

**CALIFORNIA COASTAL COMMISSION**

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

**RECORD PACKET COPY**

December 20, 2001

**Tu7a**

**TO:** Commissioners and Interested Persons

**FROM:** Deborah Lee, Deputy Director  
Stephen Rynas, Orange County Area Supervisor  
Meg Vaughn, Coastal Program Analyst

**SUBJECT:** Major Amendment Request No. 2-01 to the City of Laguna Beach Certified Local Coastal Program (For Public Hearing and Commission Action at the January 7-11, 2002 meeting in Los Angeles).

**SUMMARY OF LCP AMENDMENT REQUEST NO. 2-01**

Request by the City of Laguna Beach to amend the Implementation Plan portion of the LCP by changing the zoning from Commercial-Neighborhood (CN) to Local Business-Professional (LBP) at a site located at the southwest corner of South Coast Highway and Nyes Place (2949, 2971, 2975 South Coast Highway and 159 and 163 Nyes Place), in Laguna Beach, Orange County. The proposed amendment is a change to the City's zoning map only. No change to existing text is proposed. Only the Implementation Plan (IP) portion of the certified LCP is affected by this amendment.

**SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending that the Commission, after public hearing:

**Approve the amendment request to the Implementation Plan as submitted.**

The motions to accomplish this recommendation are found on page 3. The subject site is land use designated Local Business Professional. The certified Local Coastal Program allows the Local Business/Professional land use designation to be implemented by either the existing Commercial Neighborhood zone or the proposed Local Business Professional zone. The uses allowed in the Local Business Professional zone vary only slightly from the uses allowed in the Commercial zone. However, the Local Business Professional zone allows a few additional visitor serving uses not included in the Commercial Neighborhood zone. Thus, the proposed zone change promotes the visitor serving policies of the certified Land Use Plan. Therefore, as submitted the amendment is consistent with and adequate to carry out City's certified Land Use Plan.

**STANDARD OF REVIEW**

The standard of review for the proposed amendment to the LCP Implementation Plan, pursuant to Sections 30513 and 30514 of the Coastal Act, is that the proposed amendment is in conformance with, and adequate to carry out, the provisions of the certified Land Use Plan (LUP).

## **SUMMARY OF PUBLIC PARTICIPATION**

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

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

A mitigated Negative Declaration was prepared for the project related to the proposed Implementation Plan amendment. On January 5, 2001 the mitigated Negative Declaration was posted for the required 20 day comment period. On January 24, 2001, the Planning Commission held a public hearing on the related project and recommended denial to the City Council; on March 20, 2001 the City Council referred the matter back to the Planning Commission with direction to process any zone change concurrently with the project. A Planning Commission hearing was held on April 11, 2001 and the matter was continued to the April 25, 2001 hearing, and from the April 25, 2001 hearing to the May 9, 2001 hearing. At the May 9, 2001 hearing the Planning Commission recommended approval of the matter to the City Council. On June 12, 2001 the City Council approved the first reading of the rezone and related development agreement; on June 19, 2001 the City Council approved the second reading of the zone change. In addition, property owners within 300 feet of the subject site were notified by mail.

The issues raised at the local hearings were loss of affordable housing and potential loss of an historical structure due to the project associated with the proposed zone change. It should be noted that the proposed zone, Local Business Professional, does include incentives to retain certain historically significant structures.

## **ADDITIONAL INFORMATION**

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

## **LIST OF EXHIBITS**

- A. Vicinity Map
- B. City Council Resolution No. 01-066
- C. City Council Ordinance No. 1380
- D. Zoning Map
- E. Local Business Professional Zone (Section 25.18)
- F. Commercial Neighborhood Zone (Section 25.19)

**I. STAFF RECOMMENDATION**

Staff recommends adoption of the following motions and resolutions:

**Certify the amendment to the Implementation Plan as Submitted**

**MOTION**

"I move that the Commission certify amendment request No. 2-01 to the City of Laguna Beach Implementation Plan as submitted."

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

**Resolution to certify the amendment to the Implementation Plan as submitted**

*The Commission hereby certifies Amendment Request No. 2-01 to the Implementation Plan of the City of Laguna Beach Local Coastal Program, for the reasons discussed below on the grounds that the amended ordinances, maps, and other implementing actions are consistent with, and adequate to carry out, the provisions of the certified Land Use Plan, as provided in Section 30513 of the Coastal Act. Approval of the Implementing Actions meets the requirements of Section 21080.5(d)(2)(A) of the California Environmental Quality Act in that there are no further feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact that the approval of the Implementing Actions would have on the environment.*

**II. FINDINGS**

The following findings support the Commission's approval of the proposed Implementation Plan amendment as submitted.

The Commission hereby finds and declares as follows:

**A. Amendment Description**

The City of Laguna Beach has requested an amendment to the Implementation Plan portion of the certified Local Coastal Program by changing the zoning from Commercial-Neighborhood to Local Business-Professional at the site located at the southwest corner of South Coast Highway and Nyes Place (2949, 2971, and 2975 South Coast Highway and 159 and 163 Nyes Place). The proposed amendment includes a change to the zoning map only. No change to the text of either zone is proposed. The City of Laguna Beach Local Coastal Program (LCP) was certified by the Coastal Commission in July 1993.

The underlying land use designation at the subject site will remain Local Business Professional. The certified Local Coastal Program allows the Local Business Professional land use designation to be implemented by either the Local Business Professional zone or the Commercial Neighborhood zone. No land use changes are proposed as part of this amendment request.

**B. Subject Site Zoning History**

When the Commission originally certified the zoning at the subject site, in 1993, the site was land use designated Commercial Tourist Corridor. The zoning certified at that time was C-1 Local Business District, which was the zone used to implement the Commercial Tourist Corridor land use designation. C-1 Local Business District placed a priority on visitor serving uses. In 1995 the Commission approved LCP Amendment No. 1-94 which changed the land use designation and zoning at certain sites along Coast Highway, including the subject site, from Commercial Tourist Corridor to Local Business Professional and the zoning from C-1 Local Business District to CN Commercial Neighborhood. In approving LCPA 1-94 the Commission found that even if the land use designations and zoning at the sites of LCPA 1-94 were changed, ample areas within the City designated visitor serving would remain. In addition, the Commission found that many of the visitor serving uses allowed under the Local Business Professional designation such as restaurants, specialty retail shops and art galleries would still be allowed under the then proposed land use designation of Local Business Professional.

**C. Land Use**

**1. Visitor Serving Preference**

The following Coastal Act Sections have been specifically incorporated into the City's certified LCP Coastal Land Use Plan Technical Appendix.

Section 30213 of the Coastal Act states:

*Lower cost visitor and recreational facilities shall be protected, encouraged, and where feasible, provided. Developments which provide recreational opportunities are preferred.*

Section 30222 of the Coastal Act states:

*The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general commercial development, but not over agriculture or coastal-dependent industry.*

Section 30250(c) states:

*Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.*

The certified Land Use Plan places a higher priority on visitor serving uses than on other types of development including general commercial and residential uses. The primary visitor serving commercial areas within the City are land use designated Commercial Tourist Corridor. The subject site is not land use designated Commercial Tourist Corridor. The subject site is land use designated Local Business Professional. The certified Local Coastal Program allows the Local Business Professional land use designation to be implemented with either the Commercial Neighborhood zone or the Local Business Professional zone.

The differences between the two zones are subtle. For example, both zones allow art studios, retail bakery, bookshops, cafes and restaurants, retail clothing sales, and plant nurseries (see exhibits E and F for the lists of uses allowed in each zone). Both the Local Business District zone and the Commercial Neighborhood zone allow some visitor serving uses, such as restaurants and retail sales. Although many of the same uses are allowed in both zones, one zone may require that the use be allowed only if approved by a conditional use permit while the other zone may allow the use outright. In addition, although both zones allow residential development, the Local Business Professional (LBP) zone allows it outright provided there is a minimum lot area of 2,000 square feet per dwelling unit, with the additional incentive of increased density of one dwelling unit per 1,000 square feet when certain historically significant structures are preserved. In addition, the LBP zone requires that the number of dwelling units be reduced by one dwelling unit for each 1,000 square feet (or fraction thereof) of commercial floor area contained within a building. The Commercial Neighborhood (CN) zone, however, allows residential development only as an integral part of commercial development and the minimum lot size is 4,000 square feet for each dwelling unit. Also there is a limit on total residential floor area of 15% of the gross commercial floor area (exclusive of parking). The limit on residential floor area may be increased to a maximum of 25% for housing committed to Section 8 – Elderly Housing Program.

However, the proposed Local Business District zone allows some uses not allowed in the Commercial Neighborhood zone that fall into the visitor serving category. These uses include bed and breakfast establishments and art galleries. Thus, although the two zones are very similar, there is a slight visitor serving preference in the proposed Local Business District zone. Therefore, the Commission finds that the proposed zone change is consistent with and adequate to carry out the certified Land Use Plan policies which promote visitor serving uses over other types of development.

## 2. Consistency with Land Use Plan Designation

The land use plan designation at the subject site is Local Business/Professional. The amendment does not propose to change the existing land use designation. The LUP definition of the Local Business/Professional land use designation is:

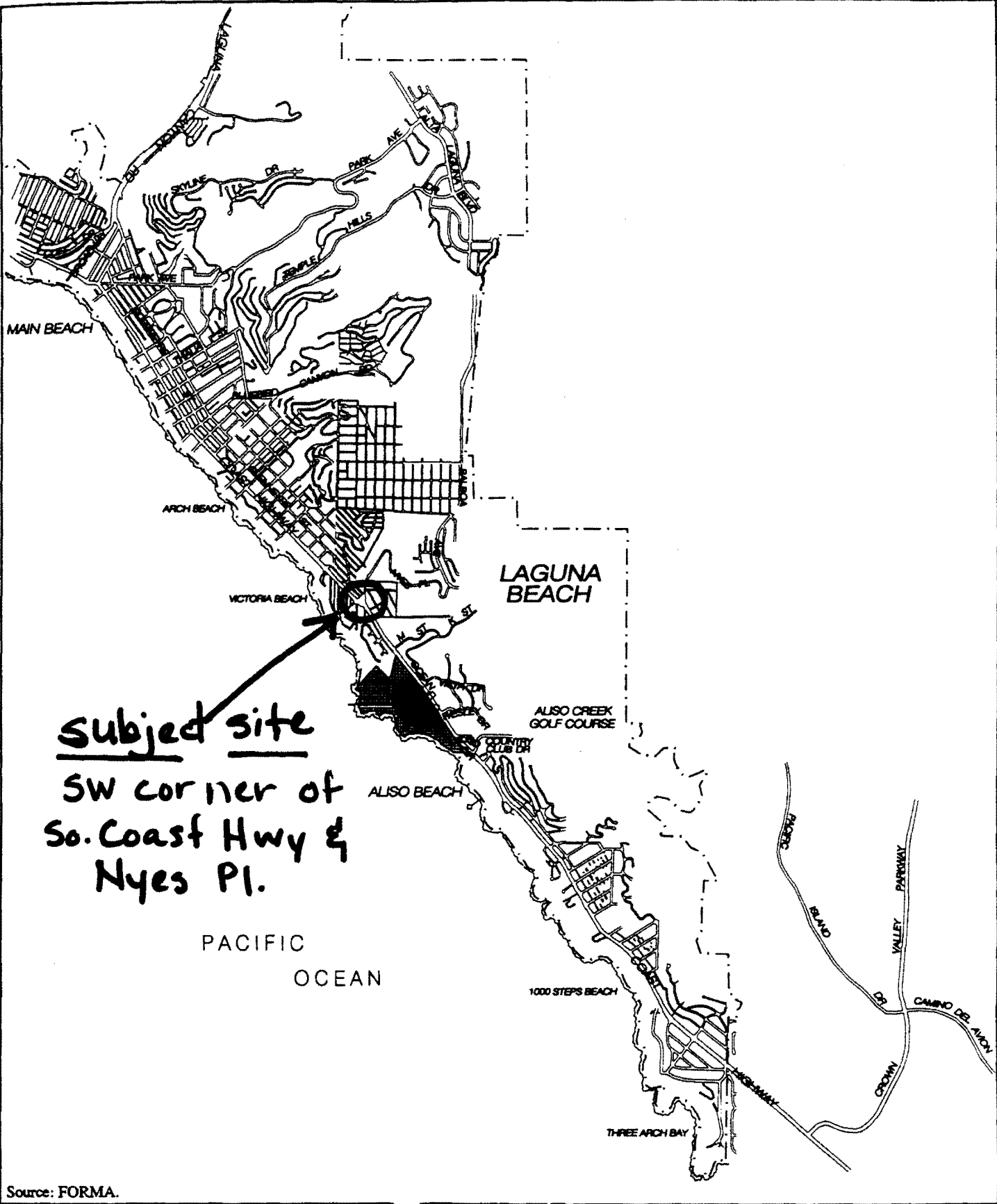
*"This category allows a mixture of limited commercial development and office-professional uses to serve the needs of the resident population. Local retail uses are allowed, as are office-professional uses which cater to the needs of the community. Residential is also considered a permissible use. Mixed use developments, whereby residential and commercial/professional are integrated together, are also permitted. Residential uses are encouraged with commercial uses requiring a conditional use permit."*

The proposed zone will allow the uses described in the Local Business/Professional land use designation. These include uses such as retail uses, office/professional and limited residential use. The primary intent of both the land use designation and the zone are to serve the resident population. The land use designation's definition states: "This category allows ... uses to serve the needs of the resident population." The Local Business Professional zone's intent and purpose section (25.18.001) states: "This zone is intended to serve the needs of local residents." The uses allowed in the proposed Local Business /Professional zone are consistent with the uses identified in the Local Business/Professional land use designation. Therefore, the Commission finds that the proposed Implementation Plan zone change is consistent with and adequate to carry out the provisions of the certified Land Use Plan (LUP)

**D. 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 amendment 2-01 consists of an amendment to the Implementation Plan (IP) only.

As outlined in this staff report, the proposed zone change would result in a slight increase in preference for visitor serving uses over what the current zoning allows. In addition, the proposed zone, which emphasizes the needs of local residents, is consistent with and adequate to carry out the provisions of the existing land use designation at the site. Therefore the Commission finds that the IP amendment is in conformity with and adequate to carry out the visitor serving and land use 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. There are no feasible alternatives under the meaning of CEQA which would reduce the potential for significant adverse environmental impacts. Therefore, the Commission certifies LCP amendment request 2-01 as submitted.



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RESOLUTION NO. 01.066

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
LAGUNA BEACH, CALIFORNIA, FOR THE PURPOSE OF  
REQUESTING ACTION BY THE CALIFORNIA COASTAL  
COMMISSION ON LOCAL COASTAL PROGRAM AMENDMENT  
00-01

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WHEREAS, on June 19, 2001, after a duly noticed public hearing, the City Council adopted Ordinance No. 1380 thereby approving Rezone 00-01, Development Agreement 01-01, Local Coastal Program Amendment 00-01 and the associated Mitigated Negative Declaration and Mitigation Monitoring Program for the properties located at 2949, 2971, 2975 South Coast Highway and 159 and 163 Nyes Place; and

WHEREAS, the City Council finds that, as stated in Ordinance No. 1380, the proposed Local Coastal Program Amendment is consistent with the Certified Laguna Beach Coastal Land Use Plan designation of Local Business/Professional, and further, such Amendment is intended to be carried out in a manner fully in conformance with the California Coastal Act;

NOW, THEREFORE, as part of the application requirements for the Local Coastal Program Amendment 00-01 to be sent to the California Coastal Commission, THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH does RESOLVE and ORDER as follows:

SECTION 1. The California Coastal Commission is hereby requested to consider, approve and certify Local Coastal Program Amendment 00-01, subject to the conditions and restrictions of Ordinance No. 1380.

SECTION 2. That such Amendment shall become effective upon certification by the Coastal Commission.

COASTAL COMMISSION  
LGB LCPA 2-01  
EXHIBIT # B  
PAGE 1 OF 2



1  
2 ADOPTED this 6th day of November, 2001.

*Paul P. Freeman*

Paul P. Freeman, Mayor

5 ATTEST:

6 *Martha Anderson*  
7 *Deputy* City Clerk

8  
9 I, VERNA L. ROLLINGER, City Clerk of the City of Laguna Beach, California, do  
10 hereby certify that the foregoing Resolution No. 01.066 was duly adopted at a Regular  
11 Meeting of the City Council of said City held on November 6, 2001, by the following vote:

12 AYES: COUNCILMEMBER(S): Kinsman, Iseman, Dictrow, Baglin,  
Freeman

13 NOES COUNCILMEMBER(S): None

14 ABSENT COUNCILMEMBER(S): None

15 *Martha Anderson*  
16 *Deputy* City Clerk of the City of Laguna Beach, CA

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South Coast

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**ORDINANCE NO. 1380**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH APPROVING REZONE 00-01, LOCAL COASTAL PLAN AMENDMENT 00-01, DEVELOPMENT AGREEMENT 01-01, AND THE ASSOCIATED MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM FOR THE PROPERTIES LOCATED AT 2949, 2971, 2975 SOUTH COAST HIGHWAY AND 159 AND 163 NYES PLACE.**

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**WHEREAS**, on January 24, 2001, April 11, 2001, April 25, 2001 and May 9, 2001, the Planning Commission conducted legally noticed public hearings and, after reviewing and considering all documents, testimony and other evidence presented, voted to recommend that the City Council approve Rezone 00-01, Development Agreement 01-01, and Local Coastal Plan Amendment 00-01, and the associated Mitigated Negative Declaration and Mitigation Monitoring Program; and

**WHEREAS**, on March 20, 2001, and June 12, 2001, the City Council conducted legally noticed public hearings and has reviewed and considered all documents, testimony and other evidence presented; and

**WHEREAS**, a Mitigated Negative Declaration has been prepared and distributed for public review from January 5, 2001 to January 24, 2001; and

**WHEREAS**, pursuant to an Initial Environmental Assessment per the requirements of the California Environmental Quality Act, it has been determined that based upon the adoption of mitigation measures, this proposal will not have the potential for any significant unmitigated negative environmental effects; public notice of the determination of a Mitigated Negative Declaration has been provided as required by the State CEQA Guidelines, and no challenges to this finding have been filed; and

**COASTAL COMMISSION**

LGB LCPA 2-01

EXHIBIT # C

PAGE 1 OF 4

**WHEREAS**, the southwest corner of South Coast Highway and Nyes Place is currently in an C-N zone (Commercial/Neighborhood) and the City's General Plan/Coastal Land Use Plan designates the property as Local Business/Professional; and

**WHEREAS**, the proposed zone change and Development Agreement is consistent with the City's General Plan and Coastal Land Use Plan designation of Local Business/Professional, and further, is intended to be carried out in a manner fully in conformance with the California Coastal Act; and

**WHEREAS**, the City Council hereby finds:

1. The proposed rezone from the C-N zone to the LB-P zone is consistent with the General Plan land use category of Local Business/Professional.
2. The proposed zoning request is consistent with the goals and objectives of the General Plan.
3. The propose rezone will allow residential uses by right and will provide for additional public review of retail uses through the conditional use permit process.
4. The proposed zoning district will not have an adverse impact upon the environment.
5. The proposed zoning district is consistent with the goals and objectives of the Laguna Beach Municipal Code.
6. The proposed zoning district will not adversely affect the health, safety and welfare of the community.

**NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF LAGUNA**

**BEACH DOES ORDAIN**, as follows:

**SECTION 1.** The Mitigated Negative Declaration is hereby certified pursuant to the requirements of the California Environmental Quality Act.

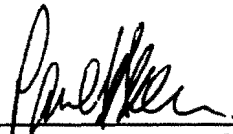
**SECTION 2.** The Development Agreement between the City of Laguna Beach, the Applicant and Owner B at 2949, 2971, 2975 South Coast Highway and 159 and 163 Nyes Place, attached hereto as EXHIBIT A, is hereby approved.

**SECTION 3.** Upon successful implementation of the Development Agreement, Rezone 00-01 and Local Coastal Plan Amendment 00-01 shall be effective, thereby changing the C-N (Commercial-Neighborhood) Zone to the LB-P (Local Business-Professional) Zone at 2949 through 2975 South Coast Highway and 163, 159 Nyes Place (APN 656-162-01 and 656-162-02).

**SECTION 4.** The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published in the same manner required by law in the City of Laguna Beach. This Rezone, Local Coastal Plan Amendment and Development Agreement shall become effective only after the approval of any required permits by the California Coastal Commission.

**SECTION 5.** The City Manager is authorized to execute the Development Agreement upon the effective date of this Ordinance and after any required final approval by the California Coastal Commission. Pursuant to Government Code Section 65868.6, no later than 10 days after the City enters into or executes the Development Agreement, the City Clerk shall record with the County Recorder a copy of the executed Development Agreement.

ADOPTED this 19th day of June, 2001.

  
\_\_\_\_\_  
Paul P. Freeman, Mayor

ATTEST:


  
\_\_\_\_\_  
City Clerk

I, Verna Rollinger, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council on June 12, 2001, and was finally adopted at a regular meeting of the City Council of said City held on June 19, 2001, by the following vote:

AYES: COUNCILMEMBER(S): Dictrow, Baglin, Freeman

NOES: COUNCILMEMBER(S): Kinsman, Iseman

ABSENT: COUNCILMEMBER(S): None

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



**25.17.050 Additional requirements for second residential units intended for senior citizen occupancy.** In addition to the requirements set forth in Section 25.17.040, each second residential unit intended for the occupancy of persons who are sixty years of age or older shall comply with the following criteria and standards:

(A) The second residential unit shall be solely occupied by not more than two persons each of whom is age sixty or older.

(B) A minimum of one covered off-street parking space shall be provided for the second residential unit in addition to whatever number of parking spaces are required to be provided for the existing single-family dwelling on the lot.

(C) The second residential unit shall not exceed six hundred forty square feet of floor space.

(D) The property on which the second residential unit is proposed shall contain an existing single-family residence. (Ord. 1263 (part), 1993).

**25.17.060 Additional requirements for second residential units not intended for senior citizen occupancy.** In addition to the requirements set forth in Section 25.17.040, each second residential unit not intended solely for the occupancy of persons who are sixty years of age or older shall comply with the following criteria and standards:

(A) Two off-street parking spaces at least one of which is covered shall be provided for the second residential unit in addition to whatever number of parking spaces are required to be provided for the existing single-family dwelling on the lot.

(B) The lot on which the second residential unit is proposed to be established must comply with the existing minimum lot size requirements of the zone in which the lot is located in effect at the time the application for a second residential unit is accepted as complete.

(C) The floor area of any new exterior construction proposed for a second residential unit application including but not limited to additions to the existing single-family residence, construction of a detached structure and illegally constructed structures shall not exceed six hundred forty square feet.

(D) The property on which the second residential unit is proposed shall contain an existing single-family residence. (Ord. 1263 (part), 1993).

## Chapter 25.18

### LOCAL BUSINESS—PROFESSIONAL ZONE

#### Sections:

- 24.18.001 Intent and purpose.
- 25.18.002 Uses permitted.
- 25.18.004 Uses permitted subject to a conditional use permit.

LOCAL BUSINESS—PROFESSIONAL ZONE 25.18.001

- 25.18.006 Uses permitted subject to an administrative use permit.
- 25.18.008 Property development standards.
- 25.18.010 Three Arch Bay commercial areas.

**25.18.001 Intent and purpose.** This zone is intended to serve needs of local residents. Principal activities are office/professional uses, service-oriented businesses, residential development and, secondarily, commercial retail functions. In addition, the zone is designed to preserve the existing residential character and scale of development. (Ord. 1134 § 2 (part), 1987).

**25.18.002 Uses permitted.** Buildings, structures and land shall be used, and buildings and structures shall hereafter be erected, designed, structurally altered or enlarged only for the following purposes, conducted entirely within an enclosed building:

- (A) Personal service shops (barber/beauty, etc.).
- (B) Medical or dental offices and clinics.
- (C) Drugstore/pharmacy.
- (D) Business and professional offices.
- (E) Interior design services.
- (F) Laundry and/or dry cleaning establishments (coin- or attendant-operated).
- (G) Health clubs.
- (H) Custom dressmaking, millinery, tailoring, shoe repair and similar trades.
- (I) Philanthropic and charitable institutions other than those of a correctional nature.
- (J) Paper reproduction or copy service.
- (K) Packaging and postal services.
- (L) Furniture and antique sales, including home furnishing.
- (M) Child day care.
- (N) Commercial home occupations, subject to the standards in Section 25.08.016.
- (O) Residential uses (excluding time-share uses) subject to the following standards:

(1) There shall be at least two thousand square feet of lot area for each dwelling unit; however, historically significant houses which appear on the city's historical resource inventory as an "E" exceptional or "K" key rated structure may add residential units at a density of one unit per one thousand square feet of lot area, provided the "E" or "K" rated structure is preserved. Residential density credit for historically significant buildings shall be based on the lot size on which the structure is located, and shall not include adjoining parcels or lots under the same ownership; these residential density credits shall not apply if the historically significant building is demolished.

(2) The allowable number of dwelling units shall be reduced by one dwelling unit for each one thousand square feet (or fraction thereof) of commercial floor area contained within a building.



ZONING      25.18.004

Such other uses as the planning commission may deem, after public hearing, to be similar to, and no more obnoxious or detrimental to, the public health, safety and welfare than the permitted uses. (Ord. 1134 § 2 (part), 1987).

**25.18.004 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 for in Section 25.05.030.

A. Retail supply stores, including but not limited to toys, yardage, hardware, auto parts, plumbing, sporting goods, home decorating, appliances, garden supplies, etc., all of a neighborhood scale and orientation with no open storage of materials or equipment.

- B. Bakery, retail wherein all bakery goods are baked on the premises and are sold at retail on the premises.
- C. Bookshop/sales.
- D. Handicraft/hobby shops including retail sales.
- E. Florist.
- F. Clothing, retail sales.
- G. Musical instrument sales and supplies.
- H. Plant nursery, including outdoor display of merchandise.
- I. Financial offices: banks, savings and loan, etc.
- J. Cafes, restaurants and tea rooms, with indoor and/or outdoor seating, serving of alcoholic beverages, dancing and/or entertainment only as authorized under the conditional use permit.
- K. Delicatessen.
- L. Market, food and beverage.
- M. Liquor sales.
- N. Galleries, art, photographic, etc.
- O. Art studios and supplies, including live/work activities, as defined in Section 25.08.002 of the municipal code.
- P. Outdoor display of merchandise.
- Q. Pet grooming and supplies store excluding overnight boarding of animals.
- R. Nursing homes/convalescent hospital.
- S. Nursery school.
- T. Churches.
- U. Bed and breakfast establishments, subject to the provisions of Chapter 25.12.006(I).
- V. Auto parking lot/garage.
- X. Other uses the planning commission deems, after conducting a public hearing, to be similar to and no more obnoxious or detrimental to the welfare of the neighborhood than any use listed above. (Ord. 1187 § 3(7) (part), 1989; Ord. 1134 § 2 (part), 1987).

**25.18.006 Uses permitted subject to an administrative use permit.** The following may be permitted subject to the granting of an administrative use permit as provided for in Section 25.05.020.

- (A) Family day care home, large, subject to the following standards:
  - (1) The operator of the facility must be licensed pursuant to Chapter 3.5 or 3.6 of the State Health and Safety Code;
  - (2) A business license shall be obtained in accordance with Chapter 5.08, business licenses;
  - (3) No signs identifying the day care facility are permitted other than those permitted pursuant to Chapter 25.54;
  - (4) Parking shall be in compliance with Chapter 25.52;
  - (5) Hours of operation shall be limited to the hours between seven a.m. and seven p.m.;

25.18.008 ZONING

(6) Outdoor play for children shall not begin before nine-thirty a.m.;

(7) The facility shall comply with State Fire Marshal Fire and Life Safety Standards. (Ord. 1134 § 2 (part), 1987).

**25.18.008 Property development standards.** The following property development standards shall apply to all land and structures in this zone.

A. Lot Area and Dimension Standards. Parcels shall not be merged together for development purposes that exceed ten thousand square feet.

B. Yard Area, Building Setback, Open Space and Coverage Standards for Nonresidential and/or Mixed Uses.

1. The general provisions of Chapter 25.50 shall apply, except as modified herein.

2. Front yards: A front yard setback of five feet beyond the sidewalk from the property line shall be provided and maintained on each lot. Said setback shall be used for landscaping, pedestrian access or similar pedestrian facilities, accessible to the general public.

3. Side yards: There shall be a minimum side yard setback of two and one-half feet from each property line for both commercial and residential development; this setback, however, may be combined to establish only one side yard in which case the setback shall be no less than five feet. If the side lot line, however, abuts a different zone, the side yard shall be at least equal to the minimum side yard required for that zone.

4. Rear yards: No requirement, unless the rear lot line abuts a residential zone, in which case the rear yard shall be at least equal to the minimum rear yard required for that zone.

5. Open space requirements: Open space shall equal twenty-five percent of the nonresidential gross floor area, exclusive of parking and driveways, which area may be used for the purposes outlined in Chapter 25.50. This open space is in addition to that required for residential uses and subject to the standards outlined in Section 25.50.

C. Yard area, building setback, open space and coverage standards for residential uses shall be determined by the design review board, except as stipulated in subsection B-3 above.

D. Fences, walls: The provisions of Section 25.50.012 shall apply.

E. Design review: All buildings, structures and improvements are subject to design review as provided in Chapter 25.05.040.

F. Building height standards: No building or structure in this zone shall have a height greater than the following:

LOCAL BUSINESS-PROFESSIONAL ZONE 25.18.008

a. Rear Lot Line Above Street Slope in Percent	Height Permitted Above Rear Lot Line (Height in Feet)
0 to 5	22
5+ to 10	17
Over 10	12

b. Through Lot Slope in Percent	Height Permitted Above Upper Curb Elevation
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or

c. Rear Lot Line Below Street Slope in Percent	Height Permitted Above Curb Elevation (Height in Feet)
0 to 5	25.0
5+ to 10	22.5
Over 10	20.0

G. Parking standards: The provisions of Chapter 25.52 shall apply.

H. Access and improvement standards: The provisions of Chapter 25.53 shall apply.

I. Signs: The provisions of Chapter 25.54 shall apply.

J. Loading space: One loading space, ten feet by twenty feet accessible from a public way, shall be provided for each commercial site that requires seven or more on-site parking spaces or as required as a condition of granting a conditional use permit.

K. Trash and outdoor storage areas: Areas for trash or outdoor storage shall be provided for each use, and such areas shall be enclosed and architecturally screened in such a manner as to conceal all trash or stored material from public view.

L. Landscaping: Landscaping shall be provided subject to Design Review Approval. (Ord. 1187 § 3(4) (part), 1989; Ord. 1134 § 2 (part), 1987).

25.18.010 ZONING

**25.18.010 Three Arch Bay commercial area.** Due to existing and historical patterns of commercial development and proximity to single-family residential development, it is necessary and desirable to establish additional requirements as follows for the commercial area generally located on South Coast Highway adjacent to the Three Arch Bay zone, depicted on the map labeled Exhibit A set out at the end of this chapter and incorporated within this section by reference (where inconsistencies arise in reference to other sections of this chapter, this section shall apply to the Three Arch Bay commercial area):

(A) Uses Permitted. Buildings, structures and land shall be used, and buildings and structures shall hereafter be erected, designed, structurally altered or enlarged only for the following purposes, conducted entirely within an enclosed building:

- (1) Medical or dental offices and clinics;
- (2) Business and professional offices;
- (3) Financial offices: banks, savings and loan, etc.

(B) 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:

(1) Retail uses which are ancillary to uses permitted in Section 25.18.010(A) above;

(2) Automobile service stations, provided that all sales and service other than gasoline and oil dispensing shall be conducted and confined within enclosed buildings. Furthermore, no tire retreading or recapping, battery rebuilding or manufacture, steam cleaning or painting shall be permitted;

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

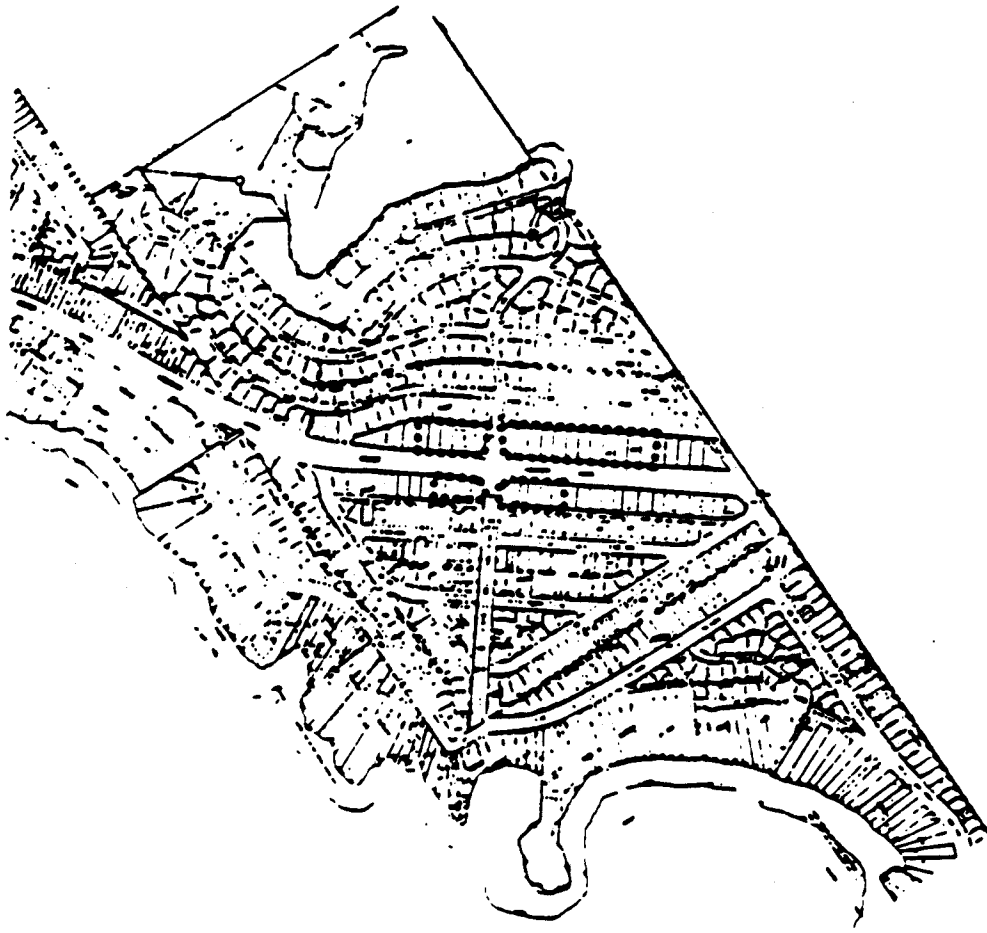
(C) Parking Lot Setback. The provisions of Chapter 25.52 shall apply, except that setbacks for parking lots shall be as follows: ten feet from ultimate right-of-way, sidewalk, alley or adjacent building; twenty-five feet from Coast Highway.

(D) Landscaping. Landscaping, as required, shall be provided in accordance with the community design and landscape guidelines as adopted by Resolution No. 89-104 or as amended thereafter. (Ord. 1187 § 3(7) (part), 1989).

LOCAL BUSINESS—PROFESSIONAL ZONE

25.18.010

**EXHIBIT A  
THREE ARCH BAY COMMERCIAL AREA**



412-82e

(Laguna Beach 3-93)

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## Chapter 25.19

## C-N COMMERCIAL-NEIGHBORHOOD ZONE

## Sections:

- 25.19.001 Intent and purpose.
- 25.19.002 Uses permitted.
- 25.19.004 Uses permitted limited to second floor occupancy.
- 25.19.006 Uses permitted subject to a conditional use permit.
- 25.19.007 Uses within the commercial/tourist corridor land use designation.
- 25.19.008 Property development standards.
- 25.19.010 Performance standards.
- 25.19.012 South Laguna Village commercial area.

**25.19.001 Intent and purpose.** This zone is intended to serve the shopping and commercial service needs of local residents. Principal activities are commercial retail functions, service oriented businesses, office/professional uses, and limited residential uses. The commercial-neighborhood zone differs from the local business-professional zone in that it features a stricter orientation to resident-serving businesses and greater limitations on residential uses. The commercial — neighborhood zone usually will be applied to integrated shopping centers or commercial developments. (Ord. 1147 § 2 (part), 1988).

**25.19.002 Uses permitted.** Buildings, structures and land shall be used, and buildings and structures shall hereafter be erected, designed, structurally altered or enlarged only for the following purposes, conducted entirely within an enclosed building:

- (A) Bakery, retail, wherein bakery goods may be baked on the premises and are sold at retail on the premises;
- (B) Book shop/sales;
- (C) Cafes, restaurants, delicatessens and tea rooms not serving alcoholic beverages and with no dancing or entertainment;
- (D) Drug store/pharmacy;
- (E) Financial offices: banks, savings and loan, etc.;
- (F) Florist;
- (G) Laundry and/or dry-cleaning establishments (coin-operated or attendant-operated);
- (H) Market/grocery store;
- (I) Packaging and/or postal services;
- (J) Paper reproduction or copy services;

- (K) Personal service shops (barber/beauty, etc.);
- (L) Pet grooming and supplies, excluding overnight boarding of animals;
- (M) Retail supply stores, including but not limited to toys, yardage, hardware, paint, auto parts, plumbing, sporting goods, appliances, garden supplies, etc., all of a neighborhood scale and orientation with no open storage of materials or equipment;
- (N) Specialty foodstores, retail;
- (O) Trade services: custom dressmaking, shoe repair, tailor, clock repair, electric appliance repair, etc.;
- (P) Such other uses as the planning commission may deem, after public hearing, to be similar to and no more obnoxious or detrimental to the public health, safety and welfare than the permitted uses. Such uses shall be exclusive of uses expressly relegated to the C-1, C-2, M-1 and M-1A zones. (Ord. 1187 § 3(8)(part), 1989; Ord. 1147 § 2 (part), 1988).

**25.19.004 Uses permitted limited to second floor occupancy.** The following uses are permitted when confined to and conducted entirely above the ground floor of any building.

- (A) Business and professional offices;
- (B) Medical or dental offices or clinics;
- (C) Philanthropic and charitable institutions other than those of a correctional nature;
- (D) Residential uses (excluding time-share uses) as an integral part of commercial development, subject to the following standards:
  - (1) There shall be at least four thousand square feet of lot area for each dwelling unit.
  - (2) Total residential floor area shall be limited to fifteen percent of the gross commercial floor area (exclusive of parking); with the exception that the residential floor area may be increased to a maximum of twenty-five percent for housing committed to the Section 8 — Elderly Housing Program (or its equivalent) under an agreement approved by the city. (Ord. 1147 § 2 (part), 1988).

**25.19.006 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. The existing balance of resident-serving uses in the same vicinity and zone shall be a consideration when reviewing conditional use permit applications.

- (A) Art studios and supplies;
- (B) Cafes, restaurants, delicatessens and tea rooms serving alcoholic beverages;
- (C) Clothing, shoes, retail sales;
- (D) Furniture and antique sales, including home furnishings;
- (E) Handicraft/hobby shops, including retail sales;



- (F) Health clubs;
- (G) Interior design services/home decorating studios;
- (H) Musical instrument sales and supplies;
- (I) Outdoor display of merchandise;
- (J) Plant nursery, including outdoor display of merchandise;
- (K) Records, video and audio tapes, retail sales and rentals;
- (L) Those uses listed under Section 25.19.004 (with the exception of residential uses), located on the first or ground floor of a building, when no second floor exists within any building on the same lot or when it is demonstrated to and determined by the board of adjustment that the second floor limitation is infeasible or unwarranted;
- (M) Veterinary clinics, including overnight boarding for care;
- (N) Liquor sales;
- (O) Other uses the planning commission deems, after conducting a public hearing, to be similar to and no more obnoxious or detrimental to the welfare of the neighborhood than any use listed above. (Ord. 1187 § 3(8) (part), 1989; Ord. 1147 § 2 (part), 1988).

**25.19.007 Uses within the commercial/tourist corridor land use designation.** When any portion of this zone is located within the commercial/tourist corridor designation of the land use plan, uses are permitted as specified in Sections 25.19.002, 25.19.004 and 25.19.006, except for the following uses which are subject to the granting of a conditional use permit as provided in Section 25.05.030, and further provided that, in any case, the use shall not exceed fifty percent of the gross floor area of the entire structure and shall be located above the ground floor level:

- (A) Financial offices: banks, savings and loan, etc.;
- (B) Packaging and/or postal services;
- (C) Paper reproduction or copy services;
- (D) Pet grooming and supplies, excluding overnight boarding of animals;
- (E) Trade services: custom dressmaking, shoe repair, tailor, clock repair, electric appliances repair, etc.;
- (F) Such other uses as the planning commission may deem, after public hearing, to be similar to and no more obnoxious or detrimental to the welfare of the neighborhood in which it is located than any use listed above. (This does not mean to include any type of use which is specifically relegated to or prohibited in the M-1 or M-1A Zones). (Ord. 1252 § 1, 1992)

**25.19.008 Property development standards.** The following property development standards shall apply to all land and structures in this zone.

- (A) Lot Area and Dimension Standards. No requirements.
- (B) Yard Area, Building Setback, Open Space and Coverage Standards for Nonresidential and/or Mixed Uses.
- (1) The general provisions of Chapter 25.50 shall apply, except as modified herein.

(2) Front Yards. A front yard open space equal to five feet times the lot frontage shall be provided and maintained on each lot. Said open space shall be used for landscaping, pedestrian access or similar pedestrian facilities, accessible to the general public. Said open space may be used for open-air seating areas to serve adjacent interior restaurant uses. Walls not higher than four feet may be erected within said open space, as approved by design review. The dimension parallel to the front lot line must exceed the dimension perpendicular to the front lot line.

(3) Side Yards. No requirement, unless the side lot line abuts a different zone, in which case the side yard shall be at least equal to the minimum required for that zone.

(4) Rear Yards. No requirement, unless the rear lot line abuts a different zone, in which case the rear yard shall be at least equal to the minimum rear yard required for that zone.

(5) Open Space Requirements.

(a) Open space shall equal twenty-five percent of the nonresidential gross floor area, exclusive of parking and driveways, which area may be used for landscaping, pedestrian access or similar pedestrian facilities, accessible to the general public. It may also be used for open-air seating areas to serve adjacent indoor restaurant uses.

(b) Additional open space shall be provided for residential uses equalling a minimum of forty percent of the total gross living areas.

(c) All open space requirements are subject to the standards of Section 25.50.010.

(6) Space Between Buildings. No requirement, except as required by design review.

(C) Fences and Walls. The provisions of Section 25.50.012 shall apply.

(D) Design Review. All buildings, structures and improvements are subject to design review as provided in Section 25.05.040.

(E) Building Height Standards.

(1) No building or structure in this zone shall have a height greater than the following:

(a) Rear Lot Line Above Street (Slope in Percent)	Height Permitted Above Rear Lot Line (Height in Feet)
0 to 5	22
5+ to 10	17
Over 10	12
(b) Through Lot (Slope in Percent)	Height Permitted Above Upper Curb Elevation
or	
(c) Rear Lot Line Below Street (Slope in Percent)	Height Permitted Above Curb Elevation (Height in Feet)
0 to 5	30
5+ to 10	25
Over 10	20

These building heights represent the maximums permitted and may be reduced as determined appropriate by the design review board.

(2) Refer to subsection (D) of Section 25.50.004, Chapter 25.51, and City Council Resolution 83.99 for other standards related to building height.

(F) Parking Standards. The provisions of Chapter 25.52 shall apply.

(G) Access and Improvement Standards. The provisions of Chapter 25.53 shall apply.

(H) Access From Streets. For lots which possess frontage on Coast Highway and another street, the design review board may require secondary or sole access to be provided from the secondary street as determined appropriate for proper circulation.

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25.19.010 ZONING

(I) Signs. The provisions of Chapter 25.54 shall apply.

(J) Loading space. Loading spaces shall be provided as required by the design review board.

(K) Trash and Outdoor Storage Areas. Areas for trash or outdoor storage shall be provided. Such areas shall be enclosed and architecturally screened in such a manner as to conceal all trash or stored material from public view and shall be subject to approval by the design review board.

(L) Landscaping. Landscaping shall be provided subject to design review approval. (Ord. 1187 § 3(4) (part), 1989; Ord. 1147 § 2 (part), 1988).

**25.19.010 Performance standards.** Areas within the commercial-neighborhood zone are usually located in close proximity to residential areas and frequently share a functional and/or visual relationship with these areas. It is therefore necessary for special attention to be placed on the compatible design and orientation of development in the commercial-neighborhood zone. The following performance standards shall be used for the purpose of evaluating the development proposals in the commercial-neighborhood zone. The standards are general in nature and are to be applied on a site-specific basis. They are intended to serve as a guide for achieving proper design and to supplement other design criteria used by the design review board.

(A) New development shall be designed to be compatible with nearby residential areas. This shall involve preservation of the character and integrity of residential areas and maintaining an appropriate visual and functional interrelationship between residential and commercial uses. Potentially intrusive design elements such as traffic circulation and light and glare shall be designed to avoid interference with the residential environment.

(B) The height, scale, mass and bulk of buildings shall not be overbearing in relation to nearby residential structures. Height, scale, mass and bulk shall also be a function of their proximity to residential structures, with buildings in close proximity made to adhere to a similar scale of development. Potential view impediments shall also be considered.

(C) Architectural styles and features shall be compatible with and complimentary to nearby residential structures to the extent commercial and residential structures share a visual relationship.

(D) Landscaping shall be utilized and designed to help make commercial development more compatible with nearby residential areas to the extent practicable.

(E) Commercial signage shall be designed so as not to interfere with residential areas. This shall involve the lighting, location, orientation and size of signs. (Ord. 1187 § 3(4) (part), 1989; Ord. 1147 § 2 (part), 1988).

**25.19.012 South Laguna Village commercial area.** Due to existing and historical patterns of commercial development and proximity to single-family residential development, it is necessary and desirable to establish additional requirements as follows for the commercial area generally located on South Coast Highway adjacent to the Village Community zone, depicted on the map labeled Exhibit A set out at the end of this chapter and incorporated within this section by reference (where inconsistencies arise in reference to other sections of this chapter, this section shall apply to the South Laguna Village commercial area):

(A) Uses Permitted. In addition to all uses permitted in Section 25.19.002 of this chapter, the following uses may be permitted if conducted entirely within an enclosed building:

- (1) Business and professional offices;
- (2) Medical or dental offices or clinics;
- (3) Residential uses (excluding time shares) as an integral part of commercial development, but limited to not more than fifty percent of the gross floor area.

(B) Uses Permitted Subject to a Conditional Use Permit. In addition to all uses permitted in Section 25.19.006 of this chapter, the following uses may be permitted subject to the granting of a conditional use permit as provided in Section 25.19.006.

(1) Automobile service stations and mini-markets, provided that all sales and service other than gasoline and oil dispensing shall be conducted and confined within enclosed buildings. Furthermore, no tire retreading or recapping, battery rebuilding or manufacture, steam cleaning or painting shall be permitted. Operating hours extending beyond the time period of six a.m. to twelve midnight must be authorized under the conditional use permit.

(C) Building Height Standards.

(1) Building height, excluding the roof, shall be limited to two stories. Building height at the front elevation shall not exceed twenty-two feet as measured from curb.

(2) Maximum height, including the roof and mechanical equipment enclosures, shall not exceed twenty-seven feet at the front elevation and at no point shall exceed thirty feet as measured from natural or finished grade, whichever is more restrictive.

(3) Rooflines should be compatible with the historic character of the village commercial area; gabled roofs are encouraged.

(4) For uphill sloping lots, the height permitted above the rear lot line shall be defined by Section 25.19.008(E)(1)(a) of this chapter.

(D) Additional Building Setbacks. The provisions of Section 25.50.004 (D) pertaining to additional building setbacks shall apply only for the rear yard setback.

(E) Rear and Side Yards. When a side or rear yard adjoins a street or alley, the setback shall be five feet minimum.

25.19.012 ZONING

(F) Parking Lot Setback. The provisions of Chapter 25.52 shall apply, except that setbacks for parking lots shall be as follows: five feet from ultimate right-of-way, sidewalk, alley or adjacent building.

(G) Landscaping. Landscaping, as required, shall be provided to conform with the community design and landscape guidelines as adopted by Resolution No. 89-104 or as amended thereafter. (Ord. 1187 § 3(8) (part), 1989).

**EXHIBIT A**  
**South Laguna Village Commercial Area**

