

**CALIFORNIA COASTAL COMMISSION**

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

August 23, 2012

**W 22a**

**TO:** Commissioners and Interested Persons

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

**SUBJECT:** Major Amendment Request No. 2-11A (Hedge Height Claim Process, Offsite Parking, and Compact/Motorcycle/Bike parking) to the City of Laguna Beach Certified Local Coastal Program (For Public Hearing and Commission Action at the September 2012 meeting in Caspar, CA).

**SUMMARY OF LCP AMENDMENT REQUEST NO. 2-11A**

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

- City Council Resolution No. 11.039 requests action on Ordinance No. 1548 regarding the City's hedge height claim process, which is a process to resolve private view claim disputes related to vegetation hedges. The primary effect of the amendment is to remove the provisions related to this process from the LCP and insert them into another part of the municipal code that is not a part of the LCP.
- City Council Resolution No. 11.064 requests action on Ordinance No. 1551 regarding changes to the City's parking requirements, which are contained in Chapter 25.52 of the zoning code. The changes 1) modify requirements for using off-site parking spaces to satisfy parking demands related to an intensification of non-residential uses; 2) establish the required dimensions and signage for compact car spaces, motorcycle spaces, and bicycle spaces; and 3) allows for a portion of a site's parking demand to be met with motorcycle and bicycle parking spaces in-lieu of a standard vehicle space.

The proposed amendment will affect Title 25 *Zoning* which is contained in the City's certified Implementation Plan. Only the Implementation Plan portion of the City's certified LCP is affected by the proposed amendment.

Laguna Beach LCP Amendment No. 2-11 contained three separate ordinances, No. 1548, No 1550, and No. 1551. Ordinance No.s 1548 and 1551 are being packaged together as Part A, for approval as submitted. Part B contains Ordinance No. 1550 and is the subject of a separate staff report and Commission action.

## 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 4.**

## 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. The City's Land Use Plan is comprised of the General Plan Land Use Map (for the certified areas), the Land Use General Plan Element (comprehensive update to LUE effective May 2012), the Open Space Conservation General Plan Element; and the Laguna Beach Coastal Land Use Plan Technical Appendix dated August 1984 (submitted in conjunction with the original Land Use Plan in 1985).

## 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. 1548: In total, the Planning Commission and City Council held four public hearings on Ordinance No. 1548. Planning Commission hearings occurred on February 9, 2011 and March 9, 2011. City Council hearings occurred on April 5, 2011 and April 19, 2011. Public Notice for the hearings was given via newspaper and via mailed notification to interested agencies.

Ordinance No. 1551: For Ordinance No. 1551 the City held three public hearings, one before the Planning Commission (May 25, 2011), and two before the City Council (June 21, 2011 & July 12, 2011). Public Notice for the hearings was given via newspaper and via mailed notification to interested agencies.

## 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 Karl Schwing in the Long Beach office at (562) 590-5071.

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### **EXHIBITS:**

Exhibit 1a - City Council Resolution No. 11.039  
 Exhibit 1b - Ordinance No. 1548  
 Exhibit 1c – City staff report on Ordinance 1548  
 Exhibit 2a - City Council Resolution No. 11.064  
 Exhibit 2b- Ordinance No. 1551  
 Exhibit 2c – City staff report on Ordinance 1551

## **I. MOTION AND RESOLUTION**

### **Motion:**

*I move that the Commission reject Implementation Plan Amendment No. 2-11A for the City of Laguna Beach as submitted.*

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Plan amendment 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:**

*The Commission hereby certifies the Implementation Plan Amendment 2-11A 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 amendment has on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts that the Implementation Plan amendment has on the environment.*

## **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. The changes proposed to the City's certified IP pursuant to this amendment request are reflected in two separate resolutions/ordinances. The changes proposed via the separate resolutions/ordinances 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.

### **Ordinance No. 1548 – Hedge Height Claim Process**

City Council Resolution No. 11.039 requests action on Ordinance No. 1548 regarding the City's hedge height claim process, which is a process to resolve private view claim disputes related to vegetation hedges. The primary effect of this amendment is to remove the 'hedge height claim process' provisions from Chapter 25 of the Municipal Code (i.e. Zoning code), which takes these

provisions out of the LCP, and relocates them to a new Chapter 12.14 that is elsewhere in the municipal code, but is not part of the LCP.

The proposed amendment also inserts references to the hedge height claim process into Chapter 25.50 of the zoning code, which is a part of the LCP, and which relates to “General Yard and Open Space Provisions”. The changes make clear that hedges cannot exceed allowable fence heights when those hedges were found, through the claim process, to create a safety hazard and/or obstruct views. Finally, there is a proposed change to the definition of ‘hedge’ contained in Chapter 25.08 (Definitions), section 25.08.016 (which is a part of the LCP), to remove reference to ‘enclosures’ so that the definition would read “ ‘Hedge’ means generally dense vegetation so aligned as to form a physical barrier or fence.”

The hedge height claim 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 that are part of landscaping on a developed lot would not constitute development according to the definition of development contained in Chapter 25.07 *Coastal Development Permits* and, thus, their processing would not trigger the need for coastal development permit review since no development would be proposed. 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.

### **Ordinance No. 1551 – Parking Requirements**

City Council Resolution No. 11.064 requests action on Ordinance No. 1551 regarding changes to the City’s parking requirements, which are contained in Chapter 25.52 of the zoning code. The first change allows for a portion of a site’s parking demand to be met with compact vehicle, motorcycle and bicycle parking spaces in-lieu of standard vehicle space(s). The code currently requires that all parking demand be satisfied with full size spaces. With the change, compact vehicle spaces could be used in parking areas or garages with six or more spaces, and up to 50% of the spaces can be compact vehicle spaces. Motorcycle and bicycle parking spaces are also encouraged by allowing eight bicycle spaces or two motorcycle spaces to count for one standard size parking space; but only 10% of the required parking could be satisfied this way. So, for example, in a case where the parking demand is for ten parking spaces, the old code would require all ten spaces to be standard full size spaces. With the change, five of those ten spaces could be compact spaces, four would be standard size spaces, and either eight bicycle spaces or two motorcycle spaces would count as the final required parking space. The amended code also establishes the required dimensions and signage for compact car spaces, motorcycle spaces, and bicycle spaces. Currently, there are no required dimensions or sign requirements in the parking code for these types of spaces. All of these provisions were considered in the context of requirements established by other communities in the State. The City chose the most typical size found in the cities that were surveyed, which included coastal communities, such as Santa Cruz, Long Beach, and Malibu.

Another change modifies requirements for using off-site parking spaces to satisfy parking demands related to an intensification of non-residential (e.g. commercial) uses. Currently, the code allows the use of off-site parking spaces for any intensification of a non-residential use. The proposed changes would limit the use of off-site parking spaces only to intensifications that don’t involve floor area additions to the building. So, for example, if a retail store in an existing building was adding retail area by taking over existing space in the building that was used for storage they could

use off-site parking to satisfy the new demand created by the added retail area. However, if a retail store were adding square footage to the building and that addition resulted in an intensification of use, the new parking demand would need to be satisfied on-site. The proposed amendment also changes the parking code so that the off-site spaces no longer need to be owned by the entity needing the spaces. Now a lease would be acceptable, and evidence of a valid lease must be submitted yearly to the Community Development Department. The City has made this change, which provides businesses more flexibility, because it has acquired a more sophisticated permit system that will allow them to track compliance. Also, the new provisions say that all off-site parking must be on a single site. So, if a business had need for 10 off-site spaces, all 10 off-site spaces would need to be in the same location; they couldn't break those up into say 5 spaces on one site and 5 spaces on another. These changes would apply citywide, except in the central business district, which has a specific plan with its own parking requirements.

## **B. APPROVAL OF IMPLEMENTATION PLAN AMENDMENT NO. 2-11A 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).

### **Ordinance No. 1548 – Hedge Height Claim Process**

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. Hedges that are determined to be significant vegetation or involve adverse impacts to public views will continue to be addressed through the coastal development permit process.

### **Ordinance No. 1551 – Parking Requirements**

The City's certified land use plan addresses transit/smart growth issues.

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

#### **Section 30210**

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

#### **Section 30212.5**

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

#### **Section 30252 (in pertinent part)**

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

Section 30253 (in pertinent part)

*New development shall do all of the following:*

*(4) Minimize energy consumption and vehicle miles traveled.*

The Land Use Element contains the following goals/policies (among others):

*GOAL 8: Minimize the impact of the automobile on the character of Laguna Beach and emphasize a pedestrian-oriented environment, safe sidewalks, landscaped buffer zones, and alternate means of transportation.*

*Intent -Laguna Beach is a popular visitor destination. Consequently, community members often cite traffic, circulation and parking as negatively impacting their quality of life. The following policies set forth methods to improve circulation and parking conditions by evaluating and adopting methods to reduce congestion, encouraging alternative forms of transportation (e.g., transit, walking, and bicycle opportunities), provide sidewalks in designated neighborhoods, address public and private parking issues, and select potential locations for new public parking lots.*

*Policy 8.3 - Provide walking and biking opportunities to link residential and commercial neighborhoods through improvements such as sidewalks, bicycle lanes and mulituse trails.*

*Policy 8.4 Maximize transit use*

*Action 8.4.2 Support local street network connectivity and complete streets designed to accommodate all user and multiple transportation modes through context-sensitive solutions. (Medium-term implementation.)*

*Action 8.4.3 Support seamless transitions between transportation modes to increase the use of modes with lower emissions for the movement of people and freight. (Ongoing implementation -short-to-Long-term.)*

*Policy 8.8 Evaluate and, if necessary, amend the parking standards to ensure that new development and intensifications of use provide the quantity of parking for the uses proposed.*

*Action 8.8.3 Ensure that parking standards adequately accommodate a range in size of passenger vehicles. (Short-to-medium-term implementation.)*

The proposed amendment includes several changes to the parking code. The issue raised by changes to parking requirements is whether such changes would adversely impact public access to the shoreline, recreational opportunities, or visitor amenities. If the parking changes would create adverse impacts on public access or decrease the availability of visitor opportunities, then the parking changes cannot be found to be consistent with or adequate to carry out the certified LUP's requirements regarding visitor serving uses and public access. The Commission also recognizes that the current parking code encourages the use of individual cars, which is not desirable and not fully consistent with the City's current land use plan provisions (which were recently revised). The Commission further recognizes that the City of Laguna Beach does operate a local transit system that serves the City's commercial areas and that the Orange County Transit Authority also provides bus service to the area. These circumstances help to support changes to parking requirements to encourage alternative transit.

The most significant change allows for a portion of a site's parking demand to be met with compact vehicle, motorcycle and bicycle parking spaces in-lieu of standard vehicle space(s). The City describes these changes as necessary to implement their 'complete streets' program. 'Complete streets' are defined in the Land Use Element as a *Street and roadway network that accommodates all users including pedestrians, bicyclists, public transit users, motorists, children, the elderly and the disabled*. The City has argued these changes to the parking code also would reduce congestion and encourage alternative forms of transportation (e.g., transit, walking, and bicycle opportunities),

as is required in the Land Use Element (and is encouraged by the Coastal Act). Supplying spaces for bicycles to be ‘parked’ would encourage bicycle ridership in the City. Encouraging both motorcycle use (typically, motorcycles have much better fuel efficiency than cars) and bicycle use would also reduce greenhouse gas emissions, as is also required in the Land Use Element. Finally, these provisions provide an incentive for business owners to supply bicycle and motorcycle spaces because they can often be more easily created in small spaces that could not otherwise be used for vehicle parking (e.g. due to access/circulation issues), yet such space would still count toward the businesses parking requirements. The proposed provisions contain limitations. Compact spaces can only be used in parking lots that have six or more spaces in them, and only 50% of the spaces can be compact spaces. Furthermore, motorcycle/bicycle spaces can only be used for up to 10% of the parking requirement.

The remaining changes proposed under this ordinance raise no issue with regard to conformance with and adequacy to carry out the policies of the City’s certified Land Use Plan.

## **Conclusion**

The changes proposed via LCPA 2-11A are consistent with and adequate to carry out the policies of the City’s certified Land Use Plan as proposed. Therefore, the Commission approves the proposed Implementation Plan amendment as submitted.

## **C. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Section 21080.9 of the California Public Resources Code – and the California Environmental Quality Act (CEQA) - exempts local governments from the requirement of preparing environmental impact reports (EIRs), among other things, in connection with their activities and approvals necessary for the preparation and adoption of local coastal programs (LCPs). The Commission’s LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under Section 21080.5 of CEQA, the Commission is relieved of the responsibility to prepare an EIR for each LCP. Nevertheless, the Commission is required, in approving an LCP submittal, to find that the proposal does conform with the provisions of CEQA, and to base any certification on a specific factual finding supporting the conclusion that the proposal “meets the requirements of [CEQA] Section 21080.5(d)(2)(i) ... , which requires that an activity will not be approved or adopted as proposed if there are feasible 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 2-11A 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 2-11A as submitted.



RESOLUTION NO. 11.039

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH, CALIFORNIA, ADOPTING LOCAL COASTAL PROGRAM AMENDMENT 2011-01 AND REQUESTING ITS CERTIFICATION BY THE COASTAL COMMISSION.

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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. 2011-01, 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. 2011-01, 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 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. 2011-01 is hereby approved, consisting of Ordinance 1548 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 2011-01.

ADOPTED this 19th day of April, 2011.

Martha Anderson  
City Clerk

ABSENT COUNCILMEMBER(S): Boyd

LGB-MAJ-2-11A  
Exhibit 01a, Page 2 of 2

ORDINANCE NO. 1548

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

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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 does hereby amend Chapter 25.08 of the Laguna Beach  
Municipal Code by amending Subsection 25.08.016 regarding the definition of "hedge" to read  
in its entirety as follows: "Hedge" means generally dense vegetation so aligned as to form a  
physical barrier or fence or enclosure."

SECTION 2. Section 25.50.012(B)(1) of the Laguna Beach Municipal Code shall be  
amended to read in its entirety as follows:

Section 25.50.012(B)(1) Fences, walls, hedges, latticework and screens. 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 allowable fence heights in the front yard, unless a  
Hedge Height Claim has been filed against the property containing the hedges and such hedges  
have been found by the City to create a safety hazard and/or obstruct views from or sunlight to  
an adjacent property, as set forth in Chapter 12.14.

- (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.

**SECTION 3.** Section 25.50.012(B)(3) of the Laguna Beach Municipal Code shall be amended to read in its entirety as follows:

Fences, walls, hedges, latticework or screens not more than six feet in height may be erected, installed or maintained within the side and rear yards of any lot, provided such fences, walls, hedges, latticework or screens do not project into the front yard. The fence height 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 allowable fence heights in the side and/or rear yards, unless a Hedge Height Claim has been filed against the property containing the hedges and such hedges have been found by the City to create a safety hazard and/or obstruct views from or sunlight to an adjacent property, as set forth in Chapter 12.14.

**SECTION 4.** Sections 25.50.012(B)(7) and 25.50.012(B)(8) of the Laguna Beach Municipal Code are hereby repealed in their entirety.

SECTION 5. The City Council finds that the adoption and implementation of this ordinance are exempt from the provisions of the California Environmental Quality Act pursuant to Sections 15301 and 15304 of the State CEQA Guidelines, in that the council finds there is no possibility that the implementation of this ordinance may have significant effects on the environment.

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

SECTION 7. This Ordinance shall take effect and be in full force and effect thirty days after the final approval by the City Council.

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 or posted as required by law.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Toni Iseman, Mayor

ATTEST:

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

I, Martha Anderson, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance No. \_\_\_\_ was introduced at a regular meeting of the City Council on \_\_\_\_\_, and was finally adopted at a regular meeting of the City Council of said City held on \_\_\_\_\_ 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

City of Laguna Beach  
AGENDA BILL

No. 16  
Meeting Date: 4/5/11

**SUBJECT: ORDINANCE AMENDMENT 11-01 ADOPTING MUNICIPAL CODE CHAPTER 12.14 HEDGE HEIGHT LIMITATIONS, AMENDING THE HEDGE HEIGHT CLAIM PROVISIONS AND DEFINITIONS OF CHAPTERS 25.50 AND 25.08, AND LOCAL COASTAL PROGRAM AMENDMENT 11-01**

**SUMMARY OF THE MATTER:**

On November 16, 2010, the City Council introduced Hedge Height Ordinance 1540 and Local Coastal Program (LCP) Amendment 2010-06, amending the Hedge Height Claim process to accomplish the following: 1) prevent the alteration of the landscaping that is the subject of a Hedge Height Claim until the claim is resolved; 2) reduce the public hearing noticing distance from 300' to 100' to lower the complainant's cost; 3) eliminate the appeal step to the Design Review Board (DRB) to reduce the appeal costs; and 4) allow 50% of the Hedge Height Claim filing fee to be refunded if the claim is determined to be valid.

On December 7, 2010, upon adoption of the Ordinance and LCP Amendments the City Council voted to refer the Hedge Height Ordinance to the Planning Commission, at its request, for consideration of further modifications.

On February 9, 2011, the Planning Commission heard public comments and directed staff to make several revisions to the Hedge Height Claim provisions, as follows:

- 1) Eliminate "enclosure" from the definition of "hedge," as the follows: "Hedge means generally dense vegetation so aligned as to form a physical barrier or fence ~~or enclosure~~."
- 2) Provide a recital in the Hedge Height Limitations Ordinance that declares the benefits of views and sunlight, as well as the benefits of vegetation that forms hedges.

(continued)

**RECOMMENDATION:** It is recommended by the Planning Commission that the City Council:

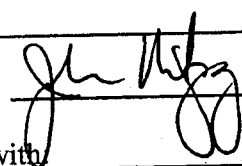
Introduce the two Ordinances that add Municipal Code Chapter 12.14, Hedge Height Limitations, and amend Chapters 25.50 and 25.08 pertaining to Hedge Height Claim provisions and definitions by: 1) asking the City Clerk to read the title of the Ordinances; and 2) approving a motion to waive further reading of the Ordinances and to pass them to the second reading.

Appropriations Requested: \$ None


Fund: \_\_\_\_\_

Attachments: Planning Commission Staff Reports

and Minutes of 2/9/11 and 3/9/11.

Submitted by: 

Coordinated with: \_\_\_\_\_

Approved: 

City Manager

April 5, 2011

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- 3) Clarify that the enforcement timeframe for violations of Hedge Height Claim determinations is a maximum of 30 days for safety violations, and a maximum of 90 days for view and sunlight violations. If the hedge owners do not remedy the violation within the specified timeframe fines will be assessed each day and collected, unless there are exceptional circumstances that prevent completion of the required remediation. The City may also complete the required remediation, to eliminate the violation, and assess the hedge owner for its costs.

On March 9, 2011, after hearing public input and making minor revisions to the draft ordinance amendments, the Planning Commission voted 4 - 0 to recommend City Council approval of the draft amendments which include:

- 1) Revisions to Zoning Ordinance Chapter 25.50 related to allowable hedge heights, and Chapter 25.08 related to the definition of "hedge."
- 2) A new Municipal Code Chapter 12.14, titled Hedge Height Limitations, which includes a recital that declares the benefits of views, sunlight, and vegetation that forms hedges. The new Ordinance also outlines the Hedge Height Claim process, and clarifies and provides timeframes for the code enforcement process related to violations of prior Hedge Height Claim actions.

Please refer to the attached Planning Commission Staff Reports and Minutes of February 9 and March 9, 2011, for a complete summary of the matter.



**CITY OF LAGUNA BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

**AGENDA ITEM:** No. 4 **DATE:** 2/9/11

**TO:** PLANNING COMMISSION

**CASE:** Zoning Ordinance Amendment 11-01 and Local Coastal Program  
Amendment 11-01 (Hedge Height Ordinance)

**APPLICANT:** City of Laguna Beach

**LOCATION:** Citywide

**ENVIRONMENTAL  
STATUS:** Categorically Exempt, Classes 1 and 4

**PREPARED BY:** Carolyn Martin, Principal Planner  
(949) 497-0398

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**REQUESTED ACTION:** Review the staff report, take public comments, provide staff direction regarding future revisions to the Hedge Height provisions of Municipal Code Section 25.50.012, and continue the item to March 9, 2011.

**BACKGROUND:** On December 3, 2002, the City Council adopted a Zoning Ordinance Amendment to establish a Hedge Height Claim procedure for hedges that block views, sunlight or create safety hazards. Unlike freestanding trees, vegetation (which may include trees) that forms a hedge located in a front, side, or rear yard, is considered a "fence" in the Hedge Height provisions of the Zoning Ordinance, and can be limited to a height as low as the maximum allowable fence height. It is important to note that under State law property owners do not have a right to a view across properties that they do not own unless they are granted that right by CC&Rs or local laws establishing such right.

Subsequent to its adoption, the Community Development Department contracted with a local landscape architect to review the claims, which includes conducting a site visit and a noticed public hearing to determine the following: 1) whether the vegetation that is the subject of the claim meets the definition of a "hedge," which means "generally dense vegetation so aligned as to form a physical barrier, fence or enclosure;" and 2) if the vegetation is determined to be a hedge and is located within a front, side, or rear yard, whether or not it impedes safety or views from or sunlight to the complainant's property. Value to the owner of the hedge, such as privacy, shade, temperature reduction, or other environmental benefits, are not considered in the Hedge Height Claim process.

The landscape architect contracted by the City at the inception of the Ordinance has conducted the review process over the last eight years. To date, 41 claims have been filed and 12 of those claims have been appealed. Since its inception the Hedge Height Claim process has been handled consistently and professionally. Considering the emotional nature of most view-related issues, the Hedge Height Claim process has gone considerably well. The contract landscape architect understands the sensitive nature of the issues, is considerate of both parties, remains neutral, and renders reasonable determinations based on the Ordinance criteria. Although the process has at times become quite contentious between neighbors, the majority of claims are resolved without serious discord.

On September 22 and October 13, 2010, the Planning Commission reviewed a draft amendment to the Hedge Height Ordinance and Local Coastal Program. After hearing public input, the Commission raised the following issues: 1) potential penalties and enforcement of violations of prior hedge determinations; 2) whether the Design Review Board, rather than the City's landscape consultant, should review Hedge Height Claims to simplify the process; 3) whether to lower or refund the entire Hedge Height Claim fee when the complainant prevails; and 4) whether to place the burden of proof in determining a hedge violation on the hedge owner, versus the complainant as is required with the current process. In conjunction with its recommendation to approve the amendment, the Planning Commission submitted a memorandum to the City Council requesting further consideration of several aspects of the draft Hedge Height Ordinance and LCP Amendment, as attached in Exhibit "A."

On November 16, 2010, the City Council introduced Hedge Height Ordinance 1540 and LCP Amendment 2010-06 amending the process to: 1) prevent the alteration of the landscaping that is the subject of a Hedge Height Claim until the claim is resolved; 2) reduce the public hearing noticing distance from 300' to 100' to lower the complainant's cost; 3) eliminate the appeal step to the Design Review Board (DRB) to reduce the appeal costs; and 4) allow 50% of the Hedge Height Claim filing fee to be refunded if the claim is determined to be valid.

On December 7, 2010, upon adoption of Ordinance 1540 and LCP Amendment 2010-06 amending the Hedge Height Claim process, the City Council also referred the matter back to the Planning Commission for further consideration of the items addressed in the Commission's November 2, 2010 memo.

**STAFF ANALYSIS:** The November 2010 memo to the City Council specified four issues related to the hedge height claim process that the Planning Commission desires to address. Those issues include the following:

1. **Financial Burden** – The current Ordinance places the financial burden of the application on the property owner whose view may be obstructed by vegetation. The Planning Commission notes that the cost, even with a 50% refund, might be too high and may prevent some property owners from engaging in the process, and recommended that additional approaches to reduce or eliminate the financial burden be considered.

**Discussion** – The cost for a property owner (complainant) to receive view or sunlight relief from neighbor's hedges includes the claim fee and the public noticing cost. If the complainant prevails, the hedge owner is required to pay to have the subject vegetation, which has value to him or her, reduced in height on an ongoing basis or removed. Whereas, the City's View Preservation Ordinance, which addresses view impairment from trees and other vegetation that does not form a "hedge," requires the complainant to pay the entire cost of any determined preservation action, unless the parties agree to share the costs in some other manner. Unfortunately, any process wherein neighbors may be required to alter landscaping that they value, to provide another with a view, can create dissension among neighbors.

Staff has found that in some cases the best way for neighbors to resolve view issues is to encourage them to work together, even if it means sharing the cost of vegetation trimming. Requiring the payment of a fee often encourages neighbors to consider alternative solutions prior to filing a claim, and may in some cases prevent irreparable damage to neighbor relations. If the fee were reduced further it is likely that more claims would be filed and property owners would be less likely to attempt to work out solutions with their neighbors. Sometimes neighbors cannot work together and filing a claim is necessary. However, once a Hedge Height Claim determination has been made, the City becomes the enforcement body from that day forward, even if the property changes ownership. Additionally, the long-term code enforcement costs to the City may become burdensome over time as more Hedge Height Claims create greater neighbor conflict and rising costs to the City.

As noted above, the City is currently under contract with a landscape architect to conduct a site visit to the complainant's property, and also to the vegetation owner's property upon his or her request. The landscape architect's fee is paid at an hourly rate. Additionally, the landscape architect conducts the administrative review hearing, prepares a site plan specifying the vegetation types and locations on the subject property, and documents the heights at which the vegetation is to be maintained. The landscape architect also provides assistance to Planning and Code Enforcement staff if there are questions regarding the required remediation, particularly on older claims. In the past, the Hedge Height Claim fee of \$630 generally covered the services of the landscape architect but did not cover staff's costs to administer the process. With the implementation of the 50% fee refund to complainants that prevail in the review process, the City will incur additional costs that are not covered by the fees.

To further reduce the complainant's cost to file a Hedge Height Claim, the City Council may reduce the fee even more than the recently approved 50% refund and absorb more of the processing costs. Additional ways the City could reduce its costs would be to: 1) distribute an RFP to retain a landscape architect at a rate less than \$105 per hour; 2) have the DRB conduct only the hearing process; or 3) have the DRB, in conjunction with staff assistance, conduct the entire site visit and hearing process. According to the contract Landscape Architect, each site visit takes approximately 30 minutes to one hour to meet

with the property owner and evaluate and measure the vegetation, and each Hedge Height Claim hearing also averages about 30 minutes to an hour. On occasion a hearing is continued to allow the parties to work out a mutually satisfactory solution, which often includes the services of the landscape architect. Reducing or eliminating the contract position would require greater staff and DRB review time, which would place additional time constraints on both. Another consideration is for the process to be conducted entirely by staff. This would require adjustments in staff's work load, particularly if the number of claims increases, thereby resulting in little or no decrease in cost to the City.

2. **Burden of Proof** - The Ordinance places the burden of proof on the person alleging a public safety, sunlight or view obstruction, which the Commission indicated may not be the optimal approach and recommended that alternative approaches be considered. As an alternative the Commission suggested that property owners, who desire their hedges that are located in setbacks to exceed the allowable fence height, be required to request a variance or other relief from the height requirement.

***Discussion*** – The City Council, in establishing the Hedge Height Claim process in 2002, determined that hedges that block views or sunlight would require remediation only if a public hearing determined that the vegetation in question comprises a hedge located in a side, front, or rear yard, and impedes safety or views from or sunlight to the complainant's property. Hedges that exceed the maximum fence heights in front, side, or rear yards and do **not** impede views, sunlight, or create a safety hazard, are legal and may be maintained at heights greater than the maximum allowable fence heights. Based on the City Council's intent in establishing the Hedge Height Ordinance with the specified criteria, the burden of proof in determining the validity of a Hedge Height Claim is essentially placed the on the complainant.

As noted above, taller hedges can provide privacy, shade, temperature reduction, and other environmental benefits. Additionally, there are many properties in the City with hedges that exceed the allowable fence heights and do not impact views, sunlight or public safety. Changing the burden of proof to require property owners with hedges in yards to request permission to allow them to grow higher than the allowable fence heights would affect many properties in the City. Such requirement would be onerous for those property owners and time-consuming for code enforcement and planning staff.

Staff recommends that the Planning Commission discuss its ideas regarding possible alternative approaches to establishing the burden of proof with regard to hedges.

3. **Appeal Process** – The recent revisions to the Ordinance eliminate the DRB from the appeal process to simplify the process and lower the costs of what were formerly two potential appeals; one to the DRB and a second potential appeal to the City Council. The Planning Commission observed that removing the opportunity for appeal to the DRB may eliminate a valuable step in potentially resolving problems before a City Council appeal hearing, and recommended that alternatives to the current appeal process be considered.

**Discussion** – As noted above, the City Council recently removed the first appeal to the DRB to simplify the process and lower costs to the complainant. In 2002, the City Attorney recommended that the City Council be the final appeal body for Hedge Height Claims, as it is with all appeals. One way to retain the DRB in the process would be to designate the DRB as the hearing body for all Hedge Height Claims, as discussed in number 1, above. If the DRB were to review Hedge Height Claims it would still be involved in resolving view and sunlight-related problems, and the City Council would continue to be the only body to review appeals of the DRB decisions. However, the landscape architect brings expertise and guidance to the process that the DRB may not have. Additionally, the amount of time it takes to process some claims could become time-consuming for the DRB.

4. **Enforcement Process** – The current Ordinance lacks clear and specific enforcement mechanisms for hedges determined to be out of compliance. The Commission recommends that a process should be developed to memorialize the approved hedge height at the time a complaint is ruled to be valid, and to ensure that height is not exceeded in the future.

**Discussion** - For the past eight years that the Hedge Height Claim process has been in effect the City's contract landscape architect conducts the administrative Hedge Height Claim review, visits the complainant's and hedge owners' properties, conducts the hearing and prepares the notes and site plan specifying the locations and heights at which the vegetation is to be maintained. That information is provided to the complainant and vegetation owner, and is filed in both property files in the Community Development Department. If a hedge owner does not maintain the subject hedge(s) to the height(s) specified in the determination, the complainant may file a complaint for code enforcement. Upon receipt of a complaint, Code Enforcement staff refers to the claim determination and associated site plan to remedy the violation.

If the Planning Commission desires to maintain or modify the current process, such process can be specified in the Ordinance and/or included in the Hedge Height Claim Information Guide, which is available at the front counter and on the City's website.

**RECOMMENDATION:** Staff recommends that the Planning Commission review the staff report, take public comments, provide staff direction regarding future revisions to the Hedge Height provisions of Municipal Code Section 25.50.012, and continue the item to March 9, 2011.

**ATTACHMENTS:** Exhibit A: Planning Commission Minutes of 9/22/10 and 10/13/10; and  
Memo to City Council of 11/1/10  
Exhibit B: City Council Minutes of 11/16/10  
Exhibit C: Hedge Height Claim Ordinance 1540  
Exhibit D: Hedge Height Claim Information Guide  
Exhibit E: Public Correspondence

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**RESOLUTION NO. 11.064**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
LAGUNA BEACH, CALIFORNIA, ADOPTING LOCAL COASTAL  
PROGRAM AMENDMENT 11-05 AND REQUESTING ITS  
CERTIFICATION BY THE COASTAL COMMISSION.**

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**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. 11-05, 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. 11-05, 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.

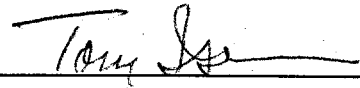
**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH DOES RESOLVE AND ORDER** as follows:

**SECTION 1.** That Laguna Beach Local Coastal Program Amendment No. 11-05 is hereby approved, consisting of an amendment to the off-site and compact parking space provisions of the Section 25.52, Parking. A copy of the aforesaid ordinance 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 11-05.

1            **SECTION 3.** That pursuant to Section 13551(b) of the Coastal Commission  
2 Regulations, Laguna Beach Local Coastal Program Amendment No. 11-05 will take effect  
3 automatically upon Coastal Commission approval, as provided in Pubic Resources Code  
4 Sections 30512, 30513 and 30519.  
5

6  
7 ADOPTED this 12<sup>th</sup> day of July, 2011.  
8

9 

Toni Iseman, Mayor

10 ATTEST:

11 

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. 11.064 was duly adopted at a Regular  
15 Meeting of the City Council of said City held on July 12, 2011 by the following vote:

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

17 NOES COUNCILMEMBER(S): None

18 ABSENT COUNCILMEMBER(S): None  
19

20  
21 

22 City Clerk of the City of Laguna Beach, CA  
23  
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ORDINANCE NO. 1551  
AN ORDINANCE OF THE CITY OF LAGUNA BEACH AMENDING  
SECTION 25.52.006, 25.52.008 and 25.52.012 OF THE LAGUNA BEACH  
MUNICIPAL CODE RELATING TO OFF-SITE, COMPACT, BICYCLE  
AND MOTORCYCLE PARKING SPACES

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WHEREAS, the Planning Commission conducted a legally noticed public hearing and has reviewed and considered all documents, testimony and other evidence presented, and recommended approval of modifications to special provisions relating to off-site parking spaces; and

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

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

SECTION 1. Subdivision (H) of Laguna Beach Municipal Code Section 25.52.006 is hereby amended to read in its entirety as specified below.

(H) Off-Site Parking Spaces. Additional parking that is required for an intensification of nonresidential uses, not involving floor area additions to an existing building envelope, may be satisfied by providing off-site parking spaces subject to the approval of a Conditional Use Permit and compliance with the following minimum standards:

- (1) The property providing the off-site parking spaces shall either:
  - (a) ~~Be under identical ownership as the property on which the business or commercial use is located; is located on one site and~~ within six hundred feet of the establishment; and ~~for the properties under identical ownership, is deed restricted in a form satisfactory to the City, binding the off-site parking to the use, and recorded with the County Clerk-Recorder; or~~
  - (b) For uses in the Civic Art District only, be owned by the City.
- (2) The off-site parking spaces shall be available at all times during which the business or commercial use is open or operating.
- (3) The proposed off-site parking spaces are not necessary to satisfy the parking requirements of the property on which the parking spaces are located.
- (4) The applicant, as part of the application for the Conditional Use Permit, shall submit a detailed parking plan indicating the location of the proposed off-site parking spaces. The off-site parking spaces shall be located so that they safely and adequately serve the



purpose for which they are intended. The following factors, among others as deemed appropriate, shall be considered:

- i) Proximity of the off-site parking spaces;
- ii) Traffic circulation to and from the off-site parking spaces;
- iii) Ease and safety of pedestrian access to and from the off-site parking spaces; and
- iv) The type of use of the property on which the off-site parking spaces are located (for example, off-site parking may not be appropriate for high turnover uses such as fast food restaurants may be problematic).

(5) Appropriate signage shall be required at both the business or commercial use and the off-site parking area. Each off-site parking space shall be individually and permanently signed indicating the name of the business or commercial use and the operating hours of such use for which those spaces shall be available.

(6) The off-site parking spaces shall be available at no cost to employees, patrons, customers or business-used vehicles of the business or commercial use that is requiring those spaces. The off-site parking spaces may not be used for paid parking purposes during the operating hours of the business or commercial use that is requiring those spaces.

(7) The applicant and owner of the affected properties (if someone other than the applicant) shall execute and enter into a written agreement in a form satisfactory to the city, and which shall be recorded and kept on file in the Department of Community Development. The agreement shall ensure the continuous availability of the number and location of the off-site parking spaces required for the duration of the business or commercial use and for the operating hours of such use. Annual proof of the validity of the lease shall be filed with the Community Development Department. The term for the business lease and the off-site parking shall be the same time period. The agreement shall contain an acknowledgment by the applicant that the conditional use permit and any associated business license and/or certificate of use shall automatically be revoked and become null and void if any of the required off-site parking spaces becomes unavailable for any reason without the provision of an equivalent number of replacement on-site parking spaces or approved other off-site parking spaces. Any such revocation shall be effective upon the applicant's receipt of written notification by the City.

**SECTION 2.** Laguna Beach Municipal Code Section 25.52.008 is hereby amended to read in its entirety as specified below.

The following are minimum standards unless otherwise stated:

(A) Size of Spaces and Parking Bay Dimensions (in feet).

- (1) Residential (covered in a garage or carport): eight feet eight inches by eighteen feet each space. Garage door openings shall have a minimum unobstructed height clearance of six feet eight inches and a minimum unobstructed width clearance of eight feet for a single car garage door or sixteen feet for a double car garage door. The covering of any residential or commercial parking spaces with tents or canvas/plastic enclosures is prohibited;
- (2) Parallel parking space: eight feet by twenty-two feet each space;
- (3) Compact parking space: eight feet by fifteen feet each space;
- (4) Motorcycle parking space: four feet by eight feet each space;
- (5) Bicycle parking space: two feet by six feet each space. Provision to secure bicycles must be included with each space;

(36) Handicapped Spaces. As required by the most recent version of the California Building Code (Part 2 of Title 24 of the California Code of Regulations);

(47) All others: eight feet four inches by eighteen feet each space;

(58) Loading space (see subsection (G) of this section): ten feet by thirty-five feet by fourteen feet in height each space;

(69) Parking Bay Dimensions. The minimum width of each parking bay shall be clear of all obstructions and shall be determined by the stall width and parking angle in accordance with the following tables: (Where parking stalls of two bays interlock, the parking bays may overlap.)

(B) Pavement. All parking stalls, driveways and maneuvering areas shall be paved and permanently maintained with asphalt concrete, concrete or any other stable, all-weather surfacing approved by the director of community development and subject to current city standards.

(C) Additional Parking Stall Width Requirements. Every parking stall, other than those provided for a one-family or two-family dwelling, which is adjoined on either side of its longer dimension by an obstruction which is located less than three feet from the access aisle measured along the length of the stall shall have its minimum width increased by at least twenty-four inches measured from the obstruction.

(D) Tandem Parking. Subject to approval authority's approval, residential tandem parking is allowed in accordance with Section 25.52.012(F) for a single-family or two-family dwelling. When tandem parking is permitted by the approval authority, it may be located in a private garage or parking area as covered or uncovered parking.

(E) On-Site Turn-Around. On-site turnaround capability is required when accessing streets in commercial and industrial zones and may be required in residential zones as set forth in Section 25.53.004(C).

(F) Encroachment. In all zones, excluding residential, parking areas shall be so designed that no vehicle shall be required to encroach into a street or sidewalk in backing out of a parking space.

(G) Loading Space Requirements. Loading spaces for the loading and unloading of merchandise and/or supplies may be required for individual uses by the approval authority. Exception: Loading spaces shall be required in accordance with their respective zones as indicated in Chapters 25.18 and 25.32. The approval authority may modify this requirement when the applicant can demonstrate that impacts to pedestrian safety and off-site traffic circulation are negligible and that the nature of the business does not necessitate the provision of a loading space.

(H) Striping and Identification.

(1) Automobile. All nonresidential parking stalls shall be clearly outlined with double lines on the surface of the parking facility (see Chart No. 1).

(2) Handicapped. Handicapped spaces, when required, shall be striped and marked according to the applicable state standards.

(3) Compact, Motorcycle and Bicycle. Every stall designated to accommodate compact cars, motorcycles or bicycles shall be clearly marked as such. Compact parking stalls shall be identified with letters six inch (6") high at the stall entrance. All compact, motorcycle and bicycle parking spaces shall be concentrated in one area where possible for ease of identification.

(I) Driveways.

(1) Location. Access driveways to every parking area and garage shall be designed in a manner to provide the minimum practical interference with the use of adjacent property and with pedestrian or vehicular traffic. The driveway locations are subject to the approval authority's approval and the city engineer's review.

Access driveways in hillside areas should be located and designed to minimize the effects of hillside grading, drainage runoff, erosion and intrusion into habitat, viewshed and other environmentally sensitive areas.

(2) Width. Every private access driveway shall be at least ten feet in width; each common access driveway serving two to four residential units shall be at least sixteen feet wide; all other driveways shall be at least twenty feet wide.

The minimum driveway width shall be increased as necessary to provide sufficient clearance and direct access, as measured at right angles, to garage and parking facilities, and shall maintain such additional width for an unobstructed backup area of at least twenty-five feet measured from the face of the garage or parking area, excepting parking bays designed in accordance with subsection (A)(6) of this section.

(3) Driveway and Ramp Slopes.

(a) Driveways and vehicle accessways shall not exceed an average gradient of ten percent within the first twenty feet off a street or alley right-of-way, fourteen percent for the next one hundred thirty feet, and twelve percent for the remaining length of the driveway. Exception: In cases where an existing driveway being used for access has to be modified because of an approved publicly- or privately-sponsored street improvement project, such grade may exceed the normal requirements provided the design is approved by the director of community development and the city engineer. Transition slopes shall be designed to the standards established by the city and commonly known as the construction standards and specifications for the construction of public works in the city.

(b) For the purpose of calculating the driveway grade, the elevation of the property line or the street plan line (the more restrictive shall apply) shall be a minimum of three and one-half inches on curbed streets, or five inches on non-curbed streets, above the elevation of the centerline of the street improvement. Access to alley shall be three inches above alley improvement centerline gradient, measured at the property line.

Exception: In cases where it can be determined with reasonable certainty that a street will not be the subject of future widening, the elevation above the centerline street improvement gradient may be taken at points other than at the property line subject to approval by the director of community development; provided, however, that any driveway grade resulting therefrom does not exceed a ten percent maximum within the right-of-way.

(4) Driveway Covers. The covering of access driveways with tents or canvas/plastic enclosures is prohibited.

(J) Parking Area Design.

(1) Internal Circulation. All portions of public parking areas or garages shall be accessible to all other portions thereof without requiring the use of any public street. The approval authority may grant an exception to this requirement when the applicant can show that the impact on street traffic will be negligible and that additional parking beyond the required spaces for the project will be provided.

(2) Entrances and Exits. Each entrance to or exit from a public parking area shall be constructed and maintained so that any vehicle entering or leaving the parking area shall, before crossing a pedestrian walk, be clearly visible at a distance of not less than ten feet to a

pedestrian approaching such entrance or exit by the pedestrian walk. Exits shall be clearly marked with vehicle stop signs. Appropriate entrance and exit signs shall be maintained on the lot.

(3) Bumper Guards. Bumper guards may be required by the approval authority and must be continually maintained.

(4) Buffering Residential Zones. When a nonresidential use has a parking area abutting a residential zone, a landscaped buffer (such as a fence, wall, natural berm and/or landscaping) not less than five feet in height or more than six feet in height above the grade in the parking area shall be provided and maintained between the parking lot and the adjoining residential property. Within the required front yard and along the front property line, the height of the buffer shall be not less than two and one-half feet and not more than three and one-half feet. Any such buffer is subject to approval authority's approval.

(5) Commercial Parking Lots. A public parking area containing no required parking stalls shall be designed in compliance with Sections 25.05.040, 25.52.010 and subsections (A) through (K) of this section.

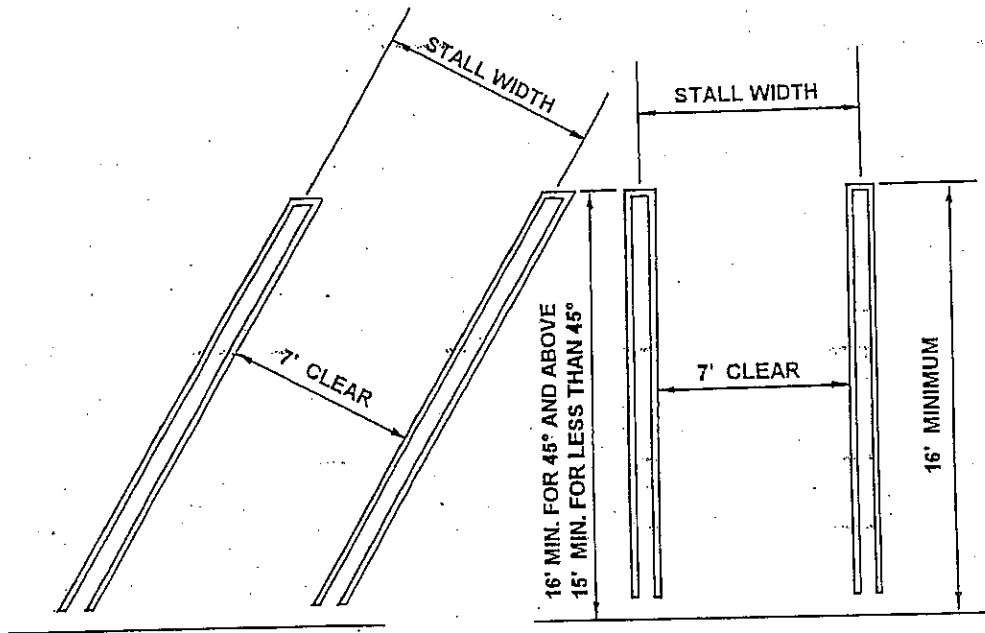
(K) Carpool Parking. Preferential parking spaces designated for carpool vehicles may be required for certain development as specified in Chapter 25.94.

Parking Table												
Parking Angle	8' 4" x 18' Stall						9' 0" Stall					
	Aisle	Aisle	1 Row	1 Row	2 Rows	2 Rows	Aisle	Aisle	1 Row	1 Row	2 Rows	2 Rows
	One Way	Two Way	One Way	Two Way	One Way	Two Way	One Way	Two Way	One Way	Two Way	One Way	Two Way
30°	11' 2"	20'	27' 7"	36' 5"	44'	52' 10"	10' 9"	20'	27' 7"	36' 10"	44' 4"	53' 8"
40°	11' 5"	20'	29' 7"	38' 2"	47' 8"	56' 3"	11'	20'	29' 7"	38' 2"	47' 8"	57'
50°	12' 9"	20'	32'	39' 4"	51' 4"	58' 8"	11' 5"	20'	31'	39' 8"	50' 8"	59' 3"
60°	15' 3"	20'	35'	39' 10"	54' 10"	59' 8"	14'	20'	34'	40'	54'	60'
70°	18' 3"	20'	38'	39' 10"	57' 10"	59' 8"	17'	20'	37'	40'	57'	60'
80°	21' 10"	21' 10"	41'	41'	60' 3"	60' 3"	19' 9"	20'	39'	39' 4"	58' 4"	58' 8"
90°	24'	24'	42'	42'	60'	60'	22'	22'	40'	40'	58'	58'
Parking Angle	10' 0" Stall						Compact Stall 8'0" x 15'					
	Aisle	Aisle	1 Row	1 Row	2 Rows	2 Rows	Aisle	Aisle	1 Row	1 Row	2 Rows	2 Rows
	One Way	Two Way	One Way	Two Way	One Way	Two Way	One Way	Two Way	One Way	Two Way	One Way	Two Way
30°	9' 4"	20'	27'	37' 9"	44' 9"	55' 5"	12'	18'	26' 7"	32' 7"	41'	47'
40°	9' 4"	20'	28' 7"	39' 3"	47' 9"	58' 5"	12'	18'	28'	34'	44'	50'
50°	10'	20'	30' 2"	40' 3"	50' 4"	60' 5"	12'	18'	29' 2"	35' 2"	46' 3"	52' 3"
60°	10' 5"	20'	31'	40' 8"	51' 8"	61' 3"	14'	18'	31' 8"	35' 8"	49' 3"	53' 3"
70°	13' 9"	20'	34'	40' 4"	54' 4"	60' 8"	15'	18'	32' 8"	35' 8"	50' 3"	53' 3"
80°	17' 7"	20'	37'	39' 7"	56' 7"	59'	18'	18'	35' 2"	35' 2"	52' 3"	52' 3"
90°	20'	20'	38'	38'	56'	56'	18'	18'	34'	34'	50'	50'

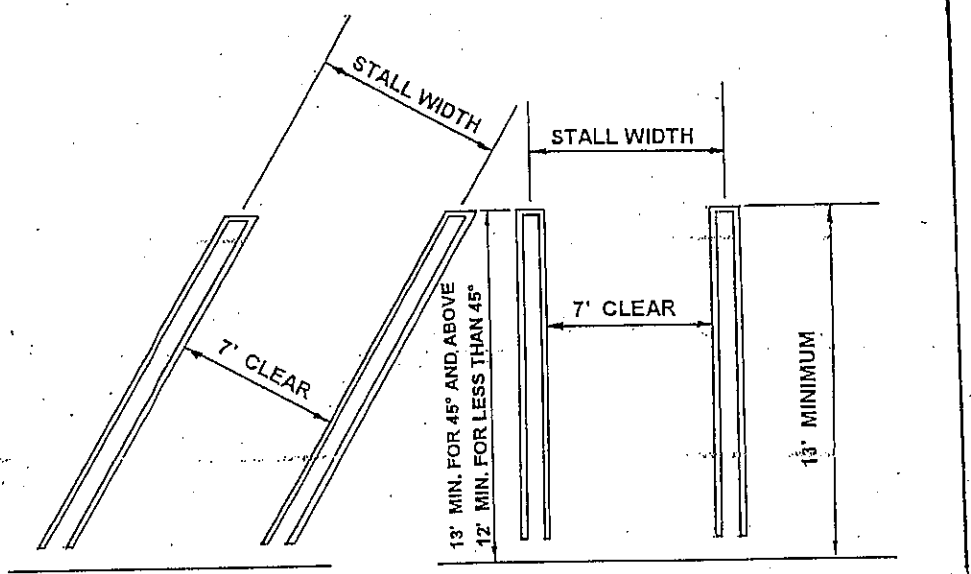
# STRIPING FOR PARKING STALLS

Chart No. 1

## Standard Parking Stalls



## Compact Parking Stalls



**SECTION 3.** Subdivision (E) of Laguna Beach Municipal Code Section 25.52.012 is hereby amended to read in its entirety as specified below.

(E) Compact, Motorcycle and Bicycle Stalls. In every parking area and garage containing six or more stalls, fifty percent (50%) of the stalls provided may be designed as compact spaces. Bicycle and motorcycle parking spaces are encouraged and will count towards required parking. To count toward required parking, eight bicycle spaces or two motorcycle spaces count for one standard size parking space, not to exceed ten (10%) of the required parking.

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

**SECTION 4.** 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 5.** If any portion of this Ordinance, or the application of any such provision to any person or circumstance, shall be held invalid, the remainder of this Ordinance to the extent it can be given effect, of the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this Ordinance are severable.

**SECTION 6.** This Ordinance is intended to be of City-wide 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. Furthermore, this ordinance shall apply on a prospective only basis to new projects which require discretionary review and approval.

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

ADOPTED this     day of     , 2011.

\_\_\_\_\_  
Toni Iseman, Mayor

ATTEST:

\_\_\_\_\_  
Martha Anderson, City Clerk

I, Martha Anderson, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance No. \_\_\_\_ was introduced at a regular meeting of the City Council on June 21, 2011, and was finally adopted at a regular meeting of the City Council of said City held on \_\_\_\_\_, 2011 by the following vote:

AYES:            COUNCILMEMBER(S):

NOES:            COUNCILMEMBER(S):

ABSENT:          COUNCILMEMBER(S):

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



**CITY OF LAGUNA BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

**AGENDA ITEM:** No. 5 **DATE:** 5/25/11

**TO:** PLANNING COMMISSION

**CASE:** Zoning Ordinance and Local Coastal Plan Amendment 11-05

**APPLICANT:** City of Laguna Beach

**LOCATION:** Citywide

**ENVIRONMENTAL  
STATUS:** Categorically Exempt, Sections 15061(b)(3) and 15265

**PREPARED BY:** Ann Larson, Planning Manager  
(949) 497-0320

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**REQUESTED ACTION:** Review the draft revisions to the Parking Ordinance, hear and consider public comments and recommend City Council adoption of the draft Zoning Ordinance and Local Coastal Program amendment.

**BACKGROUND:** Over the years, the City has amended the parking ordinance a number of times to allow, restrict or modify regulations relating to off-site parking. Changes include limiting multiple locations of off-site parking, requiring additional signage, modifying the distance from the business needing the parking to the off-site parking lot, removing the need for a deed restriction and specifying necessary lease provisions. In 2000, the City established a moratorium on off-site parking. At the end of the moratorium, in 2002, the City repealed the provision in the parking ordinance that allowed off-site parking and at the same time, eliminated compact parking spaces requiring all spaces to be a standard size.

In 2004, the parking code was amended to allow off-site parking if the off-site lot was adjacent to and under identical ownership. It was also specified that off-site parking was not allowed to satisfy required parking for building additions and the term of the lease agreement for the required number of off-site spaces must coincide with the term of the Conditional Use Permit requiring the parking. This amendment was submitted to the Coastal Commission for certification in January 2005, but was withdrawn by the City in 2008 because the City had approved a more comprehensive revision to the parking ordinance that changed the off-site parking provisions approved in 2004. The current off-site parking provision, which allows off-site parking only under identical ownership and not more than 600 feet from the use requiring the parking, was approved by the City in 2007 and certified by the Coastal Commission, with suggested modifications adopted by the City, in 2009.

The Downtown Specific Plan has policies to require onsite parking and “discourage the use of off-site parking to satisfy parking requirements until or unless such parking can be adequately monitored or replaced through a parking management program fee,” which is subject to a Local Coastal Program amendment. However, off-site parking is allowed in the CBD, Civic Art District of the Downtown Specific Plan. In 2007, the City approved a modification that allowed off-site parking within a reasonable distance within the Civic Art District. The Coastal Commission certified this amendment in November 2008. The proposed amendment to allow off-site parking would not be applicable in the Downtown Specific Plan with exception of the Civic Art District because that zone currently allows the use of off-site parking.

Staff was able to obtain a copy of a recent survey of other cities generated by the City of Dana Point regarding compact parking space size and percent compact allowed as well as a survey on bicycle and motorcycle parking regulations. This survey is attached as Exhibit A.

**STAFF ANALYSIS:** The City desires the ability to consider approving limited business intensifications, but due to the lack of, or very limited, onsite parking, without approval of a variance, even minor intensifications of use cannot provide the required parking. Off-site parking was prohibited in 2002, due to the City’s limitations on tracking the abuse of owners double-leasing spaces and tracking the loss of leases for required off-site parking spaces. The City is in the process of implementing a new permit tracking system that will significantly improve the ability to track and monitor conditions of all approved permits.

**Off-Site Parking** - The proposed ordinance amendment for off-site parking includes the following changes:

**Section 25.52.006 (H)** restricts the use of off-site parking spaces required for an intensification of nonresidential uses *not involving floor area additions to an existing building envelope*. Staff has included this restriction as recommended previously by the Planning Commission in its 2004 proposed amendment. If the off-site parking is not available in the future, it would be extremely difficult to require a business or building owner to remove construction allowed with off-site parking to meet the required parking.

**Section 25.52.006 (H)(1)(a)** stipulates that the off-site parking must *be located on one site*. The amendment also includes elimination of the requirement that the property providing the off-site parking be under identical ownership as the property on which the business or commercial use is located.

**Section 25.52.006 (H)(7)** includes a requirement that annual proof be filed of the validity of the lease with the Community Development Department.

**Compact Parking** - The proposed amendment for compact, bicycle and motorcycle parking includes the following changes:

**Section 25.52.008 (A)** includes three new proposed parking spaces dimensions: one for compact cars, one for motorcycles and one for bicycles. Proposed compact parking stall sizes are 8 feet

wide by 15 feet long. The proposed compact space size is the size previously allowed in the City of Laguna Beach. The sizes of compact parking spaces vary from city to city. The proposed size is consistent with sizes reported by other cities in the attached survey. However, the City could choose to go with a smaller or larger compact parking space size if it so chooses.

Staff has also included new standards that would allow some of the required parking to be met by providing motorcycle parking spaces and bicycle spaces. Because the City is under a mandate to provide complete streets and the goal is to reduce cars and provide incentives for other modes of transportation, staff believes that it would be wise to include parking spaces to accommodate other modes of transportation such as motorcycles and bicycles. The draft ordinance proposes that a motorcycle parking space dimension be 4 feet by 8 feet for each space and that bicycle spaces be 2 feet by 6 feet each space. Bicycle spaces must have a device to secure the bicycles against theft. Again, the attached survey provides a variety of dimensions for these spaces. Staff chose the 4-foot-by-8-foot space based on the most typical size provided by the cities in the survey.

**Section 25.08.008 (H)** proposes striping and identification standards for compact, motorcycle and bicycle spaces.

The final modification to the parking requirements that involve compact, motorcycle and bicycle parking spaces are located in **Section 25.52.012 (E)** of the attached draft ordinance. This section specifies that parking areas with 6 or more stalls may provide 50% of the spaces as compact. Staff chose lots containing six or more because this was the standard previously used by the City. This section of the draft ordinance also contains a provision that would allow 8 bicycle spaces or 2 motorcycle spaces to count for one standard size parking space but cannot be more than 5% of the required parking spaces. Most cities do not allow motorcycle or bicycle spaces to count toward required parking; however, it makes sense to encourage the development of these spaces by providing an incentive.

A Local Coastal Program Amendment is required because all amendments to the City's certified Local Coastal Plan Implementation Program (Title 25 – the Zoning Code) require Coastal Commission approval.

**RECOMMENDATION:** Staff recommends that the Planning Commission review the draft off-site and compact parking ordinance amendments, take public testimony, direct staff to make any appropriate changes and recommend approval to the City Council.

**ATTACHMENTS:** Exhibit A: Compact, Bicycle and Motorcycle Parking Space Surveys  
Draft Ordinance

## Exhibit A

### Compact Parking Spaces

City	Compact allowance of parking spaces	Compact size (feet)	Additional Restrictions
Napa	30%	8x16	
Irvine	35%	8x16	Compact spaces are not allowed in surface parking lots, but only in parking structures
Huntington Park	30%	8x16	Only allowed in parking areas w/ min. 10 spaces
San Gabriel	35%	8x15	
Malibu	20%	8x15.5	For 6 or more parking areas
San Marino	25%	8x15	For 10 or more parking areas
Irwindale	25%	8x15	
Lakewood	40%	8x16	
Hanford	30%	8x16	
Lakeport	25%	7.5x16	
Turlock	30%	8x16	
Merced	25%	8.5x16	1.5' overhang allowed. 1 tree for each space is also required.
Visalia	30%	7.5x18	
Dixon	30%	8x16	Only when 50 or more spaces are required
Santa Cruz County	10%; 6 – 50 cars 30%; 51-80 cars 80%; 81 or more	7.5x16	
Emeryville	60%	7.5x16	Revising the code to require 8x18 size because of non-usability of small size spaces
Rocklin	30%	8x16	Tree planters in regular spaces result in compact
Scotts Valley	20%	9x16	
Saratoga	25%	8x16	
Millbrae	25%	8x16	
Delano	25%	8x16	For Office, manufacturing uses 35% is allowed
Agoura Hills	Max 30%	8.5x21	Approval required from PC, and only if additional landscaping is provided
Orange County	No		
Los Angeles County	40%		
Santa Monica	40%	7.5x15.5	

## Bicycle and Motorcycle Parking Provisions

City of	Standards	Sizes
Emeryville	Emeryville gives a credit of 1 parking space for each 4 motorcycle parking spaces and 1 parking space for each 6 bicycle parking spaces provided. The credit for motorcycle parking spaces can't exceed 1/40 of the total number of auto spaces required, and the credit for bicycle parking spaces can't exceed 1/6 of the total number of auto parking spaces required.	
Santa Cruz	Required bike spaces + 10% of required parking can be bike spaces w/ min. 6 bike stalls per car space.	Bike – 2'x6'
Dublin	1 out of 40 can be motorcycle space. Bicycles' parking is required and does not replace cars parking.	Motorcycle – 3'x6'
Redding	3% of parking can be provided as motorcycle spaces for projects with 25 or more spaces.	Motorcycle – 4'x10'
Turlock	Bicycle parking is a requirement in addition to regular parking. They do not replace cars parking requirement.	
Millbrae	Requires min. 2 motorcycle stalls, bicycles parking must be an additional 10% of total auto parking. (does not replace cars parking)	Motorcycle – 4'x8'
Berkeley	No credit for bikes parking. 1 bike parking is required per 2000 sf of commercial space.	
Citrus Heights	One bike space is required for every 20 auto spaces; one motorcycle space is required for every 50 auto spaces. Required motorcycle spaces may be substituted for up to 10 percent of required auto spaces. Secure bicycle parking facilities may reduce auto parking by 1 space for every 3 additional bicycle spaces. Maximum reduction 2%.	Motorcycle – 4'x 7'
Irvine	Uses with more than twenty-five (25) automobile parking spaces may provide one (1) designated area for use by motorcycles. Uses with more than one hundred (100) parking spaces may provide motorcycle parking areas at the rate of one (1) motorcycle parking area for every one hundred (100) parking spaces provided. Motorcycle parking areas suggested by this ordinance shall count toward fulfilling automobile parking requirements. Bicycle spaces are required for nonresidential uses and do not provide credit for cars parking.	Motorcycle - 56 sf

Campbell (currently revising the code)	Developments that provide ten or more parking spaces are encouraged to designate parking facilities for motorcycle parking. Motorcycle parking may substitute for up to five spaces or ten percent of required vehicle parking, whichever is less. For every four motorcycle parking spaces provided, the vehicle parking requirement may be reduced by one space.	Motorcycle – 4'x6'
Long Beach	This does not replace automobile parking space. Bicycle parking shall be provided at a minimum of one (1) space for every five (5) residential units, one (1) space for each five thousand (5,000) square feet of commercial building area, one (1) space for each seven thousand five hundred (7,500) square feet of retail building area and one (1) space for each ten thousand (10,000) square feet of industrial building area. (From Green Building Code)	
Fremont	8 bicycle spaces or two motorcycle spaces count for one standard parking space. Combined credit for motorcycle/bicycles can't exceed 5% of the required parking.	Bicycle – 2'x7' Motorcycle – 4'x8'