



# City of Huntington Beach

**File #:** 18-557

**MEETING DATE:** 12/11/2018

## PLANNING COMMISSION STAFF REPORT

**TO:** Planning Commission  
**FROM:** Ursula Luna-Reynosa, Community Development Director  
**BY:** Ricky Ramos, Senior Planner

**SUBJECT:**  
**ZONING TEXT AMENDMENT NO. 18-003 (ZONING AND SUBDIVISION ORDINANCE UPDATE)**

**REQUEST:**

To amend six chapters of the Zoning and Subdivision Ordinance to reorganize certain entitlement applications to a lower hearing body, codify existing policies, and clarify sections of the code. The six chapters to be amended are Chapter 203 (Definitions), Chapter 204 (Use Classifications), Chapter 211 (Commercial Districts), Chapter 214 (Public-Semipublic District), Chapter 230 - Section 230.26 (Affordable Housing), and Chapter 231 (Off-Street Parking and Loading Provisions).

**LOCATION:**

Citywide

**APPLICANT:**

City of Huntington Beach

**PROPERTY  
OWNER:**

Not applicable

**BUSINESS  
OWNER:**

Not applicable

**STATEMENT OF ISSUE:**

Does the project satisfy all the findings required for approving a Zoning Text Amendment?

**RECOMMENDATION:**

That the Planning Commission take the following actions:

A) Finds and determines that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to City Council Resolution No. 4501, Class 20, which supplements CEQA (Attachment No. 1).

B) Recommend approval of Zoning Text Amendment No. 18-003 with findings (Attachment No. 1) and forward to the City Council for consideration.

**ALTERNATIVE ACTION(S):**

The Planning Commission may take alternative actions such as:

- A) Continue Zoning Text Amendment No. 18-003 and direct staff to return with findings for denial.
- B) Continue Zoning Text Amendment No. 18-003 and direct staff accordingly.

**PROJECT PROPOSAL:**

The Zoning Text Amendment (ZTA) proposes to amend six chapters of the Huntington Beach Zoning and Subdivision Ordinance to reorganize certain entitlement applications to a lower hearing body or permit by right, codify existing policies, and clarify sections of the code. The six chapters to be amended are Chapter 203 (Definitions), Chapter 204 (Use Classifications), Chapter 211 (Commercial Districts), Chapter 214 (Public-Semipublic District), Chapter 230 - Section 230.26 (Affordable Housing), and Chapter 231 (Off-Street Parking and Loading Provisions).

In an ongoing effort to improve customer service and ensure the HBZSO is clear, current, and consistently adapting to market trends, staff has identified some needed changes. The proposed amendments would decrease processing time for applicants, encourage new businesses, provide greater clarity, and ultimately improve customer service. ZTA No. 18-003 represents the first phase of the overall HBZSO update. A matrix providing a comparison between the current code sections and the proposed changes is included as Attachment No. 2. Legislative drafts of the amended chapters are also attached.

**Study Session:**

The Planning Commission held a study session on the project on November 13, 2018. There were no questions raised that required further follow up by staff.

**ISSUES AND ANALYSIS:**

**General Plan Conformance:**

The proposed ZTA is consistent with the goals and policies of the City's General Plan including:

**Land Use Element**

Goal LU-11: Commercial land uses provide goods and services to meet regional and local needs.

Policy LU-11 (A): Encourage a variety of commercial uses that cater to local and regional demand to create an environment that meets resident needs and increases the capture of sales tax revenues.

Goal LU-13: The city provides opportunities for new businesses and employees to ensure a high quality of life and thriving industry.

Policy LU-13 (A): Encourage expansion of the range of goods and services provided to accommodate the needs of all residents and the market area.

### Housing Element

Policy 1.6: Support and publicize available rental assistance programs for lower income and special need households.

Policy 5.5: Support continued efforts to implement the Orange County Continuum of Care program for the homeless. Coordinate with local social service providers and notify them of available City funding to address the needs of the homeless population.

The ZTA will allow the City to process new development and land use applications in a more effective and efficient manner which will encourage a variety of commercial uses, goods, and services to meet market needs and capture sales tax revenues. The proposed amendments would decrease processing time for applicants, encourage new businesses, and ultimately improve customer service. The amendments also support the provision of rental assistance programs and other services to address the needs of the homeless.

### **Zoning Compliance:**

The following provides a review of the proposed amendments in three sections.

#### A. The following amendments involve a change in the approving body:

##### *Section 211.04 - Cultural Institutions*

Current Process: Conditional Use Permit (CUP) from Planning Commission (PC)

Proposed Process: CUP from PC if greater than 5,000 s.f.;

Director approval with an Administrative Permit (AP) and  
Neighborhood Notification (NN) if 5,000 s.f. or less

##### *Section 211.04 - Government Offices (Commercial Visitor (CV) District only)*

Current Process: CUP from PC

Proposed Process: CUP from Zoning Administrator (ZA)

##### *Section 211.04 - Public Safety Facilities*

Current Process: CUP from PC

Proposed Process: CUP from ZA

##### *Section 211.04 - Eating and Drinking Establishments within 300 feet of residential (no alcohol, live entertainment or dancing)*

Current Process: Director approval with an AP and NN

Proposed Process: Permitted by right

##### *Section 211.04 - Food and Beverage Sales*

Current Process: Reflects a typographical error and identifies additional provision  
“L-2,” which requires a CUP for Emergency Shelters  
Proposed Process: Identify additional provision “L-12,” which permits by right

*Section 211.04 - Personal Enrichment Services*

Current Process: CUP from ZA if greater than 5,000 s.f.;  
Permitted by right if 5,000 s.f. or less  
Proposed Process: Director approval with an AP and NN if greater than 5,000 s.f.  
Permitted by right if 5,000 s.f. or less (remove incorrect  
reference to additional provision “Y,” which requires NN)

*Section 211.04 - Tattoo Establishments (Commercial General District only)*

Current Process: CUP from PC  
Proposed Process: CUP from ZA

These amendments are recommended because the land use issues related to these uses are typically straight forward and could be adequately handled at the ZA or Director level or permitted by right. An application to the Director currently has a processing time of approximately 30 to 45 days, three months to the ZA, and four to six months to the PC. Reducing the processing time of non-controversial applications would be beneficial to applicants and the City.

B. The following amendment involves codifying current policy:

*Section 203.06 - Coverage, Lot or Site* - Add that square footage of all building projections are included.

By codifying this policy in the HBZSO, the information is readily accessible to staff and the public.

C. The following amendments include cleanup and clarification:

*Section 203.06 - Assisted Living Facility* - Add a definition of Assisted Living Facility for clarity based on research by staff.

*Section 203.06 - Guest House* - Delete definition that is no longer necessary due to current accessory dwelling unit provisions.

*Section 203.06 - Setback Line* - Clarify that setbacks along streets and alleys shall be measured from the ultimate right-of-way as already noted in other sections of the HBZSO.

*Section 204.08(D)* - Add “Assisted Living” under the “Convalescent Facilities” use classification for clarification. This does not result in a change in the permitting process for assisted living facilities or the zoning districts where they may be allowed.

*Section 204.10(T) and (U)* - Delete medical/dental from “Offices, Business and Professional” and add a separate “Offices, Medical and Dental” use classification to clarify the various types of medical/dental businesses that would fall within this use classification as they have different parking requirements than general office uses.

*Section 204.10(X)* - Add permanent and semi-permanent make-up, such as microblading, and non-surgical medspas to Personal Services use classification given the nature of these uses.

*Section 204.10(GG)* - Add new "Office for Vehicle Retail Sales/Wholesale" use classification to be consistent with Department of Motor Vehicles.

*Section 211.04 - Animal Sales and Services* - Add "L-16" reference to Municipal Code distance requirement for kennels from residential use.

*Section 211.04 - Eating and Drinking Establishments with Alcohol* - Delete Additional Provision (Y) regarding NN since a CUP is already required.

*Section 211.04 - Eating and Drinking Establishments with Outdoor Dining* - Delete Additional Provision (Y) regarding NN because unnecessary due to Additional Provision (X) which already identifies the approval process.

*Section 211.04 - Offices, Medical and Dental* - Add separate use classification to land use schedule to be permitted by right. This does not result in a change in the permitting process for medical/dental offices or the zoning districts where they may be allowed.

*Section 211.04 - Offices for Vehicle Equipment Sales & Rentals* - Add separate use classification to land use schedule to be permitted by right. This does not result in a change in the permitting process for vehicle sales offices or the zoning districts where they may be allowed.

*Section 211.06 - Development Standards* - Change maximum floor area ratio in CV District from 1.5 to 0.5 to match General Plan.

*Section 214.06 - Convalescent Facilities* - Add use classification to the land use schedule to be allowed with a CUP from PC. Currently, the City allows these types of uses, such as Assisted Living facilities, in the Public-Semipublic zone under the Residential Care, General use classification subject to a CUP from the PC.

*Section 230.26 - Affordable Housing* -

- A(2) (Purpose) - Add, "to prevent and end homelessness."
- B(4) (Applicability) - Add residential projects "consisting of entirely for-sale units" eligible to pay in lieu fee to provide flexibility.
- D (Off-Site Construction of Affordable Units) - Add "emergency shelters and/or navigation centers" may be provided within the County of Orange since homelessness is a regional issue.
- E(6) (Miscellaneous Provisions) - Provide further clarification and add "Tenant Based Rental Assistance programs" such as the City's subsidized housing program.

*Section 231.04 - Off-Street Parking and Loading Spaces Required* - Add parking requirement for Convalescent Facilities including specific standards for Skilled Nursing Facilities, Assisted Living Facilities, and Continuing Care Retirement Communities.

Currently, the City applies the Residential Care, General parking standard, which requires one space

per three beds plus additional spaces as required by the CUP. As such, the City generally requires an applicant to submit a parking demand study with the CUP application. This adds time and cost for an applicant. Staff surveyed other cities and found that there are a wide variety of standards for these types of uses. Many cities have not updated their parking requirements to account for current market trends and parking demand. Other cities have adopted staff based parking standards, which can be difficult to administer because they rely on applicant projections prior to establishment of the use and do not reflect regulatory and business changes. However, the City of Thousand Oaks conducted a study in 2016 and adopted revised parking requirements that encompass the various demand factors (i.e. - parking for residents, visitors, staff, vendors, and shuttles) based on the specific type of facility. The proposed parking requirement mirrors the Thousand Oaks parking requirement because it is the most current, would be simple to administer and provides for adequate parking.

*Section 231.04* - Clarify parking for Eating and Drinking Establishments with 12 seats or less.

These amendments involve cleaning up the HBZSO to improve clarity, address deficiencies, and keep it current. The few uses that have been added or clarified will not change the character of the base zoning district and the uses authorized therein.

**Urban Design Guidelines Conformance:**

Not applicable.

**Environmental Status:**

ZTA No. 18-003 is categorically exempt pursuant to City Council Resolution No. 4501, Class 20, which supplements the California Environmental Quality Act because the request is a minor amendment to the zoning ordinance that does not change the development standards intensity or density.

**Coastal Status:**

The proposed amendment will be forwarded to the California Coastal Commission as a minor Local Coastal Program Amendment for certification.

**Design Review Board:**

Not applicable.

**Subdivision Committee:**

Not applicable.

**Other Departments Concerns and Requirements:**

The proposed amendments were distributed for review by Public Works, Fire, Building, and Office of Business Development and no staff concerns were identified.

**Public Notification:**

Legal notice was published in the Huntington Beach Wave on November 29, 2018 and notices were sent to individuals/organizations requesting notification (Planning Division's Notification Matrix). As of December 4, 2018, no communications regarding the request have been received.

**Application Processing Dates:**

DATE OF COMPLETE APPLICATION:  
Not applicable

MANDATORY PROCESSING DATE(S):  
Legislative Action - Not applicable

**SUMMARY:**

Staff recommends that the Planning Commission recommend approval of Zoning Text Amendment No. 18-003 with findings and forward to the City Council based on the following:

- Cleans up the HBZSO to improve clarity, address deficiencies, and maintain currency.
- Codifies existing policies and code interpretations and allows select entitlement requests to be reviewed by a lower hearing body or to be permitted by right.
- Results in better customer service by providing a clear, prompt, and cost effective review process.
- Consistent with General Plan goals and policies.

**ATTACHMENTS:**

1. Suggested Findings of Approval - ZTA No. 18-003
2. HBZSO Update Matrix of Changes
3. Chapter 203 (Definitions) Draft Ordinance and Legislative Draft
4. Chapter 204 (Use Classifications) Draft Ordinance and Legislative Draft
5. Chapter 211 (Commercial Districts) Draft Ordinance and Legislative Draft
6. Chapter 214 (Public-Semipublic District) Draft Ordinance and Legislative Draft
7. Chapter 230 - Section 230.26 (Affordable Housing) Draft Ordinance and Legislative Draft
8. Chapter 231 (Off-Street Parking and Loading Provisions) Draft Ordinance and Legislative Draft