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**CALIFORNIA COASTAL COMMISSION**

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October 17, 1997

TO: Commissioners and Interested Persons

FROM: Charles Damm, South Coast Deputy Director  
Teresa Henry, District Manager  
Meg Vaughn, Staff Analyst

SUBJECT: CITY OF LAGUNA BEACH LOCAL COASTAL PROGRAM AMENDMENT 2-96  
for Commission action at the meeting of November 4-7, 1997, in Agoura Hills

SUMMARY OF AMENDMENT REQUEST:

Request by the City of Laguna Beach to amend the certified LCP by modifying the Hillside Slopes policies of the LUP, potentially allowing development in high slope areas on existing legal building sites. Also proposed is a change in land use designation and zoning on a portion of one parcel, located at the northern terminus of Vista del Sol, from Open Space to Hillside Management/Conservation (land use designation) and Residential/Hillside Protection (zoning).

The land use designation and zone change proposed for the site located at the northerly terminus of Vista Del Sol is considered Part A of LCP amendment 2-96. Part A affects both the Land Use Plan and Implementation Plan portions of the LCP. The portion of the amendment that is proposed to clarify hillside development policies is considered Part B of LCP amendment 2-96. Part B effects only the Land Use Plan portion of the LCP.

ADDITIONAL INFORMATION:

Copies of the staff report are available at the South Coast District Office of the Coastal Commission. To obtain copies of the staff report by mail, or for additional information, contact Stephen Rynas at the above address and telephone number.

STAFF RECOMMENDATION:

Staff recommends approval as submitted of Part A of LCP amendment 2-96 because it is in conformity with and adequate to carry out the Chapter 3 policies of the Coastal Act.

Staff recommends approval only if modified as recommended for Part B of LCP amendment 2-96. The suggested modifications are necessary to make the proposed amendment conform with and adequate to carry out the Chapter 3 policies of the Coastal Act.

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Motions and Resolutions to support the staff recommendation are found on pages 3 through 5.

STANDARD OF REVIEW AND TIME LIMIT TO ACT:

The proposed amendment affects both the Land Use Plan and Implementation Plan portions of the LCP. For the proposed Land Use Plan amendment, the standard of review pursuant to Section 30514 of the Coastal Act, shall be conformance with the Chapter 3 policies of the Coastal Act. The standard of review for the proposed Implementation Plan amendment is consistency with and adequacy to carry out the standards and policies of the certified Land Use Plan. Proposed LCP amendment submittal 2-96 was deemed complete on March 21, 1997. Pursuant to Section 30512 of the Coastal Act the Commission must act on a Land Use Plan amendment within 90 days of the date of complete submittal. Ninety days from March 21, 1997 was May 20, 1997. On May 13, 1997, the Commission granted an extension of time, not to exceed one year, pursuant to Section 30517 of the Coastal Act.

EXECUTIVE SUMMARY

Part A: Vista del Sol

This portion of the proposed amendment would effect an approximately 1.8 acre (approximately 78,000 square feet) parcel located at the northerly terminus of Vista del Sol. Vista del Sol is located within the locked gate community of Three Arch Bay, on the inland side of Coast Highway, in the South Laguna area of the City of Laguna Beach. The subject site would be accessed through the Three Arch Bay Community via Vista del Sol. It is surrounded on three sides by open space land and on one side by low density residential development.

The amendment would change the land use designation and zoning on a 26,000 square foot portion of the parcel from Open Space to Hillside Management/Conservation (land use designation) and Residential Hillside Protection (zoning). The remainder of the parcel will retain the existing land use designation and zoning of Open Space/Conservation.

The South Laguna Biological Resources Survey identifies a very high value habitat area on the upper extreme slope of the site. This habitat area is not proposed for rezoning and would remain under the Open Space land use designation and zone. The City's certified Land Use Plan contains policies that would require a site specific biologic survey at the time development is proposed at the site. By retaining the Open Space/Conservation designation and zoning at the portion of the site containing very high value habitat, no development within that area would be allowed by this amendment.

Staff is recommending approval as submitted of this portion of the amendment.

Part B: Hillside Slopes Policies of the Land Use Plan

This portion of the proposed amendment would modify some of the existing hillside development policies of the Land Use Plan. The changes proposed by the City include replacing the terms "hillside development" and "development" with "construction and grading." The City has proposed this change because it feels the existing use of "hillside development" is too broad and can

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sometimes include activities that are not intended. The City feels that as the term is currently used in the hillside development policies, the term "hillside development" precludes minor types of development that would not have adverse impacts in high slope areas. The City's intent in proposing this change is to clarify that the policies apply only to major development.

Staff is recommending that the use of the term "development" be retained because it is defined in both the City's certified LCP and in the Coastal Act. The proposed replacement term "construction and grading" is not defined in either the certified LCP or in the Coastal Act. Further, with the exception of Policy 14-B which is discussed below, the policies as they are currently worded do not prohibit development in high slope areas. Rather, the policies require that development be concentrated in low slope areas, that development minimize adverse impacts and undesirable encroachments into undeveloped hillside areas, and that development should be located in close proximity to preexisting development and minimize adverse impacts. The current language of the policies, including use of the term development, provide enough latitude, to allow minor development when adverse impacts do not result.

In addition, the change proposed by the City to policy 14-B would distinguish between vacant hillside parcels and lots that have been established through an approved subdivision with dedicated and accepted right-of-way. Currently, policy 14-B prohibits all development on slopes of 45% or greater, without regard to whether the site is a legal building site or not. The City's certified Implementation Plan includes a definition of "building site" (Section 25.08.004, see exhibit J). The proposed amendment would recognize the distinction between legal building sites (as defined in the certified LCP) and vacant parcels that do not meet the definition of legal building site when development on hillside parcels is proposed. The City's intent in proposing this change is to exclude legal building sites from the existing prohibition on development on slopes of 45% or greater. Staff is recommending suggested modifications to the City's proposed language to recognize that no new subdivisions should be allowed on slopes of 45% or greater, to retain use of the term "development" rather than "construction and grading", and to clarify that when development is proposed on a legal lot with a slope of 45% or greater, that adverse impacts such as erosion, removal of sensitive vegetation, geological instability must still be minimized. If modified as suggested, staff is recommending approval of this portion of the land use plan amendment.

I. APPROVAL AS SUBMITTED OF PART A OF THE LAND USE PLAN AMENDMENT

MOTION I:

"I move that the Commission certify amendment 2-96 part A to the City of Laguna Beach Land Use Plan as submitted."

Staff Recommendation:

Staff recommends a YES vote which will result in the adoption of the following resolution and findings. An affirmative vote by a majority of the appointed Commissioners is needed to pass the motion.

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RESOLUTION:

The Commission hereby certifies the City of Laguna Beach Land Use Plan Amendment 2-96 Part A for the reasons discussed below and that the amendment meets the requirements of and does conform to the policies of Chapter 3 of the Coastal Act to the extent necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act.

II. APPROVAL AS SUBMITTED OF PART A OF THE IMPLEMENTATION PLAN AMENDMENT

MOTION II:

"I move that the Commission reject Implementation Plan Amendment 2-96 Part A to the City of Laguna Beach Local Coastal Program Implementation Plan."

Staff Recommendation:

Staff recommends a NO vote which would result in the adoption of the following resolution and findings. The motion requires an affirmative vote of a majority of the Commissioners present to pass the motion.

RESOLUTION:

The Commission hereby certifies Implementation Plan Amendment 2-96 Part A to the City of Laguna Beach Local Coastal Program on the grounds that it does conform with and is adequate to carry out the provisions of the Land Use Plan as certified. There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the approval of the Implementation Plan would have on the environment.

III. DENIAL AS SUBMITTED OF PART B OF THE LAND USE PLAN AMENDMENT

MOTION III:

"I move that the Commission certify amendment request No. 2-96 Part B to the City of Laguna Beach LCP Land Use Plan as submitted."

Staff Recommendation:

Staff recommends a NO vote which would result in the adoption of the following resolution and findings. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.

RESOLUTION:

The Commission hereby denies certification of amendment request No. 2-96 part B to the City of Laguna Beach Land Use Plan as submitted and finds for the reasons discussed below and that the amended Land Use Plan fails to meet the requirements of and does not conform to the policies of Chapter 3 of the Coastal Act. The Land Use Plan amendment as submitted is not consistent with applicable decisions of the Commission that guide local government actions pursuant to Section 30625(c) of the Coastal Act, and approval of the amendment as submitted will have significant environmental effects for which feasible

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mitigation measures have not been employed consistent with the California Environmental Quality Act. There are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the approval of the Land Use Plan amendment would have on the environment.

IV. APPROVAL OF PART B OF THE LAND USE PLAN AMENDMENT IF MODIFIED

MOTION IV:

"I move that the Commission certify amendment request No. 2-96 Part B to the City of Laguna Beach LCP Land Use Plan if it is modified in conformity with the modifications suggested below."

Staff Recommendation:

Staff recommends a YES vote which would result in the adoption of the following resolution and findings. The motion requires an affirmative vote of the majority of the Commissioners present to pass.

RESOLUTION:

The Commission hereby certifies amendment request No. 2-96 Part B to the City of Laguna Beach Land Use Plan for the reasons discussed below on the grounds that the amended Land Use Plan meets the requirements of and conforms to the Chapter 3 policies of the Coastal Act if modified according to the suggested modifications stated in Section V of this report. The Land Use Plan amendment, if modified, is consistent with applicable decisions of the Commission that guide local government actions pursuant to Section 30625(c) of the Coastal Act, and approval of the amendment as modified will not have significant environmental effects for which feasible mitigation measures have not been employed consistent with the California Environmental Quality Act. The Commission further finds that if the local government adopts and transmits its revisions to the amendment to the Land Use Plan in conformity with the suggested modifications, then the Executive Director shall so notify the Commission.

V. SUGGESTED MODIFICATIONS:

The Commission hereby suggests the following changes to the proposed Land Use Plan amendment which are necessary to bring it into conformity with the Chapter 3 policies of the Coastal Act. If the local government accepts the suggested modifications, within six months of Commission action, by formal resolution of the City Council, the Land Use Plan Amendment will become effective upon Commission concurrence with the Executive Director finding that this has been properly done.

Suggested additions are underlined and deletions are crossed out.

Certification of the Land Use Plan Amendment 2-96 Part B is subject to the following modifications:

Delete policy 14-B as proposed:

~~PROHIBIT CONSTRUCTION AND GRADING ON SLOPES OF 45% OR GREATER, EXCEPT ON PROPERTIES PREVIOUSLY APPROVED BY THE SUBDIVISION MAP PROCESS AND LOCATED ADJACENT TO A DEDICATED, ACCEPTED RIGHT-OF-WAY THAT HAS BEEN OR CAN BE IMPROVED TO THE CITY'S ACCESS STANDARDS.~~

Replace proposed policy 14-B with the following:

Subdivision of property containing slopes of 45% or greater shall be designed such that each lot can be developed without encroaching onto slopes of 45% or greater. On existing lots, development on slopes of 45% or greater shall only be allowed on legal building sites. Development on legal building sites where the lot is partially or wholly 45% or greater shall be concentrated on the less steep portions of the lot. Any development allowed on slopes of 45% and greater shall be sited and designed to minimize adverse impacts including geologic instability, loss of valuable habitat, increased runoff and erosion, intrusion into public viewshed, and the introduction of man-made chemical compounds.

Modify Policies 14-A, 14-K, and 14-L as follows:

Policy 14-A:

Require construction and grading development to be concentrated on slopes of 30% or less.

Policy 14-K:

The conversion of vacant hillside land into various types of urban development creates inescapable side effects that can potentially damage the natural environment. Loss of valuable habitat, increased runoff and erosion, intrusion into the public view shed, and the introduction of man-made chemical compounds are often the undesirable byproducts of new development. In order to minimize such effects, new construction and grading development should not create undesirable encroachments into undeveloped hillside areas.

Policy 14-L

Unless overriding environmental, public viewshed, or safety concerns suggest otherwise, new construction and grading development should be located in close proximity to preexisting development in an effort to minimize impact and growth inducing potential. Street and driveway length and width should be evaluated for potential creation of new building sites.

## VI. FINDINGS FOR APPROVAL OF PART A OF THE LAND USE PLAN AMENDMENT AS SUBMITTED

### A. Amendment Description

The City is proposing to change the land use designation on a 26,000 square foot portion of a 78,000 square foot parcel (1.8 acre) from Open Space to Hillside Management/Conservation. The remainder of the parcel will retain the existing land use designation of Open Space.

The subject site is located at the northerly terminus of Vista del Sol. Vista del Sol is located within the locked gate community of Three Arch Bay, on the inland side of Coast Highway, in the South Laguna area of the City of Laguna Beach. The subject site would be accessed through the Three Arch Bay Community via Vista del Sol. The site is surrounded on three sides by open space land and on one side by low density residential development.

The South Laguna Biological Resources Survey identifies a very high value habitat area on the upper extreme slope of the site. This habitat area is not proposed to be redesignated and would remain under the Open Space land use designation.

#### B. Site History

The subject site is located in the South Laguna portion of the City of Laguna Beach. Prior to annexation by the City, the South Laguna area was part of unincorporated Orange County. A Local Coastal Program (LCP) had been certified for South Laguna prior to the area's annexation by the City. Upon annexation by the City, the County's certification lapsed. Under the County's LCP for South Laguna, the subject site had a split land use designation and zoning. A portion was designated 1.41 (Medium-High Density Residential, 6.5 - 12.5 DU/AC) and the rest was designated 5.4 (Other Open Space). These designations allowed the construction of roads within the Open Space designated areas for limited access purposes to adjacent development. The City's open space designation does not allow construction of roads.

When the area was annexed by the City, the City believed that the site did not meet the City's definition of a legal building site because there did not appear to be access to the site. City regulations have specified since 1964 that only a legal building site may qualify by right for a building permit (assuming that all the requirements of the zone are otherwise met). Since the Laguna Beach regulations distinguished parcels of land that are buildable from those that are not by means of a building site definition, some South Laguna parcels that did not appear to satisfy Laguna Beach access requirements were classified as non-buildable open space. The subject site was one such parcel.

Subsequent to the site being reclassified under the City's LCP, the property owner submitted information in support of a request to recognize the site as a legal building site. The information disclosed that the parcel was, in fact, a legal building site by virtue of its frontage along the legal, nonconforming access road known as Vista del Sol. Vista del Sol is a legal, nonconforming access road in that it existed as a legal accessway prior to annexation but does not comply with all current City access requirements.

Based on the new information, the City recognized that the subject site did meet the City's definition of a legal building site. Consequently, the City has proposed that the land use designation and zoning be changed to reflect that. The City considers the proposed rezoning to be a corrective action which will not create a new building site, but rather restores building status to a legal building site.

C. Land Use

Section 30250(a) of the Coastal Act states, in pertinent part:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

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 by 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 Coastal Act requires that new residential development be located contiguous with or in close proximity to existing development able to accommodate it. In addition, the Coastal Act requires that new development be visually compatible with the surrounding area and that scenic qualities be protected. Further, the Coastal Act requires that landform alteration be minimized.

The proposed amendment would redesignate a 26,000 square foot portion of the site from Open Space to Hillside Management/Conservation (HMC). In describing the Hillside Management/Conservation land use designation, the certified LUP states:

This category is intended to promote a balanced management program focusing on the preservation of open space lands and environmentally sensitive areas, while allowing for limited residential development. The area encompassed by this category includes the City's remaining unsubdivided vacant hillside lands, totaling approximately 1,065 acres. [Pre-annexation figure].

The parameters for hillside development in the community are based upon slope/density relationships. Slope conditions have proven to be a decisive factor in the development capability of the City's hillside lands, affecting road accessibility and grading requirements, slope stability and soil erosion, and quantities of water runoff. Guidelines for the density of development are provided by the following matrix. [See exhibit I for matrix.]

The LUP also recognizes that other factors, in addition to slope, play a role in determining the appropriate level of development. These factors include infrastructure capacities, environmental hazards, preservation of



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environmental goals, and public service costs. Consequently, the level of development described in the slope/density matrix represents the maximum allowable building density.

Under the existing land use designation of Open Space no residential development is allowed. The maximum amount of development allowed under the proposed land use designation, Hillside Management/Conservation (HMC), depends upon the slope of the site and the area of the site. This yield may be further reduced by the additional factors listed above. The slope of the portion of the site proposed to be designated Hillside Management/Conservation is approximately 5%. This slope, taken in conjunction with the size of the area designated HMC (26,000 square feet), yields a maximum of one single family unit (based on the following: 26,000 square feet = 0.6 acre; 0.6 acre x 3 units/acre = 1.8 units; 1.8 is less than 2, so the maximum number of units is one).

In order for the entire site (78,000 square feet) to be considered in the maximum allowable development yield, the entire site would have to be land use designated for residential development. As proposed, this amendment would only allow development within the area designated HMC. A future LCP amendment would have to be approved by the Commission changing the land use designation from Open Space to HMC or other residential designation, before the remainder of the site could be considered in figuring the maximum density yield. In order to approve such an amendment, the Commission would have to find at the time any such amendment is proposed that any development allowed by the amendment would be consistent with the Chapter 3 policies of the Coastal Act. The Chapter 3 policies of the Coastal Act that would be considered would include (but are not limited to) protection of environmentally sensitive habitat areas, minimizing hazards, protection of public views, and compatibility with existing surrounding development. As proposed, the amendment would allow only one single family residence.

The site is contiguous with the existing developed community of Three Arch Bay. The proposed amendment would allow future development of one single family residence adjacent to an existing low density residential community. Future development allowed by the proposed amendment will be contiguous with the existing developed area of Three Arch Bay. The Three Arch Bay community is able to accommodate the addition of one single family residence. Further, most of the subject site will remain in open space, which is compatible with the surrounding open space area.

The area proposed to be designated HMC is the flattest portion of the site (approximately 5% slope), and so best able to accommodate development with minimal grading. The subject site is located at the terminus of an existing developed road, Vista del Sol. No new road would need to be constructed to access the site, which also minimizes the amount of any future grading. For these reasons, landform alteration in conjunction with future development of the site arising from the proposed amendment would be minimized.

No public views exist across the subject site, so no public views would be adversely impacted by future development allowed by the proposed amendment. The site is surrounded by open space, however, and compatibility of potential future development with the surrounding open space must be considered. The area proposed to be designated HMC will be surrounded by on-site open space. In addition, the City's certified LUP contains policies regarding protection

of visual resources, vegetation and wildlife resources, watersheds and water courses, ridgelines, and hillside slopes. These policies require that any future development proposal be sited and designed to protect such resources. Application of the existing LUP policies will assure that future development will be compatible with the surrounding open space.

The site was previously certified under the County's LCP with a Medium-High Density Residential land use designation allowing up to 12 units at the site. The proposed land use designation is significantly less dense than the designation previously certified. The majority of the site (52,000 of 78,000 square feet) will remain designated Open Space. The proposed land use designation is the least dense of the LUP's residential designations. It is also the most sensitive to the City's open space lands in that its focus is to balance limited residential development with preservation of open space and sensitive habitat. The proposed designation appropriately reflects the site's location at the edge of an existing residential community and open space.

Therefore, the Commission finds that the proposed land use designation change is consistent with and adequate to carry out the Chapter 3 policies of the Coastal Act which require new development to be located contiguous with exiting development areas able to accommodate it, that landform alteration be minimized, that scenic qualities be protected and that new development be visually compatible with the character of the surrounding area.

#### D. Environmentally Sensitive Habitat Area

Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreations areas.

Based on the South Laguna Biological Resources Inventory, very high value habitat exists on the upper extreme slope of the site. The very high value habitat is located in the area proposed to remain open space. The Vegetation and Wildlife policies of the City's certified LUP require that a site specific biologic survey be prepared at the time a development application is filed. Vegetation and Wildlife policy 8-J2 requires that development proposed in areas adjacent to environmentally sensitive areas and where these are confirmed by subsequent on-site assessment, the development be designed and sited to prevent impacts which would significantly degrade the sensitive habitat areas. This will ensure that no sensitive habitat will be adversely impacted by future development of the site which would be allowed by the proposed amendment. A home could be built on the subject site consistent with the above LCP policy. Therefore, the Commission finds that the proposed amendment is consistent with Section 30240 of the Coastal Act which requires that environmentally sensitive habitat be protected.

VII. FINDINGS FOR APPROVAL OF PART A OF THE IMPLEMENTATION PLAN AMENDMENT AS SUBMITTED

The findings for approval of the Land Use Plan amendment part A are hereby incorporated by reference.

A. Amendment Description

The proposed Implementation Plan amendment would change the zoning on a 26,000 square foot portion of a 78,000 square foot (1.8 acre) parcel from Open Space/Conservation to Residential Hillside Protection. The remainder of the parcel will retain the existing zoning of Open Space/Conservation. The subject site is located at the northerly terminus of Vista del Sol. Vista del Sol is located within the locked gate community of Three Arch Bay, on the inland side of Coast Highway, in the South Laguna area of the City of Laguna Beach. The subject site would be accessed through the Three Arch Bay Community. It is surrounded on three sides by open space land and on one side by low density residential development.

As described earlier, the site was zoned Open Space by the City when it appeared at the time of annexation that the parcel did not meet the City's definition of a legal building site (Section 25.08.004 of the City's certified Implementation Plan, see Exhibit J). Subsequently, it was determined that by virtue of its frontage along a legal, nonconforming access road (Vista del Sol), that the site did in fact meet the definition of a legal building site. Once that was determined, the City requested this amendment as a corrective action to reflect the site's status as a legal building site.

B. Allowable Use

The existing zone at the subject site is Open Space/Conservation (OSC). The uses allowed with the OSC zone are: local and buffer greenbelts, natural water recharge, percolation and watershed areas, wildlife preserves and sanctuaries, marine preserves and tidepools; and, subject to approval of a conditional use permit: vista and viewpoints, scientific study, and hiking trails that do not interfere with sensitive plant and animal habitats.

The proposed amendment would change the zone at a 26,000 square foot portion of the 78,000 square foot site to Residential Hillside Protection (RHP). The remainder of the site is proposed to remain in the Open Space/Conservation zone.

As stated in Section 25.15.002 of the certified Implementation Plan, the RHP zone allows residential development while requiring all new development in the zone to be sensitive to the hillside terrain and to environmental constraints, and to provide for conservation of existing natural open space lands, unique landforms, scenic hillsides, and sensitive biological habitats. Protection of the physical environment, public views and aesthetic qualities associated with undeveloped lands is of critical concern in this zone.

Density in this zone is limited by the minimum lot size and by a slope/density formula. The portion of the subject site to be rezoned to RHP is 26,000 square feet or .6 acre. The minimum lot size in the RHP zone is 14,500 square feet (Section 25.15.010 A). Consequently there is only enough area for one lot. The slope of the area is approximately 5%. The slope/density formula

allows 3 units per acre on lots with slopes ranging from 0 to 10%. This formula also limits the site to one unit (based on 0.6 acre site x 3 units/acre = 1.8 units; 1.8 units is less than 2, so one unit is allowed because the formula requires that fractional numbers be rounded down). Section 25.15.010(C) notes that if density calculations result in a fractional number, the number shall be rounded down to the nearest whole number. In addition Section 25.15.010(C) states:

The following formula shall be used to determine the maximum allowable building density for a given property in relation to a potential subdivision. The maximum yield of housing units may be significantly lower due to localized conditions identified during the site-specific planning process. Such conditions include, but are not limited to infrastructure capacities and environmental factors. Importantly, the subdivision of land must be found consistent with general plan policies which may result in a density less than that allowed by the following formula.

Based on the above, the maximum amount of development that could be allowed within the area proposed to be changed to RHP would be one single family residence.

In order for the entire site (78,000 square feet) to be considered in the maximum allowable development yield, the entire site would have to be zoned for residential development. As proposed, this amendment would only allow development within the area zoned RHP. A future LCP amendment would have to be approved by the Commission changing the zone from Open Space to RHP or other residential designation, before the remainder of the site could be considered in figuring the maximum density yield. In order to approve such an amendment, the Commission would have to find at the time any such amendment is proposed that any development allowed by the amendment would be consistent with the certified Land Use Plan Policies and standards. At such a time all limitations contained within the certified LCP, including the slope density formula, the policies requiring protection of environmentally sensitive habitat, infrastructure capacities, and requirements to minimize adverse impacts of geologic instability, increased runoff and erosion, intrusion into public viewshed, and the introduction of manmade chemical compounds, would be applied to the LCP amendment request. Consequently, any future development beyond the one single family residence that would be allowed pursuant to this amendment would not be possible without the Commission's approval of a future LCP amendment. As proposed, the amendment would allow only one single family residence.

The Commission must consider whether the proposed zone change that would allow one single family residence at the subject site, would be consistent with and adequate to carry out the standards and policies of the certified Land Use Plan.

#### 1. Environmentally Sensitive Habitat Areas

The South Laguna Biological Resources Survey identifies a very high value habitat area on the upper extreme slope of the site. This habitat area is not proposed for rezoning and would remain zoned Open Space/Conservation. The City's certified Land Use Plan contains policies that would require a site specific biological survey at the time development is proposed at the site.

By retaining the Open Space/Conservation zone at the portion of the site containing very high value habitat, no development within that area would be allowed by this amendment.

Vegetation and Wildlife policy 8-J2 requires that development proposed in areas adjacent to environmentally sensitive areas when confirmed by on-site assessment, be designed and sited to prevent impacts which would significantly degrade such areas. Retaining the Open Space/Passive zone in the area of very high value habitat precludes development in that area. This will ensure that no sensitive habitat or wildlife corridor will be impacted by future development of the site. In addition, policy 8-J2 will minimize adverse impacts of development adjacent to environmentally sensitive habitat area. Therefore, the Commission finds that the proposed zone change is in conformance with and adequate to carry out the Wildlife and Vegetation Resource policies of the City's certified Land Use Plan.

## 2. Hillside Development

Policy 14-A of the City's certified LUP Open Space/Conservation Element requires that hillside development be concentrated on slopes of 30% or less. The slope of the area to be zoned RHP is approximately 5%. The slope of the area proposed to remain zoned Open Space/Conservation is approximately 30%. Development pursuant to the proposed amendment will only be allowed on the portion of the site zoned RHP. Consequently, future development will be concentrated on slopes of 30% or less, consistent with the LUP policy. Therefore, the Commission finds that the proposed zone change is in conformance with and adequate to carry out the Hillside Slopes policies of the City's certified Land Use Plan.

## 3. Visual Resources

The City's certified LUP contains Visual Resources policies (Topic 7). Policy 7-A of the City's certified LUP requires preservation to the maximum extent feasible of public views from the hillsides. Policy 7-G requires that the Design Review process for individual projects include criteria for treatment of the urban edge between existing development and open space in areas designated Hillside Management/Conservation.

No public views exist across the subject site. Policy 7-G will apply to the subject site because the proposed amendment would result in a portion of the site being land use designated Hillside Management/Conservation. Policy 7-G would specifically address the issue of visual impacts of development adjacent to open space. Impacts would be further minimized by the limited amount of development that would be allowed under the proposed amendment, one single family residence. In addition, future development would be buffered from the surrounding open space in that most of the subject parcel will remain zoned Open Space. Therefore, the Commission finds that the proposed zone change is in conformance with and adequate to carry out the Visual Resources policies of the City's certified Land Use Plan.

## 4. Conclusion

The proposed Implementation Plan amendment will not result in incompatible land uses as the proposed residential zone will be contiguous with existing residential development. No impacts to public views would be allowed as a

result of the proposed amendment. Protection of the on-site environmentally sensitive habitat will not be jeopardized by the proposed zone change. The proposed zone would allow single family residential development on a legal building site in a manner that is protective of the resources contained on the larger parcel. Therefore, the Commission finds that the proposed Implementation Plan amendment is in conformity with and adequate to carry out the policies of the City's certified Land Use Plan.

VIII. FINDINGS FOR DENIAL AS SUBMITTED AND APPROVAL IF MODIFIED OF PART B OF THE LAND USE PLAN AMENDMENT

A. Amendment Description

The City is proposing changes to the Hillside Slope policies (Topic 14) of the Open Space Conservation Element of the City's certified Land Use Plan. The Hillside Slope policies provide standards for development in high slope areas of the City. The changes proposed are 1) replacing the terms "hillside development" and "development" with "construction and grading" and, 2) a change to policy 14-B which would result in elimination of the prohibition on all development on slopes of 45% or greater. Policy 14-B is proposed to be changed by distinguishing between vacant hillside parcels and lots that have been established through an approved subdivision with dedicated and accepted right-of-way. The proposed amendment would allow development on the latter type of lot.

B. Proposed Changes to Policy 14-B

Topic 14 of the City's certified Land Use Plan Open Space/Conservation Element is Hillside Slopes. Much of the City's land area is comprised of sloping hillside area. This section of the certified Land Use Plan (LUP) provides policies guiding development in the hillside areas of the City. Regarding hillside areas the certified LUP states:

"In hillside areas, it is generally desirable to preserve the more steeply sloping portions of terrain as open space for both aesthetic and environmental reasons. In terms of aesthetics, steep slopes contribute significantly to the physical character and scenic value of the hillsides. Steep slopes are generally more visible and highly exposed than other portions of the hillsides, lending impressions of prominence and boldness to the hillside landscape. From an environmental standpoint, steep slopes are more sensitive, in that they are prone to instability, soil creep, accelerated erosion and rapid runoff."

The Coastal Act places emphasis on the protection of scenic public views and minimizing hazards. The Coastal Act policies reflecting this emphasis are Sections 30251 and 30253. 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

Laguna Beach LCP Amendment 2-96  
Vista del Sol & Hillside Policies  
Page 15

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.

Section 30253 of the Coastal Act states, in part:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

As it currently exists in the City's certified LUP, Policy 14-B states:

Prohibit hillside development on slopes of 45% or greater.

However, the City has indicated that it is not the intent of this policy to prohibit development on legal building sites. Development does exist in the City on legal building sites with slopes of 45% or greater. The City feels that the intent of the policy is to prohibit subdivisions on slopes of 45% or greater. The City has proposed the following replacement language for Policy 14-B to clarify that the policy would not apply to existing, legally subdivided lots, but only to new subdivision requests:

Prohibit construction and grading on slopes of 45% or greater, except on properties previously approved by the subdivision map process and located adjacent to a dedicated, accepted right-of-way that has been, or can be, improved to the City's access standards.

The applicable policies of the Coastal Act require that public views be maximized and that hazards be minimized. These goals can be achieved by various methods including siting and design of proposed development. The Coastal Act does not prohibit development in high slope areas when adverse impacts are minimized.

Prohibiting development in high slope areas will minimize adverse impacts. However, the language proposed by the City does not require that adverse impacts from allowable development be minimized. Adverse impacts could include geologic instability, loss of valuable habitat, increased runoff and destructive erosion, intrusion into public viewshed, and the introduction of man-made chemical compounds. These adverse impacts could be minimized through siting and design of the proposed development. Because the proposed policy language does not assure that adverse impacts from development in high slope areas will be minimized, it is inconsistent with Sections 30251 and 30253 of the Coastal Act. Therefore, because the proposed amendment is inconsistent with the Chapter 3 policies of the Coastal Act, it must be denied.

However, if Policy 14-B were modified to require that adverse impacts arising from allowable development in high slope areas are minimized, this portion of the proposed amendment would be consistent with Sections 30251 and 30253 of

the Coastal Act. If the language for policy 14-B is modified to reflect the language below, adverse impacts of high slope development would be required by the LUP to be minimized:

Subdivision of property containing slopes of 45% or greater shall be designed such that each lot can be developed without encroaching onto slopes of 45% or greater. On existing lots, development on slopes of 45% or greater shall only be allowed on legal building sites. Development on legal building sites where the lot is partially or wholly 45% or greater shall be concentrated on the less steep portions of the lot. Any development allowed on slopes of 45% and greater shall be sited and designed to minimize adverse impacts including geologic instability, loss of valuable habitat, increased runoff and erosion, intrusion into public viewshed, and the introduction of man-made chemical compounds.

If modified as suggested, Policy 14-B will be consistent with Sections 30251 and 30253 of the Coastal Act. Therefore, the Commission finds that if modified, this portion of the amendment is consistent with the Chapter 3 policies of the Coastal Act.

C. Proposed Changes to Policies 14-A, 14-K, and 14-L

The change proposed by the City to policies 14-A, 14-K, and 14-L is the replacement of the terms "hillside development" or "development" with the term "construction and grading." The City has proposed this change because it feels the existing use of the term "hillside development" or "development" is too broad and can sometimes include activities that are not intended. The City feels that as the term is currently used in the hillside development policies, the term "hillside development" or "development" precludes minor types of development that would not have adverse impacts in high slope area. The City's intent in proposing this change is to clarify that the policies apply only to major development.

The term "development" is defined in both the City's certified LCP and in the Coastal Act. The proposed replacement term "construction and grading" (together or individually) is not defined in either the certified LCP or in the Coastal Act. Further, with the exception of Policy 14-B which is discussed above, the policies as they are currently worded do not prohibit development (including the minor types of development that the City is concerned about) in high slope areas. Rather, the policies require that development be concentrated in low slope areas, that development minimize adverse impacts and undesirable encroachments into undeveloped hillside areas, and that development should be located in close proximity to preexisting development and minimize adverse impacts. The current language of the policies, including use of the term development, provide enough latitude, to allow minor development in high slope areas when adverse impacts are minimized.

Further, because the term is not defined, it is not clear whether "construction" would apply only to construction of a primary structure. It could be interpreted to include additions to existing structures or construction of ancillary structures. Would it apply to second units? It could be argued that the proposed policy language would apply to construction of a fence or other minor construction. Would removal of significant vegetation be considered construction? Also, would the policies apply only when both construction and grading are proposed? Or would it apply when only



one or the other is proposed? The proposed replacement language will not meet the City's goal of clarifying the types of development to which the policies apply.

Section 30106 of the Coastal Act defines development. The term "development" is used throughout Chapter 3 of the Coastal Act. The City's certified Land Use Plan policies must use the same term "development" in order to assure consistency with the Chapter 3 policies of the Coastal Act. As proposed, this part of the Land Use Plan amendment is not consistent with the Coastal Act because it introduces a term not defined in the Coastal Act. Nor does the amendment propose a definition for the term "construction and grading." Consequently, the Commission cannot find that the proposed term adequately replaces the term "development", which is defined in the Coastal Act. Therefore, this portion of the proposed amendment must be denied.

However, if the proposed amendment were modified to retain the term "development" in the hillside policies, this portion of the proposed Land Use Plan amendment would be consistent with the Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that if modified as suggested, this portion of the amendment is consistent with Chapter 3 of the Coastal Act.

#### IX. CEQA FINDINGS

Pursuant to SB 1873, which amended the California Environmental Quality Act, the Coastal Commission is the lead agency in terms of meeting California Environmental Quality Act (CEQA) requirements for local coastal programs. In addition to making a finding that the Land Use Plan amendment is in full compliance with CEQA, the Commission must make a finding consistent with Section 21080.5 of the Public Resources Code. Section 21080.5(d)(2)(i) of the Public Resources Code requires that the Commission not approve or adopt an LCP:

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

The Commission finds that there are no feasible mitigation measures available that could substantially reduce adverse environmental impacts. For the reasons discussed in this report, there are no feasible alternatives or mitigation measures available that could substantially reduce adverse environmental impacts. The Commission further finds, therefore, that the Land Use Plan amendment, as modified, is consistent with Section 21080.5(d)(2)(i) of the Public Resources Code.

Laurel Beach  
WCP Jan 2-96  
Vista del Sol  
Vicinity Map

1 RESOLUTION NO. 96.033

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
3 LAGUNA BEACH, CALIFORNIA APPROVING GENERAL  
4 PLAN AND LOCAL COASTAL PLAN AMENDMENT 96-02

5 WHEREAS, a request has been filed by the owner of  
6 property generally located at the northeasterly end of Vista  
7 Del Sol requesting approval of General Plan Amendment/Coastal  
8 Plan Amendment 96-02 in order to change the land use  
9 designation from Open Space to Hillside  
10 Management/Conservation; and

11 WHEREAS, the Planning Commission of the City of Laguna  
12 Beach, acting in accordance with the provisions of Municipal  
13 Code Sections 25.07.026, 25.07.014 and 21.08.095, conducted a  
14 legally noticed public hearing regarding this proposal on  
15 April 24, 1996; and

16 WHEREAS, the City Council of the City of Laguna Beach,  
17 acting in accordance with the provisions of Municipal Code  
18 Sections 25.07.026, 25.07.014 and 21.08.095, conducted a  
19 legally noticed public hearing regarding this proposal on May  
20 21, 1996; and

21 WHEREAS, the City Council has made the following  
22 findings:

23 1. The proposed General Plan/Local Coastal Plan  
24 Amendment from Open Space to Hillside Management/Conservation  
25 is appropriate for the subject site in that the existing  
26 subdivided area to the southwest of the site has been  
27 developed historically under similar residential low density

28 Laguna Beach Vista del Sol  
LCP Am. 2-96 City Council Exhibit B  
V3

standards, and the subject site is similar to the existing surrounding subdivided areas to the southwest as to land use density, access, and topographic character;

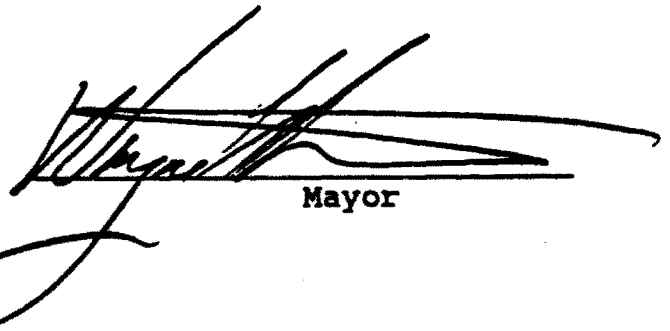
2. The Hillside Management/Conservation designation is suitable for this site in that development will be limited to the construction of one single-family residence on 1.8 acres of hillside land.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH does RESOLVE and ORDER as follows:

1. The requested General Plan/Local Coastal Plan Amendment 96-02, is hereby approved to the extent shown on the map attached hereto as Exhibit "A" and incorporated herewith by reference.

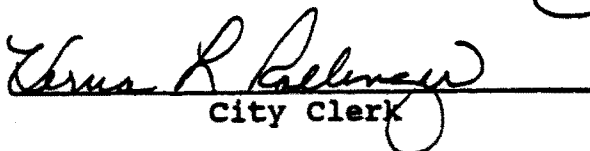
2. The approval of this resolution is conditional upon final concurrence and approval of a Local Coastal Plan Amendment for this project by the California Coastal Commission.

ADOPTED this 21st day of May, 1996.



Mayor

ATTEST:



City Clerk

1  
2  
3 I, VERNA L. ROLLINGER, City Clerk of the City of Laguna  
4 Beach, California, do hereby certify that the foregoing  
5 Resolution No. 96.033 was duly adopted at a Regular Meeting of  
the City Council of said City held on May 21, 1996, by the  
following vote:

6 AYES: COUNCILMEMBER(S): Blackburn, Dicterow,  
Baglin, Freeman, Peterson

7  
8 NOES: COUNCILMEMBER(S): None

9 ABSENT: COUNCILMEMBER(S): None

10  
11 Verna L. Rollinger  
12 City Clerk of the City of Laguna Beach, CA  
13  
14  
15  
16  
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28

ORDINANCE NO. 1319

AN ORDINANCE OF THE CITY OF LAGUNA BEACH  
APPROVING REZONE 96-02 FOR PROPERTY GENERALLY  
LOCATED AT THE NORTHEASTERLY TERMINUS OF VISTA DEL SOL

---

WHEREAS, property generally located at the northeasterly end of Vista Del Sol, identified during the 1995-1996 assessment year as assessor's parcel number 670-241-07, is presently located in the Open Space/Conservation zone as shown on the City's official zoning map; and

WHEREAS, the subject site is in the proximity of existing developed properties located to the southwest and is of similar location and topographic character; and

WHEREAS, typically, the areas that are zoned Open Space/Conservation represent areas that are steeper and outside the urban development pattern; and

WHEREAS, the owner of the subject property desires to change the zone from Open Space/Conservation to Residential/Hillside Protection; and

WHEREAS, the Planning Commission conducted a legally noticed public hearing regarding this matter on April 24, 1996, and unanimously recommended approval to the City Council; and

WHEREAS, on May 21, 1996 the City Council conducted a legally noticed public hearing on rezone 96-02, and after reviewing all documents and testimony on this matter, desires to approve the rezoning of the parcel as above-described.

Laguna Beach  
LCP Am. 2-96

Vista del Sol  
ORDINANCE

Exhibit C  
Y2

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

Section 1. A Negative Declaration has been prepared which determined that the project will not result in any significant impacts on the environment and said Negative Declaration is herein certified as adequate.

Section 2. Rezone 96-02 is hereby approved changing the zone from OS/C (Open Space/Conservation) to RH/P (Residential Hillside/Protection) for property described as assessor's parcel 670-241-07 to the extent shown on the map attached hereto as Exhibit "A" and incorporated herewith by reference.

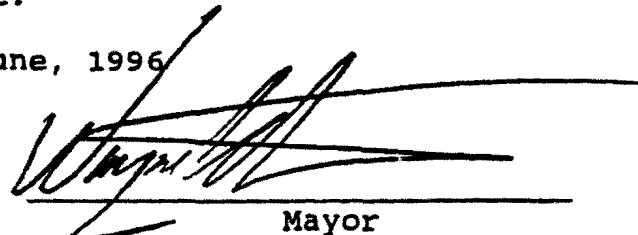
Section 3. The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance and shall cause the same to be published in the same manner required by law in the City of Laguna Beach. This Ordinance shall become effective on the expiration of thirty days from and after the date of its adoption.

Section 4. The City Council certifies that the amended Local Coastal Program is intended to be carried out in a manner in full conformance with the California Coastal Act, and that this action does not become final until such time as the California Coastal Commission may approve a Local Coastal Plan Amendment for this project.

ADOPTED this 4th day of June, 1996

ATTEST:

  
City Clerk

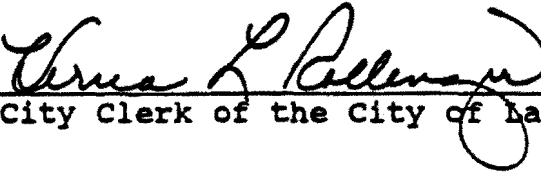
  
Mayor

I, Verna Rollinger, 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 held on May 21, 1996, and was finally passed and adopted at a regular meeting of the City Council held on June 4, 1996 by the following vote:

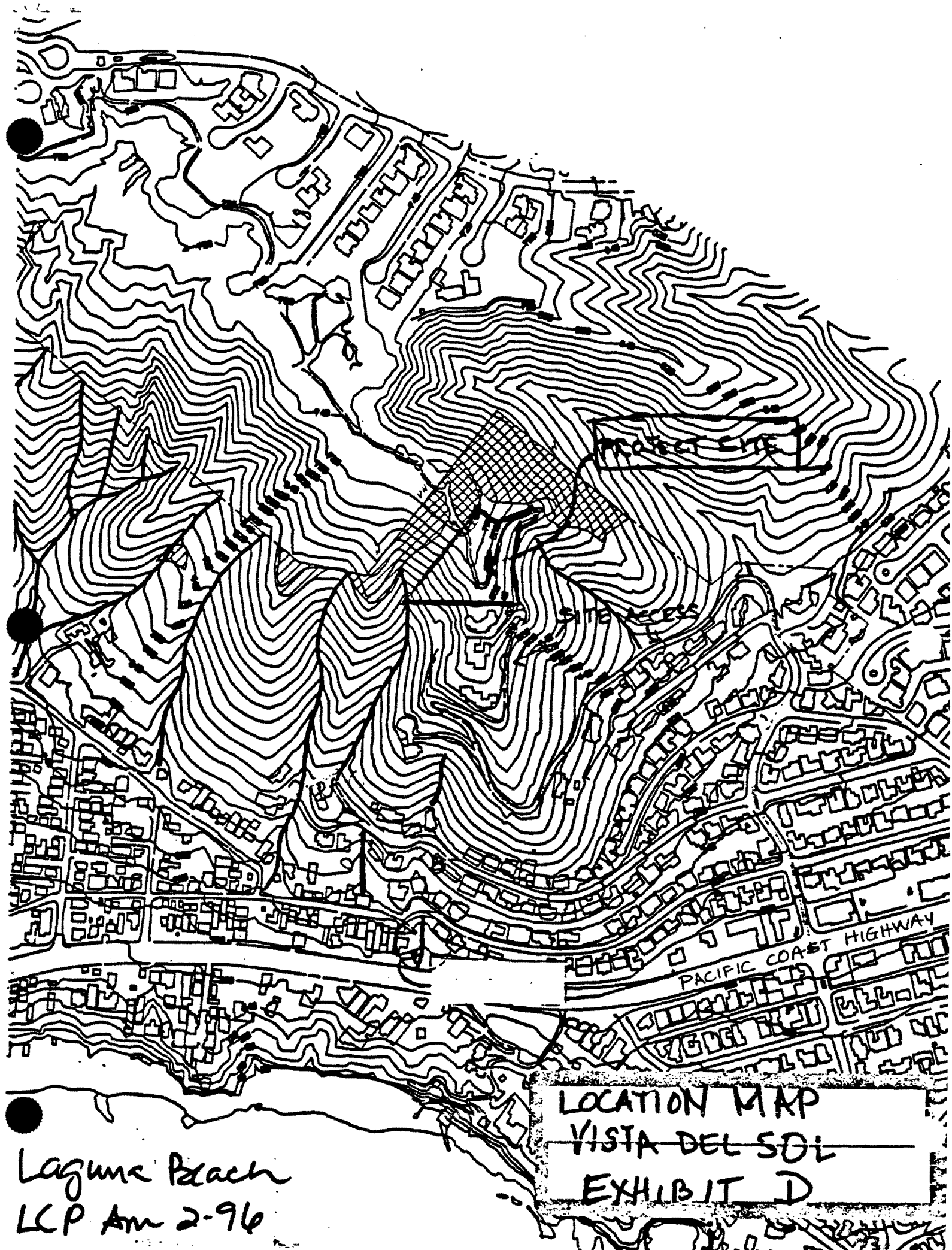
AYES: COUNCILMEMBER(S): Blackburn, Dictorow,  
Baglin, Freeman, Peterson

NOES: COUNCILMEMBER(S): None

ABSENT: COUNCILMEMBER(S): None

  
\_\_\_\_\_  
City Clerk of the City of Laguna Beach, CA





Laguna Beach  
LCP Am 2-96

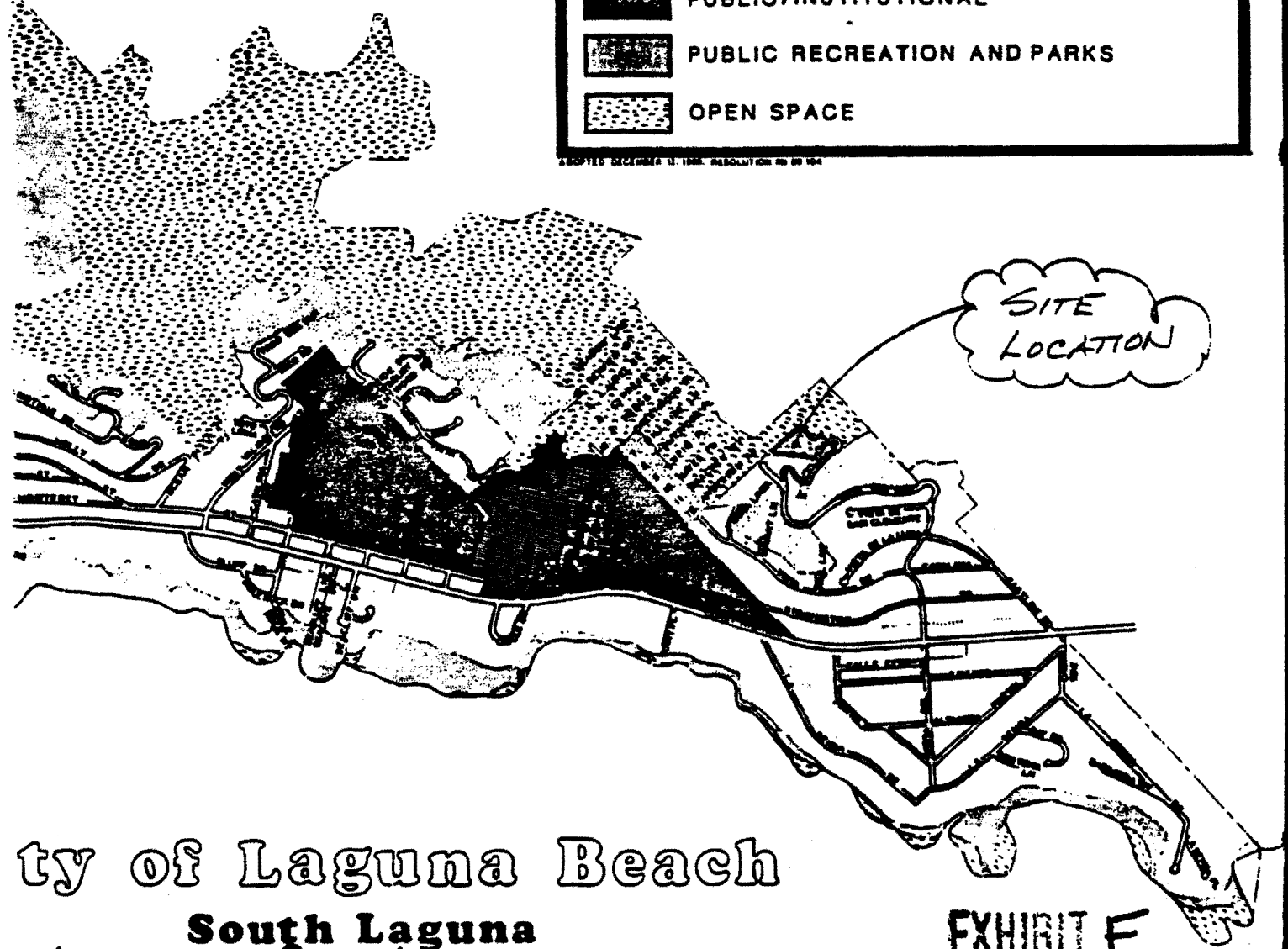
LOCATION MAP  
VISTA DEL SOL  
EXHIBIT D

(EXISTING)

## General Plan and Local Coastal Plan

-  HILLSIDE MANAGEMENT/CONSERVATION
-  VILLAGE LOW DENSITY  
3-7 DU/ACRE
-  VILLAGE MEDIUM-LOW DENSITY  
8-10 DU/ACRE
-  VILLAGE HIGH DENSITY  
15-22 DU/ACRE
-  LOCAL BUSINESS/PROFESSIONAL
-  COMMERCIAL/TOURIST CORRIDOR
-  PUBLIC/INSTITUTIONAL
-  PUBLIC RECREATION AND PARKS
-  OPEN SPACE

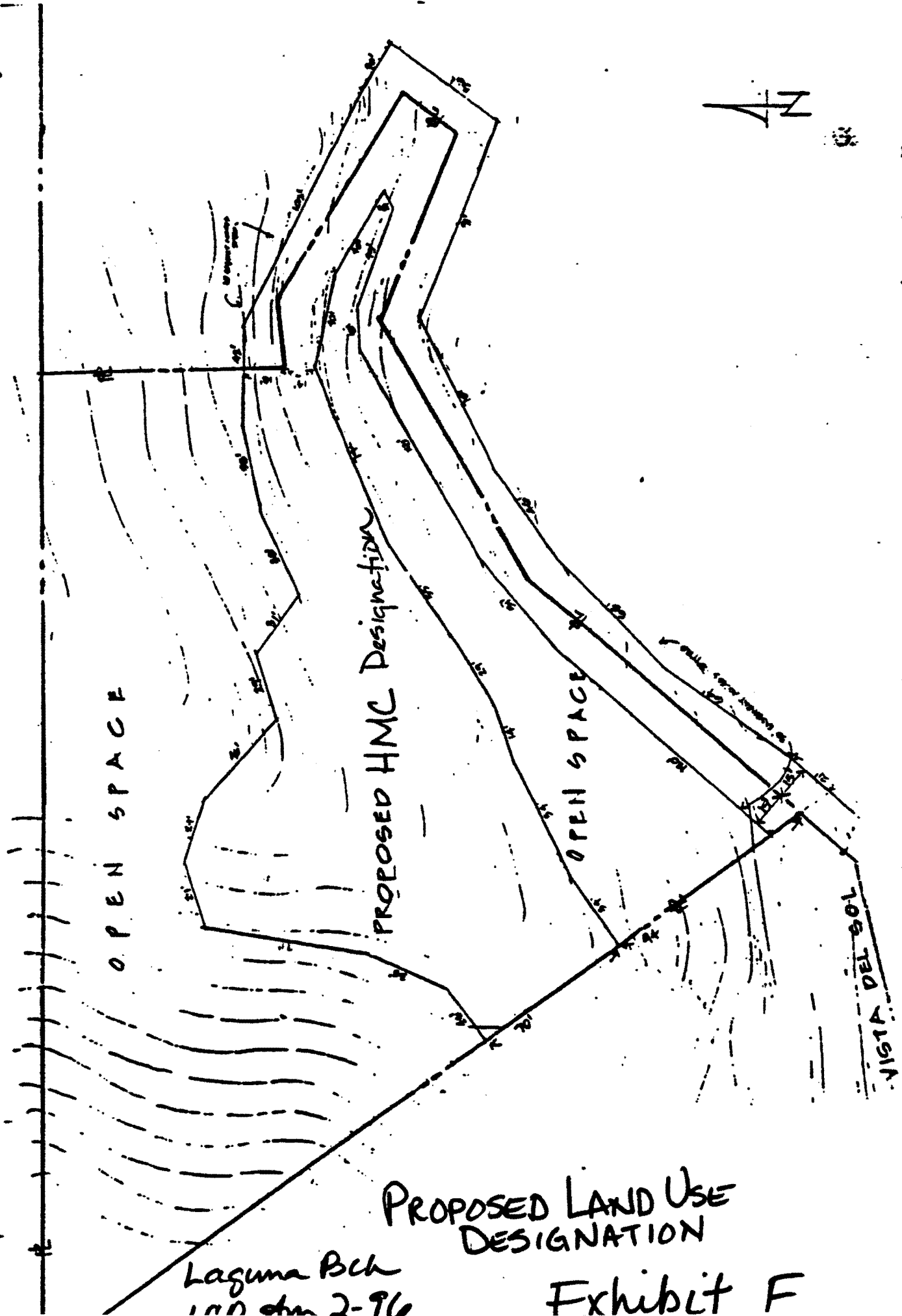
ADOPTED DECEMBER 11, 1988. RESOLUTION NO. 88-104



10K Am 2-01-

101 Existing Land Use

# PROPOSED LAND USE DESIGNATION



PROPOSED LAND USE  
DESIGNATION

Laguna Bch  
100 chn 2-96

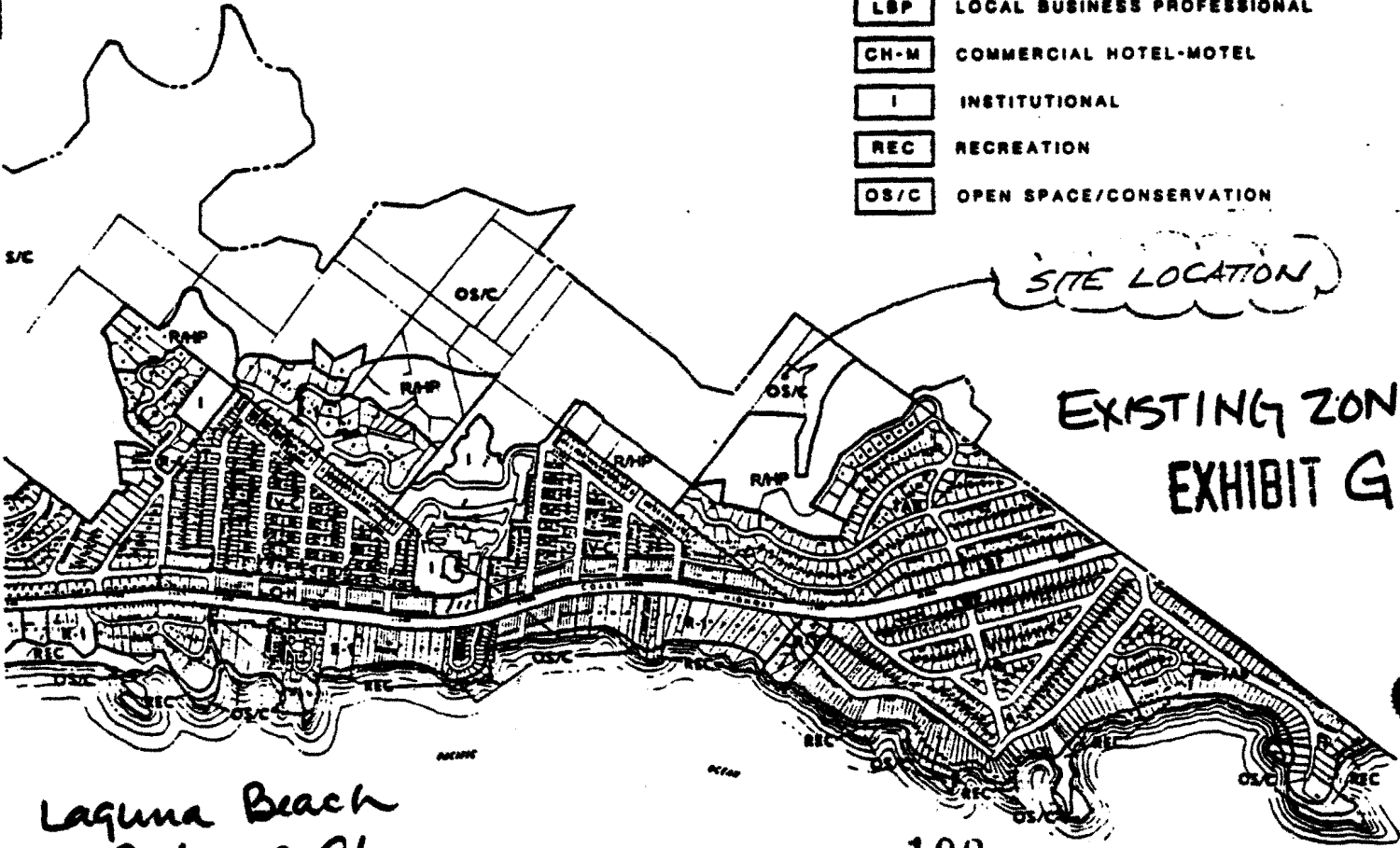
Exhibit F

ACH  
guna

(EXISTING)  
ZONING

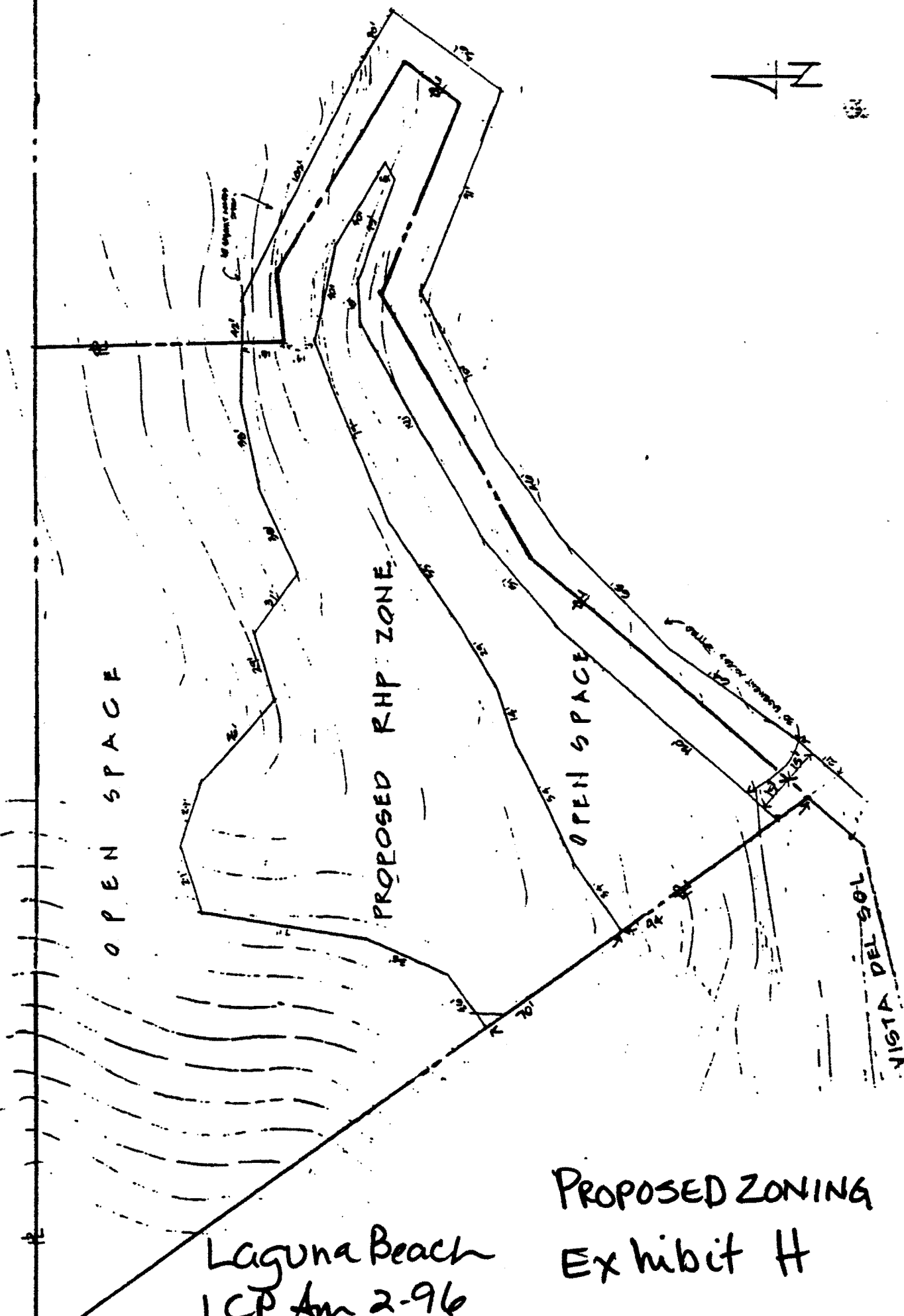
NOTE: MAP DOES NOT NECESSARILY REFLECT  
APPROVED PROPERTY LINES

- |             |                                 |
|-------------|---------------------------------|
| <b>RHP</b>  | RESIDENTIAL/HILLSIDE PROTECTION |
| <b>R-1</b>  | RESIDENTIAL LOW DENSITY         |
| <b>TAB</b>  | THREE ARCH BAY                  |
| <b>V-C</b>  | VILLAGE COMMUNITY               |
| <b>MH</b>   | MOBILEHOME                      |
| <b>R-3</b>  | RESIDENTIAL HIGH DENSITY        |
| <b>C-N</b>  | COMMERCIAL NEIGHBORHOOD         |
| <b>LBP</b>  | LOCAL BUSINESS PROFESSIONAL     |
| <b>CH-M</b> | COMMERCIAL HOTEL-MOTEL          |
| <b>I</b>    | INSTITUTIONAL                   |
| <b>REC</b>  | RECREATION                      |
| <b>OS/C</b> | OPEN SPACE/CONSERVATION         |



Laguna Beach  
LCP Am 2-96

# PROPOSED ZONING



Laguna Beach  
LCP Am 2-96

PROPOSED ZONING  
Exhibit H

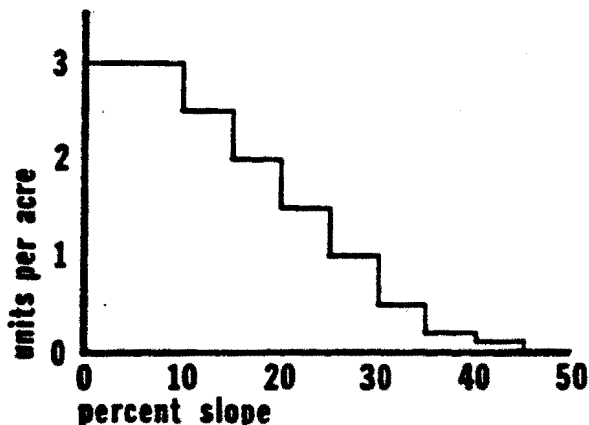
but rather serve to represent the general orientation of land use for each category. The more exact uses will be delineated in the zoning ordinance.

In contrast to land within the city limits, the Land Use Plan Map does not address land use designations for the areas within its "Sphere of Influence" and the larger "planning area" covered by the plan. This is due to the complexity of land use issues within these areas (which necessitate specific studies) and the rapidly changing conditions in land use evident in such locations. This circumstance is not expected to compromise the City's ability to participate actively in land use decisions made by the County. It is intended to provide the City with maximum flexibility and discretion in the decision making process, based upon the particular issues and circumstances in effect at that time. As the City performs more extensive land use studies in these areas (like the Laguna Canyon Specific Plan), appropriate categories of land use should then be implemented.

#### Hillside Management/Conservation

This category is intended to promote a balanced management program focusing on the preservation of open space lands and environmentally sensitive areas, while allowing for limited residential development. The area encompassed by this category includes the City's remaining unsubdivided vacant hillside lands, totaling approximately 1,065 acres.

The parameters for hillside development in the community are based upon slope/density relationships. Slope conditions have proven to be a decisive factor in the development capability of the City's hillside lands, affecting road accessibility and grading requirements, slope stability and soil erosion, and quantities of water runoff. Guidelines for the density of development are provided by the following matrix.



<u>Slope</u>	<u>Density</u>
0-10%	3.0 Units/Acre
10-15%	2.5 Units/Acre
15-20%	2.0 Units/Acre
20-25%	1.5 Units/Acre
25-30%	1.0 Units/Acre
30-35%	.5 Units/Acre
35-40%	.2 Units/Acre
40-45%	.1 Unit/Acre
45+%	.0 Unit/Acre

LAND USE PLAN  
SLOPE/DENSITY MATRIX  
EXHIBIT T

LAGUNA BEACH LCP Am 2-96

rented to paying guests on an overnight basis with not more than one meal served daily, the entire service to be included in one stated price.

"Billboard" means advertising sign. (See Advertising sign);

"Block" means the lots fronting one side of a street and located between the two nearest intersecting or intercepting streets or nearest intersecting or intercepting street and mean high tide line or end of street in the case of a dead end street;

"Board" means the board of adjustment of the city of Laguna Beach;

"Boardinghouse" — (See Rooming house);

"Breezeway" mean a roofed passageway, open on at least two sides where the roof is structurally integrated with the structure to which it is attached. A breezeway shall be considered to be a part of the building to which it is attached.

"Buffer" means an open space or landscaped area, the purpose of which is to prevent the direct abutting of incompatible uses or structures;

"Building" means any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind;

"Building height" — (See Height, building);

"Building identification sign" means a sign which identifies a building by name;

"Building permit" means written authorization from the director of building and safety of the city of Laguna Beach for the erection of any structure;

"Building setback line" means the line appearing on the zoning map delineating the space between such line and the property line as the required yard in lieu of the front, side or rear yard otherwise described for the zone;

"Building site" means a parcel or contiguous parcels of land which was established in compliance with the building site requirements of this code.

No building permit and no certificate of use and occupancy shall be issued for a building or use of land until the director of community development has verified that the parcel of land upon which such building or use of land is to be established is a building site which may be used for the uses permitted in the zone in which it is located. Two or more lots whose common lot line is crossed by a structure or a setback requirements from an adjoining structure shall be deemed to be one building site until such time as the structure is removed and the line is unencumbered. To qualify as a building site, the parcel must be under one ownership and must meet the requirements of either subsection (A) or section (B) below:

(A) Any parcel of land that was established as a building site by either the recordation of a tract map, a parcel map, a record of survey recorded pursuant to a city-approved division of land, or a certificate of compliance, or by a deed of conveyance or contract of sale or in any other legal manner recorded prior to July 19, 1958 (or effective date of annexation to the city if such occurred thereafter), and which complied with all of the requirements of the zoning regulations in effect at the time of recordation in the office of the county recorder of Orange County or Los Angeles county, and:

Building Site  
Definition

Laguna Beach LCP Am 2-96

Exhibit J Y:

(1) Contains the minimum area and dimensions required by this title for the zone in which the parcel is located. However, parcels under one ownership on the effective date of the ordinance codified in this section which constituted legal building sites under the terms of this title, as amended, but which do not comply with the minimum area and dimension standards of the zone are deemed to be building sites provided they meet all other requirements in this definition. Such sites may not be further reduced in area; and

(2) Furnishes, in addition to the space occupied or to be occupied by buildings and structures, sufficient area to provide the yards and open spaces required by this title for the zone in which the parcel is located; and

(3) Abuts for a minimum frontage of ten feet measured longitudinally in relationship to the paved street section and has the right to the use of a street improved to the subdivision street design standards of the city, or of a usable vehicular right-of-way of record, or of a street that does not meet the minimum standards but has been approved by means of a variance, or of a street of less than standard width as specifically approved for access by the city.

(B) A building site may be created by the recordation of a tract map or parcel map after approval has been secured from the city planning commission. The creation of any building site shall conform to the following minimum requirements:

(1) Each building site shall be shown on the recorded document as a numbered lot or parcel; and

(2) Each building site shall be of sufficient area, width and depth to comply with the minimum requirements of the zoning district in which the site is located; and

(3) Each building site shall abut a public or private street, having a right of access for vehicles and pedestrians, and enjoy practical and physical access to such street, for its continuous frontage along the front lot line. Such access road shall be constructed and maintained at a minimum unobstructed width (as described in subsection (A)(3) above) to a length as necessary to connect with existing roads of equal or greater width, shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface such as asphaltic concrete, portland cement concrete, or similar approved materials, so as to provide all-weather driving.

A parcel of land that does not meet the foregoing requirements is not a building site unless otherwise validated in accordance with Section 25.56.020 of this code.

"Business office" means a commercial activity characterized by administrative and/or clerical operations with a low volume of customer contact on the premises and with no transfer or merchandise on the premises. (Ord. 1216 § 3 (part), 1991; Ord. 1063 § 1, 1984; Ord. 586 (part), 1967; Ord. 209 (part), 1940).

**25.08.006** Words beginning with "C." The following are definitions for words beginning with "C":

"Caretaker's residence" means an accessory building containing a dwelling



**25.56.018 Public utility uses.** Regardless of any other provisions of this title, any public utility use existing in any building or structure, or on any premises at the time of the adoption of the ordinance codified herein shall be deemed to be a conforming use or a conforming building or structure as the case may be, in whatever district said use is conducted or whatever district said building structure or premises are located. (Ord. 832 § 33 (part), 1975; Ord. 209 (part), 1940).

**25.56.020 Access to prior building sites — Validity maintained.** (A) Notwithstanding any other provisions of this section, any parcel of land or lot which has been lawfully created and has received a building permit for the establishment and use of any building or structure, but which does not comply with the current access standards of this code, shall nevertheless be conclusively presumed to be a building site to the extent that any nonconformity arises solely out of a lack of compliance with current access standards.

(B) In order to verify that the parcel and any documentation including but not limited to:

(1) Evidence of a building permit, special inspection or any other means whereby the original code compliance of the structure may be reasonably ascertained;

(2) Any information that validates the division of land whereon the building, structure or improvement is located, including grant deeds, recorded maps and title reports.

Any determination made by the director of community development shall consider that this subsection is intended to maintain, to the maximum extent feasible, the status of any parcel as a building site once such status has been lawfully granted, and that a parcel of land is not dispossessed of its standing as a building site because of any subsequent amendments or changes to the access standards of the city.

(C) If additions or alterations exceed fifty percent of the existing population density or intensity of use, the provisions of Chapter 25.53 (Access and Improvement Requirements) shall apply; provided, however, that any improvement requirements that may be imposed may be codified to preexisting, established and paved street gradients and are limited to those that would normally be required attendant to the application in order to meet the minimum access standards for the subject site, and any improvements based upon the number of building sites served shall be limited to the number of lots or building sites that are the subject of the application. (Ord. 1216 § 3 (part), 1991).

ACCESS TO PRIOR  
BLDG SITES

LAGUNA BEACH LCP Am. 2-96

Exhibit K

RESOLUTION NO. 96.067

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH, CALIFORNIA, AMENDING THE OPEN SPACE/CONSERVATION ELEMENT OF THE GENERAL PLAN AND THE LOCAL COASTAL PROGRAM.

---

WHEREAS, the Open Space/Conservation Element is a component of the General Plan and the certified Local Coastal Program, and as such provides policy guidance for discretionary actions regarding the issuance of local development permits and coastal development permits; and

WHEREAS, several policies under Topic 14, Hillside Slopes, of the Open Space/Conservation Element warrant clarification as to their intent and actual application; and

WHEREAS, it is appropriate to modify such policies in order to provide consistency in policy language and clarification in terms of past practice and application of such policies; and

WHEREAS, the Laguna Beach Planning Commission conducted legally noticed public hearings on the proposed amendment on September 11, 1996 and September 25, 1996 and, after conducting such public hearings, recommended approval of the proposed amendment; and

WHEREAS, the Laguna Beach City Council conducted a legally noticed public hearing on the proposed amendment on October

1996;

LAGUNA Beach  
ICD Am 2-96

Hillside Policies  
City Council  
D. J. L. L. L.

-1-

Exhibit L Y4

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH does RESOLVE and ORDER as follows:

SECTION 1. The City Council approves General Plan/Local Coastal Program Amendment 96-03 in order to modify Policies 14-A, 14-B, 14-K and 14-L of Topic 14, Hillside Slopes, of the Open Space/Conservation Element to read as follows:

Policy 14-A. Require ~~hillside development~~ construction and grading to be concentrated on slopes of 30% or less.

Policy 14-B. Prohibit ~~hillside development~~ construction and grading on slopes of 45% or greater, except on properties previously approved by the subdivision map process and located adjacent to a dedicated, accepted right-of-way that has been, or can be, improved to the City's access standards.

Policy 14-K. The conversion of vacant hillside land into various types of urban development creates inescapable side effects that can potentially damage the natural environment. Loss of valuable habitat, increased runoff and erosion, intrusion into the public viewshed, and the introduction of man-made chemical compounds are often the undesirable by-products of new development. In order to minimize such effects, new ~~development~~ construction and grading should not create undesirable encroachments into undeveloped hillside areas.

Policy 14-L. Unless overriding environmental, public viewshed, or safety concerns suggest otherwise, new development construction and grading should be located in close proximity to preexisting development in an effort to minimize impact and growth inducing potential. Street and driveway length and width should be evaluated for potential creation of new building sites.

Section 2. The City Council approves Local Coastal Program Amendment 96-03 subject to and effective upon California Coastal Commission approval and, further, the City Council certifies that the amended Local Coastal Program is intended to be carried out in a manner fully in conformity with the California Coastal Act.

Section 3. The project is exempt from the California Environmental Quality Act (CEQA) in accordance with the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment, and that when there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

ADOPTED this 29<sup>th</sup> day of October, 1996.

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Mayor

ATTEST:

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City Clerk

I, VERNA L. ROLLINGER, City Clerk of the City of Laguna Beach, California, do hereby certify that the foregoing Resolution No. 96.067 was duly adopted at a Regular Meeting of the City Council of said City held on October 29, 1996, by the following vote:

AYES: COUNCILMEMBER(S) BLACKBURN, DICTEROW, BAGLIN,  
FREEMAN, PETERSON

NOES: COUNCILMEMBER(S) NONE

ABSENT: COUNCILMEMBER(S) NONE

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City Clerk of the City of Laguna Beach, CA

