

CALIFORNIA COASTAL COMMISSION

South Coast Area

1000 Ocean Gate, 10TH Floor
Long Beach, CA 90802-4325
(562) 590-5071

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RECORD PACKET COPY

May 25, 2000

TO: Commissioners and Interested Persons

FROM: Deborah Lee, Deputy Director
Steve Rynas, Orange County Area Supervisor
Maile Gee, Coastal Program Analyst *Me*

SUBJECT: Minor Amendment Request No. 2-98B to the City of Huntington Beach Certified Local Coastal Program for Commission concurrence at the June 13-16, 2000 meeting in Santa Barbara, California.

Amendment Description

On November 30, 1998, the South Coast District office received from the City of Huntington Beach Local Coastal Program Amendment No. 2-98. This amendment affects the implementation program of the Local Coastal Program (LCP). On December 14, 1998, Coastal Commission staff notified the City of Huntington Beach that the submittal was incomplete and that additional information would be required to complete the submittal. Pursuant to Section 30510(b) of the Coastal Act, the submittal was deemed to be complete and in proper order for filing on May 5, 1999. On June 11, 1999, the Commission granted an extension of the 60-day time period for up to one year. The 60th day would have been July 4, 1999. Therefore, the Commission must act on the proposed LCP Amendment prior to July 3, 2000.

The City's request included sixteen (16) total changes to the LCP implementing ordinances (LIP). One of the proposed amendments was considered by the Executive Director to be a major amendment to the LCP. This major amendment was processed as Major Amendment 2-98A at the May 9-12, 2000 hearing. The remaining fifteen (15) changes to the zoning text and maps were determined by the Executive Director to be minor amendments to the LIP, and are presented herein as Minor Amendment 2-98B.

Of the 15 minor changes to the LIP, eight (8) of the changes relate to properties outside of the Coastal Zone (Table 1). The remaining seven (7) changes to the LIP concern residential infill, adult businesses, the flood plain overlay district, the sign code, and general day care use in the low-density residential zone further described in Table 1. The amendment to the City of Huntington Beach certified LCP proposes to incorporate into the LIP new wording to allow changes described in Table 1. The proposed revisions to the LIP are described in the City Council Resolution 98-85, which is included as Exhibit 1, and the City Ordinances, which are provided as Exhibits 2-8.

Because the City zoning regulations are the implementing ordinances (LIP) of the certified LCP, any change to the City's zoning regulations constitutes an amendment to the LCP. The proposed LCP amendment affects only the LIP portion of the LCP and does not propose any rezoning or land use changes in the coastal zone. The certified Land Use Plan (LUP) portion of the LCP is not affected by this amendment.

This amendment request qualifies as a minor amendment, pursuant to Commission regulations section 13554(a), which states that a minor amendment includes:

Changes in wording which make the use as designated in the zoning ordinances, zoning district maps or other implementing actions more specific and which do not change the kind, location, intensity, or density of use and which are found by the executive director of the Commission or the Commission to be consistent with the land use plan as certified by the Commission.

The proposed LCP amendment is consistent with the certified LUP, makes the zoning regulations more specific, and does not change the kind, location, intensity, or density of use. Therefore, the Executive Director has determined that the proposed amendment is "minor" in nature. This determination will be reported to the Commission at the June 13-16, 2000 meeting. If one-third of the appointed members of the Commission requests, the determination of minor amendment shall not become effective and the amendment shall be processed as a regular amendment. Otherwise, the Executive Director's determination shall stand and the amendment shall take effect upon completion of the requirements of Commission regulations section 13547.

The proposed LCP amendment will become effective after a report to the Commission of any written objections received within ten working days of the mailing of notice unless one-third of the appointed members of the Commission request that the LCP amendment be processed and heard as a "major" LCP amendment pursuant to Section 13555 of the California Code of Regulations. The ten working day noticing period started on May 8, 2000 and ended on May 22, 2000. No written objections to the proposed LCP amendment were received within the ten working day notice period.

California Environmental Quality Act (CEQA)

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

to the EIR process. Thus, under Section 21080.5 of CEQA, the Commission is relieved of the responsibility to prepare an EIR for each LCP. Nevertheless, the Commission is required in an LCP submittal to find that the LCP does conform to the provisions of CEQA. The City of Huntington Beach LCP amendment 2-98B consists of fifteen (15) LIP amendments.

The LIP amendment as submitted is in conformity with and adequate to carry out the visitor serving policies and community facilities policies of the certified LUP. Therefore, the Commission finds that approval of the LCP amendment as submitted will not result in significant adverse environmental impacts under the meaning of CEQA. The Commission finds that there are no feasible alternatives under the meaning of CEQA that would further reduce the potential for significant adverse environmental impacts. Therefore, the Commission approves the LCP amendment request 2-98B as submitted.

Additional Information

For further information about this report or the amendment process, please contact Maile Gee, (562) 590-5071, at the Long Beach Office.

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Table 1
Proposed Changes to Implementing Ordinances
Page 1 of 3

No.	Summary of Amendment	Inside Coastal Zone?	Code Affected	Ordinance No.	Exhibit No.
1	Amends the definition of residential infill lot by adding architectural guidelines, public notification, noise, and height considerations to development on vacant lots adjacent to existing single-family residential lots.	Yes	Zoning Text Amend No. 95-1; ZSO Chapters 203.06 and 230.22	No. 3301 Adopted on 10/16/95	2 20
2	Changes to wording in Chapter 210 (4)(c) relating to adult businesses. Increasing the required distance from residential development and other adult businesses.	Yes	Zoning Text Amendment No. 95-2; ZSO Chapter 211.04	No. 3286 Adopted on 6/5/95	3
3	Changes to Chapter 222, Floodplain Overlay District, relating to development in a floodplain area. Changes to be made will make zoning consistent with Federal Emergency Management Agency requirements. Changes include adding standards for manufactured homes and recreational vehicles located in a floodplain area, and elevation and flood-proofing standards for construction.	Yes	Zoning Text Amendment No. 95-3; ZSO Chapter 222	No 3285 Adopted on 6/5/95	4
4	Rezone a 0.95 acre site north of Island Bay Lane near the Seacliff golf course that is not located in the Coastal Zone from R-1 Residential to ROS-O, Recreation and Open Space with Oil Production.	No	Zone Change No. 94-1; District Map 3	No. 3245 Adopted on 8/2/94	N/A
5	Rezone a closed school site at the southeast corner of Cumberland Drive and Victoria Lane, which is not located in the Coastal Zone, from Public/Semipublic to Residential Low Density.	No	Zone Change No. 94-4; ZSO Section 9061, District Map 17	No. 3297 Adopted on 8/7/95	N/A

Note: All of the Minor Amendments proposed were transmitted to the Commission by Huntington Beach City Council Resolution No. 98-85, LCPA 98-2, adopted on November 16, 1998 (Exhibit 1).

ZSO = Huntington Beach Zoning and Subdivision Ordinance

Table 1
Proposed Changes to Implementing Ordinances
Page 2 of 3

No.	Summary of Amendment	Inside Coastal Zone?	Code Affected	Ordinance No.	Exhibit No.
6	Rezone a property south of Memphis Ave., west of Beach Blvd., north of Knoxville Ave., an east of Florida St. The property is not located in the Coastal Zone. Zoning will change from Commercial (C4) and R-3 Residential to Residential Medium Density.	No	Zone Change No. 94-5; District Map 12	No. 3276 Adopted on 3/6/95	N/A
7	Rezone a property east of Beach Boulevard and southwest corner of Warner Avenue and "A" Street, which is not located in the Coastal Zone, from qualified highway commercial (QC-4) to general commercial (CG).	No	Zone Change No. 94-6; District Map 30	No. 3275 Adopted on 3/6/95	N/A
8	Rezone property at the northwest corner of Warner Ave. and Airport Circle, which is not located in the Coastal Zone, from office/commercial (CO) to general commercial (CG).	No	Zoning Map Amendment No. 96-2; District Map 24	No. 3389 Adopted on 10/21/96	N/A
9	Separates adult business into two categories: adult business excluding massage establishments and adult business-massage establishments.	Yes	Emergency Ordinance Amending Municipal Code Chapters 5.70 and 5.44	No. 3341 Adopted on 10/21/96	5
10	Changes to the zoning text of the sign code. Minor changes proposed to the design, use of, and permitting of signs in all zones. Allows political signs to be placed on public property and to remain posted for up to 90 days.	Yes	Zoning Text Amendment No. 95-6; ZSO Chapter No. 233	No. 3360 Adopted on 11/17/97	6

Note: All of the Minor Amendments proposed were transmitted to the Commission by Huntington Beach City Council Resolution No. 98-85, LCPA 98-2, adopted on November 16, 1998 (Exhibit 1).

ZSO = Huntington Beach Zoning and Subdivision Ordinance

Table 1
Proposed Changes to Implementing Ordinances
 Page 3 of 3

No.	Summary of Amendment	Inside Coastal Zone?	Code Affected	Ordinance No.	Exhibit No.
11	Repeals adult business regulations, reclassifies adult business as sex-oriented businesses, establishes criteria for location only within industrial zones and establishes minimum parking requirement.	Yes	Zoning Text Amendment No. 97-4; ZSO Chapters 204, 211, 231, 236	No. 3378 Adopted on 1/5/98	7
12	Rezones property at Magnolia south of Adams, which is located outside of the Coastal Zone from commercial (CG-FP2) and residential agriculture (RA-FP2) to public-semipublic (PS-FP2) zone for an existing church.	No	Zoning Map Amendment No. 97-2; District Map 7	No. 3387 Adopted on 3/16/98	N/A
13	Rezones property at the northwest corner of Bushard and Indianapolis that is located outside of the Coastal Zone from commercial to residential zone.	No	Zoning Map Amendment No. 97-3; District Map 7	No. 3389 Adopted on 5/16/98	N/A
14	Modifies existing zoning text to allow general day care uses in low-density residential zones, subject to a conditional use permit. General day care uses are allowed in all other residential zones, subject to a conditional use permit. These text changes are consistent with the LUP's allowable land uses for residential areas.	Yes	Zoning Text Amendment No. 97-3; ZSO Chapter 210.04	No. 3388 Adopted on 3/16/98	8
15	Rezones property at Warner and Goldenwest, which is located outside of the Coastal Zone, from public-semipublic (PS-FP2) and medium-high density residential (RMH-FP2) to office/commercial (CO-FP2) and general commercial (CG-FP2).	No	Zoning Change No. 96-4; District Map 31	No. 3362 Adopted on 6/2/97	N/A

Note: All of the Minor Amendments proposed were transmitted to the Commission by Huntington Beach City Council Resolution No. 98-85, LCPA 98-2, adopted on November 16, 1998 (Exhibit 1).

ZSO = Huntington Beach Zoning and Subdivision Ordinance

RESOLUTION NO. 98-85

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

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

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

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

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

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

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

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

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

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

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

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

Spuley Dittmann
Mayor

ATTEST:

Lonnie Brockway
City Clerk

APPROVED AS TO FORM:

Gene Luther
City Attorney
10-22-98 *P 10/22/98*

REVIEWED AND APPROVED:

Ray Salen
City Administrator

INITIATED AND APPROVED:

Howard Zeleny
Director of Planning

ORDINANCE NO. 3301

**AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH
AMENDING THE HUNTINGTON BEACH ORDINANCE CODE
BY AMENDING CHAPTER 230 PERTAINING TO
RESIDENTIAL INFILL LOT DEVELOPMENTS
AND BY AMENDING CHAPTER 203
PERTAINING TO DEFINITIONS**

The City Council of the City of Huntington Beach does ordain as follows:

SECTION 1. That Chapter 230 of the Huntington Beach Ordinance Code is hereby amended by amending Section 230.22 to read as follows:

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.

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 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.

A. Privacy Design Standards.

1. New residences 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.
2. Minimize the canyon effect between houses by clipping roof elevations on side yards. Provide roof line variations throughout a multi-dwelling infill development.
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.

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.

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.

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:
 - a. name of applicant
 - b. location of planned development, including street address (if known) and/or lot and tract number
 - c. nature of the planned development, including the maximum height and square footage of each proposed infill dwelling unit
 - d. the City Hall telephone number for the Department of Community Development to call for viewing plans
 - e. 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 plan check (plan review) submittal
 - f. the address of the Department of Community Development

2. The applicant shall submit a copy of each notice mailed and proof of mailing of the notice(s) when submitting the application for plan check (plan review). The adjacent property owners shall have ten (10) working days from plan check (plan review) submittal to provide comments regarding the application to the Director of Community Development. All decisions of the Director regarding the application shall be final.

SECTION 2. That Chapter 203 of the Huntington Beach Ordinance Code is hereby amended by amending that portion of Section 203.06 pertaining to the definition of "Residential Infill Lot" to read as follows:

Residential Infill Lot. A residential infill lot is a parcel of land which, at the time of application for a building permit, is contiguous to one (1) or more existing developed single family residential properties and is:

1. A vacant parcel intended for detached single family development, or
2. A parcel with an existing residential structure which will have fifty percent (50%) or more square footage of the habitable area removed in order to construct a remodeled or new multistory detached single family dwelling unit.

SECTION 3. This ordinance shall take effect 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 16th day of October, 1995.


Mayor

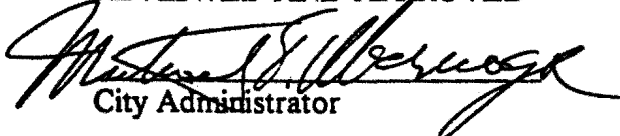
• ATTEST:


City Clerk


APPROVED AS TO FORM:


City Attorney
Dec 10 1995
P-10/5/95

REVIEWED AND APPROVED


City Administrator

INITIATED AND APPROVED:


Director of Community Development

ORDINANCE NO. 3286

AN ORDINANCE OF THE CITY HUNTINGTON BEACH
AMENDING THE HUNTINGTON BEACH ZONING AND SUBDIVISION
ORDINANCE BY AMENDING SECTION 211.04 THEREOF RELATING
TO LAND USE CONTROLS FOR COMMERCIAL DISTRICTS

WHEREAS, pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate, duly noticed public hearings relative to amending Chapter 211 of the Huntington Beach Zoning and Subdivision Ordinance, wherein both bodies have carefully considered all information presented at said hearings; and

After due consideration of the findings and recommendations of the Planning Commission and all other evidence presented, the City Council finds that the aforesaid amendment to Chapter 211 of the Huntington Beach Zoning and Subdivision Ordinance is proper and consistent with the General Plan,

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

SECTION 1. That the Huntington Beach Zoning and Subdivision Ordinance, Chapter 211 Commercial Districts, Section 211.04 CO, CG, and CV Districts: Land Use Controls, Subpart (C) Additional Provisions, is hereby amended to read as follows:

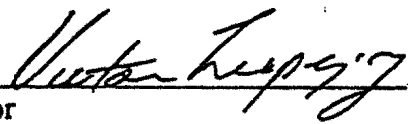
(C) The exterior walls of a proposed adult business or tattoo establishment shall be at least 200 feet from any lot zoned for residential use, 500 feet from any educational facility frequented by minors, 500 feet from any building used for religious assembly, and at least 1,000 feet from another adult business. For purposes of these requirements, all distances shall be measured in a straight line from the nearest point of the portion of the building where the adult business or tattoo establishment is to be located to the nearest lot line of any lot or premises zoned for residential use or the nearest lot line on which an educational

facility frequented by minors, building used for religious assembly, or another adult business or tattoo establishment is located.

See Chapter 5.70: Adult Business; Chapter 5.24: Baths, Sauna Baths, and massage Establishments; Chapter 5.60: Figure Model Studios; Chapter 8.70: Tattooing Establishment.

SECTION 2. 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 JULY, 1995.



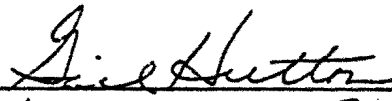
Mayor

ATTEST:

APPROVED AS TO FORM:



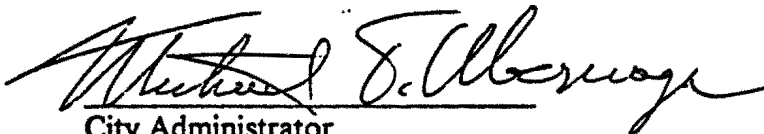
City Clerk



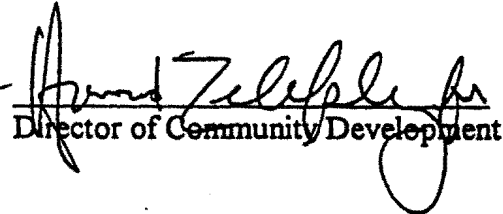
City Attorney
5-25-95
P. 2
5/26/95

REVIEWED AND APPROVED:

INITIATED AND APPROVED:



City Administrator



Director of Community Development

ORDINANCE NO. 3285

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH
AMENDING THE HUNTINGTON BEACH ZONING AND SUBDIVISION
ORDINANCE BY AMENDING CHAPTER 222 THEREOF RELATING TO
FLOODPLAIN OVERLAY DISTRICT (CODE AMENDMENT NO. 95-3)

WHEREAS, pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate, duly noticed public hearings relative to amending the Huntington Beach Zoning and Subdivision Ordinance as provided herein, wherein both bodies have carefully considered all information presented at said hearings; and

After due consideration of the findings and recommendations of the Planning Commission and all other evidence presented, the City Council finds that the aforesaid amendment is proper and consistent with the General Plan,

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

SECTION 1. That Section 222.06 of the Huntington Beach Zoning and Ordinance, entitled "Definitions", is hereby amended by amending definitions AA and BB to read as follows:

- AA.** Substantial improvement. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before such repair, reconstruction, or improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. This term does not, however include:
1. Any improvement to a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to ensure safe living conditions; or

2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places that will not preclude the structure's continued designation.

"Market value" of a structure as used herein, shall be the replacement cost as determined by its replacement value according to the valuation figures in use by the Director prior to such repair, reconstruction, or improvement. In the alternative, the applicant may submit a report by a qualified real estate appraiser which indicates the "replacement cost" of the structure.

"Cost" for a repair, reconstruction, or improvement project, as used herein, shall be determined by valuation figures in use by the Director.

- BB. Variance: A grant of relief from the requirements of this chapter which permits construction in a manner which would otherwise be prohibited.

SECTION 2. That Section 222.12.C of the Huntington Beach Zoning and Ordinance, entitled "-FP 3 Subdistrict", is hereby amended by adding subsection 3 to read as follows:

3. Fill used for structural support of buildings.

SECTION 3. That Section 222.14.A.3. of the Huntington Beach Zoning and Ordinance, entitled "Elevation and Floodproofing" is hereby amended to read as follows:

3. Elevation and Floodproofing

- a. New residential construction and substantial improvement of any residential structure shall have the lowest floor including basement elevated one foot above the base flood elevation except
 - (1) in an AO zone the lowest floor including basement shall be elevated one foot above the highest adjacent grade to a height exceeding the depth number on the FIRM by one foot or at least three (3) feet if no depth number is specified, and
 - (2) in an A zone, the lowest floor including basement shall be elevated one foot above the base flood elevation as determined by the City.

Upon completion of the structure, the elevation of the lowest floor including basement shall be certified by a California-registered architect, engineer, or surveyor. The elevation certificate shall be submitted to the Director.

- b. Nonresidential construction shall be either elevated to comply with subsection 3a or together with attendant utility and sanitary facilities be flood proofed below the level stated in subsection 3a so that the structure is watertight with walls substantially impermeable to the passage of water and be capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A floodproofing certificate shall be completed and certified by a California registered engineer or architect and submitted to the Director.
- c. Space Below the Lowest Floor. All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. All proposals for using space below the lowest floor shall exceed the following requirements:
 - (1) Be certified by a California registered engineer or architect; or
 - (2) Be certified to comply with a local floodproofing standard approved by the Federal Insurance Administration, Federal Emergency Management Agency; or
 - (3) Have a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic entry and exit of floodwaters.
- d. All preliminary development proposals shall identify the flood hazard area, the elevation of the base flood, and be consistent with the need to minimize flood damage. All developments shall provide adequate drainage to reduce exposure to flood hazards.
- e. All final subdivision plans shall provide the elevation of proposed structures and pads. The lowest floor and pads shall be certified by a California registered engineer or surveyor and submitted to the Director.

SECTION 4. That Section 222.14.A.5.a of the Huntington Beach Zoning and Ordinance, entitled "Standards for Manufactured Homes" is hereby amended to read as follows:

5. Standards for Manufactured Homes

a. All new and replacement manufactured homes and substantial improvements to manufactured homes on sites located

- (1) outside of a manufactured home park or subdivision,
- (2) in a new manufactured home park or subdivision
- (3) in an expansion to an existing manufactured home park or subdivision, or
- (4) in an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred substantial damage as a result of a flood

shall be elevated on a permanent foundation so that the lowest floor is elevated one foot above the base flood elevation.

SECTION 5. That Section 222.14.B of the Huntington Beach Zoning and Ordinance, entitled "-FP3 Standards of Construction" hereby amended to read as follows:

B. -FP3 Standards of Construction

1. Location of Buildings

a. All new construction shall be located on the landward side of the reach of the mean high tide.

2. Construction Methods:

a. Elevation. All new construction and substantial improvement shall have the lowest floor free of obstructions or constructed with breakaway walls as defined in Section 222.06. Such enclosed space shall not be used for human habitation but may be used for parking, building access or storage.

b. Structural Support. All new construction and substantial improvements shall be elevated on adequately anchored pilings or columns so that the bottom of the lowest horizontal portion of the

structural member of the lowest floor (excluding the pilings or columns) is elevated at or above the base flood level. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall comply with standards adopted by the City.

3. Certification. A California-registered engineer or architect shall certify to the satisfaction of the Director that the proposed structure complies with the requirements of this section. The Director shall obtain and maintain records of the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings or columns) of all new and substantially improved structures, and whether such structures contain a basement.

SECTION 6. That Section 222.14.C of the Huntington Beach Zoning and Ordinance, entitled "Standards for Recreational Vehicles" is hereby amended to read as follows:

- C. Standards for Recreational Vehicles. All recreational vehicles placed on a site within a flood hazard zone shall be fully licensed and ready for highway use, restricted to a maximum stay on site of 180 days unless the elevation and anchoring of the recreational vehicle complies with the Standards for Manufactured Homes. All recreational vehicles placed in coastal high hazard areas (V and VE zones) shall also comply with -FP3 standards for construction.

SECTION 7. That Section 222.16.B of the Huntington Beach Zoning and Ordinance, entitled "Factors to be Considered", is hereby amended to read as follows:

- B. Factors to be Considered. In reviewing applications, the Planning Commission shall consider all relevant factors, including technical evaluations, this section, and other standards specified in this chapter. In reaching a decision on an appeal or variance, the Commission shall consider the:

[Balance of Section B remains unchanged.]

SECTION 8. That Section 222.16.E of the Huntington Beach Zoning and Ordinance, entitled "Records", is hereby amended to read as follows:

E. Records. The Director shall maintain a record of all variance actions and findings to justify their issuance, and report such variances to FEMA and FIA upon request.

Section 9. This ordinance shall become effective thirty 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 June, 1995.

Don Sullivan

Mayor

ATTEST:

APPROVED AS TO FORM:

Connie Brockway

City Clerk

Phil Sutton
City Attorney
Date 4-21-95
Re 4/21/95

REVIEWED AND APPROVED:

INITIATED AND APPROVED:

Martin D. Albarran
City Administrator

Melanie Fuller
Director of Community Development

EMERGENCY ORDINANCE NO. 3341

AN EMERGENCY ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING
THE HUNTINGTON BEACH MUNICIPAL CODE AND THE HUNTINGTON BEACH
ZONING AND SUBDIVISION CODE TO PROVIDE REGULATION FOR ADULT
BUSINESSES

The Council of the City of Huntington Beach does ordain as follows:

SECTION 1. FINDINGS. The City Council of the City of Huntington Beach hereby finds that:

(a) The City Council of Huntington Beach, in adopting this ordinance, takes legislative notice of the existence and content of the following studies concerning the adverse secondary side effects of Sex Oriented Businesses in other cities: Garden Grove, California (1991); Tucson, Arizona (1990); Seattle, Washington (1989); Austin, Texas (1986); Oklahoma City, Oklahoma (1986); Indianapolis, Indiana (1984); Houston, Texas (1983); Beaumont, Texas (1982); Minneapolis, Minnesota (1980); Phoenix, Arizona (1979); Whittier, California (1978); Amarillo, Texas (1977); Cleveland, Ohio (1977); Los Angeles, California (1977). The City Council finds that these studies are relevant to the problems addressed by the City in enacting this ordinance to regulate the adverse secondary side effects of Sex Oriented Businesses, and more specifically finds that these studies provide convincing evidence that:

(1) Sex Oriented Businesses are linked to increases in the crime rates in those areas in which they are located and in surrounding areas.

(2) Both the proximity of Sex Oriented Businesses to sensitive land uses and the concentration of Sex Oriented Businesses tend to result in the blighting and deterioration of the areas in which they are located.

(3) The proximity and concentration of Sex Oriented Businesses adjacent to residential, recreational, religious, educational and other Sex Oriented Business uses can cause other businesses and residences to move elsewhere.

(4) There is substantial evidence that an increase in crime tends to accompany, concentrate around, and be aggravated by Sex Oriented Businesses, including but not limited to an increase in the crimes of narcotics distribution and use, prostitution, pandering, and violence against persons and property. The studies from other cities establish convincing evidence that Sex Oriented Businesses which are not regulated as to permissible locations often have a deleterious effect on nearby businesses in residential areas, causing, among other adverse secondary effects, an increase in crime and a decrease in property values.

(b) Based on the foregoing, the City Council of the City of Huntington Beach finds and determines that special regulation of Sex Oriented Businesses is necessary to ensure that their adverse secondary side effects will not contribute to an increase in crime rates or to the blighting or deterioration of the areas in which they are located or surrounding areas. The need for such special regulations is based upon the recognition that Sex Oriented Businesses have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or located in direct proximity to sensitive uses such as parks, schools, churches, thereby having a deleterious effect upon the adjacent areas. It is the purpose and intent of these special regulations to prevent the concentration of Sex Oriented Businesses and thereby prevent such adverse secondary side effects.

(c) The locational requirements established by this ordinance do not unreasonably restrict the establishment or operation of constitutionally protected Sex Oriented Businesses in the City of Huntington Beach, and a sufficient reasonable number of appropriate locations for Sex Oriented Businesses are provided by this ordinance.

(d) In developing this ordinance, the City Council has been mindful of legal principles relating to regulation of Sex Oriented Businesses and does not intend to suppress or infringe upon any expressive activities protected by the First Amendments of the United States and California Constitutions, but instead desires to enact reasonable time, place, and manner regulations that address the adverse secondary effects of Sex Oriented Businesses. The City Council, has considered decisions of the United States Supreme Court regarding local regulation of Sex Oriented Businesses, including but not limited to: *Young v. American Mini Theaters, Inc.*, 427 U.S. 50 (1976) Reh. Denied 429 U.S. 873; *Renton v. Playtime Theaters*, 475 U.S. 41 (1986) Reh. Denied 475 U.S. 1132; *FW/PBS, Inc. v. Dallas*, 493 U.S.215 (1990); *Barnes v. Glenn Theater*, 111 S.Ct. 2456 (1991); United States Court of Appeals 9th Circuit decisions, including but not limited to: *Topanga Press. et al. v. City of Los Angeles*, 989 F.2d 1524 (1993); several California cases including but not limited to: *City of National City v. Wiener*, 3 Cal.4th 832 (1992); *People v. Superior Court (Lucero)* 49 Cal.3d 14 (1989); and *City of Vallejo v. Adult Books et al.*, 167 Cal.App.3d 1169 (1985); and other federal cases including *Lakeland Lounge v. City of Jacksonville* (5th Cir. 1992) 973 F.2d 1255, *Hang On, Inc. v. Arlington* (5th Cir. 1995) 65 F.3d 1248, *Mitchell v. Commission on Adult Entertainment* (3rd Cir. 1993) 10 F.3d 123, *International Eateries v. Broward County* (11th Cir. 1991) 941 F.2d 1157, and *Star Satellite v. City of Biloxi* (5th Cir. 1986) 779 F.2d 1074.

(e) The City Council of the City of Huntington Beach finds that locational criteria alone do not adequately protect the health, safety, and general welfare of the citizens of the City of Huntington Beach, and thus certain requirements with respect to the ownership and operation of Sex Oriented Businesses are in the public interest. In addition to the findings and studies conducted in other cities regarding increases in crime rates, decreases in property values and the blighting of areas in which such businesses are located, the City Council also takes legislative notice of the facts recited in the case of *Kev. Inc. v. Kitsap County*, 793 F.2d 1053 (1986), regarding how live

adult entertainment results in secondary effects such as prostitution, drug dealing, and other law enforcement problems.

(f) The City Council finds the following, in part based upon its understanding of the documents and judicial decisions in the public record:

(1) Evidence indicates that some dancers, models and entertainers, and other persons who publicly perform specified sexual activities or publicly display specified anatomical parts in Sex Oriented Businesses (collectively referred to as 'performers') have been found to engage in sexual activities with patrons of Sex Oriented Businesses on the site of the Sex Oriented Business;

(2) Evidence has demonstrated that performers employed by Sex Oriented Businesses have been found to offer and provide private shows to patrons who, for a price, are permitted to observe and participate with the performers in live sex shows;

(3) Evidence indicates that performers at Sex Oriented Businesses have been found to engage in acts of prostitution with patrons of the establishment;

(4) Evidence indicates that fully enclosed booths, individual viewing areas, and other small rooms whose interiors cannot be seen from public areas of the establishment regularly have been found to be used as a location for engaging in unlawful sexual activity;

(5) As a result of the above, and the increase in incidents of AIDS and Hepatitis B. which are both sexually transmitted diseases, the City has a substantial interest in adopting regulations which will reduce, to the greatest extent possible, the possibility for the occurrence of prostitution and casual sex acts at Sex Oriented Businesses.

(g) Zoning, licensing and other police power regulations are legitimate, reasonable means of accountability to help protect the quality of life in the community of Huntington Beach and to help assure that all operators of Sex Oriented Businesses comply with reasonable regulations and are located in places that minimize the adverse secondary effects which naturally accompany the operation of such businesses.

(h) The City Council of the City of Huntington Beach recognizes the possible harmful effects on children and minors exposed to the effects of such Sex Oriented Businesses and the deterioration of respect for family values, and the need and desire of children and minors to stay away from and avoid such businesses, which causes children to be fearful and cautious when walking through or visiting the immediate neighborhood of such businesses; and the City Council desires to minimize and control the adverse secondary side effects associated with the operation of Sex Oriented Businesses and thereby protect the health, safety, and welfare of the citizens of Huntington Beach; protect the citizens from increased crime; preserve the quality of life; preserve property values and the character of surrounding neighborhoods and businesses; deter

the spread of urban blight and protect against the threat to health from the spread of communicable and sexually transmitted diseases.

(i) It is not the intent of the City Council of the City of Huntington Beach in enacting this ordinance, or any provision thereof, to condone or legitimize the distribution of obscene material, and the City of City of Huntington Beach recognizes that state law prohibits the distribution of the obscene materials and expects and encourages law enforcement officials to enforce state obscenity statutes against such illegal activities in the City of Huntington Beach.

(j) Nothing in this ordinance is intended to authorize, legalize, or permit the establishment, operation, or maintenance of any business, building, or use which violates any City ordinance or any statute of the State of California regarding public nuisances, unlawful or indecent exposure, sexual conduct, lewdness, obscene or harmful matter or the exhibition or public display thereof.

(k) The City Council finds that preventing the exchange of money between entertainers and patrons also reduces the likelihood of drug and sex transactions occurring in Sex Oriented Businesses; and

(l) Requiring separations between entertainers and patrons reduces the likelihood that such persons will negotiate narcotics sales and/or transact sexual favors within the Sex Oriented Business.

(m) Enclosed or concealed booths and dimly lit areas within Sex Oriented Businesses greatly increase the potential for misuse of the premises, including unlawful conduct of a type which facilitates transmission of disease. Requirements that all indoor areas be open to view by management at all times, and that adequate lighting be provided are necessary in order to reduce the opportunity for, and therefore the incidence of illegal conduct within Sex Oriented Businesses, and to facilitate the inspection of the interior of the premises thereof by law enforcement personnel.

SECTION 2. AMENDMENT OF HUNTINGTON BEACH MUNICIPAL CODE CHAPTER 5.70. ENTITLED "ADULT ENTERTAINMENT BUSINESSES". Huntington Beach Municipal Code Chapter 5.70 is hereby amended to be entitled "Sex Oriented Businesses."

SECTION 3. AMENDMENT OF HUNTINGTON BEACH MUNICIPAL CODE CHAPTER 5.70. ENTITLED "ADULT ENTERTAINMENT BUSINESSES". Huntington Beach Municipal Code Chapter 5.70 is amended in its entirety to read as follows:

5.70.05 Purpose The intent of this ordinance is to regulate businesses which, unless closely regulated, tend to have serious secondary effects on the community, which effects include, but are not limited to, the following: depreciation of property values and increase in vacancies in residential and commercial areas in the vicinity of Sex Oriented Businesses; interference with residential property owners enjoyment of their property when such property is

located in the vicinity of Sex Oriented Businesses as a result of increases in crime, litter, noise and vandalism; higher crime rates in the vicinity of Sex Oriented Businesses; and blighting conditions such as low level maintenance of commercial premises and parking lots, which thereby have a deleterious effect upon adjacent areas. Special regulation of these businesses is necessary to prevent these adverse effects and the blighting or degradation of the neighborhoods in the vicinity of the Sex Oriented Businesses.

It is neither the intent nor the effect of this Chapter to impose limitations or restrictions on the content of any communicative material. Similarly, it is neither the intent nor the effect of this Chapter to restrict or deny access by adults to Sex Oriented Materials or to deny access by the distributors or exhibitors of Sex Oriented Businesses to their intended market.

Nothing in this Chapter is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any City ordinance or any statute of the State of California regarding public nuisances, unlawful or indecent exposure, sexual conduct, lewdness or obscene or harmful matter or the exhibition or public display thereof.

5.70.010 Definitions

- (a) Cabaret. The term "cabaret" a nightclub, theater or other establishment which features live performances distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
- (b) Chief of Police. Chief of Police means the Chief of Police or his or her designee.
- (c) Church. The term "church" as used in this article, is a structure which is used primarily for religious worship and related religious activities.
- (d) City Administrator. City Administrator means City Administrator or his or her designee.
- (e) Distinguished or characterized by an emphasis upon. As used in this ordinance, the term "distinguished or characterized by an emphasis upon" shall mean and refer to the dominant or essential theme of the object described by such phrase. For instance, when the phrase refers to films "which are distinguished or characterized by an emphasis upon" the depiction or description of specified sexual activities or specified anatomical areas, the films so described are those whose dominant or predominant character and theme are the depiction of the enumerated sexual activities or anatomical areas. See Pringle v. City of Covina, 115 Cal.App.3 151 (1981).
- (f) Encounter Center. "Encounter center" or "rap studio" any business, agency or person who, for any form of compensation, consideration or gratuity, provides a place where two or more persons may congregate, assemble or associate for the primary purpose of engaging in, describing or discussing specified sexual activities, or exposing specified anatomical areas.

(g) Escort Bureau; Introduction Services. "Escort bureau; introduction services" any business, agency or person who, for a fee, commission, hire, reward or profit, furnishes or offers to furnish names of persons, or who introduces, furnishes or arranges for persons who may accompany other persons to or about social affairs, entertainments or places of amusement, or who may consort with others about any place of public resort or within any private quarters.

(h) Owner or Permit holder or Permittee. For purposes of this Chapter, "Owner", "Permit holder" or "Permittee" shall mean any of the following: (i) the sole proprietor of a Sex Oriented or (ii) any general partner of a partnership which owns and operates a Sex Oriented Business; or (iii) the owner of a controlling interest in a corporation which owns and operates a Sex Oriented Business; or (iv) the person designated by the officers of a corporation to be the Permit holder for a Sex Oriented Business owned and operated by the corporation.

(i) Director of Community Development. The term Director of Community Development means the Director of Community Development or his or her designee.

(j) Regularly Features. The term "regularly features" with respect to an Sex Oriented theater or Sex Oriented cabaret means a regular and substantial course of conduct. The fact that live performances which are distinguished or characterized by an emphasis upon the display of specified anatomical areas or specified sexual activities occurs on two (2) or more occasions within a thirty (30) day period; three (3) or more occasions within a sixty (60) day period; or four (4) or more occasions within a one hundred and eighty (180) day period, shall to the extent permitted by law be deemed to be a regular and substantial course of conduct.

(k) School. The term "school" as used in this ordinance is any child or day care facility, or an institution of learning for minors, whether public or private, offering instruction in those courses of study required by the California Education Code and maintained pursuant to the standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college, or university.

(l) * Seminude. "Seminude" means a state of dress in which clothing covers no more than the genitals, pubic region, buttocks, areola of the female breast, as well as portions of the body covered by supporting straps or devices.

(m) Sex Oriented Bookstore. "Sex Oriented bookstore" means an establishment having as a regular and substantial portion of its stock for display or distribution in trade, books, magazines or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section devoted to the sale or display of such material.

(n) **Sex Oriented Business.** "Sex Oriented Business" means any business establishment or concern which as a regular and substantial course of conduct performs or operates as a Sex Oriented Bookstore, Sex Oriented Theater, Sex Oriented Motion Picture Arcade, Sex Oriented Cabaret, Sex Oriented Motel/Hotel, or sells, displays or distributes Sex Oriented Merchandise or Sex Oriented Material, or any other business or concern which as a regular and substantial portion of its business offers to its patrons products, merchandise, services or entertainment which are distinguished or characterized by an emphasis on matter depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Parts but not including those uses or activities, the regulation of which is preempted by state law. "Sex Oriented Business" shall also include any establishment which as a regular and substantial course of conduct provides or allows performers, models, or employees to appear in any public place in lingerie. As used in this chapter, the terms "regular and substantial course of conduct" and "regular and substantial portion of its business" shall mean any Sex Oriented Business where one or more of the following conditions exist:

(i) The area(s) devoted to the display of Sex Oriented Merchandise and/or Sex Oriented Material exceeds fifteen (15) percent of the total display area of the business; or

(ii) The business or concern presents any type of live entertainment characterized by an emphasis on Specified Sexual Activity or Specified Anatomical Parts, or performers, models or employees appearing in public in lingerie on any four or more separate days within any thirty day period; or

(iii) At least fifty percent (50%) of the gross receipts of the business are derived from the sale, trade, display or presentation of services, products, or entertainment which are characterized by an emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Parts.

(o) **Sex Oriented Hotel/Motel.** "Sex Oriented Hotel/Motel" means a hotel or motel, which (i) as a regular and substantial course of conduct provides to its patrons, through the provision of rooms equipped with closed circuit television, video recorders or players or other medium, material which is distinguished or characterized by an emphasis on matter depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Parts; and/or (ii) rents, leases, or lets any room for less than a six hour period, or rents, leases or lets any single room more than twice in a 24-hour period. See Sex Oriented Business for definition of "regular and substantial course of conduct."

(p) **Sex Oriented Material.** "Sex Oriented Material" means any Sex Oriented Merchandise, or any book, periodical, magazine, photograph, drawing, sculpture, motion picture film, video tape recording, or other visual representation, characterized by an emphasis on matter depicting, describing, or relating to Specific Sexual Activities or Specified Anatomical Parts.

(q) **Sex Oriented Merchandise.** "Sex Oriented Merchandise" means Sex Oriented implements or paraphernalia, such as, but not limited to: dildos, auto sucks, Sex Oriented vibrators, edible underwear, benwa balls, inflatable orifices, anatomical balloons with orifices,

simulated and/or battery operated vaginas, and similar Sex Oriented devices which are designed or marketed primarily for the stimulation of human genital organs or sadomasochistic activity.

(r) Sex Oriented mini-motion picture theater. "Sex Oriented minimotion picture theater" means an enclosed building with a capacity for less than fifty persons used for presenting material distinguished or characterized by an emphasis on matter depicting or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

(s) Sex Oriented motion picture arcade. "Sex Oriented motion picture arcade" means any place to which the public is permitted or invited wherein coin or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show is images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

(t) Sex Oriented motion picture theater. "Sex Oriented motion picture theater" means an enclosed building with a capacity of fifty or more persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

(u) Specified sexual activities. "Specified sexual activities" shall include any of the following:

(1) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, urophilia, zooerasty, zoophilia.

(2) Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence;

(3) Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or

(4) Fondling, erotic or sexually touching of human genitals, pubic region, buttocks, cleft of the buttocks, female breast; or anal region.

(5) Masochism, erotic or sexually oriented torture, beating or the infliction of pain; or

(6) Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human being; or

(7) Human excretion, urination, menstruation, vaginal or anal irrigation.

(8) Striptease, or the removal of clothing, or the wearing of transparent or diaphanous clothing, including models appearing in lingerie, to the point where specified anatomical parts are exposed.

(v) Specified anatomical areas. "Specified anatomical areas" shall include any of the following:

(1) Less than completely and opaquely covered human genitals or pubic region; buttock; or female breast below a point immediately above the top of the areola; or

(2) Human male genitalia in a discernibly turgid state, even if completely and opaquely covered.

(3) Any device, costume, or covering that simulates any of the body parts included in subdivisions (1) and (2) above.

5.70.15 Statements and Records. Person(s) required to obtain a Sex Oriented Business Permit pursuant to the provisions of this Code for any business establishment which provides products, merchandise, services or entertainment which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Parts, as defined in Section 5.70.010 of this Code, shall maintain complete records which can be segregated with regard to all transactions involving such products, merchandise, services or entertainment which are sufficient to establish the percentage of gross receipts of the business which is derived from such transactions.

Such records shall be maintained for a period of at least three (3) years.

No person required to keep records under this section shall refuse to allow authorized representatives of the City Treasurer or his/ her designee to examine said records at reasonable times and places.

This section 5.70.15 shall not be applicable to a business establishment (i) for which such transactions constitute less than fifteen percent (15%) of the gross receipts of the business, or (ii) for which the Owner has an application pending for, or has obtained, a Sex Oriented Business Permit, or (iii) for which the Owner has filed a sworn statement with the City giving the name and address of the Owner's business and stating, under penalty of perjury, that the business is being run as a Sex Oriented Business within the meaning of this Code.

5.70.020 Permit required. It shall be unlawful for any person, association, partnership or corporation to own, operate, engage in, conduct or carry on, in or upon any premises within the City of Huntington Beach any "Sex Oriented Business", defined in this chapter, without a Sex Oriented Business License and a business license from the City of Huntington Beach.

(a) Any person, association, partnership or corporation to obtain a permit to own, operate, engage in, conduct or carry on any Sex Oriented Business shall make application to the Chief of Police, or his designated representative. Prior to submitting such application, a non-refundable fee, established by resolution of the City Council, shall be paid to the City Clerk to defray, in part, the cost of investigation and report required by this chapter. The City Clerk shall issue a

receipt showing that such application fee has been paid. The receipt, or a copy thereof, shall be supplied to the Chief of Police at the time such application is submitted.

(b) The application for permit does not authorize the engaging in, operation of, conducting of, or carrying on of any Sex Oriented Business.

(c) Only the owner of the Sex Oriented Business is eligible to obtain a Sex Oriented Business Permit.

(d) The Permittee shall post the Permit conspicuously in the Sex Oriented Business premises.

5.70.030. Application for Sex Oriented Business Permit. Each application for an Sex Oriented Business permit shall contain the following information:

(a) Applicant Information

(1) The full, true name and any other names, including aliases, used by the applicant.
(2) The present address and telephone number of the applicant.
(3) The previous addresses of applicant, if any, for a period of five (5) years immediately prior to the date of the application and the dates of residence at each.

(4) Acceptable written proof that the Applicant is at least eighteen (18) years of age.
(5) The applicant's height, weight, color of eyes and hair, and date and place of birth.
(6) Two photographs of the applicant a least 2" x 2" taken within the last six months.
(7) Business, occupation or employment history of the applicant for the five (5) years immediately preceding the date of application.

(8) If the applicant intends to operate the Sex Oriented Business under a name other than that of the applicant the applicant shall file the fictitious name of the Sex Oriented Business and show proof of registration of the fictitious name.

(9) The business license history of the applicant and whether such applicant, in previous operations in this or any other city, state, or territory under license, has had such license or permit for a Sex Oriented Business or similar type of business revoked or suspended, the reason therefore and the business activity or occupation subsequent to such action of suspension or revocation.

(10) All convictions of the applicant within the last five years of any of the offenses set forth in Sections 315, 316, 266a, 266b, 266e, 266g, 266h, 266i, 647(a), 647(b) and 647(d) of the California Penal Code as those sections now appear or may hereafter be amended or renumbered.

(11) The fact that an applicant possesses other types of state or City permits or licenses does not exempt the applicant from the requirement of obtaining an Sex Oriented Business Permit.

(12) The Chief of Police shall require the applicant to furnish fingerprints.

(13) If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation or charter, evidence that the corporation is in good standing under the laws of the State of California, the name of the registered corporate agent and the address of the registered office for service of process, together with the place and date of incorporation, and the names and addresses of each of its current officers and directors,

and each stockholder holding more than 5 percent of the stock in the corporation. If the applicant is a partnership, the applicant shall set forth the name, residence address and dates of birth of the partners, including limited partners, and attached a copy of the partnership agreement. If the applicant is a limited partnership, it shall furnish a copy of its certificate of limited partnership filed with the County Clerk. If one or more of the partners is a corporation, the provisions of this subsection pertaining to corporations shall apply. The applicant corporation or partnership shall designate one of its officers or general partners to act as its responsible managing officer. Such designated persons shall complete and sign all application forms required of an individual applicant under this chapter, but only one application fee shall be charged.

(b) Business Information

(1) The name and address of the owner and lessor of the real property upon which the business is to be conducted, and a copy of the lease or rental agreement.

(2) A description of the type of Sex Oriented Business for which the Permit is requested and the proposed address where the Sex Oriented Business will operate, plus the names and addresses of the owners and lessors of the Sex Oriented Business site.

(3) The address to which notice of action on the application is to be mailed.

(4) The names of all employees, independent contractors, and other persons who will perform at the Sex Oriented Business, who are required by this Chapter to obtain an Sex Oriented Business Performer License.

(5) A sketch or diagram showing the interior configuration of the premises, including a statement of the total floor area occupied by the Sex Oriented Business. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.

(6) A certificate and straight-line drawing prepared within thirty (30) days prior to application depicting the building, the primary entrance, and the portion thereof to be occupied by the Sex Oriented Business, and: (1) the property line of any other Sex Oriented Business within of the primary entrance of the Sex Oriented Business for which a Permit is requested; and (2) the property lines of any church, school, residential zone or use within of the primary entrance of the Sex Oriented Business.

5.70.035. Sex Oriented Business Permit Application Investigation.

(a) Upon receipt of a completed application as set forth in Section 5.70.030 and payment of the application and Permit fees, the Chief of Police shall immediately stamp the application as received and promptly investigate the information contained in the application to determine whether the applicant shall be issued an Sex Oriented Business Permit.

(b) Within forty-five (45) days of receipt of the completed application, the Police Chief shall complete the investigation, submit a written report to the Hearing Officer pursuant to this Chapter recommending the permit be granted or denied and setting forth the factual basis of the recommendation.

(c) The Chief of Police shall recommend the Hearing Officer grant the application and issue the Sex Oriented Business Permit if he finds:

- (1) The required fee has been paid.
- (2) Application conforms in all respects to the provisions of this chapter.
- (3) The applicant has not knowingly made a material misrepresentation or fraudulent, false, or misleading statements in the application.
- (4) The applicant, if an individual, or any of the stockholders of the corporation, any officers or directors, if the applicant is a corporation, or any of the partners, including limited partners, if the applicant is a partnership, has not been convicted in a court of competent jurisdiction of an offense involving conduct which requires registration under California Penal Code section 290, or of conduct violating Penal Code sections 314, 315, 316, 318, 647(a), 647(b) and 647(h), or convicted of an attempt to commit any of the abovementioned offenses, or convicted in any state of any offense which if committed or attempted in this state, would have been punishable as one or more of the abovementioned offenses, or any crime involving dishonesty, fraud, deceit, or moral turpitude.
- (5) Applicant has not had an Sex Oriented Business permit or other similar license or permit denied or revoked for cause by this city or any other city located in or out of this state prior to the date of application.
- (6) The building, structure, equipment or location of such business, as proposed by applicant, would comply with all applicable laws, including but not limited to, health, zoning, fire and safety requirements and standards.
- (7) The applicant is at least eighteen years of age.
- (8) That the applicant, his or her employee, agent, partner, director, officer, stockholder or manager has not within two (2) years of the date of the application knowingly allowed or permitted any act of sexual intercourse, sodomy, oral copulation, or masturbation to be committed or allowed in or upon the premises where such Sex Oriented Business is to be located, or to be used as a place in which solicitations for sexual intercourse, sodomy, oral copulation or masturbation openly occur.
- (9) That on the date that the business for which a permit is required herein commences, and thereafter, there will be a responsible person on the premises to act as manager at all times during which the business is open.

(d) If the Chief of Police fails to present a recommendation to the hearing officer within forty-five (45) days after receipt of the completed application, the applicant may begin operating the Sex Oriented Business for which the Permit was sought, subject to strict compliance with all other provisions of this Chapter.

5.70.040 Sex Oriented Business Performer Permit

(a) No person shall engage in or participate in any live performance depicting specified anatomical areas or involving specified sexual activities in an Sex Oriented Business, without a valid Sex Oriented Business Performer Permit issued by the City. All persons who have been issued an Sex Oriented Business Permit shall promptly supplement the information provided as

part of the application for the Permit required by Section 5.70.35, with the names of all Performers required to obtain an Sex Oriented Business Performer Permit, within thirty (30) days of any change in the information originally submitted. Failure to submit such changes shall be grounds for suspension of the Sex Oriented Business Regulatory Permit.

(b) The Police Chief shall grant, deny and renew Sex Oriented Business Performer Permits.

(c) The application for a Permit shall be made on a form provided by the Police Chief. An original and two copies of the completed and sworn permit application shall be filed with the Police Chief.

(d) The completed application shall contain the following information and be accompanied by the following documents:

(1) The applicant's legal name and any other names (including "stage names" and aliases) used by the applicant;

(2) Age, date and place of birth;

(3) Height, weight, hair and eye color;

(4) Present residence address and telephone number;

(5) Whether the applicant has ever been convicted of:

(i) Any of the offenses set forth in Sections 315, 316, 266a, 266b, 266c, 266e, 266g, 266h, 266i, 647(a), 647(b) and 647(D) of the California Penal Code as those sections now exist or may hereafter be amended or renumbered.

(ii) The equivalent of the aforesaid offenses outside the State of California.

(6) Whether such person is or has ever been licensed or registered as a prostitute, or otherwise authorized by the laws of any other jurisdiction to engage in prostitution in such other jurisdiction. If any person mentioned in this subsection has ever been licensed or registered as a prostitute, or otherwise authorized by the laws of any other state to engage in prostitution, a statement shall be submitted giving the place of such registration, licensing or legal authorization, and the inclusive dates during which such person was so licensed, registered, or authorized to engage in prostitution.

(7) State driver's license or identification number;

(8) Satisfactory written proof that the applicant is at least eighteen (18) years of age;

(9) The applicant's fingerprints on a form provided by the Police Department, and a color photograph clearly showing the applicant's face. Any fees for the photographs and fingerprints shall be paid by the applicant;

(10) If the application is made for the purpose of renewing a License, the applicant shall attach a copy of the License to be renewed.

(e) The completed application shall be accompanied by a non-refundable application fee. The amount of the fee shall be set by resolution of the City Council.

(f) Upon receipt of an application and payment of the application fees, the Police Chief shall immediately stamp the application as received and promptly investigate the application.

(g) If the Chief of Police determines that the applicant has completed the application improperly, the Chief of Police shall promptly notify the applicant of such fact and grant the applicant an

extension of time of not more than ten (10) days to complete the application properly. In addition, the applicant may request an extension, not to exceed ten (10) days, of the time for the Chief of Police to act on the application. The time period for granting or denying a Permit shall be stayed during the period in which the applicant is granted an extension of time.

5.70.045 Sex Oriented Business Performers Permit Application Investigation.

(a) Within five (5) days after receipt of the properly completed application, the Police Chief shall grant or deny the application and so notify the applicant as follows:

(1) The Police Chief shall write or stamp "Granted" or "Denied" on the application and date and sign such notation.

(2) If the application is denied, the Police Chief shall attach to the application a statement of the reasons for denial.

(3) If the application is granted, the Police Chief shall attach to the application an Sex Oriented Business Employee Permit.

(4) The application as granted or denied and the Permit, if any, shall be placed in the United States mail, first class postage prepaid, addressed to the applicant at the residence address stated in the application.

(b) The Police Chief shall grant the application and issue the Permit unless the application is denied for one or more of the reasons set forth below:

(1) The applicant has knowingly made any false, misleading, or fraudulent statement of a material fact in the application for a Permit or in any report or document required to be filed with the application;

(2) The applicant is under eighteen (18) years of age;

(3) The Sex Oriented Business Employee Permit is to be used for performing in a business prohibited by State or City law.

(4) The applicant has been registered in any state as a prostitute.

(5) The applicant has been convicted of any of the offenses enumerated in Section 5.70.110 or convicted of an offense outside the State of California that would have constituted any of the described offenses if committed within the State of California. A Permit may be issued to any person convicted of the described crimes if the conviction occurred more than five (5) years prior to the date of the application.

(c) If the Police Chief grants the application or if the Police Chief neither grants nor denies the application within five (5) days after it is stamped as received, the applicant may begin performing in the capacity for which the License was sought.

5.70.050 Applicant to appear. The applicant for a Sex Oriented Business Permit or a Sex Oriented Business Performers Permit shall personally appear at the Police Department of the City of Huntington Beach and produce proof that a non-refundable application fee, established by resolution of the City Council, has been paid and shall present the application containing the aforementioned and described information.

5.70.055 Public Hearing.

(a) Within five (5) business days following the receipt of an application pursuant to this Chapter, the Chief of Police shall determine whether said application contains all information required by the provisions of this chapter. If it is determined that said application is not complete, the Owner shall be notified in writing within said five (5) day period that such application is not complete and the reasons therefor, including any additional information necessary to render the application complete. The Owner shall be permitted to submit an amended application or provide all necessary information to render the application complete. Within five (5) business days following the receipt of any such amended application or supplemental information, the Chief of Police shall again determine whether said application is complete in accordance with the procedures set forth in this subsection. Upon a determination that said application is complete, either upon its initial submittal or upon receipt of any amended application or supplemental information, the Owner shall be notified in writing by the Chief of Police that the application is complete. All notices required by this subsection shall be deemed given upon the date of either (i) deposit of such notice in the course of transmission with the United States Postal Service, first class mail, postage prepaid, and addressed to the Owner, or (ii) personal service of such notice upon the Owner. Upon determination that the application is complete, the Chief of Police shall immediately transmit such completed application to the Director of Community Development and the City Administrator. The City Administrator shall appoint a hearing officer, who may, but need not necessarily be, a City officer or employee, and shall transmit such completed application to the hearing officer for processing in accordance with this section.

(b) The hearing officer shall conduct a public hearing upon said completed application. Notice of said public hearing shall be given in the manner provided for conditional use permits as set forth in the Huntington Beach Zoning and Subdivision Ordinance Code except that said public hearing shall be held within fifty (50) calendar days following the date said application was deemed complete, unless the Owner, or the Owner's authorized representative, expressly agrees in writing to an extension of such period of time. Said public hearing shall be completed by the hearing officer on the same date on which it is scheduled and held unless continuance of said public hearing is expressly approved in writing by the Owner, or the Owner's authorized representative, at or prior to the scheduled date of said public hearing.

(c) Within ten (10) calendar days following the completion of the public hearing, the hearing officer shall approve such application if it is determined that both the Director of Community Services and Chief of Police recommend granting of the Sex-Oriented Business Permit; otherwise the application shall be denied. The hearing officer shall impose conditions upon such approval as are reasonably necessary to assure compliance with the requirements of this chapter. In the event of denial of the application, the hearing officer shall specify in writing the grounds upon which the application is denied. Notice of the decision of the hearing officer shall be given in writing to the Owner, and to any other person or entity expressly requesting notice thereof, in the same manner as provided for the giving of notices in this section. The decision of the hearing officer shall also be immediately transmitted to the Chief of Police. The decision of the hearing officer shall be deemed final notwithstanding any other provision of this Code to the contrary.

(d) Immediately upon receipt of a decision by the hearing officer approving or conditionally approving such application, the Chief of Police shall issue the Sex-Oriented Business Permit to the Owner. Such Permit shall be deemed subject to any conditions of approval imposed by the hearing officer.

(e) The public hearing by the hearing officer specified in this subsection 5.70.055 shall be required for any permit renewal pursuant to Section 5.70.070 of this Chapter.

5.70.060 Sex Oriented Business Permit Refusal Appeal. If the Chief of Police or the Director of Community Development following investigation of the applicant, deems that the applicant does not fulfill the requirements as set forth in this chapter, he or she shall notify the City Administrator of such recommendation and, within sixty (60) days of the date of application, provide copies of the investigation report to the City Administrator. The City Administrator shall within ten (10) days, grant the permit or deny the application and notify applicant by certified mail of such denial. Any applicant who is denied a permit by the City Administrator may appeal such denial to the City Council pursuant to provisions of this chapter.

5.70.065 Investigation and Application by the Director of Community Development

(a) Upon receipt of a completed application by the Director of Community Development, the Director of Community Development shall promptly investigate the information contained in the application to determine whether the applicant shall be issued an Sex Oriented Business Permit.

(b) Within forty-five (45) days of receipt of the completed application, the Director of Community Development shall complete the investigation and submit a written report to the Hearing Officer pursuant to this Chapter recommending the permit be granted or denied and setting forth the factual basis of the recommendation.

(c) The Director of Community Development shall recommend the Hearing Officer grant the application and issue the Sex Oriented Business Permit if she finds:

(1) Application conforms in all respects to the provisions of this chapter.
(2) The building, structure, equipment or location of such business, as proposed by applicant, would comply with all applicable laws, including but not limited to, health, zoning, fire and safety requirements and standards.

(3) That the proposed business meets the locational criteria of the Huntington Beach Zoning and Subdivision Ordinance Code; and that the applicant has met all of the development and performance standards and requirements, unless the application is denied for one or more of the reasons.

(d) If the Director of Community Development fails to present a written recommendation to the Hearing Officer within forty-five (45) days of receipt of the completed application, the applicant

may begin operating the Sex Oriented Business for which the Permit was sought, subject to strict compliance with all other provisions of this Chapter.

5.70.070 Permit renewal. Each Sex Oriented Business Permit and Sex Oriented Business Performers Permit shall expire one (1) year from the date of issuance. A written request for permit renewal must be filed with the Police Chief, accompanied by the Annual Permit Fee, a copy of the Permit to be renewed, and the applicable Sex Oriented Business Permit or Sex Oriented Business Performers Permit, completed in full detail with current information. The request for renewal shall be made at least thirty (30) days before the expiration date of the Permit. When made less than thirty (30) days before the expiration date, the expiration of the Permit will not be stayed.

If the application conforms to the previously approved application and the Sex Oriented Business has not changed, the permit shall be renewed by the Chief of Police for another year. Notice of such renewal, or denial, shall be given, in writing, to the permittee within twenty (20) city business days following the date of receipt of the completed renewal application. Any change or alteration in the location, nature or operation of the Sex Oriented Business will require a new application to be processed in the same manner as the original applications. The renewal fee for shall be established by resolution of the City Council. Applications for renewal shall be acted on as provided herein for action upon applications for Permits.

5.70.080 Permits nontransferable. No Sex Oriented Business permit may be sold, transferred or assigned by a permittee, or by operation of law, to any other person or persons. Any such sale, transfer or assignment, or attempted sale, transfer or assignment, shall be deemed to constitute a voluntary surrender of such permit and such permit shall thereafter be null and void; provided and excepting, however, that if the permittee is a partnership and one or more of the partners should die, one or more of the surviving partners may acquire, by purchase or otherwise, the interest of the deceased partner or partners without effecting a surrender or termination of such permit, and in such case, the permit, upon notification to the Chief of Police, shall be placed in the name of the surviving partner. An Sex Oriented Business permit issued to a corporation shall be deemed terminated and void when either any outstanding stock of the corporation is sold, transferred or assigned after the issuance of a permit, or any stock authorized but not issued at the time of the granting of a permit is thereafter issued and sold, transferred or assigned.

Any change in the nature or composition of the Sex Oriented Business from one type of Sex Oriented Business use to another type of Sex Oriented Business use shall also render the Permit null and void.

5.70.090 Sex Oriented businesses-Change of location or name.

(a) No Sex Oriented Business shall move from the location specified on its permit until a change of location fee, established by resolution of the City Council, has been deposited with the

city, and approval has been obtained from the Chief of Police. Such approval shall not be given unless all requirements and regulations, as contained in the city's codes, have been met.

(b) No permittee shall operate, conduct, manage, engage in, or carry on an Sex Oriented Business under any name other than his name and the name of the business as specified on his permit.

(c) Any application for an extension or expansion of a building or other place of business where an Sex Oriented Business is located shall require inspection and shall comply with the provisions and regulations of this Chapter.

5.70.100 Sex Oriented Business Standards of Operation.

(a) Except as specifically provided in this Chapter, the Sex Oriented Business shall comply with the zoning, parking, development and design standards applicable to the zone in which the business is located.

(1) The Sex Oriented Business shall be conducted wholly within a building and shall not be located, in whole or in part, within any portable structure.

(2) All indoor areas of the Sex Oriented Business within which patrons are permitted, except restrooms, shall be open to view at all times.

(3) Signage shall conform to the standards of the Huntington Beach Zoning and Subdivision Ordinance Code except that such signs (i) shall contain no sign copy other than the business name and the street address, and the notice required on the entrance door to the premises, (ii) shall contain no flashing lights, (iii) shall contain no photographs, silhouettes, drawings, statues, monuments, sign shapes or sign projections, or other graphic representations, which depict the human body or anatomy, or any portion thereof, whether clothed or unclothed, including without limitation representations that depict "Specified Anatomical Parts" or "Specified Sexual Activities", (iv) shall not be located within 100 feet of any freeway or any street designated as an arterial highway on the Circulation Element of the City of Huntington Beach General Plan, and (v) shall not be located or oriented in a manner whereby the sign copy is visible by any person traveling in a vehicle upon any freeway or any street designated as an arterial highway on the Circulation Element of the City of Huntington Beach General Plan. No banners or other temporary signs shall be placed anywhere upon or within the premises in such manner as to be visible from any location other than within the premises occupied by the Sex Oriented Business.

(b) General Provisions

(1) No Sex Oriented Material or Sex Oriented Merchandise shall be displayed in such manner as to be visible from any location other than within the premises occupied by the Sex Oriented Business.

(2) No person under the age of 18 years shall be permitted within the premises at any time.

(3) The Sex Oriented Business shall not operate or be open between the hours of 2:00 a.m. and 9:00 a.m.

(4) The Sex Oriented Business shall provide and maintain separate restroom facilities for male patrons and employees and female patrons and employees. Male patrons and employees shall be prohibited from using the restroom(s) for females, and female patrons and employees shall be prohibited from using the restroom(s) for males, except to carry out duties of repair, maintenance and cleaning of the restroom facilities. The restrooms shall be free from all Sex Oriented Materials and Sex Oriented Merchandise. Restrooms shall not contain television monitors or other motion picture or video projection, recording or reproduction equipment. The foregoing provisions of this paragraph shall not be applicable to a Sex Oriented Business which deals exclusively with sale or rental of merchandise which is not used or consumed on the premises, such as a Sex Oriented Bookstore, and which does not provide restroom facilities to its patrons or the general public.

(5) The Sex Oriented Business shall not conduct any massage, acupuncture, figure modeling, tattooing, acupressure or escort services and shall not allow such activities on the premises.

(c) Any Sex Oriented Business which allows customers to remain on the premises while viewing any live, filmed or recorded entertainment, or while using or consuming the products or services supplied on the premises, shall conform to the following requirements:

(1) At least one security guard shall be on duty outside the premises, patrolling the grounds and parking areas, at all times while the business is open. The security guard(s) shall be charged with preventing violations of law and enforcing compliance by patrons with the requirements of this Chapter. Any security guard required by this subparagraph shall be uniformed in such manner so as to be readily identifiable as a security guard by the public. No security guard required pursuant to this subparagraph shall act as a door person, ticket seller, ticket taker, or admittance person while acting as a security guard hereunder.

(2) Landscaping shall conform to the standards established for the zone, except that, if the Sex Oriented Business is the sole use on a lot, no planting shall exceed 30 inches in height, except trees with foliage not less than six (6) feet above the ground.

(3) The entire exterior grounds, including the parking lot, shall be lighted sufficiently to permit the security personnel to observe activity on the grounds and within automobiles.

(4) The premises within which the Sex Oriented Business is located shall provide sufficient sound absorbing insulation so that noise generated inside said premises shall not be audible anywhere on any adjacent property or public right of way or within any other building or other separate unit within the same building.

(5) No exterior door or window on the premises shall be propped or kept open at any time while the business is open, and any exterior windows shall be covered with opaque covering at all times.

(6) Permanent barriers shall be installed and maintained to screen the interior of the premises from public view for each door used as an entrance/exit to the business.

(d) The following additional regulations shall pertain to Sex Oriented Motion Picture Arcades which provide more than one viewing Area:

(1) Upon application for a Sex Oriented Business Permit, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations, the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty two (32) square feet of floor area with no dimension greater than eight feet. The diagram shall also designate the place at which the Sex Oriented Business Permit and city business license will be conspicuously posted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram shall be oriented too the north or to some designated street or object and shall be drawn to a designated scale with marked dimensions sufficient to show the various internal dimension of all areas of the interior of the premises to an accuracy of plus or minus six (6) inches. The Chief of Police shall waive the foregoing diagram for renewal applications if the Owner adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

(2) The application shall be sworn to be true and correct by the Owner under penalty of perjury.

(3) No alteration in the configuration or location of a manager's station(s) may be made without the prior approval of the Chief of Police.

(4) It is the duty of the Owner(s) to insure that at least one (1) employee is on duty and situated at each manager's station at all times that any patron is present inside the premises.

(5) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose, excluding restrooms, from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.

(6) It shall be the duty of the Owner(s) and it shall also be the duty of all employees present on the premises to insure that the view area specified above remains unobstructed by any doors, walls, persons, merchandise, display racks or other materials at all times and to insure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to this subsection.

(7) No Individual viewing Area may be occupied by more than one person at any one time. "Individual viewing Area" shall mean a viewing area designed for occupancy by one person. Individual viewing Areas of the Sex Oriented Business shall be operated and maintained without any hole or other opening or means of direct communication or visual or physical access between the interior space of two or more Individual viewing Areas.

(8) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access with an illumination of not less than ten (10) foot candle as measured at the floor level .

(9) It shall be the duty of the Owner(s) and it shall also be the duty of all employees present on the premises to insure that the illumination described above is maintained at all times that any patron is present on the premises.

(e) The following additional requirements shall pertain to Sex Oriented Businesses providing live entertainment revealing or depicting Specified Anatomical Parts or involving Specified Sexual Activities:

(1) No person shall perform, and no owner, operator, or manager of a Sex Oriented Business shall permit, live entertainment revealing or depicting Specified Anatomical Parts for patrons of a Sex Oriented Business except where:

(a) performed upon a stage located at least eighteen (18) inches above the level of the floor; and

(b) a distance of at least six (6) feet, measured horizontally, is maintained between the nearest area occupied by patrons and the portion of the stage occupied by an entertainer, at all times during which such entertainer is revealing or depicting Specified Anatomical Parts.

(2) The Sex Oriented Business shall provide separate dressing room facilities for entertainers which are exclusively dedicated to the entertainers' use.

(3) The Sex Oriented Business shall provide an entrance/exit to the premises for entertainers which is separate from the entrance/exit used by patrons.

(4) No entertainer shall have physical contact with any patron, and no patron shall have physical contact with any entertainer, while on the premises which physical contact involves the touching of the clothed or unclothed genitals, pubic area, buttocks, cleft of the buttocks, perineum, anal region, or female breast with any part or area of such other person's body.

(5) Fixed rail(s) at least thirty (30) inches in height shall be maintained establishing the separations between entertainers and patrons required by this Section.

5.70.110 Enforcement and Revocation.

(a) The permit holder shall allow officers of the City of Huntington Beach and their authorized representatives to conduct reasonable unscheduled inspections of the premises of the Sex Oriented Business for the purpose of ensuring compliance with the law at any time the Sex Oriented Business is open for business or is occupied; provided, whenever any city official relies upon this section to gain access to the permit holder's establishment without paying any otherwise applicable admission fee or cover charge, any person employed by the permit holder to collect such admission fees or cover charges, may require such official, before admitting such official to the establishment, to produce identification indicating the official's name, branch of city government by which such official is employed, and the job title such official holds within that branch of city government.

(b) The Chief of Police shall revoke a Sex Oriented Business Permit when:

(1) Any of the applicable requirements contained in Section 5.70.100 ceases to be satisfied;

(2) The application is discovered to contain incorrect, false or misleading information;

(3) The permit holder is convicted of a felony or misdemeanor occurring upon, or relating to the premises or lot upon which the Sex Oriented Business is located which offense is classified by the state as an offense involving sexual crime against children, sexual abuse, rape, distribution of obscene material or material harmful to minors, prostitution or pandering, including, but not necessarily limited to the violation of any crime requiring registration under California Penal Code Section 290, or any violation of Penal Code Sections 243.4, 261, 261.5, 264.1, 266, 266a through 266k, inclusive, 267, 286, 286.5, 288, 288a, 311 through 311.10, inclusive, 314, 315, 316 or 647;

(4) If, on two or more occasions within a twelve (12) month period, a person or persons has (have) been convicted of a felony or misdemeanor for an offense set forth in subsection .0203 above as a result of such person's activity on the premises or property on which the Sex Oriented Business is located, and the person or persons were employees, contractors or agents of the Sex Oriented Business at the time the offenses were committed;

(5) If the permit holder or an employee has knowingly allowed prostitution, or solicitation for prostitution, on the premises; or

(6) The Sex Oriented Business has been operated in violation of any of the requirements of this Chapter and, (i) if the violation is of a continuous nature, the Business continues to be operated in violation of such provision for more than ten (10) days following the date written notice of such violation is mailed or delivered to the Owner, or (ii) if the violation is of a noncontinuous nature, two (2) or more additional violations of the same provision, or four (4) or more violations of any other of the provisions, of this Chapter occur (regardless of whether notice of each individual violation is given to Owner) within any twelve (12) month period .

(c) Upon determining that grounds for permit revocation exist, Chief of Police shall furnish written notice of the proposed revocation to the permit holder. Such notice shall summarize the principal reasons for the proposed revocation; shall state that the permit holder may request a hearing within fifteen (15) calendar days of the postmarked date on the notice; and shall be delivered both by posting the notice at the location of the Sex Oriented Business and by sending the notice by certified mail, postage prepaid, addressed to the Permit holder as that name and address appear on the Permit. Within fifteen (15) calendar days after the later of the mailing or posting of the notice, the Permit holder may file a request for hearing with the City Administrator. If the request for a hearing is filed within fifteen (15) calendar days of the mailing or posting of the notice referred to herein, the Chief of Police shall transmit the request to the City Administrator, and the hearing shall be provided as set forth in this Section.

(d) Upon receipt of a written request for a hearing, the City Administrator his or her designee shall appoint a hearing officer ("Hearing Officer") to conduct a hearing. The Hearing Officer shall conduct a hearing within forty-five (45) calendar days of the filing of such request by the permit holder. Notice of time and place of the hearing shall be given to the permit holder by

personal service or via certified mail, postage prepaid, at least fifteen (15) calendar days in advance of the date set for the public hearing. At the hearing, the permit holder and the city shall be entitled to present relevant evidence, testify under oath and call witnesses who shall testify under oath. The Hearing Officer shall not be bound by the statutory rules of evidence in the hearing, except that hearsay evidence may not be the sole basis for the determination of the Hearing Officer.

(e) Within ten (10) calendar days after the hearing, the Hearing Officer shall decide whether the grounds for revocation exist and shall submit a written report to the Chief of Police. Such written report shall contain a brief summary of the evidence considered and shall state findings, conclusions and directives to the Chief of Police regarding whether the permit is to be revoked. All such reports shall be filed with the City Clerk and shall be public records. A copy of such report shall be forwarded by certified mail, postage prepaid, to the permit holder on the day it is filed with the City Clerk. If the Hearing Officer determines that any grounds for revocation exist, as provided in this Chapter, the Chief of Police, based upon the report of the Hearing Officer or, if no hearing was requested by the permit holder, based upon the report of the city staff, shall immediately revoke the Sex Oriented Business Permit. The Decision of the Hearing Officer shall be appealable to the City Council by the filing of a written appeal with the City Clerk within fifteen (15) calendar days following the date of mailing of such decision. A timely filed appeal shall vacate the decision of the Hearing Officer. Any such appeal shall be a de novo public hearing held in the manner and within the time limitations set forth in subsections (c) through (d) of this Section. The decision of the City Council upon appeal, or the decision of the Chief of Police in the absence of a timely appeal, shall be final and conclusive.

(e) No application for a Sex Oriented Business Permit shall be accepted or processed for any person, corporation, partnership or member thereof, or any other entity for which a Sex Oriented Business Permit has been revoked within the preceding three (3) year period.

5.70.120 Existing Nonconforming Uses.

(a) Any Sex Oriented Business lawfully existing on October 21, 1996, which becomes a nonconforming use by reason of the adoption of this Chapter shall cease operation, or otherwise be brought into full compliance with the provisions this Chapter, not later than October 21, 1998 or upon six months written notice whichever is later, unless sooner terminated for any reason or voluntarily discontinued for a period of sixty (60) consecutive calendar days or more, or unless an additional extension of said amortization period is granted upon application therefor filed pursuant to this Section. No nonconforming use shall be increased, enlarged, extended or altered except that the use, or any portion thereof, may be changed to a conforming use.

(b) Any Sex Oriented Business which becomes a nonconforming use by reason of the adoption of this Chapter shall be notified in writing of its nonconforming status by the Chief of Police by certified mail or personal service. Such notice shall be given within six (6) months following the effective date of this Chapter or, upon any later discovery by the city of the

existence of a nonconforming Sex Oriented Business, within a reasonable time thereafter. Such notice shall be given to the property owner of record upon which such business is located, the Owner of the business, and the holder of the business license for such business (to the extent such parties are different and are identifiable and accessible). Such notice shall also identify the applicable amortization period as provided in this Section, and include a copy of this Section describing the process for requesting an extension of such amortization period. Failure of any person to actually receive such notice shall not effect the validity of any proceedings pursuant to this Section.

(c) Any application for an extension of the amortization period set forth in this Section must be filed by either the owner of the property upon which the business is located, the Owner of the business, or the holder of the business license for the business, not later than either (i) October 21, 1998, or (ii) within sixty calendar days following the date of receipt of the notice from the Chief of Police specified above, whichever date is later. Such application shall be made in writing to the Chief of Police, shall include all of the information required by subsection _____ below, and shall be accompanied by the required application fee as established by ordinance or resolution of the City Council. The amortization period specified by this Section shall be final and conclusive for all purposes in the absence of a timely filed extension application pursuant to this subsection.

(d) Not later than thirty (30) calendar days after submittal of an application to extend the amortization period, the Chief of Police shall notify the applicant, in writing, if the application is not complete and specify the reasons therefor. A complete application shall include: (i) a written request for an extension of the amortization period which specifies the additional length of time requested for amortization of the existing use and the justification therefor, including but not necessarily limited to information relevant to the criteria for such extension as listed in the Section below, (ii) the signature of the applicant certifying under penalty of perjury that all of the information upon or submitted with the application is true and correct to the best of his or her information and belief, and (iii) the required application fee. If the application is not complete, the Chief of Police shall specify in writing those portions which are incomplete and shall identify the manner by which it can be made complete. If a written determination is not provided to the applicant within thirty (30) calendar days after it is submitted, the application shall be deemed complete. Upon receipt of notice that the application is incomplete, the applicant shall have thirty (30) calendar days to submit a revised application or the required additional information. If the applicant fails to submit a revised application or the additional information required by the notice of insufficiency prior to the expiration of said thirty (30) day period, the application shall be deemed withdrawn and the amortization period specified in the subsection above shall be final and conclusive for all purposes. If the applicant submits a revised application or the additional required information to the Chief of Police within said time period, the Chief of Police shall again review the sufficiency of said application within the time and manner set forth in this subsection.

(e) Within thirty (30) calendar days following the receipt of a completed application, Chief of Police shall notify the City Administrator and transmit the application and file to the City Manager, who shall appoint a hearing officer ("Hearing Officer") within seven (7) calendar days of such notice and transmittal. The Hearing Officer shall within twenty (20) calendar days thereafter conduct a hearing upon such application. Notice of such hearing shall be given in writing to the owner of the property upon which the business is located, the Owner of the business, the holder of the business license for the business, and the Chief of Police. Such notice shall be given by first class mail, postage prepaid, and shall be deposited in the course of transmission with the United States Postal Service not less than ten (10) calendar days prior to the date of the hearing. Such notice shall specify the date, time, place and subject matter of the hearing.

(f) At the hearing, the Hearing Officer shall receive the evidence and testimony regarding the criteria set forth in this subsection and shall determine whether the business has been provided a reasonable amortization period commensurate with the investment involved. If the Hearing Officer determines that the amortization period specified in subsection ____ above is not reasonable, the Hearing Officer shall prescribe a reasonable amortization period commensurate with the investment in the business. The criteria to be used by the Hearing Officer in making such determination shall be as follows:

- (1) The Owner's financial investment in the business prior to the date of notice pursuant to subsection ____ above.
- (2) The present actual and depreciated value of the business improvements.
- (3) The applicable Internal Revenue Service depreciation schedules for such improvements.
- (4) The remaining useful life of the business improvements, if any.
- (5) The extent to which the business fails to comply with all applicable requirements of Chapter.
- (6) The extent, if any, to which the business has been brought into compliance with any of the applicable requirements of Chapter 5.70 since the date of adoption of this amended Chapter 5.70 and with which such business previously failed to conform, including the cost incurred for any such improvements.
- (7) The remaining term of any lease or rental agreement under which the business is operating.
- (8) The date upon which the Owner first received notice of the nonconforming status of the business.
- (9) Whether the business can be brought into conformance with all applicable requirements of Chapter without requiring to be relocated, and the cost of complying with such requirements.
- (10) Whether the business must be discontinued at the present location in order to comply with the requirements of Chapter 5.70 and, if such relocation is required: (i) the availability of relocation sites, and (ii) the cost of such relocation .
- (11) The ability of the Owner to change the business to a conforming use.

(g) Within fifteen (15) calendar days following the date of the hearing (or any extension of such hearing as approved by the applicant), the Hearing Officer shall mail by first class mail, postage prepaid, a written copy of his or her decision regarding such application to the owner of the property upon which the business is located, the Owner of the business, the holder of the business license, and to any other person who has theretofore made written request to the Hearing Officer for notice of such decision. Said decision shall include written findings in support of his or her determination to grant or deny an extension of the amortization period. Approval of any extension of the amortization period specified in this Section may be conditioned upon phased compliance with certain requirements of this Chapter by various dates. Failure to comply with any such conditions or requirements of the extension within the time limit(s) specified in the extension decision shall be deemed an automatic expiration of the amortization period without further notice, hearings or orders; provided, however, in no event shall such amortization period expire prior to the date set forth in the subsection above. The decision of the Hearing Officer shall be based upon the evidence presented at the hearing. The decision of the Hearing Officer shall be deemed final and conclusive.

(h) No Sex Oriented Business which was rendered nonconforming by the adoption of this Chapter shall continue to be operated in the city of Huntington Beach without complying with all of the provisions of this Chapter otherwise applicable to such Sex Oriented Business following expiration of the amortization period set forth in this Section or any extension thereof specifically approved for such Sex Oriented Business.

5.70.130 Regulations Nonexclusive The provisions of this article regulating Sex Oriented Businesses are not intended to be exclusive and compliance therewith shall not excuse noncompliance with any other regulations pertaining to the operation of businesses as adopted by the City Council of the City of Huntington Beach.

5.70.140 Violation-Penalty. Any person violating the provisions of this chapter shall be guilty of a MISDEMEANOR, punishable by a fine of five hundred dollars (\$500) or by imprisonment in the county jail for a period not to exceed six (6) months, or by both such fine and imprisonment.

5.70.150 Unlawful operation declared nuisance. Any Sex Oriented Business operated, conducted or maintained contrary to the provisions of this chapter shall be and the same is hereby declared to be unlawful and a public nuisance. The City Attorney may, in addition to, or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings for abatement, removal or injunction thereof, in the manner provided by law. He shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such Sex Oriented Business and restrain and enjoin any person from operating, conducting or maintaining an Sex Oriented Business contrary to the provisions of this chapter.

5.70.160 Minors and Intoxicated Persons.

(a) It shall be a misdemeanor for any person under the age of eighteen (18) years or any obviously intoxicated person to enter or remain on the premises of a Sex Oriented Business at any time. A sign giving notice of this provision shall be prominently posted at each entrance to the premises of the Sex Oriented Business.

1. Every person having responsibility for the operation of a Sex Oriented Business who, with knowledge that a person is a minor, or who fails to exercise reasonable care in ascertaining the true age of a minor, knowingly allows such minor to enter or remain on the premises of the business is guilty of a misdemeanor.

2. Every person having responsibility for the operation of a Sex Oriented Business who allows any obviously intoxicated person to enter or remain on the premises of the business is guilty of a misdemeanor.

(b) For purposes of this section, the holder of a Sex Oriented Business Permit when present on the premises, and the manager or other person(s) in charge of the premises, are persons having responsibility for the operation of the business. The term "minor" shall mean any person under the age of eighteen (18) years.

5.70.170 Employment of Persons Without Permits Unlawful

It shall be unlawful for any owner, operator, manager, or permittee in charge of or in control of a Sex Oriented Business which provides live entertainment depicting specified anatomical areas or involving specified sexual activities to allow any person to perform such entertainment who is not in possession of a valid, unrevoked Sex Oriented Business Performer Permit.

5.70.180 Severability. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this chapter or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof. The City Council hereby declares that it would have passed each Section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one (1) or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective.

SECTION 4. AMENDING HUNTINGTON BEACH MUNICIPAL CODE CHAPTER 5.44. Huntington Beach Municipal Code Chapter 5.44 is amended by adding Section 5.44.010(d) to read as follows:

(d) The issuance of a Sex Oriented Business Permit pursuant to Chapter 5.70 of this Code is applicable satisfies the entertainment requirement of this Chapter. A separate entertainment permit is not required.

SECTION 5. AMENDING HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE CODE CHAPTER 211. Huntington Beach Zoning and Subdivision Ordinance Code Chapter 211 is amended by amending the "Adult Business" Designation of the Schedule Chapter 211.04 to read as follows:

Adult Businesses (excluding massage establishments)	-	P	P	(C)
Adult Businesses (massage establishments)	-	PC	PC	(C)

SECTION 6. The City Council declares that this emergency ordinance is required for the immediate preservation of the public peace, health, or safety. Therefore, pursuant to Section 501 of the City Charter, this ordinance shall become effective immediately upon its affirmance by at least five of the members of the City Council.

SECTION 7. This ordinance shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting held thereof on the 21st day of October, 1996.

ATTEST:

Connie Beachway
City Clerk

Don Sullivan
Mayor

APPROVED AS TO FORM:

Neil Hutton
10-21-96 City Attorney

REVIEWED AND APPROVED

Matthew S. Alvarez
City Administrator

3/24/97
11/E

ORDINANCE NO. 3360

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH
AMENDING THE ZONING AND SUBDIVISION ORDINANCE
BY AMENDING CHAPTER 233 THEREOF
RELATING TO SIGNS

WHEREAS, pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate, duly noticed public hearings to consider whether or not to amend by the Huntington Beach Zoning and Subdivision Code by amending Chapter 233 thereof relating to signs; and

After due consideration of the findings and recommendations of the Planning Commission and all other evidence presented, the City Council finds that the aforesaid amendment is proper and consistent with the General Plan,

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

1. That Chapter 233 of the Huntington Beach Zoning and Subdivision Code is hereby amended to read as follows:

Chapter 233 Signs

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 Department of Community Development prior to installation.

- A. **Sign Permit.** A complete sign application shall include the following information:
1. Two sets of fully-dimensioned plans drawn to scale. The plans shall include the following:
 - 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.
 - 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.
 - c. Dimensioned building elevations with existing and proposed signs depicted.
 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.
 3. For wall signs, method of attachment; for freestanding signs, foundation plan, sign support and attachment plan.
 4. Type and method of electrical insulation devices, where applicable.
 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.
- 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:
1. A site with five or more non-residential businesses or uses.
 2. A site with two or more freestanding identification signs where there is a request for a new freestanding sign.
 3. Commercial properties with 1,300 feet or more on one street frontage requesting more freestanding signs than allowed pursuant to Section 233.06.
 4. Consolidated subdivision directional signs identifying multiple projects on multiple sign panels.
 5. Service stations.

6. Wall signs for second floor businesses with exterior access.
 7. Wall signs installed on a building wall not adjacent to the business suite.
- C. **Sign Code Exception:** The Zoning Administrator may grant a sign code exception for requests for supergraphics, three-dimensional signs, and relief from the strict application of Section 233.06. The following findings shall be made prior to approval of any sign code exception:
1. The sign is compatible with the character of the area and is needed for due to special circumstances defined by the applicant and applicable to the property.
 2. The sign will not adversely affect other signs in the area.
 3. The sign will not be detrimental to properties located in the vicinity.
 4. The sign will not obstruct vehicular or pedestrian traffic visibility and will not be a hazardous distraction.
- 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.
- 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:
1. Due to unique circumstances, the sign's immediate removal will result in a substantial hardship for the applicant.
 2. The sign will not adversely affect other lawfully erected signs in the area.
 3. The sign will not be detrimental to properties located in the vicinity.
 4. The sign will be in keeping with the character of the surrounding area.
 5. The sign will not obstruct vehicular or pedestrian traffic visibility and will not be a hazardous distraction.
- E. **Design Review Board.** When authorized by the provisions of the BZSO, the Design Review Board (DRB) shall review and act on the following items prior to application for a sign permit. Otherwise, the DRB shall review and render a recommendation to the appropriate decision maker (Zoning Administrator, Director, etc.) on the following items:
1. Planned Sign Programs.
 2. Electronic Readerboard Signs.

3. Signs on properties within the following areas:
- a. Redevelopment project areas;
 - b. Areas subject to specific plans;
 - c. Areas abutting or adjoining, or within 500 feet of PS (Public Semipublic) districts;
 - d. OS-PR (Open Space-Parks and Recreation) and OS-S (Open Space-Shoreline districts); and
 - e. Areas designated by the City Council.
- F. Temporary Sign Permit. 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:
1. Signs necessary to avoid a dangerous condition, including directional signs during construction.
 2. Signs pertaining to a use permitted by a temporary use permit.
 3. Promotional activity non-exempt signs, a maximum of 90 days per calendar year pursuant to Section 233.18.

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.

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.

A. COMMERCIAL DISTRICTS

1. FREESTANDING SIGNS ON ADAMS AVE., BEACH BLVD, BROOKHURST ST., EDINGER AVE., GOLDENWEST ST. AND WARNER AVE.

	LOT FRONTAGE	MAXIMUM NUMBER OF SIGNS	MAXIMUM SIGN HEIGHT	MAXIMUM SIGN AREA
a.	Interior lots with less than 200 feet of street frontage	One	10 ft. +5 ft. for Bonus	50 sq.ft. +25 sq.ft. for Bonus
b.	Interior lots with min. 200 feet but less than 400 feet	One	15 ft. +5 ft. for Bonus	70 sq.ft. +30 sq.ft. for Bonus
c.	Corner lots with the greatest street frontage less than 400 feet	One per street frontage	7 ft. +3 ft. for Bonus	30 sq.ft. +15 sq.ft. for Bonus
d.	Interior lots with min. 400 feet of frontage AND Corner lots with min. 400 feet on one street frontage	One primary (P) and two secondary (S) signs per street	20 ft. (P) +5 ft. for (P) Bonus 7 ft. (S)	100 sq.ft. (P) +25 sq.ft. (P) Bonus 30 sq.ft. (S)
e.	Regional Mall Identification Sign	One per street frontage	25 ft.	100 sq. ft.
		One freeway sign	25 ft. above freeway	200 sq. ft.

2. FREESTANDING SIGNS ON ALL OTHER ARTERIALS NOT LISTED ABOVE

	LOT FRONTAGE	MAXIMUM NUMBER OF SIGNS	MAXIMUM SIGN HEIGHT	MAXIMUM SIGN AREA
a.	Interior lots with less than 400 feet of street frontage	One	7 ft. +1 ft. for Bonus	50 sq.ft. +10 sq.ft. for Bonus
b.	Corner lots with the greatest street frontage less than 400 feet	One per street	7 ft. +1 ft. for Bonus	30 sq.ft. +10 sq.ft. for Bonus
c.	Interior lots with min. 400 feet of frontage AND Corner lots with min. 400 feet on one street frontage	One primary (P) and two secondary (S) signs per street	15 ft. (P) +0.5 ft. for Bonus 7 ft. (S)	70 sq.ft. (P) + 10 ft. for Bonus 30 sq.ft. (S)

- Bonus signs (B) shall have an opaque background, internal illumination for items of information only.
- Multi-tenant panels are permitted provided the panels are minimum 10 inches in height, with a minimum 6 inch letter height. They shall be restricted to one uniform background color and two colors for the sign copy, with the exception that the Center Identification may have a separate background color. Sign copies shall be limited to the company name or one generic item of information. Major tenant identification shall be encouraged by being placed on the largest panel.
- Secondary signs (S) are in addition to the Primary (P) sign. Secondary sign copy shall be limited to business identification only.
- Street addresses shall be included on all freestanding signs with minimum six (6) inch numerals.

OTHER LOCATIONAL CRITERIA FOR FREESTANDING COMMERCIAL SIGNS

- No business shall have more than one freestanding sign facing each frontage.
- Freestanding signs on the same site shall be located a minimum of 150 feet apart unless approved by a planned sign program.
- A freestanding sign shall not be permitted in an area between the building and right-of-way when that portion of the building is located at the minimum setback.
- Signs shall be located in a landscape planter a minimum of 2 feet wider than the sign itself. Square poles or other architectural treatment shall be required, except if the sign is 8 feet or less in height, it shall be of monument type, with a minimum 2 foot base. Placement shall conform with Diagram A.
- No freestanding sign shall be located along a local street.

A. COMMERCIAL DISTRICTS (CONTINUED)

2. WALL SIGNS

SITE CRITERIA	TYPE	MAXIMUM NUMBER	MAXIMUM SIGN AREA	OTHER STANDARDS
<u>Individual Business Identification</u>	wall	One per street or parking lot frontage for each separate business on the ground floor. Signs for second floor businesses with exterior access may be permitted by Planned Sign Program	1.5 sq. ft. per linear ft. of business frontage. <u>Business <50,000 sq. ft.</u> Max. total= 200 sq. ft.* <u>Business 50,000+ sq. ft.</u> No Max.* * No sign shall exceed 200 sq. ft. or 1.5 sq. ft. per linear ft. of the wall upon which it is placed. <u>Channel letter signs:</u> 15% bonus after above calculation.	<ol style="list-style-type: none"> Channel letter signs required on all sites consisting of 5 or more uses. Signs over 50 sq. ft. shall have an opaque background and internal illumination for items of information only or shall be of channel letter design. Multi-business consolidated wall signs shall be permitted provided the signs do not exceed the allowable sign area. Placement shall conform to Diagram B. One nameplate may be placed at each door, loading dock, or other entrance facing a public street; max. 6 sq. ft. Signs on projecting canopies/awnings shall be considered wall signs. Raceways shall only be permitted when unable to place electrical components within wall/parapet.
	Under canopy	One per business	8 sq. ft.	<ol style="list-style-type: none"> Canopy signs shall be attached perpendicular to the building face, centered above the store entrance or lease length. Minimum 8 ft. ground clearance. Signs shall not be illuminated.

3. CHANGEABLE COPY SIGNS

SITE CRITERIA	TYPE	MAXIMUM NUMBER	MAXIMUM SIGN AREA	MAXIMUM HEIGHT	OTHER STANDARDS
Hotel with convention facility	f/s	One per site	30% of allowable f/s area	See A.1. Freestanding Signs (a-d) above	To be combined with permitted sign.
Live entertainment	f/s	One per site	30% of allowable f/s area	See A.1. Freestanding Signs (a-d) above	To be combined with permitted sign.
Tenant Directory	f/s	One per site	30 sq. ft.	7 ft.	Low intensity illumination, oriented toward pedestrians and motorists on site. Min. 30 ft. from exterior property lines, and 25 ft. from other freestanding signs.
Menu Board	f/s or wall	One per drive-thru lane	10 sq. ft.	7 ft.	May be in addition to permitted sign.
<u>Electronic Readerboards</u> (See Sections 233.12 and 233.14 for specifications)					

B. INDUSTRIAL DISTRICTS

1. FREESTANDING SIGNS

SITE CRITERIA	MAXIMUM NUMBER	MAXIMUM SIGN AREA	MAXIMUM SIGN HEIGHT	OTHER STANDARDS
<u>Industrial/Mixed Uses</u>	One business identification sign per site	Under 1 acre: 32 sq. ft Industrial centers over 1 acre: 50 sq. ft.	7 ft.	<ol style="list-style-type: none"> 1. Sign copy shall be limited to center or single business identification only. No multi-tenant panels shall be permitted. 2. Freestanding signs shall conform to Diagram A, and shall be located in a landscaped planter a minimum of 2 feet wider than the sign itself. 3. All freestanding signs shall have the street address included on the sign. 4. Signs shall be monument type. 5. Internally illuminated signs shall be designed as bonus signs.
<u>Mixed Use businesses with frontages on Gothard Street</u>	One per street frontage	Under 1 acre: 32 sq. ft Industrial centers over 1 acre: 50 sq. ft.	10 ft.	<ol style="list-style-type: none"> 1. Multi-tenant panels are permitted provided the panels are minimum 10 inches in height with minimum 6 inch high letters. They shall be restricted to one uniform background color and two colors for the sign copy, with the exception that the Center Identification may have a separate background color. Sign copies shall be limited to the company name or one generic item of information. 2. Major tenant identification shall be encouraged by being placed on the largest panel. 3. Signs eight (8) feet or less shall be monument type. 4. Internally illuminated signs shall be designed as bonus signs.

2. WALL SIGNS

SITE CRITERIA	MAXIMUM NUMBER	MAXIMUM SIGN AREA	MAXIMUM SIGN HEIGHT	OTHER STANDARDS
<u>All Industrial/Mixed Uses</u>	One per street or parking lot frontage for each separate business.	1 sq. ft. per linear ft. of building frontage. Channel letter signs receive a 10% bonus after the above calculation. Max. 100 sq. ft. per business for all wall signs.	Below roofline	<ol style="list-style-type: none"> 1. One nameplate may be placed at each door, loading dock, or other entrance facing a public street; max. 6 sq. ft. 2. Internally illuminated signs shall be designed as bonus signs. 3. Raceways shall only be permitted when unable to place electrical components within wall/parapet.

C. RESIDENTIAL

SITE CRITERIA	TYPE	MAXIMUM NUMBER	MAXIMUM SIGN AREA	MAXIMUM SIGN HEIGHT	OTHER STANDARDS
<u>Neighborhood Identification</u>	f/s	1 per street entrance	1 sq. ft. per unit, max. 50 sq. ft.	6 ft.	1. Signs shall be affixed to perimeter wall or placed within a landscaped planter. 2. Sign copy shall be limited to 18 inches in height, name of development only. 3. Freestanding signs shall be setback 20 feet from any interior property line. Placement shall conform to Diagram A.
	OR wall	One on each side of each street entrance	0.5 sq. ft. per unit, max. 25 sq. ft.		
<u>Vacancy Signs for multi-family developments</u>	wall	One per street frontage	6 sq. ft.	Below roofline	1. Copy limited to "vacancy," type of unit available, and source of information.

D. CHURCHES, AND SCHOOLS, AND COMMERCIAL RECREATIONAL USES WITHIN PUBLIC PARKS

SITE CRITERIA	TYPE	MAXIMUM NUMBER	MAXIMUM SIGN AREA	MAXIMUM SIGN HEIGHT	OTHER STANDARDS
<u>Identification</u>	f/s	One per site	32 sq. ft.	7 ft.	1. Freestanding signs shall be completely located within a landscaped planter. 2. Signs shall be monument type. 3. Freestanding signs shall be setback 5 ft. from any interior property line. 4. All freestanding signs shall have the address included on the sign. 5. Raceways shall only be permitted when unable to place electrical components within wall/parapet.
	AND wall	One per site	1 sq. ft. per linear ft. of bldg. frontage Max. 32 sq. ft.	Below roofline	
<u>Changeable Copy</u>	f/s	One per site	30% of allowable f/s area	7 ft.	To be combined with permitted sign.
	wall	One per site	10 sq. ft.		May be in addition to permitted sign.

E. SERVICE STATIONS

SITE CRITERIA	TYPE	MAXIMUM NUMBER	MAXIMUM SIGN AREA	MAXIMUM SIGN HEIGHT	OTHER STANDARDS
Business Identification	f/s	One per site	Alternative A: 20 sq. ft. if sign contains only identification and no changeable copy panels for pricing. OR Alternative B: 50 sq. ft. if price information is incorporated on sign. Sign shall contain panels for fuel price only. No detached price signs shall be located elsewhere on the site.	7 ft.	<ol style="list-style-type: none"> 1. Service Stations with convenience markets shall use Alternative A. 2. Freestanding signs shall be located in a landscaped planter a minimum of 2 feet wider than the sign itself. 3. Signs shall be monument type. 4. All freestanding signs shall have the address included on the sign.
	wall and/or canopy	one per street frontage one per street frontage	1 sq. ft. per linear foot of building frontage 10 sq. ft.	Below roofline	<ol style="list-style-type: none"> 1. Internal illumination or channel letters only. 2. If canopy fascia signs are used for business ID, no wall signs shall be permitted on bldg. 3. Max. letter height for fascia signs shall be 75% of fascia width. 4. If canopy fascia signs are not provided, a logo may be permitted on each side of canopy column connector (spandrel) in addition to wall signs.
Fuel Price and Credit information	f/s	One per street frontage in conjunction with Alternative A sign. Price signs shall be located a minimum 15 ft. from other freestanding signs.	12 sq. ft.	6 ft.	<ol style="list-style-type: none"> 1. Price signs shall advertise fuel prices only and no other product available. 2. Freestanding signs shall be completely located within a landscaped planter.
Pump Instructions or Identification	Attached to pump island column	One per canopy column.	2 sq. ft.	10 ft.	<ol style="list-style-type: none"> 1. No other signs shall be permitted on the canopy or column except as specified. 2. Point of purchase signs shall be prohibited. 3. State or Federal government required signs encompassed within a fuel pump shall not be regulated by this ordinance.

F. PERMITTED IN ALL DISTRICTS

SITE CRITERIA	TYPE	MAXIMUM NUMBER	MAXIMUM SIGN AREA	MAXIMUM SIGN HEIGHT	OTHER STANDARDS
Building identification for buildings over 100 ft. in height	wall	One per building frontage	3 sq. ft. per foot of Bldg. Height	Shall be placed within top 25 ft. of bldg.	<ol style="list-style-type: none"> Such sign shall be in addition to that which is permitted elsewhere in this article. Raceways shall only be permitted when unable to place electrical components within wall/parapet.
Promotional Activity Signs (See Section 233.18 for specifications)					
Real Estate					
-Residential Districts		One per site	8 sq. ft.	6 ft.	<ol style="list-style-type: none"> Real estate signs shall be removed immediately after sale or lease, which shall be defined as the close of escrow. Signs shall not be attached to the perimeter walls of residential communities or create any hazards for traffic or pedestrians.
-Commercial Office Districts	f/s	One per site	20 sq. ft.	10 ft.	
-Commercial/Industrial Districts	OR wall	One per site	30 sq. ft.	12 ft.	
-Miscellaneous/ All other Districts		One per site	20 sq. ft.	10 ft.	
Open House Signs and Real Estate Flags	f/s	One Sign Three flags per site	6 sq. ft. 2.5 sq. ft.	4 ft. 6 ft.	<ol style="list-style-type: none"> Open house signs and flags may be displayed only during daylight hours and when the property is available for inspection. Open house signs may only be placed at the immediate points of access to a residential subdivision from an arterial. Placement shall be in the parkway only and not in street medians or dividers.

233.08 Exempt Signs

Signs exempt from the sign permit requirements of this chapter include:

- A. Corner stones, including names of buildings, dates of erection, and citations that are made an integral part of the structure.
- B. Credit card, trading stamp, or trade association signs not exceeding 0.5 square feet each.
- C. Governmental flags of any governmental agency not used for commercial promotional purposes.
- D. Neighborhood Watch signs.
- E. Notices posted by a utility or other quasi-public agent in the performance of a public duty or by any person giving due legal notice.
- F. Official notices of any court, public body or officer.
- G. Oil operations signs consistent with Title 15 of the Municipal Code.
- H. One construction sign per street frontage with a maximum sign area of 32 square feet located on a construction site during the course of construction. Removal is required prior to issuance of a certificate of occupancy or final inspection, whichever comes first.
- I. One name plate, not over six (6) square feet in area, displaying the name and/or profession of the occupant of the building and/or the address, may be placed at each door, loading dock, or other entrance facing a public street.
- J. On-premise parking and other directional signs, not exceeding one double-faced sign per entrance, not exceeding two (2) square feet in area and four (4) feet in height. Such signs shall not include business identification, product, or logo.
- K. Open house signs, not to exceed six (6) square feet and four (4) feet in height, may be displayed adjacent to the entrance of a property for sale or rent during daylight hours when the property is open for inspection.
- L. Pennants corresponding to a City sponsored event or theme. The pennants shall be on light standards located on private property, a maximum of 30 square feet per pennant, with a minimum eight (8) foot clearance from the ground. Written text shall be restricted to the name and dates of the event. Pennants shall be removed within five (5) working days upon the completion of the event.
- M. Political campaign signs which do not pose a traffic or safety hazard, are not erected more than 75 days prior to or remain more than 15 days after an election, and have been granted permission of the property owner for display. Political signs shall be prohibited in street medians and dividers.
- N. Promotional Activity Signs for Vehicle Sales Dealerships provided they comply with the provisions set forth in Section 233.18 G.

- O. Public transit seating signs and public information, directional, and warning signs erected by a public agency.
- P. Real estate signs provided they comply with the provisions set forth in Section 233.06 F.
- Q. Signs manufactured as a standard, integral part of a mass-produced product accessory to a commercial or public or semi-public use, including telephone booths, vending machines, automated teller machines, and gasoline pumps.
- R. Signs within a building not visible from a public street and window signs not exceeding 20 percent of the visible area of a window (50% during December). No window sign shall be displayed above the second story.
- S. Signs required by the Americans with Disabilities Act (ADA).
- T. Street address numerals.
- U. No-trespassing signs posted a minimum of 100 feet apart.

233.10 Prohibited Signs

- A. Canvas signs, banners, pennants, streamers, balloons or other temporary signs except as provided in Sections 233.08 (Exempt Signs), 233.16 (Subdivision Directional Signs) or 233.18 (Promotional Activity Signs).
- B. Mobile, A-frame, and portable signs and those of a similar nature which are not permanently attached to the ground or building except as provided in Sections 233.18 or 233.20.
- C. Roof signs.
- 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.
- E. Signs which produce odor, sound, smoke, fire or other such emissions.
- 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.
- G. Animals or human beings, live or simulated, utilized as signs.
- H. Projecting signs, except canopy or awning signs and under-canopy signs, subject to subsections 233.06(A) and 233.06(E).
- I. Signs which constitute a nuisance or hazard due to their intensity of light.
- J. Signs visible from and within 100 feet of an R district which are illuminated between the hours of 10 PM and 7 AM unless they identify an establishment open for business during those hours.

- 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.
- 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.
- 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.
- 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.

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.

- A. Required Findings: Prior to approving a conditional use permit to allow an electronic readerboard sign, the Planning Commission shall make the following findings:
 1. The proposed electronic readerboard sign conforms with the standards and criteria as set forth in this chapter;
 2. The proposed electronic readerboard sign is compatible with other signs on the site and in the vicinity;
 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
 4. The proposed electronic readerboard sign shall not have adverse visual impacts on adjoining commercial and/or residential neighborhoods.

B. Readerboard Sign Criteria:

1. Electronic readerboards may be freestanding or wall type signs.
2. The maximum number of electronic readerboards shall be one per site.
3. The maximum sign area shall be 115 square feet; 90 square feet for message center; and 25 square feet for other information.
4. The maximum height of a freestanding electronic readerboard sign shall be 25 feet.
5. The electronic readerboard shall have cylinders, a shade screen and a photocell for reducing the intensity of lighting at night.
6. The maximum measurable light output of the electronic readerboard shall not exceed 50 foot-candles at any property line.

C. Location Requirements:

1. Electronic readerboards shall only be allowed ~~only~~ 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.
2. Minimum lot frontage: 200 feet.
3. Minimum distance between electronic readerboards: 150 feet.
4. Minimum distance to any residence: 150 feet.

D. Other Standards:

1. Where a site has an electronic readerboard, temporary banners, balloons, flags, etc., shall be permitted a maximum of 15 days per calendar year.
2. Hours of operation: 6:30 a.m. to 10:30 p.m. 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.
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.
4. Light intensity changes (other than between day and night uses) are not permitted.
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.

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. Approval of electronic readerboard signs shall be subject to the following:

- 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:
 - 1. The proposed electronic readerboard sign conforms with the standards and criteria as set forth in the Huntington Beach Zoning and Subdivision Ordinance;
 - 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.

- B. **Multiple User Readerboard Sign Criteria:**
 - 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.
 - 2. Multiple user electronic readerboard shall be freestanding.
 - 3. The maximum sign area shall be twelve hundred (1200) square feet.
 - 4. The maximum height of a multiple user readerboard sign shall be eighty-five (85) feet.
 - 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.

- C. **Lighting Standards:**
 - 1. The maximum night time light intensity and illuminance shall conform to the following:

MAXIMUM NIGHT TIME INTENSITY

Height from Ground (in feet)	5	10	20	30	50	70	85
Maximum Intensity (x 1000 lumens)	125,	130,	145,	170,	250,	370,	490,

MAXIMUM NIGHT TIME ILLUMINANCE

Land Use at Receptor Site	Residential	Commercial	Other
Maximum Illuminance (foot-candles)	0.3	2.0	1.0

The maximum night time illuminance shall be measured at the receptor site, at ground level, by a direct reading, portable light meter. Measurements shall not be made within one hour after sunset or before sunrise.

2. Illuminance shall be determined by the difference between a reading taken with the sign on and another reading taken within three (3) minutes with the sign off.
3. An illuminance chart shall be prepared by a licensed engineer and submitted to the Director for approval prior to installation. Conformance with this ordinance shall be verified by actual measurements made, as specified herein, after installation. The method of measurement and results shall be subject to approval of the Director.

D. Location Requirements:

1. A multiple user reader board shall be located no farther than two hundred (200) feet from a freeway.
2. The minimum distance between multiple user reader boards shall be one thousand (1,000) feet.
3. The sign shall be a minimum distance of 600 feet from residential properties.

E. Other Standards:

1. No off site electronic reader board will be permitted except for multiple users.
2. At least twenty (20%) of the message time, or any percentage deemed necessary by the City for emergency conditions shall be used for public service announcements.
3. Messages in a multiple user sign shall be no faster than one message every four (4) seconds and the minimum interval between messages shall be at least one second.
4. Light intensity changes (other than between day and night uses) are not permitted.

233.16 Subdivision Directional Signs.

Subdivision directional signs, shall contain only the name of a development, the developer, price information, and directional information for land development projects located within the City. No land development project shall be permitted more than six off-site subdivision directional signs, and approval for such signs shall be subject to the following standards:

A. Location requirements:

1. Signs shall not be located within any public right-of-way or on any property developed with residential uses other than that of the subdivision identified.
2. Signs located on the same side of the street shall be a minimum of 600 feet from any other subdivision directional sign except a sign may be permitted on each corner of the intersection of arterial highways.
3. Maximum area and height:
 - a. 64 square feet in area and 15 feet high provided there is a minimum 50 foot distance from any adjacent developed property.
 - b. 32 square feet in area and 8 feet high provided there is a minimum 25 foot distance from any adjacent developed property.

B. Permit expiration: Permits issued for subdivision directional signs shall expire either one year from the date of issuance or on the date 90 percent of the project's units have all been sold, leased, or rented for the first time, whichever is sooner. Annual renewals may be granted for such time as units still exist for sale; however, no more than one directional sign is allowed after 90 percent of the units are sold, leased or rented.

C. Street widening: When a sign conflicts with street widening or construction, it shall be removed upon written notice at no cost to any public agency.

D. Required bond: Prior to the issuance of a building permit, the applicant shall file a cash bond in an amount set by resolution of the City Council. The full bond amount shall be refunded if the sign structure is removed and the site restored to its original condition within 15 days after the expiration of the permit. If the sign structure is not removed, the City shall remove the sign and its supporting structure with the cost deducted from the cash bond, and any remainder refunded.

233.18 Promotional Activity Signs

- A. Promotional activity signs may be placed on a site subject to the approval of the Director, provided that temporary signs comply with this section, and do not create safety hazards or block signs identifying adjoining establishments.
- B. A temporary sign permit for promotional activity banners, pennant or pennants, unless otherwise specified, shall be valid for a maximum of ninety (90) days in any calendar year and shall not be renewable.
- C. A promotional activity banner or banners shall not exceed one square foot of banner area for each linear foot of building frontage and in no case shall the total banner area

- exceed 100 square feet. Pennants shall be limited to a maximum of one square foot for each pennant.
- D. A temporary sign permit for grand opening promotional activities shall be allowed for ninety (90) days, and the permit is not renewable. A promotional activity banner, as permitted above, shall not be affected by the issuance of a grand opening sign permit during the same calendar year. The size of a grand opening banner shall not exceed the size specified in Section 233.18 C.
 - E. Promotional signs shall not be in a condition of disrepair. Disrepair shall include torn, faded or sagging signs.
 - F. Sites with electronic readerboards shall be permitted to have promotional activity signs displayed a maximum of fifteen (15) days per calendar year.
 - G. Vehicle sales businesses on Beach Boulevard shall be exempt from these limitations on promotional activity signs provided they comply with the following:
 - 1. Eighteen inch (18") non-metallic helium balloons and large non-metallic inflatables may be displayed on the weekends (Friday 9:00 AM through Sunday 12:00 Midnight), provided they do not project over the public right-of-way.
 - 2. Automobile dealerships on Beach Boulevard shall be permitted to display flags, pennants, banners and car-top signs throughout the year.
 - H. Vehicle sales businesses on Beach Boulevard shall obtain a temporary sign permit the use of large displays and inflatables larger than eighteen inches (18") in diameter. The displays and inflatables shall be affixed directly to the ground or roof of a building; the displays and inflatables shall not be elevated up in the air. The displays and inflatables shall be limited to a maximum of twelve (12) weekends per calendar year.

233.20 Planned Sign Program

A planned sign program shall be submitted to the Director when required by Section 233.04 B. Such program shall be reviewed by the Design Review Board and approved by the Director prior to issuance of any permit for signs. The purpose of the planned sign program is to encourage coordinated and quality sign design as well as to permit more flexible sign standards for commercial and industrial centers.

The standards of Section 233.06 shall be used as a guide in the design of a planned sign program. The property owner shall designate a person or firm as the primary liaison with the City for the purpose of submitting sign permit requests in conformance with the approved planned sign program.

- A. Planned sign program applications shall be submitted to the Planning Division and shall include the following:
 - 1. A site plan, drawn to scale, depicting the precise locations of all buildings and signs;

2. Drawings and/or sketches indicating the exterior surface details of all buildings on the site on which wall signs, directory signs, or projecting signs are proposed;
 3. Written text describing the specific sign criteria for the property. The program shall, at minimum, include provisions regulating sign height, area, sign type, colors, design and location.
 4. A statement of the reasons for any requested modifications to the provisions or standards of this chapter; and
 5. The name, address, and telephone number of the person or firm responsible for administering the planned sign program.
- B. A planned sign program may include more than one freestanding sign per parcel or other deviations from the standards of this chapter, provided that the total sign area does not exceed the area otherwise permitted by Section 233.06 by more than 10 percent, or by 30% for multiple automobile franchises occupying the same lot, and commercial businesses with 50,000 square feet or more of floor area. In approving a planned sign program, the Director shall find:
1. That the proposed signs are compatible with the style or character of existing improvements on the site and are well-related to each other, reflecting a common theme and design style.
- C. The Director may require any reasonable conditions necessary to carry out the intent of the planned sign program. For developments with existing signs, a schedule or phasing plan for bringing such signs into conformance with the planned sign program shall be submitted and become part of the approval. A cash bond may be required to guarantee their modification or removal.

233.22

Miscellaneous Signs and Provisions

- A. Signs within the Downtown Specific Plan or any other specific plan area shall comply with any additional requirements outlined within the plan itself and any applicable design guidelines.
- B. Non-commercial murals, non-commercial large graphic designs, and statuary shall be subject to review by the Director for the sole purpose of ensuring that such displays will not pose a hazard to public health, safety or welfare.
- C. No window or contiguous window panes shall be covered by paper or painting signs which exceed 20 percent of the total area of that window at any time.
Exception: Windows may be covered up to 50% during the month of December.

233.24 Nonconforming Signs

- A. Continuation of Use. Any nonconforming on-site sign may be maintained after the effective date of the ordinance codified in this title, provided that the nonconforming sign is not:
1. Changed to another nonconforming sign; or
 2. Structurally altered so as to extend its useful life; or
 3. Expanded or altered as defined in Section 233.28, except that a change of sign panel/face may be permitted provided the items of information on the sign (i.e. business name) remain the same; or
 4. Reestablished after discontinuance for ninety (90) days or more; or
 5. Reestablished after damage or destruction of more than fifty percent (50%) of the sign value at the time of such damage or destruction.
- B. Signs replaced or requested to be modified at the owner's initiative shall comply with all current provisions of this chapter unless granted a sign code exception, limited sign permit or planned sign program.

233.26 Code Compliance

Signs shall be subject to the provisions of this chapter, the Uniform Building Code and National Electric Code, as adopted by the City.

Penalty. No person, firm, corporation or other legal entity shall maintain, place, erect, or permit any sign to be displayed in violation of this chapter. Violations are a misdemeanor and are punishable as provided in Chapter 249 Enforcement of the Huntington Beach Zoning and Subdivision Ordinance.

233.28 Definitions

The following definitions shall apply to the provisions in this Chapter. General definitions are contained in Chapter 203.

- A. Abandoned Sign: a sign which no longer directs, advertises or identifies a legal business establishment, product or activity on the premises where such sign is displayed.
- B. Alteration: any change of copy, sign face, color, size, shape, illumination, position, location, construction, or supporting structure of any sign.
- C. Animated Sign: any sign which is designed to give a message through a sequence of progressive changes of parts or lights or degree of lighting.

D. Area of Sign:

1. The area included within the outer dimensions of a sign (excluding structural supports).
2. For freestanding signs, sign area shall be calculated on one (1) face of the sign, provided a sign face on a double-sided sign is not separated from the opposite side of the sign by more than 12 inches at any point.
3. For illuminated awning or canopy signs, sign area shall be calculated around the sign copy only.
4. For signs without a border or frame (channel or skeleton letters), the area shall be within a rectangle or eight (8) continuous straight lines (with right angles) formed around the extreme outer limits of the sign message, including all figures and any background or color which is an integral part of the sign.

SIGN AREA

SIGN
AREA

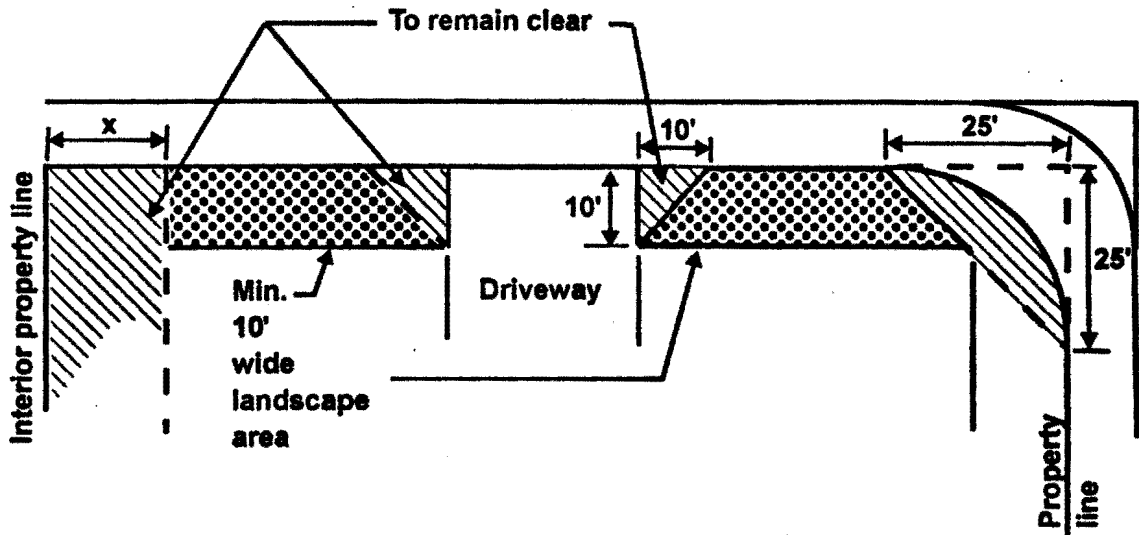
- E. Awning: a shelter supported entirely from the exterior wall of a building and composed of non-rigid materials except for the supporting framework.
- F. Awning Sign: a sign painted on, printed on, or attached flat against the surface of an awning.
- G. Banner Sign: a temporary sign composed of fabric or flexible material with no enclosing frame.
- H. Bonus Sign: an internally illuminated freestanding sign designed with opaque sign faces/panels, and illumination for items of information only.
- I. Business Identification Sign: a sign which serves to identify only the name and address of the premises, business, building or portion of building upon which it is located and includes no other advertising such as product lists, phone numbers and hours of operation. Logos may also be permitted.
- I. Building Frontage: the linear extent of a building or business which has frontage on either a street or parking area. Only one side of the building facing the street or parking area shall be used to determine the maximum sign area.
- J. Canopy: a permanent roof-like structure which extends along and projects beyond the wall of a building, or is freestanding as common in service stations, and is generally designed and constructed to provide protection from the weather.
- K. Changeable Copy Sign: a sign or portion thereof with characters, letters or illustrations that can be changed manually or electrically without altering the face or surface of the sign.

- L. **Channel letters**: individual letters or figures, illuminated or non-illuminated, affixed to a building or freestanding sign structure.
- M. **Construction Sign**: a temporary sign identifying the persons, firms or businesses directly connected with a construction or development project and may include the name of the future site occupant.
- N. **Directional Sign**: an on-premise incidental sign designed to guide or direct pedestrian or vehicular traffic.
- O. **Electronic Readerboard**: a changeable message sign consisting of a matrix of lamps which are computer controlled.
- P. **Exposed Neon**: neon tubing used for lighting in signs and other building identification such as raceways and accent lighting.
- Q. **Exposed Raceway**: visible tube or box behind a wall sign used to house electrical wiring for the wall sign.
- R. **Flashing Sign**: an illuminated sign which contains an intermittent or sequential flashing light source or any other such means to attract attention. This definition is not intended to include "changeable copy signs" or "animated signs."
- S. **Freestanding Sign**: a sign permanently attached to the ground and which does not have a building as its primary structural support. This includes ground signs, pole signs and monument signs.
- T. **Grand Opening**: a promotional activity not exceeding ninety (90) calendar days used by newly established businesses to inform the public of their location and services.
- U. **Ground Sign**: see Freestanding Sign.
- V. **Illegal Sign**: a sign which was erected without the benefit of a permit, that does not meet the requirements of this ordinance, or has not received legal nonconforming status.
- W. **Incidental Sign**: a small sign pertaining to goods, products, services or facilities which are available on the premises where the sign occurs and intended primarily for the convenience of the public.
- X. **Indirect Illumination**: a light cast on the surface of a sign from an exterior source.
- Y. **Industrial Center**: any site containing three (3) or more industrial activities.
- Z. **Integrated Development**: a development or site comprised of one or more parcels served by common access ways, driveways, parking and landscaping.
- AA. **Interior illumination**: any sign face which is artificially lit from the inside.
- BB. **Item of information**: each word, design, symbol, or figure.

- CC. Limited Sign Permit: City approved entitlement allowing the initial modification and maintenance of a nonconforming sign for up to a two (2) year period.
- DD. Logo: a trademark or company name symbol.
- EE. Marquee: see Canopy.
- FF. Mansard: a sloped roof or roof-like facade.
- GG. Monument Sign: a freestanding sign with a solid base.
- HH. Moving Sign: any sign or device which has any visible moving part, visible revolving part, or visible mechanical movement.
- II. Name Plate Sign: an attached sign which designates the names and/or address of a business, and/or the words "entrance" or "exit."
- JJ. Nonconforming Sign: a sign which was erected legally but ~~which~~ does not comply with current sign provisions.
- KK. Off-Site Sign: any sign which advertises goods, products, services or facilities not sold, produced, manufactured or furnished on the premises on which the sign is located. These signs are also known as outdoor advertising, billboards, and poster panels.
- LL. On-Site Sign: a sign which pertains to the use(s) of the site on which it is located.
- MM. Open House Sign: a sign which identifies a building for sale or lease which is open and available for inspection, and sets forth no other advertisement.
- NN. Planned Sign Program: City approved entitlement which incorporates coordinated and quality sign design elements.
- OO. Point of Purchase Display: advertising of a retail item accompanying its display e.g., an advertisement on a product dispenser.
- PP. Pole sign: see Freestanding Sign.
- QQ. Political Sign: a sign identifying either a candidate for public office or an issue relating to a forthcoming election.
- RR. Portable Sign: any sign not permanently attached to the ground or a building.
- SS. Projecting sign: a sign which is attached to and projects from the wall of the building more than 18 inches and which has its display surface perpendicular to such wall, to the structure to which it is attached.
- TT. Promotional Activity Sign: a temporary sign used to advertise a short term special activity or sale, i.e., grand opening, under new ownership, fall sale, etc.

- UU.) **Public Access Signage:** signage that directs the general public to the coast or and/or public amenities available for general public use.
- VV. **Public Service Information Sign:** any sign intended primarily to promote items of general interest to the community such as time, temperature, date, atmospheric conditions, news or traffic control, etc.
- WW. **Real Estate Sign:** any temporary sign indicating that the premises on which the sign is located is for sale, lease or rent.
- XX. **Roof Sign:** an attached sign constructed upon or over a roof, or placed so as to extend above the visible roofline; or a freestanding sign which is greater in height than the building it serves to identify.
- YY. **Rotating Sign:** any sign or portion thereof which physically revolves about an axis.
- ZZ. **Sign:** any medium for visual communication, including its structure and component parts, which is used or intended to be used to attract attention.
- AAA. **Sign Height:** measurement from the adjacent sidewalk or curb to the highest portion of the sign, including architectural elements.
- BBB. **Sign Code Exception:** City approved entitlement granting a deviation to the specifications set forth in this chapter.
- CCC. **Sign Copy:** any words, letters, numbers, figures, designs or other symbolic representation incorporated into a sign for the purpose of attracting attention.
- DDD. **Site:** one or more parcels of land identified by the assessor's records where an integrated building development has been approved or proposed. The site shall include all parcels of land contained within or a part of the development application.
- EEE. **Site Frontage:** the length of a lot or parcel of land along or fronting on a street.
- FFF. **Special Events Sign:** a temporary sign advertising or pertaining to any civic, patriotic, or special event of a general public interest taking place within the city.
- GGG. **Subdivision Directional Sign:** a sign providing direction to a land development project pursuant to this chapter.
- HHH. **Supergraphic:** a painted design which covers an area greater than ten percent of a wall, building facade, or other structure.
- III. **Temporary Sign:** a sign which is installed for a limited time and is not constructed or intended for long-term use.
- JJJ. **Temporary Window Sign:** a sign painted or constructed of paper or other lightweight material and affixed to the interior or exterior side of a window or glass area on a building for a limited time.

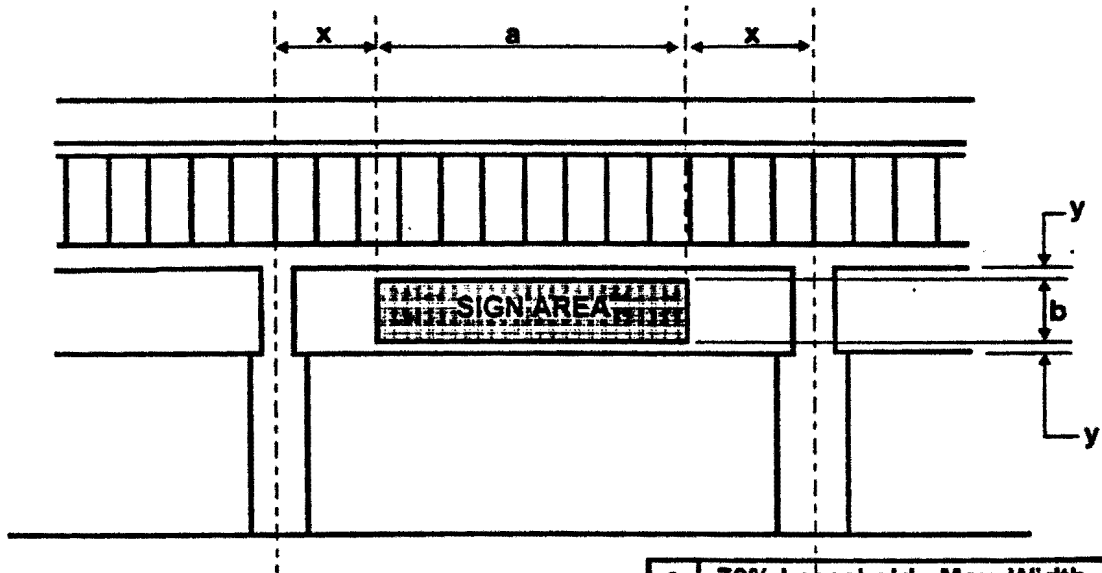
- KKK. Wall Sign: any sign which is attached or erected on the exterior, posted, or painted or suspended from or otherwise affixed to a wall of a building including the parapet, with the display surface of the sign parallel to the building wall, and which does not project more than eighteen (18) inches from the building, or project above the height of the wall or parapet.
- LLL. Window Sign: a sign in which the name, address, phone number, or hours of operation are applied directly to the window of a business, or a sign visible through the window from the street.



Sign Type		Setback
x	Pole	40'
	Monument	Subject to Director review

G:\D\DRAW\233-DIAA.BMP

DIAGRAM A



a	70% Leasehold - Max. Width
b	75% Fascia - Max. Height
x	Equal Dimensions
y	Equal Dimensions

G:\D\DRAW\233-DIAB.BMP

DIAGRAM B

2. That 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 17th day of November, 1997.

Robert H. Raven
Mayor

ATTEST:

Connie Brockway
City Clerk

APPROVED AS TO FORM:

Paul Hutton
City Attorney
11/11/97

REVIEWED AND APPROVED:

Michael J. Villaverde
City Administrator

INITIATED AND APPROVED:

Melvin A. Free
Director of Community Development

Attachment

Legislative Draft

Ordinance 2-98B
Adopted 11/15/97

ORDINANCE NO. 3378

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTERS 204, 211, 212, 231 AND 236 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE CHANGING THE ZONING DESIGNATION FOR SEX ORIENTED BUSINESSES (ZTA NO. 97-4)

WHEREAS, pursuant to the State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate public hearings relative to Zoning Text Amendment No. 97-4 wherein both bodies have carefully considered all information presented at said hearings, and after due consideration of the findings and recommendations of the Planning Commission and all evidence presented to said City Council, the City Council finds that such zoning text amendments are proper, and consistent with the General Plan.

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

SECTION 1. That Huntington Beach Zoning and Subdivision Ordinance, Chapter 204, Use Classifications, is hereby amended by deleting Adult Businesses as a use classification and adding "Sex Oriented Business," as contained in Exhibit "A" attached hereto.

SECTION 2. That the Huntington Beach Zoning & Subdivision Ordinance, Chapter 211, Commercial Districts, is hereby amended by deleting Adult Businesses from the commercial zone, as contained in Exhibit "B" attached hereto.

SECTION 3. That Huntington Beach Zoning & Subdivision Ordinance, Chapter 212, Industrial Districts, is hereby amended by adding Sex Oriented Businesses as permitted uses in the industrial zone, as contained in Exhibit "C" attached hereto.

SECTION 4. That Huntington Beach Zoning & Subdivision Ordinance Chapter 231, Off-Street Parking and Loading Provisions, is hereby amended by deleting parking requirements for "Adult Businesses" and adding parking requirements for "Sex Oriented Businesses, as contained in Exhibit "D" attached hereto.

SECTION 5. That Huntington Beach Zoning & Subdivision Ordinance Chapter 236, Non-conforming Uses and Structures, is hereby amended by adding "Sex Oriented Businesses," as contained in Exhibit "E" attached hereto.

SECTION 6. That after careful consideration of the locational criteria for sex oriented businesses, those parcels which are in substantial compliance with the locational criteria as of the effective date of this ordinance have been designated as available sites on the map attached hereto as Exhibit "F." Further, Claremont School closed on or about September 15, 1997. The map further identifies those parcels which will become available sites if the School remains closed through September 15, 1998 and the Conditional Use Permit for Claremont School expires.

SECTION 7. This ordinance shall take effect 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 January, 1998.

ATTEST:

Lonnie Brochway
City Clerk

J. S. Dutton
Mayor

REVIEWED AND APPROVED:

Dave Silver
City Administrator

APPROVED AS TO FORM:

Gail Hunter
City Attorney
11-4-97

5-1-97
11-4-97

INITIATED AND APPROVED:

Melanie A. Green
Director of Community Development

- Exhibits:
- A: Chapter 204, Use Classifications
 - B: Chapter 211, Commercial Districts
 - C: Chapter 212, Industrial Districts
 - D: Chapter 231, Off-Street Parking and Loading Provisions
 - E: Chapter 236, Non-conforming Uses and Structures
 - F: Map of Available Industrial SOB Sites

Chapter 204 Use Classifications

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)

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)

204.06 Residential Use Classifications

- A. Day Care, Limited (or Small-Family). Non-medical care and supervision of six or fewer persons on a less than 24-hour basis. This classification includes nursery schools, preschools, and day-care centers for children and adults.
- 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.

- C. Multifamily Residential. Two or more dwelling units on a site. This classification includes manufactured homes.
- 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.
- 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.
- F. Single-Family Residential. Buildings containing one dwelling unit located on a single lot. This classification includes manufactured homes.

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.
- 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.
- 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.
 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.
 3. Emergency Kitchens. Establishments offering food for the "homeless" and others in need.
 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.
 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.

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.
- 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.
- 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.
- F. Day Care, Large-Family. Provision of non-medical care for 7 to 12 children on a less than 24-hour basis.
- 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.
- H. Emergency Health Care. Facilities providing emergency medical service with no provision for continuing care on an inpatient basis.
- I. Government Offices. Administrative, clerical, or public contact offices of a government agency, including postal facilities, together with incidental storage and maintenance of vehicles.
- J. Heliports. Pads and facilities enabling takeoffs and landings by helicopter.
- 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.
- 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.
- M. Marinas. A boat basin with docks, mooring facilities, supplies and equipment for small boats.
- N. Park and Recreation Facilities. Noncommercial parks, playgrounds, recreation facilities, and open spaces.

- O. Public Safety Facilities. Facilities for public safety and emergency services, including police and fire protection.
- P. Religious Assembly. Facilities for religious worship and incidental religious education, but not including private schools as defined in this section.
- Q. Schools, Public or Private. Educational institutions having a curriculum comparable to that required in the public schools of the State of California.
- 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.
- 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.

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.
- 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.
 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.
 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.
 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.
 5. Equestrian Centers. Establishments offering facilities for instruction in horseback riding, including rings, stables, and exercise areas.

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.
- 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.
- 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.
1. With Drive-up Service. Institutions providing services accessible to persons who remain in their automobiles.
- 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.
- 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.)
- 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)
- 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.
1. Limited. Indoor movie theaters, game centers and performing arts theaters and health/fitness clubs occupying less than 2,500 square feet.
- 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; and telegraph offices; and cellular telephone facilities.

- J. Eating and Drinking Establishments. Businesses serving prepared food or beverages for consumption on or off the premises.
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.
 - a. Drive-through. Service from a building to persons in vehicles through an outdoor service window.
 - b. Limited. Establishments that do not serve persons in vehicles or at a table.
 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.
- 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.
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.
- L. Food Processing. Establishments primarily engaged in the manufacturing or processing of food or beverages for human consumption and wholesale distribution.
- 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.
- N. Horticulture. The raising of fruits, vegetables, flowers, trees, and shrubs as a commercial enterprise.
- 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.
- P. Maintenance and Repair Services. Establishments providing appliance repair, office machine repair, or building maintenance services. This

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

- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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).
- 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.

- 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.
- 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.
- 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.
- CC. Tattoo Establishment. Premises used for the business of marking or coloring the skin with tattoos as regulated by Chapter 8.70.
- DD. Travel Services. Establishments providing travel information and reservations to individuals and businesses. This classification excludes car rental agencies.
- EE. Vehicle/Equipment Sales and Services.
1. Automobile Rentals. Rental of automobiles, including storage and incidental maintenance, but excluding maintenance requiring pneumatic lifts.
 2. Automobile Washing. Washing, waxing, or cleaning of automobiles or similar light vehicles.
 3. Commercial Parking Facility. Lots offering short-term or long-term parking to the public for a fee.
 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.
 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.
 - 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.

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.
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.

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.
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)

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.

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.
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.
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 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)

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.
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.
- 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.
- 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.
- 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.

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.

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.

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.

- 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.

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.

204.16 Temporary Use Classifications

- A. Animal Shows. Exhibitions of domestic or large animals for a maximum of seven days.
- B. 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.
- 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)
- 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.
- E. Real Estate Sales. An office for the marketing, sales, or rental of residential, commercial, or industrial development. This classification includes "model homes."

- 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.
- G. Seasonal Sales. Retail sales of seasonal products, including Christmas trees, Halloween pumpkins and strawberries.
- H. Street Fairs. Provision of games, eating and drinking facilities, live entertainment, or similar activities not requiring the use of roofed structures.
- 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.
- J. Temporary Event. Those temporary activities located within the coastal zone that do not qualify for an exemption pursuant to Section 245.08. (3334)

Chapter 211 C Commercial Districts

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)

- 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)

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.

"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)	(3334)		
Group Residential	PC	PC	PC		(3334)		
Multifamily Residential	-	-	PC		(3334)		
Public and Semipublic				(A)(J)(Q)(R)(V)	(3334)		
Cemetery	-	-	-				
Clubs and Lodges	ZA	ZA	-		(3334)		
Community and Human Services							
Drug Abuse Centers	-	PC	-				
Primary Health Care	L-2	L-2	-				
Emergency Kitchens	-	L-2	-				
Emergency Shelters	-	L-2	-				
Residential Alcohol Recovery, General	-	PC	-				
Residential Care, General	PC	PC	-				
Convalescent Facilities	PC	PC	-				
Cultural Institutions	PC	PC	PC				
Day Care, General	L-2	L-2	-				
Day Care, Large-Family	L-2	L-2	-				
Emergency Health Care	L-2	L-2	-		(3334)		
Government Offices	P	P	PC		(3334)		
Heliports	PC	PC	PC	(B)			
Hospitals	PC	PC	-		(3334)		
Park & Recreation Facilities	L-9	L-9	L-9				
Public Safety Facilities	PC	PC	PC				
Religious Assembly	PC	PC	-				
Schools, Public or Private	PC	PC	-				
Utilities, Major	PC	PC	PC				
Utilities, Minor	P	P	P	(L)			

	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) (3341-10/98)
Ambulance Services	-	ZA	-	
Animal Sales & Services				
Animal Boarding	-	PC	-	
Animal Grooming	-	P	-	
Animal Hospitals	-	PC	-	
Animals: Retail Sales	-	P	-	
Equestrian Centers	-	PC	-	(S)
Pet Cemetery	-	PC	-	
Artists' Studios	P	P	P	
Banks and Savings & Loans	P	P	P	
With Drive-Up Service	ZA	ZA	ZA	
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	P	P	P	
Eating and Drinking Estab.	L-4	L-4	L-4	(N)
w/Fast-Food or Take-Out Service	ZA	ZA	ZA	
Drive Through	-	L-4	L-4	
w/Live Entertainment/Dancing	PC	PC	PC	(H)
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)
Pawn Shops	-	ZA	-	
Personal Enrichment Services	L-2	L-2	-	
Personal Services	P	P	P	
Research & Development Services	L-1	ZA	-	
Retail Sales	-	P	P	(U)(V) (3285-8/95, 3334)
Secondhand Appliances/Clothing	-	P	-	

	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
Tattoo Establishments	-	PC	-	
Automobile Washing	-	L-7	-	
Commercial Parking	-	PC	PC	(P)
Service Stations	-	PC	PC	(E)
Vehicle Equip. Repair	-	L-5	-	
Vehicle Equip. Sales & Rentals	-	PC	-	
Vehicle Storage	-	-	-	
Visitor Accommodations				
Bed & Breakfast Inns	PC	PC	PC	(K)
Hotels, Motels	-	PC	PC	(I) (3334)
Quasi Residential				(3334)
Time Shares	-	PC	PC	(I)(J) (3334)
Residential Hotel	-	PC	PC	(J)
Single Room Occupancy	-	PC	PC	(J)(O)
Industrial				(J)(Q)(R)(V) (3334)
Industry, Custom	-	L-6	L-6	
Accessory Uses				(J)(V) (3334)
Accessory Uses & Structures	P/U	P/U	P/U	
Temporary Uses				(F)(J)(V) (3334)
Animal Shows	-	TU	-	
Circus and Carnivals	-	TU	-	
Commercial Filming, Limited	-	P	P	(M)
Real Estate Sales	ZA	ZA	ZA	
Retail Sales, Outdoor	-	P	P	(M)
Seasonal Sales	P	P	P	(M)
Trade Fairs	-	TU	-	
Nonconforming Uses				(G)(J)(V) (3334)

CO, CG, and CV Districts: Additional Provisions

- L-1 Permitted if the space is 2,500 square feet or less; allowed with a conditional use permit from the Zoning Administrator if the laboratory space exceeds 2,500 square feet.
- L-2 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-3 Repealed (3334)
- L-4 Permitted with a maximum seating capacity of 12; allowed with a conditional use permit from the Zoning Administrator if seating capacity exceeds 12.
- L-5 Only "limited" facilities are allowed subject to approval of a conditional use permit from the Planning Commission, 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 allowed with a conditional use permit from the Zoning Administrator and maximum 7 persons may be employed full time in processing or treating retail products, limited to those sold on the premises.
- L-7 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.
- L-9 Public facilities permitted, but a conditional use permit from the Zoning Administrator is required for commercial facilities.
 - (A) Limited to facilities on sites 2 acres or less.
 - (B) See Section 230.40: Helicopter Takeoff and Landing Areas.
 - (C) Repealed.
 - (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. (3341-10/98)
- (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 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)
- (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 carried on in conjunction with the sale of gasoline or other motor vehicle fuel.
 - (2) Restaurants, bars, and liquor stores that are located 300 feet or more from any R or PS district, school, church, or public use.
 - (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 initial construction of a building for permitted use requires approval of a conditional use permit from the Zoning Administrator.
- (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 (*Note: Not certified by the California Coastal Commission; however, these provisions are in effect and will be enforced by the City Council of Huntington Beach.*) (3248-8/95, 3334)
- (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.

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.

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

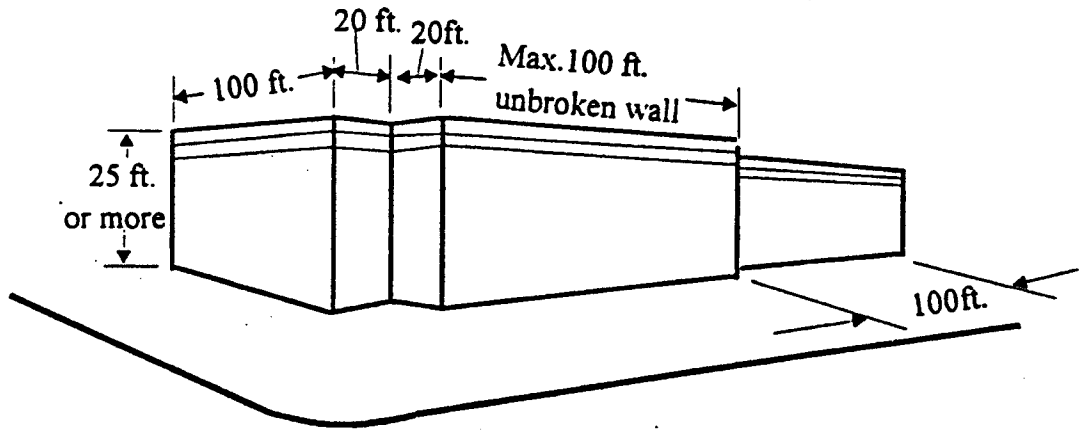
	CO	CG	CV	Additional Requirements
Residential Development				(A)(B)
Nonresidential Development				(B)
Minimum Lot Area (sq. ft.)	10,000	10,000	10,000	(C)
Minimum Lot Width (ft.)	100	100	100	
Minimum Setbacks				
Front (ft.)	10	10	-	(D)(E)(O)
Side (ft.)	5	-	-	(F)
Street Side (ft.)	10	10	-	(E)
Rear (ft.)	5	-	-	(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		
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

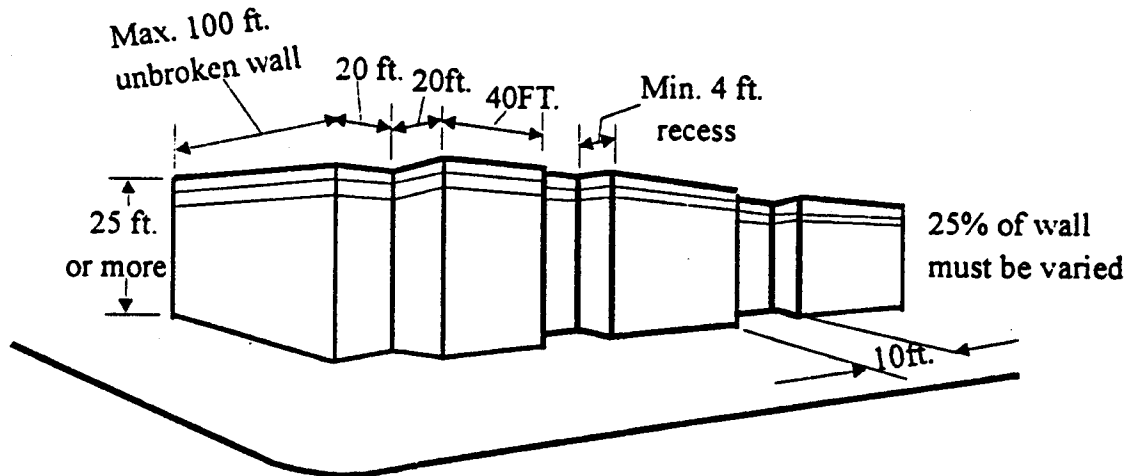
- (A) Dwelling units shall be subject to the standards for minimum setbacks, height limits, maximum density, open space, balconies and bay windows, and parking for the RMH District. The setback standards shall apply only to the stories of a building that are intended for residential use.
- (B) See Section 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.
- (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)



Single Horizontal Offsets: 20ft.



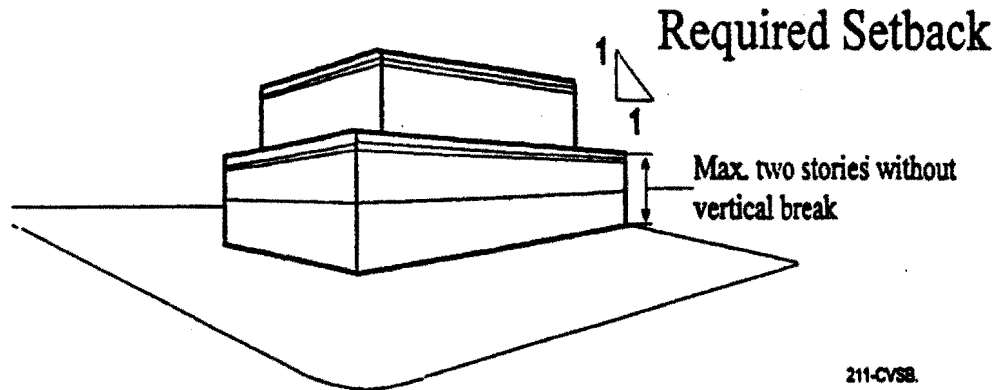
Variable Offsets: 20 ft and 4 ft

211-OFFS

MAXIMUM WALL LENGTH AND REQUIRED BREAK

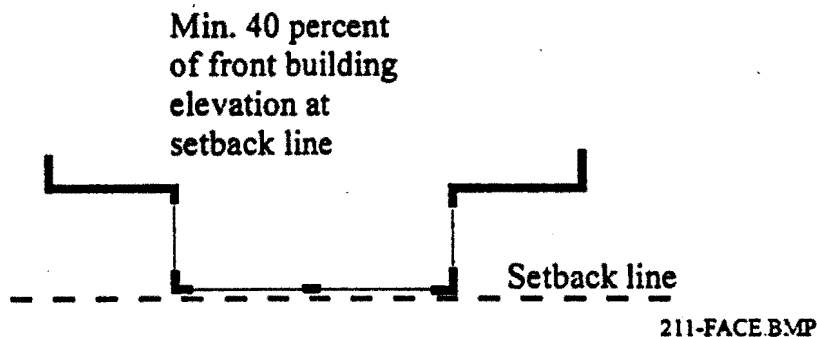
- (O) Two building design standards are established to make commercial areas more attractive and provide a unified streetscape:
 - (1) In the CV District a 10-foot minimum upper-story setback is required above the second story.

(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 Community Development Department for review. Discretionary review shall be required as follows:

- 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.

Chapter 212 I Industrial Districts

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

Two (2) industrial zoning districts are established by this chapter as follows:

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

212.04 IG and IL Districts: Land Use Controls

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

"P" designates use classifications permitted in the I 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.

"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.

"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 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.

IG AND IL DISTRICTS:	P - Permitted
LAND USE	L - Limited (see <u>Additional Provisions</u>)
	PC - Conditional use permit approved by Planning Commission
CONTROLS	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	PC	PC	
Heliports Maintenance & Service Facilities	PC	PC	(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	-	PC	
Animal Hospitals	-	PC	
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	P	P	
Eating & Drinking Establishments	L-3	L-3	
Food & Beverage Sales	PC	PC	
Hospitals and Medical Clinics	-	PC	
Laboratories		P	P
Maintenance & Repair Services	P	P	
Marine Sales and Services	P	P	
Nurseries	P	P	
Offices, Business & Professional	L-1	L-1	(H)

IG AND IL	P - Permitted
DISTRICTS:	L - Limited (see <u>Additional Provisions</u>)
LAND USE	PC - Conditional use permit approved by Planning Commission
CONTROLS	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	
Personal Services	L-1	L-1	
Research & Development Services	P	P	
Sex Oriented Businesses (regulated by HBMC Chapter 5.70)	L-11	L-11	
Sex Oriented Businesses (regulated by HBMC Chapters 5.24 and 5.60)	PC	PC	(R)
Swap Meets, Indoor/Flea Markets	PC	PC	(Q)
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	PC	PC	(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			
Real Estate Sales	P	P	
Trade Fairs	TU	TU	(E)
Nonconforming Uses			(F)

IG AND IL Districts: Additional Provisions

- 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:
- Minimum site area: 3 acres
- 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.
- 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.
- 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.
- L-3** Allowed upon approval of a conditional use permit by the Planning Commission 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.
- 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.
- L-5** No new or used automobile, truck or motorcycle retail sales are permitted.
- 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.
- 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.
- 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.
- L-9** Allowed by conditional use permit approval by the Zoning Administrator if the space is 2,500 square feet or less; allowed by conditional use permit approval by the Planning Commission if the space is over 2,500 square feet.
- L-10** Allowed by conditional use permit approval by the Zoning Administrator as a secondary use; allowed by conditional use permit approval by the Planning Commission as a primary use for a period of time not to exceed five (5) years.

L-11 Allowed subject to the following requirements:

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.

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:

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
2. the lot line of any building used for religious assembly, school, or park & recreational facility within five hundred (500') feet of the lot line of the proposed sex oriented business; and
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 hundred feet (500') of the lot line of the proposed sex oriented business.

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.

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 Huntington Beach Zoning and Subdivision Ordinance. Said standards include but are not limited to the following:

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.

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

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.

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.

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.

The notice of application shall include the following:

1. Name of applicant;
2. Location of proposed sex oriented business, including street address if known) and/or lot and tract number;
3. Nature of the sex oriented business, including maximum height and square footage of the proposed development;
4. The City Hall telephone number for the Department of Community Development to call for viewing plans;

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
 6. The address of the Department of Community Development.
- F. A sex oriented business may not apply for a variance pursuant to Chapter 241 nor a special sign permit pursuant to Chapter 233.
- G. A sex oriented business zoning permit shall become null and void one year after its date of approval unless:
1. Construction has commenced or a Certificate of Occupancy has been issued, whichever comes first; or
 2. The use is established.
- 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.
- I. A sex oriented business zoning permit shall lapse if the exercise of rights granted by it is discontinued for 12 consecutive months.

IG AND IL Districts: Additional Provisions (continued)

- (A) Limited to facilities on sites of 2 acres or less.
- (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.
- (C) Accessory office uses incidental to a primary industrial use are limited to 10 percent of the floor area of the primary industrial use.
- (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.
- (E) See Section 241.22: Temporary Use Permits.
- (F) See Chapter 236: Nonconforming Uses and Structures.
- (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.

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.

- (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:
 - (a) The site shall not be located within 660 feet of an R district.
 - (b) All special metal cutting and compacting equipment shall be completely screened from view.
 - (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.
 - (d) Items stacked in the storage yard shall not exceed the height of the screening walls or be visible from adjacent public streets.
- (J) Limited to facilities serving workers employed on-site.

IG AND IL Districts: Additional Provisions - (continued)

- (K) See Section 230-46: Single Room Occupancy.
- (L) Limited to Emergency Shelters.
- (M) New construction and initial establishment of a permitted use shall be subject to the approval of a conditional use permit by the Zoning Administrator unless Planning Commission approval is required. Change of use shall be subject to the approval of the Director unless the new use requires approval of a conditional use permit.
- (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.
- (O) See Section 230.40: Helicopter Takeoff and Landing Areas.
- (P) See Section 230.44: Recycling Operations.
- (Q) See Section 230.50: Indoor Swap Meets/Flea Markets
- (R) See L-11(A) relating to locational restrictions.

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.

			Additional Requirements
	IG	IL	IL
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.)	-	15	(E)(F)
Street Side (ft.)	10	10	

Rear (ft.)	-	-	(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		
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		

(rest of page not used)

IG AND IL Districts: Additional Development Standards

- (A) See Section 230.62: Building Site Required and Section 230.64: Development on Substandard Lots.
- (B) Smaller lot dimensions for new parcels may be permitted by the Zoning Administrator with an approved development plan and tentative subdivision map.
- (C) See Section 230.68: Building Projections into Yards and Required Open Space. Double-frontage lots shall provide front yards on each frontage.
- (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.

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.

- (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.
- (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.

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.

- (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.
- (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.
- (I) See Chapter 232: Landscape Improvements.
- (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.
- (K) See Section 230.80: Antennae.

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.
- (M) Group residential or accessory residential uses shall be subject to standards for minimum setbacks and height of the RH District.
-

212.08 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 as follows:

- 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.
- B. **Design Review Board.** Projects within redevelopment project areas and areas within 500 feet of a PS district; see Chapter 244.
- C. **Planning Commission.** Projects requiring a conditional use permit from the Commission.
- D. **Projects in the Coastal Zone.** A Coastal Development Permit is required unless the project is exempt; see Chapter 245.

Chapter 231 Off-Street Parking and Loading Provisions

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.
- 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:
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;

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
 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.
- 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.
- 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.
- 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.
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.
 - (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.

- (b) Commercial oversized vehicles (see Definitions Chapter 203) or special purpose machines shall be prohibited in any yard area.
2. Parking in Yards in C or I Districts. Required yards may be used for required parking, subject to the landscaping standards of Chapter 232.
 3. Access. When a lot abuts an arterial highway and a local street, access to on-site parking shall be from the local street. When a lot abuts an alley, then access to parking shall be provided from the alley unless the Planning Commission approves a different access. When a lot abuts two arterial highways or two local streets, access shall be subject to the approval of the Director of Public Works.
 4. Non-residential Parking in R Districts. Non-residential parking serving adjacent commercial or industrial uses shall not be located in any R zoned property.
- F. Computation of Spaces Required. If, in the application of the requirements of this chapter, a fractional number is obtained, one additional parking space or loading space shall be required.
- G. Other Requirements
1. Any off-street parking or loading facility which is permitted but not required shall comply with all provisions of this chapter governing location, design, improvement and operation.
 2. Any motor vehicle incapable of movement by its own power and/or not licensed to operate on California streets shall be stored either in an enclosed building or entirely screened from view.

231.04 Off-Street Parking and Loading Spaces Required

- A. Non-residential uses shall provide one loading space (minimum fourteen [14] feet in width, twenty [20] feet in length, and fourteen [14] feet in height) for each 20,000 square feet, or fraction thereof, of gross floor area; however, a maximum of three (3) such spaces are required for buildings exceeding 60,000 square feet. No loading space is required for non-residential uses with less than 20,000 square feet of gross floor area.
- B. Off-street parking spaces shall be provided in accord with the following schedule. References to spaces per square foot are to be computed on the basis of gross floor area, unless otherwise specified.

Where the use is undetermined, the approving body shall determine the probable use and the number of parking and loading spaces required. In order to make this determination, the Director may require the submission of survey data prepared by a state-registered traffic engineer for the applicant or collected at the applicant's expense. Parking spaces over and above the minimum number specified in this section may be required by the body responsible for reviewing the use itself based on the intensity of the use.

OFF-STREET PARKING SPACES REQUIRED: SCHEDULE A

Use Classification	Spaces
Residential	
Single-family Dwellings	
<u>New construction</u>	
0-4 bedrooms	2 enclosed and 2 open
5 or more bedrooms	3 enclosed per unit and 3 open per unit
<u>Existing Dwellings</u>	
0-4 bedrooms	2 enclosed and 2 open ¹
5 or more bedrooms	2 enclosed per unit and 3 open per unit ¹
<u>In the RMH-A district</u>	
2 enclosed spaces per unit with up to three bedrooms, and 1 space for each additional bedroom; 1 additional space per dwelling where no on-street parking is allowed	
Multi-family Dwellings	
Studio/one bedroom	1 enclosed space per unit
2 bedrooms	2 spaces (1 enclosed) per unit
3 or more bedrooms	2.5 spaces (1 enclosed) per unit
Guests	0.5 space per unit

¹Open spaces may be behind any required spaces and/or on a street adjacent to the property. On-street parking may not be reserved for residents and/or guests but must be available to the general public on a first-come, first-serve basis.

(Rest of page not used)

OFF-STREET PARKING SPACES REQUIRED: SCHEDULE A

Use Classification	Off-Street Parking Spaces
Senior	
Studio/one bedroom	1 covered space per unit
Two bedrooms	1.5 spaces per unit (1 covered)
Manufactured Homes	2 spaces per unit; one covered, and one may be behind the first
Guest	1 per 3 manufactured homes
Rooming House	1 space per guest room plus 1 space per owner/manager plus 1 space per each 10 guest rooms
Residential Care, Limited	1 per 3 beds
Public and Semi-public	
Clubs and Lodges	1 per 35 sq. ft. used for assembly purposes of 1 per 3 fixed seats (18 inches = one seat), whichever is greater
Cultural Facilities	1 per 300 sq. ft. gross floor area
Day Care, General	1 per staff member plus one per classroom
Government Offices	1 per 250 sq. ft. gross floor area
Heliports	As specified by use permit
Hospitals	1 per 1.5 beds
Maintenance and Service Facilities	1 per 500 sq. ft.
Park and Recreation Facilities	As specified by conditional use permit for private facilities
Public Safety Facilities	As specified by the conditional use permit
Religious Assembly	1 per 35 sq. ft. of public assembly area, or 1 per 3 fixed seats (18 inches = 1 seat), whichever is greater
Residential Care, General	1 per 3 beds; plus additional spaces, as specified by conditional use permit
Schools, Public or Private Preschools, nursery day care	1 per staff member, plus one per classroom
Elementary, junior high High school/college	1.5 per classroom 7 per classroom

OFF-STREET PARKING SPACES REQUIRED: SCHEDULE A (continued)

Use Classification	Off-Street Parking Spaces
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	1 per 200 sq. ft.
Animal grooming	1 per 200 sq. ft.
Animal hospitals	1 per 200 sq. ft.
Animal, retail sales	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	3 per lane, plus 1 per 250 sq. ft. of public assembly and retail areas
Electronic Game Centers	1 per 200 sq. ft.
Health Clubs	1 per 200 sq. ft.
Stables	1 per 3 corrals plus 1 horse trailer space for each 10 corrals plus 2 for caretaker's unit
Tennis/Racquetball	3 per court
Theaters	1 per 3 fixed seats, or 1 per 35 sq. ft. seating area if there are no fixed seats
Other Commercial Recreation and Entertainment	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	1 per 200 sq. ft.
with more than 12 seats	1 per 60 sq. ft. or 1 per 100 sq. ft. when on a site with 3 or more uses

OFF-STREET PARKING SPACES REQUIRED: SCHEDULE A (continued)

Use Classification	Off-Street Parking Spaces
with dancing with drive through service	Plus 1 per 50 sq. ft. of dancing area 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
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	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
Encounter center	1 per 35 sq. ft. of instruction area
Escort bureau	1 per 250 sq. ft.
Hotel/Motel	1.1 per guest room; plus 1 per passenger transport vehicle (minimum of 2 stalls) and 2 spaces for any manager's unit and parking for other uses as required by this schedule
Mini-motion picture theater, motion picture theater or motion picture arcade	1 per 3 fixed seats, or 1 per 35 sq. ft. seating area if there are no fixed seats
Retail sales	1 per 200 sq. ft.
Swap Meets, Indoor/Flea Markets	1/100 sq. ft. except as may be modified by the Planning Commission through the conditional use permit process, after submittal, review and approval of a traffic engineering study

(Rest of page not used)

OFF-STREET PARKING SPACES REQUIRED: SCHEDULE A

(continued)

Use Classification	Off-Street Parking Spaces
Vehicle/Equipment Sales and Services	
Automobile Rentals	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 1/300 sq. ft. office area; 1/200 sq. ft. auto service area
Automobile Washing (Car Wash)	
Full-service	10
With fuel sales	12
Self-service (unattended)	1.5 per wash stall
Service Stations	
full-serve/repair garage	1 per 500 sq. ft. but no less than 5
self-serve	2
with convenience	1 per 200 sq. ft. of retail space but no less than 8
markets	
with self-serve car wash	4
with self-serve car wash and convenience	10
market	
Vehicle/Equipment Repair	1 per 200 sq. ft. but no less than 5
Vehicle/Equipment Sales and Rentals	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; 1 per 200 sq. ft. auto service area
Vehicle Storage	1 per 5,000 sq. ft. lot area; no less than 5
Visitor Accommodations:	
Bed and Breakfast	1 per guest room plus 1 guest and 1 manager/owner space
Hotels, Motels	1.1 per guest room; plus 1 per passenger transport vehicle (minimum of 2 stalls) and 2 spaces for any manager's unit and parking for other uses as required by this schedule
Single Room Occupancy, Residential Hotels	0.5 per unit if project is within 2,000 feet of public bus stop; 1.0 per unit if project is not within 2,000 feet of public bus stop; plus 1.0 per each resident staff member and 0.5 per all remaining personnel
Warehouse and Sales Outlets	1 per 200 sq. ft.
Industrial	

Speculative buildings	1 per 500 sq. ft. (maximum 10% office area)
Manufacturing, research assembly, packaging	1 per 500 sq. ft.
Wholesaling, warehousing and distributing space	1 per 1,000 sq. ft.

(Rest of page not used)

OFF-STREET PARKING SPACES REQUIRED: SCHEDULE A

(continued)

Use Classification	Off-Street Parking Spaces
Offices	1 per 250 sq. ft. if office area exceeds 10 percent of gross floor area
Outside uses: Storage, wrecking/ salvage and lumber yards	1 per 5,000 square feet of lot area, but no less than 5
Mini-storage facilities Single-story Each additional story	1 per 5,000 square feet 1 per 2,000 square feet plus 2 spaces for any caretaker's unit

231.06 Joint Use Parking

In the event that two (2) or more uses occupy the same building, lot or parcel of land, the total requirement for off-street parking shall be the sum of each individual use computed separately except as provided in this section.

The Planning Commission or Zoning Administrator may grant a reduction in the total number of required spaces as part of the entitlement for the use or uses, or by conditional use permit when no other entitlement is required, when the applicant can demonstrate that the various uses have divergent needs in terms of daytime versus nighttime hours or weekday versus weekend hours. Such joint use approvals shall be subject to the following:

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
2. There shall be no conflict in the operating hours based on parking space requirements for the different uses on the parcel; and
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.

231.08 Reduced Parking for Certain Uses

- A. The Planning Commission may approve a conditional use permit reducing the number of spaces to less than the number specified in the schedule in Section 231.04, provided that the following findings are made:
1. The parking demand will be less than the requirement in Schedule A; and
 2. The probable long-term occupancy of the building or structure, based on its design, will not generate additional parking demand; and

3. A Transportation Demand Management plan which exceeds the minimum required by Section 230.36 has been approved by the Director.

B. In reaching a decision, the Planning Commission shall consider survey data prepared by a state-registered traffic engineer that is submitted by an applicant or collected at the applicant's request and expense.

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.

231.12 Parking Spaces for the Handicapped

New and existing parking facilities shall comply with the State Handicapped Regulations as mandated in State law.

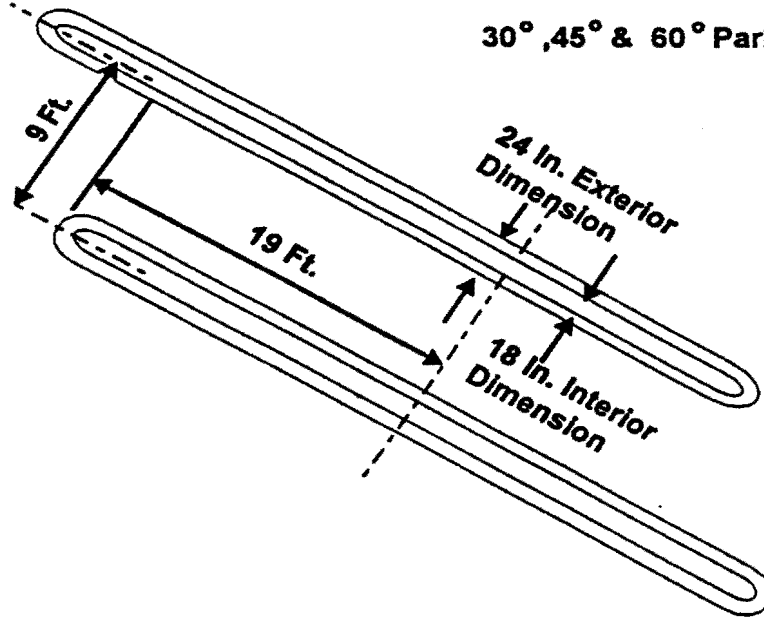
231.14 Parking Space Dimensions

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.

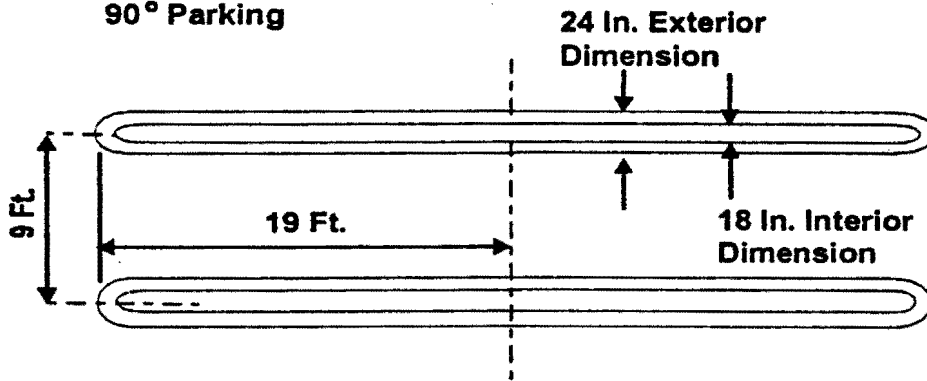
Angle of Parking	Stall Width	Stall Depth	Aisle Width ¹	
			1-way	2-way
0° (Parallel)	9	19 (with 8 ft. Striped maneuvering area between every 2 spaces)	12	20
30°	9	19	14	20
45°	9	19	15	20
60°	9	19	20	20
90°	9	19	26	26
Residential	9	19	25	25
<u>Compact</u>	8	17	subject to Section 231.20	

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

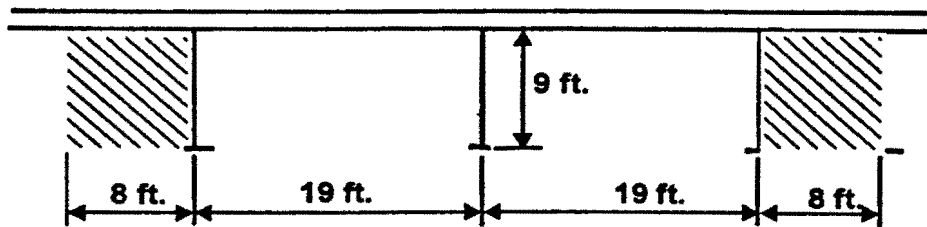
30°, 45° & 60° Parking



90° Parking



Parallel Parking



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STRIPING REQUIREMENTS DIAGRAM A

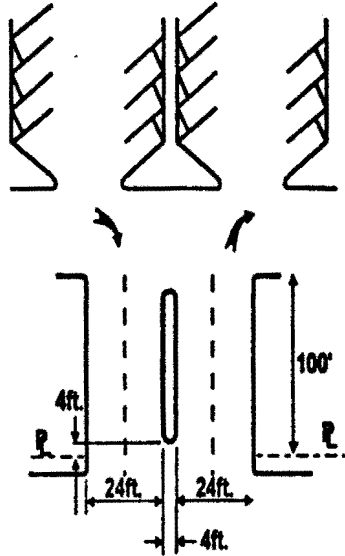
231.16 Application of Dimensional Requirements

- A. Relation to Walls and Posts/Columns. A parking space on a site with more than five (5) parking spaces and which is adjacent to a wall over twelve (12) inches in height shall be increased in width by three (3) feet. Post/columns may be permitted along the side of each space only within three (3) feet of the head and foot of each stall.
- B. Vertical Clearance. Vertical clearance for parking spaces shall be 7 feet, except that an entrance may be 6.67 feet. When handicapped parking is provided, vertical clearance shall comply with California Code of Regulations (Title 24, Part 2, Chapter 2-71).
- For residential uses, non-structural improvements including wall-mounted shelves, storage surface racks, or cabinets may encroach into the vertical clearance, provided a minimum 4.5 feet vertical clearance is maintained above the finished floor of the garage within the front 5 feet of a parking space.
- C. Wheel Stops. All spaces shall have wheel stops 2.5 feet from a fence, wall, building or walkway.
- D. Parking Space Dimension Reduction. When a parking space abuts a landscape planter, the front 2 feet of the required 19 foot length for a parking space may overhang the planter as provided in Chapter 232.

231.18 Design Standards

- A. Public Works Requirements. Drive entrances on arterial highways shall be located in a manner to coordinate with future median openings and in accord with Department of Public Works standards. The paved surface of driveways and drive entrances shall comply with Department of Public Works specifications. Parking facilities shall be prepared, graded, and paved to ensure that all surface waters will drain into a public street, alley, storm drain, or other drainage system approved by the Department of Public Works. Aisle ways without adjacent parking shall be a minimum 24 feet in width.
- B. Circulation Design. All off-street parking spaces shall have access to a public street or alley, and shall have internal circulation, safe entrances and exits, drives, and aisles in conformance with City standards. Every required parking space shall have unobstructed access from an aisle without moving another vehicle. All parking spaces, except residential garages and carports for single-family dwellings and duplexes, shall have forward travel to and from parking facilities when access is to a dedicated street. Traffic circulation shall be designed so that no vehicle need enter a public street in order to progress from one aisle to any other aisle within the same development.

Commercial centers which have 200 parking spaces or more shall have at least one main entrance designed as depicted in Diagram B.

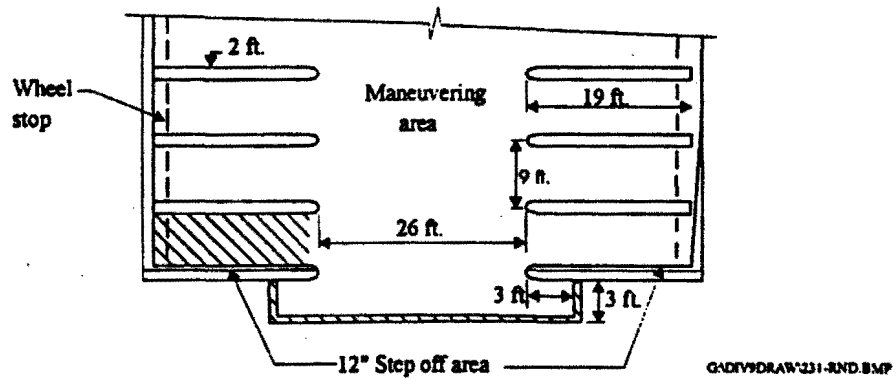


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**COMMERCIAL CENTER MAIN ENTRANCE
FOR PARKING LOTS WITH OVER 200 SPACES**

DIAGRAM B

A minimum 3-foot-by-3-foot-wide maneuvering area shall be provided at the end of dead-end parking aisles less than 150 feet in length. A vehicle turnaround space shall be provided at the end of all dead-end parking aisles which exceed 150 feet in length (measured from the closest intersecting aisle with complete circulation). The maneuvering area and turnaround space shall be designed as depicted in Diagram C. Other turnaround arrangements providing the same maneuverability are subject to approval by the Director.



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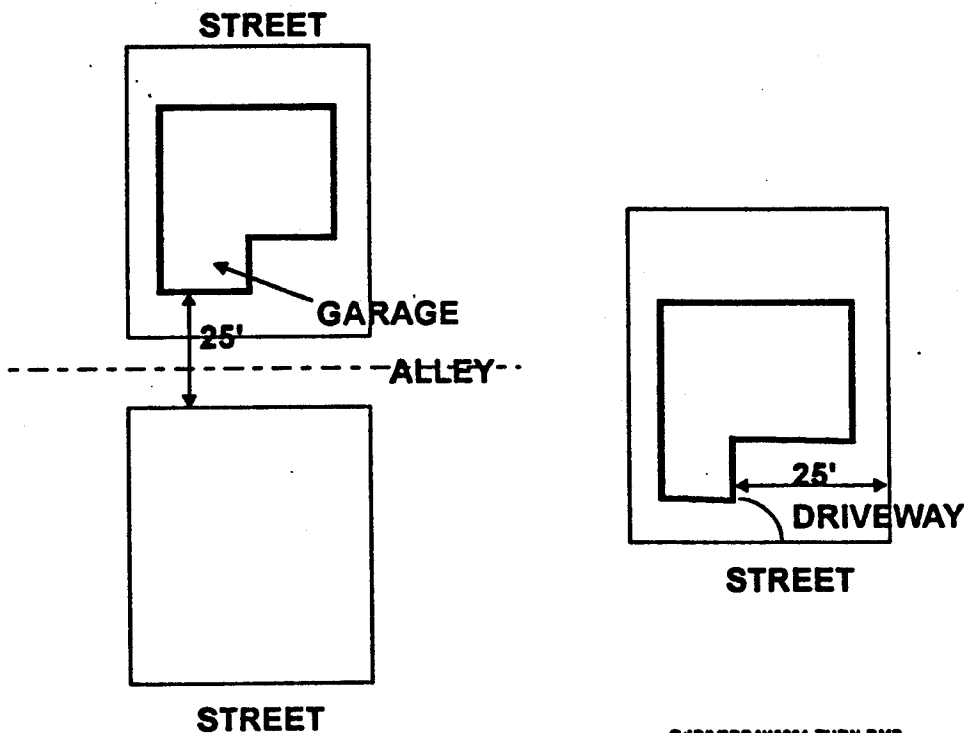
TURN-AROUND SPACE AND MANEUVERING AREA

DIAGRAM C

C. **Illumination.** All parking area lighting shall be energy-efficient and designed so as not to produce glare on adjacent residential properties. Security lighting shall be provided in areas accessible to the public during nighttime hours, and such lighting shall be on a time-clock or photo-sensor system.

D. **Residential parking.**

1. **Garages and Carports.** All required garages and carports, permitted as accessory structures, shall be constructed at the same time as the main building and shall be used only by persons residing on the premises for storage of personal vehicles and other personal property.
2. **Assignment of Spaces.** Each studio and one bedroom dwelling unit shall have a minimum of one assigned parking space and each two or more bedroom units shall have a minimum of two assigned parking spaces. Each dwelling unit shall have an enclosed, assigned space which shall be within 200 feet walking distance of that unit and designated as such. The assigned spaces shall be provided with the rental of a dwelling unit without any additional cost. All unassigned spaces provided on site shall be open and only used for the parking of vehicles by persons residing on the property or their guests.
3. **Turning Radius.** The minimum turning radius for any garage, carport or open parking space, entered directly from an alley or driveway, shall be 25 feet. (See Diagram D)



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TURNING RADIUS
DIAGRAM D

4. Driveway Width.

Length of Drive
150 feet or less

Minimum Driveway Width
10 ft. for single family dwellings

20 ft. for multi-family dwellings

Greater than 150 feet

20 feet clear width

Exception: when designated as fire lane, all Fire Department requirements shall apply.

5. Guest Parking. All guest parking shall be fully accessible.

6. Coastal Zone. 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.

7. Planned Residential Developments. In a planned residential development where a garage is constructed a minimum of 20 feet from the curb, the driveway in front of the garage may be used to provide one of the required uncovered spaces.

8. Driveway Air Space. The air space above all driveways which exceed 150 feet in length shall remain open to the sky, except that eaves or roof overhangs with a maximum 4-foot projection may be permitted above a height of 14 feet.

9. Storage Space. 100 cubic feet of enclosed storage space for each unit shall be provided in a secured parking area where there is no private garage.

10. Accessory Dwelling. One additional off-street parking space shall be required for an accessory dwelling, except that in the coastal zone there shall be a minimum of four (4) parking spaces on-site.

E. Non-residential Parking and Loading.

1. Designated Parking. Parking spaces within an integrated, non-residential complex shall not be designated for exclusive use of any individual tenant except as authorized by a parking management plan approved by the Director.

2. Parking Controls. Parking controls, such as valet service, gates or booths, and/or collection of fees may be permitted when authorized by conditional use permit approval by the Planning Commission.

3. Minimum Driveway Width. 25 feet when providing access to the rear of a structure.

4. **Reciprocal Access.** Reciprocal ingress/egress access with adjacent properties shall be provided for all commercial properties.
 5. **Loading Location.** On a site adjoining an alley, a required loading space shall be accessible from the alley unless alternative access is approved by the Director. An occupied loading space shall not prevent access to a required parking space. Truck or rail loading, dock facilities, and doors for such facilities shall not face or be located within 45 feet of property zoned or general planned residential.
 6. **Loading Design.** Any loading facility shall be designed and located so that vehicles need not extend onto the public sidewalks, streets or alleys during loading activities.
 7. **Landscape Buffer.** Where the side or rear yard of a parcel is used for loading activities and abuts an R District, a landscaped buffer along the property line shall be provided.
- F. **Seasonal and Temporary Parking Lots.** Seasonal and temporary parking lots may be allowed upon approval of a conditional use permit by the Zoning Administrator. Seasonal lots may operate only from Memorial Day through the third weekend in September and shall be located within 1,000 yards of the mean high tide line of the Pacific Ocean. Temporary and seasonal commercial parking lots may be permitted for a maximum of five years. The design and layout of seasonal and temporary parking lots shall comply with this chapter, Fire Department requirements, and the following standards:
1. Paving shall be 2 inches of asphalt over compacted native soil, or as approved by the Department; except seasonal parking lots shall be surfaced to meet minimum specifications for support of vehicles and to provide dust control as required by the Zoning Administrator.
 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.
 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.
 4. Seasonal parking lots are exempt from landscaping requirements of Chapter 232.
 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.

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.
7. An attendant shall be on duty at all times during business hours of seasonal parking lots.
8. An approved fire extinguisher shall be provided on the premises during business hours.
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.

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.

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.

- 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:
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.
 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.
 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.
 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.

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)

231.20 Compact Parking

The Planning Commission, City Council, or Zoning Administrator, 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:

- A. Non-residential developments with a minimum of 20 spaces shall be permitted to have 20 percent of the total spaces as compact parking.
- 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.

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.

231.24 Landscape Improvements

Landscape, planting and irrigation plans shall be prepared consistent with the requirements of Chapter 232.

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:

- A. Location and description of fencing and architectural screen walls.
- B. Location and placement of parking stalls, including bumpers, striping and circulation, all dimensioned to permit comparison with approved parking standards.
- C. Location and placement of lights provided to illuminate the parking area.

- D. A drainage plan showing drainage to a public way in accordance with accepted standards or practices.
- E. A landscape, planting and irrigation plan prepared consistent with the requirements of Chapter 232.

Single-family dwellings on pre-existing lots are exempt from this requirement.

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.

Chapter 236 Nonconforming Uses and Structures

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.
- B. A nonconforming use shall not be resumed, reestablished, or reopened after it has been abandoned, discontinued or changed to a conforming use.
- 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.
- 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.
- 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.

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.

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

- 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.

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.
- B. A structure for a nonconforming use shall not be enlarged or altered on the exterior in any manner unless:
1. All aspects of the existing structure and the proposed addition are made to conform to applicable provisions of this Code, or
 2. The Planning Commission permits such alteration subject to approval of a conditional use permit with the following findings:
 - 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.
 - b. That the alteration or addition will not increase the number of stories.
 - 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.
- 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.
- D. Additions to nonconforming structures proposed to be constructed at the existing nonconforming yard setbacks shall be subject to approval of a conditional use permit by the Zoning Administrator.
- 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.

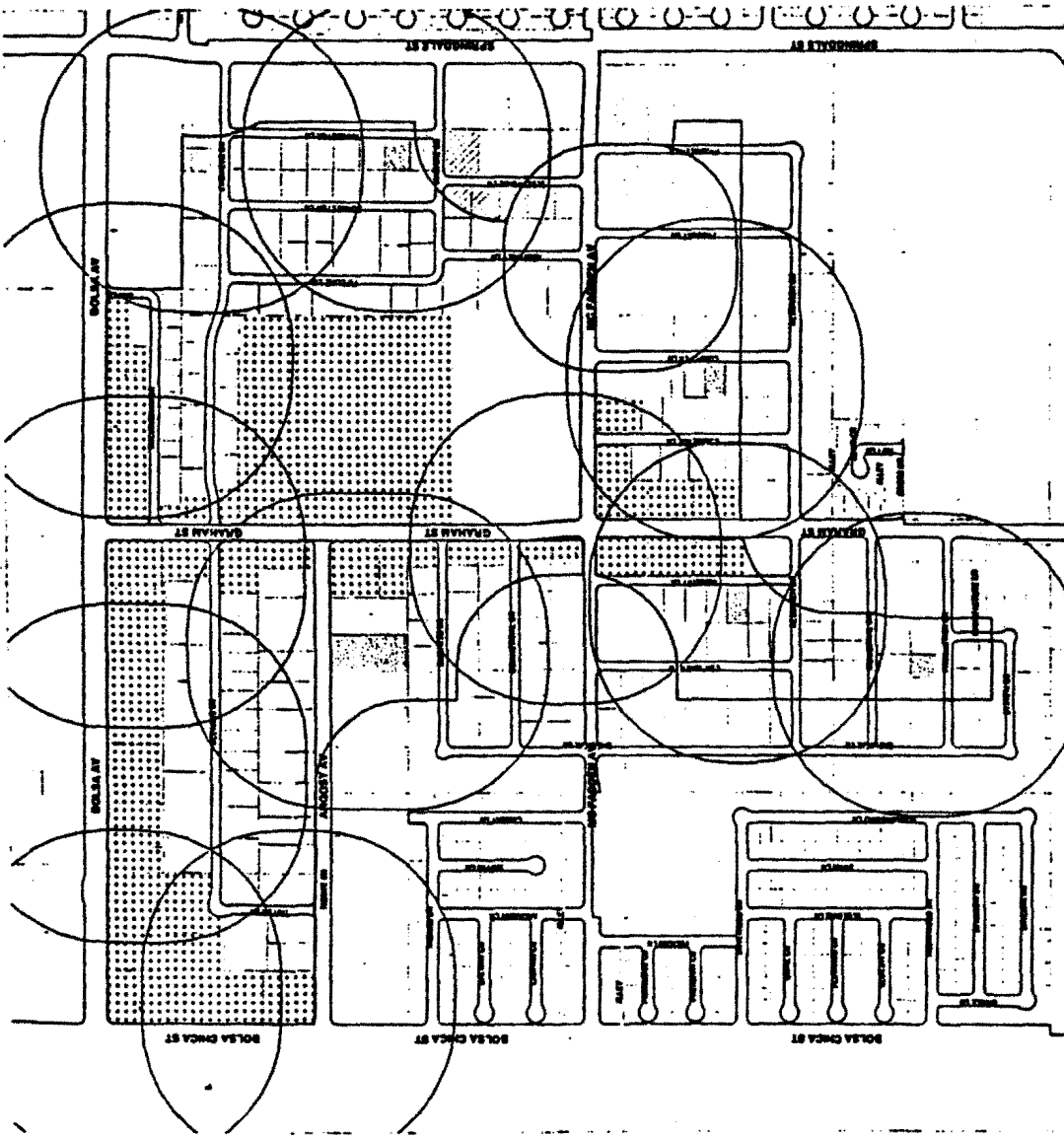
236.08 Sex Oriented Businesses

- 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 non-conforming use. A non-conforming 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 non-conforming use, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such non-conforming 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 non-conforming.

- B. A sex oriented business lawfully operating as conforming use is not rendered a non-conforming 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.
- 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.

Available Industrial SOB Sites - 500 ft from Sensitive Uses
South of Jolsa Ave



1 inch = 300 feet
October 31, 1997

Available Within Permits Outside Sensitive Use Buffer Area
 Selected Permits for Maximum Number of SOB Sites
 Permits Adjacent to Airport Runway
 SOB Buffer Area for Clement High School Site

Parcel Lines
 Available SOB Site Boundary (at least 500 ft from Sensitive Use)
 Buffer Around Selected Permits (at least 750 ft from other SOB)

PUBLIC WORKS DEPARTMENT
 HUNTINGTON BEACH CITY OF

RECEIVED
CITY CLERK
CITY OF
HUNTINGTON BEACH, CALIF.

JAN 30 10 20 AM '98

HB

CITY OF HUNTINGTON BEACH

INTER-DEPARTMENT COMMUNICATION

TO: CAROL GIBBONS, Deputy City Clerk

FROM: JENNIFER MC GRATH, Deputy City Attorney

DATE: January 29, 1998

SUBJECT: Ordinance No. 3378, Sex Oriented Businesses, Amending Chapters 204, 211, 212, 231, and 236 of the Huntington Beach Zoning and Subdivision Ordinance Code

Regarding the changes requested to the Sex Oriented Business Ordinance, only those changes properly noticed may be implemented. The changes indicated to Chapter 211C Commercial Districts on page 3, inadvertently omitted categories, must be reinstated into the codified version of the ordinance; however, the changes indicated to Chapter 211, page 6, Chapter 212, pages 8, 9, and 10, should not be implemented as these changes were not properly noticed.


JENNIFER MC GRATH,
Deputy City Attorney

JMP/k

	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) (3341-10/96)
Ambulance Services	-	ZA	-	
Animal Sales & Services				
Animal Boarding	-	PC	-	
Animal Grooming	-	P	-	
Animal Hospitals	-	PC	-	
Animals: Retail Sales	-	P	-	
Equestrian Centers	-	PC	-	(S)
Pet Cemetery	-	PC	-	
Artists' Studios	P	P	P	
Banks and Savings & Loans	P	P	P	
With Drive-Up Service	ZA	ZA	ZA	
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	P	P	P	
Eating and Drinking Estab.	L-4	L-4	L-4	(N)
w/Fast-Food or Take-Out Service	ZA	ZA	ZA	
Drive Through	-	L-4	L-4	
w/Live Entertainment/Dancing	PC	PC	PC	(H)
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	(3334-6/97)
Pawn Shops	-	ZA	-	
Personal Enrichment Services	L-2	L-2	-	
Personal Services	P	P	P	
Research & Development Services	L-1	ZA	-	
Retail Sales	-	P	P	(U)(V) (3285-6/95, 3334-6/97)
Secondhand Appliances/Clothing	-	P	-	
Swap Meets, Indoor/Flea Markets	-	PC	-	(T)
Swap Meets, Recurring	-	ZA	-	
Tattoo Establishments	-	PC	-	(C)
Travel Services	P	P	P	
Vehicle Equipment/Sales & Services				
Automobile Rentals	-	L-8	L-8	

- (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: Sex Oriented Businesses. (3341-1096)
- (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 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. (3334-697)
- (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 carried on in conjunction with the sale of gasoline or other motor vehicle fuel.
 - (2) Restaurants, bars, and liquor stores that are located 300 feet or more from any R or PS district, school, church, or public use.
 - (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 initial construction of a building for permitted use requires approval of a conditional use permit from the Zoning Administrator.
- (R) Projects within 500 feet of a PS District see Chapter 244.
- (S) See Section 230.48: Equestrian Centers

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)
- (G) 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)
- (H) 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)
- (I) Limited to facilities serving workers employed on-site. (3254-10/94)
- (J) See Section 230.46: Single Room Occupancy. (3254-10/94)
- (K) Limited to Emergency Shelters. (3254-10/94)
- (L) New construction and initial establishment of a permitted use shall be subject to the approval of a conditional use permit by the Zoning Administrator unless Planning Commission approval is required. Change of use shall be subject to the approval of the Director unless the new use requires approval of a conditional use permit. (3254-10/94)

IG AND IL Districts: Additional Provisions (continued)

- (M) 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)
- (N) See Section 230.40: Helicopter Takeoff and Landing Areas. (3254-10/94)
- (O) See Section 230.44: Recycling Operations. (3254-10/94)
- (P) See Section 230.50: Indoor Swap Meets/Flea Markets (3254-10/94)
- (Q) See L-11(A) relating to locational restrictions. (3254-10/94, 3378-2/98)

212.06 IG AND IL Districts: Development Standards (3254-10/94)

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.)	-	15	(E)(F)
Street Side (ft.)	10	10	
Rear (ft.)	-	-	(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)
 - (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 be 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 yard 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 area is provided solely for loading and unloading entirely within the building. (3254-10/94)

ORDINANCE NO. 3388

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH
AMENDING SECTION 210.04 OF THE HUNTINGTON BEACH
ZONING AND SUBDIVISION ORDINANCE
PERTAINING TO GENERAL DAY CARE USES

The City Council of the City of Huntington Beach does ordain as follows:

SECTION 1. That Section 210.04 of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to permit General Day Care uses within RL districts, on lots 1.0 acre (gross acreage) or greater fronting an arterial, subject to approval of a conditional use permit by the Planning Commission.

SECTION 2. This ordinance shall take effect 30 days after its adoption.

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

ATTEST:

Connie Brochway
City Clerk

Spuley Dettaroff
Mayor

APPROVED AS TO FORM:

[Signature]
City Attorney

REVIEWED AND APPROVED

Roy Silver
City Administrator

INITIATED AND APPROVED:

Melanie J. Fuller
Director of Community Development

PK 2/18/98

