

# AGENDA HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, OCTOBER 10, 2006  
HUNTINGTON BEACH CIVIC CENTER  
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

5:15 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

## CALL PLANNING COMMISSION MEETING TO ORDER

ROLL CALL: *Shier-Burnett, Livengood, Scandura, Dingwall, Farley, Horgan, Dwyer*

## AGENDA APPROVAL

### A. PROJECT REVIEW (FUTURE AGENDA ITEMS):

A-1. **ZONING TEXT AMENDMENT NO. 06-05 (LARGE-FAMILY DAYCARE AMENDMENT)** – Jennifer Villasenor

A-2. **CONDITIONAL USE PERMIT NO. 06-34 (TATTOO GALLERY)** – Tess Nguyen

A-3. **CONDITIONAL USE PERMIT NO. 06-28 (MOBIL MINI MART)** – Rami Talleh

### B. STUDY SESSION ITEMS - NONE

C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS) – Herb Fauland

### D. PLANNING COMMISSION COMMITTEE REPORTS

E. PUBLIC COMMENTS – Regarding Study Session portion of Meeting

Anyone wishing to speak on Project Review or Study Session items during PUBLIC COMMENTS may do so by filling out a Request To Speak form and giving it to the Secretary. (4 MINUTES PER PERSON, NO DONATING OF TIME TO OTHERS)

### F. PLANNING COMMISSION COMMENTS

6:30 P.M. – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

## CALL PLANNING COMMISSION MEETING TO ORDER

## PLEDGE OF ALLEGIANCE

ROLL CALL: *Shier-Burnett, Livengood, Scandura, Dingwall, Farley, Horgan, Dwyer*

## **AGENDA APPROVAL**

**A-1. SPECIAL RECOGNITION OF PLANNING COMMISSION SUBCOMMITTEE – PROJECT REVIEW PROCESS:** Mike Adams, Dean Albright, Bob Dingwall, John Erskine, Dick Harlow, Randy Kokal, Steve Ray, Ron Sattersfield, John Sisker.

### **A-2. ORAL COMMUNICATIONS**

Anyone wishing to speak during ORAL COMMUNICATIONS must fill out and submit a form to speak. The Planning Commission can take no action on this date, unless the item is agendized. Any one wishing to speak on items not on tonight's agenda, a closed public hearing item, or on non-public hearing items may do so during ORAL COMMUNICATIONS. Please note comments on closed public hearing items will not be part of the permanent entitlement record. Speakers on items scheduled for PUBLIC HEARING will be invited to speak during the public hearing. (4 MINUTES PER PERSON, NO DONATING OF TIME TO OTHERS)

## **B. PUBLIC HEARING ITEMS**

Anyone wishing to speak during an open PUBLIC HEARING must fill out and submit a form to speak. The public may address the Planning Commission only during the open PUBLIC HEARING items or during ORAL COMMUNICATIONS. Please review the agenda to determine whether the PUBLIC HEARING item is open or closed. If the PUBLIC HEARING on an item is closed, you will not be permitted to speak during that portion of the agenda and may wish to address your concerns during the ORAL COMMUNICATIONS portion of the agenda. Speakers on items scheduled for PUBLIC HEARING will be invited to speak during the public hearing. (4 MINUTES PER PERSON, WITH A MAXIMUM TIME DONATION OF 8 MINUTES, FOR A TOTAL OF 12 MINUTES PER SPEAKER)

**PROCEDURE:** Commission Disclosure Statement(s), Staff Report Presentation, Commission Questions, Public Hearing, Discussion/Action.

**B-1. CONDITIONAL USE PERMIT NO. 06-23 (HUNTINGTON BEACH BEER COMPANY)** **Applicant:** Mike C. Adams and Associates **Request:** To allow the establishment of a 200 sq. ft. dance floor, modified hours of operation and construction of a 400 sq. ft. outdoor dining area within the public right-of-way. The project also includes a request to participate in the Downtown Parking In-Lieu Fee program for three parking spaces (2 parking spaces for the dance floor and replacing one on-street parking space with outdoor dining). **Location:** 201 Main Street, Suite E **Project Planner:** Rami Talleh

**STAFF RECOMMENDATION:** Motion to: "Approve Conditional Use Permit No. 06-23 with findings and suggested conditions of approval."

**B-2. ZONING TEXT AMENDMENT NO. 06-06 (VEHICLE STORAGE AMENDMENT)** **Applicant:** City of Huntington Beach **Request:** To amend Huntington Beach Zoning and Subdivision Ordinance, Sections 203.06, 204.10.FF7 and 231.18E to better define "vehicle storage" and to clarify how non-residential parking and loading is intended to be utilized. **Location:** City-wide **Project Planner:** Bill Zylla

**STAFF RECOMMENDATION:** Motion to: "Approve Zoning Text Amendment No. 06-06 with findings for approval and forward the Draft Ordinances including the legislative drafts to the City Council for adoption."

**C. CONSENT CALENDAR:**

**C-1. PLANNING COMMISSION MINUTES DATED JULY 11, 2006**

**RECOMMENDED ACTION:** Motion to: "Approve the July 11, 2006, Planning Commission Minutes as submitted."

**D. NON-PUBLIC HEARING ITEMS :**

**D-1. GENERAL PLAN CONFORMANCE NO. 06-04 (EDINGER AVENUE BRIDGE REPLACEMENT) – **Applicant:** John D. Pavlik, County of Orange, Resources and Development Management Department **Request:** To determine whether the County's proposal to build a replacement bridge located within city limits at the westerly terminus of Edinger Avenue is in compliance with the goals, objectives, and policies of the General Plan. The bridge provides access to the Sunset Aquatic Park. **Location:** Westerly Terminus of Edinger Ave. **Project Planner:** Ricky Ramos**

**STAFF RECOMMENDATION:** Motion to: "Adopt Resolution No. 1614 approving General Plan Conformance No. 06-04 with findings."

**E. PLANNING ITEMS**

- E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING**
- E-2. CITY COUNCIL ITEMS FOR NEXT MEETING**
- E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING**

**F. PLANNING COMMISSION ITEMS**

**F-1. PLANNING COMMISSION REQUEST ITEMS – NONE**

**F-2. PLANNING COMMISSION COMMENTS**

**Commissioner Shier-Burnett -**

**Commissioner Livengood -**

**Vice-Chairperson Scandura -**

**Chairperson Dingwall -**

**Commissioner Farley -**

**Commissioner Horgan –**

**Commissioner Dwyer -**

**ADJOURNMENT:**

**Adjourn to the next regularly scheduled meeting of October 24, 2006.**

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Planning Commission is final unless an appeal is filed to the City Clerk by you or by an interested party. Said appeal must be in writing and must set forth in detail the action and grounds by which the applicant or interested party deems himself aggrieved. Said appeal must be accompanied by a filing fee of One Thousand Five Hundred Forty-One Dollars (\$1,541.00) if the appeal is filed by a single family dwelling property owner appealing the decision on his own property or Two Thousand Three Hundred Seventy-Nine Dollars (\$2,379.00) if the appeal is filed by any other party. The appeal shall be submitted to the City Clerk within ten (10) calendar days of the date of the Planning Commission's action.

Copies of staff reports and/or written materials on each agenda item are on file in the Planning Department, for inspection by the public. A copy of the agenda packet is also available at the Central Library (7111 Talbert Avenue).

**VIDEO TAPES OF MEETINGS AVAILABLE FOR PUBLIC CHECK OUT AT THE CENTRAL LIBRARY, AND FOR DUPLICATION SERVICES IN THE CITY CLERK'S OFFICE.**

## HUNTINGTON BEACH PLANNING COMMISSION Public Hearing Procedures

This statement has been prepared to provide a better understanding of the procedures for public hearings before the Planning Commission.

Regular meetings of the Planning Commission are held on the second and fourth Tuesdays of each month beginning at 5:15 p.m. in Room B-8 for a study session and then at 7:00 PM in the Council Chambers. Adjourned meetings, special meetings, and Study Sessions may be scheduled at other times.

Planning Commission proceedings are governed by the Planning Commission By-Laws, Robert's Rules of Order and the Brown Act. The following is the typical sequence of events on public hearing items:

- A. The Chairperson shall announce the item and if the public hearing is open or closed.
- B. The Planning Commission shall disclose any discussions, conversations, etc., with applicants, applicant's representatives or property owners.
- C. The staff report is presented.
- D. Questions by the Planning Commission concerning the staff report may be answered at this time.
- E. The public hearing is opened by the Chairperson.
- F. The applicant or appellant is given an opportunity to address the Commission. Time is not limited but left to the Chairperson's discretion.
- G. Public Comments: Staff will call all speakers by name. Please proceed to the podium. Individuals favoring and opposing the proposal are given an opportunity to address the Commission (up to four (4) minutes), or may choose to donate their time to another speaker if the "Request to Speak" form is filled out and given to the Secretary. A speaker who addresses the Commission on behalf of individuals who donate time are allowed a maximum of 12 minutes. Individuals who donate time must be present when the item is being discussed. Please state your name before addressing the Commission.
- H. The Commission may ask questions of speakers addressing the Commission.
- I. The public hearing is closed.
- J. The Commission will deliberate the matter at this time.
- K. The Commission then acts on the matter by continuing, approving, conditionally approving, or denying the petition.

The Planning Commission receives a staff report packet on the Tuesday preceding the meeting, allowing time to review each case and make further investigations in the field prior to the scheduled meeting.

Staff reports are available in the Planning Department, the Central Library and on the City's website ([www.surfcity-hb.org](http://www.surfcity-hb.org)) anytime on Wednesday preceding the Tuesday Planning Commission meeting.



City of Huntington Beach Planning Department  
**STUDY SESSION REPORT**

**TO:** Planning Commission  
**FROM:** Scott Hess, Acting Director of Planning  
**BY:** Jennifer Villasenor, Associate Planner *J.V.*  
**DATE:** October 10, 2006  
**SUBJECT:** ZONING TEXT AMENDMENT NO. 06-05 (LARGE FAMILY DAY CARE AMENDMENT)

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**PROJECT REQUEST AND SPECIAL CONSIDERATIONS**

Zoning Text Amendment No. 06-05 represents a request for the following:

To amend Chapter 210 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) to allow large family day care uses in residential zoning districts with an Administrative Permit (Neighborhood Notification: 300-foot radius) with no applicable fee or architectural plans required.

**CURRENT LAND USE, HISTORY OF SITE, GENERAL PLAN DESIGNATION**

The proposed zoning text amendment is Citywide within the residential zoning districts.

**APPLICATION PROCESS AND TIMELINES**

<b><u>DATE OF COMPLETE APPLICATION:</u></b>	<b><u>MANDATORY PROCESSING DATE(S):</u></b>
Not applicable	Legislative Action

**CEQA ANALYSIS/REVIEW**

The proposed zoning text amendment is categorically exempt pursuant to City Council Resolution No. 4501, Class 20, which supplements the California Environmental Quality Act.

**COMMENTS FROM CITY DEPARTMENTS AND OTHER PUBLIC AGENCIES**

The City Attorney's Office has reviewed the proposed changes and has provided a draft ordinance (Attachment No.1).

## **PUBLIC MEETINGS, COMMENTS AND CONCERNS**

On May 1, 2006, the City Council discussed the issue of eliminating the Conditional Use Permit (CUP) requirement for Large Family Day Care uses (7-12 children) in residential zoning districts. Consideration of eliminating the CUP requirement was brought up due to the costs associated with applying for a CUP. After discussion of the issue, the City Council directed staff to further review the subject and present options for the City Council's consideration. It should be noted that there are no zoning requirements for Small Family Day Care uses (up to 6 children).

At the June 5, 2006 City Council meeting, a motion was approved to direct staff to initiate a Zoning Text Amendment amending the Huntington Beach Zoning and Subdivision Ordinance so that large family day care uses are permitted in residential zoning districts with an Administrative Permit (Neighborhood Notification: 300-foot radius) with no applicable fee or architectural plans required.

## **PLANNING ISSUES**

Currently, a large family day care, allowing 7 to 12 children plus two additional children if they are over the age of six and reside in the home, requires a CUP from the Zoning Administrator. Zoning Text Amendment No. 06-05 proposes to allow large family day cares as a permitted use with neighborhood notification. Additionally, the HBZSO will be amended so that applicants will not be required to submit architectural plans as part of the application process. Also, a resolution will be presented concurrently with this ordinance to the City Council to exclude any fees for an Administrative Permit for this type of use.

### **Attachments:**

1. Draft Ordinance
2. Legislative Draft
3. Section 204.06.A. & 204.08.F. & G. (Use Classification list for informational purposes only)

City of Huntington Beach  
SEP 14 2008

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

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

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

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

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

"P" designates use classifications permitted in residential districts.

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

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

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

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

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

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

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# DRAFT

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

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

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- L-1 A conditional use permit from the Planning Commission is required and only allowed on lots 1.0 acre (gross acreage) or greater fronting an arterial in RL District.
- L-2 Public facilities permitted, but a conditional use permit from the Zoning Administrator is required for private noncommercial facilities, including swim clubs and tennis clubs.
- L-3 A conditional use permit from the Planning Commission is required, and only schools operating in conjunction with religious services are permitted as an accessory use. A General Day Care facility may be allowed as a secondary use, subject to a conditional use permit, if the Planning Commission finds that it would be compatible with adjacent areas and not cause significant traffic impacts.
- L-4 A conditional use permit from the Zoning Administrator is required and only allowed on lots 10,000 sq. ft. or greater in RMH-A subdistrict. See also Section 230.42: Bed and Breakfast Inns.
- L-5 Only wireless communication facilities permitted subject to section 230.96 Wireless Communication Facilities.
- L-6 Neighborhood notification is required pursuant to Section 241.24. No architectural plans shall be required.
- (A) Any addition or modification subsequent to the original construction that would result in an increase in the amount of building area, or a structural or architectural alteration to the building exterior, shall require an amendment to the previously approved conditional use permit, if any, or approval of a new conditional use permit.
- (B) A conditional use permit from the Planning Commission is required for residential uses requesting reduction in standards for senior citizens (See Section 210.08), for affordable housing (See Sections 210.10 and 230.14), or for density bonus (See Section 230.14).
- (C) A conditional use permit from the Zoning Administrator is required for any multiple family residential development that:
  - (1) abuts an arterial highway;
  - (2) includes a dwelling unit more than 150 feet from a public street; or
  - (3) includes buildings exceeding 25 feet in height.
- (D) See Section 210.12: Planned Unit Development Supplemental Standards. In addition, a conditional use permit is required for condominium conversion pursuant to Chapter 235.
- (E) See Section 210.14: RMP District Supplemental Standards. In addition, Neighborhood Notification pursuant to Chapter 241 is required for the addition of manufactured home space(s) to an existing Manufactured Home Park.
- (F) See Section 230.16: Manufactured Homes.
- (G) See Section 230.12: Home Occupation in R Districts.

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

SECTION 2. All other Chapters of the Zoning and Subdivision Ordinance not amended hereby shall remain in full force and effect.

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

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

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

APPROVED AS TO FORM:

*Jennifer M. Fish*  
9/14/06 City Attorney *JHM 9/13/06*

REVIEWED AND APPROVED:

\_\_\_\_\_  
City Administrator

INITIATED AND APPROVED:

\_\_\_\_\_  
Acting Director of Planning

**LEGISLATIVE DRAFT**

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

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

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"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. (3334-6/97, 3410-3/99)

"P/U" designates that accessory uses are permitted, however, accessory uses are subject to approval of a conditional use permit if the primary use requires a conditional use permit. (3334-6/97, 3410-3/99)

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.

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LEGISLATIVE DRAFT

RL, RM, RMH, RH, and RMP DISTRICTS: LAND USE CONTROLS	P = Permitted L = Limited (see <u>Additional Provisions</u> ) (3334-6/97) PC = Conditional use permit approved by Planning Commission ZA = Conditional use permit approved by Zoning Administrator TU = Temporary Use Permit P/U = Requires conditional use permit on site of conditional use - = Not Permitted
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	RL	RM	RMH RH	RMP	Additional Provisions	
Residential Uses					(A)(M)(Q)	(3334-6/97, 3410-3/99)
Day Care, Ltd.	P	P	P	P		
Group Residential	-	-	PC	-		
Multi-family Residential					(B)(C)(D)(R)	(3410-3/99, 3455-5/00)
2 - 4 units	ZA	P	P	-		(3334-6/97, 3410-3/99)
5 - 9 units	ZA	ZA	ZA	-		(3334-6/97, 3410-3/99)
10 or more units	PC	PC	PC	-		(3334-6/97, 3410-3/99)
Manufactured Home Parks	ZA	ZA	-	ZA	(E)(F)	
Residential, Alcohol Recovery, Ltd.	P	P	P	P		
Residential Care, Limited	P	P	P	P		
Single-Family Residential	P	P	P	P	(B)(D)(F)(P)(R)	(3334-6/97, 3410-3/99, 3455-5/00)
Public and Semipublic					(A)(O)	(3334-6/97, 3410-3/99)
Clubs & Lodges	PC	PC	ZA	ZA		(3334-6/97, 3410-3/99)
Day Care, Large-family	ZA	ZA	ZA	ZA		(3334-6/97)
	<b>L-6</b>	<b>L-6</b>	<b>L-6</b>	<b>L-6</b>		
Day Care, General	L-1	ZA	ZA	ZA		(3334-6/97, 3410-3/99)
Park & Recreation Facilities	L-2	L-2	L-2	L-2		(3334-6/97, 3410-3/99)
Public Safety Facilities	PC	PC	PC	PC		
Religious Assembly	L-3	PC	PC	PC		(3334-6/97, 3410-3/99)
Residential Care, General	-	L-1	PC	PC		(3334-6/97, 3410-3/99)
Schools, Public or Private	PC	PC	PC	PC		
Utilities, Major	PC	PC	PC	PC		
Utilities, Minor	P	P	P	P		
Commercial						
Communication Facilities	L-5	L-5	L-5	L-5		(3568-9/02)
Horticulture	ZA	ZA	ZA	ZA		(3410-3/99)
Nurseries	ZA	ZA	ZA	ZA		(3410-3/99)
Visitor Accommodations						
Bed and Breakfast Inns	-	-	L-4	-		(3334-6/97, 3410-3/99)
Accessory Uses	P/U	P/U	P/U	P/U	(A)(G)(H)(I)(L)(M)	(3334-6/97, 3410-3/99)
Temporary Uses					(J)(M)	(3334-6/97, 3410-3/99)
Commercial Filming, Limited	P	P	P	P		
Real Estate Sales	P	P	P	P	(N)	(3334-6/97, 3410-3/99, 370E)
Personal Property Sales	P	P	P	P		
Street Fairs	TU	TU	TU	TU		
Nonconforming Uses					(K)(L)	

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

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

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

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

# Chapter 204 Use Classifications

(3334-6/97, 3378-2/98, 3521-2/02, 3568-9/02, 3669-12/04, Emergency Ord. 3703-3/21/05)

## Sections:

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

### 204.02      **Applicability**

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

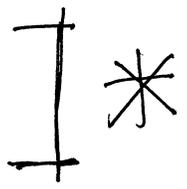
### 204.04      **Uses Not Classified**

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

### 204.06      **Residential Use Classifications**

- A.      Day Care, Limited (or Small-Family). Non-medical care and supervision of six or fewer persons, or eight or fewer persons if two of the persons are six years of age or older, on a less than 24-hour basis. Children under the age of 10 years who reside in the home shall be counted for purposes of these limits. This classification includes nursery schools, preschools, and day-care centers for children and adults. (3334-6/97, 3669-12/04)
- B.      Group Residential. Shared living quarters without separate kitchen or bathroom facilities for each room or unit. This classification includes boarding houses, but excludes residential hotels or motels. (3334-6/97)
- C.      Multifamily Residential. Two or more dwelling units on a site. This classification includes manufactured homes. (3334-6/97)

6. Residential Care, General. Twenty-four-hour non-medical care for seven or more persons, including wards of the juvenile court, in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. This classification includes only those facilities licensed by the State of California. (3334-6/97)
- D. Convalescent Facilities. Establishments providing care on a 24-hour basis for persons requiring regular medical attention, but excluding facilities providing surgical or emergency medical services. (3334-6/97)
- E. Cultural Institutions. Nonprofit institutions displaying or preserving objects of interest in one or more of the arts or sciences. This classification includes libraries, museums, and art galleries. (3334-6/97)
- F. Day Care, Large-Family. Non-medical care and supervision for 7 to 12 persons, or up to 14 persons if two of the persons are six years of age or older on a less than 24-hour basis. Children under the age of 10 years who reside in the home shall be counted for purposes of these limits. (3334-6/97, 3669-12/04)
- G. Day Care, General. Non-medical care for 13 or more persons on a less than 24-hour basis. This classification includes nursery schools, preschools, and day-care centers for children or adults. (3334-6/97, 3669-12/04)
- H. Emergency Health Care. Facilities providing emergency medical service with no provision for continuing care on an inpatient basis. (3334-6/97)
- I. Government Offices. Administrative, clerical, or public contact offices of a government agency, including postal facilities, together with incidental storage and maintenance of vehicles. (3334-6/97)
- J. Heliports. Pads and facilities enabling takeoffs and landings by helicopter. (3334-6/97)
- K. Hospitals. Facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons, primarily on an inpatient basis. This classification includes incidental facilities for out-patient treatment, as well as training, research, and administrative services for patients and employees. (3334-6/97)
- L. Maintenance and Service Facilities. Facilities providing maintenance and repair services for vehicles and equipment, and materials storage areas. This classification includes corporation yards, equipment service centers, and similar facilities. (3334-6/97)
- M. Marinas. A boat basin with docks, mooring facilities, supplies and equipment for small boats. (3334-6/97)
- N. Park and Recreation Facilities. Noncommercial parks, playgrounds, recreation facilities, and open spaces. (3334-6/97)





**City of Huntington Beach Planning Department**  
**STUDY SESSION REPORT**

**TO:** Planning Commission  
**FROM:** Scott Hess, Acting Director of Planning  
**BY:** Tess Nguyen, Associate Planner *TN*  
**DATE:** October 10, 2006

**SUBJECT: CONDITIONAL USE PERMIT NO. 06-34 (THE TATTOO GALLERY – 19921 BEACH BOULEVARD)**

**PROJECT REQUEST AND SPECIAL CONSIDERATIONS**

Conditional Use Permit No. 06-34 represents a request for the following:

To permit the establishment of a 1,076 square foot tattoo studio and art gallery in an existing commercial center pursuant to HBZSO Section No. 211.04, CO, CG, and CV Districts: Land Use Controls—Tattoo Establishments. The tattoo studio and art gallery will each occupy approximately 400 square feet of the tenant space with the remaining floor area devoted to the reception area, restroom, and janitor closet. The tattoo studio and art gallery will operate seven days a week from 10 A.M. to Midnight. Three employees will operate the tattoo studio but up to six employees will be available to accommodate customer demand.

**CURRENT LAND USE, HISTORY OF SITE, GENERAL PLAN DESIGNATION**

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property	CG-F1 (Commercial General – 0.35 FAR)	CG (Commercial General)	Shopping Center
North of Subject Property	CO-F2 (Commercial Office – 0.5 FAR)	CG (Commercial General)	Professional Offices
South of Subject Property	CG-F1 (Commercial General – 0.35 FAR)	CG (Commercial General)	Mexican Restaurant and Econo Lube and Tune
East of Subject Property (across Beach Boulevard)	CG-F1-d (Commercial General – 0.35 FAR – design overlay)	CG (Commercial General)	Shopping Center (Newland Center)
West of Subject Property	P (RM-15) (Public – Residential Medium Density – max 15 du/ac)	RM (Residential Medium Density General)	Parking Lot for Evangelical Free Church

The site is currently developed with a 14,800 sq. ft. strip commercial center constructed in 1979. There are ten businesses operating within the shopping center including a sports bar, dry cleaners, pet grooming, body piercing, nail salon, bike shop, two retail stores, and two small restaurants. The tattoo studio is proposed to occupy the pet grooming tenant space.

### **APPLICATION PROCESS AND TIMELINES**

#### **DATE OF COMPLETE APPLICATION:**

Conditional Use Permit: September 20, 2006

#### **MANDATORY PROCESSING DATE(S):**

November 20, 2006

Conditional Use Permit No. 06-34 was filed on August 15, 2006 and deemed complete September 20, 2006. The application is tentatively scheduled for the Planning Commission meeting of October 24, 2006.

### **CEQA ANALYSIS/REVIEW**

The proposed project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1—*Existing Facilities* of the CEQA Guidelines.

### **COMMENTS FROM CITY DEPARTMENTS AND OTHER PUBLIC AGENCIES**

Comments from other City Departments have been transmitted to the applicant separately and a code requirements letter transmitted to the applicant on September 28, 2006. The business is subject to Huntington Beach Municipal Code Chapter 8.72, *Tattooing, Body Piercing and Permanent Cosmetics Regulations* and will be regulated and inspected for compliance by City staff and the County of Orange Health Care Agency (Environmental Health). A Registered Environmental Health Specialist (REHS) coordinates registration of each tattoo artist with the County, performs yearly random inspections to verify compliance with regulations, and assists City staff in responding to complaints regarding tattoo operations.

### **PUBLIC MEETINGS, COMMENTS AND CONCERNS**

There have been no public meetings regarding this request since it is minor in nature and consists of performing tattoos in an existing commercial tenant space. To date, there have been no comments from the public regarding this request.

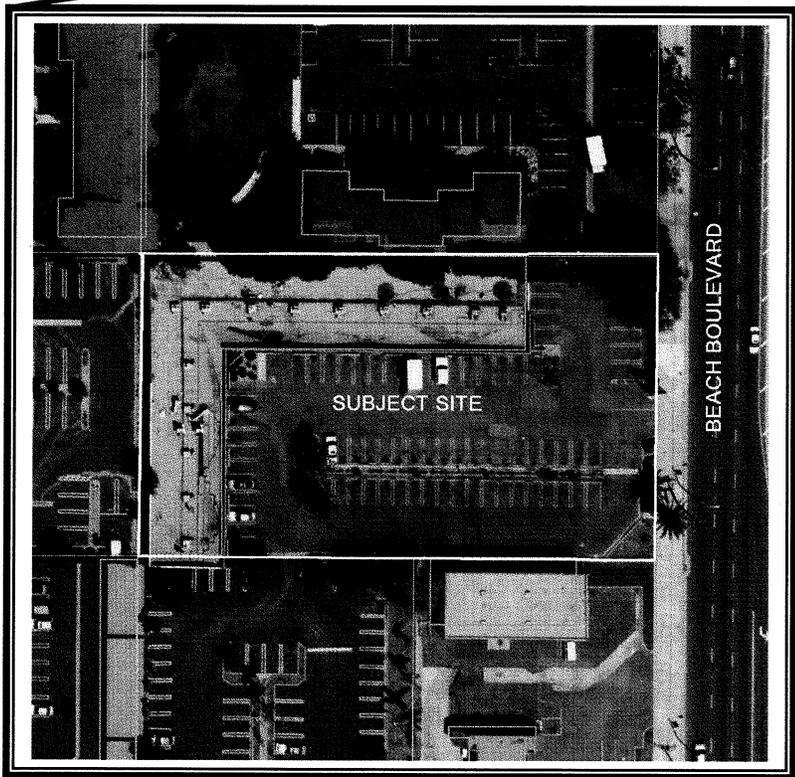
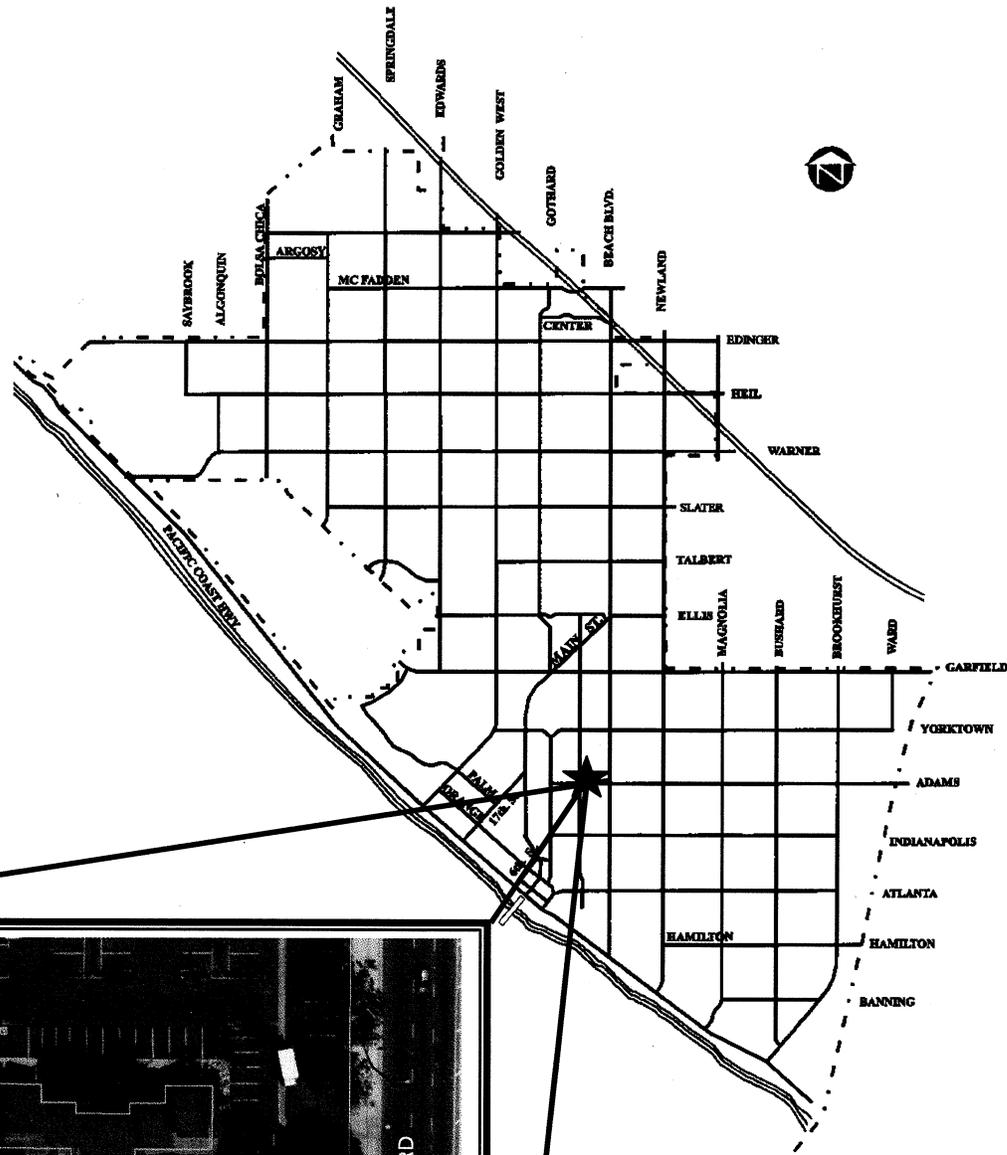
### **PLANNING ISSUES**

The tattoo business is proposed to be located in a 1,076 square foot tenant space in an existing strip commercial center. The open layout of the tenant space is designed with one area devoted to the tattoo studio (approx. 400 square feet) and another area devoted to the art gallery/client waiting area (approx. 400 square feet). The art gallery will display paintings, photography, sculptures, tattoos, and other forms of art for sale. The art gallery component of the business is a permitted use since it is classified as retail sales.

Tattoo businesses are subject to unique municipal code requirements regarding maintenance of the premises and equipment, sterilization practices, cleanliness, health conditions of both customers and operators, and penalties (by misdemeanor) for failing to conform to the regulations established. The floor plan of the tattoo studio, as designed and laid out, complies with the above municipal code requirements. The business will be regulated and inspected for compliance with the municipal code by the staff of the County of Orange Health Care Agency (Environmental Health). The tattoo business is not expected to create an undue amount of noise or traffic and is anticipated to be compatible with other surrounding uses.

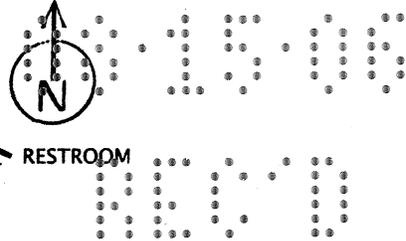
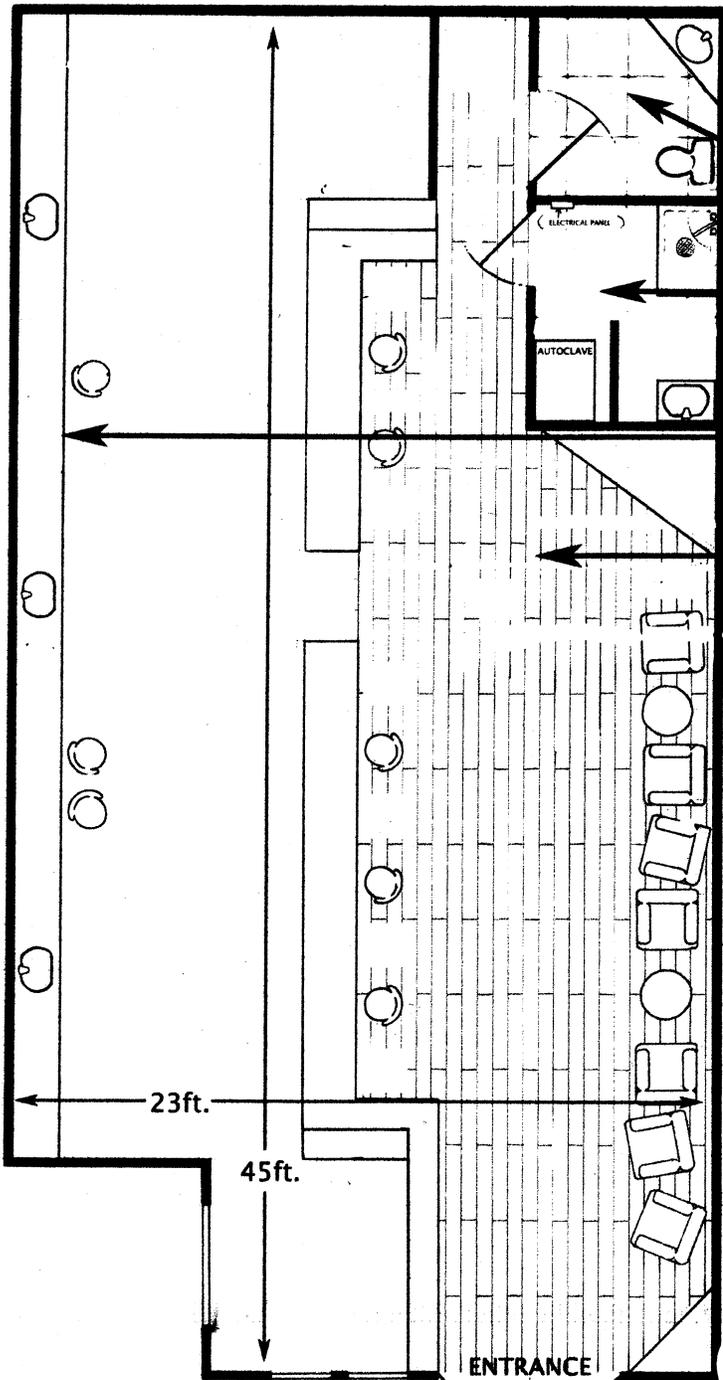
**ATTACHMENTS:**

1. Vicinity Map
2. Project Plans – Received and Dated August 15, 2006
3. HBMC Chapter 8.72 – Tattooing, Body Piercing and Permanent Cosmetics Regulations
4. Code Requirements Letter Dated September 28, 2006



**VICINITY MAP**  
 Conditional Use Permit No. 06-34  
 19921 Beach Boulevard  
 THE CITY OF HUNTINGTON BEACH





RESTROOM

JANITOR CLOSET

ON FLOOR JANITOR SINK  
EQUIPMENT CLEANING SINK  
(WITH 3 SIDED STAINLESS  
STEEL BACKSPLASH)  
AUTOCLAVE

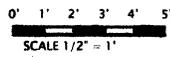
WORK STATIONS

GALLERY/CLIENT  
WAITING AREA

FURNITURE  
CHAIRS, TABLES, ARMRESTS  
& ALL TATTOO RELATED  
FURNITURE WILL BE UPHOLSTERED  
IN VINYL

WORK STATION COUNTERS  
30" HEIGHT - 18" DEPTH  
CORIAN: A NON-POROUS NO SEAM MATERIAL  
WITH A 6" BACKSPLASH.  
THREE SAINLESS STEEL SINKS  
EQUIPPED WITH HANDS FREE OPERATIONS  
INCLUDING WALL MOUNTED SOAP  
AND PAPERTOWEL DISPENSERS.  
EPOXY FLOOR(LAB QUALITY)  
6" PLASTIC COVE MOULDING  
WALLS ACRYLIC PAINT

ALL OTHER COUNTERS  
44" HEIGHT  
SEALED GRANITE



APPLICANT:  
**TATTOO GALLERY**  
DAN MCNAB  
19921 BEACH BLVD  
H.B. CA. 92648  
714. 369.7947

PROPERTY OWNER:  
BELLA SPESE LLC  
8840 WARNER AVE. SUITE 204  
F.V. CA. 92708  
AGENT:  
PACIFIC WEST ASSEST MANG.  
RODNEY STRINGER  
714.433.7300

**Chapter 8.72**

**TATTOOING, BODY PIERCING AND PERMANENT COSMETICS REGULATIONS**

(Repealed Chapter 8.70 – Tattooing Establishment and Operation Regulations – 3237-7/94)

(Chapter 8.72 - 3625–1/04)

**Sections:**

- 8.72.010 Definitions
- 8.72.020 Locational Criteria
- 8.72.030 License Required
- 8.72.040 Record Retention
- 8.72.050 Health and Sanitary Requirements
- 8.72.060 Operator
- 8.72.070 Establishment
- 8.72.080 Equipment and Supplies-General
- 8.72.090 Patrons
- 8.72.100 Skin Preparation
- 8.72.110 Tattoo
- 8.72.120 Body Pierce
- 8.72.130 Interpretation
- 8.72.140 Severability
- 8.72.150 Enforcement
- 8.72.160 Violations
- 8.72.170 Penalties

**8.72.010 Definitions**

- (a) **Aftercare Instructions:** Written instructions given to the client, specific to the body art procedure(s) rendered, about caring for the tattoo or body piercing and surrounding area. These instructions will include information about when to seek medical treatment, if necessary.
- (b) **Antiseptic:** A chemical that kills or inhibits the growth of organisms on skin or living tissue.
- (c) **Autoclave:** An apparatus that is registered and listed with the federal food and drug administration for sterilizing articles by using superheated steam under pressure.
- (d) **Bloodborne Pathogens:** Pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV), hepatitis C (HCV), and HIV.
- (e) **Body Pierce:** To puncture, perforate, or penetrate any human body part or tissue with an object, appliance, or instrument for the purpose of placing a foreign object in the perforation to prevent the perforation from closing. The puncturing of the outer perimeter or lobe of the ear shall not be included in this definition.

- (f) **Contaminated:** The presence or reasonably anticipated presence of blood, body fluid, or other potentially infectious materials, as defined in 29 Code of Federal Regulations, Part 1910.1030 (latest edition), known as "Occupational Exposure to Bloodborne Pathogens" in or on the surface of an item or person.
- (g) **Contaminated Waste:** Any contaminated material used in tattooing, body piercing, or permanent cosmetics that is to be disposed of.
- (h) **Department/Officer:** That person or office designated by order of the City Council of the City of Huntington Beach or by contract approved by the said Council as the person or office having responsibility for the enforcement of the provisions of this article. This also includes any Orange County Health Officer.
- (i) **Disinfectant:** A chemical that is capable of destroying disease-causing organisms on inanimate objects, with the exception of bacterial spores.
- (j) **Establishment:** Any place whether public or private, temporary or permanent, in nature or location, where tattooing, body piercing, or application of permanent cosmetics is performed.
- (k) **Equipment:** All machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks, and all other apparatus and appurtenances used in connection with the operation of a tattoo, body piercing, or permanent cosmetic establishment.
- (l) **Minor:** Any person under the age of 18 years.
- (m) **Operator:** Any person, whether the proprietor or another person, administering a tattoo, body piercing, or permanent cosmetic to any customer of the establishment.
- (n) **Proprietor:** The person having general control and management over the conduct of the business at a tattoo, body piercing, or permanent cosmetic establishment, whether or not such person is the legal owner of the premises or the business.
- (o) **Practitioner/Operator:** A person registered with the Orange County Health Officer and approved by the Chief of Police who performs tattooing, body piercing, and/or permanent cosmetics on another person at that persons request.
- (p) **Premises:** An establishment, its contents, and the contiguous land or property and its facilities and contents that are under the control of the proprietor that may impact the establishment personnel, facilities, or operation.

- (q) **Tattoo:** Any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This term includes all forms of cosmetic tattooing and permanent cosmetics or permanent makeup.
- (r) **Workstation:** Any area that is set up to perform tattooing, body piercing, or permanent cosmetics. A workstation can be a separate room or an area that can be screened to insure privacy when performing nipple, genital, or other discretionary area tattooing or body piercing. All workstations will comply with sanitation rules and guidelines set forth in this code.

**8.72.020 Locational Criteria** No person or practitioner may tattoo or body pierce another person unless such tattooing or body piercing is done at a licensed establishment that meets the requirements of this chapter. Such establishment must be located in an area approved for such purpose per the City of Huntington Beach Zoning and Subdivision Ordinance.

**8.72.030 License Required** All owners of a tattoo and/or body piercing establishment, or those establishments providing tattoo and/or body piercing, must obtain a business license from the City of Huntington Beach. All independent contractors, or any person providing any service relating to tattoo and/or body piercing who is not an employee must obtain a business license from the City of Huntington Beach.

**8.72.040 Record Retention**

- (a) Records shall be kept of all tattoos and body piercing. The records shall be kept on the premises of the establishment where administered. These records shall be available for inspection for a period of three (3) years after the date of the procedure. The records shall include;
- (1) The date and time of the procedure.
  - (2) Record of information from the patron's picture identification showing the name, date of birth, gender, address of patron, and Driver's License or Identification Card number. US Passports must be accompanied with a second valid form of identification.
  - (3) The location of any tattoo, permanent cosmetic, or body piercing.
  - (4) The name and registration number of the practitioner.
  - (5) A copy of the signed client information and consent form to perform the tattoo or body piercing.

**8.72.050 Health and Sanitary Requirements****Practitioner Requirements**

- (a) The practitioner shall be free of communicable disease that may be transmitted by the practitioner of tattooing or body piercing. The practitioner shall submit to City on an annual basis a certificate from a medical doctor, stating that the applicant has, within 30 days immediately preceding the date of exam, been examined and found to be free of any contagious or communicable diseases, such as Hepatitis B, Hepatitis C, Tuberculosis, and Infectious Mononucleosis.
- (b) Practitioners with open sores, rashes, lesions, boils or skin infections shall not engage in the practice of tattooing or body piercing.
- (c) No practitioner shall work while under the influence of alcohol or any other mind-altering drug, prescription or non-prescription.
- (d) No practitioner shall smoke, eat, or drink at the workstation during or between procedures.
- (e) The practitioner shall wash his or her hands and forearms thoroughly with soap and hot water before any skin preparation or procedure. The hands shall be dried with single-service towels. Single-service disposable rubber gloves shall be worn throughout the entire procedure.

**8.72.060 Operator**

- (a) No Operator shall;
  - 1. Allow practitioners with open sores, rashes, lesions, boils or contagious skin infections to engage in the practice of tattooing or body piercing.
  - 2. Allow any practitioner to work while that practitioner is under the influence of alcohol or any mind-altering drug.
  - 3. Allow any practitioner to use tobacco products, eat or drink while performing an actual procedure.
- (b) The Operator shall;
  - 1. Allow access to the officer for the City of Huntington Beach or a designee of the Orange County Health Care Agency to enter the tattooing or body piercing establishment at any time during normal business hours in order to ensure that the provisions of this ordinance are being met. The officer may enter, inspect, issue notices of violations, copy records, impound, seize and secure any samples, photographs, or other evidence from any establishment.

2. Require each practitioner working at the establishment to be registered with the Orange County Health Care Agency.
3. Maintain a list of registered practitioners that work at or have worked at the establishment for a review by the officer during inspections. This includes all employees and independent contractors.

**8.72.070 Establishment** The Operator shall be responsible for and ensure the following;

- (a) The entire premises of the establishment and all facilities used in connection therewith shall be maintained in a clean and sanitary condition and in good repair.
- (b) The establishment shall be equipped with potable hot and cold running water under pressure as well as toilets and hand sinks that are connected to water and sewage disposal systems. Hand sinks shall be supplied with cleansing compound and single-service towels. At least one (1) additional hand sink shall be located within the immediate area of the workstation. In addition to adequate hand sinks, the establishment shall have a separate janitorial sink available for use by the establishment.
- (c) The establishment, including the immediate workstation area where tattooing and body piercing is performed, shall be adequately lighted and ventilated.
- (d) Floors, walls, and ceilings in the immediate workstation area shall have smooth, nonporous, nonabsorbent and washable surfaces, and shall be maintained in a clean condition. Concrete blocks or other masonry used in wall construction shall be covered or made smooth and sealed for a nonporous washable surface. Carpeting is prohibited.
- (e) Approved waste containers with nonabsorbent, durable plastic liners, shall be used for all tissues, towels, gauze pads and other similar items used on the patron. Bio-hazardous waste shall be disposed of in an acceptable manner. Needles and razors shall be disposed of in a SHARPS container.
- (f) Smoking or consumption of food shall not be allowed in the immediate workstation area where the procedure is being performed. No alcoholic beverages will be consumed in workstation area of the establishment at any time.
- (g) No animals, except guide dogs for visual or hearing-impaired persons, shall be permitted in the establishment.
- (h) The establishment shall be equipped with a telephone for use in case of need for emergency services.

- (i) No establishment shall be used as a sleeping room or dormitory.

**8.72.080 Equipment and Supplies- General**

- (a) All establishments shall be equipped with an autoclave, or similar device approved for use in sterilizing instruments to be used on humans, and which is in good working order and which is manufactured with temperature and pressure gauges marked and visible on the outside of the unit. Sterilization tape, or similar indicator, shall be used with each batch autoclave or dry sterilizer to monitor functioning of the sterilization unit.
- (b) All instruments used on any patron shall be sterilized.
- (c) All instruments shall be thoroughly cleaned before being sterilized. This may be done with an ultrasonic cleaner or with a probe, needle or brush able to enter the smallest opening of the instrument. The cleaning of the instruments shall be done with detergent and hot water.
- (d) Equipment or instruments requiring sterilization may be wrapped with an approved paper or plastic or placed in glass or plastic tubes. All such packages of containers shall be marked with temperature recording tape or labels and dated with the date of sterilization.
- (e) All surfaces and equipment, including, but not limited to, chairs, workstations, counters, recliners, dispensers, shall be made of smooth, nonabsorbent, nonporous material that can withstand repeated disinfection.
- (f) Engineering and work practice controls shall be utilized to eliminate or minimize exposure to blood and body fluids. Extraordinary care must be taken to avoid accidental wounds from sharp instruments contaminated with blood or body fluids and to avoid contact with open skin lesions. Needles shall not be broken, bent or recapped, unless the needle is equipped with a factory installed, medically approved, recapping device.
- (g) All establishments shall have clean or single-use disposable, laundered towels, washcloths and disposable paper towels in sufficient quantity.
- (h) A clean or single-use disposable towel and washcloth shall be used for each customer.
- (i) Clean towels and washcloths shall be stored in a closed, dust-proof container.
- (j) Soiled towels and washcloths shall be disposed of or stored in an approved covered container.
- (k) Any material or supply which has made contact with the blood or body fluids of any person, or by an instrument which has had such contact, shall be deemed contaminated and must be disposed of unless it may be sterilized and reused under the specific provisions of this ordinance.

- (l) A disinfectant shall be used after cleaning to disinfect any surface contaminated with blood or body fluids.
- (m) All facilities shall have a waiting area that is separated from the workstation area.
- (n) A public restroom shall be available to patrons during business hours.
- (o) The workstation area and patron chair/table shall be wiped down with a disinfectant using a single-use paper towel before and after serving each patron.
- (p) Wall mounted hand washing cleanser and wall mounted single-use towel dispensers shall be provided and filled at all hand washing sinks.

**8.72.090 Patrons**

- (a) Inquiry shall be made and no tattooing or body piercing shall be performed on an individual who is suspected of having jaundice or hepatitis or who recovered from jaundice or hepatitis within the preceding six (6) months.
- (b) Tattooing or body piercing shall not be performed on an individual in an area with an evident skin infection or other skin disease or condition, including, but not limited to, rashes, pimples, boils, infections, open lesions, or sunburn which shows any evidence of unhealthful conditions without medical clearance.
- (c) Tattooing or body piercing shall not be performed on any patron who appears to be impaired by or under the influence of alcohol or any mind-altering drug.

**8.72.100 Skin Preparation** The following aseptic techniques shall be utilized in the practice of tattooing and body piercing.

- (a) Practitioners shall wash their hands thoroughly with hot water and soap before gloving, prior to each patron. Hands shall be dried with individual paper towels. Practitioners shall wear single-use gloves during the procedure and shall discard the gloves at the end of the procedure.
- (b) If the patron's skin is to be shaved, the skin shall be washed with a cleansing, medicated soap before shaving. A safety razor shall be used. A new blade shall be used for each customer. The blade shall be discarded in a SHARPS container after each use. If reusable blade holders are used, they shall be autoclaved between uses on different patrons.

- (c) The skin area to be tattooed or pierced shall be prepared by thoroughly washing the area with seventy percent (70%) isopropyl alcohol. The solution shall be applied with cotton or gauze or sprayed on.
- (d) Single-use gauze pads, cloths and towels shall be used in the skin cleaning and preparation process. Such materials shall be discarded after use.
- (e) All patrons that have received a tattoo or body piercing, or portion of a tattoo or body piercing, shall be provided with printed aftercare instructions regarding care during the healing process of any tattoo or body piercing done at such establishment.

**8.72.110 Tattoo**

- (a) It shall be unlawful for any person to tattoo a person under the age of 18 years, regardless of parental consent.
- (b) Before administering a tattoo, the patron must be advised in writing of the consent form in regards to the following:
  - (1) That the tattoo should be considered permanent,
  - (2) That there is potential for adverse healing such as keloid formation, and hypertrophic scarring,
  - (3) That it can only be removed with a surgical procedure, and
  - (4) That any effective removal may leave scarring.
- (c) One copy of the consent form will be retained by the establishment for three (3) years and a copy of the consent form will be given to the patron.
- (d) Any dye or ink in which needles were dipped shall not be used on another person. Ink cups shall be for single patron use.
- (e) Needles shall be used on only one (1) patron and then properly discarded.
- (f) Needles may be reused during the same session on the same person by rinsing them under running tap water, followed by rinsing them in seventy percent (70%) isopropyl alcohol.
- (g) No stencil may be re-used unless it has been disinfected/sanitized.

- (h) Plastic stencils shall be thoroughly cleaned after each use and sanitized by immersion for ten (10) minutes in a chlorine disinfectant solution prepared by mixing one (1) tablespoon of household bleach containing five percent (5%) chlorine with one (1) pint of water. A fresh solution of chlorine must be prepared for each stencil. After sanitizing, the stencils shall be rinsed in running tap water and air-dried or blotted dry with a clean, single-use towel. Prior to use, each pre-cleaned stencil shall be rinsed in a seventy percent (70%) isopropyl alcohol solution.
- (i) Paper stencils shall only be used once. New paper stencils shall be used for every individual.
- (j) All inks, pigments, dyes and instruments used in the practice of tattooing shall be maintained in a condition to prevent contamination.
- (k) All inks, pigments, and dyes shall be obtained from sources recognized as safe. Information indicating the sources of all ink and pigments shall be available to the Officer or County Health Department upon request.
- (l) Only inks, pigments and dyes shall be used and shall be dispensed from bottles and containers.
- (m) Immediately before applying a tattoo, the dye to be used for the tattoo shall be squeezed from the dye bottles into disposable cups. Upon the completion of the tattoo, the cups and unused dye shall be discarded. Any dye in which the needles were dipped shall not be used on another person.
- (n) Petroleum jelly, or other applying agent, used for applying stencils shall be dispensed from a single-use disposable container or with a tongue blade or applicator stick, which shall be discarded after each use.
- (o) After completing work on any patron, the tattooed area shall be washed with seventy percent (70%) isopropyl alcohol. A dry, gauze or plastic wrap dressing shall be used to cover the tattooed area. Pierced areas shall be treated to ensure the prevention of infection.

**8.72.120 Body Pierce**

- (a) It shall be unlawful for any person to body pierce an individual under the age of 18 years unless such body piercing is performed in the presence of, or as directed by a notarized writing by, the minor's parent or legal guardian. The minor shall present valid identification and the parent or legal guardian shall present a valid photo identification to the practitioner prior to any body piercing.

- (b) Nipple and genital piercing is prohibited on minors regardless of parental consent.

**8.72.130 Interpretation** In their interpretation and application, the provisions of this ordinance shall be held to a minimum requirement and shall be liberally construed in favor of the City of Huntington Beach, and shall not be deemed a limitation or repeal of any other power granted by the City of Huntington Beach Municipal Code.

**8.72.140 Severability** If any section, sentence, clause or phrase of this section is for any reason held to be invalid or unconstitutional by a decision of any court, such decision shall not affect the validity of the remaining portions of this ordinance.

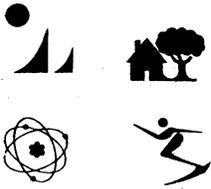
**8.72.150 Enforcement**

- (a) The Officer shall have the authority, under the Huntington Beach Municipal Code, to inspect any establishment under the provisions of this ordinance for the purpose of determining compliance with any of the terms of this ordinance.
- (b) Access. The Officer for the City of Huntington Beach or a designee of the Orange County Health Care Agency shall be permitted to enter the tattooing or body piercing establishment at any time, during normal business hours, in order to ensure that the provisions of this ordinance are being met. The Officer may enter, inspect, issue notices of violations, copy records, impound, seize and secure any samples, photographs, or other evidence from any licensed or unlicensed establishment.

**8.72.160 Violations** Violations of this ordinance are an immediate and present danger to the public health and welfare. Unlicensed or unsanitary operation of a tattoo or body piercing business shall be deemed to cause irreparable harm. Violations of this ordinance may be enjoined, without prejudice to seek forfeiture for the violations involved.

**8.72.170 Penalties** Each of the following acts or omissions of the ordinance shall constitute a misdemeanor.

- (a) Any performance of a tattooing or body piercing operation by an Operator in violation of any requirement of prohibition imposed in this article.
- (b) Any failure by a proprietor to maintain a tattooing or body piercing establishment in conformity with the requirements of this article. For purposes of this subparagraph (b), each day upon which such a failure to conform occurs shall constitute a separate violation.



# City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

## DEPARTMENT OF PLANNING

Phone 536-5271  
Fax 374-1540  
374-1648

September 28, 2006

Daniel McNab  
19744 Beach Boulevard #458  
Huntington Beach CA 92648

**SUBJECT: CONDITIONAL USE PERMIT NO. 06-034 (THE TATTOO GALLERY)  
19921 BEACH BOULEVARD, HUNTINGTON BEACH**

Dear McNab:

In order to assist you with your development proposal, staff has reviewed the project and identified applicable city policies, standard plans, and development and use requirements, excerpted from the City of Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes. This preliminary list is intended to help you through the permitting process and various stages of project implementation.

It should be noted that this requirement list is in addition to any "conditions of approval" adopted by the Planning Commission. Please note that if the design of your project changes or if site conditions change, the list may also change based upon modifications to your project and the applicable city policies, standard plans, and development and use requirements.

If you would like a clarification of any of these requirements, an explanation of the Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes, or believe some of the items listed do not apply to your project, and/or you would like to discuss them in further detail, please contact me at (714) 374-1744 and/or the respective source department (abbreviation in parenthesis at end of each condition – contact person below).

Sincerely,

TESS NGUYEN  
Associate Planner

Enclosure

cc: Gerald Caraig, Building and Safety Department – 714-374-1575  
Lee Caldwell, Fire Department – 714-536-5564  
Steve Bogart, Public Works – 714-536-5580  
Herb Fauland, Principal Planner  
Jason Kelley, Planning Department  
Property Owner (Bella Spese, LLC)  
Project File

**ATTACHMENT NO. 4.1**

**DRAFT CODE REQUIREMENTS, POLICIES, STANDARD PLANS OF THE  
HUNTINGTON BEACH ZONING & SUBDIVISION ORDINANCE AND MUNICIPAL CODE**

**PROJECT:** Conditional Use Permit No. 06-034 (Tattoo Gallery)  
**ADDRESS:** 19921 Beach Boulevard, Huntington Beach

The draft list is intended to assist the applicant by identifying a preliminary list of code requirements applicable to the proposed project, which must be satisfied during the various stages of project implementation. Any conditions of approval adopted by the Zoning Administrator would also be applicable to your project. A final list of requirements will be provided upon approval by the applicable discretionary body. If you have any questions regarding these requirements, please contact the Project Planner and the applicable Department Representative.

**CONDITIONAL USE PERMIT NO. 06-034:**

1. The site plan, floor plans, and elevations approved by the Planning Commission shall be the conceptually approved layout.
2. Prior to submittal for building permits, the following shall be completed:
  - a. Zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Fire and Public Works shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
3. The Planning Director ensures that all code requirements herein are complied with. The Planning Director shall be notified in writing if any changes to the site plan, elevations and floor plans are proposed as a result of the plan check process. Building permits shall not be issued until the Planning Director has reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action and the conditions herein. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the Huntington Beach Zoning and Subdivision Ordinance.
4. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
5. Conditional Use Permit No. 06-034 shall not become effective until the ten calendar day appeal period from the Planning Commission approval of the entitlements has elapsed.
6. Conditional Use Permit No. 06-034 shall become null and void unless exercised within one (1) year of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning Department a minimum of 30 days prior to the expiration date.

7. The Planning Commission reserves the right to revoke Conditional Use Permit No. 06-034, pursuant to a public hearing for revocation, if any violation of the conditions or the Huntington Beach Zoning and Subdivision Ordinance or Municipal Code occurs.
8. The development shall comply with all applicable provisions of the Municipal Code, Building and Safety Department, and Fire Department as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein.
9. Construction shall be limited to Monday – Saturday 7:00 AM to 8:00 PM. Construction shall be prohibited Sundays and Federal holidays.
10. The applicant shall submit a check in the amount of \$43.00 for the posting of the Notice of Exemption at the County of Orange Clerk's Office. The check shall be made out to the County of Orange and submitted to the Planning Department within two (2) days of the Planning Commission's action.
11. All permanent, temporary, or promotional signs shall conform to Chapter 233 of the HBZSO. Prior to installing any new signs, changing sign faces, or installing promotional signs, applicable permit(s) shall be obtained from the Planning Department. Violations of this ordinance requirement may result in permit revocation, recovery of code enforcement costs, and removal of installed signs.
12. A Certificate of Occupancy must be approved by the Planning Department and issued by the Building and Safety Department prior to occupying the building.



**City of Huntington Beach Planning Department**  
**STUDY SESSION REPORT**

**TO:** Planning Commission  
**FROM:** Scott Hess, Acting Director of Planning  
**BY:** Rami Talleh, Associate Planner  
**DATE:** October 10, 2006

**SUBJECT: CONDITIONAL USE PERMIT NO. 06-28 (MOBIL MINI-MART – 16001 BEACH BLVD.)**

**PROJECT REQUEST AND SPECIAL CONSIDERATIONS**

Conditional Use Permit No. 06-28 represents a request for the following:

To permit a convenience store as an ancillary use to an existing automobile service station. The existing service station was originally constructed with a small retail/cashier booth (approximately 168 sq. ft.) and ancillary automobile repair facility (approximately 1,850 sq. ft.). The applicant requests to convert the existing automobile repair area into an ancillary convenience store. In conjunction with the conversion, the applicant proposes exterior modifications such as a new storefront, design enhancements, landscape improvements, one additional parking space, and closure of one existing drive approach located on Edinger Avenue.

**CURRENT LAND USE, HISTORY OF SITE, GENERAL PLAN DESIGNATION**

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	CG-F1 (General Commercial – 0.35 max. Floor Area Ratio)	CG (Commercial General)	Automobile Service Station with ancillary automobile repair
North of Subject Property (across Edinger):	CR-F2-sp- mu-F9 (Regional Commercial – Specific Plan – Mixed Use – 1.5 max. Floor Area Ratio)	SP13 (The Crossings/Bella Terra Specific Plan)	Bella Terra Mall
East of Subject Property (across Beach):	CG-F1 (General Commercial – 0.35 max. Floor Area Ratio)	CG (Commercial General)	Mixed use office/ retail/restaurant development
South of Subject Property:	CG-F1 (General Commercial – 0.35 max. Floor Area Ratio)	CG (Commercial General)	Full Service car wash
West of Subject Property:	CG-F1 (General Commercial – 0.35 max. Floor Area Ratio)	CG (Commercial General)	Fast food restaurant

The City approved Conditional Exception No. 93-16 which allowed for reduced landscaping requirements and canopy encroachments into the required setbacks along Edinger Avenue and Beach Boulevard. Condition No. 8 of Conditional Exception No. 93-16 requires that the Planning Commission review and approve future requests to convert the automobile repair to a convince store (Attachment No. 4).

### **APPLICATION PROCESS AND TIMELINES**

**DATE OF COMPLETE APPLICATION:**      **MANDATORY PROCESSING DATE(S):**

Conditional Use Permit: September 10, 2006      November 10, 2006

Conditional Use Permit No. 06-28 was filed on July 21, 2006, and deemed complete September 10, 2006. The application is tentatively scheduled for the Planning Commission meeting of October 24, 2006.

### **CEQA ANALYSIS/REVIEW**

The proposed project is Categorically Exempt pursuant to Class 1, Existing Facilities, Section 15301 of the California Environmental Quality Act, which states that minor alterations and operation to existing structures are exempt from further environmental review.

### **COMMENTS FROM CITY DEPARTMENTS AND OTHER PUBLIC AGENCIES**

The Departments of Building & Safety, Fire, and Public Works have reviewed the application and identified applicable code requirements and suggested conditions of approval.

### **PUBLIC MEETINGS, COMMENTS AND CONCERNS**

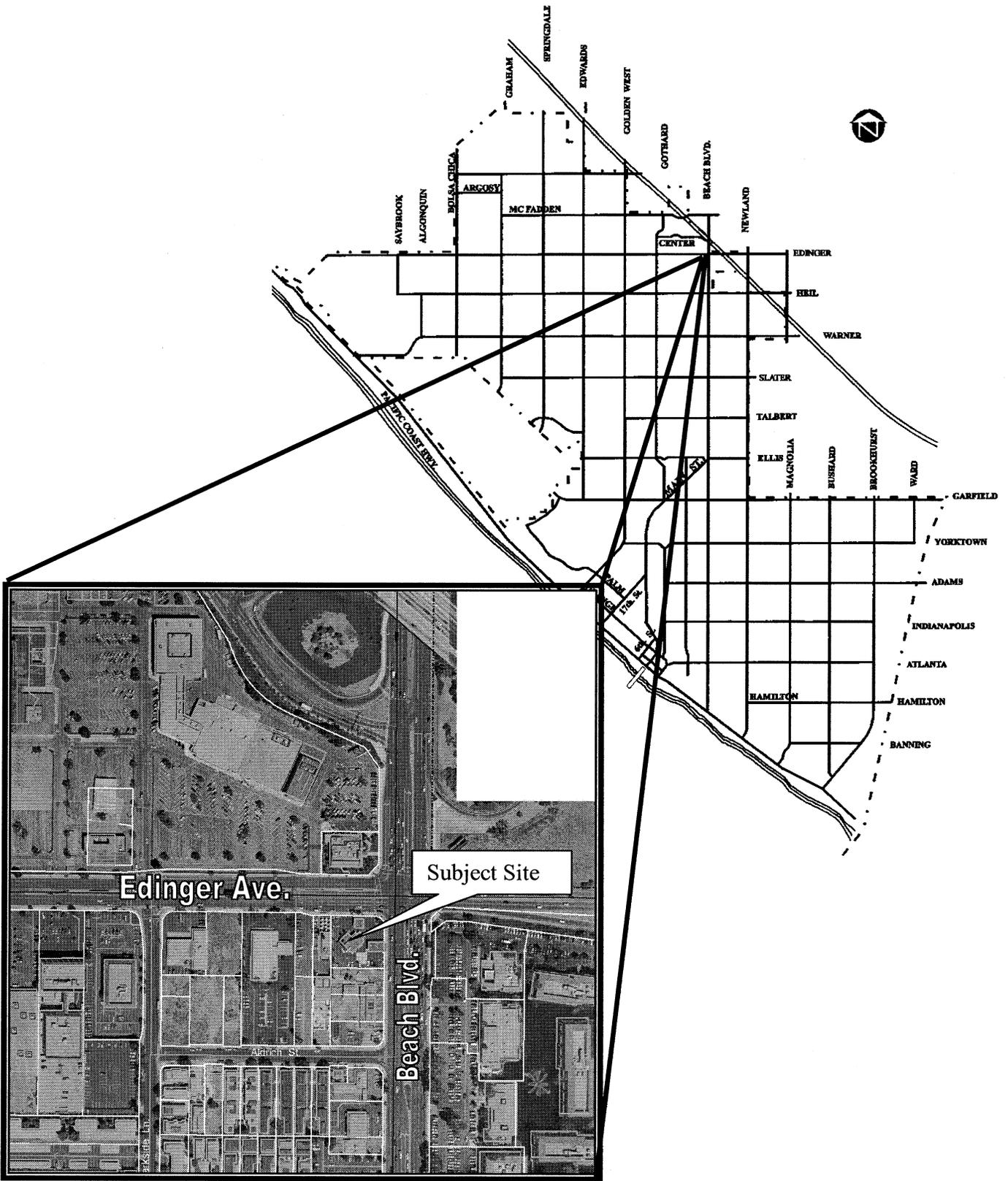
Design Review Board (DRB) reviewed the proposed project on August 10, 2006. The DRB recommended approval of the project with recommended conditions of approval (Attachment No. 3). To date, there have been no comments from the public regarding this request.

### **PLANNING ISSUES**

The existing gas station is located at the gateway intersection of the City (southwest corner of Beach Blvd. and Edinger Ave) and is designated as a Primary Entry Node in the City's Urban Design Element of the General Plan. In addition, the site is located across the street from the recently revitalized Bella Terra Mall (formerly Huntington Beach Mall). Due to the prominence of the site's location, one of the primary issues is design consistency and compatibility with the surrounding area. The site is previously developed with adequate vehicular access and landscaping. Seven parking spaces are currently provided on-site. The applicant proposes to provide one additional parking space to comply with the minimum requirement of eight on-site parking spaces.

### **ATTACHMENTS:**

1. Vicinity Map
2. Project Plans – Received and dated July 21, 2006
3. Design Review Board recommended Conditions of Approval – DR No. 06-22
4. Conditions of Approval – Conditional Exception No. 93-16



**VICINITY MAP**  
**CONDITIONAL USE PERMIT NO. 06-28**  
**(MOBIL GAS STATION – 16001 BEACH BLVD.)**

# BEACH MOBIL INC.

MR. KAISER KORRIS

16001 BEACH BLVD.

HUNTINGTON BEACH

CA 92647-3802

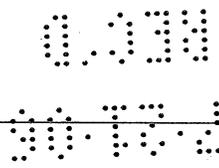
## DWG SHEETS INDEX :

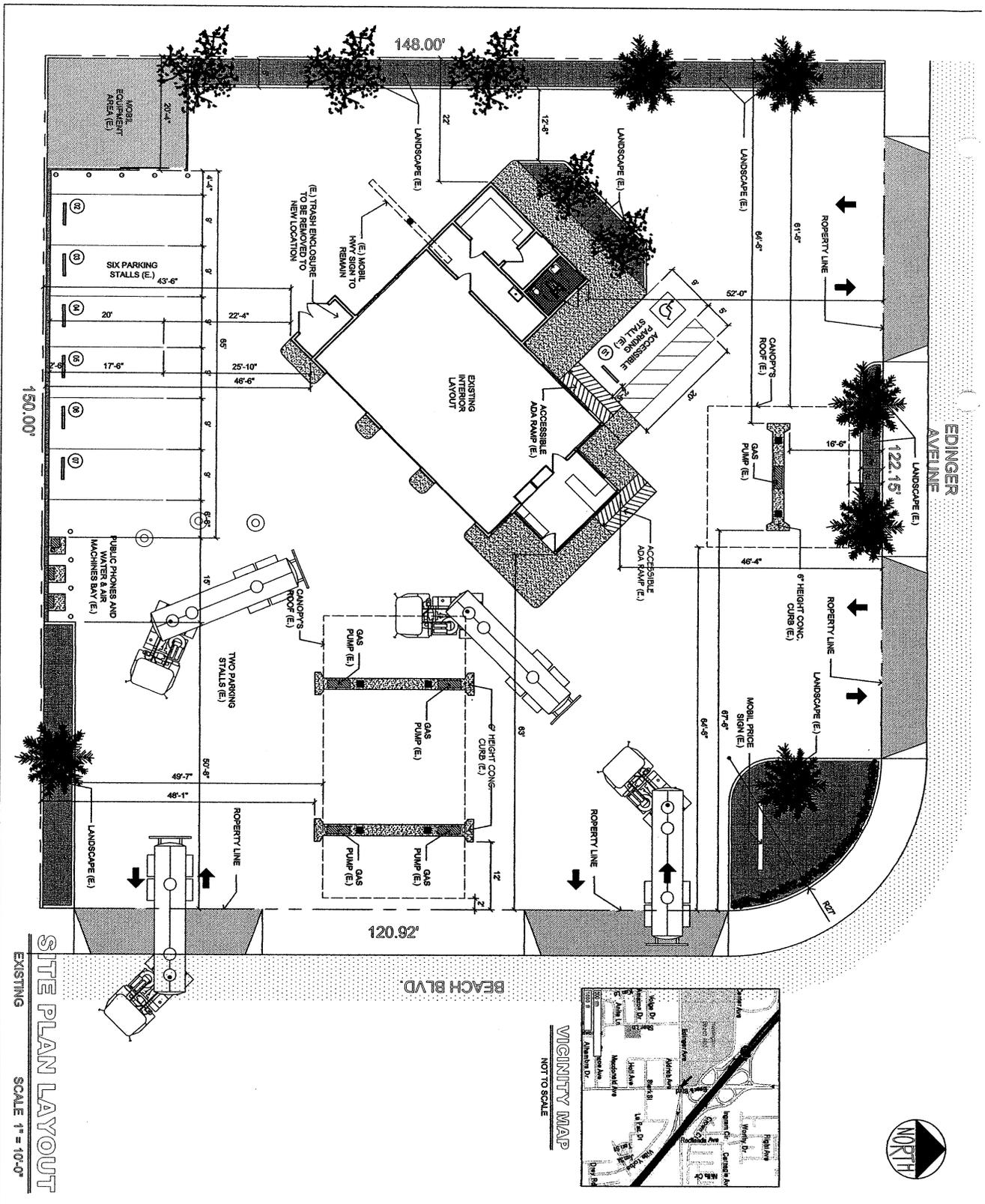
- A-01 EXISTING SITE LAYOUT.
- A-02 MODIFIED SITE LAYOUT.
- A-03 EXISTING FLOOR PLAN.
- A-04 NEW FLOOR PLAN.
- A-05 S-E & N-E ELEVATIONS.
- A-06 N-W & S-W ELEVATIONS.

### SERVICE STATION

SUBJECT	CODE SECTION	EXISTING	REQUIRED	PROPOSED
MINIMUM PANEL SIZE	230.32 A	2179 SQ. FT.	2250 SQ. FT.	NO CHANGE
MINIMUM FRONTAGE	230.32 B	121.92' x 127' BEACH BLVD.	161.00'	NO CHANGE
MINIMUM FRONTAGE	230.32 B	121.92' x 127' BEACH BLVD.	161.00'	NO CHANGE
SITE LAYOUT	230.32 C	CANOPY, FULE DIS. AUTO SERVICES	CUT & FILL VARIANCE	CONVERSION
DESIGN STANDARDS	230.32 D-1	NEW LIGHTING AND NEW FUEL DISPENSERS	NEW LANDSCAPE HARMONIOUS DESIGN TO THE NEIGHBORHOOD	MATCH THE BUILDING CONCEPTUAL DESIGN OF BELLA TERRA
DRIVEWAYS AND ON-SITE TRAFFIC CIRCULATION	230.32 D-2	FOUR DRIVEWAYS 20' EDGEMER BEACH BVD. INTERSECTION	THREE DRIVEWAYS	3 DRIVEWAYS. THE TRAFFIC CONGESTION @ EAST BOND OF EDGEMER AVE.
SERVICE BAYS				
REMAINING UNSIGHTLY AUTO REPAIR FROM VISITORS TO HUNTINGTON BEACH)	230.32 D-3	THREE SERVICE BAYS	THREE SERVICE BAYS	CONVERT SERVICE BAYS TO MINIWAVE OR CUSTOM
LIGHTING	230.32 D-4	CONFORMING LIGHTING	CONFORMING LIGHTING	NO CHANGE
LANDSCAPE	230.32 D5 230.32 D5-A 230.32 D5-B 230.32 D5-C	1,609.79 SQ. FT. 990 SQ. FT. 626 SQ. FT. 148 SQ. FT.	2,179 SQ. FT. 726 SQ. FT. 600 SQ. FT. 70 SQ. FT.	2,288 SQ. FT. 1,280 SQ. FT. 800 SQ. FT. 390 SQ. FT.
BUILDING SETBACK	230.32 D-6	25'-0"	NORTH: 46'-4" SOUTH: 45'-4" WEST: 22'-0"	NO CHANGE NO CHANGE NO CHANGE
PIPING ISLAND SETBACK	230.32 D-6	20'-0"	SMALL ISLAND NORTH: 9'-5" EAST: 12'-0"	NO CHANGE
CANOPY SETBACK	230.32 D-6	10'-0"	SMALL CANOPY NORTH: 6'-0" EAST: 2'-0"	NO CHANGE
STORAGE FOR MATERIALS & EQUIPMENTS	230.32 E	NONE	N/A	NO CHANGE
ACCESSORY USES	230.32 F-1	THREE AUTO REPAIR SERVICE BAYS	NONE	CONVERT SERVICE BAYS TO MINIWAVE OR CUSTOM

INTL. ASSOC. AIA  
ID. #: 30277982





SHEET NO. **A-01**

**EXIST. SITE PLAN LAYOUT**

**SHEET TITLE**

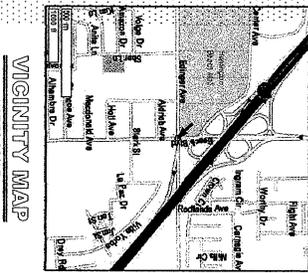
RIBBON #	REVISION DATE
Q-1	MAY 7, 08 / 2008
Q-2	MAY 7, 08 / 2008
Q-3	MAY 7, 11 / 2008
Q-4	MAY 7, 11 / 2008
Q-5	MAY 7, 11 / 2008
Q-6	MAY 7, 11 / 2008
Q-7	MAY 7, 11 / 2008
Q-8	MAY 7, 11 / 2008
Q-9	MAY 7, 11 / 2008
Q-10	MAY 7, 11 / 2008

**MOBIL SERVICE STATION REMODELING**  
**KAISER KORKIS**  
**BEACH MOBIL INC.**  
 16001 BEACH BLVD., HUNTINGTON BEACH  
 CALIFORNIA 92647-3802  
 Off. Ph. #: (714) 841-5059  
 Cell Ph. #: (714) 606-1600



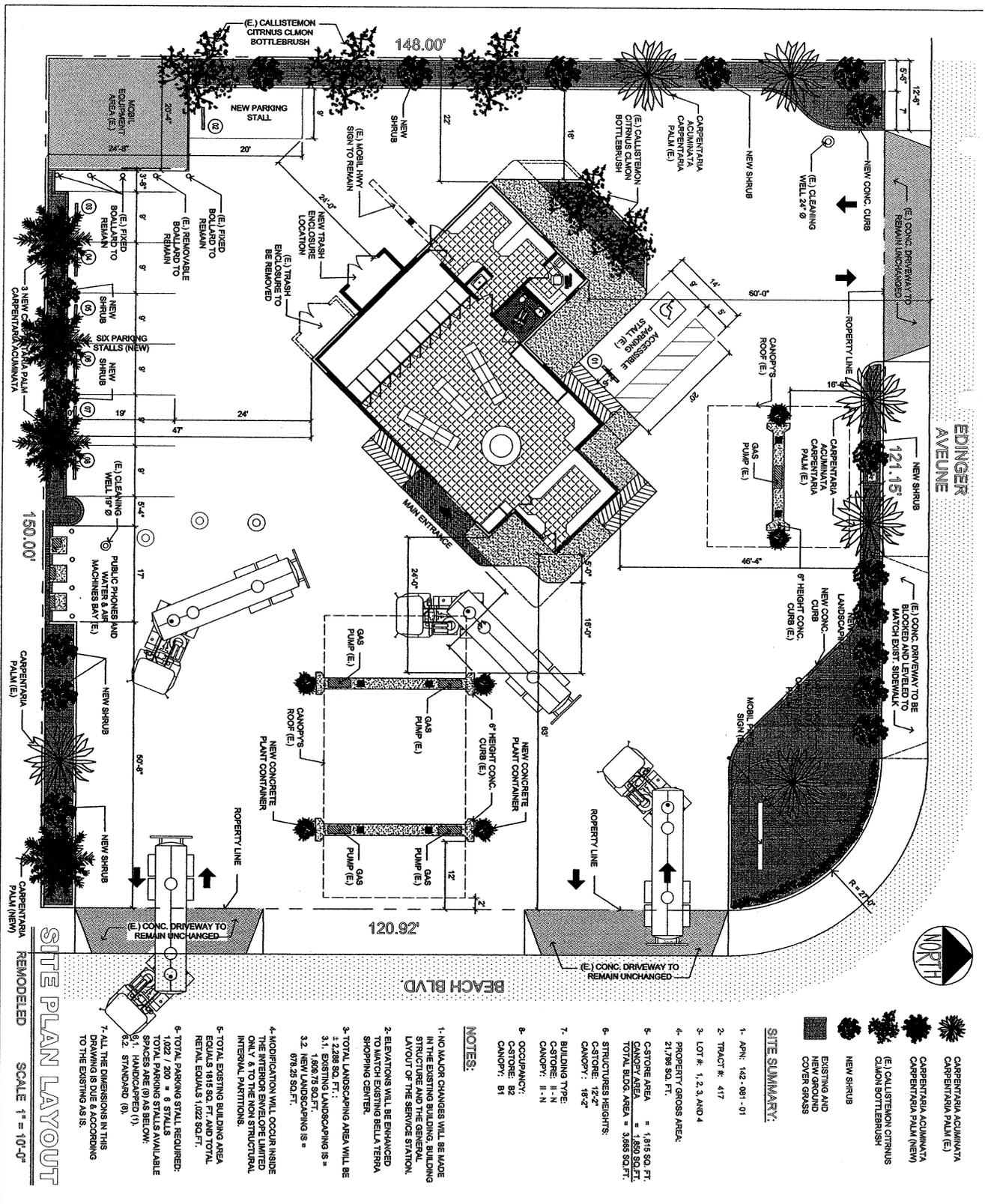
**INTL. ASSOC. AIA**  
 ID. # 30277962

Architect's Patent Office



**VICINITY MAP**  
NOT TO SCALE

**SITE PLAN LAYOUT**  
 EXISTING  
 SCALE 1" = 10'-0"



- CARPETARIA ACUMINATA
- CARPETARIA PALM (E)
- CARPETARIA PALM (NEW)
- (E) CALLISTEMON CITRINUS
- CALLISTEMON CITRINUS BOTTLEBRUSH
- NEW SHRUB
- EXISTING AND NEW GROUND
- COVER GRASS

**SITE SUMMARY:**

1. APR. 142 - 081 - 01
2. TRACT #: 417
3. LOT #: 1, 2, 3, AND 4
4. PROPERTY GROSS AREA: 21,796 SQ. FT.
5. C-STORE AREA = 1,816 SQ. FT.
6. CANOPY AREA = 1,689 SQ. FT.
7. TOTAL BLDG. AREA = 3,689 SQ. FT.

**NOTES:**

1. NO MAJOR CHANGES WILL BE MADE IN THE EXISTING BUILDING, BUILDING FOOTING AND THE GENERAL LAYOUT OF THE SERVICE STATION.
2. ELEVATIONS WILL BE ENHANCED TO MATCH EXISTING BELLA TERRA SHOPPING CENTER.
3. TOTAL LANDSCAPING AREA WILL BE 12,242 SQ. FT.
4. EXISTING LANDSCAPING IS = 1,893.75 SQ. FT.
5. NEW LANDSCAPING IS = 878.25 SQ. FT.
6. MODIFICATION WILL OCCUR INSIDE THE INTERIOR ENVELOPE LIMITED ONLY, & TO THE NON STRUCTURAL INTERIOR PARTITIONS.
7. TOTAL EXISTING BUILDING AREA EQUALS 1,815 SQ. FT. AND TOTAL RETAIL EQUALS 1,022 SQ. FT.
8. TOTAL PARKING STALLS REQUIRED: 1102 / 200 = 8 STALLS
9. TOTAL SPACES ARE (8) STALLS, (8) HANDICAPPED (1), & (2) STANDARD (8).
10. ALL THE DIMENSIONS IN THIS DRAWING IS CUE & ACCORDING TO THE EXISTING AS IS.

**SITE PLAN LAYOUT**  
REMODELED  
SCALE 1" = 10'-0"

SHEET NO. **A-02**

**Now & REMODEL SITE PLAN LAYOUT**

**SHEET TITLE**

PREVIOUS PLOT: JUNE (9) 2008  
LATEST PLOT: JUNE (21) 2008

RIBBON #	REVISION DATE
Q-1	MAYC. 02 / 2008
Q-2	MAYC. 07 / 2008
Q-3	MAYC. 11 / 2008
Q-4	MAYC. 17 / 2008
Q-5	MAYC. 21 / 2008
Q-6	MAYC. 27 / 2008
Q-7	JUNE 01 / 2008
Q-8	JUNE 07 / 2008
Q-9	JUNE 13 / 2008
Q-10	JUNE 20 / 2008

**MOBIL SERVICE STATION REMODELING**  
**KAISER KORKIS**  
**BEACH MOBIL INC.**  
16001 BEACH BLVD., HUNTINGTON BEACH  
CALIFORNIA 92647-3802  
Off. Ph. #: (714) 841-5059  
Cell Ph. #: (714) 606-1600



Alexander P. Oshins  
6666  
147  
N.W. 12, Fort Lauderdale, FL 33305  
Phone: (954) 822-4390  
Fax: (954) 822-4399  
shelley@beachmobil.net

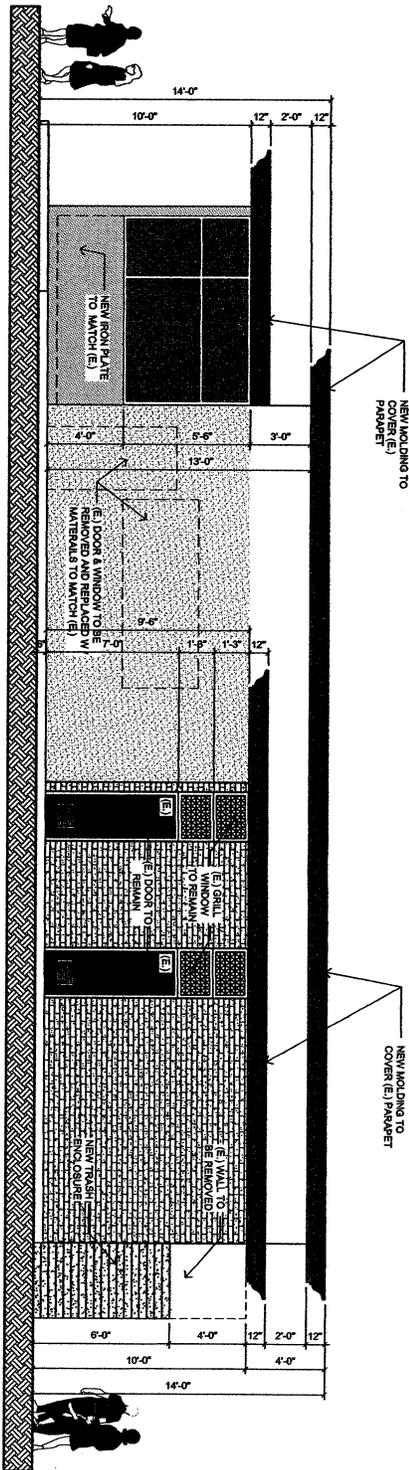
**INTL. ASSOC. AIA**  
ID. #: 30277982





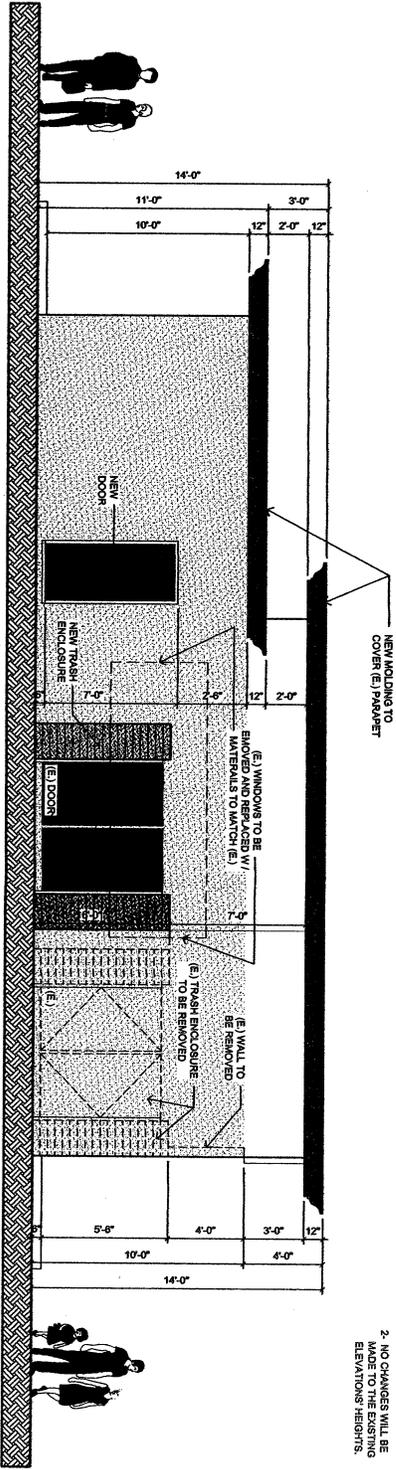






**NORTH WEST ELEVATION**

SCALE 1/4" = 1'-0"



**SOUTH WEST ELEVATION**

SCALE 1/4" = 1'-0"

- NOTES:**
- 1- ALL THE DIMENSIONS IN THIS DRAWING IS DUE AND ACCORDING TO THE EXISTING AS IS.
  - 2- NO CHANGES WILL BE MADE TO THE EXISTING ELEVATIONS' HEIGHTS.

SHEET A-N-R

**NORTH WEST ELEVATION & SOUTH WEST ELEVATION**

**SHEET TITLE**

PREVIOUS PLOT: JUNE 09/2006  
LATEST PLOT: JUNE 21/2006

REVISION #	REVISION DATE
Q-1	MAY / 09 / 2006
Q-2	MAY / 09 / 2006
Q-3	MAY / 11 / 2006
Q-4	MAY / 11 / 2006
Q-5	MAY / 21 / 2006
Q-6	MAY / 21 / 2006
Q-7	MAY / 18 / 2006
Q-8	JUNE / 01 / 2006

**MOBIL SERVICE STATION REMODELING  
KAISER KORKIS  
BEACH MOBIL INC.  
18001 BEACH BLVD., HUNTINGTON BEACH  
CALIFORNIA 92647-3802  
OR. Ph. #: (714) 841-5059  
Call Ph. #: (714) 608-1600**



Alexander P. Ozolin  
8538 Tennard Avenue  
Apt # 17, Marina  
City 92633 - 3944  
Phone # (714) 827-4350  
Fax # (714) 827-4350  
Email: alex.ozolin@beachmobil.com

**INTL. ASSOC. AIA**  
ID. # 30277952



**RECOMMENDED CONDITIONS OF APPROVAL - DESIGN REVIEW NO. 06-22**

1. The site plan, floor plans and elevations received and dated July 21, 2006, shall be the conceptually approved layout with the following modifications:
  - a. A landscaped planter shall be provided in front of the building along the southeast and southwest elevations. A minimum 24 ft. wide drive aisle shall be maintained on the south side of the building.
  - b. The cornice treatment on the building shall be painted a cocoa color (DEC755).
  - c. A white (DEW380) band shall be painted on the fascia on all four elevations of the building.
  - d. A blue corporate stripe (Beautiful Blue DEA136), in addition to the white band, shall be painted on the fascia of the southeast building elevation. In addition the proposed blue arches above the entrance shall remain.
  - e. The main color of the building shall be painted beige, two shades lighter than that of the color of existing brick veneer on the building.
  - f. A brick wainscoting to match that of the existing structure shall be provided for the bottom five feet of pump island support columns. In addition the support columns shall be painted beige to match the main color of the structure.
  
2. The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers, or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in defense thereof.

NOTICE OF ACTION

July 2, 1993

Petition/Document: CONDITIONAL EXCEPTION NO. 93-16

Applicant: KHR Associates  
18500 Von Karmon Ave., Ste. 300  
Irvine, CA 92715

Request: To permit variances for reduced landscaping requirements and canopy encroachments into the required setbacks (2' and 5' in lieu of minimum 7') pursuant to Sections 9220.14(e) and 9607.7 of the Huntington Beach Ordinance Code.

Location: 16001 Beach Blvd.

Dear Applicant:

Your application was acted upon by the Zoning Administrator of the City of Huntington Beach on June 30, 1993, and your request was Conditionally Approved. Included in this letter are the Conditions of Approval for this application.

Under the provisions of the Huntington Beach Ordinance Code, the action taken by the Zoning Administrator is final unless an appeal is filed to the Planning Commission by you or by an interested party. Said appeal must be in writing and must set forth in detail the action and grounds by which the applicant or interested party deems himself aggrieved. Said appeal must be accompanied by a filing fee of Two Hundred Dollars (\$200.00) and submitted to the Secretary of the Planning Commission within ten (10) calendar days of the date of the Zoning Administrator's action.

The last day for filing an appeal and paying the filing fee for the above noted application is July 12, 1993.

Provisions of the Huntington Beach Ordinance Code are such that any application becomes null and void one (1) year after the final approval, unless actual construction has begun.

ATTACHMENT NO. 41

FINDINGS FOR APPROVAL - CONDITIONAL EXCEPTION NO. 93-16:

1. The granting of Conditional Exception No. 93-16 to allow reduced landscaping, and canopy encroachments into required setbacks will not constitute a grant of special privilege inconsistent upon other properties in the vicinity and under an identical zone classification.
2. Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications. Due to the site layout, the existing pumps are located closer to the street, requiring the canopies to encroach several feet into the setback.
3. The granting of Conditional Exception No. 93-16 is necessary in order to preserve the enjoyment of one or more substantial property rights. The granting of Conditional Exception No. 93-16 will allow for upgrading of the existing canopies and added landscaping.
4. The granting of Conditional Exception No. 93-16 will not be materially detrimental to the public welfare, or injurious to property in the same zone classifications. The remodel will not impact traffic on arterials, nor on-site circulation.
5. The granting of Conditional Exception No. 93-16 will not adversely affect the General Plan of the City of Huntington Beach. The remodel of the existing gas station is consistent with the General Commercial Land Use designation of the General Plan.

SPECIAL CONDITIONS OF APPROVAL:

1. The site plan, floor plans, and elevations received and dated April 26, 1993 shall be the conceptually approved layout.
2. The Zoning Administrator shall be notified in writing if any changes in building height, floor area, setbacks, building elevations or open space are proposed as a result of the plan check process. Building permits shall not be issued until the Zoning Administrator has reviewed and approved the proposed changes. The Zoning Administrator reserves the right to require that an amendment to the original entitlement be processed if the proposed changes are of a substantial nature.
3. Conditions of approval shall be printed verbatim on the cover sheet of all working drawing sets submitted for plancheck.

4. Prior to issuance of building permits, four (4) sets of landscape and irrigation plans shall be submitted to the Department of Community Development and Public Works for review and approval.
5. Fire Department Requirements:
  - a. Fire extinguishers shall be provided in number and at locations specified by the Fire Department.
  - b. Building address numbers shall be installed in an area approved by the Fire Department to comply with Specification 428.
  - c. All fuel dispensing systems shall comply with Article 79, Division 9 requirements of the 1991 Uniform Fire Code.
6. There shall be no outside storage of vehicles, vehicle parts, equipment or trailers.
7. All repair work shall be conducted wholly within the building.
8. The site shall be restricted to servicing of automobiles and sale of automobile-related products. A convenience market or "mini-market" shall not be permitted without the approval of a Conditional Use Permit by the Planning Commission.
9. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
10. The major identification sign (on corner) shall be removed or altered to comply with Article 961 within ninety (90) days of the approval date.

INFORMATION ON SPECIFIC CODE REQUIREMENTS:

1. The development shall comply with all applicable provisions of the Ordinance Code, Building Division, and Fire Department.
2. The applicant shall meet all applicable local, State, and Federal Fire Codes, Ordinances, and standards.
3. The applicant shall obtain the necessary permits from the South Coast Air Quality Management District.
4. Development shall meet all local and State regulations regarding installation and operation of all underground storage tanks.
5. All applicable Public Works fees shall be paid prior to issuance of building permits.

6. The Zoning Administrator reserves the right to revoke Conditional Exception No. 93-16 if any violation of these conditions or the Huntington Beach Ordinance Code occurs.

The Department of Community Development will perform a comprehensive plan check relating to all Ordinance Code requirements upon submittal of your completed structural drawings.

Please be advised that the Zoning Administrator reviews the conceptual plan as a basic request for entitlement of the use applied for in relation to the vicinity in which it is proposed. The conceptual plan should not be construed as a precise plan reflecting conformance to all Ordinance Code requirements.

It is recommended that you immediately pursue completion of the Conditions of Approval and address all requirements of the Huntington Beach Ordinance Code in order to expedite the processing of your total application.

I hereby certify that Conditional Exception No. 93-16 was Conditionally Approved by the Zoning Administrator of the City of Huntington Beach, California, on June 30, 1993, upon the foregoing conditions and citations.

Very truly yours,

  
Michael Strange  
Zoning Administrator

MS:WC:lp  
(7004d3,6)

ATTACHMENT NO. 4.4



City of Huntington Beach Planning Department  
**STAFF REPORT**

**TO:** Planning Commission  
**FROM:** Scott Hess, Acting Planning Director  
**BY:** Rami Talleh, Associate Planner   
**DATE:** October 10, 2006

**SUBJECT: CONDITIONAL USE PERMIT NO. 06-23 (HB BEER COMPANY)**

**APPLICANT:** Michael C. Adams Associates, 21190 Beach Blvd., Huntington Beach, CA 92648

**PROPERTY**

**OWNER:** Sheryl and Tom Caverly, 553 Temple Hills Dr., Laguna Beach, CA 92651

**LOCATION:** 201 Main Street, Suite E (Northwest corner of Main St. and Walnut Ave.)

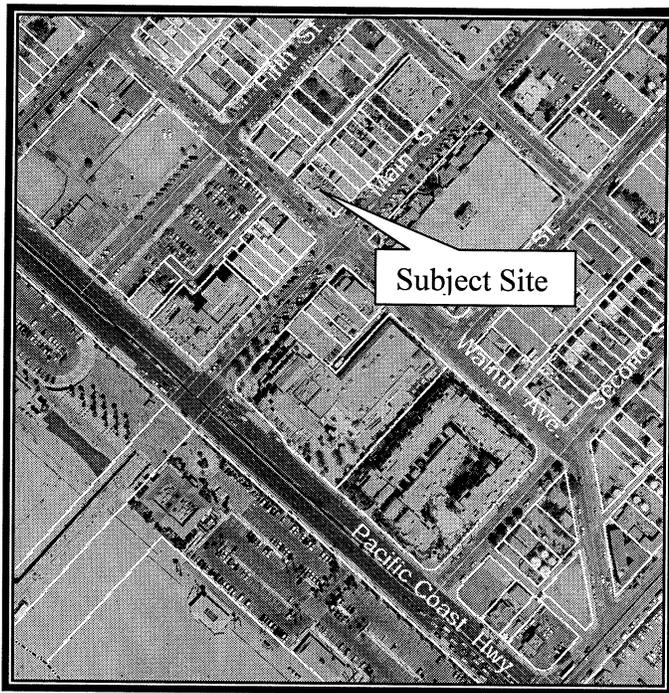
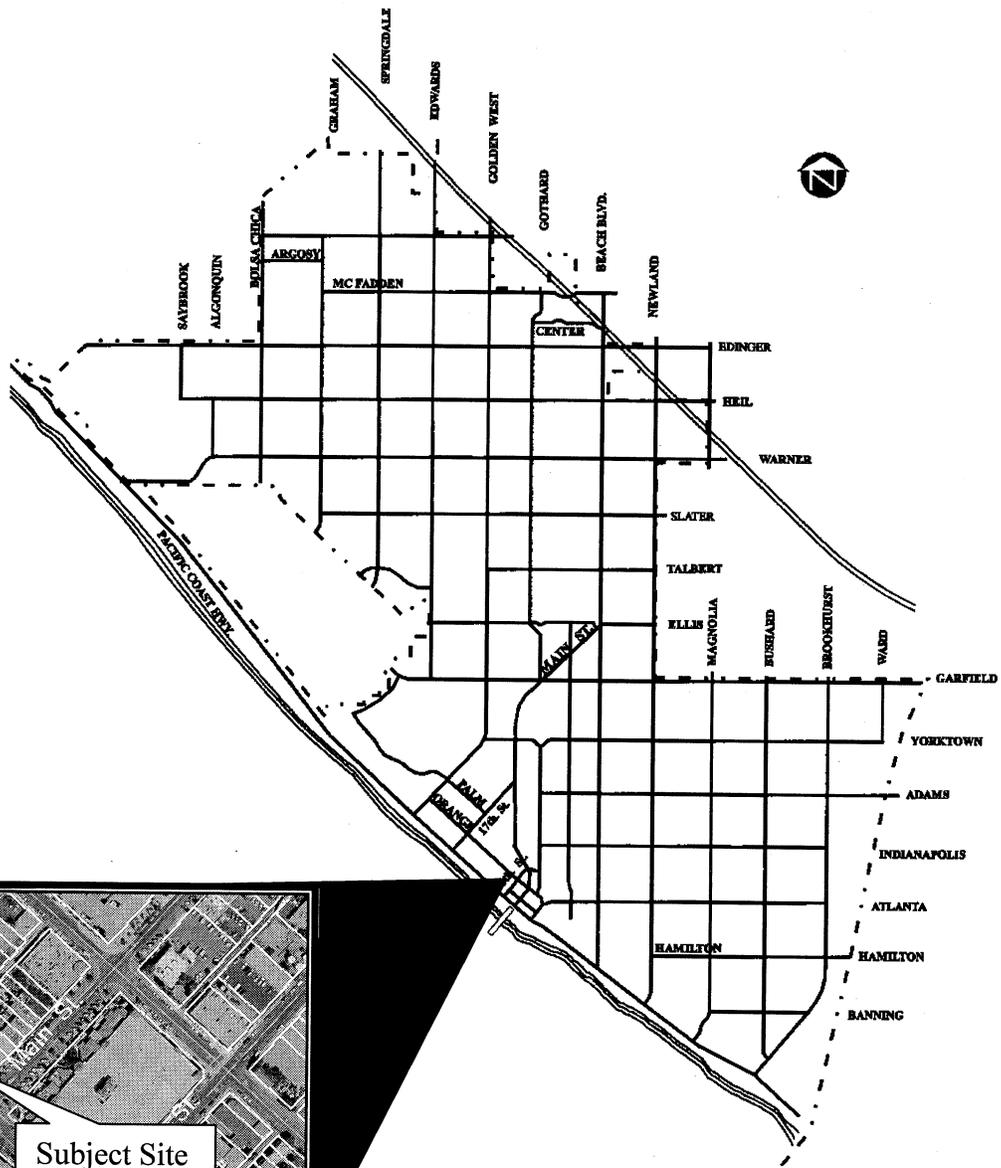
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**STATEMENT OF ISSUE:**

- ◆ Conditional Use Permit No. 06-23 request:
  - Amend existing approved hours of operation to allow expanded hours for the restaurant/microbrewery from 11:00 am to 2:00 am Monday thru Friday and from 7:00 am to 2:00 am Saturday and Sunday and to permit live entertainment from 6:00 pm to 1:30 am daily
  - Permit dancing within the restaurant/microbrewery in conjunction with existing approved live entertainment
  - Permit construction of an outdoor dining area with alcohol sales within the public right-of-way and removing one existing on-street public parking space
  - Permit participation in the Downtown Parking In-Lieu Fee Program for three parking spaces (2 spaces - dance floor, 1 space - on-street public parking)
  
- ◆ Staff's Recommendation:

Approve Conditional Use Permit No. 06-23 based upon the following:

  - Dancing within the restaurant and outdoor dining on Main Street will comply with the Downtown Specific Plan
  - Dancing with live entertainment and amended hours of operation will not impact surrounding properties
  - Downtown Specific Plan promotes outdoor uses to foster pedestrian activity
  - Outdoor dining promotes the long-range goal of a pedestrian mall
  - Required parking will be provided by participation in the Parking In-Lieu Fee Program and no impacts to downtown parking are anticipated



**VICINITY MAP**  
**CONDITIONAL USE PERMIT NO. 06-23**  
**(HB BEER COMPANY – 201 MAIN STREET #E)**

**RECOMMENDATION:**

Motion to:

- A. "Approve Conditional Use Permit No. 06-23 with findings and suggested conditions of approval (Attachment Nos. 1 and 2)."

**ALTERNATIVE ACTION(S):**

The Planning Commission may take alternative actions such as:

- A. "Deny Conditional Use Permit No. 06-23 with findings for denial."
- B. "Continue Conditional Use Permit No. 06-23 and direct staff accordingly."

**PROJECT PROPOSAL:**

Conditional Use Permit No. 06-23 represents a request for the following:

- A. To permit dancing in a designated area within the restaurant totaling 200 square feet of dance floor area pursuant to Section 4.7.01 (b) Permitted Uses of the Downtown Specific Plan (SP-5).
- B. To amend Conditional Use Permit No. 92-13 which limits the hours of operation for the restaurant/microbrewery. The approved hours are from between 11:00 am and 12:00 am Sunday thru Thursday and between 11:00 am and 2:00 am Friday and Saturday. The amendment is to have hours between 11:00 am and 2:00 am Monday thru Friday and between 7:00 am to 2:00 am Saturday and Sunday. In addition, the hours for live entertainment are requested to be between 6:00 pm and 1:30 am daily. The request is pursuant to Section 241.18 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO).
- C. To establish an outdoor dining area with alcohol service within the public right-of-way pursuant to the Downtown Specific Plan Section 4.2.33.
- D. To participate in the Downtown Parking In-Lieu Fee program for three additional parking spaces (two required for the proposed dance floor use and one replacing an existing on-street open parking space).

The existing restaurant/microbrewery has been in operation since 1992 and was approved for live entertainment in 1999. The restaurant/microbrewery occupies the entire second level of the building. The entrance to the restaurant/microbrewery is located on the first floor of the unit on Main Street. The first floor consists of an entrance hall, elevator, and staircase leading to the second floor. The dining area, bar, brewery, and kitchen are located on the second floor of the unit. Two outdoor dining terraces are also located on the second floor facing Main Street and Walnut Avenue.

The applicant requests to amend the previously approved hours of operation for the restaurant and live entertainment. The existing hours of operation are limited to between the hours of 11:00 am and 12:00 am Sunday thru Thursday and between 11:00 am and 2:00 am Friday and Saturday. The applicant proposes to expand the hours of operation for the restaurant to between 11:00 am and 2:00 am Monday thru Friday and between 7:00 am to 2:00 am Saturday and Sunday. Live entertainment is proposed to be expanded to between 6:00 pm and 1:30 am daily.

The applicant proposes a 200 sq. ft. dance floor in association with existing live entertainment at the restaurant/microbrewery between the hours of 9:00 pm and 1:00 am Thursday thru Sunday. The dance floor will be located on the second floor of the restaurant in a designated area adjacent to the elevator. The applicant proposes to convert existing floor area within the restaurant to dance floor. The parking requirement for dance floor is one parking space for every 50 sq. ft. of dance floor area (4 spaces total). The area was previously parked for restaurant at one parking space for every 100 sq. ft. of restaurant gross floor area (2 spaces total). Therefore, conversion of the dining area to dance floor will require only two additional parking spaces.

In addition, the applicant requests a 224 sq. ft. outdoor dining area with alcohol service in the public right of way directly across from the entrance to the restaurant on the ground floor. Currently, the area in front of the restaurant does not provide an adequate area for outdoor dining. The area includes an 8 ft. wide public sidewalk, a landscape planter, and on-street public parking. Therefore, the applicant proposes to locate the outdoor dining area within the public right-of-way in an area occupied by one metered on-street parking space and bicycle rack. The applicant proposes to replace the parking space and bicycle rack with the outdoor dining area. The sidewalk, curb, and gutter will be expanded to create a pad level with the existing sidewalk for the outdoor dining area. The bicycle rack will be relocated next to the proposed outdoor dining area in a similar configuration as currently exists and designed. Furthermore, the outdoor dining area will be provided with city standard rails along the perimeter and bollards along Main Street. An 8-foot wide sidewalk with an additional 4 feet of building setback on private property (total 12 ft. wide walkway) will be available for pedestrian access. The food service will be provided to the ground level outdoor dining area via the elevator and staircase. The project will be conditioned to remove and relocate the existing newspaper racks located within the sidewalk.

The applicant's request includes participation in the Parking In-Lieu Fee Program for three parking spaces to satisfy the parking requirement for the dance floor and the removal of one on-street parking space. The Parking In-Lieu Fee is \$16,408.54 per space for a total of \$49,225.62. The fees can be paid in installments or a onetime lump sum payment. The applicant will be required to provide an in-lieu participation agreement for review and approval by the Planning Department and City Attorney's office prior to commencement of the use. The City previously approved a similar request for the removal of four on-street parking spaces within the second block of Main Street.

**ISSUES:**

**Subject Property And Surrounding Land Use, Zoning And General Plan Designations:**

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	MV-F6/25-sp-pd (Mixed Use Vertical-specific plan-pedestrian overlays)	SP-5 (Mixed Use: Commercial/Office/Residential)	Restaurant/retail
North of Subject Property:	MV-F6/25-sp-pd (Mixed Use Vertical-specific plan-pedestrian overlays)	SP-5 (Mixed Use: Commercial/Office/Residential)	retail
East of Subject Property (across Main St.):	MV-F6/25-sp-pd (Mixed Use Vertical-specific plan-pedestrian overlays)	SP-5 (Mixed Use: Commercial/Office/Residential)	restaurant
South of Subject Property:	MV-F6/25-sp-pd (Mixed Use Vertical-specific plan-pedestrian overlays)	SP-3 (Visitor Serving Commercial)	Retail
West of Subject Property:	MV-F6/25-sp-pd (Mixed Use Vertical-specific plan-pedestrian overlays)	SP-5 (Mixed Use: Commercial/Office/Residential)	Restaurant/retail/Parking structure

**General Plan Conformance:**

The General Plan Land Use Map designation on the subject property is Mixed Use – Vertical. The proposed project is consistent with this designation and the goals, objectives, and policies of the City’s General Plan as follows:

A. Land Use Element

Objective LU 7.1 Accommodate the development of a balance of land uses that (a) provides for the housing, commercial, employment, cultural, entertainment, and recreation needs of existing and future residents, (b) provides employment opportunities for residents of the City and surrounding subregion, (c) captures visitor and tourist activity, and (d) provides open space and aesthetic relief from urban development.

Goal LU 11 Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

Policy LU 15.2.2 Require that uses in the Pedestrian overlay district be sited and designed to enhance and stimulate pedestrian activity along the sidewalks.

Policy LU 15.2.2(a) Assure that areas between building storefronts and public sidewalks are visually and physically accessible to pedestrians.

The proposed dancing in association with existing live entertainment and amended hours of operation will allow the establishment to expand its services to its patrons and surrounding residents. The proposal also provides visitors and tourists an additional activity consistent with other similar businesses within the primary commercial core of Downtown. The site is located in a mixed-use district of the downtown area and within walking distance of several downtown-parking facilities as well as residential uses thus reducing the need for automobile use. The proposed outdoor dining area is designed to provide the minimum code required eight ft. wide sidewalk to ensure that the area is physically accessible to pedestrians consistent with the remainder of the second block of Main Street. The removal of one on-street parking space for the construction of outdoor dining will promote pedestrian activity as envisioned by the Downtown Specific Plan.

B. Coastal Element

Policy C 3.2.3 Encourage the provision of a variety of visitor-serving commercial establishments within the Coastal Zone, including but not limited to, shops, restaurants, hotels and motels, and day spas.

LCP/DTSP Main Street should be a lively, active commercial district at the street level. The first floor of developments along Main Street should be commercial, with open-air establishments encouraged.

The proposed dancing in association with existing live entertainment and the amended hours of operation increases the commercial viability of the existing restaurant by allowing for its continued success within the Downtown while expanding its available amenities to its patrons. The proposed outdoor dining will create a more lively pedestrian oriented use consistent with the other restaurant uses along Main Street. The removal of one on-street parking space for the construction of outdoor dining will help promote a lively, active commercial district at the street level. The provision of parking by participation in the In-Lieu Fee Parking Program will not impact the Downtown Parking Master Plan, Downtown Specific Plan, or coastal resources because it is found to be consistent with the adopted Coastal Element.

Zoning Compliance:

This project is located in the Downtown Specific Plan, District No. 5 (Mixed-Use) and complies with all of the requirements of that zone. The applicant proposes to participate in the City's Downtown In-Lieu Fee Parking Program to satisfy the code requirement for the additional parking spaces for the dance floor and the removal of one on-street parking space.

Environmental Status:

The proposed project is Categorically Exempt pursuant to Class 1, Existing Facilities, Section 15301 of the California Environmental Quality Act that states that minor alterations and operation to existing structures are exempt from further environmental review.

**Coastal Status:**

The proposed project is located within a non-appealable portion of the Coastal Zone. A coastal development permit (CDP No. 95-13) was previously approved for the establishment of two small outdoor dining areas for the site. The proposed use is exempt from the requirements of a coastal development permit because the coastal issues were addressed by the previously approved coastal development permit.

**Redevelopment Status:**

The project is located in the Huntington Beach Redevelopment Project, Main-Pier subarea. The Economic Development Department has reviewed the proposal and supports the request to establish the restaurant with dancing and outdoor dining with alcohol service.

**Design Review Board:** Not applicable.

**Subdivision Committee:** Not applicable.

**Other Departments Concerns and Requirements:**

The Departments of Public Works and Building and Safety have reviewed the proposal and have identified the code requirements applicable to the request. The Public Works Department has provided several conditions of approval pertaining to the construction of the outdoor dining area (Attachment No. 2). The code requirements pertaining to the project have been incorporated into the code requirements list and previously provided to the applicant for the purpose of facilitating the plan check and implementation phases of the project (Attachment No. 4). The Police Department has indicated that they have concerns with the proposed outdoor dining area and do not support the proposal due to potential conflicts with pedestrian traffic (Attachment No. 5).

**Public Notification:**

Legal notice was published in the Huntington Beach/Fountain Valley Independent on September 28, 2006, and notices were sent to property owners of record and tenants within a 500 ft. radius of the subject property, individuals/organizations requesting notification (Planning Department's Notification Matrix), applicant, and interested parties. As of October 3, 2006, one letter opposing the request has been received (Attachment No. 7).

**Application Processing Dates:**

<b><u>DATE OF COMPLETE APPLICATION:</u></b>	<b><u>MANDATORY PROCESSING DATE(S):</u></b>
Conditional Use Permit: September 1, 2006	October 30, 2006

## **ANALYSIS:**

### **Land use/Compatibility**

The proposal to permit dancing within the restaurant will be compatible with the surrounding properties because the dance floor is small and dancing is ancillary to the primary use of the building as a restaurant/microbrewery. The project site is located in a highly urbanized area and is consistent with the mixed-use character of the Downtown. The existing building is adjacent to primarily commercial uses with the nearest residential use located approximately 35 feet from the subject site above a restaurant on 5th Street. In addition, as with any downtown use, the proposed restaurant is required to comply with standard noise requirements identified in the City's Municipal Code as well as any requirements imposed by the Police Department on the entertainment permit. The adherence to the Noise Ordinance and entertainment permit will ensure that the proposed use will be compatible with the mixed-use nature of the development and not have a negative noise impact on the adjacent residential uses.

Staff has determined that the expanded hours of operation would not result in noise levels above that allowed in the Downtown. The project will be subject to the noise ordinance and entertainment permit issued by the Police Department. Furthermore the proposed hours of operation will be consistent with that of other similar business in the Downtown.

Staff has determined that the addition of dancing to existing live entertainment activities within the restaurant, would not result in noise impacts based on the small and ancillary nature of the dance floor. In addition, the restaurant is located in a mixed-use area and the primary commercial core of Downtown. Staff recommends approval of the dancing within the restaurant in conjunction with existing live entertainment, subject to the recommended conditions in the Conditional Use Permit and the Entertainment Permit.

### **Outdoor Dining**

The existing design of the building and location to the sidewalk provides little space that is adequate to accommodate outdoor dining opportunities consistent with other restaurants along the second block of Main Street. Based upon these physical constraints and to be competitive with other downtown merchants, the applicant is pursuing the request to remove one adjacent on-street public parking space. As part of the redevelopment efforts of the downtown area, the public improvements along Main Street, and goals of the Downtown Specific Plan (Village Concept), outdoor dining is a vital part of downtown activity. To continue to promote pedestrian and outdoor activity, the removal of one space will create the area necessary and consistent with the outdoor dining areas along the first two blocks of Main Street. A similar request has been granted for another restaurant on this block of Main Street.

Staff supports the request for outdoor dining due to the adequate space provided for pedestrian traffic. The outdoor dining area is proposed to provide the minimum code required eight-foot wide sidewalk in addition to four feet of area in front of the storefront as a result of the building setback. Therefore a total of 12 ft. of area will be maintained for pedestrian access between the outdoor dining area and the building storefront. A minimum thirty-six inch high railing is required in compliance with City design standards and will be provided along the perimeter of the outdoor dining area. The railings will separate patrons of

the outdoor dining area from pedestrians walking along Main Street. The outdoor dining area is located approximately 40 ft. from the intersection of Main Street and Walnut Avenue leaving an area of approximately 700 sq. ft. at the corner to accommodate pedestrians waiting at the crosswalk to cross the street. Furthermore, the existing bicycle racks are proposed to be relocated north of the outdoor dining area to further eliminate any potential pedestrian conflicts.

Consistent with other restaurants located within the public right-of-way along the second block of Main Street, the property owner will enter into a License and Maintenance Agreement with the City of Huntington Beach for use of public property. The agreement will include standard requirements established by the City regarding use of the public right of way and alcohol on public property.

### **Parking**

The existing building has been determined to be parked pursuant to the Downtown Parking Master Plan. A total of thirty-six parking spaces were required for the use of the restaurant on the second floor pursuant to CUP No. 92-13. A condition of approval required the property owner to provide the required parking through payment of parking in-lieu fees. Because the project involves the introduction of a 200 square foot dance floor and the removal of one on-street parking space, the project would require three additional parking spaces. As part of this project, the applicant is requesting to participate in the Downtown Parking In-Lieu Fee Program for the 3 parking spaces (\$16,408.54 per space or \$49,225.62 total). The in-lieu fee payment will be combined with previously collected fees for future parking opportunities within the Downtown. The participation and use of the collected fees is consistent with past projects where on-street parking was removed for the establishment of outdoor dining.

Staff is in support of the request for participation in the parking in-lieu fee program because the request is minimal (3 space) and it continues to be used as an option for businesses that cannot provide parking on-site and allows continued business expansion and retention in the Downtown. In addition, removal of one on-street parking space will create an area for outdoor dining to benefit the business consistent with other restaurant uses along the second block of Main Street, continue to promote the pedestrian and outdoor dining atmosphere in the downtown, and promote the long range goal of a possible pedestrian mall.

An In-lieu Parking Fee Participation Agreement is required to be submitted. The agreements shall be reviewed and approved by the Planning Department and City Attorney as to form and content and recorded with the County of Orange prior to commencement of the dancing or outdoor dining area whichever occurs first. A lump sum payment or first installment payment of the in-lieu fees shall be made to the City Treasurer prior to commencement of the uses.

### **ATTACHMENTS:**

1. Suggested Findings and Conditions of Approval – CUP No. 06-23
2. Public Works Department Conditions of Approval dated September 28, 2006
3. Site Plan and Floor Plans dated May 10, 2006
4. Code Requirements Letter dated September 1, 2006, (informational purposes only)
5. Police Department memorandum dated September 27, 2006
6. Conditions of Approval – Conditional Use Permit No. 92-13 and Conditional Use Permit No. 99-55.
7. Letters received in support/opposition

# ATTACHMENT NO. 1

## SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

### CONDITIONAL USE PERMIT NO. 06-23

#### SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines, which states that operation and minor alteration to existing structures involving negligible or no expansion are exempt from further environmental review.

#### SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 06-23:

1. Conditional Use Permit No. 06-23 to permit dancing in a designated area within the restaurant totaling 200 square feet of dance floor area, expand the hours of operation to between 11:00 am and 2:00 am Monday thru Friday and between 7:00 am to 2:00 am Saturday and Sunday and live entertainment to between 6:00 pm and 1:30 am daily, establish an outdoor dining area with alcohol service within the public right-of-way removing one existing on-street parking, and participate in the Downtown Parking In-Lieu Fee program for three additional parking spaces will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed uses will not create adverse noise or parking impacts to the surrounding businesses and residents based on the restrictions on hours of operation and the conditions of approval regulating noise generation in the entertainment permit. The proposed dance floor will is ancillary to that of the restaurant operation. The outdoor dining area will be separated from the adjoining sidewalk by a 36-inch high barrier to protect pedestrians and to prevent the outdoor dining areas and alcohol service from expanding beyond the approved area. In addition, the availability of a variety parking opportunities currently exist along Main Street and surrounding streets as well as within public parking structures in proximity to the subject site.
2. The conditional use permit will be compatible with surrounding use. The dance floor will be located within the restaurant and will be required to comply with conditions of approval imposed and monitored by the Planning Commission, Alcoholic Beverage Control (ABC) and Huntington Beach Police Department to assure impacts to surrounding properties are minimized. In addition, the proposed use would not result in noise impacts based on the mixed-use character of commercial developments in the downtown. The outdoor dining area will enhance the pedestrian character and scale of the street scene surrounding the project. The removal of one parking space is consistent with other projects within the same block that involved constructing outdoor dining within the public right-of-ways.

3. The proposed restaurant will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance and any specific condition required for the proposed use in the district in which it will be located. The proposed use will comply with parking in the Downtown Parking Master Plan and will be accommodated through payment of parking in-lieu fees based on the size of the proposed dance floor. There is no physical expansion of the restaurant except for the outdoor dining area, which complies with all applicable development standards including sidewalk widths and separation from pedestrian walkways.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Mixed Use on the subject property including the following policies and objectives identified in the General Plan:

A. Land Use Element

Objective LU 7.1 Accommodate the development of a balance of land uses that (a) provides for the housing, commercial, employment, cultural, entertainment, and recreation needs of existing and future residents, (b) provides employment opportunities for residents of the City and surrounding subregion, (c) captures visitor and tourist activity, and (d) provides open space and aesthetic relief from urban development.

Goal LU 11 Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

Policy LU 15.2.2 Require that uses in the Pedestrian overlay district be sited and designed to enhance and stimulate pedestrian activity along the sidewalks.

Policy LU 15.2.2(a) Assure that areas between building storefronts and public sidewalks are visually and physically accessible to pedestrians.

The proposed dancing in association with existing live entertainment and amended hours of operation will allow the establishment to expand on its services to its patrons and surrounding residents. The proposal also provides visitors and tourists an additional activity consistent with other similar businesses within the primary commercial Downtown core. The project is located in a mixed-use district of the downtown area and within walking distance of several downtown-parking facilities as well as residential uses thus reducing the need for automobile use. The proposed outdoor dining area is designed to provide the minimum required eight ft. wide sidewalk to ensure that the area is physically accessible to pedestrians consistent with the remainder of the second block of Main Street. The removal of one on-street parking space for the construction of outdoor dining will promote pedestrian activity as envisioned by the Downtown Specific Plan.

B. Coastal Element

Policy C 3.2.3 Encourage the provision of a variety of visitor-serving commercial establishments within the Coastal Zone, including but not limited to, shops, restaurants, hotels and motels, and day spas.

LCP/DTSP Main Street should be a lively, active commercial district at the street level. The first floor of developments along Main Street should be commercial, with open-air establishments encouraged.

The proposed dancing in association with existing live entertainment and the amended hours of operation increases the commercial viability of the existing restaurant use allowing for its continued success within the Downtown and expands its available amenities to its patrons. The proposed outdoor dining will create a more lively pedestrian oriented use consistent with the other restaurant uses with outdoor dining along Main Street. The removal of one on-street parking space for the construction of outdoor dining will promote a lively, active commercial district at the street level. The provision of parking by participation in the In-Lieu Fee Program will not impact the Downtown Parking Master Plan, Downtown Specific Plan, or coastal resources because it is consistent with the adopted Coastal Element.

**SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 06-23:**

1. The site plan, floor plans, and elevations received and dated May 10, 2006, shall be the conceptually approved design.
2. Prior to commencing of the outdoor dining and dancing, the following shall be provided:
  - a. A copy of an approved Entertainment Permit, as issued by the Police Department, shall be submitted to the Planning Department.
  - c. A Certificate of Occupancy must be approved by the Planning Department and issued by the Building and Safety Department.
  - d. The property owner shall submit an In-Lieu Parking Fee Participation Agreement to the Planning Department for the \$49,225.62 total in parking fees. The agreement shall be reviewed and approved by the City Attorney as to form and content and, when approved, shall be recorded in the Office of the Orange County Recorder. The recorded agreement shall remain in effect for the term specified, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach.
  - e. A copy of the recorded In-Lieu Parking Fee Participation Agreement and proof of full lump sum or first installment payment to the City Treasurer shall be submitted to the Planning Department.
  - f. The newspaper racks in front of the entrance to restaurant/microbrewery shall be removed.
3. Prior to issuance of an encroachment permit for construction within the public right of way, the following shall be complied with:

on public property. The License Agreement shall be subject to termination pursuant to the terms of the License Agreement.

- b. The applicant shall provide a Maintenance Agreement with the City for maintenance of all portions of the public property used and approved by the Planning Commission for the outdoor dining with alcohol service. Said agreement shall be submitted to and approved by the Department of Public Works prior to commencement of the use.
  - c. The applicant shall provide a public liability insurance policy as specified in all current insurance resolutions within 60 days from this approval (May 14, 2001). Such liability insurance shall be provided in a form acceptable to the City Attorney. The policy shall name the City of Huntington Beach as an additional insured and shall be maintained at all times.
4. The use shall comply with the following:
- a. All conditions of the Entertainment Permit as approved by the Police Department.
  - b. All conditions of approval under Conditional Use Permit No. 92-13 with the exception of Condition 2 which limits hours of operation and Conditional Use permit No. 99-55 shall remain in effect.

**INDEMNIFICATION AND HOLD HARMLESS CONDITION:**

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.



# CITY OF HUNTINGTON BEACH

## PUBLIC WORKS DEPARTMENT INTERDEPARTMENTAL COMMUNICATION

**TO:** Rami Talleh, Associate Planner

**FROM:** James Wagner, Associate Civil Engineer *ARW*

**DATE:** September 28, 2006

**SUBJECT:** CUP 06-23 (201 Main Street, Unit E)–HB Beer Company Restaurant  
Planning Application No. 2006-0116 - Conditions REVISED

This memo shall replace and supercede the memo dated July 11, 2006. (Deleted "Prior to Grading Permit" items 1(a) and 1(e) both involving parking which shall be handled in other Department development requirements for the project)

Public Works has reviewed the subject project and site plan received and dated May 10, 2006 for the request to permit a 224 square-foot outdoor dining area within the Public Right-of-Way. The following are the Conditions for the project:

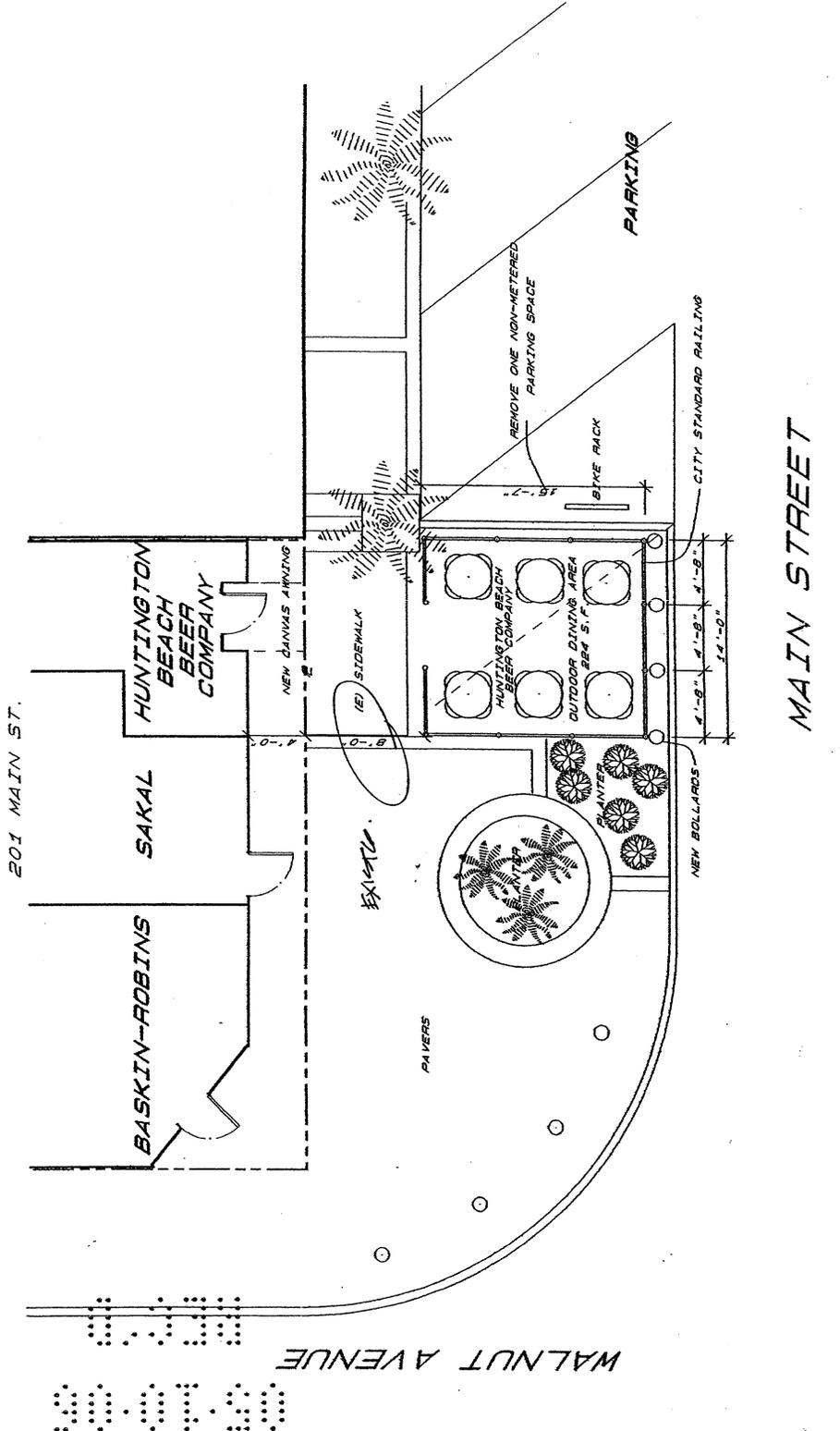
### **THE FOLLOWING CONDITIONS ARE REQUIRED TO BE COMPLETED PRIOR TO ISSUANCE OF A GRADING PERMIT:**

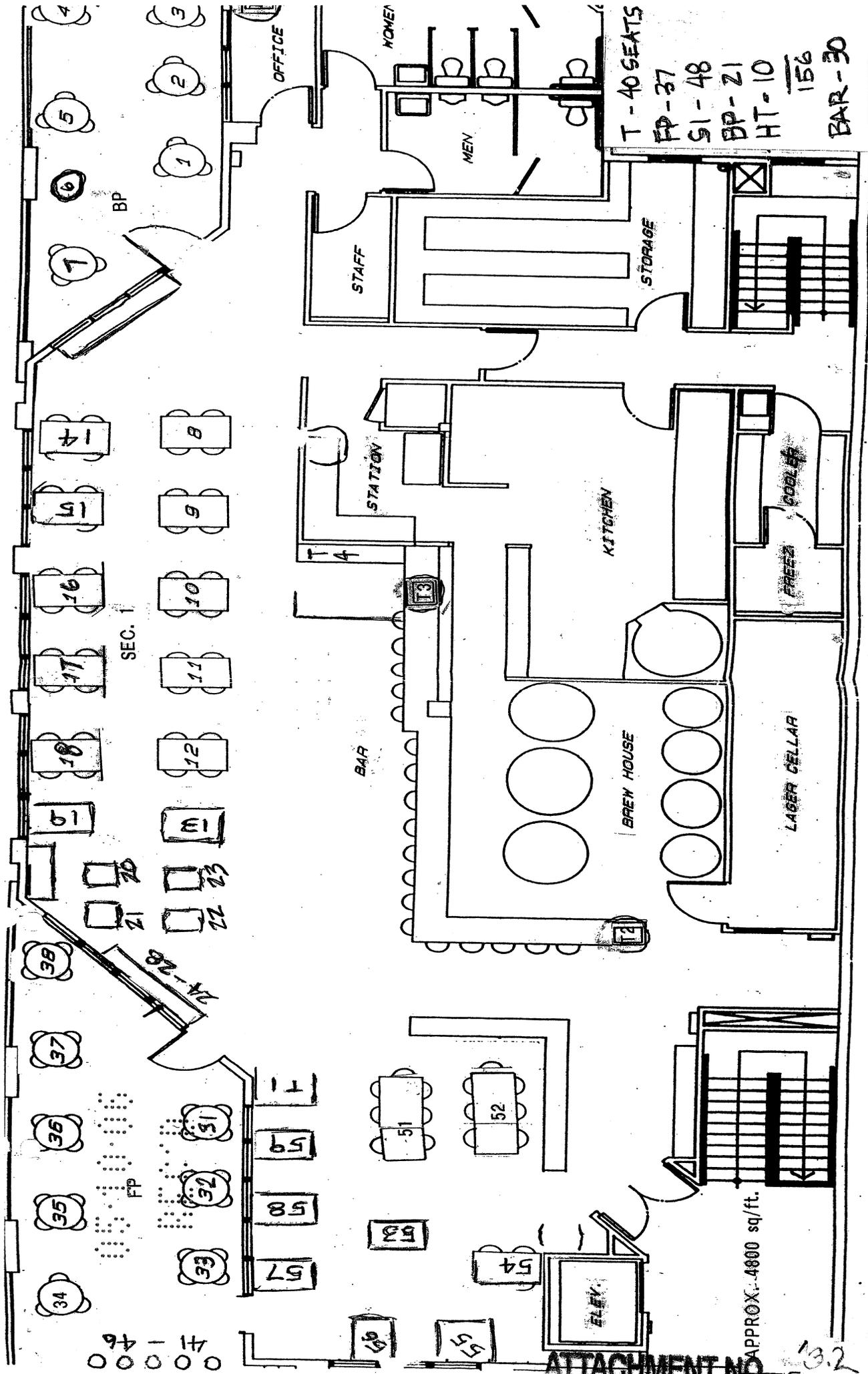
1. The site plan received and dated May 10, 2006 shall be the conditionally approved layout, except for the following:
  - a. Public Works would require HB Beer Company Restaurant (HBBCR) to reconstruct the corner, bring back the parking stall and reconstruct the catch basin to its previous location should the HBBCR no longer have outside dining.
  - b. Maintenance and repair of the ornamental barrier fencing and other elements shall be per the City of Huntington Beach "Outdoor Dining" Agreement.
  - c. A 'Cash' Bond shall be required with the City of Huntington Beach Public Works Department, to insure completion of the approved work to the satisfaction of the City. This bond will be returned to the applicant after all work is inspected and accepted by the Director of Public Works. The amount of the 'Cash' Bond shall be 150% of the cost of the work to be done.

City of Huntington Beach

SEP 28 2006

DATE: 08/16/00	THIS DRAWING IS SOLE PROPERTY AND COPYRIGHT © OF THE ARCHITECT
SCALE: 1/8" = 1'-0"	OUTDOOR DINING
CAD FILE: 00-118	201 MAIN ST.
	JEFF BERGHA ARCHITECT
	<b>TEAM</b>
	0-525-1168-44
	711 S. 525 S. 1800
	201 WALNUT STREET SUITE 11
	HUNTINGTON BEACH, CA 92648
	FAX: 714.950.3350



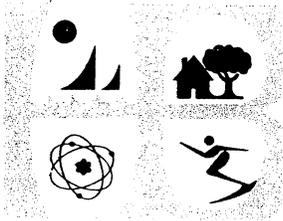


T - 40 SEATS  
 FP - 37  
 SI - 48  
 BP - 21  
 HT - 10  
 156  
 BAR - 30

APPROX. 4800 sq/ft.

ATTACHMENT NO.

132



# City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

## DEPARTMENT OF PLANNING

Phone 536-5271  
Fax 374-1540

September 1, 2006

Michael C. Adams  
21190 Beach Blvd.  
Huntington Beach, CA 92648

**SUBJECT: CONDITIONAL USE PERMIT NO. 06-23 (HB BEER COMPANY – 201 MAIN #E)  
DEVELOPMENT AND USE REQUIREMENTS**

Dear Mr. Adams,

In order to assist you with your development proposal, staff has reviewed the project and identified applicable city policies, standard plans, and development and use requirements, excerpted from the City of Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes. This preliminary list is intended to help you through the permitting process and various stages of project implementation.

It should be noted that this requirement list is in addition to any "conditions of approval" adopted by the Planning Commission. Please note that if the design of your project changes or if site conditions change, the list may also change based upon modifications to your project and the applicable city policies, standard plans, and development and use requirements.

If you would like a clarification of any of these requirements, an explanation of the Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes, or believe some of the items listed do not apply to your project, and/or you would like to discuss them in further detail, please contact me at 714-374-1682 and/or the respective source department (abbreviation in parenthesis at end of each condition – contact person below).

Sincerely,

Rami Talleh  
Associate Planner

Enclosures

cc: Gerald Caraig, Building and Safety Department – 714-374-1575  
Eric Engberg, Fire Department – 714-536-5564  
Terri Elliott, Public Works – 714-536-5580  
Herb Fauland, Principal Planner  
Jason Kelley, Planning Department  
Sheryl and Tom Caverly, 555 Temple Hills Dr. Laguna Beach, CA 92651  
Project File

ATTACHMENT NO. 4.1

# PLANNING DEPARTMENT

## DRAFT CODE REQUIREMENTS, POLICIES, AND STANDARD PLANS OF THE HUNTINGTON BEACH ZONING & SUBDIVISION ORDINANCE AND MUNICIPAL CODE

**PROJECT:** Conditional Use Permit No. 06-23 – HB Beer Company – 201 Main #E

**ADDRESS:** 201 Main Street Unit E, HB CA 92648

The draft list is intended to assist the applicant by identifying a preliminary list of code requirements applicable to the proposed project, which must be satisfied during the various stages of project implementation. Any conditions of approval adopted by the Planning Commission would also be applicable to your project. A final list of requirements will be provided upon approval by the applicable discretionary body. If you have any questions regarding these requirements, please contact the Project Planner and the applicable Department Representative.

### CONDITIONAL USE PERMIT NO. 06-23:

1. Prior to commencing the live entertainment, dancing, and outdoor dining the following shall be approved and completed:
  - a. The property owner shall submit an In-Lieu Parking Fee Participation Agreement to the Planning Department. The agreement shall be reviewed and approved by the City Attorney as to form and content and, when approved, shall be recorded in the Office of the Orange County Recorder. The recorded agreement shall remain in effect for the term specified, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach. **(City Council Resolution Nos. 6720 and 6721)**
  - b. A copy of an approved Entertainment Permit, approved by the Police Department and issued by the Business License Department, shall be submitted to the Planning Department. All conditions of the Entertainment Permit shall be observed.
  - c. A copy of the recorded In-Lieu Parking Fee Participation Agreement and proof of full payment or first installment payment to the City Treasurer shall be submitted to the Planning Department.
  - d. A Certificate of Occupancy must be approved by the Planning Department and issued by the Building and Safety Department.
2. The Planning Commission reserves the right to revoke Conditional Use Permit No. 06-23 pursuant to a public hearing for revocation, if any violation of the conditions of approval, Huntington Beach Zoning and Subdivision Ordinance or Municipal Code occurs.
3. The project shall comply with all applicable requirements of the Municipal Code, Building & Safety Department and Fire Department, as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein.
4. Construction shall be limited to Monday – Saturday 7:00 AM to 8:00 PM. Construction shall be prohibited Sundays and Federal holidays.
5. The applicant shall submit a check in the amount of \$43.00 for the posting of the Notice of Exemption at the County of Orange Clerk's Office. The check shall be made out to the County of Orange and submitted to the Planning Department within two (2) days of the Planning Commission's/ Zoning Administrator's action.



# CITY OF HUNTINGTON BEACH

## INTERDEPARTMENTAL COMMUNICATION

City of Huntington Beach

**TO:** Rami Talleh, Associate Planner

JUL 12 2006

**FROM:** James Wagner, Associate Civil Engineer JRW

**DATE:** July 11, 2006

**SUBJECT:** CUP 06-23 (201 Main Street, Unit E)–HB Beer Company Restaurant  
Planning Application No. 2006-0116 - Development Requirements

### **THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO ISSUANCE OF AN ENCROACHMENT PERMIT:**

1. The site plan received and dated May 10, 2006 shall be the conditionally approved layout.
2. A Street Improvement Plan prepared by a Licensed Civil Engineer, shall be submitted to the Public Works Department for review and approval. (MC 17.05/ZSO 255.04A) The following improvements shall be shown on the plan:
  - a. The catch basin within the parking stall shall be removed and relocated outside of the proposed dining area. (ZSO 255.04A)
  - b. The bicycle parking shall be relocated to a suitable location on the plan. (ZSO 255.04A)
  - c. Curb, gutter and sidewalk along the Main Street frontage, per City Standard Plan Nos. 202 and 207. (ZSO 255.04A)
  - d. ADA Pedestrian access along the Main Street frontage is required, per City of Huntington Beach Standard Plans 104 and 207. (ZSO 255.04A)
  - e. The existing irrigation water service(s) currently serving the existing landscape may potentially be utilized if they are of adequate size, conform to current standards, and are in working condition as determined by the Utilities Division. If the property owner elects to utilize the existing water service(s), all non-conforming water meters and backflow protection devices shall be upgraded to conform to the current Utilities Division standards. A separate irrigation water service and meter shall be installed per Utilities Division standards. The water service shall be a minimum of 1-inch in size. (ZSO 255.04E)
3. Prior to submittal of a landscape plan, the applicant shall provide a Consulting Arborist report on all the existing trees. Said report shall quantify, identify, size and analyze the health of the existing trees. The report shall also recommend how the existing trees that

are to remain (if any) shall be protected and how far construction/grading shall be kept from the trunk. (Resolution 4545)

- a. Existing mature trees that are to be removed must be replaced at a 2 for 1 ratio with a 36" box tree or palm equivalent (13'-14' of trunk height for Queen Palms and 8'-9' of brown trunk).
4. All landscape planting, irrigation and maintenance shall comply with the City Arboricultural and Landscape Standards and Specifications. (ZSO 232.04B)
5. The Consulting Arborist (approved by the City Landscape Architect) shall review the final landscape tree-planting plan and approve in writing the selection and locations proposed for new trees and the protection measures and locations of existing trees to remain. Said Arborist report shall be incorporated onto the Landscape Architect's plans as construction notes and/or construction requirements. The report shall include the Arborist's name, certificate number and the Arborist's wet signature on the final plan. (Resolution 4545)
6. A Landscape and Irrigation Plan, prepared by a Licensed Landscape Architect shall be submitted to the Public Works Department for review and approval by the Public Works and Planning Departments. (ZSO 232.04)
7. The Landscape Architectural plans shall utilize the existing "as-built" landscape plans as base information that shall be modified to accommodate the new landscape additions that will be required by the City of Huntington Beach to make the installation acceptable for City crews to maintain.
8. All hardscape shall be designed to match the existing enriched paving and shall be shown on both the Engineers precise grading plan and the Landscape Architects plans. Hardscape shall include but not be limited to the paving and pavers, the curbs, the relocation of the existing catch basin, the bollards, the bike rack, the cordon fencing and any other elements.

**THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLIED WITH DURING CONSTRUCTION OPERATIONS:**

1. The construction disturbance area shall be kept as small as possible. (EC1)
2. Comply with appropriate sections of AQMD Rule 403, particularly to minimize fugitive dust and noise to surrounding areas. (AQMD Rule 403)
3. Remediation operations, if required, shall be performed in stages concentrating in single areas at a time to minimize the impact of fugitive dust and noise on the surrounding areas.

**THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED  
PRIOR TO FINAL INSPECTION OR OCCUPANCY:**

1. Complete all improvements as shown on the approved landscape and improvement plans. (MC 17.05)
2. Existing curb, gutter and sidewalk must be removed and replaced per City Standard Plan Nos. 202 and 207. Existing street tree(s) to be inspected by the City Inspector during removal of concrete and prior to replacement thereof. Tree replacement or root/tree protection, will be specified upon the inspection of the root system. (Resolution 4545)
3. All landscape irrigation and the Landscape Architect of record shall certify planting installation to be in conformance to the City approved landscape plans in written form to the City Landscape Architect prior to the final landscape inspection and approval. "Smart irrigation controllers" and/or other innovative means to reduce the quantity of runoff shall be installed. (ZSO 232.04D)
4. Applicant shall provide City with CD media TIFF images (in City format) and CD (AutoCAD only) copy of complete City Approved landscape construction drawings as stamped "Permanent File Copy" prior to starting landscape work. Copies shall be given to the City Landscape Architect for permanent City record.

**INFORMATION ON SPECIFIC CODE REQUIREMENTS**

**These code requirements are provided for reference. This is not a complete list of all code requirements applicable to this project.**

1. Standard landscape code requirements apply. (ZSO 232)
2. City Arboricultural and Landscape Standards and Specifications apply. (Resolution 4545)
3. All applicable Public Works fees shall be paid. Fees shall be calculated based on the currently approved rate at the time of payment unless otherwise stated. (ZSO 250.16)
4. An Encroachment Permit is required for all work within the City's right-of-way. (MC 14.36.020)



# CITY OF HUNTINGTON BEACH

## INTER-DEPARTMENT COMMUNICATION

From: Daniel Lee

Ext.: 5679

Date: 7/19/06

To: Rami Talleh

Project Location: 201 Main Street

Re: 224 S.F. Outdoor Dining Addition

PETITION: \_\_\_\_\_

File No.: 2006-0116

The following are comments to the file (petition) identified above. This list is not a plan check correction list. General information is provided to help facilitate the development by giving you up front information on building code issues, City policies, and other codes or laws as they apply to your project. Please review the comments below before you submit for plan check. Allow 20 working days for first corrections.

If you incorporated the information below, you must next submit for plan check of structural and building code requirements. You may obtain all required forms and information for plan check review and permit applications on the 3<sup>rd</sup> floor of City Hall.

M/E/P plan checking is a separate plan check process.

Please include the following issues in the design of your project to reduce plan check corrections and improve turn around time.

**Note to Planner: Please remind applicant to attach a copy of this list to the Plan Check Submittal Documents to help expedite plan check response and reduce corrections.**

### Comments:

1. A new certificate of occupancy is required as the occupant load will increase.
2. There is no such thing as a 'City standard railing'. However if this railing/fence does not exceed 42" in height, no building permit is required.
3. Verify that an accessible parking stall is not eliminated by the addition of this dining area.



# CITY OF HUNTINGTON BEACH

## INTER-DEPARTMENT COMMUNICATION

City of Huntington Beach

**TO:** Rami Talleh

SEP 27 2006

**FROM:** Captain C. Thomas

**DATE:** September 27, 2006

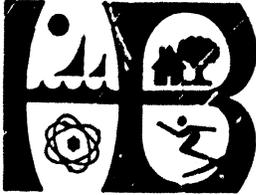
**SUBJECT:** Conditional Use Permit No. 06-23 (HB Beer Company-Outdoor Dining and Live Entertainment)

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In reference to the request for a permit to allow live entertainment and dancing within the restaurant, including a 224 square foot outdoor dining area:

- Approve plans for dance floor.
- Do not support the outdoor dining proposal due to conflict with pedestrian traffic.

ATTACHMENT NO. 5.1



## Huntington Beach Planning Commission

P.O. BOX 190

CALIFORNIA 92648

April 24, 1992

Thomas A. and Sheryl Caverly  
553 Temple Hills Drive  
Laguna Beach, CA 92651

**SUBJECT:** CONDITIONAL USE PERMIT NO. 92-13

**REQUEST:** To permit establishment of a restaurant in conjunction with a microbrewery.

**LOCATION:** 201 Main Street, Second Floor

**DATE OF APPROVAL:** April 21, 1992

### FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 92-13:

1. The proposed restaurant/brewery will be located in a structure that is properly adapted to streets, driveways, and adjacent structures in a harmonious manner.
2. The proposed restaurant/brewery is consistent with the uses permitted in Downtown Specific Plan Districts 3 and 5.
3. The proposed restaurant/brewery will be compatible with residential and public uses within 300 feet because:
  - a. The restaurant/brewery will be subject to both Orange County Health Department and Alcohol Beverage Control regulations.
  - b. Residential is buffered from the restaurant/brewery by existing commercial development.
  - c. The public park is a small, passive park for limited visitor seating.
4. Sufficient parking spaces exist in the vicinity to service the restaurant/brewery.
5. The visitor-serving commercial use is consistent with the General Plan, in particular the Coastal and Land Use Elements.

6. The establishment and maintenance of the restaurant will not be detrimental to the general welfare of persons working or residing in the vicinity nor be detrimental to the value of properties and improvements in the Downtown area.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 92-13:

1. The floor plan received and dated April 15, 1992 shall be the conceptually approved layout.
2. The hours of operation shall be:

Sunday - Thursday	11:00 AM - 12:00 AM
Friday - Saturday	11:00 AM - 2:00 AM
3. Natural gas shall be stubbed in at the locations of cooking and brewing facilities, water heaters, and central heating units.
4. The proposed use shall comply with all applicable provisions of the Municipal, Ordinance, Fire and Building Codes. Special tie down or other securing devices for the brewing equipment may be required, subject to City inspection.
5. Live entertainment shall be subject to the approval of a conditional use permit.
6. Prior to issuance of Certificate of Occupancy, the property owner shall submit to the Community Development Department proof of in-lieu fee payment for 36 parking spaces.
7. Any signs for this restaurant/brewery proposed on, or visible from the exterior of the building, shall be submitted for review and approval of the Design Review Board prior to approval of sign permit.
8. This conditional use permit shall not become effective for any purpose unless an "acceptance of conditions" form has been signed by the applicant (property owner), notarized, and returned to the Planning Division; and until the ten (10) day appeal period has elapsed.
9. This conditional use permit shall become null and void unless exercised within one (1) year of the date of final approval, or such extension of time as may be granted by the Planning Commission pursuant to a written request submitted to the Planning Division a minimum 30 days prior to the expiration date.
10. The Planning Commission reserves the right to amend or revoke this conditional use permit if any violation of these conditions or Huntington Beach Ordinance Code occurs.

Conditional Use Permit No. 92-13  
Page Three

I hereby certify that Conditional Use Permit No. 92-13 was approved by the Planning Commission of the City of Huntington Beach on April 21, 1992 upon the foregoing findings and conditions. This approval represents conceptual approval only; detailed plans must be submitted for review and the aforementioned conditions completed prior to final approval.

Sincerely,

Mike Adams, Secretary  
Planning Commission

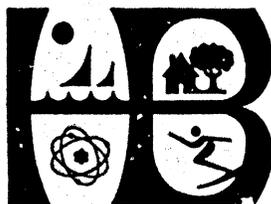
by:



Hal Simmons  
Senior Planner

(3076d-2,4)

ATTACHMENT NO. 6.3



## Huntington Beach Planning Commission

P.O. BOX 190

CALIFORNIA 92648

### NOTICE OF ACTION

October 30, 1999

Peter Andriet  
201 Main Street, Ste. E  
Huntington Beach, CA 92648

**SUBJECT:** CONDITIONAL USE PERMIT NO. 99-55 (Huntington Beach Beer Co. Live Entertainment)

**PROPERTY OWNER:** Tom and Sheryl Caverly, 553 Temple Hills Drive, Laguna Beach, CA 92651

**REQUEST:** To permit live entertainment in conjunction with an existing restaurant with alcohol sales and outdoor dining.

**LOCATION:** 201 Main Street, Suite E (west side, north of Walnut Ave.)

**DATE OF ACTION:** October 26, 1999

Your application was acted upon by the Planning Commission of the City of Huntington Beach on October 26, 1999, and your request was Conditionally Approved. Attached to this letter are the Findings and Conditions of Approval for this application.

Please be advised that the Planning Commission reviews the conceptual plan as a basic request for entitlement of the use applied for and there may be additional requirements prior to commencement of the project. It is recommended that you immediately pursue completion of the conditions of approval and address all requirements of the Huntington Beach Zoning and Subdivision Ordinance in order to expedite the processing/completion of your total application. The conceptual plan should not be construed as a precise plan reflecting conformance to all Zoning and Subdivision Ordinance requirements.

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Planning Commission becomes final at the expiration of the appeal period. A person desiring to appeal the decision shall file a written notice of appeal to the City Clerk within ten calendar days of the date of the Planning Commission's action. The notice of appeal shall include the name and address of the appellant, the decision being appealed, and the grounds for the appeal; it shall also be accompanied by a filing fee. The appeal fee is \$500.00 for a single family dwelling property owner appealing the decision on his/her own property. The appeal fee is \$1,490.00 for all other appeals.

In your case, the last day for filing an appeal and paying the filing fee is November 5, 1999.

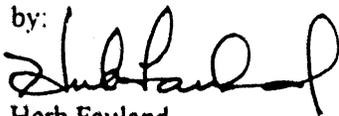
Provisions of the Huntington Beach Zoning and Subdivision Ordinance are such that any application becomes null and void one (1) year after final approval, unless actual construction has started.

If there are any further questions, please contact Wayne Carvalho, Associate Planner at (714) 536-5271.

Sincerely,

Howard Zelefsky, Secretary  
Planning Commission

by:



Herb Fauland,  
Senior Planner

xc: Property Owner

Attachment: Findings and Conditions of Approval

ATTACHMENT NO. 65

## FINDINGS AND CONDITIONS OF APPROVAL

### CONDITIONAL USE PERMIT NO. 99-55

#### FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 99-55:

1. Conditional Use Permit No. 99-55 for the establishment of live entertainment within an existing 4,700 square foot restaurant (H.B. Beer Co.) will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood because the use is consistent with the mixed use zoning designation of the Downtown Specific Plan and is buffered from residential properties by commercial uses and structures; and noise associated with live entertainment will be contained within the building and restricted to specific hours.
2. The conditional use permit will be compatible with surrounding uses because: a) other commercial uses surround the project site; b) the expanded use will not generate significant noise impacts or result in additional traffic; and c) residential uses are separated and buffered from the proposed use.
3. The proposed use will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance and any specific condition required for the proposed use in the district in which it would be located. The Downtown Specific Plan allows live entertainment with approval of a Conditional Use Permit from the Planning Commission.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of MV (Mixed Use Vertical) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:
  - a. Goal LU 8: Achieve a pattern of land uses that preserves, enhances, and establishes a distinct identity for the City's neighborhoods, corridors, and centers.
  - b. Goal LU 10: Achieve the development of a range of commercial use.
  - c. Objective LU 10.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of the local residents, serve the surrounding region, serve visitors to the City, and capitalize on Huntington Beach's recreational resources.

#### CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 99-55:

1. The floor plans received and dated August 19, 1999 shall be the conceptually approved layout.

2. The live entertainment use shall comply with the following:
  - a. All conditions of the Entertainment Permit issued by the Police Department. (PD)
  - b. Formation of lines to enter the restaurant shall be prohibited. However, should lines form, an official security guard shall prevent the formation of lines from obstructing access on the public sidewalk, and to and from the restaurant.
  - c. There shall be no cover charge/fee for entering the establishment, nor shall there be any requirement for patrons to purchase a minimum number of drinks.
  - d. Address numbers shall be installed to comply with City Specification No. 428. (FD)
  - e. Exit signs and exit path markings shall be provided in compliance with the HBFC and the California Administrative Code, Title 24.
    - 1) The posted Occupant Load shall not be exceeded.
    - 2) Exits and aisle ways are not to be blocked by chairs or tables.
    - 3) Patron counts shall be taken and monitored by establishment personnel. (FD)
  - f. All doors and windows shall be closed during times of entertainment.
  - g. All entertainment must remain inside the establishment at all times. No speakers shall be allowed outside the use.
3. Fire extinguishers shall be installed and located in areas to comply with HBFC standards. (FD)
4. The Planning Director ensures that all conditions of approval herein are complied with. The Planning Director shall be notified in writing if any changes to the site plan, elevations and floor plans are proposed as a result of the plan check process. Building permits shall not be issued until the Planning Director has reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action and the conditions herein. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the HBZSO.

**INFORMATION ON SPECIFIC CODE REQUIREMENTS:**

1. Conditional Use Permit No. 99-55 shall not become effective until the ten-day appeal period has elapsed.
2. Conditional Use Permit No. 99-55 shall become null and void unless exercised within one year of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning Department a minimum 30 days prior to the expiration date.

ATTACHMENT NO. 6.7

3. The development shall comply with all applicable provisions of the Huntington Beach Zoning Subdivision Ordinance, Building Department, Fire Department, and the Huntington Beach Municipal Code, including Chapter 8.40, Noise Control.
4. The applicant shall submit a check in the amount of \$38.00 for the posting of the Notice of Exemption at the County of Orange Clerk's Office. The check shall be made out to the County of Orange and submitted to the Planning Department within two (2) days of the Planning Commission's action.

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**From:** Jcalgal [jcalgal@sbcglobal.net]  
**Sent:** Monday, October 02, 2006 3:42 PM  
**Subject:** No to Huntington Beach Beer Co.

I am unable to attend the Oct. 10 meeting and request that you read my letter to the committee members at that meeting.

I just received a notice re: another conditional use permit ( 06-23)for a 200 sq. ft dance floor,modified hours and construction of a 400 sq. ft patio with alcohol sales in the public right of way. This is being requested by Huntington Beach Beer Co., the same owner of the proposed Ponderosa Chop House. I object to granting this request. I am concerned that the planning commission will approve this as they did for the Ponderosa. Please keep in mind the objections that were voiced re: Ponderosa as the feeling will be the same re: Huntington Beach Beer Co. This man seems to not understand the negative effect of his requests on Huntington Beach. He seems determined to get dancing and more alcohol into downtown Huntington Beach.

The More Bars = More Neighborhood Violence. The number of alcohol outlets in a neighborhood is directly linked to the number of hospital admissions due to physical assaults, according to a six-year study of interpersonal violence. The more bars in a neighborhood, the more violence in not only that neighborhood, but in surrounding areas.

Researchers from the Prevention Research Center say their California study can be used by authorities to prevent violence and other crimes in targeted areas by reducing the distance between alcohol outlets.

Higher concentration of bars and higher numbers of incidents of drug possession were positively related to rates of child maltreatment.

Neighborhood disorder takes many forms – public drinking, prostitution, catcalling, aggressive panhandling, rowdy teenagers, battling spouses, graffiti, vandalism, abandoned buildings, trash-filled lots, alleys strewn with bottles and garbage. But no social disorder is at once so disruptive in its own right and so conducive of other disorders and crime as public drinking. In a classic 1990 study of community breakdown in American cities by William Skogan, public drinking was ranked first among the disorders identified by residents across 40 neighborhoods.

The presence of more bars per population may increase the stress on neighborhoods by attracting populations who are prone to participating in dangerous activities or increase the frequency of alcohol use by parents that then leads to maltreatment.

Changing the neighborhood environment to reduce the number of bars and the presence of illegal drugs may help to reduce child abuse and neglect.

Most people who leave the central cities for the suburbs cite three main reasons for their move: crime, the quality of life, and the quality of the public schools. Cities have been getting the upper hand on crime in recent years, while redevelopment efforts have made many central city neighborhoods more attractive places to live and work. But it will be necessary to restore all three aspects of city life before central cities can hope to reverse the exodus of middle class families. Discouraging alcohol sales in downtown is a step in the right direction.

Sincerely,

Judy Pinchuk 200 Pacific Coast Hwy 445

ATTACHMENT NO. 7.1



City of Huntington Beach Planning Department  
**STAFF REPORT**

**TO:** Planning Commission  
**FROM:** Scott Hess, Acting Director of Planning  
**BY:** Bill Zylla, Principal Planner *BZ*  
**DATE:** October 10, 2006

**SUBJECT: ZONING TEXT AMENDMENT NO. 06-06 (VEHICLE STORAGE AMENDMENT)**

**APPLICANT:** City of Huntington Beach, 2000 Main Street, Huntington Beach, CA 92648

**LOCATION:** Citywide

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**STATEMENT OF ISSUE:**

- ◆ Zoning Text Amendment No. 06-06 request:
  - Amend Chapter 203 Definitions, Section 203.06 to add a definition of vehicle storage, and
  - Amend Chapter 204 Use Classifications, Section 204.10.FF7 to clarify vehicle storage activity, and
  - Amend Chapter 231, Off-street Parking and Loading Provisions, Section 231.18E to clarify how non-residential parking and loading is intended to be utilized

**RECOMMENDATION:**

Motion to:

“Approve Zoning Text Amendment No. 06-06 with findings for approval (Attachment No. 1) and forward Draft Ordinances (Attachment Nos. 2, 3, and 4) including the legislative drafts to the City Council for adoption.”

**ALTERNATIVE ACTION(S):**

The Planning Commission may take alternative actions such as:

- A. “Deny Zoning Text Amendment No. 06-06 with findings for denial.”
- B. “Continue Zoning Text Amendment No. 06-06 and direct staff accordingly.”

**PROJECT PROPOSAL:**

Zoning Text Amendment No. 06-06 represents a request for the following:

To amend Sections 203.06, 204.10.FF7, and 231.18E of the Huntington Beach Zoning and Subdivision Ordinance to define vehicle storage, to clarify storage activity, and to clarify how non-residential parking and loading is intended to be utilized.

**ISSUES:**

**Subject Property And Surrounding Land Use, Zoning And General Plan Designations:**

LOCATION	GENERAL PLAN	ZONING	LAND USE
City Wide	Commercial Regional, Commercial Visitor, Commercial General, Commercial Neighborhood, Commercial Office, Industrial, Mixed Use, Mixed Use Horizontal, Mixed Use Vertical	CO (Commercial Office), CG (Commercial General) CV (Commercial Visitor), IG (General Industrial), IL (Limited Industrial)	Various

**General Plan Conformance:**

The proposed Zoning Text Amendment is consistent with the goals, policies and implementation programs of the City’s General Plan as follows:

*A. Land Use Element*

**Goal LU 1:** Achieve development that maintains or improves the City’s fiscal viability and reflects economic demands while maintaining and improving the quality of life for the current and future residents of Huntington Beach.

**Policy LU 10.1.5:** Require that buildings, parking and vehicular access be sited and designed to prevent adverse impacts on adjacent residential neighborhoods.

**Implementation Program I-LU 19:** City of Huntington Beach codes and ordinances that implement the General Plan shall be enforced.

The amendment will create consistent development requirements in regards to vehicle storage, vehicle storage activity, and non-residential parking and loading, clearly defining the intended use of non-residential parking and loading spaces within these areas, and eliminating or reducing confusion as to allowable uses. This will allow customers and residents to have ready, easy access to developments, which will encourage development that maintains or improves the City’s fiscal viability and reflects

economic demands. This will lend towards maintaining and improving the quality of life for the current and future residents by ensuring parking and loading spaces are utilized only for the associated on-site uses.

The clarification and definition provided by the zoning text amendment will assist in determining compliance with the General Plan, ensuring adequate non-residential parking and loading spaces, consistent with the goals and policies of the General Plan which will reduce parking impacts on adjacent residential neighborhoods.

Further, the clarification and definition by the zoning text amendment of vehicle storage, vehicle storage activity and the intended use of non-residential parking and loading spaces, will enable the City to better determine compliance with the General Plan and take appropriate enforcement measures to ensure compliance.

**Urban Design Guidelines Conformance:** Not applicable

**Environmental Status:**

The proposed zoning text amendment is categorically exempt pursuant to City Council Resolution No. 4501, Class 20, which supplements the California Environmental Quality Act.

**Coastal Status:** Not applicable

**Redevelopment Status:** Not applicable

**Design Review Board:** Not applicable.

**Subdivision Committee:** Not applicable.

**Other Departments Concerns and Requirements:**

The City Attorney's Office has worked with staff to define and clarify vehicle storage, vehicle storage activity, and the intended use of non-residential parking and loading spaces. Through this input, staff presented proposed changes for review to the City Attorney's Office. The City Attorney's Office has reviewed the proposed changes and has provided a draft ordinance.

**Public Notification:**

Legal notice was published in the Huntington Beach/Fountain Valley Independent on September 28, 2006, and notices were published in the newspaper in the form of a 1/8 page notice and sent to individuals/organizations requesting notification (Planning Department's Notification Matrix), as well as other interested parties. As of October 3, 2006, no communication supporting or opposing the request has been received.

**Application Processing Dates:**

**DATE OF COMPLETE APPLICATION:**

Not applicable

**MANDATORY PROCESSING DATE(S):**

Legislative Action

**ANALYSIS:**

In response to a court case involving code enforcement action addressing the storage of new vehicles by an auto dealer in a parking structure within the downtown, Planning staff was asked by the City Attorney's Office to process a zoning text amendment to define vehicle storage, to clarify vehicle storage activity, and to clarify how nonresidential parking and loading is intended to be utilized. The following changes and additions are suggested:

**Section 203.06: Definitions**

Add section defining "Vehicle Storage" to read as follows:

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

During the court proceedings, the issue of a definition of vehicle storage was raised by opposing counsel. In their brief, "vehicle storage" as defined in Section 211.04 is the "storage of operative or inoperative vehicles" and includes "storage lot for automobiles". Opposing counsel argued that this definition is too vague and fails to define "storage" in a manner that provides notice as to what type of activity violates the law. The definition proposed above, as reviewed and discussed with the City Attorney's Office, has been drafted to address the issues raised during the proceedings.

**Section 204.10.FF7 Commercial Use Classifications "Vehicle Storage"**

Modify this section to clarify vehicle storage activity:

**"Vehicle Storage. ~~Storage of operative or inoperative vehicles. This classification includes~~ **The Business of storing or safekeeping of operative and inoperative vehicles for periods of time greater than a 24 hour period, including but not limited to,** the storage of parking tow-aways and impound yards, and storage lots for automobiles, trucks, buses, and recreational vehicles, but ~~does not include~~ **including** vehicle dismantling."**

These changes are also proposed in response to the arguments made during the court proceedings. Specifically, it was argued that the City's Zoning and Subdivision Ordinance made no mention of how long a vehicle must be present for it to constitute "vehicle storage". Therefore, as in the previous amendment, a time period of greater than 24 hours was included to address this issue.

Section 231.18E Non-residential Parking and Loading: Designated Parking

Add section to include the following language:

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

This amendment is proposed to clarify how non-residential parking and loading spaces are intended to be utilized. This amendment, in conjunction with the other amendments, provides an adequate definition and clarification of what uses are allowable in non-residential parking and loading spaces.

The adoption of these amendments will eliminate or greatly reduce challenges to enforcement of these sections of the Huntington Beach Zoning and Subdivision Ordinance on the grounds of vagueness and time periods, while clarifying the intended use of non-residential parking and loading spaces. Thus, Code Enforcement will be able to take effective action when a violation of these sections occurs.

**ATTACHMENTS:**

1. Suggested Findings for Approval – Zoning Text Amendment No. 06-06
2. Draft Ordinance with Legislative Draft – Chapter 203 (Definitions)
3. Draft Ordinance with Legislative Draft - Chapter 204 (Use Classifications)
4. Draft Ordinance with Legislative Draft – Chapter 231 (Off-Street Parking and Loading Provisions)

## **ATTACHMENT NO. 1**

### **SUGGESTED FINDINGS OF APPROVAL**

#### **SUGGESTED FINDINGS FOR APPROVAL - ZONING TEXT AMENDMENT NO. 06-06:**

1. Zoning Text Amendment No. 06-06 to amend various sections of the Zoning and Subdivision Ordinance is consistent with the goals, objectives and policies of the General Plan because the amendment will give Code Enforcement Staff the ability to take effective measures which encourage compliance with the General Plan. By adding a definition of vehicle storage, clarifying vehicle storage activity, and stating the intended use of non-residential parking and loading, Code Enforcement can ensure that the goals, objectives, and policies of the General Plan are followed and effectively implemented.
3. In the case of a general land use provision, the zoning text amendment is compatible with the uses authorized in, and the standards prescribed for, the zoning district for which it is proposed. The amendment will apply to commercial, industrial, and mixed uses citywide. The amendment will create consistent development requirements for these uses in regards to vehicle storage, vehicle storage activity, and non-residential parking and loading. This amendment will aide in clearly defining the intended use of non-residential parking and loading spaces within these areas, thus eliminating or reducing confusion as to allowable uses.
4. A community need is demonstrated for the proposed zoning text amendment. The proposed changes will ensure existing and proposed vehicle storage activities and non-residential parking and loading spaces are used as intended and do not have negative impacts on the community by displacing parking and loading spaces outside of the associated, on-site use.
5. Its adoption will be in conformity with public convenience, general welfare and good zoning practice. The General Plan requires that buildings, parking and vehicular access be sited and designed to prevent adverse impacts on adjacent residential neighborhoods. The amendment will result in the City's enhanced ability to enforce the provisions of the Zoning and Subdivision Ordinance pertaining to vehicle storage, vehicle storage activities, and non-residential parking and loading. This enhanced enforcement ability will assist in ensuring adequate non-residential parking and loading spaces, consistent with the goals and policies of the General Plan.

ORDINANCE NO. \_\_\_\_\_

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

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

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

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

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

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

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

\_\_\_\_\_  
Mayor

ATTEST:

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

APPROVED AS TO FORM:

*Erin M. Gath*  
City Attorney  
*9/25/06* *SLM 9/25/06*

REVIEWED AND APPROVED:

\_\_\_\_\_  
City Administrator

INITIATED AND APPROVED:

\_\_\_\_\_  
Director of Planning

**DRAFT**

ATTACHMENT NO. 2.1

## LEGISLATIVE DRAFT

### Chapter 203 Definitions

(3248-6/95, 3334-6/97, 3482-12/00, 3520-2/02, 3568-9/02, 3705-6/05)

#### Sections:

203.02	Applicability
203.04	Rules for Construction of Language
203.06	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. (3568-9/02)

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

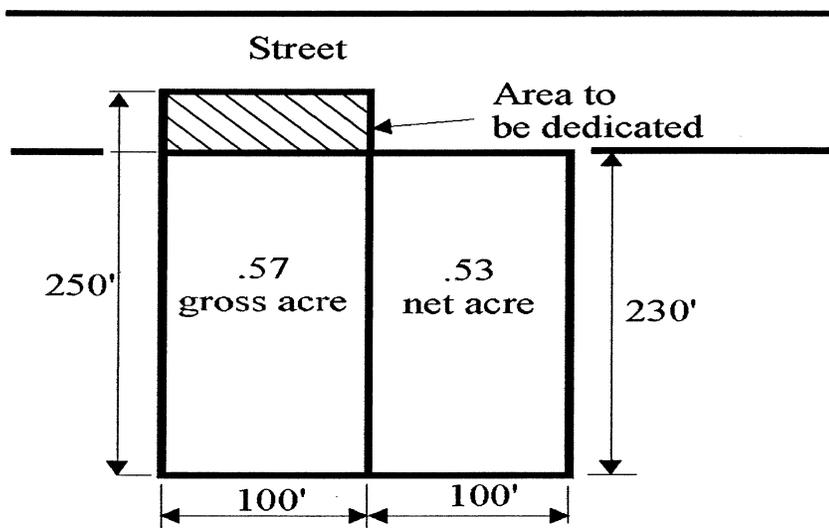
Antenna, Satellite Dish. An antenna for the purpose of receiving or transmitting communications to or from an orbiting satellite.

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.



203-area.BMP

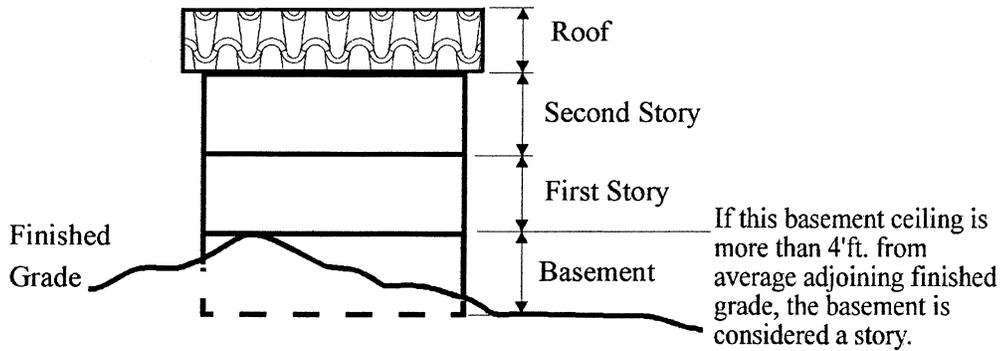
LOT AREA

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.



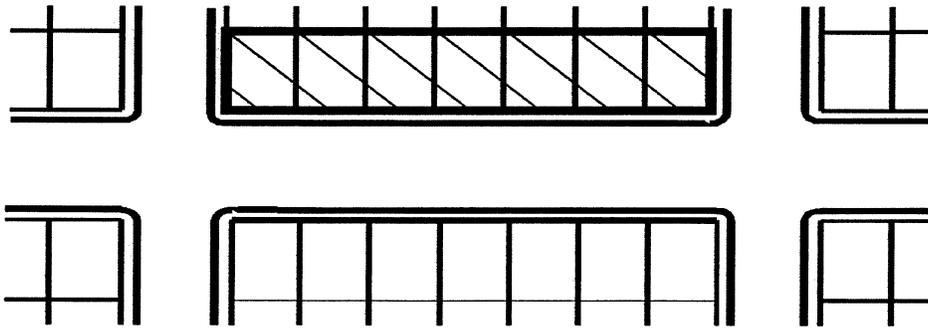
**BASEMENT**

203-BASE

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 percent 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**

203-BLK

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.

(3248-6/95, 3334-6/97; 3482-12/00)

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 twenty-five percent (25%) or greater over the number permitted pursuant to the current zoning and general plan designation on the property.

Director. The Director of Planning or his or her designee. (3520-2/02)

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, Multiple Unit. A building or buildings designed with two (2) 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 multi-family.

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

Dwelling, Studio Unit. A dwelling unit consisting of 1 kitchen, 1 bathroom, and 1 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.

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.

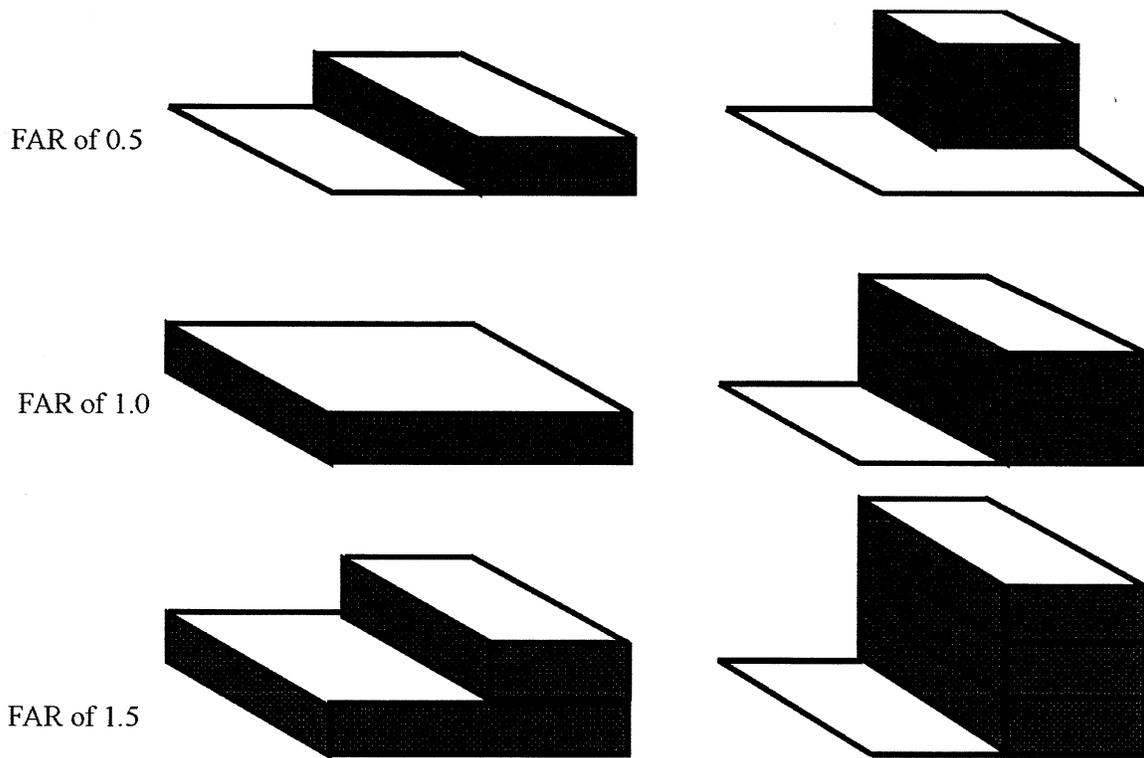
Family. A single individual or two or more persons living together as a single housekeeping unit in a dwelling unit.

Feasible. Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors. (3334-6/97)

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**

203-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.

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 percent or more square footage of habitable area removed in order to remodel or construct a detached single family unit. (3705-6/05)

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.

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 for any purpose.

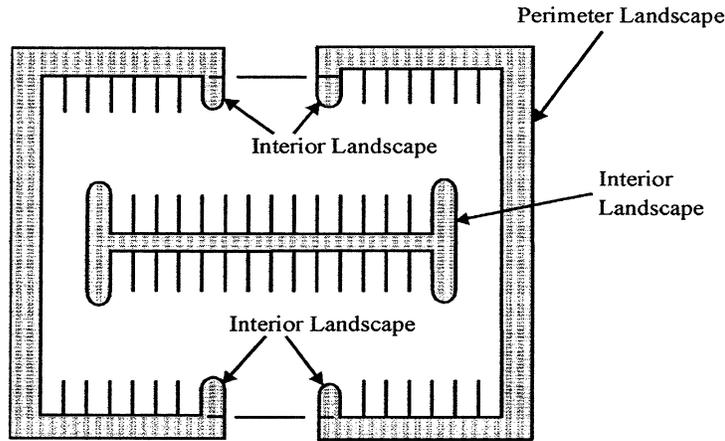
Kitchenette or Kitchen. Any room or part of a room which is designed, built, used, or intended to be used for food preparation and dishwashing; but not including a bar, or similar room adjacent to or connected with a kitchen.

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).

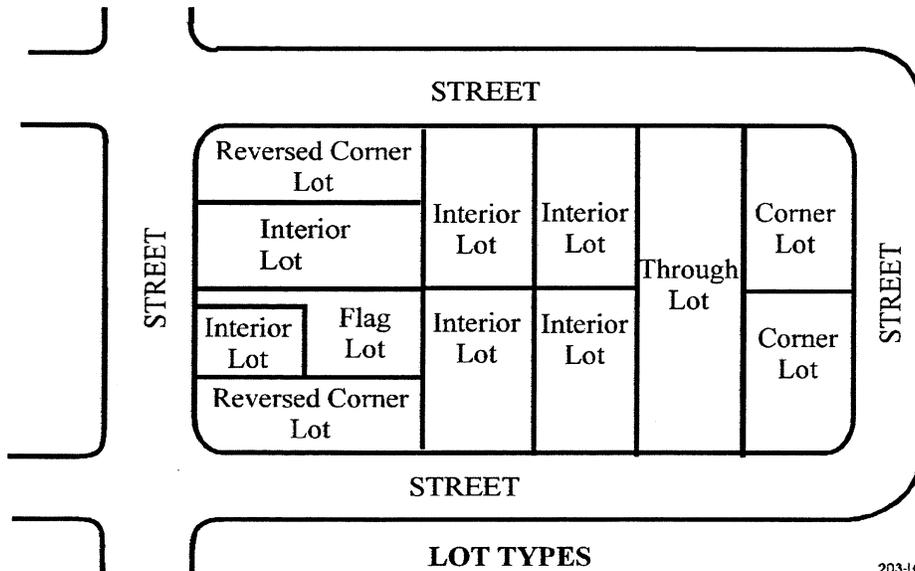
**Landscaping, Perimeter.** A landscaped area adjoining the exterior boundary of a parking or loading area, or similar paved area, excluding driveways or walkways which provide access to the facility.



203-land  
**LANDSCAPING: PERIMETER INTERIOR**

**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 TYPES**

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

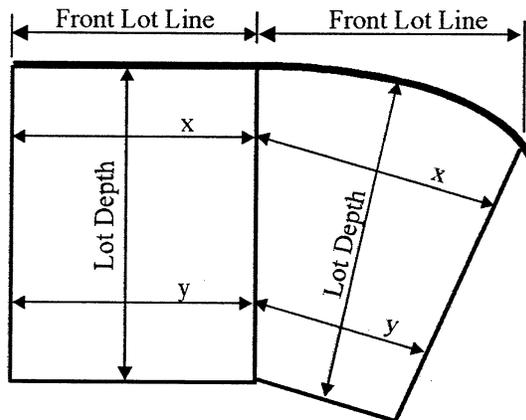
Lot or Property Line, Street. A lot line abutting a street.

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.



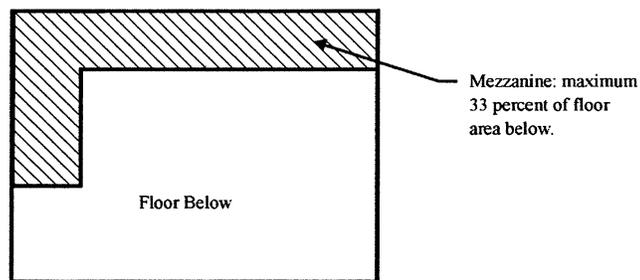
### LOT WIDTH

203-LOTW

Lower Income Household. A household whose annual income is at or below eighty percent (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 8 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 percent of the floor area of the room.



<sup>203-MEZ</sup>  
**MEZZANINE**

Moderate Income Household. A household whose annual income is at or below one hundred twenty (120%) percent 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. (3334)

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. (3705-6/05)

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.

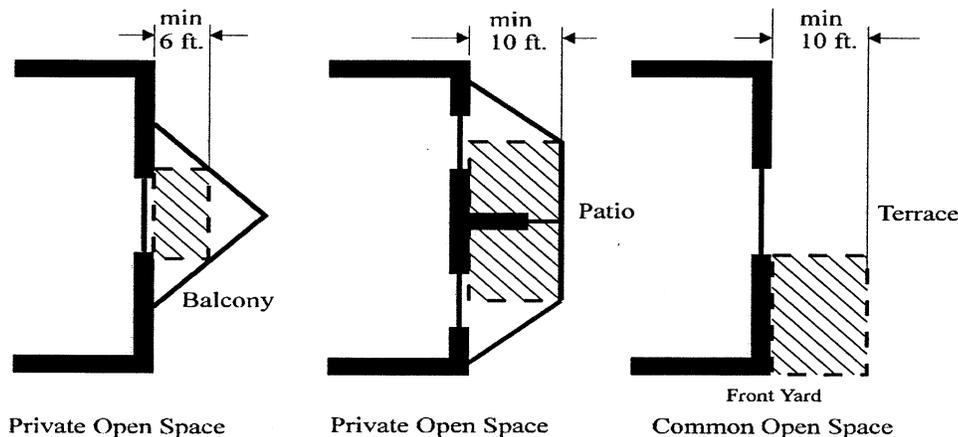
**Oil operation site.** The physical location where an oil operation is conducted.

**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 6 feet in any direction or an area of less than 60 square feet.



**USABLE OPEN SPACE**

203-1038

**Oversize Vehicle.** Any vehicle which exceeds twenty-five (25) feet in length, seven (7) in width, seven (7) 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. (3249-6/95, 3334; 3482-12/00)

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. (3249-6/95, 3334-6/97; 3482-12/00)

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 (1) or more existing developed single family residential properties and is: (3301-11/95, 3334-6/97)

1. A vacant parcel intended for detached single family development, or (3301-11/95, 3334-6/97)
2. A parcel with an existing residential structure which will have fifty percent (50%) or more square footage of the habitable area removed in order to construct a remodeled or new multistory detached single family dwelling unit. (3301-11/95, 3334-6/97)

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. (3249-6/95, 3334-6-97; 3482-12/00)

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.

Structure. Anything constructed or erected that requires a location on the ground, excluding patios, walks, access drives, or similar paved areas. (3705-6/05)

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. (3705-6/05)

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. (3705-6/05)

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

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

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 fifty (50%) percent 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 percent of the length of the other street property line, the Director shall determine the location of the front yard.

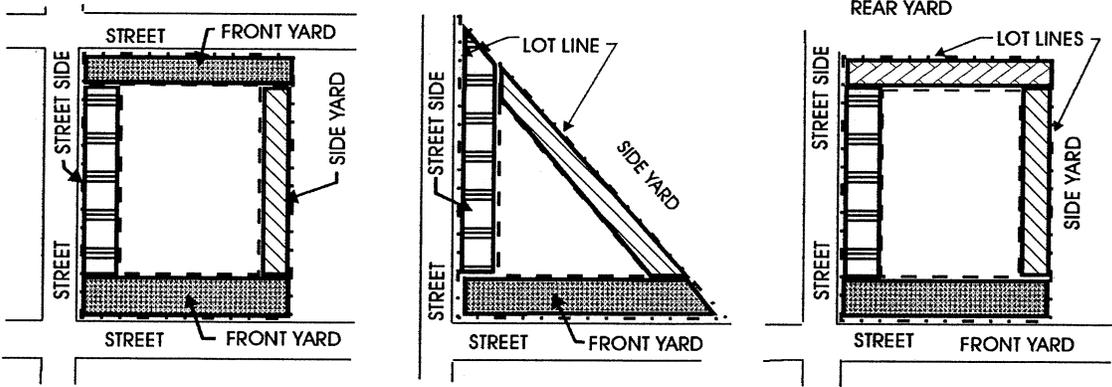
Yard, Rear. An area between the rear lot line and the rear setback line extending across the full width of a site. On a corner lot the rear yard shall extend only to the side yard abutting the street.

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.

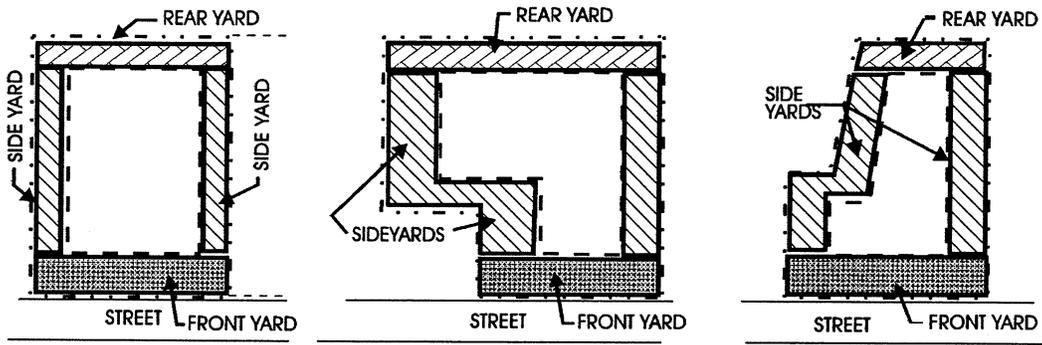
Zoning Ordinance. The Zoning Ordinance of the City of Huntington Beach.

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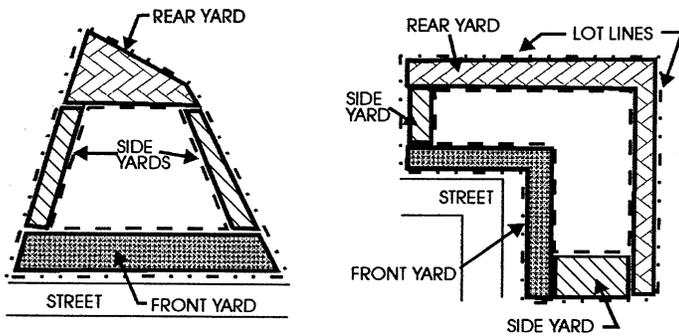




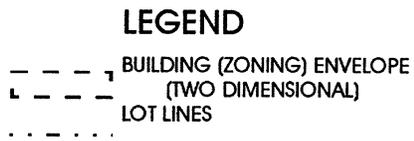
CORNER LOT EXAMPLES



INTERIOR LOT EXAMPLES



ODD - SHAPED LOT EXAMPLES



**REQUIRED YARDS**

ORDINANCE NO. \_\_\_\_\_

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

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

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

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

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

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

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

\_\_\_\_\_  
Mayor

ATTEST:

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

APPROVED AS TO FORM:

*[Handwritten Signature]*  
\_\_\_\_\_  
City Attorney  
9/25/06 *LM 9/25/06*

REVIEWED AND APPROVED:

\_\_\_\_\_  
City Administrator

INITIATED AND APPROVED:

\_\_\_\_\_  
Director of Planning

**DRAFT**

**LEGISLATIVE DRAFT**

**Chapter 204 Use Classifications**

(3334-6/97, 3378-2/98, 3521-2/02, 3568-9/02, 3669-12/04, Emergency Ord. 3703-3/21/05, 3724-02/06)

**Sections:**

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

**204.02 Applicability**

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

**204.04 Uses Not Classified**

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

**204.06 Residential Use Classifications**

- A. Day Care, Limited (or Small-Family). Non-medical care and supervision of six or fewer persons, or eight or fewer persons if two of the persons are six years of age or older, on a less than 24-hour basis. Children under the age of 10 years who reside in the home shall be counted for purposes of these limits. This classification includes nursery schools, preschools, and day-care centers for children and adults. (3334-6/97,3669-12/04)
- B. Group Residential. Shared living quarters without separate kitchen or bathroom facilities for each room or unit. This classification includes boarding houses, but excludes residential hotels or motels. (3334-6/97)
- C. Multifamily Residential. Two or more dwelling units on a site. This classification includes manufactured homes. (3334-6/97)

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

**204.08 Public and Semipublic Use Classifications**

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

6. Residential Care, General. Twenty-four-hour non-medical care for seven or more persons, including wards of the juvenile court, in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. This classification includes only those facilities licensed by the State of California.  
(3334-6/97)
- D. Convalescent Facilities. Establishments providing care on a 24-hour basis for persons requiring regular medical attention, but excluding facilities providing surgical or emergency medical services. (3334-6/97)
- E. Cultural Institutions. Nonprofit institutions displaying or preserving objects of interest in one or more of the arts or sciences. This classification includes libraries, museums, and art galleries. (3334-6/97)
- F. Day Care, Large-Family. Non-medical care and supervision for 7 to 12 persons, or up to 14 persons if two of the persons are six years of age or older on a less than 24-hour basis. Children under the age of 10 years who reside in the home shall be counted for purposes of these limits.  
(3334-6/97,3669-12/04)
- G. Day Care, General. Non-medical care for 13 or more persons on a less than 24-hour basis. This classification includes nursery schools, preschools, and day-care centers for children or adults. (3334-6/97, 3669-12/04)
- H. Emergency Health Care. Facilities providing emergency medical service with no provision for continuing care on an inpatient basis. (3334-6/97)
- I. Government Offices. Administrative, clerical, or public contact offices of a government agency, including postal facilities, together with incidental storage and maintenance of vehicles. (3334-6/97)
- J. Heliports. Pads and facilities enabling takeoffs and landings by helicopter. (3334-6/97)
- K. Hospitals. Facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons, primarily on an inpatient basis. This classification includes incidental facilities for out-patient treatment, as well as training, research, and administrative services for patients and employees. (3334-6/97)
- L. Maintenance and Service Facilities. Facilities providing maintenance and repair services for vehicles and equipment, and materials storage areas. This classification includes corporation yards, equipment service centers, and similar facilities. (3334-6/97)
- M. Marinas. A boat basin with docks, mooring facilities, supplies and equipment for small boats. (3334-6/97)
- N. Park and Recreation Facilities. Noncommercial parks, playgrounds, recreation facilities, and open spaces. (3334-6/97)

- O. Public Safety Facilities. Facilities for public safety and emergency services, including police and fire protection. (3334-6/97)
- P. Religious Assembly. Facilities for religious worship and incidental religious education, but not including private schools as defined in this section. (3334-6/97)
- Q. Schools, Public or Private. Educational institutions having a curriculum comparable to that required in the public schools of the State of California. (3334-6/97)
- R. Utilities, Major. Generating plants, electrical substations, above-ground electrical transmission lines, switching buildings, refuse collection, transfer, recycling or disposal facilities, flood control or drainage facilities, water or wastewater treatment plants, transportation or communications utilities, and similar facilities of public agencies or public utilities. (3334-6/97)
- S. Utilities, Minor. Utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, underground water and sewer lines, and recycling and collection containers. (3334-6/97)

**204.10 Commercial Use Classifications**

- A. Ambulance Services. Provision of emergency medical care or transportation, including incidental storage and maintenance of vehicles as regulated by Chapter 5.20. (3334-6/97, 3378-2/98)
- B. Animal Sales and Services.
  - 1. Animal Boarding. Provision of shelter and care for small animals on a commercial basis. This classification includes activities such as feeding, exercising, grooming, and incidental medical care, and kennels. (3334-6/97)
  - 2. Animal Grooming. Provision of bathing and trimming services for small animals on a commercial basis. This classification includes boarding for a maximum period of 48 hours. (3334-6/97)
  - 3. Animal Hospitals. Establishments where small animals receive medical and surgical treatment. This classification includes only facilities that are entirely enclosed, soundproofed, and air-conditioned. Grooming and temporary (maximum 30 days) boarding of animals are included, if incidental to the hospital use. (3334-6/97)
  - 4. Animals: Retail Sales. Retail sales and boarding of small animals, provided such activities take place within an entirely enclosed building. This classification includes grooming, if incidental to the retail use, and boarding of animals not offered for sale for a maximum period of 48 hours. (3334-6/97)
  - 5. Equestrian Centers. Establishments offering facilities for instruction in horseback riding, including rings, stables, and exercise areas. (3334-6/97)

6. Pet Cemetery. Land used or intended to be used for the burial of animals, ashes or remains of dead animals, including placement or erection of markers, headstones or monuments over such places of burial. (3334-6/97)
- C. Artists' Studios. Work space for artists and artisans, including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft. (3334-6/97)
  - D. Banks and Savings and Loans. Financial institutions that provide retail banking services to individuals and businesses. This classification includes only those institutions engaged in the on-site circulation of cash money. It also includes businesses offering check-cashing facilities. (3334-6/97, 3378-2/98)
    1. With Drive-up Service. Institutions providing services accessible to persons who remain in their automobiles. (3334-6/97)
  - E. Building Materials and Services. Retailing, wholesaling, or rental of building supplies or equipment. This classification includes lumber yards, tool and equipment sales or rental establishments, and building contractors' yards, but excludes establishments devoted exclusively to retail sales of paint and hardware, and activities classified under Vehicle/Equipment Sales and Services. (3334-6/97, 3378-2/98)
  - F. Catering Services. Preparation and delivery of food and beverages for off-site consumption without provision for on-site pickup or consumption. (See also Eating and Drinking Establishments.) (3334-6/97, 3378-2/98)
  - G. Commercial Filming. Commercial motion picture or video photography at the same location more than six days per quarter of a calendar year. (See also Chapter 5.54, Commercial Photography) (3334-6/97, 3378-2/98)
  - H. Commercial Recreation and Entertainment. Provision of participant or spectator recreation or entertainment. This classification includes theaters, sports stadiums and arenas, amusement parks, bowling alleys, billiard parlors and poolrooms as regulated by Chapter 9.32; dance halls as regulated by Chapter 5.28; ice/roller skating rinks, golf courses, miniature golf courses, scale-model courses, shooting galleries, tennis/racquetball courts, health/fitness clubs, pinball arcades or electronic games centers, cyber café having more than 4 coin-operated game machines as regulated by Chapter 9.28; card rooms as regulated by Chapter 9.24; and fortune telling as regulated by Chapter 5.72. (3334-6/97, 3378-2/98, 3669-12/04)
    1. Limited. Indoor movie theaters, game centers and performing arts theaters and health/fitness clubs occupying less than 2,500 square feet. (3334-6/97)
  - I. Communications Facilities. Broadcasting, recording, and other communication services accomplished through electronic or telephonic mechanisms, but excluding Utilities (Major). This classification includes radio, television, or recording studios; telephone switching centers; telegraph offices; and wireless communication facilities. (3334-6/97, 3378-2/98, 3568-9/02)

- J. Eating and Drinking Establishments. Businesses serving prepared food or beverages for consumption on or off the premises. (3334-6/97, 3378-2/98)
  - 1. With Fast-Food or Take-Out Service. Establishments where patrons order and pay for their food at a counter or window before it is consumed and may either pick up or be served such food at a table or take it off-site for consumption. (3334-6/97)
    - a. Drive-through. Service from a building to persons in vehicles through an outdoor service window. (3334-6/97)
    - b. Limited. Establishments that do not serve persons in vehicles or at a table. (3334-6/97)
  - 2. With Live Entertainment/Dancing. An eating or drinking establishment where dancing and/or live entertainment is allowed. This classification includes nightclubs subject to the requirements of Chapter 5.44 of the Municipal Code. (3334-6/97)
- K. Food and Beverage Sales. Retail sales of food and beverages for off-site preparation and consumption. Typical uses include groceries, liquor stores, or delicatessens. Establishments at which 20 percent or more of the transactions are sales of prepared food for on-site or take-out consumption shall be classified as Catering Services or Eating and Drinking Establishments. (3334-6/97, 3378-2/98)
  - 1. With Alcoholic Beverage Sales. Establishments where more than 10 percent of the floor area is devoted to sales, display and storage of alcoholic beverages. (3334-6/97)
- L. Food Processing. Establishments primarily engaged in the manufacturing or processing of food or beverages for human consumption and wholesale distribution. (3334-6/97, 3378-2/98)
- M. Funeral and Interment Services. Establishments primarily engaged in the provision of services involving the care, preparation or disposition of human dead other than in cemeteries. Typical uses include crematories, columbariums, mausoleums or mortuaries. (3334-6/97, 3378-2/98)
- N. Horticulture. The raising of fruits, vegetables, flowers, trees, and shrubs as a commercial enterprise. (3334-6/97, 3378-2/98)
- O. Laboratories. Establishments providing medical or dental laboratory services; or establishments with less than 2,000 square feet providing photographic, analytical, or testing services. Other laboratories are classified as Limited Industry. (3334-6/97, 3378-2/98)
- P. Maintenance and Repair Services. Establishments providing appliance repair, office machine repair, or building maintenance services. This classification excludes maintenance and repair of vehicles or boats; see (Vehicle/Equipment Repair). (3334-6/97)

- Q. Marine Sales and Services. Establishments providing supplies and equipment for shipping or related services or pleasure boating. Typical uses include chandleries, yacht brokerage and sales, boat yards, boat docks, and sail-making lofts. (3334-6/97, 3378-2/98)
- R. Medical Marijuana Dispensary or Dispensary. Any facility or location where medical marijuana is made available to and/or distributed by or to three or more of the following: a primary caregiver, a qualified patient, or a person with an identification card, in strict accordance with California Health and Safety Code Section 11362.5 et seq. A “medical marijuana dispensary” shall not include the following uses, as long as the location of such uses are otherwise regulated by this Code or applicable law: (3703-3/21/05)
1. A clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code; (3703-3/21/05)
  2. A health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code; (3703-3/21/05)
  3. A residential care facility for persons with chronic life threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code; (3703-3/21/05)
  4. A residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code; (3703-3/21/05)
  5. A residential hospice, or (3703-3/21/05)
  6. A home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, Health and Safety Code Section 11362.5 et seq. (3703-3/21/05)
- S. Nurseries. Establishments in which all merchandise other than plants is kept within an enclosed building or a fully screened enclosure, and fertilizer of any type is stored and sold in package form only. (3334-6/97, 3378-2/98, 3703-3/21/05)
- T. Offices, Business and Professional. Offices of firms or organizations providing professional, executive, management, or administrative services, such as architectural, engineering, graphic design, interior design, real estate, insurance, investment, legal, veterinary, and medical/dental offices. This classification includes medical/dental laboratories incidental to an office use, but excludes banks and savings and loan associations. (3334-6/97, 3378-2/98, 3703-3/21/05)
- U. Pawn Shops. Establishments engaged in the buying or selling of new or secondhand merchandise and offering loans secured by personal property and subject to Chapter 5.36 of the Municipal Code. (3334-6/97, 3378-2/98, 3703-3/21/05)

- V. Personal Enrichment Services. Provision of instructional services or facilities, including photography, fine arts, crafts, dance or music studios, driving schools, business and trade schools, and diet centers, reducing salons, fitness studios, yoga or martial arts studios, and massage in conjunction with Personal Services business. (3334-6/97, 3378-2/98, 3669-12/04, 3703-3/21/05)
- W. Personal Services. Provision of recurrently needed services of a personal nature. This classification includes barber and beauty shops, seamstresses, tailors, shoe repair shops, dry-cleaning businesses (excluding large-scale bulk cleaning plants), photo-copying, and self-service laundries. (3334-6/97, 3378-2/98, 3703-3/21/05)
- X. Research and Development Services. Establishments primarily engaged in industrial or scientific research, including limited product testing. This classification includes electron research firms or pharmaceutical research laboratories, but excludes manufacturing, except of prototypes, or medical testing and analysis. (3334-6/97, 3378-2/98, 3703-3/21/05)
- Y. Retail Sales. The retail sale of merchandise not specifically listed under another use classification. This classification includes department stores, drug stores, clothing stores, and furniture stores, and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies, medical supplies and equipment, electronic equipment, records, sporting goods, surfing boards and equipment, kitchen utensils, hardware, appliances, antiques, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, and new automotive parts and accessories (excluding service and installation). (3334-6/97, 3378-2/98, 3703-3/21/05)
- Z. Secondhand Appliances and Clothing Sales. The retail sale of used appliances and clothing by secondhand dealers who are subject to Chapter 5.36. This classification excludes antique shops primarily engaged in the sale of used furniture and accessories other than appliances, but includes junk shops. (3334-6/97, 3378-2/98, 3703-3/21/05)
- AA. Sex Oriented Businesses. Establishments as regulated by Chapter 5.70; baths, sauna baths and massage establishments, as regulated by Chapter 5.24; and figure model studios as regulated by Chapter 5.60. (3378-2/98, 3703-3/21/05)
- BB. Swap Meets, Indoor/Flea Markets. An occasional, periodic or regularly scheduled market held within a building where groups of individual vendors offer goods for sale to the public. (3334-6/97, 3703-3/21/05)
- CC. Swap Meets, Recurring. Retail sale or exchange of handcrafted or secondhand merchandise for a maximum period of 32 consecutive hours, conducted by a sponsor on a more than twice yearly basis. (3334-6/97, 3703-3/21/05)
- DD. Tattoo Establishment. Premises used for the business of marking or coloring the skin with tattoos as regulated by Chapter 8.70. (3334-6/97, 3703-3/21/05)

- EE. Travel Services. Establishments providing travel information and reservations to individuals and businesses. This classification excludes car rental agencies. (3334-6/97, 3703-3/21/05)
- FF. Vehicle/Equipment Sales and Services. (3703-3/21/05)
1. Automobile Rentals. Rental of automobiles, including storage and incidental maintenance, but excluding maintenance requiring pneumatic lifts. (3334-6/97)
  2. Automobile Washing. Washing, waxing, or cleaning of automobiles or similar light vehicles. (3334-6/97)
  3. Commercial Parking Facility. Lots offering short-term or long-term parking to the public for a fee. (3334-6/97)
  4. Service Stations. Establishments engaged in the retail sale of gas, diesel fuel, lubricants, parts, and accessories. This classification includes incidental maintenance and minor repair of motor vehicles, but excluding body and fender work or major repair of automobiles, motorcycles, light and heavy trucks or other vehicles. (3334-6/97)
  5. Vehicle/Equipment Repair. Repair of automobiles, trucks, motorcycles, mobile homes, recreational vehicles, or boats, including the sale, installation, and servicing of related equipment and parts. This classification includes auto repair shops, body and fender shops, transmission shops, wheel and brake shops, and tire sales and installation, but excludes vehicle dismantling or salvage and tire retreading or recapping. (3334-6/97)
    - a. Limited. Light repair and sale of goods and services for vehicles, including brakes, muffler, tire shops, oil and lube, and accessory uses, but excluding body and fender shops, upholstery, painting, and rebuilding or reconditioning of vehicles. (3334-6/97)
  6. Vehicle/Equipment Sales and Rentals. Sale or rental of automobiles, motorcycles, trucks, tractors, construction or agricultural equipment, manufactured homes, boats, and similar equipment, including storage and incidental maintenance. (3334-6/97)
  7. Vehicle Storage. **The business of storing or safekeeping of operative and inoperative vehicles for periods of time greater than a 24 hour period, including, but not limited to, the** storage of parking tow-aways, impound yards, and storage lots for automobiles, trucks, buses and recreational vehicles, but does not include ~~including~~ vehicle dismantling. (3334-6/97)

GG. Visitor Accommodations. (3703-3/21/05)

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

HH. Warehouse and Sales Outlets. Businesses which store large inventories of goods in industrial-style buildings where these goods are not produced on the site but are offered to the public for sale. (3334-6/97, 3703-3/21/05)

II. Quasi Residential (3703-3/21/05)

1. Residential Hotels. Buildings with 6 or more guest rooms without kitchen facilities in individual rooms, or kitchen facilities for the exclusive use of guests, and which are intended for occupancy on a weekly or monthly basis. (3334-6/97)
2. Single Room Occupancy. Buildings designed as a residential hotel consisting of a cluster of guest units providing sleeping and living facilities in which sanitary facilities and cooking facilities are provided within each unit; tenancies are weekly or monthly. (3334-6/97)
3. Time-Share Facilities. A facility in which the purchaser receives the right in perpetuity, for life or for a term of years, to the recurrent exclusive use or occupancy of a lot, parcel, unit or segment of real property, annually or on some other periodic basis for a period of time that has been or will be allocated from the use or occupancy periods into which the plan has been divided. A time-share plan may be coupled with an estate in the real property or it may entail a license or contract and/or membership right of occupancy not coupled with an estate in the real property. (3334-6/97)

**204.12 Industrial Use Classifications**

A. Industry, Custom. Establishments primarily engaged in on-site production of goods by hand manufacturing involving the use of hand tools and small-scale equipment. (3334-6/97)

1. Small-scale. Includes mechanical equipment not exceeding 2 horsepower or a single kiln not exceeding 8 kilowatts and the incidental direct sale to consumers of only those goods produced on-site. Typical uses include ceramic studios, candle-making shops, and custom jewelry manufacture. (3334-6/97)

- B. Industry, General. Manufacturing of products, primarily from extracted or raw materials, or bulk storage and handling of such products and materials. Uses in this classification typically involve a high incidence of truck or rail traffic, and/or outdoor storage of products, materials, equipment, or bulk fuel. This classification includes chemical manufacture or processing, food processing and packaging, laundry and dry cleaning plants, auto dismantling within an enclosed building, stonework and concrete products manufacture (excluding concrete ready-mix plants), small animal production and processing within an enclosed building, and power generation. (3334-6/97)
- C. Industry, Limited. Manufacturing of finished parts or products, primarily from previously prepared materials; and provision of industrial services, both within an enclosed building. This classification includes processing, fabrication, assembly, treatment, and packaging, but excludes basic industrial processing from raw materials and Vehicle/Equipment Services, but does allow food processing for human consumption. (3334-6/97)
- D. Industry, Research and Development. Establishments primarily engaged in the research, development, and controlled production of high-technology electronic, industrial or scientific products or commodities for sale, but prohibits uses that may be objectionable in the opinion of the Director, by reason of production of offensive odor, dust, noise, vibration, or in the opinion of the Fire Chief by reason of storage of hazardous materials. Uses include aerospace and biotechnology firms, and non-toxic computer component manufacturers. (3334-6/97)

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

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

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

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

## 204.14 Accessory Use Classifications

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

## 204.16 Temporary Use Classifications

- A. Animal Shows. Exhibitions of domestic or large animals for a maximum of seven days. (3334-6/97)
- B. Festivals, Circuses and Carnivals. Provision of games, eating and drinking facilities, live entertainment, animal exhibitions, or similar activities in a tent or other temporary structure for a maximum of seven days. This classification excludes events conducted in a permanent entertainment facility. (3334-6/97, 3521-2/02)
- C. Commercial Filming, Limited. Commercial motion picture or video photography at a specific location six or fewer days per quarter of a calendar year. (See also Chapter 5.54, Commercial Photography) (3334-6/97)
- D. Personal Property Sales. Sales of personal property by a resident ("garage sales") for a period not to exceed 48 consecutive hours and no more than once every six months. (3334-6/97)
- E. Real Estate Sales. An office for the marketing, sales, or rental of residential, commercial, or industrial development. This classification includes "model homes." (3334-6/97)
- F. Retail Sales, Outdoor. Retail sales of new merchandise on the site of a legally established retail business for a period not to exceed 96 consecutive hours (four days) no more than once every 3 months. (3334-6/97, 3669-12/04)
- G. Seasonal Sales. Retail sales of seasonal products, including Christmas trees, Halloween pumpkins and strawberries. (3334-6/97)
- H. Street Fairs. Provision of games, eating and drinking facilities, live entertainment, or similar activities not requiring the use of roofed structures. (3334-6/97)
- I. Trade Fairs. Display and sale of goods or equipment related to a specific trade or industry for a maximum period of five days per year. (3334-6/97)
- J. Temporary Event. Those temporary activities located within the coastal zone that do not qualify for an exemption pursuant to Section 245.08. (3334-6/97)
- K. Tent Event. Allows for the overflow of any assembly for a period not to exceed 72 consecutive hours and not more than once every 3 months. (3521-2/02, 3724-02/06)

ORDINANCE NO. \_\_\_\_\_

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

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

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

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

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

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

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

\_\_\_\_\_  
Mayor

ATTEST:

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

APPROVED AS TO FORM:

*Jennifer M. [Signature]*  
9/25/06 City Attorney LM 9/25/06

REVIEWED AND APPROVED:

\_\_\_\_\_  
City Administrator

INITIATED AND APPROVED:

\_\_\_\_\_  
Director of Planning

**DRAFT**

**LEGISLATIVE DRAFT**

**Chapter 231 Off-Street Parking and Loading Provisions**

(3334-6/97, 3378-2/98, 3494-5/01, 3526-2/02, Resolution No. 2004-80-9/04, 3677-12/04)

**Sections:**

- 231.02 Basic Requirements for Off-Street Parking and Loading
- 231.04 Off-Street Parking and Loading Spaces Required
- 231.06 Joint Use Parking
- 231.08 Reduced Parking for Certain Uses
- 231.10 Parking In-Lieu Payments Within Downtown Specific Plan Area
- 231.12 Parking Spaces for the Handicapped
- 231.14 Parking Space Dimensions
- 231.16 Application of Dimensional Requirements
- 231.18 Design Standards
- 231.20 Bicycle Parking
- 231.22 Driveways; Visibility
- 231.24 Landscape Improvements
- 231.26 Parking Area Plan Required
- 231.28 Oceanside or On-Street Parking within the Coastal Zone

**231.02 Basic Requirements for Off-Street Parking and Loading**

- A. When Required. At the time of initial occupancy of a site, construction of a structure, or major alteration or enlargement of a site or structure, off-street parking facilities and off-street loading facilities shall be provided in accord with this chapter and parking area landscaping shall be provided in accord with Chapter 232. For the purposes of these requirements, "major alteration or enlargement" shall mean a change of use, an expansion of greater than 50 percent of the existing space in a non-residential building or an addition of bedrooms or units in a residential building. A change in occupancy that does not involve a change in the use classification is not considered a change in use for purposes of this requirement unless the change in occupancy involves an intensification of use or an increase in parking demand. (3334-6/97)
- B. Nonconforming Parking or Loading. No existing use of land or structure shall be deemed to be nonconforming solely because of the lack of off-street parking or loading facilities required by this chapter, provided that facilities being used for off-street parking and loading as of the date of adoption of this chapter shall not be reduced in number to less than that required by this chapter. Expansion of a use with nonconforming parking shall be subject to the following requirements: (3334-6/97)
  - 1. A multi-family residential use with nonconforming parking may be expanded by adding bedrooms or additional units provided that the expansion complies with current standards contained in this chapter; (3334-6/97)
  - 2. A single-family residence with nonconforming parking may be expanded by adding bedrooms provided the dwelling complies with current standards contained in this chapter; and (3334-6/97)

3. A nonresidential use with nonconforming parking may be expanded less than 50 percent of the existing square footage or intensified if additional parking is provided for the expansion or intensification. Expansions of 50 percent or more of the existing square footage require the site to be in total compliance with the current parking standards contained in this chapter. (3334-6/97)
- C. Spaces Required for Alteration or Enlargement. The number of parking spaces or loading spaces required for an alteration or enlargement of an existing use or structure, or for a change of occupancy, shall be in addition to the number of spaces existing prior to the alteration, enlargement, or change of occupancy unless the preexisting number is greater than the number prescribed in this chapter. In this case, the number of spaces in excess of the prescribed minimum shall be counted in determining the required number of parking or loading spaces. (3334-6/97)
  - D. Spaces Required for Multiple Uses. If more than one use is located on a site, the number of off-street parking spaces and loading spaces to be provided shall be equal to the sum of the requirements prescribed for each use. This requirement applies not only to multiple uses under separate ownership but also to multiple uses in the same ownership. If the gross floor area of individual uses on the same site is less than that for which a loading space would be required by Section 231.06A, but the aggregate gross floor area of all uses is greater than the minimum for which loading spaces would be required, the aggregate gross floor area shall be used in determining the required number of loading spaces. (3334-6/97)
  - E. Location and Ownership. Parking facilities required by this chapter shall be on the same site as the use served, except that an adjacent lot may be used which is in the same person's possession as the structure or use. Such possession may be by deed or long-term lease, approved as to form by the City Attorney, and recorded in the Office of the County Recorder. A copy of the recorded document stipulating the reservation of the property for parking purposes shall be filed with the City prior to issuance of a building permit and/or certificate of occupancy, whichever occurs first. No use shall be continued if the parking is removed from the adjacent lot unless substitute parking is provided. Parking facilities provided by a parking district or parking authority are not subject to these locational requirements. (3334-6/97)
    1. Parking in Yards in R Districts. The parking of motor vehicles, trailers, campers and boats shall be prohibited on all landscaped areas within the front one-half of the lot except as provided below. (3334-6/97)
      - (a) Oversized vehicles (see Definitions Chapter 203), campers, trailers and boats on trailers may be parked on the paved driveway area or on a paved area between the driveway and the nearest side property line provided that they do not project over any property line and that the area is kept free of trash, debris and parts. (3334-6/97)
      - (b) Commercial oversized vehicles (see Definitions Chapter 203) or special purpose machines shall be prohibited in any yard area. (3334-6/97)
    2. Parking in Yards in C or I Districts. Required yards may be used for required parking, subject to the landscaping standards of Chapter 232. (3334-6/97)
    3. Access. When a lot abuts an arterial highway and a local street, access to on-site parking shall be from the local street. When a lot abuts an alley, then access to parking shall be provided from the alley unless the Planning Commission approves a different access. When a lot abuts two arterial highways or two local

streets, access shall be subject to the approval of the Director of Public Works.  
(3334-6/97)

4. Non-residential Parking in R Districts. Non-residential parking serving adjacent commercial or industrial uses shall not be located in any R zoned property. (3334-6/97)
- F. Computation of Spaces Required. If, in the application of the requirements of this chapter, a fractional number is obtained, one additional parking space or loading space shall be required. (3334-6/97)
- G. Other Requirements.
  1. Any off-street parking or loading facility which is permitted but not required shall comply with all provisions of this chapter governing location, design, improvement and operation. (3334-6/97)
  2. Any motor vehicle incapable of movement by its own power and/or not licensed to operate on California streets shall be stored either in an enclosed building or entirely screened from view. (3334-6/97)

#### **231.04 Off-Street Parking and Loading Spaces Required**

- A. Non-residential uses shall provide one loading space (minimum fourteen [14] feet in width, twenty [20] feet in length, and fourteen [14] feet in height) for each 20,000 square feet, or fraction thereof, of gross floor area; however, a maximum of three (3) such spaces are required for buildings exceeding 60,000 square feet. No loading space is required for non-residential uses with less than 20,000 square feet of gross floor area. (3334-6/97)
- B. Off-street parking spaces shall be provided in accord with the following schedule. References to spaces per square foot are to be computed on the basis of gross floor area, unless otherwise specified. (3334-6/97)

Where the use is undetermined, the approving body shall determine the probable use and the number of parking and loading spaces required. In order to make this determination, the Director may require the submission of survey data prepared by a state-registered traffic engineer for the applicant or collected at the applicant's expense. Parking spaces over and above the minimum number specified in this section may be required by the body responsible for reviewing the use itself based on the intensity of the use. (3334-6/97)

- C. The Director may allow a parking reduction for a change of use if the increase in the required parking is not more than five (5) spaces. The change of use request must be on a site with two or more uses, have minimum of 50 existing parking spaces and provide an upgrade of existing landscaping. This same reduction may be considered for uses complying with State Handicap Regulations as mandated by State Law and applicable to parking requirements. This provision shall not apply to applications for development within the coastal zone that necessitate a coastal development permit. (3526-2/02, Resolution No. 2004-80-9/04)

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**OFF-STREET PARKING SPACES REQUIRED: SCHEDULE A** (3334-6/97)

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<b>Use Classification</b>	<b>Spaces</b>
<b>Residential</b>	
Single-family Dwellings	
<u>New construction</u>	
0-4 bedrooms	2 enclosed and 2 open
5 or more bedrooms	3 enclosed per unit and 3 open per unit
<u>Existing Dwellings</u>	
0-4 bedrooms	2 enclosed and 2 open <sup>1</sup>
5 or more bedrooms	2 enclosed per unit and 3 open per unit <sup>1</sup>
<u>In the RMH-A district</u>	2 enclosed spaces per unit with up to three bedrooms, and 1 space for each additional bedroom; 1 additional space per dwelling where no on-street parking is allowed
Multi-family Dwellings	
Studio/one bedroom	1 enclosed space per unit
2 bedrooms	2 spaces (1 enclosed) per unit
3 or more bedrooms	2.5 spaces (1 enclosed) per unit
Guests	0.5 space per unit

<sup>1</sup>Open spaces may be behind any required spaces and/or on a street adjacent to the property. On-street parking may not be reserved for residents and/or guests but must be available to the general public on a first-come, first-serve basis.

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**OFF-STREET PARKING SPACES REQUIRED: SCHEDULE A** (continued) (3334-6/97)

Use Classification	Off-Street Parking Spaces
Senior	
Studio/one bedroom	1 covered space per unit
Two bedrooms	1.5 spaces per unit (1 covered)
Manufactured Homes	2 spaces per unit; one covered, and one may be behind the first
Guest	1 per 3 manufactured homes
Rooming House	1 space per guest room plus 1 space per owner/manager plus 1 space per each 10 guest rooms
Residential Care, Limited	1 per 3 beds
<b>Public and Semi-public</b>	
Clubs and Lodges	1 per 35 sq. ft. used for assembly purposes of 1 per 3 fixed seats (18 inches = one seat), whichever is greater
Cultural Facilities	1 per 300 sq. ft. gross floor area
Day Care, General	1 per staff member plus one per classroom
Government Offices	1 per 250 sq. ft. gross floor area
Heliports	As specified by use permit
Hospitals	1 per 1.5 beds
Maintenance and Service Facilities	1 per 500 sq. ft.
Park and Recreation Facilities	As specified by conditional use permit for private facilities
Public Safety Facilities	As specified by the conditional use permit
Religious Assembly	1 per 35 sq. ft. of public assembly area, or 1 per 3 fixed seats (18 inches = 1 seat), whichever is greater
Residential Care, General	1 per 3 beds; plus additional spaces, as specified by conditional use permit
Schools, Public or Private	
Preschools, nursery day care	1 per staff member, plus one per classroom
Elementary, junior high	1.5 per classroom
High school/college	7 per classroom

**OFF-STREET PARKING SPACES REQUIRED: SCHEDULE A** (continued) (3334-6/97)

Use Classification	Off-Street Parking Spaces
Schools, Public or Private-cont. Trade schools, music conservatories	1 per 35 sq. ft. of instruction area
Utilities, Major	As specified by conditional use permit
<b>Commercial</b>	
Ambulance Services	1 per 500 sq. ft.; plus 2 storage spaces
Animal Sales and Services Animal boarding Animal grooming Animal hospitals Animal, retail sales	1 per 200 sq. ft. 1 per 200 sq. ft. 1 per 200 sq. ft. 1 per 200 sq. ft.
Artists' Studios	1 per 1,000 sq. ft.
Banks and Savings & Loans Drive-Up Service	1 per 200 sq. ft. Queue space for 5 cars per teller
Building Materials and Services	1 per 1,000 sq. ft. of lot area; minimum 10 plus 1/300 sq. ft. office area
Catering Services	1 per 400 sq. ft.
Commercial Recreation and Entertainment Bowling Alleys  Electronic Game Centers Health Clubs	3 per lane, plus 1 per 250 sq. ft. of public assembly and retail areas 1 per 200 sq. ft. 1 per 200 sq. ft. except that area designated for group instruction shall be parked at a ratio of 1 per 100 sq. ft. (3677- 12/04)
Stables	1 per 3 corrals plus 1 horse trailer space for each 10 corrals plus 2 for caretaker's unit
Tennis/Racquetball Theaters	3 per court 1 per 3 fixed seats, or 1 per 35 sq. ft. seating area if there are no fixed seats
Other Commercial Recreation and Entertainment	As specified by the Zoning Administrator or Planning Commission
Communications Facilities	1 per 500 sq. ft.
Eating and Drinking Establishments with less than 12 seats with more than 12 seats	1 per 200 sq. ft. 1 per 60 sq. ft. or 1 per 100 sq. ft. when on a site with 3 or more uses



**OFF-STREET PARKING SPACES REQUIRED: SCHEDULE A** (continued) (3334-6/97)

Use Classification	Off-Street Parking Spaces
Sex Oriented Business (cont.)	
Encounter center	1 per 35 sq. ft. of instruction area (3378-2/98)
Escort bureau	1 per 250 sq. ft. (3378-2/98)
Hotel/Motel	1.1 per guest room; plus 1 per passenger transport vehicle (minimum of 2 stalls) and 2 spaces for any manager's unit and parking for other uses as required by this schedule (3378-2/98)
Mini-motion picture theater, motion picture theater or motion picture arcade	1 per 3 fixed seats, or 1 per 35 sq. ft. seating area if there are no fixed seats (3378-2/98)
Retail sales	1 per 200 sq. ft. (3378-2/98)
Swap Meets, Indoor/Flea Markets	1/100 sq. ft. except as may be modified by the Planning Commission through the conditional use permit process, after submittal, review and approval of a traffic engineering study
Vehicle/Equipment Sales and Services	
Automobile Rentals	1 per 1,000 sq. ft. of indoor/outdoor sales and/or display lot area accessible for public viewing, but no less than 10; plus 1/300 sq. ft. office area; 1/200 sq. ft. auto service area
Automobile Washing (Car Wash)	
Full-service (attended)	10
With fuel sales	12
Self-service (unattended)	1.5 per wash stall
Service Stations	
full-serve/repair garage	1 per 500 sq. ft. but no less than 5
self-serve	2
with convenience markets	1 per 200 sq. ft. of retail space but no less than 8
with self-serve car wash	4
with self-serve car wash and convenience market	10
Vehicle/Equipment Repair	1 per 200 sq. ft. but no less than 5
Vehicle/Equipment Sales and Rentals	1 per 1,000 sq. ft. of indoor/outdoor sales and/or display lot area accessible for public viewing, but no less than 10; plus 1 per 300 sq. ft. office area; 1 per 200 sq. ft. auto service area
Vehicle Storage	1 per 5,000 sq. ft. lot area; no less than 5
Visitor Accommodations:	
Bed and Breakfast	1 per guest room plus 1 guest and 1 manager/owner space

**OFF-STREET PARKING SPACES REQUIRED: SCHEDULE A** (continued) (3334-6/97)

Use Classification	Off-Street Parking Spaces
Visitor Accommodations (cont.) Hotels, Motels	1.1 per guest room; plus 1 per passenger transport vehicle (minimum of 2 stalls) and 2 spaces for any manager's unit and parking for other uses as required by this schedule
Single Room Occupancy, Residential Hotels	1.0 per unit, 10% shall be designated as visitor parking; 1 per passenger transport vehicle (minimum of 1 stall) one loading space, and 2 spaces for any manager's unit, plus 0.5 per all remaining personnel (3494-5/01)
Warehouse and Sales Outlets	1 per 200 sq. ft.
<b>Industrial</b>	
Speculative buildings	1 per 500 sq. ft. (maximum 10% office area)
Manufacturing, research assembly, packaging	1 per 500 sq. ft.
Wholesaling, warehousing and distributing space	1 per 1,000 sq. ft.
Offices	1 per 250 sq. ft. if office area exceeds 10 percent of gross floor area
Outside uses: Storage, wrecking/ salvage and lumber yards	1 per 5,000 square feet of lot area, but no less than 5
Mini-storage facilities	1 per 5,000 square feet
Single-story Each additional story	1 per 2,000 square feet plus 2 spaces for any caretaker's unit

**231.06 Joint Use Parking**

In the event that two (2) or more uses occupy the same building, lot or parcel of land, the total requirement for off-street parking shall be the sum of each individual use computed separately except as provided in this section. (3334-6/97)

The Planning Commission or Zoning Administrator may grant a reduction in the total number of required spaces as part of the entitlement for the use or uses, or by conditional use permit when no other entitlement is required, when the applicant can demonstrate that the various uses have divergent needs in terms of daytime versus nighttime hours or weekday versus weekend hours. Such joint use approvals shall be subject to the following: (3334-6/97)

1. The maximum distance between the building or use and the nearest point of the parking spaces or parking facility shall be 250 feet; and (3334-6/97)
2. There shall be no conflict in the operating hours based on parking space requirements for the different uses on the parcel; and (3334-6/97)
3. Evidence of an agreement for such joint use shall be provided by proper legal instrument, approved as to form by the City Attorney. The instrument shall be recorded in the Office of the County Recorder and shall be filed with the City prior to issuance of building permit and/or certificate of occupancy, whichever occurs first. (3334-6/97)

**231.08 Reduced Parking for Certain Uses**

- A. The Zoning Administrator may approve a conditional use permit to reduce the number of parking spaces to less than the number required per Schedule "A" in Section 231.04, provided that the following findings are made: (3334-6/97, 3526-2/02, 3677-12/04)
  1. The parking demand will be less than the requirement in Schedule A; and (3334-6/97, 3526-2/02)
  2. The proposed use of the building or structure, will not generate additional parking demand; and (3334-6/97, 3526-2/02)
  3. A Transportation Demand Management plan which exceeds the minimum required by Section 230.36 has been approved by the Director. (3334-6/97)
- B. The Zoning Administrator may consider survey data prepared by a state-registered traffic engineer and submitted by an applicant or collected at the applicant's request and expense as a basis for approval of a reduction in required parking. (3334-6/97, 3526-2/02, 3677-12/04)

**231.10 Parking In-Lieu Payments Within Downtown Specific Plan Area**

Parking requirements for private property uses within the Downtown Specific Plan Area may be met by payment of an "in-lieu" fee for providing parking in a parking facility subject to conditional use permit approval by the Planning Commission. Said fee may be paid in multiple installments. The first installment in an amount established by City Council Resolution for each parking space shall be paid prior to the issuance of building permits or of a certificate of occupancy, whichever comes first. Any successive installments shall be paid and secured by a mechanism established in the conditions of approval. (3334-6/97)

**231.12 Parking Spaces for the Handicapped**

New and existing parking facilities shall comply with the State Handicapped Regulations as mandated in State law. (3334-6/97)

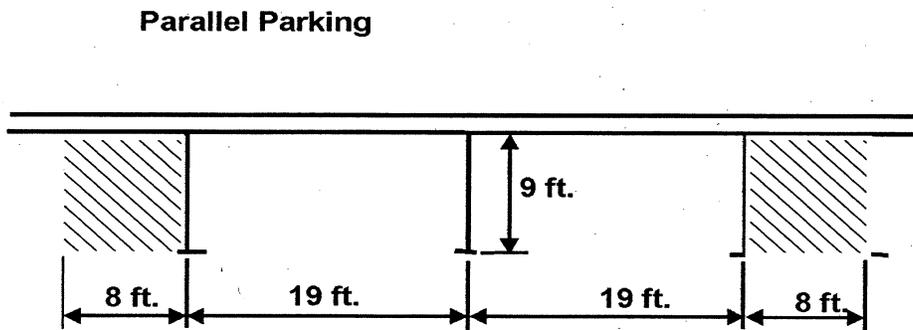
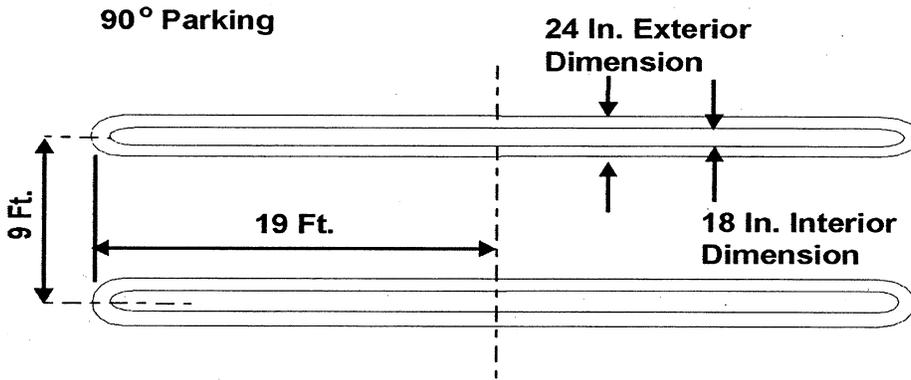
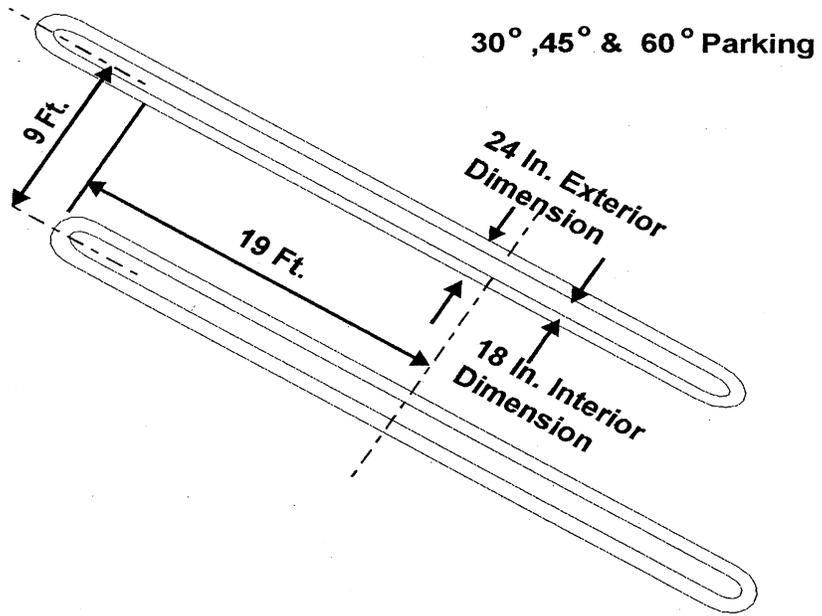
**231.14 Parking Space Dimensions** (3334-6/97)

Required parking spaces shall have the following minimum dimensions in feet. Striping requirements are depicted in Diagram A. Directional signs and/or pavement markings shall be provided in any facility in which one-way traffic is established. (3334-6/97)

Angle of Parking	Stall Width	Stall Depth	Aisle Width <sup>1</sup>	
			1-way	2-way
0° (Parallel)	9	19 (with 8 ft. Striped maneuvering area between every 2 spaces)	12	20
30°	9	19	14	20
45°	9	19	15	20
60°	9	19	20	20
90°	9	19	26	26
Residential	9	19	25	25
Bicycle	8	17	subject to Section 231.20	

<sup>1</sup>Minimum 24 feet when determined by Fire Department to be a fire lane.

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**STRIPING REQUIREMENTS  
DIAGRAM A**

## 231.16 Application of Dimensional Requirements

- A. Relation to Walls and Posts/Columns. A parking space on a site with more than five (5) parking spaces and which is adjacent to a wall over twelve (12) inches in height shall be increased in width by three (3) feet. Post/columns may be permitted along the side of each space only within three (3) feet of the head and foot of each stall. (3334-6/97)
- B. Vertical Clearance. Vertical clearance for parking spaces shall be 7 feet, except that an entrance may be 6.67 feet. When handicapped parking is provided, vertical clearance shall comply with California Code of Regulations (Title 24, Part 2, Chapter 2-71). (3334-6/97)

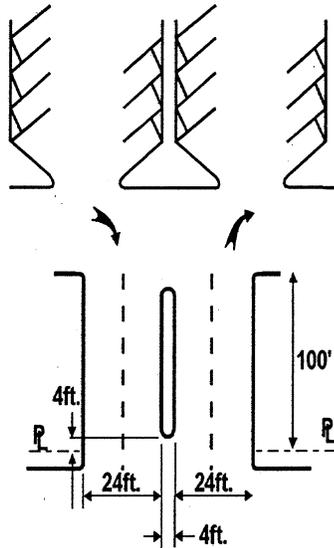
For residential uses, non-structural improvements including wall-mounted shelves, storage surface racks, or cabinets may encroach into the vertical clearance, provided a minimum 4.5 feet vertical clearance is maintained above the finished floor of the garage within the front 5 feet of a parking space. (3334-6/97)

- C. Wheel Stops. All spaces shall have wheel stops 2.5 feet from a fence, wall, building or walkway. (3334-6/97)
- D. Parking Space Dimension Reduction. When a parking space abuts a landscape planter, the front 2 feet of the required 19 foot length for a parking space may overhang the planter as provided in Chapter 232. (3334-6/97)

## 231.18 Design Standards

- A. Public Works Requirements. Drive entrances on arterial highways shall be located in a manner to coordinate with future median openings and in accord with Department of Public Works standards. The paved surface of driveways and drive entrances shall comply with Department of Public Works specifications. Parking facilities shall be prepared, graded, and paved to ensure that all surface waters will drain into a public street, alley, storm drain, or other drainage system approved by the Department of Public Works. Aisle ways without adjacent parking shall be a minimum 24 feet in width. (3334-6/97)
- B. Circulation Design. All off-street parking spaces shall have access to a public street or alley, and shall have internal circulation, safe entrances and exits, drives, and aisles in conformance with City standards. Every required parking space shall have unobstructed access from an aisle without moving another vehicle. All parking spaces, except residential garages and carports for single-family dwellings and duplexes, shall have forward travel to and from parking facilities when access is to a dedicated street. Traffic circulation shall be designed so that no vehicle need enter a public street in order to progress from one aisle to any other aisle within the same development. (3334-6/97)

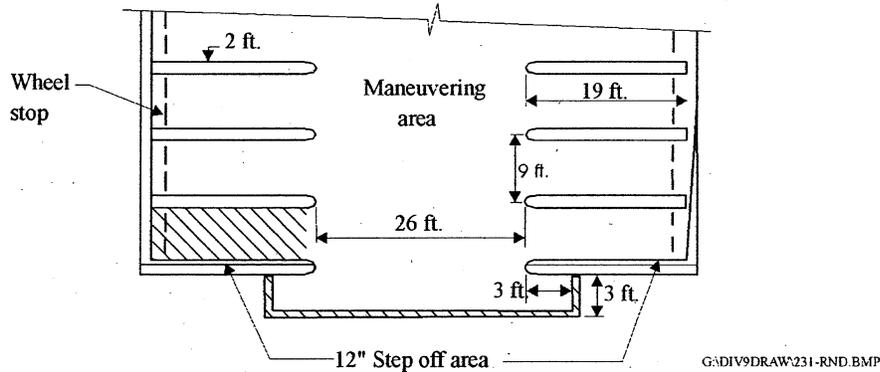
Commercial centers which have 200 parking spaces or more shall have at least one main entrance designed as depicted in Diagram B. (3334-6/97)



**COMMERCIAL CENTER MAIN ENTRANCE  
FOR PARKING LOTS WITH OVER 200 SPACES**

**DIAGRAM B**

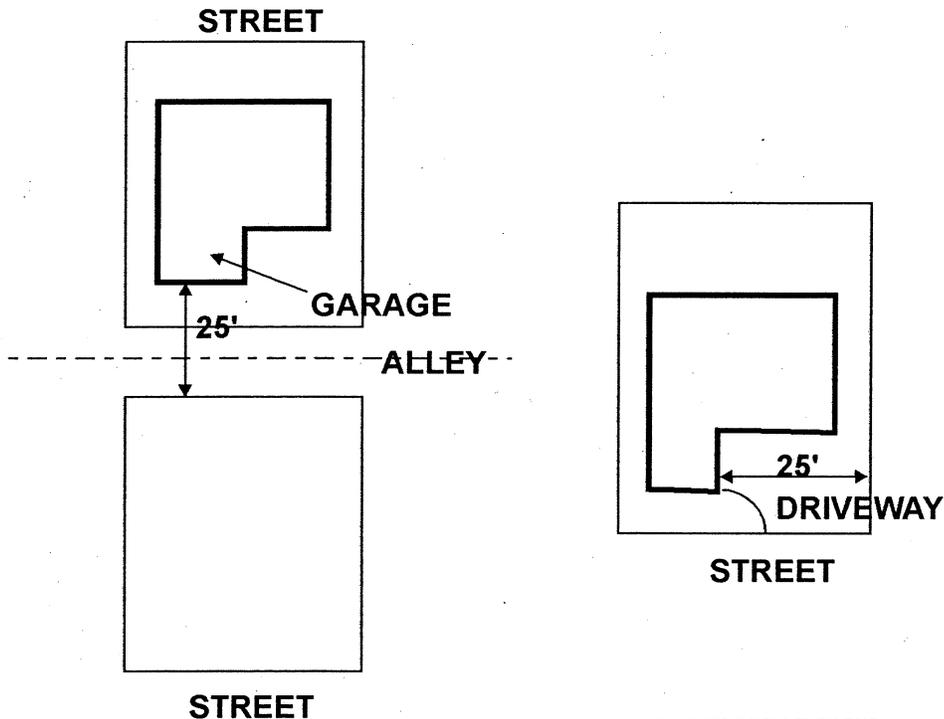
A minimum 3-foot-by-3-foot-wide maneuvering area shall be provided at the end of dead-end parking aisles less than 150 feet in length. A vehicle turnaround space shall be provided at the end of all dead-end parking aisles which exceed 150 feet in length (measured from the closest intersecting aisle with complete circulation). The maneuvering area and turnaround space shall be designed as depicted in Diagram C. Other turnaround arrangements providing the same maneuverability are subject to approval by the Director.



**TURN-AROUND SPACE AND MANEUVERING AREA**

**DIAGRAM C**

- C. Illumination. All parking area lighting shall be energy-efficient and designed so as not to produce glare on adjacent residential properties. Security lighting shall be provided in areas accessible to the public during nighttime hours, and such lighting shall be on a time-clock or photo-sensor system. (3334-6/97)
- D. Residential parking. (3334-6/97)
1. Garages and Carports. All required garages and carports, permitted as accessory structures, shall be constructed at the same time as the main building and shall be used only by persons residing on the premises for storage of personal vehicles and other personal property. (3334-6/97)
  2. Assignment of Spaces. Each studio and one bedroom dwelling unit shall have a minimum of one assigned parking space and each two or more bedroom units shall have a minimum of two assigned parking spaces. Each dwelling unit shall have an enclosed, assigned space which shall be within 200 feet walking distance of that unit and designated as such. The assigned spaces shall be provided with the rental of a dwelling unit without any additional cost. All unassigned spaces provided on site shall be open and only used for the parking of vehicles by persons residing on the property or their guests. (3334-6/97)
  3. Turning Radius. The minimum turning radius for any garage, carport or open parking space, entered directly from an alley or driveway, shall be 25 feet. (See Diagram D) (3334-6/97)



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**TURNING RADIUS  
DIAGRAM D**

4. Driveway Width. (3334-6/97)

Length of Drive  
150 feet or less

Minimum Driveway Width  
10 ft. for single family dwellings

20 ft. for multi-family dwellings

Greater than 150 feet

20 feet clear width

Exception: when designated as fire lane, all Fire Department requirements shall apply.

5. Guest Parking. All guest parking shall be fully accessible. (3334-6/97)

6. Coastal Zone. Each dwelling unit located in the Coastal Zone shall have a minimum of 2 on-site parking spaces. If the total coastal parking requirements exceed the total minimum parking as required by this chapter, the additional required parking spaces may be in tandem with enclosed spaces, provided the tandem space is assigned to an enclosed space and complies with the required turning radius. (3334-6/97)

7. Planned Residential Developments. In a planned residential development where a garage is constructed a minimum of 20 feet from the curb, the driveway in front of the garage may be used to provide one of the required uncovered spaces. (3334-6/97)

8. Privacy gates may be installed without a conditional use permit provided there is compliance with the following criteria prior to the issuance of building permits: (3526-2/02)

- 1) Fire Department approval for location and emergency entry. (3526-2/02)
- 2) Postmaster approval of location for mail boxes or entry for postal carrier. (3526-2/02)
- 3) Shall provide a driveway with a minimum of twenty (20) feet for vehicle stacking. (3526-2/02, 3677-12/04)
- 4) No adverse impacts to public coastal access, including changes in the intensity of use of water, or of access thereto, shall result from installation of the privacy gates. (Resolution No. 2004-80-9/04)

9. Driveway Air Space. The air space above all driveways which exceed 150 feet in length shall remain open to the sky, except that eaves or roof overhangs with a maximum 4-foot projection may be permitted above a height of 14 feet. (3334-6/97, 3526-2/02)

10. Storage Space. 100 cubic feet of enclosed storage space for each unit shall be provided in a secured parking area where there is no private garage. (3334-6/97, 3526-2/02)

11. Accessory Dwelling. One additional off-street parking space shall be required for an accessory dwelling, except that in the coastal zone there shall be a minimum of four (4) parking spaces on-site. (3334-6/97, 3526-2/02)

E. Non-residential Parking and Loading. (3334-6/97)

1. Designated Parking. Parking spaces within an integrated, non-residential complex shall not be designated for exclusive use of any individual tenant except as authorized by a parking management plan approved by the Director. (3334-6/97)
  2. Parking Controls. Parking controls, such as valet service, or booths, and/or collection of fees may be permitted when authorized by conditional use permit approval by the Zoning Administrator. Privacy gates may be installed without a conditional use permit provided there is compliance with the following criteria prior to the issuance of building permits: (3334-6/97, 3526-2/02, Resolution No. 2004-80-9/04, 3677-12/04)
    - 1) Fire Department approval for location and emergency entry. (3526-2/02, Resolution No. 2004-80-9/04)
    - 2) Postmaster approval of location for mail boxes or entry for postal carrier. (3526-2/02, Resolution No. 2004-80-9/04)
    - 3) Shall provide a driveway with a minimum of twenty (20) feet for vehicle stacking. (3526-2/02, Resolution No. 2004-80-9/04)
    - 4) No adverse impacts to public coastal access, including changes in the intensity of use of water, or of access thereto, shall result from installation of the privacy gates. (Resolution No. 2004-80-9/04)
  3. Minimum Driveway Width. 25 feet when providing access to the rear of a structure. (3334-6/97)
  4. Reciprocal Access. Reciprocal ingress/egress access with adjacent properties shall be provided for all commercial properties. (3334-6/97)
  5. Loading Location. On a site adjoining an alley, a required loading space shall be accessible from the alley unless alternative access is approved by the Director. An occupied loading space shall not prevent access to a required parking space. Truck or rail loading, dock facilities, and doors for such facilities shall not face or be located within 45 feet of property zoned or general planned residential. (3334-6/97)
  6. Loading Design. Any loading facility shall be designed and located so that vehicles need not extend onto the public sidewalks, streets or alleys during loading activities. (3334-6/97)
  7. Landscape Buffer. Where the side or rear yard of a parcel is used for loading activities and abuts an R District, a landscaped buffer along the property line shall be provided. (3334-6/97)
  8. **Parking spaces shall not be utilized or occupied by any other use or for any other purpose than as parking for the associated on-site uses as required by this chapter, unless in compliance with section 231.06, Joint Use Parking.**
- F. Seasonal and Temporary Parking Lots. Seasonal and temporary parking lots may be allowed upon approval of a conditional use permit by the Zoning Administrator. Seasonal lots may operate only from Memorial Day through the third weekend in September and shall be located within 1,000 yards of the mean high tide line of the Pacific Ocean. Temporary and seasonal commercial parking lots may be permitted for a maximum of five years. The design and layout of seasonal and temporary parking lots shall comply with this chapter, Fire Department requirements, and the following standards: (3334-6/97)

1. Paving shall be 2 inches of asphalt over compacted native soil, or as approved by the Department; except seasonal parking lots shall be surfaced to meet minimum specifications for support of vehicles and to provide dust control as required by the Zoning Administrator. (3334-6/97)
2. Boundaries of such lots shall be marked off and secured by chain or cable, with posts a minimum of 3 feet in height, solidly built. At a minimum, posts shall consist of 4" x 4" wood or equivalent metal posts a minimum of 1-1/2 inches in diameter securely set in the ground and placed 8 feet on center. The posts shall be connected with at least 1 strand of 1/2-inch cable or chain securely fastened to each post. An opening shall be provided to accommodate vehicle access during business hours. Seasonal lots shall be secured to prevent overnight parking between the closing hour on one business day and the opening hour the following business day. (3334-6/97)
3. Temporary parking lots shall have landscaped planters with an inside dimension of 3 feet along street-side property lines excluding driveways. Landscaping shall be protected from vehicle and pedestrian damage by wheel bumpers (asphalt, concrete, or wood), or asphalt or concrete curbs, or any other design that will provide adequate protection. (3334-6/97)
4. Seasonal parking lots are exempt from landscaping requirements of Chapter 232. (3334-6/97)
5. Directional and informational signs shall be displayed on-site to identify the entrance(s), fees, and hours of operation. Such signs shall be located at the entrance of the parking lot and shall not exceed 12 square feet and shall be 6 feet high. Signs for seasonal parking lots shall be removed from the site each season no later than the third weekend in September. (3334-6/97)
6. Automatic entry devices or fee collection points shall be set back a minimum of 20 feet from the public right-of-way, or at a distance recommended by the Department of Public Works and approved by the Director. (3334-6/97)
7. An attendant shall be on duty at all times during business hours of seasonal parking lots. (3334-6/97)
8. An approved fire extinguisher shall be provided on the premises during business hours. (3334-6/97)
9. The site shall be maintained in a clean condition, free from trash and debris. Trash containers shall be placed on the site to accommodate and store all trash that accumulates on the lot. (3334-6/97)

For seasonal parking lots, a certificate of insurance for combined single limit bodily injury and/or property damage including products liability in the amount of \$1,000,000 per occurrence shall be filed with the Department of Administrative Services. A hold harmless agreement holding the City harmless shall also be filed with the Department of Administrative Services. (3334-6/97)

Subsequent to approval of an application for any seasonal or temporary parking lot, the applicant shall meet all standards and requirements and install all improvements. The parking lot shall then be inspected and approved by the Director prior to issuance of a Certificate to Operate. (3334-6/97)

- G. **Parking Structures.** Parking structures above or below grade shall be subject to conditional use permit approval by the Planning Commission when no other entitlement is required. In addition, parking structures proposed within the coastal zone shall be subject to approval of a coastal development permit. All parking structures shall comply with the following requirements: (3334-6/97)
1. Transition ramps which are also used as back-up space for parking stalls shall have a maximum slope of 5 percent. The maximum slope for transition ramps with no adjacent parking spaces shall be 10 percent. A ramp used for ingress and egress to a public street shall have a transition section at least 16 feet long and a maximum slope of 5 percent. (3334-6/97)
  2. Parking structures with over 300 spaces shall provide secondary circulation ramps and additional ingress and egress if deemed necessary by a traffic study prepared by a state-registered traffic engineer. (3334-6/97)
  3. Parking structures shall be provided with a minimum 10-foot-wide perimeter landscape planter at ground level. Parked cars shall be screened on each level through landscape planters or trellises and/or decorative screening wall or railings. The Design Review Board shall approve the landscaping plan. (3334-6/97)
  4. All parking structures shall be architecturally compatible with existing or proposed structures and shall be subject to review and approval by the Design Review Board prior to hearing. The Design Review Board shall consider the following factors in reviewing a proposal: bulk, scale, proportion, building materials, colors, signage, architectural features, and landscaping. (3334-6/97)
  5. All parking structures proposed for conversion to a fee parking arrangement shall be subject to conditional use permit approval by the Planning Commission. Public parking structures within the coastal zone proposed for conversion to a fee parking arrangement shall be subject to approval of a coastal development permit. (3334-6/97)

**231.20 Bicycle Parking** (3334-06/97, 3677-12/04)

1. Bicycle Parking Requirements:
  - A. Non residential developments shall provide one (1) bicycle stall for every twenty (20) parking spaces. Racks shall be made available to both customers and employees.
  - B. Residential multiple family projects shall provide at a minimum one (1) bicycle stall per four (4) units in a secured, enclosed and covered area. The Planning Director shall approve location and provisions as set forth.
2. Design Standards:
  - A. Bicycle parking facility shall include provision for locking of bicycles, either in lockers or in secure racks in which the bicycle frame and wheels may be locked by the user. Bicycle spaces shall be conveniently located near the primary entrance of structures or central location and shall be protected from automobile damage. The Planning Director shall approve all the aforementioned criteria.

**231.22 Driveways; Visibility**

Visibility of a driveway crossing a street or alley property line or of intersecting driveways shall be consistent with the requirements of Section 230.88. (3334-6/97)

**231.24 Landscape Improvements**

Landscape, planting and irrigation plans shall be prepared consistent with the requirements of Chapter 232. (3334-6/97)

**231.26 Parking Area Plan Required**

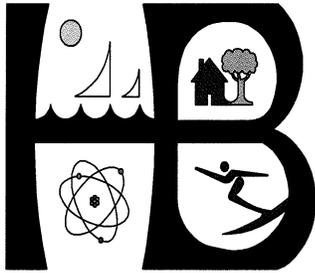
Prior to the construction, reconstruction, or re-striping of an off-street parking area, a parking area plan shall be submitted to the Director for the purpose of indicating compliance with the provisions of this section. This plan shall include: (3334-6/97)

- A. Location and description of fencing and architectural screen walls. (3334-6/97)
- B. Location and placement of parking stalls, including bumpers, striping and circulation, all dimensioned to permit comparison with approved parking standards. (3334-6/97)
- C. Location and placement of lights provided to illuminate the parking area. (3334-6/97)
- D. A drainage plan showing drainage to a public way in accordance with accepted standards or practices. (3334-6/97)
- E. A landscape, planting and irrigation plan prepared consistent with the requirements of Chapter 232. (3334-6/97)
- F. Existing off-street parking areas that were approved at a reduced dimension (e.g. width, length, aisle width) may be reconstructed and re-striping or only re-striping at their previous reduced dimension. (3677-12/04)
- G. When re-striping, parking stalls shall be as depicted in Section 231.14, Diagram A. (3677-12/04)
- H. If a parking area is proposed to only be re-striping; no landscape, drainage, or lighting plan is required. (3677-12/04)

Single-family dwellings on pre-existing lots are exempt from this requirement. (3334-6/97)

**231.28 Oceanside or On-Street Parking within the Coastal Zone**

If any existing oceanside or on-street parking within the coastal zone is removed, it shall be replaced on a one for one basis in an area that would not result in the loss of any sandy beach area and within walking distance of the existing site. Replacement parking shall be assured prior to the issuance of the coastal development permit and shall be provided before any existing parking is removed so that there will be no reduction in the number of parking spaces available. (3334-6/97)



# MINUTES

## HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, JULY 11, 2006  
HUNTINGTON BEACH CIVIC CENTER  
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

5:15 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

### CALL PLANNING COMMISSION MEETING TO ORDER

**ROLL CALL:**        *P*        *A*        *P*        *P*        *P*        *P*        *P*  
*Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer*  
*(Commissioner Livengood arrived at 5:25 pm)*

### AGENDA APPROVAL

A MOTION WAS MADE BY RAY SECONDED BY HORGAN TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF JULY 11, 2006, BY THE FOLLOWING VOTE:

**AYES:**            Burnett, Scandura, Dingwall, Ray, Horgan, Dwyer  
**NOES:**            None  
**ABSENT:**        Livengood  
**ABSTAIN:**        None

### MOTION APPROVED

#### **A.    PROJECT REVIEW (FUTURE AGENDA ITEMS):**

**A-1.    GENERAL PLAN AMENDMENT NO. 04-04/ZONING MAP AMENDMENT NO. 04-01/CONDITIONAL USE PERMIT NO 04-32/TENTATIVE TRACT MAP NO. 16733 (NEWLAND STREET RESIDENTIAL – 21471 NEWLAND) – Jane James**

Jane James, Senior Planner, gave an overview of the proposed project to be constructed on the former Cenco oil tank site covering 23.1 acres.

Discussion ensued regarding park improvements, parkland in-lieu fees and parkland dedication and deed restricted wetlands by Caltrans.

**A-2.    FLOOD MANAGEMENT PLAN: ANNUAL REVIEW – Ricky Ramos**

Ricky Ramos, Associate Planner, gave an outline of the sixth annual review.

Todd Broussard, Principal Civil Engineer, directed the Commission to Attachment 1.4 of the staff report and explained where improvements would take place.

Discussion ensued regarding contracts, schedules and proposed improvements.

**B. STUDY SESSION ITEMS - NONE**

**C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS):**

Herb Fauland, Principal Planner, advised of late communications received for items B-1 and B-2, and directed the Commissioners to view a deciduous tree handout provided by Chair Dingwall.

Commissioner Scandura requested that Item B-2 be moved ahead of Item B-1.

**D. PLANNING COMMISSION COMMITTEE REPORTS:**

Commissioner Ray stated he would be attending the Newland Residential Subdivision Meeting on July 13, 2006.

**E. PUBLIC COMMENTS (Regarding Study Session Portion of Meeting):**

Rich Loy, resident, expressed his opposition to the proposed Newland Street Residential Project, which he felt, should consist solely of single-family residences and not town homes. He also stated his concern with the cost of new sewage uplift stations.

**F. PLANNING COMMISSION COMMENTS:**

Commissioner Horgan inquired as to the date and time of the Planning Commission Workshop. The workshop is scheduled for August 2, 2006.

**6:20 P.M. – RECESS FOR DINNER**

**7:00 P.M. – COUNCIL CHAMBERS**

**CALL PLANNING COMMISSION MEETING TO ORDER**

**PLEDGE OF ALLEGIANCE** – Led by Commissioner Dwyer

**ROLL CALL:**     *P*       *P*       *P*       *P*       *P*       *P*       *P*  
*Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer*

**AGENDA APPROVAL**

**A MOTION WAS MADE BY SCANDURA, SECONDED BY DWYER, TO MOVE ITEM B-2 IN ADVANCE OF ITEM B-1 AND TO APPROVE THE PLANNING COMMISSION AGENDA OF JULY 11, 2006, BY THE FOLLOWING VOTE:**

**AYES:**           Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer  
**NOES:**           None  
**ABSENT:**       None  
**ABSTAIN:**      None

**MOTION APPROVED**

**A. ORAL COMMUNICATIONS:**

Angela Rainsberger, resident of the Main/Crest area, spoke in opposition of the proposed Main/Crest Conservation District overlay (ZTA# 06-04/ZMA #06-02) as more than 70% of area property owners have voiced their disapproval of the proposed project.

Joe Da Silva, resident of the Main/Crest area, spoke in opposition to the proposed overlay and stated that he was unaware of the 40% lot coverage requirement. He reiterated that 70% of property owners are against the proposed overlay.

Joe Wuerer, resident of the Main/Crest area, stated that he thought the zoning classifications in the proposed overlay were confusing and recommended abandoning the plan.

Kay Russell, resident of the Main/Crest area, advised that she had signed the original petition to implement an overlay without realizing that a 40% lot coverage restriction was proposed. She recommends a ballot vote for this project.

Richard Kaae, resident of Main/Crest area, stated that he signed the original petition for the overlay but was not informed of the lot coverage restriction. He recommends a ballot vote for this project.

Kathy Lynn, resident of Main/Crest area, spoke in opposition to the 40% lot coverage proposal and requests a ballot vote for the project.

Marcus Kimmener, resident of Main/Crest area, advised he felt the guidelines for the overlay were too stringent with regards to design review and CEQA. He recommended the overlay proposal be abandoned.

Suzanne Franco, resident of Main/Crest area, spoke in opposition to the proposed overlay and requests a formal review by the City Council.

Steve Stafford voiced his concerns regarding graffiti and skateboard damage being done to the Huntington Beach High School. He suggested more patrols and security in the area.

**WITH NO ONE ELSE PRESENT TO SPEAK, THE PUBLIC HEARING IS NOW CLOSED**

Chair Dingwall requested clarification regarding the Main/Crest overlay and what role the Planning Commission will play. He also requested additional information regarding the number of homes affected from staff.

**B. PUBLIC HEARING ITEMS**

**PROCEDURE:** Commission Disclosure Statement(s), Staff Report Presentation, Commission Questions, Public Hearing, Discussion/Action.

- B-1. MITIGATED NEGATIVE DECLARATION NO. 04-10/ CONDITIONAL USE PERMIT NO. 04-56 (HOME DEPOT): Applicant: Scott Mommer Consulting  
Request: MND: To analyze the potential environmental impacts associated with the implementation of the proposed project. CUP: To permit construction of a 130,536 square-foot home improvement store, including a 25,000 sq. ft. garden center, on-site landscaping, paving, 585 parking spaces and associated infrastructure and site improvements. The approximate maximum height of the proposed building is 44 feet, 6-inches. The proposal includes an enclosed loading dock and a customer pick-up canopy. Access to the site is proposed via three driveways along Magnolia Street and two driveways along Garfield Avenue, at locations generally consistent with the location of existing driveways. The existing K-Mart/Savers building will be demolished. Location: 19101 Magnolia St. (southwest of the Magnolia Street/ Garfield Avenue intersection). Project Planner: Ron Santos**

**STAFF RECOMMENDATION:** Motion to: "Approve Negative Declaration No. 04-10/ Conditional Use Permit No. 04-56 with suggested findings, mitigation measures and conditions of approval."

The Commission made the following disclosures:

- Commissioner Dwyer visited the site on numerous occasions.
- Commissioner Scandura visited the site, spoke with Marice White, Kathy Klingenberg, Councilman Coerper and staff.
- Chair Dingwall stated he visited the site, met with Marice White and staff.
- Commissioner Horgan spoke with residents and Marice White, visited the site many times.
- Commissioner Ray visited the site, attended neighborhood meeting and spoke with Marice White.
- Commissioner Livengood advised he had visited the site, had a phone conversation with Marice White, attended the neighborhood meeting and spoke with Design Review Board members and staff.
- Commissioner Burnett visited the site, attended neighborhood meeting and spoke with Marice White.

Ron Santos, Associate Planner, gave a Powerpoint presentation and an overview of the proposed project. He reviewed the MND and issues of concern such as geology, traffic impacts and noise. He stated five late communications had been received and distributed.

Chair Dingwall asked if the Conditions of Approval were up to date. Santos advised that they were.

Horgan questioned the traffic impact fee, how it is calculated and who receives the revenue. Bob Stachelski, Transportation Manager for the Public Works Department, informed the Commissioners that the fee is based on the number of vehicle trips generated by a project. He stated that the money goes to the Traffic Impact Fund to fund roadway improvements throughout the city.

Horgan recommended combining the driveways to the project and nearby shopping center and installing a traffic light.

Burnett asked about the proposed eight foot wall to be installed behind resident's homes that back up to the project. Santos stated that the wall would be built entirely on the applicant's property and would not interfere with the property owner's landscaping.

Livengood questioned the cost to the applicant regarding the under grounding of electrical cables in the area. Stachelski advised the fee is approximately \$60,000.00 before January 2007 and \$85,000 thereafter.

Dingwall voiced concern for the applicant's cost related to the off-site improvements. Mulvihill explained that these improvements are exclusive to the site and are being installed in cooperation with the City of Fountain Valley.

### **THE PUBLIC HEARING WAS OPENED**

Marice White, Representative for Home Depot, gave a Powerpoint presentation covering the original proposal and the revised proposal that complies with all of the conditions of approval recommended in the staff report. This involved reducing the size of the building an overall 6,000 square feet; eliminating parking/access to the rear of the building by installing gates, relocating the loading dock, consolidating the driveways on Magnolia, locating the lumbar delivery to the front of the store, installing an eight foot sound barrier wall and 28 feet of landscape buffer to the rear of the building. Site traffic circulation was also discussed which involved truck entry and unloading.

Steve Stafford, resident, spoke regarding mitigation measures for other street corners in the area that may be affected by day laborers.

Antony Gaynair, resident, stated he was impressed with Home Depot's revised plan to mitigate potential impacts and suggested a crossing guard be provided during school hours; the front lumbar delivery area be enclosed; and a six month review of the project by the Planning Commission.

Barbara Brown, resident, advised that she was very impressed with Home Depot's revised plan to mitigate impacts and the concern they have shown for the neighbors. She suggested that her existing back wall be doubled up with the new proposed wall. Ms. Brown thanked staff and Ron Santos for their assistance to the residents and recommended approval of the item.

Mary Gillespie, resident, voiced her approval of the newly proposed plan, however, she is still concerned about excessive traffic and suggested a traffic signal be installed on Lindsey Way.

Eric Brenn, property manager of the adjacent shopping center, recommended approval of the project and applauded the Planning Commission for their efforts.

Frigga Brenn, property manager of the adjacent shopping center, recommended approval and applauded Home Depot for their mitigation efforts.

Hans Brenn, property manager of the adjacent shopping center, stated he approved of the project but had concerns regarding dust and noise in the area while the demolition of the old Kmart building takes place.

Kathy Klingenberg, resident, stated that she is excited about the positive changes to the original site plan and thanked Ron Santos and the Planning Department Staff for all their hard work. She said that it has been a long process, which involved meeting with the Planning Commissioners, Planning Staff, the Police Department and Marice White. She asked that the Commissioners take into consideration that there will be several months of demolition and after the store opening an increase in noise, pollution and day laborers to the neighborhood. She requested that the delivery hours be more in line with other big box stores in the area and deliveries to the garden center not begin before 8:00 a.m. Other issues included using quiet forklifts, a traffic signal be installed at Magnolia/Hyde Park or Magnolia/store entrance, a crossing guard during school hours, and a 180-day review of the U-turn at Lindsey Drive. She also requested a 180-day review of the lumbar night delivery hours. She reiterated that the focus of the project should include the best interest of the neighbors as well as the city.

Brett Klingenberg, resident, congratulated and thanked the Planning Commission and staff regarding the suggested mitigation measures. He stated that the installation of an eight-foot block wall next to a preexisting wall is unsafe.

Ana Baum, resident, thanked the Klingenbergs for their efforts and also suggested a six-month review by the Planning Commission.

**WITH NO ONE ELSE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.**

Discussion of safety issues regarding the applicant's installation of an eight-foot block wall and demolition impacts ensued.

Santos stated that the conditions referred to in attachment 6.55 of the staff report would have to be adhered to during demolition.

Scandura suggested mitigation measures to include signs being posted to prevent truck idling, low noise forklift units, adjusted trash compactor hours, decorative fencing, and a crossing guard.

Stachelski advised that a crossing guard would not be a mitigation measure provided by the applicant, but is considered to be a City issue.

Horgan questioned the proposed lumbar delivery hours and the probability of changing them to be more neighbor friendly.

Discussion ensued between the Commissioners and staff regarding the lumbar delivery hours and installation of a traffic light.

**A MOTION WAS MADE BY COMMISSIONER RAY, SECONDED BY COMMISSIONER BURNETT TO CONDUCT STRAW VOTES REGARDING SUGGESTED CONDITIONS OF APPROVAL FOR MITIGATED NEGATIVE DECLARATION NO. 04-10 AND CONDITIONAL USE PERMIT NO. 04-56, THE VOTE AS FOLLOWS:**

<b>AYES:</b>	<b>Ray, Horgan</b>
<b>NOES:</b>	<b>Burnett, Livengood, Scandura, Dingwall, Dwyer</b>
<b>ABSENT:</b>	<b>None</b>
<b>ABSTAIN:</b>	<b>None</b>

**MOTION FAILED**

Discussion continued between the Commissioners and staff regarding the Conditions of Approval.

Stachelski stated that a new traffic light could possibly be warranted, however, he could not guarantee its requirement or installation.

**A MOTION WAS MADE BY LIVENGOOD, SECONDED BY HORGAN TO APPROVE MITIGATED NEGATIVE DECLARATION NO. 04-10 AND CONDITIONAL USE PERMIT NO. 04-56 WITH REVISED FINDINGS AND CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:**

<b>AYES:</b>	<b>Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer</b>
<b>NOES:</b>	<b>None</b>
<b>ABSENT:</b>	<b>None</b>
<b>ABSTAIN:</b>	<b>None</b>

**MOTION PASSED**

**FINDINGS OF APPROVAL**

**MITIGATED NEGATIVE DECLARATION NO. 04-10/  
CONDITIONAL USE PERMIT NO. 04-56**

**FINDINGS FOR APPROVAL - MITIGATED NEGATIVE DECLARATION NO. 04-10**

1. Mitigated Negative Declaration No. 04-10 has been prepared in compliance with Article 6 of the California Environmental Quality Act (CEQA) Guidelines. It was advertised and available for a public comment period of thirty (30) days. Comments received during the comment period were considered by the Planning Commission prior to action on the Mitigated Negative Declaration and Conditional Use Permit No. 04-56.
2. Mitigation measures, incorporated into the attached conditions of approval, avoid or reduce the project's effects to a point where clearly no significant effect on the environment will occur.
3. There is no substantial evidence in light of the whole record before the Planning Commission that the project, with incorporation of mitigation measures, will have a significant effect on the environment.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 04-56:**

1. Conditional Use Permit No. 04-56 to permit construction of a 99,000 square-foot home improvement store (Home Depot), an attached 25,000 sq. ft. garden center, 550 parking spaces, paving, landscaping, and other associated infrastructure and site improvements will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed project's potential to negatively impact the surrounding neighborhood was analyzed in conjunction with Mitigated Negative Declaration No. 04-10, which concluded that no significant impacts will result with incorporation of appropriate mitigation. MND No. 04-10 considered a noise analysis, traffic generation analysis, geotechnical reports, conceptual water quality management plan, storm water pollution prevention plan, the

project design and architecture, pedestrian and vehicular access, circulation and safety, surrounding land uses, and the City of Huntington Beach Urban Design Guidelines.

2. The conditional use permit will be compatible with surrounding uses because the project, which prohibits truck traffic and parking behind the proposed building and locates the loading dock away from the adjacent residential properties, will provide an adequate buffer to prevent adverse impacts. In addition, the project features quality architecture and provides adequate parking to accommodate the anticipated number of customers and employees. The project will displace a vacant building constructed in 1970, and substandard paving and landscaping conditions with a contemporary building, landscaped setback along the street frontages, and parking lot landscape planters and trees.
3. The proposed Home Depot project, as modified by conditions of approval, will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance, including minimum building setbacks, parking and landscape requirements and maximum building height and floor area ratio. No variance(s) to applicable development standards is requested or required.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of CG-F1 (Commercial General – 0.35 maximum floor area ratio) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

Goal LU 1: Achieve development that maintains or improves the City's fiscal viability and reflects economic demands while maintaining and improving the quality of life for the current and future residents of Huntington Beach.

Goal LU 4: Achieve and maintain high quality architecture, landscape, and public open spaces in the City.

Policy LU 7.1.6: Accommodate the development of additional jobs-generating land uses that improve the 1992 jobs-to-housing ratio of 0.82 to 1.0 or greater; to meet objectives of the Regional Comprehensive Plan (Southern California Association of Governments) and Air Quality Management Plan. These should capitalize upon existing industrial strengths emphasizing the clustering of similar or complementary industries.

Objective LU 10.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residences, serve the surrounding region, serve visitors to the City, and capitalize on Huntington Beach's recreational resources.

Policy LU 10.1.4: Require that commercial buildings and sites be designed to achieve a high level of architectural and site layout quality.

Policy LU 10.1.5: Require that buildings, parking, and vehicular access be sited and designed to prevent adverse impacts on adjacent residential neighborhoods.

Policy LU 10.1.6: Require that commercial projects abutting residential properties adequately protect the residential use from the excessive or incompatible impacts of noise, light, vehicular traffic, visual character and operational hazards. The proposed project will generate significant tax revenues for the City and thereby improve the City's fiscal viability. The applicant's decision to establish the proposed home improvement store reflects current market demands. In addition, the availability of products and services offered by the store, as well as the replacement of a vacant, obsolete building and other non-conforming/ substandard site improvements with a modern, code

compliant development, will improve the quality of life for the residents of Huntington Beach. The proposed project will generate job opportunities for local residents and thereby improve the jobs-housing balance in the City. The project is designed consistent with the City's Urban Design Guidelines and features high quality architecture. Conditions of approval recommended by Staff and the DRB provide for an adequate buffer to the adjacent residential neighborhood to prevent adverse impacts.

B. Economic Development Element

Goal ED 1: Provide economic opportunities for present and future Huntington Beach residents and businesses through employment and local fiscal stability.

Goal ED 2: Aggressively retain and enhance the existing commercial, industrial, and visitor-serving uses while attracting new uses to Huntington Beach

Objective ED 2.4: Revitalize, renovate and expand the existing Huntington Beach commercial facilities while attracting new commercial uses.

Policy ED 2.4.1: Encourage and assist existing and potential commercial owners to modernize and expand their commercial properties.

Policy ED 2.4.2: Seek to capture the "new growth" businesses, such as but not limited to, (a) telecommuting; (b) "shop for value" or "big box" stores; (c) entertainment-commercial developments; (d) knowledge-based retail and entertainment information retail uses; and (e) high sales tax producing businesses.

The proposed project provides for the renovation and expansion of an existing commercial property. The proposed use will generate employment opportunities and assist the City in maintaining fiscal stability by increasing both property and sales tax revenues.

C. Urban Design Element

Policy - UD 1.4.1: Facilitate the use of public art in the design of public and private development.

The applicant is proposing a single public art element which has been reviewed and recommended for approval by the Design Review Board. In addition, a second public art element, subject to DRB review and approval, will be installed pursuant to conditions of approval.

D. Circulation Element

Goal CE 2: Provide a circulation system which supports existing, approved, and planned land uses throughout the City while maintaining a desired level of service on all streets and at all intersections.

Policy CE 2.1.1: Maintain a city-wide level of service (LOS) not to exceed LOS "D" for intersections during the peak hours.

Policy CE 2.1.2: Maintain a city-wide level of service (LOS) not to exceed LOS "C" for daily traffic, with the exception of Pacific Coast Highway south of Brookhurst Street.

Goal CE 4: Encourage and develop a transportation demand management (TDM) system to assist in mitigating traffic impacts and in maintaining a desired level of service on the circulation system.

Goal CE 5: Provide sufficient, well-designed, and convenient on- and off-street parking facilities throughout the City.

A traffic impact analysis has been completed by a traffic engineering firm and reviewed by the Public Works Department to ensure a balanced transportation system that adequately mitigates the project's potential traffic impacts, while still allowing for commercial development, to be achieved. The developer will be required to contribute a fair-share payment toward traffic system improvements to mitigate the project's proportionate impacts to the City's transportation infrastructure. Huntington Beach Zoning & Subdivision Ordinance provisions require the applicant to encourage alternative modes of transportation through implementation of a Transportation Demand Management Plan. Preferentially located carpool parking spaces are required, along with other amenities and incentives, such as employee lockers and showers, carpool information programs and bike racks included in the overall design of the home improvement store, in order to reduce vehicular trips to the site. The well-designed parking facilities will provide, pursuant to code requirements, access between both adjacent commercial parcels without reentering the public street system, substantial parking lot landscaping and perimeter landscaping to enhance the view of the parking area from surrounding properties and the public right-of-way.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 04-56:**

1. The conceptual site plan received and dated July 3, 2006, and conceptual floor plans and elevations received and dated September 9, 2005 and the colored elevations and materials board reviewed by the Design Review Board on November 21, 2005 and maintained in case file DRB No. 00-24 as "DRB Exhibit A", shall be the conceptually approved design with the following modifications:
  - a. Landscaping within the planter along the westerly property line shall be limited to ground cover, low-growing shrubs and 24-inch or 36-inch box broadleaf evergreen trees spaced (approximately) 20-feet on center.
  - b. Parking lot trees shall be broadleaf evergreen trees where feasible and approved by the Department of Public Works Landscape Architect.
  - c. The drive aisle behind (on the west side of) the building shall be gated and designed for emergency access only and in accordance with Fire Department requirements. Gates shall be installed at the northerly and southerly end of the drive aisle, parallel to and in alignment with the northerly and southerly building walls. Fixed-fencing shall extend between the gates and the westerly property line. Gates and fencing shall be consistent with the design and materials used at the garden center (black ornamental fence and security mesh). The emergency access drive aisle shall be paved with turf-block or other similar material as approved by the Departments of Fire and Planning.
  - d. The enclosed loading dock shall be located near the southeast corner of the building at a minimum separation of 100 feet from the westerly property line and shall provide orientation of the loading door to the east.
  - e. The width of all substandard portions of the landscaped setback proposed along the Garfield Avenue street frontage shall be increased as necessary to the code required 10-foot minimum (exclusive of curbs and parking stall overhang) along the entire street frontage, except at approved driveways. The increased planter width shall be provided without reduction or exception to any other code requirement and/or development standard, including but not limited to minimum dimensions for parking stalls, drive aisles and interior parking lot landscape planters.
  - f. A full-height solid wall shall enclose the garden center along its westerly side. Said wall shall incorporate decorative treatments consistent with the facades of the main

- building. The garden center loading pad shall be located a minimum of 100 feet from the westerly property line.
- g. A reciprocal access driveway shall be constructed between the subject property and the property to the northeast. The precise design and location shall be subject to review and approval by the Departments of Planning and Public Works. **(Code Requirement)**
  - h. Driveways along Magnolia Street may be consolidated subject to review and approval by the Departments of Planning and Public Works.
  - i. The plans shall include a depiction and construction details for the public art element approved by the Design Review Board on November 17, 2005 and maintained by the Planning Department as "Public Art Exhibit A". In addition, a second public art element shall be provided on site. Public Art shall be innovative, original, and of artistic excellence; appropriate to the design of the project; and reflective of the community's cultural identity (ecology, history, or society) and approved by the Design Review Board. **(DRB)**
  - j. A darker color shall be used for the horizontal bands at the tops of the columns at the primary entrance and the pick-up canopy, in lieu of the color "sisal". The height of the bands shall be increased. **(DRB)**
  - k. The downspouts proposed at the rear of the building shall be concealed or designed as a decorative architectural feature. **(DRB)**
  - l. The lattice work proposed under the primary freestanding sign shall be eliminated. **(DRB)**
  - m. The cart corrals shall be constructed of durable and decorative material(s), designed for compatibility with the building (including color(s), or shall be limited to curbing. The final design of the cart corrals shall be depicted in detail on the final working drawing sets.
  - n. The applicant shall work with the Departments of Building & Safety, Planning and Public Works, and Southern California Edison to determine the feasibility of relocating the electrical transformer farther away from the westerly property line.
  - o. Thirty parking spaces located south of the loading dock along the southerly property line shall be designated for employee parking and carpool parking pursuant to the requirements of the HBZSO Section 230.36 – *Transportation Demand Management*.
2. Prior to issuance of demolition permits, the following shall be completed:
- a. The eight-foot tall wall required as a mitigation measure along the westerly property line shall be constructed. The wall shall be designed in accordance with the City of Huntington Beach Urban Design Guidelines for walls/fences. The applicant shall be responsible for removing and replacing in its entirety all existing walls/fences located along the project site's westerly property line, provided however that the consent of the corresponding residential property owner shall be required and obtained prior to the removal of any fence or wall not located on the project site.
  - b. The applicant shall submit a plan for recycling of building materials and other construction debris for review and approval by the Planning Department. **(Environmental Board)**
3. Prior to submittal for building permits, the following shall be completed:

- a. The applicant shall submit a copy of the revised site plan, floor plans and elevations pursuant to Condition No. 1 for review and approval and inclusion in the entitlement file to the Planning Department.
  - b. The applicant shall submit receipts or other evidence that demolition building materials and other construction debris were recycled in accordance with the approved recycling plan.
4. Prior to issuance of building permits, the following shall be completed:
- a. The subject property shall enter into irrevocable reciprocal driveway easement(s), between the subject site and adjacent southerly and northerly properties. The location and width of the accessways shall be reviewed and approved by the Departments of Planning and Public Works. The subject property owner shall be responsible for making necessary improvements to implement the reciprocal driveway. The legal instrument shall be submitted to the Planning Department a minimum of 30 days prior to building permit issuance. The document shall be approved by the Planning Department and the City Attorney as to form and content and, when approved, shall be recorded in the Office of the County Recorder prior to final building permit approval. A copy of the recorded document shall be filed with the Planning Department for inclusion in the entitlement file prior to final building permit approval. The recorded agreement shall remain in effect in perpetuity, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach.
5. The structure(s) cannot be occupied, the final building permit(s) cannot be approved, and utilities cannot be released for commencement of use and issuance of a Certificate of Occupancy until:
- a. Compliance with all conditions of approval specified herein are accomplished and verified by the Planning Department.
  - b. Signs in English and Spanish shall be posted and maintained in the parking lot at all times, in accordance with the provisions of Huntington Beach Municipal Code Section 9.88.040 – *Solicitation Prohibited in Nonresidential Parking Areas*. A plan showing the design and location of signs shall be submitted for review and approval by the Departments of Police and Planning. **(PD)**
  - c. The applicant shall prepare a plan in consultation with the Departments of Economic Development and Police, which includes provisions for disseminating information regarding the City of Huntington Beach Luis Ochoa Job Center to store customers, contractors, and day laborers. In addition, the plan shall include methods to be implemented by the store to discourage the hiring of day laborers on or in the vicinity of the project site. The plan shall be reviewed and approved prior to issuance of a certificate of occupancy. **(PD)**
  - d. A sign(s) prohibiting truck idling, identifying the permitted hours for loading and delivery, and providing store contact information shall be placed in a conspicuous location adjacent to the loading dock. The sign shall be sized appropriately so that it can be clearly viewed by truck drivers entering the loading dock area. The sign(s), text, and location shall be reviewed and approved by the Planning Department prior to installation.
  - e. A decorative fence shall be installed along the south property line, between the loading dock and the adjacent commercial property. The design of the fence shall be subject to review and approval by the Planning Department.
  - f. A traffic signal shall be installed at the project site's main entry driveway along Magnolia Street, and shall include a pedestrian activated crossing indicator and marked cross

walk. The signal shall be coordinated with the signal at the intersection of Magnolia Street and Garfield Avenue to ensure proper traffic flow to the satisfaction of the Department of Public Works.

6. The use shall comply with the following:

- a. Deliveries and outdoor storage of any kind shall be prohibited behind (west of) the building, and shall be limited to the designated loading/unloading bays and pads, and lumber unloading at the pick-up canopy along the front of the store.
- b. Loudspeakers and/or other amplified devices within the garden center shall be prohibited.
- c. All doors along the westerly facade of the building shall remain closed at all times.
- d. Loitering by patrons or employees within the outdoor area to the rear (west) of the building shall be prohibited. Signs shall be posted to indicate no loitering in all areas located behind the building. Store managers shall be responsible for regulating all activity occurring at the rear of the building at all times.
- e. A store liaison shall be permanently established and available to assist neighbors and residents with issues regarding the site during construction and after completion of the project when the development is open for business. A sign identifying the store contact and telephone number shall be permanently posted on-site at locations approved by the Planning Department.
- f. Customer store hours shall be limited to 6:00 a.m. to 9:00 p.m. Monday through Saturday, and 8:00 a.m. to 8:00 p.m. on Sunday.
- g. Delivery hours (excluding lumber) shall be limited to 7:00 a.m. to 9:00 p.m. Monday through Friday, 8:00 a.m. to 6:00 p.m. Saturday, and 10:00 a.m. to 6:00 p.m. Sunday.
- h. Lumber deliveries shall occur at the customer pick-up canopy at the front of the store after customer hours.
- i. Delivery trucks shall not leave engines idling while delivering merchandise to the store. Truck engines shall be turned off in the loading dock.
- j. The trash compactor shall not operate before 8:00 a.m. or after 7:00 p.m. (seven days a week).
- k. Forklifts shall have pneumatic tires and no back-up beeper. In compliance with California Law, a store employee shall be present when a forklift backs up to ensure the safety of customers and employees.
- l. Stocking, re-merchandising and other activities shall be limited to approved customer store hours in all outdoor areas including the garden center, with the exception of delivery and associated unloading activities occurring at the front of the store.
- m. Parking lot lights shall be automatically dimmed to minimal security level lighting one hour after closing and shall be maintained at minimum security level at all times behind (west of) the building.
- n. All Home Depot store managers shall be required to review Conditional Use Permit No. 04-56 Conditions of Approval and the Code Requirements Letter (dated January 30, 2006) and provide a signature acknowledging that they have been read and understand said conditions.
- o. In the event that on-site drainage detention is required pursuant to the hydrology and hydraulics study approved by the Department of Public Works, the applicant shall

provide for bi-annual inspections of the detention system by an independent third party contractor that is bonded and approved by the Department of Public Works.

7. The project shall comply with all mitigation measures adopted in conjunction with Mitigated Negative Declaration No. 04-10 (Attachment No. 4).

**INDEMNIFICATION AND HOLD HARMLESS CONDITION:**

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

**MITIGATION MEASURES - CONDITIONAL USE PERMIT NO. 04-56:**

Geology and Soils

1. New foundations should be supported on at least 2 ft. of engineered fill to reduce the anticipated static settlements to one in. total and ½ in. in 50 ft. differential.
2. The proposed structure shall be designed to tolerate the combined total and differential settlements presented in the Twinning Laboratories report (Nov. 2004) by ground modification in accordance with the recommendations of a licensed soils engineer and the requirements of the Department of Building & Safety.
3. The final design recommendations of the geological/seismic analysis approved by the City shall be implemented.

Transportation/ Traffic

1. Medians or other driveway design features approved by the Department of Public Works shall be constructed to restrict left- turns at driveways along Magnolia St. The potential locations for the medians or other driveway design features restricting left turns are at the northernmost driveway on Magnolia St., between the former Blockbuster site and the existing Taco Bell, adjacent to the northbound left turn pocket approaching the intersection; and at the southernmost driveway on Magnolia St., adjacent to the southbound left turn pocket approaching Hyde Park Dr., and possibly extending to the northerly edge of the driveway. This mitigation measure is applicable to the proposed access plan and the alternative access plan.
2. In the event that the site plan is amended to provide for a combined/shared access driveway serving the subject property and the commercial property to the south, a traffic signal shall be installed at the intersection of Magnolia St. and Hyde Park Dr. This mitigation measure shall apply in combination with Transportation/Traffic mitigation measure #1.

Noise

1. At the property line along the west side of the project site, either;
  - a. the existing 6-ft. tall property line noise wall shall be increased in height from 6 ft. to 8 ft.; or
  - b. a new 8 ft. tall wall shall be constructed in front of the existing 6-ft. wall; or

- c. the existing 6-ft. noise wall shall be removed and a new 8 ft. tall wall shall be constructed along the property line.
2. The rooftop parapet shall be of sufficient height to block line of site between rooftop HVAC equipment and the residences located immediately west of the project site.
3. Any garden center P/A system shall be designed and tested so as to not exceed the City of Huntington Beach noise standards at any location within the adjacent properties.
4. All truck movements and unloading in areas on the west and south side of the store, including the loading dock, shall be limited to 7:00 a.m. to 10:00 p.m.
5. Activities at the will-call area and building materials storage areas shall be limited to 7:00 a.m. to 10:00 p.m.

**B-2. CONDITIONAL USE PERMIT NO. 06-14 (TATTOO SHOP): Applicant: Thomas Clark  
Request: To permit the establishment of a small tattoo shop (130 square feet) as an ancillary use to an existing 935 square retail clothing store. Location: 6488 Edinger Ave. (southwest corner of Edwards St. and Edinger Ave.). Project Planner:  
Paul Da Veiga**

**STAFF RECOMMENDATION:** Motion to: "Approve Conditional Use Permit No. 06-14 with suggested findings and conditions of approval."

**The Commission made the following disclosures:**

- Commissioner Dwyer drove by the site.
- Commissioner Scandura visited the site.
- Chair Dingwall stated he has visited the site.
- Commissioner Horgan did not visit the site.
- Commissioner Ray visited the site.
- Commissioner Livengood visited the site.
- Commissioner Burnett visited the outside of the property.

Herb Fauland, Principal Planner, gave an overview of the project and the Conditional Use Permit. He stated that staff had reviewed the compatibility of the proposed project with the area.

Commissioner Ray questioned the hours of operation, the hand sink and the patron waiting area location. Fauland explained there would not be any restrictions on the proposed hours and the waiting area would be separated. The hand or janitorial sink is a condition under the certificate of occupancy and would be complied with.

**THE PUBLIC HEARING WAS OPENED**

Deborah Kaiser, Applicant, advised that her store currently closes at 6:30 p.m. but the hours would be changing to accommodate the artists. She stated that her intent is to have a respectable and positive establishment that would reflect the culture of Huntington Beach.

Shawn Scott, Tattoo Artist, spoke favorably on behalf of the applicant and requested approval.

Joe Kowalski, Tattoo Artist, stated that he does understand the concerns of the community and assured the Commissioners that they have every intention of honoring the conditions set forth in the Conditional Use Permit.

Don Luebcke, resident, voiced his concern regarding the outside of the building, which backs up to his home, becoming a waiting and smoking area. He asked that the applicant be watchful of this.

**WITH NO ONE ELSE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED**

Discussion ensued regarding the location of Mr. Luebcke's home, the possibility of future disruptions to his peace and the posting of no smoking signs.

The applicant assured Mr. Luebcke that she would be vigilant with regards to his concerns.

Leonie Mulvihill, Deputy City Attorney, advised against making the no smoking signs a condition of approval.

**A MOTION WAS MADE BY LIVENGOOD, SECONDED BY HORGAN TO APPROVE  
CONDITIONAL USE PERMIT NO. 2006-014 WITH REVISED FINDINGS AND  
CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:**

<b>AYES:</b>	<b>Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer</b>
<b>NOES:</b>	<b>None</b>
<b>ABSENT:</b>	<b>None</b>
<b>ABSTAIN:</b>	<b>None</b>

**MOTION APPROVED**

**FINDINGS AND CONDITIONS OF APPROVAL**

**CONDITIONAL USE PERMIT NO. 06-14**

**FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15305 of the CEQA Guidelines, which states that minor alterations in land use limitations that do not result in any changes in land use or density are Categorically Exempt.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 06-14:**

1. Conditional Use Permit No. 06-14 to permit the establishment of a small tattoo shop (130 square feet) as an ancillary use to an existing 935 square foot retail clothing store, will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood because the existing shopping center contains similar and complimentary uses to the proposed tattoo shop. In addition, based upon the conditions imposed, the tattoo establishment will comply with Huntington Beach Municipal Code Chapter 8.70, which establishes criteria, standards, and regulations to ensure safe and sterile tattoo operations for the health of both clients and operators of the tattoo business.
2. The conditional use permit will be compatible with surrounding land uses because the tattoo business is not anticipated to create undue noise and adequate on-site parking is provided

3. The proposed tattoo establishment will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. In addition, the business will comply with all standards and regulations of any State, County, and local laws, in particular, Huntington Beach Municipal Code Chapter 8.70, *Tattooing Establishment and Operation Regulations*, and any applicable standards of County of Orange Health Care Agency, Environmental Health.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of General Commercial on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

Objective 10.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, serve visitors to the City, and capitalize on Huntington Beach's recreational resources.

Policy 10.1.11: Promote the introduction of a diversity of uses in commercial centers, particularly those containing anchor grocery stores that improve their relationship with surrounding residential neighborhoods and increasing their viability as places of community activity.

B. Economic Development Element

Policy 2.4.3: Encourage the expansion of the range of goods and services provided in Huntington Beach to accommodate the needs of all residents in Huntington Beach and the market area.

The proposed tattoo shop meets all applicable zoning codes and development standards and improves the long-term viability of the property by expanding the current tenant base in the center. The proposed use introduces a unique service to residents in the surrounding area and visitors to Huntington Beach.

**CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 06-14:**

1. The site plan, floor plans, and elevations received and April 7, 2006 shall be the conceptually approved layout.
2. The business shall comply with all standards and regulations of any State, County, and local laws, in particular, Huntington Beach Municipal Code Chapter 8.70, *Tattooing Establishment and Operation Regulations*, and any applicable standards of County of Orange Health Care Agency, Environmental Health.

**INDEMNIFICATION AND HOLD HARMLESS CONDITION:**

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul

any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

**C-1. PLANNING COMMISSION MINUTES DATED NOVEMBER 8, 2005**

**RECOMMENDED ACTION:** Motion to: "Approve the November 8, 2005, Planning Commission Minutes as submitted."

**A MOTION WAS MADE BY LIVENGOOD, SECONDED BY RAY, TO APPROVE THE NOVEMBER 8, 2005, PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:**

**AYES:** Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** Burnett

**MOTION PASSED**

**C-2. PLANNING COMMISSION MINUTES DATED DECEMBER 13, 2005**

**RECOMMENDED ACTION:** Motion to: "Approve the December 13, 2005, Planning Commission Minutes as submitted."

**A MOTION WAS MADE BY LIVENGOOD, SECONDED BY HORGAN, TO APPROVE THE DECEMBER 13, 2005, PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:**

**AYES:** Burnett, Livengood, Scandura, Dingwall, Ray, Horgan,  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** Dwyer

**MOTION PASSED**

**C-3. PLANNING COMMISSION MINUTES DATED MAY 23, 2006**

**RECOMMENDED ACTION:** Motion to: "Approve the May 23, 2006, Planning Commission Minutes as submitted."

**A MOTION WAS MADE BY LIVENGOOD, SECONDED BY DWYER, TO APPROVE THE MAY 23, 2006, PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:**

**AYES:** Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None

**MOTION PASSED**

**D. NON-PUBLIC HEARING ITEMS – NONE**

**E. PLANNING ITEMS**

**E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING**

**Herb Fauland, Principal Planner – reported on the items from the previous City Council meeting.**

**E-2. CITY COUNCIL ITEMS FOR NEXT MEETING**

**Herb Fauland, Principal Planner – reported on the items scheduled for the next City Council meeting.**

**E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING**

**Herb Fauland, Principal Planner – reported on the items scheduled for the next Planning Commission meeting.**

**F. PLANNING COMMISSION ITEMS**

**F-1. PLANNING COMMISSION REQUEST ITEMS – NONE**

**F-2. PLANNING COMMISSION COMMENTS**

Commissioner Burnett – None.

Commissioner Livengood - Stated he will not be in attendance of the July 25th Planning Commission Meeting and confirmed that the Planning Commission Workshop will be at 9:00 a.m., August 2, 2006, at the Central Library.

Vice-Chairperson Scandura – None.

Chairperson Dingwall – None.

Commissioner Ray – None.

Commissioner Horgan – None.

Commissioner Dwyer – None.

**ADJOURNMENT:**

Adjourned at 12:05 a.m. to the next regularly scheduled meeting of Tuesday, July 25, 2006.

**APPROVED BY:**

\_\_\_\_\_  
Scott Hess, Secretary

\_\_\_\_\_  
Robert Dingwall, Chair



City of Huntington Beach Planning Department  
**STAFF REPORT**

**TO:** Planning Commission  
**FROM:** Scott Hess, Acting Director of Planning  
**BY:** Ricky Ramos, Associate Planner *RR*  
**DATE:** October 10, 2006

**SUBJECT: GENERAL PLAN CONFORMANCE NO. 06-04 (EDINGER AVE. BRIDGE)**

**APPLICANT/  
PROPERTY**

**OWNER:** John D. Pavlik, County of Orange, Resources and Development Management  
Department, 300 N. Flower St., Santa Ana, CA 92702

**LOCATION:** Westerly Terminus of Edinger Ave.

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**STATEMENT OF ISSUE:**

- ♦ General Plan Conformance No. 06-04 request:
  - To determine whether the County's proposal to build a replacement bridge located within city limits at the westerly terminus of Edinger Avenue is in compliance with the goals, objectives, and policies of the General Plan. The bridge provides access to the Sunset Aquatic Park.
- ♦ Staff's Recommendation: Approve General Plan Conformance No. 06-04 based upon the following:
  - The project is consistent with the City's General Plan, including the Circulation and Coastal Elements.

**RECOMMENDATION:**

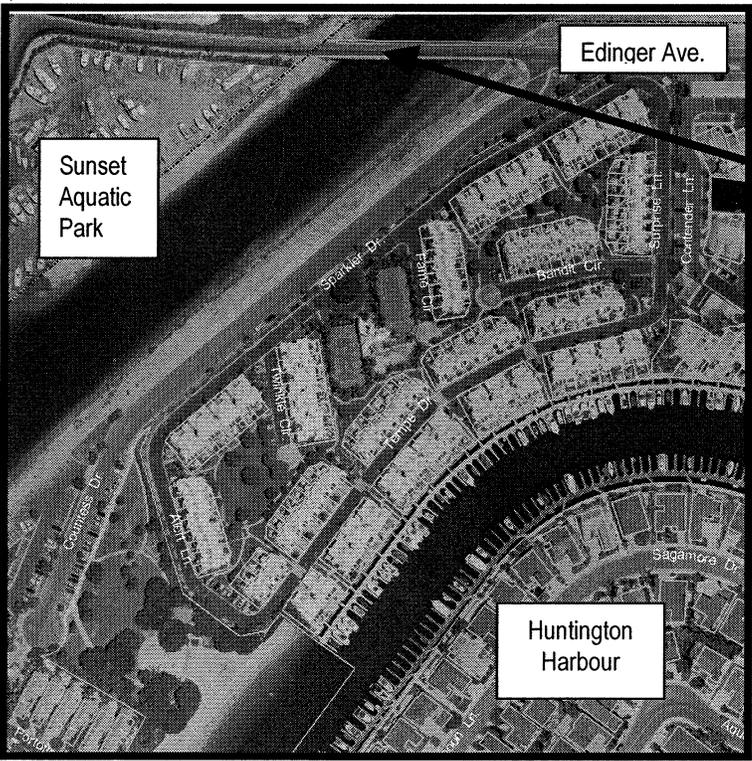
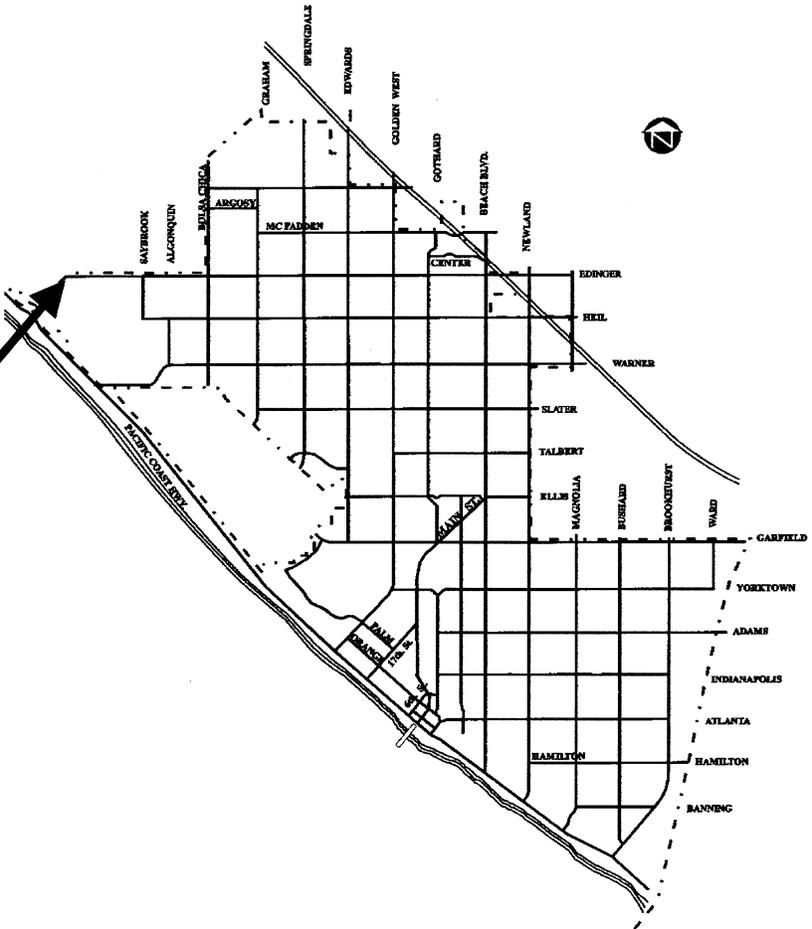
Motion to:

"Adopt Resolution No. 1614 approving General Plan Conformance No. 06-04 with findings (Attachment No. 2)."

**ALTERNATIVE ACTION(S):**

The Planning Commission may take alternative actions such as:

"Deny General Plan Conformance No. 06-04 with findings for denial."



**PROJECT  
SITE**

**VICINITY MAP  
GENERAL PLAN CONFORMANCE NO. 06-04 (EDINGER AVE. BRIDGE)**

**PROJECT PROPOSAL:**

General Plan Conformance No. 06-04 represents a request pursuant to Government Code Section 65402 to determine whether the County’s proposal to build a replacement bridge located within city limits at the westerly terminus of Edinger Avenue is in compliance with the goals, objectives, and policies of the General Plan.

Section 65402 of the California Government Code requires that a local agency shall not acquire real property or dispose of any real property, nor construct or authorize a public building or structure in any county or city until the location, purpose and extent of such activity have been submitted to and reported upon as to its conformity with the local jurisdiction’s General Plan.

The County built the existing timber bridge in 1968 to provide access to the Sunset Aquatic Park located west of Huntington Harbour. The County is now pursuing federal funding through the Highway Bridge Replacement and Rehabilitation program to replace the existing timber bridge with a modern bridge. They are currently working with the city’s Public Works Department to acquire an easement for the bridge so that they can initiate the funding application. The County anticipates that it will take several years to complete the process including obtaining funding, preparing plans, and securing required approvals.

**ISSUES:**

**Subject Property And Surrounding Land Use, Zoning And General Plan Designations:**

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	Right-of-Way	Right-of-Way	Bridge
North of Subject Property:	Not Applicable (City of Seal Beach)	Not Applicable (City of Seal Beach)	Flood Control Channel, Naval Weapons Station
South of Subject Property:	OS-W (Open Space – Water Recreation), RM (Residential Medium Density)	OS-WR (Open Space – Water Recreation), RM (Residential Medium Density)	Flood Control Channel, Residential
West of Subject Property:	Not Applicable (County of Orange)	Not Applicable (County of Orange)	Sunset Aquatic Park
East of Subject Property:	Right-of-Way	Right-of-Way	Edinger Avenue

**General Plan Conformance:**

The project conforms to the following applicable goals, objectives, and policies of the General Plan:

A. **Circulation Element**

**Policy CE 1.1.2** – Monitor and participate in applicable County, Regional, State, and Federal transportation plans and proposals.

**Goal CE 2** – Provide a circulation system which supports existing, approved, and planned land uses throughout the City while maintaining a desired level of service on all streets and at all intersections.

The City is involved in reviewing and accommodating the County's request which will improve the existing access to the Sunset Aquatic Park.

B. **Coastal Element**

**Goal C 2** – Provide coastal resource access opportunities for the public where feasible and in accordance with the California Coastal Act requirements.

**Objective C 2.5** – Maintain and enhance, where feasible, existing shoreline and coastal resource access sites.

The County's proposal will improve access to the Sunset Aquatic Park which provides coastal recreation opportunities to the public.

**Environmental Status:**

The General Plan conformance review is categorically exempt pursuant to Section 15306, Class 6 of the California Environmental Quality Act, which states that information collection which does not result in major disturbance to an environmental resource is exempt from any environmental review. Because the project is in its preliminary stage the County of Orange has yet to make a determination on the appropriate level of environmental review for the actual construction of the replacement bridge.

**Coastal Status:**

The County will eventually be processing a Coastal Development Permit directly with the Coastal Commission because the bridge is located within the Commission's original jurisdiction.

**Redevelopment Status:** Not applicable.

**Design Review Board:** Not applicable.

**Subdivision Committee:** Not applicable.

**Other Departments Concerns and Requirements:**

The Public Works Department does not have any comments. The Fire Department is concerned about making sure the replacement bridge is capable of supporting the weight of fire apparatus and is of adequate width. In response the County has indicated that they use Caltrans bridge design standards. In addition, they will prepare a Project Report which will be sent to the City for comment.

**Application Processing Dates:**

**DATE OF COMPLETE APPLICATION:**

August 31, 2006

**MANDATORY PROCESSING DATE(S):**

October 10, 2006 (Within 40 days of submittal)

**ANALYSIS:**

Staff reviewed the request for conformity to the General Plan and identified in this staff report the goals, objectives, and policies applicable to the project. These goals, objectives, and policies relate to providing a circulation system which supports land uses throughout the city as well as maintains and enhances coastal access. Staff recommends approval of the request because the proposed bridge replacement conforms to the General Plan by enhancing access to the Sunset Aquatic Park which provides coastal recreation opportunities to the public.

**ATTACHMENTS:**

1. Suggested Findings of Approval
2. Resolution No. 1614
3. Narrative
4. Edinger Bridge Easement Exhibit

SH:MBB:RR:cs

# **ATTACHMENT NO. 1**

## **SUGGESTED FINDINGS OF APPROVAL**

### **GENERAL PLAN CONFORMANCE NO. 06-04**

#### **SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15306, Class 6 of the California Environmental Quality Act, which states that information collection which does not result in major disturbance to an environmental resource is exempt from any environmental review.

#### **SUGGESTED FINDINGS FOR APPROVAL – GENERAL PLAN CONFORMANCE NO. 06-04:**

1. The proposal to build a replacement bridge located within city limits at the westerly terminus of Edinger Avenue is in compliance with the goals, objectives, and policies of the Circulation and Coastal Elements of the City's General Plan:

##### *A. Circulation Element*

Policy CE 1.1.2 – Monitor and participate in applicable County, Regional, State, and Federal transportation plans and proposals.

Goal CE 2 – Provide a circulation system which supports existing, approved, and planned land uses throughout the City while maintaining a desired level of service on all streets and at all intersections.

The City is involved in reviewing and accommodating the County's request which will improve the existing access to the Sunset Aquatic Park.

##### *B. Coastal Element*

Goal C 2 – Provide coastal resource access opportunities for the public where feasible and in accordance with the California Coastal Act requirements.

Objective C 2.5 – Maintain and enhance, where feasible, existing shoreline and coastal resource access sites.

The County's proposal will improve access to the Sunset Aquatic Park which provides coastal recreation opportunities to the public.

**RESOLUTION NO. 1614**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF HUNTINGTON BEACH FINDING THAT THE COUNTY'S PROPOSAL TO  
BUILD A REPLACEMENT BRIDGE LOCATED WITHIN THE CITY LIMITS AT THE  
WESTERLY TERMINUS OF EDINGER AVENUE TO PROVIDE ACCESS TO THE  
SUNSET AQUATIC PARK IS IN CONFORMANCE WITH THE GOALS, OBJECTIVES,  
AND POLICIES OF THE GENERAL PLAN  
(GENERAL PLAN CONFORMANCE NO. 06-04)**

**WHEREAS**, the Government Code of the State of California, Section 65402, provides that a local agency shall not acquire real property, nor dispose of any real property, nor construct a public building or structure in any county or city until the location, purpose, and extent of such activity has been reported upon as to conformity with the adopted General Plan; and

**WHEREAS**, the County of Orange, as the applicant, proposes to build a replacement bridge located within the city limits at the westerly terminus of Edinger Avenue to provide access to the Sunset Aquatic Park.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of Huntington Beach as follows:

**SECTION 1:** The Edinger Avenue bridge is designated as right-of-way on the General Plan Land Use Map.

**SECTION 2:** The County's proposal to build a replacement bridge located within the city limits at the westerly terminus of Edinger Avenue to provide access to the Sunset Aquatic Park is in conformance with the goals, objectives, and policies of the City's adopted General Plan.

**PASSED, APPROVED AND ADOPTED** by the Planning Commission of the City of Huntington Beach at a regular meeting held on the tenth day of October 2006, by the following roll call vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

\_\_\_\_\_  
Scott Hess, Secretary

\_\_\_\_\_  
Chairperson, Planning Commission



# COUNTY OF ORANGE

RESOURCES & DEVELOPMENT MANAGEMENT DEPARTMENT

Bryan Speegle, Director  
300 N. Flower Street  
Santa Ana, CA  
P.O. Box 4048  
Santa Ana, CA 92702-4048  
Telephone: (714) 834-2300  
Fax: (714) 834-5188

September 13, 2006

Scott Hess  
Acting Planning Director  
CITY OF HUNTINGTON BEACH  
2000 Main St.  
Huntington Beach, CA 92648

ROWE I.D. No.:2006-025

**SUBJECT: Request for General Plan Conformity Report –Edinger Avenue Bridge**

Mr. Hess,

The County of Orange is acquiring an easement from the City of Huntington Beach over land located at the westerly terminus of Edinger Avenue. The acquisition is for future bridge widening and replacement. The location is shown on the attached aerial photo.

**As required by Government Code Section 65402, this is to request that a determination be made on the conformance of the proposed County [OCFCD] project with the City's General Plan.**

Please route a dated copy of the City's determination as made by either the planning commission –OR– authorized staff to Lila Yavari of Right of Way Engineering, who may be contacted by phone at (714) 834-2101 or by e-mail at [lila.yavari@rdmd.ocgov.com](mailto:lila.yavari@rdmd.ocgov.com). If desired, the form provided below may be used to report project conformance.

Very truly yours,

John D. Pavlik  
Right of Way Engineering Manager

**DETERMINATION:**

The project described above is in conformance with the City's General Plan.

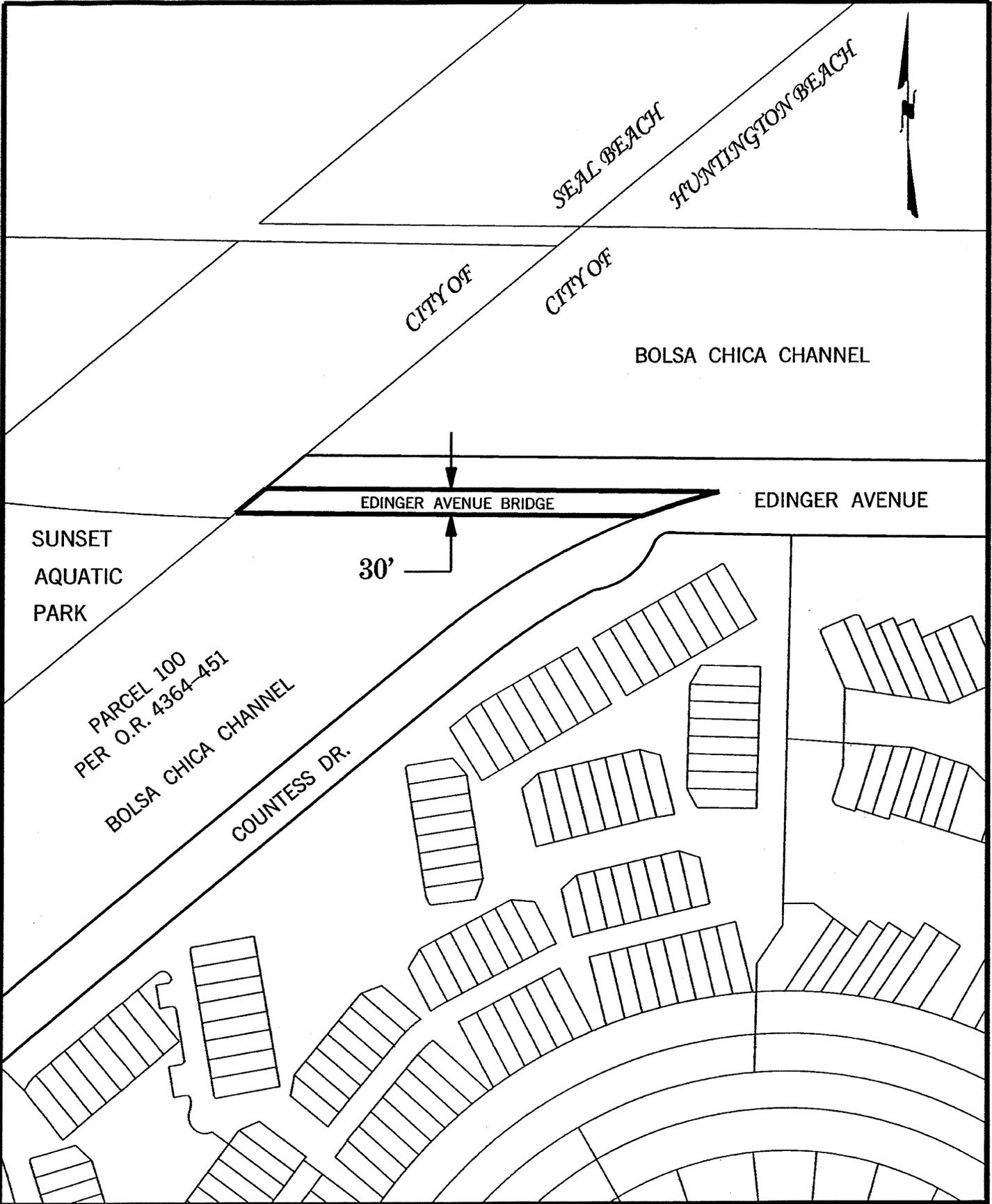
\_\_\_\_\_  
for the City of Huntington Beach

\_\_\_\_\_  
Date

Enclosures: Aerial Photo

cc: Penelope Culbreth Graft, City manager  
Carolyn Ansari, Interim Manager, RDMD Corporate Real Estate

ATTACHMENT NO. 3



ORANGE COUNTY RESOURCES & DEVELOPMENT MANAGEMENT DEPT.  
 RIGHT - OF - WAY ENGINEERING

**EXHIBIT B**

PROJECT : EDINGER AVENUE BRIDGE

SCALE : 1" = 150' ID # 06 - 025