

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Long Beach, CA 90802-4302
(562) 590-5071



March 4, 2010

ADDENDUM

TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: SOUTH COAST DISTRICT STAFF

SUBJECT: ADDENDUM TO ITEM W21a, LAGUNA BEACH LOCAL COASTAL PROGRAM AMENDMENT LGB-MAJ-3-08 FOR THE COMMISSION MEETING OF MARCH 10, 2010.

A. Revision to Staff Report

Commission staff recommends changes to the staff report beginning on pages 14 and 16 to remove text inadvertently placed in the staff report. Deleted language is in ~~double strike through~~, as shown below:

1. Delete following text on page 14, just above the header "C. Approval of the Land Use Plan If Modified As Suggested":

~~[[what about impacts to access and sensitive environmental resources? The suggested mod refers to them, too. If the LUP already has adequate policy language to ensure development would avoid/minimize impacts to access and sensitive resources, should point that out in findings for certification if modified]]~~

2. Delete following text at the bottom of page 16, just after the header "2. Policy 12-F: Approval if Modified as Suggested":

2. Policy 12-F: Approval if Modified as Suggested

~~[[mod goes beyond views]]~~ As described above, the proposed amendment, which would delete the 500 square foot size limit for development within the Public Recreation and Parks land use designation, could not be found to be consistent with Section 30251 of the Coastal Act because it could result in adverse impacts to public views...

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Long Beach, CA 90802-4302
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February 24, 2010

**W 21a**

TO: Commissioners and Interested Persons

FROM: Sherilyn Sarb, Deputy Director
Teresa Henry, District Manager
Karl Schwing, Supervisor, Regulation & Planning
Meg Vaughn, Coastal Program Analyst

SUBJECT: Major Amendment Request No. 3-08 to the City of Laguna Beach Certified Local Coastal Program (For Public Hearing and Commission Action at the March 10-12, 2010 meeting in Santa Cruz).

SUMMARY OF LCP AMENDMENT REQUEST NO. 3-08

Request by the City of Laguna Beach to amend its certified Local Coastal Program (LCP) to make the following three unrelated changes to the certified LCP: 1) land use designate and zone the 8.52 acre site at 1900 Laguna Canyon Road (known as ACT V) to Public/Institutional land use designation and Institutional zone; 2) amend Land Use Element Policy 12-F to allow exceptions to an existing 500 square foot size limit for buildings located in Public Recreation and Parks land use designation for structures deemed by the City as necessary to provide public benefit uses; and, 3) make changes to the Implementation Plan to clarify how building heights are measured and parking garage regulations, within certain zones. Proposed LCP Amendment Request No. 3-08 was submitted for Commission certification by City Council Resolution Nos. 07.077, 08.064, and, 08.072.

Of the changes described above, one change will affect both the land use plan and the implementation plan: assigning a land use designation and zoning to the newly annexed ACT V site (1900 Laguna Canyon Road). The proposed change to LUE Policy 12-F regarding building size limit in the Public Recreation and Parks land use designation affects only the land use plan portion of the LCP. The proposed change regarding clarifying how building heights are measured affects only the Implementation Plan portion of the certified LCP.

The proposed amendment raises issues with regard to protection of public views, public access and public recreation. The issues are raised by a proposed increase in the maximum height limit in the Local Business/Professional zone, and, a proposed deletion of language that requires that, where feasible, development seaward of Coast Highway be lower than the centerline of Coast Highway. These two proposed changes could adversely impact public views. Issues are also raised by the amendment's proposal to eliminate the 500 square foot limit on structures in the Public Recreation and Parks land use designation, when the use is deemed by the City to provide a public benefit. As proposed, the language of the revised policy will not assure protection of public access, public recreation, and public views. Modifications are suggested to address these issues and make the proposed amendment consistent with the Chapter 3 policies of the Coastal Act and the City's certified Land Use Plan.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission, after public hearing:

Deny the amendment request to the Land Use Plan as proposed, and approve the LUP amendment if modified as suggested;

Deny the amendment request to the Implementation Plan as proposed, and approve the Implementation Plan amendment if modified as suggested.

The motions to accomplish this recommendation are found on pages 4 and 5.

STANDARD OF REVIEW

For the proposed Land Use Plan portion of the amendment, the standard of review is conformance with the Chapter 3 policies of the Coastal Act. For the proposed Implementation Plan portion of the amendment the standard of review is conformance with and adequacy to carry out the policies of the certified Land Use Plan.

SUMMARY OF PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in Local Coastal Program development. It states:

During the preparation, approval, certification, and amendment of any local coastal program, the public, as well as all affected governmental agencies, including special districts, shall be provided maximum opportunities to participate. Prior to submission of a local coastal program for approval, local governments shall hold a public hearing or hearings on that portion of the program which has not been subjected to public hearings within four years of such submission.

ACT V

The proposed changes to policy 12-F were heard at the following public hearings: Planning Commission meetings of 5/30/07 and 4/25/07; and City Council meetings of 8/7/07, 7/10/07, and 4/16/02. Public testimony at the hearings included concerns that the site should be included in the Civic Art District and concerns with ingress and egress into and out of the site.

Policy 12-F

The proposed changes to policy 12-F were heard at the following public hearings: Planning Commission meetings of 6/25/08 and 5/14/08; and City Council meeting of 7/22/08.

There was no public testimony at the 5/14/08 Planning Commission meeting, however two letters of comment were received for that hearing. Concerns raised were directed at a future City project to redevelop the lifeguard headquarters at Main Beach and include public and private view issues, questions as to whether training and office type uses qualify as public benefit uses, impacts to biological resources, impacts to shoreline characteristics if development were to be allowed onto beach areas, water quality, impacts to public recreation, and noise impacts.

Building Heights

The proposed changes to clarify building height measurements and parking garage restrictions were heard at the following public hearings Planning Commission meetings of 2/27/08, 5/28/08, and 6/25/08; and, City Council meetings of 8/5/08 and 7/22/08. A number of people spoke at those hearings. Public testimony at the public meetings included discussion of the need to clarify how building heights are measured, using building heights as a means of limiting over-development; support for encouraging parking to be located underground, concern that encouraging underground parking would result in more and denser development, as well as increased traffic; and concerns that greater heights adversely impact views.

ADDITIONAL INFORMATION

Copies of the staff report are available online at www.coastal.ca.gov and at the South Coast District office located in the ARCO Center Towers, 200 Oceangate, Suite 1000, Long Beach, 90802. To obtain copies of the staff report by mail, or for additional information, contact Meg Vaughn in the Long Beach office at (562) 590-5071.

I. STAFF RECOMMENDATION

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings.

A. Denial of the Land Use Plan Amendment as Submitted

MOTION: *I move that the Commission certify Land Use Plan Amendment No. 3-08 to the City of Laguna Beach Local Coastal Program as submitted by the City of Laguna Beach.*

STAFF RECOMMENDATION TO DENY:

Staff recommends a **NO** vote. Failure of this motion will result in denial of the amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO DENY:

The Commission hereby denies certification of the Land Use Plan Amendment No. 3-08 as submitted by the City of Laguna Beach and adopts the findings set forth below on the grounds that the amendment does not meet the requirements of or conform with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

B. Approval of the LUP Amendment with Suggested Modifications

MOTION: *I move that the Commission certify Land Use Plan Amendment No. 3-08 for the City Laguna Beach if it is modified as suggested by staff.*

STAFF RECOMMENDATION TO CERTIFY WITH SUGGESTED MODIFICATIONS:

Staff recommends a **YES** vote. Passage of the motion will result in the certification of the land use plan amendment with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of the majority of the appointed Commissioners.

RESOLUTION TO CERTIFY WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the Land Use Plan Amendment No. 3-08 for the City of Laguna Beach if modified as suggested and adopts the findings set forth below on the grounds that the Land Use Plan amendment with suggested modifications will meet the

requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Land Use Plan Amendment may have on the environment.

C. Denial of the Implementation Plan Amendment as Submitted

MOTION: *I move that the Commission reject the Implementation Plan Amendment No. 3-08 for the City of Laguna Beach as submitted.*

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a **YES** vote. Passage of this motion will result in rejection of Implementation Plan amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY CERTIFICATION OF THE IMPLEMENTATION PLAN AS SUBMITTED:

The Commission hereby denies certification of the Implementation Plan Amendment No. 3-08 submitted for the City of Laguna Beach and adopts the findings set forth below on grounds that the Implementation Plan amendment as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan as amended. Certification of the Implementation Plan would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Plan as submitted

D. Approval of the IP Amendment with Suggested Modifications

MOTION: *I move that the Commission certify the Implementation Plan Amendment No. 3-08 for the City of Laguna Beach if it is modified as suggested by staff.*

STAFF RECOMMENDATION:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Plan with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY THE IMPLEMENTATION PLAN WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the Implementation Plan Amendment 3-08 for the City of Laguna Beach if modified as suggested and adopts the findings set forth below on grounds that the Implementation Plan amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan as amended. Certification of the Implementation Plan amendment if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

II. PROCEDURAL REQUIREMENTS

Pursuant to Section 13551(b) of the California Code of Regulations, a resolution for submittal must indicate whether the Local Coastal Program amendment will require formal local government adoption after Commission approval, or is an amendment that will take effect automatically upon the Commission's approval pursuant to Public Resources Code Sections 30512, 30513 and 30519. The City's resolutions of adoption (Resolution Nos. 07.077, 08.064, and, 08.072) state that this LCP amendment will take effect upon Commission certification.

STAFF NOTE: Laguna Beach Amendment request No. 3-08 originally included a fourth change to the LCP: a request to change the zoning and zoning map for the westerly third of a portion of the parcel located at 1435 North Coast Highway from R-1 Residential Low Density to C-N Commercial Neighborhood. This portion of LCP amendment request 3-08 is reflected in Laguna Beach City Council Resolution No. 08.003 and Ordinance No. 1481. However, the requested zoning and zoning map designation were previously approved by the Coastal Commission via Local Coastal Program Amendment 1-94 which was approved by the Commission on October 14, 1994. Consequently, the City has withdrawn this portion of LCP amendment request 3-08 as it is already effective as proposed.

III. SUGGESTED MODIFICATIONS

Certification of City of Laguna Beach LCP Amendment Request No. 3-08 is subject to the following modifications.

The Commission's suggested additions are shown in **bold, underlined text**.
The Commission's suggested deletions are shown in ~~strike out text~~.

LAND USE PLAN SUGGESTED MODIFICATIONS

Suggested Modifications regarding Policy 12-F:

1. Suggested Modification No. 1

Make the following addition to the City's proposed modifications to Policy 12-F:

In areas designated on the Land Use Plan Map as "Central Business District," "Commercial/Tourist Corridor," "Local Business-Professional" and "Public Institutional," the maximum intensity of use shall be limited to the building height standards of the Laguna Beach Municipal Code. In the "Industrial" designation, maximum height of structures shall be as specified in the Municipal code.

In the "Public Recreation and Parks" designation, structures shall not be more than 500 square feet in size and one story in height, except for those structures deemed by the City as necessary to provide public benefit uses, and all development shall be subject to the design review process. **Any structure in the "Public Recreation and Parks" designation shall be the least size and height necessary to accomplish the public benefit it is intended to provide and shall be sited and designed to minimize adverse impacts to public visual resources.**

IMPLEMENTATION PLAN SUGGESTED MODIFICATIONS

Suggested Modifications regarding Building Height definition:

2. Suggested Modification No. 2

Add the following new section to Section 25.08.016(5) to follow proposed section 25.08.016(4) (this edit re-inserts text the City had proposed to delete):

(5) For development proposed on the seaward side of Pacific Coast Highway, where topography allows, no structures shall be constructed above the finish elevation of Pacific Coast Highway at the right-of-way line.

Suggested Modifications regarding Building Height and Parking Garage Regulations:

3. Suggested Modification No. 3

Modify the proposed language of Section 25.18.008(F)(2) as follows:

(F) (2) The height of any building (per the Building Height definition in Municipal code Section 25.08.016) shall not exceed 36 feet, including parking garage floor levels with access ramps located outside the structure's ground floor footprint. **Notwithstanding the Building Height definition Exception (4), \mp this 36 foot height limit shall include roof chimneys, vents, mechanical equipment, mechanical enclosure, elevator shafts, stairways and other such structural elements required for the operation of the building. Per the Building Height definition, subterranean floors are exempt from the height measurement limit.**

4. Suggested Modification No. 4

Modify the proposed language of Section 25.18.008(G) as follows:

(G) Parking Garage Setbacks, Entrances and Standards. Parking lots and any portion of a parking garage structure built at or above the exterior natural or finish grade elevation, whichever is lower, shall adhere to the yard setbacks specified in ~~the applicable~~ **this** Zone. Parking garage floor levels built below the exterior natural or finish grade elevation, whichever is lower, may be built to the property lines provided a landscape/hardscape plan is provided and approved by the design review authority addressing the above grade areas within the required above grade setbacks. Subterranean parking garage levels shall be designed to accommodate the growth of street trees. **Notwithstanding the above language, no subterranean parking garage level(s) shall be allowed within the required bluff top setback area.**

Parking garage accessways or entrances shall be designed to diminish their impacts by minimizing their size and architecturally integrating amenities, such as gates, landscaping and special paving, and their placement shall maximize pedestrian safety.

See provisions of Chapter 25.52 for additional Parking Requirements.

5. Suggested Modification No. 5

Modify the proposed language of Section 25.19.008(F) as follows:

- (F) Parking Garage Setbacks, Entrances and Standards. Parking lots and any portion of a parking garage structure built at or above the exterior natural or finish grade elevation, whichever is lower, shall adhere to the yard setbacks specified in ~~the applicable~~ **this** Zone. Parking garage floor levels built below the exterior natural or finish grade elevation, whichever is lower, may be built to the property lines provided a landscape/hardscape plan is provided and approved by the design review authority addressing the above grade areas within the required above grade setbacks. Subterranean parking garage levels shall be designed to accommodate the growth of street trees. **Notwithstanding the above language, no subterranean parking garage level(s) shall be allowed within the required bluff top setback area.**

Parking garage accessways or entrances shall be designed to diminish their impacts by minimizing their size and architecturally integrating amenities, such as gates, landscaping and special paving, and their placement shall maximize pedestrian safety.

See provisions of Chapter 25.52 for additional Parking Requirements.

6. Suggested Modification No. 6

Modify the proposed language of Section 25.20.008(E) as follows:

- (E) Parking Garage Setbacks, Entrances and Standards. Parking lots and any portion of a parking garage structure built at or above the exterior natural or finish grade elevation, whichever is lower, shall adhere to the yard setbacks specified in ~~the applicable~~ **this** Zone. Parking garage floor levels built below the exterior natural or finish grade elevation, whichever is lower, may be built to the property lines provided a landscape/hardscape plan is provided and approved by the design review authority addressing the above grade areas within the required above grade setbacks. Subterranean parking garage levels shall be designed to accommodate the growth of street trees. **Notwithstanding the above language, no subterranean parking garage level(s) shall be allowed within the required bluff top setback area.**

Parking garage accessways or entrances shall be designed to diminish their impacts by minimizing their size and architecturally integrating amenities, such as gates, landscaping and special paving, and their placement shall maximize pedestrian safety.

See provisions of Chapter 25.52 for additional Parking Requirements.

7. Suggested Modification No. 7

Modify the proposed language of Section 25.21.006(E) as follows:

(E) Parking Garage Setbacks, Entrances and Standards. Parking lots and any portion of a parking garage structure built at or above the exterior natural or finish grade elevation, whichever is lower, shall adhere to the yard setbacks specified in ~~the applicable~~ **this** Zone. Parking garage floor levels built below the exterior natural or finish grade elevation, whichever is lower, may be built to the property lines provided a landscape/hardscape plan is provided and approved by the design review authority addressing the above grade areas within the required above grade setbacks. Subterranean parking garage levels shall be designed to accommodate the growth of street trees. **Notwithstanding the above language, no subterranean parking garage level(s) shall be allowed within the required bluff top setback area.**

Parking garage accessways or entrances shall be designed to diminish their impacts by minimizing their size and architecturally integrating amenities, such as gates, landscaping and special paving, and their placement shall maximize pedestrian safety.

See provisions of Chapter 25.52 for additional Parking Requirements.

8. Suggested Modification No. 8

Modify the proposed language of Section 25.25.008(G) as follows:

(G) Parking Garage Setbacks, Entrances and Standards. Parking lots and any portion of a parking garage structure built at or above the exterior natural or finish grade elevation, whichever is lower, shall adhere to the yard setbacks specified in ~~the applicable~~ **this** Zone. Parking garage floor levels built below the exterior natural or finish grade elevation, whichever is lower, may be built to the property lines provided a landscape/hardscape plan is provided and approved by the design review authority addressing the above grade areas within the required above grade setbacks. Subterranean parking garage levels shall be designed to accommodate the growth of street trees. **Notwithstanding the above language, no subterranean parking garage level(s) shall be allowed within the required bluff top setback area.**

Parking garage accessways or entrances shall be designed to diminish their impacts by minimizing their size and architecturally integrating amenities, such as gates, landscaping and special paving, and their placement shall maximize pedestrian safety.

See provisions of Chapter 25.52 for additional Parking Requirements.

IV. FINDINGS

The Commission hereby finds and declares as follows:

A. Local Coastal Program Amendment Description

The proposed LCP amendment includes three changes that are unrelated to each other. The proposed changes are described below. The proposed changes are reflected in the following City actions:

- ACT V - Resolution Nos. 02.023, 02-024, and 07-077 and Ordinance No. 1476.
- LUE Policy 12-F – Resolution No. 08-064
- Building Height and Parking Garage Regulations – Resolution 08-072 and Ordinance No. 1498.

1) ACT V Annexation Area – Land Use Plan & Implementation Plan

The proposed amendment affects a site located at 1900 Laguna Canyon Road, commonly known as ACT V. The City annexed the site from the County in 2002 and the proposed amendment would add the site to the LCP and establish the land use designation and zoning where none currently exist. The subject site was previously included within the County's certified Newport Coast LCP. The site has been and continues to be under the ownership of the City of Laguna Beach. The proposed land use designation for the site is Public/Institutional and the proposed zoning is Institutional. The site is currently developed with the City's Corporate Yard facility and public parking facility. This portion of the proposed LCP amendment affects both the Land Use Plan and Implementation Plan portions of the certified LCP.

The amendment also proposes to add "recreational uses" to the list of uses allowed in the Public/Institutional land use designation.

2) LUE Policy 12-F – Land Use Plan Only

Currently the certified Land Use Element portion of the LCP's LUP includes policy 12-F which limits the size of structures within the Public Recreation and Parks land use designation to 500 square feet. This policy is within Topic 12, which addresses the preservation of views. The amendment proposes to allow exceptions to the size restriction for a use or structure that provides a public benefit as deemed by the City. Such structures would include public restrooms, lifeguard headquarters, Boys and Girls Clubs, and beach/park concessions buildings.

3) Building Height and Parking Garage Regulations – Implementation Plan Only

Finally, the amendment proposes to clarify the method of measuring building heights and parking garage regulations in the Commercial, Light Industrial, and Institutional zones. More specifically, this part of the proposed amendment would:

- Apply the City’s existing Building Height definition methodology uniformly throughout the City.
- Clarify that the “front line” (from which height is measured) means the primary or highest capacity road classification.
- Allow subterranean/underground parking levels to extend to the property lines when designed to accommodate the growth of street trees.
- Restate that subterranean floor levels are exempt from the height limits.
- Clarify that partially subterranean floor levels will not be exempt from floor numbers or height limits. This will include parking garage floor levels with access ramps located outside a structure’s ground floor footprint.

To achieve the objectives listed above, the amendment proposes changes within the implementation and development standards of the following zoning designations: Local Business/Professional LBP; Commercial Neighborhood CN; Commercial Hotel-Motel CH-M; South Laguna Village Commercial Zone SLV; Institutional I; Light Industrial M-1A, and within the General Provisions of the Downtown Specific Plan building height standards and the Property Development Standards of the M-1B Light Industrial Zone of the Laguna Canyon Annexation Area Specific Plan. In addition, a change is proposed to the existing definition of building height found in Section 25.08.016 of the certified Implementation Plan. In addition, Chapter 25.51 is proposed to be deleted in its entirety.

B. Denial of the Land Use Plan As Submitted

1. Policy 12-F: Land Use Element LUP Change

Currently the Land Use Element portion of the certified LCP’s LUP includes, in policy 12-F, a limit of the size of structures within the Public Recreation and Parks land use designation to 500 square feet. The amendment, as reflected in City Council Resolution No. 08-0.64, proposes to allow exceptions to the size restriction for a use or structure that provides a public benefit as deemed by the City. The City has indicated that the proposed language is intended to allow such structures as public restrooms, lifeguard headquarters, Boys and Girls Clubs, and beach/park concession buildings.

Specifically, the changes to policy 12-F proposed by the City are reflected below (deletions proposed by the City are shown in ~~bold, strike-through~~; proposed additions are shown in ***bold, italic, underline***):

. . . In the "Public Recreation and Parks" designation, structures shall not be more than 500 square feet in size and one story in height, **except for those structures deemed by the City as necessary to provide public benefit uses, and all development shall be subject to the design review process.**

The information submitted with the amendment request indicates that the language is proposed to be added because existing development within this land use designation exceeds the 500 square foot limitation. The City's Agenda Bill dated 7/22/08 summarizes the issues as follows:

"The intent of this policy is to encourage low profile structures and preserve public views. However, in certain circumstances, these limitations are too restrictive to provide essential City services that protect the health, safety and welfare of local residents and visitors. For example, all the existing structures located in the "Public Recreations and Parks" land use category exceed the 500 square foot threshold, including the following:

- *Heisler Restrooms (568 square feet)*
- *Heisler Lawn Bowling Clubhouse (1,600 square feet)*
- *North Main Beach Restrooms (500 square feet)*
- *South Main Beach Restrooms (750 square feet)*
- *Lifeguard Headquarters (1,350 square feet)*
- *Boys and Girls Club/The Laguna Club Building at Bluebird Park (1,700 square feet)*
- *Moulton Meadows Restroom (700 square feet)*
- *Aliso Creek Concessions and Restrooms (2,200 square feet – County Facility)*

An amendment is proposed to Policy 12-F so that the City can continue to provide and upgrade existing and new public facilities that support the health, safety and welfare of both local residents and visitors.

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas, such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The Commission has no objection to allowing exceptions to the existing 500 square foot limit so long as views are protected. The City has pointed out the number of existing structures within areas designated Public Recreation and Parks that exceed the limit. However, it is important to carefully control development that is allowable within the Public Recreation and Parks designation to assure maximum protection of public views. The amendment language proposed is open ended. Without guidance language it would be difficult to assure that all development within the Public Parks and Recreation designation would be the minimum necessary to accomplish the recreational goal and thus preserve and protect scenic public views.

Although the 500 square foot limit would no longer be the controlling standard, no increased limit for the square footage of buildings is proposed. While it may be that not having a specific square footage figure in Policy 12-F is appropriate, there must be some guidance on potential impacts to be considered when development is proposed. For example, requiring that design and siting minimize impacts to public views identifies a specific issue to be addressed with development proposed in the Public Recreation and Parks designation. In addition, a requirement that any future structure be the minimum necessary would assure that protection and preservation of public views will be considered during project review and should be incorporated into any future project design within the Public Recreation and Parks land use designation. However, no such guidance language is proposed.

The Coastal Act requires that public views be protected. If guidance language is not included with the proposed changes to Policy 12-F at the same time the specific 500 square foot size limit is eliminated, structures in the Public Parks and Recreation land use designation could have adverse impacts on public views. Thus, as proposed, the amendment cannot be found to be consistent with Section 30251 of the Coastal Act regarding protection of public views, and therefore must be denied.

[[what about impacts to access and sensitive environmental resources? The suggested mod refers to them, too. If the LUP already has adequate policy language to ensure development would avoid/minimize impacts to access and sensitive resources, should point that out in findings for certification if modified]]

C. Approval of the Land Use Plan Amendment if Modified as Suggested

1. ACT V Annexation Area: Approval as Submitted

Coastal Act Section 30210 requires that maximum public access and recreational opportunities be provided with development. Sections 30230 and 30231 of the Coastal Act require that the biological productivity and quality of coastal waters and streams be maintained, and where feasible, enhanced. Section 30240 of the Coastal Act requires protection of environmentally sensitive habitat areas.

The proposed amendment would recognize the City's annexation of the site at 1900 Laguna Canyon Road and incorporate it into the City's corporate boundary and add the newly incorporated area into the City's certified LCP. The proposed land use designation for the newly annexed site is Public/Institutional and the proposed zoning is Institutional. This portion of the LCP amendment would also modify the LUP's existing language describing the Public/Institutional land use designation as follows (**bold underlining** text indicates proposed additions):

*This category refers to the community's public and educational facilities. These facilities include government buildings and public facilities, public festivals, public and private schools, libraries, police and fire stations, **and recreational uses**.*

Under the County's Newport Coast LCP the site was identified as Planning Area 20A and zoned Tourist Commercial. Tourist Commercial allowed, among other things, "Public works facilities and commercial recreation, totaling not more than 75,000 square feet. The Commission heard an appeal of a County approved local coastal permit for the subject site, and approved a coastal development permit at the de novo stage of the appeal (A-5-NPC-04-004). The approved coastal development permit allowed construction of the City's 'corporate yard' which serves as the City's year round maintenance facility and includes City garages, workshops, storage and personnel facilities for the Parks, Streets and Transit Divisions of the Public Works and Water Quality Departments. Under the approved coastal development permit, the site also serves as a public parking lot during the Summer Art Festivals season.

The existing corporate yard and public parking site development are consistent with the proposed "Institutional" land use designation and zoning. At the time the coastal development permit was approved by the Commission, consideration was given to the surrounding sensitive habitat, water quality, and the provision of adequate public parking, among other things. The project was conditioned to minimize impacts to the surrounding habitat due to fuel modification. In addition, the project incorporates measures to maximize protection of water quality under the approved Water Quality Management Plan. Also, under the approved permit, the continued provision of public parking to serve the Summer Art Festivals is required. The proposed land use designation supports the continued presence of the approved City corporate yard and public parking facility.

While considering the appropriate land use designation and zoning for the subject site, consideration was given to including the site in the Downtown Specific Plan with a Civic Arts District zone designation. This was considered due to the site's contribution to the public parking pool supporting the Summer Arts Festival. However, the City decided to postpone that possibility until a future Land Use Plan and Civic Arts District update, rather than considering the site separately.

The amendment also proposes to add recreational uses to the list of allowable uses within the existing Public/Institutional land use designation. Recreational uses are a high priority under the Coastal Act. Expanding the number of land use designations where the use is

allowed is consistent with promoting the higher priority use. However, the term “recreational” or “recreational uses” are not defined in the City’s certified LCP. The following terms are defined in the certified IP: “recreation facility, municipal” (owned by a public agency and available for general public use); “recreation facility, open” (uncovered recreational space); “recreation facility, private” (not open to the general public, except by membership); and “recreation facility, public” (not under public ownership but available to the general public). The proposed addition of the phrase “recreational uses” does not limit such uses to either public or private recreational uses. In addition, this proposed change would apply throughout the City, not just to the ACT V site, to any areas designated Public/Institutional. In any case, recreational uses are a higher priority use under the Coastal Act. The proposed addition of recreational uses within the Public/Institutional land use designation would increase the areas where recreational uses could be allowed. Although the proposed language may result in public or private recreational use, the proposed language would allow recreational uses where none would currently be allowed. Thus, an increase in the potential for recreational uses could result. Therefore the proposed addition of recreational uses within the Public/Institutional land use designation is consistent with the Coastal Act policies regarding the higher priority of public access and recreational uses.

The Commission finds that the proposed land use designation of Public/Institutional will allow continued use of the public parking facility at the subject site and will allow continued protection of the adjacent sensitive habitat via the approved coastal development permit. Furthermore, the proposed land use designation will allow continued water quality protection via the approved Water Quality Management Plan approved for the subject site. Therefore, the Commission finds that the proposed land use designation and text change are consistent with and adequate to carry out Section 30210 of the Coastal Act which requires that public access and recreation be maximized. In addition, the proposed land use designation and text change are consistent with and adequate to carry out Sections 30230 and 30231 regarding water quality protection. And, the proposed LUP amendment is consistent with and adequate to carry out Section 30240 regarding protection of sensitive habitat because the proposed land use designation and the addition of recreational uses would not affect the requirement that any development of the site be consistent with the water quality and habitat protection policies of the certified LCP. These findings for approval of the ACT V portion of the LUP amendment as submitted are included here under the heading Approval if Modified, not because any modifications are suggested, but because modification to another portion of the LUP amendment request is subject to suggested modifications (see below).

2. Policy 12-F: Approval if Modified as Suggested

[[mod goes beyond views]] As described above, the proposed amendment, which would delete the 500 square foot size limit for development within the Public Recreation and Parks land use designation, could not be found to be consistent with Section 30251 of the Coastal Act because it could result in adverse impacts to public views. However, if the amendment were modified to provide guidance on issues to be considered when

development is proposed, public views would continue to be protected after the building size limit is eliminated. If modified to address continued protection of public views, the amendment could be found to be consistent with Section 30251 of the Coastal Act. Modifications are suggested to include consideration of siting and design of development as well as requiring that development be the least amount necessary to achieve the public benefit goal. Adding these considerations in the review of development within the Public Recreation and Parks land use designation will assure that public views will continue to be considered and protected, once the building size limit is eliminated. Therefore, the Commission finds that if modified as suggested the proposed amendment can be found to be consistent with Section 30251 of the Coastal Act regarding protection of public views.

D. Denial of the Implementation Plan as Submitted

1. Building Height and Parking Garage Regulations

The proposed Implementation Plan amendment, submitted pursuant to Laguna Beach City Council Resolution No. 08.072 requesting Commission certification by the Coastal Commission of City Council Ordinance No. 1489, effects Sections 25.18.008 Local Business/Professional zone; 25.19.008 Commercial – Neighborhood zone; 25.20.008 Local Business District; 25.21.006 Commercial Hotel-Motel zone; 25.25.008 South Laguna Village Commercial Zone; Section 25.28.030 Institutional Zone; and Section 25.32.005 Light Industrial zone. In addition, the Building Height Standards of the General Provisions section of the Downtown Specific Plan (which is included as part of the certified Implementation Plan of the LCP) are proposed to be amended. Also, Section B (Building Height) of Section 4 (Property Standards) of the Light Industrial zone (M-1B) of the Laguna Canyon Annexation Area Specific Plan is proposed to be modified. And, Chapter 25.08 Definitions and Standards is proposed to be modified. More specifically, Section 25.08.016, the definition of “Height, building” is proposed to be modified at subsection (4). In addition, Chapter 25.52 Maximum Building Height is proposed to be deleted in its entirety.

The changes proposed to Section 25.18.008, 25.19.008, 25.20.008, 25.21.006, 25.25.008 are very similar to each other (see attached Ordinance No. 1489). As proposed the amendment raises an issue with regard to consistency with and adequacy to carry out the policies of the certified LCP Land Use Plan.

Information submitted with the amendment request indicates that the intent of the change to the IP is to clarify how building heights are measured. The majority of the proposed changes will make building height standards clearer. For example, rather than have different methodologies for determining how building heights are measured with different zones, the proposed amendment will utilize the method described in the existing definition of “height, building,” which is found at Section 25.08.016. Currently, building height measurement does not include any floor that is entirely subterranean. Also currently, subterranean floors are not counted in limits of the number of floors allowed. These existing standards regarding subterranean floors are proposed to be carried over into each

of the zones proposed for modification. This change is intended to make clear this existing exemption for floors that are entirely subterranean.

Also, existing standards in the IP allow rooftop elements such as roof chimneys, vents, mechanical equipment, mechanical enclosures, elevator shafts, stairways and other such structural elements required for the operation of the building. Typically, these are allowed to exceed the stated height limit, up to a certain amount. The proposed amendment would increase the height limit within the various zones so as to accommodate these structures within the maximum height limit. The result is the same, but the standard is clearer.

A new addition proposed by this amendment is to allow below-grade parking garages to extend to the property line as long as a landscape/hardscape plan is provided for the above grade areas within the setback areas. More specifically, the following language is proposed to be added to the zone designations that are the subject of this amendment request:

“Parking garage floor levels built below the exterior natural or finish grade elevation, whichever is lower, may be built to the property lines provided a landscape/hardscape plan is provided and approved by the design review authority addressing the above grade areas within the required above grade setbacks. Subterranean parking garage levels shall be designed to accommodate the growth of street trees.”

However, parking garage floor levels that are only partially subterranean would count in building height measurement as well as floor levels, where the number of floor levels is restricted, pursuant to the following proposed language:

“The height of any building (per the Building Height definition in Municipal Code Section 25.08.016) shall not exceed XX feet [depending on zone], including parking garage floor levels with access ramps located outside the structure’s ground floor footprint.”

The proposed additional language cited above does clarify how the building height will be measured with respect to underground parking garages.

Section 25.08.016 provides the definition of “building height.” The proposed amendment would modify Section 25.08.016 subsection (4) Exceptions, to delete the cross reference to Section 25.51 which, as described below, is proposed to be deleted in its entirety and to add the reference to a universal maximum building height of 36 feet, which is transferred from the to-be deleted Section 25.51. Section 25.08.016(4) is proposed to be modified as follows:

(4) Exception: Provided they do not exceed ~~the a~~ maximum height limit ~~set forth in Chapter 25.51~~ **of 36-feet**, and provided further that no structure in excess of the specified building height shall be used for additional living or floor space, the

following items may be permitted to a height in excess of that permitted within a zone when approved by the design review board **authority** pursuant to the procedures and findings of Chapter 25.05 as applicable: structures for the sole purposes of housing elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, skylights, spires, flagpoles, broadcasting and receiving antennae and chimneys.

The proposed amendment will also clarify that the “front line” from which the building height may be measured is the “property line abutting the most primary or highest capacity road classification.” Currently, what constitutes the “front line” is not clear. Again, this language does clarify how building heights will be measured with respect to where the measurement is to be taken from.

Another significant change proposed for each of the zones identified would be replacing existing language with the following for each of the zones subject to the amendment:

“The following building height limits represent the maximum heights permitted and may be reduced as determined appropriate by the design review authority.”

Similar language already exists in each of the zones, but is proposed to be replaced by the language above. The proposed language is appropriately firm in clarifying that the height limits described are maximums that may be reduced when appropriate. For instance, heights would need to be reduced if public views would be adversely impacted.

Also proposed is the addition of the following language:

“The height of any building shall not exceed the applicable height limits shown below measured vertically to any point along the applicable reference line that creates a horizontal plane longitudinally over the entire lot: . . .”

This language is intended to clarify the method of measuring building height.

The Open Space/Conservation Element portion of the certified LCP Land Use Plan includes the following policy regarding protection of public views:

7A – Preserve to the maximum extent feasible the quality of public views from the hillsides and along the City’s shoreline.

In addition, the Land Use Element portion of the certified LCP Land Use Plan includes the following policy regarding protection of public views:

12 – D As part of the Design Review process, maximize the preservation of views of coastal and canyon areas from existing residences, and public view points while respecting rights of property owners proposing new construction.

Furthermore, Policy 12-F, limits building heights to the standards of the Municipal Code (which are in Title 25, which is where the subject height standards proposed to be modified are located). Building heights can raise issues with respect to public views. The measures of the proposed amendment, described above, are consistent with the certified LCP Land Use Plan policies regarding protection and preservation of public views. However, portions the amendment as proposed do raise issue with regard to consistency with the public view policies of the certified LCP LUP, as described below.

i) Building Heights

New language is proposed to be added to Section 25.18 Local Business Professional District stating that the maximum height limit, in addition to the limit based on lot slope and type, is 36 feet. The other zones subject to this amendment already have similar language addressing maximum building height required in addition to the limit based on lot slope and type. However, this section does not currently include the 36-foot height limit. It is proposed to be added for clarity. Currently, the maximum height limit citywide (except as modified in individual zones) is 36 feet as stated in Section 25.51. Section 25.51 currently applies to development within the Local Business Professional zone (Section 25.18). Although, Section 25.51 is proposed to be deleted in its entirety, the 36-foot limit is proposed to be re-located to the building height definition, Section 25.08.016. Thus, as currently certified and as proposed, the maximum height that would apply within Section 25.18 is 36 feet, as well as the limit based on lot slope and type. The addition of the 36-foot maximum height limit in this section is to make clear what the maximum height is. Such language already exists in the other zones that are subject to this amendment.

However, the amendment proposes to add language to the other zones clarifying that the 36-foot height limit (or limit identified in the zone) is not subject to the building height definition exception in subsection (4). Subsection (4) allows the 36-foot limit to be exceeded for rooftop development. As proposed, the amendment language states that the maximum height limit includes all rooftop development, but it does not say that subsection (4) of the building height definition does not apply. It's possible this may lead to confusion and additional height. It is not the City's intent to allow heights beyond the 36-foot limit in the zone. Impacts to public views could occur as a result of the additional height of rooftop development. Because this was not the City's intent, no supporting information was submitted to address possible impacts due to the increased height. Consequently, the amendment cannot be found to be protective of public views as required by the view protection policies of the certified LUP. As proposed, the amendment could lead to adverse impacts to public views inconsistent with the public view protection polices of the certified LUP and so must be denied.

ii) Subterranean Garages Setbacks

The City's certified LUP Land Use Element contains the following policy:

3-A Ensure adequate consideration of environmental hazards in the development review process.

The City's certified LUP Open Space/Conservation Element contains the following policies:

10-A Require that plan review procedures recognize and avoid geologically unstable areas, flood-prone lands, and slopes subject to erosion and slippage.

10-C Require projects located in geological hazard areas to be designed to avoid the hazards, where feasible. Stabilization of hazard areas for purposes of development shall only be permitted where there is no other alternative location or where such stabilization is necessary for public safety. The more unstable areas should be left ungraded and undeveloped, utilizing land use designations such as Open Space.

A new addition proposed by this amendment is to allow below-grade parking garages to extend to the property line as long as a landscape/hardscape plan is provided for the above grade areas within the setback areas. More specifically, the following language is proposed to be added to the zone designations that are the subject of this amendment request:

“Parking garage floor levels built below the exterior natural or finish grade elevation, whichever is lower, may be built to the property lines provided a landscape/hardscape plan is provided and approved by the design review authority addressing the above grade areas within the required above grade setbacks. Subterranean parking garage levels shall be designed to accommodate the growth of street trees.”

In many cases, allowing subterranean garage levels to extend to property lines would be fine. However, as proposed, the language allowing subterranean garage levels to extend all the way to the property line (with the caveats described above) does not differentiate between inland lots and bluff top lots. Bluff top lots are inherently unstable. It should be clear that, where subterranean parking levels extending to the property line may be appropriate in other areas, subterranean garages would not be appropriate within the bluff top setback area. The amount of grading that is required for subterranean development and the hazard of such development are not consistent with the certified LUP policies regarding hazards. Because the proposed amendment language does not distinguish between the bluff top lots and inland lots with regard to subterranean parking, this section could allow subterranean garage development within the bluff top setback area. Such development would not minimize hazards. Thus, the amendment as proposed cannot be found to be consistent with or adequate to carry out the hazard policies of the certified Land Use Plan. Therefore, the amendment must be denied as submitted.

iii) Deletion of Section 25.51 Maximum Building Height

The certified IP includes Section 25.51 Maximum Building Height, which states in its entirety:

25.51.10 Maximum Building Height Limits

(A) Notwithstanding any section to the contrary, no building or structure shall exceed thirty-six feet in height

(B) For development proposed on the seaward side of Pacific Coast Highway, where topography allows, no structures shall be constructed above the finish elevation of Pacific Coast Highway at the right-of-way line.

Although this is not discussed in the information submitted with the amendment request, the deletion of this section appears to be intended to concentrate the building height standards in the specific Property Development Standards sections of the respective zones and in the definition of “building height.” This would be accomplished by transferring Subsection (A), above, the overall building height limit of 36 feet, to Section 25.08.016 which provides the definition for the term “building height.” However, there is no similar relocation proposed of subsection (B) above, to the “building height” definition, or elsewhere in the proposed amendment.

Subsection (B) above is intended to maximize preservation and protection of public views to the coast along Pacific Coast Highway. Subsection (B) applies to all development seaward of Coast Highway, regardless of zone designation. Information submitted with the proposed amendment does not discuss deletion of this subsection or describe how public views along Coast Highway would be protected with its deletion. There does not appear to be any basis for deleting this subsection. There does exist at least one large parcel in the City seaward of Coast Highway where application of this subsection would be useful in protecting public views if development of the site is ever contemplated - an approximately 41,746 square foot lot located at 31461 South Coast Highway in South Laguna. There may be other sites where application of this subsection would maximize the preservation and protection of public views. If Subsection (B) above is deleted as proposed, the amendment could not be found to be consistent with the policies of the certified LCP Land Use Plan which require that preservation of public views be maximized. Any future proposal by the City to change this provision regarding development seaward of Pacific Coast Highway should be accompanied by information demonstrating how the proposed change would continue to protect public views to and along the shoreline. Therefore, the Commission finds that the proposed amendment must be denied as submitted.

E. Approval of the Implementation Plan if Modified as Suggested

1. ACT V – Approval as Submitted

The City's Land Use Plan portion of the certified LCP includes policies addressing public access, public recreational opportunities, protection of water quality, and protection of environmentally sensitive habitats including the Open Space/Conservation policies in Topic 3 Public Beach Access and Shoreline Access, Topic 4 Water Quality and Conservation, Topic 5 Parks, and Topic 8 Vegetation and Wildlife Resources; including the following specific policies:

3A Retain and improve existing public beach accessways in the City, and protect and enhance the public rights to use the dry sand beaches of the City.

4I Promote the protection and restoration of offshore, coastal, lake, stream or wetland waters and habitats and preserve them to the maximum extent practicable in their natural state. Oppose activities that may degrade the quality of offshore, coastal, lake, stream or wetland waters and habitat and promote the rehabilitation of impaired waters and habitat.

The findings for approval of the land use plan amendment regarding Act V land use designation and text change are hereby incorporated by reference as though fully set forth herein.

As described above, the City's certified LUP includes policies requiring public access and recreation be maximized, protection of water quality and sensitive habitat areas. The proposed zoning for the subject site, Institutional, is consistent with the corporate yard and public parking uses that are established on site pursuant to the Commission's past approval of a coastal development permit for that development. In approving that permit, the development as proposed and as conditioned was found to promote public access via the public parking provided on site, as well as protecting adjacent sensitive habitat via siting of development and incorporation of fuel modifications requirements. Furthermore, the approved development, as proposed and as conditioned, was found to protect water quality based on measures incorporated into the project design and on-going maintenance. If zoned as proposed, all these measures will remain effective at the subject site. Therefore, the proposed Institutional zoning, in conjunction with the proposed land use designation, is consistent with and adequate to carry out the certified Land Use Plan policies regarding maximizing public access, and protection of sensitive habitat and water quality. These findings for approval of the ACT V portion of the IP amendment as submitted are included here under the heading Approval if Modified, not because any modifications are suggested, but because modification to another portion of the IP amendment request is subject to suggested modifications (see below).

**2. Building Height and Parking Garage Regulations:
Approval if Modified as Suggested**

i) Building Heights

As discussed above, the proposed amendment could result in increased height due to rooftop development within the Local Business Professional District zone (Section 25.18). This is not the City's intent and thus the potential impacts due to the increase are not addressed in the information included in the amendment request submittal. The Local Business District includes areas along Coast Highway and in the downtown core area where views to the coast, as well as inland to the hills and canyon areas, would need to be protected. Increases in building height, especially within this zone, could directly impact public views.

However, if the proposed amendment were modified to add the same language that is proposed in the other four zones of this amendment - that the building height definition 25.08.016 subsection (4) exception to height limits for rooftop development does not apply in the Local Business/Professional (25.18) zone - the amendment could be found to be consistent with and adequate to carry out the public view protection policies of the certified Land Use Plan. See Suggested Modification No. 3. Therefore, only if modified as suggested, can the proposed amendment be found to be consistent with and adequate to carry out the policies of the certified Land Use Plan regarding protection of public views.

ii) Subterranean Garages Setbacks

As described above, the proposed amendment would allow subterranean garage levels, in the zones subject to this amendment request, to extend to the property lines (when certain measures are incorporated). This proposed allowance, however, makes no distinction between inland lots and bluff top lots. Bluff top lots are inherently risky and subject to hazards. Bluff top setbacks are imposed to minimize the risk of development in these areas. Development to the seaward property line on a bluff top lot would not be consistent with the necessary bluff top setback. Development within the required bluff top setback area would not minimize hazards and thus, is not consistent with the certified LUP policies regarding minimizing risk and hazards. Thus, as proposed, the amendment must be denied.

However, if the amendment were modified as suggested to add language to each zone prohibiting subterranean garages within the bluff top setback area on bluff top lots, the risk and hazards would be reduced and the proposed amendment could be found to be consistent with the certified LUP policies regarding minimizing risk and hazards. See Suggested Modifications Nos. 4-8.

iii) Deletion of Section 25.51 Maximum Building Height

As described above, the proposed amendment would delete existing language that requires, where topography allows, that development be below the elevation of the Coast Highway. The intent of this subsection is to preserve and protect views of the coast from Coast Highway. No similar restriction exists elsewhere in the LCP. This subsection would be useful in protecting public views when development is proposed on lots seaward of Coast Highway that cascade from a higher elevation at street level, to a lower elevation at the beach below. Although this section is not applicable to many lots, where it is applicable it provides a useful tool to protect and preserve public views.

Because Section 25.51 is proposed to be deleted in its entirety, it would not be the best place to retain existing subsection (B) of that section which requires that development be below the elevation of Coast Highway. The goal of this portion of the proposed LCP amendment is to clarify building height measurement. In addition, as existing subsection (B) currently applies to all areas seaward of Coast Highway, it would not be particularly helpful, to re-locate this language to the various zones that may exist now or in the future seaward of Coast Highway. For clarity, the most useful section to re-locate the subsection (B) language would be to add it as a new subsection (5) to the definition of building height at Section 25.08.016. That way, it would apply to all areas seaward of Coast Highway and anyone reviewing standards for building heights would find it. Thus a modification is suggested to re-locate the existing subsection (B) language as new subsection (5) of Section 25.08.016. See Suggested Modification No. 2.

If modified as suggested, the Commission finds the proposed amendment is consistent with and adequate to carry out the policies of the certified LCP Land Use Plan regarding preservation and protection of public views.

iv. Conclusion – Approval of Implementation Plan Amendment if Modified as Suggested

For the reasons described above, the Commission finds that only if modified as suggested in Section III of this report, is the proposed amendment consistent with and adequate to carry out the policies of the City's certified Land Use Plan.

F. California Environmental Quality Act (CEQA)

Pursuant to the California Environmental Quality Act (CEQA) and the California Code of Regulations [Title 14, Sections 13540(f) and 13555(b)] the Commission's certification of this LCP amendment must be based in part on a finding that it is consistent with CEQA Section 21080.5(d)(2)(A). That section of the Public Resources Code requires that the Commission not approve or adopt an LCP:

LCP Amendment 3-08 Three Changes
Laguna Beach
Page 26

...if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

As outlined in this staff report, the proposed LCP amendment will result in a clearer description of height limits, a revised policy with regard to development within the Public Recreation & Parks land use designation, and add land use designation and zoning for the recently annexed site known as ACT V at 1900 Laguna Canyon Road. As described above, the LUP portion of the LCP amendment, if modified as suggested will be consistent with and adequate to carry to the Chapter 3 policies of the Coastal Act. In addition, as is also outlined above, the IP portion of the LCP amendment, if modified as suggested will be consistent with and adequate to carry out the policies of the Land Use Plan. Therefore, the Commission finds that approval of the LCP amendment will not result in significant adverse environmental impacts under the meaning of CEQA. There are no feasible alternatives under the meaning of CEQA which would reduce the potential for significant adverse environmental impacts. Therefore, the Commission certifies Laguna Beach LCP amendment request 3-08 if modified as suggested.

RESOLUTION NO. 07.077

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH, CALIFORNIA, ADOPTING LOCAL COASTAL PROGRAM AMENDMENT 02-01 AND REQUESTING ITS CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION

WHEREAS, after notice duly given pursuant to Government Code Section 65090 and Public Resources Code Sections 30503 and 30510, the Planning Commission of the City of Laguna Beach held at least one public hearing to consider the adoption of Laguna Beach Local Coastal Program Amendment 02-01; and

WHEREAS, the City Council, after giving notice as prescribed by law, held at least one public meeting regarding the proposed Laguna Beach Local Coastal Program Amendment 02-01, and the City Council finds that the proposed amendment is consistent with the Certified Laguna Beach Coastal Land Use Plan and Chapter 6 of the California Coastal Act; and

WHEREAS, the City Council of the City of Laguna Beach intends to implement the Local Coastal Program in a manner fully consistent and in conformance with the California Coastal Act;

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

SECTION 1: That Laguna Beach Local Coastal Program Amendment 02-01 is hereby approved, consisting of Ordinance No. 1476 pertaining to the rezoning of the ACT V Annexation Area as "Institutional." A copy of the aforesaid Ordinance is attached hereto as Exhibit A, and is incorporated by this reference as though fully set forth herein.

Reso 07.77
02.23
02.24
Ord. 1476

Exhibit A
Page 1 of 18

Laguna Beach LCPA 3-08


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SECTION 2: That the California Coastal Commission is hereby requested to consider, approve and certify Laguna Beach Local Coastal Program Amendment No. 02-01.


SECTION 3: That pursuant to Section 13551(b) of the Coastal Commission Regulations, Laguna Beach Local Coastal Program Amendment No. 02-01 will automatically take effect immediately upon California Coastal Commission approval, as provided in Public Resources Code Sections 30512, 30513 and 30519.

ADOPTED this 7th day of August, 2007.



Toni Iseman, Mayor

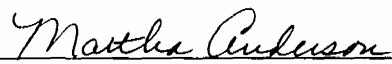
ATTEST:



City Clerk

I, MARTHA ANDERSON, City Clerk of the City of Laguna Beach, California, do hereby certify that the foregoing Resolution No. 07.077 was duly adopted at a Regular Meeting of the City Council of said City held on August 7, 2007, by the following vote:

- AYES: COUNCILMEMBER(S): Boyd, Schneider, Kinsman, Egly, Iseman
- NOES: COUNCILMEMBER(S): None
- ABSTAIN: COUNCILMEMBER(S): None
- ABSENT: COUNCILMEMBER(S): None



City Clerk of the City of Laguna Beach, CA

RESOLUTION NO. 02.023

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH MAKING APPLICATION TO AND REQUESTING THE LOCAL AGENCY FORMATION COMMISSION OF ORANGE COUNTY TO START PROCEEDINGS PURSUANT TO THE CORTESE-KNOX-HERTZBERG ACT OF 2000 FOR THE CITY OF LAGUNA BEACH TO ANNEX APPROXIMATELY 8.52 ACRES OF PROPERTY WITHIN AN EXPANDED SPHERE OF INFLUENCE (KNOWN AS THE ACT V ANNEXATION AREA (APN 495-021-11 & 496-061-15)) LOCATED AT 22801 LAGUNA CANYON ROAD IN THE COUNTY OF ORANGE

WHEREAS, the City of Laguna Beach desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Act of 2000, Division 3, commencing with Section 56000 of the California Government Code, for the annexation of unincorporated territory to the City of Laguna Beach; and

WHEREAS, the City of Laguna Beach desires to simultaneously initiate proceedings to include the unincorporated territory within the City of Laguna Beach's Sphere of Influence; and

WHEREAS, the territory proposed to be annexed and included within the Sphere of Influence is uninhabited and a map of the boundaries of the territory is set forth in Exhibit A, attached hereto, and by this reference incorporated herein; and

WHEREAS, the reasons for this proposed annexation are to increase the economy and efficiency of government services as well as coordination and enhancement of community identity; and

WHEREAS, the territory proposed to be annexed and included within the Sphere of Influence (as set forth in Exhibit A) also is proposed to be detached from the Irvine Ranch Water District and annexed to the Laguna Beach County Water District; and

Ex. A₃

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WHEREAS, the City Council certifies that pursuant to CEQA Guideline Section 15063, an Initial Study has been prepared for this project. After reviewing the Initial Study, the proposed Negative Declaration and all comments received during the public review process, the City Council finds that the subject project will not have a significant effect on the environment, and accordingly adopts a Negative Declaration for the project; and

WHEREAS, the notice of intent to adopt this resolution of application has been given, and the City Council has conducted a public hearing based upon this notification; and

WHEREAS, the territory proposed to be reorganized is uninhabited; and

WHEREAS, the Planning Commission held a Public Hearing on March 13, 2002, to consider General Plan Amendment 02-01, Local Coastal Program Amendment 02-01, and Zoning Amendment 02-01. Notices were mailed to all property owners within a radius of 300 feet from the boundaries of the Act V property, as well as all residents and tenants.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Laguna Beach, California, does hereby take the following actions:

- A. This Resolution of Application for Annexation and amendment to the City's Sphere of Influence is hereby adopted and approved by the City Council of the City of Laguna Beach.
- B. The Local Agency Formation Commission of the County of Orange, California, is hereby requested to start proceedings for the annexation and Sphere of Influence change of territory as shown in Exhibit A, attached hereto and incorporated herein by the reference, according to the terms and conditions stated above and in manner provided by the Cortese-Knox-Hertzberg Act of 2000.

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C. The following persons shall be furnished with copies of the LAFCO report and shall be mailed all notices of hearings regarding the annexation.

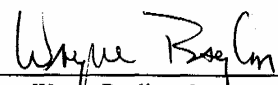
Kenneth Frank, City Manager
505 Forest Ave.
Laguna Beach, CA 92651


Kyle Butterwick, Director of Community Development
505 Forest Ave.
Laguna Beach, CA 92651

Phil Kohn, City Attorney
Rutan & Tucker
P.O. Box 1950
Coastal Mesa, CA 92628-1950

D. The City Clerk shall certify as to adoption of this Resolution and cause a certified copy thereof to be filed concurrently with the City's application for annexation with the Executive Officer of the Local Agency Formation Commission of Orange County.

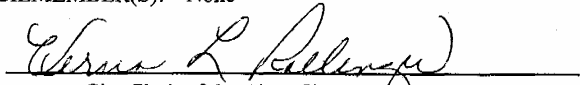
ADOPTED this 16th day of April 2002.


Wayne Baglin, Mayor

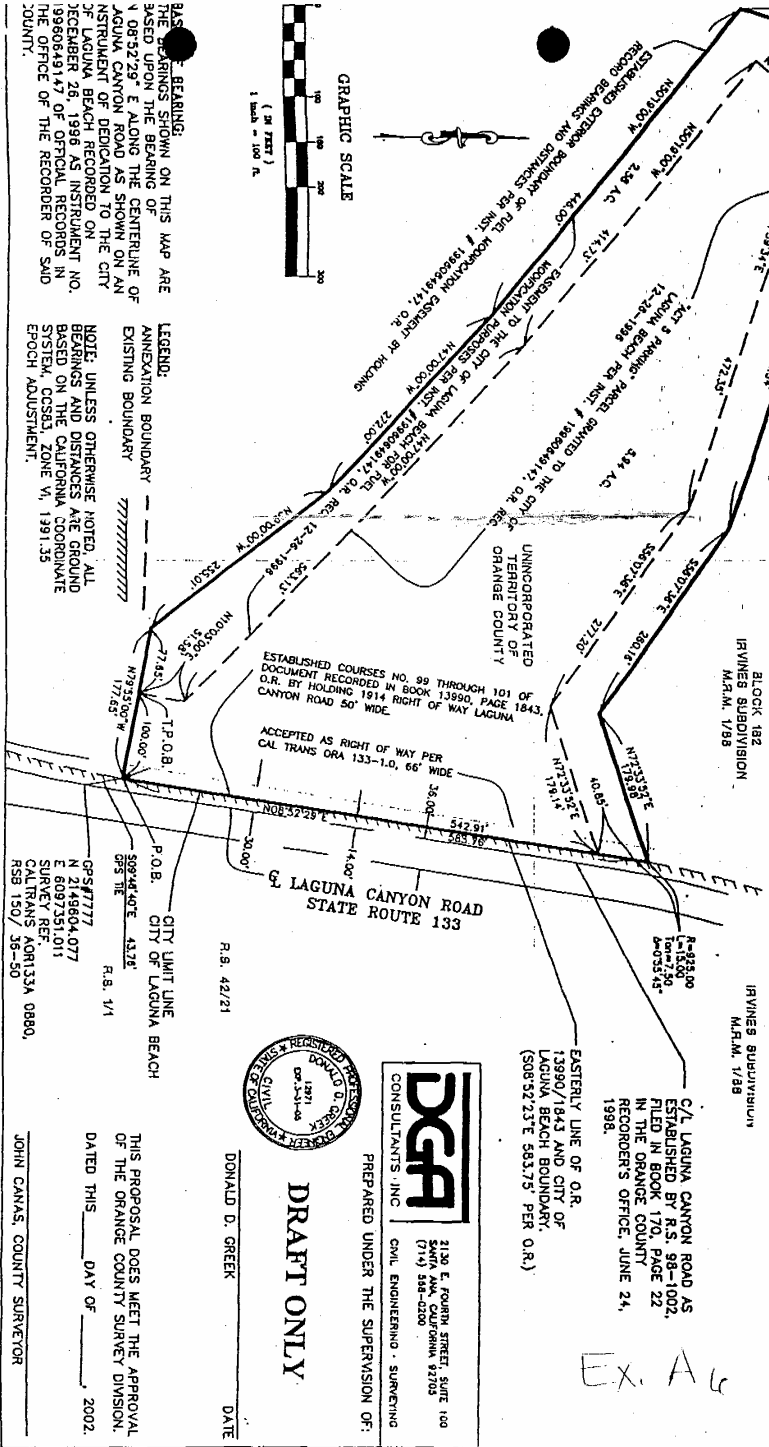
ATTEST:

City Clerk

I, VERNA L. ROLLINGER, City Clerk of the City of Laguna Beach, California, do hereby certify that the foregoing Resolution No. 02.023 was duly adopted at a Regular Meeting of the City Council of said City held on April 16, 2002, by the following vote:

- AYES: COUNCILMEMBER(S): Dictorow, Freeman, Iseman, Baglin
- NOES COUNCILMEMBER(S): Kinsman
- ABSENT COUNCILMEMBER(S): None


City Clerk of the City of Laguna Beach, CA

ANNEXATION NO. TO THE CITY OF LAGUNA BEACH AND TO THE LAGUNA BEACH COUNTY WATER DISTRICT EXHIBIT "A"



BEARING: THE BEARINGS SHOWN ON THIS MAP ARE BASED UPON THE BEARING OF N 08°32'29" E ALONG THE CENTERLINE OF LAGUNA CANYON ROAD AS SHOWN ON AN INSTRUMENT OF DEDICATION TO THE CITY OF LAGUNA BEACH RECORDED ON DECEMBER 26, 1996 AS INSTRUMENT NO. 19960849147 OF OFFICIAL RECORDS IN THE OFFICE OF THE RECORDER OF SAID COUNTY.

LEGEND:
 ANNEXATION BOUNDARY ---
 EXISTING BOUNDARY - - -
 CITY LIMIT LINE - - -
 P.O.B. CITY OF LAGUNA BEACH
 N 21°49'04.077
 E 60°97'35.1011
 SURVEY REF. CALTRANS AGR133A 0880, 1997 197/ 39-30

NOTE: UNLESS OTHERWISE NOTED, ALL BEARINGS AND DISTANCES ARE GROUND BASED ON THE CALIFORNIA COORDINATE SYSTEM, OCS93, ZONE VI, 1991.35 EPOCH ADJUSTMENT.

DATE DONALD D. GREER

DRAFT ONLY

PREPARED UNDER THE SUPERVISION OF:
DGA
 CONSULTANTS, INC.
 CIVIL ENGINEERING - SURVEYING
 2120 E. FOUNTAIN STREET, SUITE 100
 LAGUNA BEACH, CALIFORNIA 92653
 (714) 848-0200
 (508) 927-2375 FAX PER O.R.)

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RESOLUTION NO. 02.024

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT 02-01 AND LOCAL COASTAL PROGRAM AMENDMENT 02-01 FOR THE ACT V PROPERTY (APN 495-021-11 & 496-061-15) AND AMENDING THE TEXT OF THE PUBLIC/INSTITUTIONAL LAND USE DESIGNATION OF THE LAND USE ELEMENT OF THE GENERAL PLAN

WHEREAS, the City of Laguna Beach is initiating action to annex territory identified as the Act V Annexation area to the City (APN 495-021-11 & 496-061-15); and

WHEREAS, pursuant to Section 65300 of the California Government Code, the City of Laguna Beach has prepared and adopted a comprehensive, long-term General Plan for the physical development of the City; and

WHEREAS, the General Plan Land Use Designations for the proposed Act V Annexation area are not currently addressed in the City of Laguna Beach's General Plan, and must be provided in conjunction with rezoning and annexation of that area; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the City staff has completed an Initial Study, determined that the subject project will not have a significant effect on the environment, and has accordingly prepared a Negative Declaration for the project; and

WHEREAS, on March 13, 2002, the Planning Commission of the City of Laguna Beach held a public hearing regarding the proposed amendments and related items and forwarded them to the City Council with a recommendation of adoption; and

Ex. A7

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WHEREAS, the City Council of the City of Laguna Beach held a public hearing regarding the proposed amendments and related items and recommends forwarding the amendments to the appropriate governmental agencies (including but not limited to Local Agency Formation Commission [LAFCO] and the California Coastal Commission) with a recommendation of approval and adoption; and

WHEREAS, the City Council finds that the proposed Local Coastal Program Amendment is consistent with the Certified Laguna Beach Coastal Land Use Plan designation of "Public/Institutional", and further, such an amendment is intended to be carried out in a manner fully in conformance with the California Coastal Act; and

WHEREAS, the public was duly notified of the public hearings.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Laguna Beach makes the following findings and takes the following actions:

1. Environmental Review

Pursuant to CEQA Guideline Section 15063, an Initial Study has been prepared for this project. After reviewing the Initial Study, the proposed Negative Declaration and all comments received during the public review process, the City Council finds that the subject project will not have a significant effect on the environment, and accordingly adopts a Negative Declaration for the project.

2. General Plan Amendment 02-01. The City Council hereby:

- a. Adds and designates the Act V Annexation area to the City's Land Use Element of the General Plan and Local Coastal Plan Map with the Land Use Designation of "Public/Institutional."

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b. Amends the description of the "Public/Institutional" Land Use designation on page 64 of the Laguna Beach General Plan Land Use Element to read in its entirety as follows:

Public / Institutional

This category refers to the community's public and educational facilities. These facilities include government buildings and public facilities, public festivals, public and private schools, libraries, police and fire stations, and recreational uses.

c. Local Coastal Program Amendment 02-01. As part of the application requirements for the Local Coastal Program Amendment, the California Coastal Commission is hereby requested to consider, approve, and certify Local Coastal Program Amendment 02-01 and verifies that the amendment shall become effective upon certification by the Coastal Commission.

ADOPTED this 16th day of April 2002.

Wayne Baglin
Wayne Baglin, Mayor

ATTEST:

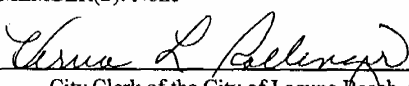
Thomas R. Pallinger
City Clerk

EX A

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I, VERNA L. ROLLINGER, City Clerk of the City of Laguna Beach, California, do hereby certify that the foregoing Resolution No. 02.024 was duly adopted at a Regular Meeting of the City Council of said City held on April 16, 2002, by the following vote:

AYES: COUNCILMEMBER(S): Dicterow, Freeman, Iseman, Baglin
NOES COUNCILMEMBER(S): Kinsman
ABSENT COUNCILMEMBER(S): None



City Clerk of the City of Laguna Beach, CA

EXHIBIT "A"

ORDINANCE NO. 1476

AN ORDINANCE OF THE CITY OF LAGUNA BEACH APPROVING
ZONING AMENDMENT 02-01 AND LOCAL COASTAL PROGRAM
AMENDMENT 02-01 FOR PREZONING OF THE ACT V
ANNEXATION AREA (ZONING AMENDMENT 02-01)

WHEREAS, the City of Laguna Beach has initiated action to annex territory identified as the Act V Annexation Area (legal description and map attached hereto as Exhibit A and B) to the City; and

WHEREAS, the California Government Code allows a city to prezone territory for the purpose of determining the zoning that will apply to such territory after annexation to the city; and

WHEREAS, the California Government Code requires zoning to be consistent with a City's General Plan designation on property; and

WHEREAS, on March 13, 2002, the Planning Commission of the City of Laguna Beach held a public hearing regarding the proposed amendments and related items and forwarded them to the City Council with a recommendation of adoption; and

WHEREAS, on April 16, 2002, the City Council of the City of Laguna Beach held a public hearing and took the following actions:

- A. Pursuant to the California Environmental Quality Act (CEQA), adopted a Negative Declaration for the proposed Annexation, General Plan Amendment 02-01, Local Coastal Program Amendment 02-01 and prezoning (Zoning Ordinance Amendment 02-01) of the Act V area.
- B. Adopted Resolution No. 02.023 making application to and requesting the Local Agency Formation Commission of Orange County to start

Ex A 11

proceedings pursuant to the Cortese-Knox-Hertzberg Act of 2000 for the City of Laguna Beach to annex approximately 8.52 acres of property within an expanded Sphere of Influence (known as the Act V Annexation Area) located at 1900 Laguna Canyon Road (formerly known as 22801 Laguna Canyon Road) in the County of Orange.

- C. Adopted Resolution No. 02.024 approving General Plan Amendment 02-01 and Local Coastal Plan Amendment 02-01 adding and designating the Act V Annexation Area to the City's Land Use Element of the General Plan and Local Coastal Plan Map with the Land Use Designation of "Public/Institutional" and amending the description of the "Public/Institutional" Land Use designation to allow recreational uses.
- D. Approved the first reading of Zoning Ordinance Amendment 02-01, designating the zoning of the annexation area as "Institutional" and passed the Ordinance to a second reading.

WHEREAS, on May 7, 2002, the City Council continued the second reading of Zoning Ordinance Amendment 02-01 to the June 25, 2002, City Council meeting; and

WHEREAS, on June 25, 2002, the City Council voted 4-1 to send Zoning Ordinance Amendment 02-01 back to the Planning Commission to consider the zoning designation of Public Lands, B or C; and

WHEREAS, on August 14, 2002, and November 13, 2002, the Planning Commission of the City of Laguna Beach held public hearings regarding Zoning Ordinance Amendment 02-01 and recommended expanding the Downtown Specific Plan area to include the Act V Annexation Area and the Laguna College of Art and Design and to designate the zoning as

"Civic Art District" and forwarded it to the City Council with a recommendation of adoption;
and

WHEREAS, on December 17, 2002, the City Council continued the public hearing to January 14, 2003, and

WHEREAS, on January 14, 2003, the City Council continued the public hearing to January 28, 2003, and

WHEREAS, on January 28, 2003, the City Council held a public hearing regarding the proposed amendment and at the conclusion of the public hearing the motion to pass the ordinance to a second reading as amended to designate the zoning of the Act V parcel as "Institutional" zoning failed on a 2/3 vote, and

WHEREAS, on April 25, 2007, and May 30, 2007, the Planning Commission of the City of Laguna Beach held public hearings regarding Zoning Ordinance Amendment/Local Coastal Program Amendment 02-01 for the rezoning of the Act V Annexation area and recommended designating the zoning of the annexation area as "Institutional."

WHEREAS, the City Council of the City of Laguna Beach held a public hearing regarding the proposed amendment and recommended forwarding the amendment to the appropriate governmental agencies (including but not limited to the Local Agency Formation Commission [LAFCO] and the California Coastal Commission) with a recommendation of approval and adoption; and

WHEREAS, the City Council conducted a legally noticed public hearing and has reviewed and considered all documents, testimony and other evidence presented.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH DOES ORDAIN, as follows:

EX. A₁₃

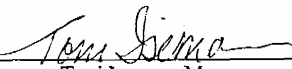
SECTION 1. Pursuant to CEQA Guidelines Section 15063, an Initial Study was prepared for this project. After reviewing the Initial Study, the proposed Negative Declaration and all comments received during the public review process, the City Council adopted a Negative Declaration for the proposed Annexation, General Plan Amendment 02-01, Local Coastal Program Amendment 02-01 and rezoning (Zoning Ordinance Amendment 02-01) of the Act V annexation area.

SECTION 2. Amend the City of Laguna Beach's Zoning Map to include the Act V Annexation area (Exhibit A & B) and designate the zoning of the property "Institutional."

SECTION 3. If any portion of this Ordinance, or the application of any such provision to any person or circumstance, shall be held invalid, the remainder of this Ordinance, or application to the extent it can be given effect shall be held valid and shall not be affected.


SECTION 4. The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published in the manner required by law in the City of Laguna Beach. This Ordinance shall become effective thirty (30) days from and after the date of its adoption by the City Council.

ADOPTED this 7th day of August, 2007.



Toni Iseman, Mayor

ATTEST:



City Clerk

Ex. A 14

I, Martha Anderson, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council on July 10, 2007, and was finally adopted at a regular meeting of the City Council of said City held on August 7, 2007 by the following vote:

AYES: COUNCILMEMBER(S): Boyd, Schneider, Kinsman, Egly, Iseman

NOES: COUNCILMEMBER(S): None

ABSENT: COUNCILMEMBER(S): None

Martha Anderson

City Clerk of the City of Laguna Beach, CA

The foregoing instrument is a correct copy
of the original on file in this office.

Attest August 23, 2007

City Clerk of the City of Laguna Beach,
County of Orange, State of California

Martha Anderson
City Clerk

Ex A 15

EXHIBIT "A"
CANYON REORGANIZATION TO THE CITY OF LAGUNA BEACH (RO 06-48)

1 THOSE PORTIONS OF BLOCKS 182 AND 185 OF THE IRVINE'S SUBDIVISION, IN THE
2 UNINCORPORATED TERRITORY OF THE COUNTY OF ORANGE, STATE OF CALIFORNIA,
3 PER MAP FILED IN BOOK 1, PAGE 88 OF MISCELLANEOUS RECORD MAPS, IN THE
4 OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS "ACT 5 PARKING
5 PARCEL" AND "FUEL MODIFICATION EASEMENT PARCEL" IN A GRANT DEED RECORDED
6 DECEMBER 26, 1996 AS INSTRUMENT NO. 19960649147 OF OFFICIAL RECORDS, AND
7 AS SHOWN ON RECORD OF SURVEY 98-1002, FILED IN BOOK 170, PAGE 22 OF
8 RECORD OF SURVEYS, ALL IN SAID OFFICE OF THE COUNTY RECORDER, DESCRIBED
9 AS FOLLOWS:

10
11 BEGINNING AT THE NORTHERLY TERMINUS OF THAT CERTAIN COURSE HAVING A
12 BEARING AND DISTANCE OF "N 08°02'11" E, 509.34 FEET" IN THE EXISTING
13 WESTERLY BOUNDARY LINE OF THE CITY OF LAGUNA BEACH AS CREATED BY THE
14 LARSON ANNEXATION, ORDINANCE NO. 422;

15
16 THENCE, ALONG SAID EXISTING WESTERLY BOUNDARY LINE OF THE CITY OF LAGUNA
17 BEACH AS CREATED BY THE LARSON ANNEXATION, SOUTH 08°52'29" WEST, 509.34
18 FEET TO THE MOST SOUTHEASTERLY CORNER OF SAID "ACT 5 PARKING PARCEL";
19

20 THENCE, LEAVING SAID EXISTING WESTERLY BOUNDARY LINE OF THE CITY OF
21 LAGUNA BEACH AS CREATED BY THE LARSON ANNEXATION AND TRAVERSING ALONG THE
22 BOUNDARY OF SAID "ACT 5 PARKING PARCEL" AND "FUEL MODIFICATION EASEMENT
23 PARCEL", THE FOLLOWING COURSES:

24 NORTH 79°55'00" WEST, 177.65 FEET;

25
26 NORTH 39°00'00" WEST, 255.01 FEET;

27
28 NORTH 47°00'00" WEST, 272.00 FEET;

29
30 NORTH 50°19'00" WEST, 446.00 FEET;

31
32 NORTH 16°05'00" EAST, 164.00 FEET;

33
34 SOUTH 71°59'34" EAST, 564.54 FEET;

35
36 SOUTH 56°07'36" EAST, 260.16 FEET;

37
38
39 NORTH 72°33'52" EAST, 179.98 FEET TO THE EXISTING WESTERLY BOUNDARY
40 LINE OF THE CITY OF LAGUNA BEACH AS CREATED BY THE MYERS
41 ANNEXATION, ORDINANCE NO. 455, BEING ON A CURVE CONCAVE EASTERLY
42 AND HAVING A RADIUS OF 925.00 FEET AND TO WHICH A RADIAL LINE BEARS
43 NORTH 80°11'49" WEST;

44
45 THENCE, ALONG SAID EXISTING WESTERLY BOUNDARY LINE OF THE CITY OF LAGUNA
46 BEACH AS CREATED BY THE MYERS ANNEXATION, THE FOLLOWING COURSES:

47
48 SOUTHERLY 14.99 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF
49 00°55'42";

EXHIBIT "A"
CANYON REORGANIZATION TO THE CITY OF LAGUNA BEACH (RO 06-48)

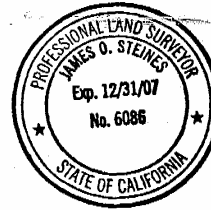
1 SOUTH 08°52'29" WEST, 74.42 FEET TO THE POINT OF BEGINNING;
2
3 THE ABOVE DESCRIBED PARCEL CONTAINS 8.520 ACRES, MORE OR LESS.
4
5

6
7
8 ALSO AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE
9 MADE A PART THEREOF.
10

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13
14 PREPARED BY: STANTEC CONSULTING INC.
15 UNDER THE DIRECTION OF:

16 DATED THIS 23rd DAY OF August, 2007.

17
18 James O. Steines
19
20 JAMES O. STEINES, P.L.S. 6086
21 REGISTRATION EXPIRES 12/31/07
22
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27



28 COUNTY SURVEYOR'S STATEMENT
29

30 THIS PROPOSAL DOES MEET THE APPROVAL OF
31 THE ORANGE COUNTY SURVEYOR'S OFFICE.
32

33 DATED THIS ___ DAY OF _____, 2007.
34
35
36

37 BY: _____
38 RAYMOND L. MATHE, COUNTY SURVEYOR
39 L.S. 6185, EXPIRATION DATE 3/31/08

EX-A17

SHEET 1 OF 1 SHEETS

EXHIBIT "B"
CANYON REORGANIZATION TO THE CITY OF LAGUNA BEACH (RO 06-4B)

SURVEYOR'S STATEMENT

THIS DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECTION.
 DATED THIS 23rd DAY OF August, 2007.

James O. Stenes
 JAMES O. STENES, F.L.S., 6086
 REGISTRATION EXPIRES 12/31/07

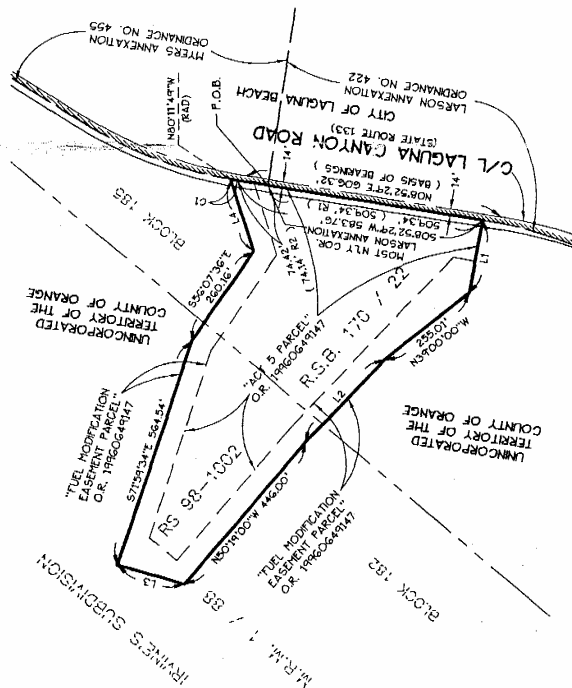


COUNTY SURVEYOR'S STATEMENT

THIS PROPOSAL DOES MEET THE APPROVAL OF THE ORANGE COUNTY SURVEYOR'S OFFICE.

DATED THIS ___ DAY OF _____, 2007.

BY: KATHLEEN I. THAYER, L.S., 6185
 COUNTY SURVEYOR



NOTES
 THIS ANNEXTION CONTAINS 6.520 ACRES +/-.
 BEARINGS SHOWN HEREON ARE BASED UPON THE BEARING OF NORTH 08°22'42"W AS SHOWN ON RECORD OF SURVEY 98-1002, FILED IN BOOK 170, PAGE 22 OF RECORD OF SURVEYS IN THE OFFICE OF THE COUNTY RECORDER OF ORANGE COUNTY, CALIFORNIA.
 (R1) RECORD DATA FOR LARSON ANNEXTION, ORDINANCE NO. 422.
 (R2) RECORD DATA FOR HYERS ANNEXTION, ORDINANCE NO. 425.

SCALE: 1" = 200'

- LEGEND**
- BOUNDARY OF ANNEXTION
 - EXISTING CITY OF LAGUNA BEACH BOUNDARY
 - BLOCK LINE, IRVINE'S SUBDIVISION

LINE TABLE		
NO.	BEARING	DISTANCE
L1	N72°00'00"W	272.00
L2	N16°00'00"E	364.00
L3	N72°00'00"W	272.00
L4	N16°00'00"E	364.00

CURVE TABLE		
NO.	RADIUS	DELTA
C1	989.00'	00°25'12"
C2	989.00'	00°25'12"

STANTEC CONSULTING INC.
 11000 ROCKY DAVINE
 IRVINE, CA 92618
 949.973.6000
 Stantec

J.N. 2042 302331 DATE: 6/23/07

Ex. A 13

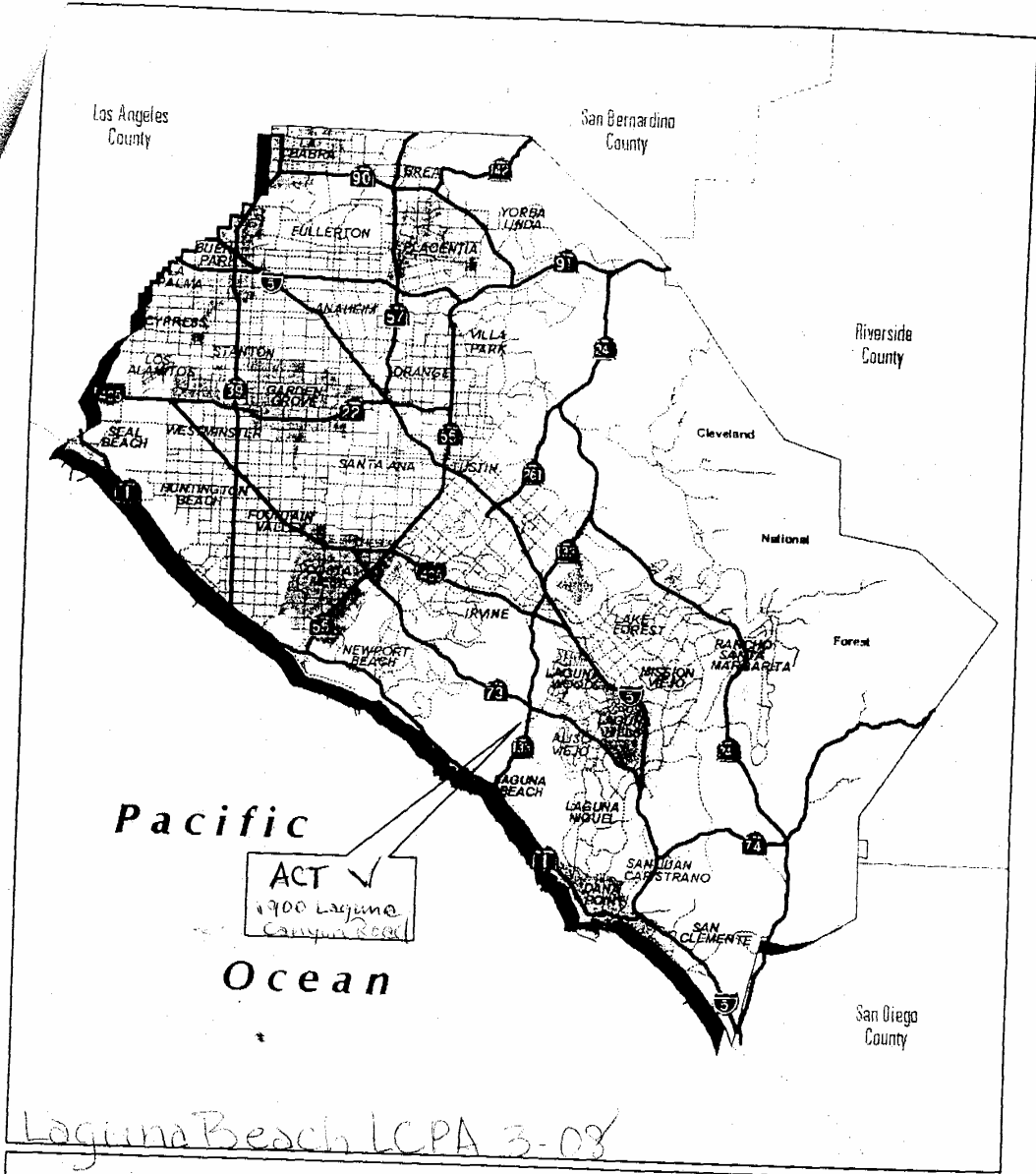
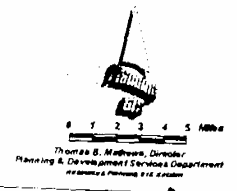


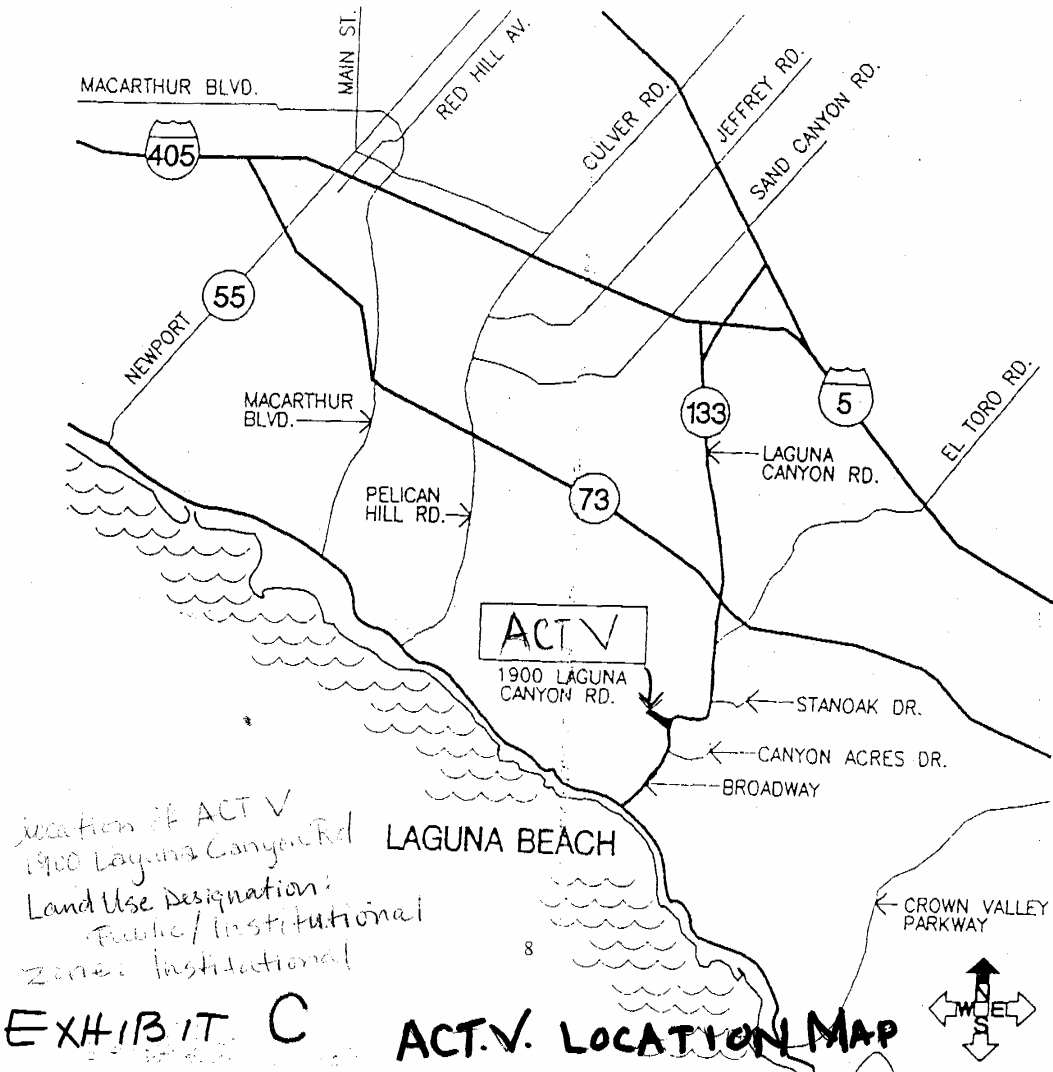
Exhibit B
ACT V VICINITY
MAP

**REGIONAL
LOCATION**
Orange County, California



Laguna Beach LCPA 3-08

VICINITY MAP



Location of ACT V
1900 Laguna Canyon Rd.
Land Use Designation:
Public/Institutional
zone: Institutional

EXHIBIT C ACT.V. LOCATION MAP

Policy 12-F

RESOLUTION NO. 08.064

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH, CALIFORNIA, ADOPTING LOCAL COASTAL PROGRAM AMENDMENT 08-02 AND REQUESTING CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION

WHEREAS, after notice duly given pursuant to Government Code Section 65090 and Public Resources Code Sections 30503 and 30510, the Planning Commission of the City of Laguna Beach held at least one public hearing to consider the adoption of Laguna Beach Local Coastal Program Amendment 08-02; and

WHEREAS, the City Council, after giving notice as prescribed by law, held at least one public meeting regarding the proposed Laguna Beach Local Coastal Program Amendment 08-02, and the City Council finds that the proposed amendment is consistent with the Certified Laguna Beach Coastal Land Use Plan and Chapter 6 of the California Coastal Act; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) an Initial Study and a Negative Declaration has been prepared and distributed for public review; and

WHEREAS, after conducting legally noticed public hearings on May 14, 2008 and June 25, 2008, the Planning Commission reviewed and unanimously recommended revisions to Policy 12-F of the City's Land Use Element/Local Coastal Program Amendment to the City Council; and

WHEREAS, after conducting a legally noticed public hearing on July 22, 2008, the City Council of the City of Laguna Beach desires to approve an amendment to Policy 12-F of the City's Land Use Element/Local Coastal Program Amendment; and

LGIB LC PA 3-08

Exhibit D page 1 of 3

1 **WHEREAS,** the City Council of the City of Laguna Beach intends to implement
2 the Local Coastal Program in a manner fully consistent and in conformance with the
3 California Coastal Act;

4 **NOW, THEREFORE BE IT RESOLVED,** that the City Council of the City of
5 Laguna Beach hereby approves and takes the following actions:

6 1. General Plan Amendment 08-02. The City Council hereby amends Policy 12-F on
7 page 6-21 of the Laguna Beach General Plan Land Use Element to read in its entirety as
8 follows:
9

10 In areas designated on the Land Use Plan Map as "Central Business District,"
11 "Commercial/Tourist Corridor," "Local Business-Professional" and Public-
12 Institutional," the maximum intensity of use shall be limited to the building height
13 standards of the Laguna Beach Municipal Code. In the "Industrial" designation,
14 maximum height of structures shall be as specified in the Municipal Code. In the
15 "Public Recreation and Parks" designation, structures shall not be more than 500
16 square feet in size and one story in height, except for those structures deemed by the
17 City as necessary to provide public benefit uses, and all development shall be
18 subject to the design review process.
19

20 2. Local Coastal Program Amendment 08-02. As part of the application requirements
21 for the Local Coastal Plan Amendment, the California Coastal Commission is hereby
22 requested to consider, approve, and certify Local Coastal Program Amendment 08-02 and
23 verifies that the amendment shall become effective upon certification by the Coastal
24 Commission, as provided in Public Resources Code Sections 30512, 30513 and 30519.
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26 ADOPTED this 22nd day of July, 2008.

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28 EX. D₂

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Jane Egly
Jane Egly, Mayor

ATTEST:

Martha Anderson
City Clerk

I, MARTHA ANDERSON, City Clerk of the City of Laguna Beach, California, do hereby certify that the foregoing Resolution No. 08.064 was duly adopted at a Regular Meeting of the City Council of said City held on July 22, 2008, by the following vote:

AYES: COUNCILMEMBER(S): Iseman, Pearson, Boyd, Kinsman, Egly
NOES COUNCILMEMBER(S): None
ABSENT COUNCILMEMBER(S): None

Martha Anderson
City Clerk of the City of Laguna Beach, CA

Ex. D₃

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RESOLUTION NO. 08.072

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH, CALIFORNIA, ADOPTING LOCAL COASTAL PROGRAM AMENDMENT 07-04 AND REQUESTING ITS CERTIFICATION BY THE COASTAL COMMISSION.

WHEREAS, after notice duly given pursuant to Government Code Section 65090 and Public Resources Code Sections 30503 and 30510, the Planning Commission of the City of Laguna Beach held public hearings to consider the adoption of Laguna Beach Local Coastal Program Amendment No. 07-04, and such amendment was recommended to the City Council for adoption; and

WHEREAS, the City Council after giving notice as described by law, held at least one public meeting regarding the proposed Laguna Beach Local Coastal Program Amendment No. 07-04, and the City Council finds that the proposed amendment is consistent with the Certified Laguna Beach Coastal Land Use Plan and Chapter 6 of the California Coastal Act; and

WHEREAS, the City Council of the City of Laguna Beach intends to implement the Local Coastal Program in a manner fully consistent with the California Coastal Act.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH DOES RESOLVE AND ORDER as follows:

SECTION 1. That Laguna Beach Local Coastal Program Amendment No. 07-04 is hereby approved, consisting of Ordinance No. 1489 pertaining to height and parking garage regulations in the City's Commercial, Light Industrial and Institutional Zones. A copy of the aforesaid Ordinance is attached hereto as Exhibit "A" and is incorporated by this reference as though fully set forth herein.

LAGB LC PA 3-08

Reso 08.072
Ord. 1489

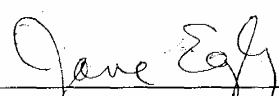
Exhibit F
page 1 of 10

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SECTION 2. That the California Coastal Commission is hereby requested to consider, approve and certify Local Coastal Program Amendment 07-04.

SECTION 3. That pursuant to Section 13551 (b) of the Coastal Commission Regulations, Laguna Beach Local Coastal Program Amendment No. 07-04 will take effect automatically upon Coastal Commission approval, as provided in Pubic Resources Code Sections 30512, 30513 and 30519.

ADOPTED this 5th day of August, 2008.



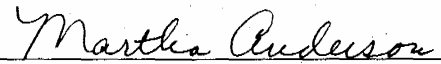
Jane Egly, Mayor

ATTEST:


City Clerk

I, MARTHA ANDERSON, City Clerk of the City of Laguna Beach, California, do hereby certify that the foregoing Resolution No. 08.072 was duly adopted at a Regular Meeting of the City Council of said City held on August 5, 2008 by the following vote:

- AYES: COUNCILMEMBER(S): Pearson, Iseman, Boyd, Kinsman, Egly
- NOES COUNCILMEMBER(S): None
- ABSENT COUNCILMEMBER(S): None



City Clerk of the City of Laguna Beach, CA

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ORDINANCE NO. 1437

AN ORDINANCE OF THE CITY OF LAGUNA BEACH AMENDING PORTIONS OF SECTIONS 25.08.016, 25.18.008, 25.19.008, 25.20.008, 25.21.006, 25.25.008, 25.28.030, 25.32.005 AND CHAPTER 25.51 OF THE LAGUNA BEACH MUNICIPAL CODE; THE GENERAL PROVISIONS OF THE DOWNTOWN SPECIFIC PLAN; AND THE PROPERTY DEVELOPMENT PROVISIONS OF THE LAGUNA CANYON ANNEXATION AREA SPECIFIC PLAN, ALL RELATING TO HEIGHT AND PARKING GARAGE REGULATIONS IN THE CITY'S COMMERCIAL, LIGHT INDUSTRIAL AND INSTITUTIONAL ZONES

The City Council of the City of Laguna Beach does hereby ORDAIN as follows:

SECTION 1: Subdivisions (F) ("Building Height Standards") and (G) ("Parking Standards") of Section 25.18.008 ("Property Development Standards" of the LB/P Local Business/Professional Zone - Chapter 25.18) of the Laguna Beach Municipal Code is hereby amended to read in their entirety as follows:

(F) Building Height Standards. The following building height limits represent the maximum heights permitted and may be reduced as determined appropriate by the design review authority.

(1) ~~No building or structure in this zone shall have a height greater than the following~~The height of any building shall not exceed the applicable height limits shown below measured vertically to any point along the applicable reference line that creates a horizontal plane longitudinally over the entire lot:

(a)	Rear Lot Line Above Street	Height Permitted Above Rear Lot Line Elevation (at every point along the rear lot line) (in feet)
	(Slope in Percent)	
	0 to 5	22 ft.
	5+ to 10	17 ft.
	Over 10	12 ft.

(b)	Through Lot	Height Permitted Above Upper Curb or Street Elevation (in feet)
	(Slope in Percent)	

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0 to 5	25 ft.
5+ to 10	22.5 ft.
Over 10	20 ft.

(c)	Rear Lot Line Below Street	Height Permitted Above <u>Upper Curb</u> or <u>Street Elevation</u> (in feet)
	(Slope in Percent)	
	0 to 5	25 ft.
	5+ to 10	22.5 ft.
	Over 10	20 ft.

- (2) The height of any building (per the Building Height definition in Municipal Code Section 25.08.016) shall not exceed 36 feet, including parking garage floor levels with access ramps located outside the structure's ground floor footprint. This 36-foot height limit shall include roof chimneys, vents, mechanical equipment, mechanical enclosure, elevator shafts, stairways and other such structural elements required for the operation of the building. Per the Building Height definition, subterranean floors are exempt from the height measurement limit.
- (3) The provisions of Section 25.50.004(D) pertaining to additional building setbacks shall apply to the front and rear setbacks.
- (4) Notwithstanding the front lot line definition and exception process of Section 25.08.022, the front lot line shall be the property line abutting the most primary or highest capacity road classification.

(G) Parking Garage Setbacks, Entrances and Standards. ~~The provisions of Chapter 25.52 shall apply.~~ Parking lots and any portion of a parking garage structure built at or above the exterior natural or finish grade elevation, whichever is lower, shall adhere to the yard setbacks specified in the applicable Zone. Parking garage floor levels built below the exterior natural or finish grade elevation, whichever is lower, may be built to the property lines provided a landscape/hardscape plan is provided and approved by the design review authority addressing the above grade areas within the required above grade setbacks. Subterranean parking garage levels shall be designed to accommodate the growth of street trees.

Parking garage accessways or entrances shall be designed to diminish their impacts by minimizing their size and architecturally integrating amenities, such as gates, landscaping and special paving, and their placement shall maximize pedestrian safety.

See the provisions of Chapter 25.52 for additional Parking Requirements.

SECTION 2: Subdivisions (E) (“Building Height Standards”) and (F) (“Parking Standards”) of Section 25.19.008 (“Property Development Standards” of the CN Commercial-Neighborhood Zone – Chapter 25.19) of the Laguna Beach Municipal Code is hereby amended to read in their entirety as follows:

(E) **Building Height Standards.** The following building height limits represent the maximum heights permitted and may be reduced as determined appropriate by the design review authority.

(1) ~~No building or structure in this zone shall have a height greater than the following~~The height of any building shall not exceed the applicable height limits shown below measured vertically to any point along the applicable reference line that creates a horizontal plane longitudinally over the entire line:

(a)	Rear Lot Line Above Street	Height Permitted Above Rear Lot Line <u>Elevation</u> <u>(at every point along the rear</u> <u>lot line)</u> <u>(in feet)</u>
	(Slope in Percent)	
	0 to 5	22 <u>ft.</u>
	5+ to 10	17 <u>ft.</u>
	Over 10	12 <u>ft.</u>
(b)	Through Lot	Height Permitted Above Upper Curb or <u>Street Elevation</u> <u>(in feet)</u>
	(Slope in Percent)	
	0 to 5	27 <u>ft.</u>
	5+ to 10	25 <u>ft.</u>
	Over 10	20 <u>ft.</u>
(c)	Rear Lot Line Below Street	Height Permitted Above <u>Upper Curb</u> or <u>Street Elevation</u> <u>(in feet)</u>
	(Slope in Percent)	
	0 to 5	27 <u>ft.</u>
	5+ to 10	25 <u>ft.</u>
	Over 10	20 <u>ft.</u>

~~Building height shall be limited to two stories, not to exceed twenty-two feet, excluding roof, as measured from the curb. The maximum height,~~

including roof and mechanical equipment enclosures, shall not exceed an additional five feet or thirty feet, whichever is more restrictive. These building heights represent the maximum permitted and may be reduced as determined appropriate by the Design Review Board.

- (2) Refer to Chapter 25.51 for other standards related to building height. The height of any building (per the Building Height definition in Municipal Code Section 25.08.016) shall not exceed 30 feet and 2 floors, including parking garage floor levels with access ramps located outside the structure's ground floor footprint. Notwithstanding the Building Height definition Exception (4), the 30-foot height limit shall include roof chimneys, vents, mechanical equipment, mechanical enclosures, elevator shafts, stairways and other such structural elements required for the operation of the building. Per the Building Height definition, subterranean floors are exempt from the height measurement limit. Subterranean floors shall also be exempt from the 2 floor limit.
- (3) The provisions of Section 25.50.004(D) pertaining to additional building setbacks shall apply only to the front and rear setbacks.
- (4) Notwithstanding the front lot line definition and exception process of Section 25.08.022, the front lot line shall be the property line abutting the most primary or highest capacity road classification.

- (F) **Parking Garage Setbacks, Entrances and Standards.** The provisions of Chapter 25.52 shall apply, except that setbacks for parking lots shall be 5 feet from the ultimate right-of-way, sidewalk, alley or adjacent building. Parking lots and any portion of a parking garage structure built at or above the exterior natural or finish grade elevation, whichever is lower, shall adhere to the yard setbacks specified in the applicable Zone. Parking garage floor levels built below the exterior natural or finish grade elevation, whichever is lower, may be built to the property lines provided a landscape/hardscape plan is provided and approved by the design review authority addressing the above grade areas within the required above grade setbacks. Subterranean parking garage levels shall be designed to accommodate the growth of street trees.

Parking garage accessways or entrances shall be designed to diminish their impacts by minimizing their size and architecturally integrating amenities, such as gates, landscaping and special paving, and their placement shall maximize pedestrian safety.

See the provisions of Chapter 25.52 for additional Parking Requirements.

SECTION 3: Subdivisions (D) ("Building Height Standards") and (E) ("Parking Standards") of Section 25.20.008 ("Property Development Standards" of the **C-1 Local Business District – Chapter 25.20**) of the Laguna Beach Municipal Code is hereby amended to read in their entirety as follows:

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(D) **Building Height Standards.** The following building height limits represent the maximum heights permitted and may be reduced as determined appropriate by the design review authority.

(1) ~~No building or structure in this zone shall have a height greater than the following~~The height of any building shall not exceed the applicable height limits shown below measured vertically to any point along the applicable reference line that creates a horizontal plane longitudinally over the entire lot:

(a)	Rear Lot Line Above Street	Height Permitted Above Rear Lot Line Elevation (at every point along the rear lot line) (in feet)
	(Slope in Percent)	
	0 to 5	22 ft.
	5+ to 10	17 ft.
	Over 10	12 ft.
(b)	Through Lot	Height Permitted Above Upper Curb or Street Elevation (in feet)
	(Slope in Percent)	
	0 to 5	30 ft.
	5+ to 10	25 ft.
	Over 10	20 ft.
(c)	Rear Lot Line Below Street	Height Permitted Above Upper Curb or Street Elevation (in feet)
	(Slope in Percent)	
	0 to 5	30 ft.
	5+ to 10	25 ft.
	Over 10	20 ft.

(2) The height of any building (per the Building Height definition in Municipal Code Section 25.08.016) shall not exceed 36 feet, including parking garage floor levels with access ramps located outside the structure's ground floor footprint. This 36-foot height limit shall include roof chimneys, vents, mechanical equipment, mechanical enclosure, elevator shafts, stairways and other such structural elements required for the operation of the building. Per the Building Height definition, subterranean floors are exempt from the height measurement limit.

(3) See The provisions of Section 25.50.004(D) pertaining to additional building setbacks shall apply to the front and rear setbacks for further relationship of building height to yard requirements.

(4) Notwithstanding the front lot line definition and exception process of Section 25.08.022, the front lot line shall be the property line abutting the most primary or highest capacity road classification.

(E) Parking Garage Setback, Entrances and Standards. The provisions of Chapter 25.52 shall apply. Parking lots and any portion of a parking garage structure built at or above the exterior natural or finish grade elevation, whichever is lower, shall adhere to the yard setbacks specified in the applicable Zone. Parking garage floor levels built below the exterior natural or finish grade elevation, whichever is lower, may be built to the property lines provided a landscape/hardscape plan is provided and approved by the design review authority addressing the above grade areas within the required above grade setbacks. Subterranean parking garage levels shall be designed to accommodate the growth of street trees.

Parking garage accessways or entrances shall be designed to diminish their impacts by minimizing their size and architecturally integrating amenities, such as gates, landscaping and special paving, and their placement shall maximize pedestrian safety.

See the provisions of Chapter 25.52 for additional Parking Requirements.

SECTION 4: Subdivisions (D) (“Building Height Standards”) and (E) (“Parking Standards”) of Section 25.21.006 (“Property Development Standards”) of the **CH-M Commercial Hotel-Motel Zone – Chapter 25.21**) of the Laguna Beach Municipal Code is hereby amended to read in their entirety as follows:

(D) Building Height Standards. The following building height limits represent the maximum heights permitted and may be reduced as determined appropriate by the design review authority.

(1) No building or structure in this zone shall have a height greater than the following. The height of any building shall not exceed the applicable height limits shown below measured vertically to any point along the applicable reference line that creates a horizontal plane longitudinally over the entire lot:

(a)	Rear Lot Line Above Street	Height Permitted Above Rear Lot Line Elevation (at every point along the rear lot line) (Height in feet)
	(Slope in Percent)	
	0 to 5	22 ft.
	5+ to 10	17 ft.
	Over 10	12 ft.

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(b)	Through Lot	Height Permitted Above Upper Curb or Street Elevation (Height in feet)
	(Slope in Percent)	
	0 to 5	30 ft.
	5+ to 10	25 ft.
	Over 10	20 ft.

(c)	Rear Lot Line Below Street	Height Permitted Above Upper Curb or Street Elevation (Height in feet)
	(Slope in Percent)	
	0 to 5	30 ft.
	5+ to 10	25 ft.
	Over 10	20 ft.

(2) ~~See Section 25.50.004(D), Chapter 25.51, and City Council Resolution 83.99 for other standards related to building height. The height of any building (per the Building Height definition in Municipal Code Section 25.08.016) shall not exceed 36 feet, including parking garage floor level with access ramps located outside the structure's ground floor footprint. The 36-foot height limit includes roof chimneys, vents, mechanical equipment, mechanical enclosure, elevator shafts, stairways and other such structural elements required for the operation of the building. Per the Building Height definition, subterranean floors are exempt from the height measurement limit.~~

(3) ~~The provisions of Section 25.50.004(D) pertaining to additional building setbacks shall apply to the front and rear setbacks.~~

(4) ~~Notwithstanding the front lot line definition and exception process of Section 25.08.022, the front lot line shall be the property line abutting the most primary or highest capacity road classification.~~

(E) **Parking Garage Setbacks, Entrances and Standards.** ~~The provisions of Chapter 25.52 shall apply. Parking lots and any portion of a parking garage structure built at or above natural or finish grade elevation, whichever is lower, shall adhere to the yard setbacks specified in the applicable Zone. Parking garage floor levels built below natural or finish grade elevation, whichever is lower, may be built to the property lines provided a landscape/hardscape plan is provided and approved by the design review authority addressing the above grade areas within the required above grade setbacks. Subterranean parking garage levels shall be designed to accommodate the growth of street trees.~~

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Parking garage accessways or entrances shall be designed to diminish their impacts by minimizing their size and architecturally integrating amenities, such as gates, landscaping and special paving, and their placement shall maximize pedestrian safety.

See the provisions of Chapter 25.52 for additional Parking Requirements.

SECTION 5: Subdivisions (F) (“Building Height Standards”) and (G) (“Parking Standards”) of Section 25.25.008 (“Property Development Standards” of the SLV, **South Laguna Village Commercial Zone – Chapter 25.25**) of the Laguna Beach Municipal Code is hereby amended to read in their entirety as follows:

(F) **Building Height Standards.** The following building height limits represent the maximum heights permitted and may be reduced as determined appropriate by the design review authority.

(1) ~~No building or structure in this zone shall have a height greater than the following~~The height of any building shall not exceed the applicable height limits shown below measured vertically to any point along the applicable reference line that creates a horizontal plane longitudinally over the entire lot:

(a)	Rear Lot Line Above Street	Height Permitted Above Rear Lot Line Elevation (at every point along the rear lot line) (in feet)
	(Slope in Percent)	
	0 to 5	22 ft.
	5+ to 10	17 ft.
	Over 10	12 ft.
(b)	Through Lot	Height Permitted Above Upper Curb or Street Elevation (in feet)
	(Slope in Percent)	
	0 to 5	27 ft.
	5+ to 10	25 ft.
	Over 10	20 ft.
(c)	Rear Lot Line Below Street	Height Permitted Above Upper Curb or Street Elevation (in feet)

(Slope in Percent)

0 to 5	27 ft.
5+ to 10	25 ft.
Over 10	20 ft.

- (2) ~~Building height shall be limited to 2 stories, not to exceed the above height limits or 22 feet, excluding roof, as measured from the curb, whichever is more restrictive. The maximum height, including roof and mechanical equipment enclosures, shall not exceed an additional 5 feet above the 22 foot limit. No point of building elevation height shall exceed 30 as measured from finished or natural grade, whichever is more restrictive. These building heights represent the maximum permitted and may be reduced as determined appropriate by the Design Review Board.~~
- (3)(2) Refer to Chapter 25.52 for other standards related to building height. The height of any building (per the Building Height definition in Municipal Code Section 25.08.016) shall not exceed 30 feet and 2 floors, including parking garage floor levels with access ramps located outside the structure's ground floor footprint. Notwithstanding the Building Height definition Exception (4), the 30-foot height limit shall include roof chimneys, vents, mechanical equipment, mechanical enclosures, elevator shafts, stairways and other such structural elements required for the operation of the building. Per the Building Height definition, subterranean floors are exempt from the height measurement limit. Subterranean floors shall also be exempt from the 2 floor limit.
- (3) ~~The provisions of Section 25.50.004(D) pertaining to additional building setbacks shall apply only to the front and rear setbacks.~~
- (4) Notwithstanding the front lot line definition and exception process of Section 25.08.022, the front lot line shall be the property line abutting the most primary or highest capacity road classification.
- (G) **Parking Garage Setbacks, Entrances and Standards.** The provisions of Chapter 25.52 shall apply. Parking lots and any portion of a parking garage structure built at or above the exterior natural or finish grade elevation whichever is lower, shall adhere to the yard setbacks specified in the applicable Zone. Parking garage floor levels built below the exterior natural or finish grade elevation, whichever is lower, may be built to the property lines provided a landscape/hardscape plan is provided and approved by the design review authority addressing the above grade areas within the required above grade setbacks. Subterranean parking garage levels shall be designed to accommodate the growth of street trees, except that setbacks for parking lots shall be 5 feet from the ultimate right of way, sidewalk, alley or adjacent building, and except as modified herein.

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Parking garage accessways or entrances shall be designed to diminish their impacts by minimizing their size and architecturally integrating amenities, such as gates, landscaping and special paving, and their placement shall maximize pedestrian safety.

See the provisions of Chapter 25.52 for additional Parking Requirements.

- (+) Incentives. The City Council may approve a Conditional Use Permit, upon recommendation by the Planning Commission, to reduce the parking standards required under Chapter 25.52 in accordance with the incentives provision in such Chapter. Additionally, the parking standards may be reduced in accordance with the following conditions:
- (a)(1) The proposed use is a sidewalk café having outdoor seating that is available to the general public, as well as restaurant customers, which and contributes positively to the local pedestrian environment. The parking reduction may be granted on a temporary, seasonal or permanent basis and shall be limited to a maximum of 5 parking spaces; or
 - (b)(2) The proposed use is a restaurant that ~~is determined to~~ primarily serves the needs of the local residents and ~~which~~ contributes positively to the character of the South Laguna Village commercial area. The parking reduction for this type of use shall be limited to a maximum of 3 parking spaces; or
 - (e)(3) The proposed use is a beauty salon or barber shop which that is determined to primarily serve the needs of the local residents. The parking reduction shall be limited to a maximum of 1 parking space.

SECTION 6: Subdivision (D) ("Building Height Standards") of Section 25.28.030 ("Property Development Standards" of the **I, Institutional Zone – Chapter 25.28**) of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

(D) Building Height Standards.

- (1) ~~No new building, additions to existing buildings or new structures in this zone shall have a height greater than the following:~~
- (a) ~~Thirty feet at any point above the finished or natural grade, whichever is more restrictive. This requirement may be modified by the Design Review Board when it is determined that unique topography and/or site conditions make such modification unavoidable and when the proposed development preserves and maintains view shed, air, light and privacy, and neighborhood character, and minimizes building mass and bulk.~~
- (1) The maximum overall height of any building (per the Building Height definition in Municipal Code Section 25.08.016) shall not exceed 36 feet, including parking garage floor levels with access ramps located outside the structure's ground floor footprint. This 36-foot height limit shall include roof chimneys, vents, mechanical equipment, mechanical enclosure, elevator shafts, stairways and other such structural elements required for the

operation of the building. Per the Building Height definition, subterranean floors are exempt from the height measurement limit.

- (2) Notwithstanding the front lot line definition and exception process of Section 25.08.022, the front lot line shall be the property line abutting the most primary or highest capacity road classification.

SECTION 7: Subdivision (C) ("Building Height") of Section 25.32.005 ("Property Development Standards" of the **M-1A, Light Industrial Zone – Chapter 25.32**) of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

- (C) **Building Height Standards.** ~~No building or structure erected in this zone shall have a height greater than thirty-five feet.~~

- (1) The maximum height of any building (per the Building Height definition in Municipal Code Section 25.08.016) shall not exceed 36 feet, including parking garage floor levels with access ramps located outside the structure's ground floor footprint. This 36-foot height limit shall include roof chimneys, vents, mechanical equipment, mechanical enclosure, elevator shafts, stairways and other such structural elements required for the operation of the building. Per the Building Height definition, subterranean floors are exempt from the height measurement limit.

- (2) Notwithstanding the front lot line definition and exception process of Section 25.08.022, the front lot line shall be the property line abutting the most primary or highest capacity road classification.

SECTION 8: Subdivision (B) ("Building Height") of Section 4 ("Property Development Standards" of the **M-1B, Light Industrial Zone of the Laguna Canyon Annexation Area Specific Plan**) is hereby amended to read in its entirety as follows:

- (B) **Building Height Standards.** ~~No building or structure erected in this zone shall have a height greater than twenty-five feet (not including the roof) above the base flood plain level. Total height shall not exceed 35 feet from grade.~~

- (1) The maximum height of any building (per the Building Height definition in Municipal Code Section 25.08.016) shall not exceed 31 feet above the base flood elevation or 36 feet, including parking garage floor levels with access ramps located outside the structure's ground floor footprint. These height limits shall include roof chimneys, vents, mechanical equipment, mechanical enclosure, elevator shafts, stairways and other such structural elements required for the operation of the building. Per the Building Height definition, subterranean floors are exempt from the height measurement limit.

- (2) Notwithstanding the front lot line definition and exception process of Section 25.08.022, the front lot line shall be the property line abutting the most primary or highest capacity road classification.

SECTION 9: Chapter 25.51 - Maximum Building Height of the Laguna Beach Municipal Code is hereby deleted in its entirety.

SECTION 10: Subdivision E of the **General Provisions of the Downtown Specific Plan ("Building Height Standards")** is hereby amended to read in its entirety as follows:

E. Building Height Standards. A variety of building heights currently contributes to the unique character of the downtown. Many existing buildings are in excess of the following height standards and would be classified nonconforming. The mix of these nonconforming structures along with new construction that conforms to the height standards will preserve the diversity of building heights that presently exists in the downtown. Therefore, in order to protect the heritage and existing scale and character of the downtown with its diversity of building heights; preserve public views of the beach, ocean and hillsides; and maintain sufficient light, air and solar access to the streetscape, the following building height standards shall apply:

1. Building height (per the Building Height definition in Municipal Code Section 25.08.016) shall be limited to one story not to exceed 12 feet and 1 floor, including parking garage floor levels with access ramps located outside the structure's ground floor footprint. Notwithstanding the Building Height definition Exception (4), the Maximum maximum height, including the roof, and chimneys, vents, mechanical equipment, mechanical enclosures, shall not exceed an additional six feet as measured from existing grade or finished grade, whichever is more restrictive (compensatory exemptions may be granted for those properties where the first habitable level must be raised above the floodplain). elevator shafts, stairways and other such structural elements required for the operation of the building shall not exceed an additional 6 feet, if approved by the design review authority. Per the Building Height definition, subterranean floors are exempt from the above height measurement limit. Subterranean floors shall also be exempt from the one (1) floor limit. Compensatory height exemptions may be granted for those properties where the first habitable level must be raised above the floodplain elevation.
12. Existing buildings that exceed the allowable height (as set forth herein this section) will become nonconforming, with the exception that nonconforming structures shall be allowed to add 10 percent or 100 square feet, whichever is less, as long as said addition does not violate the existing building or maximum height envelope.

23. Subject to a conditional use permit, properties located in the CBD Office District may be allowed an exemption for a second floor addition, provided the second floor addition is used for long-term low-income, housing restricted to City employees, senior citizen (60 years and older), and/or disabled-housing for the disabled, or business and professional offices exclusive of medical or dental offices. The maximum height of such a building (per the Building Height definition), including roof, chimneys, vents, and mechanical equipment, mechanical enclosures, elevator shafts, stairways and other such structural elements required for the operation of the building, shall be 24 feet as measured from existing grade. (See also "Special Finding, Second-Story Exemptions.")
34. Buildings shall provide a pedestrian orientation and scale consistent with the Downtown Design Guidelines; incorporation of one-story elements and/or roofline variation into the project, and the use of material changes, window variations and overhanging building elements to distinguish the upper floor from the ground floor may be necessary to achieve a desirable pedestrian orientation and scale.

SECTION 11: Section 25.08.016 regarding the "Height, building" definition Subsection (4) shall be amended to read in its entirety as follows:

(4) Exception: Provided they do not exceed ~~the a~~ maximum height limit set forth in ~~Chapter 25.51 of 36-feet,~~ and provided further that no structure in excess of the specified building height shall be used for additional living or floor space, the following items may be permitted to a height in excess of that permitted within a zone when approved by the design review ~~board authority~~ pursuant to the procedures and findings of Chapter 25.05 as applicable: structures for the sole purposes of housing elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, skylights, spires, flagpoles, broadcasting and receiving antennae and chimneys.

SECTION 13: This Ordinance is exempt from compliance with the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines.

SECTION 14: This Ordinance is intended to be of City-wide effect and application. All ordinances and provisions of the Laguna Beach Municipal Code and sections thereof inconsistent herewith shall be hereby repealed to the extent of such inconsistency and no further.

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SECTION 15: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or other wise invalid, such invalidity shall not affect the validity of this entire Ordinance or any of the remaining portions hereof. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, subdivision, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

SECTION 16: The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance and shall cause the same to be published in the manner required by law in the City of Laguna Beach. This Ordinance shall become effective on the expiration of thirty (30) days from and after the date of its adoption.

ADOPTED this 5th day of August, 2008.

Jane Egly, Mayor

ATTEST:

City Clerk

I, Martha Anderson, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance No. _____ was introduced at a regular meeting of the City Council on July 22, 2008 and was finally adopted at a regular meeting of the City Council of said City held on August 5th, 2008 by the following vote:

AYES: COUNCILMEMBER(S):

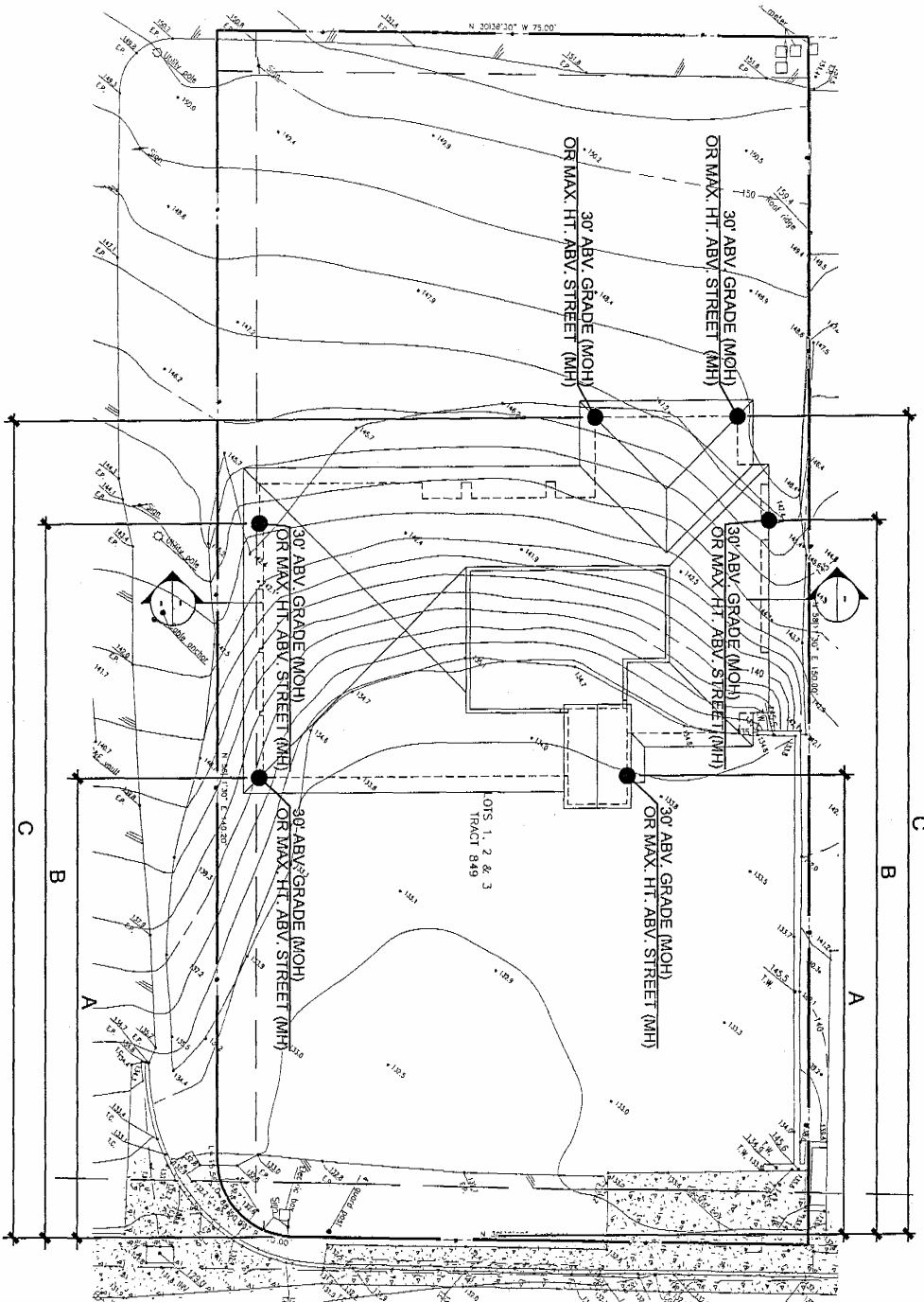
NOES: COUNCILMEMBER(S):

ABSTAIN: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

City Clerk, City of Laguna Beach, CA

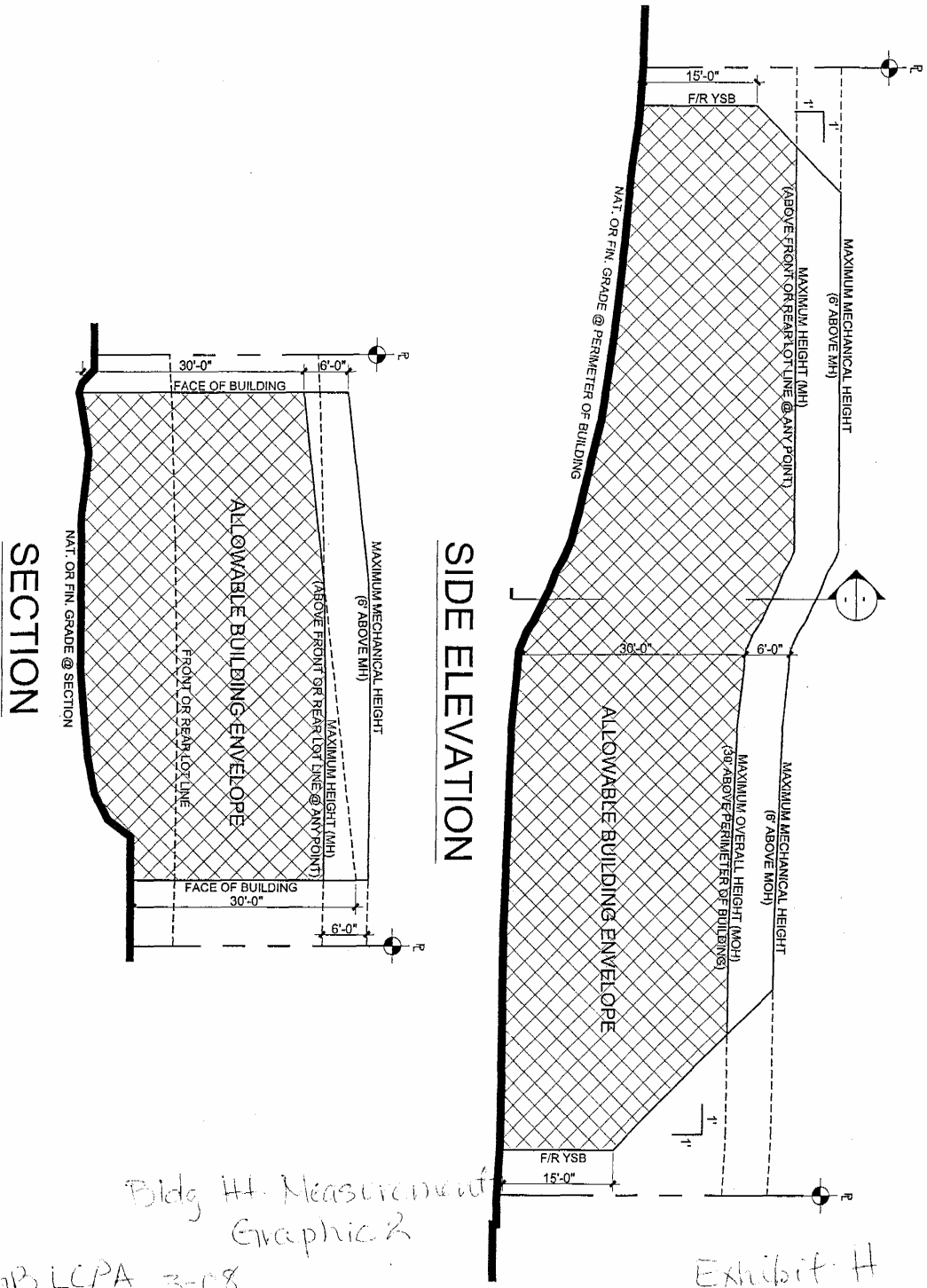
File



LGB LCPA 308

Bldg Ht. Measurement
Graphic 1

Exhibit G



Bldg Ht. Measurement
Graphic 2
LGB LCPA 3-08

Exhibit H