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Huntington Beach

DOWNTOWN SPECIFIC PLAN NO. 5



HUNTINGTON BEACH DOWNTOWN SPECIFIC PLAN NO. 5
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October 6, 2011

HUNTINGTON BEACH DOWNTOWN SPECIFIC PLAN NO. 5 - BOOK 1 -



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Prepared for:
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

Prepared by:
rrmdesigngroup 
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HUNTINGTON BEACH DOWNTOWN SPECIFIC PLAN NO. 5
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October 6, 2011

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Chapter 1

INTRODUCTION

HUNTINGTON BEACH DOWNTOWN SPECIFIC PLAN NO. 5
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Chapter 1 - Introduction

1.1. Purpose and Intent

The purpose of the Huntington Beach Downtown Specific Plan No. 5 (hereafter, “Specific Plan”) is to create a unique and identifiable downtown for Huntington Beach that capitalizes on the unique location and features of the City’s beachside downtown and is an economically vibrant, pedestrian-oriented destination for residents and visitors alike. This 2009 Specific Plan is an update to the 1983 Downtown Specific Plan and is part of a City-lead effort to ensure that planning regulations and guidelines provide direction with flexibility to accommodate both current and future development opportunities in the downtown area.

A Specific Plan is a regulatory tool that local governments use to implement the City’s General Plan and to guide development in a localized area. While the General Plan is the primary guide for growth and development in a community, a Specific Plan is able to focus on the unique characteristics of a special area by customizing the planning process and land use regulations to that area. A Specific Plan is enacted pursuant to Section 65450 et seq of the California Government Code.

An overall goal of the Specific Plan is to promote orderly and viable development that meets the community’s vision for the future of the downtown. This Specific Plan provides refinements to existing regulations where necessary to further the community goals and vision.

1.2. Boundary

The Specific Plan covers an area of 336 acres in the traditional and historic heart of the City of Huntington Beach. A detailed description of the exact Specific Plan boundary can be found in Appendix A. Generally, the Specific Plan Area extends from the intersection of Goldenwest Street with Pacific Coast Highway and curves along the coastline, including the Huntington Beach Pier, down to Beach Boulevard. The inland boundary of the Specific Plan Area follows the prolongation of Sunrise Drive from Beach Boulevard to Pacific View Avenue where the boundary curves along Huntington Street and Atlanta Avenue. From Atlanta Avenue, the boundary flows along Orange Avenue and continues up Lake Street to Palm Avenue where it connects over to Main Street and along Pecan Avenue to link down along 6th Street. From 6th Street, following along Walnut Avenue to Goldenwest Street, parcels within the first block adjacent to Pacific Coast Highway are included in the Specific Plan Area. All boundary lines follow the centerline of the affected street. Figure 1-1 shows the location of the Specific Plan Area within the City of Huntington Beach.

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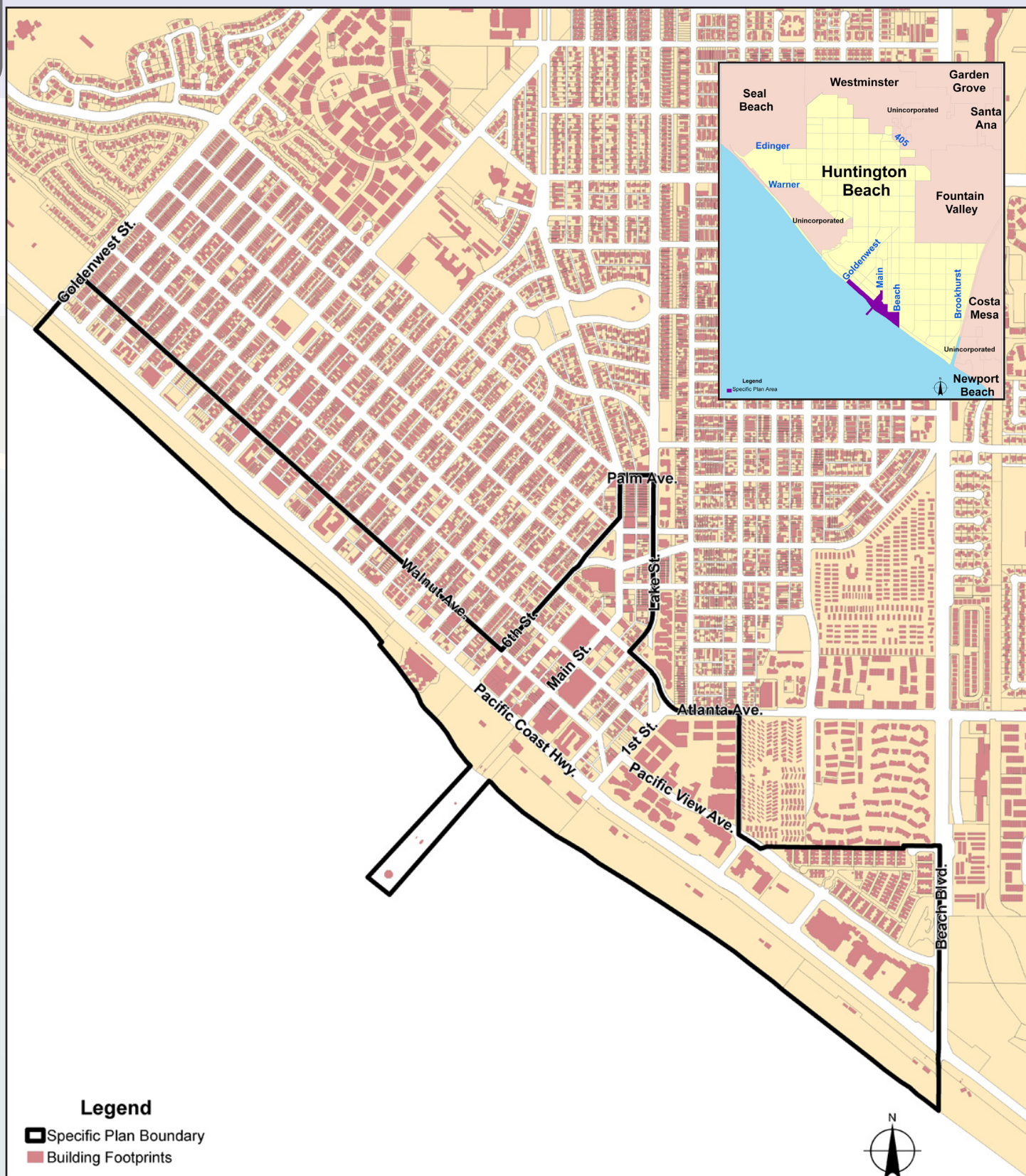


Figure 1-1 City Location Map

HUNTINGTON BEACH DOWNTOWN SPECIFIC PLAN NO. 5
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1.3. Document Organization

1.3.1. Specific Plan as a Consolidated Document

Prior to the adoption of this Specific Plan, development within the Specific Plan Area was subject to several City documents: the Downtown Specific Plan and Parking Master Plan, the Huntington Beach Design Guidelines, and the Huntington Beach Zoning and Subdivision Ordinance (hereafter, “HBZSO”).

Each of the above documents independently contain excellent recommendations and direction. The California Chapter of the American Planning Association awarded the Downtown Parking Master Plan an Honorable Mention for a Planning Project (1995) and awarded the Huntington Beach Design Guidelines an Award of Excellence (2001). Additionally, the Downtown Specific Plan helped to create development worthy of a Livable Community Award (1996) from the Southern California Association of Governments and Local Government Association and an American Institute of Architects Orange County Chapter Merit Award for fostering outstanding places in the public realm. This Specific Plan consolidates previous recommendations from several documents with new development standards and guidelines for ease of use.

This Specific Plan eliminates the Downtown Parking Master Plan concept and revises and incorporates those standards and policies, as well as new parking standards and strategies, into this Specific Plan document.

Also, portions of the Huntington Beach Design Guidelines relevant only to this Specific Plan Area have been removed from that document, updated, and incorporated into this Specific Plan document in Chapter 4. Design Guidelines.

Relevant portions of the HBZSO have either been incorporated into this document or are referenced for easy review.

1.3.2. Standards vs. Guidelines

As this document contains both development standards and design guidelines, it is important to make a distinction between the two types of regulations.

Development standards are mandatory regulations that must be met by all development to which the standards apply. These standards are regulatory tools that are critical to the performance of each use, such as building height, massing, setbacks, build-to lines, required amount of parking, location, etc.

In addition to the regulated development standards provisions of this Specific Plan, future development is also directed by design guidelines. ***Design guidelines are not mandatory requirements, but the guidelines provide a defined framework of design principles that supplement zoning development standards.*** Design guidelines address such issues as site design; building massing, forms, and articulation; and utilitarian aspects of a building. The guidelines provide direction on the more qualitative aspects of a development project.

Projects must meet ALL development standard regulations. The City of Huntington Beach may interpret the design guidelines with some flexibility in its review of specific projects. The guidelines will be utilized during the City's development review process to encourage the highest level of design quality, while at the same time providing the flexibility necessary to encourage creativity on the part of the project designers.

All projects will be evaluated on adherence to the development standards and the degree to which substantial compliance with the intent of design guidelines is demonstrated, leading to a recommendation of project approval or denial.

1.3.3. Chapter Organization

This Specific Plan is organized into two books: Book 1 - Downtown Specific Plan and Book 2 - Downtown Specific Plan Guidelines and Strategies. The first book contains the Introduction, Administration, and Land Use and Development Standards sections. This book also serves as the Huntington Beach Local Coastal Program. Book two includes the Design Guidelines, Circulation and Parking, Streetscape and Public Amenities, Infrastructure and Public Facilities, Implementation, and Appendix sections.

Book 1

Chapter 1. Introduction provides an introduction to the Specific Plan effort and contains a summary of existing conditions, community outreach, and a vision for the future.

Chapter 2. Administration gives detailed direction for the proper administration of the Specific Plan regulations and provides definitions for terms used within the Specific Plan.

Chapter 3. Land Uses and Development Standards sets forth general provisions for development within the Specific Plan Area and details the permitted land uses and development standards for each district within the Specific Plan Area.

Book 2

Chapter 4. Design Guidelines gives design guidelines for development within the Specific Plan on topics such as site planning and design, landscaping, building design, utilities, signs, and special design considerations.

Chapter 5. Circulation and Parking details current circulation and parking conditions within the downtown. Enhancements for all modes of transportation, including vehicles, transit, bicycles, and pedestrians, are addressed. Parking strategies for improved parking opportunities are presented.

Chapter 6. Streetscape and Public Amenities discusses streetscape improvements for all portions of the Specific Plan Area. Street and sidewalk design, paving patterns, streetscape furnishings, and landscaping materials are detailed.

Chapter 7. Infrastructure and Public Facilities addresses essential infrastructure requirements for future development within the Specific Plan Area.

Chapter 8. Implementation provides implementation strategies and direction for achieving the goals set forth within this Specific Plan.

Appendix. Contains supplemental documentation and technical studies.

1.4. Planning Process

At the onset of the Specific Plan process, the City of Huntington Beach City Council developed a set of goals and objectives to provide direction for the development of the Huntington Beach Downtown Specific Plan No. 5. An initial part of the Specific Plan process was to develop an understanding of the **existing conditions** of the Specific Plan Area, which includes understanding the setting and history of the downtown, as well as the existing regulations for the area. Conducting **community outreach** efforts also helped to gather information about the existing conditions and to gain insight about the local community's concerns and desires for the area. The information gathered helped to establish a set of **existing issues** on which the Specific Plan should focus. The next step was to develop a **vision** for the ideal future conditions in the downtown.

From all of these elements, this Specific Plan was created to mold Downtown Huntington Beach into an economically vibrant, pedestrian-oriented area that is attractive to both tourists and local residents.

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1.4.1. Existing Conditions

1.4.1.1. Setting

The City of Huntington Beach is located along the Pacific Ocean in northwest Orange County. The City has an area of 28.5 square miles, including 8.5 miles of coastline, and is home to almost 200,000 residents.

Huntington Beach has a variety of residential, commercial, and recreational uses surrounding an older downtown core with the Municipal Pier as

a focal point. Over the past 10 to 15 years, new development has occurred in the downtown, but potential remains for a variety of sites and enhanced development in the downtown. This Specific Plan update will consider the newest conditions and will continue to help guide the development of the downtown.

The City recognizes that market demand will exert pressure for future development in the downtown. The City must respond to these demands in a manner that will achieve the optimum potential while at the same time protecting the existing character of the downtown core and surrounding neighborhoods. In addition, the City wishes to seize the opportunity to make downtown a vibrant, pedestrian-friendly urban village.

The California Coastal Act adds still another set of considerations to the planning process by requiring that certain regional and statewide coastal concerns be included in any plans for the area.



The City desires to seize the opportunity to make downtown a healthy, pedestrian-friendly urban village

1.4.1.2. Existing General Plan Designations

Land uses designations for the Specific Plan area were established by the City's Coastal Land Use Plan, which was adopted as part of the City's Coastal Element and became part of the City's General Plan. The Coastal Element used many of the same designations established for other parts of the City; in addition, new designations that more specifically reflect the intent of the State Coastal Legislation were also adopted. The following General Plan land use categories are found within the Specific Plan Area and are illustrated on Figure 1-2.

- Mixed Use
- Mixed-Use Horizontal
- Mixed-Use Vertical
- Commercial Visitor
- Residential High Density
- Open Space
- Public

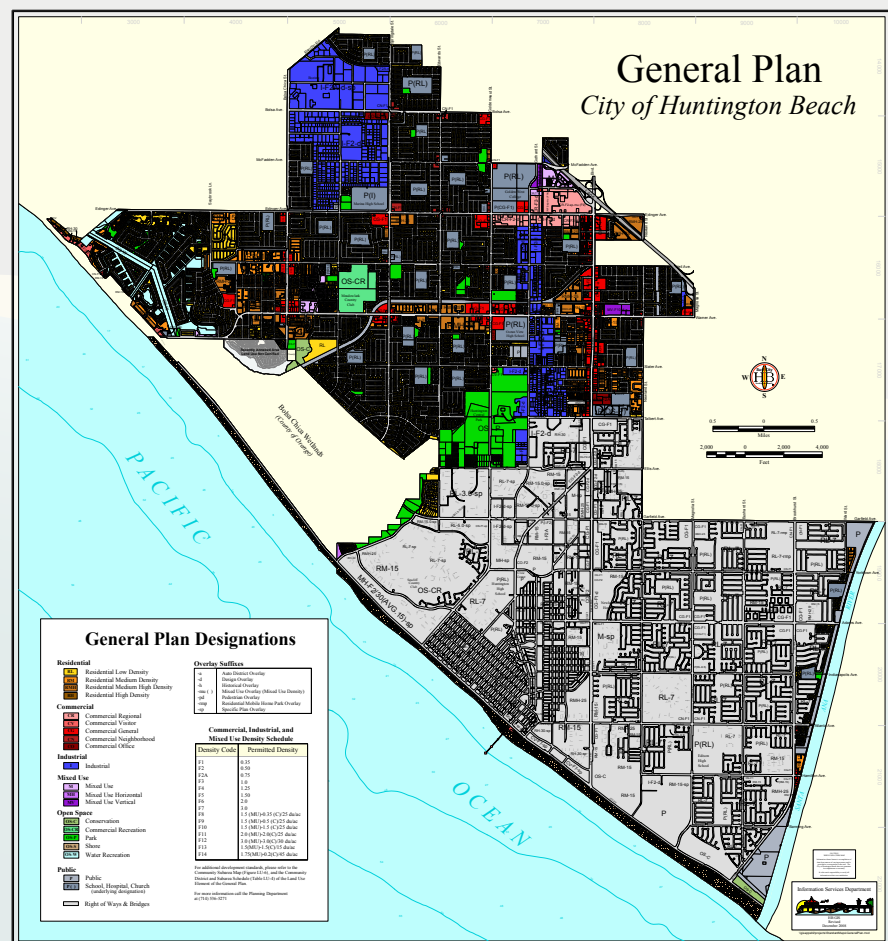


Figure 1-2 General Plan Designations

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1.4.1.3. Existing Zoning Designations

The existing zoning for the Specific Plan Area is Specific Plan 5 – Downtown Specific Plan. Within that 1983 Specific Plan, there were 11 separate zoning districts, which are listed below and illustrated on Figure 1-3:

- District 1 – Visitor-serving Commercial
- District 2 – Residential
- District 3 – Visitor-serving Commercial
- District 4 – Mixed-Use; Office Residential
- District 5 – Mixed-Use; Commercial/Office/Residential
- District 6 – Mixed-Use; Commercial/Office/Residential
- District 7 – Visitor-serving Commercial
- District 8 – High Density Residential
- District 9 – Commercial/Recreation
- District 10 – Pier-related Commercial
- District 11 – Beach Open Space

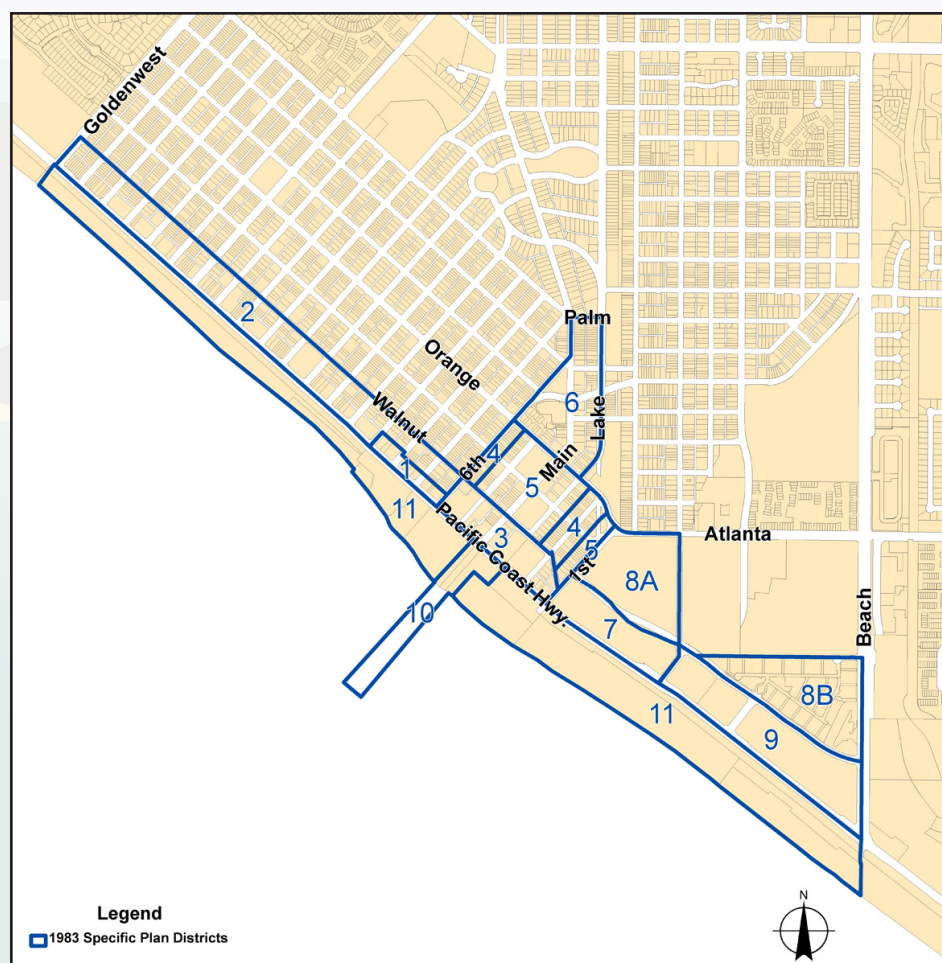


Figure 1-3 1983 Specific Plan Districts

The Downtown Specific Plan has been amended several times over the past 25 years; these resolutions and ordinances are listed in Appendix B.

1.4.2. Community Outreach

Ongoing public outreach and participation was a specific concern of the City Council and is an important component for developing this Specific Plan. Outreach efforts focused on issues and opportunities existing in the downtown and recommended goals, policies, and implementation strategies for meeting the vision for the downtown. Outreach through key stakeholder interviews and public workshops is detailed in Appendix C. Additional outreach was conducted through the methods listed below and the input gathered was incorporated into this Specific Plan.

- Focus Groups
- City Website
- Local News Articles
- Coastal Commission Coordination
- Technical Studies:
 - Parking
 - Traffic
 - Economics and Marketing
 - Infrastructure
 - CEQA
- Event Marketing Study

1.4.3. Existing Issues

Through the existing conditions analysis and community outreach efforts, several existing issues were identified. It is the intent of this Specific Plan to address these topics. Parking, the mix of land uses downtown, the lack of pedestrian orientation of some locations, and the desire to expand development past the first three blocks of Main Street are all salient concerns.

1.4.3.1. Seasonality

Downtown Huntington Beach experiences different issues depending on the time of year. Peak season for downtown is from Memorial Day weekend to Labor Day weekend, during which the city sees the highest volume of visitors, from both tourists and residents. While weekends during the non-peak season may also experience increased patronage, weekdays during the non-peak season show only moderate visitor volumes. The City wishes to make the downtown a year-round destination for both residents and tourists. The Specific Plan establishes policies that will work to increase the attractiveness of downtown as a year-round destination.

1.4.3.2. Parking

Adequate parking is one of the most significant issues for downtown. While parking is usually available during the weekdays in the non-peak season, parking at other times of the year can be difficult to find. This Specific Plan explores a variety of strategies to resolve the parking issue, including new parking structures, a revision of the current parking standards, and information to direct visitors to parking locations. Refer to Chapter 5. Circulation and Parking for a more detailed discussion.



Adequate parking within the downtown is a significant issue

1.4.3.3. Development Standards

There is a desire to create opportunities for additional development downtown. This Specific Plan provides revised standards to encourage the development and redevelopment of these currently under utilized parcels. New development standards encourage a wider mix of uses and provide revised parking requirements.



Due to a variety of factors, some parcels within the downtown, such as this vacant lot, have failed to develop to full potential

1.4.3.4. Mixed-Use

Incorporating more mixed-use development within the Specific Plan Area will provide a broader base of residents to mix with the tourists to patronize the downtown retail and restaurant environment year-round and to utilize local office space. Mixed-use development allows all users to accomplish several goals with one trip and decreases the necessity of making multiple transportation trips to multiple destinations.

1.4.3.5. Design Character

Existing design regulations encourage adherence to a Mediterranean style of architecture. A desire exists to provide opportunities for a broader interpretation of the Mediterranean architectural style. The revised design guidelines found in this Specific Plan encourage this architectural variation in downtown.

1.4.3.6. Pedestrian Environment

In addition to issues with parking, development standards, and design guidelines, a focus of concern in the downtown is the pedestrian nature of the area. It is crucial that the downtown be a pedestrian-oriented environment. There is also a desire to minimize the areas of pedestrian and vehicle conflict to direct pedestrian traffic flows away from vehicle traffic flows, as well as a desire to accommodate bicycle interplay. Clear pedestrian and ADA path of travel links from parking areas to core retail areas are important, in the form of enhanced paseos. These links will reduce the number of pedestrians crossing vehicle traffic. ADA compliant sidewalk improvements through enhanced paving materials and street furnishings are also significant portions of this Specific Plan.

1.4.3.7. Main Street Treatment

Main Street will be developed with the atmosphere of an urban plaza, while still remaining open to vehicle traffic. The plaza design elements will create an intimate pedestrian environment that will function whether the street is open to traffic as in normal conditions or whether the street is closed for special events.



A desire exists to provide opportunities for a broader interpretation of the prescribed Mediterranean architectural style

1.5. Specific Plan Intent

To begin the Specific Plan process, the City Council and City Staff developed a set of goals and objectives for the process to accomplish. Two main goals were developed, one for Vision and Land Use and one for Tourism. From these two goals, three objectives were drawn. Each objective is supported by a collection of policies. The goals, objectives, and supporting policies form the basis for this plan. The vision and supporting guidelines and standards included in the Specific Plan were constructed to build upon the intent of the following.

1.5.1. Goals

1.5.1.1. Vision and Land Use

Establish the vision and create a land use plan for reuse of critical parcels so that the next phase of the community investment and improvement can begin.

1.5.1.2. Tourism

Create an environment that promotes tourism to maximize public access and recreation, increase revenues to support community services, and transform the City's economy.

1.5.2. Objectives and Policies

1.5.2.1. Objective 1

Create a healthy mix of land uses that are geared toward creating an urban village that serves as a destination to both residents and visitors.

1.5.2.2. Objective 1 Policies

- 1) Establish a well-balanced mix of land uses that includes retail, restaurant, and office uses while limiting alcohol-related uses.
- 2) Correct prior land use assumptions that were never realized and modify to reflect current market trends.
- 3) Revise the land use plan to identify locations where public parking should be provided above and beyond code-required parking.
- 4) Work closely with the Coastal Commission staff and all stakeholders early and throughout the process.
- 5) Land use regulations shall account for two development scenarios - as a Main Street Promenade or as currently exists.

1.5.2.3. Objective 2

Implement development standards and design guidelines that encourage development of underused parcels with a mix of uses and unique architecture.

1.5.2.4. Objective 2 Policies

- 1) Implement development standards that encourage mixed-use development.
- 2) Establish standards and design guidelines that encourage upgrading and/or redevelopment of existing properties.
- 3) Revise current design guidelines to allow market forces to dictate architecture and form with no specified architectural style.
- 4) Include “quality standards” that will exchange increased development potential for quality architecture, including green design methods.
- 5) Create public directional signs to new downtown projects.
- 6) Development standards and guidelines shall account for the “promenade” scenario.

1.5.2.5. Objective 3

Ensure that adequate parking is available with existing and new development and is integrated into the framework of pedestrian pathways within the downtown, taking into account Pacific City and the Strand.

1.5.2.6. Objective 3 Policies

- 1) Create clear pedestrian linkages from parking areas to core retail areas.
- 2) Develop a plan to provide a pedestrian link between Pacific City, the Strand, and existing downtown sites.
- 3) Existing parking regulations may be revisited to encourage consolidation and development of underutilized parcels, while assuring that public access and recreation are maximized.
- 4) Consider all available options for additional parking within the downtown core.
- 5) Provide directional signs to inform motorists of available public parking locations.
- 6) Simplify parking regulations so that they are easily understood by decision-makers, the public, and the development community.
- 7) Develop a tracking mechanism that can be modified to track shifts in land use that affect the parking model.
- 8) Develop tracking mechanism to monitor the number and use of available parking spaces.
- 9) Encourage projects that promote and enhance the availability of public coastal access and recreation. Developments that have the potential to adversely impact public parking available for coastal access shall be discouraged.

1.5.3. Vision

Following the existing conditions analysis and initial community outreach efforts, the consultant team developed a vision for the downtown that further defines the intent of the Specific Plan. The vision for the downtown emphasizes the link to the ocean, ocean activities, and the ability of visitors and local residents to coexist and interact with the ocean experience. The special events held on the beach are a special attraction for tourists to Huntington Beach that also draw local residents to the downtown. Creating a link between the downtown and the ocean is a key component of this Specific Plan.



The vision for the Downtown Specific Plan evolves from the ocean as the source and center of the City's vitality

The relationship to the ocean establishes a theme to serve as a guideline for new private and public investment in the downtown core. The vision concentrates on the Municipal Pier and the natural extension of the pier down Main Street. An important emphasis of the vision is to extend Main Street inland from the ocean and encourage pedestrian movement from the beach areas along the downtown streets. A major goal of the Specific Plan is to extend the activity from the Pier Plaza area north along Main Street, to draw pedestrian traffic further into the heart of the downtown.

By expanding the activity from the pier, the commercial core can become a lively shopping district oriented to pedestrians and offering opportunities to shop, dine, or browse in an ocean-related atmosphere. These improvements will also benefit the local residents of Huntington Beach as the strong pedestrian-orientation makes downtown a destination for locals as well as visitors. Encouraging local residents to partake in downtown activities will also greatly benefit the local businesses in the off-season while intensities in the downtown core area will be buffered with transitional measures as the downtown core merges with the adjacent residential areas.

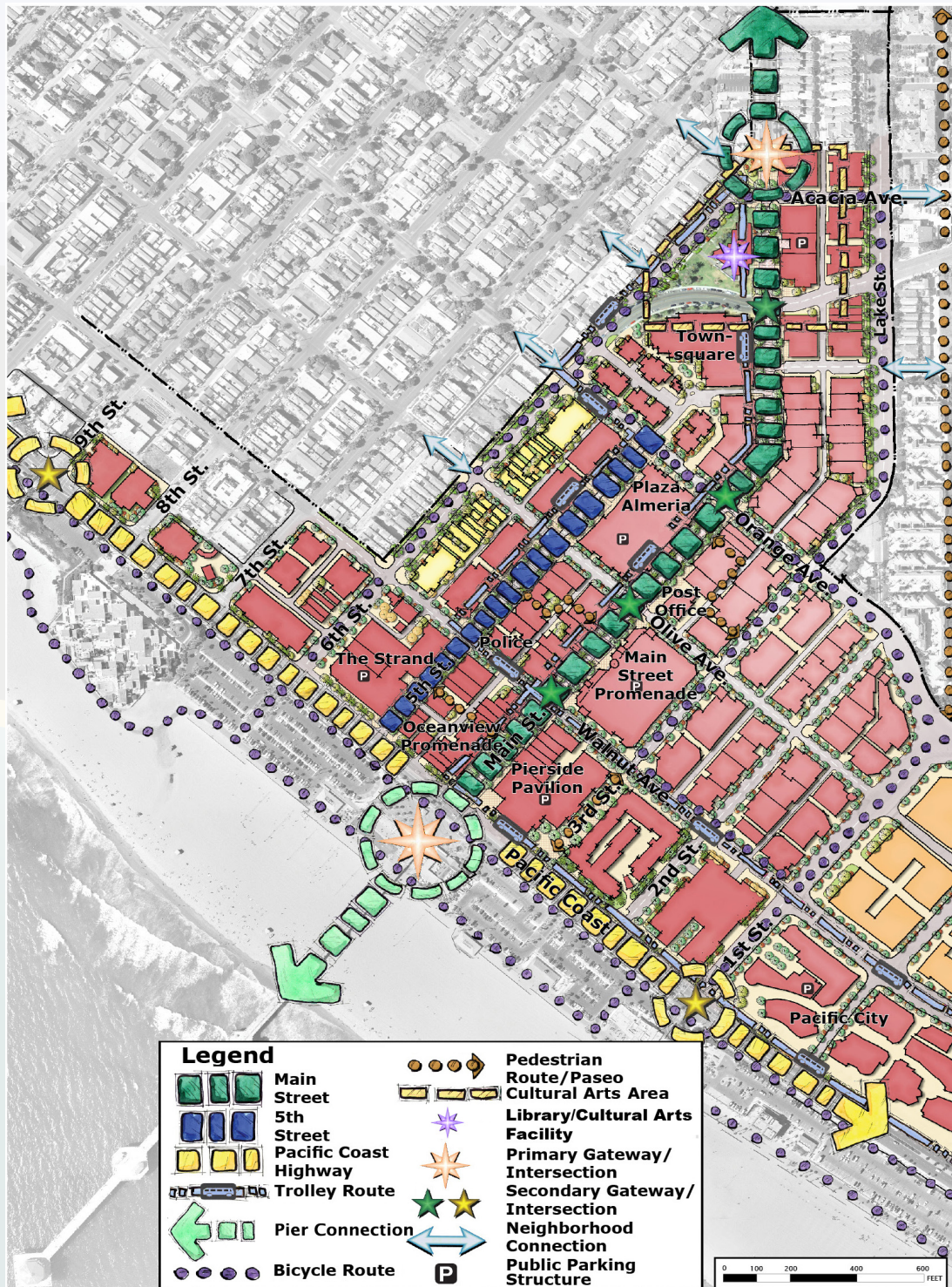


Figure 1-4 This diagram illustrates the major corridors and activity centers envisioned for Downtown Huntington Beach

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As the downtown core expands outward from Main Street, enhancements to 5th Street as a secondary focal street become an important part of the vision. A strong visual connection between the pier and the cultural arts district will be established through a vibrant streetscape design. The proposed downtown streetscapes are inspired by the ocean with new furnishings that mimic a sunset over the ocean and unique wave pattern paving that flows along the sidewalks of Main Street. Improving Main and 5th Street with wider sidewalks, streetscape enhancements, improved ADA accessibility, revised development and parking standards, and more opportunities for outdoor dining will create a pleasing & inviting downtown environment for visitors and residents alike. Pedestrian connections within the expanded downtown area will also become significant with the opening of the new Strand and Pacific City developments. The Specific Plan employs design features that will attract pedestrian activity between these two activity centers and the remainder of the downtown. A trolley system is also proposed to reduce individual automobile uses and connect the major activity centers of the beach, the Hilton and Hyatt hotels, Pacific City, the Strand, and the proposed activity center at the north end of Main Street.



Improvements to 5th and Main Streets will include wider sidewalks, streetscape enhancements, and more opportunities for outdoor dining.

As activity in the downtown extends further up Main Street past Orange Avenue, an opportunity is created for the north end of Main Street to create a community-oriented cultural activity area, which builds on the preservation and enhancement of the Main Street Branch of the Huntington Beach Public Library and the Huntington Beach Art Center. A cultural arts plaza will incorporate: open green space for pedestrian use and public events; decorative paving along pathways; shade and accent trees, as well as turf areas; street furnishings such as benches and trash receptacles; bicycle parking; and public art.

All of these proposed features work together within the Specific Plan to establish a mixed-use urban village with an identity that builds off of the ocean as the downtown's major asset. The following elements are central to the vision for downtown:

- Creating a successful mixed-use environment that incorporates visitor-serving retail, restaurants, offices and residential development that thrive off of each other.
- Creating a link between focus points of the Municipal Pier and the cultural arts area at each end of Main Street within the Specific Plan Area.



The intent of the Specific Plan is to establish a mixed-use urban village with an identity built off of the ocean

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- Provide connections to and protect established residential neighborhoods and orienting intensive land uses away from these neighborhoods.
- Providing view, light, and air corridors to the ocean.
- Providing a strong link to the ocean for visitors to Huntington Beach.
- Providing a pedestrian link between the Pacific City and Strand developments.
- Designing building architecture that reinforces the ocean theme through a variety of Mediterranean styles.
- Incorporating brightly colored streetscape elements that relate to the ocean theme in form and shape.
- Providing bicycle and transit opportunities, including a potential trolley system, and establishing strong pedestrian connectivity.
- Integrating public open space areas into development proposals in key locations and in conjunction with new development.
- Providing locations for public parking.
- Incorporating public direction signs into the downtown streetscape.
- Establishing a framework of landscaping elements that provide interest and character to specific locations.
- Provide and maintain a safe environment for everyone.
- Working closely with the California Coastal Commission staff and stakeholders early and throughout the Specific Plan process.
- Incorporating environmentally sustainable development practices into new development proposals.



Creating walkable neighborhoods is encouraged in the Specific Plan Area

1.6. Downtown Design Concepts

Development of the Specific Plan's standards and guidelines were also based on sound planning theories about successful downtown design concepts, such as Smart Growth, New Urbanism, Sustainable Design, and Crime Prevention through Environmental Design.

This section lays the foundation for development within the Specific Plan Area by exploring these design concepts.



Promoting a mix of land uses is an important principle of Smart Growth

These concepts promote a mix of commercial uses and an appropriate density and diversity of housing types supported by recreational uses within close proximity to each other that induces pedestrian activity and ultimately establishes a sense of community. Over the past few years, sustainable planning and design practices have also become common in the building industry due to the sense of community ideals and quality neighborhoods in which the sustainable practices result.

The City of Huntington Beach promotes Smart Growth, New Urbanism, Sustainable Design and Crime Prevention through Environmental Design, design concepts through the development standards, and design guidelines within this document.

1.6.1. Smart Growth

Smart Growth is a concept that describes the efforts of planners, designers, and communities to manage and direct growth in a pattern that reduces environmental degradation and builds livable neighborhoods. Smart Growth advocates believe that compact mixed-use development is necessary to establish environmentally-friendly pedestrian-oriented neighborhoods. A variety of uses (essentially residential, commercial, open space, civic, and institutional) is a critical component of any vibrant community. Mixed-use development provides an opportunity to accommodate many household types and needs.

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The core principles of Smart Growth, as stated by the Smart Growth Network, include:

- Mix land uses.
- Take advantage of compact building design.
- Create a range of housing opportunities and choices.
- Create walkable neighborhoods.
- Foster distinctive, attractive communities with a strong sense of place.
- Preserve open space, farmland, natural beauty, and critical environment areas.
- Strengthen and direct development towards existing communities.
- Provide a variety of transportation choices.
- Make development predictable, fair, and cost effective.
- Encourage community and stakeholder collaboration in development decisions.

Ultimately, Smart Growth encourages patterns of development that promotes a balanced mix of land uses and a transportation system that accommodates pedestrians, bicycles, transit, and automobiles.

1.6.2. New Urbanism

New Urbanism is an urban design movement that was established in the 1980s as a basis to promote compact neighborhood designs that reduce automobile dependence and enhance the sense of community. New Urbanism is also referred to as traditional neighborhood design, neotraditional design, and transit-oriented development. New Urbanism is based on traditional urban design principles that stress the



Smart Growth advocates compact mixed-use development to establish environmentally-friendly pedestrian-oriented neighborhoods



Placing buildings in the neighborhood center close to the street is an element of New Urbanism

importance of establishing a diversified neighborhood core with a mix of land uses that are well connected and allow for a variety of travel options. New Urbanism promotes streetscapes with grid-like street patterns to relieve congestion, narrow streets to reduce the dominance of the automobile, and buildings with a pedestrian scale.

Similar to Smart Growth objectives, New Urbanism principles include designing streets that are pedestrian-oriented. By providing wide sidewalks with landscaped buffers, street trees, and on-street parking a separation is established between the pedestrian and the street traffic, thus making walking safer and more appealing.

In addition, the pedestrian experience can be enhanced if site furniture such as benches, bollards, waste receptacles, and other similar elements are well placed. The built environment defines public spaces such as squares, plazas, small parks, and civic institutions that are dispersed in prominent locations throughout the neighborhood.

New Urbanism goals include:

- Identifying a discernible center.
- Placing most dwellings within a five-minute walk of the center.
- Providing a variety of dwelling types.



New Urbanism is based on traditional urban design principles that stress the importance of establishing a diversified neighborhood core with a mix of land uses that are well connected

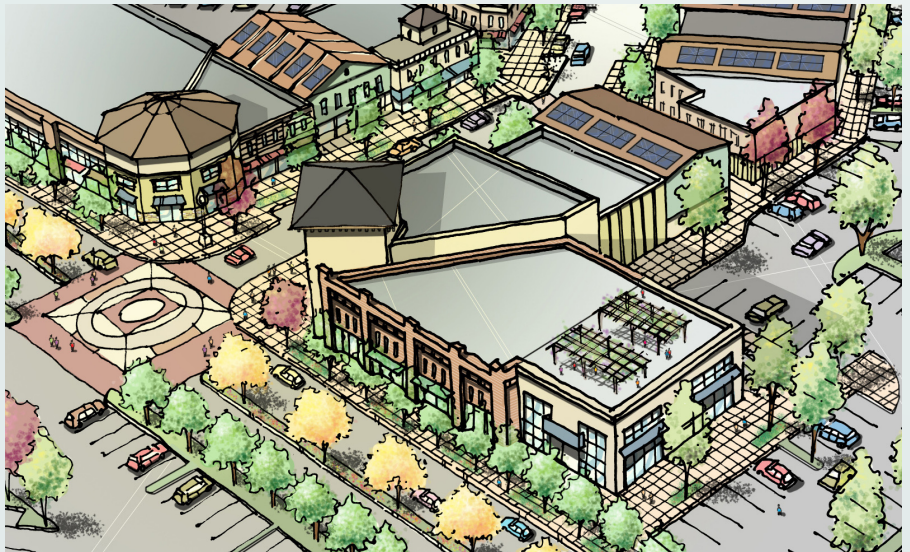
- Providing a mix of commercial uses that can meet the weekly needs of a household.
- Placing civic uses and schools within walking distance of most homes.
- Locating parks and playgrounds near every dwelling.
- Creating a well connected network of streets and paths that disperse traffic by providing a variety of pedestrian and vehicular routes to any destination.
- Designing relatively narrow streets shaded by rows of trees.
- Placing buildings in the neighborhood center close to the street.
- Locating parking lots and garage doors away from the street.

1.6.3. Sustainable Design

Sustainable design refers to design and construction practices that significantly reduce or eliminate the negative impacts of development on the environment and its inhabitants. A sustainable design approach can be defined by a variety of green building practices and the availability of pedestrian-oriented amenities.

The essential components that create successful sustainable developments have been identified by the US Green Building Council (USGBC) through their Leadership in Energy and Environmental Design (LEED) programs. The USGBC works to advance structures that are environmentally responsible, profitable, and healthy places to live and work.

The LEED programs provide universally accepted tools and performance criteria for creating sustainable development in the United States. LEED addresses several areas of development, such as New Development (ND), New Construction (NC), Existing Buildings (EB), Core and Shell (CS), Commercial Interiors (CI), and Homes.



A sustainable design approach can exhibit a variety of green building practices and the availability of pedestrian-oriented amenities

While all types of LEED construction are encouraged within the Specific Plan Area, the LEED-ND program is particularly relevant to development of this Specific Plan.

LEED-ND was developed as a tool to gauge the effectiveness of neighborhood design principles similar to those promoted through Smart Growth and New Urbanism. The program recognizes that the layout and design of the built environment influences the way residents and visitors experience a neighborhood and that these features can impact the quality of life and sense of community.

According to the USGBC, the benefits of developing a community with the LEED-ND principles include:

- Reducing urban sprawl.
- Encouraging healthy living.
- Protecting threatened species.
- Increasing transportation choices and decreasing automobile dependence.

Following are selected sustainable design criteria developed for the LEED-ND process that are supported by this Specific Plan.

- Encourage development within and near existing neighborhoods or public transportation infrastructure to reduce vehicle trips and induce pedestrian activity.
- Encourage new development within and near existing communities in order to reduce multiple environmental impacts caused by sprawl. Conserve natural and financial resources required for construction and maintenance of infrastructure.

Promote neighborhoods that are physically connected to each other to foster community and connectedness beyond one individual project.

- Preserve community livability, transportation efficiency, and walkability.
- Design parking to increase the pedestrian orientation of projects and minimize the adverse environmental effects of parking lots by locating parking lots at the side or rear of buildings and leaving building frontages and streetscapes free of parking lots.
- Provide appealing and comfortable pedestrian street environments in order to promote pedestrian activity.
- Promote bicycling and transportation efficiency.

1 - INTRODUCTION

- Encourage the design of projects that incorporate high levels of internal connectivity and the location of projects in existing communities in order to conserve land, promote multi-modal transportation and promote public health through increased physical activity.



Using pervious pavers in parking areas is one element of sustainable design

- Provide direct and safe connections, for pedestrians and bicyclists as well as drivers, to local destinations and neighborhood centers. Promote public health by facilitating walking and bicycling.
- Encourage community participation in the project design and planning and involve the people who live in a community in deciding how it should be improved or how it should change over time.
- Encourage the design and construction of buildings to utilize green building practices.
- Encourage the design and construction of energy efficient buildings to reduce air, water, and land pollution and environmental impacts from energy production and consumption.
- Minimize water use in buildings and for landscape irrigation to reduce the impact to natural water resources and reduce the burden on municipal water supply and wastewater systems.
- Achieve enhanced energy efficiency by creating the optimum conditions for the use of passive and active solar strategies.



Utilizing green building practices, such as this green roof, is encouraged in the Specific Plan Area

- Preserve existing tree canopy, native vegetation and pervious surfaces while encouraging high density, smart growth communities.
- Use recycled materials to reduce the environmental impact of extraction and processing of virgin materials.
- Minimize light trespass from site, reduce sky-glow to increase night sky access, improve nighttime visibility through glare reduction, and reduce development impact on nocturnal environments.

1.6.4. Crime Prevention Through Environmental Design

Crime Prevention Through Environmental Design, or CPTED, is a concept that encourages the creation of a defensive environment by addressing both physical and psychological aspects of crime by designing a physical environment that positively affects human behavior.

The goal of CPTED is to reduce opportunities for crime by utilizing physical design features that discourage crime while encouraging the legitimate use of the environment. CPTED strategies are guidelines anyone, including property owners, developers, and planners, can apply to reduce the opportunity for crime and improve quality of life. CPTED principles can be applied relatively easily and inexpensively to structures and property and are encouraged within the Specific Plan Area.

The five overlapping CPTED strategies: Natural Surveillance, Territorial Reinforcement, Natural Access Control, Target Hardening, and Maintenance.

1.6.4.1. Natural Surveillance

Natural surveillance is a design concept that ensures potential intruders are easily observable by other individuals in the area. This concept is promoted by features that maximize the visibility of people, parking areas, and building entrances. Examples include featuring doors and windows with views onto streets and parking areas, pedestrian-friendly sidewalks and streets, front porches, and adequate nighttime lighting.

1.6.4.2. Territorial Reinforcement

In this concept, physical design features create a sphere of influence over an area and induce a sense of territorial control in the users of the area. That control is perceived by and discourages potential offenders. Territorial reinforcement is promoted by features that define property lines and distinguish private spaces from public spaces by utilizing landscape plantings, pavement designs, gateway treatments, and specially designed fences.

1.6.4.3. Natural Access Control

Natural Access control features decrease the opportunity for crime by denying access to crime targets and creating a perception of risk in potential offenders. Natural access control is gained by designing streets, sidewalks, building entrances, and neighborhood gateways to clearly indicate public routes and to discourage access to private areas through structural elements.

1.6.4.4. Target Hardening

This concept includes introducing features that prohibit entry or access. Examples are elements such as window locks, dead bolts, and interior door hinges.

1.6.4.5. Maintenance

The maintenance concept is built off of the “Broken Window” theory, which holds that one broken window, or other nuisance, in a neighborhood indicates a lack of concern by the community and will ultimately lead to a proliferation of broken windows, or other nuisances, in the neighborhood. Neglected and poorly maintained properties indicate less concern and control by the owners and intended users of a property and often feature high crime activity. Care and maintenance of a property allows for the continued use of the space for its intended purpose.

Chapter 2

ADMINISTRATION

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Chapter 2 - Administration

2.1. Introduction

This chapter describes the authority of a Specific Plan and the administrative procedures required for amendments and/or modifications to the Specific Plan.

A Specific Plan is a regulatory tool that local governments use to implement their General Plan and to guide development in a localized area. While a General Plan is the primary guide for growth and development in a community, a Specific Plan is able to focus on the unique characteristics of a specialized area by customizing the vision, land uses, and development standards for that area. The Specific Plan has been prepared pursuant to Section 65450 et seq of the California Government Code.

2.2. Adoption and Authority

This Specific Plan was adopted by City Council Resolution No. 2009-61. Adoption of this Specific Plan involved City Council approval of General Plan and Local Coastal Plan amendments. Upon adoption, the Specific Plan and Environmental Impact Report established the land use and supplemental development standards for the Specific Plan Area.

2.3. Severability

If any section, subsection, sentence, clause, phrase, or portion of this title, or any future amendments or additions hereto, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this title, or any future amendments or additions hereto. The Council hereby declares that it would have adopted these titles and each sentence, subsection, sentence, clause, phrase, or portion or any future amendments or additions thereto, irrespective of the fact that any one or more sections, subsections, clauses, phrases, portions or any future amendments or additions thereto may be declared invalid or unconstitutional.

2.4. Relationship to Existing Planning Documents

2.4.1. City of Huntington Beach General Plan

The Specific Plan is consistent with and furthers the objectives of the City of Huntington Beach General Plan by providing detailed criteria for the development of specific sites and public improvements. The Specific Plan's vision, goals, and implementation measures are based on direction given in the General Plan. The Specific Plan provides for more precise implementation of the General Plan's goals, objectives, and policies. The Specific Plan has been prepared to reinforce all elements of the General Plan.

2.4.2. City of Huntington Beach Local Coastal Program

A Local Coastal Program consists of two parts:

- 1) A coastal element including policies and a land use plan, and
- 2) An implementation program with zoning ordinances, zoning district maps, and other implementing actions.

The Coastal Element of the Huntington Beach General Plan constitutes Part 1 of the Huntington Beach Local Coastal Program. For the Specific Plan Area, this Specific Plan constitutes Part 2 of the Huntington Beach Local Coastal Program. The Specific Plan has been prepared to reinforce the Coastal Element of the General Plan and provides appropriate implementation actions and zoning standards to regulate the Specific Plan Area.

2.4.3. City of Huntington Beach Zoning and Subdivision Ordinance

The City of Huntington Beach Zoning and Subdivision Ordinance (HBZSO) consists of land use controls, development standards, and administrative provisions that allow for development in the City. This Specific Plan document is an update to the existing Downtown Specific Plan that customizes the standards and regulations found in the HBZSO to help achieve the vision for the downtown. The Specific Plan provisions shall take precedence over the requirements of the HBZSO. If not specifically addressed in this Specific Plan, the applicable provisions of the HBZSO and Huntington Beach Municipal Code shall apply.

2.5. Procedures Established

This chapter establishes procedures for approval, conditional approval, or denial of applications for coastal development permits, administrative permits, conditional use permits, special permits, variances, temporary use permits, and design review.

2.5.1. Coastal Development Permit

Developments within the Specific Plan Area will be subject to the requirements pertaining to Coastal Development Permits (CDP) in the Local Coastal Program Implementing Ordinances, in addition to the other provisions of Chapter 245 of the HBZSO.

2.5.2. Permitted Uses

Permitted uses shall be established in each District and shall be required to meet all applicable provisions of this Specific Plan.

2.5.3. Administrative Permit

Uses requiring Administrative Permits shall be established in each District and shall be required to meet all applicable provisions of Chapter 241 of the HBZSO. In addition, administrative permits shall be required for a Waiver of Development Standards pursuant to Section 241.22 of the HBZSO, Accessory Dwelling Units pursuant to Section 230.10 of the HBZSO and additions (<10%) to Nonconforming Structures/Uses pursuant to Section 2.5.11 of this Specific Plan.

2.5.4. Conditional Use Permit to the Zoning Administrator

Uses requiring Conditional Use Permits from the Zoning Administrator shall be established in each District and shall be required to meet all applicable provisions of Chapter 241 of the HBZSO.

2.5.5. Conditional Use Permit to the Planning Commission

Uses requiring Conditional Use Permits from the Planning Commission shall be established in each District and shall be required to meet all applicable provisions of Chapter 241 of the HBZSO.

2.5.6. Special Permit

The Specific Plan development standards are designed to encourage developments that create an aesthetically pleasing appearance, enhance the living environment, and facilitate innovative architectural design and adaptation of the development to the unique surrounding environment.

Special Permits allow for minor deviations from the development regulations of this Specific Plan. Special Permits may be granted at the time of project approval for unique architectural siting or features, including but not limited to site coverage, setbacks, open space and landscaping.

Special Permits shall only be allowed when, in the opinion of the approval authority, significantly greater benefits from the project can be provided than would occur if all the minimum requirements were met. Some additional benefits that may make a project eligible for approval of Special Permits include: greater open space, greater setbacks, unique or innovative designs, public parking, public open space, and the use of energy conservation or solar technology.

The developer shall request a Special Permit at the same time as the filing of any required project applications and both requests shall be heard concurrently. The Planning Commission and Zoning Administrator may approve the Special Permit in whole or in part only upon the finding that the proposed development, in addition to providing greater benefits as required above, will also:

- Promote better living environments; and
- Provide better land planning techniques with maximum use of aesthetically pleasing types of architecture, landscaping, site layout and design; and
- Not be detrimental to the general health, welfare, safety and convenience of the neighborhood or City in general, nor detrimental or injurious to the value of property or improvements of the neighborhood or of the City in general; and
- Be consistent with objectives of the Downtown Specific Plan in achieving a development adapted to the terrain and compatible with the surrounding environment; and
- Be consistent with the policies of the Coastal Element of the City's General Plan and the California Coastal Act; and
- Comply with State and Federal law.
- No adverse impacts to public access, public recreation, public views, and/or environmentally sensitive habitat areas will result.

A special permit may not be granted for deviations from maximum density or parking or from requirements of the Conservation Overlay in any district. Nor shall any special permits be granted for deviations from maximum building height in District 1, 2, 4, 6, or 7.

2.5.7. Variances

Variances may be granted to resolve practical difficulties or unnecessary physical hardships that may result from the size, shape, or dimensions of a site or the location of existing structures thereon; from geographic, topographic, or other physical conditions on the site or in the immediate vicinity; or from street locations or traffic conditions in the immediate vicinity of the site.

Variance procedures shall be conducted pursuant to Chapter 241 of the HBZSO.

2.5.8. Temporary Use Permit

Uses requiring Temporary Use Permits shall be established in each District and shall be required to meet all applicable provisions of Chapter 241 of the HBZSO.

2.5.9. Design Review

Design review is required for all new construction, additions equal to or greater than 50 percent of the existing floor area, facade improvements/remodels, and new signs not already covered by a sign program. Signs that are not subject to requirements for a planned sign program as specified in Section 3.2.21 that comply with the design guidelines shall not require design review. Single-family residential uses shall not require design review. The Director may refer any project to the Design Review Board.

2.5.10. Minor Amendments

The Director of Planning may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information, or other relevant factors. The Director shall review the proposed changes for conformance with the intent of the approval authority's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement may be required pursuant to HBZSO Sections 241.18 and 245.38. Amendments made by the Director of Planning may be appealed by the Planning Commission pursuant to HBZSO Section 248.28. In addition, if a proposed change/amendment to approved plans and/or conditions affects an approved coastal development permit, a new

coastal development permit or an amendment to the existing coastal development permit may be required. If the development is appealable to the Coastal Commission, the requirements of Chapter 245 shall apply.

2.5.11. Nonconforming Uses

All nonconforming uses or structures, or uses which have been abandoned for more than six months, shall be required to meet all applicable provisions of this Specific Plan for each of the following scenarios:

- 1) For rehabilitation with less than 10 percent expansion and less than 50 percent demolished/reconstructed, the following applies:
 - An Administrative Permit is required.
 - Setbacks are required.
 - The amount of existing parking shall be maintained and shall be evaluated for adequacy. Additional parking and/or means of serving the development with alternative methods of transportation may be required.
 - Economic Development review is required.
 - Design Review Board review is required pursuant to Section 2.5.9 *Design Review*.
 - If less than 1/3 of the value of the building, no dedications or off-site improvements in the public right-of-way are required.
 - If greater than 1/3 of the value of the building, dedications and off-site improvements in the public right-of-way are required.
 - Public Works Department review is required for water meter upgrade and backflow protection device requirements.
 - A coastal development permit may be required in accordance with Chapter 245 of the HBZSO.
- 2) For a seismic retrofit or tenant improvement with the same use and no increase in height or density, the following applies in addition to the above requirements:
 - No CUP is required.
 - No setbacks are required.
 - If exterior improvements, Design Review Board review is required.
- 3) For rehabilitation with less than 10 percent expansion and more than 50 percent demolished/reconstructed, AND/OR for any expansion of floor area of more than 10 percent, the following applies:
 - A CUP from the Zoning Administrator is required.
 - Setbacks are required.

- Parking shall meet the requirements of this Specific Plan.
- Economic Development review is required.
- Design Review Board review is required pursuant to 2.5.9.
- Dedications and off-site improvements in the public right-of-way are required.
- Public Works Department review is required for water meter upgrade and backflow protection device requirements.
- A coastal development permit may be required in accordance with Chapter 245 of the HBZSO.

Note: The value of valuation of the building shall be as defined in the building code as adopted by reference by the City of Huntington Beach. Valuation shall be the cumulative valuation of building improvements. Determination of conceptual development scenarios may be modified pending staff review of architectural/structural drawings of the proposed development.

2.5.12. Appeals

Appeals shall be made pursuant to Chapters 245 and 248 of the HBZSO.

2.5.13. Other Review Procedures

The City shall be responsible for assessing the effectiveness of the parking requirements contained within Section 3.2.26 of this Specific Plan to ensure that an adequate amount of parking is provided to serve the anticipated development while maintaining access to the beach and other visitor amenities. Upon completion of construction of up to a maximum of 150,000 square feet of net new commercial (retail, restaurant, office) development in District 1, the City shall conduct a cumulative parking analysis for all development in District 1 that shall, at a minimum, provide the following details:

- 1) A project-level account of the amount, type, and location detailing all of the following:
 - New (non-hotel) commercial development square footage constructed within District 1 totalling approximately 150,000 square feet;
 - Residential units and hotel rooms constructed within District 1 since the effective date of the Downtown Specific Plan Update LCPA 1-10;
 - Number of parking spaces required and provided per use for the 150,000 square-feet of new (non-hotel) commercial development as well as any other parking programs implemented for each project;
 - Number of parking spaces required and provided with each residential and hotel development;

- 2) A parking utilization study and an assessment of parking demand compared to parking supply for the new development (150,000 square feet of net new (non-hotel) commercial development) within the District 1 area;
- 3) A determination of whether adequate parking is available to serve development in District 1; and
- 4) If parking is determined to be inadequate to serve the existing and additional new development in District 1, the parking analysis shall include recommendations for implementation of additional measures, programs, or other changes to the Downtown Specific Plan to ensure that an adequate supply of parking will be available to accommodate the identified deficiency and any future development beyond 150,000 square feet. Such measures may include means of providing additional parking, means of providing alternate forms of transportation, and/or reductions in allowable future development within the Downtown Specific Plan District 1.
- 5) The recommendations of the parking analysis shall be implemented through a Local Coastal Program amendment (LCPA) processed in conjunction with an amendment to the Downtown Specific Plan. Future development shall not proceed pursuant to the parking requirements contained in this Specific Plan until resolution of the measures contained in the LCPA is final. Any further development proposed prior to completion of the Downtown Specific Plan and LCP amendments would require parking consistent with parking ratios specified in Chapter 231 of the HBZSO and shall accommodate 100% of the required parking on-site.

The parking analysis shall be completed and a copy forwarded to the Planning Commission, City Council and the Executive Director of the California Coastal Commission prior to the approval of any project proposing new development that would exceed the 150,000 square-foot new non-hotel, commercial development threshold for District 1.

2.6. Amendments

Amendments to the Specific Plan may be pursuant to Chapter 247 of the HBZSO.

2.7. Definitions

The following definitions shall apply to the Downtown Specific Plan. Terms not described herein shall be subject to the definitions contained in the HBZSO.

Alley

A public or private way permanently reserved primarily for vehicular service access to the rear or side of properties otherwise abutting a street.

Amendment

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

Americans with Disabilities Act (ADA)

The Americans with Disabilities Act gives civil rights protections to individuals with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, State and local government services, and telecommunications.

Architectural projections or appurtenances

Features on a building that provide visual variation and/or relief but do not serve as interior or exterior living or working space.

Artists' studios

Work space for artists and artisans, including individuals practicing one of the fine arts or skilled in an applied art or craft.

Banks and financial institutions

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.

Beach area

The ocean side of Pacific Coast Highway including the Bluff Top Park area and the Pier.

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.

Bluff top park area

That area of improved beach access bounded on the south by 9th Street continuing north to the dividing line of Bolsa Chica State Beach.

Bolsa Chica State Beach

The area seaward of Pacific Coast Highway extending from Seapoint Street northwest to Warner Avenue. The portion of this beach from the pier to Goldenwest Street is within the boundary of the Huntington Beach Downtown Specific Plan.

Bulkhead

The portion of the building between the bottom of the storefront window and the adjacent outdoor ground level.

Cart/Kiosk

Any portable, non-motorized unit used by a vendor as described in Section 230.94 of the HBZSO.

Catering services

Preparation and delivery of food and beverages for of-site consumption without provision for on-site pickup or consumption.

Coastal zone

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

Commercial parking facility

Lots or structures offering short-term or long-term parking to the public for a fee.

Common open space

A usable open space within a residential development reserved for the exclusive use of residents of the development and their guests.

Condominium-hotel

Facility providing overnight visitor accommodations where ownership of at least some of the individual guest rooms (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.

Conversion

A change in the original use of land or building/structure.

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.

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.

Development

On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of the use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

Demolition

The deliberate removal or destruction of the frame or foundation of any portion of a building or structure.

Director

The Director of the Department of Planning or his or her designee, unless otherwise specified.

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 document. Attached single family dwellings shall be considered as multi-family.

Eating and drinking establishments

Businesses serving prepared food or beverages for consumption on or off the premises. This use classification shall prohibit the sale of alcohol for off-site consumption.

Entertainment

A single event, a series of events, or an ongoing activity or business, occurring alone or as part of another business, to which the public is invited to watch, listen, or participate, or is conducted for the purposes of holding the attention of, gaining the attention of, or diverting or amusing guests or patrons, including, but not limited to:

- a. Any amusement or event such as live music or other performance which is knowingly permitted by any establishment subject to this chapter, including presentations by single or multiple performers, such as hypnotists, pantomimes, comedians, song or dance acts, plays, concerts, any type of contest; sporting events, exhibitions, carnival or circus acts, demonstrations of talent or items for gift or sale; shows, reviews, and any other such activity which may be attended by members of the public.
- b. Live or recorded music where public dancing is permitted.
- c. Any event controlled, conducted, sponsored, encouraged, or knowingly permitted, by an establishment subject to this chapter, which involves any of the activities described in the foregoing paragraphs which is presented by members of the public, whether or not the participants in said activities are compensated by the establishment.

- d. Establishments which provide jukeboxes, televisions, video games, video programs, or recorded music and no other entertainment, as herein defined, are not required to comply with the provisions of this chapter, unless the recorded music is played on equipment which is operated by an agent or contractor of the establishment for a period exceeding ten minutes per hour.

The intent of this section is to require an Entertainment Permit of establishments which provide that which is commonly known as a “DJ” and to exempt establishments which provide incidental or ambient music.

Facade

The main face or front of a building.

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 Ratio (FAR)

A number which indicates how many square feet of structure can be built on a site. FAR is determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

Fly tower

The structure and rigging behind and above the stage in a performing arts theater. The purpose of a fly tower is a system to move set pieces, lights, microphones and other equipment on or off stage and to lift or “fly” the scenery above the stage.

Food and beverage sales

Retail sales of food and beverages for off-site preparation and consumption. Typical uses include groceries or delicatessens. Establishments at which 20 percent 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. Food and beverage sales with alcoholic beverage sales shall mean establishments where more than ten percent of the floor area is devoted to sales, display and storage of alcoholic beverages (except in District 1 where the sale of alcohol for off-site consumption is prohibited).

Fractional ownership hotel

Facility providing overnight visitor accommodations where at least some of the guest rooms (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.

Frontage

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

Fronting

Any lot or portion of a lot which abuts an arterial shall be considered to front on that arterial and shall comply with the required front yard setbacks, whether or not the development on that lot actually takes access from the arterial.

Gross floor area

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, elevators shafts at each floor level, service and mechanical equipment rooms, and habitable basement or attic areas, but excluding area for vehicle parking and loading.

Gross site area

The area within the lot lines of a parcel of land before public streets, alleys, easements or other areas to be dedicated or reserved for public use have been deducted.

Height of building

The vertical distance above the highest adjacent street level measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or the average height of the highest gable of a pitched or hipped roof.

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 per the requirements of Section 230.12 of the HBZSO.

Hotels

Establishments offering lodging on a weekly or less than weekly basis. "Suite" hotels may have kitchens in all units. This classification includes eating, drinking, and banquet service associated with the facility.

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 Local Coastal Program and/or recorded against the property, as well as jointly and severally liable for violations of said requirements and restrictions.

Infill lot development

A lot contiguous to one or more developed parcels, excluding parcels separated by streets, a vacant parcel, or a parcel with an existing residential structure, which will have 50 percent or more square footage of habitable areas removed in order to remodel or construct a detached single-family unit.

Landscaping

An area devoted to or developed and maintained with native or exotic plantings, lawn, ground cover, gardens, trees, shrubs, other plant materials. Plants on rooftops, porches, or in boxes attached to buildings are not considered landscaping.

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 be 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.

Live/Work

A live/work unit is a dwelling unit or sleeping unit in which a significant portion of the space includes a non-residential use that is operated by the tenant. Dwelling units that include an office that is less than ten percent of the area of the dwelling unit shall not be classified as a live/work unit. If the unit does not comply with the following, it is not considered a live/work unit:

- a. The live/work unit is permitted to be a maximum of 3,000 square feet.
- b. The non-residential area is permitted to be a maximum 50 percent of the area of each live/work unit.
- c. The non-residential area function shall be limited to the first or main floor only of the live-work unit.
- d. A maximum of five non-residential workers or employees are allowed to occupy the non-residential area at any one time.

Mezzanine

An intermediate floor within a room containing not more than 33 percent of the floor area of the room. A mezzanine should not be counted as a story for residential projects if the mezzanine complies with the following:

- a. The mezzanine does not exceed 33 percent of the floor area of the room in which the mezzanine is located and does not exceed 400 square feet in size.
- b. The mezzanine complies with the California Building Code.

Mini-parks

Areas under City ownership used for the purpose of open space, plazas, landscape buffers or public gathering.

Motels

Establishments offering lodging on a weekly or less than weekly basis. Motels may have kitchens in no more than 25 percent of guest units. This classification includes eating, drinking, and banquet service associated with the facility.

Net site or lot area

The total horizontal area within the property lines of a parcel of land. 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 are excluded.

Neighborhood notification

Notification process pursuant to Chapter 241 of the HBZSO when no entitlements are required and the use of requires such notification as stated in the HBZSO.

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

Outdoor dining

An area where a cafe/restaurant provides food service on either public right-of-way, city owned open space, or privately owned open space.

Patron(s)

A member or members of the public who enter any establishment, except as hereinafter provided. “Patron(s)” do not include:

- a. Any agent, owner, employee or contractor of an establishment subject to this chapter. Any person who indirectly or directly receives anything of value in exchange for his or her services rendered on behalf of such establishment shall be considered an “employee” hereunder.
- b. Any agent or representative of any governmental entity of any description whatsoever, including ad hoc boards, task forces, and commissions, provided that such agent or representative enters an establishment, acting in his or her official capacity on behalf of said governmental entity.
- c. Persons who conduct entertainment at the subject establishment.

Performing arts theater

The use of a site for presentation of plays, motion pictures, or other dramatic performances within a building.

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, yoga or martial arts studios, and massage in conjunction with Personal Services businesses.

Personal services

Provision of recurrently needed services of a personal nature. This classification includes barber and beauty shops, seamstresses, tailors, shoe repair shops, dry-cleaning businesses (excluding large-scale bulk cleaning plants), photo-copying, and self-service laundries.

Pier

The structure owned by the City that extends from the termination of Main Street at Pacific Coast Highway into the Pacific Ocean 1,966 feet.

Pier plaza

The area adjacent and contiguous to the pier.

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 that serves to unify or organize development.

Private access ways

Streets and alleys not owned or maintained by the City of Huntington Beach.

Private open space

A usable open space adjoining and directly accessible to a dwelling unit, usually in the form of a patio or balcony, and reserved for the exclusive use of residents of the dwelling unit and their guests.

Public open space

Outdoor or unenclosed area on the ground floor or above floor levels designed and accessible for use by the general public. Public open space may include one of the following: patios; plazas; balconies; gardens or view areas accessible to the general public; and open air commercial space, open to the street on the first floor, or on at least one side above the first floor, or open to the sky.

Public right-of-way

That property dedicated through acquisition or easement for the public right-of-way or utility purposes which includes the area spanning from the property line on one side of a street, alley, or utility corridor to the property line on the other side of the same street, alley, or utility corridor.

Rakers

One or more timbers sloping between the face of the structure to be supported and the ground.

Recreational vehicle

A travel trailer, pick-up camper or motorized home with or without a mode of power and designed for temporary human habitation for travel or recreational purposes.

Redevelopment project area

Redevelopment project areas shall be as defined by the Huntington Beach Redevelopment Agency.

Rehabilitation

The physical repair, preservation, or improvement of a building or structure. Does not include an expansion of existing floor area greater than ten percent; does not increase the building height; does not result in an increase in permitted density.

Religious assembly

Facilities for religious worship and incidental religious education, but not including private schools as defined in the HBZSO.

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).

Right-of-way (ROW)

That portion of property that is dedicated or over which an easement is granted for public streets, utilities, pedestrian access, or alleys.

Roof scuppers

Roof scuppers are a device placed in an opening in the wall or parapet that allows water to drain from a roof.

Semi-subterranean parking

Parking structure that is partially recessed into the development site, and which may or may not support additional structures above (e.g. dwelling units or parking structures).

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.

Setback

A line across the front, side, or rear of any private or public property that 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.

Shoring

The process of supporting a structure or excavation in order to prevent collapse.

Site coverage

Any part of the site covered by a roof, including covered walkways, patios and carports, shall be included in site coverage.

Special sub-surface construction

Refers to the products, procedures and results required to provide an adequate tree rooting space that will allow larger trees to be grown in normal tree planting areas and allow the roots from those trees to grow in such a manner that they will not impact the street or infrastructure negatively for an extended period of time.

Storm water Best Management Practices (BMPs)

Methods minimizing the effect of urbanization on site hydrology, urban runoff flow rates or velocities, and pollutant loads.

Storm water management

Storm water management is the practice of “controlling” runoff generated from a storm event to reduce flood potential and other potential negative implications. Types of “control” measures may include underground storm drain systems of pipes, retention basins, infiltration BMPs, pump stations and channels.

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. A rooftop deck with walls less than or equal to 42 inches in height and covered access thereto shall not be counted as a story.

Suite hotel

A building designed for or occupied as a temporary lodging place which contains guest rooms and may contain kitchenettes and a separate living room for each unit.

Tieback

Horizontal wire or rod used to reinforce retaining walls for temporary or permanent shoring. With one end of the tieback secured to the wall, the other end is anchored to a stable structure, such as a concrete deadman which has been driven into the ground. The tieback-deadman structure resists forces that would otherwise cause the wall or structure to lean.

Travel services

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

Ultimate right-of-way

The most lateral edge of the area dedicated for street, utilities or alley purposes.

Usable open space

Outdoor or unenclosed areas on the ground or on a balcony, deck, porch, or terrace that is 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 6 feet in any direction or an area of less than 60 square feet.

Visitor-serving facilities

Public and private developments that provide accommodations, food, and services, including hotels, motels, timeshares, campgrounds, restaurants, retail sales, cultural uses, and amusement areas for tourists.

Wetland

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

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Chapter 3

LAND USES & DEVELOPMENT STANDARDS

HUNTINGTON BEACH DOWNTOWN SPECIFIC PLAN NO. 5
DOWNTOWN SPECIFIC PLAN

October 6, 2011

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Chapter 3 - Land Uses & Development Standards

3.1. Introduction

This chapter provides direction for private property within the Specific Plan Area through regulatory tools and guidelines established to shape development. These tools will help achieve the overall Downtown Huntington Beach vision, and more specifically, will provide refined direction for the types of uses that should occur and how these uses will be allowed to develop in each area of the downtown.

The development standards will guide new development as well as the re-use of existing buildings. The provisions of this chapter apply to any addition, exterior remodel, relocation, or new construction requiring a building permit within the City.

The 1983 Downtown Specific Plan divided the Specific Plan Area into 11 districts, each with its own set of regulations and standards. Due to development within the Specific Plan Area over the last 25 years, and due to the nature of expected future development, this 2009 Specific Plan has revised the individual district boundaries and updated the development standards.

This Specific Plan Area is divided into seven districts based on the characteristics of existing and expected future development. The seven districts are listed below and illustrated in Figure 3-1 on the following page.

- District 1 - Downtown Core Mixed-Use
- District 2 - Visitor-Serving Mixed-Use
- District 3 - Visitor-Serving Recreation
- District 4 - Established Residential
- District 5 - Multi-family Residential
- District 6 - Pier
- District 7 - Beach

Some of the development standards apply across all parts of the Specific Plan Area, while other regulations are more specific to a particular district. This chapter first presents standards that are applicable across districts within the Specific Plan Area under Section 3.2. General Provisions. Section 3.3. District-Specific Provisions provides specific requirements for each district. To use this chapter, one should utilize both the general provisions to determine which standards are

3 - LAND USES & DEVELOPMENT STANDARDS

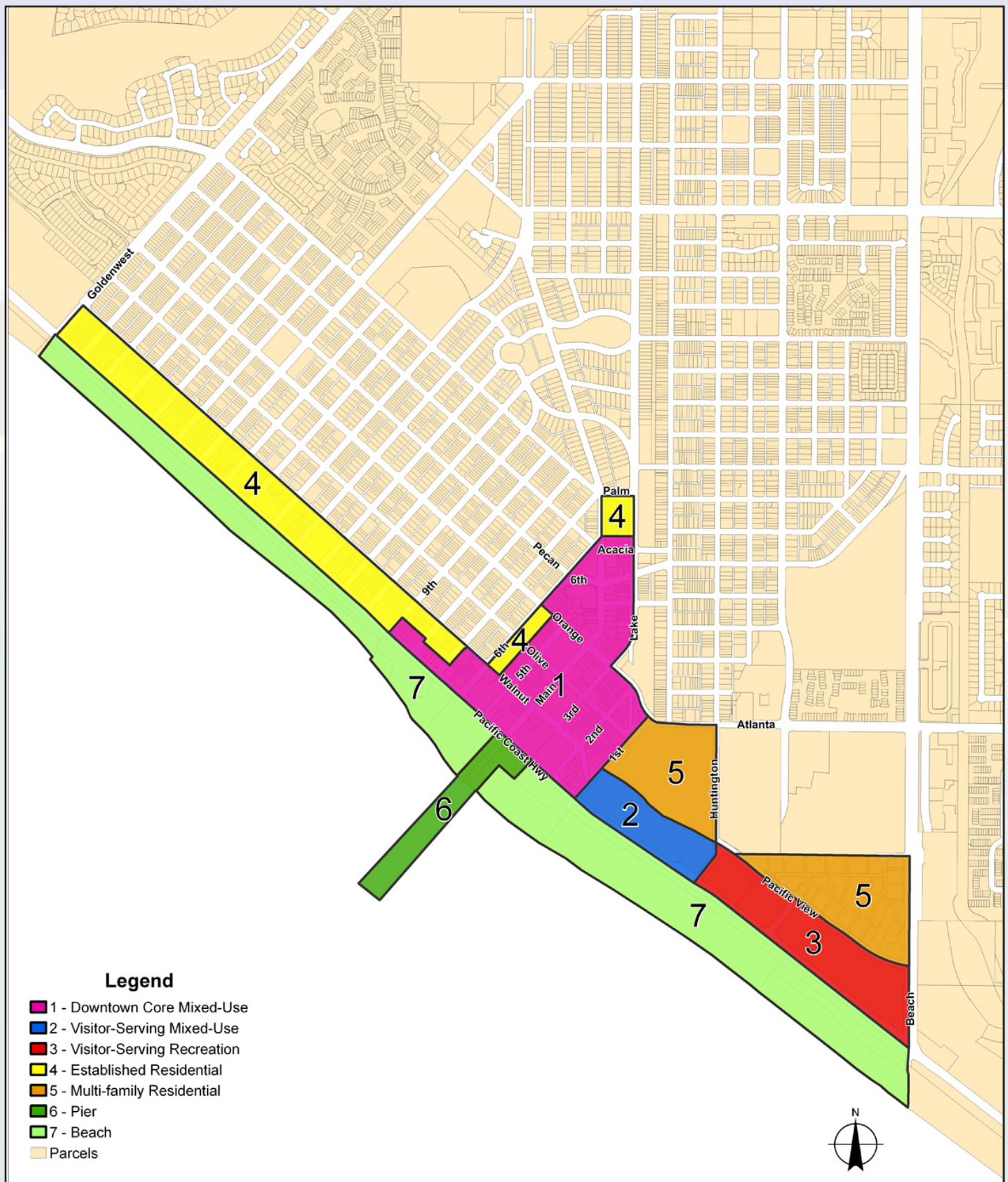


Figure 3-1 Specific Plan Districts Map

applicable to the proposed development, as well as the individual district section in which the proposed development lies.

Where the Specific Plan is silent, the provisions of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) and the Huntington Beach Municipal Code shall apply. If there is a conflict between this Specific Plan and the HBZSO or the Huntington Beach Municipal Code, this Specific Plan shall take precedence.

3.2. General Provisions

The following general provisions shall apply to all new development within the entire Specific Plan Area.

3.2.1. Design Guidelines

All development shall comply with the spirit and intent of the design guidelines presented in Book 2: Downtown Specific Plan Guidelines and Strategies, Chapter 4, Design Guidelines.

3.2.2. Sustainable Development

Sustainable or “green” building practices shall be incorporated into all projects proposing new structures and/or site improvements. Sustainable building practices shall include (but are not limited to) those recommended by the U.S. Green Building Council’s Leadership in Energy and Environmental Design (LEED) Program certification or Build It Green’s Green Building Guidelines and Rating Systems.

3.2.3. Multi-Property Consolidations

Where property consolidations span more than one district, the requirements of each district shall apply to the portion of the development lying within that district as seen in Figure 3-2.

Divisions between districts shall be the center line of the existing or vacated street, alley, or access way.

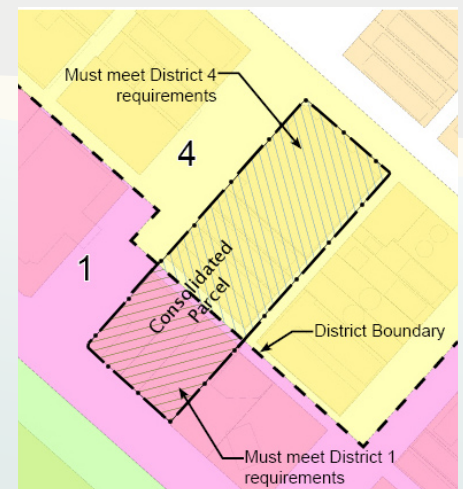


Figure 3-2 Where property consolidations span more than one district, the requirements of each district shall apply to the portion of the development lying within that district

3.2.4. Encroachments

No permanent private encroachment shall occur in the public right-of-way (ROW) or onto public property unless otherwise approved by the Director of Public Works and the Director of Planning and Building. Any such encroachment shall be subject to coastal development permit requirements in accordance with Chapter 245 of the HBZSO.

3.2.5. Street Vacations

The following conditions will apply to City vacation of streets and alleys due to lot consolidation.

1. The City shall review analysis of the impacts on circulation patterns and shall determine whether the vacation will be detrimental.
2. A General Plan conformance analysis shall be completed.
3. Vacations shall be subject to coastal development permit requirements in accordance with Chapter 245 of the HBZSO.
4. Vacations may only be approved when public access and public views are not significantly adversely impacted.
5. State and local code requirements for processing and notifications shall be met.
6. The cost of relocating all utilities and other public improvements shall be borne by the developer.
7. Any public parking removed must be replaced on a one-for-one basis on-site and/or off-site within walking distance of the existing site prior to removal of the existing parking spaces in accordance with the coastal zone replacement parking provisions of Section 231.28 of the HBZSO. Such replacement parking shall be available to the general public and is in addition to required parking for the proposed use. The public parking spaces shall be conspicuously posted.
8. Any development proposing the vacation of streets intersecting Pacific Coast Highway in District 1 shall provide a view corridor that meets the following criteria:
 - 1) Shall be located between Walnut Avenue and Pacific Coast Highway.
 - 2) Width shall be no less than the former right-of-way.
 - 3) No permanently installed solid structures greater than 42" in height shall be allowed within such view corridor.
 - 4) A minimum 10' wide public pedestrian easement shall be provided through the development generally parallel to the vacated street.

9. At the discretion of the City Council, all or portions of Main Street between Pacific Coast Highway and Orange Avenue may be used for a pedestrian mall, subject to a public hearing, in accordance with existing State law procedures and subject to coastal development permit requirements in accordance with Chapter 245 of the HBZSO. Prior to implementation, any on street parking lost shall be replaced as described in item 7 above.

3.2.6. Alleys and Vehicular Access Ways

The following standards shall apply to all vehicular access ways and alleys.

1. Access to development shall not be taken directly from Pacific Coast Highway, Main Street, or 5th Street; new driveway or alley curb cuts on these right-of-way are prohibited.
2. Vehicular access shall be limited to the alley where alleys are provided.
3. All alleys not highlighted on Figure 3-3 shall be a minimum of 20' wide and no more than 1/2 of the total alley dedication shall be from one side, as measured from the centerline of the public right-of-way.
4. Figure 3-3 designates the amount of dedication required from each side for alleys within or bordering District 1. All alleys shown on Figure 3-3 shall be 24' wide.
 - 1) For alleys with Even Dedications, no more than 1/2 of the total alley dedication shall be from one side, as measured from the centerline of the public right-of-way.

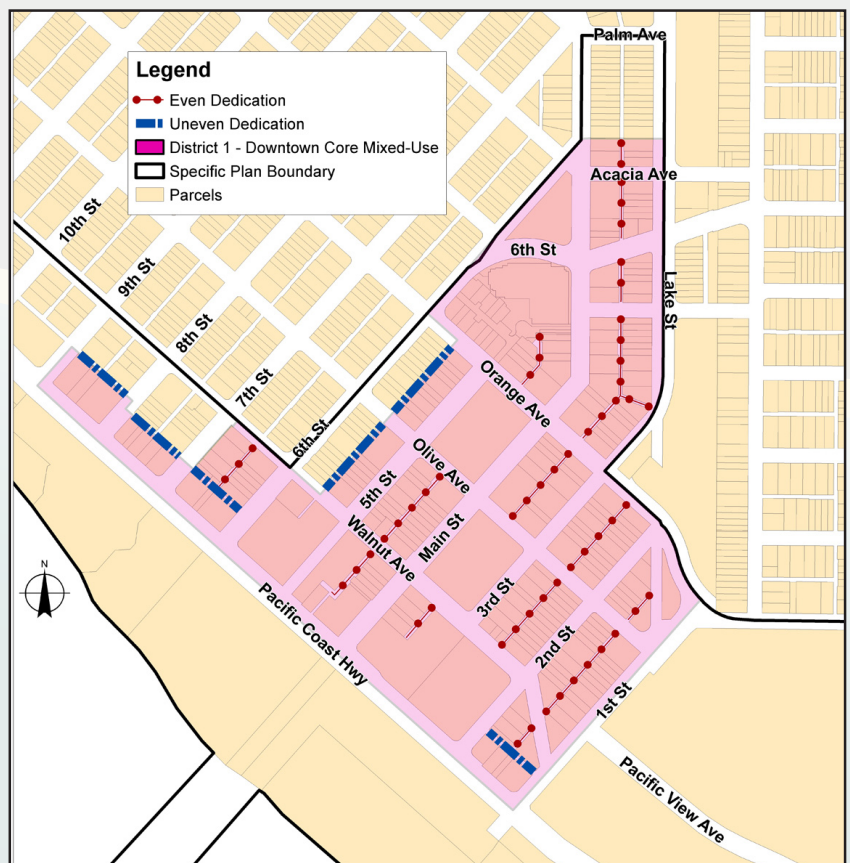


Figure 3-3 Alley Dedications Required

- 2) For alleys with Uneven Dedications, an ultimate right-of-way width of 14' shall be dedicated from the existing centerline to the commercial side of the alley and an ultimate right-of-way width of 10' shall be dedicated from the existing centerline to the residential side of the alley.
5. Service or loading areas shall not impede vehicular flow in alleys, and truck deliveries shall not interfere with parking or vehicular travel through alleys.
6. Paving in alleys shall be per Public Works standards. The driving area shall be capable of supporting a fire apparatus (72,000 pounds and 12,000 pound point load).
7. Alleys shall be well lit; landscaping shall remain low, and visibility within and around the alley shall remain open.

3.2.6.1. Alley Vacation/Relocation

Approval of alley vacations shall be subject to evaluation and consideration of the following and necessary infrastructure studies required by the City.

1. The City shall review analysis of the impacts on circulation patterns and shall determine whether or not the vacation will be detrimental.
2. A General Plan conformance analysis shall be completed.
3. Alley vacations are subject to coastal development permit requirements in accordance with Chapter 245 of the HBZSO.
4. Significant adverse impacts to public access are prohibited.
5. State and local code requirements for processing and notifications shall be met.
6. The cost of relocating all utilities and other public improvements shall be borne by the developer.
7. An alley may be shifted or relocated upon the condition that any items (e.g. parking, service/loading areas, utilities and infrastructure) located within the alley are relocated along with vacating and dedicating the new alley.

3.2.6.2. District 1 Alley Special Paving

At areas where alleys intersect with paseos or parking structure entrances and/or exits, as shown in Figure 3-4, the alley paving shall be printed with distinctive patterns reminiscent of the wave pattern incorporated into the downtown sign program, as shown in Figure 3-5, to identify pedestrian links, entrances, and exits along the alleyway. The distinctive paving pattern will indicate to motorists that this is an area where motorists may find pedestrian activity.

3.2.7. Private Access Ways

Private access ways shall be developed pursuant to Chapter 231 of the HBZSO.

3.2.8. Exceptions to Height Limits

Chimneys, vent pipes, cooling towers, flagpoles, towers, spires, domes, cupolas, parapet walls not more than 4' high, water tanks, fire towers, fly towers associated with performing arts theaters, transmission antennae (including wireless communication facilities), radio and television antennas (except satellite dish antennae), and similar structures and necessary mechanical appurtenances (except wind-driven generators) may exceed the maximum permitted height in the district in which the site is located by no more than 10'. Adverse impacts to public views shall be minimized.

3.2.9. Accessory Structures

All structures incidental and accessory to a permitted principal use or structure may be erected on any parcel containing a main building provided that such structures conform to the following:

1. Shall not exceed 15' in height.
2. Shall not be closer than 10' to any other structure on the same parcel.
3. Shall not encroach into utility or other recorded easements.
4. Shall conform to all setback requirements.
5. Parking structures are excluded from this provision but must meet the standards set forth in Section 3.2.26. Parking of this document.

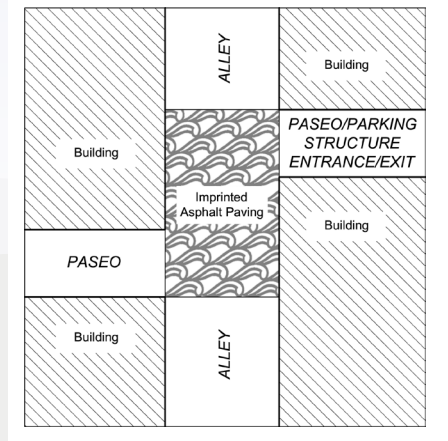


Figure 3-4 At areas where alleys intersect with paseos or parking structure entrances and/or exits, alley paving shall be printed with a distinctive wave pattern



Figure 3-5 The alley wave pattern mimics the pattern found in the downtown sign program

3.2.10. Building Separation

1. 10' minimum separation between buildings on the same site.
2. 6' minimum separation between a patio cover and another building on the same site.

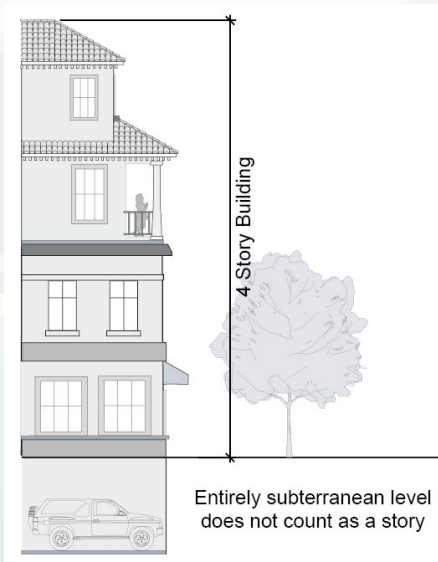


Figure 3-6 Any story or level of a structure that is located entirely below finish grade shall not be counted as a building story or level for determination of maximum height restrictions

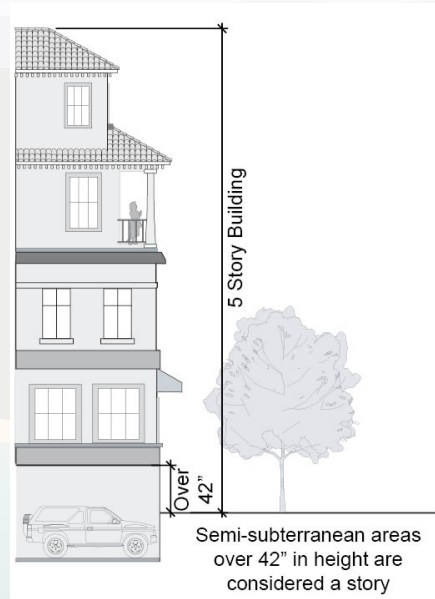


Figure 3-7 Semi-subterranean portions of a structure over 42" high shall be counted as a building story for determination of maximum height restrictions

3.2.11. Subterranean Development

1. Any story of a structure that is located entirely below finish grade (Figure 3-6) shall not be counted as a building story for determination of maximum height restrictions.
2. Semi-subterranean portions of a structure that are greater than 42" in height shall be counted as a story (Figure 3-7).
3. No minimum setback from a public right-of-way shall be required for subterranean and semi-subterranean development unless otherwise specified by the Building Code.
4. Shoring for underground parking structures shall be in compliance with Section 12.38 of the Huntington Beach Municipal Code.

5. Shoring methods for underground construction shall be reviewed and approved by the Department of Building and Safety. If there are any encroachments into the public right-of-way, the developer shall obtain approval from the Department of Public Works prior to submittal of shoring plans to the Department of Building and Safety for review and approval. Conditions for the use of tiebacks include:
 - 1) All proposed tiebacks shall be for temporary use only. No tiebacks for permanent structural support purposes will be allowed to remain under the public Right-of-way.
 - 2) The extent of all proposed tiebacks into the public right-of-way shall be clearly identified on the shoring plan.
 - 3) Upon termination of the temporary use of the subject tiebacks, all tieback portions less shallow than 5' below the existing or future deepest utility (in the public right-of-way) shall be removed from all public right-of-way. The lower portions of these tiebacks may remain under the public right-of-way but must be de-tensioned.
 - 4) A "For Reference Only" plan shall be included with the As-Built Precise Grading Plans to show tiebacks and/or concrete grout sections that will remain in place in the public City right-of-way under existing and newly constructed utilities after the shoring is removed.
 - 5) All existing utilities in the public right-of-way shall be clearly shown in shoring plans and profile views, along with the proposed tiebacks' relation to these utilities.
 - 6) The anticipated future vertical and horizontal alignment of utilities identified in any City master plan shall be shown for reference.
 - 7) The following notes shall be included in the shoring plan:
 - a) "Installation of the tiebacks for temporary shoring purposes requires a separate encroachment permit where they extend into the City's right-of-way."
 - b) "All tiebacks installed in the City's right-of-way for temporary shoring purposes that are placed over existing or newly constructed City utilities shall be removed after shoring is no longer needed (to allow for future access and public infrastructure maintenance)."

3.2.12. Landscaping

In addition to City standard landscape plans and specifications, as well as requirements found in Chapter 232 of the HBZSO, the following standards shall apply.

1. All setback areas fronting on or visible from an adjacent public street shall provide:
 - 1) 70% minimum landscaping material, including a combination of trees, shrubs, and groundcover.

- 2) 30% maximum of the setback area shall be covered in hardscape materials, which may include driveways, paths, or accent features.
- 3) Commercial and mixed-use development in District 1 and single-family residential development shall be exempt from this requirement for all setbacks.
2. The setback areas adjacent to parking lots shall include at least 300 square feet of landscaped area with trees planted no closer than 30' on center. Tree variations shall adhere to the City's approved tree species.
3. Landscaping located within the setback shall not be included when calculating the minimum landscaping required within the parking lot interior.
4. All landscaped areas shall be permanently maintained in an attractive manner.
5. Landscaping shall not interfere with visibility for crime prevention purposes.
6. Landscaping shall not impede or affect sight distance and visibility requirements of vehicular traffic.
7. Special sub-surface construction may be required by the City.
8. All landscaped areas shall comply with the City's Water Efficient Landscape Requirements of the Huntington Beach Municipal Code.

3.2.13. Fences and Walls

3.2.13.1. All Districts

1. 6' maximum height.
2. 42" maximum height within the front yard setback.
3. Sight distances shall be maintained per Section 230.88 of the HBZSO.
4. Both sides shall be articulated with materials and colors that are similar or complementary to the project buildings.
5. A pilaster, change in wall plane, or other design feature shall be provided a minimum of every 12' to avoid presenting a blank wall where visible from a public right-of-way.
6. Chain link fencing, barbed wire fencing, and smooth-face block walls are prohibited.

3.2.13.2. Additional Standards for Single-Family Residential Uses

1. A 3' landscaped setback from the front property line is required in front of a maximum 42" height wall within the front yard setback (Figure 3-8).
2. 18" maximum height of a retaining wall on the front property line, as measured from the top of the highest adjacent curb.
3. A second retaining wall up to 18" in height may be erected above the 18" high retaining wall with a minimum 3' front setback.
4. A wall or fence up to 42" in height may be erected on top of the retaining wall with the minimum 3' front setback.

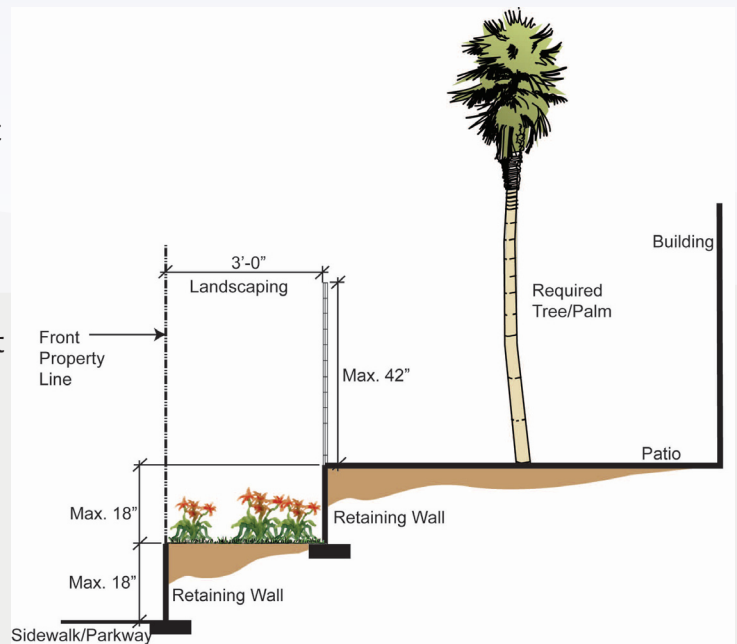


Figure 3-8 Single-Family Residential Standards

3.2.14. Mixed-Use Projects

Mixed-use projects combine commercial, office, and/or residential uses into one single development. The uses can be combined in multiple ways, such as each use located on a separate floor or wing of a building or each use in separate buildings on the site. Both types of mixed use development are encouraged.

Mixed-use projects can create unique design issues, such as the need to balance the requirements of residential uses with the needs of commercial uses. When designing mixed-use developments, it is important that commercial and office uses are sensitive to the residential uses of the project.

1. All commercial portions of a mixed-use project shall adhere to all standards pertaining to commercial uses within this Specific Plan.
2. All residential portions of a mixed-use project shall adhere to all standards pertaining to residential development within this Specific Plan.
3. Architectural style and use of quality materials shall be consistent throughout an entire mixed-use project; however, variations in materials and details may be used to differentiate between residential and non-residential portions of the project.

4. In areas where residential uses are not allowed on the ground floor, a central lobby may be located on the ground floor.
5. Dedicated parking spaces shall be provided for residents and shall be clearly distinguished from spaces provided for commercial and/or office uses. Residential guest parking and commercial and office parking may be shared. All residential parking must be provided on-site.
6. Mixed-uses, when located on the same site and in separate buildings, shall provide landscaped pedestrian walkways or multi-use paths to connect the mixed-uses, structures, and open spaces.
7. All buildings shall be sited to reduce odor, noise, light and glare, and visual and other conflicts between commercial and residential uses.
8. Lighting for the commercial uses shall be appropriately shielded so as not to spill over into the residential area or negatively impact the residential units.
9. Landscaping shall be used with other features to reduce potential visual, light, and glare conflicts.
10. Loading areas and trash and recycling enclosures for commercial uses shall be located away from residential units.
11. Loading and service areas for commercial uses shall not be located within residential parking areas and shall not block access ways for the residential areas.
12. Special consideration should be given to the location and screening of noise-generating equipment, such as refrigeration units and air conditioning and exhaust fans. Noise-reducing screens and insulation may be required if any equipment has the potential to create a negative impact on residential uses.
13. Commercial uses with residential units either above or attached shall provide ventilation systems to prevent odors from adversely affecting residential units.

3.2.15. Minimum Dwelling Unit Size

500 square feet minimum dwelling unit size shall apply to all residential dwelling units.

3.2.16. Open Space for Multi-family Residential Development

150 square feet minimum per residential unit shall be consolidated to provide open space area (private and common). For purposes of this section, open space shall mean an area that is designed and intended to be used for active and passive recreation. Parking areas, access aisles, and driveways shall not qualify as usable open space.

3.2.16.1. Private Open Space

- 1) 6' minimum width shall be provided in courts or balconies.
- 2) 60 square feet minimum of private open space shall be provided in a minimum of 75% of the dwelling units.
- 3) Shall be contiguous to the dwelling unit.
- 4) Shall not be accessible to any dwelling unit except the unit it serves.
- 5) 42" minimum height wall or hedge shall physically separate private open space from common areas
- 6) 60" minimum height wall, hedge, or planted vine fence shall provide a physical separation between individual private open spaces
- 7) Shall be open on at least one side but need not be open to the sky.

3.2.16.2. Common Open Space

- 1) 10' minimum width in any direction shall be provided for any interior side yard, patio, court, terrace, and/or rooftop deck counted toward common open space requirement.
- 2) Shall substantially be open to the sky.
- 3) Driveways or parking areas shall not be counted toward common open space requirement.
- 4) Projects with more than 20 units shall include at least one amenity, such as a clubhouse, a swimming pool, a tennis court, a volleyball court, an outdoor cooking facility, or other recreation facility. Such common amenity spaces shall count toward the common open space requirement.
- 5) In multiple unit developments, common areas shall be guaranteed by a restrictive covenant describing the common space and its maintenance and improvement, running with the land for the benefit of the residents. The developer shall file with the Department of Planning for recordation with the final subdivision map legal documents that will provide for restricting the use of common spaces for the designated purpose, as approved on the final development plan. All lands to be conveyed to the homeowner's association shall be subject to the right of the grantee or grantees to enforce maintenance and improvements of the common space.

3.2.17. Lighting for Multi-Family Residential Development

1. For developments of more than 2 units, the developer shall install an on-site lighting system on all vehicular access ways and along major walkways.
2. Lighting shall be directed onto driveways and walkways within the development and away from adjacent properties.

3. Lighting shall be installed within all covered and enclosed parking areas, and light control switches shall not be controlled by or accessible to residents.
4. Security lighting fixtures shall not project above the fascia or roof line of the building and shall be shielded.

3.2.18. Storage Space for Multi-Family Residential Development

1. 50 cubic feet minimum enclosed storage space located outside the unit for each dwelling unit where a proposed residential development does not include a separate attached garage.
2. All storage space shall be architecturally designed to complement the design of the dwelling units.
3. All access ways shall be free and clear of any and all structures including, but not limited to, storage areas.

3.2.19. Refuse and Recycling Collection Areas

In all developments, refuse and recycling collection areas shall comply with the following:

1. Shall be located within a single enclosure that is roofed with a solid, impervious material.
2. Shall be located within a building or screened on 3 sides by a 6' high wall that is clad or finished with materials utilized on the primary building surfaces and equipped with a gate.
3. Shall be situated in order to minimize noise and visual intrusion on adjacent property as well as to eliminate fire hazard to adjacent structures.
4. Shall not face a street or be located in a required setback.
5. Shall be provided prior to occupancy.
6. All access ways shall be free and clear of any and all structures including, but not limited to, refuse and recycling enclosures.
7. Specific location shall be depicted on the grading plan and shall be approved by the City.
8. The area shall be paved with an impervious surface, designed to not allow run-on from adjoining areas, designed to divert drainage from adjoining roofs and pavements diverted around the area, and screened or walled to prevent off-site transport of refuse.
9. The connection of refuse area drains into the storm drain system is prohibited; however, if feasible, the refuse enclosure shall be connected into the sanitary system.
10. Development shall adhere to Section 8.21 of the Huntington Beach Municipal Code.

3.2.20. Affordable Housing

1. All residential development must adhere to Section 230.26 of the HBZSO.
2. If the site is within the Redevelopment Project Area, at least 15% of all new residential units developed shall be provided at affordable housing cost to low and moderate income households.

3.2.21. Residential Buffers

These standards shall apply to the property line abutting the line depicted on Figure 3-10.

1. Minimum setbacks, as shown in Figure 3-9:
 - 1) 3' minimum side or rear setback.
 - 2) 25' maximum building height at the side or rear setback line.
 - 3) 45' maximum building height at 10' away from the side or rear property line.
2. The following activities associated with a commercial business are not permitted within 50' of the residential use:
 - Loading docks.
 - Service areas.
 - Noise- or odor-generating operations.

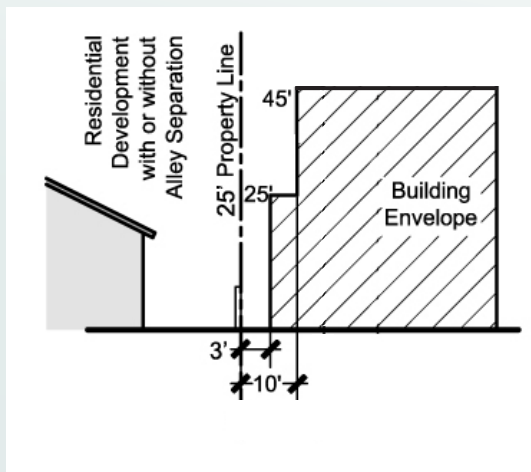


Figure 3-9 Graduated rear yard setbacks are required for parcels adjacent to single-family residential parcels or districts

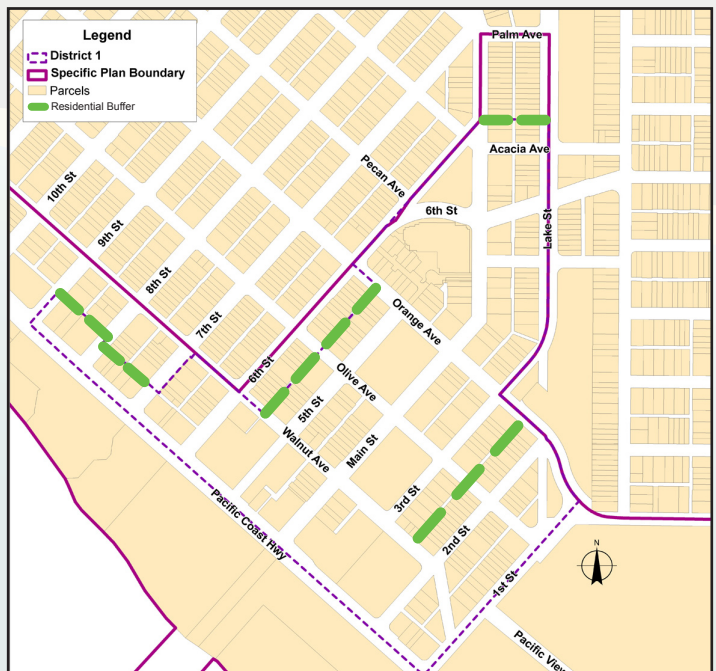


Figure 3-10 Locations in District 1 where residential buffers shall be applied

3. The following activities associated with a commercial business are not permitted within 20' of the residential use:
 - Trash and recycling enclosures.
 - Mechanical equipment.
4. Open space buffers incorporating landscaping shall be used to separate commercial and mixed uses from potentially incompatible uses. The width and treatment of the open space buffer will vary depending upon the types of potential land use conflicts to be resolved.
5. Landscaping shall be used along, or in conjunction with, other features to reduce potential visual, light, and glare conflicts.
6. Screening and/or buffers shall be required to obscure features such as trash and recycling enclosures, rear entrances, utility and maintenance structures, and loading facilities.
7. The odors released from any operation or activity shall not exceed detectable concentration beyond lot lines, measured at any location on the lot lines.
8. Commercial uses with residential uses either above or attached shall provide ventilation systems to prevent odors from adversely affecting residential units.
9. Special consideration shall be given to the location and screening of noise generating equipment, such as refrigeration units and air conditioning and exhaust fans. Noise reducing screens and insulation may be required if any equipment has the potential to create a negative impact on residential uses.
10. Construction and repair of items for sale or repair shall be located entirely within an enclosed structure.
11. Cutoff lighting fixtures shall be used and mounted parallel to the ground. The fixtures shall be located, aimed, and shielded to direct light only onto the building and walkways and not toward adjacent roofs or residences.

3.2.22. Signs

1. Commercial uses shall conform to sign standards summarized in Figure 3-11.
2. Residential uses shall conform to sign standards provided in Chapter 233 of the HBZSO.
3. Individual dwelling units shall be identified with numbers per City Specification #409 Street Naming and Address Assignment Process. The Planning Department shall review and make address assignments.

3.2.22.1. General Sign Standards

- 1) All public signs shall be approved through adoption of a downtown sign program and are subject to review and approval by the Design Review Board.
- 2) Pole signs, box cabinet signs, and signs that project above the edge of the roof line are not permitted.
- 3) Rectangular aluminum illuminated light box signs are not permitted.
- 4) Signs that rotate and flash are not permitted.
- 5) Flags, banners, and pennants are permitted as temporary signs pursuant to Chapter 233 of the HBZSO.
- 6) A single development with more than 5 users shall provide a unifying sign theme through a planned sign program. All signs shall be consistent in the following ways:
 - a) Type of construction materials.
 - b) Letter size.
 - c) Method of sign support.
 - d) Configuration of sign area.
 - e) Shape of total sign and related components.
- 7) Sign placement shall not cover up windows or important architectural features without approval by the Director of Planning and the Design Review Board.
- 8) Sign supports and brackets shall be integrated into the overall sign design and shall be compatible with the design and scale of the sign.
- 9) Electrical connections shall not be visible on signs.
- 10) Lighting of all exterior signs shall be directed to illuminate the sign only.
- 11) Signs that limit public access or recreation are not permitted except in instances where such signage is necessary to implement restrictions to protect public safety where no other feasible alternative exists to provide public safety, and shall be reviewed in conjunction with the coastal development permit for said restrictions.

<u>Sign Standards for Commercial Uses</u>			
<u>Use of Sign</u>	<u>Type</u>	<u>Maximum Number</u>	<u>Maximum Sign Area</u>
Business ID	Monument	One per site, provided the structure on the site is setback a minimum of 20 feet and the site has a minimum of 100 linear feet of frontage	20 sq. ft.
	Wall or Awning	1) If less than 100 linear feet of street frontage, one wall or one awning sign is permitted per business 2) If greater than or equal to 100 linear feet of street frontage, one wall or one awning sign is permitted per entrance, up to two entrances per street frontage 3) If the business is located on a corner with street frontage on two streets, one wall or one awning sign is permitted per street frontage	1 sq. ft. per linear foot of building frontage
	Hanging or projecting	One hanging or projecting sign or one window sign is permitted per business	4 sq. ft.
	Window	One hanging or projecting sign or one window sign is permitted per business	15% of total window area
Tenant Directory	Wall	One per site	12 sq. ft.

Figure 3-11 Sign Standards for Commercial Uses

3.2.22.2. Monument Signs

- 1) 42" maximum height.
- 2) Monument signs shall be located in a landscaped planter with no portion of the sign extending beyond the perimeter of the planter.
- 3) Copy shall be limited to center identification and/or major tenant identification, and a single field color shall be used.

3.2.22.3. Wall Signs

- 1) Signs painted directly on the wall are not permitted.
- 2) The proportion of channel letter height to a building wall or fascia shall be carefully considered. The maximum letter heights shall be:
 - a) 48" for major anchor stores, i.e. department stores, etc.
 - b) 30" for major stores, i.e. supermarkets, drug stores, etc.
 - c) 20" for freestanding single tenant buildings and in-line tenants with either 60' or more linear frontage, or 3 bays, whichever is greater.
 - d) 16" for all other in-line tenants.
- 3) A wall sign shall not project more than 12" from the surface to which the sign is attached.
- 4) Returns on channel letter signs shall be finished to match the letter color, the background building wall color, or the predominant trim color.
- 5) Cabinet signs shall be custom designed to form a unique shape.

3.2.22.4. Awning Signs

- 1) Signs shall be limited to the front facing awning panel.
- 2) Messages shall be limited to the business name and logo.
- 3) Copy shall be centered on the awning canopy or valance.

3.2.22.5. Projecting or Hanging Signs

- 1) 8' minimum ground clearance.
- 2) Signs shall be double-faced.

3.2.22.6. Window Signs

- 1) Signs may be applied to the storefront windows or doors, but may not cover more than 15% of the overall combined window and door areas located on the same facade.
- 2) Copy shall be limited to business name, address, and phone number.
- 3) Signs shall be limited to individual letter signs and graphics. Glass-mounted graphic logos may be applied by silk screening or pre-spaced vinyl die-cut forms.
- 4) Letters shall be vinyl or painted.
- 5) Interior window signs shall be located within 36" of the window to be readable from the exterior.

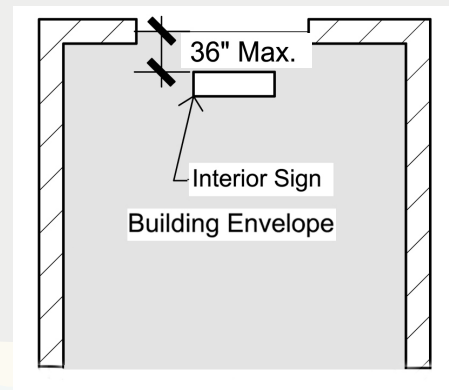


Figure 3-12 Interior window signs shall be located within 36 inches of the window to be readable from the exterior

3.2.22.7. Tenant Directory Signs

Tenant directory signs shall be located and oriented to the pedestrian rather than to the street.

3.2.22.8. Outdoor Advertising

All outdoor advertising shall be subject to the standards found in Section 3.2.25. Outdoor Display Areas and Sales, as well as the following additional standards.

- 1) Movable, freestanding advertisements approved in compliance with this Section 3.2.22.8. Outdoor Advertising are exempt from other sign regulations of this Specific Plan.
- 2) Signs associated with merchandise display shall be located completely within the area of a sign frame or structure that is permanently installed and constructed of sturdy, quality materials.
- 3) Multiple-sided advertisements in excess of 2 sides are prohibited.
- 4) 3 square feet maximum surface area per side for a single-sided or double-sided advertisement.
- 5) 2 square feet of additional surface area per side, for 5 square feet maximum total surface area, may be permitted, as determined by the Director, for designs that incorporate colorful or interesting graphics or logos.
- 6) 1 maximum outdoor advertising sign per business.
- 7) 3' maximum distance from the storefront for a freestanding advertisement sign.
- 8) All advertisement structures and materials shall be maintained in good repair and in clean condition at all times and shall be constructed of high quality materials that possess a professional appearance and complement the permanent signs on site.
- 9) Hand lettered signs on temporary materials, such as paper or cardboard, are not permitted.
- 10) Design, including materials, lettering and graphics, shall be of good quality and appearance and shall be subject to review and approval by the Department of Planning. Outdoor advertisements shall be constructed and lettered in a professional manner.
- 11) All materials and lettering finishes shall be durable and weather-resistant.
- 12) Any advertising sign that is significantly damaged, dilapidated, worn, weathered or not securely or properly attached shall be immediately removed or replaced.

3.2.23. Awnings

1. 8' minimum ground clearance.
2. Shall not be wrapped around buildings in continuous bands.

3. Shall only be placed on top of doors, windows, and other openings.
4. All awnings on a single building shall be a consistent material, color, size, and style regardless of a difference in tenant or use.
5. Frames and supports shall be painted or coated to prevent corrosion.
6. Internally illumination is prohibited. Downward directed lighting is allowed.
7. Shall be well maintained at all times and shall be replaced immediately when in a worn or torn condition, as determined by the Director.
8. Shall have lighting under the awning to avoid creating a shadow under the awning and at the front door.

3.2.24. Outdoor Dining

3.2.24.1. Permitting

- 1) Outdoor dining on public or private property may be permitted, pursuant to the HBZSO, when in compliance with this section.
- 2) The sale of alcohol shall be subject to the review and approval of a Conditional Use Permit by the Zoning Administrator and compliance with this section.
- 3) For any existing restaurant with alcohol sales with an existing outdoor dining area, the sale of alcohol in the outdoor dining areas shall be subject to the review and approval by the Director of Planning and the Police Chief with Neighborhood Notification pursuant to Chapter 241 of the HBZSO and compliance with this section.
- 4) Enforcement of this section shall be by the Director of Planning or his/her designee.

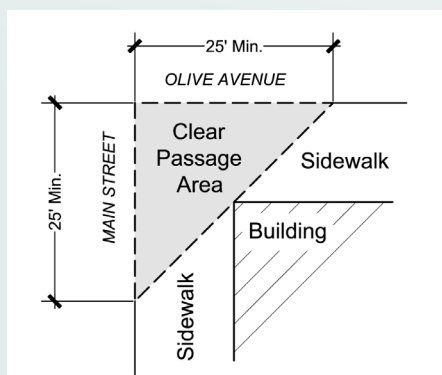


Figure 3-13 The triangular area formed by measuring 25 feet along the curb lines shall be clear passage area

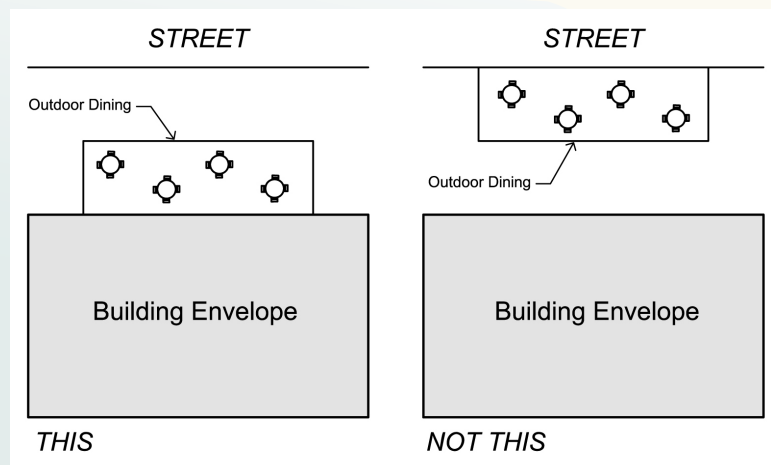


Figure 3-14 Outdoor dining shall be located directly adjacent to the eating establishment

3.2.24.2. Location and design criteria

- 1) Outdoor dining shall be an extension of an existing or proposed eating establishment on contiguous property and shall be located directly adjacent to the eating establishment.
- 2) On Main Street, if an extended sidewalk area for outdoor dining exists at the time of Specific Plan adoption, any outdoor dining shall be relocated at the time streetscape improvements detailed in Section 6.3.1. Streetscape 1: Main Street are implemented.
- 3) 8' minimum clear passage area is required for pedestrian access between outdoor dining area and the curb where overall sidewalk width is greater than 10'.
- 4) 6' minimum clear passage area is required for pedestrian access between outdoor dining area and the curb where the sidewalk is 10' or narrower in width.
- 5) No sidewalk smaller than 8' in width may be allowed to have outdoor dining.
- 6) A wider clear passage area may be required for any of the previous conditions at the discretion of the Directors of Planning and Public Works or the Zoning Administrator.
- 7) There shall be a clear distinction between dining area and the public sidewalk through the use of planters and/or physical barriers.
- 8) 36" minimum height physical barrier shall surround any outdoor dining where alcoholic beverages are served.
- 9) All tables and chairs shall be of sturdy construction, made of quality materials, and designed to complement the character of the streetscape.
- 10) Temporary, mobile, or free-standing food service providers must adhere to the carts and kiosks standards found in Section 230.94 of the HBZSO and may not provide outdoor seating.

3.2.24.3. Operating requirements, provisions, and conditions

- 1) All provisions of the Huntington Beach Municipal Code and HBZSO shall apply.
- 2) A License Agreement including use fees shall be obtained from the City and/or Caltrans, if applicable, for outdoor dining located on public property.
- 3) The License Agreement shall be subject to termination at any time upon a 10 day prior written notice upon determination of the Director or Zoning Administrator that 1 or more of the conditions or provisions of this section have been violated or that 1 or more factors listed in Necessary Findings below have changed and the permitted use is no longer compatible with the intended use of the public right-of-way or public property.
- 4) Termination of a License Agreement shall nullify the Conditional Use Permit.
- 5) The applicant shall enter into a Maintenance Agreement with the City for maintenance of all portions of the public property used and approved by the Director or Zoning Administrator for the outdoor dining. Said agreement shall be submitted to and approved by the Department of Public Works prior to commencement of the use.

- 6) All outdoor dining operators shall provide a public liability insurance policy as specified in all current insurance resolutions. Such liability insurance shall be provided in a form acceptable to the City Attorney. The policy shall name the City of Huntington Beach as an additional insured and shall be maintained at all times.
- 7) No food or beverages of any nature shall be sold to any occupant or rider of any motor vehicle or bicycle.
- 8) Alcoholic beverages may be served on public and/or private property subject to the provisions provided herein.
- 9) The applicant or operator shall pay all fees and deposits required by the Huntington Beach Municipal Code, including the fee established for use of public property, prior to operation of the outdoor dining use.
- 10) The Conditional Use Permit may be transferred upon sale or transfer of the restaurant subject to a written request approved by the Zoning Administrator and the property owner. An amendment to the License Agreement and Maintenance Agreement will be required prior to transfer of the Conditional Use Permit for outdoor dining on public property. A Conditional Use Permit transfer or License Agreement renewal and Maintenance Agreement renewal or amendment may be denied if one of the factors listed in Necessary Findings below have changed and the permitted use is no longer compatible with the intended use of the public right-of-way.

3.2.24.4. Parking for Outdoor Dining

- 1) Parking shall comply with Section 3.2.26. Parking of this Specific Plan.
- 2) No parking spaces shall be required for the outdoor dining portion of the restaurant if the outdoor dining area does not exceed:
 - Maximum of 20% of the restaurant area, not to exceed 400 square feet.
- 3) Any outdoor dining area that exceeds these standards shall provide 100% of the required parking for the area in excess of the above standard. Parking for the outdoor dining area shall be provided at a ratio of one (1) space per 125 sf of outdoor dining area.

3.2.24.5. Necessary Findings

In order to approve outdoor dining the Director or Zoning Administrator shall make the following findings:

- 1) The sidewalk's public use, pedestrian, transit and business services including but not limited to loading zones, bus stops, public phones, and benches, are not restricted.
- 2) Building entryways are not obstructed.
- 3) Pedestrian traffic volumes are not inhibited.
- 4) Handicapped accessibility is provided where required.

3.2.25. Outdoor Display Areas and Sales

Outdoor display areas, sales, and uses are encouraged within the Specific Plan Area provided that they enhance the pedestrian environment through the creative and appropriate use of outdoor spaces. The intent is to provide opportunities for businesses to display their products in a manner that enhances the public realm and creates an interesting, organized, and comfortable shopping and dining area. Creativity in the design of outdoor displays is encouraged and the quality, character, and design of all items placed outside should contribute in a positive way to the visual appearance of the community.

1. Temporary outdoor sales, whether on public or private property, shall be subject to approval of a Temporary Use Permit (TUP) by the Zoning Administrator as well as the following standards.
2. A TUP shall permit outdoor sales/display events subject to the following limitations:
 - 1) 5 years maximum per permit.
 - 2) 50 days maximum per calendar year.
 - 3) 10 consecutive days maximum.
 - 4) Prior (10 days minimum) to commencement of the use each year, a schedule (dates) for temporary sidewalk sales events to occur in that year shall be submitted to the Planning Department for review and approval.
3. The owner or primary lessee of the private property that immediately abuts the sidewalk or pedestrian plaza is the only one who possesses the vending rights.
4. Outdoor display areas are not intended to provide additional retail space or locations for clearance and damaged items but to allow merchants the opportunity to attract the public by providing a sample of merchandise that is available inside.
5. Outdoor display items shall be identical to items sold within the store and damaged merchandise is prohibited from outdoor displays.
6. Outdoor sales and displays shall be limited to the regular hours of operation of the respective business, and all items placed outside shall be removed each evening, unless otherwise approved.
7. 6' maximum height for entire display.
8. No more than 2 items may be stacked.
9. 15' maximum depth, perpendicular to the storefront.

10. 4' minimum clearance shall be maintained around all merchandise displays and any other tenant storefront space and from any stationary object or cart or kiosk.
11. 10' minimum clear path of travel shall be maintained along the public sidewalk, adjacent to outdoor display areas.
12. 48" minimum access clearance required. Sales events, including associated furniture, structures, patron lines, etc., shall not in any way interfere with access to any commercial establishment. All required exits and access ways to the tenant space, as determined by the Building and Safety Department, shall be maintained clear and free of obstructions. Required pathways for patron and disabled access shall be maintained clear of obstructions.
13. Display merchandise shall not obscure or interfere with any official notice, public safety sign, or device.
14. No item shall be located so as to be hazardous to pedestrian or vehicular traffic, or extend into the safe line-of-sight distances at intersections, as determined by the City Engineer.
15. All displays associated with outdoor sales events shall be maintained in an orderly, uncluttered, and aesthetically pleasing condition, and shall present a family-friendly atmosphere. Unprofessional, cluttered, and unorganized display areas are prohibited.
16. All display tables shall be skirted and all boxes and storage containers shall be concealed from view. No cardboard or other types of similar storage boxes shall be visible to the public.
17. All outdoor displays, associated furnishings and accessories, including but not limited to display tables, table cloths/skirts, cashier stations, canopies, and employee uniforms, shall be color coordinated.
18. No outdoor storage shall be permitted in conjunction with any outdoor use.
19. No display of merchandise is allowed from cars, trucks or other vehicles.
20. Items shall not be displayed in bins, boxes, or on standard racks.
21. Merchandise shall not be lit and no electricity shall be utilized by an outdoor merchandise display.
22. No noise shall be generated by outdoor merchandise.
23. All signs shall be uniform per business in design, color, placement, etc. and shall be professional in appearance.
24. No signs shall be posted outside of the designated display area or on the public art installation.

25. All sales transactions shall occur inside the store except where adequate space is provided in the outdoor sales area for cash register queuing, as determined by the Zoning Administrator. Where outdoor sales transactions are permitted, the store manager shall be responsible for ensuring that no more than 5 customers are in the queue for cash register at any time.
26. Line formations within the public right-of-way are prohibited.
27. Sales to patrons in vehicles or in the public right-of-way is prohibited.
28. Customers shall be prohibited from trying on clothing or other merchandise while in the public right-of-way.
29. No services shall be provided outdoors, except for table service of food in conjunction with approved outdoor seating, as discussed in Section 3.2.24. Outdoor Dining, or as approved by the Director. Personal services such as tattoos, temporary tattoos, hair braiding, and hair wrapping are not permitted outdoors.
30. All work shall be performed entirely indoors unless approved through a Conditional Use Permit. Any outdoor work allowed shall be in an area specifically provided for such use. No outdoor work shall be performed in designated parking areas or open space areas. In addition, areas approved for outdoor work shall not be counted as open space.
31. All outdoor use areas shall be continuously supervised by management or employees of the respective business to which the use is connected, to ensure required pathways are kept clear and that all City requirements are met.
32. Incidental outdoor uses shall not require additional parking beyond that which is otherwise required for the primary permanent use.
33. After initial warnings, Code Enforcement staff may order immediate cessation of any temporary outdoor sales event operating in violation of the conditions of approval of the Temporary Use Permit.

3.2.26. Parking

3.2.26.1. General Parking Requirements

- 1) For a change of use, all parking shall be as required as stated within this Specific Plan.
- 2) All parking requirements not addressed by the Specific Plan shall be as required by Chapter 231 of the HBZSO.

- 3) The implementation of restrictions on public parking along public streets that would impede or restrict public access to beaches and/or other visitor serving amenities (including, but not limited to, the posting of “no parking” signs, red curbing, physical barriers, and preferential parking programs) shall be prohibited except where such restrictions are needed to protect public safety and where no other feasible alternative exists to provide public safety. Prior to implementing restrictions on public parking along public streets, the public safety concerns justifying such restrictions shall be on-going and clearly documented by the City in a manner consistent with the City’s standard procedures for documenting public safety concerns. Where restrictions are imposed, an equivalent number of new public parking spaces shall be provided within 500 feet of the public parking restriction as mitigation for impacts to coastal access and recreation. Such restrictions shall require a coastal development permit in accordance with Chapter 245 of the HBZSO.
- 4) Modification of existing, legally established preferential parking districts shall be subject to coastal development permit requirements in accordance with Chapter 245 of the HBZSO. Establishment of new preferential parking districts in the coastal zone shall be prohibited.
- 5) Coastal development permit applications that include special permit or variance requests to deviate from off-street parking requirements may be approved, except that requests that are found to impact public parking available for coastal access shall not be granted.
- 6) Changes to parking hours and/or fees for on-street public parking shall be subject to coastal development permit requirements in accordance with Chapter 245 of the HBZSO.

3.2.26.2. Parking Space Dimensions

Parking space dimensions shall be per Section 231.14 and Section 231.16 of the HBZSO.

3.2.26.3. Handicap Parking Spaces

Handicap spaces shall be per Section 231.12 of the HBZSO.

3.2.26.4. Vehicle Spaces Required

- 1) References to spaces per square foot (sf) are to be computed on the basis of gross floor area, unless otherwise specified.
- 2) Any use classification not specifically identified herein shall be subject to the off-street parking requirements of Chapter 231 of the HBZSO.
- 3) Vehicle spaces required shall be per Figure 3-15.

<u>Non-Residential Uses</u>		
<u>Use</u>	<u>District</u>	<u>Off-Street Parking Spaces</u>
Retail/Personal Services	District 1*	3 spaces per 1,000 sf
	All Other Districts	5 space per 1,000 sf
Personal Enrichment Services	District 1*	3 spaces per 1,000 sf
	All Other Districts	1 space per 35 sf of instruction area; or maximum 1 per 200 sf provided the number of students does not exceed required number of parking spaces, plus instruction area does not exceed 75% of floor area
Offices	District 1*	2 spaces per 1,000 sf
	All Other Districts	<ul style="list-style-type: none"> • Business/Professional: 4 spaces per 1,000 sf
Restaurant	District 1*	8 spaces per 1,000 sf Less than 12 seats: 3 spaces per 1000 sf
	All Other Districts	<ul style="list-style-type: none"> • Less than 12 seats: 5 spaces per 1,000 sf • More than 12 seats: 10 spaces per 1,000 sf
Hotel/Motel	All Districts	1.1 spaces per room, plus 1 space 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 Section
Bed and Breakfast	All Districts	1 space per room, plus 1 guest space and 1 manager/owner space
Cultural Arts Facilities	All Districts	1 space per 300 sf
Assembly Uses	All Districts	Per HBZSO
<p>* Excluding subdistricts</p> <p>Exceptions:</p> <p>a) At any time it deems necessary, the Planning Commission may require additional on-site parking to meet the parking demand generated by a use or development.</p> <p>b) No additional parking shall be required for new development in District 7. However, development that proposes the removal of existing parking shall provide for the replacement of that parking at a 1:1 ratio within District 7.</p>		

Figure 3-15 Vehicle Spaces Required (1 of 2)

<u>Residential Uses</u>		
<u>Use</u>	<u>District</u>	<u>Off-Street Parking Spaces</u>
Single-family	All Districts	<ul style="list-style-type: none"> • 2 enclosed, side-by-side or tandem, spaces per unit for up to 3 bedrooms • 1 space for each additional bedroom ¹ • 1 additional space where no on-street parking is allowed ²
Multi-family	District 1 (Excluding Subdistricts)	<ul style="list-style-type: none"> • Studio and 1 bedroom units: 1 enclosed space per unit • 2 bedroom units: 2 spaces (1 enclosed) per unit • 3 or more bedroom units: 2.5 spaces (1 enclosed) per unit • 0.25 guest spaces per unit
	All Other Districts	<ul style="list-style-type: none"> • Studio and 1 bedroom units: 1 enclosed space per unit • 2 bedroom units: 2 spaces (1 enclosed) per unit • 3 or more bedroom units: 2.5 spaces (1 enclosed) per unit • 0.5 guest spaces per unit
Live/Work	District 1	<ul style="list-style-type: none"> • 1 bedroom residential units: 1 space per unit • Commercial: 1 space per 500 sf
<p>¹ All required parking for additional bedrooms shall comply with the following:</p> <ul style="list-style-type: none"> • Shall be minimum 9' x 19' in size. • May be unenclosed (carport or open to sky) or enclosed (garage). If accessed from an alley, a 5-foot setback from the rear property line is required in order to meet the required 25-foot turning radius as required by this Specific Plan and the HBZSO. • Must be located on private property between the required garage spaces and the public right-of-way (e.g., alley). • A parallel space (9 feet wide) in front of the garage door does not satisfy this requirement. <p>² All required additional parking spaces where no on-street parking is permitted or planned to be removed shall comply with the following:</p> <ul style="list-style-type: none"> • Shall be minimum 9' x 19' feet in size. • Must be unenclosed (carport or open to sky). • Must meet the 25-foot turning radius as required by the Specific Plan and the HBZSO. • Must be located on private property between the required garage spaces and the alley and shall be fully accessible from the alley. • A parallel parking space (9 feet wide) in front of the garage door would satisfy this requirement. 		

Figure 3-15 Vehicle Spaces Required (2 of 2)

<u>Bicycle Spaces Required</u>		
<u>Use</u>	<u>District</u>	<u>Off-Street Parking Spaces</u>
Non-residential Uses	District 1	1 bicycle space per 10 vehicle spaces required
	All Other Districts	<ul style="list-style-type: none"> • Buildings up to 50,000 square feet of gross building area: 1 bicycle space per 25 vehicle spaces required; minimum of 3 • Buildings over 50,000 square feet of gross building area: Director shall determine number of bicycle spaces based upon the type of use(s) and number of employees
Single-family	District 1	None required
	All Other Districts	None required
Multi-family	District 1	1 bicycle space per dwelling unit
	All Other Districts	1 bicycle space per 4 dwelling units

Figure 3-16 Bicycle Spaces Required

3.2.26.5. Bicycle Spaces Required

Bicycle spaces required shall be per Figure 3-16, however additional bicycle spaces may be required as deemed necessary during the review process.

3.2.26.6. Coastal Zone Design Standards

Each dwelling unit located in the Coastal Zone shall have a minimum of 2 on-site parking spaces. If the total coastal parking requirements exceed the total minimum parking as required by this section, the additional required parking spaces may be in tandem with enclosed spaces, provided the tandem spaces is assigned to an enclosed space and complies with the turning radius required by Chapter 231 of the HBZSO.

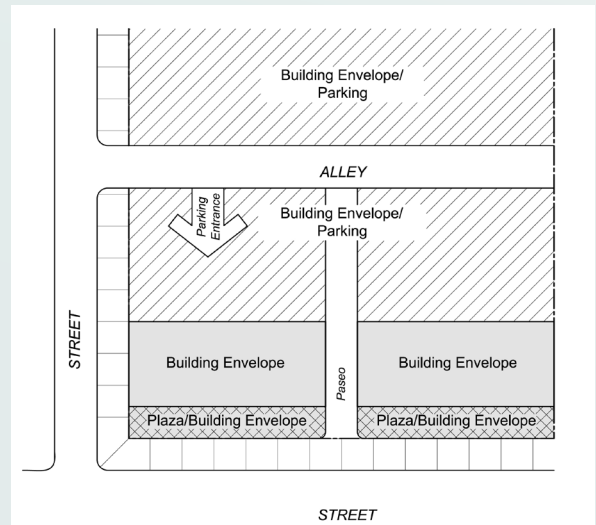


Figure 3-17 Access to parking lots and structures must be taken from an alley rather than a public street

3.2.26.7. Tandem Parking

- 1) Up to 20% of the required on-site commercial parking may be provided as tandem parking with an attendant upon approval of a Conditional Use Permit by the Zoning Administrator. 21-40% of the required on-site commercial parking may be provided as tandem parking upon approval of a Conditional Use Permit by the Planning Commission.
- 2) Tandem parking configuration is allowed for residential uses.

3.2.26.8. Parking Screening

- 1) All off-street uncovered surface parking spaces shall be screened.
- 2) 32" high landscaping or landscaping combined with opaque material screen shall be provided, as measured from the adjacent parking surface.
- 3) Screening method must be approved by the Director.
- 4) Screening shall not be interpreted to mean conceal or hide but rather to soften the visual impact of the parking area. Parking areas shall remain visible to passersby and police.

3.2.26.9. Other Parking Considerations

- 1) For projects with 10,000 square feet or more of net new commercial development that do not propose to provide 100 percent of the required parking on-site, a parking management plan shall be submitted. The parking management plan shall identify for implementation one, all, or a combination of the following parking strategies:
 - a) Valet parking.
 - b) Valet and/or remote parking for special events and activities and during the peak summer season.
 - c) Provision of additional on-site and/or off-site parking for any development.
 - d) Provision of additional signs consistent with the Downtown Directional Sign Program to direct motorists to primary parking facilities.
 - e) Any of the parking strategies described in Chapter 5 of Book II of this Specific Plan or any strategy that would provide additional parking spaces or opportunities to ensure that an adequate supply of parking is available to meet the project's parking demand.
- 2) For projects that propose to provide 100 percent of the required parking on site, the Planning Commission or City Council may impose any or all of the parking strategies listed above as necessary to avoid adverse impacts to public access.

3.2.26.10. Parking Structures

- 1) Maximum height of parking structure shall not exceed maximum building height requirement and shall be measured in feet from the adjacent street grade, without restrictions on the number of internal stories.
- 2) 10' minimum front yard setback for all above grade parking structures.
- 3) 10' minimum exterior side yard setback for above grade parking structures.
- 4) Setbacks shall be landscaped in accordance with Section 3.2.12. Landscaping.
- 5) Parking structures in District 1 facing public streets, not including alleys, shall be wrapped with commercial space at the ground floor. Parking structures in all other Districts shall be screened with vertical landscaping.
- 6) Automated parking structure entrances and facades facing the public right-of-way shall be designed with architectural features and details that complement a traditional storefront.
- 7) Parking structure facades over 150' in length shall incorporate at least 1 or more of the following:
 - a) Differentiation of the ground floor from upper floors.
 - b) Varying the arrangement, proportioning and/or design of garage floor openings at regular intervals.
 - c) Incorporating changes in architectural materials.
 - d) Projecting forward or recessing back portions or elements of the parking structure facade.

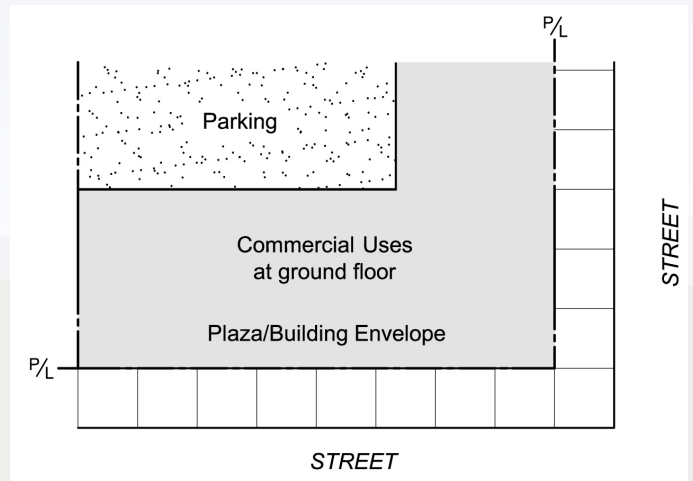


Figure 3-18 Parking structures in District 1 facing public streets shall be wrapped with commercial space at the ground floor

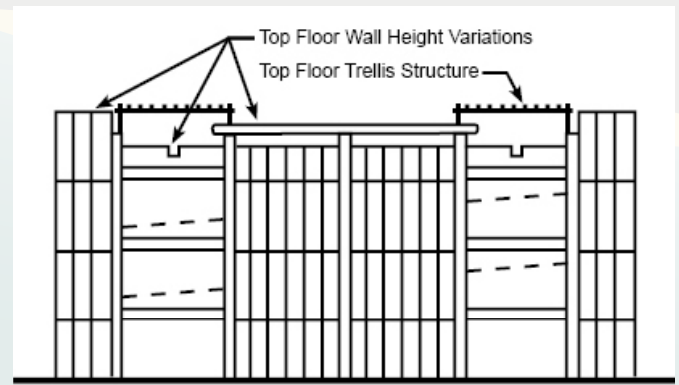


Figure 3-19 Parking structure top floor wall designs must be articulated with a variety of methods

- 8) Facades of parking structures shall be designed without continuous horizontal parking floor openings. For example, openings shall be constructed to form a pattern of window-like openings.
- 9) Parking structure top floor wall designs must conform to 2 or more of the following options:
 - a) A top floor wall with an architectural focal point such as a glazed elevator and/or stair tower or top floor line trellis structure.
 - b) A top floor wall line articulated through a variation or step in cornice height or detail.
 - c) A top floor wall line with an articulated parapet cap.
- 10) Views into the upper floors of parking structures facing a public right-of-way shall be minimized through 1 or more of the following methods:
 - a) The use of planters integrated into the upper floors of parking structure facade design.
 - b) Decorative trellis work and/or screening as architectural elements on the parking structure upper floor facades.
 - c) Openings organized to reflect traditional building window patterns.
- 11) External elevator towers and stair wells shall maintain openings for public view.
- 12) Provisions shall be made to limit activation of individual car alarms within automated parking structures.
- 13) Where subterranean parking occurs, antennas shall be installed to ensure that emergency personnel can receive and transmit information from inside the structure.
- 14) Developer/applicant shall coordinate installation with public safety departments and shall be responsible for installation and maintenance of such antenna.

3.2.26.11. District 1 Special Parking Standards

- 1) Parking for residential development shall be provided on-site.
- 2) Parking for hotel, motel, and bed and breakfast development shall be provided on-site.
- 3) Commercial development is permitted to satisfy some or all of the required parking off-site upon approval of a Shared Parking Agreement pursuant to No.8 below and is subject to coastal development permit requirements in accordance with Chapter 245 of the HBZSO. Any parking provided on-site or off-site with an approved Shared Parking Agreement will require the payment of an in-lieu fee pursuant to No. 7 below.
- 4) All new development will be required to replace any on-site parking associated with an existing use to be retained that is lost due to redevelopment as well as providing any net new parking required.

- 5) All net new square footage shall provide parking as required by this Specific Plan. If 50% or more of existing square footage is demolished, all replacement square footage shall provide all required parking consistent with this Specific Plan. For constrained sites parking may be provided on-site, off-site with a Shared Parking Agreement per No. 8 below, or via the in-lieu Parking Fee program per 7 below. There shall be no reduction in the number of existing parking spaced for retained square footage.
- 6) Vehicular access to parking lots and structures must be taken from an alley or side street.
- 7) In-lieu Fee (as described in City Council Resolution No. 2010-49)
 - a) Participation in the parking in-lieu fee program shall require approval of a Conditional Use Permit from the Planning Commission and is subject to coastal development permit requirements in accordance with Chapter 245 of the HBZSO.
 - b) The parking in-lieu fee amount shall reflect the market-rate value of constructing the additional parking space, which shall be established by the City Council.
 - c) The parking in-lieu 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 a certificate of occupancy, whichever comes first. Any successive installments shall be paid and secured by a mechanism established in the conditions of approval.

8) Shared Parking Arrangements

Shared parking agreements may be developed if 2 or more land uses or businesses have distinctly different hours of operation or hours that do not substantially coincide or overlay with each other (e.g. theater vs. office). Parking required for a residential use shall not be included in a shared parking agreement.

When the above criteria are met, such uses may develop shared parking agreements to satisfy the parking requirements of this Specific Plan, subject to the approval of a Conditional Use Permit by the Planning Commission and may require a coastal development permit in accordance with the following:

- a) Only 50% of the required parking may qualify for the shared arrangement.
- b) A minimum of 50% of the required parking must be met on-site notwithstanding the parking reduction provisions of this Specific Plan.
- c) Required parking must be calculated based on the land use that demands the largest amount of parking.
- d) The shared parking facility must be within a 350' radius of the subject use. If shared parking spaces are located on a different lot, approved off-site parking spaces shall be obtained by a covenant, lease, bond, or other agreement, acceptable to the City Attorney, between the owners, and if applicable, the lessees of the off-site parking spaces and the owners, and if applicable, the lessees of the subject site.

- e) All sites participating in a shared parking agreement shall be tracked by the City of Huntington Beach in order to avoid “double counting” of parking spaces. This shared parking tracking system shall be available for public review.

3.2.27. Outdoor Storage

1. Outdoor storage that is not enclosed within a structure is not permitted, except for on single-family residential parcels.
2. Storage of boats, trailers, recreational vehicles, and other similar vehicles shall be prohibited unless specifically designated areas for the storage of such vehicles are set aside on the final development plan and, in the case of condominium developments, provided for in the association’s covenants, conditions, and restrictions. Where such areas are provided, these areas shall be enclosed and screened from view on a horizontal plane from adjacent areas by a combination of a 6’ high masonry wall and permanently maintained landscaping.
3. An average of 50 cubic feet of private storage space shall be provided for each residential dwelling unit outside such unit. The private storage space shall be fully enclosed and able to be locked.

3.2.28. Utilities

1. All new and existing public and private utility lines and distribution facilities, on both the street and alley frontages, including but not limited to electric, communications, street lighting, and cable television lines, shall be installed underground, except that surface-mounted transformers, pedestal-mounted terminal boxes, meter cabinets, concealed ducts in an underground system and other equipment appurtenant to underground facilities located on private property or installed pursuant to a franchise or other agreement need not be installed underground.
2. Backflow protection device locations shall be constructed per the latest Public Works Standards and approved by the Public Works Department.
3. All access ways shall be free and clear of any and all structures including, but not limited to, utility devices.

3.2.29. Water Quality

Water pollution degrades surface waters making them unsafe for drinking, fishing, and swimming. The 1972 amendments to the Federal Water Pollution Control Act prohibit the discharge of any pollutant to navigable waters unless the discharge is authorized by a National Pollutant Discharge Elimination System (NPDES) permit. Since 1990, the City of Huntington Beach has been required to develop and implement a storm water management program designed to prevent harmful pollutants from being washed by storm water runoff into the storm drain system and to obtain a NPDES permit. The City's NPDES Permit requires new development and significant redevelopment to minimize short and long-term impacts on receiving water quality to the maximum extent practicable.

The City's General Plan and Local Coastal Program also include development goals and policies that include storm water management, including landscaping policies and requirements, open space goals and policies, preservation or integration with natural features, and water conservation policies. The following is a sample of the policies and goals addressing storm water management included in the documents.

- Limit disturbance of natural water bodies and drainage systems; conserve natural areas; protect slopes and channels; and minimize impacts from storm water and urban runoff on the biological integrity of natural drainage systems and water bodies.
- Minimize changes in hydrology and pollutant loading; require incorporation of control, including structural and non-structural Best Management Practices (BMPs), to mitigate the projected increases in pollutant loads and flows; ensure that post-development runoff rates and velocities from a site have no significant adverse impact on downstream erosion and stream habitat; minimize the quantity of storm water directed to impermeable surfaces and into the storm drain system; and maximize the percentage of permeable surfaces to allow more percolation of storm water into the ground.
- Encourage the use of water quality constructed wetlands, biofiltration swales, watershed-scale retrofits, etc., where such measures are likely to be effective and technically and economically feasible.
- Provide for appropriate permanent measures to reduce storm water pollutant loads in storm water from the development site.

New developments and significant redevelopments are required to incorporate a minimum level of storm water management BMPs that will allow for the implementation of innovative, effective, cost effective, multi-beneficial BMPs.

Any pervious pavement included in new development, as well as additional tree grates and special sub-surface construction recommended as part of the Specific Plan, will aid in minimization of runoff in the downtown core area. Additional curb inlets, dry wells, and potentially some underground percolation pipes may be required within projects to alleviate a storm water issue. Green roofs, urban bioswales, and rain gardens also minimize runoff and can be implemented by developers to reduce overall storm water generated on a site. Due to the close proximity to the Pacific Ocean, filtration of runoff water should be achieved whenever possible by increased soil contact prior to ocean discharge.

Any new water quality requirements resulting from future NPDES permits shall be incorporated into the project.

All new development shall be consistent with the water quality requirements of the General Plan, Local Coastal Program, and the NPDES (as each may be amended).

3.3. District-Specific Provisions

This section presents development standards specific to each district within the Specific Plan Area. The provisions for the district in which the proposed development is located must be followed, as well as all general provisions found in the previous section.

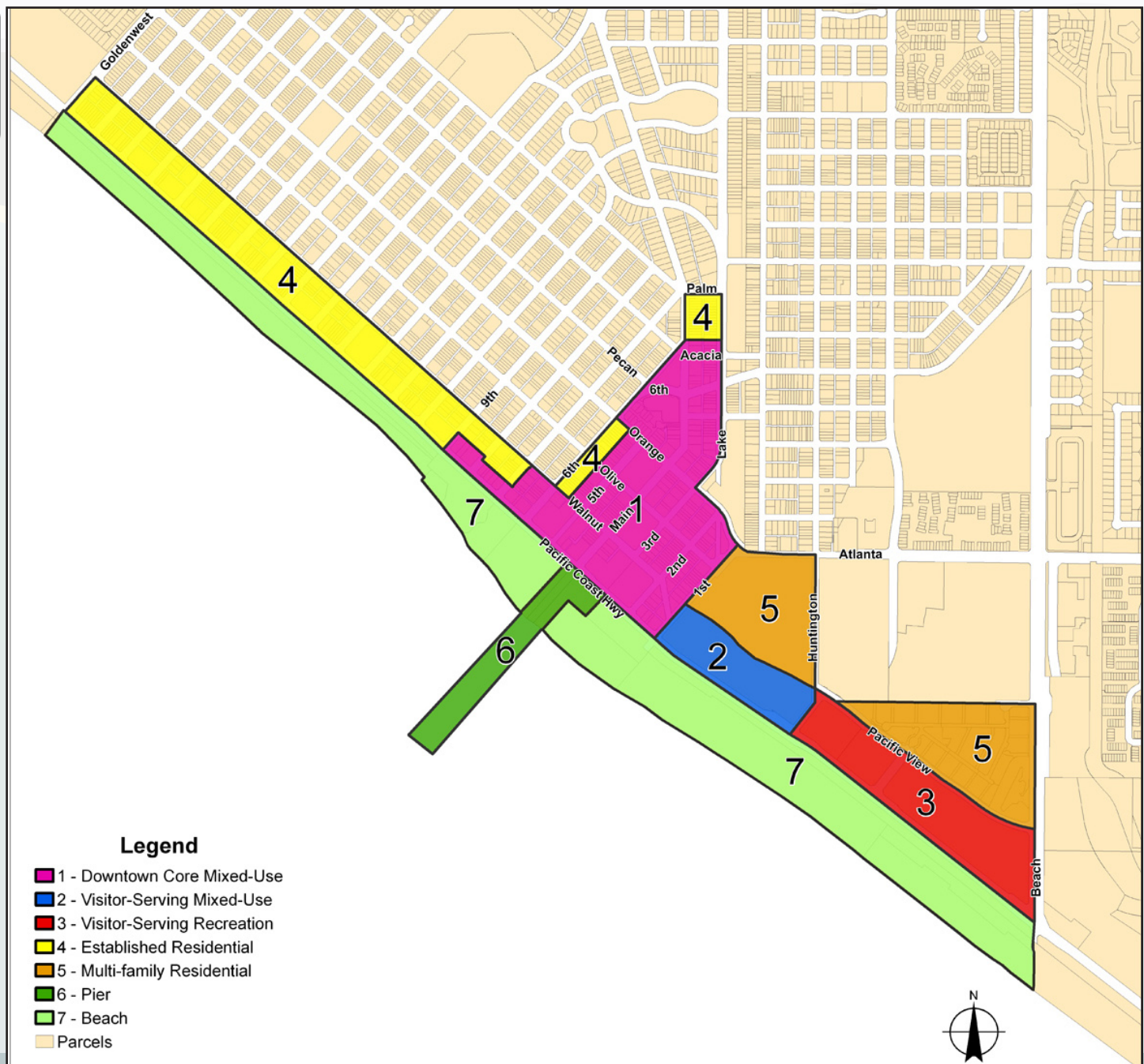


Figure 3-20 Specific Plan Districts Map

3.3.1. District 1 – Downtown Core Mixed-Use

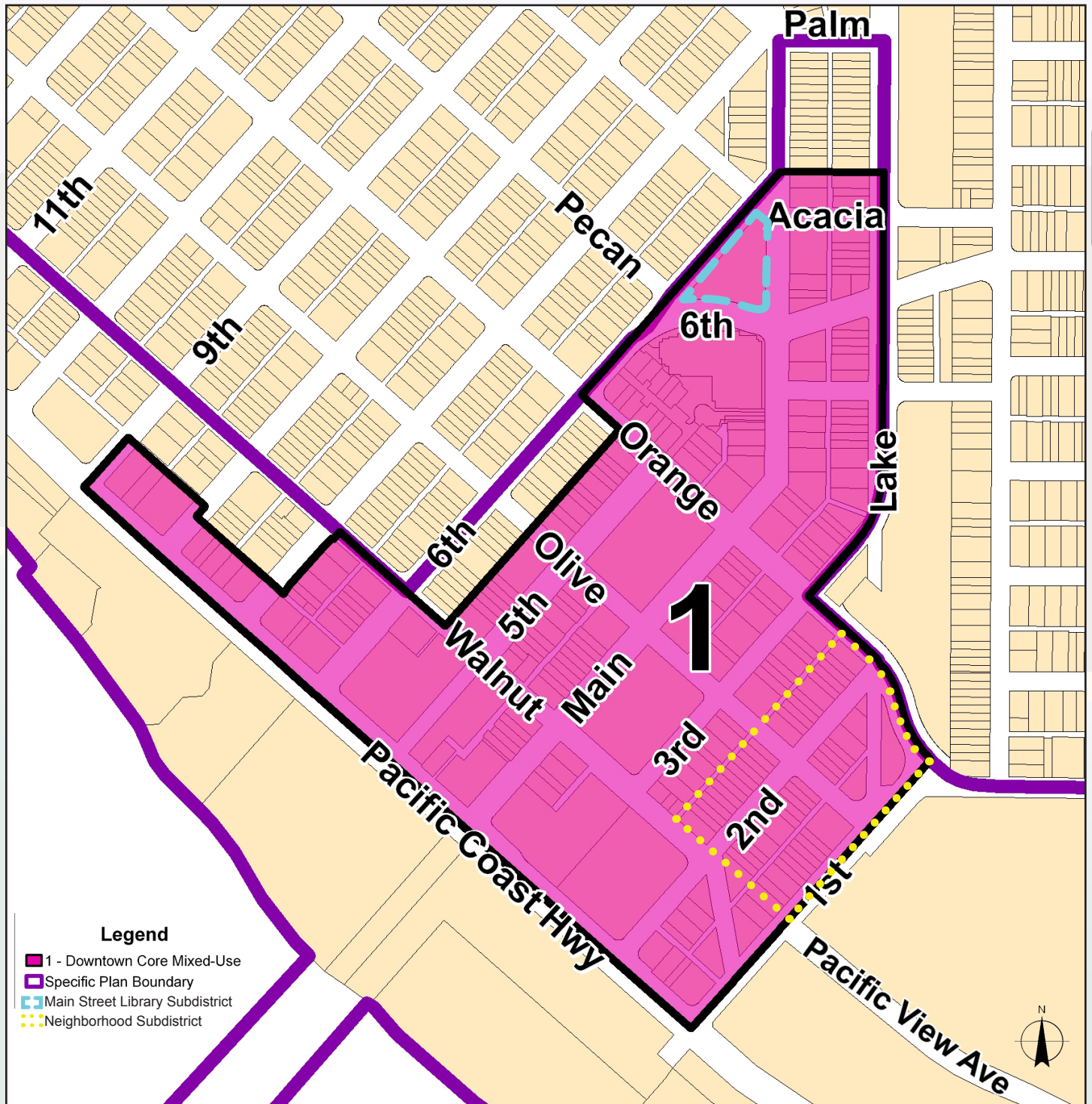


Figure 3-21 District 1 Map

3.3.1.1. Purpose

This district encompasses the entire downtown core area, with Main Street as the central spine of the district. The Main Street-pier axis is intended to be an active, vital, and interesting pedestrian way, intersecting with and complementing the visitor-serving commercial area on Pacific Coast Highway and the pier area. The district promotes visitor-serving mixed-use commercial, office, and residential developments.

The purpose of this district is to establish the area as the downtown for the City by creating a more urban atmosphere, encouraging relatively higher intensity development with viable visitor-serving, coastal dependent and coastal-related commercial and residential uses that are consistent with the Coastal Act.

The visitor-serving category is broad enough to include many commercial activities that will also serve the needs of the surrounding community, providing an off-season clientele for the district. While the district also allows residential uses, in the majority of the district, commercial uses are required on the ground floor level.

As activity in the downtown extends further up Main Street past Orange Avenue, an opportunity is created for the north end of Main Street to create a community-oriented cultural activity area which builds on the preservation and enhancement of the Main Street Branch of the Huntington Beach Public Library and the Huntington Beach Art Center. A cultural arts plaza will incorporate: open green space for pedestrian use and public events; decorative paving along pathways; shade and accent trees, as well as turf areas; street furnishings such as benches and trash receptacles; bicycle parking; and public art.

Large amounts of ground level open space are also encouraged in this district to provide for small plazas and enlarged pedestrian oriented areas.

3.3.1.2. Boundaries

District 1 boundaries are shown on Figure 3-21. District 1 includes the area from 1st Street to 6th Street between Pacific Coast Highway and Orange Avenue, except for the parcels fronting on 6th Street between Walnut Avenue and Orange Avenue; the block bounded by Pacific Coast Highway, 6th Street, Walnut Avenue, and 7th Street; the half blocks bounded by Pacific Coast Highway, 7th Street, 9th Street, and the alley between Pacific Coast Highway and Walnut Avenue; and the area bounded by Orange Avenue, Lake Street, the parcel line approximately 110 feet north of Acacia Avenue, and a continuous line from Pecan Avenue at the intersection with Main Street to the intersection of 6th Street with Orange Avenue.

3.3.1.3. Permitted Uses

- 1) Visitor-serving commercial uses are required for all ground floor square footage in the District 1 Visitor Serving Commercial Overlay, (see Figure 3-22a.):
 - a) Within the Lake Street overlay, all uses permitted on the ground floor of District 1 are allowed. In addition, single-family residential, multi-family residential, and offices are allowed at the ground floor street frontage (see Figure 3-22b.).
 - b) Within Neighborhood Subdistrict 1B - Permitted uses are limited to residential, office, personal enrichment, and personal service. (See Figures 3-22b. and 3-38 for specific uses).
- 2) All permitted uses are allowed, but not required, behind the ground floor street frontage and above the ground floor in any portion of District 1 (see Figure 3-25) except Subdistrict 1A and 1B and Visitor Serving Commercial Overlay (see Figure 3-22a.), which requires all ground floor square footage to be visitor serving commercial.
- 3) The required commercial portion of any mixed-use project shall be provided prior to or at the same time as any residential portion. No residential unit shall be occupied until the required commercial portion is complete.
- 4) Figure 3-23 presents uses permitted within District 1. The table details whether the use is permitted or whether the use requires an Administrative Permit, a Conditional Use Permit from the Zoning Administrator, a Conditional Use Permit from the Planning Commission, or a Temporary Use Permit from the Zoning Administrator. For permitted uses, other visitor-serving related uses that have the same parking demand as the existing use not specified herein may be allowed subject to the approval of the Director.
- 5) Projects with 100' frontage or greater shall require a Conditional Use Permit from the Planning Commission, and projects with less than 100' frontage and additions shall require a Conditional Use Permit from the Zoning Administrator.

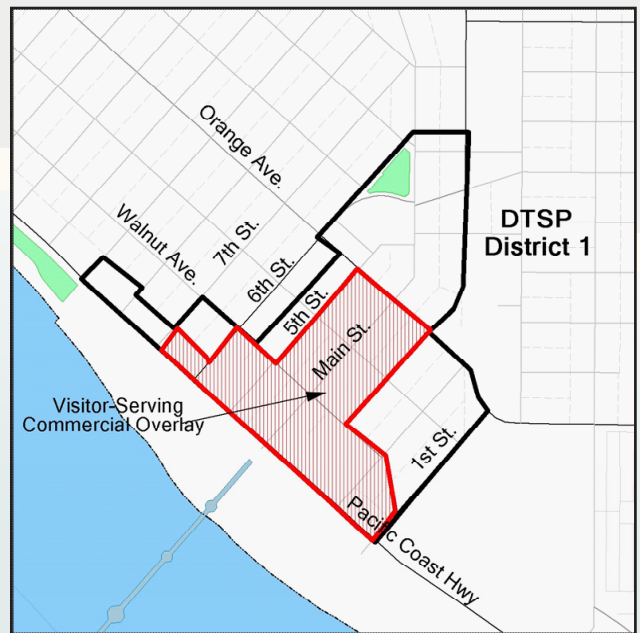


Figure 3-22a. Visitor Serving Commercial Overlay (District 1): All ground floor square footage within the Visitor Serving Commercial Overlay shall be visitor-serving commercial uses. Non-Visitor Serving Commercial uses may be permitted only above the ground floor within this overlay area.

- 6) In areas where single-family residential is permitted, no Conditional Use Permit shall be required for such use. Single-family residential in District 1 shall comply with the development standards of District 4.
- 7) Any modifications or additions to individual residential units in multi-family and mixed use developments shall be permitted upon review by the Department of Planning for compliance with all applicable provisions of this Specific Plan in addition to applicable requirements, conditions of approval and development plans for the approved project.

3.3.1.4. Summary of Development Standards

Figure 3-24 presents a summary of the development standards within District 1. This figure is only a summary of the standards and the sections of the plan referenced in the figure must be consulted for the complete requirements of each standard.

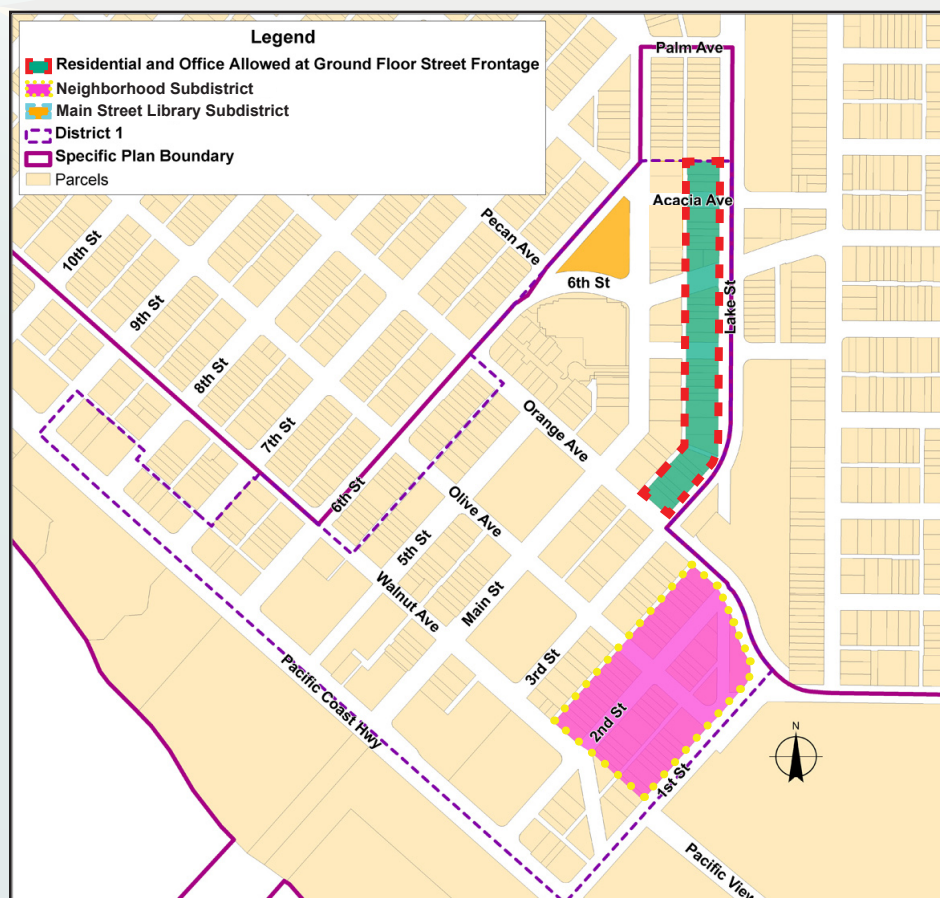


Figure 3-22b. Locations in District 1 where residential and office uses are allowed and cultural facilities are required at the ground floor street frontage

Permitted Uses District 1*					
Use	Permitted	Admin Permit	CUP from ZA	CUP from PC	TUP from ZA
Accessory dwelling units		✓			
Artists' studios ¹	✓				
Banks and savings and loans branch offices ²	✓				
Carts and kiosks ³		✓			
Commercial parking ⁴			✓		
Cultural institutions				✓	
Eating and drinking establishments ⁵		✓			
Eating and drinking establishments, with less than 12 seats	✓				
Eating and drinking establishments, with alcohol (hours of operation up to 11 pm M-TH and 12 am Fri-Sun.)			✓		
Eating and drinking establishments, with alcohol (hours of operation past 11 pm M-TH and/or 12 am Fri-Sun.)				✓	
Eating and drinking establishments, with dancing				✓	
Eating and drinking establishments, with live entertainment				✓	
Food and beverage sales, without alcoholic beverage sales	✓				
Health and sports clubs				✓	
Home occupations ⁶		✓			
Hotels, motels, and bed and breakfasts				✓	
Live/work units ⁷		✓			
Offices, business and professional ⁸	✓				
Personal enrichment services ⁹		✓			
Personal services	✓				
Public facilities			✓		
Real estate businesses	✓				
Religious assembly			✓		
Multi-family housing, apartments, condominiums, and stock-cooperatives (up to 4 units)	✓				
Multi-family housing, apartments, condominiums, and stock-cooperatives (more than 4 units)			✓		
Single-family detached dwellings ¹⁰	✓				
Retail sales	✓				

Figure 3-23 Permitted Uses District 1 (1 of 2)

Permitted Uses District 1*					
Use	Permitted	Admin Permit	CUP from ZA	CUP from PC	TUP from ZA
Retail sales, outdoor ¹¹					✓
Service stations ¹²				✓	
Theaters			✓		
Travel services	✓				
<p>* The sale of alcohol for off-site consumption is prohibited for any use in District 1.</p> <p>¹ Must include retail sales</p> <p>² With no drive through windows and not to exceed 5,000 square feet</p> <p>³ Pursuant to Section 230.94 of the HBZSO</p> <p>⁴ Not permitted on street level, street frontage for properties fronting Main Street and/or Pacific Coast Highway.</p> <p>⁵ Pursuant to Section 3.2.24 Outdoor Dining</p> <p>⁶ Pursuant to Section 230.12 of the HBZSO</p> <p>⁷ Provided that:</p> <ul style="list-style-type: none"> • The live/work unit is permitted to be a maximum of 3,000 square feet. • The non-residential area function shall be limited to the first or main floor only of the live-work unit. • The non-residential area is permitted to be a maximum 50% of the area of each live/work unit. • A maximum of 5 non-residential worker or employees are allowed to occupy the non-residential area at any one time. • Dwelling units that include an office that is less than ten percent of the area of the dwelling unit shall not be classified as a live/work unit. <p>⁸ Pursuant to Section 3.3.1.3. Permitted Uses, items 1), and 2)</p> <p>⁹ Not to exceed 5,000 square feet</p> <p>¹⁰ That comply with the standards provided in Section 3.3.4. District 4 - Established Residential and the standards contained in the Residential Infill Lot Developments Ordinance in Section 230.22 of the HBZSO</p> <p>¹¹ Pursuant to Section 3.2.25. Outdoor Display Areas and Sales</p> <p>¹² With minimum 14,000 square feet of net lot area, subject to the development standards outlined in Section 230.32 of the HBZSO and located only on Pacific Coast Highway between 7th Street and 9th Street</p> <p>Note: Projects with 100' frontage or greater shall require a CUP from PC. Projects with less than 100' frontage and additions shall require a CUP from ZA.</p>					

Figure 3-23 Permitted Uses District 1 (2 of 2)

Summary of Development Standards District 1			
	All District 1	Lake Ave.	Section
Allowable Uses	See Figure 3-24	See Figure 3-24 plus Residential/ Office on ground floor	
Minimum Parcel Size	25' street frontage & 2,500 sf net area	25' street frontage & 2,500 sf net area	3.3.1.5
Maximum Site Coverage	None required	None required	3.3.1.6
Maximum Density	site area < 3 (25-foot wide) lots: 30 du/ac; site area ≥ 3 (25-foot wide) lots: 50 du/ac	30 du/ac	3.3.1.7
Minimum Building Height	25'	25'	3.3.1.8
Maximum Building Height	<ul style="list-style-type: none"> < 8,000 sf net site area: 35' & 3 stories ≥ 8,000 sf net site area: 45' & 4 stories 	35' & 3 stories	3.3.1.8
Upper Story Setback (3rd-4th story)	10' average	None required	3.3.1.9
Front Yard Setback	0'- Max. 5'	Min 10'	3.3.1.10
Interior Side Yard Setback	0'	3'	3.3.1.11
Exterior Side Yard Setback	Equal to front setback	5'	3.3.1.11
Corner Setback	25'	None required	3.3.1.12
Rear Yard Setback	3'	3'	3.3.1.13
Public Views	Refer to Section	Required	3.3.1.14
Public Open Space	3% to 5%	None required	3.3.1.15
Storefront	Refer to Section	None required	3.3.1.16
Public Art	Refer to Section	None required	3.3.1.17
Paseos	Min 1/250' street frontage	None required	3.3.1.18
Loading and Service Areas	Refer to Section	None required	3.3.1.19
Refuse and Recycling Enclosures	Refer to Section	None required	3.3.1.20
Main Street Library Subdistrict 1A	Refer to Section	None required	3.3.1.22

Figure 3-24 Summary of Development Standards District 1

3.3.1.5. Minimum Parcel Size

25' of frontage and 2,500 square feet of net site area.

3.3.1.6. Maximum Site Coverage

No maximum site coverage shall be required.

3.3.1.7. Maximum Density

50 dwelling units per net acre.

3.3.1.8. Building Height

- 1) 25' minimum.
- 2) 35' and 3 stories maximum for developments with less than 8,000 sf net site area.
- 3) 45' and 4 stories maximum if the overall net site area is 8,000 sf or greater.

3.3.1.9. Upper Story Setback

10' average setback from the ground floor facade for portions of the front facade on the third and fourth stories.



Figure 3-25 All permitted uses are allowed, but not required, above the ground floor in any portion of District 1

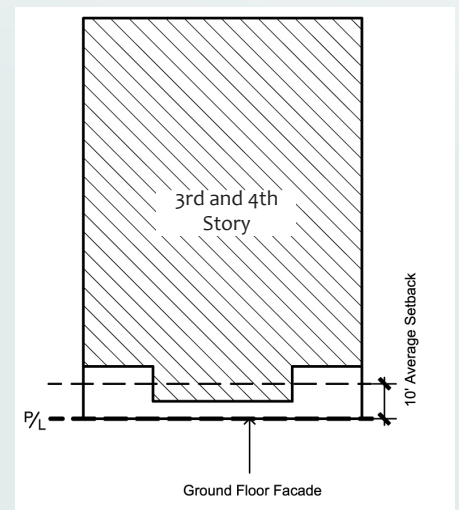


Figure 3-26 For the third and fourth stories, portions of the front facade shall be setback an average of 10 feet from the ground floor facade

3.3.1.10. Front Yard Setback

- 1) 40' minimum dedication from the center line of the roadway for parcels fronting Main Street.
- 2) 15' minimum dedication of sidewalk area from edge to the property line for parcels fronting Pacific Coast Highway between 1st Street and 6th Street.
- 3) 5' maximum setback from the ultimate property line for commercial and mixed-use development, except where outdoor dining, open-air commercial facilities, or plazas are provided.
- 4) 10' minimum setback for exclusively residential development. Setback may be reduced to 5' on up to 50% of the frontage provided that the average setback for the total street frontage is 10'.
- 5) A 10' minimum landscaped setback shall be provided where a parking lot is adjacent to a public right-of-way.

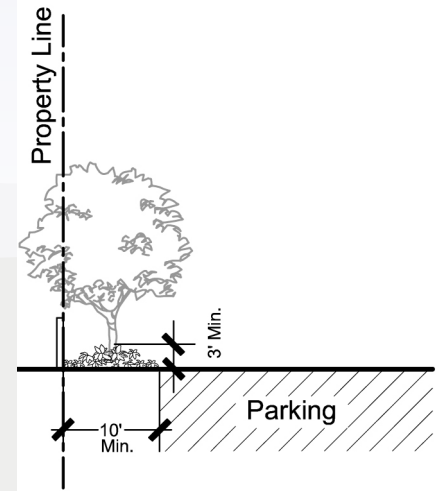


Figure 3-27 Parking lots shall be setback a minimum of ten feet from the public right-of-way.

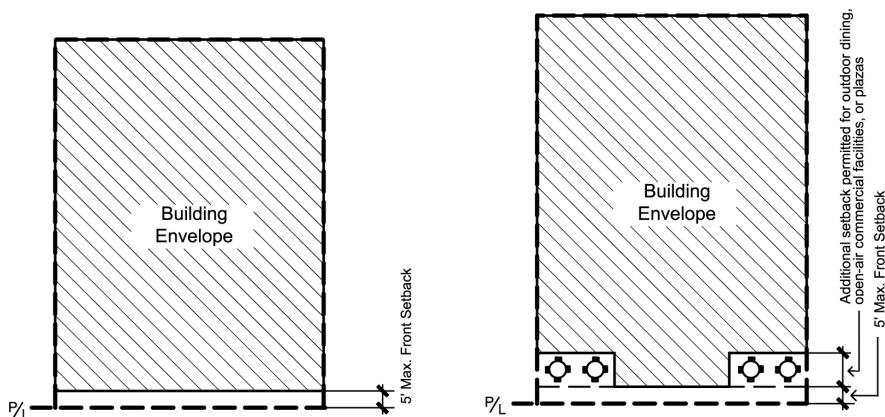


Figure 3-28 For commercial development, a maximum five-foot setback shall be required, except where outdoor dining, open-air commercial facilities, or plazas are provided

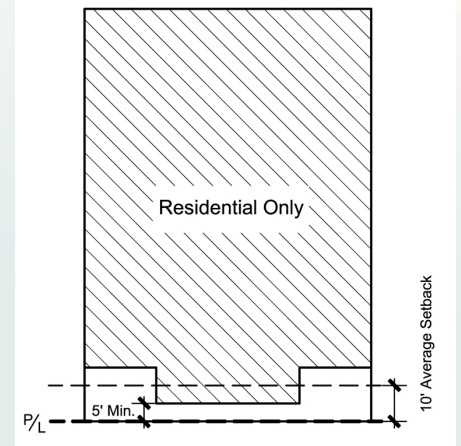


Figure 3-29 On parcels where residential only is permitted, the average setback for the total street frontage is ten feet

3.3.1.11. Side Yard Setback

- 1) No interior setback shall be required for commercial and mixed-use development.
- 2) The exterior setback for commercial and mixed-use development shall be equal to the front setback for that street.
- 3) The minimum aggregate interior setback requirement for parcels of exclusively residential development shall be 20% of the street frontage, with a minimum of 3' on a side.
- 4) 5' minimum exterior setback for parcels where only residential developments are permitted.
- 5) 10' minimum exterior setback for parking.

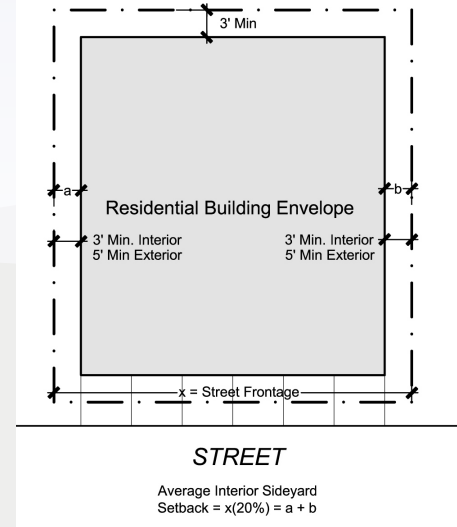


Figure 3-30 Side yard setbacks in District 1 must follow the formula illustrated in the above diagram

3.3.1.12. Corner Setback

The triangular area formed by measuring 25' along the curb lines from the point of the curve shall be clear passage area at the intersections of Main Street with Pacific Coast Highway, Walnut Avenue, Olive Avenue, and Orange Avenue.

3.3.1.13. Rear Yard Setback

3' minimum setback.

3.3.1.14. Public Views

Development proposals in District 1 located between Pacific Coast Highway and Walnut Avenue shall include a public view analysis. Setbacks may be increased and site coverage, density and building heights may be reduced as necessary to protect public views of the ocean. Provision of public viewing locations from within a development may be required to offset adverse impacts of the development proposal on public views of the ocean.

3.3.1.15. Public Open Space

Public open space shall mean outdoor or unenclosed area on the ground floor or above floor levels designed and accessible for use by the general public. Public open space may include one of the following: plazas, patios, balconies, gardens or view areas accessible to the general public, open to the street on the first floor, on at least one side above the first floor, or open to the sky.

- 1) Public open space and pedestrian access shall be required for development projects in order to assure a predominantly visitor-serving, pedestrian orientation.
- 2) 5% minimum of the gross site area for all non-residential development.
- 3) Mixed use developments that include residential units may reduce the public open space to 3% of the net site area but must provide all private open space as required per Section 3.2.16. Open Space.
- 4) All exclusively residential developments (allowed only in the Lake Street Overlay area and within the Neighborhood Subdistrict 1B) shall be exempt from the public open space requirement but must meet the requirements found in Section 3.2.16. Open Space.
- 5) 30% minimum of the public open space area shall contain landscaping, including shade trees, accent trees, and other soft landscaping. Hard surfaced areas and specialty paving shall also be incorporated into the public open space design.
- 6) 25% maximum of the required public open space may be provided above the street level, e.g. balconies, decks, etc. Open space provided above street level shall be readily, visibly, and obviously accessible to the general public and public access signage shall be provided.
- 7) Public plazas are required at the corner of Pacific Coast Highway and Main Street, which may count toward the public open space requirement.
 - a) 1,000 square feet minimum area, excluding public right-of-way.
 - b) All paved areas shall be textured.
 - c) Shall include a sculpture, fountain, information kiosk, public art, or similar visual amenity, as well as seating.
- 8) 50% maximum of the public open space area may be used for outdoor sales as identified in Section 3.2.25. Outdoor Display Areas and Sales.
- 9) Shall not be satisfied through the utilization of parking areas, driveways, service areas.
- 10) Shall include seating, as well as other pedestrian amenities, such as decorative lighting, planters, fountains or water features, distinctive paving, decorative tiles, public art, landscaping, and bicycle racks.
- 11) Shall be designed to contribute to real and perceived public safety.

3.3.1.16. Storefront

- 1) 65% minimum of the ground floor street facing facade of a commercial building shall be transparent windows and doors that allow views of indoor space or product display areas. Building code and seismic standards must be met.
- 2) Windows shall be transparent; opaque or reflective glazing is not permitted.
- 3) 3.5' maximum height above the adjacent sidewalk for the bottom of any window or product display area.
- 4) 4' minimum height for product display windows.
- 5) A combination of design elements must be used on the building facade and/or in relationship to the building at street level to animate and enliven the streetscape. These design elements may include but are not limited to: ornamentation, molding, changes in material or color, architectural lighting, works of art, fountains, display areas, awnings, balconies, porches, landscaped planter boxes, trellises, columns, cornices, arches, decorative tiles, decorative grillwork, and outdoor furniture along street frontages.

3.3.1.17. Public Art

- 1) Required for all commercial and mixed-use projects with frontage on PCH, Main Street, and 5th Street and/or with a frontage of 100' or greater and residential projects with 50 or more dwelling units.
- 2) All public art is subject to approval of the Design Review Board, Director of Planning, and Cultural Services staff.



Figure 3-31 At least 65 percent of the ground floor street facing facade of a commercial building shall be transparent windows and doors. A combination of design elements must be used on the building facade at street level to enliven the streetscape

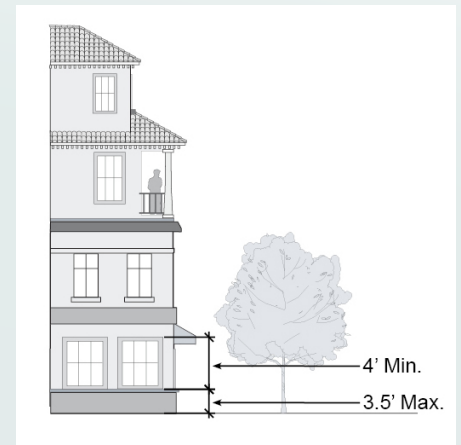


Figure 3-32 The bottom of any window or product display area shall not be more than three and one-half feet above the adjacent sidewalk and shall have a minimum height of four feet

- 3) Advertising shall not be permitted as part of a public art element, including wall murals.
- 4) Application submittals shall include a draft Public Art Plan and conceptual plans for the development shall identify the location for the proposed public art.
- 5) The project must reference the Public Art Plan.
- 6) Shall be fully integrated into the site design and shall be located within a publicly accessible place within the project.
- 7) Shall be:
 - a) Of artistic excellence and innovation.
 - b) Appropriate to the design of the project.
 - c) Reflective of the community's cultural identity, including ecology, history, and society.
 - d) Consistent with the design guidelines found in Section 4.2.6. Public Art and Resolution #2000-87, the existing City of Huntington Beach Design Guidelines, Chapter 10.

3.3.1.18. Paseos

- 1) 1 paseo minimum per 250' of street frontage to provide safe and convenient access between the core downtown retail and dining establishments and public parking and plazas, as well as to provide mid-block links between residential projects and adjacent streets. If the project spans across an alley, the paseo is required to provide an additional link between streets. If an existing paseo is located on the same block, an additional paseo is not required.
- 2) 8' minimum clear space and ADA compliant, but larger widths are permitted to provide spaces for landscaping, benches, outdoor dining, focal points, and water features designed with consideration of conserving water.

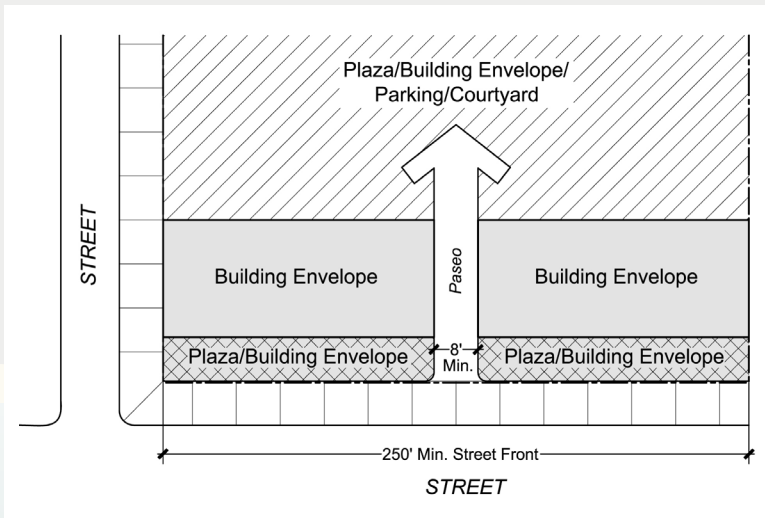


Figure 3-33 A minimum of 1 paseo shall be provided per 250 feet of street frontage

- 3) Pedestrian amenities such as seating, decorative lighting, planters, fountains, drinking fountains, distinctive paving, decorative tiles, public art, landscaping, and bicycle racks shall be provided in paseos.
- 4) Shall incorporate focal points such as architectural structures, public art, landscape features, and interactive water features.
- 5) The design of adjacent buildings shall not present blank walls to the paseo but should be architecturally detailed to complement the front of the building. Businesses adjacent to paseos are allowed to create window and outdoor displays, outdoor dining, and appropriated designed outdoor vendor kiosks along the paseos.
- 6) Secondary entrances to adjacent businesses, where possible, are permitted off of paseos.
- 7) Shall allow safe passage by avoiding configurations that allow for concealment or blind spots hidden from public view.
- 8) Paving accents, signs, and/or overhead structures shall denote paseo entrances.
- 9) Shall have lighting and low level landscaping to allow pedestrians to clearly see ahead and around the walkways.
- 10) Shall include directional signs.

3.3.1.19. Loading and Service Areas

- 1) 2 dedicated on-site loading spaces for developments exceeding 25,000 sf of building space.
- 2) 12' wide by 20' long by 14' high minimum dimensions for each loading space.
- 3) Shall be accessed from an alley
- 4) Shall not block vehicular traffic in the alley or fire or emergency access.

3.3.1.20. Refuse and Recycling Enclosures

- 1) Access shall be from an alley, where an alley exists.
- 2) No access from Main Street.

3.3.1.21. Main Street Library Subdistrict 1A

1) Purpose

The purpose of the Subdistrict 1A is to provide uses that are compatible with existing and surrounding uses on and surrounding the Main Street Library while promoting the enhancement of the cultural arts within Huntington Beach by building on existing cultural facilities within the downtown. Uses within this area include the Main Street Branch of the Huntington Beach Public Library.

Interest has also been expressed in retaining green space within the downtown area. This subdistrict requires parking on the Main Street library site.

This portion of District 1 demands special standards to ensure appropriate uses and adequate public open space that will make the subdistrict area a public space for the entire City to enjoy.

2) Boundary

Subdistrict 1A consists of the triangular-shaped area bound by Main Street and 6th Street, as illustrated in Figure 3-34.



Figure 3-34 Main Street Library Subdistrict 1A Map

<u>Permitted Uses Subdistrict 1A</u>				
<u>Use</u>	<u>Permitted</u>	<u>Admin Permit</u>	<u>CUP from PC</u>	<u>CUP from ZA</u>
Accessory Uses ¹			✓	
Community Theater ²			✓	
Library			✓	
Park	✓			
¹ Accessory uses to primary uses such as a gift shop, retail uses, or small cafe				
² Must be associated with a use permitted within this table.				

Figure 3-35 Permitted Uses Subdistrict 1A of District 1

3) Permitted Uses

- a) Figure 3-35 presents uses permitted within Subdistrict 1A. The table details permitted uses. Other cultural facility-related uses that have the same parking demand as the existing use not specified herein, as well as a change of use, may be allowed subject to the approval of the Director.

4) Development Standards

- a) Figure 3-36 presents a summary of the development standards for the Main Street Library property only. This figure is only a summary of the standards and the sections of the plan referenced in the figure must be consulted for the complete requirements of each standard.
 - 1) Maximum Site Coverage
50% of the net site area.
 - 2) Floor Area Ratio
FAR = 0.6 maximum
 - 3) Maximum Building Height
35' maximum.

5) Setbacks

- a) 20' minimum interior setback for the portion of the site bordering the existing residential development.
- b) No other setbacks shall be required.

6) Parking

- a) Shall be provided as required in Section 3.2.26.

7) Public Open Space

- a) Shall have no net loss of green space equivalent to approximately 27,944 sf.
- b) Shall incorporate the following amenities: open green space for pedestrian use and public events; shade and accent trees; benches; trash receptacles; decorative lighting; bicycle parking; and a variety of public art elements.

8) Loading

Loading and delivery activities shall be designed to minimize impacts to nearby neighborhoods.

Summary of Development Standards for the Main Street Library Site

	<u>Subdistrict 1A:</u> <u>Main Street Library Site Only</u>	<u>Section</u>
Maximum Site Coverage	50% net site area	3.3.1.21.4.a.1
Floor Area Ratio	0.6	3.3.1.21.4.a.2
Maximum Building Height	35'	3.3.1.21.4.a.3
Setbacks	20' adjacent to residential	3.3.1.21.4.a.4
Parking	Provided above or below grade	3.3.1.21.4.a.5
Public Open Space	No net loss of green space (27,944 sf)	3.3.1.21.4.a.6
Loading	Minimize impact to adjacent neighborhoods	3.3.1.21.4.a.8

Figure 3-36 Summary of Development Standards Subdistrict 1A of District 1

3.3.1.22. Neighborhood Subdistrict 1B

1) Purpose

The purpose of the Neighborhood Subdistrict 1B is intended to provide a transition zone between the existing residential areas and the commercial Main Street Corridor. Consequently, mixes of office and residential uses are permitted.

2) Boundary

From the alley between 3rd Street and 2nd Street to 1st Street, between Walnut Avenue and Orange Avenue.

3) Permitted Uses

- a) Residential, Office, and limited commercial uses shall be permitted on the ground floor within the District 1 Neighborhood Subdistrict 1B.
- b) Figure 3-37 presents uses permitted within District 1 Neighborhood Subdistrict 1B. The table details whether the use is permitted or whether the use requires a Conditional Use Permit from the Zoning Administrator, or a Conditional Use Permit from the Planning Commission.
- c) Other office-residential related uses not specified herein may be allowed subject to the approval of the Director.

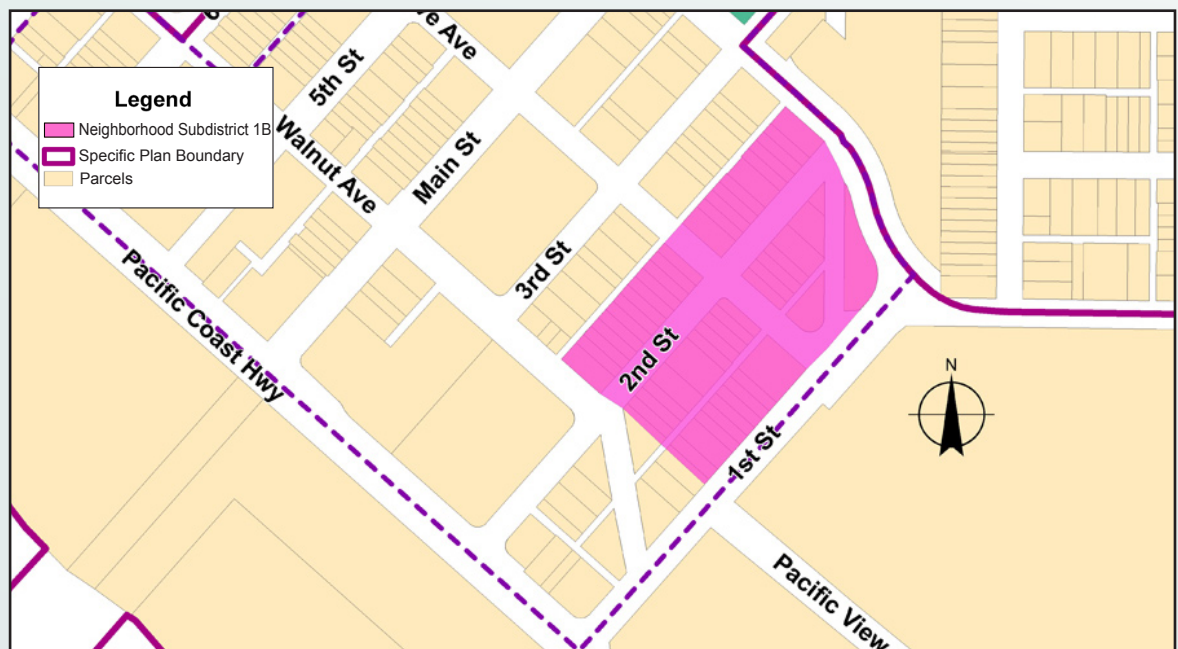


Figure 3-37 Neighborhood Subdistrict 1B Map

Permitted Uses Neighborhood Subdistrict 1B		
Use	Permitted	CUP from ZA
Eating and drinking establishments, with less than 12 seats	✓	
Home Occupations ¹	✓	
Live / Work Units ²	✓	
Mixed Residential / Office Use	✓	
Personal Enrichment Services ³	✓	
Personal Services	✓	
Multi-family housing, apartments, condominiums, and stock-cooperatives (up to 4 units)	✓	
Multi-family housing, apartments, condominiums, and stock-cooperatives (more than 4 units)		✓
Single-family detached dwellings ⁴	✓	
Office	✓	
¹ Pursuant to Section 230.12 of the HBZSO ² Provided that: <ul style="list-style-type: none"> The live/work unit is permitted to be a maximum of 3,000 square feet. The non-residential area is permitted to be a maximum 50% of the area of each live/work unit. The non-residential area function shall be limited to the first or main floor only of the live-work unit. A maximum of 5 non-residential worker or employees are allowed to occupy the non-residential area at any one time. Dwelling units that include an office that is less than ten percent of the area of the dwelling unit shall not be classified as a live/work unit. ³ Not to exceed 5,000 square feet ⁴ That comply with the standards provided in Section 3.3.4. District 4 - Established Residential and the standards contained in the Residential Infill Lot Developments Ordinance in Section 230.22 of the HBZSO		

Figure 3-38 Permitted Uses Neighborhood Subdistrict 1B of District 1

Summary of Development Standards Neighborhood Subdistrict 1B of District 1

	<u>Mixed Use</u>	<u>Residential</u>	<u>Section</u>
Minimum Parcel Size	25' of frontage and 2,500 s.f. of net site area	25' of frontage and 2,500 s.f. of net site area	3.3.1.22.5
Maximum Site Coverage	None required	None Required	3.3.1.22.6
Maximum Density	30 dwelling units per net acre	30 dwelling units per net acre	3.3.1.22.7
Building Height	35' and 3 stories maximum	35' and 3 stories maximum	3.3.1.22.8
Front Yard Setback	5' maximum	10' minimum	3.3.1.22.9
Interior Side Yard Setbacks	None required	20% minimum average aggregate • 3' minimum interior	3.3.1.22.10
Exterior Side Yard Setback	None Required	20% minimum average aggregate • 5' minimum exterior	3.3.1.22.10
Setback where parking is located at street front	10' minimum	10' minimum	3.3.1.22.11
Rear Yard Setback	3' minimum	3' minimum	3.3.22.11

Figure 3-39 Summary of Development Standards Neighborhood Subdistrict 1B of District 1

4) Summary of Development Standards

Figure 3-39 presents a summary of the development standards within the Neighborhood Subdistrict 1B portion of District 1. This figure is only a summary of the standards and the sections of the plan referenced in the figure must be consulted for the complete requirements of each standard.

5) Minimum Parcel Size

25' of frontage and 2,500 square feet of net site area.

6) Maximum Site Coverage

No maximum site coverage shall be required.

7) Maximum Density

30 dwelling units per net acre.

8) Building Height

35' and 3 stories maximum.

9) Front Yard Setback

- a) 5' maximum setback from the ultimate property line for office and mixed-use development, except where outdoor dining or plazas are provided.
- b) 10' minimum setback for exclusively residential may be reduced to 5' on up to 50% of the frontage provided that the average setback for the total street frontage is 10'.
- c) 10' minimum setback for parking lots.

10) Side Yard Setback

- a) No interior setback is required for office and mixed-use development.
- b) The exterior setback for office and mixed-use development shall be equal to the front setback for that street.
- c) The minimum aggregate interior setback requirement for parcels of exclusively residential development shall be 20% of the street frontage, with a minimum of 3' on a side.
- d) 5' minimum exterior setback for parcels where only residential is proposed.
- e) 10' minimum exterior setback for parking.

11) Rear Yard Setback

3' minimum setback from the rear property line.

3.3.2. District 2 - Visitor-serving Mixed-Use

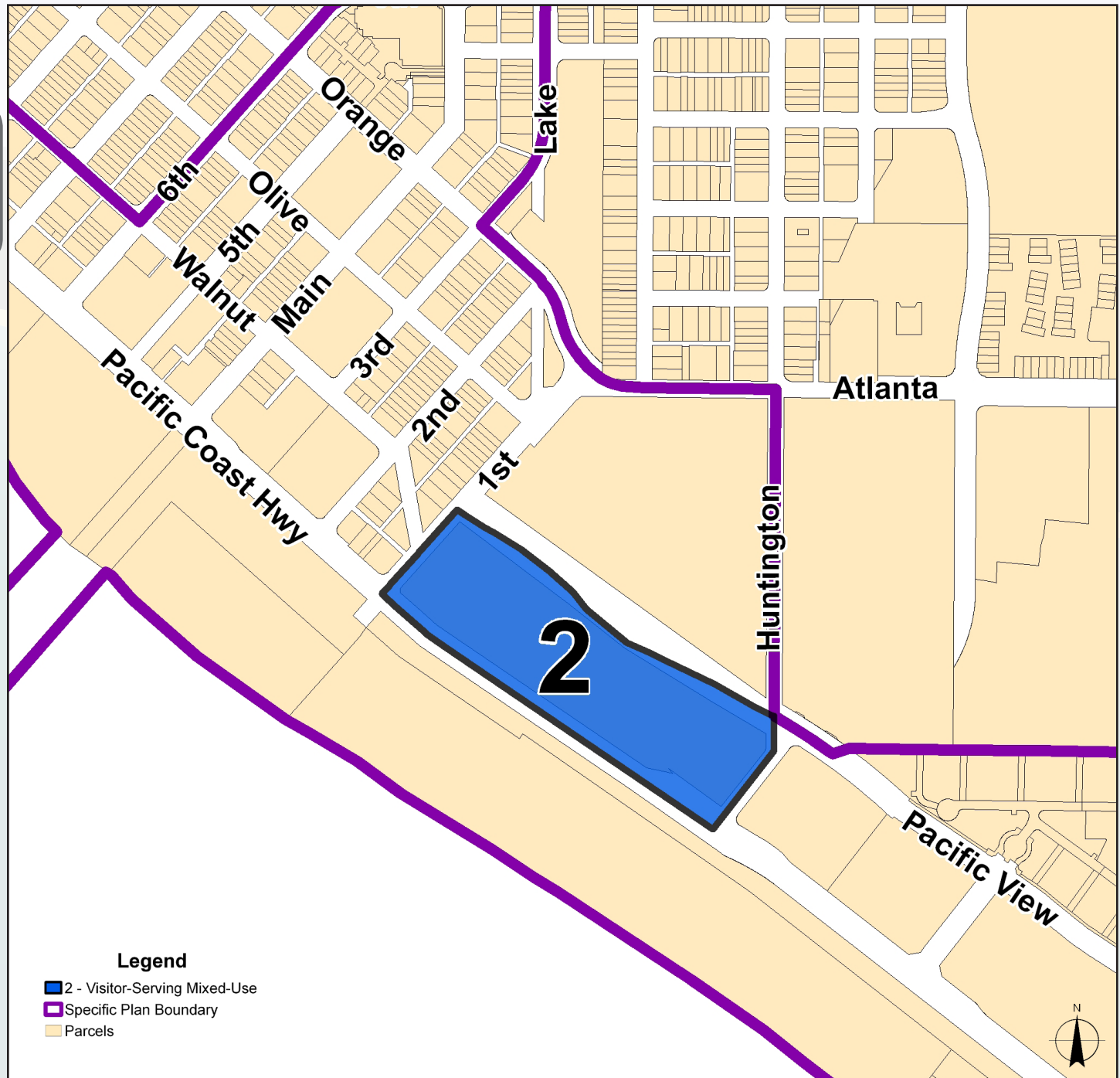


Figure 3-40 District 2 Map

3.3.2.1. Purpose

This district extends southeast of the downtown core adjacent to Pacific Coast Highway. The principal purpose of this district is to provide commercial facilities to serve seasonal visitors to the beaches as well as to serve local residents on a year round basis. This district also provides a continuous commercial link between the downtown and the visitor-commercial/recreation district near Beach Boulevard. The area of District 2 represents the visitor-serving commercial portion of the approved Pacific City project. Pacific City is a 31-acre mixed use project consisting of 516 residential units and seven commercial buildings with retail, office, restaurant, cultural and entertainment uses. The commercial portion of Pacific City is also planned to have carts, kiosks, outdoor dining, live entertainment indoors and outdoors and a boutique hotel. The residential component of Pacific City is described in District 5. The approved development described above is consistent with the provisions stated for this district.

3.3.2.2. Boundaries

District 2 boundaries are shown on Figure 3-40. District 2 extends from First Street to Huntington Street between Pacific Coast Highway and Pacific View Avenue.

3.3.2.3. Permitted Uses

- 1) Visitor-serving commercial uses must be a part of all development proposals in this district, with a minimum requirement that the entire street level be devoted to visitor-serving commercial uses. Any alterations or additions shall be consistent with the approved plans for the Pacific City development and shall comply with Section 2.5.10 of this Specific Plan. All new construction shall require approval of a Conditional Use Permit from the Planning Commission.
- 2) Figure 3-41 presents uses permitted within District 2. The table details whether the use is permitted or whether the use requires an Administrative Permit, a Conditional Use Permit from the Zoning Administrator, or a Conditional Use Permit from the Planning Commission. For permitted uses, other visitor-serving related uses as described in the Coastal Element of the General Plan that have the same parking demand as the existing use not specified herein may be allowed subject to the approval of the Director.

3.3.2.4. Summary of Development Standards

Figure 3-42 presents a summary of the development standards within District 2. This figure is only a summary of the standards and the sections of the plan referenced in the figure must be consulted for the complete requirements of each standard.

Permitted Uses District 2				
Use	Permitted	Admin Permit	CUP from ZA	CUP from PC
Artists' studios ¹	✓			
Automobile service stations			✓	
Banks and savings and loans branch offices ²	✓			
Carts and kiosks ³		✓		
Commercial parking			✓	
Dancing and/or live entertainment			✓	
Eating and drinking establishments	✓			
Eating and drinking establishments, with outdoor dining ⁴	✓			
Eating or drinking establishments, with alcohol				✓
Eating or drinking establishments, with dancing				✓
Eating or drinking establishments, with live entertainment				✓
Food and beverage sales, without alcoholic beverage sales	✓			
Fractional ownership hotel ⁵				✓
Health and sports clubs			✓	
Hotels and motels				✓
Offices, business and professional	✓			
Personal enrichment services ⁶	✓			
Personal services	✓			
Public facilities	✓			
Retail sales	✓			
Theaters			✓	
Travel services	✓			
¹ Must include retail sales ² With no drive through windows and not to exceed 5,000 square feet ³ Pursuant to Section 230.94 of the HBZSO ⁴ Pursuant to Section 3.2.24 Outdoor Dining ⁵ Pursuant to Section 3.3.2.15. Fractional Ownership Hotel ⁶ Not to exceed 5,000 square feet				

Figure 3-41 Permitted Uses District 2

<u>Summary of Development Standards District 2</u>		
	<u>All District 2</u>	<u>Section</u>
Minimum Parcel Size	None required	3.3.2.5
Maximum Site Coverage	50% net site area	3.3.2.6
Maximum FAR	3.0 FAR	3.3.2.7
Maximum Building Height	8 stories	3.3.2.8
Upper Story Setback	None required	3.3.2.9
Front Yard Setback	50' from PCH	3.3.2.10
Interior Side Yard Setback	None required	3.3.2.11
Exterior Side Yard Setback	20'	3.3.2.11
Rear Yard Setback	20' from Pacific View Ave	3.3.2.12
Public Open Space		3.3.2.13
Corridor Dedication		3.3.2.14
Public Views		3.3.2.15
Fractional Ownership Hotel		3.3.2.16

Figure 3-42 Summary of Development Standards District 2

3.3.2.5. Minimum Parcel Size

No minimum parcel size shall be required. However, prior to the approval of any development, including subdivision, a master site plan for the entire district shall be approved by the Planning Commission. Development which is in conformance with the site plan may then be permitted.

3.3.2.6. Maximum Site Coverage

50% of the net site area.

3.3.2.7. Maximum FAR

3.0 maximum FAR, calculated on net acreage, for the whole district.

3.3.2.8. Maximum Building Height

8 stories maximum.

3.3.2.9. Upper Story Setback

No upper story setback shall be required.

3.3.2.10. Front Yard Setback

50' minimum from Pacific Coast Highway for all structures exceeding 42' in height.

3.3.2.11. Side Yard Setback

20' minimum exterior setback.

3.3.2.12. Rear Yard Setback

20' minimum setback from Pacific View Avenue.

3.3.2.13. Public Open Space

Public open space and pedestrian access shall be required for development projects in order to assure a predominantly visitor-serving, pedestrian orientation.

3.3.2.14. Corridor Dedication

20' corridor dedication Atlanta Avenue and Pacific Coast Highway for public access between the southern end of the Pacific Electric right-of-way and Pacific Coast Highway. This requirement may be waived if an alternative public use is provided or if the corridor is deemed unnecessary by the City. Any proposal for an alternative public use must be approved by the Planning Commission.

3.3.2.15. Public Views

Development proposals in District 2 shall include a public view analysis. Setbacks may be increased and site coverage, density and building heights may be reduced as necessary to protect public views of the ocean. Provision of public viewing locations from within a development may be required to offset adverse impacts to public views of the ocean.

3.3.2.16. Fractional Ownership Hotel

May be permitted and shall be conditioned as follows:

- 1) 90% minimum of the total number of hotel guest rooms/units within the Fractional Ownership Hotel facility shall be available as transient hotel rooms. The non-fractional hotel rooms shall be operated as transient overnight visitor accommodations available to the general public on a daily basis, year-round.
- 2) 10% maximum of the total number of guest room/units within the Fractional Ownership Hotel facility may be subdivided into separate saleable units each of which can be owned by multiple owners on a fractional time basis. A fractional time basis means that an owner (or owners) receives an exclusive right to the use of an individual unit for a combined

period not to exceed the approved time period, which approved time period at the option of the hotel owner/operator may range up to three calendar months, in any one calendar year.

- 3) The hotel owner/operator retains control and ownership of all land structures, recreational amenities, meeting space, restaurants, “back of house” and other non-guest room/units.
- 4) The hotel operator shall maintain records of use by owners and renters and rates charged for all units and shall be responsible for reporting Transient Occupancy Taxes based on records of use for all units, a service for which the hotel operator may charge the unit owner a reasonable fee.
- 5) No portion of the Fractional Ownership Hotel, neither fractional units nor traditional hotel units, may be converted to full-time occupancy condominium or any other type of Limited Use Overnight Visitor Accommodations or other project that differs from the approved hotel units.
- 6) When an owner of a factional interest in a unit chooses not to occupy his/her unit for any portion of the time allotted to him/her, that unit shall be available to the general public on the same basis as the traditional hotel units.
- 7) Any hotel rooms for which a certificate of occupancy has been issued at the effective date of adoption of this section shall not be permitted to be converted to a Limited Use Overnight Visitor Accommodation.
- 8) Prior to issuance of a building permit and in conjunction with approval of a coastal development permit for any type of hotel facility, the landowner of the property upon which the existing and/or approved traditional hotel units/rooms (i.e., transient hotel rooms) are or will be developed within District 2 shall execute and record a deed restriction, subject to the review and approval of the Director of Planning and the Executive Director of the Coastal Commission, which prohibits the conversion of traditional hotel units/rooms to any other type of ownership (e.g., limited use overnight visitor accommodations). The deed restriction shall be submitted for review and approval of the Director of Planning and the Executive Director of the Coastal Commission prior to action on the coastal development permit. The deed restriction shall run with the land, shall be executed and consented to by the existing lessee of the affected property and shall be binding on the landowner and lessee, and on all successors and assigns of the landowner and lessee, including without limitation any future lienholders. The deed restriction shall not be removed or changed without approval of an amendment to the Local Coastal Program (LCP) by the Coastal Commission and to the underlying coastal development permit. However, minor changes that do not conflict with subsection 1) and 7) above may be processed as an amendment to the coastal development permit only, unless it is determined by the

Director of Planning and the Executive Director of the Coastal Commission that an amendment is not legally required.

- 9) Fractional time owners shall have the right to the use of their units including a maximum use of 90 days per calendar year with a maximum of 29 consecutive days of use during any 60 day period.
- 10) The hotel owner/operator shall be required to submit, prior to issuance of a coastal development permit, for the review and approval of the Director of Planning, a Declaration of Restrictions or Covenants, Conditions & Restrictions (CC&R's), either of which shall include:
 - a) All the specific restrictions listed in 1) through 9) above;
 - b) Acknowledgement that these same restrictions are independently imposed as condition requirements of the coastal development permit;
 - c) A statement that provisions of the Declaration/CC&R's that reflect the requirements of 1) through 9) above cannot be changed without approval of an LCP amendment by the Coastal Commission and subsequent coastal development permit amendment. However, minor changes that do not conflict with 1) through 9) above may be processed as an amendment to the coastal development permit, unless it is determined by the Director of Planning that an amendment is not legally required. If there is a section of the Declaration/CC&R's related to amendments, and the statement provided pursuant to this paragraph is not in that section, then the section on amendments shall cross-reference this statement and clearly indicate that it controls over any contradictory statements in the section of the Declaration/CC&R's on amendments.
 - d) The project Water Quality Master Plan shall be an appendix in the CC&R's.
- 11) The CC&R's or Declaration of Restrictions described above shall be recorded against all individual property titles simultaneously with the recordation of the condominium airspace map.
- 12) The provisions of the CC&R's or Declaration of Restrictions described above shall not be changed without approval of an amendment to the LCP by the Coastal Commission. However minor changes that do not conflict with 1) through 11) above may be processed as an amendment to the coastal development permit, unless it is determined by the Director of Planning that an amendment is not legally required.
- 13) The hotel owner/operator or any successor-in-interest hotel owner/operator shall maintain the legal ability to ensure compliance with the terms and conditions stated above at all times in perpetuity and shall be responsible in all respects for ensuring that all parties subject to these restrictions comply with the restrictions. Each owner of a fractional interest in a unit is jointly and severally liable with the hotel owner/operator for violations of the terms and conditions hereof imposed by the special conditions of the

coastal development permit. Violations of the coastal development permit can result in penalties pursuant to Public Resources Code Section 30820.

- 14) All documents related to the marketing and sale of the fractional interest units, including marketing materials, sales contracts, deeds, CC&R's and similar documents, shall notify buyers of the following:
 - a) The owners of a fractional interest in a unit are jointly and severally liable with the hotel owner/operator for any violations of the terms and conditions hereof imposed by the coastal development permit.
 - b) The occupancy of the units is restricted to 90 days per calendar year with a maximum of 29 consecutive days of use during any 60 day period, and when not in use by the owner, the unit shall be made available for rental by the hotel operator to the general public and that the coastal development permit contains additional restrictions on use and occupancy.
- 15) The hotel owner/operator and any successor-in-interest hotel owner/operator, and each future owner of a fractional interest in a unit shall obtain, prior to sale of a fractional interest, a written acknowledgement from the buyer that occupancy by the owner is limited to 90 days per calendar year with a maximum of 29 consecutive days of use during any 60 day period, that the unit must be available for rental by the hotel operator to the general public when not occupied by the owner, and that there are further restrictions on use and occupancy in the coastal development permit and the CC&R's or Declaration of Restrictions.
- 16) The hotel owner/operator and any successor-in-interest hotel owner/operator shall monitor and record hotel occupancy and use by the general public and the owners of a fractional interest in a unit throughout each year. The monitoring and record keeping shall include specific accounting of owner usage for each individual guest room/unit. The records shall be sufficient to demonstrate compliance with the restrictions set forth in 1) through 9) above. The hotel owner/operator shall also maintain documentation of rates paid for hotel occupancy and of advertising and marketing efforts. All such records shall be maintained for ten years and shall be made available to the City and to the Executive Director of the Coastal Commission upon request and to the auditor required by Section 17) below. Within 30 days of commencing hotel operations, the hotel owner/operator shall submit notice to the Director of Planning and to the Executive Director of the California Coastal Commission of commencement of hotel operations.
- 17) Within 90 days of the end of the first calendar year of hotel operations, and within 90 days of the end of each succeeding calendar year, the hotel owner/operator shall retain an independent auditing company, approved by the Director of Planning, to perform an audit to evaluation compliance with special conditions of the coastal development permit which are required by this section regarding notice, record keeping, and monitoring of the Fractional Interest Hotel. The audit shall evaluate compliance by

the hotel owner/operator and owners of fractional interests in a unit during the prior calendar year period. The hotel owner/operator shall instruct the auditor to prepare a report identifying the auditor's findings, conclusions and the evidence relied upon, and such report shall be submitted to the Director of Planning, for review and approval, and shall be available to the Executive Director of the Coastal Commission upon request, within six months after the conclusion of each one year period of hotel operations. After the initial five calendar years, the one-year audit period may be extended to two years upon written approval of the Director of Planning. The Director of Planning may grant such approval if each of the previous audits revealed compliance with all restrictions imposed above.

- 18) If the hotel owner and the hotel operator at any point become separate entities, the hotel owner and the hotel operator shall be jointly and severally responsible for ensuring compliance with the requirements identified above. If the hotel owner and the hotel operator become separate entities they shall be jointly and severally liable for violations of the terms and conditions (restrictions) identified above.
- 19) A coastal development permit application for a Fractional Interest Hotel shall include a plan specifying how the requirements outlined in this section will be implemented. The plan must include, at a minimum, the form of the sale, deed and CC&R's/Declaration of Restrictions that will be used to satisfy the requirements and the form of the rental program agreement to be entered into between the individual unit owners and the hotel owner-operator. The plan must demonstrate that the applicant will establish mechanisms that provide the hotel operator and any successor-in-interest hotel operator adequate legal authority to implement the requirements of this section. An acceptable plan meeting these requirements shall be incorporated into the special conditions of approval of any coastal development permit for a Fractional Interest Hotel. Any proposed changes to the approved plan and subsequent documents pertaining to compliance with and enforcement of the terms and conditions required by this section including deeds and CC&R's/Declaration shall not occur without an amendment to the coastal development permit, unless it is determined by the Director of Planning that no such amendment is legally required.
- 20) Any hotel rooms for which a certificate of occupancy has been issued at the effective date of adoption of this section shall not be permitted to be converted to a Fractional Ownership Hotel.

21) In Lieu Fee Required

- a) New development of overnight accommodations that are not “lower cost” shall be required to pay, as a condition of approval of a coastal development permit, an in-lieu fee to provide significant funding to assist in the creation of a substantial contribution to lower cost overnight visitor accommodations in or near Huntington Beach. The specific dollar amount of the fee shall be \$3,000 in 2006 dollars (which shall be adjusted annually to account for inflation, i.e., according to increase in the Consumer Price Index – U.S. City Average) times total quantity of proposed limited use overnight visitor accommodation units.
- b) Prior to issuance of the coastal development permit, and upon execution of an appropriate agreement between the City and the designated recipient that assures use of the in-lieu fee for the intended mitigation, the applicant shall transfer the fee to the entity designated in the agreement, which shall be the City of Huntington Beach, the California State Department of Parks and Recreation, Hosteling International USA, or similar public agency and/or non-profit provider of lower cost overnight visitor accommodations. If the in lieu fee, or any portion thereof, is not committed toward a use (i.e. with an effective agreement in place for use toward an identifiable project) within one year of payment of the fee, the in lieu fee shall be made available to be applied toward lower-cost overnight visitor accommodations at Crystal Cove State Park.

3.3.3. District 3 – Visitor-serving Recreation



Figure 3-43 District 3 Map

3.3.3.1. Purpose

The purpose of this district is to encourage large, coordinated development that is beach-oriented. The area of District 3, generally referred to as the “hotel district,” consists of the Hilton Waterfront Beach Resort and Hyatt Regency Huntington Beach Resort and Spa hotels. Completed in 1990, the Hilton Waterfront is a resort hotel with ballroom and meeting space, restaurants, and fitness center. The Hyatt Regency opened in 2003 and, in addition to hotel amenities, includes a conference center, retail and restaurant uses and a spa and fitness center. A third hotel is also planned for District 3. The approved and existing developments described above are consistent with the provisions stated for this district.

3.3.3.2. Boundaries

District 3 boundaries are shown on Figure 3-43. District 3 is bounded by Pacific Coast Highway on the south, Beach Boulevard on the east, Huntington Street on the west, and Pacific View Avenue on the north.

3.3.3.3. Permitted Uses

Figure 3-44 presents uses permitted within District 3. The table details whether the use is permitted or whether the use requires an Administrative Permit, a Conditional Use Permit from the Zoning Administrator, or a Conditional Use Permit from the Planning Commission. For permitted uses, other visitor-serving related uses as described in the Coastal Element of the General Plan that have the same parking demand as the existing use not specified herein may be allowed subject to the approval of the Director. Any alterations or additions shall be consistent with the approved plans for the developments in this district and shall comply with Section 2.5.10 of this Specific Plan. All new construction shall require approval of a Conditional Use Permit from the Planning Commission.

<u>Permitted Uses District 3</u>				
<u>Use</u>	<u>Permitted</u>	<u>Admin Permit</u>	<u>CUP from ZA</u>	<u>CUP from PC</u>
Carts and kiosks ¹		✓		
Condominium hotel ²				✓
Dancing and/ or live entertainment				✓
Eating and drinking establishments			✓	
Eating and drinking establishments, with outdoor dining ³	✓			
Hotels, motels				✓
Recreational facilities			✓	
Retail sales	✓			
Tourist related uses	✓			
¹ Pursuant to Section 230.94 of the HBZSO ² Pursuant to Section 3.3.3.15. Condominium Hotel ³ Pursuant to Section 3.2.24 Outdoor Dining				

Figure 3-44 Permitted Uses District 3

3.3.3.4. Summary of Development Standards

Figure 3-45 presents a summary of the development standards within District 3. This figure is only a summary of the standards and the sections of the plan referenced in the figure must be consulted for the complete requirements of each standard.

3.3.3.5. Minimum Parcel Size

No minimum parcel size shall be required. However, prior to approval of a Conditional Use Permit by the Planning Commission for any development, a master site plan for the entire district shall be approved by the Planning Commission. Development which is in conformance with the site plan may then be permitted.

3.3.3.6. Maximum Site Coverage

- 1) 35% maximum of the net site area.
- 2) 25% maximum of the net site area may be used for parking and vehicular access ways.

<u>Summary of Development Standards District 3</u>		
	<u>All District 3</u>	<u>Section</u>
Minimum Parcel Size	None required	3.3.3.5
Maximum Site Coverage	35% net site area	3.3.3.6
Maximum FAR	3.0 FAR	3.3.3.7
Maximum Building Height	None required	3.3.3.8
Upper Story Setback	None required	3.3.3.9
Front Yard Setback	50' from PCH and Beach Blvd	3.3.3.10
Interior Side Yard Setback	None required	3.3.3.11
Exterior Side Yard Setback	<ul style="list-style-type: none"> • 50' from Beach Blvd • 20' from all other streets 	3.3.3.11
Rear Yard Setback	20'	3.3.3.12
Public Open Space		3.3.3.13
Pedestrian Overpass		3.3.3.14
Public Views		3.3.3.15
Condominium Hotel		3.3.3.16

Figure 3-45 Summary of Development Standards District 3

3.3.3.7. Maximum FAR

3.0 Maximum FAR, calculated on net acreage, for the entire project area.

3.3.3.8. Maximum Building Height

No maximum building height shall be required.

3.3.3.9. Upper Story Setback

No upper story setback shall be required.

3.3.3.10. Front Yard Setback

50' minimum setback from Pacific Coast Highway and Beach Boulevard for all structures exceeding 42" in height.

3.3.3.11. Side Yard Setback

- 1) 50' minimum exterior setback from Beach Boulevard
- 2) 20' minimum exterior setback from all other streets.

3.3.3.12. Rear Yard Setback

20' minimum setback.

3.3.3.13. Public Open Space

Development projects within this district shall provide public open space.

- 1) 30% minimum of the net site area, which shall be available for public or semi-public uses for recreational purposes.
- 2) 25' minimum dimensions in every direction.
- 3) Paved areas devoted to streets, driveways, and parking areas may not be counted toward the public open space requirement.
- 4) 15% maximum of the required 30% public open space may be enclosed recreation space such as gyms, handball courts, health clubs, interpretive centers, or similar facilities. A fee may be imposed for the use of such facilities.

3.3.3.14. Pedestrian Overpass

A pedestrian overpass may be required to connect the development in this district to the City Beach, as a condition of approval for any new development on, or further subdivision of, parcels within the district. The City may waive this requirement if the City determines that overpasses are unnecessary or impractical considering the type and design of new developments.

3.3.3.15. Public Views

Development proposals in District 3 shall include a public view analysis. Setbacks may be increased and site coverage, density and building heights may be reduced as necessary to protect public views of the ocean. Provision of public viewing locations from within a development may be required to offset adverse impacts to public views of the ocean.

3.3.3.16. Condominium Hotel

May be permitted and shall be conditioned as follows:

- 1) Any hotel rooms for which a certificate of occupancy has been issued at the effective date of adoption of this section shall not be permitted to be converted to a Condominium-Hotel.

- 2) The hotel owner/operator shall retain control and ownership of all structures, recreational amenities, meeting space, restaurants, “back of house” and other non-guest unit facilities. When the Condominium-Hotel is located on land owned by the City, the hotel owner/operator shall be a leaseholder of the land upon which the Condominium-Hotel exists.
- 3) The Condominium-Hotel facility shall have an on-site hotel operator to manage rental/booking of all guest room/units. Whenever any individually owned hotel unit is not occupied by its owner(s), that unit shall be available for hotel rental by the general public on the same basis as a traditional hotel room.
- 4) The hotel operator shall market and advertise all rooms to the general public. Unit owners may also independently market and advertise their units but all booking of reservations shall be made by and through the hotel operator.
- 5) The hotel operator shall manage all guest room/units as part of the hotel inventory, which management will include the booking of reservations, mandatory front desk check-in and check-out, maintenance, cleaning services and preparing units for use by guests/owners, a service for which the hotel operator may charge the unit owner a reasonable fee.
- 6) If the hotel operator is not serving as the rental agent for an individually owned unit, then the hotel operator shall nevertheless have the right, working through the individually owned units’ owners or their designated agents, to book any unoccupied room to fulfill demand, at a rate similar to comparable accommodations in the hotel. The owner or an owner’s rental agent may not withhold units from use. In all circumstances, the hotel operator shall have full access to the condominiums’ reservation and booking schedule so that the operator can fulfill its booking and management obligations hereunder.
- 7) All guest room/unit keys shall be electronic and created by the hotel operator upon each new occupancy to control the use of the individually owned units.
- 8) Unit owners shall not discourage rental of their unit or create disincentives meant to discourage rental of their unit.
- 9) All individually owned hotel units shall be rented at a rate similar to that charged by the hotel operator for the traditional hotel rooms of a similar class or amenity level.
- 10) The hotel operator shall maintain records of usage by owners and renters and rates charged for all units, and shall be responsible for reporting Transient Occupancy Taxes based on records of use for all units, a service for which the hotel operator may charge the unit owner a reasonable fee.
- 11) Each individually owned hotel unit shall be used by its owner(s), no matter how many owners there are, for not more than 90 days per calendar year with a maximum of 29 consecutive days of use during any 60 day period.

- 12) The use period limitations identified in 11) above, shall be unaffected by multiple owners or the sale of a unit to a new owner during the calendar year, meaning that all such owners of any given unit shall be collectively subject to the use restriction as if they were a single, continuous owner.
- 13) No portion of the Condominium-Hotel may be converted to full-time occupancy condominium or any other type of Limited Use Overnight Visitor Accommodations or other project that differs from the approved Condominium-Hotel.
- 14) Prior to issuance of a building permit and in conjunction with approval of a coastal development permit for the Condominium-Hotel, the landowner of the property within District 3 upon which the traditional units/rooms (i.e., transient hotel rooms) are developed shall execute and record a deed restriction, subject to the review and approval of the Director of Planning and the Executive Director of the Coastal Commission, which prohibits the conversion of those traditional hotel units/rooms to any other type of ownership (e.g., limited use overnight visitor accommodations). The deed restriction shall be submitted for review and approval of the Director of Planning and the Executive Director of the Coastal Commission prior to action on the coastal development permit. The deed restriction shall run with the land, shall be executed and consented to by the existing lessee of the affected property and shall be binding on the landowner and lessee, and on all successors and assigns of the landowner and lessee, including without limitation any future lienholders. The deed restriction shall not be removed or changed without approval of an amendment to the underlying coastal development permit and approval of an amendment to the Local Coastal Program (LCP) by the Coastal Commission. However, minor changes that do not conflict with subsection 1) and 13) above may be processed as an amendment to the coastal development permit only, unless it is determined by the Director of Planning and the Executive Director of the Coastal Commission that such an amendment is not legally required.
- 15) The hotel owner/operator shall be required to submit, prior to the issuance of a coastal development permit, for the review and approval of the Director of Planning, a Declaration of Restrictions or Covenants, Conditions and Restrictions (CC&R's) either of which shall include:
 - a) All the specific restrictions listed in 1) through 13) above;
 - b) Acknowledgement that these same restrictions are independently imposed as condition requirements of the coastal development permit;
 - c) A statement that provisions of the CC&R's/Declaration of Restrictions that reflect the requirements of 1) through 13) above cannot be changed without approval of an LCP amendment by the Coastal Commission and subsequent coastal development permit amendment. However, minor changes that do not conflict with 1) through 13) above may be processed as an amendment to the coastal development permit, unless it is

determined by the Director of Planning that an amendment is not legally required. If there is a section of the CC&R's/Declaration of Restrictions related to amendments, and the statement provided pursuant to this paragraph is not in that section, then the section on amendments shall cross-reference this statement and clearly indicate that it controls over any contradictory statements in the section of the Declaration/CC&R's on amendments.

- 16) The CC&R's or Declaration of Restrictions described above shall be recorded against all individual property titles simultaneously with the recordation of the condominium airspace map.
- 17) The provisions of the CC&R's or Declaration of Restrictions described above shall not be changed without approval of an amendment to the LCP by the Coastal Commission. However, minor changes that do not conflict with 1) through 16) above may be processed as an amendment to the coastal development permit, unless it is determined by the Director of Planning that an amendment is not legally required.
- 18) The hotel owner/operator or any successor-in-interest shall maintain the legal ability to ensure compliance with the terms and conditions stated above at all times in perpetuity and shall be responsible in all respects for ensuring that all parties subject to these restrictions comply with the restrictions. Each owner of an individual guest room/condominium unit is jointly and severally liable with the hotel owner-operator for any and all violations of the terms and conditions imposed by the special conditions of the coastal development permit with respect to the use of that owner's unit. Violations of the coastal development permit can result in penalties pursuant to Public Resources Code Section 30820.
- 19) All documents related to the marketing and sale of the condominium interests, including marketing materials, sales contracts, deeds, CC&R's and similar documents, shall notify buyers of the following:
 - a) Each owner of any individual hotel unit is jointly and severally liable with the hotel owner-operator for any violations of the terms and conditions of the coastal development permit with respect to the use of that owner's unit; and
 - b) The occupancy of the units by owner(s) is restricted to 90 days per calendar year with a maximum of 29 consecutive days of use during any 60 day period, and when not in use by the owner, the unit shall be made available for rental by the hotel operator to the general public per the terms of the coastal development permit and that the coast development permit contains additional restrictions on use and occupancy.
- 20) The hotel and owner/operator and any successor-in-interest hotel owner and operator, and each future individual unit owner shall obtain, prior to sale of individual units, a written acknowledgement from the buyer that occupancy by the owner is limited to 90 days per calendar year with a maximum of 29 consecutive days of use during any 60 day

period, that the unit must be available for rental by the hotel operator to the general public when not occupied by the owner, and that there are further restrictions on use and occupancy in the coastal development permit and the CC&R's or Declaration of Restrictions.

- 21) The hotel owner/operator and any successor-in-interest hotel owner and operator shall monitor and record hotel occupancy and use by the general public and the owners of individual hotel units throughout each year. The monitoring and record keeping shall include specific accounting of owner usage for each individual guest room/unit. The records shall be sufficient to demonstrate compliance with the restrictions set forth in a through n above. The hotel owner-operator shall also maintain documentation of rates paid for hotel occupancy and of advertising and marketing efforts. All such records shall be maintained for ten years and shall be made available to the City, and the Executive Director of the Coastal Commission upon request and to the auditor required by Section 22) below. Within 30 days of commencing hotel operations, the hotel owner-operator shall submit notice to the Director of Planning and to the Executive Director of the California Coastal Commission of commencement of hotel operations.
- 22) Within 90 days of the end of the first calendar year of hotel operations, and within 90 days of the end of each succeeding calendar year, the hotel owner-operator shall retain an independent auditing company, approved by the Director of Planning, to perform an audit to evaluate compliance with special conditions of the coastal development permit which are required by this section regarding occupancy restrictions, notice, record keeping, and monitoring of the Condominium-Hotel. The audit shall evaluate compliance by the hotel owner-operator and owners of individual hotel units during the prior one-year period. The hotel owner-operator shall instruct the auditor to prepare a report identifying the auditor's findings, conclusions and the evidence relied upon, and such report shall be submitted to the Director of Planning, for review and approval, and shall be available to the Executive Director of the Coastal Commission upon request, with six months after the conclusion of each one year period of hotel operations. After the initial five calendar years, the one-year audit period may be extended to two years upon written approval of the Director of Planning. The Director of Planning may grant such approval if each of the previous audits revealed compliance with all restrictions imposed above.
- 23) If the hotel owner and the hotel operator at any point become separate entities, the hotel owner and the hotel operator shall be jointly and severally responsible for ensuring compliance with the requirements identified above. If the hotel owner and hotel operator become separate entities, they shall be jointly and severally liable for violations of the terms and conditions (restrictions) identified above.
- 24) A coastal development permit application for a Condominium-Hotel shall include a plan specifying how the requirements outlined in 1) through 22) will be implemented. The

- plan must include, at a minimum, the form of the sale, deed, and CC&R's/Declaration of Restrictions that will be used to satisfy the requirements and the form of the rental program agreement to be entered into between the individual unit owners and the hotel owner/operator. The plan must demonstrate that the applicant will establish mechanisms that provide the hotel operator and any successor-in-interest hotel operator adequate legal authority to implement the requirements of Sections 1) through 22) above. An acceptable plan meeting these requirements shall be incorporated into the special conditions of approval of any coastal development permit for a Condominium-Hotel. Any proposed changes to the approved plan and subsequent documents pertaining to compliance with and enforcement of the terms and conditions required by Sections 1) through 22) and this section including deeds and CC&R's/Declaration of Restrictions shall not occur without an amendment to the coastal development permit, unless it is determined by the Director of Planning that an amendment is not legally required.
- 25) Any hotel rooms for which a certificate of occupancy has been issued in the District at the effective date of adoption of this section shall not be permitted to be converted to Limited Use Overnight Visitor Accommodations.
- 26) In Lieu Fee Required
- a) New development of overnight accommodations that are not "lower cost" shall be required to pay, as a condition of approval of a coastal development permit, an in-lieu fee to provide significant funding to assist in the creation of a substantial contribution to lower cost overnight visitor accommodations in or near Huntington Beach. The specific dollar amount of the fee shall be \$3,000 in 2006 dollars (which shall be adjusted annually to account for inflation i.e. according to increases in the Consumer Price Index – U.S. City Average) times the total quantity of proposed limited use overnight visitor accommodation units.
 - b) Prior to issuance of the coastal development permit, and upon execution of an appropriate agreement between the City and the designated recipient that assures use of the in-lieu fee for the intended mitigation, the applicant shall transfer the fee to the entity designated in the agreement, which shall be the City of Huntington Beach, the California State Department of Parks and Recreation, Hosteling International USA, or similar public agency and/or non-profit provider of lower cost overnight visitor accommodations. If the in lieu fee, or any portion thereof, is not committed toward a use (i.e. with an effective agreement in place for use toward an identifiable project) within one year of payment of the fee, the in lieu fee shall be made available to be applied toward lower-cost overnight visitor accommodations at Crystal Cove State Park.

3.3.4. District 4 – Established Residential

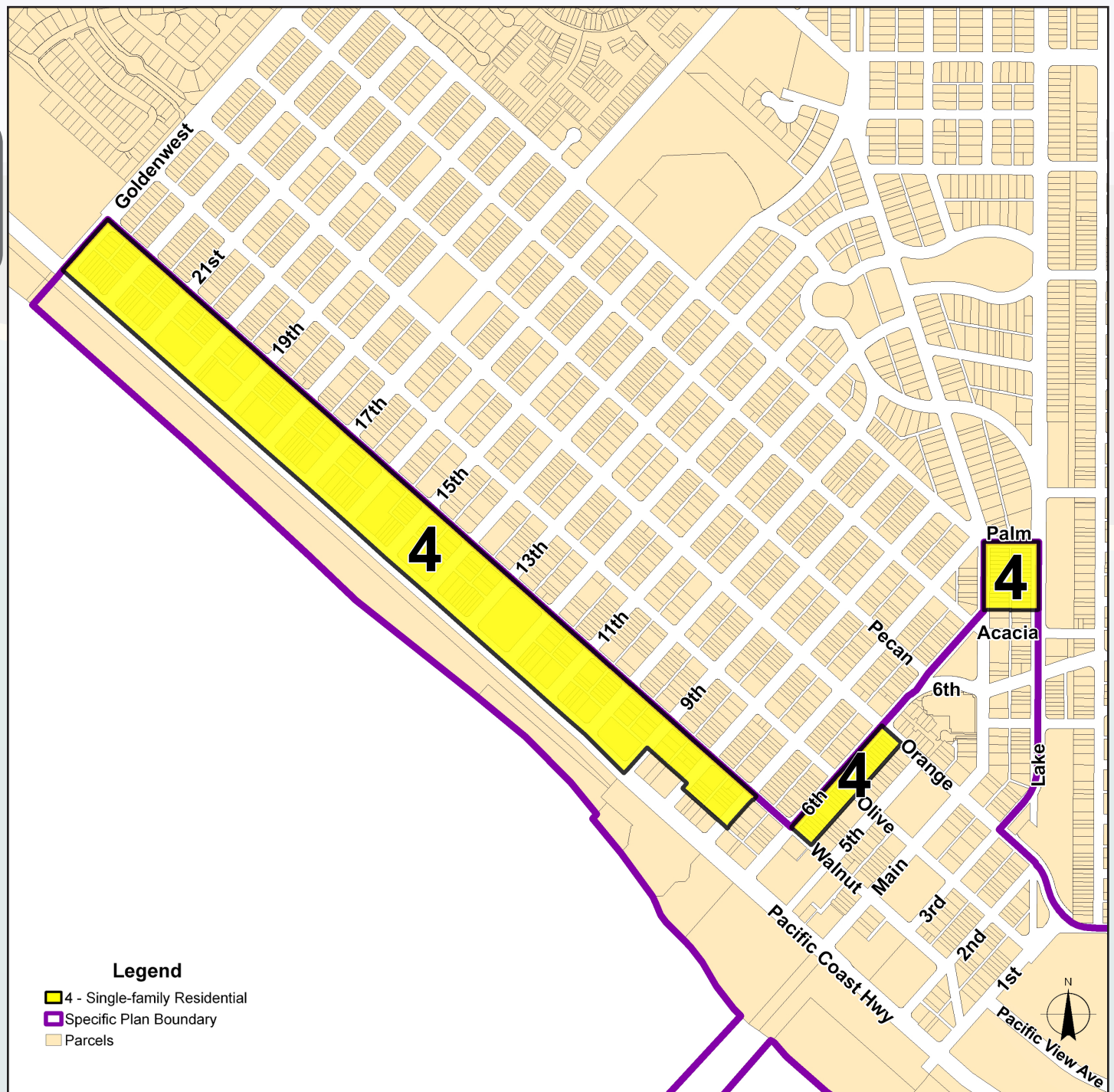


Figure 3-46 District 4 Map

3.3.4.1. Purpose

This district allows residential development exclusively. The district employs graduated height limits and proportional setback requirements to keep the scale of new developments compatible with the existing residential neighborhood.

3.3.4.2. Boundaries

District 4 boundaries are shown on Figure 3-46. District 4 includes the first block along Pacific Coast Highway to Walnut Avenue between Goldenwest Street and 7th Street except for the area included in District 1; the parcels fronting 6th Street between Walnut Avenue and Orange Avenue; and the area bounded by Palm Avenue, Main Street, the parcel line approximately 110 feet north of Acacia Avenue, and Lake Street.

3.3.4.3. Permitted Uses

Figure 3-47 presents uses permitted within District 4. The table details whether the use is permitted or whether the use requires a Conditional Use Permit from the Zoning Administrator.

Permitted Uses District 4		
Use	Permitted	CUP from ZA
Home occupations ¹	✓	
Multi-family housing, apartments, condominiums, and stock-cooperatives (up to 4 units)	✓	
Multi-family housing, apartments, condominiums, and stock-cooperatives (more than 4 units)		✓
Single-family detached dwellings ²	✓	
¹ Pursuant to Section 230.12 of the HBZSO		
² That comply with the standards provided in this Section 3.3.4. District 4 - Established Residential and the standards contained in the Residential Infill Lot Developments Ordinance in Section 230.22 of the HBZSO		

Figure 3-47 Permitted Uses District 4

Summary of Development Standards District 4		
	All District 4	Section
Minimum Parcel Size	2,500 sf & 25' street frontage	3.3.4.5
Maximum Site Coverage	50% net site area	3.3.4.6
Maximum Density	<ul style="list-style-type: none"> Varies with parcel size 1.0 maximum FAR for single-family ≤ 25' street frontage & ≤ 2,500 sf: 1 du > 25' street frontage & ≤ 50' street frontage as well as > 2,500 sf & ≤ 5,000 sf: 4 du max. > 50' street frontage & > 5,000 sf: 30 du/ac 	3.3.4.7
Maximum Building Height	35' & 3 stories 25' maximum within 25' of front property line	3.3.4.8
Upper Story Setback	10' average	3.3.4.9
Front Yard Setback	<ul style="list-style-type: none"> 25' from PCH 15' from all other streets 	3.3.4.10
Interior Side Yard Setback	<ul style="list-style-type: none"> ≤ 100' street frontage: Min 3' > 100' street frontage & < half block: Min 7' ≥ half block street frontage: Min 7' 	3.3.4.11
Exterior Side Yard Setback	<ul style="list-style-type: none"> ≤ 100' street frontage: Min 5' > 100' street frontage & < half block: Min 15' ≥ half block street frontage: Min 15' 	3.3.4.11
Rear Yard Setback	<ul style="list-style-type: none"> Fronting PCH: Min 3' Fronting all other streets: Min 7.5' 	3.3.4.12
Garage Setback	5'	3.3.4.13
Common Open Space		3.3.4.14
Public Open Space	None required	3.3.4.14
Street Frontage		3.3.4.15

Figure 3-48 Summary of Development Standards District 4

3.3.4.4. Summary of Development Standards

Figure 3-48 presents a summary of the development standards within District 4. This figure is only a summary of the standards and the sections of the plan referenced in the figure must be consulted for the complete requirements of each standard.

3.3.4.5. Minimum Parcel Size

25' frontage and 2,500 square feet net size area minimum.

3.3.4.6. Maximum Site Coverage

50% of the net site area maximum.

3.3.4.7. Maximum Density

- 1) The maximum allowable number of residential dwelling units shall increase as the parcel size increases.
 - a) 1 dwelling unit maximum if lot frontage is 25' or less and lot area is 2,500 square feet or less.
 - b) 4 dwelling units maximum if lot frontage is greater than 25' but less than or equal to 50' and lot area is greater than 2,500 square feet and less than or equal to 5,000 square feet.
 - c) 30 dwelling units per acre or 1 dwelling unit per 1,452 square feet of net lot area maximum, if lot frontage is greater than 50' and lot area is greater than 5,000 square feet.
- 2) FAR = 1.0 for single-family development

3.3.4.8. Maximum Building Height

- 1) 35' and no more than 3 stories maximum.
- 2) 25' maximum within 25' of the front property line.

3.3.4.9. Upper Story Setback

10' average setback from the second story facade for the covered portion of all structures above the second story.

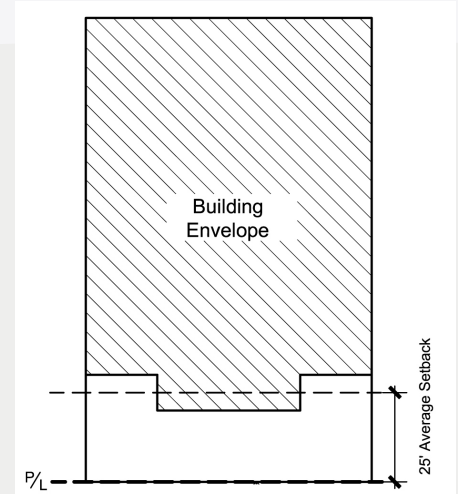


Figure 3-49 Parcels fronting Pacific Coast Highway require average setback that is a minimum of 25 feet

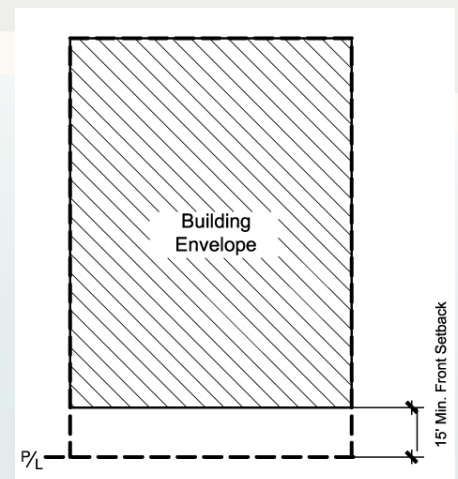


Figure 3-50 Parcels fronting all other streets require that the average setback for the total lot frontage is a minimum of 15 feet

3.3.4.10. Front Yard Setback

For all structures exceeding 42 inches in height:

- 1) 25' minimum setback for parcels fronting on Pacific Coast Highway. This setback may be reduced by 5' on up to 50% of the lot frontage, provided that the average setback for the total lot frontage is a minimum of 25'. This setback shall be limited to landscaping only and shall be designed to be compatible with the Bluff Top Park landscaping located across Pacific Coast Highway.
- 2) 15' minimum setback for parcels fronting all other streets except Pacific Coast Highway.

3.3.4.11. Side Yard Setback

- 1) Single Family minimum aggregate:
 - a) 10% of lot width
 - Interior: 3' minimum, 5' maximum
 - Exterior: 5' minimum
 - b) Garages located on a single 25-foot wide lot will be allowed an exterior yard reduction to a minimum of 3' from a public right-of-way.

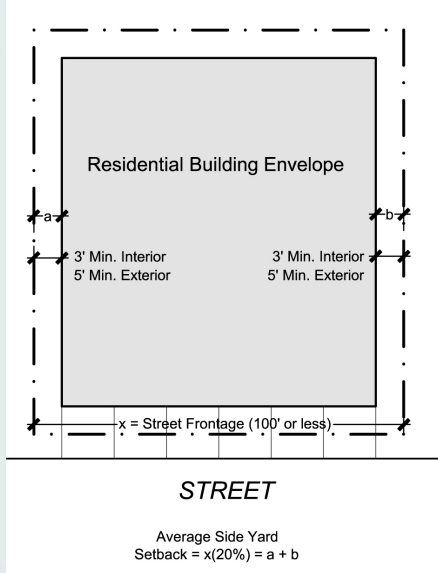


Figure 3-51 Parcels with 100 feet or less of frontage require 20 percent of the lot frontage, with a minimum of 3 feet on an interior side and a minimum of 5 feet on an exterior side

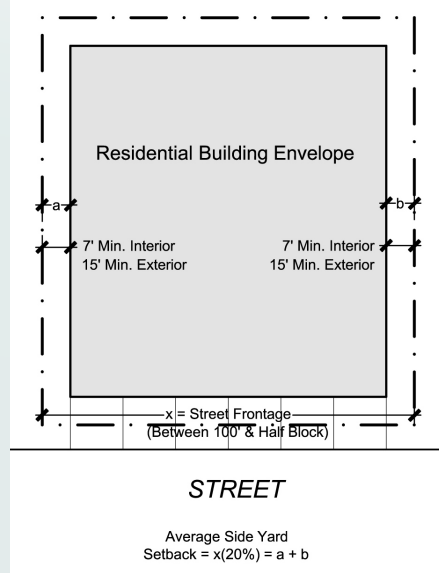


Figure 3-52 Parcels with greater than 100 feet but less than a half block of frontage require 20 percent of the frontage, with a minimum of 7 feet on an interior side and a minimum of 15 feet on an exterior side

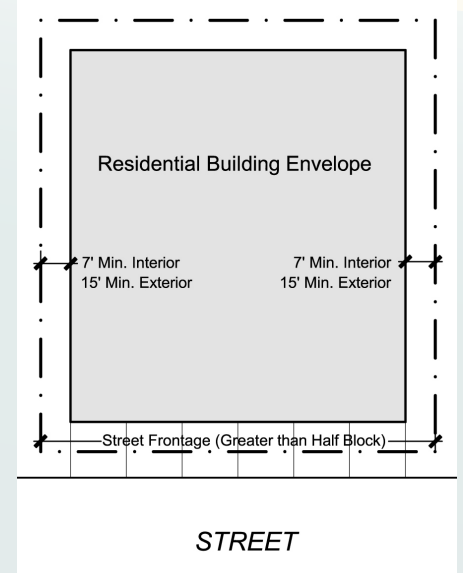


Figure 3-53 Parcels with a half block of frontage or greater require a minimum of 7 feet on any interior yard and a minimum of 15 feet for an exterior yard from a public right-of-way

- 2) Multi-Family minimum aggregate:
 - a) Parcels with 100' or less of frontage:
 - 20% of lot width:
 - Interior: 3' minimum
 - Exterior: 5' minimum
 - b) Parcels with greater than 100' of frontage:
 - 20% of lot width:
 - Interior: 7' minimum
 - Exterior: 15' minimum

3.3.4.12. Rear Yard Setback

Minimum rear yard setback requirements:

- 1) 3' minimum setback for parcels fronting on Pacific Coast Highway.
- 2) 7.5' minimum setback for parcels fronting all other streets.
- 3) Upper stories of structures may be cantilevered into the rear setback; however, a setback of 2.5' minimum from the rear property line shall be maintained.

3.3.4.13. Garage Setback

A 5' setback is required for garages with alley access in order to meet the required 25' turning radius from the garage to the opposite side of the alley.

3.3.4.14. Common and Public Open Space

- 1) Projects that maintain the 25' front setback along Pacific Coast Highway shall be allowed to use the front setback area towards common open space as required in Section 3.2.16. Open Space. Any encroachments into the 25-foot front setback area shall require common open space to be located behind the front setback.
- 2) No public open space shall be required.

3.3.4.15. Street Frontage

- 1) Single-family dwelling units not fronting Pacific Coast Highway shall have a front porch element that faces onto the primary street frontage. The front porch shall be allowed to encroach 5' into the front setback area.

3.3.5. District 5 – Multi-family Residential

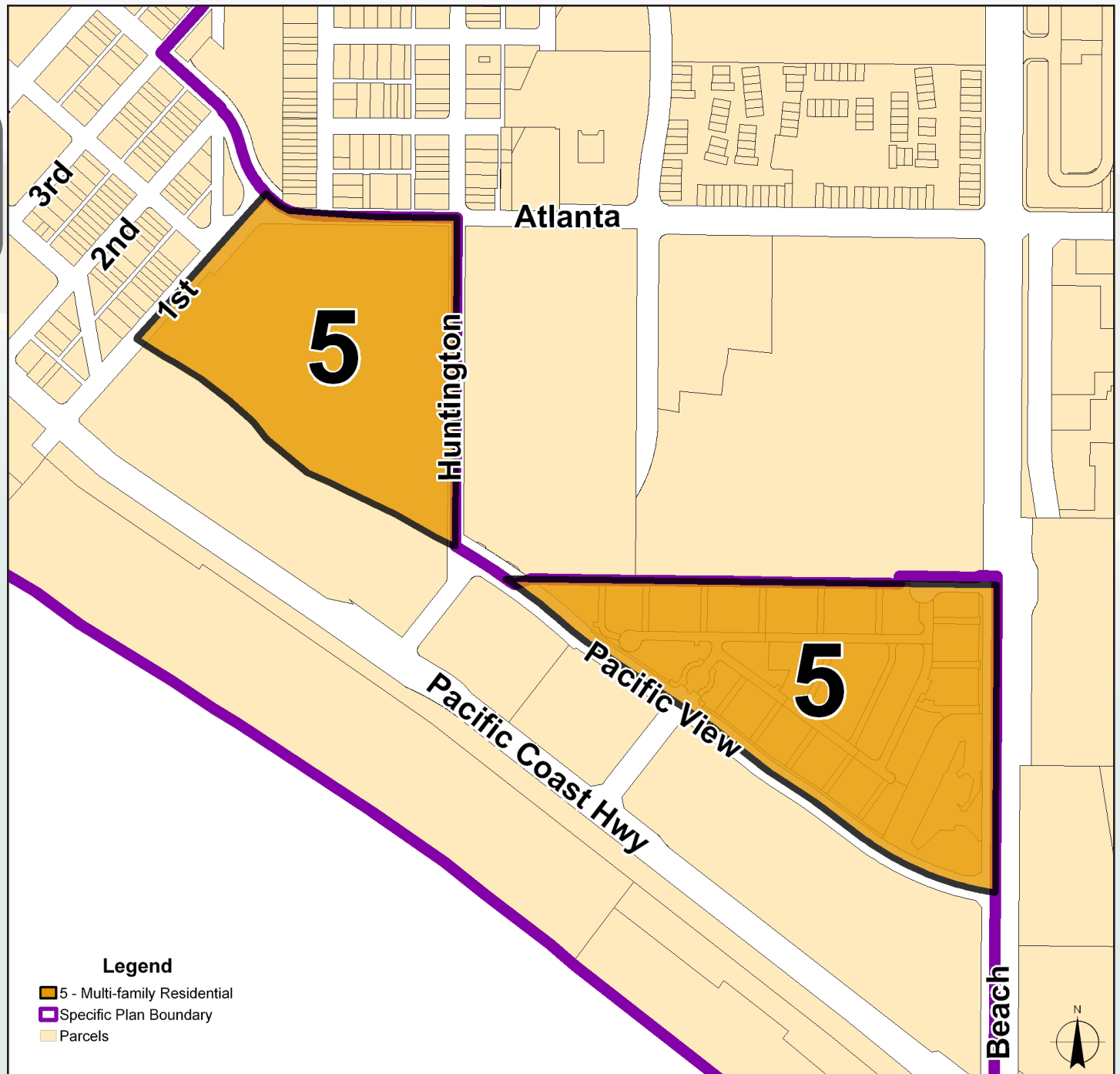


Figure 3-54 District 5 Map

3.3.5.1. Purpose

This district is intended to allow high density residential uses. New residential development will provide a population base to help support the commercial and office uses in the downtown area. District 5 represents the Pacific City residential component and the Waterfront Residential development. The Pacific City residential component is approved for 516 condominium units and outdoor recreational amenities including a 2-acre Village Green park. The Waterfront Residential development was constructed in 2004 and consists of 184-residential units located north of the waterfront hotels in District 3. The approved and existing developments described above are consistent with the provisions stated for this district.

3.3.5.2. Boundaries

District 5 boundaries are shown on Figure 3-54. District 5 includes two consolidated parcels. One parcel is bounded on the north by Atlanta Avenue, on the east by Huntington Street, on the south by Pacific View Avenue, and on the west by First Street. The second parcel includes the area north of Pacific View Avenue between the prolongation of Sunrise Drive and Beach Boulevard.

3.3.5.3. Permitted Uses

Figure 3-55 presents uses permitted with a Conditional Use Permit from Planning Commission within District 5. Any modifications or additions to individual residential units shall be permitted upon review by the Department of Planning for compliance with all applicable provisions of this Specific Plan in addition to applicable requirements, conditions of approval and development plans for the approved project.

<u>Permitted Uses District 5</u>	
<u>Use</u>	<u>CUP from PC</u>
Multi-family housing, condominiums, stock-cooperatives or apartments ¹	✓
Public transportation center	✓
¹ Must be permanently attached	

Figure 3-55 Permitted Uses District 5

3.3.5.4. Summary of Development Standards

Figure 3-56 presents a summary of the development standards within District 5. This figure is only a summary of the standards and the sections of the plan referenced in the figure must be consulted for the complete requirements of each standard.

<u>Summary of Development Standards District 5</u>		
	<u>All District 5</u>	<u>Section</u>
Minimum Parcel Size	None required	3.3.5.5
Maximum Site Coverage	50% net site area	3.3.5.6
Maximum Density	30 du/ac	3.3.5.7
Maximum Building Height	50'	3.3.5.8
Upper Story Setback	100' from northern property line	3.3.5.9
Front Yard Setback	20'	3.3.5.10
Interior Side Yard Setback	None required	3.3.5.11
Exterior Side Yard Setback	<ul style="list-style-type: none"> • 25' from Beach Blvd • 20' from all other streets 	3.3.5.11
Rear Yard Setback	20'	3.3.5.12
Public Open Space	None required	3.3.5.13
Corridor Dedication		3.3.5.14
Conservation Overlay		3.3.5.15

Figure 3-56 Summary of Development Standards District 5

3.3.5.5. Minimum Parcel Size

No minimum parcel size shall be required. However, prior to approval of any development, a conceptual plan shall be approved by the Planning Commission. Development that is in conformance with the site plan may then be permitted.

3.3.5.6. Maximum Site Coverage

50% of net site area.

3.3.5.7. Maximum Density

30 dwelling units per net acre or 1 dwelling unit per 1,452 square feet of net lot area maximum.

3.3.5.8. Maximum Building Height

50' maximum.

3.3.5.9. Upper Story Setback

100' minimum setback from the northern exterior property line for any portion of a structure that exceeds 35' in height.

3.3.5.10. Front Yard Setback

20' minimum for all structures exceeding 42 inches in height.

3.3.5.11. Side Yard Setback

20' minimum for all streets; 25' minimum for Beach Boulevard.

3.3.5.12. Rear Yard Setback

20' minimum.

3.3.5.13. Public Open Space

No public open space shall be required.

3.3.5.14. Corridor Dedication

20' corridor dedication between Atlanta Avenue and Pacific Coast Highway for public access between the southern end of the Pacific Electric right-of-way and Pacific Coast Highway. This requirement may be waived if the corridor is deemed unnecessary by the City. Any proposal for an alternative must be approved by the Planning Commission.

3.3.5.15. Conservation Overlay

A portion of District 5 is designated with a Conservation Overlay. Within this area, all the following requirements of the Conservation Overlay shall apply.

1) Purpose

The conservation overlay is intended to regulate those areas that identified as wetlands. The California Department of Fish and Game (CDFG) identified an area within District 5 as containing 0.8 acres of existing wetland and 1.4 acres of restorable wetland. This area was restored in 2004 in conjunction with the Waterfront Residential development. An existing deed restriction limits, in perpetuity, use of the area to natural open space for wetland preservation and restoration uses. The deed restriction runs with the land and shall not be removed or changed without a coastal development permit issued by the California Coastal Commission.

2) Boundary

The 2.2 acre area is immediately adjacent to Beach Boulevard. The Conservation Overlay boundaries are shown on Figure 3-57.

3) Regulations

- a) Development shall be permitted only pursuant to an overall development plan for the entire overlay area and subject to the following: as a condition of any development on this parcel, topographic, vegetation, and soils information identifying the extent of any existing wetlands shall be submitted to the Director.
- b) The information shall be prepared by a qualified professional, and shall be subject to review by the California Department of Fish and Game.
- c) If any wetland is determined by the Department of Fish and Game to be severely degraded pursuant to Sections 30233 and 30411 of the California Coastal Act, or if it is less than one acre in size, other restoration options may be undertaken, pursuant to the Coastal Commission's "Statewide Interpretive Guidelines for Wetlands and other Wet Environmentally Sensitive Habitat Areas."
- d) Conservation easements, dedications or other similar mechanisms shall be required over all wetland areas as a condition of development, to assure permanent protection.
- e) Public vehicular traffic shall be prohibited in wetland areas governed by a conservation easement.

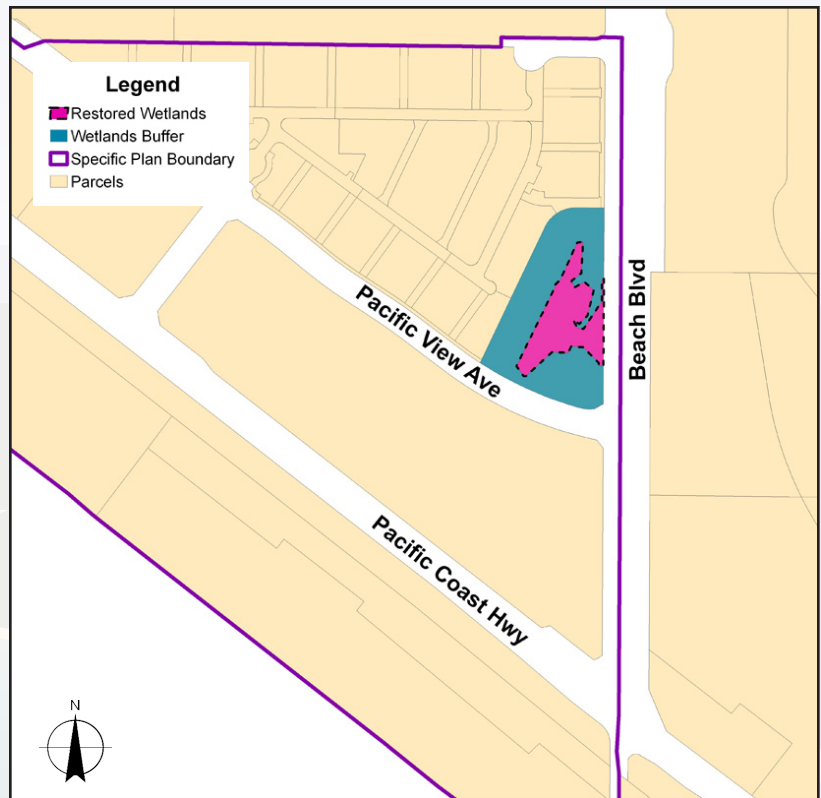


Figure 3-57 Conservation Overlay Map

- f) Specific drainage and erosion control requirements shall be incorporated into the project design to ensure that wetland areas are not adversely affected.
- g) No further subdivision of any parcel shall be permitted which would have the effect of dividing off environmentally sensitive habitat from other portions of such parcels for which urban uses are permitted in the City's Coastal Element until such time as the permanent protection of any wetland is assured.
- h) Within areas identified as wetlands in the coastal zone, the uses of the Coastal Conservation District shall supersede the uses of the Floodplain Overlay subdistricts FP1 and FP2 as addressed in Chapter 222 of the HBZSO.

3.3.6. District 6 – Pier & Pier-related Commercial

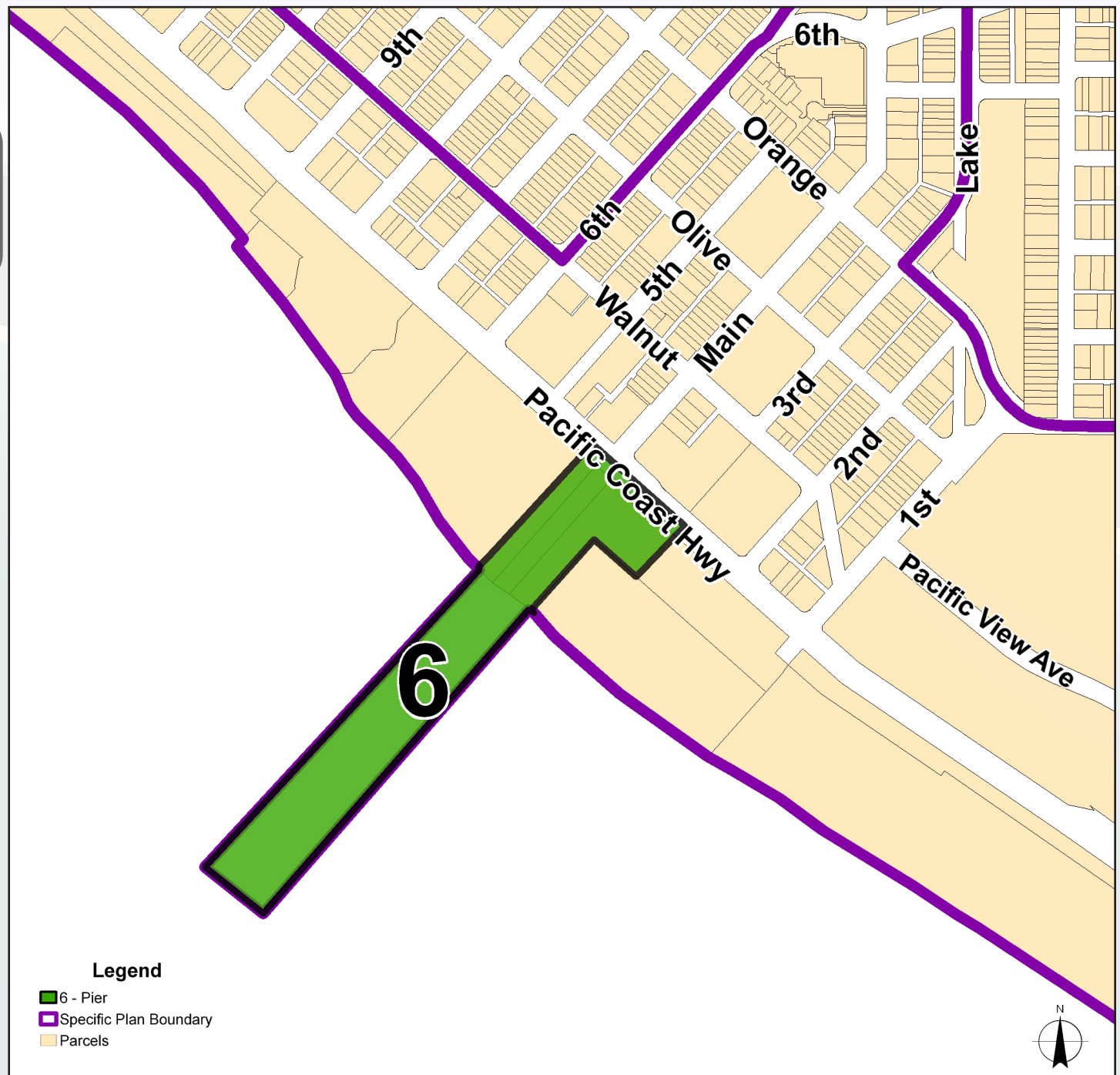


Figure 3-58 District 6 Map

3.3.6.1. Purpose

This district is intended to insure that the majority of the pier will remain open and accessible to the public at all times at no charge for strolling, fishing, and/or observation. Commercial uses on and alongside the pier that will enhance and expand the public's use and enjoyment of this area may also be permitted. Uses are encouraged that capitalize on the views available from the pier and the unique recreational or educational opportunities it affords. The main thoroughfare of the pier should remain clear for public safety.

3.3.6.2. Boundaries

The boundaries of District 6 shall be consistent with the Coastal Element of the General Plan and are shown generally in Figure 3-58.

3.3.6.3. Permitted Uses

Figure 3-59 presents uses permitted within District 6. The table details whether the use is permitted or whether the use requires an Administrative Permit, a Conditional Use Permit from the Zoning Administrator, or a Conditional Use Permit from the Planning Commission. For permitted uses, other visitor-serving related uses as described in the Coastal Element of the General Plan that have the same parking demand as the existing use not specified herein may be allowed subject to the approval of the Director. Change of use shall be subject to the approval of the Director. Any new construction shall require approval of a Conditional Use Permit from the Zoning Administrator.

<u>Permitted Uses District 6</u>				
<u>Use</u>	<u>Permitted</u>	<u>Admin Permit</u>	<u>CUP from ZA</u>	<u>CUP from PC</u>
Aquariums				✓
Bait and tackle shops	✓			
Beach rentals	✓			
Carts and kiosks ¹		✓		
Commercial uses or public recreation facilities ²				✓
Museums				✓
Outdoor dining ³	✓			
Eating and drinking establishments			✓	
Eating and drinking establishments, including fast food with take out windows			✓	
Retail sales ⁴	✓			
¹ Pursuant to Section 230.94 of the HBZSO ² Must be beach-related ³ Pursuant to Section 3.2.24 Outdoor Dining ⁴ Must be beach-related				

Figure 3-59 Permitted Uses District 6

<u>Summary of Development Standards District 6</u>		
	<u>All District 6</u>	<u>Section</u>
Minimum Parcel Size	None required	3.3.6.5
Maximum Site Coverage	None required	3.3.6.6
Maximum Density	None required	3.3.6.7
Maximum FAR	None required	3.3.6.7
Maximum Building Height	<ul style="list-style-type: none"> • 25' & 2 stories • 1 story on pier 	3.3.6.8
Upper Story Setback	None required	3.3.6.9
Front Yard Setback	None required	3.3.6.10
Side Yard Setback	None required	3.3.6.11
Rear Yard Setback	None required	3.3.6.12
Public Open Space		3.3.6.13
Public Access		3.3.6.14

Figure 3-60 Summary of Development Standards District 6

3.3.6.4. Summary of Development Standards

Figure 3-60 presents a summary of the development standards within District 6. This figure is only a summary of the standards and the sections of the plan referenced in the figure must be consulted for the complete requirements of each standard.

3.3.6.5. Minimum Parcel Size

No minimum parcel size shall be required.

3.3.6.6. Maximum Site Coverage

- 1) No maximum site coverage shall be required, except that no more than 25% maximum of the pier shall be covered by any building or roofed structure.
- 2) 25% maximum of the perimeter of the pier shall be covered with building or other roofed structures.

3.3.6.7. Maximum Density/FAR

No maximum density or FAR requirement shall be applied in this district.

3.3.6.8. Maximum Building Height

- 1) 25' and 2 stories above the pier level.
- 2) 1 story maximum building height on the pier, excluding the end of the pier café
- 3) No maximum building height shall be required for lifeguard towers or other facilities necessary for public safety; however, adverse impacts to public views should be avoided to the maximum extent feasible.
- 4) Development proposals shall include a public view analysis.
- 5) Public views shall be considered and maximized.

3.3.6.9. Upper Story Setback

No minimum upper story setback shall be required.

3.3.6.10. Front Yard Setback.

No minimum front yard setback shall be required.

3.3.6.11. Side Yard Setback

No minimum side yard setback shall be required.

3.3.6.12. Rear Yard Setback

No minimum rear yard setback shall be required.

3.3.6.13. Public Open Space

Promotion and retention of public open space, pedestrian access, and public views shall be major considerations of development in this district. Free and clear public pedestrian access along the outer (seaward) perimeter of the pier shall be maximized and, at minimum, a 10-foot wide area shall be maintained for public access between the outer (seaward) perimeter of the pier and any development, with the exception of the area of the lifeguard tower. In particular, the required setback area along the pier's perimeter shall be maintained at all times at the seaward end of the pier beyond any outdoor dining or other use that is or may be established.

In addition, all new development shall provide sufficient clear width along the length of the pier for public access and emergency and service vehicles. Public walkways along the pier edge or around the perimeter of new development must be provided.

3.3.6.14. Public Access

Any public pier curfew/closure that applies to any portion of the pier which is over State tidelands and within the Coastal Commission area of original jurisdiction requires a coastal development permit. Closure to the public of any portion of the pier inland of the mean high tide line is not encouraged and requires a coastal development permit which must maintain the public's right to gain access to State tidelands. Any inland closure shall provide for continued public access to any portion of the pier over State tidelands and requires an approved coastal development permit.

Measures that limit public use of the pier shall be limited to those necessary to address documented public safety events that cause a risk or hazard to the general public and shall be the minimum necessary to address the risk or hazard to the general public. The need for continuation of safety measures that limit public access shall be reassessed on a periodic basis to assure maximum public access is provided. Limited duration closures for periodic maintenance (not to exceed one year) are permissible when approved pursuant to a coastal development permit. Limited duration closures due to public safety concerns arising from severe storm events shall be permitted only for the duration of the storm event and as necessary to effect repairs. An emergency coastal development permit shall be processed with the California Coastal Commission in such cases as soon as the situation permits.

3.3.7. District 7 – Beach

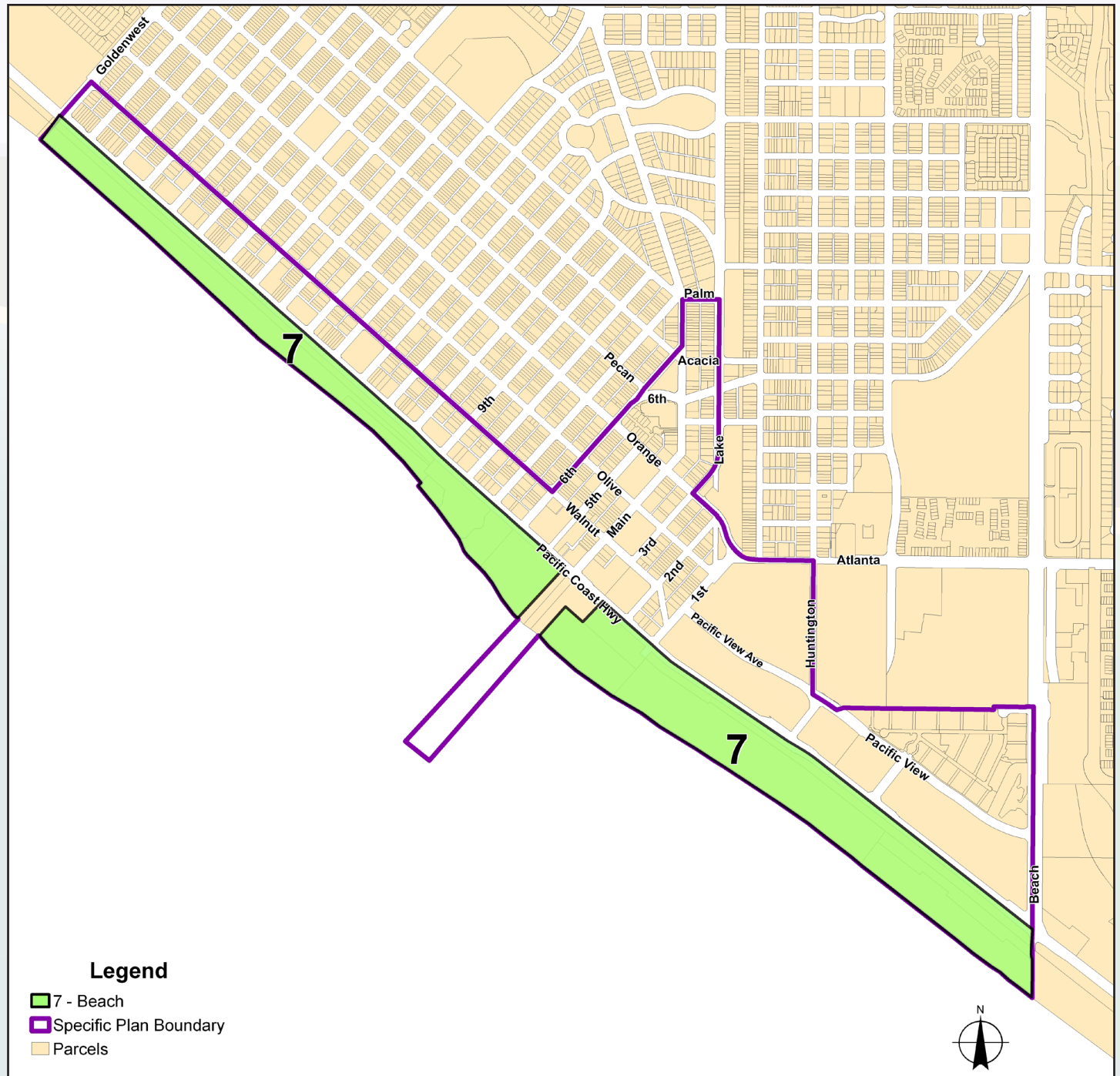


Figure 3-61 District 7 Map

<u>Permitted Uses District 7</u>		
<u>Use</u>	<u>CUP from PC</u>	<u>Design Review Board</u>
Access facilities		✓
Basketball courts		✓
Beach concession stands ¹		✓
Beach maintenance and storage facilities ²		✓
Fire rings		✓
Paddle board courts		✓
Parking lots that will not result in loss of recreational sand area		✓
Park offices and playground equipment		✓
Public restrooms		✓
Public transit facilities and associated structures, dressing rooms or showers ³		✓
Trails, bicycle or jogging, and support facilities		✓
Volleyball net supports		✓
¹ Shall be limited to 2,500 square feet and spaced at intervals no closer than 1,000 feet. Beach concession structures shall be located within or immediately adjacent to paved parking or access areas. ² Must be enclosed within a building, if that building is also utilized for purposes other than maintenance ³ May only be constructed within the existing paved parking areas or in areas that are not part of the beach		

Figure 3-62 Summary of Permitted Uses District 7

3.3.7.1. Purpose

This district is intended to preserve and protect the sandy beach area within the Specific Plan Area boundaries while allowing parking and auxiliary beach-related commercial and convenience uses. Approximately half of the beach frontage in the district is City beach; the remainder of the beach frontage is owned by the State of California.

3.3.7.2. Boundaries

District 7 boundaries are shown on Figure 3-61. District 7 is bounded by Pacific Coast Highway on one side and the Pacific Ocean on the other side. The district extends from Goldenwest Street to Beach Boulevard, except for the area which is part of District 6.

<u>Summary of Development Standards District 7</u>		
	<u>All District 7</u>	<u>Section</u>
Minimum Parcel Size	None required	3.3.7.6
Maximum Site Coverage	None required	3.3.7.7
Maximum Density	None required	3.3.7.8
Maximum FAR	None required	3.3.7.8
Maximum Building Height	20'	3.3.7.9
Upper Story Setback	None required	3.3.7.10
Front Yard Setback	None required	3.3.7.11
Side Yard Setback	None required	3.3.7.12
Rear Yard Setback	None required	3.3.7.13
Public Open Space		3.3.7.14
Public Access		3.3.7.15

Figure 3-63 Summary of Development Standards District 7

3.3.7.3. Permitted Uses

Figure 3-62 presents beach open space uses and public facilities, as well as other related uses or public facilities not specified herein, that may be allowed subject to approval of the Design Review Board. Any change of such use or public facilities shall be subject to the approval of the Director.

3.3.7.4. Prohibited Uses

Storage containers and stand-alone storage buildings shall be prohibited in beach areas.

3.3.7.5. Summary of Development Standards

Figure 3-63 presents a summary of the development standards within District 7. This figure is only a summary of the standards and the sections of the plan referenced in the figure must be consulted for the complete requirements of each standard.

3.3.7.6. Minimum Parcel Size

No minimum parcel size shall be required.

3.3.7.7. Maximum Site Coverage

No maximum site coverage shall be required.

3.3.7.8. Maximum Density/FAR

No maximum density or FAR requirement shall be applied in this District.

3.3.7.9. Maximum Building Height

20' maximum building height. No maximum building height shall be required for lifeguard towers or other facilities necessary for public safety. No parking surface or structure shall exceed the adjacent elevation of Pacific Coast Highway. Adverse impacts to public views shall be considered and minimized.

3.3.7.10. Upper Story Setback

No minimum upper story setback shall be required.

3.3.7.11. Front Yard Setback

No minimum front yard setback shall be required.

3.3.7.12. Side Yard Setback

No minimum side yard setback shall be required.

3.3.7.13. Rear Yard Setback

No minimum rear yard setback shall be required.

3.3.7.14. Public Open Space

Public open space and pedestrian access shall be major considerations of development in this District.



Figure 3-64 Resource Production Overlay Map

3.3.7.15. Public Access

- 1) A public beach closure/curfew cannot apply to the area of Coastal Commission original jurisdiction (State tidelands, submerged lands and public trust lands) including but not necessarily limited to the area seaward of the mean high tide line. Public access to the water's edge and at least 20 feet inland shall be permitted at all times. Closure to public use of any portion of the beach inland of the mean high tide line is not encouraged and requires a coastal development permit which must maintain the public's right to gain access to State tidelands. Measures that limit public use of the beach shall be limited to those necessary to address documented public safety events that cause a risk or hazard to the general public and shall be the minimum necessary to address the potential risk or hazard to the general public. The need for continuation of safety measures that limit public access shall be reassessed on a periodic basis to assure maximum public access is provided. Limited closure for beach maintenance may be allowable pursuant to a coastal development permit.
- 2) The implementation of restrictions on public parking along public streets with the potential to impede or restrict public access to beaches, trails or parklands, (including, but not limited to, the posting of "no parking" signs, red curbing, physical barriers, and preferential parking programs) shall be prohibited except where such restrictions are needed to protect public safety and where no other feasible alternative exists to provide public safety. Where such parking restrictions are determined to be necessary due to demonstrated public safety need with no feasible alternative, they shall be subject to a coastal development permit in accordance with Chapter 245 of the HBZSO. An equivalent number of public parking spaces shall be provided as mitigation for impacts to coastal access and recreation. Replacement public parking spaces shall be located within the closest, feasible proximity to the spaces lost.
- 3) Public recreation and access opportunities at public beaches and parks shall be protected, and where feasible, enhanced as an important coastal resource.
- 4) All beach amenities available to the general public on the City's public beaches (including those owned and operated by the City and the State) shall be available to all members of the general public on an equal basis.
- 5) Public beaches and parks shall maintain lower-cost user fees and parking fees, and maximize hours of use to the extent feasible, in order to maximize public access and recreation opportunities. Limitations on time of use or increases in user fees or parking fees shall be subject to coastal development permit requirements in accordance with Chapter 245 of the HBZSO.
- 6) No development shall be permitted that would result in the loss of sandy beach area.

3.3.8 Resource Production Overlay

Purpose. The Downtown Specific Plan area overlies long-productive oil pools. Many facilities are still operating because of the extent of the remaining reserves; therefore oil production will continue to be permitted in parts of this area (see Figure 3-64).

The City provides for oil facilities by designating oil “suffix” zoning Districts in connection with an underlying base zone such as a commercial or residential District. Both oil facilities allowed by suffix and the other uses allowed by the base zone are permitted. Currently, the City has two oil suffixes the “o” which allows existing oil wells and attendant facilities but no new wells and the “o1” which allows the drilling of new wells in addition to all uses in the “o” District. These suffixes, with certain modifications, are also employed in this Specific Plan. In addition to the oil suffixes three Resource Production Overlays have been identified. Existing and/or expanded oil production may continue in these areas provided that the additional conditions outlined in this subsection are met.

3.3.8.1 Oil Overlay “A”

The regulations in this overlay District facilitate continued oil recovery, but require all new facilities to be concentrated into a second, soundproofed and landscaped expansion of the existing oil site and encourage the expeditious removal of existing wells from oil overlay “B”.

Boundaries. Oil overlay “A” includes an existing oil island located in District #4, between 19th and 18th streets from Pacific Coast Highway to the area is Walnut Avenue.

Regulations. New wells and related facilities shall be permitted in accordance with the -o1 suffix and related provisions in the Huntington Beach Ordinance Code provided, however, that the following additional conditions are met:

- a) Any new well must be part of a secondary or other enhanced oil recovery project or used as replacement of an existing well.
- b) A schedule for abandonment of all wells operated by the project proponent which are located within Bolsa Chica State Beach shall be submitted to and approved by the Director of Development Services prior to the drilling of any new well. This schedule may be amended at the discretion of the Director of Development Services.

- c) The project proponent shall agree to a memorandum of understanding with the City as a condition for approval, stating that no new wells shall be drilled by that company on Bolsa Chica State Beach (oil overlay “B”) nor shall the existing wells be re-drilled except, in such cases where: 1) the re-drilled well will be produced by a “subsurface” or “down-hole” pump, only, or 2) the re-drilled well will be produced by other new technology with fewer visual and environmental impacts than a conventional ball and plunger pump, or 3) an intensified screening plan is approved by the Director of Development Services which substantially improves the appearance of the area.
- d) The operation site shall be screened by a wall, fence, or structure in keeping with the character of the area. The site also shall be landscaped so as to ensure visual compatibility with the surrounding area. A screening and landscaping plan must be submitted and approved by the Director. All structures shall generally conform to the height limits and setback requirements of the base District. The Director may waive these restrictions if it would result in better overall soundproofing, odor reduction and/or visual compatibility.

3.3.8.2 Oil Overlay “B”

The regulations in this overlay facilitate continued oil recovery, wells may be re-drilled if surface pumping units are replaced with subsurface ones. Drilling of new wells may be permitted but only if the result is a significant reduction in the amount of space used for oil operations on the beach.

Boundaries. Oil overlay “B” comprises a section of Bolsa Chica State Beach currently in oil production in District #7 between Goldenwest and 11th streets.

Regulations. Wells may be re-drilled in accordance with the -o suffix in the Huntington Beach Ordinance Code provided, however, that the following additional conditions are met:

The operator submits a report to the Department of Development Services explaining why there is no other feasible, environmentally less damaging inland site (such a report must be approved by the Director); or agrees to a memorandum of understanding with the City stating that the re-drilled well will be produced by a subsurface or down-hole pump or other new technology with fewer visual and environmental impacts than a conventional ball and plunger pump.

A schedule for abandonment of all wells operated by the project proponent which are located within Bolsa Chica State Beach shall be submitted to and approved by the Director of Development Services prior to the drilling of any new wells. This schedule may be amended at the discretion of the Director of Development Services.

All re-drilling operations shall be limited to a period from October 1 to May 31, except for emergencies for which the Fire Chief may waive these seasonal restrictions, but shall require soundproofing in accordance with Title 15 of the Huntington Beach Municipal Code.

New wells may be permitted if they are part of an overall consolidation plan which significantly reduces the area used for oil facilities or expedited the removal of existing oil facilities within the overlay area. A consolidation plan must be submitted to the Director of Development Services for approval before a permit for drilling any new well will be issued. All drilling operations must be conducted in accordance with the requirements of the 01 suffix in the Huntington Beach Ordinance Code.

3.3.8.3 Oil Overlay “C”

The regulations in the overlay facilitate continued oil recovery and provides for future oil production needs.

Boundaries. Oil overlay “C” is an irregularly shaped site in District #5 between Lake Street and Huntington Avenue and Atlantic Avenue.

Regulations. Well drilling and re-drilling shall be permitted in accordance with Title 15 of the Huntington Beach Municipal Code and with the 0 and 01 suffix and related provisions in the Huntington Beach Ordinance Code. A conceptual site plan for the entire overlay area must be submitted prior to permitting any project development or subdivision of land within the overlay. The plan shall include at least one (1) oil island of not less than two (2) acres in size for new oil well drilling and oil production. Such island(s) shall be incorporated into the overall development plan so that noise, odor and visual impacts on the residences are minimized, and safe access to the oil site(s) is provided. Findings that at least one such island so designed is incorporated into the plan shall be made by the Planning Commission before approving any development project.

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