

CALIFORNIA COASTAL COMMISSION

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W10b

TO: Commissioners and Interested Persons

FROM: Karl Schwing, Deputy Director
Eric Stevens, District Supervisor
Vince Lee, Staff Analyst

SUBJECT: Minor Amendment Request No. LCP-5-HNB-20-0089-2 to the City of Huntington Beach certified Local Coastal Program (LCP), for Commission Action at its March 10-12, 2021 virtual meeting.

**LOCAL COASTAL PROGRAM AMENDMENT NO.
LCP-5-HNB-20-0089-2 (MINOR)**

The City of Huntington Beach is requesting that the Commission certify an amendment to the Implementation Plan (IP) portion of the Huntington Beach certified Local Coastal Program (LCP). The City adopted Resolution No. 2020-59 on October 19, 2020 ([Exhibit 1](#)). The LCP amendment was submitted to the Commission on December 9, 2020. The proposed LCP amendment consists of three of the City's Zoning Text Amendments (ZTA Nos. 18-003, 19-002, and 19-005) to the Huntington Beach Zoning and Subdivision Ordinance ("HBZSO"). Each of the three ZTAs is described in greater detail below.

ZTA No. 18-003 proposes to amend five chapters of the HBZSO. This amendment is intended to decrease the processing time for local use permit applicants, encourage new businesses, provide greater clarity, and ultimately improve civil service by reorganizing certain entitlement applications to a lower hearing body or permit by right, codifying existing policies, and clarifying sections of the code. The ZTA would delegate the approving authority of entitlement applications to a lower hearing body or permit by right in order to reduce the processing time of non-controversial applications, including applications regarding Cultural Institutions, Government Offices (in the Commercial Visitor (CV) District only), Public Safety Facilities, Eating and Drinking Establishments within 300 feet of residential uses (no alcohol, live entertainment or dancing), Food and Beverage Sales, Personal Enrichment Services, and Tattoo Establishments (in the Commercial General District only). The ZTA also involves codifying and clarifying various sections of the HBZSO to improve clarity and keep the code current. A matrix providing a comparison between the City's current code sections and the proposed changes by ZTA No. 18-003 is shown in [Exhibit 2](#).

ZTA No. 19-002 proposes to amend seven chapters of the HBZSO for overall maintenance pertaining to (1) vehicle storage businesses, (2) parking structures, and (3) residential infill requirements. The ZTA would also codify existing policies and clarify various sections of the HBZSO. Each of the three elements of ZTA No. 19-002 is further described hereafter. First, the ZTA deletes the definition of Vehicle Storage under Section 204.10 (GG), adds three more specific vehicle storage classifications (Impound Yards, Off-Site Auto Sales, and Recreational Vehicles), and provides the type of permit required for each of the three vehicle storage classifications. Second, definitions of subterranean parking and tandem parking are added, and the definition of “parking structure” is revised under Section 203.06 to provide clarity on the common types of parking facilities. Third, residential infill requirement would be renamed as “Residential Privacy Design Standards” to more accurately describe the intent of the provisions for offsetting windows and balconies on infilled single family homes, and the applicability of privacy design standards would be clarified to reduce the processing time for single family remodel/addition projects that do not add or alter any area above the first floor. A matrix providing a comparison between the City’s current code sections and the proposed changes by ZTA No. 19-002 is shown in [Exhibit 3](#).

ZTA No. 19-005 proposes to establish a new set of regulations for Group Homes, Sober Living Homes, and Residential Care Facilities affecting Residential Districts citywide. It would amend four chapters of the HBZSO and create a new chapter in the Huntington Beach Municipal Code to reflect the newly introduced land use classifications. The City states it has experienced a rise in the number of Group Homes (a term that is inclusive of Sober Living Homes) within single-family residential neighborhoods. These Group Homes are not required to be licensed by the State and are not allowed to provide services that State-licensed alcoholism or drug abuse recovery or treatment facilities (which are already covered by the HBZSO) provide. The proposed ZTA is intended to preserve the residential character of single-family residential neighborhoods by (1) ensuring that Group Homes are actually entitled to the special accommodation and/or additional accommodation provided under the Huntington Beach Municipal Code and not simply skirting the City’s land use regulations which currently does not provide specific regulations for Group Homes; (2) limiting the secondary impacts of Group Homes by reducing noise and traffic, preserving safety and providing adequate on-street parking; (3) providing an accommodation for the disabled that is reasonable and actually bears some resemblance to the opportunities afforded by non-disabled individuals to use and enjoy a dwelling unit in a single-family neighborhood; and (4) providing comfortable living environments that will enhance the opportunity for the disabled and for recovering addicts to be successful in their programs. The proposed regulations would require Group Homes, including Sober Living Homes with 6 or less residents excluding the house manager, to obtain a ministerial permit within 90 days of the effective certification of the ZTA to operate in a manner consistent with the nature of the single-family residential neighborhoods in which they are located. Group Homes or Residential Care Facilities with seven or more occupants are required to obtain a conditional use permit. The ZTA would also prohibit Sober Living Homes from locating within 1,000 ft. of each other, and Group Homes with seven or more occupants from

being located within 1,000 ft. from any other property that contains a Group Home, Sober Living Home, or State-licensed Residential Care Facility.

LCP History

The LCP for the City of Huntington Beach, with the exception of two geographic areas, was effectively certified in March 1985. The two geographic areas that were initially excluded have since been certified and are incorporated into the LCP. However, two areas of the City's coastal zone were annexed since certification; these areas are known as Sunset Beach and Brightwater. No LCP has been certified for the Sunset Beach and Brightwater annexation areas. A comprehensive update to the City's LUP was certified by the Commission on June 14, 2001 via Huntington Beach LCP Amendment 3-99. The City also updated the IP by replacing it with the Zoning and Subdivision Ordinance (while retaining existing specific plans without changes for areas located within the Coastal Zone). The updated IP was certified by the Coastal Commission in April 1996 via LCP Amendment 1-95. The City's certified LUP is the City's Coastal Element. The City's certified IP consists of the City's Zoning Code (formally called the Zoning and Subdivision Ordinance) and various specific plans.

Analysis

Pursuant to Section 30514(c) of the Coastal Act, the Executive Director has determined that the City of Huntington Beach LCP-5-HNB-20-0089-2 is a minor LCP amendment. The LCP amendment has been determined to be a "minor" LCP amendment per Section 13554(a) of Title 14 of the California Code of Regulations because the proposed regulations are consistent with the certified Land Use Plan (LUP), would make the City's development regulations more specific, and would not change the kind, location, intensity or density of any uses.

Specifically, ZTA No. 18-003 and 19-002 would update and provide greater clarity in the City's current zoning code. The proposed ZTAs, which include the few uses that have been added or diversified from existing land use classifications (such as Convalescent Facilities and Offices, Medical and Dental), would not change the character of the base zoning district and the land uses authorized therein, and would not change the Coastal Development Permit procedure. ZTA No. 19-005 would update the zoning code to introduce previously unclassified land uses (Group Home and Sober Living Home) within the Residential Districts. The amendment will provide the City the opportunity to regulate these uses, which are currently existing in the City, in a manner consistent with the underlying residential zoning districts. The limitation on the number of residents (6 or less) in these group homes to meet the local standards for special use permit, the 1,000 ft. buffer requirement between group homes with 7 or more residents, and the parking requirement of the group home residents will ensure that there is no significant impact to public access and community character of the City's residential neighborhoods in the Coastal Zone.

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When the Executive Director determines that an amendment is minor, that determination must be reported to the Commission. If one-third of the appointed members of the Commission request that it be processed as a major LCP amendment, then the amendment shall be set for a future public hearing. Proposed amendments that are designated as minor amendments by the executive director with concurrence by the Commission shall take effect on the tenth working day after Commission concurrence. The Executive Director will report this minor LCP amendment determination, and any comments received on it, to the Coastal Commission at its March 10-12, 2021 virtual meeting. For any questions or additional information regarding the proposed amendment or the process under which it is being certified, please contact Vince Lee at the South Coast District Office in Long Beach.