

# Exhibit A

## ORDINANCE NO. 4172

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 231 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE TITLED OFF-STREET PARKING AND LOADING PROVISIONS (ZONING TEXT AMENDMENT NO. 18-003)

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. 18-003, which amends Chapter 231 of the Huntington Beach Zoning and Subdivision Ordinance relating to updated, clarified, and additional off-street parking and loading requirements utilized within 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 231 of the Huntington Beach Zoning and Subdivision Ordinance titled Off-Street Parking and Loading Provisions is hereby amended to read as set forth in Exhibit A.

SECTION 2. All other provisions of Chapter 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 4th day of February, 2019.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney *mw*

REVIEWED AND APPROVED:

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

INITIATED AND APPROVED:

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

## Exhibit A – ZTA No. 18-003

### **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 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.

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**

<b>Use Classification</b>	<b>Off-Street Parking Spaces</b>
<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>	
Guest	2 spaces per unit; 1 covered, and 1 may be behind 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>	
<i>Convalescent Facilities</i>	
Skilled Nursing Facilities	0.75 per each bed
Assisted Living Facilities	0.6 per each bed
Continuing Care Retirement Communities	1.4 per each independent living unit, plus parking required for the assisted living and skilled nursing components of the community
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.
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 12 seats or less	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.
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 sq. ft. auto service area
Automobile washing (car wash)	
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. (maximum 10% office area)
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 floor area
Outside uses: storage, wrecking/ salvage 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.

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)

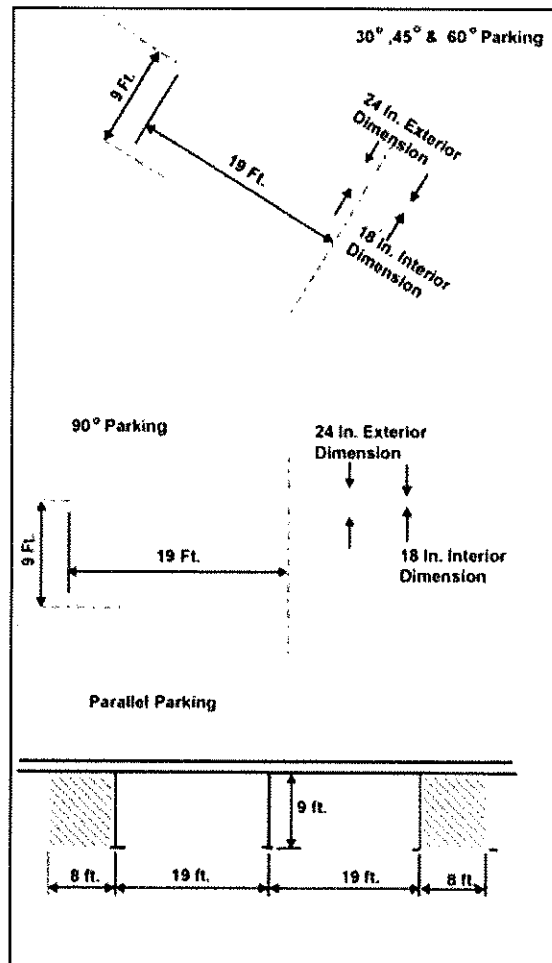
#### **231.14 Parking Space Dimensions**

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.



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.

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

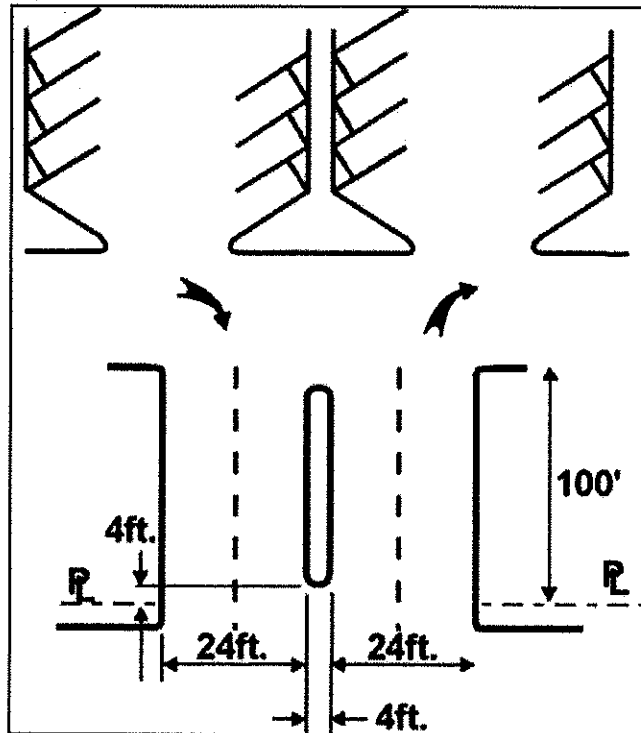
D. **Parking Space Dimension Reduction.** When a parking space abuts a landscape planter, the front two feet of the required 19-foot length for a parking space may overhang the planter as provided in Chapter 232. (3334-6/97)

### **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.

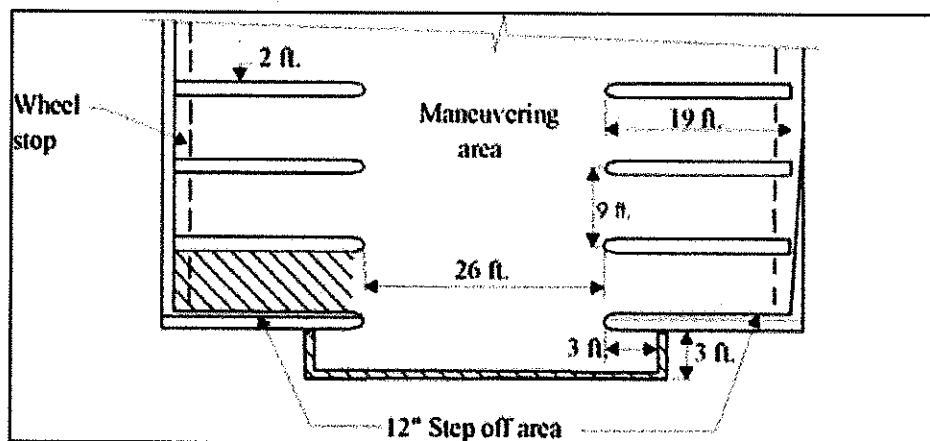
Commercial centers which have 200 parking spaces or more shall have at least one main entrance designed as depicted in Diagram B.



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.



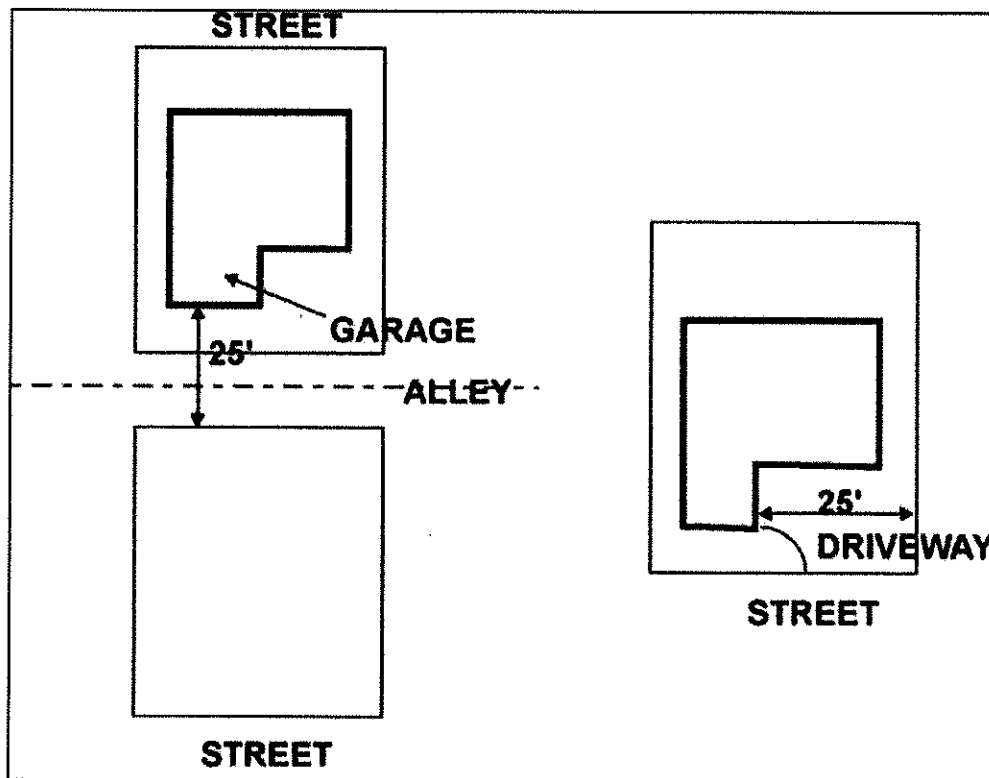
## Turnaround Space and Maneuvering Area

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

### 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.



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

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:

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)

### **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)

STATE OF CALIFORNIA                     )  
COUNTY OF ORANGE                    ) ss:  
CITY OF HUNTINGTON BEACH         )

I, ROBIN ESTANISLAU, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a **Regular** meeting thereof held on **January 22, 2019**, and was again read to said City Council at a **Regular** meeting thereof held on **February 4, 2019**, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

**AYES:**           Brenden, Carr, Semeta, Peterson, Posey, Delgleize, Hardy

**NOES:**           None

**ABSENT:**       None

**ABSTAIN:**      None

I, Robin Estanislau, CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Huntington Beach Wave on February 14, 2019.

In accordance with the City Charter of said City.

Robin Estanislau, City Clerk

Anna Ruiz Deputy City Clerk

Robin Estanislau

City Clerk and ex-officio Clerk  
of the City Council of the City  
of Huntington Beach, California

ORDINANCE NO. 4173

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH  
AMENDING CHAPTER 214 OF THE HUNTINGTON BEACH ZONING AND  
SUBDIVISION ORDINANCE TITLED PS PUBLIC-SEMIPUBLIC DISTRICTS  
(ZONING TEXT AMENDMENT NO. 18-003)

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. 18-003, which amends Chapter 214 of the Huntington Beach Zoning and Subdivision Ordinance relating to updated, clarified, and additional land use controls and development standards utilized within Public-Semipublic 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;

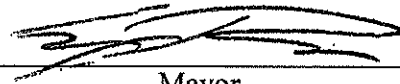
NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. That Chapter 214 of the Huntington Beach Zoning and Subdivision Ordinance titled PS Public-Semipublic Districts is hereby amended to read as set forth in Exhibit A.

SECTION 2. All other provisions of Chapter 214 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 4th day of February, 2019.



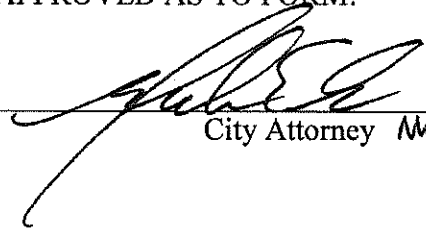
Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



City Attorney *mw*

REVIEWED AND APPROVED:



City Manager

INITIATED AND APPROVED:



Director of Community Development

## Exhibit A – ZTA No. 18-003

### **214.02 Public-Semipublic District Established**

The PS Public-Semipublic District is established by this chapter. This district provides areas for large public or semipublic uses. The intent of this district in the coastal zone is to implement the public, quasi-public, and institutional land use designation of the certified Local Coastal Program Land Use Plan. (3334-6/97)

### **214.04 Applicability**

The PS District shall be the base district for the use classifications listed in Section 214.06 where these have a contiguous site area of two acres or more, including alleys, streets, or other rights-of-way. This requirement does not apply to public-semipublic use classifications in commercial districts. Public-semipublic use classifications on sites of less than two acres shall be subject to the provisions of the base and overlay districts in which they are located. (3553-5/02)

### **214.06 PS District—Land Use Controls**

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

“P” designates use classifications permitted in PS districts.

“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.

“TU” designates use classifications allowed on approval of a temporary use permit.

“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 provisions following the schedule or located elsewhere in the zoning ordinance. Where letters in parentheses are opposite a use classification heading, referenced provisions shall apply to all use classifications under the heading.

#### **PS District: Land Use Controls**

P = Permitted

L = Limited (see Additional Provisions)

PC = Conditional use permit approved by Planning Commission

TU = Temporary use permit

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

	PS	Additional Provisions
<b>Public and Semipublic</b>		
Cemetery	PC	
Convalescent Facilities	PC	
Cultural Institutions	PC	



Day Care, General	PC	
Government Offices	L-1	
Hospitals	PC	
Maintenance & Service Facilities	L-1	
Park & Recreation Facilities	PC	
Public Safety Facilities	PC	
Religious Assembly	ZA	
Residential Care, General	PC	
Schools, Public or Private	PC	
Utilities, Major	PC	
Utilities, Minor	P	
<b>Commercial Uses</b>		
Commercial Parking Facility	L-3	
Communication Facilities	L-4	
Eating and Drinking Establishments	L-2	
Vehicle/Equipment Sales and Services	L-1	
<b>Accessory Uses</b>		
Accessory Uses and Structures	P/U	
<b>Temporary Uses</b>		(A)
Animal Shows	TU	
Circuses and Carnivals	TU	
Commercial Filming, Limited	TU	
Trade Fairs	P	
<b>Nonconforming Uses</b>		(B)

**PS District: Additional Provisions**

L-1 City-owned facilities are permitted; all other facilities require a conditional use permit from the Zoning Administrator.

L-2 Permitted as an accessory use in a cultural, educational, hospital, or medical institution occupying no more than 5,000 square feet, only if there is no separate entrance or sign.

L-3 Public parking permitted, but commercial parking facilities on City-owned land require a conditional use permit from the Zoning Administrator.

L-4 Only wireless communication facilities permitted subject to Section 230.96, Wireless Communication Facilities.

(A) See Section 241.20, Temporary Use Permits.

(B) See Chapter 236, Nonconforming Uses and Structures. (3524-2/02, 3568-9/02, 3673-12/04)

#### **214.08 PS District—Development Standards**

The following schedule prescribes development standards for the PS District. The first column prescribes basic requirements for permitted and conditional uses in the district. Letters in parentheses in the “Additional Requirements” column refer to standards following the schedule or located elsewhere in the zoning ordinance. 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.

**PS District: Development Standards**

	<b>PS</b>	<b>Additional Requirements</b>
<b>Nonresidential Development</b>		(A)
Minimum Lot Area	2 ac	
Minimum Lot Width (ft.)	100	
Minimum Setbacks		
Front (ft.)	10	(B)(C)(M)
Side (ft.)	0	(D)
Street Side (ft.)	10	(C)
Rear (ft.)	0	(D)
Maximum Height of Structures (ft.)	50	(D)(E)(N)
Maximum Floor Area Ratio (FAR)	1.5	
Minimum Site Landscaping (%)	8	(F)(G)
Building Design Standards		(L)(M)
Fences and Walls		(H)(I)
Off-Street Parking/Loading		(J)
Outdoor Facilities	See Section 230.74	(K)
Screening of Mechanical Equipment	See Section 230.76	(K)
Refuse Storage Areas	See Section 230.78	
Underground Utilities	See Ch. 17.64	
Performance Standards	See Section 230.82	

Nonconforming Structures	See Ch. 236	
Signs	See Ch. 233	

#### **PS District: Additional Development Standards**

- (A) See Section 230.62, Building Site Required.
- (B) See Section 230.68, Building Projections into Yards and Required Open Space. Double-frontage lots shall provide front yards on each frontage.
- (C) A minimum 50-foot setback is required along Beach Boulevard, Edinger Avenue, and Pacific Coast Highway or 25-foot setback with the setback area entirely landscaped.
- (D) Along a side or rear property line abutting an R district, a 10-foot setback is required, and structures within 45 feet of the district boundary shall not exceed 18 feet in height.
- (E) See Section 230.70, Measurement of Height, and Section 230.72, Exceptions to Height Limits.
- (F) Planting Areas.
  - (1) Required side and rear yards shall be planting areas or shall be enclosed by a solid concrete or masonry wall at least six feet in height.
  - (2) A 10-foot wide landscaped strip shall be provided along all street frontages, except for necessary driveways and walks.
- (G) See Chapter 232, Landscape Improvements.
- (H) See Section 230.88, Fencing and Yards.
- (I) A solid masonry or concrete wall at least six feet in height shall adjoin the site of an existing ground-floor residential use. However, where the portion of the site within 10 feet of the front property line is occupied by planting area or by a building having no openings except openings opposite a street property line, the director may grant an exception to this requirement. A wall within 15 feet of a street property line shall not exceed 3.5 feet in height.
- (J) See Chapter 231, Off-Street Parking and Loading.
- (K) See Section 230.44, Recycling Operations, and Section 230.80, Antennae.
- (L) A front or street side wall surface shall be no longer than 100 feet without a break, a recess or offset measuring at least 20 feet in depth and one-quarter of the building length, or a series of offsets, projections or recesses, at intervals of not more than 40 feet that vary the depth of the building wall by a minimum of four feet. The director may grant exceptions or allow these standards to be modified for exceptional or unique structures subject to Design Review, Chapter 244.
- (M) On frontages adjacent to major or primary arterials at least 40% of a building surface may be located at the minimum setback line if additional landscaping is provided on the site.
- (N) In the coastal zone, the maximum allowable height of structures shall be reduced as necessary to retain compatibility with the established physical scale of the area and to preserve and enhance public visual resources. (3334-6/97, 3673-12/04)

#### **214.10 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 for projects requiring conditional use permits. Design Review shall be required for all projects except temporary uses pursuant to Chapter 244. A Coastal Development Permit is required for projects in the Coastal Zone unless the project is exempt (see Chapter 245). (3871-3/10, 4103-10/16)

STATE OF CALIFORNIA                     )  
COUNTY OF ORANGE                    ) ss:  
CITY OF HUNTINGTON BEACH         )

I, ROBIN ESTANISLAU, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a **Regular** meeting thereof held on **January 22, 2019**, and was again read to said City Council at a **Regular** meeting thereof held on **February 4, 2019**, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

**AYES:**           Brenden, Carr, Semeta, Peterson, Posey, Delgleize, Hardy

**NOES:**           None

**ABSENT:**       None

**ABSTAIN:**      None

I, Robin Estanislau, CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Huntington Beach Wave on February 14, 2019.

In accordance with the City Charter of said City.

Robin Estanislau, City Clerk

Anna M. [Signature] Deputy City Clerk

Robin Estanislau  
City Clerk and ex-officio Clerk  
of the City Council of the City  
of Huntington Beach, California

ORDINANCE NO. 4174

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH  
AMENDING CHAPTER 211 OF THE HUNTINGTON BEACH ZONING AND  
SUBDIVISION ORDINANCE TITLED C COMMERCIAL DISTRICTS  
(ZONING TEXT AMENDMENT NO. 18-003)

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. 18-003, which amends Chapter 211 of the Huntington Beach Zoning and Subdivision Ordinance relating to updated, clarified, and additional land use controls and development standards utilized within Commercial 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;

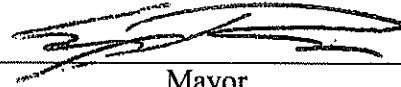
NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. That Chapter 211 of the Huntington Beach Zoning and Subdivision Ordinance titled C Commercial Districts is hereby amended to read as set forth in Exhibit A.

SECTION 2. All other provisions of Chapter 211 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 4th day of February, 2019.



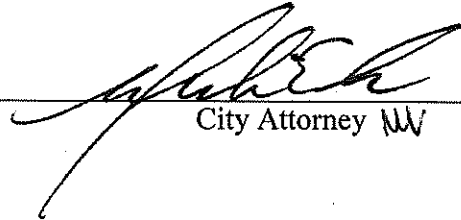
Mayor

ATTEST:



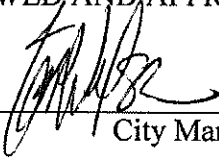
City Clerk

APPROVED AS TO FORM:



City Attorney *W*

REVIEWED AND APPROVED:



City Manager

INITIATED AND APPROVED:



Director of Community Development

## Exhibit A – ZTA No. 18-003

### **211.02 Commercial Districts Established**

The purpose of the commercial districts is to implement the General Plan and Local Coastal Program commercial land use designations. Three commercial zoning districts are established by this chapter as follows:

- A. The CO Office Commercial District provides sites for offices for administrative, financial, professional, medical and business needs.
- B. The CG General Commercial District provides opportunities for the full range of retail and service businesses deemed suitable for location in Huntington Beach.
- C. The CV Visitor Commercial District implements the Visitor Serving Commercial land use designation within the coastal zone and provides uses of specific benefit to coastal visitors. More specifically, the CV district provides opportunities for visitor-oriented commercial activities, including specialty and beach related retail shops, restaurants, hotels, motels, theaters, museums, and related services. (3334-6/97, 3774-10/07, 4038-12/14)

### **211.04 CO, CG, and CV Districts—Land Use Controls**

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

- “P” designates use classifications permitted in commercial districts.
- “L” designates use classifications subject to certain limitations prescribed by the “Additional Provisions” that 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.
- “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 provisions following the schedule or located elsewhere in the Zoning Ordinance. Where letters in parentheses are opposite a use classification heading, referenced provisions shall apply to all use classifications under the heading.

### **CO, CG, and CV 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



	CO	CG	CV	Additional Provisions
<b>Residential</b>				(J)(Q)(R)(V)
Group Residential	PC	PC	PC	
Multifamily Residential	-	-	PC	
<b>Public and Semipublic</b>				(J)(Q)(R)(V)
Clubs and Lodges	P	P	-	
Community and Human Services				
Drug Abuse Centers	-	PC	-	
Primary Health Care	L-11	L-11	-	
Emergency Kitchens	-	L-2	-	
Emergency Shelters	-	L-2	-	
Residential Alcohol Recovery, General	-	PC	-	
Residential Care, General	ZA	ZA	-	
Convalescent Facilities	ZA	ZA	-	
Cultural Institutions	L-14	L-14	L-14	
Day Care, General	L-3	L-3	-	
Day Care, Large-Family	P	P	-	(Y)
Emergency Health Care	L-2	L-2	-	
Government Offices	P	P	ZA	
Heliports	PC	PC	PC	(B)
Hospitals	PC	PC	-	
Park & Recreation Facilities	L-9	L-9	L-9	
Public Safety Facilities	ZA	ZA	ZA	
Religious Assembly	ZA	ZA	PC	
Schools, Public or Private	PC	PC	-	
Utilities, Major	PC	PC	PC	
Utilities, Minor	P	P	P	(L)
<b>Commercial Uses</b>				(J)(Q)(R)
Ambulance Services	-	ZA	-	
Animal Sales & Services		L-16		
Animal Boarding	-	ZA	-	

Animal Grooming	-	P	-	
Animal Hospitals	-	ZA	-	
Animals—Retail Sales	-	P	-	
Equestrian Centers (CG Zone)	-	PC	-	(S)
Pet Cemetery	-	PC	-	
Artists' Studios	P	P	P	
Banks and Savings & Loans	P	P	P	
With Drive-Up Service	P	P	P	
Building Materials and Services	-	P	-	
Catering Services	P	P	P	
Commercial Filming	P	P	P	(F)
Commercial Recreation and Entertainment	-	PC	PC	(D)
Communication Facilities	L-13	L-13	L-13	
Eating and Drinking Establishments	P	P	P	
W/Alcohol	ZA	ZA	ZA	(N)
W/Drive Through	-	P	P	
W/Live Entertainment	ZA	ZA	ZA	(W)(Y)
W/Dancing	PC	PC	PC	(H)
W/Outdoor Dining	ZA	ZA	ZA	(X)
Food & Beverage Sales	-	P	L-12	
W/Alcoholic Beverage Sales	-	ZA	ZA	(N)
Funeral & Interment Services	-	ZA	-	
Laboratories	L-1	L-1	-	
Maintenance & Repair Services	-	P	-	
Marine Sales and Services	-	P	P	
Nurseries	-	ZA	-	
Offices, Business & Professional	P	P	P	
Offices, Medical & Dental	P	P	P	
Pawn Shops	-	ZA	-	
Personal Enrichment Services	L-10	L-10	-	
Personal Services	P	P	P	
Research & Development Services	L-1	ZA	-	
Retail Sales	-	P	P	(U)(V)
Secondhand Appliances/Clothing	-	P	-	

Swap Meets, Indoor/Flea Markets	-	PC	-	(T)
Swap Meets, Recurring	-	ZA	-	
Tattoo Establishments	-	ZA	-	
Travel Services	P	P	P	
Vehicle Equipment/Sales & Services				
Automobile Rentals	-	L-8	L-8	L-12
Automobile Washing	-	ZA	-	
Commercial Parking	-	ZA	ZA	(P)
Service Stations	-	PC	PC	(E)
Vehicle Equip. Repair	-	L-5	-	
Vehicle Equip. Sales & Rentals	ZA	ZA	-	L-12
Vehicle Storage	-	ZA	-	
Offices for Vehicle Equip. Sales & Rentals	L-15	L-15	-	
Bed & Breakfast Inns	ZA	ZA	ZA	(K)
Hotels, Motels	-	PC	PC	(I)
Condominium-Hotel	-	-	PC	(Z)
Fractional Ownership Hotel				
Quasi Residential				
Timeshares	-	PC	-	(I)(J)
Residential Hotel	-	PC	-	(J)
Single Room Occupancy	-	PC	-	
<b>Industrial</b>				(J)(Q)(R)(V)
Industry, Custom	-	L-6	L-6	
<b>Accessory Uses</b>				(J)(V)
Accessory Uses & Structures	P/U	P/U	P/U	
<b>Temporary Uses</b>				(F)(J)(V)
Animal Shows	-	TU	-	
Circus and Carnivals and Festivals	-	TU	-	
Commercial Filming, Limited	-	P	P	(M)
Real Estate Sales	P	P	P	
Retail Sales, Outdoor	-	TU	TU	(M)

Seasonal Sales	TU	TU	TU	(M)
Tent Event	-	P	-	
Trade Fairs	-	P	-	
Nonconforming Uses				(G)(J)(V)

#### **CO, CG, and CV Districts: Additional Provisions**

L-1 Permitted if the space is 5,000 square feet or less; allowed with Neighborhood Notification pursuant to Chapter 241 if the laboratory space exceeds 5,000 square feet.

L-2 Allowed with a conditional use permit from the Zoning Administrator if the space is 5,000 square feet or less; allowed with a conditional use permit from the Planning Commission if the space exceeds 5,000 square feet. (See Section 230.52, Emergency Shelters.)

L-3 Allowed with a conditional use permit from the Zoning Administrator if the space is 2,500 square feet or less; allowed with a conditional use permit from the Planning Commission if the space exceeds 2,500 square feet.

L-4 Reserved.

L-5 Only limited facilities are allowed subject to approval of a conditional use permit from the Zoning Administrator, and body and fender shops are permitted only as part of a comprehensive automobile-service complex operated by a new vehicle dealer.

L-6 Only "small-scale" facilities, as described in use classifications, are permitted with a maximum seven persons employed full time in processing or treating retail products, limited to those sold on the premises.

L-7 Repealed.

L-8 On-site storage limited to two rental cars or two cars for lease.

L-9 Public facilities permitted, but a conditional use permit from the Zoning Administrator is required for commercial facilities.

L-10 Permitted if the space is 5,000 square feet or less; allowed with Administrative Permit approval if space exceeds 5,000 square feet.

In addition, personal enrichment uses within a retail building parked at a ratio of one space per 200 square feet, shall require no additional parking provided the use complies with the following:

- Maximum number of persons per classroom does not exceed the number of parking spaces allocated to the suite based upon the square footage of the building; and
- The instruction area does not exceed 75% of total floor area of the personal enrichment building area.

L-11 Permitted if the space is 5,000 square feet or less; allowed with a conditional use permit from the Zoning Administrator if the space exceeds 5,000 square feet.

L-12 Permitted for existing facilities proposing to expand up to 20% of existing floor area or display area.

L-13 For wireless communication facilities see Section 230.96, Wireless Communication Facilities. All other communication facilities permitted.

L-14 Allowed with Neighborhood Notification pursuant to Chapter 241 if space is 5,000 square feet or less; allowed with a conditional use permit from the Planning Commission if the space exceeds 5,000 square feet.

L-15 Includes businesses with the primary building use of office for vehicle retail sales and wholesale businesses which may display the maximum number of vehicles at any given time as required by the California Department of Motor Vehicles.

L-16 No person shall keep or maintain upon premises owned or controlled by him or her in the City, any kennel within 200 feet of any residential use. Refer to HBMC Section 7.12.150 - Kennels.

(A) Reserved.

(B) See Section 230.40, Helicopter Takeoff and Landing Areas.

(C) Repealed.

(D) See Section 230.38, Game Centers; Chapter 5.28, Dance Halls; Chapter 9.24, Card Rooms; Chapter 9.32, Poolrooms and Billiards; and Chapter 9.28, Pinball Machines.

(E) See Section 230.32, Service Stations.

(F) See Section 241.20, Temporary Use Permits.

(G) See Chapter 236, Nonconforming Uses and Structures.

(H) For teen dancing facilities, bicycle racks or a special bicycle parking area shall be provided. These may not obstruct either the public sidewalk or the building entry. See also Chapter 5.28, Dancing Halls; Chapter 5.44, Restaurants - Amusement and Entertainment Premises; and Chapter 5.70, Adult Entertainment Businesses.

(I) Only permitted on a major arterial street, and a passive or active outdoor recreational amenity shall be provided.

(J) In the CV District the entire ground floor area and at least one-third of the total floor area shall be devoted to visitor-oriented uses as described in the certified Local Coastal Program Land Use Plan. Any use other than visitor serving commercial shall be located above the ground level, and a conditional use permit from the Planning Commission or the Zoning Administrator is required. Any use other than visitor serving commercial uses shall only be permitted if visitor serving uses are either provided prior to the other use or assured by deed restriction as part of the development. No office or residential uses shall be permitted in any visitor serving designation seaward of Pacific Coast Highway.

(K) See Section 230.42, Bed and Breakfast Inns.

(L) Collection containers are permitted in all commercial districts; recycling facilities as an accessory use to a permitted use shall be permitted upon approval by the director with Neighborhood Notification pursuant to Chapter 241. See Section 230.44, Recycling Operations.

(M) Subject to approval by the Police Department, Public Works Department, Fire Department and the director. See also Section 230.86, Seasonal Sales.

(N) The following businesses proposing to sell alcoholic beverages for on-site or off-site consumption are exempt from the conditional use permit process:

- (1) Retail markets with no more than 10% of the floor area devoted to sales, display, and storage of alcoholic beverages provided the sale of alcoholic beverages is not in conjunction with the sale of gasoline or other motor vehicle fuel.
- (2) Restaurants, bars, and liquor stores located 300 feet or more from any R or PS district, public or private school, church, or public use.
- (3) Florist shops offering the sale of a bottle of an alcoholic beverage together with a floral arrangement.

(O) See Section 230.46, Single Room Occupancy.

(P) See Chapter 231 for temporary and seasonal parking.

(Q) Development of vacant land 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).

(R) Projects within 500 feet of a PS District; see Chapter 244.

(S) See Section 230.48, Equestrian Centers.

(T) See Section 230.50, Indoor Swap Meets/Flea Markets.

(U) See Section 230.94, Carts and Kiosks.

(V) In the coastal zone, the preferred retail sales uses are those identified in the visitor serving commercial land use designation which provide opportunities for visitor-oriented commercial activities including specialty and beach related retail shops, restaurants, hotels, motels, theaters, museums, and related services.

(W) Non-amplified live entertainment greater than 300 feet from a residential zone or use shall be permitted without a conditional use permit.

(X) Outdoor dining with alcohol sales shall be permitted with a conditional use permit from the Zoning Administrator. Outdoor dining without alcohol sales that is 400 square feet or less shall be permitted without a conditional use permit. If over 400 square feet with no alcohol sales, Neighborhood Notification shall be required pursuant to Chapter 241.

(Y) Neighborhood Notification requirements pursuant to Chapter 241.

(Z) In the CV District, condominium-hotels and/or fractional interest hotels are allowed only at the Pacific City (Downtown Specific Plan District 7) and Waterfront (Downtown Specific Plan District 9) sites. Refer to Downtown Specific Plan. (3248-6/95, 3334-6/97, 3341-10/96, 3378-2/98, 3482-12/00, 3522-2/02, 3553-5/02, 3568-9/02, 3707-6/05, 3774-10/07, 3848-1/10, 3859-2/10, 4038-12/14, 4091-10/16)

## **211.06 CO, CG, and CV Districts—Development Standards**

The following schedule prescribes development standards for the CO, CG and CV districts. The first three columns prescribe basic requirements for permitted and conditional uses in each district. Letters in parentheses in the "Additional Requirements" column refer to standards following the schedule or located elsewhere in the zoning ordinance. 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.

**CO, CG, and CV Districts: Development Standards**

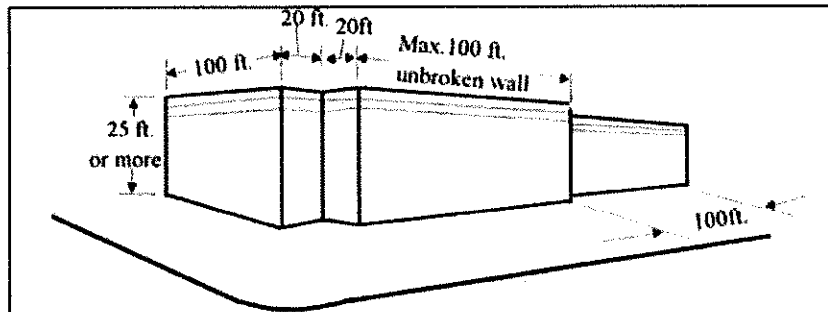
	<b>CO</b>	<b>CG</b>	<b>CV</b>	<b>Additional Requirements</b>
<b>Residential Development</b>				(A)(B)
<b>Nonresidential Development</b>				(B)
Minimum Lot Area (sq. ft.)	10,000	10,000	10,000	(C)
Minimum Lot Width (ft.)	100	100	100	
Minimum Setbacks				
Front (ft.)	10	10	0	(D)(E)(O)
Side (ft.)	5	0	0	(F)
Street Side (ft.)	10	10	0	(E)
Rear (ft.)	5	0	0	(F)
Maximum Height of Structures (ft.)	40	50	50	(F)(G)
Maximum Wall Dimensions				(N)
Maximum Floor Area Ratio (FAR)	1.0	1.5	0.5	
Minimum Site Landscaping (%)	8	8	8	(H)(I)
Building Design Standards				(O)
Fences and Walls				(J)(K)
Off-Street Parking/Loading				(L)
Outdoor Facilities	See § 230.74			(M)
Screening of Mechanical Equipment	See § 230.76			(M)
Refuse Storage Areas	See § 230.78			
Underground Utilities	See Ch. 17.64			
Performance Standards	See § 230.82			
Nonconforming Structures	See Ch. 236			
Signs	See Ch. 233			

**CO, CG, and CV Districts: Additional Development Standards**

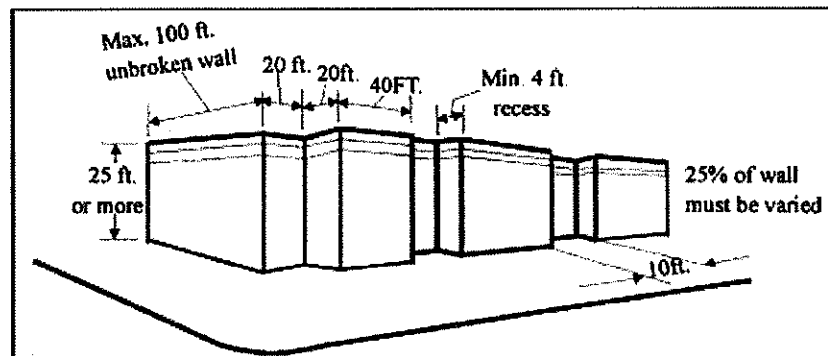
- (A) Dwelling units shall be subject to the standards for minimum setbacks, height limits, maximum density, open space, balconies and bay windows, and parking for the RMH District. The setback standards shall apply only to the stories of a building that are intended for residential use.
- (B) See Section 230.62, Building Site Required, and Section 230.64, Development on Substandard Lots.
- (C) The minimum site area for a hotel or motel is 20,000 square feet.
- (D) See Section 230.68, Building Projections into Yards and Required Open Space. Double-frontage lots shall provide front yards on each frontage.
- (E) A minimum 50-foot setback is required along Beach Boulevard, Pacific Coast Highway and Edinger Avenue or 25-foot setback with the setback area entirely landscaped.
- (F) Along a side or rear property line abutting an R district, a 10-foot setback is required, and structures within 45 feet of the district boundary shall not exceed 18 feet in height.
- (G) See Section 230.70, Measurement of Height, and Section 230.72, Exceptions to Height Limits.
- (H) **Planting Areas.**
  - (1) Required front and street side yards shall be planting areas except properties with 50-foot setback shall provide a minimum 10-foot-wide planting area along street frontages.
  - (2) Required side and rear yards shall be planting areas or shall be enclosed by a solid concrete or masonry wall at least six feet in height.
  - (3) Hotels and Motels. A 15-foot-wide landscaped strip shall be provided along all street frontages, except for necessary driveways and walks.
- (I) See Chapter 232, Landscape Improvements.
- (J) See Section 230.88, Fencing and Yards.
- (K) A solid masonry or concrete wall at least six feet in height shall adjoin the site of an existing ground-floor residential use. However, where the portion of the site within 10 feet of the front property line is occupied by planting area or by a building having no openings except openings opposite a street property line, the director may grant an exception to this requirement. A wall within 15 feet of a street property line shall not exceed 3.5 feet in height.
- (L) See Chapter 231, Off-Street Parking and Loading.
- (M) See Section 230.44, Recycling Operations and Section 230.80, Antennae.
- (N) A front or street side wall surface shall be no longer than 100 feet without a break, a recess or offset measuring at least 20 feet in depth and one-quarter of the building length, or a series of offsets, projections or recesses at intervals of not more than 40 feet that vary the depth of the building wall by a minimum of four feet. The director may grant exceptions or allow these standards to be modified for exceptional or unique structures subject to Design Review, Chapter 244.



### Maximum Wall Length and Required Break



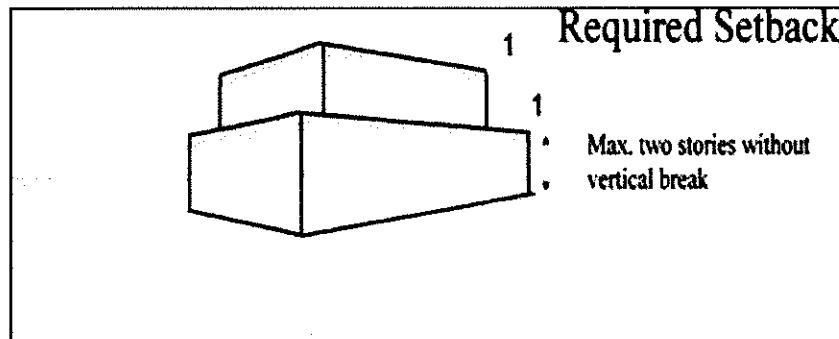
Single Horizontal Offsets: 20 Feet



Variable Offsets: 20 Feet and 4 Feet

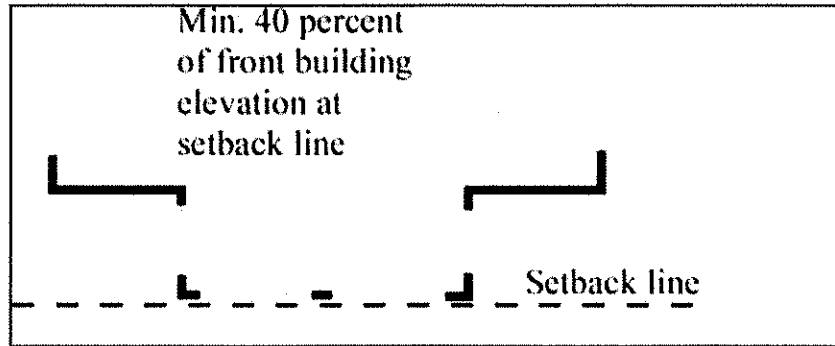
(O) Two building design standards are established to make commercial areas more attractive and provide a unified streetscape:

(1) In the CV District a 10-foot minimum upper-story setback is required above the second story along street frontages.



CV District: Upper-Story Setback

(2) In the CO and CV Districts, and on frontages adjacent to major or primary arterials in the CG District at least 40% of a building surface may be located at the minimum setback line if additional landscaping is provided on the site.



**Building Face at Setback Line**

(3707-6/05, 3774-10/07, 4038-12/14)

#### **211.08 Review of Plans**

All applications for new construction, initial establishment of use, 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 on substandard lots; see Chapter 241.
- B. **Design Review Board.** See Chapter 244.
- C. **Planning Commission.** Projects requiring a conditional use permit from the Planning Commission; see Chapter 241.
- D. **Projects in the Coastal Zone.** A Coastal Development Permit is required unless the project is exempt; see Chapter 245. (3522-2/02, 3868-3/10, 3774-10/07, 4038-12/14, 4091-10/16)

STATE OF CALIFORNIA                     )  
COUNTY OF ORANGE                    ) ss:  
CITY OF HUNTINGTON BEACH         )

I, ROBIN ESTANISLAU, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a **Regular** meeting thereof held on **January 22, 2019**, and was again read to said City Council at a **Regular** meeting thereof held on **February 4, 2019**, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

**AYES:**           Brenden, Carr, Semeta, Peterson, Posey, Delgleize, Hardy

**NOES:**           None

**ABSENT:**       None

**ABSTAIN:**      None

I, Robin Estanislau, CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Huntington Beach Wave on February 14, 2019.

In accordance with the City Charter of said City.

Robin Estanislau, City Clerk

Anna Murtzi Deputy City Clerk

Robin Estanislau  
City Clerk and ex-officio Clerk  
of the City Council of the City  
of Huntington Beach, California

ORDINANCE NO. 4175

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH  
AMENDING CHAPTER 204 OF THE HUNTINGTON BEACH ZONING AND  
SUBDIVISION ORDINANCE TITLED USE CLASSIFICATIONS  
(ZONING TEXT AMENDMENT NO. 18-003)

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. 18-003, which amends Chapter 204 of the Huntington Beach Zoning and Subdivision Ordinance relating to updated, clarified, and additional use classifications utilized within 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;

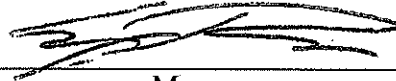
NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. That Chapter 204 of the Huntington Beach Zoning and Subdivision Ordinance titled Use Classifications is hereby amended to read as set forth in Exhibit A.

SECTION 2. All other provisions of Chapter 204 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 4th day of February, 2019.



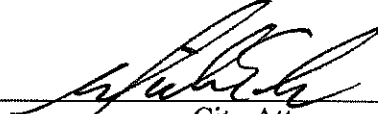
Mayor

ATTEST:



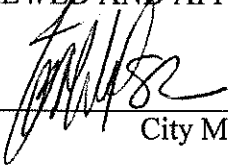
City Clerk

APPROVED AS TO FORM:



City Attorney *mv*

REVIEWED AND APPROVED:



City Manager

INITIATED AND APPROVED:



Director of Community Development

## Exhibit A – ZTA No. 18-003

### **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 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.

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. This classification includes assisted living facilities.

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.)
- 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.

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, and veterinary offices. This classification includes medical/dental laboratories incidental to an office use, but excludes banks and savings and loan associations.

**U. Offices, Medical and Dental.** A business which is primarily engaged in providing services for health maintenance, diagnosis or treatment of human disease, pain, injury, physical or mental condition, including, but not limited to, offices of acupuncturists, chiropractors, dentists, optometrists, physicians, podiatrists, dermatologists, psychiatrists, psychologists and physical therapists.

**V. 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.

**W. 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.

**X. Personal Services.** Provision of recurrently needed services of a personal nature. This classification includes barber and beauty shops, permanent and semi-permanent makeup such as microblading, non-surgical medspas such as laser hair removal, eyelash extensions, injectables, coolsculpting, etc., 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.

**Y. 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.

**Z. 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).

**AA. 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.

**BB. Sex-Oriented Businesses.** Establishments as regulated by Chapter 5.70; and figure model studios as regulated by Chapter 5.60.

**CC. 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.

**DD. 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.

**EE. Tattoo Establishment.** Premises used for the business of marking or coloring the skin with tattoos as regulated by Chapter 8.70.

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

**GG. 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. Offices for Vehicle Retail Sales/Wholesale. This classification includes businesses with the primary building use of office for vehicle retail sales and wholesale businesses which may display the maximum number of vehicles at any given time as required by the California Department of Motor Vehicles.
8. 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.

**HH. 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 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.

II. **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.

JJ. **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 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 includes 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. (3334-6/97)

#### **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:
  - 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.

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.

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 111362.1 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.
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.

- 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)

STATE OF CALIFORNIA                    )  
COUNTY OF ORANGE                    ) ss:  
CITY OF HUNTINGTON BEACH        )

I, ROBIN ESTANISLAU, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a **Regular** meeting thereof held on **January 22, 2019**, and was again read to said City Council at a **Regular** meeting thereof held on **February 4, 2019**, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

**AYES:**           Brenden, Carr, Semeta, Peterson, Posey, Delgleize, Hardy

**NOES:**           None

**ABSENT:**       None

**ABSTAIN:**      None

I, Robin Estanislau, CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Huntington Beach Wave on February 14, 2019.

In accordance with the City Charter of said City.

Robin Estanislau, City Clerk

*Anna M. [Signature]* Deputy City Clerk

*Robin Estanislau*  
City Clerk and ex-officio Clerk  
of the City Council of the City  
of Huntington Beach, California

ORDINANCE NO. 4176

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH  
AMENDING CHAPTER 203 OF THE HUNTINGTON BEACH ZONING AND  
SUBDIVISION ORDINANCE TITLED DEFINITIONS  
(ZONING TEXT AMENDMENT NO. 18-003)

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. 18-003, which amends Chapter 203 of the Huntington Beach Zoning and Subdivision Ordinance relating to updated, clarified, and additional definitions utilized within 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;

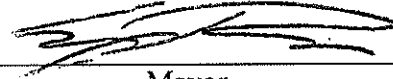
NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. That Chapter 203 of the Huntington Beach Zoning and Subdivision Ordinance titled Definitions is hereby amended to read as set forth in Exhibit A.

SECTION 2. All other provisions of Chapter 203 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 4th day of February, 2019.



Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



City Attorney *mw*

REVIEWED AND APPROVED:



City Manager

INITIATED AND APPROVED:



Director of Community Development

## Exhibit A – ZTA No. 18-003

### **203.02 Applicability**

The meaning and construction of words and phrases defined in this chapter shall apply throughout the zoning and subdivision ordinance, except where the context clearly indicates a different meaning or construction. (Ord. 4037-12/14)

### **203.04 Rules for Construction of Language**

In addition to the General Provisions Chapter 1.04 of the Municipal Code, the following rules of construction shall apply:

- A. The particular shall control the general.
- B. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
  - 1. “And” indicates that all connected words or provisions shall apply.
  - 2. “Or” indicates that the connected words or provisions apply singly.
  - 3. “Either... or” indicates that the connected words or provisions shall apply singly but not in combination.
  - 4. “And/or” indicates that the connected words or provisions may apply singly or in any combination.
- C. In case of conflict between the text and a diagram, the text shall control.
- D. All references to departments, commissions, boards, or other public agencies are to those of the City of Huntington Beach, unless otherwise indicated.
- E. All references to public officials are to those of the City of Huntington Beach, and include designated deputies of such officials, unless otherwise indicated.
- F. All references to days are to calendar days unless otherwise indicated. If a deadline falls on a weekend or City holiday, it shall be extended to the next working day.
- G. Chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of any section hereof.
- H. The words “activities” and “facilities” include any part thereof. (Ord. 4037-12/14)

### **203.06 Definitions**

**Abutting.** Having district boundaries or lot lines or combinations thereof in common.

**Access, Lateral.** Public access along the coast.

**Access, Vertical.** Public access from the nearest public roadway to the shoreline.

**Alley.** A public or private way having an ultimate width of not less than 20 feet permanently reserved primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

**Alter.** To make a change in the exterior appearance or the supporting members of a structure, such as bearing walls, columns, beams, or girders, that will prolong the life of the structure.

**Amendment.** A change in the wording, context or substance of this ordinance, or a change in the district boundaries on the zoning map.



**Animal, Exotic.** Any wild animal not customarily confined or cultivated by man for domestic or commercial purposes but kept as a pet or for display.

**Animal, Large.** An animal larger than the largest breed of dogs. This term includes horses, cows, and other mammals customarily kept in corrals or stables.

**Animal, Small.** An animal no larger than the largest breed of dogs. This term includes fish, birds, and mammals customarily kept in kennels.

**Antenna.** Any structure, including but not limited to a monopole, tower, parabolic and/or disk shaped device in single or multiple combinations of either solid or mesh construction, intended for the purposes of receiving or transmitting communications to or from another antenna, device or orbiting satellite, as well as all supporting equipment necessary to install or mount the antenna.

**Antenna, Amateur Radio.** An antenna array and its associated support structure, such as a mast or tower, that is used for the purpose of transmitting and receiving radio signals in conjunction with an amateur station licensed by the Federal Communications Commission.

**Antenna, Communication.** All types of receiving and transmitting antenna, except satellite dish antenna, including but not limited to cable television antenna, wireless communication antenna, FM digital communication antenna, microwave telephone communication antenna, amateur radio antenna, and short-wave communication antenna and other similar antenna.

**Antenna Height.** The distance from the property's grade to the highest point of the antenna and its associated support structure when fully extended.

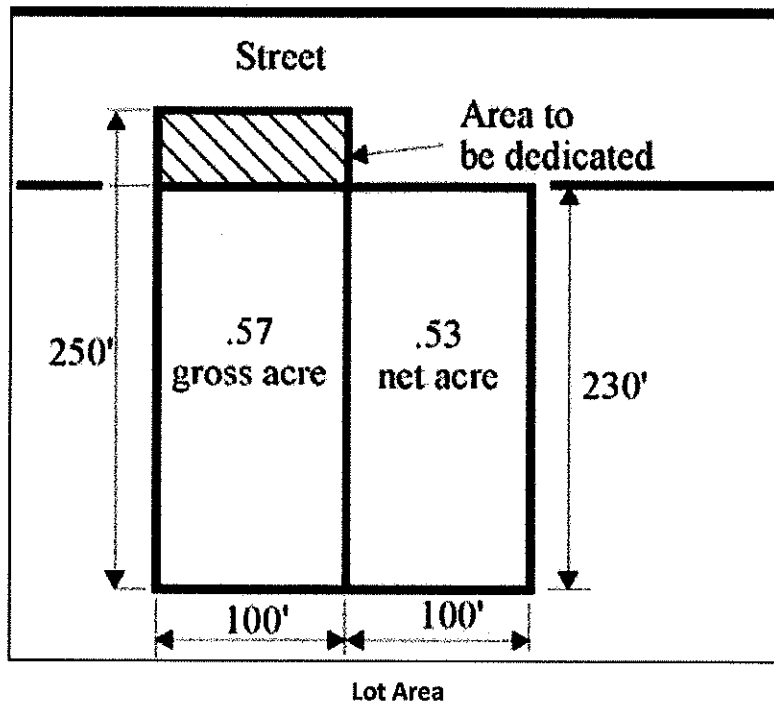
**Antenna, Satellite Dish.** An antenna for the purpose of receiving or transmitting communications to or from an orbiting satellite.

**Antenna Whip.** An antenna and its support structure consisting of a single, slender, rod-like element which is supported only at or near its base.

**Approach-Departure Path.** The flight track of the helicopter as it approaches or departs from a designated takeoff and landing area, including a heliport, helipad, or helistop.

**Architectural Projections or Appurtenances.** Features on a building which provide visual variation and/or relief but do not serve as interior or exterior living or working space.

**Area, Net Lot.** The total horizontal area within the property lines of a parcel of land exclusive of all rights-of-way or easements which physically prohibit the surface use of that portion of the property for other than vehicular ingress and egress.



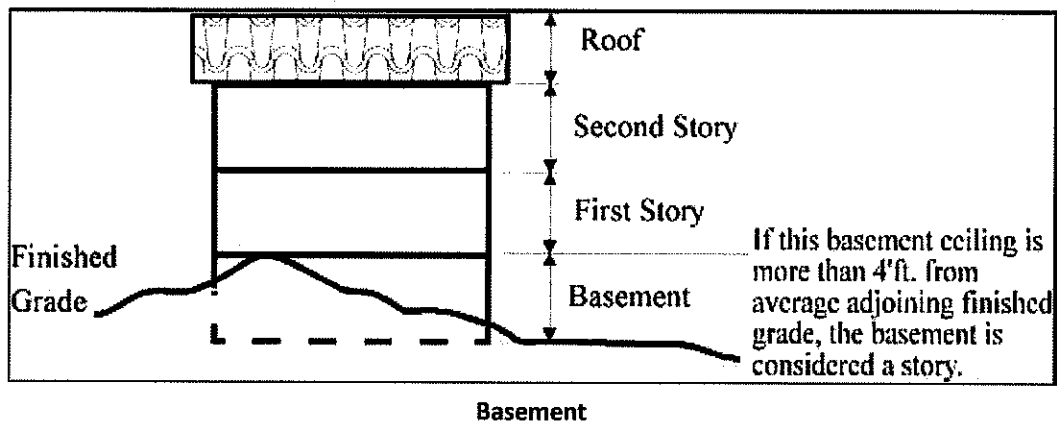
**Arterial.** Any street, highway or road designated as an arterial street in the General Plan.

**Assisted Living Facility.** Establishments licensed by the State of California providing care on a 24-hour basis for persons requiring personalized supportive services and health related care, but excluding facilities providing surgical or emergency medical services. This includes State licensed establishments that provide a continuum of care for residents ranging from assistance with daily activities to memory care.

**Attached Structures.** Two or more structures sharing a common wall or roof.

**Balcony.** A platform that projects from the wall of a building, typically above the first level, and is surrounded by a rail balustrade or parapet.

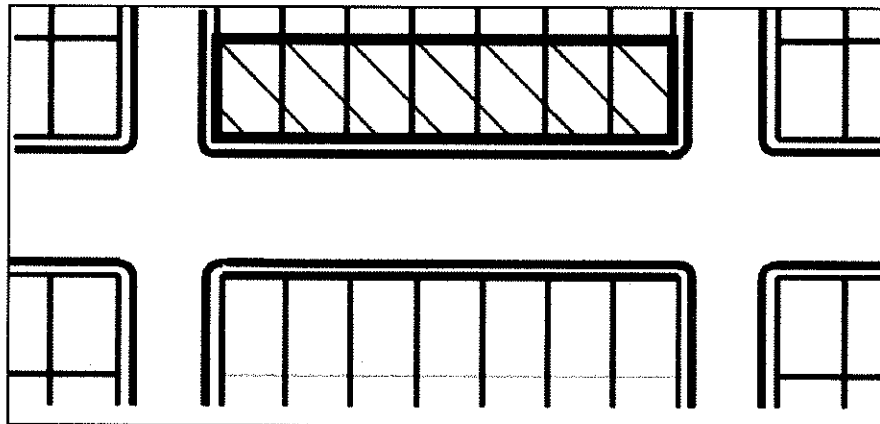
**Basement.** A story partly underground and having at least one-half of its height above the average adjoining grade. A basement shall be considered as a story if the vertical distance from the average adjoining grade to the ceiling is over four feet.



**Bay Window.** A window that projects out from an exterior wall.

**Bedroom.** The term bedroom includes any room used principally for sleeping purposes, an all-purpose room, a study, a den, a room having 100 square feet or more of floor area or less than 50% of one wall open to an adjacent room or hallway.

**Blockface.** The properties abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, unsubdivided land, watercourse, or City boundary.



**Boarding House.** A building with not more than five guest rooms where lodging and meals are provided for not more than 10 persons, but shall not include rest homes or convalescent homes. Guest rooms numbering six or over shall be considered a hotel.

**Building.** Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattels, or property of any kind.

**Caretaker's Quarters.** A dwelling unit on the site of a commercial, industrial, public, or semipublic use, occupied by a guard or caretaker.

**Carport.** A permanent roofed accessory structure with not more than two enclosed sides intended for vehicle storage.

**Cart/Kiosk.** Any portable, non-motorized unit used by a vendor as described in Section 230.94.

**City.** The City of Huntington Beach.

**Clinic.** An establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one or more of a group of physicians, dentists, optometrists, psychologists, or social workers practicing together.

**Coastal Zone.** A geographic zone adjacent to the shoreline, the boundaries of which are determined by the California Coastal Act of 1976, as amended.

**Collection Containers.** Containers or buildings with a gross floor area of 500 square feet or less used for the deposit and storage of household articles or recyclables.

**Commission.** The Huntington Beach Planning Commission.

**Community Apartment Project.** A project in which an individual interest in land is coupled with the right exclusively to occupy an individual unit, as provided in Section 11004 of the California Business and Professions Code.

**Completely Rebuilt.** Rebuilding the nonconforming structure or use as it had legally existed immediately prior to its destruction.

**Conditional Use.** A use of land that, due to the specific nature and unique characteristics of the use, requires special standards and discretionary review.

**Condominium.** An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interior space in a residential, industrial or commercial building on the real property, such as an apartment, office or store. A condominium may include, in addition, a separate interest in other portions of the real property.

**Conforming Building.** A building that fully meets the requirements of Title 17 (Building Regulations) and also conforms to all property-development regulations and requirements prescribed for the district in which it is located.

**Convenience Market.** A retail use in conjunction with gasoline sales in which the sales room exceeds 200 square feet.

**Court.** An outdoor, unenclosed area intended to provide light, air, and privacy for individual dwelling units in multifamily projects.

**Coverage, Lot or Site.** The percentage of a lot or site covered by roofs, balconies, fireplaces, architectural projections, or overhangs extending more than 2.5 feet from a wall, decks more than 42 inches in height above grade, and stairs. This also includes the square footage of all building projections into yards or courts containing habitable floor area.

**Deck.** A platform, either free-standing or attached to a building, but without a roof, that is supported by pillars, posts, or walls (see also Balcony).

**Demolition.** The deliberate removal or destruction of the frame or foundation of any portion of a building or structure for the purpose of preparing the site for new construction or otherwise.

**Density Bonus.** An increase in the proposed number of units of 25% or greater over the number permitted pursuant to the current zoning and General Plan designation on the property.

**Director.** The Director of Community Development or his or her designee.

**Distribution Line.** An electric power line bringing power from a distribution substation to consumers.

**District.** A portion of the City within which the use of land and structures and the location, height, and bulk of structures are governed by this ordinance. The zoning ordinance establishes “base zoning districts” for residential, commercial, industrial, public and open space uses, and “overlay districts,” which modify base district provisions and standards.

**Drilling.** The digging or boring of a new well into the earth for the purpose of exploring for, developing or producing oil, gas or other hydrocarbons, or for the purpose of injecting water, steam or any other substance into the earth.

**Dwelling, Accessory Unit.** A fully equipped dwelling unit which is ancillary and subordinate to a principal dwelling unit located on the same lot in the RL zone. Also known as second dwelling unit or “granny unit.”

**Dwelling, Multiple Unit.** A building or buildings designed with two or more dwelling units.

**Dwelling, Single Unit.** A detached building designed primarily for use as a single dwelling, no portion of which is rented as a separate unit, except as permitted by this Code. Attached single-family dwellings shall be considered as multifamily.

**Dwelling, Studio Unit.** A dwelling unit consisting of one kitchen, one bathroom, and one combination living room and sleeping room. The gross floor area shall not exceed 500 square feet, or it shall be considered as a one-bedroom unit. Also known as a single, a bachelor, or an efficiency unit.

**Dwelling Unit.** One or more habitable rooms with only one kitchen, and designed for occupancy as a unit by one or more persons living as a household unit with common access to all living, kitchen, and bathroom areas.

**Emergency Shelter.** Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

**Energy Facility.** Any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other sources of energy.

**Environmental Impact Report (EIR).** A report complying with the requirements of the California Environmental Quality Act (CEQA) and its implementing guidelines.

**Environmentally Sensitive (Habitat) Area.** A wetland or any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

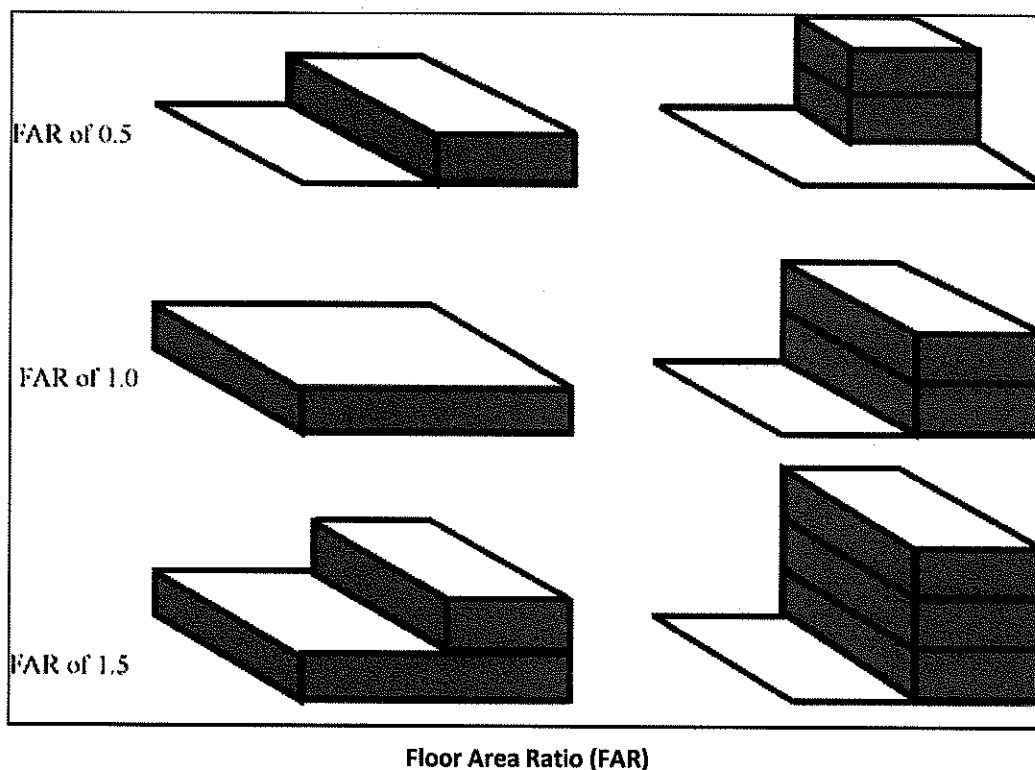
**Exemption, Categorical.** An exception from the requirements of the California Environmental Quality Act (CEQA) for a class of projects, which have been determined to not have a significant effect on the environment.

**Family.** A single individual or two or more persons living together as a single housekeeping unit in a dwelling unit.

**Feasible.** Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

**Floor Area, Gross.** The total enclosed area of all floors of a building measured to the outside face of the structural members in exterior walls, and including halls, stairways, elevator shafts at each floor level, service and mechanical equipment rooms, and habitable basement or attic areas, but excluding area for vehicle parking and loading.

**Floor Area Ratio (FAR).** Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.



**Frontage.** The linear length of a building which contains a public entrance or a lot measured along the property line adjacent to a street or easement.

**Functional Capacity.** The ability of an environmentally sensitive area to be self-sustaining and to maintain natural species diversity.

**General Plan.** The City of Huntington Beach General Plan.

**Grade, Existing.** The surface of the ground or pavement at a stated location as it exists prior to disturbance in preparation for a project regulated by this ordinance.

**Grade, Street.** The top of the curb, or the top of the edge of the pavement or traveled way where no curb exists.

**Height of Building.** A vertical dimension measured from the top of the highest roof to the top of the subfloor/slab directly underneath. (See Section 230.72.)

**Helipad or Helistop.** A heliport without auxiliary facilities such as waiting room, helicopter parking, fueling and maintenance equipment.

**Heliport.** An area, either at ground level or elevated on a structure, that is used or intended to be used for the takeoff and landing of helicopters, and includes some or all the various facilities useful to helicopter operations, including helicopter parking, waiting room, fueling and maintenance equipment.

**Home Occupation.** Business activity conducted in a dwelling unit in a residential district that is incidental to the principal residential use of a lot or site.

**Hotel Owner/Operator.** The entity that owns and operates a hotel. If the hotel operator is separate from the hotel owner both are jointly and severally responsible for ensuring compliance with the requirements described in this LCP and/or recorded against the property, as well as jointly and severally liable for violations of said requirements and restrictions.

**Illumination, Direct.** Illumination by means of light that travels directly from its source to the viewer's eye.

**Illumination, Indirect.** Illumination by means only of light cast upon an opaque surface from a concealed source.

**Incentives.** Policies, programs or actions taken by the City designed to ensure that a development will be produced at a lower cost.

**Infill Lot Development.** A lot contiguous to one or more existing single-family residential units, excluding parcels separated by streets, a vacant parcel intended for single-family development, or a parcel with an existing residential structure, which will have 50% or more square footage of habitable area removed in order to remodel or construct a detached single-family unit.

**Junk Yard.** The use of a lot, or contiguous lots, or any portion thereof for the storage of junk, including scrap metal, or other scrap materials, and/or for the dismantling or wrecking of automobiles or other vehicles or machinery.

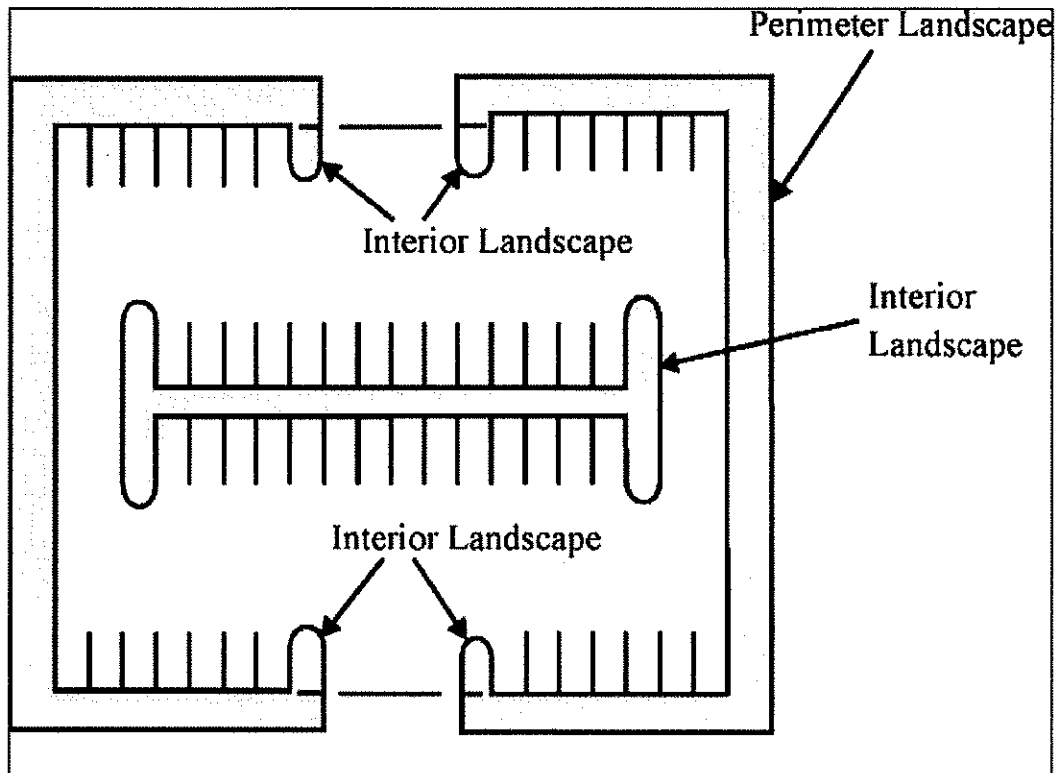
**Kennel.** Any premises where four or more dogs or cats at least four months of age are kept or maintained for any purpose except veterinary clinics and hospitals. For purposes of this section, a detached single-family residence with a maximum of four dogs shall not be considered a kennel when at least one of the dogs is a specially-trained guide dog, signal dog or service dog, as defined in Penal Code Section 365.5, and complies with Section 7.12.160 of the Huntington Beach Municipal Code.

**Kitchenette or Kitchen.** Any room or part of a room which is designed, built, used, or intended to be used for food preparation and dishwashing; but not including a bar, or similar room adjacent to or connected with a kitchen.

**Landscaping.** An area devoted to or developed and maintained with native or exotic plantings, lawn, ground cover, gardens, trees, shrubs, and other plant materials, decorative outdoor landscape elements, pools, fountains, water features, paved or decorated surfaces of rock, stone, brick, block, or similar material (excluding driveways, parking, loading, or storage areas), and sculptural elements. Plants on rooftops, porches or in boxes attached to buildings are not considered landscaping.

**Landscaping, Interior.** A landscaped area or areas within the shortest circumferential line defining the perimeter or exterior boundary of the parking or loading area, or similar paved area, excluding driveways or walkways providing access to the facility (as applied to parking and loading facilities or to similar paved areas).

**Landscaping, Perimeter.** A landscaped area adjoining the exterior boundary of a parking or loading area, or similar paved area, excluding driveways or walkways which provide access to the facility.



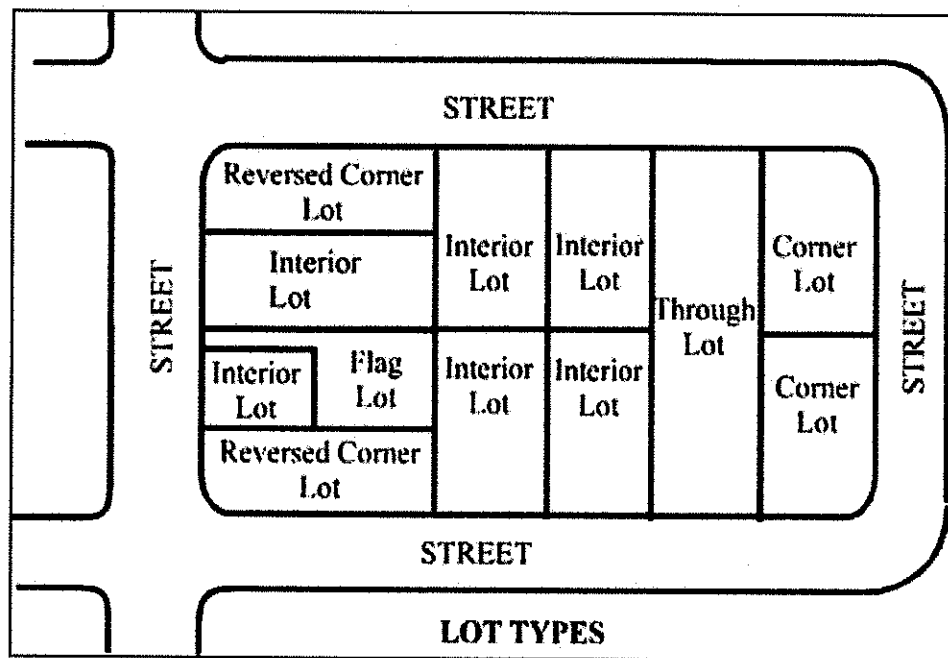
**Landscaping: Perimeter Interior**

**Limited Use Overnight Visitor Accommodations.** Any hotel, motel, or other similar facility that provides overnight visitor accommodations wherein a purchaser receives the right in perpetuity, for life, or a term of years, to the recurrent, exclusive use or occupancy of a lot, parcel, unit, room(s), or segment of the facility, annually or on some other seasonal or periodic basis, for a period of time that has been or will be allotted from the use or occupancy periods into which the facility has been divided and shall include, but not be limited to Timeshare, Condominium-Hotel, Fractional Ownership Hotel, or uses of a similar nature.

**Lodger.** Any person other than a member of a family renting a room for living or sleeping purposes.

**Lot.** Any numbered or lettered parcel shown on a recorded final map, record of survey pursuant to an approved division of land, or a parcel map and abuts a street, alley or recorded access easement.





**Lot, Corner.** A site bounded by two or more adjacent street lines that have an angle of intersection of not more than 135 degrees.

**Lot Depth.** The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line, or to the most distant point on any other lot line where there is no rear lot line.

**Lot, Flag.** A lot with developable area connected to a street by a narrow strip of land that includes a driveway.

**Lot or Property Line, Front.** The street property line adjacent to the front yard.

**Lot or Property Line, Interior.** A lot line not abutting a street.

**Lot or Property Line, Rear.** A lot line, not a front lot line, that is parallel or approximately parallel to the front lot line. Where no lot line is within 45 degrees of being parallel to the front lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, shall be deemed the rear lot line.

**Lot or Property Line, Side.** Any lot line that is not a front lot line or a rear lot line.

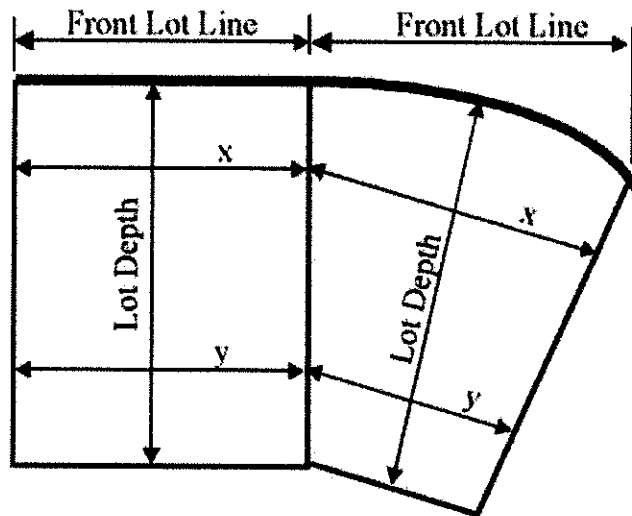
**Lot or Property Line, Street.** A lot line abutting a street.

**Lot, Reverse Corner.** A corner lot, the side line of which is substantially a continuation of the front lot line of the lot to its rear.

**Lot, Street-Alley.** An interior lot having frontage on a street and an alley.

**Lot, Through.** A lot having frontage on two dedicated parallel or approximately parallel streets.

**Lot Width.** The mean of the horizontal distance between the side lot lines measured at right angles to the lot depth at midpoints 20 feet from the front lot line and 20 feet from the rear lot line, or from the rearmost point of the lot depth in cases where there is no rear lot line.



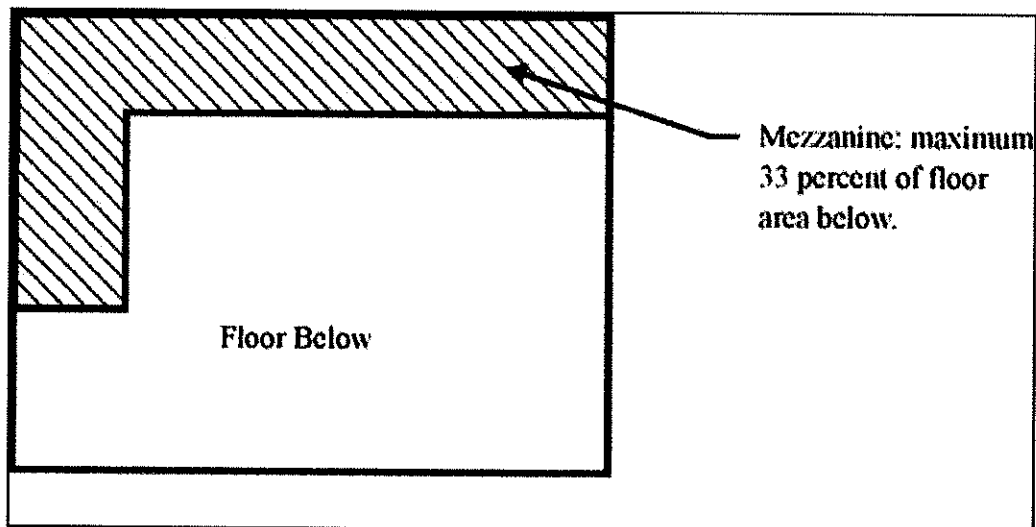
$$\text{Lot Width} = (x + y) / 2$$

Lot Width

**Lower Income Household.** A household whose annual income is at or below 80% of Orange County median income as defined by the State of California Department of Housing and Community Development.

**Manufactured Home.** A structure transportable in sections which is a minimum of eight feet in width and 40 feet in length, built on a permanent chassis, and designed to be a dwelling with or without a permanent foundation. Manufactured home includes mobile home.

**Mezzanine.** An intermediate floor within a room containing not more than 33% of the floor area of the room.



Mezzanine

**Moderate Income Household.** A household whose annual income is at or below 120% of Orange County median income as defined by the State of California Department of Housing and Community Development.

**Municipal Code.** The Municipal Code of the City of Huntington Beach.

**Negative Declaration.** A written statement briefly describing the reasons that a proposed project will not have a significant impact on the environment which meets the requirements of the California Environmental Quality Act.

**Neighborhood Notification.** Notification process pursuant to Chapter 241 when no entitlements are required and the use requires such notification as stated in the Zoning and Subdivision Ordinance.

**Net Site Area.** See Area, Net Lot.

**New Well.** A new well bore or well hole established at the ground surface. Redrilling from the well bore or well hole of an existing well greater than 150 feet from the existing well bore shall constitute a new well.

**Nonconforming Structure.** A structure that was lawfully erected but which does not conform with the current development standards.

**Nonconforming Use.** A use of a structure or land that was lawfully established and maintained, but which does not conform with the current zoning ordinance.

**Off-Street Loading Facilities.** A site or portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and landscaped areas.

**Off-Street Parking Facilities.** A site or portion of a site devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives, and landscaped areas.

**Oil Operation.** The use or maintenance of any installation, facility, or structure used, either directly or indirectly, to carry out or facilitate one or more of the following functions: drilling, rework, repair, redrilling, production, processing, extraction, assisted recovery, stimulation storage or shipping of oil, gas or hydrocarbons from the subsurface of the earth.

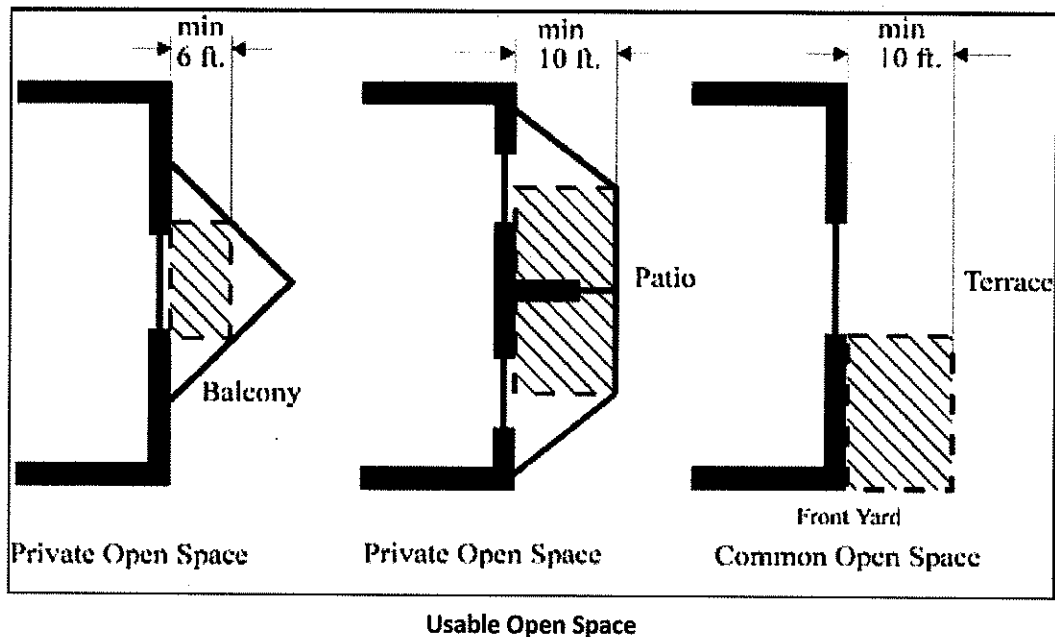
**Oil Operation Site.** The physical location where an oil operation is conducted.

**Open Space, Common.** A usable open space within a residential development reserved for the exclusive use of residents of the development and their guests.

**Open Space, Private.** A usable open space adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

**Open Space, Total.** The sum of private and common open space.

**Open Space, Usable.** Outdoor or unenclosed area on the ground, or on a balcony, deck, porch or terrace designed and accessible for outdoor living, recreation, pedestrian access or landscaping. Usable open space does not include parking facilities, driveways, utility or service areas, any required front or street side yard, any space with a dimension of less than six feet in any direction or an area of less than 60 square feet.



**Oversize Vehicle.** Any vehicle which exceeds 25 feet in length, seven in width, seven in height, or a weight of 10,000 pounds, motorized or non-motorized. Oversize vehicle also includes any equipment or machinery regardless of size.

**Parking Structure.** A structure used for parking of vehicles where parking spaces, turning radius, and drive aisles are incorporated within the structure.

**Patio.** A paved court open to the sky.

**Permitted Use.** A use of land that does not require approval of a conditional use permit or temporary use permit.

**Planned Unit Development (PUD).** A large scale development of a parcel or of a combination of related parcels to be developed by a single owner or group of owners acting jointly, involving a related group of uses, planned as an entity and having a predominant developmental feature which serves to unify or organize development.

**Porch.** An open or covered platform, usually having a separate roof, at an entrance to a dwelling, or an open or enclosed gallery or room, which is not heated or cooled, that is attached to the outside of a building.

**Private Property.** Property owned in fee by an individual, corporation, partnership, or a group of individuals as opposed to public property.

**Project.** Any proposal for new or changed use, or for new construction, alteration, or enlargement of any structure, that is subject to the provisions of this ordinance.

**Public Property.** Property dedicated through acquisition or easement for public use which includes but is not limited to streets, alleys, parks, public rights-of-way, and sidewalks.

**Qualifying Senior Resident.** A person who is 62 years of age or older. (Section 51.2 of the California Civil Code.)

**Remodel.** The upgrade of the interior or exterior faces of a building or structure without altering to any degree the structural integrity.

**Residential Infill Lot.** A residential infill lot is a parcel of land which, at the time of application for a building permit, is contiguous to one or more existing developed single-family residential properties and is:

1. A vacant parcel intended for detached single-family development, or
2. A parcel with an existing residential structure which will have 50% or more square footage of the habitable area removed in order to construct a remodeled or new multistory detached single-family dwelling unit.

**Resource Protection Area.** Within the coastal zone, any area that consists of any of the following: wetlands, Environmentally Sensitive Habitat Areas, buffer areas (as these terms are defined in the Glossary of the City's certified Land Use Plan), and/or land that is zoned Coastal Conservation.

**Room, Habitable.** A room meeting the requirements of the Uniform Building Code for sleeping, living, cooking, or dining purposes, excluding such enclosed places as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, attics, foyers, storage spaces, utility rooms, garages, and similar spaces.

**Senior Housing.** Housing for a family in which at least one person per unit is 60 years old or older, or for a single person who is 60 years old or older.

**Setback Line.** A line across the front, side, rear of any private or public property which delineates an area adjoining a property line in which erection of a building, fence, or other structure is prohibited except as otherwise provided in the zoning ordinance. All setbacks along streets and alleys shall be measured from the ultimate right-of-way.

**Significant Disruption.** Having a substantial adverse effect upon the functional capacity.

**Single Ownership.** Holding record title, possession under a contract to purchase, or possession under a lease, by a person, firm, corporation, or partnership, individually, jointly, in common, or in any other manner where the property is or will be under unitary or unified control.

**Site.** A lot, or group of contiguous lots not divided by an alley, street, other right-of-way, or City limit, that is proposed for development in accord with the provisions of this ordinance, and is in a single ownership or has multiple owners, all of whom join in an application for development.

**Specific Event.** A short-term temporary use of public property as defined in Section 5.68.010.

**Specific Plan.** A plan for a defined geographic area that is consistent with the General Plan.

**Stock Cooperative.** A corporation formed for the primary purpose of holding title to, either in fee simple or for a term of years, any real property where the shareholders of the corporation receive a right of exclusive occupancy in a portion of such real property and where the right of occupancy is only transferable by the transfer of shares of stock in the corporation.

**Story.** That portion of a building included between the surface of any floor and the surface of the floor or finished undersurface of the roof directly above it.

**Street.** A public or an approved private thoroughfare or road easement which affords the principle means of access to abutting property, not including an alley.

**Structure.** Anything constructed or erected that requires a location on the ground, excluding patios, walks, access drives, or similar paved areas.

**Structure, Accessory.** A structure that is appropriate, subordinate and customarily incidental to the main structure of the site and which is located on the same site as the main structure, including swimming pools, garages, gazebos and patio covers.

**Structure, Minor Accessory.** An accessory structure that does not exceed 64 square feet in floor area, 80 square feet in roof area and a height of six feet, including storage sheds, pet shelters, playhouses, and decorative elements.

**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.

**Takeoff and Landing Area.** That area of the helicopter facility where the helicopter actually lands and takes off.

**Target Population.** Persons with low income having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Development Disabilities Services Act (Division 4.5 commencing with Section 4500 of the Welfare and Institutions Code) and may include, among other populations, adults, families, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, or homeless people.

**Transitional Housing.** Buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

**Transmission Line.** An electric power line bringing power to a receiving or distribution substation.

**Ultimate Right-Of-Way.** The adopted maximum width for any street, alley, or thoroughfare, as established by the General Plan, by a precise plan of street, alley, or private street alignment; by a recorded map; or by a standard plan of the Department of Public Works. Such thoroughfare shall include any adjacent public easement used as a walkway and/or utility easement.

**Usable Satellite Signals.** Satellite signals from all major communication satellites that, when viewed on a conventional television set, are at least equal in picture quality to those received from local commercial television stations or by way of cable televisions.

**Use, Accessory.** A use that is appropriate, subordinate, and customarily incidental to the main use of the site and which is located on the same site as the main use.

**Value.** The monetary worth of a structure determined by the valuation figures used by the director for the purpose of calculating building permit fees.

**Vehicle Storage.** The business of storing or safekeeping of operative and inoperative vehicles for periods of time greater than a 24 hour period.

**Very Low Income Household.** A household whose annual income is at or below 50% of Orange County median income as defined by the State of California Department of Housing and Community Development.

**Wetbar.** A fixed installation within a dwelling unit providing cold and/or hot water to a single sink without a garbage disposal at a location other than a kitchen or laundry. A wetbar area shall not include a stove, range, or similar appliance usually found in a kitchen, and if such wetbar is located in a room or a portion of a room with a stove, hot plate, range, oven or other type of kitchen facility, it shall be deemed a separate kitchen.

**Wetland.** Lands within the coastal zone which may be covered periodically or permanently with shallow water and include salt water marshes, fresh water marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

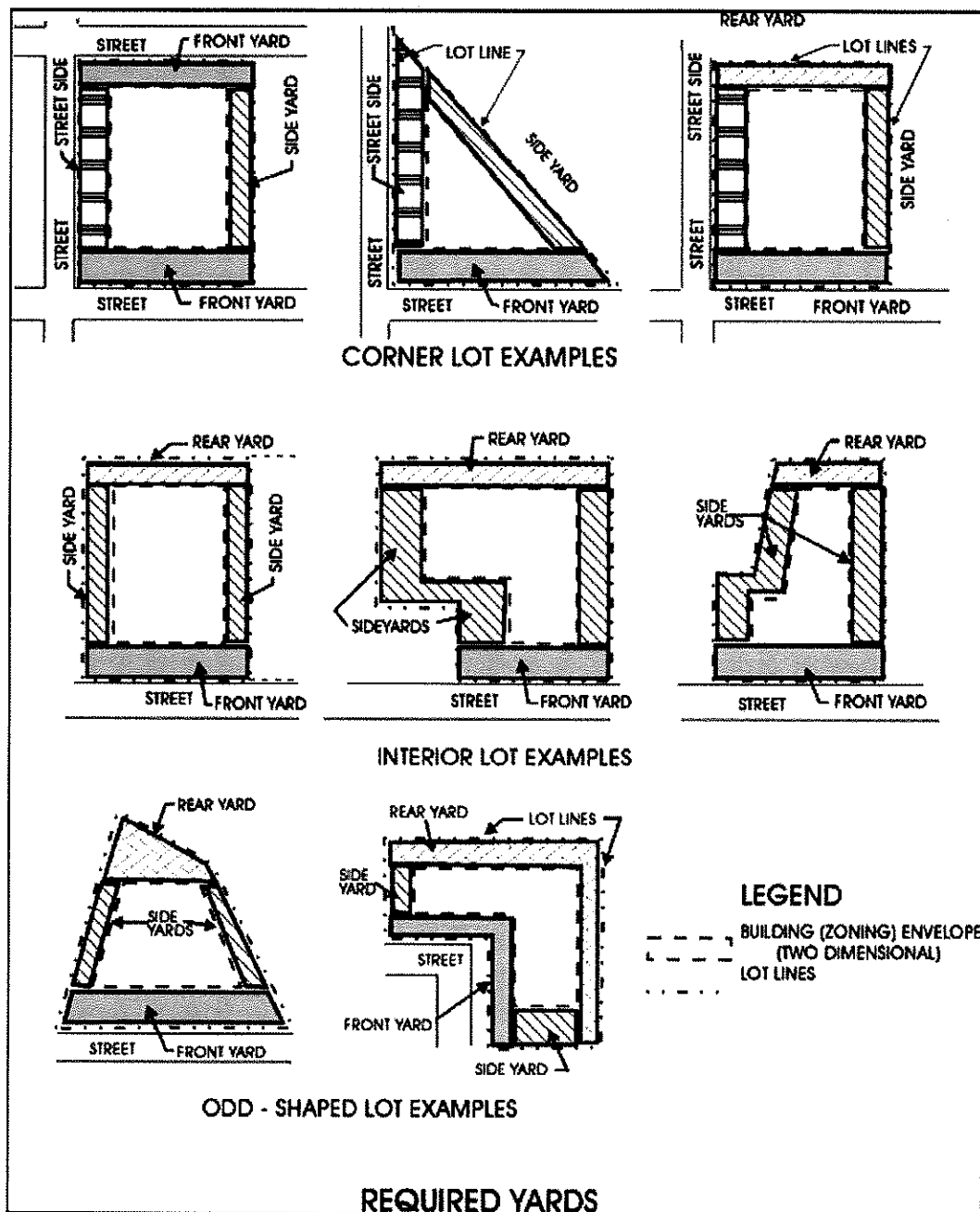
**Window, Required.** An exterior opening in a habitable room meeting the area requirements of the Uniform Building Code.

**Yard.** An open space on the same site as a structure, unoccupied and unobstructed by structures from the ground upward except as otherwise provided in this ordinance, including a front yard, side yard, or rear yard.

**Yard, Front.** An area between the front lot line and the front setback line extending across the full width of a site. The front yard of a corner lot shall adjoin the shortest street property line along its entire length. Where one street property line is at least 75% of the length of the other street property line, the director shall determine the location of the front yard.

**Yard, Rear.** An area between the rear lot line and the rear setback line extending across the full width of a site. On a corner lot the rear yard shall extend only to the side yard abutting the street.

**Yard, Side.** An area between the rear setback line and the front setback line and between the side property line and side setback line. The side yard on the street side of a corner lot shall extend to the rear lot line.



**Zoning Ordinance.** The Zoning Ordinance of the City of Huntington Beach. (3248-6/95, 3301-11/95, 3334-6/97; 3482-12/00, 3520-2/02, 3568-9/02, 3705-6/05, 3756-1/07, 3774-10/07 (certified by the California Coastal Commission 10/07), 3856-2/10, 3903-11/10, 3909-4/11, 4037-12/14, 4089-10/16, 4132-5/18)



STATE OF CALIFORNIA            )  
COUNTY OF ORANGE            ) ss:  
CITY OF HUNTINGTON BEACH )

I, ROBIN ESTANISLAU, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a **Regular** meeting thereof held on **January 22, 2019**, and was again read to said City Council at a **Regular** meeting thereof held on **February 4, 2019**, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

**AYES:**           Brenden, Carr, Semeta, Peterson, Posey, Delgleize, Hardy

**NOES:**           None

**ABSENT:**       None


**ABSTAIN:**      None

I, Robin Estanislau, CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Huntington Beach Wave on February 14, 2019.

In accordance with the City Charter of said City.

\_\_\_\_\_  
Robin Estanislau, City Clerk

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

  
\_\_\_\_\_  
City Clerk and ex-officio Clerk  
of the City Council of the City  
of Huntington Beach, California