

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH
AMENDING CHAPTER 211 OF THE HUNTINGTON BEACH ZONING AND
SUBDIVISION ORDINANCE TITLED C COMMERCIAL DISTRICTS
(ZONING TEXT AMENDMENT NO. 18-003)**

WHEREAS, pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Text Amendment No. 18-003, which amends Chapter 211 of the Huntington Beach Zoning and Subdivision Ordinance relating to updated, clarified, and additional land use controls and development standards utilized within Commercial Districts of the ZSO.

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

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

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

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

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

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the ____ day of _____, 2018.

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

REVIEWED AND APPROVED:

INITIATED AND APPROVED:

City Manager

Community Development Director

Exhibit A: Legislative Draft

DRAFT

211.02 Commercial Districts Established

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

- A. The CO Office Commercial District provides sites for offices for administrative, financial, professional, medical and business needs.
- B. The CG General Commercial District provides opportunities for the full range of retail and service businesses deemed suitable for location in Huntington Beach.
- C. The CV Visitor Commercial District implements the Visitor Serving Commercial land use designation within the coastal zone and provides uses of specific benefit to coastal visitors. More specifically, the CV district provides opportunities for visitor-oriented commercial activities, including specialty and beach related retail shops, restaurants, hotels, motels, theaters, museums, and related services. (3334-6/97, 3774-10/07, 4038-12/14)

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

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

“P” designates use classifications permitted in commercial districts.

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

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

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

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

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

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

CO, CG, and CV Districts: Land Use Controls

P = Permitted

L = Limited (see Additional Provisions)

PC = Conditional use permit approved by Planning Commission

ZA = Conditional use permit approved by Zoning Administrator

TU = Temporary use permit

P/U = Requires conditional use permit on site of conditional use

- = Not Permitted

	CO	CG	CV	Additional Provisions
Residential				(J)(Q)(R)(V)
Group Residential	PC	PC	PC	
Multifamily Residential	-	-	PC	
Public and Semipublic				
				(J)(Q)(R)(V)
Clubs and Lodges	P	P	-	
Community and Human Services				
Drug Abuse Centers	-	PC	-	
Primary Health Care	L-11	L-11	-	
Emergency Kitchens	-	L-2	-	
Emergency Shelters	-	L-2	-	
Residential Alcohol Recovery, General	-	PC	-	
Residential Care, General	ZA	ZA	-	
Convalescent Facilities	ZA	ZA	-	
Cultural Institutions	PC L-14	PC L-14	PC L-14	
Day Care, General	L-3	L-3	-	
Day Care, Large-Family	P	P	-	(Y)
Emergency Health Care	L-2	L-2	-	
Government Offices	P	P	PC ZA	
Heliports	PC	PC	PC	(B)
Hospitals	PC	PC	-	
Park & Recreation Facilities	L-9	L-9	L-9	
Public Safety Facilities	PC ZA	PC ZA	PC ZA	
Religious Assembly	ZA	ZA	PC	
Schools, Public or Private	PC	PC	-	
Utilities, Major	PC	PC	PC	
Utilities, Minor	P	P	P	(L)
Commercial Uses				
				(J)(Q)(R)

Ambulance Services	-	ZA	-	
Animal Sales & Services		L-16		
Animal Boarding	-	ZA	-	
Animal Grooming	-	P	-	
Animal Hospitals	-	ZA	-	
Animals—Retail Sales	-	P	-	
Equestrian Centers (CG Zone)	-	PC	-	(S)
Pet Cemetery	-	PC	-	
Artists' Studios	P	P	P	
Banks and Savings & Loans	P	P	P	
With Drive-Up Service	P	P	P	
Building Materials and Services	-	P	-	
Catering Services	P	P	P	
Commercial Filming	P	P	P	(F)
Commercial Recreation and Entertainment	-	PC	PC	(D)
Communication Facilities	L-13	L-13	L-13	
Eating and Drinking Establishments	L-4 P	L-4 P	L-4 P	
W/Alcohol	ZA	ZA	ZA	(N) (Y)
W/Drive Through	-	P	P	
W/Live Entertainment	ZA	ZA	ZA	(W)(Y)
W/Dancing	PC	PC	PC	(H)
W/Outdoor Dining	ZA	ZA	ZA	(X) (Y)
Food & Beverage Sales	-	P	L-12	
W/Alcoholic Beverage Sales	-	ZA	ZA	(N)
Funeral & Interment 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	
Offices, Medical & Dental	P	P	P	
Pawn Shops	-	ZA	-	
Personal Enrichment Services	L-10	L-10	-	(Y)

Personal Services	P	P	P	
Research & Development Services	L-1	ZA	-	
Retail Sales	-	P	P	(U)(V)
Secondhand Appliances/Clothing	-	P	-	
Swap Meets, Indoor/Flea Markets	-	PC	-	(T)
Swap Meets, Recurring	-	ZA	-	
Tattoo Establishments	-	PC ZA	-	
Travel Services	P	P	P	
Vehicle Equipment/Sales & Services				
Automobile Rentals	-	L-8	L-8	L-12
Automobile Washing	-	ZA	-	
Commercial Parking	-	ZA	ZA	(P)
Service Stations	-	PC	PC	(E)
Vehicle Equip. Repair	-	L-5	-	
Vehicle Equip. Sales & Rentals	ZA	ZA	-	L-12
Vehicle Storage	-	ZA	-	
<u>Offices for Vehicle Equip. Sales & Rentals</u>	<u>L-15</u>	<u>L-15</u>	<u>I</u>	
Bed & Breakfast Inns	ZA	ZA	ZA	(K)
Hotels, Motels	-	PC	PC	(I)
Condominium-Hotel	-	-	PC	(Z)
Fractional Ownership Hotel				
Quasi Residential				
Timeshares	-	PC	-	(I)(J)
Residential Hotel	-	PC	-	(J)
Single Room Occupancy	-	PC	-	
Industrial				(J)(Q)(R)(V)
Industry, Custom	-	L-6	L-6	
Accessory Uses				(J)(V)
Accessory Uses & Structures	P/U	P/U	P/U	

Temporary Uses				(F)(J)(V)
Animal Shows	-	TU	-	
Circus and Carnivals and Festivals	-	TU	-	
Commercial Filming, Limited	-	P	P	(M)
Real Estate Sales	P	P	P	
Retail Sales, Outdoor	-	TU	TU	(M)
Seasonal Sales	TU	TU	TU	(M)
Tent Event	-	P	-	
Trade Fairs	-	P	-	
Nonconforming Uses				(G)(J)(V)

CO, CG, and CV Districts: Additional Provisions

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

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

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

L-4 ~~Reserved Permitted if greater than 300 feet from residential zone or use; if 300 feet or less from residential zone or use, Neighborhood Notification is required pursuant to Chapter 241.~~

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

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

L-7 Repealed.

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

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

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

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

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

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

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

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

L-14 Allowed with Neighborhood Notification pursuant to Chapter 241 if 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.

L-15 Includes businesses with the primary building use of office for vehicle retail sales and wholesale businesses which may display the maximum number of vehicles at any given time as required by the California Department of Motor Vehicles.

L-16 No person shall keep or maintain upon premises owned or controlled by him or her in the City, any kennel within 200 feet of any residential use. Refer to HBMC Section 7.12.150 - Kennels.

- (A) Reserved.
- (B) See Section 230.40, Helicopter Takeoff and Landing Areas.
- (C) Repealed.
- (D) See Section 230.38, Game Centers; Chapter 5.28, Dance Halls; Chapter 9.24, Card Rooms; Chapter 9.32, Poolrooms and Billiards; and Chapter 9.28, Pinball Machines.
- (E) See Section 230.32, Service Stations.
- (F) See Section 241.20, Temporary Use Permits.
- (G) See Chapter 236, Nonconforming Uses and Structures.
- (H) For teen dancing facilities, bicycle racks or a special bicycle parking area shall be provided. These may not obstruct either the public sidewalk or the building entry. See also Chapter 5.28, Dancing Halls; Chapter 5.44, Restaurants - Amusement and Entertainment Premises; and Chapter 5.70, Adult Entertainment Businesses.
- (I) Only permitted on a major arterial street, and a passive or active outdoor recreational amenity shall be provided.
- (J) In the CV District the entire ground floor area and at least one-third of the total floor area shall be devoted to visitor-oriented uses as described in the certified Local Coastal Program Land Use Plan. Any use other than visitor serving commercial shall be located above the ground level, and a conditional use permit from the Planning Commission or the Zoning Administrator is required. Any

use other than visitor serving commercial uses shall only be permitted if visitor serving uses are either provided prior to the other use or assured by deed restriction as part of the development. No office or residential uses shall be permitted in any visitor serving designation seaward of Pacific Coast Highway.

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

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

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

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

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

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

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

(O) See Section 230.46, Single Room Occupancy.

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

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

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

(S) See Section 230.48, Equestrian Centers.

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

(U) See Section 230.94, Carts and Kiosks.

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

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

(X) Outdoor dining with alcohol sales shall be permitted with a conditional use permit from the Zoning Administrator. Outdoor dining without alcohol sales that is 400 square feet or less shall be

permitted without a conditional use permit. If over 400 square feet with no alcohol sales, Neighborhood Notification shall be required pursuant to Chapter 241.

(Y) Neighborhood Notification requirements pursuant to Chapter 241.

(Z) In the CV District, condominium-hotels and/or fractional interest hotels are allowed only at the Pacific City (Downtown Specific Plan District 7) and Waterfront (Downtown Specific Plan District 9) sites. Refer to Downtown Specific Plan. (3248-6/95, 3334-6/97, 3341-10/96, 3378-2/98, 3482-12/00, 3522-2/02, 3553-5/02, 3568-9/02, 3707-6/05, 3774-10/07, 3848-1/10, 3859-2/10, 4038-12/14, 4091-10/16)

211.06 CO, CG, and CV Districts—Development Standards

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

CO, CG, and CV Districts: Development Standards

	CO	CG	CV	Additional Requirements
Residential Development				(A)(B)
Nonresidential Development				(B)
Minimum Lot Area (sq. ft.)	10,000	10,000	10,000	(C)
Minimum Lot Width (ft.)	100	100	100	
Minimum Setbacks				
Front (ft.)	10	10	0	(D)(E)(O)
Side (ft.)	5	0	0	(F)
Street Side (ft.)	10	10	0	(E)
Rear (ft.)	5	0	0	(F)
Maximum Height of Structures (ft.)	40	50	50	(F)(G)
Maximum Wall Dimensions				(N)
Maximum Floor Area Ratio (FAR)	1.0	1.5	1.5 <u>0.5</u>	
Minimum Site Landscaping (%)	8	8	8	(H)(I)
Building Design Standards				(O)

Fences and Walls				(J)(K)
Off-Street Parking/Loading				(L)
Outdoor Facilities	See § 230.74			(M)
Screening of Mechanical Equipment	See § 230.76			(M)
Refuse Storage Areas	See § 230.78			
Underground Utilities	See Ch. 17.64			
Performance Standards	See § 230.82			
Nonconforming Structures	See Ch. 236			
Signs	See Ch. 233			

CO, CG, and CV Districts: Additional Development Standards

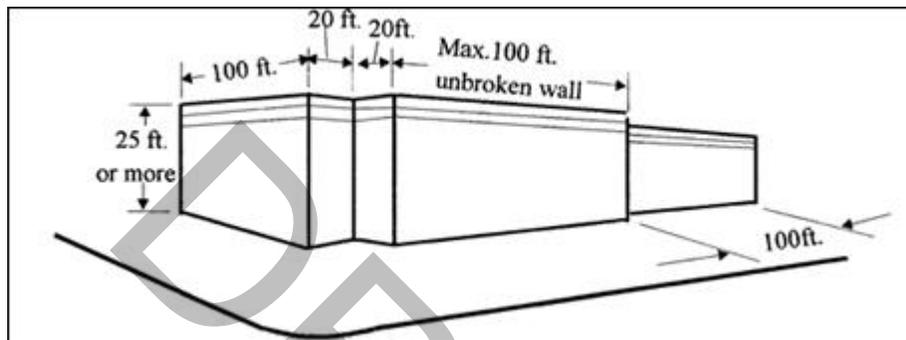
- (A) Dwelling units shall be subject to the standards for minimum setbacks, height limits, maximum density, open space, balconies and bay windows, and parking for the RMH District. The setback standards shall apply only to the stories of a building that are intended for residential use.
- (B) See Section 230.62, Building Site Required, and Section 230.64, Development on Substandard Lots.
- (C) The minimum site area for a hotel or motel is 20,000 square feet.
- (D) See Section 230.68, Building Projections into Yards and Required Open Space. Double-frontage lots shall provide front yards on each frontage.
- (E) A minimum 50-foot setback is required along Beach Boulevard, Pacific Coast Highway and Edinger Avenue or 25-foot setback with the setback area entirely landscaped.
- (F) Along a side or rear property line abutting an R district, a 10-foot setback is required, and structures within 45 feet of the district boundary shall not exceed 18 feet in height.
- (G) See Section 230.70, Measurement of Height, and Section 230.72, Exceptions to Height Limits.
- (H) **Planting Areas.**
- (1) Required front and street side yards shall be planting areas except properties with 50-foot setback shall provide a minimum 10-foot-wide planting area along street frontages.
 - (2) Required side and rear yards shall be planting areas or shall be enclosed by a solid concrete or masonry wall at least six feet in height.
 - (3) Hotels and Motels. A 15-foot-wide landscaped strip shall be provided along all street frontages, except for necessary driveways and walks.
- (I) See Chapter 232, Landscape Improvements.
- (J) See Section 230.88, Fencing and Yards.
- (K) A solid masonry or concrete wall at least six feet in height shall adjoin the site of an existing ground-floor residential use. However, where the portion of the site within 10 feet of the front property line is occupied by planting area or by a building having no openings except openings opposite a street property line, the director may grant an exception to this requirement. A wall within 15 feet of a street property line shall not exceed 3.5 feet in height.

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

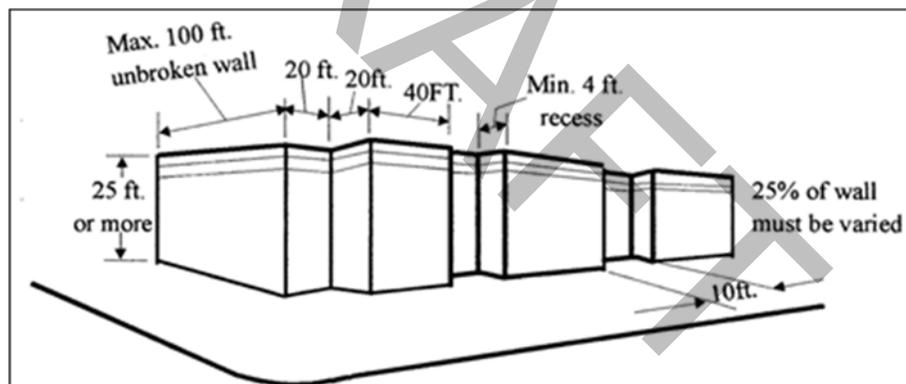
(M) See Section 230.44, Recycling Operations and Section 230.80, Antennae.

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

Maximum Wall Length and Required Break



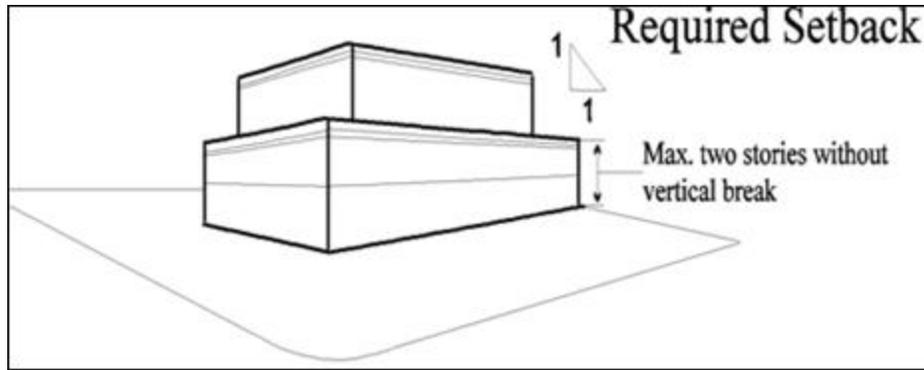
Single Horizontal Offsets: 20 Feet



Variable Offsets: 20 Feet and 4 Feet

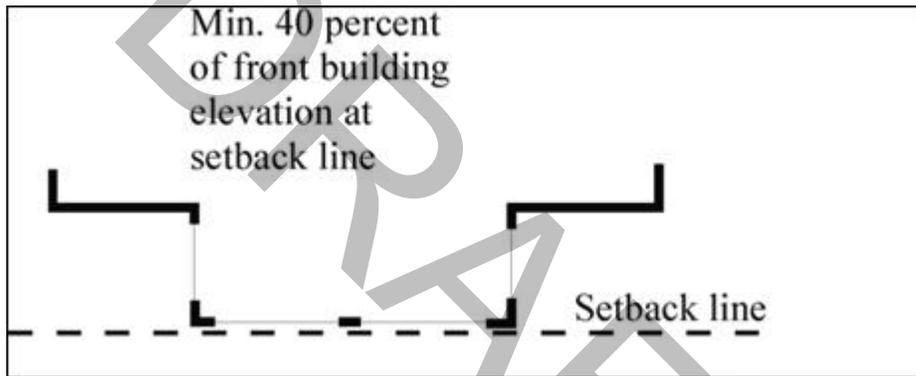
(O) Two building design standards are established to make commercial areas more attractive and provide a unified streetscape:

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



CV District: Upper-Story Setback

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



Building Face at Setback Line

(3707-6/05, 3774-10/07, 4038-12/14)

211.08 Review of Plans

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

- A. **Zoning Administrator Review.** Projects requiring a conditional use permit from the Zoning Administrator; projects on substandard lots; see Chapter 241.
- B. **Design Review Board.** See Chapter 244.
- C. **Planning Commission.** Projects requiring a conditional use permit from the Planning Commission; see Chapter 241.
- D. **Projects in the Coastal Zone.** A Coastal Development Permit is required unless the project is exempt; see Chapter 245. (3522-2/02, 3868-3/10, 3774-10/07, 4038-12/14, 4091-10/16)