

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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September 25, 2008

TO: Commissioners and Interested Persons

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

SUBJECT: Major Amendment Request No. 3-01 to the City of Laguna Beach Certified Local Coastal Program (For Public Hearing and Commission Action at the October 15 – 17, 2008 meeting in Ventura).

SUMMARY OF LCP AMENDMENT REQUEST NO. 3-01

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. 1379 (South Laguna Village Commercial Zone). Ordinance No. 1379 was submitted for Commission action via City Council Resolution No.02.060. The City's intent in adopting Ordinance No. 1379 is to enhance a pedestrian-scale of development and preserve the existing, eclectic character of the South Laguna Village Commercial area. The area is currently zoned Commercial Neighborhood, which is intended to serve primarily the needs of the local residents. The proposed South Laguna Village Commercial area would retain the local resident orientation, but proposed changes would emphasize retail and limit office uses in the area. The amendment also shifts some uses from those allowed outright to those that require approval of a conditional use permit. The City is also proposing to add parking incentives, intended to attract restaurants and sidewalk cafes to the area.

The issues raised by the amendment request are: 1) whether adequate parking will remain to serve beach goers and visitors generally if the parking incentives are employed as proposed; and, 2) the elimination of short term lodging as an allowable use in the new zone.

The Local Coastal Program Amendment effects only the Implementation Plan portion of the certified LCP. No changes are proposed to the Land Use Plan.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission, after public hearing:

Deny the amendment request to the Implementation Plan **as submitted**.
Approve the amendment request to the Implementation Plan **if modified as recommended**.

The proposed amendment, if modified as recommended, would be in conformance with and adequate to carry out the provisions of the certified Land Use Plan. **The motions to accomplish this recommendation are found on pages 3 and 4.**

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.

Prior to public hearings on the amendment, a series of seven public workshops was held between July 13, 2000 and December 6, 2000. The workshops were followed by two public hearings by the Planning Commission (2/28/01 and 3/14/01) and two additional public hearings by the City Council (5/8/01 and 6/12/01). Public Notice for the hearings was sent to property owners within the proposed zone, property owners within 300 feet of the proposed zone, and tenants within 100 feet of the proposed zone.

STAFF NOTE: The LCP amendment request was originally submitted on October 15, 2001. The submittal was deemed incomplete. Information requested to complete the amendment file was received on March 26, 2008. A time extension for Commission action on this amendment was granted, and the time limit for Commission action is May 25, 2009.

In reviewing the amendment submittal for completeness it became apparent that the City's version of the Implementation Plan was not consistent with the Coastal Commission certified Implementation Plan. To address this, the City submitted LCPA 1-04 to update the Implementation Plan. LCPA 1-04 was subsequently withdrawn (although a portion of that submittal was approved by the Commission as 1-04A prior to withdrawal) and the remainder portion resubmitted as LCPA 1-07. The final segment of LCPA 1-07 (LCPA 1-07C), will become final at this October 2008 hearing if the Commission concurs with the Executive Director's Determination that the City's action in accepting the suggested modifications approved by the Commission for LCPA 1-07C is legally adequate.

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.

A. Denial of the IP Amendment as Submitted

MOTION: *I move that the Commission reject the Implementation Plan Amendment No. 3-01 for the City of Laguna Beach as submitted.*

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a **YES** vote. Passage of this motion will result in rejection of Implementation Plan amendment 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 DENY CERTIFICATION OF THE IMPLEMENTATION PLAN AS SUBMITTED:

The Commission hereby denies certification of the Implementation Plan Amendment No. 3-01 submitted for the City of Laguna Beach and adopts the findings set forth below on grounds that the Implementation Plan amendment as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Plan would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Plan as submitted

B. Approval of the IP Amendment with Suggested Modifications

MOTION: *I move that the Commission certify the Implementation Plan Amendment No. 3-01 for the City of Laguna Beach if it is modified as suggested by staff.*

STAFF RECOMMENDATION:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Plan with suggested modifications 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 IMPLEMENTATION PLAN WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the Implementation Plan Amendment 3-01 for the City of Laguna Beach if modified as suggested and adopts the findings set forth below on grounds that the Implementation Plan amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Plan amendment if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

II. SUGGESTED MODIFICATIONS

Certification of City of Laguna Beach LCP Amendment Request No. 3-01 is subject to the following modifications.

The Commission's suggested additions are shown in **bold, italic, underlined text**.

The Commission's suggested deletions are shown in **bold, italic, underlined, strike out text**.

1. Suggested Modification No. 1

Modify Section 25.25.006 Uses Permitted Subject to a Conditional Use Permit by adding to the list the following use (may be re-lettered and re-ordered within the list as appropriate):

(N) Short – term lodging as defined and specified in Chapter 25.23 of this title.

2. Suggested Modification No. 2

Modify Section 25.25.008 Property Development Standards as follows:

- (G) Parking Standards. The provisions of Chapter 25.52 shall apply, except that setbacks for parking lots shall be five feet from the ultimate right-of-way, sidewalk, alley or adjacent building, except as modified herein.
- (1) Incentives. The City Council may approve a conditional use permit, upon recommendation by the Planning Commission, to reduce the parking standards required under 25.52 in accordance with the Incentives provision in such Chapter. Additionally, the parking standards may be reduced **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; and where the reduced parking requirement will not adversely impact public access to beaches, parks, open spaces, and trails and** in accordance with the following conditions:

- (a) The proposed use is a sidewalk café having outdoor seating ...

No further changes.

III. FINDINGS

The following findings support the Commission's denial as submitted and approval of the proposed LCP Implementation Plan amendment if modified. 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. 1379 (South Laguna Village Commercial Zone). Proposed language in the Intent and Purpose Section 25.25.01 states: "The regulations of this zone are intended to enhance a pedestrian-scale of development and preserve the existing, eclectic character of the South Laguna Village Commercial area." The City has indicated that the proposed South Laguna Village Commercial area zone would retain the local resident orientation, and would emphasize retail uses and limit office uses in the area.

The area is currently zoned Commercial Neighborhood, which is intended to serve primarily the needs of the local residents. The Commercial Neighborhood zone (25.19) formerly included Section 25.19.012 South Laguna Village Commercial Area to address the unique character of South Laguna Village. That section was deleted pursuant to Laguna Beach LCPA 1-07C (general IP update), because the subject amendment had already been submitted for Commission review. The current amendment request establishes a new, specific zone designation for South Laguna Village (Chapter 25.25 SLV South Laguna Village Commercial Zone). This proposed new zone is intended to provide for application of standards specific to the South Laguna Village area.

The area of the proposed South Laguna Village zone is bounded by Monterey Street and Virginia Way to the east (inland), and Catalina Avenue and 6th Street to the north and south, on the inland side of Coast Highway, and by Eagle Rock Way (if extended across Coast Highway) and 4th Avenue (if extended across Coast Highway) on the oceanward side of Coast Highway. The proposed South Laguna Village (SLV) zone is one lot deep, located on either side of Coast Highway and includes approximately 45 lots of varying size, but they are predominantly smaller lots, ranging from approximately 73,799 square feet to 2,500 square feet. The SLV zone extends approximately six blocks on the inland side of Coast Highway. On the oceanward side of Coast Highway, the SLV extends approximately three blocks. The zone is surrounded by residential development. In this area, Coast Highway is the first public road paralleling the sea. The nearest public access in the area is at the West Street accessway, approximately one block upcoast of the upcoast end of the SLV zone; and at the 1,000 Steps Beach accessway, approximately three blocks downcoast of the most downcoast end of the SLV zone. See page 9 of exhibit 2 for a map of the proposed zone's boundaries.

Essentially, the new zone would modify the existing language of the Commercial Neighborhood zone, to tailor the language to better address issues and concerns of the

subject area. In addition to modifying the language of the Commercial Neighborhood zone, new sections 25.25.020 Streetscape Guidelines and 25.25.030 Right of Way Dedication Requirement are proposed to be added in the proposed SLV zone. The proposed Streetscape Guidelines section would require that streetscape improvements on both sides of the street, including street trees, median improvements and plantings, lighting, benches and related improvements be provided. The proposed Right of Way dedication section would require, pursuant to Chapter 25.53, that fifty feet of right-of-way from the Coast Highway centerline be dedicated to the City to provide for sidewalk and other street improvements. As proposed, the amendment presents two areas of concern. First, the zone proposes to allow reductions in the number of parking spaces required when certain conditions are met. Second, the proposed zone would eliminate short term lodging as an allowable use within the subject area.

The amendment also proposes to shift some uses (comparing the CN zone to the proposed SLV zone) from those allowed outright to those that require approval of a conditional use permit. Uses that are currently allowed outright which are proposed to now be subject to a conditional use permit include: cafes, restaurants, delicatessens and tea rooms; dry cleaning/laundry facilities; market or grocery store or mini-market. Uses that would no longer be allowed include: take out restaurant; car wash; and, health club. Residential uses would still be allowed (excluding time shares) as an integral part of commercial development and limited to not more than fifty percent of the gross floor area. As described below, there is also a prohibition on residential uses on the building frontage along Coast Highway. However the requirement for at least two thousand square feet of lot area for each dwelling unit is proposed to be deleted.

Other changes proposed include a prohibition on further subdividing parcels for development purposes or otherwise reducing parcel size; prohibition on parapet walls unless approved by the Design Review Board; restrictions on window signs and display of company logos; a new requirement that the first floor of buildings be located at the grade adjacent to the Coast Highway public sidewalk and that the building frontage on Coast Highway be utilized for retail uses; a new requirement that all parking facilities be designed to maintain a pedestrian-friendly streetscape; language that provides greater detail on required landscaping; and a requirement that "every use shall operate in such a manner as to not be objectionable to adjacent residential neighborhoods."

The proposed amendment would add language that would allow parking incentives. The City has indicated that the proposed parking incentives are intended to attract restaurants and sidewalk cafes to the area. The parking incentives proposed differ from the parking incentives section (25.52.006(g)) recently approved by the Commission under LCPA 1-07C in the following ways. The proposed amendment would not require that any reductions in the required number of parking spaces only be allowed when 1) no adverse impacts to public access or visitor use would result; and, 2) alternative means of transportation are provided and/or promoted. The proposed amendment further differs from the recently approved parking incentives in Section 25.52 in that it would allow a parking reduction for sidewalk cafes with outdoor seating of up to five spaces, where the

recently approved parking incentive section would allow a parking reduction for the same use of only up to three spaces. The proposed amendment would also allow a parking reduction of up to three spaces for “a restaurant that is determined to primarily serve the needs of the local residents and which contributes positively to the character of the South Laguna Village Commercial area.” Such a parking incentive is not included in the recently approved parking incentives section. And, finally, the proposed amendment would allow a parking reduction of one space for “a beauty salon or barber shop which is determined to primarily serve the needs of the local residents.” Again, such a parking incentive is not included in the recently approved parking incentives section.

Finally, Short term lodging, currently allowed subject to approval of an Administrative Use Permit, is proposed to be deleted as a use within the proposed South Laguna Village zone.

B. Findings for Denial of Implementation Plan Amendment 1-07C as Submitted

The standard of review for amendments to the Implementation Plan (IP) of a certified Local Coastal Program (LCP) is whether the Implementation Plan, as amended by the proposed amendment, will be in conformance with and adequate to carry out, the policies of the certified Land Use Plan (LUP).

Below are the relevant City of Laguna Beach certified LUP policies:

The Coastal Land Use Plan Technical Appendix, a part of the certified LUP, incorporates the following Coastal Act policies:

Section 30210

In carrying out the requirement of Section 2 of Article XV of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30212.5

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30213

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30222

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

Section 30252 (in pertinent part)

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service . . . (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation . . .

Section 30253 (in pertinent part)

*New development shall:
(4) Minimize energy consumption and vehicle miles traveled.*

The Technical Appendix also discusses the City's transit plan. The Technical Appendix states:

A key objective of all LBMTL [Laguna Beach Municipal Transit Lines] services is to provide relief from the parking and traffic congestion which is common in the downtown and beach areas.

The technical Appendix includes discussion regarding the lack of adequate parking and traffic congestion and inefficient circulation within the City.

1. Public Access/Parking

The area of the proposed South Laguna Village zone is located along Coast Highway, which is the first public road paralleling the sea in this area. Public beach accessways exist one block upcoast (West Street accessway) and three blocks downcoast (1,000 Steps Beach accessway) of the South Laguna Village zone. There are no beach parking lots in the vicinity to serve these public accessways. Thus, beach goers must park on Coast Highway or in the neighborhoods on the inland side of Coast Highway (due to the narrow streets and dense residential development and/or single lots between the roadway and the sea on the seaward side of Coast Highway, there is no street parking available

seaward of Coast Highway). Both West Street Beach and 1,000 Steps Beach are extremely scenic, sandy, cove beaches suitable for beach goer use. It is important to assure that public parking remains viable in the area that serves these public beaches. Lack of on-site parking for commercial development within the SLV area could possibly displace beach goer, street parking on Coast Highway. Thus, reductions in the number of parking spaces required with development in the SLV area must be carefully evaluated for potential impacts to public use of the nearby beaches.

The amendment proposes to add a section that would allow reductions in the number of parking spaces required as an incentive for establishing three specific uses the City would like to promote within the South Laguna Village zone. The three incentive uses are:

- 1) sidewalk cafés having outdoor seating available to the general public as well as restaurant customers, which contribute positively to the local pedestrian environment;
- 2) restaurants that are determined to primarily serve the needs of the local residents and which contribute positively to the character of the South Laguna Village Commercial area;
- 3) beauty salons or barber shops which are determined to primarily serve the needs of the local residents.

The maximum parking reductions allowed under the proposed section are: one space reduction for beauty or barber shops; three space reduction for resident serving restaurants; and five space reduction for a side walk café with outdoor seating. A parking reduction for a sidewalk café may be granted on a temporary, seasonal or permanent basis.

The City's response to the question of what criteria would be used to determine whether a restaurant primarily serves local residents is:

“Evaluation criteria would include the type of restaurant (breakfast, lunch, dinner versus destination and/or fine dining), hours of operation and proximity to existing residential neighborhoods (walking/biking distance). The criteria would be evaluated on a case-by-case basis during the conditional use process.”

The Commission recognizes that in older commercial areas (such as this area of South Laguna) it may not be possible, or sometimes even desirable, to require code parking with each development proposal. The Commission further recognizes that always requiring code parking encourages the use of individual cars where that may also not be most desirable. The Commission further recognizes that the City of Laguna Beach does operate a local transit system that serves this area and that the Orange County Transit District also provides bus service to the area. These circumstances help to support reductions in the number of parking spaces required with development proposals. In addition, sidewalk cafés and restaurants in general are considered visitor serving uses, which are higher priority uses under the certified LUP. The City's description of “resident

“serving” restaurants suggests that they may also be appropriate for use by visitors and beach goers generally in that they would provide casual dining options. The same appears to be true for the sidewalk cafés with outdoor seating.

Nevertheless, the proposed language would allow reduced parking requirements without evaluating whether such reductions would adversely impact public access and visitor use in the area. This is of particular concern in Laguna Beach, where parking and traffic circulation are recognized as issues for a number of different reasons, among them impediments to the provision of public access and accessibility of visitor uses. In order to maximize public access and visitor use, parking reductions should only be allowed when it is clear that the development is located in areas that are served by alternative transportation such as public shuttle and bus systems, and when the development incorporates methods to encourage the use of bicycles and walking. Moreover, requests for parking reductions should be evaluated for adverse impacts to beach goer and visitor use of the area. A reduction in the number of spaces required on-site should only be considered when the finding can be made that the reduction will not displace beach goers and visitors in the SLV area.

The issue raised by parking reductions is whether such reductions would adversely impact public access to the shoreline, recreational opportunities, or visitor amenities. If the parking reductions for the incentive uses listed above would create adverse impacts on public access or decrease the availability of visitor opportunities, then the parking reductions cannot be found to be consistent with or adequate to carry out the certified LUP’s requirements regarding visitor serving uses and public access. As stated above, the Commission recognizes that parking reductions are often appropriate. However, every time a parking reduction is granted it must first be demonstrated that public access and visitor use will not be adversely impacted and that alternative forms of transportation will be provided and/or promoted. As proposed, there is no requirement to evaluate impacts to public access and visitor use prior to granting parking reductions and no requirement that reductions only be granted if no adverse impacts would result. In addition there is likewise no requirement to evaluate and require the provision/promotion of alternate forms of transportation with each parking reduction request. Thus, as proposed, the parking reduction incentives will not assure protection of public access including access to the shoreline, public recreation, and visitor amenities. Therefore, the proposed amendment is inconsistent with and inadequate to carry out the certified Land Use Plan policies regarding public access and visitor serving use and therefore must be denied.

2. Overnight Visitor Accommodations

The currently certified zoning in the South Laguna Village area is Commercial Neighborhood (CN). Short term lodging is a use that is allowed within the CN zone (subject to approval of an Administrative Use Permit), and thus short term lodging is currently allowed in the area of the proposed SLV zone. The amendment proposes to delete 25.19.04 Uses Subject to an Administrative Use Permit. The only use listed in this

section is short term lodging. Thus, deleting Section 25.19.04 results in the elimination of short term lodging as an allowable use in the proposed new SLV zone.

Short term lodging opportunities are important in the coastal zone as they provide a source for visitor serving overnight accommodations. So it is important that an LCP amendment not result in a disincentive to provide such use or to prohibit the use entirely without establishing a substantial basis for eliminating the use. Short term is defined in the City's LCP as 30 days or less. Section 25.23.030 of the LCP identifies the zones in which short term lodging is allowed and prohibits the use in all other zones. The use is allowed in the following zones: Residential Low Density R-1, Residential Medium Density R-2, Residential High Density R-3, Local Business/Professional LB/P, Commercial Neighborhood C-N, Local Business C-1, Commercial Hotel-Motel CH-M, and Village Community V-C. The use is prohibited in all other zones. Residential uses are proposed within the SLV zone, subject to approval of a conditional use permit, as follows:

“Residential uses (excluding time shares) as an integral part of commercial development, but limited to not more than fifty percent of the gross floor area.”

The amendment request file does not address the proposed removal of the short term lodging use in this area. And because Chapter 25.23 Short Term Lodging prohibits the use in zones not specifically cited in that section, the proposed deletion would prohibit short term lodging as a use within the proposed SLV zone.

Short term lodging often allows for extended vacation stays that would otherwise be cost prohibitive at a hotel. Lower cost overnight accommodations promote visitor use and public access in the area. This use is a visitor serving use that can be lower cost, which is a priority use in the City's certified LUP. The use could be accommodated in the residential units which are proposed to be allowed within the SLV zone. The proposed elimination of a type of lower cost overnight visitor accommodations cannot be found to be consistent with the City's certified LUP policies regarding visitor serving use, lower cost overnight accommodations, and public access. Therefore, the amendment must be denied as submitted.

C. Findings for Approval of Implementation Plan Amendment 3-01 if Modified as Recommended

1. Incorporation of Findings for Denial of Implementation Plan Amendment 3-01 as Submitted

The findings for denial of the Implementation Plan amendment as submitted are incorporated as if fully set forth herein.

2. Public Access/Parking

The certified LUP requires that maximum public access be provided with new development and includes the provision of adequate parking as one of the means of assuring maximum access. The certified LUP also places a higher priority on uses that provide visitor serving opportunities. Access to these higher priority uses must be maximized. The proposed amendment includes the creation of incentive uses for which parking could be reduced.

As proposed, the amendment would allow parking reductions as an incentive for certain uses. However, the amendment does not require that alternative transportation be provided and/or promoted in order for a reduction to be approved. In addition, there is no requirement that an applicant or the City demonstrate that a requested parking reduction will not result in adverse impacts to public access and visitor use. Without such requirements, there is no assurance that the parking reductions for incentive uses won't adversely impact public access. However, if the amendment were modified as recommended to incorporate these requirements into the proposed parking reduction incentives section, then the amendment could be found to be consistent with and adequate to carry out the certified LUP policies regarding public access and visitor serving uses. Therefore, only if modified as suggested (Suggested Modification No. 2) can the proposed amendment be found to be consistent with and adequate to carry out the certified Land Use Plan policies regarding public access and visitor serving uses.

3. Public Access/Overnight Visitor Accommodations

The proposed amendment would result in the elimination of short term lodging as an allowable use within the proposed SLV zone. Short term lodging opportunities are important in the coastal zone as they provide a source for visitor serving overnight accommodations. Lower cost overnight accommodations promote visitor use and public access in the area. The use could be accommodated in the residential units which are proposed to be allowed within the SLV zone. Because the City has proposed to eliminate the Administrative Use Permit section in this amendment, it would be most appropriate to add Short Term Lodging to the list of uses allowed subject to a Conditional Use Permit. This would also allow the City greater scrutiny when reviewing a proposal for a short term lodging use in the SLV zone.

As proposed, the amendment would eliminate a source of lower cost overnight visitor accommodations, a higher priority use. The short term lodging use would also promote visitor use and public access. Thus, the proposed elimination cannot be found to be consistent with or adequate to carry out the City's certified LUP policies regarding visitor serving use, lower cost overnight accommodations, and public access. However, if the amendment is modified as recommended to retain the short term lodging use, subject to approval of a Conditional Use Permit, then the amendment could be found to be consistent with and adequate to carry out the certified LUP policies regarding visitor serving use, lower cost overnight accommodations, and public access. Therefore, only if modified as

suggested (Suggested Modification No. 1) could the proposed amendment be found to be consistent with and adequate to carry out the certified Land Use Plan policies regarding visitor serving use, lower cost overnight accommodations, and public access.

D. Conclusion

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

IV. 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). 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 3-01 consists of an amendment to the Implementation Plan (IP) only.

As outlined in this staff report, the proposed Implementation Plan amendment would result potential impacts to public access due to reductions in required parking and in the loss of lower cost overnight visitor accommodations.

However, if modified as suggested, the IP amendment is in conformity with and adequate to carry out the public access, visitor serving use, and lower cost overnight accommodations policies of the certified LUP. Therefore, the Commission finds that approval of the Implementation Plan amendment as modified will not result in significant adverse environmental impacts under the meaning of CEQA. Therefore, the Commission certifies LCP amendment request 3-01 if modified as suggested herein.

Coast Region
DEC 10 2003

RESOLUTION NO. 02.060 CALIFORNIA COASTAL COMMISSION

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

WHEREAS, on June 12, 2001, after a duly noticed public hearing, the City Council adopted Ordinance No. 1379 thereby approving the South Laguna Village (SLV) Zone; and

WHEREAS, the City Council finds that, as stated in Ordinance No. 1379, the proposed Local Coastal Program Amendment is consistent with the Certified Laguna Beach Coastal Land Use Plan designation of Local Business/Professional, and further, such Amendment is intended to be carried out in a manner fully in conformance with the California Coastal Act;

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

SECTION 1. The California Coastal Commission is hereby requested to consider, approve and certify the City of Laguna Beach Local Coastal Program Amendment 01-01.

SECTION 2. That the City of Laguna Beach Local Coastal Program Amendment 01-01 is intended to be carried out in a manner fully in conformity with the Coastal Act.

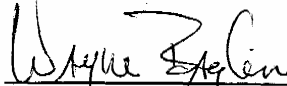
SECTION 3. That the City of Laguna Beach Local Coastal Program Amendment 01-01 shall become effective immediately upon certification by the California Coastal Commission.

LGPLCPA 3-01

Exhibit 1
p. a

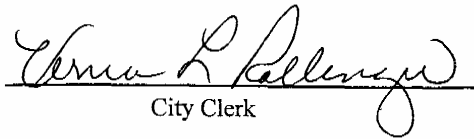
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ADOPTED this 10th day of September, 2002.



Wayne Baglin, Mayor


ATTEST:



City Clerk

I, VERNA L. ROLLINGER, City Clerk of the City of Laguna Beach, California, do hereby certify that the foregoing Resolution No. 02.060 was duly adopted at a Regular Meeting of the City Council of said City held on September 10, 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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ORDINANCE NO. 1379

AN ORDINANCE OF THE CITY OF LAGUNA BEACH AMENDING
MUNICIPAL CODE TITLE 25 REGARDING THE SOUTH LAGUNA
VILLAGE COMMERCIAL ZONE

WHEREAS, on February 28, 2001 and March 14, 2001, the Planning Commission conducted legally noticed public hearings and, after reviewing and considering all documents, testimony and other evidence presented, voted to recommend that the City Council approve the proposed Zoning Ordinance/Local Coastal Program Amendment 01-01; and

WHEREAS, on May 8, 2001 and June 12, 2001, 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. Chapter 25.25 is hereby added to Title 25 to read in its entirety as follows:

SLV, SOUTH LAGUNA VILLAGE COMMERCIAL ZONE

Sections:

- 25.25.001 Intent and purpose
- 25.25.002 Uses permitted
- 25.25.006 Uses permitted subject to a conditional use permit
- 25.25.008 Property development standards
- 25.25.010 Performance Standards/Design Criteria
- 25.25.020 Streetscape Guidelines

25.25.001 Intent and Purpose

The South Laguna Village Commercial Area is intended to serve the commercial needs of local residents, with an emphasis on resident-serving retail. Office uses on the second floor and street-level retail uses are encouraged. Building design should be pedestrian-friendly with parking not visible from Coast Highway. The regulations of this zone are intended to enhance a pedestrian-scale of development and preserve the existing, eclectic character of the South Laguna Village Commercial area.

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Exhibit B2_a FE

25.25.002 Uses Permitted

Buildings, structures and land shall be used, and buildings and structures shall hereafter be erected, designed, structurally altered or enlarged only for the following purposes, conducted entirely within an enclosed building unless otherwise noted:

- (A) Art gallery or studio
- (B) Banks, savings and loan
- (C) Bakery
- (D) Barber shop, beauty salon, day spa and nail salon
- (E) Bookstore
- (F) Clothing, shoes, retail sales
- (G) Drug store, pharmacy
- (H) Florists and flower stands
- (I) Furniture and antique sales
- (J) Handicraft or hobby shop
- (K) Jewelry store
- (L) Music and Record Store
- (M) Musical instrument, sales, supplies, repair
- (N) Office uses, including business and professional, medical and dental office or clinic, or financial office, except for conversion from ground-floor retail
- (O) Paper Reproduction or Copy Shop
- (P) Packaging and/or postal services
- (Q) Pet grooming and supplies, excluding overnight boarding
- (R) Photographers, photo processing and photographic galleries
- (S) Plant Nursery
- (T) Retail supply stores, including but not limited to yardage, hardware, art supplies, kitchen and bath goods, etc. with no open storage of materials or equipment
- (U) Specialty food store
- (V) Trade Services: custom dressmaking, shoe repair, tailor, clock repair, electric appliance repair, etc.

25.25.006 Uses Permitted Subject to a Conditional Use Permit

The following uses may be permitted subject to the granting of a conditional use permit as provided in Section 25.05.030. The existing balance of resident-serving uses in the same vicinity and zone shall be a consideration when reviewing conditional use permit applications.

- (A) Cafe, Restaurant, delicatessen and tea room, with outdoor seating, serving of alcoholic beverages, and/or entertainment only as authorized under the Conditional Use Permit. (Drive-in restaurants are not permitted.)
- (B) Market or grocery store, or mini-market
- (C) Dry cleaning/laundry facilities
- (D) Office uses, when a conversion of ground-floor retail space is proposed
- (E) Residential uses (excluding time shares) as an integral part of commercial development, but limited to not more than fifty percent of the gross floor area.

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- (F) Veterinary clinic, including overnight boarding for care
- (G) Outdoor display of merchandise
- (H) Liquor sales
- (I) Artists' joint living and working-units, as defined in Chapter 25.16
- (J) Philanthropic and charitable institutions
- (K) Automobile service stations
- (L) Health clubs
- (M) Other uses the Planning Commission deems, after conducting a public hearing, to be similar to and no more obnoxious or detrimental to the public, health, safety and welfare of the neighborhood than any use listed above.

25.25.008 Property Development Standards

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

- (A) Lot Area and Dimension Standards. Parcels shall not be further subdivided for development purposes or otherwise reduced in size.
- (B) Yard Area, Building Setback, Open Space and Coverage Standards for Nonresidential and/or Mixed Uses.
 - (1) The general provisions of Chapter 25.50 shall apply, except as modified herein.
 - (2) Front Yards. A front yard open space equal to five feet times the lot frontage shall be provided and maintained on each lot.
 - (a) Said open space shall be used for landscaping, pedestrian access or similar pedestrian facilities, accessible to the general public. Said open space may be used for open-air seating areas to serve adjacent interior restaurant uses. The dimension parallel to the front lot line must exceed the dimension perpendicular to the front lot line.
 - (b) Opaque walls shall be limited to three feet if erected within said open space.
 - (3) Side Yards. No requirement, except where a building on the adjacent lot maintains a side yard setback, an abutting side yard of not less than three feet shall be provided, with no ground floor architectural projections allowed in such side yard. In the case where the side lot line abuts a different zone, the side yard shall be at least equal to the minimum required for that zone; if the side lot line abuts a street or alley, the setback shall be a minimum of five feet.
 - (4) Rear Yards. No requirement, unless the rear lot line abuts a different zone, street or alley, in which case the rear yard setback shall be a minimum of five feet.
 - (5) Open Space Requirements. Open space shall equal twenty-five percent of the nonresidential gross floor area, exclusive of parking and driveways, which area may be used for the purposes outlined in subsection B(2) of this section. This open space is in addition to that required for residential uses and in conformance with the standards outlined in Section 25.50.010.
 - (6) Space Between Buildings. No requirement, except as required by design review.
- (C) Fences and Walls. Except as provided in subsection B(2)(b) of this section, the provisions of Section 25.50.012 shall apply.
- (D) Parapets. Parapet walls shall not be permitted, unless the Design Review Board

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determines that use of a parapet wall(s) would not reduce the compatibility of the project with the site and adjacent properties or the parapet wall(s) is found to be necessary to screen roof-mounted equipment.

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

(F) Building Height Standards.

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

| | | | |
|-----|--|----|--|
| (a) | Rear Lot Line Above Street (Slope in Percent) | | Maximum Height Permitted Above Rear Lot Line (in feet) |
| | 0 to 5 | | 22 |
| | 5+ to 10 | | 17 |
| | over 10 | | 12 |
| (b) | Through Lot (Slope in Percent) | | Maximum Height Permitted Above Upper Curb Elevation |
| | | or | |
| (c) | Rear Lot Line Below Street (Slope in Percent) | | Maximum Height Permitted Above Curb Elevation (in feet) |
| | 0 to 5 | | 27 |
| | 5+ to 10 | | 25 |
| | Over 10 | | 20 |

(2) Building Height shall be limited to two stories, not to exceed the above height limits or twenty-two feet, excluding roof, as measured from the curb, whichever is more restrictive. The maximum height, including roof and mechanical equipment enclosures, shall not exceed an additional five feet above the twenty-two foot limit. No point of building elevation height shall exceed thirty feet as measured from natural or finished grade, whichever is more restrictive. These building heights represent the maximum permitted and may be reduced as determined appropriate by the design review board.

(3) Refer to Chapter 25.51 for other standards related to building height. The provisions of Section 25.50.004 (D) pertaining to additional building setbacks shall apply only to the rear setback.

(G) Parking Standards. The provisions of Chapter 25.52 shall apply, except that setbacks for parking lots shall be five feet from the ultimate right-of-way, sidewalk, alley or adjacent building, and except as modified herein.

(1) Incentives. The City Council may approve a conditional use permit, upon recommendation by the Planning Commission, to reduce the parking standards required under Chapter 25.52 in accordance with the Incentives provision in such Chapter. Additionally, the parking standards may be reduced in accordance with the following conditions:

(a) The proposed use is a sidewalk café 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, seasonal or permanent basis and shall be limited to a maximum of

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five spaces.

or

(b) The proposed use is a restaurant that is determined to primarily serve the needs of the local residents and which contributes positively to the character of the South Laguna Village Commercial area. The parking reduction shall be limited to a maximum of three spaces.

and/or

(c) The proposed use is a beauty salon or barber shop which is determined to primarily serve the needs of the local residents. The parking reduction shall be limited to a maximum of one space.

- (H) Access and Improvement Standards. The provisions of Chapter 25.52 shall apply.
- (I) Access from Streets. For lots which possess frontage on Coast Highway and another street, the design review board may require secondary or sole access to be provided from the secondary street as determined appropriate for proper circulation.
- (J) Signs. The provisions of Chapter 25.54 shall apply, except as modified herein.
 - (1) Window signs, which means any sign that is placed upon, within or behind a window, fewer than three feet from such window and which is visible from the exterior of the window, shall be limited to a maximum of 10% of the window area, up to a maximum of five (5) square feet and three (3) window signs per site.
 - (2) Individual logos (company symbol or trademark) on any exterior commercial sign shall be limited in size, as determined by the Planning Commission.
- (K) Loading space. Loading spaces shall be provided as required by the design review board.
- (L) Trash and Outdoor Storage Areas. Areas for trash or outdoor storage shall be provided. Such areas shall be enclosed and architecturally screened in such a manner as to conceal all trash or stored material from public view and shall be subject to approval by the design review board.
- (M) Landscaping. Landscaping shall be provided subject to design review approval, except that parking lot landscaping shall, at a minimum, conform to the standards specified in Chapter 25.52.

25.25.010 Performance Standards/Design Criteria

The South Laguna Village Commercial Zone is located in close proximity to residential areas; commercial properties frequently share a functional and/or visual relationship with residential properties. It is therefore necessary for special attention to be placed on the compatible design and orientation of development in the South Laguna Village Commercial Zone. The following performance standards shall be used for the purpose of evaluating the development proposals in this Zone. The standards are general in nature and are to be applied on a site-specific basis. They are intended to serve as a guide for achieving proper design and to supplement other design criteria used by the design review board.

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

and light and glare shall be designed to avoid interference with the residential environment.

- (B) The height, scale, mass and bulk of buildings shall not be overbearing in relation to nearby residential structures. Height, scale, mass and bulk shall also be a function of their proximity to residential structures. Height, scale, mass and bulk shall also be a function of their proximity to residential structures, with buildings in close proximity made to adhere to a similar scale of development. Potential view impediments shall also be considered.
- (C) The first floor of buildings should be located at the grade of the adjacent Coast Highway public sidewalk, and the building frontage on Coast Highway should be utilized for retail uses.
- (D) All parking facilities, including surface parking, tuck-under parking or parking structures, must be designed to maintain a pedestrian-friendly streetscape through screening, minimizing size, integrating the opening with the overall architecture, and using aesthetic amenities such as gates, landscaping and special paving.
- (E) Architectural styles and features shall be compatible with and complimentary to nearby residential structures to the extent commercial and residential structures share a visual relationship. All architectural planning and design should maintain and/or enhance the diverse architectural character of the South Laguna Village Commercial Zone. Rooflines shall be compatible with the historic character of the surrounding area. Gabled roofs are encouraged.
- (F) Landscaping shall be utilized and designed to help make commercial development more compatible with nearby residential areas to the extent practicable. Clustered, informal planting schemes are encouraged to reflect a natural, unstructured theme. Landscape themes should include diversity in height, form, texture and color of plant material as well as a mixture of container sizes for particular plant types to achieve an informal theme. Existing landscape that enhances the scenic character of the Zone should be preserved.
- (G) Commercial signage shall be designed so as not to interfere with residential areas. This shall involve the lighting, location, orientation and size of signs.
- (H) Every use shall operate in such a manner as to not be objectionable to adjacent residential neighborhoods.

25.25.020 Streetscape Guidelines

Provide streetscape improvements on both sides of the street, including street trees, median improvements and plantings, lighting, benches and related improvements, with reference to the Landscape and Scenic Highways Resource Document or as approved in the Streetscape Capital Improvement Program.

25.25.030 Right-of-Way Dedication Requirement

Pursuant to Chapter 25.53 regarding access and improvement requirements, fifty feet of right-of-way from the Coast Highway centerline shall be dedicated to the City to provide for sidewalk and other street improvements.

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SECTION 2. The boundaries of the SLV, South Laguna Village Commercial Zone are hereby established as shown in Attachment "A."

SECTION 3. This Ordinance is exempt from compliance with the California Environmental Quality Act (CEQA) pursuant to Section 15305 of the State CEQA Guidelines.

SECTION 4. 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 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.

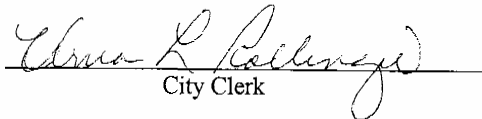
SECTION 6. This Ordinance, which is intended to be carried out in a manner fully in conformity with the California Coastal Act, is subject to and effective upon California Coastal Commission Certification.

ADOPTED this 12th day of June, 2001.



Paul P. Freeman, Mayor

ATTEST:



Christa R. Rollins
City Clerk

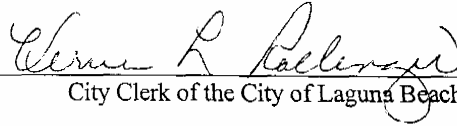
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I, Verna Rollinger, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council on May 8, 2001, and was finally adopted at a regular meeting of the City Council of said City held on June 12, 2001, by the following vote:

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

NOES: COUNCILMEMBER(S): None

ABSENT: COUNCILMEMBER(S): None



City Clerk of the City of Laguna Beach, CA

~~C-N COMMERCIAL NEIGHBORHOOD ZONE~~
SLV, SOUTH LAGUNA VILLAGE COMMERCIAL ZONE

Sections:

- ~~25.19.001-25.25.001~~ Intent and purpose
~~25.19.002-25.25.002~~ Uses permitted
~~25.19.004~~ ~~Uses permitted subject to an administrative use permit~~
~~25.19.006-25.25.006~~ Uses permitted subject to a conditional use permit
~~25.19.008-25.25.008~~ Property development standards
~~25.19.010-25.25.010~~ Performance Standards/Design Criteria
25.25.020 Streetscape Guidelines

25.25.01 Intent and Purpose

~~This zone-The South Laguna Village Commercial Area is intended to serve the shopping and commercial service needs of local residents, with an emphasis on resident-serving retail. Principal activities are commercial retail functions, service oriented businesses, office/professional uses, and limited residential uses. Office uses on the second floor and street-level retail uses are encouraged. Building design should be pedestrian-friendly with parking not visible from Coast Highway. The commercial-neighborhood zone differs from the local business-professional zone in that it features a stricter orientation to resident-serving businesses and greater limitations on residential uses. The regulations of this zone are intended to enhance a pedestrian-scale of development and preserve the existing, eclectic character of the South Laguna Village Commercial area.~~

25.25.002 Uses Permitted

Buildings, structures and land shall be used, and buildings and structures shall hereafter be erected, designed, structurally altered or enlarged only for the following purposes, conducted entirely within an enclosed building unless otherwise noted:

- (A) Art gallery or studio and supplies
- (B) Banks, savings and loan
- (C) ~~(B)~~ Bakery retail, wherein bakery goods may be baked on the premises and are sold at retail on the premises
- (D) ~~(U)~~ Personal service shops (barber/beauty, etc.) Barber shop, beauty salon, day spa and nail salon
- (E) ~~(C)~~ Book shop/sales Bookstore
- ~~(E)~~ Cafes, full-service restaurants, delicatessens and tea rooms with or without outdoor seating not serving alcoholic beverages. (Drive-in restaurants are not permitted);
- (F) Clothing, shoes, retail sales
- ~~(G)~~ Collectable shops;
- (G) ~~(H)~~ Drug store, pharmacy
- (H) ~~(J)~~ Florists and flower stands Florist including outdoor display;
- ~~(I)~~ Financial offices; banks, savings and loan, etc.;
- (I) ~~(K)~~ Furniture and antique sales including home furnishings;
- (J) ~~(L)~~ Handicraft or hobby shop including retail sales;
- (K) ~~(N)~~ Jewelry store
- (L) Music and Record Store;

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Exhibit 3a

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- ~~(M) Interior design services/home decorating studios;~~
- (M) ~~(R-)Musical instrument, sales, supplies, repair~~
- (N) ~~(D)Business and professional offices Office uses, including business and professional, medical and dental office or clinic, or financial office, except for conversion from ground-floor retail~~
- ~~(O) Laundry and/or dry cleaning establishments (coin-operated or attendant-operated)~~
- (O) ~~(T)Paper Reproduction or Copy Shop~~
- ~~(P) Market/grocery store~~
- (P) ~~(S)Packaging and/or postal services~~
- ~~(Q) Medical or dental offices or clinics~~
- (Q) ~~(V)Pet grooming and supplies, excluding overnight boarding~~
- (R) ~~(W)Photographers, photo processing and photographic galleries~~
- (S) Plant Nursery
- (T) ~~(AA)Retail supply stores, including but not limited to toys, yardage, hardware, paint, auto parts, plumbing, sporting goods, appliances, garden supplies, art supplies, kitchen and bath goods, etc. with no open storage of materials or equipment~~
- (U) ~~(BB)Specialty food store, retail;~~
- (V) ~~(CC)Trade Services: custom dressmaking, shoe repair, tailor, clock repair, electric appliance repair, etc.~~
- ~~(X) Philanthropic and charitable institutions other than those of a correctional nature;~~
- ~~(Y) Records, video and audio tapes, retail sales and rentals~~
- ~~(Z) Retail or service businesses primarily serving needs of local residents;~~

25.19.04 Uses permitted subject to an administrative use permit

The following may be permitted subject to the granting of an administrative use permit as provided for in Section 25.05.020 of this title:

- ~~— (A) Short term lodging as defined and specified in Chapter 25.23 of this title.~~

25.25.006 Uses Permitted Subject to a Conditional Use Permit

The following uses may be permitted subject to the granting of a conditional use permit as provided in Section 25.05.030. The existing balance of resident-serving uses in the same vicinity and zone shall be a consideration when reviewing conditional use permit applications.

- (A) ~~(B)Cafe, full service Restaurant, delicatessen and tea room, with or without outdoor seating serving alcoholic beverages outdoor seating, serving of alcoholic beverages, and/or entertainment only as authorized under the Conditional Use Permit. (Drive-in restaurants are not permitted.)~~
- (B) Market or grocery store, or mini-market
- ~~(C) Take-out restaurants, with indoor and/or outdoor seating only as authorized under the conditional use permit;~~
- (C) Dry cleaning/laundry facilities
- ~~(D) Car wash;~~

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- (D) Office uses, when a conversion of ground-floor retail space is proposed
- ~~(E) Health clubs;~~
- (E) ~~(H)~~ Residential uses (excluding time shares) as an integral part of commercial development, but limited to not more than fifty percent of the gross floor area ~~and there shall be at least two thousand square feet of lot area for each dwelling unit.~~
- (F) ~~(H)~~ Veterinary clinic, including overnight boarding for care
- (G) Outdoor display of merchandise
- (H) ~~(K)~~ Liquor sales
- (I) ~~(L)~~ Artists' joint living and working units, as defined in Chapter 25.16
- (J) Philanthropic and charitable institutions
- (K) ~~(A)~~ Automobile service stations and mini markets, provided that all sales and service other than gasoline and oil dispensing shall be conducted and confined within enclosed buildings;
- (L) ~~(E)~~ Health clubs
- (M) Other uses the Planning Commission deems, after conducting a public hearing, to be similar to and no more obnoxious or detrimental to the public, health, safety and welfare of the neighborhood than any use listed above. ~~Such uses shall be inclusive of uses expressly allowed in the C-1 zone, but shall not include those uses listed exclusively as industrial or light industrial uses in the M-1 or M-1A zones.~~

25.25.008 Property Development Standards

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

- (A) Lot Area and Dimension Standards. ~~No requirements—~~Parcels shall not be further subdivided for development purposes or otherwise reduced in size.
- (B) Yard Area, Building Setback, Open Space and Coverage Standards for Nonresidential and/or Mixed Uses.
 - (1) The general provisions of Chapter 25.50 shall apply, except as modified herein.
 - (2) Front Yards. A front yard open space equal to five feet times the lot frontage shall be provided and maintained on each lot.
 - (a) Said open space shall be used for landscaping, pedestrian access or similar pedestrian facilities, accessible to the general public. Said open space may be used for open-air seating areas to serve adjacent interior restaurant uses. The dimension parallel to the front lot line must exceed the dimension perpendicular to the front lot line.
 - ~~(b) Walls not higher than four feet may be erected within said open space, as approved by design review.~~ Opaque walls shall be limited to three feet if erected within said open space.
 - (3) Side Yards. No requirement, except where a building on the adjacent lot maintains a side yard setback, an abutting side yard of not less than three feet shall be provided, with no ground floor architectural projections allowed in such side yard. In the case where the side lot line abuts a different zone, the side yard shall be at least equal to the minimum required for that zone; if the side lot line abuts a street or alley, the setback shall be a minimum of five feet.

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- (4) Rear Yards. No requirement, unless the rear lot line abuts a different zone, street or alley, in which case the rear yard setback shall be at least equal to the minimum rear yard required for that zone; a minimum of five feet ;if the rear lot line abuts a street or alley, the setback shall be a minimum of five feet.
- (5) Open Space Requirements. Open space shall equal twenty-five percent of the nonresidential gross floor area, exclusive of parking and driveways, which area may be used for the purposes outlined in subsection B(2) of this section. This open space is in addition to that required for residential uses and in conformance with the standards outlined in Section 25.50.010.
- (6) Space Between Buildings. No requirement, except as required by design review.
- (C) Fences and Walls. Except as provided in subsection B(2)(b) of this section, the provisions of Section 25.50.012 shall apply.
- (D) Parapets. Parapet walls shall not be permitted, unless the Design Review Board determines that use of a parapet wall(s) would not reduce the compatibility of the project with the site and adjacent properties or the parapet wall(s) is found to be necessary to screen roof-mounted equipment.
- (E) Design Review. All buildings, structures and improvements are subject to design review as provided in Section 25.05.040.
- (F) Building Height Standards.

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

| | | |
|-----|--|--|
| (a) | Rear Lot Line Above Street (Slope in Percent) | Maximum Height Permitted Above Rear Lot Line (in feet) |
| | 0 to 5 | 22 |
| | 5+ to 10 | 17 |
| | over 10 | 12 |
| (b) | Through Lot (Slope in Percent) | Maximum Height Permitted Above Upper Curb Elevation |
| | | |
| | or | |
| (c) | Rear Lot Line Below Street (Slope in Percent) | Maximum Height Permitted Above Curb Elevation (in feet) |
| | 0 to 5 | 27 |
| | 5+ to 10 | 25 |
| | Over 10 | 20 |

(2) Building Height shall be limited to two stories, not to exceed the above height limits or twenty-two feet, excluding roof, as measured from the curb, whichever is more restrictive. The maximum height, including roof and mechanical equipment enclosures, shall not exceed an additional five feet above the twenty-two foot limit. No point of building elevation height shall exceed thirty feet as measured from natural or finished grade, whichever is more restrictive. These building heights represent the maximum permitted and may be reduced as determined appropriate by the design review board.

(3) Refer to Chapter 25.51 for other standards related to building height. The provisions of Section 25.50.004 (D) pertaining to additional building setbacks shall

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apply only to the rear setback.

- (G) Parking Standards. The provisions of Chapter 25.52 shall apply, except that setbacks for parking lots shall be five feet from the ultimate right-of-way, sidewalk, alley or adjacent building, except as modified herein.
- (1) Incentives. The City Council may approve a conditional use permit, upon recommendation by the Planning Commission, to reduce the parking standards required under Chapter 25.52 in accordance with the Incentives provision in such Chapter. Additionally, the parking standards may be reduced in accordance with the following conditions:
- (a) The proposed use is a sidewalk café 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, seasonal or permanent basis and shall be limited to a maximum of five spaces.
- or
- (b) The proposed use is a restaurant that is determined to primarily serve the needs of the local residents and which contributes positively to the character of the South Laguna Village Commercial area. The parking reduction shall be limited to a maximum of three spaces.
- and/or
- (c) The proposed use is a beauty salon or barber shop which is determined to primarily serve the needs of the local residents. The parking reduction shall be limited to a maximum of one space.
- (H) Access and Improvement Standards. The provisions of Chapter 25.52 shall apply.
- (I) Access from Streets. For lots which possess frontage on Coast Highway and another street, the design review board may require secondary or sole access to be provided from the secondary street as determined appropriate for proper circulation.
- (J) Signs. The provisions of Chapter 25.54 shall apply, except as modified herein.
- (1) Window signs, which means any sign that is placed upon, within or behind a window, fewer than three feet from such window and which is visible from the exterior of the window, shall be limited to a maximum of 10% of the window area, up to a maximum of five (5) square feet and three (3) window signs per site.
- (2) Individual logos (company symbol or trademark) on any exterior commercial sign shall be limited in size, as determined by the Planning Commission.
- (K) Loading space. Loading spaces shall be provided as required by the design review board.
- (L) Trash and Outdoor Storage Areas. Areas for trash or outdoor storage shall be provided. Such areas shall be enclosed and architecturally screened in such a manner as to conceal all trash or stored material from public view and shall be subject to approval by the design review board.
- (M) Landscaping. Landscaping shall be provided subject to design review approval, except that parking lot landscaping shall, at a minimum, conform to the standards specified in Chapter 25.52.

25.25.010 Performance Standards/Design Criteria

~~Areas within the commercial-neighborhood-zone are usually~~ The South Laguna Village Commercial Zone is located in close proximity to residential areas and commercial properties frequently share a functional and/or visual relationship with residential properties.

It is therefore necessary for special attention to be placed on the compatible design and orientation of development in the ~~commercial-neighborhood~~ South Laguna Village Commercial Zone. The following performance standards shall be used for the purpose of evaluating the development proposals in ~~the commercial-neighborhood~~ this Zone. The standards are general in nature and are to be applied on a site-specific basis. They are intended to serve as a guide for achieving proper design and to supplement other design criteria used by the design review board.

- (A) New development shall be designed to be compatible with nearby residential areas. This shall involve preservation of the character and integrity of residential areas and maintaining an appropriate visual and functional interrelationship between residential and commercial uses. Potentially intrusive design elements such as traffic circulation and light and glare shall be designed to avoid interference with the residential environment.
- (B) The height, scale, mass and bulk of buildings shall not be overbearing in relation to nearby residential structures. Height, scale, mass and bulk shall also be a function of their proximity to residential structures. Height, scale, mass and bulk shall also be a function of their proximity to residential structures, with buildings in close proximity made to adhere to a similar scale of development. Potential view impediments shall also be considered.
- (C) The first floor of buildings should be located at the grade of the adjacent Coast Highway public sidewalk, and the building frontage on Coast Highway should be utilized for retail uses.
- (D) All parking facilities, including surface parking, tuck-under parking or parking structures, must be designed to maintain a pedestrian-friendly streetscape through screening, minimizing size, integrating the opening with the overall architecture, and using aesthetic amenities such as gates, landscaping and special paving.
- (E) ~~(C)~~ Architectural styles and features shall be compatible with and complimentary to nearby residential structures to the extent commercial and residential structures share a visual relationship. All architectural planning and design should maintain and/or enhance the diverse architectural character of the South Laguna Village Commercial Zone. Rooflines shall be compatible with the historic character of the surrounding area. Gabled roofs are encouraged ~~adjacent to the South Laguna Village Community zone.~~
- (F) Landscaping shall be utilized and designed to help make commercial development more compatible with nearby residential areas to the extent practicable. Clustered, informal planting schemes are encouraged to reflect a natural, unstructured theme. Landscape themes should include diversity in height, form, texture and color of plant material as well as a mixture of container sizes for particular plant types to achieve an informal theme. Existing landscape that enhances the scenic character of the Zone should be preserved.

- (G) Commercial signage shall be designed so as not to interfere with residential areas. This shall involve the lighting, location, orientation and size of signs.
- (H) Every use shall operate in such a manner as to not be objectionable to adjacent residential neighborhoods.

25.25.020 Streetscape Guidelines

Provide streetscape improvements on both sides of the street, including street trees, median improvements and plantings, lighting, benches and related improvements, with reference to the Landscape and Scenic Highways Resource Document or as approved in the Streetscape Capital Improvement Program.

25.25.030 Right-of-Way Dedication Requirement

Pursuant to Chapter 25.53 regarding access and improvement requirements, fifty feet of right-of-way from the Coast Highway centerline shall be dedicated to the City to provide for sidewalk and other street improvements.