

CALIFORNIA COASTAL COMMISSION

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



Th10b

September 25, 2008

TO: Commissioners and Interested Persons

FROM: Sherilyn Sarb, Deputy Director
Teresa Henry, District Manager
Karl Schwing, Supervisor, Regulation & Planning, Orange County Area

SUBJECT: City of Huntington Beach Minor LCP Amendment No. 1-07A

The City of Huntington Beach is requesting an amendment to its certified Local Coastal Program (LCP) Implementation Plan to : 1) rezone 2.17 acres of land outside the coastal zone at Lochlea Lane and Lomond Drive from Residential Agriculture-Flood Plain 2 to Residential Low Density-Flood Plain 2; 2) rezone 23.1 acres of land outside the coastal zone at 21471 Newland Street from Limited Industrial-Oil District Overlay-Flood Plain 2 to Medium Density Residential-Flood Plain 2; 3) amend Chapter 235 (Condominium Conversions) to establish procedures for permitting units previously converted to condominiums without City approval that are located outside the coastal zone; 4) amend Chapter 250 (Subdivisions General Provisions) to eliminate tentative parcel map procedures for apartments and stock cooperatives that were converted and sold as condominiums prior to June 1, 2004 without City approval that are located outside the coastal zone; 5) amend Chapter 234 (Mobile Home Park Conversions) to revise certain definitions and modify provisions regarding relocation assistance to mobile home park residents; 6) amend Chapter 204 (Use Classifications) to clarify the definitions regarding day care, Small and Large family day care, Commercial Recreation and Entertainment, and Personal Enrichment Services, and change the length of time that outdoor retail sales are considered a temporary use; 7) amend Chapter 210 (Residential Districts) to allow Large-family day care uses (7-12 children) in residential zoning districts with an administrative permit with no fee or plans; 8) amend Sections 203.06 (Definitions), 204.10.FF7 (Commercial Use Classifications), and 231.18E (Off Street Park-Design Standards) to define 'vehicle storage' and clarify how non-residential parking and loading is intended to be utilized; and 9) amend Chapter 241 (Conditional Use Permits/Variations, Temporary Use Permits, Waivers of Development Standards) to create a new 'neighborhood notification' procedure for development that doesn't require a City entitlement. These changes are contained in the following Ordinances/Resolutions: 2006-21, 3626, 3750, 3657, 3669, 3690, 3689, 3761, 3756, 3757, 3758, and 3712 submitted to the Commission by Resolution No. 2007-21 (Exhibit 1).

Local Coastal Program Amendment No. 1-07 also contains the remainder of Zone Text Amendment No. 03-02 that changes 15 chapters of the Zoning and Subdivision Ordinance to streamline the City's entitlement process; Zone Text Amendment 04-04 and 06-02 that address affordable housing requirements and incentives/density bonuses; Zone Text Amendment No. 05-01 that makes modifications to address the Religious Land Use and Institutionalized Persons Act (RLUIPA) of 2000; Zone Text Amendment 05-02 that changes procedures for approval of lattice or fence extensions on top of existing fences or walls; and Zone Text Amendment 06-07 which relates to vehicle and bicycle parking and parking controls and privacy gates. These components, contained in ordinances 3673, 3675, 3677, 3679, 3680, 3681, 3705, 3706, 3707, 3708, 3709, 3710, 3711, 3713, 3687, 3724, 3730, 3764, 3763, are being separated into subsequent parts (i.e. 'B', 'C', etc.) for future consideration by the Commission.

The Executive Director has determined that the proposed amendment, 1-07, Part A, is minor in nature in accordance with Section 13554(a) of the California Code of Regulations because it constitutes a change to the Implementation Plan that involves changes in wording which make the use as designated in the zoning ordinances, zoning district maps or other implementing actions

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more specific and which do not change the kind, location, intensity, or density of use of land in the Coastal Zone and which are found by the Executive Director of the Commission or the Commission to be consistent with the land use plan as certified by the Commission. The specific rationale for determining that the components of 1-07A are minor are described below.

Zoning Map Amendment No. 02-03 contained in Ordinance No. 3626 (Exhibit 2) rezones 2.17 acres of land that is located outside the coastal zone at Lochlea Lane and Lomond Drive from Residential Agriculture-Flood Plain 2 to Residential Low Density-Flood Plain 2. In addition Zoning Map Amendment No. 04-01 contained in Ordinance No. 3750 (Exhibit 3) rezones 23.1 acres of land that is located outside the coastal zone at 21471 Newland Street from Limited Industrial-Oil District Overlay-Flood Plain 2 to Medium Density Residential-Flood Plain 2. The rezoning will accommodate new residential subdivisions. The proposed rezoning of land outside the coastal zone will not change the kind, location, intensity, or density of use of land in the coastal zone, thus, these changes qualify as minor under the Coastal Act. The City's entire zoning code is part of its Local Coastal Program, which includes zoning over lands both inside and outside the coastal zone. Thus, all changes to the zoning code, whether inside or outside the coastal zone, require Commission approval.

Zoning Text Amendment No. 04-01 contained in Ordinance No. 3657 (Exhibit 4) amends Chapter 235 (Condominium Conversions) to establish procedures for permitting units previously converted to condominiums without City approval. Zoning Text Amendment No. 04-03 contained in Ordinance No. 3690 (Exhibit 5) amends Chapter 250 (Subdivisions General Provisions) to eliminate tentative parcel map procedures for apartments and stock cooperatives that were converted and sold as condominiums prior to June 1, 2004 without City approval. The City determined that modifications to its normal condominium conversion procedures was necessary when it came to the City's attention that at least 26 buildings containing 122 apartments had been converted and sold as condominiums without City approval. Although these changes affect procedures regarding such condominium conversions City-wide, none of the converted units are located in the coastal zone. The changes to City procedures do not change coastal development permit requirements. A coastal development permit is still required for any condominium conversion in the coastal zone. Certain other procedural changes and clarifications are included that affect all residential condominium conversions (not just unpermitted conversions) but those changes in wording make the implementing actions more specific and do not change the kind, location, intensity, or density of use and are consistent with the land use plan as certified by the Commission. Examples of such changes include modifications to electrical systems and smoke detectors that are required when an apartment is converted to a condominium.

Zoning Text Amendment No. 04-05 contained in Ordinance No. 3689 (Exhibit 6) amends Chapter 234 (Mobile Home Park Conversions) to add and delete certain definitions in the code addressing mobile home parks and adds provisions regarding relocation assistance to mobile home park residents when a mobile home park is closed. Chapter 234 identifies procedures that a property owner must take when that owner proposes to close and convert a mobile home park to another use. The existing language in the code notes that zone changes associated with a mobile home park closure in the coastal zone are not effective unless an LCP amendment is approved by the Commission. The proposed changes in wording make the implementing actions more specific and do not change the kind, location, intensity, or density of use and are consistent with the land use plan as certified by the Commission.

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A portion of Zoning Text Amendment No. 03-02, which is contained in Ordinance No. 3669 (Exhibit 7), amends Chapter 204 (Use Classifications) to clarify the definitions regarding day care, Small and Large family day care, Commercial Recreation and Entertainment, and Personal Enrichment Services, and changes the length of time that outdoor retail sales are considered a temporary use from 48 hours to 96 hours. The changes to the definitions regarding day care simply clarify how children of certain ages should be counted toward the maximum number of children allowed in the facility. The change to the definition of 'Commercial Recreation and Entertainment' clarifies that cyber cafes with more than four coin operated game machines are included. The change to the definition of 'Personal Enrichment Services' clarifies that the class includes yoga and martial art studios and massage in conjunction with a personal services business. The change that extends the period of time that an outdoor retail sale use can be considered a temporary use from 48 hours to 96 hours does not change the definition or procedures related to temporary events for Coastal Act purposes which are contained in Chapter 245. No changes are made to coastal development permit requirements. The proposed changes in wording make the implementing actions more specific and do not change the kind, location, intensity, or density of use and are consistent with the land use plan as certified by the Commission.

Zoning Text Amendment No. 06-05 contained in Ordinance No. 3761 (Exhibit 8) amends Chapter 210 (Residential Districts) to allow Large-family day care uses (7-12 children) in residential zoning districts with an administrative permit with no fee or plans. Small (up to 6 children) and Large-family (7-12 children) are already allowed uses in residential districts. However, Large-family day care uses currently require a Condition Use Permit, which involves a fee, staff processing time and a full public hearing. The proposed amendment would reduce the permit requirement to an administrative permit and would eliminate the need for fees and plans. No changes are made to coastal development permit requirements. The proposed changes in wording make the implementing actions more specific and do not change the kind, location, intensity, or density of use and are consistent with the land use plan as certified by the Commission.

A portion of Zoning Text Amendment No. 03-02, contained in Ordinance No. 3712 (Exhibit 9), amends Chapter 241 (Conditional Use Permits/Variations, Temporary Use Permits, Waivers of Development Standards) to create a new 'neighborhood notification' procedure for development that doesn't require a full entitlement, but only requires an administrative permit. The amendment also expands the Zoning Administrator's ability to authorize variances, allows the Director of Community Development to act on temporary use permits that are held for four, rather than three, consecutive days, and allows the Zoning Administrator to act on temporary uses for more than four (rather than three) days. Notice requirements and all other procedures related to coastal development permits remain unchanged. The proposed changes in wording make the implementing actions more specific and do not change the kind, location, intensity, or density of use and are consistent with the land use plan as certified by the Commission.

Zoning Text Amendment No. 06-06 comprised of Ordinance No.s 3756 (Exhibit 10), 3757 (Exhibit 11), and 3758 (Exhibit 12) amend Sections 203.06 (Definitions), 204.10.FF7 (Commercial Use Classifications), and 231.18E (Off Street Park-Design Standards) to define 'vehicle storage' and clarify how non-residential parking and loading is intended to be utilized. The changes apply City-wide. The amendments essentially clarify that parking spaces that were required and intended to serve a non-residential use (e.g. a retail store or restaurant) can't be utilized to store vehicles for other purposes (e.g. storage lots for car dealerships). The proposed changes in wording make the implementing actions more specific and do not change the kind, location, intensity, or density of use and are consistent with the land use plan as certified by the Commission.

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The purpose of this notice is to advise interested parties of the Executive Director's determination (pursuant to CCR Section 13555) that the proposed LCP amendment is minor. The Executive Director will report this determination to the Coastal Commission at its **October 16, 2008** hearing at the **Ventura County Board of Supervisors Chambers, 800 S. Victoria Avenue Ventura, CA 93009**. The Executive Director will also report any objections to this determination that are received within ten working days of posting of this notice. The proposed minor amendment will be deemed approved and will become effective immediately unless one-third of the appointed members of the Commission request that it be processed as a major LCP amendment (CCR Section 13555(b)).

If you have any questions or need additional information regarding the proposed LCP amendment or the Commission's procedures, please contact Karl Schwing of the Commission's South Coast District at the address and phone number shown on this letterhead. If you wish to register an objection to the proposed LCP amendment, please do so by **October 5, 2008**.

Attachments:

City Council Resolution No. 2007-21

City of Huntington Beach Ordinance No.s 3626, 3657, 3669, 3689, 3690, 3750, 3756, 3757, 3758, 3761 and 3712

RESOLUTION NO. 2007-21

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
HUNTINGTON BEACH, STATE OF CALIFORNIA, ADOPTING LOCAL COASTAL
PROGRAM AMENDMENT NO. 07-01 AND REQUESTING ITS CERTIFICATION BY
THE CALIFORNIA COASTAL COMMISSION**

WHEREAS, after notice duly given pursuant to *Government Code* Section 65090 and *Public Resources Code* Sections 30503 and 30510, the Planning Commission of the City of Huntington Beach held public hearings to consider the adoption of the entitlements included in Huntington Beach Local Coastal Program Amendment No. 07-01, and such amendment was recommended to the City Council for adoption; and

The City Council, after giving notice as prescribed by law, held at least one public meeting on the entitlements included in the proposed Huntington Beach Local Coastal Program Amendment No. 07-01, and the City Council finds that the proposed amendment is consistent with the Huntington Beach General Plan, the Certified Huntington Beach Coastal Land Use Plan and Chapter 6 of the California Coastal Act.

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

SECTION 1. That the Huntington Beach Local Coastal Program Amendment No. 07-01 is hereby approved, consisting of certain Ordinances pertaining to Zoning Text Amendments (ZTA), Zoning Map Amendments (ZMA) and General Plan Amendments (GPA) as listed below:

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


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

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

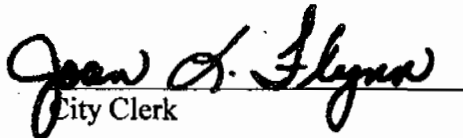
SECTION 2. That the California Coastal Commission is hereby requested to consider, approve and certify Huntington Beach Local Coastal Program Amendment No. 07-01.

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

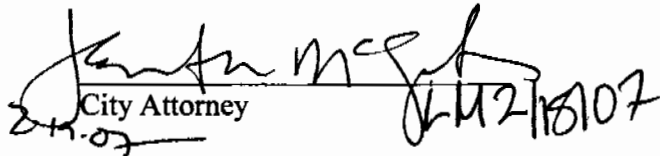
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting held on the 19th day of March, 2007.


Mayer

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney
2-14-07 LU218107

REVIEWED AND APPROVED:


City Administrator

INITIATED AND APPROVED:


Planning Director

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH
AMENDING THE HUNTINGTON BEACH ZONING AND SUBDIVISION
CODE BY AMENDING DISTRICT MAP 14 (SECTIONAL DISTRICT MAP
13-6-11) TO REZONE THE REAL PROPERTY GENERALLY LOCATED
ON THE WEST SIDE OF LOCHLEA LANE, AT THE INTERSECTION WITH
LOMOND DRIVE FROM RA-FP2 (RESIDENTIAL AGRICULTURE-FLOOD
PLAIN 2) TO RL-FP2 (RESIDENTIAL LOW-DENSITY-FLOOD
PLAIN 2) (ZONING MAP AMENDMENT NO. 02-03)

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 Map Amendment No. 02-03, which rezones the property generally located on the west side of Lochlea Lane at the intersection with Lomond Drive from RA-FP2 (Residential Agriculture-Flood Plain 2) to RL-FP2 (Residential Low-Density-Flood Plain 2); 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:

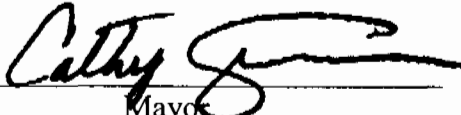
SECTION 1. That the real property that is the subject of this ordinance (hereinafter referred to as the "Subject Property") is generally located on the west side of Lochlea Lane at the intersection with Lomond Drive, and is more particularly described in the legal description and sketch attached as Exhibits A and B, respectively, and incorporated by reference as though fully set forth herein.

SECTION 2. That the zoning designation of the Subject Property is hereby changed from RA-FP2 (Residential Agriculture-Flood Plain 2) to RL-FP2 (Residential Low-Density-Flood Plain 2).

SECTION 3. That Huntington Beach Zoning and Subdivision Code Section 201.04B District Map 14 (Sectional District Map 13-6-11) is hereby amended to reflect Zoning Map Amendment No. 02-03 as described herein. The Planning Director is hereby directed to prepare and file an amended map. A copy of said District Map, as amended, shall be available for inspection in the Office of the City Clerk.

SECTION 4. This ordinance shall take effect thirty days after its adoption.

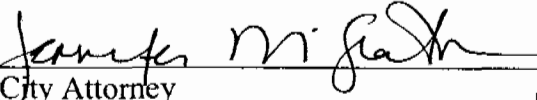
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 5th day of January, 2004.


Mayor


ATTEST:


City Clerk

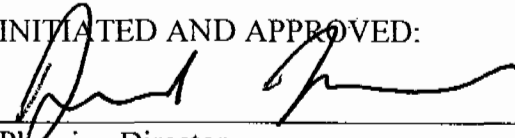
APPROVED AS TO FORM:


N25/03 City Attorney

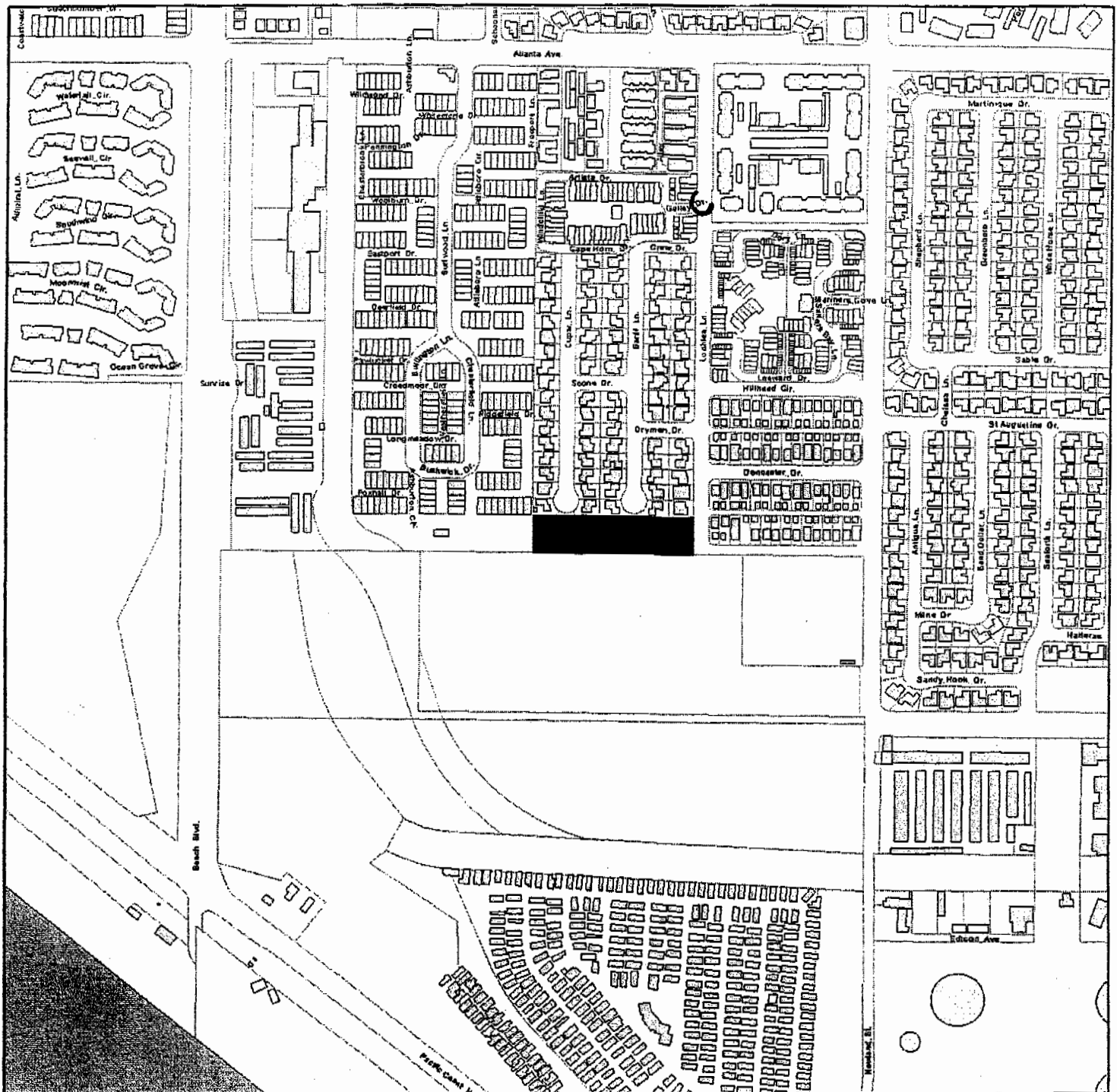
REVIEWED AND APPROVED:


City Administrator

INITIATED AND APPROVED:


Planning Director

ATTACHMENTS: Exhibit A: Legal Description
Exhibit B: Sketch

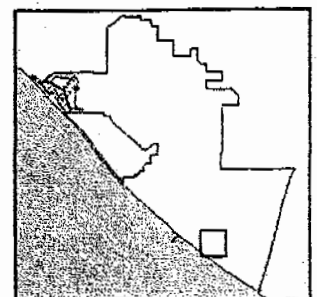


VICINITY MAP - SEASIDE TERRACE @ LOCHLEA LANE/ LOMOND DRIVE

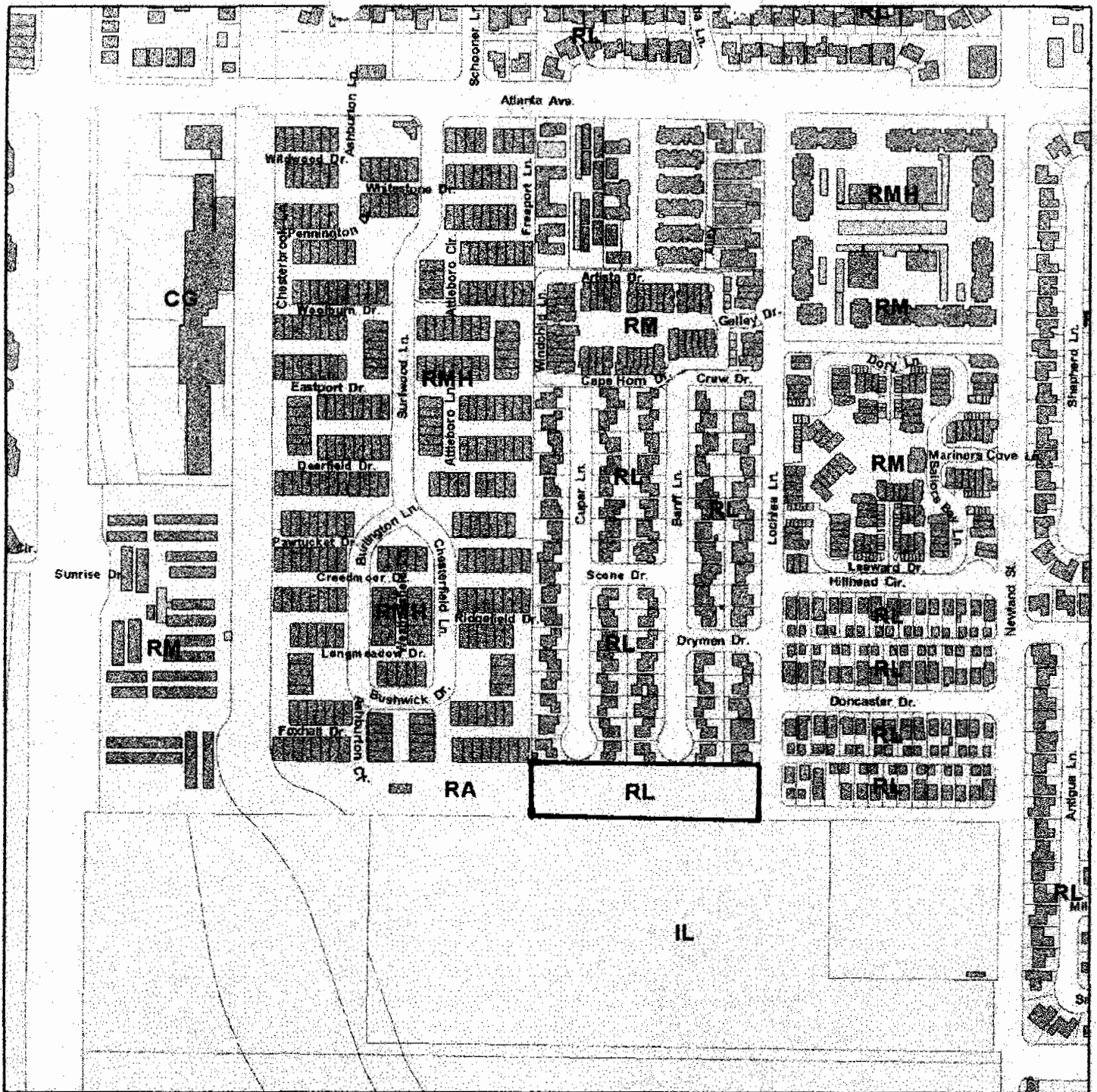


City of Huntington Beach

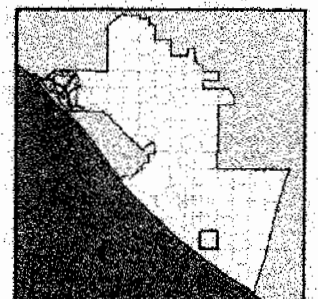
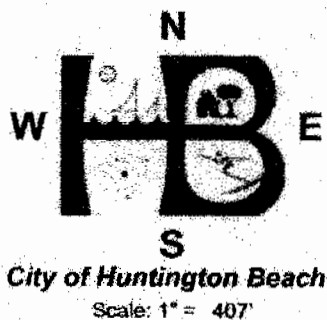
Scale: 1" = 586'



Location Map



ZONING MAP **POST-ZONING MAP AMENDMENT NO. 02-03**



Location Map MIN-1-07a

ATTACHMENT NO. 2 Exhibit 2

ORDINANCE NO. 3750

**AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH
AMENDING DISTRICT MAP 14 (SECTIONAL DISTRICT MAP 13-6-11)
TO REZONE THE REAL PROPERTY GENERALLY LOCATED AT THE
NORTHWEST CORNER OF NEWLAND STREET AND HAMILTON AVENUE FROM
IL-O-FP2 (LIMITED INDUSTRIAL-OIL DISTRICT OVERLAY-FLOODPLAIN)
TO RM-FP2 (MEDIUM DENSITY RESIDENTIAL-FLOODPLAIN)
(ZONING MAP AMENDMENT NO. 04-01)**

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 Map Amendment No. 04-01, which rezones the property generally located at the northwest corner of Newland Street and the terminus of Hamilton Avenue from IL-O-FP2 (Limited Industrial-Oil District Overlay-Floodplain) to RM-FP2 (Medium Density Residential-Floodplain); 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 the real property that is the subject of this Ordinance (hereinafter referred as the "Subject Property") is generally located at the northwest corner of Newland Street and the terminus of Hamilton Avenue, and is more particularly described in the legal description and sketch attached hereto as Exhibits A and B, respectively, and incorporated by reference as though fully set forth herein.

SECTION 2. That the zoning designation of the Subject Property is hereby changed from IL-O-FP2 (Limited Industrial-Oil District Overlay-Floodplain) to RM-FP2 (Medium Density Residential-Floodplain)

SECTION 3. That Huntington Beach Zoning and Subdivision Ordinance Section 201.04B District Map 14 (Sectional District Map 13-6-11) is hereby amended to reflect Zoning Map Amendment No. 04-01 as described herein. The Director of Planning is hereby directed to prepare and file an amended map. A copy of said District Map, as amended, shall be available for inspection in the Office of the City Clerk.

SECTION 4. This ordinance shall take effect thirty days after passage.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 18th day of September, 2006.

Dave Sullivan
Mayor

ATTEST:

APPROVED AS TO FORM:

Joan D. Flynn
City Clerk

Kenneth M. Galt
City Attorney LA 8/1/06
6/1/06

REVIEWED AND APPROVED:

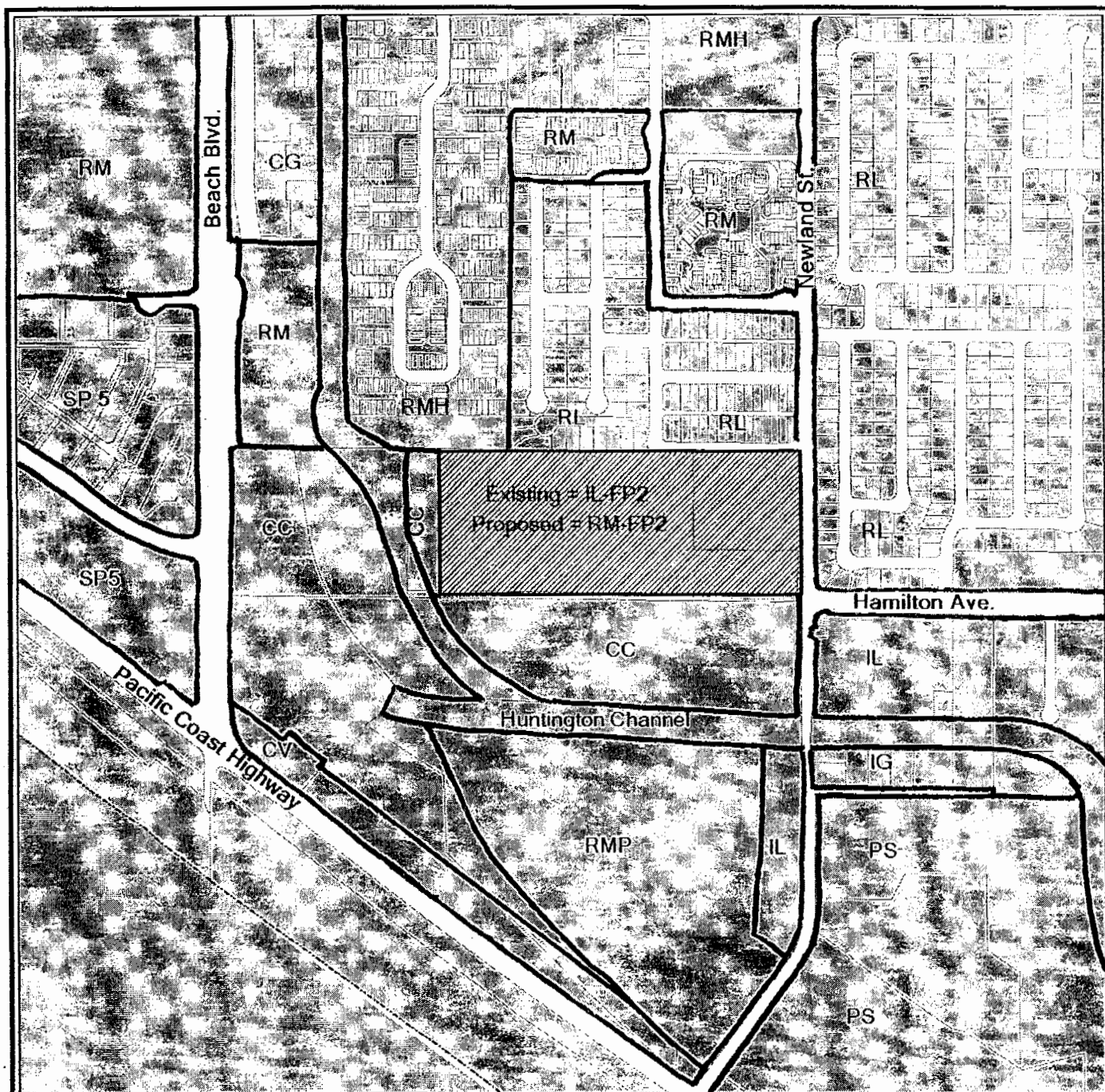
INITIATED AND APPROVED:

Reynolds Cullen
City Administrator

Scott M. Galt
Director of Planning

ATTACHMENTS

Exhibit A: Legal Description
Exhibit B: Sketch



Zoning Designations

Map produced by information contained in the City of Huntington Beach Information Services Department Geographic Information System. Information warranted for City use only. Huntington Beach does not guarantee its completeness or accuracy.
Map Produced on 9/5/2006



HB
GIS

0 648 1296
One inch equals 648 feet

CITY BOUNDARY

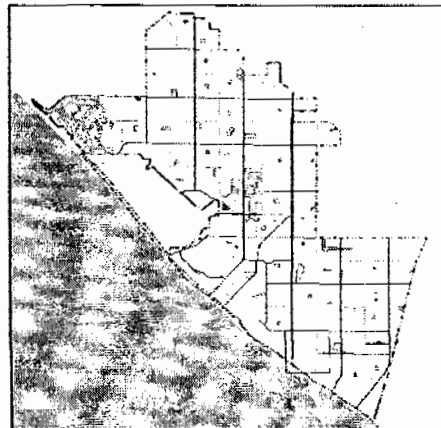
ISOBATHS

HARBOR

PARKS

PARCELS

PIER



Legislative Draft

(July 19, 2004 Proposed Revisions – Bolded)

Chapter 235

Residential Condominium Conversions Ordinance

Sections:

235.02 Definitions

235.04 Permits Required

235.06 Required Reports and Information

235.08 Condominium Conversion Standards

235.10 Tenant Benefits and Notification

235.12 Effect of Proposed Conversions on the City's Low- and Moderate-Income Housing Supply

235.14 Bonus for Including Low- and Moderate-Income Housing

235.16 Findings

235.02 Definitions

The following definitions shall apply to the provisions of this chapter except where the context indicates otherwise. General definitions are contained in Chapter 203.

- A. **Applicant:** The owner, developer, subdivider or authorized agent of a project.
- B. **Date of approval:** The date the Zoning Administrator, Planning Commission, or City Council on appeal, approves the conditional use permit and tentative subdivision or parcel map applications. However, if the project is located in appealable area of the coastal zone and includes action on a coastal development permit, Section 248.30 shall apply.
(3334)

- C. Date of conversion: The date a final map for a project was approved by the City Council or parcel map for a project was approved by the City Engineer.
- D. Project: An existing apartment house, apartment complex, apartment hotel, hotel, multiple dwelling or group dwelling proposed for conversion to a condominium, community apartment, or stock cooperative. For purposes of this definition, the term "existing" shall mean a building constructed prior to 1945, or it was built after 1945, a certificate of occupancy was issued for such building prior to the time of application.
- E. Affordable unit: A residential unit, sold to or occupied by a tenant earning up to 420 **100** percent of Orange County's gross median income, as determined by the County of Orange, and shall include any subsequent change in such income range, adopted by the Housing Agency of Orange County.
- F. Tenant: One or more persons.

235.04 Permits Required

In addition to the applicable requirements and procedures set forth in Title 25, Subdivisions, conversions of existing rental housing to condominiums, community apartments, stock cooperatives and any other subdivision which is a conversion of existing rental housing shall be subject to the additional requirements of this chapter. Conversions of ~~10 or more units~~ shall be subject to conditional use permit approval by the Planning Commission and conversions of ~~nine or fewer units~~ shall be subject to conditional use permit approval by the Zoning Administrator pursuant to Chapter 241. Within the coastal zone, a coastal development permit shall also be required. (3334)

Exception for apartments and stock cooperatives with two to four units on a parcel that were sold as condominium units without approval of a conditional use permit and tentative parcel map prior to the effective date of this ordinance (date): the provisions of Title 25, Subdivisions, and only Sections 235.02, 235.04, 235.06 B., 235.08 A. – C., and 235.16 herein shall apply. A conditional use permit subject to approval by the Zoning Administrator shall be required. In addition, an inspection by a City of Huntington Beach Building and Safety Inspector shall be required to verify compliance with the minimum construction standards of Section 235.08 A. and to determine if there are any obvious health and safety code violations.

Conversion of lower or moderate-income rental housing developed with federal, state or local assistance shall not be permitted. Within the coastal zone no visitor serving use, including hotel use, shall be converted to condominium, community apartment, stock cooperative, or time share. (3334)

235.06 Required Reports and Information

In addition to the conditional use permit, coastal development permit (where applicable), and tentative map applications, the applicant shall submit the reports and/or information required by this section. The cost of all reports shall be paid by the applicant. The reports shall include information on what improvements, if any, shall be accomplished by the developer and when such improvements shall be completed. All improvements cited in the reports, whether required or voluntary, shall be considered conditions of approval. (3334)

- A. Physical Elements Report: A report on the physical elements of all structures and facilities shall be submitted, containing the following:
1. A report by a California-licensed structural **engineer**, or civil engineer **or architect, describing in** detailing the structural condition, **any evidence of soils problems, code violations**, useful life, and any apparent deferred maintenance of all elements of the property, including, but not limited to, foundations, electricity, plumbing, utilities, walls, ceilings, windows, frames, recreational facilities, sound transmissions of each building, mechanical equipment, parking facilities, and drainage facilities. Such report also shall describe the condition of refuse disposal facilities; swimming pools, saunas, and fountains; stone and brickwork; fireplaces; and exterior lighting. **The level of compliance with the standards listed in Section 235.08 A. shall also be described in detail.**
 2. A report by a California-licensed ~~appliance repair~~ **mechanical** contractor detailing the age, condition, ~~expected size~~, and the cost of replacement for each appliance and mechanical equipment for heating and cooling. The report shall identify any defective or unsafe appliances and set forth the proposed corrective measures to be employed.
 3. A report by a California-licensed structural termite and pest control specialist certifying whether or not all attached or detached structures are free of infestation and structural damage caused by pests and dry rot. The report shall describe what procedures would be necessary to eliminate infestation or damage, if present. ~~Such report shall be updated within 6 months after the close of escrow, and~~ **Any infestation shall be remedied prior to sale.**

~~4. Existing soils reports shall be submitted for review with a statement regarding any known evidence of soils problems relating to the structures.~~

45. A report by a California-licensed painting contractor verifying the condition of the painting throughout the project, including building interior and exterior surfaces and an estimate of the remaining physical life of the paint. A statement that new paint **(minimum 20 year warranty)** will be applied on all building interior and exterior surfaces may take the place of such report. Such statement shall include the brand name of the paint and the exterior colors to be used.

56. A report by a California-licensed roofing contractor verifying the condition of the roofs of all structures and an estimate of the remaining physical life of the roofs and the cost of replacement. A statement that new roof material will be applied may take the place of such report. Such statement shall include the **specifications type, grade, and color** of the proposed roofing material.

B. Covenants, conditions and restrictions: A declaration of the covenants, conditions, restrictions, and rules and regulations which would be applied on behalf of any and all owners of condominium units within the project shall be submitted. The declaration shall include, but not be limited to: the conveyance of units; the assignment of parking and storage areas; and an agreement for common area maintenance, together with an estimate of any initial assessment fees anticipated for such maintenance, and an indication of appropriate responsibilities for the maintenance of all utility lines and services for each unit. The CCR's shall be approved as to form by the City Attorney and recorded in the office of the County Recorder.

C. Conversion Plan: Specific information concerning the demographic and financial characteristics of the project shall be submitted, including, but not limited to, the following:

1. The date of construction of all elements of the project, and the date and description of each major repair or renovation of any structure or structural element, since the date of construction. For purposes of this subsection, "major repair" shall mean any repair for which an expenditure of more than \$5,000 was made;
2. A statement of a major use of said project since construction;
3. A statement regarding current ownership of all improvements and the underlying land;
4. The square footage and number of rooms in each unit;

5. The rental rate history for each type of unit for the previous two years;
6. The monthly vacancy rate for each month during the preceding two years;
7. A complete list of the number of tenants and tenant households in the project, including the following information:
 - a. Households with persons 62 years or older;
 - b. The family size of households, including a breakdown of households with children 5 years and younger; and between 5 and 18 years;
 - c. Households with handicapped persons;
 - d. The length of residence;
 - e. The designation of low- and moderate-income households and whether any are receiving federal or state rent subsidies.

When the subdivider can demonstrate that demographic information is not available, this requirement may be modified by the Director.

8. The proposed price of each of the units;
 9. The proposed homeowners' association budget, detailed to include fixed costs, operating costs, reserves, administration, and contingencies; and
 10. A statement of intent as to the types of financing programs to be made available, including any incentive programs for existing residents.
 11. The method to be implemented to assure availability of affordable units to tenants.
 12. Signed copies from each tenant of the notice of intent to convert, as specified in this chapter. The applicant shall submit evidence that a certified letter of notification was sent to each tenant for whom a signed copy of such notice is not submitted.
- D. Vacancy Rate Analysis: A **citywide** vacancy rate analysis for **multiple-family rental units for the past twelve months** shall be submitted.

- E. Acceptance of Reports: The final form of the physical structure elements report, Conversion Plan, and other documents shall be approved by the Planning Commission. The reports in their acceptable form shall remain on file with the Department for review by any interested person.

235.08 Condominium Conversion Standards

- A. Minimum Construction Standards: Compliance with Uniform Codes and National Electrical Code: The project shall be brought into compliance with **the minimum construction** ~~all Uniform Codes and National Electrical Code~~ **standards as listed below unless the Building Official approves an alternate method of construction.** ~~as adopted and amended by the State of California and the City P~~ **prior to recordation of the final map or parcel map, applicable building permits shall be obtained, constructed and receive final inspection approval for all issues identified in this section and for any health and safety code violations.** ~~unless funds have been placed into escrow to assure completion of such corrective work prior to the closing of escrow of any unit in the project.~~
1. For all structures built prior to February 1, 1985, draft stops shall be installed in attics to create horizontal areas that are 3,000 square feet or less. For all structures built after February 1, 1985, draft stops shall be in attics above and in line with the walls separating individual units.
 2. Each unit shall have access to the electrical branch circuits that serve the unit.
 3. Smoke detectors shall be installed and operating. All existing hard-wired units shall be in working order and the remaining detectors shall be located per currently adopted code and may be battery or hard-wired operated.
 4. Ground Fault Circuit Interrupter (GFCI) protection shall be provided where required by the currently adopted electric code.
- B. Compliance with Zoning Provisions: The project shall comply with the parking requirements of Chapter 231, and landscape improvements shall comply with Chapter 232. **For apartments and stock cooperatives with two to four units on a parcel that were sold as condominium units without approval of a**

conditional use permit and tentative parcel map prior to June 1, 2004, a reduction in these development standards may be granted when an applicant agrees to pay an affordable housing in-lieu fee to off-set the loss of affordable rental housing stock. The fee shall be paid according to a resolution adopted by City Council.

- C. Refurbishing and Restoration: All main buildings, structures, fences, patio enclosures, carports, accessory buildings, sidewalks, driveways, landscaped areas, and additional elements as required by the **Zoning Administrator or Planning Commission (or Zoning Administrator for exempted units as defined in Section 235.04)** shall be refurbished and restored as appropriate for a high standard of appearance, quality, and safety.

- D. Contingency Fees: ~~The intent of the City in requiring the creation of a contingency or reserve fund for condominium conversions is to provide a surety for unexpected or emergency repairs to common areas in the interest of the economic, aesthetic, and environmental maintenance of the community, as well as to protect the general welfare, public health, and safety of the community. Upon the close of escrow for each unit, the applicant shall convey to the homeowners' association's contingency fund a minimum fee of \$200 per dwelling unit. When 50 percent or more of the total units in the project has been sold, the applicant, within 30 days, shall convey such fee for each of the unsold units. Such funds shall be used solely and exclusively as a contingency fund for emergencies which may arise relating to open space areas, exterior portions of dwelling units, and such other restoration or repairs as may be assumed by the homeowners' association.~~

- E. **D. Affordable Housing**: Where a project consists of **5 3** units or more, the applicant shall agree to sell or rent at affordable prices 25 percent of the **total** units to low- and moderate-income households, with a minimum of 20 percent of the **affordable** units affordable to low-income households **for a period of sixty (60) years**. If the units are to be made available for purchase, the maximum sales price of units intended for low- or moderate-income households shall not exceed 2.5 times the annual median income for such households as defined by the California Health and Safety Code, Section 50093. Resale controls shall be included as a deed restriction. If the units are to be for rent, the maximum rent allowed shall keep the units within the low- or moderate-income housing stock.

235.10 Tenant Benefits and Notification

- A. Notices of Intent: Applicants for condominium conversions shall give notice of intent to convert to existing tenants and prospective tenants as required by Sections 66452.8 and 66452.9 of the California Government Code. The notice of intent shall be posted on-site in at least one location readily visible to tenants.
- B. Notices of Public Hearing and Decisions.
1. The Department shall notify the residents of the public hearing not less than 10 days prior to the proposed hearing date on the application. The notice shall include notification of the tenant's right to appear and be heard. The Department shall notify the residents of the decision of the Planning Commission within ten days and shall include a copy of all conditions imposed on the project. The list of names and addresses of the residents of each unit in the conversion project shall be current as of the day of submittal and shall be certified as such by the applicant. Service shall be by mail at the expense of the applicant.
 2. Final Map or Parcel Map Approval: The applicant shall give written notification to each tenant with 10 days of approval of the final map or parcel map. The applicant shall also provide notice of application for public report, as issued by the California State Department of Real Estate, which shall be available on request.
- C. Tenants' Discounts: Any present tenant of any unit at the time of an application for conversion shall be given a nontransferable right of first refusal to purchase the unit occupied at a discount of the price offered to the general public. The amount of the discount shall be based on the longevity of each tenant, and shall be ratified by the applicant at the time of conversion.
- D. Vacation of Units: Each non-purchasing tenant, not in default under the obligations of the rental agreement or lease under which the subject unit is occupied, shall have not less than 120 days after the date of the tentative map approval by the City or until the expiration of the tenant's lease to find substitute housing and to relocate. Tenants shall be permitted to terminate leases or tenancy with one month's notice at any time after a conversion application.
- E. No Increase in Rent: A tenant's rent shall not be increased within two months prior to a project application, nor shall the rent be increased for two years from the time of the filing of the project application or until relocation takes place. In addition, all non-purchasing tenants 62 years old or older and all non-purchasing medically-proven permanently disabled

tenants shall receive a lifetime lease. Rents for such tenants shall not be increased for 2 years after the filing of the project application.

- F. Moving Expenses: The ~~subdivider~~ **applicant** shall provide moving expenses equal to three times the monthly rent to any tenant, in compliance with all the terms of the subject lease and/or financing, who relocates from the building to be converted after City approval of the use permit authorizing conversion of the units. When the tenant has given notice of his intent to move prior to City approval of the use permit, eligibility to receive moving expenses shall be forfeited.
- G. Relocation Assistance: Relocation assistance shall be provided by the ~~subdivider~~ **applicant** to non-purchasing tenants for a minimum period of four months following the tentative map approval. Information on available rental units in the same general area with costs comparable to the preconverted apartments shall be provided by the ~~subdivider~~ **applicant** on a calendar quarterly basis. Copies of the list shall be posted on-site, dated, and provided to the Department. The following non-purchasing tenants shall receive a minimum of 12 months' relocation time, measured from the tentative map approval, to find replacement housing:
- a-1. Tenants with low or moderate incomes; and
 - b 2. Tenants with minor children in school.
- H. Discrimination: No discrimination in the sale of any unit shall be based on race, color, creed, national origin, sex, or age, and a statement to this effect shall be included in the covenants, conditions, and restrictions. Projects created exclusively for the purpose of providing senior citizen housing shall be exempted from this requirement.

235.12 Effect of Proposed Conversions on the City's Low-and Moderate-Income Housing Supply

In reviewing requests for the conversion of existing apartments to condominiums, the ~~Zoning Administrator or~~ Planning Commission **(or Zoning Administrator for exempted units as defined in Section 235.04)** shall consider the following:

- A. Whether displacement of tenants, if the conversion is approved, would be detrimental to the health, safety, or general welfare of the community;
- B. The role the rental units play in the existing housing rental market and whether they serve low- and moderate-income households; and

- C. The need and demand for lower-cost home ownership opportunities which are increased by the conversion of apartments to condominiums.

235.14 Bonus for Including Low- and Moderate-Income Housing

Consistent with the requirements of Section 65915.5 of the California Government Code, the City shall offer a density bonus or other incentives of equivalent financial value to condominium conversions including low- or moderate-income housing units or lower-income household units. When an applicant for approval to convert apartments to a condominium project agrees to provide at least 33 percent of the total units of the proposed condominium project to persons of low or moderate income, as defined in Section 50093 of the California Health and Safety Code, or 15 percent of the total units to lower-income households, as defined in Section 50079.5 of the California Health and Safety Code, the Planning Commission shall either (1) grant a 25 percent density bonus or (2) provide other incentives of equivalent financial value. Any density bonus or other incentives of equivalent financial value provided under this section shall be governed by the requirements of Section 235.08.

- A. For purposes of this section, "density bonus" means an increase in units of 25 percent over the number of apartments permitted and provided within the existing structure or structures proposed for conversion. "Other incentives of equivalent financial value" shall not be construed to require the City to make any cash transfer payments or other monetary compensation to the ~~subdivider~~ **applicant**, but may include the reduction or waiver of any required fees or the condominium conversion standards prescribed in Section 235.08.
- B. No applications for a density bonus shall be accepted if the apartments proposed for conversion constitute a housing development for which a density bonus was provided under the provisions of Section 230.14.

235.16 Findings

The ~~Zoning Administrator or~~ Planning Commission **(or Zoning Administrator for exempted units as defined in Section 235.04)** may approve an application for a condominium conversion if it finds that the proposed conversion meets the following requirements:

- A. That all the provisions of the Subdivision Map Act, this chapter, and other applicable provisions of this ordinance are met; and
- B. That the proposed conversion is consistent with the General Plan and any applicable specific plan; and

- C. That the proposed conversion will conform to the provisions of this ordinance in effect at the time of the project approval, except as otherwise provided in this chapter; and
- D. That the overall design and physical condition of the condominium conversion achieves a high standard of appearance, quality, and safety; and
- E. That **either (1)** the proposed conversion will not displace a significant percentage of low- or moderate-income, permanently or totally disabled, or senior citizen tenants or delete a significant number of low- and moderate-income rental units from the City's housing stock at a time when no equivalent housing is readily available in the Huntington Beach area, **or (2) the applicant agrees to pay an affordable housing in-lieu fee pursuant to Section 235.08 B.;** and
- F. That the dwelling units to be converted have been constructed and used as rental units for at least 5 years prior to the application for conversion; and
- G. That the applicant has not engaged in coercive, retaliatory action regarding tenants after the submittal of the first application for city review through the date of approval.
- H. That either (1) the project is not located within the coastal zone, or (2) the project is located within the coastal zone and the existing use to be converted is not a visitor serving use (including hotels). (3334)

LEGISLATIVE DRAFT

Chapter 250 General Provisions

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

Sections:

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

250.02 Citation and Authority

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

250.04 Consistency

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

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

250.06 Applicability

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

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

250.08 Exceptions

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

250.10 Definitions

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

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

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

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

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

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

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

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

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

Day. A calendar day unless otherwise specified.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

250.12 Responsibilities

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

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

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

6. The inspection and approval of subdivision public improvements.
7. The acceptance of dedications and public improvements for subdivisions by parcel map, and off-site dedications lying outside a subdivision boundary which require a separate grant deed.
8. Collection of all required fees and deposits associated with final maps and parcel maps except park and recreation fees.

F. Director. The Director's responsibilities shall include the processing of tentative maps and lot line adjustments.

1. Determinations of violations of the provisions of the Subdivision Map Act or this Title.
2. The management of the Planning Division in carrying out the responsibilities imposed upon it by this Title. When necessary to carry out the Director's responsibilities hereunder, the Director may designate and authorize a representative to act on his or her behalf.
3. Collection of park and recreation fees and fees associated with tentative maps.

G. Subdivision Committee. The Subdivision Committee's responsibilities shall include examining and determining that tentative and vesting tentative maps comply with the provisions of the Subdivision Map Act, this Title, the Local Coastal Program for maps located within the coastal zone, and the City's General Plan, and recommending approval, disapproval, or conditional approval of tentative or vesting tentative maps to the Planning Commission or Zoning Administrator.

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

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

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

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

250.14 Map Requirements

- A. Tentative and Final Map. A tentative and final map shall be required for all subdivisions creating five or more parcels, five or more condominiums as defined in Section 783 of the Civic Code, a community apartment project containing five or more parcels, or for the conversion of a dwelling to a stock cooperative containing five or more dwelling units. Exceptions as stated in Section 66426 of the Subdivision Map Act shall comply with Subsection B.
- B. Tentative and Parcel Map. A tentative and parcel map shall be required for all divisions of land into four or fewer parcels and exceptions stated in Section 66426 of the Subdivision Map Act. However parcel maps shall not be required for:
1. Subdivisions of a portion of the operating right-of-way of a railroad corporation, which are created by short-term leases terminable by either party on not more than 30 days' notice in writing.
 2. Land conveyed to or from a governmental agency, public entity or public utility, or for land conveyed to a subsidiary of a public utility for conveyance to such public utility for rights-of-way, unless a showing is made by the Department in individual cases, upon substantial evidence, that public policy necessitates a parcel map. If a parcel map is not required, the dedication or offer must be indicated by a separate instrument.
 3. Lot line adjustments, provided:
 - a. No additional parcels or building sites are created;
 - b. The resulting parcels conform to Titles 20-24 (Zoning) of this Code;
 - c. The lot line adjustment shall not sever any existing structure on either of the two parcels.
 - d. The lot line adjustment shall not allow a greater number of dwelling units than allowed prior to the adjustment.
 - e. The lot line adjustment is approved by the Director or by the Planning Commission on appeal; and (3530-2/02)
 - f. A plat map showing the lot line adjustment is prepared, approved, and filed in accord with the provisions of Section 253.24.
 4. Parcel maps waived by the Zoning Administrator as provided by Section 251.20.
 5. **Subdivision of property with two to four apartment or stock cooperative units that were converted to and sold as condominium units without approval of a conditional use permit and tentative parcel map prior to June 1, 2004, provided:**

- a. **Sale of condominium units is evidenced by recorded documents;**
 - b. **No dedications or improvements are required by the Zoning and Subdivision Ordinance;**
 - c. **Covenants, conditions, and restrictions (CC&Rs) are recorded at the County of Orange;**
 - d. **A plat map showing the condominium subdivision is prepared, approved by the City Engineer, and recorded at the County of Orange;**
 - e. **A conditional use permit is approved pursuant to Section 235.04 and a Certificate of Compliance is issued by the Director and recorded at the County of Orange.**
- 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.

250.16 Fees and Deposits

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

LEGISLATIVE DRAFT

Chapter 234 Mobilehome Park Conversions

(3334 - 6/97, 3595-1/03)

Sections:

234.02	Applicability
234.04	Definitions
234.06	Removal of MHP Overlay or RMP Zone or Change of Use
234.08	Mitigation of Adverse Impacts and Reasonable Costs of Relocation - Relocation Assistance Plan
234.09	Application for Exemption from Relocation Assistance Obligations
234.10	Acceptance of Reports
234.12	Action by Planning Commission
234.14	Fees Required

234.02 Applicability

All findings required for removal of the MHP overlay zone shall also be applied to requests for rezoning existing RMP districts to different zoning districts, and for any change of use as hereinafter defined.

All findings required for removal of the MHP overlay, rezoning from RMP or change in use shall be required for all property upon which a mobilehome park then exists, or upon which a mobilehome park existed at any time within the preceding five (5) years.

234.04 Definitions

Words and phrases whenever used in this chapter shall be construed as defined herein unless from the context a different meaning is intended and more particularly directed to the use of such words and phrases.

- A. Affordable unit. A unit that is sold to and occupied by a low or moderate income household. Affordable unit shall also mean a rental unit for which the monthly payment does not exceed 25 percent of the household's gross income for low income households or 30 percent of the household's gross income for moderate income households.
- B. Applicant. The person, firm, corporation, partnership, or other entity having leasehold interest or fee ownership in the operation of a mobilehome park.
- C. Change of use. Use of the park for a purpose other than the rental or the holding out for rent of two or more mobilehome sites to accommodate mobilehomes used for human habitation, and shall not mean the adoption, amendment, or repeal of a park rule or regulation. "Change of use" may affect an entire park or any portion thereof, and such "change of use" shall include, but is not limited to, a change of a park or

any portion thereof to a condominium, stock cooperative, planned unit development, commercial use, industrial use, or vacant land.

D. Eligible owner. Any mobilehome owner owning a mobilehome in a park at the time of issuance of the notice of intent to change use, but shall not include any mobilehome owner who is renting his unit to another party at such time.

E. **Manufactured home**. Shall mean the same as **Mobilehome** as used in this Chapter.

E.F. Market rate unit. A residential unit that is sold on the open market without constraints imposed on the sales price, rental rate, or buyer qualifications.

F.G. Mobilehome. A structure designed for human habitation and for being moved on a street or highway under permit pursuant to the California Vehicle Code Section 35790. Mobilehome does not include a recreational vehicle, as defined in the California Civil Code Section 799.24, or a commercial coach, as defined in Health and Safety Code Section 18218.

G.H. Mobilehome Park. An area of land where two or more mobilehome sites are rented, or held out for rent, to accommodate mobilehomes used for human habitation. Mobilehome park shall not include a mobilehome subdivision of stock cooperative.

H.I. Mobilehome space. Any area, tract of land, site, lot, pad or portion of a mobilehome park designated or used for the occupancy of one mobilehome.

I.J. Notice of intent to change use. Notification as required by California Civil Code Section 798.56(g)(2). (3595 – 1/03)

J. ~~Original purchase price. The price which the mobilehome owner, occupying the mobilehome space, originally paid for the mobilehome and any attached optional equipment and/or tag-a-longs and expando rooms. In determining the price, the regulations for establishing the cost basis, as found in the United States Code Title 26, Internal Revenue Code, shall be used. Such purchase price shall be verified by the mobilehome owner through existence of sales receipts indicating date of purchase, monetary amount of purchase, identification or model numbers of all items purchased and the party from whom the items were purchased. "Original purchase price" shall not include cost of financing.~~

K. Senior citizen unit. A residential unit which meets the standards for an affordable unit which is situated in a project that is designed to accommodate senior citizens through special financing programs and/or modified development standards.

234.06 Removal of MHP Overlay or RMP Zone or Change of Use

The City Council shall not approve a zone change for any parcel when such change would have the effect of removing the MHP or RMP designation from that property, or approve a change of use unless the following findings have been made:

- A. That all applicable requirements as set forth in California Government Code Section 66427.4, or 65863.7, whichever is applicable, have been completed. (3595 – 1/03)
- B. That the proposed zoning is consistent with the General Plan of the City of Huntington Beach and all elements thereof; and for projects located within the coastal zone that the proposed zoning is consistent with the Land Use Plan portion of the Local Coastal Program. (3334 - 6/97)
- C. That the proposed change of land use will not have an adverse effect upon the goals and policies for provision of adequate housing for all economic segments of the community, as set forth in the Housing Element of the Huntington Beach General Plan.
- D. That the property which is the subject of the zone change would be more appropriately developed in accordance with uses permitted by the underlying zoning, or proposed zoning.
- E. That a notice of intent to change the use of a mobilehome park and relocate mobilehome owners was delivered to such owners and to the Department of Community Development at least eighteen (18) months prior to the date the mobilehome owner is required to vacate the premises.
- F. The zone change shall not become effective unless a Local Coastal Program amendment is effectively certified by the Coastal Commission. (3334 - 6/97)

234.08 Mitigation of Adverse Impacts and Reasonable Costs of Relocation-Relocation Assistance Plan:

- A. Consistent with California Government Code Section 65863.7(e), the applicant shall take steps to mitigate the adverse impact of the conversion, closure or cessation of use on the ability of displaced mobilehome park residents to find adequate housing in a mobilehome park. These required steps shall not exceed the reasonable cost of relocation as detailed in (1) below.**

~~The following shall constitute minimum standards for an acceptable relocation assistance plan:~~

- A1. Relocation Costs. All eligible mobilehome owners shall be entitled to receive the cost of relocation. These costs shall be limited to disconnection and breakdown of the mobilehome, transportation of the mobilehome, all readily movable appurtenances and contents to another mobilehome park and the cost of all hookups at the new site. As used in this section, the reasonable costs of relocation shall include the cost of relocating displaced homeowners' mobile/manufactured home, accessories and possessions to comparable mobile/manufactured home park within twenty (20) miles of its existing location, including costs of disassembly, removal, transportation, and reinstallation of the mobile/manufactured home and accessories at the new site, and replacement or reconstruction of blocks, skirting, siding, porches, decks, awnings or earthquake bracing if necessitated by the relocation; reasonable living expenses of displaced park residents from the date of actual displacement until the date of occupancy at the new site;**

payment of any security deposit required at the new site; and the difference between the rent paid in the existing park and any higher rent at the new site for the first twelve (12) months of the relocated tenancy. All such expenses shall be identified and paid by the applicant at the time of the move. ~~The park to which the unit is relocated shall be within fifty (50) miles, the mobilehome owner shall be responsible for the additional costs associated with relocation beyond the fifty (50) mile limit established by this chapter.~~

- B2. Mobilehome Purchase.** If the mobilehome owner cannot be relocated to another park in accordance with the procedures herein, the applicant shall purchase the mobilehome and any optional equipment and/or tag-a-longs and expando rooms from the mobilehome owner at an amount to be determined after reestablishing the mobilehome owner's original purchase price, and the date of original purchase: **a comparable mobile/manufactured home park within twenty (20) miles of its existing location, and the homeowner has elected to sell his or her mobile/manufactured home, the reasonable costs of relocation shall include the cost of purchasing the mobile/manufactured home of a displaced homeowner, including any optional equipment and/or tag-a-longs and expando rooms at its in-place value. Such value shall be determined after consideration of relevant factors, including the value of the mobile/manufactured home in its current location, assuming the continuation of the mobile/manufactured home park in a safe, sanitary and well maintained condition and not considering the effect of the change of use on the value of the mobile/manufactured home, but at no time shall the value of the mobile/manufactured home be less than the replacement cost of a new home of similar size and square footage.**

~~Where proof of purchase is not available or verifiable, and the manufacturer's original list price cannot be ascertained, the value of the mobilehome shall be determined by averaging the sales price of the three (3) most comparable units of similar age, size, and quality found in the applicant's mobilehome park at the time the mobilehome owner purchased the site.~~

~~When the original price is ascertained, the amount of compensation to be paid by an applicant to a mobilehome owner shall be determined by using the following method:~~

~~Mobilehomes shall be depreciated at a rate of 4.7 percent per year, beginning with the date the mobilehome owner originally purchased the mobilehome and/or optional equipment and continuing until the date of issuance by the applicant of the notice of intent to change use.~~

B. Extensions of time; In-park relocation

1. The applicant may grant one (1) six-month extension to the length of time given to the mobilehome owners in the notice of intent to change use by notifying the mobilehome owners of such extension at least four (4) months prior to the date

specified in such notice. The extension shall be granted for no more and no less than six (6) months.

2. An applicant may, with the consent of the mobilehome owner, transfer a mobilehome unit to another space in the park. Such transfer shall not constitute permanent relocation, and the cost of all such moves shall be borne by the applicant.

Including reasonable living expenses of the residents from the date of actual displacement until the date of occupancy at the new site. All damages to the home incurred during the relocation shall be immediately repaired or replaced by the applicant.

~~C. Compensation. The mobilehome owner's compensation for any mobilehome that cannot be relocated to any other park shall be no less than four thousand five hundred dollars (\$4,500) plus moving expenses up to five hundred dollars (\$500), an aggregate not to exceed five thousand dollars (\$5,000).~~

~~In order to reduce the impact of relocation to alternative housing further, the applicant shall pay a cost of housing differential of 50 percent of the increase in the cost of housing for the first year, not to exceed seven hundred fifty dollars (\$750) for each mobilehome owner.~~

C. In order to facilitate the intentions of the mobilehome owners and an applicant for a change of use with regard to a change of use, the parties may agree to mutually satisfactory relocation assistance. To be valid, such an agreement shall be in writing, shall include a provision stating that the mobilehome owner is aware of the provisions of this chapter, shall include a copy of this chapter as an attachment, shall include a provision in at least ten-point type which clearly states the right to seek and the importance of obtaining an attorney's advice prior to signing the agreement, and shall be drafted in form and content otherwise required by applicable state law. No mobilehome owner signing a relocation assistance agreement provided for in this subsection may contest the adequacy of the conversion impact report at the hearing on such report. Any mobilehome owner signing such an agreement may rescind it in writing within ten days of signing it. Any such agreement which is procured by fraud, misrepresentation, coercion or duress, of any kind, shall be void and unenforceable.

D. No benefits shall be provided to any person who is renting a mobilehome from the park owner (who owns the mobilehome) where such tenant shall have executed a written agreement with such park owner waiving his or her rights to any such benefits. No such waiver shall be valid, unless it contains the text of this section, and unless such tenant shall have executed a written

acknowledgment that he or she has read and understands his or her rights pursuant to this chapter and knowingly agrees to waive them.

E. No waiver by an eligible mobilehome owner of any of his/her rights pursuant to this section shall be valid or effective for any purpose except with regard to a relocation assistance agreement as provided in subsection C of this section.

~~DF.~~ Alternative Housing. If the mobilehome owner cannot be relocated in accordance with the procedures contained herein, the applicant has the option of making available suitable, **and acceptable**, alternative housing, together with compensation, to such mobilehome owner.

Where alternative housing is proposed, it shall be available in the following categories:

1. Senior citizen housing;
2. Affordable housing; and
3. Market rate housing.

~~—E. Modification of Relocation Plan. Any applicant and mobilehome owner may mutually agree to modify the standards and methods contained in this section, and in no case shall an applicant be required to relocate or purchase a mobilehome prior to the date of the notice of intent to change use.~~

~~FG.~~ Compensation Appeals. Appeals from the amount of compensation to be given a mobilehome owner shall be filed with the applicant within thirty (30) days after the mobilehome owner has notice of the amount he/she is to receive.

The applicant shall acknowledge any appeal within thirty (30) days, and if an agreement cannot be reached, the matter shall be referred to a professional arbitrator.

~~To determine whether compensation accurately reflects the original cost of the mobilehome, the applicant and/or professional arbitrator shall rely on records furnished by the mobilehome owner, or if such records are not available, the mobilehome shall be subjected to the comparison test set out elsewhere in this section. All optional equipment and appurtenances shall be valued in the same manner.~~

~~GH.~~ Purchase Rights. The mobilehome owners shall receive written guarantee of first-right-of-refusal to purchase units if the development which replaces the mobilehome park is to be residential in whole or in part.

~~HI.~~ Miscellaneous. That the applicant has complied with all applicable city ordinances and state regulations in effect at the time the relocation assistance plan was approved.

That the applicant has complied with the conditions of approval, including the following items:

1. Mobilehome owners will not be forced to relocate prior to the end of their leases.

2. Mobilehome owners have been given the right to terminate their leases upon approval of the relocation assistance plan.
3. Demolition or construction will not occur until the relocation assistance plan is approved and the eighteen (18) month notification period has expired.

234.09 Application for Exemption from Relocation Assistance Obligations.

- A. Any person who files an application for change of use of a mobilehome park may, simultaneous with such application, file an application for total or partial exemption from the obligation to provide relocation assistance.**
- B. If such application is filed, notice of such application, with the information contained therein, and distribution thereof to the owners and residents of the mobilehome park shall be provided with the application for change of use.**
- C. Any such application shall state that it is made on either or both of the following bases:**
 - 1. That provision for relocation assistance would eliminate substantially all reasonable use or economic value of the property. Such basis may only be established if it is demonstrated that the imposition of such obligations would eliminate the reasonable use or economic value of the property for alternate uses, and that continued use of the property as a mobilehome park would eliminate substantially all reasonable use or economic value of the property for reasons not caused or contributed by the park owner or applicant.**
 - 2. That a court of competent jurisdiction has determined in connection with a proceeding in bankruptcy that the closure or cessation of use of said property as a mobilehome park is necessary, and that such court has taken further action which would prohibit or preclude payment of relocation assistance benefits, in whole or in part.**

D. Any such application made pursuant to subsection (c)(1) shall contain, at a minimum, the following information:

- 1. Statements of profit and loss from the operations of the mobilehome for the most recent five-year period of the date of the application or request, certified by a certified public accountant. All such statements shall be maintained in confidence as permitted by the California Public Records Act.**
- 2. If the applicant contends that continued use of the property as a mobilehome park necessitates repairs or improvements or both, that are not the result of the park owner or applicant's negligent failure to properly maintain said property, and that the costs thereof makes continuation of the park economically infeasible, a statement made under penalty of perjury by a general contractor licensed as such pursuant to the laws of the State of California certifying that such contractor has thoroughly inspected the entire mobilehome park; that such contractor has determined that certain repairs and improvements must be made to the park to maintain the park in a decent, safe and sanitary condition, and that those certain repairs are not the result of the park owner or applicant's negligent failure to properly maintain said property; the minimum period of time in which such improvements or repairs must be made; an itemized statement of such improvements and repairs; and the estimated cost thereof of repairs and improvements, if any, due to deferred maintenance separately identified. The applicant shall also submit a statement verified by a certified public accountant as to the necessary increase in rental rates of mobilehome spaces within the park within the next five years necessary to pay for such repairs or improvements that are not the result of the park owner or applicant's negligent failure to properly maintain said property. If the director requires an analysis of the information submitted by the general contractor, the director may procure services of another such licensed general contractor to provide such written analysis, and the cost thereof shall be billed to and payment therefor shall be required from the applicant.**

3. **The estimated total cost of relocation assistance which would otherwise be required to the provided pursuant to this chapter, which shall be based upon documented surveys, included with the application, of the available mobilehome spaces within twenty miles of the mobilehome park, residents of the park who are willing to relocate and those who would elect to sell their mobilehomes, and the value of the mobilehomes in the park.**
4. **An estimate of the value of the mobilehome park by a qualified real estate appraiser if the park were permitted to be developed for the change of use proposed in the application for redevelopment of the park, and an estimate of the value of such park by such appraiser if use of the property as a mobilehome park is continued.**
5. **Such other information which the applicant believes to be pertinent, or which may be required by the director.**

E. Any such application filed pursuant to subsection (c)(2) shall be accompanied by adequate documentation as to the title, case number, and court in which the bankruptcy proceeding was held, and copies of all pertinent judgments, orders, and decrees of such court.

234.10 Acceptance of Reports

The final form of the impact of conversion report and relocation assistance plan will be as approved by the Planning Commission. The reports, if acceptable, shall remain on file with the Director for review by any interested persons. Each of the mobilehome owners shall be given written notification within ten (10) days of approval of the relocation assistance plan.

234.12 Actions of Planning Commission

At the conclusion of its hearing, noticed as provided in this code, the Planning Commission shall approve, conditionally approve, or deny said impact of conversion report and relocation assistance plan pursuant to the provisions of this article, and such decision shall be supported by a resolution of the Planning Commission, setting forth its findings.

234.14 Fees Required

Each impact report and relocation assistance plan submitted shall be accompanied by a fee established by resolution of the City Council.

ZTA 03-02

LEGISLATIVE DRAFT for Ord. No. 3669

Chapter 204 Use Classifications

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

Sections:

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

204.02 Applicability

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

204.04 Uses Not Classified

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

204.06 Residential Use Classifications

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

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

204.08 Public and Semipublic Use Classifications

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

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

G-19-2.14

O. Public Safety Facilities. Facilities for public safety and emergency services, including police and fire protection. (3334-6/97)

P. Religious Assembly. Facilities for religious worship and incidental religious education, but not including private schools as defined in this section. (3334-6/97)

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Q. Schools, Public or Private. Educational institutions having a curriculum comparable to that required in the public schools of the State of California. (3334-6/97)

R. Utilities, Major. Generating plants, electrical substations, above-ground electrical transmission lines, switching buildings, refuse collection, transfer, recycling or disposal facilities, flood control or drainage facilities, water or wastewater treatment plants, transportation or communications utilities, and similar facilities of public agencies or public utilities. (3334-6/97)

S. Utilities, Minor. Utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, underground water and sewer lines, and recycling and collection containers. (3334-6/97)

204.10

Commercial Use Classifications

A. Ambulance Services. Provision of emergency medical care or transportation, including incidental storage and maintenance of vehicles as regulated by Chapter 5.20. (3334-6/97, 3378-2/98)

B. Animal Sales and Services.

1. Animal Boarding. Provision of shelter and care for small animals on a commercial basis. This classification includes activities such as feeding, exercising, grooming, and incidental medical care, and kennels. (3334-6/97)

2. Animal Grooming. Provision of bathing and trimming services for small animals on a commercial basis. This classification includes boarding for a maximum period of 48 hours. (3334-6/97)

3. Animal Hospitals. Establishments where small animals receive medical and surgical treatment. This classification includes only facilities that are entirely enclosed, soundproofed, and air-conditioned. Grooming and temporary (maximum 30 days) boarding of animals are included, if incidental to the hospital use. (3334-6/97)

4. Animals: Retail Sales. Retail sales and boarding of small animals, provided such activities take place within an entirely enclosed building. This classification includes grooming, if incidental to the retail use, and boarding of animals not offered for sale for a maximum period of 48 hours. (3334-6/97)

5. Equestrian Centers. Establishments offering facilities for instruction in horseback riding, including rings, stables, and exercise areas. (3334-6/97)

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

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

G-1a-2.16

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FF. Visitor Accommodations.

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

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

HH. Quasi Residential

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

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

204.12 Industrial Use Classifications

- A. Industry, Custom. Establishments primarily engaged in on-site production of goods by hand manufacturing involving the use of hand tools and small-scale equipment. (3334-6/97)
1. Small-scale. Includes mechanical equipment not exceeding 2 horsepower or a single kiln not exceeding 8 kilowatts and the incidental direct sale to consumers of only those goods produced on-site. Typical uses include ceramic studios, candle-making shops, and custom jewelry manufacture. (3334-6/97)
- B. Industry, General. Manufacturing of products, primarily from extracted or raw materials, or bulk storage and handling of such products and materials. Uses in this classification typically involve a high incidence of truck or rail traffic, and/or outdoor storage of products, materials, equipment, or bulk fuel. This classification includes chemical manufacture or processing, food processing and packaging, laundry and dry cleaning plants, auto dismantling within an enclosed building, stonework and concrete products manufacture (excluding concrete ready-mix plants), small animal production and processing within an enclosed building, and power generation. (3334-6/97)
- C. Industry, Limited. Manufacturing of finished parts or products, primarily from previously prepared materials; and provision of industrial services, both within an enclosed building. This classification includes processing, fabrication, assembly, treatment, and packaging, but excludes basic industrial processing from raw materials and Vehicle/Equipment Services, but does allow food processing for human consumption. (3334-6/97)
- D. Industry, Research and Development. Establishments primarily engaged in the research, development, and controlled production of high-technology electronic, industrial or scientific products or commodities for sale, but prohibits uses that may be objectionable in the opinion of the Director, by reason of production of offensive odor, dust, noise, vibration, or in the opinion of the Fire Chief by reason of storage of hazardous materials. Uses include aerospace and biotechnology firms, and non-toxic computer component manufacturers. (3334-6/97)

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

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

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

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

204.14 Accessory Use Classifications

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

204.16 Temporary Use Classifications

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

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- F. Retail Sales, Outdoor. Retail sales of new merchandise on the site of a legally established retail business for a period not to exceed **48 96** consecutive hours (**four days**) no more than once every 3 months. (3334-6/97)
- G. Seasonal Sales. Retail sales of seasonal products, including Christmas trees, Halloween pumpkins and strawberries. (3334-6/97)
- H. Street Fairs. Provision of games, eating and drinking facilities, live entertainment, or similar activities not requiring the use of roofed structures. (3334-6/97)

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

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AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING
CHAPTER 210 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION
ORDINANCE RELATING TO RESIDENTIAL DISTRICTS-DAY CARE CENTERS

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

SECTION 1. Section 210.04 of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended by changing the land use controls for Day Care-Large Family, as follows:

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

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

"P" designates use classifications permitted in residential districts.

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

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

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

"TU" designates use classifications allowed upon approval of a temporary use permit by the Zoning Administrator.

"P/U" designates that accessory uses are permitted, however, accessory uses are subject to approval of a conditional use permit if the primary use requires a conditional use permit.

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

(Rest of page not used)

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

	RL	RM	RMH RH	RMP	Additional Provisions	
Residential Uses					(A)(M)(Q)	(3334-6/97, 3410-3/99)
Day Care, Ltd.	P	P	P	P		
Group Residential	-	-	PC	-		
Multi-family Residential					(B)(C)(D)(R)	(3410-3/99, 3455-5/00)
2 - 4 units	ZA	P	P	-		(3334 6/97, 3410-3/99)
5 - 9 units	ZA	ZA	ZA	-		(3334 6/97, 3410-3/99)
10 or more units	PC	PC	PC	-		(3334-6/97, 3410-3/99)
Manufactured Home Parks	ZA	ZA	-	ZA	(E)(F)	
Residential, Alcohol Recovery, Ltd.	P	P	P	P		
Residential Care, Limited	P	P	P	P		
Single-Family Residential	P	P	P	P	(B)(D)(F)(P)(R)	(3334-6/97, 3410-3/99, 3455-5/00)
Public and Semipublic					(A)(O)	(3334-6/97, 3410-3/99)
Clubs & Lodges	PC	PC	ZA	ZA		(3334-6/97, 3410-3/99)
Day Care, Large-family	ZA	ZA	ZA	ZA		(3334-6/97)
	L-6	L-6	L-6	L-6		
Day Care, General	L-1	ZA	ZA	ZA		(3334-6/97, 3410-3/99)
Park & Recreation Facilities	L-2	L-2	L-2	L-2		(3334-6/97, 3410-3/99)
Public Safety Facilities	PC	PC	PC	PC		
Religious Assembly	L-3	PC	PC	PC		(3334 6/97, 3410-3/99)
Residential Care, General	-	L-1	PC	PC		(3334-6/97, 3410 3/99)
Schools, Public or Private	PC	PC	PC	PC		
Utilities, Major	PC	PC	PC	PC		
Utilities, Minor	P	P	P	P		
Commercial						
Communication Facilities	L-5	L-5	L-5	L-5		(3568-9/02)
Horticulture	ZA	ZA	ZA	ZA		(3410-3/99)
Nurseries	ZA	ZA	ZA	ZA		(3410-3/99)
Visitor Accommodations						
Bed and Breakfast Inns	-	-	L-4	-		(3334-6/97, 3410-3/99)
Accessory Uses	P/U	P/U	P/U	P/U	(A)(G)(H)(I)(L)(M)	(3334 6/97, 3410-3/99)
Temporary Uses					(J)(M)	(3334-6/97, 3410 3/99)
Commercial Filming, Limited	P	P	P	P		
Real Estate Sales	P	P	P	P	(N)	(3334 6/97, 3410 3/99, 3706)
Personal Property Sales	P	P	P	P		
Street Fairs	TU	TU	TU	TU		
Nonconforming Uses					(K)(L)	

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

- L-1 A conditional use permit from the Planning Commission is required and only allowed on lots 1.0 acre (gross acreage) or greater fronting an arterial in RL District. (3410-3/99)
- L-2 Public facilities permitted, but a conditional use permit from the Zoning Administrator is required for private noncommercial facilities, including swim clubs and tennis clubs. (3334-6/97, 3410-3/99)
- L-3 A conditional use permit from the Planning Commission is required, and only schools operating in conjunction with religious services are permitted as an accessory use. A General Day Care facility may be allowed as a secondary use, subject to a conditional use permit, if the Planning Commission finds that it would be compatible with adjacent areas and not cause significant traffic impacts. (3334-6/97, 3410-3/99, 3724-02/06)
- L-4 A conditional use permit from the Zoning Administrator is required and only allowed on lots 10,000 sq. ft. or greater in RMH-A subdistrict. See also Section 230.42: Bed and Breakfast Inns. (3334-6/97, 3410-3/99, 3706-6/05)
- L-5 Only wireless communication facilities permitted subject to section 230.96 Wireless Communication Facilities. (3568-9/02)
- L-6 Neighborhood notification is required pursuant to Section 241.24. No architectural plans shall be required.**
- (A) Any addition or modification subsequent to the original construction that would result in an increase in the amount of building area, or a structural or architectural alteration to the building exterior, shall require an amendment to the ~~previously~~ **previously** approved conditional use permit, if any, or approval of a new conditional use permit. (3334-6/97, 3410-3/99)
- (B) A conditional use permit from the Planning Commission is required for residential uses requesting reduction in standards for senior citizens (See Section 210.08), for affordable housing (See Sections 210.10 and 230.14), or for density bonus (See Section 230.14).
- (C) A conditional use permit from the Zoning Administrator is required for any multiple family residential development that:
- (1) abuts an arterial highway;
 - (2) includes a dwelling unit more than 150 feet from a public street; or
 - (3) includes buildings exceeding 25 feet in height. (3334-6/97, 3410-3/99)
- (D) See Section 210.12: Planned Unit Development Supplemental Standards. In addition, a conditional use permit is required for condominium conversion pursuant to Chapter 235.
- (E) See Section 210.14: RMP District Supplemental Standards. In addition, Neighborhood Notification pursuant to Chapter 241 is required for the addition of manufactured home space(s) to an existing Manufactured Home Park. (3334-6/97, 3410-3/99, 3706-6/05)
- (F) See Section 230.16: Manufactured Homes.

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

- (G) See Section 230.12: Home Occupation in R Districts.
- (H) See Section 230.08: Accessory Structures.
- (I) See Section 230.10: Accessory Dwelling Units.
- (J) See Section 241.20: Temporary Use Permits.
- (K) See Chapter 236: Nonconforming Uses and Structures.
- (L) See Chapter 233: Signs.
- (M) Tents, trailers, vehicles, or temporary structures shall not be used for dwelling purposes.
(3334-6/97, 3410-3/99)
- (N) See Section 230.18: Subdivision Sales Offices and Model Homes. (3334-6/97, 3410-3/99)
- (O) Limited to facilities on sites of fewer than 2 acres. (3334-6/97, 3410-3/99)
- (P) See Section 230.22: Residential Infill Lot Developments. (3334-6/97, 3410-3/99)
- (Q) See Section 230.20: Payment of Parkland Dedication In-Lieu Fee. (3410-3/99)
- (R) Small lot development standards for RM, RMH, and RH Districts. A conditional use permit from the Planning Commission is required for small lot residential subdivisions, including condominium maps for detached single family dwellings. See also Section 230.24: Small Lot Development Standards. (3455-5/00)

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LEGISLATIVE DRAFT For Ord. 3712

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

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

Sections:

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

241.02 Procedures Established

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

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

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

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

241.04 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 ~~ten~~ **twenty** percent deviation from site coverage, separation between buildings, height, setback, parking, and landscape requirements. (3334-6/97, 3410-3/99)

241.06 Initiation

Applications for conditional use permits and variances shall be initiated by submitting an application and necessary accompanying data as prescribed by the Director and the required fee.

241.08 Notice and Public Hearing

- A. Public Hearing and Notice Required. The Planning Commission or Zoning Administrator shall hold a duly-noticed public hearing on an application for a conditional use permit or variance consistent with the requirements of Chapter 248.
- B. Multiple Applications. When applications for multiple conditional use permits or variances on a single site are filed at the same time, the Director may schedule a combined public hearing.

241.10 Required Findings

An application for a conditional use permit or variance may be approved or conditionally approved if, on the basis of the application, plans, materials, and testimony submitted, the Planning Commission or Zoning Administrator finds that:

- A. For All Conditional Use Permits.
 - 1. The establishment, maintenance and operation of the use will not be detrimental to the general welfare of persons working or residing in the vicinity nor detrimental to the value of the property and improvements in the neighborhood;
 - 2. The granting of the conditional use permit will not adversely affect the General Plan;
 - 3. The proposed use will comply with the provisions of the base district and other applicable provisions in Titles 20-25 and any specific condition required for the proposed use in the district in which it would be located.

B. For Variances.

1. The granting of a variance will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification.
2. Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.
3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights.
4. The granting of the variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification and is consistent with the General Plan.

C. Mandatory Denial. Failure to make all the required findings under (A) or (B) shall require denial of the application.

241.12 Conditions of Approval

In approving a conditional use permit or variance, conditions may be imposed as necessary to:

- A. To make it consistent with the General Plan;
- B. Protect the public health, safety, and general welfare; or
- C. Ensure operation and maintenance of the use in a manner compatible with existing and potential uses on adjoining properties or in the surrounding area.

241.14 Effective Date; Appeals

A conditional use permit or variance shall become effective ten days after action by the Planning Commission or Zoning Administrator, unless appealed in accord with Chapter 248.

241.16 Time Limit; Transferability, Discontinuance; Revocation

- A. Time Limit. A conditional use permit or variance shall become null and void one year after its date of approval or at an alternative time specified as a condition of approval 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; or
 3. The conditional use permit or variance is extended.

- B. Transferability. The validity of a conditional use permit shall not be affected by changes in ownership or proprietorship provided that the new owner or proprietor applies to the Director for a transfer. No notice or public hearing on a transfer shall be required.
- C. Discontinuance. A conditional use permit shall lapse if the exercise of rights granted by it is discontinued for 12 consecutive months.
- D. Revocation. A conditional use permit that is exercised in violation of a condition of approval or a provision of this ordinance may be revoked, as provided in Section 249.06.
- E. Extension of Time. A conditional use permit or variance may be extended by the Director for a one year period without notice or public hearing, if the findings required by Section 241.10 remain valid.

241.18 Changed Plans; New Application

- A. Changed Plans. A request for changes in conditions of approval of a conditional use permit or variance, or a change to development plans that would affect a condition of approval shall be treated as a new application. A request for changes to plans which will not affect a condition of approval may be approved by the Director if the change is not substantial, use of property remains the same, the revision results in an improved development, and the density remains the same. Notice of the Director's approval shall be posted and distributed to the Planning Commission and the City Council within 48 hours of such decision.
- B. New Application. If an application for a conditional use permit or variance is disapproved, no new application for the same, or substantially the same, conditional use permit or variance shall be filed within one year of the date of denial of the initial application, unless the denial is made without prejudice.

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~~**four** 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~~**4** or fewer consecutive days. Such uses shall be approved with a temporary activity permit. (3528B-2/02)

- C. Duties of the Zoning Administrator. The Zoning Administrator shall act on temporary uses held for more than three **four** days or that include live entertainment. The Zoning Administrator shall approve, approve with conditions, or deny a complete application within a reasonable time. (3528B-2/02)
- D. Required Findings. The application shall be approved as submitted, or in modified form, if the Director or Zoning Administrator finds: (3528B-2/02)
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 (3334-6/97)
 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: (3528B-2/02)
1. To be consistent with the General Plan and in the coastal zone to be consistent with the Local Coastal Program; (3334-6/97)
 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. (3528B-2/02)
- 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. (3528B-2/02)

241.22 Waiver of Development Standards

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

241.24 Neighborhood Notification

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

Notification requirements are as follows:

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

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

ORDINANCE NO. 3756

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH
AMENDING CHAPTER 203 OF THE HUNTINGTON BEACH ZONING
AND SUBDIVISION ORDINANCE TITLED
DEFINITIONS

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


SECTION 1. Section 203.06 Definitions of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to add the following definition:

Vehicle Storage. The business of storing or safekeeping of operative and inoperative vehicles for periods of time greater than a 24 hour period.


SECTION 2. All other provisions of Chapter 203 not modified herein shall remain in full force and effect.

SECTION 3. This ordinance shall become effective 30 days after its adoption.

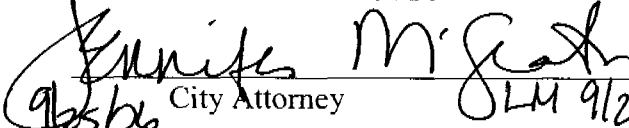
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 4TH day of DECEMBER, 2006.


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney LM 9/25/06

REVIEWED AND APPROVED:


City Administrator

INITIALED AND APPROVED:


Director of Planning 11-6-06

ORDINANCE NO. 3757

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH
AMENDING CHAPTER 204 OF THE HUNTINGTON BEACH ZONING
AND SUBDIVISION ORDINANCE TITLED
USE CLASSIFICATIONS

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

SECTION 1. Section 204.10 FF.7 Vehicle Storage of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to read as follows:

7. Vehicle Storage. The business of storing or safekeeping of operative and inoperative vehicles for periods of time greater than a 24 hour period, including, but not limited to, the storage of parking tow-aways, impound yards, and storage lots for automobiles, trucks, buses and recreational vehicles, but not including vehicle dismantling. (3334-6/97)

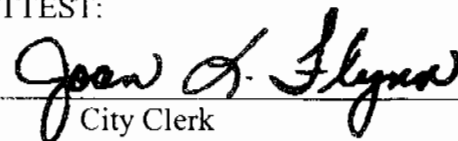
SECTION 2. All other provisions of Chapter 204 not modified herein shall remain in full force and effect.

SECTION 3. This ordinance shall become effective 30 days after its adoption.

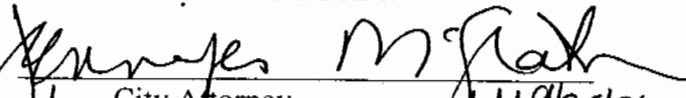
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 4th day of December, 2006.


Mayor


ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney AM 9/25/06

REVIEWED AND APPROVED:


City Administrator

INITIATED AND APPROVED:


Director of Planning 11-6-06

ORDINANCE NO. 3758

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH
AMENDING CHAPTER 231 OF THE HUNTINGTON BEACH ZONING
AND SUBDIVISION ORDINANCE TITLED
OFF-STREET PARKING AND LOADING PROVISIONS

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


SECTION 1. Section 231.18 E Non-residential Parking and Loading of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to add the following:

8. Parking spaces shall not be utilized or occupied by any other use or for any other purpose than as parking for the associated on-site uses as required by this chapter, unless in compliance with section 231.06, Joint Use Parking.

SECTION 2. All other provisions of Chapter 231 not modified herein shall remain in full force and effect.

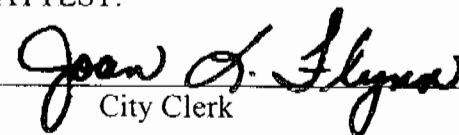
SECTION 3. This ordinance shall become effective 30 days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 4th day of December, 2006.



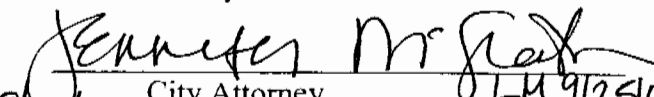
Mayor

ATTEST:




City Clerk

APPROVED AS TO FORM:



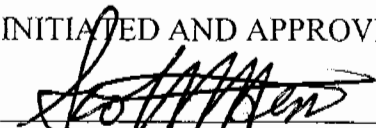
City Attorney LM 9/25/06

REVIEWED AND APPROVED:



City Administrator

INITIATED AND APPROVED:



Director of Planning 11-6-06