

ORDINANCE NO. 4272

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH AMENDING THE ZONING AND SUBDIVISION CODE OF THE CITY OF HUNTINGTON BEACH TO ADD A NEW CHAPTER 229 (AFFORDABLE HOUSING OVERLAY) (ZONING TEXT AMENDMENT NO. 22-008)

WHEREAS, pursuant to 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. 22-008, which establishes an Affordable Housing Overlay and associated development standards for multi-family residential uses on certain properties within the City; and

After due consideration of the findings and recommendations of the Planning Commission and all other evidence presented, the City Council has determined that the aforesaid amendment is proper and consistent with the objectives, policies, general land uses, and programs of the General Plan, as provided in the concurrently adopted Housing Element Update; and

All legal prerequisites to the adoption of this Ordinance have occurred.

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

SECTION 1. The foregoing recitals are all true and correct.

SECTION 2. Zoning Text Amendment No. 22-008, amending the Huntington Beach Zoning and Subdivision Ordinance as set forth in the Legislative Draft attached hereto as Exhibit "A" and incorporated by this reference as though fully set forth herein, is hereby adopted and approved.

SECTION 3. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance and shall not affect other provisions of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable. The City Council hereby declares it would have adopted this Ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 4. CEQA. The City Council of the City of Huntington Beach hereby makes the following environmental findings and determinations in connection with the approval of Zoning Text Amendment No. 22-008, adopted concurrently with the City of Huntington Beach 6th Cycle Housing Element Update (2021-2029) ("Project"):

A Subsequent Environmental Impact Report ("SEIR") No. 2022-002, Mitigation Monitoring and Reporting Program, and Statement of Overriding Considerations were prepared for the Project in accordance with the California Environmental Quality Act and the California Environmental Quality Act Guidelines ("CEQA"). Thereafter, City staff circulated a Notice of Completion indicating the public comment period and intent to adopt the SEIR as required by law. The public comment period commenced on June 29, 2022 and concluded on August 15, 2022. The Notice of Availability was also sent to the State Clearinghouse (SCH #2021080104), responsible agencies, trustee agencies, and interest parties, and posted on the City's website for review and comment on the Subsequent Environmental Impact Report for the Project.

(a) On November 16, 2022, the Planning Commission conducted a duly noticed public hearing to consider the Project and the Final SEIR, reviewed the staff report, accepted and considered public testimony. After due consideration, the Planning Commission found that agencies and interested members of the public were afforded ample notice and opportunity to comment on the SEIR and the Project and recommending that City Council certify the Final SEIR, adopt findings of fact pursuant to the California Environmental Quality Act, adopt a Mitigation Monitoring and Reporting Program, and adopt a Statement of Overriding Considerations for the Project.

(b) On November 29, 2022, the City Council, at a duly noticed public hearing, considered the proposed Project and the Final SEIR, at which time the City staff presented its report and interested persons had an opportunity to be heard and to present evidence regarding the proposed Project and the Final SEIR. Based upon the evidence presented at the hearing, including the staff report and oral testimony, the City Council, by separate Resolution No. 2022-63, certified the Final SEIR, adopted findings pursuant to the California Environmental Quality Act for the Project.

(c) All actions taken by City have been duly taken in accordance with all applicable legal requirements, including the California Environmental Quality Act (Cal. Pub. Resources Code § 21000 et seq.) ("CEQA"), and all other requirements for notice, public hearings,

findings, votes and other procedural matters.

(d) The custodian of records for the Final SEIR, Mitigation Monitoring and Reporting Program, Findings of Fact and Statement of Overriding Considerations and all other materials that constitute the record of proceedings upon which the City Council's decision was based, including, without limitation, the staff reports for the Project, all of the materials that comprise and support the Final SEIR and all of the materials that support the staff reports for Project, is the City Clerk of the City of Huntington Beach. Those documents are available for public examination during normal business hours at the Office of the City Clerk, City of Huntington Beach, 2000 Main Street, Huntington Beach, California, 92648.

SECTION 5. Effective Date. This Ordinance shall become effective 30 days after its adoption.

SECTION 6. Certification and Publication. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published in the manner required by law.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 2022.

ATTEST:

City Clerk

REVIEWED AND APPROVED:

City Manager

Mayor

APPROVED AS TO FORM:

City Attorney

INITIATED AND APPROVED:

Director of Community Development

ATTACHMENTS

Exhibit "A": ZTA No. 22-008 – HBZSO Chapter 229 – Affordable Housing Overlay

229.02 Affordable Housing Overlay District Established

The Affordable Housing Overlay (-AHO) District is established and applies to properties designated by this chapter as suitable for residential uses in addition to any uses permitted and existing in the underlying base zoning district.

229.04 Zoning Map Designator and Applicability

A. The Affordable Housing Overlay shall be illustrated on the zoning map and all property affected shall add an “-AHO” to the base district designator.

B. This chapter shall apply to new multi-family residential projects proposing a minimum of 20 percent of the dwelling units affordable to lower income households as defined by California Health and Safety Code 50079.5, or a successor statute, on sites designated within the Affordable Housing Overlay.

C. Projects that do not propose to meet the affordability provisions of this section shall not be eligible for residential development pursuant to the Affordable Housing Overlay.

229.06 Permitted Uses and Development Standards

A. **Permitted Uses.** Permitted Uses in the Affordable Housing Overlay district shall be limited to multi-family residential uses subject to the applicability provisions in Section 229.04.

1. Multi-family residential projects meeting the applicability requirements shall be subject to a ministerial review process. Applicants are required to submit a General Planning application for Preliminary Plan Review, accompanied by a fee set by City Council resolution, and including submittal requirements designated by the Community Development Director. The following requirements shall also apply to any application submitted pursuant to the Affordable Housing Overlay:

a. A mitigation measure matrix identifying how a project will comply with/incorporate Program EIR No. 22-002 mitigation measures is required as part of the submittal application.

b. Subdivisions and deviation requests subject to a Conditional Use Permit or Variance shall be processed in accordance with the provisions of the HBZSO.

c. Development in the Coastal Zone shall require a Coastal Development Permit pursuant to Chapter 245.

d. The applicant shall also obtain a building permit, in addition to any and all other permits required by the Huntington Beach Municipal Code (HBMC).

e. The City shall provide notice to property owners within 300 feet upon approval of a project. The applicant shall provide a 300-foot radius map and property owner mailing labels at the time of project submittal.

B. Development Standards. The following schedule prescribes development standards for the Affordable Housing Overlay district designated on the zoning map. The first column establishes the basic requirements. Letters in parentheses in the “Additional Requirements” column refer to additional requirements following the schedule.

C. All required setbacks shall be measured from ultimate right-of-way and in accordance with the definitions set forth in Chapter 203, Definitions.

Property Development Standards

	AHO	Additional Requirements
Maximum Density	70 dwelling units/acre	
Minimum Site Area (acre)	0.5	
Minimum Setbacks		
Front (ft)	20	(A)(B)
Side (ft.)	10	(B)(G)
Rear (ft.)	10	(B)(G)
Maximum Height of Structures	4 stories	(C)
Maximum Building Length (ft.)	180	(D)
Minimum Site Landscaping (%)	8	(E)(F)
Maximum Lot Coverage (%)	75	
Minimum Open Space (sq. ft. per unit)	100	(J)
Building Separation (ft.)	20	
Lighting		(L)
Fences and Walls	See Section 230.88	
Off-Street Parking and Loading	See Ch. 231	(H)
Screening of Mechanical Equipment		(I)
Antenna	See Section 230.80	
Accessory Structures	See Section 230.08	
Refuse Storage Areas	See Section 230.78	(K)
Underground Utilities	See Section 17.64	
Performance Standards	See Section 230.82	
Signs	See Ch. 233	(N)
Building Design Standards		(O)
Private Storage Space		(M)

Affordable Housing Overlay: Additional Development Standards

(A) Multiple street frontage lots shall provide front yards on each frontage.

(B) Projections Into Setbacks.

(1) See Section [230.68](#), Building Projections into Yards.

(2) Balconies and bay windows may project into required setbacks and usable open space areas subject to Section [230.68](#), provided that balconies have open railings, glass, or architectural details with openings to reduce visible bulk. Balconies composed solely of solid enclosures are not allowed to project into required setbacks.

(3) Awnings, canopies, covered walkways, covered patios, and uncovered arcades may project into required setbacks and usable open space areas provided that a minimum five-foot setback is maintained to the property line.

(C) Height Requirements. See Section [230.70](#), Measurement of Height, and Section [230.72](#), Exceptions to Height Limits.

(1) Story heights shall not exceed 12 feet from interior finished floor to ceiling. Ground floor residential lobbies, leasing offices, clubhouses, mailrooms, fitness areas, and other common areas shall not exceed 16 feet from floor to ceiling.

(2) The number of stories shall include all stories located above finished grade. Parking podiums extending more than five feet above finished grade shall count as a story. Mezzanines or loft areas covering more than one third of the space of a story shall count as a story.

(D) Maximum Building Length. The maximum building length is 180 feet.

(1) A paseo, which provides pedestrian access, shall count as a break in the building length, provided it is a minimum of 10 feet wide and open to the sky for a minimum depth of 20 feet.

(2) A forecourt, with a minimum depth of 40 feet, shall count as a break in the building length.

(E) Planting Areas. With the exception of sidewalks, driveways, pathways and paved outdoor seating areas, required front and street side yards shall be planting areas.

(F) Landscape Improvements.

(1) All landscape improvements shall comply with Chapter 232 unless otherwise provided herein.

(2) General Tree Requirements. One 36-inch box tree shall be provided for every 45 lineal feet of street frontage planted within the setback areas adjacent to a street. Specimen palms may be substituted at a ratio of one-half foot brown trunk height for one inch of box tree inch required.

(G) The side and rear yard setback shall be increased an additional five feet when project is adjacent to existing industrial developed property

(H) Off-Street Parking and Loading Provisions.

(1) All off-street parking and loading provisions shall comply with Chapter 231 unless otherwise provided herein. Off-street parking spaces shall be provided in accordance with the following:

Off-Street Parking Spaces Required in the Affordable Housing Overlay

Residential	No. Spaces Required
Studio/One bedroom	1 space per unit
Two bedrooms	2 spaces per unit
Three or more bedrooms	2.5 spaces per unit
Guests	0.5 space per unit
Bicycle Parking	Pursuant to Section 231.20
Delivery vehicle	1 space + 1 per 100 units

(2) Parking may be provided in a tandem configuration

(3) A parking management plan, subject to review and approval by the Community Development Department, shall be required for all projects.

(4) Loading area to accommodate rideshare vehicles and moving trucks and passenger pick-up/drop-off shall be provided on-site.

(I) All exterior mechanical equipment shall be screened from view from the public right of way. Rooftop equipment must be setback a minimum of 10 feet from building walls, screened on all sides, and integrated into the overall building design. Picket fencing, chain link fencing and exposed sheet metal enclosures are not permitted. A mechanical equipment plan shall be submitted to the Community Development Department to ensure compliance with this provision.

(J) Open Space Requirements.

(1) The minimum open space area (private and common) shall be 100 square feet per residential unit. For purposes of this subsection, open space shall mean an area which is designed and intended to be used for active or passive recreation. Open space may consist of private and/or common areas. Parking areas, access aisles, and driveways shall not qualify as usable open space.

(2) Private Open Space.

(a) Private open space shall be provided in porches, patios, or balconies within which a horizontal rectangle has no dimension less than six feet for porches and patios and four feet for balconies.

(b) At least 50% of the dwelling units shall be provided a minimum of 60 square feet of private open space.

(c) Private open space shall be contiguous to the unit and for the exclusive use of the occupants. Private open space shall not be accessible to any dwelling unit except the unit it serves and shall be physically separated from common areas by a wall or hedge at least 42 inches in height.

(3) Common Open Space.

(a) Common open space, provided by interior side yards, patios, courtyards, terraces, and rooftop decks, shall be designed so that no dimension is less than 10 feet, shall be open to the sky, and shall not include driveways or parking areas.

(b) Projects with more than 20 units shall include at least one amenity, such as a clubhouse, swimming pool, tennis court, volleyball court, outdoor cooking facility, dog park or other recreation facility. Such common amenity spaces shall count toward the common open space requirement.

(K) **Refuse Storage Areas.** See Section 230.78. Every property shall provide trash and recycling enclosures or areas within a building that are capable of handling the refuse generated by that site.

(L) **Lighting.** Lighting shall be provided in all projects along all vehicular accessways and major walkways. Lighting shall be directed onto the driveways and walkways within the development and away from adjacent properties. A lighting plan shall be submitted for approval by the Director.

(M) **Private Storage Space.** At least 50% of the units shall have a minimum of 50 cubic feet of private storage space provided outside such unit. Such private storage space shall be fully enclosed and lockable.

(N) See Chapter 233, Signs—Residential, for applicable provisions related to signs.

(O) **Building Design Standards.** Buildings in the Affordable Housing Overlay shall be designed in accordance with the following requirements:

(1) A horizontal articulation along the top and base of the building shall be provided on all sides, except where building wall to building wall clearance is five feet or less.

(a) Top. An architectural feature or treatment shall be incorporated along the top of the uppermost floor of the façade. Top features can include a cornice, canopy, a shaped or capped parapet, or a façade offset. Fabric or canvas awnings shall not count as a top feature/treatment.

(b) Base. An architectural feature or treatment shall be applied along the lower part of the building within the first floor façade to form the base. A base shall be created by using any one or a combination of the following:

(i) A visibly thicker and continuous base portion of the wall along the ground, where the wall above the base is set back.

(ii) A material and/or color change of the base wall relative to the building wall above.

(iii) A horizontal architectural feature at or below the top of the first story, such as an intermediate cornice line or protruding horizontal band.

(2) A major façade offset, which is a substantial vertical plane break in a façade, shall be provided. The depth of a major façade offset shall be a minimum of five percent of the width of the largest adjacent horizontal façade segment.

(3) A substantial recess/notch in the façade shall be provided with a minimum width of five feet and a minimum depth of three feet.

(4) A façade composition change, which results in a substantial change in architectural elements on adjacent segments of an otherwise flat façade, shall be provided. To qualify as a façade composition change, a change in roof form and a roofline height variation between adjacent building volumes shall be utilized in addition to at least one of the following features:

(a) A prominent central feature such as a balcony, bay window, porch or portico

(b) Change in wall cladding materials and colors

(c) Change in window pattern/form

(5) All buildings shall have a four-sided architectural design incorporating architectural treatments, materials, and finishes used on the street facing facade, on all other building facades.

(6) Main Entrances shall incorporate one or more of the following treatments:

- (a) A tower or other taller visually prominent feature
- (b) Architectural accent elements, such as columns, overhanging roofs, awnings, and ornamental light fixtures
- (c) A recessed entry or recessed bay in the façade incorporating differentiated paving materials, ornamental ceiling treatments, decorative light fixtures, and attractive decorative door pulls, escutcheons, hinges, and other hardware
- (d) Covered entrance utilizing a projecting canvas or fabric awning, or permanent architectural canopy utilizing materials from the primary building.

229.08 Affordable Units

- A. For purposes of calculating the number of affordable units required, resulting fractional units shall be rounded up to the nearest whole number.
- B. All affordable units shall be provided on-site.
- C. The provisions of Section 230.26. (D) and (F) of the HBZSO shall apply to all residential projects proposed pursuant to this section.
- D. Projects that meet the affordability provisions of this section shall be eligible for density bonus in accordance with State Density Bonus Law.

229.10 Sunset Clause

This ordinance will sunset, unless otherwise extended by the City Council, when the City meets its lower and moderate income RHNA allocation, or on January 1, 2030, whichever occurs first. Approved projects and projects in process shall be exempt from this section pursuant to Section 202.12.