

LEGISLATIVE DRAFT

HBMC 2.33

2.33.030 Department Objectives

The objectives of the department shall be as follows:

- A. Provide long-range data analysis and comprehensive planning, including statistical research, neighborhood planning and analysis, special projects, and methods of implementing plans and programs.
- B. Administer ongoing and continuing planning and zoning functions, including administration of zoning and subdivision ordinances.
- C. Provide services to developers and investors to assist in facilitating development or to encourage new development in accordance with policies of the City Council.
- D. Administer and enforce laws, ordinances, regulations and programs related to housing, zoning and property maintenance.
- E. Provide staff services and support to the Planning Commission, Zoning Administrator, Design Review Board, Environmental Board, ~~Subdivision Committee, Environmental Assessment Committee,~~ and other committees, subcommittees, boards and commissions pertaining to planning.
- F. Administer and enforce state and local construction regulations to protect the health and safety of the community.
- G. Utilize automation to improve the access to information and services.
- H. Provide plan review and inspection services in a professional, flexible and equitable manner.
- I. Perform such other related duties as shall be required by law, ordinance or the City Manager.

HBMC 2.56

2.56.030 Director – Powers and Duties

The Director of Public Works shall be the head of the Public Works Department, and shall be appointed by the City Manager. The director shall have the following powers and duties:

- A. Plans, organizes, directs and coordinates all divisions, programs and activities of the Public Works Department.
- B. Determines and directs department policies, procedures, and organization.
- C. Establishes and maintains systems for public flood control, sewers, streets, parks, City facilities, potable water, landscape services and basic public health and safety.
- D. Assists boards, commissions and committees which encourage, foster, promote and facilitate the objectives of the department including, but not limited to, the Planning Commission, Community Services Commission, Public Works Commission, ~~Subdivision Committee,~~ Board of Zoning Adjustments, or appoints deputy so to assist.
- E. Investigates and authorizes purchase of materials, services and equipment necessary to implement and operate department activities within the scope of the department budget.
- F. Communicates department plans, policies and activities to various governmental agencies and civic groups in the advancement of department objectives under the direction of the City Manager.
- G. Prepares, submits and administers department budget.
- H. Investigates, analyzes, and makes recommendations as to construction or improvement bids on Public Works projects, and administers the contract upon approval of the City Council.
- I. Performs such other duties and has such other powers as the City Council may establish hereafter by resolution.
- J. Administration and enforcement of appropriate sections of Titles 8, 12, 13 and 14 of the Huntington Beach Municipal Code.

HBZC 240

2.40.04 Environmental Review

A. Purpose. The purpose of this section is to implement the California Environmental Quality Act of 1970 (CEQA). This section shall apply to all permits or entitlements, not otherwise exempt, requiring discretionary action by the City. The City Council shall by resolution adopt policies, objectives, criteria, and procedures regulating environmental evaluation of public and private projects. This section and the provisions adopted by resolution provide the basic principles, objectives, criteria, procedures, and definitions to ensure consistent implementation of the California Environmental Quality Act.

~~B. Establishment of Environmental Assessment Committee. There is hereby established an Environmental Assessment Committee consisting of the Director of Community Development, the Director of Public Works, and the City Attorney, or a designated representative of each. A quorum shall require at least two members.~~

~~C. The Environmental Assessment Committee shall have responsibility for evaluating the environmental impact of all discretionary projects, determine the appropriate environmental documentation required for compliance with CEQA and make recommendations to the discretionary body to adopt or deny **a negative declaration or environmental impact report, consistent with state and local law.**~~

BD. Administration. The director shall be responsible for:

1. Preparing and processing all environmental documents necessary to comply with CEQA, the guidelines of the California State Resources Agency as authorized under the [Public Resources Code](#) Section 21083, and such additional provisions as may be adopted by the City of Huntington Beach; and
2. Contracting for private, professional consultation for preparation of environmental impact reports.

C.E. Environmental Determination. Prior to any project approval, the discretionary body shall first act upon the negative declaration or the environmental impact report (EIR). The discretionary body acting on the project may adopt the negative declaration or may reject it and require an environmental impact report. The discretionary body may certify the environmental impact report or reject it, if deemed incomplete.

D.F. Mitigation Measures. Any feasible change or alteration to the project which avoids or substantially lessens the significant environmental impacts identified in the negative declaration or final EIR shall be incorporated as a condition of approval imposed on the project. The condition of approval shall also describe the time period and the manner in which the mitigation measure must be satisfied.

E.G. Monitoring and Reporting Program. The City requires a reporting or monitoring program be prepared to ensure compliance of mitigation measures during project implementation. The project applicant shall be responsible for ensuring completion of the program and shall submit to the City reports indicating the status of compliance. The City may obtain or require an independent analysis of any completed reports submitted as required by a mitigation measure. The cost of the analysis shall be paid by the project applicant.

Prior to final inspection the monitoring program report shall be completed and accepted by the City. A separate report may be required for each phase of a project constructed in phases.

FH. Appeal. Any decision of the committee may be appealed to the discretionary body which has original jurisdiction over approval of the project as provided in this Code. The appeal shall be heard prior to the discretionary body's action on the project.

HBZC 248

248.16 Finality of Decision and Time for Appeal

A decision on a discretionary approval is not final until the time for appeal expires. The time for appeal from a decision by the Zoning Administrator, the ~~Environmental Assessment Committee, Subdivision Committee, Design Review Board, or the Planning Commission~~ shall be filed within 10 calendar days after the date of the decision. Appeals may not be processed on actions which must be heard by and receive final action by the City Council, except that Coastal Development Permits for development located in the appealable area of the coastal zone may be appealed to the Coastal Commission as described in Section 245.32.

248.18 Designation of Hearing Body on Appeal

The Planning Commission shall hear an appeal from the decision of the director, Zoning Administrator, Design Review Board, ~~Environmental Assessment Committee, and Subdivision Committee~~. The City Council shall hear an appeal from the decision of the Planning Commission. The decision of the City Council is final, except that Coastal Development Permits for development located in the appealable area of the coastal zone may be appealed to the Coastal Commission.

248.22 Appeal of Failure to Act

An applicant may appeal the failure of the Zoning Administrator, Design Review Board, ~~Environmental Assessment Committee, Subdivision Committee~~ or Planning Commission to act on an application if the failure to act continues beyond a reasonable time and the time to act is not otherwise fixed by law. The appeal body shall consider all of the circumstances surrounding the application in determining what is a reasonable time.

248.28 Appeal by City Council Member or Planning Commissioner

- A. A City Council member or a Planning Commissioner may appeal a decision of the director, Design Review Board, ~~Environmental Assessment Committee, Subdivision Committee~~, Planning Commission or Zoning Administrator. The appeal shall be processed in the same manner as an appeal by any other person but need not be accompanied by the fee prescribed for an appeal.
- B. The City Council member or Planning Commissioner appealing the decision is not disqualified by that action from participating in the appeal hearing and the deliberations nor from voting as a member of the reviewing body.

HBZC 250

250.10 Definitions

For the purposes of this title, unless otherwise apparent from the context, certain words and phrases used in this title are defined in this section as set forth below. All definitions provided in Chapters [1.04](#) and 203 and Section 245.04 of the Municipal Code and all definitions provided in the Subdivision Map Act shall also be applicable to this title and said definitions are hereby incorporated by this reference as though fully set forth herein.

~~Subdivision Committee. The Subdivision Committee of the City of Huntington Beach.~~

250.12 Responsibilities

A. **City Attorney.** The City Attorney's responsibilities shall include approving as to form all subdivision improvement agreements; covenants, codes, and restrictions; security, liability agreements and insurance; and all governing documents for a community apartment project, condominium, stock cooperative, or conversion.

B. **City Council.**

1. The City Council shall have final jurisdiction in the approval of final maps and improvement agreements and the acceptance by the City of land and/or improvements as may be proposed for dedication to the City for subdivisions of five or more parcels.

2. The City Council shall act as the appeal board for hearing appeals of all subdivision maps acted upon by the Planning Commission.

C. **Planning Commission.** The Planning Commission's responsibilities shall include approving, conditionally approving, or denying the application for tentative map approval of subdivisions of 10 or more parcels. The Planning Commission shall act as the appeal board for hearing appeals of tentative parcel maps and tentative maps for subdivisions of nine or fewer parcels.

D. **Zoning Administrator.** The Zoning Administrator's responsibilities shall include the processing and approval, conditional approval or denial of tentative map approval of subdivisions of nine or less parcels, tentative parcel maps and waivers of parcel map requirements, mergers and certificates of compliance.

E. **City Engineer.** The City Engineer's responsibilities shall include:

1. Establishing design and construction details, standards and specifications.

2. Determining if proposed subdivision improvements comply with the provisions of the Subdivision Map Act and this title.

3. The processing and certification of final maps, reversion to acreage maps, and amended maps and the processing and approval of subdivision improvement plans.

4. Examining and certifying that final maps are in substantial compliance with the approved tentative map.

5. Final jurisdiction in the approval of parcel maps and certification of lot line adjustments.

6. The inspection and approval of subdivision public improvements.

7. The acceptance of dedications and public improvements for subdivisions by parcel map, and off-site dedications lying outside a subdivision boundary which require a separate grant deed.

8. Collection of all required fees and deposits associated with final maps and parcel maps except park and recreation fees.

F. **Director.** The director's responsibilities shall include the processing of tentative maps and lot line adjustments.

1. Determinations of violations of the provisions of the Subdivision Map Act or this title.

2. The management of the Department of Community Development in carrying out the responsibilities imposed upon it by this title. When necessary to carry out the director's

responsibilities hereunder, the director may designate and authorize a representative to act on his or her behalf.

3. Collection of park and recreation fees and fees associated with tentative maps.

~~G. **Subdivision Committee.** The Subdivision Committee's responsibilities shall include examining and determining that tentative and vesting tentative maps comply with the provisions of the Subdivision Map Act, this title, the Local Coastal Program for maps located within the coastal zone, and the City's General Plan, and recommending approval, disapproval, or conditional approval of tentative or vesting tentative maps to the Planning Commission or Zoning Administrator.~~

The Subdivision Committee shall consist of the following members or their authorized representatives:

- ~~1. The director who shall serve as chairperson and secretary;~~
- ~~2. The City Engineer;~~
- ~~3. The Fire Chief; and~~
- ~~4. Three members of the Planning Commission.~~

~~Representatives from other departments shall attend meetings when requested to do so by the Subdivision Committee.~~

G.H. **Coastal Commission.** The Coastal Commission shall have appeal jurisdiction over Coastal Development Permits approved for all subdivisions and lot line adjustments located within the appealable area of the coastal zone that constitute development as defined in Section 245.04 (Development).

HBZC 251

251.08 Hearings and Action

~~A. **Subdivision Committee.** Whenever a property is to be subdivided into five or more parcels, the Subdivision Committee may hold a public hearing prior to reporting on the tentative map for said subdivision. Notice of the time and place thereof, including a general description of the subject matter shall be given at least 10 days before the hearing. Copies of said notice shall be mailed to the subdivider, engineer, and property owner of the property proposed for subdivision. Notice shall also be given to each local agency expected to provide water, sewage, streets, schools, or other essential facilities or services to the subdivision.~~

~~A. B. **Notice of Public Hearings.** Upon receipt of an application that is accepted as complete, the Department shall set a date for a public hearing, provide notice as required by Chapter 248 and prepare a report with recommendations. A copy of the Department report shall be forwarded to the subdivider at least three working days prior to the public hearing.~~

~~B.C. **Planning Commission Action.** The Planning Commission or Zoning Administrator as the case may be, shall approve, conditionally approve, or deny a tentative map within 50 days after the tentative map has been accepted. This time period shall commence after certification of the environmental impact report, adoption of the negative declaration, or determination that the project is exempt from the requirements of Division 13 (commencing with Section 21000) of the [Public Resources Code](#).~~

~~C. D. **Factors to Be Considered.** In reaching a decision upon the tentative map, the Planning Commission or Zoning Administrator shall consider the effect of that decision on the housing needs~~

of the region and balance these needs against the public service needs of its residents and available fiscal and environmental resources.

D. E. Approval. The tentative map may be approved or conditionally approved if the following findings are made:

1. That the proposed map is consistent with the General Plan or any applicable specific plan, or other applicable provisions of this Code;
2. That the site is physically suitable for the type and density of development;
3. That the design of the subdivision or the proposed improvements will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. Notwithstanding the foregoing, the Planning Commission or Zoning Administrator may approve such a tentative map if an environmental impact report was prepared with respect to the project and a finding was made that specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report;
4. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision unless alternative easements, for access or for use, will be provided.

E. F. Denial. The Planning Commission or Zoning Administrator shall deny approval of a tentative subdivision map if it determines that approval will result in any of the conditions as described in [Government Code](#) Section 66474.