

## 4.0 DEVELOPMENT STANDARDS

### 4.0.01 Intent and Purpose

The purpose of this document is to provide for orderly development and improvement within the Downtown Specific Plan. The plan is established to guide the development of the area which is characterized by its unique location, geographic features, land uses and ownership patterns, and should not be regulated by zoning district standards applicable throughout the city. This specific plan will replace the existing zoning with policies, development standards and descriptive maps specifically designed for the downtown area. The specific plan provides for creativity at the individual project level, and at the same time ensures that developments will ultimately combine to create a cohesive community.

The provisions of this ordinance shall not apply to Conditional Use Permits processed with Tentative Tract Maps that have been approved prior to the effective date of this ordinance. Building permits shall be issued for such previously approved entitlements if the applications for such building permits are consistent therewith.

Only paragraph 4.0 et seq., "Development Standards", shall be certified as part of the Local Coastal Program.

### 4.0.02 Downtown Specific Plan Boundary

The property described herein is included in the Downtown Specific Plan and shall be subject to policies and development standards set forth in this article. Precisely, the Downtown Specific Plan includes the real property described as follows:

Beginning at the most northerly corner of Lot 22, Block 122 of the Huntington Beach Seventeenth Street Section Tract, as recorded in Book 4, page 10 of Miscellaneous Maps, records of Orange County, State of California; thence northerly 50 feet approximately to a point, said point being the intersection of the centerlines of Goldenwest Street and Walnut Avenue; said point also being the true point of beginning; thence southwesterly along the centerline of Goldenwest Street and its prolongation to a point on the high tide line of the Pacific Ocean; thence southeasterly along said high tide line to a line parallel with and 72.50 feet northwesterly, measured at right angles, from the southwesterly along said high tide line to a line parallel with and 72.50 feet northwesterly, measured at right angles, from the southwesterly prolongation of the centerline of Main Street; thence southwesterly along said line 1,470 feet approximately to a line parallel with heretofore said high tide line; thence southeasterly along said line 145 feet approximately to a line parallel with and 72.50 feet southeasterly, measured at right angles, from said southwesterly prolongation of the centerline of Main Street; thence northeasterly along said line to the heretofore said high tide line to the prolonged survey centerline of Beach Boulevard; thence northerly along said survey centerline of Beach Boulevard 2800 feet approximately to the south line of Tract 9580, as shown on a map recorded in Book 444, page 31, records of Orange County, State of California; thence westerly along said line 1995 feet approximately to the centerline of Huntington Street; thence northerly along said centerline 1320 feet approximately to the centerline of Atlanta Avenue; thence westerly along said centerline 857 feet approximately to the centerline of Lake Street; thence northerly along said centerline 2352 feet approximately to the centerline of Palm Avenue; thence westerly along said centerline 332 feet approximately to the centerline of Sixth Street; thence southwesterly to the centerline of Walnut Avenue; thence northwesterly along said centerline 5547 feet approximately to the true point of beginning.

#### 4.0.03 Organization

This section details the development standards for projects in the Specific Plan area. The section includes 1) regulations affecting administration and permitting, 2) general requirements for all projects of a certain size or type, 3) particular requirements for projects within the different Districts and 4) overlays which permit special uses in select areas.

#### 4.0.04 Definitions

The following definitions shall apply to the Downtown Specific Plan. Terms not described under this section shall be subject to the definitions contained in the Huntington Beach Ordinance Code.

Beach Area: The ocean side of Pacific Coast Highway including the Bluff Top Park area and the Pier.

Bluff Top Park Area: That area of improved beach access bounded on the south by 9th Street continuing north to the dividing line of Bolsa Chica State Beach.

Bolsa Chica State Beach: The area seaward of Pacific Coast Highway extending from the Huntington Beach City Pier northwest to Warner Avenue. The portion of this beach from the pier to Goldenwest Street is within the boundary of the Downtown Specific Plan.

Build-to-line: A dimension which specifies where the structure must begin. For example, "build-to-5'", means that the structure must extend to five feet from the lot line.

Common open space: Any part of a lot or parcel unobstructed from the ground upward, excepting architectural features extending no more than thirty (30) inches from the structure and excluding any area of the site devoted to driveways and other parking areas.

Conversion: A change in the original use of land or building/structure.

Director: The Director of the Department of Community Development.

Development: On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of the use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

Demolition: The deliberate removal or destruction of the frame or foundation of any portion of a building or structure.

Facade: The main face or front of a building.

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

Floor Area Ratio (FAR): A number which indicates how many square feet of structure can be built on a site, expressed as a multiple of the net site area; for example, if a site is 5,000 square feet in net site area and the FAR is 2.0, the square footage of a building cannot exceed 10,000 square feet of net site area (2 X 5,000).

Fronting: Any lot or portion of a lot which abuts an arterial shall be considered to front on that arterial and shall comply with the required front yard setbacks, whether or not the development on that lot actually takes access from the arterial.

Full block: A parcel of property bounded on all sides by public streets.

Gross floor area: 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.

Gross site area: The area within the lot lines of a parcel of land before public streets, alleys, easements or other areas to be dedicated or reserved for public use have been deducted.

Half block: A parcel of property bounded on all sides by public streets and/or alleys containing at least one-half (1/2) the net area of the full block.

Height: The vertical distance above the highest adjacent street level measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or the average height of the highest gable of a pitched or hipped roof. See Section 4.2.04.

Hotel: A building designed for or occupied as a temporary lodging place which contains guest room units.

Mini-Parks: Areas under City ownership used for the purpose of open space, plazas, landscape buffers or public gathering.

Net site area: The total horizontal area within the property lines of a parcel of land. 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 are excluded.

Outdoor dining: An area where a cafe/restaurant provides food service on either public right-of-way, city owned open space, or privately owned open space.

Physical obstruction: Things that affect the use of property including but not limited to light standards, trees, parking meters, trash receptacles, traffic signals, signs, benches, phone booths, newspaper stands, bus stops, driveways, pedestrian ramps, and other similar items.

Pier: The structure owned by the City that extends from the termination of Main Street at Pacific Coast Highway into the Pacific Ocean 1,966 feet.

Pier Plaza: The area adjacent and contiguous to the pier.

Private open space: The area adjacent to a dwelling unit which has direct access in the form of a patio or balcony.

Public open space: Outdoor or unenclosed area on the ground floor or above floor levels designed and accessible for use by the general public. Public open space may include one of the following: patios, plazas, balconies, gardens or view areas accessible to the general public, and open air commercial space, open to the street on the first floor, or on at least one side, above the first floor, or open to the sky. The open space requirement can be met anywhere in the development; however, open space provided above the second floor will receive only fifty (50) percent credit toward this requirement. This requirement cannot be met by open areas which are inaccessible to the general public or are contrary to specific requirements of a district.

Public right-of-way: That property dedicated through acquisition or easement for the public right-of-way or utility purposes which includes the area spanning from the property line on one side of a street to the property line on the other side of a street.

Recreational Vehicle: A travel Trailer, pick-up camper or motorized home with or without a mode of power and designed for temporary human habitation for travel or recreational purposes.

Rehabilitation: The physical repair, preservation, or improvement of a building or structure. Does not include an expansion of existing floor area greater than ten (10) percent; does not increase the building height; does not result in an increase in permitted density.

Residual parcel: A legal lot which does not meet the requirements for a building site within the District in which it is located, and where the abutting sites are already developed.

Right-of-Way (ROW): That portion of property which is dedicated or over which an easement is granted for public streets, utilities or alleys.

Semi-subterranean parking: Parking structure which is partially recessed into the development site, and which may or may not support additional structures above (e.g. dwelling units, tennis courts, or parking structures).

Setback: A stipulated area adjacent to the lot lines which must be kept free of structures over forty-two (42) inches high.

Street level: The elevation measured at the centerline of the public street adjacent to the front setback at a point midway between the two side property lines.

Suite Hotel: A building designed for or occupied as a temporary lodging place which contains guest rooms and may contain kitchenettes and a separate living room for each unit.

Townlot: The area and parcels bounded by Pacific Coast Highway on the southwest, Goldenwest Street on the northwest, Palm Avenue on the north and northeast, and Sixth Street on the east and southeast.

Wetland: Lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freewater marshes, open or closed brackish water marshes, swamps, mudflats and fens.

Ultimate Right-of-Way: The most lateral edge of the area dedicated for street, utilities or alley purposes.

## 4.1 ADMINISTRATION

### 4.1.01 Approvals Required

All development within the Downtown Specific Plan shall be subject to one or more of the following, as identified in each district: a Conditional Use Permit, and/or the Design Review Board provisions of the Huntington Beach Ordinance Code.

All physical development shall be required to be reviewed by the Design Review Board prior to processing additional entitlements if required. The Historical Resources Board shall provide recommendations for structures considered to be historically significant. In addition, a Conditional Use Permit shall be required for any residential cooperative subdivision, mixed-use development, or any project which requires a special permit (Section 4.1.02). The Design Review Board, Planning Commission or the City Council shall also consider the following before approving a project:

- (a) Projects shall be in conformance with the adopted Design Guidelines for the area.
- (b) Architectural features and general appearance of the proposed development shall enhance the orderly and harmonious development of the area or the community as a whole.
- (c) Architectural features and complimentary colors shall be incorporated into the design of all exterior surfaces of the buildings in order to create an aesthetically pleasing project.
- (d) Particular attention shall be given to incorporating signs, including their colors, into the overall design of the entire development in order to achieve uniformity.
- (e) Vehicular accessways shall be designed with landscaping and building variation to eliminate an alley-like appearance.

### 4.1.02 Special Permit

The Downtown Specific Plan development standards are designed to encourage developments creating an aesthetically pleasing appearance, enhancing the living environment, and facilitating innovative architectural design and adaptation of the development to the unique surrounding environment.

A special permit may not be granted for deviations from maximum density or parking or from requirements of the Conservation Overlay in any district. Nor shall any special permits be granted for deviations from maximum building height in District 1, 2, 4, 10, 11.

Special Permits allow for minor deviations from the development regulations of this Specific Plan. Special Permits may be granted at the time of project approval for unique architectural siting or features, including but not limited to site coverage, setbacks, open space and landscaping.

Special Permits shall only be allowed when, in the opinion of the Planning Commission, significantly greater benefits from the project can be provided than would occur if all the minimum requirements were met. Some additional benefits which may make a project eligible for approval of Special Permits include: greater open space, greater setbacks, unique or innovative designs, public parking, public open space, and the use of energy conservation or solar technology. The developer may request a

Special Permit at the same time as the filing of an application for a Conditional Use Permit and both requests shall be heard concurrently. The Planning Commission may approve the Special Permit in whole or in part only upon the finding that the proposed development, in addition to providing greater benefits as required above, will also:

- (a) Promote better living environments; and
- (b) Provide better land planning techniques with maximum use of aesthetically pleasing types of architecture, landscaping, site layout and design; and
- (c) Not be detrimental to the general health, welfare, safety and convenience of the neighborhood or City in general, nor detrimental or injurious to the value of property or improvements of the neighborhood or of the City in general; and
- (d) Be consistent with objectives of the Downtown Specific Plan in achieving a development adapted to the terrain and compatible with the surrounding environment; and
- (e) Be consistent with the policies of the Coastal Element of the City's General Plan and the California Coastal Act; and
- (f) Comply with State and Federal law.

#### 4.1.03 Coastal Permit

Developments within the Downtown Specific Plan area will be subject to the requirements pertaining to Coastal Development Permits (CDP) in the Local Coastal Program Implementing Ordinances, in addition to the other provisions of the Huntington Beach Ordinance Code, except as modified by this Specific Plan.

#### 4.1.04 Severability

If any section, subsection, sentence, clause, phrase, or portion of this title, or any future amendments or additions hereto, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this title, or any future amendments or additions hereto. The Council hereby declares that it would have adopted these titles and each sentence, subsection, sentence, clause, phrase, or portion or any future amendments or additions thereto, irrespective of the fact that any one or more sections, subsections, clauses, phrases, portions or any future amendments or additions thereto may be declared invalid or unconstitutional.

#### 4.1.05 Appeals

Decisions by the Director on non-zoning matters may be appealed to the City Administrator; decisions on zoning matters may be appealed to the Planning Commission and City Council.

#### 4.1.06 Huntington Beach Ordinance code.

If not specifically addressed in this Specific Plan, the applicable provisions of the Huntington Beach Ordinance Code and Huntington Beach Municipal code shall apply.

## 4.2 GENERAL PROVISIONS

The general provisions of this article shall apply to all developments within the Downtown Specific Plan area wherever the size or type of development proposed would make such provisions applicable.

All development shall comply with all existing standard plans and specifications and all applicable provisions of the Huntington Beach Ordinance and Municipal Codes.

### 4.2.01 Permitted Uses. Permitted uses shall be established in each District and shall be required to meet all applicable provisions of the Huntington Beach Ordinance Code. In addition, the following shall apply:

- (a) All structures incidental and accessory to a permitted principal use or structure may be erected on any parcel containing a main building provided that such structure(s) shall not exceed fifteen (15) feet in height nor to be closer than ten (10) feet to any other structure on the same parcel and shall conform with all setback requirements of the District.

Exception: Parking structures are excluded from this provision.

- (b) Parcels which, prior to the effective date of this ordinance, had an oil suffix (O,O1) and are identified in Figure 4.14, shall retain such suffix in combination with the new zoning designation "Downtown Specific Plan" (see Section 4.14).

- (c) Parcels which, prior to the effective date of this ordinance, had a Mobile home District (MH), shall retain such designation in combination with the new zoning designations in the "Downtown Specific Plan" serving as an overlay, for the effected Districts (see Section 4.16).

- (d) All non conforming uses or structures, or uses which have been abandoned for more than six (6) months, shall be required to meet all applicable provisions of the Huntington Beach Ordinance Code in each of the following:

- Any expansion of floor area greater than ten (10) percent; increase in height; or an increase in the permitted density shall require a conditional use permit and shall be required to comply with all applicable provisions of the Huntington Beach Ordinance Code. Deviations to parking and density development standards are not allowed. Minor deviations to other development standards shall be subject to special permits.
- Any change of use, expansion of use, or change in occupant to a use which would require additional off street parking shall provide the required off street parking according to the Huntington Beach Ordinance Code or as required by the Downtown Parking Master Plan.
- If fifty percent (50%) or more of an existing structure is demolished and reconstructed, the new structure must provide the required off-street parking. The parking may be provided through the payment of in-lieu fees as allowed by the Downtown Specific Plan in-lieu fee parking program.
- Exception: Any building alteration, rehabilitation or facade improvement which does not exceed ten (10) percent expansion of the existing floor area; does not increase the height; or result in an increase in permitted

density. The Design Review Board shall review and approve any proposed exterior modifications.

4.2.02 Minimum Parcel Size. A minimum parcel size shall be established in each District. A waiver of this requirement may be granted by the Director for residual parcels.

In addition, the following minimum floor areas shall apply to all residential dwelling units, except affordable units (see Section 4.2.30):

<u>Unit Type</u>	<u>Minimum Floor Area (Sq. Ft.)</u>
Bachelor and single	450
One (1) bedroom	650
Two (2) bedrooms	900
Three (3) bedrooms	1100
Four (4) bedrooms	1300

4.2.03 Maximum Density/Intensity. The maximum allowable density and/or intensity (Floor Area Ratio) shall be established in each District.

4.2.04 Maximum Building Height. The maximum allowable building height shall be established in each District. In addition, the following shall apply:

- (a) An additional ten (10) feet in height will be allowed for roof line treatment, architectural features such as chimneys, solar energy equipment and mechanical devices. In no case may the air space granted for these purposes above the maximum height limit be used as a habitable room.
- (b) An additional fourteen (14) feet in height may be allowed for elevator equipment. All mechanical devices, except for solar panels, shall be set back and screened so that they cannot be seen from public right-of-ways.

4.2.05 Maximum Site Coverage. The maximum allowable site coverage shall be established in each District. Any part of the site covered by a roof, including covered walkways, patios and carports, shall be included in coverage.

Exception: Subterranean or semi-subterranean parking less than forty-two (42) inches in height above the adjacent grade shall be subject to the provisions of Section 4.2.13(b).

4.2.06 Setback (Front Yard). The minimum front yard setback shall be established in each District. In addition, the following shall apply:

- (a) No structure or portion of any structure shall project into or over the public ROW.
- (b) The minimum front yard setback for parking lots and all parking structures above grade shall be ten (10) feet. Structures below 42 inches in height are not subject to this provision.
- (c) The minimum front yard setback for subterranean and semi-subterranean parking structures shall be subject to the approval of the Director and the Department of Public Works. The depth of the front yard setback shall be a minimum of five (5) feet.

4.2.07 Setback (Side Yard). The minimum side yard setback shall be established in each District. In addition, the following shall apply:

The minimum exterior side yard setback for parking lots and above grade parking structures shall be ten (10) feet.

4.2.08 Setback (Rear Yard). The minimum rear yard setback shall be established in each District.

4.2.09 Setback (Upper Story). An upper story setback shall be established in each District.

4.2.10 Building Separation. No building shall be closer than ten (10) feet to any other detached building on the same site.

4.2.11 Open Space. A minimum public open space provision will be established in each District. In addition, the following open space requirements shall apply to all residential developments:

- (a) Common Open Space: All multi-family residential developments shall provide a minimum common open space equal to twenty-five (25) percent of the floor area of each unit with a minimum dimension of twenty (20) feet. Common open space shall be designed so that it enhances the appearance of the project to passers-by. In multiple unit subdivision developments, common areas shall be guaranteed by a restrictive covenant describing the common space and its maintenance and improvement, running with the land for the benefit of residents of the development. The developer shall file with the Department of Community Development for recordation with the final subdivision map, legal documents which will provide for restricting the use of common spaces for the designated purpose, as approved on the final development plan. All lands to be conveyed to the homeowner's association shall be subject to the right of the grantee or grantees to enforce maintenance and improvements of the common space.
- (b) Private Open Space: All multi-family residential developments shall provide the following private open space. All ground floor units shall be provided with a patio area as set forth below.

<u>Unit Type</u>	<u>Minimum Area (Sq. Ft.)</u>	<u>Min. Dim. (Ft.)</u>
Bachelor, single or One (1) bedroom	200	10
Two (2) bedrooms	250	10
Three (3) bedrooms	300	10
Four (4) bedrooms	400	10

Units constructed above ground level shall be provided with balconies or sun decks as follows:

<u>Unit Type</u>	<u>Minimum Area (Sq. Ft.)</u>	<u>Min. Dim. (Ft.)</u>
Bachelor, single or One (1) bedroom	60	6
Two (2), three (3), or Four (4) bedrooms	120	6

Note: Private open space shall be contiguous to the unit and for the exclusive use of the occupants. Private open space shall not be accessible to any dwelling unit except the unit it serves. Private open space shall be physically separated from common areas by a wall or hedge at least forty-two (42) inches in height. The private open space requirement may be satisfied in whole or in part by areas used for outdoor activities which need not be open to the sky but must be open on at least one (1) side.

4.2.12 Multi-block Consolidations. Where consolidations span two (2) or more Districts, the requirements of each District shall apply to that portion of the development. Divisions between Districts shall be the center line of the vacated street. In addition, the following shall apply:

- (a) Visitor-serving commercial uses must be provided within that portion of the development designated as a visitor-serving District.
- (b) Commercial uses must be provided on the ground floor along Main Street.

4.2.13 Parking. All developments (except as provided in Section 4.2.30) will be required to meet the minimum off-street parking standards of the Huntington Beach Ordinance Code or as required by the Downtown Parking Master Plan.

Exception: Affordable housing projects may reduce the required on-site guest parking.

Residential:

All parking, as required by the Huntington Beach Ordinance Code, shall be provided on-site.

Commercial:

- (a) Parking for all commercial projects within the area of the Downtown Parking Master Plan shall be consistent with the parking requirements of the Downtown Parking Master Plan. Districts 1, 2, 4, a portion of 5, 7, 8, 9, 10 and 11 shall provide one-hundred (100) percent of the required parking on-site, pursuant to the Huntington Beach Ordinance Code.

Parking in District 3, a portion of District 5, and District 6 shall be provided on-site to the maximum extent feasible, as identified in the Parking Master Plan. The balance of any required parking shall be provided in facilities within walking distance. Any required off-site parking spaces shall be in place prior to the issuance of a Certificate of Occupancy for any development. All parking for any portion of a District which is not within the area of the Downtown Parking Master Plan shall provide one-hundred (100) percent of the required parking on-site, pursuant to the Huntington Beach Ordinance Code.

- (b) All off-street uncovered surface parking spaces shall be screened. Screening shall be a maximum of thirty-two (32) inches high as measured from the adjacent parking surface. Screening shall consist of landscaping or landscaping combined with opaque materials, and must be approved by the director.
- (c) Any commercial business (retail, office, restaurant) which requests to participate in the in-lieu parking fee program shall submit a conditional use permit application for review and approval.

#### 4.2.14 The Downtown Parking Master Plan

The Downtown Parking Master Plan is based on a shared parking concept. Shared parking in effect allows one (1) parking space to serve two (2) or more individual land uses without conflict. Shared parking relies on the variations in the peak parking demand for different uses. In other words, parking demands will fluctuate in relationship to the mix of uses by hour, day of week, and season. The proper mix will create an interrelationship among different uses and activities which results in a reduction of the demand for parking.

The Downtown core area is centered along the Main Street commercial corridor. This commercial corridor divides into two (2) distinct areas, north and south of Orange. The area which encompasses the Downtown Parking Master Plan is identified on the area map (Figure 4.1).

Area 1 - The area south of Orange Avenue along Main Street provides the greatest amount of public parking opportunities both off-street and on-street. Area 1 has the greatest number of visitor-serving and seasonal commercial uses including year round entertainment. This area also has the greatest concentration of expanded commercial, restaurant and office uses, and therefore, the majority of the public parking spaces are provided in this area.

Expanding commercial activity in this area remains the focus of the Downtown Master Plan, however, no additional parking for new or expanded commercial, restaurant and office uses should be required provided the total square footage and mix of uses do not exceed the Master Plan projections. The city shall retain the option to purchase property for a public parking facility.

Area 2 - The area north of Orange Avenue along Main Street provides limited amounts of public parking opportunities. This area is still part of the Downtown core. However, the commercial uses in Area 2 cater more to year-round residents, therefore, additional on-street short-term parking is provided. The existing Downtown public parking facilities are not conveniently located for use in this area, thus, a combination of expanded on-street and on-site parking may be necessary for new or expanded commercial uses. The commercial activity remains primarily service-related commercial; the existing supply of on-street and on-site parking should be sufficient for anticipated uses. The mix of commercial and residential activities can justify a parking reduction and additional parking may not be necessary if development does not exceed the Master Plan projections. The city shall retain the option to purchase property for a public parking facility.

City-owned and controlled public parking in the Downtown Parking Master Plan (DPMP) area shall be consistent with the City's certified land use plan. The DPMP is structured to protect beach user parking by providing adequate public parking within the Downtown area. The DPMP encourages the use of the City-owned and controlled parking sites within the DPMP area. To encourage the use of the City-owned public parking facilities, parking controls such as time limits, and parking rates may be adjusted to maintain the desired use of these spaces by patrons and employees of the downtown area. A validation program for the City-owned public parking structure has been established as an incentive for the use of the structure by the patrons and employees of the downtown area. Any changes to the program shall be submitted to the Executive Director to determine if an amendment to the Specific Plan is necessary.

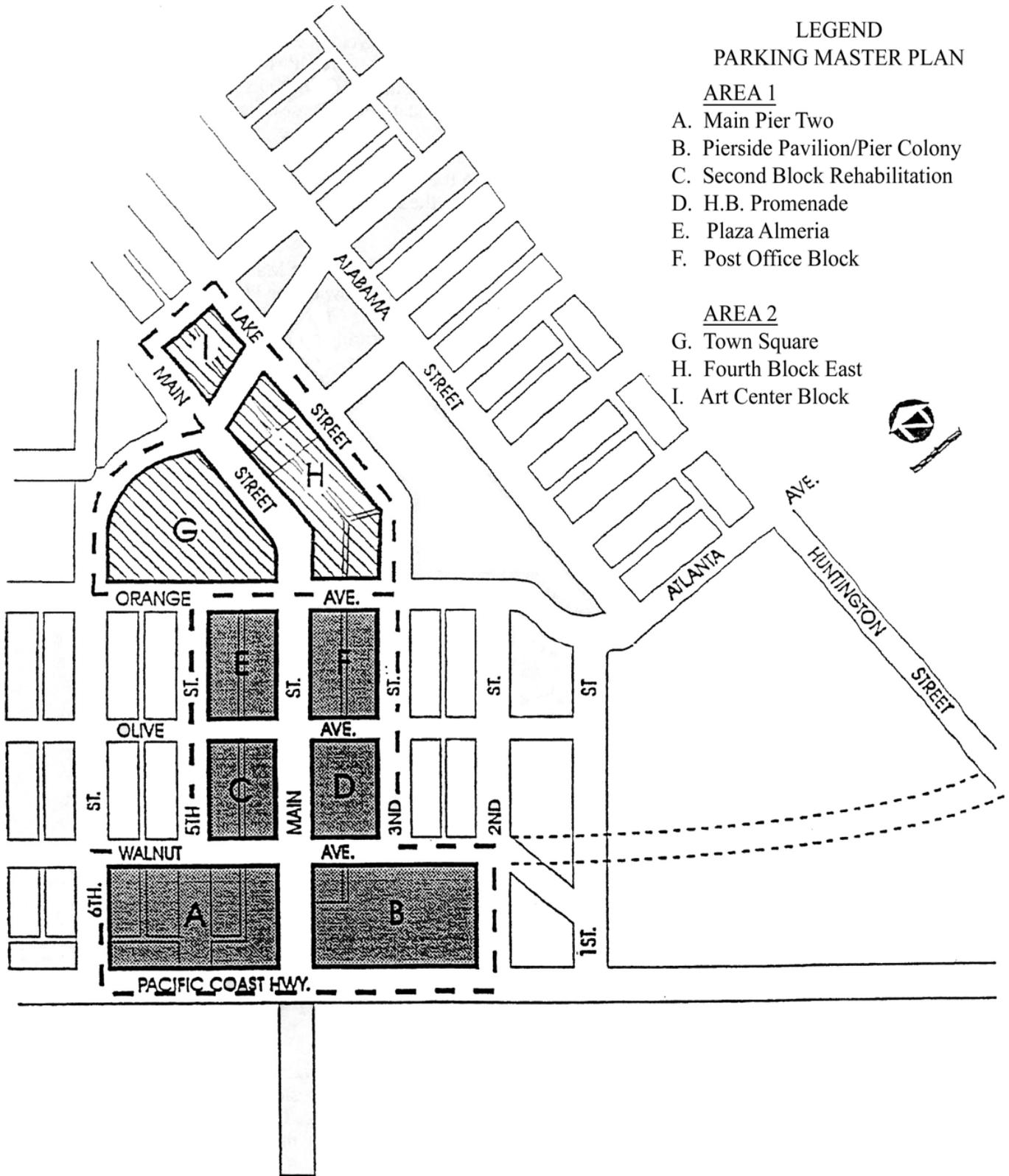
LEGEND  
PARKING MASTER PLAN

AREA 1

- A. Main Pier Two
- B. Pierside Pavilion/Pier Colony
- C. Second Block Rehabilitation
- D. H.B. Promenade
- E. Plaza Almeria
- F. Post Office Block

AREA 2

- G. Town Square
- H. Fourth Block East
- I. Art Center Block



The Downtown Parking Master Plan anticipates a total development scenario of approximately 715,000 square feet of commercial activity. The DPMP has development thresholds of 144,000 square feet for restaurant, 300,000 square feet for retail, 126,000 square feet for office and 145,000 square feet for miscellaneous development. Area 1 will contain approximately 626,000 square feet of commercial development, with the remaining 89,000 square feet in Area 2. The Planning Department shall be responsible for monitoring the development square footage per land use and the number of parking spaces within the Downtown Parking Master Plan area.

An annual review and monitoring report of the Downtown Parking Master Plan shall be prepared by the Planning Department and presented for review by the Planning Commission and City Council. Following the review by the City Council, the Downtown Parking Master Plan annual review and monitoring report shall be submitted to the Executive Director of the California Coastal Commission for review.

The Downtown Parking Master Plan annual review and monitoring report shall include, at a minimum:

- 1) amount and type of development square footage approved during the annual review period;
- 2) total amount of square footage in the Downtown Parking Master Plan area;
- 3) an inventory of existing parking spaces;
- 4) a parking utilization study;
- 5) an assessment of parking demand compared with parking supply;
- 6) a determination of whether adequate parking remains to serve development allowed up to the total development cap.

If the Downtown Parking Master Plan annual review and monitoring report indicates that the parking supply is inadequate to serve the approved level of development or if the development square footage exceeds the amount described above (up to 715,000 square feet total), all development within the Downtown Parking Master Plan area shall provide parking consistent with Off-Street Parking and Loading Provisions of the Huntington Beach Zoning and Subdivision Ordinance, unless and until new parking to meet the identified demand is approved and constructed.

Changes between one or more of the individual use categories may be allowed as long as the total square footage does not exceed 715,000 square feet, provided there are corresponding changes in the other use categories to assure adequate parking remains.

Parking shall be provided for each Area. If a project is built in Area One that requires more shared parking than is available in Area One, credit from Area Two shall not be used. If a project is built in Area Two that requires more shared parking than is available in Area Two, credit from Area One shall not be used.

Although the Downtown Parking Master Plan distinguishes between the location and type of parking resources available in Area 1 and Area 2, the adjusted parking requirement for both Area 1 and Area 2 is the same (Figure 4.2). The common parking requirement is based on the shared parking concept for the entire master plan area.

Existing and proposed building square footage and uses are parked within the DPMP parking supply as inventoried in the technical background report prepared by Kaku Associates (Sept., 2000), entitled "Downtown Parking Master Plan Update," (Appendix - Existing and Proposed Land Use Analysis Blocks A - I) (Kaku Report.).

## Downtown Parking Master Plan Codified Parking Requirements

Land Use	H.B. Zoning and Subdivision Ordinance (Citywide)	Parking Standard (Percent Reduced)
Retail	1:200	1:333 (60%)
Restaurant	1:100	1:100 (0%)
Office	1:250	1:500 (50%)

**Note:** At any time it deems necessary, the Planning Commission may require additional on-site parking to meet the parking demands generated by a use or development.

**Figure 4.2**

Future parking within the DPMP area shall be provided as described in Appendix A of the Kaku Report. Redevelopment of blocks that result in a loss of existing parking shall be phased with the provision of parking such that adequate parking exists within each DPMP area at all times. In the event a property owner demolishes his/her existing building, and rebuilds a new building of equal square footage and use, no additional parking shall be required. Any code required parking spaces provided on-site shall be credited for any expansion of square footage or intensification of use. All required parking shall be calculated based on the reduced requirements of the Downtown Parking Master Plan.

The Planning Commission or City Council may impose one (1), all, or a combination of the following requirements to ensure that adequate parking is provided for each development:

1. Require projects over 30,000 sq. ft. or one-half (1/2) block in size provide 50% of the code-required parking identified in Figure 4.2 on site.
2. Require that any parking in-lieu fees be full cost recovery based on the parking requirement for specific uses. However, allow that these fees be paid over an amortization period, with appropriate security provided by the applicant to guarantee payment.
3. Require valet parking once the maximum build out of restaurant activity has been obtained.
4. Commercial projects greater than 10,000 square feet in size shall be required to submit a parking management plan consistent with the Downtown Parking Master Plan.
5. Require valet and/or remote parking for special events and activities, and during the peak summer season.
6. Require the applicant to provide additional on-site and /or off-site parking for any development.
7. Develop parking options which may generate additional parking for any development.
8. Develop a sign program to direct motorists to primary parking facilities within the Downtown Parking Master Plan.

4.2.15 Landscaping. In addition to City standard landscape plans and specifications, the following shall apply:

- (a) All setback areas fronting on or visible from an adjacent public street, and all recreation, leisure and open space areas shall be landscaped and permanently maintained in an attractive manner and shall be consistent with the adopted Design Guidelines.
- (b) Permanent automatic electric irrigation facilities shall be provided in all landscaped areas.
- (c) On-site trees shall be provided in all developments as follows: One (1) thirty-six (36) inch box tree for each residential unit or for each 2,500 square feet of gross site area for commercial or office space. Alternatively, the equivalent of thirty-six

(36) inch box trees may be provided where feasible (except when palm trees are required).

Seventy-five (75) percent of the total requirement shall be thirty-six (36) inch box trees and the remaining twenty-five (25) percent of such requirement may be provided at a ratio of one (1) inch for one (1) inch through the use of twenty-four (24) inch box trees.

Additional trees and shrubs shall also be planted to provide a well-balanced landscape environment.

Exception: Structures fronting on Main Street, Fifth Street and Third Street, with a required five (5) foot setback shall be exempt from this requirement.

- (d) A landscape and irrigation plan in conformance with the adopted Design Guidelines shall be subject to approval by the Director and the Department of Public Works prior to the issuance of building permits.
- (e) All parking lots shall provide a decorative masonry wall or landscaped berm installed in the setback area. All landscaping shall be installed within the parking lot area, in accordance with the Huntington Beach Ordinance Code. Parking structures must screen all street-level parking areas from the public ROW. Such screening must be approved by the Director. The setback area shall be landscaped in accordance with the following guidelines and a landscape plan shall be submitted to and approved by the Director:
  - ♦ Where feasible, planting material shall include a minimum three (3) five (5) gallon size shrubs for each seventy-five (75) square feet of landscaped area and at least one (1) thirty-six (36) inch box tree or palm for each one hundred and fifty (150) square feet of landscaped area (except when palm trees are required).
  - ♦ The setback area shall be planted with suitable ground cover.
  - ♦ The landscaped area shall be provided with an irrigation system which conforms to the standards specified for landscaped medians by the Department of Public Works.
  - ♦ All landscaping shall be maintained in a neat and attractive manner.

4.2.16 Street Vacations. The following conditions will apply to City vacation of streets and alleys for consolidation of parcels greater than one block in size:

- (a) Streets shall be vacated only after the City has analyzed the impacts on circulation patterns and determined that the vacation will not be detrimental.
- (b) Where streets are to be vacated, the cost of relocating all utilities shall be borne by the developer; the City Council may waive this requirement.
- (c) Any public parking lost by street vacations must be replaced either on or off site or through in lieu fees. Such parking shall be in addition to required parking for the proposed use.
- (d) Consolidations that require vacation of a portion of Main Street north of Orange Avenue shall provide a public plaza space that will enhance the Main Street

corridor to the pier. The type of facility and its design shall be approved by the City.

- (e) At the discretion of the City Council, all or portions of Main Street may be used for a pedestrian mall, subject to a public hearing.
- (f) Any development proposing the vacation of streets intersecting PCH in District 2 and District 3 shall provide a view corridor not less than the width of the former street between Walnut Avenue and PCH. No structures greater than forty-two (42) inches in height shall be allowed within such view corridor. A pedestrian easement ten (10) feet wide shall be provided through the development generally parallel to the vacated street.

4.2.17 Access Ways. The following standards shall apply to all vehicular access ways:

All Development:

- (a) Developments abutting Pacific Coast Highway (PCH) or Main Street shall dedicate sufficient additional land along the alleys parallel to these rights-of-way so that the alleys have an ultimate width of twenty-four (24) feet in the case of commercial or mixed use developments, or twenty (20) feet in the case of residential only developments. No more than one-half (1/2) of the total alley dedication shall be from one (1) side. Access to development shall be permitted from these alleys. Access to development shall not be taken directly from PCH; new automobile curb cuts on this right-of-way are prohibited.

Access to developments on Main Street shall be limited to one (1) point of ingress only for developments which have greater than one hundred (100) feet of frontage subject to Public Works design standards.

Exception: Developments that are larger than full block consolidations in District 1 are exempt from this provision.

- (b) All access ways shall be free and clear of any and all structures including but not limited to trash enclosures, utility devices or storage areas.

Residential Development:

- (c) Private access ways shall have a minimum paved width of not less than twenty-eight (28) feet. An additional twelve (12) foot wide travel lane may be required in each direction of traffic flow into the development for a distance of one hundred (100) feet, where an access way intersects a local or arterial public street.
- (d) Private access ways exceeding one hundred fifty (150) feet in length but less than three hundred (300) feet in length, shall be provided with a turn-around having a minimum radius of thirty-one (31) feet. For those access ways exceeding three hundred (300) feet but less than six hundred (600) feet, there shall be provided a turn-around having a minimum radius of forty (40) feet or an inter-tying loop circulation system. For those access ways exceeding six hundred (600) feet, there shall be provided an inter-tying loop circulation system.

- 4.2.18 Lighting. For developments of more than two (2) units, the developer shall install an on-site lighting system on all vehicular access ways and along major walkways. Such lighting shall be directed onto driveways and walkways within the development and away from adjacent properties. Lighting shall also be installed within all covered and enclosed parking areas. A lighting plan shall be submitted to and approved by the Director.
- 4.2.19 Outside Storage Space. Where a proposed residential development does not include a separate attached garage for each dwelling unit, a minimum of one hundred (100) cubic feet of outside storage space shall be provided for each such unit.
- 4.2.20 Sewer and Water Systems. Sewer and water systems shall be designed to City standards and shall be located underneath streets, alleys or drives. In no case shall individual sewer lines or sewer mains for a dwelling unit be permitted to extend underneath any other dwelling unit.
- 4.2.21 Signs. All signs shall conform to the provisions of the Huntington Beach Ordinance Code. Commercial signs in mixed developments shall not be intrusive to residential development or other uses and shall be consistent with the adopted Design Guidelines.
- (a) The placement of address numbers shall be at a uniform location throughout a development and shall be approved by the Director.
- (b) When appropriate, the developer shall install on-site street name signs at the intersections of access ways, as approved by the City Engineer. Street name signs shall also be approved by the Director for design and type and shall be consistent with the adopted Design Guidelines. All signs required by this section shall be installed at the approved locations prior to the time the first dwelling unit is occupied.
- 4.2.22 Refuse Collection Areas. In residential developments, refuse collection areas shall be provided within two hundred (200) feet of the units they are to serve. In all developments, trash areas shall be enclosed or screened with a masonry wall, and shall be situated in order to minimize noise and visual intrusion on adjacent property as well as to eliminate fire hazard to adjacent structures. Residents shall be provided with collection areas that are separate and distinct from the collection area of offices and other commercial activities.
- 4.2.23 Vehicular Storage. Storage of boats, trailers, recreational vehicles (as defined herein) and other similar vehicles shall be prohibited unless specifically designated areas for the storage of such vehicles are set aside on the final development plan and, in the case of condominium developments, provided for in the association's covenants, conditions, and restrictions. Where such areas are provided, they shall be enclosed and screened from view on a horizontal plane from adjacent areas by a combination of a six (6) foot high masonry wall and permanently maintained landscaping.
- 4.2.24 Antennas. Antennas shall be consistent with the applicable zoning document.
- 4.2.25 Utility Lines. All utility lines shall be undergrounded where possible.
- 4.2.26 Bus Turnouts. In commercial developments of one half block or more, dedication shall be made for bus turnouts as recommended by O.C.T.A. Any bus turnout so recommended shall be incorporated as part of the development plan.

4.2.27 Orange County Transit Authority Center. A transit center shall be located within proximity of the downtown area which will provide pedestrians access to the beach and retail services.

4.2.28 Homeowners' or Community Association. All multiple unit subdivision developments shall be approved subject to submission of a legal instrument or instruments setting forth a plan or manner of permanent care and maintenance of open spaces, recreational areas, and communal facilities. No such instrument shall be acceptable until approved by the City Attorney as to legal form and effect, and by the Department of Community Development as to suitability for the proposed use of the open areas.

If the common open spaces are to be conveyed to the homeowners' association, the developer shall file a declaration of covenants, to be submitted with the application for approval, that will govern the association. The provisions shall include, but not be limited to, the following:

- (a) The homeowners' association shall be established prior to the initial sale of the last dwelling units.
- (b) Membership shall be mandatory for each buyer and any successive buyer.
- (c) The open space restrictions shall be permanent.

4.2.29 Compliance with certain requirements of the Coastal Zone (CZ) Suffix:

All projects shall comply with the following sections of the Coastal Zone Suffix: "Community Facilities"; "Diking, Dredging and Filling"; "Hazards"; "Buffer Requirements"; "Energy"; and "Signs" as identified in the Huntington Beach Ordinance Code.

#### 4.14.2 Affordable Housing

Residential projects that offer 50% of the units to persons and households earning between 80-100% of the Orange County Median Income as defined by HUD for a period of 30 years may be eligible for a reduction in the following development standards.

Guest Parking -	If determined by the Planning Commission that adequate excess public parking is available, the Planning Commission may grant a maximum 100% waiver depending on size and location of project.
Common Open Space -	Maximum 70% reduction if replaced by private open space. (Roof decks may be used to satisfy a portion of this requirement.)
Site Coverage -	Maximum 75%.
Height -	Maximum four (4) stories in any district.
Density -	The Floor Area Ratio formula may be substituted for units per acre in each district. A maximum 1.0 Floor Area Ratio will apply to affordable projects.

Minimum Unit Size -	Studio	400 square feet
	1 bedroom	600 square feet
	2 bedroom	800 square feet

It is the intent of these provisions to provide maximum design flexibility while still maintaining high quality design standards in exchange for affordable housing.

4.14.3 School Facilities: A school facilities impact mitigation and reimbursement agreement shall be a condition of approval for any subdivision, tentative tract, or parcel map within the Specific Plan. The agreement shall provide for the adequate mitigation of impacts on the elementary and/or high school district. It shall provide for adequate funding of school facilities as may be necessary to serve the student population generated by the proposed development. This condition may be waived by the Huntington Beach Planning Commission and will not apply to affordable housing projects as defined in the Specific Plan.

4.14.4 Historic Properties: The Historic Resources Board shall provide to the Design Review Board and Planning Commission recommendations for structures considered to be historically significant as identified in the City's 1989 Historic Survey

4.14.5 Outdoor Dining: Outdoor dining on public or private property may be permitted subject to conditional use permit approval by the Zoning Administrator and compliance with this Section.

1) Location and design criteria.

Outdoor dining shall conform to the following location and design criteria:

- a) The outdoor dining shall be an extension of an existing or proposed eating establishment on contiguous property.
- b) Outdoor dining located on the sidewalk area of the public right-of-way shall be limited to commercial areas within the Downtown Specific Plan.
- c) Outdoor dining located on the sidewalk area of the public right-of-way of the first block of Main Street and Pacific Coast Highway within District 3 and on the Municipal Pier shall provide a minimum ten (10) foot clear passage area for pedestrian access. Outdoor dining located on the sidewalk area of the public right-of-way and on all other areas shall provide a minimum eight (8) foot clear passage area for pedestrian access. A wider clear passage area may be required at the discretion of the Zoning Administrator.
- d) No outdoor dining shall be allowed in mini-parks, publicly owned plazas, or beach areas excluding concession carts with no seating.
- e) Outdoor dining establishments which do not serve alcohol and are located on public property shall be separated from the clear passage area on the public sidewalk and/or pedestrian walkway by a temporary cordon and removed when not in use.
- f) Establishments which serve alcoholic beverages outdoors are required to provide a physical barrier of 36 inches in height surrounding the outdoor dining area that will prohibit passing of alcohol through the barrier.

- g) All tables, chairs, and umbrellas of outdoor dining located on public property shall be removed when not in use.
  - h) Outdoor dining on private sidewalk areas shall provide a minimum eight (8) foot clear passage area for pedestrian access or a permanent cordon shall surround the outdoor dining area and a minimum five (5) foot clear passage area shall be provided.
  - i) At street intersections, the triangular area formed by measuring 25 feet along the curb lines, shall be clear passage area.
  - j) Temporary, mobile or free-standing food service providers are not eligible under these provisions.
- 2) Operating requirements, provisions, and conditions.
- a) A License Agreement including use fees shall be obtained from the City for outdoor dining located on public property. The License Agreement shall be subject to termination at any time upon a 10-day prior written notice upon determination of the Zoning Administrator that one or more of the conditions or provisions of this Section 4.2.33 have been violated or that one or more factors listed in Subsection (5) below have changed and the permitted use is no longer compatible with the intended use of the public right-of-way or public property. Termination of a License Agreement shall nullify the conditional use permit.
  - b) The applicant shall enter into a Maintenance Agreement with the City for maintenance of all portions of the public property used and approved by the Zoning Administrator for the outdoor dining. Said agreement shall be submitted to and approved by the Department of Public Works prior to commencement of the use.
  - c) All outdoor dining operators shall provide a public liability insurance policy as specified in all current insurance resolutions. 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.
  - d) No food or beverages of any nature shall be sold to any occupant or rider of any motor vehicle or bicycle.
  - e) Alcoholic beverages shall be served in glass containers only. Each glass container shall be permanently printed with a number identifying the establishment serving alcohol.
  - f) The applicant (or operator) shall pay all fees and deposits required by the Huntington Beach Municipal Code, including the fee established for use of public property, prior to operation of the outdoor dining use.
  - g) All provisions of the Huntington Beach Municipal Code and Zoning and Subdivision Ordinance shall apply.

- h) Alcoholic beverages may be served on public and/or private property subject to the provisions provided herein.
- i) The conditional use permit may be transferred upon sale or transfer of the restaurant subject to a written request approved by the Zoning Administrator and the property owner. An amendment to the License Agreement will be required prior to transfer of the conditional use permit for outdoor dining on public property. A conditional use permit transfer or License Agreement renewal or amendment may be denied if one of the factors listed in Subsection (5) have changed and the permitted use is no longer compatible with the intended use of the public right-of-way.

3) Parking.

Parking shall comply with the Huntington Beach Zoning and Subdivision Ordinance or the Downtown Parking Master Plan; however, no parking spaces shall be required for the outdoor dining portion of the restaurant if the outdoor dining area does not exceed the following:

<u>Total Restaurant Area</u>	<u>Outdoor Dining Area</u>
a) 1,200 sq. ft. or less with:	Maximum 5 tables and 20 seats
b) greater than 1,200 sq. ft. with:	Maximum of 20% of the restaurant area, not to exceed 400 sq. ft.

Any outdoor dining area which exceeds these standards shall provide 100% of the required parking for the entire area.

4) Enforcement.

Enforcement of this Section 4.2.33 shall be by the Community Development Director or his/her designee.

Any outdoor dining use within the Downtown Specific Plan that has been established without prior conditional use permit approval must obtain a conditional use permit and if located on public property, a License Agreement within 90 days following the effective date of this ordinance. Any establishment that plans to serve alcoholic beverages in an outdoor dining area must obtain a new conditional use permit and a new License Agreement from the City.

4 Necessary Findings.

- a) In order to approve outdoor dining the Zoning Administrator shall make the following findings: The sidewalk's public use, pedestrian, transit and business services including but not limited to loading zones, bus stops, public phones, and benches, are not restricted.
- b) Building entryways are not obstructed.
- c) Pedestrian traffic volumes are not inhibited.
- d) Handicapped accessibility is provided where required.