

ORDINANCE NO. 4183

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH  
AMENDING CHAPTERS 204 USE CLASSIFICATIONS, 212 INDUSTRIAL DISTRICTS,  
AND 231 OFF-STREET PARKING AND LOADING OF THE HUNTINGTON BEACH  
ZONING AND SUBDIVISION ORDINANCE  
(ZONING TEXT AMENDMENT NO. 18-002)

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. 18-002, which amends Chapters 204 Use Classifications, 212 Industrial Districts, and 231 Off-Street Parking and Loading of the Huntington Beach Zoning and Subdivision Ordinance to establish a set of zoning standards for the Research and Technology (RT) zoning district.

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 Chapters 204, 212, and 231 of the Huntington Beach Zoning and Subdivision Ordinance titled Definitions is hereby amended to read as set forth in Exhibits A, B, and C.

SECTION 2. All other provisions of Chapters 204, 212, and 231 not modified herein shall remain in full force and effect.

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

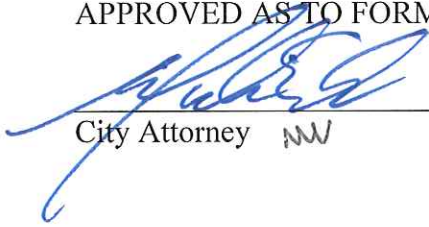
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO FORM:

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

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

REVIEWED AND APPROVED:

INITIATED AND APPROVED:

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

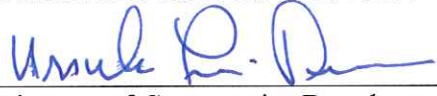
  
\_\_\_\_\_  
Director of Community Development

Exhibit A: Legislative Draft Chapter 204 Use Classifications  
Exhibit B: Legislative Draft Chapter 212 Industrial Districts  
Exhibit C: Legislative Draft Chapter 231 Off-Street Parking and Loading

## **Chapter 204 USE CLASSIFICATIONS**

### **204.02 Applicability**

Use classifications describe one or more uses having similar characteristics, but do not list every use or activity that may appropriately be within the classification. The director shall determine whether a specific use shall be deemed to be within one or more use classifications or not within any classification in this title. The director may determine that a specific use shall not be deemed to be within a classification, if its characteristics are substantially different than those typical of uses named within the classification. The director's decision may be appealed to the Planning Commission. (3334-6/97)

### **204.04 Uses Not Classified**

Any new use, or any use that cannot be clearly determined to be in an existing use classification, may be incorporated into the zoning provisions by a Zoning and Subdivision Ordinance text amendment, as provided in Chapter 247. Such an incorporation shall not be effective unless certified by the Coastal Commission as a Local Coastal Program amendment. (3334-6/97)

### **204.06 Residential Use Classifications**

- A. **Day Care, Limited (or Small-Family).** Non-medical care and supervision of six or fewer persons, or eight or fewer persons if two of the persons are six years of age or older, on a less than 24-hour basis. Children under the age of 10 years who reside in the home shall be counted for purposes of these limits. This classification includes nursery schools, preschools, and day-care centers for children and adults.
- B. **Group Residential.** Shared living quarters without separate kitchen or bathroom facilities for each room or unit. This classification includes boarding houses, but excludes residential hotels or motels.
- C. **Multifamily Residential.** Two or more dwelling units on a site. This classification includes manufactured homes.
- D. **Residential Alcohol Recovery, Limited.** Twenty-four-hour care for no more than six persons suffering from alcohol problems in need of personal services, supervision, protection or assistance. This classification includes only those facilities licensed by the State of California.
- E. **Residential Care, Limited.** Twenty-four-hour non-medical care for six or fewer persons in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. This classification includes only those services and facilities licensed by the State of California.
- F. **Single-Family Residential.** Buildings containing one dwelling unit located on a single lot. This classification includes manufactured homes.
- G. **Supportive Housing.** Housing with no limit on length of stay that is occupied by the target population and is linked to on-site or off-site services that assist residents to retain the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. On-site and off-site services may include, but are not limited to, after-school tutoring, child care, and career counseling. Supportive housing uses are subject only to those

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restrictions and processing requirements that apply to other residential dwellings of the same type in the same zone.

H. **Transitional Housing.** Temporary housing (generally six months to two years) for a homeless individual or family who is transitioning to permanent housing. This type of housing includes multi-family unit developments and often includes a supportive services component to allow individuals to gain necessary life skills in support of independent living. Transitional housing uses are subject only to those restrictions and processing requirements that apply to other residential dwellings of the same type in the same zone. (3334-6/97, 3669-12/04, 3857-2/10)

### **204.08 Public and Semipublic Use Classifications**

A. **Cemetery.** Land used or intended to be used for the burial of human remains and dedicated for cemetery purposes. Cemetery purposes include columbariums, crematoriums, mausoleums, and mortuaries operated in conjunction with the cemetery, business and administrative offices, chapels, flower shops, and necessary maintenance facilities.

B. **Clubs and Lodges.** Meeting, recreational, or social facilities of a private or nonprofit organization primarily for use by members or guests. This classification includes union halls, social clubs and youth centers.

C. **Community and Human Service Facilities.**

1. Drug Abuse Centers. Facilities offering drop-in services for persons suffering from drug abuse, including treatment and counseling without provision for on-site residence or confinement.
2. Primary Health Care. Medical services, including clinics, counseling and referral services, to persons afflicted with bodily or mental disease or injury without provision for on-site residence or confinement.
3. Emergency Kitchens. Establishments offering food for the “homeless” and others in need.
4. Emergency Shelters. Establishments offering food and shelter programs for “homeless” people and others in need. This classification does not include facilities licensed for residential care, as defined by the State of California, which provide supervision of daily activities.
5. Residential Alcohol Recovery, General. Facilities providing 24-hour care for more than six persons suffering from alcohol problems, in need of personal services, supervision, protection or assistance.

These facilities may include an inebriate reception center as well as facilities for treatment, training, research, and administrative services for program participants and employees. This classification includes only those facilities licensed by the State of California.

6. Residential Care, General. Twenty-four-hour non-medical care for seven or more persons, including wards of the juvenile court, in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. This classification includes only those facilities licensed by the State of California.

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- D. **Convalescent Facilities.** Establishments providing care on a 24-hour basis for persons requiring regular medical attention, but excluding facilities providing surgical or emergency medical services.
- E. **Cultural Institutions.** Nonprofit institutions displaying or preserving objects of interest in one or more of the arts or sciences. This classification includes libraries, museums, and art galleries.
- F. **Day Care, Large-Family.** Non-medical care and supervision for seven to 12 persons, or up to 14 persons if two of the persons are six years of age or older on a less than 24-hour basis. Children under the age of 10 years who reside in the home shall be counted for purposes of these limits.
- G. **Day Care, General.** Non-medical care for 13 or more persons on a less than 24-hour basis. This classification includes nursery schools, preschools, and day-care centers for children or adults.
- H. **Emergency Health Care.** Facilities providing emergency medical service with no provision for continuing care on an inpatient basis.
- I. **Government Offices.** Administrative, clerical, or public contact offices of a government agency, including postal facilities, together with incidental storage and maintenance of vehicles.
- J. **Heliports.** Pads and facilities enabling takeoffs and landings by helicopter.
- K. **Hospitals.** Facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons, primarily on an inpatient basis. This classification includes incidental facilities for out-patient treatment, as well as training, research, and administrative services for patients and employees.
- L. **Maintenance and Service Facilities.** Facilities providing maintenance and repair services for vehicles and equipment, and materials storage areas. This classification includes corporation yards, equipment service centers, and similar facilities.
- M. **Marinas.** A boat basin with docks, mooring facilities, supplies and equipment for small boats.
- N. **Park and Recreation Facilities.** Noncommercial parks, playgrounds, recreation facilities, and open spaces.
- O. **Public Safety Facilities.** Facilities for public safety and emergency services, including police and fire protection.
- P. **Religious Assembly.** Facilities for religious worship and incidental religious education, but not including private schools as defined in this section.
- Q. **Schools, Public or Private.** Educational institutions having a curriculum comparable to that required in the public schools of the State of California.
- R. **Utilities, Major.** Generating plants, electrical substations, above-ground electrical transmission lines, switching buildings, refuse collection, transfer, recycling or disposal facilities, flood control or drainage facilities, water or wastewater treatment plants, transportation or communications utilities, and similar facilities of public agencies or public utilities.
- S. **Utilities, Minor.** Utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, underground water and sewer lines, and recycling and collection containers. (3334-6/97, 3669-12/04)

## **204.10 Commercial Use Classifications**

- A. **Ambulance Services.** Provision of emergency medical care or transportation, including incidental storage and maintenance of vehicles as regulated by Chapter [5.20](#).
- B. **Animal Sales and Services.**
1. **Animal Boarding.** Provision of shelter and care for small animals on a commercial basis. This classification includes activities such as feeding, exercising, grooming, and incidental medical care, and kennels.
  2. **Animal Grooming.** Provision of bathing and trimming services for small animals on a commercial basis. This classification includes boarding for a maximum period of 48 hours.
  3. **Animal Hospitals.** Establishments where small animals receive medical and surgical treatment. This classification includes only facilities that are entirely enclosed, soundproofed, and air-conditioned. Grooming and temporary (maximum 30 days) boarding of animals are included, if incidental to the hospital use.
  4. **Animals, Retail Sales.** Retail sales and boarding of small animals, provided such activities take place within an entirely enclosed building. This classification includes grooming, if incidental to the retail use, and boarding of animals not offered for sale for a maximum period of 48 hours.
  5. **Equestrian Centers.** Establishments offering facilities for instruction in horseback riding, including rings, stables, and exercise areas.
  6. **Pet Cemetery.** Land used or intended to be used for the burial of animals, ashes or remains of dead animals, including placement or erection of markers, headstones or monuments over such places of burial.
- C. **Artists' Studios.** Work space for artists and artisans, including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft.
- D. **Banks and Savings and Loans.** Financial institutions that provide retail banking services to individuals and businesses. This classification includes only those institutions engaged in the on-site circulation of cash money. It also includes businesses offering check-cashing facilities.
- With Drive-up Service.** Institutions providing services accessible to persons who remain in their automobiles.
- E. **Building Materials and Services.** Retailing, wholesaling, or rental of building supplies or equipment. This classification includes lumber yards, tool and equipment sales or rental establishments, and building contractors' yards, but excludes establishments devoted exclusively to retail sales of paint and hardware, and activities classified under Vehicle/Equipment Sales and Services.
- F. **Catering Services.** Preparation and delivery of food and beverages for off-site consumption without provision for on-site pickup or consumption. (See also Eating and Drinking Establishments.)
- G. **Commercial Filming.** Commercial motion picture or video photography at the same location more than six days per quarter of a calendar year. (See also Chapter [5.54](#), Commercial Photography.)

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**H. Commercial Recreation and Entertainment.** Provision of participant or spectator recreation or entertainment. This classification includes theaters, sports stadiums and arenas, amusement parks, bowling alleys, billiard parlors and poolrooms as regulated by Chapter [9.32](#); dance halls as regulated by Chapter [5.28](#); ice/roller skating rinks, golf courses, miniature golf courses, scale-model courses, shooting galleries, tennis/racquetball courts, health/fitness clubs, pinball arcades or electronic games centers, cyber café having more than four coin-operated game machines as regulated by Chapter [9.28](#); card rooms as regulated by Chapter [9.24](#); and fortune telling as regulated by Chapter [5.72](#).

Limited. Indoor movie theaters, game centers and performing arts theaters and health/fitness clubs occupying less than 2,500 square feet.

**I. Communications Facilities.** Broadcasting, recording, and other communication services accomplished through electronic or telephonic mechanisms, but excluding Utilities (Major). This classification includes radio, television, or recording studios; telephone switching centers; telegraph offices; and wireless communication facilities.

**J. Eating and Drinking Establishments.** Businesses serving prepared food or beverages for consumption on or off the premises.

1. With Fast-Food or Take-Out Service. Establishments where patrons order and pay for their food at a counter or window before it is consumed and may either pick up or be served such food at a table or take it off-site for consumption.

a. Drive-through. Service from a building to persons in vehicles through an outdoor service window.

b. Limited. Establishments that do not serve persons in vehicles or at a table.

2. With Live Entertainment/Dancing. An eating or drinking establishment where dancing and/or live entertainment is allowed. This classification includes nightclubs subject to the requirements of Chapter [5.44](#) of the Municipal Code.

**K. Food and Beverage Sales.** Retail sales of food and beverages for off-site preparation and consumption. Typical uses include groceries, liquor stores, or delicatessens. Establishments at which 20% or more of the transactions are sales of prepared food for on-site or take-out consumption shall be classified as Catering Services or Eating and Drinking Establishments.

With Alcoholic Beverage Sales. Establishments where more than 10% of the floor area is devoted to sales, display and storage of alcoholic beverages.

**L. Food Processing.** Establishments primarily engaged in the manufacturing or processing of food or beverages for human consumption and wholesale distribution.

**M. Funeral and Interment Services.** Establishments primarily engaged in the provision of services involving the care, preparation or disposition of human dead other than in cemeteries. Typical uses include crematories, columbariums, mausoleums or mortuaries.

**N. Horticulture.** The raising of fruits, vegetables, flowers, trees, and shrubs as a commercial enterprise.

**O. Laboratories.** Establishments providing medical or dental laboratory services; or establishments with less than 2,000 square feet providing photographic, analytical, or testing services. Other laboratories are classified as Limited Industry.



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P. **Maintenance and Repair Services.** Establishments providing appliance repair, office machine repair, or building maintenance services. This classification excludes maintenance and repair of vehicles or boats; see (Vehicle/Equipment Repair).

Q. **Marine Sales and Services.** Establishments providing supplies and equipment for shipping or related services or pleasure boating. Typical uses include chandleries, yacht brokerage and sales, boat yards, boat docks, and sail-making lofts.

R. **Reserved.**

S. **Nurseries.** Establishments in which all merchandise other than plants is kept within an enclosed building or a fully screened enclosure, and fertilizer of any type is stored and sold in package form only.

T. **Offices, Business and Professional.** Offices of firms or organizations providing professional, executive, management, or administrative services, such as architectural, engineering, graphic design, interior design, real estate, insurance, investment, legal, veterinary, and medical/dental offices. This classification includes medical/dental laboratories incidental to an office use, but excludes banks and savings and loan associations.

U. **Pawn Shops.** Establishments engaged in the buying or selling of new or secondhand merchandise and offering loans secured by personal property and subject to Chapter [5.36](#) of the Municipal Code.

V. **Personal Enrichment Services.** Provision of instructional services or facilities, including photography, fine arts, crafts, dance or music studios, driving schools, business and trade schools, and diet centers, reducing salons, fitness studios, and yoga or martial arts studios.

W. **Personal Services.** Provision of recurrently needed services of a personal nature. This classification includes barber and beauty shops, seamstresses, tailors, shoe repair shops, dry-cleaning businesses (excluding large-scale bulk cleaning plants), photo-copying, self-service laundries, and massage as regulated by Chapter [5.24](#).

X. **Research and Development Services.** Establishments primarily engaged in industrial or scientific research, including limited product testing. This classification includes electron research firms or pharmaceutical research laboratories, but excludes manufacturing, except of prototypes, or medical testing and analysis.

Y. **Retail Sales.** The retail sale of merchandise not specifically listed under another use classification. This classification includes department stores, drug stores, clothing stores, and furniture stores, and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies, medical supplies and equipment, electronic equipment, records, sporting goods, surfing boards and equipment, kitchen utensils, hardware, appliances, antiques, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, and new automotive parts and accessories (excluding service and installation).

Z. **Secondhand Appliances and Clothing Sales.** The retail sale of used appliances and clothing by secondhand dealers who are subject to Chapter [5.36](#). This classification excludes antique shops primarily engaged in the sale of used furniture and accessories other than appliances, but includes junk shops.

AA. **Sex-Oriented Businesses.** Establishments as regulated by Chapter [5.70](#); and figure model studios as regulated by Chapter [5.60](#).



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**BB. Swap Meets, Indoor/Flea Markets.** An occasional, periodic or regularly scheduled market held within a building where groups of individual vendors offer goods for sale to the public.

**CC. Swap Meets, Recurring.** Retail sale or exchange of handcrafted or secondhand merchandise for a maximum period of 32 consecutive hours, conducted by a sponsor on a more than twice yearly basis.

**DD. Tattoo Establishment.** Premises used for the business of marking or coloring the skin with tattoos as regulated by Chapter [8.70](#).

**EE. Travel Services.** Establishments providing travel information and reservations to individuals and businesses. This classification excludes car rental agencies.

**FF. Vehicle/Equipment Sales and Services.**

1. Automobile Rentals. Rental of automobiles, including storage and incidental maintenance, but excluding maintenance requiring pneumatic lifts.
2. Automobile Washing. Washing, waxing, or cleaning of automobiles or similar light vehicles.
3. Commercial Parking Facility. Lots offering short-term or long-term parking to the public for a fee.
4. Service Stations. Establishments engaged in the retail sale of gas, diesel fuel, lubricants, parts, and accessories. This classification includes incidental maintenance and minor repair of motor vehicles, but excluding body and fender work or major repair of automobiles, motorcycles, light and heavy trucks or other vehicles.
5. Vehicle/Equipment Repair. Repair of automobiles, trucks, motorcycles, mobile homes, recreational vehicles, or boats, including the sale, installation, and servicing of related equipment and parts. This classification includes auto repair shops, body and fender shops, transmission shops, wheel and brake shops, and tire sales and installation, but excludes vehicle dismantling or salvage and tire retreading or recapping.
  - Limited. Light repair and sale of goods and services for vehicles, including brakes, muffler, tire shops, oil and lube, and accessory uses, but excluding body and fender shops, upholstery, painting, and rebuilding or reconditioning of vehicles.
6. Vehicle/Equipment Sales and Rentals. Sale or rental of automobiles, motorcycles, trucks, tractors, construction or agricultural equipment, manufactured homes, boats, and similar equipment, including storage and incidental maintenance.
7. Vehicle Storage. The business of storing or safekeeping of operative and inoperative vehicles for periods of time greater than a 24 hour period, including, but not limited to, the storage of parking tow-aways, impound yards, and storage lots for automobiles, trucks, buses and recreational vehicles, but not including vehicle dismantling.

**GG. Visitor Accommodations.**

1. Bed and Breakfast Inns. Establishments offering lodging on a less than weekly basis in a converted single-family or multi-family dwelling or a building of residential design, with incidental eating and drinking service for lodgers only provided from a single kitchen.
2. Hotels and Motels. Establishments offering lodging on a weekly or less than weekly basis. Motels may have kitchens in no more than 25% of guest units, and “suite” hotels may

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have kitchens in all units. This classification includes eating, drinking, and banquet service associated with the facility.

3. Condominium-Hotel. Facility providing overnight visitor accommodations where ownership of at least some of the individual guestrooms (units) within the larger building or complex is in the form of separate condominium ownership interests, as defined in California Civil Code Section 1351(f). The primary function of the Condominium-Hotel is to provide overnight transient visitor accommodations within every unit that is available to the general public on a daily basis year-round, while providing both general public availability and limited owner occupancy of those units that are in the form of separate condominium ownership interests.

4. Fractional Ownership Hotel. Facility providing overnight visitor accommodations where at least some of the guestrooms (units) within the facility are owned separately by multiple owners on a fractional time basis. A fractional time basis means that an owner receives exclusive right to use of the individual unit for a certain quantity of days per year and each unit available for fractional ownership will have multiple owners.

**HH. Warehouse and Sales Outlets.** Businesses which store large inventories of goods in industrial-style buildings where these goods are not produced on the site but are offered to the public for sale.

### II. **Quasi Residential.**

1. Residential Hotels. Buildings with six or more guest rooms without kitchen facilities in individual rooms, or kitchen facilities for the exclusive use of guests, and which are intended for occupancy on a weekly or monthly basis.

2. Single Room Occupancy. Buildings designed as a residential hotel consisting of a cluster of guest units providing sleeping and living facilities in which sanitary facilities and cooking facilities are provided within each unit; tenancies are weekly or monthly.

3. Timeshare. Any arrangement, plan, or similar program, other than an exchange program, whereby a purchaser receives ownership rights in or the right to use accommodations for a period of time less than a full year during any given year, on a recurring basis for more than one year, but not necessarily for consecutive years. (3334-6/97, 3378-2/98, 3568-9/02, 3669-12/04, 3757-1/07, 3774-10/07, 3788-12/07, 3842-11/09)

## **204.12 Industrial Use Classifications**

**A. Industry, Custom.** Establishments primarily engaged in on-site production of goods by hand manufacturing involving the use of hand tools and small-scale equipment.

Small-Scale. Includes mechanical equipment not exceeding two horsepower or a single kiln not exceeding eight kilowatts and the incidental direct sale to consumers of only those goods produced on-site. Typical uses include ceramic studios, candle-making shops, and custom jewelry manufacture.

**B. Industry, General.** Manufacturing of products, primarily from extracted or raw materials, or bulk storage and handling of such products and materials. Uses in this classification typically involve a high incidence of truck or rail traffic, and/or outdoor storage of products, materials, equipment, or bulk fuel. This classification includes chemical manufacture or processing, food

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processing and packaging, laundry and dry cleaning plants, auto dismantling within an enclosed building, stonework and concrete products manufacture (excluding concrete ready-mix plants), small animal production and processing within an enclosed building, and power generation.

**C. Industry, Limited.** Manufacturing of finished parts or products, primarily from previously prepared materials; and provision of industrial services, both within an enclosed building. This classification in-

cludes processing, fabrication, assembly, treatment, and packaging, but excludes basic industrial processing from raw materials and Vehicle/Equipment Services, but does allow food processing for human consumption.

**D. Industry, Research and Development.** Establishments primarily engaged in the research, development, and controlled production of high-technology electronic, industrial or scientific products or commodities for sale, but prohibits uses that may be objectionable in the opinion of the director, by reason of production of offensive odor, dust, noise, vibration, or in the opinion of the Fire Chief by reason of storage of hazardous materials. Uses include aerospace and biotechnology firms, and non-toxic computer component manufacturers.

1. This classification also includes assembly, testing and repair of components, devices, equipment, systems, parts and components such as but not limited to the following: coils, tubes, semi-conductors; communication, navigation, guidance and control equipment; data processing equipment; filing and labeling machinery; glass edging and silvering equipment; graphics and art equipment; metering equipment; optical devices and equipment; photographic equipment; radar, infrared and ultraviolet equipment; radio and television equipment.
2. This classification also includes the manufacture of components, devices, equipment, parts and systems which includes assembly, fabricating, plating and processing, testing and repair, such as but not limited to the following: machine and metal fabricating shops, model and spray painting shops, environmental test, including vibration analysis, cryogenics, and related functions, plating and processing shops, nuclear and radioisotope.
3. This classification also includes research and development laboratories including biochemical and chemical development facilities for national welfare on land, sea, or air; and facilities for film and photography, metallurgy; pharmaceutical, and medical and x-ray research.

**E. Wholesaling, Distribution and Storage.** Storage and distribution facilities without sales to the public on-site or direct public access except for recycling facilities and public storage in a small individual space exclusively and directly accessible to a specific tenant. This classification includes mini-warehouses.

**F. Alcoholic Beverage Manufacturing.** The manufacture or production of beer, wine, cider, or distilled spirits by any person licensed by the Department of Alcoholic Beverage Control of the State of California and includes the sale or distribution of said products both within and without the jurisdiction of the City.

**G. RT Flex Space.** Any combination of manufacturing, research and development, testing, distribution, warehouse and storage space, including retail and/or showroom (max 10% gross floor area), eating and drinking (max 10% gross floor area), and offices (max. 30% gross floor area) are permitted by right when complying with a minimum 1 parking space per 500 gross square feet parking requirement. (3334-6/97)

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### **204.14 Accessory Use Classifications**

**Accessory Uses and Structures.** Uses and structures that are incidental to the principal permitted or conditionally permitted use or structure on a site and are customarily found on the same site. This classification includes detached or attached garages, home occupations, caretakers' units, and dormitory type housing for industrial commercial workers employed on the site, and accessory dwelling units. (3334-6/97)

### **204.16 Temporary Use Classifications**

- A. **Animal Shows.** Exhibitions of domestic or large animals for a maximum of seven days.
- B. **Festivals, Circuses and Carnivals.** Provision of games, eating and drinking facilities, live entertainment, animal exhibitions, or similar activities in a tent or other temporary structure for a maximum of seven days. This classification excludes events conducted in a permanent entertainment facility.
- C. **Commercial Filming, Limited.** Commercial motion picture or video photography at a specific location six or fewer days per quarter of a calendar year. (See also Chapter [5.54](#), Commercial Photography.)
- D. **Personal Property Sales.** Sales of personal property by a resident ("garage sales") for a period not to exceed 48 consecutive hours and no more than once every six months.
- E. **Real Estate Sales.** An office for the marketing, sales, or rental of residential, commercial, or industrial development. This classification includes "model homes."
- F. **Retail Sales, Outdoor.** Retail sales of new merchandise on the site of a legally established retail business for a period not to exceed 96 consecutive hours (four days) no more than once every three months.
- G. **Seasonal Sales.** Retail sales of seasonal products, including Christmas trees, Halloween pumpkins and strawberries.
- H. **Street Fairs.** Provision of games, eating and drinking facilities, live entertainment, or similar activities not requiring the use of roofed structures.
- I. **Trade Fairs.** Display and sale of goods or equipment related to a specific trade or industry for a maximum period of five days per year.
- J. **Temporary Event.** Those temporary activities located within the coastal zone that do not qualify for an exemption pursuant to Section 245.08.
- K. **Tent Event.** Allows for the overflow of any assembly for a period not to exceed 72 consecutive hours and not more than once every three months. (3334-6/97, 3521-2/02, 3669-12/04, 3724-2/06)

### **204.18 Prohibited Uses—Medical Marijuana Businesses**

- A. **Purpose.** In order to expressly inform the public that any distribution of marijuana by Medical Marijuana Businesses, Collectives, Cooperatives or Dispensaries, etc., is prohibited in the City of Huntington Beach, the City is adding this express prohibition to the Zoning and Subdivision Ordinance.
- B. **Definitions.** For purposes of this section, the following term is defined:

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1. **Medical Marijuana Business, Collective, Cooperative or Dispensary** means any location, structure, facility, vehicle, business, store, co-op, residence, or similar facility used, in full or in part, as a place at or in which marijuana is sold, traded, exchanged, bartered for in any way, made available, located, stored, displayed, placed or cultivated, including any of the foregoing if used in connection with the distribution of marijuana.

C. **Medical Marijuana Businesses, Collectives, Cooperatives or Dispensaries.** A Medical Marijuana Business, Collective, Cooperative or Dispensary or any other such business, no matter how so named, is not a permitted use in any zoning district or specific plan in the City. It shall be unlawful for any person or entity to own, manage, establish, conduct or operate a Medical Marijuana Business, Collective, Cooperative or Dispensary. Also, it shall be unlawful for any person to permit to be established, conducted, operated, owned or managed as a landlord, owner, employee, contractor, agent or volunteer, or in any other manner or capacity, any Medical Marijuana Business, Collective, Cooperative or Dispensary in the City.

D. **Public Nuisance.** Any use or condition caused or permitted to exist in violation of any of the provisions of this article is hereby declared a public nuisance and may be abated by the City.

E. **Enforcement.**

1. Violation of this Chapter 204 of the Huntington Beach Zoning and Subdivision Ordinance is a public nuisance and may be enforced pursuant to the provisions of the Municipal Code including the Zoning and Subdivision Ordinance.

2. Nothing in this article in any way limits any other remedies that may be available to the City, or any penalty that may be imposed by the City, for violations of this article. Such additional remedies include, but are not limited to, injunctive relief or administrative citations. (4059-5/15, 4058-6/15, 4137-10/17)

### **204.20 Prohibited Uses—Commercial Non-Medical Marijuana Businesses and Deliveries**

A. **Purpose.** In order to expressly inform the public that any sale or distribution of non-medical marijuana by Commercial Non-Medical Marijuana Businesses, Collectives, Cooperatives or Dispensaries, etc., however named is prohibited in the City of Huntington Beach, the City is adding this express prohibition to the Zoning and Subdivision Ordinance.

B. **Definitions.** Unless otherwise specifically defined herein, the definitions contained within Adult Use of Marijuana Act shall apply to this Ordinance.

1. **Commercial Non-Medical Marijuana Business, Collective, Cooperative or Dispensary** means any location, structure, facility, vehicle, business, store, co-op, residence, or similar facility used, in full or in part, as a place at or in which marijuana (including marijuana for recreational use) is sold, traded, exchanged, bartered for in any way, made available, located, stored, displayed, placed or cultivated, including any of the foregoing if used in connection with the sale or distribution of non-medical marijuana.

2. **Non-medical marijuana delivery** means the commercial transfer of non-medical marijuana or non-medical marijuana products to a person, including any technology that enables persons to arrange for or facilitate the commercial transfer of non-medical marijuana or non-medical marijuana products.

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3. **Non-medical marijuana products** means non-medical marijuana that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing marijuana or concentrated cannabis and other ingredients.

C. **Commercial Non-Medical Marijuana Businesses, Collectives, Cooperatives or Dispensaries.** A Commercial Non-Medical Marijuana Business, Collective, Cooperative or Dispensary or any other such business, no matter how so named, is not a permitted use in any zoning district or specific plan in the City. It shall be unlawful for any person or entity to own, manage, establish, conduct or operate a Commercial Non-Medical Marijuana Business, Collective, Cooperative or Dispensary. Also, it shall be unlawful for any person to permit to be established, conducted, operated, owned or managed as a landlord, owner, employee, contractor, agent or volunteer, or in any other manner or capacity, any Commercial Non-Medical Marijuana Business, Collective, Cooperative or Dispensary in the City.

D. **Non-Medical Marijuana Deliveries.** Delivery of non-medical marijuana is not a permitted use in any zoning district or specific plan in the City. No permit or any other applicable license or entitlement for use, nor any business license, shall be approved or issued for the establishment, maintenance or operation of non-medical marijuana deliveries.

E. **Public Nuisance.** Any use or condition caused or permitted to exist in violation of any of the provisions of this section is hereby declared a public nuisance and may be abated by the City.

F. **Enforcement.**

1. Violation of this Chapter 204 of the Huntington Beach Zoning and Subdivision Ordinance is a public nuisance and may be enforced pursuant to the provisions of the Municipal Code including the Zoning and Subdivision Ordinance.

2. Nothing in this section in any way limits any other remedies that may be available to the City, or any penalty that may be imposed by the City, for violations of this section. Such additional remedies include, but are not limited to, injunctive relief or administrative citations. (4137-10/17)

### **204.22 Non-Medical Marijuana Cultivation**

A. **Purpose.** The purpose and intent of this section is to regulate the cultivation of non-medical marijuana in a manner that protects the health, safety and welfare of the community. [Health and Safety Code](#) section 11362.2 authorizes the City to adopt reasonable regulations regarding the cultivation of non-medical marijuana inside a private residence or accessory structure to a private residence. That section also authorizes the City to completely prohibit the cultivation of non-medical marijuana outside, as long as the California Attorney General has not made a determination that the non-medical use of marijuana is lawful in California under federal law. The Attorney General has not made such a determination.

This section is not intended to interfere with the right of an individual 21 years of age or older to possess or cultivate non-medical marijuana, as provided for by Proposition 64. This section is not intended to give any person independent legal authority to grow non-medical marijuana; it is intended simply to impose reasonable regulations on the cultivation of non-medical marijuana when cultivation is authorized by California law.



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Furthermore, it is the purpose and intent of this section to require that non-medical marijuana allowed to be cultivated pursuant to Proposition 64 only be done so in appropriately secured, enclosed, and ventilated structures, so as not to be visible to the general public; to provide for the health, safety and welfare of the public; to prevent odor created by non-medical marijuana plants from impacting adjacent properties; and to ensure that marijuana grown in the City remains secured.

**B. Definitions.** For the purposes of this section, the following definitions shall apply unless the context clearly indicates otherwise. If a word is not defined in this section, and not otherwise defined in state law, the common and ordinary meaning of the word shall apply.

1. **Cultivation** means the planting, growing, harvesting, drying or processing of marijuana plants or any part thereof.
2. **Fully enclosed and secure structure** means a space within a building that complies with the applicable Building Code and Zoning and Subdivision Ordinance, and has a complete roof enclosure supported by connecting walls extending from the ground to the roof, a foundation slab or equivalent base to which the floor is secured by bolts or similar attachments, is secure against unauthorized entry, and is accessible only through one or more lockable doors. Walls and roof must be constructed of solid materials that cannot be easily broken through, and must be constructed with non-transparent material.
3. **Indoors** means inside a fully enclosed and secure structure or within a residential structure.
4. **Non-medical marijuana** means marijuana that is intended to be used for non-medical purposes pursuant to [Health and Safety Code](#) section 111362.1 et seq.
5. **Non-medical marijuana cultivation** means the planting, growing, harvesting, drying or processing of non-medical marijuana plants or any part thereof pursuant to [Health and Safety Code](#) section 11362.1 et seq., as those sections may be amended from time to time.
6. **Outdoors** means any location within the City that is not within a fully enclosed and secure structure.
7. **Person** means any individual, partnership, co-partnership, firm, association, joint stock company, corporation, limited liability corporation, collective, cooperative, or combination thereof in whatever form or character.
8. **Private residence** means a house, an apartment unit, a mobile home or other similar dwelling.

**C. Cultivation of non-medical marijuana.** The following regulations shall apply to the cultivation of non-medical marijuana within the City:

1. **Cultivation not in compliance with this section.** It is declared to be unlawful and a public nuisance for any person owning, leasing, occupying or having charge or possession of any parcel or premises within any zoning district or specific plan in the City to cultivate non-medical marijuana except as provided for in this Code. No person other than an individual 21 years of age or older may engage in the cultivation of non-medical marijuana.
2. **Outdoor cultivation.** It is unlawful and a public nuisance for any person owning, leasing, occupying, or having possession of any legal parcel or premises within any zoning district or specific plan in the City to cause or allow such parcel or premises to be used for the outdoor cultivation of non-medical marijuana.

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3. **Indoor cultivation.** Indoor cultivation of non-medical marijuana is prohibited in all zoning districts and specific plans of the City, except for residential zones, mixed use zones, or in commercial zones, when such cultivation occurs on a parcel or premises with an approved private residence. All cultivation must be in compliance with this section and state law.

4. **Indoor cultivation in private residence.** The indoor cultivation of non-medical marijuana in a residential zone, mixed use zone, or in a commercial zone on a parcel or premises with an approved private residence, shall only be conducted within a fully enclosed and secure structure or within a residential structure. Such cultivation shall be in conformance with the following minimum standards:

- a. The primary use of the property shall be for a residence. Non-medical marijuana cultivation is prohibited as a home occupation.
- b. All areas used for cultivation of non-medical marijuana shall comply with the Huntington Beach Municipal Code including the Zoning and Subdivision Ordinance, as well as applicable law.
- c. Indoor grow lights shall not exceed 1,200 watts per light, and shall comply with the California Building, Electrical and Fire Codes as adopted by the City. Lights shall be located away from combustible materials and a minimum of 30 inches from fire sprinklers.
- d. The use of gas products (CO<sub>2</sub>, butane, propane, natural gas, etc.) or generators for cultivation of non-medical marijuana is prohibited.
- e. Any fully enclosed and secure structure or residential structure used for the cultivation of non-medical marijuana must have a ventilation and filtration system installed that shall prevent marijuana plant odors from exiting the interior of the structure and that shall comply with the Huntington Beach Municipal Code, including the Zoning and Subdivision Ordinance.
- f. A fully enclosed and secure structure used for the cultivation of non-medical marijuana shall be located in the rear yard area of the parcel or premises, and must maintain a minimum 10-foot setback from any property line as well as any other applicable development standards of the zoning district. The yard where the fully enclosed and secure structure is maintained must be enclosed by a solid fence at least six feet in height. This provision shall not apply to cultivation occurring in a garage.
- g. Adequate mechanical locking or electronic security systems must be installed as part of the fully enclosed and secure structure or the residential structure prior to the commencement of cultivation.
- h. Non-medical marijuana cultivation shall be limited to six marijuana plants per private residence, regardless of whether the marijuana is cultivated inside the residence or a fully enclosed and secure structure. The limit of six plants per private residence shall apply regardless of how many individuals reside at the private residence.
- i. The residential structure shall remain at all times a residence, with legal and functioning cooking, sleeping and sanitation facilities with proper ingress and egress. These rooms shall not be used for non-medical marijuana cultivation where such cultivation will prevent their primary use for cooking of meals, sleeping and bathing.
- j. Cultivation of non-medical marijuana shall only take place on impervious surfaces.

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k. From a public right-of-way, there shall be no exterior evidence of non-medical marijuana cultivation occurring on the parcel.

l. Non-medical marijuana cultivation area, whether in a fully enclosed and secure structure or inside a residential structure, shall not be accessible to persons under 21 years of age.

m. Written consent of the property owner to cultivate non-medical marijuana within the residential structure shall be obtained and shall be kept on the premises, and available for inspection by the Chief of Police or his/her designee.

n. A 2A:10B:C portable fire extinguisher that complies with the regulations and standards adopted by the state fire marshal and applicable law, shall be kept in the fully enclosed and secure structure used for cultivation of non-medical marijuana. If cultivation occurs in a residential structure, the portable fire extinguisher shall be kept in the same room where the cultivation occurs.

**D. Public Nuisance.** Any use or condition caused or permitted to exist in violation of any of the provisions of this section is hereby declared a public nuisance and may be abated by the City.

**E. Enforcement.**

1. Violation of this Chapter 204 of the Huntington Beach Zoning and Subdivision Ordinance is a public nuisance and may be enforced pursuant to the provisions of the Municipal Code including the Zoning and Subdivision Ordinance.

2. Nothing in this section in any way limits any other remedies that may be available to the City, or any penalty that may be imposed by the City, for violations of this section. Such additional remedies include, but are not limited to, injunctive relief or administrative citations. (4137-10/17)

## Chapter 212 I INDUSTRIAL DISTRICTS

### 212.02 Industrial Districts Established

**Three** Two **I**ndustrial zoning districts are established by this chapter as follows:

- A. The IG General Industrial District provides sites for the full range of manufacturing, industrial processing, resource and energy production, general service, and distribution.
- B. The IL Limited Industrial District provides sites for moderate- to low-intensity industrial uses, commercial services and light manufacturing. (3254-10/94, 4039-12/14)
- C. The RT Research and Technology District provides sites for manufacturing, research and development, technology, and professional offices in addition to traditional industrial uses.

These three districts will herein be referred to as the “Industrial Districts.”

### 212.04 IG, ~~and IL~~, and RT Districts—Land Use Controls

In the following schedules, letter designations are used as follows:

“P” designates use classifications permitted in the Industrial ~~d~~istricts.

“L” designates use classifications subject to certain limitations prescribed by the “Additional Provisions” which follow.

“PC” designates use classifications permitted on approval of a conditional use permit by the Planning Commission.

“ZA” designates use classifications permitted on approval of a conditional use permit by the Zoning Administrator.

“TU” designates use classifications allowed upon approval of a temporary use permit by the Zoning Administrator.

“P/U” for an accessory use means that the use is permitted on the site of a permitted use, but requires a conditional use permit on the site of a conditional use.

Use classifications that are not listed are prohibited. Letters in parentheses in the “Additional Provisions” column refer to requirements following the schedule or located elsewhere in this zoning code. Where letters in parentheses are opposite a use classification heading, referenced provisions shall apply to all use classifications under the heading.

### IG, ~~and IL~~, and RT Districts: Land Use Controls

P = Permitted

L = Limited (see Additional Provisions)

PC = Conditional use permit approved by Planning Commission

ZA = Conditional use permit approved by Zoning Administrator

TU = Temporary use permit

P/U = Requires conditional use permit on site of conditional use

- = Not Permitted

## EXHIBIT B

	IG	IL	<u>RT</u>	Additional Provisions
<b>Residential</b>				
Group Residential	PC	PC	<u>PC</u>	(I)
<b>Public and Semipublic</b>				(A)(L)
Community and Human Service Facilities	P	P	<u>P</u>	(K)
Day Care, General	ZA	ZA	<u>ZA</u>	
Heliports	PC	PC	<u>PC</u>	(N)
Maintenance & Service Facilities	ZA	ZA	<u>ZA</u>	
Public Safety Facilities	P	P	<u>P</u>	
Religious Assembly	ZA	ZA	<u>ZA</u>	
Schools, Public or Private	L-6	L-6	<u>L-6</u>	
Utilities, Major	PC	PC	<u>PC</u>	
Utilities, Minor	L-7	L-7	<u>L-7</u>	(O)
<b>Commercial Uses</b>				(D)(L)
Ambulance Services	ZA	ZA	<u>ZA</u>	
Animal Sales and Services				
Animal Boarding	ZA	ZA	<u>ZA</u>	
Animal Hospitals	ZA	ZA	<u>ZA</u>	
Artists' Studios	P	P	<u>P</u>	
Banks and Savings and Loans	L-1	L-1	<u>L-1</u>	
Building Materials and Services	P	P	<u>P</u>	
Catering Services	-	P	<u>P</u>	
Commercial Filming	ZA	ZA	<u>ZA</u>	
Commercial Recreation and Entertainment	L-2	L-2	<u>PC</u>	
Communication Facilities	L-12	L-12	<u>L-12</u>	
Eating & Drinking Establishments	<del>L-3</del> <u>L-2</u>	<del>L-3</del> <u>L-2</u>	<u>L-2</u>	
w/Live Entertainment	ZA	ZA	<u>ZA</u>	(R)( <del>T</del> )
<u>w/Alcohol</u>	<u>ZA</u>	<u>ZA</u>	<u>ZA</u>	
Food & Beverage Sales	ZA	ZA	<u>ZA</u>	
Hospitals and Medical Clinics	-	PC	<u>PC</u>	
Laboratories	P	P	<u>P</u>	

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	IG	IL	<u>RT</u>	Additional Provisions
Maintenance & Repair Services	P	P	<u>P</u>	
Marine Sales and Services	P	P	<u>P</u>	
Nurseries	P	P	<u>P</u>	
Offices, Business & Professional	<del>L-1</del> <u>L-10</u>	<del>L-1</del> <u>L-10</u>	<u>L-10</u>	<del>(C)</del> (G)
Personal Enrichment	L-9	L-9	<u>L-9</u>	<del>(T)</del>
Personal Services	L-1	L-1	<u>L-1</u>	
Quasi-Residential	PC	PC	<u>PC</u>	(J)
Research & Development Services	P	P	<u>P</u>	
Sex-Oriented Businesses (regulated by Ch. 5.70)	L-11	L-11	<u>L-11</u>	
Sex-Oriented Businesses (regulated by Ch. 5.60)	PC	PC	<u>PC</u>	(Q)
Swap Meets, Indoor/Flea Markets	PC	PC	<u>PC</u>	(P)
Vehicle/Equipment Sales & Services				
Service Stations	L-4	L-4	<u>L-4</u>	
Vehicle/Equipment Repair	P	P	<u>P</u>	
Vehicle/Equipment Sales/Rentals	L-5	L-5	<u>L-5</u>	
Vehicle Storage	P	ZA	<u>PC</u>	(H)**
Visitor Accommodations	ZA	ZA	<u>ZA</u>	
Warehouse and Sales Outlets	L-8	L-8	<u>L-8</u>	
<b>Industrial (See Chapter 204)</b>				(B)(L)(M)
Industry, Custom	P	P	<u>P</u>	
Industry, General	P	P	<u>P</u>	
Industry, Limited	P	P	<u>P</u>	
Industry, R & D	P	P	<u>P</u>	
Wholesaling, Distribution & Storage	P	P		
<u>150,000 square feet or less</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Greater than 150,000 square feet</u>	<u>P</u>	<u>P</u>	<u>ZA</u>	
<u>RT Flex Space</u>	-	-	<u>P</u>	
<u>Alcoholic Beverage Manufacturing</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>(L-13)</u>
<b>Accessory Uses</b>				
Accessory Uses and Structures	P/U	P/U	<u>P/U</u>	(C)



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	IG	IL	<u>RT</u>	Additional Provisions
<b>Temporary Uses</b>				
Commercial Filming, Limited	P	P	<u>P</u>	(S)
Real Estate Sales	P	P	<u>P</u>	
Trade Fairs	P	P	<u>P</u>	(E)
<b>Nonconforming Uses</b>				(F)

## IG, IL, and RT Districts: Additional Provisions

L-1 Only allowed upon approval of a conditional use permit by the Zoning Administrator for a mixed use project, subject to the following requirements:

- A. Minimum site area: three acres.
- B. Maximum commercial space: 35% of the gross floor area and 50% of the ground floor area of buildings fronting on an arterial highway.
- C. Phased development: 25% of the initial phase must be designed for industrial occupancy. For projects over 500,000 square feet, the initial phase must include five percent of the total amount of industrial space or 50,000 square feet of industrial space, whichever is greater.

L-2 ~~Allowed upon approval of a conditional use permit by the Zoning Administrator~~ Permitted only when designed and ~~oriented~~ operated for principal use by employees of the surrounding industrial development as an ancillary use to a primary industrial use. ~~or when~~ designed for general public use, permitted after considering vehicular access and complying with minimum parking requirements.

L-3 Reserved. ~~Allowed upon approval of a conditional use permit by the Zoning Administrator when in a freestanding structure or as a secondary use in a building provided that no more than 20% of the floor area is occupied by such a use.~~

L-4 Only fueling stations offering services primarily oriented to businesses located in an Industrial District are allowed with a conditional use permit by the Planning Commission.

L-5 No new or used automobile, truck or motorcycle retail sales are permitted.

L-6 Only schools offering higher education curriculums are allowed with conditional use permit approval by the Planning Commission. No ~~day-care~~, elementary or secondary schools are permitted.

L-7 Recycling operations as an accessory use are permitted if more than 150 feet from R districts; recycling operations as an accessory use less than 150 feet from R districts or recycling operations as a primary use are allowed upon approval of a conditional use permit by the Zoning Administrator. See Section 230.44, Recycling Operations.

L-8 Allowed upon conditional use permit approval by the Planning Commission when a single building with a minimum area of 100,000 square feet is proposed on a site fronting an arterial. The primary tenant shall occupy a minimum 95% of the floor area and the remaining 5% may be occupied by secondary tenants.

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L-9 Permitted if the space is 5,000 square feet or less; allowed by ~~Neighborhood Notification pursuant to Chapter 241~~ conditional use permit from the Zoning Administrator if the space is over 5,000 square feet.

L-10 ~~Reserved.~~ Accessory administrative, management, regional or headquarters offices incidental to a primary industrial use within the IG and IL Districts are limited to 10% of the floor area of the primary industrial use. Accessory office uses incidental to a primary use within the RT District are limited to 30% of the floor area of the primary use.

Accessory office spaces exceeding the limits above shall require a conditional use permit to the Zoning Administrator supported by a parking demand study for all uses on site.

Medical/dental offices, insurance brokerage offices, and real estate brokerage offices, except for on-site leasing offices, are not permitted in any Industrial District.

L-11 Allowed subject to the following requirements:

A. A proposed sex-oriented business shall be at least 500 feet from any residential use, school, park and recreational facility, or any building used for religious assembly (collectively referred to as a “sensitive use”) and at least 750 feet from another sex-oriented business. For purposes of these requirements, all distances shall be measured from the lot line of the proposed sex-oriented business to the lot line of the sensitive use or the other sex-oriented business. The term “residential use” means any property zoned RL, RM, RMH, RH, RMP, and any properties with equivalent designations under any specific plan.

To determine such distances the applicant shall submit for review a straight line drawing depicting the distances from the lot line of the parcel of land on which the sex-oriented business is proposed which includes all the proposed parking and:

1. The lot line of any other sex-oriented business within 750 feet of the lot line of the proposed sex-oriented business; and
2. The lot line of any building used for religious assembly, school, or park and recreational facility within 500 feet of the lot line of the proposed sex-oriented business; and
3. The lot line of any parcel of land zoned RL, RM, RMH, RH, and RMP and any parcels of land with equivalent designations under any specific plans within 500 feet of the lot line of the proposed sex-oriented business.

B. The front façade of the building, including the entrance and signage, shall not be visible from any major, primary or secondary arterial street as designated by the circulation element of the General Plan adopted May 1996, with the exception of Argosy Drive.

C. Prior to or concurrently with applying for a building permit and/or a certificate of occupancy for the building, the applicant shall submit application for Community Development Department staff review of a sex-oriented business zoning permit with the drawing described in subsection A, a technical site plan, floor plans and building elevations, and application fee. Within 10 days of submittal, the director shall determine if the application is complete. If the application is deemed incomplete, the applicant may resubmit a completed application within 10 days. Within 30 days of receipt of a completed application, the director shall determine if the application complies with the applicable development and performance standards of the Huntington Beach Zoning and Subdivision Ordinance. Said standards include but are not limited to the following:

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1. Chapter 203, Definitions; Chapter 212, Industrial Districts; Chapter 230, Site Standards; Chapter 231, Off-Street Parking and Loading Provisions; Chapter 232, Landscape Improvements; and Chapter 236, Nonconforming Uses and Structures.
  2. Section 233.08(B), Signs. Signage shall conform to the standards of the Huntington Beach Zoning and Subdivision Ordinance except
    - a. Such signs shall contain no suggestive or graphic language, photographs, silhouettes, drawings, statues, monuments, sign shapes or sign projections, or other graphic representations, whether clothed or unclothed, including without limitation representations that depict “specified anatomical areas” or “specified sexual activities”; and
    - b. Only the smallest of the signs permitted under Section 233.08(B) shall be visible from any major, primary or secondary arterial street, such streets shall be those designated in the circulation element of the General Plan adopted May 1996, with the exception of Argosy Drive.
  3. Compliance with Huntington Beach Municipal Code Chapter [5.70](#).
- D. The director shall grant or deny the application for a sex-oriented business zoning permit for a sex-oriented business. There shall be no administrative appeal from the granting or denial of a permit application thereby permitting the applicant to obtain prompt judicial review.
- E. Ten working days prior to submittal of an application for a sex-oriented business zoning permit for staff review, the applicant shall: (1) cause notice of the application to be printed in a newspaper of general circulation; and (2) give mailed notice of the application to property owners within 1,000 feet of the proposed location of the sex-oriented business; and the City of Huntington Beach, Department of Community Development by first class mail.
- The notice of application shall include the following:
1. Name of applicant;
  2. Location of proposed sex-oriented business, including street address (if known) and/or lot and tract number;
  3. Nature of the sex-oriented business, including maximum height and square footage of the proposed development;
  4. The City Hall telephone number for the Department of Community Development to call for viewing plans;
  5. The date by which any comments must be received in writing by the Department of Community Development. This date shall be 10 working days from staff review submittal; and
  6. The address of the Department of Community Development.
- F. A sex-oriented business may not apply for a variance pursuant to Chapter 241 nor a special sign permit pursuant to Chapter 233.
- G. A sex-oriented business zoning permit shall become null and void one year after its date of approval unless:
1. Construction has commenced or a certificate of occupancy has been issued, whichever comes first; or
  2. The use is established.

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H. The validity of a sex-oriented business zoning permit shall not be affected by changes in ownership or proprietorship provided that the new owner or proprietor promptly notifies the director of the transfer.

I. A sex-oriented business zoning permit shall lapse if the exercise of rights granted by it is discontinued for 12 consecutive months.

L-12 For wireless communication facilities see Section 230.96, Wireless Communication Facilities. All other communication facilities permitted.

### **L-13 Alcoholic Beverage Manufacturing Requirements**

- 1. Alcoholic Beverage Manufacturing uses without eating and drinking for public sales or service are permitted.**
- 2. A maximum 1,000 square feet of indoor and/or outdoor eating and drinking area per business shall be permitted through an Administrative Permit with Neighborhood Notification pursuant to Chapter 241.**
- 3. Indoor and/or outdoor eating and drinking areas greater than 1,000 square feet per business shall require a conditional use permit by the Zoning Administrator.**

- (A) Repealed.
- (B) A conditional use permit from the Zoning Administrator is required for any new use or enlargement of an existing use, or exterior alterations and additions for an existing use located within 150 feet of an R district. The director may waive this requirement if there is no substantial change in the character of the use which would affect adjacent residential property in an R District.
- (C) ~~Accessory office uses incidental to a primary industrial use are limited to 10% of the floor area of the primary industrial use.~~ **Accessory office uses greater than the maximum allowable percentage of the floor area of the primary industrial use shall require a conditional use permit from the Zoning Administrator and a parking demand study demonstrating the adequate provision of on-site parking for all uses contained onsite.**
- (D) **In IG and IL Districts only, Adjunct office and** commercial space **excluding business and professional office,** not to exceed 25% of the floor area of the primary industrial use, is allowed with a conditional use permit from the Zoning Administrator, provided that it is intended primarily to serve employees of the industrial use, no exterior signs advertise the adjunct use, the adjunct use is physically separated from the primary industrial use, ~~any retail sales are limited to goods manufactured on-site,~~ and the primary industrial fronts on an arterial.
- (E) See Section 241.22, Temporary Use Permits.
- (F) See Chapter 236, Nonconforming Uses and Structures.
- (G) **Reserved. Medical/dental offices, insurance brokerage offices, and real estate brokerage offices, except for on-site leasing offices, are not permitted in any I District.**  
**Administrative, management, regional or headquarters offices for any permitted industrial use, which are not intended to serve the public, require a conditional use permit from the Zoning Administrator to occupy more than 10% of the total amount of space on the site of the industrial use.**

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- (H) **Only in the IG and IL districts,** Automobile dismantling, storage and/or impound yards may be permitted subject to the approval of a conditional use permit by the Planning Commission and the following criteria:

- (1) The site shall not be located within 660 feet of an R district.
- (2) All special metal cutting and compacting equipment shall be completely screened from view.
- (3) Storage yards shall be enclosed by a solid six-inch concrete block or masonry wall not less than six feet in height and set back a minimum 10 feet from abutting streets with the entire setback area permanently landscaped and maintained.
- (4) Items stacked in the storage yard shall not exceed the height of the screening walls or be visible from adjacent public streets.

**\*\*In the RT districts, automobile storage and/or impound yards are subject to the approval of a conditional use permit by the Zoning Administrator unless located within 300 feet of an R district. Within 300 feet of an R district, automobile storage and/or impound yards are subject to a conditional use permit by the Planning Commission. Auto storage uses on public agency owned property shall be permitted without a conditional use permit.**

- (I) Limited to facilities serving workers employed on-site.
- (J) Limited to single room occupancy uses. (See Section 230.46.)
- (K) Limited to emergency shelters. (See Section 230.52, Emergency Shelters.)
- (L) Development of vacant land and/or additions of 10,000 square feet or more in floor area; or additions equal to or greater than 50% of the existing building's floor area; or additions to buildings on sites located within 300 feet of a residential zone or use for a permitted use requires approval of a conditional use permit from the Zoning Administrator. The Community Development Director may refer any proposed addition to the Zoning Administrator if the proposed addition has the potential to impact residents or tenants in the vicinity (e.g., increased noise, traffic).
- (M) Major outdoor operations require conditional use permit approval by the Planning Commission. Major outside operations include storage yards and uses utilizing more than one-third of the site for outdoor operation.
- (N) See Section 230.40, Helicopter Takeoff and Landing Areas.
- (O) See Section 230.44, Recycling Operations.
- (P) See Section 230.50, Indoor Swap Meets/Flea Markets.
- (Q) See L-11(A) relating to locational restrictions.
- (R) Non-amplified live entertainment greater than 300 feet from a residential zone or use shall be permitted without a conditional use permit. **Neighborhood Notification requirements when no entitlement required pursuant to Chapter 241.**
- (S) Subject to approval by the Police Department, Public Works Department, and Fire Department and the Community Development Director.
- ~~(T) Neighborhood Notification requirements when no entitlement required pursuant to Chapter 241.~~ (3254-10/94, 3378-2/98, 3523-2/02, 3568-9/02, 3703-3/05, 3708-6/05, 3724-02/06, 3788-12/07, 3843-11/09, 3860-2/10, 4039-12/14, 4092-10/16)

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**212.06 IG, ~~and IL~~, and RT Districts—Development Standards**

The following schedule prescribes development standards for the ~~I~~ **Industrial** Districts. The first ~~two~~ **three** columns prescribe basic requirements for permitted and conditional uses in each district. Letters in parentheses in the “Additional Requirements” column reference requirements following the schedule or located elsewhere in this title. In calculating the maximum gross floor area as defined in Chapter 203, the floor area ratio is calculated on the basis of net site area. Fractional numbers shall be rounded down to the nearest whole number. All required setbacks shall be measured from ultimate right-of-way and in accordance with definitions set forth in Chapter 203, Definitions.

	<b>IG</b>	<b>IL</b>	<b><u>RT</u></b>	<b>Additional Requirements</b>
Minimum Lot Area (sq. ft.)	20,000	20,000	<b><u>15,000</u></b>	(A)(B)
Minimum Lot Width (ft.)	100	100	<b><u>75</u></b>	(A)(B)
Minimum Setbacks				(A)(C)
Front (ft.)	10; 20	10; 20	<b><u>10; 20</u></b>	(D)
Side (ft.)	0	15	<b><u>0</u></b>	(E)(F)
Street Side (ft.)	10	10	<b><u>10</u></b>	
Rear (ft.)	0	0	<b><u>0</u></b>	(E)
Maximum Height of Structures (ft.)	40	40	<b><u>40</u></b>	(G)
Maximum Floor Area Ratio (FAR)	0.75	0.75	<b><u>1.0</u></b>	
Minimum Site Landscaping (%)	8	8	<b><u>8</u></b>	(H)(I)
Fences and Walls	See § 230.88			
Off-Street Parking and Loading	See Ch. 231			(J)
Outdoor Facilities	See § 230.74			
Screening of Mechanical Equipment	See § 230.76			(K)
Refuse Storage Area	See § 230.78			
Underground Utilities	See Ch. 17.64			
Performance Standards	See § 230.82			(L) <b><u>(N)</u></b>
Nonconforming Uses and Structures	See Ch. 236			
Signs	See Ch. 233			



**IG, ~~and IL~~, and RT Districts: Additional Development Standards**

(A) See Section 230.62, Building Site Required, and Section 230.64, Development on Substandard Lots.

(B) Smaller lot dimensions for new parcels may be permitted by the Zoning Administrator with an approved development plan and tentative subdivision map.

(C) See Section 230.68, Building Projections into Yards and Required Open Space. Double-frontage lots shall provide front yards on each frontage.

(D) The minimum front setback shall be 10-feet and the average setback 20 feet, except for parcels fronting on local streets where only a 10-foot setback is required.

All **Industrial** Districts. An additional setback is required for buildings exceeding 25-feet in height (one foot for each foot of height) and for buildings exceeding 150 feet in length (one foot for each 10 feet of building length) up to a maximum setback of 30-feet.

(E) In all **Industrial** ~~d~~Districts, a 15-foot setback is required abutting an R district and no openings in buildings within 45-feet of an R district.

(F) A zero-side yard setback may be permitted in the **Industrial** ~~d~~Districts, but not abutting an R district, provided that a solid wall at the property line is constructed of maintenance-free masonry material and the opposite side yard is a minimum of 30-feet.

Exception. The Zoning Administrator or Planning Commission may approve a conditional use permit to allow a 15-foot interior side yard opposite a zero-side yard on one lot, if an abutting side yard at least 15-feet wide is provided and access easements are recorded ensuring a minimum 30-foot separation between buildings. This 30-foot accessway must be maintained free of obstructions and open to the sky, and no opening for truck loading or unloading shall be permitted in the building face fronting on the accessway unless a 45-foot long striped area is provided solely for loading and unloading entirely within the building.

(G) See Section 230.70, Measurement of Height. Within 45 feet of an R district, no building or structure shall exceed a height of 18-feet.

(H) **Planting Areas.** Required front and street-side yards adjacent to a public right-of-way shall be planting areas except for necessary drives and walks. A six-foot wide planting area shall be provided adjacent to an R district and contain one tree for each 25 lineal feet of planting area.

(I) See Chapter 232, Landscape Improvements.

(J) Truck or rail loading, dock facilities, and the doors for such facilities shall not be visible from or be located within 45-feet of an R district.

(K) See Section 230.80, Antennae.

(L) **Noise.** No new use shall be permitted, or exterior alterations and/or additions to an existing use allowed, within 150-feet of an R district until a report prepared by a California state-licensed acoustical engineer is approved by the director. This report shall include recommended noise mitigation measures for the industrial use to ensure that noise levels will conform with Chapter 8.40 of the Municipal Code. The director may waive this requirement for change of use or addition or exterior alteration to an existing use if it can be established that there had been no previous noise offense, that no outside activities will take place, or if adequate noise mitigation measures for the development are provided.

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(M) Group residential or accessory residential uses shall be subject to standards for minimum setbacks and height of the RH District. (3254-10/94, 4039-12/14)

**(N) Performance Standards. The following regulations provided herein apply to all activities, processes, and uses within the Industrial Districts and are provided solely for reference in conjunction with Chapter 230.82. Existing and proposed uses within the Industrial Districts must conform to all federal, state, and City laws, ordinances, and standards at all times.**

1. **Dust, Fumes and Odors.** Emissions of dust, odors, smoke, fumes or particulate must comply with all rules established by the Environmental Protection Agency (EPA) (Code of Federal Regulations, Title 40), the California Air Resources Board (CARB), and the South Coast Air Quality Management District (SCAQMD) or their successor agencies.
2. **Electromagnetic Interference.** No electromagnetic interference with electronic equipment beyond the property line shall be permitted and shall be in compliance with applicable Federal Communications Commission (FCC) regulations.
3. **Glare.** Significant, direct glare shall not be visible beyond the property line of the applicable use.
4. **Heat and Humidity.** Heat emitted shall not increase the temperature of another property in excess of five degrees Fahrenheit.
5. **Noise.** Chapter 8.40 of the Municipal Code, Noise Control, shall be enforced.
6. **Waste Disposal Discharge.** Discharge of any liquids or solids into any body of water, watercourse, sewage system, or ground shall not be permitted, except in compliance with applicable regulations of the State of California Santa Ana Regional Water Quality Control Board or their successor agency.
7. **Waste Containment.** Storage and handling of wastes shall be practiced so as to prevent nuisance, health, safety and fire hazards. Any hazardous waste shall be stored in a closed container.
8. **Vibration.** Vibration transmitted through the ground shall not be produced with the exception of vibration from temporary uses, i.e. construction and vehicles entering and exiting.
9. **Location of Measurements.** Measurements for determining compliance with the standards of this Section shall be taken at the lot line of the establishment or use that is the source of a potentially objectionable condition, hazard, or nuisance.

### **212.08 Review of Plans**

All applications for new construction and exterior alterations and additions shall be submitted to the Community Development Department for review. Discretionary review shall be required as follows:

- A. **Zoning Administrator Review.** Projects requiring a conditional use permit from the Zoning Administrator; projects including a zero-side yard exception; projects on substandard lots.
- B. **Design Review Board.** See Chapter 244.
- C. **Planning Commission.** Projects requiring a conditional use permit from the Commission.
- D. **Projects in the Coastal Zone.** A Coastal Development Permit is required unless the project is exempt; see Chapter 245. (3254-10/94, 3708-6/05, 3869-3/10, 4039-12/14, 4092-10/16)

## **Chapter 231 OFF-STREET PARKING AND LOADING PROVISIONS**

### **231.02 Basic Requirements for Off-Street Parking and Loading**

A. **When Required.** At the time of initial occupancy of a site, construction of a structure, or major alteration or enlargement of a site or structure, off-street parking facilities and off-street loading facilities shall be provided in accord with this chapter and parking area landscaping shall be provided in accord with Chapter 232. For the purposes of these requirements, “major alteration or enlargement” shall mean a change of use, an expansion of greater than 50% of the existing space in a non-residential building or an addition of bedrooms or units in a residential building. A change in occupancy that does not involve a change in the use classification is not considered a change in use for purposes of this requirement unless the change in occupancy involves an intensification of use or an increase in parking demand.

B. **Nonconforming Parking or Loading.** No existing use of land or structure shall be deemed to be nonconforming solely because of the lack of off-street parking or loading facilities required by this chapter, provided that facilities being used for off-street parking and loading as of the date of adoption of this chapter shall not be reduced in number to less than that required by this chapter. Expansion of a use with nonconforming parking shall be subject to the following requirements:

1. A multifamily residential use with nonconforming parking may be expanded by adding bedrooms or additional units provided that the expansion complies with current standards contained in this chapter;
2. A single-family residence with nonconforming parking may be expanded by adding bedrooms provided the dwelling complies with current standards contained in this chapter; and
3. A nonresidential use with nonconforming parking may be expanded less than 50% of the existing square footage or intensified if additional parking is provided for the expansion or intensification. Expansions of 50% or more of the existing square footage require the site to be in total compliance with the current parking standards contained in this chapter.

C. **Spaces Required for Alteration or Enlargement.** The number of parking spaces or loading spaces required for an alteration or enlargement of an existing use or structure, or for a change of occupancy, shall be in addition to the number of spaces existing prior to the alteration, enlargement, or change of occupancy unless the preexisting number is greater than the number prescribed in this chapter. In this case, the number of spaces in excess of the prescribed minimum shall be counted in determining the required number of parking or loading spaces.

D. **Spaces Required for Multiple Uses.** If more than one use is located on a site, the number of off-street parking spaces and loading spaces to be provided shall be equal to the sum of the requirements prescribed for each use. This requirement applies not only to multiple uses under separate ownership but also to multiple uses in the same ownership. If the gross floor area of individual uses on the same site is less than that for which a loading space would be required by Section 231.06(A), but the aggregate gross floor area of all uses is greater than the minimum for which loading spaces would be required, the aggregate gross floor area shall be used in determining the required number of loading spaces.

E. **Location and Ownership.** Parking facilities required by this chapter shall be on the same site as the use served, except that an adjacent lot may be used which is in the same person’s possession as the structure or use. Such possession may be by deed or long-term lease, approved as to form by the City Attorney, and recorded in the Office of the County Recorder. A copy of the recorded

## EXHIBIT C

document stipulating the reservation of the property for parking purposes shall be filed with the City prior to issuance of a building permit and/or certificate of occupancy, whichever occurs first. No use shall be continued if the parking is removed from the adjacent lot unless substitute parking is provided. Parking facilities provided by a parking district or parking authority are not subject to these locational requirements.

1. Parking in Yards in R Districts. The parking of motor vehicles, trailers, campers and boats shall be prohibited on all landscaped areas within the front one-half of the lot except as provided below.

a. Oversized vehicles (see Chapter 203, Definitions), campers, trailers and boats on trailers may be parked on the paved driveway area or on a paved area between the driveway and the nearest side property line provided that they do not project over any property line and that the area is kept free of trash, debris and parts.

b. Commercial oversized vehicles (see Chapter 203, Definitions) or special purpose machines shall be prohibited in any yard area.

2. Parking in Yards in C or I Districts. Required yards may be used for required parking, subject to the landscaping standards of Chapter 232.

3. Access. When a lot abuts an arterial highway and a local street, access to on-site parking shall be from the local street. When a lot abuts an alley, then access to parking shall be provided from the alley unless the Planning Commission approves a different access. When a lot abuts two arterial highways or two local streets, access shall be subject to the approval of the Director of Public Works.

4. Nonresidential Parking in R Districts. Nonresidential parking serving adjacent commercial or industrial uses shall not be located in any R-zoned property.

F. **Computation of Spaces Required.** If, in the application of the requirements of this chapter, a fractional number is obtained, one additional parking space or loading space shall be required.

### G. Other Requirements.

1. Any off-street parking or loading facility which is permitted but not required shall comply with all provisions of this chapter governing location, design, improvement and operation.

2. Any motor vehicle incapable of movement by its own power and/or not licensed to operate on California streets shall be stored either in an enclosed building or entirely screened from view. (3334-6/97)

### **231.04 Off-Street Parking and Loading Spaces Required**

A. Nonresidential uses shall provide one loading space (minimum 14 feet in width, 20 feet in length, and 14 feet in height) for each 20,000 square feet, or fraction thereof, of gross floor area; however, a maximum of three such spaces are required for buildings exceeding 60,000 square feet. No loading space is required for nonresidential uses with less than 20,000 square feet of gross floor area.

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B. Off-street parking spaces shall be provided in accord with the following schedule. References to spaces per square foot are to be computed on the basis of gross floor area, unless otherwise specified.

Where the use is undetermined, the approving body shall determine the probable use and the number of parking and loading spaces required. In order to make this determination, the director may require the submission of survey data prepared by a state-registered traffic engineer for the applicant or collected at the applicant's expense. Parking spaces over and above the minimum number specified in this section may be required by the body responsible for reviewing the use itself based on the intensity of the use.

C. The director may allow a parking reduction for a change of use if the increase in the required parking is not more than five spaces. The change of use request must be on a site with two or more uses, have a minimum of 50 existing parking spaces and provide an upgrade of existing landscaping. This same reduction may be considered for uses complying with state handicap regulations as mandated by state law and applicable to parking requirements. This provision shall not apply to applications for development within the coastal zone that necessitate a Coastal Development Permit.

### Off-Street Parking Spaces Required: Schedule A

Use Classification	Off-Street Parking Spaces
<b>Residential</b>	
<i>Single-family dwellings</i>	
New construction	
0-4 bedrooms	2 enclosed and 2 open
5 or more bedrooms	3 enclosed per unit and 3 open per unit
Existing dwellings	
0-4 bedrooms	2 enclosed and 2 open*
5 or more bedrooms	2 enclosed per unit and 3 open per unit*
In the RMH-A district	2 enclosed spaces per unit with up to 3 bedrooms, and 1 space for each additional bedroom; 1 additional space per dwelling where no on-street parking is allowed
<i>Multifamily dwellings</i>	
Studio/1 bedroom	1 enclosed space per unit
2 bedrooms	2 spaces (1 enclosed) per unit
3 or more bedrooms	2.5 spaces (1 enclosed) per unit
Guests	0.5 space per unit
<i>Senior</i>	
Studio/1 bedroom	1 covered space per unit
2 bedrooms	1.5 spaces per unit (1 covered)
<i>Manufactured homes</i>	2 spaces per unit; 1 covered, and 1 may be behind

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Guest	the first 1 per 3 manufactured homes
Rooming house	1 space per guest room; plus 1 space per owner/manager; plus 1 space per each 10 guest rooms
Residential care, limited	1 per 3 beds
<b>Public and Semi-Public</b>	
Clubs and lodges	1 per 35 sq. ft. used for assembly purposes of 1 per 3 fixed seats (18 inches = 1 seat), whichever is greater
Cultural facilities	1 per 300 sq. ft. gross floor area
Day care, general	1 per staff member plus 1 per classroom
Government offices	1 per 250 sq. ft. gross floor area
Heliports	As specified by use permit
Hospitals	1 per 1.5 beds
Maintenance and service facilities	1 per 500 sq. ft.
Park and recreation facilities	As specified by conditional use permit for private facilities
Public safety facilities	As specified by the conditional use permit
Religious assembly	1 per 35 sq. ft. of public assembly area, or 1 per 3 fixed seats (18 inches = 1 seat), whichever is greater
Residential care, general	1 per 3 beds; plus additional spaces, as specified by conditional use permit
<i>Schools, public or private</i>	
Preschools, nursery day care	1 per staff member, plus 1 per classroom
Elementary, junior high	1.5 per classroom
High school/college	7 per classroom
Trade schools, music conservatories	1 per 35 sq. ft. of instruction area
Utilities, major	As specified by conditional use permit
<b>Commercial</b>	
Ambulance services	1 per 500 sq. ft.; plus 2 storage spaces
<i>Animal sales and services</i>	
Animal boarding	1 per 200 sq. ft.
Animal grooming	1 per 200 sq. ft.
Animal hospitals	1 per 200 sq. ft.
Animal, retail sales	1 per 200 sq. ft.



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Artists' studios	1 per 1,000 sq. ft.
<i>Banks and savings &amp; loans</i>	1 per 200 sq. ft.
Drive-up service	Queue space for 5 cars per teller
Building materials and services	1 per 1,000 sq. ft. of lot area; minimum 10 plus 1/300 sq. ft. office area
Catering services	1 per 400 sq. ft.
<i>Commercial recreation and entertainment</i>	
Bowling alleys	3 per lane, plus 1 per 250 sq. ft. of public assembly and retail areas
Electronic game centers	1 per 200 sq. ft.
Health clubs	1 per 200 sq. ft. except that area designated for group instruction shall be parked at a ratio of 1 per 100 sq. ft.
Stables	1 per 3 corrals plus 1 horse trailer space for each 10 corrals plus 2 for caretaker's unit
Tennis/racquetball	3 per court
Theaters	1 per 3 fixed seats, or 1 per 35 sq. ft. seating area if there are no fixed seats
Other commercial recreation and entertainment	As specified by the Zoning Administrator or Planning Commission
Communications facilities	1 per 500 sq. ft.
<i>Eating and drinking establishments</i>	
With less than 12 seats	1 per 200 sq. ft.
With more than 12 seats	1 per 60 sq. ft. or 1 per 100 sq. ft. when on a site with 3 or more uses
With dancing	Plus 1 per 50 sq. ft. of dancing area
With drive through service	Plus queue space for 5 cars per service window
Food and beverage sales	1 per 200 sq. ft.
Furniture and appliance stores	1 per 500 sq. ft. excluding areas used for storage or loading, but not less than 5
Funeral and interment services	1 per 35 sq. ft. of seating space
Hardware stores	1 per 200 sq. ft. excluding areas used for storage or loading, but not less than 5
Horticulture, limited	1 per 2 acres
Laboratories	1 per 500 sq. ft.
Maintenance and repair services	1 per 500 sq. ft.
Marine sales and services	1 per 500 sq. ft.

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Nurseries	1 per 1,000 sq. ft. of indoor/outdoor sales and/or display lot area accessible for public viewing, but no less than 10; plus 1 per 300 sq. ft. office area
Offices, business and professional	1 per 250 sq. ft. for less than 250,000 sq. ft.; 1 per 300 sq. ft. for 250,000 sq. ft. or more
Offices, medical and dental	1 per 175 sq. ft. (includes out-patient medical/surgery centers)
Pawn shops	1 per 200 sq. ft.
Personal enrichment services	1 per 35 sq. ft. of instruction area; or maximum 1 per 200 sq. ft. provided the number of students per classroom does not exceed required number of parking spaces, plus instruction area does not exceed 75% of floor area
Personal services	1 per 200 sq. ft.
Research and development services	1 per 500 sq. ft.
Retail sales not listed under another use classification	1 per 200 sq. ft.
<i>Sex-oriented business</i>	
Cabaret	
With less than 12 seats	1 per 200 sq. ft.
With 12 seats or more	1 per 60 sq. ft. or 1 per 100 sq. ft. if on a site with 3 or more uses
Encounter center	1 per 35 sq. ft. of instruction area
Escort bureau	1 per 250 sq. ft.
Hotel/motel	1.1 per guest room; plus 1 per passenger transport vehicle (minimum of 2 stalls) and 2 spaces for any manager's unit and parking for other uses as required by this schedule
Mini-motion picture theater, motion picture theater or motion picture arcade	1 per 3 fixed seats, or 1 per 35 sq. ft. seating area if there are no fixed seats
Retail sales	1 per 200 sq. ft.
Swap meets, indoor/flea markets	1 per 100 sq. ft. except as may be modified by the Planning Commission through the conditional use permit process, after submittal, review and approval of a traffic engineering study
<i>Vehicle/equipment sales and services</i>	
Automobile rentals	1 per 1,000 sq. ft. of indoor/outdoor sales and/or display lot area accessible for public viewing, but no less than 10; plus 1 per 300 sq. ft. office area; 1/200

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Automobile washing (car wash)	sq. ft. auto service area
Full-service (attended)	10
With fuel sales	12
Self-service (unattended)	1.5 per wash stall
Service stations	
Full-serve/repair garage	1 per 500 sq. ft. but no less than 5
Self-serve	2
With convenience markets	1 per 200 sq. ft. of retail space but no less than 8
With self-serve car wash	4
With self-serve car wash and convenience market	10
Vehicle/equipment repair	1 per 200 sq. ft. but no less than 5
Vehicle/equipment sales and rentals	1 per 1,000 sq. ft. of indoor/outdoor sales and/or display lot area accessible for public viewing, but no less than 10; plus 1 per 300 sq. ft. office area; 1 per 200 sq. ft. auto service area
Vehicle storage	1 per 5,000 sq. ft. lot area; no less than 5
<i>Visitor accommodations</i>	
Bed and breakfast	1 per guest room plus 1 guest and 1 manager/owner space
Hotels, motels	1.1 per guest room; plus 1 per passenger transport vehicle (minimum of 2 stalls) and 2 spaces for any manager's unit and parking for other uses as required by this schedule
Single room occupancy residential hotels	1 per unit, 10% shall be designated as visitor parking; 1 per passenger transport vehicle (minimum of 1 stall), 1 loading space, and 2 spaces for any manager's unit, plus 0.5 per all remaining personnel
Warehouse and sales outlets	1 per 200 sq. ft.
<b>Industrial</b>	
Speculative buildings	1 per 500 sq. ft. <b><u>(Maximum 10% office area in IG or IL District Maximum 30% office area in RT District )</u></b>
Manufacturing, research assembly, packaging	1 per 500 sq. ft.
Wholesaling, warehousing and distributing space	1 per 1,000 sq. ft.
Offices	1 per 250 sq. ft. if office area exceeds 10% of gross

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	floor area <b><u>in IG or IL District; 30% in RT District</u></b>
Outside uses: storage, <del>wrecking/salvage</del> and lumber yards	1 per 5,000 square feet of lot area, but no less than 5
<i>Mini-storage facilities</i>	
Single-story	1 per 5,000 square feet
Each additional story	1 per 2,000 square feet plus 2 spaces for caretaker's unit

\* Open spaces may be behind any required spaces and/or on a street adjacent to the property. On-street parking may not be reserved for residents and/or guests but must be available to the general public on a first-come, first-serve basis.

(3334-6/97, 3378-2/98, 3494-5/01, 3526-2/02, Res. 2004-80-9/04, 3677-12/04)

### **231.06 Joint Use Parking**

A. In the event that two or more uses occupy the same building, lot or parcel of land, the total requirement for off-street parking shall be the sum of each individual use computed separately except as provided in this section.

B. The Planning Commission or Zoning Administrator may grant a reduction in the total number of required spaces as part of the entitlement for the use or uses, or by conditional use permit when no other entitlement is required, when the applicant can demonstrate that the various uses have divergent needs in terms of daytime versus nighttime hours or weekday versus weekend hours. Such joint use approvals shall be subject to the following:

1. The maximum distance between the building or use and the nearest point of the parking spaces or parking facility shall be 250 feet; and
2. There shall be no conflict in the operating hours based on parking space requirements for the different uses on the parcel; and
3. Evidence of an agreement for such joint use shall be provided by proper legal instrument, approved as to form by the City Attorney. The instrument shall be recorded in the Office of the County Recorder and shall be filed with the City prior to issuance of building permit and/or certificate of occupancy, whichever occurs first. (3334-6/97)

### **231.08 Reduced Parking for Certain Uses**

A. The Zoning Administrator may approve a conditional use permit to reduce the number of parking spaces to less than the number required per Schedule A in Section 231.04, provided that the following findings are made:

1. The parking demand will be less than the requirement in Schedule A; and
2. The proposed use of the building or structure, will not generate additional parking demand; and
3. A transportation demand management plan which exceeds the minimum required by Section 230.36 has been approved by the director.

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B. The Zoning Administrator may consider survey data prepared by a state-registered traffic engineer and submitted by an applicant or collected at the applicant's request and expense as a basis for approval of a reduction in required parking. (3334-6/97, 3526-2/02, 3677-12/04)

### **231.10 Parking In-Lieu Payments Within Downtown Specific Plan Area**

Parking requirements for private property uses within the Downtown Specific Plan Area may be met by payment of an "in-lieu" fee for providing parking in a parking facility subject to conditional use permit approval by the Planning Commission. Said fee may be paid in multiple installments. The first installment in an amount established by City Council resolution for each parking space shall be paid prior to the issuance of building permits or of a certificate of occupancy, whichever comes first. Any successive installments shall be paid and secured by a mechanism established in the conditions of approval. (3334-6/97)

### **231.12 Parking Spaces for the Handicapped**

New and existing parking facilities shall comply with the State Handicapped Regulations as mandated in state law. (3334-6/97)

### **231.14 Parking Space Dimensions**

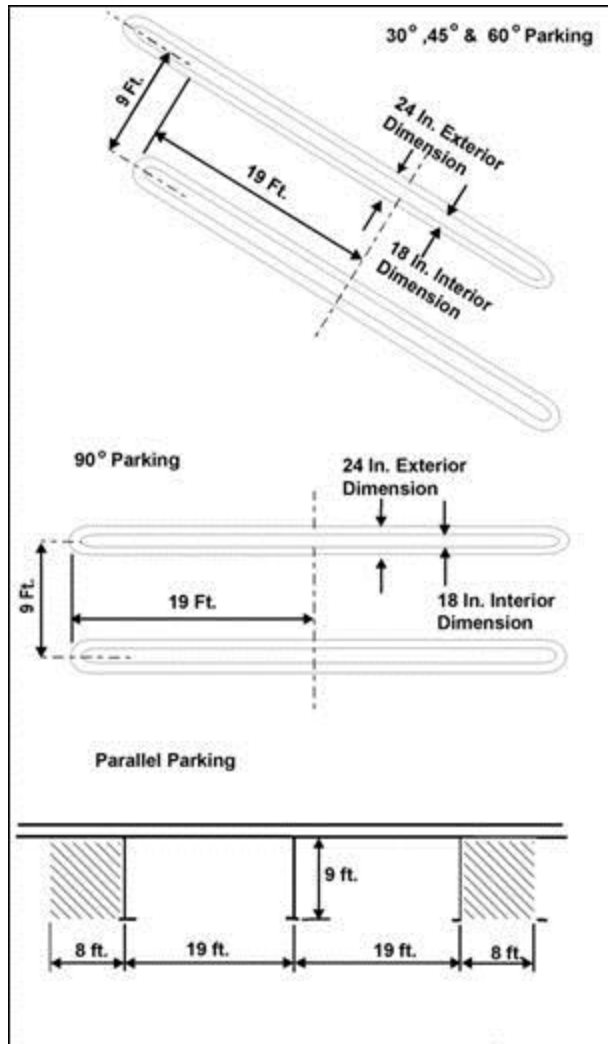
Required parking spaces shall have the following minimum dimensions in feet. Striping requirements are depicted in Diagram A. Directional signs and/or pavement markings shall be provided in any facility in which one-way traffic is established.

Angle of Parking	Stall Width	Stall Depth	Aisle Width <sup>1</sup>	
			1-way	2-way
0° (Parallel)	9	19 <sup>2</sup>	12	20
30°	9	19	14	20
45°	9	19	15	20
60°	9	19	20	20
90°	9	19	26	26
Residential	9	19	25	25
Bicycle	8	17	subject to § 231.20	

<sup>1</sup> Minimum 24 feet when determined by Fire Department to be a fire lane.

<sup>2</sup> With 8 ft. striped maneuvering area between every 2 spaces.

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Striping Requirements—Diagram A

(3334-6/97)

### 231.16 Application of Dimensional Requirements

A. **Relation to Walls and Posts/Columns.** A parking space on a site with more than five parking spaces and which is adjacent to a wall over 12 inches in height shall be increased in width by three feet. Post/columns may be permitted along the side of each space only within three feet of the head and foot of each stall.

B. **Vertical Clearance.**

1. Vertical clearance for parking spaces shall be seven feet, except that an entrance may be 6.67 feet. When handicapped parking is provided, vertical clearance shall comply with California [Code of Regulations](#) (Title 24, Part 2, Chapter 2-71).
2. For residential uses, non-structural improvements including wall-mounted shelves, storage surface racks, or cabinets may encroach into the vertical clearance, provided a minimum 4.5 feet vertical clearance is maintained above the finished floor of the garage within the front five feet of a parking space.

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C. **Wheel Stops.** All spaces shall have wheel stops 2.5 feet from a fence, wall, building or walkway.

D. **Parking Space Dimension Reduction.** When a parking space abuts a landscape planter, the front two feet of the required 19-foot length for a parking space may overhang the planter as provided in Chapter 232. (3334-6/97)

### **231.18 Design Standards**

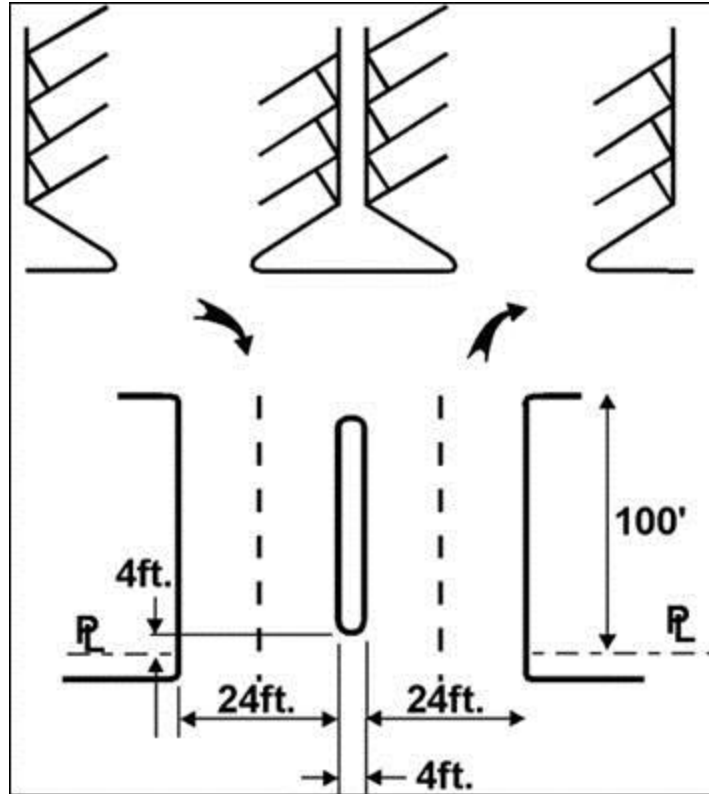
A. **Public Works Requirements.** Drive entrances on arterial highways shall be located in a manner to coordinate with future median openings and in accord with Department of Public Works standards. The paved surface of driveways and drive entrances shall comply with Department of Public Works specifications. Parking facilities shall be prepared, graded, and paved to ensure that all surface waters will drain into a public street, alley, storm drain, or other drainage system approved by the Department of Public Works. Aisle ways without adjacent parking shall be a minimum 24 feet in width.

B. **Circulation Design.** All off-street parking spaces shall have access to a public street or alley, and shall have internal circulation, safe entrances and exits, drives, and aisles in conformance with City standards. Every required parking space shall have unobstructed access from an aisle without moving another vehicle. All parking spaces, except residential garages and carports for single-family dwellings and duplexes, shall have forward travel to and from parking facilities when access is to a dedicated street. Traffic circulation shall be designed so that no vehicle need enter a public street in order to progress from one aisle to any other aisle within the same development.

Commercial centers which have 200 parking spaces or more shall have at least one main entrance designed as depicted in Diagram B.



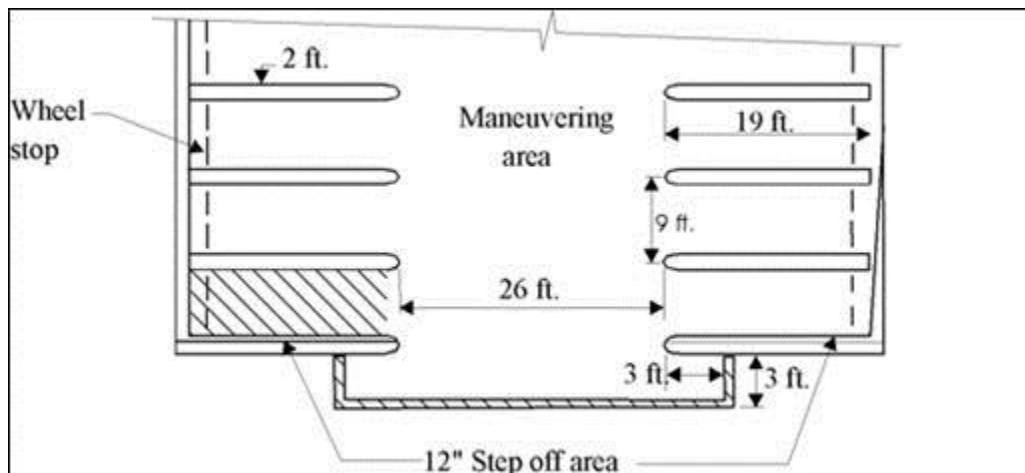
## EXHIBIT C



**Commercial Center Main Entrance for Parking Lots With Over 200 Spaces**

**Diagram B**

A minimum three-foot-by-three-foot-wide maneuvering area shall be provided at the end of dead-end parking aisles less than 150 feet in length. A vehicle turnaround space shall be provided at the end of all dead-end parking aisles which exceed 150 feet in length (measured from the closest intersecting aisle with complete circulation). The maneuvering area and turnaround space shall be designed as depicted in Diagram C. Other turnaround arrangements providing the same maneuverability are subject to approval by the director.



## EXHIBIT C

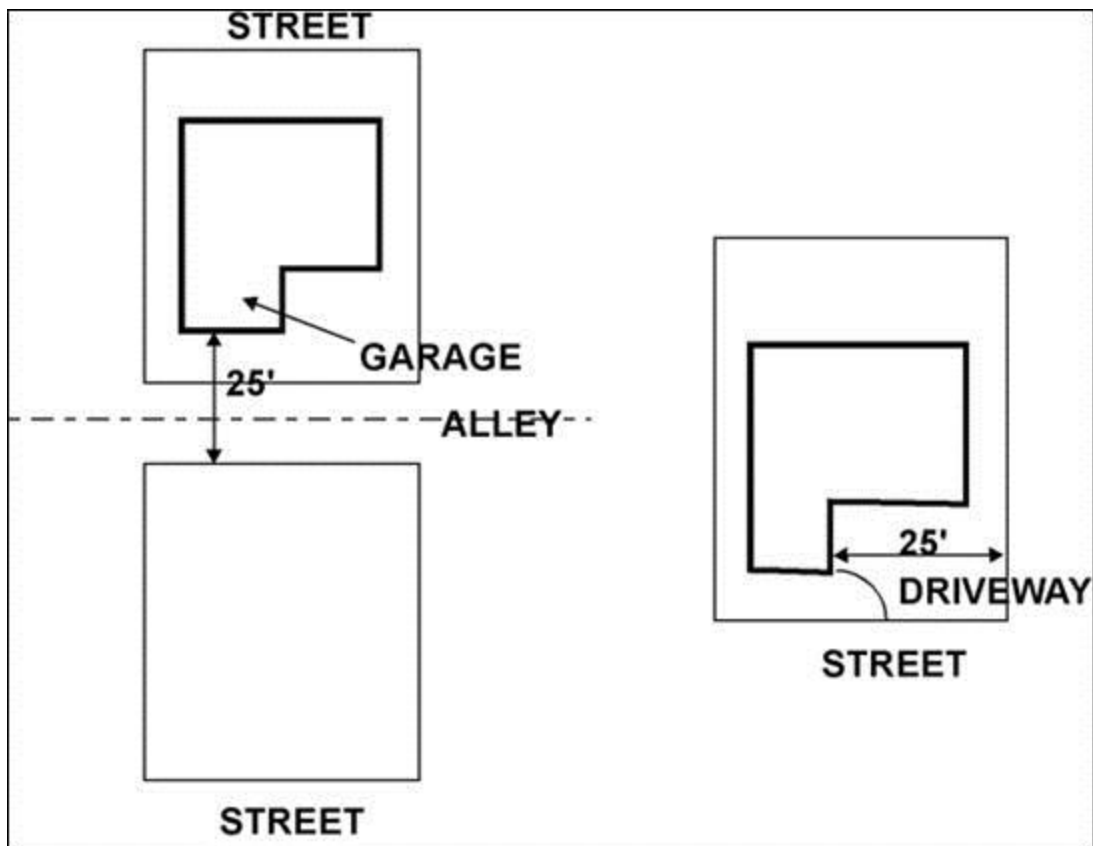
### Turnaround Space and Maneuvering Area

#### Diagram C

C. **Illumination.** All parking area lighting shall be energy-efficient and designed so as not to produce glare on adjacent residential properties. Security lighting shall be provided in areas accessible to the public during nighttime hours, and such lighting shall be on a time-clock or photo-sensor system.

D. **Residential Parking.**

1. Garages and Carports. All required garages and carports, permitted as accessory structures, shall be constructed at the same time as the main building and shall be used only by persons residing on the premises for storage of personal vehicles and other personal property.
2. Assignment of Spaces. Each studio and one bedroom dwelling unit shall have a minimum of one assigned parking space and each two or more bedroom units shall have a minimum of two assigned parking spaces. Each dwelling unit shall have an enclosed, assigned space which shall be within 200 feet walking distance of that unit and designated as such. The assigned spaces shall be provided with the rental of a dwelling unit without any additional cost. All unassigned spaces provided on site shall be open and only used for the parking of vehicles by persons residing on the property or their guests.
3. Turning Radius. The minimum turning radius for any garage, carport or open parking space, entered directly from an alley or driveway, shall be 25 feet (see Diagram D).



Turning Radius

EXHIBIT C

**Diagram D**

4. Driveway Width.

Length of Drive	Minimum Driveway Width
150 feet or less	10 ft. for single family dwellings 20 ft. for multifamily dwellings
Greater than 150 feet	20 feet clear width Exception: when designated as fire lane, all Fire Department requirements shall apply.

5. Guest Parking. All guest parking shall be fully accessible.

6. Coastal Zone. The following requirements shall apply to residential development in the Coastal Zone.

a. Each dwelling unit located in the Coastal Zone shall have a minimum of two on-site parking spaces. If the total coastal parking requirements exceed the total minimum parking as required by this chapter, the additional required parking spaces may be in tandem with enclosed spaces, provided the tandem space is assigned to an enclosed space and complies with the required turning radius.

b. The streets of new residential subdivisions between the sea and the first public road shall be constructed and maintained as open to the public for vehicular, bicycle and pedestrian access. General public parking shall be provided on all streets throughout the entire subdivision. Private entrance gates and private streets shall be prohibited. All public entry controls (e.g., gates, gate/guard houses, guards, signage, etc.) and restriction on use by the general public (e.g., preferential parking districts, resident-only parking periods/permits, etc.) associated with any streets or parking areas shall be prohibited.

7. Planned Residential Developments. In a planned residential development where a garage is constructed a minimum of 20 feet from the curb, the driveway in front of the garage may be used to provide one of the required uncovered spaces.

8. Privacy Gates. Privacy gates may be installed without a conditional use permit provided there is compliance with the following criteria prior to the issuance of building permits:

a. Fire Department approval for location and emergency entry.

b. Public Works Department approval of stacking and location.

c. Postmaster approval of location for mail boxes or entry for postal carrier.

d. Shall provide a driveway with a minimum of 20 feet for vehicle stacking.

e. No adverse impacts to public coastal access, including changes in the intensity of use of water, or access thereto, shall result from installation of the privacy gates.

9. Driveway Air Space. The air space above all driveways which exceed 150 feet in length shall remain open to the sky, except that eaves or roof overhangs with a maximum four-foot projection may be permitted above a height of 14 feet.

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10. Storage Space. One hundred cubic feet of enclosed storage space for each unit shall be provided in a secured parking area where there is no private garage.

11. Accessory Dwelling. One additional off-street parking space shall be required for an accessory dwelling, except that in the coastal zone there shall be a minimum of four parking spaces on-site.

### E. **Nonresidential Parking and Loading.**

1. Designated Parking. Parking spaces within an integrated, nonresidential complex shall not be designated for exclusive use of any individual tenant except as authorized by a parking management plan approved by the director.

2. Parking Controls. Parking controls, such as valet service, or booths, and/or collection of fees may be permitted when authorized by conditional use permit approval by the Zoning Administrator. Privacy gates may be installed without a conditional use permit provided there is compliance with the following criteria prior to the issuance of building permits.

- a. Fire Department approval for location and emergency entry.
- b. Public Works Department approval of stacking and location.
- c. Postmaster approval of location for mail boxes or entry for postal carrier.
- d. Shall provide a driveway with a minimum of 20 feet for vehicle stacking.
- e. No adverse impacts to public coastal access, including changes in the intensity of use of water, or of access thereto, shall result from installation of the privacy gates.

3. Minimum Driveway Width. Twenty-five feet when providing access to the rear of a structure.

4. Reciprocal Access. Reciprocal ingress/egress access with adjacent properties shall be provided for all commercial properties.

5. Loading Location. On a site adjoining an alley, a required loading space shall be accessible from the alley unless alternative access is approved by the director. An occupied loading space shall not prevent access to a required parking space. Truck or rail loading, dock facilities, and doors for such facilities shall not face or be located within 45 feet of property zoned for general planned residential.

6. Loading Design. Any loading facility shall be designed and located so that vehicles need not extend onto the public sidewalks, streets or alleys during loading activities.

7. Landscape Buffer. Where the side or rear yard of a parcel is used for loading activities and abuts an R District, a landscaped buffer along the property line shall be provided.

8. Parking Spaces. Parking spaces shall not be utilized or occupied by any other use or for any other purpose than as parking for the associated on-site uses as required by this chapter, unless in compliance with Section 231.06, Joint Use Parking.

F. **Seasonal and Temporary Parking Lots**. Seasonal and temporary parking lots may be allowed upon approval of a conditional use permit by the Zoning Administrator. Seasonal lots may operate only from Memorial Day through the third weekend in September and shall be located within 1,000 yards of the mean high tide line of the Pacific Ocean. Temporary and seasonal commercial parking lots may be permitted for a maximum of five years. The design and layout of seasonal and

## EXHIBIT C

temporary parking lots shall comply with this chapter, Fire Department requirements, and the following standards:

1. Paving shall be two inches of asphalt over compacted native soil, or as approved by the department; except seasonal parking lots shall be surfaced to meet minimum specifications for support of vehicles and to provide dust control as required by the Zoning Administrator.
2. Boundaries of such lots shall be marked off and secured by chain or cable, with posts a minimum of three feet in height, solidly built. At a minimum, posts shall consist of four-inch by four-inch wood or equivalent metal posts a minimum of one and one-half inches in diameter securely set in the ground and placed eight feet on center. The posts shall be connected with at least one strand of half-inch cable or chain securely fastened to each post. An opening shall be provided to accommodate vehicle access during business hours. Seasonal lots shall be secured to prevent overnight parking between the closing hour on one business day and the opening hour the following business day.
3. Temporary parking lots shall have landscaped planters with an inside dimension of three feet along street-side property lines excluding driveways. Landscaping shall be protected from vehicle and pedestrian damage by wheel bumpers (asphalt, concrete, or wood), or asphalt or concrete curbs, or any other design that will provide adequate protection.
4. Seasonal parking lots are exempt from landscaping requirements of Chapter 232.
5. Directional and informational signs shall be displayed on-site to identify the entrance(s), fees, and hours of operation. Such signs shall be located at the entrance of the parking lot and shall not exceed 12 square feet and shall be six feet high. Signs for seasonal parking lots shall be removed from the site each season no later than the third weekend in September.
6. Automatic entry devices or fee collection points shall be set back a minimum of 20 feet from the public right-of-way, or at a distance recommended by the Department of Public Works and approved by the director.
7. An attendant shall be on duty at all times during business hours of seasonal parking lots.
8. An approved fire extinguisher shall be provided on the premises during business hours.
9. The site shall be maintained in a clean condition, free from trash and debris. Trash containers shall be placed on the site to accommodate and store all trash that accumulates on the lot.

For seasonal parking lots, a certificate of insurance for combined single limit bodily injury and/or property damage including products liability in the amount of \$1,000,000.00 per occurrence shall be filed with the Department of Administrative Services. A hold harmless agreement holding the City harmless shall also be filed with the Department of Administrative Services.

Subsequent to approval of an application for any seasonal or temporary parking lot, the applicant shall meet all standards and requirements and install all improvements. The parking lot shall then be inspected and approved by the director prior to issuance of a certificate to operate.

**G. Parking Structures.** Parking structures above or below grade shall be subject to conditional use permit approval by the Planning Commission when no other entitlement is required. In addition, parking structures proposed within the coastal zone shall be subject to approval of a Coastal Development Permit. All parking structures shall comply with the following requirements:

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1. Transition ramps which are also used as back-up space for parking stalls shall have a maximum slope of five percent. The maximum slope for transition ramps with no adjacent parking spaces shall be 10%. A ramp used for ingress and egress to a public street shall have a transition section at least 16 feet long and a maximum slope of five percent.
2. Parking structures with over 300 spaces shall provide secondary circulation ramps and additional ingress and egress if deemed necessary by a traffic study prepared by a state-registered traffic engineer.
3. Parking structures shall be provided with a minimum 10-foot-wide perimeter landscape planter at ground level. Parked cars shall be screened on each level through landscape planters or trellises and/or decorative screening wall or railings. The Design Review Board shall approve the landscaping plan.
4. All parking structures shall be architecturally compatible with existing or proposed structures and shall be subject to review and approval by the Design Review Board prior to hearing. The Design Review Board shall consider the following factors in reviewing a proposal: bulk, scale, proportion, building materials, colors, signage, architectural features, and landscaping.
5. All parking structures proposed for conversion to a fee parking arrangement shall be subject to conditional use permit approval by the Planning Commission. Public parking structures within the coastal zone proposed for conversion to a fee parking arrangement shall be subject to approval of a Coastal Development Permit. (3334-6/97, 3526-2/02, Res. 2004-80-9/04, 3677-12/04, 3758-1/07, 3763-3/07, Res. 2009-36-9/09)

### **231.20 Bicycle Parking**

#### **A. Bicycle Parking Requirements.**

1. Nonresidential Uses.
  - a. Buildings up to 50,000 square feet of gross building area: One bicycle space for every 25 automobile parking spaces required; minimum of three.
  - b. Buildings over 50,000 square feet of gross building area: The director shall determine the number of bicycle spaces based upon the type of use(s) and number of employees.
2. Multiple-Family Residential Uses. One bicycle space for every four units.

**B. Facility Design Standards.** Bicycle parking facilities shall include provision for locking of bicycles, either in lockers or in secure racks in which the bicycle frame and wheels may be locked by the user. Bicycle spaces shall be conveniently located on the lot, close to the building entrance as possible for patrons and employees, and protected from damage by automobiles. (3334-6/97, 3677-12/04, 3763-3/07)

### **231.22 Driveways—Visibility**

Visibility of a driveway crossing a street or alley property line or of intersecting driveways shall be consistent with the requirements of Section 230.88. (3334-6/97)

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### **231.24 Landscape Improvements**

Landscape, planting and irrigation plans shall be prepared consistent with the requirements of Chapter 232. (3334-6/97)

### **231.26 Parking Area Plan Required**

Prior to the construction, reconstruction, or re-striping of an off-street parking area, a parking area plan shall be submitted to the director for the purpose of indicating compliance with the provisions of this section. This plan shall include:

- A. Location and description of fencing and architectural screen walls.
- B. Location and placement of parking stalls, including bumpers, striping and circulation, all dimensioned to permit comparison with approved parking standards.
- C. Location and placement of lights provided to illuminate the parking area.
- D. A drainage plan showing drainage to a public way in accordance with accepted standards or practices.
- E. A landscape, planting and irrigation plan prepared consistent with the requirements of Chapter 232.
- F. Existing off-street parking areas that were approved at a reduced dimension (e.g., width, length, aisle width) may be reconstructed and re-striped or only re-striped at their previous reduced dimension.
- G. When re-striping, parking stalls shall be as depicted in Section 231.14, Diagram A.
- H. If a parking area is proposed to only be re-striped, no landscape, drainage, or lighting plan is required.

Single-family dwellings on pre-existing lots are exempt from this requirement. (3334-6/97, 3677-12/04)

### **231.28 Oceanside or On-Street Parking Within the Coastal Zone**

If any existing oceanside or on-street parking within the coastal zone is removed, it shall be replaced on a one for one basis in an area that would not result in the loss of any sandy beach area and within walking distance of the existing site. Replacement parking shall be assured prior to the issuance of the Coastal Development Permit and shall be provided before any existing parking is removed so that there will be no reduction in the number of parking spaces available. (3334-6/97)