

**CALIFORNIA COASTAL COMMISSION**

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



September 18, 2014

# Th8a

**TO:** Commissioners and Interested Persons

**FROM:** Sherilyn Sarb, Deputy Director  
Charles Posner, Coastal Program Supervisor  
Meg Vaughn, Coastal Program Analyst

**RE:** Minor Amendment Request No. LCP-5-LGB-14-0823-4 to the City of Laguna Beach Local Coastal Program, for Commission Action at its October 9, 2014 meeting in Newport Beach.

## **Local Coastal Program Amendment No. LCP-5-LGB-14-0823-4** **(Minor)**

The City of Laguna Beach is requesting that the Commission certify an amendment to the City of Laguna Beach Local Coastal Program (LCP) Implementation Plan (IP). The amendment proposes to add noticing requirements and appeal provisions to Chapter 25.17 (*Second Residential Units*). The changes proposed to Chapter 25.17 (*Second Residential Units*) are reflected in City Council Ordinance No. 1590, and were submitted pursuant to City Council Resolution No. 14-036.

The LCP amendment would modify Chapter 25.17 (*Second Residential Units*) by adding provisions regarding public noticing and the appeals procedure as applicable to the City's administrative review of second residential units on lots developed with a single-family residence. Chapter 25.17 applies only to single family residential zones. The proposed IP amendment would add subsections 25.040 and 25.050 in order to clarify the public noticing process and the applicable appeals procedure for administrative actions by the City on second units. These two new subsections would not affect the coastal development permit process as applicable to any second residential unit review. Existing certified IP subsection 25.17.040 (to be re-numbered as 25.17.060) provides that all requirements of Chapter 25.07 (*Coastal Development Permits*) apply. No other changes to the certified LCP are proposed.

Local Coastal Program Amendment Request No. LCP-5-LGB-14-0823-4 does not propose any rezoning or land use changes. The Laguna Beach Planning Commission held public hearings for the LCP amendment on February 12, 2013, March 26, 2014, and April 23, 2014. The Laguna Beach City Council held public hearings for the LCP amendment on June 3, 2014 and on June 17, 2014. The City Council adopted Resolution No. 14.036 and Ordinance No. 1590 on June 17, 2014 and submitted the LCP Amendment Request it to the Commission's South Coast District office for certification on July 17, 2014. Upon receipt of requested additional materials, the amendment request was deemed complete on August 6, 2014.

### **ANAYLSIS**

The Executive Director has determined that the City of Laguna Beach LCP Amendment No. LCP-5-LGB-14-0823-4 is a minor LCP amendment. The LCP amendment has been determined to be a "minor" LCP amendment because the proposed changes would make the zoning ordinances and the certified IP more

Minor Amendment Request No. LCP-5-LGB-14-0823-4  
City of Laguna Beach  
Chapter 25.17 Second Residential Units  
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specific and would not change the kind, location, intensity or density of any uses. The proposed changes to the certified LCP are attached in Exhibit #1. The proposed changes will clarify the City's public notice and appeals procedures for administrative approvals of second residential units pursuant to Chapter 25.17 of the certified IP.

**Procedures**

Pursuant to Section 30514(c) of the Coastal Act and Section 13554(a) of the California Code of Regulations, the Executive Director has determined that the proposed LCP amendment is "minor" in nature. Section 13554(a) of the California Code of Regulations defines a minor LCP amendment as changes in wording which make the use as designated in the zoning ordinances, zoning district maps or other implementing actions more specific and which do not change the kind, location, intensity or density of use and are consistent with the certified LUP.

The proposed LCP amendment will become effective after reporting to the Commission any written objections received within ten working days of the mailing of notice unless one-third of the appointed members of the Commission request that the LCP amendment be processed and heard as a "major" LCP amendment pursuant to Section 13555 of the California Code of Regulations.

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RESOLUTION NO. 14.036

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA  
BEACH, CALIFORNIA, ADOPTING LOCAL COASTAL PROGRAM  
AMENDMENT 14-31 AND REQUESTING ITS CERTIFICATION BY THE  
CALIFORNIA COASTAL COMMISSION

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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 14-31; 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 14-31, 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:

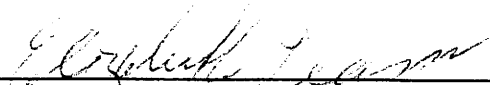
SECTION 1. That the Laguna Beach Local Coastal Program Amendment 14-31 is hereby approved, consisting of Ordinance No. 1590 pertaining to amendments to Title 25 - Zoning. Copies of the aforesaid Ordinance are attached hereto as Exhibit A, and are incorporated by this reference as though fully set forth herein.

SECTION 2. That the California Coastal Commission is hereby requested to consider, approve and certify Laguna Beach Local Coastal Program Amendment No. 14-31.


SECTION 3. That pursuant to Section 13551(b) of the Coastal Commission Regulations, Laguna Beach Local Coastal Program Amendment No. 14-31 will automatically

1 take effect immediately upon California Coastal Commission approval, as provided in Public  
2 Resources Code Sections 30512, 30513 and 30519.  
3

4 ADOPTED this 17<sup>th</sup> day of June, 2014.

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6   
Elizabeth Pearson, Mayor

7 ATTEST:


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10 City Clerk

11 I, Lisette Chel-Walker, City Clerk of the City of Laguna Beach, California, do hereby  
12 certify that the foregoing Resolution No. 14.036 was duly adopted at a Regular Meeting of the  
City Council of said City held on June 17, 2014, by the following vote:

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

14 NOES COUNCILMEMBER(S): None

15 ABSENT COUNCILMEMBER(S): None

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18 City Clerk of the City of Laguna Beach, CA

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Exhibit 1  
page 2

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF LAGUNA BEACH, CALIFORNIA  
AMENDING CHAPTER 25.17 OF THE LAGUNA BEACH MUNICIPAL  
CODE RELATING TO SECOND RESIDENTIAL UNITS**

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WHEREAS, on February 12, ~~and~~ March 26, and April 23, 2014, the Planning Commission conducted legally noticed public hearings and, and after reviewing and considering all documents, testimony and other evidence presented, voted to recommend that the City Council adopt amendments to the Second Residential Unit provisions of the Municipal Code; and

WHEREAS, the City Council conducted a legally noticed public hearings 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:

**SECTION 1:** Chapter 25.17 ("Second Residential Units") of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

**Chapter 25.17 SECOND RESIDENTIAL UNITS**

- 25.17.010 Purpose and Intent.**
- 25.17.020 General Provisions.**
- 25.17.030 Minimum Requirements.**
- 25.17.040 Noticing Requirements.**
- 25.17.050 Appeals.**
- 25.17.0460 Coastal Development Permits for Second Residential Units.**

**25.17.010 Purpose and Intent.**

In accordance with Sections 65852.1, 65852.2(a) and 65852.2(j) of the Government Code, this chapter is intended to authorize the establishment of second residential units only in the R-1 residential low density and R/HP residential hillside protection single-family residential zones, consistent with all of the provisions of this chapter. The purpose of this chapter is to establish housing opportunities for the community through the provision of second residential units that utilize existing housing resources and existing infrastructure. This chapter prescribes standards for the approval

of second residential units to ensure that no avoidable adverse impacts on the public health, safety and general welfare result from the establishment of such units.

#### **25.17.020 General Provisions.**

For the purposes of this chapter, a second residential unit means an attached or detached dwelling unit that provides complete and independent living accommodations and facilities for one or more persons on lots zoned ~~for single-family residential use R-1, Residential Low Density and RHP, Residential Hillside Protection~~ and shall be considered ancillary to the main residential building. A second residential unit that conforms to the requirements of this chapter shall not be considered to exceed the allowable density for the lot upon which such unit is proposed to be established and shall be deemed a residential use that is consistent with the existing general plan and zoning designations for the lot.

A second residential unit application shall comply with the standards outlined in this chapter and the zoning district in which the second residential unit is located. In the event of a conflict between the development standards set forth in the zone and the standards of this chapter, the provisions of this chapter shall take precedence.

#### **25.17.030 Minimum Requirements.**

Each second residential unit approved pursuant to this chapter shall comply with the following standards and criteria:

(A) The lot on which the second residential unit is proposed shall be zoned for single-family use only within either the R-1 or the R/HP zones, ~~and second residential units shall comply with the following criteria.~~

(B) A second residential unit may be attached to or detached from the existing dwelling on the building site, with the exception of certain historic structures as described in subsection (O). Attached and detached second residential units shall be allowed on lots having a minimum site area of six thousand square feet, and may range in size from two hundred seventy-five square feet to a maximum of six hundred forty square feet, as follows: The maximum second residential unit size shall be determined by multiplying the square footage of the building site by seven percent. (For example, a maximum second residential unit size of four hundred twenty square feet shall be allowable on a building site of six thousand square feet, and a maximum second residential unit size of six hundred forty square feet shall be allowable on a building site of nine thousand one hundred forty-two square feet or more.)

(C) A second residential unit shall only be constructed concurrently with or after the construction of a single-family residence on the same building site. An application to establish a second residential unit on a vacant lot shall not be accepted as complete for processing prior to the acceptance of a completed application for the main residence; and a determination on an application to establish a second residential unit shall not be made prior to the approval of an application for the main residence. An application to establish a second residential unit, whether attached or detached, shall require zoning plan check

for compliance with applicable zoning standards and criteria; however, the application shall not be subject to the design review board public hearing and approval process, with the following exceptions: (1) whenever a second residential unit is proposed in conjunction with the construction of a main residence, or in conjunction with construction modifications to an existing main residence that is subject to design review; or (2) whenever subsequent additions and/or exterior modifications to an existing second residential unit are proposed, a design review board public hearing and determination shall be required for the entire project; however, design review shall be limited to issues related to the main residence and subsequent additions/modifications to an existing second residential unit shall not result in the removal of or reduction in the size of the existing second residential unit.

(D) The design of a second residential unit, including building form, materials, exterior finishes, color scheme and landscaping, shall be compatible with the main residence. A second residential unit shall be clearly subordinate to the main residence on the site ~~by size~~ with reference to height and building envelope, location and appearance, and the floor area of the second residential unit shall comprise no more than fifty percent of the main residence floor area, up to the maximum set forth in subsection (B).

(E) The second residential unit application shall include a written summary explaining how the proposed second residential unit has been designed to comply with the city's residential design guidelines.

(F) The creation of a second residential unit through conversion of part ~~or all~~ of the existing floor area of the main residence shall be allowed provided that it complies with the standards outlined in this chapter and that the floor area of the second residential unit shall be no more than fifty percent of the main residence floor area, up to the maximum set forth in subsection (B).

(G) An attached or detached second residential unit shall be limited to a single story and shall be no more than twelve feet above any point of the existing adjacent grade elevation, including chimneys, skylights and other rooftop equipment, and shall not exceed the highest elevation of the main residence. This height limitation shall not apply to the establishment of a second residential unit within an existing structure, provided that no exterior building additions, including new exterior above-grade stairs, are proposed. The addition of windows and doors shall be allowed in existing walls.

(H) The second residential unit shall meet all applicable building and construction requirements set forth in Titles 14 and 17, ~~and the zoning requirements of Title 25, and any quantifiable, objective conditions and/or constraints related to design review pursuant to development entitlements previously approved for the subject property.~~

(I) No more than one second residential unit shall be permitted on a single lot. At no time shall a lot contain a second residential unit and a guest house or guest room concurrently.

(J) A minimum of one off-street parking space shall be provided on-site for a second residential unit, with the exception of low- or moderate-income second residential units as set forth in subsections (R) and (S). The required parking space may be uncovered and located anywhere on the building site, provided that it shall not be located closer than five feet to a side property line or within a required on-site turnaround area.

(K) The main residence shall comply with the parking regulations set forth in Chapter 25.52, or other such applicable regulations, and shall have no less than two covered parking spaces at the time a second residential unit is developed/established.

(L) A lot on which a second residential unit is proposed shall abut and have the right to the use of a street improved to the standards of design set forth in Chapter 21.12. A paved turnaround area or a device that enables motor vehicles to head into the street shall be provided in compliance with Section 25.53.004(C) whenever a second residential unit is proposed on any lot fronting on an arterial or a primary residential collector street.

(M) A second residential unit shall utilize the same vehicular access that serves the main residence. If the lot abuts an alley, or is a "through lot" or a "corner lot" as defined in Section 25.08.022, access for both the main residence and the second residential unit shall be limited to one point or side of the lot for both dwelling units. The driveway approach or access ramp serving both residences shall be no more than twenty feet wide (excluding the driveway apron, if required) unless it is wider than twenty feet prior to the establishment of a second residential unit, in which case it shall not be widened further.

(N) The building site coverage limitation shall include all structures, including the main residence, the second residential unit, garages, etc. The totality of the structure(s) on the lot shall not exceed the allowable building site coverage specified in the zone in which the second residential unit is proposed.

(O) Second residential units shall not be attached to any ~~"E" Exceptional or "K" Key~~ rated-historic structure, ~~or to any structure~~ listed on the Historic Inventory or Register.

(P) The addresses of both the main residence and second residential unit shall be clearly visible from the street.

(Q) A second residential unit shall not be rented for less than thirty days, and shall not be converted at any time to short-term lodging pursuant to Chapter 25.23, as otherwise allowed in the R-1 zone.

(R) All city building, planning, and zoning fees shall be refunded at the time of building permit finalization for the development of any second residential unit that the property owner limits by deed restriction, covenant and/or other instrument satisfactory to the city, to occupancy by low-income households for a minimum of fifty-five years, based on the income limits and applicable rental rates established annually by the state of California. As an additional incentive, no parking shall be required for low-income second residential units, provided that the main residence complies with subsection (J). The city may impose conditions and penalties for noncompliance with the affordability



restrictions, and such conditions may include monitoring and reporting requirements. The deed restriction, covenant and/or other instrument shall be approved by the city attorney prior to recordation, and such restrictions shall not be amended or removed without the prior approval of the city council.

(S) Fifty percent of all city building, planning, and zoning fees shall be refunded at the time of building permit finalization for the development of any second residential unit that the property owner limits by deed restriction, covenant and/or other instrument satisfactory to the city, to occupancy by moderate-income households for a minimum of fifty-five years, based on the income limits and applicable rental rates established annually by the state of California. As an additional incentive, no parking shall be required for second residential units, provided that the main residence complies with subsection (J). The city may impose conditions and penalties for noncompliance with the affordability restrictions, and such conditions may include monitoring and reporting requirements. The deed restriction, covenant and/or other instrument shall be approved in form and content by the city attorney prior to recordation, and such restrictions shall not be amended or removed without the prior approval of the city council.

#### 25.17.040 Noticing Requirements.

Upon receipt of an application for a second residential unit, and to the extent permitted by law, a public notice shall be mailed to property owners within 300 feet and posted on the subject property for a minimum of 14 calendar days prior to the ministerial determination of the applications. The notice shall specify project information including, but not necessarily limited to, the project address, size and the name, phone number and address of a City representative and that plans are available for review at City Hall. The notice shall state that written comments stating issues of concern may be filed with the City to be considered by staff in its ministerial review, no public hearing will be conducted and that second residential unit approvals are ministerial and subject only to the standards provided in Chapter 25.17, as mandated by State law, and any claim that such ministerial approval is inconsistent with this Chapter may be appealed to the City Manager in accordance with Section 25.17.050. The public noticing requirement for a Coastal Development Permit, pursuant to Chapter 25.07, may shall also be included in the public notice required by this section, provided that tenants located within 100 feet of the subject property shall also receive notice.

#### 25.17.050 Appeals.

An applicant or an interested and affected person may file an appeal to the city manager of a determination to approve or deny an application for a second residential unit. Any such appeal shall be in writing and accompanied by payment of the fee as established by city council resolution, shall specifically state the grounds for the appeal, and shall be filed with the city clerk within ten calendar days of the determination. The city manager or his or her designee shall, within 30 calendar days after the appeal is filed, consider the appeal in an administrative manner, without a public hearing, may accept and review written comments, and shall issue a written decision. The appeal shall be decided in

accordance with the standards and criteria set forth in this Chapter. The decision of the city manager shall be final.

**25.17.04025.17.0560 Coastal Development Permits for Second Residential Units.**

All of the provisions of Chapter 25.07 regarding the review and approval of coastal development permits in relation to second residential units are applicable, except that a public hearing as required by Section 25.07.012(D) and (E) shall not be required. Public notice shall be provided as required in Section 25.07.014, except that the requirements of Section 25.07.014(B)(5) and (6) shall be replaced with a statement that no local public hearing will be held and that written comments on the proposed development may be submitted. The coastal development permit review criteria of Section 25.07.012(F)(1) through (9) shall be incorporated into the review of all second residential unit applications. Coastal development permit applications shall only be approved if the city's approving authority has reviewed the second residential unit development application and made the findings specified in Section 25.07.012(G).

Notwithstanding the local appeal provisions of Sections 25.05.070 and 25.07.016(A) or Chapter 2.02, coastal development permits for proposed second residential units that are defined as "appealable development" pursuant to Section 25.07.006(A) may be appealable to the coastal commission in accordance with the provisions of Section 25.07.014(B) without a discretionary appeal hearing by the city council.

**SECTION 2. Section 25.05.040(B)(2) ("Design Review") of the Laguna Beach**

Municipal Code is hereby amended to read in its entirety as follows:

(B) Development Subject to Design Review.

(2) Exceptions. The following shall be exempt from the design review process, unless they are changes associated with approved design review plans, including approved landscape plans:

(a) Additions to a single-family residence in residential zones that:

- (i) Are less than fifty percent of the original gross floor area;
- (ii) Do not create a new upper story and do not exceed a height of fifteen feet above the adjacent ground elevation;
- (iii) Are in conformance with the zoning regulations; and
- (iv) Are not within an environmentally sensitive area;

- (b) Interior modifications to existing structures or approved plans, including those structures and plans approved by the approval authority, except interior alterations to historic structures as outlined in Chapter 25.45, Historic Preservation;
- (c) Repainting existing structures;
- (d) Re-roofing buildings and structures with similar materials;
- (e) Retaining walls five feet or less in exposed height;
- (f) Slabs and patios at or below natural grade and modifications to existing driveways or similar structures that comply with all other applicable provisions of this chapter;
- (g) Wood or metal fences that comply with the zoning regulations, except permanent chain link or similar type metal fences;
- (h) Window or exterior door replacements or insignificant changes in final design, such as moldings and window pane material;
- (i) Minor landscaping which does not have the potential to impact views at mature growth height;
- (j) Elevated decks three feet or less above adjacent existing grade;
- (k) Railing changes;
- (l) Artwork approved through the procedures outlined in Chapter 1.09, Art in Public Places;
- (m) Signs, in conformance with an approved sign program subject to review and approval by the director of community development; and
- (n) Temporary on-grade removable accessory structures used as play sets, swing sets and other similar unenclosed recreation equipment provided that: (i) the ground area of the structure does not exceed one hundred twenty square feet; (ii) the structure is less than twelve feet above adjacent ground elevation; and (iii) that the structure is not located in a required setback area unless it receives administrative design review approval.
- (o) Second Residential Units, only as set forth in Chapter 25.17.

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

**SECTION 43.** 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 to the extent it can be given effect, of the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this Ordinance are severable.

**SECTION 54.** This Ordinance is intended to be of Citywide effect and application. All ordinances and provisions of the Laguna Beach Municipal Code and Sections thereof inconsistent shall be and the same are hereby repealed to the extent of such inconsistency and no further. Furthermore, this ordinance shall apply on a prospective only basis to new projects which require discretionary review and approval.

**SECTION 65.** 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 17<sup>th</sup> day of June, 2014.

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Elizabeth Pearson, Mayor

ATTEST:

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Lisette Chel-Walker, City Clerk

I, Lisette Chel-Walker, 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 June 3, 2014, and was finally adopted at a regular meeting of the City Council of said City held on June 17, 2014 by the following vote:

AYES: COUNCILMEMBER(S):  
NOES: COUNCILMEMBER(S):  
ABSENT: COUNCILMEMBER(S):

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City Clerk of the City of Laguna Beach, CA