

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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September 25, 2008



TO: Commissioners and Interested Persons

FROM: Peter Douglas, Executive Director
Sherilyn Sarb, Deputy Director
Karl Schwing, Supervisor, Regulation & Planning, Orange County Area
Meg Vaughn, Staff Analyst

SUBJECT: Concurrence with the Executive Director's determination that the action of the City of Laguna Beach accepting certification with suggested modifications of Major LCP Amendment No. 1-07C is legally adequate. For Commission review at its October 15-17, 2008 meeting in Ventura.

STAFF RECOMMENDATION

Staff recommends that the Commission concur with the Executive Director's determination that the City's action is legally adequate.

BACKGROUND

On January 30, 2007, the City of Laguna Beach submitted major Local Coastal Program (LCP) Amendment Request No. 1-07 for Commission certification pursuant to City Council Resolution No. 04-068. LCPA 1-07 was deemed complete upon submittal. LCPA 1-07 was segmented into three parts. Parts A and B were approved separately. Laguna Beach LCPA 1-07C makes changes throughout the City's certified Implementation Plan. The changes proposed under LCPA 1-07C are numerous and range from minor to significant. On April 10, 2008, the amendment was approved by the Coastal Commission with suggested modifications which were necessary to assure continued consistency between the certified LUP and the IP as amended.

On June 17, 2008, the Laguna Beach City Council adopted Resolution No. 08.046 accepting the modifications to LCPA 1-07C and adopted Ordinance No. 1485 incorporating the suggested modifications approved by the Coastal Commission into the City's certified Implementation Plan. The City has submitted the modifications to the Executive Director for a determination that they are consistent with the Commission's action on April 10, 2008 (see attachment).

As provided in Section 13544 of the California Code of Regulations, the Executive Director must determine whether the City's action is legally adequate and report that determination to the Commission. In this case, the Executive Director has determined that the City's action is legally adequate. Unless the Commission objects to the Executive Director's determination, the certification of Laguna Beach LCP Amendment No. 1-07C shall become effective upon the filing of the required Notice of Certification with the Secretary of Resources as provided in Public Resources Code Section 21080.5(d)(2)(E).

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RESOLUTION NO. 08.046

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH, CALIFORNIA, APPROVING MODIFICATIONS TO LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN AMENDMENT NO. 1-07C AND REQUESTING CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

WHEREAS, the City filed an application with the Coastal Commission for a Local Coastal Program Implementation Plan Amendment to amend certain provisions of the Laguna Beach Municipal Code originally in August of 2004; and

WHEREAS, on April 10, 2008, the California Coastal Commission approved Local Coastal Program Implementation Plan Major Amendment No. 1-07C with modifications; and

WHEREAS, the City Council after conducting a legally noticed public hearing, reviewed and considered all documents, testimony and other evidence presented on the Coastal Commission proposed modifications to Local Coastal Program Implementation Plan Amendment 1-07C; and

WHEREAS, the City of Laguna Beach intends to carry out the Local Coastal Program Implementation Plan, as amended, in a manner fully consistent with the California Coastal Act;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH does **RESOLVE** and **ORDER** that the modifications to Local Coastal Program Implementation Plan Amendment 1-07C, indicated in Ordinance No. 1485 attached hereto, are hereby approved.

AND BE IT FURTHER RESOLVED as follows:

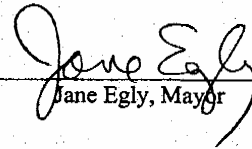
SECTION 1. That staff is hereby directed to forward the approved modifications to the California Coastal Commission and request that the Executive Director/Coastal Commission make a determination that the modifications are consistent with the Coastal

LGB LCPA 1-07c Exhibit 1a


Commission's action on April 10, 2008 regarding LCP Implementation Plan Amendment No. 1-07C.

SECTION 2. That pursuant to Section 13551(b) of the Coastal Commission Regulations, Laguna Beach Local Coastal Program Implementation Plan Amendment No. 1-07C will take effect automatically upon Executive Director/Coastal Commission certification that the City has complied with the Commission's April 10, 2008 action, as provided in Pubic Resources Code Sections 30512, 30513 and 30519.

ADOPTED this 17th day of June, 2008.



Jane Egly, Mayor

ATTEST:


City Clerk

I, MARTHA ANDERSON, City Clerk of the City of Laguna Beach, California, do hereby certify that the foregoing Resolution No. 08.046 was duly adopted at a Regular Meeting of the City Council of said City held on June 17, 2008, by the following vote:

- AYES: COUNCILMEMBER(S): Pearson, Iseman, Kinsman, Egly
- NOES: COUNCILMEMBER(S): None
- ABSTAIN: COUNCILMEMBER(S): None
- ABSENT: COUNCILMEMBER(S): Boyd


City Clerk of the City of Laguna Beach, CA

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ORDINANCE NO. 1485

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH AMENDING MUNICIPAL CODE SECTIONS OF
CHAPTER 21.14 – PLANNED RESIDENTIAL DEVELOPMENTS,
CHAPTER 25.05 – ADMINISTRATION,
CHAPTER 25.15 – RESIDENTIAL/HILLSIDE PROTECTION ZONE,
CHAPTER 25.16 – ARTISTS’ LIVE/WORK,
CHAPTER 25.17 – SECOND RESIDENTIAL UNITS,
CHAPTER 25.20 – C-1 LOCAL BUSINESS DISTRICT
CHAPTER 25.22 – BED AND BREAKFAST INNS,
CHAPTER 25.35 – SPECIFIC PLAN (ARCH BEACH HEIGHTS),
CHAPTER 25.52 – PARKING REQUIREMENTS, AND
CHAPTER 25.55 – TELECOMMUNICATION FACILITIES.**

THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 21.14.010 (Conditional exceptions when Conditional Use Permit granted for Planned Residential Development) and Section 21.14.060 (Required Findings) of Chapter 21.14 – PLANNED RESIDENTIAL DEVELOPMENTS are hereby amended to read in their entirety as follows:

21.14.010 Conditional exceptions when Conditional Use Permit granted for Planned Residential Development.

Whenever a Conditional Use Permit has been granted for a Planned Residential Development in the R-1 or R/HP Districts, conditional exceptions to certain subdivision standards may be recommended by the Planning Commission and authorized by the City Council as follows:

(A) Exceptions to the requirements and regulations relating to lot size and shape, setbacks and open space may be permitted when:

1) An open space or recreational area is provided for the use and benefit of the dwelling units in the development. Open space shall be a minimum of 65% of the gross project area which shall not include rights-of-way; vehicle parking areas; areas 15 feet or less in width adjacent to structures; setbacks; patios; and any proposed private yards;

2) The total land area of the development divided by the total number of dwelling units provides an average land area per dwelling unit equal to or more than required by the regulations of the district in which the development is located. Total land area of the development shall include the land area of open space or recreational area, but shall not include any land area being set aside for the rights-of-way of public or private streets and alleys; and

3) The minimum front, rear and side structural setback from the project perimeter boundary shall be 20 feet. The minimum structural setback between structures containing dwelling units is 10 feet plus 1 foot for each 15 feet of structural length.

(B) Exceptions to the requirement that lots abut on a street may be permitted when:

1) Adequate and permanent access from a street to each dwelling unit is provided for pedestrians and emergency vehicles; and

LGB LCPA 1-07C

1 Exhibit 2a

2) Adequate and permanent provision for accessible automobile storage is assured for each dwelling unit.

(C) Private streets may be permitted when there is a homeowner's association or other City approved method established to maintain them and only when there is no potential that such privatization could adversely impact public use of and access to public open space and recreation areas, including, but not limited to public shoreline access, public parks and public trails. The streets shall be built to standards of design established in Chapter 21 of the Municipal Code.

21.14.060 Required Findings.

In addition to such written findings as may be required by State law or the Municipal Code, the following written findings shall be made by the approving authority prior to the approval or conditional approval of any Planned Residential Development:

(A) That the Planned Residential Development will be constructed, arranged and operated so as to: 1) minimize mass and scale, 2) not increase hazard to neighboring property, and 3) not interfere with the development and use of neighboring property.

(B) That the Planned Residential Development will be adequately served by essential public facilities and services such as streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools.

(C) That the Planned Residential Development will not result in the destruction, loss or damage of any natural, scenic or historic feature, (such as, but not limited to, natural drainage courses, flora or fauna habitat, stands of trees and rock outcroppings), of significant importance.

(D) That the Planned Residential Development has a diversity and originality of lot layout and individual building design to achieve the best possible relationship between development and the land, and that it minimizes grading.

SECTION 2. Section 25.05.030(D) (Public Notice) of Chapter 25.05 - ADMINISTRATION is hereby amended to read as follows:

25.05.030(D) Conditional Use Permit – Public Hearing Notice.

(D) Public Notice. Public notice shall be mailed to the property owners within 300 feet of the subject property and shall be subject to the provisions of Section 25.05.065(B) and (C), except that the requirements for newspaper advertising shall not be required. For projects located in the downtown specific plan area, the notice shall include all residents and/or tenants within 300 feet of the subject property.

SECTION 3. Section 25.15.004 (Design Criteria), Section 25.15.006 (Uses Permitted), and Section 25.15.012 (Required Findings) of Chapter 25.15 - R/HP RESIDENTIAL/HILLSIDE PROTECTION ZONE are hereby amended to read in their entirety as follows:

25.15.004 Design Criteria.

The area included in the Residential/Hillside Protection Zone encompasses a substantial amount of the City's undeveloped hillsides. Not only does this land incorporate some of the most undisturbed physical environments in the City, it also supports many environmentally sensitive habitats. These included rare species of flora or fauna, significant watercourses, ridgelines and unique landforms such as rock outcroppings and caves. In addition, land within this Zone typically contains physical conditions such as steep topography and geologically sensitive areas which amplify the environmental and safety concerns of this Zoning District.

The following design criteria have been established to help ensure that future development

proposals take the proper steps to avoid adverse impacts on these unique resources. In addition, all development proposals shall be subject to the zoning standards and design review procedures of this Chapter and shall be strictly evaluated for conformance with the City's General Plan, with particular emphasis on the Open Space and Conservation Element. As part of the environmental review process for any project, the City shall require detailed environmental studies to identify specific impacts, measures to avoid those impacts and, when allowable impacts are unavoidable, the necessary mitigation measures.

(A) To ensure compliance with the applicable General Plan policies, all development proposals shall be subject to the following criteria:

1) **Building Site.** Buildings and other improvements should be located on slopes of less than thirty percent and shall be situated such that they do not adversely impact any environmentally sensitive areas, and should minimize impacts to ridgelines, geologic hazard areas and unique landforms.

2) **Mass and Scale.** The height and scale of the building(s) should respect the natural surroundings and unique visual resources by incorporating designs which minimize bulk and mass, follow natural topography and minimize visual intrusion on the natural landscape.

3) **Building Size.** In addition to the mass and scale of the residence, the total square footage shall also be maintained at a size compatible with the open space characteristics of the hillsides. Residential designs should blend in with the surroundings, while minimizing their prominence to public view. As such, larger lots shall not necessarily enable the development of correspondingly larger homes.

4) **Architectural Style.** The architectural style, including materials and colors, should be compatible with the natural setting by encouraging designs which blend in with the surroundings.

5) **Grading.** Development proposals should minimize grading of hillside areas by encouraging designs which follow the natural grade while maintaining a building mass and scale that is sensitive to topography.

6) **Landscaping.** The proposal should maintain native vegetation to the greatest extent possible and should include the provision of additional native vegetation to mitigate potential visual impacts and erosion concerns associated with the development proposal. Invasive plantings shall be prohibited.

7) **Fuel Modification.** The development proposal should address the required fuel modification as part of the initial application and should integrate fuel modification provisions into the site plan in such a way as to minimize impact on existing native vegetation and areas of visual prominence. Alternative means to thinning and/or removal of native vegetation for fire hazard management such as minimizing the building envelope, and/or siting of the structure(s) away from hazard areas, and/or use of fire retardant design and materials are preferred where feasible.

25.15.006 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:

(A) Single-family dwellings;

(B) Accessory buildings and uses as defined in Section 25.08.002, including swimming pools and recreation courts for noncommercial use, consistent with the development standards set forth in Section 25.10.008 and Chapter 25.50, and subject to Design Review Board approval;

(C) Child care and other similar uses set forth in the State Health and Safety Code;

(D) Guest house or guestroom, subject to the following conditions:

1) The lot is a minimum of fourteen thousand five hundred square feet (14,500 sq. ft.) in size,

- 2) There is no more than one guest house on any one lot,
- 3) There is no kitchen within such guest house,
- 4) The floor area of the guest house does not exceed three hundred square feet (300 sq. ft.),
- 5) Such guest house is used only by the occupants of the main building or their guests or domestic staff and shall not be rented separately, let or hired out, whether the compensation is paid directly or indirectly in money, goods, wares or merchandise,
- 6) Such guest house is located entirely within one hundred feet (100 ft.) of the main dwelling unit but does not encroach into any required setback area. Access to the guest house shall be provided from the same access driveway serving the main residence,
- 7) Any guest house shall be subject to Design Review Board approval,
- 8) Unless superseded by the above conditions, all development standards for guest houses, as set forth in Section 25.10.008, shall apply;
 - (E) Home occupations, subject to the standards in Chapter 25.08;
 - (F) Raising of non-invasive vegetables, field crops, fruit and nut trees and horticultural specialties used solely for personal or educational, noncommercial purposes. The location of such agricultural uses should be restricted to areas where the slope does not exceed thirty percent (30%).

25.15.012 Required Findings.

In addition to such written findings as may be required by State law or the Municipal Code, the following written findings shall be made by the approving authority prior to the approval or conditional approval of any development project:

(A) That the proposed development is in conformity with all applicable provisions of the General Plan, including the Certified Local Coastal Program and the Zoning Code (Title 25).

(B) That the proposed development will not result in adverse impacts to environmentally sensitive areas, and that any unavoidable, allowable impacts will be minimized following the incorporation of reasonable mitigation measures, and so will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

(C) That the proposed development will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety and general welfare.

(D) That the proposed development has adequately designed for and long-term implementation and maintenance measures have been established or conditioned to be established to reasonably protect the residents and their structures from wildfire hazards.

SECTION 4. Section 25.16.040(A) (Minimum Requirements for Artists' Joint Living and Working Units – Development Standards) of Chapter 25.16 – ARTISTS' LIVE/WORK is hereby amended to read as follows:

25.16.040 Minimum Requirements for Artists' Joint Living and Working Units.

(A) Development Standards. The development standards of the applicable zone shall provide the basis for development of artists' joint living and working units. In the event of a conflict between the development standards set forth in the zone and the following standards, the provisions of this section shall take precedence. All artists' joint living and working units shall be designed to comply with applicable building code standards adopted by the city. The city reserves the right to perform on-site inspections to determine compliance with this chapter and the conditional use permit.

- (1) Artists' joint living and working units are allowed in the following zones, subject to a conditional use permit: M-1A light industrial, C-N commercial-neighborhood, LBP local business professional, downtown specific plan—CBD-3 civic art district, CBD-office, CBD-central bluffs, R-2 residential medium density and R-3 residential high density.
- (2) Unit Size/Density Standards and General Provisions.
 - (a) Minimum unit size shall be five hundred square feet.
 - (b) At least thirty percent of the total square footage of the unit shall be allocated to working area in all zones except the C-N zone, in which a minimum of fifty percent of the total square footage of the units shall be allocated to working area and the living area must be located above the ground floor.
 - (c) The density standards applicable to each project shall be no greater than the density otherwise allowed in the underlying zone.
 - (d) Building setbacks shall be determined by the planning commission, but in no instance shall be less than twenty feet where a property line directly abuts the R-1 zone. The front, side and rear setbacks specified in the R-2 and R-3 zones shall be the minimum setback applicable to proposed artists' living and working units.
- (3) Loading space requirements shall be determined by the planning commission based upon the proposed use.
- (4) Parking shall be provided in accordance with residential parking standards as indicated in Chapter 25.52, except that covered parking requirements need not be met in the following zones: M-1A light industrial, C-N commercial-neighborhood, LBP local business professional, downtown specific plan—CBD-3 canyon commercial, CBD-office and CBD central bluffs.

(Note: The remaining Development Standards in Subsection 25.16.040(A) -- Numbers 5 through 24 remain the same and are not amended.)

SECTION 5. Section 25.17.040 (Coastal Development Permits for Second Residential Units) of Chapter 25.17 – SECOND RESIDENTIAL UNITS is hereby amended to read as follows:

25.17.040 Coastal Development Permits for Second Residential Units.

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

Notwithstanding the local appeal provisions of Sections 25.05.070 and 25.07.016(A) or Chapter 2.02, coastal development permits for proposed second residential units that are defined

as "appealable development" pursuant to Section 25.07.006(A) may be appealed to the coastal commission in accordance with the provisions of Section 25.07.014(B) without a discretionary appeal hearing by the city council.

SECTION 6. Section 25.20.006(Q) which specifies "Artists' joint living and working units, as defined in Chapter 25.16" as an allowed use subject to obtaining a Conditional Use Permit shall be deleted, and the remaining sections, (which list other uses subject to obtaining a Conditional Use Permit), "R" through "U" shall be re-lettered accordingly as "Q" through "T".

SECTION 7. Section 25.22.050 (Historic Preservation Incentive) of Chapter 25.22 – BED AND BREAKFAST INNS is hereby amended to read as follows:

25.22.050 Historic Preservation Incentive.

The following incentive may be allowed for proposed bed and breakfast inns, in addition to those specified in Chapter 25.45 of this title, Historic Preservation. The granting of such incentive shall be conditioned upon a written agreement between the city and property owner that ensures preservation of the building's historic character. Structures listed on the historic register, which are intended to be used as bed and breakfast inns and are located in the R-2 or R-3 residential zones, may be granted a conditional use permit to allow a reduction in parking requirements based on the degree to which the historic character of the building is preserved and/or enhanced. "E" rated structures may be granted up to a seventy-five percent parking reduction, "K" rated structures may be granted up to a fifty percent reduction, and "C" rated structures may be granted up to a twenty-five percent reduction. Such incentive shall be reviewed by the heritage committee, and the committee shall make recommendations to the planning commission. After reviewing the heritage committee recommendations at a public hearing, the planning commission shall make recommendations to the city council, which has the final approval authority.

Applications for parking reduction shall include methods to be employed to encourage use of alternative forms of transportation. Whenever a parking reduction is granted, the applicant shall be required to provide and/or promote use of alternate forms of transportation for both employees and guests.

SECTION 8. Section 25.35.065 (Lot Combinations) of Chapter 25.35 – SPECIFIC PLAN (ARCH BEACH HEIGHTS) is hereby amended to read as follows:

25.35.065 Lot Combinations.

A vacant building site may be combined with one or more vacant lots that are not building sites provided that:

(A) The gross floor area on the combined lot does not exceed 1.7 times the buildable area of the original, building site. Gross floor area shall be as defined in Section 25.08.012 of this title and buildable area shall be as defined in Section 25.35.150 of this chapter. Except as set forth in subsection (E) of this section, this standard shall represent the maximum allowable gross floor area. The actual development allowed may be less due to localized conditions identified during the design review process.

(B) All proposed development shall be subject to the applicable standards of the Arch Beach Heights Specific Plan, except that a lot combination combining a vacant building site with one or more vacant lots that are not building sites does not qualify for the building permit points granted under Section 25.35.150 of this chapter.

(C) All proposed development shall be subject to design review requirements, goals and criteria, and processing as identified in Section 25.05.040 of this title.

(D) Special Findings Required. The following special findings must be made by the design review board when approving development proposed for lot combinations:

(1) The encroachment of development into the vacant lot areas that were not building sites results in protection or enhancement of public and/or private views.

(2) The proposed development minimizes development-related impacts on the neighborhood and streetscape that would otherwise be permitted on the original, building site under current zoning regulations.

(3) The proposed development will have no adverse impact on Environmentally Sensitive Areas (ESAs) including, but not limited to, high and very high value habitat.

(4) The proposed development, after the incorporation of reasonable mitigation measures, will not have any significant adverse impacts on non-ESA high or very high value habitat.

(5) The proposed development is in conformity with all applicable provisions of the general plan, including the certified local coastal program and the zoning code (Title 25).

(E) The floor area limit may be increased by the design review board when, in addition to the findings cited above, it is determined that the mass and scale of the project are compatible with the neighborhood pattern of development; it has been demonstrated that there are homes of comparable size within the immediate neighborhood; and the project is deemed a superior example of hillside development in accordance with the city's design guidelines for hillside development as adopted by Resolution No. 89-104 or as amended thereafter.

SECTION 9. Section 25.52.004(A) (General Requirements – Minimum Requirements), Section 25.52.004(E) (General Provisions – Intensification of Use), Section 25.52.006(G) (Special Provisions – Incentives) and Section 25.52.012(E) (Parking Spaces Required – Parking Spaces Required for Specific Uses) of Chapter 25.52 – PARKING REQUIREMENTS are hereby amended to read as follows:

25.52.004 General Provisions.

(A) Minimum Requirements. The parking requirements established are to be considered as the minimum necessary for such uses permitted within the respective zones and where discretionary permits are required. These requirements may be increased upon determination that the project standards are inadequate for a specific project because that project requires an intense parking demand including, but not limited to, increased use of employees or operational standards. The submission of operational information of a proposed use, such as the number of employees or operational shifts, when the greatest number of employees is on duty, the hours of operation and the amount of area devoted to particular uses, including hotels, shall be submitted with all conditional use permit

applications. These requirements may be decreased subject to the provisions of Section 25.52.006(H). The parking requirements of Chapter 25.52 are only applicable to allowed uses which are considered to be an intensification of use.

25.52.004 General Provisions.

(E) Intensification of Use.

(1) When a new building is constructed or when more than 50% of the gross floor area of an existing building is proposed to be remodeled or reconstructed, or a use is changed to a use which has a greater parking requirement, or when the floor area of an existing building is enlarged, then the property owner or applicant shall provide parking or purchase in-lieu parking certificates equivalent to the number of parking spaces required by current parking regulations (up to the maximum allowed in Section 25.52.006(E) for the proposed use having a greater parking requirement, or for the entire building which is constructed, remodeled, reconstructed or enlarged less credit for the following:

- (a) The actual number of parking spaces provided on-site, if any;
- (b) The number of previously paid for in-lieu parking certificates for the subject premises, if any; and
- (c) The number of parking spaces that would have been required by the parking regulations in effect in 1958 for the use currently existing on the property, if the building was built prior to that time, minus the actual number of parking spaces provided on-site, if any.

(2) When an enlargement results in the creation of no more than ten percent additional square footage of floor area and does not exceed five hundred square feet, additional parking shall be required for the enlarged area only.

(3) When an intensification of use is proposed, and when such use and/or building is a portion of a larger premises for which parking spaces are already provided and/or in-lieu parking certificates have been issued and paid for, then any credit for such parking and/or certificates shall be allocated proportionately on a gross square footage basis.

(4) In-lieu parking certificates, referenced above, are allowed only as described in Section 25.52.006(E) Special Parking Districts – In-lieu Parking Certificates.

25.52.004 Special Provisions.

(G) Incentives. The city council may approve a conditional use permit, upon recommendation by the approval authority, to reduce the parking standards required under this chapter where the proposed use provides for and promotes the use of alternative modes of transportation such as ride-sharing, carpools, vanpools, public transit, bicycles and walking; the reduced parking requirement will not adversely impact public access to beaches, parks, open spaces and trails, and where one or more of the following conditions apply:

- (1) The proposed use is a very low or low income, or disabled housing project;
- (2) The proposed use is considered to be less intense than the previous use;
- (3) The proposed use is a sidewalk cafe having outdoor seating available to the general public as well as restaurant customers, which contributes positively to the local

pedestrian environment. The parking reduction may be granted on a temporary or seasonal basis and shall be limited to a maximum of three spaces.

25.52.012 Parking Spaces Required.

(E) Parking Spaces Required for Specific Uses. No structure or use shall be permitted or constructed unless off-street parking spaces, with adequate provisions for safe ingress and egress, are provided in accordance with the provisions of this chapter. The following is a categorization of the various types of uses and their associated minimum parking requirements which may be increased by the approval authority if it is determined that the parking standards are inadequate for a specific project.

SECTION 10. Section 25.55.006(B) (Telecommunication Facilities Subject to a Conditional Use Permit) and Section 25.55.008 (Review Criteria/Standard Conditions) of Chapter 25.55 – TELECOMMUNICATION FACILITIES are hereby amended to read in their entirety as follows:

25.55.006 Permits Required.

(B) Telecommunication Facilities Subject to a Conditional Use Permit. Unless specifically exempted, all telecommunication facilities are subject to the granting of a conditional use permit as provided for in Section 25.05.030. An associated coastal development permit may also be required pursuant to Chapter 25.07. Telecommunication facilities shall comply with the review criteria/standard conditions of Section 25.55.008. The following classes of satellite antennas are exempt from conditional use permit requirements:

- (1) A receiving satellite antenna that is one meter (39.37 inches) or less in diameter; and
- (2) A receiving satellite antenna that is two meters (78.74 inches) or less in diameter and is located in any commercial or industrial land use zoning district.

25.55.008 Review Criteria/Standard Conditions

(A) Zoning Compliance. Telecommunication facilities may be permitted in any zone, right-of-way or easement, except the open space/conservation (OS/C) zone. Transmitting telecommunication facilities are most appropriately located in commercial and industrial zones and are strongly discouraged in residential zones or adjacent to schools.

(B) Height. Telecommunication facilities shall be limited to a maximum height of thirty-six feet above the highest point of grade as defined in Section 25.51.002(A). The height of a non-exempt parabolic antenna shall be measured from its most vertical position and extent. The maximum height permitted in any right-of-way or easement shall be thirty-six feet or the height of the closest existing utility pole, whichever is lower. Telecommunication facilities may be constructed in an existing legal, conforming or nonconforming structure at any height if the installation is located entirely within the structure's physical limits or "envelope" and the structure's exterior appears to remain unchanged. Telecommunication facilities may be installed on the outside of an existing legal, conforming or nonconforming structure at any height if such installation adds no more than ten inches of horizontal width to a structure's vertical surface, or if the facilities are located below and within the upper limits of an existing roof parapet.

(C) Safety. Access to telecommunication facilities shall be restricted to maximize public safety. Security measures should include fencing, screening and signage, as deemed appropriate by the design review board.

(D) Aesthetics. The city's "Guidelines for Site Selection and Visual Impact and Screening of Telecommunication Facilities," which is on file with the community development department for review and copying, shall be utilized to reduce visual impact. In an effort to reduce a proposed telecommunication facility's aesthetic visual impact, the design review board may request that alternative designs be developed and submitted for the board's consideration. Aesthetic visual impact review shall include consideration of public views, including but not limited to, views to and along the coast, inland to and from the hillsides, as well as from public parks, trails and open spaces. Co-location of telecommunication facilities is desirable, but there shall not be an unsightly proliferation of telecommunication facilities on one site, which adversely affects community scenic and economic values.

(E) Environmentally Sensitive Area (ESA) Protection. Placement of telecommunication facilities shall not be allowed to cause adverse impacts on Environmentally Sensitive Areas (ESAs as defined in Open Space/Conservation Policy 8-1). Placement within ESAs shall be prohibited.

(F) Interference. Telecommunication facilities shall be located, designed, and operated in a manner that complies with all of the most current Federal Communications Commission (FCC) permits, requirements and conditions to prevent neighborhood electrical interference.

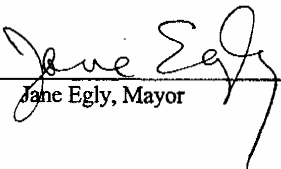
(G) Radio Frequency (RF) Radiation Standard. Within three months after construction of a telecommunication facility which contains transmitting antenna(s), except in relation to amateur ham radio antenna(s) and transmitting antenna(s) with an effective radiated power (ERP) of five watts or less per channel, the maximum radio frequency (RF) radiation shall be measured and documented in a written report submitted to the city. The measurement and report shall be performed and prepared by a qualified, independent testing service/consultant retained by the city at the applicant's expense. The measurement shall be made utilizing the most current testing protocol established by the Federal Communications Commission (FCC). The maximum radio frequency (RF) radiation shall not exceed the most current FCC Safety Standards.

(H) Long-Term Compliance. In order to guarantee long-term compliance with conditions of approval, that power levels remain as specified and that the equipment is operating as designed, the operator of an approved transmitting antenna shall submit an affidavit indicating that the telecommunication facility is operating as approved and that the facility complies with the most current FCC Safety Standards. The affidavit shall be submitted on a yearly basis prior to the anniversary date of the facility approval for as long as the facility remains in operation and shall incorporate a separate affidavit of a qualified, independent testing service/consultant demonstrating and verifying compliance with the most current FCC Safety Standards and approved power levels. In addition, the city may

conduct independent tests to verify compliance with the most current FCC Safety Standards and approved power levels. The planning commission shall periodically review the approved telecommunication facility sites and determine if testing is necessary. Approved telecommunication facility providers shall be notified of all such planning commission determination hearings. The operator(s) of the approved telecommunication facility shall be responsible for the full cost of such tests.

SECTION 11. The City Clerk of the City of Laguna Beach shall certify 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 30 days after the date of its adoption.

ADOPTED this 17th day of June, 2008.



Jane Egly, Mayor

ATTEST:



City Clerk

I, Martha Anderson, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance No. 1485 was introduced at a regular meeting of the City Council on June 3, 2008 and was finally adopted at a regular meeting of the City Council of said City held on June 10, 2008 by the following vote:

AYES: COUNCILMEMBER(S): Pearson, Iseman, Kinsman, Egly

NOES: COUNCILMEMBER(S): None

ABSTAIN: COUNCILMEMBER(S): None

ABSENT: COUNCILMEMBER(S): Boyd



City Clerk, City of Laguna Beach, CA