City of Huntington Beach Planning Department
STUDY SESSION REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning
BY: Rosemary Medel, Associate Planner RM
DATE: September 22, 2009

SUBJECT: ZONING TEXT AMENDMENT NO. 09-006 (RELIGIOUS ASSEMBLY USES)

APPLICANT: CITY OF HUNTINGTON BEACH
PROPERTY

LOCATION: COMMERCIAL VISITOR ZONING DISTRICT (CV)

PROJECT REQUEST AND SPECIAL CONSIDERATION:

Zoning Text Amendment No. 09-006 is a City initiated amendment to permit Religious Assembly uses within the Visitor Commercial zoning district (CV) upon approval of a conditional use permit. The amendment is necessary for compliance with the Religious Land Use and Institutionalized Persons Act (RLUIPA), which states that "no government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a non-religious assembly." Because the City permits other assembly uses in the CV district it therefore needs to allow for religious assembly in the district as well. Staff has prepared a legislative draft and draft ordinance for review (Attachment Nos. 1 and 2).

In 2000, the 106th Congress enacted the Religious Land Use and Institutionalized Persons Act. The primary purpose of the Act is to ensure a person's right to free exercise of religion. Per RLUIPA, any regulation that allows theaters, schools or similar assembly uses in a zone, but not churches or temples, would be in violation of RLUIPA.

CURRENT LAND USE, HISTORY OF SITE, ZONING AND GENERAL PLAN DESIGNATIONS

LOCATION	GENERAL PLAN	ZONING	LAND USE
All CV Zones	CV	CV	Religious Assembly Uses

The areas of the City having the Visitor Commercial (CV) zoning designation are limited to three locations, all in the Coastal zone. The largest area is in the vicinity of and includes Peter's Landing along Pacific Coast Highway (PCH). The other two locations are smaller at the northeast corner of Beach Boulevard and Pacific Coast Highway and the northwest corner of Newland Street and PCH (Attachment No. 3).

APPLICATION PROCESSING AND TIMELINES:

DATE OF COMPLETE APPLICATION:	MANDATORY PROCESSING DATE(S):
September 8, 2009	Legislative Action - Not Applicable

CEQA ANALYSIS/REVIEW

The proposed ZTA No. 09-006 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 prepared the legislative draft of the proposed ordinance.

PLANNING ISSUES

The primary issues to be considered by the Planning Commission are consistency within the General Plan and Local Coastal Program and compatibility of uses. The CV district is intended to provide opportunities for visitor-oriented commercial activities. Within this district, the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) allows Commercial Recreation and Entertainment uses that include theaters, performing arts theaters, sports stadiums and arenas, game centers and dance halls, all permitted with a discretionary permit. Museums is another assembly use permitted in the CV district with a conditional use permit to the Planning Commission and is categorized as a Cultural Institution in the HBZSO. As mentioned, the assembly category as defined by RLUIPA, includes movie theaters, museums and similar assembly uses.

Survey of Coastal Cities:

The Planning Department conducted a survey of other California Coastal cities to understand how or if Religious Assembly uses are permitted in their respective Coastal Overlay Zones. The majority allow Religious Assembly with a Conditional Use Permit. Three cities do not list Religious Assembly as a permitted land use (Attachment No. 4).

California Coastal Commission

Coastal Commission staff was contacted to solicit their opinion regarding Religious Assembly uses in the CV zone. Staff stated that religious assembly uses would not be consistent with the CV classification in the City land use plan (Coastal Element).

ATTACHMENTS:

1. Legislative Draft Chapter 211
2. Draft Ordinance
3. Commercial Visitor Zone - Location Map
4. Survey of Coastal Cities

SH:MBB:RM:lw

LEGISLATIVE DRAFT
(2009)

Chapter 211 C Commercial Districts

(3285-6/95, 3341-10/96, 3334-6/97, 3482-12/00, 3522-2/02, 3553-5/02, 3568-9/02, 3707-6/05, 3774-9/07)
(Note: Ordinance No. 3774-9/07 is subject to approval by the California Coastal Commission)

Sections:

211.02 Commercial Districts Established
211.04 CO, CG, and CV Districts: Land Use Controls
211.06 CO, CG and CV Districts: Development Standards
211.08 Review of Plans

211.02 Commercial Districts Established

The purpose of the Commercial districts is to implement the General Plan and Local Coastal Program commercial land use designations. Three (3) commercial zoning districts are established by this chapter as follows: (3334-6/97)

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

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

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

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

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

"P" designates use classifications permitted in commercial districts.

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

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

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

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

ATTACHMENT NO. 11

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

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

	P	=	Permitted
CO, CG,	L	=	Limited (see Additional Provisions)
and CV	PC	=	Conditional use permit approved by Planning Commission
Districts	ZA	=	Conditional use permit approved by Zoning Administrator
Land Use	TU	=	Temporary Use Permit
Controls	P/U	=	Requires conditional use permit on site of conditional use
	-	=	Not Permitted

	CO	CG	CV	Additional Provisions	
Residential				(J)(Q)(R)(V)	(3334-6/97)
Group Residential	PC	PC	PC		(3334-6/97)
Multifamily Residential	-	-	PC		(3334-6/97)
Public and Semipublic				(J)(Q)(R)(V)	(3334-6/97,3553-5/02)
Clubs and Lodges	P	P	-		(3334-6/97,3707-6/05)
Community and Human Services					
Drug Abuse Centers	-	PC	-		
Primary Health Care	L11	L11	-		(3522-2/02)
Emergency Kitchens	-	L-2	-		
Emergency Shelters	-	L-2	-		
Residential Alcohol Recovery, General	-	PC	-		
Residential Care, General	ZA	ZA	-		(3707-06/05)
Convalescent Facilities	ZA	ZA	-		(3707-06/05)
Cultural Institutions	PC	PC	PC		
Day Care, General	L-3	L-3	-		(3707-06/05)
Day Care, Large-Family	P	P	-	(Y)	(3522-2/02)
Emergency Health Care	L-2	L-2	-		(3334-6/97)
Government Offices	P	P	PC		(3334-6/97)
Heliports	PC	PC	PC	(B)	
Hospitals	PC	PC	-		(3334-6/97)
Park & Recreation Facilities	L-9	L-9	L-9		
Public Safety Facilities	PC	PC	PC		
Religious Assembly	ZA	ZA	PC	(3522-2/02)	(3522-2/02)
Schools, Public or Private	PC	PC	-		
Utilities, Major	PC	PC	PC		
Utilities, Minor	P	P	P	(L)	

ATTACHMENT NO. 12

	P	=	Permitted
CO, CG,	L	=	Limited (see Additional Provisions)
and CV	PC	=	Conditional use permit approved by Planning Commission
Districts	ZA	=	Conditional use permit approved by Zoning Administrator
Land Use	TU	=	Temporary Use Permit
Controls	P/U	=	Requires conditional use permit on site of conditional use
	-	=	Not Permitted

	CO	CG	CV	Additional Provisions	
Commercial Uses				(J)(Q)(R)	(3341-0/96)
Ambulance Services	-	ZA	-		
Animal Sales & Services					
Animal Boarding	-	ZA	-		(3522–2/02)
Animal Grooming	-	P	-		
Animal Hospitals	-	ZA	-		(3522–2/02)
Animals: Retail Sales	-	P	-		
Equestrian Centers (CG Zone)	-	PC	-	(S)	(3707-6/05)
Pet Cemetery	-	PC	-		
Artists' Studios	P	P	P		
Banks and Savings & Loans	P	P	P		
With Drive-Up Service	P	P	P		(3522–2/02)
Building Materials and Services	-	P	-		
Catering Services	P	P	P		
Commercial Filming	P	P	P	(F)	
Commercial Recreation and Entertainment	-	PC	PC	(D)	
Communication Facilities	L-13	L-13	L-13		(3568-9/02)
Eating and Drinking Estab.	L-4	L-4	L-4		(3522–2/02, 3707-6/05)
W/Alcohol	ZA	ZA	ZA	(N)(Y)	(3522–2/02)
W/Drive Through	-	P	P		(3522–2/02, 3707-6/05)
W/Live Entertainment	ZA	ZA	ZA	(W)(Y)	(3522–2/02)
W/Dancing	PC	PC	PC	(H)	
W/Outdoor Dining	ZA	ZA	ZA	(X)(Y)	(3522–2/02)
Food & Beverage Sales	-	P	L-2		
W/Alcoholic Beverage Sales	-	ZA	ZA	(N)	
Funeral & Internment Services	-	ZA	-		
Laboratories	L-1	L-1	-		
Maintenance & Repair Services	-	P	-		
Marine Sales and Services	-	P	P		
Nurseries	-	ZA	-		
Offices, Business & Professional	P	P	P		(3334-6/97)
Pawn Shops	-	ZA	-		
Personal Enrichment Services	L-10	L-10	-	(Y)	(3522–2/02)
Personal Services	P	P	P		
Research & Development Services	L-1	ZA	-		
Retail Sales	-	P	P	(U)(V)	(3285-6/95, 3334-6/97,3482-12/00)
Secondhand Appliances/Clothing	-	P	-		
Swap Meets, Indoor/Flea Markets	-	PC	-	(T)	
Swap Meets, Recurring	-	ZA	-		
Tattoo Establishments	-	PC	-		
Travel Services	P	P	P		

ATTACHMENT NO. 1-3

	P	=	Permitted
CO, CG,	L	=	Limited (see Additional Provisions)
and CV	PC	=	Conditional use permit approved by Planning Commission
Districts	ZA	=	Conditional use permit approved by Zoning Administrator
Land Use	TU	=	Temporary Use Permit
Controls	P/U	=	Requires conditional use permit on site of conditional use
	-	=	Not Permitted

	CO	CG	CV	Additional Provisions	
Vehicle Equipment/Sales & Services					
Automobile Rentals	-	L-8	L-8	L-12	
Automobile Washing	-	ZA	-		(3707-6/05)
Commercial Parking	-	ZA	ZA	(P)	(3707-6/05)
Service Stations	-	PC	PC	(E)	
Vehicle Equip. Repair	-	L-5	-		
Vehicle Equip. Sales & Rentals	ZA	ZA	-	L-12	(3522-2/02)
Vehicle Storage	-	ZA	-		(3707-6/05)
Visitor Accommodations					
Bed & Breakfast Inns	PC	PC	PC	(K)	(3707-6/05, 3774-9/07 subject to approval by the CA Coastal Commission)
Hotels, Motels	-	PC	PC	(I)	(3334-6/97. 3707-6/05, 3774-9/07 - subject to approval by the CA Coastal Commission)
Condominium – Hotel	-	-	PC	(Z)	(3774-9/07, 3707-9/07 subject to approval by the CA Coastal Commission)
Fractional Ownership Hotel					(3774-9/07 - subject to approval by the CA Coastal Commission)
Quasi Residential					(3334-6/97
Timeshares	-	PC	-	(I)(J)	(3334-6/97, 3774-9/07 subject to approval by the CA Coastal Commission))
Residential Hotel	-	PC	-	(J)	(3334-6/97, 3774-9/07 subject to approval by the CA Coastal Commission))
Single Room Occupancy	-	PC	-		(3774-9/07, 3774-9/07 subject to approval by the CA Coastal Commission))
Industrial				(J)(Q)(R)(V)	(3334-6/97)
Industry, Custom	-	L-6	L-6		
Accessory Uses				(J)(V)	(3334-6/97)
Accessory Uses & Structures	P/U	P/U	P/U		
Temporary Uses				(E)(J)(V)	(3334-6/97)

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Animal Shows	-	TU	-		
Circus and Carnivals and Festivals	-	TU	-		(3522-2/02)
Commercial Filming, Limited	-	P	P	(M)	
Real Estate Sales	P	P	P		(3522-2/02, 3707-6/05)
Retail Sales, Outdoor	-	TU	TU	(M)	(3522-2/02)
Seasonal Sales	TU	TU	TU	(M)	(3522-2/02)
Tent Event	-	P	-		(3522-2/02, 3707-6/05)
Trade Fairs	-	P	-		(3707-6/05)
Nonconforming Uses				(G)(J)(V)	(3334-6/97)

(Rest of page not used)

ATTACHMENT NO. 1-5

CO, CG, and CV Districts: Additional Provisions

L-1 Permitted if the space is 5,000 square feet or less; allowed with Neighborhood Notification pursuant to Chapter 241 if the laboratory space exceeds 5,000 square feet. (3707-6/05)

L-2 Allowed with a conditional use permit from the Zoning Administrator if the space is 5,000 square feet or less; allowed with a conditional use permit from the Planning Commission if the space exceeds 5,000 square feet. (3707-6/05)

L-3 Allowed with a conditional use permit from the Zoning Administrator if the space is 2,500 square feet or less; allowed with a conditional use permit from the Planning Commission if the space exceeds 2,500 square feet. (3334-6/97, 3707-6/05))

L-4 Permitted if greater than 300 feet from residential zone or use; if 300 feet or less from residential zone or use neighorhood notification is required pursuant to Chapter 241. (3522-2/02, 3707-6/05)

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

L-6 Only "small-scale" facilities, as described in Use Classifications, are permitted with a maximum 7 persons employed full time in processing or treating retail products, limited to those sold on the premises. (3522-2/02)

L-7 Repealed. (3707-6/05)

L-8 On-site storage limited to two rental cars or two cars for lease. (3707-6/05)

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

L-10 Permitted if the space is 5,000 square feet or less; allowed with conditional use permit approval from the Zoning Administrator if space exceeds 5,000 square feet. (3522-2/02, 3707-6/05)

In addition, Personal Enrichment uses within a retail building parked at a ratio of one (1) space per 200 square feet, shall require no additional parking provided the use complies with the following: (3522-2/02)

- Maximum number of persons per classroom does not exceed the number of parking spaces allocated to the suite based upon the square footage of the building; and (3522-2/02)
- The instruction area does not exceed 75 percent of total floor area of the personal enrichment building area. (3522-2/02)

L-11 Permitted if the space is 5,000 square feet or less; allowed with a conditional use permit from the Zoning Administrator if the space exceeds 5,000 square feet. (3522-2/02, 3707-6/05)

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L-12 Permitted for existing facilities proposing to expand up to 20% of existing floor area or display area. (3522-2/02, 3707-6/05)

L-13 For wireless communication facilities see Section 230.96 Wireless Communication Facilities. All other communication facilities permitted. (3568-9/02)

(A) Reserved. (3553-5/02)

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

(C) Repealed (3378-2/98)

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

(E) See Section 230.32: Service Stations.

(F) See Section 241.20: Temporary Use Permits

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

(H) For teen dancing facilities, bicycle racks or a special bicycle parking area shall be provided. These may not obstruct either the public sidewalk or the building entry. See also Chapter 5.28: Dancing Halls; Chapter 5.44: Restaurants - Amusement and Entertainment Premises, and Chapter 5.70: Adult Entertainment Businesses. (3341-10/96)

(I) Only permitted on a major arterial street, and a passive or active outdoor recreational amenity shall be provided. (3707-6/05)

(J) In the CV District the entire ground floor area and at least one-third of the total floor area shall be devoted to visitor-oriented uses as described in the certified Local Coastal Program Land Use Plan. Any use other than visitor serving commercial shall be located above the ground level, and a conditional use permit from the Planning Commission or the Zoning Administrator is required. Any use other than visitor serving commercial uses shall only be permitted if visitor serving uses are either provided prior to the other use or assured by deed restriction as part of the development. No office or residential uses shall be permitted in any visitor serving designation seaward of Pacific Coast Highway. (3334-6/97, 3707-6/05)

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

(L) See Section 230.44: Recycling Operations.

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

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

ATTACHMENT NO. 17

(1) Retail markets with no more than 10 percent of the floor area devoted to sales, display, and storage of alcoholic beverages provided the sale of alcoholic beverages is not in conjunction with the sale of gasoline or other motor vehicle fuel. (3522-2/02)

(2) Restaurants, Bars-and Liquor stores located 300 feet or more from any R or PS district, public or private school, church, or public use. (3522-2/02)

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

(O) See Section 230.46: Single Room Occupancy.

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

(Q) Development of vacant land or additions of 10,000 square feet or more in floor area; or additions equal to or greater than 50% of the existing building's floor area; or additions to buildings on sites located within 300 feet of a residential zone or use for a permitted use requires approval of a conditional use permit from the Zoning Administrator. The Planning Director may refer any proposed addition to the Zoning Administrator if the proposed addition has the potential to impact residents or tenants in the vicinity (e.g., increased noise, traffic). (3522-2/02)

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

(S) See Section 230.48: Equestrian Centers

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

(U) See Section 230.94: Carts and Kiosks (3248-6/95, 3334-6/97, 3482-12/00)

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

(W) Non-amplified live entertainment greater than 300 feet from a residential zone or use shall be permitted without a conditional use permit. (3522-2/02)

(X) Outdoor dining with alcohol sales shall be permitted with a conditional use permit to the Zoning Administrator. Outdoor dining without alcohol sales that is 400 square feet or less shall be permitted without a conditional use permit. If over 400 square feet with no alcohol sales, Neighborhood Notification shall be required pursuant to Chapter 241. (3522-2/02, 3707-6/05)

(Y) Neighborhood Notification requirements pursuant to Chapter 241. (3522-2/02, 3707-6/05)

(Z) In the CV District, Condominium-Hotels and/or Fractional Interest Hotels are allowed only at the Pacific City (Downtown Specific Plan District 7) and Waterfront (Downtown Specific Plan District 9) sites. Refer to Downtown Specific Plan. (3774-9/07 subject to approval by the CA Coastal Commission)

The following schedule prescribes development standards for the CO, CG and CV districts. The first three columns prescribe basic requirements for permitted and conditional uses in each district. Letters in parentheses in the "Additional Requirements" column refer to standards following the schedule or located elsewhere in the zoning ordinance. In calculating the maximum gross floor area as defined in Chapter 203, the floor area ratio is calculated on the basis of net site area. Fractional numbers shall be rounded down to the nearest whole number. All required setbacks shall be measured from ultimate right-of-way and in accordance with definitions set forth in Chapter 203, Definitions.

(Rest of page not used)

ATTACHMENT NO. 19

CO, CG and CV DISTRICTS DEVELOPMENT STANDARDS

	CO	CG	CV	Additional Requirements	
Residential Development				(A)(B)	
Nonresidential Development				(B)	
Minimum Lot Area (sq. ft.)	10,000	10,000	10,000	(C)	
Minimum Lot Width (ft.)	100	100	100		
Minimum Setbacks					
Front (ft.)	10	10	0	(D)(E)(O)	(3707-6/05)
Side (ft.)	5	0	0	(F)	(3707-6/05)
Street Side (ft.)	10	10	0	(E)	(3707-6/05)
Rear (ft.)	5	0	0	(F)	(3707-6/05)
Maximum Height of Structures (ft.)	40	50	50	(F)(G)	
Maximum Wall Dimensions				(N)	
Maximum Floor Area Ratio (FAR)	1.0	1.5	1.5		
Minimum Site Landscaping (%)	8	8	8	(H)(I)	
Building Design Standards				(O)	
Fences and Walls				(J)(K)	
Off-Street Parking/Loading				(L)	
Outdoor Facilities		See Section 230.74		(M)	(3707-6/05)
Screening of Mechanical Equipment		See Section 230.76		(M)	
Refuse Storage Areas		See Section 230.78			
Underground Utilities		See Chapter 17.64			
Performance Standards		See Section 230.82			
Nonconforming Structures		See Chapter 236			
Signs		See Chapter 233			

CO, CG, and CV Districts: Additional Development Standards

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

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

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

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

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

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

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

(H) Planting Areas:

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

(2) Required side and rear yards shall be planting areas or shall be enclosed by a solid concrete or masonry wall at least 6 feet in height.

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

(I) See Chapter 232: Landscape Improvements.

(J) See Section 230.88: Fencing and Yards.

(K) A solid masonry or concrete wall at least 6 feet in height shall adjoin the site of an existing ground-floor residential use. However, where the portion of the site within 10 feet of the front property line is occupied by planting area or by a building having no openings except openings opposite a street property line, the Director may grant an exception to this requirement. A wall within 15 feet of a street property line shall not exceed 3.5 feet in height.

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

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

(N) A front or street side wall surface shall be no longer than 100 feet without a break, a recess or offset measuring at least 20 feet in depth and one-quarter of the building length, or a series of offsets, projections or recesses at intervals of not more than 40 feet that vary the depth of the building wall by a minimum of 4 feet. The Director may grant exceptions or allow these standards to be modified for exceptional or unique structures subject to Design Review, Chapter 244.

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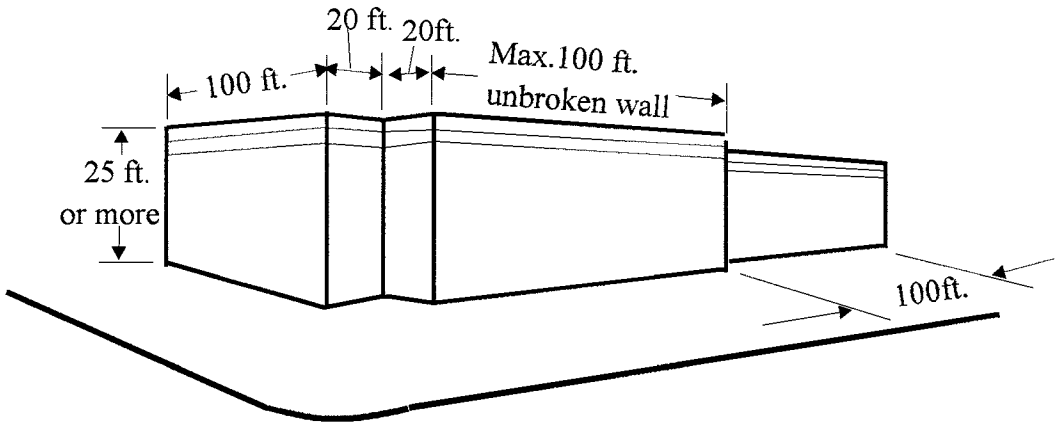
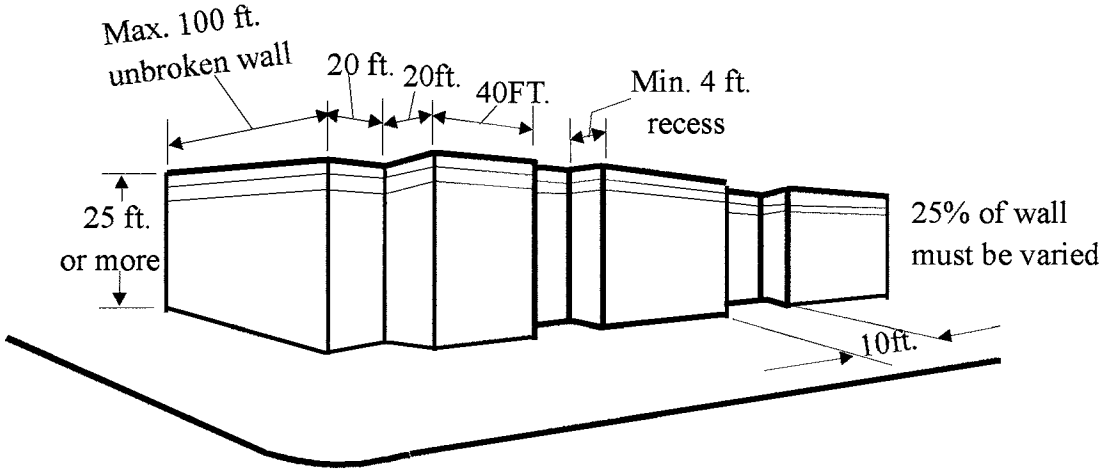
ATTACHMENT NO. 1.11



Single Horizonal Offsets: 20ft.



Variable Offsets: 20 ft. and 4 ft. 211-OFFS

MAXIMUM WALL LENGTH AND REQUIRED BREAK

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

(1) In the CV District a 10-foot minimum upper-story setback is required above the second story along street frontages. (3707-6/05)

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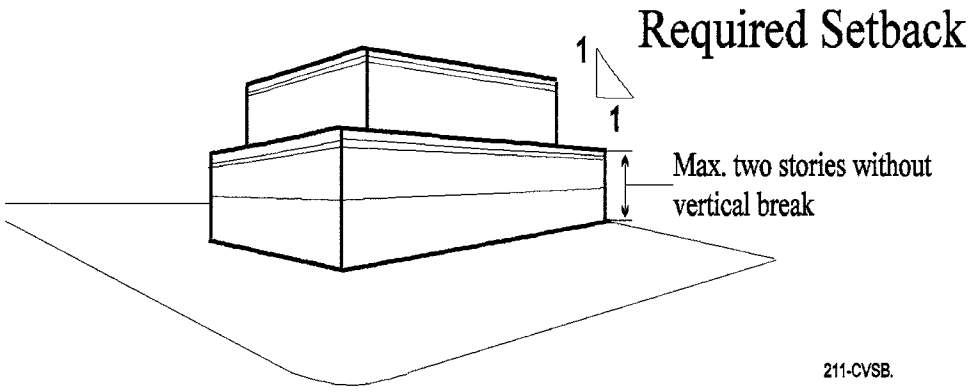
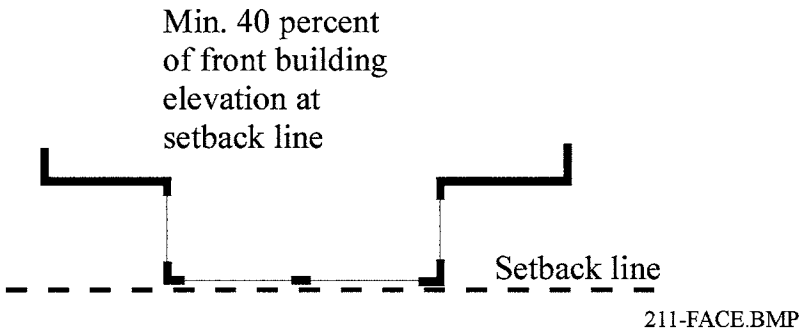
ATTACHMENT NO. 4.12



CV DISTRICT: UPPER-STORY SETBACK

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



BUILDING FACE AT SETBACK LINE

211.08 Review of Plans

All applications for new construction, initial establishment of use, exterior alterations and additions shall be submitted to the Planning Department for review. Discretionary review shall be required as follows: (3522-2/02)

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

B. Design Review Board. Projects within redevelopment project areas and areas subject to specific plans; projects within 500 feet of a PS District; see Chapter 244.

C. Planning Commission. Projects requiring a conditional use permit from the Planning Commission; see Chapter 241.

D. Projects in the Coastal Zone. A Coastal Development Permit is required unless the project is exempt; see Chapter 245.

ATTACHMENT NO. 1.13

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 211 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE TITLED COMMERCIAL DISTRICTS

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

SECTION 1. Chapter 211 of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to read as follows:

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

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

"P" designates use classifications permitted in commercial districts.

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

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

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

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

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

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

	P	=	Permitted
CO, CG, and CV Districts Land Use Controls	L	=	Limited (see Additional Provisions)
	PC	=	Conditional use permit approved by Planning Commission
	ZA	=	Conditional use permit approved by Zoning Administrator
	TU	=	Temporary Use Permit
	P/U	=	Requires conditional use permit on site of conditional use
	-	=	Not Permitted

ATTACHMENT NO. 21

	CO	CG	CV	Additional Provisions	
Residential				(J)(Q)(R)(V)	(3334-6/97)
Group Residential	PC	PC	PC		(3334-6/97)
Multifamily Residential	-	-	PC		(3334-6/97)
Public and Semipublic				(J)(Q)(R)(V)	(3334-6/97,3553-5/02)
Clubs and Lodges	P	P	-		(3334-6/97,3707-6/05)
Community and Human Services					
Drug Abuse Centers	-	PC	-		
Primary Health Care	L11	L11	-		(3522-2/02)
Emergency Kitchens	-	L-2	-		
Emergency Shelters	-	L-2	-		
Residential Alcohol Recovery, General	-	PC	-		
Residential Care, General	ZA	ZA	-		(3707-06/05)
Convalescent Facilities	ZA	ZA	-		(3707-06/05)
Cultural Institutions	PC	PC	PC		
Day Care, General	L-3	L-3	-		(3707-06/05)
Day Care, Large-Family	P	P	-	(Y)	(3522-2/02)
Emergency Health Care	L-2	L-2	-		(3334-6/97)
Government Offices	P	P	PC		(3334-6/97)
Heliports	PC	PC	PC	(B)	
Hospitals	PC	PC	-		(3334-6/97)
Park & Recreation Facilities	L-9	L-9	L-9		
Public Safety Facilities	PC	PC	PC		
Religious Assembly	ZA	ZA	**PC**	(3522-2/02)	(3522-2/02)
Schools, Public or Private	PC	PC	-		
Utilities, Major	PC	PC	PC		
Utilities, Minor	P	P	P	(L)	

ATTACHMENT NO. 2.2

	P	=	Permitted
CO, CG,	L	=	Limited (see Additional Provisions)
and CV	PC	=	Conditional use permit approved by Planning Commission
Districts	ZA	=	Conditional use permit approved by Zoning Administrator
Land Use	TU	=	Temporary Use Permit
Controls	P/U	=	Requires conditional use permit on site of conditional use
	-	=	Not Permitted

	CO	CG	CV	Additional Provisions	
Commercial Uses				(J)(Q)(R)	(3341-0/96)
Ambulance Services	-	ZA	-		
Animal Sales & Services					
Animal Boarding	-	ZA	-		(3522–2/02)
Animal Grooming	-	P	-		
Animal Hospitals	-	ZA	-		(3522–2/02)
Animals: Retail Sales	-	P	-		
Equestrian Centers (CG Zone)	-	PC	-	(S)	(3707-6/05)
Pet Cemetery	-	PC	-		
Artists' Studios	P	P	P		
Banks and Savings & Loans	P	P	P		
With Drive-Up Service	P	P	P		(3522–2/02)
Building Materials and Services	-	P	-		
Catering Services	P	P	P		
Commercial Filming	P	P	P	(F)	
Commercial Recreation and Entertainment	-	PC	PC	(D)	
Communication Facilities	L-13	L-13	L-13		(3568-9/02)
Eating and Drinking Estab.	L-4	L-4	L-4		(3522–2/02, 3707-6/05)
W/Alcohol	ZA	ZA	ZA	(N)(Y)	(3522–2/02)
W/Drive Through	-	P	P		(3522–2/02, 3707-6/05)
W/Live Entertainment	ZA	ZA	ZA	(W)(Y)	(3522–2/02)
W/Dancing	PC	PC	PC	(H)	
W/Outdoor Dining	ZA	ZA	ZA	(X)(Y)	(3522–2/02)
Food & Beverage Sales	-	P	L-2		
W/Alcoholic Beverage Sales	-	ZA	ZA	(N)	
Funeral & Internment Services	-	ZA	-		
Laboratories	L-1	L-1	-		
Maintenance & Repair Services	-	P	-		
Marine Sales and Services	-	P	P		
Nurseries	-	ZA	-		
Offices, Business & Professional	P	P	P		(3334-6/97)
Pawn Shops	-	ZA	-		
Personal Enrichment Services	L-10	L-10	-	(Y)	(3522–2/02)
Personal Services	P	P	P		
Research & Development Services	L-1	ZA	-		
Retail Sales	-	P	P	(U)(V)	(3285-6/95, 3334-6/97,3482-12/00)
Secondhand Appliances/Clothing	-	P	-		
Swap Meets, Indoor/Flea Markets	-	PC	-	(T)	
Swap Meets, Recurring	-	ZA	-		
Tattoo Establishments	-	PC	-		
Travel Services	P	P	P		

ATTACHMENT NO. 2.3

	P	=	Permitted
CO, CG,	L	=	Limited (see Additional Provisions)
and CV	PC	=	Conditional use permit approved by Planning Commission
Districts	ZA	=	Conditional use permit approved by Zoning Administrator
Land Use	TU	=	Temporary Use Permit
Controls	P/U	=	Requires conditional use permit on site of conditional use
	-	=	Not Permitted

	CO	CG	CV	Additional Provisions	
Vehicle Equipment/Sales & Services					
Automobile Rentals	-	L-8	L-8	L-12	
Automobile Washing	-	ZA	-		(3707-6/05)
Commercial Parking	-	ZA	ZA	(P)	(3707-6/05)
Service Stations	-	PC	PC	(E)	
Vehicle Equip. Repair	-	L-5	-		
Vehicle Equip. Sales & Rentals	ZA	ZA	-	L-12	(3522-2/02)
Vehicle Storage	-	ZA	-		(3707-6/05)
Visitor Accommodations					
Bed & Breakfast Inns	PC	PC	PC	(K)	(3707-6/05, 3774-9/07 subject to approval by the CA Coastal Commission)
Hotels, Motels	-	PC	PC	(I)	(3334-6/97. 3707-6/05, 3774-9/07 - subject to approval by the CA Coastal Commission)
Condominium – Hotel	-	-	PC	(Z)	(3774-9/07, 3707-9/07 subject to approval by the CA Coastal Commission)
Fractional Ownership Hotel					(3774-9/07 - subject to approval by the CA Coastal Commission)
Quasi Residential					(3334-6/97
Timeshares	-	PC	-	(I)(J)	(3334-6/97, 3774-9/07 subject to approval by the CA Coastal Commission))
Residential Hotel	-	PC	-	(J)	(3334-6/97, 3774-9/07 subject to approval by the CA Coastal Commission))
Single Room Occupancy	-	PC	-		(3774-9/07, 3774-9/07 subject to approval by the CA Coastal Commission))
Industrial				(J)(Q)(R)(V)	(3334-6/97)
Industry, Custom	-	L-6	L-6		
Accessory Uses				(J)(V)	(3334-6/97)

ATTACHMENT NO. 2.4

Accessory Uses & Structures	P/U	P/U	P/U		
Temporary Uses				(F)(J)(V)	(3334-6/97)
Animal Shows	-	TU	-		
Circus and Carnivals and Festivals	-	TU	-		(3522-2/02)
Commercial Filming, Limited	-	P	P	(M)	
Real Estate Sales	P	P	P		(3522-2/02, 3707-6/05)
Retail Sales, Outdoor	-	TU	TU	(M)	(3522-2/02)
Seasonal Sales	TU	TU	TU	(M)	(3522-2/02)
Tent Event	-	P	-		(3522-2/02, 3707-6/05)
Trade Fairs	-	P	-		(3707-6/05)
Nonconforming Uses				(G)(J)(V)	(3334-6/97)

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SECTION 2. All other provisions of Chapter 211 not modified herein shall remain in full force and effect.

SECTION 3. This ordinance shall become effective 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 , 2009.

_____
Mayor

ATTEST:

_____
City Clerk

_____
City Attorney

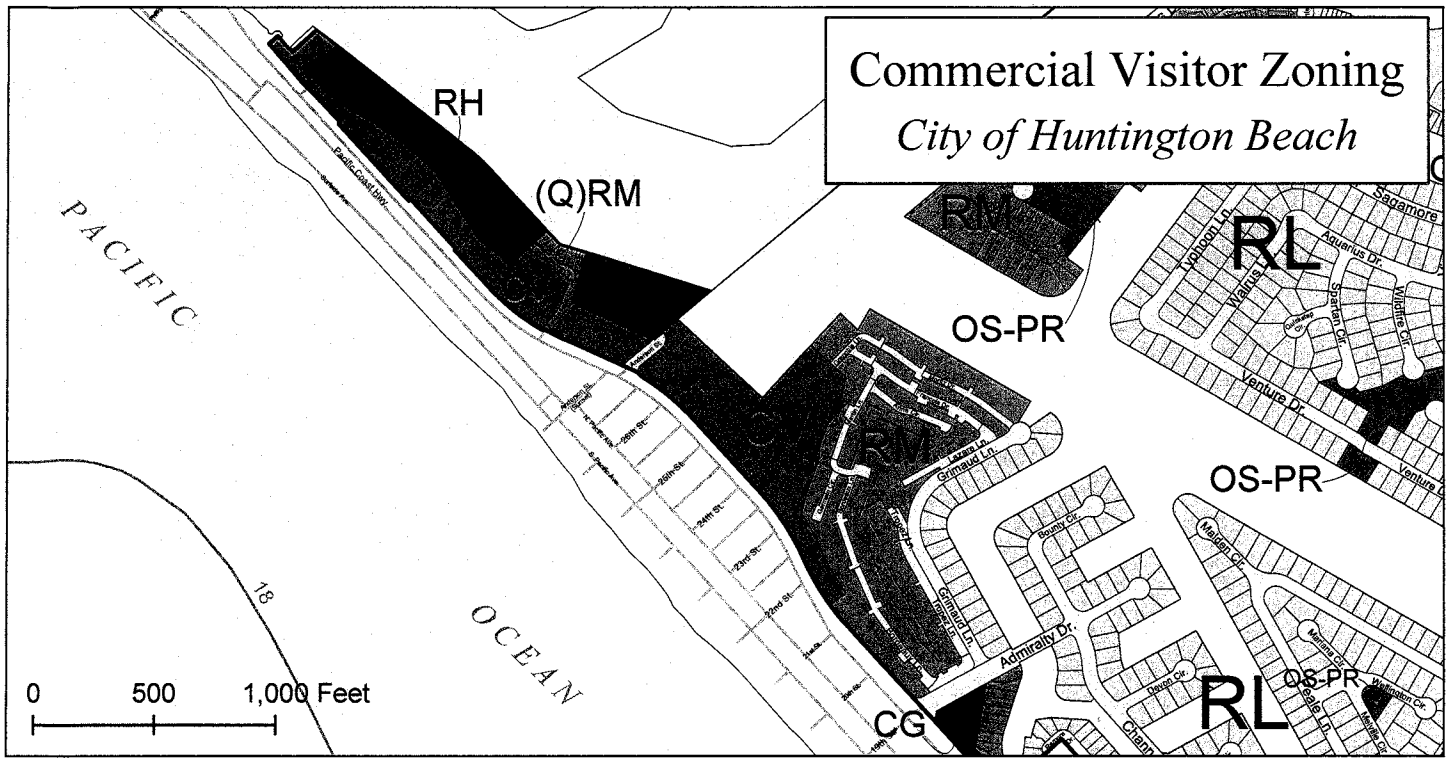
REVIEWED AND APPROVED:

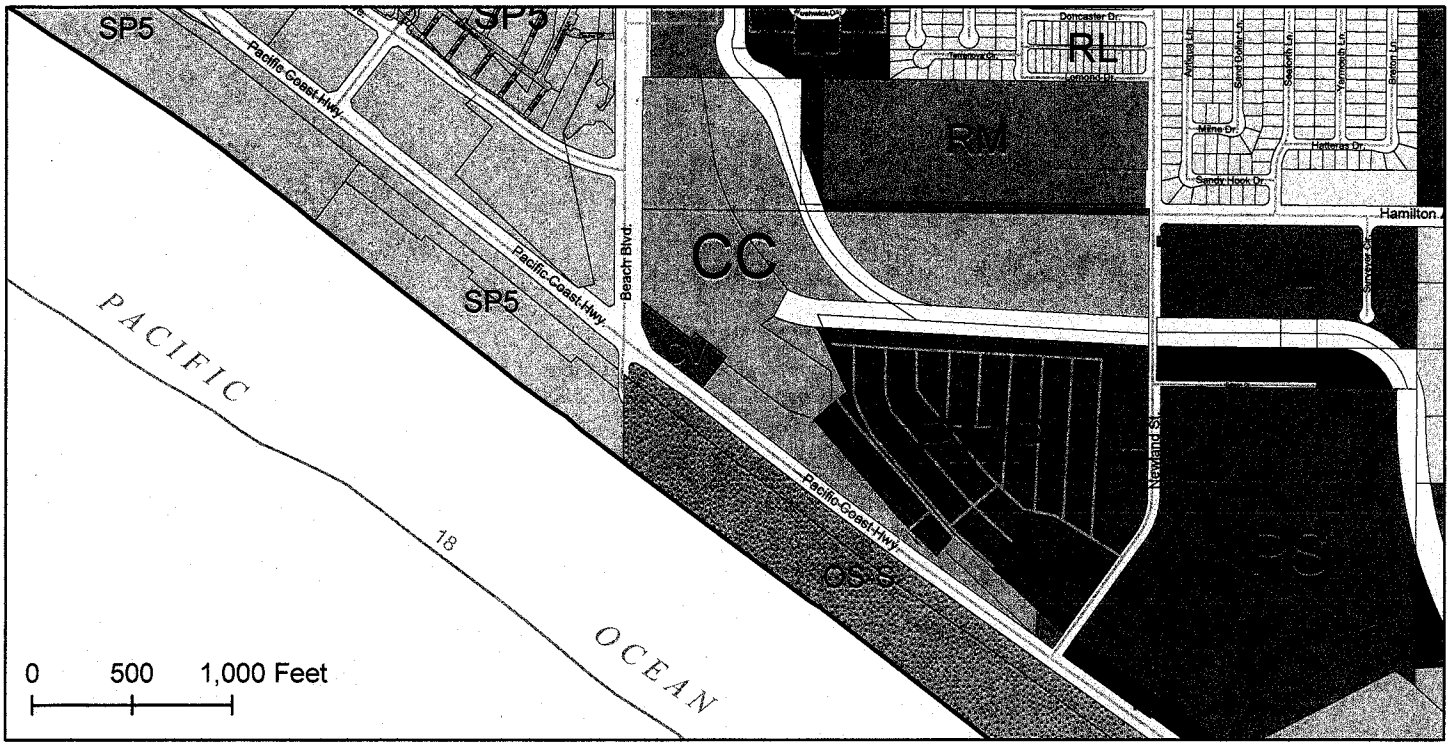
_____
City Administrator

INITIATED AND APPROVED:

_____
Director of Planning

ATTACHMENT NO. 2.5





Commercial
- Commercial Visitor
- Commercial General

Industrial
- Industrial General
- Industrial Limited

Conservation
- CC — Coastal Conservation

Residential
- RL — Residential Low Density
- RM — Residential Medium Density
- Residential Medium High Density
- Manufactured Home Park
- Residential Agriculture

Public
- PS — Public-Semipublic

Open Space
- Parks and Recreation Subdistrict
- OS-S — Shoreline Subdistrict
- OS-WR — Water Recreation Subdistrict

Miscellaneous
- SP — Specific Plan Designations
- (Q)- — Qualified Classification
- Right of Ways, Bridges, Channels

Information Services Department

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ATTACHMENT NO. 3

SURVEY OF COASTAL CITIES

	California Coastal Cities	Religious Assembly Uses - Coastal Zones or Districts	Assembly Uses - Coastal Zones/Districts (Commercial – Cultural, Recreation, Entertainment Uses)
1	San Diego	Permitted/CUP/Coastal Dev. req if in Coastal Overlay Zone	Permitted/CUP/Coastal Dev req. if in Coastal Overly Zone
2	Oceanside	Prohibited	Permitted/CUP
3	Dana Point	Prohibited -Not Considered a Visitor Serving Use	Permitted/CUP
4	Newport Beach	Prohibited	Permitted/CUP
5	**Huntington Beach**	**Prohibited**	**Permitted/CUP (Theaters, etc)**
6	Long Beach	Permitted/CUP	Permitted/CUP
7.	Hermosa Beach	Permitted/CUP	Permitted/CUP
8	Ventura	Permitted/CUP	Permitted/CUP
9	Santa Barbra	Permitted/CUP	Permitted/CUP
10	Santa Cruz	Permitted with CUP	Permitted
11	San Francisco	Permitted w/o CUP	Permitted w/o CUP