

REQUEST FOR CITY COUNCIL ACTION

SUBMITTED TO: Honorable Mayor and City Council Members

SUBMITTED BY: Eric G. Parra, Interim City Manager

VIA: Jennifer Villasenor, Acting Director of Community Development

PREPARED BY: Joanna Cortez, Principal Planner

Subject:

..title

Approve Zoning Text Amendment No. 23-002 (Zoning Update) by approving for introduction Ordinance Nos. 4307, 4308, 4309, 4310, 4311, 4312, 4313, 4314 and Resolution No. 2024-22; and, Approve for introduction Ordinance No. 4322 amending Title 3 of the Huntington Beach Municipal Code (HBMC) titled Revenue and Finance

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Statement of Issue:

Transmitted for City Council's consideration is Zoning Text Amendment No. 23-002, a City-initiated request to 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 request also amends the Beach and Edinger Corridors Specific Plan (BECSP) to update the process and provide clarification for street improvements within the specific plan. The Planning Commission and staff recommend approval of the request. The request also includes amending the Huntington Beach Municipal Code (HBMC) to incorporate language related to Joint Exercise of Power Agreements for middle-income housing developments.

Financial Impact:

Not Applicable

Recommended Action:

..recommendation

A) Find Zoning Text Amendment No. 23-002 exempt from the California Environmental Quality Act (CEQA) 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. Pursuant to 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;

B) Approve Zoning Text Amendment No. 23-002 with findings (Attachment No. 1) and approve for introduction:

1. Ordinance No. 4307, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 203 Definitions of the Huntington Beach Zoning and Subdivision Ordinance (Zoning Text Amendment No. 23-002)"; (Attachment No.2)

2. Ordinance No. 4308, “An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 210 Residential Districts of the Huntington Beach Zoning and Subdivision Ordinance (Zoning Text Amendment No. 23-002)”; (Attachment No. 3)
3. Ordinance No. 4309, “An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 211 C Commercial Districts of the Huntington Beach Zoning and Subdivision Ordinance (Zoning Text Amendment No. 23-002)”; (Attachment No. 4)
4. Ordinance No. 4310, “An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 212 I Industrial Districts of the Huntington Beach Zoning and Subdivision Ordinance (Zoning Text Amendment No. 23-002)”; (Attachment No. 5)
5. Ordinance No. 4311, “An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 218 M Mixed Use-Transit Center District of the Huntington Beach Zoning and Subdivision Ordinance (Zoning Text Amendment No. 23-002)”; (Attachment No. 6)
6. Ordinance No. 4312, “An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 230 Site Standards of the Huntington Beach Zoning Code and Subdivision Ordinance (Zoning Text Amendment No. 23-002)”; (Attachment No. 7)
7. Ordinance No. 4313, “An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 231 Off-Street Parking and Loading Provisions of the Huntington Beach Zoning and Subdivision Ordinance (Zoning Text Amendment No. 23-002)”; (Attachment No. 8)
8. 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)”; (Attachment No. 9)
9. Resolution No. 2024-22, “A Resolution of the City Council of the City of Huntington Beach Approving an Amendment to the Beach and Edinger Corridors Specific Plan (SP 14) (Zoning Text Amendment No. 23-002)”; (Attachment No. 10) and

C) Find the Municipal Code Amendment exempt from the California Environmental Quality Act Approve Municipal Code Amendment and approve for introduction: Ordinance No. 4322, “An Ordinance of the City Council of the City of Huntington Beach Amending the Huntington Beach Municipal Code by Adding New Chapter 3.60 Entitled “Joint Exercise of Power Agreements.” (Attachment No. 11)

..end

Alternative Action(s):

The City Council may make the following alternative motions:

1. Do not approve Zoning Text Amendment No. 23-002 and/or municipal code amendment.
2. Continue Zoning Text Amendment No. 23-002 and/or municipal code amendment and direct staff accordingly.

Analysis:

A. PROJECT PROPOSAL:

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) to update definitions and processes, codify existing policies and code interpretations,

introduce a process for space efficient parking, and update the process for street improvements within the specific plan.

B. BACKGROUND:

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 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.

C. PLANNING COMMISSION MEETING AND RECOMMENDATION:

On March 26, 2024, the Planning Commission held a public hearing on the ZTA. There were no speakers on the item. Only one comment was received prior to the public hearing and it is addressed in the Planning Commission staff report (Attachment No. 12). The Planning Commission recommended approval of the request to the City Council.

Planning Commission Action on March 26, 2024:

A motion was made by Adam, seconded by Rodriguez, to recommend to the City Council approval of ZTA No. 23-002 carried by the following vote:

AYES: Adam, Rodriguez, Pellman, Kennedy, Twining, Wood, Acosta-Galvan
NOES: None
ABSTAIN: None
ABSENT: None

MOTION PASSED

D. STAFF ANALYSIS:

The March 26, 2024, Planning Commission staff report provides a more detailed description and analysis of the proposed ZTA (Attachment No. 12). In summary, staff and the Planning Commission recommend approval of ZTA No. 23-002 based on the following reasons:

1. It is consistent with general land uses, programs, goals, and policies of the General Plan.
2. It cleans up the HBZSO and BECSP to improve clarity, address deficiencies, and maintain currency. It also codifies existing policies and code interpretations and allows select entitlement requests to be permitted by right.
3. It ultimately results in better customer service by providing clear requirements as well as prompt and cost-effective review process.

E. MUNICIPAL CODE AMENDMENT:

The proposed amendment to the HBMC would require approval of a majority vote of the City Council in addition to a majority vote of the electors voting in a general or special election on a proposition to enter into a Joint Powers Agreement for middle income housing development projects.

In July 2021, the City approved a Middle Income Housing Program, which created 649 middle income housing units at the Elan and Breakwater multi-family rental developments. The properties were acquired through a Joint Powers Authority with tax exempt bonds. Funding for the program required the City to forgo property tax revenue for up to a 30-year period while the City's financial

benefits would come from the net proceeds after payoff of the bonds anytime between years 15 and 30.

The issue regarding whether the City should be able to approve these types of programs without a vote of the people was raised by Council Member McKeon and considered by the City Council during the special City Council meetings on Charter amendments in September 2023. The City Council discussed the recommended Charter language and the potential to address the issue through an ordinance rather than a Charter amendment. Ultimately, Council Member McKeon withdrew the item as a recommended Charter amendment and suggested staff bring an ordinance forward for City Council consideration with general Council consensus on the direction. As such, the proposed ordinance (Attachment No. 11) would require a vote of the people if the City were to approve another Middle Income Housing Program with the same funding structure unless otherwise amended or repealed by the City Council.

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. Lastly, the proposed amendment to the HBMC is exempt from CEQA pursuant to Section 15061(b)(3), which exempts projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Strategic Plan Goal:

Goal 5 - Housing, Strategy A - Take action to maintain local control of land-use planning.

The proposed amendment will result in better customer service by maintaining local control in certain land-use review processes.

Attachment(s):

1. Suggested Findings of Approval – ZTA No. 23-002
2. HBZSO Chapter 203 (Definitions) Draft Ordinance No. 4307 and Legislative Draft
3. HBZSO Chapter 210 (Residential Districts) Draft Ordinance No. 4308 and Legislative Draft
4. HBZSO Chapter 211 (C Commercial Districts) Draft Ordinance No. 4309 and Legislative Draft
5. HBZSO Chapter 212 (I Industrial Districts) Draft Ordinance No. 4310 and Legislative Draft
6. HBZSO Chapter 218 (M Mixed-Use Transit Center District) Draft Ordinance No. 4311 and Legislative Draft
7. HBZSO Chapter 230 (Site Standard) Draft Ordinance No. 4312 and Legislative Draft
8. HBZSO Chapter 231 (Off-Street Parking and Loading Provisions) Draft Ordinance No. 4313 and Legislative Draft
9. HBZSO Chapter 241 (Conditional Use Permits and Variances – Temporary Use Permits – Waiver of Development Standards) Draft Ordinance No. 4314 and Legislative Draft
10. BECSP Section 2.5 (Street Regulations) Draft Resolution No. 2024-22 and Legislative Draft
11. HBMC Chapter 3.60 Draft Ordinance No. 4322
12. March 26, 2024, Planning Commission Staff Report
13. HBZSO & BECSP Update Matrix of Changes
14. PowerPoint Presentation