

ORDINANCE NO. 4230

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH
AMENDING CHAPTERS 2.33, AND 2.56 OF THE HUNTINGTON BEACH MUNICIPAL
CODE; CHAPTERS 240, 248, 250 AND 251 OF THE HUNTINGTON BEACH ZONING
AND SUBDIVISION CODE REMOVING ALL REFERENCES TO THE SUBDIVISION AND
ENVIRONMENTAL ASSESSMENT SUBCOMMITTEES
(ZONING TEXT AMENDMENT NO. 21-002)

WHEREAS, Zoning Text Amendment No. 21-002 will amend the Huntington Beach Municipal Code and Huntington Beach Zoning and Subdivision Ordinance to eliminate the Subdivision Committee and Environmental Committee; and

The Huntington Beach Planning Commission and Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Text Amendment No. 21-002; and

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;

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

SECTION 1. Section 2.33.030 of the Huntington Beach Municipal Code is hereby amended to read as follows:

2.33.030 Department Objectives

The objectives of the department shall be as follows:

- A. Provide long-range data analysis and comprehensive planning, including statistical research, neighborhood planning and analysis, special projects, and methods of implementing plans and programs.
- B. Administer ongoing and continuing planning and zoning functions, including administration of zoning and subdivision ordinances.
- C. Provide services to developers and investors to assist in facilitating development or to encourage new development in accordance with policies of the City Council.
- D. Administer and enforce laws, ordinances, regulations and programs related to housing, zoning and property maintenance.
- E. Provide staff services and support to the Planning Commission, Zoning Administrator, Design Review Board, Environmental Board, and other committees, subcommittees, boards and commissions pertaining to planning.
- F. Administer and enforce state and local construction regulations to protect the health and safety of the community.
- G. Utilize automation to improve the access to information and services.

- H. Provide plan review and inspection services in a professional, flexible and equitable manner.
- I. Perform such other related duties as shall be required by law, ordinance or the City Manager.

SECTION 2. Section 2.56.030 of the Huntington Beach Municipal Code is hereby amended to read as follows:

2.56.030 Director—Powers and Duties

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

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

SECTION 3. Section 240.040 of the Huntington Beach Zoning Code is hereby amended to read as follows:

240.040 Environmental Review

- A. **Purpose.** The purpose of this section is to implement the California Environmental Quality Act of 1970 (CEQA). This section shall apply to all permits or entitlements, not otherwise exempt, requiring discretionary action by the City. The City Council shall by resolution adopt policies, objectives, criteria, and procedures regulating environmental evaluation of public and private projects. This section and the provisions adopted by resolution provide the basic principles, objectives, criteria, procedures, and definitions to ensure consistent implementation of the California Environmental Quality Act.
- B. **Administration.** The director shall be responsible for:
1. Preparing and processing all environmental documents necessary to comply with CEQA, the guidelines of the California State Resource Agency as authorized under the Public Resources Code Section 21083, and such additional provisions as may be adopted by the City of Huntington Beach; and
 2. Contracting for private, professional consultation for preparation of environmental impact reports.
- C. **Environmental Determination.** Prior to any project approval, the discretionary body shall first act upon the negative declaration or the environmental impact report (EIR). The discretionary body acting on the project may adopt the negative declaration or may reject it and require an environmental impact report. The discretionary body may certify the environmental impact report or reject it, if deemed incomplete.
- D. **Mitigation Measures.** Any feasible change or alteration to the project which avoids or substantially lessens the significant environmental impacts identified in the negative declaration or final EIR shall be incorporated as a condition of approval imposed on the project. The condition of approval shall also describe the time period and the manner in which the mitigation measure must be satisfied.
- E. **Monitoring and Reporting Program.** The City requires a reporting or monitoring program be prepared to ensure compliance of mitigation measures during project implementation. The project applicant shall be responsible for ensuring completion of the program and shall submit to the City reports indicating the status of compliance. The City may obtain or require an independent analysis of any completed reports submitted as required by a mitigation measure. The cost of the analysis shall be paid by the project applicant.

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

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

SECTION 4. Section 248.16 of the Huntington Beach Zoning Code is hereby amended to read as follows:

248.16 Finality of Decision and Time for Appeal

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

SECTION 5. Section 248.18 of the Huntington Beach Zoning Code is hereby amended to read as follows:

248.18 Designation of Hearing Body on Appeal

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

SECTION 6. Section 248.22 of the Huntington Beach Zoning Code is amended to read as follows:

248.22 Appeal of Failure to Act

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

SECTION 7. Section 248.28 of the Huntington Beach Zoning Code is amended to read as follows:

248.28 Appeal by City Council Member or Planning Commissioner

A. A City Council member or a Planning Commissioner may appeal a decision of the director, Design Review Board, Planning Commission or Zoning Administrator. The appeal shall be processed in the same manner as an appeal by any other person but need not be accompanied by the fee prescribed for an appeal.

B. The City Council member or Planning Commissioner appealing the decision is not disqualified by that action from participating in the appeal hearing and the deliberations nor from voting as a member of the reviewing body.

SECTION 8. Section 250.10 of the Huntington Beach Zoning Code is amended to read as follows:

250.10 Definitions

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

Access Rights. The right of abutting landowners or occupants to obtain access to an abutting public way.

Acreage. Any parcel of land which is not a lot, as defined in this chapter, and those areas where a legal subdivision has not been made previously, or where a legal subdivision has declared such parcel as acreage.

Block. The area of land within a subdivision, which area is entirely bounded by streets, highways or ways, except alleys, or the exterior boundary or boundaries of the subdivision.

Certificate of Compliance. A valid authorization, issued by the City, stating that the subdivision of creation complies with City subdivision laws applicable at the time of creation or stating that the subdivision complies with the Subdivision Map Act and this title.

City Engineer. The City Engineer of the City of Huntington Beach.

Collector Street. A street, intermediate in importance between a local street and an arterial highway, which has the purpose of collecting local traffic and carrying it to an arterial highway.

Conversion. The creation of separate ownership of existing real property together with a separate interest in space of residential, industrial or commercial buildings.

Cul-de-Sac. A local street, one end of which is closed and consisting of a circular turnaround.

Day. A calendar day unless otherwise specified.

Department. The Community Development Department of the City of Huntington Beach.

Department of Public Works. The Department of Public Works of the City of Huntington Beach.

Director. The Director of the Community Development Department of the City of Huntington Beach.

Easement. A grant of one or more property rights by the owner to the City, a public entity, public utility, or private party.

Final Map. A map showing a subdivision of five or more parcels, prepared in accordance with the provisions of the Subdivision Map Act and this title and designed to be placed on record in the office of the Orange County Recorder.

Lot Line Adjustment. A minor shift or rotation of an existing lot line where a greater or lesser number of parcels than originally existed is not created.

Merger. The joining of two or more contiguous parcels of land under one ownership into one parcel.

Parcel. A unit or portion of a unit of improved or unimproved land.

Parcel Map. A map showing a subdivision of four or fewer parcels or a subdivision pursuant to the exceptions stated in Section 66426 of the Subdivision Map Act prepared in accordance with the provisions of the Subdivision Map Act and this title and designed to be placed on record in the office of the Orange County Recorder.

Parkway. That area between the curb face and abutting property line.

Person. Any individual, firm, co-partnership, joint venture, organization, corporation, estate, trust, receiver, syndicate, this City, and any other public agency.

Private Street. Any street or accessway which is privately held, maintained and utilized as access to a development.

Remainder. That portion of an existing parcel which is not divided for the purpose of sale, lease, or financing nor part of the subdivision.

Scenic Easement. An easement dedicated to the City that protects a view from a specific location or locations to a specific visual resource by prohibiting or limiting development.

Service Road. A street adjacent to and providing access to an arterial highway.

Standard Engineering Specifications. Specifications for public improvements adopted by the Department of Public Works.

Standard Plans. Plans and engineering drawings for public improvements as adopted by the Department of Public Works.

Subdivision Map Act. The provisions of Division 2, Subdivisions of the California Government Code, relating to subdivisions of land and real property commencing with Section 66410.

Tentative Map. A map made for the purpose of showing the design and improvements of a proposed subdivision and the existing conditions in and around it precedent to the

approval of a final map. Tentative map shall include a tentative parcel map, prepared pursuant to the provisions of this title.

Usable Parcel Area. That portion of a parcel which does not exceed a slope of 10%. Any portion of the parcel exceeding 10% shall, for the purpose of this title, be considered slope and not usable parcel area.

Vesting Tentative Map. A tentative map for a residential subdivision that has, printed conspicuously on its face, the words "vesting tentative map" at the time it is filed with the City, and is processed in accordance with the provisions of Chapter 252 of this title.

SECTION 9. Section 250.12 of the Huntington Beach Zoning Code is amended to read as follows:

250.12 Responsibilities

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

B. **City Council.**

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

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

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

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

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

1. Establishing design and construction details, standards and specifications.
2. Determining if proposed subdivision improvements comply with the provisions of the Subdivision Map Act and this title.
3. The processing and certification of final maps, reversion to acreage maps, and amended maps and the processing and approval of subdivision improvement plans.
4. Examining and certifying that final maps are in substantial compliance with the approved tentative map.

5. Final jurisdiction in the approval of parcel maps and certification of lot line adjustments.
 6. The inspection and approval of subdivision public improvements.
 7. The acceptance of dedications and public improvements for subdivisions by parcel map, and off-site dedications lying outside a subdivision boundary which require a separate grant deed.
 8. Collection of all required fees and deposits associated with final maps and parcel maps except park and recreation fees.
- F. **Director.** The director's responsibilities shall include the processing of tentative maps and lot line adjustments.
1. Determinations of violations of the provisions of the Subdivision Map Act or this title.
 2. The management of the Department of Community Development in carrying out the responsibilities imposed upon it by this title. When necessary to carry out the director's responsibilities hereunder, the director may designate and authorize a representative to act on his or her behalf.
 3. Collection of park and recreation fees and fees associated with tentative maps.
- G. **Coastal Commission.** The Coastal Commission shall have appeal jurisdiction over Coastal Development Permits approved for all subdivisions and lot line adjustments located within the appealable area of the coastal zone that constitute development as defined in Section 245.04 (Development).

SECTION 10. Section 251.08 of the Huntington Beach Zoning Code is amended to read as follows:

251.08 Hearings and Action

- A. **Notice of Public Hearings.** Upon receipt of an application that is accepted as complete, the Department shall set a date for a public hearing, provide notice as required by Chapter 248 and prepare a report with recommendations. A copy of the Department report shall be forwarded to the subdivider at least three working days prior to the public hearing.
- B. **Planning Commission Action.** The Planning Commission or Zoning Administrator as the case may be, shall approve, conditionally approve, or deny a tentative map within 50 days after the tentative map has been accepted. This time period shall commence after certification of the environmental impact report, adoption of the negative declaration, or determination that the project is exempt from the requirements of Division 13 (commencing with Section 21000) of the Public Resources Code.
- C. **Factors to Be Considered.** In reaching a decision upon the tentative map, the Planning Commission or Zoning Administrator shall consider the effect of that decision on the housing needs of the region and balance these needs against the public service needs of its residents and available fiscal and environmental resources.

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

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

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

SECTION 11. This Ordinance shall become effective 30 days after its adoption.

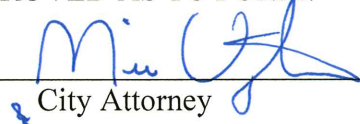
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 20____.

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:



City Attorney

REVIEWED AND APPROVED:

City Manager

INITIATED AND APPROVED:

Community Development Director