

CALIFORNIA COASTAL COMMISSION

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October 24, 2006

TO: Commissioners and Interested Persons

FROM: Sherilyn Sarb, Acting South Coast Deputy Director
Teresa Henry, District Manager
Karl Schwing, Supervisor, Regulation & Planning, Orange County Area
Meg Vaughn, Coastal Program Analyst

SUBJECT: Major Amendment Request No. 1-04A to the City of Laguna Beach Certified Local Coastal Program (For Public Hearing and Commission Action at the November 14–17, 2006 meeting in San Diego).

SUMMARY OF LCP AMENDMENT REQUEST NO. 1-04 A

Request by the City of Laguna Beach to amend the Implementation Plan (IP) portion of the Local Coastal Program (LCP) by incorporating the changes contained in City of Laguna Beach Ordinance No. 1416 (Mansionization) and Ordinance No. 1456 which revises the requirements for staking of Design Review Projects. The City's intent in adopting Ordinance No. 1416 is to establish regulations to moderate the size of new homes and remodels to be more compatible with the neighborhoods in which they are located. The City has indicated that previously established design guidelines and standards allowed development of larger structures that were often incompatible with the scale of surrounding development. Ordinance No. 1456 provides more detail regarding the requirement to erect staking poles for projects subject to design review, including the new requirement that the staking poles be certified as accurate by a registered land surveyor or registered civil engineer, and that the staking poles cannot be certified by the project applicant, applicant's relative, or by any other person possessing a financial interest in the property or project.

The Local Coastal Program Amendment effects only the Implementation Plan portion of the certified LCP and will not change the existing zoning of any land areas.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission, after public hearing:

Approve the amendment request to the Implementation Plan as submitted.

The proposed amendment is in conformance with and adequate to carry out the provisions of the certified Land Use Plan. **The motion to accomplish this recommendation is found on page 3.** As submitted the amendment is consistent with and adequate to carry out the City's certified Land Use Plan.

STANDARD OF REVIEW

The standard of review for the proposed amendment to the LCP Implementation Plan is conformance with and adequacy to carry out the provisions of the certified Laguna Beach Land Use Plan.

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.

The following Public Hearings were held for Ordinance No. 1416: Planning Commission Workshops July 11, August 8, September 12, October 10, and December 12, 2001 and January 9 and 23, February 13 and 27, and March 27, and April 10, 2002. Planning Commission Public Hearings were held on May 29, June 3, 12, and 19, July 10, August 14, and October 9, 2002. City Council Public Hearings were held on September 10 and 24, and November 19, 2002.

The following Public Hearings were held for Ordinance No. 1456: Planning Commission Hearing August 10, 2005, and City Council Hearing September 20, 2005

STAFF NOTE: When Ordinance No. 1456 was submitted for Commission action it was assigned the LCPA number of 4-05 and was expected to be processed as a minor amendment (thus the amendment number 4). However, subsequent to submittal and determination that the amendment submittal was complete, it was discovered that the amendment proposed modifications to language not included in the certified LCP. Since the LCP was originally certified in 1992 (becoming effective in February 1993), the City has made numerous changes that were never forwarded for review and action by the Coastal Commission, resulting in significantly different versions of the IP used by the City and by Commission staff. In order to rectify the discrepancy, the City has submitted LCPA No. 1-04, which contains numerous changes to the LCP (primarily to the Implementation Plan). LCPA 1-04 was determined to be complete on December 10, 2005. On January 11, 2006, the Commission granted an extension of the time limit to act on LCPA 1-04. The Commission's action extended the time limit to act until March 10, 2007.

However, because LCPA 4-05 was deemed complete on October 14, 2005 the time limit for Commission action began as of that date. On November 17, 2005 the Commission

granted an extension of the time limit to act up to December 13, 2006. Ordinance No. 1416 includes the interim changes that were made to the IP Section proposed to be changed by Ordinance No. 1456. Thus, Ordinance No. 1416 is being processed separately from the rest of LCPA 1-04. Because of the breadth of changes proposed under LCPA 1-04, further time is necessary for staff to adequately analyze the entire amendment request. The remainder of LCPA 1-04 will be processed in the near future in order to comply the extended time limit to act of March 10, 2007.

ADDITIONAL INFORMATION

Copies of the staff report are available on the Commission's website at www.coastal.ca.gov and 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.

I. STAFF RECOMMENDATION

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings.

MOTION

"I move that the Commission reject Implementation Plan amendment No. 1-04 A to the City of Laguna Beach Local Coastal Program as submitted."

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Plan amendment 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 the amendment to the Implementation Plan as submitted

The Commission hereby certifies Amendment Request No. 1-04 A to the Implementation Plan of the City of Laguna Beach Local Coastal Program as submitted, and adopts the findings set forth 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 LCP Implementation Plan amendment as submitted. The Commission hereby finds and declares as follows:

A. Amendment Description

The City of Laguna Beach has requested to amend the Implementation Plan (IP) portion of the Local Coastal Program (LCP) by incorporating the changes contained in City of Laguna Beach Ordinance No. 1416 (Mansionization) and Ordinance No. 1456 (Staking). The City's intent in adopting Ordinance No. 1416 is to establish regulations to moderate the size of new homes and remodels to be more compatible with the neighborhoods in which they are located. The City has indicated that previously established design guidelines and standards allowed development of larger structures that were often incompatible with the scale of surrounding development. Ordinance 1456 revises the requirements for staking of Design Review Projects. Ordinance No. 1456 provides more detail regarding the requirement to erect staking poles for projects subject to design review, including the new requirement that the staking poles be certified as accurate by a registered land surveyor or registered civil engineer, and that the staking poles cannot be certified by the project applicant, applicant's relative, or by any other person possessing a financial interest in the property or project. Ordinance No. 1416 is attached as Exhibit A. Ordinance No. 1456 is attached as Exhibit B.

The proposed Local Coastal Program Amendment affects only the Implementation Plan portion of the certified LCP and will not change the existing zoning of any land areas.

The changes proposed include the following:

Implementation Plan Chapter 25.05 provides procedures regarding processing of Administrative Use Permits, Variances, Conditional Use Permits, Temporary Use Permits, and Design Review. Modifications proposed to Chapter 25.05 include a new requirement that applications for variances must receive concept review (25.05.25(B)); clarification of what must be included in applications for Design Review including a topographic survey completed by a licensed surveyor or licensed civil engineer, site plan, floor plans, elevation plans, cross-sections, grading plans, material samples, landscape plans, evidence of neighbor communications, and a staking plan; a requirement for early neighbor communication, and requirements for staking the site(25.05.040(C)(1) & (2); clarification that public hearing notices for Design Review be mailed to property owners within 300 feet of the subject site, and a requirement that if a project receives three continuances it must be re-noticed (25.05.040(E)).

IP Chapter 25.08 Definitions and Standards: definitions for "Buildable Area" and "Concept Review" are newly proposed, and the definition of "Height, building" is proposed to be replaced. The newly proposed definitions are:

“Buildable area” means the area of any given lot that is not part of a required front, side or rear yard, as set forth in the property development standards of the applicable zone for said lot.”

“Concept review” means review by the decision making authority for the purpose of providing the applicant with the authority’s preliminary reaction to the general design concept of a proposed project. Such review does not include a formal decision or guarantee of future approval on the application.”

The existing definition of building height (to be deleted) is:

“Height, building” means the height above the natural or finish grade, or the vertical distance from the curb, street, centerline or property line to the highest point of the roof, whichever is the applicable measurement as required under the specific chapters of this title; except that for purposes of Chapter 25.51 (Maximum Building Height), height shall be measured as set forth therein. The elevation of the curb shall be taken on top of the curb at a point created by the intersection of the curb and a line perpendicular to and intersection the midpoint of the front lot line. In the event there is no curb, height shall be measured from the centerline of the street to the top of the roof. The elevation of the centerline of the street shall be taken at a point created by the intersection of the centerline and a line perpendicular to and intersection the midpoint of the front lot line. The elevation of the rear lot line shall be taken at every point along the rear property line. Exception: provided they do not exceed the maximum height limit set forth in Chapter 25.51, and provided further that no structure in excess of the specified building height shall be used for additional living or floor space, the following items may be permitted to a height in excess of that permitted within a zone when approved by the design review board pursuant to the procedures and findings of Chapter 25.05 as applicable: penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, skylights, spires, flagpoles, broadcasting and receiving antennae, and chimneys.”

The deleted definition, above, is proposed to be replaced with the following:

“Height, building” means one or more of the following:

- (a) The vertical distance from any point on the finished roof surface to the finished floor surface of the lowest floor measured directly below or to the natural or finished grade, whichever is more restrictive or lower. If the entire lowest floor, measured from the finished floor surface of the floor above, is located completely below natural or finished grade, whichever is more restrictive, then the building height shall be measured to the top of the finished floor of the next level directly above that subterranean level.
- (b) For purposes of measuring the height above the front lot line, an applicant may have the option of measuring by one of the following two options: (1) The vertical distance from the curb, street centerline or property line to the highest point of the

roof, whichever is the applicable measurement as required under the specific chapters of this title. The elevation of the curb shall be taken on top of the curb at a point created by the intersection of the curb and a line perpendicular to and intersecting the midpoint of the front lot line. In the event there is not curb, height shall be measured from the centerline of the street to the top of the roof. The elevation of the centerline of the street shall be taken at a point created by the intersection of the centerline and line perpendicular to and intersecting the midpoint of the front lot line or (2) at every point along the curb or street centerline.

- (c) For purposes of measuring the height above the rear lot line, the elevation of the rear lot line shall be taken at every point along the rear property line.
- (d) Exception: [already in certified IP, except the following change indicated in **bold** and ~~strike-out~~ below] provided they do not exceed the maximum height limit set forth in Chapter 25.51, and provided further that no structure in excess of the specified building height shall be used for additional living or floor space, the following items may be permitted to a height in excess of that permitted within a zone when approved by the design review board pursuant to the procedures and findings of Chapter 25.05 as applicable: ~~penthouses or roof~~ structures for the **sole purpose of** housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, skylights, spires, flagpoles, broadcasting and receiving antennae, and chimneys."

Existing allowances for height limit modifications are proposed to be deleted from the R-1, R-2, R-3, Village Community, and the Three Arch Bay Zones.

In Chapter 25.10 R-1 Residential Low Density Zone a modification is proposed that would allow the building site coverage requirement to be modified by the design review board when necessary to preserve privacy or reduce heights, in addition to the modifications that are currently allowed for view preservation or to maintain neighborhood development patterns.

In Chapter 25.50 General Yard and Open Space Provisions, allowable rear yard setback modifications are proposed to be deleted. And in the same Chapter, Section 25.50.005 the section on building height, is proposed to be deleted. The section allowing projections into required yards is proposed to be modified to include greenhouse and bay windows (up to 20% of required front or rear yard), and architectural features other than balconies (up to 40% of the required side yard) which would be allowed to project into required yard space.

The following formula for calculating Building Site Coverage on oceanfront lots is proposed as 25.50.020(B):

$$\text{Building Site Coverage (\%)} = 35 + \frac{(8000 - A) \times 9}{4000}$$

Where A = lot area as calculated using the building setback lines described in Section 25.50.004(B)(1)(2)(3) or the oceanfront bluff whichever is more restrictive.

Where A is less than four thousand square feet, the site coverage shall not exceed forty-four percent of A. Where A is eight thousand square feet or over, site coverage shall not exceed thirty five percent of A.

It should be noted that the currently certified IP already applies the proposed formula in R-1 zones. The proposed amendment would apply the same formula to oceanfront lots, although for oceanfront lots that are zoned R-1, the formula already applies.

Chapter 25.51 Maximum Building Height is proposed to be replaced with the following language:

Maximum building height limits.

- (A) Notwithstanding any section to the contrary, no building or structure shall exceed thirty-six feet in height.
- (B) For development proposed on the seaward side of Pacific Coast Highway, where topography allows, no structures shall be constructed above the finish elevation of Pacific Coast Highway at the right-of-way line.

Changes to Chapter 25.52 Parking Requirements are proposed that would require parking spaces for single-family and two-family dwelling, in excess of two spaces per residential unit, be provided as uncovered parking spaces unless the project applicant can demonstrate that the additional covered spaces will not increase the appearance of mass and bulk. The proposed changes would also allow single and two family residential parking spaces to be tandem spaces.

Changes to Chapter 25.56 Nonconforming Buildings, Lots and Uses establish limitations on adding to or enlarging nonconforming structures.

B. Land Use

The standard of review for changes to the Implementation Plan of a certified LCP is whether the Implementation Plan with the proposed amendment will be in conformance with, and adequate to carry out, the provisions of the certified Land Use Plan (LUP).

The City's certified Land Use Plan contains policies regarding protection of tide pools and marine habitats, provision of public shoreline access, protection and promotion of water quality, provision of public recreation, parks, and trails, preservation and promotion of scenic public views, protection of vegetation and wildlife resources, protection, preservation and restoration of watersheds and watercourses, minimization of natural hazards, conservation of land having archaeological and/or paleontological importance, preservation of ridgelines, hillsides and canyons from adverse environmental impacts and as scenic resources, and limitations on hillside development for both scenic and hazard purposes.

Policy 7-A of the certified LUP states:

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

LUP Policy 7-K states:

Preserve as much as possible the natural character of the landscape (including coastal bluffs, hillsides and ridgelines) by requiring proposed development plans to consider scenic and conservation values, impacts on soil mantle, vegetation cover, water resources, physiographic features, erosion problems, and recontouring and replanting where the natural landscape has been disturbed.

LUP Policy 13-B states:

Require that development proposals, including additions and alterations to existing buildings, incorporate protection of the natural profile of ridgelines as visual resources.

The proposed amendment is intended to limit the size of proposed residential structures such that they are compatible with their surrounding neighborhoods. Such a goal is consistent with the LUP policies regarding protection of public scenic views. Furthermore, limiting the size of residential structures does not present any conflict with the additional policies of the LUP.

For the reasons described above, the proposed IP amendment is consistent with and adequate to carry out the policies of the City's certified Land Use Plan. Therefore, the Commission finds that the proposed Implementation Plan amendment is consistent with and adequate to carry out the provisions of the certified Land Use Plan (LUP).

C. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 21080.9 of the California Public Resources Code – and the California Environmental Quality Act (CEQA) - exempts local governments from the requirement of preparing environmental impact reports (EIRs), among other things, in connection with their activities and approvals necessary for the preparation and adoption of local coastal programs (LCPs). 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 approving an LCP submittal, to find that the proposal does conform with the provisions of CEQA, and to base any certification on a specific factual finding supporting the conclusion that the proposal "meets the requirements of [CEQA] Section 21080.5(d)(2)(i) ... , which requires that an activity will not be approved or adopted as proposed if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment." 14 C.C.R. Sections

13555(b), 1354(a), and 1354(f). The City of Laguna Beach LCP amendment 1-04 A consists of an amendment to the Implementation Plan (IP) only.

As outlined in this staff report, the proposed Implementation Plan amendment would result in more restrictive measures regarding the size of future residential development than currently exist in the IP. As the amendment would impose a greater level of restriction, coastal resources such as scenic views will be afforded a greater level of protection. Thus, the Commission finds that the IP amendment is in conformity with and adequate to carry out the land use policies of the certified LUP. Moreover, the Commission finds that approval of the LCP amendment will not result in significant adverse environmental impacts under the meaning of CEQA. Therefore, the Commission certifies LCP amendment request 1-04 A as submitted.

ORDINANCE NO. 1416

**AN ORDINANCE OF THE CITY OF LAGUNA BEACH AMENDING
MUNICIPAL CODE CHAPTERS 25.05, 25.08, 25.10, 25.12, 25.14, 25.43,
25.44, 25.50, 25.51, 25.52, and 25.56**

WHEREAS, on May 29, 2002, June 3, 2002, June 19, 2002, July 10, 2002, August 14, 2002 and October 9, 2002, the Planning Commission conducted legally noticed public hearings and, after reviewing and considering all documents, testimony and other evidence presented, unanimously voted to recommend that the City Council approve amendments to Municipal Code Chapters 25.05, 25.08, 25.10, 25.12, 25.14, 25.43, 25.44, 25.50, 25.51, 25.52, and 25.56; and

WHEREAS, the City Council conducted a legally noticed public hearing and has reviewed and considered all documents, testimony and other evidence presented; and,

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH DOES ORDAIN, as follows:

SECTION 1. Municipal Code Section 25.05.015(A)(1) is hereby amended to read in its entirety as specified below.

25.05.015 Form of application, fees, and permit compliance.

(A) Prescribed by the Director of Community Development.

(1) The Director of Community Development shall prescribe the form and scope of all variances, changes of district boundaries or reclassifications, general plan amendments and all other planning or development applications as identified in Chapter 25.05, and of accompanying data to be furnished so as to assure the fullest practicable presentation of facts for proper consideration of the matter and for the permanent record. Forms for such purposes may be provided.

SECTION 2. Municipal Code Section 25.05.025(A) and (B) regarding variance applications is hereby amended to read in their entirety as specified below.

25.05.25 Variances.

(A) Intent and Purpose. The intent and purpose of this section is to establish procedures whereby parcels or development projects may vary from the provisions of Title 25. Variances

LGB LCPA 1-04A

Exhibit A

may be granted when there are special circumstances applicable to the property involved, including size, shape, topography, location and surroundings, that would cause the strict application of the zoning ordinance to deprive the property of the privileges enjoyed by other property in the vicinity and zone.

(B) Application.

(1) Application for a variance shall be made by a property owner or authorized agent. Applications shall contain such information as prescribed by the Director of Community Development including, but not limited to, a plot plan drawn to scale showing accurate dimensions of the lot and building site, the proposed location of the building(s) on the lot and accurate dimensions of the building(s), yards and setbacks.

(2) Concept review shall be a prerequisite for design review variance applications, except those involving existing legal nonconformities.

SECTION 3. Municipal Code Section 25.05.040(c) and (e) regarding application and notice for Design Review is hereby amended to read in their entirety as specified below.

25.05.040 Design Review.

(c) Application. Application for design review shall be made by a property owner or authorized agent and shall include, but not be limited to, a topographic survey completed by a surveyor or civil engineer licensed by the State of California to conduct land surveys, a site plan, floor plans, elevation plans, cross-sections, grading plans, material samples, landscape plans, evidence of neighbor communication and a staking plan.

(1) Early Neighbor Communication. The applicant shall take reasonable steps as established by the City to communicate with owners of property within 300 feet of the applicant's property.

(2) The staking plan shall be prepared as specified on the most current zoning and design review submittal checklist. Ten working days prior to the first public hearing, the staking poles shall be constructed and certified as to location and height by a licensed land surveyor or registered civil engineer licensed by the State of California to conduct land surveys. The staking poles shall accurately represent the proposed building envelope. If a project is modified during the design review process because of a view consideration, the project shall be re-staked and re-certified at least ten days prior to any subsequent public hearing.

25.05.040 Design Review

(e) Public Notice. Public notice shall be mailed to the property owners within three hundred feet of the subject property and is subject to the provisions of Section 25.05.065(B) and (C), except that the requirements for newspaper advertising shall not be required, and the public notice for coastal development permits must be in accordance with Section 25.07.014. A design review application that has been scheduled, noticed and received three non-hearing continuances shall be subject to mandatory re-noticing in accordance with the provisions of Section 25.05.065 (B) and (C).

SECTION 4. Municipal Code Section 25.08.004 regarding words beginning with "B" is hereby amended to add the definition of "Buildable Area" in its entirety as specified below.

25.08.004 Words beginning with "B."

"Buildable area" means the area of any given lot that is not part of a required front, side or rear yard, as set forth in the property development standards of the applicable zone for said lot.

SECTION 5. Municipal Code Section 25.08.006 regarding words beginning with

"C" is hereby amended to add the definition of "Concept Review" in its entirety as specified below.

25.08.006 Words beginning with "C."

"Concept review" means review by the decision making authority for the purpose of providing the applicant with the authority's preliminary reaction to the general design concept of a proposed project. Such review does not include a formal decision or guarantee of future approval on the application by the decision making authority.

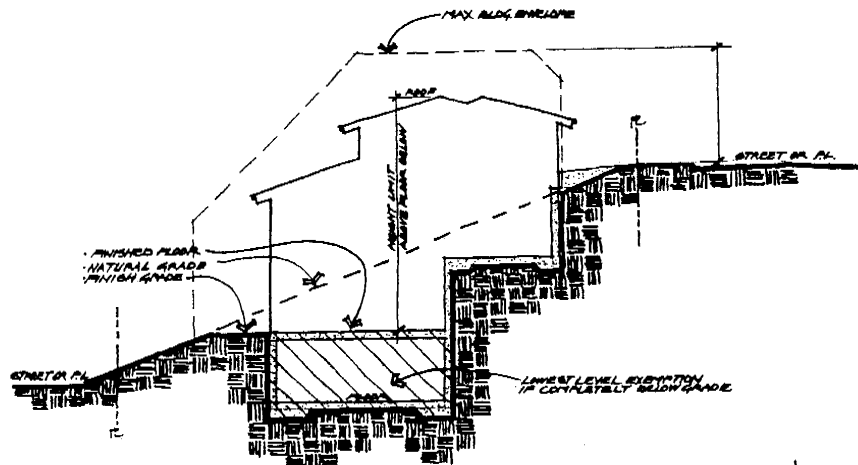
SECTION 6. Municipal Code Section 25.08.016 regarding the definition of

"Height, building" is hereby amended in its entirety as specified below.

25.08.016 Words beginning with "H."

"Height, building" means one or more of the following:

- (a) The vertical distance from any point on the finished roof surface to the finished floor surface of the lowest floor measured directly below or to the natural or finished grade, whichever is more restrictive or lower. If the entire lowest floor, measured from the finished floor surface of the floor above, is located completely below natural or finished grade, whichever is more restrictive, then the building height shall be measured to the top of the finished floor of the next level directly above that subterranean level.



(b) For purposes of measuring the height above the front lot line, an applicant may have the option of measuring by one of the following two options: (1) The vertical distance from the curb, street centerline or property line to the highest point of the roof, whichever is the applicable measurement as required under the specific chapters of this title. The elevation of the curb shall be taken on top of the curb at a point created by the intersection of the curb and a line perpendicular to and intersecting the midpoint of the front lot line. In the event, there is no curb, height shall be measured from the centerline of the street to the top of the roof.) The elevation of the centerline of the street shall be taken at a point created by the intersection of the centerline and a line perpendicular to and intersecting the midpoint of the front lot line or (2) at every point along the curb or street center line.

(c) For purposes of measuring the height above the rear lot line, the elevation of the rear lot line shall be taken at every point along the rear property line.

(d) Exception: provided they do not exceed the maximum height limit set forth in Chapter 25.51, and provided further that no structure in excess of the specified building height shall be used for additional living or floor space, the following items may be permitted to a height in excess of that permitted within a zone when approved by the design review board pursuant to the procedures and findings of Chapter 25.05 as applicable: structures for the sole purpose of housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, skylights, spires, flagpoles, broadcasting and receiving antennae, and chimneys;

SECTION 7. Municipal Code Section 25.10.008(D)(1)(b) regarding building height modifications in the R-1 zone is hereby deleted and removed in its entirety.

SECTION 8. Municipal Code Section 25.10.008(E)(1)(d) regarding the modification of the building site coverage in the R-1 zone is hereby amended in its entirety as specified below.

25.10.008 Property Development Standards.

(E) Yards

(1) General Provisions

(d) The building site coverage requirement shall only be modified by the design review board when it is necessary to preserve views, preserve privacy, reduce heights or to maintain neighborhood development patterns.

SECTION 9. Municipal Code Section 25.12.008(D)(1)(b) regarding building height modifications in the R-2 zone is hereby deleted and removed in its entirety.

SECTION 10. Municipal Code Section 25.12.008(H) regarding design review is hereby deleted and removed in its entirety.

SECTION 11. Municipal Code Section 25.14.008(D) (1) (b) regarding building height modifications in the R-3 zone is hereby deleted and removed in its entirety.

SECTION 12. Municipal Code Section 25.43.070(I)(1)(b) regarding building height modifications in the Village Community Zone is hereby deleted and removed in its entirety.

SECTION 13. Municipal Code Section 25.44.050(G)(1)(b) regarding building height modifications in the Three Arch Bay zone is hereby deleted and removed in its entirety.

SECTION 14. Municipal Code Section 25.50.004(D) regarding "Exceptions – Additional Building Setbacks is hereby amended in its entirety as specified below.

25.50.004 Building Setback Lines.

(D) Exceptions – Additional Building Setbacks.

Where portions of a new building or additions to a building attain a height in excess of fifteen feet above the natural grade of the required front or rear setback, such portions shall maintain, in addition to the required building setback, an additional foot of distance for every foot of height in excess of fifteen feet. Additional building setback datum shall be measured at every point along the setback line.

SECTION 15. Municipal Code Section 25.50.005 regarding building height is hereby deleted and removed in its entirety.

SECTION 16. Municipal Code Section 25.50.008(A) regarding permitted projections into required yards is hereby amended in its entirety as specified below.

25.50.008 Permitted projections into required yards.

(A) Cornices, eaves, belt courses, balconies, greenhouse and bay windows (as defined in Section 25.50.008(E) below) or similar architectural features may cantilever into a required front or rear yard a distance equal to twenty percent of the required front or rear yard. Architectural features (exclusive of balconies) may cantilever into a required side yard a distance equal to forty percent of the required side yard; however, in no event shall any eave, belt course, be constructed less than two and one-half feet, or four feet in the case of greenhouse or bay windows, including the window in an open position, from the side property line, or less than five feet from any other cornice, eave, belt course, greenhouse or bay windows or similar architectural feature on the same lot.

SECTION 17. Municipal Code Section 25.50.010 regarding open space requirements is hereby amended in its entirety as specified below.

25.50.010 Open space requirements.

Where required in this title, excluding the R-1 zone, open space shall meet the following standards:

- (A) It shall contain a minimum area of forty percent of the total gross living areas on the lot;
- (B) At least sixty percent of the total area required shall be located at ground level and shall be open from ground to sky;
- (C) It shall be contained entirely within the buildable area of the lot (as defined by the property development standards of the applicable zone exclusive of Chapter 25.50);
- (D) It shall not include land or structures devoted to parking, storage, trash areas, driveways or other uses, except those uses normally considered as outdoor living such (decks, patios, terraces, atriums, gardens, ornamental and natural landscaped area, barbecues, athletic areas, and similar active and passive outdoor living and recreation space);
- (E) At least one-quarter of the open space requirement shall be immediately accessible to each living unit on the lot and shall be designed to be used primarily for the occupants of the living unit;
- (F) To qualify as open space, the minimum dimension must be six feet, or ten feet if the area is designed for through pedestrian traffic or access.

SECTION 18. Municipal Code Section 25.50.020 regarding ocean front lots is hereby amended in its entirety as specified below.

25.50.020 Oceanfront lots.

(A) A single parcel of land which may be legally described as such or may be one of two or more numbered lots or parts of lots in a recorded plat, meeting all conditions set forth in Section 25.08.022, as amended, shall also include the following:

- (1) A parcel of land extending from a dedicated and improved street through to the Pacific Ocean;
- (2) A parcel of land qualifying as an oceanfront lot is permitted the flexibility of locating accessory structures on any portion of such lot, provided that the yards required by this title are maintained.

(B) Building site coverage shall be calculated using the following formula:

$$\text{Building Site Coverage (\%)} = 35 + \frac{(8000 - A) \times 9}{4000}$$

Where A = lot area as calculated using the building setback lines described in Section 25.50.004(B)(1)(2)(3) or the oceanfront bluff whichever is more restrictive. Where A is less than four thousand square feet, the site coverage shall not exceed forty-four percent of A. Where A is eight thousand square feet and over, site coverage shall not exceed thirty five percent of A.

SECTION 19. Municipal Code Chapter 25.51 entitled Maximum Building Height is hereby amended in its entirety as specified below.

Maximum building height limits.

(A) Notwithstanding any section to the contrary, no building or structure shall exceed thirty-six

feet in height.

(B) For development proposed on the seaward side of Pacific Coast Highway, where topography allows, no structures shall be constructed above the finish elevation of Pacific Coast Highway at the right-of-way line.

SECTION 20. Municipal Code Section 25.52.008(d) regarding tandem parking is hereby amended in its entirety as specified below.

25.52.008 Design of parking space facilities.

(d)Tandem Parking. Subject to design review board approval, residential tandem parking is allowed in accordance with Section 25.52.012(f) for a single-family or two-family dwelling. When tandem parking is permitted by the design review board, it may be located in a private garage or parking area as covered or uncovered parking.

SECTION 21. Municipal Code Section 25.52.012 regarding single-family and two-family required off-street parking is hereby amended as follows.

Dwelling, single-family or two-family	2 covered spaces per dwelling unit plus an additional space when the gross floor area of each residence is 3,600 or more square feet. The required additional parking space shall be provided as uncovered parking unless the applicant can provide justification that the additional covered parking space will not increase the appearance of mass and bulk. Subject to design review board approval, the required parking may be provided as tandem parking. See Section 25.52.008(d).
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SECTION 22. Municipal Code Section 25.56.08 regarding adding to or enlarging nonconforming structures is hereby amended in its entirety as specified below.

25.56.08 Adding to or enlarging nonconforming structure.

(A) No building, structure or improvement which is nonconforming shall be added to or enlarged in any manner unless such building, structure or improvement, is made to conform in every respect with the provisions herein set forth for the applicable zoning district.

(B) Exceptions:

(1)Existing legal nonconforming structure located in the R1, R2 or VC zone may be added to or expanded without bringing the existing nonconformities into compliance with the provision

of the applicable zoning district if the proposed structure's addition or modification meets all of the following criteria:

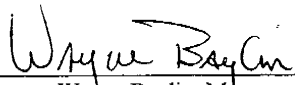
- (a) The proposed addition meets all applicable zoning regulations; and
 - (b) The total floor area per residential structure (with addition) does not exceed 1,500 square feet.
- (2) If a building is nonconforming only because of noncompliance with the required yard regulations and access requirements, then additions and enlargements may be made without the need for a variance provided:
- (a) The additions and enlargements comply in every respect with the provisions of this title; and
 - (b) The total aggregate floor area included in all such separate additions and enlargements does not exceed fifty percent of the floor area contained in such building, structure or improvement prior to the making of any such additions and enlargements.

SECTION 23. This Ordinance is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15308 and 15321 of the State CEQA Guidelines.

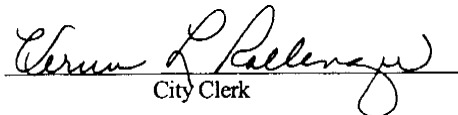
SECTION 24. This Ordinance is intended to be of Citywide effect and application. All ordinances and provisions of the Laguna Beach Municipal Code and Sections thereof inconsistent herewith shall be hereby repealed to the extent of such inconsistency and no further.

SECTION 25. The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published in the same manner required by law in the City of Laguna Beach. This Ordinance shall become effective thirty (30) days after the final approval by the City Council.

ADOPTED this 19th day of November, 2002.


Wayne Baglin, Mayor

ATTEST:

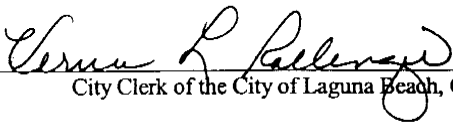

City Clerk

I, Verna Rollinger, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance No. 1416 was introduced at a regular meeting of the City Council on September 24, 2002 and was finally adopted at a regular meeting of the City Council of said City held on November 19, 2002 by the following vote:

AYES: COUNCILMEMBER(S): Kinsman, Dicterow, Freeman, Iseman,
Baglin

NOES: COUNCILMEMBER(S): None

ABSENT: COUNCILMEMBER(S): None



City Clerk of the City of Laguna Beach, CA

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RESOLUTION NO. 04.068
A RESOLUTION OF THE CITY COUNCIL OF LAGUNA BEACH, CALIFORNIA, ADOPTING LOCAL COASTAL PROGRAM AMENDMENT NO. 04-03 AND REQUESTING ITS CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION

WHEREAS, after notice duly given pursuant to Government Code Section 65090 and Public Resources Code Sections 30503 and 30510, the Planning Commission of the City of Laguna Beach held public hearings to consider the adoption of Laguna Beach Local Coastal Program Amendment No. 04-03, and such amendment was recommended to the City Council for adoption; and

WHEREAS, the City Council, after giving notice as described by law, held at least one public meeting regarding the proposed Laguna Beach Local Coastal Program Amendment No. 04-03, and the City Council finds that the proposed amendment is consistent with the Certified Laguna Beach Coastal Land Use Plan and Chapter 6 of the California Coastal Act; and

WHEREAS, the City Council of the City of Laguna Beach intends to implement the Local Coastal Program in a manner fully consistent with the California Coastal Act.

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

SECTION 1. That Laguna Beach Local Coastal Program Amendment No. 04-03 is hereby approved, consisting of certain Ordinances pertaining to Municipal Code Amendments and a certain Resolution pertaining to a General Plan Safety Element Amendment, as listed below:

<u>Ord./Reso.</u>	<u>Subject</u>	<u>Description</u>
No. 1271	Zoning Ord. Amendment	Various
No. 1282	Zoning Ord. Amendment	Parking and Non-Conforming Uses
No. 1283	Zoning Ord. Amendment	Architectural Projections
No. 1295	Zoning Ord. Amendment	CC Reversal of PC or DRB Decision

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	<u>Ord./Reso.</u>	<u>Subject</u>	<u>Description</u>
1	No. 1303	ZOA/Muni. Code 21.14	R-HP Zone; PRDs
2	No. 1305	Zoning Ord. Amendment	Parking Incentive for Outdoor Cafes
3	No. 1306	Zoning Ord. Amendment	Parking Modifications
	No. 1309	Zoning Ord. Amendment	Historic Preservation Incentives
4	No. 1312	Zoning Ord. Amendment	Design Review App. Requirements
	No. 1316	Zoning Ord. Amendment	Flood Protection Measures-Downtown
5	No. 1320	Zoning Ord. Amendment	Telecommunications Facilities
	No. 1326	Zoning Ord. Amendment	Prohibition of Mechanical Parking Lifts
6	No. 1332	Zoning Ord. Amendment	Murals and Sign Definitions
7	No. 1333	Zoning Ord. Amendment	Parking Related to Food Service
	No. 1334	Zoning Ord. Amendment	Administration Chapter and Definitions
8	No. 1342	ZOA/GPA-Land Use Elemt.	Permanent Open Space until 12/20/28
	No. 1344	Muni. Code-Chptr. 12.08	Heritage Trees
9	No. 1346	Zoning Ord. Amendment	Bed and Breakfast Inns
	No. 1347	Zoning Ord. Amendment	Arch Beach Heights – Lot Combinations
10	No. 1351	Zoning Ord. Amendment	Library Impact Fee
11	No. 1352	Muni. Code – Title 21	Subdivision Park In-Lieu Fee
	No. 1353	Zoning Ord. Amendment	Short-Term Lodging
12	No. 1354	Zoning Ord. Amendment	Parking for SFR/Duplex and Definitions
	No. 1359	Zoning Ord. Amendment	Drive-In/Full Svc./Take-Out Restaurants
13	No. 1360	Zoning Ord. Amendment	SFR Lot Coverage in R-2 Zone
	No. 1361	Zoning Ord. Amendment	Off-site Parking
14	No. 1373	Zoning Ord. Amendment	Garage Door Size Requirements
	No. 1382	Zoning Ord. Amendment	Administration – Automatic Appeals
15	No. 1386	Zoning Ord. Amendment	Telecommunication Facilities
	No. 1390	Zoning Ord. Amendment	Staking Certification Requirements
16	No. 1400	Zoning Ord. Amendment	Design Review for Pools/Spas
17	No. 1403	Zoning Ord. Amendment	Tents or Canvas/Plastic Enclosures
	No. 1407	Zoning Ord. Amendment	Transportation Demand Management
18	No. 1408	Zoning Ord. Amendment	Sign Regulations
	No. 1415	Zoning Ord. Amendment	Repealing Off-Site and Compact Parking
19	→ No. 1416	Zoning Ord. Amendment	Various – Addressing Mansionization ←
20	No. 1417	ZOA/Muni. Code - 21	Vehicular Access, Building Site Access
	No. 1418	Zoning Ord. Amendment	Hedges Considered Fences in Yards
21	No. 1419	Muni. Code – Title 21	Subdivision Improvements
	No. 1424	Zoning Ord. Amendment	Sign Regulations
22	No. 1427	Zoning Ord. Amendment	Second Residential Units
	No. 1433	Zoning Ord. Amendment	M-1A & M-1B (Annexation Area)
23	No. 1435	Zoning Ord. Amendment	Special Flood Hazard Areas
	No. 1436	Zoning Ord. Amendment	Sign Regulations
24	No. 1436	Zoning Ord. Amendment	Sign Regulations
25	No. 95.047	General Plan Amendment	Safety Element Update

Copies of the aforesaid Ordinances and Resolution are attached hereto as Exhibits 1 through 45, respectively, and are incorporated by this reference as though fully set forth herein.

ORDINANCE NO. 1456

**AN ORDINANCE OF THE CITY OF LAGUNA BEACH AMENDING
SECTION 25.05.040(c)(2) OF THE LAGUNA BEACH MUNICIPAL
CODE RELATING TO STAKING OF DESIGN REVIEW PROJECTS**

WHEREAS, the staking of projects is a critical and sensitive component of the City's design review process, especially with regard to the potential view impacts of a project; and

WHEREAS, the Planning Commission conducted a legally noticed public hearing and, after reviewing and considering all documents, testimony and other evidence presented, unanimously voted to recommend that the City Council approve amendments to Section 25.05.040(c)(2) regarding the design review staking process; and

WHEREAS, the City Council believes it is important to avoid even the appearance of bias or impropriety with regard to the information and materials furnished by a project applicant; and

WHEREAS, the City Council conducted a legally noticed public hearing and has reviewed and considered all documents, testimony and other evidence presented;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 25.05.040(c)(2) of the Laguna Beach Municipal Code is hereby amended to read in its entirety as specified below.

(2) The staking plan shall be prepared as specified on the most current zoning and design review submittal checklist. Staking poles, which accurately represent the proposed building envelope, shall be constructed at least ten calendar days prior to the first public hearing. At least ten calendar days prior to the first public hearing, the location and height of the staking poles must be certified as accurate by a registered land surveyor or registered civil engineer licensed to conduct land surveys in the state of California. Neither the applicant, a relative of the applicant, nor any other person possessing a financial interest in the property or the project may certify the location and height accuracy of the staking poles.

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Exhibit B

If the project is modified during the design review process because of a view consideration, the project shall be re-staked and re-certified at least ten calendar days prior to any subsequent public hearing.

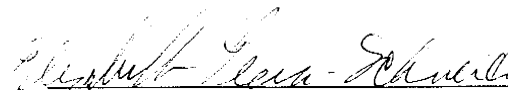
SECTION 2. This Ordinance is exempt from compliance with the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines.

SECTION 3. If any portion of this Ordinance, or the application of any such provision to any person or circumstance, shall be held invalid, the remainder of this Ordinance to the extent it can be given effect, of the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this Ordinance are severable.


SECTION 4. This Ordinance is intended to be of City-wide effect and application. All ordinances and provisions of the Laguna Beach Municipal Code and Sections thereof inconsistent with this Ordinance shall be and the same are hereby repealed to the extent of such inconsistency and no further.

SECTION 5. The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published in the manner required by law in the City of Laguna Beach. This Ordinance shall become effective thirty (30) days from and after the date of its adoption by the City Council.

ADOPTED this 4th day of October, 2005.


Elizabeth Pearson-Schneider, Mayor

ATTEST:


Martha Anderson, City Clerk

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I, Martha Anderson, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance No. 1456 was introduced at a regular meeting of the City Council on September 20, 2005, and was finally adopted at a regular meeting of the City Council of said City held on October 4, 2005 by the following vote:

AYES: COUNCILMEMBER(S): Kinsman, Egly, Iseman, Dictorow, Pearson-Schneider

NOES: COUNCILMEMBER(S): None

ABSENT: COUNCILMEMBER(S): None

Martha Anderson
City Clerk of the City of Laguna Beach, CA

B₃

RESOLUTION NO. 05.098

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH, CALIFORNIA, ADOPTING LOCAL COASTAL PROGRAM AMENDMENT 05-02 AND REQUESTING ITS CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION

WHEREAS, after notice duly given pursuant to Government Code Section 65090 and Public Resources Code Sections 30503 and 30510, the Planning Commission of the City of Laguna Beach held a public hearing to consider the adoption of Laguna Beach Local Coastal Program Amendment 05-02; and

WHEREAS, the City Council, after giving notice as prescribed by law, held a public meeting regarding the proposed Laguna Beach Local Coastal Program Amendment 05-02, and the City Council finds that the proposed amendment is consistent with the Certified Laguna Beach Coastal Land Use Plan and Chapter 6 of the California Coastal Act; and

WHEREAS, the City Council of the City of Laguna Beach intends to implement the Local Coastal Program in a manner fully consistent and in conformance with the California Coastal Act;

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

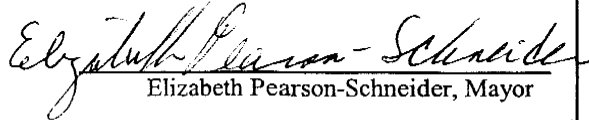
SECTION 1. That the Laguna Beach Local Coastal Program Amendment 05-02 is hereby approved, consisting of Ordinance No. 1456 pertaining to amendments to Title 25 – Section 25.05.040(c)(2). Copies of the aforesaid Ordinance are attached hereto as Exhibit A, and are incorporated by this reference as though fully set forth herein.

SECTION 2. That the California Coastal Commission is hereby requested to consider, approve and certify Laguna Beach Local Coastal Program Amendment No. 05-02.

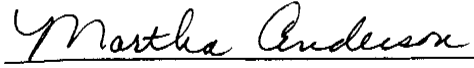
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1 SECTION 3. That pursuant to Section 13551(b) of the Coastal Commission
2 Regulations, Laguna Beach Local Coastal Program Amendment No. 05-02 will
3 automatically take effect immediately upon California Coastal Commission approval, as
4 provided in Public Resources Code Sections 30512, 30513 and 30519.
5

6
7 ADOPTED this 4th day of October, 2005.

8
9 
Elizabeth Pearson-Schneider, Mayor

10 ATTEST:


11
12 
13 City Clerk

14 I, MARTHA ANDERSON, City Clerk of the City of Laguna Beach, California, do
15 hereby certify that the foregoing Resolution No. 05.098 was duly adopted at a Regular
Meeting of the City Council of said City held on October 4, 2005, by the following vote:

16 AYES: COUNCILMEMBER(S): Kinsman, Egly, Iseman, Pearson-
17 Schneider

18 NOES COUNCILMEMBER(S): None

19 ABSENT COUNCILMEMBER(S): None
20

21
22 
23 City Clerk of the City of Laguna Beach, CA
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