

**CALIFORNIA COASTAL COMMISSION**

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

**RECORD PACKET COPY**

March 24, 2000



TO: COASTAL COMMISSIONERS & INTERESTED PERSONS

FROM: Deborah Lee; Deputy Director  
Teresa Henry; District Manager, South Coast Area  
Maile Seeger Gee, Coastal Program Analyst *ML*

SUBJECT: CITY OF LAGUNA BEACH  
LOCAL COASTAL PROGRAM AMENDMENT 1-99

**EXECUTIVE SUMMARY AND MAJOR ISSUE:**

Request by the City of Laguna Beach to amend both the Land Use Plan (LUP) and Local Implementation Plan (LIP) portions of the Local Coastal Program (LCP) by changing the land use designation and zoning of eighty-seven (87) City-owned parcels, totaling over 1,100 acres, in the City of Laguna Beach, Orange County. The proposed LCP amendment was originally brought about by a petition initiative (Open Space Initiative) of the citizens of Laguna Beach. On July 21, 1998, the City Council approved City Ordinance No. 1342 (Exhibit 1), which amends the LUP and LIP. On September 21, 1999 the City Council approved City Council Resolution No. 99.069 (Exhibit 2), which transmits LCP Amendment 1-99 to the California Coastal Commission for certification.

The existing land uses for the City parcels include a variety of land use designations, which in some cases would allow development to occur (Exhibit 3). The proposed LUP amendment changes the existing land use designations on all or portions of the 87, City-owned parcels described in City Ordinance No. 1342 to Permanent Open Space (Exhibit 4). Over 1,100 acres of the City-owned property will become Permanent Open Space as a result of this LCP amendment. Over 100 new acres of open space will be designated Permanent Open Space by the proposed LCP amendment.

The existing zoning designations for the City-owned parcels include a variety of land use designations, which in some cases would allow development to occur (Exhibit 5). The proposed LIP amendment changes all or part of the zoning designations on the City-owned parcels described in City Ordinance No. 1342 to Open Space/Conservation or Open Space/Passive (Exhibit 6). Of the more than 1,100 acres of City-owned land, over 100 new acres of open space will be zoned Open Space/Conservation or Open Space/Passive by the proposed LCP amendment (Exhibit 7).

The major issue before the Commission for this City of Laguna Beach LCP Amendment 1-99 is the re-designation of certain City-owned land from existing land uses and zoning designations to a Permanent Open Space land use with Open

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Space/Conservation and Open Space/Passive zoning designations. This would preserve the City-owned land for scenic open space, recreation, and habitat. The proposed LUP amendment is consistent with Sections 30213, 30240, and 30251 of the Coastal Act. The proposed LIP amendment is consistent with the Recreation, Visual Resources, Vegetation and Wildlife Resources, Watersheds and Watercourses, Archeology/Paleontology, and Ridgelines Policies of the Open Space/Conservation portion of the LUP. Therefore, staff is recommending approval of the proposed LCP Amendment 1-99 as submitted.

**SUMMARY OF STAFF RECOMMENDATION:**

Staff is recommending that the Commission approve the proposed Laguna Beach Local Coastal Program Amendment 1-99 as submitted. The motion to accomplish this is found on page 3.

**ADDITIONAL INFORMATION:**

Copies of this 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 Coastal Program Analyst, Maile Gee, at (562) 590-5071.

**LIST OF EXHIBITS:**

- |            |  |
|------------|--|
| Exhibit 1  | City of Laguna Beach Ordinance No. 1342                |
| Exhibit 2  | City Council Resolution No. 99.069                     |
| Exhibit 3  | Existing Land Use Designations Map                     |
| Exhibit 4  | Proposed Land Use Designations Map                     |
| Exhibit 5  | Existing Zoning Designations Map                       |
| Exhibit 6  | Proposed Zoning Designations Map                       |
| Exhibit 7  | City's List of Parcels and Approximate Acreage         |
| Exhibit 8  | Proposed Amendment to Land Use Element                 |
| Exhibit 9  | Proposed Amendments to Open Space/Conservation Element |
| Exhibit 10 | Chapter 25.05.030 Conditional Use Permits              |
| Exhibit 11 | Chapter 25.41 Open Space Zone                          |

**SUBSTANTIVE FILE DOCUMENTS:**

City of Laguna Beach General Plan, Land Use Element and Open Space/ Conservation Element, Certified on March 13, 1986, and subsequent certified amendments to the LUP.

City of Laguna Beach Zoning Code, Local Implementation Program, certified on January 13, 1993, and subsequent certified amendments to the LIP.

**I. MOTIONS AND RESOLUTIONS**

**A. LAND USE PLAN AMENDMENT CERTIFICATION AS SUBMITTED.**

**MOTION:**

*"I move that the Commission certify Land Use Plan Amendment No. 1-99 as submitted by the City of Laguna Beach."*

**STAFF RECOMMENDATION TO CERTIFY:**

Staff recommends a **YES** vote. Passage of the motion will result in certification of the land use plan as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

**RESOLUTION TO CERTIFY THE LAND USE PLAN AMENDMENT:**

The Commission hereby certifies the Land Use Plan Amendment No. 1-99 as submitted by the City of Laguna Beach and adopts the findings set forth below on the grounds that the amendment conforms with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment complies with the California Environmental Quality Act because either: 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

**B. IMPLEMENTATION PROGRAM AMENDMENT CERTIFICATION AS SUBMITTED**

**MOTION:**

*"I move that the Commission reject the Implementation Program Amendment No. 1-99 for the City of Laguna Beach as submitted."*

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**STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:**

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program Amendment No. 1-99 as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO CERTIFY IMPLEMENTATION PROGRAM AS SUBMITTED:**

The Commission hereby certifies the Implementation Program Amendment No. 1-99 for the City of Laguna Beach as submitted and adopts the findings set forth below on the grounds that the amendment conforms with the policies of and adequately carries out the certified land use plan, and certification of the Implementation Program amendment complies with the California Environmental Quality Act, because either: 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures that could substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program amendment.

**II. PROCEDURAL PROCESS/STANDARD OF REVIEW**

For the proposed Land Use Plan amendment, the standard of review shall be conformance with and adequacy to carry out the Chapter 3 policies of the Coastal Act. For the proposed Implementation Plan amendment, the standard of review shall be conformance with and adequacy to carry out the provisions of the certified Laguna Beach Land Use Plan, which was certified on March 13, 1986. Proposed LCP Amendment submittal 1-99 was determined to be complete on February 9, 2000. Pursuant to Section 30512 of the Coastal Act, the Commission must act on a Local Coastal Program amendment within 90 days of the date of complete submittal. Ninety days from February 9, 2000 is May 9, 2000.

**III. SUMMARY OF PUBLIC PARTICIPATION**

The proposed project was brought about by petition initiative. The residents of the City of Laguna Beach submitted petitions to the City, on June 22, 1998, in support of the Laguna Beach Open Space Initiative. The Orange County Registrar of Voters certified that more than 15% of the City's registered voters signed the initiative petitions. As a result of the petitions, the Laguna Beach City Council held public hearings regarding Local Coastal Program Amendment 1-99 on July 13 and 21, 1998. The only issue raised at the public hearings was whether to adopt Ordinance No. 1342 without change or to put the initiative on the ballot without change. All public

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comments received at both City Council meetings were in support of the initiative and proposed ordinance. Ordinance No. 1342 was approved without change by the City Council on July 21, 1998.

**IV. FINDINGS FOR APPROVAL OF THE LAND USE PLAN AMENDMENT AS SUBMITTED**

The Commission finds and declares as follows:

**A. LAND USE PLAN AMENDMENT DESCRIPTION**

The City of Laguna Beach has requested to amend the Land Use Plan (LUP) portion of the City's certified Local Coastal Program (LCP) by changing the land use designation from Open Space, Public/Institutional, Residential/Hillside Protection, Village Low Density, and Village Medium Density to Permanent Open Space at various locations throughout the City (Exhibits 3 and 4). The area subject to this amendment consists of all or portions of the 87 City-owned parcels totaling over 1,100 acres (Exhibit 7). Of the 87 parcels designated for Permanent Open Space, 14 parcels are currently designated as Open Space, 2 parcels are designated as Public/Institutional, 18 parcels are designated as Residential/Hillside Protection, 51 parcels are designated Village Low Density, and 2 parcels are designated Village Medium Density.

The proposed land use change would designate each of the lots as Permanent Open Space, further described below. The proposed land use change will also designate over 100 acres of new open space. Open space is considered a higher priority use than the existing Public/Institutional, Residential/Hillside Protection, Village Low Density, and Village Medium Density uses. Changes to the Open Space/Conservation portion of the certified LUP text and policies are described in City Council Ordinance No. 1342 (Exhibit 1) and presented as Exhibit 9.

**B. LAND USE**

**1. PROPOSED PERMANENT OPEN SPACE LAND USE DESIGNATION**

The proposed LUP amendment will create a new land use category designated as Permanent Open Space. Changes to the Land Use and Open Space/Conservation portions of the certified LUP text and policies are described below and in City Council Ordinance No. 1342 (Exhibits 1, 8, 9).

a. Section 7, Land Use Element

The Permanent Open Space land use category will be added at the end of paragraph B of Section 7 of the Land Use Element portion of the LUP, Land Use Plan Categories (Exhibit 8) and the City's Land Use Plan Map will be amended to show the redesignated lands (Exhibit 4).

Section 7(B) of Land Use Categories states:

**Permanent Open Space**

***This category of land uses is intended to protect and preserve publicly owned open space lands of ecological, scenic, cultural and/or scientific value so that such lands remain a permanent community resource. Lands designated Permanent Open Space must be zoned as either "Open Space/Conservation" or "Open Space/Passive." Uses permitted on lands within this general plan land use designation are greenbelts, watershed areas, wildlife preserves, and marine preserves. For those lands zoned Open Space/Passive the following additional uses are allowed: Hiking trails, historical preserves, scientific study and vista points. Additional low-impact passive uses may be permitted, subject to a conditional use permit, where the City Council finds that those uses will not conflict with the open space uses described above and will not have a significant effect on the environment. Any improvements proposed for these lands shall be subject to Planning Commission approval and shall be consistent with design objectives and guidelines adopted by the City to assure a minimal scenic and environmental impact from any such improvement on these lands.***

The required findings and conditions of approval to obtain a conditional use permit for additional low-impact uses can be found in Chapter 25.05.030 of the City's Zoning Code (Exhibit 10). Among the required findings for approval of a conditional use permit, is a requirement that the proposed use is consistent with the objectives and policies of the City's general plan, which includes the Certified LUP [25.05.030(F)(4)].

The "additional low-impact passive uses" that may be permitted with a conditional use permit are described in Chapter 25.41.006 of the City's zoning code (Exhibit 11).

Chapter 25.41.006 states:

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

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*(A) Open Space/Conservation.*

- (1) Vista and viewpoints;*
- (2) Scientific study;*
- (3) Hiking trails, provided that they do not interfere with sensitive plant and animal habitats.*

*(B) Open Space/Passive.*

- (1) Public buildings and improvements, such as nature centers, interpretive signs and restrooms, related to the use and enjoyment of open space land;*
- (2) Public utility buildings and structures;*
- (3) Archaeological and paleontological sites;*
- (4) Limited-access roads servicing facilities identified in subsections (1), (2) and (3) above;*
- (5) Peripheral parking;*
- (6) Bicycle and equestrian trails;*
- (7) Informal picnic areas with minimal structures.*

A new section will also be added to Section 7 as a new paragraph D regarding amendments to the Permanent Open Space provisions (Exhibit 8).

Section 7(D) of Land Use Plan Categories states:

**Amendments to Permanent Open Space Provisions:**

- 1. Until December 31, 2028, the text within paragraph B of this Section 7 of General Plan Land Use Element, entitled "Permanent Open Space," and added to the General Plan by Ordinance No. 1342, may be amended or repealed only by the voters of the City of Laguna Beach in a City election.***
- 2. Until December 31, 2028, the lands designated "Permanent Open Space" by the Laguna Beach Open Space Initiative adopted in 1998 may be re-designated to another land use category only by the voters of the City of Laguna Beach in a City election.***

In addition to the above restrictions for future changes to the LUP and land use for the subject properties, an LCP amendment approved by the Commission would also be required should the City want to change the land use of any parcels designated by the LCP amendment as Permanent Open Space.

b. **Section 3, Open Space/Conservation**

Policy 5-E of the Open Space/Conservation portion of the LUP (Exhibits 1 and 9), Issue Statements and Policies, will be modified to add (bold):

*Evaluate City-owned land for public parks and permanent open space conservation with the purposes and uses set forth in Ordinance No. 1342.*

The purposes and uses set forth in Ordinance 1342 were described in the preceding section.

c. **Section 4, Open Space/Conservation**

The Permanent Open Space land use category will be added as the fifth category of land use in Section 4 of the Open Space/Conservation portion of the LUP along with Parks and Recreation, Public/Institutional, Residential/Hillside Protection, and Open Space (Exhibits 1 and 9).

Section 4 of the Open Space/Conservation portion of the LUP will be modified to add (bold), in part:

*" ... The principal **categories** of land use, however, intended for the conservation of existing natural and open space lands, **are** entitled "Open Space" and "**Permanent Open Space.**" The **Open Space** category is intended to preserve land in its natural state for open space purposes exclusively. Lands within this category are typified by special ecological, geographical and historical importance.*

*The actual preservation of open space lands and protections of environmentally sensitive areas is therefore established through the development review process which combines the assessment of specific physical constraints with the application of natural resources protection policies and ordinance requirements. This procedure enables the City to regulate the location and density of hillside development while protecting environmentally sensitive areas and open space lands in accordance with general plan policies and local ordinance requirements.*

Finally, the Permanent Open Space category is intended to protect and preserve publicly-owned open space lands of ecological, scenic, cultural and/or scientific value so that such lands remain a permanent community resource. Uses permitted on lands within this category are greenbelts, watershed areas, wildlife preserves, and marine preserves. Additional low-impact passive uses may be



permitted in certain lands within this category, subject to specified conditions and findings."

## 2. EXISTING LAND USE DESIGNATIONS

The following describes the existing land use designations for the City-owned parcels that will be replaced by the Permanent Open Space land use category:

### a. Open Space

Section 7B of the City of Laguna Beach LUP describes the Open Space land use designation as follows:

*This category is intended to preserve land in its natural state for open space purposes exclusively. Lands within this category are typified by special ecological, geographical and historical importance. Passive recreational uses such as walking and hiking are encouraged in appropriate areas. Compatible support facilities may also be allowed subject to a conditional use permit.*

Fourteen (14) of the 87 parcels currently have the Open Space land use designation. Only passive recreational uses are allowed on these parcels that are designated as Open Space. The proposed LCP amendment will change these 14 parcels to a Permanent Open Space land use designation. Approval of the LCP amendment as submitted would further protect these parcels by limiting the City's ability to change the land use in the future.

### b. Public/Institutional

Section 7B of the LUP describes this land use designation as follows:

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

Two of the 87 parcels currently have the Public/Institutional land use designation. Under the Public/Institutional designation, schools and other public facilities would be allowable uses. The proposed LCP amendment will change these two parcels to a Permanent Open Space land use designation. Approval of the LCP amendment as submitted would limit development of these parcels

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to only the uses specified under the Permanent Open Space land use designation.

**c. Residential/Hillside Protection**

The Residential/Hillside Protection category is described in Section 7B of the LUP as "Hillside Management/Conservation." Section 7B of the LUP states in part:

*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 1065 acres.*

Eighteen (18) of the 87, City-owned parcels currently have the Residential/Hillside Protection land use designation. Under the Residential/Hillside Protection land use designation, residential development is an allowable use. The proposed LCP amendment will change these 18 parcels to a Permanent Open Space land use designation. Approval of the LCP amendment as submitted would limit the development of these parcels to only the uses specified under the Permanent Open Space land use designation.

**d. Village Low-Density**

Section 7B of the LUP describes this land use category. Section 7B states in part:

*These lands provide for single family residential development at urban densities in areas that are predominantly developed and support existing detached single family residences. ... Building density is permitted at 3 to 7 dwelling units per gross acre and limits development to one house per parcel.*

Fifty-one (51) of the 87 parcels currently have the Village Low-Density land use designation. Under the Village Low-Density land use category, residential development is an allowable use. The proposed LCP amendment will change these 51 parcels to a Permanent Open Space land use designation. Approval of the LCP amendment as submitted would limit the development of these parcels to only the uses specified under the Permanent Open Space land use designation.



**e. Village Medium Density**

This land use category is described in Section 7B of the LUP, which states:

*These lands are situated within the existing urban fabric of the City and frequently function as transition or buffer areas between the City's commercial corridor and low density single family neighborhoods. Detached single family residences, condominiums and duplex structures are permissible uses, subject to compliance with applicable property development standards. Building density ranges between 8 and 14 dwelling units per gross acre.*

Two of the 87 parcels currently have the Village Medium-Density land use designation. Under the Village Medium-Density land use category, multi-family residential development is an allowable use. The proposed LCP amendment will change these two parcels to a Permanent Open Space land use designation. Approval of the LCP amendment as submitted would limit the development of these parcels to only the uses specified under the Permanent Open Space land use designation.

**C. CONSISTENCY WITH COASTAL ACT POLICIES**

The following is a description of the access, land resources, and development Coastal Act policies that are applicable to the proposed LUP amendment. This section serves as an analysis of the LUP amendment's consistency and ability to carry out those policies.

**1. Section 30213**

Section 30213 of the Coastal Act requires that lower cost visitor and recreational facilities be encouraged, protected and, where feasible, provided for the public. Developments providing public recreational opportunities are preferred over other types of land use.

The proposed LCP amendment maintains protects recreational opportunities to the public and creates new recreational opportunities within the City of Laguna Beach. The proposed LCP amendment will designate more open space area within the City of Laguna Beach for public enjoyment and use. Therefore, the proposed LCP amendment is consistent with Section 30213 of the Coastal Act, and should be approved as submitted.

**2. Section 30240**

Section 30420(a) of the Coastal Act promotes the protection of environmentally sensitive habitat areas against any significant disruption of habitat values, and establishes that only uses dependent on those resources shall be allowed within those areas. Section 30240(b) of the Coastal Act also establishes that development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts that would significantly degrade those areas. This section of the Coastal Act also promotes development that is compatible with the continuance of habitat and recreation areas.

The City of Laguna Beach LCP amendment 1-99 proposes changes to the Open Space/Conservation portion of the LUP (Exhibits 1, 8 and 9). One of these changes requires that the lands which will be designated Permanent Open Space must be zoned as either "Open Space/Conservation" or "Open Space/Passive." Uses permitted on land zoned Open Space/Conservation within the Permanent Open Space land use designation are greenbelts, watershed areas, wildlife preserves, and marine preserves. The uses permitted on land zoned Open Space/Passive within the Permanent Open Space land use designation are hiking trails, historical preserves, scientific study and vista points.

As described in the proposed LCP amendment, additional low-impact, passive uses may be permitted on Permanent Open Space lands subject to a conditional use permit. Prior to granting a conditional use permit, the City Council must find that those uses will not conflict with the open space uses described above and will not have a significant effect on the environment. Any proposed improvements permitted under a conditional use permit must assure minimal scenic and environmental impact on the Permanent Open Space lands.

Any permitted land uses in the Permanent Open Space lands must also comply with existing LUP Policies relating to Vegetation and Wildlife Resources (Topic 8).

LUP Policy 8-J states:

Detailed biological assessments shall be required for all new development proposals located within areas designated as Environmentally Sensitive Areas on the Coastal ESA Map. To protect these resources, the following shall be required:

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1. No new development proposals shall be located in areas designated as "Environmentally Sensitive Areas" on the Coastal ESA Map except for the uses dependent upon such resources.
2. When new development proposals are situated in areas adjacent to areas designated as "Environmentally Sensitive Areas" on the Coastal ESA Map and where these are confirmed by subsequent on-site assessment, require that development be designed and sited to prevent impacts which would significantly degrade such areas.

In addition to the existing LUP Policies, per Chapter 25.41 of the City's Zoning Code, the additional low-impact, passive uses that may be permitted in the Open Space/Conservation zoning designation would only be considered for a conditional use permit provided that they do not interfere with sensitive plant and animal habitats. Therefore, the land uses proposed in the LUP amendment are consistent with the preferred resource dependant uses of Section 30240 of the Coastal Act described above.

The establishment of the Permanent Open Space land use designation is protective of existing open space areas and serves to designate and protect over 100 additional acres of open space for habitat and scenic resources preservation, and where appropriate, public enjoyment. For the reasons described above, the proposed LUP amendment is consistent with Section 30240 of the Coastal Act. Therefore, the Commission finds that the proposed Land Use Plan amendment is in conformity with and adequate to carry out the policies of Section 30240 of the Coastal Act, and should be approved as submitted.

**c. Section 30251**

Section 30251 of the Coastal Act is protective of the scenic and visual qualities of coastal areas for public enjoyment. Section 30251 also establishes that permitted development should be designed to protect public views to the ocean and scenic coastal areas, to minimize the alteration of natural land forms, and to be visually compatible with the character of surrounding areas. Where feasible, development should be designed to restore and enhance visual quality in visually degraded areas. Any new development in highly scenic areas such as those designated by the Department of Parks and Recreation and by local government shall be considered subordinate to the character of its setting.

The proposed LUP amendment would protect the parcels that are currently designated open space areas and would designate over 100 acres of new open space area. The designation of Permanent Open Space will provide new scenic

opportunities and protect vistas and views existing at the subject parcels. Therefore, the proposed LUP amendment is consistent with Section 30251 of the Coastal Act and should be approved as submitted.

Based on the above analysis, the proposed LUP amendment is consistent with Sections 30213, 30240, and 30251 of the Coastal Act. Therefore the Commission finds that the proposed LUP amendment is consistent and in conformance with the Chapter 3 policies of the Coastal Act.

**V. FINDINGS FOR APPROVAL OF THE IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED**

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

**A. IMPLEMENTATION PROGRAM AMENDMENT DESCRIPTION**

The City of Laguna Beach has requested to amend the LIP portion of the City's certified Local Coastal Program (LCP) by changing the zoning of the City owned parcels. The existing zoning of the 87, City-owned parcels includes the following eight categories: Arch Beach Heights Specific Plan, Institutional, Open Space (Conservation and Passive), R-1, R-3, Residential/Hillside Protection, Sycamore Hills Specific Plan, and Recreation (Exhibits 5 and 7). The proposed LIP amendment would change the zoning of the City-owned parcels totaling over 1,100 acres from the above categories to either Open Space/Conservation or Open Space/Passive (Exhibit 6). The Open Space/Conservation and Open Space/Passive zoning designations are existing designations that are part of the Open Space Zone described in Chapter 25.41 of the City's LIP (Exhibit 11). The LIP amendment will also serve to designate over 100 additional acres of City-owned land as Open Space Zone area.

**B. ALLOWABLE USE**

**1. EXISTING ZONING DESIGNATIONS**

**a. Open Space Zone**

Chapter 25.41 of the LIP describes the uses allowed in the Open Space Zone to include Open Space/Conservation and Open Space/Passive (Exhibit 11). For parcels zoned Open Space/Conservation the permitted uses include local and buffer greenbelts, natural water recharge, percolation and watershed areas, wildlife preserves and sanctuaries, marine preserves and tidepools. Uses such as vista and viewpoints, scientific study, and hiking trails that do not interfere

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with sensitive plant and animal habitats may be allowable subject to a conditional use permit.

For parcels zoned Open Space/Passive the permitted uses include all uses permitted in Open/Space Conservation, hiking trails, historical preserves, scientific study, vista and viewpoints. Public buildings and improvements for nature centers, interpretive signs and restrooms related to the use and enjoyment of open space land; public utility buildings and structures, archeological and paleontological sites; limited-access roads; peripheral parking; bicycle and equestrian trails; informal picnic areas with minimal structures are all uses that would be subject to a conditional use permit in the Open Space/Passive zone.

The proposed LIP amendment will amend the City's Zoning Map (Exhibit 6) and add **Section 25.41.009 (Future Rezoning)** to Chapter 25.41 (Exhibit 11).

Section 25.41.009 states:

***Those publicly owned parcels that were zoned OS/C by Ordinance No. 1342 may be rezoned by the city council, but only to OS/P. Those publicly owned parcels that were zoned OS/P by Ordinance No. 1342 may be rezoned by the city council, but only to OS/C. This section expires December 31, 2028. (Ord. 1342 sec. 1(B), 1998).***

In addition to the above restrictions for future changes to the LIP and zoning for the subject properties, an LCP amendment approved by the Commission would also be required should the City want to change the land use of any parcels designated Open Space Zone by this LIP amendment.

A total of 18 parcels are designated as Open Space Zone. Fourteen (14) parcels are currently zoned as Open Space/Conservation. Eleven of the parcels will be rezoned to Open Space/Passive as a result of the proposed LCP amendment. Three (3) of the 14 parcels will remain zoned as Open Space/Conservation. Four (4) parcels are currently zoned as Open Space/Passive. The zoning for these 4 parcels will not be changed by the LIP amendment.

**b. Arch Beach Heights Specific Plan**

This zone is described in Chapter 25.35 of the City's LIP and is a specific plan for development in the Arch Beach Heights Tract. The uses permitted in the Arch Beach Heights Specific Plan zone are all uses permitted in the R-1 Residential Low Density Zone and are subject to the standards of the R-1 zone.



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Forty-eight (48) parcels are currently zoned as Arch Beach Heights Specific Plan. The proposed LCP amendment will change these 38 parcels and the undeveloped hillside portions of 10 parcels to the Open Space/Conservation zoning designation described above.

The existing zoning designation allows residential development to occur on these parcels. Approval of the LIP amendment would limit the uses to only those permitted in the Open Space/Conservation zoning designation described above.

**c. Institutional Zone**

The Institutional Zone is described in Chapter 25.28 of the City's LIP. All permitted uses in this zone require a conditional use permit, and must be oriented to provide public benefits.

One parcel is currently zoned as Institutional. The proposed LCP amendment will change a portion of this parcel to the Open Space/Conservation zoning designation. The existing zoning designation allows public and institutional development to occur on this parcel. Approval of the LIP amendment would limit the uses to only those permitted in the Open Space/Conservation zoning designation described above.

**d. R-1 Residential Low Density Zone**

Regarding this zoning designation, Section 25.10 of the LIP describes this zone as intended for low-density, single-family residential areas, which will provide a suitable environment for and support existing detached single family residences. Section 25.10.004(E) of the LIP also describes public parks, playgrounds, beaches and accessory structures for the purposes of recreation, refreshment and service as allowable uses in this zone.

Eight (8) parcels are currently zoned as R-1 Residential Low Density Zone. The proposed LCP amendment will change 3 parcels to the Open Space/Passive zoning designation. Four parcels and the undeveloped hillside portion of one parcel will be rezoned as Open Space/Conservation as a result of the proposed LCP amendment.

The existing zoning designation allows residential development to occur on these parcels. Approval of the LIP amendment would limit the uses to only those permitted in the Open Space/Conservation and Open Space/Passive zoning designations described above.

**e. R-3 Residential High Density Zone**

The R-3 Residential zone is described in Chapter 25.14. This zone is intended for high-density residential use, free from commercial and industrial activities, maintaining a design character in keeping with the intent and purpose of the Downtown Specific Plan. Section 25.14.004(F) of the LIP also describes public parks, playgrounds, beaches and accessory structures for the purposes of recreation, refreshment and service as allowable uses in this zone.

One parcel is currently zoned as R-3 Residential High Density Zone. The proposed LCP amendment will change the undeveloped hillside portion of this parcel to the Open Space/Conservation zoning designation. The existing zoning designation allows high-density, multi-family, residential development to occur on this parcel. Approval of the LIP amendment would limit the uses to only those permitted in the Open Space/Conservation zoning designation described above.

**f. Residential/Hillside Protection**

Section 25.15 of the LIP states that the Residential/Hillside Protection 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.

Six (6) parcels are currently zoned as Residential/Hillside Protection. The proposed LCP amendment will change 5 parcels to the Open Space/Conservation zoning designation and one parcel to the Open Space/Passive zoning designation. The existing zoning designation allows residential development to occur on these parcels. Approval of the LIP amendment would limit the uses to only those permitted in the Open Space/Conservation and Open Space/Passive zoning designations described above.

**g. Sycamore Hills Specific Plan (Sycamore Hills Zoning Ordinance)**

Chapter 25.36 of the LIP describes the permitted uses in this zone as active recreation, agricultural/horticultural, or residential (single-family and multiple family). Four (4) of the 87 parcels are currently zoned as Sycamore Hills Specific Plan. The proposed LCP amendment will change 3 parcels and the

Laguna Beach LCP Amendment 1-99  
Staff Report  
Page 18

undeveloped hillside portion of one parcel to the Open Space/Conservation zoning designation.

The existing zoning designation allows a variety of development, including residential development, to occur on these parcels. Approval of the LIP amendment would limit the uses to only those permitted in the Open Space/Conservation zoning designation described above.

**h. Recreation/R-1/Open Space/Conservation**

One parcel is currently zoned as Recreation/R-1/Open Space Conservation. Section 25.42 describes the Recreation zoning designation. Permitted uses include pathways, walkways, trails; public and private parks and gardens; beach areas, and picnic grounds. Permitted uses in the R-1 and Open Space/Conservation zones are described above. The proposed LCP amendment will change this parcel to the Open Space/Conservation zoning designation.

The existing zoning designations allow a variety of development to occur on this parcel. Approval of the LIP amendment would limit the uses to only those permitted in the Open Space/Conservation zoning designation described above.

**C. CONSISTENCY WITH CERTIFIED LUP**

The following is a description of the City's certified LUP Open Space/Conservation policies that are applicable to the proposed LIP amendment and an analysis of the LIP amendment's consistency with and ability to implement those LUP policies:

**1. Recreation Policy 5-B**

Recreation Policy 5-B states:

*Support the recreational use and development of surrounding open space lands, where environmentally feasible, to relieve demand for parklands within the City. Encourage preservation of Laguna Greenbelt in a natural state, with recreational access limited to passive activities such as nature trails and wildlife observation areas.*

The proposed LIP amendment designates over 100 acres of additional open space (Conservation and Passive) and preserves existing open space areas in both the downtown and outlying areas. The permitted uses for land zoned Open Space/Passive are hiking trails, historical preserves, scientific study, and vista points. These permitted uses for the Open Space/Passive zoning designation

proposed in the LIP amendment are consistent with Policy 5-B of the LUP described above.

**2. Visual Resources Policy 7-A**

Visual Resources Policy 7-A states:

*Preserve to the maximum extent feasible the quality of public views from the hillsides and along the city's shoreline.*

The proposed LIP amendment will aid in preserving the quality of public views from the hillsides by designating as open space certain City-owned lands that are currently zoned as residential, Institutional, Residential/Hillside Protection. Therefore, the proposed LIP amendment is consistent with Policy 7-A.

**3. Vegetation and Wildlife Resources Policy 8-A**

Vegetation and Wildlife Resources Policy 8-A states:

*Preserve the canyon wilderness throughout the city for its multiple benefits to the community, protecting critical areas adjacent to canyon wilderness, particularly stream beds whose loss would destroy valuable resources.*

The proposed LIP amendment is consistent with the policies of the City's certified LUP. The proposed Implementation Plan amendment to convert the parcels to Open Space/Conservation and Open Space/Passive will enhance the surrounding areas and will not result in incompatible land uses. Protection of any existing on-site environmentally sensitive habitat areas will not be jeopardized by the proposed change. Pursuant to Chapter 25.41 of the Zoning Code, permitted uses on lands within the Open Space/Conservation zoning designation are greenbelts, watershed areas, wildlife preserves, and marine preserves. The permitted uses for the Open Space/Conservation zoning designation proposed in the LIP amendment are consistent with Policy 8-A of the LUP described above.

**4. Watersheds and Watercourses Policy 9-A**

Watersheds and Watercourses Policy 9-A states:

*Promote the preservation and restoration of Laguna's natural drainage channels, freshwater streams, lakes and marshes to protect wildlife habitat and to maintain watershed, groundwater and scenic open space.*

Section 9 of the Open Space/Conservation portion of the LUP designates certain drainage courses and watersheds as major to the City of Laguna Beach. The proposed LIP amendment serves to designate new open space areas and protect existing open space areas that contain portions of major drainages and watersheds. Some of these areas include: Irvine Bowl Canyon, Laguna Canyon, Wood Canyon, Canyon Acres, Hidden Valley, and Bluebird Canyon. Therefore, the proposed Implementation Plan amendment is consistent with Policy 9-A of the certified LUP.

**5. Ridgelines Policy 13-A**

Ridgelines Policy 13-A states:

*Preserve the function of ridgelines, hillsides and canyons as a link between adjoining open space areas.*

Section 13 of the Open Space/Conservation portion of the LUP designates certain ridgelines in Laguna Beach as major ridgelines. The proposed LIP amendment serves to designate new open space and protect existing open space that contains portions of the major ridgelines, particularly in the Sycamore Hills Specific Plan area. Therefore, the proposed Implementation Plan amendment is consistent with Policy 13-A of the certified LUP.

The proposed amendment of the LIP portion of the City's certified LCP is consistent with the Recreation, Visual Resources, Vegetation and Wildlife Resources, Watersheds and Watercourses, Archeology/Paleontology, and Ridgelines Policies of the Open Space/Conservation portion of the LUP. Therefore, the Commission finds that the proposed LCP Amendment 1-99 is in conformance with and adequate to carry out the policies of the City's LUP.

**VI. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program (LCP). Instead, the CEQA responsibilities are assigned to the Coastal Commission. However, the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under Section 21080.5 of CEQA, the Commission is relieved of the responsibility to prepare an EIR for each LCP. Nevertheless, the Commission is required in an LCP submittal to find that the LCP does conform with the provisions of CEQA. The City of Laguna Beach LCP

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amendment 1-99 consists of a Land Use Plan (LUP) amendment and an Implementation Plan (IP) amendment.

As outlined in this staff report, the proposed LCP amendment designates new public open space and preserves existing public open space. The open space designation and zoning applies to land containing ecological and scenic resources. Therefore the Commission finds that the proposed amendment is in conformity with the policies of Chapter 3 of the Coastal Act. For the same reasons the IP amendment is in conformity with and adequate to carry out the open space policies of the certified LUP. Therefore, the Commission finds that approval of the LCP amendment will not result in significant adverse environmental impacts under the meaning of CEQA and certifies LCP Amendment 1-99 as submitted.

**ORDINANCE NO.1342****AN ORDINANCE OF THE CITY OF LAGUNA BEACH AMENDING THE  
GENERAL PLAN, THE GENERAL PLAN LAND USE MAP, THE LAGUNA  
BEACH MUNICIPAL CODE, AND THE ZONING MAP TO ESTABLISH  
"PERMANENT OPEN SPACE" ZONING THAT WOULD BE APPLIED TO  
SPECIFIC, CITY-OWNED OPEN SPACE PARCELS UNTIL DECEMBER 31, 2028**

WHEREAS, on June 22, 1998, the people of the City of Laguna Beach submitted petitions for the Laguna Beach Open Space Initiative; and

WHEREAS, the Orange County Registrar of Voters certified that more than 15% of the City's registered voters signed the initiative petitions; and

WHEREAS, the initiative measure was presented to the Laguna Beach City Council on July 13, 1998 and, in accordance with the provisions of Elections Code Section 9214, the Laguna Beach City Council determined to take the steps necessary to adopt the initiative measure in lieu of submitting the measure to the voters of the City, and

WHEREAS, on July 13, 1998, the Laguna Beach City Council introduced the initiative measure, without alteration, as an ordinance; and

WHEREAS, on July 21, 1998, the Laguna Beach City Council held a public meeting to consider adoption of the initiative measure;

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

***Section 1: Purpose and Findings*****A. Preservation of Valuable Open Space**

The purpose of this Ordinance is to assure the long-term preservation of the City of Laguna Beach's publicly-owned open space lands. The unique character of Laguna Beach and the quality of life of its residents depend on protecting the significant environmental, aesthetic and recreational benefits that these lands provide to the community. Indeed, inasmuch as these lands, consisting of more than eleven hundred acres within the City's incorporated area, constitute some

of the most valuable scenic resources in the region, they are critical to the long-term vitality of the area's economy and environment, as well as the continued ecological health of the surrounding Laguna Greenbelt open space.

**B. Establishing New Public Open Space Policies**

The City of Laguna Beach's public open space lands are not currently subject to a uniform permanent open space designation in the City's principal land use document, the General Plan, nor are they uniformly zoned for open space activities. Accordingly, in order to ensure that these important public areas are not inappropriately converted to urban uses in the future, this Ordinance:

- \* amends the City's General Plan to establish a new "Permanent Open Space" land use designation. This new designation sets forth policies to ensure that activities on affected public open space lands are restricted to rural uses such as greenbelt and wildlife preserves.
- \* amends the City's General Plan Land Use Map to redesignate to "Permanent Open Space" certain identified publicly owned lands, as indicated on the maps attached as Exhibits A and A-1 to this Ordinance.
- \* amends the City's Zoning Map to rezone publicly owned lands within the new "Permanent Open Space" designation as Open Space, assuring consistency between the General Plan and zoning. The rezoned parcels are indicated on the maps attached as Exhibits A and A-1 to this Ordinance.

Except as otherwise specified, these General Plan amendments may not be further amended or



repealed except by a vote of the people at a City of Laguna Beach election, until December 31, 2028.

***Section 2: Amendments to City of Laguna Beach General Plan Land Use Element***

**A. Permanent Open Space Land Use Designation -- Amendment to General Plan Text**

The following text is added to the City of Laguna Beach General Plan Land Use Element, Section 7: Land Use Plan Map, at the end of paragraph B, Land Use Categories, p. 64:

**Permanent Open Space**

This category of land uses is intended to protect and preserve publicly-owned open space lands of ecological, scenic, cultural and/or scientific value so that such lands remain a permanent community resource. Lands designated Permanent Open Space must be zoned as either "Open Space/Conservation" or "Open Space/Passive." Uses permitted on lands within this general plan land use designation are greenbelts, watershed areas, wildlife preserves, and marine preserves. For those lands zoned Open Space/Passive the following additional uses are allowed: hiking trails, historical preserves, scientific study, and vista points. Additional low-impact passive uses may be permitted, subject to a conditional use permit, where the City Council finds that those uses will not conflict with the open space uses described above and will not have a significant effect on the environment. Any improvements proposed for these lands shall be subject to planning commission approval and shall be consistent with design objectives and guidelines adopted by the City to assure a minimal scenic and environmental impact from any such improvement on these lands.

**B. Redesignation of Specified Publicly-Owned Lands to "Permanent Open Space" Category**

**- Amendment to General Plan Map.**

The City of Laguna Beach Land Use Plan Map is amended by this Ordinance as follows:

1. The publicly owned lands identified by the Assessor's Parcel Numbers listed below are hereby designated in their entirety as "Permanent Open Space."

629-061-01	632-081-05	641-093-12	641-094-09	641-163-01	641-341-04	641-341-05
641-411-03	641-411-04	641-461-11	644-141-08	644-385-11	644-391-01	644-391-34
644-391-37	644-391-40	644-391-41	644-391-42	644-391-43	644-391-45	644-392-01
644-404-01	644-405-01	644-411-03	644-411-04	644-411-05	644-412-01	644-414-11
644-414-12	644-415-07	644-415-11	644-415-12	644-415-15	644-416-18	644-417-01
644-438-16	644-442-07	644-443-05	644-444-01	644-452-13	644-452-14	644-452-15
644-456-27	644-457-14	644-467-20	644-467-24	644-475-07	644-475-08	644-475-09
656-062-30	622-011-05	622-021-39	622-011-12	629-031-21	629-021-03	629-031-22
629-031-23	629-041-13	629-021-04	629-031-07	632-021-01	632-021-02	632-031-05
632-031-06	632-081-09	644-372-02	644-331-09	644-331-11	644-362-03	641-373-17
641-401-09	641-441-07	644-162-16				

2. With respect to the publicly owned Parcels identified by the Assessor's Parcel Numbers listed below, the undeveloped hillside portions of these parcels are designated "Permanent Open Space:"

496-101-01	496-111-06	629-031-10	632-051-02	644-474-06	644-474-07	644-474-08
644-474-09	644-474-10	644-474-11	644-474-13	644-474-14	644-474-15	644-474-16

The lands thus designated are indicated on the maps attached as Exhibits A and A-1 to this initiative.

**C. Restrictions on Future Amendments to the Permanent Open Space Provisions**

The following text is added to the Laguna Beach General Plan Land Use Element, Section 7, at the end of the section as new Paragraph D, p. 65:

**D. Amendments to Permanent Open Space Provisions:**

1. Until December 31, 2028, the text within paragraph B of this Section 7 of the General Plan Land Use Element, entitled "Permanent Open Space," and added to the General Plan by Ordinance No.1342, may be amended or repealed only by the voters of the City of Laguna Beach in a City election.
2. Until December 31, 2028, the lands designated "Permanent Open Space" by the Laguna Beach Open Space Initiative adopted in 1998 may be redesignated to another land use category only by the voters of the City of Laguna Beach in a City election.

**Section 3: *Amendments to City of Laguna Beach General Plan Open Space Element***

**A. Conforming Amendments.** In light of the General Plan amendments set forth above, the City of Laguna Beach General Plan is hereby further amended as set forth below in order to promote internal consistency among the various elements of the General Plan. Text to be inserted into the General Plan is indicated in ***bold italic*** type while text to be stricken is presented in ~~strike through~~ type; text in standard type currently appears in the General Plan and remains unchanged by this Ordinance. The language adopted in the following amendments may be further amended as appropriate, consistent with this Ordinance, without a vote of the people in the course of future updates and revisions to the General Plan.

**B. Amendments to the Open Space and Conservation Elements:**

1. Section 3: Issue Statements & Policies. Policy 5-E, on page 31, is amended to read as follows:

5-E Evaluate City-owned land for public parks *and permanent open space, consistent with the purposes and uses set forth in Ordinance No.1342.*

2. The text of Section 4, Land Use Plan Categories, as amended by the "Addendum to Open Space/Conservation Element," dated 12/05/89, beginning with the second paragraph on page 67, and continuing through page 68 is amended to read as follows:

"The most significant general plan tool for land use planning is the Land Use Plan Map contained within the Land Use Element. This map graphically illustrates the general location and distribution of land use and establishes general standards for population density and building intensity in each of the land use categories. The City's Land Use Plan Map uses ~~four~~ *five* categories of land use for the purpose of recognizing and preserving valuable open space and conservation lands and recreational areas.

The "Public Parks and Recreation" land use category is applied to open space lands which are owned and maintained by the City for active and passive recreation. This designation is used mainly for neighborhood parks and oceanfront beach areas. A companion land use category entitled "Public/Institutional" includes recreational lands owned and maintained by the School District. These lands are shared between the School District and the City for various recreational activities.

The *third* category of land use is entitled "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. In order to effectively implement these potentially competing goals, the Land Use Element and Open Space/Conservation

Element must work in tandem. For example, the Land Use Element functions to preserve open space land by utilizing a slope/density formula which limits the density of development according to slope conditions.

Steep slopes qualify for very low density. In addition to slope/density provisions, other factors must also be examined in conjunction with new development such as the resource maps on biological values contained in this Element. Similar maps exist in the City's Seismic/Safety Element, but these identify potentially unstable lands, earthquake faults and other natural hazards.

The principal category *categories* of land use, however, intended for the conservation of existing natural and open space lands, is *are* entitled "Open Space": and "*Permanent Open Space*." ~~This~~ *The Open Space* category is intended to preserve land in its natural state for open space purposes exclusively. Lands within this category are typified by special ecological, geographical and historical importance.

The actual preservation of open space lands and protection of environmentally sensitive areas is therefore established through the development review process which combines the assessment of specific physical constraints with the application of natural resource protection policies and ordinance requirements. This procedure enables the City to regulate the location and density of hillside development while protecting environmentally sensitive areas and open space lands in accordance with general plan policies and local ordinance requirements.

*Finally, the Permanent Open Space category is intended to protect and preserve publicly-owned open space lands of ecological, scenic, cultural and/or scientific value so that such lands remain a*

*permanent community resource. Uses permitted on lands within this category are greenbelts, watershed areas, wildlife preserves, and marine preserves. Additional low-impact passive uses may be permitted in certain lands within this category, subject to specified conditions and findings."*

#### **Section 4: Zoning Amendments**

##### **A. Rezoning of Specified Parcels.**

In order to maintain consistency between the City's zoning and General Plan, the City of Laguna Beach Zoning Map is amended by this Ordinance as follows:

1. The publicly owned parcels identified by the Assessors's Parcel Numbers listed below are zoned in their entirety Open Space/Conservation (OS/C):

629-061-01	632-081-05	641-093-12	641-094-09	641-163-01	641-341-04	641-341-05
641-411-03	641-411-04	641-461-11	644-141-08	644-385-11	644-391-01	644-391-34
644-391-37	644-391-40	644-391-41	644-391-42	644-391-43	644-391-45	644-392-01
644-404-01	644-405-01	644-411-03	644-411-04	644-411-05	644-412-01	644-414-11
644-414-12	644-415-07	644-415-11	644-415-12	644-415-15	644-416-18	644-417-01
644-438-16	644-442-07	644-433-05	644-444-01	644-452-13	644-452-14	644-452-15
644-456-27	641-457-11	641-467-20	641-467-21	644-475-07	644-475-08	644-475-09
656-062-30						

2. With respect to the publicly owned parcels identified by the Assessor's Parcel Numbers listed below, the undeveloped hillside portions of these parcels are zoned OS/C:

496-101-01	496-111-06	<sup>609</sup> <del>496</del> -031-10	632-051-02	644-474-06	644-474-07	644-474-08
------------	------------	--	------------	------------	------------	------------

644-474-09 644-474-10 644-474-11 644-474-13 644-474-14 644-474-15 644-474-16

3. The publicly owned parcels identified by the Assessor's Parcel Numbers listed below are zoned

**Open Space/Passive (OS/P):**

622-011-05 622-021-39 622-011-12 629-031-21 629-021-03 629-031-22 629-031-23

629-041-13 629-021-04 629-031-07 632-021-01 632-021-02 632-031-05 632-031-06

632-081-09 644-312-02 644-331-09 644-331-11 644-362-03 641-373-17 641-401-09

641-441-07 644-162-16

The zoning changes effected by this Ordinance are indicated on the maps attached as Exhibits A and A-1 to this Ordinance.

**B. Amendment to Zoning Code**

Section 25.41.009 is hereby is added to the City of Laguna Beach Municipal Code to read in its entirety as follows:

"25.41.009: Future rezoning Those publicly owned parcels that were zoned "OS/C" by Ordinance No.1342 may be rezoned by the City Council, but only to "OS/P." Those publicly owned parcels that were zoned "OS/P" by Ordinance No.1342 may be rezoned by the City Council, but only to "OS/C." This section expires December 31, 2028.

**Section 5: Implementation**

Any provision of the City's Municipal Code inconsistent with this Ordinance shall not be enforced.

In addition, the City shall amend those additional provisions of the General Plan, zoning

ordinances and other ordinances and policies, including general plan, zoning and other maps, as necessary to ensure consistency between the policies and land use designations adopted by this Ordinance and any other City plan provisions, policies, ordinances, and maps. Nothing in this Ordinance precludes the City Council from designating additional public lands "Permanent Open Space" or zoning additional land OS/C or OS/P consistent with applicable provisions of state law.

***Section 6: Severability and Interpretation.***

This Ordinance shall be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this Ordinance is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. This Ordinance, and each section, sub-section, sentence, clause, phrase, part, or portion thereof would have been adopted or passed even if one or more sections, sub-sections, sentences, clauses, phrases, parts, or portions are declared invalid or unconstitutional. If any provision of this Ordinance is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this Ordinance that can be given effect without the invalid application. This Ordinance shall be broadly construed in order to achieve the purposes stated in this Ordinance. The provisions of this Ordinance shall be interpreted by the City in a manner that facilitates the preservation of the City's publicly owned lands as a permanent community resource.



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

ADOPTED this 21<sup>st</sup> day of July 1998.


  
Steven M. Dicterow, Mayor

ATTEST:

  
City Clerk

I, Verna L. Rollinger, City Clerk of the City of Laguna Beach, California, do hereby certify that the foregoing Ordinance, No. 1342 was introduced at an adjourned regular meeting of the City Council held on July 13, 1998, and was duly adopted at a regular meeting of the City Council held on July 21, 1998, by the following vote:

AYES:	COUNCILMEMBERS:	Peterson, Blackburn, Freeman, Dicterow
NOES:	COUNCILMEMBER:	Baglin
ABSENT:	COUNCILMEMBERS:	None

  
City Clerk of the City of Laguna Beach, CA

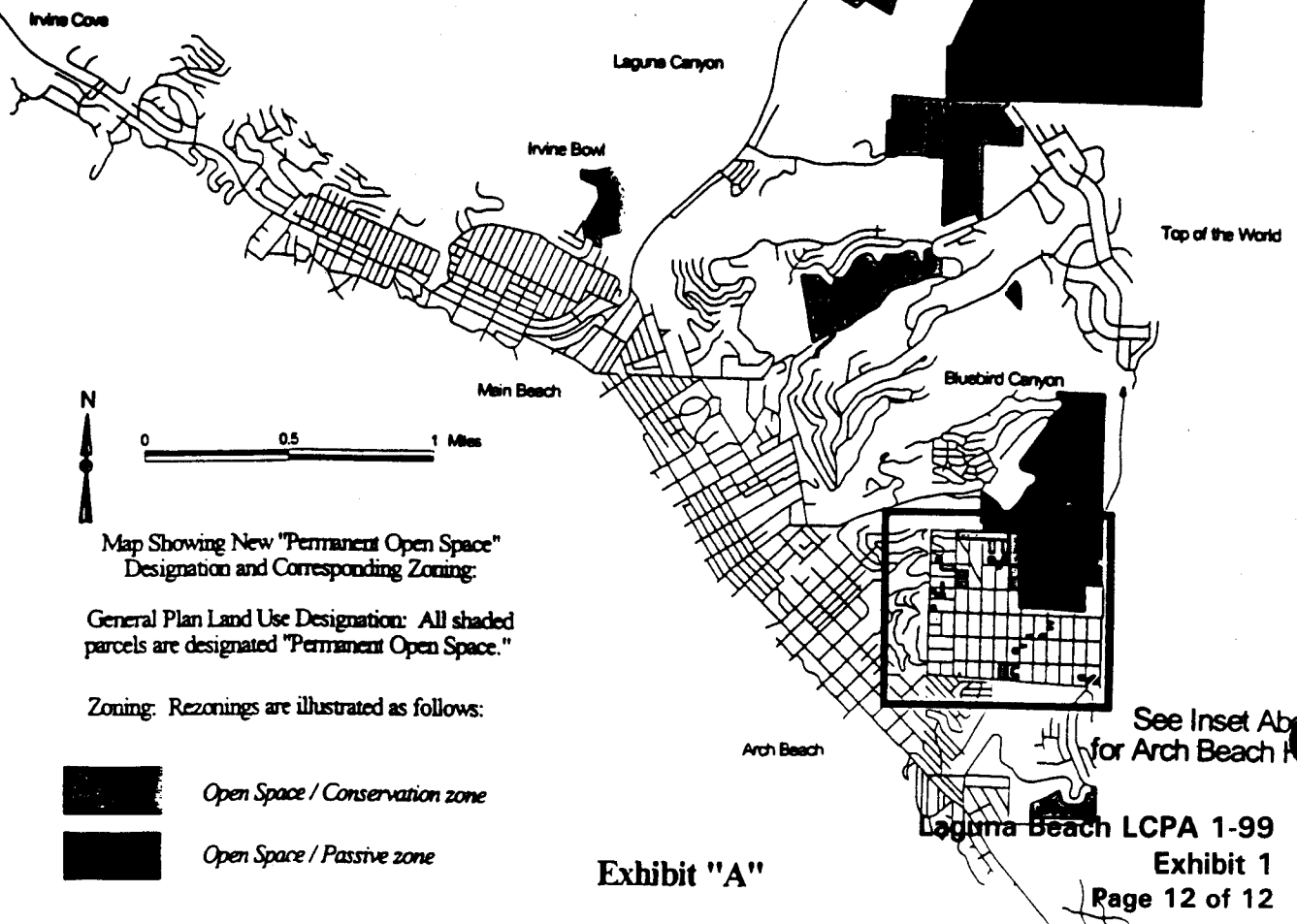
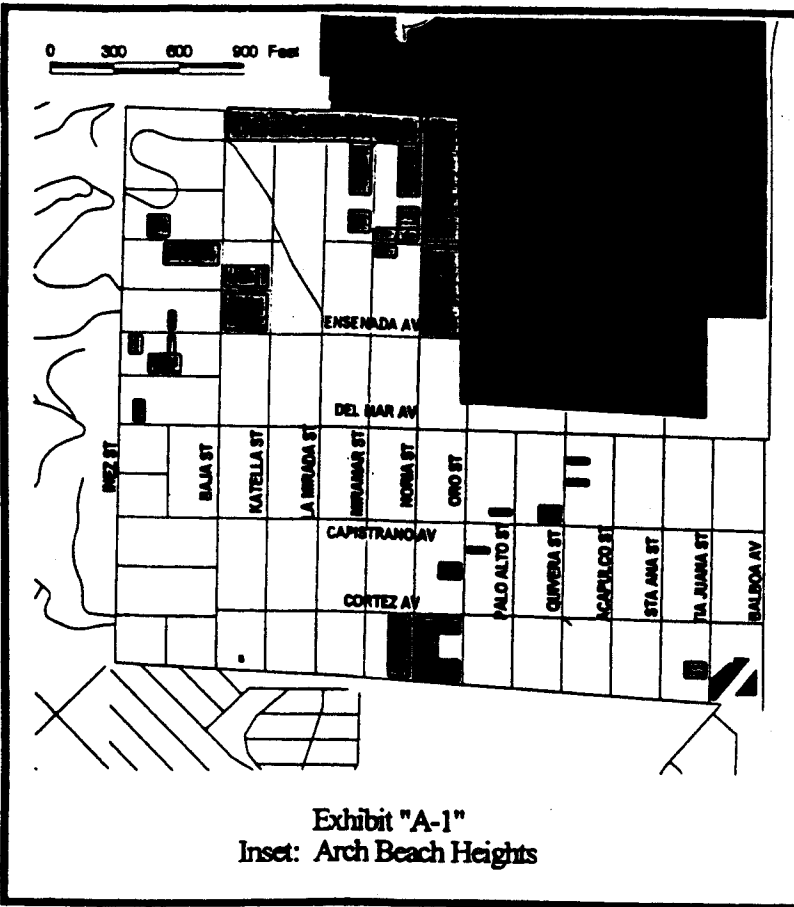


Exhibit "A"

Oct 21 1999

RESOLUTION NO. 99.069

CALIFORNIA  
COASTAL COMMISSION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH, CALIFORNIA, TO REQUEST APPROVAL FROM THE CALIFORNIA COASTAL COMMISSION TO AMEND THE LOCAL COASTAL PROGRAM

WHEREAS, on June 22, 1998, the people of the City of Laguna Beach submitted petitions for the Laguna Beach Open Space Initiative and such petitions were certified by the Orange County Registrar of Voters as signed by more than 15% of the City's registered voters;

WHEREAS, the initiative measure was presented to the Laguna Beach City Council on July 13, 1998 and, in accordance with the provisions of Elections Code Section 9214, the Laguna Beach City Council determined to take the steps necessary to adopt the initiative measure in lieu of submitting the measure to the voters of the City;

WHEREAS, on July 21, 1998, the City Council adopted the Open Space Initiative Petition Ordinance that will preserve City of Laguna Beach publicly-owned open space lands in the City;

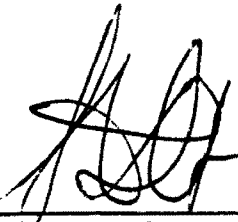
WHEREAS, the City Council desires to ensure that the long-term preservation of such publicly-owned open space lands is also recognized in the City's Local Coastal Program;

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

SECTION 1. The City Council requests approval by the California Coastal Commission of the City of Laguna Beach Local Coastal Program as amended by the Open Space Initiative Petition Ordinance.

1                    SECTION 2. The City Council certifies that the Open Space Initiative Petition  
2 Ordinance is subject to and immediately effective upon California Coastal Commission  
3 approval, and further, that the Local Coastal Program is intended to be carried out in a  
4 manner fully in conformity with the California Coastal Act.  
5

6  
7                    ADOPTED this 21<sup>st</sup> day of September 1999.  
8

9  
10                    

Steven M. Dicterow, Mayor

11                    ATTEST:

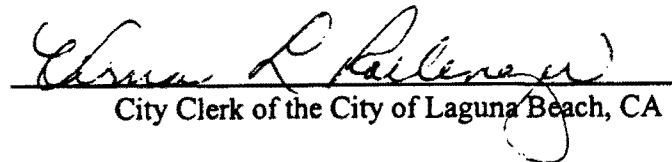
12                      
13                    City Clerk  
14

15                    I, VERNA L. ROLLINGER, City Clerk of the City of Laguna Beach, California, do  
16 hereby certify that the foregoing Resolution No. 99.069 was duly adopted at a Regular  
17 Meeting of the City Council of said City held on September 21, 1999, by the following vote:

18                    AYES:            COUNCILMEMBER(S): Peterson, Iseman, Blackburn, Dicterow




19                    NOES            COUNCILMEMBER(S): None

20                    ABSENT        COUNCILMEMBER(S): Freeman  
21

22                      
23                    City Clerk of the City of Laguna Beach, CA  
24  
25  
26  
27  
28

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FEB 09 2000

CALIFORNIA  
COASTAL COMMISSION

- 
-  Open Space
  -  Public/Institutional
  -  Residential/Hillside Protection  
(previously Hillside Management/Conservation)
  -  Village Low Density
  -  Village Medium Density

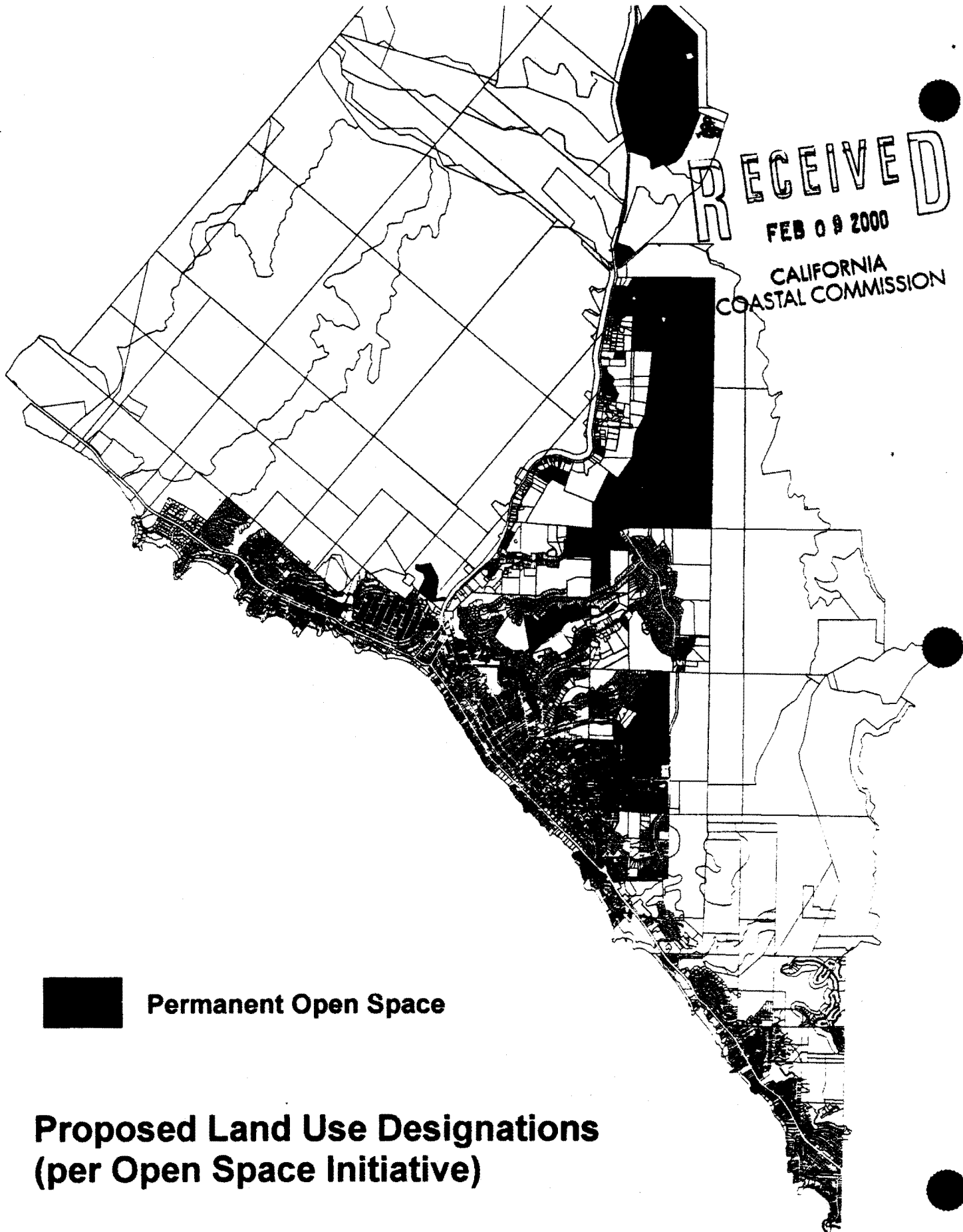
## Existing Land Use Designations (per Open Space Initiative)

Laguna Beach LC/A 1-99

Exhibit 3

Page 1 of 1

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COASTAL COMMISSION

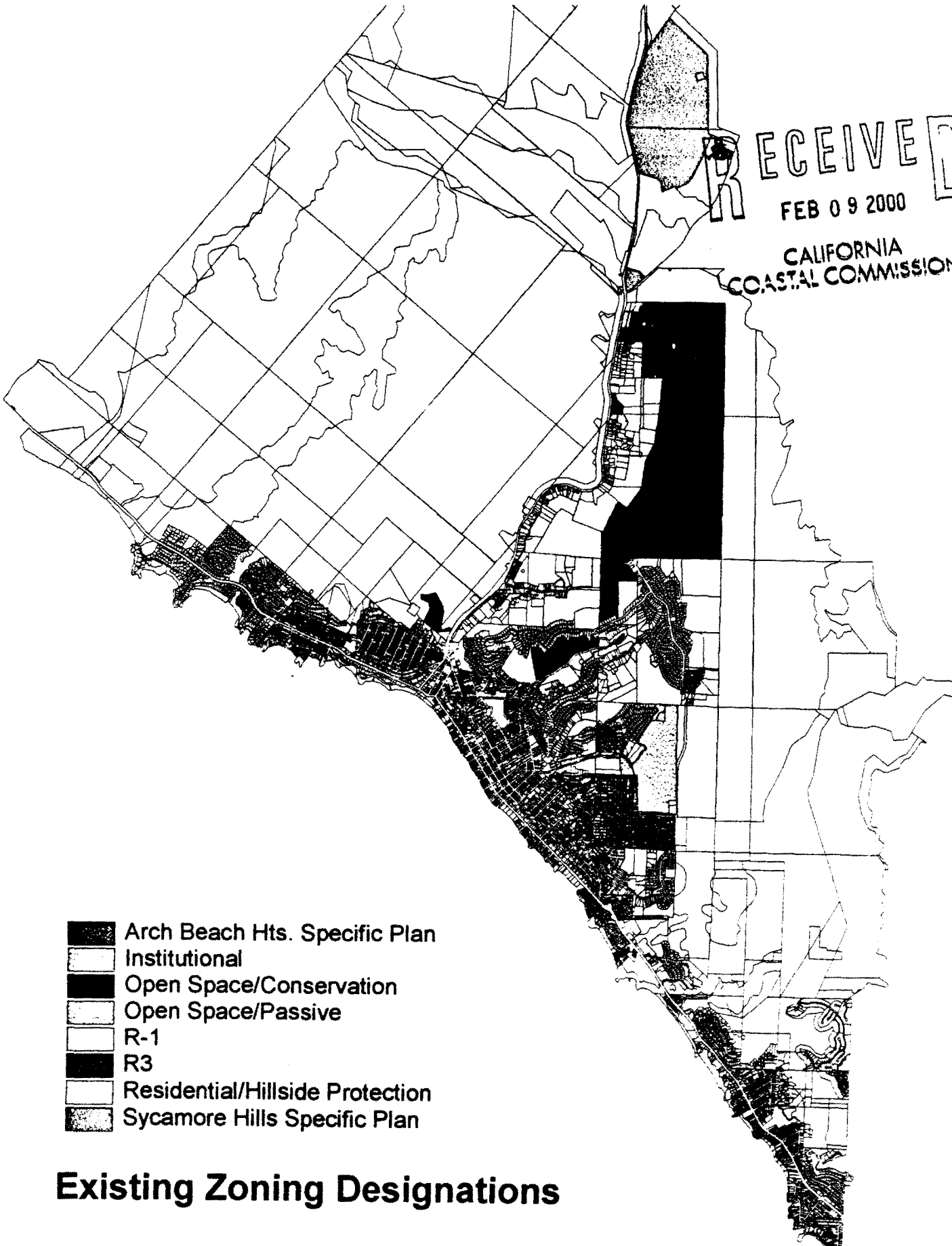


**Permanent Open Space**

**Proposed Land Use Designations  
(per Open Space Initiative)**

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CALIFORNIA  
COASTAL COMMISSION

- 
- Arch Beach Hts. Specific Plan
  - Institutional
  - Open Space/Conservation
  - Open Space/Passive
  - R-1
  - R3
  - Residential/Hillside Protection
  - Sycamore Hills Specific Plan

## Existing Zoning Designations

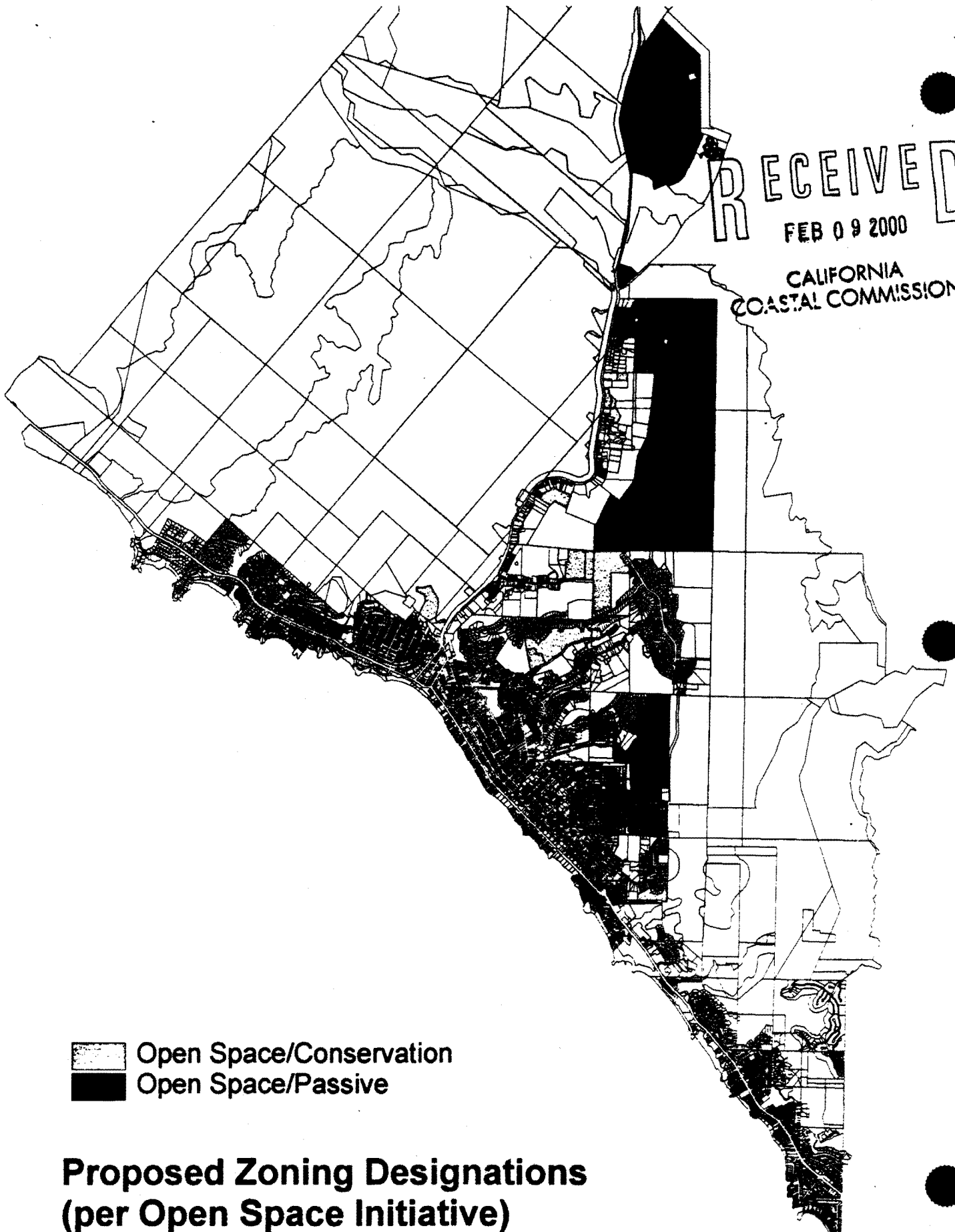
Laguna Beach LCMA 1-99

Exhibit 5

Page 1 of 1

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CALIFORNIA  
COASTAL COMMISSION



**Proposed Zoning Designations  
(per Open Space Initiative)**

Laguna Beach LCPA 1-99

Exhibit 6

Page 1 of 1



February 14, 2000

Dear Maile,

The acreage figures for the proposed open space zones (included in the Permanent Open Space designation) are the following:

Open Space/Conservation	176 Acres
Open Space/Passive	1,134 Acres
	<hr/>
	1,300 Acres Total

Please note that this is a more accurate calculation of the total acreage than I previously provided to you.

Sincerely,

*Kathy*  
Kathy Lottes

**Existing Land Use****Open Space**

APN	Existing Land Use	AREA
622-011-12	Open Space	4886570
622-021-39	Open Space	8708078
629-021-03	Open Space	4885114
629-031-22	Open Space	376390
629-031-23	Open Space	3089009
629-041-13	Open Space	28104
629-021-04	Open Space	2316601
629-031-07	Open Space	768113
632-021-01	Open Space	3405775
632-021-02	Open Space	9211809
632-031-05	Open Space	1288280
632-031-08	Open Space	1145431
632-081-09	Open Space	2435080
629-031-21	Open Space	955867
		43266829

**893 Acres****Public/Institutional**

496-101-01	Public/Institutional	737998
496-111-06	Public/Institutional	188450
		934448

**21 Acres****Residential/Hillside Protection**

632-051-02	Residential/Hillside Protection	13410
629-031-10	Residential/Hillside Protection	
629-061-01	Residential/Hillside Protection	125732
632-081-05	Residential/Hillside Protection	509408
641-341-04	Residential/Hillside Protection	334811
641-341-05	Residential/Hillside Protection	1517563
641-461-11	Residential/Hillside Protection	1885173
641-411-03	Residential/Hillside Protection	741620
641-411-04	Residential/Hillside Protection	332621
644-372-02	Residential/Hillside Protection	4746950
644-331-09	Residential/Hillside Protection	85317
644-331-11	Residential/Hillside Protection	137012
644-382-03	Residential/Hillside Protection	258139
641-183-01	Residential/Hillside Protection	69801
641-373-17	Residential/Hillside Protection	17601
641-401-09	Residential/Hillside Protection	3180
641-441-07	Residential/Hillside Protection	7008
656-062-30	Residential/Hillside Protection	382803

**11145917****255 Acres**

**Village Low Density**

622-011-05	Village Low Density	401808
641-093-12	Village Low Density	502
641-094-09	Village Low Density	
644-385-11	Village Low Density	10000
644-391-01	Village Low Density	123408
644-391-34	Village Low Density	10000
644-391-37	Village Low Density	24226
644-391-40	Village Low Density	6600
644-391-41	Village Low Density	5500
644-391-42	Village Low Density	2500
644-391-43	Village Low Density	7500
644-391-45	Village Low Density	24000
644-392-01	Village Low Density	88622
644-404-01	Village Low Density	6000
644-406-01	Village Low Density	68547
644-411-03	Village Low Density	6000
644-411-04	Village Low Density	10000
644-411-05	Village Low Density	5000
644-412-01	Village Low Density	34002
644-414-11	Village Low Density	2500
644-414-12	Village Low Density	2500
644-415-07	Village Low Density	2650
644-415-11	Village Low Density	2650
644-415-12	Village Low Density	2550
644-415-15	Village Low Density	12750
644-418-18	Village Low Density	2550
644-417-01	Village Low Density	24866
644-438-16	Village Low Density	274
644-442-07	Village Low Density	7501
644-443-05	Village Low Density	48424
644-444-01	Village Low Density	28615
644-452-13	Village Low Density	2500
644-452-14	Village Low Density	2500
644-452-15	Village Low Density	2500
644-456-27	Village Low Density	2500
644-457-14	Village Low Density	2500
644-467-20	Village Low Density	2500
644-467-24	Village Low Density	2500
644-475-07	Village Low Density	2500
644-475-08	Village Low Density	2500
644-475-09	Village Low Density	2500
644-474-06	Village Low Density	2688
644-474-07	Village Low Density	2695
644-474-08	Village Low Density	2702
644-474-09	Village Low Density	5421
644-474-10	Village Low Density	2720
644-474-11	Village Low Density	2726

644-474-13	Village Low Density	6275
644-474-14	Village Low Density	2500
644-474-15	Village Low Density	2500
644-474-16	Village Low Density	4613
		624285
	14 Acres	

Village Medium Density		
644-141-08	Village Medium Density	8540
644-162-18	Village Medium Density	5782
		14422
	0.3 Acres	

Total	1283.3
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### Existing Zoning

#### R-1 (Arch Beach Heights Specific Plan)

APN	EXISTING_Z	AREA
644-385-11	Arch Beach Hts. Specific Plan	10000
644-391-01	Arch Beach Hts. Specific Plan	123408
644-391-34	Arch Beach Hts. Specific Plan	10000
644-391-37	Arch Beach Hts. Specific Plan	24228
644-391-40	Arch Beach Hts. Specific Plan	5500
644-391-41	Arch Beach Hts. Specific Plan	5500
644-391-42	Arch Beach Hts. Specific Plan	2500
644-391-43	Arch Beach Hts. Specific Plan	7500
644-391-45	Arch Beach Hts. Specific Plan	24000
644-392-01	Arch Beach Hts. Specific Plan	88822
644-404-01	Arch Beach Hts. Specific Plan	5000
644-405-01	Arch Beach Hts. Specific Plan	68547
644-411-03	Arch Beach Hts. Specific Plan	5000
644-411-04	Arch Beach Hts. Specific Plan	10000
644-411-05	Arch Beach Hts. Specific Plan	5000
644-412-01	Arch Beach Hts. Specific Plan	34002
644-414-11	Arch Beach Hts. Specific Plan	2500
644-414-12	Arch Beach Hts. Specific Plan	2500
644-416-07	Arch Beach Hts. Specific Plan	2550
644-416-11	Arch Beach Hts. Specific Plan	2550
644-416-12	Arch Beach Hts. Specific Plan	2550
644-416-15	Arch Beach Hts. Specific Plan	12760
644-416-18	Arch Beach Hts. Specific Plan	2550
644-417-01	Arch Beach Hts. Specific Plan	24856
644-438-16	Arch Beach Hts. Specific Plan	274
644-442-07	Arch Beach Hts. Specific Plan	7501
644-443-05	Arch Beach Hts. Specific Plan	48424
644-444-01	Arch Beach Hts. Specific Plan	28816
644-452-13	Arch Beach Hts. Specific Plan	2500
644-452-14	Arch Beach Hts. Specific Plan	2500
644-452-15	Arch Beach Hts. Specific Plan	2500

644-456-27	Arch Beach Hts. Specific Plan	2500
644-457-14	Arch Beach Hts. Specific Plan	2500
644-467-20	Arch Beach Hts. Specific Plan	2500
644-467-24	Arch Beach Hts. Specific Plan	2500
644-475-07	Arch Beach Hts. Specific Plan	2500
644-475-08	Arch Beach Hts. Specific Plan	2500
644-475-09	Arch Beach Hts. Specific Plan	2500
644-474-06	Arch Beach Hts. Specific Plan	2688
644-474-07	Arch Beach Hts. Specific Plan	2688
644-474-08	Arch Beach Hts. Specific Plan	2702
644-474-09	Arch Beach Hts. Specific Plan	5421
644-474-10	Arch Beach Hts. Specific Plan	2720
644-474-11	Arch Beach Hts. Specific Plan	2726
644-474-13	Arch Beach Hts. Specific Plan	6275
644-474-14	Arch Beach Hts. Specific Plan	2500
644-474-15	Arch Beach Hts. Specific Plan	2500
644-474-16	Arch Beach Hts. Specific Plan	4813
		624285

14 Acres

## Institutional

632-051-02	Institutional	215118
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5 Acres

## Open Space/Conservation

629-021-03	Open Space/Conservation	4885114
629-031-22	Open Space/Conservation	375390
629-031-23	Open Space/Conservation	3089009
629-041-13	Open Space/Conservation	28104
629-021-04	Open Space/Conservation	2316601
629-031-07	Open Space/Conservation	758113
632-021-01	Open Space/Conservation	3405775
632-021-02	Open Space/Conservation	8211609
632-031-05	Open Space/Conservation	1266280
632-031-06	Open Space/Conservation	1145431
632-081-09	Open Space/Conservation	2435090
629-031-10	Open Space/Conservation	
641-341-04	Open Space/Conservation	334611
641-341-05	Open Space/Conservation	1517553
641-461-11	Open Space/Conservation	1865173
		32433853

744 Acres

## Open Space/Passive

644-372-02	Open Space/Passive	4746850
644-331-09	Open Space/Passive	85317
644-331-11	Open Space/Passive	137012
644-362-03	Open Space/Passive	258139
		6226418

120 Acres

## R-1

486-111-06	R-1	186450
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041-163-01	R-1	69801
041-373-17	R-1	17801
041-401-09	R-1	3180
041-093-12	R-1	502
041-094-09	R-1	
044-141-08	R-1	8640
044-162-16	R-1	5782
		301936

7 Acres

R3

498-101-01	R3	737898
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16 Acres

## Recreation and other zones

629-031-21	Recreation, R-1, OS/Conservat	955887
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21 Acres

## Residential/Hillside Protection

629-061-01	Residential/Hillside Protecti	125732
632-081-05	Residential/Hillside Protecti	509408
641-411-03	Residential/Hillside Protecti	741820
641-411-04	Residential/Hillside Protecti	332621
641-441-07	Residential/Hillside Protecti	7006
658-062-30	Residential/Hillside Protecti	382803
		2099190

48 Acres

## Sycamore Hills Specific Plan

622-011-12	Sycamore Hills Specific Plan	4888570
622-021-39	Sycamore Hills Specific Plan	8708078
622-011-05	Sycamore Hills Specific Plan	401808
498-031-10	Sycamore Hills Specific Plan	4125
		14000579

321 Acres

Total 1296 Acres

Per Ordinance No. 1342, adopted July 21, 1998, the following text is added to the City of Laguna Beach General Plan Land Use Element, Section 7: Land Use Plan Map, at the end of paragraph B of Land Use Categories, p. 64:

Permanent Open Space

This category of land uses is intended to protect and preserve publicly-owned open space lands of ecological, scenic, cultural and/or scientific value so that such lands remain a permanent community resource. Lands designated Permanent Open Space must be zoned as either "Open Space/Conservation" or "Open Space/Passive." Uses permitted on lands within this general plan land use designation are greenbelts, watershed areas, wildlife preserves, and marine preserves. For those lands zoned Open Space/Passive the following additional uses are allowed: hiking trails, historical preserves, scientific study, and vista points. Additional low-impact passive uses may be permitted, subject to a conditional use permit, where the City Council finds that those uses will not conflict with the open space uses described above and will not have a significant effect on the environment. Any improvements proposed for these lands shall be subject to Planning Commission approval and shall be consistent with design objectives and guidelines adopted by the City to assure a minimal scenic and environmental impact from any such improvement on these lands.

Per Ordinance No. 1342, adopted July 21, 1998, the following text is added to the Laguna Beach General Plan Land Use Element, Section 7: Land Use Plan Map, at the end of the Section as new Paragraph D, p. 65:

D. Amendments to Permanent Open Space Provisions:

1. Until December 31, 2028, the text within paragraph B of this Section 7 of the General Plan Land Use Element, entitled "Permanent Open Space," and added to the General Plan by Ordinance No.1342, may be amended or repealed only by the voters of the City of Laguna Beach in a City election.
2. Until December 31, 2028, the lands designated "Permanent Open Space" by the Laguna Beach Open Space Initiative adopted in 1998 may be re-designated to another land use category only by the voters of the City of Laguna Beach in a City election.

An important consideration in providing park/recreation land is on-going maintenance responsibility. The City of Laguna Beach budgeted \$896,304 in fiscal year 1983-84 for the maintenance of park and beach land. With the rising cost of labor and machinery, maintenance cost can be reasonably predicted to rise above this figure in the future. These factors clearly illustrate that the cost of providing park/recreation areas does not stop with the acquisition and development of the land.

Given the problems stated above, funding programs must use imagination in seeking all possible sources of revenues. Federal and state urban grants, state and local park bonds, park in lieu funds, athletic program expansion funds; and capital improvement, development and open space funds are all possible funding mechanisms. Park-in-lieu funds currently provide the majority of money for park and recreation needs in Laguna Beach. Under this program, land developers are required to dedicate a predetermined amount of park/recreation land or provide money payment in-lieu of the land. The payment is then deposited into a fund for the acquisition of new parkland and/or for the improvement of existing park facilities. Park-in-lieu fees are collected according to five separate districts in the City, and all monies collected within a given district must be expended in only that district. This procedure enables the City to balance the supply of recreation facilities in accordance with neighborhood growth and demand. Increased flexibility and specificity is needed, however, in order to address priorities in the plan.

### **POLICIES**

- 5A Evaluate the disposition of existing park-in-lieu fees and develop a more flexible and specific program for the expenditure of these funds.
- 5B Support the recreational use and development of surrounding open space lands, where environmentally feasible, to relieve demand for parklands within the City. Encourage preservation of Laguna Greenbelt in a natural state, with recreational access limited to passive activities such as nature trails and wildlife observation areas.
- 5C Pursue federal, state and county funding for parks.
- 5D Investigate use of Water District land for neighborhood recreation use.
- 5E Evaluate City-owned land for public parks and permanent open space, consistent with the purposes and uses set forth in Ordinance No. 1342.
- 5F Encourage the placement of art forms in public places, other than the installation of permanent art forms at Main Beach Park.



## **SECTION 4 - LAND USE PLAN CATEGORIES**

One of the most important functions of the Open Space/Conservation Element is to establish the ~~means through which valuable open space will be preserved.~~ Since this objective is largely one of land use planning, it also involves the Land Use Element. This section explains the City's approach to land use planning for open space preservation through the joint application of the Land Use and Open Space/Conservation Elements.

The most significant general plan tool for land use planning is the Land Use Plan Map contained within the Land Use Element. This map graphically illustrates the general location and distribution of land use and establishes general standards for population density and building intensity in each of the land use categories. The City's Land Use Plan Map uses five categories of land use for the purpose of recognizing and preserving valuable open space, conservation lands and recreational areas.

The "Public Parks and Recreation" land use category is applied to open space lands, which are owned and maintained by the City for active and passive recreation. This designation is used mainly for neighborhood parks and oceanfront beach areas. A companion land use category entitled "Public/Institutional" includes recreational lands owned and maintained by the School District. These lands are shared between the School District and the City for various recreational activities.

The third category of land use is entitled "Residential/Hillside Protection." 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. In order to effectively implement these potentially competing goals, the Land Use Element and Open Space/Conservation Element must work in tandem. For example, the Land Use Element functions to preserve open space land by utilizing a slope/density formula, which limits the density of development according to slope conditions. Steep slopes qualify for very low density. In addition to slope/density provisions, other factors must also be examined in conjunction with new development such as the resource maps on biological values contained in this Element. Similar maps exist in the City's Safety Element, but these identify potentially unstable lands, earthquake faults and other natural hazards.

The principal categories of land use, however, intended for the conservation of existing natural and open space lands, are entitled "Open Space" and "Permanent Open Space." The Open Space category is intended to preserve land in its natural state for open space purposes exclusively. Lands within this category are typified by special ecological, geographical and historical importance

The actual preservation of open space lands and protection of environmentally sensitive areas is therefore established through the development review process which combines the assessment of specific physical constraints with the application of natural resource protection policies and ordinance requirements. This procedure enables the City to regulate the location and density of hillside development while protecting environmentally sensitive areas and open space lands in accordance with general plan policies and local ordinance requirements.

Finally, the Permanent Open Space category is intended to protect and preserve publicly-owned open space lands of ecological, scenic, cultural and/or scientific value so that such lands remain a permanent community resource. Uses permitted on lands within this category are greenbelts, watershed areas, wildlife preserves and marine preserves. Additional low-impact passive uses may be permitted in certain lands within this category, subject to specified conditions and findings.

25.05.025

owners under like conditions in the same vicinity and zone.

(3) The granting of the variance will not be detrimental to the public health, safety, convenience and welfare or injurious to property or improvements in the vicinity in which the property is located.

(4) The granting of such a variance will not be contrary to the objectives of the zoning ordinance or the general plan.

(G) Appeals. Appeals are subject to the provisions of Section 25.05.070.

(H) Effective Date/Expiration Date.

(1) Decisions on variance applications by the board of adjustment or planning commission, as applicable, shall become effective ten business days after the date of the decision, unless appealed to the city council.

(2) A variance shall lapse and become void two years following the effective date unless a shorter approval period is specified for the project or unless:

(a) A building permit is issued and construction is begun and diligently pursued to completion; or

(b) The planning commission or board of adjustment, as applicable, grants a two-year extension of time or, after that initial extension of time, a final one-year extension of time. Such time extensions shall be requested in writing by the applicant or authorized agent prior to the expiration of the beginning two-year approval period or any subsequently approved extensions of time.

(3) Extension of Time Findings. An extension of time of the beginning two-year approval period may be granted by the planning commission or board of adjustment, as applicable, if each of the following findings can be made:

(i) The zoning codes or standards applicable to the circumstances of the originally approved variance have not materially changed; and

(ii) The neighborhood character has not changed so as to be materially inconsistent with the findings made when the variance was originally approved.

(I) Revocation. Revocations are subject to the provisions of Section 25.05.075.

(J) Planning Commission Variances.

(1) The planning commission shall act as the board of adjustment in hearing and determining the following variances, subject to the procedures and findings established in Sections 25.05.025, 25.05.065(C) and (D), 25.05.070 and 25.05.075:

(a) Variance requests in conjunction with any matter pending before the planning commission for which the commission has the primary discretionary responsibility.

(b) Variance requests in conjunction with subdivisions relating to lot dimension, area and yard requirements and

access requirements may be granted when such requirements are deemed impractical, unreasonable or unnecessary for the proper design of such subdivision;

(c) Variance requests for indirect access;

(d) Variance requests for construction of new residential units on lots taking access from streets with less than standard width.

(2) Administrative Approval for Certain Variances. The director of community development shall approve or deny a variance application for existing nonconforming conditions, except for nonconforming parking variances, only when such project application does not require other variances or is not otherwise subject to design review.

(a) The variance application shall be made by a property owner or authorized agent. Applications shall contain such information, as prescribed by the director of community development.

(b) The variance application shall be subject to the same procedures set forth in Section 25.05.020(B) through (D), administrative use permit procedure.

(c) Findings. The determination of the director of community development shall be based on the findings set forth in Section 25.05.025(F). Written notice of the determination including findings shall be mailed to the applicant or authorized agent within ten business days of the date of decision.

(d) Appeal. Appeal is subject to the provisions of Section 25.05.070.

(K) Modifications. Additions or enlargements of structures upon property for which a variance has been granted shall not be allowed except pursuant to a subsequent variance as might otherwise be required or granted pursuant to the tenths of this title. (Ord. 1334 § 1 (part), 1997).

#### 25.05.030 Conditional use permits.

(A) Intent and Purpose. It is the intent and purpose of this section to establish a procedure whereby a conditional use permit may be granted for those uses wherein Title 25 expressly requires such a permit. Uses subject to a conditional use permit are those uses necessary for the development of the community having inherent qualities or characteristics which, unless provided for, would cause such uses to be incompatible or inharmonious with adjacent or nearby permitted uses. Such uses may be modified to the extent that they can be made compatible and harmonious with adjacent uses. This flexibility is intended to provide a necessary means by which certain land uses can be designed and arranged in accord with existing conditions of the neighborhood site, topographic and street conditions, as well as the utilization of various

25.05.030

design concepts, and to allow denial of such uses where the required findings cannot be made.

(B) Application. Application for a conditional use permit shall be made by a property owner or authorized agent. Applications shall contain such information as prescribed by the director of community development.

(C) Filing Fee. Prior to accepting an application, the department of community development shall collect a filing fee as determined by resolution of the city council.

(D) Public Notice. Public notice shall be mailed to the property owners within three hundred feet of the subject property and shall be subject to the provisions of Section 25.05.063(B) and (C), except that the requirements for newspaper advertising shall not be required. For projects located in the downtown specific plan area, the notice shall include all residents and/or tenants within three hundred feet of the subject property.

(E) Timing of Approval. The planning commission shall review all conditional use permit applications within twenty business days following the date upon which the applications are accepted as complete. If a project requires approval by both the planning commission and board of adjustment, the conditional use permit shall be reviewed and approved first.

(F) Findings.

(1) The site for the proposed use is adequate in size and topography to accommodate such use, and all yards, spaces, walls and fences, parking, loading and landscaping are adequate to properly adjust such use with the land and uses in the vicinity.

(2) The site for the proposed use has access to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.

(3) The proposed use will have no substantial adverse effect upon abutting property.

(4) The proposed use is consistent with the objectives and policies of the city's general plan.

(5) The conditions stated in the decision are deemed necessary to protect the public health, safety and general welfare.

(G) Conditions of Approval.

(1) Conditions of approval may include but are not limited to:

- (a) Regulation of use;
- (b) Special yards, spaces and buffers;
- (c) Special fences, solid fences and walls;
- (d) Surfacing of parking areas;
- (e) Street, service road or alley dedications and improvements or appropriate bonds;
- (f) Regulation of points of vehicular ingress and egress;

(g) Regulation of signs;

(h) Landscaping plan, to be reviewed and approved by the department of community development;

(i) Maintenance of the grounds;

(j) Regulation of noise, vibration and odors;

(k) Regulation of hours for certain activities;

(l) Time period within which the proposed use shall be developed;

(m) Duration of use;

(n) Posting of a bond or bonds sufficient to guarantee the removal of any nonconforming structures or uses of the land upon the expiration of the period of the conditional use permit; and

(o) Dedication of access rights.

(2) In addition to special conditions of approval, the following general conditions of approval shall be imposed upon each conditional use permit:

(a) The right to a use and occupancy permit shall be contingent upon the fulfillment of all general and special conditions imposed by the conditional use permit;

(b) All of the special conditions shall constitute restrictions running with the land, and shall be binding upon the owner of the land, and the successors or assigns;

(c) All of the special conditions shall be consented to in writing by the applicants and all owners of interests and lien holders;

(d) The resolution granting the application, together with all consent forms, shall be recorded by the recorder of Orange County;

(e) The permit shall be subject to review at any time upon receipt of written complaint.

(H) Appeals. Appeals are subject to the provisions of Section 25.05.070.

(I) Effective Date/Expiration Date.

(1) Decisions on conditional use permit applications by the planning commission shall become effective ten business days after the date of the decision, unless appealed to the city council.

(2) If an established time limit for development expires, or if a time limit for the duration of the use has been established as one of the conditions of approval, then the permit shall be considered to be revoked upon such date of expiration without any notification to the owner thereof.

(3) A conditional use permit shall lapse and become void two years following the effective date unless a shorter approval period is specified for the project or unless:

- (a) The privileges authorized are established; or
- (b) A building permit is issued and construction is begun and diligently pursued to completion; or

## 25.05.030

(c) The planning commission grants a two-year extension of time or, after that initial extension of time, a final one-year extension of time. Such time extensions shall be requested in writing by the applicant or authorized agent prior to the expiration of the beginning two-year approval period or any subsequently approved extensions of time.

(4) Extension of Time Findings. An extension of time of the beginning two-year approval period may be granted by the planning commission, if each of the following findings can be made:

(i) The zoning codes or standards applicable to the circumstances of the originally approved conditional use permit have not materially changed; and

(ii) The neighborhood character has not changed so as to be materially inconsistent with the findings made when the conditional use permit was originally approved.

(5) If a conditional use permit has been abandoned or terminated for any reason for a period of at least one year, the permit shall expire and become void.

(J) Revocation. Revocations are subject to the provisions of Section 25.05.075.

(K) Modifications. Additions, enlargements or modifications of uses or structures upon property for which a conditional use permit has been granted shall not be allowed except pursuant to a subsequent conditional use permit as might otherwise be required or granted pursuant to the terms of this title. (Ord. 1334 § 1 (part), 1997).

## 25.05.035 Temporary use permits.

(A) Intent and Purpose. The intent of this section is to accommodate reasonable requests for interim or temporary uses when such activities are desirable for the community, or are temporarily required in the process of establishing a permitted use or constructing a public facility. Temporary uses allowed under this section shall be consistent with the health, safety and general welfare of persons residing and working in the community, shall be conducted so as not to cause any detrimental effects on surrounding properties and the community, and shall not violate any other ordinance or regulation of the city.

(B) Uses Permitted Subject to Temporary Use Permit.

(1) The following uses may be permitted in residential zones:

(a) Construction. Temporary structures, garages or sheds;

(b) Parking and storage of earthmoving or construction equipment, when that parking or storage is incidental to an ongoing construction activity;

(c) Storage of materials incidental to a public works project, subdivision or construction activity;

(d) Tract home or lot sales office;

(e) Events which require closure of public streets to traffic;

(f) Temporary parking lots other than existing lots;

(g) Such other uses as the planning commission may by resolution deem to be within the intent and purpose of this section.

(2) The following uses may be permitted in nonresidential zones. Uses permitted in the industrial zones shall require special consideration to assure that those uses are compatible with the intent of those zones.

(a) Art and handicraft shows (out of doors);

(b) Carnivals;

(c) Christmas tree sales;

(d) Concerts;

(e) Horse shows and animal exhibitions;

(f) Outdoor merchandise and display stands;

(g) Sporting events;

(h) Street vendors, temporary sales booths, sidewalk sales or enterprises of a similar nature;

(i) Farmers market;

(j) Those uses permitted in the R-1 Zone;

(k) Such other uses as the planning commission may by resolution deem to be within the intent and purpose of this section.

(C) Applications. Applications for a temporary use permit shall be made by the property owner or an authorized agent. Applications shall contain such information as prescribed by the director of community development.

(D) Filing Fee. Prior to accepting an application for a temporary use permit, the department of community development shall collect a filing fee, as determined by resolution of the city council.

(E) Public Notice. All temporary use permit applications referred to the planning commission shall be subject to the public notice provisions of Section 25.05.065(B) and (C) whereby public notice is mailed to property owners within three hundred feet of the subject property; except that newspaper advertising shall not be required.

(F) Approvals.

(1) The director of community development shall approve, approve in part, conditionally approve or deny applications for temporary use permits in the R-1 zone, excluding applications for temporary parking lots. At the discretion of the director of community development, such temporary use permit applications may be referred to the planning commission. Determination shall be made within twenty business days of receipt of the application unless the matter is referred to public hearing.

(2) The planning commission shall approve, approve in part, conditionally approve or deny all other applications for temporary use permits. The commission shall make written findings that the project is consistent with

**Chapter 25.41****O-S OPEN SPACE ZONE****Sections:**

<b>25.41.002</b>	<b>Intent and purpose.</b>
<b>25.41.004</b>	<b>Uses permitted.</b>
<b>25.41.006</b>	<b>Uses permitted subject to a conditional use permit.</b>
<b>25.41.007</b>	<b>Prohibited uses.</b>
<b>25.41.008</b>	<b>Development standards.</b>
<b>25.41.009</b>	<b>Future rezoning.</b>

**25.41.002 Intent and purpose.**

This zone is intended to protect and preserve open space lands which are of notable ecological, scenic, cultural and scientific value so that such land remains a permanent community resource. The open space zone recognizes two land use designations that differ in their allowed intensities of use. The open space/Conservation designation is established solely for the purpose of preserving land in its natural state on behalf of the public interest. The open space/Passive designation is established to also protect important open space lands while permitting passive recreational use of these areas with trails, viewpoints and other compatible support facilities. (Ord. 1187 § 2(3) (part), 1989).

**25.41.004 Uses permitted.**

The following uses are permitted in the open space zone:

- (A) Open Space/Conservation.
  - (1) Local and buffer greenbelts;
  - (2) Natural water recharge, percolation and watershed areas;
  - (3) Wildlife preserves and sanctuaries;
  - (4) Marine preserves and tidepools.
- (B) Open Space/Passive.
  - (1) All uses permitted in open space/conservation;
  - (2) Hiking trails;
  - (3) Historical preserves;
  - (4) Scientific study;
  - (5) Vista and viewpoints. (Ord. 1187 § 2(3) (part), 1989).

**25.41.006 Uses permitted subject to a conditional use permit.**

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

- (A) Open Space/Conservation.
  - (1) Vista and viewpoints;

- (2) Scientific study;
- (3) Hiking trails, provided that they do not interfere with sensitive plant and animal habitats.

**(B) Open Space/Passive.**

- (1) Public buildings and improvements, such as nature centers, interpretive signs and restrooms, related to the use and enjoyment of open space land;
- (2) Public utility buildings and structures;
- (3) Archaeological and paleontological sites;
- (4) Limited-access roads servicing facilities identified in subsections (1), (2) and (3) above;
- (5) Peripheral parking;
- (6) Bicycle and equestrian trails;
- (7) Informal picnic areas with minimal structures. (Ord. 1187 § 2(3) (part), 1989).

**25.41.007 Prohibited uses.**

The following uses are prohibited in the open space zone:

- (A) The launching or landing of jet-skis or other similar types of motorized marine vehicles, except as may be determined necessary by the Coast Guard or Laguna Beach marine safety department for the public health and safety;
- (B) Any off-road vehicles and bicycles, including but not limited to motorcycles, all-terrain vehicles (ATVs), four-wheel-drive vehicles and mountain bikes, unless specifically permitted on designated trails or roads;
- (C) All structures, including radio, television or telecommunication antennas and related support structures and equipment, shall be prohibited within areas zoned as Open Space/Conservation. (Ord. 1320 § 4, 1996; Ord. 1187 § 2(3) (part), 1989).

**25.41.008 Development standards.**

The city's open space lands provide a valuable contribution to Laguna Beach's identity that distinguishes it from other communities. In addition, this area contains important biological habitats as well as unique aesthetic resources. Due to the importance and sensitivity of these open space lands, the need for thorough evaluation of all proposed improvements or modifications is critical. Therefore, all such improvements or modifications shall be subject to design review board approval; the design review board shall solicit a recommendation from the open space commission prior to its review. Such proposals shall be consistent with the following design objectives:

- (A) Trails. Hiking, biking and equestrian trails shall be subject to the following criteria:

(1) Trail development should be environmentally sensitive to the natural terrain and minimize disruption or degradation of sensitive environmental resources such as unique landforms and biological habitats of high value.

(2) Trails should be designed for handicap access wherever possible, provided that it results in minimal disruption to the natural terrain and biotic communities.

(B) Signage. To ensure minimal visual disruption to open space lands, the design review board may approve, deny or modify a sign proposal based on compliance with the following criteria:

(1) Signage should be limited to identification, directional and educational information; such signage should utilize international symbols and display the minimal amount of text necessary.

(2) Sign(s) should be strategically located in order to minimize the number of signs necessary and minimize any visual impact.

(3) The size and design of the sign should be compatible with the open space environment and should incorporate natural materials and earth tone colors.

(C) All buildings, structures and improvements, including landscaping, fuel modification plans and related signage proposed in areas zoned Open Space/Passive shall also be subject to the following criteria:

(1) Buildings, Structures and Improvements. All buildings, structures and improvements including pipelines and service roads, should incorporate designs in which the scale, mass and height respect the undisturbed character of the area. Designs should follow existing topography, blend in with the natural landscape and otherwise minimize their visual prominence. Natural materials and earthtone colors shall be used.

(2) Screening. While a primary goal of the development proposal is to integrate the building design with the surrounding landscape to minimize visual impacts, certain situations may warrant additional screening to achieve this goal. However, any walls, fences or other screens should utilize natural materials and they should be integrated, to the greatest extent possible, with the natural setting of the area.

(3) Landscaping. Landscaping plans should minimize any impact on existing native vegetation, especially those species that are of high biological value. In addition, restorative landscaping should incorporate indigenous plant materials and is also encouraged as a means of mitigating visual impacts associated with the construction of new buildings, structures or other improvements within the zone.

(4) Building Height. Building height shall be limited to one story, not to exceed fifteen feet as measured from natural grade.

(5) Natural Environment. Buildings and structures should be unobtrusive and designed to minimize visual impact, and should be constructed only as necessary for purposes of the public health, safety and general welfare. Maintaining open space land in a natural state is the paramount objective when considering any development proposals. (Ord. 1187 § 2(3) (part), 1989).

#### 25.41.009 Future rezoning.

Those publicly owned parcels that were zoned OS/C by Ordinance No. 1342 may be rezoned by the city council, but only to OS/P. Those publicly owned parcels that were zoned OS/P by Ordinance No. 1342 may be rezoned by the city council, but only to OS/C. This section expires December 31, 2028. (Ord. 1342 § 1(B), 1998).

