

ORDINANCE NO. 4314

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH  
AMENDING CHAPTER 241 CONDITIONAL USE PERMITS AND VARIANCES –  
TEMPORARY USE PERMITS – WAIVER OF DEVELOPMENT STANDARDS OF THE  
HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE  
(ZONING TEXT AMENDMENT NO. 23-002)

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. 23-002, which amends Chapter 241 of the Huntington Beach Zoning and Subdivision Ordinance

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

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

SECTION 1. That Chapter 241.22 of the Huntington Beach Zoning Code is hereby amended to read as follows:

**241.22 Waiver of Development Standards**

A. **Standards Which Can Be Waived.** An Administrative Permit by the Director may waive development standards for setbacks, open space, separation between buildings, height of buildings or fences, site coverage and landscaping without a conditional use permit or a variance, only if he or she finds that such a waiver improves project design and does not exceed 10% deviation. No other standards shall be subject to this waiver provision.

B. **Time Limit.** A waiver shall become null and void six months after date of approval.

C. **Extensions.** A waiver shall not be extended for more than one year unless the applicant demonstrates that no circumstances relevant to the approval of the waiver, including other development in the neighborhood, have changed from the time of approval.

D. **Limitations.** A waiver may not be granted if the waiver would in any way degrade the environment or result in any changes to classification of land use or density. Also, projects not otherwise subject to discretionary review (i.e., conditional use permit, variance, Coastal Development Permit, or subdivision approval) may not apply for waiver.

E. **Decisions and Appeals.** The Director's decision may be appealed in accord with Chapter 248. The Director's decision shall be distributed to the City Council, Planning Commission, and Zoning Administrator within 48 hours of such decision.

SECTION 2. That Chapter 241.24 of the Huntington Beach Zoning Code is hereby amended to read as follows:

**241.24 Neighborhood Notification**

When no entitlement is required and the use requires such notification as stated in the Zoning and Subdivision Ordinance or Downtown Specific Plan, the review and approval process shall include an Administrative Permit and notification to property owners and tenants within a 300-foot radius of the subject property.

Notification requirements are as follows:

- A. **Notification.** Ten calendar days prior to submittal for a building permit or certificate of occupancy or approval for initial establishment of the use, the applicant shall notice property owners and tenants by first class mail.
- B. Notice of application shall include the following:
  - 1. Name of applicant.
  - 2. Location of planned development or use, including address (map is optional).
  - 3. Complete description of the proposed development or use such that there is full disclosure in the notice.
  - 4. The Community Development Department phone number and address of City Hall where plans may be reviewed.
  - 5. The date by which any comments must be received in writing by the Community Development Department and City appeal procedures.
  - 6. The Community Development Department shall receive entire list including name and address of those receiving the mailing.
- C. **Notice of Action.** The Director's decision shall be made in writing with information regarding the appeal process and sent to the applicant and the City Council on the next business day and posted on the City's website.
- D. **Appeals.** The Director's decision may be appealed in accord with Chapter 248.

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

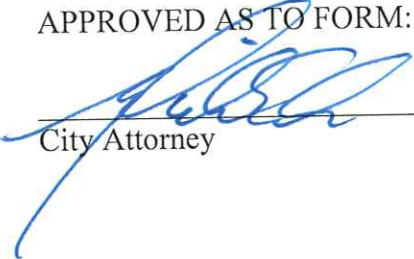
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO FORM:

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

  
\_\_\_\_\_  
City Attorney



REVIEWED AND APPROVED:

INITIATED AND APPROVED:

\_\_\_\_\_  
City Manager

  
\_\_\_\_\_  
Director of Community Development

## LEGISLATIVE DRAFT

### HBZC CHAPTER 241

#### Chapter 241

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