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ORDINANCE NO. 1386

**AN ORDINANCE OF THE CITY OF LAGUNA BEACH AMENDING
THE TELECOMMUNICATION FACILITY REGULATIONS OF THE
CITY -- MUNICIPAL CODE CHAPTER 25.55**

CALIFORNIA
COASTAL COMMISSION

WHEREAS, on April 11, 2001, the Planning Commission conducted a legally noticed public hearing and, after reviewing and considering all documents, testimony and other evidence presented, unanimously voted to recommend that the City Council approve amendments to Municipal Code Chapter 25.55 regarding telecommunication facility regulations; and

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

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

SECTION 1. Municipal Code Chapter 25.55 regarding the City's Telecommunication Facility Regulations is hereby amended in its entirety as specified in Attachment A.

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

SECTION 3. This Ordinance is intended to be of Citywide effect and application. All ordinances and provisions of the Laguna Beach Municipal Code and Sections thereof inconsistent herewith shall be hereby repealed to the extent of such inconsistency and no further.

SECTION 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 same

manner required by law in the City of Laguna Beach. This Ordinance shall become effective thirty (30) days after the final approval by the City Council.

ADOPTED this _____ day of _____, 2001.

Paul P. Freeman, Mayor

ATTEST:

City Clerk

I, Verna Rollinger, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance No. _____ was introduced at a regular meeting of the City Council on August 7, 2001 and was finally adopted at a regular meeting of the City Council of said City held on _____, 2001 by the following vote:

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

City Clerk of the City of Laguna Beach, CA

Attachment A

Chapter 25.55 - TELECOMMUNICATION FACILITIES

Sections:

- 25.55.002 Intent and Purpose.
- 25.55.004 Definitions.
- 25.55.006 Permits Required.
- 25.55.008 Review Criteria/Standard Conditions.

25.55.002 Intent and Purpose.

The following regulations shall apply throughout the City. These standards are intended to protect the health, safety and welfare of persons living and working in the City, and to preserve aesthetic values and scenic qualities in the City without prohibiting any entity or person(s) from providing or receiving telecommunications service. (Ord. 1320 § 1 (part), 1996).

25.55.004 Definitions.

"Amateur (ham) radio antenna" means an antenna constructed and operated for transmitting and receiving radio signals for noncommercial purposes, usually in relation to a person's hobby.

"Antenna" means a device used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based systems.

"Array" means a group of antennas located on the same structure.

"Base level radio frequency (RF) radiation" means the existing background power density radiation from a proposed telecommunication transmitting antenna site including all existing telecommunication transmitting antennas made prior to a permit application for such facilities.

"Carrier" means any company that is engaged in the provision of a communication service.

"Cellular" refers to wireless telephone communication transmitted by electromagnetic waves.

"Co-location" refers to multiple wireless communication devices sharing the same site.

"Duplexer" means a combining device that allows a transceiver to use a single antenna for both transmitting and receiving.

"Directional antenna" means a panel or rectangular antenna used to achieve transmission or reception in a specified direction.

"Effective Radiated Power (ERP)" means the operative amount of power leaving the transmitting antenna. The ERP is determined by factors, including but not limited to, transmitter output power, coaxial line loss between the transmitter and the antenna, and the "gain" (focusing effect) of the antenna.

"Federal Communications Commission (FCC)" means the independent U.S. governmental agency charged with regulating interstate and international communications by radio, television, wire, satellite and cable.

"Height" means the distance from the existing grade at the base of the antenna or, in the case of a roof mounted antenna, from the highest point of grade at the exterior base of the building to the highest point of the antenna and any associated support structure when fully extended.

"Maximum radio frequency (RF) radiation" means the base level radio frequency (RF) radiation and the power density radiation from all existing and the proposed telecommunication transmitting antennas at a particular site where all the antennas' channels are simultaneously operating or projected to operate at their maximum design effective radiated power Effective Radiated Power (ERP).

"Monopole" means a tubular antenna support structure typically made of steel, wood or concrete.

"Omnidirectional antenna" means an antenna used to achieve transmission or reception in all directions.

"Parabolic antenna" means a specialized antenna that has a circular curved surface which transmits or receives signals in the microwave area of the radio frequency spectrum, used to link different types of wireless facilities.

"Power density radiation" means the magnitude of the flow of electromagnetic energy at a point in space, measured in power, usually milliwatts (10^{-3} watts) or microwatts (10^{-6} watts), per unit area, usually centimeters squared.

"Radio frequency (RF) radiation" consists of waves of electric and magnetic energy moving together through space radiating from a transmitting device to a receiving device to achieve wireless communication.

"Safety standards" means the most current adopted rules for human exposure limits for radio frequency (RF) radiation adopted by the Federal Communications Commission (FCC).

"Satellite antenna" means a parabolic antenna used to receive and/or transmit radio or television signals from orbiting communications satellites.

"Telecommunication facility" means a land use that sends and/or receives radio frequency signals, including but not limited to directional, omnidirectional and parabolic antennas, structures or towers to support receiving and/or transmitting devices, accessory development and structures, and the land or structure on which they are all situated. It does not include mobile transmitting devices, such as vehicle or hand held radios/telephones and their associated transmitting antennas.

"Testing protocol" means the most current method of radio frequency (RF) radiation measurement adopted by the Federal Communications Commission (FCC). (Ord. 1320 § 1 (part), 1996).

25.55.006 Permits Required.

(A) Telecommunication Facilities Subject to Design Review. All telecommunication facilities, unless specifically exempted, are subject to Design Review Board review and approval, as provided for in Section 25.05.040. ~~If the proposed antenna site is unimproved, an associated coastal development permit will 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 design review 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; and
- (3) An antenna and all supporting equipment constructed in an existing structure, if the installation is located entirely within the structure's physical limits or "envelope" and the structure's exterior appears to remain unchanged, or if the installation is located below the upper limits of an existing roof parapet.

(B) Telecommunication Facilities Subject to a Conditional Use Permit. Unless specifically exempted, ~~all telecommunication facilities that exceed twenty feet in height~~ are also subject to the granting of a conditional use permit as provided for in Section 25.05.030. If the proposed antenna site is unimproved, an associated coastal development permit will 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.

(C) Submittal Requirements. In addition to the standard submittal requirements for a ~~design review or a conditional use permit application~~ which proposes any telecommunication facility that contains transmitting antenna(s), except in relation to amateur ham radio antenna(s), the existing base level radio frequency (RF) radiation, ~~and the maximum radio frequency (RF) radiation,~~ the Effective Radiated Power (ERP) per channel and the total number of channels for an omnidirectional antenna or the maximum number of channels in any sector for a sectored antenna at the proposed site shall be provided. ~~Any telecommunication transmitting antenna(s) existing within one mile of the project site shall be identified, and their individual contribution(s) to the base level Radio Frequency (RF) radiation shall be estimated.~~

(D) Noticing Requirements. Public notice for telecommunication facility projects subject to design review or conditional use permit application processing shall comply with the noticing provisions of Section 25.05.065(C) and (D), except that the requirements for newspaper advertising shall not apply and a public notice shall be mailed to residents or tenant occupants as well as property owners within three hundred feet of the project site. (Ord. 1320 § 1 (part), 1996).

25.55.008 Review Criteria/Standard Conditions.

(A) Location. Telecommunication facilities may be permitted in any zone, right-of-way or easement, except the Open Space/Conservation (OS/C) Zone.

(B) Height. Telecommunication facilities shall be ~~subject to the maximum height limits of the zoning district in which such facilities are proposed to be located, including the building height provisions of Section 25.08.016 and the maximum building height provisions of Chapter 25.51 or any adopted specific plan provisions~~ limited to a maximum height of thirty-six (36) 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 (36) 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 (10) inches of horizontal width to a structure's vertical surface, or if the facilities are located below 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. 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) 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.

(F) 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 5 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.

(G) 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. In addition, the City may conduct independent tests to verify compliance with the most current FCC Safety Standards. 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. (Ord. 1320 § 1 (part), 1996).

ORDINANCE NO. 1407

AN ORDINANCE OF THE CITY OF LAGUNA BEACH AMENDING CHAPTER 25.94.008 OF THE MUNICIPAL CODE RELATING TO TRANSPORTATION DEMAND MANAGEMENT

The City Council of the City of Laguna Beach does hereby ORDAIN as follows:

Section 1. Section 25.94.008 of the Laguna Beach Municipal Code is hereby amended to read in its entirety as specified below. This amendment updates the applicability of the City's Transportation Demand Management Ordinance pursuant to current law.

25.94.008 Applicability.

This chapter shall apply to all new development projects, including additions to existing development and change of use to existing buildings, that are estimated to employ a total of ~~one~~ **two** hundred **and fifty** or more persons (or as specified by ~~Regulation 15~~ **the rules and regulations** of the Southern California Air Quality Management District) as determined by the following methodology:

<u>Land Use Category</u>	<u>Gross Sq. Ft./ Employee</u>
Commercial	500
Office/Professional	250
Industrial	525
Hotel	.9 employee/room

The employment projection for a development of mixed or multiple uses shall be calculated based on the proportion of development devoted to each type of land use.

Section 2. 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 3. All ordinances and sections of the Laguna Beach Municipal Code inconsistent herewith are repealed to the extent of such inconsistency and no further.

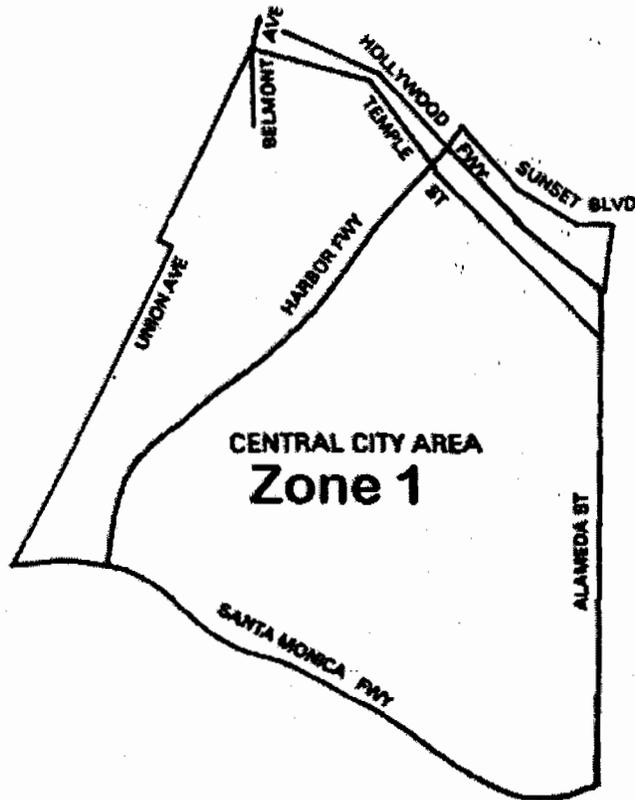
Section 4. The City Clerk shall certify passage and adoption of this Ordinance and shall cause the same to be published in the manner required by law in the City of Laguna Beach. This Ordinance shall become effective on the expiration of 30 days from and after the date of its adoption.

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- A worksite's Performance Target Zone depends on its location.
- **Zone 1** is the Central City Area of Downtown Los Angeles within the District's Source/Receptor Area 1.
- **Zone 2** corresponds to the District's Source/Receptor Areas 2 through 12, 16 through 23, and 32 through 35, excluding the Central City Area.
- **Zone 3** corresponds to the District's Source/Receptor Areas 13 through 15, 24 through 31, and 36 through 38.



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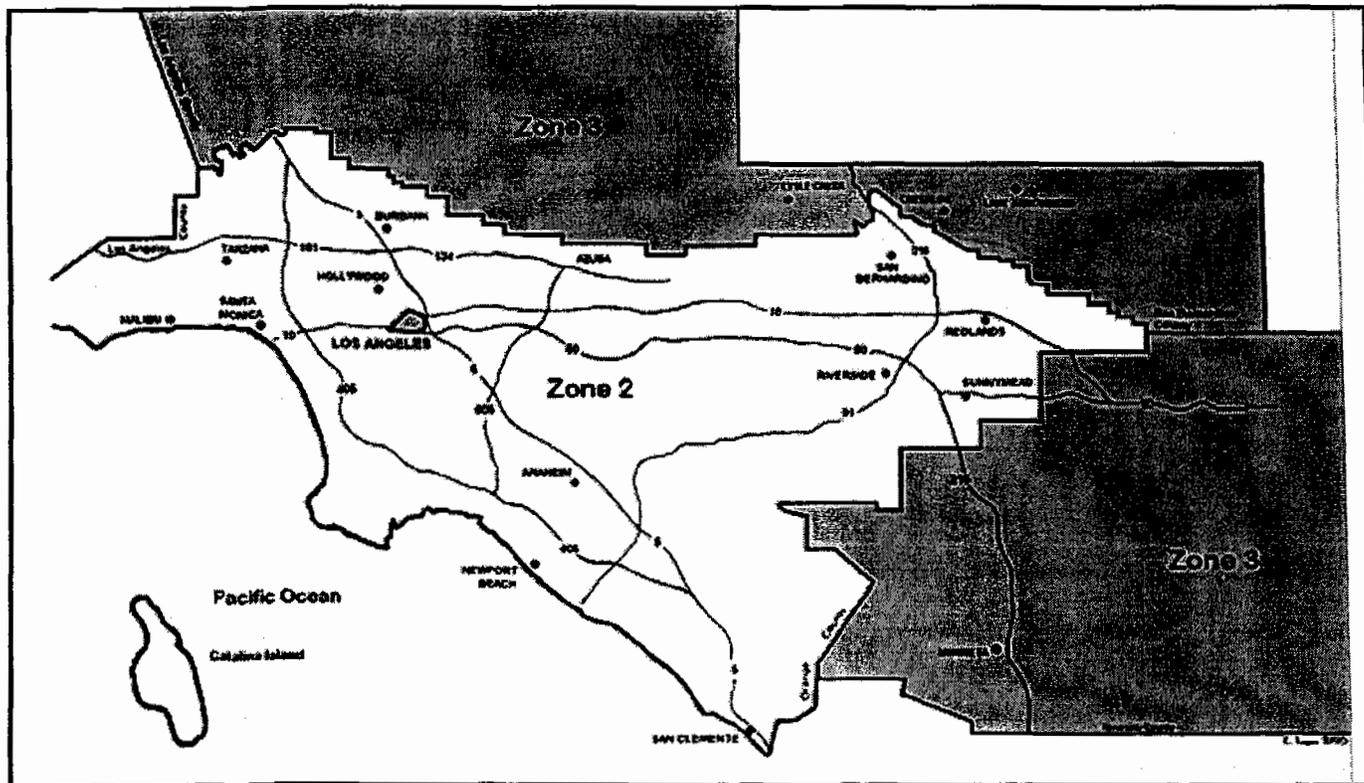
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2003	10	9	82
2004	9	8	75
2005	8	8	68
2006	8	7	64
2007	7	7	61
2008	6	7	58
2009	6	6	54
2010	5	6	51

- (3) The emission factors in paragraphs (m)(1) and (m)(2) may be modified to site specific emission factors reflecting vehicle age and trip length characteristics of the employee vehicle fleet, in accordance with the calculation procedures included in Rule 2202 - On-Road Motor Vehicle Emissions Mitigation Options Implementation Guidelines.

**ATTACHMENT I
PERFORMANCE TARGET ZONES**



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2005	2.76	2.78	23.19
2006	2.76	2.36	21.85
2007	2.36	2.36	20.83
2008	2.05	2.36	19.80
2009	2.05	2.06	18.47
2010	1.74	2.06	17.44

**Employee Emission Reduction Factors
for Performance Target Zone 3**

Emission Year	VOC	NO _x	CO
2000	3.07	2.57	24.42
2001	2.87	2.36	22.78
2002	2.56	2.16	21.03
2003	2.36	2.16	19.39
2004	2.15	1.85	17.75
2005	1.84	1.85	17.75
2006	1.84	1.64	15.18
2007	1.64	1.64	14.47
2008	1.43	1.64	13.75
2009	1.43	1.44	12.83
2010	1.23	1.44	12.11

- (2) The following default emission factors (pounds per year per daily commute vehicle) may be used in determining vehicle trip emission credits.

**Emission Factors
for Vehicle Trip Emission Credit (VTEC)**

Emission Year	VOC	NO _x	CO
2000	13	11	103
2001	12	10	96
2002	11	9	89

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based on California Air Resources Board's EMFAC 7F emission factor model and BURDEN 7F vehicle activity model. These emission factors shall be revised upon publication by the California Air Resources Board's final revised emission factors.

- (1) **Employee Emission Reduction Factors**
 The following employee emission reduction factors (pounds per year per employee) shall be used in determining the Emission Reduction Target with respect to the worksite Performance Target Zone. The Performance Target Zone is determined by the worksite location within the geographic boundaries as described in Attachment I and the Rule 2202 - On-Road Motor Vehicle Mitigation Options Implementation Guidelines (amended January 11, 2002).

**Employee Emission Reduction Factors
for Performance Target Zone 1**

Emission Year	VOC	NOx	CO
2000	5.73	4.83	45.35
2001	5.22	4.42	42.27
2002	4.81	4.01	39.19
2003	4.40	4.01	36.12
2004	3.99	3.50	33.04
2005	3.48	3.50	29.96
2006	3.48	3.08	28.22
2007	3.07	3.08	26.88
2008	2.66	3.08	25.55
2009	2.66	2.67	23.80
2010	2.15	2.67	22.47

**Employee Emission Reduction Factors
for Performance Target Zone 2**

Emission Year	VOC	NOx	CO
2000	4.40	3.80	35.19
2001	4.10	3.39	32.83
2002	3.79	3.08	30.37
2003	3.38	3.08	28.01
2004	3.07	2.78	25.65

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achieving their average vehicle ridership goal within three years. The goals shall be as follows: 1.75 for Performance Target Zone 1; 1.5 for Performance Target Zone 2; and 1.3 for Performance Target Zone 3.

(B) Supplemental Strategies

Notwithstanding the above, an employer may elect to supplement its Employee Commute Reduction Program with any strategy listed in subdivisions (f) or (g) in order to achieve their goal.

(4) Renewal Date

(A) The currently approved Rule 2202 Employee Commute Reduction Program shall remain in effect until the triennial renewal date.

(B) The currently approved Rule 2202 Registration shall remain in effect until the annual renewal date.

(C) Program annual due dates shall remain permanent unless a formal written request to change the due date has been submitted by the employer and approved in writing by the District.

(5) Primary and Secondary School Districts and Schools

Any public or private primary or secondary school district or school that buses two students for every one peak window employee at worksites subject to the Rule is exempt from Rule 2202, according to the following criteria:

(A) School districts and schools shall keep records demonstrating the maintenance of this ratio on-site and make them available upon request by the Executive Officer or designee; and

(B) On a case-by-case basis, the Executive Officer or designee may approve a request by a school district or school to modify the default student-to-employee ratio to reflect location, trip length and other school district or school specific busing program characteristics in order to maintain equivalency with emission reductions which would occur if the district or school met its emission reduction goals under Rule 2202; and

(C) The Executive Officer may periodically update and publish the default School districts and schools may opt not to be exempt but to implement a Rule 2202 program and claim credit for surplus emission reduction credits earned through a student busing program and other Rule 2202 compliance options. student-to-employee ratio to reflect changes to revised emission factors published by the California Air Resources Board.

(6) Primary and Secondary School District Financial Hardship

Due to their financial hardship, notwithstanding the criteria of paragraph (1)(5), school districts that have received a Negative or Qualified Certification status from their County Board of Education pursuant to Chapter 6, Part 24 of Division 3 of the Education Code, deeming that based upon current projections the school district or county office of education will not or may not meet its financial obligations, may request the Executive Officer to grant a temporary exemption from the requirements of the Rule. The Executive Officer shall grant a temporary exemption for the period during which the Negative or Qualified Certification status applies.

(m) Emission Factors

The following emission factors, which shall be used in calculations pursuant to this Rule, are

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(k) **Delegation to Local Governments**

The District may delegate authority to implement all or part of Rule 2202, except for the provisions of paragraph (f)(3), to any local government that satisfies the following criteria:

- (1) The local government adopts an ordinance that is at least as stringent as Rule 2202 in the following areas:
 - (A) Applicability;
 - (B) Emission reductions target;
 - (C) Vehicle trip emission credit calculations;
 - (D) Annual registration; and
 - (E) Recordkeeping.
- (2) The local government demonstrates to the satisfaction of the Executive Officer that:
 - (A) It has an implementation plan providing adequate resources to adopt and enforce the ordinance; and
 - (B) Multiple site employers with more than one regulated worksite in the District have the option of complying with the District Rule instead of the local ordinance.
- (3) The local government has executed a Memorandum of Understanding with the Executive Officer specifying the procedures to monitor and review performance of the local government in implementing the program, and procedures for revocation of delegation if the Executive Officer determines that performance of the local government is inadequate.

(l) **Exemptions**

(1) **Employee Threshold**

Any employer whose employee population at the worksite decreases to fewer than 250 employees for the prior consecutive six month period, calculated as a monthly average; or fewer than 33 employees are scheduled to report to work Monday through Friday between 6:00 a.m. -10:00 a.m. for the prior consecutive 90 days, may submit a written request to the Executive Officer or designee to be exempted from this Rule. Employers must submit a registration form not later than 90 days after they know or should have known that they no longer qualify for this exemption.

(2) **Declared Bankruptcy**

An employer who has declared bankruptcy, for the official business or governmental operations of its organization or company, through a judicial court filing and confirmation process, may request the Executive Officer to grant a temporary waiver from complying with the requirements of this Rule. Upon demonstration of the filing and confirmation of bankruptcy, the Executive Officer will grant an exemption for the duration of bankruptcy, not to exceed two years, from the date of the waiver.

(3) **Employee Commute Reduction Program**

Rather than comply with the provisions of subdivision (e) of this Rule, employers may elect to implement an employee commute reduction program that demonstrates conformance with the Employee Commute Reduction Program Guidelines.

(A) **Performance Goal**

Employers must provide a program that will be reasonably likely to result in

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implementation.

- (3) Annual registration due dates shall remain permanent unless a formal request to change the due date has been submitted by the employer and approved in writing by the District.
- (4) Employers may request to amend their Emission Reduction Program at any time and implement the amendments with written approval of the Executive Officer subject to the criteria contained in paragraph (i)(1).
- (5) Rather than registering with the District for each individual worksite, an employer may submit a single registration to implement an Emission Reduction Program that meets the aggregated ERT of several sites.
- (6) Emission credits obtained pursuant to subdivision (f) or (g) shall be surrendered to the Executive Officer within the first six months of the approval of the registration forms. The Executive Officer may grant extensions not to exceed six months on a case-by-case basis upon a finding that earlier compliance would present an unreasonable hardship.
- (7) Records which document the accuracy and validity of all information submitted to the District as required by this Rule shall be kept by the employer for a minimum of three years and made available upon request during normal business hours.
- (8) On a quarterly basis the Executive Officer shall recommend to the District's Governing Board the release of monies from the AQIP restricted fund. The program shall be administered and consideration of proposals shall be subject to the following:
 - (A) Proposals shall be accepted on an ongoing basis;
 - (B) Equal consideration shall be given to cost-effective proposals and those that achieve long-term advancement of mobile source technology;
 - (C) The amount of emission reductions required to demonstrate equivalent emission reductions shall be determined on a quarterly basis;
 - (D) The allocation of funding shall be recommended for proposals that reduce equivalent emissions within each county proportional to the contribution level of employers within each county to the greatest extent feasible; and,
 - (E) The emissions reductions are demonstrated to be real, quantifiable, enforceable, and surplus, in accordance with the Rule 2202 - On-Road Motor Vehicle Mitigation Options Implementation Guidelines (amended January 11, 2002).
- (9) Registration forms submitted by employers shall be subject to the fee schedule set forth in Rule 308 – On-Road Motor Vehicle Mitigation Options Fees and Rule 311 – Air Quality Investment Program (AQIP) Fees. Employers choosing to implement the Employee Commute Reduction Program under paragraph (l)(3) shall be subject to the fee schedule set forth in Rule 308.
- (10) Any employer subject to Rule 2202 or to the exemptions of paragraph (l)(3) of this Rule shall comply with the requirements of Rule 701 – Air Pollution Emergency Contingency Actions.

(j) Previously Delegated Programs

Any employer that is in compliance with an ordinance adopted by a local government that has a trip reduction ordinance that was approved by the District prior to the effective date of this Rule, and that has an existing memorandum of agreement with the District, shall be deemed in compliance with this Rule.

by the Executive Officer or designee. The Executive Officer shall not offer any VTEC for a VMT reduction program unless it includes baseline VMT estimates and demonstrates that VMT reductions result in real, quantifiable, and surplus emission reductions.

(4) **Parking Cash-Out Program**

Employers may elect to implement a Parking Cash-Out Program to reduce employee commutes and receive VTEC toward their ERT. Parking Cash-Out is a program where an employer offers to provide a cash allowance to an employee, equivalent to the parking subsidy that the employer would otherwise pay to provide the employee with a parking space. Incorporation of the Parking Cash-Out Program as one of the options in Rule 2202, does not relieve the affected parties from complying with the provisions of the Health and Safety Code section 43845 (AB 2109-Katz).

(h) **General Emissions Credit Provisions:**

The following provisions shall apply to any of the emission credit strategies identified in this Rule:

- (1) An employer or other person seeking credit under this Rule may use actual annual mileage per vehicle, or alternative estimates of vehicle miles traveled (VMT) contained in Rule 2202 - On Road Motor Vehicle Mitigation Options Implementation Guidelines (amended January 11, 2002).
- (2) Emission credit strategies that do not provide the precise amount of surplus emission reductions required for each of the three pollutants addressed by this Rule (VOC, NOx, and CO) may still qualify for equivalent credit if the employer provides equivalent credits obtained pursuant to paragraph (h)(3).
- (3) Any person holding surplus emission credits, other than vehicle trip emission credits (VTEC), pursuant to this Rule may trade some or all of those credits to other employers.
- (4) Upon the expiration of this Rule, any unused emission credits may be applied to other emission reduction programs pursuant to and consistent with District rules and regulations.

(i) **Program Administration**

Rule 2202 shall be administered according to the following:

- (1) Employers shall annually register with the District to implement an Emission Reduction Program for each worksite. The registration shall include the following information:
 - (A) The name of the highest ranking company official, the name of the contact person, company address, telephone numbers for all participating worksites;
 - (B) The on-road vehicle mitigation option(s) that will be used;
 - (C) The total number of employees that report to work in the peak window;
 - (D) The total number of employees at that worksite; and,
 - (E) Calculations for VOC, NOx, and CO emission reductions for any of the on-road vehicle mitigation options in subdivision (f) or the vehicle trip emission credit options in subdivision (g).
- (2) Annual registration shall include changes in employment base and any other changes that would necessitate adjustment in emission reduction targets or program

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$$VTEC = \left[\frac{\text{Creditable Commute}}{\text{Vehicle Reductions (CCVR)}} \right] \times \left[\frac{\text{Emission}}{\text{Factor (EF)}} \right]$$

Where:

CCVR = The daily average of total commute vehicle reductions that are real, surplus, and quantifiable.

EF = Emission Factor in paragraph (m)(2) of this Rule.

In calculating VTEC for the subsequent year, employers may utilize data from previous years obtained by one of the following methods, with the exception of (C), provided that employers maintain programs that would reasonably be expected to achieve an equivalent level of reductions during the subsequent year:

- (A) Default data based on the weighted average of the average vehicle ridership survey data of the previous three consecutive years; or
- (B) Data obtained by conducting an average vehicle ridership survey in accordance with the Rule 2202 - Commute Reduction Program Guidelines; or
- (C) Data based on the default average vehicle ridership of 1.10; or
- (D) Data obtained by an equivalent methodology approved by the Executive Officer or designee.

(2) **Other Work-Related Trip Reductions**

Employers may receive additional VTEC from employee commute reductions that occur outside of the peak window or from non-commute vehicle usage calculated as creditable trip reductions and approved by the Executive Officer or designee. VTEC obtained from other work-related trip reductions shall be determined according to the following equation:

$$VTEC = \left[\frac{\text{Creditable Trip Reductions (CTR)}}{\text{Conversion Factor (CF)}} \right] \times \left[\frac{\text{Emission}}{\text{Factor (EF)}} \right]$$

Where:

CTR = The daily average of one-way trip reductions that are real, surplus, and quantifiable. A round trip is considered to be two one-way trips.

CF = 2.0 for Peak Window trips; 2.3 for other trips.

EF = Emission Factor in paragraph (m)(2) of this Rule.

(3) **Vehicle Miles Traveled (VMT) Reduction Programs**

Subject to approval of the Executive Officer or designee, employers may elect to implement VMT reduction programs and receive VTEC towards their ERT. Reduction of annual employee commute VMT may result from employment center relocation, video-conference centers, telecommuting centers or other alternative programs approved

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Reduction Factor the worksite Performance Target Zone in paragraph (m)(1) of this Rule.

Vehicle Trip = Determined according to subdivision (g) of this Rule.
Emission Credits

(f) On-Road Vehicle Mitigation Options

Employers shall use credits generated pursuant to one or more of the following emission reduction options to meet their Emission Reduction Target (ERT):

(1) Mobile Source Emission Reduction Credits

Any person may implement a mobile source offset program in accordance with the provisions of Regulation XVI such as Old-Vehicle Scrapping, Clean On-Road Vehicles and Clean Off-Road Mobile Equipment.

(2) Emission Reduction Credits (ERC) from Stationary Sources

Any person may elect to use Emission Reduction Credits (ERC) generated from stationary sources after January 1, 1996, in accordance with the provisions of Regulation XIII.

(3) Air Quality Investment Program (AQIP)

Notwithstanding other provisions of this Rule, employers may participate in the AQIP by submitting an air quality investment, to be placed in a restricted fund: in accordance with Rule 311 – Air Quality Investment Program (AQIP) Fees.

The District shall use these funds to obtain an emission reduction or air quality benefit that is equivalent to the sum of the ERTs for all participating employers in the AQIP.

(4) Other Emission Reduction Strategies

Notwithstanding the foregoing provisions, any employer may receive credit toward its ERT for any emission reduction strategy that the employer or other person demonstrates to the Executive Officer achieves real, quantifiable, enforceable, and surplus emission reductions for a discrete period of time. Such strategies may include, but are not limited to, the reduction of non-work trips, other vehicle or engine accelerated turnover programs, investments in clean fuel infrastructure, the provision of new vehicle purchase subsidies or discounts, and local community or development projects that reduce trip or energy demand or that expand clean fuel or high-occupancy travel options. The Executive Officer shall not approve an alternative emission reduction program unless it is consistent with other District regulations and Governing Board policies, and shall consider guidelines established by the California Air Resources Board and the Environmental Protection Agency.

(g) Vehicle Trip Emission Credits (VTEC)

Employers may elect to implement any of the following strategies and obtain vehicle trip emission credits that can be applied towards their ERT. Such actions are at the sole discretion of the employer.

(1) Peak Commute Trip Reductions

Employers may receive VTEC from employee commute reductions that occur during the peak window in accordance with the Rule 2202 - On-Road Motor Vehicle Mitigation Options Implementation Guidelines (amended January 11, 2002). VTEC obtained from peak commute trip reductions shall be determined according to the following equation:

- (18) SEASONAL EMPLOYEE means a person who is employed for less than a continuous 90-day period or an agricultural employee who is employed for up to a continuous 16-week period.
- (19) STUDENT WORKER means a student who is enrolled and gainfully employed (on the payroll) by an institution. Student workers who work more than four (4) hours per week are counted for Rule applicability and if they report during the 6:00 AM - 10:00 AM window are counted for AVR calculation.
- (20) TEMPORARY EMPLOYEE means any person employed by an employment service or agency, that reports to a worksite other than the employment agency's worksite, under a contractual arrangement with a temporary employer. Temporary employees are only counted as employees of the temporary agency for purposes of Rule applicability and calculating AVR.
- (21) VEHICLE TRIP EMISSION CREDITS (VTEC) are the emission reductions that result from the reduction of peak commute trips; other work related trips; or other District approved method; expressed in pounds per year per pollutant, and determined according to the provisions of subdivision (g) of this Rule.
- (22) VOLATILE ORGANIC COMPOUND (VOC) is any volatile compound of carbon, excluding: methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonate, and exempt compounds as defined in District Rule 102.
- (23) WORKSITE means a structure, building, portion of a building, or grouping of buildings that are in actual physical contact or are separated solely by a private or public roadway or other private or public right-of-way, and that are occupied by the same employer. Employers may opt to treat more than one structure, building or grouping of buildings as a single worksite, even if they do not have the above characteristics, if they are located within a 2 mile radius and are in the same Performance Target Zone.

(e) Requirements

An employer subject to this Rule shall annually register with the District beginning within 90 days of receipt of notification to implement an emission reduction program to reduce emissions related to employee commutes and to meet a worksite specific emission reduction target (ERT) specified for the subsequent year. The annual ERT shall be determined according to the following equation, for VOC, NOx, and CO, based on employee emission reduction factors specified in paragraph (m)(1) of this Rule.

Where:

Employees = Average daily number of employees reporting to work in the Peak Window for a typical Monday through Friday period excluding those weeks which include a national holiday.

Employee Emission = Determined by year of the registration submittal and

at a construction site.

- (7) **FIELD PERSONNEL** means employees who spend 20% or less of their work time, per week, at the worksite and who do not report to the worksite during the peak period for pick-up and dispatch of an employer-provided vehicle.
- (8) **INDEPENDENT CONTRACTOR** means an individual who enters into a direct written contract or agreement with an employer to perform certain services and is not on the employer's payroll.
- (9) **LOW-INCOME EMPLOYEE** means an individual whose salary is equal to or less than the current individual income level set in the California Code of Regulations, Title 25, Section 6932, as lower income for the county in which the employer is based. Higher income employees may be considered to be "low-income" if the employees demonstrate that the program strategy would create a substantial economic burden
- (10) **MOBILE SOURCE EMISSION REDUCTION CREDITS (MSERCs)** are real, quantifiable, emission reductions, in accordance with the California Air Resources Board's Mobile Source Credit Guidelines, approved by the Executive Officer or designee, that can be used to comply with District Regulations, as authorized by Regulation XVI, Mobile Source Offset Programs.
- (11) **NITROGEN OXIDES (NO_x)** are nitric oxides and nitrogen dioxides, collectively expressed as nitrogen dioxide.
- (12) **PART-TIME EMPLOYEE** means any employee who reports to a worksite on a part-time basis fewer than 32 hours per week, but more than four hours per week. These employees shall be included in the employee count for purposes of Rule applicability; and for Average Vehicle Ridership (AVR) calculations of the employer provided the employees report to the worksite during the window for calculating AVR.
- (13) **PEAK COMMUTE TRIP** is any employee trip from home to work occurring during the peak window.
- (14) **PEAK WINDOW** is the period of time, Monday through Friday between the hours of 6:00 AM and 10:00 AM, and used in calculating the vehicle trip emission credit.
- (15) **PERFORMANCE TARGET ZONE** is a geographic area that determines the employee emission reduction factor for a particular worksite pursuant to the map in Attachment I of this Rule.
- (16) **POLICE/SHERIFF** means any employee who is certified as a law enforcement officer and is employed by any state, county or city entity. Such employees are only police officers and sheriffs, who perform field enforcement and/or investigative functions. This would not include employees in non-field or non-investigative functions. These employees shall be included in the employee count for rule applicability but are not required to be included in the number of employees in the peak window and may, therefore, be exempted from the AVR survey. Those worksites electing to exclude such employees from the AVR survey and calculation must provide the basic ridesharing support strategies including, but not limited to, ridematching and transit information for all employees as well as preferential parking and guaranteed return trips for said employees who are ridesharing.
- (17) **SCHOOL DISTRICT** means a public agency of the state that is a school district of every kind or class except a community college district, and shall include a County Office of Education.

(Adopted December 8, 1995)(Amended March 8, 1996)
(Amended November 8, 1996)(Amended October 9, 1998)
(Amended January 11, 2002)

RULE 2202 - ON-ROAD MOTOR VEHICLE MITIGATION OPTIONS

- (a) **Purpose**
The purpose of this Rule is to provide employers with a menu of options to reduce mobile source emissions generated from employee commutes, to comply with federal and state Clean Air Act requirements, Health & Safety Code Section 40458, and Section 182(d)(1)(B) of the federal Clean Air Act.
- (b) **Applicability**
Effective June 19, 1998, this Rule applies to any employer who employs 250 or more employees on a full or part-time basis at a worksite for a consecutive six-month period calculated as a monthly average, except as provided in subdivision (l) of this Rule.
- (c) **Sunset Provision**
This Rule shall be rescinded, at such time that a replacement measure is implemented which produces an equivalent level of emission reductions and such emission reductions are real, quantifiable, and surplus relative to the most recently adopted state implementation plan.
- (d) **Definitions**
For the purpose of this Rule, the following definitions shall apply:
- (1) **AIR QUALITY INVESTMENT PROGRAM (AQIP)** is an emission reduction option, in which monies collected by the District from employers are used to fund mobile source emission reduction programs that have been approved by the District's Governing Board.
 - (2) **DISABLED EMPLOYEE** means an individual with a physical impairment that prevents the employee from traveling to the worksite by means other than a single-occupant vehicle.
 - (3) **EMISSION REDUCTION TARGET (ERT)** is the annual VOC, NOx, and CO emissions required to be reduced based on the number of employees per worksite and the employee emission reduction factor, determined in accordance with the provisions of subdivision (e) of this Rule.
 - (4) **EMPLOYEE** is any person employed by a person(s), firm, business, educational institution, non-profit agency or corporation, government or other entity. The term exempts the following in accordance with the Rule 2202 - Definitions (amended January 11, 2002) seasonal employees; temporary employees; volunteers; field personnel; field construction workers; and independent contractors.
 - (5) **EMPLOYER** is any person(s), firm, business, educational institution, non-profit agency or corporation, government agency, or other entity that employs 250 or more employees. Several subsidiaries or units that occupy the same work site and report to one common governing board or governing entity or that function as one corporate unit are considered to be one employer.
 - (6) **FIELD CONSTRUCTION WORKER** means an employee who reports directly to work

Exhibit 22
14 of 14

ORDINANCE NO. 1408

RECEIVED
SOUTH COASTAL REGIONAL

AN ORDINANCE OF THE CITY OF LAGUNA BEACH AMENDING
THE SIGN REGULATIONS OF THE CITY -- MUNICIPAL CODE
CHAPTER 25.54

FEB 11 2005

CALIFORNIA
COASTAL COMMISSION

WHEREAS, on April 10, 2002, the Planning Commission conducted a legally noticed public hearing and, after reviewing and considering all documents, testimony and other evidence presented, unanimously voted to recommend that the City Council approve amendments to Municipal Code Chapter 25.54 regarding sign regulations; and

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

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

SECTION 1. Municipal Code Chapter 25.54 regarding the City's Sign Regulations is hereby amended in its entirety as specified in Attachment A.

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

SECTION 3. This Ordinance is intended to be of Citywide effect and application. All ordinances and provisions of the Laguna Beach Municipal Code and Sections thereof inconsistent herewith shall be hereby repealed to the extent of such inconsistency and no further.

SECTION 4. The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published in the same manner required by law in the City of Laguna Beach. This Ordinance shall become effective thirty (30) days after the final approval by the City Council.

ADOPTED this ____ day of _____, 2002.

Wayne Baglin, Mayor

ATTEST:

City Clerk

I, Verna Rollinger, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance No. _____ was introduced at a regular meeting of the City Council on May 21, 2002 and was finally adopted at a regular meeting of the City Council of said City held on _____, 2002 by the following vote:

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

City Clerk of the City of Laguna Beach, CA

Version – May 21, 2002

Proposed changes are shown as underline and cross-out.

Chapter 25.54 - SIGN REGULATIONS

Sections:

- 25.54.002 Intent and purpose
- 25.54.004 Applicability and effect
- 25.54.006 Definitions
- 25.54.008 Computations
- 25.54.010 Signs permitted on private property
- 25.54.012 Signs in the public right-of-way
- 25.54.014 ~~Signs exempt from regulation~~ Regulation exemption
- 25.54.016 Prohibited signs
- 25.54.018 General permit procedures
- 25.54.020 Temporary sign permits
- 25.54.022 Nonconforming signs
- 25.54.024 Murals
- 25.54.026 Arts Organizations

25.54.002 Intent and purpose

The intent and purpose of ~~these sign regulations~~ this Chapter is to establish sign regulations that: encourage the effective use of signs as a means of communication in the City; to maintain and enhance the aesthetic environment; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign restrictions. The Sign Ordinance codified in this Chapter is adopted under the zoning authority of the City in furtherance of the more general purposes set forth in the zoning ordinance.

- (A) Protect and promote the general public welfare and artistic village character of the community.
- (B) Implement community design criteria consistent with the General Plan.
- (C) Preserve and enhance the community's appearance by regulating the design, character, location, type, quality, scale, color, illumination and maintenance of signs.
- (D) Promote signs that clearly identify uses and premises without confusion.
- (E) Encourage creative, artistic and well-designed signs that contribute to the visual environment of Laguna Beach, express local character and develop a distinctive image.
- (F) Encourage signs that are responsive to the aesthetics and character of their location and building architecture.
- (G) Recognize that many businesses in Laguna Beach are small, non-franchise establishments that depend on their sign's clear communication to draw customers.
- (H) Provide a review and approval process for signs.

25.54.004 Applicability and effect

~~A sign may~~ Signs shall not be erected, placed, established, painted, created or maintained in Laguna Beach ~~only unless they conform to~~ in conformance with the standards and procedures of this Chapter. The effect of this Chapter ~~as more specifically set forth herein,~~ is as follows:

(A) ~~To establish a permit system to allow a variety of~~ for signs types in Commercial and Industrial Zones, and a limited variety of signs in other zones various zoning districts, subject to the standards and permit procedures of this Chapter;

(B) ~~To provide for temporary signs in limited circumstances, on private property or within the public right-of-way,~~ subject to the standards and permit procedures of this Chapter;

(C) ~~To prohibit all signs not expressly permitted by this Chapter.~~

25.54.006 Definitions

~~Words and phrases used in this chapter shall have the meanings set forth herein. Words and phrases not defined in this section but defined in Chapter 25.08 shall be given the meanings set forth therein. All other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this Chapter.~~

“Abate” means to put an end to and to physically remove. Discontinuance of use without removal shall not constitute abatement.

“Advertising sign” means a sign, ~~the pictures, letters or display of which consists of or contains~~ the name of a person other than the occupant of the property on which the sign is located, ~~or consists of or contains~~ the name of a product ~~not produced~~ not sold on the premises or a service not rendered on the premises.

“Alley sign” means a sign within or adjacent to an alley.

“Animated sign” means any sign that uses movement, ~~or change of lighting to depict action or~~ create a special effect or scene lighting or special materials to depict action. This classification of sign includes, but is not limited, to motor-activated elements, any type of electronically controllable changeable copy signs and ~~includes~~ open flames.

“Approval Authority” means either the Director of Community Development for signs eligible for administrative review pursuant to Section 25.54.018(E), the Planning Commission for signs located within the Downtown Specific Plan area, or the Board of Adjustment/Design Review Board for signs located outside the Downtown Specific Plan area.

“Banner, flag or pennant” means any temporary sign of lightweight fabric, plastic, paper or ~~similar other non-rigid material~~ that is attached to any structure, pole, line or vehicle. National, state or municipal flags, displayed as such in an appropriate manner, ~~shall not be considered banners.~~

“Beacon” means any light with one or more beams directed into the atmosphere or directed at one or more points not on the same property as the light source; ~~also, any light with one or more beams that rotate or move.~~

“Billboard” means an advertising pole sign, see "advertising sign" and "pole sign".

“Blade or projecting sign” means any sign attached to or projecting from a building so that its leading edge extends more than 9 inches from the surface of the building. (The bottom edge of blade or projecting signs is at least 7 feet above public right-of-way.)

“Building marker” means a sign indicating the name of a building and/or the date of construction and incidental information about its the history of the building.

“Bulletin board” means a sign announcing coming events or activities through the use of changeable copy.

“Canopy/Awning sign” means any sign that is part of a component of or attached to an awning, ~~or canopy, marquee or other protective cover over a door entrance, window or outdoor service area.~~

- “Changeable display sign”** means a sign which is designed to hold information that is often changed, such as gas station prices, parking lot cost or rate charges, stock prices, and time and temperature.
- “City”** means the City of Laguna Beach and its staff or approval authority.
- “Directly lighted”** means internally illuminated by lights projected through a transparent or translucent sign surface.
- “Directory sign”** means a sign listing the persons or activities located on-site.
- “Double-faced sign”** means a sign with sign faces placed back-to-back.
- “Downtown”** means that area delineated in the Laguna Beach Downtown Specific Plan.
- “Flag”** means any permanent fabric sign attached to a permanent display or pole. Gonfalons, which hang between crosspieces or on a frame, and other permanent fabric signs attached along a vertical edge, shall be considered flags under this definition. Official flags of the United States, the State of California and other states of the nation, counties, municipalities, foreign nations, and nationally or internationally recognized organizations shall not be considered signs.
- “Footcandle (fc)”** means a unit of illuminance on a surface one square foot in area onto which there is a uniform flux of one lumen.
- “Footlambert (fL)”** means a unit of luminance of a surface reflecting or emitting light at the rate of one lumen per square foot. The average luminance of any reflecting surface in footlamberts is the product of the illuminance in footcandles striking the surface times the reflectance of the surface.
- “Freestanding sign”** means any sign supported by ~~structures~~ a monument structure or supports that are ~~is~~ anchored into the ground, and that ~~are~~ is independent from any building(s) or other structure(s) on the site and is 6 feet or less in height.
- “Glare”** means the sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort or the loss of visual performance and visibility.
- “Identification sign”** means a sign limited in content to the name and address of the ~~any~~ person(s) or persons ~~entity~~ located on-site.
- “Illuminance”** means the quantity of light arriving at a sign measured in footcandles (fc) or lux (lx).
- “Incidental sign”** means a ~~an~~ informational sign, ~~generally~~ informational, ~~having~~ a purpose secondary to the use of the lot on which located and not containing a commercial message. Examples of such signs include "no parking," "loading only" and other similar directives.
- “Indirectly lighted”** means ~~illuminated~~ illumination of a sign by a light source that is externally located ~~externally~~ to the sign surface. This method of lighting may include, but is not limited to, spotlighting or backlighting.
- “Inflated display sign”** means any three-dimensional air- or gas-filled object, attached or tethered to the ground, site, merchandise, structure or roof, and used to attract attention for business identification or communication purposes.
- “Interior building sign”** means a sign located on the inside of a building that is visible from the exterior of the building and which is less than 4 feet from the closest window. It does not include the display of merchandise or associated artwork and window signs.
- “Internally illuminated sign”** means a sign directly lit from an interior light source contained within the sign structure through a transparent or translucent surface.
- “Light source”** means any source of light, not necessarily limited to fluorescent tube, gas filled "neon" type tube, incandescent light bulb or flame.
- “Logo”** means any symbol(s) or letter(s) that identify a business, often used in signs.

- “Luminance”** means the light that is reflected from a surface toward the eyes, which the eyes perceive and is measured in footlamberts (fL), candelas per meter squared (cd/m² or nit) or candelas per square foot (cd/sq. ft). (One footlambert equals 3.4263 candelas per meter squared or 0.312685 candelas per square foot.)
- “Luminous tube sign”** means a sign which consists of or is illuminated by exposed electrically-charged gas-filled tubing, such as neon or argon signs, or by fiber optics.
- “Marquee”** means a sign designed to have changeable copy on a permanent roof-like structure extending from the façade of a playhouse or theater.
- “Master Sign Program,”** see “sign program, master.”
- “Menu A-frame or menu board sign”** means either a portable freestanding sign displaying the type and price of food and beverages sold in connection with a restaurant, or a permanently mounted sign, that may be enclosed, displaying the bill-of-fare for a restaurant.
- “Miscellaneous business signs”** means business operation signs such as credit card stickers, open and closed signs and hours of operation.
- “Mural”** means a-an original work of art or painting that is applied or attached to and made an integral part of an exterior wall. ~~A (At the discretion of the Arts Commission a mural shall may be considered a wall sign, if it contains words, logos, trademarks or graphic representations of any person, product or service that identify or advertise a business.)~~ Signatures shall be allowed and limited to a maximum of two square feet in size.
- ~~“Neon sign” means a sign comprised of or containing gas filled tubing exposed to view. Neon signs shall be considered directly lighted signs.~~
- “Nonconforming sign”** means any sign that does not conform to the requirements of this Chapter.
- “Open house sign”** means a temporary sign communicating that a property is available for inspection by prospective buyers and that the owner of the property or the owner's agent is on the premises during the time the property is open for inspection. (The regulations for such signs are delineated in Table 1 ([Permitted Signs by Type and Zoning DistrictUse].))
- “Parking sign,”** see “incidental sign.”
- “Parking lot sign,”** see “changeable display sign”
- “Person”** means any individual, association, business, corporation, firm, organization, or partnership, singular or plural, of any kind.
- “Pole sign”** means any sign erected on one or more uprights supported from the ground, and independent of a building for structural support, ~~height of which sign is greater than 6 feet.~~
- “Portable sign”** means any sign not permanently attached to the ground or a building, or a sign designed to be transported. This shall include A-frame and sandwich board signs and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless such vehicles are used in the normal day-to-day operations of the business.
- ~~“Projecting sign,” means any sign attached to a building in such a manner that its leading edge extends more than 6 inches from the surface of such buildingsee “blade or projecting sign.”~~
- “Real estate sign”** means a sign advertising or promoting the sale, lease or rental of real estate.
- “Roof sign”** means a sign which is erected upon the roof of a building.
- “Setback”** means the distance from the property line to the nearest part of the applicable building, structure or sign, measured perpendicularly to the property line.

“Sign” means any device, ~~nature~~, placard, painting, display, or structure that uses any color, form, graphic, illumination, ~~logo, symbol or letters to advertise, announce the purpose of, or identify a person or entity, or to communicate information of any kind, which is visible and used to attract attention from any public way to identify the name of a person or business, or to communicate information about the business conducted, services available or rendered, or the goods or property produced, sold or available for sale.~~ This shall not include normal merchandise or associated artwork on display in the window.

“Sign Program” means the scaled drawings showing the dimensions, computation of sign area, location, height, sign copy, letter size, sign materials, colors and lighting elements for all signs, existing and/or proposed for an individual business site.

“Sign Program, Master” means a coordinated, common set of standards for all new and existing signs, including but not limited to, letter size, sign size, style, colors, types, placement, lighting elements, number of signs and sign materials for a development with 4 or more businesses. (Master sign programs also provide plot plans showing the locations and sizes of existing and/or proposed signage in relation to existing and/or proposed buildings, parking lots, driveways, streets and landscaped areas of the development.)

“Site” means that property or suite or unit within a structure which provides a location for and justifies the area of a sign.

“Street frontage” means the length of a property line along a street or streets that forms its boundary.

“Suspended sign” means a sign that is ~~suspended from~~ attached to the underside of a horizontal plane surface of a building. (The bottom edge of suspended signs is at least 7 feet above public right-of-way.)

“Temporary sign” means a sign that is used or maintained for short duration.

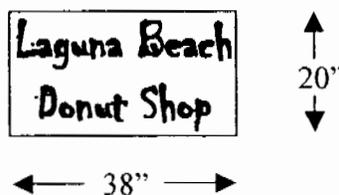
“Wall sign” means any sign attached parallel to or painted on an exterior wall of a building, and which projects not more than 6-9 inches from such wall. (Wall signs do not intrude upon or extend over a public right-of-way, unless the bottom edges of such signs are at least 7 feet above the right-of-way.)

“Window sign” means any sign that is placed, painted or attached upon, ~~within or behind~~ a window, ~~fewer than 3 feet from such window~~ and is visible from the exterior of the window.

25.54.008 Computations

The following principles shall control the computation of sign area and sign height.

(A) Computation of Area of Individual Signs. The permitted size area of individual signs shall be as specified in Tables 1 and 2. The area of a single-faced sign shall be computed by means of the simplest geometric shape(s) that will encompass the extreme limits of the sign, including any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing. (See the illustration below.) A background panel of not more than 2-inch thickness, painted the same color as the wall or structure to which it is attached, shall not be considered part of the sign. Windows with mullions less than 3 inches in width shall be considered as one window.



(B) Computation of Area of Multi-faced Signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces.

(C) Computation of Height. The height of a sign shall be computed as the distance from the base of the sign at ~~normal~~-natural grade to the top of the highest attached component of the sign. ~~Normal~~-Natural grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming or excavating solely for the purpose of locating the sign. In cases in which the ~~normal~~natural grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the ~~normal~~-natural grade at the base of the sign is equal to the elevation of the nearest street curb. In the event there is no curb, height shall be measured from the centerline of the street.

(D) Computation of Total Allowable Sign Area. ~~The permitted sum of the area of all individual signs on a lot shall be as set forth below in Table 2. A site's combined allowable sign area of all permanent signs not exempt under Section 25.54.014 shall not exceed 1 square foot per linear foot of building or suite frontage, up to a maximum of 150 square feet. Single signs shall not exceed 75 square feet in size. Alley, blade or projecting, building marker, incidental, marquee, miscellaneous business signs, real estate, temporary and suspended signs are exempt from the maximum combined sign area limit. Lots fronting on Sites with two or more fronts on streets or pedestrian accessways may be permitted the above allowable sign area for each street frontage on a street or pedestrian accessway, provided that such sign areas may are not be cumulative on any one street or pedestrian accessway and or that the signage oriented toward any one street or pedestrian accessway shall does not exceed the total maximum allowable area for that street.~~

Properties having secondary frontage on a public alley may be permitted a wall, blade or projecting sign at the entrance to the building from the alley.

25.54.010 Signs permitted on private property

(A) Signs may be allowed on private property only in accordance with Table 1 below. If the letter "A" appears for a sign type in a column, such sign is allowed without prior permit approval. If the letter "P" appears for a sign type in a column, such sign is allowed only with prior permit approval; special conditions may apply in some cases. If the letter "N" appears for a sign type in a column, such sign is not allowed under any circumstances. (Note: These letters are subject to the footnotes appended to Table 1.)

(B) Design, Construction and Maintenance. All signs shall comply with the design standards set forth in Table 1 (Allowable Signs by Type and ~~Zoning District~~Use) and Table 2 (Design Standards by Sign Type). All signs shall be maintained in good condition for the life of the sign. Torn canopies or awnings, broken elements, faded or flaking paint, or similar evidence of poor maintenance are the responsibility of the owner to repair in a prompt manner. Signs not adequately maintained shall be considered nuisances and may be abated per Municipal Code Chapter 7.24.

(C) Lighting.

(1) Method. Where not otherwise restricted, signs may be indirectly lighted. ~~With the exception of interior building signs, directly lighted signs are prohibited.~~ High intensity discharge light sources including, but not necessarily limited to mercury vapor, metal halide, and high ~~or low~~ pressure sodium, shall not be permitted.

(2) Shielding. The lighting source shall be shielded in an appropriate manner to direct light ~~onto only upon~~ the sign and minimize glare and/or light spillage onto the public way or adjacent properties.

(3) Intensity Luminance. The maximum allowable lighting intensity shall be 1740 lumens, based on the following table:

<u>Sign Luminance Standards</u>	
<u>Range of Sign Luminance (Candelas/square foot)</u>	<u>Ambient Light Environment</u>
<u>1 to 70</u>	<u>LOW Areas with no exterior lighting, other than street lighting. Such areas include, but are not limited to, most residential areas and the beaches.</u>
<u>70 to 100</u>	<u>MEDIUM Areas where signs are relatively isolated or areas adjacent to "Low" ambient light areas.</u>
<u>100 to 140</u>	<u>HIGH Areas such as the downtown, streets or parking areas that are highly lighted or areas with high sign competition</u>

Illumination of signs shall be measured at the face of the sign with a light meter using appropriate methodology that ensures accurate luminance readings. This requirement may be modified by the design review board when deemed appropriate. Notwithstanding the above standards, the Director of Community Development may order the dimming of any sign illumination determined to be excessively bright. Lighting fixtures used to illuminate signs from the front shall be mounted from the top of the sign structure.

(D) Master Sign Programs. Where ~~several~~ 4 or more businesses or uses requiring signage exist ~~on one site at one location or building center complex~~, a master sign program shall be submitted ~~by the property owner for design review approval~~ review and approved by the approval authority prior to the issuance of any sign permits. (See the master sign program submittal requirements in Section 25.54.018[A].) ~~The total sign area for the site shall be proportionately distributed among the various occupancies on the site, with tenant frontage as the basis for proportionate distribution of sign area. Sign programs shall be reviewed in accordance with the procedures of Section 25.05.040.~~ In order to assure aesthetic compatibility, the Design Review Board approval authority may establish whatever conditions are deemed necessary to maintain appropriate design, the continuity and harmony of the signage for the site.

25.54.012 Signs in the public right-of-way

Excepting those signs allowed under this section, no signs shall be allowed in the public right-of-way or beyond a street plan line.

(A) Signs Requiring a Permit. The following signs may be allowed subject to the permit procedures of Section 25.54.018:

(1) Canopy/awning, blade or projecting, or suspended or wall signs projecting over a public right-of-way in conformity with the design standards requirements set forth in Section 25.54.010 and Tables 1 and 2 this Chapter. (The bottom edge of such signs shall be at least 7 feet above the public right-of-way.);

(2) Signs erected by or on behalf of a public agency to identify public property or convey public information;

(3) City sponsored signs or master sign programs, including temporary signs or

temporary sign programs.

(B) Signs Not Requiring a Permit. The following signs do not require a permit prior to placement on public property:

- (1) Bus stop signs erected by a public transit company;
- (2) Emergency warning or directional signs erected or placed by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way;
- (3) Informational signs of a public utility regarding its poles, lines, pipes or facilities;
- (4) Signs erected by or on behalf of a public agency to post legal notices or to direct or relocate pedestrian or vehicular traffic;
- (5) Banners approved and erected by the City over Forest Avenue or decorations erected by the City.

(C) Forfeiture. Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the City shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

25.54.014 ~~Signs exempt from regulation~~ Regulation exemption

The following signs shall be exempt from regulation under this chapter:

- (A) Any public notice or warning signs required by a valid and applicable federal, state, or local law, regulation or ordinance.
- (B) Holiday lights and decorations with no commercial message, ~~but~~ allowed only between November 15th and January 15th of the following year.
- (C) Except for luminous tube signs, all interior-interior building signs located more than three-four (4) or more feet from any window or opening through which they might be visible. (Note: All luminous tube signs are prohibited, regardless of location, if they are visible through a window from a public street or accessway.)
- (D) Miscellaneous business signs, such as credit card stickers, open and closed signs, hours of operation, etc., provided that each group/set of miscellaneous business signs do not exceed 2.25 square feet in area and there is only one (1) group/set of such signs per entrance. (Note: Luminous tube open and closed signs are not allowed.)
- (E) Temporary election signs posted on private property, subject to the permission of the property owner.
- (F) Memorial signs and plaques.
- ~~(D)~~(G) Signs not visible from a public right-of-way street or pedestrian accessway.
- (H) Street address numerals, when not part of the business name.
- (I) Bulletin Boards 25 square feet and under used by public, educational or religious institutions.
- (J) Official flags of the United States, the State of California and other states of the nation, counties, municipalities, foreign nations, and nationally or internationally recognized organizations.

25.54.016 Prohibited signs

All signs not expressly permitted under this chapter or exempt from regulation in accordance with the ~~previous~~ Section 25.54.014 are prohibited. Such signs include, but are not limited to:

- (A) Animated signs;
- (B) A sign no longer identifying a bona fide existing business;
- (C) Banners and beacons, except as permitted in accordance with Sections 25.54.012 and 25.54.020;
- (D) Billboards, including mobile billboards on trailers;
- ~~(DE) Directly lighted~~Excepting marquees, internally illuminated signs, including neon, fiber-optic or other similar devices;
- (F) Luminous tube signs, regardless of internal or external location, if they are visible from a public street or pedestrian accessway;
- ~~(EG) Inflatable-Inflated display~~ signs and tethered balloons, except as permitted in accordance with Section 25.54.020 or as a part of an approved outdoor display or sign program;
- ~~(F) Outlining of the outside of buildings or portions thereof with gaseous tubing, fluorescent or incandescence lights;~~
- (GH) Portable signs;
- (I) Roof signs;
- (J) Signs of any type associated with a bus stop. (Bus stop signs erected by a public transit agency are allowed.);
- (K) Back-lit canopy/awning signs;
- (L) Pole signs.

25.54.018 General permit procedures

The following procedures shall govern the application for and issuance of all sign permits under this chapter, and the submission and review of sign programs.

(A) Applications. All applications for sign permits or master sign programs of any kind shall be submitted to the Department of Community Development on an approved application form.

The sign permit application shall require the development of a sign program for a business and include, but not be limited to, scaled drawings showing the dimensions, computation of sign area, location, height, sign copy, letter size, sign materials, colors and lighting elements for all signs, existing and proposed on the site. Construction specifications shall be provided for all new signs, including electrical components and wiring, and the method of attachment and design of the structure to which the sign attachment is made.

Master sign program applications shall include a complete set of coordinated, common sign standards, including, but not limited to, letter size, sign size, style, colors, types, placement, lighting elements, number of signs and sign materials. In addition, master sign program applications shall also provide an accurate plot plan showing the locations and sizes of existing and/or proposed signage in relation to existing and/or proposed buildings, parking lots, driveways, streets and landscaped areas of the development.

(B) Fees. Each application for a sign permit shall be accompanied by the applicable fees, which shall be established by City Council resolution.

(C) ~~Design Review Approval Required. Except as provided for in subsection (E) below, the~~The modification of an existing sign or the construction, creation or installation of a new sign requiring a sign permit shall be subject to the review and approval of the ~~Design Review Board~~approval authority.

(D) Design Criteria. The following design criteria shall be considered in the review of proposed signage:

(1) ~~The size, color and scale of signs must be appropriate to the business and compatible with the surrounding visual environment.~~ Signs, including logos, should be compatible with the architecture of the structure and should be made of high quality materials, clearly identify the name and character of the business, and be visually compatible with the surrounding physical environment in terms of color, scale and size. In order to emphasize the village character of Laguna Beach, blade or projecting and suspended signs are strongly encouraged. Representational signs, such as an easel or a palette and brushes for an art supply store, books for a bookstore, or a corkscrew or wine bottle for wine shop, are encouraged. Three-dimensional signs are strongly encouraged.

(2) ~~Signs should be simple in design and caricatures and cartoons should be discouraged.~~

(3) ~~Sign content should be limited to the business name only.~~

(42) The use of natural materials in the construction of signs is encouraged.

(53) Awnings-Canopies and awnings must be constructed of opaque materials.

(4) The height (font size) of letters must be proportional to the allowed sign size and its location. Font size should primarily be related to location. Signs in the Downtown area should feature smaller font sizes to attract pedestrians and slow moving, nearby traffic. Signs outside the Downtown area should allow larger font sizes to be legible to faster moving traffic.

(5) The Downtown Specific Plan's urban design guidelines shall be considered by the approval authority in reviewing proposed signs in the Downtown Specific Plan area. Primary signs for this area should meet high standards of design that enhance the charm and character of the area.

(E) Signs Eligible for Administrative Approval. Certain signs may be eligible for administrative review and approval by the Director of Community Development, if they meet the following criteria. At the discretion of the Director, such signs may be referred to the ~~Design Review Board~~ appropriate approval authority for review. Eligible signs include:

(1) ~~Signs in conformance compliance~~ with an approved master sign program;

(2) ~~Signs listed under subsection (D)(3) of this section which~~ meet all of the following conditions:

(a) The sign(s) must meet all applicable design standards as set forth in this Chapter, including but not limited to Section 25.54.010 and Tables 1 and 2;

(b) The sign(s) shall not cause the total signage to exceed 50% of the maximum allowable sign area for the site;

(c) ~~The sign(s) shall not exceed 10 square feet in area;~~ Each sign shall not exceed 50% of the maximum sign area specified in Table 2; and

(d) ~~The letter or font height must~~ shall not exceed 8 inches.

(3) ~~Eligible signs:~~

(a) ~~Bulletin boards,~~

(b) ~~Identification signs located in the R-2 or R-3 district,~~

(c) ~~Public service signs,~~

(d) ~~Signs on existing awnings,~~

(e) ~~Suspended signs,~~

(f) ~~Wall signs.~~

(3) Temporary signs which comply with the requirements of Section 25.54.020. Temporary signs or temporary sign programs for City Council approved special events are not eligible for administrative approval.

(F) Appeals ~~from~~ of a Determination of ~~by~~ the Community Development Director. Any person ~~aggrieved by any~~ disagreeing with a determination of the Director as provided for herein shall have the right ~~to~~ of appeal ~~such determination to the Design Review Board~~ appropriate approval authority. ~~Such~~ The appeal must be filed within 10 business days after such determination and shall be heard ~~without notice~~ at the next regular meeting of the ~~Design Review Board~~ appropriate approval authority ~~falling at least 10 days from the date of such filing~~.

(G) Creativity Encouraged. Except for the Community Development Department Director, the approval authority may, at its discretion, grant permits for signs not otherwise in conformance with this Chapter up to a 25% increase in allowable sign area or height, if it finds the sign design to be extraordinarily creative and significantly contributing to the charm and character of Laguna Beach.

25.54.020 Temporary sign permits

Temporary signs shall be allowed only upon the issuance of a temporary sign permit, which shall be subject to the following requirements:

(A) Application. Applications for temporary sign permits shall be submitted to the Department of Community Development on an approved application form or in accordance with application specifications established by the Director.

(B) Fees. Each application for a temporary sign permit shall be accompanied by the applicable fees, which shall be established by City Council resolution.

(C) Term.

(1) Temporary sign permits for beacons, searchlights and similar devices used for commercial advertising or identification purposes may be issued for a term not to exceed 7 successive nights;

(2) Except as specified in subsection (E) below, permits for other types of temporary signs may be issued for a term not to exceed 30 days, ~~except that one extension for~~ and an additional 30 days term may be permitted.

(D) Limitation. ~~Only one (1) temporary sign permit shall be issued to the same business license holder on the same lot in any 6-month period.~~ A business license holder may post temporary signs up to a maximum of 60 days per year.

(E) ~~Design Standards~~ Specific Temporary Sign Requirements.

(1) Temporary Banners. One temporary banner sign, not exceeding 5 square feet in the downtown and 10 square feet outside of the downtown, may be located on a face of building for a term not to exceed 30 days. Temporary banners may not be displayed within or on a window or be ground-mounted. The banner should be designed with the use of natural earth or pastel colors for the lettering and background. The approved term may be extended for one additional 30-day period.

(2) Temporary Signs. Each temporary sign shall equal no more than 5 square feet in the downtown and 10 square feet outside of the downtown. There shall only be one temporary sign per window or wall face, and it may be posted for maximum of 30 consecutive days and 60 days per year

(~~3~~) Temporary Construction Signs. One sign identifying the person or persons engaged in a construction project may be permitted on a property during the period of construction, subject to the following conditions:

(a) The sign must be located ~~on~~ within the construction site parcel; the location shall not obstruct vehicular sight distance or be detrimental to surrounding properties.

(b) Where located in a residential district, the sign area shall not exceed ~~6~~ 3 square feet; in other zoning districts the sign area shall not exceed ~~32~~ 6 square feet.

(c) The sign may remain for a term not to exceed one year, and shall be completely removed prior to final building inspection.

(24) Temporary Subdivision Signs. One temporary sign advertising the prospective sale or lease of a group of lots or dwellings within a ~~tract or buildings~~ subdivision shall be permitted, subject to the following conditions:

(a) The sign must be located on the premises being sold or leased;

(b) The area of the sign shall not exceed ~~3-6 square feet for each lot or dwelling offered for sale, up to a maximum of 32 square feet;~~

(c) The sign may not be illuminated;

(d) The sign may remain only as long as the property remains unsold or unleased for the first time, up to a maximum 1-year period. The Director of Community Development shall have the authority to extend the 1-year time period for one additional 1-year period;

(e) There shall be deposited with the ~~Building~~ Community Development Department cash or surety bond in the amount of ~~\$150~~ \$300. The conditions of the bond shall be as follows: If the permittee faithfully complies with the requirements and conditions of this subsection, then such bond shall be ~~null and void~~ exonerated and cancelled; the bond shall otherwise be forfeited to the City as a penalty for failure of the applicant to comply with the conditions of the bond.

(5) Special Events Signs. Temporary signs or temporary sign programs for City Council approved special events may be allowed by the Planning Commission as long as the following items are reviewed and specified in the approval: i) size and design for each sign; ii) maximum display term; and iii) location of each sign. The Planning Commission has complete discretion for these specifications regardless of the other provisions of this Chapter. Such special event signs shall minimize clutter, be compatible with the village character of Laguna Beach and reflect integration with the site's surroundings.

25.54.022 Nonconforming signs

(1) ~~Any sign(s) which lawfully existed as of the date of enactment of this chapter or any amendment hereto, but which do not conform to the provisions thereof, shall be abated or made to conform within 3 years from the date of enactment.~~

(2) ~~In newly annexed areas, all signs shall be abated or made to conform within 3 years from the effective date of such annexation.~~

(3) ~~Existing pole signs located within the City boundaries on June 6, 1988 shall have been abated on or before June 6, 1991.~~

(A) Amortization Period. Any sign that does not conform to this chapter, but which lawfully existed as of the date of this chapter's enactment or amendment, shall be abated or made to conform within the applicable amortization period specified below.

(1) Temporary signs: Within 1 day of the property or business owner receiving written notice that the sign is nonconforming;

(2) Luminous tube or internally illuminated signs: Within 60 days of the property or business owner receiving written notice that the sign is nonconforming;

(3) Window signs: Within 120 days of the property or business owner receiving written notice that the sign is nonconforming;

(4) All other signs: Within 3 years of the property or business owner receiving written notice that the sign is nonconforming.

(B) Administrative Relief. Any property or business owner may seek an extension of the applicable amortization period by filing a written application, in the form specified by the Community Development Department and subject to payment of the filing fee established by resolution of the City Council, to the Director of Community Development within ten days of receipt of the notice described above in subdivision (A); provided, however, that amortizations periods shall not be extended for any of the following: any sign with an intended life of less than

15 years, any temporary sign, any sign erected without first complying with all ordinances and regulations in effect at the time of the construction and erection of the sign, any sign which has been more than 50% destroyed, any sign whose owner seeks relocation thereof, or any sign for which there has been an agreement between the owner thereof and the City for its removal as of any given date. The determination of the Director of Community Development shall be made in writing within 30 days of receipt of a complete application. Any aggrieved applicant may appeal the determination of the Director of Community Development pursuant to Section 25.05.070.

(C) Criteria for Determination of Application. In making a determination as to whether an amortization period should be extended, the following matters, among other relevant information, should be considered:

- (1) The property or business owner's investment in the nonconforming sign
- (2) The nonconforming sign's present actual or depreciated value
- (3) The depreciation treatment for income tax purposes
- (4) The cost to remove nonconforming sign and salvage value
- (5) The nonconforming sign's remaining useful life
- (6) The age, condition and physical characteristics of the nonconforming sign
- (7) The location of the nonconforming sign
- (8) The extent of sign's nonconformity
- (9) The date of construction of the nonconforming sign
- (10) The property or business owner's monopoly or business advantage resulting from prohibition of similar signs
- (11) The harm to public if the nonconforming sign remains beyond the prescribed amortization period

(D) Any nonconforming sign shall either be eliminated or made to conform with the requirements of this Chapter when any change, including proposed changes to the information on the face of an existing nonconforming sign, repair or maintenance is proposed.

(E) In newly annexed areas, all nonconforming signs shall be abated or made to conform within three years from the effective date of such annexation.

(F) The billboard located at 31792 Coast Highway shall be abated on or before September 6, 2010 pursuant to the Van Wagner Settlement Agreement approved by City Council on October 3, 1995.

25.54.024 Murals

(A) Murals shall conform to the design standards and permit procedures outlined below ~~for such signs~~; except that murals proposed in compliance with Chapter 1.09 (Art in Public Places) shall be governed by the design standards and permit procedures of that Chapter, and ~~murals mural proposals~~ which are considered to be wall signs, pursuant to the definition of "mural" in Section 25.54.006, shall conform to the design standards and permit procedures applicable to ~~such~~ wall signs. Signature(s) of the artist(s) shall be allowed and limited to a maximum of two square feet.

(B) The following procedures shall govern the approval of ~~murals not considered to be wall signs~~ mural proposals.

(1) Applications. Applications for mural permits shall be submitted to the Department of Community Development on an approved application form and shall be accompanied by the following: a site plan showing the lot and building dimensions and indicating the proposed location of the mural; a scale drawing and color photo of the building showing the proposed size and placement of the mural; a colored drawing of the proposed mural; and the proposed maintenance schedule.

(2) Arts Commission Review Required. Prior to the required design review, the The Arts Commission shall ~~serve an advisory role by providing review and approve a recommendation to the Design Review Board~~ regarding all proposed murals/mural applications. If the proposed mural contains words, logos, trademarks or graphic representations of any person, product or service that identify a business, the Arts Commission shall determine whether the proposal is a mural or a wall sign.

(3) Heritage Committee Review Required. If a mural is proposed on a historic structure identified on the City's Historic Resources Inventory and/or City's Historic Register, the Heritage Committee shall review and make a recommendation regarding the mural proposal prior to the review of the Arts Commission.

(34) Design-Additional Review-Required. All proposed murals shall ~~located in the downtown may be be subject to the review and approval of the Design Review Board, including the noticing requirements~~ appealed to the Planning Commission by a member of the Planning Commission or City Council for review and approval. ~~set forth in Section 25.05.040 for design review. The Design Review Board shall consider the recommendations of the Arts Commission in reviewing mural applications.~~

(45) Design-Criteria. In addition to the design criteria set forth in this Chapter and Section 25.05.040 for design review, the following criteria shall be considered in the review of mural applications:

(a) Visual Enhancement. The proposed mural has attributes that enhance ~~visual enjoyment~~the site;

(b) Artistic Excellence. The proposed mural exemplifies high artistic quality of original artwork;

(c) Public Safety. The proposed mural does not create a public safety issue, ~~such as a distraction to drivers~~;

(56) Lighting. ~~Murals shall not be lighted in any manner~~Proposed lighting of murals shall minimize glare and/or light spillage onto the public way or adjacent properties;

(67) Long-term Maintenance and Removal. The mural shall be ~~kept maintained~~ in good condition for the life of the mural according to the maintenance schedule and responsibilities approved by the ~~Design Review Board~~Arts Commission. The removal or deaccession of murals shall comply with the Deaccession Policy established by the City Council of Laguna Beach.

25.54.026 Arts Organizations

(A) Signs, Façade Changes and Sign Programs for Arts Organizations. It is recognized that certain public benefit non-profit arts organizations, specifically the Festival of Arts, the Sawdust Festival, the Art-A-Fair, the Laguna Playhouse, the Laguna Art Museum and the Art Institute, conduct annual or ongoing special events which have special needs in terms of the audience or patrons they serve which may not be adequately addressed by the sign requirements applicable to private commercial enterprises.

(B) Criteria. The above arts organizations may apply for and receive approval for sign permits or sign programs, including façade changes, from the Planning Commission in accordance with the provisions of this Section. The proposed plans for a sign, façade change or sign program must: 1) specify the size and design for each sign or façade change; 2) the maximum display term; and 3) the location of each sign. The Planning Commission has complete discretion for these specifications, regardless of the other provisions of this Chapter. The approved signs, façade changes or sign programs shall minimize clutter, be compatible with the village character of Laguna Beach, reflect an integration with the site's surroundings, promote the purpose and mission of the arts organization and not significantly differ from the historic pattern of the arts organization's signage and façade presentation.

(C) Administrative Approval. The Planning Commission may authorize administrative approval by the Director of Community Development for new signs or changes to existing signs subject to and in accordance with an approved sign program. The Planning Commission may establish special criteria for such administrative approvals by the Director when it approves an arts organization's sign program.

(D) Commercial Events. Signs for any type of private commercial events located at an arts organization's site shall require separate sign permits and be subject to the requirements of this Chapter.

**Table 1
Permitted Signs by Type and Zoning District Use**

Sign Type	Residential ¹	Commercial ¹	Industrial ¹	Institutional ¹	Recreational ¹
Advertising	N	P	P	N	N
Alley	N	P	P	P	P
Projecting Blade or Projecting ⁷	N	P	P	P	P
Building Marker ²	A	A	A	A	A
Bulletin Boards	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>PA</u>	<u>PA</u>
Canopy/ Awning ⁷	N	P	P	P	N
Changeable Display	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Directory	P	P	P	P	P
Freestanding	N ³	P	P	P	P
Identification	A ⁴	P	P	P	P
Incidental ⁵	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>
Interior Building	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Marquee	<u>N</u>	<u>P</u>	<u>N</u>	<u>P</u>	<u>N</u>
Menu A-Frame or Menu Board	<u>N</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>
Open House ⁶	A	A	A	A	A
Real Estate	A	A	A	A	A
Roof	N	<u>PN</u>	N	N	N
Suspended ⁷	N	P	P	P	P
Temporary ⁸	P	P	P	P	P
Tract/Area Identity ⁹	P	P	P	N	N
Wall ⁷	N	P	P	P	P
Window	N	<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>

KEY: A=Allowed without a Sign Permit P=Permit Required N=Not Allowed

¹ This column does not necessarily represent a zoning district. It ~~applies—represents to~~ institutional and recreational types of uses permitted under the zoning ordinance in any zoning district. Such uses may include, but are not necessarily limited to, churches, schools, cemeteries and park facilities.

² May include only building name, date of construction, and/or historical date on historic site.

³ Excepting incidental signs.

⁴ Permit required in R-3 zone and for "Bed & Breakfast" identification signs in the R-2 zone.

⁵ Such signs shall not be illuminated and may not contain a commercial message of any kind.

⁶ ~~Such~~ Open house signs:

- (A) shall not exceed 2 sq. ft. per sign face;
- (B) shall be affixed to a single wood or metal pole;
- (C) shall be installed no earlier than 8:00 a.m. and removed no later than sunset on the day of the open house;
- (D) shall be posted only during the time the owner or agent is on the premises and the premises are open for inspection;
- (E) shall not be placed on public property or public right-of-way but only on private property with prior consent of that property owner;
- (F) shall not be installed in a manner which creates a hazard to pedestrian or vehicular traffic;
- (G) shall contain only the wording "open house" with a directional arrow, except that the name of the person and/or company owning the sign may be affixed in a space not exceeding ~~2 sq. inches~~ 3-½ inches wide by 3 inches high placed in the upper left-hand corner of the sign;
- (H) may be placed in each direction of any intersection at any time (only one sign allowed in each direction); and
- (I) shall have obtained ~~Design Review Board~~ approval from the approval authority of the format; for example, green, blue or red lettering on a white background.

⁷ If ~~such a~~ canopy/awning, suspended, blade/projecting or wall sign is suspended or projects above a public right-of-way, the sign owner shall obtain and maintain in force liability insurance for such sign and the bottom edge must be at least 7 feet above public right-of-way surface.

⁸ The conditions of Section 25.54.020 of this Chapter apply.

⁹ Such signs shall consist of landscaped decorative masonry walls not exceeding 42 inches in height, and shall be located so as not to interfere with vehicular access or visibility.

**Table 2
Sign Design Standards by Sign Type**

Sign Type	Maximum No. Permitted	Maximum Sign Area ¹	Height ²	Other Specifications
Advertising	Discretionary	10% of copy displayed on a sign allowable wall or freestanding sign area	6'	See appropriate specifications for wall or freestanding sign.
Alley ³	1 per building	10 sq. ft. per sign	n/a	See appropriate specifications for wall or freestanding sign.
Projecting Blade or Projecting ³	Discretionary	75-12 sq. ft. per sign face	8'-7' minimum clearance	Sign may project a maximum of 3-5 ft. from building wall
Building Marker ³	1 per building	±2 square foot	n/a	Must be cut or etched into masonry/bronze/similar material.
Bulletin Boards ⁴	1 per site	Double-faced; maximum 25 sq. ft.	6'	See appropriate specifications for wall or freestanding sign.
Canopy/Awning	Discretionary	75 sq. ft. per sign face	n/a ⁷ minimum clearance	Sign copy must be located on front or leading edge only and may not be backlit.
Changeable Display ⁶ (including parking lot cost or rate signs)	1 per site or parking lot entrance/exit; service stations -discretionary	10 sq. ft.	6'	Service station price signs ³ are allowed in accordance with State regulations; however they shall not be internally illuminated.
Directory	1 per frontage	75 sq. ft. per sign face	6'	See appropriate specifications for wall or freestanding sign.
Freestanding	1 per site ⁴	1/3 of allowable sign area for site; max. 50 sq. ft. total; 25 sq. ft. per sign face	6'	Minimum side setback of 5 ft.; corner setback as per Section 25.50.006
Identification ²	1 per site or tenant	12 sq. ft. in the R-3 Zone; ½ sq. ft. in the R-1/R-2 Zones ⁵	6'	See appropriate specifications for wall or freestanding sign.
Incidental ³	Discretionary	3 sq. ft. per sign; Maximum of 8 sq. ft. total	4'	See appropriate specifications for wall or freestanding sign.
Interior Building	2 per site or tenant	Maximum of 12 sq. ft. total	n/a	Such signs shall not be internally illuminated.
Marquee ³	1 per site	Discretionary	n/a	Marquee may be internally illuminated.
Menu A-Frame or Menu Board	1 per site	8 sq. ft. per sign face for Menu A-Frame; 4 sq. ft. for Menu Board for restaurant & 20 sq. ft. for drive-thru	4' for Menu A-Frame; 7' for Menu Board	Must be located on private property, not affixed to a window or placed on a public sidewalk. Must be compatible with scale, colors and materials of restaurant.
Open House	See Table 1, Footnote 6	2 sq. ft. per sign face	4'	See Table 1, Footnote 6
Real Estate ³	1 per frontage	Double-faced; 3 sq. ft. per sign face	4'	See appropriate specifications for wall or freestanding sign.
Roof	1 per site ⁵ Not allowed	75 sq. ft. per sign face/n/a	n/a	Parallel with and directly above the building wall below, perpendicular to direction of roof slope. n/a
Suspended ³	Discretionary	Double-faced; 2-12 sq. ft. per sign face	8'-7' minimum clearance	Sign-Suspended signs shall be rigidly safely attached to the structure to minimize movement.
Temporary ^{3,7}	1 per wall or window	10 sq. ft., except in the downtown area the limit is 5 sq. ft.	n/a	May not be posted for more than 30 consecutive days or a total of 60 days per year.
Wall	Discretionary 3 per site	75 sq. ft. per sign face, except in the downtown area the limit is 15 sq. ft.	n/a	Side setback equal to 10% of frontage, maximum requirement of 5 ft.; minimum 3 ft. separation between signs on same site.
Window ²	Discretionary 3 per site	2010% of the window area, up to a max. of 20-10 sq. ft. per site window, except in the downtown area the max. is 5 sq. ft. per window	n/a	Sign-Window signs may not be illuminated; adjacent windows with mullions less than 3 inches in width will shall be considered as one window.

Exhibit 23

May 2009 of 21

- ¹ The combined allowable sign area of all permanent signs not exempt under Section 25.54.014 on any site shall not exceed 1 sq. ft. per foot of linear building or suite frontage, up to a maximum of 150 square feet. ~~and no single~~ Single signs face shall not exceed 75 sq. ft. in size. (See Section 25.54.008[D].)
- ² Top of sign height limit, unless otherwise noted.
- ³ Exempt from maximum allowable sign area calculations. (See Section 25.54.008[D].)
- ⁴ Excepting incidental, real estate and open house signs there shall be no more than one freestanding sign allowed per site. Brochure holders are not allowed, and only one rider sign, not to exceed 18 inches wide by 6 inches high in size, per sign is allowed.
- ⁵ A non-illuminated sign not exceeding 1 sq. ft. in area may be permitted for Bed & Breakfast Inns located in the R-2 district. Such signs may consist of the name of the occupant or establishment located on the premises and a description of services rendered; the establishment shall be referred to as an "inn."
- ⁶ ~~The roof over which a roof sign may be located must have a minimum slope of 3:12. The sign must have a vertical dimension not exceeding 1/2 the horizontal dimension, up to a max. of 5 ft. The sign may not extend above any ridge or lip line within 10 ft., measured horizontally from the sign, nor 25 ft. above adjacent ground.~~ Parking lot operators must continuously and clearly display the charge for parking at parking lot entrances so that patrons can determine the cost of parking prior to entering the lot.
- ⁷ See Section 25.54.020 for the special requirements of banners, temporary construction or subdivision signs and for City Council approved temporary special event signs.
- ⁸ Bulletin Boards 25 square feet and under used by public, educational or religious institutions are exempt.

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ORDINANCE NO. 1417

FEB 11 2005

AN ORDINANCE OF THE CITY OF LAGUNA BEACH AMENDING THE DIRECT ACCESS STANDARDS OF THE CITY BY AMENDING MUNICIPAL CODE SECTIONS 11.40.070 AND 25.53.004 AND ADDING SECTION 21.12.440

CALIFORNIA
COASTAL COMMISSION

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

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

SECTION 1. Municipal Code Section 11.40.070 regarding the review criteria for road or street extensions is hereby amended to read in its entirety as specified below.

11.40.070 Review criteria.

The review process for street openings or extensions shall include the following:

- (a) Conformity with applicable elements of the General Plan, especially with respect to land use, circulation and public safety policies;
- (b) Consistency with adopted standards of street and grading design as set forth in Titles 21 and 22 of the Municipal Code;
- (c) That development of the building site(s) will not create a foreseeable need for additional variances from the development regulations imposed by virtue of street design or location;
- (d) Conformance with applicable provisions of the Streets and Highways Code of the State of California, especially with regards to street openings and waivers of grade;
- (e) Assurance that the long-term public or private maintenance obligations imposed by the improvement have been adequately addressed and are found to be acceptable, especially with regards to street surfacing, drainage and erosion control and sanitary sewer services;
- (f) Any growth-inducing effects of the proposal shall be investigated and adequately considered.
- (g) New building sites created through a street extension review and approval process shall be provided by roads with direct access, (see Section 25.53.004).
- (h) Secondary emergency access shall be provided by roads with direct access.

SECTION 2. Municipal Code Section 25.53.004 regarding vehicular access requirements is hereby amended to read in its entirety as specified below.

25.53.004 Vehicular access.

(A) For definitions of "access," "street," "driveway," "subdivision standards" and "usable vehicular right-of-way of record" in relationship to a "lot," a "building site" or "parcel," refer to Chapter 25.08, "Definitions and Standards" and Title 21 for definitions and street design standards.

(B) There shall be safe vehicular access from a “usable vehicular right-of-way of record” to off-street parking facilities on the property requiring such facilities.

(C) Vehicular access to lots fronting on arterial and primary residential collector streets shall be such that there shall be a paved turning area on the lot or device to permit motor vehicles to head into the street, as approved by the City Engineer.

(D) Direct access shall be provided to building sites. New building sites created through a street extension or subdivision review and approval process shall be provided by roads with direct access. Secondary emergency access shall be provided by roads with direct access.

SECTION 3. Municipal Code Section 21.12.440 regarding a direct access design standard is hereby added to read in its entirety as specified below.

21.12.440 Direct access.

New building sites created through a subdivision or street extension review and approval process shall be provided by roads with direct access, (see Section 25.53.004). Secondary emergency access shall be provided by roads with direct access.

SECTION 4. This Ordinance is exempt from compliance with the California Environmental Quality Act (CEQA) pursuant to Section 15061(3) of the State CEQA Guidelines.

SECTION 5. 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 6. This Ordinance is intended to be of Citywide effect and application. All ordinances and provisions of the Laguna Beach Municipal Code and Sections thereof inconsistent shall be and the same are hereby repealed to the extent of such inconsistency and no further.

SECTION 7. The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published in the manner required by law in the City of Laguna Beach. This Ordinance shall become effective thirty (30) days from and after the date of its adoption by the City Council.

ADOPTED this ____ day of _____, 2002.

Wayne Baglin, Mayor

ATTEST:

City Clerk

I, Verna Rollinger, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council on _____, 2002, and was finally adopted at a regular meeting of the City Council of said City held on _____, 2002 by the following vote:

AYES: COUNCILMEMBER(S):
NOES: COUNCILMEMBER(S):
ABSENT: COUNCILMEMBER(S):

City Clerk of the City of Laguna Beach, CA

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CALIFORNIA
COASTAL COMMISSION

**ORDINANCE NO. 1419
AN ORDINANCE OF THE CITY OF LAGUNA BEACH ADDING
LAGUNA BEACH MUNICIPAL CODE SECTION 21.08.220,
RELATING TO APPROVAL AND ACCEPTANCE BY CITY COUNCIL
OF REQUIRED SUBDIVISION IMPROVEMENTS**

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

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

SECTION 1: Section 21.08.220 is hereby added to the Laguna Beach Municipal Code to read in its entirety as follows:

Municipal Code Section 21.08.220

21.08.220 Final Acceptance of Subdivision Improvements.

After completion, inspection and approval by the City Engineer of all required works of subdivision improvement, the City Council shall approve such works as complete, shall release applicable sureties not less than thirty (30) days after a Notice of Completion has been filed with the County Recorder of the County of Orange, and shall accept such works on behalf of the City of Laguna Beach.

SECTION 2. 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 3. This Ordinance is intended to be of Citywide effect and application. All ordinances and provisions of the Laguna Beach Municipal Code and Sections thereof

inconsistent shall be and the same are hereby repealed to the extent of such inconsistency and no further.

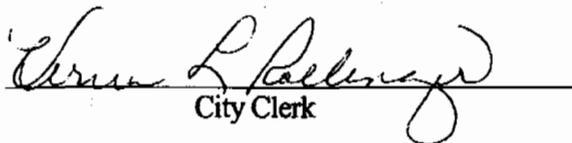
SECTION 4. The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published in the manner required by law in the City of Laguna Beach. This Ordinance shall become effective thirty (30) days from and after the date of its adoption by the City Council.

ADOPTED this 3rd day of December, 2002.



Toni Iseman, Mayor

ATTEST:



City Clerk

I, Verna Rollinger, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance No. 1419 was introduced at a regular meeting of the City Council on November 19, 2002, and was finally adopted at a regular meeting of the City Council of said City held on December 3, 2002 by the following vote:

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

NOES: COUNCILMEMBER(S): None

ABSENT: COUNCILMEMBER(S): Dictrow



City Clerk of the City of Laguna Beach, CA

FEB 11 2005

ORDINANCE NO. 1424

CALIFORNIA
COASTAL COMMISSION

**AN ORDINANCE OF THE CITY OF LAGUNA BEACH AMENDING
THE SIGN REGULATIONS OF THE CITY - MUNICIPAL CODE
CHAPTER 25.54**

WHEREAS, the Planning Commission conducted legally noticed public hearings and, after reviewing and considering all documents, testimony and other evidence presented, unanimously voted to recommend that the City Council approve amendments to Municipal Code Chapter 25.54 regarding sign regulations; and

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

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

SECTION 1. The definition of "Banner" in Municipal Code Section 25.54.006 is hereby amended in its entirety as follows:

"Banner" means any temporary sign of lightweight fabric, plastic, paper or other non-rigid material.

"Sign" means any device, fixture, placard, painting, display or structure that uses any color, form, graphic, illumination, logo, symbol or letters to identify the name of a person or business, or to communicate information or attract attention about the business conducted, services available or rendered, or the goods or property produced, sold or available for sale. This shall not include normal merchandise or associated artwork on display in the window.

SECTION 2. Municipal Code Section 25.54.016 regarding prohibited signs is hereby amended in its entirety as follows:

25.54.016 Prohibited signs

All signs not expressly permitted under this chapter or exempt from regulation in accordance with Section 25.54.014 are prohibited. Such signs include, but are not limited to:

- (A) Animated signs;
- (B) A sign no longer identifying a bona fide existing business;
- (C) Banners and beacons, except as permitted in accordance with Sections 25.54.012 and 25.54.020;
- (D) Billboards, including mobile billboards on trailers;
- (E) Excepting marquees, internally illuminated signs;

- (F) Inflated display signs and tethered balloons, except as permitted in accordance with Section 25.54.020 or as a part of an approved outdoor display or sign program;
- (G) Portable signs;
- (H) Roof signs;
- (I) Signs of any type associated with a bus stop. (Bus stop signs erected by a public transit agency are allowed.);
- (J) Back-lit canopy/awning signs;
- (K) Pole signs;
- (L) Private incidental signs of any type, including "no parking" signs, located in the public right-of-way or situated adjacent to the public right-of-way in an effort to monopolize or control public parking spaces.

SECTION 3. Footnote 5 of Table 1 regarding incidental signs is hereby amended in its entirety as follows:

⁵Incidental signs shall not be illuminated; shall not contain a commercial message of any kind; and shall not be located in the public right-of-way or situated adjacent to the public right-of-way in an effort to monopolize or control public parking spaces.

SECTION 4. Municipal Code Section 25.54.018(E)(2) General Permit Procedures regarding signs eligible for Administrative Approval is hereby amended in its entirety as follows:

(2) Signs that meet all of the following conditions:

- (a) The sign(s) must meet all applicable design standards as set forth in this Chapter, including but not limited to, Section 25.54.010 and Tables 1 and 2;
- (b) The sign(s) shall not cause the total signage to exceed the maximum allowable sign area for the site;
- (c) Each sign shall not exceed 50% of the maximum sign area specified in Table 2; and
- (d) The letter or font height shall not exceed 8 inches.

SECTION 5. Municipal Code Sections 25.54.020(E)(3) & (4) regarding temporary construction and subdivision signs are hereby amended in their entirety as follows:

(3) Temporary Construction Signs. One sign identifying the person or persons engaged in a construction project may be permitted on a property during the period of construction, subject to the following conditions:

- (a) The sign must be located within the construction site parcel; the location shall not obstruct vehicular sight distance or be detrimental to surrounding properties.

(b) Where located in a residential district, the sign area shall not exceed 3 square feet; in other zoning districts the sign area shall not exceed 6 square feet.

(c) The sign may remain for a term not to exceed one year, and shall be completely removed prior to final building inspection.

(d) The top of the sign shall not exceed 8 feet above natural grade.

(4) Temporary Subdivision Signs. One temporary sign advertising the prospective sale or lease of a group of lots or dwellings within a subdivision shall be permitted, subject to the following conditions:

(a) The sign must be located on the premises being sold or leased.

(b) The area of the sign shall not exceed 6 square feet.

(c) The sign may not be illuminated.

(d) The top of the sign shall not exceed 8 feet above natural grade.

(e) The sign may remain only as long as the property remains unsold or unleased for the first time, up to a maximum 1-year period. The Director of Community Development shall have the authority to extend the 1-year time period for one additional 1-year period.

(f) There shall be deposited with the Community Development Department cash or surety bond in the amount of \$300. The conditions of the bond shall be as follows: If the permittee faithfully complies with the requirements and conditions of this subsection, then such bond shall be exonerated and cancelled; the bond shall otherwise be forfeited to the City as a penalty for failure of the applicant to comply with the conditions of the bond.

SECTION 6. Footnote 4 of Table 2 of Municipal Code Chapter 25.54 regarding rider signs is hereby amended in its entirety as follows:

⁴Excepting incidental, real estate and open house signs there shall be no more than one freestanding sign allowed per site. ~~Brochure holders and rider~~ Rider signs on open house signs and brochure holders are not allowed. Short-term rental real estate signs shall only be displayed up to a maximum of 30 consecutive days and 60 days per calendar year. Permanent real estate display signs may be applied for as advertising signs.

SECTION 7. This Ordinance is exempt from compliance with the California Environmental Quality Act (CEQA) pursuant to Section 15061 (3) of the State CEQA Guidelines.

SECTION 8. This Ordinance is intended to be of Citywide effect and application. All ordinances and provisions of the Laguna Beach Municipal Code and Sections thereof inconsistent herewith shall be hereby repealed to the extent of such inconsistency and no further.

SECTION 9. The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published in the same manner required by law in the City of Laguna Beach. This Ordinance shall become effective thirty (30) days after the final approval by the City Council.

ADOPTED this 11th day of February, 2003.

Toni Iseman, Mayor

ATTEST:

City Clerk

I, Verna Rollinger, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance No. ____ was introduced at a regular meeting of the City Council on February 4, 2003 and was finally adopted at a regular meeting of the City Council of said City held on February 11, 2003 by the following vote:

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

City Clerk of the City of Laguna Beach, CA

ORDINANCE NO. 1427

**AN ORDINANCE OF THE CITY OF LAGUNA BEACH AMENDING
CHAPTER 25.17 REGARDING THE PROCESSING AND APPROVAL
REQUIREMENTS FOR SECOND RESIDENTIAL UNITS**

WHEREAS, the Planning Commission conducted a legally noticed public hearing and, after reviewing and considering all documents, testimony and other evidence presented, voted to recommend that the City Council approve amendments to Chapter 25.17 regarding the processing and approval requirements for second residential units as required by recent changes to state law; and

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

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

SECTION 1. Chapter 25.17 of the Municipal Code regarding the processing and approval requirements for second residential units is hereby amended to read in its entirety as specified in Attachment A.

SECTION 2. This Ordinance is exempt from compliance with the California Environmental Quality Act (CEQA) pursuant to Section 15061(1) of the State CEQA Guidelines.

SECTION 3. This Ordinance is intended to be of Citywide effect and application. All ordinances and provisions of the Laguna Beach Municipal Code and Sections thereof

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inconsistent herewith shall be hereby repealed to the extent of such inconsistency and no further.

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COASTAL COMMISSION

SECTION 4. The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published in the same manner required by law in the City of Laguna Beach. This Ordinance shall become effective on July 1, 2003, which is more than thirty (30) days after the final approval by the City Council.

ADOPTED this ____ day of ____, 2003.

Toni Iseman, Mayor

ATTEST:

City Clerk

I, Verna Rollinger, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance No. ____ was introduced at a regular meeting of the City Council on April 15, 2003 and was finally adopted at a regular meeting of the City Council of said City held on _____, 2003 by the following vote:

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

City Clerk of the City of Laguna Beach, CA

Attachment A

Chapter 25.17

SECOND RESIDENTIAL UNITS

Sections:

25.17.010	Purpose and Intent
25.17.020	Conditional Use Permit Required
25.17.030020	General Provisions
25.17.040030	Minimum Requirements
25.17.050	Additional Requirements For Second Residential Units Intended For Senior Citizen Occupancy
25.17.060	Additional Requirements For Second Residential Units Not Intended For Senior Citizen Occupancy
25.17.040	Coastal Development Permits For Second Residential Units

25.17.010 Purpose and Intent

In accordance with Sections 65852.1 and 65852.2(a) and 65852.2(j) of the Government Code, this Chapter is intended to authorize the creation of second residential units in single-family and multifamily residential zones consistent with all of the provisions of this Chapter. The purpose of this Chapter is to establish housing opportunities for the community through the provision of second residential units that utilize existing housing resources and existing infrastructure. To ensure that no avoidable adverse impacts on the public health, safety and general welfare result from the establishment of second residential units, this Chapter prescribes standards for the review and approval of such units.

25.17.020 Conditional Use Permit Required

(A) All second residential units pursuant to this Chapter shall be subject to the approval of a conditional use permit as provided for in Chapter 25.05.030. The applicant for a conditional use permit shall be the owner of the real property on which the second residential unit is proposed to be established, or his/her authorized agent. If the conditional use permit is approved, the owner of the second residential unit shall be required to sign a statement indicating that such unit is in compliance with the conditions of this chapter and the related conditional use permit. This affidavit shall be submitted on a yearly basis for as long as the conditional use permit remains effective. The City reserves the right to perform on-site inspections when required.

(B) In reviewing conditional use permit applications for second residential units, the impact of the proposed unit on the surrounding neighborhood and on the City in general shall be evaluated. In connection with the findings required by Section 25.05.030, consideration shall be given as to whether the proposed second residential unit will cause excessive noise, traffic or other disturbances to the use and enjoyment of surrounding properties, and whether the proposed second residential unit will result in significant adverse impacts on public services and resources.

25.17.030020 General Provisions

For the purposes of this Chapter, a second residential unit means an attached or detached dwelling unit which provides complete and independent living accommodations and facilities for one or more persons on lots zoned for residential use and shall be considered a main building. A second residential unit which conforms to the requirements of this Chapter shall not be considered to exceed the allowable density for the lot upon which such unit is proposed to be established and shall be deemed to be a residential use which is consistent with the existing general plan and zoning designations for the lot.

25.17.040030 Minimum Requirements

Each second residential unit approved pursuant to this Chapter shall comply with the following standards and criteria:

(A) The second residential unit shall meet all applicable building and construction requirements set forth in Titles 14 and 17 that apply to the construction of single-family detached dwellings, as appropriate, including but not limited to sewer and utility services.

(B) No more than one second residential unit shall be permitted on a single lot.

(C) The lot on which the second residential unit is proposed to be established shall only contain an existing single-family dwelling. At no time shall the lot be allowed to contain a guest house or guest room and second residential unit concurrently.

(D) The lot on which the second residential unit is proposed to be established shall be zoned for single-family ~~or multifamily~~ use (R1, Residential Low Density or R/HP, Residential / Hillside Protection Zones).

(E) Where the existing single-family dwelling on the lot constitutes a nonconforming structure, any second residential unit shall be subject to the provisions of Chapter 25.56.

(F) The existing residential dwelling on the lot shall comply with the parking regulations set forth in Chapter 25.52 or such other applicable regulations.

(G) The second residential unit may be rented, but shall not be intended for sale or sold separately from the existing residential dwelling on the lot.

(H) The second residential unit may be attached to or detached from the existing dwelling on the lot, except that where zoning requirements and property development standards of the applicable zone do not permit guest houses, any second residential unit must be attached to the existing dwelling. Where allowed, detached second residential units shall comply with the following development standards:

(1) Such unit shall utilize the same vehicular access which serves the existing dwelling unit. If the parcel is a "through lot" as defined in Section 25.08.022, access for both the single-family home and the second residential unit shall be limited to one point or side of the lot for both dwelling units;

(2) The lot shall have a minimum area of nine thousand square feet; ~~provided, however, the minimum area shall be seven thousand square feet for units subject to the provisions of Section 25.17.050.~~

(I) ~~The design of the second residential unit shall be subject to the design review regulations set forth in Section 25.05.040. For those proposals located in single-family zones,~~ The design of the second residential unit should be such that the subject property maintains a single-family appearance.

(J) Except as otherwise specifically provided, additions to the existing residential dwelling for the purpose of establishing a second residential unit shall comply with the zoning requirements and property development standards for the zone within which the lot is located and in effect at the time the application is accepted as complete. This compliance shall include any regulation concerning maximum lot or building site coverage.

(K) The lot on which the second residential unit is proposed to be established shall abut and have the right to the use of a street improved to the standards of design set forth in Chapter 21.12.

(L) One of the residential dwellings on a lot on which the second residential unit is proposed to be established shall be for the exclusive occupancy of the owner of the lot and shall not be rented or leased as long as the second residential unit exists.

~~25.17.050 — Additional Requirements For Second Residential Units Intended For Senior Citizen Occupancy~~

~~—In addition to the requirements set forth in Section 25.17.040, each second residential unit intended for the occupancy of persons who are sixty years of age or older shall comply with the following criteria and standards:~~

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

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

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

~~(D) The property on which the second residential unit is proposed shall contain an existing single-family residence.~~

~~25.17.060 — Additional Requirements For Second Residential Units Not Intended For Senior Citizen Occupancy~~

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

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

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

~~(CQ) The floor area of any new exterior construction proposed for a second residential unit application including, but not limited to, additions to the existing single-family residence, and construction of a detached structure and illegally constructed structures shall not exceed 640 square feet.~~

~~(DP) The property on which the second residential unit is proposed shall contain an existing include a single-family residence.~~

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. 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.

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ORDINANCE NO. 1433

FEB 11 2005

CALIFORNIA
COASTAL COMMISSION

AN ORDINANCE OF THE CITY OF LAGUNA BEACH AMENDING THE PERMITTED AND CONDITIONALLY PERMITTED USES OF THE M-1A LIGHT INDUSTRIAL ZONE AND THE M-1B LIGHT INDUSTRIAL ZONE OF THE LAGUNA CANYON ANNEXATION AREA SPECIFIC PLAN AND DELETING THE M1 INDUSTRIAL ZONE.

WHEREAS, on October 22, 2003, the Planning Commission conducted legally noticed public hearings and, after reviewing and considering all documents, testimony and other evidence presented, unanimously voted to recommend that the City Council approve amendments to Municipal Code Chapters 25.31, 25.32 and the M-1B Light Industrial Zone of the Laguna Canyon Annexation; and

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

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

SECTION 1. Chapter 25.31 of Laguna Beach's Municipal Code regarding the M-1 Industrial Zone is hereby deleted in its entirety.

SECTION 2. Chapter 25.32 of Laguna Beach's Municipal Code regarding the M-1A Light Industrial Zone is hereby amended to read in its entirety as follows:

Chapter 25.32

M-1A LIGHT INDUSTRIAL ZONE

Sections:

- | | |
|-----------|---|
| 25.32.001 | Intent and purpose. |
| 25.32.002 | Uses permitted. |
| 25.32.003 | Uses permitted subject to conditional use permit. |
| 25.32.004 | Uses prohibited. |
| 25.32.005 | Property development standards. |
| 25.32.006 | Performance standards. |

25.32.001 Intent and purpose.

This zone is intended for light industrial and limited commercial uses wherein operations are such that they be compatible with adjacent residential environs of the community.

25.32.002 Uses permitted.

Within the area covered by the terms of this section, all buildings, structures and land shall be used and buildings and structures shall hereafter be erected, designed, structurally altered or enlarged only for the following uses:

(A) Light Manufacturing:

- (1) Auto painting (conducted wholly within an enclosed building);
- (2) Auto upholstery;
- (3) Bakery (wholesale);
- (4) Boat building and repairs;
- (5) Cabinet shop;
- (6) Ceramic products manufacture provided that no shuttle kiln be employed on the premises and that there be no pulverizing of clay;
- (7) Light electronic manufacturing;
- (8) Food products manufacture (excluding sauerkraut, vinegar, yeast and fat or oil rendering);
- (9) Garment and shoe manufacturing;
- (10) Lumber yard, including milling;
- (11) Sign manufacturing;
- (12) Textiles;
- ~~(13) Tire recapping, retreading and rebuilding;~~
- ~~(14) Upholstery;~~
- ~~(15) Welding shop;~~
- (16) Compounding, assembly or treatment of articles or merchandise from the following previously prepared materials: bone, cloth, cellophane, cork, feathers, felt, fiber, fur, glass, hair, horns, leather, metal, paper, plaster, plastics, shells, stones (precious or semi-precious), textiles, tobacco, wood and yarns.

(B) Processing:

- (1) Blueprinting or photocopying;
- (2) Carpet and rug cleaning plant;
- (3) Cleaning and dyeing plants;
- (4) Dairy products;
- (5) Food processing (excluding sauerkraut, vinegar, yeast and fat or oil rendering);
- (6) Laboratory (chemical or scientific);
- (7) Water softening;
- (8) Greenhouse (no retail sales).

(C) Wholesaling, warehousing and storage (all outdoor storage including machinery and equipment shall be enclosed within walls or fences):

- (1) Wholesaling and warehousing facilities;
- (2) Distribution agencies;
- (3) Contractors storage yard;
- (4) Building materials;
- (5) Feed and fuel;
- (6) Lumber yard;

- (7) Machinery and equipment rental;
- ~~(8) Draying and freight yard;~~
- (98) Bus storage.

(D) Utilities:

- (1) Distribution plant or subsection;
- (2) Service yard.

(E) Commercial and Services:

- (1) Automotive ~~body-repair and maintenance~~ repair and maintenance (conducted wholly within an enclosed building);
- (2) Automotive sales and services;
- (3) Commercial uses customarily incidental (ten percent of floor area) to and directly related to the operation of permitted light industrial uses;
- (4) Administrative or sales office related to a permitted industrial use, but exceeding sales limited to retail sales operations only.

(F) Other:

- (1) Artists studios
- ~~(12) Small animal hospital;~~
- ~~(23) Printing and publishing;~~
- ~~(34) Research;~~
- ~~(45) Motion picture studios, including video and photographic studios (excluding retail sales) when conducted within an enclosed building;~~
- ~~(56) Uses incidental to industrial uses such as infirmary, dispensary, lunch room, employee recreation facilities and residential uses for plant security personnel.~~

~~(G) Other uses the Planning Commission deems, after public hearing, to be similar to and no more obnoxious or detrimental to the public health, safety and welfare than the permitted uses.~~

25.32.003 Uses permitted subject to conditional use permit.

The following uses may be permitted subject to the granting of a Conditional Use Permit as provided for in Section 25.05.030:

- (A) Country clubs or recreation facilities, all;
- (B) Administrative and professional offices, excluding medical offices, where sole access is from other than a primary road;
- (C) Asphalt patching;
- (D) Automotive service station, where sole access is from other than a primary road; no sale of alcoholic beverages shall be permitted;
- (E) Concrete mixing;
- (F) Aviary, with no retail sales;
- (G) Noncommercial storage of horses, subject to the following:
 - (1) One-acre minimum site required;
 - (2) There shall be no shelter or supplementary feeding of, or any structures designed for such shelter or such feeding of said animals, within seventy-five feet of the right-of-way line of any street.
- (H) Mortuary, including crematorium;

- (I) Sound production studios;
- (J) Artists joint living and working units, as defined in Chapter 25.16;
- (K) Car washes;
- (L) 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 permitted or listed above.

25.32.004 Uses prohibited.

The following uses are prohibited in the M-1A zone:

- (A) All uses not specifically listed;
- (B) Residential uses (except those permitted above);
- (C) Commercial uses (except those permitted above).

25.32.005 Property development standards.

The following property development standards shall apply to all land and structures in the M-1A zone, except that any lot existing on the effective date of the ordinance codified herein which is substandard in area or dimensions may be used only if it does not adjoin other unimproved land of the same owner available for use in connection with said lot.

- (A) Lot Area. Each lot shall have minimum of seven thousand five hundred square feet.
- (B) Lot Width.
 - (1) Each lot shall have a minimum width of fifty feet.
- (C) Building Height. No building or structure erected in this zone shall have a height greater than thirty-five feet.
- (D) Yards.
 - (1) Front Yard. Each lot fronting on Laguna Canyon Road shall maintain a front yard of not less than twenty-five feet, except that, in exceptional circumstances to preserve stands or specimens of relatively mature trees, the front yard may be reduced to fifteen feet, or may be increased for the same purposes by the board of design review. Each lot fronting on other streets shall maintain a front yard of not less than ten feet. Front yards shall be used only for landscaping (including walkways) and required vehicular access. Front yards shall not be used for parking or storage.
 - (2) Side and Rear Yards. No side or rear yards shall be normally required, except as follows:
 - (a) Where such yard abuts a street, the same provisions as for front yards shall apply,
 - (b) Where stands or specimens of relatively mature trees exist, the Board of Design Review may require a yard area to protect such trees,
 - (c) Where it is necessary to adjust the arrangement of buildings and uses on the site to achieve the purposes of design review as outlined in Chapter 25.40 of this title, the Board of Design Review may require reasonable yard areas,
 - (d) Where a lot directly abuts the R-1, R-2 or R-3 zone, or where such a zone boundary line divides a lot or parcel, there shall be maintained on the M-1A land along the zone boundary a side and/or rear yard having a depth at every point thereof of fifty feet. Said yard may be used only for landscaped buffer zones as approved by design review.

(E) Coverage and Open Land Area. Natural slopes of fifty percent or greater shall be left open and maintained with natural landscaping. With a project application, the Board of Design Review may require additional landscaping or clearing for erosion control purposes, fire protection purposes, or to better integrate the uses on the site with the natural features of the site.

(F) Required Fences, Hedges, Walls and Landscape Buffers. Solid fences, hedges, walls or other landscape buffers of a minimum height of six feet are required in the following circumstances:

- (1) Along the perimeter of all areas which are considered to be dangerous to the public health or safety;
- (2) Around any area devoted to open storage, to a height at least equal to the material being stored;
- (3) Where the lot abuts a residential zone, except if the zone boundary is along the toe of a slope 2:1 or greater, which height is six feet or greater.

(G) Access.

- (1) There shall be vehicular access from a usable street to off-street parking facilities on the property requiring off-street parking facilities;
- (2) Vehicular access to lots fronting on a primary or secondary thoroughfare shall be such that there shall be a paved turning area on the lot or a device to permit motor vehicles to head into the street. Such turning area or device and access shall be in accordance with the standards prescribed by the Director of Community Development.

(H) Off-Street Parking. The provisions of Chapter 25.52 shall apply.

(I) Loading Space. The following standards shall apply:

(1) Loading Space Required. For every building or structure hereafter erected, enlarged or increased in capacity, there shall be provided one loading space for each thirty thousand square feet of gross floor area or fraction thereof.

(2) General Requirements:

(a) No loading space provided for the purpose of complying with the provisions of this title shall hereafter be eliminated, reduced or converted in any manner unless equivalent facilities approved by the City are provided elsewhere in conformity with this title. The use or occupancy permit shall immediately become void upon the failure to observe the requirements of this paragraph

(b) Loading space being maintained in connection with any structure, on the effective date of the ordinance codified herein, shall thereafter be maintained so long as the structure remains in a use requiring such loading space under the terms of this title, unless equivalent loading space approved by the City is provided; provided, however, that this regulation shall not require the maintenance of more loading space than is required for a new structure

(c) Each loading space required herein shall consist of a paved area no less than ten feet by forty feet with a clear height of fourteen feet and so located and maintained that there shall be at all times a usable way of vehicular ingress and egress to such space or spaces;

(3) Location. The location of the loading space required herein shall be designated on a site plan which shall be filed with the Director of Community Development;

(J) Other. To provide proper local access for the users and prevent congestion and other hazards related to the intense use of the land permitted in this zone, the following improvements are deemed necessary, and these must be complied with a bond or amount of money satisfactory to the City filed before any building or use permit may be issued. The City Council may waive these requirements where their application is impractical:

- (1) Streets shall have been improved to the standards approved by the City Council;
- (2) Sidewalks shall have been installed;
- (3) Alleys shall have been paved.

25.32.006 Performance standards.

The following performance standards shall apply to all uses within the M-1A zone:

- (A) Smoke. Every use shall be so operated that there shall be no smoke whatsoever discharged into the atmosphere.
- (B) Odor. Every use shall be so operated that it does not emit an obnoxious odor or fumes beyond any boundary line of the lot.
- (C) Dust and Dirt. Every use shall be so operated that any dust or dirt produced shall be confined within a building and shall not be discharged into the atmosphere.
- (D) Glare. Every use shall be so operated that any glare incidental to the operations shall not be visible beyond the boundaries of the property.
- (E) Sound. Sound resulting from the conduct of permitted uses, excluding traffic noise, shall be muffled so as not to become objectionable due to intermittence, beat, frequency, or shrillness. Sound pressure levels above those shown in the following table, when measured at the boundary line of property on which the sound is generated, shall be considered objectionable:

American Standard Preferred Frequencies	Octave Band Sound Pressure Level in Decibels 0.0002 dynes/sq.cm.
63	72
125	67
250	59
500	52
1,000	46
2,000	40
4,000	34
8,000	32

If the noise is not smooth and continuous or is not present between the hours of six p.m. and seven a.m., one or more of the following corrections shall be applied to the above octave band levels:

	Corrections in Decibels
Daytime operation only	+ 5
Noise source operates less than twenty percent of any one-hour period	+ 5
Noise source operates less	

than five percent of any one-hour period	+ 10
Noise of impulsive character such as hammering	-5
Noise of periodic character such as humming or screeching	-5

The sound pressure level shall be measured with a sound level meter and associated octave band analyzer conforming to standards prescribed by the American Standards Association as listed in the above chart.

SECTION 3. The M-1B Light Industrial Zone of the Laguna Canyon Annexation Area Specific Plan is hereby amended to read in its entirety as follows:

M-1B Light Industrial Zone

Sections:

1. **Intent and purpose.**
2. **Uses permitted.**
3. **Uses permitted subject to a conditional use permit.**
4. **Property development standards.**
5. **Performance standards.**

1. Intent and purpose. This zone is intended for limited light industrial and limited commercial uses wherein such operations are compatible with adjacent residential environs of the community and existing legal, nonconforming structures and uses within the zone, including residential.

2. Uses permitted. Within the area covered by the terms of this section, all buildings, structures and land shall be used and buildings and structures shall be hereafter be erected, designed, structurally altered or enlarged only for the following uses:

(A) Light Manufacturing:

- (1) Bakery (wholesale);
- (2) Cabinet shop;
- (3) Ceramic products manufacture provided that no shuttle kiln is employed on the premises and that there be no pulverizing of clay;
- (4) Light electronic manufacturing;
- (5) Food products manufacturing (excluding sauerkraut, vinegar, yeast and fat or oil rendering);
- (6) Garment and shoe manufacturing;
- (7) Sign manufacturing;
- (8) Textiles;
- (9) Upholstery;

(10) Compounding, assembly or treatment of articles or merchandise from previously prepared materials such as: bone, cloth, cellophane, cork, feathers, felt, fiber, fur, glass, hair, horns, leather, metal, paper, plaster, plastics, shells, stones (precious or semi-precious), textiles, tobacco, wood and yarns.

(B) Processing:

- (1) Blueprinting or photocopying;
- (2) Food processing (excluding sauerkraut, vinegar, yeast and fat or oil rendering);
- (3) Laboratory (scientific).

(C) Interior wholesaling, warehousing and storage:

- (1) Wholesaling and warehousing facilities;
- (2) Distribution agencies.

(D) Commercial and Services:

- (1) Fruit, flower or vegetable stands (retail sales allowed in conjunction therewith);
- (2) Greenhouse, gardening and landscaping services and storage;
- (3) Commercial uses customarily incidental to and directly related to the operation of permitted light industrial uses;
- (4) Administrative or sales office related to a permitted industrial use but excluding sales limited to retail sales operations only.

(E) Other:

- (1) Printing and publishing;
- (2) Research;
- (3) Artists Studios;
- (4) Uses incidental to industrial uses such as infirmary, dispensary, lunch room, employee recreation facilities and residential uses for plant security personnel.

3. Uses permitted subject to a conditional use permit. The following uses may be permitted subject to the granting of a conditional use permit as provided for in Chapter 25.05:

(A) Noncommercial storage of horses and commercial horse stables subject to the following minimum conditions:

- (1) One-half acre minimum site required;
- (2) There shall be no more than one horse over eight months of age per each 1/2 acre of land;
- (3) No shelter or supplementary feeding of, or any structures designed for such shelter or such feeding of animals within 40-feet of any rear or side property line.

(B) Car repair;

(C) Sound production studios;

(D) Small animal hospitals;

(E) Kennels and catteries subject to the provisions of Chapter 6.13 of the Municipal Code;

(F) Machinery and equipment rental (excluding vehicles);

(G) Expansion of legal, nonconforming residential uses or structures;

(H) Outdoor display of merchandise (and associated retail sales), including the sale of animal skins;

(I) Any outdoor use, including outdoor storage;

(J) Such other uses as the Planning Commission may deem, after conducting a public hearing, to be similar to and no more obnoxious or detrimental to the public health, safety and welfare than the above permitted or listed uses.

4. Property Development Standards. The property development standards of Chapter 25.31 (M-1A) shall apply to all land and structures in the M-1B Zone with the exception of the following. It should be noted that most of the M-1B Zone is located in the Laguna Creek flood plain. New development in this zone will be subject to the provisions of Chapter 25.38 of the Municipal Code (Flood Damage Prevention) wherever appropriate.

(A) Lot Area. Each lot shall have a minimum of twenty thousand square feet.

(B) Building Height. No building or structure erected in this zone shall have a height greater than twenty-five feet (not including the roof) above the base flood plain level. Total height shall not exceed 35-feet from grade.

(C) Each lot fronting along Laguna Canyon Road shall maintain a front yard of not less than twenty-five feet, except that in exceptional circumstances to preserve stands or specimens of relatively mature trees, the front yard may be reduced to fifteen feet, or may be further reduced for the same purposes by the Design Review Board only as long as the stands of trees are maintained. Each lot fronting on other streets shall maintain a front yard of not less than ten feet. Front yards shall be used only for landscaping (including walkways) and required vehicular access. Front yards may also be used for parking, with approved landscape plans for screening, when the Design Review Board determines that it is not possible to park elsewhere on the property. Front yards shall not be used for storage.

(D) Side and Rear Yards. All side and rear yard requirements of the M-1A zone shall apply with the exception that where a lot less than 50,000 square feet directly abuts the R-1, R-2 or R-3 zone, or where such a zone boundary line divides a lot or parcel, there shall be maintained on the M-1B land along the zone boundary a side and/or rear yard having a depth at every point of ten feet, exclusive of any drainage channel. Said yard may be used only for landscaped buffer zones as approved by the Design Review Board. Larger lots shall comply with the requirements of 25.32.005(E)(2)(d).

(E) Sidewalks and Alleys. Sidewalks and alley improvements shall not be required as a part of development approvals.

5. Performance Standards. The performance standards as set forth in Section 25.32.006 shall apply.

SECTION 4. This Ordinance is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15308 and 15321 of the State CEQA Guidelines.

SECTION 5. This Ordinance is intended to be of Citywide effect and application. All ordinances and provisions of the Laguna Beach Municipal Code and Sections thereof inconsistent herewith shall be hereby repealed to the extent of such inconsistency and no further.

SECTION 6. The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published in the same manner required by law in the City of Laguna Beach. This Ordinance shall become effective thirty (30) days after the final approval by the City Council.

ADOPTED this ___ day of _____, 2003.

Toni Iseman, Mayor

ATTEST:

City Clerk

I, Verna Rollinger, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance No. ___ was adopted at a regular meeting of the City Council on _____, 2003, by the following vote:

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

City Clerk of the City of Laguna Beach, CA

RECEIVED
South Coast Region

ORDINANCE NO. 1435

FEB 11 2005

CALIFORNIA
COASTAL COMMISSION

AN ORDINANCE OF THE CITY OF LAGUNA BEACH AMENDING
MUNICIPAL CODE SECTION 25.38.080 REGARDING THE BASIS
FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

WHEREAS, the Planning Commission conducted a legally noticed public hearing and, after reviewing and considering all documents, testimony and other evidence presented, voted to recommend that the City Council approve amendments to Municipal Code Section 25.38.080 regarding the basis for establishing the areas of special flood hazard; and

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

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

SECTION 1. Section 25.38.080 of the Municipal Code regarding the basis for establishing the areas of special flood hazard is hereby amended to read in its entirety as follows:

25.38.080 Basis for establishing the areas of special flood hazard.

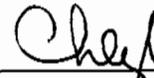
The areas of special flood hazard and areas of mudslide (i.e., mudflow) hazards identified by the Federal Emergency Management Agency (FEMA) or the Federal Insurance Administration in a scientific and engineering report entitled "Flood Insurance Study for Laguna Beach" dated September 28, 1979, amended September 18, 1985 and again on January 3, 1997 with an accompanying Flood Insurance Rate Map (FIRM), is adopted by reference and declared to be a part of this Chapter. On August 9, 2002, FEMA completed a re-evaluation of flood hazards for Orange County and incorporated areas, including Laguna Beach, and provided the City with an amended Flood Insurance Study and accompanying FIRM. This study was effective on February 18, 2004. This amended study and FIRM is adopted by reference and declared to be a part of this Chapter. All further amendments and revisions of the Flood Insurance Study and accompanying FIRM are hereby adopted. The latest adopted Flood Insurance Study is on file at 505 Forest Avenue, Laguna Beach, CA 92651. The latest adopted Flood Insurance Study is the minimum area of applicability of this Chapter and may be supplemented by studies for other areas which allow implementation of this Chapter and which are recommended to the City by the floodplain administrator.

SECTION 2. This Ordinance is exempt from compliance with the California Environmental Quality Act (CEQA) pursuant to Section 15061(1) of the State CEQA Guidelines.

SECTION 3. This Ordinance is intended to be of Citywide effect and application. All ordinances and provisions of the Laguna Beach Municipal Code and Sections thereof inconsistent herewith shall be hereby repealed to the extent of such inconsistency and no further.

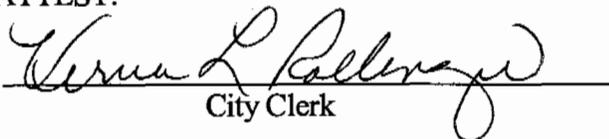
SECTION 4. The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published in the same manner required by law in the City of Laguna Beach. This Ordinance shall become effective on February 18, 2004, which is more than thirty (30) days after the final approval by the City Council.

ADOPTED this 6th day of January, 2004.



Cheryl Kinsman, Mayor

ATTEST:

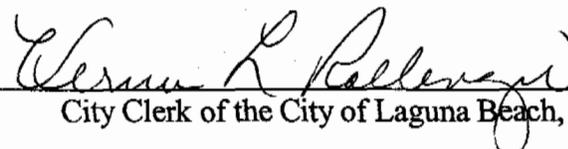

City Clerk

I, Verna Rollinger, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance No. 1435 was introduced at a regular meeting of the City Council on December 16, 2003 and was finally adopted at a regular meeting of the City Council of said City held on January 6, 2004 by the following vote:

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

NOES: COUNCILMEMBER(S): None

ABSENT: COUNCILMEMBER(S): None


City Clerk of the City of Laguna Beach, CA

ORDINANCE NO. 1436

AN ORDINANCE OF THE CITY OF LAGUNA BEACH AMENDING MUNICIPAL CODE SECTIONS 25.54.006 REGARDING THE DEFINITION OF APPROVAL AUTHORITY, 25.54.010(D) REGARDING MASTER SIGN PROGRAMS, AND 25.54.018(E) REGARDING SIGNS ELIGIBLE FOR ADMINISTRATIVE APPROVALS

WHEREAS, 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 amendments to Municipal Code Chapter 25.54 regarding sign regulations; and

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

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

SECTION 1. In Section 25.54.006 of the Municipal Code regarding the definition of "Approval Authority," the definition shall be amended to read in its entirety as:

"Approval Authority" means either the Director of Community Development for signs eligible for administrative review pursuant to Section 25.54.018(E), ~~or the Planning Commission, for signs located within the Downtown Specific Plan area, or the Board of Adjustment/Design Review Board for signs located outside the Downtown Specific Plan area.~~

SECTION 2. Section 25.54.010(D) of the Municipal Code regarding Master

Sign Programs is hereby amended to read in its entirety as:

(D) Master Sign Programs. ~~Where 4 or more businesses or uses requiring signage exist at one location or building center complex, a~~ A master sign program shall be submitted for review and approved by the approval authority prior to the issuance of any sign permits approval in relation to new office or shopping center construction or substantial façade improvements of an existing office or shopping center, when either contains four (4) or more businesses or uses, prior to the issuance of the center's individual sign permits. (See the master sign program submittal requirements in Section 25.54.018[A].) In order to assure aesthetic compatibility, the approval authority may establish whatever conditions are deemed necessary to maintain appropriate design, continuity and harmony of the signage for the site.

SECTION 3. Section 25.54.018(E) of the Municipal Code regarding signs

eligible for administrative approval is hereby amended to read in its entirety as:

(E) Signs Eligible for Administrative Approval. Except for luminous tube signs, signs may be eligible for administrative review and approval by the Director of Community Development, if they meet the following criteria. At the discretion of the Director, such signs may be referred to the appropriate approval authority for review. Eligible signs include:

- (1) Signs in compliance with an approved master sign program;
- (2) Signs that meet all of the following conditions:
 - (a) The sign(s) must meet all applicable design standards as set forth in this Chapter, including but not limited to Section 25.54.010 and Tables 1 and 2;
 - (b) The sign(s) shall not cause the total signage to exceed the maximum allowable sign area for the site; and
 - ~~(c) Each sign shall not exceed 50% of the maximum sign area specified in Table 2; and~~
 - ~~(d)~~ (e) The letter or font height shall not exceed 8 inches.
- (3) Temporary signs which comply with the requirements of Section 25.54.020. Temporary signs or temporary sign programs for City Council approved special events are not eligible for administrative approval.

SECTION 4. One (1) year after the effective date of this ordinance, staff is directed to report to the Planning Commission on the effectiveness of the sign regulations, especially in regards to signs eligible for administrative approval outlined in Code Section 25.54.018(E).

SECTION 5. This Ordinance is exempt from compliance with the California Environmental Quality Act (CEQA) pursuant to Section 15061 (3) of the State CEQA Guidelines.

SECTION 6. This Ordinance is intended to be of Citywide effect and application. All ordinances and provisions of the Laguna Beach Municipal Code and Sections thereof inconsistent herewith shall be hereby repealed to the extent of such inconsistency and no further.

SECTION 7. The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published in the same manner required by law in the City of Laguna Beach. This Ordinance shall become effective thirty (30) days after the final approval by the City Council.

ADOPTED this ____ day of _____, 2004.

Cheryl Kinsman, Mayor

ATTEST:

City Clerk

I, Verna Rollinger, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance No. ____ was introduced at a regular meeting of the City Council on December 16, 2003 and was finally adopted at a regular meeting of the City Council of said City held on _____, 2004 by the following vote:

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

City Clerk of the City of Laguna Beach, CA