CITY OF HUNTINGTON BEACH
Inter-Department Communication
Planning and Building Department

TO: Honorable Mayor and City Council Members

VIA: Fred A. Wilson, City Manager

FROM: Scott Hess, AICP, Director of Planning and Building SH by SH

DATE: October 17, 2014

SUBJECT: **OCTOBER 20, 2014 CITY COUNCIL MEETING AGENDA ITEM NO. 8 LATE COMMUNICATION ZONING TEXT AMENDMENT NO. 12-001 (ZSO MAINTENANCE)**

Zoning Text Amendment No. 12-001 is scheduled for public hearing before the City Council on October 20, 2014. Staff is recommending amendments to four chapters of the Huntington Beach Zoning and Subdivision Ordinance. The four Draft Ordinances contained incorrect attachments with the original agenda packet posted to the website on October 16, 2014.

Regarding Council Agenda Item No. 8 (ZTA 12-001) please discard Attachment Numbers 2 – 5 and replace with the four attachments to this memo and described as follows:

New Attachment No. 2 Draft Ordinance No. 4037, "An Ordinance of the City Council of the City of Huntington Beach amending Chapter 203 of the Huntington Zoning and Subdivision Ordinance Titled Definitions (Zoning Text Amendment No. 12-001)" including Exhibit A as amended;

New Attachment No. 3 Draft Ordinance No. 4038, "An Ordinance of the City Council of the City of Huntington Beach amending Chapter 211 of the Huntington Zoning and Subdivision Ordinance Titled C Commercial Districts (Zoning Text Amendment No. 12-001)" including Exhibit A as amended;

New Attachment No. 4 Draft Ordinance No. 4039, "An Ordinance of the City Council of the City of Huntington Beach amending Chapter 212 of the Huntington Zoning and Subdivision Ordinance Titled I Industrial Districts (Zoning Text Amendment No. 12-001)" including Exhibit A as amended;

New Attachment No. 5 Draft Ordinance No. 4040, "An Ordinance of the City Council of the City of Huntington Beach amending Chapter 230 of the Huntington Zoning and Subdivision Ordinance Titled Site Standards (Zoning Text Amendment No. 12-001)" including Exhibit A as amended.

Additionally, there is a **New Attachment No. 9**, which represents the Legislative Drafts of the four zoning code chapters with **bold and underline** indicating new text and ~~strikethrough~~ indicating removal of text.

All other attachments in the original Request for Council Action remain the same.

If you have any questions or would like a hard copy of the above ordinances and their attachments please contact me or Jane James, Planning Manager, at 536-5271.

Attachments

xc: Ken Domer, Assistant City Manager
Department Heads
Joan L. Flynn, City Clerk
Jane James, Planning Manager
Joanna Cortez, Assistant Planner
Kim De Coite, Administrative Assistant
Cathy Fikes, Administrative Assistant

NEW
ATTACHMENT #2

ORDINANCE NO. 4037

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 203 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE TITLED DEFINITIONS (ZONING TEXT AMENDMENT NO. 12-001)

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. 12-001, which amends Chapter 203 of the Huntington Beach Zoning and Subdivision Ordinance relating to definitions involving Citywide site standards; 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 203 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 203 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 ____ day of _____, 2014.

_____
Mayor

ATTEST:

_____
City Clerk

INITIATED AND APPROVED:

_____
Director of Planning and Building

REVIEWED AND APPROVED:

_____
City Manager

APPROVED AS TO FORM:

_____
City Attorney MV - For PH

Exhibit A: Chapter 203

14-4361/112603

EXHIBIT A

Chapter 203 DEFINITIONS

203.02 Applicability

The meaning and construction of words and phrases defined in this chapter shall apply throughout the zoning and subdivision ordinance, except where the context clearly indicates a different meaning or construction.

203.04 Rules for Construction of Language

In addition to the General Provisions Chapter 1.04 of the Municipal Code, the following rules of construction shall apply:

A. The particular shall control the general.

B. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

1. "And" indicates that all connected words or provisions shall apply.
2. "Or" indicates that the connected words or provisions apply singly.
3. "Either... or" indicates that the connected words or provisions shall apply singly but not in combination.
4. "And/or" indicates that the connected words or provisions may apply singly or in any combination.

C. In case of conflict between the text and a diagram, the text shall control.

D. All references to departments, commissions, boards, or other public agencies are to those of the City of Huntington Beach, unless otherwise indicated.

E. All references to public officials are to those of the City of Huntington Beach, and include designated deputies of such officials, unless otherwise indicated.

F. All references to days are to calendar days unless otherwise indicated. If a deadline falls on a weekend or City holiday, it shall be extended to the next working day.

G. Chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of any section hereof.

H. The words "activities" and "facilities" include any part thereof.

203.06 Definitions

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

Access, Lateral. Public access along the coast.

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

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

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

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

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

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

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

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

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

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

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

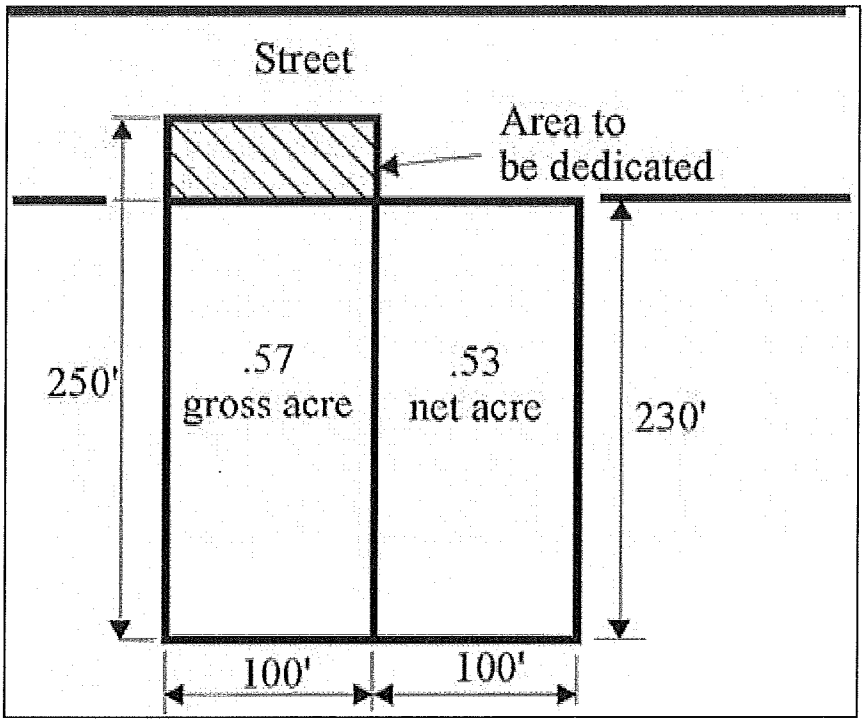
Antenna, Satellite Dish. An antenna for the purpose of receiving or transmitting communications to or from an orbiting satellite.

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

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

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

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



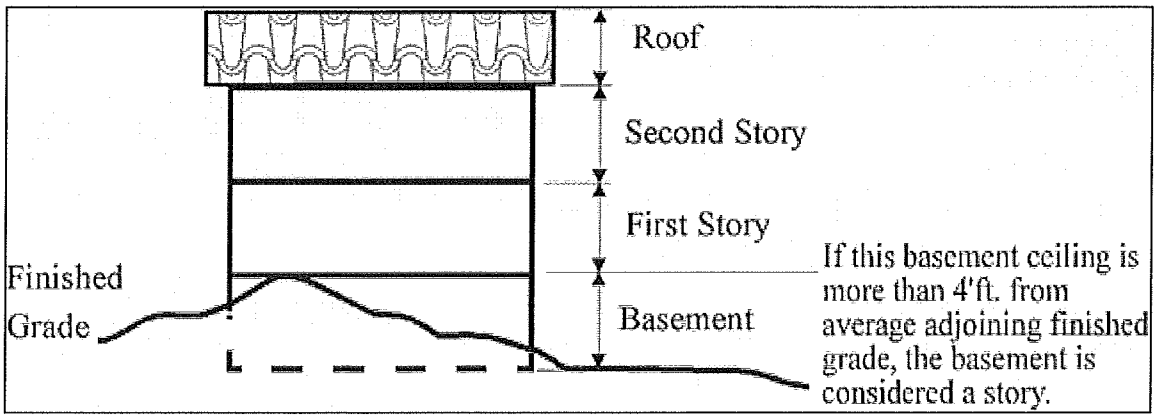
Lot Area

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

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

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

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

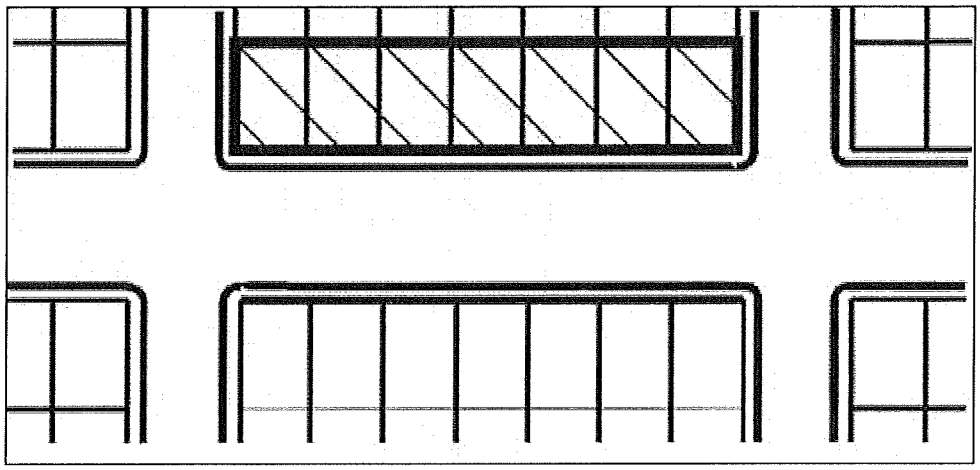


Basement

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

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

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



Blockface

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

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

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

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

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

City. The City of Huntington Beach.

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

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

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

Commission. The Huntington Beach Planning Commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Emergency Shelter. Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

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

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

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

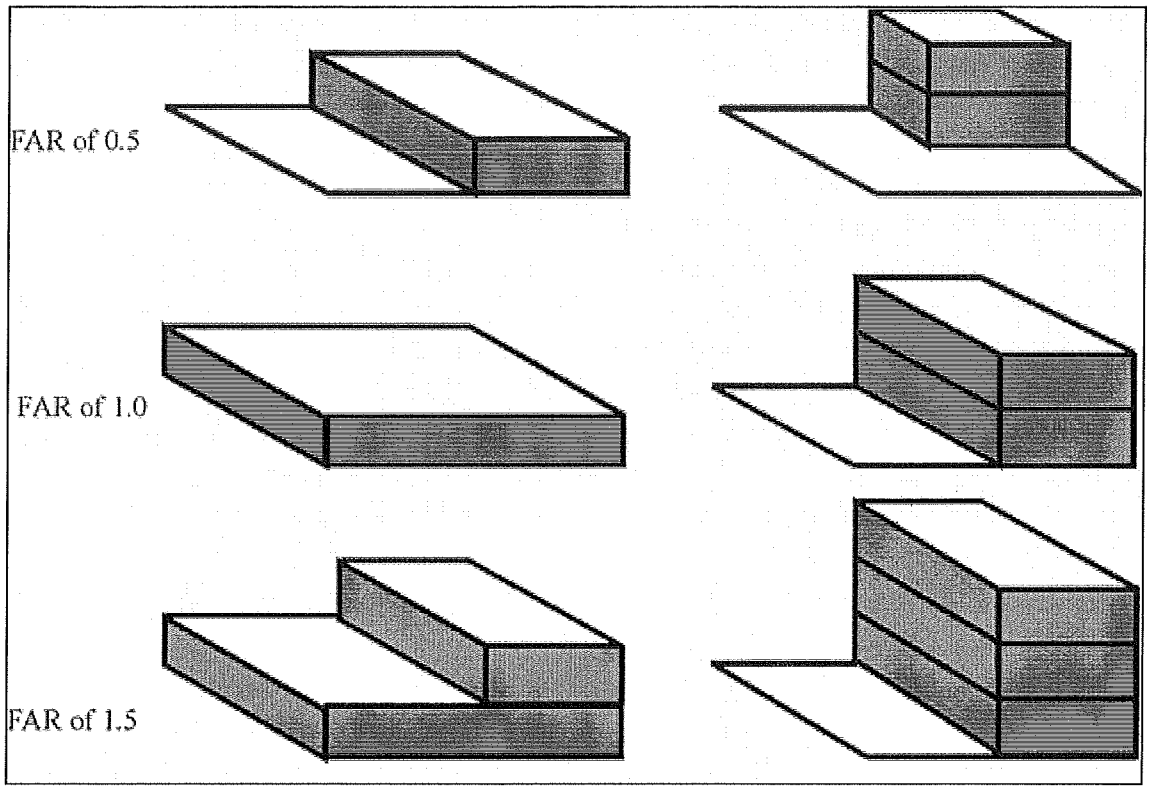
Exemption, Categorical. An exception from the requirements of the California Environmental Quality Act (CEQA) for a class of projects, which have been determined to not have a significant effect on the environment.

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

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

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

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



Floor Area Ratio (FAR)

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

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

General Plan. The City of Huntington Beach General Plan.

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

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

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

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

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

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

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

Hotel Owner/Operator. The entity that owns and operates a hotel. If the hotel operator is separate from the hotel owner both are jointly and severally responsible for ensuring compliance with the requirements described in this LCP and/or recorded against the property, as well as jointly and severally liable for violations of said requirements and restrictions.

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

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

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

Infill Lot Development. A lot contiguous to one or more existing single family residential units, excluding parcels separated by streets, a vacant parcel intended for single family development, or a parcel with an existing residential structure, which will have 50% or more square footage of habitable area removed in order to remodel or construct a detached single family unit.

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

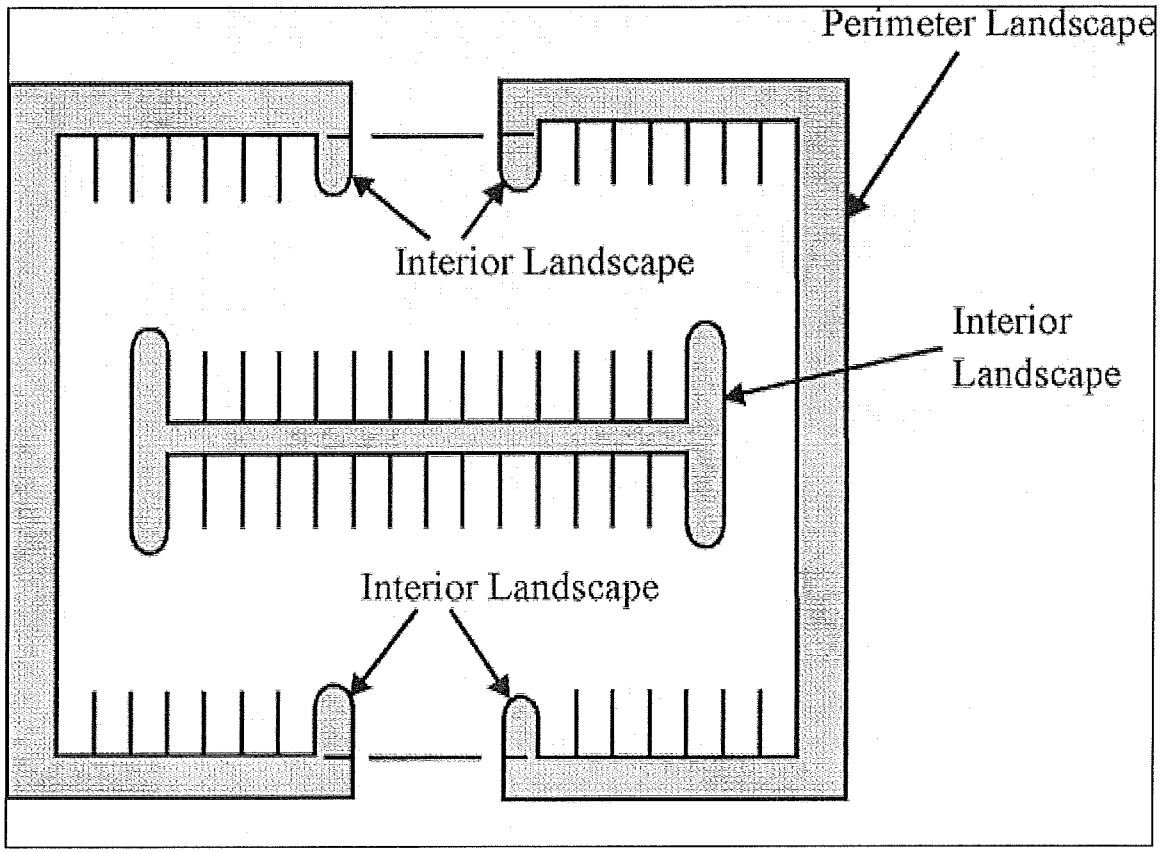
Kennel. Any premises where four or more dogs or cats at least four months of age are kept or maintained for any purpose except veterinary clinics and hospitals. For purposes of this section, a detached single-family residence with a maximum of four dogs shall not be considered a kennel when at least one of the dogs is a specially-trained guide dog, signal dog or service dog, as defined in Penal Code Section 365.5, and complies with Section 7.12.160 of the Huntington Beach Municipal Code.

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

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

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

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

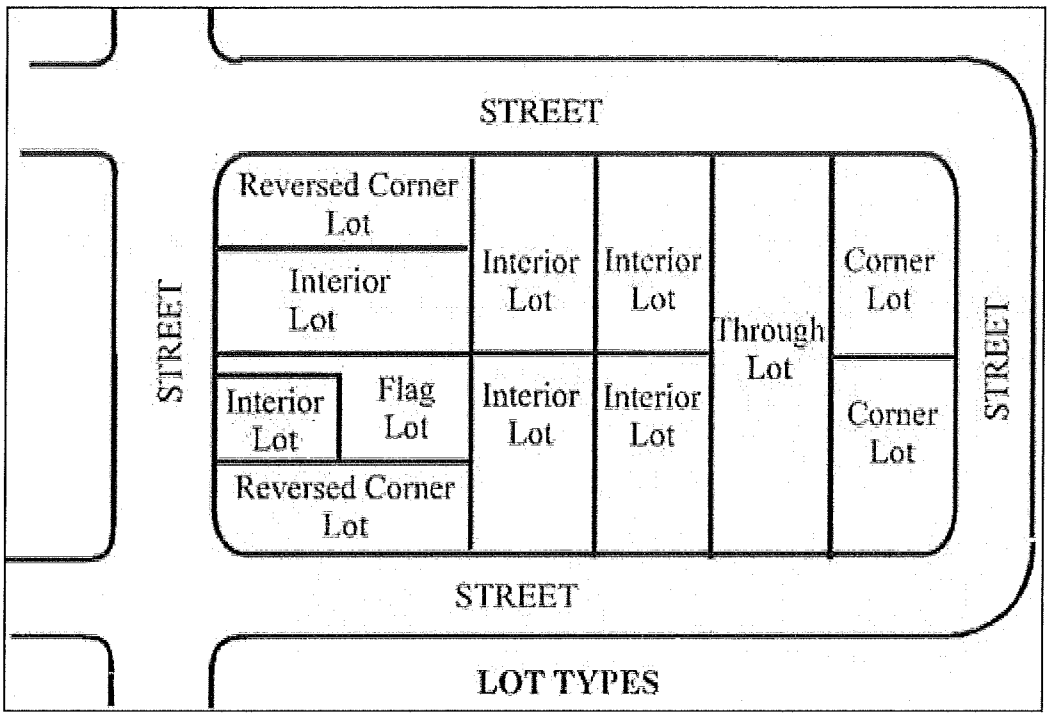


Landscaping: Perimeter Interior

Limited Use Overnight Visitor Accommodations. Any hotel, motel, or other similar facility that provides overnight visitor accommodations wherein a purchaser receives the right in perpetuity, for life, or a term of years, to the recurrent, exclusive use or occupancy of a lot, parcel, unit, room(s), or segment of the facility, annually or on some other seasonal or periodic basis, for a period of time that has been or will be allotted from the use or occupancy periods into which the facility has been divided and shall include, but not be limited to Timeshare, Condominium-Hotel, Fractional Ownership Hotel, or uses of a similar nature.

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

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



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

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

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

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

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

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

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

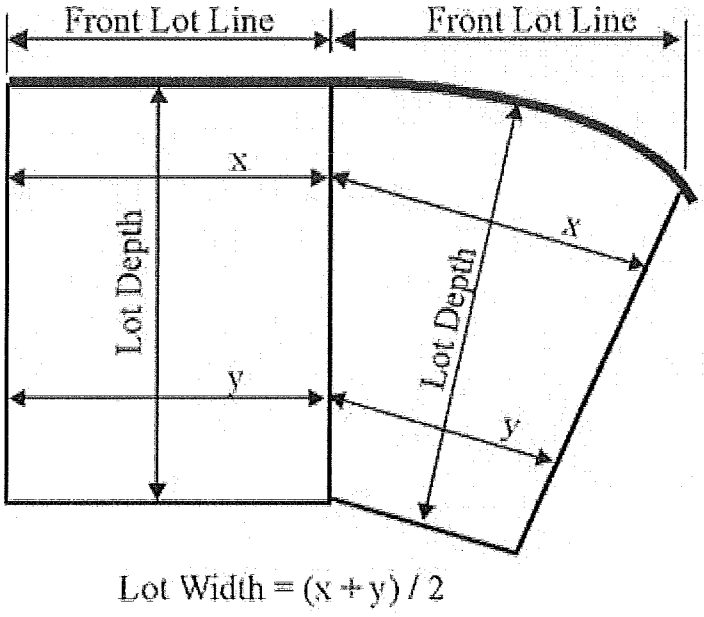
Lot or Property Line, Street. A lot line abutting a street.

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

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

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

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

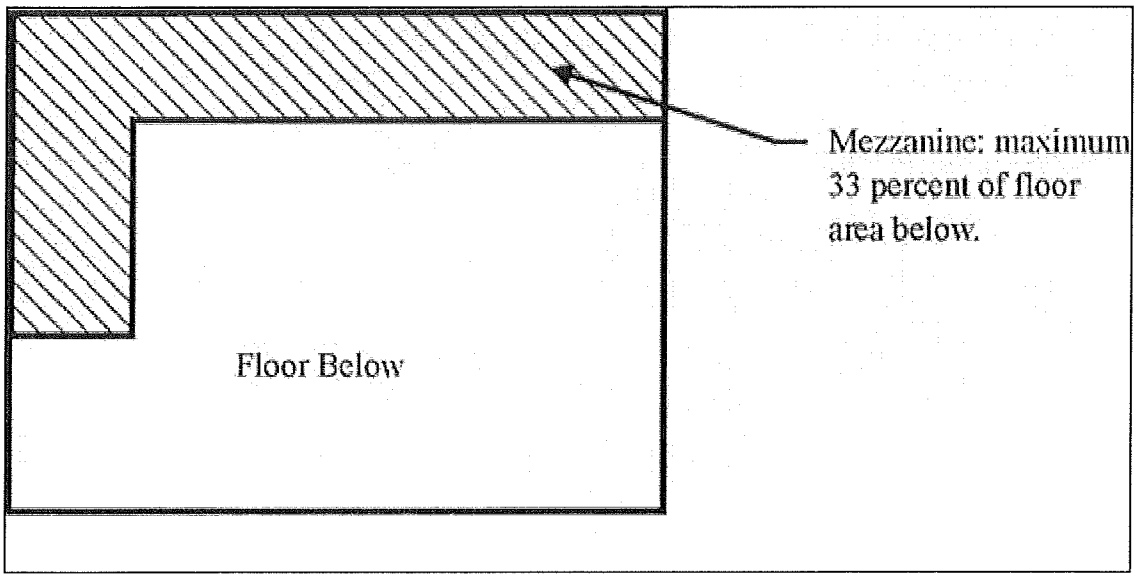


Lot Width

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

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

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



Mezzanine

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

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

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

Neighborhood Notification. Notification process pursuant to Chapter 241 when no entitlements are required and the use requires such notification as stated in the Zoning and Subdivision Ordinance.

Net Site Area. See Area, Net Lot.

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

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

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

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

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

Oil Operation. The use or maintenance of any installation, facility, or structure used, either directly or indirectly, to carry out or facilitate one or more of the following functions: drilling, rework,

repair, redrilling, production, processing, extraction, assisted recovery, stimulation storage or shipping of oil gas or hydrocarbons from the subsurface of the earth.

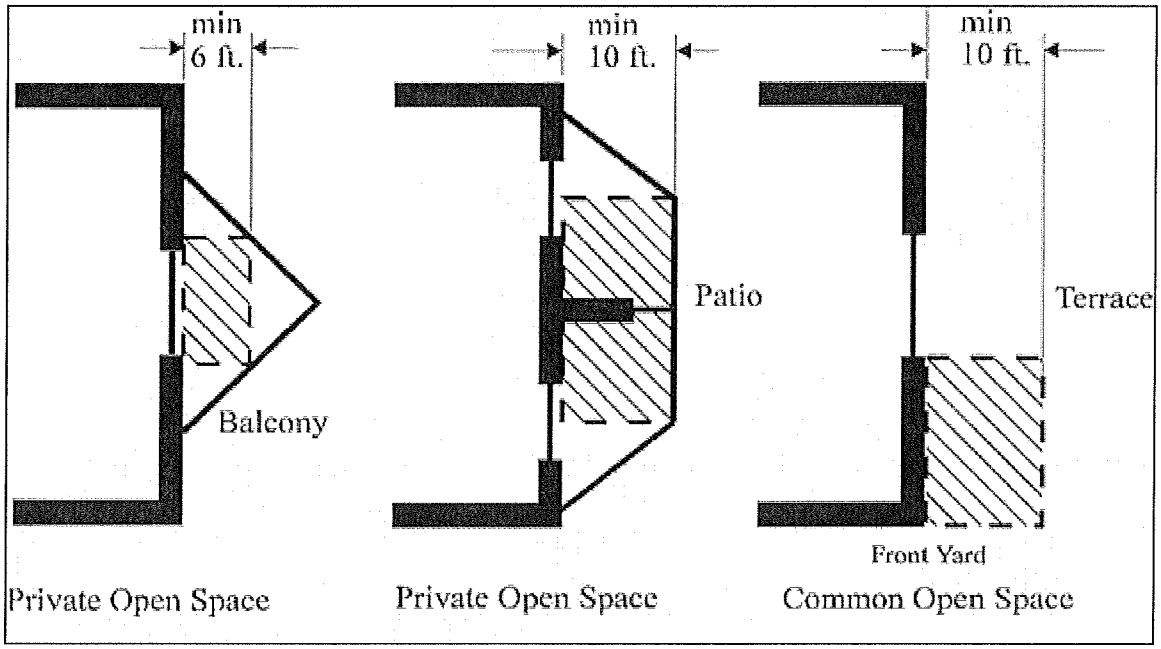
Oil Operation Site. The physical location where an oil operation is conducted.

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

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

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

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



Usable Open Space

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

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

Patio. A paved court open to the sky.

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

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

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

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

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

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

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

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

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

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

Resource Protection Area. Within the coastal zone, any area that consists of any of the following: wetlands, Environmentally Sensitive Habitat Areas, buffer areas (as these terms are defined in the Glossary of the City's certified Land Use Plan), and/or land that is zoned Coastal Conservation.

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

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

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

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

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

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

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

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

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

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

Street. A public or an approved private thoroughfare or road easement which affords the principle means of access to abutting property, not including an alley.

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

Structure, Accessory. A structure that is appropriate, subordinate and customarily incidental to the main structure of the site and which is located on the same site as the main structure, including swimming pools, garages, gazebos and patio covers.

Structure, Minor Accessory. An accessory structure that does not exceed 64 square feet in floor area, 80 square feet in roof area and a height of six feet, including storage sheds, pet shelters, playhouses, and decorative elements.

Supportive Housing. Housing with no limit on length of stay that is occupied by the target population and is linked to on-site or off-site services that assist residents retain the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. On-site and off-site services may include, but are not limited to, after-school tutoring, child care, and career counseling.

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

Target Population. Persons with low income having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Development Disabilities Services Act (Division 4.5 commencing with Section 4500 of the Welfare and Institutions Code) and may include, among other populations, adults, families, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, or homeless people.

Transitional Housing. Buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

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

Ultimate Right-Of-Way. The adopted maximum width for any street, alley, or thoroughfare, as established by the General Plan, by a precise plan of street, alley, or private street alignment; by a recorded map; or by a standard plan of the Department of Public Works. Such thoroughfare shall include any adjacent public easement used as a walkway and/or utility easement.

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

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

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

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

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

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

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

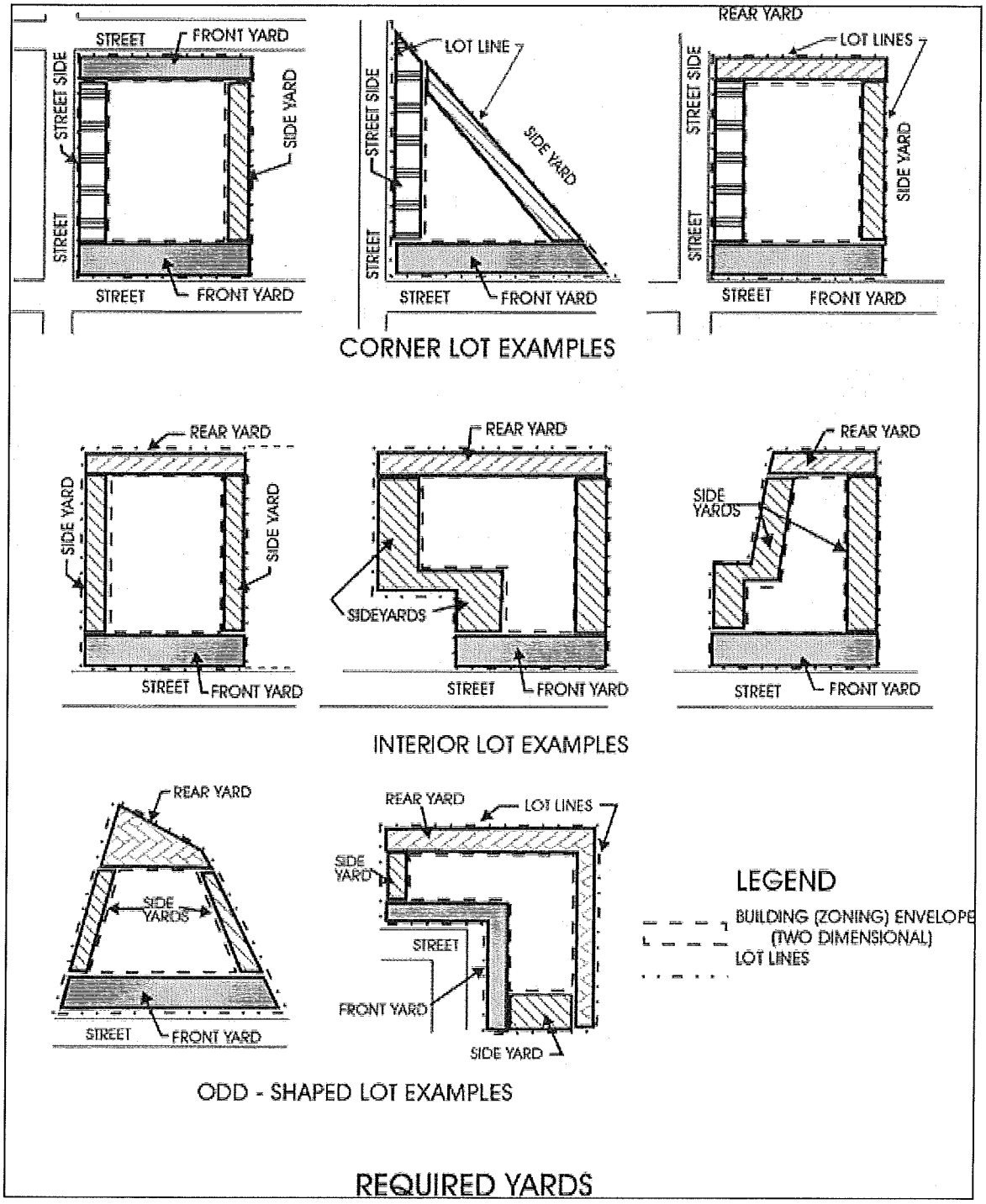
Window, Required. An exterior opening in a habitable room meeting the area requirements of the Uniform Building Code.

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

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

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

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



Zoning Ordinance. The Zoning Ordinance of the City of Huntington Beach. (3248-6/95, 3249-6/95, 3301-11/95, 3334-6/97; 3482-12/00, 3520-2/02, 3568-9/02, 3705-6/05, 3756-1/07, 3774-9/07, 3856-2/10, 3903-11/11, 3909-4/11)

NEW
ATTACHMENT #3

ORDINANCE NO. 4038

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 211 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE TITLED C COMMERCIAL DISTRICTS (ZONING TEXT AMENDMENT NO. 12-001)

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. 12-001, which amends Chapter 211 of the Huntington Beach Zoning and Subdivision Ordinance relating to development standards affecting Commercial Districts; and

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

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

SECTION 1. That Chapter 211 of the Huntington Beach Zoning and Subdivision Ordinance titled C Ccommerical Districts is hereby amended to read as set forth in Exhibit A.

SECTION 2. All other provisions of Chapter 211 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 ____ day of _____, 2014.

_____
Mayor

ATTEST:

_____
City Clerk

INITIATED AND APPROVED:

_____
Director of Planning and Building

REVIEWED AND APPROVED:

_____
City Manager

APPROVED AS TO FORM:

_____
City Attorney

Exhibit A: Chapter 211

EXHIBIT A

Chapter 211 C COMMERCIAL DISTRICTS

211.02 Commercial Districts Established

The purpose of the commercial districts is to implement the General Plan and Local Coastal Program commercial land use designations. Three commercial zoning districts are established by this chapter as follows:

A. The CO Office Commercial District provides sites for offices for administrative, financial, professional, medical and business needs.

B. The CG General Commercial District provides opportunities for the full range of retail and service businesses deemed suitable for location in Huntington Beach.

C. The CV Visitor Commercial District implements the Visitor Serving Commercial land use designation within the coastal zone and provides uses of specific benefit to coastal visitors. More specifically, the CV district provides opportunities for visitor-oriented commercial activities, including specialty and beach related retail shops, restaurants, hotels, motels, theaters, museums, and related services. (3334-6/97)

211.04 CO, CG, and CV Districts—Land Use Controls

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

"P" designates use classifications permitted in commercial districts.

"L" designates use classifications subject to certain limitations prescribed by the additional provisions that follow.

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

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

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

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

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

CO, CG, and CV Districts: Land Use Controls

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

	CO	CG	CV	Additional Provisions
Residential				(J)(Q)(R)(V)
Group Residential	PC	PC	PC	
Multifamily Residential	-	-	PC	
Public and Semipublic				(J)(Q)(R)(V)
Clubs and Lodges	P	P	-	
Community and Human Services				
Drug Abuse Centers	-	PC	-	
Primary Health Care	L-11	L-11	-	
Emergency Kitchens	-	L-2	-	
Emergency Shelters	-	L-2	-	
Residential Alcohol Recovery, General	-	PC	-	
Residential Care, General	ZA	ZA	-	
Convalescent Facilities	ZA	ZA	-	
Cultural Institutions	PC	PC	PC	
Day Care, General	L-3	L-3	-	
Day Care, Large-Family	P	P	-	(Y)
Emergency Health Care	L-2	L-2	-	
Government Offices	P	P	PC	
Heliports	PC	PC	PC	(B)
Hospitals	PC	PC	-	
Park & Recreation Facilities	L-9	L-9	L-9	
Public Safety Facilities	PC	PC	PC	
Religious Assembly	ZA	ZA	PC	
Schools, Public or Private	PC	PC	-	
Utilities, Major	PC	PC	PC	

Utilities, Minor	P	P	P	(L)
Commercial Uses				(J)(Q)(R)
Ambulance Services	-	ZA	-	
Animal Sales & Services				
Animal Boarding	-	ZA	-	
Animal Grooming	-	P	-	
Animal Hospitals	-	ZA	-	
Animals—Retail Sales	-	P	-	
Equestrian Centers (CG Zone)	-	PC	-	(S)
Pet Cemetery	-	PC	-	
Artists' Studios	P	P	P	
Banks and Savings & Loans	P	P	P	
With Drive-Up Service	P	P	P	
Building Materials and Services	-	P	-	
Catering Services	P	P	P	
Commercial Filming	P	P	P	(F)
Commercial Recreation and Entertainment	-	PC	PC	(D)
Communication Facilities	L-13	L-13	L-13	
Eating and Drinking Establishments	L-4	L-4	L-4	
W/Alcohol	ZA	ZA	ZA	(N)(Y)
W/Drive Through	-	P	P	
W/Live Entertainment	ZA	ZA	ZA	(W)(Y)
W/Dancing	PC	PC	PC	(H)
W/Outdoor Dining	ZA	ZA	ZA	(X)(Y)
Food & Beverage Sales	-	P	L-2	
W/Alcoholic Beverage Sales	-	ZA	ZA	(N)
Funeral & Internment Services	-	ZA	-	
Laboratories	L-1	L-1	-	
Maintenance & Repair Services	-	P	-	
Marine Sales and Services	-	P	P	
Nurseries	-	ZA	-	
Offices, Business & Professional	P	P	P	
Pawn Shops	-	ZA	-	
Personal Enrichment Services	L-10	L-10	-	(Y)

Personal Services	P	P	P	
Research & Development Services	L-1	ZA	-	
Retail Sales	-	P	P	(U)(V)
Secondhand Appliances/Clothing	-	P	-	
Swap Meets, Indoor/Flea Markets	-	PC	-	(T)
Swap Meets, Recurring	-	ZA	-	
Tattoo Establishments	-	PC	-	
Travel Services	P	P	P	
Vehicle Equipment/Sales & Services				
Automobile Rentals	-	L-8	L-8	L-12
Automobile Washing	-	ZA	-	
Commercial Parking	-	ZA	ZA	(P)
Service Stations	-	PC	PC	(E)
Vehicle Equip. Repair	-	L-5	-	
Vehicle Equip. Sales & Rentals	ZA	ZA	-	L-12
Vehicle Storage	-	ZA	-	
Visitor Accommodations				
Bed & Breakfast Inns	ZA	ZA	ZA	(K)
Hotels, Motels	-	PC	PC	(I)
Condominium-Hotel	-	-	PC	(Z)
Fractional Ownership Hotel				
Quasi Residential				
Timeshares	-	PC	-	(I)(J)
Residential Hotel	-	PC	-	(J)
Single Room Occupancy	-	PC	-	
Industrial				(J)(Q)(R)(V)
Industry, Custom	-	L-6	L-6	
Accessory Uses				(J)(V)
Accessory Uses & Structures	P/U	P/U	P/U	
Temporary Uses				(F)(J)(V)
Animal Shows	-	TU	-	
Circus and Carnivals and Festivals	-	TU	-	

Commercial Filming, Limited	-	P	P	(M)
Real Estate Sales	P	P	P	
Retail Sales, Outdoor	-	TU	TU	(M)
Seasonal Sales	TU	TU	TU	(M)
Tent Event	-	P	-	
Trade Fairs	-	P	-	
Nonconforming Uses				(G)(J)(V)

CO, CG, and CV Districts: Additional Provisions

L-1 Permitted if the space is 5,000 square feet or less; allowed with neighborhood notification pursuant to Chapter 241 if the laboratory space exceeds 5,000 square feet.

L-2 Allowed with a conditional use permit from the Zoning Administrator if the space is 5,000 square feet or less; allowed with a conditional use permit from the Planning Commission if the space exceeds 5,000 square feet. (See Section 230.52, Emergency Shelters.)

L-3 Allowed with a conditional use permit from the Zoning Administrator if the space is 2,500 square feet or less; allowed with a conditional use permit from the Planning Commission if the space exceeds 2,500 square feet.

L-4 Permitted if greater than 300 feet from residential zone or use; if 300 feet or less from residential zone or use neighborhood notification is required pursuant to Chapter 241.

L-5 Only limited facilities are allowed subject to approval of a conditional use permit from the Zoning Administrator, and body and fender shops are permitted only as part of a comprehensive automobile-service complex operated by a new vehicle dealer.

L-6 Only "small-scale" facilities, as described in use classifications, are permitted with a maximum seven persons employed full time in processing or treating retail products, limited to those sold on the premises.

L-7 Repealed.

L-8 On-site storage limited to two rental cars or two cars for lease.

L-9 Public facilities permitted, but a conditional use permit from the Zoning Administrator is required for commercial facilities.

L-10 Permitted if the space is 5,000 square feet or less; allowed with conditional use permit approval from the Zoning Administrator if space exceeds 5,000 square feet.

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

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

- The instruction area does not exceed 75% of total floor area of the personal enrichment building area.

L-11 Permitted if the space is 5,000 square feet or less; allowed with a conditional use permit from the Zoning Administrator if the space exceeds 5,000 square feet.

L-12 Permitted for existing facilities proposing to expand up to 20% of existing floor area or display area.

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

(A) Reserved.

(B) See Section 230.40, Helicopter Takeoff and Landing Areas.

(C) Repealed.

(D) See Section 230.38, Game Centers; Chapter 5.28, Dance Halls; Chapter 9.24, Card Rooms; Chapter 9.32, Poolrooms and Billiards; and Chapter 9.28, Pinball Machines.

(E) See Section 230.32, Service Stations.

(F) See Section 241.20, Temporary Use Permits.

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

(H) For teen dancing facilities, bicycle racks or a special bicycle parking area shall be provided. These may not obstruct either the public sidewalk or the building entry. See also Chapter 5.28, Dancing Halls; Chapter 5.44, Restaurants - Amusement and Entertainment Premises; and Chapter 5.70, Adult Entertainment Businesses.

(I) Only permitted on a major arterial street, and a passive or active outdoor recreational amenity shall be provided.

(J) In the CV District the entire ground floor area and at least one-third of the total floor area shall be devoted to visitor-oriented uses as described in the certified Local Coastal Program Land Use Plan. Any use other than visitor serving commercial shall be located above the ground level, and a conditional use permit from the Planning Commission or the Zoning Administrator is required. Any use other than visitor serving commercial uses shall only be permitted if visitor serving uses are either provided prior to the other use or assured by deed restriction as part of the development. No office or residential uses shall be permitted in any visitor serving designation seaward of Pacific Coast Highway.

(K) See Section 230.42, Bed and Breakfast Inns.

(L) Collection containers are permitted in all commercial districts; recycling facilities as an accessory use to a permitted use shall be permitted upon approval by the director with Neighborhood Notification pursuant to Chapter 241. See Section 230.44, Recycling Operations.

(M) Subject to approval by the Police Department, Public Works Department, Fire Department and the director. See also Section 230.86, Seasonal Sales.

(N) The following businesses proposing to sell alcoholic beverages for on-site or off-site consumption are exempt from the conditional use permit process:

(1) Retail markets with no more than 10% of the floor area devoted to sales, display, and storage of alcoholic beverages provided the sale of alcoholic beverages is not in conjunction with the sale of gasoline or other motor vehicle fuel.

(2) Restaurants, bars, and liquor stores located 300 feet or more from any R or PS district, public or private school, church, or public use.

(3) Florist shops offering the sale of a bottle of an alcoholic beverage together with a floral arrangement.

(O) See Section 230.46, Single Room Occupancy.

(P) See Chapter 231 for temporary and seasonal parking.

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

(R) Projects within 500 feet of a PS District; see Chapter 244.

(S) See Section 230.48, Equestrian Centers.

(T) See Section 230.50, Indoor Swap Meets/Flea Markets.

(U) See Section 230.94, Carts and Kiosks.

(V) In the coastal zone, the preferred retail sales uses are those identified in the visitor serving commercial land use designation which provide opportunities for visitor-oriented commercial activities including specialty and beach related retail shops, restaurants, hotels, motels, theaters, museums, and related services.

(W) Non-amplified live entertainment greater than 300 feet from a residential zone or use shall be permitted without a conditional use permit.

(X) Outdoor dining with alcohol sales shall be permitted with a conditional use permit to the Zoning Administrator. Outdoor dining without alcohol sales that is 400 square feet or less shall be permitted without a conditional use permit. If over 400 square feet with no alcohol sales, neighborhood notification shall be required pursuant to Chapter 241.

(Y) Neighborhood notification requirements pursuant to Chapter 241.

(Z) In the CV District, condominium-hotels and/or fractional interest hotels are allowed only at the Pacific City (Downtown Specific Plan District 7) and Waterfront (Downtown Specific Plan District 9) sites. Refer to Downtown Specific Plan. (3248-6/95, 3334-6/97, 3341-10/96, 3378-2/98, 3482-12/00, 3522-2/02, 3553-5/02, 3568-9/02, 3707-6/05, 3774-9/07, 3848-1/10, 3859-2/10)

211.06 CO, CG, and CV Districts—Development Standards

The following schedule prescribes development standards for the CO, CG and CV districts. The first three columns prescribe basic requirements for permitted and conditional uses in each district. Letters in parentheses in the additional requirements column refer to standards following the schedule or located

elsewhere in the zoning ordinance. In calculating the maximum gross floor area as defined in Chapter 203, the floor area ratio is calculated on the basis of net site area. Fractional numbers shall be rounded down to the nearest whole number. All required setbacks shall be measured from ultimate right-of-way and in accordance with definitions set forth in Chapter 203, Definitions.

CO, CG, and CV Districts: Development Standards

	CO	CG	CV	Additional Requirements
Residential Development				(A)(B)
Nonresidential Development				(B)
Minimum Lot Area (sq. ft.)	10,000	10,000	10,000	(C)
Minimum Lot Width (ft.)	100	100	100	
Minimum Setbacks				
Front (ft.)	10	10	0	(D)(E)(O)
Side (ft.)	5	0	0	(F)
Street Side (ft.)	10	10	0	(E)
Rear (ft.)	5	0	0	(F)
Maximum Height of Structures (ft.)	40	50	50	(F)(G)
Maximum Wall Dimensions				(N)
Maximum Floor Area Ratio (FAR)	1.0	1.5	1.5	
Minimum Site Landscaping (%)	8	8	8	(H)(I)
Building Design Standards				(O)
Fences and Walls				(J)(K)
Off-Street Parking/Loading				(L)
Outdoor Facilities	See § 230.74			(M)
Screening of Mechanical Equipment	See § 230.76			(M)
Refuse Storage Areas	See § 230.78			
Underground Utilities	See Ch. 17.64			
Performance Standards	See § 230.82			
Nonconforming Structures	See Ch. 236			
Signs	See Ch. 233			

CO, CG, and CV Districts: Additional Development Standards

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

(B) See Section 230.62, Building Site Required, and Section 230.64, Development on Substandard Lots.

(C) The minimum site area for a hotel or motel is 20,000 square feet.

(D) See Section 230.68, Building Projections into Yards and Required Open Space. Double-frontage lots shall provide front yards on each frontage.

(E) A minimum 50-foot setback is required along Beach Boulevard, Pacific Coast Highway and Edinger Avenue or 25-foot setback with the setback area entirely landscaped.

(F) Along a side or rear property line abutting an R district, a 10-foot setback is required, and structures within 45 feet of the district boundary shall not exceed 18 feet in height.

(G) See Section 230.70, Measurement of Height, and Section 230.72, Exceptions to Height Limits.

(H) **Planting Areas**.

(1) Required front and street side yards shall be planting areas except properties with 50-foot setback shall provide a minimum 10-foot-wide planting area along street frontages.

(2) Required side and rear yards shall be planting areas or shall be enclosed by a solid concrete or masonry wall at least six feet in height.

(3) Hotels and Motels. A 15-foot-wide landscaped strip shall be provided along all street frontages, except for necessary driveways and walks.

(I) See Chapter 232, Landscape Improvements.

(J) See Section 230.88, Fencing and Yards.

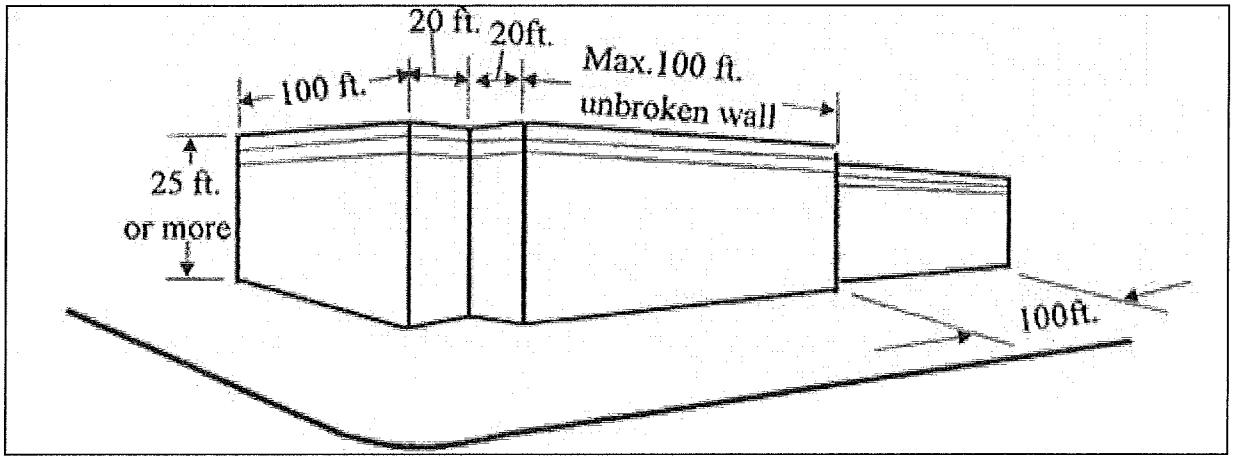
(K) A solid masonry or concrete wall at least six feet in height shall adjoin the site of an existing ground-floor residential use. However, where the portion of the site within 10 feet of the front property line is occupied by planting area or by a building having no openings except openings opposite a street property line, the director may grant an exception to this requirement. A wall within 15 feet of a street property line shall not exceed 3.5 feet in height.

(L) See Chapter 231, Off-Street Parking and Loading.

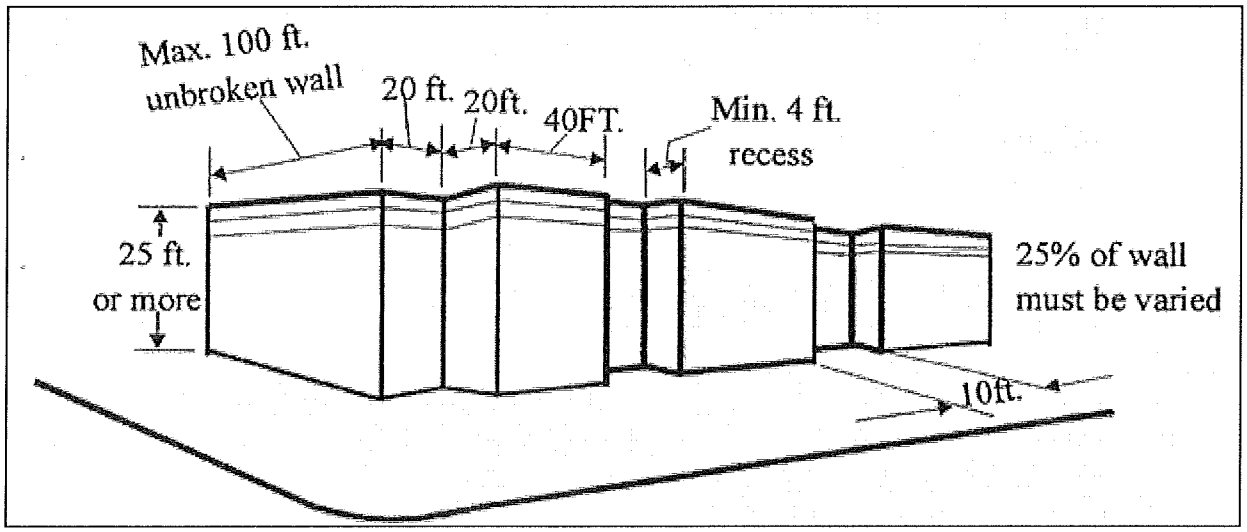
(M) See Section 230.44, Recycling Operations and Section 230.80, Antennae.

(N) A front or street side wall surface shall be no longer than 100 feet without a break, a recess or offset measuring at least 20 feet in depth and one-quarter of the building length, or a series of offsets, projections or recesses at intervals of not more than 40 feet that vary the depth of the building wall by a minimum of four feet. The director may grant exceptions or allow these standards to be modified for exceptional or unique structures subject to Design Review, Chapter 244.

Maximum Wall Length and Required Break



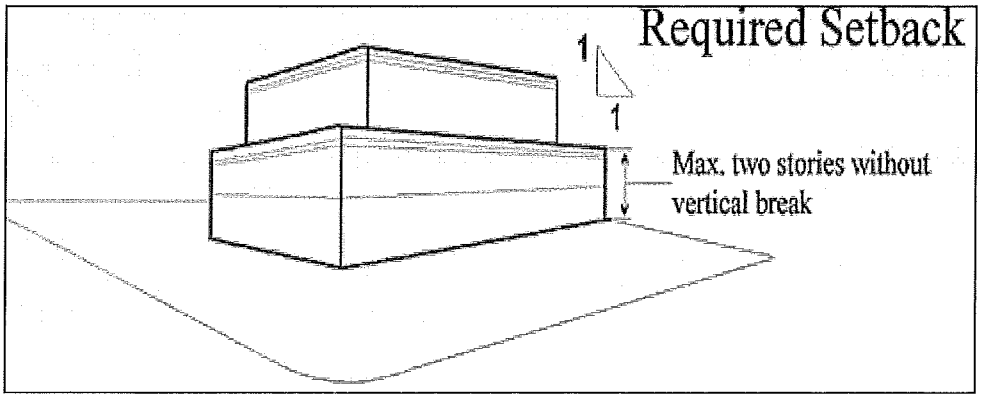
Single Horizontal Offsets: 20 Feet



Variable Offsets: 20 Feet and 4 Feet

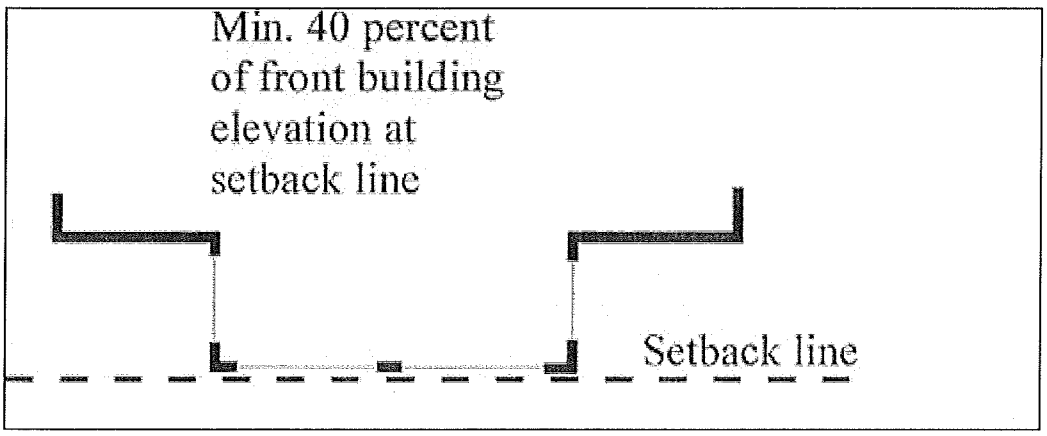
(O) Two building design standards are established to make commercial areas more attractive and provide a unified streetscape:

(1) In the CV District a 10-foot minimum upper-story setback is required above the second story along street frontages.



CV District: Upper-Story Setback

(2) In the CO and CV Districts, and on frontages adjacent to major or primary arterials in the CG District at least 40% of a building surface may be located at the minimum setback line if additional landscaping is provided on the site.



Building Face at Setback Line

(3707-6/05)

211.08 Review of Plans

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

A. **Zoning Administrator Review**. Projects requiring a conditional use permit from the Zoning Administrator; projects on substandard lots; see Chapter 241.

B. **Design Review Board**. 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. (3522-2/02, 3868-3/10)

NEW
ATTACHMENT #4

ORDINANCE NO. 4039

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 212 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE TITLED I INDUSTRIAL DISTRICTS (ZONING TEXT AMENDMENT NO. 12-001)

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. 12-001, which amends Chapter 212 of the Huntington Beach Zoning and Subdivision Ordinance relating to development standards affecting Industrial Districts; and

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

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

SECTION 1. That Chapter 212 of the Huntington Beach Zoning and Subdivision Ordinance titled I Industrial Districts is hereby amended to read as set forth in Exhibit A.

SECTION 2. All other provisions of Chapter 212 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 ____ day of _____, 2014.

_____
Mayor

ATTEST:

_____
City Clerk

INITIATED AND APPROVED:

_____
Director of Planning and Building

REVIEWED AND APPROVED:

_____
City Manager

APPROVED AS TO FORM:

_____
City Attorney

Exhibit A: Chapter 212

EXHIBIT A

Chapter 212 I INDUSTRIAL DISTRICTS

212.02 Industrial Districts Established

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

A. The IG General Industrial District provides sites for the full range of manufacturing, industrial processing, resource and energy production, general service, and distribution.

B. The IL Limited Industrial District provides sites for moderate- to low-intensity industrial uses, commercial services and light manufacturing. (3254-10/94)

212.04 IG and IL Districts—Land Use Controls

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

"P" designates use classifications permitted in the I districts.

"L" designates use classifications subject to certain limitations prescribed by the additional provisions which follow.

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

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

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

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

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

IG and IL Districts: Land Use Controls

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

	IG	IL	Additional Provisions
Residential			
Group Residential	PC	PC	(I)
Public and Semipublic			(A)(L)
Community and Human Service Facilities	P	P	(K)
Day Care, General	ZA	ZA	
Heliports	PC	PC	(N)
Maintenance & Service Facilities	ZA	ZA	
Public Safety Facilities	P	P	
Religious Assembly	ZA	ZA	
Schools, Public or Private	L-6	L-6	
Utilities, Major	PC	PC	
Utilities, Minor	L-7	L-7	(O)
Commercial Uses			(D)(L)
Ambulance Services	ZA	ZA	
Animal Sales and Services			
Animal Boarding	ZA	ZA	
Animal Hospitals	ZA	ZA	
Artists' Studios	P	P	
Banks and Savings and Loans	L-1	L-1	
Building Materials and Services	P	P	
Catering Services	-	P	
Commercial Filming	ZA	ZA	
Commercial Recreation and Entertainment	L-2	L-2	
Communication Facilities	L-12	L-12	
Eating & Drinking Establishments	L-3	L-3	
w/Live Entertainment	ZA	ZA	(R)(T)
Food & Beverage Sales	ZA	ZA	
Hospitals and Medical Clinics	-	PC	
Laboratories	P	P	
Maintenance & Repair Services	P	P	
Marine Sales and Services	P	P	

Nurseries	P	P	
Offices, Business & Professional	L-1	L-1	(G)
Personal Enrichment	L-9	L-9	(T)
Personal Services	L-1	L-1	
Quasi-Residential	PC	PC	(J)
Research & Development Services	P	P	
Sex-Oriented Businesses (regulated by Ch. 5.70)	L-11	L-11	
Sex-Oriented Businesses (regulated by Ch. 5.60)	PC	PC	(Q)
Swap Meets, Indoor/Flea Markets	PC	PC	(P)
Vehicle/Equipment Sales & Services			
Service Stations	L-4	L-4	
Vehicle/Equipment Repair	P	P	
Vehicle/Equipment Sales/Rentals	L-5	L-5	
Vehicle Storage	P	ZA	(H)
Visitor Accommodations	ZA	ZA	
Warehouse and Sales Outlets	L-8	L-8	
Industrial (See Chapter 204)			(B)(L)(M)
Industry, Custom	P	P	
Industry, General	P	P	
Industry, Limited	P	P	
Industry, R & D	P	P	
Wholesaling, Distribution & Storage	P	P	
Accessory Uses			
Accessory Uses and Structures	P/U	P/U	(C)
Temporary Uses			
Commercial Filming, Limited	P	P	(S)
Real Estate Sales	P	P	
Trade Fairs	P	P	(E)
Nonconforming Uses			(F)

IG and IL Districts: Additional Provisions

L-1 Only allowed upon approval of a conditional use permit by the Zoning Administrator for a mixed use project, subject to the following requirements:

A. Minimum site area: three acres.

B. Maximum commercial space: 35% of the gross floor area and 50% of the ground floor area of buildings fronting on an arterial highway.

C. Phased development: 25% of the initial phase must be designed for industrial occupancy. For projects over 500,000 square feet, the initial phase must include five percent of the total amount of industrial space or 50,000 square feet of industrial space, whichever is greater.

L-2 Allowed upon approval of a conditional use permit by the Zoning Administrator when designed and oriented for principal use by employees of the surrounding industrial development or when designed for general public use, after considering vehicular access and parking requirements.

L-3 Allowed upon approval of a conditional use permit by the Zoning Administrator when in a freestanding structure or as a secondary use in a building provided that no more than 20% of the floor area is occupied by such a use.

L-4 Only stations offering services primarily oriented to businesses located in an I District are allowed with a conditional use permit by the Planning Commission.

L-5 No new or used automobile, truck or motorcycle retail sales are permitted.

L-6 Only schools offering higher education curriculums are allowed with conditional use permit approval by the Planning Commission. No day care, elementary or secondary schools are permitted.

L-7 Recycling operations as an accessory use are permitted if more than 150 feet from R districts; recycling operations as an accessory use less than 150 feet from R districts or recycling operations as a primary use are allowed upon approval of a conditional use permit by the Zoning Administrator. See Section 230.44, Recycling Operations.

L-8 Allowed upon conditional use permit approval by the Planning Commission when a single building with a minimum area of 100,000 square feet is proposed on a site fronting an arterial. The primary tenant shall occupy a minimum 95% of the floor area and the remaining 5% may be occupied by secondary tenants.

L-9 Permitted if the space is 5,000 square feet or less; allowed by neighborhood notification pursuant to Chapter 241 if the space is over 5,000 square feet.

L-10 Reserved.

L-11 Allowed subject to the following requirements:

A. A proposed sex-oriented business shall be at least 500 feet from any residential use, school, park and recreational facility, or any building used for religious assembly (collectively referred to as a "sensitive use") and at least 750 feet from another sex-oriented business. For purposes of these requirements, all distances shall be measured from the lot line of the proposed sex-oriented business to the lot line of the sensitive use or the other sex-oriented business. The term "residential use" means any property zoned RL, RM, RMH, RH, RMP, and any properties with equivalent designations under any specific plan.

To determine such distances the applicant shall submit for review a straight line drawing depicting the distances from the lot line of the parcel of land on which the sex-oriented business is proposed which includes all the proposed parking and:

1. The lot line of any other sex-oriented business within 750 feet of the lot line of the proposed sex-oriented business; and

2. The lot line of any building used for religious assembly, school, or park and recreational facility within 500 feet of the lot line of the proposed sex-oriented business; and

3. The lot line of any parcel of land zoned RL, RM, RMH, RH, and RMP and any parcels of land with equivalent designations under any specific plans within 500 feet of the lot line of the proposed sex-oriented business.

B. The front façade of the building, including the entrance and signage, shall not be visible from any major, primary or secondary arterial street as designated by the circulation element of the General Plan adopted May, 1996, with the exception of Argosy Drive.

C. Prior to or concurrently with applying for a building permit and/or a certificate of occupancy for the building, the applicant shall submit application for Planning Department staff review of a sex-oriented business zoning permit with the drawing described in subsection A, a technical site plan, floor plans and building elevations, and application fee. Within 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.

3. Compliance with Huntington Beach Municipal Code Chapter 5.70.

D. The director shall grant or deny the application for a sex-oriented business zoning permit for a sex-oriented business. There shall be no administrative appeal from the granting or denial of a permit application thereby permitting the applicant to obtain prompt judicial review.

E. Ten working days prior to submittal of an application for a sex-oriented business zoning permit for staff review, the applicant shall: (1) cause notice of the application to be printed in a newspaper of general circulation; and (2) give mailed notice of the application to property owners within 1,000 feet of the proposed location of the sex-oriented business; and the City of Huntington Beach, Department of Community Development by first class mail.

The notice of application shall include the following:

1. Name of applicant;

2. Location of proposed sex-oriented business, including street address (if known) and/or lot and tract number;

3. Nature of the sex-oriented business, including maximum height and square footage of the proposed development;

4. The City Hall telephone number for the Department of Community Development to call for viewing plans;

5. The date by which any comments must be received in writing by the Department of Community Development. This date shall be 10 working days from staff review submittal; and

6. The address of the Department of Community Development.

F. A sex-oriented business may not apply for a variance pursuant to Chapter 241 nor a special sign permit pursuant to Chapter 233.

G. A sex-oriented business zoning permit shall become null and void one year after its date of approval unless:

1. Construction has commenced or a certificate of occupancy has been issued, whichever comes first; or

2. The use is established.

H. The validity of a sex-oriented business zoning permit shall not be affected by changes in ownership or proprietorship provided that the new owner or proprietor promptly notifies the director of the transfer.

I. A sex-oriented business zoning permit shall lapse if the exercise of rights granted by it is discontinued for 12 consecutive months.

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

(A) Repealed.

(B) A conditional use permit from the Zoning Administrator is required for any new use or enlargement of an existing use, or exterior alterations and additions for an existing use located within 150 feet of an R district. The director may waive this requirement if there is no substantial change in the character of the use which would affect adjacent residential property in an R District.

(C) Accessory office uses incidental to a primary industrial use are limited to 10% of the floor area of the primary industrial use.

(D) Adjunct office and commercial space, not to exceed 25% of the floor area of the primary industrial use, is allowed with a conditional use permit from the Zoning Administrator, provided that it is intended primarily to serve employees of the industrial use, no exterior signs advertise the

adjunct use, the adjunct use is physically separated from the primary industrial use, any retail sales are limited to goods manufactured on-site, and the primary industrial fronts on an arterial.

(E) See Section 241.22, Temporary Use Permits.

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

(G) Medical/dental offices, insurance brokerage offices, and real estate brokerage offices, except for on-site leasing offices, are not permitted in any I District.

Administrative, management, regional or headquarters offices for any permitted industrial use, which are not intended to serve the public, require a conditional use permit from the Zoning Administrator to occupy more than 10% of the total amount of space on the site of the industrial use.

(H) Automobile dismantling, storage and/or impound yards may be permitted subject to the approval of a conditional use permit by the Planning Commission and the following criteria:

(1) The site shall not be located within 660 feet of an R district.

(2) All special metal cutting and compacting equipment shall be completely screened from view.

(3) Storage yards shall be enclosed by a solid six-inch concrete block or masonry wall not less than six feet in height and set back a minimum 10 feet from abutting streets with the entire setback area permanently landscaped and maintained.

(4) Items stacked in the storage yard shall not exceed the height of the screening walls or be visible from adjacent public streets.

(I) Limited to facilities serving workers employed on-site.

(J) Limited to single room occupancy uses. (See Section 230.46.)

(K) Limited to emergency shelters. (See Section 230.52, Emergency Shelters.)

(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 Planning Director may refer any proposed addition to the Zoning Administrator if the proposed addition has the potential to impact residents or tenants in the vicinity (e.g., increased noise, traffic).

(M) Major outdoor operations require conditional use permit approval by the Planning Commission. Major outside operations include storage yards and uses utilizing more than one-third of the site for outdoor operation.

(N) See Section 230.40, Helicopter Takeoff and Landing Areas.

(O) See Section 230.44, Recycling Operations.

(P) See Section 230.50, Indoor Swap Meets/Flea Markets.

(Q) See L-11(A) relating to locational restrictions.

(R) Non-amplified live entertainment greater than 300 feet from a residential zone or use shall be permitted without a conditional use permit.

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

(T) Neighborhood notification requirements when no entitlement required pursuant to Chapter 241. (3254-10/94, 3378-2/98, 3523-2/02, 3568-9/02, 3708-6/05, 3724-02/06, 3788-12/07, 3843-11/09, 3860-2/10)

212.06 IG and IL Districts—Development Standards

The following schedule prescribes development standards for the I Districts. The first two columns prescribe basic requirements for permitted and conditional uses in each district. Letters in parentheses in the additional requirements column reference requirements following the schedule or located elsewhere in this title. In calculating the maximum gross floor area as defined in Chapter 203, the floor area ratio is calculated on the basis of net site area. Fractional numbers shall be rounded down to the nearest whole number. All required setbacks shall be measured from ultimate right-of-way and in accordance with definitions set forth in Chapter 203, Definitions.

	IG	**IL**	**Additional Requirements**
Residential Development			(M)
Nonresidential Development			
Minimum Lot Area (sq. ft.)	20,000	20,000	(A)(B)
Minimum Lot Width (ft.)	100	100	(A)(B)
Minimum Setbacks			(A)(C)
Front (ft.)	10; 20	10; 20	(D)
Side (ft.)	0	15	(E)(F)
Street Side (ft.)	10	10	
Rear (ft.)	0	0	(E)
Maximum Height of Structures (ft.)	40	40	(G)
Maximum Floor Area Ratio (FAR)	0.75	0.75	
Minimum Site Landscaping (%)	8	8	(H)(I)
Fences and Walls	See § 230.88		
Off-Street Parking and Loading	See Ch. 231		(J)
Outdoor Facilities	See § 230.74		
Screening of Mechanical Equipment	See § 230.76		(K)
Refuse Storage Area	See § 230.78		
Underground Utilities	See Ch. 17.64		
Performance Standards	See § 230.82		(L)
Nonconforming Uses and Structures	See Ch. 236		
Signs	See Ch. 233		

IG and IL Districts: Additional Development Standards

(A) See Section 230.62, Building Site Required, and Section 230.64, Development on Substandard Lots.

(B) Smaller lot dimensions for new parcels may be permitted by the Zoning Administrator with an approved development plan and tentative subdivision map.

(C) See Section 230.68, Building Projections into Yards and Required Open Space. Double-frontage lots shall provide front yards on each frontage.

(D) The minimum front setback shall be 10 feet and the average setback 20 feet, except for parcels fronting on local streets where only a 10-foot setback is required.

All I Districts. An additional setback is required for buildings exceeding 25 feet in height (one foot for each foot of height) and for buildings exceeding 150 feet in length (one foot for each 10 feet of building length) up to a maximum setback of 30 feet.

(E) In all I districts, a 15-foot setback is required abutting an R district and no openings in buildings within 45 feet of an R district.

(F) A zero-side yard setback may be permitted in the I districts, but not abutting an R district, provided that a solid wall at the property line is constructed of maintenance-free masonry material and the opposite side yard is a minimum of 30 feet.

Exception. The Zoning Administrator or Planning Commission may approve a conditional use permit to allow a 15-foot interior side yards opposite a zero-side yard on one lot, if an abutting side yard at least 15 feet wide is provided and access easements are recorded ensuring a minimum 30-foot separation between buildings. This 30-foot accessway must be maintained free of obstructions and open to the sky, and no opening for truck loading or unloading shall be permitted in the building face fronting on the accessway unless a 45-foot long striped area is provided solely for loading and unloading entirely within the building.

(G) See Section 230.70, Measurement of Height. Within 45 feet of an R district, no building or structure shall exceed a height of 18 feet.

(H) **Planting Areas**. Required front and street-side yards adjacent to a public right-of-way shall be planting areas except for necessary drives and walks. A six-foot wide planting area shall be provided adjacent to an R district and contain one tree for each 25 lineal feet of planting area.

(I) See Chapter 232, Landscape Improvements.

(J) Truck or rail loading, dock facilities, and the doors for such facilities shall not be visible from or be located within 45 feet of an R district.

(K) See Section 230.80, Antennae.

(L) **Noise**. No new use shall be permitted, or exterior alterations and/or additions to an existing use allowed, within 150 feet of an R district until a report prepared by a California state-licensed acoustical engineer is approved by the director. This report shall include recommended noise mitigation measures for the industrial use to ensure that noise levels will conform with Chapter 8.40 of the Municipal Code. The director may waive this requirement for change of use or addition or exterior alteration to an existing use if it can be established that there had been no

previous noise offense, that no outside activities will take place, or if adequate noise mitigation measures for the development are provided.

(M) Group residential or accessory residential uses shall be subject to standards for minimum setbacks and height of the RH District. (3254-10/94)

212.08 Review of Plans

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

A. **Zoning Administrator Review**. Projects requiring a conditional use permit from the Zoning Administrator; projects 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. (3254-10/94, 3708-6/05, 3869-3/10)

NEW
ATTACHMENT #5

ORDINANCE NO. 4040

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 230 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE TITLED SITE STANDARDS (ZONING TEXT AMENDMENT NO. 12-001)

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. 12-001, which amends Chapter 230 of the Huntington Beach Zoning and Subdivision Ordinance relating to citywide development standards; 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 230 of the Huntington Beach Zoning and Subdivision Ordinance titled Site Standards is hereby amended to read as set forth in Exhibit A.

SECTION 2. All other provisions of Chapter 230 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 ____ day of _____, 2014.

_____
Mayor

ATTEST:

_____
City Clerk

INITIATED AND APPROVED:

_____
Director of Planning and Building

REVIEWED AND APPROVED:

_____
City Manager

APPROVED AS TO FORM:

_____
City Attorney

Exhibit A: Chapter 230

EXHIBIT A

Chapter 230 SITE STANDARDS

Note

* **Note**: § 230.06 deleted by Ord. 3724; § 230.20 repealed by Ord. 3961.

230.02 Applicability

This chapter contains supplemental land use and development standards, other than parking and loading, landscaping and sign provisions, that are applicable to sites in all or several districts. These standards shall be applied as specified in Title 21, Base Districts; Title 22, Overlay Districts; and as presented in this chapter.

Article I. Residential Districts

230.04 Front and Street Side Yards in Developed Areas

Where lots comprising 60% of the frontage on a blockface in an R district are improved with buildings that do not conform to the front yard requirements, the Planning Commission may adopt by resolution a formula or procedure to modify the front and street side yard setback requirements. The Planning Commission also may modify the required yard depths where lot dimensions and topography justify deviations. Blocks with such special setback requirements shall be delineated on the zoning map. Within the coastal zone any such setback modifications adopted by the Planning Commission shall be consistent with the Local Coastal Program. (3334-6/97)

230.06 Reserved

230.08 Accessory Structures

For purposes of applying these provisions, accessory structures are inclusive of minor accessory structures, except where separate provisions are provided in this section.

A. **Timing**. Accessory structures shall not be established or constructed prior to the start of construction of a principal structure on a site, except that construction trailers may be placed on a site at the time site clearance and grading begins and may remain on the site only for the duration of construction.

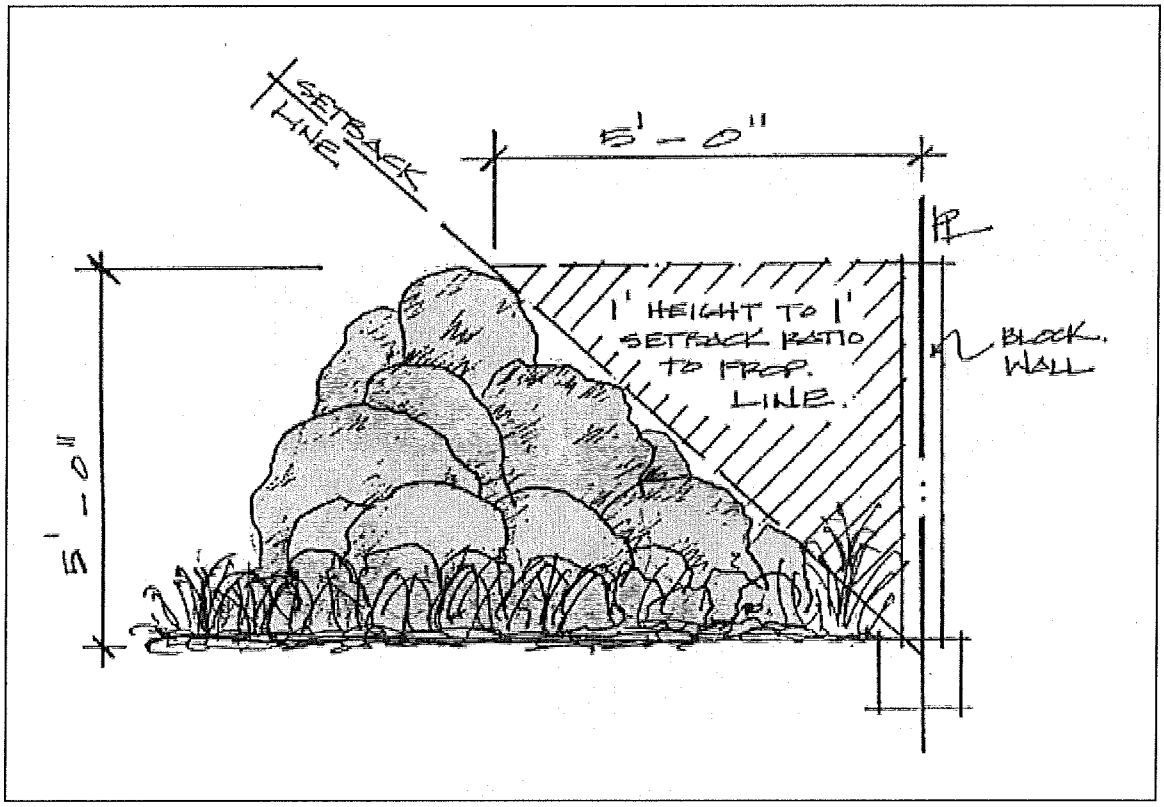
B. **Location**. Except as provided in this section, accessory structures shall not occupy a required front, side or street side yard or court. An accessory structure shall be set back five feet from the rear property line except no setback is required for accessory structures, excluding garages and carports, which abut an alley.

Minor accessory structures may be located in required side and rear yard setbacks provided that the structure is located in the rear two-thirds of the lot and a minimum five foot clearance is maintained between said structure and dwelling if it is located in the required side yard. Minor accessory structures that are decorative such as landscape garden walls, fire pits, freestanding barbecues/fireplaces, sculptures, and fountains may be located anywhere on the property provided:

1. They do not exceed six feet in height or exceed 42 inches in height when located within the front yard setback; and

2. A minimum five-foot clearance is maintained between said structure and the dwelling if it is located in a required side yard; and

3. Rock formations shall be set back one foot from the side and/or rear property lines for each foot of rock formation height, maximum five-foot setback required.



C. **Maximum Height**. Fifteen feet, except a detached garage for a single-family or multi-family dwelling may exceed the maximum height when it is designed to be architecturally compatible with the main dwelling and does not include habitable floor area.

D. **Maximum Size in RL District**. In an RL District, the total gross floor area of accessory structures, including garages, more than four feet in height that are not attached to a dwelling shall not exceed 600 square feet or 10% of lot area, whichever is more.

E. **Patio Covers**. A patio cover open on at least two sides and complying with all other provisions of this subsection may be attached to a principal structure provided a five-foot clearance to all property lines is maintained.

F. **Decks**. A deck 30 inches or less in height may be located in a required yard.

G. **Separation**. The distance between buildings on the same lot shall not be less than 10 feet. (3710-6/05)

230.10 Accessory Dwelling Units

A. **Permit Required**. Accessory dwellings may be permitted in all R districts on lots with a single family dwelling subject to director approval. Requests shall be submitted to the director accompanied by the required Neighborhood Notification, plans and elevations showing the proposed accessory dwelling and its relation to the principal dwelling, descriptions of building materials, landscaping and exterior finishes to be used and parking to be provided, and any other information required by the director to determine whether the proposed unit conforms to all requirements of this code. The director shall approve an accessory dwelling unit upon finding that the following conditions have been met:

1. The dwelling conforms to the design and development standards for accessory dwelling units established in subsection B of this section and subsection 230.22(A);

2. The accessory unit maintains the scale of adjoining residences and is compatible with the design of existing dwellings in the vicinity in terms of building materials, colors and exterior finishes;

3. The main dwelling or the accessory dwelling will be owner occupied; and

4. Public and utility services including emergency access are adequate to serve both dwellings.

B. **Design and Development Standards**.

1. Minimum Lot Size. 6,000 square feet.

2. Maximum Unit Size. The maximum square footage of the accessory dwelling unit shall not exceed 650 square feet and shall not contain more than one bedroom.

3. Required Setbacks. Accessory dwelling units shall comply with minimum setbacks of Chapter 210.

4. Height and Building Coverage. The basic requirements of Chapter 210 shall apply unless modified by an overlay district.

5. Parking. All parking spaces shall comply with Section 231.18(D).

6. Design. The accessory unit shall be attached to the main dwelling unit in such a manner as to create an architecturally unified whole, not resulting in any change to the visible character of the street. The entrance to the accessory unit shall not be visible from the street in front of the main dwelling unit. Building materials, colors and exterior finishes should be substantially the same as those on the existing dwelling.

C. **Ownership**. The second unit shall not be sold separately from the main dwelling unit.

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

E. **Parkland Dedication In Lieu Fee**. A parkland dedication in lieu fee shall be assessed as set by resolution of the City Council pursuant to Section 230.20 and paid prior to issuance of the building permit. (3334-6/97, 3710-6/05)

230.12 Home Occupation in R Districts

A. **Permit Required**. A home occupation in an R district shall require a home occupation permit, obtained by filing a completed application form with the director. If the home occupation involves instruction and/or service, e.g., music lessons, beauty shop, swimming lessons, then an administrative permit is required subject to neighborhood notification in compliance with Chapter 241. The director shall approve the permit upon determining that the proposed home occupation complies with the requirements of this section.

B. **Contents of Application**. An application for a home occupation permit shall contain:

1. The name, street address, and telephone number of the applicant;

2. A complete description of the proposed home occupation, including number and occupation of persons employed or persons retained as independent contractors, amount of floor space occupied, provisions for storage of materials, and number and type of vehicles used.

3. For home occupations involving instruction and/or service, neighborhood notification shall be required in compliance with Chapter 241.

C. **Required Conditions**. Home occupations shall comply with the following conditions:

1. A home occupation shall be conducted entirely within one room in a dwelling, with the exception of swimming lessons. No outdoor storage shall be permitted. Garages shall not be used in connection with such business except to park business vehicles.

2. No one other than a resident of the dwelling shall be employed on site or report to work at the site in the conduct of a home occupation. This prohibition also applies to independent contractors.

3. There shall be no display of merchandise, projects, operations, signs or name plates of any kind visible from outside the dwelling. The appearance of the dwelling shall not be altered, or shall the business be conducted in a manner to indicate that the dwelling or its premises is used for a nonresidential purpose, whether by colors, materials, construction, lighting, windows, signs, sounds or any other means whatsoever.

4. A home occupation shall not increase pedestrian or vehicle traffic in the neighborhood.

5. No commercial vehicle or equipment used in conjunction with the home occupation shall be parked overnight on an adjacent street or in any yard visible from the street.

6. No motor vehicle repair for commercial purposes shall be permitted.

7. A home occupation shall not include an office or salesroom open to visitors, and there shall be no advertising of the address of the home occupation.

8. Where a home occupation involves swimming instruction in an outdoor swimming pool, each swimming class shall be limited to four students, and no more than two vehicles shall be used to transport students to such classes.

9. Any authorized City employee may inspect the premises of a home occupation upon 48 hours notice to ascertain compliance with these conditions and any requirements of this code. The permit for a home occupation that is not operated in compliance with these provisions, and/or all conditions of an administrative permit, shall be revoked by the director after 30 days written notice unless the home occupation is altered to comply. (3710-6/05)

230.14 Affordable Housing Density Bonus

A. When a developer of a residential property which is zoned and general planned to allow five or more dwelling units proposes to provide affordable housing, he or she may request a density bonus and incentives or concessions through a conditional use permit subject to the provisions contained in this section. A density bonus request pursuant to the provisions contained within this section shall not be denied unless the project is denied in its entirety.

B. **Affordability Requirements.**

1. Percentage of Affordable Units Required. To qualify for a density bonus and incentives or concessions, the developer of a residential project shall elect at least one of the following:

a. Provide at least 10% of the total units of the housing development for lower income households, as defined in Health and Safety Code Section 50079.5; or

b. Provide at least five percent of the total units of the housing development for very low income households, as defined in Health and Safety Code Section 50105; or

c. Provide a senior citizen housing development as defined in Civil Code Sections 51.3 and 51.12, or mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Civil Code Sections 798.76 or 799.5; or

d. Provide at least 10% of the total dwelling units in a common interest development as defined in Civil Code Section 1351 for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase.

The density bonus shall not be included in the total number of the housing units when determining the number of housing units required to be affordable. Remaining units may be rented, sold or leased at "market" rates.

2. Duration of Affordability.

a. An applicant shall agree to, and City shall ensure, continued affordability of all low and very low income units that qualified the applicant for the award of the density bonus for 30 years or a longer period of time if required by a construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.

b. Where there is a direct financial contribution to a housing development pursuant to Government Code Section 65915 through participation in cost of infrastructure, write-

down of land costs, or subsidizing the cost of construction, the City will assure continued availability for low- and moderate-income units for 30 years. The affordability agreement required by Section 230.14(B)(4) shall specify the mechanisms and procedures necessary to carry out this section.

c. An applicant shall agree to, and the City shall ensure that, the initial occupant of the moderate-income units that are directly related to the receipt of the density bonus in the common interest development, as defined in Section 1351 of the Civil Code, are persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code. The City shall enforce an equity-sharing agreement, unless it is in conflict with the requirements of another public funding source of law. The following shall apply to the equity-sharing agreement:

i. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The City shall recapture any initial subsidy and its proportionate share of appreciation, which shall then be used within three years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote homeownership.

ii. The City's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.

iii.The City's proportionate share of appreciation shall be equal to the ratio of the initial subsidy to the fair market value of the home at the time of initial sale.

3. Affordable Unit Distribution and Product Mix. Affordable units shall be located throughout the project and shall include a mixture of unit types in the same ratio as provided throughout the project.

4. Affordability Agreement. Affordability shall be guaranteed through an affordability agreement executed through the developer and the City. Said agreement shall be recorded on the subject property with the Orange County Recorder's Office prior to the issuance of building permits and shall become effective prior to final inspection of the first unit. The subject agreement shall be legally binding and enforceable on the property owner(s) and any subsequent property owner(s) for the duration of the agreement. The agreement shall include, but not be limited to, the following items:

a. The duration of the affordability and the number of the affordable units;

b. The method in which the developer and the City are to monitor the affordability of the subject affordable units and the eligibility of the tenants or owners of those units over the period of the agreement;

c. The method in which vacancies will be marketed and filled;

d. A description of the location and unit type (bedrooms, floor area, etc.) of the affordable units within the project; and

e. Standards for maximum qualifying household incomes and standards for maximum rents or sales prices.

5. City Action. Pursuant to this section the City shall:

a. Grant a density bonus and at least one of the concessions or incentives identified in subsection D of this section unless the City makes a written finding pursuant to subsection J of this section.

C. **Calculation of Density Bonus.**

1. The amount of density bonus to which the applicant is entitled shall vary according to the amount by which the project's percentage of affordable housing exceeds the percentage established in subsection B of this section.

a. For housing developments meeting the low income criteria of subparagraph 230.14(B)(1)(a), the base density bonus of 20% shall be increased by one and one-half percent for every one percent increase in the percentage of low income units above 10%. The maximum allowable density bonus shall be 35%.

b. For housing developments meeting the very low income criteria of subparagraph 230.14(B)(1)(b), the base density bonus of 20% shall be increased by two and one-half percent for every one percent increase in the percentage of very low income units above five percent. The maximum density bonus shall be 35%.

c. For housing developments meeting the senior citizen housing criteria of subparagraph 230.14(B)(1)(c), the density bonus shall be 20%.

d. For housing developments meeting the moderate income criteria of subparagraph 230.14(B)(1)(d), the base density bonus of five percent shall be increased by one percent for every one percent increase in the percentage of moderate income units over 10%. The maximum density bonus shall be 35%.

2. All density calculations resulting in fractional units shall be rounded up to the next whole number. The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval. As used in subsection B of this section, "total units" does not include units permitted by a density bonus awarded pursuant to this section.

3. The developer may request a lesser density bonus than the project is entitled to, but no reduction will be permitted in the number of required affordable units pursuant to paragraph 230.14(B)(1).

4. Reductions in Density Within the Coastal Zone. In reviewing residential development application for low- and moderate-income housing, as defined in Government Code Section 65589.5(h)(3), the City may not require measures that reduce residential densities below the density sought by an applicant if the density sought is within the permitted density or range of density established by local zoning plus the additional density permitted under Government Code Section 65915, unless the City makes a finding, based on substantial evidence in the record, that the density sought by the applicant cannot feasibly be accommodated on the site in a manner that is in conformity with the certified Local Coastal Program.

D. **Incentives and Concessions.**

1. Types of Incentives or Concessions. The City shall grant an incentive or concession to the developer. An incentive or concession includes, but is not limited to, the following:

a. A reduction in site development standards or modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions.

i. At the request of the developer, the City will permit a vehicular parking ratio, inclusive of handicapped and guest parking, for a development meeting the criteria of subsection B of this section at ratios that shall not exceed:

(A) Zero to one bedroom: one onsite parking space.

(B) Two to three bedrooms: two onsite parking spaces.

(C) Four or more bedrooms: two and one-half onsite parking spaces.

ii. If the total number of parking spaces required for a housing development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this section only, a housing development may provide on-site parking through tandem parking or uncovered parking but not through on-street parking.

b. Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.

c. Other regulatory incentives or concessions proposed by the developer or the City that result in identifiable, financially sufficient, and actual cost reductions.

2. Number of Incentives and Concessions. An applicant for a density bonus shall receive the following number of incentives or concessions:

a. One incentive or concession for projects that included at least 10% of the total units for lower income households, at least five percent for very low income households, or at least 10% for persons and families of moderate income in a common interest development.

b. Two incentives or concessions for projects that include at least 20% of the total units for lower income households, at least 10% for very low income households, or at least 20% for persons and families of moderate income in a common interest development.

c. Three incentives or concessions for projects that include at least 30% of the total units for lower income households, at least 15% for very low income households, or at least 30% for persons and families of moderate income in a common interest development.

3. Requirements for Incentives and Concessions Within the Coastal Zone. Within the coastal zone, any incentive or concession or combination of incentives and concessions must be consistent with the requirements of the certified land use plan.

E. **Waiver or Reduction of Development Standards**. An applicant may submit to the City a proposal for the waiver or reduction of development standards. The applicant shall show that the waiver or modification is necessary to make the housing units economically feasible.

F. **Donation or Transfer of Land**. A developer may donate or transfer land in lieu of constructing the affordable units within the project pursuant to Government Code Section 65915(h).

G. **Child Care Facilities**.

1. When a developer proposes to construct a housing development that includes affordable units that conform to subsection B of this section and includes a child care facility that will be located on the premises of, as part of, or adjacent to the housing development, the City shall grant either of the following:

a. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.

b. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

2. A housing development shall be eligible for the density bonus or concession described in this section if the City makes all of the following findings:

a. The child care facility will remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable pursuant to paragraph (B)(2) of this section.

b. Of the children who attend the child care facility, the percentage of children of very low income households, lower income households, or moderate income households shall be equal to or greater than the percentage of dwelling units that are required to be affordable to very low income households, low income households, or moderate income households.

3. "Child care facility," as used in this section, means a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school age child care centers.

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 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.

I. **Required Findings for Approval.**

1. Density Bonus. In granting a conditional use permit for a density bonus, the Planning Commission/City Council shall make all of the following findings:

a. The proposed project, which includes a density bonus, can be adequately serviced by the City and county water, sewer, and storm drain systems without significantly impacting the overall service or system.

b. The proposed project, which includes a density bonus, will not have a significant adverse impact on traffic volumes and road capacities, school enrollments, or recreational resources.

c. The proposed project, which includes a density bonus, is compatible with the physical character of the surrounding area.

d. The proposed project, which includes a density bonus, is consistent with the overall intent of the General Plan.

e. If located within the coastal zone, the proposed project which includes a density bonus will be consistent with the requirements of the certified land use plan and will not result in the fill, dredge, or diking of a wetlands.

J. **Required Finding for Denial.**

1. Concessions or Incentives. The City shall grant the concession or incentive requested by the applicant unless the City makes a written finding, based upon substantial evidence, of one or more of the following:

a. The concession or incentive is not required in order to provide affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in California Government Code Section 65915(c).

b. The concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of California Government Code Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate-income households.

c. The concession or incentive is inconsistent with the requirements of the certified Land Use Plan. (3710-6/05, 3764-3/07, Res. 2009-36-9/09)

230.16 Manufactured Homes

A. **General Requirements**. Manufactured homes may be used for residential purposes if such manufactured home conforms to the requirements of this section and is located in an R district. Manufactured homes also may be used for temporary uses, subject to the requirements of a temporary use permit issued under Chapter 241.

B. **Location and Design Requirements**. Manufactured homes may be located in any R district where a single family detached dwelling is permitted, subject to the same restrictions on density and to the same property development standards, provided that such manufactured home meets the design and locational criteria of this subsection. These criteria are intended to protect neighborhood integrity, provide for harmonious relationship between manufactured homes and surrounding uses, and minimize problems that could occur as a result of locating manufactured homes on residential lots.

1. Location Criteria. Manufactured homes shall not be allowed:

a. On substandard lots that do not meet the dimensional standards of Chapter 210;

b. As a second or additional unit on an already developed lot; or

c. As an accessory building or use on an already developed lot.

2. Design Criteria. Manufactured homes shall be compatible in design and appearance with residential structures in the vicinity and shall meet the following standards:

a. Each manufactured house must be at least 16 feet wide;

b. It must be built on a permanent foundation approved by the Building Official;

c. It must have been constructed after June 1, 1979, and must be certified under the National Manufactured Home Construction and Safety Act of 1974;

d. The unit's skirting must extend to the finished grade;

e. Exterior siding must be compatible with adjacent residential structures, and shiny or metallic finishes are prohibited;

f. The roof must have a pitch of not fewer than two inches vertical rise per 12 inches horizontal distance, with eave overhangs a minimum of 12 inches;

g. The roof must be of concrete or asphalt tile, shakes or shingles complying with the most recent editions of the Uniform Building Code fire rating approved in the City of Huntington Beach;

h. The floor must be no higher than 20 inches above the exterior finished grade; and

i. Required enclosed parking shall be compatible with the manufactured home design and with other buildings in the area.

C. **Cancellation of State Registration**. Whenever a manufactured home is installed on a permanent foundation, any registration of said manufactured home with the State of California shall be canceled, pursuant to state laws and standards. Before occupancy, the owner shall provide to the director satisfactory evidence showing: that the state registration of the manufactured house has been or will, with certainty, be canceled; if the manufactured house is new and has never been registered with the state, the owner shall provide the director with a statement to that effect from the dealer selling the home.

230.18 Subdivision Sales Offices and Model Homes

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

A. The office shall be discontinued within 30 days following sale of the last on site unit. A cash bond shall be posted with the City in the amount of $1,000.00 for the sales office and $1,000.00 for each model home to guarantee compliance with the provisions of this code.

B. The developer or contractor shall furnish a site plan showing the placement of the sales office and all model signs, parking signs, directional signs, temporary structures, parking and landscaping.

C. No sales office shall be converted or expanded into a general business office for the contractor or developer. (3525-2/02)

230.20 Reserved

230.22 Residential Infill Lot Developments

The following residential infill requirements are intended to minimize impacts on contiguous developed single family residential property and provide standards that insure compatibility and appropriate design for projects located within existing residential neighborhoods, unless to do so would contravene the terms of an existing development agreement. Infill development site plans and building design shall be harmonious and compatible with streets, driveways, property lines, and surrounding neighborhood. Compatibility considerations should include, but not be limited to, lot size, lot frontages, building layout, building configuration and design, building materials, product type, grade height and building height relative to existing dwellings, and visual intrusion concerns. The Director of Planning and Building shall cause all requests for entitlements, plan check and issuance of building permits for residential infill lot development to be reviewed in accordance with these requirements.

A. **Privacy Design Standards**.

1. New residences and accessory dwelling units shall off-set windows from those on existing residences to insure maximum privacy. The use of translucent glass or similar material, shall be used for all bathroom windows facing existing residences. Consider locating windows high on elevations to allow light and ventilation, and insure privacy.

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

3. Provide architectural features (projections, off-sets) to break up massing and bulk.

4. Upper story balconies shall be oriented toward the infill house's front or rear yard areas, a public street or permanent open space.

B. **Noise Considerations**. Swimming pool/hot tub equipment, air conditioning equipment, and other permanently installed motor driven equipment shall be located to minimize noise impacts on contiguous residences.

C. **Pad Height**.

1. Pad height for new construction shall match to the extent feasible pad heights of contiguous residences. Any property owner/developer who intends to add fill above the height of the existing contiguous grades shall demonstrate to the director and the City Engineer that the additional fill is not detrimental to surrounding properties in terms of compatibility and drainage issues.

D. **Public Notification Requirements**.

1. Ten 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 Planning and Building 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 Planning and Building to call for viewing plans;

e. The date by which any comments must be received in writing by the Department of Planning and Building. 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. (3301-11/95, 3710-6/05)

230.24 Small Lot Development Standards

A. **Permitted Uses**. The following small lot development standards are provided as an alternative to attached housing in multi-family districts. Small lot developments are permitted in RM, RMH, and RH Districts (excluding RL Districts and RMH-A Subdistricts) subject to approval of a conditional use permit and tentative map by the Planning Commission. The Design Review Board shall review and forward recommendations on all small lot development proposals prior to Planning Commission action. These standards shall apply to all small lot subdivisions, whether the tentative map is designed with single units per lot, or multiple units per lot (condominium).

B. **Design Standards**. The following standards shall be considered by the Planning Commission prior to development approval:

1. Architectural features and general appearance of the proposed development shall enhance the orderly and harmonious development of the area or the community as a whole.

2. Architectural features and complementary colors shall be incorporated into the design of all exterior surfaces of the building in order to create an aesthetically pleasing project.

3. All vehicular access ways shall be designed with landscaping and building variation to eliminate an alley-like appearance.

C. **Development Standards**. The following standards shall apply to all small lot developments:

Minimum building site or lot size	3,100 sq. ft. (3,400 sq. ft. avg.)
Minimum lot frontage	40 ft.
Cul-de-sac and knuckle	30 ft.
Maximum height	
Dwellings	30 ft.; max. 2 stories except 3rd level permitted <500 sq. ft.; min. 5/12 roof pitch; no decks above the second story
Accessory structures	15 ft.
Minimum setbacks	
Front	
Dwelling	15 ft. + offsets in front façade
Covered porches (unenclosed)	10 ft.
Garage	18 ft.
Upper story	Upper story setback shall be varied
Side	8 ft. aggregate, min. 3 ft.; 0 ft. permitted with min. 8 ft. on other side
Street side	10 ft.; includes min. 4 ft. landscape lettered lot (6 ft. between bldg. and prop. line)
Rear	

Dwelling Garage	15 ft.; 50% of bldg. width may be at 13 ft. 3 ft.; 0 ft. if garage is designed to back to another garage
Maximum lot coverage	50% + 5% for covered porches, patio covers, balconies.
Maximum floor area ratio (FAR)	0.7
Minimum interior garage	Min. 400 sq. ft.
Dimension (width x depth)	Min. 18 ft. wide
Minimum building separation to accessory building	6 ft.
Open space	
Common recreational area (project)	Projects of 20 units or more: 150 sq. ft./unit; min. 5,000 sq. ft.; min. 50 ft. dimension. Projects less than 20 units: min. 600 sq. ft. private and/or common per unit. Private open space excludes side and front yard setback areas. Common open space requires min. 10 ft. dimension.
Required parking	Small lot developments shall provide parking consistent with single family residential developments specified in Chapter 231. In addition, minimum 1 on-street space per unit for guest/visitor parking shall be provided. A parking plan depicting the location of all parking spaces shall be submitted with the conditional use permit application.
Street sections	
Streets	The City shall review proposed street sections upon submittal of the tentative map and conditional use permit applications. Min. 36 ft. curb to curb may be permitted provided all units in the development are equipped with automatic sprinkler systems. On-street parking shall be provided on both sides of the street.
Sidewalks/parkways	Sidewalks shall be provided on both sides of the street. Min. 6 ft. landscape parkways may be provided on both sides of the street. Sidewalk widths shall be designed to public works standards.
Walls and fences	Block walls required; may allow wrought iron element where appropriate.
Landscaping	Tree wells adjacent to landscape parkways on street side of curb is encouraged; however shall not encroach into the min. 24-foot-wide drive aisle. See Ch. 232, Landscaping.

230.26 Affordable Housing

A. **Purpose.**

1. The purpose and intent of this chapter is to implement the goals, objectives and policies of the City's Housing Element. It is intended to encourage low and moderate income housing, which is integrated, compatible with and complements adjacent uses, and is located in close proximity to public and commercial services.

2. The affordable housing program is one tool the City utilizes to meet its commitment to provide housing affordable to all economic sectors, and to meet its regional fair-share requirements for construction of affordable housing.

3. As a result of being located within a redevelopment area and/or specific plan area, additional restrictions or requirements may apply.

B. **Applicability**. This section shall apply to new residential projects three or more units in size.

1. A minimum of 10% of all new residential construction shall be affordable housing units. The whole number established by dividing the total unit count proposed by 10 shall be affordable housing units unless paragraph (B)(4) of this section applies. Any fractional amount may be paid with an equivalent in-lieu fee.

2. Rental units included in the project shall be made available to low-income households as defined by Health and Safety Code Section 50079.5, or a successor statute. Rental units included in the project may be made available to moderate income households as defined by Health and Safety Code Section 50093, or a successor statute if the moderate income units are located on-site within the project.

3. For sale units included in the project shall be made available to moderate income households, as defined by Health and Safety Code Section 50093, or a successor statute.

4. Developers of residential projects consisting of 30 or fewer units may elect to pay a fee in lieu of providing the units on-site to fulfill the requirement of this section, unless the affordable housing requirement is outlined as part of a specific plan project.

5. Developers of residential projects may elect to provide the affordable units at an off-site location pursuant to subsection B of this section unless otherwise outlined as part of a specific plan project. If affordable units are off-site, they must be under the full control of the applicant, or other approved party.

6. New residential projects shall include construction of an entirely new project or new units added to an existing project. For purposes of determining the required number of affordable housing units, only new units shall be counted.

C. **Fees in Lieu of Construction.**

1. Fees paid to fulfill the requirements of this section shall be placed in the City's affordable housing trust fund, the use of which is governed by subsection E of this section.

2. The amount of the in-lieu fees shall be calculated using the fee schedule established by resolution of the City Council.

3. One hundred percent of the fees required by this section shall be paid prior to issuance of a building permit.

4. Fees paid as a result of new residential projects shall be based upon the total number of the new residential units which are to be constructed.

D. **Off-Site Construction of Affordable Units**. Except as may be required by the California Coastal Act and/or the Government Code Section 65590 or a successor statute, developers may provide the required affordable housing off-site, at one or several sites, within the City of Huntington Beach.

1. Off-site projects may be new construction or substantial rehabilitation, as defined by Government Code Section 33413 affordable housing production requirements, of existing non-restricted units conditioned upon being restricted to long-term affordability. At risk units identified in the Housing Element or mobile homes may be used to satisfy this requirement.

2. All affordable off-site housing shall be constructed or rehabilitated prior to or concurrently with the primary project. Final approval (occupancy) of the first market rate residential unit shall be contingent upon the completion and public availability, or evidence of the applicant's reasonable progress towards attainment of completion, of the affordable units.

E. **Miscellaneous Provisions**.

1. The conditions of approval for any project that requires affordable units shall specify the following items:

a. The density bonus being provided pursuant to Section 230.14, if any;

b. The number of affordable units;

c. The number of units at each income level as defined by the Health and Safety Code; and

d. A list of any other incentives offered by the City.

2. An affordable housing agreement outlining all aspects of the affordable housing provisions shall be executed between the applicant and the City and recorded with the Orange County Recorder's Office, or the applicable in-lieu fee shall be paid in full, prior to issuance of the first building permit.

3. The agreement shall specify an affordability term of not less than 55 years for rental housing or 45 years for ownership housing.

4. All affordable on-site units in a project shall be constructed concurrently with or prior to the construction of the primary project units unless otherwise approved through a phasing plan. Final approval (occupancy) of the first market rate residential unit shall be contingent upon the completion and public availability, or evidence of the applicant's reasonable progress towards attainment of completion, of the affordable units.

5. All affordable units shall be reasonably located throughout the project unless otherwise designed through a master plan, shall contain on average the same number of bedrooms as the market rate units in the project, and shall be comparable with the market rate units in terms of exterior appearance, materials and finished quality.

6. Affordable housing trust funds shall be used for projects which have a minimum of 50% of the dwelling units affordable to very low- and low-income households, with at least 20% of the units available to very low-income households. Concurrent with establishing the annual fee schedule pursuant to subsection C of this section, the City Council shall by resolution set forth the permitted uses of affordable housing trust funds. All units that obtain affordable housing trust funds shall maintain the affordability of the units for a minimum of 55 years. The funds

may, at the discretion of the City Council, be used for pre-development costs, land or air rights acquisition, rehabilitation, land write downs, administrative costs, gap financing, or to lower the interest rate of construction loans or permanent financing.

7. New affordable units shall be occupied in the following manner:

a. If residential rental units are being demolished and the existing tenant(s) meets the eligibility requirements, he/she shall be given the right of first refusal to occupy the affordable unit(s); or

b. If there are no qualified tenants, or if the qualified tenant(s) chooses not to exercise the right of first refusal, or if no demolition of residential rental units occurs, then qualified households or buyers will be selected.

F. **Price of Affordable Units**. Affordable housing cost shall be calculated in accordance with Health and Safety Code Section 50052.5 standards for ownership units and Health and Safety Code Section 50053 standards for rental units. This methodology is fully described in the City's adopted housing policies.

G. **Reduced Fees for Affordable Housing**. Projects that exceed inclusionary requirements on-site will be eligible for reduced City fees, pursuant to an affordable housing fee reduction ordinance, upon adoption by the City Council.

H. **Annual Program Review and Periodic Adjustment of the Fee**. Within 180 days after the last day of each fiscal year, the City Council shall review the status of the City's affordable housing trust fund, including the amount of fees collected, expenditures from the affordable housing trust fund, and the degree to which the fees collected pursuant to this chapter are assisting the City to provide and encourage low and moderate income housing. The fee shall be updated annually using the Real Estate and Construction Report published by the Real Estate Research Council of Southern California. The fee change shall be based on the percentage difference in the new home prices in Orange County published in the fourth quarter report for the then current year versus the immediately preceding year. (3687-12/04, 3827-4/09, 3829-6/09, 3879-6/10)

230.28 Reserved

230.30 Reserved

Article II. Nonresidential Districts

230.32 Service Stations

The following supplemental development standards shall apply to the service station use classification.

A. Minimum parcel size: 22,500 square feet.

B. Minimum frontage: 150 feet and located at the intersection of arterial highways.

C. **Site Layout**. Conditions of approval of a conditional use permit may impose restrictions on outdoor storage and display and location of pump islands, canopies and service bay openings and require buffering, screening, lighting, or planting areas necessary to avoid adverse impacts on properties in the surrounding area.

D. **Design Standards**.

1. In reviewing proposals, emphasis shall be placed on quality design of building materials and landscape features. Service stations shall be designed so that form and scale are harmonious and consistent with the character of the specific site, the adjacent uses and structures, and the general neighborhood.

2. The location, number, and design of driveways as well as on- and off-site traffic circulation impacts shall be analyzed.

3. Service bay openings shall be designed to minimize the visual intrusion on surrounding streets and properties. A maximum of three service bays shall be permitted per site, none of which shall face a public right-of-way.

4. Lighting shall be of low profile design, indirect or diffused, and shall create no negative impact on surrounding uses.

5. A minimum 10% of the site shall be landscaped. Landscaping plans shall conform to all applicable provisions of Chapter 232 as well as conform to the following requirements:

   a. A three-foot wide planter (inside dimension) along interior property lines shall be provided, except at vehicular circulation openings. Additional landscaping may be required to screen service bays from surrounding properties.

   b. A 600-square-foot planter with a minimum dimension of 20 feet shall be provided at the corner of intersecting streets.

   c. A total of 70 square feet of planting area shall be located adjacent to and on the street side of the main building.

6. Buildings shall conform to the setback regulations stated for the district in which the site is located. Pump islands and canopy structures shall maintain the following minimum setbacks from street side property lines:

   a. Pump island: 20 feet.

   b. Canopy: 10 feet with ground clearance of 12 feet.

E. **Storage of Materials and Equipment**. The provisions of Section 230.74, Outdoor Facilities, shall apply, except that a display rack for automobile products no more than four feet wide may be maintained at each pump island of a service station and a single tire storage display no more than eight feet high and 16 feet long may be located on the site of a service station. If display racks are not located on pump islands, they shall be placed within three feet of the principal building, and shall be limited to one per street frontage. Outside storage of motor vehicles for more than 24 hours (seven days if the vehicle is actively being serviced) is prohibited, except as provided for truck and utility trailer rentals. The location of display racks and vending machines shall be specified by the conditional use permit.

F. **Accessory Uses**. The accessory uses listed below shall be permitted as included on the approved site plan. Such uses shall be subordinate to the main operation and shall not impede safe vehicular and pedestrian circulation or be detrimental to surrounding properties or potential customers. Such uses shall be included as part of the original conditional use permit request or shall be subject to a new conditional use permit if proposed subsequent to the original conditional use permit.

1. Convenience markets are permitted provided no automotive repair or truck or trailer rental is permitted on the same site.

2. Automatic washing, cleaning and waxing of vehicles. Such activity shall be of an integral design with the main structure.

3. Truck and utility truck rental is permitted provided the trucks do not exceed 25 feet in length and are stored a minimum of 50 feet from the street property lines.

230.34 Housing of Goods

All goods, wares, merchandise, produce, and other commodities which are stored or offered for sale or exchange in the commercial and industrial districts shall be housed in permanent buildings except as otherwise provided by this code.

230.36 Transportation Demand Management

A. **Purpose and Intent**. It is the purpose and intent to implement the requirements of Government Code Section 65089.3(a)(2), to mitigate the impacts that development projects may have on transportation mobility, congestion and air quality, and to promote transportation demand management strategies.

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

Alternative Transportation Mode. Any mode of travel that serves as an alternative to the single occupant vehicle. This can include all forms of ridesharing, public transit, bicycling or walking.

Building Size. The total gross floor area measured in square feet of a building or group of buildings at a worksite. Includes the total floor area of both new development and existing facilities.

Carpool. Two to six persons traveling together in a single vehicle.

Employee. Any person employed by a firm, person(s), business, educational institution, non-profit agency or corporation, government agency, or other entity which employs 100 or more persons at a single worksite. "Employee" shall include persons employed on a full-time, part-time, or temporary basis.

Employer. Any person(s), firm, business, educational institution, government agency, non-profit agency or corporation, or other entity which employs or houses tenants that collectively employ 100 or more employees at a worksite on a full- and/or part-time/temporary basis.

Mixed Use Development. New development projects that integrate any one of these land uses with another: residential, office, commercial, industrial and business park.

Tenant. The lessee of facility space at a development project who may also serve as an employer.

Transportation Demand Management (TDM). The implementation of programs, plans or policies designed to encourage changes in individual travel behavior. TDM can include an emphasis on alternative travel modes to the single occupant vehicle (SOV) such as carpools, vanpools and transit; and reduction of VMT and the number of vehicle trips.

Vanpool. A vehicle occupied by seven or more persons traveling together.

Worksite. A building or group of buildings which are under common ownership and the place of employment, base of operation, or predominate location of an employee or group of employees.

C. **Applicability**.

1. These provisions apply to commercial, industrial, institutional, or other uses which are determined to employ 100 or more persons, as determined by the employee generation factors specified under paragraph 4 of this subsection. This includes any permit for existing facilities that already have 100 or more employees or will have 100 or more employees.

2. These provisions apply to all districts, planned communities and specific plan areas including those covered by development agreements. These provisions shall supersede other ordinances with which there is a conflict.

3. Notwithstanding paragraph 1 of this subsection, the following uses and activities shall be specifically exempt from the provisions of this section:

a. Temporary construction activities on any affected project, including activities performed by engineers, architects, contract subcontractors and construction workers.

b. Other temporary use classifications or as authorized by the director when such temporary activities are for a period not to exceed 30 days and held no more than once a year.

4. Employee generation factors shall be based on one of the following:

a. Employment projections developed by the property owner, subject to approval by the director;

b. Building sizes shall be considered equivalent to the 100 employee threshold as follows:

Type of Use	**Building Size (in Sq. Ft.) Equivalent to 100 Employees**
Office/Professional	35,000
Hospital and Medical/Dental	40,000
Industrial (Excluding Warehouses)	50,000
Commercial/Retail	50,000
Hotel	0.8 Employees/Hotel Room
Motel	1.2
Resort Hotel	100,000
Mixed or Multiple Use	*
Warehouse	100,000

* The employment projection for a development of mixed or multiple uses shall be calculated on a case by case basis based upon the proportion of development devoted to each type of use.

D. **Site Development Standards**. Development projects subject to this section shall comply with the following site development standards:

1. Parking for Carpool Vehicles.

a. The following percentages of the total required parking spaces per Chapter 231 shall be reserved and designated for employee carpool vehicles by making such spaces "Carpool Only":

Type of Use	**Percent of Total Parking Devoted to Employee Carpool Parking**
Office Professional	13%
Hospital and Medical/Dental Office	9%
Industrial/Warehouse	14%
Commercial/Retail	5%
Hotel	Space for every 2 employees

b. Carpool spaces shall be located near the building's identified employee entrance(s) or at other preferential locations within the employee parking areas as approved by the director.

2. Shower and Locker Facilities. Shower and locker facilities shall be provided for use by employees or tenants who commute to the site by bicycle or walking. The use of such facilities shall be provided at no cost to the user. The design of such facilities shall be shown on the plot plans in the permit application and conform to the following:

a. Lockers shall be provided at a minimum ratio of one for every 20 employees.

b. Separate shower facilities shall be provided at a minimum rate of two per 100 employees.

3. Bicycle Parking.

a. Bicycle parking facilities shall be provided at the minimum rate of one bicycle parking space for every 20 employees or fraction thereof, in a secure location, and in close proximity to employee entrances, for use by employees or tenants who commute to the site by bicycle.

b. A bicycle parking facility shall be a stationary object to which the user can lock the bicycle frame and both wheels with a user provided six-foot cable and lock.

4. Commuter Information Areas. A commuter information area shall be provided to offer employees appropriate information on alternative transportation modes. This area shall be

centrally located and accessible to all employees or tenants and shall be sufficient size to accommodate such information on alternative transportation modes.

5. Passenger Loading Areas. Unless determined unnecessary by the decision maker, per Title 24, passenger loading areas to embark and disembark passengers from rideshare vehicles and public transportation shall be provided as follows:

a. Passenger loading area shall be large enough to accommodate the number of waiting vehicles equivalent to one percent of the required parking for the project.

b. The passenger loading areas shall be located as close as possible to the identified employee entrance(s), and shall be designed in a manner that does not impede vehicular circulation in the parking area or in adjoining streets.

6. Parking for Vanpool Vehicles. Unless determined unnecessary by the decision maker, per Title 24, parking for vanpool vehicles shall be provided as follows:

a. The number of vanpool parking spaces shall be at least one percent of the employee carpool parking spaces and reserved for such by marking the spaces "Vanpool Only."

b. For parking structures, vanpool vehicle accessibility shall include minimum seven-foot-two-inch vertical clearance.

c. Vanpool parking spaces shall be located near identified employee entrance(s) or other preferential locations.

7. Bus Stops. Unless determined unnecessary by the decision maker, per Title 24, bus shelter, pullouts, and pads shall be provided as necessary in consultation with affected transit service providers.

230.38 Game Centers

The following supplemental requirements shall apply to the operation of game centers, including mechanical or electronic games or any other similar machine or device, in order to control the location and hours of operation of game centers so as not to allow school children to play the games during school hours or to encourage minors to congregate in areas close to commercial establishments that sell alcoholic beverages. The following conditions shall apply:

A. **Neighborhood Notification**. Submit a request to the director with neighborhood notification pursuant to Chapter 241.

B. **Adult Manager**. At least one adult manager shall be on the premises during the time a game center is open to the public.

C. **Hours of Operation for Minors Under 18 Years of Age**. No game center owners, manager or employees shall allow a minor under 18 years of age to play a mechanical or electronic game machine during the hours the public schools of the district in which the center is located are in session, or after 9:00 p.m. on nights preceding school days, or after 10:00 p.m. on any night. It is the responsibility of the owner or manager of the game center to obtain a current schedule of school days and hours.

D. **Locational Criteria**. A game center shall not be permitted within 2,500 feet of a school site, 300 feet of the boundary of a residential district, or within 500 feet of a liquor store, a nightclub, cocktail lounge or bar. The distance shall be measured as walking distance from the game center to the property line of the school site, the district boundary, or the property line of the liquor store, nightclubs, cocktail lounge, or bar, as the case may be.

E. **Restrictions**. The director may impose reasonable restrictions on the physical design, location, and operation of a game center and require a special bicycle parking area in order to minimize the effects of noise, congregation, parking, and other nuisance factors that may be detrimental to the public health, safety and welfare of the surrounding community. (3710-6/05)

230.40 Helicopter Takeoff and Landing Areas

A. **Permit Required**. A conditional use permit may be issued for the construction and operation of a heliport, helipad, or helistop if the Planning Commission finds that:

1. The helipad, heliport, or helistop conforms to the locational criteria and standards established in subsections B and C of this section, and the requirements of the California Department of Transportation, Division of Aeronautics;
2. The heliport, helipad, or helistop is compatible with the surrounding environment; and
3. The proposed operation of the helicopter facility does not pose a threat to public health, safety or welfare.

The commission may impose conditions of approval on the conditional use permit to prevent adverse impacts on surrounding properties. If such impacts can not be mitigated to an acceptable level, the conditional use permit application shall be denied.

B. **Locational Criteria**.

1. Minimum Separation. Minimum separation between heliports, helipads, and helistops shall be 1.5 miles, except for facilities specifically intended for emergency use, such as medical evacuation or police functions, and temporary landing sites.
2. Protected Areas. No heliport, helipad, or helistop shall be located within 1,000 feet of an R district or the site of a public or private school, except for heliports or helistops specifically intended only for emergency or police use. Temporary landing sites within 1,000 feet of a public or private school may be allowed with a temporary use permit subject to approval of the California Department of Transportation.

C. **Site Development Standards**.

1. Approach and departure paths 65 feet wide shall be free of obstruction for a minimum distance of 400 feet.
2. Setbacks from property lines shall be as follows:
   a. Takeoff and landing area: 50 feet;
   b. Helicopter maintenance facilities: 25 feet;
   c. Administrative or operations building: 15 feet.

3. Any lighting used for nighttime operations shall be directed away from adjacent properties and public rights-of-way.

4. A telephone shall be provided on or adjacent to the heliport, helipad or helistop.

5. Helipads or helistops intended for emergency use shall have a landing pad with a standard landing area designated and the words "Emergency Only." The initial direction of the departure routes shall be indicated on the takeoff and landing area.

D. **Application Requirements**. The following additional information shall be submitted with a conditional use permit application:

1. An area map, at a scale of 1″ = 800′ showing existing land use within a two-mile radius of the facility site and the proposed flight paths.

2. A plot plan of the site and vicinity, including all land within a 400-foot radius of the takeoff and landing area, that shows clearly the height of the takeoff and landing area; the height of existing, approved and proposed structures and trees within 50 feet of the approach and takeoff flight paths; and the maximum allowable building height under existing zoning.

3. A description of the proposed operations, including the type of use, names and descriptions of helicopters expected to use the facility, and anticipated number and timing of daily flights.

4. A helicopter noise study including a map of the approach and departure flight paths at a scale of 1″ = 800′ showing existing day/night average noise levels in decibels (LDN noise contours), future day/night average noise levels with the proposed facility and anticipated flight operations, and single event maximum sound levels associated with the types of helicopters expected to use the facility. (3710-6/05)

230.42 Bed and Breakfast Inns

A. **Permit Required**. The Zoning Administrator may approve a conditional use permit for a bed and breakfast inn in any C District and RMH A District after a duly noticed public hearing upon finding that:

1. The bed and breakfast inn will be operated by a property owner living on the premises;

2. The bed and breakfast inn conforms to the design and development standards of subsection B of this section and is compatible with adjacent buildings in terms of building materials, colors and exterior finishes; and

3. Public and utility services, including emergency access, are adequate to serve the bed and breakfast inn.

B. **Design and Development Standards**.

1. Minimum Size and Maximum Number of Guest Rooms. The inn shall contain at least 2,000 square feet, but no more than six rooms shall be rented for lodging.

2. Parking. The requirements of Chapter 231 shall apply.

3. Signs. The requirements of Chapter 233 apply. In addition, in the RMH A district, no identifying sign shall be displayed other than a sign no larger than two square feet identifying

the name of the establishment. The face of the sign may be indirectly illuminated by an exterior light source entirely shielded from view, but no internal illumination from an interior light source shall be permitted. (3710-6/05)

230.44 Recycling Operations

Collection containers shall be permitted for charitable organizations such as Goodwill. Recycling and collection containers shall not be located within required parking or landscaped areas or obstruct pedestrian paths. Recycling as an accessory use shall not exceed 500 square feet including any required attendant parking space. A recycling operation as a primary use shall comply with the development standards contained in Chapter 212.

230.46 Single Room Occupancy

Single room occupancy (SRO) shall comply with the following requirements:

A. **General Provisions**.

1. All projects shall comply with the most recently adopted City building, plumbing, mechanical, electrical, fire, and housing codes.

2. No more than one person shall be permitted to reside in any unit, excluding the manager's unit and up to 25% of the total number of units which have double occupancy.

3. A management plan shall be submitted for review and approval with the conditional use permit application. The management plan shall contain management policies, operations, emergency procedures, overnight guest policy, security program including video cameras monitoring building access points at every floor, rental procedures and proposed rates, maintenance plans, staffing needs, and tenant mix, selection and regulations. Income levels shall be verified by a third party and submitted to the City of Huntington Beach as part of the annual review.

4. An on-site 24-hour manager is required in every SRO project. In addition, a manager's unit shall be provided which shall be designed as a complete residential unit, and be a minimum of 300 square feet in size.

5. Rental procedures shall allow for monthly tenancies only; deposit requirements shall be specified.

6. All units within SRO projects shall be restricted to very low and low income individuals as defined by the City's housing element, with the exception of the 24-hour manager. Rental rates shall be calculated using a maximum of 30% of income toward housing expenses based on County of Orange income figures.

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 Planning and Economic Development Departments which includes the range of monthly rents, the monthly income of residents, occupancy rates, and the number of vehicles owned by residents.

8. The Planning Commission or City Council may revoke the conditional use permit if any violation of conditions or any of the adopted Huntington Beach codes occurs.

B. **Unit Requirements.**

1. Minimum unit size shall be 250 square feet except double occupancy units shall be a minimum of 400 square feet.

2. Maximum unit size shall be 300 square feet excluding manager's unit and double occupancy units.

3. Each unit shall contain a kitchen and bathroom.

a. Kitchens shall contain a sink with garbage disposal, counter top (minimum 16″ x 24″), refrigerator, and stove/oven unit and/or microwave;

b. If stoves/oven units are not provided in each unit, then stoves/oven units shall be provided in a common kitchen area(s).

c. Bathrooms shall contain a lavatory, toilet, and shower or bathtub.

d. Each unit shall have a minimum 48 cubic feet of closet/storage space.

C. **Project Requirements.**

1. Common recreational space shall be provided in each project as follows:

a. Minimum common recreational space shall be 400 square feet.

b. For projects exceeding 30 units, an additional 10 square feet of recreational space per unit is required.

Units that are 400 square feet or greater shall have a minimum of 15 square feet of recreational space per unit.

c. Common recreational space may be indoor or outdoor provided there is at least 40% allotted toward indoor space and 40% outdoor space; the balance may be either indoors or outdoors.

d. Common recreational space may be in separate areas provided each space is not less than 200 square feet in size and has no less than a 10-foot dimension.

2. A single controlled entryway for routine ingress and egress shall be situated adjacent to and in full view of the manager's desk.

3. A secured office area shall be incorporated in the facility for the storage of confidential resident records and security office personnel.

4. Mailboxes shall be provided for each unit located near the lobby in plain view of the entry desk.

5. Handicap access facilities shall be as required by applicable state or local law.

6. At least one handicapped accessible unit shall be required for every 20 units.

7. Laundry facilities shall be provided in a separate room in a location near the common indoor recreational space. Washers and dryers may be coin operated.

8. A cleaning supply storeroom and/or utility closet with at least one laundry tub with hot and cold water on every floor shall be provided on every floor.

9. <u>Storage Lockers</u>.

a. Storage lockers shall be provided in a secured area.

b. The cumulative total of locker space shall be no less than a ratio of 10 cubic feet per unit.

10. All common indoor space areas shall have posted in a conspicuous location a notice from the City's Planning Department regarding contact procedures to investigate housing code violations.

11. Bicycle stalls shall be provided at a minimum of one stall per five units in a secured and enclosed and covered area.

12. Trash disposal chutes as well as a centralized trash area shall be provided on all multi-story projects.

13. A minimum of two pay telephones shall be provided in the lobby area. The telephone service shall only allow outgoing calls.

14. Phone jack(s) shall be provided in each unit.

15. A shipping and receiving/maintenance garage shall be provided near a convenient vehicular access on the ground floor. (3494-5/01)

230.48 Equestrian Centers

A. **Permit Required**. Equestrian centers shall be permitted in the OS-PR and PS Districts, subject to the approval of a conditional use permit by the Planning Commission. Where all off-site improvements are not provided, initial approval shall be for a maximum period of five years subject to annual review. One-year extensions of time may be granted after public hearing by the Planning Commission. On requests to allow a facility on a permanent basis, the Planning Commission shall determine required improvements based on the existing and proposed land uses and the existing off site improvements within the area.

B. **Design and Development Standards**.

1. Minimum Parcel Size/Frontage. The minimum lot size and lot frontage shall be:

	Area	**Frontage**
Temporary facilities:	2 acres	100 feet
Permanent facilities:	5 acres	100 feet

2. Density/Riding Areas. Maximum density for horse facilities shall be determined by the following criteria:

a. Maximum density shall be 25 horses per acre.

b. Minimum riding area shall be 5,000 square feet per 15 horses. For facilities with over 100 horses, two separate arenas shall be provided. In the alternative, off-site riding area shall be provided adjacent to the facility at the rate of one acre per 15 horses.

c. Exercise rings shall have no dimension less than 30 feet.

d. The minimum arena size shall be 10,000 square feet with no dimension less than 80 feet.

3. Maximum Building Height. Maximum building height shall be 30 feet.

4. Required Setbacks.

Front:	50 feet (30 feet for caretaker's residence)
Interior side:	25 feet
Exterior side:	50 feet
Rear:	25 feet
Minimum distance to any residential zone or use:	300 feet

5. Corral Design. Corrals designed for one horse shall comply with the following requirements. Corrals designed for more than one horse shall provide a minimum area per horse as indicated below. All corrals, racks and stalls shall be of compatible design, materials to be approved by the fire department.

a. Corral size: 288 square feet; minimum dimension: 12 feet.

Shelter size: 96 square feet; minimum dimension: 8 feet.

b. Each corral shall have an approved water system with automatic drinking controls provided.

c. Box stalls may be provided in lieu of horse corrals. Such stalls shall be a minimum of 144 square feet with no dimension less than 12 feet.

6. Wash Rack. One wash rack per 35 horses or fraction thereof shall be provided subject to the following requirements. Wash racks designed for more than one horse shall provide a minimum area per 35 horses as indicated below:

a. Individual wash racks shall be six by eight feet.

b. Each wash rack shall have an approved watering system and be connected to a sewer facility with a back siphon device at the water source.

c. A concrete slab floor shall be provided.

C. **Insect and Rodent Control.**

1. Feed mangers or boxes shall not be placed near water sources.

2. Nonleak valves shall be provided for all troughs, bowls, cups and other water sources.

3. Automatic valves or sanitary drains shall be provided for large troughs or cups.

4. Grading in paddocks and corrals shall be properly integrated into a master drainage plan to prevent ponding of water. Shelters shall be sloped away from the center of the corrals, or rain gutters shall be installed to the exterior of the corral.

5. Method of disposal of solid wastes shall be approved by Planning Commission. Trash disposal areas and dumpsters shall be designated and conveniently located with an all-weather road access provided.

6. All dry grains shall be stored in rodent proof metal containers and hay storage shall be covered. Bulk or commercial amounts of grain or hay shall be located a minimum of 50 feet away from any horse enclosure.

D. **Miscellaneous Operating Requirements.**

1. The ground surface of horse enclosures shall be graded above their surroundings. A grading plan shall be submitted prior to issuance of a conditional use permit.

2. Storage and tack areas shall be designated on the site plan.

3. Continuous dust control of the entire premises shall be maintained subject to the regulations contained in Huntington Beach Municipal Code Chapter 8.24. The method for water sprinkling arenas and exercise pens shall be indicated on the site plan.

4. A permanent single family residence shall be provided on the site with a watchman on duty 24 hours a day. Two fully enclosed parking spaces shall be provided. Where a mobilehome is used to satisfy this requirement, one carport space and one open space shall be permitted.

5. A back siphoning device shall be installed to protect the public water supply. An approved pressure vacuum breaker is recommended on the waterline serving the corrals. The vacuum breaker shall be at least 12 inches above the highest point of water usage or an approved double check valve may be used.

6. Security lighting shall be confined to the site and all utilities shall be installed underground.

7. A log containing the name of every horse, its location in the facility, the owner's name and address, and the names and addresses of persons to be notified in case of emergency shall be maintained in the watchman's quarters for ready reference.

8. All fire protection appliances, appurtenances, emergency access, and any other applicable requirements, pursuant to Huntington Beach Municipal Code Chapter 17.56, shall meet the specifications of the fire department.

9. The entire site, exclusive of riding areas, shall be fenced in such a manner as to confine horses within the site in order to protect the perimeter landscaping from damage. Individual corrals shall be enclosed by a minimum five-foot high fence.

E. **Off-Street Parking and Landscaping.**

1. Parking and circulation design shall comply with the standards outlined in Chapter 231. In addition, the perimeter of the parking area shall be delineated by pilasters or wooden poles with chain, cable, or heavy rope connectors. The parking lot shall be surfaced in accord with the specifications of the Department of Public Works.

2. Landscaping, as set out in Chapter 232, shall be provided except that the minimum landscaped area required shall be a 10-foot wide (inside dimension) planter along all property lines.

230.50 Indoor Swap Meets/Flea Markets

Indoor swap meets/flea markets shall comply with the following requirements:

A. **Conditional Use Permit Required**. Indoor swap meets/flea market uses may be permitted as temporary uses only upon approval of conditional use permit by the Zoning Administrator for a period of time not to exceed 10 years. One year extension of time may be granted after public hearing by the Zoning Administrator.

B. **Location Considerations**. The Zoning Administrator shall consider the following issues when evaluating a proposed conditional use permit:

1. The site's proximity to residences, schools, hospitals and other noise sensitive uses.
2. The potential adverse impacts on traffic circulation and pedestrian safety.
3. The site's proximity to other indoor swap meets/flea markets to avoid overconcentration of facilities.
4. The site's proximity to businesses processing hazardous materials.

C. **Location Criteria**. Indoor swap meet/flea market uses shall only be allowed on property located adjacent to arterial streets.

D. **Minimum Building Size**. Minimum building gross floor area shall be 100,000 square feet.

E. **Miscellaneous Requirements**.

1. Ancillary Uses. Ancillary uses may be permitted as included on the approved site plan. Such uses shall be included as part of the initial conditional use permit requirements or shall be subject to new entitlement if proposed after the initial application has been filed.
2. Signs. Individual vendors shall not be permitted any outdoor signs, including temporary. Signs shall comply with the standards outlined in Chapter 233.
3. Parking. Parking shall comply with the standards outlined in Chapter 231.

230.52 Emergency Shelters

Emergency shelters may be permitted subject to the following requirements:

A. A single emergency shelter for 50 occupants, or a combination of multiple shelters with a combined capacity not to exceed 50 occupants, shall be permitted. Religious assembly uses within an industrial zone may establish emergency shelters for up to 30 occupants provided they meet the minimum development standards of the zone in which they are located.

B. Stays at the emergency shelter facility shall be on a first-come first-serve basis with clients housed on-site. Clients must vacate the facility by 8:00 a.m. each day and have no guaranteed bed for the next night.

C. Maximum stay at the facility shall not exceed 120 days in a 365-day period.

D. A minimum distance of 300 feet shall be maintained from any other emergency shelter, as measured from the property line.

E. An on-site client intake and waiting area shall be provided in a location not adjacent to the public right-of-way, be fully screened from public view, and provide consideration for weather events

including shade and rain cover. The waiting area shall contain a minimum area of 10 square feet per bed.

F. Any provision of on-site outside storage shall be fully screened from public view.

G. Exterior lighting shall be provided for the entire outdoor area of the site consistent with the Huntington Beach Zoning and Subdivision Ordinance.

H. A minimum of one staff person per 15 beds shall be awake and on duty during facility hours of operation.

I. On-site parking shall be provided at the ratio of one space per staff member, plus one space for every five beds and an additional one-half space for each bedroom designated for families with children.

J. A safety and security plan shall be submitted to the Director of Planning 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.

K. A proposed emergency shelter offering immediate and short-term housing may provide supplemental services to homeless individuals or families. These services may include, but are not limited to, the following:

1. An indoor and/or outdoor recreation area.

2. A counseling center for job placement, educational, health care, legal or mental services, or similar services geared toward homeless clients.

3. Laundry facilities to serve the number of clients at the shelter.

4. Kitchen for the preparation of meals.

5. Dining hall.

6. Client storage area (i.e., for the overnight storage of bicycles and personal items). (3861-2/10)

230.54 Reserved

230.56 Reserved

230.58 Reserved

230.60 Reserved

Article III. All Districts

230.62 Building Site Required

No building or structure shall be erected or moved onto any parcel of land in the City except on a lot certified in compliance with the Subdivision Map Act and local subdivision and zoning provisions at time of creation or on a parcel created as a result of a public taking. No building or structure shall be altered or enlarged to increase the gross floor area by more than 50% within any one-year period except on a legal building site.

230.64 Development on Substandard Lots

Development on substandard lots shall be subject to approval of a conditional use permit by the Zoning Administrator. A legally created lot having a width or area less than required for the base district in which it is located may be occupied by a permitted or conditional use if it meets the following requirements or exceptions:

A. The lot must have been in single ownership separate from any abutting lot on the effective date of the ordinance that made it substandard. Two or more contiguous lots held by the same owner shall be considered as merged if one of the lots does not conform to the minimum lot size or width for the base district in which it is located.

B. A substandard lot shall be subject to the same yard and density requirements as a standard lot, provided that in an R district, one dwelling unit may be located on a substandard lot that meets the requirements of this section.

C. An existing legal lot comprising a minimum size of 5,000 square feet or greater and a minimum width of 50 feet or greater shall not be considered substandard for purposes of this section.

230.66 Development on Lots Divided by District Boundaries

The standards applicable to each district shall be applied to the area within that district. No use shall be located in a district in which it is not a permitted or conditional use. Pedestrian or vehicular access from a street to a use shall not traverse a portion of the site in a district in which the use is not a permitted or conditional use.

230.68 Building Projections Into Yards and Courts

Projections into required yards and courts shall be permitted as follows:

Allowable Projections in Feet[a]

	Front Yard	Side Yard	Street Side Yard	Rear Yard
Fireplace or chimney	2.5	2.5[b]	2.5	2.5
Cornice, eaves and ornamental features	3	2.5[b]	3	3
Mechanical equipment	2	2[b]	2[b]	2
Uncovered porches, terraces, platforms, subterranean garages, decks, and patios not more than 3 feet in height serving only the first floor	6	3	4	5
Stairs, canopies, awnings and uncovered porches more than 3 feet in height	4	2[b]	4	4[b]
Bay windows	2.5	2.5[b]	2.5	2.5
Balconies	3	2[b]	3	3
Covered patios	0	0	5[c]	5

Notes:

[a] No individual projection shall exceed 1/3 of the building length, and the total of all projections shall not exceed 2/3 of the building length on which they are located.
[b] A 30-inch clearance from the property line shall be maintained.
[c] No projection shall extend more than 1/2 the width of the street side yard.

230.70 Measurement of Height

This section establishes standards for determining compliance with the maximum building height limits prescribed for each zoning district or as modified by an overlay district.

A. Datum (100) shall be set at the highest point of the curb along the front property line. If no curb exists, datum shall be set at the highest centerline of the street along the front property line.

B. The differential between top of subfloor and datum shall be a maximum of two feet as determined by Public Works. In the event that any subfloor, stemwall or footing is proposed greater than two feet above datum, the height in excess shall be deducted from the maximum allowable ridgeline height.

C. Lots with a grade differential of three feet or greater between the high point and the low point, determined before rough grading, shall be subject to conditional use permit approval by the Zoning Administrator. Conditional use permit approval shall be based upon a building and grading plan which terraces the building with the grade and which is compatible with adjacent development.

230.72 Exceptions to Height Limits

Chimneys; vent pipes; cooling towers; flagpoles; towers; spires; domes; cupolas; parapet walls not more than four feet high; water tanks; fire towers; transmission antennae (including wireless communication facilities); radio and television antennas (except satellite dish antennae); and similar structures and necessary mechanical appurtenances (except wind driven generators) may exceed the maximum permitted height in the district in which the site is located by no more than 10 feet. The Zoning Administrator may approve greater height with a conditional use permit. Within the coastal zone exceptions to height limits may be granted only when public visual resources are preserved and enhanced where feasible. (3334-6/97, 3568-9/02)

230.74 Outdoor Facilities

A. **Permit Required**. Outdoor storage and display of merchandise, materials, or equipment, including display of merchandise, materials, and equipment for customer pick up, shall be subject to approval of a conditional use permit by the Zoning Administrator in the CG, IL, IG, CV and SP districts. Sidewalk cafés with alcoholic beverage service and/or outdoor food service accessory to an eating and drinking establishment shall be permitted subject to approval of a conditional use permit by the Zoning Administrator in the CO, CG, CV, OS and SP districts, but no outdoor preparation of food or beverages shall be permitted.

B. **Permit Conditions—Grounds for Denial**. The Zoning Administrator may require yards, screening, or planting areas necessary to prevent adverse impacts on surrounding properties. If such impacts cannot be prevented, the Zoning Administrator shall deny the conditional use permit application.

C. **Exceptions**. Notwithstanding the provisions of subsections A and B of this section, outdoor storage and display shall be permitted in conjunction with the following use classifications in districts where they are permitted or conditionally permitted:

1. Nurseries, provided outdoor storage and display is limited to plants, new garden equipment and containers only; and

2. Vehicle/equipment sales and rentals, provided outdoor storage and display shall be limited to vehicles, boats, or equipment offered for sale or rent only.

D. **Screening**. Outdoor storage and display areas for rental equipment and building and landscaping materials shall be screened from view of streets by a solid fence or wall. The height of merchandise, materials, and equipment stored or displayed shall not exceed the height of the screening fence or wall. (3525-2/02)

230.76 Screening of Mechanical Equipment

A. **General Requirement**.

1. Except as provided in subsection B of this section, all exterior mechanical equipment, except solar collectors and operating mechanical equipment in an I district located more than 100 feet from another zoning district boundary, shall be screened from view on all sides. Equipment to be screened includes, but is not limited to, heating, air conditioning, refrigeration equipment, plumbing lines, ductwork, and transformers.

2. Screening of the top of equipment may be required by the director, if necessary to protect views from an R or OS district. Rooftop mechanical equipment shall be set back 15 feet from the exterior edges of the building.

B. **Utility Meters and Backflow Prevention Devices**. Utility meters shall be screened from view from public rights-of-way. Electrical transformers in a required front or street side yard shall be enclosed in subsurface vaults or other location approved by the director. Backflow prevention devices shall not be located in the front yard setback and shall be screened from view.

C. **Screening Specifications**. A mechanical equipment plan shall be submitted to the director to ensure that the mechanical equipment is not visible from a street or adjoining lot.

230.78 Refuse Storage Areas

Refuse storage area screened on three sides by a six-foot masonry wall and equipped with a gate, or located within a building, shall be provided prior to occupancy for all multi-family residential, commercial, industrial, and public/semipublic uses. Locations, horizontal dimensions, and general design parameter of refuse storage areas shall be as prescribed by the director. The trash area shall not face a street or be located in a required setback. The design and materials used in such trash enclosures shall harmonize with the main structure.

230.80 Antennae

A. **Purpose**. The following provisions are established to regulate installation of antennae to protect the health, safety, and welfare of persons living and working in the City and to preserve the aesthetic value and scenic quality of the City without imposing unreasonable limitations on, prevent the reception of signals, or imposing excessive costs on the users of the antennae.

B. **Permit Required**. Approval by the director shall be required for the installation of an antenna or satellite antenna to ensure compliance with the locational criteria. Construction shall be subject to

the provisions of the Uniform Building Code and National Electrical Code, as adopted by the City. Within the coastal zone, approval of a coastal development permit shall be required for installation of any antenna that meets the definition of development in Section 245.04 unless it is exempt pursuant to Section 245.08.

C. **Locational Criteria—Satellite Antennae**. A satellite antenna may be installed on a lot in any zoning district if it complies with the following criteria:

1. Number. Only one satellite antenna may be permitted on a residential lot.

2. Setbacks. Interior side and rear property lines, 10 feet, except that no setback shall be required in interior side and rear setback areas if the antenna or satellite antenna does not exceed six feet in height. No antenna or satellite antenna shall be located in a required front yard. When roof mounted, the antenna or satellite antenna shall be located on the rear one half of the roof.

3. Maximum Height.

   a. The maximum height of a satellite antenna shall not exceed 10 feet if installed on the ground or the maximum building height for the district in which the satellite antenna is located, if roof mounted.

   b. The maximum height of an antenna shall not exceed the maximum building height for the district in which the antenna is located.

4. Maximum Dimension. The maximum diameter of a satellite antenna shall not exceed 10 feet in all districts with the exception that the diameter may be increased in nonresidential districts if a conditional use permit is approved by the Zoning Administrator.

5. Screening. The structural base of an antenna or satellite antenna, including all bracing and appurtenances, but excluding the antenna or dish itself, shall be screened from public view and adjoining properties by walls, fences, buildings, landscape, or combinations thereof not less than seven feet high so that the base and support structure are not visible from beyond the boundaries of the site at a height-of-eye six feet or below.

6. Undergrounding. All wires and/or cables necessary for operation of the antenna or satellite antenna or reception of the signal shall be placed underground, except for wires or cables attached flush with the surface of a building or the structure of the antenna or satellite antenna.

7. Surface Materials and Finishes. No advertising or text or highly reflective surfaces shall be permitted.

8. Exception. Requests for installation of an antenna or satellite antennae on sites that are incapable of receiving signals when installed pursuant to the locational criteria may be permitted subject to conditional use permit approval by the Zoning Administrator. The applicant shall submit documentation that installation at a height greater than permitted, or in another yard area, is necessary for the reception of usable antenna or satellite signals. Applications shall be approved upon finding that the aesthetic value and scenic quality of the City is preserved, pedestrian or vehicular traffic vision is not obstructed, and upon the findings contained in Chapter 241. (3334-6/97, 3568-9/02)

230.82 Performance Standards for All Uses

A. **Applicability and Compliance**. The development standards set forth in this section apply to every use classification in every zoning district unless otherwise specifically provided. The director may require evidence of ability to comply with development standards before issuing an entitlement.

B. **Air Contaminants**. Every use must comply with rules, regulations and standards of the South Coast Air Quality Management District (SCAQMD). An applicant for a zoning permit or a use, activity, or process requiring SCAQMD approval of a permit to construct must file a copy of the SCAQMD permit with the director. An applicant for a use, activity, or process that requires SCAQMD approval of a permit to operate must file a copy of such permit with the director within 30 days of its approval.

C. **Water Quality**. Every use must comply with rules, regulations and standards of the federal government; State and Regional Water Quality Control Boards; Orange County Municipal NPDES stormwater permit (Santa Ana Regional Water Quality Control Board Order No. R8-2009-0030, dated May 22, 2009, or any amendment to or re-issuance thereof); the City of Huntington Beach Municipal Codes, including Chapters 14.24, 14.25, and 17.05; and the California Coastal Act, where applicable. An applicant for a zoning permit, building permit, or a coastal development permit must demonstrate compliance with aforementioned rules, regulations and standards prior to permit approval. General Plan and Local Coastal Program goals, objectives and policies shall be incorporated into water quality management programs prepared for development projects as applicable and to the maximum extent practicable. A Water Quality Management Plan, prepared by a registered California civil engineer, shall be required for all projects that may adversely impact water quality (including, but not limited to projects identified in the Orange County Municipal NPDES stormwater permit as priority development projects and projects creating more than 2,500 square feet of impervious surface that are within 200 feet of, or drain directly to, resource protection areas, and/or water bodies listed on the Clean Water Act Section 3030(d) list of impaired waters).

D. **Storage on Vacant Lot**. A person may not store, park, place, or allow to remain in any part of a vacant lot any unsightly object. This does not apply to building materials or equipment for use on the site during the time a valid building permit is in effect for construction on the premises.

E. **Archaeological/Cultural Resources**.

1. Within the coastal zone, applications for grading or any other development that have the potential to impact significant archaeological/cultural resources shall be preceded by a coastal development permit application for implementation of an Archaeological Research Design (ARD). This is required when the project site contains a mapped archaeological site, when the potential for the presence of archaeological/cultural resources is revealed through the CEQA process, and/or when archaeological/cultural resources are otherwise known or reasonably suspected to be present. A coastal development permit is required to implement an ARD when such implementation involves development (e.g., trenching, test pits, etc.). No development, including grading, may proceed at the site until the ARD, as reflected in an approved coastal development permit, is fully implemented. Subsequent development at the site shall be subject to approval of a coastal development permit and shall be guided by the results of the approved ARD.

2. Archaeological Research Design (ARD). The ARD shall be designed and carried out with the goal of determining the full extent of the on-site archaeological/cultural resources and shall include, but not be limited to, postulation of a site theory regarding the archaeological and

cultural history and pre-history of the site, investigation methods to be implemented in order to locate and identify all archaeological/cultural resources on site (including but not limited to trenching and test pits), and a recognition that alternative investigation methods and mitigation may become necessary should resources be revealed that indicate a deviation from the initially espoused site theory. The ARD shall include a mitigation plan based on comprehensive consideration of a full range of mitigation options based upon the archaeological/cultural resources discovered on site as a result of the investigation. The approved ARD shall be fully implemented prior to submittal of any coastal development permit application for subsequent grading or other development of the site. The ARD shall also include recommendations for subsequent construction phase monitoring and mitigation should additional archaeological/cultural resources be discovered.

3. The ARD shall be prepared in accordance with current professional practice, in consultation with appropriate Native American groups as identified by the Native American Heritage Commission (NAHC) and the State Historic Preservation Officer, subject to peer review, approval by the City of Huntington Beach, and, if the application is appealed, approval by the Coastal Commission. The peer review committee shall be convened in accordance with current professional practice and shall be comprised of qualified archaeologists.

4. Mitigation Plan. The ARD shall include appropriate mitigation measures to ensure that archaeological/cultural resources will not be adversely impacted. These mitigation measures shall be contained within a Mitigation Plan. The Mitigation Plan shall include an analysis of a full range of options from in-situ preservation, recovery, and/or relocation to an area that will be retained in permanent open space. The Mitigation Plan shall include a good faith effort to avoid impacts to archaeological/cultural resources through methods such as, but not limited to, project redesign, capping, and placing an open space designation over cultural resource areas.

5. A coastal development permit application for any subsequent development at the site shall include the submittal of evidence that the approved ARD, including mitigation, has been fully implemented. The coastal development permit for subsequent development of the site shall include the requirement for a monitoring plan for archaeological and Native American monitoring during any site grading, utility trenching or any other development activity that has the potential to uncover or otherwise disturb archaeological/cultural resources as well as appropriate mitigation measures for any additional resources that are found. The monitoring plan shall specify that archaeological monitor(s) qualified by the California Office of Historic Preservation (OHP) standards, and Native American monitor(s) with documented ancestral ties to the area appointed consistent with the standards of the Native American Heritage Commission (NAHC) shall be utilized. The monitoring plan shall include, but not be limited to: (a) procedures for selecting archaeological and Native American Monitors; (b) monitoring methods; (c) procedures that will be followed if additional or unexpected archaeological/cultural resources are encountered during development of the site including, but not limited to, temporary cessation of development activities until appropriate mitigation is determined.

6. Furthermore, the monitoring plan shall specify that sufficient archaeological and Native American monitors must be provided to assure that all activity that has the potential to uncover or otherwise disturb cultural deposits will be monitored at all times while those activities are occurring. The monitoring plan shall be on-going until grading activities have reached sterile soil.

7. The subsequent mitigation shall be prepared in consultation with Native American Heritage Commission (NAHC), Native American trial group(s) that have ancestral ties to the area as determined by the NAHC, and the State Historic Preservation Officer, subject to peer review.

8. All required plans shall be consistent with the City of Huntington Beach General Plan and Local Coastal Program and in accordance with current professional practice, including but not limited to that of the California Office of Historic Preservation and the Native American Heritage Commission, and shall be subject to the review and approval of the City of Huntington Beach and, if appealed, the Coastal Commission. (3835-7/09, 3903-11/11)

230.84 Dedication and Improvements

A. **Dedication Required**. Prior to issuance of a building permit, or prior to the use of land for any purpose, all real property shall be dedicated or irrevocably offered for dedication which the City requires for streets, alleys, including access rights and abutters' rights, drainage, public utility easements, and other public easements. In addition, all streets and alleys shall be improved, or an agreement entered into for such improvements including access rights and abutters' rights, drainage, public utility easements, and other easements.

B. **Exceptions**. Dedication shall not be required prior to issuance of a building permit for:

1. Interior building alterations which do not exceed a third of the value of a building, as defined in the Uniform Building Code, and which effect no change of occupancy.

2. Exterior building alterations or additions for a residential use which do not exceed a third of the value of the building, as defined in the Uniform Building Code, and add no additional residential units.

3. Fences and walls.

4. Temporary uses, as specified in this code.

5. Horticultural Uses. The dedication herein required may be reviewed at the time of entitlement. Upon request by the applicant, a temporary postponement, not to exceed one year, may be granted upon consideration of the following criteria:

a. Type of horticultural use proposed.

b. Duration (temporary or permanent).

c. Vehicular access and effect of the proposed use on traffic in the vicinity of the site.

d. Relationship between the proposed requirements and an anticipated expanded use.

e. Dedication shall not be required for any purpose not reasonably related to such horticultural use.

C. **Dedication Determinants**. Right-of-way dedication width shall be determined by either of the following:

1. Department of Public Works standard plans; or

2. A precise plan of street, highway or alley alignment.

D. **Improvements.**

1. No building permit shall be issued by the Building Division until an application for permit has been filed, street improvements plans and specifications have been submitted for plan check, and all fees, established by resolution of the City Council, have been paid. The Building Division shall issue such building permit after determining that the work described in the application and the accompanying plans conforms to requirements of the Huntington Beach Building Code and other pertinent laws and ordinances.

2. The Building Division shall make a frame inspection, as required by the Huntington Beach Building Code, at which time all off-site improvements, including curbs, gutters, and street paving, shall be completed.

3. Improvements required by this code may be deferred in the following instances and upon adherence to the following requirements and regulations:

a. Where the grade of the abutting right-of-way has not been established prior to the time when on-site structures qualify for final release for occupancy.

b. Where a drainage system would be delayed by the installation of improvements.

c. Where an agreement is entered into with the City to install improvements by a date certain, said agreement shall be secured by a bond or deposit equal to 150% of the City's estimate (including inflation estimates) of the required improvements. Such bond or cash shall be deposited with the City Treasurer.

d. Where the developer has agreed with the City in writing that the deposit required by paragraph 3 of this subsection may be used by the City after an agreed upon time to complete the required improvements, the remainder of such deposit, if any, shall be returned to the developer upon completion of such improvements by the City.

e. The Director of Public Works is authorized to receive applications from persons desiring waivers of street improvement requirements and to enter into the necessary written agreements with such applicants. A nonrefundable fee set by resolution of the City Council shall accompany such application.

4. Where construction is limited to one lot and the erection of a detached single family dwelling thereon, street improvements shall include curb, gutter, sidewalk, street trees, street lights, sewer and water main extensions, and 10 feet of street paving to meet Department of Public Works standards. Where necessary, temporary paving shall be installed to join existing street improvements.

230.86 Seasonal Sales

A temporary sales facility for the sale of seasonal products including Christmas trees, Halloween pumpkins, or a single, season agricultural product not grown on site are permitted adjacent to any arterial

highway in any district and on all church or school sites as a temporary use approved by the director and in compliance with the following:

A. **Time Limit.**

1. A Christmas tree sales facility shall not be open for business during any calendar year prior to Thanksgiving.

2. A Halloween pumpkin sales facility shall not be open for business during any calendar year prior to October 1st.

3. A single agricultural product sales facility shall be approved for a period of time not to exceed 90 days.

B. **Merchandise to Be Sold.** A permitted Christmas tree or Halloween pumpkin sales facility may not sell items not directly associated with that season. Only one single, season agricultural product may be sold at any one time.

C. **Site Standards.**

1. Storage and display of products shall be set back not less than 10 feet from edge of street pavement, and shall not encroach into the public right-of-way.

2. A minimum of 10 off-street parking spaces shall be provided.

3. Ingress and egress to the site shall be reviewed by the Department of Public Works to insure that no undue traffic safety hazard will be created.

4. Temporary structures shall comply with Building Division standards.

5. Electrical permit shall be obtained if the facility is to be energized.

6. The facility shall comply with fire prevention standards as approved and enforced by the Fire Chief.

D. **Bond Required.** Prior to issuance of a business license and approval by the director, a $500.00 cash bond shall be posted with the City to ensure removal of any structure, cleanup of the site upon termination of the temporary use, and to guarantee maintenance of the property. A bond shall not be required for a seasonal sales facility operated in conjunction with a use on the same site.

E. **Removal of Facility.** The seasonal sales facility shall be removed and the premises cleared of all debris and restored to the condition prior to the establishment within 10 calendar days of Halloween, Christmas, or the expiration of the time limit for single season agricultural product.

230.88 Fencing and Yards

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

A. **Permitted Fences and Walls.**

1. Fences or walls a maximum of 42 inches in height may be located in any portion of a lot, except screen walls on lots in the RMH-A subdistrict shall be set back a minimum of three feet from the front property line. Fences or walls exceeding 42 inches in height may not be located in the required front yard, except as permitted elsewhere in this section.

2. Fences or walls a maximum of six feet in height may be located in required side and rear yards, except as excluded in this section. Fences or walls exceeding six feet in height may be located in conformance with the yard requirements applicable to the main structure except as provided for herein or in the regulations of the district in which they are located.

a. Fences and walls located adjacent to arterials along the rear and/or street side yard property lines, and behind the front setback, may be constructed to a maximum total height of eight feet including retaining wall with the following:

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

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

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

iv. Approval from Public Works Department.

b. Exception. A maximum two-foot lattice extension (wood or plastic) that is substantially open may be added to the top of the six foot high wall or fence on the interior property line without building permits so long as notification to the adjacent property owners is provided.

3. Fences or walls in the rear yard setback area of a through lot shall not exceed 42 inches in height. This subsection shall not apply to lots abutting arterial highways.

4. In the RL District, garden or wing walls or fences equal in height to the first floor double plate, but not exceeding nine feet, which are perpendicular to and entirely within a side yard may be constructed to the interior side property line and to within five feet of the exterior side property line provided they are equipped with a three-foot gate or accessway.

5. When residential property abuts open or public land or property zoned or used for office, commercial, or industrial purposes, an eight-foot high solid masonry or block wall may be constructed on the common side or rear property line.

6. Only at the time of initial construction of the dwellings and in order to allow variations in the street scene in R districts, fences or walls exceeding 42 inches in height may be permitted at a reduced front setback of six feet subject to plan review approval by the director in conformance with the following criteria:

a. The reduced setback shall be only permitted for five or more contiguous lots under the same ownership.

b. Such walls shall not encroach into the visibility triangular area formed by measuring seven and one-half feet along the driveway and 10 feet along the front property line at their point of intersection.

c. Such walls shall conform to all other applicable provisions of this section.

7. Retaining walls shall comply with the following:

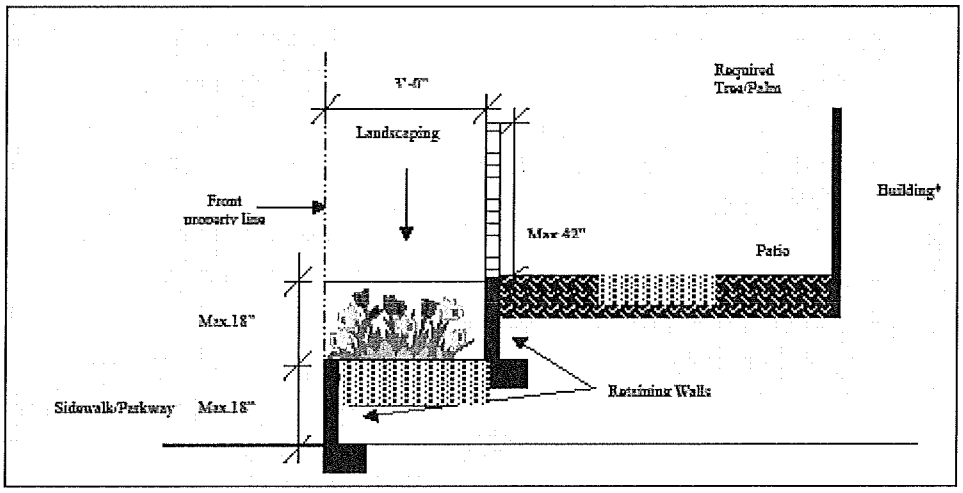
a. Where a retaining wall is located on the property line separating lots or parcels and protects a cut below the natural grade, such retaining wall may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed.

b. Where a retaining wall is on the property line of a rear yard abutting an arterial or exterior side yard and contains a fill of two feet or less or protects a cut below the existing grade, such retaining wall may be topped with a six-foot decorative masonry wall.

c. Where a retaining wall is on the property line of a rear yard abutting a local street, the maximum retaining wall height shall be 24 inches as measured from the adjacent curb and may be topped with a maximum 18-inch decorative wall or fence for a total height of 42 inches.

d. i. The maximum height of a retaining wall on the front property line shall be 36 inches as measured from the top of the highest adjacent curb. Subject to the director's approval, a maximum 42-inch high wall or fence may be erected above the retaining wall with a minimum three-foot setback from the front property line.

ii. In the RMH-A subdistrict, the maximum height of a retaining wall on the front property line shall be 18 inches as measured from the top of the highest adjacent curb. Subject to the director's approval, a second retaining wall up to 18 inches in height may be erected above the 18-inch high retaining wall with a minimum three-foot front setback. A wall or fence up to 42 inches in height may be erected on top of the retaining wall with the minimum three-foot front setback (see exhibit below).



* See maximum building height in Chapter 210.

e. All retaining walls abutting a street shall be waterproofed to the satisfaction of the director.

f. Retaining wall and fence combinations over eight feet in height shall be constructed with a variation in design or materials to show the distinction. Retaining wall and fence combinations over six feet in height shall be designed without decorative block or cap block, except if equal in strength to the main portion of the fence.

8. The height of any fence, wall or hedge located in the front yard setback shall be measured from top of the highest adjacent curb. All other fence heights shall be measured from existing grade.

9. Any fence or wall located on the front property line shall be approved by the Department of Public Works.

10. In the industrial districts, nine-foot-high fences may be permitted in the side and rear setbacks up to the front building line subject to plan review approval by the director.

11. Deviations from the maximum height requirements for walls as prescribed by this section may be permitted subject to an approval of conditional use permit by the Zoning Administrator.

12. Within the coastal zone, no gate, fence or wall shall be permitted that restricts or obstructs public access to the shore.

B. **Required Walls**.

1. When office, commercial or industrial uses abut property zoned or used for residential, a six-foot-high solid six-inch concrete block or masonry wall shall be required. If a wall meeting these standards already exists on the abutting residential property, protection from vehicle damage shall be provided by a method approved by the director. The maximum fence height shall be eight feet at the common property line, subject to the same design standards and setback requirements as specified for six-foot-high fences.

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

C. **Visibility**.

1. On reverse corner lots and corner lots abutting an alley, no fence, wall or hedge greater than 42 inches in height may be located within the triangular area formed by measuring 10 feet from the intersection of the rear and street side property lines (see Diagram C).

2. On corner lots, no fence, wall, landscaping, berming, sign, or other visual obstruction between 42 inches and seven feet in height as measured from the adjacent curb elevation may be located within the triangular area formed by measuring 25 feet from the intersection of the front and street side property lines or their prolongation. Trees trimmed free of branches and foliage so as to maintain visual clearance below seven feet shall be permitted (see Diagram A).

3. Visibility of a driveway crossing a street or alley property line or of intersecting driveways shall not be blocked between a height of 42 inches and seven feet within a triangular area formed by measuring 10 feet from intersecting driveways or street/alley and driveway except in situations where the garage is constructed with less than a ten foot setback from the alley right-of-way. In those situations the measurement of the visibility triangle shall start at each corner or side of the garage door, measured perpendicular to the rear property line, then

measured ten feet away from the edge of the garage door and parallel to the rear property line (typically the alley right-of-way). The maximum height of any structures or landscaping within this triangular zone shall be 42 inches high (see Diagram D).

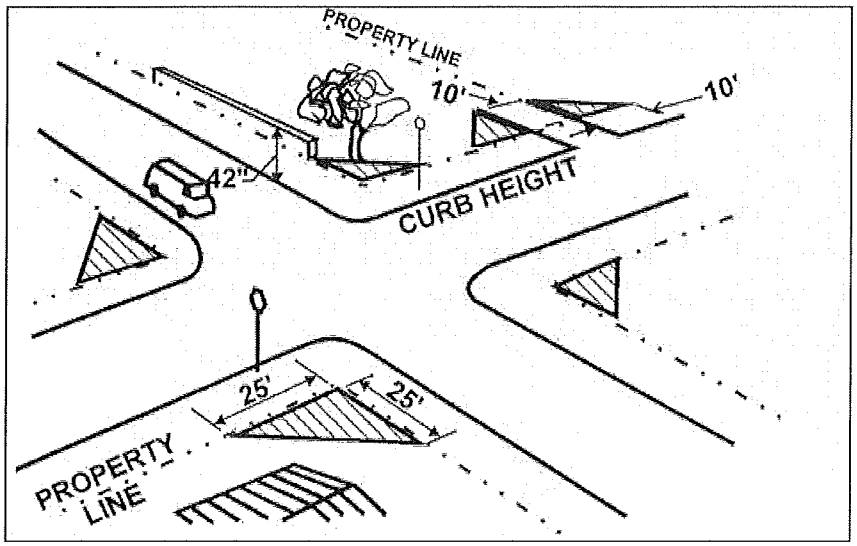
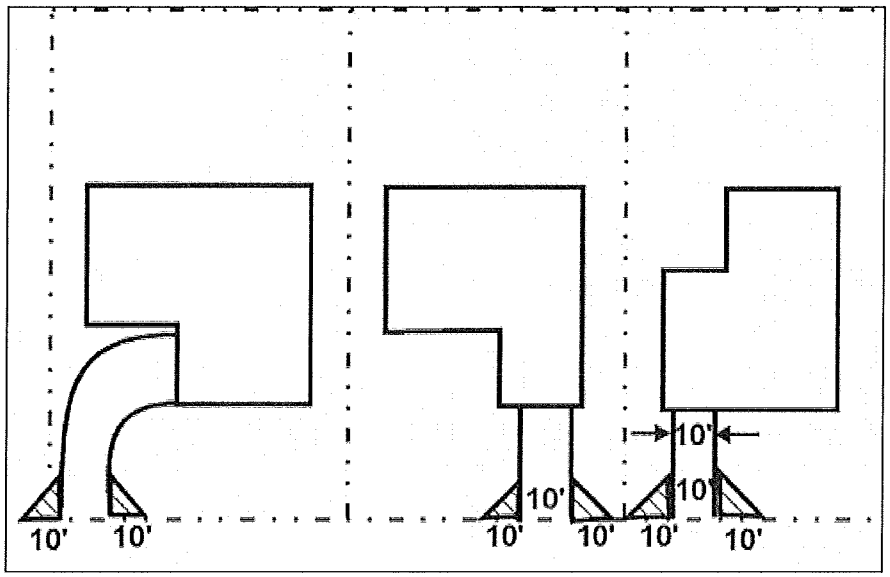
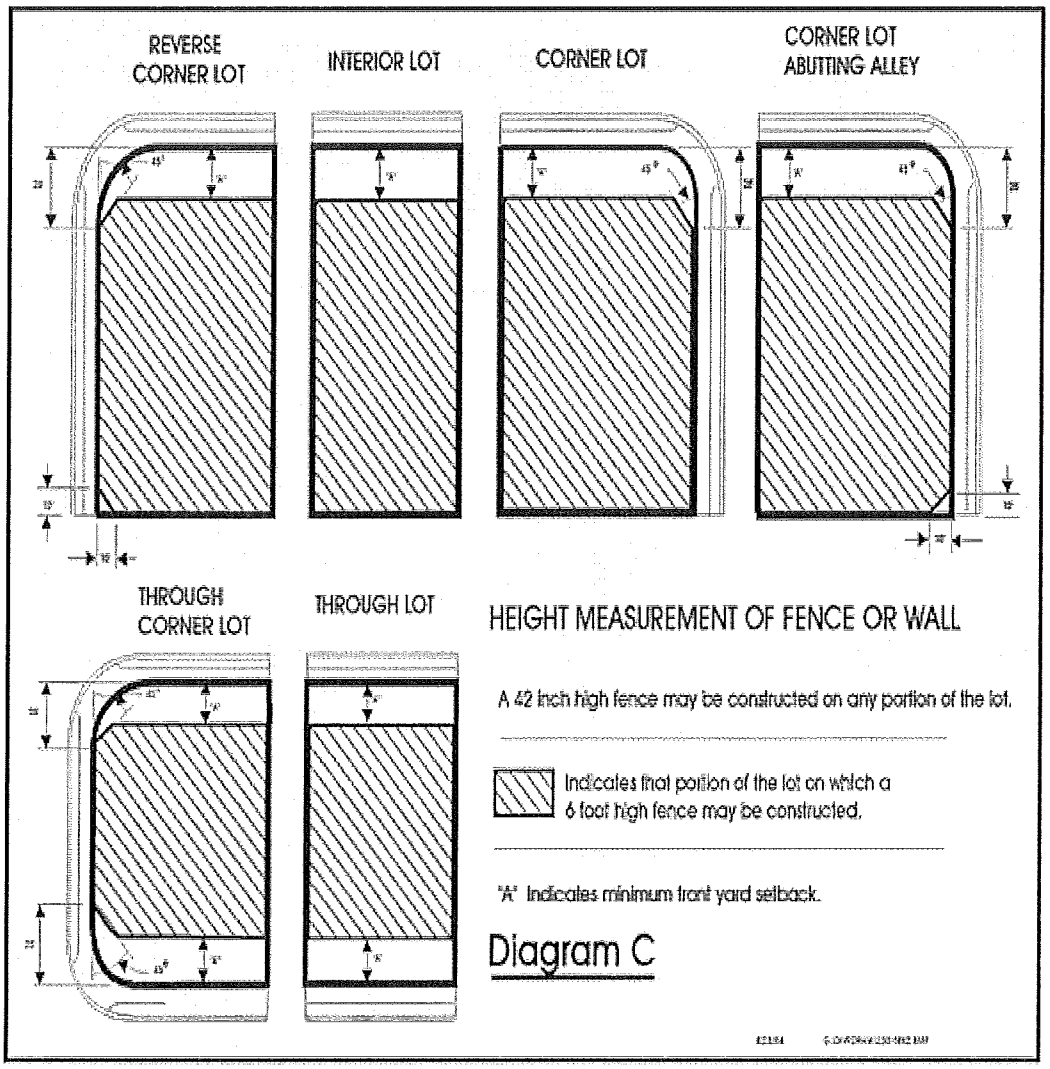


Diagram A



Street/Alley

Diagram B


REVERSE CORNER LOT
INTERIOR LOT
CORNER LOT
CORNER LOT ABUTTING ALLEY
THROUGH CORNER LOT
THROUGH LOT
HEIGHT MEASUREMENT OF FENCE OR WALL
A 42 inch high fence may be constructed on any portion of the lot.
Indicates that portion of the lot on which a 6 foot high fence may be constructed.
"A" Indicates minimum front yard setback.
Diagram C

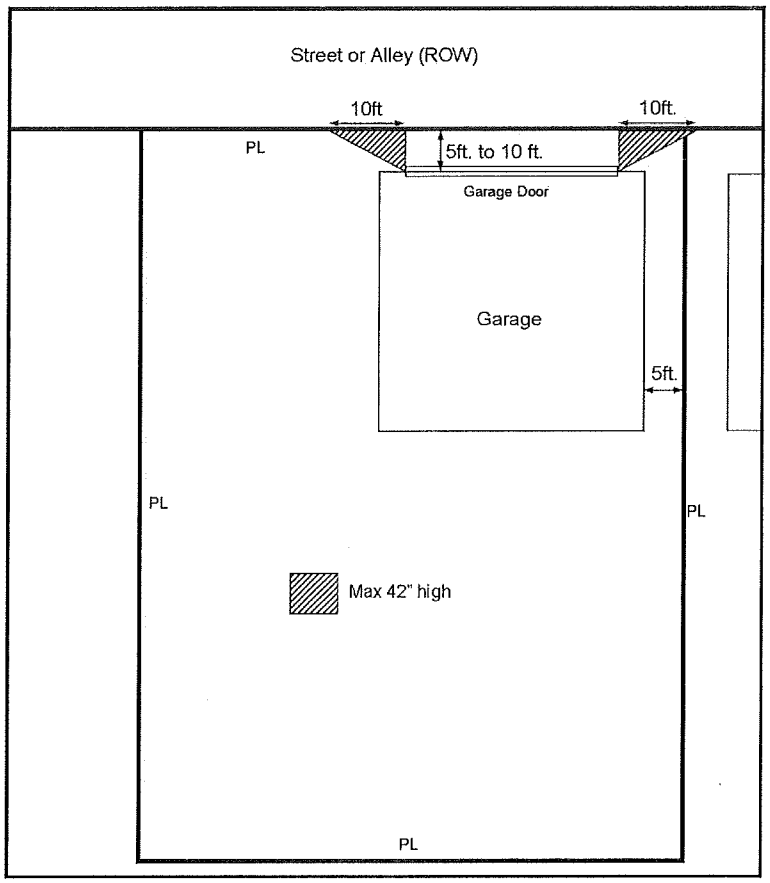


Diagram D

(3334-6/97, 3410-3/99, 3525-2/02, 3710-6/05, 3730-3/06)

230.90 Contractor Storage Yards/Mulching Operation

Contractor storage yards in conjunction with public facility improvement contracts, and mulching operations on unimproved public or private property may be permitted subject to the following:

A. Initial approval shall be for a maximum of two years. The use shall be eligible for a maximum of three one-year extensions by the Planning Commission.

B. The development shall comply with parking, access and setback requirements contained in Chapter 231.

230.92 Landfill Disposal Sites

Excavation of landfills or land disposal sites shall be subject to the requirements of this section. These provisions are not intended to apply to grading and surcharging operations, permitted under Appendix Chapter 70 of the Uniform Building Code. Permits for grading on previously approved development projects shall be subject to approval of the director.

A. **Land Disposal Site/Definitions**. The following words and phrases shall be construed as defined herein unless a different meaning is apparent from the context:

1. Excavation. Any activity and/or movement of material which exposes waste to the atmosphere.

2. Land Disposal Site. Any site where land disposal of Group I, II or III waste, as defined by the California Administrative Code, has been deposited either legally or illegally on or into the land, including but not limited to landfill, surface impoundment, waste piles, land spreading, dumps, and coburial with municipal refuse.

B. **Operations Plan**.

1. No person shall conduct any excavation activity at any land disposal site in the City of Huntington Beach without first submitting to the City an operations plan approved by the director. Such plan shall include complete information regarding the identity, quantity and characteristics of the material being excavated, including a chemical analysis performed by a laboratory acceptable to the City, together with the mitigation measures that will be used to insure that health hazards, safety hazards, or nuisances do not result from such activity.

2. Mitigation measures contained in the operations plan may include gas collection and disposal of waste, encapsulation, covering waste, chemical neutralization, or any other measures deemed necessary by the City.

3. Ambient air quality monitoring, as well as other monitoring or testing deemed reasonably necessary, shall be included in the operations plan.

C. **Approval of Operations Plan**.

1. The City shall not approve an operations plan unless such plan includes provisions for the immediate cessation of excavation activity when the operator, or any agent thereof, of a land disposal site has been notified by the City that a nuisance, health, or safety hazard has or is about to occur as a result of such activity therein.

2. Upon determination by any government agency that a nuisance, safety, or health problem exists on any land disposal site in the City, mitigation measures, contained in the operations plan, shall be implemented immediately.

D. **Hazardous Waste Sites**. For any land disposal site determined to be a hazardous waste site by the State Department of Toxic Substances Control and/or the City of Huntington Beach, the following additional measures shall be taken prior to excavation of such site:

1. All property owners within a half mile radius of the site shall receive written notice of all public hearings to be held regarding proposed excavation on the site. The cost of preparing and mailing such notice shall be paid by the operator/applicant.

2. A type of bond, acceptable to the City Attorney, shall be posted by the operator/applicant insuring that necessary funds are available to restore the site to a safe condition if excavation is prematurely terminated.

3. Excavation of the site shall be performed in accordance with the requirements of the State Department of Health Services, and any other public agency with jurisdiction over hazardous waste sites.

E. **Operations Plan Contents**. The operations plan shall contain the following:

1. A plan establishing lines of authority and responsibility between public agencies and the operator/applicant, or his/her agents, during excavation. The plan shall contain specific procedures to be followed by all responsible parties involved with the excavation.

2. A plan containing specific measures to monitor air quality to be implemented during excavation to prevent the exposure of on site workers or area residents to unhealthful vapors from the site. If deemed necessary by the State Department of Toxic Substances Control, the plan shall also include specific measures for evacuation of residents in the vicinity of the site.

3. A plan showing specific routes for vehicles transporting hazardous wastes from the site.

4. A plan containing specific steps for restoration of the site to a safe condition if excavation is terminated prematurely.

F. **Exemptions**. The following activities shall be exempt from the requirements of this section unless otherwise determined by the director:

1. The drilling of holes up to 24 inches in diameter for telephone or power transmission poles or their footings.

2. The drilling of oil wells, gas wells or landfill gas collection wells or the maintenance of gas or leachate collection systems.

3. Any excavation activity which has been determined by the director to pose an insignificant risk, or any activity which has been covered sufficiently in a plan prepared for any other agency having jurisdiction over the site.

G. **Excavation Activity Prohibited**.

1. No person shall excavate at any land disposal site in the City of Huntington Beach unless he or she first certifies that all applicable regulations of other public agencies with jurisdiction over hazardous waste sites have been met.

2. Compliance with the provisions of this section shall not exempt any person from failing to comply with the requirements of the California Health and Safety Code, and any other applicable codes, rules or regulations. (3710-6/05)

230.94 Carts and Kiosks

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

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

1. No portion of a cart or kiosk shall overhang the property line.

2. The cart or kiosk shall not obstruct access to or occupy a parking space; obstruct access to a parked vehicle, impede the delivery of materials to an adjoining property, interfere with

access to public property or any adjoining property, or interfere with maintenance or use of street furniture. If any existing parking spaces will be displaced or partially or totally blocked by the proposed cart or kiosk, those spaces must be replaced on-site at a one-to-one (1:1) ratio.

3. The cart or kiosk shall not exceed a maximum of four 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 Planning Director.

6. The sale of alcoholic beverages shall be prohibited.

7. The number of employees at a cart or kiosk shall be limited to a maximum of two persons at any one time.

8. Fire extinguishers may be required at the discretion of the Fire Department.

9. All cart and kiosk uses shall be self contained for water, waste, and power to operate.

10. A cart or kiosk operator shall provide a method approved by the Planning Director for disposal of business related wastes.

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

E. **Review; Revocation**. The Planning Department shall conduct a review of the cart or kiosk operation at the end of the first six-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. (3249-6/95, 3482-12/00, 3525-2/02)

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 Communications Facilities in the City of Huntington Beach.

Because of the potential negative aesthetic impacts of Wireless Communications 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. 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.

3. 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.

4. 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.

5. Microwave Communication. The transmission or reception of radio communication at frequencies of a microwave signal (generally, in the 3 GHz to 300 GHz frequency spectrum).

6. 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.

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

8. 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.

9. 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.

10. 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, monopalms/monopines.

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

12. 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.

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

C. Applicability. This ordinance 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 Ordinance.

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 the valid entitlement or any modification to an existing facility that does not have a previously approved and valid entitlement is subject to the requirements of this 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 (5) feet above the principle building on the same lot.

5. Any antenna structure used by authorized amateur radio stations licensed by the FCC.

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 Planning and Building 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 Planning and Building.

The Planning and Building 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 Director or whether a Conditional Use Permit or other entitlement is required. Wireless Permit applications will be processed based upon the location and type 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.

The Director may require conditions of approval of the Facility in order to minimize adverse health, safety and welfare impacts to the community.

A decision of the Director to grant a Wireless Permit shall become final ten (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 shall 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 visual resources 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 pursuant to the HBZSO as well as those located on public right-of-way and on or within 300 feet of a residential district or use in the City.

Notwithstanding any other provisions of the HBZSO, design review is not required for Wireless Communication Facilities 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 Communications 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 its 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 to 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. Any Wireless Communication Facility to be placed over, within, on or beneath the public right-of-way shall comply with the Undergrounding Ordinance (Chapter 17.64 of HBMC).

I. Facility Removal. Wireless communication facilities affecting the public view and/or located in areas designated Water Recreation, Conservation, Parks and Shoreline, and Public Right of Ways shall be removed in its entirety within six (6) months of termination of use and the site restored to its natural state.

J. Cessation of Operation.

1. Abandonment. Within thirty (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 (6) 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 (6) 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 thirty (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- (6) month period and that it is presently operational. The Director shall review all evidence, determine whether or not the Facility was properly deemed abandoned, and provide the operator notice of its determination.

b. At any time after thirty-one (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. (3568-9/02, 3779-10/07, 3934-4/12)

NEW
ATTACHMENT #9

LEGISLATIVE DRAFT

Chapter 203 DEFINITIONS

203.02 Applicability

The meaning and construction of words and phrases defined in this chapter shall apply throughout the zoning and subdivision ordinance, except where the context clearly indicates a different meaning or construction.

203.04 Rules for Construction of Language

In addition to the General Provisions Chapter 1.04 of the Municipal Code, the following rules of construction shall apply:

A. The particular shall control the general.

B. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

1. "And" indicates that all connected words or provisions shall apply.
2. "Or" indicates that the connected words or provisions apply singly.
3. "Either... or" indicates that the connected words or provisions shall apply singly but not in combination.
4. "And/or" indicates that the connected words or provisions may apply singly or in any combination.

C. In case of conflict between the text and a diagram, the text shall control.

D. All references to departments, commissions, boards, or other public agencies are to those of the City of Huntington Beach, unless otherwise indicated.

E. All references to public officials are to those of the City of Huntington Beach, and include designated deputies of such officials, unless otherwise indicated.

F. All references to days are to calendar days unless otherwise indicated. If a deadline falls on a weekend or City holiday, it shall be extended to the next working day.

G. Chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of any section hereof.

H. The words "activities" and "facilities" include any part thereof.

203.06 Definitions

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

Access, Lateral. Public access along the coast.

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

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

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

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

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

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

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

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

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

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

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

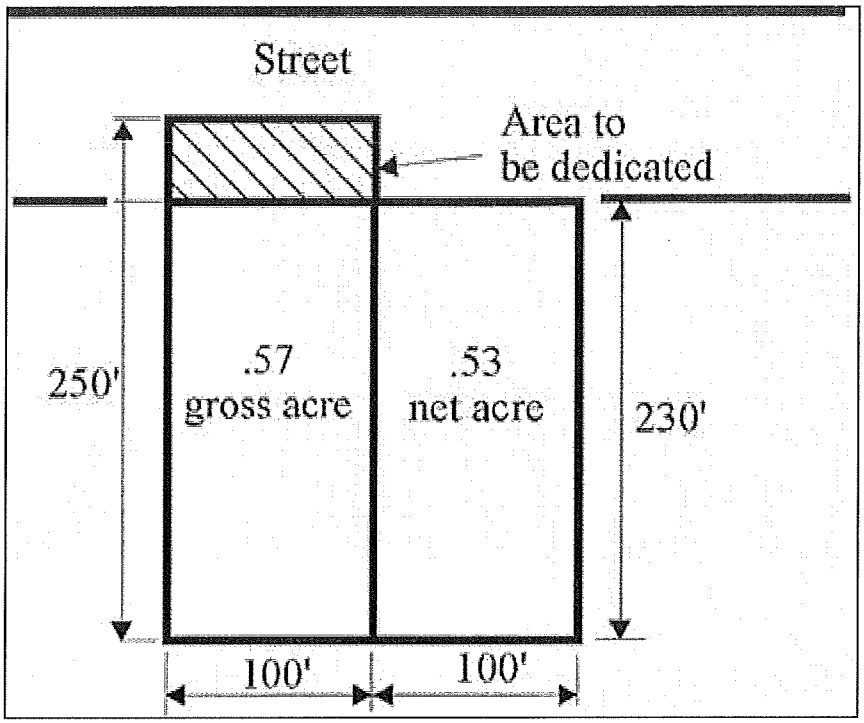
Antenna, Satellite Dish. An antenna for the purpose of receiving or transmitting communications to or from an orbiting satellite.

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

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

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

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



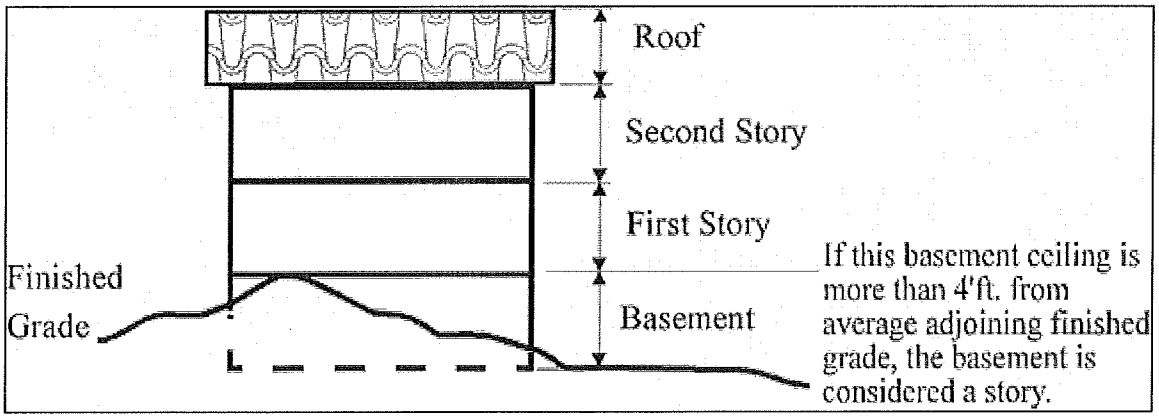
Lot Area

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

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

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

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

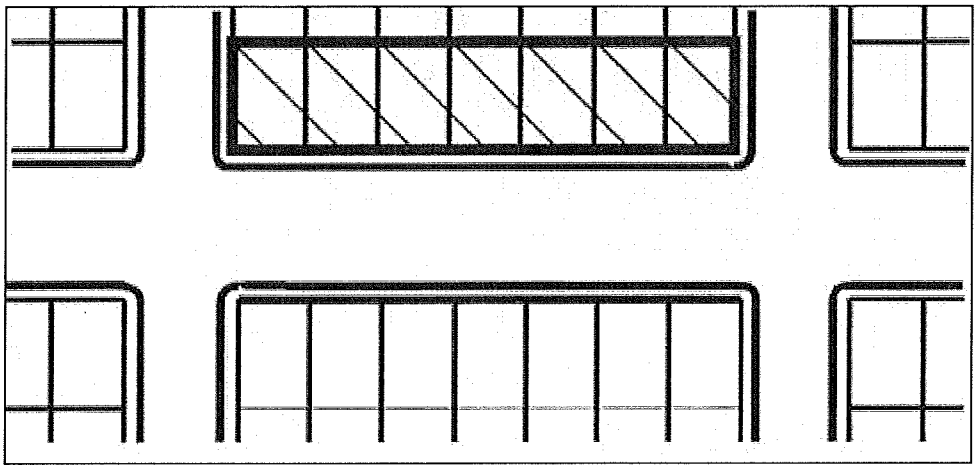


Basement

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

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

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



Blockface

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

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

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

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

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

City. The City of Huntington Beach.

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

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

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

Commission. The Huntington Beach Planning Commission.

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

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

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

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

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

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

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

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

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

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

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

Director. The Director of Planning **and Building** or his or her designee.

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

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

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

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

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

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

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

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

Emergency Shelter. Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

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

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

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

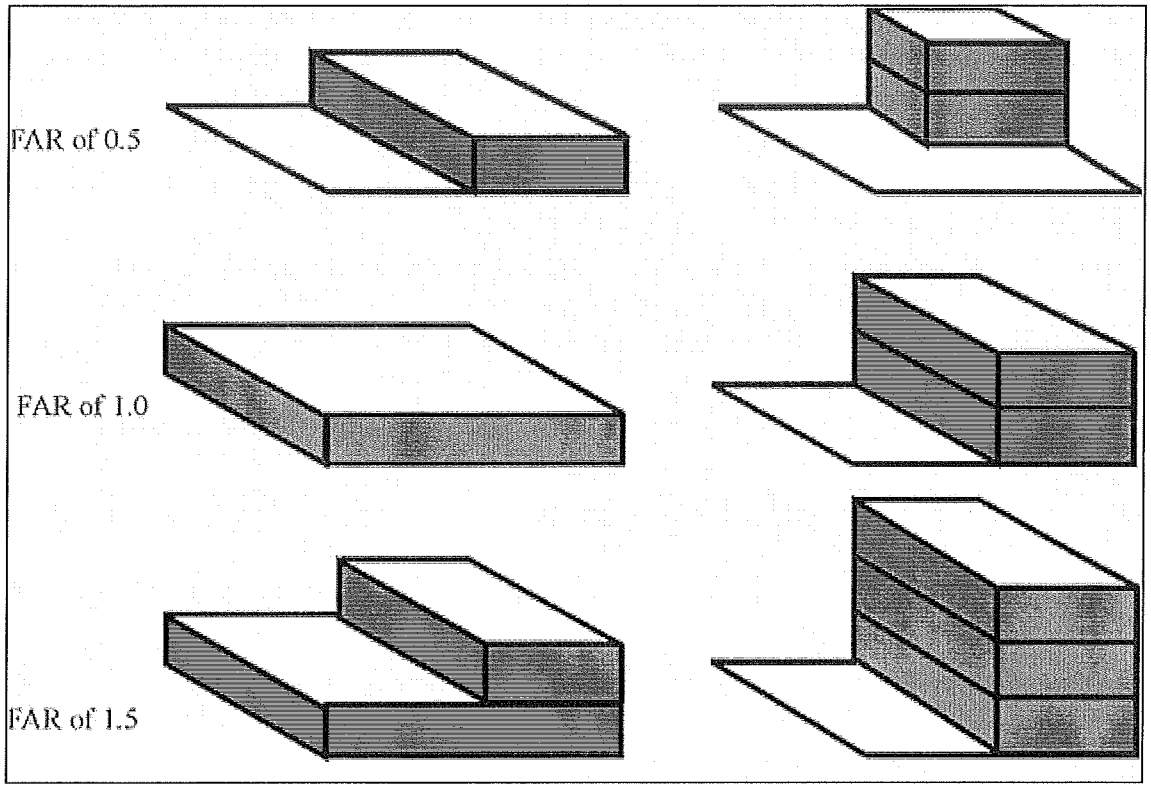
Exemption, Categorical. An exception from the requirements of the California Environmental Quality Act (CEQA) for a class of projects, which have been determined to not have a significant effect on the environment.

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

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

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

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



Floor Area Ratio (FAR)

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

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

General Plan. The City of Huntington Beach General Plan.

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

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

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

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

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

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

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

Hotel Owner/Operator. The entity that owns and operates a hotel. If the hotel operator is separate from the hotel owner both are jointly and severally responsible for ensuring compliance with the requirements described in this LCP and/or recorded against the property, as well as jointly and severally liable for violations of said requirements and restrictions.

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

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

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

Infill Lot Development. A lot contiguous to one or more existing single family residential units, excluding parcels separated by streets, a vacant parcel intended for single family development, or a parcel with an existing residential structure, which will have 50% or more square footage of habitable area removed in order to remodel or construct a detached single family unit.

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

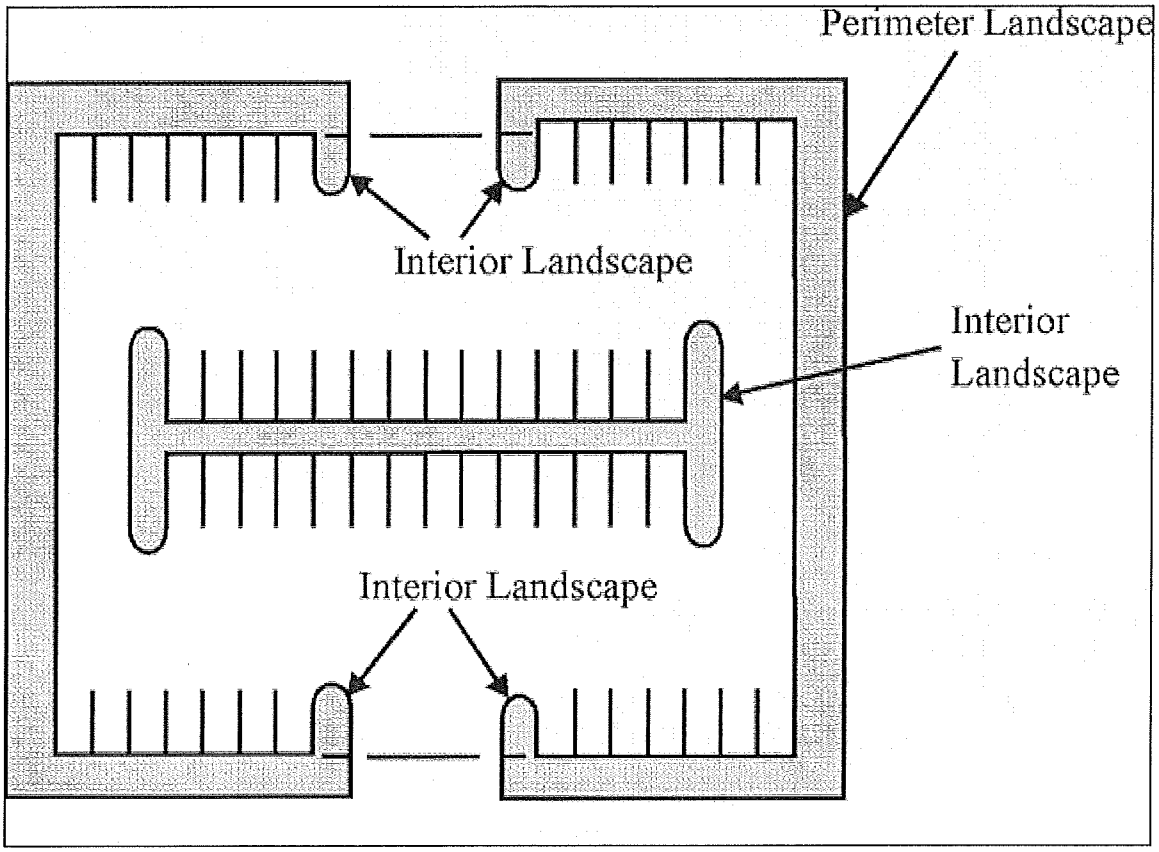
Kennel. Any premises where four or more dogs or cats at least four months of age are kept or maintained for any purpose except veterinary clinics and hospitals. For purposes of this section, a detached single-family residence with a maximum of four dogs shall not be considered a kennel when at least one of the dogs is a specially-trained guide dog, signal dog or service dog, as defined in Penal Code Section 365.5, and complies with Section 7.12.160 of the Huntington Beach Municipal Code.

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

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

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

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

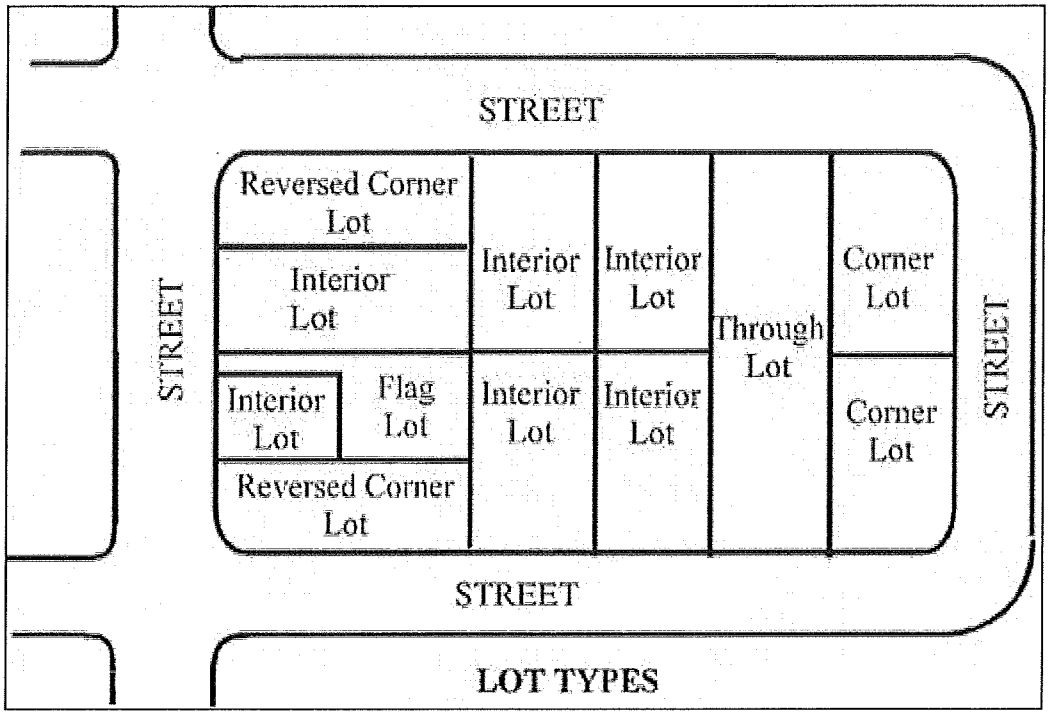


Landscaping: Perimeter Interior

Limited Use Overnight Visitor Accommodations. Any hotel, motel, or other similar facility that provides overnight visitor accommodations wherein a purchaser receives the right in perpetuity, for life, or a term of years, to the recurrent, exclusive use or occupancy of a lot, parcel, unit, room(s), or segment of the facility, annually or on some other seasonal or periodic basis, for a period of time that has been or will be allotted from the use or occupancy periods into which the facility has been divided and shall include, but not be limited to Timeshare, Condominium-Hotel, Fractional Ownership Hotel, or uses of a similar nature.

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

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



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

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

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

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

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

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

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

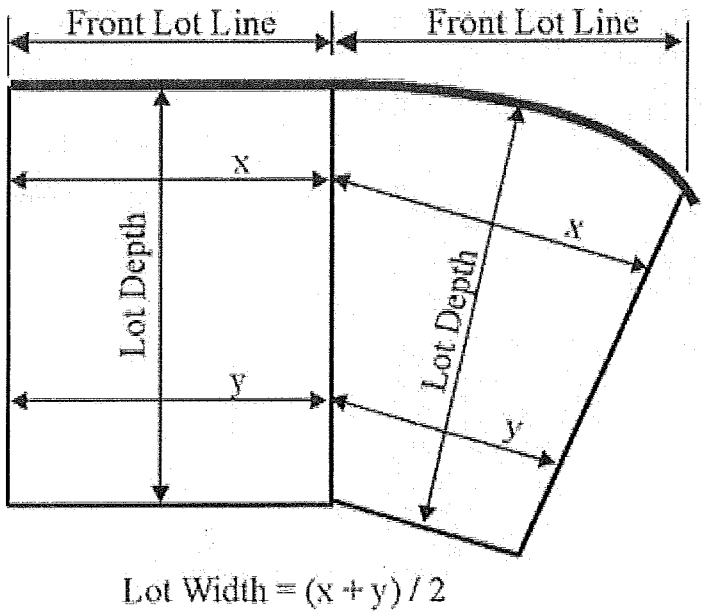
Lot or Property Line, Street. A lot line abutting a street.

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

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

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

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

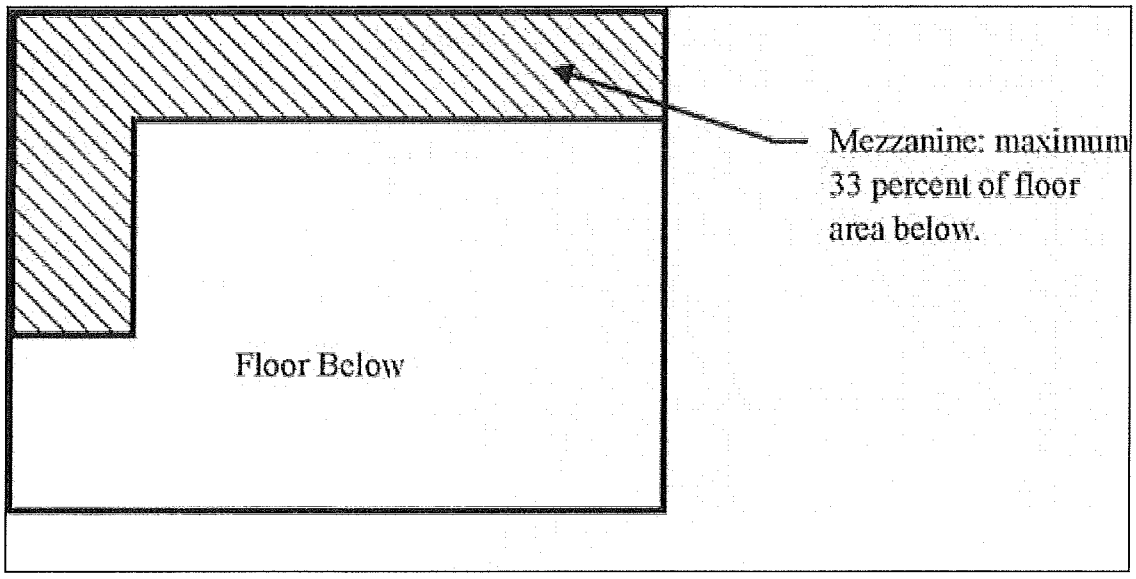


Lot Width

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

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

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



Mezzanine

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

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

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

Neighborhood Notification. Notification process pursuant to Chapter 241 when no entitlements are required and the use requires such notification as stated in the Zoning and Subdivision Ordinance.

Net Site Area. See Area, Net Lot.

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

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

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

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

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

Oil Operation. The use or maintenance of any installation, facility, or structure used, either directly or indirectly, to carry out or facilitate one or more of the following functions: drilling, rework,

repair, redrilling, production, processing, extraction, assisted recovery, stimulation storage or shipping of oil gas or hydrocarbons from the subsurface of the earth.

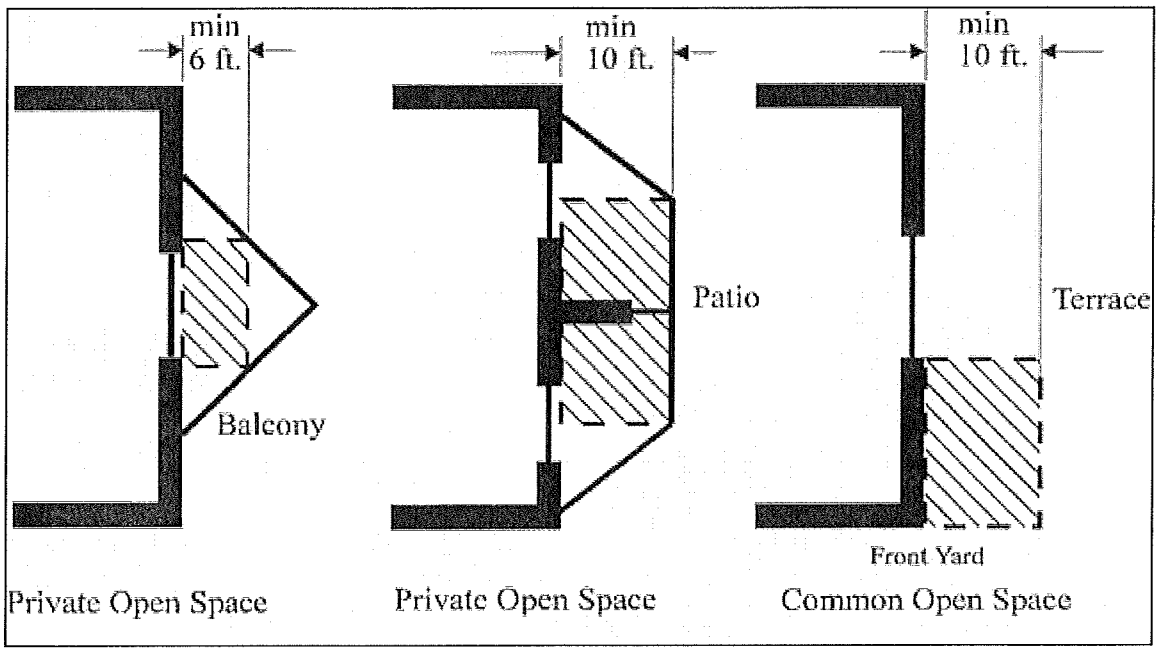
Oil Operation Site. The physical location where an oil operation is conducted.

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

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

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

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



Usable Open Space

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

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

Patio. A paved court open to the sky.

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

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

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

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

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

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

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

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

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

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

Resource Protection Area. Within the coastal zone, any area that consists of any of the following: wetlands, Environmentally Sensitive Habitat Areas, buffer areas (as these terms are defined in the Glossary of the City's certified Land Use Plan), and/or land that is zoned Coastal Conservation.

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

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

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

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

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

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

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

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

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

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

Street: A public or an approved private thoroughfare or road easement which affords the principle means of access to abutting property, not including an alley.

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

Structure, Accessory. A structure that is appropriate, subordinate and customarily incidental to the main structure of the site and which is located on the same site as the main structure, including swimming pools, garages, gazebos and patio covers.

Structure, Minor Accessory. An accessory structure that does not exceed 64 square feet in floor area, 80 square feet in roof area and a height of six feet, including storage sheds, pet shelters, playhouses, and decorative elements.

Supportive Housing. Housing with no limit on length of stay that is occupied by the target population and is linked to on-site or off-site services that assist residents retain the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. On-site and off-site services may include, but are not limited to, after-school tutoring, child care, and career counseling.

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

Target Population. Persons with low income having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Development Disabilities Services Act (Division 4.5 commencing with Section 4500 of the Welfare and Institutions Code) and may include, among other populations, adults, families, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, or homeless people.

Transitional Housing. Buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit

to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

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

Ultimate Right-Of-Way: The adopted maximum width for any street, alley, or thoroughfare, as established by the General Plan, by a precise plan of street, alley, or private street alignment; by a recorded map; or by a standard plan of the Department of Public Works. Such thoroughfare shall include any adjacent public easement used as a walkway and/or utility easement.

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

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

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

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

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

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

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

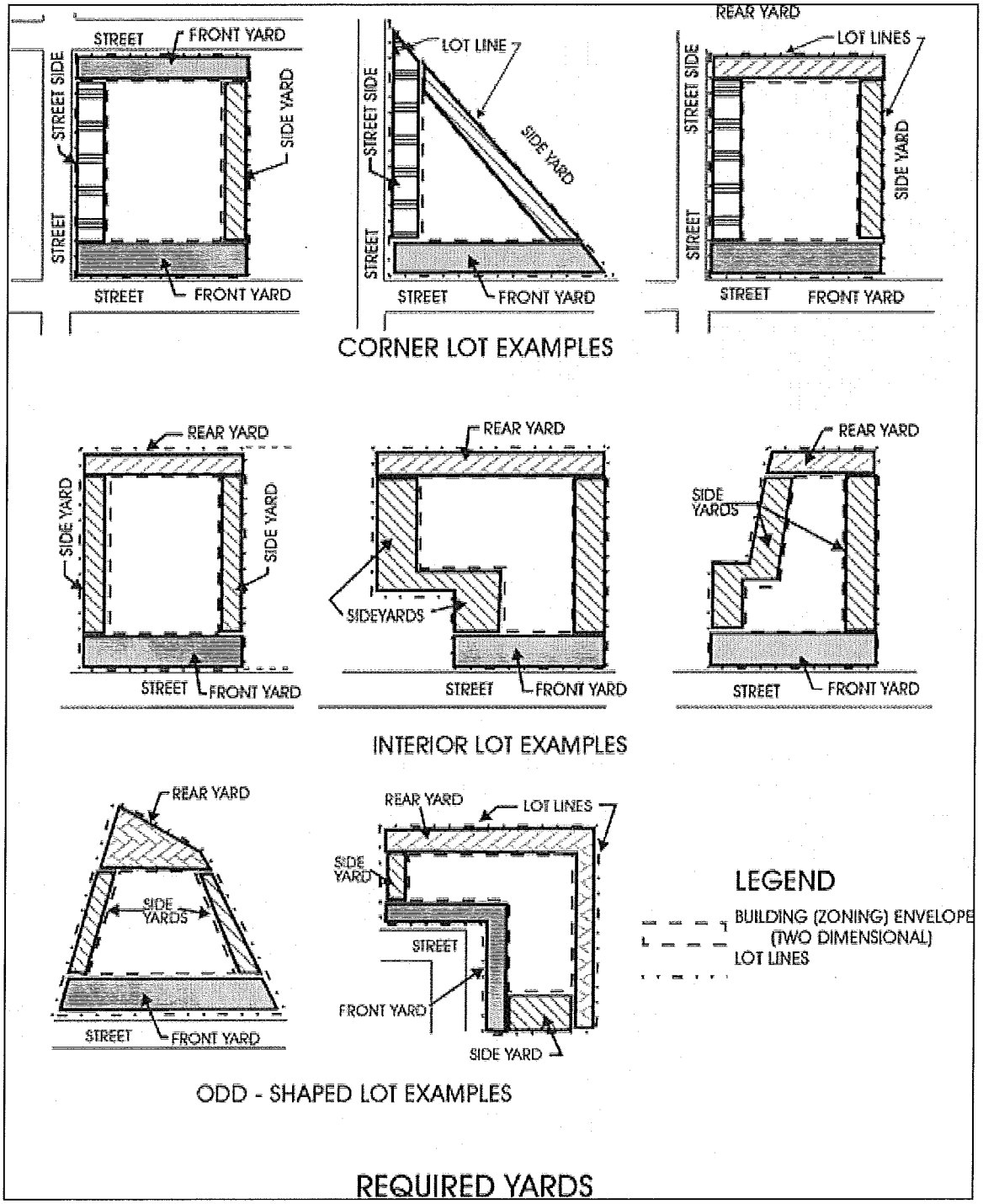
Window, Required. An exterior opening in a habitable room meeting the area requirements of the Uniform Building Code.

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

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

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

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



Zoning Ordinance. The Zoning Ordinance of the City of Huntington Beach. (3248-6/95, 3249-6/95, 3301-11/95, 3334-6/97; 3482-12/00, 3520-2/02, 3568-9/02, 3705-6/05, 3756-1/07, 3774-9/07, 3856-2/10, 3903-11/11, 3909-4/11)

LEGISLATIVE DRAFT

Chapter 211 C COMMERCIAL DISTRICTS

211.02 Commercial Districts Established

The purpose of the commercial districts is to implement the General Plan and Local Coastal Program commercial land use designations. Three commercial zoning districts are established by this chapter as follows:

A. The CO Office Commercial District provides sites for offices for administrative, financial, professional, medical and business needs.

B. The CG General Commercial District provides opportunities for the full range of retail and service businesses deemed suitable for location in Huntington Beach.

C. The CV Visitor Commercial District implements the Visitor Serving Commercial land use designation within the coastal zone and provides uses of specific benefit to coastal visitors. More specifically, the CV district provides opportunities for visitor-oriented commercial activities, including specialty and beach related retail shops, restaurants, hotels, motels, theaters, museums, and related services. (3334-6/97)

211.04 CO, CG, and CV Districts—Land Use Controls

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

"P" designates use classifications permitted in commercial districts.

"L" designates use classifications subject to certain limitations prescribed by the additional provisions that follow.

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

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

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

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

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

CO, CG, and CV Districts: Land Use Controls

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

	CO	CG	CV	Additional Provisions
Residential				(J)(Q)(R)(V)
Group Residential	PC	PC	PC	
Multifamily Residential	-	-	PC	
Public and Semipublic				(J)(Q)(R)(V)
Clubs and Lodges	P	P	-	
Community and Human Services				
Drug Abuse Centers	-	PC	-	
Primary Health Care	L-11	L-11	-	
Emergency Kitchens	-	L-2	-	
Emergency Shelters	-	L-2	-	
Residential Alcohol Recovery, General	-	PC	-	
Residential Care, General	ZA	ZA	-	
Convalescent Facilities	ZA	ZA	-	
Cultural Institutions	PC	PC	PC	
Day Care, General	L-3	L-3	-	
Day Care, Large-Family	P	P	-	(Y)
Emergency Health Care	L-2	L-2	-	
Government Offices	P	P	PC	
Heliports	PC	PC	PC	(B)
Hospitals	PC	PC	-	
Park & Recreation Facilities	L-9	L-9	L-9	
Public Safety Facilities	PC	PC	PC	
Religious Assembly	ZA	ZA	PC	
Schools, Public or Private	PC	PC	-	
Utilities, Major	PC	PC	PC	

Utilities, Minor	P	P	P	(L)
Commercial Uses				(J)(Q)(R)
Ambulance Services	-	ZA	-	
Animal Sales & Services				
Animal Boarding	-	ZA	-	
Animal Grooming	-	P	-	
Animal Hospitals	-	ZA	-	
Animals—Retail Sales	-	P	-	
Equestrian Centers (CG Zone)	-	PC	-	(S)
Pet Cemetery	-	PC	-	
Artists' Studios	P	P	P	
Banks and Savings & Loans	P	P	P	
With Drive-Up Service	P	P	P	
Building Materials and Services	-	P	-	
Catering Services	P	P	P	
Commercial Filming	P	P	P	(F)
Commercial Recreation and Entertainment	-	PC	PC	(D)
Communication Facilities	L-13	L-13	L-13	
Eating and Drinking Establishments	L-4	L-4	L-4	
W/Alcohol	ZA	ZA	ZA	(N)(Y)
W/Drive Through	-	P	P	
W/Live Entertainment	ZA	ZA	ZA	(W)(Y)
W/Dancing	PC	PC	PC	(H)
W/Outdoor Dining	ZA	ZA	ZA	(X)(Y)
Food & Beverage Sales	-	P	L-2	
W/Alcoholic Beverage Sales	-	ZA	ZA	(N)
Funeral & Internment Services	-	ZA	-	
Laboratories	L-1	L-1	-	
Maintenance & Repair Services	-	P	-	
Marine Sales and Services	-	P	P	
Nurseries	-	ZA	-	
Offices, Business & Professional	P	P	P	
Pawn Shops	-	ZA	-	
Personal Enrichment Services	L-10	L-10	-	(Y)

Personal Services	P	P	P	
Research & Development Services	L-1	ZA	-	
Retail Sales	-	P	P	(U)(V)
Secondhand Appliances/Clothing	-	P	-	
Swap Meets, Indoor/Flea Markets	-	PC	-	(T)
Swap Meets, Recurring	-	ZA	-	
Tattoo Establishments	-	PC	-	
Travel Services	P	P	P	
Vehicle Equipment/Sales & Services				
Automobile Rentals	-	L-8	L-8	L-12
Automobile Washing	-	ZA	-	
Commercial Parking	-	ZA	ZA	(P)
Service Stations	-	PC	PC	(E)
Vehicle Equip. Repair	-	L-5	-	
Vehicle Equip. Sales & Rentals	ZA	ZA	-	L-12
Vehicle Storage	-	ZA	-	
Visitor Accommodations				
Bed & Breakfast Inns	~~PC~~ **ZA**	~~PC~~ **ZA**	~~PC~~ **ZA**	(K)
Hotels, Motels	-	PC	PC	(I)
Condominium-Hotel	-	-	PC	(Z)
Fractional Ownership Hotel				
Quasi Residential				
Timeshares	-	PC	-	(I)(J)
Residential Hotel	-	PC	-	(J)
Single Room Occupancy	-	PC	-	
Industrial				(J)(Q)(R)(V)
Industry, Custom	-	L-6	L-6	
Accessory Uses				(J)(V)
Accessory Uses & Structures	P/U	P/U	P/U	
Temporary Uses				(F)(J)(V)
Animal Shows	-	TU	-	

Circus and Carnivals and Festivals	-	TU	-	
Commercial Filming, Limited	-	P	P	(M)
Real Estate Sales	P	P	P	
Retail Sales, Outdoor	-	TU	TU	(M)
Seasonal Sales	TU	TU	TU	(M)
Tent Event	-	P	-	
Trade Fairs	-	P	-	
Nonconforming Uses				(G)(J)(V)

CO, CG, and CV Districts: Additional Provisions

L-1 Permitted if the space is 5,000 square feet or less; allowed with neighborhood notification pursuant to Chapter 241 if the laboratory space exceeds 5,000 square feet.

L-2 Allowed with a conditional use permit from the Zoning Administrator if the space is 5,000 square feet or less; allowed with a conditional use permit from the Planning Commission if the space exceeds 5,000 square feet. (See Section 230.52, Emergency Shelters.)

L-3 Allowed with a conditional use permit from the Zoning Administrator if the space is 2,500 square feet or less; allowed with a conditional use permit from the Planning Commission if the space exceeds 2,500 square feet.

L-4 Permitted if greater than 300 feet from residential zone or use; if 300 feet or less from residential zone or use neighborhood notification is required pursuant to Chapter 241.

L-5 Only limited facilities are allowed subject to approval of a conditional use permit from the Zoning Administrator, and body and fender shops are permitted only as part of a comprehensive automobile-service complex operated by a new vehicle dealer.

L-6 Only "small-scale" facilities, as described in use classifications, are permitted with a maximum seven persons employed full time in processing or treating retail products, limited to those sold on the premises.

L-7 Repealed.

L-8 On-site storage limited to two rental cars or two cars for lease.

L-9 Public facilities permitted, but a conditional use permit from the Zoning Administrator is required for commercial facilities.

L-10 Permitted if the space is 5,000 square feet or less; allowed with conditional use permit approval from the Zoning Administrator if space exceeds 5,000 square feet.

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

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

- The instruction area does not exceed 75% of total floor area of the personal enrichment building area.

L-11 Permitted if the space is 5,000 square feet or less; allowed with a conditional use permit from the Zoning Administrator if the space exceeds 5,000 square feet.

L-12 Permitted for existing facilities proposing to expand up to 20% of existing floor area or display area.

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

(A) Reserved.

(B) See Section 230.40, Helicopter Takeoff and Landing Areas.

(C) Repealed.

(D) See Section 230.38, Game Centers; Chapter 5.28, Dance Halls; Chapter 9.24, Card Rooms; Chapter 9.32, Poolrooms and Billiards; and Chapter 9.28, Pinball Machines.

(E) See Section 230.32, Service Stations.

(F) See Section 241.20, Temporary Use Permits.

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

(H) For teen dancing facilities, bicycle racks or a special bicycle parking area shall be provided. These may not obstruct either the public sidewalk or the building entry. See also Chapter 5.28, Dancing Halls; Chapter 5.44, Restaurants - Amusement and Entertainment Premises; and Chapter 5.70, Adult Entertainment Businesses.

(I) Only permitted on a major arterial street, and a passive or active outdoor recreational amenity shall be provided.

(J) In the CV District the entire ground floor area and at least one-third of the total floor area shall be devoted to visitor-oriented uses as described in the certified Local Coastal Program Land Use Plan. Any use other than visitor serving commercial shall be located above the ground level, and a conditional use permit from the Planning Commission or the Zoning Administrator is required. Any use other than visitor serving commercial uses shall only be permitted if visitor serving uses are either provided prior to the other use or assured by deed restriction as part of the development. No office or residential uses shall be permitted in any visitor serving designation seaward of Pacific Coast Highway.

(K) See Section 230.42, Bed and Breakfast Inns.

(L) **Collection containers are permitted in all commercial districts; recycling facilities as an accessory use to a permitted use shall be permitted upon approval by the director with Neighborhood Notification pursuant to Chapter 241.** See Section 230.44, Recycling Operations.

(M) Subject to approval by the Police Department, Public Works Department, Fire Department and the director. See also Section 230.86, Seasonal Sales.

(N) The following businesses proposing to sell alcoholic beverages for on-site or off-site consumption are exempt from the conditional use permit process:

(1) Retail markets with no more than 10% of the floor area devoted to sales, display, and storage of alcoholic beverages provided the sale of alcoholic beverages is not in conjunction with the sale of gasoline or other motor vehicle fuel.

(2) Restaurants, bars, and liquor stores located 300 feet or more from any R or PS district, public or private school, church, or public use.

(3) Florist shops offering the sale of a bottle of an alcoholic beverage together with a floral arrangement.

(O) See Section 230.46, Single Room Occupancy.

(P) See Chapter 231 for temporary and seasonal parking.

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

(R) Projects within 500 feet of a PS District; see Chapter 244.

(S) See Section 230.48, Equestrian Centers.

(T) See Section 230.50, Indoor Swap Meets/Flea Markets.

(U) See Section 230.94, Carts and Kiosks.

(V) In the coastal zone, the preferred retail sales uses are those identified in the visitor serving commercial land use designation which provide opportunities for visitor-oriented commercial activities including specialty and beach related retail shops, restaurants, hotels, motels, theaters, museums, and related services.

(W) Non-amplified live entertainment greater than 300 feet from a residential zone or use shall be permitted without a conditional use permit.

(X) Outdoor dining with alcohol sales shall be permitted with a conditional use permit to the Zoning Administrator. Outdoor dining without alcohol sales that is 400 square feet or less shall be permitted without a conditional use permit. If over 400 square feet with no alcohol sales, neighborhood notification shall be required pursuant to Chapter 241.

(Y) Neighborhood notification requirements pursuant to Chapter 241.

(Z) In the CV District, condominium-hotels and/or fractional interest hotels are allowed only at the Pacific City (Downtown Specific Plan District 7) and Waterfront (Downtown Specific Plan District 9) sites. Refer to Downtown Specific Plan. (3248-6/95, 3334-6/97, 3341-10/96, 3378-2/98, 3482-12/00, 3522-2/02, 3553-5/02, 3568-9/02, 3707-6/05, 3774-9/07, 3848-1/10, 3859-2/10)

211.06 CO, CG, and CV Districts—Development Standards

The following schedule prescribes development standards for the CO, CG and CV districts. The first three columns prescribe basic requirements for permitted and conditional uses in each district. Letters in parentheses in the additional requirements column refer to standards following the schedule or located

elsewhere in the zoning ordinance. In calculating the maximum gross floor area as defined in Chapter 203, the floor area ratio is calculated on the basis of net site area. Fractional numbers shall be rounded down to the nearest whole number. All required setbacks shall be measured from ultimate right-of-way and in accordance with definitions set forth in Chapter 203, Definitions.

CO, CG, and CV Districts: Development Standards

	CO	CG	CV	Additional Requirements
Residential Development				(A)(B)
Nonresidential Development				(B)
Minimum Lot Area (sq. ft.)	10,000	10,000	10,000	(C)
Minimum Lot Width (ft.)	100	100	100	
Minimum Setbacks				
Front (ft.)	10	10	0	(D)(E)(O)
Side (ft.)	5	0	0	(F)
Street Side (ft.)	10	10	0	(E)
Rear (ft.)	5	0	0	(F)
Maximum Height of Structures (ft.)	40	50	50	(F)(G)
Maximum Wall Dimensions				(N)
Maximum Floor Area Ratio (FAR)	1.0	1.5	1.5	
Minimum Site Landscaping (%)	8	8	8	(H)(I)
Building Design Standards				(O)
Fences and Walls				(J)(K)
Off-Street Parking/Loading				(L)
Outdoor Facilities	See § 230.74			(M)
Screening of Mechanical Equipment	See § 230.76			(M)
Refuse Storage Areas	See § 230.78			
Underground Utilities	See Ch. 17.64			
Performance Standards	See § 230.82			
Nonconforming Structures	See Ch. 236			
Signs	See Ch. 233			

CO, CG, and CV Districts: Additional Development Standards

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

(B) See Section 230.62, Building Site Required, and Section 230.64, Development on Substandard Lots.

(C) The minimum site area for a hotel or motel is 20,000 square feet.

(D) See Section 230.68, Building Projections into Yards and Required Open Space. Double-frontage lots shall provide front yards on each frontage.

(E) A minimum 50-foot setback is required along Beach Boulevard, Pacific Coast Highway and Edinger Avenue or 25-foot setback with the setback area entirely landscaped.

(F) Along a side or rear property line abutting an R district, a 10-foot setback is required, and structures within 45 feet of the district boundary shall not exceed 18 feet in height.

(G) See Section 230.70, Measurement of Height, and Section 230.72, Exceptions to Height Limits.

(H) **Planting Areas**.

(1) Required front and street side yards shall be planting areas except properties with 50-foot setback shall provide a minimum 10-foot-wide planting area along street frontages.

(2) Required side and rear yards shall be planting areas or shall be enclosed by a solid concrete or masonry wall at least six feet in height.

(3) Hotels and Motels. A 15-foot-wide landscaped strip shall be provided along all street frontages, except for necessary driveways and walks.

(I) See Chapter 232, Landscape Improvements.

(J) See Section 230.88, Fencing and Yards.

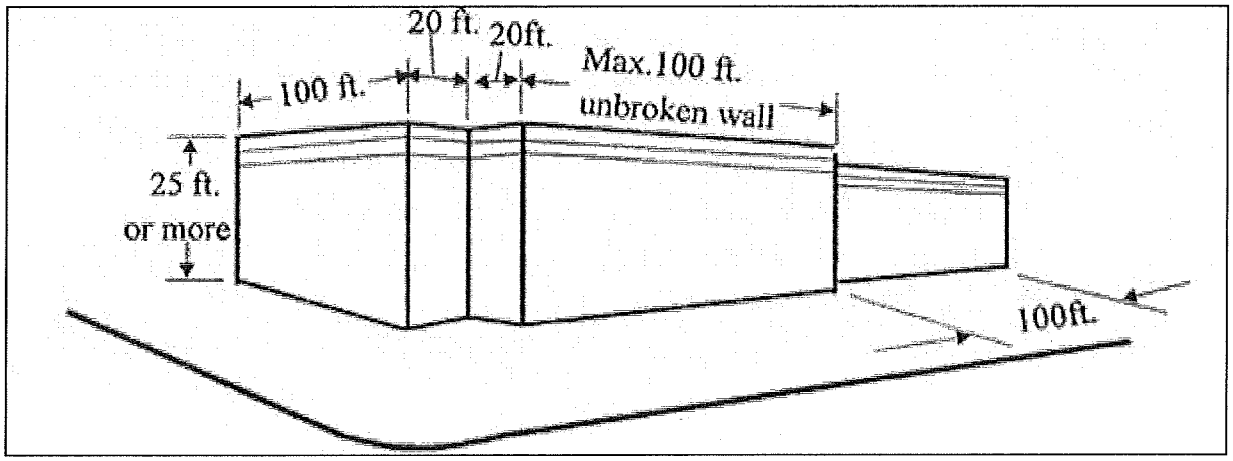
(K) A solid masonry or concrete wall at least six feet in height shall adjoin the site of an existing ground-floor residential use. However, where the portion of the site within 10 feet of the front property line is occupied by planting area or by a building having no openings except openings opposite a street property line, the director may grant an exception to this requirement. A wall within 15 feet of a street property line shall not exceed 3.5 feet in height.

(L) See Chapter 231, Off-Street Parking and Loading.

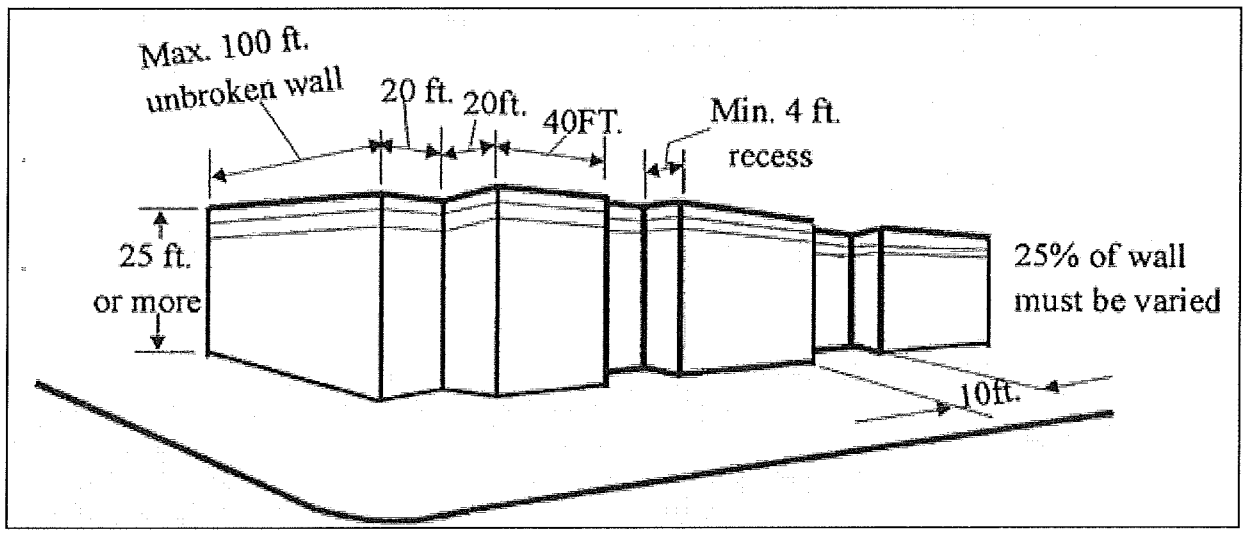
(M) See Section 230.44, Recycling Operations and Section 230.80, Antennae.

(N) A front or street side wall surface shall be no longer than 100 feet without a break, a recess or offset measuring at least 20 feet in depth and one-quarter of the building length, or a series of offsets, projections or recesses at intervals of not more than 40 feet that vary the depth of the building wall by a minimum of four feet. The director may grant exceptions or allow these standards to be modified for exceptional or unique structures subject to Design Review, Chapter 244.

Maximum Wall Length and Required Break



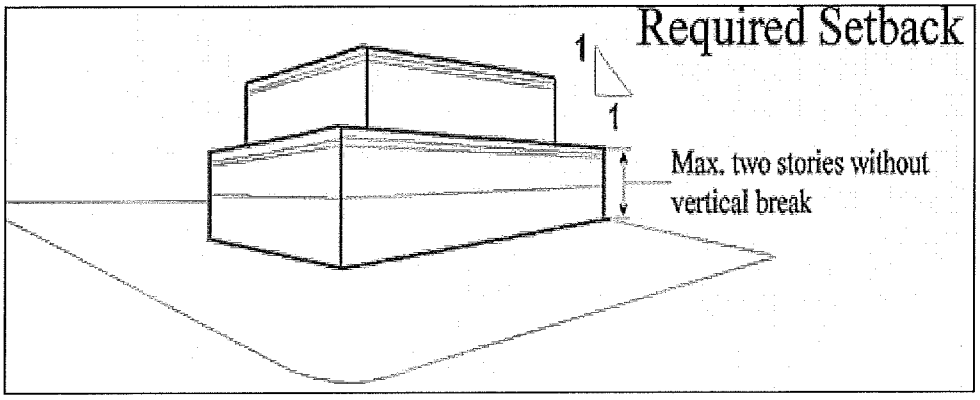
Single Horizontal Offsets: 20 Feet



Variable Offsets: 20 Feet and 4 Feet

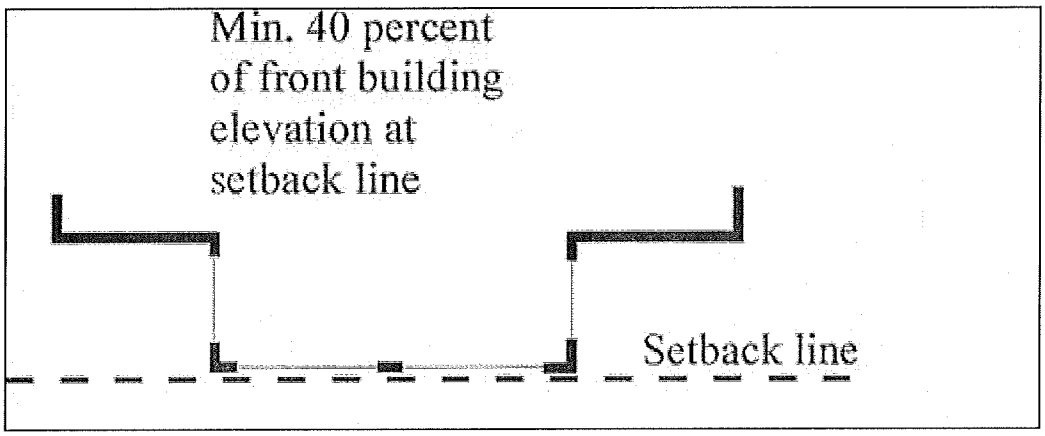
(O) Two building design standards are established to make commercial areas more attractive and provide a unified streetscape:

(1) In the CV District a 10-foot minimum upper-story setback is required above the second story along street frontages.



CV District: Upper-Story Setback

(2) In the CO and CV Districts, and on frontages adjacent to major or primary arterials in the CG District at least 40% of a building surface may be located at the minimum setback line if additional landscaping is provided on the site.



Building Face at Setback Line

(3707-6/05)

211.08 Review of Plans

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

A. **Zoning Administrator Review**. Projects requiring a conditional use permit from the Zoning Administrator; projects on substandard lots; see Chapter 241.

B. **Design Review Board**. 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. (3522-2/02, 3868-3/10)

LEGISLATIVE DRAFT

Chapter 212 I INDUSTRIAL DISTRICTS

212.02 Industrial Districts Established

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

A. The IG General Industrial District provides sites for the full range of manufacturing, industrial processing, resource and energy production, general service, and distribution.

B. The IL Limited Industrial District provides sites for moderate- to low-intensity industrial uses, commercial services and light manufacturing. (3254-10/94)

212.04 IG and IL Districts—Land Use Controls

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

"P" designates use classifications permitted in the I districts.

"L" designates use classifications subject to certain limitations prescribed by the additional provisions which follow.

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

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

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

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

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

IG and IL Districts: Land Use Controls

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

	IG	IL	Additional Provisions
Residential			
Group Residential	PC	PC	(I)
Public and Semipublic			(A)(L)
Community and Human Service Facilities	P	P	(K)
Day Care, General	ZA	ZA	
Heliports	PC	PC	(N)
Maintenance & Service Facilities	ZA	ZA	
Public Safety Facilities	P	P	
Religious Assembly	ZA	ZA	
Schools, Public or Private	L-6	L-6	
Utilities, Major	PC	PC	
Utilities, Minor	L-7	L-7	(O)
Commercial Uses			(D)(L)
Ambulance Services	ZA	ZA	
Animal Sales and Services			
Animal Boarding	ZA	ZA	
Animal Hospitals	ZA	ZA	
Artists' Studios	P	P	
Banks and Savings and Loans	L-1	L-1	
Building Materials and Services	P	P	
Catering Services	-	P	
Commercial Filming	ZA	ZA	
Commercial Recreation and Entertainment	L-2	L-2	
Communication Facilities	L-12	L-12	
Eating & Drinking Establishments	L-3	L-3	
w/Live Entertainment	ZA	ZA	(R)(T)
Food & Beverage Sales	ZA	ZA	
Hospitals and Medical Clinics	-	PC	
Laboratories	P	P	
Maintenance & Repair Services	P	P	
Marine Sales and Services	P	P	

Nurseries	P	P	
Offices, Business & Professional	L-1	L-1	(G)
Personal Enrichment	L-9	L-9	(T)
Personal Services	L-1	L-1	
Quasi-Residential	PC	PC	(J)
Research & Development Services	P	P	
Sex-Oriented Businesses (regulated by Ch. 5.70)	L-11	L-11	
Sex-Oriented Businesses (regulated by Ch. 5.60)	PC	PC	(Q)
Swap Meets, Indoor/Flea Markets	PC	PC	(P)
Vehicle/Equipment Sales & Services			
Service Stations	L-4	L-4	
Vehicle/Equipment Repair	P	P	
Vehicle/Equipment Sales/Rentals	L-5	L-5	
Vehicle Storage	P	ZA	(H)
Visitor Accommodations	ZA	ZA	
Warehouse and Sales Outlets	L-8	L-8	
Industrial (See Chapter 204)			(B)(L)(M)
Industry, Custom	P	P	
Industry, General	P	P	
Industry, Limited	P	P	
Industry, R & D	P	P	
Wholesaling, Distribution & Storage	P	P	
Accessory Uses			
Accessory Uses and Structures	P/U	P/U	(C)
Temporary Uses			
Commercial Filming, Limited	P	P	(S)
Real Estate Sales	P	P	
Trade Fairs	P	P	(E)
Nonconforming Uses			(F)

IG and IL Districts: Additional Provisions

L-1 Only allowed upon approval of a conditional use permit by the Zoning Administrator for a mixed use project, subject to the following requirements:

A. Minimum site area: three acres.

B. Maximum commercial space: 35% of the gross floor area and 50% of the ground floor area of buildings fronting on an arterial highway.

C. Phased development: 25% of the initial phase must be designed for industrial occupancy. For projects over 500,000 square feet, the initial phase must include five percent of the total amount of industrial space or 50,000 square feet of industrial space, whichever is greater.

L-2 Allowed upon approval of a conditional use permit by the Zoning Administrator when designed and oriented for principal use by employees of the surrounding industrial development or when designed for general public use, after considering vehicular access and parking requirements.

L-3 Allowed upon approval of a conditional use permit by the Zoning Administrator when in a freestanding structure or as a secondary use in a building provided that no more than 20% of the floor area is occupied by such a use.

L-4 Only stations offering services primarily oriented to businesses located in an I District are allowed with a conditional use permit by the Planning Commission.

L-5 No new or used automobile, truck or motorcycle retail sales are permitted.

L-6 Only schools offering higher education curriculums are allowed with conditional use permit approval by the Planning Commission. No day care, elementary or secondary schools are permitted.

L-7 Recycling operations as an accessory use are permitted **if more than 150 feet from R districts**; **recycling operations as an accessory use less than 150 feet from R districts or** recycling operations as a primary use are allowed upon approval of a conditional use permit by the Zoning Administrator. **See Section 230.44, Recycling Operations.**

L-8 Allowed upon conditional use permit approval by the Planning Commission when a single building with a minimum area of 100,000 square feet is proposed on a site fronting an arterial. The primary tenant shall occupy a minimum 95% of the floor area and the remaining 5% may be occupied by secondary tenants.

L-9 Permitted if the space is 5,000 square feet or less; allowed by neighborhood notification pursuant to Chapter 241 if the space is over 5,000 square feet.

L-10 Reserved.

L-11 Allowed subject to the following requirements:

A. A proposed sex-oriented business shall be at least 500 feet from any residential use, school, park and recreational facility, or any building used for religious assembly (collectively referred to as a "sensitive use") and at least 750 feet from another sex-oriented business. For purposes of these requirements, all distances shall be measured from the lot line of the proposed sex-oriented business to the lot line of the sensitive use or the other sex-oriented business. The term "residential use" means any property zoned RL, RM, RMH, RH, RMP, and any properties with equivalent designations under any specific plan.

To determine such distances the applicant shall submit for review a straight line drawing depicting the distances from the lot line of the parcel of land on which the sex-oriented business is proposed which includes all the proposed parking and:

1. The lot line of any other sex-oriented business within 750 feet of the lot line of the proposed sex-oriented business; and

2. The lot line of any building used for religious assembly, school, or park and recreational facility within 500 feet of the lot line of the proposed sex-oriented business; and

3. The lot line of any parcel of land zoned RL, RM, RMH, RH, and RMP and any parcels of land with equivalent designations under any specific plans within 500 feet of the lot line of the proposed sex-oriented business.

B. The front façade of the building, including the entrance and signage, shall not be visible from any major, primary or secondary arterial street as designated by the circulation element of the General Plan adopted May, 1996, with the exception of Argosy Drive.

C. Prior to or concurrently with applying for a building permit and/or a certificate of occupancy for the building, the applicant shall submit application for Planning Department staff review of a sex-oriented business zoning permit with the drawing described in subsection A, a technical site plan, floor plans and building elevations, and application fee. Within 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.

3. Compliance with Huntington Beach Municipal Code Chapter 5.70.

D. The director shall grant or deny the application for a sex-oriented business zoning permit for a sex-oriented business. There shall be no administrative appeal from the granting or denial of a permit application thereby permitting the applicant to obtain prompt judicial review.

E. Ten working days prior to submittal of an application for a sex-oriented business zoning permit for staff review, the applicant shall: (1) cause notice of the application to be printed in a newspaper of general circulation; and (2) give mailed notice of the application to property owners within 1,000 feet of the proposed location of the sex-oriented business; and the City of Huntington Beach, Department of Community Development by first class mail.

The notice of application shall include the following:

1. Name of applicant;

2. Location of proposed sex-oriented business, including street address (if known) and/or lot and tract number;

3. Nature of the sex-oriented business, including maximum height and square footage of the proposed development;

4. The City Hall telephone number for the Department of Community Development to call for viewing plans;

5. The date by which any comments must be received in writing by the Department of Community Development. This date shall be 10 working days from staff review submittal; and

6. The address of the Department of Community Development.

F. A sex-oriented business may not apply for a variance pursuant to Chapter 241 nor a special sign permit pursuant to Chapter 233.

G. A sex-oriented business zoning permit shall become null and void one year after its date of approval unless:

1. Construction has commenced or a certificate of occupancy has been issued, whichever comes first; or

2. The use is established.

H. The validity of a sex-oriented business zoning permit shall not be affected by changes in ownership or proprietorship provided that the new owner or proprietor promptly notifies the director of the transfer.

I. A sex-oriented business zoning permit shall lapse if the exercise of rights granted by it is discontinued for 12 consecutive months.

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

(A) Repealed.

(B) A conditional use permit from the Zoning Administrator is required for any new use or enlargement of an existing use, or exterior alterations and additions for an existing use located within 150 feet of an R district. The director may waive this requirement if there is no substantial change in the character of the use which would affect adjacent residential property in an R District.

(C) Accessory office uses incidental to a primary industrial use are limited to 10% of the floor area of the primary industrial use.

(D) Adjunct office and commercial space, not to exceed 25% of the floor area of the primary industrial use, is allowed with a conditional use permit from the Zoning Administrator, provided that it is intended primarily to serve employees of the industrial use, no exterior signs advertise the

adjunct use, the adjunct use is physically separated from the primary industrial use, any retail sales are limited to goods manufactured on-site, and the primary industrial fronts on an arterial.

(E) See Section 241.22, Temporary Use Permits.

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

(G) Medical/dental offices, insurance brokerage offices, and real estate brokerage offices, except for on-site leasing offices, are not permitted in any I District.

Administrative, management, regional or headquarters offices for any permitted industrial use, which are not intended to serve the public, require a conditional use permit from the Zoning Administrator to occupy more than 10% of the total amount of space on the site of the industrial use.

(H) Automobile dismantling, storage and/or impound yards may be permitted subject to the approval of a conditional use permit by the Planning Commission and the following criteria:

(1) The site shall not be located within 660 feet of an R district.

(2) All special metal cutting and compacting equipment shall be completely screened from view.

(3) Storage yards shall be enclosed by a solid six-inch concrete block or masonry wall not less than six feet in height and set back a minimum 10 feet from abutting streets with the entire setback area permanently landscaped and maintained.

(4) Items stacked in the storage yard shall not exceed the height of the screening walls or be visible from adjacent public streets.

(I) Limited to facilities serving workers employed on-site.

(J) Limited to single room occupancy uses. (See Section 230.46.)

(K) Limited to emergency shelters. (See Section 230.52, Emergency Shelters.)

(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 Planning Director may refer any proposed addition to the Zoning Administrator if the proposed addition has the potential to impact residents or tenants in the vicinity (e.g., increased noise, traffic).

(M) Major outdoor operations require conditional use permit approval by the Planning Commission. Major outside operations include storage yards and uses utilizing more than one-third of the site for outdoor operation.

(N) See Section 230.40, Helicopter Takeoff and Landing Areas.

(O) See Section 230.44, Recycling Operations.

(P) See Section 230.50, Indoor Swap Meets/Flea Markets.

(Q) See L-11(A) relating to locational restrictions.

(R) Non-amplified live entertainment greater than 300 feet from a residential zone or use shall be permitted without a conditional use permit.

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

(T) Neighborhood notification requirements when no entitlement required pursuant to Chapter 241. (3254-10/94, 3378-2/98, 3523-2/02, 3568-9/02, 3708-6/05, 3724-02/06, 3788-12/07, 3843-11/09, 3860-2/10)

212.06 IG and IL Districts—Development Standards

The following schedule prescribes development standards for the I Districts. The first two columns prescribe basic requirements for permitted and conditional uses in each district. Letters in parentheses in the additional requirements column reference requirements following the schedule or located elsewhere in this title. In calculating the maximum gross floor area as defined in Chapter 203, the floor area ratio is calculated on the basis of net site area. Fractional numbers shall be rounded down to the nearest whole number. All required setbacks shall be measured from ultimate right-of-way and in accordance with definitions set forth in Chapter 203, Definitions.

	IG	**IL**	**Additional Requirements**
Residential Development			(M)
Nonresidential Development			
Minimum Lot Area (sq. ft.)	20,000	20,000	(A)(B)
Minimum Lot Width (ft.)	100	100	(A)(B)
Minimum Setbacks			(A)(C)
Front (ft.)	10; 20	10; 20	(D)
Side (ft.)	0	15	(E)(F)
Street Side (ft.)	10	10	
Rear (ft.)	0	0	(E)
Maximum Height of Structures (ft.)	40	40	(G)
Maximum Floor Area Ratio (FAR)	0.75	0.75	
Minimum Site Landscaping (%)	8	8	(H)(I)
Fences and Walls	See § 230.88		
Off-Street Parking and Loading	See Ch. 231		(J)
Outdoor Facilities	See § 230.74		
Screening of Mechanical Equipment	See § 230.76		(K)
Refuse Storage Area	See § 230.78		
Underground Utilities	See Ch. 17.64		
Performance Standards	See § 230.82		(L)
Nonconforming Uses and Structures	See Ch. 236		
Signs	See Ch. 233		

IG and IL Districts: Additional Development Standards

(A) See Section 230.62, Building Site Required, and Section 230.64, Development on Substandard Lots.

(B) Smaller lot dimensions for new parcels may be permitted by the Zoning Administrator with an approved development plan and tentative subdivision map.

(C) See Section 230.68, Building Projections into Yards and Required Open Space. Double-frontage lots shall provide front yards on each frontage.

(D) The minimum front setback shall be 10 feet and the average setback 20 feet, except for parcels fronting on local streets where only a 10-foot setback is required.

All I Districts. An additional setback is required for buildings exceeding 25 feet in height (one foot for each foot of height) and for buildings exceeding 150 feet in length (one foot for each 10 feet of building length) up to a maximum setback of 30 feet.

(E) In all I districts, a 15-foot setback is required abutting an R district and no openings in buildings within 45 feet of an R district.

(F) A zero-side yard setback may be permitted in the I districts, but not abutting an R district, provided that a solid wall at the property line is constructed of maintenance-free masonry material and the opposite side yard is a minimum of 30 feet.

Exception. The Zoning Administrator or Planning Commission may approve a conditional use permit to allow a 15-foot interior side yards opposite a zero-side yard on one lot, if an abutting side yard at least 15 feet wide is provided and access easements are recorded ensuring a minimum 30-foot separation between buildings. This 30-foot accessway must be maintained free of obstructions and open to the sky, and no opening for truck loading or unloading shall be permitted in the building face fronting on the accessway unless a 45-foot long striped area is provided solely for loading and unloading entirely within the building.

(G) See Section 230.70, Measurement of Height. Within 45 feet of an R district, no building or structure shall exceed a height of 18 feet.

(H) **Planting Areas**. Required front and street-side yards adjacent to a public right-of-way shall be planting areas except for necessary drives and walks. A six-foot wide planting area shall be provided adjacent to an R district and contain one tree for each 25 lineal feet of planting area.

(I) See Chapter 232, Landscape Improvements.

(J) Truck or rail loading, dock facilities, and the doors for such facilities shall not be visible from or be located within 45 feet of an R district.

(K) See Section 230.80, Antennae.

(L) **Noise**. No new use shall be permitted, or exterior alterations and/or additions to an existing use allowed, within 150 feet of an R district until a report prepared by a California state-licensed acoustical engineer is approved by the director. This report shall include recommended noise mitigation measures for the industrial use to ensure that noise levels will conform with Chapter 8.40 of the Municipal Code. The director may waive this requirement for change of use or addition or exterior alteration to an existing use if it can be established that there had been no

previous noise offense, that no outside activities will take place, or if adequate noise mitigation measures for the development are provided.

(M) Group residential or accessory residential uses shall be subject to standards for minimum setbacks and height of the RH District. (3254-10/94)

212.08 Review of Plans

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

A. **Zoning Administrator Review**. Projects requiring a conditional use permit from the Zoning Administrator; projects 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. (3254-10/94, 3708-6/05, 3869-3/10)

LEGISLATIVE DRAFT

Chapter 230 SITE STANDARDS

Note

* **Note**: § 230.06 deleted by Ord. 3724; § 230.20 repealed by Ord. 3961.

230.02 Applicability

This chapter contains supplemental land use and development standards, other than parking and loading, landscaping and sign provisions, that are applicable to sites in all or several districts. These standards shall be applied as specified in Title 21, Base Districts; Title 22, Overlay Districts; and as presented in this chapter.

Article I. Residential Districts

230.04 Front and Street Side Yards in Developed Areas

Where lots comprising 60% of the frontage on a blockface in an R district are improved with buildings that do not conform to the front yard requirements, the Planning Commission may adopt by resolution a formula or procedure to modify the front and street side yard setback requirements. The Planning Commission also may modify the required yard depths where lot dimensions and topography justify deviations. Blocks with such special setback requirements shall be delineated on the zoning map. Within the coastal zone any such setback modifications adopted by the Planning Commission shall be consistent with the Local Coastal Program. (3334-6/97)

230.06 Reserved

230.08 Accessory Structures

For purposes of applying these provisions, accessory structures are inclusive of minor accessory structures, except where separate provisions are provided in this section.

A. **Timing**. Accessory structures shall not be established or constructed prior to the start of construction of a principal structure on a site, except that construction trailers may be placed on a site at the time site clearance and grading begins and may remain on the site only for the duration of construction.

B. **Location**. Except as provided in this section, accessory structures shall not occupy a required front, side or street side yard or court~~, or project beyond the front building line of the principal structure on a site~~. An accessory structure shall be set back five feet from the rear property line

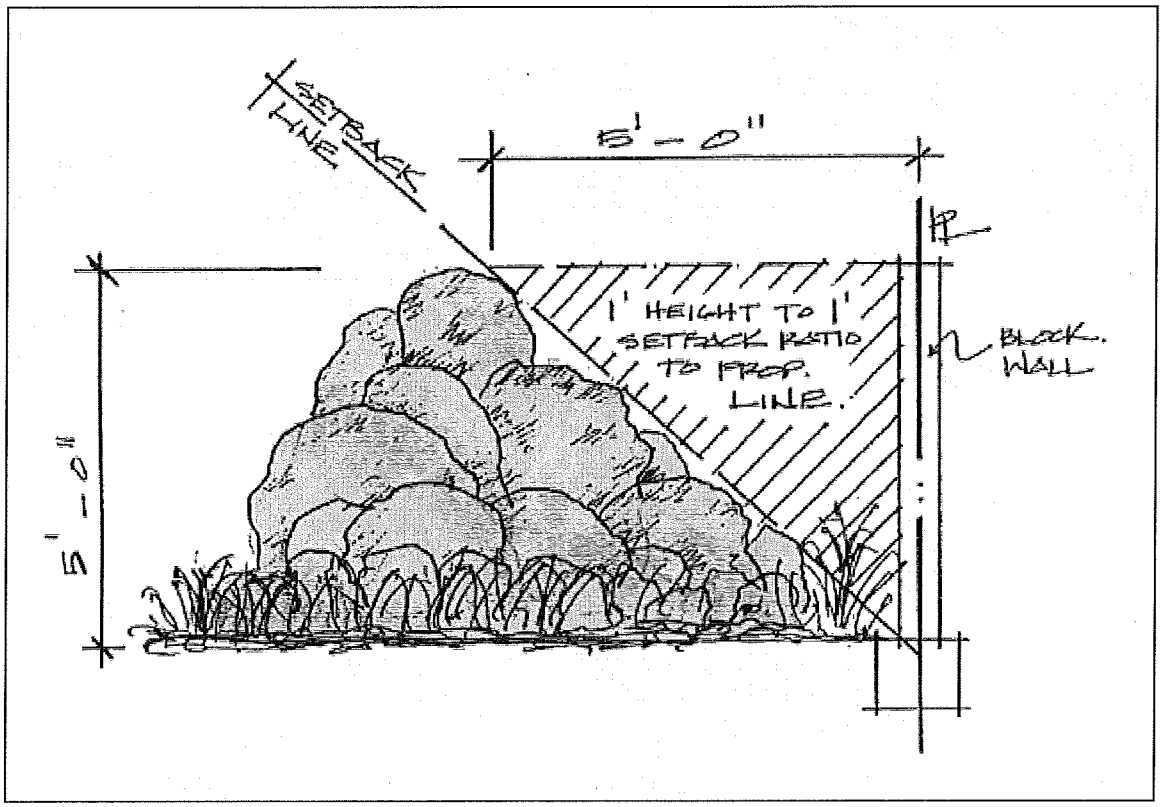
except no setback is required for accessory structures, excluding garages and carports, which abut an alley.

Minor accessory structures may be located in required side and rear yard setbacks provided that the structure is located in the rear two-thirds of the lot and a minimum five foot clearance is maintained between said structure and dwelling if it is located in the required side yard. Minor accessory structures that are decorative such as landscape garden walls, fire pits, freestanding barbecues/fireplaces, sculptures, and fountains may be located anywhere on the property provided:

1. They do not exceed six feet in height or exceed 42 inches in height when located within the front yard setback; and

2. A minimum five-foot clearance is maintained between said structure and the dwelling if it is located in a required side yard; and

3. Rock formations shall be set back one foot from the side and/or rear property lines for each foot of rock formation height, maximum five-foot setback required.



C. **Maximum Height**. Fifteen feet, except a detached garage for a single-family **or multi-family** dwelling may exceed the maximum height when it is designed to be architecturally compatible with the main dwelling and does not include habitable floor area.

D. **Maximum Size in RL District**. In an RL District, the total gross floor area of accessory structures**, including garages,** more than four feet in height that are not attached to a dwelling shall not exceed 600 square feet or 10% of lot area, whichever is more.

E. **Patio Covers**. A patio cover open on at least two sides and complying with all other provisions of this subsection may be attached to a principal structure provided a five-foot clearance to all property lines is maintained.

F. **Decks**. A deck 30 inches or less in height may be located in a required yard.

G. **Separation**. The distance between buildings on the same lot shall not be less than 10 feet. (3710-6/05)

230.10 Accessory Dwelling Units

A. **Permit Required**. Accessory dwellings may be permitted in all R districts on lots with a single family dwelling subject to director approval. Requests shall be submitted to the director accompanied by the required Neighborhood Notification, plans and elevations showing the proposed accessory dwelling and its relation to the principal dwelling, descriptions of building materials, landscaping and exterior finishes to be used and parking to be provided, and any other information required by the director to determine whether the proposed unit conforms to all requirements of this code. The director shall approve an accessory dwelling unit upon finding that the following conditions have been met:

1. The dwelling conforms to the design and development standards for accessory dwelling units established in subsection B of this section and subsection 230.22(A);

2. The accessory unit maintains the scale of adjoining residences and is compatible with the design of existing dwellings in the vicinity in terms of building materials, colors and exterior finishes;

3. The main dwelling or the accessory dwelling will be owner occupied; and

4. Public and utility services including emergency access are adequate to serve both dwellings.

B. **Design and Development Standards**.

1. Minimum Lot Size. 6,000 square feet.

2. Maximum Unit Size. The maximum square footage of the accessory dwelling unit shall not exceed 650 square feet and shall not contain more than one bedroom.

3. Required Setbacks. Accessory dwelling units shall comply with minimum setbacks of Chapter 210.

4. Height and Building Coverage. The basic requirements of Chapter 210 shall apply unless modified by an overlay district.

5. Parking. All parking spaces shall comply with Section 231.18(D).

6. Design. The accessory unit shall be attached to the main dwelling unit in such a manner as to create an architecturally unified whole, not resulting in any change to the visible character of the street. The entrance to the accessory unit shall not be visible from the street in front of the main dwelling unit. Building materials, colors and exterior finishes should be substantially the same as those on the existing dwelling.

C. **Ownership**. The second unit shall not be sold separately from the main dwelling unit.

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

E. **Parkland Dedication In Lieu Fee**. A parkland dedication in lieu fee shall be assessed as set by resolution of the City Council pursuant to Section 230.20 and paid prior to issuance of the building permit. (3334-6/97, 3710-6/05)

230.12 Home Occupation in R Districts

A. **Permit Required**. A home occupation in an R district shall require a home occupation permit, obtained by filing a completed application form with the director. **If the home occupation involves instruction and/or service, e.g., music lessons, beauty shop, swimming lessons, then an administrative permit is required subject to neighborhood notification in compliance with Chapter 241.** The director shall approve the permit upon determining that the proposed home occupation complies with the requirements of this section.

B. **Contents of Application**. An application for a home occupation permit shall contain:

1. The name, street address, and telephone number of the applicant;

2. A complete description of the proposed home occupation, including number and occupation of persons employed or persons retained as independent contractors, amount of floor space occupied, provisions for storage of materials, and number and type of vehicles used.

3. For home occupations involving instruction and/or service, neighborhood notification shall be required in compliance with Chapter 241.

C. **Required Conditions**. Home occupations shall comply with the following conditions:

1. A home occupation shall be conducted entirely within one room in a dwelling**, with the exception of swimming lessons**. No outdoor storage shall be permitted. Garages shall not be used in connection with such business except to park business vehicles.

2. No one other than a resident of the dwelling shall be employed on site or report to work at the site in the conduct of a home occupation. This prohibition also applies to independent contractors.

3. There shall be no display of merchandise, projects, operations, signs or name plates of any kind visible from outside the dwelling. The appearance of the dwelling shall not be altered, or shall the business be conducted in a manner to indicate that the dwelling or its premises is used for a nonresidential purpose, whether by colors, materials, construction, lighting, windows, signs, sounds or any other means whatsoever.

4. A home occupation shall not increase pedestrian or vehicle traffic in the neighborhood.

5. No commercial vehicle or equipment used in conjunction with the home occupation shall be parked overnight on an adjacent street or in any yard visible from the street.

6. No motor vehicle repair for commercial purposes shall be permitted.

7. A home occupation shall not include an office or salesroom open to visitors, and there shall be no advertising of the address of the home occupation.

8. ~~Neighborhood notification shall be in compliance with Chapter 241 when a home occupation involves instruction and/or service, e.g., music lessons, beauty shop, swimming lessons.~~ Where a home occupation involves swimming instruction in an outdoor swimming pool, each swimming class shall be limited to four students, and no more than two vehicles shall be used to transport students to such classes.

9. Any authorized City employee may inspect the premises of a home occupation upon 48 hours notice to ascertain compliance with these conditions and any requirements of this code. The permit for a home occupation that is not operated in compliance with these provisions**, and/or all conditions of an administrative permit,** shall be revoked by the director after 30 days written notice unless the home occupation is altered to comply. (3710-6/05)

230.14 Affordable Housing Density Bonus

A. When a developer of a residential property which is zoned and general planned to allow five or more dwelling units proposes to provide affordable housing, he or she may request a density bonus and incentives or concessions through a conditional use permit subject to the provisions contained in this section. A density bonus request pursuant to the provisions contained within this section shall not be denied unless the project is denied in its entirety.

B. **Affordability Requirements.**

1. Percentage of Affordable Units Required. To qualify for a density bonus and incentives or concessions, the developer of a residential project shall elect at least one of the following:

a. Provide at least 10% of the total units of the housing development for lower income households, as defined in Health and Safety Code Section 50079.5; or

b. Provide at least five percent of the total units of the housing development for very low income households, as defined in Health and Safety Code Section 50105; or

c. Provide a senior citizen housing development as defined in Civil Code Sections 51.3 and 51.12, or mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Civil Code Sections 798.76 or 799.5; or

d. Provide at least 10% of the total dwelling units in a common interest development as defined in Civil Code Section 1351 for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase.

The density bonus shall not be included in the total number of the housing units when determining the number of housing units required to be affordable. Remaining units may be rented, sold or leased at "market" rates.

2. Duration of Affordability.

a. An applicant shall agree to, and City shall ensure, continued affordability of all low and very low income units that qualified the applicant for the award of the density bonus for 30 years or a longer period of time if required by a construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.

b. Where there is a direct financial contribution to a housing development pursuant to Government Code Section 65915 through participation in cost of infrastructure, write-down of land costs, or subsidizing the cost of construction, the City will assure continued availability for low- and moderate-income units for 30 years. The affordability agreement required by Section 230.14(B)(4) shall specify the mechanisms and procedures necessary to carry out this section.

c. An applicant shall agree to, and the City shall ensure that, the initial occupant of the moderate-income units that are directly related to the receipt of the density bonus in the common interest development, as defined in Section 1351 of the Civil Code, are persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code. The City shall enforce an equity-sharing agreement, unless it is in conflict with the requirements of another public funding source of law. The following shall apply to the equity-sharing agreement:

i. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The City shall recapture any initial subsidy and its proportionate share of appreciation, which shall then be used within three years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote homeownership.

ii. The City's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.

iii.The City's proportionate share of appreciation shall be equal to the ratio of the initial subsidy to the fair market value of the home at the time of initial sale.

3. Affordable Unit Distribution and Product Mix. Affordable units shall be located throughout the project and shall include a mixture of unit types in the same ratio as provided throughout the project.

4. Affordability Agreement. Affordability shall be guaranteed through an affordability agreement executed through the developer and the City. Said agreement shall be recorded on the subject property with the Orange County Recorder's Office prior to the issuance of building permits and shall become effective prior to final inspection of the first unit. The subject agreement shall be legally binding and enforceable on the property owner(s) and any subsequent property owner(s) for the duration of the agreement. The agreement shall include, but not be limited to, the following items:

a. The duration of the affordability and the number of the affordable units;

b. The method in which the developer and the City are to monitor the affordability of the subject affordable units and the eligibility of the tenants or owners of those units over the period of the agreement;

c. The method in which vacancies will be marketed and filled;

d. A description of the location and unit type (bedrooms, floor area, etc.) of the affordable units within the project; and

e. Standards for maximum qualifying household incomes and standards for maximum rents or sales prices.

5. City Action. Pursuant to this section the City shall:

a. Grant a density bonus and at least one of the concessions or incentives identified in subsection D of this section unless the City makes a written finding pursuant to subsection J of this section.

C. **Calculation of Density Bonus**.

1. The amount of density bonus to which the applicant is entitled shall vary according to the amount by which the project's percentage of affordable housing exceeds the percentage established in subsection B of this section.

a. For housing developments meeting the low income criteria of subparagraph 230.14(B)(1)(a), the base density bonus of 20% shall be increased by one and one-half percent for every one percent increase in the percentage of low income units above 10%. The maximum allowable density bonus shall be 35%.

b. For housing developments meeting the very low income criteria of subparagraph 230.14(B)(1)(b), the base density bonus of 20% shall be increased by two and one-half percent for every one percent increase in the percentage of very low income units above five percent. The maximum density bonus shall be 35%.

c. For housing developments meeting the senior citizen housing criteria of subparagraph 230.14(B)(1)(c), the density bonus shall be 20%.

d. For housing developments meeting the moderate income criteria of subparagraph 230.14(B)(1)(d), the base density bonus of five percent shall be increased by one percent for every one percent increase in the percentage of moderate income units over 10%. The maximum density bonus shall be 35%.

2. All density calculations resulting in fractional units shall be rounded up to the next whole number. The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval. As used in subsection B of this section, "total units" does not include units permitted by a density bonus awarded pursuant to this section.

3. The developer may request a lesser density bonus than the project is entitled to, but no reduction will be permitted in the number of required affordable units pursuant to paragraph 230.14(B)(1).

4. Reductions in Density Within the Coastal Zone. In reviewing residential development application for low- and moderate-income housing, as defined in Government Code Section 65589.5(h)(3), the City may not require measures that reduce residential densities below the density sought by an applicant if the density sought is within the permitted density or range of density established by local zoning plus the additional density permitted under Government Code Section 65915, unless the City makes a finding, based on substantial evidence in the

record, that the density sought by the applicant cannot feasibly be accommodated on the site in a manner that is in conformity with the certified Local Coastal Program.

D. **Incentives and Concessions.**

1. Types of Incentives or Concessions. The City shall grant an incentive or concession to the developer. An incentive or concession includes, but is not limited to, the following:

a. A reduction in site development standards or modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions.

i. At the request of the developer, the City will permit a vehicular parking ratio, inclusive of handicapped and guest parking, for a development meeting the criteria of subsection B of this section at ratios that shall not exceed:

(A) Zero to one bedroom: one onsite parking space.

(B) Two to three bedrooms: two onsite parking spaces.

(C) Four or more bedrooms: two and one-half onsite parking spaces.

ii. If the total number of parking spaces required for a housing development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this section only, a housing development may provide on-site parking through tandem parking or uncovered parking but not through on-street parking.

b. Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.

c. Other regulatory incentives or concessions proposed by the developer or the City that result in identifiable, financially sufficient, and actual cost reductions.

2. Number of Incentives and Concessions. An applicant for a density bonus shall receive the following number of incentives or concessions:

a. One incentive or concession for projects that included at least 10% of the total units for lower income households, at least five percent for very low income households, or at least 10% for persons and families of moderate income in a common interest development.

b. Two incentives or concessions for projects that include at least 20% of the total units for lower income households, at least 10% for very low income households, or at least 20% for persons and families of moderate income in a common interest development.

c. Three incentives or concessions for projects that include at least 30% of the total units for lower income households, at least 15% for very low income households, or at

least 30% for persons and families of moderate income in a common interest development.

3. Requirements for Incentives and Concessions Within the Coastal Zone. Within the coastal zone, any incentive or concession or combination of incentives and concessions must be consistent with the requirements of the certified land use plan.

E. **Waiver or Reduction of Development Standards**. An applicant may submit to the City a proposal for the waiver or reduction of development standards. The applicant shall show that the waiver or modification is necessary to make the housing units economically feasible.

F. **Donation or Transfer of Land**. A developer may donate or transfer land in lieu of constructing the affordable units within the project pursuant to Government Code Section 65915(h).

G. **Child Care Facilities**.

1. When a developer proposes to construct a housing development that includes affordable units that conform to subsection B of this section and includes a child care facility that will be located on the premises of, as part of, or adjacent to the housing development, the City shall grant either of the following:

a. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.

b. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

2. A housing development shall be eligible for the density bonus or concession described in this section if the City makes all of the following findings:

a. The child care facility will remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable pursuant to paragraph (B)(2) of this section.

b. Of the children who attend the child care facility, the percentage of children of very low income households, lower income households, or moderate income households shall be equal to or greater than the percentage of dwelling units that are required to be affordable to very low income households, low income households, or moderate income households.

3. "Child care facility," as used in this section, means a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school age child care centers.

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 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.

I. **Required Findings for Approval.**

1. Density Bonus. In granting a conditional use permit for a density bonus, the Planning Commission/City Council shall make all of the following findings:

a. The proposed project, which includes a density bonus, can be adequately serviced by the City and county water, sewer, and storm drain systems without significantly impacting the overall service or system.

b. The proposed project, which includes a density bonus, will not have a significant adverse impact on traffic volumes and road capacities, school enrollments, or recreational resources.

c. The proposed project, which includes a density bonus, is compatible with the physical character of the surrounding area.

d. The proposed project, which includes a density bonus, is consistent with the overall intent of the General Plan.

e. If located within the coastal zone, the proposed project which includes a density bonus will be consistent with the requirements of the certified land use plan and will not result in the fill, dredge, or diking of a wetlands.

J. **Required Finding for Denial.**

1. Concessions or Incentives. The City shall grant the concession or incentive requested by the applicant unless the City makes a written finding, based upon substantial evidence, of one or more of the following:

a. The concession or incentive is not required in order to provide affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in California Government Code Section 65915(c).

b. The concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of California Government Code Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate-income households.

c. The concession or incentive is inconsistent with the requirements of the certified Land Use Plan. (3710-6/05, 3764-3/07, Res. 2009-36-9/09)

230.16 Manufactured Homes

A. **General Requirements**. Manufactured homes may be used for residential purposes if such manufactured home conforms to the requirements of this section and is located in an R district. Manufactured homes also may be used for temporary uses, subject to the requirements of a temporary use permit issued under Chapter 241.

B. **Location and Design Requirements**. Manufactured homes may be located in any R district where a single family detached dwelling is permitted, subject to the same restrictions on density and to the same property development standards, provided that such manufactured home meets the design and locational criteria of this subsection. These criteria are intended to protect neighborhood integrity, provide for harmonious relationship between manufactured homes and surrounding uses, and minimize problems that could occur as a result of locating manufactured homes on residential lots.

1. Location Criteria. Manufactured homes shall not be allowed:

a. On substandard lots that do not meet the dimensional standards of Chapter 210;

b. As a second or additional unit on an already developed lot; or

c. As an accessory building or use on an already developed lot.

2. Design Criteria. Manufactured homes shall be compatible in design and appearance with residential structures in the vicinity and shall meet the following standards:

a. Each manufactured house must be at least 16 feet wide;

b. It must be built on a permanent foundation approved by the Building Official;

c. It must have been constructed after June 1, 1979, and must be certified under the National Manufactured Home Construction and Safety Act of 1974;

d. The unit's skirting must extend to the finished grade;

e. Exterior siding must be compatible with adjacent residential structures, and shiny or metallic finishes are prohibited;

f. The roof must have a pitch of not fewer than two inches vertical rise per 12 inches horizontal distance, with eave overhangs a minimum of 12 inches;

g. The roof must be of concrete or asphalt tile, shakes or shingles complying with the most recent editions of the Uniform Building Code fire rating approved in the City of Huntington Beach;

h. The floor must be no higher than 20 inches above the exterior finished grade; and

i. Required enclosed parking shall be compatible with the manufactured home design and with other buildings in the area.

C. **Cancellation of State Registration**. Whenever a manufactured home is installed on a permanent foundation, any registration of said manufactured home with the State of California shall be canceled, pursuant to state laws and standards. Before occupancy, the owner shall provide to the director satisfactory evidence showing: that the state registration of the manufactured house has been or will, with certainty, be canceled; if the manufactured house is new and has never been registered with the state, the owner shall provide the director with a statement to that effect from the dealer selling the home.

230.18 Subdivision Sales Offices and Model Homes

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

A. The office shall be discontinued within 30 days following sale of the last on site unit. A cash bond shall be posted with the City in the amount of $1,000.00 for the sales office and $1,000.00 for each model home to guarantee compliance with the provisions of this code.

B. The developer or contractor shall furnish a site plan showing the placement of the sales office and all model signs, parking signs, directional signs, temporary structures, parking and landscaping.

C. No sales office shall be converted or expanded into a general business office for the contractor or developer. (3525-2/02)

230.20 Reserved

230.22 Residential Infill Lot Developments

The following residential infill requirements are intended to minimize impacts on contiguous developed single family residential property and provide standards that insure compatibility and appropriate design for projects located within existing residential neighborhoods, unless to do so would contravene the terms of an existing development agreement. Infill development site plans and building design shall be harmonious and compatible with streets, driveways, property lines, and surrounding neighborhood.

Compatibility considerations should include, but not be limited to, lot size, lot frontages, building layout, building configuration and design, building materials, product type, grade height and building height relative to existing dwellings, and visual intrusion concerns. The Director of Planning **and Building** shall cause all requests for **entitlements,** plan check and issuance of building permits for residential infill lot development to be reviewed in accordance with these requirements.

A. **Privacy Design Standards.**

1. New residences and accessory dwelling units shall off-set windows from those on existing residences to insure maximum privacy. The use of translucent glass or similar material, shall be used for all bathroom windows facing existing residences. Consider locating windows high on elevations to allow light and ventilation, and insure privacy.

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

3. Provide architectural features (projections, off-sets) to break up massing and bulk.

4. Upper story balconies shall be oriented toward the infill house's front or rear yard areas, a public street or permanent open space.

B. **Noise Considerations.** Swimming pool/hot tub equipment, air conditioning equipment, and other permanently installed motor driven equipment shall be located to minimize noise impacts on contiguous residences.

C. **Pad Height.**

1. Pad height for new construction shall match to the extent feasible pad heights of contiguous residences. Any property owner/developer who intends to add fill above the height of the existing contiguous grades shall demonstrate to the ~~Community Development D~~**d**irector and the City Engineer that the additional fill is not detrimental to surrounding properties in terms of compatibility and drainage issues.

D. **Public Notification Requirements.**

1. Ten 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~~ **Planning and Building** 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~~ **Planning and Building** to call for viewing plans;

e. The date by which any comments must be received in writing by the Department of ~~Community Development~~ **Planning and Building**. 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 ~~D~~**d**irector ~~of Community Development~~. All decisions of the director regarding the application shall be final. (3301-11/95, 3710-6/05)

230.24 Small Lot Development Standards

A. **Permitted Uses**. The following small lot development standards are provided as an alternative to attached housing in multi-family districts. Small lot developments are permitted in RM, RMH, and RH Districts (excluding RL Districts and RMH-A Subdistricts) subject to approval of a conditional use permit and tentative map by the Planning Commission. The Design Review Board shall review and forward recommendations on all small lot development proposals prior to Planning Commission action. These standards shall apply to all small lot subdivisions, whether the tentative map is designed with single units per lot, or multiple units per lot (condominium).

B. **Design Standards**. The following standards shall be considered by the Planning Commission prior to development approval:

1. Architectural features and general appearance of the proposed development shall enhance the orderly and harmonious development of the area or the community as a whole.

2. Architectural features and complementary colors shall be incorporated into the design of all exterior surfaces of the building in order to create an aesthetically pleasing project.

3. All vehicular access ways shall be designed with landscaping and building variation to eliminate an alley-like appearance.

C. **Development Standards**. The following standards shall apply to all small lot developments:

Minimum building site or lot size	3,100 sq. ft. (3,400 sq. ft. avg.)
Minimum lot frontage	40 ft.
Cul-de-sac and knuckle	30 ft.
Maximum height	
Dwellings	30 ft.; max. 2 stories except 3rd level permitted <500 sq. ft.; min. 5/12 roof pitch; no decks above the second story
Accessory structures	15 ft.
Minimum setbacks	
Front	
Dwelling	15 ft. + offsets in front façade
Covered porches (unenclosed)	10 ft.
Garage	18 ft.

Upper story	Upper story setback shall be varied
Side	8 ft. aggregate, min. 3 ft.; 0 ft. permitted with min. 8 ft. on other side
Street side	10 ft.; includes min. 4 ft. landscape lettered lot (6 ft. between bldg. and prop. line)
Rear	
Dwelling	15 ft.; 50% of bldg. width may be at 13 ft.
Garage	3 ft.; 0 ft. if garage is designed to back to another garage
Maximum lot coverage	50% + 5% for covered porches, patio covers, balconies.
Maximum floor area ratio (FAR)	0.7
Minimum interior garage	Min. 400 sq. ft.
Dimension (width x depth)	Min. 18 ft. wide
Minimum building separation to accessory building	6 ft.
Open space	
Common recreational area (project)	Projects of 20 units or more: 150 sq. ft./unit; min. 5,000 sq. ft.; min. 50 ft. dimension. Projects less than 20 units: min. 600 sq. ft. private and/or common per unit. Private open space excludes side and front yard setback areas. Common open space requires min. 10 ft. dimension.
Required parking	Small lot developments shall provide parking consistent with single family residential developments specified in Chapter 231. In addition, minimum 1 on-street space per unit for guest/visitor parking shall be provided. A parking plan depicting the location of all parking spaces shall be submitted with the conditional use permit application.
Street sections	
Streets	The City shall review proposed street sections upon submittal of the tentative map and conditional use permit applications. Min. 36 ft. curb to curb may be permitted provided all units in the development are equipped with automatic sprinkler systems. On-street parking shall be provided on both sides of the street.
Sidewalks/parkways	Sidewalks shall be provided on both sides of the street. Min. 6 ft. landscape parkways may be provided on both sides of the street. Sidewalk

	widths shall be designed to public works standards.
Walls and fences	Block walls required; may allow wrought iron element where appropriate.
Landscaping	Tree wells adjacent to landscape parkways on street side of curb is encouraged; however shall not encroach into the min. 24-foot-wide drive aisle. See Ch. 232, Landscaping.

230.26 Affordable Housing

A. **Purpose.**

1. The purpose and intent of this chapter is to implement the goals, objectives and policies of the City's Housing Element. It is intended to encourage low and moderate income housing, which is integrated, compatible with and complements adjacent uses, and is located in close proximity to public and commercial services.

2. The affordable housing program is one tool the City utilizes to meet its commitment to provide housing affordable to all economic sectors, and to meet its regional fair-share requirements for construction of affordable housing.

3. As a result of being located within a redevelopment area and/or specific plan area, additional restrictions or requirements may apply.

B. **Applicability**. This section shall apply to new residential projects three or more units in size.

1. A minimum of 10% of all new residential construction shall be affordable housing units. The whole number established by dividing the total unit count proposed by 10 shall be affordable housing units unless paragraph (B)(4) of this section applies. Any fractional amount may be paid with an equivalent in-lieu fee.

2. Rental units included in the project shall be made available to low-income households as defined by Health and Safety Code Section 50079.5, or a successor statute. Rental units included in the project may be made available to moderate income households as defined by Health and Safety Code Section 50093, or a successor statute if the moderate income units are located on-site within the project.

3. For sale units included in the project shall be made available to moderate income households, as defined by Health and Safety Code Section 50093, or a successor statute.

4. Developers of residential projects consisting of 30 or fewer units may elect to pay a fee in lieu of providing the units on-site to fulfill the requirement of this section, unless the affordable housing requirement is outlined as part of a specific plan project.

5. Developers of residential projects may elect to provide the affordable units at an off-site location pursuant to subsection B of this section unless otherwise outlined as part of a specific plan project. If affordable units are off-site, they must be under the full control of the applicant, or other approved party.

6. New residential projects shall include construction of an entirely new project or new units added to an existing project. For purposes of determining the required number of affordable housing units, only new units shall be counted.

C. **Fees in Lieu of Construction**.

1. Fees paid to fulfill the requirements of this section shall be placed in the City's affordable housing trust fund, the use of which is governed by subsection E of this section.

2. The amount of the in-lieu fees shall be calculated using the fee schedule established by resolution of the City Council.

3. One hundred percent of the fees required by this section shall be paid prior to issuance of a building permit.

4. Fees paid as a result of new residential projects shall be based upon the total number of the new residential units which are to be constructed.

D. **Off-Site Construction of Affordable Units**. Except as may be required by the California Coastal Act and/or the Government Code Section 65590 or a successor statute, developers may provide the required affordable housing off-site, at one or several sites, within the City of Huntington Beach.

1. Off-site projects may be new construction or substantial rehabilitation, as defined by Government Code Section 33413 affordable housing production requirements, of existing non-restricted units conditioned upon being restricted to long-term affordability. At risk units identified in the Housing Element or mobile homes may be used to satisfy this requirement.

2. All affordable off-site housing shall be constructed or rehabilitated prior to or concurrently with the primary project. Final approval (occupancy) of the first market rate residential unit shall be contingent upon the completion and public availability, or evidence of the applicant's reasonable progress towards attainment of completion, of the affordable units.

E. **Miscellaneous Provisions**.

1. The conditions of approval for any project that requires affordable units shall specify the following items:

a. The density bonus being provided pursuant to Section 230.14, if any;

b. The number of affordable units;

c. The number of units at each income level as defined by the Health and Safety Code; and

d. A list of any other incentives offered by the City.

2. An affordable housing agreement outlining all aspects of the affordable housing provisions shall be executed between the applicant and the City and recorded with the Orange County Recorder's Office, or the applicable in-lieu fee shall be paid in full, prior to issuance of the first building permit.

3. The agreement shall specify an affordability term of not less than 55 years for rental housing or 45 years for ownership housing.

4. All affordable on-site units in a project shall be constructed concurrently with or prior to the construction of the primary project units unless otherwise approved through a phasing plan. Final approval (occupancy) of the first market rate residential unit shall be contingent upon the completion and public availability, or evidence of the applicant's reasonable progress towards attainment of completion, of the affordable units.

5. All affordable units shall be reasonably located throughout the project unless otherwise designed through a master plan, shall contain on average the same number of bedrooms as the

market rate units in the project, and shall be comparable with the market rate units in terms of exterior appearance, materials and finished quality.

6. Affordable housing trust funds shall be used for projects which have a minimum of 50% of the dwelling units affordable to very low- and low-income households, with at least 20% of the units available to very low-income households. Concurrent with establishing the annual fee schedule pursuant to subsection C of this section, the City Council shall by resolution set forth the permitted uses of affordable housing trust funds. All units that obtain affordable housing trust funds shall maintain the affordability of the units for a minimum of 55 years. The funds may, at the discretion of the City Council, be used for pre-development costs, land or air rights acquisition, rehabilitation, land write downs, administrative costs, gap financing, or to lower the interest rate of construction loans or permanent financing.

7. New affordable units shall be occupied in the following manner:

a. If residential rental units are being demolished and the existing tenant(s) meets the eligibility requirements, he/she shall be given the right of first refusal to occupy the affordable unit(s); or

b. If there are no qualified tenants, or if the qualified tenant(s) chooses not to exercise the right of first refusal, or if no demolition of residential rental units occurs, then qualified households or buyers will be selected.

F. **Price of Affordable Units**. Affordable housing cost shall be calculated in accordance with Health and Safety Code Section 50052.5 standards for ownership units and Health and Safety Code Section 50053 standards for rental units. This methodology is fully described in the City's adopted housing policies.

G. **Reduced Fees for Affordable Housing**. Projects that exceed inclusionary requirements on-site will be eligible for reduced City fees, pursuant to an affordable housing fee reduction ordinance, upon adoption by the City Council.

H. **Annual Program Review and Periodic Adjustment of the Fee**. Within 180 days after the last day of each fiscal year, the City Council shall review the status of the City's affordable housing trust fund, including the amount of fees collected, expenditures from the affordable housing trust fund, and the degree to which the fees collected pursuant to this chapter are assisting the City to provide and encourage low and moderate income housing. The fee shall be updated annually using the Real Estate and Construction Report published by the Real Estate Research Council of Southern California. The fee change shall be based on the percentage difference in the new home prices in Orange County published in the fourth quarter report for the then current year versus the immediately preceding year. (3687-12/04, 3827-4/09, 3829-6/09, 3879-6/10)

230.28 Reserved

230.30 Reserved

Article II. Nonresidential Districts

230.32 Service Stations

The following supplemental development standards shall apply to the service station use classification.

A. Minimum parcel size: 22,500 square feet.

B. Minimum frontage: 150 feet and located at the intersection of arterial highways.

C. **Site Layout**. Conditions of approval of a conditional use permit may impose restrictions on outdoor storage and display and location of pump islands, canopies and service bay openings and require buffering, screening, lighting, or planting areas necessary to avoid adverse impacts on properties in the surrounding area.

D. **Design Standards**.

1. In reviewing proposals, emphasis shall be placed on quality design of building materials and landscape features. Service stations shall be designed so that form and scale are harmonious and consistent with the character of the specific site, the adjacent uses and structures, and the general neighborhood.

2. The location, number, and design of driveways as well as on- and off-site traffic circulation impacts shall be analyzed.

3. Service bay openings shall be designed to minimize the visual intrusion on surrounding streets and properties. A maximum of three service bays shall be permitted per site, none of which shall face a public right-of-way.

4. Lighting shall be of low profile design, indirect or diffused, and shall create no negative impact on surrounding uses.

5. A minimum 10% of the site shall be landscaped. Landscaping plans shall conform to all applicable provisions of Chapter 232 as well as conform to the following requirements:

a. A three-foot wide planter (inside dimension) along interior property lines shall be provided, except at vehicular circulation openings. Additional landscaping may be required to screen service bays from surrounding properties.

b. A 600-square-foot planter with a minimum dimension of 20 feet shall be provided at the corner of intersecting streets.

c. A total of 70 square feet of planting area shall be located adjacent to and on the street side of the main building.

6. Buildings shall conform to the setback regulations stated for the district in which the site is located. Pump islands and canopy structures shall maintain the following minimum setbacks from street side property lines:

a. Pump island: 20 feet.

b. Canopy: 10 feet with ground clearance of 12 feet.

E. **Storage of Materials and Equipment**. The provisions of Section 230.74, Outdoor Facilities, shall apply, except that a display rack for automobile products no more than four feet wide may be maintained at each pump island of a service station and a single tire storage display no more than

eight feet high and 16 feet long may be located on the site of a service station. If display racks are not located on pump islands, they shall be placed within three feet of the principal building, and shall be limited to one per street frontage. Outside storage of motor vehicles for more than 24 hours (seven days if the vehicle is actively being serviced) is prohibited, except as provided for truck and utility trailer rentals. The location of display racks and vending machines shall be specified by the conditional use permit.

F. **Accessory Uses**. The accessory uses listed below shall be permitted as included on the approved site plan. Such uses shall be subordinate to the main operation and shall not impede safe vehicular and pedestrian circulation or be detrimental to surrounding properties or potential customers. Such uses shall be included as part of the original conditional use permit request or shall be subject to a new conditional use permit if proposed subsequent to the original conditional use permit.

1. Convenience markets are permitted provided no automotive repair or truck or trailer rental is permitted on the same site.

2. Automatic washing, cleaning and waxing of vehicles. Such activity shall be of an integral design with the main structure.

3. Truck and utility truck rental is permitted provided the trucks do not exceed 25 feet in length and are stored a minimum of 50 feet from the street property lines.

230.34 Housing of Goods

All goods, wares, merchandise, produce, and other commodities which are stored or offered for sale or exchange in the commercial and industrial districts shall be housed in permanent buildings except as otherwise provided by this code.

230.36 Transportation Demand Management

A. **Purpose and Intent**. It is the purpose and intent to implement the requirements of Government Code Section 65089.3(a)(2), to mitigate the impacts that development projects may have on transportation mobility, congestion and air quality, and to promote transportation demand management strategies.

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

Alternative Transportation Mode. Any mode of travel that serves as an alternative to the single occupant vehicle. This can include all forms of ridesharing, public transit, bicycling or walking.

Building Size. The total gross floor area measured in square feet of a building or group of buildings at a worksite. Includes the total floor area of both new development and existing facilities.

Carpool. Two to six persons traveling together in a single vehicle.

Employee. Any person employed by a firm, person(s), business, educational institution, non-profit agency or corporation, government agency, or other entity which employs 100 or more persons at a

single worksite. "Employee" shall include persons employed on a full-time, part-time, or temporary basis.

Employer. Any person(s), firm, business, educational institution, government agency, non-profit agency or corporation, or other entity which employs or houses tenants that collectively employ 100 or more employees at a worksite on a full- and/or part-time/temporary basis.

Mixed Use Development. New development projects that integrate any one of these land uses with another: residential, office, commercial, industrial and business park.

Tenant. The lessee of facility space at a development project who may also serve as an employer.

Transportation Demand Management (TDM). The implementation of programs, plans or policies designed to encourage changes in individual travel behavior. TDM can include an emphasis on alternative travel modes to the single occupant vehicle (SOV) such as carpools, vanpools and transit; and reduction of VMT and the number of vehicle trips.

Vanpool. A vehicle occupied by seven or more persons traveling together.

Worksite. A building or group of buildings which are under common ownership and the place of employment, base of operation, or predominate location of an employee or group of employees.

C. **Applicability**.

1. These provisions apply to commercial, industrial, institutional, or other uses which are determined to employ 100 or more persons, as determined by the employee generation factors specified under paragraph 4 of this subsection. This includes any permit for existing facilities that already have 100 or more employees or will have 100 or more employees.

2. These provisions apply to all districts, planned communities and specific plan areas including those covered by development agreements. These provisions shall supersede other ordinances with which there is a conflict.

3. Notwithstanding paragraph 1 of this subsection, the following uses and activities shall be specifically exempt from the provisions of this section:

a. Temporary construction activities on any affected project, including activities performed by engineers, architects, contract subcontractors and construction workers.

b. Other temporary use classifications or as authorized by the ~~Planning Zoning Administrator/D~~**d**irector when such temporary activities are for a period not to exceed 30 days and held no more than once a year.

4. Employee generation factors shall be based on one of the following:

a. Employment projections developed by the property owner, subject to approval by the director;

b. Building sizes shall be considered equivalent to the 100 employee threshold as follows:

Type of Use	**Building Size (in Sq. Ft.) Equivalent to 100 Employees**
Office/Professional	35,000
Hospital and Medical/Dental	40,000

Industrial (Excluding Warehouses)	50,000
Commercial/Retail	50,000
Hotel	0.8 Employees/Hotel Room
Motel	1.2
Resort Hotel	100,000
Mixed or Multiple Use	*
Warehouse	100,000

* The employment projection for a development of mixed or multiple uses shall be calculated on a case by case basis based upon the proportion of development devoted to each type of use.

D. **Site Development Standards.** Development projects subject to this section shall comply with the following site development standards:

1. Parking for Carpool Vehicles.

a. The following percentages of the total required parking spaces per Chapter 231 shall be reserved and designated for employee carpool vehicles by making such spaces "Carpool Only":

Type of Use	**Percent of Total Parking Devoted to Employee Carpool Parking**
Office Professional	13%
Hospital and Medical/Dental Office	9%
Industrial/Warehouse	14%
Commercial/Retail	5%
Hotel	Space for every 2 employees

b. Carpool spaces shall be located near the building's identified employee entrance(s) or at other preferential locations within the employee parking areas as approved by the director.

2. Shower and Locker Facilities. Shower and locker facilities shall be provided for use by employees or tenants who commute to the site by bicycle or walking. The use of such facilities shall be provided at no cost to the user. The design of such facilities shall be shown on the plot plans in the permit application and conform to the following:

a. Lockers shall be provided at a minimum ratio of one for every 20 employees.

b. Separate shower facilities shall be provided at a minimum rate of two per 100 employees.

3. Bicycle Parking.

a. Bicycle parking facilities shall be provided at the minimum rate of one bicycle parking space for every 20 employees or fraction thereof, in a secure location, and in close proximity to employee entrances, for use by employees or tenants who commute to the site by bicycle.

b. A bicycle parking facility shall be a stationary object to which the user can lock the bicycle frame and both wheels with a user provided six-foot cable and lock.

4. Commuter Information Areas. A commuter information area shall be provided to offer employees appropriate information on alternative transportation modes. This area shall be centrally located and accessible to all employees or tenants and shall be sufficient size to accommodate such information on alternative transportation modes.

5. Passenger Loading Areas. Unless determined unnecessary by the decision maker, per Title 24, passenger loading areas to embark and disembark passengers from rideshare vehicles and public transportation shall be provided as follows:

a. Passenger loading area shall be large enough to accommodate the number of waiting vehicles equivalent to one percent of the required parking for the project.

b. The passenger loading areas shall be located as close as possible to the identified employee entrance(s), and shall be designed in a manner that does not impede vehicular circulation in the parking area or in adjoining streets.

6. Parking for Vanpool Vehicles. Unless determined unnecessary by the decision maker, per Title 24, parking for vanpool vehicles shall be provided as follows:

a. The number of vanpool parking spaces shall be at least one percent of the employee carpool parking spaces and reserved for such by marking the spaces "Vanpool Only."

b. For parking structures, vanpool vehicle accessibility shall include minimum seven-foot-two-inch vertical clearance.

c. Vanpool parking spaces shall be located near identified employee entrance(s) or other preferential locations.

7. Bus Stops. Unless determined unnecessary by the decision maker, per Title 24, bus shelter, pullouts, and pads shall be provided as necessary in consultation with affected transit service providers.

230.38 Game Centers

The following supplemental requirements shall apply to the operation of game centers, including mechanical or electronic games or any other similar machine or device, in order to control the location and hours of operation of game centers so as not to allow school children to play the games during school hours or to encourage minors to congregate in areas close to commercial establishments that sell alcoholic beverages. The following conditions shall apply:

A. **Neighborhood Notification**. Submit a request to the director with neighborhood notification pursuant to Chapter 241.

B. **Adult Manager**. At least one adult manager shall be on the premises during the time a game center is open to the public.

C. **Hours of Operation for Minors Under 18 Years of Age**. No game center owners, manager or employees shall allow a minor under 18 years of age to play a mechanical or electronic game machine during the hours the public schools of the district in which the center is located are in session, or after 9:00 p.m. on nights preceding school days, or after 10:00 p.m. on any night. It is the responsibility of the owner or manager of the game center to obtain a current schedule of school days and hours.

D. **Locational Criteria**. A game center shall not be permitted within 2,500 feet of a school site, 300 feet of the boundary of a residential district, or within 500 feet of a liquor store, a nightclub, cocktail lounge or bar. The distance shall be measured as walking distance from the game center to the property line of the school site, the district boundary, or the property line of the liquor store, nightclubs, cocktail lounge, or bar, as the case may be.

E. **Restrictions**. The director may impose reasonable restrictions on the physical design, location, and operation of a game center and require a special bicycle parking area in order to minimize the effects of noise, congregation, parking, and other nuisance factors that may be detrimental to the public health, safety and welfare of the surrounding community. (3710-6/05)

230.40 Helicopter Takeoff and Landing Areas

A. **Permit Required**. A conditional use permit may be issued for the construction and operation of a heliport, helipad, or helistop if the Planning Commission finds that:

1. The helipad, heliport, or helistop conforms to the locational criteria and standards established in subsections B and C of this section, and the requirements of the California Department of Transportation, Division of Aeronautics;

2. The heliport, helipad, or helistop is compatible with the surrounding environment; and

3. The proposed operation of the helicopter facility does not pose a threat to public health, safety or welfare.

The commission may impose conditions of approval on the conditional use permit to prevent adverse impacts on surrounding properties. If such impacts can not be mitigated to an acceptable level, the conditional use permit application shall be denied.

B. **Locational Criteria**.

1. Minimum Separation. Minimum separation between heliports, helipads, and helistops shall be 1.5 miles, except for facilities specifically intended for emergency use, such as medical evacuation or police functions, and temporary landing sites.

2. Protected Areas. No heliport, helipad, or helistop shall be located within 1,000 feet of an R district or the site of a public or private school, except for heliports or helistops specifically intended only for emergency or police use. Temporary landing sites within 1,000 feet of a public or private school may be allowed with a temporary use permit subject to approval of the California Department of Transportation.

C. **Site Development Standards**.

1. Approach and departure paths 65 feet wide shall be free of obstruction for a minimum distance of 400 feet.

2. Setbacks from property lines shall be as follows:

   a. Takeoff and landing area: 50 feet;

   b. Helicopter maintenance facilities: 25 feet;

   c. Administrative or operations building: 15 feet.

3. Any lighting used for nighttime operations shall be directed away from adjacent properties and public rights-of-way.

4. A telephone shall be provided on or adjacent to the heliport, helipad or helistop.

5. Helipads or helistops intended for emergency use shall have a landing pad with a standard landing area designated and the words "Emergency Only." The initial direction of the departure routes shall be indicated on the takeoff and landing area.

D. **Application Requirements**. The following additional information shall be submitted with a conditional use permit application:

1. An area map, at a scale of 1″ = 800′ showing existing land use within a two-mile radius of the facility site and the proposed flight paths.

2. A plot plan of the site and vicinity, including all land within a 400-foot radius of the takeoff and landing area, that shows clearly the height of the takeoff and landing area; the height of existing, approved and proposed structures and trees within 50 feet of the approach and takeoff flight paths; and the maximum allowable building height under existing zoning.

3. A description of the proposed operations, including the type of use, names and descriptions of helicopters expected to use the facility, and anticipated number and timing of daily flights.

4. A helicopter noise study including a map of the approach and departure flight paths at a scale of 1″ = 800′ showing existing day/night average noise levels in decibels (LDN noise contours), future day/night average noise levels with the proposed facility and anticipated flight operations, and single event maximum sound levels associated with the types of helicopters expected to use the facility. (3710-6/05)

230.42 Bed and Breakfast Inns

A. **Permit Required**. The Zoning Administrator may approve a conditional use permit for a bed and breakfast inn in any C District and RMH A District after a duly noticed public hearing upon finding that:

1. The bed and breakfast inn will be operated by a property owner living on the premises;

2. The bed and breakfast inn conforms to the design and development standards of subsection B of this section and is compatible with adjacent buildings in terms of building materials, colors and exterior finishes; and

3. Public and utility services, including emergency access, are adequate to serve the bed and breakfast inn.

B. **Design and Development Standards.**

1. Minimum Size and Maximum Number of Guest Rooms. The inn shall contain at least 2,000 square feet, but no more than six rooms shall be rented for lodging.

2. Parking. The requirements of Chapter 231 shall apply.

3. Signs. The requirements of Chapter 233 apply. In addition, in the RMH A district, no identifying sign shall be displayed other than a sign no larger than two square feet identifying the name of the establishment. The face of the sign may be indirectly illuminated by an exterior light source entirely shielded from view, but no internal illumination from an interior light source shall be permitted. (3710-6/05)

230.44 Recycling Operations

Collection containers shall be permitted for charitable organizations such as Goodwill. ~~Recycling containers shall be permitted as an accessory use to a permitted use.~~ Recycling and collection containers shall not be located within required parking or landscaped areas or obstruct pedestrian paths. Recycling as an accessory use shall not exceed 500 square feet including any required attendant parking space. A recycling operation as a primary use shall comply with the development standards contained in Chapter 212.

230.46 Single Room Occupancy

Single room occupancy (SRO) shall comply with the following requirements:

A. **General Provisions.**

1. All projects shall comply with the most recently adopted City building, plumbing, mechanical, electrical, fire, and housing codes.

2. No more than one person shall be permitted to reside in any unit, excluding the manager's unit and up to 25% of the total number of units which have double occupancy.

3. A management plan shall be submitted for review and approval with the conditional use permit application. The management plan shall contain management policies, operations, emergency procedures, overnight guest policy, security program including video cameras monitoring building access points at every floor, rental procedures and proposed rates, maintenance plans, staffing needs, and tenant mix, selection and regulations. Income levels shall be verified by a third party and submitted to the City of Huntington Beach as part of the annual review.

4. An on-site 24-hour manager is required in every SRO project. In addition, a manager's unit shall be provided which shall be designed as a complete residential unit, and be a minimum of 300 square feet in size.

5. Rental procedures shall allow for monthly tenancies only; deposit requirements shall be specified.

6. All units within SRO projects shall be restricted to very low and low income individuals as defined by the City's housing element, with the exception of the 24-hour manager. Rental rates shall be calculated using a maximum of 30% of income toward housing expenses based on County of Orange income figures.

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 Planning and Economic Development Departments which includes the range of monthly rents, the monthly income of residents, occupancy rates, and the number of vehicles owned by residents.

8. The Planning Commission or City Council may revoke the conditional use permit if any violation of conditions or any of the adopted Huntington Beach codes occurs.

B. **Unit Requirements**.

1. Minimum unit size shall be 250 square feet except double occupancy units shall be a minimum of 400 square feet.

2. Maximum unit size shall be 300 square feet excluding manager's unit and double occupancy units.

3. Each unit shall contain a kitchen and bathroom.

a. Kitchens shall contain a sink with garbage disposal, counter top (minimum 16″ x 24″), refrigerator, and stove/oven unit and/or microwave;

b. If stoves/oven units are not provided in each unit, then stoves/oven units shall be provided in a common kitchen area(s).

c. Bathrooms shall contain a lavatory, toilet, and shower or bathtub.

d. Each unit shall have a minimum 48 cubic feet of closet/storage space.

C. **Project Requirements**.

1. Common recreational space shall be provided in each project as follows:

a. Minimum common recreational space shall be 400 square feet.

b. For projects exceeding 30 units, an additional 10 square feet of recreational space per unit is required.

Units that are 400 square feet or greater shall have a minimum of 15 square feet of recreational space per unit.

c. Common recreational space may be indoor or outdoor provided there is at least 40% allotted toward indoor space and 40% outdoor space; the balance may be either indoors or outdoors.

d. Common recreational space may be in separate areas provided each space is not less than 200 square feet in size and has no less than a 10-foot dimension.

2. A single controlled entryway for routine ingress and egress shall be situated adjacent to and in full view of the manager's desk.

3. A secured office area shall be incorporated in the facility for the storage of confidential resident records and security office personnel.

4. Mailboxes shall be provided for each unit located near the lobby in plain view of the entry desk.

5. Handicap access facilities shall be as required by applicable state or local law.

6. At least one handicapped accessible unit shall be required for every 20 units.

7. Laundry facilities shall be provided in a separate room in a location near the common indoor recreational space. Washers and dryers may be coin operated.

8. A cleaning supply storeroom and/or utility closet with at least one laundry tub with hot and cold water on every floor shall be provided on every floor.

9. Storage Lockers.

a. Storage lockers shall be provided in a secured area.

b. The cumulative total of locker space shall be no less than a ratio of 10 cubic feet per unit.

10. All common indoor space areas shall have posted in a conspicuous location a notice from the City's Planning Department regarding contact procedures to investigate housing code violations.

11. Bicycle stalls shall be provided at a minimum of one stall per five units in a secured and enclosed and covered area.

12. Trash disposal chutes as well as a centralized trash area shall be provided on all multi-story projects.

13. A minimum of two pay telephones shall be provided in the lobby area. The telephone service shall only allow outgoing calls.

14. Phone jack(s) shall be provided in each unit.

15. A shipping and receiving/maintenance garage shall be provided near a convenient vehicular access on the ground floor. (3494-5/01)

230.48 Equestrian Centers

A. **Permit Required**. Equestrian centers shall be permitted in the OS-PR and PS Districts, subject to the approval of a conditional use permit by the Planning Commission. Where all off-site improvements are not provided, initial approval shall be for a maximum period of five years subject to annual review. One-year extensions of time may be granted after public hearing by the Planning Commission. On requests to allow a facility on a permanent basis, the Planning Commission shall determine required improvements based on the existing and proposed land uses and the existing off site improvements within the area.

B. **Design and Development Standards.**

1. Minimum Parcel Size/Frontage. The minimum lot size and lot frontage shall be:

	Area	**Frontage**
Temporary facilities:	2 acres	100 feet
Permanent facilities:	5 acres	100 feet

2. Density/Riding Areas. Maximum density for horse facilities shall be determined by the following criteria:

a. Maximum density shall be 25 horses per acre.

b. Minimum riding area shall be 5,000 square feet per 15 horses. For facilities with over 100 horses, two separate arenas shall be provided. In the alternative, off-site riding area shall be provided adjacent to the facility at the rate of one acre per 15 horses.

c. Exercise rings shall have no dimension less than 30 feet.

d. The minimum arena size shall be 10,000 square feet with no dimension less than 80 feet.

3. Maximum Building Height. Maximum building height shall be 30 feet.

4. Required Setbacks.

Front:	50 feet (30 feet for caretaker's residence)
Interior side:	25 feet
Exterior side:	50 feet
Rear:	25 feet
Minimum distance to any residential zone or use:	300 feet

5. Corral Design. Corrals designed for one horse shall comply with the following requirements. Corrals designed for more than one horse shall provide a minimum area per horse as indicated below. All corrals, racks and stalls shall be of compatible design, materials to be approved by the fire department.

a. Corral size: 288 square feet; minimum dimension: 12 feet.

Shelter size: 96 square feet; minimum dimension: 8 feet.

b. Each corral shall have an approved water system with automatic drinking controls provided.

c. Box stalls may be provided in lieu of horse corrals. Such stalls shall be a minimum of 144 square feet with no dimension less than 12 feet.

6. Wash Rack. One wash rack per 35 horses or fraction thereof shall be provided subject to the following requirements. Wash racks designed for more than one horse shall provide a minimum area per 35 horses as indicated below:

a. Individual wash racks shall be six by eight feet.

b. Each wash rack shall have an approved watering system and be connected to a sewer facility with a back siphon device at the water source.

c. A concrete slab floor shall be provided.

C. **Insect and Rodent Control.**

1. Feed mangers or boxes shall not be placed near water sources.

2. Nonleak valves shall be provided for all troughs, bowls, cups and other water sources.

3. Automatic valves or sanitary drains shall be provided for large troughs or cups.

4. Grading in paddocks and corrals shall be properly integrated into a master drainage plan to prevent ponding of water. Shelters shall be sloped away from the center of the corrals, or rain gutters shall be installed to the exterior of the corral.

5. Method of disposal of solid wastes shall be approved by Planning Commission. Trash disposal areas and dumpsters shall be designated and conveniently located with an all-weather road access provided.

6. All dry grains shall be stored in rodent proof metal containers and hay storage shall be covered. Bulk or commercial amounts of grain or hay shall be located a minimum of 50 feet away from any horse enclosure.

D. **Miscellaneous Operating Requirements.**

1. The ground surface of horse enclosures shall be graded above their surroundings. A grading plan shall be submitted prior to issuance of a conditional use permit.

2. Storage and tack areas shall be designated on the site plan.

3. Continuous dust control of the entire premises shall be maintained subject to the regulations contained in Huntington Beach Municipal Code Chapter 8.24. The method for water sprinkling arenas and exercise pens shall be indicated on the site plan.

4. A permanent single family residence shall be provided on the site with a watchman on duty 24 hours a day. Two fully enclosed parking spaces shall be provided. Where a mobilehome is used to satisfy this requirement, one carport space and one open space shall be permitted.

5. A back siphoning device shall be installed to protect the public water supply. An approved pressure vacuum breaker is recommended on the waterline serving the corrals. The vacuum breaker shall be at least 12 inches above the highest point of water usage or an approved double check valve may be used.

6. Security lighting shall be confined to the site and all utilities shall be installed underground.

7. A log containing the name of every horse, its location in the facility, the owner's name and address, and the names and addresses of persons to be notified in case of emergency shall be maintained in the watchman's quarters for ready reference.

8. All fire protection appliances, appurtenances, emergency access, and any other applicable requirements, pursuant to Huntington Beach Municipal Code Chapter 17.56, shall meet the specifications of the fire department.

9. The entire site, exclusive of riding areas, shall be fenced in such a manner as to confine horses within the site in order to protect the perimeter landscaping from damage. Individual corrals shall be enclosed by a minimum five-foot high fence.

E. **Off-Street Parking and Landscaping.**

1. Parking and circulation design shall comply with the standards outlined in Chapter 231. In addition, the perimeter of the parking area shall be delineated by pilasters or wooden poles with chain, cable, or heavy rope connectors. The parking lot shall be surfaced in accord with the specifications of the Department of Public Works.

2. Landscaping, as set out in Chapter 232, shall be provided except that the minimum landscaped area required shall be a 10-foot wide (inside dimension) planter along all property lines.

230.50 Indoor Swap Meets/Flea Markets

Indoor swap meets/flea markets shall comply with the following requirements:

A. **Conditional Use Permit Required**. Indoor swap meets/flea market uses may be permitted as temporary uses only upon approval of conditional use permit by the ~~Planning Commission~~ **Zoning Administrator** for a period of time not to exceed 10 years. One year extension of time may be granted after public hearing by the ~~Planning Commission~~ **Zoning Administrator**.

B. **Location Considerations**. The ~~Planning Commission~~ **Zoning Administrator** shall consider the following issues when evaluating a proposed conditional use permit:

1. The site's proximity to residences, schools, hospitals and other noise sensitive uses.

2. The potential adverse impacts on traffic circulation and pedestrian safety.

3. The site's proximity to other indoor swap meets/flea markets to avoid overconcentration of facilities.

4. The site's proximity to businesses processing hazardous materials.

C. **Location Criteria**. Indoor swap meet/flea market uses shall only be allowed on property located adjacent to arterial streets.

D. **Minimum Building Size**. Minimum building gross floor area shall be 100,000 square feet.

E. **Miscellaneous Requirements**.

1. Ancillary Uses. Ancillary uses may be permitted as included on the approved site plan. Such uses shall be included as part of the initial conditional use permit requirements or shall be subject to new entitlement if proposed after the initial application has been filed.

2. Signs. Individual vendors shall not be permitted any outdoor signs, including temporary. Signs shall comply with the standards outlined in Chapter 233.

3. Parking. Parking shall comply with the standards outlined in Chapter 231.

230.52 Emergency Shelters

Emergency shelters may be permitted subject to the following requirements:

A. A single emergency shelter for 50 occupants, or a combination of multiple shelters with a combined capacity not to exceed 50 occupants, shall be permitted. Religious assembly uses within

an industrial zone may establish emergency shelters for up to 30 occupants provided they meet the minimum development standards of the zone in which they are located.

B. Stays at the emergency shelter facility shall be on a first-come first-serve basis with clients housed on-site. Clients must vacate the facility by 8:00 a.m. each day and have no guaranteed bed for the next night.

C. Maximum stay at the facility shall not exceed 120 days in a 365-day period.

D. A minimum distance of 300 feet shall be maintained from any other emergency shelter, as measured from the property line.

E. An on-site client intake and waiting area shall be provided in a location not adjacent to the public right-of-way, be fully screened from public view, and provide consideration for weather events including shade and rain cover. The waiting area shall contain a minimum area of 10 square feet per bed.

F. Any provision of on-site outside storage shall be fully screened from public view.

G. Exterior lighting shall be provided for the entire outdoor area of the site consistent with the Huntington Beach Zoning and Subdivision Ordinance.

H. A minimum of one staff person per 15 beds shall be awake and on duty during facility hours of operation.

I. On-site parking shall be provided at the ratio of one space per staff member, plus one space for every five beds and an additional one-half space for each bedroom designated for families with children.

J. A safety and security plan shall be submitted to the Director of Planning 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.

K. A proposed emergency shelter offering immediate and short-term housing may provide supplemental services to homeless individuals or families. These services may include, but are not limited to, the following:

1. An indoor and/or outdoor recreation area.

2. A counseling center for job placement, educational, health care, legal or mental services, or similar services geared toward homeless clients.

3. Laundry facilities to serve the number of clients at the shelter.
4. Kitchen for the preparation of meals.
5. Dining hall.
6. Client storage area (i.e., for the overnight storage of bicycles and personal items). (3861-2/10)

230.54 Reserved

230.56 Reserved

230.58 Reserved

230.60 Reserved

Article III. All Districts

230.62 Building Site Required

No building or structure shall be erected or moved onto any parcel of land in the City except on a lot certified in compliance with the Subdivision Map Act and local subdivision and zoning provisions at time of creation or on a parcel created as a result of a public taking. No building or structure shall be altered or enlarged to increase the gross floor area by more than 50% within any one-year period except on a legal building site.

230.64 Development on Substandard Lots

Development on substandard lots shall be subject to approval of a conditional use permit by the Zoning Administrator. A legally created lot having a width or area less than required for the base district in which it is located may be occupied by a permitted or conditional use if it meets the following requirements or exceptions:

A. The lot must have been in single ownership separate from any abutting lot on the effective date of the ordinance that made it substandard. Two or more contiguous lots held by the same owner shall

be considered as merged if one of the lots does not conform to the minimum lot size or width for the base district in which it is located.

B. A substandard lot shall be subject to the same yard and density requirements as a standard lot, provided that in an R district, one dwelling unit may be located on a substandard lot that meets the requirements of this section.

C. An existing legal lot comprising a minimum size of 5,000 square feet or greater and a minimum width of 50 feet or greater shall not be considered substandard for purposes of this section.

230.66 Development on Lots Divided by District Boundaries

The standards applicable to each district shall be applied to the area within that district. No use shall be located in a district in which it is not a permitted or conditional use. Pedestrian or vehicular access from a street to a use shall not traverse a portion of the site in a district in which the use is not a permitted or conditional use.

230.68 Building Projections Into Yards and Courts

Projections into required yards and courts shall be permitted as follows:

Allowable Projections in Feet[a]

	Front Yard	Side Yard	Street Side Yard	Rear Yard
Fireplace or chimney	2.5	2.5[b]	2.5	2.5
Cornice, eaves and ornamental features	3	2.5[b]	3	3
Mechanical equipment	2	2[b]	2[b]	2
Uncovered porches, terraces, platforms, subterranean garages, decks, and patios not more than 3 feet in height serving only the first floor	6	3	4	5
Stairs, canopies, awnings and uncovered porches more than 3 feet in height	4	2[b]	4	4[b]
Bay windows	2.5	2.5[b]	2.5	2.5
Balconies	3	2[b]	3	3
Covered patios	0	0	5[c]	5

Notes:

[a] No individual projection shall exceed 1/3 of the building length, and the total of all projections shall not exceed 2/3 of the building length on which they are located.
[b] A 30-inch clearance from the property line shall be maintained.
[c] No projection shall extend more than 1/2 the width of the street side yard.

230.70 Measurement of Height

This section establishes standards for determining compliance with the maximum building height limits prescribed for each zoning district or as modified by an overlay district.

A. Datum (100) shall be set at the highest point of the curb along the front property line. If no curb exists, datum shall be set at the highest centerline of the street along the front property line.

B. The differential between top of subfloor and datum shall be a maximum of two feet as determined by Public Works. In the event that any subfloor, stemwall or footing is proposed greater than two feet above datum, the height in excess shall be deducted from the maximum allowable ridgeline height.

C. Lots with a grade differential of three feet or greater between the high point and the low point, determined before rough grading, shall be subject to conditional use permit approval by the Zoning Administrator. Conditional use permit approval shall be based upon a building and grading plan which terraces the building with the grade and which is compatible with adjacent development.

230.72 Exceptions to Height Limits

Chimneys; vent pipes; cooling towers; flagpoles; towers; spires; domes; cupolas; parapet walls not more than four feet high; water tanks; fire towers; transmission antennae (including wireless communication facilities); radio and television antennas (except satellite dish antennae); and similar structures and necessary mechanical appurtenances (except wind driven generators) may exceed the maximum permitted height in the district in which the site is located by no more than 10 feet. The Zoning Administrator may approve greater height with a conditional use permit. Within the coastal zone exceptions to height limits may be granted only when public visual resources are preserved and enhanced where feasible. (3334-6/97, 3568-9/02)

230.74 Outdoor Facilities

A. **Permit Required**. Outdoor storage and display of merchandise, materials, or equipment, including display of merchandise, materials, and equipment for customer pick up, shall be subject to approval of a conditional use permit by the Zoning Administrator in the CG, IL, IG, CV and SP districts. Sidewalk cafés with alcoholic beverage service and/or outdoor food service accessory to an eating and drinking establishment shall be permitted subject to approval of a conditional use permit by the Zoning Administrator in the CO, CG, CV, OS and SP districts, but no outdoor preparation of food or beverages shall be permitted.

B. **Permit Conditions—Grounds for Denial**. The Zoning Administrator may require yards, screening, or planting areas necessary to prevent adverse impacts on surrounding properties. If such impacts cannot be prevented, the Zoning Administrator shall deny the conditional use permit application.

C. **Exceptions**. Notwithstanding the provisions of subsections A and B of this section, outdoor storage and display shall be permitted in conjunction with the following use classifications in districts where they are permitted or conditionally permitted:

1. Nurseries, provided outdoor storage and display is limited to plants, new garden equipment and containers only; and

2. Vehicle/equipment sales and rentals, provided outdoor storage and display shall be limited to vehicles, boats, or equipment offered for sale or rent only.

D. **Screening**. Outdoor storage and display areas for rental equipment and building and landscaping materials shall be screened from view of streets by a solid fence or wall. The height of merchandise, materials, and equipment stored or displayed shall not exceed the height of the screening fence or wall. (3525-2/02)

230.76 Screening of Mechanical Equipment

A. **General Requirement**.

1. Except as provided in subsection B of this section, all exterior mechanical equipment, except solar collectors and operating mechanical equipment in an I district located more than 100 feet from another zoning district boundary, shall be screened from view on all sides. Equipment to be screened includes, but is not limited to, heating, air conditioning, refrigeration equipment, plumbing lines, ductwork, and transformers.

2. Screening of the top of equipment may be required by the director, if necessary to protect views from an R or OS district. Rooftop mechanical equipment shall be set back 15 feet from the exterior edges of the building.

B. **Utility Meters and Backflow Prevention Devices**. Utility meters shall be screened from view from public rights-of-way. Electrical transformers in a required front or street side yard shall be enclosed in subsurface vaults **or other location approved by the director**. Backflow prevention devices shall not be located in the front yard setback and shall be screened from view.

C. **Screening Specifications**. A mechanical equipment plan shall be submitted to the director to ensure that the mechanical equipment is not visible from a street or adjoining lot.

230.78 Refuse Storage Areas

Refuse storage area screened on three sides by a six-foot masonry wall and equipped with a gate, or located within a building, shall be provided prior to occupancy for all multi-family residential, commercial, industrial, and public/semipublic uses. Locations, horizontal dimensions, and general design parameter of refuse storage areas shall be as prescribed by the director~~, subject to appeal to the Planning~~

~~Commission~~. The trash area shall not face a street or be located in a required setback. The design and materials used in such trash enclosures shall harmonize with the main structure.

230.80 Antennae

A. **Purpose**. The following provisions are established to regulate installation of antennae to protect the health, safety, and welfare of persons living and working in the City and to preserve the aesthetic value and scenic quality of the City without imposing unreasonable limitations on, prevent the reception of signals, or imposing excessive costs on the users of the antennae.

B. **Permit Required**. Approval by the director shall be required for the installation of an antenna or satellite antenna to ensure compliance with the locational criteria. Construction shall be subject to the provisions of the Uniform Building Code and National Electrical Code, as adopted by the City. Within the coastal zone, approval of a coastal development permit shall be required for installation of any antenna that meets the definition of development in Section 245.04 unless it is exempt pursuant to Section 245.08.

C. **Locational Criteria—Satellite Antennae**. A satellite antenna may be installed on a lot in any zoning district if it complies with the following criteria:

1. Number. Only one satellite antenna may be permitted on a residential lot.

2. Setbacks. Interior side and rear property lines, 10 feet, except that no setback shall be required in interior side and rear setback areas if the antenna or satellite antenna does not exceed six feet in height. No antenna or satellite antenna shall be located in a required front yard. When roof mounted, the antenna or satellite antenna shall be located on the rear one half of the roof.

3. Maximum Height.

   a. The maximum height of a satellite antenna shall not exceed 10 feet if installed on the ground or the maximum building height for the district in which the satellite antenna is located, if roof mounted.

   b. The maximum height of an antenna shall not exceed the maximum building height for the district in which the antenna is located.

4. Maximum Dimension. The maximum diameter of a satellite antenna shall not exceed 10 feet in all districts with the exception that the diameter may be increased in nonresidential districts if a conditional use permit is approved by the Zoning Administrator.

5. Screening. The structural base of an antenna or satellite antenna, including all bracing and appurtenances, but excluding the antenna or dish itself, shall be screened from public view and adjoining properties by walls, fences, buildings, landscape, or combinations thereof not less than seven feet high so that the base and support structure are not visible from beyond the boundaries of the site at a height-of-eye six feet or below.

6. Undergrounding. All wires and/or cables necessary for operation of the antenna or satellite antenna or reception of the signal shall be placed underground, except for wires or cables attached flush with the surface of a building or the structure of the antenna or satellite antenna.

7. Surface Materials and Finishes. No advertising or text or highly reflective surfaces shall be permitted.

8. Exception. Requests for installation of an antenna or satellite antennae on sites that are incapable of receiving signals when installed pursuant to the locational criteria may be permitted subject to conditional use permit approval by the Zoning Administrator. The applicant shall submit documentation that installation at a height greater than permitted, or in another yard area, is necessary for the reception of usable antenna or satellite signals. Applications shall be approved upon finding that the aesthetic value and scenic quality of the City is preserved, pedestrian or vehicular traffic vision is not obstructed, and upon the findings contained in Chapter 241. (3334-6/97, 3568-9/02)

230.82 Performance Standards for All Uses

A. **Applicability and Compliance**. The development standards set forth in this section apply to every use classification in every zoning district unless otherwise specifically provided. The director may require evidence of ability to comply with development standards before issuing an entitlement.

B. **Air Contaminants**. Every use must comply with rules, regulations and standards of the South Coast Air Quality Management District (SCAQMD). An applicant for a zoning permit or a use, activity, or process requiring SCAQMD approval of a permit to construct must file a copy of the SCAQMD permit with the director. An applicant for a use, activity, or process that requires SCAQMD approval of a permit to operate must file a copy of such permit with the director within 30 days of its approval.

C. **Water Quality**. Every use must comply with rules, regulations and standards of the federal government; State and Regional Water Quality Control Boards; Orange County Municipal NPDES stormwater permit (Santa Ana Regional Water Quality Control Board Order No. R8-2009-0030, dated May 22, 2009, or any amendment to or re-issuance thereof); the City of Huntington Beach Municipal Codes, including Chapters 14.24, 14.25, and 17.05; and the California Coastal Act, where applicable. An applicant for a zoning permit, building permit, or a coastal development permit must demonstrate compliance with aforementioned rules, regulations and standards prior to permit approval. General Plan and Local Coastal Program goals, objectives and policies shall be incorporated into water quality management programs prepared for development projects as applicable and to the maximum extent practicable. A Water Quality Management Plan, prepared by a registered California civil engineer, shall be required for all projects that may adversely impact water quality (including, but not limited to projects identified in the Orange County Municipal NPDES stormwater permit as priority development projects and projects creating more than 2,500 square feet of impervious surface that are within 200 feet of, or drain directly to, resource protection areas, and/or water bodies listed on the Clean Water Act Section 3030(d) list of impaired waters).

D. **Storage on Vacant Lot**. A person may not store, park, place, or allow to remain in any part of a vacant lot any unsightly object. This does not apply to building materials or equipment for use on the site during the time a valid building permit is in effect for construction on the premises.

E. **Archaeological/Cultural Resources**.

1. Within the coastal zone, applications for grading or any other development that have the potential to impact significant archaeological/cultural resources shall be preceded by a coastal

development permit application for implementation of an Archaeological Research Design (ARD). This is required when the project site contains a mapped archaeological site, when the potential for the presence of archaeological/cultural resources is revealed through the CEQA process, and/or when archaeological/cultural resources are otherwise known or reasonably suspected to be present. A coastal development permit is required to implement an ARD when such implementation involves development (e.g., trenching, test pits, etc.). No development, including grading, may proceed at the site until the ARD, as reflected in an approved coastal development permit, is fully implemented. Subsequent development at the site shall be subject to approval of a coastal development permit and shall be guided by the results of the approved ARD.

2. Archaeological Research Design (ARD). The ARD shall be designed and carried out with the goal of determining the full extent of the on-site archaeological/cultural resources and shall include, but not be limited to, postulation of a site theory regarding the archaeological and cultural history and pre-history of the site, investigation methods to be implemented in order to locate and identify all archaeological/cultural resources on site (including but not limited to trenching and test pits), and a recognition that alternative investigation methods and mitigation may become necessary should resources be revealed that indicate a deviation from the initially espoused site theory. The ARD shall include a mitigation plan based on comprehensive consideration of a full range of mitigation options based upon the archaeological/cultural resources discovered on site as a result of the investigation. The approved ARD shall be fully implemented prior to submittal of any coastal development permit application for subsequent grading or other development of the site. The ARD shall also include recommendations for subsequent construction phase monitoring and mitigation should additional archaeological/cultural resources be discovered.

3. The ARD shall be prepared in accordance with current professional practice, in consultation with appropriate Native American groups as identified by the Native American Heritage Commission (NAHC) and the State Historic Preservation Officer, subject to peer review, approval by the City of Huntington Beach, and, if the application is appealed, approval by the Coastal Commission. The peer review committee shall be convened in accordance with current professional practice and shall be comprised of qualified archaeologists.

4. Mitigation Plan. The ARD shall include appropriate mitigation measures to ensure that archaeological/cultural resources will not be adversely impacted. These mitigation measures shall be contained within a Mitigation Plan. The Mitigation Plan shall include an analysis of a full range of options from in-situ preservation, recovery, and/or relocation to an area that will be retained in permanent open space. The Mitigation Plan shall include a good faith effort to avoid impacts to archaeological/cultural resources through methods such as, but not limited to, project redesign, capping, and placing an open space designation over cultural resource areas.

5. A coastal development permit application for any subsequent development at the site shall include the submittal of evidence that the approved ARD, including mitigation, has been fully implemented. The coastal development permit for subsequent development of the site shall include the requirement for a monitoring plan for archaeological and Native American monitoring during any site grading, utility trenching or any other development activity that has the potential to uncover or otherwise disturb archaeological/cultural resources as well as appropriate mitigation measures for any additional resources that are found. The monitoring plan shall specify that archaeological monitor(s) qualified by the California Office of Historic

Preservation (OHP) standards, and Native American monitor(s) with documented ancestral ties to the area appointed consistent with the standards of the Native American Heritage Commission (NAHC) shall be utilized. The monitoring plan shall include, but not be limited to: (a) procedures for selecting archaeological and Native American Monitors; (b) monitoring methods; (c) procedures that will be followed if additional or unexpected archaeological/cultural resources are encountered during development of the site including, but not limited to, temporary cessation of development activities until appropriate mitigation is determined.

6. Furthermore, the monitoring plan shall specify that sufficient archaeological and Native American monitors must be provided to assure that all activity that has the potential to uncover or otherwise disturb cultural deposits will be monitored at all times while those activities are occurring. The monitoring plan shall be on-going until grading activities have reached sterile soil.

7. The subsequent mitigation shall be prepared in consultation with Native American Heritage Commission (NAHC), Native American trial group(s) that have ancestral ties to the area as determined by the NAHC, and the State Historic Preservation Officer, subject to peer review.

8. All required plans shall be consistent with the City of Huntington Beach General Plan and Local Coastal Program and in accordance with current professional practice, including but not limited to that of the California Office of Historic Preservation and the Native American Heritage Commission, and shall be subject to the review and approval of the City of Huntington Beach and, if appealed, the Coastal Commission. (3835-7/09, 3903-11/11)

230.84 Dedication and Improvements

A. **Dedication Required**. Prior to issuance of a building permit, or prior to the use of land for any purpose, all real property shall be dedicated or irrevocably offered for dedication which the City requires for streets, alleys, including access rights and abutters' rights, drainage, public utility easements, and other public easements. In addition, all streets and alleys shall be improved, or an agreement entered into for such improvements including access rights and abutters' rights, drainage, public utility easements, and other easements.

B. **Exceptions**. Dedication shall not be required prior to issuance of a building permit for:

1. Interior building alterations which do not exceed a third of the value of a building, as defined in the Uniform Building Code, and which effect no change of occupancy.

2. Exterior building alterations or additions for a residential use which do not exceed a third of the value of the building, as defined in the Uniform Building Code, and add no additional residential units.

3. Fences and walls.

4. Temporary uses, as specified in this code.

5. Horticultural Uses. The dedication herein required may be reviewed at the time of entitlement. Upon request by the applicant, a temporary postponement, not to exceed one year, may be granted upon consideration of the following criteria:

a. Type of horticultural use proposed.

b. Duration (temporary or permanent).

c. Vehicular access and effect of the proposed use on traffic in the vicinity of the site.

d. Relationship between the proposed requirements and an anticipated expanded use.

e. Dedication shall not be required for any purpose not reasonably related to such horticultural use.

C. **Dedication Determinants**. Right-of-way dedication width shall be determined by either of the following:

1. Department of Public Works standard plans; or

2. A precise plan of street, highway or alley alignment.

D. **Improvements**.

1. No building permit shall be issued by the Building Division until an application for permit has been filed, street improvements plans and specifications have been submitted for plan check, and all fees, established by resolution of the City Council, have been paid. The Building Division shall issue such building permit after determining that the work described in the application and the accompanying plans conforms to requirements of the Huntington Beach Building Code and other pertinent laws and ordinances.

2. The Building Division shall make a frame inspection, as required by the Huntington Beach Building Code, at which time all off-site improvements, including curbs, gutters, and street paving, shall be completed.

3. Improvements required by this code may be deferred in the following instances and upon adherence to the following requirements and regulations:

a. Where the grade of the abutting right-of-way has not been established prior to the time when on-site structures qualify for final release for occupancy.

b. Where a drainage system would be delayed by the installation of improvements.

c. Where an agreement is entered into with the City to install improvements by a date certain, said agreement shall be secured by a bond or deposit equal to 150% of the City's estimate (including inflation estimates) of the required improvements. Such bond or cash shall be deposited with the City Treasurer.

d. Where the developer has agreed with the City in writing that the deposit required by paragraph 3 of this subsection may be used by the City after an agreed upon time to complete the required improvements, the remainder of such deposit, if any, shall be returned to the developer upon completion of such improvements by the City.

e. The Director of Public Works is authorized to receive applications from persons desiring waivers of street improvement requirements and to enter into the necessary written agreements with such applicants. A nonrefundable fee set by resolution of the City Council shall accompany such application.

4. Where construction is limited to one lot and the erection of a detached single family dwelling thereon, street improvements shall include curb, gutter, sidewalk, street trees, street

lights, sewer and water main extensions, and 10 feet of street paving to meet Department of Public Works standards. Where necessary, temporary paving shall be installed to join existing street improvements.

230.86 Seasonal Sales

A temporary sales facility for the sale of seasonal products including Christmas trees, Halloween pumpkins, or a single, season agricultural product not grown on site are permitted adjacent to any arterial highway in any district and on all church or school sites as a temporary use approved by the director and in compliance with the following:

A. **Time Limit**.

1. A Christmas tree sales facility shall not be open for business during any calendar year prior to Thanksgiving.

2. A Halloween pumpkin sales facility shall not be open for business during any calendar year prior to October 1st.

3. A single agricultural product sales facility shall be approved for a period of time not to exceed 90 days.

B. **Merchandise to Be Sold**. A permitted Christmas tree or Halloween pumpkin sales facility may not sell items not directly associated with that season. Only one single, season agricultural product may be sold at any one time.

C. **Site Standards**.

1. Storage and display of products shall be set back not less than 10 feet from edge of street pavement, and shall not encroach into the public right-of-way.

2. A minimum of 10 off-street parking spaces shall be provided.

3. Ingress and egress to the site shall be reviewed by the Department of Public Works to insure that no undue traffic safety hazard will be created.

4. Temporary structures shall comply with Building Division standards.

5. Electrical permit shall be obtained if the facility is to be energized.

6. The facility shall comply with fire prevention standards as approved and enforced by the Fire Chief.

D. **Bond Required**. Prior to issuance of a business license and approval by the director, a $500.00 cash bond shall be posted with the City to ensure removal of any structure, cleanup of the site upon termination of the temporary use, and to guarantee maintenance of the property. A bond shall not be required for a seasonal sales facility operated in conjunction with a use on the same site.

E. **Removal of Facility**. The seasonal sales facility shall be removed and the premises cleared of all debris and restored to the condition prior to the establishment within 10 calendar days of Halloween, Christmas, or the expiration of the time limit for single season agricultural product.

230.88 Fencing and Yards

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

A. **Permitted Fences and Walls.**

1. Fences or walls a maximum of 42 inches in height may be located in any portion of a lot, except screen walls on lots in the RMH-A subdistrict shall be set back a minimum of three feet from the front property line. Fences or walls exceeding 42 inches in height may not be located in the required front yard, except as permitted elsewhere in this section.

2. Fences or walls a maximum of six feet in height may be located in required side and rear yards, except as excluded in this section. Fences or walls exceeding six feet in height may be located in conformance with the yard requirements applicable to the main structure except as provided for herein or in the regulations of the district in which they are located.

a. Fences and walls located adjacent to arterials along the rear and/or street side yard property lines, and behind the front setback, may be constructed to a maximum total height of eight feet including retaining wall with the following:

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

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

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

iv. Approval from Public Works Department.

b. Exception. A maximum two-foot lattice extension (wood or plastic) that is substantially open may be added to the top of the six foot high wall or fence on the interior property line without building permits so long as notification to the adjacent property owners is provided.

3. Fences or walls in the rear yard setback area of a through lot shall not exceed 42 inches in height. This subsection shall not apply to lots abutting arterial highways.

4. In the RL District, garden or wing walls or fences equal in height to the first floor double plate, but not exceeding nine feet, which are perpendicular to and entirely within a side yard may be constructed to the interior side property line and to within five feet of the exterior side property line provided they are equipped with a three-foot gate or accessway.

5. When residential property abuts open or public land or property zoned or used for office, commercial, or industrial purposes, an eight-foot high solid masonry or block wall may be constructed on the common side or rear property line.

6. Only at the time of initial construction of the dwellings and in order to allow variations in the street scene in R districts, fences or walls exceeding 42 inches in height may be permitted at a reduced front setback of six feet subject to plan review approval by the director in conformance with the following criteria:

a. The reduced setback shall be only permitted for five or more contiguous lots under the same ownership.

b. Such walls shall not encroach into the visibility triangular area formed by measuring seven and one-half feet along the driveway and 10 feet along the front property line at their point of intersection.

c. Such walls shall conform to all other applicable provisions of this section.

7. Retaining walls shall comply with the following:

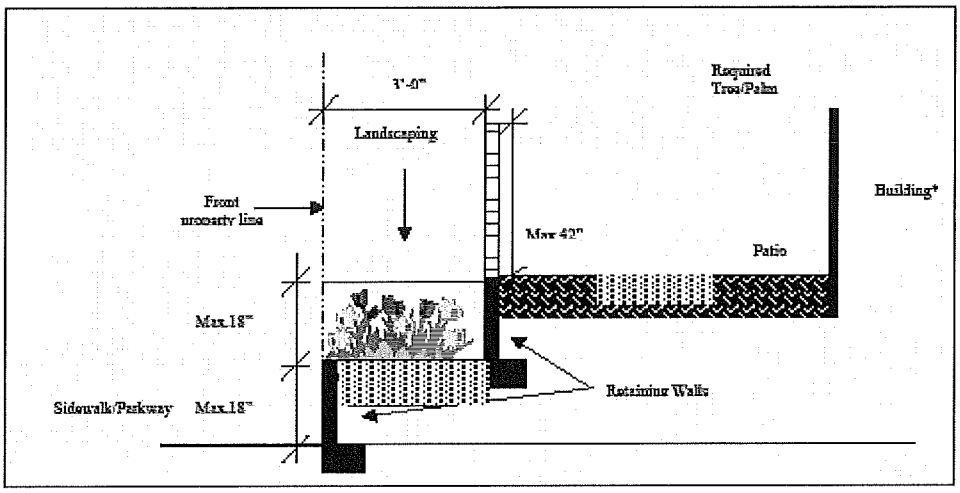
a. Where a retaining wall is located on the property line separating lots or parcels and protects a cut below the natural grade, such retaining wall may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed.

b. Where a retaining wall is on the property line of a rear yard abutting an arterial or exterior side yard and contains a fill of two feet or less or protects a cut below the existing grade, such retaining wall may be topped with a six-foot decorative masonry wall.

c. Where a retaining wall is on the property line of a rear yard abutting a local street, the maximum retaining wall height shall be 24 inches as measured from the adjacent curb and may be topped with a maximum 18-inch decorative wall or fence for a total height of 42 inches.

d. i. The maximum height of a retaining wall on the front property line shall be 36 inches as measured from the top of the highest adjacent curb. Subject to the director's approval, a maximum 42-inch high wall or fence may be erected above the retaining wall with a minimum three-foot setback from the front property line.

ii. In the RMH-A subdistrict, the maximum height of a retaining wall on the front property line shall be 18 inches as measured from the top of the highest adjacent curb. Subject to the director's approval, a second retaining wall up to 18 inches in height may be erected above the 18-inch high retaining wall with a minimum three-foot front setback. A wall or fence up to 42 inches in height may be erected on top of the retaining wall with the minimum three-foot front setback (see exhibit below).



* See maximum building height in Chapter 210.

e. All retaining walls abutting a street shall be waterproofed to the satisfaction of the director.

f. Retaining wall and fence combinations over eight feet in height shall be constructed with a variation in design or materials to show the distinction. Retaining wall and fence combinations over six feet in height shall be designed without decorative block or cap block, except if equal in strength to the main portion of the fence.

8. The height of any fence, wall or hedge located in the front yard setback shall be measured from top of the highest adjacent curb. All other fence heights shall be measured from existing grade.

9. Any fence or wall located on the front property line shall be approved by the Department of Public Works.

10. In the industrial districts, nine-foot-high fences may be permitted in the side and rear setbacks up to the front building line subject to plan review approval by the director.

11. Deviations from the maximum height requirements for walls as prescribed by this section may be permitted subject to an approval of conditional use permit by the Zoning Administrator.

12. Within the coastal zone, no gate, fence or wall shall be permitted that restricts or obstructs public access to the shore.

B. **Required Walls.**

1. When office, commercial or industrial uses abut property zoned or used for residential, a six-foot-high solid six-inch concrete block or masonry wall shall be required. If a wall meeting these standards already exists on the abutting residential property, protection from vehicle damage shall be provided by a method approved by the director. The maximum fence height shall be eight feet at the common property line, subject to the same design standards and setback requirements as specified for six-foot-high fences.

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

C. **Visibility**.

1. On reverse corner lots and corner lots abutting an alley, no fence, wall or hedge greater than 42 inches in height may be located within the triangular area formed by measuring 10 feet from the intersection of the rear and street side property lines **(see Diagram C)**.

2. On corner lots, no fence, wall, landscaping, berming, sign, or other visual obstruction between 42 inches and seven feet in height as measured from the adjacent curb elevation may be located within the triangular area formed by measuring 25 feet from the intersection of the front and street side property lines or their prolongation. Trees trimmed free of branches and foliage so as to maintain visual clearance below seven feet shall be permitted **(see Diagram A)**.

3. Visibility of a driveway crossing a street or alley property line or of intersecting driveways shall not be blocked between a height of 42 inches and seven feet within a triangular area formed by measuring 10 feet from intersecting driveways or street/alley and driveway **except in situations where the garage is constructed with less than a ten foot setback from the alley right-of-way. In those situations the measurement of the visibility triangle shall start at each corner or side of the garage door, measured perpendicular to the rear property line, then measured ten feet away from the edge of the garage door and parallel to the rear property line (typically the alley right-of-way). The maximum height of any structures or landscaping within this triangular zone shall be 42 inches high (see Diagram D)**.

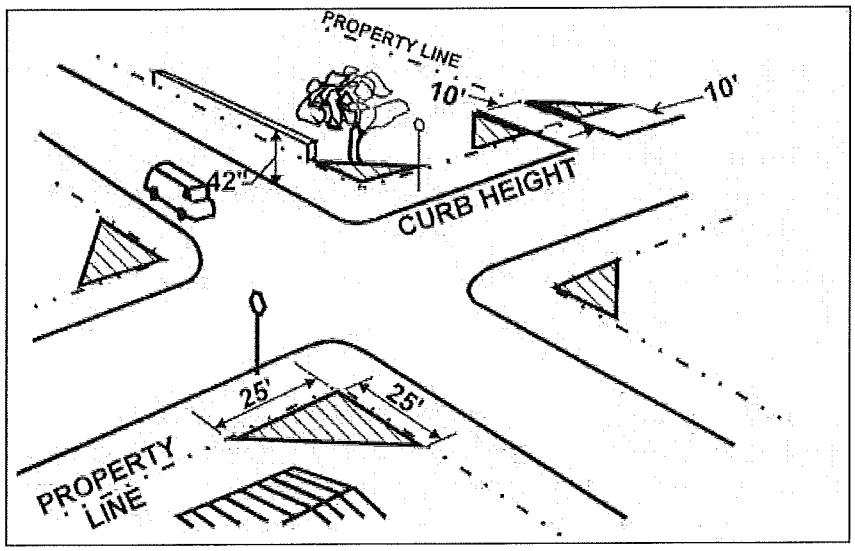
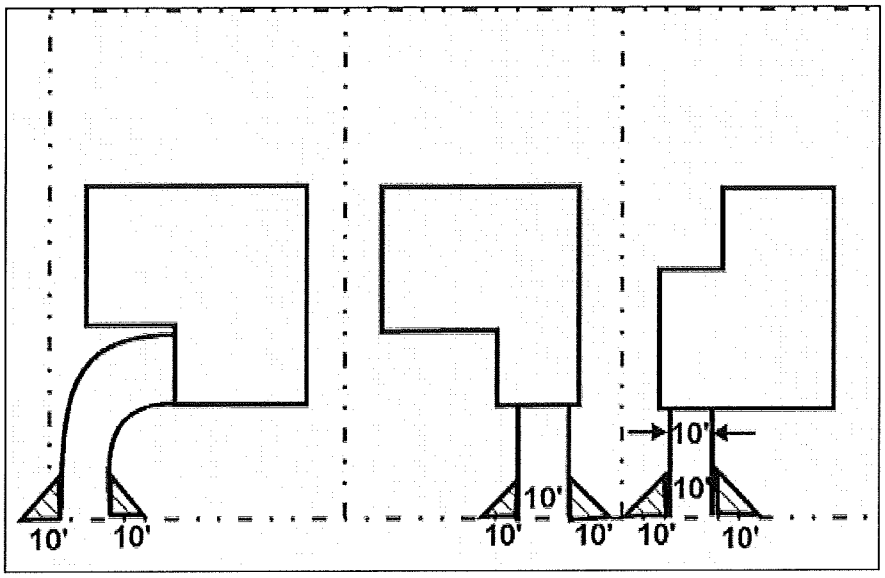
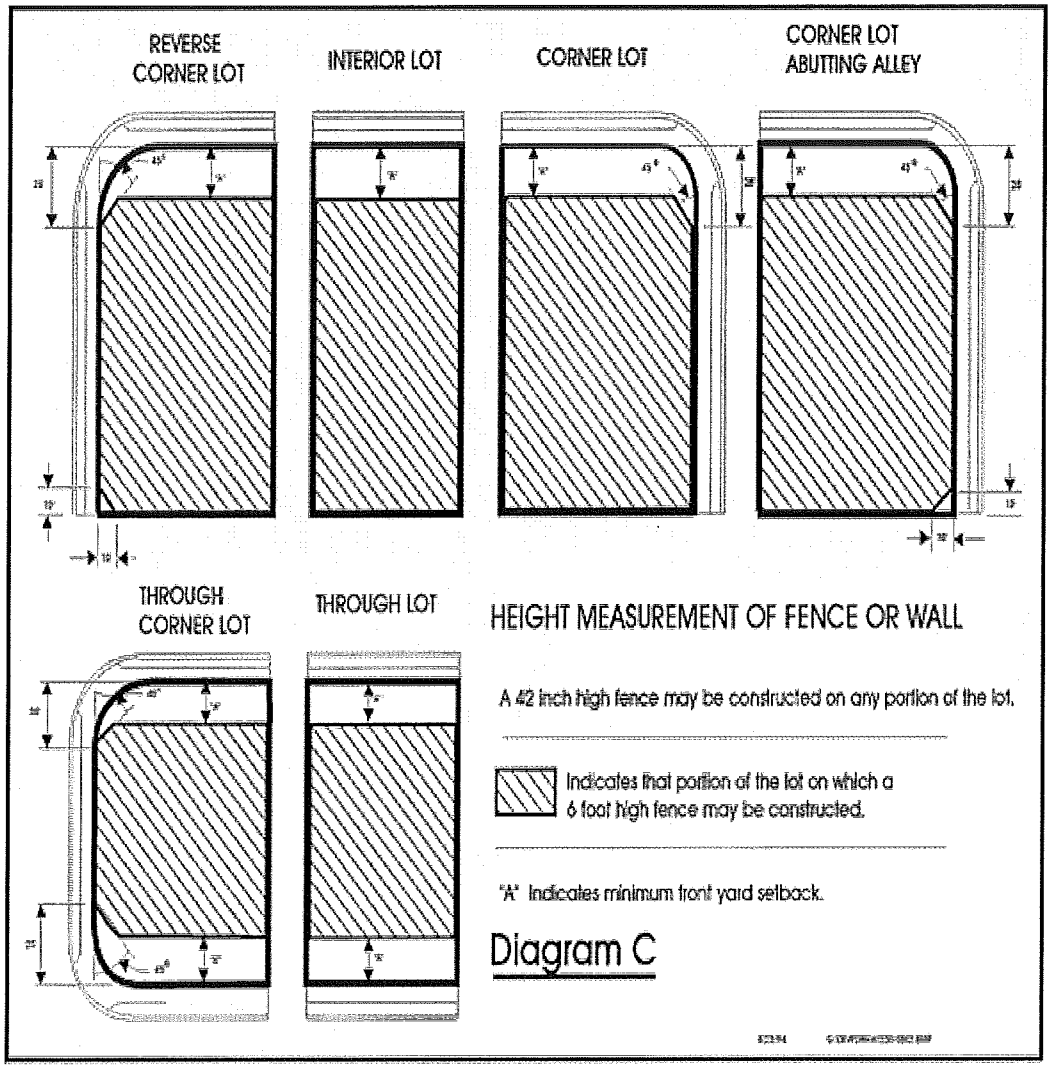


Diagram A



Street/Alley

Diagram B


REVERSE CORNER LOT
INTERIOR LOT
CORNER LOT
CORNER LOT ABUTTING ALLEY
THROUGH CORNER LOT
THROUGH LOT
HEIGHT MEASUREMENT OF FENCE OR WALL
A 42 inch high fence may be constructed on any portion of the lot.
Indicates that portion of the lot on which a 6 foot high fence may be constructed.
"A" Indicates minimum front yard setback.
Diagram C

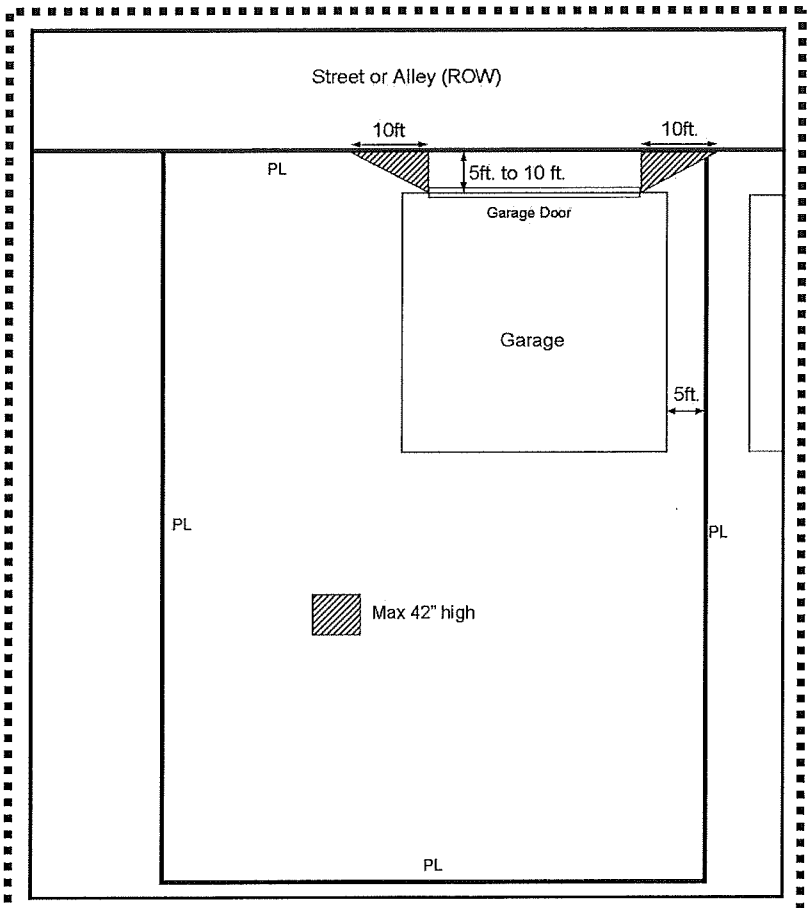


Diagram D

(3334-6/97, 3410-3/99, 3525-2/02, 3710-6/05, 3730-3/06)

230.90 Contractor Storage Yards/Mulching Operation

Contractor storage yards in conjunction with public facility improvement contracts, and mulching operations on unimproved public or private property may be permitted subject to the following:

A. Initial approval shall be for a maximum of two years. The use shall be eligible for a maximum of three one-year extensions by the Planning Commission.

B. The development shall comply with parking, access and setback requirements contained in Chapter 231.

230.92 Landfill Disposal Sites

Excavation of landfills or land disposal sites shall be subject to the requirements of this section. These provisions are not intended to apply to grading and surcharging operations, permitted under Appendix Chapter 70 of the Uniform Building Code. Permits for grading on previously approved development projects shall be subject to approval of the director.

A. **Land Disposal Site/Definitions**. The following words and phrases shall be construed as defined herein unless a different meaning is apparent from the context:

1. Excavation. Any activity and/or movement of material which exposes waste to the atmosphere.

2. Land Disposal Site. Any site where land disposal of Group I, II or III waste, as defined by the California Administrative Code, has been deposited either legally or illegally on or into the land, including but not limited to landfill, surface impoundment, waste piles, land spreading, dumps, and coburial with municipal refuse.

B. **Operations Plan**.

1. No person shall conduct any excavation activity at any land disposal site in the City of Huntington Beach without first submitting to the City an operations plan approved by the director. Such plan shall include complete information regarding the identity, quantity and characteristics of the material being excavated, including a chemical analysis performed by a laboratory acceptable to the City, together with the mitigation measures that will be used to insure that health hazards, safety hazards, or nuisances do not result from such activity.

2. Mitigation measures contained in the operations plan may include gas collection and disposal of waste, encapsulation, covering waste, chemical neutralization, or any other measures deemed necessary by the City.

3. Ambient air quality monitoring, as well as other monitoring or testing deemed reasonably necessary, shall be included in the operations plan.

C. **Approval of Operations Plan**.

1. The City shall not approve an operations plan unless such plan includes provisions for the immediate cessation of excavation activity when the operator, or any agent thereof, of a land disposal site has been notified by the City that a nuisance, health, or safety hazard has or is about to occur as a result of such activity therein.

2. Upon determination by any government agency that a nuisance, safety, or health problem exists on any land disposal site in the City, mitigation measures, contained in the operations plan, shall be implemented immediately.

D. **Hazardous Waste Sites**. For any land disposal site determined to be a hazardous waste site by the State Department of Toxic Substances Control and/or the City of Huntington Beach, the following additional measures shall be taken prior to excavation of such site:

1. All property owners within a half mile radius of the site shall receive written notice of all public hearings to be held regarding proposed excavation on the site. The cost of preparing and mailing such notice shall be paid by the operator/applicant.

2. A type of bond, acceptable to the City Attorney, shall be posted by the operator/applicant insuring that necessary funds are available to restore the site to a safe condition if excavation is prematurely terminated.

3. Excavation of the site shall be performed in accordance with the requirements of the State Department of Health Services, and any other public agency with jurisdiction over hazardous waste sites.

E. **Operations Plan Contents**. The operations plan shall contain the following:

1. A plan establishing lines of authority and responsibility between public agencies and the operator/applicant, or his/her agents, during excavation. The plan shall contain specific procedures to be followed by all responsible parties involved with the excavation.

2. A plan containing specific measures to monitor air quality to be implemented during excavation to prevent the exposure of on site workers or area residents to unhealthful vapors from the site. If deemed necessary by the State Department of Toxic Substances Control, the plan shall also include specific measures for evacuation of residents in the vicinity of the site.

3. A plan showing specific routes for vehicles transporting hazardous wastes from the site.

4. A plan containing specific steps for restoration of the site to a safe condition if excavation is terminated prematurely.

F. **Exemptions**. The following activities shall be exempt from the requirements of this section unless otherwise determined by the director:

1. The drilling of holes up to 24 inches in diameter for telephone or power transmission poles or their footings.

2. The drilling of oil wells, gas wells or landfill gas collection wells or the maintenance of gas or leachate collection systems.

3. Any excavation activity which has been determined by the director to pose an insignificant risk, or any activity which has been covered sufficiently in a plan prepared for any other agency having jurisdiction over the site.

G. **Excavation Activity Prohibited**.

1. No person shall excavate at any land disposal site in the City of Huntington Beach unless he or she first certifies that all applicable regulations of other public agencies with jurisdiction over hazardous waste sites have been met.

2. Compliance with the provisions of this section shall not exempt any person from failing to comply with the requirements of the California Health and Safety Code, and any other applicable codes, rules or regulations. (3710-6/05)

230.94 Carts and Kiosks

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

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

1. No portion of a cart or kiosk shall overhang the property line.

2. The cart or kiosk shall not obstruct access to or occupy a parking space; obstruct access to a parked vehicle, impede the delivery of materials to an adjoining property, interfere with

access to public property or any adjoining property, or interfere with maintenance or use of street furniture. If any existing parking spaces will be displaced or partially or totally blocked by the proposed cart or kiosk, those spaces must be replaced on-site at a one-to-one (1:1) ratio.

3. The cart or kiosk shall not exceed a maximum of four 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 Planning Director.

6. The sale of alcoholic beverages shall be prohibited.

7. The number of employees at a cart or kiosk shall be limited to a maximum of two persons at any one time.

8. Fire extinguishers may be required at the discretion of the Fire Department.

9. All cart and kiosk uses shall be self contained for water, waste, and power to operate.

10. A cart or kiosk operator shall provide a method approved by the Planning Director for disposal of business related wastes.

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

E. **Review; Revocation**. The Planning Department shall conduct a review of the cart or kiosk operation at the end of the first six-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. (3249-6/95, 3482-12/00, 3525-2/02)

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 Communications Facilities in the City of Huntington Beach.

Because of the potential negative aesthetic impacts of Wireless Communications 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. 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.

3. 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.

4. 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.

5. Microwave Communication. The transmission or reception of radio communication at frequencies of a microwave signal (generally, in the 3 GHz to 300 GHz frequency spectrum).

6. 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.

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

8. 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.

9. 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.

10. 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, monopalms/monopines.

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

12. 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.

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

C. Applicability. This ordinance 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 Ordinance.

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 the valid entitlement or any modification to an existing facility that does not have a previously approved and valid entitlement is subject to the requirements of this 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 (5) feet above the principle building on the same lot.

5. Any antenna structure used by authorized amateur radio stations licensed by the FCC.

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 Planning and Building 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 Planning and Building.

The Planning and Building 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 Director or whether a Conditional Use Permit or other entitlement is required. Wireless Permit applications will be processed based upon the location and type 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.

The Director may require conditions of approval of the Facility in order to minimize adverse health, safety and welfare impacts to the community.

A decision of the Director to grant a Wireless Permit shall become final ten (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 shall 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 visual resources 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 pursuant to the HBZSO as well as those located on public right-of-way and on or within 300 feet of a residential district or use in the City.

Notwithstanding any other provisions of the HBZSO, design review is not required for Wireless Communication Facilities 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 Communications 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 its 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 to 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. Any Wireless Communication Facility to be placed over, within, on or beneath the public right-of-way shall comply with the Undergrounding Ordinance (Chapter 17.64 of HBMC).

I. Facility Removal. Wireless communication facilities affecting the public view and/or located in areas designated Water Recreation, Conservation, Parks and Shoreline, and Public Right of Ways shall be removed in its entirety within six (6) months of termination of use and the site restored to its natural state.

J. Cessation of Operation.

1. Abandonment. Within thirty (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 (6) 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 (6) 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 thirty (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- (6) month period and that it is presently operational. The Director shall review all evidence, determine whether or not the Facility was properly deemed abandoned, and provide the operator notice of its determination.

b. At any time after thirty-one (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. (3568-9/02, 3779-10/07, 3934-4/12)