

## CALIFORNIA COASTAL COMMISSION

South Coast Area Office  
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Long Beach, CA 90802-4302  
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**W10a**

April 22, 2013



**TO:** Commissioners and Interested Persons

**FROM:** Charles Lester, Executive Director  
Sherilyn Sarb, Deputy Director, Orange County  
Teresa Henry, South Coast District Director  
Karl Schwing, Supervisor, Regulation & Planning, Orange County Area

**SUBJECT:** Concurrence with the Executive Director's determination that the action of the City of Laguna Beach accepting certification with suggested modifications of Major LCP Amendment No. 2-11B (LGB-MAJ-2-11B) is legally adequate. For Commission review at its May 8-9, 2013 meeting in San Rafael.

**STAFF RECOMMENDATION**

Staff recommends that the Commission concur with the Executive Director's determination that the City's action is legally adequate.

**BACKGROUND**

Major Local Coastal Program Amendment Request No. 2-11B submitted by the City of Laguna Beach proposed to amend the Local Coastal Program (LCP) Implementation Plan (IP) to identify the zones in which residential care facilities and residential housing for people with special needs are allowed to operate. Residential care facilities are generally those in which individuals with a disability reside together but are not living together as a single housekeeping unit. There are various categories of such facilities including those with six or fewer individuals or seven or more individuals, and those that are licensed to offer treatment and those that are unlicensed (treatment not offered). Unlicensed facilities with six or fewer individuals are sometimes known as 'sober living' facilities. The amendment responds to State legislation that requires that the use of family dwellings (including single-family dwellings, multi-family dwellings, condominiums, townhouses, etc.) as residential care facilities for six or fewer persons be considered a residential use of property with respect to all local ordinances (Health and Safety Code Section 1566.3).

There were various other changes involved in the proposed LCP amendment that the City identified as 'clean up'. These included deleting 'short term lodging' from the list of uses allowed with a CUP in the South Laguna Village Zone, which would prohibit that use in that zone.

The issues raised by the amendment request were: 1) whether uses required to be prioritized in the coastal zone would be displaced in certain commercial districts by lower priority uses, as proposed; and, 2) whether the elimination of short term lodging as an allowable use in the South Laguna Village zone will adversely affect the availability of overnight accommodations in the City.

To address these issues, the Commission adopted three suggested modifications that, in general, require that wherever residential care facilities are proposed in mixed use districts (i.e. residential/commercial), such as in the Commercial Neighborhood (CN) district, that they must comply with the existing requirement for at least 50% of the floor area contain a commercial development. The suggested modifications also required that short term lodging be added back as an allowable use in the South Laguna Village Zone. The suggested modifications are attached as Exhibit 1. The Commission found that the suggested modifications would bring the proposed Implementation Plan amendment into conformity with the policies of the certified Land Use Plan at its hearing on September 12, 2012.

On January 15, 2013, the Laguna Beach City Council adopted Resolution No. 13.002 acknowledging receipt of the Coastal Commission action and accepting and agreeing to the suggested modifications. Also on January 15,

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2013, the Laguna Beach City Council adopted Ordinance No. 1575 amending the Local Coastal Plan by incorporating the Commission's suggested modifications to the City's Local Implementation Plan. As provided in Section 13544 of the California Code of Regulations, the Executive Director must determine whether the City's action is legally adequate and report that determination to the Commission. In this case, the Executive Director has determined that the City's action is legally adequate. Unless the Commission objects to the Executive Director's determination, the certification of Laguna Beach LCP Amendment No. 2-11B shall become effective upon the filing of the required Notice of Certification with the Secretary of Resources as provided in Public Resources Code Section 21080.5(d)(2)(E).

**RECOMMENDATION**

Staff recommends that the Commission **CONCUR** with the Executive Director's determination as set forth in the attached letter (Exhibit 3)(to be sent after Commission endorsement).

Certification of City of Laguna Beach LCP Amendment Request No. 2-11B is subject to the following modifications.

The Commission's suggested additions are shown in ***bold, italic, underlined text***.

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

1. Suggested Modification No. 1

Modify Laguna Beach Municipal Code Section 25.19.006 Uses permitted subject to conditional use permit in the C-N Commercial-Neighborhood Zone, as follows:

The following uses may be permitted subject to the granting of a conditional use permit as provided in Section 25.05.030. The existing balance of resident-serving uses in the same vicinity and zone shall be a consideration when reviewing conditional use permit applications:

- (A) Automobile service stations and mini-markets, provided that all sales and service other than gasoline and oil dispensing shall be conducted and confined within enclosed buildings;
- (B) Cafés, full-service restaurants, delicatessens and tea rooms with or without outdoor seating serving alcoholic beverages. (Drive-in restaurants are not permitted);
- (C) Take-out restaurants, with indoor and/or outdoor seating only as authorized under the conditional use permit;
- (D) Car wash;
- (E) Health clubs;
- (F) Hotels and motels;
- (G) Outdoor display of merchandise;
- (H) Plant nursery, including outdoor display of merchandise;
- (I) Residential uses (excluding time shares) as an integral part of commercial development, but limited to not more than fifty percent of the gross floor area and there shall be at least two thousand square feet of lot area for each dwelling unit;
- (J) Veterinary clinics, including overnight boarding for care;
- (K) Liquor sales;
- (L) Artists' joint living and working units, as defined in Chapter 25.16;
- (M) Extended care facility;
- (N) Residential care facility, general ***as an integral part of commercial development, but limited to not more than fifty percent of the gross floor area and there shall be at least two thousand square feet of lot area for each dwelling unit*** subject to: (1) no outdoor smoking, (2) fire and building code inspection and compliance, and (3) one thousand feet separation from any other general residential care facility;
- (O) Residential care facility, small unlicensed ***as an integral part of commercial development, but limited to not more than fifty percent of the gross floor area and there shall be at least two thousand square feet of lot area for each dwelling unit*** subject to: (1) no outdoor smoking, (2) fire and building code inspection and compliance, and (3) maximum occupancy of six persons;
- (P) Residential care facility, small licensed ***as an integral part of commercial development, but limited to not more than fifty percent of the gross floor area and***

**there shall be at least two thousand square feet of lot area for each dwelling unit.** subject to: (1) no outdoor smoking, (2) fire and building code inspection and compliance, and (3) maximum occupancy of six persons;

(Q) Residential housing, special needs **as an integral part of commercial development, but limited to not more than fifty percent of the gross floor area and there shall be at least two thousand square feet of lot area for each dwelling unit;** and

(R) Other uses the planning commission deems, after conducting a public hearing, to be similar to and no more obnoxious or detrimental to the public, health, safety and welfare of the neighborhood than any use listed above. Such uses shall be inclusive of uses expressly allowed in the C-1 zone, but shall not include those uses listed exclusively as industrial or light industrial uses in the M-1 or M-1A zones.

## 2. Suggested Modification No. 2

Modify Laguna Beach Municipal Code Section 25.25.006 Uses permitted subject to a conditional use permit in the SLV South Laguna Village Zone:

The following uses may be permitted subject to the granting of a conditional use permit as provided in Section 25.05.030. The existing balance of resident-serving uses in the same vicinity and zone shall be a consideration when reviewing conditional use permit applications:

(A) Café, restaurant, delicatessen and tea room, with outdoor seating, serving of alcoholic beverages, and/or entertainment only as authorized under the conditional use permit.

(Drive-in restaurants are not permitted);

(B) Market or grocery store, or mini-market;

(C) Dry cleaning/laundry facilities;

(D) Office uses, when a conversion of ground-floor retail space is proposed;

(E) Residential uses (excluding time shares) as an integral part of commercial development, but limited to not more than fifty percent of the gross floor area;

(F) Veterinary clinic, including overnight boarding for care;

(G) Outdoor display of merchandise;

(H) Liquor sales;

(I) Artists' joint living and working units, as defined in Chapter 25.16;

(J) Philanthropic and charitable institutions;

(K) Automobile service stations;

(L) Health clubs;

**(M) Short-term lodging as defined and specified in Chapter 25.23 of this title;**

**(MN)** Extended care facility;

**(NO)** Residential care facility, general subject to: (1) no outdoor smoking, (2) fire and building code inspection and compliance, (3) one thousand feet separation from any other general residential care facility, and (4) being an integral part of commercial development, but limited to not more than fifty percent of the gross floor area;

**(OP)** Residential care facility, small unlicensed subject to: (1) no outdoor smoking, (2) fire and building code inspection and compliance, (3) maximum occupancy of six persons, and (4)

being an integral part of commercial development, but limited to not more than fifty percent of the gross floor area;

**(PO)** Residential care facility, small licensed, subject to: (1) no outdoor smoking, (2) fire and building code inspection and compliance, (3) maximum occupancy of six persons, and (4) being an integral part of commercial development, but limited to not more than fifty percent of the gross floor area; and

**(OR)** Residential housing, special needs **as an integral part of commercial development, but limited to not more than fifty percent of the gross floor area;** and

**(RS)** Other uses the planning commission deems, after conducting a public hearing, to be similar to and no more obnoxious or detrimental to the public, health, safety and welfare of the neighborhood than any use listed above.

### 3. Suggested Modification No. 3

Modify Laguna Beach Municipal Code Section 25.23.030 related to administrative permit requirements for short term lodging:

25.23.030 Administrative use permit **or conditional use permit** required.

Short-term lodging units shall only be allowed within the R-1, R-2, R-3, LB/P, C-N, C-1, CH-M and VC zoning districts subject to the approval of an administrative use permit as provided for in Section 25.05.020 of this title and ~~R-1~~ **SLV** zoning district subject to the approval of a CUP as provided in Section 25.05.030, issued pursuant to this chapter. No owner of a dwelling unit or units located outside of those zoning districts shall rent that unit or units for a short-term. No owner of a lodging unit or units located within those zoning districts shall rent that unit or units for a short-term without a valid administrative use permit **or conditional use permit, as applicable,** issued pursuant to this chapter.

JAN 30 2013

RESOLUTION NO. 13.002

CALIFORNIA COASTAL COMMISSION

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH, CALIFORNIA, ADOPTING MODIFICATIONS TO LOCAL COASTAL PROGRAM AMENDMENT 11-04 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 11-04; 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 11-04, 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 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 the Laguna Beach Local Coastal Program Amendment 11-04 is hereby approved, consisting of Ordinance No. 1575 pertaining to amendments to Title 25 – Zoning. Copies of the aforesaid Ordinance are attached hereto as Exhibit A, and are incorporated by this reference as though fully set forth herein.

**SECTION 2.** That the California Coastal Commission is hereby requested to consider, approve and certify Laguna Beach Local Coastal Program Amendment No. 11-04.

**ORDINANCE 1575**

**AN ORDINANCE OF THE CITY OF LAGUNA BEACH, CALIFORNIA AMENDING PORTIONS OF TITLE 25 OF THE LAGUNA BEACH MUNICIPAL CODE REGARDING DEFINITIONS OF "EXTENDED CARE FACILITIES," "LIVING QUARTERS," DIFFERENT TYPES OF "RESIDENTIAL CARE FACILITIES," "SPECIAL RESIDENTIAL HOUSING" AND USES EITHER PERMITTED OR ALLOWED SUBJECT TO A CONDITIONAL USE PERMIT IN THE R-1, R-2, R-3, R/HP, LBP, CN, C-1, LAGUNITA, SLV AND I ZONES.**

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**THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1:** Section 25.08.010 (Words beginning with "E") of the Laguna Beach Municipal Code is amended by adding, in alphabetical order, the following definition to read in its entirety as follows:

"Extended Care Facility" means an establishment devoted to 1) providing medical, nursing or custodial care for individuals over a prolonged period, such as during the course of a chronic disease or the rehabilitation phase after an acute illness or injury and/or 2) provides or coordinates oversight and services to meet the residents' individualized scheduled needs and assistance with activities of daily living, based on the residents' assessments and service plans and their unscheduled needs as they arise. An extended care facility includes an intermediate care facility, a skilled nursing facility, a convalescent home, a nursing home, a rest home, a recovery center and an assisted living facility;

**SECTION 2:** Section 25.08.016 (Words beginning with "H") is hereby amended by the deletion of the definition of "Home for the aged" in its entirety.

**SECTION 3:** Section 25.08.022 (Words beginning with "L") of the Laguna Beach Municipal Code is amended by adding, in alphabetical order, the following definition to read in its entirety as follows:

"Living Quarters" means a room or rooms within a structure designed and used for residential use and occupancy, but does not include a kitchen or a bathroom with a bathtub and/or shower;

**SECTION 4:** Section 25.08.032 ("Words beginning with "R") of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

The following are definitions for words beginning with "R":

"Recreation facility, municipal" means a recreation facility owned by a public agency and available for the use of the general public. Special events subject to temporary use permit procedure;

“Restaurant, full-service” means a business devoted to the serving of prepared food to patrons where the food is consumed on the premises and the customer’s order and are served while seated at tables;

“Restaurant, take-out” means a business which primarily prepares food cooked on the premises intended for off-site consumption but which may also provide seating;

“Rest home” – see “Extended care facility;”

“Right-of-way” means the right of use or to cross over the property of another;

“Room” means a room enclosure or a portion of a room enclosure within a dwelling unit, room rental or hotel. Bathrooms, hallways, closets and service porches are not rooms;

“Room enclosure” means an area within a building, which area is entirely enclosed by walls from floor to ceiling;

**SECTION 5:** Section 25.10.004 (“Uses permitted”) of the Laguna Beach Municipal Code regarding the R-1 Residential Low Density Zone is amended to read in its entirety as follows:

25.10.004 Uses permitted.

Buildings, structures and land shall be used and buildings and structures shall hereafter be erected, designed, structurally altered or enlarged only for the following purposes:

- (A) Single-family dwelling except those devoted to time-share use;
- (B) Child care, subject to the standards in Chapter 25.08;
- (C) Guest house or guest room, subject to the following conditions:
  - (1) The lot contains not less than seven thousand square feet.
  - (2) There is not more than one guest house or one guest room on any one lot.
  - (3) There is no kitchen within such guest house or guest room.
  - (4) The floor area of the guest house is not in excess of three hundred square feet.
  - (5) Such guest house or room is used by the occupants of the main building or their guests or servants and is not rented, let or hired out whether the compensation for hire is paid directly or indirectly in money, goods, wares or merchandise.
  - (6) Such guest house shall utilize the same vehicular access as serves the main dwelling unit;
- (D) Home occupations subject to the standards in Chapter 25.08;
- (E) Public parks, playgrounds and beaches, and such recreation, refreshment and service buildings as are purely accessory, and incidental thereto;
- (F) Mobilehomes and factory built housing not meeting Uniform Building Code standards (subject to downtown specific plan Ch. 25.40 herein and located only where specified in the housing element of the general plan of Laguna Beach, and not being subject to lot design and setback requirements unless required pursuant to design review deliberations);



- (D) Home occupations, subject to the standards in Chapter 25.08, "Definitions and Standards";
- (E) Two-family dwellings, except those devoted to time-share use;
- (F) Public parks, playgrounds and beaches, and such recreation, refreshment and service uses and buildings as are purely accessory and incidental thereto;
- (G) Residential care facility, small licensed, subject to: 1) no outdoor smoking, 2) fire and building code inspection and compliance and 3) maximum occupancy of 6 persons; and
- (H) Residential housing, special needs.

**SECTION 8:** Section 25.12.006 ("Uses permitted subject to conditional use permit") of the Laguna Beach Municipal Code regarding the R-2 Residential Medium Density Zone is amended to read in its entirety as follows:

25.12.006 Uses permitted subject to conditional use permit.

The following uses may be permitted subject to the granting of a conditional use permit as provided for in Section 25.05.030 of this title:

- (A) Church;
- (B) Nursery school, preschool;
- (C) Recreation facilities, municipal and public;
- (D) Public and private schools;
- (E) Extended care facility;
- (F) Structures attached at common lot lines;
- (G) Utility substation;
- (H) Bed and breakfast inn, as defined and specified in Chapter 25.22 of this title;
- (I) Artists' joint living and working units, as defined and specified in Chapter 25.16 of this title; and
- (J) Such other uses as the planning commission may deem, after a public hearing, to be consistent with the intent and purpose of this zoning district and similar to and no more obnoxious or detrimental to the public health, safety and welfare, than other permitted uses.

**SECTION 9:** Section 25.14.004 ("Uses permitted") of the Laguna Beach Municipal Code regarding the R-3 Residential High Density Zone is amended to read in its entirety as follows:

25.14.004 Uses permitted.

Buildings, structures and land shall be used and buildings and structures shall hereafter be erected, designed, structurally altered or enlarged only for the following uses:

**SECTION 11:** Section 25.15.006 ("Uses permitted") of the Laguna Beach Municipal Code regarding the R/HP Residential/Hillside Protection Zone is amended to read in its entirety as follows:

25.15.006 Uses permitted.

Buildings, structures and land shall be used, and buildings and structures shall hereafter be erected, designed, structurally altered or enlarged only for the following purposes:

- (A) Single-family dwellings;
- (B) Accessory buildings and uses as defined in Section 25.08.002, including swimming pools and recreation courts for noncommercial use, consistent with the development standards set forth in Section 25.10.008 and Chapter 25.50, and subject to design review board approval;
- (C) Child care and other similar uses set forth in the State Health and Safety Code;
- (D) Guest house or guestroom, subject to the following conditions:
  - (1) The lot is a minimum of fourteen thousand five hundred square feet in size,
  - (2) There is no more than one guest house on any one lot,
  - (3) There is no kitchen within such guest house,
  - (4) The floor area of the guest house does not exceed three hundred square feet,
  - (5) Such guest house is used only by the occupants of the main building or their guests or domestic staff and shall not be rented separately, let or hired out, whether the compensation is paid directly or indirectly in money, goods, wares or merchandise,
  - (6) Such guest house is located entirely within one hundred feet of the main dwelling unit but does not encroach into any required setback area. Access to the guest house shall be provided from the same access driveway serving the main residence,
  - (7) Any guest house shall be subject to design review board approval,
  - (8) Unless superseded by the above conditions, all development standards for guest houses, as set forth in Section 25.10.008, shall apply;
- (E) Home occupations, subject to the standards in Chapter 25.08;
- (F) Raising of non-invasive vegetables, field crops, fruit and nut trees and horticultural specialties used solely for personal or educational, noncommercial purposes. The location of such agricultural uses should be restricted to areas where the slope does not exceed thirty percent;
- (G) Residential care facility, small licensed, subject to: 1) no outdoor smoking, 2) fire and building code inspection and compliance and 3) maximum occupancy of 6 persons;
- (H) Residential housing, special needs; and
- (I) Second residential units, subject to the provisions of Chapter 25.17.

- (J) Paper reproduction or copy service;
- (K) Packaging and postal services;
- (L) Furniture and antique sales, including home furnishing;
- (M) Child day care; and
- (N) Commercial home occupations, subject to the standards in Section 25.08.016;

**SECTION 14:** Section 25.18.006 (“Uses permitted subject to conditional use permit”) of the Laguna Beach Municipal Code regarding the LBP Local Business Professional Zone is amended to read in its entirety as follows:

25.18.006 Uses permitted subject to conditional use permit.

The following uses may be permitted subject to the granting of a conditional use permit as provided for in Section 25.05.030.

- (A) Retail supply stores, including but not limited to toys, yardage, hardware, auto parts, plumbing, sporting goods, home decorating, appliances, garden supplies, etc., all of a neighborhood scale and orientation with no open storage of materials or equipment;
- (B) Bakery, retail wherein all bakery goods are baked on the premises and are sold at retail on the premises;
- (C) Bookshop/sales;
- (D) Handicraft/hobby shops including retail sales;
- (E) Florist;
- (F) Clothing, retail sales;
- (G) Musical instrument sales and supplies;
- (H) Plant nursery, including outdoor display of merchandise;
- (I) Financial offices: banks, savings and loan, etc.;
- (J) Cafes, full-service and take-out restaurants and tea rooms. (Drive-in restaurants are not permitted.);
- (K) Establishments serving alcoholic beverages;
- (L) Establishments with dancing and/or entertainment;
- (M) Delicatessen;
- (N) Market, food and beverage;
- (O) Liquor sales;
- (P) Galleries, art, photographic, etc.;
- (Q) Art studios and supplies, including artists’ joint living and working units, as defined in Chapter 25.16;
- (R) Outdoor display of merchandise;
- (S) Pet grooming and supplies store excluding overnight boarding of animals;
- (T) Extended care facility;

- (A) Automobile service stations and mini-markets, provided that all sales and service other than gasoline and oil dispensing shall be conducted and confined within enclosed buildings;
- (B) Cafes, full-service restaurants, delicatessens and tea rooms with or without outdoor seating serving alcoholic beverages. (Drive-in restaurants are not permitted);
- (C) Take-out restaurants, with indoor and/or outdoor seating only as authorized under the conditional use permit;
- (D) Car wash;
- (E) Health clubs;
- (F) Hotels and motels;
- (G) Outdoor display of merchandise;
- (H) Plant nursery, including outdoor display of merchandise;
- (I) Residential uses (excluding time shares) as an integral part of commercial development, but limited to not more than fifty percent of the gross floor area and there shall be at least two thousand square feet of lot area for each dwelling unit;
- (J) Veterinary clinics, including overnight boarding for care;
- (K) Liquor sales;
- (L) Artists' joint living and working units, as defined in Chapter 25.16;
- (M) Extended care facility;
- (N) Residential care facility, general as an integral part of commercial development, but limited to not more than fifty percent of the gross floor area and there shall be at least two thousand square feet of lot area for each dwelling unit subject to 1) no outdoor smoking, 2) fire and building code inspection and compliance and 3) 1000 feet separation from any other general residential care facility;
- (O) Residential care facility, small unlicensed as an integral part of commercial development, but limited to not more than fifty percent of the gross floor area and there shall be at least two thousand square feet of lot area for each dwelling unit subject to: 1) no outdoor smoking, 2) fire and building code inspection and compliance and 3) maximum occupancy of 6 persons;
- (P) Residential care facility, small licensed, as an integral part of commercial development, but limited to not more than fifty percent of the gross floor area and there shall be at least two thousand square feet of lot area for each dwelling unit subject to: 1) no outdoor smoking, 2) fire and building code inspection and compliance and 3) maximum occupancy of 6 persons; and
- (Q) Residential housing, special needs; as an integral part of commercial development, but limited to not more than fifty percent of the gross floor area and there shall be at least two thousand square feet of lot area for each dwelling unit and
- (R) Other uses the planning commission deems, after conducting a public hearing, to be similar to and no more obnoxious or detrimental to the public, health, safety and welfare of the neighborhood than any use listed above. Such uses shall be inclusive of uses expressly allowed in the C-1 zone, but shall not include those uses listed exclusively as industrial or light industrial uses in the M-1 or M-1A zones.

- (3) Every portion of a lot used for outdoor displays shall be considered as a part of the gross floor area in use, except where vehicles are displayed for sale or rent,
- (4) Location of another activity utilizing outdoor display of merchandise within one thousand feet may be grounds for denial of a conditional use permit;
- (R) Car washes;
- (S) Other uses the planning commission deems, after conducting a public hearing, to be similar to and no more obnoxious or detrimental to the welfare of the neighborhood than any use listed above;
- (T) The following uses may be permitted subject to the granting of a conditional use permit as provided in Section 25.05.030 and shall not exceed fifty percent of the gross floor area of the entire structure and shall be located above the ground floor level:
- (1) Business colleges,
  - (2) Custom dressmaking, millinery, tailoring, shoe repairing and similar trades,
  - (3) Lodges, fraternities and sororities, with no living accommodations,
  - (4) Medical and dental clinics and treatment rooms,
  - (5) Musical, theatrical and dancing schools,
  - (6) Nursery schools,
  - (7) Offices, business and professional,
  - (8) Paint, paper hanging, decorating, carpentry, plumbing, electrician, reupholstering and handyman shops, all of a neighborhood service and repair nature and with no open storage of materials or equipment,
  - (9) Philanthropic and charitable institutions other than those of a correctional nature,
  - (10) Private clubs (not including nightclubs), with no living accommodations, except for one caretaker unit,
  - (11) Sign painting, not including the business of sign manufacturing,
  - (12) Studios, except for producing motion pictures,
  - (13) Utility offices, exchanges and substations,
  - (14) Residential uses, subject to the following minimum conditions:
    - (a) It shall meet the density provisions and yard and open space provision of the R-3 zone,
    - (b) It shall be designed as a part of a commercial development, and shall not exceed fifty percent of the gross floor area used for commercial activities, exclusive of parking,
  - (15) Residential housing, special needs; and
  - (16) Such uses as the planning commission may deem, after public hearing, to be similar to and no more obnoxious or detrimental to the welfare of the neighborhood in which it is located than any use listed above. This does not mean to include any type of use which is specifically relegated to or prohibited in the M-1 or M-1A zones.

residential care facility and 4) being an integral part of commercial development, but limited to not more than fifty percent of the gross floor area;

(P) Residential care facility, small unlicensed subject to: 1) no outdoor smoking, 2) fire and building code inspection and compliance, 3) maximum occupancy of 6 persons and 4) being an integral part of commercial development, but limited to not more than fifty percent of the gross floor area;

(Q) Residential care facility, small licensed, subject to: 1) no outdoor smoking, 2) fire and building code inspection and compliance, 3) maximum occupancy of 6 persons and 4) being an integral part of commercial development, but limited to not more than fifty percent of the gross floor area; and

(R) Residential housing, special needs as an integral part of commercial development, but not limited to not more than fifty percent of the gross floor area; and

(S) Other uses the planning commission deems, after conducting a public hearing, to be similar to and no more obnoxious or detrimental to the public, health, safety and welfare of the neighborhood than any use listed above.

**SECTION 19:** Section 25.28.020 (“Uses permitted subject to conditional use permit”) of the Laguna Beach Municipal Code regarding the I Institutional Zone is amended to read in its entirety as follows:

25.28.020 Uses permitted subject to a conditional use permit.

All uses in this zone shall require a conditional use permit due to the potential impacts of institutional uses on adjacent properties and uses. The following uses may be permitted subject to the granting of a conditional use permit as provided for in Section 25.05.030.

- (A) Civic and government buildings;
- (B) Educational institutions;
- (C) Public/private parks and playgrounds;
- (D) Residential housing, special needs;
- (E) Child care, preschools and nursery schools;
- (F) Churches;
- (G) Hospitals and related medical uses;
- (H) Medical or dental offices and clinics;
- (I) Public utility buildings and structures;
- (J) Extended care facilities;
- (K) Philanthropic and charitable institutions other than those of a correctional nature; and
- (L) Other uses the planning commission deems, after conducting a public hearing, to be similar to and no more obnoxious or detrimental to the welfare of the neighborhood than any use listed above.

I, LISETTE CHEL-WALKER, City Clerk of the City of Laguna Beach, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council on December 4, 2013, and was finally adopted at a regular meeting of the City Council of said City held on January 15, 2013, by the following vote:

AYES: COUNCILMEMBER(S): Whalen, Iseman, Dicterow, Pearson, Boyd

NOES: COUNCILMEMBER(S): None

ABSENT: COUNCILMEMBER(S): None



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City Clerk, of the City of Laguna Beach, CA

CALIFORNIA COASTAL COMMISSION  
South Coast Area Office  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302  
(562) 590-5071



May xx, 2013

John Montgomery  
Director of Planning  
505 Forrest Avenue  
Laguna Beach, CA 92651

Re: Effective Certification  
City of Laguna Beach Local Coastal Program Amendment No. 2-11B

Dear Mr. Montgomery:

We are pleased to notify you that on May xx, 2013, the Commission concurred with the Executive Director's determination that the action of the City of Laguna Beach accepting certification of Local Coastal Program (LCP) Amendment No. 2-11B with suggested modifications was legally adequate. Therefore, the LCP amendment will be fully effective upon filing of the notice of the Commission's certification with the Secretary of the Resources Agency as provided by Public Resources Code Section 21080.5(d)(2)(E).

Local Coastal Program (LCP) Amendment No. 2-11B was submitted pursuant to City Council Resolution No. 11.060 and proposed the changes contained in City Council Ordinance No. 1550. The primary purpose of LCPA 2-11B was to identify the zones in which residential care facilities and residential housing for people with special needs are allowed to operate. Only the Implementing Ordinances (LIP) portion of the certified LCP was affected by this amendment.

On September 12, 2012, the Commission approved LCP Amendment No. 2-11B with suggested modifications. On January 15, 2013, the Laguna Beach City Council adopted Resolution No. 13.002 acknowledging receipt of the Coastal Commission action and accepting and agreeing to the suggested modifications. Also on January 15, 2013, the Laguna Beach City Council adopted Ordinance No. 1575 amending the Local Coastal Plan by incorporating the Commission's suggested modifications to the City's Local Implementation Plan. On May xx, 2013, the Commission concurred with the Executive Director's determination that the City Council's acceptance of the Commission's suggested modification was legally adequate.

On behalf of the Coastal Commission, I would like to congratulate the City on the completion of LCP Amendment 2-11B. If you have any questions, please contact Karl Schwing at our Long Beach office (562) 590-5071.

Sincerely,

Teresa Henry  
District Manager

cc: Ann Larson, Planning Manager