

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH
AMENDING CHAPTER 210 OF THE HUNTINGTON BEACH ZONING AND
SUBDIVISION ORDINANCE TITLED R RESIDENTIAL DISTRICTS
(ZONING TEXT AMENDMENT NO. 19-002)**

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. 19-002, which amends Chapter 210 of the Huntington Beach Zoning and Subdivision Ordinance relating to updated, clarified, and additional development standards utilized within Residential Districts of the ZSO.

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 Chapter 210 of the Huntington Beach Zoning and Subdivision Ordinance titled R Residential Districts is hereby amended to read as set forth in Exhibit A.

SECTION 2. All other provisions of Chapter 210 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

REVIEWED AND APPROVED:

INITIATED AND APPROVED:

City Manager

Community Development Director

Exhibit A: Legislative Draft

210.06 RL, RM, RMH, RH, and RMP Districts—Property Development Standards

A. The following schedule prescribes development standards for residential zoning districts and subdistricts designated on the zoning map. The columns establish basic requirements for permitted and conditional uses; letters in parentheses in the “Additional Provisions” column refer to “Additional Development Standards” following the schedule.

B. In calculating the number of units permitted on the site, density is calculated on the basis of net site area. Fractional numbers shall be rounded down to the nearest whole number except that one dwelling unit may be allowed on a legally created lot complying with minimum lot area. All required setbacks shall be measured from ultimate right-of-way and in accordance with the definitions set forth in Chapter 203, Definitions.

C. Any new parcel created pursuant to Title 25, Subdivisions, shall comply with the minimum building site requirements of the district in which the parcel is located unless approved as a part of a planned unit development.

Property Development Standards for Residential Districts

| | RL | RM | RMH-A Subdistrict | RMH | RH | RMP | Additional Provisions |
|---|-----------|-----------|------------------------------|------------|-----------|------------|----------------------------------|
| Min. Building Site | 6,000 | 6,000 | 2,500 | 6,000 | 6,000 | 10 ac. | (A)(B)(C) |
| Width (ft.) | 60 | 60 | 25 | 60 | 60 | N/A | |
| Cul-de-sac frontage | 45 | 45 | - | 45 | 45 | N/A | |
| Min. Setbacks | | | | | | | (D)(R) |
| Front (ft.) | 15 | 15 | 12 | 10 | 10 | 10 | (E)(F) |
| Side (ft.) | 3; 5 | 3; 5 | 3; 5 | 3; 5 | 3; 5 | - | (G)(I)(J) |
| Street Side (ft.) | 6; 10 | 6; 10 | 5 | 6; 10 | 6; 10 | 10 | (H) |
| Rear (ft.) | 10 | 10 | 7.5 | 10 | 10 | - | (I)(J) |
| Accessory Structure | | | | | | | (U) |
| Garage | | | | | | | (K) |
| Projections into Setbacks | | | | | | | (L)(R) |
| Max. Height (ft.) | | | | | | | |
| Dwellings | 35 | 35 | 35 | 35 | 35 | 20 | (M) |
| Accessory Structures | 15 | 15 | 15 | 15 | 15 | 15 | (M)(R) |
| Max. Floor Area Ratio (FAR) | - | - | 1.0 | - | - | - | |
| Min. Lot Area per Dwelling Unit (sq. ft.) | 6,000 | 2,904 | * | 1,742 | 1,244 | - | |
| Max. Lot Coverage (%) | 50 | 50 | 50 | 50 | 50 | 75 | (V) |
| Min. Floor Area | | | | | | | (N) |
| Min. Usable Open Space | | | | | | | (O) |

| | | | | | | | |
|--|--------------------------------------|--|--|--|--|--|-------------------|
| Courts | | | | | | | (P) |
| Accessibility within Dwellings | | | | | | | (Q) |
| Waterfront Lots | | | | | | | (R) |
| Landscaping | See Ch. 232 | | | | | | (S) |
| Fences and Walls | See Section 230.88 | | | | | | |
| Lighting | | | | | | | (T) |
| <u>Residential Privacy Design Standards</u> | | | | | | | <u>(W)</u> |
| <u>Relocating Structures</u> | <u>See HBMC Chapter 17.28</u> | | | | | | <u>(X)</u> |
| Underground Utilities | See Ch. 17.64 | | | | | | |
| Screening of Mechanical Equipment | See Section 230.76 | | | | | | |
| Refuse Storage Areas | See Section 230.78 | | | | | | |
| Antenna | See Section 230.80 | | | | | | |
| Performance Standards | See Section 230.82 | | | | | | |
| Off-Street Parking and Loading | See Ch. 231 & Section 210.12 | | | | | | |
| Signs | See Ch. 233 | | | | | | |
| Nonconforming Structures | See Ch. 236 | | | | | | |
| Accessory Structures | See Section 230.08 | | | | | | |

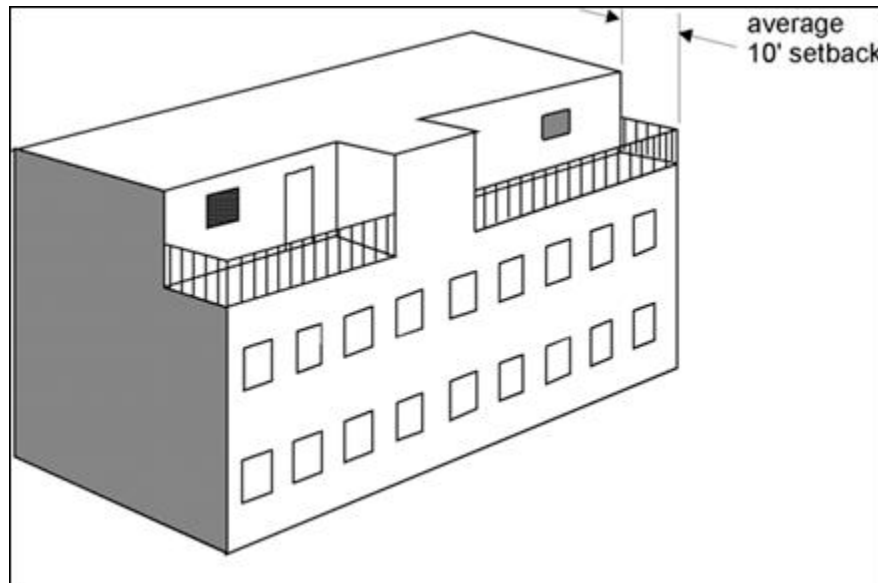
* Lots 50 feet or less in width = 1 unit per 25 feet of frontage
 Lots greater than 50 feet in width = 1 unit per 1,900 square feet
 N/A = Not applicable

RL, RM, RMH, RH, and RMP Districts: Additional Development Standards

- (A) See Section 230.62, Building Site Required and Section 230.64, Development on Substandard Lots.
- (B) See Section 230.66, Development on Lots Divided by District Boundaries.
- (C) The minimum lot area shall be 12,000 square feet for general day care, general residential care, and public or private schools, except minimum lot area for general day care in the RL district shall be one gross acre.
- (D) **Building Separation.** The minimum spacing between buildings including manufactured home units shall be 10 feet.

(E) **Variable Front Setback for Multifamily Projects.** Projects with more than four units in the RM District, more than eight units in the RMH District, or more than 14 units in the RH District shall provide a minimum setback of 15 feet from any public right-of-way. Minimum 50% of the garages shall be set back 20 feet from the front property line. (See Section 210.12B.)

(F) **Upper-Story Setbacks for Multifamily Structures.** The covered portion of all stories above the second story in any multi-family structure shall be set back an average of 10 feet from the second floor front facade (see Exhibit).



Upper Story Setback

(G) **Interior Side Setback.**

(1) In the RL, RM, RMH, including RMH-A subdistrict, and RH Districts, interior side setbacks shall be minimum 10% of lot width, but not less than three feet and need not exceed five feet, except as stated below.

(2) For projects in the RM, RMH, including RMH-A subdistrict, and RH Districts adjoining an RL District, interior side setbacks shall be at least:

- (a) 10 feet for units in single-story or two-story buildings.
- (b) 14 feet for units above two stories.

Subject to approval of a conditional use permit, the Zoning Administrator or the Planning Commission, may approve upper-story setbacks in lieu of an increased side setback if the second and third stories are set back the required distance.

(H) **Street Side Setbacks.**

(1) In the RL, RM, RMH (excluding RMH-A subdistrict), and RH districts, the street side yard shall be 20% of the lot width, minimum six feet and need not exceed 10 feet.

(2) In the RMH-A subdistrict, street side setback shall be minimum five feet.

(3) For projects with 10 or more multi-family units (including RMH-A subdistrict), the street side setback shall be the same as the front setback.

(I) **Building Walls Exceeding 25 Feet in Height.** The required interior side or rear setback adjoining a building wall exceeding 25 feet in height, excluding any portion of a roof, and located on a lot 45 feet wide or greater, shall be increased three feet over the basic requirement.

(J) **Zero Side or Rear Setback.**

(1) A zero interior side setback may be permitted provided that the opposite side setback on the same lot is minimum 20% of the lot width, not less than five feet, and need not exceed 10 feet, and shall be subject to the requirements listed in paragraph (3) of this subsection.

(2) A zero rear setback may be permitted provided that the opposite rear setback for the adjacent lot is either zero or a minimum of 10 feet, and subject to the requirements listed in paragraph (3) of this section.

(3) A zero side or rear setback may be permitted subject to the following requirements:

(a) The lot adjacent to the zero side or rear setback shall either be held under the same ownership at the time of application or a deed restriction or agreement approved as to form by the City Attorney shall be recorded giving written consent of the adjacent property owner.

(b) A maintenance easement, approved as to form by the City Attorney, shall be recorded between the property owner and the owner of the adjacent lot to which access is required in order to maintain and repair a zero lot line structure. Such easement shall be an irrevocable covenant running with the land. No building permits shall be issued until such recorded maintenance easement has been submitted.

(c) Separation between the proposed structure and any structure on an adjacent lot shall either be zero or a minimum of five feet.

(d) No portion of the dwelling or any architectural features shall project over the property line.

(e) The zero setback shall not be adjacent to a public or private right-of-way.

(f) Exposure protection between structures shall be provided as specified by the Fire Department and Building Division.

(4) Double zero side setbacks may be permitted for planned unit development projects subject to approval of a conditional use permit and compliance with Section 210.12(B).

(K) **Garage Setbacks.**

(1) Setbacks for the main dwelling shall apply, except as specifically stated below:

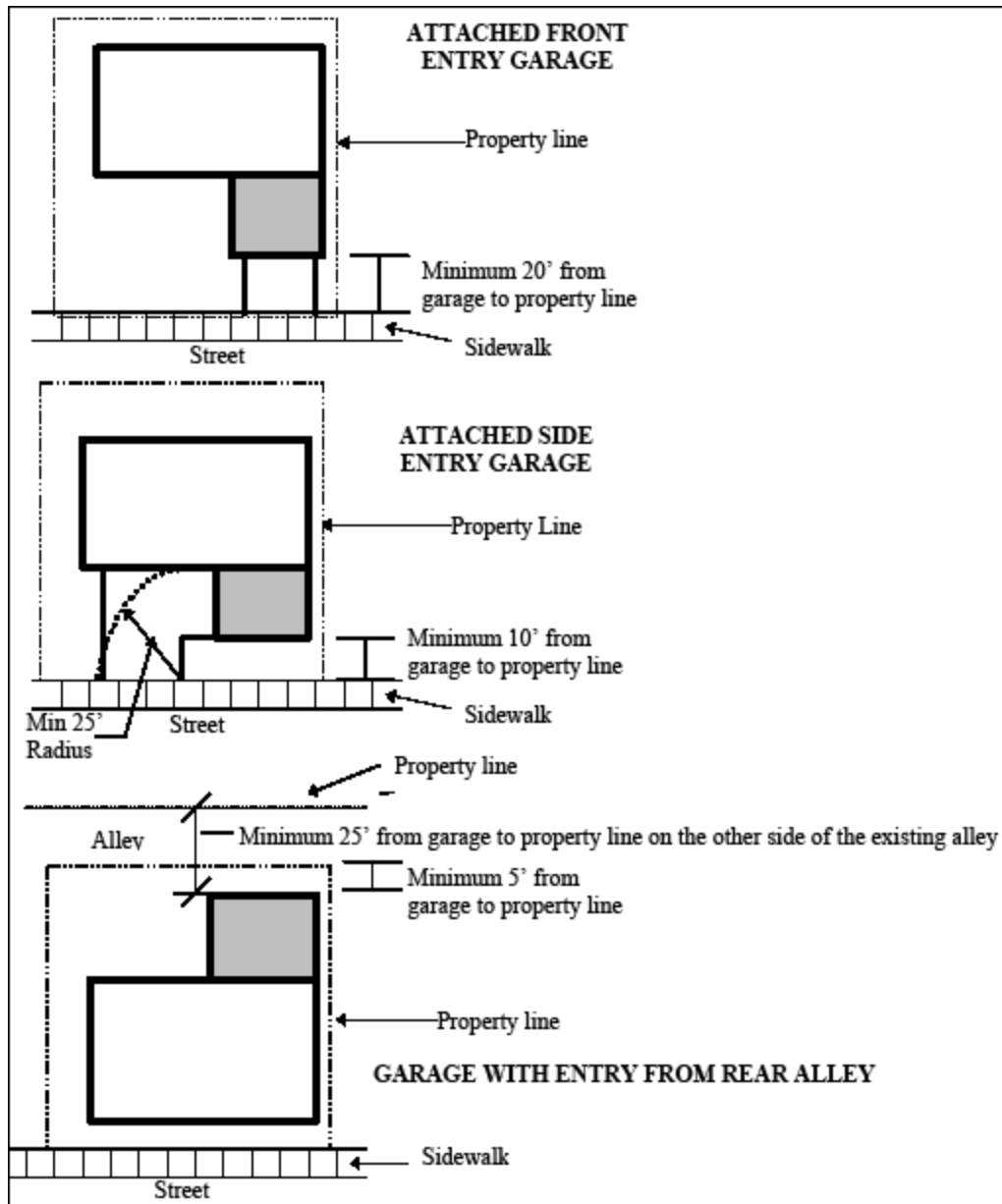
(a) Front entry garage: 20 feet.

(b) Side entry garage: 10 feet.

(c) Garage with alley access: 5 feet.

(2) For garages with rear vehicular access from an alley and located on a lot 27 feet wide or less, the side setback adjacent to a street or another alley may be reduced to three feet.

(3) A minimum 25-foot turning radius is required from the garage to the opposite side of the street, alley, drive aisle or driveway.



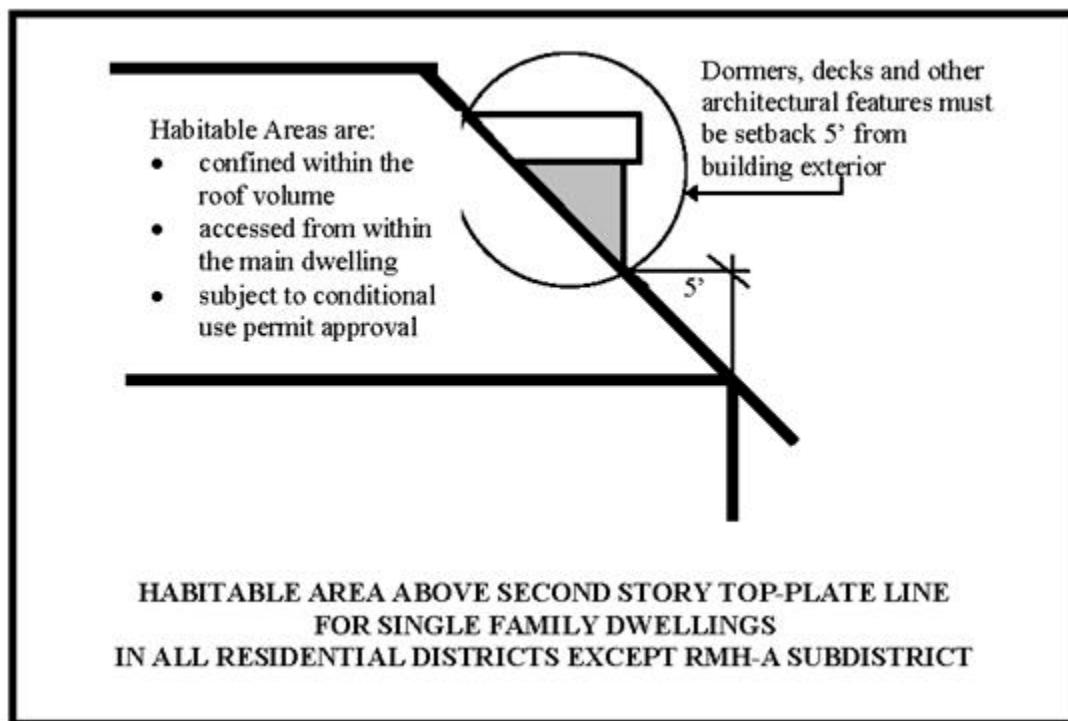
(L) Projections into Setbacks.

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

(M) Height Requirements. See Section 230.70, Measurement of Height, and Section 230.72, Exceptions to Height Limits.

(1) Single-family dwellings in all residential districts, except lots in the RMH-A subdistrict with less than 50 feet of frontage shall comply with the following standards:

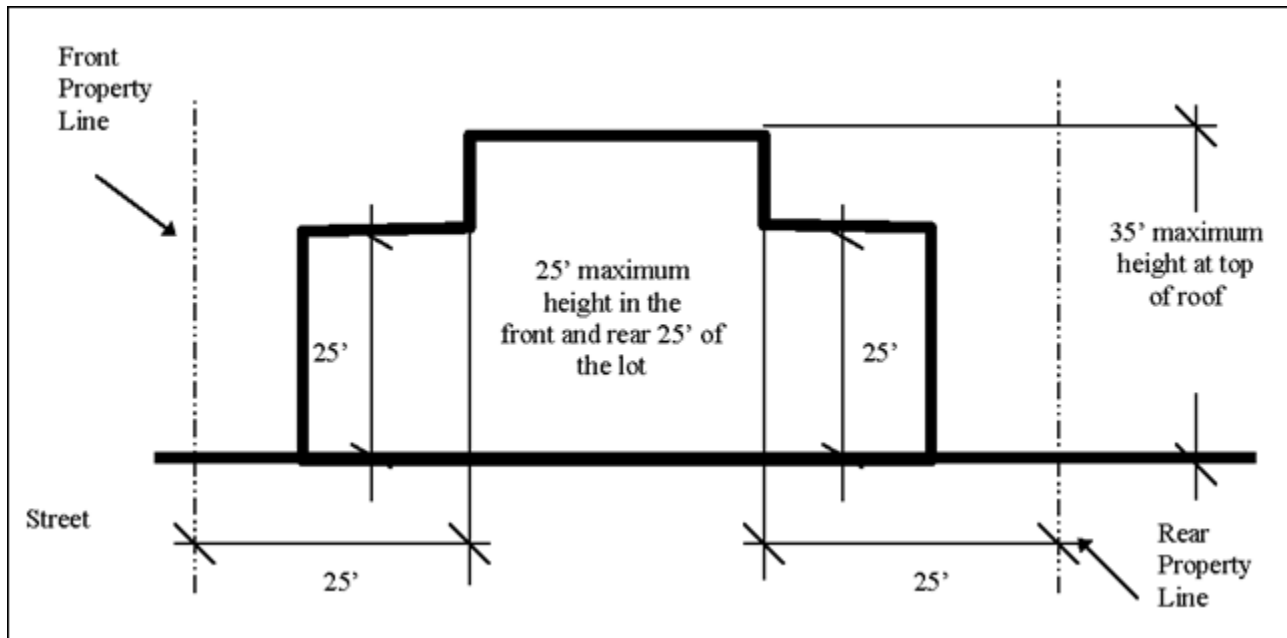
- (a) Second story top plate height shall not exceed 25 feet measured from the top of the subfloor/slab directly below.
- (b) Roofs shall have a minimum 5/12 pitch if building height exceeds 30 feet.
- (c) Maximum building height for main dwellings shall be 35 feet; however, main dwellings exceeding 30 feet in height shall require approval of a conditional use permit by the Zoning Administrator.
- (d) Habitable area, which includes rooftop decks and balconies, above the second story top plate line shall require approval of a conditional use permit by the Zoning Administrator. Habitable area above the second story plate line shall be within the confines of the roof volume, with the following exceptions:
 1. Dormers, decks and other architectural features may be permitted as vertical projections above the roof volume provided the projections are set back five feet from the building exterior and do not exceed the height limits as stated above.
 2. Windows and deck areas above the second story plate line shall orient toward public rights-of-way only.



- (e) Access to any habitable area above the second story top plate line shall be provided within the main dwelling and shall be consistent with internal circulation. Exterior stairways between the ground floor and a habitable area above the second story plate line shall be prohibited.

Two vertical cross-sections through the property (front-to-back and side-to-side) that show the relationship of each level in a new structure and new levels added to an existing structure to both existing and finished grade on the property and adjacent land within five feet of the property line shall be submitted in order to determine compliance with this subsection.

- (2) Single-family dwellings in the RMH-A subdistrict on lots with less than 50 feet of frontage shall comply with the following standards:
- (a) Second story top plate height shall not exceed 25 feet measured from the top of the subfloor/slab directly below.
 - (b) Roofs shall have a minimum 5/12 pitch if building height exceeds 30 feet.
 - (c) In the front and rear 25 feet of the lot, maximum building height for all structures, including railings and architectural features, shall be 25 feet. Otherwise, maximum building height shall be 35 feet.



**Maximum Building Height for Single-Family Dwellings
on Lots Less Than 50 Feet Wide in RMH-A Subdistrict**

- (d) Access to any habitable area above the second story top plate line shall be provided within the main dwelling and shall be consistent with internal circulation. Exterior stairways between the ground floor and a habitable area above the second story plate line shall be prohibited.

Two vertical cross-sections through the property (front-to-back and side-to-side) that show the relationship of each level in a new structure and new levels added to an existing structure to both existing and finished grade on the property and adjacent land within 5 feet of the property line shall be submitted in order to determine compliance with this subsection.

(3) Accessory Structures. See Section 230.08, Accessory Structures. Accessory structures located on projecting decks abutting a waterway shall comply with the height established in subsection (R).

(4) Recreation Buildings. The maximum height of a recreation building for multi-family, planned residential, and mobile home park projects shall be established by the conditional use permit.

(N) **Minimum Floor Area**. Each dwelling unit in a multifamily building and attached single-family dwellings shall have the following minimum floor area.

| Unit Type | Minimum Area (Sq. Ft.) |
|------------------|-------------------------------|
| Studio | 500 |
| One bedroom | 650 |
| Two bedrooms | 900 |
| Three bedrooms | 1,100 |
| Four bedrooms | 1,300 |

All detached single-family dwellings shall have a minimum 1,000 square feet of floor area not including the garage and shall be a minimum of 17 feet in width.

(O) **Open Space Requirements**.

(1) The minimum open space area (private and common) for multi-family residential projects in RM, RMH, including RMH-A subdistrict, and RH Districts shall be 25% of the residential floor area per unit (excluding garages).

(2) Private Open Space.

(a) Private open space shall be provided in courts or balconies within which a horizontal rectangle has no dimension less than 10 feet for courts and six feet for balconies. A minimum patio area of 70 square feet shall be provided within the court.

(b) The following minimum area shall be provided:

| Unit Type | Minimum Area (Sq. Ft.) | Units Above |
|--------------------|-------------------------------|---------------------|
| | Ground Floor Units | Ground Floor |
| Studio/1 bedroom | 200 | 60 |
| 2 bedrooms | 250 | 120 |
| 3 bedrooms | 300 | 120 |
| 4 or more bedrooms | 400 | 120 |

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

(d) A maximum of 50% of the private open space requirement, may be on open decks above the second story subject to approval of a conditional use permit by the Zoning Administrator, provided that no portion of such deck exceeds the height limit.

(e) Patio and balcony enclosures within existing planned developments or apartment complexes shall be subject to the following conditions:

1. A maximum of one enclosure per unit shall be allowed.
2. The existing balcony or patio area shall not be enlarged.
3. The balcony or patio enclosure shall comply with the current setback and height requirements for the district in which the site is located.
4. The enclosure shall consist entirely of transparent materials, i.e., no solid walls or opaque walls, except an existing solid roof may be part of the enclosure.
5. No structural change shall occur to the interface wall and doorway between the enclosure and the adjacent inside room of the building, unless the balcony/patio is replaced with equivalent unenclosed area for use as private open space.
6. The enclosed area shall be considered as private open space and may be counted toward current private open space requirements.
7. Required egress for fire escape routes shall be maintained.

(3) Common Open Space.

(a) Common open space, provided by interior side yards, patios, and terraces, shall be designed so that a horizontal rectangle has no dimension less than 10 feet, shall be open to the sky, and shall not include driveways, parking areas, or area required for front or street side yards.

(b) Projects with more than 20 units shall include at least one amenity, such as a clubhouse, swimming pool, tennis court, volleyball court, outdoor cooking facility, or other recreation facility.

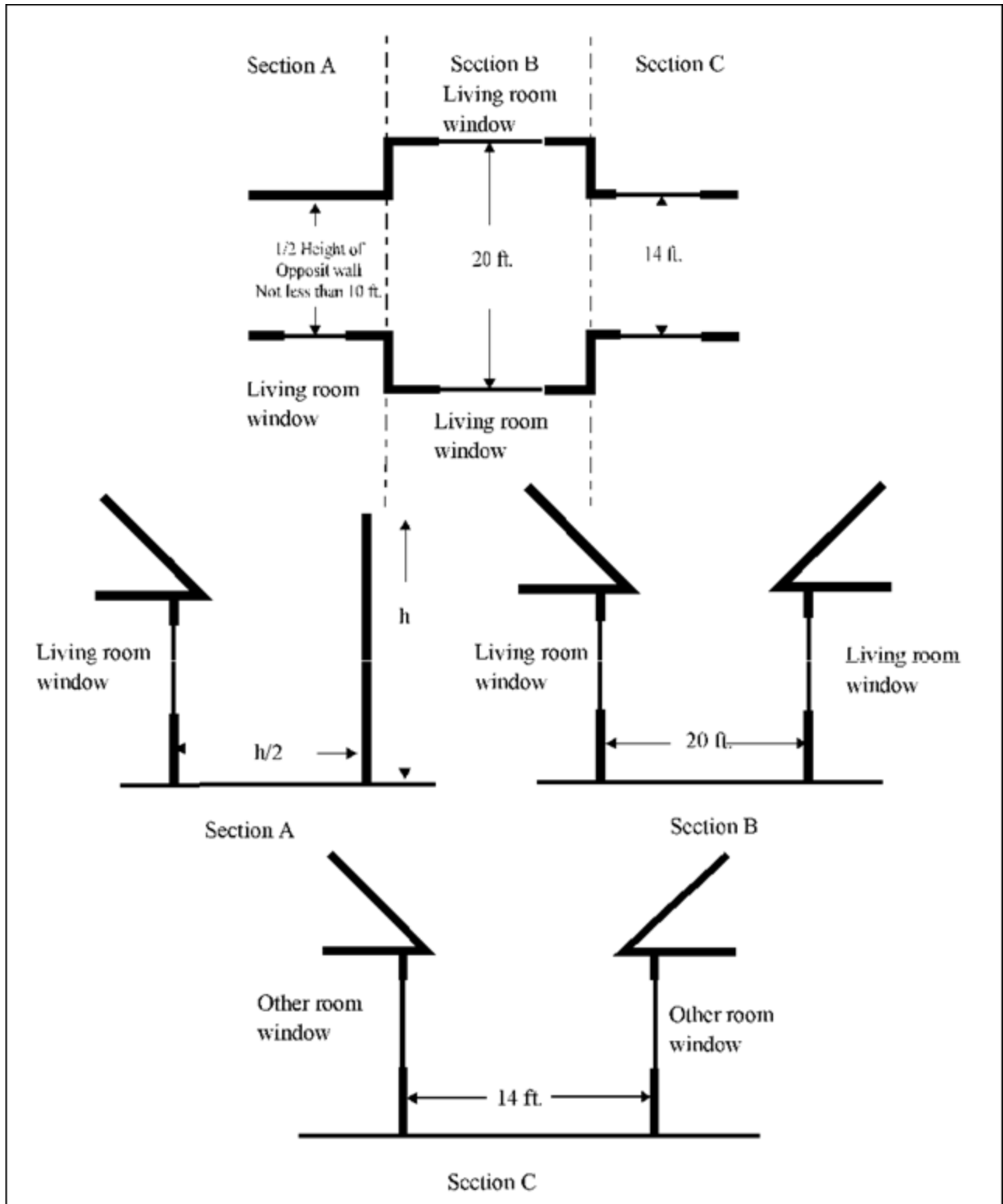
(4) The director may allow a reduction in the open space requirement to 10% of the livable area per unit for projects with less than 10 units and located within walking distance of 1,000 feet of a public park or beach.

(P) Courts Opposite Windows in RM, RMH, and RH Districts (Excluding the RMH-A Sub-District). Courts shall be provided in all multi-family projects in the RM, RMH, and RH Districts subject to the following requirements:

(1) Courts Opposite Walls on the Same Site. The minimum depth of a court shall be one-half the height of the opposite wall but not less than 20 feet opposite a living room and 14 feet opposite a required window for any other habitable room (see diagrams that follow).

(2) Courts Opposite Interior Property Line. The minimum distance between a required window of a habitable room and a property line shall be 10 feet.

(3) Court Dimensions. Courts shall be minimum 20 feet wide (minimum 10 feet on either side of the centerline of the required window) and shall be open to the sky. Eaves may project a maximum two feet into a court.

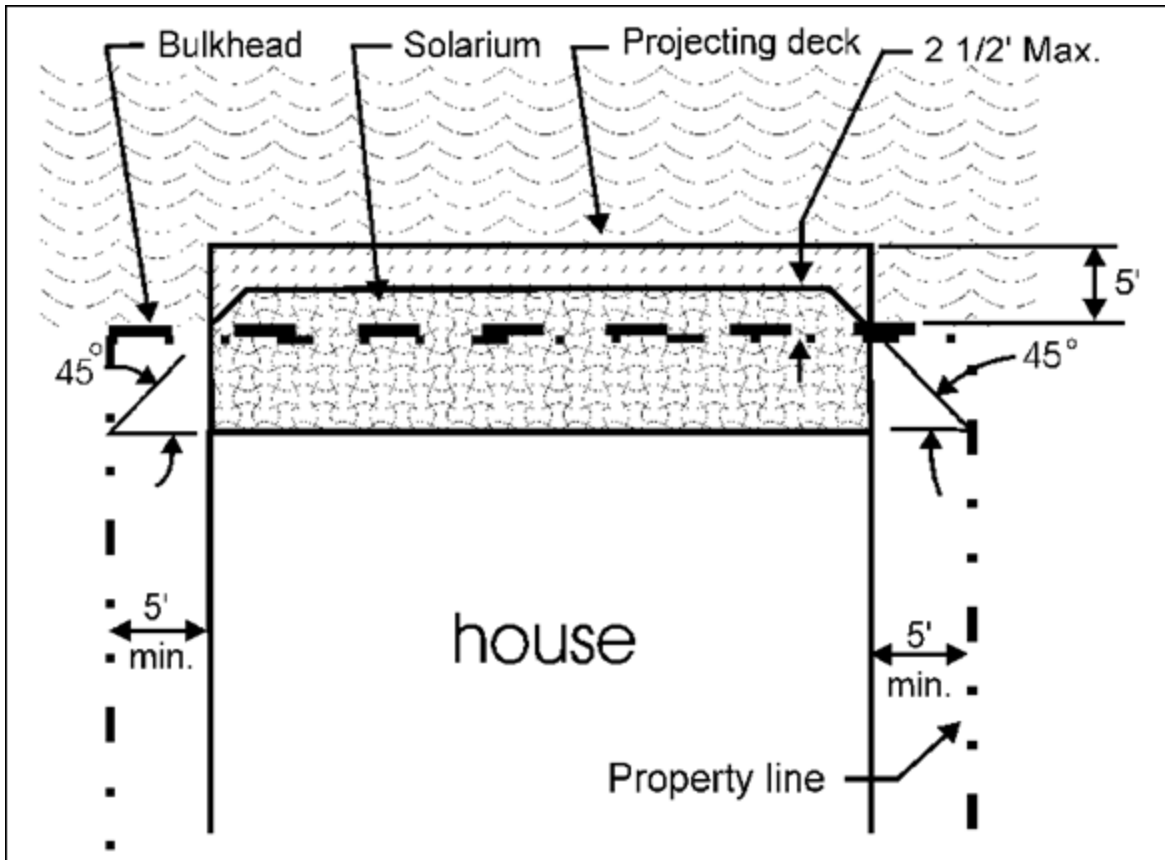


Courts Opposite Windows

(Q) All habitable rooms in a dwelling unit must be accessible from within the dwelling.

(R) **Waterfront Lots.** Projecting decks, windscreens, fencing, patio covers and solariums on waterfront lots may be permitted subject to the development standards set forth in this chapter, Chapter 245, Chapter [17.24](#), and the following requirements:

- (1) Projecting Decks. Decks on waterfront lots may project five feet beyond the bulkhead provided the decks comply with the side setbacks required for the main dwelling.
- (2) Windscreens. Windscreens may be permitted if constructed of light-weight materials such as plastic, canvas, fiberglass, tempered glass or metal, except for necessary bracing and framing. The maximum height for windscreens shall be seven feet above the finished surface of the deck at the bulkhead line.
- (3) Fencing. All portions of fencing within the required rear setback area shall comply with Section 230.88 and the visibility provisions below.
- (4) Solariums. Solariums (patio enclosures) may project a maximum of 30 inches over the bulkhead. In all cases, the solarium shall maintain a 45 degree visibility angle as measured from the main dwelling building line extended to the side property line. The maximum height shall not exceed the top of the first floor ceiling joist.
- (5) Patio Covers. Patio covers (including eaves) may be permitted to project five feet into the rear yard setback; however, construction materials shall allow compliance with visibility provisions below.
- (6) Visibility. The portion of any windscreen, fence or patio cover in the rear yard setback or solarium above 36 inches in height shall be composed of materials and design which allow a minimum of 85% transmission of light and visibility through the structure in each direction when viewed from any angle.
- (7) Removal. Decks, solariums and windscreens projecting over waterways which do not comply with the above provisions may be removed by the City upon 30 days' written notice. Such projections are declared to be a privilege which can be revoked for noncompliance and not a vested right.



Waterfront Lot Projections

(S) Landscaping.

(1) A minimum 40% of the front yard shall be landscaped. For single-family residences in the RMH-A subdistrict, a minimum three-foot wide landscape planter along the front property line (excluding maximum five-foot-wide walkway) may be provided in lieu of the 40% requirement. A maximum 18-inch high planter wall may be constructed along the front property line.

(2) All required trees specified in Chapter 232 shall be provided.

(3) All subdivisions shall provide a minimum five-foot-wide landscaped area along arterial street/highway property lines. The actual required width shall be determined during the planning process. Maintenance of said landscaped area shall be by a homeowners association, property owner or other method approved by the City of Huntington Beach.

(T) Lighting. A lighting system shall be provided in all multi-family projects along all vehicular accessways and major walkways. Lighting shall be directed onto the driveways and walkways within the development and away from adjacent properties. A lighting plan shall be submitted for approval by the director.

(U) See Section 230.08, Accessory Structures.

(V) Solid patio covers open on at least two sides may be permitted an additional five percent site coverage. Open lattice patio covers are exempted from site coverage standards. (3268-12/94, 3334-6/97, 3410-3/99, 3706-6/05, 3885-8/10)

(W) Properties subject to residential privacy design standards shall:

- 1. Off-set bedroom and bathroom windows above the first floor from bedroom and bathroom windows above the first floor on existing adjacent single-family residences.**
- 2. Orient upper story balconies toward the subject home's front or rear yard areas, a public street, or permanent open space. The yard area or direction faced by the longest side of the balcony shall determine the orientation. A minimum 20 foot separation between the exterior face of the balcony or deck and the existing adjacent structure may be provided if orientation requirements cannot be met.**

(X) No person, firm or corporation shall move any building, structure, or portion of a building or structure into the City or relocate within the City, or cause the same to be done without first obtaining a separate relocation permit for each building or structure. See HBMC Chapter 17.28 – Moving Buildings.