

CALIFORNIA COASTAL COMMISSION

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RECORD PACKET COPY

May 20, 2004

**TO:** Commissioners and Interested Persons**Th 7 b**

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

SUBJECT: Major Amendment Request No. 1-03 to the City of Huntington Beach
Certified Local Coastal Program (For Public Hearing and Commission Action at the June
9-11, 2004 meeting in San Pedro).

SUMMARY OF LCP AMENDMENT REQUEST NO. 1-03

Request by the City of Huntington Beach to amend both the Land Use Plan (LUP) and the Implementation Program (IP) portions of the Local Coastal Program (LCP). A total of 10 changes are proposed including one change to the LUP, three zoning map amendments (none are located in the coastal zone), and six zoning text amendments. The proposed LUP amendment would delete the segment of Orange Avenue between Goldenwest Street and Palm Avenue from Figure C-13 that is the Circulation Plan of Arterial Streets and Highways. Changes to the IP are as follows: Zoning text amendment 01-2 would change requirements relative to parkland dedications and in-lieu fees in the IP including the creation of an exemption from parkland dedication requirements as an incentive to construct affordable housing; Zoning text amendment 01-4 reduces the level of discretionary body review for certain types of development, however, these changes will not effect the requirements for coastal development permits; Zoning text amendment 01-7 proposes to clarify the appeal procedure for coastal development permits; Zoning text amendment 01-9 would delete the requirement that public-semi-public uses in Commercial Districts be less than two acres and would allow public-semi-public uses on sites that are two acres or greater in Commercial Districts; Zoning text amendment 02-1 establishes wireless communication facility development regulations and would amend various sections of the IP regarding definitions and permitting districts.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission, after public hearing:

Approve the Land Use Plan Amendment, as submitted.
Deny the Implementation Program Amendment, as submitted, and approve it if
modified as provided below.

The motions to accomplish this recommendation are found on pages 3 and 4. As proposed, the LUP portion of the LCP amendment meets the requirements of and is in conformity with the Chapter 3 policies of the Coastal Act. As submitted, the IP portion of the amendment is inconsistent with and inadequate to carry out the City's certified Land Use Plan. Only if modified as recommended will the IP amendment be consistent with and adequate to carry out the City's certified Land Use Plan.

STANDARD OF REVIEW

For the proposed Land Use Plan amendment, the standard of review shall be conformance with and satisfaction of the requirements of the Chapter 3 policies of the Coastal Act. For the proposed Implementation Program amendment, the standard of review shall be conformance with and adequacy to carry out the provisions of the certified Huntington Beach Land Use Plan.

SUMMARY OF PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in Local Coastal Program development. During the preparation, approval, certification, and amendment of any local coastal program, the public, as well as all affected governmental agencies, including special districts, shall be provided maximum opportunities to participate. Prior to submission of a local coastal program for approval, local governments shall hold a public hearing or hearings on that portion of the program which has not been subjected to public hearings within four years of such submission. The proposed amendment involves the City's adoption of three zoning map amendments (99-3, 01-2, and 01-3), six Zoning Text Amendments (01-2, 01-4, 01-7, 01-9, 02-1, 02-5), and one General Plan Amendment (02-02). The City held numerous public hearings on these items as shown on exhibit C. All staff reports were made available for public review in the Planning Department and in the Huntington Beach Public Library. Public hearing notices were mailed to property owners of record for the parcels which are the subject of the amendment as well as parcels within a 1,000 foot radius (including occupants), and notice of the public hearing was published in the Huntington Beach Independent, a local newspaper of general circulation.

ADDITIONAL INFORMATION

Copies of the staff report are available at the South Coast District office located in the ARCO Center Towers, 200 Oceangate, Suite 1000, Long Beach, 90802. To obtain copies of the staff report by mail, or for additional information, contact Meg Vaughn in the Long Beach office at (562) 590-5071. The City of Huntington Beach contact for this LCP amendment is Jason Kelley, Assistant Planner, who can be reached at (714) 536-5271.

I. STAFF RECOMMENDATION

A. Approve Land Use Plan Amendment as Submitted

MOTION: *I move that the Commission certify Land Use Plan Amendment No. 1-03 as submitted by the City of Huntington Beach.*

STAFF RECOMMENDATION TO CERTIFY:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the land use plan amendment as submitted and adoption of the following resolution and findings. The motion to certify as submitted passes only upon an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO CERTIFY LAND USE PLAN AMENDMENT AS SUBMITTED:

The Commission hereby certifies Land Use Plan Amendment No. 1-03 as submitted by the City of Huntington Beach and adopts the findings set forth below on grounds that the amendment will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the land use plan.

B. Deny the Amendment to the Implementation Program as Submitted

MOTION I: *I move that the Commission reject Implementation Program Amendment No. 1-03 for the City of Huntington Beach LCP as submitted.*

STAFF RECOMMENDATION OF REJECTION:

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

**RESOLUTION TO DENY CERTIFICATION OF THE IMPLEMENTATION PROGRAM
AMENDMENT AS SUBMITTED:**

The Commission hereby denies certification of the Implementation Program amendment as submitted for the City of Huntington LCP and adopts the findings set forth below on grounds that the Implementation Program Amendment as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan as amended. Certification of the Implementation Program Amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program Amendment as submitted

C. Certify the Implementation Program Amendment if Modified

MOTION II: *I move that the Commission certify Implementation Program Amendment No. 1-03 for the City of Huntington Beach LCP if it is modified as suggested in this staff report.*

STAFF RECOMMENDATION:

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

**RESOLUTION TO CERTIFY THE IMPLEMENTATION PROGRAM AMENDMENT WITH
SUGGESTED MODIFICATIONS:**

The Commission hereby certifies Implementation Program Amendment No. 1-03 for the City of Huntington Beach LCP if modified as suggested and adopts the findings set forth below on grounds that the Implementation Program Amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan as amended. Certification of the Implementation Program Amendment if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

II. **SUGGESTED MODIFICATIONS**

Certification of City of Huntington Beach LCP Amendment Request No. 1-03 is subject to the following modifications.

The City's existing language is shown in ***bold, italic text***.

The City's proposed language is shown in plain text.

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

SUGGESTED MODIFICATION NO. 1

City Zoning Text Amendment 01-4

Add the following to the proposed additional provision (Y) within Chapter 211 C
Commercial Districts

Additional Provision (Y) Limited notification requirements.

1. Ten (10) working days prior to submittal for a building permit or certificate of occupancy, applicant shall notice adjacent property owners and tenants by first class mail.
2. Notice of application shall include the following:
 - a. Name of applicant
 - b. Location of planned development or use, including address.
 - c. Nature of the proposed development shall be fully disclosed in the notice.
 - d. Planning Department phone number and address of City Hall shall be provided in the notice to call for viewing plans.
 - e. The date by which any comments must be received in writing by the Planning Depart and City appeal procedures.
 - f. Planning Department shall receive entire list including name and address of those receiving the mailing.

3. This provision shall not apply to applications for development within the coastal zone that necessitate a coastal development permit.

SUGGESTED MODIFICATION NO. 2

City Zoning Text Amendment 02-1

Add to Section 230.96 Wireless Communication Facilities

B. Permit Required

4. A coastal development permit shall be required for the construction of any wireless communication facility located within the coastal zone that meets the definition of development in Section 245.04 J, unless it is exempt pursuant to Section 245.08.

F. Site Selection

5. Significant adverse impacts to public visual resources shall be minimized by incorporating one or more of the following into project design and construction:

- a. Co-locating antennas on one structure;**
- b. Stealth installations;**
- c. Locating facilities within existing building envelopes;**
- d. Minimizing visual prominence through colorization or landscaping;**
- e. Removal of facilities that become obsolete.**

6. Wireless communication facilities affecting the public viewshed and/or located in areas designated water Recreation, Conservation, Parks, and Shoreline shall be removed within six (6) months of termination of use and the site restored to its natural state.

SUGGESTED MODIFICATION NO. 3

City Zoning Text Amendment 01-4

Add to Chapter 231 Off-Street Parking and Loading Provision

Section 231.04 Off-Street Parking and Loading Spaces Required

- C. The Director may allow a parking reduction for a change of use if the increase in the required parking is not more than five (5) spaces. The change of use request must be on a site with two or more uses, have a minimum of 50 existing parking spaces and provide an upgrade of existing landscaping. This same reduction may be considered for uses complying with State Handicap Regulations as mandated by State Law and applicable to parking requirements. **This provision shall not apply to applications for development within the coastal zone that necessitate a coastal development permit.**

SUGGESTED MODIFICATION NO. 4

City Zoning Text Amendment 01-4

Add the following language to Chapter 231.18 Design Standards:

231.18 D. Residential parking

7. Privacy gates may be installed without a conditional use permit provided there is compliance with the following criteria prior to the issuance of building permits:
- 1) Fire Department approval for location and emergency entry.
 - 2) Postmaster approval of location for mail boxes or entry for postal carrier.
 - 3) Shall provide a driveway within a minimum of twenty (20) feet for vehicle stacking.
 - 4) **No adverse impacts to public coastal access, including changes in the intensity of use of water, or of access thereto, shall result from installation of the privacy gates.**
 - 5) **A coastal development permit must be obtained prior to construction of any such gate within the coastal zone.**

231.18 E. Non-residential Parking and Loading

3. **Parking controls.** *Parking controls, such as valet service, or booths, and/or collection of fees may be permitted when authorized by conditional use permit approval by the Planning Commission.* Privacy gates may be installed without a conditional use permit provided there is compliance with the following criteria prior to the issuance of building permits:

41) Fire Department approval for location and emergency entry.
52) Postmaster approval of location for mail boxes or entry for postal carrier.

63) Shall provide a driveway with a minimum of twenty (20) feet for vehicle stacking.

4) No adverse impacts to public coastal access, including changes in the intensity of use of water, or of access thereto, shall result from installation of the privacy gates.

5) A coastal development permit must be obtained prior to construction of any such gate within the coastal zone.

SUGGESTED MODIFICATION NO. 5

City Zoning Text Amendment 01-2

Add to Section 254.08 Parkland Dedication

- O. Exemptions. The following development shall be exempt from the payment of fees pursuant to this Section:
1. Development of real property into housing units that are either rented, leased, sold, conveyed or otherwise transferred, at a rental price or purchase price which does not exceed the "affordable housing cost" as defined in Section 50052.5 of the California Health and safety Code when provided to a "lower income household" as defined in Section 50079.5 of the California Health and safety Code or "very low income household" as defined in Section 50105 of the California Health and Safety Code, and provided that the applicant executes an agreement, in the form of a deed restriction, second trust deed, or other legally binding and enforceable document acceptable to the City Attorney and binding on the owner and any successor-in-interest to the real property being developed, guaranteeing that all of the units on the real property shall be maintained for lower and very low income households, whether as units for rent or for sale or transfer, for the lesser of a period of thirty years or the actual life or existence of the structure, including any addition, renovation or remodeling thereto.
 2. Subdivision of a 50-foot wide parcel into two lots provided that the parcel has been held under common ownership for a minimum of five consecutive years.
 3. **Exemptions pursuant to sections 1 or 2 above shall only be granted when the following findings can be made:**
 - i. **The exemption will not individually or cumulatively result in adverse impacts to public recreational opportunities in the coastal zone.**
 - ii. **The exemption will not individually or cumulatively lead to overcrowding or overuse of public facilities by the public in any single area in the coastal zone.**

III. FINDINGS

The following findings support the Commission's approval of the proposed LCP Land Use Plan amendment as submitted; denial of the Implementation Program amendment, as submitted, and approval of the Implementation Program amendment with the incorporation of suggested modifications. The Commission hereby finds and declares as follows:

A. Amendment Description

The City of Huntington Beach has requested to amend both the Land Use Plan (LUP) and the Implementation Program (IP) portions of the Local Coastal Program (LCP). A total of 10 changes are proposed including one change to the LUP, three zoning map amendments (none of the changes are located in the coastal zone), and six zoning text amendments.

1. Land Use Plan Amendment

The proposed LUP amendment would delete the segment of Orange Avenue between Goldenwest Street and Palm Avenue from Figure C-13 of the Land Use Plan, which is the Circulation Plan of Arterial Streets and Highways. On Figure C-13 the extension of Orange Avenue is designated as a secondary arterial.

2. Zoning Map Amendments

The zoning map amendments affect parcels that are not located within the coastal zone but the amendments have been submitted for Commission action because although only a portion of the City falls within the boundary of the coastal zone, the City's entire Zoning and Subdivision Ordinance (ZSO) comprises the certified Implementation Program (IP). Thus, not all changes to the ZSO/IP will actually result in changes within the coastal zone. Such is the case with the three proposed map changes.

3. Zoning Text Amendment 01-2

Zoning text amendment 01-2 would modify Section 254.08 of the IP to clarify procedures and change requirements relative to parkland dedications and in-lieu fees. Parkland dedications and in-lieu fee requirements are already included in the IP; this section will not result in a new parkland dedication and in-lieu fee requirement. However, the changes proposed will clarify the existing procedure when parkland dedication and/or in-lieu fee requirements are part of a subdivision process. Most notably, the changes will create an exemption from parkland in-lieu fee requirements as an incentive to provide affordable housing. The significant clarifications proposed in this amendment include the following:

- Addition of a statement of general purposes and objectives for the Parkland Dedication section;

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- Restating that subdivisions containing 50 parcels or less do not require a land dedication (though in-lieu fees would still be required). This standard already exists in the Formula for Fees in Lieu of Land Dedication section, but is proposed to be restated under the Standards and Formula for Dedication of Land segment for purposes of clarity. In addition, new language clarifies that for condominium projects, stock cooperatives or community apartments that exceed 50 dwelling units, dedication of land may still be required notwithstanding the fact that the number of parcels may be less than 50.
- Addition of language stating, under the heading Standard Improvements, that dedication of land for park and recreational purposes shall not be deemed to waive any other requirements that may be imposed by the City.
- Addition of language describing the procedure the City will follow after the fee is collected: deposit into a separate fund and used solely for the purposes specified in the Parkland Dedication section.
- Addition of language stating that when parkland requirements are met solely by payment of fees, that the subdivider also must pay an additional amount equal to 20 percent of the in-lieu fee to provide standard park improvements (curbs, sidewalks, drainage facilities, street lights, trees, etc.).
- Elimination of the existing requirement that park in lieu fees shall be 60% of fair market value and instead requiring the fee to be based on full fair market value for each acre which would otherwise have been required to be dedicated. In addition, language is to be added which clarifies that the fair market value of the land is to be based on the average acre value of the property to be subdivided. In addition, language is proposed to be added which provides for a procedure to be followed if the subdivider objects to the fair market value determined by the City.
- An exemption to the parkland dedication requirements is proposed to be added for projects which provide low and very low income housing. Also an exemption is proposed for subdivision of a 50-foot wide parcel into two lots provided that the parcel has been held under common ownership for a minimum of five consecutive years.
- A procedure to appeal a determination by the City regarding interpretation of the Parkland Dedication section is proposed.
- The existing ZSO already allows for refunds of in-lieu fee under certain conditions. The proposed amendment would add a procedure for requesting such a refund.

4. Zoning Text Amendment 01-4

Zoning Text Amendment 01-4 proposes to make various changes to Chapter 203 Definitions, Chapter 204 Use Classifications; Chapter 211 Commercial Districts; Chapter 212 Industrial Districts; Chapter 214 Public-Semipublic; Chapter 230 Site Standards; Chapter 231 Off-Street Parking and Loading Provisions; Chapter 233 Signs; Chapter 236 Nonconforming Uses and Structures; Chapter 241 Conditional Use Permits and Variances; Temporary Use Permits; Waiver of Development Standards; Chapter 244 Design Review; Chapter 257 Mergers; and the Downtown Specific Plan. The changes proposed under this zoning text amendment are particularly numerous. For a more detailed discussion of the proposed changes please see attachment A of this staff report.

One of the changes proposed under Zoning text amendment 01-4 is the reduction of the level of discretionary body review for certain types of development. None of these proposed changes would affect the requirements for coastal development permits. The changes are intended to streamline the City's local entitlement process (other than coastal development permits). For example, certain uses that currently require Zoning Administrator approval may now be permitted outright; uses that currently require Planning Commission approval may now only require approval of the Zoning Administrator.

Also proposed is the reduction of the notification requirements for uses that require no entitlement approvals. Provisions for the limited notification are also proposed. These proposed changes would affect the way the City processes Conditional Use Permits and Temporary Use Permits, but would not affect coastal development permit procedures.

Changes to the parking requirement for personal enrichment uses, under certain circumstances, are proposed within Chapter 211. The following is the proposed change to the parking requirement:

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

Maximum number of persons per classroom does not exceed the number of parking spaces allocated to the suite based upon the square footage of the building; and

The instruction area does not exceed 75 percent of total floor area of the personal enrichment building area."

Personal enrichment is a use that is currently allowed in the certified IP. It is defined in the IP in Chapter 204 Use Classifications as provision of instructional services or facilities, including photography, fine arts, crafts, dance or music studies, driving schools, business and trade schools, and diet centers, reducing salons, and fitness studios.

Also proposed is a change that would allow new limited notification requirements for the existing allowable personal enrichment use and for the proposed live entertainment use associated with the existing use of eating and drinking establishments. The proposed limited notification requirements would require that:

- 1) ten working days prior to submittal for a building permit or certificate of occupancy, applicant shall notice adjacent property owners and tenants by first class mail,
- 2) notice of application shall include the following:
 - a. name of applicant,
 - b. location of planned development or use, including address
 - c. nature of the proposed development,
 - d. Planning Department phone number and address of City hall to call for viewing plans,
 - e. the date by which any comments must be received in writing by the Planning Department and City appeal procedures, and
 - f. Planning Department shall receive the entire mailing list.

The amendment also proposes to make changes to Chapter 231 Off-Street Parking and Loading Provisions. The proposed amendment would add a new provision (section 231.04 C) that would allow the Planning Director to reduce the amount of parking required in conjunction with a change of use if the increase in parking spaces that would otherwise be required is less than five spaces, and would only be allowed on sites with two or more uses, that have a minimum of 50 existing parking spaces, and when the existing landscaping is upgraded. It would also allow consideration of the same reductions for uses complying with the State Handicap Regulations.

Another change that is proposed to Chapter 231 Off-Street Parking and Loading Provisions is the addition of a new allowance for "privacy gates" in conjunction with residential parking. Privacy gates are not described in the existing Section 231.18 Design Standards D. Residential Parking. The existing Section 231.18 E. Non-residential Parking and Loading, 2. Parking Controls allows, among other things, gates or booths when authorized by a conditional use permit approved by the Planning Commission. The allowance of privacy gates in conjunction with residential parking is a new addition to the IP. The proposed change would also eliminate the requirement for a conditional use permit for gates in conjunction with non-residential parking provided certain criteria are met. The amendment also introduces the term "privacy gate."

5. Zoning Text Amendment 01-7

Zoning text amendment 01-7 proposes to clarify the appeal procedure for coastal development permits. The changes proposed are located in Chapter 245 Coastal Development Permit. More specifically, the proposed amendment would change Section 245.32 of the certified IP, which is the Appeals section of Chapter 245 Coastal Development Permit. The amendment would add the word "administrative" in front of the

term appeal periods in the section that states that development may not commence prior to expiration or exhaustion (as applicable) of the appeal period.

It would also replace text that describes when an appeal can be filed directly with the Coastal Commission with a reference to Sections 13111 and 13573 of Title 14 of the California Code of Regulations (City action on certain projects may be appealed directly to the Coastal Commission if a fee is charged at the local Level). The amendment also proposes to replace a reference to Sections 13110, 13111, 13112, and 13113 of Title 14 of the California Code of Regulations with a reference to Sections 13110 through 13120. These changes correctly incorporate the Sections of the Regulations that address appeals of coastal development permits.

Also proposed is clarification that an appeal of a coastal development permit to the Planning Commission shall be filed with the Planning Department, which is more specific and accurate than the existing language which states that the appeal shall be filed with the Department of Community Development (of which the Planning Department is a part). The amendment also proposes to add the work "local" to the section addressing appeal notices for coastal development permits and the addition of a cross reference to the City's own procedure for processing appeals.

6. Zoning Text Amendment 01-9

Zoning text amendment 01-9 would delete the requirement that public-semipublic uses in Commercial Districts be less than two acres and thus would allow public-semi-public uses on sites that are two acres or greater in Commercial Districts.

7. Zoning Text Amendment 02-1

Zoning text amendment 02-1 establishes wireless communication facility development regulations and would amend various sections of the IP regarding definitions and permitting districts. The amendment includes a proposal to change a portion of the current definition of "Antenna, Communication" in Chapter 203 (at 203.06 Definitions), from "cellular radiotelephone cell antenna" to "wireless communication antenna." Chapter 204 Use Classifications is proposed to be amended by changing Section 204.10 Commercial Use Classification, section I Communications Facilities definition by replacing the term "cellular telephone facilities" with "wireless communication facilities." Chapter 210 Residential Districts is proposed to be amended by adding "Communication Facilities" to the list of commercial uses allowed within the residential zones subject to a new provision (I-5) which cross references the proposed new wireless communication facility development regulations proposed as Section 230.96. Chapter 211 Commercial Districts is proposed to be amended by adding new additional provision L-13 to the existing allowed use of communication facilities. New provision L-13 provides a cross reference to the new wireless communication facility development regulations proposed as Section 230.96. Chapter 212 Industrial Districts is proposed to be amendment by adding new provision L-12 to the existing allowed use of communication facilities. New additional provision L-12

would provide a cross reference to the wireless communication facility development regulations proposed as Section 230.96. Chapter 213 Open Space District is proposed to be amended to add the new use Communication Facilities within the Open Space – Parks and Recreation Subdistrict (not within the Shoreline or Water Recreation Subdistricts) to the existing list of commercial uses allowed within the Parks and Recreation Subdistrict (existing allowed commercial uses within the Parks and Recreation Subdistrict are equestrian centers, commercial recreation and entertainment, eating and drinking establishments with limited take-out service, and commercial parking facilities). The proposed Communication Facilities use is proposed with newly proposed additional provision L-4 which would limit the allowable communication facilities to wireless communication facilities and would provide a cross reference to Section 230.96. Chapter 214 Public-Semipublic district is proposed to be modified in the same way as described above. Chapter 230 Site Standards is proposed to be modified by adding new Section 230.96 which would provide the standards for Wireless Communication Facilities. Also, Section 230.72 Exceptions to Height limits would be changed to specifically include wireless communication facilities to the exception allowed for transmission antennae. In addition, Section 230.80 Antennae, is proposed to be amended throughout to clarify that the existing provisions apply to both antennae and satellite antennae.

New Section 230.96 is proposed to add the development standards for Wireless Communication Facilities. The proposed standards include sections addressing purpose, when a permit is required, definitions, applicability, facility standards, site selection, facilities in a public right-of-way, facilities on public property, additional requirements, and facility removal.

8. Zoning Text Amendment 02-5

Zoning text amendment 02-5 proposes to expand the requirement for payment of parkland in lieu fees to include commercial and industrial development and all residential development, where the current requirement, as described in Section 254.08, applies only to certain, specified residential development. Generally the requirement currently applies only to large residential subdivisions.

B. Land Use Plan Amendment: Consistency with Chapter 3 Policies of the Coastal Act

The proposed LUP amendment would delete the segment of Orange Avenue between Goldenwest Street and Palm Avenue from Figure C-13 of the Land Use Plan, which is the Circulation Plan of Arterial Streets and Highways. On Figure C-13, the extension of Orange Avenue is designated as a secondary arterial. The proposed amendment would result in this segment of Orange Avenue no longer being considered for use as an arterial in the future. It should be noted that the stretch of Orange Avenue in question, from Goldenwest Street to Palm Avenue, has never been constructed. Figure C-13 identifies it as a future arterial. Orange Avenue will be deleted from Figure C-13 because, based on the approved Palm/Goldenwest Specific Plan, it no longer qualifies as an arterial. Instead,

within the Specific Plan area, there will be interior streets serving a private community approved by the Commission at the time it approved the Palm/Goldenwest Specific Plan.

The potential Coastal Act issues raised by downgrading a road from secondary arterial would be impacts to public access due to potential resultant increases in traffic congestion.

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article x of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30210 of the Coastal Act requires that maximum access be provided. The Commission has typically found that maximizing public access includes assuring that traffic within the coastal zone does not become overburdened. Traffic congestion and delays discourage people who, if traffic were not an issue, would otherwise visit the coastal zone and the amenities to be found there. In addition, overburdened roadways cause delays, which in turn reduce the amount of time that visitors who do venture to the coast can spend enjoying coastal amenities.

In this case the City has based the decision to delete this segment of Orange Avenue from the Circulation Plan of Arterial Streets and Highways on a number of studies including: Palm-Goldenwest Specific Plan, February 7, 2000; Area 4B Conceptual Master Plan and PLC Palm and Goldenwest Specific Plan Circulation Analysis (Specific Plan Circulation Analysis), March 8, 1999, prepared by LSA Associates, Inc.; OCTAM 3.1 Traffic Forecasts; and, 2001 CMP ICU Analysis for Goldenwest/PCH. Based on the analyses of these reports, the proposed deletion of Orange Avenue will not result in any significant adverse impacts to the area circulation system.

In a letter dated August 11, 2003, the City explains the motivation for the proposed deletion:

"The deletion of Orange Avenue segment between Palm Avenue and Goldenwest Street from Figure C-13 of the Coastal Element [LUP] is proposed to achieve consistency between the City's Circulation Element and the Orange County Master Plan of Arterial Highways (MPAH), which identifies street classifications for arterials throughout Orange County and establishes a consistent countywide system. Eligibility for Measure M funds is dependent upon a city's General Plan Circulation Element being consistent with the MPAH. This is a technical "clean-up" item as the residential development, known as The Boardwalk, was approved on the alignment of the Orange Avenue extension. The Specific Plan for this project, with associated environmental documentation, was approved by the City in 2000. The Coastal Commission certified this action later that same year."

The Commission has certified the Palm/Goldenwest Specific Plan. The certified Palm/Goldenwest Specific Plan identifies the area of the Orange Avenue extension for residential development and includes the following language:

"The Circulation Plan, Exhibit 2.3-1, illustrates the general alignments and street classifications in and adjacent to the PLC property. Two arterial streets lay adjacent to the site, Palm Avenue and Goldenwest Street. Palm Avenue, a Primary Arterial, generally bounds the site to the northeast. Goldenwest Street, a Major Arterial, bounds the site on the southeast. All vehicular access to the PLC Parcel will be from Palm Avenue and Goldenwest Street. The Specific Plan proposes two points of access to the PLC Parcel. No direct residential driveway access will be permitted from either Palm Avenue or Goldenwest Street. All streets will be private and maintained by a homeowners association."

The extension of Orange Avenue on Figure C-13 is currently designated as a secondary arterial, designed to accommodate up to 20,000 vehicle trips per day. However, the 2025 Average Daily Traffic forecasts for the segment of Orange Avenue between Goldenwest Street and Palm Avenue project it to serve approximately 4,700 vehicle trips per day, well below the design service volumes of a secondary arterial.

In approving the Palm/Goldenwest Specific Plan, the Commission reviewed the same environmental documents the City has referenced to support deletion of Orange Avenue as an arterial on Figure C-13 in the existing LUP. In approving the Specific Plan, including the downgrade of Orange Avenue from a secondary arterial to a private, gated street serving residential development, the Commission found that Orange Avenue would not result in any significant adverse impacts on traffic circulation in the area. In addition, the proposed LUP amendment would provide internal LCP consistency between the Land Use Plan and the certified Palm/Goldenwest Specific Plan. Further, Orange Avenue never functioned as an arterial, as it was never constructed between Palm Avenue and Goldenwest Street. For these reasons the downgrade would not result in adverse impacts to public access due to traffic circulation issues. Therefore, the Commission finds that the proposed amendment to the Land Use Plan meets the requirements of and is consistent with the Chapter 3 policies of the Coastal Act, including Section 30210 which requires that public access to the coast be maximized.

C. Implementation Program Amendment: Consistency with Certified Land Use Plan

1. Changes That Raise No Issue of Consistency

a) Zoning Map Changes Outside the Coastal Zone

The proposed zoning map amendments are not located within the coastal zone but have been submitted for Commission action because, although only a portion of the City falls within the boundary of the coastal zone, the City's entire Zoning and Subdivision Ordinance (ZSO) comprises the certified Implementation Program (IP). Thus, not all changes to the ZSO will actually result in changes within the coastal zone. Such is the case with the three proposed zoning map changes. Therefore, the three proposed zoning map changes raise no issue in terms of their consistency with and adequacy to carry out the policies of the City's certified Land Use Plan

b) Changes to the City's Non-Coastal Permit Procedures

Many of the changes proposed under this LCP amendment would effect how the City processes local approvals other than coastal development permits. The amendment includes proposed changes on the level of discretionary review required by various types of development. For example, many of the changes would allow approval by the Zoning Administrator rather than the Planning Commission; or by the Planning Director rather than the Zoning Administrator. Other changes are proposed to clarify the existing language but not change the content. For example, in some cases a reference to the Community Development Department is proposed to be replaced with the Planning Department. The Community Development Department includes the Planning Department, and so the content is not changed but the reader receives more specific information. Other proposed changes would shift the priority of existing uses or allow new uses within certain categories. However, these proposed changes are consistent with the priority of uses preferred under the certified LUP. The proposed change would not allow lesser priority uses to displace priority uses. For example, the amendment proposes to add Festivals as a use under the Temporary Use category that already includes Circuses and Carnivals. Another example is that Animal Boarding and Animal Hospitals would become allowable uses within the General Industrial zone when it currently is only allowed in the Limited Industrial zone. These changes do not raise any issue with consistency with the policies of the certified Land Use Plan. Therefore, this portion of the proposed amendment is consistent with and adequate to carry out the policies of the City's certified Land Use Plan.

2. Changes That Raise Issues of Consistency

a) Section 254.08 Parkland Dedication

The certified IP includes a section addressing parkland dedications. The majority of the changes proposed to this section would provide greater clarity and specificity. For

example, the existing text allows a subdivider to seek a fee refund under certain conditions but does not specify the procedure to be followed. The proposed amendment would provide a procedure to follow to seek a refund. Also, the intent of the section is proposed to be clarified by adding a section on general purposes and objectives.

Existing language states that for subdivisions of 50 parcels or less with no park or recreational facility, a fee shall be required. Newly proposed text would clarify that condominium projects, stock cooperatives, or community apartments that exceed 50 dwelling units, are required to pay the fee, notwithstanding the fact that the number of actual parcels may be less than 50.

The certified Land Use Plan includes the following policies:

Policy C 3.2

Ensure that new development and uses provide a variety of recreational facilities for a range of income groups, including low cost facilities and activities.

Policy C 3.2.1

Encourage, where feasible, facilities, programs and services that increase and enhance public recreational opportunities in the Coastal Zone.

An exemption to the parkland dedication and in-lieu fee requirements is proposed to be added to Section 254.08 for projects which provide low and very low income housing. Also an exemption is proposed for subdivision of a 50-foot wide parcel into two lots provided that the parcel has been held under common ownership for a minimum of five consecutive years. New residential development increases recreational demand as residents of the new development access the surrounding public recreational facilities. However, as a result of the proposed exemptions, new residential units could be created with no compensating requirement to provide proportionate recreational facilities. The proposed amendment provides no requirement to meet the recreational demand created by developments that choose to pursue the proposed exemptions. If increased recreational facilities are not provided as the demand increases, overburdening of existing recreational facilities may occur. The certified LUP policies regarding public recreational facilities require that new development provide a variety of recreational facilities and that the City encourage facilities that enhance public recreational opportunities, where feasible. The proposed exemptions are not consistent with these LUP policies. However, if the amendment were modified to include a requirement that the proposed exemptions could only be granted if the exemption will not result in adverse impacts to public recreational opportunities, then the proposed exemptions would not adversely impact public recreational opportunities. Thus, if the amendment is modified as suggested, the proposed amendment would be consistent with the public recreational policies of the certified Land Use Plan. Therefore, the Commission finds that only if modified as suggested is the proposed amendment consistent with and adequate to carry out the

policies of the City's certified Land Use Plan.

b) Privacy Gates

Changes to Chapter 231 Off-Street Loading and Parking Provisions are proposed, including a change to Section 231.18 Design Standards. Language is proposed to be added to subsections D. Residential Parking and E. Non-residential Parking and Loading that would allow installation of "privacy gates" in conjunction with the provision of required parking. As proposed, the privacy gates would be allowed provided approval is obtained from the fire department, postmaster, and that 20 feet of driveway length is provided to allow for stacking of cars.

Regarding public access the City's certified Land Use Plan states:

C 2

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

C 2.5

Maintain and enhance, where feasible, existing shoreline and coastal resource access sites.

C 2.6

Promote and provide, where feasible, additional public access, including handicap access, to the shoreline and other coastal resources.

And, more specifically, regarding parking, the City's LUP states:

Policy C 2.4

Balance the supply of parking with the demand for parking.

Policy C 2.4.1

Maintain an adequate supply of parking that supports the present level of demand and allows for the expected increase in private transportation use.

Policy C 2.4.2 (in part)

Ensure that adequate parking is maintained and provided in all new development in the Coastal Zone utilizing one or a combination of the following:

a. *Apply the City's parking standards at a minimum.*

The City's certified LUP places a high priority on maintaining and enhancing public access to the shoreline and other coastal resources. This priority requires that public access be physically provided whenever it is feasible to do so. Thus any development that would eliminate or preclude public access would be inconsistent with the public access policies of the certified LUP. In addition, the commission has typically found that another method of maintaining and enhancing public access is to maximize the number of parking spaces available to the general public. This is also reflected in the LUP policies regarding the provision public parking. On-street parking spaces within walking distance to the beach or other coastal resources contribute to the reservoir of available public parking spaces and thus to the provision of public access.

The term "privacy gates" is not used elsewhere in the certified LCP. A definition of privacy gates has not been proposed. Thus, a broad interpretation must be applied at this time. Based on this, it must be assumed that privacy gates have the potential to adversely impact public coastal access. Privacy gates would have the potential to create private, gated residential communities. Gated developments create the potential to block existing or potential public access, and/or to eliminate an existing and/or potential public parking reservoir from use by the public. For example, some streets near Huntington Harbor are used by the public as parking for nearby Sunset Beach, a distance of approximately 3 blocks. If that neighborhood were to install privacy gates at the entry to the neighborhood's public streets, the public would no longer be able to access the public streets for parking. Another example would be the case of a public access easement on private property. If a privacy gate were installed, adverse impacts to public access could result. This issue is also raised by new subdivisions in proximity to the shoreline and/or other coastal resources. Privacy gates resulting in a locked gate community could result in adverse impacts both to physical access as well as limiting available public parking. Privacy gates on commercial developments and public property could create the same problems. Thus, any proposal to install privacy gates must be carefully examined for adverse impacts to public access. As submitted, the amendment is silent on the issue of privacy gates' potential to impact public access. However, the amendment could be modified to include, in the list of criteria to be complied with, a requirement that such gates may only be allowed if it is demonstrated that no adverse impact on the public's right to access the shoreline and other coastal resources will result. In addition, the list of criteria to be complied with could be modified to include a requirement that any such gate or associated change in intensity of use within the coastal zone that constitutes non-exempt development must obtain a coastal development permit. Chapter 245 Coastal Development Permit already requires that a coastal development permit be obtained for such development, however, it should be made clear that one is required for privacy gates in order to avoid confusion. Therefore, only if modified as suggested can the Commission find that the proposed amendment is consistent with and adequate to carry out the public access policies of the City's certified Land Use Plan.

c) Personal Enrichment: Parking

Chapter 211 Commercial Districts is proposed to be amended. One of the changes proposed is addition of the following language:

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

Maximum number of persons per classroom does not exceed the number of parking spaces allocated to the suite based upon the square footage of the building; and

The instruction area does not exceed 75 percent of total floor area of the personal enrichment building area."

The provision of adequate parking is a high priority under the certified Land Use Plan as a means of maximizing public access. Regarding parking, the certified Land Use Plan includes the following policies:

Policy C 2.4

Balance the supply of parking with the demand for parking.

Policy C 2.4.1

Maintain an adequate supply of parking that supports the present level of demand and allows for the expected increase in private transportation use.

Policy C 2.4.2 (in part)

Ensure that adequate parking is maintained and provided in all new development in the Coastal Zone utilizing one or a combination of the following:

- a. *Apply the City's parking standards at a minimum.*

The parking standard for Personal Enrichment Services in the certified Implementation Program is one parking space for every 35 square feet of instruction area. The proposed amendment would allow a different standard to be applied when this type of use is located in a retail building. The ratio would be significantly reduced (from 1 space/ 35 square feet to 1 space/200 square feet). But additional caveats are provided. This reduced requirement would only be allowed as long as the number of persons per classroom does not exceed the number of spaces allotted to the suite occupied by the use, and, instruction area is limited to 75% of the total floor area. By limiting the use so as not to exceed the spaces already allotted to a suite, the parking demand is significantly controlled. In

addition, the parking requirement in the IP is based on instructional area and the proposed language limits the maximum amount of instructional area to 75% of total floor area. Also, the proposed parking reduction will only apply to personal enrichment services located within retail buildings. If the use is to be located within a retail building, it's reasonable to apply shared use standards. Shared use standards take into account that a single visitor to the site may visit more than one on-site facility in a single trip and also take into account the fact that different uses may have different peak use periods. For example a retail shop may close in the evening, but the personal enrichment use may conduct evening classes. If it is demonstrated that the personal enrichment use meets all the requirements identified in the proposed language, adequate parking will be provided. Therefore, the Commission finds that the proposed amendment is consistent with and adequate to carry out the policies of the certified land use plan with regard to maximizing public access through the provision of adequate parking.

d) Vehicle Equipment Sales and Rentals: Expansion

Chapter 211 Commercial Districts is also proposed to be amended by adding a new provision that would allow expansion (up to 20%) of existing Vehicle Equipment Sales and Rentals in the Commercial Office and General Commercial districts. The amendment would also allow Vehicle Equipment Sales and Rentals as a new use in the Commercial Office district. Under the existing certified IP it is allowed only in the General Commercial district. Expansion of the lower priority use of vehicle sales is acceptable within these commercial districts, because there is a separate district for Visitor Commercial uses.

Although automobile rentals are allowed in the Visitor Commercial district (on-site storage of vehicles is limited to two vehicles), vehicle equipment sales are not allowed. The proposed amendment will not affect the uses allowed in the Visitor Commercial district.

The certified Land Use Plan includes the following policies regarding visitor serving facilities:

Policy C 3

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

Policy C 3.2.3

Encourage the provision of a variety of visitor-serving commercial establishments within the Coastal Zone, including, but not limited to, shops, restaurants, hotels, and motels, and day spas.

The proposed amendment to allow additional vehicle sales in two of the commercial districts will not impact the continued provision and promotion of visitor commercial uses within the Visitor Commercial district. Therefore, the Commission finds that the proposed

amendment is consistent with and adequate to carry out the policies of the certified Land Use Plan with regard to the protection and promotion of visitor serving commercial uses.

e) Limited Notification

The proposed amendment would modify Chapter 211 Commercial Districts to provide, in specific instances, for limited notification requirements. The proposed limited notification would apply to eating and drinking establishments, and personal enrichment services. Personal enrichment services is not an allowable use in the Visitor Commercial district. However, eating and drinking establishments are allowed in the Visitor Commercial zone. Eating and drinking establishments are a priority use in the coastal zone because they attract visitors. The proposed language for the limited notification requirements is:

(Y) Limited Notification requirements.

1. Ten (10) working days prior to submittal for a building permit or certificate of occupancy, the applicant shall notice adjacent property owners and tenants by first class mail.
2. Notice of application shall include the following:
 - a. Name of applicant
 - b. Location of planned development or use, including address.
 - c. Nature of the proposed development shall be fully disclosed in the notice.
 - d. Planning Department phone number and address of City Hall shall be provided in the notice to call for viewing plans.
 - e. The date by which any comments must be received in writing by the Planning Department and City appeal procedures.
 - f. Planning Department shall receive entire list including name and address of those receiving the mailing.

The proposed limited notification requirements would apply to the City's permit procedures other than coastal development permits. Section 245.30 of the certified IP provides the standards for public hearing notices for coastal development permits. No change is proposed to noticing procedures for coastal development permits. However, the change to the City's notice procedures for other permits may cause confusion which could lead to inadequate noticing of coastal development permits. Inadequate noticing of a coastal development permit may prevent interested parties with concerns regarding the project under consideration from being provided with a venue to raise their concerns. In addition, a coastal development permit that was not properly noticed may result in invalidating the permit. These would be avoided by modifying the amendment to include language stating that the proposed limited notification requirements do not apply to development in the coastal zone that necessitates a coastal development permit. If the amendment is modified as suggested, internal consistency within the Implementation Program (between Chapter 211 Commercial Districts and Chapter 245 Coastal Development Permit) would be maintained and confusion of the correct noticing procedure would be avoided. Therefore, only if modified as suggested can the proposed amendment be found

consistent with and adequate to carry out the certified Land Use Plan.

f) Section 245.32: Coastal Development Permits

The proposed amendment would change Section 245.32 of the certified IP, which is the Appeals section of Chapter 245 Coastal Development Permit. The amendment would add the word "administrative" in front of the term appeal periods in the section that states that development may not commence prior to expiration or exhaustion (as applicable) of the appeal period.

It would also replace text that describes when an appeal can be filed directly with the Coastal Commission with a reference to Sections 13111 and 13573 of Title 14 of the California Code of Regulations (City action on certain projects may be appealed directly to the Coastal Commission if a fee is charged at the local level). The amendment also proposes to replace a reference to Sections 13110, 13111, 13112, and 13113 of Title 14 of the California Code of Regulations with a reference to Sections 13110 through 13120. These changes correctly incorporate the Sections of the Regulations that address appeals of coastal development permits.

Also proposed is clarification that an appeal of a coastal development permit to the Planning Commission shall be filed with the Planning Department, which is more specific and accurate than the existing language which states that the appeal shall be filed with the Department of Community Development (of which the Planning Department is a part). The amendment also proposes to add the word "local" to the section addressing appeal notices for coastal development permits and the addition of a cross reference to the City's own procedure for processing appeals.

As proposed the changes to Section 245.32 will provide accurate references to the California Code of Regulations and greater specificity. Therefore, as proposed the amendment is consistent with and adequate to carry out the certified Land Use Plan.

g) Section 231.04 C: Parking Reduction

The proposed amendment would add the following new subsection C to Section 231.04 Off-street Parking and Loading Spaces Required:

The Director may allow a parking reduction for a change of use if the increase in the required parking is not more than five (5) spaces. The change of use request must be on a site with two or more uses, have a minimum of 50 existing parking spaces and provide an upgrade of existing landscaping. This same reduction may be considered for uses complying with State Handicap Regulations as mandated by State Law and applicable to parking requirements.

Regarding parking, the certified Land Use Plan includes the following policies:

Policy C 2.4

Balance the supply of parking with the demand for parking.

Policy C 2.4.1

Maintain an adequate supply of parking that supports the present level of demand and allows for the expected increase in private transportation use.

Policy C 2.4.2 (in part)

Ensure that adequate parking is maintained and provided in all new development in the Coastal Zone utilizing one or a combination of the following:

- a. Apply the City's parking standards at a minimum.*

These LUP policies require that adequate parking be provided with new development, including intensification of use. When private development does not provide adequate on-site parking, users of that development may be forced to occupy public parking that could be used by visitors to the coast. A lack of public parking discourages visitors from coming to the beach and other visitor serving activities in the coastal zone. A proposed development's lack of parking could therefore have an adverse impact on public access.

The certified IP contains parking standards found by the Commission to provide adequate parking for new development. The proposed amendment would allow increased intensity without requiring the corresponding increase in parking spaces.

The provision of adequate parking is a high priority under the certified Land Use Plan as a means of maximizing public access. The parking demand in the Huntington Beach coastal zone often exceeds demand during peak use periods including the summer months. Thus to allow reductions in parking requirements could lead to adverse impacts on coastal access.

However, if the proposed language were modified to add language stating that this provision does not apply in the coastal zone, the adverse impacts to public access would be minimized. Therefore, only if modified as suggested is the proposed amendment consistent with and adequate to carry out the policies of the certified Land Use Plan regarding the public access and the provision of adequate parking.

h) Wireless Communication Facilities

The proposed amendment would add new Section 230.96 Wireless Communication

Facilities to Existing Chapter 230 Site Standards. This new section is proposed to establish wireless communication facility development regulations. Proposed section 230.96 B identifies when administrative approval is required, when a conditional use permit is required, and when design review is required. However, it does not identify when a coastal development permit would be required. The need to obtain a coastal development permit, when required, should be called out in this section to avoid confusion.

Proposed Section 230.96 F outlines requirements for site selection. But it does not reference the standards of the certified LUP. The certified LUP includes policies that promote public coastal access, preservation and enhancement of scenic public views, and protection of other coastal resources. Specifically regarding wireless communication facilities the LUP states:

C 4.2.4

Wireless communication facilities shall be sited, to the maximum extent feasible, to minimize visual resource impacts. Minimization may be accomplished through one or more of the following techniques: co-locating antennas on one structure, stealth installations, locating facilities within existing building envelopes, or minimizing visual prominence through colorization or landscaping and removal of facilities that become obsolete.

C 3.2.5

New wireless communication facilities affecting the public view shed and/or located in areas designated Water Recreation, Conservation, Parks, and Shoreline shall be conditioned to require removal within six (6) months of termination of use and restoration of the site to its natural state.

In order to be consistent with and adequate to carry out the policies of the certified LUP, these standards must be reflected in the proposed development regulations for wireless communication facilities. The Commission finds that only if the proposed amendment is modified to incorporate both a reference to the need for a coastal development permit and to reflect the policies of the LUP, can the proposed section be found to be consistent with and adequate to carry out the policies of the certified LUP.

D. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 21080.9 of the California Public Resources Code – within the California Environmental Quality Act (CEQA) - exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a 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

Huntington Beach LCP
Amendment 1-03
Page 28

CEQA, the Commission is relieved of the responsibility to prepare an EIR for each LCP. Nevertheless, the Commission is required in approving an LCP submittal to find that the LCP does conform with the provisions of CEQA, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended IP will not be approved or adopted as proposed if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. 14 C.C.R. Sections 13542(a), 13540(f), and 13555(b). The City of Huntington Beach LCP amendment 1-03 consists of an amendment to the both the Land Use Plan (LUP) and the Implementation Program (IP).

As outlined in this staff report, the LUP amendment is consistent with the Chapter 3 policies of the Coastal Act including the public access policies, as proposed. And also as outlined in this staff report, the proposed IP amendment, if modified as suggested, will be consistent with the public access, public recreational, visitor serving, and public view policies of the certified Land Use Plan. Thus, the Commission finds that the proposed LUP amendment meets the requirements of and conforms with the Chapter 3 policies of the Coastal Act. In addition, the Commission finds that the IP amendment, if modified as suggested, is in conformity with and adequate to carry out the land use policies of the certified LUP. Therefore, the Commission finds that approval of the LCP amendment as modified will not result in significant adverse environmental impacts under the meaning of CEQA. Therefore, the Commission certifies LCP amendment request 1-03 if modified as proposed herein.

Exhibit A

Submittal Resolutions

RECEIVED

JUL 06 2002

RESOLUTION NO. 2002-99

CAUSE NO. _____
COASTAL COM. ON

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH,
ADOPTING LOCAL COASTAL PROGRAM AMENDMENT NO. 02-02 TO
AMEND THE LOCAL COASTAL PROGRAM LAND USE PLAN BY
APPROVING THE DELETION OF THE EXTENSION OF ORANGE AVENUE
FROM GOLDENWEST STREET TO PALM AVENUE ON THE CIRCULATION
PLAN OF ARTERIAL STREETS AND HIGHWAYS MAP (FIGURE C-13).

WHEREAS, pursuant to State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council, after notice duly given, have held separate public hearings relative to Local Coastal Program Amendment No. 02-02, wherein both bodies have carefully considered all information presented at said hearings; and

Such amendment was recommended to the City Council for adoption; 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 Local Coastal Program Amendment is proper and consistent with the General Plan, the intent of the Certified Huntington Beach Local Coastal Program 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. The Local Coastal Program Land Use Plan is hereby amended by deleting the extension of Orange Avenue from Goldenwest Street to Palm Avenue on the Circulation Plan of Arterial Streets and Highways Map, as described in Exhibit A attached hereto.

SECTION 2. That the California Coastal Commission is hereby requested to consider, approve and certify Huntington Beach Local Coastal Program Amendment No. 02-02.

SECTION 3. That pursuant to Section 13551(b) of the Coastal Commission Regulations, Huntington Beach Local Coastal Program Amendment No. 02-02 will take

A 1

effect automatically upon Coastal Commission approval, as provided in *Public Resources Code* Sections 30512, 30513 and 30519.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 21st day of October, 2002.

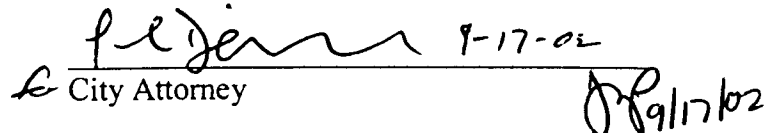


Mayor


ATTEST:


City Clerk

APPROVED AS TO FORM:

 9-17-02
City Attorney

REVIEWED AND APPROVED:


City Administrator

INITIATED AND APPROVED:

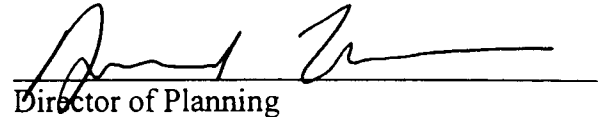
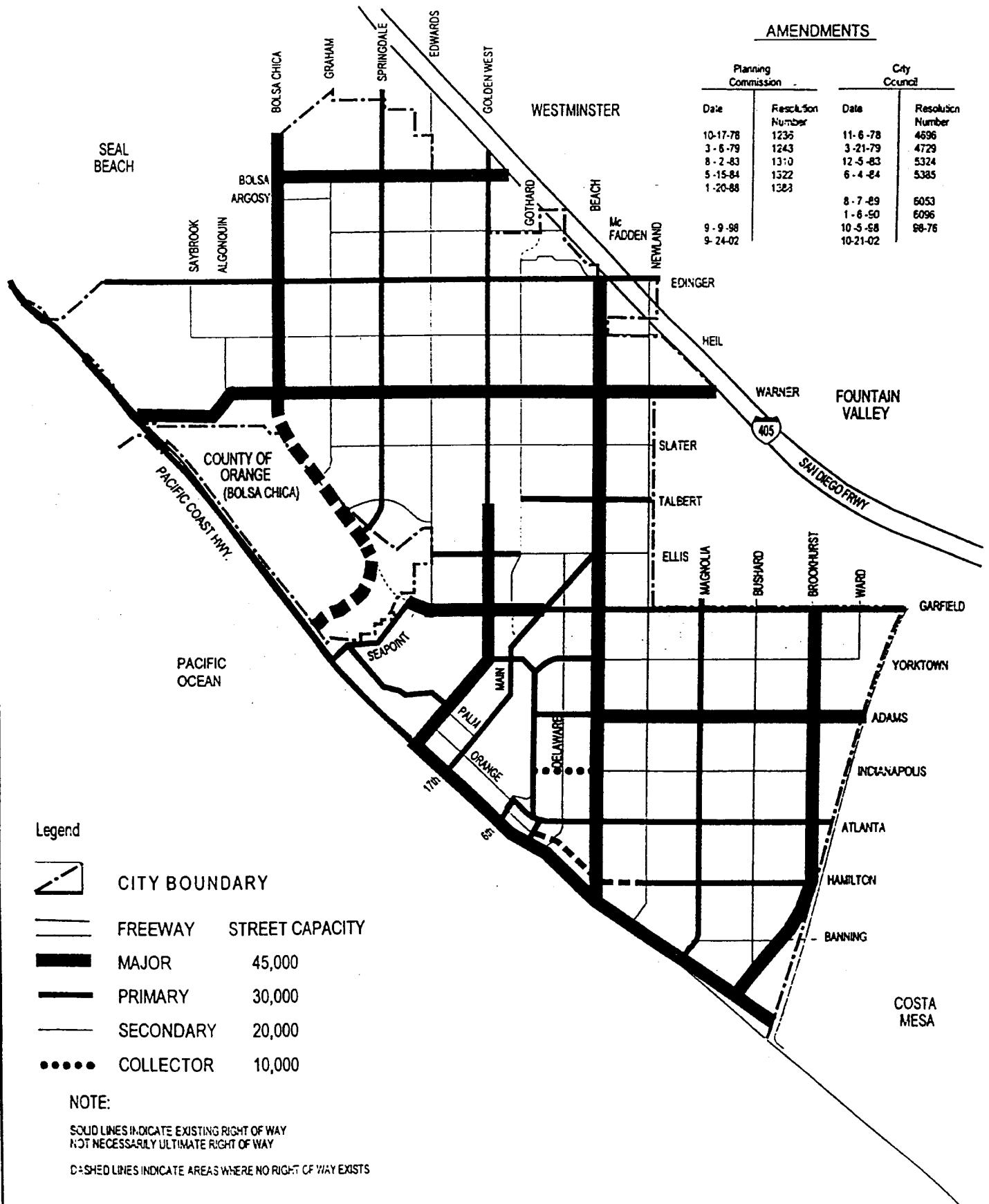

Director of Planning

EXHIBIT A

A3



CIRCULATION PLAN OF ARTERIAL STREETS AND HIGHWAYS

CITY OF HUNTINGTON BEACH GENERAL PLAN




FIGURE C-13

A-4

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

I, CONNIE BROCKWAY, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing resolution was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council at a **regular** meeting thereof held on the **21st day of October, 2002** by the following vote:

AYES: Green, Dettloff, Boardman, Cook, Winchell, Bauer
NOES: None
ABSENT: Houchen
ABSTAIN: None



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

A 5

RESOLUTION NO. 2003-34

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF HUNTINGTON BEACH
ADOPTING LOCAL COASTAL PROGRAM AMENDMENT NO. 03-01
AND REQUESTING ITS CERTIFICATION BY
THE CALIFORNIA COASTAL COMMISSION

WHEREAS, after notice duly given pursuant to *Government Code* Section 65090 and *Public Resources Code* Sections 30503 and 30510, the Planning Commission of the City of Huntington Beach held public hearings to consider the adoption of the Huntington Beach Local Coastal Program Amendment No. 03-01, and such amendment was recommended to the City Council for adoption; and

The City Council, after giving notice as prescribed by law, held at least one public meeting regarding the proposed Huntington Beach Local Coastal Program Amendment No. 03-01, 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. 03-01 is hereby approved, consisting of certain Ordinances pertaining to Zoning Text Amendments (ZTA) and Zoning Map Amendments (ZMA) as listed below:

RECEIVED
South Coast Region

JUL 7 2003

CALIFORNIA
COASTAL COMMISSION

Ac

<u>Ordinance</u>	<u>Subject</u>	<u>Description</u>
No. 3438 (Sub Area A)	ZMA No. 99-3	Various Locations
No. 3439 (Sub Area B)	ZMA No. 99-3	Various Locations
No. 3442 (Sub Area E)	ZMA No. 99-3	Various Locations
No. 3533	ZMA No. 01-2	Sunrise Development
No. 3543 (Sub Area A)	ZMA No. 01-3	Various Locations
No. 3544 (Sub Area B)	ZMA No. 01-3	Various Locations
No. 3545 (Sub Area C)	ZMA No. 01-3	Various Locations
No. 3562	ZTA No. 01-2	Parkland In-Lieu Fee
No. 3520-3532	ZTA No. 01-4	Permit Streamlining
No. 3517	ZTA No. 01-7	CDP Appeal Language
No. 3553	ZTA No. 01-9	Delete 2 Acre Provision
No. 3568	ZTA No. 02-1	Wireless Communication Facility
No. 3542	ZTA No. 02-3	Remove Park Site Within Ellis/Golden West S.P.
No. 3563	ZTA No. 02-4	Permit Religious Uses Within Ellis/Golden West S.P.
No. 3596	ZTA No. 02-5	Park & Recreation Fees
Resolution 2002-129	ZTA No. 02-5	Park and Recreation Fees
No. 3594	ZTA No. 02-5	Park and Recreation Fees
Resolution 2002-121	ZTA No. 02-5	Park and Recreation Fees

Copies of the aforesaid ordinances and resolutions are attached hereto as **Exhibit A through R**, 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. 03-01.

SECTION 3. That pursuant to Section 13551(b) of the Coastal Commission Regulations, Huntington Beach Local Coastal Program Amendment No. 03-01 will take effect automatically upon Coastal Commission approval, as provided in *Public Resources Code* Sections 30512, 30513 and 30519.

A 7

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 19th day of May, 2003.

Connie Boardman
Mayor

ATTEST:

APPROVED AS TO FORM:

Connie Brockway
City Clerk

Jennifer M. Smith
3/27/03 City Attorney
Pal
3-26-0

REVIEWED AND APPROVED:

INITIATED AND APPROVED:

Ray Liller
City Administrator

Paul R.
Director of Planning

A. 2

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

I, CONNIE BROCKWAY, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing resolution was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council at an **regular** meeting thereof held on the **19th day of May 2003** by the following vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy
NOES: None
ABSENT: None
ABSTAIN: None

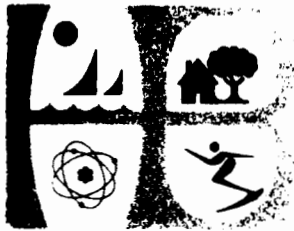
Connie Brockway

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

A9

Exhibit B

Submittal Letters



City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

DEPARTMENT OF PLANNING

Phone 536-5271
Fax 374-1540
374-1648

RECEIVED
South Coast Region

July 2, 2003

JUL 7 2003

Theresa Henry, South Coast District Manager
South Coast Area Office
California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802-4302

CALIFORNIA
COASTAL COMMISSION

SUBJECT: HUNTINGTON BEACH LOCAL COASTAL PROGRAM AMENDMENT NO. 03-1

Dear Ms. Theresa:

The City of Huntington Beach is transmitting Local Coastal Program Amendment (LCPA) No. 03-1 pursuant to City Council Resolutions No. 2003-34 and 2002-99. The Local Coastal Program Amendment is a request to amend the City's certified Local Coastal Program (Land Use Plan and Implementing Ordinances) relative to nine amendments to the City's Zoning and Subdivision Ordinance and one General Plan Amendment. Of the ten changes, three are zoning map amendments, one is a general plan amendment and the remaining six are text amendments.

Pursuant to Section 13551(a) of Article 15 of the California Coastal Commission Regulations, the City Council adopted Resolution No. 2003-34 on May, 19 2003 and Resolution 2002-99 on October 21, 2002 to amend the Local Coastal Program to reflect the ten previously approved amendments to the Zoning and Subdivision Ordinance and General Plan. Copies of the Resolutions are enclosed. The proposed Local Coastal Program Amendment No. 03-1 is submitted as an amendment that will take affect automatically upon Commission approval pursuant to Public Resources Code Sections 30512, 30513, and 30519.

1. Project Description

The ten amendments are summarized on an attached handout.

2. General Plan Conformance

The proposed amendments were found to be consistent with the goals, objectives, and policies contained in the City's General Plan at the time that each was adopted.

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3. Coastal Element

As the enclosed minutes indicate, there were no coastal concerns expressed by any of the speakers or by written correspondence when each of the ten amendments was adopted. The individual amendments do not conflict with the policies of the Coastal Element of the General Plan nor negatively impact those areas of the city that lie within the Coastal Zone boundary. The amendments do not impede public access to coastal resources, nor do they result in effects on public views. The proposed LCPA is submitted pursuant to Section 13511 of the Coastal Commission Administrative Regulations, which conforms to the requirements of Chapter 6 of the Coastal Act.

4. Compatibility with Surrounding Uses

When the ten individual amendments were approved, each was found to be compatible with existing and planned uses in their vicinity.

5. Processing

The following is a summary of processing pursuant to Section 13552 (b) (c) of the California Coastal Commission Regulations concerning the adoption of the amendments, and their relationship to other sections of the city's certified Local Coastal Program.

- a. Staff determined, as required by the California Environmental Quality Act (CEQA), that the six text amendments will not have any significant adverse effects on the environment. The three map amendments were determined to be within the scope of the previously certified EIR No. 94-1, which was prepared and certified for the City's comprehensive General Plan Amendment in 1996. The general plan amendment was determined consistent with Mitigated Negative Declaration 98-08, which was prepared and certified for the Palm and Goldenwest Specific Plan in 1999.
- b. The Planning Commission and City Council reviewed each of the amendments with the appropriate public hearing. The public hearings were advertised in the city's usual local newspaper and notice sent to property owners and interested parties.

6. Public Participation

All staff reports were made available for public review in the Planning Department and the Huntington Beach Public Library. During the public hearing process, staff made every effort to maximize public participation in the process. Pursuant to Section 13552 (a) of the Coastal Commission Administrative Regulations, enclosed are copies of the measures taken to ensure public participation, public hearing notices, one set of current mailing labels for all ten items, and the minutes from the public hearings. Please refer to the enclosed public hearing minutes and all correspondences for a summary of comments received at the public hearings. Additionally, the following briefly summarizes written public comments received for each action.

- Item 1. Zoning Map Amendment No. 99-3: Fred Kent spoke at the Planning Commission meeting asking if the zoning change would allow his land, if sold to be used for anything other than a church use.
- Item 2. Zoning Map Amendment No. 01-2: No one spoke or submitted comments regarding this amendment.
- Item 3. Zoning Map Amendment No. 01-3: The following persons spoke at the City Council and Planning Commission meetings:
- a. Dave Sullivan spoke at the City Council meeting regarding the agenda item requiring a Measure C vote of the people for the disposition of the parkland.
 - b. Mike and Sally Olafson spoke at the Planning Commission meeting addressing the rezoning of the Senior Center.
 - c. Thomas Bacon spoke at the Planning Commission meeting in favor of the proposed zoned change.
 - d. Rhonda Jones Pisani spoke at the Planning Commission meeting regarding the proposed zone change of Subarea D (Senior Center).
- Item 4. Zoning Text Amendment No. 01-2: The following persons spoke at the City Council and Planning Commission meetings:
- a. Jill Hardy spoke at the City Council meeting in favor of the project.
 - b. Mike Balsamo spoke at both the City Council and Planning Commission meetings in favor of the project.
 - c. Mike Adams spoke at both the City Council and Planning Commission meetings requesting a continuance of the item and the necessity of park-in-lieu fees.
 - d. Randy Allison spoke at both the City Council and Planning Commission meetings in opposition of the item.
 - e. Rob Moore spoke at both the City Council and Planning Commission meetings in opposition of the amount of the proposed park-in-lieu fee.
 - f. Dick Harlow spoke at both the City Council and Planning Commission meetings in favor of the item.
 - g. Joan Templeton spoke at the Planning Commission meeting in opposition of the proposed park-in-lieu fees.
 - h. Kelly Templeton spoke at the Planning Commission meeting in opposition of the item.
 - i. Robert Corona spoke at the Planning Commission questioned the park-in-lieu fees for proposed subdivisions.
 - j. Bill Vogt spoke at the Planning Commission meeting in opposition of the proposed park-in-lieu fees.
 - k. Ethen Thacher spoke at the Planning Commission meeting regarding the absence of Quimby Act language within the findings for approval.
- Item 5. Zoning Text Amendment No. 01-4: The following persons spoke at the City Council and Planning Commission meetings:

- a. Bill Holman spoke at the City Council meeting in favor of the item.
- b. Dick Harlow spoke at both the City Council and Planning Commission meetings in favor of the item.

Item 6. Zoning Text Amendment No. 01-7: No one spoke or submitted comments regarding this amendment.

Item 7. Zoning Text Amendment No. 01-9: No one spoke or submitted comments regarding this amendment.

Item 8. Zoning Text Amendment No. 02-1: The following persons spoke at the City Council and Planning Commission meetings:

- a. William Bennett spoke at the City Council meeting in favor of the item.
- b. Leslie Daigle spoke at both the City Council and Planning Commission meetings in favor of the item.

Item 9. Zoning Text Amendment No. 02-5: The following persons spoke at the City Council meeting:

- a. Robert Corona spoke at the City Council meeting in favor of the proposed ordinance.
- b. Dick Harlow spoke at the City Council meeting in favor of the zoning text amendment.

Item 10. General Plan Amendment No. 02-2 & Local Coastal Program Amendment No. 02-2: No one spoke or submitted comments regarding this amendment.

Thank you in advance for your cooperation in this matter. If you should have any questions regarding this submittal, please contact Jason Kelley, Assistant Planner at (714) 374-1553.

Sincerely,

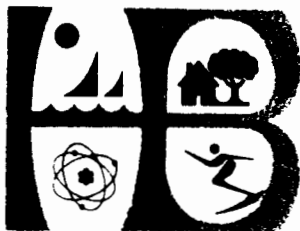


Howard Zelefsky
Director of Planning

Enclosures

xc: Mary Beth Broeren, Principal Planner
LCPA 03-1

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City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

DEPARTMENT OF PLANNING

Phone 536-5271
Fax 374-1540
374-1648

August 11, 2003

Theresa Henry, South Coast District Manager
South Coast Area Office
California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802-4302

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COASTAL COMMISSION

SUBJECT: ADDITIONAL INFORMATION FOR HUNTINGTON BEACH LOCAL COASTAL PROGRAM AMENDMENT NO. 03-1

Dear Ms. Henry: *Theresa*

On July 7, 2003, the City of Huntington Beach submitted Local Coastal Program Amendment (LCPA) No. 03-1. The Local Coastal Program Amendment is a request to amend the City's certified Local Coastal Program (Land Use Plan and Implementing Ordinances) relative to nine amendments to the City's Zoning and Subdivision Ordinance and one General Plan Amendment. Of the ten changes, three are zoning map amendments, one is a general plan amendment and the remaining six are text amendments. On July 21, 2003, the City of Huntington Beach received your letter deeming the application incomplete until additional information for items 5, 8, and 10 is submitted.

Item 5

Attached are copies of the City's legislative drafts, which include strikeouts and bolded new language for Ordinance Nos. 3520 – 3532.

Regarding the discrepancies to Ordinance 3527, the entire sign code was amended in July 1997 as part of Zoning Text Amendment No. 95-6, Ordinance 3360 and was approved by the Coastal Commission on July 7, 2000 as part of Implementation Plan Amendment 2-98B. Therefore, the sections you are questioning (Sections 233.04 - "Permits Required", 233.10 - "Prohibited Signs" and 233.20 - Planned Sign Program") should be consistent with the sections that were submitted by the City. For your assistance, I am attaching a copy of the legislative draft for Zoning Text Amendment No. 95-6 (sign code amendment), a copy of the staff report and a copy of the Coastal Commission approval letter for Implementation Plan Amendment 2-98B dated July 7, 2000.

Item 8

Attached is a copy of the City's legislative draft, which includes strikeouts and bolded new language for Ordinance No. 3568.

According to the City's records, there should not be any discrepancies to Ordinance 3568. You indicate that Section 204.10 I of the certified ZSO is Commercial Recreation Entertainment and Section 204.10 J is Communication Facilities; however, Zoning Text Amendment No. 97-4 established Ordinance 3378 (Sex Oriented Business) which changed Section 204.10 I to Communication Facilities. Attached is a copy of the Legislative draft, Chapter 204 for Zoning Text Amendment No. 97-4 (Sex Oriented Business), a copy of the staff report and the Coastal Commission approval letter for Implementation Plan Amendment 2-98B dated July 7, 2000.

Secondly, you are indicating that Section 204.10 list only L-1, L-2 and L-3, whereas, Ordinance 3568 added L-5 and not L-4. L-4 was added as part of Zoning Text Amendment No. 97-1, Ordinance 3410 (Residential District Standards), which was approved by the Coastal Commission as part of Local Coastal Program Amendment No. 1-01 on August 6, 2002. Attached is a copy of the Legislative Draft for Zoning Text Amendment No. 97-1 (Residential District Standards) a copy of the staff report and the Coastal Commission approval letter.

Next, you question Section 4 of Ordinance 3568 at 211.04 proposing to add L-13, but the certified ZSO stops at L-9. Item 5 of LCPA No. 03-1 is Zoning Text Amendment No. 01-4, which includes Ordinance 3522, which added L-10, L-11, and L-12. Included in this transmittal is a copy of the Legislative Draft for Ordinance 3522.

Finally, you indicate that Section 5 of Ordinance 3568 adds L-12, but the certified ZSO stops at L-10. Again, Zoning Text Amendment No. 97-4 established Ordinance 3378 (Sex Oriented Business) that changed Section 212.04 by adding an L-11 provision. A copy of the Legislative draft, Chapter 212 for Zoning Text Amendment No. 97-4 (Sex Oriented Business), a copy of the staff report and the Coastal Commission approval letter for Implementation Plan Amendment 2-98B dated July 7, 2000 is attached.

Item 10

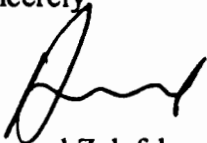
The deletion of Orange Avenue segment between Palm Avenue and Goldenwest Street from Figure C-13 of the Coastal Element is proposed to achieve consistency between the City's Circulation Element and the Orange County Master Plan of Arterial Highways (MPAH), which identifies street classifications for arterials throughout Orange County and establishes a consistent countywide system. Eligibility for Measure M funds is dependent upon a city's General Plan Circulation Element being consistent with the MPAH. This is a technical "clean-up" item as the residential development, known as The Boardwalk, was approved on the alignment of the Orange Avenue extension. The Specific Plan for this project, with associated environmental documentation, was approved by the City in 2000. The Coastal Commission certified this action later that same year.

The extension of Orange Avenue is designated as a secondary arterial, designed to accommodate up to 20,000 vehicles per day. However, the 2025 Average Daily Traffic forecasts for the segment of Orange Avenue between Goldenwest Street and Palm Avenue project it to serve

approximately 4,700 vehicles per day, well below the design service volumes. The diverted traffic to adjacent arterials would not significantly impact the remaining arterial street system and has been accounted for in the environmental analysis approved for the Palm/Goldenwest Specific Plan. Therefore, deleting the proposed extension of Orange Avenue would not result in any significant adverse impact to the area's public access. The existing circulation plan for the Palm and Goldenwest area would be unaffected and remain as is. This Circulation Plan was approved by the City and the California Coastal Commission with the adoption of the Palm and Goldenwest Specific Plan in 2000, as noted above. Enclosed is a letter dated July 31, 2002 with supporting traffic forecasts from the Director of Public Works regarding the deletion of a portion of Orange Avenue, Mitigated Negative Declaration 98-8 and relevant sections of the Palm and Goldenwest Specific Plan as requested.

Thank you in advance for your cooperation in this matter and we hope this clarifies your questions regarding Local Coastal Program Amendment No. 03-1. If you should have any questions regarding this submittal, please contact Jason Kelley, Assistant Planner at (714) 374-1553.

Sincerely



Howard Zelefsky
Director of Planning

Enclosures

xc: Mary Beth Broeren, Principal Planner
LCPA 03-1

Exhibit C

ENCLOSURES	DATES
1. Zoning Map Amendment No. 99-3: Zoning/GP Consistency (Various Locations)	
Ordinance 3438 (Sub-Area A)	November 1, 1999
Ordinance 3439 (Sub-Area B)	November 1, 1999
Ordinance 3442 (Sub-Area E)	November 1, 1999
City Council Minutes	November 1, 1999
City Council RCA	November 1, 1999
Notice of Public Hearing and Mailing Labels	November 1, 1999
Planning Commission Minutes	September 14, 1999
Planning Commission Staff Report	September 14, 1999
Notice of Public Hearing and Mailing Labels	September 14, 1999
2. Zoning Map Amendment No. 01-2: Sunrise Development	
Ordinance 3533	December 17, 2001
City Council Minutes	December 17, 2001
City Council RCA	December 17, 2001
Notice of Public Hearing and Mailing Labels	December 17, 2001
Planning Commission Minutes	November 13, 2001
Planning Commission Staff Report	November 13, 2001
Notice of Public Hearing and Mailing Labels	November 13, 2001
3. Zoning Map Amendment No. 01-3: Zoning/GP Consistency (Various Locations)	
Ordinance 3543 (Sub-Area A)	May 20, 2002
Ordinance 3544 (Sub-Area B)	May 20, 2002
Ordinance 3545 (Sub-Area C)	May 20, 2002
City Council Minutes	May 20, 2002
City Council RCA	May 20, 2002
City Council Minutes	April 15, 2002
City Council RCA	April 15, 2002
City Council Minutes	March 18, 2002
City Council RCA	March 18, 2002
City Council Minutes	March 4, 2002
City Council RCA	March 4, 2002
Notice of Public Hearing and Mailing Labels	March 4, 2002
Planning Commission Minutes	January 23, 2002
Planning Commission Staff Report	January 23, 2002
Planning Commission Minutes	November 13, 2001
Planning Commission Staff Report	November 13, 2001
Notice of Public Hearing and Mailing Labels	November 13, 2001
4. Zoning Text Amendment No. 01-2: Parkland In-Lieu Fee	
Ordinance 3562	June 3, 2002
City Council Minutes	June 3, 2002
City Council RCA	June 3, 2002
Notice of Public Hearing and Mailing Labels	June 3, 2002
Planning Commission Minutes	April 23, 2002
Planning Commission Staff Report	April 23, 2002
Planning Commission Minutes	April 9, 2002

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ENCLOSURES	DATES
Planning Commission Staff Report	April 9, 2002
Planning Commission Minutes	February 12, 2002
Notice of Public Hearing and Mailing Labels	February 12, 2002
Planning Commission Staff Report	February 12, 2002
5. Zoning Text Amendment No. 01-4: Entitlement Permit Streamlining	
Ordinance 3520 – 3532	December 17, 2001
City Council Minutes	December 17, 2001
City Council RCA	December 17, 2001
City Council Minutes	November 19, 2001
City Council RCA	November 19, 2001
Notice of Public Hearing and Mailing Labels	November 19, 2001
Planning Commission Minutes	November 27, 2001
Planning Commission Staff Report	November 27, 2001
Planning Commission Minutes	October 9, 2001
Planning Commission Staff Report	October 9, 2001
Notice of Public Hearing and Mailing Labels	October 9, 2001
6. Zoning Text Amendment No. 01-7: CDP Appeal Language	
Ordinance 3517	December 3, 2001
City Council Minutes	December 3, 2001
City Council RCA	December 3, 2001
City Council Minutes	November 19, 2001
City Council RCA	November 19, 2001
City Council Minutes	November 5, 2001
City Council RCA	November 5, 2001
Notice of Public Hearing and Mailing Labels	November 5, 2001
Planning Commission Minutes	October 9, 2001
Planning Commission Staff Report	October 9, 2001
Notice of Public Hearing and Mailing Labels	October 9, 2001
Planning Commission Minutes	August 28, 2001
Planning Commission Staff Report	August 28, 2001
Notice of Public Hearing and Mailing Labels	August 28, 2001
7. Zoning Text Amendment No. 01-9: Delete 2 Acre Provision for PS Uses	
Ordinance 3553	April 1, 2002
City Council Minutes	April 1, 2002
City Council RCA	April 1, 2002
Notice of Public Hearing and Mailing Labels	April 1, 2002
Planning Commission Minutes	February 12, 2002
Planning Commission Staff Report	February 12, 2002
Notice of Public Hearing and Mailing Labels	February 12, 2002
8. Zoning Text Amendment No. 02-1: Wireless Communication Facilities	
Ordinance 3568	August 5, 2002
City Council Minutes	August 5, 2002
City Council RCA	August 5, 2002
Notice of Public Hearing and Mailing Labels	August 5, 2002

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ENCLOSURES		DATES
Planning Commission Staff Report		June 25, 2002
Planning Commission Minutes		May 28, 2002
Planning Commission Staff Report		May 28, 2002
Notice of Public Hearing and Mailing Labels		May 28, 2002
Planning Commission Minutes		June 25, 2002
9. Zoning Text Amendment No. 02-5: Park and Recreation Fees		
Emergency Ordinance 3596		December 16, 2002
Emergency Resolution 2002-129		December 16, 2002
City Council Minutes		December 16, 2002
City Council RCA		December 16, 2002
Notice of Public Hearing and Mailing Labels		December 16, 2002
Emergency Interim Ordinance 3594		November 18, 2002
Emergency Interim Resolution 2002-121		November 18, 2002
City Council Minutes		November 18, 2002
City Council RCA		November 18, 2002
10. General Plan Amendment No. 02-02 & Local Coastal Program Amendment No. 02-02: Orange Ave. Deletion		
Resolution 2002-98		October 21, 2002
Resolution 2002-99		October 21, 2002
City Council Minutes		October 21, 2002
City Council RCA		October 21, 2002
Notice of Public Hearing and Mailing Labels		October 21, 2002
Planning Commission Minutes		September 24, 2002
Planning Commission Staff Report		September 24, 2002
Notice of Public Hearing and Mailing Labels		September 24, 2002

Items 1, 2, 3 on the City's list of Enclosures are Zoning Map Amendments for sites located outside the coastal zone and so those ordinances have not been included.

Item 4
Zoning Text Amendment 01-2
Parkland In-Lieu Fee

ORDINANCE NO. 3562

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH
AMENDING CHAPTER 254 OF THE HUNTINGTON BEACH ZONING
AND SUBDIVISION ORDINANCE RELATING TO THE
DEDICATION AND RESERVATIONS OF LAND PARCELS

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

SECTION 1. Section 2154.08 of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to read as follows:

254.08 Parkland Dedication

- A. General. This Section is enacted pursuant to the authority granted by the Subdivision Map Act and the general police power of the City including the power to zone and the power to implement open space and recreational elements of the General Plan. This Section is adopted to implement the provisions of the Quimby Act which authorizes the City to require the dedication of land for park and recreational facilities or payment of in-lieu fees incident to and as a condition of the approval of a tentative tract map or tentative parcel map for a residential subdivision. The park and recreational facilities for which dedication of land and/or payment of an in-lieu fee as required by this Section are in accordance with the policies, principles and standards for park, open space and recreational facilities contained in the General Plan.

The general purposes and objectives of this Section are:

1. To preserve, enhance and improve the quality of the physical environment of the City of Huntington Beach;
2. To provide a procedure for the acquisition, development and rehabilitation of local park and recreational facilities;
3. To secure for the citizens of Huntington Beach the social and physical advantages resulting from the provision of orderly park, recreation and open space facilities;
4. To establish conditions which will allow park and recreational facilities to be provided and to exist in harmony with surrounding and neighborhood land uses;
5. To ensure that adequate park and recreational facilities will be provided;
6. To provide regulations requiring five usable acres, or the proportionate share thereof, having a grade not exceeding two percent, for each 1,000 persons residing within the City to be supplied by persons proposing residential subdivisions.

- B. Requirements. The requirements of this Section shall be complied with by the dedication of land, payment of a fee in lieu thereof, or both, at the option of the City, for park or recreational purposes at the time and according to the standards and formula contained in this Section. The amount and location of land dedicated or the fees to be paid, or both, shall be used for acquiring, developing new or rehabilitating existing community and neighborhood parks and other types of recreational facilities in such a manner that the locations of such parks and recreational facilities bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision generating such dedication or fees, or both. Dedications for trails shall not be included as part of any requirements for park or recreational dedication.

Lands to be dedicated or reserved for park and/or recreational purposes shall be suitable in the opinion of the Director and the Director of Community Services in location, topography, environmental characteristics and development potential as related to the intended use. The primary intent of this Section shall be construed to provide the land for passive and active recreation, including but not limited to: tot lots, play lots, playgrounds, neighborhood parks, playfields, community or regional parks, lakes, picnic areas, tree groves or urban forests, and other specialized recreational facilities that may serve residents of the City. Principal consideration shall be given therefore to lands that offer:

1. A variety of recreational potential for all age groups;
2. Recreational opportunities provided and maintained in a manner that will permit the maximum use and enjoyment by residents of the City of Huntington Beach.
3. Possibility for expansion or connection with school grounds;
4. Integration with hiking, riding and bicycle trails, natural stream reserves and other open space;
5. Coordination with all other park systems;
6. Access to at least one existing or proposed public street.

- C. General Standard. It is hereby found and determined that the public interest, convenience, health, safety and welfare require that five acres of property for each 1,000 persons residing within the City be devoted to local park and recreational purposes.

- D. Standards and Formula for Dedication of Land. Where a park or recreational facility has been designated in the General Plan and is to be located in whole or in part within the proposed subdivision and is reasonably related to serving the present and future needs of the residents of the subdivision, the subdivider shall dedicate land for park and recreation facilities sufficient in size and topography to meet that purpose. The amount of land to be provided shall be determined pursuant to the following standards and formula:

$$A = \frac{5.0 (DF \times \text{No. DU})}{1000}$$

1. Definitions of terms:

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- a. A - the area in acres required to be dedicated as a park site or to be appraised for in-lieu fee payment for the subdivision.
 - b. DF - density factor as determined pursuant to Section 254.08(E).
 - c. 5.0 - number of acres per one thousand persons.
 - d. No. DU - number of dwelling units proposed in the subdivision.
2. When a proposed subdivision contains dwelling units with different density factors, the formula shall be used for each such density factor and the results shall be totaled.
 3. Dedication of parkland shall not be required for parcel maps or subdivisions containing 50 parcels or less; except that when a condominium project, stock cooperative or community apartment project exceeds 50 dwelling units, dedication of land may be required notwithstanding that the number of parcels may be less than 50.

E. Density.

The amount of land dedicated or fees paid shall be based upon residential density, which is determined on the basis of the approved tentative map and the average number of persons per household. The average number of persons per household by unit in a structure shall be established by City Council resolution and be derived from the most recent available federal census or state or City population and housing data.

The number of dwelling units in a subdivision shall be the number proposed for construction. When the actual number of units to be constructed is unknown, it shall be assumed for the purposes of this chapter that the maximum number permissible by law will be constructed.

- F. Standard Improvements. The dedication of land for park and recreational purposes shall not be deemed to waive any other requirements that may be imposed by the City. The subdivider may, at the time of the approval of the tentative map, be obligated by condition to said map to provide curbs, gutters, sidewalk, drainage facilities, street lighting, stop lights, street signs, matching pavement and street trees to full City standards, to stub-in requested standard improvements required for residential property plus initial on-site grading required for developing the park facility. In lieu of making said improvements and upon approval of the Planning Commission or City Council, whichever acts last on the tentative map, the subdivider may pay a sum as estimated by the Director of Public Works sufficient to cover the cost of said improvements. The environmental condition of any land dedicated pursuant to this Section shall satisfy all federal, state and local requirements applicable to parkland and recreational facilities.

G. Formula for Fees in Lieu of Land Dedication.

1. General Formula. Whenever the requirements of this Section are met solely on the basis of the payment of a fee in lieu of land dedication, the subdivider shall pay a fee in lieu of dedication equal to the value of the

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land prescribed for dedication in Section 254.08(D) and in an amount determined in accord with the provisions of Section 254.08(I).

2. Fees in Lieu of Land - 50 Parcels or Less. If the proposed subdivision contains 50 parcels or less and has no park or recreational facility, the subdivider shall pay a fee equal to the land value of the portion of the park or recreational facilities required to serve the needs of the residents of the proposed subdivision as prescribed in Section 254.08(D) and in an amount determined in accordance with the provisions of Section 254.08(I). When a condominium project, stock cooperative or community apartment project exceeds 50 dwelling units, dedication of land may be required notwithstanding that the number of parcels may be less than 50.
 3. Use of Fees. The fees paid to the City pursuant to this Section and the interest accrued from such fees shall be used, in accordance with the schedule developed pursuant to Section 254.08(M), for the purpose of acquiring, developing new or rehabilitating existing neighborhood or community park or recreational facilities reasonably related to serving the subdivision, including the purchase of necessary land and/or improvement of such land for park or recreational purposes. All fees collected pursuant to this Section shall be transferred for deposit into a separate fund and used solely for the purposes specified in this Section. All monies deposited into the fund shall be held separate and apart from other City funds. All interest or other earnings on the unexpended balance in the fund shall be credited to the fund. The money deposited in the fund account shall be committed to the partial or full completion of necessary purchases or improvements within five years after payment thereof or the issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later. If the money is not committed, it shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of each lot bears to the total area of all lots in the subdivision. Any requests for refunds shall be submitted to the Director in accordance with the procedures set forth in Section 254.08(P).
 4. Standard Improvements. When the requirements of this Section are met solely on the basis of the payment of a fee in lieu of land dedication, in addition to the in-lieu fee, the subdivider shall also pay an amount equal to 20 percent of the in-lieu fee to provide curbs, gutters, drainage facilities, street lighting, stop lights, sidewalks, street signs, matching pavement and street trees to full City standards, stubbing in of utility line services to the park facility, and all standard improvements required by the City for residential subdivisions.
- H. Criteria for Requiring Both Dedication and Fee. If the proposed subdivision contains more than 50 lots, the subdivider shall both dedicate land and pay a fee in lieu of dedication in accordance with the following:
1. When only a portion of the land to be subdivided is proposed in the General Plan as the site for a local park or recreational facility, such portion shall be dedicated for local park purposes and a fee computed pursuant to the provisions of Section 254.08(I) shall be paid for any additional land that would have been required to be dedicated pursuant to Section 254.08(D).

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2. When a major part of the local park or recreational site has already been acquired by the City and only a small portion of land is needed from the subdivision to complete the site, such portion shall be dedicated, and a fee, computed according to Section 254.08(I) shall be paid in an amount equal to the value of the land which would otherwise have been required to be dedicated according to Section 254.08(D).
3. The fee shall be used for the improvement of the existing park or recreational facility or for the improvement of other neighborhood or community parks and recreational facilities reasonably related to serving the subdivision.

- I. Amount of Fee in Lieu of Park Land Dedication. Where a fee is required to be paid in lieu of park land dedication, such fee shall be equal to the fair market value for each acre which would otherwise have been required to be dedicated by Section 254.08D. Fair market value of the land shall be determined by a qualified real estate appraiser that has been selected and retained by the City at the expense of the subdivider and is a member of the American Institute of Real Estate Appraisers ("Qualified Real Estate Appraiser"). The fair market value of the land shall be based on the average acre value of the property to be subdivided at the time of the recording of the final subdivision map, adjusted to reflect the value of such acre of property rough graded to a maximum two percent slope. Such appraisal shall exclude improvement. The date of value of the property for purposes of the appraisal shall be within 60 days of payment of the fee as referenced in Section 254.08L.

If the subdivider objects to the fair market value as determined by the Qualified Real Estate Appraiser, the subdivider may, at his own expense, retain another Qualified Real Estate Appraiser to complete a second appraisal. If the City disputes the fair market value as determined by the second appraisal, the matter will be submitted to binding arbitration at the expense of the subdivider.

Subdivisions consisting of three or fewer parcels. If the proposed subdivision contains three (3) or fewer parcels, the Director shall determine the fair market value of the property to be subdivided based upon the fair market value of adjacent parcels in consideration of site characteristics of the property. If the subdivider objects to the determination of the Director, the subdivider may retain, at his or her own expense, a Qualified Real Estate Appraiser to provide the fair market value of the property to be subdivided. In the event the Director's determination of the land value exceeds the Qualified Real Estate Appraiser's appraisal by more than \$5,000.00, the average of both determinations shall be established as the fair market value.

- J. Determination of Land or Fee. Whether the City accepts land dedication, or elects to require the payment of a fee in lieu of, or a combination of both, shall be determined by the Director after consideration of the following:
1. Policies, standards and principles for park and recreational facilities in the General Plan;
 2. Topography, geology, access and location of land in the subdivision available for dedication;
 3. Size and shape of the subdivision and land available for dedication;

4. Feasibility of dedication;
5. Compatibility of dedication with the General Plan;
6. Availability of previously acquired park property.

The determination by the City as to whether land shall be dedicated, or whether a fee shall be charged, or a combination of both, shall be final and conclusive.

- K. Credit for Improvements and Private Open Space. If the subdivider provides park and recreational improvements to the dedicated land other than those referenced in Section 254.08(F), the value of the improvements together with any equipment located thereon shall be a credit toward the payment of fees or dedication of land required by this Section.

Common interest developments as defined in Sections 1351 of the California Civil Code shall receive partial credit, not to exceed 50 percent, against the amount of land required to be dedicated, or the amount of the fee imposed, pursuant to this Section, for the value of private open space within the development, which is usable for active recreational uses, if the City Council, on the recommendation of the Community Services Commission, finds that it is in the public interest to do so, and that the following standards are met.

1. That yards, court areas, setbacks and other open areas required by Titles 20-24 (Zoning) shall not be included in the computation of the private open space;
2. That the private ownership and maintenance of the open space is adequately provided for by recorded written agreement, conveyance, or restrictions;
3. That the use of the private open space is restricted to park and recreational purposes by recorded covenant, which runs with the land in favor of the future owners of property, and which cannot be defeated or eliminated without the consent of the City or its successor;
4. That the proposed private open space is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access, and location; and
5. That facilities proposed for the open space are in substantial accord with the provisions of the General Plan.

- L. Procedure.

1. At the time of the recording of the final map or parcel map, the subdivider shall dedicate the land and/or pay the fees as determined by the City pursuant to this Section.
2. Open space covenants for private park or recreational facilities shall be submitted to the City prior to approval of the final map or parcel map and, if approved, shall be recorded concurrently with the final map or parcel map.

C9

- M. Schedule of Use. At the time of the approval of the final map or parcel map, the City shall make a preliminary determination of how, when, and where it will use the land or fees, or both, to develop or rehabilitate park or recreational facilities to serve the residents of the subdivision. Final scheduling of improvements to these new or rehabilitated parks or recreational facilities shall be made as part of the City's capital improvement program.
- N. Not Applicable to Certain Subdivisions. The provisions of this Section do not apply to: (1) commercial or industrial subdivisions; or (2) to condominium projects or stock cooperatives that consist of the subdivision of airspace in an existing apartment building which is more than five years old when no new dwelling units are added.
- O. Exemptions. The following development shall be exempt from the payment of fees pursuant to this Section:
1. Development of real property into housing units that are either rented, leased, sold, conveyed or otherwise transferred, at a rental price or purchase price which does not exceed the "affordable housing cost" as defined in Section 50052.5 of the California Health and Safety Code when provided to a "lower income household" as defined in Section 50079.5 of the California Health and Safety Code or "very low income household" as defined in Section 50105 of the California Health and Safety Code, and provided that the applicant executes an agreement, in the form of a deed restriction, second trust deed, or other legally binding and enforceable document acceptable to the City Attorney and binding on the owner and any successor-in-interest to the real property being developed, guaranteeing that all of the units developed on the real property shall be maintained for lower and very low income households whether as units for rent or for sale or transfer, for the lesser of a period of thirty years or the actual life or existence of the structure, including any addition, renovation or remodeling thereto.
 2. Subdivision of a 50-foot wide parcel into two lots provided that the parcel has been held under common ownership for a minimum of five consecutive years.
- P. Appeals. Any person may appeal a determination of the City regarding the interpretation and implementation of this Section. Any such appeal shall be filed with the Director consistent with the requirements of Section 248.24 of the Huntington Beach City Zoning and Subdivision Ordinance.
- Q. Refunds. Requests for refunds of in-lieu fees paid pursuant to this Section may be directed to the Director at any time. The Director may approve of a refund or a partial refund of park fees paid or release of security instruments when the following has been verified:
1. That the refund amount requested corresponds to the amount of fees actually deposited in the fund account established pursuant to Section 254.08(G)(3) for a given number of dwelling units; and

2. That the local park requirement for the dwelling units in question had been met by actual Council acceptance of park land, or by an irrevocable recorded offer to dedicate a park land on a final tract map or parcel map; or
3. The subdivision or building permit approval for which fees were required has been withdrawn or is otherwise no longer valid.

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 17th day of June, 2002.

Dennis Cook
Mayor

ATTEST:

Connie Brochuway
City Clerk

APPROVED AS TO FORM:

Gail Hutton
City Attorney
5/15/02 *GH* *LAM 5/14/02*

REVIEWED AND APPROVED:

Ray Suter
City Administrator

INITIATED AND APPROVED:

[Signature]
Planning Director

C 11

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

I, CONNIE BROCKWAY, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a regular meeting thereof held on the 3rd day of June, 2002, and was again read to said City Council at a regular meeting thereof held on the 17th day of June, 2002, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

AYES: Green, Boardman, Cook, Houchen, Winchell, Bauer

NOES: None

ABSENT: Dettloff

ABSTAIN: None

I, Connie Brockway CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Huntington Beach Fountain Valley Independent on _____, 2002
JUNE 17
In accordance with the City Charter of said City

Connie Brockway, City Clerk
Elini Koutyfas Deputy City Clerk

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

C 12

Item 5
Zoning Text Amendment 01-4
Entitlement Permit Streamlining

ORDINANCE NO. 3520AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING
THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE BY
AMENDING CHAPTER 203 THEREOF RELATING TO DEFINITIONS

WHEREAS, pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and the Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Text Amendment No. 01-04, which amends various Sections of the Huntington Beach Zoning and Subdivision Ordinance including three sections of SP 5 (Downtown Specific Plan) relating to permit streamlining and development processing; 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 203.06 of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to read as follows:

203.06 Definitions

Abutting. Having district boundaries or lot lines or combinations thereof in common.

Access, Lateral. Public access along the coast.

Access, Vertical. Public access from the nearest public roadway to the shoreline.

Alley. A public or private way having an ultimate width of not less than 20 feet permanently reserved primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

Alter. To make a change in the exterior appearance or the supporting members of a structure, such as bearing walls, columns, beams, or girders, that will prolong the life of the structure.

Amendment. A change in the wording, context or substance of this ordinance, or a change in the district boundaries on the zoning map.

Animal, Exotic. Any wild animal not customarily confined or cultivated by man for domestic or commercial purposes but kept as a pet or for display.

Animal, Large. An animal larger than the largest breed of dogs. This term includes horses, cows, and other mammals customarily kept in corrals or stables.

Animal, Small. An animal no larger than the largest breed of dogs. This term includes fish, birds, and mammals customarily kept in kennels.

Antenna. Any structure, including but not limited to a monopole, tower, parabolic and/or disk shaped device in single or multiple combinations of either solid or mesh construction, intended for the purposes of receiving or transmitting communications to or from another antenna, device or orbiting satellite, as well as all supporting equipment necessary to install or mount the antenna.

Antenna, Amateur Radio. An antenna array and its associated support structure, such as a mast or tower, that is used for the purpose of transmitting and receiving radio signals in conjunction with an amateur station licensed by the Federal Communications Commission.

Antenna, Communication. All types of receiving and transmitting antenna, except satellite dish antenna, including but not limited to cable television antenna, cellular radiotelephone cell antenna, FM digital communication antenna, microwave telephone communication antenna, amateur radio antenna, and short-wave communication antenna and other similar antenna.

Antenna Height. The distance from the property's grade to the highest point of the antenna and its associated support structure when fully extended.

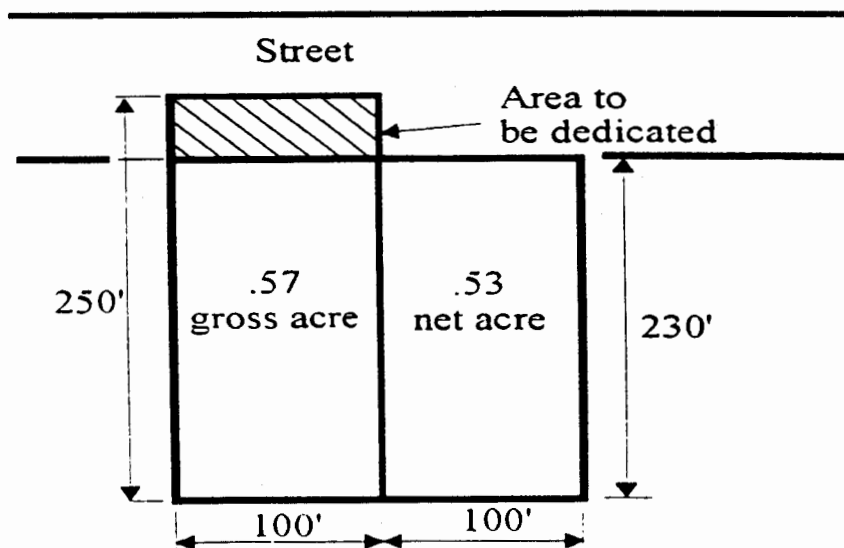
Antenna, Satellite Dish. An antenna for the purpose of receiving or transmitting communications to or from an orbiting satellite.

Antenna Whip. An antenna and its support structure consisting of a single, slender, rod-like element which is supported only at or near its base.

Approach-Departure Path. The flight track of the helicopter as it approaches or departs from a designated takeoff and landing area, including a heliport, helipad, or helistop.

Architectural Projections or Appurtenances. Features on a building which provide visual variation and/or relief but do not serve as interior or exterior living or working space.

Area, Net Lot. The total horizontal area within the property lines of a parcel of land exclusive of all rights-of-way or easements which physically prohibit the surface use of that portion of the property for other than vehicular ingress and egress.



203-area BMP

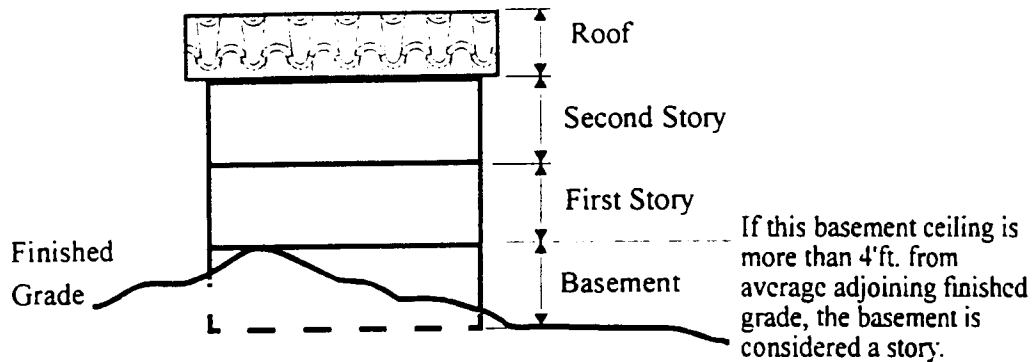
LOT AREA

Arterial. Any street, highway or road designated as an arterial street in the General Plan.

Attached Structures. Two or more structures sharing a common wall or roof.

Balcony. A platform that projects from the wall of a building, typically above the first level, and is surrounded by a rail balustrade or parapet.

Basement. A story partly underground and having at least one-half of its height above the average adjoining grade. A basement shall be considered as a story if the vertical distance from the average adjoining grade to the ceiling is over four feet.



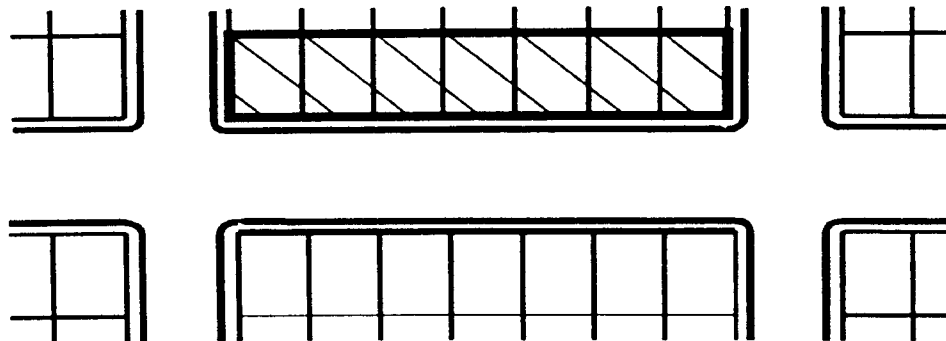
BASEMENT

203-BASE

Bay Window. A window that projects out from an exterior wall.

Bedroom. The term bedroom includes any room used principally for sleeping purposes, an all-purpose room, a study, a den, a room having 100 square feet or more of floor area or less than 50 percent of one wall open to an adjacent room or hallway.

Blockface. The properties abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, unsubdivided land, watercourse, or city boundary.



BLOCKFACE

203-BLK

Boarding House. A building with not more than five guest rooms where lodging and meals are provided for not more than 10 persons, but shall not include rest homes or convalescent homes. Guest rooms numbering six or over shall be considered a hotel.

Building. Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattels, or property of any kind.

Caretaker's quarters. A dwelling unit on the site of a commercial, industrial, public, or semipublic use, occupied by a guard or caretaker.

Carport. A permanent roofed accessory structure with not more than two enclosed sides intended for vehicle storage.

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

City. The City of Huntington Beach.

Clinic. An establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one or more of a group of physicians, dentists, optometrists, psychologists, or social workers practicing together.

Coastal Zone. A geographic zone adjacent to the shoreline, the boundaries of which are determined by the California Coastal Act of 1976, as amended.

Collection Containers. Containers or buildings with a gross floor area of 500 square feet or less used for the deposit and storage of household articles or recyclables.

Commission. The Huntington Beach Planning Commission.

Community Apartment Project. A project in which an individual interest in land is coupled with the right exclusively to occupy an individual unit, as provided in Section 11004 of the California Business and Professions Code.

Completely Rebuilt. Rebuilding the nonconforming structure or use as it had legally existed immediately prior to its destruction.

Conditional Use. A use of land that, due to the specific nature and unique characteristics of the use, requires special standards and discretionary review.

Condominium. An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interior space in a residential, industrial or commercial building on the real property, such as an apartment, office or store. A condominium may include, in addition, a separate interest in other portions of the real property.

Conforming Building. A building that fully meets the requirements of Title 17 (Building Regulations) and also conforms to all property-development regulations and requirements prescribed for the district in which it is located.

Convenience Market. A retail use in conjunction with gasoline sales in which the sales room exceeds 200 square feet.

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Court. An outdoor, unenclosed area intended to provide light, air, and privacy for individual dwelling units in multi-family projects.

Coverage, Lot or Site. The percentage of a lot or site covered by roofs, balconies, fireplaces, architectural projections, or overhangs extending more than 2.5 feet from a wall, decks more than 42 inches in height above grade, and stairs.

Deck. A platform, either free-standing or attached to a building, but without a roof, that is supported by pillars, posts, or walls (see also Balcony).

Demolition. The deliberate removal or destruction of the frame or foundation of any portion of a building or structure for the purpose of preparing the site for new construction or otherwise.

Density Bonus. An increase in the proposed number of units of twenty-five percent (25%) or greater over the number permitted pursuant to the current zoning and general plan designation on the property.

Director. The Director of Planning or his or her designee.

Distribution Line. An electric power line bringing power from a distribution substation to consumers.

District. A portion of the city within which the use of land and structures and the location, height, and bulk of structures are governed by this ordinance. The zoning ordinance establishes "base zoning districts" for residential, commercial, industrial, public and open space uses, and "overlay districts," which modify base district provisions and standards.

Drilling. The digging or boring of a new well into the earth for the purpose of exploring for, developing or producing oil, gas or other hydrocarbons, or for the purpose of injecting water, steam or any other substance into the earth.

Dwelling, Multiple Unit. A building or buildings designed with two (2) or more dwelling units.

Dwelling, Single Unit. A detached building designed primarily for use as a single dwelling, no portion of which is rented as a separate unit, except as permitted by this Code. Attached single family dwellings shall be considered as multi-family.

Dwelling, Accessory Unit. A fully equipped dwelling unit which is ancillary and subordinate to a principle dwelling unit located on the same lot in the RL zone. Also known as second dwelling unit or "granny unit."

Dwelling, Studio Unit. A dwelling unit consisting of 1 kitchen, 1 bathroom, and 1 combination living room and sleeping room. The gross floor area shall not exceed 500 square feet, or it shall be considered as a one bedroom unit. Also known as a single, a bachelor, or an efficiency unit.

Dwelling Unit. One or more habitable rooms with only one kitchen, and designed for occupancy as a unit by one or more persons living as a household unit with common access to all living, kitchen, and bathroom areas.

Energy Facility. Any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other sources of energy.

Environmental Impact Report (EIR). A report complying with the requirements of the California Environmental Quality Act (CEQA) and its implementing guidelines.

Environmentally Sensitive (habitat) Area. A wetland or any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Exemption, Categorical. An exception from the requirements of the California Environmental Quality Act (CEQA) for a class of projects, which have been determined to not have a significant effect on the environment.

Family. A single individual or two or more persons living together as a single housekeeping unit in a dwelling unit.

Feasible. Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors. (3334)

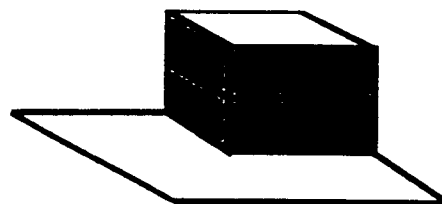
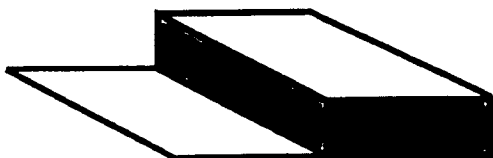
Floor Area, Gross. The total enclosed area of all floors of a building measured to the outside face of the structural members in exterior walls, and including halls, stairways, elevators shafts at each floor level, service and mechanical equipment rooms, and habitable basement or attic areas, but excluding area for vehicle parking and loading.

Floor Area Ratio (FAR). Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

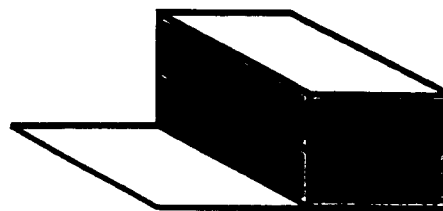
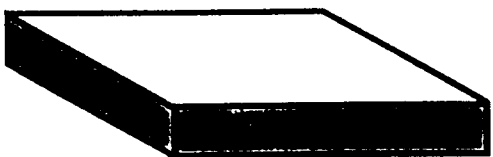
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FLOOR AREA RATIO

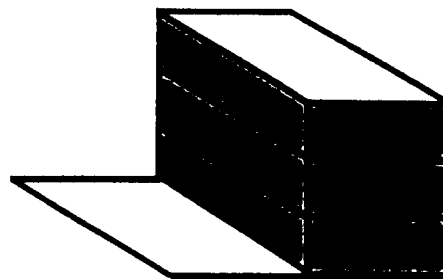
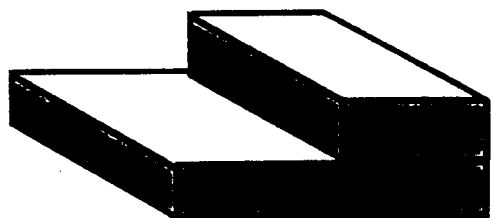
FAR of 0.5



FAR of 1.0



FAR of 1.5



FAR

203-FAR

Frontage. The linear length of a building which contains a public entrance or a lot measured along the property line adjacent to a street or easement.

Functional Capacity. The ability of an environmentally sensitive area to be self-sustaining and to maintain natural species diversity.

General Plan. The City of Huntington Beach General Plan.

Grade, Existing. The surface of the ground or pavement at a stated location as it exists prior to disturbance in preparation for a project regulated by this ordinance.

Grade, Street. The top of the curb, or the top of the edge of the pavement or traveled way where no curb exists.

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

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

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

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

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

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

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

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

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

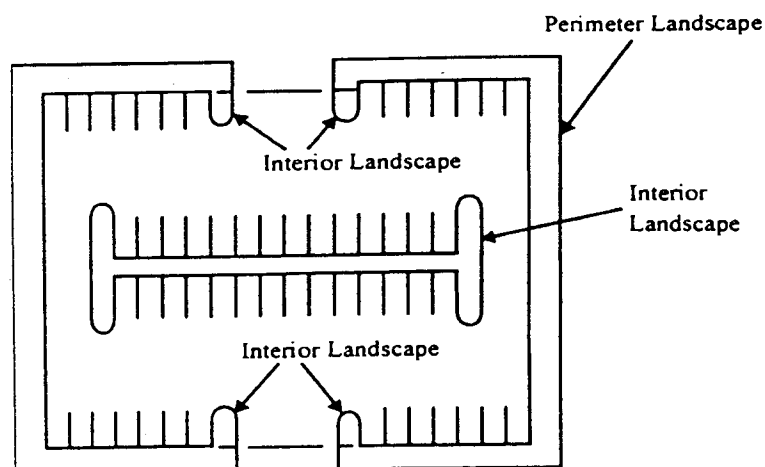
Kennel. Any premises where four or more dogs or cats at least four months of age are kept for any purpose.

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

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

Landscaping, Interior. A landscaped area or areas within the shortest circumferential line defining the perimeter or exterior boundary of the parking or loading area, or similar paved area, excluding driveways or walkways providing access to the facility (as applied to parking and loading facilities or to similar paved areas).

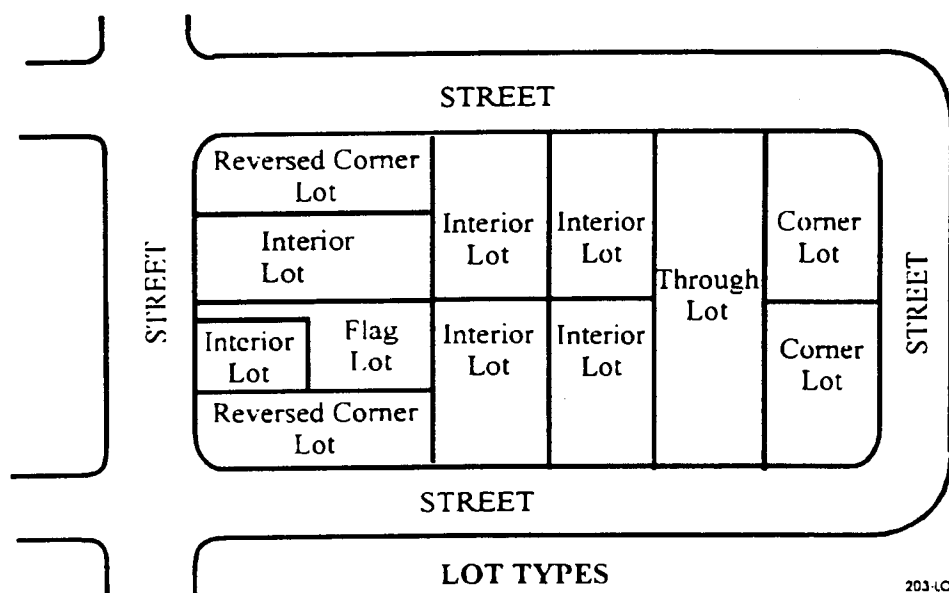
Landscaping, Perimeter. A landscaped area adjoining the exterior boundary of a parking or loading area, or similar paved area, excluding driveways or walkways which provide access to the facility.



LANDSCAPING: PERIMETER INTERIOR

Lodger. Any person other than a member of a family renting a room for living or sleeping purposes.

Lot. Any numbered or lettered parcel shown on a recorded final map, record of survey pursuant to an approved division of land, or a parcel map and abuts a street, alley or recorded access easement.



Lot, Corner. A site bounded by two or more adjacent street lines that have an angle of intersection of not more than 135 degrees.

Lot Depth. The horizontal distance from the midpoint of the front-lot line to the midpoint of the rear-lot line, or to the most distant point on any other lot line where there is no rear-lot line.

Lot, Flag. A lot with developable area connected to a street by a narrow strip of land that includes a driveway.

Lot or Property Line, Rear. A lot line, not a front lot line, that is parallel or approximately parallel to the front lot line. Where no lot line is within 45 degrees of being parallel to the front lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, shall be deemed the rear lot line.

Lot or Property Line, Front. The street property line adjacent to the front yard.

Lot or Property Line, Interior. A lot line not abutting a street.

Lot or Property Line, Side. Any lot line that is not a front lot line or a rear lot line.

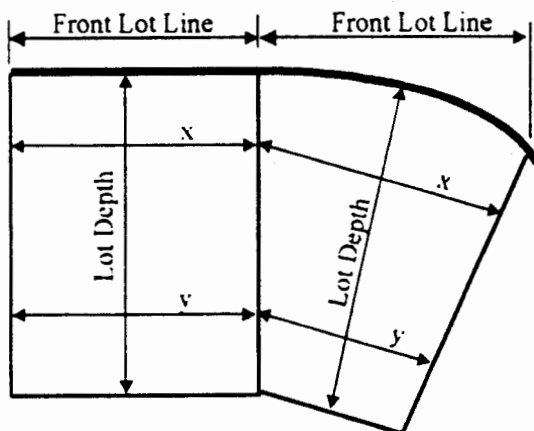
Lot or Property Line, Street. A lot line abutting a street.

Lot, Reverse Corner. A corner lot, the side line of which is substantially a continuation of the front lot line of the lot to its rear.

Lot, Street-Alley. An interior lot having frontage on a street and an alley.

Lot, Through. A lot having frontage on two dedicated parallel or approximately parallel streets.

Lot Width. The mean of the horizontal distance between the side lot lines measured at right angles to the lot depth at mid-points 20 feet from the front lot line and 20 feet from the rear lot line, or from the rearmost point of the lot depth in cases where there is no rear lot line.



$$\text{Lot Width} = (x + y) / 2$$

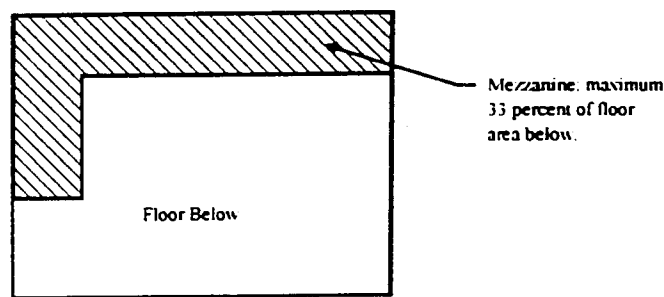
LOT WIDTH

203-LOTW

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

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

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



MEZZANINE

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

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

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

Net Site Area. See Area, Net Lot.

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

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

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

Off-Street Loading Facilities. A site or portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and landscaped areas.

Off-Street Parking Facilities. A site or portion of a site devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives, and landscaped areas.

Oil operation. The use or maintenance of any installation, facility, or structure used, either directly or indirectly, to carry out or facilitate one or more of the following functions: drilling, rework, repair, redrilling, production, processing, extraction, assisted recovery, stimulation storage or shipping of oil gas or hydrocarbons from the subsurface of the earth.

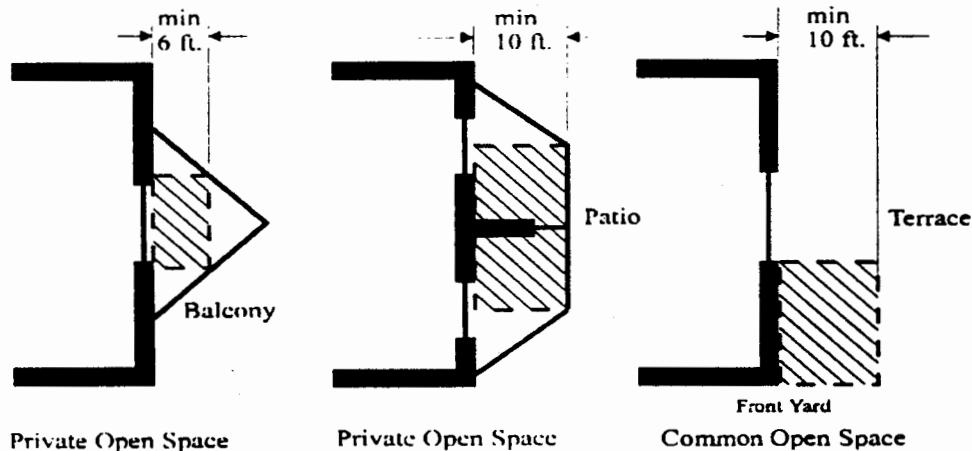
Oil operation site. The physical location where an oil operation is conducted.

Open Space, Common. A usable open space within a residential development reserved for the exclusive use of residents of the development and their guests.

Open Space, Private. A usable open space adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

Open Space, Total. The sum of private and common open space.

Open Space, Usable. Outdoor or unenclosed area on the ground, or on a balcony, deck, porch or terrace designed and accessible for outdoor living, recreation, pedestrian access or landscaping. Usable open space does not include parking facilities, driveways, utility or service areas, any required front or street side yard, any space with a dimension of less than 6 feet in any direction or an area of less than 60 square feet.



USABLE OPEN SPACE

Oversize Vehicle. Any vehicle which exceeds twenty-five (25) feet in length, seven (7) in width, seven (7) in height, or a weight of 10,000 pounds, motorized or nonmotorized. Oversize vehicle also includes any equipment or machinery regardless of size.

Parking Structure. A structure used for parking or vehicles where parking spaces, turning radius, and drive aisles are incorporated within the structure.

Patio. A paved court open to the sky.

Permitted Use. A use of land that does not require approval of a conditional use permit or temporary use permit.

Planned Unit Development (PUD). A large scale development of a parcel or of a combination of related parcels to be developed by a single owner or group of owners acting jointly, involving a related group of uses, planned as an entity and having a predominant developmental feature which serves to unify or organize development.

Porch. An open or covered platform, usually having a separate roof, at an entrance to a dwelling, or an open or enclosed gallery or room, which is not heated or cooled, that is attached to the outside of a building.

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

C24

Project. Any proposal for new or changed use, or for new construction, alteration, or enlargement of any structure, that is subject to the provisions of this ordinance.

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

Qualifying Senior Resident. A person who is 62 years of age or older. (Section 51.2 of the California Civil Code.)

Remodel. The upgrade of the interior or exterior faces of a building or structure without altering to any degree the structural integrity.

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.

Room, Habitable. A room meeting the requirements of the Uniform Building Code for sleeping, living, cooking, or dining purposes, excluding such enclosed places as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, attics, foyers, storage spaces, utility rooms, garages, and similar spaces.

Senior Housing. Housing for a family in which at least one person per unit is 60 years old or older, or for a single person who is 60 years old or older.

Setback Line. A line across the front, side, rear of any private or public property which delineates an area adjoining a property line in which erection of a building, fence, or other structure is prohibited except as otherwise provided in the zoning ordinance.

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

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

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

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

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

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

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

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

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

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

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

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

Value. The monetary worth of a structure determined by the valuation figures used by the Director for the purpose of calculating building permit fees.

Very Low Income Household. A household whose annual income is at or below fifty (50%) percent of Orange County median income as defined by the State of California Department of Housing and Community Development.

Wetbar. A fixed installation within a dwelling unit providing cold and/or hot water to a single sink without a garbage disposal at a location other than a kitchen or laundry. A wetbar area shall not include a stove, range, or similar appliance usually found in a kitchen, and if such wetbar is located in a room or a portion of a room with a stove, hot plate, range, oven or other type of kitchen facility, it shall be deemed a separate kitchen.

Wetland. Lands within the coastal zone which maybe covered periodically or permanently with shallow water and include salt water marshes, fresh water marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

Window, Required. An exterior opening in a habitable room meeting the area requirements of the Uniform Building Code.

Yard. An open space on the same site as a structure, unoccupied and unobstructed by structures from the ground upward except as otherwise provided in this ordinance, including a front yard, side yard, or rear yard.

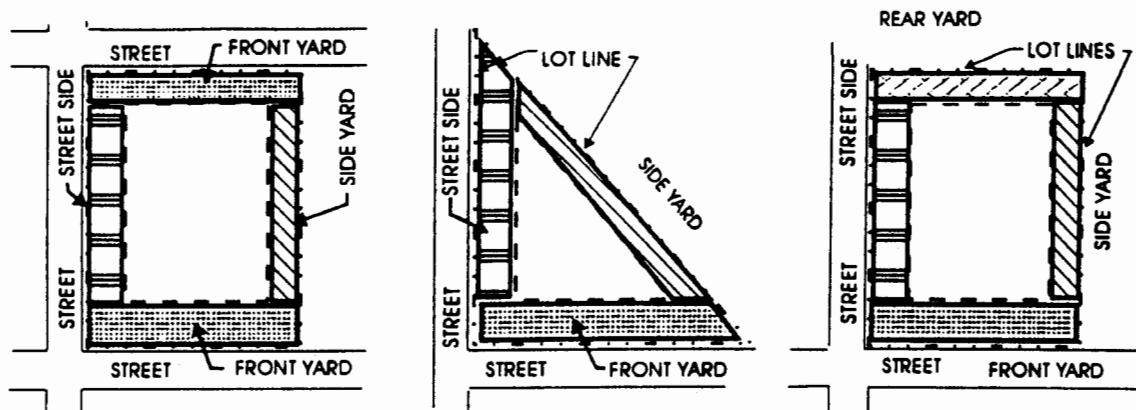
Yard, Front. An area between the front lot line and the front setback line extending across the full width of a site. The front yard of a corner lot shall adjoin the shortest street property line along its entire length. Where one street property line is at least 75 percent of the length of the other street property line, the Director shall determine the location of the front yard.

Yard, Rear. An area between the rear lot line and the rear setback line extending across the full width of a site. On a corner lot the rear yard shall extend only to the side yard abutting the street.

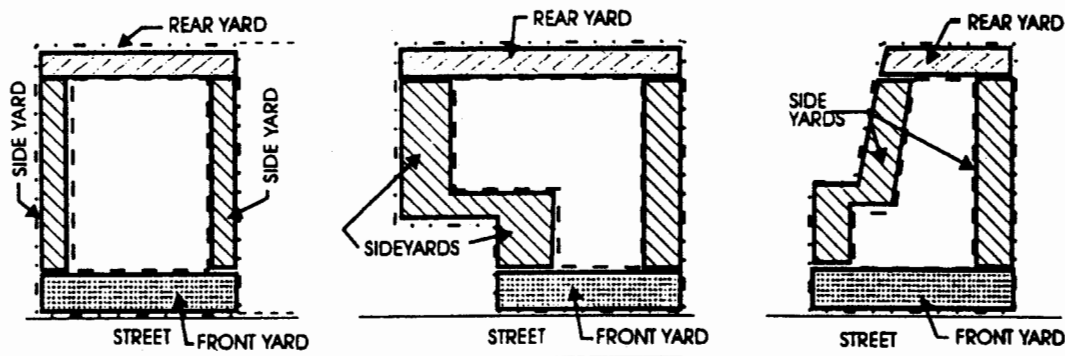
Yard, Side. An area between the rear setback line and the front setback line and between the side property line and side setback line. The side yard on the street side of a corner lot shall extend to the rear lot line.

Zoning Ordinance. The Zoning Ordinance of the City of Huntington Beach.

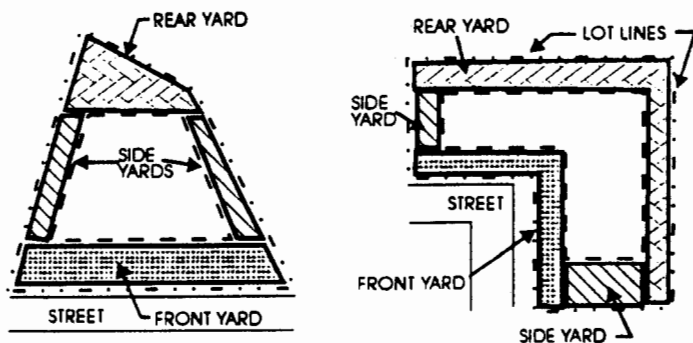
C27



CORNER LOT EXAMPLES



INTERIOR LOT EXAMPLES



ODD - SHAPED LOT EXAMPLES

LEGEND

- BUILDING (ZONING) ENVELOPE (TWO DIMENSIONAL)
- LOT LINES

REQUIRED YARDS

SECTION 2: This ordinance shall take effect 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 7th day of January, 2004

ATTEST:

Connie Brockway
City Clerk 01-10-02

Debbie Cook
Mayor

REVIEWED AND APPROVED:

Ray Liden
City Administrator

APPROVED AS TO FORM:

P. E. J. M. 10/2/01
City Attorney Frank 10/1

INITIATED AND APPROVED:

Scott P. H. 2
Director of Planning

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

I, CONNIE BROCKWAY, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a regular meeting thereof held on the 17th day of December, 2001, and was again read to said City Council at a regular meeting thereof held on the 7th day of January, 2002, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

AYES: Dettloff, Bauer, Cook, Green, Boardman

NOES: None

ABSENT: Houchen

ABSTAIN: None

I, Connie Brockway CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Independent on <u>JANUARY 17</u> , 2002 In accordance with the City Charter of said City <u>Connie Brockway, City Clerk</u> <u>Eleni Hostafyris, Deputy City Clerk</u>

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

ORDINANCE NO. 3521AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING
THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE BY
AMENDING CHAPTER 204 THEREOF RELATING TO USE CLASSIFICATIONS

WHEREAS, pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and the Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Text Amendment No. 01-04, which amends various Sections of the Huntington Beach Zoning and Subdivision Ordinance including three sections of SP 5 (Downtown Specific Plan) relating to permit streamlining and development processing; 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 204.16 of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to read as follows:

204.16 Temporary Use Classifications

- A. Animal Shows. Exhibitions of domestic or large animals for a maximum of seven days.
- B. Festivals, Circuses and Carnivals. Provision of games, eating and drinking facilities, live entertainment, animal exhibitions, or similar activities in a tent or other temporary structure for a maximum of seven days. This classification excludes events conducted in a permanent entertainment facility.
- 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.
- K. Tent Event. Allows for the overflow of religious assembly for a period not to exceed 72 consecutive hours and not more than once every 3 months.

SECTION 2: This ordinance shall take effect 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 7th day of January, 2002.

ATTEST:

Connie Brockway
City Clerk 01-10-02

Debbie Cook
Mayor

REVIEWED AND APPROVED:

Pamela
City Administrator

APPROVED AS TO FORM:

for [Signature] 11/18/01
City Attorney

INITIATED AND APPROVED:

[Signature] for HZ
Director of Planning

C32

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

I, CONNIE BROCKWAY, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a regular meeting thereof held on the 17th day of December, 2001, and was again read to said City Council at a regular meeting thereof held on the 7th day of January, 2002, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

AYES: Dettloff, Bauer, Cook, Green, Boardman

NOES: None

ABSENT: Houchen

ABSTAIN: None

I, Connie Brockway CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Independent on

JANUARY 17, 2002

In accordance with the City Charter of said City

Connie Brockway, City Clerk

Eleni Koutafas, City Clerk

Connie Brockway

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

ORDINANCE NO. 3522

**AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING
THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE BY
AMENDING CHAPTER 211C THEREOF RELATING TO COMMERCIAL DISTRICTS**

WHEREAS, pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and the Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Text Amendment No. 01-04, which amends various Sections of the Huntington Beach Zoning and Subdivision Ordinance including three sections of SP 5 (Downtown Specific Plan) relating to permit streamlining and development processing; 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 211.04 of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to read as follows:

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.

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	CO	CG	CV	Additional Provisions
Residential				(J)(Q)(R)(V)
Group Residential	PC	PC	PC	
Multifamily Residential	-	-	PC	
Public and Semipublic				(A)(J)(Q)(R)(V)
Cemetery	-	-	-	
Clubs and Lodges	ZA	ZA	-	
Community and Human Services				
Drug Abuse Centers	-	PC	-	
Primary Health Care	L-11	L-11	-	
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	P	P	-	(Y)
Emergency Health Care	L-2	L-2	-	
Government Offices	P	P	PC	
Heliports	PC	PC	PC	(B)
Hospitals	PC	PC	-	
Park & Recreation Facilities	L-9	L-9	L-9	
Public Safety Facilities	PC	PC	PC	
Religious Assembly	ZA	ZA	-	
Schools, Public or Private	PC	PC	-	
Utilities, Major	PC	PC	PC	
Utilities, Minor	P	P	P	(L)

(rest of page not used)

C 35

	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)			
Ambulance Services	-	ZA	-				
Animal Sales & Services							
Animal Boarding	-	ZA	-				
Animal Grooming	-	P	-				
Animal Hospitals	-	ZA	-				
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	P	P	P				
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.	P	P	P	L-4 (Y)			
W/Alcohol	ZA	ZA	ZA	(N) (Y)			
W/Drive Through	-	ZA	ZA				
W/Live Entertainment	ZA	ZA	ZA	(W) (Y)			
W/Dancing	PC	PC	PC	(H)			
W/Outdoor Dining	ZA	ZA	ZA	(X) (Y)			
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				
Pawn Shops	-	ZA	-				
Personal Enrichment Services	L-10	L-10	-	(Y)			
Personal Services	P	P	P				
Research & Development Services	L-1	ZA	-				
Retail Sales	-	P	P	(U)(V)			
Secondhand Appliances/Clothing	-	P	-				
Swap Meets, Indoor/Flea Markets	-	PC	-	(T)			
Swap Meets, Recurring	-	ZA	-				
Tattoo Establishments	-	PC	-				
Travel Services	P	P	P				
Vehicle Equipment/Sales & Services							
Automobile Rentals	-	L-8	L-8	L-12			

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

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

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.
- L-4 Permitted if greater than 300 feet from residential zone or use; if 300 feet or less from residential zone or use limited notification is required (see Y).
- L-5 Only "limited" facilities are allowed subject to approval of a conditional use permit from the Zoning Administrator, and body and fender shops are permitted only as part of a comprehensive automobile-service complex operated by a new vehicle dealer.
- L-6 Only "small-scale" facilities, as described in Use Classifications, are permitted with a maximum 7 persons employed full time in processing or treating retail products, limited to those sold on the premises.
- 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.
- L-10 Permitted if the space is 2,500 square feet or less; allowed with conditional use permit approval from the Zoning Administrator if space exceeds 2,500 square feet.

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

- Maximum number of persons per classroom does not exceed the number of parking spaces allocated to the suite based upon the square footage of the building; and
 - The instruction area does not exceed 75 percent of total floor area of the personal enrichment building area.
- L-11 Permitted if the space is 2,500 square feet or less; allowed with a conditional use permit from the Zoning Administrator if the space exceeds 2,500 square feet.
- L-12 Permitted for existing facilities proposing to expand up to 20%.

- (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.
- (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.
- (K) See Section 230.42: Bed and Breakfast Inns.
- (L) See Section 230.44: Recycling Operations.
- (M) Subject to approval by the Police Department, Public Works Department, Fire Department and the Director. See also Section 230.86 Seasonal Sales.
- (N) The following businesses proposing to sell alcoholic beverages for on-site or off-site consumption are exempt from the conditional use permit process:
 - (1) Retail markets with no more than 10 percent of the floor area devoted to sales, display, and storage of alcoholic beverages provided the sale of alcoholic beverages is not-in conjunction with the sale of gasoline or other motor vehicle fuel.

- (2) Restaurants, Bars and Liquor stores located 300 feet or more from any R or PS district, public or private school, church, or public use.
- (3) Florist shops offering the sale of a bottle of an alcoholic beverage together with a floral arrangement.
- (O) See Section 230.46: Single Room Occupancy.
- (P) See Chapter 231 for temporary and seasonal parking.
- (Q) Development of vacant land or additions of 10,000 square feet or more in floor area; or additions equal to or greater than 50% of the existing building's floor area; or additions to buildings on sites located within 300 feet of a residential zone or use for a permitted use requires approval of a conditional use permit from the Zoning Administrator. The Planning Director may refer any proposed addition to the Zoning Administrator if the proposed addition has the potential to impact residents or tenants in the vicinity (e.g., increased noise, traffic).
- (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.
- (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.
- (W) Non-amplified live entertainment greater than 300 feet from a residential zone or use shall be permitted without a conditional use permit.
- (X) Outdoor dining that is 400 square feet or less with no alcohol sales shall be permitted without a conditional use permit.
- (Y) Limited notification requirements when no entitlement required.
 - 1. Ten (10) working days prior to submittal for a building permit or certificate of occupancy, applicant shall notice adjacent property owners and tenants by first class mail.
 - 2. Notice of application shall include the following:
 - a. Name of applicant.
 - b. Location of planned development or use, including address.
 - c. Nature of the proposed development shall be fully disclosed in the notice.
 - d. Planning Department phone number and address of City Hall shall be provided in the notice to call for viewing plans.
 - e. The date by which any comments must be received in writing by the Planning Department and City appeal procedures.
 - f. Planning Department shall receive entire list including name and address of those receiving the mailing.

SECTION 2: That Section 211.08 of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to read as follows:

211.08 Review of Plans

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

- 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.

SECTION 2: This ordinance shall take effect 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 7th day of January, 2002.

ATTEST:

Connie Brockway
City Clerk 01-10-02

Debbie Cook
Mayor

REVIEWED AND APPROVED:

Ray Fisher
City Administrator

APPROVED AS TO FORM:

P. J. De... 12/13/01
City Attorney

INITIALED AND APPROVED:

[Signature] per H2
Director of Planning

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

I, CONNIE BROCKWAY, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a regular meeting thereof held on the 17th day of December, 2001, and was again read to said City Council at a regular meeting thereof held on the 7th day of January, 2002, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

AYES: Dettloff, Bauer, Cook, Green, Boardman

NOES: None

ABSENT: Houchen

ABSTAIN: None

I, Connie Brockway CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Independent on

JANUARY 17, 2002

In accordance with the City Charter of said City

Connie Brockway, City Clerk

Eleri Kostopoulos Deputy City Clerk

Connie Brockway

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

ORDINANCE NO. 3523

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING
THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE BY
AMENDING CHAPTER 212 THEREOF RELATING TO INDUSTRIAL DISTRICTS

WHEREAS, pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and the Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Text Amendment No. 01-04, which amends various Sections of the Huntington Beach Zoning and Subdivision Ordinance including three sections of SP 5 (Downtown Specific Plan) relating to permit streamlining and development processing; 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 212.04 of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to read as follows:

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:
LAND USE
CONTROLS**

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

	IG	IL	Additional Provisions
Residential			
Group Residential	PC	PC	(J)
Public and Semipublic			(A)(M)
Community and Human Service Facilities	PC	PC	(L)
Day Care, General	ZA	ZA	
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	ZA	ZA	
Animal Hospitals	ZA	ZA	
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	
w/Live Entertainment	ZA	ZA	(S)(U)
Food & Beverage Sales	ZA	ZA	
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
DISTRICTS:
LAND USE
CONTROLS**

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

	IG	IL	Additional Provisions
Personal Enrichment	L-9	L-9	(U)
Personal Services	L-1	L-1	
Research & Development Services	P	P	
Sex Oriented Businesses	L-11	L-11	(3378-2/98)
(regulated by HBMC Chapter 5.70)			(3378-2/98)
Sex Oriented Businesses	PC	PC	(R) (3378-2/98)
(regulated by HBMC Chapters 5.24 & 5.60)			(3378-2/98)
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			
Commercial Filming, Limited	P	P	(T)
Real Estate Sales	TU	TU	
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 Zoning Administrator when in a free-standing structure or as a secondary use in a building provided that no more than 20 percent of the floor area is occupied by such a use.
- 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 Permitted if the space is 2,500 square feet or less; allowed by conditional use permit approval by the Zoning Administrator if the space is over 2,500 square feet.

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IG AND IL Districts: Additional Provisions (continued)

L-10 Allowed by conditional use permit approval by the Zoning Administrator for a period of time not to exceed five (5) years.

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;
 2. the lot line of any building used for religious assembly, school, or park and recreational facility within five hundred (500') feet of the lot line of the proposed sex oriented business; and
 3. the lot line of any parcel of land zoned RL, RM, RMH, RH, and RMP and any parcels of land with equivalent designations under any specific plans within five hundred feet (500') of the lot line of the proposed sex oriented business.
- 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)
-

IG AND IL Districts: Additional Provisions (continued)

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;

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IG AND IL Districts: Additional Provisions (continued)

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.
- (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.

(Rest of page not used)

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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.
- (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.
- (K) See Section 230.46: Single Room Occupancy.
- (L) Limited to Emergency Shelters.

IG AND IL Districts: Additional Provisions (continued)

- (M) Development of vacant land and/or additions of 10,000 square feet or more in floor area; or additions equal to or greater than 50% of the existing building's floor area; or additions to buildings on sites located within 300 feet of a residential zone or use for a permitted use requires approval of a conditional use permit from the Zoning Administrator. The Planning Director may refer any proposed addition to the Zoning Administrator if the proposed addition has the potential to impact residents or tenants in the vicinity (e.g., increased noise, traffic).
- (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.
- (S) Non-amplified live entertainment greater than 300 feet from a residential zone or use shall be permitted without a conditional use permit.
- (T) Subject to approval by the Police Department, Public Works Department, and Fire Department and the Planning Director.
- (U) Limited notification requirements when no entitlement required.
 - 1. Ten (10) working days prior to submittal for a building permit or certificate of occupancy, applicant shall notice adjacent property owners and tenants by first class mail.
 - 2. Notice of application shall include the following:
 - a. Name of applicant.
 - b. Location of planned development or use, including address.
 - c. Nature of the proposed development shall be fully disclosed in the notice.
 - d. Planning Department phone number and address of City Hall shall be provided in the notice to call for viewing plans.
 - e. The date by which any comments must be received in writing by the Planning Department and City appeal procedures.
 - f. Planning Department shall receive entire list including name and address of those receiving the mailing.

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SECTION 2: This ordinance shall take effect 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 7th day of January, 2002.

ATTEST:

Connie Brackway
City Clerk 01-10-02

Debbie Cook
Mayor

REVIEWED AND APPROVED:

Paul S. [Signature]
City Administrator

APPROVED AS TO FORM:

P. [Signature] 12/13/01
City Attorney

INITIALED AND APPROVED:

[Signature] FOR H2
Director of Planning

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

I, CONNIE BROCKWAY, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a regular meeting thereof held on the 17th day of December, 2001, and was again read to said City Council at a regular meeting thereof held on the 7th day of January, 2002, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

AYES: Dettloff, Bauer, Cook, Green, Boardman

NOES: None

ABSENT: Houchen

ABSTAIN: None

I, Connie Brockway CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Independent on

JANUARY 17, 2002

In accordance with the City Charter of said City

Connie Brockway, City Clerk

Calvin Hostetler Deputy City Clerk

Connie Brockway

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

ORDINANCE NO. 3524

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING
THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE
BY AMENDING CHAPTER 214 PS THEREOF RELATING TO
PUBLIC-SEMIPUBLIC DISTRICT

WHEREAS, pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and the Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Text Amendment No. 01-04, which amends various Sections of the Huntington Beach Zoning and Subdivision Ordinance including three sections of SP 5 (Downtown Specific Plan) relating to permit streamlining and development processing; 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 214.06 of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to read as follows:

214.06 PS District: Land Use Controls

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

"P" designates use classifications permitted in PS districts.

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

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

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

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

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

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

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

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PS District: Additional Provisions

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

SECTION 2: This ordinance shall take effect 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 7th day of January, 2002.

ATTEST:

Connie Brockway
City Clerk 01-10-02

Debbie Cook
Mayor

REVIEWED AND APPROVED:

Ray Fisher
City Administrator

APPROVED AS TO FORM:

P. L. D... 11/8/01
City Attorney Joe 11/6/01

INITIATED AND APPROVED:

[Signature] for HZ
Director of Planning

File

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

I, CONNIE BROCKWAY, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a regular meeting thereof held on the 17th day of December, 2001, and was again read to said City Council at a regular meeting thereof held on the 7th day of January, 2002, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

AYES: Dettloff, Bauer, Cook, Green, Boardman

NOES: None

ABSENT: Houchen

ABSTAIN: None

I, Connie Brockway CITY CLERK of the City of
Huntington Beach and ex-officio Clerk of the City
Council, do hereby certify that a synopsis of this
ordinance has been published in the Independent on

JANUARY 17, , 2002

In accordance with the City Charter of said City

Connie Brockway, City Clerk

Eleni Koutafas Deputy City Clerk

Connie Brockway

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

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ORDINANCE NO. 3525AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING
THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE BY
AMENDING CHAPTER 230 THEREOF RELATING TO SITE STANDARDS

WHEREAS, pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and the Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Text Amendment No. 01-04, which amends various Sections of the Huntington Beach Zoning and Subdivision Ordinance including three sections of SP 5 (Downtown Specific Plan) relating to permit streamlining and development processing; 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 230.18 of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to read as follows:

230.18 Subdivision Sales Offices and Model Homes

Subdivision sales offices and model homes in conjunction with an approved subdivision is permitted with the following requirements.

- A. The office shall be discontinued within 30 days following sale of the last on-site unit. A cash bond shall be posted with the City in the amount of \$1,000 for the sales office and \$1,000 for each model home to guarantee compliance with the provisions of this code.
- B. The developer or contractor shall furnish a site plan showing the placement of the sales office and all model signs, parking signs, directional signs, temporary structures, parking and landscaping.
- C. No sales office shall be converted or expanded into a general business office for the contractor or developer.

SECTION 2: That Section 230.74 of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to read as follows:

230.74 Outdoor Facilities

- A. Permit Required. Outdoor storage and display of merchandise, materials, or equipment, including display of merchandise, materials, and equipment for customer pick-up, shall be subject to approval of a conditional use permit by the Zoning Administrator in the CG, IL, IG, CV and SP districts. Sidewalk cafes with alcoholic beverage service and/or outdoor food service accessory to an Eating and Drinking Establishment shall be permitted subject to

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approval of a conditional use permit by the Zoning Administrator in the CO, CG, CV, OS and SP districts, but no outdoor preparation of food or beverages shall be permitted.

- B. Permit Conditions: Grounds for Denial. The Zoning Administrator may require yards, screening, or planting areas necessary to prevent adverse impacts on surrounding properties. If such impacts cannot be prevented, the Zoning Administrator shall deny the conditional use permit application.
- C. Exceptions. Notwithstanding the provisions of subsections (A) and (B) above, outdoor storage and display shall be permitted in conjunction with the following use classifications in districts where they are permitted or conditionally permitted:
 - 1. Nurseries, provided outdoor storage and display is limited to plants, new garden equipment and containers only; and
 - 2. Vehicle/Equipment Sales and Rentals, provided outdoor storage and display shall be limited to vehicles, boats, or equipment offered for sale or rent only.
- D. Screening. Outdoor storage and display areas for rental equipment and building and landscaping materials shall be screened from view of streets by a solid fence or wall. The height of merchandise, materials, and equipment stored or displayed shall not exceed the height of the screening fence or wall.

SECTION 3: That Section 230.88 of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to read as follows:

230.88 Fencing and Yards

No portion of a required yard area provided for a structure on a lot shall be considered as part of the yard area for any other structure on the same or an adjacent lot. In all districts, minimum setback lines shall be measured from the ultimate right-of-way line. Diagrams A, B and C are hereby adopted to illustrate the provisions of this chapter. Where any discrepancy occurs between the diagrams and the printed text, the text shall prevail. Yards and fencing shall comply with the following criteria in all districts or as specified.

A. Permitted Fences and Walls

- 1. Fences or walls a maximum of forty-two (42) inches in height may be located in any portion of a lot, except screen walls on lots in the RMH-A subdistrict shall be set back a minimum of three (3) feet from the front property line. Fences or walls exceeding forty-two (42) inches in height may not be located in the required front yard, except as permitted elsewhere in this Section. (3334-6/97, 3410-3/99)
- 2. Fences or walls a maximum of six (6) feet in height may be located in required side and rear yards, except as excluded in this Section. Fences or walls exceeding six (6) feet in height may be located in conformance with the yard requirements applicable to the main structure except as provided for herein or in the regulations of the district in which they are located.
 - a. Fences and walls located adjacent to arterials along the rear and/or street side yard property lines, and behind the front setback, may be constructed to a maximum total height of eight (8) feet including retaining wall with the following:

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(1) The proposed building materials and design shall be in conformance with the Urban Design Guidelines.

(2) Extensions to existing wall(s) shall require submittal of engineering calculations to the Building and Safety Department.

(3) The property owner shall be responsible for the care and maintenance of landscape area(s) and wall(s) and required landscape area(s).

(4) Approval from Public Works Department.

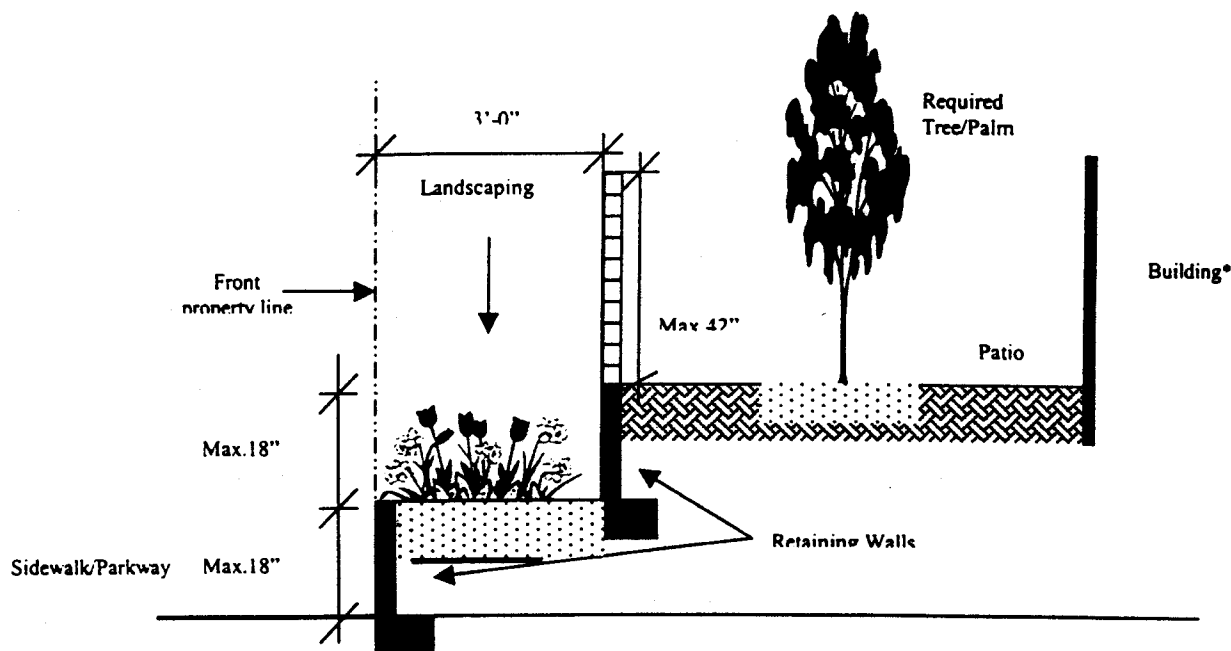
3. Fences or walls in the rear yard setback area of a through-lot shall not exceed forty-two (42) inches in height. This subsection shall not apply to lots abutting arterial highways.
4. In the RL district, garden or wing walls or fences equal in height to the first floor double plate, but not exceeding nine (9) feet, which are perpendicular to and entirely within a side yard may be constructed to the interior side property line and to within five (5) feet of the exterior side property line provided they are equipped with a three (3) foot gate or accessway.
5. When residential property abuts open or public land or property zoned or used for office, commercial, or industrial purposes, an eight (8) foot high solid masonry or block wall may be constructed on the common side or rear property line.
6. In order to allow variations in the street scene in R districts, fences or walls exceeding forty-two (42) inches in height may be permitted at a reduced front setback of six (6) feet subject to plan review approval by the Director in conformance with the following criteria:
 - a. The reduced setback shall be only permitted for five (5) or more contiguous lots under the same ownership and only at the time of initial construction of the dwellings.
 - b. Such walls shall not encroach into the visibility triangular area formed by measuring seven and one-half (7.5) feet along the driveway and ten (10) feet along the front property line at their point of intersection.
 - c. Such walls shall conform to all other applicable provisions of this section.
7. Retaining walls shall comply with the following:
 - a. Where a retaining wall is located on the property line separating lots or parcels and protects a cut below the natural grade, such retaining wall may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed.
 - b. Where a retaining wall is on the property line of a rear yard abutting an arterial or exterior side yard and contains a fill of two (2) ft. or less or protects a cut below the existing grade, such retaining wall may be topped with a six (6) ft. decorative masonry wall.
 - c. Where a retaining wall is on the property line of a rear yard abutting a local street, the maximum retaining wall height shall be twenty-four (24) inches as measured from the

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adjacent curb and may be topped with a maximum eighteen (18) inch decorative wall or fence for a total height of forty-two (42) inches.

- d. (1) The maximum height of a retaining wall on the front property line shall be thirty-six (36) inches as measured from the top of the highest adjacent curb. Subject to the Director's approval, a maximum forty-two (42) inch high wall or fence may be erected above the retaining wall with a minimum three (3) foot setback from the front property line.
- (2) In the RMH-A subdistrict, the maximum height of a retaining wall on the front property line shall be eighteen (18) inches as measured from the top of the highest adjacent curb. Subject to the Director's approval, a second retaining wall up to eighteen (18) inches in height may be erected above the eighteen (18) inch high retaining wall with a minimum three (3) foot front setback. A wall or fence up to forty-two (42) inches in height may be erected on top of the retaining wall with the minimum three foot front setback. (See Exhibit below.)

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*See Maximum building height in Chapter 210

- e. All retaining walls abutting a street shall be waterproofed to the satisfaction of the Director.
- f. Retaining wall and fence combinations over eight (8) feet in height shall be constructed with a variation in design or materials to show the distinction. Retaining wall and fence combinations over six (6) feet in height shall be designed without decorative block or cap block, except if equal in strength to the main portion of the fence.
8. The height of any fence, wall or hedge located in the front yard setback shall be measured from top of the highest adjacent curb. All other fence heights shall be measured from existing grade.
9. Any fence or wall located on the front property line shall be approved by the Department of Public Works.
10. In the industrial districts, nine (9) foot high fences may be permitted in the side and rear setbacks up to the front building line subject to plan review approval by the Director.
11. Deviations from the maximum height requirements for walls as prescribed by this Section may be permitted subject to an approval of conditional use permit by the Zoning Administrator.
12. Within the coastal zone, no gate, fence or wall shall be permitted that restricts or obstructs public access to the shore.

B. Required Walls.

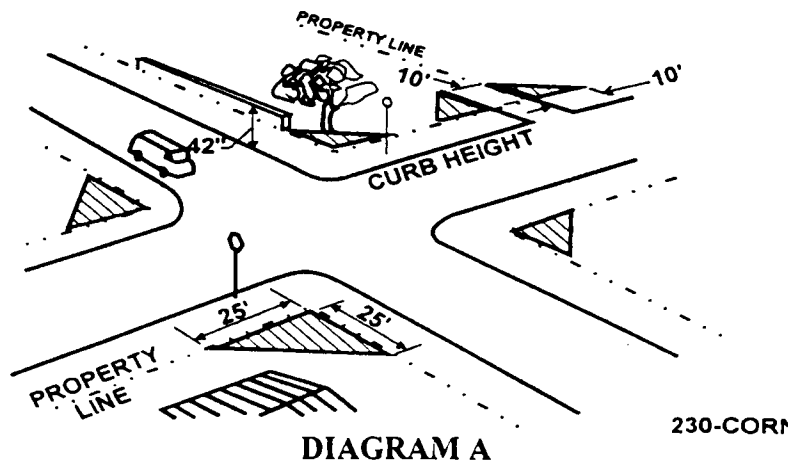
1. When office, commercial or industrial uses abut property zoned or used for residential, a six (6) foot high solid six (6) inch concrete block or masonry wall shall be required. If a wall meeting these standards already exists on the abutting residential property, protection from

vehicle damage shall be provided by a method approved by the Director. The maximum fence height shall be eight (8) feet at the common property line, subject to the same design standards and setback requirements as specified for six (6) foot high fences.

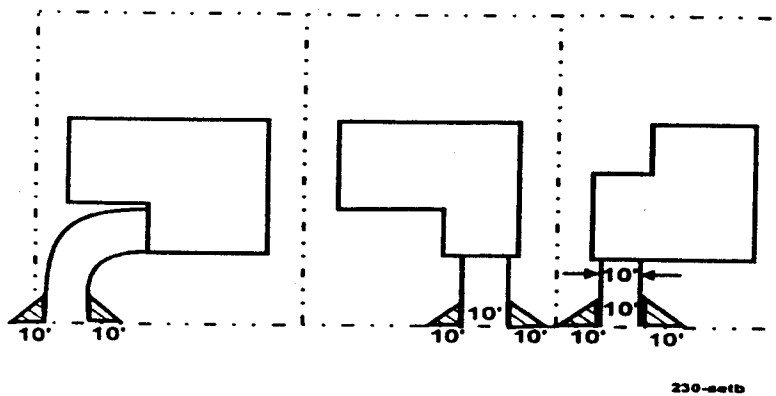
2. Industrial screening walls abutting arterial highways shall be architecturally compatible with surrounding properties, constructed of a minimum six (6) inch wide decorative masonry block, and designed with landscape pockets at thirty-five (35) foot intervals along the street side sufficient in size to accommodate at least one (1) 15-gallon tree. Approval of a conditional use permit by the Zoning Administrator shall be required prior to construction of such walls.

C. Visibility.

1. On reverse corner lots and corner lots abutting an alley, no fence, wall or hedge greater than forty-two (42) inches in height may be located within the triangular area formed by measuring ten (10) feet from the intersection of the rear and street side property lines.
2. On corner lots, no fence, wall, landscaping, berming, sign, or other visual obstruction between forty-two (42) inches and seven (7) feet in height as measured from the adjacent curb elevation may be located within the triangular area formed by measuring twenty-five (25) feet from the intersection of the front and street side property lines or their prolongation. Trees trimmed free of branches and foliage so as to maintain visual clearance below seven (7) feet shall be permitted.
3. Visibility of a driveway crossing a street or alley property line or of intersecting driveways shall not be blocked between a height of forty-two (42) inches and seven (7) feet within a triangular area formed by measuring ten (10) feet from intersecting driveways or street/alley and driveway.

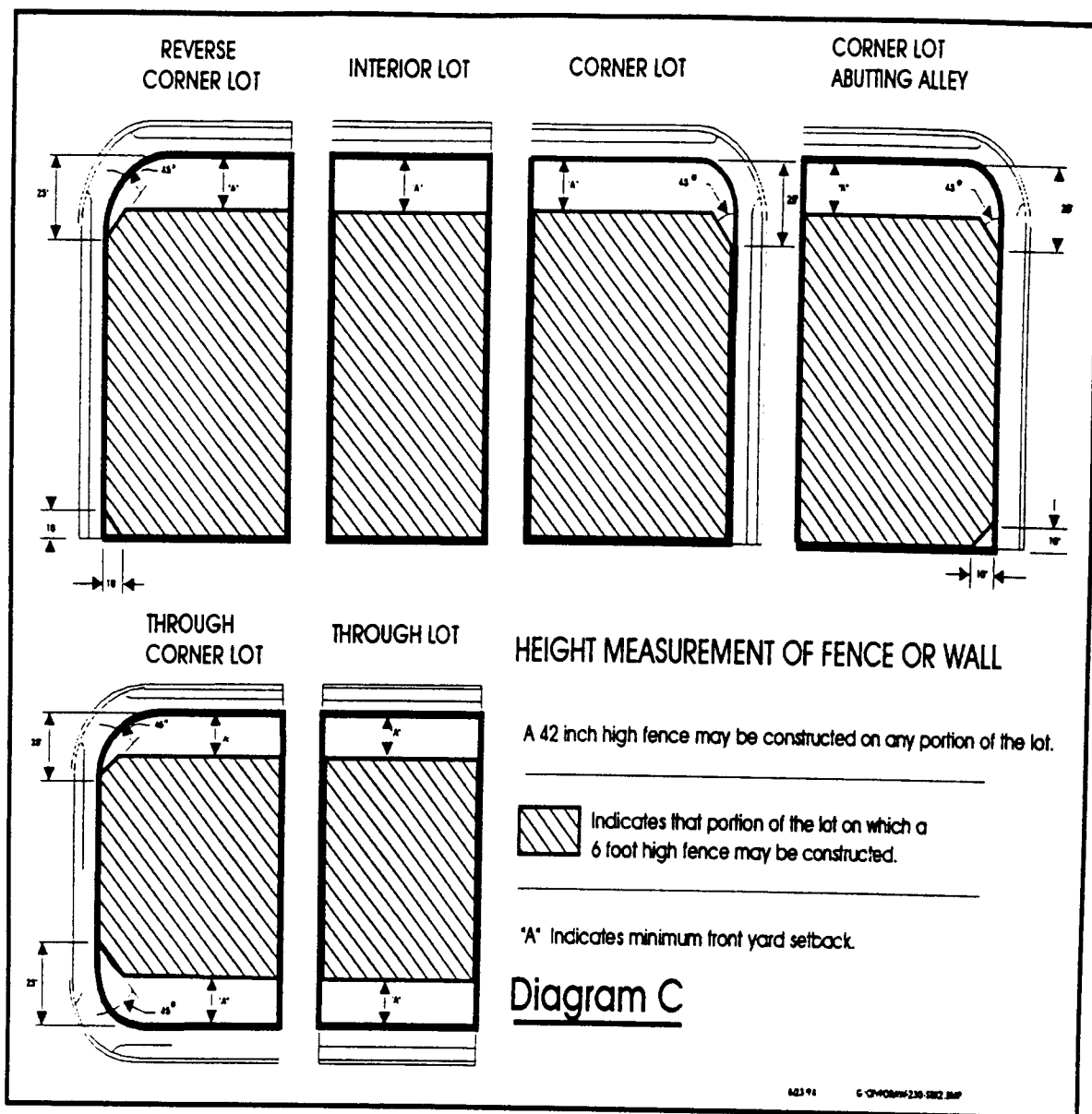


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**STREET/ALLEY
DIAGRAM B**

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SECTION 4: That Section 230.94 of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to read as follows:

230.94 Carts and Kiosks. Carts and kiosks may be permitted on private property zoned for commercial purposes, subject to approval by the Planning Director and compliance with this section. Carts and kiosks may be permitted as a temporary use on public property subject to Specific Event approval pursuant to Chapter 5.68.

A. Location and Design Criteria. Cart and kiosk uses shall conform to the following:

1. No portion of a cart or kiosk shall overhang the property line.
2. The cart or kiosk shall not obstruct access to or occupy a parking space; obstruct access to a parked vehicle, impede the delivery of materials to an adjoining property, interfere with access to public property or any adjoining property, or interfere with maintenance or use of street furniture. If any existing parking spaces will be displaced or partially or totally blocked by the proposed cart or kiosk, those spaces must be replaced on-site at a one-to-one (1:1) ratio.
3. The cart or kiosk shall not exceed a maximum of four (4) feet in width excluding any wheels, eight (8) feet in length including any handle, and no more than six (6) feet in height excluding canopies, umbrellas or transparent enclosures unless a larger size is approved.
4. A limit of one cart or kiosk shall be allowed for each commercial business that meets the above locational and design criteria.

B. Factors to Consider. The following factors shall be considered regarding the location and the design of cart or kiosk uses including:

1. Appropriateness of the cart or kiosk design, color scheme, and character of its location;
2. Appropriateness and location of signing and graphics;
3. The width of the sidewalk or pedestrian accessway;
4. The proximity and location of building entrances;
5. Existing physical obstructions including, but not limited to signposts, light standards, parking meters, benches, phone booths, newsstands, utilities and landscaping;
6. Motor vehicle activity in the adjacent roadway including but not limited to bus stops, truck loading zones, taxi stands, hotel zones, passenger loading or parking spaces;
7. Pedestrian traffic volumes; and
8. Handicapped accessibility.

C. Operating Requirements, Provisions and Conditions.

1. During hours of operation, the cart or kiosk must remain in the location specified on the approved site plan.

C. 66

2. A cart or kiosk operator shall not sell to or solicit from motorists or persons in vehicles.
 3. The cart or kiosk operator shall pay all fees and deposits required by the Huntington Beach Municipal Code prior to the establishment of the use.
 4. All provisions of the Huntington Beach Municipal Code which are not in conflict with this section shall apply.
 5. The prices of items sold from a cart or kiosk must appear in a prominent, visible location in legible characters. The price list size and location shall be reviewed and approved by the Planning Director.
 6. The sale of alcoholic beverages shall be prohibited.
 7. The number of employees at a cart or kiosk shall be limited to a maximum of two (2) persons at any one time.
 8. Fire extinguishers may be required at the discretion of the Fire Department.
 9. All cart and kiosk uses shall be self contained for water, waste, and power to operate.
 10. A cart or kiosk operator shall provide a method approved by the Planning Director for disposal of business related wastes.
- D. Parking. Additional parking may be required for cart or kiosk uses by the Planning Director.
- E. Review; Revocation. The Planning Department shall conduct a review of the cart or kiosk operation at the end of the first six (6) month period of operation. At that time, if there has been a violation of the terms and conditions of this section or the approval, the approval shall be considered for revocation.
- F. Limited Notification. Ten (10) working days prior to submittal for a building permit or certificate of occupancy, applicant shall notice adjacent property owners and tenants by first class mail. Notice of application shall include the following:
1. Name of applicant.
 2. Location of planned development or use, including address.
 3. Nature of the proposed development shall be fully disclosed in the notice.
 4. Planning Department phone number and address of City Hall shall be provided in the notice to call for viewing plans.
 5. The date by which any comments must be received in writing by the Planning Department.
 6. Planning Department shall receive entire list including name and address of those receiving the mailing.

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SECTION 5: This ordinance shall take effect 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 7th day of January, 2002.

ATTEST:

Connie Brockway
City Clerk 01-10-02

Debbie Cook
Mayor

REVIEWED AND APPROVED:

Ray Wilson
City Administrator

APPROVED AS TO FORM:

P. C. Dyer 12/13/01
City Attorney

INITIALED AND APPROVED:

[Signature] FOR HZ
Director of Planning

C 68

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

I, CONNIE BROCKWAY, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a regular meeting thereof held on the 17th day of December, 2001, and was again read to said City Council at a regular meeting thereof held on the 7th day of January, 2002, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

AYES: Dettloff, Bauer, Cook, Green, Boardman

NOES: None

ABSENT: Houchen

ABSTAIN: None

I, Connie Brockway CITY CLERK of the City of
Huntington Beach and ex-officio Clerk of the City
Council, do hereby certify that a synopsis of this
ordinance has been published in the Independent on

JANUARY 17, 2002

In accordance with the City Charter of said City

Connie Brockway, City Clerk

Eleni Kostafan Deputy City Clerk

Connie Brockway

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

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ORDINANCE NO. 3527AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING
THE HUNTINGTON BEACH 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 the Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Text Amendment No. 01-04, which amends various Sections of the Huntington Beach Zoning and Subdivision Ordinance including three sections of SP 5 (Downtown Specific Plan) relating to permit streamlining and development processing; 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 233.04 of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to read as follows:

233.04 Permits Required

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

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.

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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 Director may grant approval for a sign code exception of not more than 10% in sign height or sign area. Ten (10) working days prior to submittal for a building permit, applicant shall notice adjacent property owners and tenants by first class mail. Notice of application shall include the following:
1. Name of applicant.
 2. Location of planned development or use, including address.
 3. Nature of the proposed development shall be fully disclosed in the notice.
 4. Planning Department phone number and address of City Hall shall be provided in the notice to call for viewing plans.
 5. The date by which any comments must be received in writing by the Planning Department.
 6. Planning Director shall receive entire list including name and address of those receiving the mailing.

The Design Review Board shall review and render a recommendation to the Director for sign code exception requests of more than 10% in sign height or sign area 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 due to special circumstances defined by the applicant and applicable to the property.

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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 this code, the Design Review Board (DRB) shall review and render a recommendation to the appropriate decision maker (Zoning Administrator, Director, Planning Commission, etc.) on the following items prior to application for a sign permit to the Building Department:

1. Electronic Readerboard Signs.
2. Signs on properties within the following areas:
 - a. Redevelopment project areas;
 - b. Areas subject to specific plans which do not include design guidelines for signs;
 - c. Areas 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 Permits. The Director may issue a temporary sign permit valid for up to 30 days, if it is found that the temporary sign is necessary to establish or maintain identity until a permanent sign can be erected. Extensions of the 30 day permit may be granted at the discretion of the Director. The Director may also approve a temporary sign permit for the following temporary signs provided the signs conform with the standards defined in Section 233.06:

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.

SECTION 2: That Section 233.20 of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to read as follows:

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 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.

SECTION 3: This ordinance shall take effect 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 7th day of January, 2002.

ATTEST:

Connie Brockway
City Clerk 12/10/02

Debbie Cook
Mayor

REVIEWED AND APPROVED:

Ray Lihor
City Administrator

APPROVED AS TO FORM:

for [Signature] 12/13/01
City Attorney

INITIATED AND APPROVED:

[Signature] FOR HZ
Director of Planning

C 74

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

I, CONNIE BROCKWAY, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a regular meeting thereof held on the 17th day of December, 2001, and was again read to said City Council at a regular meeting thereof held on the 7th day of January, 2002, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

AYES: Dettloff, Bauer, Cook, Green, Boardman

NOES: None

ABSENT: Houchen

ABSTAIN: None

I, Connie Brockway CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Independent on JANUARY 17, 2002
In accordance with the City Charter of said City
Connie Brockway, City Clerk
Elaine Kostopoulos, Deputy City Clerk

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

ORDINANCE NO. 3528A

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH
AMENDING CHAPTER 236 OF THE HUNTINGTON BEACH ZONING
AND SUBDIVISION ORDINANCE RELATING TO NONCONFORMING
USES AND STRUCTURES

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

SECTION 1. Section 236.06 of the Huntington Beach Municipal Code is hereby amended to read as follows:

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 Zoning Administrator 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.

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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 7th day of January, 2002.

Reuben Cook

Mayor

ATTEST:

Connie Brockway

City Clerk 01-10-02

APPROVED AS TO FORM:

Redin 11/11/01

City Attorney

Re 12/11/01

REVIEWED AND APPROVED:

Ray Silver

City Administrator

INITIATED AND APPROVED:

~~Scott Henderson~~ per H2

Director of Planning

C 77

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

I, CONNIE BROCKWAY, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a regular meeting thereof held on the 17th day of December, 2001, and was again read to said City Council at a regular meeting thereof held on the 7th day of January, 2002, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

AYES: Dettloff, Bauer, Cook, Green, Boardman

NOES: None

ABSENT: Houchen

ABSTAIN: None

I, Connie Brockway CITY CLERK of the City of
Huntington Beach and ex-officio Clerk of the City
Council, do hereby certify that a synopsis of this
ordinance has been published in the Independent on

JANUARY 17, 2002

In accordance with the City Charter of said City

Connie Brockway, City Clerk

Eleni Kostopoulos Deputy City Clerk

Connie Brockway

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

ORDINANCE NO. 3528B

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING
THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE BY
AMENDING CHAPTER 241 THEREOF RELATING TO VARIOUS USE PERMITS
AND WAIVER OF DEVELOPMENT STANDARDS

WHEREAS, pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and the Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Text Amendment No. 01-04, which amends various Sections of the Huntington Beach Zoning and Subdivision Ordinance including three sections of SP 5 (Downtown Specific Plan) relating to permit streamlining and development processing; 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 241.04 of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to read as follows:

241.04 Authority of Planning Commission and Zoning Administrator

The Planning Commission or the Zoning Administrator, as the case may be, shall approve or conditionally approve applications for conditional use permits or variances upon finding that the proposed conditional use permit or variance is consistent with the General Plan, and all applicable requirements of the Municipal Code, consistent with the requirements of Section 241.10. The Planning Commission shall act on all variances except the Zoning Administrator may act on variances not exceeding twenty percent deviation from site coverage, separation between buildings, height, setback, parking, and landscape requirements.

SECTION 2: That Section 241.20 of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to read as follows:

241.20 Temporary Use Permits

A temporary use permit authorizing certain temporary use classifications, as defined in Chapter 204 and as listed in the land-use controls for the base districts in which the use will be located, and use of manufactured homes for temporary construction offices, shall be subject to the following provisions:

- A. Application and Fee. A completed application form and the required fee shall be submitted to the Director. The Director may request any other plans and materials necessary to assess the potential impacts of the proposed temporary use.
- B. Director. The Director shall act on temporary uses held for three or fewer consecutive days that do not include live entertainment. The Director shall approve,

approve with conditions, or deny a complete application within a reasonable time. No notice or public hearing shall be required for uses which are held for 3 or fewer consecutive days. Such uses shall be approved with a temporary activity permit.

- C. Duties of the Zoning Administrator. The Zoning Administrator shall act on temporary uses held for more than three days or that include live entertainment. The Zoning Administrator shall approve, approve with conditions, or deny a complete application within a reasonable time.
- D. Required Findings. The application shall be approved as submitted, or in modified form, if the Director or Zoning Administrator finds:
 - 1. That the proposed temporary use will be located, operated and maintained in a manner consistent with the policies of the General Plan, and if located within the coastal zone, consistent with the policies of the Local Coastal Program, and the provisions of this chapter; and
 - 2. That approval of the application will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare.
- E. Conditions of Approval. In approving a temporary use permit, the Director or the Zoning Administrator may impose reasonable conditions necessary to:
 - 1. To be consistent with the General Plan and in the coastal zone to be consistent with the Local Coastal Program;
 - 2. Protect the public health, safety, and general welfare; or
 - 3. Ensure operation and maintenance of the temporary use in a manner compatible with existing uses on adjoining properties and in the surrounding area.
- F. Bond for Temporary Uses. A \$500 cash bond shall be required to guarantee removal of any structure, clean up of site upon termination of the temporary use, and to guarantee maintenance of the property. A \$1,000 cash bond shall be required for a subdivision sales office and each model home to guarantee compliance with all provisions of Titles 17 and 20 through 25.
- G. Effective Date; Duration; Appeals. An approved temporary (conditional) use permit shall be effective 10 days after the date of its approval, unless appealed in accord with Chapter 248. The permit shall be valid for a specified time period not to exceed 30 days unless a longer period is granted by the Zoning Administrator. A temporary use permit shall lapse if not used within the dates approved and may be revoked by the Zoning Administrator effective immediately upon verbal or written notice for violation of the terms of the permit. Verbal notice shall be confirmed by written notice mailed to the permit holder within 48 hours. The Zoning Administrator may approve changes in a temporary use permit.

SECTION 3: That Section 241.22 of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to read as follows:

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241.22 Waiver of Development Standards

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

SECTION 4: This ordinance shall take effect 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 7th day of January, 2002.

ATTEST:

Connie Brockway
City Clerk 01-10-02

Debbie Cook
Mayor

REVIEWED AND APPROVED:

Ray Silver
City Administrator

APPROVED AS TO FORM:

P. L. Dineen 11/8/01
City Attorney

INITIATED AND APPROVED:

[Signature] FOR H2
Director of Planning

C 81

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

I, CONNIE BROCKWAY, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a regular meeting thereof held on the 17th day of December, 2001, and was again read to said City Council at a regular meeting thereof held on the 7th day of January, 2002, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

AYES: Dettloff, Bauer, Cook, Green, Boardman

NOES: None

ABSENT: Houchen

ABSTAIN: None

I, Connie Brockway CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Independent on

JANUARY 17, 2002

In accordance with the City Charter of said City

Connie Brockway, City Clerk

Eleni Kottafinas Deputy City Clerk

Connie Brockway

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

ORDINANCE NO. 3529AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING
THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE BY
AMENDING CHAPTER 244 THEREOF RELATING TO DESIGN REVIEW

WHEREAS, pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and the Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Text Amendment No. 01-04, which amends various Sections of the Huntington Beach Zoning and Subdivision Ordinance including three sections of SP 5 (Downtown Specific Plan) relating to permit streamlining and development processing; 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 244.02 of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to read as follows:

244.02 Applicability

Design review is required for projects in redevelopment areas, areas subject to specific plans, areas designated by the City Council, projects abutting or adjoining PS districts and sign code exceptions pursuant to Section 233.04.

SECTION 2: This ordinance shall take effect 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 7th day of January, 2002.

ATTEST:

Connie Brockway
City Clerk 01-10-02

Debbie Cook
Mayor

REVIEWED AND APPROVED:

Ray Miller
City Administrator

APPROVED AS TO FORM:

[Signature] 10/8/01
City Attorney JG 11/6/01

INITIATED AND APPROVED:

[Signature] FOR H2
Director of Planning

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

I, CONNIE BROCKWAY, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a regular meeting thereof held on the 17th day of December, 2001, and was again read to said City Council at a regular meeting thereof held on the 7th day of January, 2002, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

AYES: Dettloff, Bauer, Cook, Green, Boardman

NOES: None

ABSENT: Houchen

ABSTAIN: None

I, Connie Brockway CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Independent on

JANUARY 17, 2002

In accordance with the City Charter of said City

Connie Brockway, City Clerk

Elaine Hostaforsen Deputy City Clerk

Connie Brockway

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

ORDINANCE NO. 3530

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING
THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE BY
AMENDING CHAPTER 250 THEREOF RELATING TO GENERAL PROVISIONS

WHEREAS, pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and the Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Text Amendment No. 01-04, which amends various Sections of the Huntington Beach Zoning and Subdivision Ordinance including three sections of SP 5 (Downtown Specific Plan) relating to permit streamlining and development processing; 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 250.14 of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to read as follows:

250.14 Map Requirements

- A. Tentative and Final Map. A tentative and final map shall be required for all subdivisions creating five or more parcels, five or more condominiums as defined in Section 783 of the Civic Code, a community apartment project containing five or more parcels, or for the conversion of a dwelling to a stock cooperative containing five or more dwelling units. Exceptions as stated in Section 66426 of the Subdivision Map Act shall comply with Subsection B.
- B. Tentative and Parcel Map. A tentative and parcel map shall be required for all divisions of land into four or fewer parcels and exceptions stated in Section 66426 of the Subdivision Map Act. However parcel maps shall not be required for:
 - 1. Subdivisions of a portion of the operating right-of-way of a railroad corporation, which are created by short-term leases terminable by either party on not more than 30 days' notice in writing.
 - 2. Land conveyed to or from a governmental agency, public entity or public utility, or for land conveyed to a subsidiary of a public utility for conveyance to such public utility for rights-of-way, unless a showing is made by the Department in individual cases, upon substantial evidence, that public policy necessitates a parcel map. If a parcel map is not required, the dedication or offer must be indicated by a separate instrument.
 - 3. Lot line adjustments, provided:

C. 85

- a. No additional parcels or building sites are created;
 - b. The resulting parcels conform to Titles 20-24 (Zoning) of this Code;
 - c. The lot line adjustment shall not sever any existing structure on either of the two parcels.
 - d. The lot line adjustment shall not allow a greater number of dwelling units than allowed prior to the adjustment.
 - e. The lot line adjustment is approved by the Director or by the Planning Commission on appeal; and
 - f. A plat map showing the lot line adjustment is prepared, approved, and filed in accord with the provisions of Section 253.24.
4. Parcel maps waived by the Zoning Administrator as provided by Section 251.20.

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

SECTION 2: This ordinance shall take effect 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 7th day of January, 2002.

ATTEST:

Connie Brockway
City Clerk 01-10-02

Debbie Cook
Mayor

REVIEWED AND APPROVED:

Ray Salter
City Administrator

APPROVED AS TO FORM:

for [Signature] 11/8/01
City Attorney JG 11/14/01

INITIATED AND APPROVED:

[Signature] for HZ
Director of Planning

C 860

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

I, CONNIE BROCKWAY, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a regular meeting thereof held on the 17th day of December, 2001, and was again read to said City Council at a regular meeting thereof held on the 7th day of January, 2002, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

AYES: Dettloff, Bauer, Cook, Green, Boardman

NOES: None

ABSENT: Houchen

ABSTAIN: None

I, Connie Brockway CITY CLERK of the City of
Huntington Beach and ex-officio Clerk of the City
Council, do hereby certify that a synopsis of this
ordinance has been published in the Independent on

JANUARY 17, 2002

In accordance with the City Charter of said City

Connie Brockway, City Clerk

Eleni Kotsafanos Deputy City Clerk

Connie Brockway

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

ORDINANCE NO. 3531

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING
THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE BY
AMENDING CHAPTER 257 THEREOF RELATING TO MERGERS

WHEREAS, pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and the Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Text Amendment No. 01-04, which amends various Sections of the Huntington Beach Zoning and Subdivision Ordinance including three sections of SP 5 (Downtown Specific Plan) relating to permit streamlining and development processing; 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 257.04 of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to read as follows:

257.04 Notice of Intention to Determine Status

Prior to recording a Notice of Merger, the Director shall mail, by certified mail, a Notice of Intention to Determine Status to the current record owner of the property. The notice shall state that the affected parcels may be merged pursuant to this chapter and that, within 30 days from the date the Notice of Intention was recorded, the owner may request a hearing before the Director to present evidence that the property does not meet the criteria for merger. The Notice of Intention to Determine Status shall be filed for record with the County Recorder by the Director on the same day that the notice is mailed to the property owner.

SECTION 2: That Section 257.06 of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to read as follows:

257.06 Hearing on Determination of Status

The owner of the affected property may file a written request for a hearing with the Director within 30 days after recording of the Notice of Intention to Determine Status. Upon receipt of the request, the Director shall set a time, date and place for a hearing before the Director and notify the owner by certified mail. The hearing shall be conducted within 60 days following the receipt of the owner's request, or may be postponed or continued by mutual consent of the Director and the property owner.

At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the requirements for merger specified in this chapter.

C.88

At the conclusion of the hearing, the Director shall determine whether the affected parcels are to be merged or are not to be merged and shall notify the owner of the determination. Such notification shall be mailed to the property owner by the Director within five days of the date of the hearing.

SECTION 3: That Section 257.08 of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to read as follows:

257.08 Determination of Merger

If the Director makes a determination that the parcels are to be merged, a Notice of Merger shall be filed for record with the County Recorder by the Director within 30 days of the conclusion of the hearing, unless the decision has been appealed pursuant to Section 257.10. The Notice of Merger shall specify the name of the record owner and a description of the property.

If the Director makes a determination that the parcels shall not be merged, a release of the Notice of Intention to Determine Status shall be filed for record with the County Recorder by the Planning Department within 30 days after the Director's determination and a clearance letter shall be mailed to the owner by the Director.

SECTION 4: That Section 257.10 of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to read as follows:

257.10 Appeals

The determination of the Director may be appealed to the Planning Commission in accordance with Chapter 248, provided that the appeal shall be filed within 10 calendar days of the date of mailing of the Notice of Determination and the Planning Commission shall hear the appeal within 60 days from the date of appeal. If, after this hearing, the Planning Commission grants the appeal and determines that the affected property has not been merged pursuant to this chapter, the Director shall, within 30 days after the Planning Commission determination, file with the County Recorder a release of the Notice of Intention to Determine Status and mail a clearance letter to the owner.

SECTION 5: That Section 257.12 of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to read as follows:

257.12 Determination When No Hearing Is Requested

If the owner does not file a request for a hearing within 30 days after the recording of the Notice of Intention to Determine Status, the Director may, at any time thereafter, make a determination that the parcels are or are not to be merged. If they are to be merged, a Notice of Merger shall be filed for record with the County Recorder by the Director within 90 days after the mailing of the Notice of Intention to Determine Status pursuant to Section 257.04.

SECTION 6: That Section 257.16 of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to read as follows:

257.16 Request for Determination by Owner

Upon written application made by the owner to the Director, the Director shall make a determination that the affected parcels have merged or are to be merged. If the Director determines that the parcels have not merged, the owner shall be so notified by the Director.

C89

If the Director determines that the parcels were merged but that they meet the conditions for unmerger in Section 257.18, a Notice of Status shall be issued to the owner and filed for record with the County Recorder by the Director. The Notice of Status shall identify each parcel and declare that they are unmerged pursuant to this chapter.

If the Director determines that the parcels were merged but do not meet the conditions for unmerger in Section 257.18, a Notice of Merger specifying the record owner and description of the parcel shall be issued to the owner and filed for record with the County Recorder by the Director. The owner may appeal the decision of the Director to the Planning Commission in accordance with Chapter 248, provided that the appeal must be filed within 10 calendar days of the date of the mailing of the Notice of Merger. The Planning Commission shall hear the appeal within 60 days from the date of appeal.

SECTION 7: This ordinance shall take effect 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 7th day of January, 2002.

ATTEST:

Connie Brockway

City Clerk 01-10-02

Debbie Cook

Mayor

REVIEWED AND APPROVED:

Ray Linder

City Administrator

APPROVED AS TO FORM:

[Signature] 10/8/01
City Attorney

JB 10/6/01

INITIATED AND APPROVED:

[Signature] for H2
Director of Planning

C90

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

I, CONNIE BROCKWAY, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a regular meeting thereof held on the 17th day of December, 2001, and was again read to said City Council at a regular meeting thereof held on the 7th day of January, 2002, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

AYES: Dettloff, Bauer, Cook, Green, Boardman

NOES: None

ABSENT: Houchen

ABSTAIN: None

I, Connie Brockway CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Independent on

JANUARY 17, 2002

In accordance with the City Charter of said City

Connie Brockway, City Clerk

Eleni Kostafas Deputy City Clerk

Connie Brockway

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

ORDINANCE NO. 3532

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH
AMENDING THE HUNTINGTON BEACH SPECIFIC PLAN
RELATING TO THE DOWNTOWN PARKING MASTER PLAN

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

SECTION 1. Section 4.4.01 of the Huntington Beach Specific Plan is hereby amended to read as follows:

4.4 DISTRICT #2: RESIDENTIAL

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

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

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

- (a) Single Family Detached Dwellings which comply with the development standards of District 2 may be allowed subject to approval by the Director. All standards within the Downtown Specific Plan, District 2 shall apply to the construction of single-unit dwellings, except as specifically identified below (Resolution No. 5760):
 - (1) Parking requirements shall be as required for single-unit dwellings for the Oldtown/Townlot areas in Article 960.
 - (2) Open space requirements shall be as required for the Oldtown/Townlot areas in Article 913.
 - (3) Maximum building height shall be thirty (30) feet for main dwellings and fifteen (15) feet for detached accessory buildings. In addition, the maximum building height shall be twenty-two (22) feet within twenty-five (25) feet of the front property line.
 - (4) Minimum parcel size shall be as stated in Article 913.
 - (5) The requirements of Section 9130.13 shall apply, including single-unit dwelling design standards.
- (b) Multi-family housing, apartments, condominiums, single family detached dwellings that do not comply with Subsection (a) above, and stock-cooperatives subject to the approval of a Conditional Use Permit.

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

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

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

SECTION 2. Section 4.6.01 of the Huntington Beach Specific Plan is hereby amended to read as follows:

4.6 DISTRICT #4: MIXED-USE; OFFICE RESIDENTIAL

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

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

4.6.01 Permitted Uses.

- (a) The following list of principal uses in District No. 4 may be allowed. Other office-residential related uses not specified herein may be allowed subject to the approval of the Director. Change of use shall be subject to the approval of the Director. For example:
- Office Use - professional, general business and non-profit offices.
 - Outdoor dining pursuant to S.4.2.33
 - Carts and Kiosks pursuant to Section 230.94 of the Huntington Beach Municipal Code.
 - Commercial Use - Commercial uses which are integrated within and clearly incidental to an office use, shall be permitted provided that it cumulatively does not exceed ten (10) percent of total gross floor areas of the development.

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

C93

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

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

SECTION 3. Section 4.8.01 of the Huntington Beach Specific Plan is hereby amended to read as follows:

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

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

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

4.8.01 Permitted Uses.

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

- Antique stores
- Art Gallery
- Bakeries
- Banks
- Barber, beauty, manicure shops
- Bicycle sales, rental and repair
- Bookstores
- Carts and Kiosks pursuant to Section 230.94 of the Huntington Beach Municipal Code
- Clothing stores
- Delicatessens

C94

- Drug stores
- Dry cleaning
- Florists
- Glass shops
- Groceries
- Hardware stores
- Ice House
- Laundromats, laundries
- Newspaper and magazine stores
- Newsstands
- Offices
- Outdoor dining pursuant to S.4.2.33
- Photographic equipment sales
- Photographic processing
- Photographic studios
- Public facilities
- Shoe repair
- Shoe stores
- Sporting goods
- Tailor shops
- Travel agency
- Undertakers

- (b) The following list of uses and any new construction, or change of such use in District No. 6 may be allowed subject to approval of a Conditional Use Permit. For example:

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

- (c) Residential uses are allowed in conjunction with commercial uses and/or separate from commercial uses in this district subject to conditional use permit. Single family dwellings are subject to Director approval.

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

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

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

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

C95

(b) <u>Lot Size</u>	<u>Maximum FAR</u>
Less than half-block	1.5
Half-block or greater	2.0

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

<u>Lot Size (Frontage)</u>	<u>Height</u>
less than 100'	2 stories/30 feet
100' up to but less than a full block	3 stories/35 feet
full block	4 stories/45 feet

4.8.05 Maximum Site Coverage. No maximum site coverage shall be required in this District.

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

Exception: Parcels fronting on Fifth and Third Streets may be reduced to five (5) feet and parcels fronting on Main Street must build to within (5) feet of the property line.

SECTION 4. This ordinance shall become effective immediately upon certification by the California Coastal Commission.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 7th day of January, 2007

ATTEST:

Connie Brockway

City Clerk 01-10-07

Debbie Cook

Mayor

REVIEWED AND APPROVED:

Ray Silber

City Administrator

APPROVED AS TO FORM:

[Signature] 10/9/01
for City Attorney

INITIATED AND APPROVED:

[Signature] for HZ
Planning Director

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

I, CONNIE BROCKWAY, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a regular meeting thereof held on the 17th day of December, 2001, and was again read to said City Council at a regular meeting thereof held on the 7th day of January, 2002, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

AYES: Dettloff, Bauer, Cook, Green, Boardman

NOES: None

ABSENT: Houchen

ABSTAIN: None

I, Connie Brockway CITY CLERK of the City of
Huntington Beach and ex-officio Clerk of the City
Council, do hereby certify that a synopsis of this
ordinance has been published in the Independent on

JANUARY 17, 2002

In accordance with the City Charter of said City

Connie Brockway, City Clerk

Elini Kostopoulos Deputy City Clerk

Connie Brockway

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

C97

Item 6
Zoning Text Amendment 01-7
Coastal Development Permit Appeal
Language

ORDINANCE NO. 3517

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE BY AMENDING SECTION 245.32 THEREOF RELATING TO APPEALS OF COASTAL DEVELOPMENT PERMITS

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 Zoning Text Amendment No. 01-07, which amends Section 245.32 of the Huntington Beach Zoning and Subdivision Ordinance relating to appeals of Coastal Development Permits; 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 245.32 of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to read as follows:

245.32 Appeals

Development pursuant to an approved Coastal Development Permit shall not commence until all applicable administrative appeal periods expire or, if appealed, until all administrative appeals, including those to the Coastal Commission, have been exhausted.

A. Action by the Zoning Administrator or Planning Commission to approve, conditionally approve, or deny any Coastal Development Permit may be appealed on or before the tenth working day following such action. Action by the Zoning Administrator may be appealed to the Planning Commission. Action by the Planning Commission may be appealed to the City Council. Appeals may be made directly to the Coastal Commission pursuant to Sections 13111 and 13573 of the California Code of Regulations for appealable development.

B. Action by the City Council on a Coastal Development Permit for appealable development may be appealed directly to the Coastal Commission pursuant to Sections 13111 and 13573 of the California Code of Regulations.

C. An appeal pursuant to this chapter may be filed only by the applicant for the Coastal Development Permit in question, an aggrieved person, or any 2 members of the Coastal Commission.

D. An appeal to the Planning Commission shall be filed with the Planning Department. An appeal to the City Council shall be filed with the City Clerk. The appeal shall be

C-98

accompanied by a fee set by resolution of the City Council and a statement of the grounds for the appeal.

E. Notice of the local appeal shall be given as set forth in Section 245.20 or 245.22 and shall be processed in accordance with the provisions of Section 248.20.

F. An appeal to the Coastal Commission shall be processed in accordance with the provisions of Sections 13110 through 13120 of the California Code of Regulations.
245.32 Appeals

SECTION 2. This ordinance shall take effect 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 17th day of December, 2001.

Debbie Cook
Mayor

ATTEST:

Connie Brockway
City Clerk 12-21-01

APPROVED AS TO FORM:

P. L. De... 10/11/01
City Attorney

REVIEWED AND APPROVED:

Ray...
City Administrator

INITIATED AND APPROVED:

[Signature]
Director of Planning

C99

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

I, CONNIE BROCKWAY, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a regular meeting thereof held on the 3rd day of December, 2001, and was again read to said City Council at a regular meeting thereof held on the 17th day of December, 2001, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

AYES: Garofalo, Dettloff, Bauer, Cook, Houchen, Green, Boardman

NOES: None

ABSENT: None

ABSTAIN: None

I, Connie Brockway CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Independent on December 27, 2001
In accordance with the City Charter of said City
Connie Brockway, City Clerk
Deputy City Clerk

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

C 100

Item 7
Zoning Text Amendment 01-9
Delete 2 Acre Provision for PS Uses

ORDINANCE NO. 3553

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING
THE HUNTINGTON BEACH ZONING AND SUBDIVISION CODE BY
AMENDING CHAPTER 211C AND 214.04 THEREOF RELATING TO COMMERCIAL
DISTRICTS AND PUBLIC SEMIPUBLIC DISTRICTS

WHEREAS, pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and the Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Text Amendment No. 01-09, which amends Chapters 211C and 214 of the Huntington Beach Zoning and Subdivision Code relating to Commercial Districts and Public-SemiPublic Districts; 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 211.04 of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to read as follows:

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.

	CO	CG	CV	Additional Provisions
Residential				(J)(Q)(R)(V)
Group Residential	PC	PC	PC	
Multifamily Residential	-	-	PC	
Public and Semipublic				(J)(Q)(R)(V)
Cemetery	-	-	-	
Clubs and Lodges	ZA	ZA	-	
Community and Human Services				
Drug Abuse Centers	-	PC	-	
Primary Health Care	L-11	L-11	-	
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	P	P	-	(Y)
Emergency Health Care	L-2	L-2	-	
Government Offices	P	P	PC	
Heliports	PC	PC	PC	(B)
Hospitals	PC	PC	-	
Park & Recreation Facilities	L-9	L-9	L-9	
Public Safety Facilities	PC	PC	PC	
Religious Assembly	ZA	ZA	-	
Schools, Public or Private	PC	PC	-	
Utilities, Major	PC	PC	PC	
Utilities, Minor	P	P	P	(L)

(rest of page not used)

	P	=	Permitted				
	L	=	Limited (see Additional Provisions)				
CO, CG, and CV	PC	=	Conditional use permit approved by Planning Commission				
Districts	ZA	=	Conditional use permit approved by Zoning Administrator				
Land Use	TU	=	Temporary Use Permit				
Controls	P/U	=	Requires conditional use permit on site of conditional use				
	-	=	Not Permitted				
	CO	CG	CV	Additional Provisions			
Commercial Uses				(J)(Q)(R)			
Ambulance Services	-	ZA	-				
Animal Sales & Services							
Animal Boarding	-	ZA	-				
Animal Grooming	-	P	-				
Animal Hospitals	-	ZA	-				
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	P	P	P				
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.	P	P	P	L-4 (Y)			
W/Alcohol	ZA	ZA	ZA	(N) (Y)			
W/Drive Through	-	ZA	ZA				
W/Live Entertainment	ZA	ZA	ZA	(W) (Y)			
W/Dancing	PC	PC	PC	(H)			
W/Outdoor Dining	ZA	ZA	ZA	(X) (Y)			
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				
Pawn Shops	-	ZA	-				
Personal Enrichment Services	L-10	L-10	-	(Y)			
Personal Services	P	P	P				
Research & Development Services	L-1	ZA	-				
Retail Sales	-	P	P	(U)(V)			
Secondhand Appliances/Clothing	-	P	-				
Swap Meets, Indoor/Flea Markets	-	PC	-	(T)			
Swap Meets, Recurring	-	ZA	-				
Tattoo Establishments	-	PC	-				
Travel Services	P	P	P				
Vehicle Equipment/Sales & Services							
Automobile Rentals	-	L-8	L-8	L-12			

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

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

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.
- L-4 Permitted if greater than 300 feet from residential zone or use; if 300 feet or less from residential zone or use limited notification is required (see Y).
- L-5 Only "limited" facilities are allowed subject to approval of a conditional use permit from the Zoning Administrator, and body and fender shops are permitted only as part of a comprehensive automobile-service complex operated by a new vehicle dealer.
- L-6 Only "small-scale" facilities, as described in Use Classifications, are permitted with a maximum 7 persons employed full time in processing or treating retail products, limited to those sold on the premises.
- 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.
- L-10 Permitted if the space is 2,500 square feet or less; allowed with conditional use permit approval from the Zoning Administrator if space exceeds 2,500 square feet.

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

- Maximum number of persons per classroom does not exceed the number of parking spaces allocated to the suite based upon the square footage of the building; and
 - The instruction area does not exceed 75 percent of total floor area of the personal enrichment building area.
- L-11 Permitted if the space is 2,500 square feet or less; allowed with a conditional use permit from the Zoning Administrator if the space exceeds 2,500 square feet.
- L-12 Permitted for existing facilities proposing to expand up to 20%.

- (A) Reserved.
- (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.
- (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.
- (K) See Section 230.42: Bed and Breakfast Inns.
- (L) See Section 230.44: Recycling Operations.
- (M) Subject to approval by the Police Department, Public Works Department, Fire Department and the Director. See also Section 230.86 Seasonal Sales.
- (N) The following businesses proposing to sell alcoholic beverages for on-site or off-site consumption are exempt from the conditional use permit process:
 - (1) Retail markets with no more than 10 percent of the floor area devoted to sales, display, and storage of alcoholic beverages provided the sale of alcoholic beverages is not-in conjunction with the sale of gasoline or other motor vehicle fuel.

- (2) Restaurants, Bars and Liquor stores located 300 feet or more from any R or PS district, public or private school, church, or public use.
- (3) Florist shops offering the sale of a bottle of an alcoholic beverage together with a floral arrangement.
- (O) See Section 230.46: Single Room Occupancy.
- (P) See Chapter 231 for temporary and seasonal parking.
- (Q) Development of vacant land or additions of 10,000 square feet or more in floor area; or additions equal to or greater than 50% of the existing building's floor area; or additions to buildings on sites located within 300 feet of a residential zone or use for a permitted use requires approval of a conditional use permit from the Zoning Administrator. The Planning Director may refer any proposed addition to the Zoning Administrator if the proposed addition has the potential to impact residents or tenants in the vicinity (e.g., increased noise, traffic).
- (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.
- (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.
- (W) Non-amplified live entertainment greater than 300 feet from a residential zone or use shall be permitted without a conditional use permit.
- (X) Outdoor dining that is 400 square feet or less with no alcohol sales shall be permitted without a conditional use permit.
- (Y) Limited notification requirements when no entitlement required.
 - 1. Ten (10) working days prior to submittal for a building permit or certificate of occupancy, applicant shall notice adjacent property owners and tenants by first class mail.
 - 2. Notice of application shall include the following:
 - a. Name of applicant.
 - b. Location of planned development or use, including address.
 - c. Nature of the proposed development shall be fully disclosed in the notice.
 - d. Planning Department phone number and address of City Hall shall be provided in the notice to call for viewing plans.
 - e. The date by which any comments must be received in writing by the Planning Department and City appeal procedures.
 - f. Planning Department shall receive entire list including name and address of those receiving the mailing.

SECTION 2: That Section 214.04 of the Huntington Beach Zoning and Subdivision Code is hereby amended to read as follows:

214.04 Applicability

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

SECTION 3: This ordinance shall take effect 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 15th day of April, 2002.

ATTEST:

Connie Brockway
City Clerk 04-23-02

Debbie Cook
Mayor

REVIEWED AND APPROVED:

Ray Suter
City Administrator

APPROVED AS TO FORM:

P. E. Dineen 2-4-02
P. City Attorney P. E. Dineen 2-4-02

INITIATED AND APPROVED:

[Signature]
Director of Planning

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

I, CONNIE BROCKWAY, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a regular meeting thereof held on the 1st day of April, 2002, and was again read to said City Council at a regular meeting thereof held on the 15th day of April, 2002, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

AYES: Green, Dettloff, Bauer, Cook, Houchen, Winchell, Boardman

NOES: None

ABSENT: None

ABSTAIN: None

I, Connie Brockway CITY CLERK of the City of
Huntington Beach and ex-officio Clerk of the City
Council, do hereby certify that a synopsis of this
ordinance has been published in the Independent on

April 25, 2002

In accordance with the City Charter of said City

Connie Brockway, City Clerk

Edmund Hottel, Deputy City Clerk

Connie Brockway

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

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Item 8
Zoning Text Amendment 02-1
Wireless Communication Facilities

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING
THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE BY
RELATING TO WIRELESS COMMUNICATIONS

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

SECTION 1. In Section 203.06 of Chapter 203 of the Huntington Beach Municipal Code, the definition of Antenna, Communication is amended to read as follows:

203.06 Definitions

Antenna, Communication. All types of receiving and transmitting antenna, except satellite dish antenna, including but not limited to cable television antenna, wireless communication antenna, FM digital communication antenna, microwave telephone communication antenna, amateur radio antenna, and short-wave communication antenna and other similar antenna.

SECTION 2. Section 204.10 of Chapter 204 of the Huntington Beach Municipal Code, subpart I entitled "Communication Facilities," is amended to read as follows:

- I. Communications Facilities. Broadcasting, recording, and other communication services accomplished through electronic or telephonic mechanisms, but excluding Utilities (Major). This classification includes radio, television, or recording studios; telephone switching centers; telegraph offices; and wireless communication facilities.

SECTION 3. In Section 210.04 of Chapter 210, of the Huntington Beach Municipal Code, the list of land uses is amended to add "Communication Facilities" as a permitted use, subject to the new land use control description of L-5, as follows:

	RL	RM	RMH RH	RMP	Additional Provisions
Communication Facilities.	L-5	L-5	L-5	L-5	

L-5 Only wireless communication facilities permitted subject to section 230.96 Wireless Communication Facilities.

SECTION 4. In Section 211.04 of Chapter 211 of the Huntington Beach Municipal Code, the land use control designation for Communication Facilities is amended from "P" to the new designation of "L-13" as follows:

	CO	CG	CV	Additional Provisions
--	----	----	----	-----------------------

	CO	CG	CV	Additional Provisions
Communication Facilities.	L-13	L-13	L-13	

L-13 For wireless communication facilities see Section 230.96 Wireless Communication Facilities. All other communication facilities permitted.

SECTION 5. In Section 212.04 of Chapter 212 of the Huntington Beach Municipal Code, the land use control designation is amended from "P" to the new description of "L-12" as follows:

	IG	IL	Additional Provisions
Communication Facilities	L-12	L-12	

L-12 For wireless communication facilities see section 230.96 Wireless Communication Facilities. All other communication facilities permitted.

SECTION 6. In Section 213.06 of Chapter 213 of the Huntington Beach Municipal Code, the list of land uses is amended to add "Communication Facilities" as a permitted use, subject to the new land use control designation of L-4, as follows:

	OS-PR	OS-S	OS-WR	Additional Provisions
Communication Facilities	L-4			

L-4 Only wireless communication facilities permitted subject to Section 230.96 Wireless Communication Facilities.

SECTION 7. In Section 214.06 of Chapter 214 of the Huntington Beach Municipal Code, the list of land uses is amended to add "Communication Facilities" as a permitted use, subject to the new land use control description of L-4, as follows:

	PS	Additional Provisions
Communication Facilities	L-4	
L-4	Only wireless communication facilities permitted subject to Section 230.96 Wireless Communication Facilities.	

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SECTION 8. Section 230.72 of Chapter 230 of the Huntington Beach Municipal Code is hereby amended to read as follows:

230.72 Exceptions to Height Limits

Chimneys; vent pipes; cooling towers; flagpoles; towers; spires; domes; cupolas; parapet walls not more than 4 feet high; water tanks; fire towers; transmission antennae (including wireless communication facilities); radio and television antennas (except satellite dish antennae); and similar structures and necessary mechanical appurtenances (except wind-driven generators) may exceed the maximum permitted height in the district in which the site is located by no more than 10 feet. The Zoning Administrator may approve greater height with a conditional use permit. Within the coastal zone exceptions to height limits may be granted only when public visual resources are preserved and enhanced where feasible.

SECTION 9. Section 230.80 of Chapter 230 of the Huntington Beach Municipal Code is hereby amended to read as follows:

230.80 Antennae

- A. **Purpose.** The following provisions are established to regulate installation of antennae to protect the health, safety, and welfare of persons living and working in the City and to preserve the aesthetic value and scenic quality of the City without imposing unreasonable limitations on, prevent the reception of signals, or imposing excessive costs on the users of the antennae.
- B. **Permit Required.** Approval by the Director shall be required for the installation of an antenna or satellite antenna to ensure compliance with the locational criteria. Construction shall be subject to the provisions of the Uniform Building Code and National Electrical Code, as adopted by the City. Within the coastal zone, approval of a coastal development permit shall be required for installation of any antenna that meets the definition of development in Section 245.04 unless it is exempt pursuant to Section 245.08. (3334)
- C. **Locational Criteria: Satellite Antennae.** A satellite antenna may be installed on a lot in any zoning district if it complies with the following criteria:
 1. **Number:** Only one satellite antenna may be permitted on a residential lot.
 2. **Setbacks:** Interior side and rear property lines, 10 feet, except that no setback shall be required in interior side and rear setback areas if the antenna or satellite antenna does not exceed 6 feet in height. No antenna or satellite antenna shall be located in a required front yard. When roof-mounted, the antenna or satellite antenna shall be located on the rear one-half of the roof.
 3. **Maximum Height:**
 - a. The maximum height of a satellite antenna shall not exceed 10 feet if installed on the ground or the maximum building height for the district in which the satellite antenna is located, if roof-mounted.
 - b. The maximum height of an antenna shall not exceed the maximum building height for the district in which the antenna is located.

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4. Maximum Dimension: The maximum diameter of a satellite antenna shall not exceed 10 feet in all districts with the exception that the diameter may be increased in non-residential districts if a conditional use permit is approved by the Zoning Administrator.
5. Screening: The structural base of an antenna or satellite antenna, including all bracing and appurtenances, but excluding the antenna or dish itself, shall be screened from public view and adjoining properties by walls, fences, buildings, landscape, or combinations thereof not less than 7 feet high so that the base and support structure are not visible from beyond the boundaries of the site at a height-of-eye 6 feet or below.
6. Undergrounding: All wires and/or cables necessary for operation of the antenna or satellite antenna or reception of the signal shall be placed underground, except for wires or cables attached flush with the surface of a building or the structure of the antenna or satellite antenna.
7. Surface Materials and Finishes: No advertising or text or highly reflective surfaces shall be permitted.
8. Exception: Requests for installation of an antenna or satellite antennae on sites that are incapable of receiving signals when installed pursuant to the locational criteria may be permitted subject to conditional use permit approval by the Zoning Administrator. The applicant shall submit documentation that installation at a height greater than permitted, or in another yard area, is necessary for the reception of usable antenna or satellite signals. Applications shall be approved upon finding that the aesthetic value and scenic quality of the City is preserved, pedestrian or vehicular traffic vision is not obstructed, and upon the findings contained in Chapter 241.

SECTION 10. Chapter 230 of the Huntington Beach Municipal Code is hereby amended by adding new Section 230.96 thereto, to read as follows:

230.96 Wireless Communication Facilities

- A. Purpose. All wireless communication facilities shall comply with these requirements and guidelines in order to regulate the location and design of wireless facilities for the protection of public safety, general welfare, and quality of life in the City of Huntington Beach.
- B. Permit Required.
 1. Administrative approval by the Director may be granted for proposed wireless communication facilities (including but not limited to ground mounted, co-located, wall, roof, or utility mounted) that are:
 - a. Co-located to approved facilities at existing heights or complies with the base district height limit for modified facilities, and compatible with

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- surrounding buildings and land uses by incorporating stealth techniques;
or
- b. Completely stealth facilities and complies with the base district height limit; or
 - c. Facilities in non-residential districts and in compliance with the maximum building height permitted within the zoning district; and
 1. Screened from view and not visible from beyond the boundaries of the site at eye level (six feet); or
 2. Substantially integrated with the architecture of the existing building or structure to which it is to be mounted; or
 3. Designed to be architecturally compatible with surrounding buildings and land uses by incorporating stealth techniques.
2. Conditional use permit approval by the Zoning Administrator shall be required for all proposed wireless communication facilities (including but not limited to ground mounted, co-located, wall, roof or utility mounted) that are:
- a. Exceeding the maximum building height permitted within the zoning district; or
 - b. Visible from beyond the boundaries of the site at eye level (six feet); or
 - c. Not substantially integrated with the architecture of the existing building or structure to which it is to be mounted; or
 - d. Not designed to be architecturally compatible with surrounding buildings and land uses; or
 - e. Facilities in residential districts that do not meet B.1.a or B.1.b.
3. Design review shall be required for wireless communication facilities located in redevelopment areas, on public right-of-ways, in OS-PR and PS zones, in areas subject to specific plans, on or within 300 feet of a residential district, and in areas designated by the City Council. Design review is not required for wireless communication facilities that comply with section B.1.
- C. Definitions. For the purpose of this section, the following definitions for the following terms shall apply:

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1. Accessory Structure. Any structure or equipment that is to be located ancillary to an antenna or antennas in the establishment and operation of a wireless communication facility.
2. Co-Location or Co-Located. The location of multiple antennas which are either owned or operated by more than one service provider at a single location and mounted to a common supporting structure, wall or building.
3. Completely Stealth Facility. Any stealth facility that has been designed to completely screen all aspects of the facility including appurtenances and equipment from public view. Examples of completely stealth facilities may include, but are not limited to architecturally screened roof-mounted antennas, façade mounted antennas treated as architectural elements to blend with the existing building, flagpoles, church steeples, fire towers, and light standards.
4. Ground Mounted Facility. Any wireless antenna that are affixed to a pole, tower or other freestanding structure that is specifically constructed for the purpose of supporting an antenna.
5. Microwave Communication. The transmission or reception of radio communication at frequencies of a microwave signal (generally, in the 3 GHz to 300 GHz frequency spectrum).
6. Pre-existing Wireless Facility. Any wireless communication facility for which a building permit or conditional use permit has been properly issued prior to the effective date of this ordinance, including permitted facilities that have not yet been constructed so long as such approval is current and not expired.
7. Roof Mounted. Any wireless antenna directly attached or affixed to the roof of an existing building, water tank, tower or structure other than a telecommunications tower.
8. Stealth Facility or Techniques. Any wireless communication facility, which is designed to blend into the surrounding environment, typically, one that is architecturally integrated into a building or other concealing structure. See also definition of completely stealth facility.
9. Telecommunication Facility. A wireless communication facility that is either wall mounted, utility mounted, or roof mounted.
10. Utility Mounted. Any wireless antenna mounted to an existing above-ground structure specifically designed and originally installed to support utilities such as but not limited to electrical power lines, cable television lines, telephone lines, non-commercial wireless service antennas, radio antennas, street lighting, recreational facility lighting, traffic signal equipment or any other utility which meets the purpose and intent of this definition.

11. Wall Mounted. Any wireless antenna mounted on any vertical or nearly vertical surface of a building or other existing structure that is not specifically constructed for the purpose of supporting an antenna (including the exterior walls of a building, an existing parapet, the side of a water tank, the face of a church steeple, or the side of a freestanding sign) such that the highest point of the antenna structure is at an elevation equal to or lower than the highest point of the surface on which it is mounted.
12. Wireless Communication Facility or Facility. An antenna structure and any appurtenant facilities or equipment that are used in connection with the provision of wireless communication service, including, but not limited to digital, cellular and radio service.

D. Applicability.

1. All wireless communication facilities which are erected, located, or modified within the City of Huntington Beach on or following the effective date of section 230.96 shall comply with these guidelines, subject to the categorical exemptions under subparagraph (3) of this section, provided that:
 - a. All facilities, for which applications were determined complete by the Planning Department prior to the effective date of this section, shall be exempt from these regulations and guidelines.
 - b. All facilities for which Building and Safety issued building permits prior to the effective date of section 230.96 shall be exempt from these regulations and guidelines, unless and until such time as subparagraph (2) of this section applies.
 - c. Any facility, which is subject to a previously approved and valid conditional use permit, may be modified within the scope of the applicable permit without complying with these regulations and guidelines.
2. All facilities for which building permits and any extension thereof have expired shall comply with the provisions of section 230.96.
3. The following uses shall be exempt from the provisions of section 230.96 until pertinent federal regulations are amended or eliminated. See Section 230.80 (Antennae) for additional requirements.
 - a. Any antenna structure that is one meter (39.37 inches) or less in diameter and is designed to receive direct broadcast satellite service, including direct-to-home satellite service for television purposes, as defined by Section 207 of the Telecommunication Act of 1996, Title 47 of the Code of Federal Regulations,

and any interpretive decisions thereof issued by the Federal Communications Commission (FCC).

- b. Any antenna structure that is two meters (78.74 inches) or less in diameter located in commercial or industrial zones and is designed to transmit or receive radio communication by satellite antenna.
- c. Any antenna structure that is one meter (39.37 inches) or less in diameter or diagonal measurement and is designed to receive Multipoint Distribution Service, provided that no part of the antenna structure extends more than five (5) feet above the principle building on the same lot.
- d. Any antenna structure that is designed to receive radio broadcast transmission.
- e. Any antenna structure used by authorized amateur radio stations licensed by the FCC.

E. Facility Standards.

1 Aesthetics:

- a. Facility: All screening used in conjunction with a wall or roof mounted facility shall be compatible with the architecture of the building or other structure to which it is mounted, including color, texture and materials. All ground mounted facilities shall be designed to blend into the surrounding environment, or architecturally integrated into a building or other concealing structure.
- b. Equipment/Accessory Structures: All equipment associated with the operation of the facility, including but not limited to transmission cables, shall be screened in a manner that complies with the development standards of the zoning district in which such equipment is located. Screening materials and support structures housing equipment shall be architecturally compatible with surrounding structures by duplicating materials and design in a manner as practical as possible. If chain link is used, then it must be vinyl coated and not include barbed wire.
- c. General Provisions: All Wireless Communication Facilities shall comply with the Huntington Beach Urban Design Guidelines.

- 2. Building Codes: To ensure the structural integrity of wireless communication facilities, the owners of a facility shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for facilities that are published by the Electronic Industries Association, as amended from time to time.

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3. Conditions of Approval: Acceptance of conditions by the applicant and property owner shall be ensured by recordation of the conditions on the property title.
4. Federal Requirements: All Wireless Communication Facilities must meet or exceed current standards and regulations of the FCC, and any other agency of the state or federal government with the authority to regulate wireless communication facilities.
5. Interference: To eliminate interference the following provisions shall be required for all wireless communication facilities regardless of size:
 - a. Prior to issuance of a building permit, the applicant must submit the following information to the Police Department for review:
 1. All transmit and receive frequencies;
 2. Effective Radiated Power (ERP);
 3. Antenna height above ground; and
 4. Antenna pattern, both horizontal and vertical (E Plane and H Plane).
 - b. At all times, other than during the 24-hour cure period, the applicant shall comply with all FCC standards and regulations regarding interference and the assignment of the use of the radio frequency spectrum. The applicant shall not prevent the City of Huntington Beach or the countywide system from having adequate spectrum capacity on the City's 800 MHz voice and data radio frequency systems. The applicant shall cease operation of any facility causing interference with the City's facilities immediately upon the expiration of the 24-hour cure period until the cause of the interference is eliminated.
 - c. Before activating its facility, the applicant shall submit to the Police and Fire Departments a post-installation test to confirm that the facility does not interfere with the City of Huntington Beach Public Safety radio equipment. The Communications Division of the Orange County Sheriff's Department or Division-approved contractor at the expense of the applicant shall conduct this test. This post-installation testing process shall be repeated for every proposed frequency addition and/or change to confirm the intent of the "frequency planning" process has been met.
 - d. The applicant shall provide to the Planning Department a single point of contact (including name and telephone number) in its Engineering and Maintenance Departments to whom all interference problems may be reported to insure continuity on all interference issues. The contact person shall resolve all interference complaints within 24 hours of being notified.

C. 118

- e. The applicant shall insure that lessee or other user(s) shall comply with the terms and conditions of this permit, and shall be responsible for the failure of any lessee or other users under the control of the applicant to comply.
- 6. Lighting: All outside lighting shall be directed to prevent "spillage" onto adjacent properties, unless required by the FAA or other applicable authority, and shall be shown on the site plan and elevations.
- 7. Maintenance: All facilities and appurtenant equipment shall be maintained to remain consistent with the original appearance of the facility. Ground mounted facilities shall be covered with anti-graffiti coating.
- 8. Monitoring: For all wireless communication facilities, the applicant shall provide a copy of the lease agreement between the property owner and the applicant prior to the issuance of a building permit.
- 9. Signs: The facility shall not bear any signs or advertising devices other than certification, warning, or other required seals of signage.
- F. Site Selection. For all wireless communication facilities, the applicant shall provide documentation that demonstrates the following:
 - 1. Compatibility with the surrounding environment or architecturally integrated into a structure.
 - 2. Screened or camouflaged by existing or proposed topography, vegetation, buildings or other structures as measured from beyond the boundaries of the site at eye level (six feet).
 - 3. Massing and location of the proposed facility are consistent with surrounding structures and zoning districts.
 - 4. No portion of a wireless communication facility shall project over property lines.
- G. Facilities in the Public Right-of-Way. Any wireless communication facility to be placed over, on or beneath the public right-of-way shall comply with the following standards:
 - 1. Any wireless communication facilities to be constructed on or beneath the public right-of-way must have a franchise agreement with the City or the owner that has a wireless franchise agreement with the City, or the applicant must provide documentation demonstrating that the applicant is a state-franchised telephone corporation exempt from local franchise requirements.
 - 2. All equipment associated with the operation of a facility, including but not limited to transmission cables, shall be placed underground in those portions of the street, sidewalks and public rights-of-way where cable television, telephone or electric

C119

lines are underground. At no time shall equipment be placed underground without appropriate conduit.

3. The City Engineer shall approve the location and method of construction of all facilities located within public rights-of-way.
 4. All wireless communication facilities shall be subject to applicable City permit and inspection fees, including, but not limited to, those pertaining to encroachment permits and all applicable fees.
 5. Any wireless communication facility installed, used or maintained within the public rights-of-way shall be removed or relocated when made necessary by any "project." For purposes of this section, project shall mean any lawful change of grade, alignment or width of any public right-of-way, including but not limited to, the construction of any subway or viaduct that the City may initiate either through itself, or any redevelopment agency, community facility district, assessment district, area of benefit, reimbursement agreement or generally applicable impact fee program.
 6. Wireless communication facilities may be installed on existing utility poles, conduits and other facilities of a public utility, with the approval of the City Engineer, provided a franchise agreement exists allowing wireless installation.
 7. Prior to the approval of any required building permits or entitlements (Conditional Use Permits, Variances, etc.) the applicant shall have a franchise agreement approved by the City Council.
- H. Facilities on Public Property. Any wireless communication facility to be placed over, on or beneath public property shall comply with the following standards:
1. Wireless communication facilities shall be installed in accordance with all applicable City codes and ordinances, including, but not limited to, standards for paving in the event that any undergrounding of utilities is required.
 2. Any wireless communication facilities to be constructed on or beneath public property must have a lease agreement with the city.
- I. Additional Requirements.
1. Landscaping: Landscape planting, irrigation and hardscape improvements may be imposed depending on the location, the projected vehicular traffic, the impact on existing facilities and landscape areas, and the visibility of the proposed facility. Submittal of complete landscape and architectural plans for review and approval by the Directors of Public Works and Planning may be required. Public Works inspectors may require additional improvements during installation based on facility impacts.

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2. Utility Agreement: If the proposed facility will require electrical power or any other utility services to the site, the applicant will be required to furnish the City's Real Estate Services Manager, either a drafted utility franchise agreement between the City of Huntington Beach and the applicant to place those lines in the public right-of-way, or a written statement from the utility company who will be supplying the power or other services, that they accept all responsibility for those lines in the public right-of-way.

J. Facility Removal.

1. Cessation of Operation: Within thirty (30) days of cessation of operations of any wireless communication facility approved under this section, the operator shall notify the Planning Department in writing. The facility shall be deemed abandoned pursuant to the following sections unless:
 - a. The City has determined that the operator has resumed operation of the wireless communication facility within six (6) months of the notice; or
 - b. The City has received written notification of a transfer of wireless communication operators.
2. Abandonment: A facility that is inoperative or unused for a period of six (6) continuous months shall be deemed abandoned. Written notice of the City's determination of abandonment shall be provided to the operator of the facility and the owner(s) of the premises upon which the facility is located. Such notice may be delivered in person, or mailed to the address(es) stated on the facility permit application, and shall be deemed abandoned at the time delivered or placed in the mail.
3. Removal of Abandoned Facility: The operator of the facility and the owner(s) of the property on which it is located, shall within thirty (30) days after notice of abandonment is given either (1) remove the facility and restore the premises, or (2) provide the Planning Department with written objection to the City's determination of abandonment. Any such objection shall include evidence that the facility was in use during the relevant six- (6) month period and that it is presently operational. The Director shall review all evidence, determine whether or not the facility was properly deemed abandoned, and provide the operator notice of its determination.
4. Removal by City: At any time after thirty-one (31) days following the notice of abandonment, or immediately following a notice of determination by the Director, if applicable, the City may remove the abandoned facility and/or repair any and all damage to the premises as necessary to be in compliance with applicable codes. The City may, but shall not be required to, store the removed facility (or any part thereof). The owner of the premises upon which the abandoned facility

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was located, and all prior operators of the facility, shall be jointly liable for the entire cost of such removal, repair, restoration and/or storage, and shall remit payment to the City promptly after demand thereof is made. The City may, in lieu of storing the removed facility, convert it to the City's use, sell it, or dispose of it in any manner deemed appropriate by the City.

SECTION 11. 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 19th day of August, 2002.

Debbie Cook

Mayor

ATTEST:

Connie Brockway

City Clerk 08-23-02

APPROVED AS TO FORM:

Gail Hutton

City Attorney

REVIEWED AND APPROVED:

Ray Lihon

City Administrator

INITIATED AND APPROVED:

[Signature]

Director of Planning

C122

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

I, CONNIE BROCKWAY, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a regular meeting thereof held on the 5th day of August, 2002, and was again read to said City Council at a regular meeting thereof held on the 19th day of August, 2002, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

AYES: Dettloff, Boardman, Cook, Houchen, Winchell, Bauer

NOES: None

ABSENT: Green (out of room)

ABSTAIN: None

I, Connie Brockway, CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Huntington Beach Fountain Valley Independent on _____, 2002.
August 29, 2002
In accordance with the City Charter of said City

Connie Brockway, City Clerk
Eleni Hostasinas Deputy City Clerk

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

C123

Item 9
Zoning Text Amendment 02-5
Park and Recreation Fees

AN EMERGENCY ORDINANCE OF THE CITY OF HUNTINGTON BEACH
AMENDING CHAPTER 230 OF THE HUNTINGTON BEACH
ZONING AND SUBDIVISION ORDINANCE

WHEREAS, on June 17, 2002, the Huntington Beach City Council adopted Ordinance No. 3562 revising Chapter 254 of the Huntington Beach Zoning and Subdivision Ordinance ("ZSO") which requires, as a condition of development approval, residential subdivisions to dedicate land or pay an in-lieu park fee. Such fees are levied pursuant to the authority of California Government Code Section 66477 (the "Quimby Act"). Among other things, the revisions to Chapter 254 adopted by City Council on June 17, 2002 require that the in-lieu park fee be calculated using a site-specific appraisal methodology;

WHEREAS, pursuant to ZSO Section 230.20, development projects not otherwise subject to the Quimby Act are required to pay a park fee calculated pursuant to ZSO Chapter 254;

WHEREAS, the purpose of the fees levied on development projects pursuant to ZSO Chapters 230 and 254 is to provide funds necessary for the development and rehabilitation of City parks and recreational facilities that are required to assure the provision of park land and recreational facilities are available to serve new residential, commercial and industrial development projects at established City service levels standards within a reasonable period of time;

WHEREAS, in light of the current status of the State budget, as well as declining City reserves and the unavailability of funds necessary to develop City parks and recreational facilities that are needed to serve new development, as a matter of public health welfare and safety, it is necessary to impose fees on new development as soon as possible to ensure that development projects pay all applicable fees as soon as possible;

WHEREAS, because the City Council has already modified Chapter 254, it is also necessary to immediately revise Chapter 230 so that the collection of fees imposed on development projects is consistent with the intent of the City Council to impose fees on residential, commercial and industrial projects;

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

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

SECTION 1. Section 230.20 of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to read as follows:

230.20 Payment of Park Fee

As a condition of development approval, all new commercial and industrial development and all new residential development not covered by Chapter 254 of Title 25, Subdivision Ordinance, except

for mobile home parks, shall pay a park fee. The fees shall be paid and calculated according to a schedule adopted by City Council resolution.

SECTION 2. This ordinance shall become effective immediately.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 16th day of December, 2002.

Connie Boardman

Mayor

ATTEST:

Connie Boardman
City Clerk

APPROVED AS TO FORM:

[Signature]
City Attorney
11-22-02 LHM 11/21/02

REVIEWED AND APPROVED:

Ray Liller
City Administrator

INITIATED AND APPROVED:

John B. Euge
Acting Director of Community Services

Emergency Ord. No. 3596

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

I, CONNIE BROCKWAY, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a regular meeting thereof held on the 16th day of December, 2002 and was passed and adopted by at least four-fifths (4/5) affirmative vote of said City Council.

AYES: Green, Sullivan, Boardman, Cook, Houchen, Coerper, Hardy

NOES: None

ABSENT: None

ABSTAIN: None

I, Connie Brockway CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Huntington Beach

Fountain Valley Independent on _____

December 26, 2002

In accordance with the City Charter of said City

Connie Brockway, City Clerk

Deputy City Clerk

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

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RESOLUTION NO. 2002-129 (Repeals Res 6226)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF HUNTINGTON BEACH RELATING TO THE PAYMENT OF A PARK
FEE PURSUANT TO SECTION 230.20 OF THE HUNTINGTON BEACH ZONING AND
SUBDIVISION ORDINANCE

WHEREAS, Section 230.20 of Chapter 230 of Title 23 of the City of Huntington Beach Zoning and Subdivision Ordinance ("City Zoning and Subdivision Code") requires all new commercial and industrial development and all new residential development not covered by Chapter 254 of Title 25, of the City Zoning and Subdivision Code, except for mobile home parks, to pay a park in-lieu fee in accordance with the requirements of Chapter 254 and calculated according to a schedule adopted by City Council resolution; and

The City Council has reviewed a report dated December 2001 entitled "City of Huntington Beach Park Strategy and Fee Nexus Study" (hereinafter "Park Fee Study") and an addendum thereto dated September 25, 2002 (hereinafter "Addendum"), which evaluated the impacts of contemplated future development on existing park and recreational facilities within the City of Huntington Beach. The Park Fee Study and Addendum include an analysis of the need for new park and recreational facilities and improvements required by new development and sets forth the relationship between new development, the needed facilities, and the estimated costs of those improvements; and

The Park Fee Study and Addendum have been available for public inspection and review prior to consideration of this resolution by the City Council after a public hearing.

THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH DOES HEREBY FIND, RESOLVE AND DETERMINE AS FOLLOWS:

SECTION 1. Findings. After review of the Park Fee Study and Addendum, other staff reports, and the testimony and information received on this matter, the City Council makes the following findings:

1. That the purpose of the fee to be paid pursuant to Section 230.20 of Chapter 230 of Title 23 of the City Zoning and Subdivision Code ("Fee") is for the development and rehabilitation of the City's parks and recreational facilities in order to assure that the policies and standards for park, open space and recreational facilities contained in the City's General Plan and described in the Park Fee Study are met.
2. That additional park and recreational facilities will be needed to serve commercial, industrial and residential development within the City subject to Section 230.20 of the City's Zoning and Subdivision Ordinance in order to meet the policies and goals contained in the City's General Plan.
3. That the Fee imposed as a condition of development approval in connection with the construction of new floor area for all commercial, industrial and residential

development projects subject to Section 230.20 of the City Zoning and Subdivision Code, shall be used to develop and rehabilitate park and recreational facilities within the City to assure the provision of park land and recreational facilities needed to serve such development at established City service levels standards within a reasonable period of time.

4. That the Fee hereby imposed is reasonably related to the impacts of new residential, commercial and industrial development because, as determined by the Park Fee Study and the Addendum, future residents will benefit from appropriately planned, and constructed park and recreational facilities. The Fee is reasonably related to the impacts of development on the City's park land and recreational facilities because, and demonstrated by the Fee Study and the Addendum, the type of development subject to the Fee generates increased use of park and recreational facilities throughout the City which necessitates development and rehabilitation of the City's existing park and recreational facilities and acquisition of additional facilities. The Fee proceeds will be used to mitigate these impacts.
5. That there is a reasonable relationship between the amount of the Fee and the portion of the cost of needed park and recreational facilities and/or improvements attributable to new development in the City because the amount of the Fee is based upon the square footage of the proposed development.
6. The fees collected pursuant to this Resolution shall be transferred for deposit into a separate fund from any fees or revenues of the city and all such funds shall be accounted for. The account shall be an interest bearing account and all interest received shall be credited to such account and used solely for purposes of that account. The City shall commit or expend park fees deposited to the account within five years from the date of deposit.

SECTION 2. Definitions. For the purposes of this Chapter, the following terms shall be defined as follows:

- (a) "New development" shall mean the construction of new floor area for a residential, commercial or industrial project;
- (b) "Commercial or Industrial Development Project" shall mean the construction of New Floor area on a lot in any non-residential zoning district of the City;
- (c) "Floor Area" shall mean the area of all floors and levels as defined in the Huntington Beach Building Code;
- (d) "Residential Development Project" shall mean the construction of new Floor Area on a lot in any residential zoning district of the City.

SECTION 3. Fee. For new residential development, the Park Fee shall be equal to \$0.86 per square foot. For each new commercial development, the fee shall be \$ 0.23 per square foot. For each new industrial development, the fee shall be \$ 0.23 per square foot.

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SECTION 4. Payment of Fee. The Park Fee shall be charged upon issuance of any Building Permit. A Park Fee imposed on new commercial or industrial development shall be paid upon issuance of a Building Permit. A Park Fee imposed on new residential development shall be paid prior to the final inspection.

SECTION 5. Use of Fee. All fees collected pursuant to Section 230.20 of the City Zoning and Subdivision Code shall be used to finance the park and recreational facilities and improvements identified in the "Park Development and Rehabilitation Capital Improvement Plan" as adopted by the City Council on an annual basis.

SECTION 6. Exemptions. The following development shall be exempt from the payment of fees pursuant to this Section:

1. Development of real property into housing units that are either rented, leased, sold, conveyed or otherwise transferred, at a rental price or purchase price which does not exceed the "affordable housing cost" as defined in Section 50052.5 of the California Health and Safety Code when provided to a "lower income household" as defined in Section 50079.5 of the California Health and Safety Code or "very low income household" as defined in Section 50105 of the California Health and Safety Code, and provided that the applicant executes an agreement, in the form of a deed restriction, second trust deed, or other legally binding and enforceable document acceptable to the City Attorney and binding on the owner and any successor-in-interest to the real property being developed, guaranteeing that all of the units developed on the real property shall be maintained for lower and very low income households whether as units for rent or for sale or transfer, for the lesser of a period of thirty years or the actual life or existence of the structure, including any addition, renovation or remodeling thereto.
2. Reconstruction of any residential, commercial, or industrial development project that is damaged or destroyed as a result of a natural disaster, as declared by the Governor. Any reconstruction of real property, or portion thereof, which is not substantially equivalent to the damaged or destroyed property, shall be deemed to be new construction and only that portion which exceeds substantially equivalent construction to be assessed a fee.

SECTION 7. California Environmental Quality Act. The City Council hereby finds that the adoption of this Resolution is exempt from the California Environmental Quality Act ("CEQA") under Section 15273(a)(4) of the California Code of Regulations, commonly known as the CEQA Guidelines. The City Council finds that this exemption applies because there is no reasonable possibility that the modification of the parkland in-lieu fee could negatively affect the physical environment. To the contrary, the Fees will be collected to mitigate the environmental impacts of new development on the City's park and recreational facilities. Any environmental impacts associated with specific projects that may be undertaken with Fee proceeds will be assessed as each project is formulated. The City Council also hereby finds that the adoption of this Resolution is exempt from CEQA pursuant to the Supplemental Environmental Categorical Exemptions adopted by the City Council pursuant to Resolution No. 4501, which provides that minor amendments to zoning ordinances that do not change the development standards intensity or density are exempt as a Class XX exemption.

SECTION 8. Effective Date. This Resolution shall take effect immediately.

SECTION 9. Resolution No. 6226 is hereby repealed.

SECTION 10. The Park Fee Study and the Addendum are hereby approved and adopted.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 16th day of December, 2002.

ATTEST:

Connie Brockway
City Clerk

Connie Boardman
Mayor

REVIEWED AND APPROVED:

Ray Salas
City Administrator

APPROVED AS TO FORM:

Paul Hutton
City Attorney
12-11-22-02 HTH/12/22

INITIATED AND APPROVED:


Acting John B. Eagle
Director of Community Services

C130

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

I, CONNIE BROCKWAY, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing resolution was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council at an **regular** meeting thereof held on the **16th day of December 2002** by the following vote:

AYES: Green, Sullivan, Boardman, Cook, Houchen, Hardy, Houchen
NOES: None
ABSENT: None
ABSTAIN: None



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

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Item 10
Local Coastal Program Amendment
No. 02-02
Orange Avenue Deletion

RESOLUTION NO. 2002-98

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH
AMENDING THE CIRCULATION ELEMENT OF THE GENERAL PLAN BY APPROVING THE
DELETION OF THE EXTENSION OF ORANGE AVENUE FROM GOLDENWEST STREET TO
PALM AVENUE ON THE CIRCULATION PLAN OF ARTERIAL
STREETS AND HIGHWAYS MAP (FIGURE CE-13).

WHEREAS, the Circulation Plan of Arterial Streets and Highways Map includes the proposed
extension of Orange Avenue from Goldenwest Street to Palm Avenue; and

The proposed extension of Orange Avenue from Goldenwest Street to Palm Avenue will not
be constructed nor is it needed; and

The Circulation Plan of Arterial Streets and Highways Map is inconsistent with the County of
Orange's Master Plan of Arterial Highways; and

The City Council desires to initiate a General Plan Amendment to the Circulation Element to
reflect the deletion of the extension of Orange Avenue from Goldenwest Street to Palm Avenue from
the Circulation Plan of Streets and Arterial Highways Map,

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

SECTION 1. That the Circulation Element of the General Plan is hereby amended to reflect
the deletion of the extension of Orange Avenue from Goldenwest Street to Palm Avenue from the
Circulation Plan of Streets and Arterial Highways Map, described in Exhibit A attached hereto.

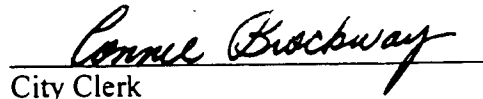
SECTION 2. This amendment becomes effective immediately upon certification by the
California Coastal Commission.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular
meeting thereof held on the 21st day of October, 2002.

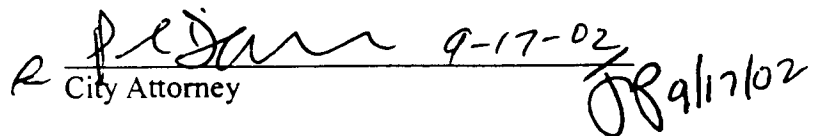


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:

 9-17-02
City Attorney

REVIEWED AND APPROVED:


City Administrator

INITIATED AND APPROVED:

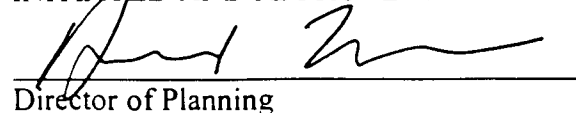

Director of Planning

EXHIBIT A

C 133

AMENDMENTS

Planning Commission		City Council	
Date	Resolution Number	Date	Resolution Number
10-17-78	1236	11-6-78	4896
3-6-79	1243	3-21-79	4729
8-2-83	1310	12-5-83	5324
5-15-84	1322	6-4-84	5385
1-22-88	1388		
		8-7-89	6053
9-9-98		1-6-90	6096
9-24-02		10-5-98	98-76
		10-21-02	

Legend



CITY BOUNDARY



FREEWAY STREET CAPACITY



MAJOR 45,000



PRIMARY 30,000



SECONDARY 20,000



COLLECTOR 10,000

NOTE:

SOLID LINES INDICATE EXISTING RIGHT OF WAY
NOT NECESSARILY ULTIMATE RIGHT OF WAY

CASHED LINES INDICATE AREAS WHERE NO RIGHT OF WAY EXISTS

CIRCULATION PLAN OF ARTERIAL STREETS AND HIGHWAYS

CITY OF HUNTINGTON BEACH GENERAL PLAN




FIGURE CE-13

C-144

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

I, CONNIE BROCKWAY, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing resolution was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council at a **regular meeting** thereof held on the **21st day of October, 2002** by the following vote:

AYES: Green, Dettloff, Boardman, Cook, Winchell, Bauer
NOES: None
ABSENT: Houchen
ABSTAIN: None



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

RESOLUTION NO. 2002-99

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH,
ADOPTING LOCAL COASTAL PROGRAM AMENDMENT NO. 02-02 TO
AMEND THE LOCAL COASTAL PROGRAM LAND USE PLAN BY
APPROVING THE DELETION OF THE EXTENSION OF ORANGE AVENUE
FROM GOLDENWEST STREET TO PALM AVENUE ON THE CIRCULATION
PLAN OF ARTERIAL STREETS AND HIGHWAYS MAP (FIGURE C-13).

WHEREAS, pursuant to State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council, after notice duly given, have held separate public hearings relative to Local Coastal Program Amendment No. 02-02, wherein both bodies have carefully considered all information presented at said hearings; and

Such amendment was recommended to the City Council for adoption; 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 Local Coastal Program Amendment is proper and consistent with the General Plan, the intent of the Certified Huntington Beach Local Coastal Program 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. The Local Coastal Program Land Use Plan is hereby amended by deleting the extension of Orange Avenue from Goldenwest Street to Palm Avenue on the Circulation Plan of Arterial Streets and Highways Map, as described in Exhibit A attached hereto.

SECTION 2. That the California Coastal Commission is hereby requested to consider, approve and certify Huntington Beach Local Coastal Program Amendment No. 02-02.

SECTION 3. That pursuant to Section 13551(b) of the Coastal Commission Regulations, Huntington Beach Local Coastal Program Amendment No. 02-02 will take

C 146

effect automatically upon Coastal Commission approval, as provided in *Public Resources Code* Sections 30512, 30513 and 30519.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 21st day of October, 2002.





Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:

 9-17-02
City Attorney 

REVIEWED AND APPROVED:


City Administrator

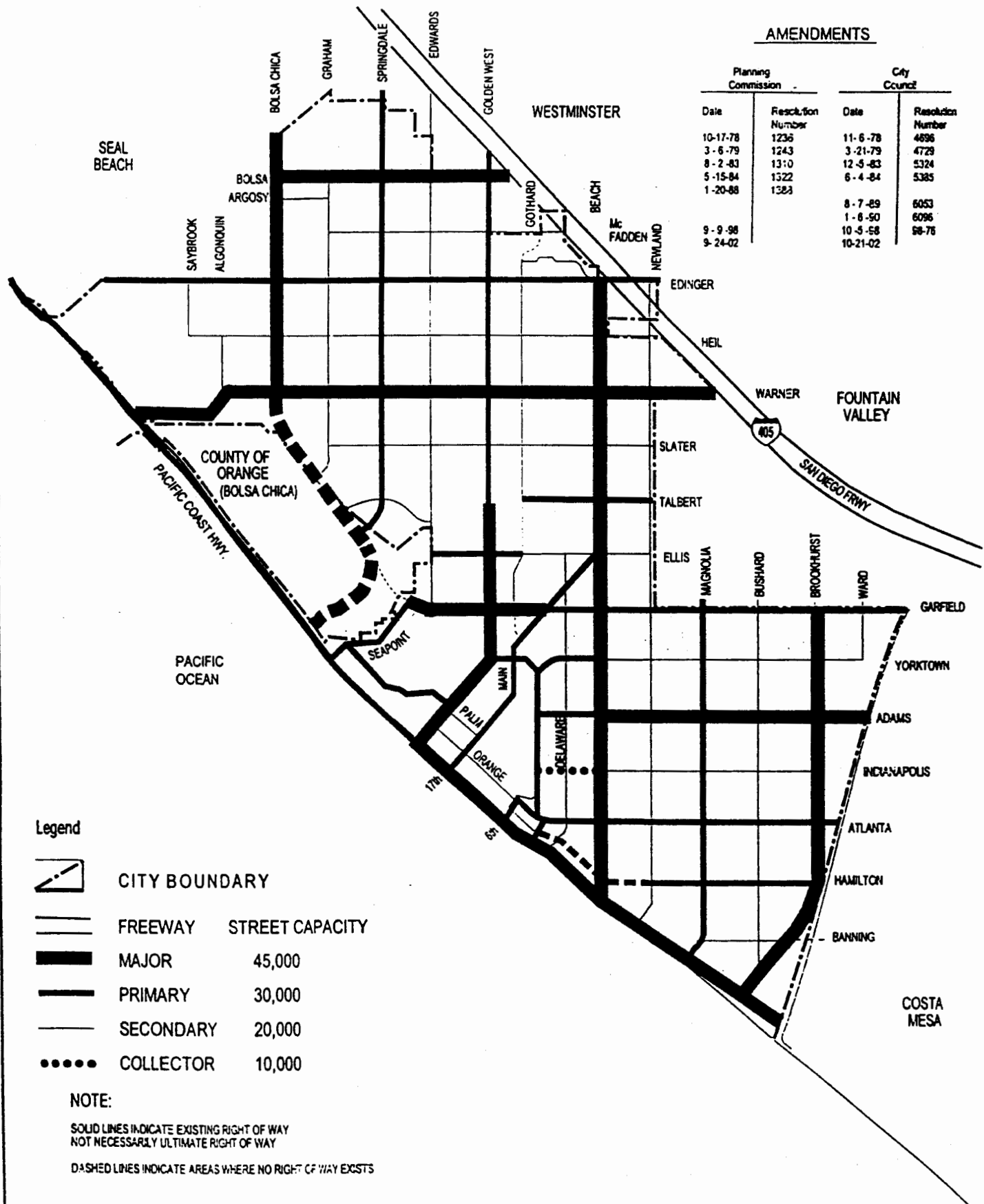
INITIATED AND APPROVED:


Director of Planning

C147

EXHIBIT A

C148



CIRCULATION PLAN OF ARTERIAL STREETS AND HIGHWAYS

CITY OF HUNTINGTON BEACH GENERAL PLAN




FIGURE C-13

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

I, CONNIE BROCKWAY, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing resolution was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council at a **regular** meeting thereof held on the **21st day of October, 2002** by the following vote:

AYES: Green, Dettloff, Boardman, Cook, Winchell, Bauer
NOES: None
ABSENT: Houchen
ABSTAIN: None



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

36
2
12