

Huntington Beach Planning Commission

2000 MAIN STREET

CALIFORNIA 92648

NOTICE OF ACTION

July 10, 2019

City of Huntington Beach
2000 Main Street
Huntington Beach CA 92648

SUBJECT: GENERAL PLAN AMENDMENT NO. 2019-001, ZONING MAP AMENDMENT NO. 2018-001, ZONING TEXT AMENDMENT NO. 2018-002 (COUNTY GOTHARD PROPERTY & RESEARCH AND TECHNOLOGY ZONING)

APPLICANT: City of Huntington Beach

PROPERTY OWNER: County of Orange and Multiple Various Property Owners

REQUEST: **GPA:** To amend the General Plan Land Use Map designation on a 2.26-acre vacant parcel (APN 111-071-37) from current Open Space-Park (OS-P) to Research and Technology (RT); **ZMA:** To amend the Zoning Map designation in two existing industrial areas from Industrial General (IG), Industrial Limited (IL), and Commercial General (CG) to Research and Technology (RT); **ZTA:** To amend three chapters of the Zoning and Subdivision Ordinance to establish land use zoning and development standards for the new Research and Technology (RT) zoning district..

LOCATION: GPA: Subject parcel is located on the west side of Gothard Street at Prodan Drive. ZMA/ZTA: Existing industrial areas along the Gothard Street corridor (from south of Edinger Avenue to Ellis Avenue), and within the northwest industrial areas, generally bordered by Bolsa Avenue, Springdale Street, Edinger Avenue, and Bolsa Chica Street.

DATE OF ACTION: July 9, 2019

On Tuesday, July 9, 2019, the Huntington Beach Planning Commission took action on your application, and **approved** General Plan Amendment No. 19-001 by approving the draft City Council Resolution, **approved** Zoning Map Amendment No. 18-001 with modifications and findings for approval by approving the draft Ordinance, and **approved** Zoning Text Amendment No. 18-002 with modifications and findings for approval by approving the draft Ordinance and forwarded the recommendation to the City Council. Please see the attachment list for the applicable documents for each application.

The application will now be forwarded to the City Council for final review and action at a noticed public hearing. You will be notified of the upcoming City Council meeting when it is scheduled.

July 10, 2019

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If you have any questions regarding this Notice of Action letter or the processing of your application, please contact Hayden Beckman, the project planner, at (714) 536-5561 or via email at hayden.beckman@surfcity-hb.org, or the Community Development Department at (714) 536-5271.

Sincerely,

Ursula Luna-Reynosa, Secretary
Planning Commission

By:



Jane James, Planning Manager

ULR:JJ:HB:kd

- Attachments:
1. Findings for Approval - ZMA 18-001 and ZTA 18-002
 2. GPA No. 19-001 Draft City Council Resolution
 3. ZMA No. 18-001 Draft Ordinance
 4. ZTA No. 18-002 Draft Ordinance

c: Honorable Mayor and City Council
Chair and Planning Commission
Dave Kiff, City Manager
Ursula Luna-Reynosa, Director of Community Development
Dave McBride, Division Chief/Fire Marshal
Mike Vigliotta, Chief Assistant City Attorney
Debbie DeBow, Principal Civil Engineer
Eric Haghani, Building Manager
Project Planner
Property Owner
Project File

ATTACHMENT NO. 1

FINDINGS OF APPROVAL

ZONING MAP AMENDMENT NO. 18-001
ZONING TEXT AMENDMENT NO. 18-002

FINDINGS FOR APPROVAL - ZONING MAP AMENDMENT NO. 18-001:

1. Zoning Map Amendment No. 18-001 to amend the Huntington Beach Zoning Map designation of properties in two existing industrial areas from Industrial General (IG), Industrial Limited (IL), or Commercial General (CG) to Research and Technology (RT) is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plan. The goals and policies of the General Plan Land Use Element state that the City will accommodate future uses such as technology manufacturing and technology services within the Northwest Industrial Subarea and Gothard Street Subarea. This amendment will change the existing Zoning Map land use designations of properties located in the Northwest Industrial and Gothard Street subareas to Research and Technology (RT) to provide such accommodation in conjunction with Zoning Text Amendment No. 18-002.
2. In the case of a general land use provision, Zoning Map Amendment No. 18-001 is compatible with the uses authorized in, and the standards prescribed for, the zoning district for which it is proposed. This amendment changes the existing Zoning Map land use designation in two existing industrial areas to be consistent with the General Plan Land Use Map designation of Research and Technology (RT). The subject amendment is also consistent with the new zoning provisions for RT designated properties.
3. A community need is demonstrated for the proposed amendment in that the amendment will ensure that the city provides for new nonresidential mixed-use development within the General Plan's Northwest Industrial and Gothard Street subareas. A changing employment demand has created a need for a variety of nonresidential mixed-use development in industrial areas to encourage both employment uses and commercial uses that accommodate employees while continuing to allow traditional industrial uses. Promoting targeted development and expansion of commercial uses create an environment that meets resident and employee needs and increases the capture of sales tax revenues. The RT zoning designation will bring the Zoning Map into conformance with the General Plan Land Use Map, enabling future development to take place in the new district.
4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice. The proposed amendment will implement the RT zoning designation on properties currently designated RT by the General Plan Land Use Map, which is required for all future development and business activity. The amendment, in conjunction with new land use controls and development standards set forth in Zoning Text Amendment No. 2018-002, fulfill the vision of the General Plan Land Use Element by attracting new industrial and ancillary commercial uses to the City and expand the goods and services available to employees of local businesses and customers from the surrounding communities.

FINDINGS FOR APPROVAL - ZONING TEXT AMENDMENT NO. 18-002:

1. Zoning Text Amendment (ZTA) No. 18-002 to amend Chapter 204 (Use Classifications), Chapter 212 (Industrial Districts), and Chapter 231 (Off-Street Parking and Loading Provisions) of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) to establish land use zoning and development standards for the new Research and Technology (RT) zoning district is consistent with the objectives, policies, general land uses and programs specified in the General Plan including:

Land Use Element

Goal LU-1: New commercial, industrial, and residential development is coordinated to ensure that the land use pattern is consistent with the overall goals and needs of the community.

Policy LU-1 (C): Support infill development, consolidation of parcels, and adaptive reuse of existing buildings.

Goal LU-5: Industrial businesses provide employment opportunities for residents, supporting the local economy.

Policy LU-5 (A): Support and attract new businesses in the city's industrial areas.

Policy LU-5 (B): Encourage clean, less intensive industrial development in areas identified in the planning area.

Policy LU-5 (C): Ensure proposed development and uses in industrial areas contribute to the City's economic development objectives and do not minimize existing uses.

Policy LU-5 (D): Explore opportunities to optimize use of underutilized or underperforming industrial land that is sensitive to surrounding uses, and to introduce new industrial uses that create jobs.

Goal LU-13: The city provides opportunities for new businesses and employees to ensure a high quality of life and thriving industry.

Policy LU-13 (A): Encourage expansion of the range of goods and services provided to accommodate the needs of all residents and the market area.

Policy LU-13 (B): Capture emerging industries such as, but not limited to, "knowledge"-based industries and research and development firms.

The ZTA will establish new development standards that support the attraction of new industrial and ancillary commercial uses to the City and the retention of existing businesses by providing new employment opportunities and an expansion of goods and services to the employees of local businesses and customers from the surrounding communities. The proposed amendments encourage less intensive traditional industrial uses and introduce new industrial uses designed to create jobs and support and protect the local industrial economic base.

2. In the case of a general land use provision, ZTA No. 18-002 is compatible with the uses authorized in, and the standards prescribed for the zoning district for which it is proposed.

As established by the General Plan Update in 2017, the Research and Technology (RT) land use designation provides for a wide variety of nonresidential mixed-use development in industrial areas and encourages both employment uses and commercial uses designed to accommodate employees while continuing to allow for traditional industrial uses. The ZTA will implement the General Plan Land Use Element's RT designation by formally establishing the new RT district, and providing land use controls and development standards that offer a variety of nonresidential mixed-use land uses that support a wider range of both industrial and commercial uses that support the growth and retention of the City's industrial base. The few uses that have been added or clarified in the Research and Technology (RT) district will not change the character of the existing Industrial General (IG) or Industrial Limited (IL) zoning districts and the uses authorized therein.

3. A community need is demonstrated for the changes proposed in that the current industrial land use controls and development standards do not reflect the current business market or provide for business needs, growth or retention. The ZTA will establish new land use classifications and development standards that allow for a scaled injection of commercial uses into primary industrial space as a means to support both existing and new businesses by providing spatial needs above what current standards allow. The ZTA will ensure the HBZSO is clear, current, and adapted to market trends.
4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice because ZTA No. 18-002 ensures the HBZSO is clear, current, reflective of market trends, and validates the City's ongoing effort to support changing employment demand.

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF HUNTINGTON BEACH APPROVING
GENERAL PLAN AMENDMENT NO. 19-001**

WHEREAS, General Plan Amendment No. 19-001 proposes to amend the Land Use Element of the City's General Plan to re-designate the land use designation of the real property consisting of an approximately 2.26-acre site generally located west of the intersection of Gothard Street at Prodan Drive, as more particularly described as Exhibits "A" and "B" attached hereto, from Open Space – Parks (OS-P) to Research and Technology (RT).

Pursuant to California Government Code, the Planning Commission of the City of Huntington Beach, after notice duly given, held a public hearing to consider General Plan Amendment No. 19-001 and recommended approval of said entitlement to the City Council; and

Pursuant to California Government Code, the City Council of the City of Huntington Beach, after notice duly given, held a public hearing to consider General Plan Amendment No. 19-001; and

The City Council finds that said General Plan Amendment No. 19-001 is necessary for the changing needs and orderly development of the community, is necessary to accomplish refinement of the General Plan, and is consistent with other elements of the General Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Huntington Beach as follows:

SECTION 1: That the real property that is the subject of this Resolution (hereinafter referred to as the "Subject Property") is generally located southeast of the intersection of Bolsa Chica Street and Los Patos Avenue, and map attached hereto as Exhibits "A" and "B", respectively, and incorporated by this reference as though fully set forth herein.

SECTION 2: That General Plan Amendment No. 19-001, which amends the General Plan Land Use designation from Open Space – Parks (OS-P) to Research and Technology (RT) for the subject site, is hereby approved. The Director of Community Development is hereby directed to prepare and file an amended Land Use Map. A copy of said map, as amended, shall be available for inspection in the Community Development Department.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 2019.

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

REVIEWED AND APPROVED:

INITIATED AND APPROVED:

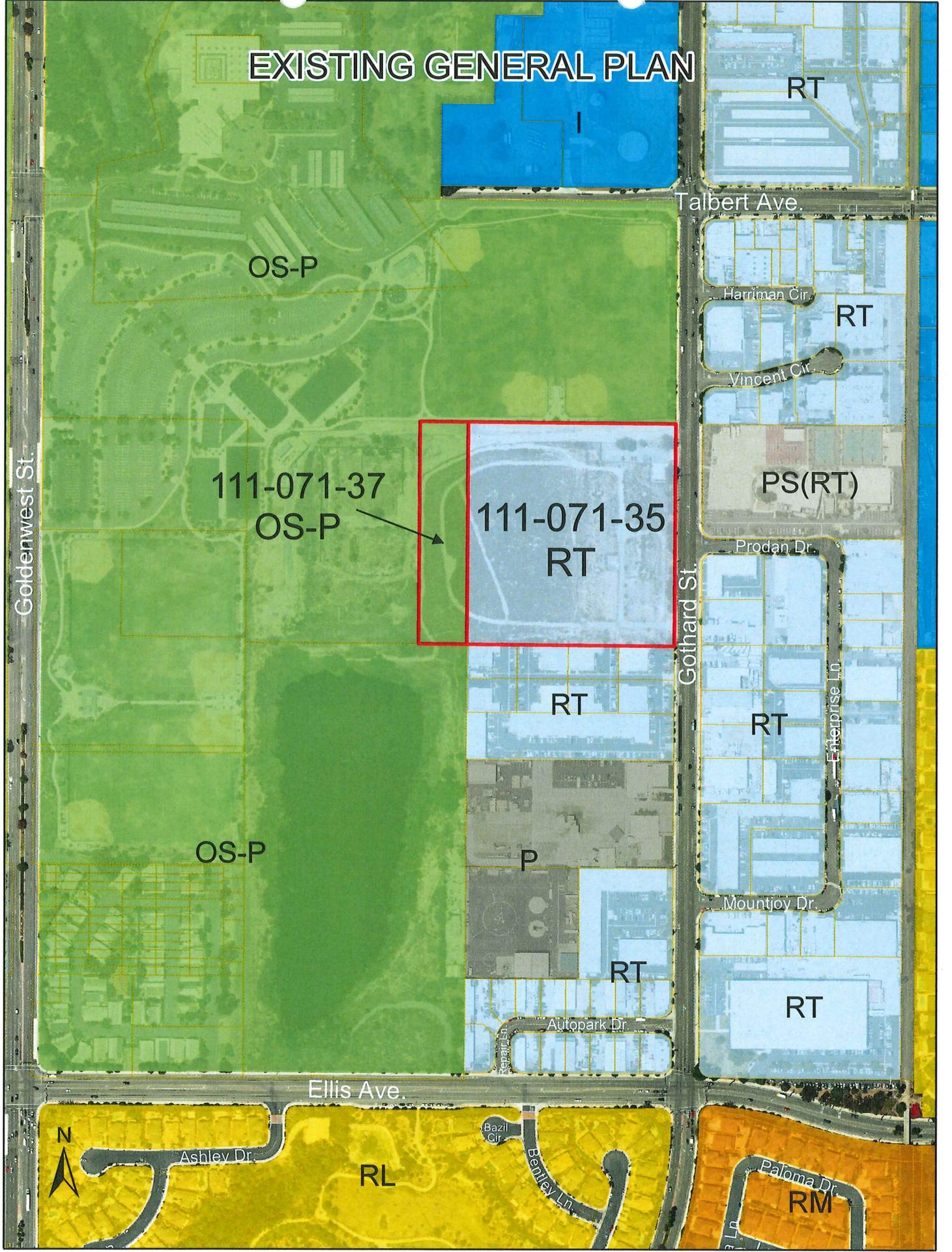
City Manager

Community Development Director

ATTACHMENTS

Exhibit A: Existing and Proposed General Plan Land Use Map

EXISTING GENERAL PLAN



111-071-37
OS-P

111-071-35
RT

RT

RT

PS(RT)

RT

RT

P

RT

RT

RL

RM

Goldenwest St.

Gothard St.

Ellis Ave.

Ashley Dr.

Paloma Dr.

Talbert Ave.

Harriman Cir.

Vincent Cir.

Prodan Dr.

Mountjoy Dr.

Autopark Dr.

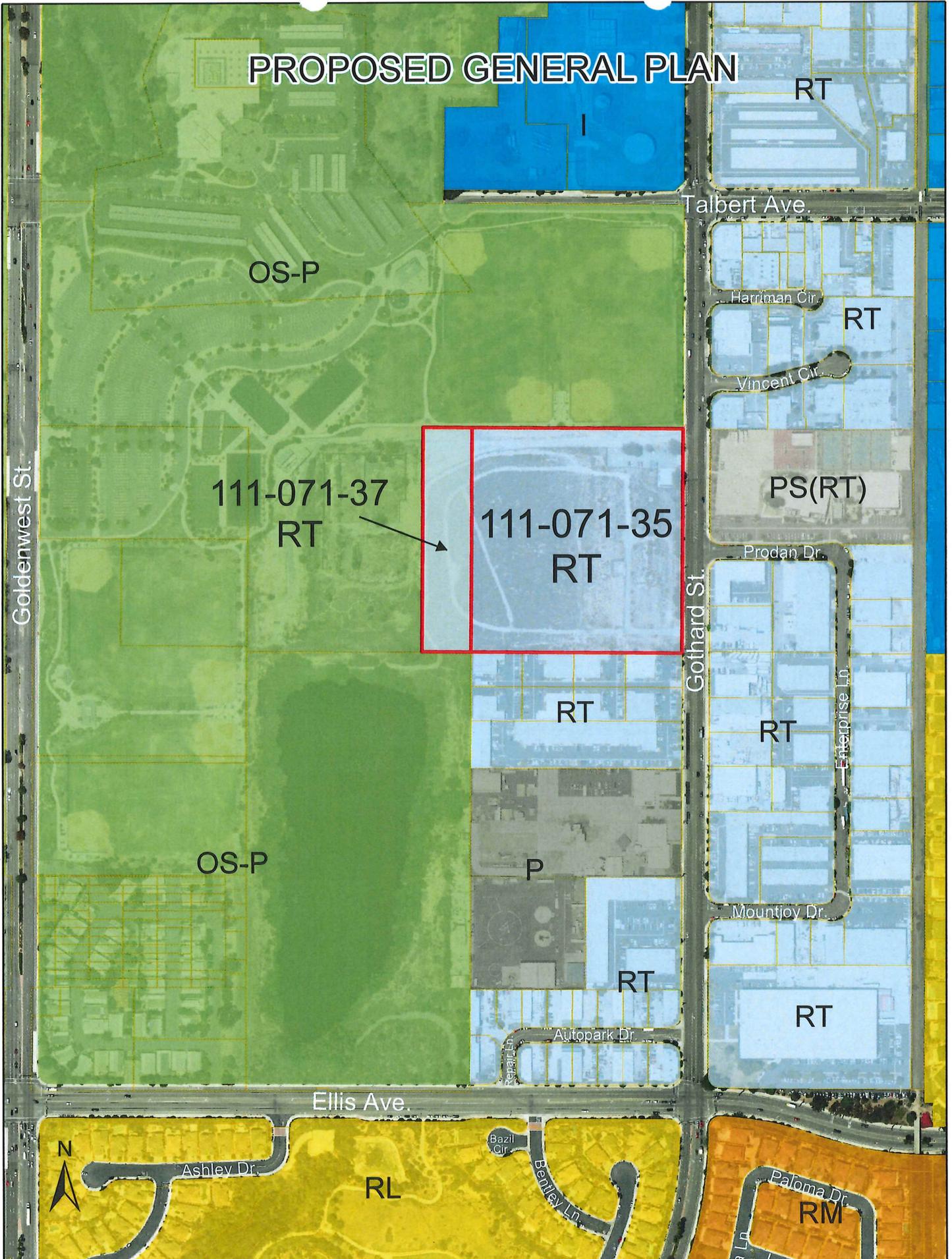
Basil Cir.

Bentley Ln.

Enterprise Ln.



PROPOSED GENERAL PLAN



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH
AMENDING THE HUNTINGTON BEACH ZONING AND SUBDIVISION
ORDINANCE BY CHANGING THE ZONING DESIGNATION FROM
IG (INDUSTRIAL GENERAL), IL (INDUSTRIAL LIGHT), OR CG (COMMERCIAL
GENERAL) TO RT (RESEARCH AND TECHNOLOGY) ON REAL PROPERTY
LOCATED IN TWO EXISTING INDUSTRIAL AREAS HEREIN REFERRED TO AS
THE GOTHARD STREET CORRIDOR AND NORTHWEST INDUSTRIAL AREA
(ZONING MAP AMENDMENT NO. 18-001)

WHEREAS, pursuant to the State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate public hearings relative to Zoning Map Amendment No. 18-001, wherein both bodies have carefully considered all information presented at said hearings, and after due consideration of the findings and recommendations of the Planning Commission and all evidence presented to said City Council, the City Council finds that such zone change is proper, and consistent with the General Plan.

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

SECTION 1. That the real property located within two existing industrial districts, referred to as the Gothard Corridor and Northwest Industrial Areas, and more particularly described in the legal description and maps collectively attached hereto as Exhibit A and Exhibit B and incorporated by this reference as though fully set forth herein, is hereby changed from IG (Industrial General), IL (Industrial Light), or CG (Commercial General) to RT (Research and Technology).

SECTION 2. That the Director of Planning is hereby directed to amend District Map 18 (Sectional Map 16-5-11); District Map 26 (Sectional Map 23-5-11); District Map

31 (Sectional Map 26-5-11); and District Map 35-5-11) of the Huntington Beach Zoning and Subdivision Ordinance to reflect the changes contained in this ordinance. The Director of Community Development is further directed to file the amended map. A copy of such map, as amended, shall be available for inspection in the Office of the City Clerk.

SECTION 3. This ordinance shall take effect thirty days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____ 2019.

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

REVIEWED AND APPROVED:

INITIATED AND APPROVED:

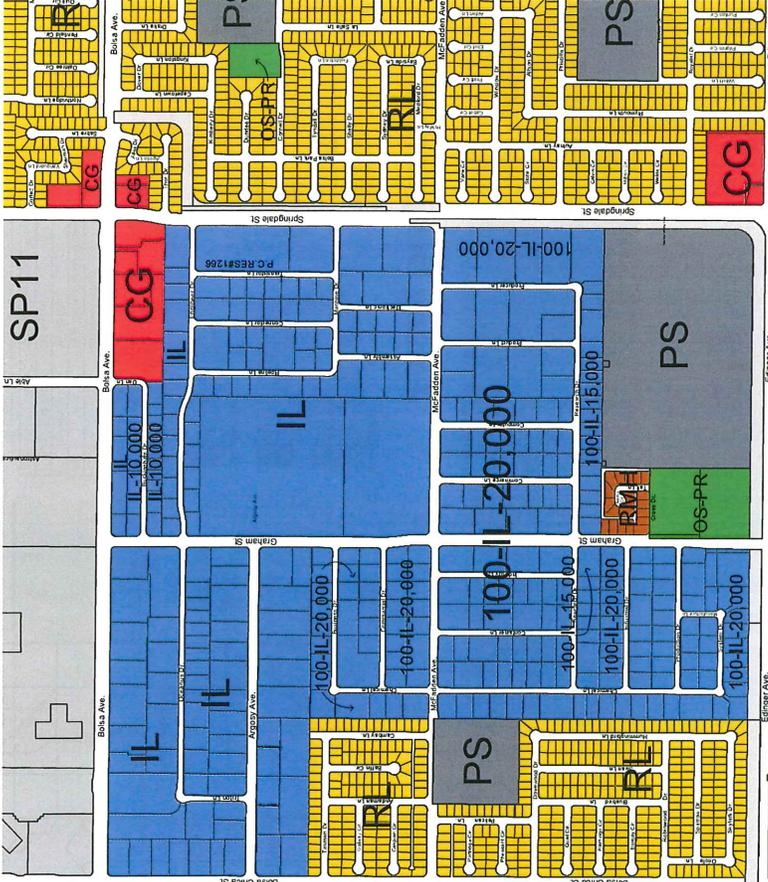
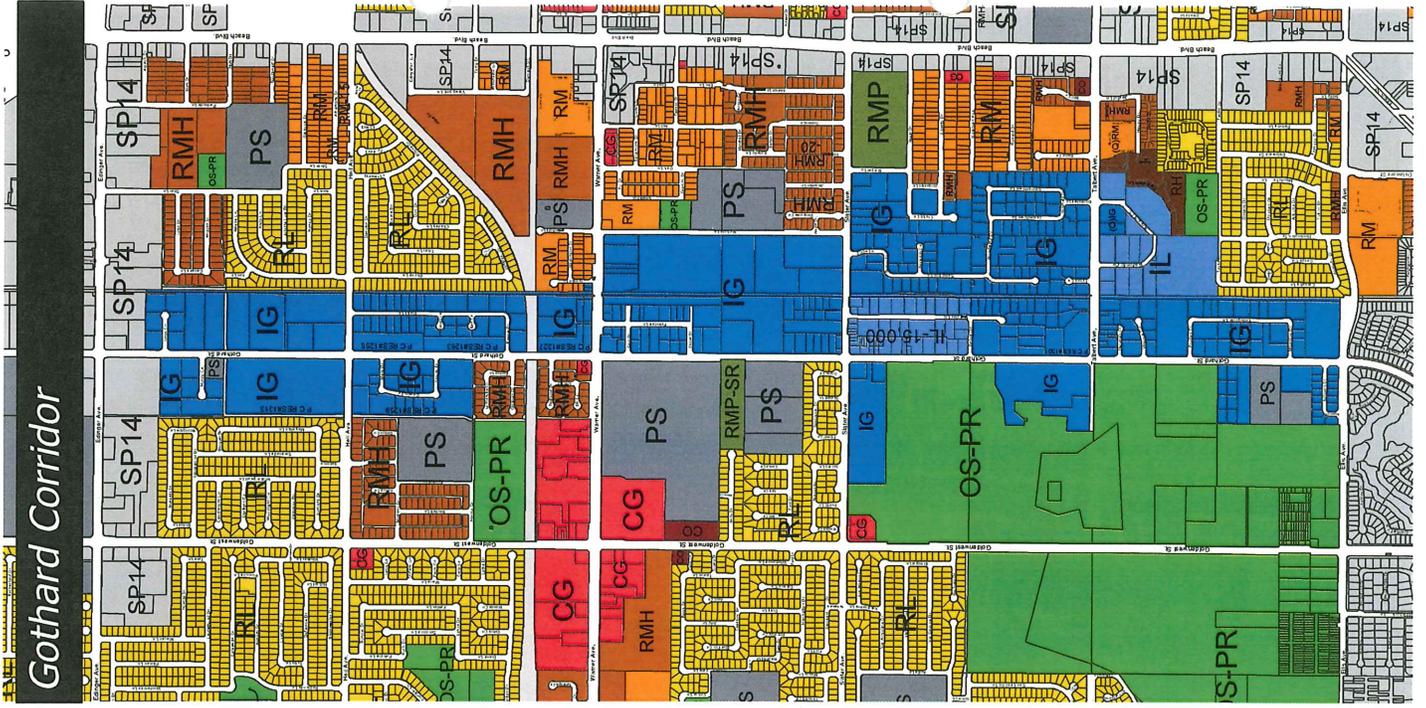
City Administrator

Director of Planning

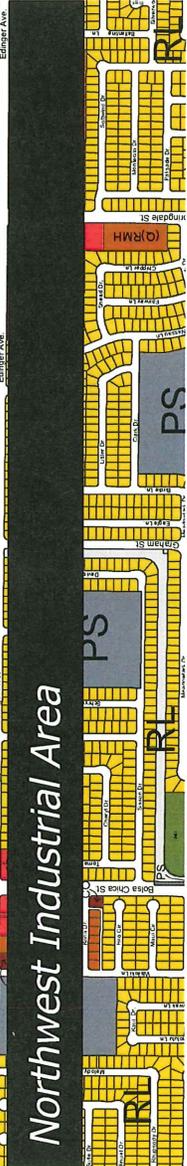
ATTACHMENTS

Exhibit A: Existing and Proposed Zoning Map

Gothard Corridor

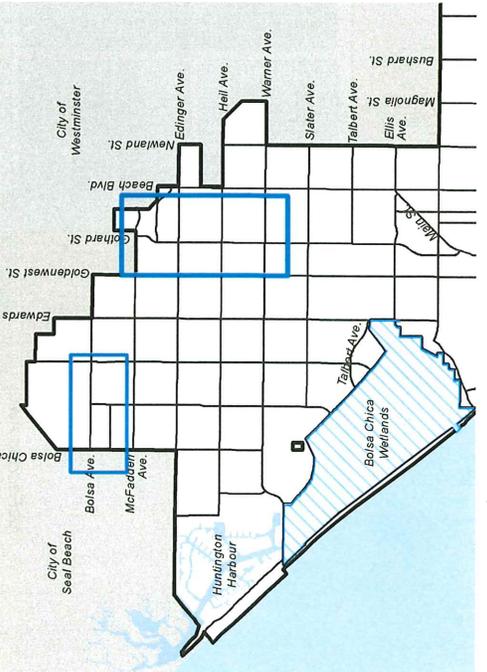


Northwest Industrial Area

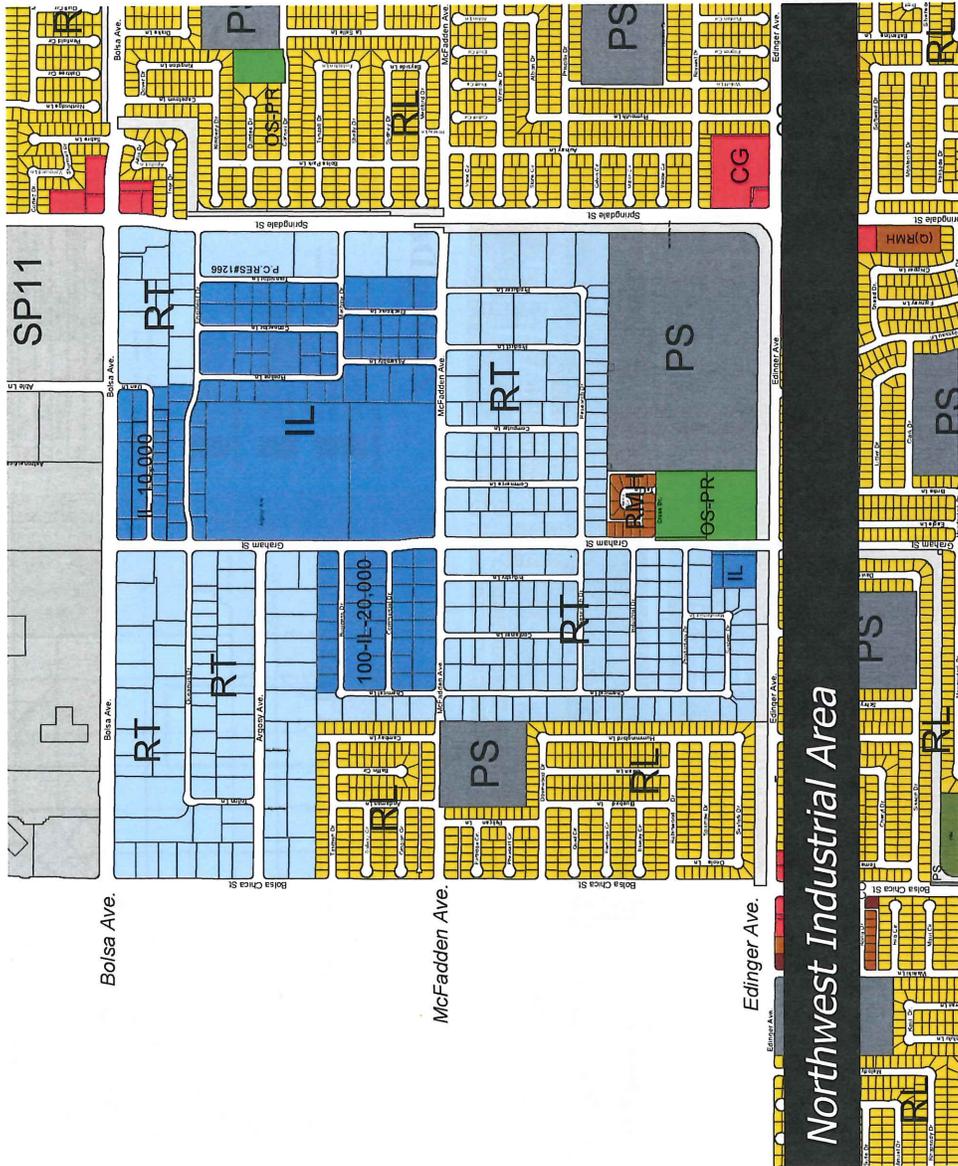


Zoning Designations

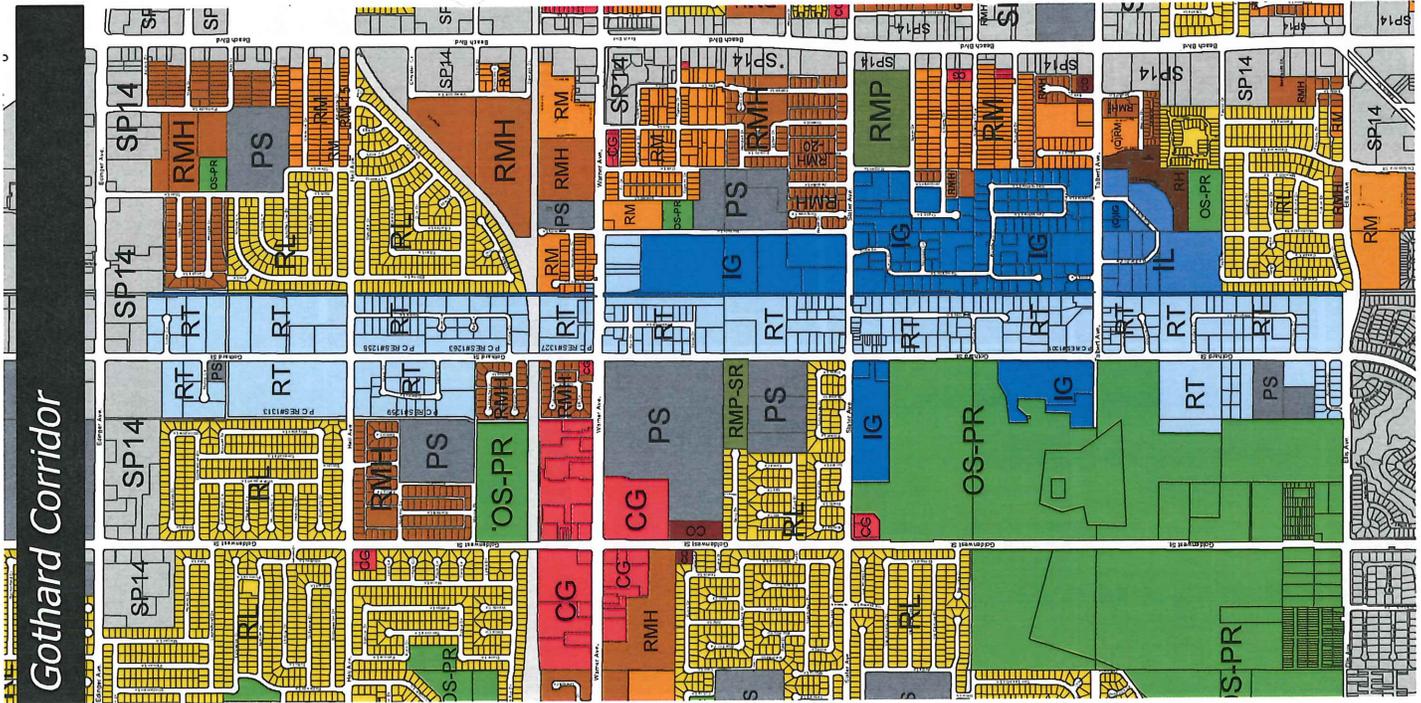
- Mixed Use**
 - Mixed Use - Transit Center
- Conservation**
 - Coastal Conservation
- Public**
 - Public-Stempublic
- Open Space**
 - Park and Recreation Subdistrict
 - Shoreline Subdistrict
 - Water Recreation Subdistrict
- Miscellaneous**
 - Specific Plan Designation
 - Unaffiliated Classification
 - Parade
 - Right of Way, Bridge, Channel
- Residential**
 - Residential Low Density
 - Residential Medium Density
 - Residential Medium High Density
 - Residential High Density (Small Lot Subdistrict)
 - Residential High Density
 - Residential Access
 - Manufactured Home Park
- Commercial**
 - Commercial Visitor
 - Commercial General
 - Commercial Office
- Industrial**
 - Industrial General
 - Industrial Limited
- Overlay Districts**
 - Highrise Overlay
 - Senior Manufactured Home Park
 - Mixed Use
 - (P.C. Resolution #)
 - Oil Overlay
 - Coastal Zone Overlay Boundary
 - CZ



* FEMA flood information is available through the Planning Department



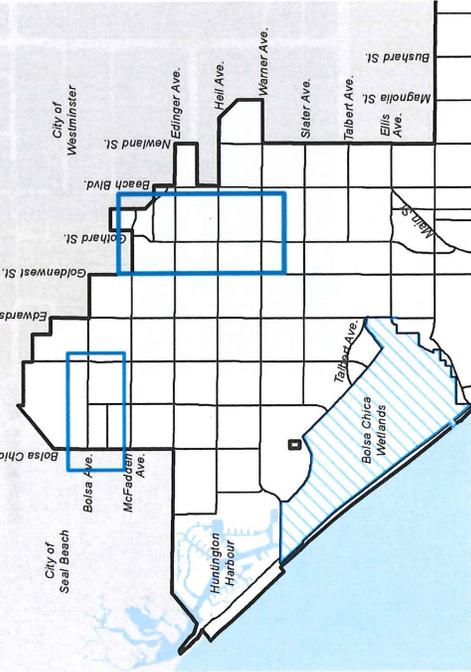
Northwest Industrial Area



Gothard Corridor

Zoning Designations

- Mixed Use**
 - Mixed Use - Transit Center
- Conservation**
 - Coastal Conservation
- Public**
 - Public-Scenic
- Open Space**
 - Parks and Recreation Subdistrict
 - Water Recreation Subdistrict
- Miscellaneous**
 - Specific Plan Designation
 - Qualified Classification
 - Right-of-Way, Bridge, Channel
- Residential**
 - Residential Low Density
 - Residential Medium Density
 - Residential Medium High Density (Small Lot Subdistrict)
 - Residential High Density
 - Residential Medium Density Manufactured Home Park
- Commercial**
 - Commercial Visitor
 - Commercial General
 - Commercial Office
- Industrial**
 - Industrial General
 - Industrial Limited
- Overlay Districts**
 - HIGHWAY OVERLAY
 - SENIOR MANUFACTURED HOME PARK
 - MIXED USE
 - OIL OVERLAY
 - COASTAL ZONE OVERLAY BOUNDARY



* FEMA Flood Information is available through the Planning Department

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH
AMENDING CHAPTERS 204 USE CLASSIFICATIONS, 212 INDUSTRIAL
DISTRICTS, AND 231 OFF-STREET PARKING AND LOADING OF THE
HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE
(ZONING TEXT AMENDMENT NO. 18-002)**

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. 18-002, which amends Chapters 204 Use Classifications, 212 Industrial Districts, and 231 Off-Street Parking and Loading of the Huntington Beach Zoning and Subdivision Ordinance to establish a set of zoning standards for the Research and Technology (RT) zoning district.

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 Chapters 204, 212, and 231 of the Huntington Beach Zoning and Subdivision Ordinance titled Definitions is hereby amended to read as set forth in Exhibits A, B, and C.

SECTION 2. All other provisions of Chapters 204, 212, and 231 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 _____, 2019.

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

REVIEWED AND APPROVED:

INITIATED AND APPROVED:

City Manager

Director of Community Development

Exhibit A: Legislative Draft Chapter 204 Use Classifications
Exhibit B: Legislative Draft Chapter 212 Industrial Districts
Exhibit C: Legislative Draft Chapter 231 Off-Street Parking and Loading

EXHIBIT A

Chapter 204 USE CLASSIFICATIONS

204.02 Applicability

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

204.04 Uses Not Classified

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

204.06 Residential Use Classifications

- A. **Day Care, Limited (or Small-Family).** Non-medical care and supervision of six or fewer persons, or eight or fewer persons if two of the persons are six years of age or older, on a less than 24-hour basis. Children under the age of 10 years who reside in the home shall be counted for purposes of these limits. This classification includes nursery schools, preschools, and day-care centers for children and adults.
- B. **Group Residential.** Shared living quarters without separate kitchen or bathroom facilities for each room or unit. This classification includes boarding houses, but excludes residential hotels or motels.
- C. **Multifamily Residential.** Two or more dwelling units on a site. This classification includes manufactured homes.
- D. **Residential Alcohol Recovery, Limited.** Twenty-four-hour care for no more than six persons suffering from alcohol problems in need of personal services, supervision, protection or assistance. This classification includes only those facilities licensed by the State of California.
- E. **Residential Care, Limited.** Twenty-four-hour non-medical care for six or fewer persons in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. This classification includes only those services and facilities licensed by the State of California.
- F. **Single-Family Residential.** Buildings containing one dwelling unit located on a single lot. This classification includes manufactured homes.
- G. **Supportive Housing.** Housing with no limit on length of stay that is occupied by the target population and is linked to on-site or off-site services that assist residents to retain the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. On-site and off-site services may include, but are not limited to, after-school tutoring, child care, and career counseling. Supportive housing uses are subject only to those

EXHIBIT A

restrictions and processing requirements that apply to other residential dwellings of the same type in the same zone.

H. **Transitional Housing.** Temporary housing (generally six months to two years) for a homeless individual or family who is transitioning to permanent housing. This type of housing includes multi-family unit developments and often includes a supportive services component to allow individuals to gain necessary life skills in support of independent living. Transitional housing uses are subject only to those restrictions and processing requirements that apply to other residential dwellings of the same type in the same zone. (3334-6/97, 3669-12/04, 3857-2/10)

204.08 Public and Semipublic Use Classifications

A. **Cemetery.** Land used or intended to be used for the burial of human remains and dedicated for cemetery purposes. Cemetery purposes include columbariums, crematoriums, mausoleums, and mortuaries operated in conjunction with the cemetery, business and administrative offices, chapels, flower shops, and necessary maintenance facilities.

B. **Clubs and Lodges.** Meeting, recreational, or social facilities of a private or nonprofit organization primarily for use by members or guests. This classification includes union halls, social clubs and youth centers.

C. **Community and Human Service Facilities.**

1. **Drug Abuse Centers.** Facilities offering drop-in services for persons suffering from drug abuse, including treatment and counseling without provision for on-site residence or confinement.
2. **Primary Health Care.** Medical services, including clinics, counseling and referral services, to persons afflicted with bodily or mental disease or injury without provision for on-site residence or confinement.
3. **Emergency Kitchens.** Establishments offering food for the “homeless” and others in need.
4. **Emergency Shelters.** Establishments offering food and shelter programs for “homeless” people and others in need. This classification does not include facilities licensed for residential care, as defined by the State of California, which provide supervision of daily activities.
5. **Residential Alcohol Recovery, General.** Facilities providing 24-hour care for more than six persons suffering from alcohol problems, in need of personal services, supervision, protection or assistance.

These facilities may include an inebriate reception center as well as facilities for treatment, training, research, and administrative services for program participants and employees. This classification includes only those facilities licensed by the State of California.

6. **Residential Care, General.** Twenty-four-hour non-medical care for seven or more persons, including wards of the juvenile court, in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. This classification includes only those facilities licensed by the State of California.

EXHIBIT A

- D. **Convalescent Facilities.** Establishments providing care on a 24-hour basis for persons requiring regular medical attention, but excluding facilities providing surgical or emergency medical services.
- E. **Cultural Institutions.** Nonprofit institutions displaying or preserving objects of interest in one or more of the arts or sciences. This classification includes libraries, museums, and art galleries.
- F. **Day Care, Large-Family.** Non-medical care and supervision for seven to 12 persons, or up to 14 persons if two of the persons are six years of age or older on a less than 24-hour basis. Children under the age of 10 years who reside in the home shall be counted for purposes of these limits.
- G. **Day Care, General.** Non-medical care for 13 or more persons on a less than 24-hour basis. This classification includes nursery schools, preschools, and day-care centers for children or adults.
- H. **Emergency Health Care.** Facilities providing emergency medical service with no provision for continuing care on an inpatient basis.
- I. **Government Offices.** Administrative, clerical, or public contact offices of a government agency, including postal facilities, together with incidental storage and maintenance of vehicles.
- J. **Heliports.** Pads and facilities enabling takeoffs and landings by helicopter.
- K. **Hospitals.** Facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons, primarily on an inpatient basis. This classification includes incidental facilities for out-patient treatment, as well as training, research, and administrative services for patients and employees.
- L. **Maintenance and Service Facilities.** Facilities providing maintenance and repair services for vehicles and equipment, and materials storage areas. This classification includes corporation yards, equipment service centers, and similar facilities.
- M. **Marinas.** A boat basin with docks, mooring facilities, supplies and equipment for small boats.
- N. **Park and Recreation Facilities.** Noncommercial parks, playgrounds, recreation facilities, and open spaces.
- O. **Public Safety Facilities.** Facilities for public safety and emergency services, including police and fire protection.
- P. **Religious Assembly.** Facilities for religious worship and incidental religious education, but not including private schools as defined in this section.
- Q. **Schools, Public or Private.** Educational institutions having a curriculum comparable to that required in the public schools of the State of California.
- R. **Utilities, Major.** Generating plants, electrical substations, above-ground electrical transmission lines, switching buildings, refuse collection, transfer, recycling or disposal facilities, flood control or drainage facilities, water or wastewater treatment plants, transportation or communications utilities, and similar facilities of public agencies or public utilities.
- S. **Utilities, Minor.** Utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, underground water and sewer lines, and recycling and collection containers. (3334-6/97, 3669-12/04)

EXHIBIT A

204.10 Commercial Use Classifications

- A. **Ambulance Services.** Provision of emergency medical care or transportation, including incidental storage and maintenance of vehicles as regulated by Chapter [5.20](#).
- B. **Animal Sales and Services.**
1. **Animal Boarding.** Provision of shelter and care for small animals on a commercial basis. This classification includes activities such as feeding, exercising, grooming, and incidental medical care, and kennels.
 2. **Animal Grooming.** Provision of bathing and trimming services for small animals on a commercial basis. This classification includes boarding for a maximum period of 48 hours.
 3. **Animal Hospitals.** Establishments where small animals receive medical and surgical treatment. This classification includes only facilities that are entirely enclosed, soundproofed, and air-conditioned. Grooming and temporary (maximum 30 days) boarding of animals are included, if incidental to the hospital use.
 4. **Animals, Retail Sales.** Retail sales and boarding of small animals, provided such activities take place within an entirely enclosed building. This classification includes grooming, if incidental to the retail use, and boarding of animals not offered for sale for a maximum period of 48 hours.
 5. **Equestrian Centers.** Establishments offering facilities for instruction in horseback riding, including rings, stables, and exercise areas.
 6. **Pet Cemetery.** Land used or intended to be used for the burial of animals, ashes or remains of dead animals, including placement or erection of markers, headstones or monuments over such places of burial.
- C. **Artists' Studios.** Work space for artists and artisans, including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft.
- D. **Banks and Savings and Loans.** Financial institutions that provide retail banking services to individuals and businesses. This classification includes only those institutions engaged in the on-site circulation of cash money. It also includes businesses offering check-cashing facilities.
- With Drive-up Service. Institutions providing services accessible to persons who remain in their automobiles.
- E. **Building Materials and Services.** Retailing, wholesaling, or rental of building supplies or equipment. This classification includes lumber yards, tool and equipment sales or rental establishments, and building contractors' yards, but excludes establishments devoted exclusively to retail sales of paint and hardware, and activities classified under Vehicle/Equipment Sales and Services.
- F. **Catering Services.** Preparation and delivery of food and beverages for off-site consumption without provision for on-site pickup or consumption. (See also Eating and Drinking Establishments.)
- G. **Commercial Filming.** Commercial motion picture or video photography at the same location more than six days per quarter of a calendar year. (See also Chapter [5.54](#), Commercial Photography.)

EXHIBIT A

H. **Commercial Recreation and Entertainment.** Provision of participant or spectator recreation or entertainment. This classification includes theaters, sports stadiums and arenas, amusement parks, bowling alleys, billiard parlors and poolrooms as regulated by Chapter [9.32](#); dance halls as regulated by Chapter [5.28](#); ice/roller skating rinks, golf courses, miniature golf courses, scale-model courses, shooting galleries, tennis/racquetball courts, health/fitness clubs, pinball arcades or electronic games centers, cyber café having more than four coin-operated game machines as regulated by Chapter [9.28](#); card rooms as regulated by Chapter [9.24](#); and fortune telling as regulated by Chapter [5.72](#).

Limited. Indoor movie theaters, game centers and performing arts theaters and health/fitness clubs occupying less than 2,500 square feet.

I. **Communications Facilities.** Broadcasting, recording, and other communication services accomplished through electronic or telephonic mechanisms, but excluding Utilities (Major). This classification includes radio, television, or recording studios; telephone switching centers; telegraph offices; and wireless communication facilities.

J. **Eating and Drinking Establishments.** Businesses serving prepared food or beverages for consumption on or off the premises.

1. With Fast-Food or Take-Out Service. Establishments where patrons order and pay for their food at a counter or window before it is consumed and may either pick up or be served such food at a table or take it off-site for consumption.

a. Drive-through. Service from a building to persons in vehicles through an outdoor service window.

b. Limited. Establishments that do not serve persons in vehicles or at a table.

2. With Live Entertainment/Dancing. An eating or drinking establishment where dancing and/or live entertainment is allowed. This classification includes nightclubs subject to the requirements of Chapter [5.44](#) of the Municipal Code.

K. **Food and Beverage Sales.** Retail sales of food and beverages for off-site preparation and consumption. Typical uses include groceries, liquor stores, or delicatessens. Establishments at which 20% or more of the transactions are sales of prepared food for on-site or take-out consumption shall be classified as Catering Services or Eating and Drinking Establishments.

With Alcoholic Beverage Sales. Establishments where more than 10% of the floor area is devoted to sales, display and storage of alcoholic beverages.

L. **Food Processing.** Establishments primarily engaged in the manufacturing or processing of food or beverages for human consumption and wholesale distribution.

M. **Funeral and Interment Services.** Establishments primarily engaged in the provision of services involving the care, preparation or disposition of human dead other than in cemeteries. Typical uses include crematories, columbariums, mausoleums or mortuaries.

N. **Horticulture.** The raising of fruits, vegetables, flowers, trees, and shrubs as a commercial enterprise.

O. **Laboratories.** Establishments providing medical or dental laboratory services; or establishments with less than 2,000 square feet providing photographic, analytical, or testing services. Other laboratories are classified as Limited Industry.

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P. Maintenance and Repair Services. Establishments providing appliance repair, office machine repair, or building maintenance services. This classification excludes maintenance and repair of vehicles or boats; see (Vehicle/Equipment Repair).

Q. Marine Sales and Services. Establishments providing supplies and equipment for shipping or related services or pleasure boating. Typical uses include chandleries, yacht brokerage and sales, boat yards, boat docks, and sail-making lofts.

R. Reserved.

S. Nurseries. Establishments in which all merchandise other than plants is kept within an enclosed building or a fully screened enclosure, and fertilizer of any type is stored and sold in package form only.

T. Offices, Business and Professional. Offices of firms or organizations providing professional, executive, management, or administrative services, such as architectural, engineering, graphic design, interior design, real estate, insurance, investment, legal, veterinary, and medical/dental offices. This classification includes medical/dental laboratories incidental to an office use, but excludes banks and savings and loan associations.

U. Pawn Shops. Establishments engaged in the buying or selling of new or secondhand merchandise and offering loans secured by personal property and subject to Chapter [5.36](#) of the Municipal Code.

V. Personal Enrichment Services. Provision of instructional services or facilities, including photography, fine arts, crafts, dance or music studios, driving schools, business and trade schools, and diet centers, reducing salons, fitness studios, and yoga or martial arts studios.

W. Personal Services. Provision of recurrently needed services of a personal nature. This classification includes barber and beauty shops, seamstresses, tailors, shoe repair shops, dry-cleaning businesses (excluding large-scale bulk cleaning plants), photo-copying, self-service laundries, and massage as regulated by Chapter [5.24](#).

X. Research and Development Services. Establishments primarily engaged in industrial or scientific research, including limited product testing. This classification includes electron research firms or pharmaceutical research laboratories, but excludes manufacturing, except of prototypes, or medical testing and analysis.

Y. Retail Sales. The retail sale of merchandise not specifically listed under another use classification. This classification includes department stores, drug stores, clothing stores, and furniture stores, and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies, medical supplies and equipment, electronic equipment, records, sporting goods, surfing boards and equipment, kitchen utensils, hardware, appliances, antiques, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, and new automotive parts and accessories (excluding service and installation).

Z. Secondhand Appliances and Clothing Sales. The retail sale of used appliances and clothing by secondhand dealers who are subject to Chapter [5.36](#). This classification excludes antique shops primarily engaged in the sale of used furniture and accessories other than appliances, but includes junk shops.

AA. Sex-Oriented Businesses. Establishments as regulated by Chapter [5.70](#); and figure model studios as regulated by Chapter [5.60](#).

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BB. Swap Meets, Indoor/Flea Markets. An occasional, periodic or regularly scheduled market held within a building where groups of individual vendors offer goods for sale to the public.

CC. Swap Meets, Recurring. Retail sale or exchange of handcrafted or secondhand merchandise for a maximum period of 32 consecutive hours, conducted by a sponsor on a more than twice yearly basis.

DD. Tattoo Establishment. Premises used for the business of marking or coloring the skin with tattoos as regulated by Chapter [8.70](#).

EE. Travel Services. Establishments providing travel information and reservations to individuals and businesses. This classification excludes car rental agencies.

FF. Vehicle/Equipment Sales and Services.

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

GG. Visitor Accommodations.

1. Bed and Breakfast Inns. Establishments offering lodging on a less than weekly basis in a converted single-family or multi-family dwelling or a building of residential design, with incidental eating and drinking service for lodgers only provided from a single kitchen.
2. Hotels and Motels. Establishments offering lodging on a weekly or less than weekly basis. Motels may have kitchens in no more than 25% of guest units, and "suite" hotels may

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have kitchens in all units. This classification includes eating, drinking, and banquet service associated with the facility.

3. Condominium-Hotel. Facility providing overnight visitor accommodations where ownership of at least some of the individual guestrooms (units) within the larger building or complex is in the form of separate condominium ownership interests, as defined in California [Civil Code](#) Section 1351(f). The primary function of the Condominium-Hotel is to provide overnight transient visitor accommodations within every unit that is available to the general public on a daily basis year-round, while providing both general public availability and limited owner occupancy of those units that are in the form of separate condominium ownership interests.

4. Fractional Ownership Hotel. Facility providing overnight visitor accommodations where at least some of the guestrooms (units) within the facility are owned separately by multiple owners on a fractional time basis. A fractional time basis means that an owner receives exclusive right to use of the individual unit for a certain quantity of days per year and each unit available for fractional ownership will have multiple owners.

HH. **Warehouse and Sales Outlets**. Businesses which store large inventories of goods in industrial-style buildings where these goods are not produced on the site but are offered to the public for sale.

II. **Quasi Residential**.

1. Residential Hotels. Buildings with six or more guest rooms without kitchen facilities in individual rooms, or kitchen facilities for the exclusive use of guests, and which are intended for occupancy on a weekly or monthly basis.

2. Single Room Occupancy. Buildings designed as a residential hotel consisting of a cluster of guest units providing sleeping and living facilities in which sanitary facilities and cooking facilities are provided within each unit; tenancies are weekly or monthly.

3. Timeshare. Any arrangement, plan, or similar program, other than an exchange program, whereby a purchaser receives ownership rights in or the right to use accommodations for a period of time less than a full year during any given year, on a recurring basis for more than one year, but not necessarily for consecutive years. (3334-6/97, 3378-2/98, 3568-9/02, 3669-12/04, 3757-1/07, 3774-10/07, 3788-12/07, 3842-11/09)

204.12 Industrial Use Classifications

A. **Industry, Custom**. Establishments primarily engaged in on-site production of goods by hand manufacturing involving the use of hand tools and small-scale equipment.

Small-Scale. Includes mechanical equipment not exceeding two horsepower or a single kiln not exceeding eight kilowatts and the incidental direct sale to consumers of only those goods produced on-site. Typical uses include ceramic studios, candle-making shops, and custom jewelry manufacture.

B. **Industry, General**. Manufacturing of products, primarily from extracted or raw materials, or bulk storage and handling of such products and materials. Uses in this classification typically involve a high incidence of truck or rail traffic, and/or outdoor storage of products, materials, equipment, or bulk fuel. This classification includes chemical manufacture or processing, food

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processing and packaging, laundry and dry cleaning plants, auto dismantling within an enclosed building, stonework and concrete products manufacture (excluding concrete ready-mix plants), small animal production and processing within an enclosed building, and power generation.

C. **Industry, Limited.** Manufacturing of finished parts or products, primarily from previously prepared materials; and provision of industrial services, both within an enclosed building. This classification in-

cludes processing, fabrication, assembly, treatment, and packaging, but excludes basic industrial processing from raw materials and Vehicle/Equipment Services, but does allow food processing for human consumption.

D. **Industry, Research and Development.** Establishments primarily engaged in the research, development, and controlled production of high-technology electronic, industrial or scientific products or commodities for sale, but prohibits uses that may be objectionable in the opinion of the director, by reason of production of offensive odor, dust, noise, vibration, or in the opinion of the Fire Chief by reason of storage of hazardous materials. Uses include aerospace and biotechnology firms, and non-toxic computer component manufacturers.

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

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

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

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

F. **Alcoholic Beverage Manufacturing.** The manufacture or production of beer, wine, cider, or distilled spirits by any person licensed by the Department of Alcoholic Beverage Control of the State of California and includes the sale or distribution of said products both inside and outside the jurisdiction of the City.

G. **RT Flex Space.** Any combination of manufacturing, research and development, testing, distribution, warehouse and storage space, including retail and/or showroom (max 10% gross floor area), eating and drinking (max 10% gross floor area), and offices (max. 30% gross floor area) are permitted by right when complying with a minimum 1 parking space per 500 gross square feet parking requirement. (3334-6/97)

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204.14 Accessory Use Classifications

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

204.16 Temporary Use Classifications

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

204.18 Prohibited Uses—Medical Marijuana Businesses

- A. **Purpose.** In order to expressly inform the public that any distribution of marijuana by Medical Marijuana Businesses, Collectives, Cooperatives or Dispensaries, etc., is prohibited in the City of Huntington Beach, the City is adding this express prohibition to the Zoning and Subdivision Ordinance.
- B. **Definitions.** For purposes of this section, the following term is defined:

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1. **Medical Marijuana Business, Collective, Cooperative or Dispensary** means any location, structure, facility, vehicle, business, store, co-op, residence, or similar facility used, in full or in part, as a place at or in which marijuana is sold, traded, exchanged, bartered for in any way, made available, located, stored, displayed, placed or cultivated, including any of the foregoing if used in connection with the distribution of marijuana.

C. **Medical Marijuana Businesses, Collectives, Cooperatives or Dispensaries.** A Medical Marijuana Business, Collective, Cooperative or Dispensary or any other such business, no matter how so named, is not a permitted use in any zoning district or specific plan in the City. It shall be unlawful for any person or entity to own, manage, establish, conduct or operate a Medical Marijuana Business, Collective, Cooperative or Dispensary. Also, it shall be unlawful for any person to permit to be established, conducted, operated, owned or managed as a landlord, owner, employee, contractor, agent or volunteer, or in any other manner or capacity, any Medical Marijuana Business, Collective, Cooperative or Dispensary in the City.

D. **Public Nuisance.** Any use or condition caused or permitted to exist in violation of any of the provisions of this article is hereby declared a public nuisance and may be abated by the City.

E. **Enforcement.**

1. Violation of this Chapter 204 of the Huntington Beach Zoning and Subdivision Ordinance is a public nuisance and may be enforced pursuant to the provisions of the Municipal Code including the Zoning and Subdivision Ordinance.

2. Nothing in this article in any way limits any other remedies that may be available to the City, or any penalty that may be imposed by the City, for violations of this article. Such additional remedies include, but are not limited to, injunctive relief or administrative citations. (4059-5/15, 4058-6/15, 4137-10/17)

204.20 Prohibited Uses—Commercial Non-Medical Marijuana Businesses and Deliveries

A. **Purpose.** In order to expressly inform the public that any sale or distribution of non-medical marijuana by Commercial Non-Medical Marijuana Businesses, Collectives, Cooperatives or Dispensaries, etc., however named is prohibited in the City of Huntington Beach, the City is adding this express prohibition to the Zoning and Subdivision Ordinance.

B. **Definitions.** Unless otherwise specifically defined herein, the definitions contained within Adult Use of Marijuana Act shall apply to this Ordinance.

1. **Commercial Non-Medical Marijuana Business, Collective, Cooperative or Dispensary** means any location, structure, facility, vehicle, business, store, co-op, residence, or similar facility used, in full or in part, as a place at or in which marijuana (including marijuana for recreational use) is sold, traded, exchanged, bartered for in any way, made available, located, stored, displayed, placed or cultivated, including any of the foregoing if used in connection with the sale or distribution of non-medical marijuana.

2. **Non-medical marijuana delivery** means the commercial transfer of non-medical marijuana or non-medical marijuana products to a person, including any technology that enables persons to arrange for or facilitate the commercial transfer of non-medical marijuana or non-medical marijuana products.

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3. **Non-medical marijuana products** means non-medical marijuana that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing marijuana or concentrated cannabis and other ingredients.

C. **Commercial Non-Medical Marijuana Businesses, Collectives, Cooperatives or Dispensaries.** A Commercial Non-Medical Marijuana Business, Collective, Cooperative or Dispensary or any other such business, no matter how so named, is not a permitted use in any zoning district or specific plan in the City. It shall be unlawful for any person or entity to own, manage, establish, conduct or operate a Commercial Non-Medical Marijuana Business, Collective, Cooperative or Dispensary. Also, it shall be unlawful for any person to permit to be established, conducted, operated, owned or managed as a landlord, owner, employee, contractor, agent or volunteer, or in any other manner or capacity, any Commercial Non-Medical Marijuana Business, Collective, Cooperative or Dispensary in the City.

D. **Non-Medical Marijuana Deliveries.** Delivery of non-medical marijuana is not a permitted use in any zoning district or specific plan in the City. No permit or any other applicable license or entitlement for use, nor any business license, shall be approved or issued for the establishment, maintenance or operation of non-medical marijuana deliveries.

E. **Public Nuisance.** Any use or condition caused or permitted to exist in violation of any of the provisions of this section is hereby declared a public nuisance and may be abated by the City.

F. **Enforcement.**

1. Violation of this Chapter 204 of the Huntington Beach Zoning and Subdivision Ordinance is a public nuisance and may be enforced pursuant to the provisions of the Municipal Code including the Zoning and Subdivision Ordinance.

2. Nothing in this section in any way limits any other remedies that may be available to the City, or any penalty that may be imposed by the City, for violations of this section. Such additional remedies include, but are not limited to, injunctive relief or administrative citations. (4137-10/17)

204.22 Non-Medical Marijuana Cultivation

A. **Purpose.** The purpose and intent of this section is to regulate the cultivation of non-medical marijuana in a manner that protects the health, safety and welfare of the community. [Health and Safety Code](#) section 11362.2 authorizes the City to adopt reasonable regulations regarding the cultivation of non-medical marijuana inside a private residence or accessory structure to a private residence. That section also authorizes the City to completely prohibit the cultivation of non-medical marijuana outside, as long as the California Attorney General has not made a determination that the non-medical use of marijuana is lawful in California under federal law. The Attorney General has not made such a determination.

This section is not intended to interfere with the right of an individual 21 years of age or older to possess or cultivate non-medical marijuana, as provided for by Proposition 64. This section is not intended to give any person independent legal authority to grow non-medical marijuana; it is intended simply to impose reasonable regulations on the cultivation of non-medical marijuana when cultivation is authorized by California law.

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Furthermore, it is the purpose and intent of this section to require that non-medical marijuana allowed to be cultivated pursuant to Proposition 64 only be done so in appropriately secured, enclosed, and ventilated structures, so as not to be visible to the general public; to provide for the health, safety and welfare of the public; to prevent odor created by non-medical marijuana plants from impacting adjacent properties; and to ensure that marijuana grown in the City remains secured.

B. Definitions. For the purposes of this section, the following definitions shall apply unless the context clearly indicates otherwise. If a word is not defined in this section, and not otherwise defined in state law, the common and ordinary meaning of the word shall apply.

1. **Cultivation** means the planting, growing, harvesting, drying or processing of marijuana plants or any part thereof.
2. **Fully enclosed and secure structure** means a space within a building that complies with the applicable Building Code and Zoning and Subdivision Ordinance, and has a complete roof enclosure supported by connecting walls extending from the ground to the roof, a foundation slab or equivalent base to which the floor is secured by bolts or similar attachments, is secure against unauthorized entry, and is accessible only through one or more lockable doors. Walls and roof must be constructed of solid materials that cannot be easily broken through, and must be constructed with non-transparent material.
3. **Indoors** means inside a fully enclosed and secure structure or within a residential structure.
4. **Non-medical marijuana** means marijuana that is intended to be used for non-medical purposes pursuant to [Health and Safety Code](#) section 111362.1 et seq.
5. **Non-medical marijuana cultivation** means the planting, growing, harvesting, drying or processing of non-medical marijuana plants or any part thereof pursuant to [Health and Safety Code](#) section 11362.1 et seq., as those sections may be amended from time to time.
6. **Outdoors** means any location within the City that is not within a fully enclosed and secure structure.
7. **Person** means any individual, partnership, co-partnership, firm, association, joint stock company, corporation, limited liability corporation, collective, cooperative, or combination thereof in whatever form or character.
8. **Private residence** means a house, an apartment unit, a mobile home or other similar dwelling.

C. Cultivation of non-medical marijuana. The following regulations shall apply to the cultivation of non-medical marijuana within the City:

1. **Cultivation not in compliance with this section.** It is declared to be unlawful and a public nuisance for any person owning, leasing, occupying or having charge or possession of any parcel or premises within any zoning district or specific plan in the City to cultivate non-medical marijuana except as provided for in this Code. No person other than an individual 21 years of age or older may engage in the cultivation of non-medical marijuana.
2. **Outdoor cultivation.** It is unlawful and a public nuisance for any person owning, leasing, occupying, or having possession of any legal parcel or premises within any zoning district or specific plan in the City to cause or allow such parcel or premises to be used for the outdoor cultivation of non-medical marijuana.

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3. **Indoor cultivation.** Indoor cultivation of non-medical marijuana is prohibited in all zoning districts and specific plans of the City, except for residential zones, mixed use zones, or in commercial zones, when such cultivation occurs on a parcel or premises with an approved private residence. All cultivation must be in compliance with this section and state law.

4. **Indoor cultivation in private residence.** The indoor cultivation of non-medical marijuana in a residential zone, mixed use zone, or in a commercial zone on a parcel or premises with an approved private residence, shall only be conducted within a fully enclosed and secure structure or within a residential structure. Such cultivation shall be in conformance with the following minimum standards:

- a. The primary use of the property shall be for a residence. Non-medical marijuana cultivation is prohibited as a home occupation.
- b. All areas used for cultivation of non-medical marijuana shall comply with the Huntington Beach Municipal Code including the Zoning and Subdivision Ordinance, as well as applicable law.
- c. Indoor grow lights shall not exceed 1,200 watts per light, and shall comply with the California Building, Electrical and Fire Codes as adopted by the City. Lights shall be located away from combustible materials and a minimum of 30 inches from fire sprinklers.
- d. The use of gas products (CO₂, butane, propane, natural gas, etc.) or generators for cultivation of non-medical marijuana is prohibited.
- e. Any fully enclosed and secure structure or residential structure used for the cultivation of non-medical marijuana must have a ventilation and filtration system installed that shall prevent marijuana plant odors from exiting the interior of the structure and that shall comply with the Huntington Beach Municipal Code, including the Zoning and Subdivision Ordinance.
- f. A fully enclosed and secure structure used for the cultivation of non-medical marijuana shall be located in the rear yard area of the parcel or premises, and must maintain a minimum 10-foot setback from any property line as well as any other applicable development standards of the zoning district. The yard where the fully enclosed and secure structure is maintained must be enclosed by a solid fence at least six feet in height. This provision shall not apply to cultivation occurring in a garage.
- g. Adequate mechanical locking or electronic security systems must be installed as part of the fully enclosed and secure structure or the residential structure prior to the commencement of cultivation.
- h. Non-medical marijuana cultivation shall be limited to six marijuana plants per private residence, regardless of whether the marijuana is cultivated inside the residence or a fully enclosed and secure structure. The limit of six plants per private residence shall apply regardless of how many individuals reside at the private residence.
- i. The residential structure shall remain at all times a residence, with legal and functioning cooking, sleeping and sanitation facilities with proper ingress and egress. These rooms shall not be used for non-medical marijuana cultivation where such cultivation will prevent their primary use for cooking of meals, sleeping and bathing.
- j. Cultivation of non-medical marijuana shall only take place on impervious surfaces.

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k. From a public right-of-way, there shall be no exterior evidence of non-medical marijuana cultivation occurring on the parcel.

l. Non-medical marijuana cultivation area, whether in a fully enclosed and secure structure or inside a residential structure, shall not be accessible to persons under 21 years of age.

m. Written consent of the property owner to cultivate non-medical marijuana within the residential structure shall be obtained and shall be kept on the premises, and available for inspection by the Chief of Police or his/her designee.

n. A 2A:10B:C portable fire extinguisher that complies with the regulations and standards adopted by the state fire marshal and applicable law, shall be kept in the fully enclosed and secure structure used for cultivation of non-medical marijuana. If cultivation occurs in a residential structure, the portable fire extinguisher shall be kept in the same room where the cultivation occurs.

D. Public Nuisance. Any use or condition caused or permitted to exist in violation of any of the provisions of this section is hereby declared a public nuisance and may be abated by the City.

E. Enforcement.

1. Violation of this Chapter 204 of the Huntington Beach Zoning and Subdivision Ordinance is a public nuisance and may be enforced pursuant to the provisions of the Municipal Code including the Zoning and Subdivision Ordinance.

2. Nothing in this section in any way limits any other remedies that may be available to the City, or any penalty that may be imposed by the City, for violations of this section. Such additional remedies include, but are not limited to, injunctive relief or administrative citations.
(4137-10/17)

EXHIBIT B

Chapter 212 I INDUSTRIAL DISTRICTS

212.02 Industrial Districts Established

Three Two **I** industrial zoning districts are established by this chapter as follows:

- A. The IG General Industrial District provides sites for the full range of manufacturing, industrial processing, resource and energy production, general service, and distribution.
- B. The IL Limited Industrial District provides sites for moderate- to low-intensity industrial uses, commercial services and light manufacturing. (3254-10/94, 4039-12/14)
- C. The RT Research and Technology District provides sites for manufacturing, research and development, technology, and professional offices in addition to traditional industrial uses.**

These three districts will herein be referred to as the “Industrial Districts.”

212.04 IG, ~~and IL~~, and RT Districts—Land Use Controls

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

- “P” designates use classifications permitted in the **Industrial** **D** Districts.
- “L” designates use classifications subject to certain limitations prescribed by the “Additional Provisions” which follow.
- “PC” designates use classifications permitted on approval of a conditional use permit by the Planning Commission.
- “ZA” designates use classifications permitted on approval of a conditional use permit by the Zoning Administrator.
- “TU” designates use classifications allowed upon approval of a temporary use permit by the Zoning Administrator.
- “P/U” 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 requirements following the schedule or located elsewhere in this zoning code. Where letters in parentheses are opposite a use classification heading, referenced provisions shall apply to all use classifications under the heading.

IG, ~~and IL~~, and RT 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

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	IG	IL	<u>RT</u>	Additional Provisions
Residential				
Group Residential	PC	PC	<u>PC</u>	(I)
Public and Semipublic				(A)(L)
Community and Human Service Facilities	P	P	<u>P</u>	(K)
Day Care, General	ZA	ZA	<u>ZA</u>	
Heliports	PC	PC	<u>PC</u>	(N)
Maintenance & Service Facilities	ZA	ZA	<u>ZA</u>	
Public Safety Facilities	P	P	<u>P</u>	
Religious Assembly	ZA	ZA	<u>ZA</u>	
Schools, Public or Private	L-6	L-6	<u>L-6</u>	
Utilities, Major	PC	PC	<u>PC</u>	
Utilities, Minor	L-7	L-7	<u>L-7</u>	(O)
Commercial Uses				(D)(L)
Ambulance Services	ZA	ZA	<u>ZA</u>	
Animal Sales and Services				
Animal Boarding	ZA	ZA	<u>ZA</u>	
Animal Hospitals	ZA	ZA	<u>ZA</u>	
Artists' Studios	P	P	<u>P</u>	
Banks and Savings and Loans	L-1	L-1	<u>L-1</u>	
Building Materials and Services	P	P	<u>P</u>	
Catering Services	-	P	<u>P</u>	
Commercial Filming	ZA	ZA	<u>ZA</u>	
Commercial Recreation and Entertainment	L-2	L-2	<u>PC</u>	
Communication Facilities	L-12	L-12	<u>L-12</u>	
Eating & Drinking Establishments	L-3 <u>L-2</u>	L-3 <u>L-2</u>	<u>L-2</u>	
w/Live Entertainment	ZA	ZA	<u>ZA</u>	(R)(F)
<u>w/Alcohol</u>	<u>ZA</u>	<u>ZA</u>	<u>ZA</u>	
Food & Beverage Sales	ZA	ZA	<u>ZA</u>	
Hospitals and Medical Clinics	-	PC	<u>PC</u>	
Laboratories	P	P	<u>P</u>	

EXHIBIT B

	IG	IL	<u>RT</u>	Additional Provisions
Maintenance & Repair Services	P	P	<u>P</u>	
Marine Sales and Services	P	P	<u>P</u>	
Nurseries	P	P	<u>P</u>	
Offices, Business & Professional	L-1 <u>L-10</u>	L-1 <u>L-10</u>	<u>L-10</u>	(C) (G)
Personal Enrichment	L-9	L-9	<u>L-9</u>	(F)
Personal Services	L-1	L-1	<u>L-1</u>	
Quasi-Residential	PC	PC	<u>PC</u>	(J)
Research & Development Services	P	P	<u>P</u>	
Sex-Oriented Businesses (regulated by Ch. 5.70)	L-11	L-11	<u>L-11</u>	
Sex-Oriented Businesses (regulated by Ch. 5.60)	PC	PC	<u>PC</u>	(Q)
Swap Meets, Indoor/Flea Markets	PC	PC	<u>PC</u>	(P)
Vehicle/Equipment Sales & Services				
Service Stations	L-4	L-4	<u>L-4</u>	
Vehicle/Equipment Repair	P	P	<u>P</u>	
Vehicle/Equipment Sales/Rentals	L-5	L-5	<u>L-5</u>	
Vehicle Storage	P	ZA	<u>PC</u>	(H)**
Visitor Accommodations	ZA	ZA	<u>ZA</u>	
Warehouse and Sales Outlets	L-8	L-8	<u>L-8</u>	
Industrial (See Chapter 204)				(B)(L)(M)
Industry, Custom	P	P	<u>P</u>	
Industry, General	P	P	<u>P</u>	
Industry, Limited	P	P	<u>P</u>	
Industry, R & D	P	P	<u>P</u>	
Wholesaling, Distribution & Storage	P	P		
<u>150,000 square feet or less</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Greater than 150,000 square feet</u>	<u>P</u>	<u>P</u>	<u>ZA</u>	
<u>RT Flex Space</u>	-	-	<u>P</u>	
<u>Alcoholic Beverage Manufacturing</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>(L-13)</u>
Accessory Uses				
Accessory Uses and Structures	P/U	P/U	<u>P/U</u>	(C)

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	IG	IL	<u>RT</u>	Additional Provisions
Temporary Uses				
Commercial Filming, Limited	P	P	<u>P</u>	(S)
Real Estate Sales	P	P	<u>P</u>	
Trade Fairs	P	P	<u>P</u>	(E)
Nonconforming Uses				(F)

IG, and IL, and RT Districts: Additional Provisions

L-1 Only allowed upon approval of a conditional use permit by the Zoning Administrator for a mixed use project, subject to the following requirements:

- A. Minimum site area: three acres.
- B. Maximum commercial space: 35% of the gross floor area and 50% of the ground floor area of buildings fronting on an arterial highway.
- C. Phased development: 25% of the initial phase must be designed for industrial occupancy. For projects over 500,000 square feet, the initial phase must include five percent of the total amount of industrial space or 50,000 square feet of industrial space, whichever is greater.

L-2 ~~Allowed upon approval of a conditional use permit by the Zoning Administrator~~ **Permitted only** when designed and ~~oriented~~ **operated** for principal use by employees of the surrounding industrial development **as an ancillary use to a primary industrial use.** ~~or w~~ When designed for general public use, **permitted** after considering vehicular access and **complying with minimum** parking requirements.

L-3 **Reserved.** ~~Allowed upon approval of a conditional use permit by the Zoning Administrator when in a freestanding structure or as a secondary use in a building provided that no more than 20% of the floor area is occupied by such a use.~~

L-4 Only **fueling** stations offering services primarily oriented to businesses located in an **Industrial** District are allowed with a conditional use permit by the Planning Commission.

L-5 No new or used automobile, truck or motorcycle retail sales are permitted.

L-6 Only schools offering higher education curriculums are allowed with conditional use permit approval by the Planning Commission. No ~~day care~~, elementary or secondary schools are permitted.

L-7 Recycling operations as an accessory use are permitted if more than 150 feet from R districts; recycling operations as an accessory use less than 150 feet from R districts or recycling operations as a primary use are allowed upon approval of a conditional use permit by the Zoning Administrator. See Section 230.44, Recycling Operations.

L-8 Allowed upon conditional use permit approval by the Planning Commission when a single building with a minimum area of 100,000 square feet is proposed on a site fronting an arterial. The primary tenant shall occupy a minimum 95% of the floor area and the remaining 5% may be occupied by secondary tenants.

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L-9 Permitted if the space is 5,000 square feet or less; allowed by ~~Neighborhood Notification pursuant to Chapter 241~~ conditional use permit from the Zoning Administrator if the space is over 5,000 square feet.

L-10 ~~Reserved.~~ Accessory administrative, management, regional or headquarters offices incidental to a primary industrial use within the IG and IL Districts are limited to 10% of the floor area of the primary industrial use. Accessory office uses incidental to a primary use within the RT District are limited to 30% of the floor area of the primary use.

Accessory office spaces exceeding the limits above shall require a conditional use permit to the Zoning Administrator supported by a parking demand study for all uses on site.

Medical/dental offices, insurance brokerage offices, and real estate brokerage offices, except for on-site leasing offices, are not permitted in any Industrial District.

L-11 Allowed subject to the following requirements:

A. A proposed sex-oriented business shall be at least 500 feet from any residential use, school, park and recreational facility, or any building used for religious assembly (collectively referred to as a “sensitive use”) and at least 750 feet from another sex-oriented business. For purposes of these requirements, all distances shall be measured from the lot line of the proposed sex-oriented business to the lot line of the sensitive use or the other sex-oriented business. The term “residential use” means any property zoned RL, RM, RMH, RH, RMP, and any properties with equivalent designations under any specific plan.

To determine such distances the applicant shall submit for review a straight line drawing depicting the distances from the lot line of the parcel of land on which the sex-oriented business is proposed which includes all the proposed parking and:

1. The lot line of any other sex-oriented business within 750 feet of the lot line of the proposed sex-oriented business; and
2. The lot line of any building used for religious assembly, school, or park and recreational facility within 500 feet of the lot line of the proposed sex-oriented business; and
3. The lot line of any parcel of land zoned RL, RM, RMH, RH, and RMP and any parcels of land with equivalent designations under any specific plans within 500 feet of the lot line of the proposed sex-oriented business.

B. The front façade of the building, including the entrance and signage, shall not be visible from any major, primary or secondary arterial street as designated by the circulation element of the General Plan adopted May 1996, with the exception of Argosy Drive.

C. Prior to or concurrently with applying for a building permit and/or a certificate of occupancy for the building, the applicant shall submit application for Community Development Department staff review of a sex-oriented business zoning permit with the drawing described in subsection A, a technical site plan, floor plans and building elevations, and application fee. Within 10 days of submittal, the director shall determine if the application is complete. If the application is deemed incomplete, the applicant may resubmit a completed application within 10 days. Within 30 days of receipt of a completed application, the director shall determine if the application complies with the applicable development and performance standards of the Huntington Beach Zoning and Subdivision Ordinance. Said standards include but are not limited to the following:

EXHIBIT B

1. Chapter 203, Definitions; Chapter 212, Industrial Districts; Chapter 230, Site Standards; Chapter 231, Off-Street Parking and Loading Provisions; Chapter 232, Landscape Improvements; and Chapter 236, Nonconforming Uses and Structures.
2. Section 233.08(B), Signs. Signage shall conform to the standards of the Huntington Beach Zoning and Subdivision Ordinance except
 - a. Such signs shall contain no suggestive or graphic language, photographs, silhouettes, drawings, statues, monuments, sign shapes or sign projections, or other graphic representations, whether clothed or unclothed, including without limitation representations that depict "specified anatomical areas" or "specified sexual activities"; and
 - b. Only the smallest of the signs permitted under Section 233.08(B) shall be visible from any major, primary or secondary arterial street, such streets shall be those designated in the circulation element of the General Plan adopted May 1996, with the exception of Argosy Drive.
3. Compliance with Huntington Beach Municipal Code Chapter [5.70](#).

D. The director shall grant or deny the application for a sex-oriented business zoning permit for a sex-oriented business. There shall be no administrative appeal from the granting or denial of a permit application thereby permitting the applicant to obtain prompt judicial review.

E. Ten working days prior to submittal of an application for a sex-oriented business zoning permit for staff review, the applicant shall: (1) cause notice of the application to be printed in a newspaper of general circulation; and (2) give mailed notice of the application to property owners within 1,000 feet of the proposed location of the sex-oriented business; and the City of Huntington Beach, Department of Community Development by first class mail.

The notice of application shall include the following:

1. Name of applicant;
2. Location of proposed sex-oriented business, including street address (if known) and/or lot and tract number;
3. Nature of the sex-oriented business, including maximum height and square footage of the proposed development;
4. The City Hall telephone number for the Department of Community Development to call for viewing plans;
5. The date by which any comments must be received in writing by the Department of Community Development. This date shall be 10 working days from staff review submittal; and
6. The address of the Department of Community Development.

F. A sex-oriented business may not apply for a variance pursuant to Chapter 241 nor a special sign permit pursuant to Chapter 233.

G. A sex-oriented business zoning permit shall become null and void one year after its date of approval unless:

1. Construction has commenced or a certificate of occupancy has been issued, whichever comes first; or
2. The use is established.

EXHIBIT B

H. The validity of a sex-oriented business zoning permit shall not be affected by changes in ownership or proprietorship provided that the new owner or proprietor promptly notifies the director of the transfer.

I. A sex-oriented business zoning permit shall lapse if the exercise of rights granted by it is discontinued for 12 consecutive months.

L-12 For wireless communication facilities see Section 230.96, Wireless Communication Facilities. All other communication facilities permitted.

L-13 Alcoholic Beverage Manufacturing Requirements

1. **Alcoholic Beverage Manufacturing uses without eating and drinking for public sales or service are permitted.**
2. **A maximum 1,000 square feet of indoor and/or outdoor eating and drinking area per business shall be permitted through an Administrative Permit with Neighborhood Notification pursuant to Chapter 241.**
3. **Indoor and/or outdoor eating and drinking areas greater than 1,000 square feet per business shall require a conditional use permit by the Zoning Administrator.**

- (A) Repealed.
- (B) A conditional use permit from the Zoning Administrator is required for any new use or enlargement of an existing use, or exterior alterations and additions for an existing use located within 150 feet of an R district. The director may waive this requirement if there is no substantial change in the character of the use which would affect adjacent residential property in an R District.
- (C) ~~Accessory office uses incidental to a primary industrial use are limited to 10% of the floor area of the primary industrial use.~~ **Accessory office uses greater than the maximum allowable percentage of the floor area of the primary industrial use shall require a conditional use permit from the Zoning Administrator and a parking demand study demonstrating the adequate provision of on-site parking for all uses contained onsite.**
- (D) **In IG and IL Districts only, Adjunct office and** commercial space **excluding business and professional office**, not to exceed 25% of the floor area of the primary industrial use, is allowed with a conditional use permit from the Zoning Administrator, provided that it is intended primarily to serve employees of the industrial use, no exterior signs advertise the adjunct use, the adjunct use is physically separated from the primary industrial use, ~~any retail sales are limited to goods manufactured on-site~~, and the primary industrial fronts on an arterial.
- (E) See Section 241.22, Temporary Use Permits.
- (F) See Chapter 236, Nonconforming Uses and Structures.
- (G) **Reserved. Medical/dental offices, insurance brokerage offices, and real estate brokerage offices, except for on-site leasing offices, are not permitted in any I District.**
~~Administrative, management, regional or headquarters offices for any permitted industrial use, which are not intended to serve the public, require a conditional use permit from the Zoning Administrator to occupy more than 10% of the total amount of space on the site of the industrial use.~~

EXHIBIT B

(H) **Only in the IG and IL districts.** Automobile dismantling, storage and/or impound yards may be permitted subject to the approval of a conditional use permit by the Planning Commission and the following criteria:

- (1) The site shall not be located within 660 feet of an R district.
- (2) All special metal cutting and compacting equipment shall be completely screened from view.
- (3) Storage yards shall be enclosed by a solid six-inch concrete block or masonry wall not less than six feet in height and set back a minimum 10 feet from abutting streets with the entire setback area permanently landscaped and maintained.
- (4) Items stacked in the storage yard shall not exceed the height of the screening walls or be visible from adjacent public streets.

****In the RT districts, automobile storage and/or impound yards are subject to the approval of a conditional use permit by the Zoning Administrator unless located within 300 feet of an R district. Within 300 feet of an R district, automobile storage and/or impound yards are subject to a conditional use permit by the Planning Commission.**

- (I) Limited to facilities serving workers employed on-site.
- (J) Limited to single room occupancy uses. (See Section 230.46.)
- (K) Limited to emergency shelters. (See Section 230.52, Emergency Shelters.)
- (L) Development of vacant land and/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).
- (M) Major outdoor operations require conditional use permit approval by the Planning Commission. Major outside operations include storage yards and uses utilizing more than one-third of the site for outdoor operation.
- (N) See Section 230.40, Helicopter Takeoff and Landing Areas.
- (O) See Section 230.44, Recycling Operations.
- (P) See Section 230.50, Indoor Swap Meets/Flea Markets.
- (Q) See L-11(A) relating to locational restrictions.
- (R) Non-amplified live entertainment greater than 300 feet from a residential zone or use shall be permitted without a conditional use permit. **Neighborhood Notification requirements when no entitlement required pursuant to Chapter 241.**
- (S) Subject to approval by the Police Department, Public Works Department, and Fire Department and the Community Development Director.
- ~~(T) Neighborhood Notification requirements when no entitlement required pursuant to Chapter 241. (3254-10/94, 3378-2/98, 3523-2/02, 3568-9/02, 3703-3/05, 3708-6/05, 3724-02/06, 3788-12/07, 3843-11/09, 3860-2/10, 4039-12/14, 4092-10/16)~~

EXHIBIT B

212.06 IG, ~~and IL~~, and RT Districts—Development Standards

The following schedule prescribes development standards for the I **Industrial** Districts. The first ~~two~~ **three** columns prescribe basic requirements for permitted and conditional uses in each district. Letters in parentheses in the “Additional Requirements” column reference requirements following the schedule or located elsewhere in this title. 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.

	IG	IL	RT	Additional Requirements
Minimum Lot Area (sq. ft.)	20,000	20,000	15,000	(A)(B)
Minimum Lot Width (ft.)	100	100	75	(A)(B)
Minimum Setbacks				(A)(C)
Front (ft.)	10; 20	10; 20	10; 20	(D)
Side (ft.)	0	15	0	(E)(F)
Street Side (ft.)	10	10	10	
Rear (ft.)	0	0	0	(E)
Maximum Height of Structures (ft.)	40	40	40	(G)
Maximum Floor Area Ratio (FAR)	0.75	0.75	1.0	
Minimum Site Landscaping (%)	8	8	8	(H)(I)
Fences and Walls	See § 230.88			
Off-Street Parking and Loading	See Ch. 231			(J)
Outdoor Facilities	See § 230.74			
Screening of Mechanical Equipment	See § 230.76			(K)
Refuse Storage Area	See § 230.78			
Underground Utilities	See Ch. 17.64			
Performance Standards	See § 230.82			(L) (N)
Nonconforming Uses and Structures	See Ch. 236			
Signs	See Ch. 233			

EXHIBIT B

IG, ~~and IL~~, and RT Districts: Additional Development Standards

(A) See Section 230.62, Building Site Required, and Section 230.64, Development on Substandard Lots.

(B) Smaller lot dimensions for new parcels may be permitted by the Zoning Administrator with an approved development plan and tentative subdivision map.

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

(D) The minimum front setback shall be 10-feet and the average setback 20 feet, except for parcels fronting on local streets where only a 10-foot setback is required.

All **Industrial** Districts. An additional setback is required for buildings exceeding 25-feet in height (one foot for each foot of height) and for buildings exceeding 150 feet in length (one foot for each 10 feet of building length) up to a maximum setback of 30-feet.

(E) In all **Industrial** ~~D~~Districts, a 15-foot setback is required abutting an R district and no openings in buildings within 45-feet of an R district.

(F) A zero-side yard setback may be permitted in the **Industrial** ~~D~~Districts, but not abutting an R district, provided that a solid wall at the property line is constructed of maintenance-free masonry material and the opposite side yard is a minimum of 30-feet.

Exception. The Zoning Administrator or Planning Commission may approve a conditional use permit to allow a 15-foot interior side yard opposite a zero-side yard on one lot, if an abutting side yard at least 15-feet wide is provided and access easements are recorded ensuring a minimum 30-foot separation between buildings. This 30-foot accessway must be maintained free of obstructions and open to the sky, and no opening for truck loading or unloading shall be permitted in the building face fronting on the accessway unless a 45-foot long striped area is provided solely for loading and unloading entirely within the building.

(G) See Section 230.70, Measurement of Height. Within 45 feet of an R district, no building or structure shall exceed a height of 18-feet.

(H) **Planting Areas.** Required front and street-side yards adjacent to a public right-of-way shall be planting areas except for necessary drives and walks. A six-foot wide planting area shall be provided adjacent to an R district and contain one tree for each 25 lineal feet of planting area.

(I) See Chapter 232, Landscape Improvements.

(J) Truck or rail loading, dock facilities, and the doors for such facilities shall not be visible from or be located within 45-feet of an R district.

(K) See Section 230.80, Antennae.

(L) **Noise.** No new use shall be permitted, or exterior alterations and/or additions to an existing use allowed, within 150-feet of an R district until a report prepared by a California state-licensed acoustical engineer is approved by the director. This report shall include recommended noise mitigation measures for the industrial use to ensure that noise levels will conform with Chapter [8.40](#) of the Municipal Code. The director may waive this requirement for change of use or addition or exterior alteration to an existing use if it can be established that there had been no previous noise offense, that no outside activities will take place, or if adequate noise mitigation measures for the development are provided.

EXHIBIT B

(M) Group residential or accessory residential uses shall be subject to standards for minimum setbacks and height of the RH District. (3254-10/94, 4039-12/14)

(N) Performance Standards. The following regulations provided herein apply to all activities, processes, and uses within the Industrial Districts and are provided solely for reference in conjunction with Chapter 230.82. Existing and proposed uses within the Industrial Districts must conform to all federal, state, and City laws, ordinances, and standards at all times.

1. **Dust, Fumes and Odors.** Emissions of dust, odors, smoke, fumes or particulate must comply with all rules established by the Environmental Protection Agency (EPA) (Code of Federal Regulations, Title 40), the California Air Resources Board (CARB), and the South Coast Air Quality Management District (SCAQMD) or their successor agencies.
2. **Electromagnetic Interference.** No electromagnetic interference with electronic equipment beyond the property line shall be permitted and shall be in compliance with applicable Federal Communications Commission (FCC) regulations.
3. **Glare.** Significant, direct glare shall not be visible beyond the property line of the applicable use.
4. **Heat and Humidity.** Heat emitted shall not increase the temperature of another property in excess of five degrees Fahrenheit.
5. **Noise.** Chapter 8.40 of the Municipal Code, Noise Control, shall be enforced.
6. **Waste Disposal Discharge.** Discharge of any liquids or solids into any body of water, watercourse, sewage system, or ground shall not be permitted, except in compliance with applicable regulations of the State of California Santa Ana Regional Water Quality Control Board or their successor agency.
7. **Waste Containment.** Storage and handling of wastes shall be practiced so as to prevent nuisance, health, safety and fire hazards. Any hazardous waste shall be stored in a closed container.
8. **Vibration.** Vibration transmitted through the ground shall not be produced with the exception of vibration from temporary uses, i.e. construction and vehicles entering and exiting.
9. **Location of Measurements.** Measurements for determining compliance with the standards of this Section shall be taken at the lot line of the establishment or use that is the source of a potentially objectionable condition, hazard, or nuisance.

212.08 Review of Plans

All applications for new construction and 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 including a zero-side yard exception; projects on substandard lots.
- B. **Design Review Board.** See Chapter 244.
- C. **Planning Commission.** Projects requiring a conditional use permit from the Commission.
- D. **Projects in the Coastal Zone.** A Coastal Development Permit is required unless the project is exempt; see Chapter 245. (3254-10/94, 3708-6/05, 3869-3/10, 4039-12/14, 4092-10/16)

EXHIBIT C

Chapter 231 OFF-STREET PARKING AND LOADING PROVISIONS

231.02 Basic Requirements for Off-Street Parking and Loading

A. **When Required.** At the time of initial occupancy of a site, construction of a structure, or major alteration or enlargement of a site or structure, off-street parking facilities and off-street loading facilities shall be provided in accord with this chapter and parking area landscaping shall be provided in accord with Chapter 232. For the purposes of these requirements, “major alteration or enlargement” shall mean a change of use, an expansion of greater than 50% of the existing space in a non-residential building or an addition of bedrooms or units in a residential building. A change in occupancy that does not involve a change in the use classification is not considered a change in use for purposes of this requirement unless the change in occupancy involves an intensification of use or an increase in parking demand.

B. **Nonconforming Parking or Loading.** No existing use of land or structure shall be deemed to be nonconforming solely because of the lack of off-street parking or loading facilities required by this chapter, provided that facilities being used for off-street parking and loading as of the date of adoption of this chapter shall not be reduced in number to less than that required by this chapter. Expansion of a use with nonconforming parking shall be subject to the following requirements:

1. A multifamily residential use with nonconforming parking may be expanded by adding bedrooms or additional units provided that the expansion complies with current standards contained in this chapter;
2. A single-family residence with nonconforming parking may be expanded by adding bedrooms provided the dwelling complies with current standards contained in this chapter; and
3. A nonresidential use with nonconforming parking may be expanded less than 50% of the existing square footage or intensified if additional parking is provided for the expansion or intensification. Expansions of 50% or more of the existing square footage require the site to be in total compliance with the current parking standards contained in this chapter.

C. **Spaces Required for Alteration or Enlargement.** The number of parking spaces or loading spaces required for an alteration or enlargement of an existing use or structure, or for a change of occupancy, shall be in addition to the number of spaces existing prior to the alteration, enlargement, or change of occupancy unless the preexisting number is greater than the number prescribed in this chapter. In this case, the number of spaces in excess of the prescribed minimum shall be counted in determining the required number of parking or loading spaces.

D. **Spaces Required for Multiple Uses.** If more than one use is located on a site, the number of off-street parking spaces and loading spaces to be provided shall be equal to the sum of the requirements prescribed for each use. This requirement applies not only to multiple uses under separate ownership but also to multiple uses in the same ownership. If the gross floor area of individual uses on the same site is less than that for which a loading space would be required by Section 231.06(A), but the aggregate gross floor area of all uses is greater than the minimum for which loading spaces would be required, the aggregate gross floor area shall be used in determining the required number of loading spaces.

E. **Location and Ownership.** Parking facilities required by this chapter shall be on the same site as the use served, except that an adjacent lot may be used which is in the same person’s possession as the structure or use. Such possession may be by deed or long-term lease, approved as to form by the City Attorney, and recorded in the Office of the County Recorder. A copy of the recorded

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document stipulating the reservation of the property for parking purposes shall be filed with the City prior to issuance of a building permit and/or certificate of occupancy, whichever occurs first. No use shall be continued if the parking is removed from the adjacent lot unless substitute parking is provided. Parking facilities provided by a parking district or parking authority are not subject to these locational requirements.

1. Parking in Yards in R Districts. The parking of motor vehicles, trailers, campers and boats shall be prohibited on all landscaped areas within the front one-half of the lot except as provided below.
 - a. Oversized vehicles (see Chapter 203, Definitions), campers, trailers and boats on trailers may be parked on the paved driveway area or on a paved area between the driveway and the nearest side property line provided that they do not project over any property line and that the area is kept free of trash, debris and parts.
 - b. Commercial oversized vehicles (see Chapter 203, Definitions) or special purpose machines shall be prohibited in any yard area.
 2. Parking in Yards in C or I Districts. Required yards may be used for required parking, subject to the landscaping standards of Chapter 232.
 3. Access. When a lot abuts an arterial highway and a local street, access to on-site parking shall be from the local street. When a lot abuts an alley, then access to parking shall be provided from the alley unless the Planning Commission approves a different access. When a lot abuts two arterial highways or two local streets, access shall be subject to the approval of the Director of Public Works.
 4. Nonresidential Parking in R Districts. Nonresidential parking serving adjacent commercial or industrial uses shall not be located in any R-zoned property.
- F. **Computation of Spaces Required.** If, in the application of the requirements of this chapter, a fractional number is obtained, one additional parking space or loading space shall be required.
- G. **Other Requirements.**
1. Any off-street parking or loading facility which is permitted but not required shall comply with all provisions of this chapter governing location, design, improvement and operation.
 2. Any motor vehicle incapable of movement by its own power and/or not licensed to operate on California streets shall be stored either in an enclosed building or entirely screened from view. (3334-6/97)

231.04 Off-Street Parking and Loading Spaces Required

A. Nonresidential uses shall provide one loading space (minimum 14 feet in width, 20 feet in length, and 14 feet in height) for each 20,000 square feet, or fraction thereof, of gross floor area; however, a maximum of three such spaces are required for buildings exceeding 60,000 square feet. No loading space is required for nonresidential uses with less than 20,000 square feet of gross floor area.

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B. Off-street parking spaces shall be provided in accord with the following schedule. References to spaces per square foot are to be computed on the basis of gross floor area, unless otherwise specified.

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

C. The director may allow a parking reduction for a change of use if the increase in the required parking is not more than five spaces. The change of use request must be on a site with two or more uses, have a minimum of 50 existing parking spaces and provide an upgrade of existing landscaping. This same reduction may be considered for uses complying with state handicap regulations as mandated by state law and applicable to parking requirements. This provision shall not apply to applications for development within the coastal zone that necessitate a Coastal Development Permit.

Off-Street Parking Spaces Required: Schedule A

Use Classification	Off-Street Parking Spaces
Residential	
<i>Single-family dwellings</i> New construction 0-4 bedrooms 5 or more bedrooms Existing dwellings 0-4 bedrooms 5 or more bedrooms In the RMH-A district	2 enclosed and 2 open 3 enclosed per unit and 3 open per unit 2 enclosed and 2 open* 2 enclosed per unit and 3 open per unit* 2 enclosed spaces per unit with up to 3 bedrooms, and 1 space for each additional bedroom; 1 additional space per dwelling where no on-street parking is allowed
<i>Multifamily dwellings</i> Studio/1 bedroom 2 bedrooms 3 or more bedrooms Guests	1 enclosed space per unit 2 spaces (1 enclosed) per unit 2.5 spaces (1 enclosed) per unit 0.5 space per unit
<i>Senior</i> Studio/1 bedroom 2 bedrooms	1 covered space per unit 1.5 spaces per unit (1 covered)
<i>Manufactured homes</i>	2 spaces per unit; 1 covered, and 1 may be behind

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Guest	the first 1 per 3 manufactured homes
Rooming house	1 space per guest room; plus 1 space per owner/manager; plus 1 space per each 10 guest rooms
Residential care, limited	1 per 3 beds
Public and Semi-Public	
Clubs and lodges	1 per 35 sq. ft. used for assembly purposes of 1 per 3 fixed seats (18 inches = 1 seat), whichever is greater
Cultural facilities	1 per 300 sq. ft. gross floor area
Day care, general	1 per staff member plus 1 per classroom
Government offices	1 per 250 sq. ft. gross floor area
Heliports	As specified by use permit
Hospitals	1 per 1.5 beds
Maintenance and service facilities	1 per 500 sq. ft.
Park and recreation facilities	As specified by conditional use permit for private facilities
Public safety facilities	As specified by the conditional use permit
Religious assembly	1 per 35 sq. ft. of public assembly area, or 1 per 3 fixed seats (18 inches = 1 seat), whichever is greater
Residential care, general	1 per 3 beds; plus additional spaces, as specified by conditional use permit
<i>Schools, public or private</i>	
Preschools, nursery day care	1 per staff member, plus 1 per classroom
Elementary, junior high	1.5 per classroom
High school/college	7 per classroom
Trade schools, music conservatories	1 per 35 sq. ft. of instruction area
Utilities, major	As specified by conditional use permit
Commercial	
Ambulance services	1 per 500 sq. ft.; plus 2 storage spaces
<i>Animal sales and services</i>	
Animal boarding	1 per 200 sq. ft.
Animal grooming	1 per 200 sq. ft.
Animal hospitals	1 per 200 sq. ft.
Animal, retail sales	1 per 200 sq. ft.

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Artists' studios	1 per 1,000 sq. ft.
<i>Banks and savings & loans</i>	1 per 200 sq. ft.
Drive-up service	Queue space for 5 cars per teller
Building materials and services	1 per 1,000 sq. ft. of lot area; minimum 10 plus 1/300 sq. ft. office area
Catering services	1 per 400 sq. ft.
<i>Commercial recreation and entertainment</i>	
Bowling alleys	3 per lane, plus 1 per 250 sq. ft. of public assembly and retail areas
Electronic game centers	1 per 200 sq. ft.
Health clubs	1 per 200 sq. ft. except that area designated for group instruction shall be parked at a ratio of 1 per 100 sq. ft.
Stables	1 per 3 corrals plus 1 horse trailer space for each 10 corrals plus 2 for caretaker's unit
Tennis/racquetball	3 per court
Theaters	1 per 3 fixed seats, or 1 per 35 sq. ft. seating area if there are no fixed seats
Other commercial recreation and entertainment	As specified by the Zoning Administrator or Planning Commission
Communications facilities	1 per 500 sq. ft.
<i>Eating and drinking establishments</i>	
With less than 12 seats	1 per 200 sq. ft.
With more than 12 seats	1 per 60 sq. ft. or 1 per 100 sq. ft. when on a site with 3 or more uses
With dancing	Plus 1 per 50 sq. ft. of dancing area
With drive through service	Plus queue space for 5 cars per service window
Food and beverage sales	1 per 200 sq. ft.
Furniture and appliance stores	1 per 500 sq. ft. excluding areas used for storage or loading, but not less than 5
Funeral and interment services	1 per 35 sq. ft. of seating space
Hardware stores	1 per 200 sq. ft. excluding areas used for storage or loading, but not less than 5
Horticulture, limited	1 per 2 acres
Laboratories	1 per 500 sq. ft.
Maintenance and repair services	1 per 500 sq. ft.
Marine sales and services	1 per 500 sq. ft.

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Nurseries	1 per 1,000 sq. ft. of indoor/outdoor sales and/or display lot area accessible for public viewing, but no less than 10; plus 1 per 300 sq. ft. office area
Offices, business and professional	1 per 250 sq. ft. for less than 250,000 sq. ft.; 1 per 300 sq. ft. for 250,000 sq. ft. or more
Offices, medical and dental	1 per 175 sq. ft. (includes out-patient medical/surgery centers)
Pawn shops	1 per 200 sq. ft.
Personal enrichment services	1 per 35 sq. ft. of instruction area; or maximum 1 per 200 sq. ft. provided the number of students per classroom does not exceed required number of parking spaces, plus instruction area does not exceed 75% of floor area
Personal services	1 per 200 sq. ft.
Research and development services	1 per 500 sq. ft.
Retail sales not listed under another use classification	1 per 200 sq. ft.
<i>Sex-oriented business</i>	
Cabaret	
With less than 12 seats	1 per 200 sq. ft.
With 12 seats or more	1 per 60 sq. ft. or 1 per 100 sq. ft. if on a site with 3 or more uses
Encounter center	1 per 35 sq. ft. of instruction area
Escort bureau	1 per 250 sq. ft.
Hotel/motel	1.1 per guest room; plus 1 per passenger transport vehicle (minimum of 2 stalls) and 2 spaces for any manager's unit and parking for other uses as required by this schedule
Mini-motion picture theater, motion picture theater or motion picture arcade	1 per 3 fixed seats, or 1 per 35 sq. ft. seating area if there are no fixed seats
Retail sales	1 per 200 sq. ft.
Swap meets, indoor/flea markets	1 per 100 sq. ft. except as may be modified by the Planning Commission through the conditional use permit process, after submittal, review and approval of a traffic engineering study
<i>Vehicle/equipment sales and services</i>	
Automobile rentals	1 per 1,000 sq. ft. of indoor/outdoor sales and/or display lot area accessible for public viewing, but no less than 10; plus 1 per 300 sq. ft. office area; 1/200

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Automobile washing (car wash)	sq. ft. auto service area
Full-service (attended)	10
With fuel sales	12
Self-service (unattended)	1.5 per wash stall
Service stations	
Full-serve/repair garage	1 per 500 sq. ft. but no less than 5
Self-serve	2
With convenience markets	1 per 200 sq. ft. of retail space but no less than 8
With self-serve car wash	4
With self-serve car wash and convenience market	10
Vehicle/equipment repair	1 per 200 sq. ft. but no less than 5
Vehicle/equipment sales and rentals	1 per 1,000 sq. ft. of indoor/outdoor sales and/or display lot area accessible for public viewing, but no less than 10; plus 1 per 300 sq. ft. office area; 1 per 200 sq. ft. auto service area
Vehicle storage	1 per 5,000 sq. ft. lot area; no less than 5
<i>Visitor accommodations</i>	
Bed and breakfast	1 per guest room plus 1 guest and 1 manager/owner space
Hotels, motels	1.1 per guest room; plus 1 per passenger transport vehicle (minimum of 2 stalls) and 2 spaces for any manager's unit and parking for other uses as required by this schedule
Single room occupancy residential hotels	1 per unit, 10% shall be designated as visitor parking; 1 per passenger transport vehicle (minimum of 1 stall), 1 loading space, and 2 spaces for any manager's unit, plus 0.5 per all remaining personnel
Warehouse and sales outlets	1 per 200 sq. ft.
Industrial	
Speculative buildings	1 per 500 sq. ft. (Maximum 10% office area in IG or IL District Maximum 30% office area in RT District)
Manufacturing, research assembly, packaging	1 per 500 sq. ft.
Wholesaling, warehousing and distributing space	1 per 1,000 sq. ft.
Offices	1 per 250 sq. ft. if office area exceeds 10% of gross

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	floor area <u>in IG or IL District; 30% in RT District</u>
Outside uses: storage, wrecking/salvage and lumber yards	1 per 5,000 square feet of lot area, but no less than 5
<i>Mini-storage facilities</i>	
Single-story	1 per 5,000 square feet
Each additional story	1 per 2,000 square feet plus 2 spaces for caretaker's unit

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

(3334-6/97, 3378-2/98, 3494-5/01, 3526-2/02, Res. 2004-80-9/04, 3677-12/04)

231.06 Joint Use Parking

- A. In the event that two or more uses occupy the same building, lot or parcel of land, the total requirement for off-street parking shall be the sum of each individual use computed separately except as provided in this section.
- B. The Planning Commission or Zoning Administrator may grant a reduction in the total number of required spaces as part of the entitlement for the use or uses, or by conditional use permit when no other entitlement is required, when the applicant can demonstrate that the various uses have divergent needs in terms of daytime versus nighttime hours or weekday versus weekend hours. Such joint use approvals shall be subject to the following:
 - 1. The maximum distance between the building or use and the nearest point of the parking spaces or parking facility shall be 250 feet; and
 - 2. There shall be no conflict in the operating hours based on parking space requirements for the different uses on the parcel; and
 - 3. Evidence of an agreement for such joint use shall be provided by proper legal instrument, approved as to form by the City Attorney. The instrument shall be recorded in the Office of the County Recorder and shall be filed with the City prior to issuance of building permit and/or certificate of occupancy, whichever occurs first. (3334-6/97)

231.08 Reduced Parking for Certain Uses

- A. The Zoning Administrator may approve a conditional use permit to reduce the number of parking spaces to less than the number required per Schedule A in Section 231.04, provided that the following findings are made:
 - 1. The parking demand will be less than the requirement in Schedule A; and
 - 2. The proposed use of the building or structure, will not generate additional parking demand; and
 - 3. A transportation demand management plan which exceeds the minimum required by Section 230.36 has been approved by the director.