City of Huntington Beach Planning and Building Department
STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning and Building
BY: Ricky Ramos, Senior Planner RR
DATE: August 13, 2013

SUBJECT: **GENERAL PLAN AMENDMENT NO. 05-001/ZONING MAP AMENDMENT NO. 05-001 (Continued from June 25, 2013 with the public hearing closed) (WARNER NICHOLS)**

APPLICANT/ PROPERTY OWNER: Jerry Moffatt, Rainbow Environmental Services, 17121 Nichols St., Huntington Beach, CA 92647
LOCATION: 7622-7642 Warner Ave, 92647 (southeast corner of Warner Ave. and Nichols St.)

STATEMENT OF ISSUE:

The Planning Commission continued this request initially on April 23, 2013 and directed staff to elaborate on the Statement of Overriding Considerations (SOC). The request has since been continued two other times at the applicant's request. Attachment B to this staff report is the revised SOC. The recommended motions are listed in the attached staff report dated April 23, 2013.

ATTACHMENTS:

A. Planning Commission Staff Report dated April 23, 2013
B. Revised Findings of Fact and Statement of Overriding Considerations

SH:MBB:RR

#B-1b

City of Huntington Beach Planning and Building Department
STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning and Building
BY: Ricky Ramos, Senior Planner RR
DATE: April 23, 2013

SUBJECT: **GENERAL PLAN AMENDMENT NO 05-001/ZONING MAP AMENDMENT NO. 05-001 (WARNER NICHOLS)**

APPLICANT/ PROPERTY OWNER: Jerry Moffatt, Rainbow Environmental Services, 17121 Nichols St., Huntington Beach, CA 92647
LOCATION: 7622-7642 Warner Ave, 92647 (southeast corner of Warner Ave. and Nichols St.)

STATEMENT OF ISSUE:

- General Plan Amendment No. 05-001 and Zoning Map Amendment No. 05-001 request:
  - Change the General Plan land use and zoning designations from residential to commercial on ±1.1 gross acres fronting on Warner Ave. and to industrial on ±3.3 gross acres fronting on Nichols St.

- Staff's Recommendation:
  Approve General Plan Amendment No. 05-001 and Zoning Map Amendment No. 05-001 based upon the following:
  - It will establish land use and zoning designations on the subject property that are compatible with the mix of uses in the area.
  - It will prohibit residential development from occurring on the subject property in close proximity to existing incompatible uses.
  - There are General Plan, zoning ordinance, design guidelines, and other requirements that will address compatibility of future development on the subject property with adjacent sensitive uses.

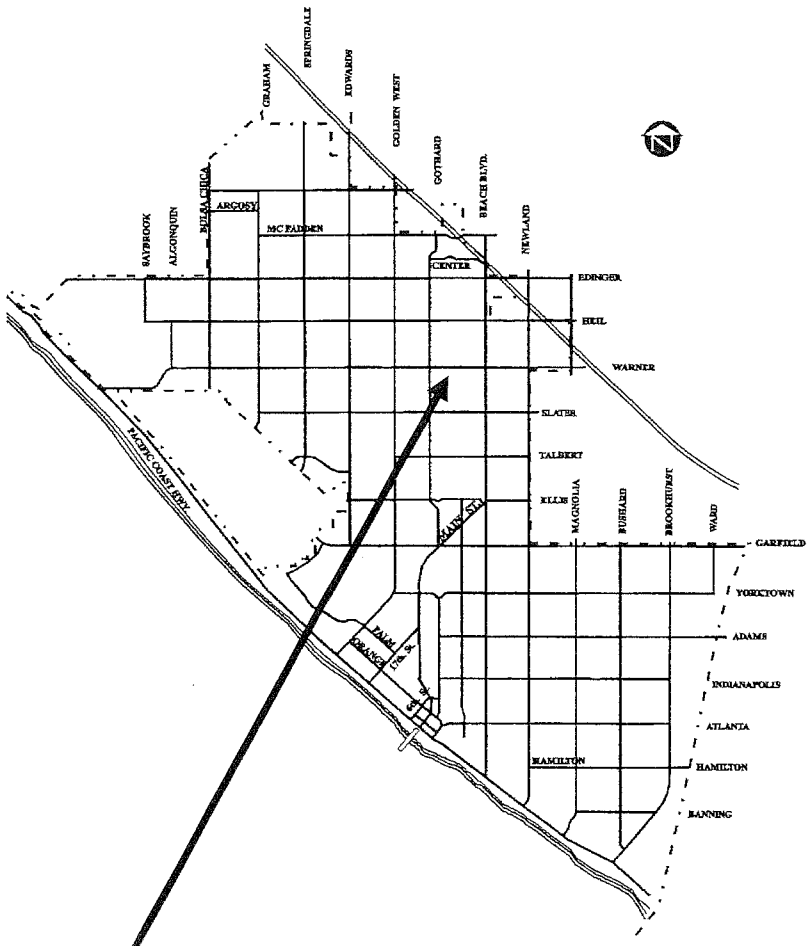
RECOMMENDATION:

Motion to:

A. "Approve CEQA Findings of Fact with a Statement of Overriding Considerations (~~Attachment No. 6~~);

B. "Approve General Plan Amendment No. 05-001 and forward draft City Council Resolution (Attachment No. 2) to the City Council for adoption;"

ATTACHMENT NO. A



PROJECT SITE

VICINITY MAP

General Plan Amendment No. 05-001/Zoning Map Amendment No. 05-001
(Warner Nichols)

C. "Approve Zoning Map Amendment No. 05-001 with findings (Attachment No. 1) and forward draft ordinance to the City Council for adoption."

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

A. "Deny General Plan Amendment No. 05-001 and Zoning Map Amendment No. 05-001 with findings for denial."

B. "Continue General Plan Amendment No. 05-001 and Zoning Map Amendment No. 05-001 and direct staff accordingly."

PROJECT PROPOSAL:

General Plan Amendment (GPA) No. 05-001 represents a request pursuant to California Planning and Zoning Laws to change the General Plan land use designation on a ±4.4 gross acre site from RM-15 (Residential Medium Density - Max 15 dwelling units per acre) to CG-F1 (Commercial General – Maximum Floor Area Ratio of 0.35) on a ±1.1 gross acre portion fronting on Warner Ave. and to I-F2-d (Industrial – Maximum Floor Area Ratio of 0.5 – Design Overlay) on a ±3.3 gross acre portion fronting on Nichols St.

Zoning Map Amendment (ZMA) No. 05-001 represents a request pursuant to Chapter 247 (Amendments) of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) to change the zoning designation on a ±4.4 gross acre site from RM (Residential Medium Density) to CG (Commercial General) on a ±1.1 gross acre portion fronting on Warner Ave. and to IG (General Industrial) on a ±3.3 gross acre portion fronting on Nichols St. to be consistent with GPA No. 05-001.

The request includes the demolition or removal of six existing buildings onsite which includes three houses, two churches, and a barn. Four of these structures are considered historic structures pursuant to state criteria and discussion is provided in the accompanying staff report for Environmental Impact Report No. 07-001. The applicant has indicated that the request is necessary (Attachment No. 5) to prevent residential development from taking place in such close proximity to the Rainbow disposal and transfer operations.

Background:

Charles Mitsuji Furuta relocated from Japan in 1900 and purchased the subject property. He then donated a portion of the land for construction of a church and pastor's house in 1910 for the Japanese Presbyterian Mission of Wintersburg. In 1912, the first house was built for his family. In 1934, the second church located on the corner was constructed. In 1947, another house was built on the property for the Furuta family. The Furūta family farmed on the property and also raised goldfish and water lilies.

The site was used by the Japanese Presbyterian Church until 1965. Subsequently, the church buildings were used by various congregations until 1997. Since then the church buildings have been vacant. In 2002, a proposal to develop a multi-family residential development on the subject site was submitted.

Because of concerns with the property being across the street from the Rainbow transfer station, the proposed residential development was withdrawn.

In 2004, Rainbow purchased the subject property to prevent it from being developed for residential purposes. In 2008, Rainbow submitted an application for the construction of a commercial building and recreational vehicle/boat storage facility on the subject site to be processed concurrently with the GPA and ZMA. However, due to the downturn in the economy the project was withdrawn. No new development is proposed at this time. When Rainbow is ready to develop the property in the future, the intent is to develop the property in such a way as to provide a transition between the transfer facility and the residential neighborhood to the east.

ISSUES:

Subject Property And Surrounding Land Use, Zoning And General Plan Designations:

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	RM-15 (Residential Medium Density – Max. 15 dwelling units per acre)	RM (Residential Medium Density)	Vacant residential and church buildings
North of Subject Property (across Warner Ave.)	RM-15, P(RMH-25) (Public), RMH-25 (Residential Medium High Density – Max. 25 dwelling units per acre)	RM, PS (Public-Semi Public), RMH (Residential Medium High Density)	Multi-family residential, church, school
East of Subject Property (across Emerald Ln.)	RM-15	RM	Single and multi-family residential
South of Subject Property (across Belsito Dr.)	OS-P (Open Space Park)	OS-PR (Open Space – Parks and Recreation)	School
West of Subject Property (across Nichols St.)	I-F2-d (Industrial – Max. Floor Area Ratio of 0.5 – Design Overlay)	IG (General Industrial)	Rainbow disposal and transfer facility; industrial

General Plan Conformance:

The proposed project is consistent with the relevant goals, objectives, and policies of the City's General Plan listed below.

A. *Land Use Element*

Goal LU 7 - Achieve a diversity of land uses that sustain the City's economic viability, while maintaining the City's environmental resources and scale and character.

Objective LU 8.1 - Maintain the pattern of existing land uses while providing opportunities for the evolution, including intensification and re-use, of selected subareas in order to improve their character and identity.

Goal LU 12 – Achieve the development of industrial uses that provide job opportunities for existing and future residents, as well as the surrounding subregion, and generate revenue for the City.

B. *Economic Development*

Goal ED 1 - Provide economic opportunities for present and future Huntington Beach residents and businesses through employment and local fiscal stability.

Objective ED 2.4 - Revitalize, renovate and expand the existing Huntington Beach commercial facilities while attracting new commercial uses.

Objective ED 2.5 - Revitalize, renovate, and expand available industrial lands and facilities while attracting new industrial uses.

The project would provide land use and zoning designations that would allow for the future development of commercial and industrial uses on the project site to create economic opportunities and sustain the City's economic viability. It would maintain the pattern of mixed uses in the area while allowing for reuse of the site.

Although no development is proposed at this time, future proposals would be required to conform to the following goals, policies, and objectives that require compatibility with adjacent sensitive uses:

Policy LU 10.1.5 – Require that buildings, parking, and vehicular access be sited and designed to prevent adverse impacts on adjacent residential neighborhoods.

Policy LU 10.1.6 - Require that commercial projects abutting residential properties adequately protect the residential use from the excessive or incompatible impacts of noise, light, vehicular traffic, visual character, and operational hazards.

Policy LU 12.1.4 - Require that new and recycled industrial projects be designed and developed to achieve a high level of quality, distinctive character, and be compatible with existing uses.

Policy LU 12.1.5 - Require that new and recycled industrial structures and sites be designed to convey visual interest and character and to be compatible with adjacent uses, considering the: a.) use of multiple building masses and volumes to provide visual interest and minimize the visual sense of bulk and mass; b.) architectural design treatment of all building elevations; c.) use of landscaping in open spaces and parking lots, including broad landscaped setbacks from principal peripheral streets; d.) enclosure of storage areas with decorative screening or walls; e.) location of site entries to minimize conflicts with adjacent residential neighborhoods; and f.) mitigation of noise, odor, lighting, and other impacts.

Policy LU 12.1.8 - Require that heavy industrial uses incorporate landscape setbacks, screening walls, berms, and/or other appropriate elements that mitigate visual and operational impacts with adjacent land uses.

Policy LU 12.1.9 - Require that heavy truck and vehicle access be controlled to minimize potential impacts on adjacent residential neighborhoods and commercial districts.

Zoning Compliance:

The proposed zoning designations are consistent with the proposed General Plan land use designations and the commercial and industrial designation boundaries comply with minimum lot area and width requirements. The subject site is currently comprised of two parcels. One parcel is approximately four gross acres in size and will comply with minimum required lot area and width for both the proposed CG and IG zoning districts. The second parcel, located on the corner where the churches and pastor's house are located, is only 9,000 gross square feet and does not meet the minimum required lot area and width in the CG zoning district. If the GPA and ZMA are approved, the applicant will be required to obtain approval of a lot line adjustment prior to any development so that the two existing lots can be reconfigured to align with the new land use and zoning.

Under the existing RM zoning the abandoned single family residential uses are permitted while reestablishing a church would require a Conditional Use Permit (CUP). Under the proposed CG and IG zoning districts single family residential uses are not permitted while churches require a CUP. Most of Church 2 is located within the Warner Avenue right-of-way. If it is allowed to remain it would interfere with street widening that may be needed. Both Church 2 and the Pastor's House do not meet setbacks along Nichols in either the RM or CG zoning districts.

Urban Design Guidelines Conformance: Not applicable.

Environmental Status:

Pursuant to the California Environmental Quality Act (CEQA), the project's potential environmental impacts are analyzed in Environmental Impact Report (EIR) No. 07-001 and discussed in a separate staff report. Prior to any action on GPA No. 05-001 and ZMA No. 05-001, it is necessary for the Planning Commission to review and act on EIR No. 07-001. Staff is recommending that EIR No. 07-001 be certified as adequate and complete.

Although the proposed demolition or removal of the historic structures results in a significant and unavoidable impact to Cultural Resources, it may still be allowed if a Statement of Overriding Considerations is adopted (Attachment No. 6). CEQA requires decision makers to balance the benefits of the proposed project against its unavoidable environmental impacts in determining whether to approve the project. If the benefits of a proposed project outweigh the significant and unavoidable impacts, the City may consider the impacts acceptable. In this particular case, staff believes the benefits of the proposed project outweigh the significant and unavoidable impact to Cultural Resources as outlined in the Statement of Overriding Considerations.

Coastal Status: Not applicable.

Redevelopment Status: Not applicable.

Design Review Board: Not applicable.

Subdivision Committee: Not applicable.

Other Departments Concerns and Requirements: There are no concerns or requirements from other departments relative to this request.

Public Notification:

Legal notice was published in the Huntington Beach/Fountain Valley Independent on April 11, 2013 and notices were sent to property owners of record and tenants within a 500 foot radius of the subject property, individuals/organizations requesting notification (Planning Division's Notification Matrix), applicant, persons who commented on the EIR, and interested parties. All written communications received are attached to the companion EIR report.

Application Processing Dates:

DATE OF COMPLETE APPLICATION:	MANDATORY PROCESSING DATE(S):
August 1, 2011	Not applicable

ANALYSIS:

The following is an analysis of the General Plan and zoning map amendments and the compatibility of the proposed designations with the surrounding area.

Land Use Compatibility

The subject site is located in an area that has a mix of land uses. Rainbow Disposal, industrial, and commercial uses are located on the west side of Nichols St. On the east side of Nichols St. are the subject site, an elementary school, and residential uses. North of the subject site, across Warner Ave., are multi-family residences, a church, and a school. Rainbow Disposal's operations generate steady truck and vehicular traffic throughout the day and odors that are incompatible with sensitive uses such as residences and schools. While Rainbow received City approval of a long-term master plan that includes fully enclosing their current outdoor operations indoors to enhance compatibility with the area, their truck and vehicular traffic will remain and probably increase with further development and population growth. As a result, the current residential designation on the subject property, which is typically developed with single and multi-family residences and other sensitive uses, is not ideal given its proximity to Rainbow and other industrial uses to the west. The list of alternative uses included in the residential designation that could be compatible with the area is limited and includes: clubs/lodges, public safety facilities, religious assembly, horticulture, and nurseries.

The proposed designation of Commercial General includes a variety of uses such as retail, restaurants, and offices to list a few. The Industrial designation includes storage/warehouse and indoor

manufacturing/assembly, among others. Both designations are extensions of designations that already exist in the area. Rainbow's proposal to re-designate the site to commercial and industrial will result in land use and zoning designations that are compatible with the uses on the west side of Nichols St. However, this change will continue the existing condition in the area of industrial being in close proximity to residences and schools. It is worth noting that this condition currently exists in other places along the Gothard industrial corridor as well as the industrial area at the north end of the city. Also, most existing commercial sites in the city are adjacent to residential. While this condition can present some concern, there are General Plan, zoning ordinance, CEQA, and design guidelines requirements in place that can make industrial and commercial developments compatible with sensitive uses.

General Plan

If the GPA and ZMA were approved, future development of the property would be subject to additional entitlements that give the city the discretion to review the proposed development for compatibility with the area as well as compliance with all city requirements. As noted in the General Plan Conformance section of this staff report, the proposed GPA and ZMA are consistent with the General Plan. In addition, there are General Plan goals, objectives, and policies that require future development to, among others, protect residential use from the excessive or incompatible impacts; achieve a high level of quality, distinctive character, and be compatible with existing uses; and incorporate landscape setbacks, screening walls, berms, and/or other appropriate elements that mitigate visual and operational impacts with adjacent land uses.

Zoning Ordinance

The CG and IG zoning districts require that future development of the subject site be subject to approval of a conditional use permit (CUP). As part of the CUP process, the applicant will have to demonstrate compliance with the General Plan, zoning ordinance, design guidelines, and CEQA requirements including, but not limited to, those outlined in this staff report. The following minimum development requirements provide specific protection to abutting residential uses:

Zoning District	Setbacks	Height
CG	Min. 10-foot setback abutting residential	Max. building height of 18 feet within 45 feet of residential
IG	Min. 15-foot setback abutting residential and no openings in buildings within 45 feet of a residential district	

The standards above are just the minimum requirements and may be increased as deemed necessary during the CUP process based on specific project circumstances. As part of the CUP process the City reviews projects to not only verify compliance with all code requirements, but also modify the proposed use and design as well as incorporate conditions of approval as warranted to ensure compatibility with an area. It is also worth noting that the portion of the property proposed for industrial designation is already separated from the residential uses to the east and school to the south by streets.

CEQA

Development of the site will also be subject to environmental review pursuant to CEQA to analyze its potential environmental impacts. Any impacts such as traffic, noise, lighting, and odors, among others, will be analyzed and mitigation measures identified as needed to make sure impacts are not significant and that a project is compatible with the area.

Design Guidelines

The City's Design Guidelines, Chapters 4 (General Commercial) and 7 (Industrial) include the following provisions that are applied during the CUP process to further reinforce the compatibility of any future development on a site with adjacent sensitive uses:

- ✓ Consider the scale, proportion and character of development in the surrounding area.
- ✓ Minimize excessive or incompatible impacts of noise, light, traffic and visual character.
- ✓ Residential uses should be buffered from incompatible commercial and industrial development. Intensified landscaping, increased setbacks and appropriate building orientation should be utilized as a means of providing adequate separation between such land uses.
- ✓ Structure siting should take into consideration the context of the commercial or industrial area, the location of incompatible uses, the location of major traffic generators as well as the site's characteristics.
- ✓ Loading and delivery service areas should be located and designed to minimize their visibility, circulation conflicts and adverse noise impacts to the maximum feasible extent.
- ✓ Trash enclosures should be located away from residential uses to minimize nuisance to adjacent properties.
- ✓ The type and location of parking area and building lighting should preclude direct glare onto adjoining property, streets, or skyward. Lighting systems should be designed for two operating levels; a higher intensity lighting level for business operating hours and a reduced intensity level for non-operating hours.
- ✓ The selected architectural style/design should consider compatibility with surrounding character, including harmonious building style, form, size, color, materials, and roofline.

SUMMARY:

Staff's Recommendation: Approve General Plan Amendment No. 05-001 and Zoning Map Amendment No. 05-001 based upon the following:

- It will establish land use and zoning designations on the subject property that are compatible with the mix of uses in the area.
- It will prohibit residential development from occurring on the subject property in close proximity to existing incompatible uses.
- There are General Plan, zoning ordinance, design guidelines, and other requirements that will address compatibility of future development on the subject property with adjacent sensitive uses.

ATTACHMENTS:

1. Suggested Findings for Approval of ZMA No. 05-001

2. Draft City Council Resolution Approving GPA No. 05-001
3. Draft Ordinance Approving ZMA No. 05-001
4. Site Aerial
5. Project Narrative dated and received July 26, 2011
6. ~~CEQA Findings of Fact with Statement of Overriding Considerations – EIR No. 07-001~~
7. Existing and Proposed General Plan Land Use and Zoning Designations
8. HBZSO Chapter 210 (Residential Districts)
9. HBZSO Chapter 211 (Commercial Districts)
10. HBZSO Chapter 212 (Industrial Districts)

SH:MBB:RR:KDC

ATTACHMENT NO. 1

SUGGESTED FINDINGS OF APPROVAL

ZONING MAP AMENDMENT NO. 05-001

SUGGESTED FINDINGS FOR APPROVAL - ZONING MAP AMENDMENT NO. 05-001:

1. Zoning Map Amendment (ZMA) No. 05-001 to change the zoning on a ±4.4 gross acre property located on the southeast corner of Warner Ave. and Nichols St. from RM (Residential Medium Density) to CG (Commercial General) on a ±1.1 gross acre portion fronting on Warner Ave. and to IG (General Industrial) on a ±3.3 gross acre portion fronting on Nichols St. is consistent with the land use designations proposed in General Plan Amendment No. 05-001 and the following goals, objectives, and policies in the General Plan:

   A. *Land Use Element*

   Goal LU 7 - Achieve a diversity of land uses that sustain the City's economic viability, while maintaining the City's environmental resources and scale and character.

   Objective LU 8.1 - Maintain the pattern of existing land uses while providing opportunities for the evolution, including intensification and re-use, of selected subareas in order to improve their character and identity.

   Goal LU 12 – Achieve the development of industrial uses that provide job opportunities for existing and future residents, as well as the surrounding subregion, and generate revenue for the City.

   B. *Economic Development*

   Goal ED 1 - Provide economic opportunities for present and future Huntington Beach residents and businesses through employment and local fiscal stability.

   Objective ED 2.4 - Revitalize, renovate and expand the existing Huntington Beach commercial facilities while attracting new commercial uses.

   Objective ED 2.5 - Revitalize, renovate, and expand available industrial lands and facilities while attracting new industrial uses.

   The project would provide land use and zoning designations that would allow for the future development of commercial and industrial uses on the project site to create economic opportunities and sustain the City's economic viability. It would maintain the pattern of mixed uses in the area while allowing for reuse of the site.

2. ZMA No. 05-001 would only change the land use designation rather than a general land use provision and would not affect the uses authorized in and the standards prescribed for the proposed zoning district.

3. A community need is demonstrated for the change proposed. The current residential zoning designation on the subject site is not appropriate because of the site's proximity to existing industrial uses to the west that generate impacts from heavy truck traffic and odors. A commercial and industrial designation would be more compatible with existing industrial uses to the west. Future commercial and industrial development on the subject site would be subject to existing General Plan, zoning ordinance, CEQA, and design guidelines requirements that require compatibility with existing sensitive uses.

4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice. The proposed ZMA will replace the current residential zoning designation on the subject site, which is incompatible with existing industrial uses to the west, with more compatible commercial and industrial designations. The proposed CG and IG zoning designations are extensions of zoning designations already existing in the area. Future development of the subject site will require compliance with General Plan, zoning, CEQA, and design guidelines requirements intended to address compatibility with adjacent residential and school uses.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF HUNTINGTON BEACH APPROVING
GENERAL PLAN AMENDMENT NO. 05-001

WHEREAS, General Plan Amendment No. 05-001 proposes to amend the Land Use Plan for real property on the southeast corner of Warner Avenue and Nichols Street from RM-15 (Residential Medium Density – Max 15 dwelling units per acre) to CG-F1 (Commercial General – Maximum Floor Area Ratio of 0.35) on a ±1.1 gross acre portion and to I-F2-d (Industrial – Maximum Floor Area Ratio of 0.5 – Design Overlay) on a ±3.3 gross acre portion as more particularly described on Exhibit A attached hereto; and

Pursuant to California Government Code, the Planning Commission of the City of Huntington Beach, after notice duly given, held a public hearing to consider General Plan Amendment No. 05-001 and recommended approval of said entitlement to the City Council; and

Pursuant to California Government Code, the City Council of the City of Huntington Beach, after notice duly given, held a public hearing to consider General Plan Amendment No. 05-001.

The City Council finds that said General Plan Amendment No. 05-001 is necessary for the changing needs and orderly development of the community, and is necessary to accomplish refinement of the General Plan and is consistent with other elements of the General Plan.

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

1. That the real property that is the subject of this Resolution is generally located on the southeast corner of Warner Avenue and Nichols Street in the City of Huntington Beach, and is more particularly described in the legal description and sketch attached hereto as Exhibit A and incorporated by this reference as though fully set forth herein.

2. That General Plan Amendment No. 05-001, which amends the General Plan Land Use Designation for real property on the southeast corner of Warner Avenue and Nichols Street from RM-15 (Residential Medium Density – Max 15 dwelling units per acre) to CG-F1 (Commercial General – Maximum Floor Area Ratio of 0.35) on a ±1.1 gross acre portion and to I-F2-d (Industrial – Maximum Floor Area Ratio of 0.5 – Design Overlay) on a ±3.3 gross acre portion as more particularly described on Exhibit A attached hereto is hereby approved.

ATTACHMENT NO. 2.1

3. The Director of Planning and Building is hereby directed to prepare and file an amended Land Use Map. A copy of said map, as amended, shall be available for inspection in Planning and Building Department

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 201_____.

_____
Mayor

REVIEWED AND APPROVED:

_____
City Manager

INITIATED AND APPROVED:

_____
Director of Planning and Building

APPROVED AS TO FORM:

_____
RM City Attorney

ATTACHMENT NO. 2.2

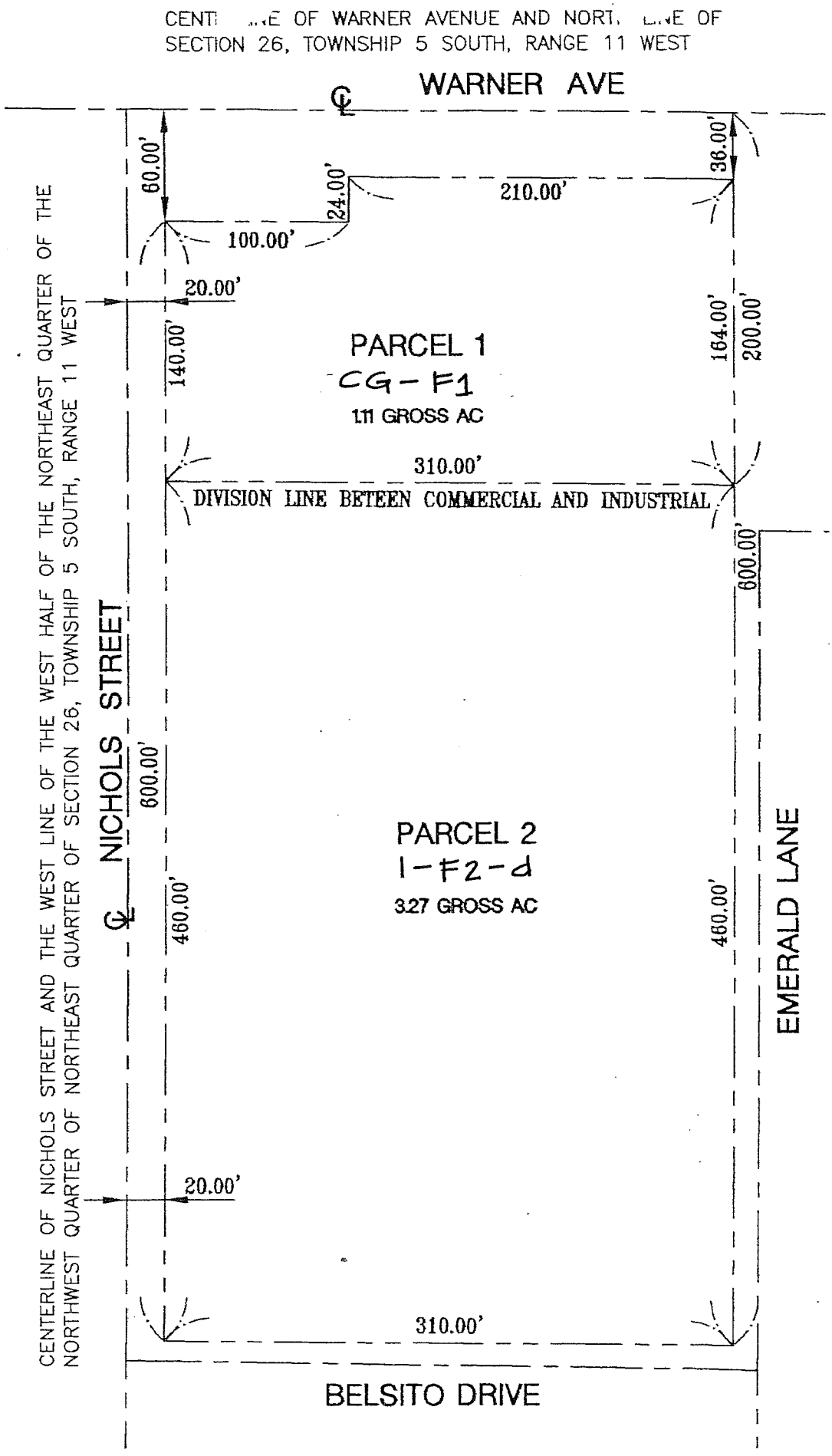


EXHIBIT A

ATTACHMENT NO. 2.3

EXHIBIT A

LEGAL DESCRIPTION
(COMMERICAL PARCEL FRONTING WARNER AVENUE)

THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 5 SOUTH, RANGE 11 WEST, IN THE RANCHO LA BOLSAS, AS SAID NORTHEAST QUARTER OF SECTION 26 IS INDICATED ON A MAP OF THE TRACT NO. 436, RECORDED IN BOOK 16, PAGE 28 OF MISCELLANEOUS MAPS, RECORDS OF SAID COUNTY.

EXCEPTING THEREFROM THE SOUTH 460 FEET.

ATTACHMENT NO. 2.4

EXHIBIT A

LEGAL DESRIPTION
(INDUSTRIAL PARCEL FRONTING NICHOLS STREET)

THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 5 SOUTH, RANGE 11 WEST, IN THE RANCHO LA BOLSAS, AS SAID NORTHEAST QUARTER OF SECTION 26 IS INDICATED ON A MAP OF TRACT NO. 436, RECORDED IN BOOK 16, PAGE 28 OF MISCELLANEOUS MAPS, RECORDS OF SAID COUNTY.

EXCEPTING THEREFROM THE NORTH 200 FEET.

ATTACHMENT NO. 2.5

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE BY CHANGING THE ZONING DESIGNATION FROM RM (RESIDENTIAL MEDIUM DENSITY) TO CG (COMMERCIAL GENERAL) ON A ±1.1 GROSS ACRE PORTION AND TO IG (GENERAL INDUSTRIAL) ON A ±3.3 GROSS ACRE PORTION OF REAL PROPERTY LOCATED ON THE SOUTHEAST CORNER OF WARNER AVENUE AND NICHOLS STREET (ZONING MAP AMENDMENT NO. 05-001)

WHEREAS, pursuant to the State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate public hearings relative to Zoning Map Amendment No. 05-001, wherein both bodies have carefully considered all information presented at said hearings, and after due consideration of the findings and recommendations of the Planning Commission and all evidence presented to said City Council, the City Council finds that such zone change is proper, and consistent with the General Plan.

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

SECTION 1. That the real property located on the southeast corner of Warner Avenue and Nichols Street and more particularly described in the legal description and sketch collectively attached hereto as Exhibit A and incorporated by this reference as though fully set forth herein is hereby changed from RM (Residential Medium Density) to CG (Commercial General) on a ±1.1 gross acre portion and to IG (General Industrial) on a ±3.3 gross acre portion.

SECTION2. That the Director of Planning and Building is hereby directed to amend Sectional District Map 31 of the Huntington Beach Zoning and Subdivision Ordinance to reflect the changes contained in this ordinance. The Director of Planning and Building is further directed to file the amended map. A copy of such map, as amended, shall be available for inspection in the Office of the City Clerk.

ATTACHMENT NO. 3.1

SECTION 3. This ordinance shall become effective 30 days after its adoption.

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

_____
Mayor

ATTEST:

_____
City Clerk

INITIATED AND APPROVED:

_____
Director of Planning and Building

REVIEWED AND APPROVED:

_____
City Manager

APPROVED AS TO FORM:

_____
for City Attorney

ATTACHMENT NO. 3.2

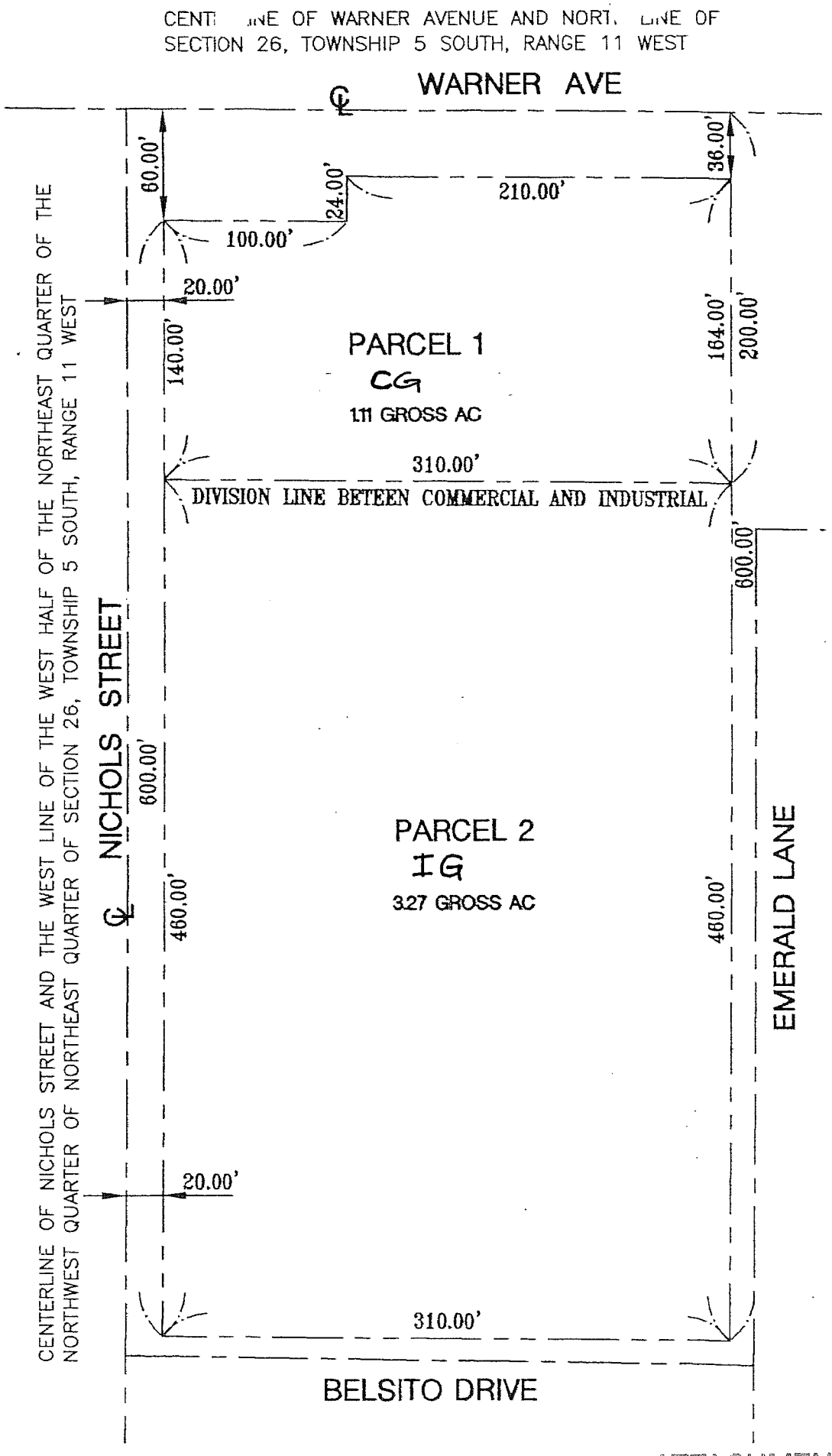


EXHIBIT A

ATTACHMENT NO. 3.3

EXHIBIT A

LEGAL DESCRIPTION
(COMMERICAL PARCEL FRONTING WARNER AVENUE)

THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 5 SOUTH, RANGE 11 WEST, IN THE RANCHO LA BOLSAS, AS SAID NORTHEAST QUARTER OF SECTION 26 IS INDICATED ON A MAP OF THE TRACT NO. 436, RECORDED IN BOOK 16, PAGE 28 OF MISCELLANEOUS MAPS, RECORDS OF SAID COUNTY.

EXCEPTING THEREFROM THE SOUTH 460 FEET.

ATTACHMENT NO. 3.4

EXHIBIT A

LEGAL DESRIPTION
(INDUSTRIAL PARCEL FRONTING NICHOLS STREET)

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EXCEPTING THEREFROM THE NORTH 200 FEET.

ATTACHMENT NO. 3.5

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ICF INTERNATIONAL

Figure 2-2
Existing Buildings
Warner-Nichols Project

ATTACHMENT NO. 4

RAINBOW DISPOSAL CO., INC.
P.O. BOX 1026 • HUNTINGTON BEACH, CA 92647-1026 • (714) 847-3581 FAX: (714) 847-4660

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JUL 26 2011
Dept. of Planning & Building

RAINBOW DISPOSAL CO., INC.
APPLICATION NARRATIVE

Rainbow Disposal Co., Inc. is the owner of the 3.7 acre net parcel of land located at the Southeast corner of Warner Avenue and Nichols Street. The property is currently zoned and generally planned for medium density residential use. Rainbow's purpose in acquiring the property was to prevent residential development from taking place in such close proximity to the disposal and transfer operations. Rainbow is not proposing to develop the property at present. When Rainbow is ready to develop the property in the future, the intent is to develop the property in such a way as to provide a transition between the transfer facility and the residential neighborhood to the east (Oakview).

To accomplish the above objective, Rainbow is proposing the following:

1) To amend the Land Use Element of the General Plan
2) A Zoning Map Amendment
3) To request preparation of an EIR relating to this request including the demolition or removal of all structures on the property

General Plan

To amend the Land Use Element to:

1. Change the 0.96 acre of land frontage on Warner Avenue from RM Medium Density Residential to CG-F1 (Commercial General – Max FAR of 0.35)
2. Change the 2.74 acres of land fronting on Nichols Street from RM Medium Density Residential to I-F2-d (Industrial – Max FAR of 0.50 – Design Overlay)

Zoning Map Amendment

To change the zoning of subject property from RM Medium Density Residential to IG (Industrial General) and to CG (Commercial General) to be consistent with the proposed General Plan Amendment.

Environmental Impact Report (EIR)

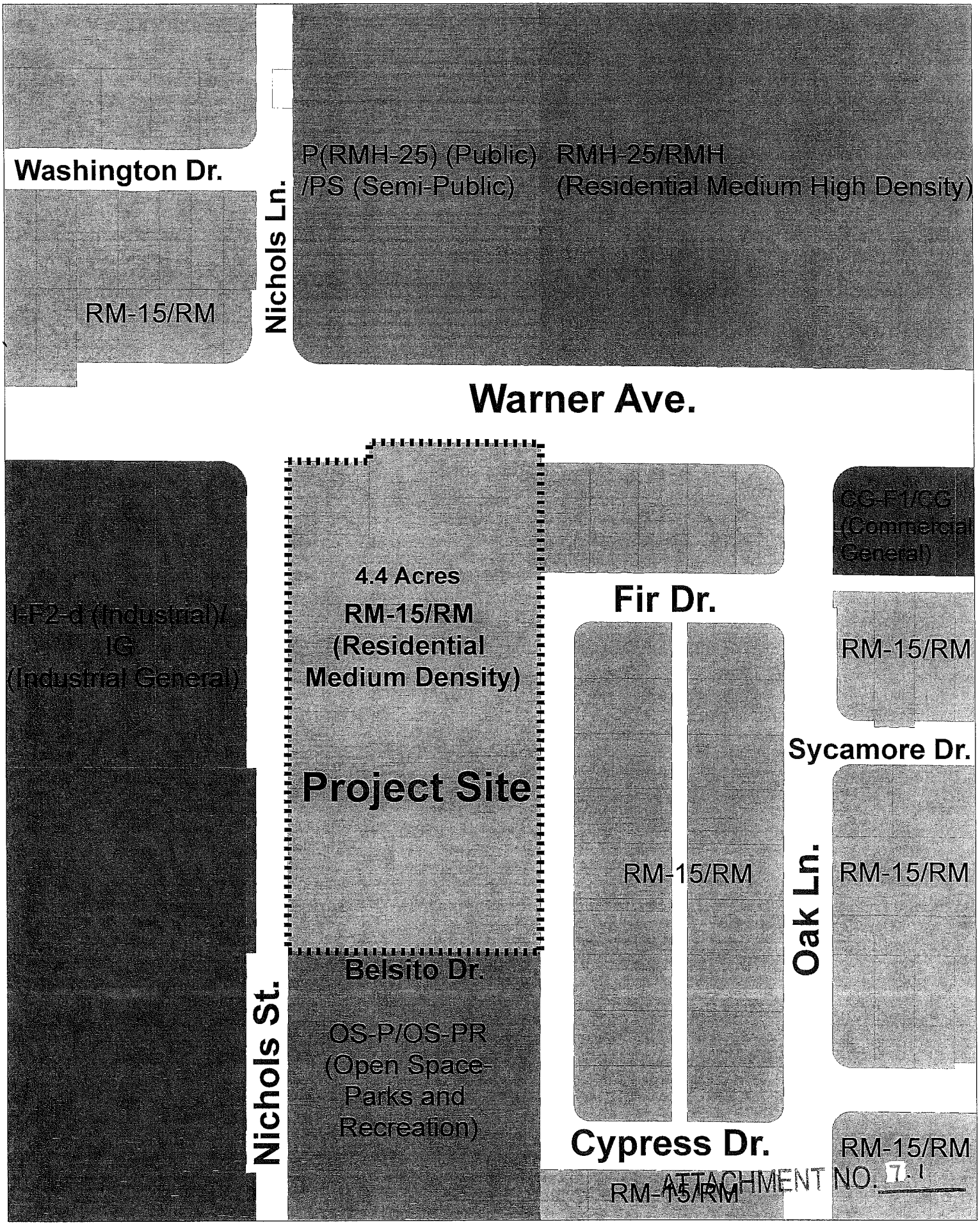
An EIR is requested to address the impacts the proposed project will have on the environment.

SURROUNDING PROPERTY – The following is a description of the surrounding property:

North -- Across Warner Avenue is a private church and school
West -- Across Nichols Street is industrial (storage facilities and Rainbow Disposal's main facility)
East -- Multifamily residential (Fourplexes)
South -- Across Belsito Drive is a public school (Oakview School)

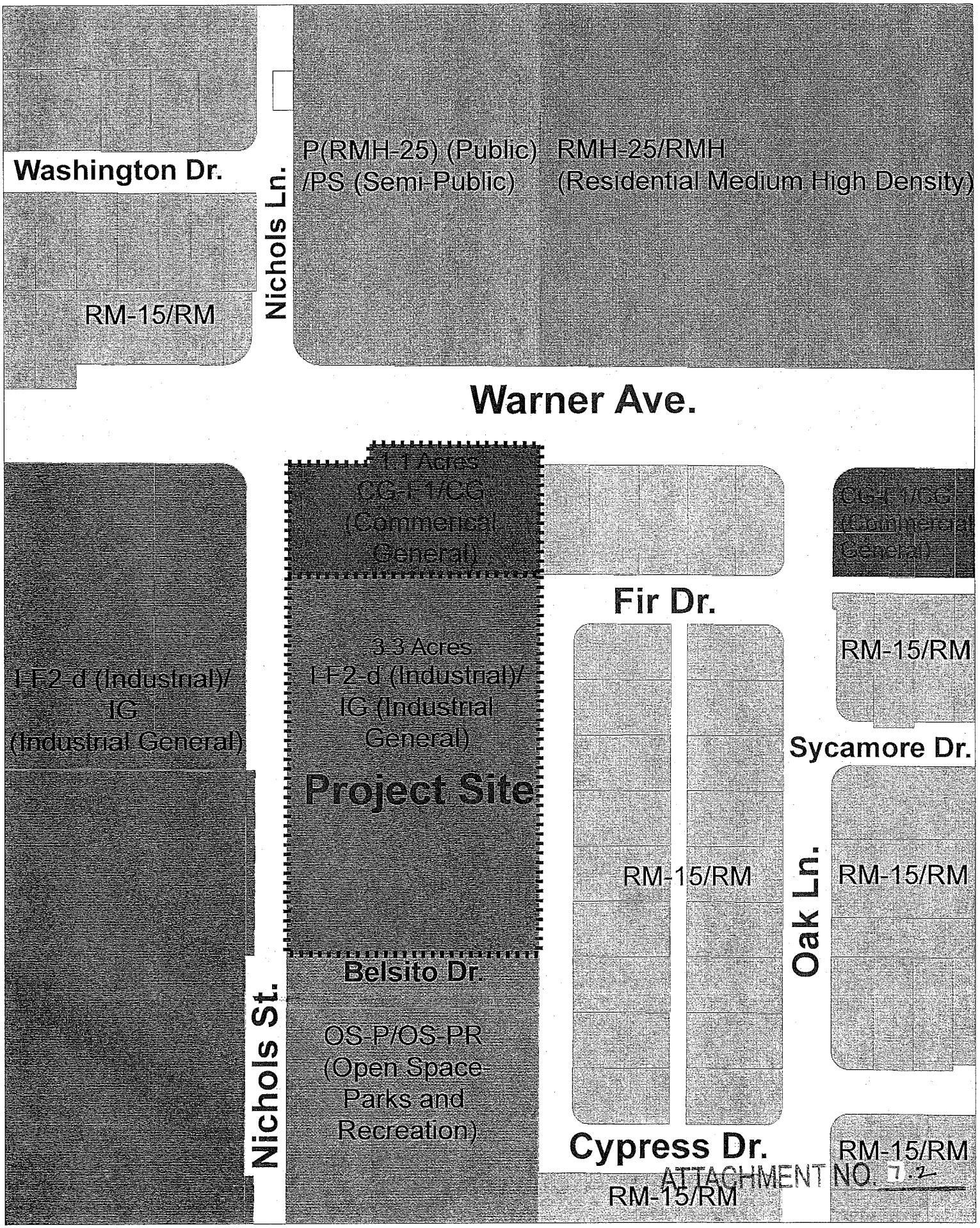
ATTACHMENT NO. 5

Existing General Plan and Zoning Designations



ATTACHMENT NO. 7.1

Proposed General Plan and Zoning Designations



ATTACHMENT NO. 7.2

Chapter 210 Residential Districts

(3268-12/94, 3334-6/97, 3410-3/99, 3455-5/00, 3568-9/02, 3706-6/05, 3724-02/06, 3761-2/07, 3832-7/09, 3858-2/10, 3867-3/10, 3885-8/10)

Sections:

210.02	Residential Districts Established
210.04	RL, RM, RMH, RH, and RMP Districts: Land Use Controls
210.06	RL, RM, RMH, RH, and RMP Districts: Property Development Standards
210.08	Development Standards for Senior Projects
210.10	Modifications for Affordable Housing
210.12	Planned Unit Development Supplemental Standards and Provisions
210.14	RMP District Supplemental Development Standards
210.16	Review of Plans

210.02 Residential Districts Established

The purpose of the residential districts is to implement the General Plan and Local Coastal Program Land Use Plan residential land use designations. Five (5) residential zoning districts are established by this chapter as follows: (3334-6/97)

A. The RL Low Density Residential District provides opportunities for single-family residential land use in neighborhoods, subject to appropriate standards. Cluster development is allowed. Maximum density is seven (7) units per acre.

B. The RM Medium Density Residential District provides opportunities for housing of a more intense nature than single-family detached dwelling units, including duplexes, triplexes, town houses, apartments, multi-dwelling structures, or cluster housing with landscaped open space for residents' use. Single-family homes, such as patio homes, may also be suitable. Maximum density is fifteen (15) units per acre.

C. The RMH Medium High Density Residential District provides opportunities for a more intensive form of development than is permitted under the medium density designation while setting an upper limit on density that is lower than the most intense and concentrated development permitted in the City. One subdistrict has been identified with unique characteristics where separate development standards shall apply: RMH-A Small Lot. Maximum density is twenty-five (25) units per acre.

D. The RH High Density Residential District provides opportunities for the most intensive form of residential development allowed in the City, including apartments in garden type complexes and high rise where scenic and view potential exists, subject to appropriate standards and locational requirements. Maximum density is thirty-five (35) units per acre.

E. The RMP Residential Manufactured Home Park District provides sites for mobile home or manufactured home parks, including parks with rental spaces and parks where spaces are individually owned. Maximum density is nine (9) spaces per acre.

ATTACHMENT NO. 8.1

210.04 RL, RM, RMH, RH, and RMP Districts: Land Use Controls

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

"P" designates use classifications permitted in residential districts.

"L" designates use classifications subject to certain limitations prescribed by the "Additional Provisions" that follow.

"PC" designates use classifications permitted on approval of a conditional use permit by the Planning Commission.

"ZA" designates use classifications permitted on approval of a conditional use permit by the Zoning Administrator.

"TU" designates use classifications allowed upon approval of a temporary use permit by the Zoning Administrator. (3334-6/97, 3410-3/99)

"P/U" designates that accessory uses are permitted, however, accessory uses are subject to approval of a conditional use permit if the primary use requires a conditional use permit. (3334-6/97, 3410-3/99)

Use classifications that are not listed are prohibited. Letters in parentheses in the "Additional Provisions" column refer to provisions following the schedule or located elsewhere in the zoning ordinance. Where letters in parentheses are opposite a use classification heading, referenced provisions shall apply to all use classifications under the heading.

(Rest of page not used)

ATTACHMENT NO. 8.2

RL, RM, RMH, RH, and RMP DISTRICTS: LAND USE CONTROLS

P = Permitted
L = Limited (see Additional Provisions) (3334-6/97)
PC = Conditional use permit approved by Planning Commission
ZA = Conditional use permit approved by Zoning Administrator
TU = Temporary Use Permit
P/U = Requires conditional use permit on site of conditional use
- = Not Permitted

	RL	RM	RMH RH	RMP	Additional Provisions	
Residential Uses					(A)(M)(Q)	(3334-6/97, 3410-3/99)
Day Care, Ltd.	P	P	P	P		
Group Residential	-	-	PC	-		
Multi-family Residential					(B)(C)(D)(R)	(3410-3/99, 3455-5/00)
2 - 4 units	ZA	P	P	-		(3334-6/97, 3410-3/99)
5 - 9 units	ZA	ZA	ZA	-		(3334-6/97, 3410-3/99)
10 or more units	PC	PC	PC	-		(3334-6/97, 3410-3/99)
Manufactured Home Parks	ZA	ZA	-	ZA	(E)(F)	
Residential, Alcohol Recovery, Ltd.	P	P	P	P		
Residential Care, Limited	P	P	P	P		
Single-Family Residential	P	P	P	P	(B)(D)(F)(P)(R)(S)	(3334-6/97, 3410-3/99, 3455-5/00, 3832-7/09)
Supportive Housing	L-7	L-7	L-7	L-7		(3858-2/10)
Transitional Housing	L-7	L-7	L-7	L-7		(3858-2/10)
Public and Semipublic					(A)(O)	(3334-6/97, 3410-3/99)
Clubs & Lodges	PC	PC	ZA	ZA		(3334-6/97, 3410-3/99)
Day Care, Large-family	L-6	L-6	L-6	L-6		(3334-6/97, 3761-2/07)
Day Care, General	L-1	ZA	ZA	ZA		(3334-6/97, 3410-3/99)
Park & Recreation Facilities	L-2	L-2	L-2	L-2		(3334-6/97, 3410-3/99)
Public Safety Facilities	PC	PC	PC	PC		
Religious Assembly	L-3	PC	PC	PC		(3334-6/97, 3410-3/99)
Residential Care, General	-	L-1	PC	PC		(3334-6/97, 3410-3/99)
Schools, Public or Private	PC	PC	PC	PC		
Utilities, Major	PC	PC	PC	PC		
Utilities, Minor	P	P	P	P		
Commercial						
Communication Facilities	L-5	L-5	L-5	L-5		(3568-9/02)
Horticulture	ZA	ZA	ZA	ZA		(3410-3/99)
Nurseries	ZA	ZA	ZA	ZA		(3410-3/99)
Visitor Accommodations						
Bed and Breakfast Inns	-	-	L-4	-		(3334-6/97, 3410-3/99)
Accessory Uses	P/U	P/U	P/U	P/U	(A)(G)(H)(I)(L)(M)	(3334-6/97, 3410-3/99)
Temporary Uses					(J)(M)	(3334-6/97, 3410-3/99)
Commercial Filming, Limited	P	P	P	P		
Real Estate Sales	P	P	P	P	(N)	(3334-6/97, 3410-3/99,3706-6/05)
Personal Property Sales	P	P	P	P		
Street Fairs	TU	TU	TU	TU		
Nonconforming Uses					(K)(L)	

ATTACHMENT NO. 8.3

RL, RM, RMH, RH, and RMP Districts: Additional Provisions

L-1 A conditional use permit from the Planning Commission is required and only allowed on lots 1.0 acre (gross acreage) or greater fronting an arterial in RL District. (3410-3/99)

L-2 Public facilities permitted, but a conditional use permit from the Zoning Administrator is required for private noncommercial facilities, including swim clubs and tennis clubs. (3334-6/97, 3410-3/99)

L-3 A conditional use permit from the Planning Commission is required, and only schools operating in conjunction with religious services are permitted as an accessory use. A General Day Care facility may be allowed as a secondary use, subject to a conditional use permit, if the Planning Commission finds that it would be compatible with adjacent areas and not cause significant traffic impacts. (3334-6/97, 3410-3/99, 3724-02/06)

L-4 A conditional use permit from the Zoning Administrator is required and only allowed on lots 10,000 sq. ft. or greater in RMH-A subdistrict. See also Section 230.42: Bed and Breakfast Inns. (3334-6/97, 3410-3/99, 3706-6/05)

L-5 Only wireless communication facilities permitted subject to section 230.96 Wireless Communication Facilities. (3568-9/02)

L-6 Neighborhood notification is required pursuant to Section 241.24. No architectural plans shall be required. (3761-2/07)

L-7 Supportive Housing and Transitional Housing shall be considered a residential use of property and shall be subject only to those restrictions and processing requirements that apply to other residential dwellings of the same type in the same zone. (3858-2/10)

(A) Any addition or modification subsequent to the original construction that would result in an increase in the amount of building area, or a structural or architectural alteration to the building exterior, shall require an amendment to the previously approved conditional use permit, if any, or approval of a new conditional use permit. (3334-6/97, 3410-3/99, 3761-2/07)

(B) A conditional use permit from the Planning Commission is required for residential uses requesting reduction in standards for senior citizens (See Section 210.08), for affordable housing (See Sections 210.10 and 230.14), or for density bonus (See Section 230.14).

(C) A conditional use permit from the Zoning Administrator is required for any multiple family residential development that:

(1) abuts an arterial highway;
(2) includes a dwelling unit more than 150 feet from a public street; or
(3) includes buildings exceeding 25 feet in height. (3334-6/97, 3410-3/99)

(D) See Section 210.12: Planned Unit Development Supplemental Standards. In addition, a conditional use permit is required for condominium conversion pursuant to Chapter 235.

(E) See Section 210.14: RMP District Supplemental Standards. In addition, Neighborhood Notification pursuant to Chapter 241 is required for the addition of manufactured home space(s) to an existing Manufactured Home Park. (3334-6/97, 3410-3/99, 3706-6/05)

(F) See Section 230.16: Manufactured Homes.

ATTACHMENT NO. 8.4

(G) See Section 230.12: Home Occupation in R Districts.

(H) See Section 230.08: Accessory Structures.

(I) See Section 230.10: Accessory Dwelling Units.

(J) See Section 241.20: Temporary Use Permits.

(K) See Chapter 236: Nonconforming Uses and Structures.

(L) See Chapter 233: Signs.

(M) Tents, trailers, vehicles, or temporary structures shall not be used for dwelling purposes. (3334-6/97, 3410-3/99)

(N) See Section 230.18: Subdivision Sales Offices and Model Homes. (3334-6/97, 3410-3/99)

(O) Limited to facilities on sites of fewer than 2 acres. (3334-6/97, 3410-3/99)

(P) See Section 230.22: Residential Infill Lot Developments. (3334-6/97, 3410-3/99)

(Q) See Section 230.20: Payment of Parkland Dedication In-Lieu Fee. (3410-3/99)

(R) Small lot development standards for RM, RMH, and RH Districts. A conditional use permit from the Planning Commission is required for small lot residential subdivisions, including condominium maps for detached single family dwellings. See also Section 230.24: Small Lot Development Standards. (3455-5/00)

(S) See Coastal Element Land Use Plan, Table C-2, for permitted uses, development requirements and restrictions applicable to development within Subarea 4K as depicted in Figures C-6a and C-10 of the Coastal Element Land Use Plan. Subdivision design and development within Subarea 4K shall incorporate the information from the plans and studies required in Table C-2 for development of that Subarea. If there is a conflict between the requirements and restrictions of Table C-2 and other provisions of the Zoning and Subdivision Ordinance, the requirements and restrictions included in Table C-2 shall prevail. (3832-7/09)

210.06 RL, RM, RMH, RH, and RMP Districts: Property Development Standards

The following schedule prescribes development standards for residential zoning districts and subdistricts designated on the zoning map. The columns establish basic requirements for permitted and conditional uses; letters in parentheses in the "Additional Provisions" column refer to "Additional Development Standards" following the schedule.

In calculating the number of units permitted on the site, density is calculated on the basis of net site area. Fractional numbers shall be rounded down to the nearest whole number except that one dwelling unit may be allowed on a legally created lot complying with minimum lot area. All required setbacks shall be measured from ultimate right-of-way and in accordance with the definitions set forth in Chapter 203, Definitions.

Any new parcel created pursuant to Title 25, Subdivisions, shall comply with the minimum building site requirements of the district in which the parcel is located unless approved as a part of a Planned Unit Development.

Property Development Standards for Residential Districts

	RL	RM	RMH-A Subdistrict	RMH	RH	RMP	Additional Provisions	
Minimum Building Site	6,000	6,000	2,500	6,000	6,000	10 ac.	(A)(B)(C)	(3410-3/99)
Width (ft.)	60	60	25	60	60	N/A		(3334-6/97, 3410-3/99)
Cul de sac frontage	45	45	-	45	45	N/A		(3334-6/97, 3410-3/99)
Minimum Setbacks							(D)(R)	(3334-6/97, 3410-3/99)
Front (ft.)	15	15	12	10	10	10	(E)(F)	(3334-6/97, 3410-3/99)
Side (ft.)	3;5	3;5	3;5	3;5	3;5	-	(G)(I)(J)	(3334-6/97, 3410-3/99)
Street Side (ft.)	6;10	6;10	5	6;10	6;10	10	(H)	(3334-6/97, 3410-3/99)
Rear (ft.)	10	10	7.5	10	10	-	(I)(J)	
Accessory Structure							(U)	(3334-6/97, 3410-3/99)
Garage							(K)	(3334-6/97, 3410-3/99)
Projections into Setbacks							(L)(R)	(3334-6/97, 3410-3/99)
Maximum Height (ft.)								
Dwellings	35	35	35	35	35	20	(M)	(3334-6/97, 3410-3/99)
Accessory Structures	15	15	15	15	15	15	(M)(R)	(3410-3/99)
Maximum Floor Area Ratio (FAR)	-	-	1.0	-	-	-		(3334-6/97, 3410-3/99) (3410-3/99)
Minimum Lot Area per Dwelling Unit (sq. ft.)	6,000	2,904	*	1,742	1,244	-		(3334-6/97, 3410-3/99)
Maximum Lot Coverage (%)	50	50	50	50	50	75	(V)	(3334-6/97, 3410-3/99)
Minimum Floor Area							(N)	(3334-6/97, 3410-3/99)
Minimum Usable Open Space							(O)	
Courts							(P)	(3334-6/97, 3410-3/99)
Accessibility within Dwellings							(Q)	(3410-3/99)
Waterfront Lots							(R)	(3334-6/97, 3410-3/99)
Landscaping			See Chapter 232				(S)	(3334-6/97, 3410-3/99)
Fences and Walls			See Section 230.88					
Lighting							(T)	(3334-6/97, 3410-3/99)
Underground Utilities			See Chapter 17.64					
Screening of Mechanical Equipment			See Section 230.76					
Refuse Storage Areas			See Section 230.78					(3410-3/99)
Antenna			See Section 230.80					(3410-3/99)
Performance Standards			See Section 230.82					
Off-Street Parking and Loading			See Chapter 231 & Section 210.12					(3885-8/10)
Signs			See Chapter 233					
Nonconforming Structures			See Chapter 236					
Accessory Structures			See Chapter 230.08					(3706-6/05)

* Lots 50 feet or less in width = 1 unit per 25 feet of frontage
Lots greater than 50 feet in width = 1 unit per 1,900 square feet
N/A = Not applicable

ATTACHMENT NO. 8.c

(A) See Section 230.62: Building Site Required and Section 230.64: Development on Substandard Lots.

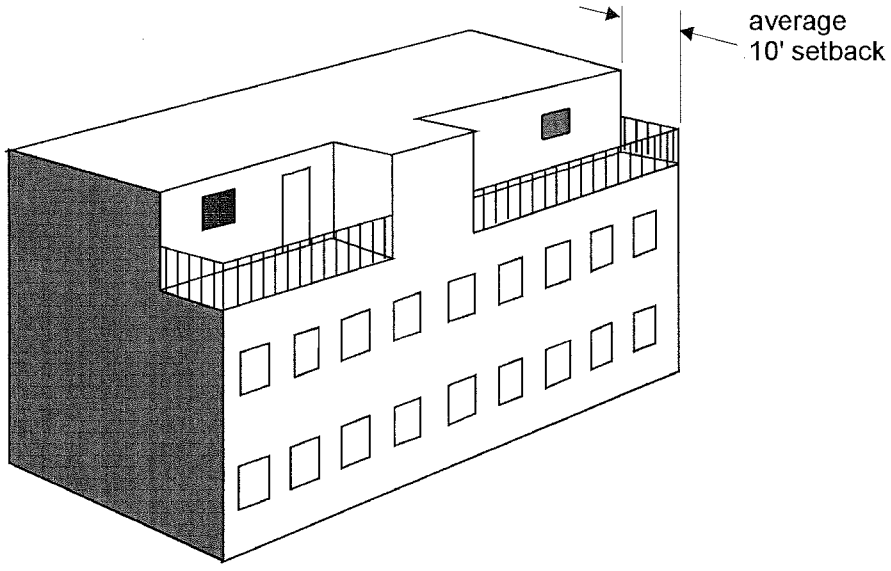
(B) See Section 230.66: Development on Lots Divided by District Boundaries.

(C) The minimum lot area shall be 12,000 square feet for General Day Care, General Residential Care, and Public or Private Schools, except minimum lot area for General Day Care in the RL district shall be one (1) gross acre. (3334-6/97, 3410-3/99)

(D) Building Separation. The minimum spacing between buildings including manufactured home units shall be 10 feet. (3334-6/97, 3410-3/99)

(E) Variable Front Setback for Multi-family Projects. Projects with more than 4 units in the RM District, more than 8 units in the RMH District, or more than 14 units in the RH District shall provide a minimum setback of 15 feet from any public right-of-way. Minimum 50% of the garages shall be set back 20 feet from the front property line. (See Section 210.12B.) (3334-6/97, 3410-3/99)

(F) Upper-story Setbacks for Multi-family Structures. The covered portion of all stories above the second story in any multi-family structure shall be set back an average of 10 feet from the second floor front facade (see Exhibit). (3334-6/97, 3410-3/99)



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UPPER STORY SETBACK

ATTACHMENT NO. 8.7

(G) Interior Side Setback

(1) In the RL, RM, RMH, including RMH-A subdistrict, and RH Districts, interior side setbacks shall be minimum 10% of lot width, but not less than 3 feet and need not exceed 5 feet, except as stated below. (3334-6/97, 3410-3/99)

(2) For projects in the RM, RMH, including RMH-A subdistrict, and RH Districts adjoining an RL District, interior side setbacks shall be at least:

(a) 10 feet for units in single-story or two-story buildings.

(b) 14 feet for units above two stories.

Subject to approval of a conditional use permit, the Zoning Administrator or the Planning Commission, may approve upper-story setbacks in lieu of an increased side setback if the second and third stories are set back the required distance. (3334-6/97, 3410-3/99)

(H) Street Side Setbacks

(1) In the RL, RM, RMH (excluding RMH-A subdistrict), and RH districts, the street side yard shall be 20 percent of the lot width, minimum 6 feet and need not exceed 10 feet. (3334-6/97, 3410-3/99)

(2) In the RMH-A subdistrict, street side setback shall be minimum 5 feet. (3410-3/99)

(3) For projects with 10 or more multi-family units (including RMH-A subdistrict), the street side setback shall be the same as the front setback. (3334-6/97, 3410-3/99)

(I) Building Walls Exceeding 25 Feet in Height. The required interior side or rear setback adjoining a building wall exceeding 25 feet in height, excluding any portion of a roof, and located on a lot 45 feet wide or greater, shall be increased three feet over the basic requirement. (3334-6/97, 3410-3/99)

(J) Zero Side or Rear Setback.

(1) A zero interior side setback may be permitted provided that the opposite side setback on the same lot is minimum 20% of the lot width, not less than 5 feet, and need not exceed 10 feet, and shall be subject to the requirements listed in subsection (3) below. (3334-6/97, 3410-3/99)

(2) A zero rear setback may be permitted provided that the opposite rear setback for the adjacent lot is either zero or a minimum of 10 feet, and subject to the requirements listed in subsection (3) below. (3334-6/97, 3410-3/99)

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ATTACHMENT NO. 8.8

(3) A zero side or rear setback may be permitted subject to the following requirements: (3334-6/97, 3410-3/99)

(a) The lot adjacent to the zero side or rear setback shall either be held under the same ownership at the time of application or a deed restriction or agreement approved as to form by the City Attorney shall be recorded giving written consent of the adjacent property owner. (3334-6/97)

(b) A maintenance easement, approved as to form by the City Attorney, shall be recorded between the property owner and the owner of the adjacent lot to which access is required in order to maintain and repair a zero lot line structure. Such easement shall be an irrevocable covenant running with the land. No building permits shall be issued until such recorded maintenance easement has been submitted. (3334-6/97)

(c) Separation between the proposed structure and any structure on an adjacent lot shall either be zero or a minimum of 5 feet. (3334-6/97, 3410-3/99)

(d) No portion of the dwelling or any architectural features shall project over the property line. (3334-6/97)

(e) The zero setback shall not be adjacent to a public or private right-of-way. (3334-6/97)

(f) Exposure protection between structures shall be provided as specified by the Fire Department and Building Division. (3334-6/97)

(4) Double zero side setbacks may be permitted for planned unit development projects subject to approval of a conditional use permit and compliance with Section 210.12 B. (3334-6/97, 3410-3/99)

(K) Garage Setbacks. Setbacks for the main dwelling shall apply, except as specifically stated below:

(1) Front entry garage - 20 feet
(2) Side entry garage - 10 feet
(3) Garage with alley access - 5 feet

For garages with rear vehicular access from an alley and located on a lot 27 feet wide or less, the side setback adjacent to a street or another alley may be reduced to 3 feet.

A minimum 25 foot turning radius is required from the garage to the opposite side of the street, alley, drive aisle or driveway. (3334-6/97, 3410-3/99)

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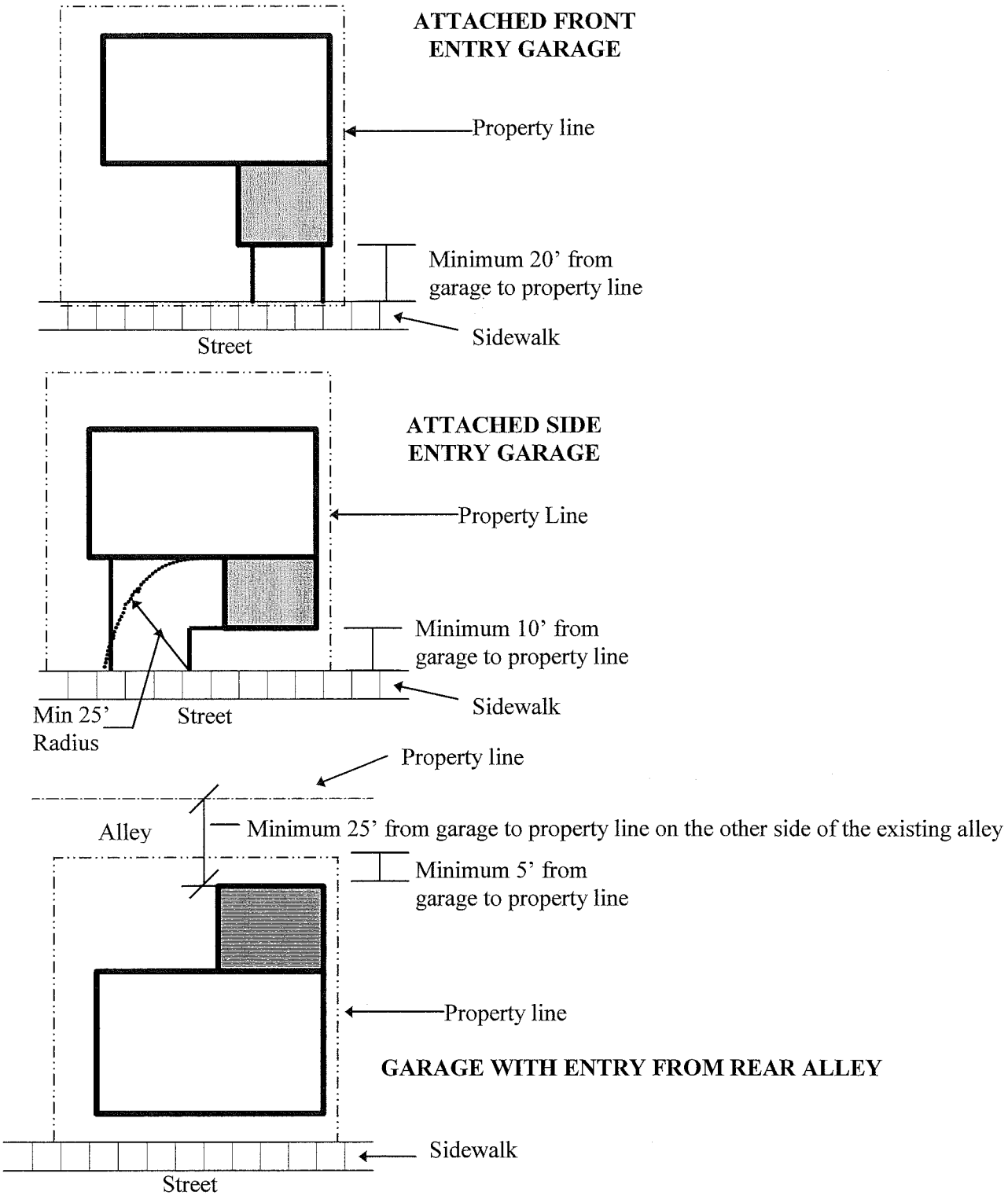
ATTACHMENT NO. 8.9



ATTACHMENT NO. 8.10

(L) Projections into Setbacks.

(1) See Section 230.68: Building Projections into Yards.

(2) Balconies and bay windows may project into required setbacks and usable open space areas subject to Section 230.68, provided that balconies have open railings, glass, or architectural details with openings to reduce visible bulk. Balconies composed solely of solid enclosures are not allowed to project into required setbacks. (3334-6/97, 3410-3/99)

(M) Height Requirements. See Section 230.70 Measurement of Height, and Section 230.72 Exceptions to Height Limits.

(1) Single Family Dwellings in all residential districts, except lots in the RMH-A subdistrict with less than 50 feet of frontage shall comply with the following standards: (3334-6/97, 3410-3/99)

(a) Second story top plate height shall not exceed twenty-five (25) feet measured from the top of the subfloor/slab directly below. (3334-6/97, 3410-3/99)

(b) Roofs shall have a minimum 5/12 pitch if building height exceeds thirty (30) feet. (3334-6/97, 3410-3/99)

(c) Maximum building height for Main Dwellings shall be thirty-five (35) feet; however, Main Dwellings exceeding thirty (30) feet in height shall require approval of a Conditional Use Permit by the Zoning Administrator. (3268-12/94)(3334-6/97)

(d) Habitable area, which includes rooftop decks and balconies, above the second story top plate line shall require approval of a conditional use permit by the Zoning Administrator. Habitable area above the second story plate line shall be within the confines of the roof volume, with the following exceptions: (3334-6/97, 3410-3/99)

(1) Dormers, decks and other architectural features may be permitted as vertical projections above the roof volume provided the projections are set back five (5) feet from the building exterior and do not exceed the height limits as stated above. (3334-6/97)

(2) Windows and deck areas above the second story plate line shall orient toward public rights-of-way only. (3334-6/97, 3410-3/99)

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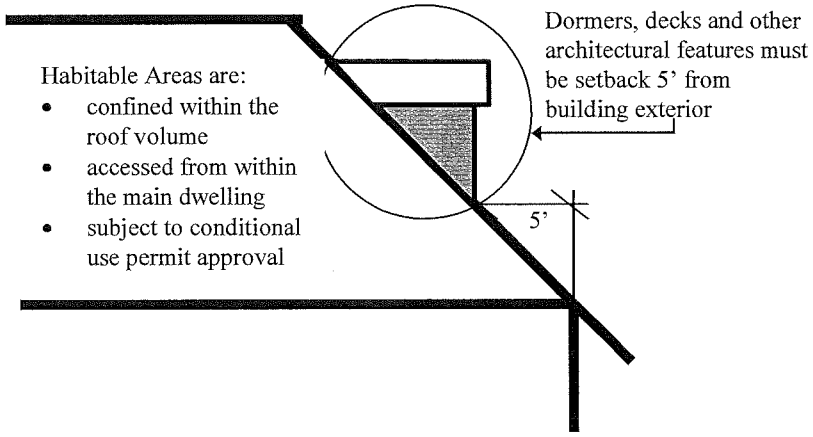
ATTACHMENT NO. 8.11



HABITABLE AREA ABOVE SECOND STORY TOP-PLATE LINE FOR SINGLE FAMILY DWELLINGS IN ALL RESIDENTIAL DISTRICTS EXCEPT RMH-A SUBDISTRICT

(3410-3/99)

(e) Access to any habitable area above the second story top plate line shall be provided within the Main Dwelling and shall be consistent with internal circulation. Exterior stairways between the ground floor and a habitable area above the second story plate line shall be prohibited. (3334-6/97, 3410-3/99)

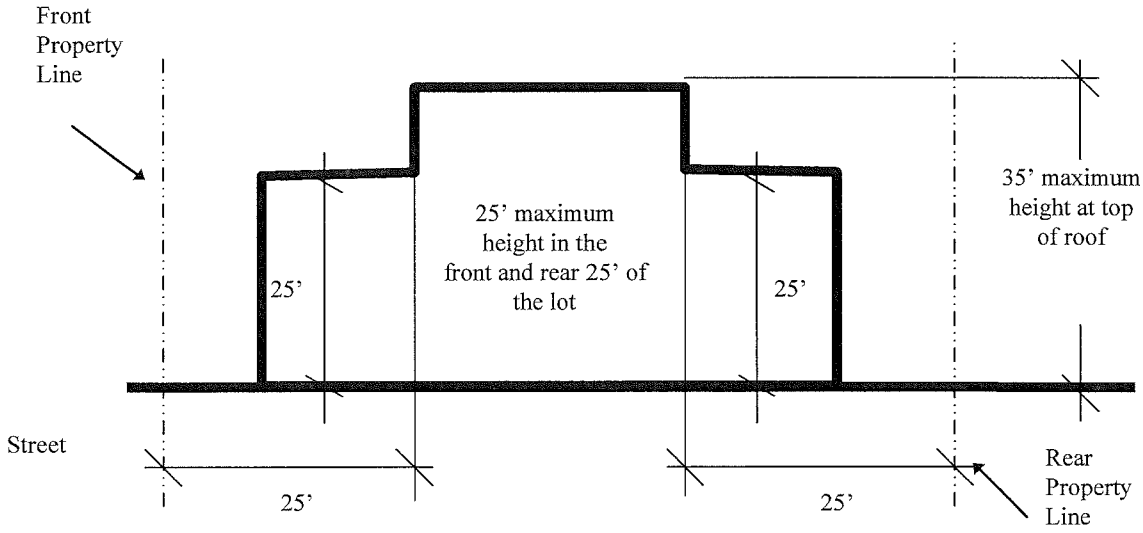
Two vertical cross-sections through the property (front-to-back and side-to-side) that show the relationship of each level in a new structure and new levels added to an existing structure to both existing and finished grade on the property and adjacent land within 5 feet of the property line shall be submitted in order to determine compliance with this subsection. (3334-6/97, 3410-3/99)

(2) Single Family Dwellings in the RMH-A subdistrict on lots with less than 50 feet of frontage shall comply with the following standards: (3334-6/97, 3410-3/99)

(a) Second story top plate height shall not exceed twenty-five (25) feet measured from the top of the subfloor/slab directly below. (3334-6/97, 3410-3/99)

(b) Roofs shall have a minimum 5/12 pitch if building height exceeds thirty (30) feet. (3334-6/97)

(c) In the front and rear 25 feet of the lot, maximum building height for all structures, including railings and architectural features, shall be 25 feet. Otherwise, maximum building height shall be 35 feet. (3334-6/97, 3410-3/99)



MAXIMUM BUILDING HEIGHT FOR SINGLE FAMILY DWELLINGS ON LOTS LESS THAN 50 FEET WIDE IN RMH-A SUBDISTRICT

(d) Access to any habitable area above the second story top plate line shall be provided within the Main Dwelling and shall be consistent with internal circulation. Exterior stairways between the ground floor and a habitable area above the second story plate line shall be prohibited. (3334-6/97, 3410-3/99)

Two vertical cross-sections through the property (front-to-back and side-to-side) that show the relationship of each level in a new structure and new levels added to an existing structure to both existing and finished grade on the property and adjacent land within 5 feet of the property line shall be submitted in order to determine compliance with this subsection. (3334-6/97, 3410-3/99)

(3) Accessory Structures: See Section 230.08: Accessory Structures. Accessory structures located on projecting decks abutting a waterway shall comply with the height established in subsection (R). (3334-6/97, 3410-3/99)

(4) Recreation Buildings: The maximum height of a recreation building for multi-family, planned residential, and mobile home park projects shall be established by the conditional use permit. (3334-6/97)

(N) Minimum Floor Area. Each dwelling unit in a multi-family building and attached single family dwellings shall have the following minimum floor area.

Unit Type	Minimum Area (Square Feet)
Studio	500
one bedroom	650
two bedrooms	900
three bedrooms	1,100
four bedrooms	1,300

All detached single family dwellings shall have a minimum 1,000 square feet of floor area not including the garage and shall be a minimum of 17 feet in width. (3334-6/97)

ATTACHMENT NO. 8.13

(O) Open Space Requirements.

(1) The minimum open space area (private and common) for multi-family residential projects in RM, RMH, including RMH-A subdistrict, and RH Districts shall be 25% of the residential floor area per unit (excluding garages). (3334-6/97, 3410-3/99, 3706-06/05)

(2) Private Open Space.

(a) Private open space shall be provided in courts or balconies within which a horizontal rectangle has no dimension less than 10 feet for courts and 6 feet for balconies. A minimum patio area of 70 square feet shall be provided within the court. (3334-6/97)

(b) The following minimum area shall be provided:

Unit Type	Minimum Area (Sq.Ft.) Ground Floor Units	Units Above Ground Floor
Studio/1 bedroom	200	60
2 bedrooms	250	120
3 bedrooms	300	120
4 or more bedrooms	400	120

(3334-6/97)

(c) Private open space shall be contiguous to the unit and for the exclusive use of the occupants. Private open space shall not be accessible to any dwelling unit except the unit it serves and shall be physically separated from common areas by a wall or hedge exceeding 42 inches in height. (3334-6/97, 3410-3/99)

(d) A maximum of 50% of the private open space requirement, may be on open decks above the second story subject to approval of a conditional use permit by the Zoning Administrator, provided that no portion of such deck exceeds the height limit. (3410-3/99, 3706-6/05)

(e) Patio and balcony enclosures within existing planned developments or apartment complexes shall be subject to the following conditions: (3706-6/05)

1. A maximum of one enclosure per unit shall be allowed. (3706-6/05)

2. The existing balcony or patio area shall not be enlarged. (3706-6/05)

3. The balcony or patio enclosure shall comply with the current setback and height requirements for the district in which the site is located. (3706-6/05)

4. The enclosure shall consist entirely of transparent materials, i.e., no solid walls or opaque walls, except an existing solid roof may be part of the enclosure. (3706-6/05)

5. No structural change shall occur to the interface wall and doorway between the enclosure and the adjacent inside room of the building, unless the balcony/patio is replaced with equivalent unenclosed area for use as private open space. (3706-6/05)

ATTACHMENT NO. 8.14

6. The enclosed area shall be considered as private open space and may be counted toward current private open space requirements. (3706-6/05)

7. Required egress for fire escape routes shall be maintained. (3706-6/05)

(3) Common Open Space.

(a) Common open space, provided by interior side yards, patios, and terraces, shall be designed so that a horizontal rectangle has no dimension less than 10 feet, shall be open to the sky, and shall not include driveways, parking areas, or area required for front or street side yards. (3334-6/97, 3410-3/99, 3706-06/05)

(b) Projects with more than 20 units shall include at least one amenity, such as a clubhouse, swimming pool, tennis court, volleyball court, outdoor cooking facility, or other recreation facility. (3334-6/97, 3410-3/99, 3706-06/05)

(4) The Director may allow a reduction in the open space requirement to 10% of the livable area per unit for projects with less than 10 units and located within walking distance of 1,000 feet of a public park or beach. (3334-6/97, 3410-3/99)

(P) Courts Opposite Windows in RM, RMH, and RH Districts (excluding the RMH-A sub-district). Courts shall be provided in all multi-family projects in the RM, RMH, and RH Districts subject to the following requirements: (3334-6/97, 3410-3/99)

(1) Courts Opposite Walls on the Same Site: The minimum depth of a court shall be one-half the height of the opposite wall but not less than 20 feet opposite a living room and 14 feet opposite a required window for any other habitable room (see diagrams below). (3334-6/97, 3410-3/99)

(2) Courts Opposite Interior Property Line: The minimum distance between a required window of a habitable room and a property line shall be 10 feet. (3334-6/97, 3410-3/99)

(3) Court Dimensions: Courts shall be minimum 20 feet wide (minimum 10 feet on either side of the centerline of the required window) and shall be open to the sky. Eaves may project a maximum 2 feet into a court. (3334-6/97, 3410-3/99)

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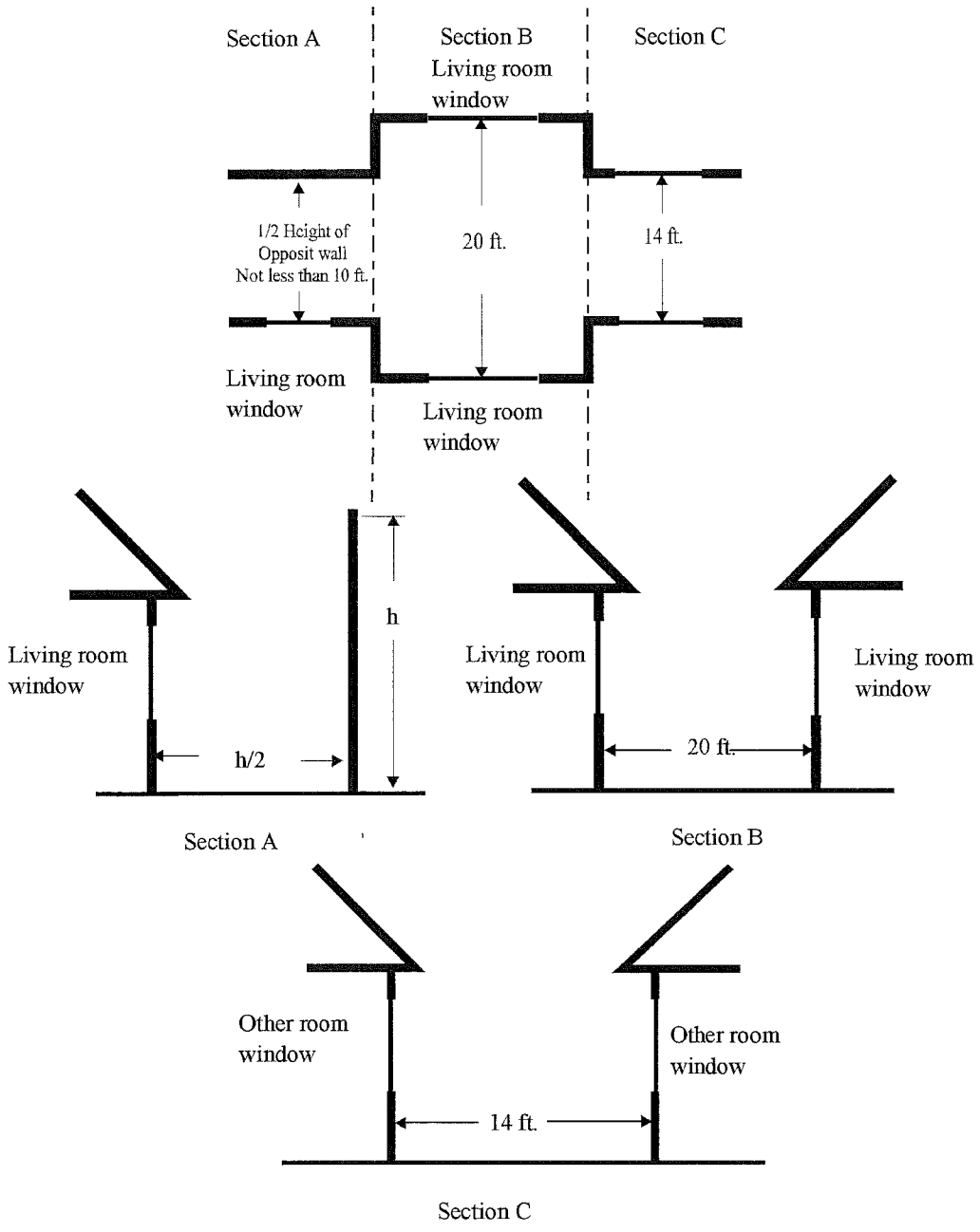
ATTACHMENT NO. 8.15



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COURTS OPPOSITE WINDOWS
(3334-6/97)

ATTACHMENT NO. 8.16

(Q) All habitable rooms in a dwelling unit must be accessible from within the dwelling. (3334-6/97, 3410-3/99)

(R) Waterfront Lots. Projecting decks, windscreens, fencing, patio covers and solariums on waterfront lots may be permitted subject to the development standards set forth in this chapter, Chapter 245, Chapter 17.24, and the following requirements: (3334-6/97)

(1) Projecting Decks. Decks on waterfront lots may project 5 feet beyond the bulkhead provided the decks comply with the side setbacks required for the main dwelling. (3334-6/97, 3410-3/99)

(2) Windscreens. Windscreens may be permitted if constructed of light-weight materials such as plastic, canvas, fiberglass, tempered glass or metal, except for necessary bracing and framing. The maximum height for windscreens shall be 7 feet above the finished surface of the deck at the bulkhead line. (3334-6/97)

(3) Fencing. All portions of fencing within the required rear setback area shall comply with Chapter 230.88 and the visibility provisions below. (3334-6/97, 3410-3/99)

(4) Solariums. Solariums (patio enclosures) may project a maximum of 30 inches over the bulkhead. In all cases, the solarium shall maintain a 45 degree (45°) visibility angle as measured from the main dwelling building line extended to the side property line. The maximum height shall not exceed the top of the first floor ceiling joist. (3334-6/97, 3410-3/99)

(5) Patio Covers. Patio covers (including eaves) may be permitted to project 5 feet into the rear yard setback, however, construction materials shall allow compliance with visibility provisions below. (3334-6/97, 3410-3/99)

(6) Visibility. The portion of any windscreen, fence or patio cover in the rear yard setback or solarium above 36 inches in height shall be composed of materials and design which allow a minimum of 85% transmission of light and visibility through the structure in each direction when viewed from any angle. (3334-6/97)

(7) Removal. Decks, solariums and windscreens projecting over waterways which do not comply with the above provisions may be removed by the city upon 30-days' written notice. Such projections are declared to be a privilege which can be revoked for noncompliance and not a vested right. (3334-6/97)

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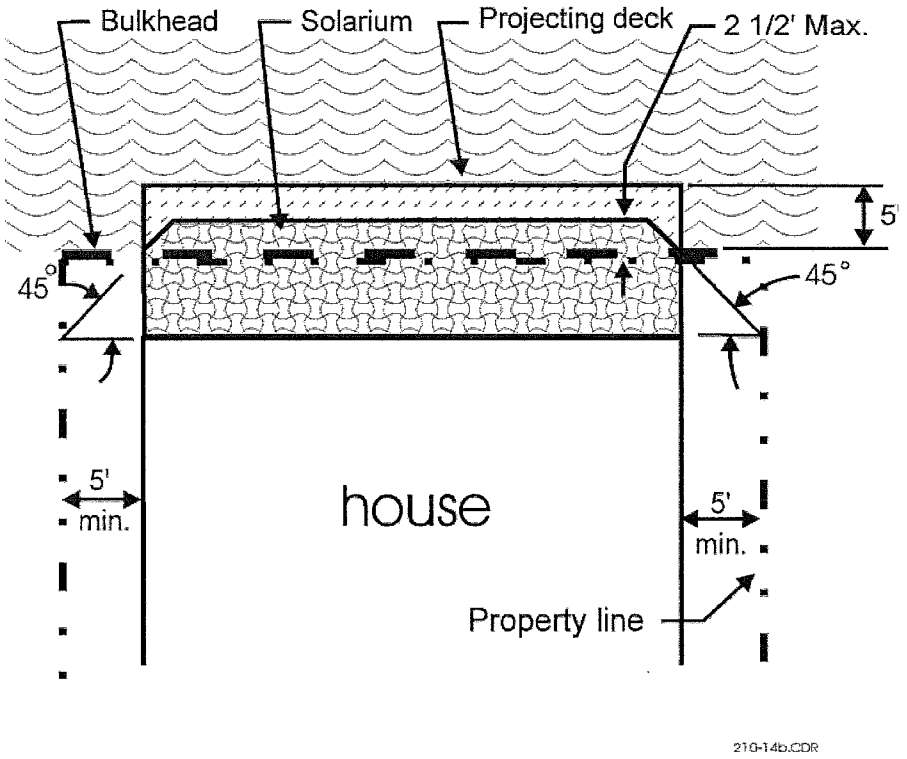
ATTACHMENT NO. 8.17



WATERFRONT LOT PROJECTIONS
(3334-6/97)

(S) Landscaping

(1) A minimum 40% of the front yard shall be landscaped. For single family residences in the RMH-A subdistrict, a minimum 3 foot wide landscape planter along the front property line (excluding max. 5 ft. wide walkway) may be provided in lieu of the 40% requirement. A maximum 18 inch high planter wall may be constructed along the front property line. (3334-6/97, 3410-3/99)

(2) All required trees specified in Chapter 232 shall be provided. (3410-3/99)

(3) All subdivisions shall provide a minimum 5 foot wide landscaped area along arterial street/highway property lines. The actual required width shall be determined during the planning process. Maintenance of said landscaped area shall be by a homeowners association, property owner or other method approved by the City of Huntington Beach. (3334-6/97, 3410-3/99)

(T) Lighting. A lighting system shall be provided in all multi-family projects along all vehicular access ways and major walkways. Lighting shall be directed onto the driveways and walkways within the development and away from adjacent properties. A lighting plan shall be submitted for approval by the Director. (3334-6/97)

ATTACHMENT NO. 8.18

(U) See Section 230.08: Accessory Structures (3334-6/97, 3410-3/99)

(V) Solid patio covers open on at least 2 sides may be permitted an additional 5% site coverage. Open lattice patio covers are exempted from site coverage standards. (3410-3/99)

210.08 Development Standards for Senior Projects

This section establishes development standards for Senior Residential Projects that may be permitted by the Planning Commission. (3334-6/97, 3410-3/99)

A. Minimum Floor Area. Each dwelling unit shall have a minimum floor area of 450 square feet. (3334-6/97, 3410-3/99)

B. Minimum Setbacks. The project shall comply with the minimum setback requirements of the district applicable to the site. (3334-6/97)

C. Minimum Distance between Buildings. Minimum building separation shall be 10 feet. (3334-6/97, 3410-3/99)

D. Building Design. No structure shall exceed 180 feet in length. To provide variation in building facades, two of the following architectural elements are required as part of each building: sloped roofs; bay windows; awnings; roof eaves; cornices; balconies; or patios. (3334-6/97)

E. Open Space Requirements. (3334-6/97, 3410-3/99)

1. Private Open Space: A minimum of 60 square feet of private open space for studios or one bedroom units and 120 square feet for two or more bedrooms, with minimum dimensions of 6 feet. (3334-6/97, 3410-3/99)

2. Common Open Space: A minimum of 2,500 square feet for the first 50 units, and an additional 50 square feet for each unit over 50. (3334-6/97, 3410-3/99)

3. Community Club House: An enclosed community or clubhouse facility containing minimum 7 square feet per unit, and a total area of minimum 400 square feet, may satisfy up to 50% of the common open space requirement. The clubhouse shall include handicapped bathrooms and kitchen facilities to be used by project residents and their guests only. (3334-6/97, 3410-3/99)

F. Elevators. Buildings with more than 2 levels, including living areas or parking, shall have elevators. (3334-6/97)

G. Parking. Parking shall comply with Chapter 231. Any parking space over and above the one space per unit shall be marked for guest use. (3334-6/97)

ATTACHMENT NO. 8.19

210.10 Modifications for Affordable Housing

The Planning Commission may approve a conditional use permit modifying the minimum property development standards in this chapter for affordable housing, as provided in Section 230.14. The proposed modifications shall be requested in writing by the applicant, accompanied by a detailed pro-forma, rental guidelines, deed restrictions, financial subsidies, and other types of documentation which will serve to demonstrate the need for a reduction of development standards. Modifications to the standards may include, but are not limited to, the parking requirements and open space. The specific standard(s) from which the applicant is requesting relief shall be identified and alternative development standard(s) proposed. (3334-6/97, 3410-3/99)

210.12 Planned Unit Development Supplemental Standards and Provisions

This section establishes supplemental development standards and provisions that shall apply to all planned unit developments. (3334-6/97)

A Planned Unit Development shall provide a mutual benefit for the residents of the project as well as the general public. Examples of public benefits that may be provided in a Planned Unit Development include, but are not limited to: the creation of permanent open space, usable and appropriately located recreation facilities, the conservation of natural elements, land features and energy, and other public improvements. (3885-8/10)

A. Maps. A tentative and final or parcel map shall be approved pursuant to Title 25, Subdivisions. (3334-6/97)

B. Project Design.

1. Driveway parking for a minimum of fifty percent of the units shall be provided when units are attached side by side. (3334-6/97)

2. A maximum of six units may be attached side by side and an offset on the front of the building a minimum of four (4) feet for every two units shall be provided. (3334-6/97)

3. A minimum of one-third of the roof area within a multi-story, multi-unit building shall be one story less in height than the remaining portion of the structure's roof area. (3334-6/97)

4. The number of required parking spaces for each dwelling unit shall be provided in accordance with Chapter 231. In addition, one or more of the following alternative parking configurations may be permitted in a Planned Unit Development if it is determined that such configuration and location thereof will be accessible and useful in connection with the proposed dwelling units of the development: (3885-8/10)

   a. Required enclosed spaces may be provided in a tandem configuration provided that the minimum parking space dimensions comply with Section 231.14. (3885-8/10)

   b. Required open spaces may be provided with a combination of off-street and on-street spaces as long as the total number of required parking spaces is provided with the development site. (3885-8/10)

ATTACHMENT NO. 8.20

C. Common Areas. Every owner of a lot or dwelling unit shall own as an appurtenance to such unit or lot either an undivided interest in the common areas and facilities or a share in the corporation, community association, or limited partnership owning the common areas and facilities. (3334-6/97)

D. Covenants. The developer shall submit a covenant setting forth a plan or manner of permanent care and maintenance of all common areas and communal facilities. Such covenant shall be included in the Covenant, Conditions, and Restrictions (CC&R's) applying to the property and shall be approved by the City Attorney and Director. The CC&R's shall be approved prior to final or parcel map approval and when approved, shall be recorded in the office of the Orange County Recorder. (3334-6/97)

E. Maintenance. The corporation, community association, or limited partnership shall have the responsibility of maintaining the common areas and facilities as shown on the final development plans, the buildings and use of property for planned unit development. (3334-6/97)

F. Sale of Lots. No dwelling unit or lot shall be sold or encumbered separately from an interest in the common areas and facilities in the development which shall be appurtenant to such dwelling unit or lot. No lot shall be sold or transferred in ownership from the other lots in the total development or approved phase of the development unless all approved community buildings, structures and recreational facilities for the total development, or approved phase thereof, have been completed, or completion is assured, by bonding or other method satisfactory to the City. (3334-6/97)

G. Management Agreement. No lot or dwelling unit in the development shall be sold unless a corporation, community association, or limited partnership has been formed with the right to assess all those properties which are jointly owned with interests in the common areas and facilities in the development to meet the expenses of such entity, and with authority to control, and the duty to maintain, all of said mutually available features of the development. Said entity shall operate under recorded CC&R's which shall include compulsory membership of all owners of lots and/or dwelling units, and flexibility of assessments to meet changing costs of maintenance, repairs and services. The developer shall submit evidence of compliance with this requirement to and receive approval of the City prior to making any such sale. This condition shall not apply to land dedicated to the City for public purposes. (3334-6/97)

210.14 RMP District Supplemental Development Standards

This section establishes supplemental standards for the development of manufactured home parks. (3334-6/97)

A. Individual space setbacks for manufactured homes and accessory structures shall be landscaped and are as follows:

Front	minimum 5 feet
Side	10 feet aggregate, minimum 3 feet on any side
Rear	minimum 5 feet

(3334-6/97, 3410-3/99)

ATTACHMENT NO. 8.2-1

B. Each space shall be provided with a minimum 150 cubic feet of enclosed, usable storage space. (3334-6/97, 3410-3/99)

C. The undercarriage of all manufactured homes shall be screened from view on all sides. (3334-6/97)

D. A six foot high concrete or masonry wall shall be provided along all interior property lines of the manufactured home park. In addition, a 20 foot wide landscaped berm or a 10 foot wide landscaped area and a 6 foot high wall shall be located at the minimum front setback line. (3334-6/97, 3410-3/99)

E. A boat or trailer storage area shall be provided and screened from view by a 6 foot high fence or wall. (3334-6/97, 3410-3/99)

F. Maximum site coverage for each individual manufactured home space shall be 75%. (3334-6/97, 3410-3/99)

G. Projects in the RMP district shall provide a minimum common open space area of 200 square feet per manufactured home space. (3410-3/99)

210.16 Review of Plans

All applications for new construction and exterior alterations and additions shall be submitted to the Planning Department for review. Discretionary review shall be required as follows: (3334-6/97, 3867-3/10)

A. Zoning Administrator Review. Projects requiring a conditional use permit from the Zoning Administrator; projects on substandard lots; see Chapter 241. (3334-6/97, 3410-3/99)

B. Design Review Board. See Chapter 244. (3334-6/97, 3410-3/99)

C. Planning Commission. Projects requiring a conditional use permit from the Planning Commission; see Chapter 241. (3334-6/97, 3410-3/99)

D. Projects in the Coastal Zone. A Coastal Development Permit is required unless the project is exempt; see Chapter 245. (3334-6/97)

ATTACHMENT NO. 8.22

Chapter 211 C Commercial Districts

(3285-6/95, 3341-10/96, 3334-6/97, 3482-12/00, 3522-2/02, 3553-5/02, 3568-9/02, 3707-6/05, 3774-9/07 & certified by the California Coastal Commission 10/07, 3848-1/10, 3859-2/10, 3868-3/10)

Sections:

211.02 Commercial Districts Established
211.04 CO, CG, and CV Districts: Land Use Controls
211.06 CO, CG and CV Districts: Development Standards
211.08 Review of Plans

211.02 Commercial Districts Established

The purpose of the Commercial districts is to implement the General Plan and Local Coastal Program commercial land use designations. Three (3) commercial zoning districts are established by this chapter as follows: (3334-6/97)

A. The CO Office Commercial District provides sites for offices for administrative, financial, professional, medical and business needs.

B. The CG General Commercial District provides opportunities for the full range of retail and service businesses deemed suitable for location in Huntington Beach.

C. The CV Visitor Commercial District implements the Visitor Serving Commercial land use designation within the coastal zone and provides uses of specific benefit to coastal visitors. More specifically, the CV district provides opportunities for visitor-oriented commercial activities, including specialty and beach related retail shops, restaurants, hotels, motels, theaters, museums, and related services. (3334-6/97)

211.04 CO, CG, and CV Districts: Land Use Controls

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

"P" designates use classifications permitted in commercial districts.

"L" designates use classifications subject to certain limitations prescribed by the "Additional Provisions" that follow.

"PC" designates use classifications permitted on approval of a conditional use permit by the Planning Commission.

"ZA" designates use classifications permitted on approval of a conditional use permit by the Zoning Administrator.

"TU" designates use classifications allowed upon approval of a temporary use permit.

ATTACHMENT NO. 9.1

"P/U" for an accessory use means that the use is permitted on the site of a permitted use, but requires a conditional use permit on the site of a conditional use.

Use classifications that are not listed are prohibited. Letters in parentheses in the "Additional Provisions" column refer to provisions following the schedule or located elsewhere in the Zoning Ordinance. Where letters in parentheses are opposite a use classification heading, referenced provisions shall apply to all use classifications under the heading.

	P	=	Permitted
CO, CG,	L	=	Limited (see Additional Provisions)
and CV	PC	=	Conditional use permit approved by Planning Commission
Districts	ZA	=	Conditional use permit approved by Zoning Administrator
Land Use	TU	=	Temporary Use Permit
Controls	P/U	=	Requires conditional use permit on site of conditional use
	-	=	Not Permitted

	CO	CG	CV	Additional Provisions	
Residential				(J)(Q)(R)(V)	(3334-6/97)
Group Residential	PC	PC	PC		(3334-6/97)
Multifamily Residential	-	-	PC		(3334-6/97)
Public and Semipublic				(J)(Q)(R)(V)	(3334-6/97,3553-5/02)
Clubs and Lodges	P	P	-		(3334-6/97,3707-6/05)
Community and Human Services					
Drug Abuse Centers	-	PC	-		
Primary Health Care	L11	L11	-		(3522-2/02)
Emergency Kitchens	-	L-2	-		
Emergency Shelters	-	L-2	-		
Residential Alcohol Recovery, General	-	PC	-		
Residential Care, General	ZA	ZA	-		(3707-06/05)
Convalescent Facilities	ZA	ZA	-		(3707-06/05)
Cultural Institutions	PC	PC	PC		
Day Care, General	L-3	L-3	-		(3707-06/05)
Day Care, Large-Family	P	P	-	(Y)	(3522-2/02)
Emergency Health Care	L-2	L-2	-		(3334-6/97)
Government Offices	P	P	PC		(3334-6/97)
Heliports	PC	PC	PC	(B)	
Hospitals	PC	PC	-		(3334-6/97)
Park & Recreation Facilities	L-9	L-9	L-9		
Public Safety Facilities	PC	PC	PC		
Religious Assembly	ZA	ZA	PC		(3522-2/02, 3848-1/10)
Schools, Public or Private	PC	PC	-		
Utilities, Major	PC	PC	PC		
Utilities, Minor	P	P	P	(L)	

ATTACHMENT NO. 9.2

	P	=	Permitted
CO, CG,	L	=	Limited (see Additional Provisions)
and CV	PC	=	Conditional use permit approved by Planning Commission
Districts	ZA	=	Conditional use permit approved by Zoning Administrator
Land Use	TU	=	Temporary Use Permit
Controls	P/U	=	Requires conditional use permit on site of conditional use
	-	=	Not Permitted

	CO	CG	CV	Additional Provisions	
Commercial Uses				(J)(Q)(R)	(3341-10/96)
Ambulance Services	-	ZA	-		
Animal Sales & Services					
Animal Boarding	-	ZA	-		(3522–2/02)
Animal Grooming	-	P	-		
Animal Hospitals	-	ZA	-		(3522–2/02)
Animals: Retail Sales	-	P	-		
Equestrian Centers (CG Zone)	-	PC	-	(S)	(3707-6/05)
Pet Cemetery	-	PC	-		
Artists' Studios	P	P	P		
Banks and Savings & Loans	P	P	P		
With Drive-Up Service	P	P	P		(3522–2/02)
Building Materials and Services	-	P	-		
Catering Services	P	P	P		
Commercial Filming	P	P	P	(F)	
Commercial Recreation and Entertainment	-	PC	PC	(D)	
Communication Facilities	L-13	L-13	L-13		(3568-9/02)
Eating and Drinking Estab.	L-4	L-4	L-4		(3522–2/02, 3707-6/05)
W/Alcohol	ZA	ZA	ZA	(N)(Y)	(3522–2/02)
W/Drive Through	-	P	P		(3522–2/02, 3707-6/05)
W/Live Entertainment	ZA	ZA	ZA	(W)(Y)	(3522–2/02)
W/Dancing	PC	PC	PC	(H)	
W/Outdoor Dining	ZA	ZA	ZA	(X)(Y)	(3522–2/02)
Food & Beverage Sales	-	P	L-2		
W/Alcoholic Beverage Sales	-	ZA	ZA	(N)	
Funeral & Internment Services	-	ZA	-		
Laboratories	L-1	L-1	-		
Maintenance & Repair Services	-	P	-		
Marine Sales and Services	-	P	P		
Nurseries	-	ZA	-		
Offices, Business & Professional	P	P	P		(3334-6/97)
Pawn Shops	-	ZA	-		
Personal Enrichment Services	L-10	L-10	-	(Y)	(3522–2/02)
Personal Services	P	P	P		
Research & Development Services	L-1	ZA	-		
Retail Sales	-	P	P	(U)(V)	(3285-6/95, 3334-6/97,3482-12/00)
Secondhand Appliances/Clothing	-	P	-		
Swap Meets, Indoor/Flea Markets	-	PC	-	(T)	
Swap Meets, Recurring	-	ZA	-		
Tattoo Establishments	-	PC	-		
Travel Services	P	P	P		

ATTACHMENT NO. 9.3

	P	=	Permitted
CO, CG,	L	=	Limited (see Additional Provisions)
and CV	PC	=	Conditional use permit approved by Planning Commission
Districts	ZA	=	Conditional use permit approved by Zoning Administrator
Land Use	TU	=	Temporary Use Permit
Controls	P/U	=	Requires conditional use permit on site of conditional use
	-	=	Not Permitted

	CO	CG	CV	Additional Provisions	
Vehicle Equipment/Sales & Services					
Automobile Rentals	-	L-8	L-8	L-12	
Automobile Washing	-	ZA	-		(3707-6/05)
Commercial Parking	-	ZA	ZA	(P)	(3707-6/05)
Service Stations	-	PC	PC	(E)	
Vehicle Equip. Repair	-	L-5	-		
Vehicle Equip. Sales & Rentals	ZA	ZA	-	L-12	(3522-2/02)
Vehicle Storage	-	ZA	-		(3707-6/05)
Visitor Accommodations					
Bed & Breakfast Inns	PC	PC	PC	(K)	(3707-6/05, 3774-9/07)
Hotels, Motels	-	PC	PC	(I)	(3334-6/97. 3707-6/05, 3774-9/07)
Condominium – Hotel	-	-	PC	(Z)	(3774-9/07, 3707-9/07)
Fractional Ownership Hotel					(3774-9/07)
Quasi Residential					(3334-6/97)
Timeshares	-	PC	-	(I)(J)	(3334-6/97, 3774-9/07)
Residential Hotel	-	PC	-	(J)	(3334-6/97, 3774-9/07)
Single Room Occupancy	-	PC	-		
Industrial				(J)(Q)(R)(V)	(3334-6/97)
Industry, Custom	-	L-6	L-6		
Accessory Uses				(J)(V)	(3334-6/97)
Accessory Uses & Structures	P/U	P/U	P/U		
Temporary Uses				(F)(J)(V)	(3334-6/97)
Animal Shows	-	TU	-		
Circus and Carnivals and Festivals	-	TU	-		(3522-2/02)
Commercial Filming, Limited	-	P	P	(M)	
Real Estate Sales	P	P	P		(3522-2/02, 3707-6/05)
Retail Sales, Outdoor	-	TU	TU	(M)	(3522-2/02)
Seasonal Sales	TU	TU	TU	(M)	(3522-2/02)
Tent Event	-	P	-		(3522-2/02, 3707-6/05)
Trade Fairs	-	P	-		(3707-6/05)
Nonconforming Uses				(G)(J)(V)	(3334-6/97)

(Rest of page not used)

ATTACHMENT NO. 9.4

CO, CG, and CV Districts: Additional Provisions

L-1 Permitted if the space is 5,000 square feet or less; allowed with Neighborhood Notification pursuant to Chapter 241 if the laboratory space exceeds 5,000 square feet. (3707-6/05)

L-2 Allowed with a conditional use permit from the Zoning Administrator if the space is 5,000 square feet or less; allowed with a conditional use permit from the Planning Commission if the space exceeds 5,000 square feet. (See Section 230.52 Emergency Shelters.) (3707-6/05, 3859-2/10)

L-3 Allowed with a conditional use permit from the Zoning Administrator if the space is 2,500 square feet or less; allowed with a conditional use permit from the Planning Commission if the space exceeds 2,500 square feet. (3334-6/97, 3707-6/05))

L-4 Permitted if greater than 300 feet from residential zone or use; if 300 feet or less from residential zone or use neighorhood notification is required pursuant to Chapter 241. (3522-2/02, 3707-6/05)

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

L-6 Only "small-scale" facilities, as described in Use Classifications, are permitted with a maximum 7 persons employed full time in processing or treating retail products, limited to those sold on the premises. (3522-2/02)

L-7 Repealed. (3707-6/05)

L-8 On-site storage limited to two rental cars or two cars for lease. (3707-6/05)

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

L-10 Permitted if the space is 5,000 square feet or less; allowed with conditional use permit approval from the Zoning Administrator if space exceeds 5,000 square feet. (3522-2/02, 3707-6/05)

In addition, Personal Enrichment uses within a retail building parked at a ratio of one (1) space per 200 square feet, shall require no additional parking provided the use complies with the following: (3522-2/02)

- Maximum number of persons per classroom does not exceed the number of parking spaces allocated to the suite based upon the square footage of the building; and (3522-2/02)
- The instruction area does not exceed 75 percent of total floor area of the personal enrichment building area. (3522-2/02)

L-11 Permitted if the space is 5,000 square feet or less; allowed with a conditional use permit from the Zoning Administrator if the space exceeds 5,000 square feet. (3522-2/02, 3707-6/05)

ATTACHMENT NO. 9.5

L-12 Permitted for existing facilities proposing to expand up to 20% of existing floor area or display area. (3522-2/02, 3707-6/05)

L-13 For wireless communication facilities see Section 230.96 Wireless Communication Facilities. All other communication facilities permitted. (3568-9/02)

(A) Reserved. (3553-5/02)

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

(C) Repealed (3378-2/98)

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

(E) See Section 230.32: Service Stations.

(F) See Section 241.20: Temporary Use Permits

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

(H) For teen dancing facilities, bicycle racks or a special bicycle parking area shall be provided. These may not obstruct either the public sidewalk or the building entry. See also Chapter 5.28: Dancing Halls; Chapter 5.44: Restaurants - Amusement and Entertainment Premises, and Chapter 5.70: Adult Entertainment Businesses. (3341-10/96)

(I) Only permitted on a major arterial street, and a passive or active outdoor recreational amenity shall be provided. (3707-6/05)

(J) In the CV District the entire ground floor area and at least one-third of the total floor area shall be devoted to visitor-oriented uses as described in the certified Local Coastal Program Land Use Plan. Any use other than visitor serving commercial shall be located above the ground level, and a conditional use permit from the Planning Commission or the Zoning Administrator is required. Any use other than visitor serving commercial uses shall only be permitted if visitor serving uses are either provided prior to the other use or assured by deed restriction as part of the development. No office or residential uses shall be permitted in any visitor serving designation seaward of Pacific Coast Highway. (3334-6/97, 3707-6/05)

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

(L) See Section 230.44: Recycling Operations.

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

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

(1) Retail markets with no more than 10 percent of the floor area devoted to sales, display, and storage of alcoholic beverages provided the sale of alcoholic beverages is not in conjunction with the sale of gasoline or other motor vehicle fuel. (3522-2/02)

(2) Restaurants, Bars, and Liquor stores located 300 feet or more from any R or PS district, public or private school, church, or public use. (3522-2/02)

(3) Florist shops offering the sale of a bottle of an alcoholic beverage together with a floral arrangement.

(O) See Section 230.46: Single Room Occupancy.

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

(Q) Development of vacant land or additions of 10,000 square feet or more in floor area; or additions equal to or greater than 50% of the existing building's floor area; or additions to buildings on sites located within 300 feet of a residential zone or use for a permitted use requires approval of a conditional use permit from the Zoning Administrator. The Planning Director may refer any proposed addition to the Zoning Administrator if the proposed addition has the potential to impact residents or tenants in the vicinity (e.g., increased noise, traffic). (3522-2/02)

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

(S) See Section 230.48: Equestrian Centers

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

(U) See Section 230.94: Carts and Kiosks (3248-6/95, 3334-6/97, 3482-12/00)

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

(W) Non-amplified live entertainment greater than 300 feet from a residential zone or use shall be permitted without a conditional use permit. (3522-2/02)

(X) Outdoor dining with alcohol sales shall be permitted with a conditional use permit to the Zoning Administrator. Outdoor dining without alcohol sales that is 400 square feet or less shall be permitted without a conditional use permit. If over 400 square feet with no alcohol sales, Neighborhood Notification shall be required pursuant to Chapter 241. (3522-2/02, 3707-6/05)

(Y) Neighborhood Notification requirements pursuant to Chapter 241. (3522-2/02, 3707-6/05)

(Z) In the CV District, Condominium-Hotels and/or Fractional Interest Hotels are allowed only at the Pacific City (Downtown Specific Plan District 7) and Waterfront (Downtown Specific Plan District 9) sites. Refer to Downtown Specific Plan. (3774-9/07 & certified by the California Coastal Commission 10/07)

ATTACHMENT NO. 9.7

211.06 CO, CG and CV Districts: Development Standards

The following schedule prescribes development standards for the CO, CG and CV districts. The first three columns prescribe basic requirements for permitted and conditional uses in each district. Letters in parentheses in the "Additional Requirements" column refer to standards following the schedule or located elsewhere in the zoning ordinance. In calculating the maximum gross floor area as defined in Chapter 203, the floor area ratio is calculated on the basis of net site area. Fractional numbers shall be rounded down to the nearest whole number. All required setbacks shall be measured from ultimate right-of-way and in accordance with definitions set forth in Chapter 203, Definitions.

(Rest of page not used)

ATTACHMENT NO. 9.8

CO, CG and CV DISTRICTS DEVELOPMENT STANDARDS

	CO	CG	CV	Additional Requirements	
Residential Development				(A)(B)	
Nonresidential Development				(B)	
Minimum Lot Area (sq. ft.)	10,000	10,000	10,000	(C)	
Minimum Lot Width (ft.)	100	100	100		
Minimum Setbacks					
Front (ft.)	10	10	0	(D)(E)(O)	(3707-6/05)
Side (ft.)	5	0	0	(F)	(3707-6/05)
Street Side (ft.)	10	10	0	(E)	(3707-6/05)
Rear (ft.)	5	0	0	(F)	(3707-6/05)
Maximum Height of Structures (ft.)	40	50	50	(F)(G)	
Maximum Wall Dimensions				(N)	
Maximum Floor Area Ratio (FAR)	1.0	1.5	1.5		
Minimum Site Landscaping (%)	8	8	8	(H)(I)	
Building Design Standards				(O)	
Fences and Walls				(J)(K)	
Off-Street Parking/Loading				(L)	
Outdoor Facilities		See Section 230.74		(M)	(3707-6/05)
Screening of Mechanical Equipment		See Section 230.76		(M)	
Refuse Storage Areas		See Section 230.78			
Underground Utilities		See Chapter 17.64			
Performance Standards		See Section 230.82			
Nonconforming Structures		See Chapter 236			
Signs		See Chapter 233			

CO, CG, and CV Districts: Additional Development Standards

(A) Dwelling units shall be subject to the standards for minimum setbacks, height limits, maximum density, open space, balconies and bay windows, and parking for the RMH District. The setback standards shall apply only to the stories of a building that are intended for residential use.

(B) See Section 230.62: Building Site Required and Section 230.64: Development on Substandard Lots.

(C) The minimum site area for a hotel or motel is 20,000 square feet.

(D) See Section 230.68: Building Projections into Yards and Required Open Space. Double-frontage lots shall provide front yards on each frontage.

(E) A minimum 50-foot setback is required along Beach Boulevard, Pacific Coast Highway and Edinger Avenue or 25-foot setback with the setback area entirely landscaped.

ATTACHMENT NO. 9.9

(F) Along a side or rear property line abutting an R district, a 10-foot setback is required, and structures within 45 feet of the district boundary shall not exceed 18 feet in height.

(G) See Section 230.70: Measurement of Height and Section 230.72: Exceptions to Height Limits.

(H) Planting Areas:

(1) Required front and street side yards shall be planting areas except properties with 50 foot setback shall provide a minimum 10 foot wide planting area along street frontages.

(2) Required side and rear yards shall be planting areas or shall be enclosed by a solid concrete or masonry wall at least 6 feet in height.

(3) Hotels and Motels. A 15-foot wide landscaped strip shall be provided along all street frontages, except for necessary driveways and walks.

(I) See Chapter 232: Landscape Improvements.

(J) See Section 230.88: Fencing and Yards.

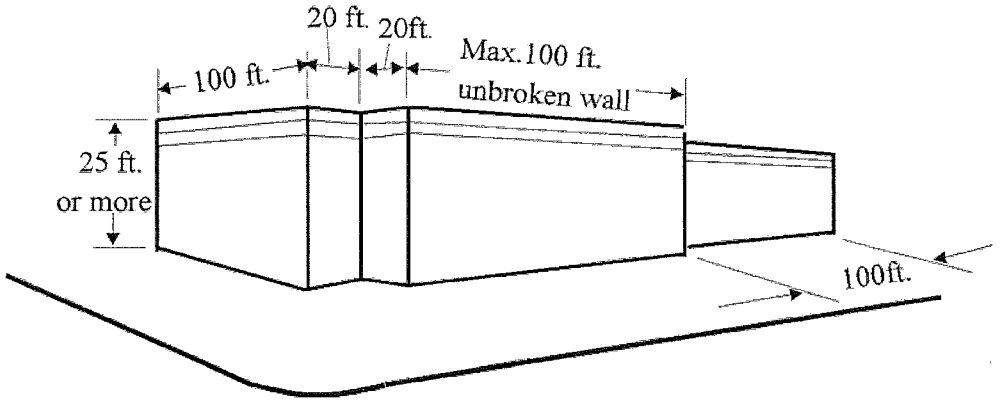
(K) A solid masonry or concrete wall at least 6 feet in height shall adjoin the site of an existing ground-floor residential use. However, where the portion of the site within 10 feet of the front property line is occupied by planting area or by a building having no openings except openings opposite a street property line, the Director may grant an exception to this requirement. A wall within 15 feet of a street property line shall not exceed 3.5 feet in height.

(L) See Chapter 231: Off-Street Parking and Loading.

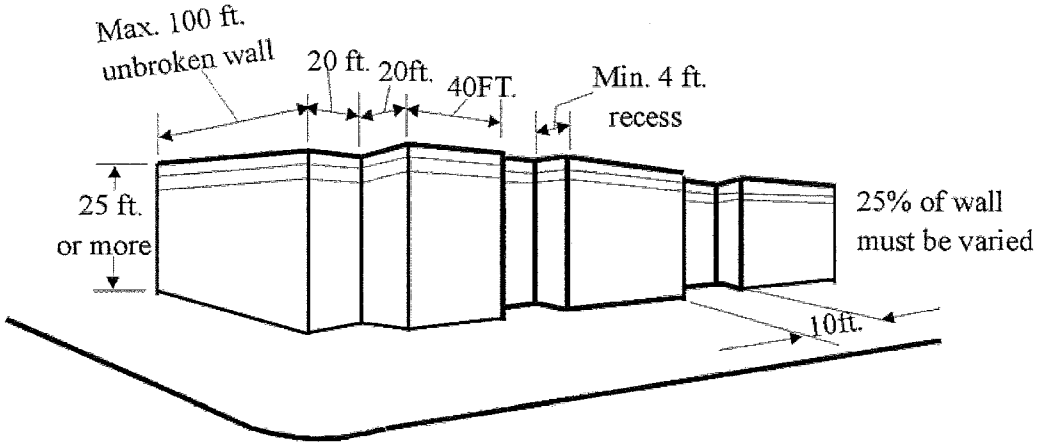
(M) See Section 230.44: Recycling Operations and Section 230.80: Antennae.

(N) A front or street side wall surface shall be no longer than 100 feet without a break, a recess or offset measuring at least 20 feet in depth and one-quarter of the building length, or a series of offsets, projections or recesses at intervals of not more than 40 feet that vary the depth of the building wall by a minimum of 4 feet. The Director may grant exceptions or allow these standards to be modified for exceptional or unique structures subject to Design Review, Chapter 244.

(Rest of page not used)



Single Horizonal Offsets: 20ft.



Variable Offsets: 20 ft. and 4 ft. 211-OFFS

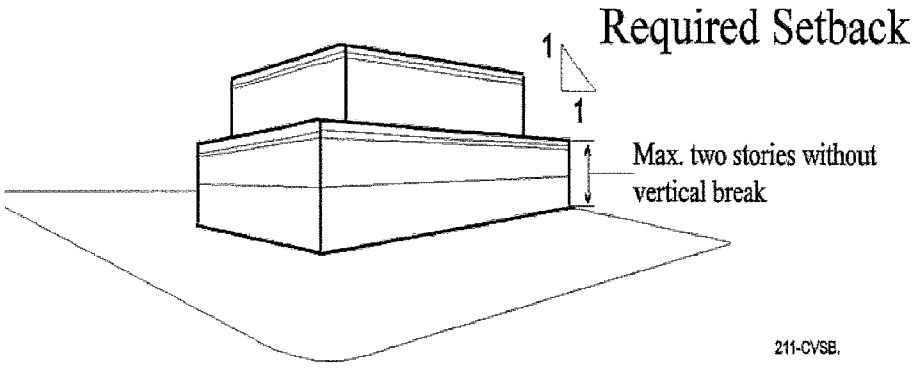
MAXIMUM WALL LENGTH AND REQUIRED BREAK

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

(1) In the CV District a 10-foot minimum upper-story setback is required above the second story along street frontages. (3707-6/05)

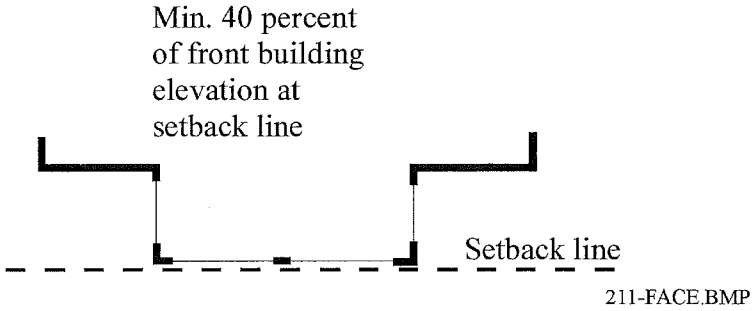
(Rest of page not used)

ATTACHMENT NO. 9.11



CV DISTRICT: UPPER-STORY SETBACK

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



BUILDING FACE AT SETBACK LINE

211.08 Review of Plans

All applications for new construction, initial establishment of use, exterior alterations and additions shall be submitted to the Planning Department for review. Discretionary review shall be required as follows: (3522-2/02)

A. Zoning Administrator Review. Projects requiring a conditional use permit from the Zoning Administrator; projects on substandard lots; see Chapter 241.

B. Design Review Board. See Chapter 244. (3868-3/10)

C. Planning Commission. Projects requiring a conditional use permit from the Planning Commission; see Chapter 241.

D. Projects in the Coastal Zone. A Coastal Development Permit is required unless the project is exempt; see Chapter 245.

Chapter 212 I Industrial Districts

(3254-10/94, 3378-2/98, 3523-2/02, 3568-9/02, Emergency Ord. 3703-3/21/05, 3708-6/05, 3724-02/06, 3788-12/07, 3843-11/09, 3860-2/10, 3869-3/10)

Sections:

212.02 Industrial Districts Established
212.04 IG and IL Districts: Land Use Controls
212.06 IG and IL Districts: Development Standards
212.08 Review of Plans

212.02 Industrial Districts Established (3254-10/94)

Two (2) industrial zoning districts are established by this chapter as follows: (3254-10/94)

A. The IG General Industrial District provides sites for the full range of manufacturing, industrial processing, resource and energy production, general service, and distribution. (3254-10/94)

B. The IL Limited Industrial District provides sites for moderate- to low-intensity industrial uses, commercial services and light manufacturing. (3254-10/94)

212.04 IG and IL Districts: Land Use Controls (3254-10/94, 3788-12/07)

In the following schedules, letter designations are used as follows: (3254-10/94)

"P" designates use classifications permitted in the I districts. (3254-10/94)

"L" designates use classifications subject to certain limitations prescribed by the "Additional Provisions" which follow. (3254-10/94)

"PC" designates use classifications permitted on approval of a conditional use permit by the Planning Commission. (3254-10/94)

"ZA" designates use classifications permitted on approval of a conditional use permit by the Zoning Administrator. (3254-10/94)

"TU" designates use classifications allowed upon approval of a temporary use permit by the Zoning Administrator. (3254-10/94)

"P/U" for an accessory use means that the use is permitted on the site of a permitted use, but requires a conditional use permit on the site of a conditional use. (3254-10/94)

Use classifications that are not listed are prohibited. Letters in parentheses in the "Additional Provisions" column refer to requirements following the schedule or located elsewhere in this ordinance. Where letters in parentheses are opposite a use classification heading, referenced provisions shall apply to all use classifications under the heading. (3254-10/94)

ATTACHMENT NO. 10.1

IG AND IL DISTRICTS: LAND USE CONTROLS

P - Permitted
L - Limited (see Additional Provisions)
PC - Conditional use permit approved by Planning Commission
ZA - Conditional use permit approved by Zoning Administrator
TU - Temporary Use Permit
P/U - Requires conditional use permit on site of conditional use
- - Not Permitted

	IG	IL	Additional Provisions
Residential			
Group Residential	PC	PC	(J)
Public and Semipublic			(A)(M)(3708-6/05, 3724-02/06)
Community and Human Service Facilities	P	P	(L)(3708-6/05, 3724-02/06,3860-2/10)
Day Care, General	ZA	ZA	(3523-2/02)
Heliports	PC	PC	(O)
Maintenance & Service Facilities	ZA	ZA	(3708-6/05)
Public Safety Facilities	P	P	
Religious Assembly	ZA	ZA	(3724-02/06)
Schools, Public or Private	L-6	L-6	
Utilities, Major	PC	PC	
Utilities, Minor	L-7	L-7	(P)
Commercial Uses			(D)(M)
Ambulance Services	ZA	ZA	
Animal Sales and Services			
Animal Boarding	ZA	ZA	(3523-2/02)
Animal Hospitals	ZA	ZA	(3523-2/02)
Artists' Studios	P	P	
Banks and Savings and Loans	L-1	L-1	
Building Materials and Services	P	P	
Catering Services	-	P	
Commercial Filming	ZA	ZA	
Commercial Recreation and Entertainment	L-2	L-2	
Communication Facilities	L-12	L-12	(3568-9/02)
Eating & Drinking Establishments	L-3	L-3	
w/Live Entertainment	ZA	ZA	(S)(U) (3523-2/02)
Food & Beverage Sales	ZA	ZA	(3523-2/02)
Hospitals and Medical Clinics	-	PC	
Laboratories	P	P	
Maintenance & Repair Services	P	P	
Marine Sales and Services	P	P	
Nurseries	P	P	
Offices, Business & Professional	L-1	L-1	(H)

ATTACHMENT NO. 10.2

IG AND IL DISTRICTS: LAND USE CONTROLS	P - Permitted L - Limited (see Additional Provisions) PC - Conditional use permit approved by Planning Commission ZA - Conditional use permit approved by Zoning Administrator TU - Temporary Use Permit P/U - Requires conditional use permit on site of conditional use - Not Permitted

	IG	IL	Additional Provisions
Personal Enrichment	L-9	L-9	(U) (3523-2/02)
Personal Services	L-1	L-1	
Quasi Residential	PC	PC	(K) (3708-6/05)
Research & Development Services	P	P	
Sex Oriented Businesses	L-11	L-11	(3378-2/98)
(regulated by HBMC Chapter 5.70)			(3378-2/98)
Sex Oriented Businesses	PC	PC	(R) (3378-2/98)
(regulated by HBMC Chapter 5.60)			(3843-11/09)
Swap Meets, Indoor/Flea Markets	PC	PC	(Q)
Vehicle/Equipment Sales & Services			
Service Stations	L-4	L-4	
Vehicle/Equipment Repair	P	P	
Vehicle/Equip. Sales/Rentals	L-5	L-5	
Vehicle Storage	P	ZA	(I)
Visitor Accommodations	ZA	ZA	(3708-6/05)
Warehouse and Sales Outlets	L-8	L-8	
Industrial *(See Chapter 204)*			(B)(M)(N)
Industry, Custom	P	P	
Industry, General	P	P	
Industry, Limited	P	P	
Industry, R & D	P	P	
Wholesaling, Distribution & Storage	P	P	
Accessory Uses			
Accessory Uses and Structures	P/U	P/U	(C)
Temporary Uses			
Commercial Filming, Limited	P	P	(T) (3523-2/02)
Real Estate Sales	P	P	(3523-2/02,3708-6/05)
Trade Fairs	P	P	(E) (3708-6/05)
Nonconforming Uses			(F)

ATTACHMENT NO. 10.3

IG AND IL Districts: Additional Provisions

L-1 Only allowed upon approval of a conditional use permit by the Zoning Administrator for a mixed use project, subject to the following requirements: (3254-10/94, 3708-6/05)

Minimum site area: 3 acres (3254-10/94)

Maximum commercial space: 35 percent of the gross floor area and 50 percent of the ground floor area of buildings fronting on an arterial highway. (3254-10/94)

Phased development: 25 percent of the initial phase must be designed for industrial occupancy. For projects over 500,000 square feet, the initial phase must include 5 percent of the total amount of industrial space or 50,000 square feet of industrial space, whichever is greater. (3254-10/94)

L-2 Allowed upon approval of a conditional use permit by the Zoning Administrator when designed and oriented for principal use by employees of the surrounding industrial development or when designed for general public use, after considering vehicular access and parking requirements. (3254-10/94, 3708-6/05)

L-3 Allowed upon approval of a conditional use permit by the Zoning Administrator when in a free-standing structure or as a secondary use in a building provided that no more than 20 percent of the floor area is occupied by such a use. (3254-10/94, 3523-2/02)

L-4 Only stations offering services primarily oriented to businesses located in an I District are allowed with a conditional use permit by the Planning Commission. (3254-10/94)

L-5 No new or used automobile, truck or motorcycle retail sales are permitted. (3254-10/94)

L-6 Only schools offering higher education curriculums are allowed with conditional use permit approval by the Planning Commission. No day care, elementary or secondary schools are permitted. (3254-10/94)

L-7 Recycling Operations as an accessory use are permitted; recycling operations as a primary use are allowed upon approval of a conditional use permit by the Zoning Administrator. (3254-10/94, 3708-6/05)

L-8 Allowed upon conditional use permit approval by the Planning Commission when a single building with a minimum area of 100,000 square feet is proposed on a site fronting an arterial. The primary tenant shall occupy a minimum 95% of the floor area and the remaining 5% may be occupied by secondary tenants. (3254-10/94)

L-9 Permitted if the space is 5,000 square feet or less; allowed by Neighborhood Notification pursuant to Chapter 241 if the space is over 5,000 square feet. (3254-10/94, 3523-2/02,3708-6/05)

L-10 RESERVED (3254-10/94,3523-2/02, 3724-02/06)

ATTACHMENT NO. 10.4

L-11 Allowed subject to the following requirements: (3378-2/98)

A. A proposed sex oriented business shall be at least five hundred feet (500') from any residential use, school, park and recreational facility, or any building used for religious assembly (collectively referred to as a "sensitive use") and at least seven hundred fifty feet (750') from another sex oriented business. For purposes of these requirements, all distances shall be measured from the lot line of the proposed sex oriented business to the lot line of the sensitive use or the other sex oriented business. The term "residential use" means any property zoned RL, RM, RMH, RH, RMP, and any properties with equivalent designations under any specific plan. (3378-2/98)

To determine such distances the applicant shall submit for review a straight line drawing depicting the distances from the lot line of the parcel of land on which the sex oriented business is proposed which includes all the proposed parking and: (3378-2/98)

1. the lot line of any other sex oriented business within seven hundred fifty feet (750') of the lot line of the proposed sex oriented business; and (3378-2/98)

2. the lot line of any building used for religious assembly, school, or park and recreational facility within five hundred (500') feet of the lot line of the proposed sex oriented business; and (3378-2/98)

3. the lot line of any parcel of land zoned RL, RM, RMH, RH, and RMP and any parcels of land with equivalent designations under any specific plans within five hundred feet (500') of the lot line of the proposed sex oriented business. (3378-2/98)

B. The front facade of the building, including the entrance and signage, shall not be visible from any major, primary or secondary arterial street as designated by the Circulation Element of the General Plan adopted May, 1996, with the exception of Argosy Drive. (3378-2/98)

C. Prior to or concurrently with applying for a building permit and/or a certificate of occupancy for the building, the applicant shall submit application for Planning Department Staff Review of a sex oriented business zoning permit with the drawing described in subsection A, a technical site plan, floor plans and building elevations, and application fee. Within ten (10) days of submittal, the Director shall determine if the application is complete. If the application is deemed incomplete, the applicant may resubmit a completed application within ten (10) days. Within thirty days of receipt of a completed application, the Director shall determine if the application complies with the applicable development and performance standards of the Huntington Beach Zoning and Subdivision Ordinance. Said standards include but are not limited to the following: (3378-2/98)

ATTACHMENT NO. 10.5

1. Chapter 203, Definitions; Chapter 212, Industrial Districts; Chapter 230, Site Standards; Chapter 231, Off-Street Parking & Loading Provisions; Chapter 232, Landscape Improvements; and Chapter 236, Nonconforming Uses and Structures. (3378-2/98)

2. Chapter 233.08(b), Signs. Signage shall conform to the standards of the Huntington Beach Zoning and Subdivision Ordinance Code except

   a. that such signs shall contain no suggestive or graphic language, photographs, silhouettes, drawings, statues, monuments, sign shapes or sign projections, or other graphic representations, whether clothed or unclothed, including without limitation representations that depict "specified anatomical areas" or "specified sexual activities"; and (3378-2/98)

   b. only the smallest of the signs permitted under Chapter 233.08(b) shall be visible from any major, primary or secondary arterial street, such streets shall be those designated in the Circulation Element of the General Plan adopted May, 1996, with the exception of Argosy Drive.

3. Compliance with Huntington Beach Municipal Code Chapter 5.70. (3378-2/98)

D. The Director shall grant or deny the application for a sex oriented business zoning permit for a sex oriented business. There shall be no administrative appeal from the granting or denial of a permit application thereby permitting the applicant to obtain prompt judicial review. (3378-2/98)

E. Ten (10) working days prior to submittal of an application for a sex oriented business zoning permit for Staff Review, the applicant shall: (i) cause notice of the application to be printed in a newspaper of general circulation; and (ii) give mailed notice of the application to property owners within one thousand (1000') feet of the proposed location of the sex oriented business; and the City of Huntington Beach, Department of Community Development by first class mail. (3378-2/98)

The notice of application shall include the following: (3378-2/98)

1. Name of applicant; (3378-2/98)

2. Location of proposed sex oriented business, including street address (if known) and/or lot and tract number; (3378-2/98)

3. Nature of the sex oriented business, including maximum height and square footage of the proposed development; (3378-2/98)

4. The City Hall telephone number for the Department of Community Development to call for viewing plans; (3378-2/98)

ATTACHMENT NO. 10. C

5. The date by which any comments must be received in writing by the Department of Community Development. This date shall be ten (10) working days from staff review submittal; and (3378-2/98)

6. The address of the Department of Community Development. (3378-2/98)

F. A sex oriented business may not apply for a variance pursuant to Chapter 241 nor a special sign permit pursuant to Chapter 233. (3378-2/98)

G. A sex oriented business zoning permit shall become null and void one year after its date of approval unless: (3378-2/98)

1. Construction has commenced or a Certificate of Occupancy has been issued, whichever comes first; or (3378-2/98)

2. The use is established. (3378-2/98)

H. The validity of a sex oriented business zoning permit shall not be affected by changes in ownership or proprietorship provided that the new owner or proprietor promptly notifies the Director of the transfer. (3378-2/98)

I. A sex oriented business zoning permit shall lapse if the exercise of rights granted by it is discontinued for 12 consecutive months. (3378-2/98)

L-12 For wireless communication facilities see section 230.96 Wireless Communication Facilities. All other communication facilities permitted. (3568-9/02)

(A) Repealed. (3254-10/94, 3708-6/05)

(B) A conditional use permit from the Zoning Administrator is required for any new use or enlargement of an existing use, or exterior alterations and additions for an existing use located within 150 feet of an R district. The Director may waive this requirement if there is no substantial change in the character of the use which would affect adjacent residential property in an R District. (3254-10/94)

(C) Accessory office uses incidental to a primary industrial use are limited to 10 percent of the floor area of the primary industrial use. (3254-10/94)

(D) Adjunct office and commercial space, not to exceed 25 percent of the floor area of the primary industrial use, is allowed with a conditional use permit from the Zoning Administrator, provided that it is intended primarily to serve employees of the industrial use, no exterior signs advertise the adjunct use, the adjunct use is physically separated from the primary industrial use, any retail sales are limited to goods manufactured on-site, and the primary industrial fronts on an arterial. (3254-10/94)

(E) See Section 241.22: Temporary Use Permits. (3254-10/94)

(F) See Chapter 236: Nonconforming Uses and Structures. (3254-10/94)

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(H) Medical/dental offices, insurance brokerage offices, and real estate brokerage offices, except for on-site leasing offices, are not permitted in any I District. (3254-10/94)

Administrative, management, regional or headquarters offices for any permitted industrial use, which are not intended to serve the public, require a conditional use permit from the Zoning Administrator to occupy more than 10 percent of the total amount of space on the site of the industrial use. (3254-10/94)

(I) Automobile dismantling, storage and/or impound yards may be permitted subject to the approval of a conditional use permit by the Planning Commission and the following criteria: (3254-10/94)

(a) The site shall not be located within 660 feet of an R district. (3254-10/94)

(b) All special metal cutting and compacting equipment shall be completely screened from view. (3254-10/94)

(c) Storage yards shall be enclosed by a solid 6-inch concrete block or masonry wall not less than 6 feet in height and set back a minimum 10 feet from abutting streets with the entire setback area permanently landscaped and maintained. (3254-10/94)

(d) Items stacked in the storage yard shall not exceed the height of the screening walls or be visible from adjacent public streets. (3254-10/94)

(J) Limited to facilities serving workers employed on-site. (3254-10/94)

(K) Limited to: Single Room Occupancy uses (See Section 230.46). (3254-10/94,3708-6/05)

(L) Limited to Emergency Shelters. (See Section 230.52 Emergency Shelters.) (3254-10/94, 3860-2/10)

(M) Development of vacant land and/or additions of 10,000 square feet or more in floor area; or additions equal to or greater than 50% of the existing building's floor area; or additions to buildings on sites located within 300 feet of a residential zone or use for a permitted use requires approval of a conditional use permit from the Zoning Administrator. The Planning Director may refer any proposed addition to the Zoning Administrator if the proposed addition has the potential to impact residents or tenants in the vicinity (e.g., increased noise, traffic). (3254-10/94, 3523-2/02)

(N) Major outdoor operations require conditional use permit approval by the Planning Commission. Major outside operations include storage yards and uses utilizing more than 1/3 of the site for outdoor operation. (3254-10/94)

(O) See Section 230.40: Helicopter Takeoff and Landing Areas. (3254-10/94)

(P) See Section 230.44: Recycling Operations. (3254-10/94)

(Q) See Section 230.50: Indoor Swap Meets/Flea Markets (3254-10/94)

(R) See L-11(A) relating to locational restrictions. (3254-10/94, 3378-2/98)

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(S) Non-amplified live entertainment greater than 300 feet from a residential zone or use shall be permitted without a conditional use permit. (3523-2/02)

(T) Subject to approval by the Police Department, Public Works Department, and Fire Department and the Planning Director. (3523-2/02)

(U) Neighborhood notification requirements when no entitlement required pursuant to Chapter 241. (3523-2/02, 3708-6/05)

212.06 IG AND IL Districts: Development Standards

The following schedule prescribes development standards for the I Districts. The first two columns prescribe basic requirements for permitted and conditional uses in each district. Letters in parentheses in the "Additional Requirements" column reference requirements following the schedule or located elsewhere in this ordinance. In calculating the maximum gross floor area as defined in Chapter 203, the floor area ratio is calculated on the basis of net site area. Fractional numbers shall be rounded down to the nearest whole number. All required setbacks shall be measured from ultimate right-of-way and in accordance with definitions set forth in Chapter 203, Definitions. (3254-10/94)

	IG	IL	Additional Requirements
Residential Development			(M)
Nonresidential Development			
Minimum Lot Area (sq. ft.)	20,000	20,000	(A)(B) (3708-06/05)
Minimum Lot Width (ft.)	100	100	(A)(B)
Minimum Setbacks			(A)(C)
Front (ft.)	10;20	10;20	(D)
Side (ft.)	0	15	(E)(F) (3708-06/05)
Street Side (ft.)	10	10	
Rear (ft.)	0	0	(E) (3708-06/05)
Maximum Height of Structures (ft.)	40	40	(G)
Maximum Floor Area Ratio (FAR)	0.75	0.75	
Minimum Site Landscaping (%)	8	8	(H)(I)

	IG	IL	Additional Requirements
Fences and Walls	See Section 230.88		
Off-Street Parking and Loading	See Chapter 231		(J)
Outdoor Facilities	See Section 230.74		
Screening of Mechanical Equipment	See Section 230.76		(K)
Refuse Storage Area	See Section 230.78		
Underground Utilities	See Chapter 17.64		
Performance Standards	See Section 230.82		(L)
Nonconforming Uses and Structures	See Chapter 236		
Signs	See Chapter 233		

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IG AND IL Districts: Additional Development Standards

(A) See Section 230.62: Building Site Required and Section 230.64: Development on Substandard Lots. (3254-10/94)

(B) Smaller lot dimensions for new parcels may be permitted by the Zoning Administrator with an approved development plan and tentative subdivision map. (3254-10/94)

(C) See Section 230.68: Building Projections into Yards and Required Open Space. Double-frontage lots shall provide front yards on each frontage. (3254-10/94)

(D) The minimum front setback shall 10 feet and the average setback 20 feet, except for parcels fronting on local streets where only a 10 foot setback is required. (3254-10/94)

All I Districts: An additional setback is required for buildings exceeding 25 feet in height (1 foot for each foot of height) and for buildings exceeding 150 feet in length (1 foot for each 10 feet of building length) up to a maximum setback of 30 feet. (3254-10/94)

(E) In all I districts, a 15-foot setback is required abutting an R district and no openings in buildings within 45 feet of an R district. (3254-10/94)

(F) A zero-side yard setback may be permitted in the I districts, but not abutting an R district, provided that a solid wall at the property line is constructed of maintenance-free masonry material and the opposite side yard is a minimum of 30 feet. (3254-10/94)

Exception. The Zoning Administrator or Planning Commission may approve a conditional use permit to allow a 15-foot interior side yards opposite a zero-side yard on one lot, if an abutting side yard at least 15 feet wide is provided and access easements are recorded ensuring a minimum 30-foot separation between buildings. This 30-foot accessway must be maintained free of obstructions and open to the sky, and no opening for truck loading or unloading shall be permitted in the building face fronting on the accessway unless a 45-foot long striped areas is provided solely for loading and unloading entirely within the building. (3254-10/94)

(G) See Section 230.70: Measurement of Height. Within 45 feet of an R district, no building or structure shall exceed a height of 18 feet. (3254-10/94)

(H) Planting Areas. Required front and street-side yards adjacent to a public right-of-way shall be planting areas except for necessary drives and walks. A 6-foot wide planting area shall be provided adjacent to an R district and contain one tree for each 25 lineal feet of planting area. (3254-10/94)

(I) See Chapter 232: Landscape Improvements. (3254-10/94)

(J) Truck or rail loading, dock facilities, and the doors for such facilities shall not be visible from or be located within 45 feet of an R district. (3254-10/94)

(K) See Section 230.80: Antennae. (3254-10/94)

(L) Noise. No new use shall be permitted, or exterior alterations and/or additions to an existing use allowed, within 150 feet of an R district until a report prepared by a California state-licensed acoustical engineer is approved by the Director. This report shall include recommended noise

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mitigation measures for the industrial use to ensure that noise levels will conform with Chapter 8.40 of the Municipal Code. The Director may waive this requirement for change of use or addition or exterior alteration to an existing use if it can be established that there had been no previous noise offense, that no outside activities will take place, or if adequate noise mitigation measures for the development are provided. (3254-10/94)

(M) Group residential or accessory residential uses shall be subject to standards for minimum setbacks and height of the RH District. (3254-10/94)

212.08 Review of Plans

All applications for new construction and exterior alterations and additions shall be submitted to the Planning Department for review. Discretionary review shall be required as follows: (3254-10/94,3708-6/05)

A. Zoning Administrator Review. Projects requiring a conditional use permit from the Zoning Administrator; projects including a zero-side yard exception; projects on substandard lots. (3254-10/94)

B. Design Review Board. See Chapter 244. (3254-10/94, 3869-3/10)

C. Planning Commission. Projects requiring a conditional use permit from the Commission. (3254-10/94)

D. Projects in the Coastal Zone. A Coastal Development Permit is required unless the project is exempt; see Chapter 245. (3254-10/94)

ATTACHMENT NO. 10.11

Introduction and Purpose

The project addressed in these Findings of Fact is the Warner-Nichols project.

The California Environmental Quality Act (CEQA) Statutes (Public Resources Code Sections 21000 through 21178) Section 21081 requires the lead agency (City of Huntington Beach) to issue written findings for significant impacts identified in the environmental impact report (EIR), accompanied by a brief rationale for each finding. Section 15091 of the CEQA Guidelines states that:

> (a) No public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding: The possible findings are:
>
> > (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
> >
> > (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
> >
> > (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.
>
> (b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological or other benefits of the project outweigh the significant effects on the environment.

In accordance with Section 21081 of the CEQA Statutes, whenever significant impacts cannot be substantially mitigated and remain unavoidable, the benefits of the proposed project must be balanced against the unavoidable environmental consequences in determining whether to approve the project. The lead agency must make Findings of Fact and adopt a Statement of Overriding Considerations where the decision of the lead agency allows the occurrence of significant effects that are identified in the EIR, but are not substantially mitigated.

Mitigation Monitoring and Reporting Program

As required by CEQA Statute 21081.6, a program for monitoring and reporting on project mitigation will be adopted by the lead agency.

ATTACHMENT NO. B1

Location of Documents

The draft EIR, final EIR, and administrative record for the Warner-Nichols project are available for review upon request at:

City of Huntington Beach
Department of Planning and Building
2000 Main Street, 3rd Floor
Huntington Beach, California 92648

Discussion of Findings

Where, as a result of the environmental analysis of the project and the identification of project design features; compliance with existing laws, codes, and statutes; and the identification of feasible mitigation measures, potentially significant impacts have been determined by the City to be reduced to a level of less than significant, the City has found in accordance with CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1) that "changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment." Such a finding is referred to herein as **Finding 1.**

Where the City has determined pursuant to CEQA Section 21081((a)(2) and CEQA Guidelines Section 15091(a)(2) that "those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency," the City's finding is referred to as **Finding 2**. This finding is not required to be made because all mitigation is under the jurisdiction of the Lead and Responsible Agencies.

Where, as a result of the environmental analysis of the project, the City has determined that (a) even with the identification of project design features; compliance with existing laws, codes, and statutes; and/or the identification of feasible mitigation measures, potentially significant impacts cannot be reduced to a level of less than significant, or (b) no feasible mitigation measures or alternatives are available to mitigate the potentially significant impact, the City has found in accordance CEQA Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3) that "specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report." Such a finding is referred to as **Finding 3.**

References for discussion of environmental impacts within the EIR are noted with each finding. Impact numbers refer to the section number and the threshold letter referenced in the draft EIR where the full discussion of impacts is included.

ATTACHMENT NO. B2

Findings on Significant and Unavoidable Impacts

Cultural Resources

Impact CR-1

The proposed project would cause a substantial adverse change in the significance of a historical resource as defined by Section 15064.5 of the CEQA Guidelines.

Substantial Evidence

Evidence supporting the fact that the environmental effects identified in Impact CR-1 are unavoidable is provided in Section 3.1.6.1 of the EIR. Implementation of the proposed project would demolish all of the existing buildings on the project site. Four of these buildings—Furuta House #1, Pastor's House, Church #1, and Church #2—appear to be individually eligible for listing in the National Register of Historic Places and the California Register of Historic Places. Because of public interest in the barn, it could be eligible for designation as a local landmark by the City of Huntington Beach. Demolition of these historic resources is considered a significant adverse impact. Mitigation Measure CR-1 would document the historic resources before demolition through photography and recordation and Mitigation Measure CR-2 would offer the historic buildings for relocation. These measures would reduce some but not eliminate all of the significant impacts of the project on the identified historic resources. Alternative 1, the No Project Alternative, would avoid Impact CR-1 but would not achieve the project objectives. Alternative 2, the Reduced Project (Historic Resources Avoidance) Alternative, would also avoid Impact CR-1 but would not achieve the project objectives. Alternative 3, Historic Resources Renovation Alternative, would reduce Impact CR-1 to a less-than-significant level and would achieve most of the project objectives, but it was found to be infeasible.

Finding

Regarding Impact CR-1, the City hereby makes **Finding 3** that no feasible mitigation measures or alternatives exist that would mitigate this significant impact.

Impact CR-5

The proposed project would conflict with applicable General Plan policies adopted for the purpose of avoiding or mitigating an environmental effect.

Substantial Evidence

Evidence supporting the fact that the environmental effects identified in Impact CR-5 are unavoidable is provided in Section 3.1.6.1 of the EIR. Implementation of the proposed project would demolish all of the existing buildings on the project site. Four of these buildings—Furuta House #1, Pastor's House, Church #1, and Church #2—appear to be individually eligible for listing in the National Register of Historic Places and the California Register of Historic Places. Because of public interest in the barn, it could be eligible for designation as a local landmark by the City of Huntington Beach. Demolition of these historic resources is not consistent with the City's General Plan goals, objectives, and policies that encourage the protection, preservation, and retention of historic resources. Mitigation Measure CR-1 would document the historic resources before demolition through photography and recordation, and Mitigation Measure CR-2 would offer the historic

ATTACHMENT NO. B3

buildings for relocation. These measures would reduce some but not eliminate all of the significant impacts of the project on the identified historic resources. Alternative 1, the No Project Alternative, would avoid Impact CR-5 but would not achieve the project objectives. Alternative 2, the Reduced Project (Historic Resources Avoidance) Alternative, would also avoid Impact CR-5 but would not achieve the project objectives. Alternative 3, Historic Resources Renovation Alternative, would reduce Impact CR-5 to a less-than-significant level and would achieve most of the project objectives, but it was found to be infeasible.

Finding

Regarding Impact CR-5, the City hereby makes **Finding 3** that no feasible mitigation measures or alternatives exist that would mitigate this significant impact.

ATTACHMENT NO. B4

Statement of Overriding Considerations

The California Environmental Quality Act (CEQA) requires that a lead agency balance the benefits of a project against its unavoidable environmental risk in determining whether to approve the project. If the benefits outweigh the unavoidable adverse effects, those effects may be considered "acceptable" pursuant to CEQA Guidelines Section 15093(a). CEQA requires that a lead agency support, in writing, the specific reasons for considering a project acceptable when significant impacts are infeasible to mitigate. Those reasons must be based on substantial evidence in the environmental impact report (EIR) or elsewhere in the administrative record pursuant to CEQA Guidelines Section 15093(b). The lead agency's written reasons are referred to as a Statement of Overriding Considerations.

The City of Huntington Beach (City) is proposing to approve the proposed Warner-Nichols project, with mitigation measures to reduce environmental impacts, and has prepared an EIR as required by CEQA. Even with mitigation measures, the following impacts are unavoidable because the mitigation measures would not reduce the impacts to a less-than-significant level:

- **Cultural Resource Impact CR-1:** The proposed project would cause a substantial adverse change in the significance of a historical resource as defined by Section 15064.5 of the CEQA Guidelines.
- **Cultural Resource Impact CR-5:** The proposed project would conflict with applicable General Plan policies adopted for the purpose of avoiding or mitigating an environmental effect.

The City has evaluated all feasible mitigation measures and project revisions with respect to the project impacts. The City has also examined a reasonable range of alternatives to the proposed project (see Findings of Fact). Based on this examination, the City has determined that because it would not demolish historic resources and it would meet most of the project objectives, Alternative 3, the Historic Resources Renovation Alternative, is considered to be the environmentally superior alternative. However, the City finds that Alternative 3 is infeasible because of the time it would take to offset the investment in renovation and construction and the potential for vacancy and continued trespass and vandalism problems.

The City proposes to adopt a Statement of Overriding Considerations. To the extent that the significant effects of the Warner-Nichols project have not been avoided or substantially lessened to a level of insignificance, the City, having reviewed and considered the information contained within the EIR and considered the information contained within the public record, and having balanced the benefits of the project against the unavoidable effects which remain, finds such unmitigated effects to be acceptable in consideration of the following overriding considerations:

- The project would enable the site to be developed in the future with a more viable development consistent with General Plan and zoning that will improve the appearance of the area, sustain the City's economic viability, and allow proper right-of-way dedication and improvement of the adjacent streets abutting the project site. If the historic structures were to remain on the subject site there is no assurance that the property owner will invest funds to restore and reuse them if the potential return on the investment is not attractive. The small size and internal configuration of the structures may be a constraint to commercial

ATTACHMENT NO. B5

activities and could make it difficult to lease the structures. The small structures are internally divided into smaller rooms, and the ability to remodel the interiors may be limited for structural reasons while preserving the integrity of the exterior of the structures. If the property owner were allowed to demolish or remove the historic structures they can better integrate the land currently occupied by the historic structures with the balance of the project site to develop new buildings that are better suited for commercial or industrial use and therefore more economically viable. Both Church 2 and the Pastor's House do not meet setbacks along Nichols in either the Residential Medium Density or Commercial General zoning districts. In addition, if the structures were required to remain on site, the property owner may decide to keep Church 2 in its current location which would prevent widening of Warner Avenue to its full width.

- The project would reduce public safety concerns associated with repeated trespass, vandalism, and occupation by vagrants as a result of the buildings being vacant. The history of calls for Police service to the subject property indicate that the vacant buildings have experienced forcible entry, trespassing, and burglary in the past. If the property owner were allowed to demolish or remove the historic structures, it is expected that the calls for service and public safety concerns would decrease.

- The project would reduce unsightly conditions associated with the building vacancy, boarding up of the buildings, and graffiti.

- ~~The project would eliminate the need to fence off the property to help prevent unsafe and illegal occupancy of the unused structures.~~

ATTACHMENT NO. B6