

## CALIFORNIA COASTAL COMMISSION

South Coast Area Office  
301 East Ocean Blvd., Suite 300  
Long Beach, CA 90802  
(562) 590-5071



# W10a

## City of Huntington Beach Implementation Plan Amendment LCP-5-HNB-19-0011-1

### March 10, 2021

#### EXHIBITS

Exhibit 1 – City Council Resolution No. 2018-60

#### Department Name Change

Exhibit 2 – Ordinance Nos. 4089 – 4093 and 4096 – 4103

Exhibit 3 – Legislative Drafts of Ordinance Nos. 4089 – 4093 and 4096 – 4103

#### Wireless Communication Facilities

Exhibit 4 – Ordinance No. 4136

Exhibit 5 – Legislative Draft of Ordinance No. 4136

#### Non-Medical Marijuana

Exhibit 6 – Ordinance No. 4137

Exhibit 7 – Legislative Draft of Ordinance No. 4137

#### Remove References to California Government Code

Exhibit 8 - Ordinance Nos. 4131, 4132, 4133, 4144, 4145, and 4146

Exhibit 9 – Legislative Drafts of Ordinance Nos. 4131, 4132, 4133, 4144, 4145, and 4146

#### Permitting Alcohol in Open Space – Parks and Recreation District

Exhibit 10 - Ordinance No. 4156

Exhibit 11 – Legislative Draft of Ordinance No. 4156

Exhibit 12 - Public Works Design Criteria for Wireless Facility

## RESOLUTION NO. 2018-60

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH, STATE OF CALIFORNIA, ADOPTING LOCAL COASTAL PROGRAM AMENDMENT NO. 18-001 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 and City Council of the City of Huntington Beach held public hearings to consider the adoption of the ordinances included in Huntington Beach Local Coastal Program Amendment No. 18-001, 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 ordinances included in the proposed Huntington Beach Local Coastal Program Amendment No. 18-001, 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 Huntington Beach Local Coastal Program Amendment No. 18-001 is hereby approved, consisting of certain Ordinances pertaining to five Zoning Text Amendments (ZTA) as listed below:

<u>Exhibit</u>	<u>Ordinance</u>	<u>Subject</u>	<u>Description</u>
A.	No. 4089, No. 4090, No. 4091, No. 4092, No. 4093, No. 4094, No. 4095, No. 4096 No. 4097, No. 4098, No. 4099, No. 4100, No. 4101, No. 4102, & No. 4103	ZTA No. 16-001	Community Development Department Name Change
B.	No. 4137	ZTA No. 17-001	Prohibit Non-Medical Marijuana

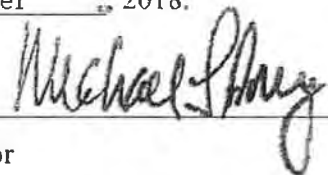
- |    |   |                |  |
|----|---|----------------|--|
| C. | No. 4136  | ZTA No. 17-003 | Small Cell Wireless Facilities         |
| D. | No. 4131, No. 4132,<br>No. 4133, No. 4144,<br>No. 4145, & No.<br>4146 | ZTA No. 17-006 | Remove References to CA State Law      |
| E. | No. 4156  | ZTA No. 18-001 | Beer and Wine Sales in OS-PR Districts |

Copies of the aforesaid ordinances and resolutions are attached hereto as Exhibits A through E, 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. 18-001.

**SECTION 3.** That pursuant to Section 13551(b) of the Coastal Commission Regulations, Huntington Beach Local Coastal Program Amendment No. 18-001 will take effect automatically upon Coastal Commission approval, as provided in *Public Resources Code* Sections 30512, 30513, and 30519.

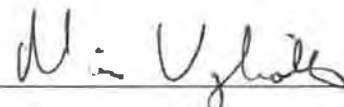
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting held on the 19th day of November, 2018.

  
\_\_\_\_\_  
Mayor

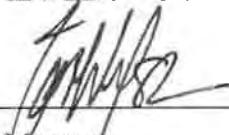
ATTEST:

  
\_\_\_\_\_  
City Clerk


APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

REVIEWED AND APPROVED:

  
\_\_\_\_\_  
City Manager

INITIATED AND APPROVED:

  
\_\_\_\_\_  
Community Development Director

**EXHIBITS:** A – E      Exhibits are same as Ordinances attached in the Enclosure Log

ORDINANCE NO. 4089

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON  
BEACH AMENDING SECTION 203.06 OF THE HUNTINGTON BEACH ZONING  
AND SUBDIVISION ORDINANCE TITLED DEFINITIONS  
TO AMEND THE DEFINITION OF "DIRECTOR"  
(ZONING TEXT AMENDMENT NO. 16-001)

WHEREAS, pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Text Amendment No. 16-001, which amends Chapter 203 of the Huntington Beach Zoning and Subdivision Ordinance relating to the amended name of the "Department of Planning and Building" to the "Department of Community Development" and the associated change of the department head title from "Director of Planning and Building" to "Director of Community Development".

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. Section 203.06 of the Huntington Beach Zoning and Subdivision Ordinance titled Definitions is hereby amended to amend the definition of "Director" to read as follows:

**Director.** The Director of Community Development or his or her designee.

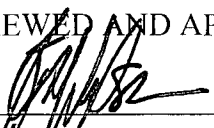
SECTION 2. This ordinance shall become effective immediately 30 days after its adoption.


PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 19 day of September, 2016.

  
\_\_\_\_\_  
Mayor

ATTEST:  
  
\_\_\_\_\_  
City Clerk

INITIATED AND APPROVED:  
  
\_\_\_\_\_  
Director of Community Development

REVIEWED AND APPROVED:  
  
\_\_\_\_\_  
City Manager

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
City Attorney

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

I, ROBIN ESTANISLAU, the duly appointed, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a **Regular** meeting thereof held on **September 6, 2016**, and was again read to said City Council at a **Regular** meeting thereof held on **September 19, 2016**, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

**AYES:**           Posey, O'Connell, Katapodis, Hardy, Delgleize, Peterson

**NOES:**           None

**ABSENT:**       Sullivan

**ABSTAIN:**      None

I, Robin Estanislau, CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Huntington Beach Wave on September 29, 2016.

In accordance with the City Charter of said City.



Robin Estanislau, City Clerk

Senior Deputy City Clerk



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

ORDINANCE NO. 4090

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH  
AMENDING SECTION 210.16 OF THE HUNTINGTON BEACH ZONING AND  
SUBDIVISION ORDINANCE TITLED RESIDENTIAL DISTRICTS  
(ZONING TEXT AMENDMENT NO. 16-001)

WHEREAS, pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Text Amendment No. 16-001, which amends Chapter 210 of the Huntington Beach Zoning and Subdivision Ordinance relating to the amended name of the "Department of Planning and Building" to the "Department of Community Development" and the associated change of the department head title from "Director of Planning and Building" to "Director of Community Development".

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. Section 210.16 of the Huntington Beach Zoning and Subdivision Ordinance titled Residential Districts is hereby amended to read as follows:

**210.16 Review of Plans**

All applications for new construction and exterior alterations and additions shall be submitted to the Community Development Department for review. Discretionary review shall be required as follows:

- A. **Zoning Administrator Review.** Projects requiring a conditional use permit from the Zoning Administrator; projects on substandard lots; see Chapter 241.
- B. **Design Review Board.** See Chapter 244.
- C. **Planning Commission.** Projects requiring a conditional use permit from the Planning Commission; see Chapter 241.
- D. **Projects in the Coastal Zone.** A Coastal Development Permit is required unless the project is exempt; see Chapter 245.

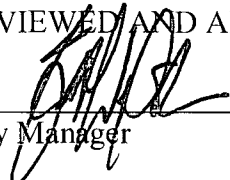
SECTION 2. This ordinance shall become effective immediately 30 days after its adoption.

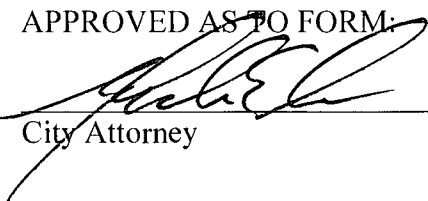
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 19 day of September, 2016.

  
\_\_\_\_\_  
Mayor

ATTEST:  
  
\_\_\_\_\_  
City Clerk

INITIATED AND APPROVED:  
  
\_\_\_\_\_  
Director of Community Development

REVIEWED AND APPROVED:  
  
\_\_\_\_\_  
City Manager

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
City Attorney

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

I, ROBIN ESTANISLAU, the duly appointed, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a **Regular** meeting thereof held on **September 6, 2016**, and was again read to said City Council at a **Regular** meeting thereof held on **September 19, 2016**, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

**AYES:**           Posey, O'Connell, Katapodis, Hardy, Delgleize, Peterson

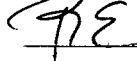
**NOES:**           None

**ABSENT:**       Sullivan

**ABSTAIN:**      None

I, Robin Estanislau, CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Huntington Beach Wave on September 29, 2016.

In accordance with the City Charter of said City.



Robin Estanislau, City Clerk

Senior Deputy City Clerk



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



ORDINANCE NO. 4091

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH  
AMENDING SECTION 211.04(Q) AND SECTION 211.08 OF THE HUNTINGTON BEACH  
ZONING AND SUBDIVISION ORDINANCE TITLED C COMMERCIAL DISTRICT  
(ZONING TEXT AMENDMENT NO. 16-001)

WHEREAS, pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Text Amendment No. 16-001, which amends Chapter 211 of the Huntington Beach Zoning and Subdivision Ordinance relating to the amended name of the "Department of Planning and Building" to the "Department of Community Development" and the associated change of the department head title from "Director of Planning and Building" to "Director of Community Development".

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. Section 211.04(Q) of the Huntington Beach Zoning and Subdivision Ordinance titled C Commercial District is hereby amended to read as follows:

(Q) Development of vacant land or additions of 10,000 square feet or more in floor area; or additions equal to or greater than 50% of the existing building's floor area; or additions to buildings on sites located within 300 feet of a residential zone or use for a permitted use requires approval of a conditional use permit from the Zoning Administrator. The Community Development Director may refer any proposed addition to the Zoning Administrator if the proposed addition has the potential to impact residents or tenants in the vicinity (e.g., increased noise, traffic).

SECTION 2. Section 211.04 of the Huntington Beach Zoning and Subdivision Ordinance titled Commercial District is hereby amended to read as follows:

**211.08 Review of Plans**

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

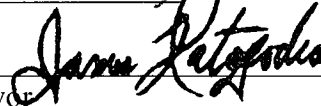
- A. **Zoning Administrator Review.** Projects requiring a conditional use permit from the Zoning Administrator; projects on substandard lots; see Chapter 241.
- B. **Design Review Board.** See Chapter 244.

- C. **Planning Commission.** Projects requiring a conditional use permit from the Planning Commission; see Chapter 241.
- D. **Projects in the Coastal Zone.** A Coastal Development Permit is required unless the project is exempt; see Chapter 245.

SECTION 3. This ordinance shall become effective immediately 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 19<sup>th</sup> day of September, 2016.

Mayor

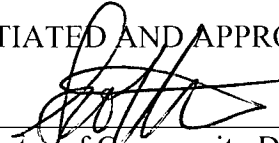


ATTEST:



City Clerk

INITIATED AND APPROVED:



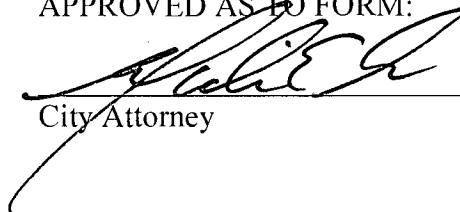
Director of Community Development

REVIEWED AND APPROVED:



City Manager

APPROVED AS TO FORM:



City Attorney

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

I, ROBIN ESTANISLAU, the duly appointed, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a **Regular** meeting thereof held on **September 6, 2016**, and was again read to said City Council at a **Regular** meeting thereof held on **September 19, 2016**, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

**AYES:**           Posey, O'Connell, Katapodis, Hardy, Delgleize, Peterson

**NOES:**           None

**ABSENT:**       Sullivan

**ABSTAIN:**      None

I, Robin Estanislau, CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Huntington Beach Wave on September 29, 2016.

In accordance with the City Charter of said City.

RE Robin Estanislau, City Clerk  
\_\_\_\_\_  
Senior Deputy City Clerk



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

ORDINANCE NO. 4092

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH  
AMENDING SECTIONS 212.04 L-11 C, 212.04 L-12(L), 212.04 L-12 (S) and 212.08 OF THE  
HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE TITLED  
I INDUSTRIAL DISTRICTS  
(ZONING TEXT AMENDMENT NO. 16-001)

WHEREAS, pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Text Amendment No. 16-001, which amends Chapter 212 of the Huntington Beach Zoning and Subdivision Ordinance relating to the amended name of the "Department of Planning and Building" to the "Department of Community Development" and the associated change of the department head title from "Director of Planning and Building" to "Director of Community Development".

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. Section 212.04 L-11 C of the Huntington Beach Zoning and Subdivision Ordinance titled I Industrial Districts is hereby amended to read as follows:

C. Prior to or concurrently with applying for a building permit and/or a certificate of occupancy for the building, the applicant shall submit application for Community Development Department staff review of a sex-oriented business zoning permit with the drawing described in subsection A, a technical site plan, floor plans and building elevations, and application fee. Within 10 days of submittal, the director shall determine if the application is complete. If the application is deemed incomplete, the applicant may resubmit a completed application within 10 days. Within 30 days of receipt of a completed application, the director shall determine if the application complies with the applicable development and performance standards of the Huntington Beach Zoning and Subdivision Ordinance. Said standards include but are not limited to the following:

1. Chapter 203, Definitions; Chapter 212, Industrial Districts; Chapter 230, Site Standards; Chapter 231, Off-Street Parking and Loading Provisions; Chapter 232, Landscape Improvements; and Chapter 236, Nonconforming Uses and Structures.
2. Section 233.08(B), Signs. Signage shall conform to the standards of the Huntington Beach Zoning and Subdivision Ordinance except

- a. Such signs shall contain no suggestive or graphic language, photographs, silhouettes, drawings, statues, monuments, sign shapes or sign projections, or other graphic representations, whether clothed or unclothed, including without limitation representations that depict "specified anatomical areas" or "specified sexual activities"; and
- b. Only the smallest of the signs permitted under Section 233.08(B) shall be visible from any major, primary or secondary arterial street, such streets shall be those designated in the circulation element of the General Plan adopted May 1996, with the exception of Argosy Drive.
- c. Compliance with Huntington Beach Municipal Code Chapter 5.70.

SECTION 2. Section 212.04 L-12(L) of the Huntington Beach Zoning and Subdivision Ordinance titled I Industrial Districts is hereby amended to read as follows:

(L) Development of vacant land and/or additions of 10,000 square feet or more in floor area; or additions equal to or greater than 50% of the existing building's floor area; or additions to buildings on sites located within 300 feet of a residential zone or use for a permitted use requires approval of a conditional use permit from the Zoning Administrator. The Community Development Director may refer any proposed addition to the Zoning Administrator if the proposed addition has the potential to impact residents or tenants in the vicinity (e.g., increased noise, traffic).

SECTION 3. Section 212.04 L-12(S) of the Huntington Beach Zoning and Subdivision Ordinance titled I Industrial Districts is hereby amended to read as follows:

(S) Subject to approval by the Police Department, Public Works Department, and Fire Department and the Community Development Director.

SECTION 4. Section 212.08 of the Huntington Beach Zoning and Subdivision Ordinance titled I Industrial Districts is hereby amended to read as follows:

#### **212.08 Review of Plans**

All applications for new construction and exterior alterations and additions shall be submitted to the Community Development Department for review. Discretionary review shall be required as follows:

- A. **Zoning Administrator Review.** Projects requiring a conditional use permit from the Zoning Administrator; projects including a zero-side yard exception; projects on substandard lots.
- B. **Design Review Board.** See Chapter 244.

C. **Planning Commission.** Projects requiring a conditional use permit from the Commission.

D. **Projects in the Coastal Zone.** A Coastal Development Permit is required unless the project is exempt; see Chapter 245.


SECTION 5. This ordinance shall become effective immediately 30 days after its adoption.

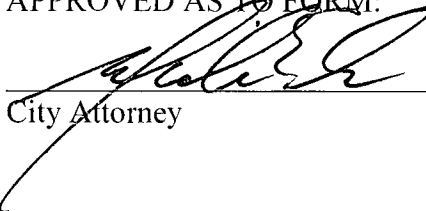
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 19<sup>th</sup> day of September, 2016.

  
\_\_\_\_\_  
Mayor

ATTEST:  
  
\_\_\_\_\_  
City Clerk

INITIATED AND APPROVED:  
  
\_\_\_\_\_  
Director of Community Development

REVIEWED AND APPROVED:  
  
\_\_\_\_\_  
City Manager

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
City Attorney

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

I, ROBIN ESTANISLAU, the duly appointed, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a **Regular** meeting thereof held on **September 6, 2016**, and was again read to said City Council at a **Regular** meeting thereof held on **September 19, 2016**, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

**AYES:**           Posey, O'Connell, Katapodis, Hardy, Delgleize, Peterson

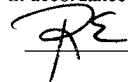
**NOES:**           None

**ABSENT:**       Sullivan

**ABSTAIN:**      None

I, Robin Estanislau, CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Huntington Beach Wave on September 29, 2016.

In accordance with the City Charter of said City.



Robin Estanislau, City Clerk

Senior Deputy City Clerk



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

ORDINANCE NO. 4093

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH  
AMENDING SECTION 213.10 OF THE HUNTINGTON BEACH ZONING AND  
SUBDIVISION ORDINANCE TITLED OS OPEN SPACE DISTRICT  
(ZONING TEXT AMENDMENT NO. 16-001)

WHEREAS, pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Text Amendment No. 16-001, which amends Chapter 213 of the Huntington Beach Zoning and Subdivision Ordinance relating to the amended name of the "Department of Planning and Building" to the "Department of Community Development" and the associated change of the department head title from "Director of Planning and Building" to "Director of Community Development".

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. Section 213.10 of the Huntington Beach Zoning and Subdivision Ordinance titled OS Open Space District is hereby amended to read as follows:

**213.10 Review of Plans**

All applications for new construction and exterior alterations and additions shall be submitted to the Community Development Department for review. Discretionary review shall be required as follows:

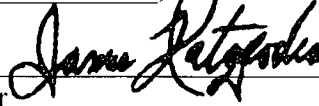
- A. **Zoning Administrator Review.** Projects requiring a conditional use permit from the Zoning Administrator; projects on substandard lots.
- B. **Design Review Board.** See Chapter 244.
- C. **Planning Commission.** Projects requiring a conditional use permit from the Commission.
- D. **Projects in the Coastal Zone.** A Coastal Development Permit is required unless the project is exempt; see Chapter 245.

SECTION 2. This ordinance shall become effective immediately 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 19<sup>th</sup> day of September, 2016.

Mayor

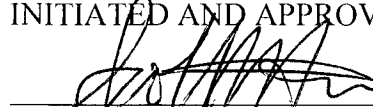


ATTEST:



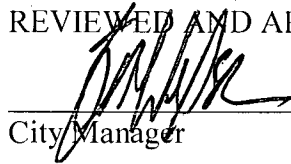
City Clerk

INITIATED AND APPROVED:



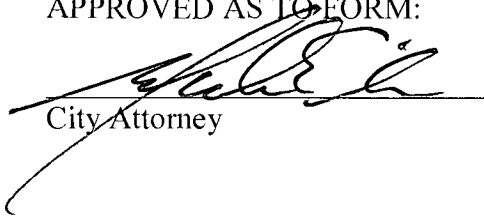
Director of Community Development

REVIEWED AND APPROVED:



City Manager

APPROVED AS TO FORM:



City Attorney

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

I, ROBIN ESTANISLAU, the duly appointed, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a **Regular** meeting thereof held on **September 6, 2016**, and was again read to said City Council at a **Regular** meeting thereof held on **September 19, 2016**, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

**AYES:**           Posey, O'Connell, Katapodis, Hardy, Delgleize, Peterson

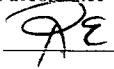
**NOES:**           None

**ABSENT:**       Sullivan

**ABSTAIN:**      None

I, Robin Estanislau, CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Huntington Beach Wave on September 29, 2016.

In accordance with the City Charter of said City.

 Robin Estanislau, City Clerk  
Senior Deputy City Clerk



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

ORDINANCE NO. 4094

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH  
AMENDING SECTIONS 218.02, 218.04(H) AND 218.12 OF THE HUNTINGTON BEACH  
ZONING AND SUBDIVISION ORDINANCE TITLED  
M MIXED USE-TRANSIT CENTER DISTRICT  
(ZONING TEXT AMENDMENT NO. 16-001)

WHEREAS, pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Text Amendment No. 16-001, which amends Chapter 218 of the Huntington Beach Zoning and Subdivision Ordinance relating to the amended name of the "Department of Planning and Building" to the "Department of Community Development" and the associated change of the department head title from "Director of Planning and Building" to "Director of Community Development".

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. Section 218.02 of the Huntington Beach Zoning and Subdivision Ordinance titled M Mixed Use-Transit Center District is hereby amended to read as follows:

**218.02 Mixed Use-Transit Center District Established**

The purpose of the Mixed Use-Transit Center District is to implement the General Plan Land Use Plan mixed-use land use designation. This district provides areas for high density residential and commercial uses within one-quarter mile of established transit centers as determined by the Community Development Director. Transit centers, serving buses or other modes of transportation, are facilities where passengers transfer from one route to another. This district provides for pedestrian-friendly, transit oriented development in areas adjacent to existing transit infrastructure.

SECTION 2. Section 218.04(H) of the Huntington Beach Zoning and Subdivision Ordinance titled M Mixed Use-Transit Center District is hereby amended to read as follows:

(H) Development of vacant land or additions of 10,000 square feet or more in building floor area; or additions equal to or greater than 50% of the existing building's floor area requires approval of a conditional use permit from the Zoning Administrator. The Community Development Director may refer any proposed project to the Zoning Administrator if the proposed project has the potential to impact residents or tenants in the vicinity (e.g. increased noise, traffic).

SECTION 3. Section 218.12 of the Huntington Beach Zoning and Subdivision Ordinance titled M Mixed Use-Transit Center District is hereby amended to read as follows:

**218.12 Review of Plans**


All applications for new construction, initial establishment of use, exterior alterations and additions shall be submitted to the Community Development Department for review.


Discretionary review shall be required as follows:

- A. **Zoning Administrator Review.** Projects requiring a conditional use permit from the Zoning Administrator; projects on substandard lots; see Chapter 241.
- B. **Design Review Board.** See Chapter 244.
- C. **Planning Commission.** Projects requiring a conditional use permit from the Planning Commission; see Chapter 241.
- D. **Projects in the Coastal Zone.** A Coastal Development Permit is required unless the project is exempt; see Chapter 245.


SECTION 4. This ordinance shall become effective immediately 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 17<sup>th</sup> day of September, 2016.

  
\_\_\_\_\_  
Mayor

ATTEST:  
  
\_\_\_\_\_  
City Clerk

INITIATED AND APPROVED:  
  
\_\_\_\_\_  
Director of Community Development

REVIEWED AND APPROVED:  
  
\_\_\_\_\_  
City Manager

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
City Attorney

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

I, ROBIN ESTANISLAU, the duly appointed, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a **Regular** meeting thereof held on **September 6, 2016**, and was again read to said City Council at a **Regular** meeting thereof held on **September 19, 2016**, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

**AYES:**           Posey, O'Connell, Katapodis, Hardy, Delgleize, Peterson

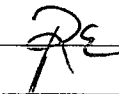
**NOES:**           None

**ABSENT:**        Sullivan

**ABSTAIN:**       None

I, Robin Estanislau, CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Huntington Beach Wave on September 29, 2016.

In accordance with the City Charter of said City.

 Robin Estanislau, City Clerk  
Senior Deputy City Clerk



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

ORDINANCE NO. 4095

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH  
AMENDING SECTION 222.10D OF THE HUNTINGTON BEACH ZONING AND  
SUBDIVISION ORDINANCE TITLED FP FLOODPLAIN OVERLAY DISTRICT  
(FP1, FP2, FP3)  
(ZONING TEXT AMENDMENT NO. 16-001)

WHEREAS, pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Text Amendment No. 16-001, which amends Chapter 222 of the Huntington Beach Zoning and Subdivision Ordinance relating to the amended name of the "Department of Planning and Building" to the "Department of Community Development" and the associated change of the department head title from "Director of Planning and Building" to "Director of Community Development".

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

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

SECTION 1. That Section 222.10D of the Huntington Beach Zoning and Subdivision Ordinance titled FP Floodplain Overlay District (FP1, FP2, FP3) is hereby amended to read as follows:

**D. Designation of Floodplain Administer.** The Director of Community Development is designated to administer, implement, and enforce this chapter by granting or denying development permits in accord with its provisions.

SECTION 2. This ordinance shall become effective immediately 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 19<sup>th</sup> day of September, 2016.

Attest: Adam Stanislaw  
City Clerk

REVIEWED AND APPROVED:  
[Signature]  
City Manager

Mayor James Retegodis  
Mayor

INITIATED AND APPROVED:  
[Signature]  
Director of Community Development

APPROVED AS TO FORM:  
[Signature]  
City Attorney

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

I, ROBIN ESTANISLAU, the duly appointed, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a **Regular** meeting thereof held on **September 6, 2016**, and was again read to said City Council at a **Regular** meeting thereof held on **September 19, 2016**, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

**AYES:**           Posey, O'Connell, Katapodis, Hardy, Delgleize, Peterson

**NOES:**           None

**ABSENT:**       Sullivan

**ABSTAIN:**      None

I, Robin Estanislau, CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Huntington Beach Wave on September 29, 2016.

In accordance with the City Charter of said City.

RS Robin Estanislau, City Clerk  
\_\_\_\_\_  
Senior Deputy City Clerk

*Robin Estanislau*

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

ORDINANCE NO. 4096

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH  
AMENDING SECTIONS 230.10D, 230.22D, 230.46A7, 230.46C10, 230.52J, 230.94, 230.96E1  
OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE TITLED  
SITE STANDARDS  
(ZONING TEXT AMENDMENT NO. 16-001)

WHEREAS, pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Text Amendment No. 16-001, which amends Chapter 230 of the Huntington Beach Zoning and Subdivision Ordinance relating to the amended name of the "Department of Planning and Building" to the "Department of Community Development" and the associated change of the department head title from "Director of Planning and Building" to "Director of Community Development".

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. Section 230.10D of the Huntington Beach Zoning and Subdivision Ordinance titled Site Standards is hereby amended to read as follows:

**D.Covenant.** A covenant with the ownership requirements shall be filed for recordation with the County Recorder within 30 days of Community Development Department plan check approval and issuance of building permits. Evidence of such filing shall be submitted to the director within 30 days of approval.

SECTION 2. Section 230.22D of the Huntington Beach Zoning and Subdivision Ordinance titled Site Standards is hereby amended to read as follows:

**D.Public Notification Requirements.**

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

- a. Name of applicant;
- b. Location of planned development, including street address (if known) and/or lot and tract number;
- c. Nature of the planned development, including maximum height and square footage of each proposed infill dwelling unit;
- d. The City Hall telephone number for the Department of Community Development to call for viewing plans;



- e. The date by which any comments must be received in writing by the Department of Community Development. This date shall be 10 working days from plan check (plan review) submittal; and
- f. The address of the Department of Community Development.

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

SECTION 3. Section 230.46A7 of the Huntington Beach Zoning and Subdivision Ordinance titled Site Standards is hereby amended to read as follows:

7. Each SRO project shall be subject to annual review by the City which includes the review of management services. The management services plan shall define third party verification criteria. The SRO project owner shall be responsible for filing an annual report to the Community Development Department and Office of Business Development, which includes the range of monthly rents, the monthly income of residents, occupancy rates, and the number of vehicles owned by residents.

SECTION 4. Section 230.46C10 of the Huntington Beach Zoning and Subdivision Ordinance titled Site Standards is hereby amended to read as follows:

10. All common indoor space areas shall have posted in a conspicuous location a notice from the Department of Community Development regarding contact procedures to investigate housing code violations.

SECTION 5. Section 230.52J of the Huntington Beach Zoning and Subdivision Ordinance titled Site Standards is hereby amended to read as follows:

J. A Safety and Security Plan shall be submitted to the Director of Community Development for review and approval. The site-specific Safety and Security Plan shall describe the following:

- 1. Both on- and off-site needs, including, but not limited to, the separation of individual male and female sleeping areas, provisions of family sleeping areas, and associated provisions of management.
- 2. Specific measures targeting the minimizing of client congregation in the vicinity of the facility during hours that clients are not allowed on-site. Goals and objectives are to be established to avoid disruption of adjacent and nearby uses.
- 3. Provisions of a system of management for daily admittance and discharge procedures.
- 4. Any counseling programs are to be provided with referrals to outside assistance agencies, and provide an annual report on a facility's activity to the City.
- 5. Clients are to be appropriately screened for admittance eligibility.

6. Refuse collections schedule to provide the timely removal of associated client litter and debris on and within the vicinity of the facility.

SECTION 6. Section 230.94 of the Huntington Beach Zoning and Subdivision Ordinance titled Site Standards is hereby amended to read as follows:

### **230.94 Carts and Kiosks**

Carts and kiosks may be permitted on private property zoned for commercial purposes, subject to approval by the Community Development Director and compliance with this section. Carts and kiosks may be permitted as a temporary use on public property subject to specific event approval pursuant to Chapter 5.68.

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

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

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

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

**C. Operating Requirements—Provisions and Conditions.**

1. During hours of operation, the cart or kiosk must remain in the location specified on the approved site plan.
2. A cart or kiosk operator shall not sell to or solicit from motorists or persons in vehicles.
3. The cart or kiosk operator shall pay all fees and deposits required by the Huntington Beach Municipal Code prior to the establishment of the use.
4. All provisions of the Huntington Beach Municipal Code which are not in conflict with this section shall apply.
5. The prices of items sold from a cart or kiosk must appear in a prominent, visible location in legible characters. The price list size and location shall be reviewed and approved by the Community Development Director.
6. The sale of alcoholic beverages shall be prohibited.
7. The number of employees at a cart or kiosk shall be limited to a maximum of two persons at any one time.
8. Fire extinguishers may be required at the discretion of the Fire Department.
9. All cart and kiosk uses shall be self contained for water, waste, and power to operate.
10. A cart or kiosk operator shall provide a method approved by the Community Development Director for disposal of business related wastes.

**D. Parking.** Additional parking may be required for cart or kiosk uses by the Community Development Director.

**E. Review; Revocation.** The Department of Community Development shall conduct a review of the cart or kiosk operation at the end of the first six-month period of operation. At that time, if there has been a violation of the terms and conditions of this section or the approval, the approval shall be considered for revocation.

**F. Neighborhood Notification.** Pursuant to Chapter 241.

SECTION 7. Section 230.96E1 of the Huntington Beach Zoning and Subdivision Ordinance titled Site Standards is hereby amended to read as follows:

**E. Process to Install and Operate Wireless Communication Facilities.** No facility shall be installed anywhere in the City without first securing either a wireless permit or a conditional use permit as required below.

1. Wireless Permit Application. The applicant shall apply to the Community Development Department for a wireless permit by submitting a completed wireless permit application ("application") and paying all required fees. The application shall be in the form approved by the Director, and at a minimum shall provide the following information:
  - a. Precise location of the facility.
  - b. Evidence that the facility is compatible with the surrounding environment or that the facility is architecturally integrated into a structure.

- c. Evidence that the facility is screened or camouflaged by existing or proposed topography, vegetation, buildings or other structures as measured from beyond the boundaries of the site at eye level (six feet).
- d. Evidence that the massing and location of the proposed facility are consistent with surrounding structures and zoning districts.
- e. Evidence that no portion of the facility will encroach over property lines.
- f. Property owner authorization or evidence of fee ownership of property where the facility will be installed. In the case of City-owned property or any public right-of-way, the applicant shall provide a license, lease, franchise, or other similar agreement from the City to place any facility over, within, on, or beneath City property or right-of-way.
- g. Locations of all other wireless antennas within 1,000 feet of a proposed ground mounted facility. Co-location of ground mounted facilities shall be required where feasible whenever such a facility is proposed within 1,000 feet of any existing wireless antenna.
- h. Any other relevant information as required by the Director of Community Development.

The Community Development Department will initially review and determine if the application is complete. The City may deem the application incomplete and require re-submittal if any of the above information is not provided.

SECTION 8. This ordinance shall become effective immediately 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 19<sup>th</sup> day of September 2016.

Adam Estanislau  
City Clerk

REVIEWED AND APPROVED:  
[Signature]  
City Manager

[Signature]  
Mayor  
INITIATED AND APPROVED:  
[Signature]  
Director of Community Development

APPROVED AS TO FORM:  
[Signature]  
City Attorney

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

I, ROBIN ESTANISLAU, the duly appointed, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a **Regular** meeting thereof held on **September 6, 2016**, and was again read to said City Council at a **Regular** meeting thereof held on **September 19, 2016**, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

**AYES:**           Posey, O'Connell, Katapodis, Hardy, Delgleize, Peterson

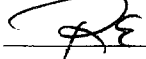
**NOES:**           None

**ABSENT:**       Sullivan

**ABSTAIN:**      None

I, Robin Estanislau, CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Huntington Beach Wave on September 29, 2016.

In accordance with the City Charter of said City.

 Robin Estanislau, City Clerk  
\_\_\_\_\_  
Senior Deputy City Clerk



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

ORDINANCE NO. 4097

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH  
AMENDING SECTION 233.04 OF THE HUNTINGTON BEACH ZONING AND  
SUBDIVISION ORDINANCE TITLED SIGNS  
(ZONING TEXT AMENDMENT NO. 16-001)

WHEREAS, pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Text Amendment No. 16-001, which amends Chapter 233 of the Huntington Beach Zoning and Subdivision Ordinance relating to the amended name of the "Department of Planning and Building" to the "Department of Community Development" and the associated change of the department head title from "Director of Planning and Building" to "Director of Community Development".

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:

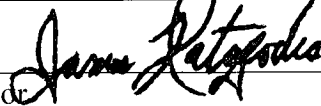
SECTION 1. Section 233.04 of the Huntington Beach Zoning and Subdivision Ordinance titled Signs is hereby amended to read as follows:

**233.04 Permits Required**

Sign permits are required for all signs, unless expressly exempted under Section 233.08 or otherwise provided by this Code. A building permit application for a new sign or change in sign panel/face shall be approved by the Planning Division prior to installation and issuance of a building permit by the Building and Safety Division.

SECTION 2. This ordinance shall become effective immediately 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 19<sup>th</sup> day of September, 2016.

  
\_\_\_\_\_  
Mayor


ATTEST:

  
\_\_\_\_\_  
City Clerk

INITIATED AND APPROVED:

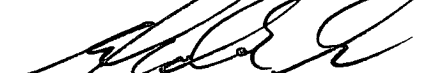
  
\_\_\_\_\_  
Director of Community Development

REVIEWED AND APPROVED:

  
\_\_\_\_\_  
City Manager

RLS 5/24/16/16-5265/137703/DO

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

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

I, ROBIN ESTANISLAU, the duly appointed, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a **Regular** meeting thereof held on **September 6, 2016**, and was again read to said City Council at a **Regular** meeting thereof held on **September 19, 2016**, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

**AYES:**           Posey, O'Connell, Katapodis, Hardy, Delgleize, Peterson

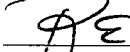
**NOES:**           None

**ABSENT:**       Sullivan

**ABSTAIN:**      None

I, Robin Estanislau, CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Huntington Beach Wave on September 29, 2016.

In accordance with the City Charter of said City.

 Robin Estanislau, City Clerk  
Senior Deputy City Clerk



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

ORDINANCE NO. 4098

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH  
AMENDING SECTION 241.24 OF THE HUNTINGTON BEACH ZONING AND  
SUBDIVISION ORDINANCE TITLED CONDITIONAL USE PERMITS AND VARIANCES –  
TEMPORARY USE PERMITS – WAIVER OF DEVELOPMENT STANDARDS  
(ZONING TEXT AMENDMENT NO. 16-001)

WHEREAS, pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Text Amendment No. 16-001, which amends Chapter 241 of the Huntington Beach Zoning and Subdivision Ordinance relating to the amended name of the “Department of Planning and Building” to the “Department of Community Development” and the associated change of the department head title from “Director of Planning and Building” to “Director of Community Development”.

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

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

SECTION 1. That Section 241.24 of the Huntington Beach Zoning and Subdivision Ordinance titled Conditional Use Permits and Variances – Temporary Use Permits – Waiver of Development Standards is hereby amended to read as follows:

**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 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. The Community Development 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 Community Development Department and City appeal procedures.



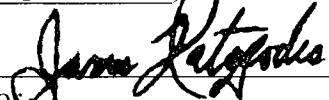
6. The Community Development Department shall receive entire list including name and address of those receiving the mailing.

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.

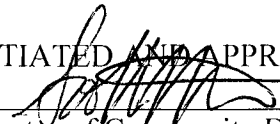
D. **Appeals.** The director's decision may be appealed in accord with Chapter 248.

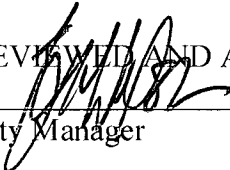
SECTION 2. This ordinance shall become effective immediately 30 days after its adoption.

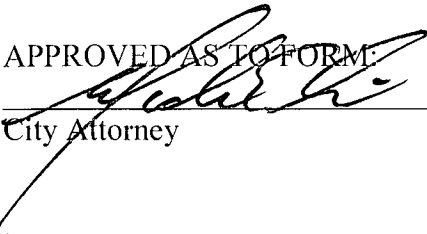
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 19<sup>th</sup> day of September, 2016.

  
\_\_\_\_\_  
Mayor

ATTEST:  
  
\_\_\_\_\_  
City Clerk

INITIATED AND APPROVED:  
  
\_\_\_\_\_  
Director of Community Development

REVIEWED AND APPROVED:  
  
\_\_\_\_\_  
City Manager

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
City Attorney

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

I, ROBIN ESTANISLAU, the duly appointed, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a **Regular** meeting thereof held on **September 6, 2016**, and was again read to said City Council at a **Regular** meeting thereof held on **September 19, 2016**, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

**AYES:**           Posey, O'Connell, Katapodis, Hardy, Delgleize, Peterson

**NOES:**           None

**ABSENT:**       Sullivan

**ABSTAIN:**      None

I, Robin Estanislau, CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Huntington Beach Wave on September 29, 2016.

In accordance with the City Charter of said City.

RE Robin Estanislau, City Clerk  
\_\_\_\_\_  
Senior Deputy City Clerk



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

ORDINANCE NO. 4099

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH  
AMENDING SECTION 245.32 OF THE HUNTINGTON BEACH ZONING AND  
SUBDIVISION ORDINANCE TITLED COASTAL DEVELOPMENT PERMIT  
(ZONING TEXT AMENDMENT NO. 16-001)

WHEREAS, pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Text Amendment No. 16-001, which amends Chapter 245 of the Huntington Beach Zoning and Subdivision Ordinance relating to the amended name of the "Department of Planning and Building" to the "Department of Community Development" and the associated change of the department head title from "Director of Planning and Building" to "Director of Community Development".

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. Section 245.32 of the Huntington Beach Zoning and Subdivision Ordinance titled Coastal Development Permit is hereby amended to read as follows:

**245.32 Appeals**

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

A. Action by the Zoning Administrator or Planning Commission to approve, conditionally approve, or deny any Coastal Development Permit may be appealed on or before the 10th working day following such action. Action by the Zoning Administrator may be appealed to the Planning Commission. Action by the Planning Commission may be appealed to the City Council. Appeals may be made directly to the Coastal Commission pursuant to Sections 13111 and 13573 of the California Code of Regulations for appealable development.

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

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

D. An appeal to the Planning Commission shall be filed with the Community Development Department. An appeal to the City Council shall be filed with the City Clerk. The appeal shall be accompanied by a fee set by resolution of the City Council and a statement of the grounds for the appeal.

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

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

SECTION 2. This ordinance shall become effective immediately 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 19<sup>th</sup> day of September, 2016.

Mayor

INITIATED AND APPROVED:

Director of Community Development

ATTEST:

City Clerk

REVIEWED AND APPROVED:

City Manager

APPROVED AS TO FORM:

City Attorney

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

I, ROBIN ESTANISLAU, the duly appointed, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a **Regular** meeting thereof held on **September 6, 2016**, and was again read to said City Council at a **Regular** meeting thereof held on **September 19, 2016**, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

**AYES:**           Posey, O'Connell, Katapodis, Hardy, Delgleize, Peterson


**NOES:**           None


**ABSENT:**       Sullivan

**ABSTAIN:**      None

I, Robin Estanislau, CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Huntington Beach Wave on September 29, 2016.

In accordance with the City Charter of said City.

 Robin Estanislau, City Clerk  
Senior Deputy City Clerk

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

ORDINANCE NO. 4100

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH  
AMENDING SECTION 246.04 OF THE HUNTINGTON BEACH ZONING AND  
SUBDIVISION ORDINANCE TITLED DEVELOPMENT AGREEMENTS  
(ZONING TEXT AMENDMENT NO. 16-001)

WHEREAS, pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Text Amendment No. 16-001, which amends Chapter 246 of the Huntington Beach Zoning and Subdivision Ordinance relating to the amended name of the "Department of Planning and Building" to the "Department of Community Development" and the associated change of the department head title from "Director of Planning and Building" to "Director of Community Development".

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. Section 246.04 of the Huntington Beach Zoning and Subdivision Ordinance titled Development Agreements is hereby amended to read as follows:

**246.04 Application Requirements**

A. An applicant may propose that the City consider entering into a development agreement pursuant to Title 7, Chapter 4, Article 2.5 of the Government Code, commencing with Section 65864, by filing an application with the Department of Community Development. All agreement provisions are subject to modification or suspension as set forth in Title 7, Chapter 4, Article 2.5, of the Government Code, commencing with Section 65864.

B. The application shall be accompanied by the following:

1. A proposed agreement, which shall contain the following:

- a. A legal description of the property sought to be covered by the agreement;
- b. A statement of concurrence in the application by the owner if the applicant is not the fee owner;
- c. A description of the proposed uses, height and size of building(s), density or intensity of use, and provision for reservation or dedication of land for public purposes;
- d. A statement of terms and conditions related to applicant financing of public facilities and required improvements;

- e. All proposed conditions, terms, restrictions and requirements for subsequent City discretionary actions;
  - f. A statement specifying which rights are intended to vest on the effective date of the agreement, and the timing and sequence of subsequent discretionary approvals and vesting of rights;
  - g. The proposed time when construction would be commenced and completed for the entire project and any proposed phrases; and
  - h. The termination date for the agreement.
- 2. Such other information as the director may require by policy or to satisfy other requirements of law.
  - 3. The required fee.

SECTION 2. This ordinance shall become effective immediately 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 19<sup>th</sup> day of September 2016.

\_\_\_\_\_  
Mayor *Jane Ratzke*

ATTEST:  
\_\_\_\_\_  
City Clerk *Don Estanislau*

INITIATED AND APPROVED:  
\_\_\_\_\_  
Director of Community Development

REVIEWED AND APPROVED:  
\_\_\_\_\_  
City Manager

APPROVED AS TO FORM:  
\_\_\_\_\_  
City Attorney

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

I, ROBIN ESTANISLAU, the duly appointed, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a **Regular** meeting thereof held on **September 6, 2016**, and was again read to said City Council at a **Regular** meeting thereof held on **September 19, 2016**, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

**AYES:**           Posey, O'Connell, Katapodis, Hardy, Delgleize, Peterson

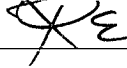
**NOES:**           None

**ABSENT:**       Sullivan

**ABSTAIN:**      None

I, Robin Estanislau, CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Huntington Beach Wave on September 29, 2016.

In accordance with the City Charter of said City.

 Robin Estanislau, City Clerk  
Senior Deputy City Clerk



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



ORDINANCE NO. 4101

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH  
AMENDING SECTION 250.12 F OF THE HUNTINGTON BEACH ZONING AND  
SUBDIVISION ORDINANCE TITLED GENERAL PROVISIONS  
(ZONING TEXT AMENDMENT NO. 16-001)

WHEREAS, pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Text Amendment No. 16-001, which amends Chapter 250 of the Huntington Beach Zoning and Subdivision Ordinance relating to the amended name of the "Department of Planning and Building" to the "Department of Community Development" and the associated change of the department head title from "Director of Planning and Building" to "Director of Community Development".

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. Section 250.12 F of the Huntington Beach Zoning and Subdivision Ordinance titled General Provisions is hereby amended to read as follows:

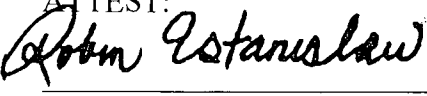
F. **Director.** The director's responsibilities shall include the processing of tentative maps and lot line adjustments.

1. Determinations of violations of the provisions of the Subdivision Map Act or this title.
2. The management of the Department of Community Development 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.

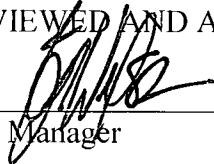
SECTION 2. This ordinance shall become effective immediately 30 days after its adoption.

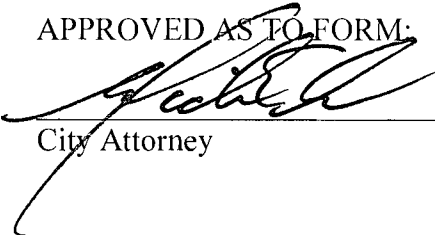
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 19<sup>th</sup> day of September, 2016.

  
\_\_\_\_\_  
Mayor

ATTEST:  
  
\_\_\_\_\_  
City Clerk

INITIATED AND APPROVED:  
  
\_\_\_\_\_  
Director of Community Development

REVIEWED AND APPROVED:  
  
\_\_\_\_\_  
City Manager

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
City Attorney

Ord. No. 4101

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

I, ROBIN ESTANISLAU, the duly appointed, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a **Regular** meeting thereof held on **September 6, 2016**, and was again read to said City Council at a **Regular** meeting thereof held on **September 19, 2016**, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

**AYES:**           Posey, O'Connell, Katapodis, Hardy, Delgleize, Peterson

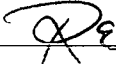
**NOES:**           None

**ABSENT:**        Sullivan

**ABSTAIN:**       None

I, Robin Estanislau, CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Huntington Beach Wave on September 29, 2016.

In accordance with the City Charter of said City.

 Robin Estanislau, City Clerk  
Senior Deputy City Clerk



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

ORDINANCE NO. 4102

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH  
AMENDING SECTION 257.08 OF THE HUNTINGTON BEACH ZONING AND  
SUBDIVISION ORDINANCE TITLED MERGERS  
(ZONING TEXT AMENDMENT NO. 16-001)

WHEREAS, pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Text Amendment No. 16-001, which amends Chapter 257 of the Huntington Beach Zoning and Subdivision Ordinance relating to the amended name of the "Department of Planning and Building" to the "Department of Community Development" and the associated change of the department head title from "Director of Planning and Building" to "Director of Community Development".

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. Section 257.08 of the Huntington Beach Zoning and Subdivision Ordinance titled Mergers is hereby amended to read as follows:

**257.08 Determination of Merger**

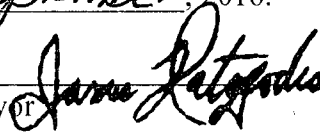
A. If the director makes a determination that the parcels are to be merged, a Notice of Merger shall be filed for record with the County Recorder by the director within 30 days of the conclusion of the hearing, unless the decision has been appealed pursuant to Section 257.10. The Notice of Merger shall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

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

SECTION 2. This ordinance shall become effective immediately 30 days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 19th day of September, 2016.

Mayor

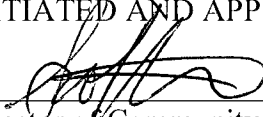


ATTEST:



City Clerk

INITIATED AND APPROVED:



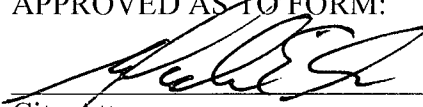
Director of Community Development

REVIEWED AND APPROVED:



City Manager

APPROVED AS TO FORM:



City Attorney

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

I, ROBIN ESTANISLAU, the duly appointed, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a **Regular** meeting thereof held on **September 6, 2016**, and was again read to said City Council at a **Regular** meeting thereof held on **September 19, 2016**, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

**AYES:**           Posey, O'Connell, Katapodis, Hardy, Delgleize, Peterson

**NOES:**           None

**ABSENT:**       Sullivan

**ABSTAIN:**      None

I, Robin Estanislau, CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Huntington Beach Wave on September 29, 2016.

In accordance with the City Charter of said City.

RE Robin Estanislau, City Clerk  
\_\_\_\_\_  
Senior Deputy City Clerk



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

ORDINANCE NO. 4103

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH  
AMENDING SECTION 214.10 OF THE HUNTINGTON BEACH ZONING AND  
SUBDIVISION ORDINANCE TITLED PS PUBLIC-SEMIPUBLIC DISTRICT  
(ZONING TEXT AMENDMENT NO. 16-001)

WHEREAS, pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Text Amendment No. 16-001, which amends Chapter 214 of the Huntington Beach Zoning and Subdivision Ordinance relating to the amended name of the "Department of Planning and Building" to the "Department of Community Development" and the associated change of the department head title from "Director of Planning and Building" to "Director of Community Development".

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. Section 214.10 of the Huntington Beach Zoning and Subdivision Ordinance titled PS Public-Semipublic District is hereby amended to read as follows:

**214.10 Review of Plans**

All applications for new construction and exterior alterations and additions shall be submitted to the Community Development Department for review. Discretionary review shall be required for projects requiring conditional use permits. Design Review shall be required for all projects except temporary uses pursuant to Chapter 244. A Coastal Development Permit is required for projects in the Coastal Zone unless the project is exempt (see Chapter 245).

SECTION 2. This ordinance shall become effective immediately 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 19<sup>th</sup> day of September 2016.

Mayor

ATTEST:

INITIATED AND APPROVED:

City Clerk

Director of Community Development

REVIEWED AND APPROVED:

APPROVED AS TO FORM:

City Manager

City Attorney

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

I, ROBIN ESTANISLAU, the duly appointed, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a **Regular** meeting thereof held on **September 6, 2016**, and was again read to said City Council at a **Regular** meeting thereof held on **September 19, 2016**, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

**AYES:**           Posey, O'Connell, Katapodis, Hardy, Delgleize, Peterson

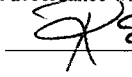
**NOES:**           None

**ABSENT:**       Sullivan

**ABSTAIN:**      None

I, Robin Estanislau, CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Huntington Beach Wave on September 29, 2016.

In accordance with the City Charter of said City.

 Robin Estanislau, City Clerk  
Senior Deputy City Clerk



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



ORDINANCE NO. 4136

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH  
AMENDING CHAPTER 230 OF THE HUNTINGTON BEACH  
ZONING AND SUBDIVISION ORDINANCE RELATING TO  
WIRELESS COMMUNICATIONS FACILITIES  
(ZONING TEXT AMENDMENT NO. 17-003)

WHEREAS, pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Text Amendment No. 17-003, which amends Chapter 230 of the Huntington Beach Zoning and Subdivision Ordinance relating to wireless communication facilities; 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. Section 230.96 of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to read as follows:

**230.96 Wireless Communication Facilities**

**A. Purpose.** This section of the Zoning Code is to protect public safety, general welfare, and quality of life by regulating the location, height and physical characteristics and provide for orderly and efficient placement of Wireless Communication Facilities in the City of Huntington Beach.

Because of the potential negative aesthetic impacts of Wireless Communication Facilities, including visual blight and diminution of property value, the City endeavors to locate antennas within commercial, industrial and other non-residential zones, screen them from view, and encourage co-location with other Wireless Communication Facilities. However, the Federal Telecommunications Act, specifically 47 U.S.C. Section 332(c)(7), preempts local zoning where a wireless Facility is necessary to remedy a significant gap in the wireless provider's service. Consequently, where the City determines that the Facility does not satisfy City planning and zoning standards, the wireless provider may then choose to establish Federal preemption because (i) a significant gap in wireless coverage exists, and (ii) there is a lack of feasible alternative site locations. A myriad of factors are involved in determining if a gap is significant, such as: whether the gap affects a commuter highway; the nature and character of the area and the number of potential users affected by the alleged lack of service; whether the signal is weak or nonexistent and whether the gap affects a commercial district. Consequently, the City will require scientific evidence from an expert

in the field demonstrating the existence of a significant gap in service, and a lack of feasible alternative sites. The applicant will be required to pay for the cost of said expert opinion.

**B. Definitions.** For the purpose of this section, the following definitions for the following terms shall apply:

1. Accessory Structure. Any structure or equipment that is to be located ancillary to an antenna or antennas in the establishment and operation of a Wireless Communication Facility.
2. City Property. Property owned by the City of Huntington Beach, excluding any public right-of-way.
3. Co-Location or Co-Located. The location or placement of multiple Wireless Communication Facilities which are either owned or operated by more than one service provider at a single location and mounted to a common supporting structure, wall or building.
4. Completely Stealth. Any Wireless Communication Facility that has been designed to completely screen all aspects of the Facility including appurtenances and equipment from public view. Examples of completely stealth facilities may include, but are not limited to, architecturally screened roof mounted antennas, façade mounted antennas treated as architectural elements to blend in with the existing building, church steeples, fire towers, and flag poles and light standards of a typical diameter.
5. Data Collection Unit ("DCU"). A Wireless Communication Facility comprised of a collection unit, a solar panel and whip antennas used for receiving and/or transmitting wireless signals from distributed gas and water data collector meters, which is a stand-alone Facility not connected via fiber optic or other physical wiring to any other Facility. No Wireless Communication Facility operated by an electric corporation, a telephone corporation, a personal wireless service provider, a commercial mobile service provider or a mobile telephone service provider shall be considered a DCU.  
Size: Solar panels not larger than seven square feet, whip antennas not longer than 40 inches, and collection units not larger than 1.5 cubic feet. DCUs shall be designed to blend into the surrounding environment and minimize the visual appearance by matching the color of the poles or buildings where the DCU is located.
6. Ground Mounted Facility. Any Wireless Antenna that is affixed to a pole, tower or other freestanding structure that is specifically constructed for the purpose of supporting an antenna.
7. Microwave Communication. The transmission or reception of radio communication at frequencies of a microwave signal (generally, in the three GHz to 300 GHz frequency spectrum).
8. Modified Facility. An existing Wireless Communication Facility where the antennas and/or supporting structure are proposed to be altered in any way from their existing condition, including like-for-like replacement but excluding co-location.
9. Pre-existing Wireless. Any Wireless Communication Facility for which a building permit or conditional use permit has been properly issued prior to the effective date of this section, including permitted Wireless Antennas that have not yet been constructed so long as such approval is current and not expired.

10. Public Right-of-Way. The area across, along, beneath, in, on, over, under, upon, and within the dedicated public alleys, boulevards, courts, lanes, places, roads, sidewalks, streets, ways, private streets with public access easements within the City's boundaries, and City-owned properties, as they now exist or hereafter will exist.

11. Roof Mounted. Any Wireless Antenna directly attached or affixed to the roof of an existing building, water tank, tower or structure other than a telecommunications tower.

12. Small Cell Site. Equipment at a node/location that transmits and/or provides connection to a mobile communication system. Visible equipment at a small cell site shall be no larger than four cubic feet per location/site (excluding antennae) with a maximum of two antennas per location/site and may be affixed to an existing pole including a light standard. In addition, to qualify as a Small Cell Site, it must comply with public works design standards.

13. Stealth Techniques. Any Wireless Communication Facility, including any appurtenances and equipment, which is designed to blend into the surrounding environment. Examples of stealth technique include, but are not limited to, monopoles/monopines.

14. Utility Mounted. Any Wireless Antenna mounted to an existing aboveground structure specifically designed and originally installed to support utilities, such as, but not limited to, electrical power lines, cable television lines, telephone lines, non-commercial wireless service antennas, radio antennas, street lighting but not traffic signals, recreational facility lighting, or any other utility which meets the purpose and intent of this definition.

15. Wall Mounted. Any Wireless Antenna mounted on any vertical or nearly vertical surface of a building or other existing structure that is not specifically constructed for the purpose of supporting an antenna (including the exterior walls of a building, an existing parapet, the side of a water tank, the face of a church steeple, or the side of a freestanding sign) such that the highest point of the antenna structure is at an elevation equal to or lower than the highest point of the surface on which it is mounted.

16. Wireless Communication Facility or Facility or Wireless Antenna. Any antenna, structure, or device any way named and any appurtenant facilities or equipment that transmits electronic waves or is used for the transmission or receipt of waves or signals that are used in connection with the provision of wireless communication service, including, but not limited to, Small Cell Sites, digital, cellular and radio service.

**C. Applicability.** This section shall apply to all Wireless Communication Facilities which are erected, located, placed or modified within the City of Huntington Beach.

**D. Exceptions.** The following Wireless Communication Facilities shall be exempt from this section.

1. Any Facility, which is subject to a previously approved and valid entitlement, may be modified within the scope of the applicable permit without complying with these regulations. However, modifications outside the scope of a valid entitlement or any modification to an existing Facility that has not been approved or entitled is subject to the requirements of the City's existing wireless ordinance.

2. Any antenna structure that is one meter (39.37 inches) or less in diameter that is designed to receive direct broadcast satellite service, including direct-to-home satellite service for television purposes, as defined by Section 207 of the Telecommunication Act of 1996, Title 47 of the Code of Federal Regulations, and any interpretive decisions thereof.
3. Any antenna structure that is two meters (78.74 inches) or less in diameter located in commercial or industrial zones and is designed to transmit or receive radio communication by satellite antenna.
4. Any antenna structure that is one meter (39.37 inches) or less in diameter or diagonal measurement and is designed to receive multipoint distribution service, provided that no part of the antenna structure extends more than five feet above the principle building on the same lot.
5. Any antenna structure used by authorized amateur radio stations licensed by the FCC.
6. Any data collection unit (DCU) on existing poles, or on any new poles within the public right-of-way or on City property. DCUs shall comply with setback and height requirements for the zone in which they are located. In addition, all DCUs must comply with all City Municipal Code requirements, including, but not limited to, Chapter 12.38 regarding encroachments and Chapter 17.64 regarding undergrounding of utilities. DCUs shall be at least 500 feet from another DCU within the same network.

**E. Process to Install and Operate Wireless Communication Facilities.** No Facility shall be installed anywhere in the City without first securing either a wireless permit or a conditional use permit as required below.

1. Wireless Permit Application. The applicant shall initially apply to the Community Development Department or the Public Works Department for a wireless permit.

If the request is to install a Wireless Communication Facility on a City owned facility including the public right-of-way, the applicant shall submit a completed wireless permit application ("application") and pay all required fees to the Public Works Department. All other wireless permit applications shall be submitted to the Community Development Department. The application shall be in the form approved by the Community Development Director or the Public Works Director, and at a minimum shall provide the following information:

- a. Precise location of the Facility.
- b. Evidence that the Facility is compatible with the surrounding environment or that the Facility is architecturally integrated into a structure.
- c. Evidence that the Facility is screened or camouflaged by existing or proposed topography, vegetation, buildings or other structures as measured from beyond the boundaries of the site at eye level (six feet).
- d. Evidence that the massing and location of the proposed Facility are consistent with surrounding structures and zoning districts.
- e. Evidence that no portion of the Facility will encroach over property lines.

f. Property owner authorization or evidence of fee ownership of property where the Facility will be installed. In the case of City-owned property or any public right-of-way, the applicant shall provide a license, lease, franchise, or other similar agreement from the City to place any Facility over, within, on, or beneath City property or right-of-way.

g. Locations of all other Wireless Antennas within 1,000 feet of a proposed ground mounted Facility. Co-location of ground mounted facilities shall be required where feasible whenever such a Facility is proposed within 1,000 feet of any existing Wireless Antenna.

h. Any other relevant information as required by the Director of Community Development or the Director of Public Works.

The Community Development Department or Public Works Department will initially review and determine if the application is complete. The City may deem the application incomplete and require re-submittal if any of the above information is not provided.

2. Director Approval. Following submittal of a complete application, the City will determine whether the Facility may be approved by the Community Development Director or Public Works Director or whether a conditional use permit or other entitlement is required. Wireless permit applications will be processed based upon the location and type and size of antennas defined in herein. Although said classifications are assigned at project intake, a re-evaluation of antenna classifications may occur at any point in the process including at the time of review by the Director, Zoning Administrator, Planning Commission or City Council.

A Facility not subject to any other discretionary approval may be administratively approved by the Director by issuing a wireless permit if it is:

a. Co-located on an existing approved wireless Facility, does not exceed the existing Wireless Facility heights, and employs stealth techniques such that the co-located wireless Facility is compatible with surrounding buildings and land uses; or

b. A modified Facility that complies with the base district height limit plus up to an additional 10 feet of height as permitted in Section 230.72 and compatible with surrounding buildings and land uses by incorporating stealth techniques; or

c. A Facility that complies with the base district height limit plus up to an additional 10 feet of height as permitted in Section 230.72, is completely stealth and is not ground or utility mounted; or

d. A Small Cell Site.

The Director may require conditions of approval of the Wireless Communication Facility in order to minimize adverse health, safety and welfare impacts (including aesthetic impacts) to the community.

A decision of the Director to grant a wireless permit shall become final 10 days following the date of the decision unless an appeal to the Planning Commission is filed as provided in Chapter 248 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO).

The Director shall issue findings of approval that the Facility meets the above criteria and is not a detriment to the health, safety and welfare of the community.

3. Zoning Administrator Approval. In the event the Director determines that the applicant does not meet the requirements for Director approval of a wireless permit, then the applicant must apply for a conditional use permit (CUP) to the Zoning Administrator pursuant to Chapter 241 of the HBZSO.

Notwithstanding any other provisions of the HBZSO, any new ground or utility mounted wireless facilities shall be required to obtain a CUP.

The Zoning Administrator may require as a condition of approval that the applicant minimize adverse impacts to the community including aesthetic visual impacts by incorporating one or more of the following into project design and construction:

- a. Completely stealth installations;
- b. Stealth techniques;
- c. Co-location and locating facilities within existing building envelopes,
- d. Colorization or landscaping to minimize visual prominence; and/or
- e. Removal or replacement of facilities that are obsolete.

Further conditions of approval of a CUP may be imposed as provided in Chapter 241 of the HBZSO. The Zoning Administrator's decision may be appealed to the Planning Commission in accordance with Chapter 248 of the HBZSO.

4. Design Review. Design review shall be required for any Wireless Communication Facilities pursuant to the HBZSO. In addition, Wireless Communication Facilities located on public rights-of-way and on or within 300 feet of a residential district or use in the City shall be required to obtain design review approval.

Notwithstanding any other provisions of the HBZSO, design review is not required for wireless communication facilities (including Small Cell Sites) that may be approved by the Director pursuant to Subsection E.2 (Director Approval) above and have all appurtenant facilities and equipment located underground or within an existing building or existing enclosure.

**F. Applicant May Assert Federal Preemption at Time of Appeal to Planning Commission.**

1. If the decision on the wireless permit or conditional use permit is appealed (either by applicant or an aggrieved party) to the Planning Commission, the applicant may assert that Federal law preempts the City from denying the application because denial would effectively prohibit wireless service. The applicant shall pay a Denial of Effective Service appeal fee in an amount to be established by City Council resolution, which amount shall be the estimated cost for the City to retain an independent, qualified consultant to evaluate any technical aspect of a proposed Wireless Communication Facility, including, but not limited to, issues involving whether a significant gap in coverage exists. A Denial of Effective Service appeal must be submitted prior to the expiration of the appeal period for a wireless permit or conditional use permit.

2. The Director shall establish the form of the Denial of Effective Service appeal. At a minimum, the applicant shall provide the following information as part of the appeal: In order to prevail in establishing a significant gap in coverage claim the applicant shall establish at minimum the following based upon substantial evidence:

- a. Evidence demonstrating the existence and nature of a significant gap in service in the vicinity of the proposed Facility, including, but not limited to, whether the gap pertains to residential in-building, commercial in-building coverage, in-vehicle coverage, and/or outdoor coverage.
- b. Evidence demonstrating that the applicant has pursued other feasible sites for locating the Facility, but that they are unavailable on commercially practicable terms.
- c. Evidence demonstrating the radio frequency signal strength transmission requirements and objectives that the applicant has established for the Southern California region, and for the City of Huntington Beach.
- d. Radio frequency propagation maps demonstrating actual transmission levels in the vicinity of the proposed Facility site, and any alternative sites considered.
- e. Radio frequency drive tests demonstrating actual transmission levels in the vicinity of the proposed Facility site, and any alternative sites considered.
- f. Reports regarding the applicant's monthly volume of mobile telephone calls completed, not completed, dropped, handed-off, not handed-off, originated and not originated for the signal area to be covered by the proposed Facility.
- g. Any proprietary information disclosed to the City or the consultant is deemed not to be a public record, and shall remain confidential and not be disclosed to any third party without the express consent of the applicant, unless otherwise required by law. In the event the applicant does not provide this information, the City may conclusively presume that no Denial of Effective Service exists.

All of the information noted above shall be submitted to the City within 30 days of the filing of the Denial of Effective Service appeal unless an extension is granted by the Director.

3. The Denial of Effective Service appeal shall be considered concurrently with the wireless permit or CUP appeal hearing before the Planning Commission. Prior to the scheduling of the public hearing on the wireless permit or CUP appeal, the City Attorney shall be authorized to issue administrative subpoenas to compel production of such documents, testimony and other evidence relevant to the applicant's Denial of Effective Service claims.

**G. Wireless Communication Facility Standards.** The following standards shall apply to all Wireless Communication Facilities:

1. Screening. All screening used in conjunction with a wall or roof mounted Wireless Antenna shall be compatible with the architecture of the building or other structure to which it is mounted, including color, texture and materials. All ground or

utility mounted facilities shall be designed to blend into the surrounding environment, or architecturally integrated into a building or other concealing structure.

2. Equipment/Accessory Structures. All equipment associated with the operation of the Wireless Antenna, including but not limited to transmission cables, shall be screened in a manner that complies with the development standards of the zoning district in which such equipment is located and Section 230.76. Screening materials and support structures housing equipment shall be architecturally compatible with surrounding structures by duplicating materials and design in a manner as practical as possible. Chain link fencing and barbed wire are prohibited.

3. General Provisions. All Wireless Communication Facilities shall comply with the Huntington Beach Urban Design Guidelines.

4. Building Codes. To ensure the structural integrity of Wireless Communication Facilities, the owners of a Facility shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for facilities that are published by the Electronic Industries Association, as amended from time to time.

5. Co-Location. Co-location of ground mounted facilities shall be required where feasible whenever such a Facility is proposed within 1,000 feet of any existing Wireless Antenna.

6. Federal and State Requirements. All Wireless Communication Facilities must meet or exceed current federal and state laws, standards and regulations of the FCC, and any other agency of the federal or state government with the authority to regulate Wireless Communication Facilities.

7. Interference. To eliminate interference, at all times, other than during the 24-hour cure period, the applicant shall comply with all FCC standards and regulations regarding interference and the assignment of the use of the radio frequency spectrum. The applicant shall not prevent the City of Huntington Beach or the countywide system from having adequate spectrum capacity on the City's 800 MHz voice and data radio frequency systems. The applicant shall cease operation of any Wireless Antenna causing interference with the City's facilities immediately upon the expiration of the 24-hour cure period until the cause of the interference is eliminated.

8. Lighting. All outside lighting shall be directed to prevent "spillage" onto adjacent properties, unless required by the FAA or other applicable authority, and shall be shown on the site plan and elevations.

9. Maintenance. All facilities and appurtenant equipment including landscaping shall be maintained to remain consistent with the original appearance of the Wireless Antenna. Ground mounted facilities shall be covered with anti-graffiti coating.

10. Monitoring. The applicant shall provide a copy of the lease agreement between the property owner and the applicant prior to the issuance of a building permit.

11. Signs. The Wireless Antenna shall not bear any signs or advertising devices other than owner identification, certification, warning, or other required seals of signage.

12. Landscaping. Landscape planting, irrigation and hardscape improvements may be imposed depending on the location, the projected vehicular traffic, the impact on



existing facilities and landscape areas, and the visibility of the proposed Wireless Antenna. Submittal of complete landscape and architectural plans for review and approval by the Directors of Public Works and Planning and Building Departments may be required.

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

**H. Facilities in the Public Right-of-Way and City Owned Facilities.** Any Wireless Communication Facility to be placed over, within, on or beneath the public right-of-way including on/within City owned facilities shall comply with all City Municipal Code requirements, including, but not limited to, the Zoning and Subdivision Ordinance section 230.96 (above); Chapter 12.38 regarding encroachments; and Chapter 17.64 regarding undergrounding of utilities. All Facilities proposed to be located on City owned property/facilities (including those located in the public right-of-way) must also execute a License Agreement with the City.

**I. Facility Removal.** Wireless Communication Facilities affecting the public view and/or located in areas designated Water Recreation, Conservation, Parks and Shoreline, and Public Rights-of-Way shall be removed in its entirety within six months of termination of use and the site restored to its natural state.

**J. Cessation of Operation.**

1. Abandonment. Within 30 calendar days of cessation of operations of any Wireless Communication Facility approved under this section, the operator shall notify the Director in writing. The Wireless Antenna shall be deemed abandoned pursuant to the following sections unless:

- a. The City has determined that the operator has resumed operation of the Wireless Communication Facility within six months of the notice; or
- b. The City has received written notification of a transfer of the Wireless Communication Facility.

2. City Initiated Abandonment. A Wireless Antenna that is inoperative or unused for a period of six continuous months shall be deemed abandoned. Written notice of the City's determination of abandonment shall be provided to the operator of the Wireless Antenna and the owner(s) of the premises upon which the antenna is located. Such notice may be delivered in person, or mailed to the address(es) stated on the permit application, and shall be deemed abandoned at the time delivered or placed in the mail.

3. Removal of Abandoned Wireless Antenna. The operator of the Wireless Antenna and the owner(s) of the property on which it is located, shall within 30 calendar days after notice of abandonment is given either (1) remove the Wireless Antenna in its entirety and restore the premises, or (2) provide the Director with written objection to the City's determination of abandonment.

a. Any such objection shall include evidence that the Wireless Antenna was in use during the relevant six-month period and that it is presently operational. The Director shall review all evidence, determine whether or not the Facility was properly deemed abandoned, and provide the operator notice of its determination.

b. At any time after 31 calendar days following the notice of abandonment, or immediately following a notice of determination by the Director, if applicable, the City may remove the abandoned Wireless Antenna and/or repair any and all damage to the premises as necessary to be in compliance with applicable codes. The City may, but shall not be required to, store the removed antenna (or any part thereof). The owner of the premises upon which the abandoned antenna was located, and all prior operators of the antenna, shall be jointly liable for the entire cost of such removal, repair, restoration and/or storage, and shall remit payment to the City promptly after demand thereof is made. The City may, in lieu of storing the removed Wireless Antenna, convert it to the City's use, sell it, or dispose of it in any manner deemed appropriate by the City.

SECTION 2. This ordinance shall become effective 30 days after its adoption.

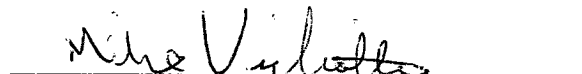
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 21 day of August, 2017.

  
\_\_\_\_\_  
Mayor

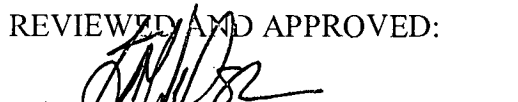
ATTEST:

  
\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

REVIEWED AND APPROVED:

  
\_\_\_\_\_  
City Manager

INITIATED AND APPROVED:

  
\_\_\_\_\_  
Director of Community Development

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

I, ROBIN ESTANISLAU, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a **Regular** meeting thereof held on **August 7, 2017**, and was again read to said City Council at a **Regular** meeting thereof held on **August 21, 2017**, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

**AYES:**           O'Connell, Semeta, Posey, Delgleize, Hardy, Brenden, Peterson

**NOES:**           None

**ABSENT:**       None

**ABSTAIN:**      None

I, Robin Estanislau, CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Huntington Beach Wave on August 31, 2017.

In accordance with the City Charter of said City.

Robin Estanislau, City Clerk

Senior Deputy City Clerk



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

**ZONING CODE**

**230.96 Wireless Communication Facilities**

**A. Purpose.** This section of the Zoning Code is to protect public safety, general welfare, and quality of life by regulating the location, height and physical characteristics and provide for orderly and efficient placement of ~~wireless communication facilities~~ Wireless Communication Facilities in the City of Huntington Beach.

Because of the potential negative aesthetic impacts of ~~wireless communication facilities~~ Wireless Communication Facilities, including visual blight and diminution of property value, the City endeavors to locate antennas within commercial, industrial and other non-residential zones, screen them from view, and encourage co-location with other ~~wireless communication facilities~~ Wireless Communication Facilities. However, the Federal Telecommunications Act, specifically 47 U.S.C. Section 332(c)(7), preempts local zoning where a wireless ~~facility~~ Facility is necessary to remedy a significant gap in the wireless provider's service. Consequently, where the City determines that the ~~facility~~ Facility does not satisfy City planning and zoning standards, the wireless provider may then choose to establish Federal preemption because (i) a significant gap in wireless coverage exists, and (ii) there is a lack of feasible alternative site locations. A myriad of factors are involved in determining if a gap is significant, such as: whether the gap affects a commuter highway; the nature and character of the area and the number of potential users affected by the alleged lack of service; whether the signal is weak or nonexistent and whether the gap affects a commercial district. Consequently, the City will require scientific evidence from an expert in the field demonstrating the existence of a significant gap in service, and a lack of feasible alternative sites. The applicant will be required to pay for the cost of said expert opinion.

**B. Definitions.** For the purpose of this section, the following definitions for the following terms shall apply:

1. Accessory Structure. Any structure or equipment that is to be located ancillary to an antenna or antennas in the establishment and operation of a ~~wireless communication facility~~ Wireless Communication Facility.
2. City Property. Property owned by the City of Huntington Beach, excluding any public right-of-way.
3. Co-Location or Co-Located. The location or placement of multiple ~~wireless communication facilities~~ Wireless Communication Facilities which are either owned or operated by more than one service provider at a single location and mounted to a common supporting structure, wall or building.
4. Completely Stealth. Any ~~wireless communication facility~~ Wireless Communication Facility that has been designed to completely screen all aspects of the ~~facility~~ Facility including appurtenances and equipment from public view. Examples of completely stealth facilities may include, but are not limited to, architecturally screened roof mounted antennas, façade mounted antennas treated as architectural elements to blend in with the existing building, church steeples, fire towers, and flag poles and light standards of a typical diameter.
5. Data Collection Unit ("DCU"). A ~~wireless communication facility~~ Wireless Communication Facility comprised of a collection unit, a solar panel and whip antennas used



for receiving and/or transmitting wireless signals from distributed gas and water data collector meters, which is a stand-alone ~~facility~~Facility not connected via fiber optic or other physical wiring to any other ~~facility~~Facility. No ~~wireless communication facility~~Wireless Communication Facility operated by an electric corporation, a telephone corporation, a personal wireless service provider, a commercial mobile service provider or a mobile telephone service provider shall be considered a DCU.

Size: Solar panels not larger than seven square feet, whip antennas not longer than 40 inches, and collection units not larger than 1.5 cubic feet. DCUs shall be designed to blend into the surrounding environment and minimize the visual appearance by matching the color of the poles or buildings where the DCU is located.

6.— Ground Mounted Facility. Any ~~wireless antenna~~Wireless Antenna that is affixed to a pole, tower or other freestanding structure that is specifically constructed for the purpose of supporting an antenna.

7.— Microwave Communication. The transmission or reception of radio communication at frequencies of a microwave signal (generally, in the three GHz to 300 GHz frequency spectrum).

8.— Modified Facility. An existing ~~wireless communication facility~~Wireless Communication Facility where the antennas and/or supporting structure are proposed to be altered in any way from their existing condition, including like-for-like replacement but excluding co-location.

9.— Pre-existing Wireless. Any Wireless Communication Facility.— Any ~~wireless communication facility~~ for which a building permit or conditional use permit has been properly issued prior to the effective date of this section, including permitted ~~wireless antennas~~Wireless Antennas that have not yet been constructed so long as such approval is current and not expired.

10.— Public Right-of-Way. The area across, along, beneath, in, on, over, under, upon, and within the dedicated public alleys, boulevards, courts, lanes, places, roads, sidewalks, streets, ways, private streets with public access easements within the City's boundaries, and City-owned properties, as they now exist or hereafter will exist.

11.— Roof Mounted. Any ~~wireless antenna~~Wireless Antenna directly attached or affixed to the roof of an existing building, water tank, tower or structure other than a telecommunications tower.

12. Small Cell Site. Equipment at a node/location that transmits and/or provides connection to a mobile communication system. Visible equipment at a small cell site shall be no larger than four cubic feet per location/site (excluding antennae) with a maximum of two antennas per location/site and may be affixed to an existing pole including a light standard. In addition, to qualify as a Small Cell Site, it must comply with public works design standards.

13. Stealth Techniques. Any ~~wireless communication facility~~Wireless Communication Facility, including any appurtenances and equipment, which is designed to blend into the surrounding environment. Examples of stealth technique include, but are not limited to, monopoles/monopines.

~~13.—~~14. Utility Mounted. Any ~~wireless antenna~~Wireless Antenna mounted to an existing aboveground structure specifically designed and originally installed to support utilities, such



as, but not limited to, electrical power lines, cable television lines, telephone lines, non-commercial wireless service antennas, radio antennas, street lighting but not traffic signals, recreational facility lighting, or any other utility which meets the purpose and intent of this definition.

~~14~~15. Wall Mounted. Any ~~wireless-antenna~~Wireless Antenna mounted on any vertical or nearly vertical surface of a building or other existing structure that is not specifically constructed for the purpose of supporting an antenna (including the exterior walls of a building, an existing parapet, the side of a water tank, the face of a church steeple, or the side of a freestanding sign) such that the highest point of the antenna structure is at an elevation equal to or lower than the highest point of the surface on which it is mounted.

~~15~~16. Wireless Communication Facility or Facility or Wireless Antenna. ~~Any~~Any antenna, structure, or device any way named and any appurtenant facilities or equipment that transmits electronic waves or is used for the transmission or receipt of waves or signals that are used in connection with the provision of wireless communication service, including, but not limited to, Small Cell Sites digital, cellular and radio service.

**C. Applicability.** This section shall apply to all ~~wireless-communication-facilities~~Wireless Communication Facilities which are erected, located, placed or modified within the City of Huntington Beach.

**D. Exceptions.** The following ~~wireless-communication-facilities~~Wireless Communication Facilities shall be exempt from this section.

1. Any ~~facility~~Facility, which is subject to a previously approved and valid entitlement, may be modified within the scope of the applicable permit without complying with these regulations. However, modifications outside the scope of ~~the~~a valid entitlement or any modification to an existing ~~facility~~Facility that ~~does~~has not ~~have a previously been~~and valid or entitled approved is subject to the requirements of ~~this section~~the City's existing wireless ordinance.
2. Any antenna structure that is one meter (39.37 inches) or less in diameter that is designed to receive direct broadcast satellite service, including direct-to-home satellite service for television purposes, as defined by Section 207 of the Telecommunication Act of 1996, Title 47 of the Code of Federal Regulations, and any interpretive decisions thereof.
3. Any antenna structure that is two meters (78.74 inches) or less in diameter located in commercial or industrial zones and is designed to transmit or receive radio communication by satellite antenna.
4. Any antenna structure that is one meter (39.37 inches) or less in diameter or diagonal measurement and is designed to receive multipoint distribution service, provided that no part of the antenna structure extends more than five feet above the principle building on the same lot.
5. Any antenna structure used by authorized amateur radio stations licensed by the FCC.
6. Any data collection unit (DCU) on existing poles, or on any new poles within the public right-of-way or on City property. DCUs shall comply with setback and height requirements for the zone in which they are located. In addition, all DCUs must comply with all City Municipal Code requirements, including, but not limited to, Chapter 12.38 regarding encroachments and



Chapter 17.64 regarding undergrounding of utilities. DCUs shall be at least 500 feet from another DCU within the same network.

E. **Process to Install and Operate Wireless Communication Facilities.** No ~~facility~~Facility shall be installed anywhere in the City without first securing either a wireless permit or a conditional use permit as required below.

1. Wireless Permit Application. The applicant shall initially apply to the Community Development Department or the Public Works Department for a wireless permit ~~by submitting a completed wireless permit application ("application") and paying all required fees. The application shall be in the form approved by the Director, and at a minimum shall provide the following information:~~

If the request is to install a Wireless Communication Facility on a City owned facility including the public right-of-way, the applicant shall submit a completed wireless permit application ("application") and pay all required fees to the Public Works Department. All other wireless permit applications shall be submitted to the Community Development Department. The application shall be in the form approved by the Community Development Director or the Public Works Director, and at a minimum shall provide the following information:

- a. Precise location of the ~~facility~~Facility.
- b. Evidence that the ~~facility~~Facility is compatible with the surrounding environment or that the ~~facility~~Facility is architecturally integrated into a structure.
- c. Evidence that the ~~facility~~Facility is screened or camouflaged by existing or proposed topography, vegetation, buildings or other structures as measured from beyond the boundaries of the site at eye level (six feet).
- d. Evidence that the massing and location of the proposed ~~facility~~Facility are consistent with surrounding structures and zoning districts.
- e. Evidence that no portion of the ~~facility~~Facility will encroach over property lines.
- f. Property owner authorization or evidence of fee ownership of property where the ~~facility~~Facility will be installed. In the case of City-owned property or any public right-of-way, the applicant shall provide a license, lease, franchise, or other similar agreement from the City to place any ~~facility~~Facility over, within, on, or beneath City property or right-of-way.
- g. Locations of all other ~~wireless antennas~~Wireless Antennas within 1,000 feet of a proposed ground mounted ~~facility~~Facility. Co-location of ground mounted facilities shall be required where feasible whenever such a ~~facility~~Facility is proposed within 1,000 feet of any existing ~~wireless antenna~~Wireless Antenna.
- h. Any other relevant information as required by the Director of Community Development ~~or the Director of Public Works.~~

The Community Development Department or Public Works Department will initially review and determine if the application is complete. The City may deem the application incomplete and require re-submittal if any of the above information is not provided.

2. Director Approval. Following submittal of a complete application, the City will determine whether the ~~facility~~Facility may be approved by the Community Development



Director or Public Works Director or whether a conditional use permit or other entitlement is required. Wireless permit applications will be processed based upon the location and type and size of antennas defined in herein. Although said classifications are assigned at project intake, a re-evaluation of antenna classifications may occur at any point in the process including at the time of review by the Director, Zoning Administrator, Planning Commission or City Council.

A facility~~Facility~~ not subject to any other discretionary approval may be administratively approved by the Director by issuing a wireless permit if it is:

- a. Co-located on an existing approved wireless ~~facility~~Facility, does not exceed the existing ~~wireless facility~~Wireless Facility heights, and employs stealth techniques such that the co-located wireless facility~~Facility~~ is compatible with surrounding buildings and land uses; or
- b. A modified facility~~Facility~~ that complies with the base district height limit plus up to an additional 10 feet of height as permitted in Section 230.72 and compatible with surrounding buildings and land uses by incorporating stealth techniques; or
- c. A facility~~Facility~~ that complies with the base district height limit plus up to an additional 10 feet of height as permitted in Section 230.72, is completely stealth and is not ground or utility mounted-; or
- d. A Small Cell Site.

The Director may require conditions of approval of the ~~facility~~Wireless Communication Facility in order to minimize adverse health, safety and welfare impacts (including aesthetic impacts) to the community.

A decision of the Director to grant a wireless permit shall become final 10 days following the date of the decision unless an appeal to the Planning Commission is filed as provided in Chapter 248 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO).

The Director shall issue findings of approval that the facility~~Facility~~ meets the above criteria and is not a detriment to the health, safety and welfare of the community.

3. Zoning Administrator Approval. In the event the Director determines that the applicant does not meet the requirements for Director approval of a wireless permit, then the applicant ~~shall~~must apply for a conditional use permit (CUP) to the Zoning Administrator pursuant to Chapter 241 of the HBZSO.

Notwithstanding any other provisions of the HBZSO, any new ground or utility mounted wireless facilities shall be required to obtain a CUP. ~~CUP applications shall also include the same information required under Subsection E.1.~~

The Zoning Administrator may require, as a condition of approval ~~of the CUP,~~ that the applicant minimize ~~significant~~ adverse impacts to the community ~~and public~~including aesthetic visual resources~~impacts~~ by incorporating one or more of the following into project design and construction:

- a. Completely stealth installations;
- b. Stealth techniques;
- c. Co-location and locating facilities within existing building envelopes;
- d. Colorization or landscaping to minimize visual prominence; and/or



- e. Removal or replacement of facilities that are obsolete.

Further conditions of approval of a ~~facility~~ CUP may be imposed as provided in Chapter 241 of the HBZSO. The Zoning Administrator's decision may be appealed to the Planning Commission in accordance with Chapter 248 of the HBZSO.

- 4. Design Review. Design review shall be required for any ~~wireless communication facilities~~ Wireless Communication Facilities pursuant to the HBZSO ~~as well as those~~. In addition Wireless Communication Facilities located on public rights-of-way and on or within 300 feet of a residential district or use in the City shall be required to obtain design review.

Notwithstanding any other provisions of the HBZSO, design review is not required for wireless communication facilities including Small Cell Sites that may be approved by the Director pursuant to Subsection E.2 (Director Approval) above and have all appurtenant facilities and equipment located underground or within an existing building or existing enclosure.

**F. Applicant May Assert Federal Preemption at Time of Appeal to Planning Commission.**

- 1. If the decision on the wireless permit or conditional use permit is appealed (either by applicant or an aggrieved party) to the Planning Commission, the applicant may assert that Federal law preempts the City from denying the application because denial would effectively prohibit wireless service. The applicant shall pay a Denial of Effective Service appeal fee in an amount to be established by City Council resolution, which amount shall be the estimated cost for the City to retain an independent, qualified consultant to evaluate any technical aspect of a proposed ~~wireless communication facility~~ Wireless Communication Facility, including, but not limited to, issues involving whether a significant gap in coverage exists. A Denial of Effective Service appeal must be submitted prior to the expiration of the appeal period for a wireless permit or conditional use permit.

- 2. The Director shall establish the form of the Denial of Effective Service appeal. At a minimum, the applicant shall provide the following information as part of the appeal:

In order to prevail in establishing a significant gap in coverage claim the applicant shall establish at minimum the following based upon substantial evidence:

- a. Evidence demonstrating the existence and nature of a significant gap in service in the vicinity of the proposed ~~facility~~ Facility, including, but not limited to, whether the gap pertains to residential in-building, commercial in-building coverage, in-vehicle coverage, and/or outdoor coverage.
- b. Evidence demonstrating that the applicant has pursued other feasible sites for locating the ~~facility~~ Facility, but that they are unavailable on commercially practicable terms.
- c. Evidence demonstrating the radio frequency signal strength transmission requirements and objectives that the applicant has established for the Southern California region, and for the City of Huntington Beach.
- d. Radio frequency propagation maps demonstrating actual transmission levels in the vicinity of the proposed ~~facility~~ Facility site, and any alternative sites considered.
- e. Radio frequency drive tests demonstrating actual transmission levels in the vicinity of the proposed ~~facility~~ Facility site, and any alternative sites considered.



f. Reports regarding the applicant's monthly volume of mobile telephone calls completed, not completed, dropped, handed-off, not handed-off, originated and not originated for the signal area to be covered by the proposed ~~facility~~Facility.

g. Any proprietary information disclosed to the City or the consultant is deemed not to be a public record, and shall remain confidential and not be disclosed to any third party without the express consent of the applicant, unless otherwise required by law. In the event the applicant does not provide this information, the City may conclusively presume that no Denial of Effective Service exists.

All of the information noted above shall be submitted to the City within 30 days of the filing of the Denial of Effective Service appeal unless an extension is granted by the Director.

3. The Denial of Effective Service appeal shall be considered concurrently with the wireless permit or CUP appeal hearing before the Planning Commission. Prior to the scheduling of the public hearing on the wireless permit or CUP appeal, the City Attorney shall be authorized to issue administrative subpoenas to compel production of such documents, testimony and other evidence relevant to the applicant's Denial of Effective Service claims.

**G. Wireless Communication Facility Standards.** The following standards shall apply to all ~~wireless communication facilities~~Wireless Communication Facilities:

1. Screening. All screening used in conjunction with a wall or roof mounted ~~wireless antenna~~Wireless Antenna shall be compatible with the architecture of the building or other structure to which it is mounted, including color, texture and materials. All ground or utility mounted facilities shall be designed to blend into the surrounding environment, or architecturally integrated into a building or other concealing structure.

2. Equipment/Accessory Structures. All equipment associated with the operation of the ~~wireless antenna~~Wireless Antenna, including but not limited to transmission cables, shall be screened in a manner that ~~com-~~

~~plies~~complies with the development standards of the zoning district in which such equipment is located and Section 230.76. Screening materials and support structures housing equipment shall be architecturally compatible with surrounding structures by duplicating materials and design in a manner as practical as possible. Chain link fencing and barbed wire are prohibited.

3. General Provisions. ~~All wireless communication facilities~~All Wireless Communication Facilities shall comply with the Huntington Beach Urban Design Guidelines.

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

5. Co-Location. Co-location of ground mounted facilities shall be required where feasible whenever such a ~~facility~~Facility is proposed within 1,000 feet of any existing ~~wireless antenna~~Wireless Antenna.

6. Federal and State Requirements. All ~~wireless communication facilities~~Wireless Communication Facilities must meet or exceed current federal and state laws, standards and



regulations of the FCC, and any other agency of the federal or state government with the authority to regulate ~~wireless communication facilities~~ Wireless Communication Facilities.

7. Interference. To eliminate interference, at all times, other than during the 24-hour cure period, the applicant shall comply with all FCC standards and regulations regarding interference and the assignment of the use of the radio frequency spectrum. The applicant shall not prevent the City of Huntington Beach or the countywide system from having adequate spectrum capacity on the City's 800 MHz voice and data radio frequency systems. The applicant shall cease operation of any ~~wireless antenna~~ Wireless Antenna causing interference with the City's facilities immediately upon the expiration of the 24-hour cure period until the cause of the interference is eliminated.

8. Lighting. All outside lighting shall be directed to prevent "spillage" onto adjacent properties, unless required by the FAA or other applicable authority, and shall be shown on the site plan and elevations.

9. Maintenance. All facilities and appurtenant equipment including landscaping shall be maintained to remain consistent with the original appearance of the ~~wireless antenna~~ Wireless Antenna. Ground mounted facilities shall be covered with anti-graffiti coating.

10. Monitoring. The applicant shall provide a copy of the lease agreement between the property owner and the applicant prior to the issuance of a building permit.

11. Signs. The ~~wireless antenna~~ Wireless Antenna shall not bear any signs or advertising devices other than owner identification, certification, warning, or other required seals of signage.

12. Landscaping. Landscape planting, irrigation and hardscape improvements may be imposed depending on the location, the projected vehicular traffic, the impact on existing facilities and landscape areas, and the visibility of the proposed ~~wireless antenna~~ Wireless Antenna. Submittal of complete landscape and architectural plans for review and approval by the Directors of Public Works and Planning and Building Departments may be required.

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

**H. Facilities in the Public Right-of-Way and City Owned Facilities**. Any ~~wireless communication facility~~ Wireless Communication Facility to be placed over, within, on or beneath the public right-of-way including on/within City owned facilities shall comply with all City Municipal Code requirements, including, but not limited to, the Zoning and Subdivision Ordinance section 230.96 (above); Chapter 12.38 regarding encroachments; and Chapter 17.64 regarding undergrounding of utilities. All Facilities proposed to be located in the public right-of-way or on City owned property/facilities must also execute a License Agreement with the City.

**I. Facility Removal**. Wireless ~~communication facilities~~ Communication Facilities affecting the public view and/or located in areas designated Water Recreation, Conservation, Parks and Shoreline, and Public Rights-of-Way shall be removed in its entirety within six months of termination of use and the site restored to its natural state.



## J. Cessation of Operation.

1. Abandonment. Within 30 calendar days of cessation of operations of any ~~wireless communication facility~~Wireless Communication Facility approved under this section, the operator shall notify the Director in writing. The ~~wireless antenna~~Wireless Antenna shall be deemed abandoned pursuant to the following sections unless:

a. The City has determined that the operator has resumed operation of the ~~wireless communication facility~~Wireless Communication Facility within six months of the notice; or

b. The City has received written notification of a transfer of the ~~wireless communication facility~~Wireless Communication Facility.

2. City Initiated Abandonment. A ~~wireless antenna~~Wireless Antenna that is inoperative or unused for a period of six continuous months shall be deemed abandoned. Written notice of the City's determination of abandonment shall be provided to the operator of the ~~wireless antenna~~Wireless Antenna and the owner(s) of the premises upon which the antenna is located. Such notice may be delivered in person, or mailed to the address(es) stated on the permit application, and shall be deemed abandoned at the time delivered or placed in the mail.

3. Removal of Abandoned Wireless Antenna. The operator of the ~~wireless antenna~~Wireless Antenna and the owner(s) of the property on which it is located, shall within 30 calendar days after notice of abandonment is given either (1) remove the ~~wireless antenna~~Wireless Antenna in its entirety and restore the premises, or (2) provide the Director with written objection to the City's determination of abandonment.

a. Any such objection shall include evidence that the ~~wireless antenna~~Wireless Antenna was in use during the relevant six-month period and that it is presently operational. The Director shall review all evidence, determine whether or not the ~~facility~~Facility was properly deemed abandoned, and provide the operator notice of its determination.

b. At any time after 31 calendar days following the notice of abandonment, or immediately following a notice of determination by the Director, if applicable, the City may remove the abandoned ~~wireless antenna~~Wireless Antenna and/or repair any and all damage to the premises as necessary to be in compliance with applicable codes. The City may, but shall not be required to, store the removed antenna (or any part thereof). The owner of the premises upon which the abandoned antenna was located, and all prior operators of the antenna, shall be jointly liable for the entire cost of such removal, repair, restoration and/or storage, and shall remit payment to the City promptly after demand thereof is made. The City may, in lieu of storing the removed ~~wireless antenna~~Wireless Antenna, convert it to the City's use, sell it, or dispose of it in any manner deemed appropriate by the City. (3568-9/02, 3779-10/07, 3934-4/12, 4040-12/14, 4069-10/15, 4096-10/16)

**DRAFT**

|

ORDINANCE NO. 4137

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH  
AMENDING TITLE 20 OF THE ZONING AND SUBDIVISION ORDINANCE BY  
AMENDING SECTION 204.18 AND ADDING SECTION 204.20 AND SECTION  
204.22 TO THE HUNTINGTON BEACH ZONING AND SUBDIVISION  
ORDINANCE TO PROHIBIT COMMERCIAL/RECREATIONAL SALES AND  
DELIVERIES OF NON-MEDICAL MARIJUANA AS WELL AS ADOPT  
REGULATIONS REGARDING NON-MEDICAL MARIJUANA CULTIVATION

WHEREAS, Proposition 64 authorizes cities to prohibit distribution/sale of non-medical/recreational marijuana and cultivation of 6 or more marijuana plants as well enacting reasonable regulations for the cultivation of six or fewer non-medical marijuana plants that occurs inside a residence or accessory structure, including the complete prohibition of outdoor cultivation of non-medical marijuana until such time as the California Attorney General determines that the non-medical/recreational use of marijuana is lawful in California under federal law; and

Proposition 64 authorizes the personal cultivation of up to six non-medical marijuana plants in a private residence for non-medical purposes; and

The cultivation, distribution/sale of non-medical/recreational marijuana in other cities has resulted in calls for service to the police department, including calls for robberies and thefts, and is reasonable to assume that commercial/recreational non-medical marijuana cultivation, distribution/sale will have similar impacts; and

The City Council desires to prohibit the commercial sale or distribution of non-medical/recreational marijuana anywhere in the City as well as adopt regulations regarding the indoor cultivation of six or fewer non-medical marijuana plants in private residences and to prohibit all other forms of non-medical marijuana cultivation; and

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

SECTION 1. Recitals Made Findings

The above recitals are hereby declared to be true and correct and findings of the City Council of the City of Huntington Beach.

SECTION 2. Amendment to Zoning and Subdivision Ordinance

Section 204.18 of the Huntington Beach Zoning and Subdivision Ordinance Prohibit Uses is hereby modified to Chapter 204 of the Huntington Beach Zoning and Subdivision Ordinance to read as follows:

**204.18 Prohibited Uses—Medical Marijuana Businesses****D. Public Nuisance.**

Any use or condition caused or permitted to exist in violation of any of the provisions of this article is hereby declared a public nuisance and may be abated by the City.

**E. Enforcement.**

1. Violation of this Chapter 204 of the Huntington Beach Zoning and Subdivision Ordinance is a public nuisance and may be enforced pursuant to the provisions of the Municipal Code including the Zoning and Subdivision Ordinance.
2. Nothing in this article in any way limits any other remedies that may be available to the City, or any penalty that may be imposed by the City, for violations of this article. Such additional remedies include, but are not limited to, injunctive relief or administrative citations.

Section 204.20 of the Huntington Beach Zoning and Subdivision Ordinance Prohibited Uses—Commercial Non-Medical Marijuana Businesses is hereby added to Chapter 204 of the Huntington Beach Zoning and Subdivision Ordinance to read as follows:

**204.20 Prohibited Uses—Commercial Non-Medical Marijuana Businesses and Deliveries**

**A. Purpose.** In order to expressly inform the public that any sale or distribution of non-medical marijuana by Commercial Non-Medical Marijuana Businesses, Collectives, Cooperatives or Dispensaries, etc., however named is prohibited in the City of Huntington Beach, the City is adding this express prohibition to the Zoning and Subdivision Ordinance.

**B. Definitions.** Unless otherwise specifically defined herein, the definitions contained within Adult Use of Marijuana Act shall apply to this Ordinance.

1. **Commercial Non-Medical Marijuana Business, Collective, Cooperative or Dispensary** means any location, structure, facility, vehicle, business, store, co-op, residence, or similar facility used, in full or in part, as a place at or in which marijuana (including marijuana for recreational use) is sold, traded, exchanged, bartered for in any way, made available, located, stored, displayed, placed or cultivated, including any of the foregoing if used in connection with the sale or distribution of non-medical marijuana.
2. **Non-medical marijuana delivery** means the commercial transfer of non-medical marijuana or non-medical marijuana products to a person, including any technology that enables persons to arrange for or facilitate the commercial transfer of non-medical marijuana or non-medical marijuana products.
3. **Non-medical marijuana products** means non-medical marijuana that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible

or topical product containing marijuana or concentrated cannabis and other ingredients.

- C. **Commercial Non-Medical Marijuana Businesses, Collectives, Cooperatives or Dispensaries.** A Commercial Non-Medical Marijuana Business, Collective, Cooperative or Dispensary or any other such business, no matter how so named, is not a permitted use in any zoning district or specific plan in the City. It shall be unlawful for any person or entity to own, manage, establish, conduct or operate a Commercial Non-Medical Marijuana Business, Collective, Cooperative or Dispensary. Also, it shall be unlawful for any person to permit to be established, conducted, operated, owned or managed as a landlord, owner, employee, contractor, agent or volunteer, or in any other manner or capacity, any Commercial Non-Medical Marijuana Business, Collective, Cooperative or Dispensary in the City.
- D. **Non-Medical Marijuana Deliveries.** Delivery of non-medical marijuana is not a permitted use in any zoning district or specific plan in the City. No permit or any other applicable license or entitlement for use, nor any business license, shall be approved or issued for the establishment, maintenance or operation of non-medical marijuana deliveries.
- E. **Public Nuisance.**  
Any use or condition caused or permitted to exist in violation of any of the provisions of this article is hereby declared a public nuisance and may be abated by the City.
- F. **Enforcement.**
  - 1. Violation of this Chapter 204 of the Huntington Beach Zoning and Subdivision Ordinance is a public nuisance and may be enforced pursuant to the provisions of the Municipal Code including the Zoning and Subdivision Ordinance.
  - 2. Nothing in this article in any way limits any other remedies that may be available to the City, or any penalty that may be imposed by the City, for violations of this article. Such additional remedies include, but are not limited to, injunctive relief or administrative citations.

Section 204.22 of the Huntington Beach Zoning and Subdivision Ordinance Non-Medical Marijuana Cultivation is hereby added to Chapter 204 of the Huntington Beach Zoning and Subdivision Ordinance to read as follows:

**204.22 Non-Medical Marijuana Cultivation**

- A. **Purpose.** The purpose and intent of this article is to regulate the cultivation of non-medical marijuana in a manner that protects the health, safety and welfare of the community. Health and Safety Code section 11362.2 authorizes the City to adopt reasonable regulations regarding the cultivation of non-medical marijuana inside a private residence or accessory structure to a private residence. That section also



authorizes the City to completely prohibit the cultivation of non-medical marijuana outside, as long as the California Attorney General has not made a determination that the non-medical use of marijuana is lawful in California under federal law. The Attorney General has not made such a determination.

This article is not intended to interfere with the right of an individual 21 years of age or older to possess or cultivate non-medical marijuana, as provided for by Proposition 64. This article is not intended to give any person independent legal authority to grow non-medical marijuana; it is intended simply to impose reasonable regulations on the cultivation of non-medical marijuana when cultivation is authorized by California law.

Furthermore, it is the purpose and intent of this amendment to require that non-medical marijuana allowed to be cultivated pursuant to Proposition 64 only be done so in appropriately secured, enclosed, and ventilated structures, so as not to be visible to the general public; to provide for the health, safety and welfare of the public; to prevent odor created by non-medical marijuana plants from impacting adjacent properties; and to ensure that marijuana grown in the City remains secured.

B. **Definitions.** For the purposes of this article, the following definitions shall apply unless the context clearly indicates otherwise. If a word is not defined in this article, and not otherwise defined in state law, the common and ordinary meaning of the word shall apply.

1. **Cultivation** means the planting, growing, harvesting, drying or processing of marijuana plants or any part thereof.
2. **Fully enclosed and secure structure** means a space within a building that complies with the applicable Building Code and Zoning and Subdivision Ordinance, and has a complete roof enclosure supported by connecting walls extending from the ground to the roof, a foundation slab or equivalent base to which the floor is secured by bolts or similar attachments, is secure against unauthorized entry, and is accessible only through one or more lockable doors. Walls and roof must be constructed of solid materials that cannot be easily broken through, and must be constructed with non-transparent material.
3. **Indoors** means inside a fully enclosed and secure structure or within a residential structure.
4. **Non-medical marijuana means** marijuana that is intended to be used for non-medical purposes pursuant to Health and Safety Code section 111362.1 *et seq.*
5. **Non-medical marijuana cultivation** means the planting, growing, harvesting, drying or processing of non-medical marijuana plants or any part thereof pursuant to Health and Safety Code section 111362.1 *et seq.*, as those sections may be amended from time to time.
6. **Outdoors** means any location within the City that is not within a fully enclosed and secure structure.
7. **Person** means any individual, partnership, co-partnership, firm, association, joint stock company, corporation, limited liability corporation, collective, cooperative, or combination thereof in whatever form or character.
8. **Private residence** means a house, an apartment unit, a mobile home or other similar dwelling.

- C. **Cultivation of non-medical marijuana.** The following regulations shall apply to the cultivation of non-medical marijuana within the City:
1. **Cultivation not in compliance with this article.** It is declared to be unlawful and a public nuisance for any person owning, leasing, occupying or having charge or possession of any parcel or premises within any zoning district or specific plan in the City to cultivate non-medical marijuana except as provided for in this Code. No person other than an individual 21 years of age or older may engage in the cultivation of non-medical marijuana.
  2. **Outdoor cultivation.** It is unlawful and a public nuisance for any person owning, leasing, occupying, or having possession of any legal parcel or premises within any zoning district or specific plan in the City to cause or allow such parcel or premises to be used for the outdoor cultivation of non-medical marijuana.
  3. **Indoor cultivation.** Indoor cultivation of non-medical marijuana is prohibited in all zoning districts and specific plans of the City, except for residential zones, mixed use zones, or in commercial zones, when such cultivation occurs on a parcel or premises with an approved private residence. All cultivation must be in compliance with this article and state law.
  4. **Indoor cultivation in private residence.** The indoor cultivation of non-medical marijuana in a residential zone, mixed use zone, or in a commercial zone on a parcel or premises with an approved private residence, shall only be conducted within a fully enclosed and secure structure or within a residential structure. Such cultivation shall be in conformance with the following minimum standards:
    - a. The primary use of the property shall be for a residence. Non-medical marijuana cultivation is prohibited as a home occupation.
    - b. All areas used for cultivation of non-medical marijuana shall comply with the Huntington Beach Municipal Code including the Zoning and Subdivision Ordinance, as well as applicable law.
    - c. Indoor grow lights shall not exceed 1,200 watts per light, and shall comply with the California Building, Electrical and Fire Codes as adopted by the City. Lights shall be located away from combustible materials and a minimum of 30 inches from fire sprinklers.
    - d. The use of gas products (CO<sub>2</sub>, butane, propane, natural gas, etc.) or generators for cultivation of non-medical marijuana is prohibited.
    - e. Any fully enclosed and secure structure or residential structure used for the cultivation of non-medical marijuana must have a ventilation and filtration system installed that shall prevent marijuana plant odors from exiting the interior of the structure and that shall comply with the Huntington Beach Municipal Code, including the Zoning and Subdivision Ordinance.
    - f. A fully enclosed and secure structure used for the cultivation of non-medical marijuana shall be located in the rear yard area of the parcel or premises, and must maintain a minimum ten-foot setback from any property line as well as any other applicable development standards of the zoning district. The yard where the fully enclosed and secure structure is maintained must

be enclosed by a solid fence at least six feet in height. This provision shall not apply to cultivation occurring in a garage.

- g. Adequate mechanical locking or electronic security systems must be installed as part of the fully enclosed and secure structure or the residential structure prior to the commencement of cultivation.
- h. Non-medical marijuana cultivation shall be limited to six marijuana plants per private residence, regardless of whether the marijuana is cultivated inside the residence or a fully enclosed and secure structure. The limit of six plants per private residence shall apply regardless of how many individuals reside at the private residence.
- i. The residential structure shall remain at all times a residence, with legal and functioning cooking, sleeping and sanitation facilities with proper ingress and egress. These rooms shall not be used for non-medical marijuana cultivation where such cultivation will prevent their primary use for cooking of meals, sleeping and bathing.
- j. Cultivation of non-medical marijuana shall only take place on impervious surfaces.
- k. From a public right-of-way, there shall be no exterior evidence of non-medical marijuana cultivation occurring on the parcel.
- l. Non-medical marijuana cultivation area, whether in a fully enclosed and secure structure or inside a residential structure, shall not be accessible to persons under 21 years of age.
- m. Written consent of the property owner to cultivate non-medical marijuana within the residential structure shall be obtained and shall be kept on the premises, and available for inspection by the Chief of Police or his/her designee.
- n. A 2A:10B:C portable fire extinguisher that complies with the regulations and standards adopted by the state fire marshal and applicable law, shall be kept in the fully enclosed and secure structure used for cultivation of non-medical marijuana. If cultivation occurs in a residential structure, the portable fire extinguisher shall be kept in the same room as where the cultivation occurs.

**D. Public Nuisance.**

Any use or condition caused or permitted to exist in violation of any of the provisions of this article is hereby declared a public nuisance and may be abated by the City.

**E. Enforcement.**

- 1. Violation of this Chapter 204 of the Huntington Beach Zoning and Subdivision Ordinance is a public nuisance and may be enforced pursuant to the provisions of the Municipal Code including the Zoning and Subdivision Ordinance.
- 2. Nothing in this article in any way limits any other remedies that may be available to the City, or any penalty that may be imposed by the City, for violations of this article. Such additional remedies include, but are not limited to, injunctive relief or administrative citations.

SECTION 3: Severability

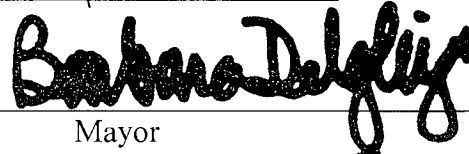
If any section of this Ordinance is determined to be unenforceable, invalid, or unlawful, such determination shall not affect the enforceability of the remaining provisions of this Ordinance.

SECTION 4. CEQA



This Ordinance is exempt from the California Environmental Quality Act pursuant to City Council Resolution No. 4501, Class 20, which supplements the California Environmental Quality Act.

SECTION 5. This ordinance shall become effective 30 days after its adoption.

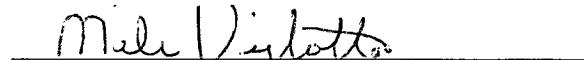
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 5 day of September, 2017.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk 9/7/17 

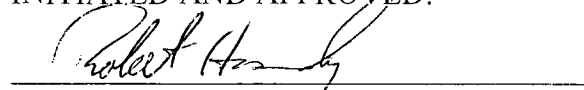
APPROVED AS TO FORM:

  
\_\_\_\_\_  
For City Attorney MV

REVIEWED AND APPROVED:

  
\_\_\_\_\_  
City Manager

INITIATED AND APPROVED:

  
\_\_\_\_\_  
Police Chief

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

I, ROBIN ESTANISLAU, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a **Regular** meeting thereof held on **August 21, 2017**, and was again read to said City Council at a **Regular** meeting thereof held on **September 5, 2017**, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

**AYES:**           O'Connell, Semeta, Delgleize, Hardy, Brenden

**NOES:**           None

**ABSENT:**       Posey, Peterson

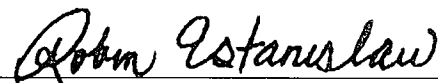
**ABSTAIN:**      None

I, Robin Estanislau, CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Huntington Beach Wave on September 14, 2017.

In accordance with the City Charter of said City.

\_\_\_\_\_  
Robin Estanislau, City Clerk

\_\_\_\_\_  
Senior Deputy City Clerk



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

## Excerpts from Chapter 204 Use Classifications

### **204.18 Prohibited Uses—Medical Marijuana Businesses**

- A. **Purpose.** In order to expressly inform the public that any distribution of marijuana by Medical Marijuana Businesses, Collectives, Cooperatives or Dispensaries, etc., is prohibited in the City of Huntington Beach, the City is adding this express prohibition to the Zoning and Subdivision Ordinance.
- B. **Definitions.** For purposes of this section, the following term is defined:
1. **Medical Marijuana Business, Collective, Cooperative or Dispensary** means any location, structure, facility, vehicle, business, store, co-op, residence, or similar facility used, in full or in part, as a place at or in which marijuana is sold, traded, exchanged, bartered for in any way, made available, located, stored, displayed, placed or cultivated, including any of the foregoing if used in connection with the distribution of marijuana.
- C. **Medical Marijuana Businesses, Collectives, Cooperatives or Dispensaries.** A Medical Marijuana Business, Collective, Cooperative or Dispensary or any other such business, no matter how so named, is not a permitted use in any zoning district or specific plan in the City. It shall be unlawful for any person or entity to own, manage, establish, conduct or operate a Medical Marijuana Business, Collective, Cooperative or Dispensary. Also, it shall be unlawful for any person to permit to be established, conducted, operated, owned or managed as a landlord, owner, employee, contractor, agent or volunteer, or in any other manner or capacity, any Medical Marijuana Business, Collective, Cooperative or Dispensary in the City. (4059-5/15, 4058-6/15)
- D. **Public Nuisance.**
- Any use or condition caused or permitted to exist in violation of any of the provisions of this article is hereby declared a public nuisance and may be abated by the City.
- E. **Enforcement.**
1. Violation of this Chapter 204 of the Huntington Beach Zoning and Subdivision Ordinance is a public nuisance and may be enforced pursuant to the provisions of the Municipal Code including the Zoning and Subdivision Ordinance.
  2. Nothing in this article in any way limits any other remedies that may be available to the City, or any penalty that may be imposed by the City, for violations of this article. Such additional remedies include, but are not limited to, injunctive relief or administrative citations.

### **204.20 Prohibited Uses—Commercial Non-Medical Marijuana Businesses and Deliveries**

- A. **Purpose.** In order to expressly inform the public that any sale or distribution of non-medical marijuana by Commercial Non-Medical Marijuana Businesses, Collectives, Cooperatives or Dispensaries, etc., however named is prohibited in the City of Huntington Beach, the City is adding this express prohibition to the Zoning and Subdivision Ordinance.
- B. **Definitions.** Unless otherwise specifically defined herein, the definitions contained within Adult Use of Marijuana Act shall apply to this Ordinance.
1. **Commercial Non-Medical Marijuana Business, Collective, Cooperative or Dispensary** means any location, structure, facility, vehicle, business, store, co-op, residence,

or similar facility used, in full or in part, as a place at or in which marijuana (including marijuana for recreational use) is sold, traded, exchanged, bartered for in any way, made available, located, stored, displayed, placed or cultivated, including any of the foregoing if used in connection with the sale or distribution of non-medical marijuana.

2. **Non-medical marijuana delivery** means the commercial transfer of non-medical marijuana or non-medical marijuana products to a person, including any technology that enables persons to arrange for or facilitate the commercial transfer of non-medical marijuana or non-medical marijuana products.

3. **Non-medical marijuana products** means non-medical marijuana that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing marijuana or concentrated cannabis and other ingredients.

**C. Commercial Non-Medical Marijuana Businesses, Collectives, Cooperatives or Dispensaries.** A Commercial Non-Medical Marijuana Business, Collective, Cooperative or Dispensary or any other such business, no matter how so named, is not a permitted use in any zoning district or specific plan in the City. It shall be unlawful for any person or entity to own, manage, establish, conduct or operate a Commercial Non-Medical Marijuana Business, Collective, Cooperative or Dispensary. Also, it shall be unlawful for any person to permit to be established, conducted, operated, owned or managed as a landlord, owner, employee, contractor, agent or volunteer, or in any other manner or capacity, any Commercial Non-Medical Marijuana Business, Collective, Cooperative or Dispensary in the City.

**D. Non-Medical Marijuana Deliveries.** Delivery of non-medical marijuana is not a permitted use in any zoning district or specific plan in the City. No permit or any other applicable license or entitlement for use, nor any business license, shall be approved or issued for the establishment, maintenance or operation of non-medical marijuana deliveries.

**E. Public Nuisance.**

Any use or condition caused or permitted to exist in violation of any of the provisions of this article is hereby declared a public nuisance and may be abated by the City.

**F. Enforcement.**

1. Violation of this Chapter 204 of the Huntington Beach Zoning and Subdivision Ordinance is a public nuisance and may be enforced pursuant to the provisions of the Municipal Code including the Zoning and Subdivision Ordinance.

2. Nothing in this article in any way limits any other remedies that may be available to the City, or any penalty that may be imposed by the City, for violations of this article. Such additional remedies include, but are not limited to, injunctive relief or administrative citations.

## **204.22 Non-Medical Marijuana Cultivation**

**A. Purpose.** The purpose and intent of this article is to regulate the cultivation of non-medical marijuana in a manner that protects the health, safety and welfare of the community. Health and Safety Code section 11362.2 authorizes the City to adopt reasonable regulations regarding the cultivation of non-medical marijuana inside a private residence or accessory structure to a private residence. That section also authorizes the City to completely prohibit the cultivation of non-

medical marijuana outside, as long as the California Attorney General has not made a determination that the non-medical use of marijuana is lawful in California under federal law. The Attorney General has not made such a determination.

This article is not intended to interfere with the right of an individual 21 years of age or older to possess or cultivate non-medical marijuana, as provided for by Proposition 64. This article is not intended to give any person independent legal authority to grow non-medical marijuana; it is intended simply to impose reasonable regulations on the cultivation of non-medical marijuana when cultivation is authorized by California law.

Furthermore, it is the purpose and intent of this amendment to require that non-medical marijuana allowed to be cultivated pursuant to Proposition 64 only be done so in appropriately secured, enclosed, and ventilated structures, so as not to be visible to the general public; to provide for the health, safety and welfare of the public; to prevent odor created by non-medical marijuana plants from impacting adjacent properties; and to ensure that marijuana grown in the City remains secured.

B. **Definitions.** For the purposes of this article, the following definitions shall apply unless the context clearly indicates otherwise. If a word is not defined in this article, and not otherwise defined in state law, the common and ordinary meaning of the word shall apply.

1. **Cultivation** means the planting, growing, harvesting, drying or processing of marijuana plants or any part thereof.

2. **Fully enclosed and secure structure** means a space within a building that complies with the applicable Building Code and Zoning and Subdivision Ordinance, and has a complete roof enclosure supported by connecting walls extending from the ground to the roof, a foundation slab or equivalent base to which the floor is secured by bolts or similar attachments, is secure against unauthorized entry, and is accessible only through one or more lockable doors. Walls and roof must be constructed of solid materials that cannot be easily broken through, and must be constructed with non-transparent material.

3. **Indoors** means inside a fully enclosed and secure structure or within a residential structure.

4. **Non-medical marijuana means** marijuana that is intended to be used for non-medical purposes pursuant to Health and Safety Code section 111362.1 *et seq.*

5. **Non-medical marijuana cultivation** means the planting, growing, harvesting, drying or processing of non-medical marijuana plants or any part thereof pursuant to Health and Safety Code section 111362.1 *et seq.*, as those sections may be amended from time to time.

6. **Outdoors** means any location within the City that is not within a fully enclosed and secure structure.

7. **Person** means any individual, partnership, co-partnership, firm, association, joint stock company, corporation, limited liability corporation, collective, cooperative, or combination thereof in whatever form or character.

8. **Private residence** means a house, an apartment unit, a mobile home or other similar dwelling.

C. **Cultivation of non-medical marijuana.** The following regulations shall apply to the cultivation of non-medical marijuana within the City:



1. **Cultivation not in compliance with this article.** It is declared to be unlawful and a public nuisance for any person owning, leasing, occupying or having charge or possession of any parcel or premises within any zoning district or specific plan in the City to cultivate non-medical marijuana except as provided for in this Code. No person other than an individual 21 years of age or older may engage in the cultivation of non-medical marijuana.

2. **Outdoor cultivation.** It is unlawful and a public nuisance for any person owning, leasing, occupying, or having possession of any legal parcel or premises within any zoning district or specific plan in the City to cause or allow such parcel or premises to be used for the outdoor cultivation of non-medical marijuana.

3. **Indoor cultivation.** Indoor cultivation of non-medical marijuana is prohibited in all zoning districts and specific plans of the City, except for residential zones, mixed use zones, or in commercial zones, when such cultivation occurs on a parcel or premises with an approved private residence. All cultivation must be in compliance with this article and state law.

4. **Indoor cultivation in private residence.** The indoor cultivation of non-medical marijuana in a residential zone, mixed use zone, or in a commercial zone on a parcel or premises with an approved private residence, shall only be conducted within a fully enclosed and secure structure or within a residential structure. Such cultivation shall be in conformance with the following minimum standards:

a. The primary use of the property shall be for a residence. Non-medical marijuana cultivation is prohibited as a home occupation.

b. All areas used for cultivation of non-medical marijuana shall comply with the Huntington Beach Municipal Code including the Zoning and Subdivision Ordinance, as well as applicable law.

c. Indoor grow lights shall not exceed 1,200 watts per light, and shall comply with the California Building, Electrical and Fire Codes as adopted by the City. Lights shall be located away from combustible materials and a minimum of 30 inches from fire sprinklers.

d. The use of gas products (CO<sub>2</sub>, butane, propane, natural gas, etc.) or generators for cultivation of non-medical marijuana is prohibited.

e. Any fully enclosed and secure structure or residential structure used for the cultivation of non-medical marijuana must have a ventilation and filtration system installed that shall prevent marijuana plant odors from exiting the interior of the structure and that shall comply with the Huntington Beach Municipal Code, including the Zoning and Subdivision Ordinance.

f. A fully enclosed and secure structure used for the cultivation of non-medical marijuana shall be located in the rear yard area of the parcel or premises, and must maintain a minimum ten-foot setback from any property line as well as any other applicable development standards of the zoning district. The yard where the fully enclosed and secure structure is maintained must be enclosed by a solid fence at least six feet in height. This provision shall not apply to cultivation occurring in a garage.

g. Adequate mechanical locking or electronic security systems must be installed as part of the fully enclosed and secure structure or the residential structure prior to the commencement of cultivation.

- h. Non-medical marijuana cultivation shall be limited to six marijuana plants per private residence, regardless of whether the marijuana is cultivated inside the residence or a fully enclosed and secure structure. The limit of six plants per private residence shall apply regardless of how many individuals reside at the private residence.
- i. The residential structure shall remain at all times a residence, with legal and functioning cooking, sleeping and sanitation facilities with proper ingress and egress. These rooms shall not be used for non-medical marijuana cultivation where such cultivation will prevent their primary use for cooking of meals, sleeping and bathing.
- j. Cultivation of non-medical marijuana shall only take place on impervious surfaces.
- k. From a public right-of-way, there shall be no exterior evidence of non-medical marijuana cultivation occurring on the parcel.
- l. Non-medical marijuana cultivation area, whether in a fully enclosed and secure structure or inside a residential structure, shall not be accessible to persons under 21 years of age.
- m. Written consent of the property owner to cultivate non-medical marijuana within the residential structure shall be obtained and shall be kept on the premises, and available for inspection by the Chief of Police or his/her designee.
- n. A 2A:10B:C portable fire extinguisher that complies with the regulations and standards adopted by the state fire marshal and applicable law, shall be kept in the fully enclosed and secure structure used for cultivation of non-medical marijuana. If cultivation occurs in a residential structure, the portable fire extinguisher shall be kept in the same room as where the cultivation occurs.

#### **D. Public Nuisance.**

Any use or condition caused or permitted to exist in violation of any of the provisions of this article is hereby declared a public nuisance and may be abated by the City.

#### **E. Enforcement.**

1. Violation of this Chapter 204 of the Huntington Beach Zoning and Subdivision Ordinance is a public nuisance and may be enforced pursuant to the provisions of the Municipal Code including the Zoning and Subdivision Ordinance.
2. Nothing in this article in any way limits any other remedies that may be available to the City, or any penalty that may be imposed by the City, for violations of this article. Such additional remedies include, but are not limited to, injunctive relief or administrative citations.

ORDINANCE NO. 4131

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH  
AMENDING CHAPTER 201 OF THE HUNTINGTON BEACH ZONING  
AND SUBDIVISION ORDINANCE RELATING TO THE PURPOSE OF  
THE ZONING AND SUBDIVISION ORDINANCE

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

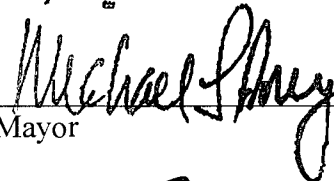
SECTION 1. Section 201.06 of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to read as follows:

**201.06 Purpose**

The purpose of the zoning and subdivision ordinance is to implement the policies of the City of Huntington Beach General Plan, and without limiting the Huntington Beach Charter authority regarding local control of land use, as provided in the California Government Code, Title 7, Division 1, Planning and Zoning, and Division 2, Subdivisions, and in the California Constitution, Chapter 11, Section 7. The purpose of the Local Coastal Program Implementation Plan is to implement the policies of the City of Huntington Beach certified Land Use Plan (Coastal Element) and the public access and recreation policies of the Coastal Act. It is further adopted for the purpose of promoting and protecting the public health, safety, and general welfare of Huntington Beach residents and to provide the physical, economic and social advantages which result from a comprehensive and orderly planned use of land resources. This zoning and subdivision ordinance is not intended to authorize, and shall not be construed as authorizing the City of Huntington Beach to exercise its power in a manner which will take or damage private property for public use. This zoning ordinance is not intended to increase or decrease the rights of any owner of property under the constitution of the State of California or the United States.

SECTION 2. This ordinance shall become effective 30 days after its adoption.

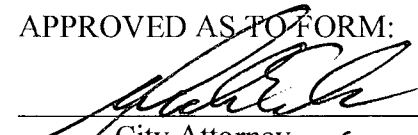
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 2<sup>nd</sup> day of April, 2018.

  
\_\_\_\_\_  
Mayor


ATTEST:

  
\_\_\_\_\_  
City Clerk

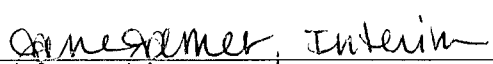
APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney *mv*

REVIEWED AND APPROVED:

  
\_\_\_\_\_  
City Manager

INITIATED AND APPROVED:

  
\_\_\_\_\_  
Director of Community Development

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

I, ROBIN ESTANISLAU, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a **Regular** meeting thereof held on **March 19, 2018**, and was again read to said City Council at a **Regular** meeting thereof held on **April 2, 2018**, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

**AYES:**           O'Connell, Semeta, Peterson, Posey, Delgleize, Hardy, Brenden

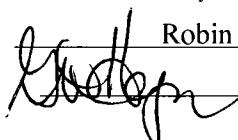
**NOES:**           None

**ABSENT:**       None

**ABSTAIN:**      None

I, Robin Estanislau, CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Huntington Beach Wave on April 12, 2018.

In accordance with the City Charter of said City.

 Robin Estanislau, City Clerk  
Senior Deputy City Clerk



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

ORDINANCE NO. 4132

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH  
AMENDING CHAPTER 203 OF THE HUNTINGTON BEACH ZONING AND  
SUBDIVISION ORDINANCE RELATING TO  
CODE RELATING TO DEFINITIONS

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

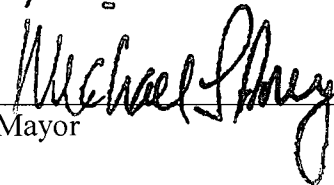
SECTION 1. Section 203.06 of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to read as follows:

**203.06 Definitions**

**Specific Plan.** A plan for a defined geographic area that is consistent with the General Plan.

SECTION 2. This ordinance shall become effective 30 days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 2<sup>nd</sup> day of April, 2018.

  
\_\_\_\_\_  
Mayor


ATTEST:

  
\_\_\_\_\_  
City Clerk

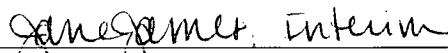
APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney *mv*

REVIEWED AND APPROVED:

  
\_\_\_\_\_  
City Manager

INITIATED AND APPROVED:

  
\_\_\_\_\_  
Director of Community Development

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

I, ROBIN ESTANISLAU, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a **Regular** meeting thereof held on **March 19, 2018**, and was again read to said City Council at a **Regular** meeting thereof held on **April 2, 2018**, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

**AYES:**           O'Connell, Semeta, Peterson, Posey, Delgleize, Hardy, Brenden

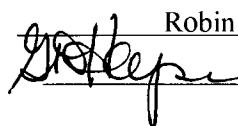
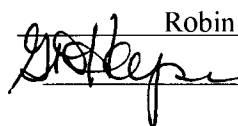
**NOES:**           None


**ABSENT:**       None

**ABSTAIN:**      None

I, Robin Estanislau, CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Huntington Beach Wave on April 12, 2018.

In accordance with the City Charter of said City.

 Robin Estanislau, City Clerk  
 Senior Deputy City Clerk

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

ORDINANCE NO. 4133

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH  
AMENDING CHAPTER 215 OF THE HUNTINGTON BEACH ZONING AND  
SUBDIVISION ORDINANCE RELATING TO THE  
SPECIFIC PLAN DISTRICT ESTABLISHED

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

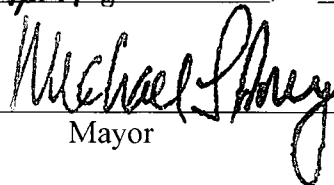
SECTION 1. Section 215.02 of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to read as follows:

**215.02 Specific Plan District Established**


The SP Specific Plan District is established by this chapter. This district provides areas for the development and administration of specific plans, prepared in accord with the City of Huntington Beach Charter, consistent with the General Plan and, for specific plans located within the coastal zone, the Local Coastal Program.

SECTION 2. This ordinance shall become effective 30 days after its adoption.

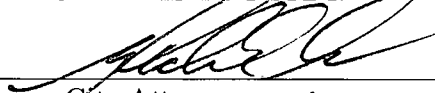
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 2<sup>nd</sup> day of April, 20 18.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

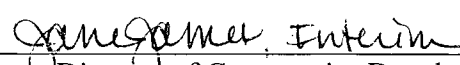
APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney **mv**

REVIEWED AND APPROVED:

  
\_\_\_\_\_  
City Manager

INITIATED AND APPROVED:

  
\_\_\_\_\_  
Director of Community Development

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

I, ROBIN ESTANISLAU, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a **Regular** meeting thereof held on **March 19, 2018**, and was again read to said City Council at a **Regular** meeting thereof held on **April 2, 2018**, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

**AYES:**           O'Connell, Semeta, Peterson, Posey, Delgleize, Hardy, Brenden

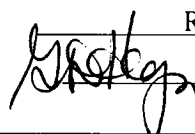
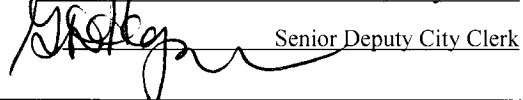
**NOES:**           None


**ABSENT:**       None

**ABSTAIN:**      None

I, Robin Estanislau, CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Huntington Beach Wave on April 12, 2018.

In accordance with the City Charter of said City.

 Robin Estanislau, City Clerk  
 Senior Deputy City Clerk

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



ORDINANCE NO. 4144

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH  
AMENDING CHAPTER 215 OF THE HUNTINGTON BEACH ZONING AND  
SUBDIVISION ORDINANCE RELATING TO STATUS OF SPECIFIC PLAN

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

SECTION 1. Section 215.14 of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to read as follows:

**215.14 Status of Specific Plan**

A specific plan adopted by resolution of the City Council shall be administered as prescribed by the Council, and adopted pursuant to the City of Huntington Beach Charter authority. A specific plan shall not become effective unless a Local Coastal Program amendment is effectively certified by the California Coastal Commission.

SECTION 2. This ordinance shall become effective 30 days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 2nd day of April, 2018.

  
\_\_\_\_\_  
Mayor

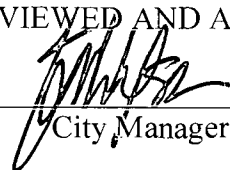
ATTEST:

  
\_\_\_\_\_  
City Clerk

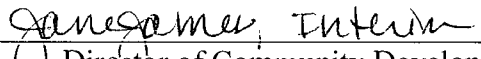
APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney *mv*

REVIEWED AND APPROVED:

  
\_\_\_\_\_  
City Manager

INITIATED AND APPROVED:

  
\_\_\_\_\_  
Director of Community Development

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

I, ROBIN ESTANISLAU, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a **Regular** meeting thereof held on **March 19, 2018**, and was again read to said City Council at a **Regular** meeting thereof held on **April 2, 2018**, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

**AYES:**           O'Connell, Semeta, Peterson, Posey, Delgleize, Hardy, Brenden

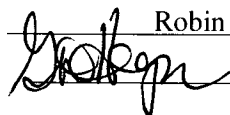
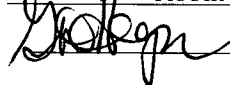
**NOES:**           None


**ABSENT:**       None

**ABSTAIN:**      None

I, Robin Estanislau, CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Huntington Beach Wave on April 12, 2018.

In accordance with the City Charter of said City.

 Robin Estanislau, City Clerk  
 Senior Deputy City Clerk

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

ORDINANCE NO. 4146

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH  
AMENDING CHAPTER 230.14 OF THE HUNTINGTON BEACH ZONING AND  
SUBDIVISION ORDINANCE RELATING TO  
AFFORDABLE HOUSING DENSITY BONUS

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

SECTION 1. Section 230.14 of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to read as follows:

**230.14 Affordable Housing Density Bonus**

**H. Procedure.**

1. In addition to submitting all documentation required to apply for a Conditional Use Permit, a developer requesting a density bonus pursuant to this section shall include the following in the written narrative supporting the application:
  - a. A general description of the proposed project, General Plan designation, applicable zoning, maximum possible density permitted under the current zoning and General Plan designation and such other information as is necessary and sufficient. The property must be zoned and general planned to allow a minimum of five units to qualify for a density bonus.
  - b. A statement detailing the number of density bonus units being proposed over and above the number of units normally permitted by the applicable zoning and General Plan designations.
  - c. A description of the requested incentive or concessions that the developer requests.
  - d. A calculation of the density bonus allowed.
2. All subsequent City review of and action on the applicant's proposal for a density bonus and/or consideration of any requested incentives or concessions shall occur in a manner concurrent with the processing of the Conditional Use Permit and any other required entitlements, if any. If the developer proposes that the project not be subject to impact fees or other fees regularly imposed on a development of the same type, final approval will be by the City Council.
3. The Planning Commission/City Council shall review the subject Affordability Agreement concurrently with the development proposal. No project shall be deemed approved until the affordability agreement has been approved by the City Council.
4. The Planning Commission/City Council may place reasonable conditions on the granting of the density bonus and any other incentives as proposed by the applicant; however, such conditions must not have the effect, individually or cumulatively, of violating applicable State law.

5. A monitoring fee, as established by resolution of the City Council, shall be paid by the applicant to the City prior to issuance of a certificate of occupancy for the first unit. This fee shall be in addition to any other fees required for the processing of the Conditional Use Permit, environmental analysis, and/or any other entitlements required.

SECTION 2. This ordinance shall become effective 30 days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 2nd day of April, 2018.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

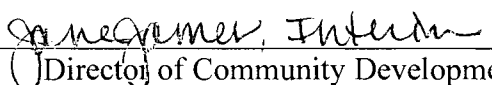
APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney *mv*

REVIEWED AND APPROVED:

  
\_\_\_\_\_  
City Manager

INITIATED AND APPROVED:

  
\_\_\_\_\_  
Director of Community Development

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

I, ROBIN ESTANISLAU, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a **Regular** meeting thereof held on **March 19, 2018**, and was again read to said City Council at a **Regular** meeting thereof held on **April 2, 2018**, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

**AYES:**           O'Connell, Semeta, Peterson, Posey, Delgleize, Hardy, Brenden

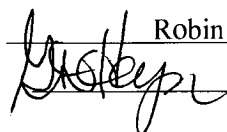
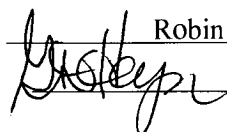
**NOES:**           None

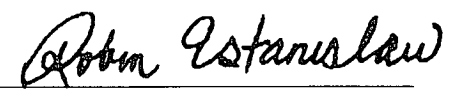
**ABSENT:**       None

**ABSTAIN:**      None

I, Robin Estanislau, CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Huntington Beach Wave on April 12, 2018.

In accordance with the City Charter of said City.

 Robin Estanislau, City Clerk  
 Senior Deputy City Clerk

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

## LEGISLATIVE DRAFT

### SECTION 201.06 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE

#### **201.06 Purpose**

The purpose of the zoning and subdivision ordinance is to implement the policies of the City of Huntington Beach General Plan, and without limiting the Huntington Beach Charter authority regarding local control of land use, as provided in the California Government Code, Title 7, Division 1, Planning and Zoning, and Division 2, Subdivisions, and in the California Constitution, Chapter 11, Section 7. The purpose of the Local Coastal Program Implementation Plan is to implement the policies of the City of Huntington Beach certified Land Use Plan (Coastal Element) and the public access and recreation policies of the Coastal Act. It is further adopted for the purpose of promoting and protecting the public health, safety, and general welfare of Huntington Beach residents and to provide the physical, economic and social advantages which result from a comprehensive and orderly planned use of land resources. This zoning and subdivision ordinance is not intended to authorize, and shall not be construed as authorizing the City of Huntington Beach to exercise its power in a manner which will take or damage private property for public use. This zoning ordinance is not intended to increase or decrease the rights of any owner of property under the constitution of the State of California or the United States. (3334-6/97)



LEGISLATIVE DRAFT

SECTION 203.06 OF THE  
HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE

**203.06 Definitions**

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





LEGISLATIVE DRAFT

SECTION 215.02  
HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE

**215.02 Specific Plan District Established**

The SP Specific Plan District is established by this chapter. This district provides areas for the development and administration of specific plans, prepared in accord with the City of Huntington Beach Charter, Government Code and consistent with the General Plan and, for specific plans located within the coastal zone, the Local Coastal Program. (3334-6/97)



LEGISLATIVE DRAFT

SECTION 215.14 OF THE  
HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE

**215.14 Status of Specific Plan**

A specific plan adopted by resolution of the City Council shall be administered as prescribed by the Council, and adopted pursuant to the City of Huntington Beach Charter authority, consistent with the Government Code, Section 65450 et seq. A specific plan shall not become effective unless a Local Coastal Program amendment is effectively certified by the California Coastal Commission. (3334-6/97)



## LEGISLATIVE DRAFT

### SECTION 230.14 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE

#### **230.14 Affordable Housing Density Bonus**

##### **H. Procedure.**

1. In addition to submitting all documentation required to apply for a Conditional Use Permit, a developer requesting a density bonus pursuant to this section shall include the following in the written narrative supporting the application:
  - a. A general description of the proposed project, General Plan designation, applicable zoning, maximum possible density permitted under the current zoning and General Plan designation and such other information as is necessary and sufficient. The property must be zoned and general planned to allow a minimum of five units to qualify for a density bonus.
  - b. A statement detailing the number of density bonus units being proposed over and above the number of units normally permitted by the applicable zoning and General Plan designations.
  - c. A description of the requested incentive or concessions that the developer requests.
  - d. A calculation of the density bonus allowed.
2. All subsequent City review of and action on the applicant's proposal for a density bonus and/or consideration of any requested incentives or concessions shall occur in a manner concurrent with the processing of the Conditional Use Permit and any other required entitlements, if any. If the developer proposes that the project not be subject to impact fees or other fees regularly imposed on a development of the same type, final approval will be by the City Council.
3. The Planning Commission/City Council shall review the subject Affordability Agreement concurrently with the development proposal. No project shall be deemed approved until the affordability agreement has been approved by the City Council.
4. The Planning Commission/City Council may place reasonable conditions on the granting of the density bonus and any other incentives as proposed by the applicant; however, such conditions must not have the effect, individually or cumulatively, of violating applicable State law. ~~impairing the objective of California Government Code Section 65915 et seq., and this section, of providing affordable housing for qualifying residents.~~
5. A monitoring fee, as established by resolution of the City Council, shall be paid by the applicant to the City prior to issuance of a certificate of occupancy for the first unit. This fee shall be in addition to any other fees required for the processing of the Conditional Use Permit, environmental analysis, and/or any other entitlements required.



**ORDINANCE NO. 4156**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH  
AMENDING CHAPTER 213 OF THE HUNTINGTON BEACH ZONING AND  
SUBDIVISION ORDINANCE TITLED OS OPEN SPACE DISTRICT  
(ZONING TEXT AMENDMENT NO. 18-001)**

WHEREAS, pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Text Amendment No. 18-001, which amends Chapter 213 of the Huntington Beach Zoning and Subdivision Ordinance to establish a conditional use permit process to permit the sales, service, and consumption of beer and wine within the OS-PR zoning district; 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,

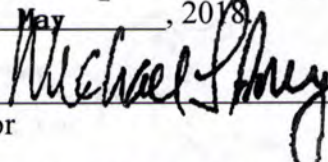
NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. That Chapter 213 of the Huntington Beach Zoning and Subdivision Ordinance titled Definitions is hereby amended to read as set forth in **Exhibit A**.

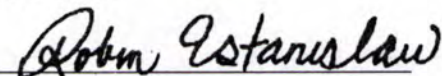
SECTION 2. All other provisions of Chapter 213 not modified herein shall remain in full force and effect.

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

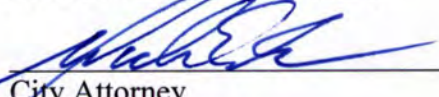
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 21st day of May, 2018.

  
\_\_\_\_\_  
Mayor

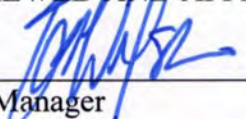
ATTEST:

  
\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

REVIEWED AND APPROVED:

  
\_\_\_\_\_  
City Manager

INITIATED AND APPROVED:

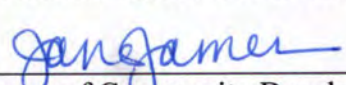
  
\_\_\_\_\_  
Director of Community Development

Exhibit A: Legislative Draft



**LEGISLATIVE DRAFT** 03/30/2018**OS District Land Use Controls**

P = Permitted

L = Limited (see Additional Provisions)

PC = Conditional use permit approved by Planning Commission

ZA = Conditional use permit approved by Zoning Administrator

TU = Temporary Use Permit

P/U = Requires conditional use permit on site of conditional use

- = Not Permitted

	OS-PR	OS-S	OS-WR	Additional Provisions
<b>Public and Semipublic</b>				(F)
Marinas	-	-	PC	
Park & Recreation Facilities	PC	PC	-	
Public Safety Facilities	-	PC	-	
Utilities, Major	-	-	-	
Utilities, Minor	ZA	-	ZA	
<b>Commercial Uses</b>				(F)
Animal Sales and Services				
Equestrian Centers	PC	-	-	(E)
Commercial Recreation and Entertainment	PC	-	-	
Communication Facilities	L-4			
Eating & Drinking Establishments	L1	L1	-	
With Alcohol	ZA	-	-	L-5
With Take-Out Service, Limited	L1	L3	-	
Vehicle/Equipment Sales and Services		-		
Commercial Parking Facility	L2	L2	-	
<b>Accessory Uses</b>				(A)(D)
Accessory Uses and Structures	P/U	P/U	P/U	
<b>Temporary Uses</b>				(B)
Animal Shows	TU	-	-	
Circuses and Carnivals	TU	-	-	
Commercial Filming	TU	TU	TU	



**LEGISLATIVE DRAFT** 03/30/2018

Nonconforming Uses

(C)

**OS District: Additional Provisions**

L-1 Allowed with a conditional use permit approval by the Zoning Administrator only as an ancillary use that is compatible with and part of a park or recreational facility. Only in the coastal zone overlay district, in public parks in both the Parks and Recreation and the Shoreline Subdistricts, only the following type of eating and drinking establishment shall be permitted: 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; and persons are not served in vehicles.

L-2 Public parking is permitted, but commercial parking facilities on City-owned land require a conditional use permit approval by the Planning Commission. Recreational vehicle overnight parking is limited to 10% of available public parking. No encroachment onto sandy beach area shall be permitted.

L-3 Beach concession stands for sale of refreshments and sundries (not to exceed 2,500 square feet) must be located a minimum 1,000 feet apart. Beach concession structures shall be located within or immediately adjacent to paved parking or access areas.

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

L-5 Eating and drinking establishments with full table service, with or without outdoor dining, located in Central Park may provide on-site sales, service and consumption of beer and wine upon obtaining a Conditional Use Permit approved by the Zoning Administrator. Public or private golf courses with or without outdoor dining, may provide the on-site sales, service and consumption of alcohol upon obtaining a Conditional Use Permit approved by the Zoning Administrator.

(A) Limited to facilities incidental to an open space use.

(B) See Section 241.22, Temporary Use Permits.

(C) See Chapter 236, Nonconforming Uses and Structures.

(D) Private cantilevered decks abutting residential uses; private boat ramps, slips, docks, windscreen and boat hoists in conjunction with adjacent single family dwellings. See Residential Districts and Chapter 17.24.

(E) See Section 230.48, Equestrian Centers.

(F) The permitted uses for recreation areas on the Huntington Beach mesa shall be limited to low-intensity uses including picnic grounds, arboretums, bird sanctuaries, trails. High-intensity uses such as tennis courts, athletic fields, stables, campgrounds or other commercial or recreation uses shall be conditional only, and shall be located in nodes adjacent to existing developed areas or roads and shall avoid adverse impacts on environmentally sensitive habitats. (3334-6/97, 3568-9/02)

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

I, ROBIN ESTANISLAU, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a **Regular** meeting thereof held on **May 7, 2018**, and was again read to said City Council at a **Regular** meeting thereof held on **May 21, 2018**, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

**AYES:**           O'Connell, Posey, Delgleize, Hardy, Brenden

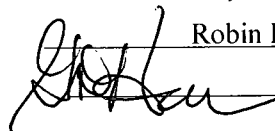
**NOES:**           None


**ABSENT:**       None

**ABSTAIN:**      Semeta, Peterson

I, Robin Estanislau, CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Huntington Beach Wave on May 31, 2018.

In accordance with the City Charter of said City.

 Robin Estanislau, City Clerk  
Senior Deputy City Clerk

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

**OS District Land Use Controls**

P = Permitted

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	<b>OS-PR</b>	<b>OS-S</b>	<b>OS-WR</b>	<b>Additional Provisions</b>
<b>Public and Semipublic</b>				(F)
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Park & Recreation Facilities	PC	PC	-	
Public Safety Facilities	-	PC	-	
Utilities, Major	-	-	-	
Utilities, Minor	ZA	-	ZA	
<b>Commercial Uses</b>				(F)
Animal Sales and Services				
Equestrian Centers	PC	-	-	(E)
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Communication Facilities	L-4			
Eating & Drinking Establishments	L1	L1	-	
<b>With Alcohol</b>	<b>ZA</b>	<b>-</b>	<b>-</b>	<b>L-5</b>
With Take-Out Service, Limited	L1	L3	-	
Vehicle/Equipment Sales and Services		-		
Commercial Parking Facility	L2	L2	-	
<b>Accessory Uses</b>				(A)(D)
Accessory Uses and Structures	P/U	P/U	P/U	
<b>Temporary Uses</b>				(B)
Animal Shows	TU	-	-	
Circuses and Carnivals	TU	-	-	
Commercial Filming	TU	TU	TU	

Nonconforming Uses				(C)
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GENERAL NOTES:

1. UTILITY BOX SIZE AND MATERIAL SHALL PER UTILITY COMPANY STANDARDS. IF UTILITY BOXES ARE LOCATED IN THE SIDEWALK, REPLACE FULL WIDTH OF SIDEWALK TO NEAREST CONSTRUCTION JOINT PER CITY STANDARD NO. 217.
2. EXISTING STREET LIGHT POLE MAY BE UTILIZED IF IT MEETS STRUCTURAL REQUIREMENTS TO SUPPORT NEW AND EXISTING EQUIPMENT. IF EXISTING POLE IS REPLACED, A NEW POLE (MAXIMUM 12-IN DIAMETER) SHALL BE INSTALLED IN THE ORIGINAL LOCATION.
3. ENCLOSURE CONTAINING RADIO EQUIPMENT SHALL NOT EXCEED FOUR (4) CUBIC FEET IN SIZE. ONLY ONE VISIBLE ANTENNA PER "SEMI-STEALTH" SITE SHALL BE PERMITTED. ANTENNA IS NOT INCLUDED IN FOUR (4) CUBIC FOOT REQUIREMENT.
4. ALL CONSTRUCTION SHALL COMPLY WITH REQUIREMENTS OF SECTION 230.96 OF THE HUNTINGTON BEACH ZONING CODE.
5. EXISTING STREET LIGHT LUMINAIRE AND MAST ARMS ARE TO BE SALVAGED AND RE-USED IF POLE IS REPLACED. ANY SALVAGED EQUIPMENT NOT USED SHALL BE RETURNED TO THE CITY.
6. INSTALL VAULTS IN LOCATION THAT ALLOWS A 2-FT WIDE CLEAR AREA ADJACENT TO THE VAULT TO ALLOW FOR FUTURE CONDUIT INSTALLATIONS OR STREET WORK.
7. PULL-BOX WITH POWER SWITCH AND BREAKER SHALL LOCATED NO MORE THAN 20-FT FROM THE BASE OF THE SITE UTILITY POLE. BOX LID SHALL BE ENGRAVED WITH TEXT HEIGHT NO SMALLER THAN 3/4-IN CONTAINING THE FOLLOWING TEXT: "CELL SITE POWER SHUT-OFF SWITCH" AND HAVE THE SITE OWNER NAME, SITE ID, SITE ADDRESS AND EMERGENCY CONTACT PHONE NUMBER.
8. PAINT ANTENNA(S) / EQUIPMENT TO MATCH POLE.
9. MAXIMUM OFFSET FOR RISER CONDUITS SHALL BE 4-IN.

GIS NOTES:

DIGITAL SUBMITTAL REQUIREMENTS FOR DATA TO BE USED BY THE CITY'S GEOGRAPHICAL INFORMATION SYSTEM (GIS) IN PREPARING EXHIBITS, MAPS, ETC.:

1. PROVIDE DATA IN A VECTOR FORMAT. EXAMPLES OF SOME ACCEPTABLE FORMATS ARE:
  - AUTOCAD (.DWG OR .DXF)
  - GOOGLE EARTH (.KML OR .KMZ)
  - SHAPEFILE (.SHP)
2. USE UNDERSCORES OR HYPHENS IN THE FILE NAME, NOT SPACES. PROVIDE A SEPARATE DRAWING FILE FOR EACH INDIVIDUAL SHEET CREATED IN AUTOCAD.
3. FOR AUTOCAD FILES OR SHAPEFILES, DEFINE THE COORDINATE SYSTEM AS NAD 1983 STATE PLANE, CALIFORNIA ZONE 6 (US FEET).
4. FOR AUTOCAD FILES, CREATE ALL DATA ELEMENTS IN MODEL SPACE, ADD LAYOUT ELEMENTS IN LAYOUT SPACE, SAVE THE MODEL IN MODEL SPACE, DO NOT ADD VIEWPORTS TO MODEL SPACE AND EXPLODE THE BLOCKS.
5. PROVIDE DATA FOR ALL CONDUITS, BOXES, NODES, ETC. INSTALLED DURING THE PROJECT. SUBMITTAL SHALL BE FROM "AS-BUILT" DATA, NOT ORIGINAL DESIGNS.

APPROVED:

  
CITY ENGINEER

CITY OF HUNTINGTON BEACH

DEPARTMENT OF PUBLIC WORKS

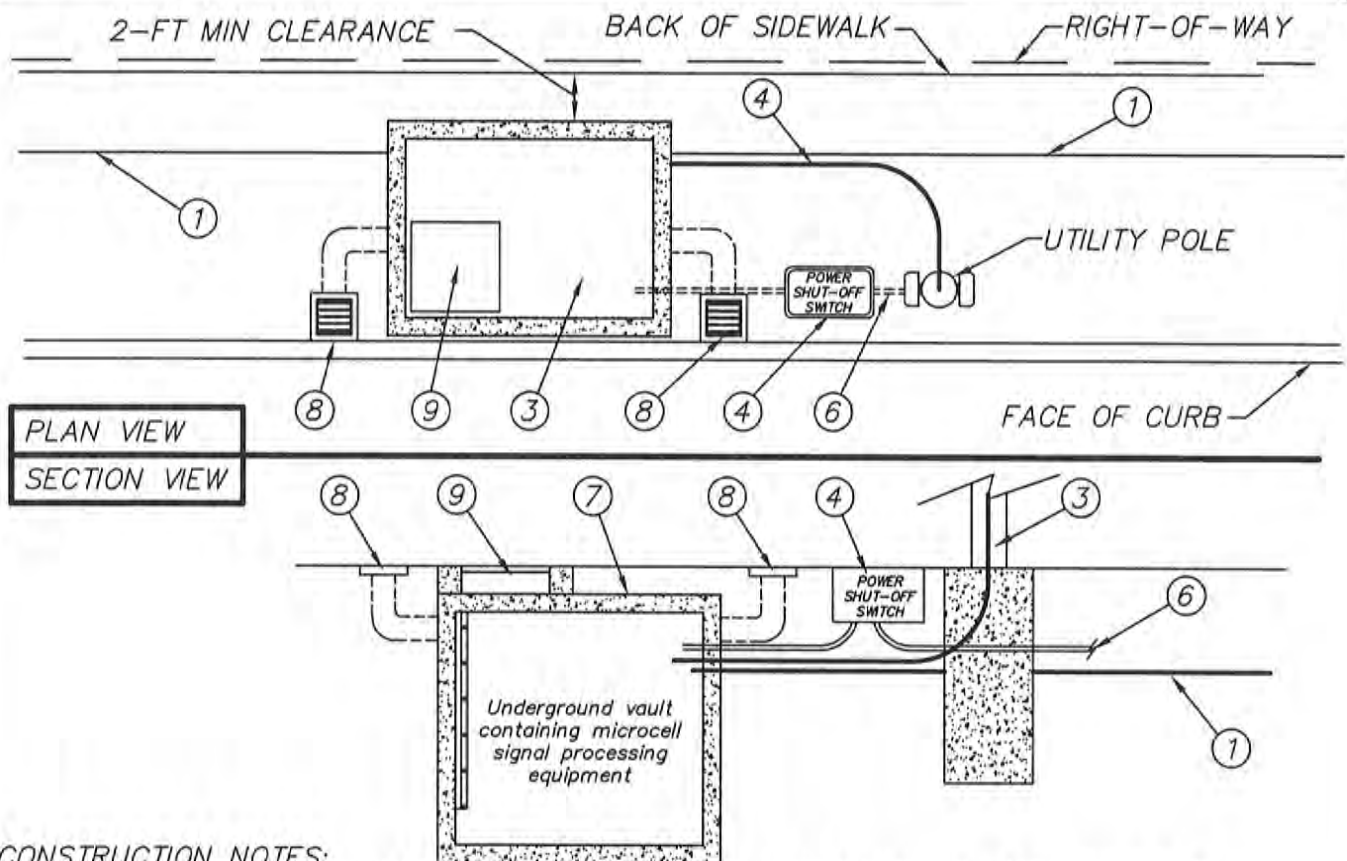


REVISION DATE: November 16, 2017

GENERAL NOTES FOR  
SMALL CELL INSTALLATIONS

STANDARD PLAN  
800  
1 OF 1





**CONSTRUCTION NOTES:**

- ① INSTALL COMMUNICATIONS CONDUIT PER CITY STANDARD NO. 215. SEPARATE ENCROACHMENT PERMIT REQUIRED.
- ② NOT USED
- ③ INSTALL CONDUIT PER UTILITY COMPANY STANDARDS.
- ④ INSTALL PULL-BOX WITH SWITCH AND BREAKER LOCATED NO MORE THAN 20-FT FROM BASE OF UTILITY POLE. BOX LID SHALL BE MARKED "CELL SITE POWER SHUT-OFF SWITCH" OR OTHER APPROVED INDUSTRY WORDING. BOX SIZE DETERMINED BY EQUIPMENT REQUIREMENTS.
- ⑤ INSTALL PULL-BOX PER SCE REQUIREMENTS.
- ⑥ SCE POWER CONDUIT IF POWER SOURCE IS SUPPLIED FROM ADJACENT POLE OR OTHER CIRCUIT.
- ⑦ INSTALL OLDCASTLE PRECAST VAULT – MODEL MC510 OR APPROVED EQUAL.
- ⑧ INSTALL FLUSH VENT – ALHAMBRA FOUNDRY MODEL A-2121 OR APPROVED EQUAL.
- ⑨ INSTALL ACCESS HATCH PER VAULT MANUFACTURER.

**GENERAL NOTES:**

– SEE STANDARD PLAN NO. 800 PG. 1 FOR GENERAL NOTES.

APPROVED:

*[Signature]*  
CITY ENGINEER

**CITY OF HUNTINGTON BEACH**

DEPARTMENT OF PUBLIC WORKS



**SMALL CELL INSTALLATION**

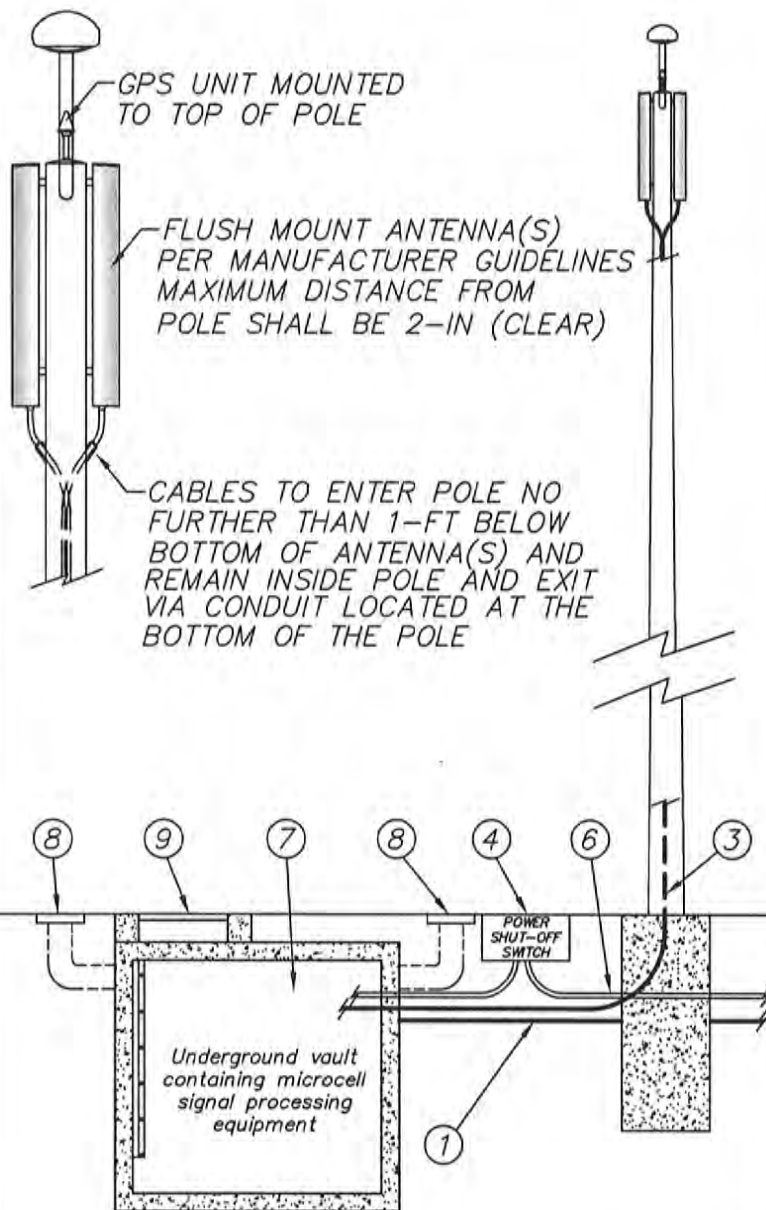
**CASE 1: EQUIPMENT UNDERGROUND**

STANDARD PLAN

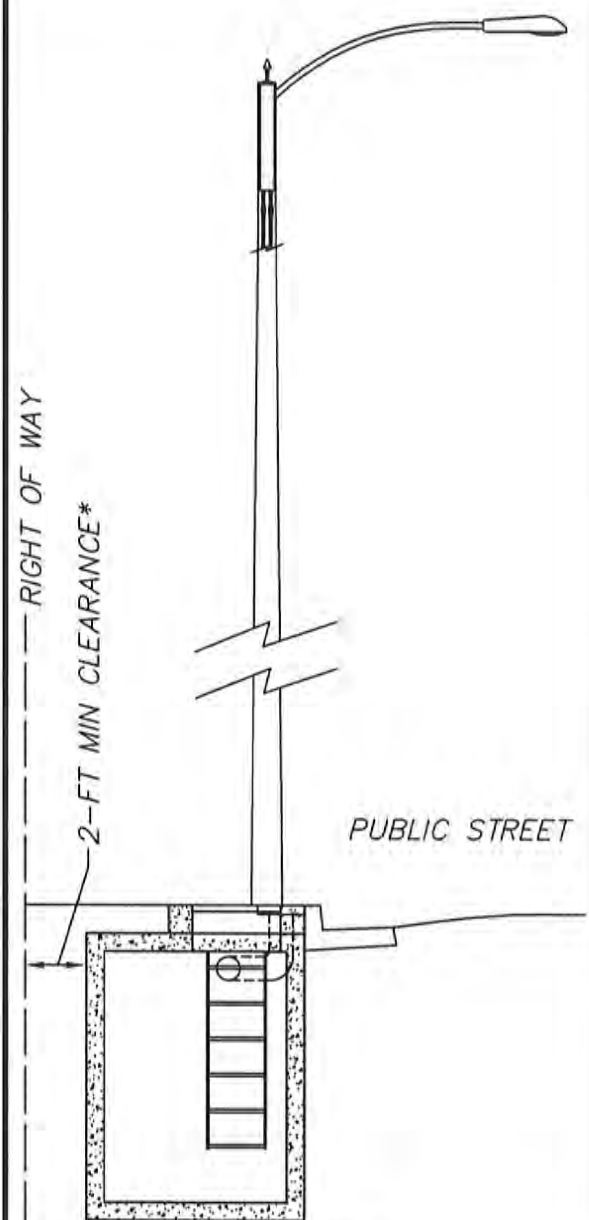
**801**

1 of 2

REVISION DATE: November 16, 2017



STREET-SIDE VIEW



SECTION VIEW

NOTES:

- SEE CITY STANDARD NO. 801 PAGE 1 FOR CONSTRUCTION NOTES.

GENERAL NOTES:

- SEE STANDARD PLAN NO. 800 PAGE 1 FOR GENERAL NOTES.

APPROVED:

*[Signature]*  
CITY ENGINEER

CITY OF HUNTINGTON BEACH

DEPARTMENT OF PUBLIC WORKS

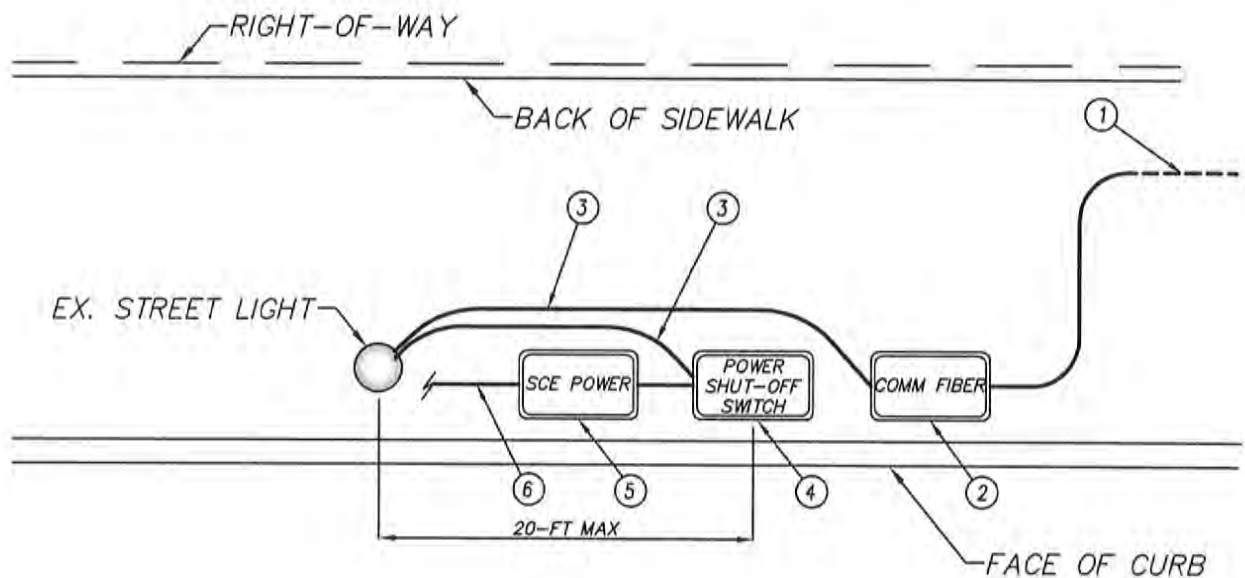


REVISION DATE: November 16, 2017

SMALL CELL INSTALLATION  
CASE 1: EQUIPMENT UNDERGROUND

STANDARD PLAN  
801  
2 of 2





PLAN VIEW

\*NOTE: FOR CLARITY, STREET LIGHT LUMINAIR AND MAST ARM NOT SHOWN.

CONSTRUCTION NOTES:

- ① INSTALL COMMUNICATIONS CONDUIT PER CITY STANDARD NO. 215. SEPARATE ENCROACHMENT PERMIT REQUIRED.
- ② INSTALL COMMUNICATIONS PULL-BOX SIZED PER UTILITY COMPANY STANDARDS.
- ③ INSTALL CONDUIT PER UTILITY COMPANY STANDARDS.
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- ⑤ INSTALL PULL-BOX PER SCE REQUIREMENTS.
- ⑥ SCE POWER CONDUIT IF POWER SOURCE IS SUPPLIED FROM ADJACENT POLE OR OTHER CIRCUIT.

GENERAL NOTES:

- SEE STANDARD PLAN NO. 800 PG. 1 FOR GENERAL NOTES.

APPROVED:

*[Signature]*  
CITY ENGINEER

CITY OF HUNTINGTON BEACH

DEPARTMENT OF PUBLIC WORKS



SMALL CELL INSTALLATION

CASE 2: "STEALTH" POLE

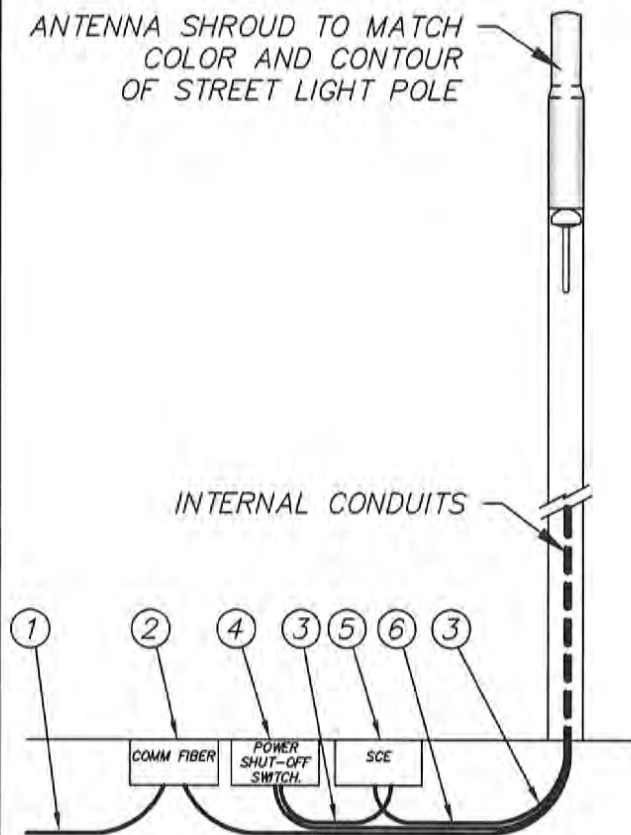
STANDARD PLAN

802

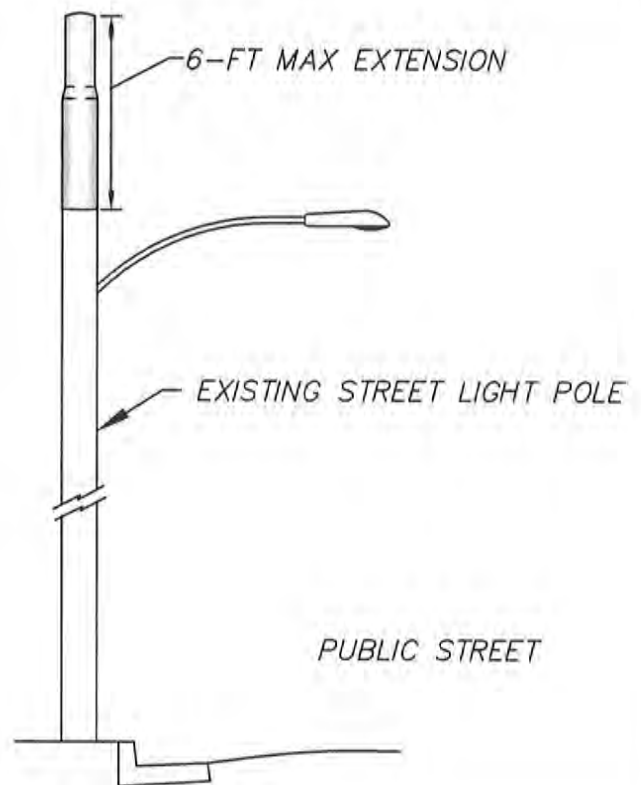
1 of 2

REVISION DATE: November 16, 2017

ANTENNA SHROUD TO MATCH  
COLOR AND CONTOUR  
OF STREET LIGHT POLE



STREET-SIDE VIEW



SECTION VIEW

CONSTRUCTION NOTES:

- ① INSTALL COMMUNICATIONS CONDUIT PER CITY STANDARD NO. 215. SEPARATE ENCROACHMENT PERMIT REQUIRED.
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GENERAL NOTES:

— SEE STANDARD PLAN NO. 800 PG. 1 FOR GENERAL NOTES.

APPROVED:

*[Signature]*  
CITY ENGINEER

CITY OF HUNTINGTON BEACH

DEPARTMENT OF PUBLIC WORKS



SMALL CELL INSTALLATION

CASE 2: "STEALTH" POLE

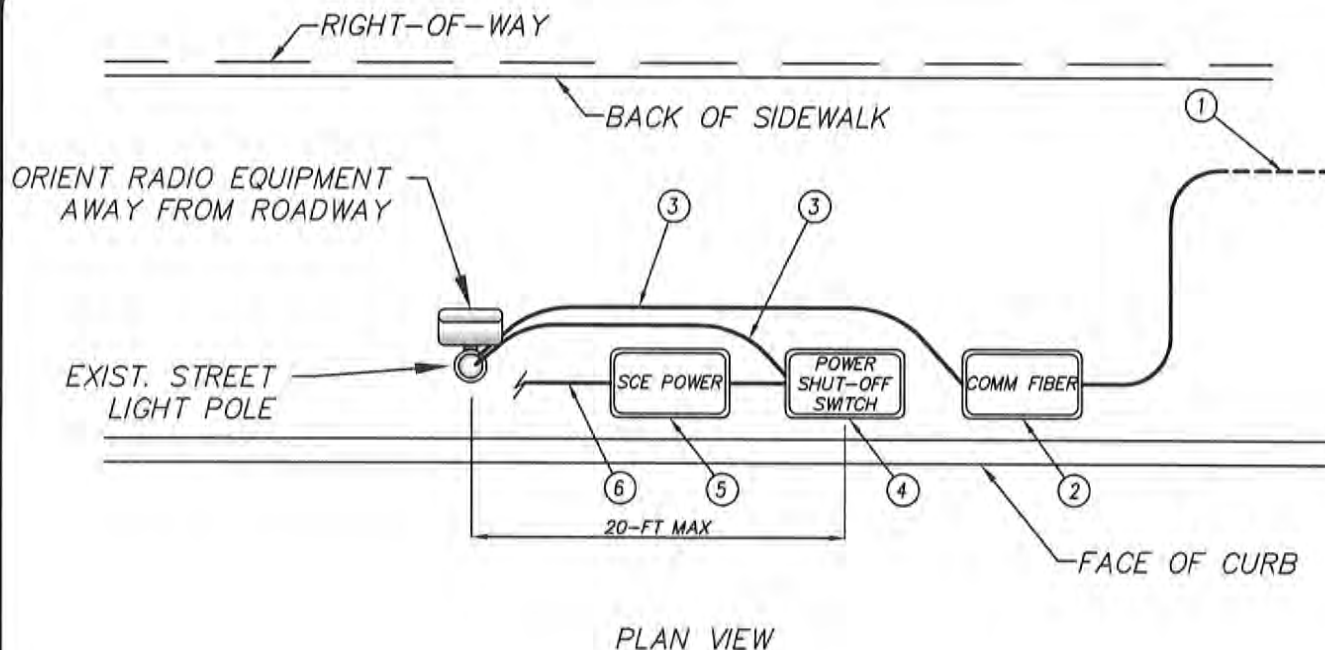
STANDARD PLAN

802

2 of 2

REVISION DATE: November 16, 2017





\*NOTE: FOR CLARITY, STREET LIGHT LUMINAIR AND MAST ARM NOT SHOWN.

GENERAL NOTES:

- ① INSTALL COMMUNICATIONS CONDUIT PER CITY STANDARD NO. 215. SEPARATE ENCROACHMENT PERMIT REQUIRED.
- ② INSTALL COMMUNICATIONS PULL-BOX SIZED PER UTILITY COMPANY STANDARDS.
- ③ INSTALL CONDUIT PER UTILITY COMPANY STANDARDS.
- ④ INSTALL PULL-BOX WITH SWITCH AND BREAKER LOCATED NO MORE THAN 20-FT FROM BASE OF UTILITY POLE. BOX LID SHALL BE MARKED "CELL SITE POWER SHUT-OFF SWITCH" OR OTHER APPROVED INDUSTRY WORDING. BOX SIZE DETERMINED BY EQUIPMENT REQUIREMENTS.
- ⑤ INSTALL PULL-BOX PER SCE REQUIREMENTS.
- ⑥ SCE POWER CONDUIT IF POWER SOURCE IS SUPPLIED FROM ADJACENT POLE OR OTHER CIRCUIT.

GENERAL NOTES:

- SEE STANDARD PLAN NO. 800 PG. 1 FOR GENERAL NOTES.

APPROVED:

*[Signature]*  
CITY ENGINEER

CITY OF HUNTINGTON BEACH

DEPARTMENT OF PUBLIC WORKS



SMALL CELL INSTALLATION

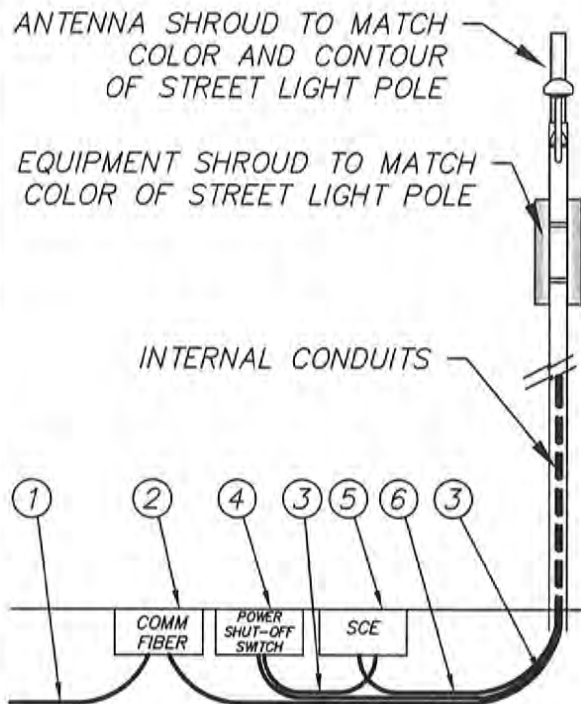
CASE 3: "SEMI-STEALTH" POLE

STANDARD PLAN

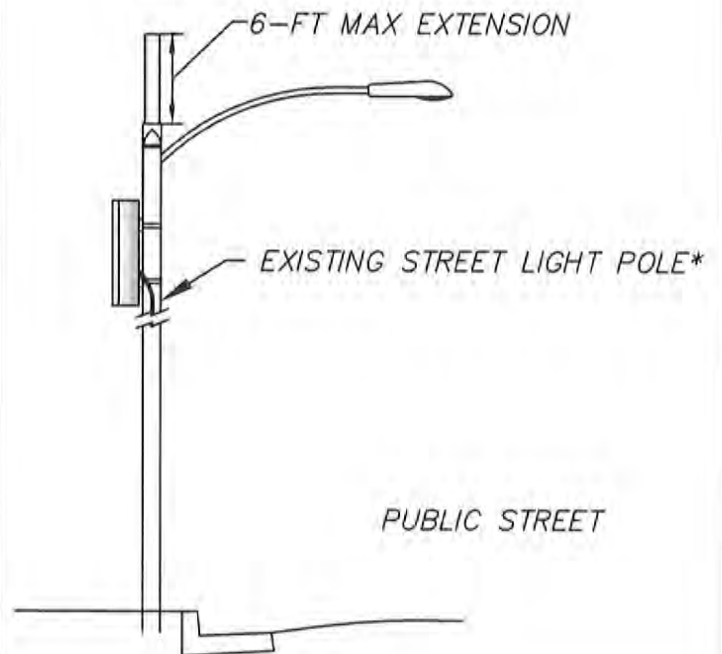
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REVISION DATE: November 16, 2017



STREET-SIDE VIEW



SECTION VIEW

CONSTRUCTION NOTES:

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APPROVED:

  
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SMALL CELL INSTALLATION

CASE 3: "SEMI-STEALTH" POLE

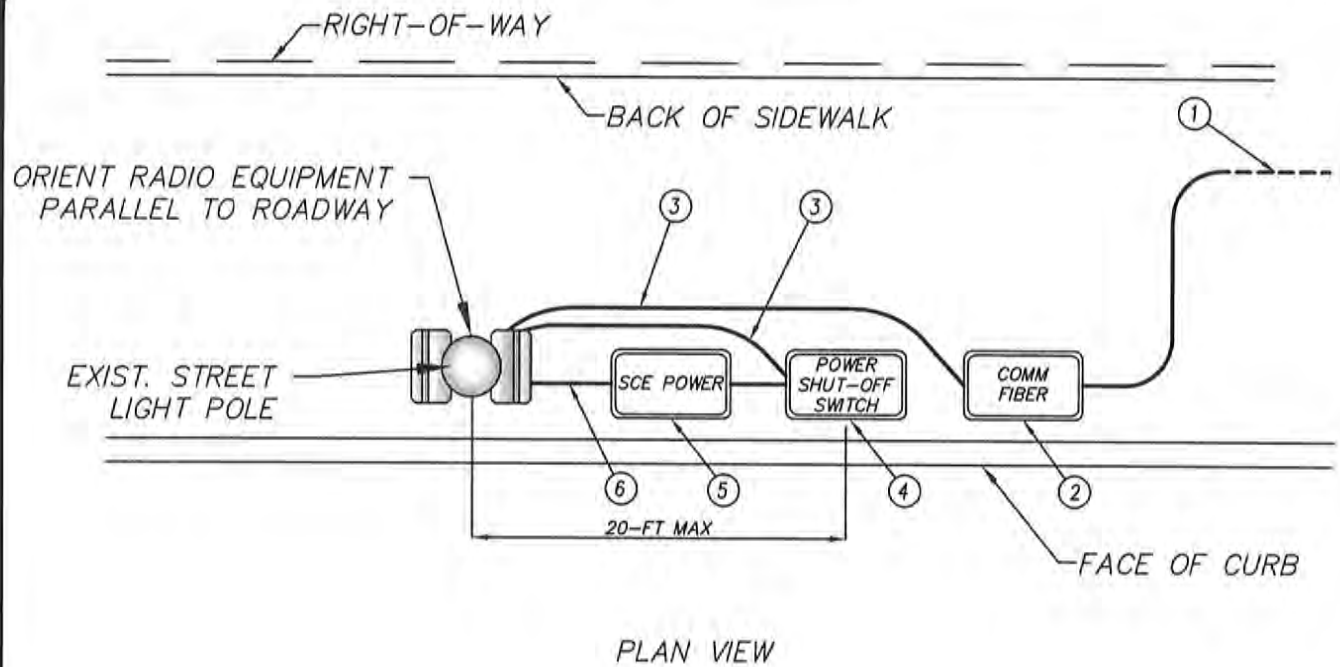
STANDARD PLAN

803

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REVISION DATE: November 16, 2017





\*NOTE: FOR CLARITY, STREET LIGHT LUMINAIR AND MAST ARM NOT SHOWN.

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SMALL CELL INSTALLATION

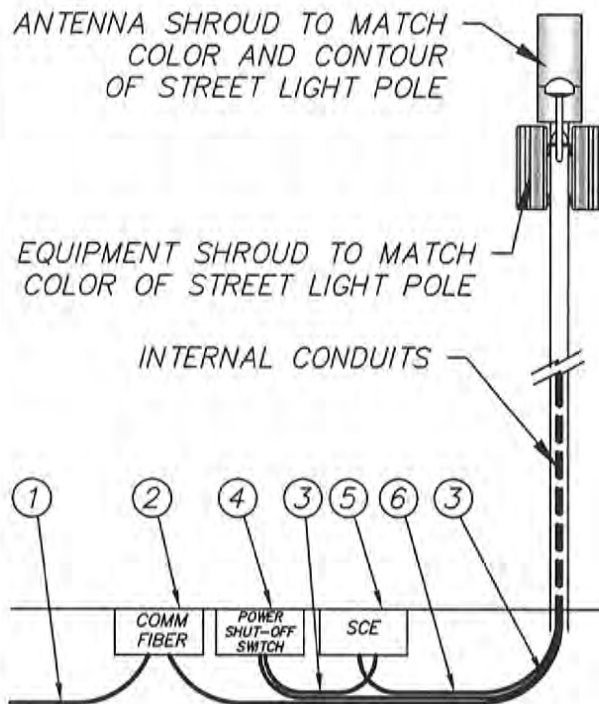
CASE 4: "SLEEK" POLE

STANDARD PLAN

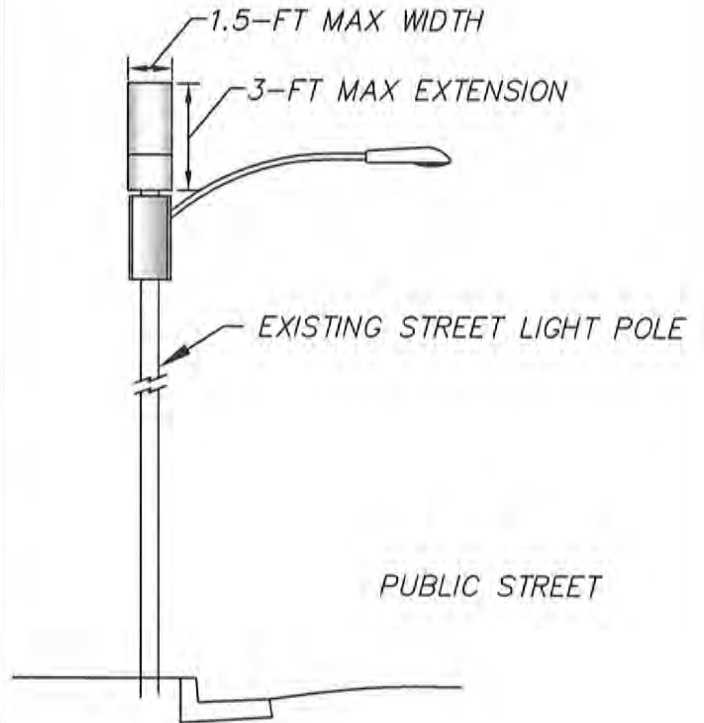
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STREET-SIDE VIEW



SECTION VIEW

**CONSTRUCTION NOTES:**

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SMALL CELL INSTALLATION

CASE 4: "SLEEK" POLE

STANDARD PLAN

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