



City of Huntington Beach

File #: 19-117

MEETING DATE: 2/4/2019

REQUEST FOR CITY COUNCIL ACTION

SUBMITTED TO: Honorable Mayor and City Council Members

SUBMITTED BY: Fred A. Wilson, City Manager

PREPARED BY: Ursula Luna-Reynosa, Director of Community Development

Subject:

Adopt Ordinance Nos. 4172, 4173, 4174, 4175, and 4176 approving Zoning Text Amendment (ZTA) No. 18-003 (Zoning and Subdivision Ordinance Update)

Approved for introduction January 22, 2019 - Vote: 7-0

Statement of Issue:

Transmitted for your consideration is a request by the City to amend five chapters of the 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 Planning Commission and staff recommend approval of the request.

Financial Impact:

Not applicable.

Recommended Action:

- A) Adopt 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);" and,
- B) Adopt 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);" and,
- C) Adopt 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);" and,
- D) Adopt 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);" and,

E) Adopt 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)" (Attachment Nos. 3 - 7).

Alternative Action(s):

The City Council may make the following alternative motion(s):

- 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.

Analysis:

A. PROJECT PROPOSAL

Applicant: City of Huntington Beach

Property Owner: Not applicable

Location: Citywide

The Zoning Text Amendment (ZTA) proposes to amend five chapters of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) to reorganize certain entitlement applications to a lower hearing body or permit by right, codify existing policies, and clarify sections of the code. The five chapters to be amended are Chapter 203 (Definitions), Chapter 204 (Use Classifications), Chapter 211 (Commercial Districts), Chapter 214 (Public-Semipublic District), 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.

B. PLANNING COMMISSION MEETING

The Planning Commission held a public hearing on ZTA No. 18-003 on December 11, 2018. One person commented that the City should not hinder short-term vacation rentals. Staff confirmed that the ZTA does not propose any changes relating to short-term vacation rentals. The Planning Commission asked some general questions for clarification and unanimously recommended approval of the ZTA.

Planning Commission Action on December 11, 2018:

The motion was made by Kalmick, seconded by Ray, to find and determine that the project is exempt from the California Environmental Quality Act, recommend approval of ZTA No. 18-003, and forward to the City Council for consideration carried by the following vote:

AYES: Crowe, Ray, Garcia, Scandura, Kalmick, Mandic, Grant

NOES: None

ABSENT: None

ABSTAIN: None

MOTION PASSED

C. STAFF ANALYSIS AND RECOMMENDATION

Zoning Compliance:

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

1. 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 straightforward 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.

2. 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.

3. 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 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 wide varieties 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.

D. SUMMARY

Staff recommends that the City Council approve Zoning Text Amendment No. 18-003 with findings 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.

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.

Strategic Plan Goal:

Enhance and Maintain City Service Delivery

Attachment(s):

1. Suggested Findings of Approval - ZTA No. 18-003
2. HBZSO Update Matrix of Changes
3. Ord 4172 - Chapter 231 (Off-Street Parking and Loading Provisions) w/Legislative Draft
4. Ord 4173 - Chapter 214 (Public-Semipublic District) w/Legislative Draft
5. Ord 4174 - Chapter 211 (Commercial Districts) w/Legislative Draft
6. Ord 4175 - Chapter 204 (Use Classifications) w/Legislative Draft
7. Ord 4176 - Chapter 203 (Definitions) w/Legislative Draft
8. Planning Commission Staff Report dated December 11, 2018