

**CALIFORNIA COASTAL COMMISSION**

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

March 28, 2012

**F 7a**

**TO:** Commissioners and Interested Persons

**FROM:** Sherilyn Sarb, Deputy Director  
Teresa Henry, District Manager  
Karl Schwing, Supervisor, Regulation & Planning  
Meg Vaughn, Coastal Program Analyst

**SUBJECT:** Major Amendment Request No. 1-11 (Design Review, Sustainability, Nonconforming Lots & Structures, Design Guidelines, Hedge Height Claim Process) to the City of Laguna Beach Certified Local Coastal Program (For Public Hearing and Commission Action at the April 13, 2012 meeting in Ventura).

**SUMMARY OF LCP AMENDMENT REQUEST NO. 1-11**

Request by City Of Laguna Beach to amend the Implementation Plan only as reflected below:

- City Council Resolution No. 09.086 requests action on Ordinance No. 1515 regarding grading/construction material hauling hours, modify threshold for development requiring design review, modify design review noticing requirements, exempt elevator shafts from floor area calculation, allow development on nonconforming lots and additions to legal nonconforming structures without a variance.
- City Council Resolution No. 11.003 which requests action on Ordinance No. 1541 regarding the addition of sustainability as a design review criteria. And related City Council Resolution No. 10.117 which adopts a document titled *Design Guidelines – A Guide to Residential Development*.
- City Council Resolution No. 10.116 which requests action on Ordinance No. 1540 regarding revisions to the City's hedge height claim process.

The proposed amendment will affect Title 25 *Zoning* and Title 22 *Excavating, Grading and Filling*, both of which are contained in the City's certified Implementation Plan. The proposed amendment would also add a new document to the certified Implementation Plan titled: *Design Guidelines – A Guideline to Residential Development*. Only the Implementation Plan portion of the City's certified LCP is affected by the proposed amendment.

**SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending that the Commission, after public hearing:

**Approve** the amendment request to the Implementation Plan **as submitted**.

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

## **STANDARD OF REVIEW**

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

## **SUMMARY OF PUBLIC PARTICIPATION**

Section 30503 of the Coastal Act requires public input in Local Coastal Program development. It states: *During the preparation, approval, certification, and amendment of any local coastal program, the public, as well as all affected governmental agencies, including special districts, shall be provided maximum opportunities to participate. Prior to submission of a local coastal program for approval, local governments shall hold a public hearing or hearings on that portion of the program which has not been subjected to public hearings within four years of such submission.*

Ordinance No. 1515: The proposed changes regarding grading/construction material hauling hours, modifying the threshold for development requiring the City's design review process, modifying design review noticing requirements, exempting elevator shafts from gross floor area calculation, changes to the standards for development allowed on nonconforming lots, and modifying standards regarding additions to legal nonconforming structures without a variance were heard at the following public hearings: Planning Commission meetings: 9/9/09, 8/12/09, 7/8/09, and 6/10/09; and City Council meetings of 11/17/09, 11/3/09, 10/6/09. Public testimony at the hearings included concerns regarding loss of rental housing if conversion of duplexes to condominiums becomes more difficult with regard to non-conforming development. Also, concerns were expressed that the proposed changes were too restrictive, while others expressed concerns that the proposed changes were not restrictive enough.

Ordinance No. 1540: The proposed changes regarding revisions to the City's hedge height claim process were heard at the following public hearings: City Council meetings of 12/7/10; 11/16/10; 7/20/10; Planning Commission meetings of 10/13/10; 9/22/10. Public testimony at the hearings included comments regarding responsibility for paying for the claims process and general support for the changes.

Ordinance No. 1541: The proposed changes regarding adding sustainability to the list of criteria considered by the Design Review Board and adopting the new document titled *Design Guidelines – A Guide to Residential Development* were heard at the following public hearings: City Council meetings of 1/4/11 and 12/7/10; Planning Commission meetings of 10/27/10; 9/8/10; 5/5/10; 4/14/10. Public testimony at the hearings included concerns regarding the appropriate distance between decorative outdoor fire pits and combustible vegetation and comments on specific wording of the proposed *Design Guidelines* document. The fire pit concern was addressed in the final document by adding a requirement to consult the Community Development or Fire Departments for current regulations pertaining to outdoor fire-pits/fire places.

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**Exhibits:**

1. City Council Resolution No. 09-086; Ordinance No. 1515
2. City Council Resolution No. 11.003; Ordinance No. 1541
3. City Council Resolution No. 10-116; Ordinance No. 1540
4. City Council Resolution No. 10.117 Adopting *Design Guidelines – a Guide to Residential Development*.

**ADDITIONAL INFORMATION**

Copies of the staff report are available online at [www.coastal.ca.gov](http://www.coastal.ca.gov) and at the South Coast District office located at 200 Oceangate, Suite 1000, Long Beach, 90802. To obtain copies of the staff report by mail, or for additional information, contact Meg Vaughn in the Long Beach office at (562) 590-5071.

**I. STAFF RECOMMENDATION**

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

**Approval of the IP Amendment as Submitted**

**MOTION:**     *I move that the Commission reject Implementation Plan Amendment No. 1-11 for the City of Laguna Beach as submitted.*

**STAFF RECOMMENDATION:**

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Plan as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO CERTIFY THE IMPLEMENTATION PLAN AS SUBMITTED:**

The Commission hereby certifies the Implementation Plan Amendment 1-11 for the City of Laguna Beach as submitted and adopts the findings set forth below on grounds that the Implementation Plan amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Plan amendment complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

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**STAFF NOTE 1:** The original LCPA 1-11 submittal also included a request for Commission action on Ordinance No. 1505 which would replace the current Chapter 25.38 *Flood Damage Prevention* with new Chapter 25.38 *Floodplain Management*; and Ordinance No. 1543 which would revise the definition of “kitchen” and add a new definition for “major remodel” as well as making a number of related changes regarding development requirements applicable to major remodels and altering nonconforming structures. However, in order to allow additional time for City staff and Commission staff to work together to narrow areas of difference with the goal of developing mutually acceptable modification language, the City has withdrawn Ordinance Nos. 1505 and 1543 from this LCP Amendment. Both items are expected to be resubmitted in the next few months.

**STAFF NOTE 2:** Changes proposed under Ordinance No. 1515 was previously submitted as part of LCP amendment 3-09. Changes proposed via Ordinance No. 1515 were characterized as Segment B of that amendment. Segment B of LCPA 3-09 was withdrawn prior to Commission action in order to give staff time to adequately review the proposed changes.

## **II. FINDINGS**

The following findings support the Commission's approval as submitted of the proposed LCP Implementation Plan amendment. The Commission hereby finds and declares as follows:

### **A. Amendment Description**

The City of Laguna Beach has requested to amend the Implementation Plan (IP) portion of the certified Local Coastal Program (LCP). The main document comprising the City's certified Implementation Plan is Title 25 *Zoning*, the City's Zoning Code, but the certified IP also includes a number of other documents, among them Title 22 *Excavating, Grading and Filling*. The changes proposed to the City's certified IP pursuant to this amendment request are reflected in the following City Council Resolution Nos.: 09-086 (Ordinance 1515 nonconforming lots, expansion of nonconforming structures, and various changes), 11.003 (Ordinance 1541 & adoption of *Design Guidelines – A Guide to Residential Development*), 10.116 (1541). The changes proposed via the separate resolutions are not related to each other. The proposed changes are described in greater detail below. Only the Implementation Plan portion of the City's certified LCP is affected by the proposed amendment.

#### **1) Ordinance No. 1515 – Non-Conforming Lot Variances & Additions to Legal Nonconforming Structures**

Ordinance No. 1515 proposes changes to both Title 22 *Excavating, Grading and Filling* and to Title 25 *Zoning*. Changes proposed under Ordinance No. 1515 include a change to add new Section 25.56.022 *Nonconforming Lots*. Currently, development is allowed on lots that were legally created but do not conform to the current lot area and/or the lot dimension standards for the zone in which

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the lot is located only when a variance is granted. So, even in cases where the development proposed on the lot complies with all applicable development standards (e.g. setbacks, height, etc.), the development can only be approved in conjunction with a variance because the lot itself is non-conforming. The proposed language would allow development proposals for these lots to be considered without requiring approval of a variance when the proposed development complies with: 1) the allowable density standards for the zone, and; 2) the General Plan (Land Use Plan) land use designation, and; with 3) all applicable zoning regulations. There are lots within the City that were created long before the effective date of the Coastal Act, many as early as the 1920s. This change is proposed to recognize that these lots are legal building sites and thus development upon them may be contemplated. Any such development would remain subject to existing governing restrictions, including coastal development permit requirements. Proposed Section 25.56.022 also prohibits further subdivision of the nonconforming lots, including condominium subdivisions.

Ordinance No. 1515 also includes a proposed modification to Section 25.56.008 regarding adding to or enlarging existing legal nonconforming structures. Currently Section 25.56.008 prohibits any nonconforming structure from being added to or enlarged unless the entire structure is made to conform to all applicable zoning requirements, with the following exceptions: 1) legal nonconforming structures in the R1, R2 or VC Zones may be enlarged as long as the addition meets all zoning regulations and the total floor area of the structure (including the addition) does not exceed 1500 square feet; 2) if the only nonconforming aspect of the existing structure is noncompliance with the required yard regulations and access (lot access not public access) requirements, then additions may be allowed provided the addition complies with all zoning regulations and the total square footage of the structure including additions does not exceed 50% of floor area of the structure prior to the addition(s).

Ordinance No. 1515 would also modify Title 22 *Excavating, Grading and Filling*, Section 22.14.010(m)(3) by reducing the hours allowed for hauling grading materials over City streets. Currently the hours allowed for this are from 8:00 am to 4:00 pm. The proposed amendment would reduce those hours to between 9:00 am and 3:00 pm. In addition, this ordinance proposes the following changes to Title 25: In Chapter 25.05 *Administration*, Section 25.05.040(B)(1)(j) is proposed to be modified by adding to the list of improvements that are subject to Design Review Board approval additions to existing legal nonconforming structures that exceed 10% of the original gross floor area. Also in Chapter 25.05 *Administration*, Section 25.05.040(E) is proposed to be modified by requiring the noticing period for Design Review projects to coincide with the required 28-day staking period. And, in Chapter 25.08 *Definitions*, Section 25.08.012 would modify the definition of “gross floor area” to specify that the calculation of gross floor area does not include the area occupied by elevator shafts. Currently, the section is silent regarding whether the area of elevator shafts is included in the calculation.

2) Ordinance No. 1541 – Design Review & Sustainability

City Council Resolution No. 11.003 requests action on Ordinance No. 1541 regarding the addition of “*sustainability*” as a design review criteria. And related City Council Resolution No. 10.117

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adopts a new planning document titled *Design Guidelines – A Guide to Residential Development*, and proposes to add the new document to the City’s certified Implementation Plan (Exhibit 4).

More specifically, Ordinance No. 1541 would modify Section 25.05.040(H) *Design Review Criteria* which is contained within Chapter 25.05 *Administration*. Chapter 25.05 *Administration*’s intent and purpose states: “*It is the intent and purpose of this chapter to establish procedures necessary for the efficient processing of planning and development applications and requests.*” Chapter 25.05 includes the standards and requirements for administrative use permits, variances, conditional use permits, temporary use permits, and design review. Chapter 25.07 of Title 25 is titled *Coastal Development Permits* and includes the standards and requirements for coastal development permit procedures.

The proposed amendment would add the following new language to Section 25.05.040(H) *Design Review Criteria*:

*(14) Sustainability. New development should consider architecture and building practices which minimize environmental impacts and enhance energy efficiency by: (1) reducing energy needs of buildings by proper site and structural design; (2) increasing the building’s ability to capture or generate energy; (3) using low-impact, sustainable and recycled building materials; (4) using the latest Best Management Practices regarding waste water and water management; and (5) reducing site emissions.*

The above language is proposed to be added to an existing list of criteria to be considered during the City’s Design Review process. The current list of Design Review criteria include: access, design articulation, design integrity, environmental context, General Plan compliance, historic preservation, landscaping, lighting and glare, neighborhood compatibility, pedestrian orientation, privacy, public art, sign quality, swimming pools, spas and water features, and view equity. The complete text of Section 25.05.040(H) is included in Exhibit 2.

In addition, City Council Resolution No. 10.117 adopts a new document titled “*Design Guidelines – A Guide to Residential Development*” and requests this document’s inclusion in the City’s Implementation Plan portion of the City’s LCP. According to the City Council Agenda Bill dated 12/7/10, the City’s goal in developing this document is “to create a clear, comprehensive and user-friendly document describing and elaborating on the design review criteria and design review process.” The proposed *Design Guidelines* document includes a section on each of the design review criteria (listed above), including the proposed additional criteria *sustainability*. It was creation of this new document that led to the addition proposed via ordinance No. 1541.

The proposed *Design Guidelines* document elaborates on each of the Design Review Criteria listed in Section 25.05.040(H) in greater detail. In addition to the *Design Review Criteria* section (Section B within which each of the criteria is represented by a separate chapter), the proposed *Design Guidelines* document also includes Section A *Introduction* (Chapter 1 Design Review and Chapter 2 Village Atmosphere), which includes discussion on the intent of the guidelines (intended to clarify

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the criteria used in the Design Review process) and the structure of the document; and Section C *The Entitlement Process*, which lists the governing documents; approval authorities for the City's entitlement process, and the steps included in the Design Review process; and an Appendix consisting of a Glossary. In general the proposed *Design Guidelines* document will be more restrictive than what is described in the City's Municipal Code. As stated within the document: "*The actual development allowed will often be less than the maximum allowed by the code because of localized conditions identified during the design review process. A proposed development that has no variances from the development standards does not have any presumptive development right or 'entitlement' to be built to the maximums specified.*"

The City's Design Review process is separate, but often concurrent with, the coastal development permit process. All proposed development, as defined in Section 25.07 (*Coastal Development Permits*) of Title 25 of the City's certified Implementation Plan, requires approval of a coastal development permit in order to proceed, and is subject to the standards and requirements of the City's LCP. The Design Review process may include fewer, additional or different requirements than the coastal development permit process, but both would be required to be met in order to receive approval. In addition, a locally approved coastal development permit would be subject to the permit procedures as outlined in Chapter 25.07. The proposed amendment would not change the current requirements of Chapter 25.07 *Coastal Development Permits*.

3) Ordinance No. 1540 – Hedge Heights

City Council Resolution No. 10.116 requests action on Ordinance No. 1540 regarding revisions to the City's hedge height claim process. This ordinance is proposed to modify Chapter 25.50 of Title 25 *Zoning* of the City's certified Implementation plan. Chapter 25.50 is titled *General Yard and Open Space Provisions*. This portion of the proposed amendment would modify Section 25.50.12 *Fences, Walls, Hedges, Latticework and Screens*, subsection B.7. This change is intended to streamline the process by which a claim can be filed alleging that the height of a hedge constitutes a safety hazard or creates a view or sunlight impact to private property. The proposed changes reduce the noticing requirement to property owners within 100 feet of the subject hedge property, allows an appeal of a decision by the Director of Community Development to be filed directly with the City Council without having to be heard first by Design Review Board, and prohibits any modification to the hedge once the claim is filed until the claim is ultimately resolved. This process applies to private views only, not public views. Unless determined to be significant vegetation or determined to adversely impact public views in cases involving placement of new hedges, hedge height modifications would not constitute development according to the definition of development contained in Chapter 25.07 *Coastal Development Permits*. In any case, such claims and their processing would not trigger the need for coastal development permit review. But in those rare cases where a hedge under review does trigger the need for coastal development permit review, the standards of both Section 25.50.12 and of Chapter 25.07 *Coastal Development Permits* would need to be satisfied.

**B. Approval of Implementation Plan Amendment No. 1-11 as Submitted**

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

1. Ordinance No. 1515 – Non Conforming Lots & Additions to Legal Nonconforming Structures

The proposed addition of new Section 25.56.022 *Nonconforming Lots* would allow development proposals on existing legal lots that are nonconforming due to area and/or dimension without a variance. Because the lots subject to this new section are legal building sites, development cannot be foreclosed based solely upon the substandard size. As stated previously, any development proposed for these lots would be subject to existing governing restrictions, including coastal development permit requirements. This change simply recognizes that these lots are legal building sites and thus development upon them may be contemplated. Thus, this change raises no issue with regard to conformance with and adequacy to carry out the policies of the City's certified Land Use Plan.

The proposed changes to Section 25.56.008 would allow expansion of legal nonconforming structures when such expansions comply in every respect with Title 25 *Zoning Code* (including Chapter 25.07 *Coastal Development Permits*), when the expansion complies with the intent and purpose of the Design Review process, and, when adequate parking is provided. The current language in the certified Section 25.56.008 allows expansion of existing nonconforming structures when the structure is located in R1, R2, or VC zones when the expansions meets all applicable zoning regulations and either 1) the total square footage (including additions) does not exceed 1500 square feet; or 2) when the structure is nonconforming only with regard to required yard and access requirements and the total square footage (including additions) does not exceed 50% of the floor area contained in the structure prior to the addition(s). Thus, the proposed changes no longer tie the allowable expansions to the size of the structure. However, the proposed language requires that any expansion of a nonconforming structure meet all zoning requirements, thus expansions that increase the extent of the nonconformity would not be allowed. Furthermore, because any expansions to nonconforming structures must be consistent with all of Title 25 *Zoning*, expansions that are not consistent with the requirements of Chapter 25.07 *Coastal Development Permits* would not be allowed. The main difference between the existing language and the proposed language is that rather than phrasing the language to prohibit expansions except in certain cases, the language would allow expansion when specific criteria are met. Other than restricting enlargements to certain zones and sizes in the existing language and requiring consistency with the intent of the Design Review provisions and provision of adequate parking in the proposed language, the proposed requirements regarding expansion of nonconforming structures remains essentially the same. Thus, this change raises no issue with regard to conformance with and adequacy to carry out the policies of the City's certified Land Use Plan.



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The remaining changes proposed under this ordinance, including reducing the hours for hauling graded materials, changes to the City's Design Review process, and clarifying that elevator shafts are not included in the gross floor area calculation, also raise no issue with regard to conformance with and adequacy to carry out the policies of the City's certified Land Use Plan.

2. Resolution No. 10.117 & Ordinance No. 1541 – Design Review & Sustainability

In proposing the changes to incorporate “sustainability” as an additional criterion in the City's Design Review process and the addition of guidelines for residential development, the City's intent was to “reduce contentiousness in the City's design review process” and includes the goal of creating “a clear, comprehensive and user-friendly document describing and elaborating on the design review criteria and design review process.” [City of Laguna Beach Agenda Bill, 12/7/10]. As described previously, the changes proposed via Ordinance No. 1541 and in the addition of the document titled “*Design Guidelines – A guide to Residential Development*” into the City's certified IP will provide additional guidance and clarification for requirements that currently exist in the IP. Thus, this change raises no issue with regard to conformance with and adequacy to carry out the policies of the City's certified Land Use Plan.

3. Ordinance No. 1540 – Hedge Heights

The requirements regarding hedge heights and the procedure for the claims process is a local issue that does not raise any issue with regard to conformance with and adequacy to carry out the City's certified Land Use Plan.

4. Conclusion

The changes proposed via LCPA 1-11 are either procedural in nature and/or are more restrictive than currently certified language. They are general in nature and do not correspond to specific Land Use Plan policy categories. And, though extensive, they are all consistent with and adequate to carry out the policies of the City's certified Land Use Plan as proposed. Therefore, staff recommends that the Commission approve the proposed Implementation Plan amendment as submitted.

**III. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Section 21080.9 of the California Public Resources Code – and the California Environmental Quality Act (CEQA) - exempts local governments from the requirement of preparing environmental impact reports (EIRs), among other things, in connection with their activities and approvals necessary for the preparation and adoption of local coastal programs (LCPs). The Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under Section 21080.5 of CEQA, the Commission is relieved of the responsibility to prepare an EIR for each LCP. Nevertheless, the Commission is required, in approving an LCP submittal, to find that the proposal does conform with the provisions of CEQA, and to base any certification on a specific factual finding supporting

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the conclusion that the proposal “meets the requirements of [CEQA] Section 21080.5(d)(2)(i) ... , which requires that an activity will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.” 14 C.C.R. Sections 13555(b), 13542(a), and 13540(f). The City of Laguna Beach LCP amendment 1-11 consists of an amendment to the Implementation Plan (IP) only. The City has found the proposed amendment to be categorically exempt under CEQA.

As outlined in this staff report, the proposed Implementation Plan amendment as submitted is not expected to result in significant adverse impacts on the environment. For the reasons described above and throughout this staff report, the IP amendment is in conformity with and adequate to carry out the policies of the certified LUP, including the land use and public access policies. Therefore, the Commission finds that approval of the Implementation Plan amendment as submitted will not result in significant adverse environmental impacts under the meaning of CEQA. Therefore, the Commission certifies City of Laguna Beach LCP amendment request 1-11 as submitted.

RESOLUTION NO. 09.086

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
LAGUNA BEACH, CALIFORNIA, ADOPTING LOCAL COASTAL  
PROGRAM AMENDMENT 09-02 AND REQUESTING ITS  
CERTIFICATION BY THE COASTAL COMMISSION.

WHEREAS, after notice duly given pursuant to Government Code Section 65090  
and Public Resources Code Sections 30503 and 30510, the Planning Commission of the City  
of Laguna Beach held public hearings to consider the adoption of Laguna Beach Local  
Coastal Program Amendment No. 09-02, and such amendment was recommended to the City  
Council for adoption; and

WHEREAS, the City Council after giving notice as described by law, held at least  
one public meeting regarding the proposed Laguna Beach Local Coastal Program  
Amendment No. 09-02, and the City Council finds that the proposed amendment is  
consistent with the Certified Laguna Beach Coastal Land Use Plan and Chapter 6 of the  
California Coastal Act; and

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

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA  
BEACH DOES RESOLVE AND ORDER as follows:

SECTION 1. That Laguna Beach Local Coastal Program Amendment No. 09-02 is  
hereby approved, consisting of Ordinance No. 1515 pertaining to a number of miscellaneous  
municipal code regulations, including adding to or enlarging legal nonconforming structures  
and non-conforming 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.

COASTAL COMMISSION

LGB-MAJ-LCPA-1-11

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1        SECTION 2. That the California Coastal Commission is hereby requested to  
2 consider, approve and certify Local Coastal Program Amendment 09-02.

3        SECTION 3. That pursuant to Section 13551(b) of the Coastal Commission  
4 Regulations, Laguna Beach Local Coastal Program Amendment No. 09-02 will take effect  
5 automatically upon Coastal Commission approval, as provided in Pubic Resources Code  
6 Sections 30512, 30513 and 30519.

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8 ADOPTED this 17<sup>th</sup> day of November, 2009.

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Kelly Boyd, Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

I, MARTHA ANDERSON, City Clerk of the City of Laguna Beach, California, do  
hereby certify that the foregoing Resolution No. 09.086 was duly adopted at a Regular  
Meeting of the City Council of said City held on November 17, 2009 by the following vote:

AYES:        COUNCILMEMBER(S): Pearson, Iseman, Rollinger, Egly, Boyd  
NOES        COUNCILMEMBER(S): None  
ABSENT      COUNCILMEMBER(S): None

  
\_\_\_\_\_  
City Clerk of the City of Laguna Beach, CA

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ORDINANCE NO. 1515

AN ORDINANCE OF THE CITY OF LAGUNA BEACH, CALIFORNIA:

- 1) AMENDING MUNICIPAL CODE SECTION 22.14.010(m)(3) REGARDING PERMITTED HOURS OF OPERATION FOR HAULING OF GRADING MATERIALS OVER CITY STREETS;
- 2) AMENDING MUNICIPAL CODE SECTION 25.05.040(B)(1)(j) REGARDING DEVELOPMENT SUBJECT TO DESIGN REVIEW;
- 3) AMENDING MUNICIPAL CODE SECTION 25.05.040(E) REGARDING REQUIRED DESIGN REVIEW PUBLIC HEARING NOTICE TIME PERIOD;
- 4) AMENDING THE GROSS FLOOR AREA DEFINITION IN MUNICIPAL CODE SECTION 25.08.012;
- 5) AMENDING MUNICIPAL CODE SECTION 25.56.008 REGARDING VARIANCE EXCEPTIONS FOR ADDING TO OR ENLARGING NONCONFORMING STRUCTURES; AND
- 6) ADDING MUNICIPAL CODE SECTION 25.56.022 REGARDING NONCONFORMING LOTS

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

**SECTION 1:** The City Council finds that the actions contemplated by this ordinance are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines, in that the proposed amendments of and addition to the Municipal Code do not have the potential for causing a significant effect on the environment.

**SECTION 2:** The City Council hereby amends Municipal Code Section 22.14.010(m)(3) to read in its entirety as follows:

(3) Grading work ~~and hauling of materials over City streets~~ shall be limited to the hours of eight a.m. to four p.m., Monday through Friday. Hauling of grading materials on streets in the City shall be limited to the hours of nine a.m. to three p.m., Monday through Friday. No work shall be permitted on City holidays. Permittee must obtain written approval of the City to work or operate equipment at any other time.

**SECTION 3:** The City Council hereby amends Municipal Code Section 25.05.040(B)(1)(j) to read in its entirety as follows:

(j) Additions that are 50% or more of the original gross floor area, additions that create a new upper story, ~~or~~ additions that exceed a height of 15 feet above the adjacent ground elevation or additions that exceed 10% of the original gross floor area of an existing legal nonconforming structure;

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**SECTION 4:** The City Council hereby amends Municipal Code Section 25.05.040(E) to read in its entirety as follows:

(E) Public Notice. Public notice shall be mailed to the property owners within three hundred feet of the subject property at least ~~forty-two~~twenty-eight calendar days prior to the first public hearing and is subject to the provisions of Section 25.05.065(B) and (C), except that the requirements for newspaper advertising shall not be required, and the public notice for Coastal Development Permits must be in accordance with Section 25.07.014.

**SECTION 5:** The City Council hereby amends the "Floor Area, Gross" definition contained in Municipal Code Section 25.08.012 to read in its entirety as follows:

"Floor area, gross" means the sum of the gross horizontal areas of the several floors of a building, excluding areas used for garage purposes, elevators shafts and such other basement, cellar or attic areas as are devoted exclusively to uses accessory to the operation of the building. Horizontal dimensions shall be ~~taken measured~~ from the face of the building and shall include enclosed porches, stairways and exit balconies;

**SECTION 6:** The City Council hereby amends Municipal Code Section 25.56.008 to read in its entirety as follows:

**25.56.008 Adding To or Enlarging a Nonconforming Structure.**

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

(B) ~~Exceptions:~~

(1) ~~Existing legal nonconforming structure located in the R1, R2 or VC Zones may be added to or expanded without bringing the existing nonconformities into compliance with the provisions of the applicable Zoning District if the proposed structure's addition or modification meets all of the following criteria:~~

- (a) ~~The proposed addition meets all applicable zoning regulations; and~~
- (b) ~~The total floor area per residential structure (with addition) does not exceed 1500 square feet.~~

(2) ~~If a building is nonconforming only because of noncompliance with the required yard regulations and access requirements, then additions and enlargements may be made without the need for a variance provided:~~

- (a) ~~The addition and enlargements comply in every respect with the provisions of this Title; and~~
- (b) ~~The total aggregate floor area included in all such separate additions and enlargements does not exceed 50% of the floor area contained in such building, structure or improvement prior to making of any such additions and enlargements.~~

A legal nonconforming structure may be enlarged or expanded if:

- (1) The enlargement or expansion complies in every respect with all applicable provisions of Title 25 – Laguna Beach Zoning Code; and

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- (2) When Design Review is required, the approval authority finds that the proposed enlargement or expansion and the project as a whole complies with the Design Review Ordinance Intent and Purpose Section 25.05.040(A) and Design Review Criteria as set forth in Section 25.05.040(H). (The existing nonconformities shall be identified in the public hearing notice.); and
- (3) The required number of parking spaces is provided per Chapter 25.52 – Parking Requirements. However, existing single-family dwellings that have a nonconforming number of required parking spaces may be enlarged or expanded without complying with the required number of spaces, if the total gross floor area of the residential structure, including the proposed enlargement or addition, does not exceed 1500 square feet and at least one parking space is provided on the property.

**SECTION 7:** The City Council hereby adds Section 25.56.022 to the Municipal Code to read in its entirety as follows:

**25.56.022 Nonconforming Lots**

Notwithstanding any other provisions of Title 25, any nonconforming lot or parcel that has been lawfully created but does not conform to the lot area and/or the lot dimension standards for the zone in which it is located, and is a legal building site pursuant to the definition contained in Section 25.08.004, shall be allowed to be developed without approval of a nonconforming lot variance, provided that the development complies with allowable density standards specified for the zone and General Plan Land Use Designation and all applicable zoning regulations. A lot or parcel that is proposed to be subdivided, including a condominium subdivision, shall be in compliance with the applicable lot area and lot dimension standards for the zone in which it is located.

**SECTION 8:** This Ordinance shall take effect and be in full force and effect thirty (30) days from and after the date of its final passage and adoption, or until otherwise superseded by action of the City Council or by operation of State Law.

**SECTION 9:** The City Clerk shall certify to the passage of this Ordinance and shall cause this Ordinance to be published or posted as required by law.

ADOPTED this 17th day of November, 2009.

\_\_\_\_\_  
Kelly Boyd, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

I, MARTHA ANDERSON, City Clerk of the City of Laguna Beach, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council on October 6, 2009, and was finally adopted at a regular meeting of the City Council of said City held on November 17, 2009, by the following vote:

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

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\_\_\_\_\_  
City Clerk, of the City of Laguna Beach, CA

**RESOLUTION NO. 10.116**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
LAGUNA BEACH, CALIFORNIA, ADOPTING LOCAL COASTAL  
PROGRAM AMENDMENT 2010-06 AND REQUESTING ITS  
CERTIFICATION BY THE COASTAL COMMISSION.**

**WHEREAS**, after notice duly given pursuant to Government Code Section 65090 and Public Resources Code Sections 30503 and 30510, the Planning Commission of the City of Laguna Beach held public hearings to consider the adoption of Laguna Beach Local Coastal Program Amendment No. 2010-06, and such amendment was recommended to the City Council for adoption; and

**WHEREAS**, the City Council after giving notice as described by law, held at least one public meeting regarding the proposed Laguna Beach Local Coastal Program Amendment No. 2010-06, and the City Council finds that the proposed amendment is consistent with the Certified Laguna Beach Coastal Land Use Plan and Chapter 6 of the California Coastal Act; and

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

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH DOES RESOLVE AND ORDER** as follows:

**SECTION 1.** That Laguna Beach Local Coastal Program Amendment No. 2010-06 is hereby approved, consisting of Ordinance 1540 regarding amendments to the Hedge Height Claim process. A copy of the aforesaid document is attached hereto as Exhibit "A" and is incorporated by reference as though fully set forth herein.

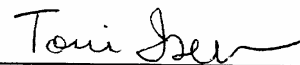
**SECTION 2.** That the California Coastal Commission is hereby requested to consider, approve and certify Local Coastal Program Amendment 2010-06.



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1                    **SECTION 3.** That pursuant to Section 13551(b) of the Coastal Commissio.  
2 Regulations, Laguna Beach Local Coastal Program Amendment No. 2010-06 will take effect  
3 automatically upon Coastal Commission approval, as provided in Pubic Resources Code  
4 Sections 30512, 30513 and 30519.

5  
6 ADOPTED this 7th day of December, 2010.

7  
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9 Toni Iseman, Mayor

10 ATTEST:

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12 City Clerk

13 I, MARTHA ANDERSON, City Clerk of the City of Laguna Beach, California, do  
14 hereby certify that the foregoing Resolution No. 10.116 was duly adopted at a Regular  
Meeting of the City Council of said City held on December 7, 2010 by the following vote:

15 AYES: COUNCILMEMBER(S): Boyd, Egly, Rollinger, Pearson, Iseman

16 NOES COUNCILMEMBER(S):

17 ABSENT COUNCILMEMBER(S):  
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21 City Clerk of the City of Laguna Beach, CA  
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25 Ex. 2  
26 page 2 of 5  
27  
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**EXHIBIT "A"**

**ORDINANCE NO. 1540**

**AN ORDINANCE OF THE CITY OF LAGUNA BEACH, CALIFORNIA  
AMENDING CHAPTER 25.50 OF THE LAGUNA BEACH MUNICIPAL  
CODE REGARDING HEDGES.**

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

**SECTION 1:** The City Council does hereby amend Subsection 25.50.012 – Fences, Walls, Hedges, Latticework and Screens of the Laguna Beach Municipal Code by amending the Subsection to read in its entirety as follows:

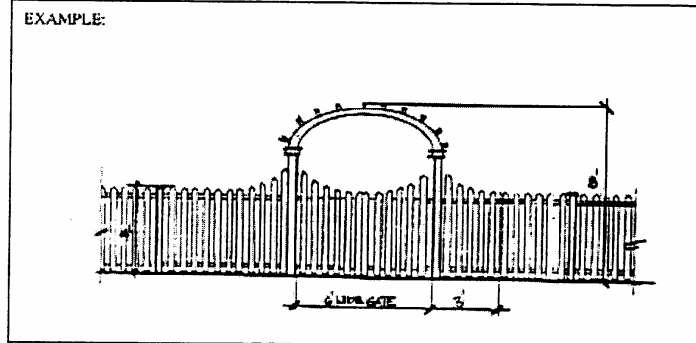
**25.50.012 Fences, Walls, Hedges, Latticework and Screens.**

- (A) Required Fences and Walls. A solid wall or fence not less than five feet above the finished grade adjoining the fence outside the yard shall be provided to enclose any unattended swimming pool to which access could be gained from a street, alley or other parcel. The fence shall have self-closing gates at least five feet high with self-latching mechanism. Latches shall be installed at least four feet above ground level.
- (B) Permitted Fences, Walls, Hedges, Latticework and Screens.
  - (1) Fences, walls, hedges, latticework or screens not more than four feet in height may be erected, installed or maintained within the front yard, except that on a corner lot a fence or wall no higher than three feet shall be permitted within the front yard. Fence height shall be determined as the height of the top of the fence above the natural grade immediately adjacent to the location of the fence. Hedges may exceed the maximum fence height in the front yard only when they are not a safety hazard and do not adversely impact views from or sunlight to neighboring properties.
    - (a) Approval of hedge heights greater than three feet on corner lots shall not include hedges or any portion of hedges located within any corner cutback area, as described in Section 25.50.006 nor higher than two and one-half feet within an intersection corner cutoff as described in Chapter 11.30.
    - (b) Decorative features such as fence posts, brick or stone columns may extend up to twelve inches above the maximum allowable height within the front yard subject to design review as provided for in Section 25.05.040.
  - (2) Barricades, railings and security fencing required by the building code are permitted in any yard.

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- (3) Fences, walls, hedges, latticework or screens not more than six feet in height may be installed, erected or maintained within the rear yard or within the side yard of any lot, provided such obstructions do not project into the required front yard space. The fence height limit of this paragraph shall apply to the height of a retaining wall, the purpose of which is to create an artificial yard elevation. Fence height shall be determined as the height of the top of the fence above the natural grade immediately adjacent to the location of the fence. Hedges may exceed the maximum fence height in the side and rear yards only when they are not a safety hazard and do not adversely impact views from or sunlight to neighboring properties.
- (4) The fences, walls, hedges or obstructions required or permitted by this subsection shall be equipped with gates or openings of at least three feet in width so as to provide free access completely around all main buildings and shall not be so located as to constitute in the opinion of the Director of Community Development a hazard to traffic on public rights-of-way, streets or alleys.
- (5) Chain link fences and other metal fences in residential areas are subject to Design Review.
- (6) Pedestrian entry features which only includes arbors, arched entries, arcades or finials may exceed the maximum allowable fence height in any yard subject to design review as provided for in Section 25.05.040 and the following standards:
  - (a) The maximum height shall not exceed eight feet;
  - (b) The maximum pedestrian entry width shall not exceed six feet;
  - (c) The maximum width of each side of the pedestrian entry for which there is proposed an architectural transition from the nominal fence height shall not exceed three feet.



- (7) Upon the filing of a challenge by a directly affected person claiming that existing hedge conditions constitute a safety hazard and/or adversely impact views from or sunlight to such person's property, the Director of Community Development shall determine if the hedge conditions are in compliance with the provisions of this section. In making such determination, the Director of

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Community Development shall use the same notice and hearing procedures prescribed for administrative use permits set forth in Section 25.05.020 except it shall be presumed that a hearing has been requested, and that only property owners within 100 feet of the subject property shall be noticed. The person filing the challenge shall have the burden of proof that the hedge conditions are not in compliance with the provisions of this Section. All challenges shall be in writing and in the form prescribed by the Community Development Department, and shall be accompanied by the payment of a fee in the same amount established by resolution of the City Council for administrative use permit applications. If the final determination of the hedge challenge is found to be valid, 50% of the filing fee shall be refunded upon request in writing by the applicant of the hedge claim. The determination of the Director of Community Development may be appealed to the City Council subject to the provisions of Section 25.05.070. Upon appeal to the City Council, a challenge shall be reviewed pursuant to the criteria set forth in Section 25.05.040(H), as applicable. Once a hedge claim is filed, the landscaping on the site that contains the hedge shall not be modified or altered until the claim is resolved. The Director or City Council on appeal, shall not consider or act on any changes to the landscaping that occur after a hedge claim is filed.

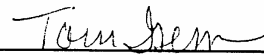
- (8) Enforcement. In addition to the ordinary remedies available to the City, violations of this section may be enforced pursuant to the provisions of Chapter 7.24, including the abatement of nonconforming hedge heights and the assessment of costs thereof against the property owner.

**SECTION 2:** Environmental Determination. The City Council finds that the adoption and implementation of this ordinance are exempt from the provisions of the California Environmental Quality Act in that the Council finds there is no possibility that the implementation of this ordinance may have significant effects on the environment.

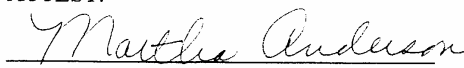
**SECTION 3:** This Ordinance shall take effect and be in full force and effect thirty days after final adoption.

**SECTION 4:** The City Clerk shall certify to the passage of this Ordinance and shall cause this Ordinance to be published or posted as required by law.

ADOPTED this 7th day of December, 2010.

  
Toni Iseman, Mayor

ATTEST:

  
City Clerk

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**RESOLUTION NO. 11.003**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
LAGUNA BEACH, CALIFORNIA, ADOPTING LOCAL COASTAL  
PROGRAM AMENDMENT 2010-08 AND REQUESTING ITS  
CERTIFICATION BY THE COASTAL COMMISSION.**

**WHEREAS**, after notice duly given pursuant to Government Code Section 65090 and Public Resources Code Sections 30503 and 30510, the Planning Commission of the City of Laguna Beach held public hearings to consider the adoption of Laguna Beach Local Coastal Program Amendment No. 2010-08, and such amendment was recommended to the City Council for adoption; and

**WHEREAS**, the City Council after giving notice as described by law, held at least one public meeting regarding the proposed Laguna Beach Local Coastal Program Amendment No. 2010-08, and the City Council finds that the proposed amendment is consistent with the Certified Laguna Beach Coastal Land Use Plan and Chapter 6 of the California Coastal Act; and

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

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH DOES RESOLVE AND ORDER** as follows:

**SECTION 1.** That Laguna Beach Local Coastal Program Amendment No. 2010-08 is hereby approved, consisting of Ordinance 1541. A copy of the aforesaid document is attached hereto as Exhibit "A" and is incorporated by reference as though fully set forth herein.

**SECTION 2.** That the California Coastal Commission is hereby requested to consider, approve and certify Local Coastal Program Amendment 2010-08.

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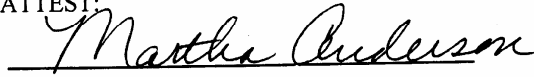
Laguna Beach LCP Amendment 1-11  
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1           **SECTION 3.** That pursuant to Section 13551(b) of the Coastal Commission  
2 Regulations, Laguna Beach Local Coastal Program Amendment No. 2010-08 will take  
3 effect automatically upon Coastal Commission approval, as provided in Pubic Resources  
4 Code Sections 30512, 30513 and 30519.

5  
6 ADOPTED this 4<sup>th</sup> day of January, 2011.

7  
8   
9 Toni Iseman, Mayor

10 ATTEST:

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12 City Clerk

13 I, MARTHA ANDERSON, City Clerk of the City of Laguna Beach, California, do  
14 hereby certify that the foregoing Resolution No. 11.003 was duly adopted at a Regular  
Meeting of the City Council of said City held on January 4, 2010 by the following vote:

15 AYES: COUNCILMEMBER(S): Boyd, Egly, Rollinger, Pearson, Iseman  
16 NOES COUNCILMEMBER(S): None  
17 ABSENT COUNCILMEMBER(S): None  
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21 City Clerk of the City of Laguna Beach, CA  
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25 Ex. 3  
26 page 2 of 5  
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ORDINANCE NO. 1541

**AN ORDINANCE OF THE CITY OF LAGUNA BEACH AMENDING  
SECTION 25.05.040 OF THE LAGUNA BEACH MUNICIPAL CODE,  
RELATING TO DESIGN REVIEW CRITERIA.**

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

**SECTION 1:** Section 25.05.040(H) ("Design Review Criteria") of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

**25.05.040 Design Review**

(H) **Design Review Criteria.** Physical improvements and site developments subject to design review shall be designed and located in a manner which best satisfies the intent and purpose of design review, the City's village atmosphere and the design review criteria specified in this section. Village atmosphere shall be characterized by appropriately scaled development, diverse and unique architectural designs, pedestrian orientation and sensitivity to the natural conditions of the site.

The property development standards as delineated in each zone are intended to provide the City with maximum flexibility and discretion in the decision making process, based upon the particular issues and circumstances in effect at the time development is proposed. These standards shall represent the maximum allowable building envelope for a given property. The actual development allowed will typically be less than the maximum designated by the general standards for the zone because of localized conditions identified during the design review process. A proposed development that has no variances from the Zoning Code does not have any presumptive development right or "entitlement."

- (1) Access. Conflicts between vehicles, pedestrians and other modes of transportation should be minimized by specifically providing for each applicable mode of transportation. Handicapped access shall be provided as required by applicable statutes.
- (2) Design Articulation. Within the allowable building envelope, the appearance of building and retaining wall mass should be minimized. Articulation techniques including, but not limited to, separation, offsets, terracing and reducing the size of any one element in the structure may be used to reduce the appearance of mass.
- (3) Design Integrity. Consistency with the applicant's chosen style of architecture should be achieved by the use of appropriate materials and details. Remodels should be harmonious with the remaining existing architecture.
- (4) Environmental Context. Development should preserve and, where possible, enhance the City's scenic natural setting. Natural features, such as existing heritage trees, rock out-cropping, ridgelines and significant watercourses should be protected. Existing terrain should be utilized in the design and grading should be minimized.

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- (5) General Plan Compliance. The development shall comply with all applicable policies of the general plan, including all of its elements, applicable specific plans, and the certified local coastal program.
- (6) Historic Preservation. Destruction or alteration to properties with historic significance, as identified in the City's historic resources inventory or historic register, should be avoided whenever possible. Special preservation consideration should be given to any structures over forty-five years old.
- (7) Landscaping. Landscaping shall be incorporated as an integrated part of the structure's design and relate harmoniously to neighborhood and community landscaping themes. View equity shall be an important consideration in the landscape design. The relevant landscaping guidelines contained in the City's "Landscape and Scenic Highways Resource Document" should be incorporated, as appropriate, in the design and planned maintenance of proposed landscaping.
- (8) Lighting and Glare. Adequate lighting for individual and public safety shall be provided in a manner which does not significantly impact neighboring properties. Reflective materials and appurtenances that cause glare or a negative visual impact (e.g., skylights, white rock roofs, high-gloss ceramic tile roofs, reflective glass, etc.) should be avoided or mitigated to a level of insignificance in those locations where those surfaces are visible from neighboring properties.
- (9) Neighborhood Compatibility. Development shall be compatible with the existing development in the neighborhood and respect neighborhood character. Neighborhood character is the sum of the qualities that distinguish areas within the City, including historical patterns of development (e.g., structural heights, mass, scale or size), village atmosphere, landscaping themes and architectural styles.
- (10) Pedestrian Orientation. Commercial development design shall enhance and encourage pedestrian uses. Incorporation of articulated building masses, compact open spaces and courtyards, mixed use developments, use of landscaping as part of design, and orientation to pedestrian access should be maximized.
- (11) Privacy. The placement of activity areas (e.g., decks, picture windows and ceremonial or entertainment rooms) in locations that would result in a substantial invasion of privacy of neighboring properties should be minimized.
- (12) Public Art. Public art is encouraged and shall be displayed where feasible or required by the Art In Public Places ordinance.
- (13) Sign Quality. Signs shall be incorporated into the architecture of the structure and shall be made of high quality materials, be simple in design and be visually compatible with the surrounding physical environment in terms of color, scale and size. Use of natural materials in the construction of signs is encouraged.

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- (14) Sustainability. New development should consider architecture and building practices which minimize environmental impacts and enhance energy efficiency by: (1) reducing energy needs of buildings by proper site and structural design; (2) increasing the building's ability to capture or generate energy; (3) using low-impact, sustainable and recycled building materials; (4) using the latest Best Management Practices regarding waste and water management; and (5) reducing site emissions.
- (14)15) Swimming Pools, Spas and Water Features. Swimming pools, spas and water features shall be located, designed and constructed where
- a) geology conditions allow;
  - b) noise produced by circulatory mechanical pumps and equipment is mitigated; and
  - c) any associated fencing or other site improvements are compatible with neighboring properties.
- (14)16) View Equity. The development, including its landscaping, shall be designed to protect existing views from neighboring properties without denying the subject property the reasonable opportunity to develop as described and illustrated in the City's "Design Guidelines." The "Design Guidelines" are intended to balance preservation of views with the right to develop property.

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

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

**SECTION 4:** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such invalidity shall not affect the validity of this entire Ordinance or any of the remaining portions hereof. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, subdivision, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

**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 on the expiration of thirty (30) days from and after the date of its adoption.

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RESOLUTION NO. 10.117

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
LAGUNA BEACH, CALIFORNIA, ADOPTING LOCAL COASTAL  
PROGRAM AMENDMENT 2010-03 AND REQUESTING ITS  
CERTIFICATION BY THE COASTAL COMMISSION.

WHEREAS, after notice duly given pursuant to Government Code Section 65090 and Public Resources Code Sections 30503 and 30510, the Planning Commission of the City of Laguna Beach held public hearings to consider the adoption of Laguna Beach Local Coastal Program Amendment No. 2010-03, and such amendment was recommended to the City Council for adoption; and

WHEREAS, the City Council after giving notice as described by law, held at least one public meeting regarding the proposed Laguna Beach Local Coastal Program Amendment No. 2010-03, and the City Council finds that the proposed amendment is consistent with the Certified Laguna Beach Coastal Land Use Plan and Chapter 6 of the California Coastal Act; and

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

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH DOES RESOLVE AND ORDER as follows:

SECTION 1. That Laguna Beach Local Coastal Program Amendment No. 2010-03 is hereby approved, consisting of a document entitled *Design Guidelines – A Guide to Residential Development*. A copy of the aforesaid document is attached hereto as Exhibit “A” and is incorporated by reference as though fully set forth herein.

SECTION 2. That the California Coastal Commission is hereby requested to consider, approve and certify Local Coastal Program Amendment 2010-03.


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Exhibit 4  
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**SECTION 3.** That pursuant to Section 13551(b) of the Coastal Commission Regulations, Laguna Beach Local Coastal Program Amendment No. 2010-03 will take effect automatically upon Coastal Commission approval, as provided in Public Resources Code Sections 30512, 30513 and 30519.

ADOPTED this 7th day of December, 2010.

  
Toni Iseman, Mayor

ATTEST:

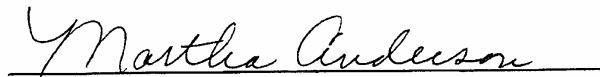
  
City Clerk

I, MARTHA ANDERSON, City Clerk of the City of Laguna Beach, California, do hereby certify that the foregoing Resolution No. 10.117 was duly adopted at a Regular Meeting of the City Council of said City held on December 7, 2010 by the following vote:

AYES: COUNCILMEMBER(S): Boyd, Egly, Rollinger, Pearson, Iseman

NOES COUNCILMEMBER(S): None

ABSENT COUNCILMEMBER(S): None

  
City Clerk of the City of Laguna Beach, CA

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