above the maximum height limit be used as a habitable room.
- (b) An additional fourteen (14) feet in height may be allowed for elevator equipment. All mechanical devices, except for solar panels, shall be set back and screened so that they cannot be seen from public right-of-ways.

4.2.05 Maximum Site Coverage. The maximum allowable site coverage shall be established in each District. Any part of the site covered by a roof, including covered walkways, patios and carports, shall be included in coverage.

Exception: Subterranean or semi-subterranean parking less than forty-two (42) inches in height above the adjacent grade shall be subject to the provisions of Section 4.2.13(b).

4.2.06 Setback (Front Yard). The minimum front yard setback shall be established in each District. In addition, the following shall apply:

- (a) No structure or portion of any structure shall project into or over the public ROW.

<u>Unit Type</u>	<u>(Sq. Ft.)</u>	<u>(Ft.)</u>
Bachelor, single or One (1) bedroom	60	6
Two (2), three (3), or Four (4) bedrooms	120	6

Note: Private open space shall be contiguous to the unit and for the exclusive use of the occupants. Private open space shall not be accessible to any dwelling unit except the unit it serves. Private open space shall be physically separated from common areas by a wall or hedge at least forty-two (42) inches in height. The private open space requirement may be satisfied in whole or in part by areas used for outdoor activities which need not be open to the sky but must be open on at least one (1) side.

4.2.12 Multi-block Consolidations. Where consolidations span two (2) or more Districts, the requirements of each District shall apply to that portion of the development. Divisions between Districts shall be the center line of the vacated street. In addition, the following shall apply:

- (a) Visitor-serving commercial uses must be provided within that portion of the development designated as a visitor-serving District.
- (b) Commercial uses must be provided on the ground floor along Main Street.

4.2.13 Parking. All developments (except as provided in Section 4.2.30) will be required to meet the minimum off-street parking standards of the Huntington Beach **Zoning and Subdivision Ordinance Code** or as required by the Downtown Parking Master Plan.

Exception: Affordable housing projects may reduce the required on-site guest parking.

Residential:

All parking, as required by the Huntington Beach **Zoning and Subdivision Ordinance Code**, shall be provided on-site.

Commercial:

- (a) Parking for all commercial projects within the area of the Downtown Parking Master Plan shall be consistent with the parking requirements of the Downtown Parking Master Plan. Districts 1, 2, 4, a portion of 5, 7, 8, 9, 10 and 11 shall provide one-hundred (100) percent of the required parking on-site, pursuant to the Huntington Beach **Zoning and Subdivision Ordinance Code**.

Parking in District 3, a portion of District 5, and District 6 shall be provided on-site to the maximum extent feasible, as identified in the Parking Master Plan. The balance of any required parking shall be provided in facilities within walking distance. Any required off-site parking spaces shall be in place prior to the issuance of a Certificate of Occupancy for any development. All parking for any portion of a District which is not within the area of the Downtown Parking Master Plan shall provide one-hundred (100) percent of the required parking on-site, pursuant to the Huntington Beach **Zoning and Subdivision Ordinance Code**.

- (b) All off-street uncovered surface parking spaces shall be screened. Screening shall be a maximum of thirty-two (32) inches high as measured from the adjacent parking surface. Screening shall consist of landscaping or landscaping combined with opaque materials, and must be approved by the director.

Seventy-five (75) percent of the total requirement shall be thirty-six (36) inch box trees and the remaining twenty-five (25) percent of such requirement may be provided at a ratio of one (1) inch for one (1) inch through the use of twenty-four (24) inch box trees.

Additional trees and shrubs shall also be planted to provide a well-balanced landscape environment.

Exception: Structures fronting on Main Street, Fifth Street and Third Street, with a required five (5) foot setback shall be exempt from this requirement.

- (d) A landscape and irrigation plan in conformance with the adopted Design Guidelines shall be subject to approval by the Director and the Department of Public Works prior to the issuance of building permits.
- (e) All parking lots shall provide a decorative masonry wall or landscaped berm installed in the setback area. All landscaping shall be installed within the parking lot area, in accordance with the Huntington Beach **Zoning and Subdivision Ordinance Code**. Parking structures must screen all street-level parking areas from the public ROW. Such screening must be approved by the Director. The setback area shall be landscaped in accordance with the following guidelines and a landscape plan shall be submitted to and approved by the Director:
 - Where feasible, planting material shall include a minimum three (3) five (5) gallon size shrubs for each seventy-five (75) square feet of landscaped area and at least one (1) thirty-six (36) inch box tree or palm for each one hundred and fifty (150) square feet of landscaped area (except when palm trees are required).
 - The setback area shall be planted with suitable ground cover.
 - The landscaped area shall be provided with an irrigation system which conforms to the standards specified for landscaped medians by the Department of Public Works.
 - All landscaping shall be maintained in a neat and attractive manner.

4.2.16 Street Vacations. The following conditions will apply to City vacation of streets and alleys for consolidation of parcels greater than one block in size:

- (a) Streets shall be vacated only after the City has analyzed the impacts on circulation patterns and determined that the vacation will not be detrimental.
- (b) Where streets are to be vacated, the cost of relocating all utilities shall be borne by the developer; the City Council may waive this requirement.
- (c) Any public parking lost by street vacations must be replaced either on or off site or through in lieu fees. Such parking shall be in addition to required parking for the proposed use.
- (d) Consolidations that require vacation of a portion of Main Street north of Orange Avenue shall provide a public plaza space that will enhance the Main Street corridor to the pier. The type of facility and its design shall be approved by the City.

- 4.2.18 Lighting. For developments of more than two (2) units, the developer shall install an on-site lighting system on all vehicular access ways and along major walkways. Such lighting shall be directed onto driveways and walkways within the development and away from adjacent properties. Lighting shall also be installed within all covered and enclosed parking areas. A lighting plan shall be submitted to and approved by the Director.
- 4.2.19 Outside Storage Space. Where a proposed residential development does not include a separate attached garage for each dwelling unit, a minimum of one hundred (100) cubic feet of outside storage space shall be provided for each such unit.
- 4.2.20 Sewer and Water Systems. Sewer and water systems shall be designed to City standards and shall be located underneath streets, alleys or drives. In no case shall individual sewer lines or sewer mains for a dwelling unit be permitted to extend underneath any other dwelling unit.
- 4.2.21 Signs. All signs shall conform to the provisions of the Huntington Beach **Zoning and Subdivision** Ordinance Code. Commercial signs in mixed developments shall not be intrusive to residential development or other uses and shall be consistent with the adopted Design Guidelines.
- (a) The placement of address numbers shall be at a uniform location throughout a development and shall be approved by the Director.
- (b) When appropriate, the developer shall install on-site street name signs at the intersections of access ways, as approved by the City Engineer. Street name signs shall also be approved by the Director for design and type and shall be consistent with the adopted Design Guidelines. All signs required by this section shall be installed at the approved locations prior to the time the first dwelling unit is occupied.
- 4.2.22 Refuse Collection Areas. In residential developments, refuse collection areas shall be provided within two hundred (200) feet of the units they are to serve. In all developments, trash areas shall be enclosed or screened with a masonry wall, and shall be situated in order to minimize noise and visual intrusion on adjacent property as well as to eliminate fire hazard to adjacent structures. Residents shall be provided with collection areas that are separate and distinct from the collection area of offices and other commercial activities.
- 4.2.23 Vehicular Storage. Storage of boats, trailers, recreational vehicles (as defined herein) and other similar vehicles shall be prohibited unless specifically designated areas for the storage of such vehicles are set aside on the final development plan and, in the case of condominium developments, provided for in the association's covenants, conditions, and restrictions. Where such areas are provided, they shall be enclosed and screened from view on a horizontal plane from adjacent areas by a combination of a six (6) foot high masonry wall and permanently maintained landscaping.
- 4.2.24 Antennas. Antennas shall be consistent with the applicable zoning document.
- 4.2.25 Utility Lines. All utility lines shall be undergrounded where possible.
- 4.2.26 Bus Turnouts. In commercial developments of one half block or more, dedication shall be made for bus turnouts as recommended by O.C.T.A. Any bus turnout so recommended shall be incorporated as part of the development plan.

4.2.27 Orange County Transit Authority Center. A transit center shall be located within proximity of the downtown area which will provide pedestrians access to the beach and retail services.

4.2.28 Homeowners' or Community Association. All multiple unit subdivision developments shall be approved subject to submission of a legal instrument or instruments setting forth a plan or manner of permanent care and maintenance of open spaces, recreational areas, and communal facilities. No such instrument shall be acceptable until approved by the City Attorney as to legal form and effect, and by the Department of **Planning Community Development** as to suitability for the proposed use of the open areas.

If the common open spaces are to be conveyed to the homeowners' association, the developer shall file a declaration of covenants, to be submitted with the application for approval, that will govern the association. The provisions shall include, but not be limited to, the following:

- (a) The homeowners' association shall be established prior to the initial sale of the last dwelling units.
- (b) Membership shall be mandatory for each buyer and any successive buyer.
- (c) The open space restrictions shall be permanent.

4.2.29 Compliance with certain requirements of the Coastal Zone (CZ) Suffix:

All projects shall comply with the following sections of the Coastal Zone Suffix: "Community Facilities"; "Diking, Dredging and Filling"; "Hazards"; "Buffer Requirements"; "Energy"; and "Signs" as identified in the Huntington Beach **Zoning and Subdivision Ordinance Code**.

i) Affordable Housing

Residential projects that offer 50% of the units to persons and households earning between 80-100% of the Orange County Median Income as defined by HUD for a period of 30 years may be eligible for a reduction in the following development standards.

- | | |
|---------------------|---|
| Guest Parking - | If determined by the Planning Commission that adequate excess public parking is available, the Planning Commission may grant a maximum 100% waiver depending on size and location of project. |
| Common Open Space - | Maximum 70% reduction if replaced by private open space. (Roof decks may be used to satisfy a portion of this requirement.) |
| Site Coverage - | Maximum 75%. |
| Height - | Maximum four (4) stories in any district. |
| Density - | The Floor Area Ratio formula may be substituted for units per acre in each district. A maximum 1.0 Floor Area Ratio will apply to affordable projects. |

Minimum Unit Size -	Studio	400 square feet
	1 bedroom	600 square feet
	2 bedroom	800 square feet

It is the intent of these provisions to provide maximum design flexibility while still maintaining high quality design standards in exchange for affordable housing.

- ii) School Facilities: A school facilities impact mitigation and reimbursement agreement shall be a condition of approval for any subdivision, tentative tract, or parcel map within the Specific Plan. The agreement shall provide for the adequate mitigation of impacts on the elementary and/or high school district. It shall provide for adequate funding of school facilities as may be necessary to serve the student population generated by the proposed development. This condition may be waived by the Huntington Beach Planning Commission and will not apply to affordable housing projects as defined in the Specific Plan.
- iii) Historic Properties: The Historic Resources Board shall provide to the Design Review Board and Planning Commission recommendations for structures considered to be historically significant as identified in the City's 1989 Historic Survey
- iv) Outdoor Dining: Outdoor dining on public or private property may be permitted subject to **review and approval by the Director of Planning with Neighborhood Notification (pursuant to HBZSO), when in compliance with this Section.** ~~conditional use permit approval by the Zoning Administrator and compliance with this Section~~ **The sale of alcohol shall be subject to the review and approval of a conditional use permit by the Zoning Administrator and compliance with the applicable provisions herein:**

- 1) Location and design criteria.

Outdoor dining shall conform to the following location and design criteria:

- a) The outdoor dining shall be an extension of an existing or proposed eating establishment on contiguous property.
- b) Outdoor dining located on the sidewalk area of the public right-of-way shall be limited to commercial areas within the Downtown Specific Plan.
- c) Outdoor dining located on the sidewalk area of the public right-of-way of the first block of Main Street and Pacific Coast Highway within District 3 and on the Municipal Pier shall provide a minimum ten (10) foot clear passage area for pedestrian access. Outdoor dining located on the sidewalk area of the public right-of-way and on all other areas shall provide a minimum eight (8) foot clear passage area for pedestrian access. A wider clear passage area may be required at the discretion of the **Director or Zoning Administrator**.
- d) No outdoor dining shall be allowed in mini-parks, publicly owned plazas, or beach areas excluding concession carts with no seating.
- e) Outdoor dining establishments which do not serve alcohol and are located on public property shall be separated from the clear passage area on the public sidewalk and/or pedestrian walkway by a temporary cordon and removed when not in use.
- f) Establishments which serve alcoholic beverages outdoors are required to provide a physical barrier of 36 inches in height surrounding the outdoor dining area

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Keep

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Minimum Unit Size -

Studio	400 square feet
1 bedroom	600 square feet
2 bedroom	800 square feet

Amended to read

It is the intent of these provisions to provide maximum design flexibility while still maintaining high quality design standards in exchange for affordable housing.

- ii) School Facilities: A school facilities impact mitigation and reimbursement agreement shall be a condition of approval for any subdivision, tentative tract, or parcel map within the Specific Plan. The agreement shall provide for the adequate mitigation of impacts on the elementary and/or high school district. It shall provide for adequate funding of school facilities as may be necessary to serve the student population generated by the proposed development. This condition may be waived by the Huntington Beach Planning Commission and will not apply to affordable housing projects as defined in the Specific Plan.
- iii) Historic Properties: The Historic Resources Board shall provide to the Design Review Board and Planning Commission recommendations for structures considered to be historically significant as identified in the City's 1989 Historic Survey
- iv) Outdoor Dining: Outdoor dining on public or private property may be permitted subject to review and approval by the Director of Planning with Neighborhood Notification (pursuant to HBZSO), when in compliance with this Section. ~~conditional use permit approval by the Zoning Administrator and compliance with this Section~~ **The sale of alcohol shall be subject to the review and approval of a conditional use permit by the Zoning Administrator and compliance with this section.**

Exception: For any existing restaurant with alcohol sales with an existing outdoor dining area, the sale of alcohol in the outdoor dining area shall be subject to the review and approval by the Director of Planning and the Police Chief with Neighborhood Notification pursuant to Chapter 241 and compliance with this section.

1) Location and design criteria.

Outdoor dining shall conform to the following location and design criteria:

- a) The outdoor dining shall be an extension of an existing or proposed eating establishment on contiguous property.
- b) Outdoor dining located on the sidewalk area of the public right-of-way shall be limited to commercial areas within the Downtown Specific Plan.
- c) Outdoor dining located on the sidewalk area of the public right-of-way of the first block of Main Street and Pacific Coast Highway within District 3 and on the Municipal Pier shall provide a minimum ten (10) foot clear passage area for pedestrian access. Outdoor dining located on the sidewalk area of the public right-of-way and on all other areas shall provide a minimum eight (8) foot clear passage area for pedestrian access. A wider clear passage area may be required at the discretion of the **Director or Zoning Administrator**.
- d) No outdoor dining shall be allowed in mini-parks, publicly owned plazas, or beach areas excluding concession carts with no seating.

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that will prohibit passing of alcohol through the barrier.

- g) All tables, chairs, and umbrellas of outdoor dining located on public property shall be removed when not in use.
 - h) Outdoor dining on private sidewalk areas shall provide a minimum eight (8) foot clear passage area for pedestrian access or a permanent cordon shall surround the outdoor dining area and a minimum five (5) foot clear passage area shall be provided.
 - i) At street intersections, the triangular area formed by measuring 25 feet along the curb lines, shall be clear passage area.
 - j) Temporary, mobile or free-standing food service providers are not eligible under these provisions.
- 2) Operating requirements, provisions, and conditions.
- a) A License Agreement including use fees shall be obtained from the City for outdoor dining located on public property. The License Agreement shall be subject to termination at any time upon a 10-day prior written notice upon determination of the **Director or Zoning Administrator** that one or more of the conditions or provisions of this Section 4.2.33 have been violated or that one or more factors listed in Subsection (5) below have changed and the permitted use is no longer compatible with the intended use of the public right-of-way or public property. Termination of a License Agreement shall nullify the conditional use permit.
 - b) The applicant shall enter into a Maintenance Agreement with the City for maintenance of all portions of the public property used and approved by the **Director or Zoning Administrator** for the outdoor dining. Said agreement shall be submitted to and approved by the Department of Public Works prior to commencement of the use.
 - c) All outdoor dining operators shall provide a public liability insurance policy as specified in all current insurance resolutions. Such liability insurance shall be provided in a form acceptable to the City Attorney. The policy shall name the City of Huntington Beach as an additional insured and shall be maintained at all times.
 - d) No food or beverages of any nature shall be sold to any occupant or rider of any motor vehicle or bicycle.
 - e) Alcoholic beverages shall be served in glass containers only. Each glass container shall be permanently printed with a number identifying the establishment serving alcohol.
 - f) The applicant (or operator) shall pay all fees and deposits required by the Huntington Beach Municipal Code, including the fee established for use of public property, prior to operation of the outdoor dining use.
 - g) All provisions of the Huntington Beach Municipal Code and Zoning and Subdivision Ordinance shall apply.
 - h) Alcoholic beverages may be served on public and/or private property subject to the provisions provided herein.

- i) The conditional use permit may be transferred upon sale or transfer of the restaurant subject to a written request approved by the Zoning Administrator and the property owner. An amendment to the License Agreement will be required prior to transfer of the conditional use permit for outdoor dining on public property. A conditional use permit transfer or License Agreement renewal or amendment may be denied if one of the factors listed in Subsection (5) have changed and the permitted use is no longer compatible with the intended use of the public right-of-way.

3) Parking.

Parking shall comply with the Huntington Beach Zoning and Subdivision Ordinance or the Downtown Parking Master Plan; however, no parking spaces shall be required for the outdoor dining portion of the restaurant if the outdoor dining area does not exceed the following:

Total Restaurant Area

Outdoor Dining Area

a) 1,200 sq. ft. or less with:

Maximum 5 tables
and 20 seats

b) greater than 1,200 sq. ft. with:

Maximum of 20% of
the restaurant area,
not to exceed 400 sq. ft.

Any outdoor dining area which exceeds these standards shall provide 100% of the required parking for the entire area.

4) Enforcement.

Enforcement of ~~this~~ Section 4.2.33 shall be by the ~~Community Development~~ Director **of Planning** or his/her designee.

Any outdoor dining use within the Downtown Specific Plan that has been established without prior conditional use permit approval must obtain a conditional use permit and if located on public property, a License Agreement within 90 days following the effective date of this ordinance. Any establishment that plans to serve alcoholic beverages in an outdoor dining area must obtain a new conditional use permit and a new License Agreement from the City.

5) Necessary Findings.

- a) In order to approve outdoor dining the **Director or Zoning Administrator** shall make the following findings: The sidewalk's public use, pedestrian, transit and business services including but not limited to loading zones, bus stops, public phones, and benches, are not restricted.
- b) Building entryways are not obstructed.
- c) Pedestrian traffic volumes are not inhibited.
- d) Handicapped accessibility is provided where required.

4.3 DISTRICT #1: VISITOR-SERVING COMMERCIAL

Purpose. This District is limited to a node fronting on Pacific Coast Highway (PCH) which is adjacent to medium and high density residential Districts. This node provides a site 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 the blocks from 6th to 9th 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. 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~~ **Zoning and Subdivision Ordinance**
- Clothing stores
- Delicatessens
- Drug stores
- Florists
- Grocery (convenience)
- Ice cream parlors
- Laundromats, Laundries
- Meat or fish markets
- Newspaper and magazine stores
- Newsstands
- 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

(b) The following list of Visitor Serving Commercial uses or change of such use in District No. 1 may be allowed subject to approval of

a Conditional Use Permit from the Zoning Administrator. For example:

- **Dry Cleaning**
- **Restaurants**

(bc) The following list of Visitor Serving Commercial uses and any new construction, or change of such use in District No. 1 may be allowed subject to approval of a Conditional Use Permit **from the Planning Commission**. For example:

- Dancing and/or live entertainment
- ~~Dry Cleaning~~
- Health and sports clubs
- Liquor Stores
- Motels
- Permanent parking lots and parking structures
- Residential uses **pursuant to (e) below**
- ~~Restaurants~~
- Service station (minimum 14,000 square feet of net lot area, subject to the development standards outlined in Section 9220.14 of the Huntington Beach **Zoning and Subdivision Ordinance Code**)

(ed) Visitor-serving commercial uses must be a part of all development proposed in this District, with the following minimum requirements: for projects with less than a half-block of frontage, the entire street level must be devoted to visitor-serving uses; for projects with a half-block or more of frontage, either the entire street level, or at least one-third (1/3) of the total floor area must be devoted to visitor-serving commercial uses.

(de) Residential uses are allowed only in conjunction with visitor-serving commercial uses. The required visitor-serving commercial portion of any initial construction shall be provided prior to or at the same time as any residential portion. No residential unit shall be occupied until the required commercial portion is completed. Projects which are proposed to be phased must proportionately develop the commercial and residential concurrently.

4.3.02 Minimum Parcel Size. The minimum parcel size for development shall be 10,000 sq. ft. of net site area and one hundred (100) feet of frontage on PCH.

4.3.03 Maximum Density/Intensity. The maximum allowable number of residential dwelling units (du) shall be 1 du/1,742 square feet of net lot area or twenty-five (25) units per net acre. The Floor Area Ratio shall be 1.0 calculated on net acreage.

4.3.04 Maximum Building Height. The maximum building height shall be thirty-five (35) feet and no more than three (3) stories.

4.3.05 Maximum Site Coverage. The maximum site coverage shall be fifty (50) percent of the net site area.

4.3.06 Setback (Front Yard). The minimum front yard setback for all structures exceeding forty-two (42) inches in height shall be twenty-five (25) feet from Pacific Coast Highway right-of-way. This setback may be reduced to twenty (20) feet on up to fifty (50) percent of the frontage, provided that the average setback for total site frontage is not less than twenty-five (25) feet. The setback area shall be limited to landscaping only and shall be designed to be compatible with the Bluff Top Landscaping area located across Pacific Coast Highway.

4.4 DISTRICT #2: RESIDENTIAL

Purpose. This District allows residential development exclusively. While allowing higher densities, the District employs graduated height limits and proportional setback requirements to keep the scale of new developments compatible with the existing residential neighborhood.

Boundaries. District #2 includes the first block along PCH to Walnut Avenue between Goldenwest Street and 6th Streets except for the area included in District #1.

4.4.01 Permitted Uses. The following residential uses may be allowed in District No. 2: For example:

(a) Single Family Detached Dwellings ~~that which~~ comply with the development standards of District 2 herein may be allowed subject to approval by the Director. ~~All standards within the Downtown Specific Plan, District 2 shall apply to the construction of single unit dwellings, except as specifically identified below (Resolution No. 5760):~~

(1) Parking requirements shall be **subject to Section 231.04 of the HBZSO, RMH-A District.** ~~as required for single unit dwellings for the Oldtown/Townlot areas in Article 960.~~

(2) ~~Open space requirements shall be as required for the Oldtown/Townlot areas in Article 913.~~

(3) Maximum building height shall be **three stories and 35 feet. All provisions of Section 210.06 (M) (1) shall apply except for subdivisions (c), (d)(1), and (d)(2) including its subparts** ~~thirty (30) feet for main dwellings and fifteen (15) feet for detached accessory buildings.~~ In addition, **the building height in the front and rear 25 feet of the lot shall be a** ~~the maximum building height shall be twenty-two (22) of 25 feet. within twenty-five (25) feet of the front property line.~~

(4) See Section 4.4.02 ~~Minimum parcel size shall be as stated in Article 913.~~

(5) ~~The requirements of Section 9130.13 shall apply, including single-unit dwelling design standards.~~

(b) **New construction of mMulti-family housing, apartments, condominiums, single family detached dwellings that do not comply with Subsection (a) above, and stock-cooperatives are subject to the approval of a Conditional Use Permit from the Zoning Administrator.**

4.4.02 Minimum Parcel Size. The minimum parcel size for development shall be twenty-five (25) feet of frontage and 2,500 square foot net size area.

4.4.03 Maximum Density/Intensity. The maximum allowable number of residential dwelling units (du) shall increase as the parcel size increases according to the following:

<u>Lot Size (Frontage)</u>	<u>Maximum Allowable Density</u>
less than 50'	1 du
50'	4 du
51' up to full block	1 du/1,452 sq. ft. of net lot area or 30 units

4.5 DISTRICT #3: VISITOR-SERVING COMMERCIAL

Purpose. 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 **pursuant to (d) below** 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~~ **Zoning and Subdivision Ordinance**
- Clothing stores
- Delicatessens
- Drug stores
- Florists
- Ice cream parlors
- Newspaper and magazine stores
- Newsstands
- 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

(b) The following list of uses or change of such use in District No. 3 may be allowed pursuant to (d) below subject to approval of a Conditional Use Permit from the Zoning Administrator: For example:

- Restaurants
- Retail sales, outdoor
- Theaters

Note: The ground floor or street level of all buildings in this District shall be devoted to visitor-serving commercial activities.

(bc) The following list of uses and any new construction, or change of such use in District No. 3 may be allowed pursuant to (d) below subject to approval of a Conditional Use Permit from the Planning Commission: For example:

- Hotel and licensed bed and breakfast designed as a commercial establishment
- Dancing and/or live entertainment
- Health and sports clubs
- Liquor stores
- Permanent Parking lots and parking structures
- ~~Restaurants~~
- ~~Retail sales, outdoor~~
- Residential uses pursuant to (d)
- ~~Theaters~~

(d) All uses and new construction shall comply with the following development requirements:

- (e) The ground floor or street level of all buildings in this District fronting Main Street and Pacific Coast Highway shall be devoted to visitor-serving commercial activities.
- (d) Visitor-serving commercial uses must be a part of all development proposed in this District with a minimum requirement that the entire street level, or at least one-third (1/3) of the total floor area be devoted to visitor-serving commercial uses.
- (e) Residential uses shall only be permitted if the development includes consolidation of a one block or greater area. Note: Residential uses are allowed only in conjunction with visitor-serving commercial uses. Up to one-half (1/2) of the floor area of projects may be devoted to residential uses.
- (f) The required visitor-serving commercial portion of any project shall be provided prior to or at the same time as any residential portion. No residential unit shall be occupied until the required commercial portion is complete.
- (g) In the event of a consolidation of a minimum one block area, non-priority (residential) uses may be located in separate structures or on separate portions of the parcel in the context of a planned development, provided no less than one-half of the total floor area permitted is devoted to visitor-serving uses, and provided that substantial public open space and pedestrian access amenities are provided to maintain a predominantly visitor-serving orientation.

4.5.02 Minimum Parcel Size. The minimum parcel size for development shall be 2,500 square feet of net site area and twenty-five (25) feet of frontage.

4.5.03 Maximum Density/Intensity. The maximum intensity of development shall be calculated by floor area ratios (FAR) for this District. The floor area ratio shall apply to the entire project area. Floor area ratios shall be calculated on net acreage.

(a) The maximum floor area for developments in this District shall be calculated with the following multiples:

<u>Lot Size</u>	<u>Maximum FAR</u>
less than half block	2.0
one-half block-full block	2.5
full block or greater	3.0

(b) The maximum allowable number of residential dwelling units (du) shall be 1 du/1,452 square feet of net lot area or thirty (30) units per net acre.

4.5.04 Maximum Building Height. The maximum building height shall be as follows:

<u>Lot Size</u>	<u>Height</u>
less than full block	3 stories/35 feet
full block or greater	4 stories/45 feet

4.5.05 Maximum Site Coverage. No maximum site coverage required.

4.5.06 Setback (Front Yard). The minimum front yard setback for all structures exceeding forty-two (42) inches in height shall be fifteen (15) feet.

Exception: Parcels fronting on Fifth and Third Streets may be reduced to five (5) feet. Parcels fronting on Main Street must develop to a build-to-line* five (5) feet from the property line.

*Note: The build-to requirement can be satisfied by extending any of the following to five (5) feet of the property line: 1) the facade of the ground floor level; 2) a plaza or patio used for open-air commercial activity; 3) a low-wall or fence (not exceeding forty-two (42) inches in height), planters or other architectural features, which extend along at least fifty (50) percent of the frontage along the lot line; 4) two (2) side walls and second story facade.

Note: The following may be permitted in the front yard setback on 5th Street, 3rd Street, Main Street, First Street and PCH: benches, bicycle racks, transparent wind screens and open-air commercial facilities.

Note: An additional ROW dedication will be required for parcels fronting on PCH of five (5) feet, for additional parkway and sidewalk; and two and one-half (2-1/2) feet for parcels fronting on Sixth Street.

4.5.07 Setback (Side Yard). The minimum aggregate side yard requirements shall be as follows:

(a) Parcels fronting on Sixth, Second and Lake Streets require twenty (20) percent of lot frontage, with not less than seven (7) feet for an interior yard and not less than fifteen (15) feet for an exterior yard, from a public ROW.

4.6 DISTRICT #4: MIXED-USE; OFFICE RESIDENTIAL

Purpose. 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.4.2.33
- Carts and Kiosks pursuant to Section 230.94 of the Huntington Beach ~~Municipal Code~~ **Zoning and Subdivision Ordinance.**
- 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 ~~2~~ shall be subject to the approval by the Director ~~in lieu of a conditional use permit.~~

(b) The following list of uses and any new construction, or change of such use in District No. 4 may be allowed subject to approval of a Conditional Use Permit **from the Zoning Administrator:** For example:

- Residential Use - multi-family housing, apartments, condominiums and stock cooperatives.
- Mixed-Use - Mixed Residential/Office Use developments shall be permitted provided that residential uses:
 - Be segregated to a separate structure or restricted to the second story or above;
 - Not occupy any portion of the same story with non-residential uses, unless they are provided with adequate physical and acoustical separation;
 - Be on contiguous floors within a single structure;
 - Be provided with separate pedestrian ingress and egress;
 - Be provided with secured, designated parking.

- 4.6.02 Minimum Parcel Size. The minimum parcel size for development shall be twenty-five hundred (2500) square feet and twenty (25) feet of frontage. However, existing lots twenty-five (25) feet in width or greater shall not be subdivided to create smaller parcels.
- 4.6.03 Maximum Density/Intensity. The maximum intensity of development shall be calculated by **maximum** Floor Area Ratio (FAR) for the District. The Floor Area Ratio shall apply to the whole District. The Floor Area Ratio shall be 1.5 calculated on net acreage, **except that for a single family residence, the maximum FAR shall be 1.0.**

<u>Lot Size (Frontage)</u>	<u>Maximum Allowable Density</u>
Less than 50'	1 du
51' up to full block	1 du/1,452 sq. ft. of net lot area or 30 units per net acre

- 4.6.04 Maximum Building Height. The maximum building height shall be thirty-five (35) feet and no more than three (3) stories.
- 4.6.05 Maximum Site Coverage. The maximum site coverage shall be fifty (50) percent of the net site area.
- 4.6.06 Setback (Front Yard). The minimum front yard setback for all structures exceeding forty-two (42) inches in height, shall be fifteen (15) feet.

Note: An additional ROW dedication will be required for parcels fronting on Sixth Street, of two and one-half (2-1/2) feet.

- 4.6.07 Setback (Side Yard). The minimum aggregate side yard requirements shall be as follows:
- (a) Parcels with one hundred (100) feet or less of frontage require twenty (20) percent of the lot frontage, with not less than three (3) feet on a side. Exterior yards require not less than five (5) feet from a public ROW.

Exception: Garages located on a single twenty-five (25) foot wide lot., will be allowed an exterior yard reduction to not less than three (3) feet from a public ROW.

*Note: Twenty-five (25) foot wide lots may have a zero interior side yard setback on one side if: 1) adjacent property is under same ownership and developed at the same time; 2) at least five (5) feet is provided on the opposite side yard of both properties; 3) no portion of a building at a zero lot line is closer than six (6) feet to an adjacent building, if the buildings are not abutting.

- (b) Parcels with greater than one hundred (100) feet but less than a half block of frontage require twenty (20) percent of the frontage, with not less than seven (7) feet on any interior yard, and not less than fifteen (15) feet for an exterior yard, from a public ROW.
- (c) Parcels with greater than a half block of frontage require not less than seven (7) feet on any interior yard and not less than fifteen (15) feet for an exterior yard, from a public ROW.

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 re-establish 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 **Zoning and Subdivision Ordinance**
- Clothing stores
- Delicatessens
- Drug stores
- Dry cleaning
- Florists
- Groceries
- General retail
- Hardware stores
- Hobby supplies
- Ice cream parlors
- Jewelry stores
- Laundromats
- Newsstands
- Office Supplies
- Offices
- Outdoor dining pursuant to S.4.2.33
- Photographic equipment sales

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- Photographic processing
- Public facilities
- Shoe repair
- Shoe stores
- Sporting goods
- Stationery stores
- Tailor shops
- Travel agency

(b) **The following list of uses or change of such use in District No. 5 may be allowed pursuant to (d) below subject to approval of a Conditional Use Permit from the Zoning Administrator: For example:**

- **Restaurants**

(bc) **The following list of uses and any new construction, or change of such use in District No. 5 may be allowed pursuant to (d) below subject to approval of a Conditional Use Permit from the Planning Commission: For example:**

- Dancing and/ or live entertainment
- Health and sports clubs
- Liquor stores
- Permanent parking lots and parking structures
- Restaurants
- Residential uses as part of a **Mixed Use Development**

(d) **All uses and new construction shall comply with the following development requirements:**

- (e) The street level of all buildings fronting Main Street and 5th Street in this District shall be devoted to commercial activities. (f) Commercial or residential may be permitted on the street level between Olive and Orange Avenue fronting 5th Street and 3rd Street.

- (d) The following uses may be permitted above the first floor:

(i) Commercial Use - all commercial uses allowed on the first floor may be allowed on the second floor.

(ii) Office Use - professional, general business and non-profit offices provided that:

- No sales either wholesale or retail which involve delivery of any goods or material to or from the premises occur.
- No inventory is kept on the premise other than samples.
- No processing, manufacturing, storage or repair of merchandise of any kind occurs.

- (iii) Residential Use – **Multiple family** Residential uses are allowed only in conjunction with commercial uses in this District. **Detached single family units are not permitted.** Up to one-third (1/3) of the floor area of projects on parcels smaller than one-half (1/2) block may be devoted to residential uses; projects on one-half (1/2) block or larger parcels, except projects fronting on Main St., up to two-thirds (2/3) of the floor area may be devoted to residential uses; projects on full block or larger parcels, fronting on

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

Purpose. 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 commercial/ office/ residential related uses not specified herein may be allowed **pursuant to (d) below** 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~~ **Zoning and Subdivision Ordinance**
- Clothing stores
- Delicatessens
- Drug stores
- Dry cleaning
- Florists
- Glass shops
- Groceries
- Hardware stores
- Ice House
- Laundromats, laundries
- Newspaper and magazine stores
- Newsstands
- 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

(b) The following list of uses or change of such use in District No. 6 may be allowed pursuant to (d) below subject to approval of a

Conditional Use Permit from the Zoning Administrator: For example:

- **Restaurants**

(bc) The following list of uses and any new construction, or change of such use in District No. 6 may be allowed pursuant to (d) below subject to approval of a Conditional Use Permit from the Planning Commission: For example:

- Dancing and/or live entertainment
- Health and sports clubs
- Liquor stores
- Permanent parking lots and parking structures
- Residential Uses
- Restaurants

(d) All uses and new construction shall comply with the following development requirements:

- (e) Residential uses are allowed in conjunction with commercial uses and/or separate from commercial uses in this district subject to conditional use permit from the Planning Commission. Single family dwellings are subject to Director approval. The following shall apply:

(1) All ground level uses of buildings fronting Main Street within the Downtown Specific Parking Master Plan (DTPMP) boundaries (between Orange Ave. and Acacia Ave.) shall be commercial.

(de) The frontage on 3rd and Lake Streets between Orange and Palm Avenues may be residential.

4.8.02 Minimum Parcel Size. The minimum parcel size for development shall be two thousand five hundred (2,500) square feet and twenty-five (25) feet of frontage. Existing parcels greater than twenty-five (25) feet in width shall not be subdivided to create 2,500 square foot lots.

4.8.03 Maximum Density/Intensity. The maximum intensity of development shall be calculated by floor area ratio (FAR) for this District. The floor area ratio shall apply to the entire project area. Floor area ratios shall be calculated on net acreage.

(a) The maximum allowable number of residential dwelling units shall be 1 du/1,742 square feet net lot area or twenty-five (25) units per net acre.

(b) Lot Size Maximum FAR

Less than half-block	1.5
Half-block or greater	2.0

4.8.04 Maximum Building Height. The maximum building height shall be as follows:

<u>Lot Size (Frontage)</u>	<u>Height</u>
less than 100'	2 stories/30 feet
100' up to but less than a full block	3 stories/35 feet

4.9 DISTRICT #7: VISITOR-SERVING COMMERCIAL

Purpose. 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~~ **Zoning and Subdivision Ordinance**
- 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.

(b) **The following list of uses or change of such use in District No. 7 may be allowed subject to the approval of a Conditional Use Permit from the Zoning Administrator.** For example:

- **Automobile service stations**
- **Dancing and/or live entertainment**
- **Health and sports clubs**
- **Liquor stores**
- **Restaurants**
- **Taverns**
- **Theaters**

(bc) **The following list of uses and any new construction, or change of such use in District No. 7 may be allowed subject to the approval of a Conditional Use Permit from the Planning Commission.** For example:

- ~~Automobile service stations~~
- ~~Dancing and/or live entertainment~~
- ~~Health and sports clubs~~
- **Hotels and motels**
- ~~Liquor stores~~
- **Permanent parking lots and parking structures**
- **Restaurants**
- ~~Taverns~~
- ~~Theaters~~
- **Timeshare Units pursuant to section 4.9.12**

4.9.02 Minimum Parcel Size. No minimum parcel size shall be required for this District. However, prior to the approval of any development, including subdivision, a master site plan for the entire District shall be approved by the Planning Commission. Development which is in conformance with the site plan may then be permitted.

4.9.03 Maximum Density/Intensity.

(a) The maximum intensity of development shall be calculated by Floor Area Ratio (FAR) for the District. The floor area ratio shall apply to the whole District. The floor area ratio shall be 3.0 calculated on net acreage.

4.9.04 Maximum Building Height. The maximum building height shall be eight (8) stories.

4.9.05 Maximum Site Coverage. The maximum site coverage shall be fifty (50) percent of the net site area.

4.9.06 Setback (Front Yard). The minimum front yard setback for all structures exceeding forty-two (42) inches in height shall be fifty (50) feet from PCH.

4.9.07 Setback (Side Yard). The minimum exterior side yard requirement shall be twenty (20) feet.

4.9.08 Setback (Rear Yard). The minimum rear yard setback shall be twenty (20) feet from the proposed Walnut Avenue extension.

Note: An additional ROW dedication will be required to provide for the Walnut Avenue extension.

4.11 DISTRICT #9: COMMERCIAL/RECREATION

Purpose. 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 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~~ **Zoning and Subdivision Ordinance**
- Retail sales
- Tourist related uses
- Outdoor dining pursuant to S.4.2.33

(b) **The following list of uses or change of such use in District No. 9 may be allowed subject to approval of a Conditional Use Permit from the Zoning Administrator. For example:**

- Dancing and/or Live entertainment
- Recreational facilities
- Restaurants

(bc) The following list of uses and any new construction, or change of such use in District No. 9 may be allowed subject to approval of a Conditional Use Permit **from the Planning Commission.** For example:

- ~~Dancing and/or Live entertainment~~
- Hotels, motels
- ~~Recreational facilities~~
- ~~Restaurants~~
- Timeshare Units pursuant to section 4.11.13

4.11.02 Minimum Parcel Size. No minimum parcel size shall be required for this District. However, prior to approval of a Conditional Use Permit by the Planning Commission for any development, a master site plan for the entire District shall be approved by the Planning Commission. Development which is in conformance with the site plan may then be permitted.

4.11.03 Maximum Density/Intensity. The maximum intensity of development shall be calculated by floor area ratio (FAR) for this District. The floor area ratio shall apply to the entire project area. Floor area ratios shall be calculated on net acreage.

(a) The maximum floor area for developments in this District shall be calculated with a multiple of 3.0.

4.11.04 Maximum Building Height. No maximum building height shall be required.

4.11.05 Maximum Site Coverage. The maximum site coverage shall be thirty-five (35) percent of the net site area.

Note: A maximum of twenty-five (25) percent of the net site area can be used for parking and vehicular accessways.

4.11.06 Setback (Front Yard). The minimum front yard setback for all structures exceeding forty-two (42) inches in height shall be fifty (50) feet, from PCH and Beach Boulevard.

4.11.07 Setback (Side Yard). The minimum exterior side yard requirement shall be twenty (20) feet.

Exception: The minimum exterior yard requirement from Beach Boulevard shall be fifty (50) feet.

4.11.08 Setback (Rear Yard). The minimum rear yard setback shall be twenty (20) feet.

Note: An additional ROW dedication will be required to provide for the Walnut Avenue extension.

4.11.09 Setback (Upper Story). No upper story setback shall be required.

4.11.10 Open Space. Development projects within this District shall provide public open space. A minimum of thirty (30) percent of the net site area must be provided for such a purpose. This area shall be available for public or semi-public uses for recreational purposes. Open space must have minimum dimensions of twenty-five (25) feet in each direction. Paved areas devoted to streets, driveways and parking areas may not be counted toward this requirement. A maximum of fifteen (15) percent of the required thirty (30) percent may be enclosed recreation space such as gyms, handball courts, health clubs, interpretive centers or similar facilities. A fee may be imposed for the use of such facilities.

4.11.11 Pedestrian Overpass. A pedestrian overpass may be required to connect the development in this District to the City Beach, as a condition of approval for any new development on, or further subdivision of, parcels within the District. The City may waive this requirement if the City determines that overpasses are unnecessary or impractical considering the type and design of new developments.

4.11.12 Mobile home District. A portion of District #9 is zoned for mobile home use. Within this mobile home area, the provisions of the Mobile home District of the Huntington Beach **Zoning and Subdivision** Ordinance Code shall apply (see Section 4.16).

4.11.13 Timeshares. May be permitted as part of a master planned development and shall be conditioned as follows:

- a) At least twenty-five percent of the units be permanently reserved for transient overnight accommodations during the peak summer season (beginning the day before Memorial Day weekend and ending the day after Labor Day).
- b) The timeshare facility shall operate as a hotel including requirements for a centralized reservations system, check-in services, advertising, security, and daily housecleaning.
- c) A description specifying how the twenty-five percent reserved transient overnight requirement of Section 4.11.13 (a) will be satisfied within the master planned development must be submitted at time of application.

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~~ **Zoning and Subdivision Ordinance**
- Retail sales (beach-related)
- Outdoor dining pursuant to S.4.2.33

(b) **The following list of uses or change of such use in District No. 10 may be allowed subject to approval of a Conditional Use Permit from the Zoning Administrator. For example:**

- **Museums**
- **Restaurants (including fast food with take out windows)**

(bc) The following list of uses and any new construction, or change of such use in District No. 10 may be allowed subject to approval of a Conditional Use Permit **from the Planning Commission.** For example:

- Aquariums
- Commercial uses or public recreation facilities (beach-related)
- **Museums**
- Parking lots that will not result in the loss of recreational sand area. Tiered parking is permitted within the Downtown Specific Plan area on existing lots seaward of Pacific Coast Highway provided the parking is designed so that the top of the structures including walls, etc., are located a minimum of one foot below the maximum height of the adjacent bluff.
- ~~Restaurants (including fast food with take out windows)~~

Note: Only parking uses are permitted in this District northwest of Sixth Street.

4.12.02 Minimum Parcel Size. No minimum parcel size shall be required in this District.

4.12.03 Maximum Density/Intensity. No maximum density or intensity requirement shall be applied in this District.

4.14 RESOURCE PRODUCTION OVERLAY

Purpose. The Downtown Specific Plan area overlies long-productive oil pools. Many facilities are still operating because of the extent of the remaining reserves, therefore oil production will continue to be permitted in parts of this area.

The City provides for oil facilities by designating oil "suffix" zoning Districts in connection with an underlying base zone such as a commercial or residential District. Both oil facilities allowed by suffix and the other uses allowed by the base zone are permitted. Currently, the City has two oil suffixes the "0" which allows existing oil wells and attendant facilities but no new wells, and the "01" which allows the drilling of new wells in addition to all uses in the "0" District. These suffixes, with certain modifications, are also employed in this Specific Plan. In addition to the oil suffixes three Resource Production Overlays have been identified. Existing and/or expanded oil production may continue in these areas provided that the additional conditions outlined in this subsection are met.

4.14.01 Oil Overlay "A"

The regulations in this overlay District facilitate continued oil recovery, but require all new facilities to be concentrated into a screened, soundproofed and landscaped expansion of the existing oil site and encourage the expeditious removal of existing wells from oil overlay "B".

Boundaries. Oil overlay "A" includes an existing oil island located in District #2, between 19th and 18th streets from Pacific Coast Highway to the area is Walnut Avenue.

Regulations. New wells and related facilities shall be permitted in accordance with the -01 suffix and related provisions in the Huntington Beach **Zoning and Subdivision Ordinance Code** provided, however, that the following additional conditions are met:

- (a) Any new well must be part of a secondary or other enhanced oil recovery project of used as a replacement of an existing well.
- (b) A schedule for abandonment of all wells operated by the project proponent which are located within Bolsa Chica State Beach shall be submitted to and approved by the Director of Development Services prior to the drilling of any new well. This schedule may be amended at the discretion of the Director of Development Services.
- (c) The project proponent shall agree to a memorandum of understanding with the City as a condition for approval, stating that no new wells shall be drilled by that company on Bolsa Chica State Beach (oil overlay "B") nor shall the existing wells be redrilled except, in such cases where: 1) the redrilled well will be produced by a "subsurface" or "down-hole" pump, only, or 2) the redrilled well will be produced by other new technology with fewer visual and environmental impacts than a conventional ball and plunger, pump, or 3) an intensified screening plan is approved the Director of Development Services which substantially improves the appearance of the area.
- (d) The operation site shall be screened by a wall, fence, or structure in keeping with the character of the area. The site shall also be landscaped so as to ensure visual compatibility with the surrounding area. A screening and landscaping plan must be submitted to and approved by the Director. All structures shall generally conform to the height limits and setback requirements of the base District. The

Director may waive these restrictions if it would result in better overall soundproofing, odor reduction and/or visual compatibility.

4.14.2 Oil Overlay "B"

The regulations in this overlay facilitate continued oil recovery, wells may be redrilled if surface pumping units are replaced with a subsurface ones. Drilling of new wells may be permitted but only if the result is a significant reduction in the amount of space used for oil operations on the beach.

Boundaries. Oil overlay "B" comprises a section of Bolsa Chica State Beach currently in oil production in District #11 between Goldenwest and 11th streets.

Regulations. Wells may be redrilled in accordance with the -0 suffix in the Huntington Beach **Zoning and Subdivision Ordinance Code** provided, however, that the following additional conditions are met:

- (a) The operator submits a report to the Department of Development Services explaining why there is no other feasible, environmentally less damaging inland site (such a report must be approved by the Director); or agrees to a memorandum of understanding with the City stating that the redrilled well will be produced by a subsurface or down-hole pump or other new technology with fewer visual and environmental impacts than a conventional ball and plunger pump.
- (b) A schedule for abandonment of all wells operated by the project proponent which are located within Bolsa Chica State Beach shall be submitted to and approved by the Director of Development Services prior to the drilling of any new well. This schedule may be amended at the discretion of the Director of Development Services.
- (c) All redrilling operations shall be limited to a period from October 1 to May 31, except for emergencies for which the Fire Chief may waive these seasonal restrictions, but shall require soundproofing in accordance with Title 15 of the Huntington Beach Municipal Code.

New wells may be permitted if they are part of an overall consolidation plan which significantly reduces the area used for oil facilities or expedites the removal of existing oil facilities within the overlay area. A consolidation plan must be submitted to the Director of Development Services for approval before a permit for drilling any new well will be issued. All drilling operations must be conducted in accordance with the requirements of the 01 suffix in the Huntington Beach **Zoning and Subdivision Ordinance Code**.

4.14.03 Oil Overlay "C"

The regulations in the overlay facilitate continued oil recovery and provides for future oil production needs.

Boundaries. Oil overlay "C" is an irregularly shaped site in District #8A between Lake Street and Huntington Avenue and Atlanta Avenue.

Regulations. Well drilling and redrilling shall be permitted in accordance with Title 15 of the Huntington Beach Municipal Code and with the 0 or 01 suffix and related provisions in the Huntington Beach **Zoning and Subdivision Ordinance Code**. A conceptual site plan for the entire overlay area must be submitted prior to permitting any project development or subdivision of land within the overlay. The plan shall

4.16 MOBILE HOME DISTRICT

Purpose. The Downtown Specific Plan includes approximately 6.6 acres with a Mobile Home District (MH) designation. The purpose of the Mobile Home District is to permit present mobile home park uses to continue. The mobile home area falls within District Nine of the Downtown Specific Plan.

Boundaries. The Mobile Home District encompasses a part District 9. The following describes the real property:

That portion of fractional Section 14, Township 6 South, Range 11 West, City of Huntington Beach, County of Orange, State of California, as shown on a map recorded in Book 51, page 14 of Miscellaneous Maps in the office of the County Recorder of said county, described as follows; the basis of bearing of the following description is the centerline of Lake Street north 40°38'10" east as shown on Record of Survey 87-1049 filed in Book 117, pages 21 & 22 in the office of the County Recorder of said county:

Beginning at the southeast corner of the northeast quarter of said Section 14; thence south 88°42'52" west 111.91 feet; thence south 2°29'35" west 593.12 feet; thence south 24°32'06" west 386.94 feet; thence south 12°44'44" east 117.71 feet to a point in the southerly line of future Walnut Avenue per Precise Plan of Street Alignment 88-1, Ordinance No. 2961, said point being the true point of beginning; thence south 12°44'44" east 653.77 feet; thence south 78°59'52" west 82.75 feet; thence north 53°00'08" west 835.00 feet; thence north 36°59'52" east 300.00 feet; thence north 51°08'21" west 125.77 feet to a point in said southerly line of future Walnut Avenue, said point being the beginning of a non-tangent curve concave northerly having a radius of 1245.00 feet, a radial line to said point bears south 30°31'17" west; thence easterly along said curve and said southerly line of future Walnut Avenue 552.05 feet through a central angle of 25°24'20" to the true point of beginning. the area of the herein described land is 6.635 acres, more or less.

Regulations. The regulations of the Downtown Specific Plan will serve as overlays for the portion of District 9 which retains the (MH) zone, until such time that the Mobile Home District designation is removed.

All areas retaining the (MH) zone shall be subject to the provisions of the Mobile Home District of the Huntington Beach **Zoning and Subdivision Ordinance Code**. In addition, these areas are subject to the provisions of the Mobile Home Overlay Zones/Removal/Rezoning/Change of Use Article of the Huntington Beach **Zoning and Subdivision Ordinance Code**.

EX. 4
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AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH
AMENDING THE HUNTINGTON BEACH ZONING AND
SUBDIVISION ORDINANCE BY ADDING NEW SECTION
230.26 THERETO ENTITLED "AFFORDABLE HOUSING"

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

SECTION 1. That the Huntington Beach Zoning and Subdivision Ordinance is hereby amended by adding new Section 230.26 thereto, entitled "Affordable Housing," said chapter to read as follows:

230.26 Affordable Housing

A. Purpose.

1. The purpose and intent of this Chapter is to implement the goals, objectives and policies of the City's Housing Element. It is intended to encourage very low, low-and median income housing, which is integrated, compatible with and complements adjacent uses, and is located in close proximity to public and commercial services.
2. The affordable housing program is one tool the City utilizes to meet its commitment to provide housing affordable to all economic sectors, and to meet its regional fair-share requirements for construction of affordable housing.

B. Applicability. This section shall apply to new residential projects three (3) or more units in size.

1. A minimum of ten (10) percent of all new residential construction shall be affordable housing units.
2. Rental units included in the project shall be made available to very low or low-income households based on the Orange County Median Income, adjusted for appropriate family size, as published by the United States Department of Housing and Urban Development or established by the State of California, pursuant to Health and Safety Code Section 50093, or a successor statute.
3. For sale units included in the project shall be made available to very low, low or median income level households based on the Orange County Median Income, adjusted for appropriate family size, as published by the United States Department of Housing and Urban Development or established by the State of California, pursuant to Health and Safety Code Section 50093, or a successor statute.
4. Developers of residential projects consisting of nine or fewer units may elect to pay a fee in lieu of providing the units on-site to fulfill the requirement of the Section, unless the affordable housing requirement is outlined as part of a specific plan

project.

5. Developers of residential projects may elect to provide the affordable units at an off-site location pursuant to subsection B unless otherwise outlined as part of a specific plan project. If affordable units are off-site, they must be under the full control of the applicant, or other approved party.
6. New residential projects shall include construction of an entirely new project or new units added to an existing project. For purposes of determining the required number of affordable housing units, only new units shall be counted.

C. Fees in Lieu of Construction.

1. Fees paid to fulfill the requirements of this Section shall be placed in the City's Affordable Housing Trust Fund, the use of which is governed by subsection E.
2. The amount of the in-lieu fees shall be calculated using the fee schedule established annually by resolution of the City Council.
3. One hundred (100) percent of the fees required by this Section shall be paid prior to issuance of a building permit.
4. Fees paid as a result of new residential projects shall be based upon the total number and size of the new residential units which are to be constructed.

D. Off-Site Construction of Affordable Units. Except as may be required by the California Coastal Act and/or the California Government Code Section 65590 or a successor statute, developers may provide the required affordable housing off-site, at one or several sites, within the City of Huntington Beach.

1. Off-site projects may be new construction or major physical rehabilitation, equal to more than one-third the value of the existing improvement, excluding land value, of existing non-restricted units conditioned upon being restricted to long-term affordability. "At Risk" units identified in the Housing Element or mobile homes may be used to satisfy this requirement.
2. All affordable off-site housing shall be constructed or rehabilitated prior to or concurrently with the primary project. Final approval (occupancy) of the first market rate residential unit shall be contingent upon the completion and public availability, or evidence of the applicant's reasonable progress towards attainment of completion, of the affordable units.

E. Miscellaneous Provisions.

1. The conditions of approval for any project that requires affordable units shall specify the following items:

Ex. 5₂

- (a) The density bonus being provided pursuant to Section 230.14, if any;
 - (b) The number of affordable units;
 - (c) The number of units at each income level as related to Orange County Median Income; and
 - (d) A list of any other incentives offered by the City.
2. An Affordable Housing Agreement outlining all aspects of the affordable housing provisions shall be executed between the applicant and the City and recorded with the Orange County Recorder's Office prior to issuance of the first building permit.
 3. The Agreement shall specify an affordability term of not less than sixty (60) years.
 4. In a project requiring an in-lieu fee, the applicant shall execute and record an Agreement to pay an Affordable Housing In-Lieu Fee.
 5. All affordable on-site units in a project shall be constructed concurrently with or prior to the construction of the primary project units unless otherwise approved through a phasing plan. Final approval (occupancy) of the first market rate residential unit shall be contingent upon the completion and public availability, or evidence of the applicant's reasonable progress towards attainment of completion, of the affordable units.
 6. All affordable units shall be reasonably dispersed throughout the project unless otherwise designed through a master plan, shall contain on average the same number of bedrooms as the market rate units in the project, and shall be comparable with the market rate units in terms of exterior appearance, materials and finished quality.
 7. Affordable Housing Trust Funds shall be used for projects which have a minimum of fifty (50) percent of the dwelling units affordable to very low- and low- income households, with at least twenty (20) percent of the units available to very low-income households. Concurrent with establishing the annual fee schedule pursuant to subsection C, the City Council shall by resolution set forth the permitted uses of Affordable Housing Trust Funds. All units that obtain Affordable Housing Trust Funds shall maintain the affordability of the units for a minimum of sixty (60) years. The funds may, at the discretion of the City Council, be used for pre-development costs, land or air rights acquisition, rehabilitation, land write downs, administrative costs, gap financing, or to lower the interest rate of construction loans or permanent financing.
 8. New affordable units shall be occupied in the following manner:
 - (a) If residential rental units are being demolished and the existing tenant(s) meets the eligibility requirements, he/she shall be given the right of first refusal to occupy the affordable unit(s); or

Ex 5₃

(b) If there are no qualified tenants, or if the qualified tenant(s) chooses not to exercise the right of first refusal, or if no demolition of residential rental units occurs, then qualified households or buyers will be selected.

F. Price of Affordable Units. Affordable units shall be sold or rented at prices affordable to very low, low- or median-income households pursuant to terms of the Affordable Housing Agreement.

SECTION 2. This ordinance shall become effective thirty (30) days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 1 day of November, 2004.

Cathy [Signature]
Mayor

ATTEST:
Joan D. Flynn
City Clerk

REVIEWED AND APPROVED:
William P. [Signature]
City Administrator
for PCA

APPROVED AS TO FORM:
Jennifer M. [Signature]
City Attorney
LTM 10/26/04

INITIATED AND APPROVED:
[Signature]
Director of Planning

EX. 54

LEGISLATIVE DRAFT

Chapter 204

204.16 Temporary Use Classifications

- A. Animal Shows. Exhibitions of domestic or large animals for a maximum of seven days. (3334-6/97)
- B. Festivals, Circuses and Carnivals. Provision of games, eating and drinking facilities, live entertainment, animal exhibitions, or similar activities in a tent or other temporary structure for a maximum of seven days. This classification excludes events conducted in a permanent entertainment facility. (3334-6/97) (3521-2/02)
- C. Commercial Filming, Limited. Commercial motion picture or video photography at a specific location six or fewer days per quarter of a calendar year. (See also Chapter 5.54, Commercial Photography) (3334-6/97)
- D. Personal Property Sales. Sales of personal property by a resident ("garage sales") for a period not to exceed 48 consecutive hours and no more than once every six months. (3334-6/97)
- E. Real Estate Sales. An office for the marketing, sales, or rental of residential, commercial, or industrial development. This classification includes "model homes." (3334-6/97)
- F. Retail Sales, Outdoor. Retail sales of new merchandise on the site of a legally established retail business for a period not to exceed 48 consecutive hours no more than once every 3 months. (3334-6/97)
- G. Seasonal Sales. Retail sales of seasonal products, including Christmas trees, Halloween pumpkins and strawberries. (3334-6/97)
- H. Street Fairs. Provision of games, eating and drinking facilities, live entertainment, or similar activities not requiring the use of roofed structures. (3334-6/97)
- I. Trade Fairs. Display and sale of goods or equipment related to a specific trade or industry for a maximum period of five days per year. (3334-6/97)
- J. Temporary Event. Those temporary activities located within the coastal zone that do not qualify for an exemption pursuant to Section 245.08. (3334-6/97)
- K. Tent Event. Allows for the overflow of religious ~~any~~ assembly for a period not to exceed 72 consecutive hours and not more than once every 3 months.

Chapter 210

210.04 RL, RM, RMH, RH, and RMP Districts: Land Use Controls

L-3A conditional use permit from the Planning Commission is required, and only schools operating in conjunction with religious services are permitted as an accessory use. A General Day care facility may be allowed as a secondary use, subject to a conditional use permit, if the Planning

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Commission finds that it would be compatible with adjacent areas and not cause significant traffic impacts. See Section 230.06: Religious Assembly Yard Requirements.

Chapter 212

212.04 IG and IL Districts: Land Use Controls (3254-10/94)

In the following schedules, letter designations are used as follows: (3254-10/94)

"P" designates use classifications permitted in the I districts. (3254-10/94)

"L" designates use classifications subject to certain limitations prescribed by the "Additional Provisions" which follow. (3254-10/94)

"PC" designates use classifications permitted on approval of a conditional use permit by the Planning Commission. (3254-10/94)

"ZA" designates use classifications permitted on approval of a conditional use permit by the Zoning Administrator. (3254-10/94)

"TU" designates use classifications allowed upon approval of a temporary use permit by the Zoning Administrator. (3254-10/94)

"P/U" for an accessory use means that the use is permitted on the site of a permitted use, but requires a conditional use permit on the site of a conditional use. (3254-10/94)

Use classifications that are not listed are prohibited. Letters in parentheses in the "Additional Provisions" column refer to requirements following the schedule or located elsewhere in this ordinance. Where letters in parentheses are opposite a use classification heading, referenced provisions shall apply to all use classifications under the heading. (3254-10/94)

- IG AND IL DISTRICTS: P - Permitted
- LAND USE CONTROLS: L - Limited (see Additional Provisions)
- PC - Conditional use permit approved by Planning Commission
- ZA - Conditional use permit approved by Zoning Administrator
- TU - Temporary Use Permit
- P/U - Requires conditional use permit on site of conditional use
- - Not Permitted

	IG	IL	Additional Provisions
Residential			
Group Residential	PC	PC	(J)
Public and Semipublic			(A)(M)
Community and Human Service			
Facilities	PC	PC	(L)
Day Care, General	ZA	ZA	
Heliports Maintenance & Service			
Facilities	PC	PC	(O)

Public Safety Facilities
Religious Assembly
IG AND IL Districts: Additional Provisions

P P
L-10 ZA L-10 ZA

L-1 Only allowed upon approval of a conditional use permit by the Planning Commission for a mixed use project, subject to the following requirements: (3254-10/94)

Minimum site area: 3 acres (3254-10/94)

Maximum commercial space: 35 percent of the gross floor area and 50 percent of the ground floor area of buildings fronting on an arterial highway. (3254-10/94)

Phased development: 25 percent of the initial phase must be designed for industrial occupancy. For projects over 500,000 square feet, the initial phase must include 5 percent of the total amount of industrial space or 50,000 square feet of industrial space, whichever is greater. (3254-10/94)

L-2 Allowed upon approval of a conditional use permit by the Planning Commission when designed and oriented for principal use by employees of the surrounding industrial development or when designed for general public use, after considering vehicular access and parking requirements. (3254-10/94)

L-3 Allowed upon approval of a conditional use permit by the Zoning Administrator when in a free-standing structure or as a secondary use in a building provided that no more than 20 percent of the floor area is occupied by such a use. (3254-10/94, 3523-2/02)

L-4 Only stations offering services primarily oriented to businesses located in an I District are allowed with a conditional use permit by the Planning Commission. (3254-10/94)

L-5 No new or used automobile, truck or motorcycle retail sales are permitted. (3254-10/94)

L-6 Only schools offering higher education curriculums are allowed with conditional use permit approval by the Planning Commission. No day care, elementary or secondary schools are permitted. (3254-10/94)

L-7 Recycling Operations as an accessory use are permitted; recycling operations as a primary use are allowed upon approval of a conditional use permit by the Planning Commission. (3254-10/94)

L-8 Allowed upon conditional use permit approval by the Planning Commission when a single building with a minimum area of 100,000 square feet is proposed on a site fronting an arterial. The primary tenant shall occupy a minimum 95% of the floor area and the remaining 5% may be occupied by secondary tenants. (3254-10/94)

L-9 Permitted if the space is 2,500 square feet or less; allowed by conditional use permit approval by the Zoning Administrator if the space is over 2,500 square feet. (3254-10/94, 3523-2/02)

~~L-10 Allowed by conditional use permit approval by the Zoning Administrator for a period of time not to exceed five (5) years. (3254-10/94, 3523-2/02)~~ **RESERVED**

Ex. 10₃

Chapter 230

230.06 — Religious Assembly Yard Requirements

~~Yards, height and bulk, and buffering requirements shall be as specified by a conditional use permit, provided that the minimum interior side yard and rear yard shall each be 20 feet. Yards adjoining street property lines shall not be less than required for a permitted use.~~

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6. The facility shall comply with fire prevention standards as approved and enforced by the Fire Chief.

D. Bond Required. Prior to issuance of a business license and approval by the Director, a five hundred dollar (\$500) cash bond shall be posted with the City to ensure removal of any structure, cleanup of the site upon termination of the temporary use, and to guarantee maintenance of the property. A bond shall not be required for a seasonal sales facility operated in conjunction with a use on the same site.

E. Removal of facility. The seasonal sales facility shall be removed and the premises cleared of all debris and restored to the condition prior to the establishment within ten calendar days of Halloween, Christmas, or the expiration of the time limit for single season agricultural product.

230.88 Fencing and Yards

No portion of a required yard area provided for a structure on a lot shall be considered as part of the yard area for any other structure on the same or an adjacent lot. In all districts, minimum setback lines shall be measured from the ultimate right-of-way line. Diagrams A, B and C are hereby adopted to illustrate the provisions of this chapter. Where any discrepancy occurs between the diagrams and the printed text, the text shall prevail. Yards and fencing shall comply with the following criteria in all districts or as specified.

A. Permitted Fences and Walls.

1. Fences or walls a maximum of forty-two (42) inches in height may be located in any portion of a lot, except screen walls on lots in the RMH-A subdistrict shall be set back a minimum of three (3) feet from the front property line. Fences or walls exceeding forty-two (42) inches in height may not be located in the required front yard, except as permitted elsewhere in this Section. (3334-6/97, 3410-3/99)

2. Fences or walls a maximum of six (6) feet in height may be located in required side and rear yards, except as excluded in this Section. Fences or walls exceeding six (6) feet in height may be located in conformance with the yard requirements applicable to the main structure except as provided for herein or in the regulations of the district in which they are located.

a. Fences and walls located adjacent to arterials along the rear and/or street side yard property lines, and behind the front setback, may be constructed to a maximum total height of eight (8) feet including retaining wall with the following: (3525-2/02)

- (1) The proposed building materials and design shall be in conformance with the Urban Design Guidelines. (3525-2/02)
- (2) Extensions to existing wall(s) shall require submittal of engineering calculations to the Building and Safety Department. (3525-2/02)
- (3) The property owner shall be responsible for the care and maintenance of landscape area(s) and wall(s) and required landscape area(s). (3525-2/02)
- (4) Approval from Public Works Department. (3525-2/02)

b Exception: A maximum two foot (2') lattice extension (wood or plastic) that is substantially open may be added to the top of the six foot (6') high wall or fence on the interior property line without Building Permits pursuant to Chapter 241 Neighborhood Notification, so long as notification to the adjacent property owners is provided. (3710-6/05)

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DENSITY BONUS AMENDMENT

230.14 Affordable Housing Incentives-Density Bonus

A. When a developer of a residential property which is zoned and general planned to allow five (5) or more dwelling units proposes to provide affordable housing, he or she may request a density bonus and/or other incentives or concessions through a conditional use permit subject to the provisions contained in this section. A density bonus request pursuant to the provisions contained within this section shall not be denied unless the project is denied in its entirety.

DB. Affordability requirements.

1. Percentage of affordable units required. To qualify for a density bonus and/or other incentives or concessions, the developer of a residential project must agree to **shall elect at least** one of the following:
 - a. Provide at least ~~ten~~ **twenty percent (10% 20%)** of the total units of the housing development for lower income households, **as defined in Health and Safety Code section 50079.5;** or
 - b. Provide at least ~~five~~ **ten percent (5% 10%)** of the total units of the housing development for very low income households, **as defined in Health and Safety Code section 50105;** or
 - c. **Provide a senior citizen housing development as defined in Civil Code Sections 51.3 and 51.12, or mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Civil Code Sections 798.76 or 799.5; or Provide at least fifty percent (50%) of the total units of the housing development for qualifying senior residents.**
 - d. **Provide at least ten percent (10%) of the total dwelling units in a common interest development for moderate income households as defined in Civil Code Section 1351 for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase.**

The density bonus shall not be included **in the total number of the housing units** when determining the number of housing units required to be affordable. Remaining units may be rented, sold, or leased at "market" rates.

~~If a developer is granted a density bonus in excess of twenty five percent (25%), those additional units above the twenty-five percent (25%) may be required to be maintained affordable for "moderate income" households.~~

2. Duration of affordability. **An applicant shall agree to, and city shall ensure, continued affordability of all low and very low income units that qualified the applicant for the award of the density bonus** ~~Units required to be affordable as a result of the granting of a density bonus and other incentives shall remain affordable for thirty (30) years or~~ **If the City does not grant at least one concession or incentive pursuant to this chapter in**

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addition to the density bonus, or provides other incentives in lieu of the density bonus, those units required to be affordable shall remain so for ten (10) years- a longer period of time if required by a construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.

Where there is a direct financial contribution to a housing development pursuant to Government Code Section 65915 through participation in cost of infrastructure, write-down of land costs, or subsidizing the cost of construction, the city will assure continued availability for low- and moderate-income units for 30 years. The affordability agreement required by Section 230.14B.4 shall specify the mechanisms and procedures necessary to carry out this section.

An applicant shall agree to, and the city shall ensure that, the initial occupant of the moderate-income units that are directly related to the receipt of the density bonus in the common interest development as defined in Section 1351 of the Civil Code, are persons and families of moderate income, as defined in Section 50052.550093 of the Health and Safety Code. The eCity shall enforce an equity-sharing agreement, unless it is in conflict with the requirements of another public funding source or law. The following shall apply to the equity-sharing agreement:

- a. Upon resale, the seller of the unit shall retain the value of any improvements, the downpayment, and the seller's proportionate share of appreciation. The City shall recapture any initial subsidy and its proportionate share of appreciation, which shall then be used within three years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote homeownership.
 - b. The eCity's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any downpayment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.
 - c. The eCity's proportionate share of appreciation shall be equal to the ratio of the initial subsidy to the fair market value of the home at the time of initial sale.
3. Affordable unit distribution and product mix. Affordable units shall be located throughout the project and shall include a mixture of unit types in the same ratio as provided throughout the project.
 4. Affordability agreement. Affordability shall be guaranteed through an "Affordability Agreement" executed between the developer and the City. Said agreement shall be recorded on the subject property with the Orange County Recorder's Office as provided in Section 65915, et seq. of the California Government Code, prior to the issuance of building permits and shall become

effective prior to final inspection of the first unit. The subject agreement shall be legally binding and enforceable on the property owner(s) and any subsequent property owner(s) for the duration of the agreement. The agreement shall include, but is not ~~be~~ limited to, the following items:

- a. The ~~number of and~~ duration of the affordability **and the number of** ~~for~~ the affordable units;
 - b. The method in which the developer and the City are to monitor the affordability of the subject affordable units and the eligibility of the tenants or owners of those units over the period of the agreement;
 - c. The method in which vacancies will be marketed and filled;
 - d. A description of the location and unit type (bedrooms, floor area, etc.) of the affordable units within the project; and
 - e. Standards for maximum qualifying household incomes and standards for maximum rents or sales prices.
5. City action. Pursuant to this section the City shall:
- a. Grant a density bonus and at least one of the concessions or incentives identified in Section 230.14CD 18B unless the City makes a written finding **pursuant to Section 230.14J**, ~~that the additional concession or incentive is not required in order for rents or mortgage payments to meet the target rates;~~ or
 - b. ~~Provide other incentives of equal value to a density bonus as provided in Section 65915, et seq. of the California Government Code. The value of the other incentives shall be based on the land cost per dwelling unit.~~

C. Calculation of Density Bonus

1. **The amount of density bonus to which the applicant is entitled shall vary according to the amount by which the project's percentage of affordable housing exceeds the percentage established in Section 230.14 B.**
 - a. **For housing developments meeting the low income criteria of Section 230.14B.1.a, the base density bonus of 20 percent shall be increased by one and one-half percent for every one percent increase in the percentage of low income units above 10%. The maximum allowable density bonus shall be 35 percent.**
 - b. **For housing developments meeting the very low income criteria of Section 230.14 B.1.b, the base density bonus of 20 percent shall be increased by two and one-half percent for every one percent increase in the percentage of very low income units above 5%. The maximum density bonus shall be 35 percent.**

- c. For housing developments meeting the senior citizen housing criteria of Section 230.14B.1.c, the density bonus shall be 20 percent.
- d. For housing developments meeting the moderate income criteria of Section 230.14B.1.d, the base density bonus of five percent shall be increased by one percent for every one percent increase in the percentage of moderate income units over 10%. The maximum density bonus shall be 35 percent.

2. All density calculations resulting in fractional units shall be rounded up to the next whole number. The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval. As used in Section B, "total units" does not include units permitted by a density bonus awarded pursuant to this section.

3. The developer may request a lesser density bonus than the project is entitled to, but no reduction will be permitted in the number of required affordable units pursuant to subsection 230.14B.1.

C. Target rents/mortgage payments:

- 1. ~~For the purpose of this section, units designated for moderate income household shall be affordable at a rent or mortgage payment that does not exceed twenty-five percent (25%) of the gross family income.~~
- 2. ~~For the purpose of this section, units designated for lower income households shall be affordable at a rent or mortgage payment that does not exceed thirty percent (30%) of sixty percent (60%) of the Orange County median income as defined by the State of California Department of Housing and Community Development.~~
- 3. ~~For the purpose of this section, those units designated for very low income households shall be affordable at a rent or mortgage payment that does not exceed thirty percent (30%) of fifty percent (50%) of the Orange County median income as defined by the State of California Department of Housing and Community Development.~~

DB. Incentives and Concessions

1. Types of incentives or concessions. The City ~~may~~ **shall** grant an incentives **or** concessions to the developer. An incentive **or** concession includes, but is not limited to, the following:

- 1. ~~A density bonus as follows:~~
- a2. A reduction in site development standards or **modification of zoning code requirements or** architectural design requirements ~~which that~~ exceed the minimum building standards ~~contained within~~ **approved by the California**

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~~Uniform Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, Code as adopted by the City including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions. , lot coverage, floor area ratio, parking and open space requirements.~~

i. ~~At the request of the developer, the City will permit a vehicular parking ratio, inclusive of handicapped and guest parking, for a development meeting the criteria of Section 230.14B at ratios that shall not exceed:~~

1. ~~Zero to one bedroom: one onsite parking space.~~
2. ~~Two to three bedrooms: two onsite parking spaces.~~
3. ~~Four and more bedrooms: two and one-half onsite parking spaces.~~

ii. ~~If the total number of parking spaces required for a housing development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this Section only, a housing development may provide "onsite parking" through tandem parking or uncovered parking but not through on-street parking.~~

~~2b. Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.~~

~~4. A reduction in development and/or processing fees.~~

~~c5. Other regulatory incentives or concessions proposed by the developer or the City which that result in identifiable, financially sufficient, and actual cost reductions.~~

~~6. Financial assistance by the City, i.e., housing set-aside funds.~~

~~7. Other incentives mutually agreeable to the City and developers consistent with all City, State and Federal laws, rules, standards, regulations and policies.~~

2. **Number of Incentives and Concessions.** An applicant for a density bonus shall receive the following number of incentives or concessions:

a. **One incentive or concession for projects that include at least 10 percent of the total units for lower income households, at least five percent for very low income households, or at least 10 percent for persons and families of moderate income in a common interest development.**

- b. Two incentives or concessions for projects that include at least 20 percent of the total units for lower income households, at least 10 percent for very low income households, or at least 20 percent for persons and families of moderate income in a common interest development.
 - c. Three incentives or concessions for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a common interest development.
- E. Waiver or Reduction of Development Standards:** An applicant may submit to the city a proposal for the waiver or reduction of development standards. Nothing in this section shall be interpreted to require a local government to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. The applicant shall show that the waiver or modification is necessary to make the housing units economically feasible.
- F. Donation or Transfer of Land.** A developer may donate or transfer land in lieu of constructing the affordable units within the project pursuant to Government Code § 65915 (h).
- G. Child Care Facilities.**
- 1. When a developer proposes to construct a housing development that includes affordable units that conform to Section 230.14 B and includes a child care facility that will be located on the premises of, as part of, or adjacent to the housing development, the City shall grant either of the following:
 - a. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.
 - b. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.
 - 2. A housing development shall be eligible for the density bonus or concession described in this Section if the City makes all of the following findings:
 - a. The child care facility will remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable pursuant to Section 230.14 B.2.

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- b. **Of the children who attend the child care facility, the percentage of children of very low income households, lower income households, or moderate income households shall be equal to or greater than the percentage of dwelling units that are proposed required to be affordable to very low income households, low income households, or moderate income households.**
3. **Child care facility," as used in this section, means a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and schoolage child care centers.**

E-H. Procedure.

1. In addition to submitting all documentation required to apply for a conditional use permit, a developer requesting a density bonus ~~or other incentive~~ pursuant to this section shall include the following in the written narrative supporting the application:
 - a. A general description of the proposed project, general plan designation, applicable zoning, maximum possible density permitted under the current zoning and general plan designation and such other information as is necessary and sufficient. The property must be zoned and general planned to allow a minimum of five (5) units to qualify for a density bonus.
 - db.** A statement detailing the number of density bonus units being proposed over and above the number of units normally permitted by the applicable zoning and general plan designations.
 - c. **A description of the requested incentive or concessions** ~~In the ease that the developer requests. the City to modify development standards as another incentive, a statement providing a detailed explanation as to how the requested incentive will enable the developer to provide housing at the target rents or mortgage payments. Modification of development standards will be granted only to the extent necessary to achieve the housing affordability goals set forth herein.~~
 - bd.** A calculation of the density bonus allowed.
2. All subsequent City review of and action on the applicant's proposal for a density bonus and/or consideration of any requested ~~other incentives~~ **or concessions** shall occur in a manner concurrent with the processing of the conditional use permit and any other required entitlements, if any. If the developer proposes that the project not be subject to impact fees or other fees regularly imposed on a development of the same type, final approval will be by the City Council.
3. The Planning Commission/City Council shall review the subject Affordability Agreement concurrently with the development proposal. No project shall be deemed approved until the Affordability Agreement has been approved by the City Council. (3710-6/05)
4. The Planning Commission/City Council may place reasonable conditions on the granting of the density bonus and any other incentives as proposed by the

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applicant. However, such conditions must not have the effect, individually or cumulatively, of impairing the objective of California Government Code Section 65915 et seq., and this section, ~~of to providing~~ affordable housing for qualifying residents, ~~lower or very low income households in residential projects.~~

5. A monitoring fee, as established by resolution of the City Council, shall be paid by the applicant to the City prior to issuance of a certificate of occupancy for the first unit. This fee shall be in addition to any other fees required for the processing of the conditional use permit, environmental analysis, and/or any other entitlements required.

FI. Required findings for approval.

1. Density bonus. In granting a conditional use permit for a density bonus, the Planning Commission/City Council shall make all of the following findings:
 - a. The proposed project, which includes a density bonus, can be adequately serviced by the City and County water, sewer, and storm drain systems without significantly impacting the overall service or system.
 - b. The proposed project, which includes a density bonus, will not have a significant adverse impact on traffic volumes and road capacities, school enrollments, or recreational resources.
 - c. The proposed project, which includes a density bonus, is compatible with the physical character of the surrounding area.
 - d. The proposed project, which includes a density bonus, is consistent with the overall intent of the General Plan.
 - e. If located within the coastal zone, the proposed project which includes a density bonus will not result in the fill, dredge, or diking of a wetlands. (3334-6/97)
- ~~2. Other incentives. A request for an additional incentive shall not be denied by the Planning Commission or City Council unless a finding is made that the incentive is not necessary to the establishment of affordable units.~~

~~In granting any other incentives as defined in this section, the Planning Commission/City Council shall be required to make all of the following findings:~~

- ~~a. The granting of the proposed other incentive(s) will not have an adverse impact on the physical character of the surrounding area.~~
- ~~b. The granting of the proposed other incentive(s) is consistent with the overall intent of the General Plan.~~
- ~~c. The granting of the proposed other incentive(s) will not be detrimental to the general health, welfare, and safety of persons working or residing in the vicinity.~~
- ~~d. The granting of the proposed other incentive(s) will not be injurious to property or improvements in the vicinity.~~

- ~~e. The granting of the proposed other incentive(s) will not impose an undue financial hardship on the City.~~
- ~~f. If the other incentive is a modification of development standards, the granting of the other incentive is necessary to achieve the target affordable rents/mortgage payments for the affordable units.~~
- ~~g. The granting of the proposed other incentive will not result in the filling or dredging of wetlands. (3334-6/97)~~

J. Required findings for denial.

- 1. Concessions or Incentives. The city shall grant the concession or incentive requested by the applicant unless the city makes a written finding, based upon substantial evidence, of either of the following:**
 - a. The concession or incentive is not required in order to provide affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in California Government Code Section 65915(c).**
 - b. The concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of California Government Code Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate-income households.**

EX. 89

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH
AMENDING CHAPTER 231 OF THE HUNTINGTON BEACH ZONING AND
SUBDIVISION ORDINANCE RELATING TO OFF-STREET PARKING AND
LOADING PROVISIONS

The City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. In Section 231.18 of the Huntington Beach Zoning and Subdivision Ordinance, subsections 231.18 D.8. and E.2. are hereby amended to read as follows:

231.18 Design Standards

D. Residential Parking

8. Privacy Gates: Privacy gates may be installed without a conditional use permit provided there is compliance with the following criteria prior to the issuance of building permits:
- 1) Fire Department approval for location and emergency entry.
 - 2) Public Works Department approval of stacking and location.
 - 3) Postmaster approval of location for mail boxes or entry for postal carrier.
 - 4) Shall provide a driveway with a minimum of twenty (20) feet for vehicle stacking.
 - 5) No adverse impacts to public coastal access, including changes in the intensity of use of water, or of access thereto, shall result from installation of the privacy gates.

E. Non-residential Parking and Loading.

2. Parking Controls. Parking controls, such as valet service, or booths, and/or collection of fees may be permitted when authorized by conditional use permit approval by the Zoning Administrator. Privacy gates may be installed without a conditional use permit provided there is compliance with the following criteria prior to the issuance of building permits:
- 1) Fire Department approval for location and emergency entry.
 - 2) Public Works Department approval of stacking and location.
 - 3) Postmaster approval of location for mail boxes or entry for postal carrier.
 - 4) Shall provide a driveway with a minimum of twenty (20) feet for vehicle stacking.
 - 5) No adverse impacts to public coastal access, including changes in the intensity of use of water, or of access thereto, shall result from installation of the privacy gates.

SECTION 2. Section 231.20 of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to read as follows:

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231.20 Bicycle Parking

1. Bicycle Parking Requirements:

a. Non-Residential Uses:

- 1) Buildings up to 50,000 square feet of gross building area: One bicycle space for every twenty-five (25) automobile parking spaces required; minimum of three (3).
- 2) Buildings over 50,000 square feet of gross building area:
The Director shall determine the number of bicycle spaces based upon the type of use(s) and number of employees.

b. Multiple-Family Residential Uses: One bicycle space for every four units.

2. Facility Design Standards: Bicycle parking facilities shall include provision for locking of bicycles, either in lockers or in secure racks in which the bicycle frame and wheels may be locked by the user. Bicycle spaces shall be conveniently located on the lot, close to the building entrance as possible for patrons and employees, and protected from damage by automobiles.

SECTION 3. All other chapters of the Huntington Beach Zoning and Subdivision Ordinance not amended hereby shall remain in full force and effect

SECTION 4. This ordinance shall become effective 30 days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 5th day of February, 2007.

Phil Cooper
Mayor

ATTEST:

Joan A. Flynn
City Clerk

APPROVED AS TO FORM:

Pat De... 10/17/06
City Attorney *LU10/17/06*

REVIEWED AND APPROVED:

Penelope Williams
City Administrator

INITIATED AND APPROVED:

[Signature]
Director of Planning

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