

CALIFORNIA COASTAL COMMISSION

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



July 7, 2008

W 4a

ADDENDUM

TO: Commissioners and Interested Persons

FROM: South Coast District Staff

SUBJECT: City of Laguna Beach Minor LCP Amendment No. 1-08A (RV Parking and Open Space Reqts. on Residential Lots) , Item No. W 4a, to be reported to Commission on Wednesday, July 9, 2008 in San Luis Obispo, CA.

A. Addition to Findings

Add the following language as shown below in underline, after the first full paragraph on page 1 of the Staff Report:

The proposed amendment establishes a new requirement for property owners to obtain administrative use permits to park or store RVs on residentially zoned lots, including R-1 (low density), R-2 (medium density), R-3 (high density), and RHP (Residential Hillside Protection) zoned properties. Every permit issuing authority, whether it be the Zoning Administrator or the City Council, must make a finding that the permit being issued is consistent with all of the requirements of the certified local coastal program. Furthermore, the proposed amendment would not change requirements related to the City's issuance of coastal development permits. The proposed amendment would add a new requirement for an administrative use permit where there currently is no such requirement. The proposed landscape open space requirement would apply only to R-1 zones and simply establishes a minimum landscape area requirement for residential development in that zone. Neither change would supersede or replace any requirement for a coastal permit or change any standards that would apply to development requiring a coastal development permit, such as the protections afforded environmentally sensitive areas by the Residential Hillside Protection zone.

Devora Hertz
715-4242



PO Box 9531
Laguna Beach, CA
92652

email: PlanetLaguna@msn.com

June 26, 2008

California Coastal Commission
200 OceanGate, Suite 1000
Long Beach, CA 90802-4302

W4a

RECEIVED
South Coast Region

JUL 1 2008

CALIFORNIA
COASTAL COMMISSION

Re: Laguna Beach Amendment Agenda Item W4a
Resolution 07.060 and 07.076

Dear Karl,

Please take these comments into consideration with the upcoming amendment proposal submitted by the City of Laguna Beach. The amendment applies to long term parking of recreational vehicles and landscaping of open space areas on residential property.

Residential Hillside Protection Zoning

The City of Laguna Beach municipal code contains a residential zoning area that applies to properties that interface the wilderness areas, and is appropriately titled the "Residential Hillside Protection" zone. Properties located in this zone often contain ESHA and/or border on areas containing ESHA. The stated "intent and purpose" of this particular zoning area in the City's municipal code is very different from other residential zoning.¹

In the Residential Hillside Protection zone, individual property evaluation and consideration is given with regards to the presence of ESHA and other biological resources when projects are proposed in this zone. The policies of the Coastal Act apply more so to the Residential Hillside Protection zone than any other residential zoning area since protection of ESHA, coastal resources, dedication of open space, trails and coastal access are more commonly prominent issues when development is proposed the Residential Hillside Protection zone. The ministerial application of landscaping and recreational vehicle storage policy would be inconsistent with the required site specific

¹ All new development in this zone shall be sensitive to the hillside terrain and to the environmental constraints and shall provide for the conservation of existing natural open space lands, unique landforms, scenic hillsides and sensitive biological habitats.

evaluations and considerations that the municipal code stipulates are to be undertaken in the Residential Hillside Protection zone.²

Lands in the Residential Hillside Protection zone are often steeply sloped. The Residential Hillside Protection Zone also differs from the other residential zoning areas in that it calculates how much development will be allowed based on a slope/density formula.³ When it comes to the City's evaluation of Environmentally Sensitive Habitat areas a portion of Section 25.50.040 applies specifically to properties with slopes 30% or greater.⁴ Properties that maintain slopes of 30% or greater are also required to make an offer to dedication of land for open space preservation. This handling of land dedications are specifically addressed in the City's municipal code under ordinance 25.07.018 Coastal Commission Review of Documents.⁵

The City's parking ordinance requires parking areas provide lighting and certain landscaping. Application of this parking ordinance in the RHP zone would introduce invasive species into areas. Lighting of these areas is also often considered to be disruptive to the nocturnal rhythm of species that inhabit these areas. This will

² All new development in this zone shall be sensitive to the hillside terrain and to the environmental constraints and shall provide for the conservation of existing natural open space lands, unique landforms, scenic hillsides and sensitive biological habitats

³ Density Standards.... The actual number of approved housing units... site specific planning process. Such conditions may include, but are not limited to.... Environmental factors, such as natural drainage courses, sensitive biological habitats.....

⁴ 25.50.040 Environmentally sensitive areas. Buildings, structures and improvements within "environmentally sensitive areas," and on lots of greater than thirty-percent slope shall be subject to design review. Additional building setbacks, open areas and/or other conditions may be imposed as a result of such design review. Development on lots of greater than thirty-percent slope shall be conditioned to require an offer to dedicate an open space deed restriction or open space easement consistent with Policy 14-J of the certified land use plan. An open space easement rather than a deed restriction shall be required in cases where the open space area is contiguous with another dedicated open space parcel. These environmentally sensitive areas are shown on a map adopted by resolution of the city council. (Ord. 1255 § 3, 1992; Ord. 832 § 30, 1975; Ord. 811

⁵ 25.07.018 Coastal commission review of documents. Any legal documents used in complying with required conditions pertaining to public access and open space or conservation easements shall be processed in the following manner: (A) The offer of dedication, together with a copy of the coastal development permit conditions and findings shall be forwarded to the coastal commission executive director for review and approval. (B) The coastal development permit shall be issued only after mailing such documents to the executive director of the coastal commission, and the executive director has notified the community development director that any such legal documents are inadequate. (C) If the executive director has recommended revisions to the format of the legal documents, the coastal development permit shall not be issued until deficiencies have been resolved to the satisfaction of the executive director.

negatively impact ESHA. The commission's consideration of amendments submitted for review are defined under Section 30514 (d)(1) of the Coastal Act.⁶

Briefly. The various unique factors that influence housing proposals for the residential hillside protection zone don't fall within the de minimus category for inclusion into the local coastal program due to the impacts that may result onto ESHA. RHP considerations regarding the proximity of ESHA, specific development procedures, secondary ordinance impacts and individual as well as cumulative impacts conflict with the ministerial application of landscaping and long term recreational vehicle parking as proposed in this parking and landscaping amendment submitted to the commission. As a result the impacts would not be consistent with the regulatory requirements for a de minimus amendment proposal as stipulated in Section 30240 of the Coastal Act.⁷ Therefore I am requesting the Residential Hillside Protection zone be eliminated from the amendment proposal.

Sincerely,

Devora Hertz

⁶ The executive director may determine that a proposed local coastal program amendment is de minimis if the executive director determines that a proposed amendment would have no impact, either individually or cumulatively, on coastal resources, is consistent with the policies of Chapter 3.

⁷ (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only used dependant on those resources shall be allowed within these areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuances of those habitat and recreational areas.

Devora Hertz
715-4242



PO Box 9531
Laguna Beach, CA
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June 26, 2008

California Coastal Commission
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

Re: Laguna Beach Amendment Agenda Item W4a
Resolution 07.060 and 07.076

Dear Karl,

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CALIFORNIA COASTAL COMMISSION

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



W4a

June 19, 2008

TO: Commissioners and Interested Persons

FROM: Sherilyn Sarb, Deputy Director
Teresa Henry, District Manager
Karl Schwing, Supervisor, Regulation & Planning, Orange County Area

SUBJECT: City of Laguna Beach Minor LCP Amendment No. 1-08A
RV Parking and Minimum Open Space Requirements on Residential Lots

The City of Laguna Beach is requesting an amendment to its certified Local Coastal Program (LCP) Implementation Plan to : 1) modify Sections 25.10.005, 25.12.005, 25.12.008, 25.14.005, 25.14.008 and 25.13.007 of the Zoning and Subdivision Ordinance of the Implementation Plan portion of the City's certified LCP to regulate off-street long-term parking of recreational vehicles ('RV') in residential zones; and 2) modify Section 25.10.008 of the Zoning and Subdivision Ordinance of the Implementation Plan portion of the City's certified LCP to establish a new minimum required landscaped open space area for new homes and major remodels on residentially zoned lots. These changes are contained in Ordinance No.s 1474 and 1475 submitted to the Commission by Resolutions No.s 07.060 and 07.076, respectively.

Local Coastal Program Amendment No. 1-08 also contains changes to Chapter 25.52 of the Municipal Code regarding parking. Those changes are contained in a separate ordinance, No. 1472, and are being separated into Part B for future consideration by the Commission.

The Executive Director has determined that the proposed amendment, 1-08, Part A, is minor in nature in accordance with Section 13554(a) of the California Code of Regulations because it constitutes a change to the Implementation Plan that involves changes in wording which make the use as designated in the zoning ordinances, zoning district maps or other implementing actions more specific and which do not change the kind, location, intensity, or density of use and which are found by the Executive Director of the Commission or the Commission to be consistent with the land use plan as certified by the Commission.

The purpose of this notice is to advise interested parties of the Executive Director's determination (pursuant to CCR Section 13555) that the proposed LCP amendment is minor. The Executive Director will report this determination to the Coastal Commission at its July 9-11, 2008 hearing at the **San Luis Obispo County Government Ctr., Board of Supervisors Chambers, 1055 Monterey Street, San Luis Obispo, CA 93408**. The Executive Director will also report any objections to this determination that are received within ten working days of posting of this notice. The proposed minor amendment will be deemed approved and will become effective immediately unless one-third of the appointed members of the Commission request that it be processed as a major LCP amendment (CCR Section 13555(b)).

If you have any questions or need additional information regarding the proposed LCP amendment or the Commission's procedures, please contact Karl Schwing of the Commission's South Coast District at the address and phone number shown on this letterhead. If you wish to register an objection to the proposed LCP amendment, please do so by **July 3, 2008**.

Attachments:

City Council Resolution No. No.s 07.060 and 07.076
City of Laguna Beach Ordinance No.s 1474 and 1475

LCP 07-01 RV PARKING

file

RESOLUTION NO. 07.060

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH, CALIFORNIA, ADOPTING LOCAL COASTAL PROGRAM AMENDMENT 07-01 AND REQUESTING ITS CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION

WHEREAS, after notice duly given pursuant to Government Code Section 65090 and Public Resources Code Sections 30503 and 30510, the Planning Commission of the City of Laguna Beach held at least one public hearing to consider the adoption of Laguna Beach **Local Coastal Program Amendment 07-01**; and

WHEREAS, the City Council, after giving notice as prescribed by law, held at least one public meeting regarding the proposed **Laguna Beach Local Coastal Program Amendment 07-01**, and the City Council finds that the proposed amendment is consistent with the Certified Laguna Beach Coastal Land Use Plan and Chapter 6 of the California Coastal Act; and

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


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

SECTION 1: That the **Laguna Beach Local Coastal Program Amendment 07-01** is hereby approved, consisting of Ordinance No. 1474 pertaining to amendments to Municipal Code Sections 25.10.005, 25.12.005, 25.14.005 and 25.15.007 relating to parking of recreational vehicles on residential lots. A copy of the aforesaid Ordinance is attached hereto as Exhibit A, and is incorporated by this reference as though fully set forth herein.


1 SECTION 2: That the California Coastal Commission is hereby requested to
2 consider, approve and certify **Laguna Beach Local Coastal Program Amendment No. 07-**
3 **01.**

4 SECTION 3: That pursuant to Section 13551(b) of the Coastal Commission
5 Regulations, **Laguna Beach Local Coastal Program Amendment No. 07-01** will
6 automatically take effect immediately upon California Coastal Commission approval, as
7 provided in Public Resources Code Sections 30512, 30513 and 30519.
8

9
10
11 ADOPTED this 10th day of July, 2007.
12

13
14 
15 _____
16 Toni Iseman, Mayor

17 ATTEST:

18 
19 _____
20 City Clerk

21 I, MARTHA ANDERSON, City Clerk of the City of Laguna Beach, California, do
22 hereby certify that the foregoing Resolution No. 07.060 was duly adopted at a Regular
23 Meeting of the City Council of said City held on July 10, 2007, by the following vote:

24 AYES: COUNCILMEMBER(S): Schneider, Kinsman, Egly, Iseman

25 NOES: COUNCILMEMBER(S): None

26 ABSTAIN: COUNCILMEMBER(S): None

27 ABSENT: COUNCILMEMBER(S): Boyd

28 

City Clerk of the City of Laguna Beach, CA

Exhibit A

**ORDINANCE NO. 1474
AN ORDINANCE OF THE CITY OF LAGUNA BEACH AMENDING
MUNICIPAL CODE SECTIONS 25.10.005, 25.12.005, 25.12.008, 25.14.005
25.14.008 AND 25.15.007 REGARDING RV PARKING IN
RESIDENTIAL ZONES.**

WHEREAS, on March 28, and May 9, 2007, the Planning Commission conducted legally noticed public hearings and, and after reviewing and considering all documents, testimony and other evidence presented, voted to not recommend that the City Council approve an amendment to the Municipal Code requiring approval of an Administrative Use Permit to allow parking in residentially zoned property; and

WHEREAS, on June 19, 2007 and July 10., the City Council conducted legally noticed public hearings 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. Sections 25.10.005, 25.12.005, 25.12.008, 25.14.005, 25.14.008 and 25.15.007 which list uses allowed subject to approval of an Administrative Use Permit are hereby amended to add RV Parking to the list of uses and restricts parking of RVs in the front yard of the R-2 and R-3 Zones as specified in Attachment A.

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

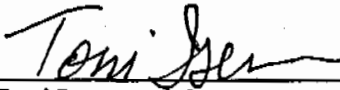
SECTION 6. If any portion of this Ordinance, or the application of any such provision to any person or circumstance, shall be held invalid, the remainder of this Ordinance to the extent it can be given effect, of the application of such provision to persons or

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 7. 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.

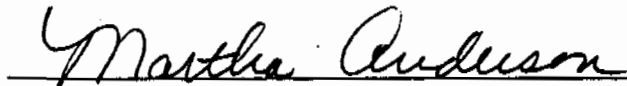
SECTION 8. The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published in the manner required by law in the City of Laguna Beach. This Ordinance shall become effective thirty (30) days from and after the date of its adoption by the City Council.

ADOPTED this 10th day of July, 2007.



Toni Iseman, Mayor

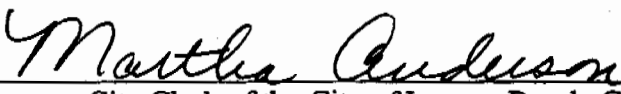
ATTEST:



City Clerk

I, Martha Anderson, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council on June 19, 2007, and was finally adopted at a regular meeting of the City Council of said City held on July 10, 2007 by the following vote:

AYES: COUNCILMEMBER(S): Schneider, Kinsman, Egly, Iseman
NOES: COUNCILMEMBER(S): None
ABSENT: COUNCILMEMBER(S): Boyd



City Clerk of the City of Laguna Beach, CA

Attachment "A"

Chapter 25.10 R-1 RESIDENTIAL LOW DENSITY ZONE

25.10.005 Uses permitted subject to an administrative use permit.

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

(a) Family day care home, large, subject to the following standards:

- (1) The operator of the facility must be licensed pursuant to Chapter 3.5 or 3.6 of the State Health and Safety Code;
- (2) A business license shall be obtained in accordance with Chapter 5.08, Business Licenses;
- (3) No signs identifying the day care facility are permitted other than those permitted pursuant to Section 25.54.010;
- (4) Parking shall be in compliance with Chapter 25.52;
- (5) Hours of operation shall be limited to the hours between seven a.m. and seven p.m.;

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

(7) The facility shall comply with State Fire Marshal fire and life safety standards.

(b) Parking or storage of recreational vehicles (meaning any travel trailer, boat, camper, motor home, van, travel and utility trailer or converted bus) that is more than 20 feet in length and more than 6 feet in height, subject to the following:

(1) The vehicle shall be owned by the owner of the property or the tenant who is the primary resident of the property.

(2) The outdoor parking of such vehicles shall not be closer than five (5) feet to a property line, shall not be parked in the front or side yards and shall be located on a paved, or any other stable, all-weather surface approved by the Director of Community Development.

(3) The vehicle shall not be connected to electricity, sewer or water.

(4) The vehicle shall not be used, either temporarily or permanently, for sleeping or living purposes.

(5) The vehicle shall not be used for storage of goods, materials or equipment other than those that constitute part of the unit or are essential for its immediate use.

(6) The vehicle shall be in operable condition.

(7) The vehicle shall be effectively screened from a public right-of-way and/or adjacent residences with fencing and/or landscaping to the maximum extent allowed under the zoning regulations.

All vehicles being parked or stored as of the effective date of this subsection (b) and not conforming to the provisions hereof shall within three(3) months after receiving appropriate notice from the Community Development Department, either obtain approval of an Administrative Use Permit or cause the vehicle to be removed from the property.

Chapter 25.12 R-2 RESIDENTIAL MEDIUM DENSITY ZONE

25.12.005 Uses permitted subject to an administrative use permit.

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

(A) Family day care home, large, subject to the following standards:

- (1) The operator of the facility must be licensed pursuant to Chapter 3.5 or 3.6 of the State Health and Safety Code;
- (2) A business license shall be obtained in accordance with Chapter 5.08 of this code, Business Licenses;
- (3) No signs identifying the day care facility are permitted other than those permitted pursuant to Section 25.54.010 of this title;
- (4) Parking shall be in compliance with Chapter 25.52 of this title;
- (5) Hours of operation shall be limited to the hours between seven a.m. and seven p.m.;

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

(7) The facility shall comply with State Fire Marshal fire and life safety standards.

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

(C) Parking or storage of recreational vehicles (meaning any travel trailer, boat, camper, motor home, van, travel and utility trailer or converted bus) that is more than 20 feet in length and more than 6 feet in height, subject to the following:

- (1) The vehicle shall be owned by the owner of the property or the tenant who is the primary resident of the property.
- (2) The outdoor parking of such vehicles shall not be closer than five (5) feet to a property line, shall not be parked in the front or side yards and shall be located on a paved, or any other stable, all-weather surface approved by the Director of Community Development.
- (3) The vehicle shall not be connected to electricity, sewer or water.
- (4) The vehicle shall not be used, either temporarily or permanently, for sleeping or living purposes.
- (5) The vehicle shall not be used for storage of goods, materials or equipment other than those that constitute part of the unit or are essential for its immediate use.
- (6) The vehicle shall be in operable condition.
- (7) The vehicle shall be effectively screened from a public right-of-way and/or adjacent residences with fencing and/or landscaping to the maximum extent allowed under the zoning regulations.

All vehicles being parked or stored as of the effective date of this subsection (C) and not conforming to the provisions hereof shall within three(3) months after receiving appropriate notice from the Community Development Department, either obtain approval of an Administrative Use Permit or cause the vehicle to be removed from the property.

25.12.008 Property development standards

(C) Yard Area, Building Setback, Open Space and Coverage Standards.

(2) Front Yards. Each lot shall maintain a front yard or yards of at least twenty feet. Front yards shall not be used for the storage of trailers, boats, campers or other materials or the regular or constant parking of automobiles or other vehicles. See additional front yard requirements in Sections 25.50.004(D) and (E) of this title.

Chapter 25.14 R-3 RESIDENTIAL HIGH DENSITY ZONE

25.14.005 Uses permitted subject to an administrative use permit.

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

(A) Family day care home, large, subject to the following standards:

(1) The operator of the facility must be licensed pursuant to Chapter 3.5 or 3.6 of the State Health and Safety Code;

(2) A business license shall be obtained in accordance with Chapter 5.08 of this code, Business Licenses;

(3) No signs identifying the day care facility are permitted other than those permitted pursuant to Section 25.54.010 of this title;

(4) Parking shall be in compliance with Chapter 25.52 of this title;

(5) Hours of operation shall be limited to the hours between seven a.m. and seven p.m.;

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

(7) The facility shall comply with State Fire Marshal fire and life safety standards.

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

(C) Parking or storage of recreational vehicles (meaning any travel trailer, boat, camper, motor home, van, travel and utility trailer or converted bus) that is more than 20 feet in length and more than 6 feet in height, subject to the following:

(1) The vehicle shall be owned by the owner of the property or the tenant who is the primary resident of the property.

(2) The outdoor parking of such vehicles shall not be closer than five (5) feet to a property line, shall not be parked in the front or side yards and shall be located on a paved, or any other stable, all-weather surface approved by the Director of Community Development.

(3) The vehicle shall not be connected to electricity, sewer or water.

(4) The vehicle shall not be used, either temporarily or permanently, for sleeping or living purposes.

(5) The vehicle shall not be used for storage of goods, materials or equipment other than those that constitute part of the unit or are essential for its immediate use.

(6) The vehicle shall be in operable condition.

(7) The vehicle shall be effectively screened from a public right-of-way and/or adjacent residences with fencing and/or landscaping to the maximum extent allowed under the zoning regulations.

All vehicles being parked or stored as of the effective date of this subsection (C) and not conforming to the provisions hereof shall within three(3) months after receiving appropriate notice from the Community Development Department, either obtain approval of an Administrative Use Permit or cause the vehicle to be removed from the property.

25.14.008 Property development standards.

(C) Yard Area, Building Setback, Open Area and Coverage Standards.

(2) Front Yards. Each lot shall maintain a front yard or yards of not less than twenty feet. Front yards shall not be used for the storage of trailers, boats, campers or other materials or the regular or constant parking of automobiles or other vehicles. See additional front yard requirements in Section 25.50.004(D) and (E) and 25.50.008(E) of this title.

Chapter 25.15 R/HP RESIDENTIAL/HILLSIDE PROTECTION ZONE

25.15.007 Uses permitted subject to an administrative use permit.

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

(A) Family day care home, large, subject to the standards set forth in Section 25.10.005.

(B) Parking or storage of recreational vehicles (meaning any travel trailer, boat, camper, motor home, van, travel and utility trailer or converted bus) that is more than 20 feet in length and more than 6 feet in height, subject to the following:

(1) The vehicle shall be owned by the owner of the property or the tenant who is the primary resident of the property.

(2) The outdoor parking of such vehicles shall not be closer than five (5) feet to a property line, shall not be parked in the front or side yards and shall be located on a paved, or any other stable, all-weather surface approved by the Director of Community Development.

(3) The vehicle shall not be connected to electricity, sewer or water.

(4) The vehicle shall not be used, either temporarily or permanently, for sleeping or living purposes.

(5) The vehicle shall not be used for storage of goods, materials or equipment other than those that constitute part of the unit or are essential for its immediate use.

(6) The vehicle shall be in operable condition.

(7) The vehicle shall be effectively screened from a public right-of-way and/or adjacent residences with fencing and/or landscaping to the maximum extent allowed under the zoning regulations.

All vehicles being parked or stored as of the effective date of this subsection (B) and not conforming to the provisions hereof shall within three(3) months after receiving appropriate notice from the Community Development Department, either obtain approval of an Administrative Use Permit or cause the vehicle to be removed from the property.

LCP 06-04 LANDSCAPED OPEN SPACE

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RESOLUTION NO. 07.076

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH, CALIFORNIA, ADOPTING LOCAL COASTAL PROGRAM AMENDMENT 06-04 AND REQUESTING ITS CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION

WHEREAS, after notice duly given pursuant to Government Code Section 65090 and Public Resources Code Sections 30503 and 30510, the Planning Commission of the City of Laguna Beach held at least one public hearing to consider the adoption of Laguna Beach Local Coastal Program Amendment 06-04; and

WHEREAS, the City Council, after giving notice as prescribed by law, held at least one public meeting regarding the proposed Laguna Beach Local Coastal Program Amendment 06-04, and the City Council finds that the proposed amendment is consistent with the Certified Laguna Beach Coastal Land Use Plan and Chapter 6 of the California Coastal Act; and

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

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


SECTION 1: That the Laguna Beach Local Coastal Program Amendment 06-04 is hereby approved, consisting of Ordinance No. 1475 pertaining to an amendment to Municipal Code Sections 25.10.008 pertaining to new landscaped open space requirements for new homes and major remodels. A copy of the aforesaid Ordinance is attached hereto as Exhibit A, and is incorporated by this reference as though fully set forth herein.

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SECTION 2: That the California Coastal Commission is hereby requested to consider, approve and certify **Laguna Beach Local Coastal Program Amendment No. 06-04.**

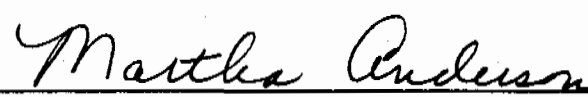
SECTION 3: That pursuant to Section 13551(b) of the Coastal Commission Regulations, **Laguna Beach Local Coastal Program Amendment No. 06-04** will automatically take effect immediately upon California Coastal Commission approval, as provided in Public Resources Code Sections 30512, 30513 and 30519.

ADOPTED this 7th day of August, 2007.



Toni Iseman, Mayor

ATTEST:



City Clerk

I, MARTHA ANDERSON, City Clerk of the City of Laguna Beach, California, do hereby certify that the foregoing Resolution No. 07.076 was duly adopted at a Regular Meeting of the City Council of said City held on August 7, 2007, by the following vote:

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



City Clerk of the City of Laguna Beach, CA

ORDINANCE NO. 1475

AN ORDINANCE OF THE CITY OF LAGUNA BEACH ESTABLISHING SECTION 25.10.008(O) OF THE LAGUNA BEACH MUNICIPAL CODE, RELATING TO LANDSCAPED OPEN SPACE REQUIREMENTS

WHEREAS, on May 9, 2007, the Planning Commission conducted a legally noticed public hearing regarding the above topic; and

WHEREAS, on July 17 and August 7, 2007, the City Council conducted legally noticed public hearings 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 25.10.008 of Chapter 25.10 is hereby amended by adding the following new Subsection 25.10.008(O), which reads in its entirety as follows:

25.10.008 Property development standards.

(O) Landscaped Open Space Requirement. All new homes or major remodels shall provide the following minimum ground-to-sky landscaped open space or landscaped area, depending on the lot size:

<u>Lot Area</u>	<u>Required Minimum Landscaped Area</u>
<u>2,500 sq. ft. or less</u>	<u>15%</u>
<u>2,500 to 14,500 sq. ft.</u>	<u>Percentage based on the following formula:</u>
	<u>$15\% + [(A - 2500) \times 20] / 12,000$</u>
	<u>Where A = lot size in sq. ft.</u>
<u>14,500 sq. ft. and over</u>	<u>35%</u>

Landscaped open area or landscaped area shall be any combination of living plants (such as grass, ground cover, shrubs, vines, hedges or trees). To qualify as part of the required landscaped area there must be a minimum dimension of 3-feet. The landscaped area may be located anywhere within the lot, including the buildable or setback areas. A major remodel is a structural renovation and/or addition, which equals or exceeds fifty percent (50%) of the original gross floor area of the structure on the lot.

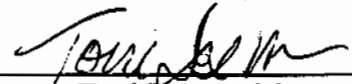
SECTION 2. This Ordinance is exempt from compliance with the California Environmental Quality Act (CEQA) pursuant to Section 15061 (b)(3) of the State CEQA Guidelines, and a Notice of Exemption has been prepared.

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

SECTION 4. This Ordinance is intended to be of 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 5. The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published in the manner required by law in the City of Laguna Beach. This Ordinance shall become effective thirty (30) days from and after the date of its adoption by the City Council.

ADOPTED this 7th day of August, 2007.



Toni Iseman, Mayor

ATTEST:



City Clerk

I, Martha Anderson, 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 July 17, 2007 and was finally adopted at a regular meeting of the City Council of said City held on August 7, 2007, by the following vote:

AYES: COUNCILMEMBER(S): Boyd, Schneider, Kinsman, Egly, Iseman

NOES: COUNCILMEMBER(S): None

ABSENT: COUNCILMEMBER(S): None



City Clerk of the City of Laguna Beach, CA