

PLANNING COMMISSION STAFF REPORT

TO: Planning Commission
FROM: Jennifer Villasenor, Director of Community Development
BY: Joanna Cortez, Principal Planner

SUBJECT:
ZONING TEXT AMENDMENT NO. 23-002 (ZONING UPDATE)

REQUEST:

Amend eight chapters of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) to update definitions and processes, provide clarification by codifying existing policies and code interpretations, and introduce a process for space efficient parking such as mechanical parking lifts. The chapters to be amended are Chapter 203 (Definitions), Chapter 210 (Residential Districts), Chapter 211 (C Commercial Districts), Chapter 212 (I Industrial Districts), Chapter 218 (M Mixed-Use Transit Center District), Chapter 230 (Site Standards), Chapter 231 (Off-Street Parking and Loading Provisions), and Chapter 241 (Conditional Use Permits and Variances – Temporary Use Permits-Waiver of Development Standards). Additionally, amend Section 2.5: Street Regulations of the Beach and Edinger Corridors Specific Plan (BECSP) to update the process and provide clarification for street improvements within the specific plan.

LOCATION:

Citywide

APPLICANT:

City of Huntington Beach

**PROPERTY
OWNER:**

Not applicable

RECOMMENDATION:

That the Planning Commission take the following actions:

A) Find the project exempt from additional environmental review pursuant to City Council Resolution No. 4501, Class 20, which supplements the California Environmental Quality Act because the request is a minor amendment to the zoning ordinance that does not change the development standards intensity or density and in accordance with the

BECSP Program Environmental Impact Report No. 08-008 certified by the Planning Commission on December 8, 2009 and CEQA Guidelines Section 15162 and 15163, no subsequent EIR or supplement to the EIR need be prepared for this ZTA and no further environmental review or documentation is required; and

B) Recommend approval of Zoning Text Amendment (ZTA) No. 23-002 to the City Council with findings (Attachment No. 1).

ALTERNATIVE ACTION(S):

A) Recommend denial of Zoning Text Amendment No. 23-002 with findings for denial; or

B) Continue Zoning Text Amendment No. 23-002 and direct staff accordingly.

PROJECT PROPOSAL:

Background:

ZTA No. 23-002 represents a request to amend and update certain sections of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) as well as the Beach and Edinger Corridors Specific Plan (BECSP). The last HBZSO update occurred in 2019 while the BECSP was last updated with a minor amendment in 2023. It is considered a “best management practice” for cities to complete periodic updates such as this. The purpose of this update is an ongoing effort to address common clarifications and issues that arise through the day-to-day operations and interactions of staff, residents, and business owners. In some cases, it can be as simple as clarifying a definition; in other cases, proposed amendments address emerging technologies such as tandem car lifts which are not contemplated under the current zoning code. In the case of the BECSP update, the proposed amendment will provide certainty for street improvement requirements to property and businesses owners on Beach Boulevard. The proposed zoning text amendment will amend the following chapters:

- Chapter 203 (Definitions)
- Chapter 210 (Residential Districts)
- Chapter 211 (C Commercial Districts)
- Chapter 212 (I Industrial Districts)
- Chapter 218 (M Mixed-Use Transit Center District)
- Chapter 230 (Site Standards)
- Chapter 231 (Off-Street Parking and Loading Provisions)
- Chapter 241 (Conditional Use Permits and Variances – Temporary Use Permits-Waiver of Development Standards)
- BECSP – Section 2.5: Street Regulations

For ease of reference, a summary matrix providing a comparison between the current code sections and the proposed changes is included (Attachment No. 2). Legislative drafts of each complete chapter are provided (Attachment Nos. 3-11). In the legislative drafts, **bold and underlined** indicates new text; ~~strikeout~~ indicates removal of text.

Study Session:

This request was introduced to the Planning Commission for study session on February 13, 2024. The following questions were raised during the meeting:

Antenna Update

Commissioner Pellman asked if 5G wireless technology regulations had been considered with the updated definition of “antenna”. Staff explained that the proposed zoning text amendment would be updating the general definition of antenna, which includes all types of antennas, not just telecommunication antennas. Staff further stated no changes were proposed for regulations related to wireless communication facilities as found in Section 230.96 of the HBZSO.

Artificial Turf

Commissioner Pellman inquired about artificial turf as permitted landscaping. Staff stated that required landscaping may include artificial turf as proposed in the updated definition for “Landscaping”. However, since the study session, artificial turf has been removed from the landscaping definition and no change is proposed.

Specific Plan Updates

Vice-Chair Kennedy asked if there was a reason BECSP had been chosen to be updated and whether other specific plans would be updated in the future. Staff explained that BECSP was being updated to address a conflict in the plan related to required street improvements and Caltrans ownership of Beach Boulevard. Staff further explained that no amendments were planned for other specific plans.

Current Projects in BECSP

Vice-Chair Kennedy requested a list of current BECSP projects. Staff stated that the information was not available at the moment, but staff would present the information at the following Planning Commission meeting. The projects are listed in the following analysis section.

ISSUES AND ANALYSIS:

General Plan Conformance:

The proposed zoning text amendment is consistent with the goals and policies of the City’s 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(D) – Ensure that new development projects are of compatible proportion, scale, and character to complement adjoining uses.

Policy LU-4 (D): Ensure that single-family residences are of compatible proportion scale and character to surrounding neighborhoods.

Goal LU-11 – Commercial land uses provide goods and services to meet regional and local needs.

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

Housing Element:

Policy 1.4 – Encourage resident involvement in identifying and addressing maintenance of housing in their neighborhoods.

Policy 4.3 – Explore continued improvements to the entitlement process to streamline and coordinate the processing of permits, design review and environmental clearance.

The proposed ZTA will allow the City to process new development requests with greater clarity and in a timely manner. The proposed amendments will refine the process for common maintenance improvements for residential properties such as perimeter fencing and accessory structures while ensuring that improvements are done in a manner that is compatible in proportion, scale, and character with surrounding uses. The proposed standards for fences/walls will allow residential applicants different design options for permit approval that will provide greater privacy, compatibility with existing neighborhood fences/walls, and with reduced permitting timelines. Providing additional guidance for accessory structures, such as patio covers, will empower property owners to confidently design these structures in a manner that will comply with code and reduce plan check revisions.

The introduction of space efficient parking standards in the form of mechanical stackers/lifts will provide additional parking design options for commercial and industrial uses. These standards could provide opportunities for new businesses to move into constrained sites and still provide required on-site parking. The proposed standards will allow this use to be designed in a manner consistent with existing parking standards. Development standards have been added to protect sensitive uses such as height limitation, full enclosure of mechanical equipment, and additional noise attenuation measures.

These new changes will provide greater customer service as this amendment will provide a clear, review process for common improvements or inquiries from residents and business owners that will ultimately benefit the City.

Circulation Element:

Goal CIRC-7 - Designated scenic corridors protect and enhance visual quality and scenic views.

Goal CIRC-7(D) - Provide landscaped medians and sidewalk treatments in accordance with City standards within major and primary arterial streets designated as landscape corridors, and continue to require the construction of landscaped medians and sidewalk treatments in new developments.

The proposed ZTA will continue the streetscape vision for Beach Blvd. of the specific plan while clarifying the process for property and business owners. In revising the BECSP's street regulations, it will provide additional parkway and sidewalk standards for rights-of-way that are irregular in width in a manner that is compatible with existing properties along Beach Blvd. The additional amendments will clarify the process for alternative street improvements as well as the acceptable landscaping for the specific plan. This amendment will remove uncertainty in the city permitting process that puts property owners and business along Beach Blvd. in a position where they cannot obtain final permit approval and the City cannot intervene because the street is owned by a different agency. In turn, this will allow the city to expedite street improvements, provided certainty of final approval for BECSP property owners, and may encourage more improvements of properties along one of the city's major highways.

Zoning Compliance:

Zoning Text Amendment

The following analysis provides a review of the proposed amendments in five sections consisting of minor language cleanup and clarification to maintain consistency within the HBZSO, codification of existing policies or code interpretations, introduction of development standards for tandem car lifts/stackers, revised development standards for both fences/walls within the HBZSO, and public street improvements within the BECSP.

A. Language Cleanup and Clarification

The following items are amended for minor cleanup and/or clarification purposes.

Section 203.06 Definitions

Definitions in the HBZSO have been amended or deleted due to various reasons. Certain definitions have been deleted because a definition exists in other applicable codes such as the Huntington Beach Municipal Code or California Building Code. In other cases, definitions have been deleted to align with changes that have already occurred within the HBZSO or are proposed with this ZTA. Finally, most definitions have been updated primarily for clarification and currency purposes. The complete list of deleted and amended definitions can be found in Attachment No. 2.

Section 210.04 Land Use Controls, Section 211.04 Land Use Controls, Section 212.04 Land Use Controls, and Section 218.04 Land Use Controls

A text addition was included to the sections listed above to define the “Neighborhood Notification” process referenced within the provisions of the Land Use Control Table of each zoning district. Currently, a neighborhood notification is required for certain land uses but the code does not state clearly that the review process is an Administrative Permit by the Director. The inclusion of this text provides clarity.

Section 210.06.P RL, RM, RMH, RH, and RMP Districts—Property Development Standards and Section 230.68 Building Projections into Yards and Courts

References to “Courts” have been removed from this section. Courts are development standards for open space for multi-family development. Currently, the code is written in a manner that requires these standards for this type of development; however, this design provision does not align with other development standards within Section 210.06. and appears to regulate a specific architectural style, creating confusion. This provision has been unutilized for years as the City has adopted Urban Design Guidelines which work in conjunction with the code’s development standards; therefore, removing the courts provision eliminates an unused section of the HBZSO as well as confusion for property owners and project applicants.

Section 230.12 Home Occupation Permits

The additional text will clarify the Home Occupation Permit and business license process for residents. Language has also been added to clarify which uses may qualify for a permit. Finally, language has been added to prohibit the renting of homes for commercial purposes to ensure continuous compatibility with existing residential neighborhoods.

Section 230.68 Building Projections into Yards and Courts

References to courts have been removed to align with the proposed changes of this ZTA. Additionally, references to covered patio projections have been deleted to eliminate conflict with other sections of the HBZSO, specifically Section 230.08.

Section 241.22 Waiver of Development Standards

Language was added to clarify the type of permit required for a waiver of development standards. Currently, the code does not specify the type of permit. This addition specifies the current Administrative Permit process for readers and aligns it with other sections of the HBZSO.

Section 241.24 Neighborhood Notification

A minor text amendment will amend the notification period for Administrative Permits. The current notification period is 10 working days. By modifying the notification period to 10 calendar days, it will align with other sections of the HBZSO.

B. Codify Existing Policy and Code Interpretation

Section 210.06.D; Section 230.08.E; Section 230.08.G Patio Cover Separation

Currently, the HBZSO requires a separation of 10 feet between buildings. It does not distinguish separation between buildings or buildings and accessory structures such as patio covers. Furthermore, it does not specify the point of measurement for such accessory structures. The inclusion of this policy will allow property owners to have a building separation of less than 10 feet for patio covers and clarify the point of measurement.

Section 230.68 Eaves in Required Yards

The code is currently unclear as to the types of allowable projections into required yards, such as eaves. Projections into required yards are limited in length; however, the code does not account for other projections, such as balconies or bay windows, that may have built-in eaves. Clarifying that eaves area not limited in length will clarify allowable projections for property owners.

By codifying these policies and interpretations in the HBZSO, information is readily accessible by applicants. This will further the City's goal of assisting applicants in project planning and improving customer service.

C. Tandem Car Stackers/Lifts

The HBZSO does not currently provide standards for alternative parking designs. In this section, the following provisions are proposed in Section 231.02.G for space efficient parking in the form of mechanical car stackers/lifts.

Applicability:

- Single Family Residential Uses
 - Only surplus parking may be stored and accessed by mechanical stackers/lifts. Minimum off-site parking must be provided without the need of mechanical parking.
 - Mechanical parking for a single-family residential use will not be subject to any discretionary permits, such as a Conditional Use Permit (CUP).
- Commercial and Industrial Uses
 - Up to 20% of required on-site may be provided by mechanical stackers and/lifts with an attendant.
 - Subject to approval of a CUP to the Zoning Administrator (ZA).
 - 21%-40% of required on-site may be provided by mechanical stackers and/lifts with an attendant.
 - Subject to approval of a CUP to the Planning Commission (PC).

Mechanical Parking Design Standards:

- Except for required ingress and egress, all mechanical parking systems shall be enclosed.

- No more than one vehicle shall be stacked over another parked vehicle.
- All equipment shall be sound attenuated to comply with the noise standards in Chapter 8.40, Noise Control, of the Huntington Beach Municipal Code.
- Except for single-family residential, all mechanical parking systems are subject to review by the Design Review Board (DRB).

Operations for Mechanical Parking Systems:

- Mechanical stacker/lift parking systems shall not result in queuing into any public right-of-way.
- Covenants will be required for the operation and maintenance of the mechanical parking system and for a required attendant.
- All parking systems will be required to provide an on-site generator and a manual override feature to retrieve vehicles in the event of a power outage.

This section is a response to public inquiries over the years. For residential purposes, many property owners have extra vehicles, such as classic cars, that they would like to store onsite. The City of Huntington Beach has a large population of the classic car collectors and is home to many classic car shows. To comply with minimum residential parking requirements, many property owners store their vehicles off-site. The proposed provisions would provide additional parking options for single-family residential property owners and not impact neighborhood parking or aesthetics.

Commercial and industrial property owners have in the past inquired about providing additional parking in the form of mechanical stackers/lifts. By creating a process for this design, it would provide additional parking options for business and property owners in a manner that is consistent with the HBZSO. Requiring fully enclosed mechanical parking system with DRB review will align with existing development standards for parking structures. The proposed percentages allowed for tandem mechanical parking and associated hearing bodies will also align with existing tandem/valet parking standards in the Downtown Specific Plan, which operate with parking attendants, similar to the proposed parking standard. In addition to these standards, technical studies will be required to compare expected traffic-intensity with the parking system capacity to determine the amount of short-term parking and attendants needed to ensure minimal traffic/parking impacts.

D. *Revised Development Standards – Section 230.88 Fencing and Yards*

This ZTA includes revised development standards to Section 230.88, specifically to Section 230.88.A *Permitted Fences and Walls*. Additional text from this section has been deleted or revised to align with the proposed amendments listed below and other sections of the HBSZO. All changes can also be found in Attachment Nos. 2 and 8.

Current Requirements:

- Fences or walls a maximum of 42 inches in height within any portion of a lot
 - Fences or walls in RMH-a zoned properties must be setback three feet from the front property line

- Fences or walls a maximum of six feet in height may be located in required side and rear yards
 - Exception – a maximum two-foot lattice (wood or plastic) extension that is substantially open may added to the top of a six-foot-high fence or wall without a permit
- Deviations from the maximum height requirements may be permitted subject to a CUP by the ZA

Proposed Requirements:

- Fences or walls a maximum of 42 inches in height within any portion of a lot
 - ~~Fences or walls in RMH-a zoned properties must be setback three feet from the front property line~~
- Fences or walls a maximum of ~~six~~ **eight** feet in height may be located in required side and rear yards
 - Exception – a maximum two-foot lattice (wood or plastic) extension that is substantially (**minimum 50%**) open may added to the top of a six-foot-high fence or wall without a permit
- Deviations from the maximum height requirements may be permitted subject to a CUP by the ZA

Revising these standards will provide consistency for wall height and setbacks amongst most zoning districts, eliminating confusion for property owners. These changes will primarily apply to residential uses, particularly benefiting single-family residents. Currently, a building permit is not required for walls 42 inches or less; however, current standards create a scenario where some property owners may inadvertently construct a wall at the incorrect location if no plan or permit is required. This revision would help property owners avoid a costly scenario where a completed wall has to be demolished and relocated, or an entitlement is required to rectify the situation.

Likewise, this section allows lattice extensions for perimeter fences and walls for additional privacy. While the code allows for lattice, it is unclear how open or solid the wall extension may be. To avoid extensions that do not meet the intent of the code and to not compromise the structural integrity of an existing fence or wall, additional language has been added to explain that lattice means 50% open.

Similarly, the desire for more privacy and uniform aesthetic is a common request concerning side and rear perimeter walls. A recommendation to raise the maximum height for side and rear perimeter walls from six feet to eight feet is proposed with this ZTA. Staff does not foresee any issues related to this change and any issues could be adequately handled at staff level through the plan check process. Fences and walls that are higher than six feet will still require a building permit and engineering. A CUP by the ZA for wall/fence deviations currently has a processing time of approximately two-three months and a fee of \$2,757. Removing the discretionary permit process of non-controversial applications would be beneficial for property owners.

E. Revised Development Standards – BECSP Section 2.5 Street Improvements

Revised development standards are proposed for improvements along the public frontage (or right-of-way) within the BECSP. The analysis below focuses on the key changes proposed. All changes can be found in Attachment Nos. 2 and 11.

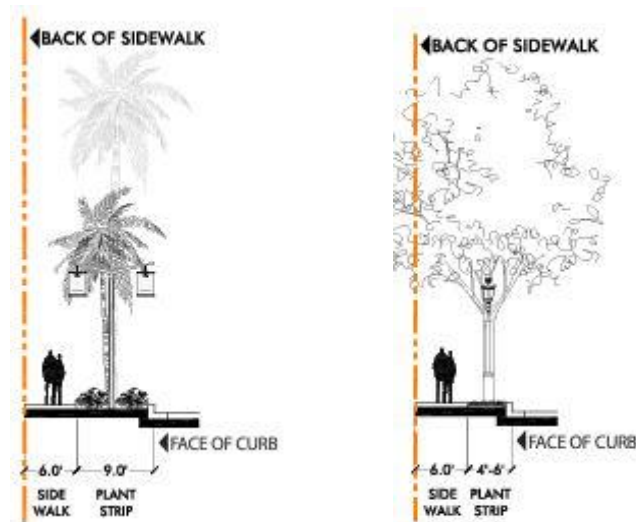
Public street improvements are code requirements that are part of the development process for larger property improvements citywide. The existing condition of a site will determine what type of public improvements may be required. These improvements may include new sidewalks, curbs, gutter, landscape planters, and street dedications.

Most properties along Beach Blvd. are located within the BECSP. The BECSP has very specific design requirements and guidelines for tree species, sidewalks, landscape planters, and street furniture along the public right of way. These requirements include minimum widths for sidewalks and landscape planters. Required sidewalk widths are minimum six feet wide and required landscape planter widths range from four to nine feet along Beach Blvd. Many Beach Blvd. properties have existing public right of way that is narrower than what is required by the specific plan to accommodate the required public frontage improvements. This prompts the need for the property owner to offer to dedicate a portion of their property to accommodate the required curb, gutter, sidewalk, and landscape planter. While most streets and sidewalks are within the control of the City, certain streets, such as Beach Boulevard, are owned by the state agency, Caltrans. While the property owner may offer to dedicate to Caltrans to comply with BECSP, it is up to that agency whether to accept the dedication. If they do not, the property owner cannot comply with City requirements and cannot finalize their building permit. Since the approval of BECSP in 2010, the following projects were approved with required street improvements:

- CVS – 16961 Beach Blvd.
- Hoag Medical – 19582 Beach Blvd.
- Elan Apartments - 18504 Beach Blvd.
- Beach and Ocean Apartments - 19891 Beach Blvd.
- G&M Oil service Station – 16990 Beach Blvd.
- Subaru Dealership - 18801 Beach Blvd.

While several projects have been approved, in 2020 Caltrans amended their review process for public street improvements, including those that included offers for dedication. The current review process, QMAP (Project Delivery Quality Management Assessment Process), is about 18-24 months long and there is no guarantee Caltrans will accept offers for dedications. As such, as new developments are approved and under construction on Beach Blvd., there is a likelihood that they will not be able to comply with the City's street improvement requirements. The Subaru dealership is one example of a business affected by this issue. The dealership was approved in 2018 and was finalized in 2023. During the 5-year construction process, the car dealer owner went through a protracted process of getting his final certificate of occupancy. This level of uncertainty in the process puts property owners and business along Beach Blvd. in a position where they cannot obtain final permit approval and the City cannot intervene because the street is

owned by a different agency. The proposed revision to Section 2.5 of BECSP is a proactive step to provide alternative standards to property owners that cannot accommodate the required street improvements prescribed in BECSP. For the properties that have existing narrower public right of way, reduced sidewalk and landscape planter widths may be proposed as defined in the attached legislative draft.



Current BECSP Public Frontage Standard



Proposed BECSP Public Frontage Standard less than 10 feet wide
(No Plant Strip Required)

There are currently two approved BECSP projects that will be affected by this dedication issue including:

- Jamboree Housing – 18431 Beach Blvd.
- G&M Oil Convenience Store – 19442 Beach Blvd.

However, it should be noted that this issue will continue to come up for most future development projects on Beach Blvd.

Other revisions have been proposed to eliminate waivers or pay of in-lieu fees. The payment of fees in-lieu of providing the required street improvements was codified in the BECSP, but the City opted not to establish this program to ensure that public improvements were installed at the time of development. Additionally, instead of waivers, new provisions have been added to provide alternative improvements for properties that cannot comply with minimum street improvements.

The main goal of the BECSP amendment is to provide certainty for property owners and ensure that the City's requirements can be achieved upon approval of a development project. By removing potential for conflicts with Caltrans requirements, the City can assist property owners and maintain local control of Beach Blvd. public right of way improvements and minimize the lengthy and uncertain Caltrans process.

Environmental Status:

ZTA No. 23-002 is categorically exempt pursuant to City Council Resolution No. 4501, Class 20, which supplements the California Environmental Quality Act because the request is a minor amendment to the zoning ordinance that does not change the development standards intensity or density. Additionally, the text amendment to the BECSP is within the scope of the BECSP Program Environmental Impact Report No. 08-008 certified by the Planning Commission on December 8, 2009. In accordance with CEQA Guidelines Section 15162 and 15163, no subsequent EIR or supplement to the EIR need be prepared for this ZTA and no further environmental review or documentation is required.

Coastal Status:

The proposed amendment will be forwarded to the California Coastal Commission as a minor Local Coastal Program Amendment for certification.

Other Departments Concerns and Requirements:

The proposed amendments to the City's existing ordinance and specific plan were prepared with input from the City Attorney's Office, the Building Division, and Department of Public Works.

Public Notification:

Legal notice was published in the Huntington Beach Wave on Thursday, March 14, 2024, and notices were sent to individuals/organizations requesting notification (Planning Division's Notification Matrix). As of March 19, 2024, one communication regarding this request has been received, regarding the potential inclusion of artificial turf to the definition of permitted landscaping.

SUMMARY:

Staff recommends that the Planning Commission recommend approval of Zoning Text Amendment No. 23-002 with findings and forward to the City Council based on the following:

- Cleans up the HBZSO and BECSP to improve clarity, address deficiencies, and maintain currency.
- Codifies existing policies and code interpretations and allows select entitlement requests to be permitted by right.
- Results in better customer service by providing clear requirements as well as prompt and cost-effective review process.
- Consistent with General Plan goals and policies.

ATTACHMENTS:

1. ~~Suggested Findings of Approval — ZTA 23-002~~
2. ~~HBZSO & BECSP Update Matrix of Changes~~
3. ~~HBZSO Chapter 203 (Definitions) Legislative Draft~~
4. ~~HBZSO Chapter 210 (Residential Districts) Legislative Draft~~
5. ~~HBZSO Chapter 211 (C Commercial Districts) Legislative Draft~~
6. ~~HBZSO Chapter 212 (I Industrial Districts) Legislative Draft~~
7. ~~HBZSO Chapter 218 (M Mixed-Use Transit Center District) Legislative Draft~~
8. ~~HBZSO Chapter 230 (Site Standard) Legislative Draft~~
9. ~~HBZSO Chapter 231 (Off-Street Parking and Loading Provisions) Legislative Draft~~
10. ~~HBZSO Chapter 241 (Conditional Use Permits and Variances — Temporary Use Permits — Waiver of Development Standards) Legislative Draft~~
11. ~~BECSP Section 2.5 (Street Regulations) Legislative Draft~~