

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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December 21, 2012

**F9a**

TO: Commissioners and Interested Persons

FROM: Sherilyn Sarb, Deputy Director
Teresa Henry, District Manager
Karl Schwing, Supervisor, Regulation & Planning
John Del Arroz, Coastal Program Analyst

SUBJECT: Major Amendment Request No. 3-11 (Public Notification Procedures) to the City of Laguna Beach Certified Local Coastal Program (For Public Hearing and Commission Action at the January 2013 meeting in Pismo Beach, CA).

SUMMARY OF LCP AMENDMENT REQUEST NO. 3-11

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

- City Council Resolution No. 11.093 requests action on Ordinance No. 1555 regarding the procedure for public noticing of discretionary permits or applications which require public notice. The primary effect of the amendment is to change the required content of public hearing notices and to standardize noticing procedures.

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.

The issue raised by the amendment request is ensuring adequate public notice in the coastal development permit process and with local coastal program amendments.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission, after public hearing:

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

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

The proposed amendment, if modified as recommended, would be in conformance with and adequate to carry out the provisions of the certified Land Use Plan. **The motions to accomplish this recommendation are found on pages 5.**

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. 1555: In total, the Planning Commission and City Council held five public hearings on Ordinance No. 1555. Planning Commission hearings occurred on September 14, 2011, and November 1, 2011. City Council hearings occurred on May 17, 2011, July 12, 2011, and November 15, 2011. Public Notice for the hearings was given via newspaper and via mailed notification to interested parties.

ADDITIONAL INFORMATION

Copies of the staff report are available online at 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 John Del Arroz in the Long Beach office at (562) 590-5071.

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EXHIBITS:

Exhibit 1a - City Council Resolution No. 11.093

Exhibit 1b - Ordinance No. 1555

Exhibit 1c – City staff report on Ordinance 1555

I. MOTIONS AND RESOLUTIONS

Motion#1:

I move that the Commission reject Implementation Plan Amendment No. 3-11 for the City of Laguna Beach as submitted.

Staff recommends a **YES** vote. Passage of this motion will result in rejection of Implementation Plan amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution#1:

The Commission hereby denies certification of the Implementation Plan Amendment No. 3-11 submitted for the City of Laguna Beach and adopts the findings set forth below on grounds that the Implementation Plan amendment as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Plan amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Plan amendment as submitted.

Motion#2:

I move that the Commission certify the Implementation Plan Amendment No. 3-11 for the City of Laguna Beach if it is modified as suggested by staff.

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Plan amendment with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution#2:

The Commission hereby certifies the Implementation Plan Amendment 3-11 for the City of Laguna Beach if modified as suggested and adopts the findings set forth below on grounds that the Implementation Plan amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Plan amendment if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Plan amendment has on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts the Implementation Plan amendment has on the environment.

II. SUGGESTED MODIFICATIONS

Certification of City of Laguna Beach LCP Amendment Request No. 3-11 is subject to the following modifications.

The City's proposed deletions are shown in ~~plain text, lined out~~

The City's proposed insertions are shown in plain text, underlined

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

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

1. Suggested Mod No. 1

Modify Laguna Beach Municipal Code Section 25.05.065 (A) (Public Notice) as follows:

25.05.065 Public Notice

(A) Intent and Purpose. It is the intent and purpose of this section to provide standardized noticing procedures for discretionary permits or applications which require a public notice-, ***except that if a Coastal Development Permit is required pursuant to Section 25.07, noticing for that type of permit shall instead be carried out through the public notice provisions of Section 25.07.014.***

2. Suggested Mod No. 2

Modify Laguna Beach Municipal Code Section 25.05.065 (D) (Public Notice) as follows:

(D) Mailing of Public Hearing Notices. Except as noted below, all public hearing notices shall be sent by mail not less than 10 calendar days prior to the date of the public hearing. Administrative Design Review public hearing notices shall be sent by mail not less than 14 calendar days prior to the date of the public hearing. Design Review public hearing notices shall be sent by mail not less than 28 calendar days prior to the date of the public hearing. Public hearing notices shall be mailed to:

1. The project applicant.
2. The property owner or the owner's duly authorized agent.
3. Each property owner located within 300 feet of the property line of the project site. The list of property owners shall be obtained from the latest equalized Orange County assessment roll and may include any subsequent ownership changes recorded with the County.
4. Each apartment and commercial tenant located within the project site or 100 feet of the property line of the project site.
5. All homeowners' and master community associations governing property within 300 feet of the property line of the project site.
6. Any person or organization that has filed within 6 months prior to the public hearing a written request for public notice.
7. The California Coastal Commission when processing a Coastal Development Permit or Local Coastal Program amendment.

8. Any adjacent City or County jurisdiction that may be affected by the proposed project.

9. Any local agency or district (such as water, sewer or school) that may be affected by the proposed project

If the number of owners to whom public notice would be mailed is greater than 1,000 then, in-lieu of mailed public notice, the City may provide public notice by placing a display advertisement of at least one-eighth page size in a newspaper of general circulation within the City at least 10 calendar days prior to the hearing. The City's failure to provide notice as described in this section shall not be grounds for invalidation of any permit decision, ***provided that for projects requiring a Coastal Development Permit, the City has completely complied with all notification procedures as required in Section 25.07.014. A failure to comply with the noticing requirements in Section 25.07.014 may delay the finality of the City's decision on a Coastal Development Permit application.***

3. Suggested Mod No. 3

Modify Laguna Beach Municipal Code Section 25.05.020(C) (Administrative Use Permit Procedure "Public Notice") as follows:

~~(C) Public Notice. Public notice shall be mailed to the property owners within three hundred feet of the subject property and shall be subject to the provisions of Section 25.05.065(B) and (C), except that the requirement for newspaper advertising is deleted.~~ ***except that if a Coastal Development Permit is required pursuant to Section 25.07, noticing for that type of permit shall instead be carried out through the public notice provisions of Section 25.07.014.***

4. Suggested Mod No. 4

Modify Laguna Beach Municipal Code Section 25.05.025(D) (Variances "Public Notice") as follows:

~~(D) Public Notice. Public notice shall be mailed to the property owners within three hundred feet of the subject property and shall be subject to the provisions of Section 25.05.065(B) and (C),~~ ***except that if a Coastal Development Permit is required pursuant to Section 25.07, noticing for that type of permit shall instead be carried out through the public notice provisions of Section 25.07.014.***

5. Suggested Mod No. 5

Modify Laguna Beach Municipal Code Section 25.05.030(D) (Conditional Use Permits “Public Notice”) as follows:

D) Public Notice. Public notice ~~shall be mailed to the property owners within three hundred feet of the subject property and shall be subject to the provisions of Section 25.05.065(B) and (C), except that the requirements for newspaper advertising shall not be required. For projects located in the Downtown specific Plan Area, the notice shall include all residents and/or tenants within 300 feet of the subject property.~~, **except that if a Coastal Development Permit is required pursuant to Section 25.07, noticing for that type of permit shall instead be carried out through the public notice provisions of Section 25.07.014.**

6. Suggested Mod No. 6

Modify Laguna Beach Municipal Code Section 25.05.035(E) (Temporary Use Permits “Public Notice”) as follows:

(E) Public Notice. All Temporary Use Permit applications referred to the Planning Commission shall be subject to the public notice provisions of Section 25.05.065(B) and (C) whereby public notice is mailed to property owners within three hundred feet of the subject property; ~~except that newspaper advertising shall not be required. If a Coastal Development Permit is required pursuant to Chapter 25.07, the public notice provisions of 25.07.014 shall also be required.~~, **except that if a Coastal Development Permit is required pursuant to Section 25.07, noticing for that type of permit shall instead be carried out through the public notice provisions of Section 25.07.014.**

7. Suggested Mod No. 7

Modify Laguna Beach Municipal Code Section 25.05.040(B)(3)(b) (“Public Notice for Administrative Design Review”) as follows:

(b) Public Notice for Administrative Design Review. Public notice shall be ~~mailed to the property owners within 300 feet of the subject property at least 14 calendar days prior to the hearing and is subject to the provisions of 25.05.065(B) and (C), except that the requirement for newspaper advertising shall not be required.~~, **except that if a Coastal Development Permit is required pursuant to Section 25.07, noticing for that type of permit shall instead be carried out through the public notice provisions of Section 25.07.014.**

8. Suggested Mod No. 8

Modify Laguna Beach Municipal Code Section 25.050.040(E) (Design Review “Public Notice”) as follows:

(E) Public Notice. Public notice shall be ~~mailed to the property owners within three hundred feet of the subject property at least 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,~~ **except that if a Coastal Development Permit is required pursuant to Section 25.07, noticing for that type of permit shall instead be carried out through the public notice provisions of Section 25.07.014.**

9. Suggested Mod No. 9

Modify Laguna Beach Municipal Code Sections 25.05.070 (B)(6) and (7) (Appeals “Procedures” Public Notice) as follows:

(6) Upon the City Clerk’s receipt of a timely and otherwise proper appeal of a decision, determination or requirement of the Planning Commission, Board of Adjustment/Design Review Board or Director of Community Development, the appeal shall be set for a public hearing before the City Council no less than 14 calendar days nor more than 60 calendar days after receipt of the appeal. ~~Notice~~ **Public notice** of the hearing for the appeal shall be subject to the provisions of Section 25.05.065(B) and (C), ~~except that posting shall not be required,~~ **except that the public notice for appeals of Coastal Development Permits shall be instead carried out through the public notice provisions of Section 25.07.014.**

(7) Notwithstanding the foregoing and any other provisions of Chapter 25.05, any decision, determination and requirement of the Planning Commission and Board of Adjustment/Design Review board shall be automatically appealed to the City Council where a member of the Commission or Board has an ownership, leasehold or consulting interest in the property or project which is the subject of the decision, determination or requirement. The appeal shall be set for a public hearing before the City Council no less than 14 calendar days nor more than 60 calendar days after the date of the decision, determination or requirement. ~~Notice~~ **Public notice** of the hearing for the appeal shall be subject to the provisions of Section 25.05.065(B) and (C), ~~except that posting shall not be required,~~ **except that the public notice for appeals of Coastal Development Permits shall be instead carried out through the public notice provisions of Section 25.07.014.**

10. Suggested Mod No. 10

Modify Laguna Beach Municipal Code Section 25.45.010(C) (Historic Preservation “Procedures for Demolition”) as follows:

(C) Upon receipt of the application to demolish, the Department of Community Development shall, within 30 days, solicit input from the Heritage Committee prior to scheduling the request for public hearing before the Design Review Board. ~~Public noticing notice for the Design Review Board hearing shall be as specified in~~ shall be subject to the provisions of Section 25.05.065(C) of this Title., ***except that if a Coastal Development Permit is required pursuant to Section 25.07, noticing for that type of permit shall instead be carried out through the public notice provisions of Section 25.07.014.***

11. Suggested Mod No. 11

Modify Laguna Beach Municipal Code Section 25.47.050 (Condominium Conversions “Public Notice and Planning Commission Hearings”) as follows:

Upon Acceptance of an application for a condominium conversion permit, the Director of Community Development shall cause the matter to be set for hearing before the Planning Commission, the hearing to be not more than 45 days from the acceptance of the application. ~~Not less than 10 days prior to the date of the hearing, notice of the time, place and date of the hearing shall be given by mailing a postal card or letter notice to all tenants of the project proposed to be converted as contained in the application, to the owners of the property within three hundred feet of the subject property and to the applicant. Public notice of the hearing shall be subject to the provisions of Section 25.05.065, and shall be mailed to all tenants of the project apartments proposed to be converted to condominiums. ***However, if a Coastal Development Permit is required pursuant to Section 25.07, noticing for that type of permit shall instead be carried out through the public notice provisions of Section 25.07.014.***~~ At the public hearing ht Commission shall review the application and supporting documentation submitted therewith, and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained.

12. Suggested Mod No. 12

Modify Laguna Beach Municipal Code Section 25.50.030(B) (Significant Watercourses “Demolition/Deletion Process”) as follows: (B) Demolition/Deletion Process. Proposals to add or delete watercourses from the Environmentally Sensitive Areas Map, or to change the status of significant watercourses shall be reviewed by the Planning Commission, ~~as a public hearing item pursuant to~~ Public notice shall be subject to the provisions of Section 25.05.065 (B) ***and 25.07.026.*** The Planning Commission shall make its determination based on its assessment of the watercourse as it relates to the criteria listed in Subsection (A), provided, however, that a significant watercourse can be deleted only if it is determined that it no

longer serves a distinct functional, scenic or ecological purpose. The decision of the Planning Commission may be appealed to the City Council pursuant to Section 25.05.070.

13. Suggested Mod No. 13

Modify Laguna Beach Municipal Code Section 25.55.006(D) (Telecommunication Facilities “Noticing Requirements”) as follows:

(D) Noticing Requirements. Public notice for telecommunication facility projects subject to Design Review or Conditional Use Permit application processing shall comply with the noticing provisions of 25.05.065(B) and (C), ~~except that a public notice shall be mailed to residents or tenant occupants as well as property owners within three hundred feet of the project site.~~ **, except that if a Coastal Development Permit is required pursuant to Section 25.07, noticing for that type of permit shall instead be carried out through the public notice provisions of Section 25.07.014.**

II. FINDINGS

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

A. AMENDMENT DESCRIPTION

The City of Laguna Beach has requested to amend the Implementation Plan (IP) portion of the 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. Only the Implementation Plan portion of the City’s certified LCP is affected by the proposed amendment.

The proposed IP amendment consists of modifications to Laguna Beach Municipal Code Section 25.05.065, and modifications to the way in which other portions of the Municipal Code refer to Section 25.05.065.

The proposed changes to Section 25.05.065 consist of 1) modification of the content of public hearing notices, 2) modification to the persons sent public notice, and 3) modification to noticing procedures, including when notice is sent, procedures for newspaper notice, and procedures for posting of hearing notices. Other portions of the municipal code are also being modified to standardize noticing such that each section states that noticing should occur pursuant to Section 25.05.065 and eliminating language in those sections which state that certain types of noticing should be included or excluded.

B. FINDINGS FOR DENIAL OF IMPLEMENTATION PLAN AMENDMENT NO. 3-11 AS SUBMITTED AND APPROVAL OF IMPLEMENTATION PLAN AMENDMENT 3-11 IF MODIFIED AS RECOMMENDED

Section 25.05.065 states what the noticing procedures are for most of the discretionary permits and public hearings heard by the City. However, Section 25.05.065 is not controlling with regard to the public noticing procedure for Coastal Development Permits or Local Coastal Program amendments. Noticing for these hearings is instead given by Sections 25.07.014 and 25.07.026, in the Coastal Development Permits Chapter of the Municipal Code. The proposed Implementation Plan Amendment 3-11 is not making changes to the noticing requirements contained in Chapter 25.07. However, the proposed changes to Section 25.05.065 make it unclear whether the noticing provisions of Chapter 25.07, or the new proposed wording of 25.05.065 would take precedent when performing noticing for Coastal Development Permits and Local Coastal Program Amendments. Correct public noticing allows for all of the affected members of the public to be aware of the proposed development or proposed code change, and maximizes the amount of different perspectives that can be brought to each issue heard at each public hearing throughout the local decision making process. Conversely, without correct public noticing, some voices that have an interest in the outcome of the project will not have had a chance to contribute to the local hearing process.

Maximizing public participation and consideration of all relevant perspectives maximizes the ability of the City to correctly interpret and apply the City's LCP in each decision that it makes. Without adequate public noticing, the City's ability to carry out the policies of the LCP is diminished, which ultimately results in the failure of LUP Policies such as Goal 7 of the Land Use Element (protect, preserve, and enhance the community's natural resources.) As proposed, IP Amendment 3-11 would not, among other issues, ensure that both property owners and residents within 100 feet of the project are noticed, ensure that notice include relevant appeal procedures, and would not ensure that local approvals are not final until the Commission has been given adequate notice, all of which compromise the ability of the City to correctly carry out the goals of the certified Land Use Plan. Therefore, the IP amendment must be denied as submitted.

However, if the proposed IP Amendment 3-11 were modified to clarify that Coastal Development Permits and LCP Amendments required noticing pursuant to the CDP section of the Municipal Code, correct noticing procedures would be assured and the City would maximize its ability to interpret and correctly enact the Land Use Plan and Implementation Plan.

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

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 3-11 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 expected to result in significant adverse impacts on the environment. However, if the IP amendment is modified as recommended by staff, for the reasons described above and throughout this staff report, the IP amendment, as modified, 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 result in significant adverse environmental impacts under the meaning of CEQA, however, if modified as recommended by staff, such significant adverse environmental impacts will be minimized or avoided. Therefore, the Commission certifies City of Laguna Beach LCP amendment request 3-11 as modified.

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RESOLUTION NO. 11.093

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH, CALIFORNIA, ADOPTING LOCAL COASTAL PROGRAM AMENDMENT 11-08 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. 11-08, 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. 11-08, 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. 11-08 is hereby approved, consisting of amendments Title 25 public hearing noticing requirements for residents or tenants. 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

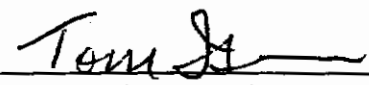
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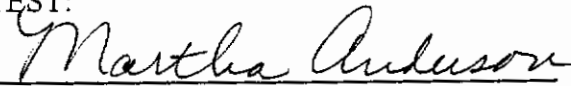
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SECTION 3. That pursuant to Section 13551(b) of the Coastal Commission Regulations, Laguna Beach Local Coastal Program Amendment No. 11-08 will take effect automatically upon Coastal Commission approval, as provided in Pubic Resources Code Sections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

ADOPTED this 15th day of November, 2011.



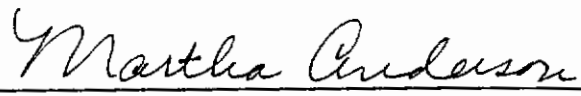
Toni Iseman, Mayor

ATTEST:


City Clerk

I, MARTHA ANDERSON, City Clerk of the City of Laguna Beach, California, do hereby certify that the foregoing Resolution No. 11.093 was duly adopted at a Regular Meeting of the City Council of said City held on November 15, 2011 by the following vote:

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



City Clerk of the City of Laguna Beach, CA

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ORDINANCE NO. 1555

AN ORDINANCE OF THE CITY OF LAGUNA BEACH AMENDING THE LAGUNA BEACH MUNICIPAL CODE RELATING TO PUBLIC NOTICE OF DISCRETIONARY DEVELOPMENT PERMITS OR APPLICATIONS.

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

SECTION 1: Section 25.05.065 ("Public Notice") of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

25.05.065 Public Notice.

(A) Intent and Purpose. It is the intent and purpose of this section to provide standardized noticing procedures for discretionary permits or applications which require a public notice.

~~(B) Public Notice Procedures, Three hundred foot Radius.~~

~~(1) Upon receipt of a complete application, the department of community development shall set a date, time and place of public hearing at which action shall be taken concerning the application.~~

~~(2) Not less than ten days prior to the hearing, public notice shall be mailed or delivered to the property owner or authorized agent, project applicant, affected local agencies and all property owners shown on the last equalized county assessment roll within three hundred feet of the subject property.~~

~~(3) Notice of such public hearing shall also be published in a newspaper of general circulation within the city at least ten days prior to the hearing date, and a notice shall be posted on the property.~~

~~(C) Public Notice Information. All notices of public hearings shall include:~~

~~(1) Date, time and place of public hearing;~~

~~(2) Identity of the hearing body or officer;~~

~~(3) General explanation of the matter to be considered;~~

~~(4) General description of the location of the property subject to public hearing.~~

(B) Public Hearing. A public hearing shall be held by the approval authority (Director of Community Development, Design Review Board/Board of Adjustment, Planning Commission and/or City Council) prior to a decision on a development entitlement permit or application as specified or required in the Laguna Beach Municipal Code and California State law. Public hearings shall require public notice as specified below.

(C) Content of Public Hearing Notices. All public hearing notices that are mailed, posted or published for a proposed project shall contain the information listed below.

1. Time, date, address and location of the hearing.

2. Name of the approval authority holding the hearing.

3. A description of the proposed development and its proposed location.

4. The environmental determination.

5. The name, title, telephone and email address of a staff contact person.

6. All related project case numbers, and project name, if any.

7. The project applicant's name.

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EXHIBIT # 2

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8. A statement, if applicable, of whether the proposed project is located within the Coastal Zone and appeal procedure; see the Coastal Development Permit noticing requirements specified in Municipal Code Section 25.07.014, and Section 25.07.020 for Emergency Coastal Development Permit.

(D) Mailing of Public Hearing Notices. Except as noted below, all public hearing notices shall be sent by mail not less than 10 calendar days prior to the date of the public hearing. Administrative Design Review public hearing notices shall be sent by mail not less than 14 calendar days prior to the date of the public hearing. Design Review public hearing notices shall be sent by mail not less than 28 calendar days prior to the date of the public hearing. Public hearing notices shall be mailed to:

1. The project applicant.
2. The property owner or the owner's duly authorized agent.
3. Each property owner located within 300 feet of the property line of the project site. The list of property owners shall be obtained from the latest equalized Orange County assessment roll and may include any subsequent ownership changes recorded with the County.
4. Each apartment and commercial tenant located within the project site or 100 feet of the property line of the project site.
5. All homeowners' and master community associations governing property within 300 feet of the property line of the project site.
6. Any person or organization that has filed within 6 months prior to the public hearing a written request for public notice.
7. The California Coastal Commission when processing a Coastal Development Permit or Local Coastal Program amendment.
8. Any adjacent City or County jurisdiction that may be affected by the proposed project.
9. Any local agency or district (such as water, sewer or school) that may be affected by the proposed project.

If the number of owners to whom public notice would be mailed is greater than 1,000 then, in-lieu of mailed public notice, the City may provide public notice by placing a display advertisement of at least one-eighth page size in a newspaper of general circulation within the City at least 10 calendar days prior to the hearing. The City's failure to provide notice as described in this section shall not be grounds for invalidation of any permit decision.

(E) Posting of Public Hearing Notices. Notice of a public hearing shall be posted on the project site not less than 10 calendar days prior to the date of the public hearing for Administrative Use Permit, Conditional Use Permit, Design Review, General Plan Amendment (for specific property), Heritage Tree, Revocation, Rezone, Street Abandonment, Subdivision (parcel or tentative tract map), Temporary Use Permit (decided by the Planning Commission) and Variance applications.

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(F) Publication of Public Hearing Notices. Notice of public hearing shall be published in a newspaper of general circulation within the City at least 10 calendar days prior to the hearing for Appeal (of an entitlement decision of the Design Review Board/Board of Adjustment, Director of Community Development or Planning Commission), Demolition of a Historic Register structure, General Plan Amendment, Local Coastal Program Amendment, Revocation, Rezone, Street Abandonment, Subdivision (parcel or tentative tract map), Variance (decided by the Design Review Board/Board of Adjustment or Planning Commission) and Zoning Ordinance Amendment applications.

SECTION 2: Section 25.05.020(C) (Administrative Use Permit Procedure "Public Notice") of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

~~(C) Public Notice. Public notice shall be mailed to the property owners within three hundred feet of the subject property and shall be subject to the provisions of Section 25.05.065(B) and (C), except that the requirement for newspaper advertising is deleted.~~

SECTION 3: Section 25.05.025(D) (Variances "Public Notice") of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

~~(D) Public Notice. Public notice shall be mailed to the property owners within three hundred feet of the subject property and shall be subject to the provisions of Section 25.05.065(B) and (C).~~

SECTION 4: Section 25.05.030(D) (Conditional Use Permits "Public Notice") of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

~~(D) Public Notice. Public notice shall be mailed to the property owners within three hundred feet of the subject property and shall be subject to the provisions of Section 25.05.065(B) and (C), except that the requirements for newspaper advertising shall not be required. For projects located in the Downtown specific Plan Area, the notice shall include all residents and/or tenants within 300 feet of the subject property.~~

SECTION 5: Section 25.05.035(E) (Temporary Use Permits "Public Notice") of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

(E) Public Notice. All Temporary Use Permit applications referred to the Planning Commission shall be subject to the public notice provisions of Section 25.05.065(B) and (C) whereby public notice is mailed to property owners within three hundred feet of the subject property; except that newspaper advertising shall not be required. If a Coastal Development Permit is required pursuant to Chapter 25.07, the public notice provisions of Section 25.07.014 shall also be required.

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EXHIBIT # 2
PAGE 3 OF 8

SECTION 6: Section 25.05.040(B)(3)(b) ("Public Notice for Administrative Design Review") of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

(b) Public Notice for Administrative Design Review. Public notice shall be mailed to the property owners within 300 feet of the subject property at least 14 calendar days prior to the hearing and is subject to the provisions of Section 25.05.065(B) and (C), except that the requirement for newspaper advertising shall not be required.

SECTION 7: Section 25.05.040(E) (Design Review "Public Notice") of the Laguna Beach Municipal Code is hereby amended 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 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 8: Sections 25.05.070(B)(6) and (7) (Appeals "Procedures" Public Notice) of the Laguna Beach Municipal Code are hereby amended to read in their entirety as follows:

(6) Upon the City Clerk's receipt of a timely and otherwise proper appeal of a decision, determination or requirement of the Planning Commission, Board of Adjustment/Design Review Board or Director of Community Development, the appeal shall be set for a public hearing before the City Council no less than 14 calendar days nor more than 60 calendar days after receipt of the appeal. ~~Notice~~ Public notice of the hearing for the appeal shall be subject to the provisions of Section 25.05.065(B) and (C), except that posting shall not be required.

(7) Notwithstanding the foregoing and any other provisions of Chapter 25.05, any decision, determination and requirement of the Planning Commission and Board of Adjustment/Design Review Board shall be automatically appealed to the City Council where a member of the Commission or Board has an ownership, leasehold or consulting interest in the property or project which is the subject of the decision, determination or requirement. The appeal shall be set for a public hearing before the City Council no less than 14 calendar days nor more than 60 calendar days after the date of the decision, determination or requirement. ~~Notice~~ Public notice of the hearing for the appeal shall be subject to the provisions of Section 25.05.065(B) and (C), except that posting shall not be required.

SECTION 9: Section 25.05.075(B)(3) (Revocation Public Notice) of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

(3) Prior to revocation, a noticed public hearing shall be ~~in accordance with the provisions of~~ **COASTAL COMMISSION** public notice shall be subject to the provisions of Section 25.05.065(B) and (C).

EXHIBIT # 2
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SECTION 10: Section 25.08.022 "Lot Line, Front" definition of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

"Lot Line, Front" means the property line or lines separating a lot from streets in the case of an interior lot and the line separating the narrowest street frontage of a lot from the street in the case of a corner lot or reversed corner lot. A lot may have more than one front lot line. Following a 10-day public comment period prior to which public notice was provided in accordance with Section 25.05.065(B)(1) and (2), an exception from the designation for front lot line may be granted by the Design Review Board. The following criteria shall be considered when making an exception designation:

- (1) The front yard designation in the code is inappropriate because of the pattern of neighborhood development;
- (2) The front yard designation in the code is inappropriate because of the historical orientation of the existing structure(s) on the site;
- (3) The proposed orientation more nearly produces the required setback dimensions in all yards;
- (4) The proposed orientation will provide a more harmonious relationship between the development on the subject property and the neighboring properties; and
- (5) The granting of an exception from the designation for front lot line will consider the effect of creating nonconforming structure(s), and mitigate to the greatest extent possible the nonconforming aspect of the structure(s), in the exception is granted;

SECTION 11: Section 25.45.010(C) (Historic Preservation "Procedures for Demolition") of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

(C) Upon receipt of the application to demolish, the Department of Community Development shall, within 30 days, solicit input from the Heritage Committee prior to scheduling the request for public hearing before the Design Review Board. Public notice for the Design Review Board hearing shall be as specified in shall be subject to the provisions of Section 25.05.065(C) of this Title.

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EXHIBIT # 2
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SECTION 12: Section 25.47.050 (Condominium Conversions "Public Notice and Planning Commission Hearings") of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

25.47.050 Public Notice and Planning Commission Hearings.

Upon acceptance of an application for a condominium conversion permit, the Director of Community Development shall cause the matter to be set for hearing before the Planning Commission, the hearing to be not more than 45 days from the acceptance of the application. ~~Not less than 10 days prior to the date of the hearing, notice of the time, place and date of the hearing shall be given by mailing a postal card or letter notice to all tenants of the project proposed to be converted as contained in the application, to the owners of property within three hundred feet of the subject property and to the applicant.~~ Public notice of the hearing shall be subject to the provisions of Section 25.05.065, and shall be mailed to all tenants of the project apartments proposed to be converted to condominiums. At the public hearing the Commission shall review the application and supporting documentation submitted therewith, and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained.

SECTION 13: Section 25.50.030(B) (Significant Watercourses "Demolition/Deletion Process") of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

(B) Demolition/Deletion Process. Proposals to add or delete watercourses from the Environmentally Sensitive Areas Map, or to change the status of significant watercourses shall be reviewed by the Planning Commission, ~~as a public hearing item pursuant to Public notice shall be subject to the provisions of Section 25.05.065(B).~~ The Planning Commission shall make its determination based on its assessment of the watercourse as it relates to the criteria listed in Subsection (A), provided, however, that a significant watercourse can be deleted only if it is determined that it no longer serves a distinct functional, scenic or ecological purpose. The decision of the Planning Commission may be appealed to the City Council pursuant to Section 25.05.070.

SECTION 14: Section 25.55.006(D) (Telecommunication Facilities "Noticing Requirements") of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

(D) Noticing Requirements. Public notice for telecommunication facility projects subject to Design Review or Conditional Use Permit application processing shall comply with the noticing provisions of Section 25.05.065(B) ~~and (C), except that a public notice shall be mailed to residents or tenant occupants as well as property owners within three hundred feet of the project site.~~

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SECTION 15: Section 11.50.035 (Revocable Encroachment Permits "Public Notice Required") of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

11.50.035 Public Hearing and Notice Required.

~~Before an application for any encroachment permit may be accepted as complete for filing purposes the applicant shall submit an ownership listing and mailing materials as specified by the Director of Community Development, and public notice shall be provided to all owners of property within a radius of 300 feet from the subject property. Such noticing procedure shall comply with the requirements of Section 25.05.065(a), (b)(1) and (2), and (c). Prior to approval of a Revocable Encroachment Permit by the Design Review Approval Authority, a noticed public hearing shall be held. Public notice shall be subject to the provisions of Section 25.05.065.~~

SECTION 16: 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 17: 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 18: 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 19: 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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EXHIBIT # 2
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ADOPTED this 15th day of November, 2011.

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. 1555 was introduced at a regular meeting of the City Council on November 1, 2011 and was finally adopted at a regular meeting of the City Council of said City held on November 15, 2011 by the following vote:

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

City Clerk, City of Laguna Beach, CA

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EXHIBIT # 2
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**CITY OF LAGUNA BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

11/16/11

AGENDA ITEM: No. 6 **DATE:** 9/14/11
TO: PLANNING COMMISSION
CASE: Zoning Ordinance and Local Coastal Plan Amendment 11-08
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

REQUESTED ACTION: Review the proposed revisions to the public notice of discretionary development permits or applications, hear and consider public comments, and recommend City Council adoption of the draft Zoning Ordinance and Local Coastal Program amendment.

BACKGROUND: On May 17, 2011, the City Council discussed the matter of resident/tenant notification for development applications and requested staff to provide additional information regarding cost of public hearing notification for an expanded area including tenants. On July 12, 2011, the City Council was provided this additional information, which is attached to this report. The City Council directed the Planning Commission to consider an ordinance amendment requiring resident/tenant notification within 300 feet of the subject property for all development entitlement applications that require review by either the Planning Commission or Design Review Board.

STAFF ANALYSIS: State law requires that property owners within 300 feet of a development project receive notice and 100 feet for residents/tenants if a Coastal Development Permit (CDP) is required. The City requires applicants to provide, at their cost, a public hearing notification package from an approved listing service as part of any application that requires public hearing notification. In 1997, the City Council adopted an ordinance that required resident/tenant within 300 feet of a proposed project receive public hearing notification for development project applications within the Downtown Specific Plan. Residents/tenants also receive a notice if they are within 100 feet of a development project requiring a CDP.

Staff conducted a survey of 25 California cities to determine which cities provide public noticing beyond the State requirements. Seven of the cities provide 300-foot owner notification. **COASTAL COMMISSION**

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noticing; two cities provide 300-foot owner and 100-foot resident/tenant noticing; five cities provide more than 300-foot owner and resident noticing, one of which is only for commercial projects and one provides 300-foot owner and abutting resident/tenant noticing. The remainder of the cities do not provide resident/tenant noticing.

Staff has included modifications to all of the various Municipal Code Sections that would establish a 100-foot resident/tenant public notice requirement for all proposed development projects that require public notice. Staff chose this distance for three reasons. The first reason is to make the noticing requirement consistent with the already existing CDP resident/tenant notification requirement. The second reason is the cost during a time of financial hardship. If the public noticing requirement is expanded to 300 feet for residents/tenants, the price is almost double of the cost for just providing notification to the owners. Finally, 300 feet is appropriate noticing for property owners because they have an investment in the property that could be affected by a proposed project beyond 100 feet. Normally, residents/tenants would experience a different type of impact; usually involving living conditions, such as light and noise, that would be less likely to have an affect more than 100 feet from a project.

RECOMMENDATION: Staff recommends that the Planning Commission review the proposed modifications, hear and consider public comments and recommend approval of the proposed ordinance amendment to the City Council.

ATTACHMENTS: Exhibit A: 7/12/11 Agenda Bill and Minutes
Draft Ordinance

COASTAL COMMISSION

EXHIBIT # 3
PAGE 2 OF 15

City of Laguna Beach
AGENDA BILL

No. 19
Meeting Date: 7/12/2011

anned 9/7/11

**SUBJECT: RESIDENT/TENANT NOTIFICATION FOR DEVELOPMENT APPLICATIONS
THROUGHOUT THE CITY**

SUMMARY OF THE MATTER:

On May 17, 2011, the City Council discussed the matter of resident/tenant notification for development applications and continued the matter for more information.

In 1997, the City Council adopted an ordinance that required resident/tenant public hearing notification for Conditional Use Permit (CUP) applications of proposed projects within the Downtown Specific Plan area. (Municipal Code Section 25.05.030 requires public hearing notification of all residents/tenants within 300 feet of the proposed project for CUP applications within the Downtown Specific Plan area.) The only other time residents or tenants are notified of a public hearing is for a development project that requires a Coastal Development Permit (CDP). (Municipal Code Sections 25.07.014 (B) and (C) require public hearing notification of all residents or tenants within 100 feet of the proposed project for CDP applications.)

Applicants are required to provide, at their cost, the public hearing notification package directly from an approved listing service as part of any application that requires public hearing notification. A standard 300-foot property owner notification package costs about \$200-\$250. A standard 300-foot resident/tenant notification package would cost \$150-\$250. In other words, a 300-foot resident/tenant public hearing notification package would essentially double the present public hearing notification cost for applicants.

See the attached table on the next page of 25 California cities' public hearing noticing requirements. As can be ascertained, the noticing requirements is a local policy decision beyond the state-mandated noticing requirements of 300 feet for property owners and 100 feet for tenant/residents, if a Coastal Development Permit is required.

RECOMMENDATION: It is recommended that the City Council:

Determine whether or not to direct the Planning Commission to consider an ordinance amendment requiring resident/tenant notification within 300 feet of the subject property for all development entitlement applications that require review by the Planning Commission or Design Review Board.

Appropriations Requested: \$ None

Submitted by: [Signature]

Fund: N/A

Coordinated with: _____

Attachments: Table of noticing requirements

for other cities

Approved: [Signature] **COASTAL COMMISSION**
City Manager
EXHIBIT # 3
PAGE 3 OF 15

**Sampling of
Public Hearing Notification Requirements**
(300 feet unless indicated otherwise)

<u>City</u>	<u>Property Owners</u>	<u>Residents/Tenants</u>	<u>Notes</u>
Carpinteria	X	X (100 feet)	
Dixon	X		
Emeryville	X	X	
Eureka	X	X	
Glendale	X		
Hermosa Beach	X	X	500 feet for commercial
Irvine	X	X	500 feet
Lake Forest	X		
Los Alamitos	X	X	
Malibu	X	X	500 feet
Martinez	X		
Novato	X	X	600 feet
Oceanside	X		1500 feet
Ojai	X		
Ross	X		
San Dimas	X		
San Jose	X	X	
Santa Barbara	X	X (100 feet)	
Santa Rosa	X		
Sausalito	X	X	
Simi Valley	X	X	
South Gate	X	X (abutting only)	
Trulock	X		
Tustin	X		
West Hollywood	X	X	

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Moved by Councilmember Rollinger seconded by Councilmember Pearson and carried unanimously 5/0 to waive further reading and **Adopt Ordinance 1551** that amends Municipal Code Chapters 25.52 pertaining to off-site and compact parking space standards; and approve **Resolution No. 11.064** requesting the California Coastal Commission to certify Local Coastal Program Amendment 11-05.

19. RESIDENT/TENANT NOTIFICATION FOR DEVELOPMENT APPLICATIONS THROUGHOUT THE CITY

Director of Community Development John Montgomery said that the item was a follow-up item from the May 17, 2011, City Council meeting. He noted that applicants were required to provide, at their cost, the public hearing notification package directly from an approved listing service as part of any application that required public hearing notification. Montgomery provided a sample list of 25 California cities' public hearing notification requirements. He noted that the noticing requirements were a local policy decision beyond the state-mandated noticing requirements of 300 feet for property owners and 100 feet for tenant/residents if a Coastal Development Permit was required. Montgomery mentioned that a 300-foot resident/tenant public hearing notification package would double the present public hearing notification cost for the applicant. He said that if the Council's desire was to change the entitlement process reviewed by the Planning Commission or the Design Review Board, the Council might want to consider having the Planning Commission look into changing the director approved permits such as the Short Term Lodging Permit for Administrative Use Permits.

Questions of Staff: Councilmember Rollinger confirmed that the cost increase would be minimal to include notification to tenants within 100 feet.

Mayor Iseman ascertained that no member of the public wished to comment on the item.

Moved by Councilmember Pearson seconded by Councilmember Rollinger and carried unanimously 5/0 to direct the Planning Commission to consider an ordinance amendment requiring resident/tenant notification within 300 feet of the subject property for all development entitlement applications that require review by the Planning Commission or Design Review Board.

20. INTRODUCED THE ORDINANCE THAT ADDS CHAPTER 7.70 TO THE LAGUNA BEACH MUNICIPAL CODE REGARDING REGULATIONS FOR GOOD NEIGHBOR-OUTDOOR LIGHTING

Principal Planner Monica Tuchscher said that on May 3, 2011, the City Council reviewed a draft Outdoor Lighting Ordinance which was continued to July 12, 2011. She said that Councilmember Egly met with the Lighting Ordinance Subcommittee, and it was agreed by the Committee that the Ordinance and implementation program should be modified into a Good Neighbor Lighting Ordinance. Tuchscher said the proposed Ordinance included a seven month public education and outreach program to be initiated by staff upon adoption of the Ordinance, and then the Good Neighbor

COASTAL COMMISSION

EXHIBIT # 3
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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LAGUNA BEACH AMENDING THE LAGUNA BEACH MUNICIPAL CODE RELATING TO PUBLIC NOTICE OF DISCRETIONARY DEVELOPMENT PERMITS OR APPLICATIONS.

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

SECTION 1: Section 25.05.065 ("Public Notice") of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

25.05.065 Public Notice.

(A) Intent and Purpose. It is the intent and purpose of this section to provide standardized noticing procedures for discretionary permits or applications which require a public notice.

~~(B) Public Notice Procedures, Three hundred foot Radius.~~

~~(1) Upon receipt of a complete application, the department of community development shall set a date, time and place of public hearing at which action shall be taken concerning the application.~~

~~(2) Not less than ten days prior to the hearing, public notice shall be mailed or delivered to the property owner or authorized agent, project applicant, affected local agencies and all property owners shown on the last equalized county assessment roll within three hundred feet of the subject property.~~

~~(3) Notice of such public hearing shall also be published in a newspaper of general circulation within the city at least ten days prior to the hearing date, and a notice shall be posted on the property.~~

~~(C) Public Notice Information. All notices of public hearings shall include:~~

~~(1) Date, time and place of public hearing;~~

~~(2) Identity of the hearing body or officer;~~

~~(3) General explanation of the matter to be considered;~~

~~(4) General description of the location of the property subject to public hearing.~~

(B) Public Hearing. A public hearing shall be held by the approval authority (Director of Community Development, Design Review Board/Board of Adjustment, Planning Commission and/or City Council) prior to a decision on a development entitlement permit or application as specified or required in the Laguna Beach Municipal Code and California State law. Public hearings shall require public notice as specified below.

(C) Content of Public Hearing Notices. All public hearing notices that are mailed, posted or published for a proposed project shall contain the information listed below.

1. Time, date, address and location of the hearing.

2. Name of the approval authority holding the hearing.

3. A description of the proposed development and its proposed location.

4. The environmental determination.

5. The name, title, telephone and email address of a staff contact person.

6. All related project case numbers, and project name, if any **COASTAL COMMISSION**

7. The project applicant's name.

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- 8. A statement, if applicable, of whether the proposed project is located within the Coastal Zone and appeal procedure; see the Coastal Development Permit noticing requirements specified in Municipal Code Section 25.07.014, and Section 25.07.020 for Emergency Coastal Development Permit.

(D) Mailing of Public Hearing Notices. Except as noted below, all public hearing notices shall be sent by mail not less than 10 calendar days prior to the date of the public hearing. Administrative Design Review public hearing notices shall be sent by mail not less than 14 calendar days prior to the date of the public hearing. Design Review public hearing notices shall be sent by mail not less than 28 calendar days prior to the date of the public hearing. Public hearing notices shall be mailed to:

- 1. The project applicant.
- 2. The property owner or the owner's duly authorized agent.
- 3. Each property owner located within 300 feet of the property line of the project site. The list of property owners shall be obtained from the latest equalized Orange County assessment roll and may include any subsequent ownership changes recorded with the County.
- 4. Each apartment and commercial tenant located within the project site or 100 feet of the property line of the project site.
- 5. All homeowners' and master community associations governing property within 300 feet of the property line of the project site.
- 6. Any person or organization that has filed within 6 months prior to the public hearing a written request for public notice.
- 7. The California Coastal Commission when processing a Coastal Development Permit or Local Coastal Program amendment.
- 8. Any adjacent City or County jurisdiction that may be affected by the proposed project.
- 9. Any local agency or district (such as water, sewer or school) that may be affected by the proposed project.

If the number of owners to whom public notice would be mailed is greater than 1,000 then, in-lieu of mailed public notice, the City may provide public notice by placing a display advertisement of at least one-eighth page size in a newspaper of general circulation within the City at least 10 calendar days prior to the hearing. The City's failure to provide notice as described in this section shall not be grounds for invalidation of any permit decision.

(E) Posting of Public Hearing Notices. Notice of a public hearing shall be posted on the project site not less than 10 calendar days prior to the date of the public hearing for Administrative Use Permit, Conditional Use Permit, Design Review, General Plan Amendment (for specific property), Heritage Tree, Revocation, Rezone, Street Abandonment, Subdivision (parcel or tentative tract map), Temporary Use Permit (decided by the Planning Commission) and Variance applications.

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EXHIBIT # 3
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 September 14, 2011

(F) Publication of Public Hearing Notices. Notice of public hearing shall be published in a newspaper of general circulation within the City at least 10 calendar days prior to the hearing for Appeal (of an entitlement decision of the Design Review Board/Board of Adjustment, Director of Community Development or Planning Commission), Demolition of a Historic Register structure, General Plan Amendment, Local Coastal Program Amendment, Revocation, Rezone, Street Abandonment, Subdivision (parcel or tentative tract map), Variance (decided by the Design Review Board/Board of Adjustment or Planning Commission) and Zoning Ordinance Amendment applications.

SECTION 2: Section 25.05.020(C) (Administrative Use Permit Procedure "Public Notice") of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

(C) Public Notice. ~~Public notice shall be mailed to the property owners within three hundred feet of the subject property and shall be subject to the provisions of Section 25.05.065(B) and (C), except that the requirement for newspaper advertising is deleted.~~

SECTION 3: Section 25.05.025(D) (Variances "Public Notice") of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

(D) Public Notice. ~~Public notice shall be mailed to the property owners within three hundred feet of the subject property and shall be subject to the provisions of Section 25.05.065(B) and (C).~~

SECTION 4: Section 25.05.030(D) (Conditional Use Permits "Public Notice") of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

(D) Public Notice. ~~Public notice shall be mailed to the property owners within three hundred feet of the subject property and shall be subject to the provisions of Section 25.05.065(B) and (C), except that the requirements for newspaper advertising shall not be required. For projects located in the Downtown specific Plan Area, the notice shall include all residents and/or tenants within 300 feet of the subject property.~~

SECTION 5: Section 25.05.035(E) (Temporary Use Permits "Public Notice") of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

(E) Public Notice. All Temporary Use Permit applications referred to the Planning Commission shall be subject to the public notice provisions of Section 25.05.065(B) and (C) ~~whereby public notice is mailed to property owners within three hundred feet of the subject property; except that newspaper advertising shall not be required. If a Coastal Development Permit is required pursuant to Chapter 25.07, the public notice provisions of Section 25.07.014 shall also be required.~~

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annex 9/7/11

SECTION 6: Section 25.05.040(B)(3)(b) ("Public Notice for Administrative Design Review") of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

(b) Public Notice for Administrative Design Review. Public notice shall be mailed to the property owners within 300 feet of the subject property at least 14 calendar days prior to the hearing and is subject to the provisions of Section 25.05.065(B) and (C), except that the requirement for newspaper advertising shall not be required.

SECTION 7: Section 25.05.040(E) (Design Review "Public Notice") of the Laguna Beach Municipal Code is hereby amended 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 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 8: Sections 25.05.070(B)(6) and (7) (Appeals "Procedures" Public Notice) of the Laguna Beach Municipal Code are hereby amended to read in their entirety as follows:

(6) Upon the City Clerk's receipt of a timely and otherwise proper appeal of a decision, determination or requirement of the Planning Commission, Board of Adjustment/Design Review Board or Director of Community Development, the appeal shall be set for a public hearing before the City Council no less than 14 calendar days nor more than 60 calendar days after receipt of the appeal. ~~Notice~~ Public notice of the hearing for the appeal shall be subject to the provisions of Section 25.05.065(B) and (C), except that posting shall not be required.

(7) Notwithstanding the foregoing and any other provisions of Chapter 25.05, any decision, determination and requirement of the Planning Commission and Board of Adjustment/Design Review Board shall be automatically appealed to the City Council where a member of the Commission or Board has an ownership, leasehold or consulting interest in the property or project which is the subject of the decision, determination or requirement. The appeal shall be set for a public hearing before the City Council no less than 14 calendar days nor more than 60 calendar days after the date of the decision, determination or requirement. ~~Notice~~ Public notice of the hearing for the appeal shall be subject to the provisions of Section 25.05.065(B) and (C), except that posting shall not be required.

SECTION 9: Section 25.05.075(B)(3) (Revocation Public Notice) of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

(3) Prior to revocation, a noticed public hearing shall be held, ~~in accordance with the provisions of~~ public notice shall be subject to the provisions of Section 25.05.065(B) and (C).

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SECTION 10: Section 25.08.022 "Lot Line, Front" definition of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

"Lot Line, Front" means the property line or lines separating a lot from streets in the case of an interior lot and the line separating the narrowest street frontage of a lot from the street in the case of a corner lot or reversed corner lot. A lot may have more than one front lot line. Following a 10-day public comment period prior to which public notice was provided in accordance with Section 25.05.065(B)(1) and (2), an exception from the designation for front lot line may be granted by the Design Review Board. The following criteria shall be considered when making an exception designation:

- (1) The front yard designation in the code is inappropriate because of the pattern of neighborhood development;
- (2) The front yard designation in the code is inappropriate because of the historical orientation of the existing structure(s) on the site;
- (3) The proposed orientation more nearly produces the required setback dimensions in all yards;
- (4) The proposed orientation will provide a more harmonious relationship between the development on the subject property and the neighboring properties; and
- (5) The granting of an exception from the designation for front lot line will consider the effect of creating nonconforming structure(s), and mitigate to the greatest extent possible the nonconforming aspect of the structure(s), in the exception is granted;

SECTION 11: Section 25.45.010(C) (Historic Preservation "Procedures for Demolition") of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

(C) Upon receipt of the application to demolish, the Department of Community Development shall, within 30 days, solicit input from the Heritage Committee prior to scheduling the request for public hearing before the Design Review Board. Public notice for the Design Review Board hearing shall be as specified in shall be subject to the provisions of Section 25.05.065(C) of this Title.

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SECTION 12: Section 25.47.050 (Condominium Conversions "Public Notice and Planning Commission Hearings") of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

25.47.050 Public Notice and Planning Commission Hearings.

Upon acceptance of an application for a condominium conversion permit, the Director of Community Development shall cause the matter to be set for hearing before the Planning Commission, the hearing to be not more than 45 days from the acceptance of the application. ~~Not less than 10 days prior to the date of the hearing, notice of the time, place and date of the hearing shall be given by mailing a postal card or letter notice to all tenants of the project proposed to be converted as contained in the application, to the owners of property within three hundred feet of the subject property and to the applicant.~~ Public notice of the hearing shall be subject to the provisions of Section 25.05.065, and shall be mailed to all tenants of the project apartments proposed to be converted to condominiums. At the public hearing the Commission shall review the application and supporting documentation submitted therewith, and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained.

SECTION 13: Section 25.50.030(B) (Significant Watercourses "Demolition/Deletion Process") of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

(B) Demolition/Deletion Process. Proposals to add or delete watercourses from the Environmentally Sensitive Areas Map, or to change the status of significant watercourses shall be reviewed by the Planning Commission. ~~as a public hearing item pursuant to Public notice shall be subject to the provisions of Section 25.05.065(B).~~ The Planning Commission shall make its determination based on its assessment of the watercourse as it relates to the criteria listed in Subsection (A), provided, however, that a significant watercourse can be deleted only if it is determined that it no longer serves a distinct functional, scenic or ecological purpose. The decision of the Planning Commission may be appealed to the City Council pursuant to Section 25.05.070.

SECTION 14: Section 25.55.006(D) (Telecommunication Facilities "Noticing Requirements") of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

(D) Noticing Requirements. Public notice for telecommunication facility projects subject to Design Review or Conditional Use Permit application processing shall comply with the noticing provisions of Section 25.05.065(B) and (C), ~~except that a public notice shall be mailed to residents or tenant occupants as well as property owners within three hundred feet of the project site.~~

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SECTION 15: Section 11.50.035 (Revocable Encroachment Permits "Public Notice Required") of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

11.50.035 Public Hearing and Notice Required.

~~Before an application for any encroachment permit may be accepted as complete for filing purposes the applicant shall submit an ownership listing and mailing materials as specified by the Director of Community Development, and public notice shall be provided to all owners of property within a radius of 300 feet from the subject property. Such noticing procedure shall comply with the requirements of Section 25.05.065(a), (b)(1) and (2), and (e). Prior to approval of a Revocable Encroachment Permit by the Design Review Approval Authority, a noticed public hearing shall be held. Public notice shall be subject to the provisions of Section 25.05.065.~~

SECTION 16: 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 17: 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 18: 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 19: 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.

ADOPTED this ____ day of _____, 2011.

Toni Iseman, Mayor

ATTEST:

City Clerk

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11/26/11

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 _____, 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):
- ABSTAIN: COUNCILMEMBER(S):
- ABSENT: COUNCILMEMBER(S):

City Clerk, City of Laguna Beach, CA

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Commissioner Johnson requested that Siân Poeschl, as Cultural Arts Manager and Art Commission staff liaison, be notified of the results of tonight's meeting.

Motion NG Second RZ Action Continue the item to the November Planning Commission meeting, direct the Subcommittee to meet with stakeholders in the interim to assist in drafting amendments to allow artist live/work units in the M-1A zone and direct staff to draft an agenda bill requesting that the City Council extend the moratorium one final year at its January meeting. Motion carried 5-0.

Vote: Dietrich Y Grossman Y Johnson Y Whalen Y Zur Schmiede Y

6. **Zoning Ordinance Amendment and Local Coastal Program Amendment 11-08 amending the Laguna Beach Municipal Code relating to public notice of discretionary development permits or applications. The main amendment is to additionally require public hearing notification of tenants within 100 feet of the project site.**

Ann Larson summarized the staff report.

Questions of Staff: Ms. Larson confirmed for Commissioner Grossman that property owners within 300 feet are already noticed; the proposed ordinance amendment would add the requirement of noticing tenants within 100 feet of a project site.

Ms. Larson responded to Commissioner Whalen that the noticing requirement would remain unchanged for the Downtown Specific Plan area, which requires notification of tenants within 300 feet of a project site.

Ms. Larson explained to Commissioner Grossman that the noticing agencies are familiar with handling two lists, one for the required property owner radius and one for the required tenant radius, because the requirement already exists for Coastal Development Permits.

Commissioners' Comments: Commissioner Dietrich stated that she disagreed with requiring notification of tenants for residential projects. Commissioner Zur Schmiede stated that the current requirement of notifying only property owners is adequate.

Commissioner Whalen stated that he agreed with the staff recommendation; residents deserve notification. He stated that, according to the survey done by staff, most other cities require a 300-foot radius notification of tenants.

Commissioner Johnson stated that City Council requested an ordinance for 300 feet; staff's proposed ordinance requires only 100 feet.

Commissioner Grossman stated that there is unfairness depending on location; if an applicant is next to an apartment complex, their cost will be much higher for the additional tenant notification requirement.

Commissioner Dietrich stated that she could support the additional noticing requirement for commercial projects and residential projects abutting commercial sites. Commissioner

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Grossman responded that it needs to be a requirement for all or none, otherwise it becomes too convoluted.

In response to Commissioner Dietrich's statement that it should be a flat fee, Commissioner Zur Schmiede explained that the fee range is charged and determined by private companies who provide the noticing package to the City.

Commissioner Johnson stated that the proposed ordinance amendment adds another layer and cost to an already burdensome process.

Motion AJ Second LD Action Recommend denial of the proposed ordinance amendment to the City Council. Motion carried 3-2.

Vote: Dietrich Y Grossman Y Johnson Y Whalen N Zur Schmiede N

REGULAR BUSINESS

7. **Discussion** – Downtown and Laguna Canyon Road Parking Management Plan Request for Proposal (RFP). Mr. Drapkin requested the Commission advise if the project boundary map that was developed is acceptable and if it should be part of the Scope of Work.

In response to Commissioner Whalen regarding the anticipated timeframe for the deliverables of the Scope of Work to be completed, Mr. Drapkin stated that the consultant will provide the timeline. Due in part to the meetings and workshops requested in the Scope of Work, Mr. Drapkin stated that a lengthy timeframe of over a year is expected. Commissioner Whalen stated that he would favor something shorter. Commissioner Dietrich recommended that the two public workshops in Task 6 be eliminated, as the desired outcome will be accomplished at the required Planning Commission meetings. She stated that removing those meetings will help shorten the anticipated timeframe. Commissioner Grossman recommended that Task 4 be reduced to only one workshop, which would also help shorten the timeframe.

Commissioner Grossman stated that the timeframe of the project will depend on how good the existing data is, which will be determined through Task 1.

Scott Sebastian stated that the revised Scope of Work is a great improvement and indicated his support.

Commissioner Grossman recommended that the pros and cons of taking over Laguna Canyon Road and Coast Highway from Caltrans be investigated. Mr. Drapkin advised that Caltrans has indicated that they would be willing to permit the City to do that.

Commissioner Grossman recommended that an assessment of year-round trolleys on the weekends be specified in the Scope of Work; he agreed with Mr. Drapkin that the appropriate place would be in Task 3.

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