ORDINANCE NO. 3819

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE BY ADDING CHAPTER 218, MIXED USE-TRANSIT CENTER DISTRICT (ZONING TEXT AMENDMENT NO. 07-004)

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. 07-004, which adds Chapter 218, Mixed Use-Transit Center District, to the Huntington Beach Zoning and Subdivision Ordinance; 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 218 of the Huntington Beach Zoning and Subdivision Ordinance is hereby added to read as set forth in Exhibit A.

SECTION 2. This ordinance shall take effect thirty days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the ____ day of _____, 2008.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney 9.17.08

ATTEST:

_____
City Administrator

APPROVED AS TO FORM:

_____
Director of Planning

11-17-2008
APPROVED FOR
INTRODUCTION 11-10-2008

Exhibit A: Legislative Draft

08-1767.003/25776_2

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EXHIBIT A

DRAFT ORDINANCE—ZTA NO. 07-004

Chapter 218 Mixed Use-Transit Center District

Sections:

218.02	Mixed Use-Transit Center District Established
218.04	MU-TC District: Land Use Controls
218.06	MU-TC District: Development Standards
218.08	Modifications for Affordable Housing
218.10	Sustainable Development
218.12	Review of Plans

218.02 Mixed Use-Transit Center District Established

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

218.04 MU-TC District: Land Use Controls

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

"P" designates use classifications permitted in MU-TC district.

"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.

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.

MU-TC DISTRICT: LAND USE CONTROLS	P=Permitted PC=Conditional Use Permit approved by Planning Commission ZA=Conditional Use Permit approved by Zoning Administrator	
	Land Use Controls	**Additional Provisions**
Residential Uses		(A)(I)
Multi-family Residential	PC	
Public and Semipublic Uses		(A)
Clubs and Lodges	ZA	
Day Care, General	ZA	
Day Care, Large Family	P	(C)
Government Offices	P	
Public Safety Facilities	P	
Religious Assembly	ZA	
Schools, Public or Private	PC	
Commercial Uses		(A)(H)(I)
Artists' Studios	P	
Banks and Savings & Loans	P	
Catering Services	P	
Drug Stores/Pharmacy	P	
Eating and Drinking Establishments	P	
w/ Alcohol	ZA	(B)(C)
w/ Live Entertainment	ZA	
w/ Dancing	PC	(D)
w/ Outdoor Dining	ZA	(C)(E)
Food and Beverage Sales	P	
w/ Alcohol Beverage Sales	ZA	(B)
Office, Business and Professional	P	
Park and Recreational Facilities	P	
Parking	PC	(F)
Personal Enrichment Services	P	(C)
Personal Services	P	
Retail Sales	P	(G)
Visitor Accommodations	PC	

MU-TC District: Additional Provisions

(A) – All projects in this District shall have both residential and non-residential components. At least 50 percent of the building fronting public streets at the ground level shall be non-residential uses. At least 50 percent of the project shall be residential uses.

(B) – The following businesses proposing to sell alcoholic beverages for on-site or off-site consumption are exempt from the conditional use permit process: (i) Retail markets with no more than 10 percent of the floor area devoted to sales, display and storage of alcoholic beverages provided the sale of alcoholic beverages is not in conjunction with the sale of gasoline or other motor vehicle fuel; (ii) Florist shops offering the sale of a bottle of an alcoholic beverage together with a floral arrangement.

(C) – Neighborhood notification requirements pursuant to Chapter 241.

(D) – See also Chapter 5.28: Dancing Halls and Chapter 5.44: Restaurants – Amusement and Entertainment Premises.

(E) – 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 with an administrative permit. If over 400 square feet with no alcohol sales, Neighborhood Notification shall be required pursuant to Chapter 241.

(F) – Stand-alone or other permanent parking structures not ancillary to the permitted uses listed above. Must demonstrate necessity of use and comply with the requirements in Section 231.18-G (Parking Structures).

(G) – See Section 230.94: Carts and Kiosks

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

(I) – Projects within 500 feet of a PS District see Chapter 244.

218.06 MU-TC District: Property Development Standards

The following schedule prescribes development standards for MU-TC zoning district designated on the zoning map. The first column establishes the basic requirements for permitted and conditional uses. Letters in parentheses in the "Additional Provisions" column refer to "Additional Development Standards" following the schedule.

The floor area ratio is calculated on the basis of net site area. All required setbacks shall be measured from ultimate right-of-way and in accordance with the definitions set forth in Chapter 203, Definitions.

Property Development Standards for MU-TC District

	MU-TCD	Additional Requirements
Minimum Lot Area (sq. ft.)	43,560	
Minimum Lot Width (ft.)	100	
Minimum Setbacks		
Front (ft)	5	(A)(B)
Side (ft.)	10	(B)
Rear (ft.)	10	(B)
Maximum Height of Structures (ft.)	75	(C)
Maximum Wall Dimensions		(D)
Maximum Floor Area Ratio (FAR)	2.35	
Minimum Site Landscaping (%)	8	(E)(F)
Minimum Lot Area per Dwelling Unit (sq. ft.)	-	
Minimum Residential Floor Area		(I)
Maximum Lot Coverage (%)	75	
Minimum Open Space		(J)
Accessibility within Dwellings		(K)
Lighting		(L)
Fences and Walls		(G)
Off-Street Parking and Loading	See Chapter 231	(H)
Outdoor Facilities	See Section 230.74	
Screening of Mechanical Equipment	See Section 230.76	
Antenna	See Section 230.80	(M)
Accessory Structures	See Chapter 230.08	
Refuse Storage Areas	See Section 230.78	
Underground Utilities	See Chapter 17.64	
Performance Standards	See Section 230.82	
Nonconforming Structures	See Chapter 236	
Signs	See Chapter 233	(N)
Building Separations		(O)
Building Design Standards		(P)
Private Storage Space		(Q)
Reciprocal Access		(R)

MU-TC District: Additional Development Standards

(A) Multiple street frontage lots shall provide front yards on each frontage.

(B) Projections into Setbacks

(1) See Section 230.68: Building Projections into Yards.

(2) Balconies and bay windows may project into required setbacks and usable open space areas subject to Section 230.68, provided that balconies have open railings, glass, or architectural details with openings to reduce visible bulk.

Balconies composed solely of solid enclosures are not allowed to project into required setbacks.

(3) Awnings, canopies, covered walkways, covered patios, and uncovered arcades with no programmed indoor space may project into required setbacks and usable open space areas provided that a minimum 5 ft. setback is maintained to the property line.

(C) Height Requirements. See Section 230.70: Measurement of Height and Section 230.72: Exceptions to Height Limits. A minimum of two stories and a maximum of six stories shall be allowed.

(D) Maximum Wall Dimensions. All building wall surfaces shall be no longer than 250 feet without either:

(1) a break, a recess or offset measuring at least 10 feet that vary the depth of the building wall by a minimum of 4 feet, or

(2) a series of offsets, projections or recesses, including balconies, at intervals of not more than 40 feet that vary the depth of the building wall by a minimum of 4 feet.

The Director may grant exceptions or allow these standards to be modified for exceptional or unique structures subject to Design Review, Chapter 244.

(E) Planting Areas: With the exception of sidewalks, driveways, pathways and paved outdoor seating areas, required front and street side yards shall be planting areas.

(F) Landscape Improvements

(1) All landscape improvements shall comply with Chapter 232 unless otherwise provided herein.

(2) General Tree Requirements. One 36-inch box tree shall be provided for every 45 lineal feet of street frontage planted within the setback areas adjacent to a street. In addition, there shall be one 36-inch box tree planted within the common open space areas for each ground or first level unit. Specimen palms may be substituted at a ratio of 1/2 foot brown trunk height for one inch of box tree inch required.

(G) See Section 230.88: Fencing and Yards.

(H) Off-Street Parking and Loading Provisions.

(1) All off-street parking and loading provisions shall comply with Chapter 231 unless otherwise provided herein. Off-street parking spaces shall be provided in accordance with the following Schedule A:

OFF-STREET PARKING SPACES REQUIRED IN MU-TCD ZONE: SCHEDULE A	
Use Classification	**Spaces**
Residential	
Studio	1 space per unit
one bedroom	1 space per unit
two bedrooms	2 spaces per unit
three or more bedrooms	2.5 spaces per unit
Guests	1 space per 5 units
Commercial	Per Chapter 231
Public and Semi-Public	Per Chapter 231

(2) Compact parking spaces may be allowed but not to satisfy the minimum parking requirements.

(3) Up to twenty percent (20%) of required parking may be provided by tandem spaces subject to conditional use permit approval. Each tandem space shall be counted as one-half space for purposes of determining the number of parking spaces that are provided.

(I) Minimum Floor Area. Each dwelling unit in a mixed-use building shall have the minimum floor area of 500 square feet.

(J) Open Space Requirements.

(1) The minimum open space area (private and common) for mixed-use projects in the MU-TC District shall be 150 square feet per residential unit. For purposes of this subsection, open space shall mean an area which is designed and intended to be used for active or passive recreation. Open space may consist of private and/or common areas. Parking areas, access aisles, and driveways shall not qualify as usable open space.

(2) Private Open Space.

(a) Private open space shall be provided in courts or balconies within which a horizontal rectangle has no dimension less than 6 feet.

(b) Minimum of seventy-five percent (75%) of the dwelling units shall be provided a minimum of 60 square feet of private open space.

(c) Private open space shall be contiguous to the unit and for the exclusive use of the occupants. Private open space shall not be accessible to any dwelling unit except the unit it serves and shall be physically separated from common areas by a wall or hedge at least 42 inches in height.

(3) Common Open Space.

(a) Common open space, provided by interior side yards, patios, courts, and terraces, shall be designed so that no dimension is less than 10 feet, shall be open to the sky, and shall not include driveways or parking areas.

(b) Projects with more than 20 units shall include at least one amenity, such as a clubhouse, swimming pool, tennis court, volleyball court, outdoor cooking facility, or other recreation facility. Such common amenity spaces shall count toward the common open space requirement.

(K) All habitable rooms in a dwelling unit shall be accessible from within the dwelling.

(L) Lighting. Lighting shall be provided in all projects along all vehicular access ways and major walkways. Lighting shall be directed onto the driveways and walkways within the development and away from adjacent properties. A lighting plan shall be submitted for approval by the Director.

(M) See Section 230.88: Antennae.

(N) See Chapter 233, Signs—Commercial Districts, for applicable provisions related to signs in the commercial component of the MU-TC District.

(O) Building Separations. Building separations shall be provided in all mixed-use projects in the MU-TC District subject to the following requirements:

(1) The minimum building separation shall be not less than 20 feet opposite a window in a living room and 14 feet opposite a window for any other habitable room.

(2) The building separation shall be open to the sky. Eaves may project a maximum 2 feet into this area on each side.

(P) Building Design Standards. Buildings in the MU-TC District shall be built in accordance with the following requirements:

(1) The maximum building length shall be 300 feet except as provided below. Building length is defined as the total length of a primary building mass lining a street.

(a) A 20 foot inset of the building plane with pedestrian access may count as a break in the building length. If the inset varies by floor, then the average inset shall exceed 20 feet.

(2) The maximum block size shall be 2,400 feet. Block size is a measure of the total length of the street-fronting property lines along all block faces enclosed within the nearest surrounding publicly accessible streets.

(Q) Private Storage Space. An average of 50 cubic feet of private storage space shall be provided for each residential dwelling unit outside such unit. Such private storage space shall be fully enclosed and lockable.

(R) Reciprocal Access. Reciprocal ingress/egress access with adjacent properties shall be provided for all projects.

218.08 Modifications for Affordable Housing

The Planning Commission may approve a conditional use permit modifying the minimum property development standards in this chapter for affordable housing, as provided in Section 230.14. The proposed modifications shall be requested in writing by the applicant, accompanied by a detailed pro-forma, rental guidelines, deed restrictions, financial subsidies, and other types of documentation which will serve to demonstrate the need for a reduction of

development standards. Modifications to the standards may include, but are not limited to, the parking requirements and open space. The specific standard(s) from which the applicant is requesting relief shall be identified and alternative development standard(s) proposed.

218.10 Sustainable Development

Sustainable or "green" building practices shall be incorporated into the design of the proposed structures and associated site improvements. Sustainable building practices shall include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification or Build It Green's Green Building Guidelines and Rating Systems.

218.12 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.

EXHIBIT A

Legislative **DRAFT ORDINANCE—ZTA NO. 07-004**
#3819

Chapter 218 Mixed Use-Transit Center District

Sections:

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Multi-family Residential	PC	
Public and Semipublic Uses		(A)
Clubs and Lodges	ZA	
Day Care, General	ZA	
Day Care, Large Family	P	(C)
Government Offices	P	
Public Safety Facilities	P	
Religious Assembly	ZA	
Schools, Public or Private	PC	
Commercial Uses		(A)(H)(I)
Artists' Studios	P	
Banks and Savings & Loans	P	
Catering Services	P	
Drug Stores/Pharmacy	P	
Eating and Drinking Establishments	P	
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w/ Live Entertainment	ZA	
w/ Dancing	PC	(D)
w/ Outdoor Dining	ZA	(C)(E)
Food and Beverage Sales	P	
w/ Alcohol Beverage Sales	ZA	(B)
Office, Business and Professional	P	
Park and Recreational Facilities	P	
Parking	PC	(F)
Personal Enrichment Services	P	(C)
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Retail Sales	P	(G)
Visitor Accommodations	PC	

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(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.