

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD, SUITE 300
LONG BEACH, CA 90802-4325
VOICE (562) 590-5071
FAX (562) 590-5084



Th9b

ADDENDUM

January 28, 2022

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **ADDENDUM TO ITEM Th9b, MAJOR LCP AMENDMENT REQUEST NO. LCP-5-LGB-20-0051-3 FOR THE COMMISSION MEETING OF THURSDAY, FEBRUARY 10, 2022.**

I. CHANGES TO EXHIBITS OF STAFF REPORT

The top description on page 1 of Attachment A does not explain that the single-underlining/single-strike out represents the City's proposed changes to the certified language of the LCP. Therefore, Commission staff recommends the following clarifier be added after the last sentence of the description/paragraph on top of page 1:

City's proposed changes to certified LCP language is underlined once for text additions or ~~struck through once~~ for text deletions.

As for Exhibit 3, not all track changes meant to represent the City's proposed changes to the certified language LCP transferred over when the word document was converted into a PDF. Therefore, attached is an updated Exhibit 3 showing all changes originally proposed by the City. In addition, a statement has been added to the top description on page 1 of Exhibit 3 to clarify that the City's proposed changes are shown in red text.

CITY PROPOSED CHANGES TO LAND USE ELEMENT:

... GOAL 2: Preserve, enhance and respect the unique character and identity of Laguna's residential neighborhoods.

***Intent** - The residential neighborhoods of Laguna Beach are diverse in housing design and are characterized by a strong neighborhood identity. Styles range from traditional to contemporary, with a majority of neighborhoods being of an eclectic mix. Pressures for development created by Laguna Beach's spectacular coastal and hillside settings and consistently high property values are perceived as creating cumulatively negative aesthetic and other impacts on these unique neighborhoods. In response to such impacts, Goal 2 sets forth policies and actions to preserve, enhance, and respect the character and identity that make Laguna Beach a highly desirable community in which to live through actions such as 1) amending zoning ordinances, including the implementation of long-term anti-mansionization standards; 2) changing the Design Review guidelines and process; 3) encouraging the preservation of historic residences; and 4) strengthening the Landscape and Scenic Highways Resource Document*

Policy 2.1 Maintain the diversity and uniqueness of individual neighborhoods. Development standards and design review guidelines shall minimize the scale and bulk of new construction and/or renovation and require development to be compatible with the surrounding residences.

Action 2.1.1 Evaluate the adopted building envelope and lot coverage standards and amend as necessary to ensure that the building scale of proposed development is compatible in scale and mass with surrounding residences. Methods to be investigated include, but are not necessarily limited to, a revised building site coverage standard, floor area ratios, volumetrics (cubic feet), plate height limitations (floor-to-ceiling height limits), and maximum residence size. (*Short-to-medium-term implementation.*)

Action 2.1.2 Implement the long-term anti-mansionization policies and standards adopted on September 24, 2002. (*Ongoing implementation - short-to-long-term.*)

Action 2.1.3 Evaluate and, if necessary, reduce the allowable site coverage on lots over 8,000 square feet to ensure compatibility with existing developed building sites in the neighborhoods. (*Short-to-medium-term implementation.*)

Policy 2.2 Encourage the preservation of historically significant residential structures and protect the character-defining components of Laguna Beach's traditional neighborhoods.

~~**Action 2.2.1** Update the City's Historic Resource Inventory. (*Short term implementation.*)~~

Action 2.2.2-1 Receive an annual report from the Heritage Committee regarding preservation issues related to historically significant structures and amend preservation policies and ordinances as necessary to address identified issues. (*Short-to-long-term implementation.*) (*Same as Action 3.3. I.*)

Action 2.2.3-2 Adopt incentives to preserve residential structures that contribute to the cultural and/or architectural character and heritage of the community. (*Short- to-medium-term implementation.*)

Policy 2.3 Preserve and enhance the qualities that contribute to the character of the residential community, including quiet neighborhoods, pedestrian use of streets, and appropriate levels of illumination and nighttime activity and seek to mitigate the effects of high-volume thru-traffic.

Action 2.3.1 Continue to evaluate construction-related impacts upon residential neighborhoods through the Design Review process and mitigate such impacts using methods such as, but not necessarily limited to, the adoption of staging plans and noise and dust mitigation. (*Short-to-medium-term implementation.*)

Action 2.3.2 Adopt a lighting ordinance to minimize potential impacts on night views and ambiance. (*Short-to-medium-term implementation.*)

Action 2.3.3 Evaluate the Noise Ordinance periodically to ensure that neighborhood noise impacts, including construction noise, are minimized. (*Ongoing implementation - short-to-long-term.*)

Action 2.3.4 Investigate streetscape improvements, street design, and regulations that will help reduce the speed and negative impacts of traffic on residential streets. (*Short-to-medium-term implementation.*)

Action 2.3.5 Modify the Corridor Progression Traffic Analysis Model thresholds to accurately reflect the unique nature of the City's residential streets. (*Ongoing implementation.*)
(*Same as Action 8.2.3*)

Policy 2.4 Create specific plans or overlay zones to address design issues related to new construction and remodels in individual neighborhoods where a majority of property owners desire standards that maintain and enhance neighborhood character.

Action 2.4.1 Investigate methods to encourage neighborhoods to establish overlay zones or special development standards to address neighborhood-specific development impacts. (*Short-to-long-term implementation.*)

Policy 2.5 Encourage the use of variable setbacks and building heights and innovative construction techniques, such as green building technology.

Policy 2.6 Require the preservation of significant trees in conjunction with development proposals. The Design Review Board may grant exceptions to this provision when its strict enforcement would deny a property owner reasonable use of his/her property.

Action 2.6.1 Update the City's Landscape and Scenic Highways Resources Document and adopt it as an element of the General Plan. (*Short-term implementation.*)
(*Same as Actions 2.8.1 and 3.9.1.*)

Policy 2.7 Evaluate the impact of proposed development on hillsides and along ridgelines and require building design, location, and arrangement to avoid continuous and intrusive impacts on hillside view areas and skyline profiles.

Policy 2.8 Require building design and siting to be compatible and integrated with natural topographic features, minimize significant alteration of natural topography and/or other significant onsite resources, and protect public views as specified in the *Design Guidelines* and the *Landscape and Scenic Highways Resource Document*.

Action 2.8.1 Update the City's Landscape and Scenic Highways Resources Document and adopt it as an element of the General Plan. (*Short-term implementation.*)
(*Same as Actions 2.6.1 and 3.9.1.*)

Action 2.8.2 Establish criteria for placement of new development on the most suitable area of the lot to maximize the preservation of sensitive resources. (*Same as Action 3.10.1*)

Policy 2.9 Require the use of appropriate landscaping, special architectural treatments, and/or siting considerations to protect public views for projects visible from major highways and arterial streets.

Policy 2.10 Maximize the preservation of coastal and canyon views (consistent with the principle of view equity) from existing properties and minimize blockage of existing public and private views. Best efforts should be made to site new development in locations that minimize adverse impacts on views from public locations (e.g., roads, bluff top trails, visitor-serving facilities, etc.).

Action 2.10.1 Discourage the addition of second stories in established neighborhoods where view equity has historically been achieved through one-story construction. (*Short-to-long-term implementation.*)

Action 2.10.2 Ensure that the Design Guidelines sufficiently protect public views. (*Short-to-long-term implementation.*)

...

CITY PROPOSED CHANGES TO TITLE 25 (MUNICIPAL CODE):

...

25.05.040 Design review.

(A) Intent and Purpose. The Design Review process consists of a review of a proposed development by the approval authority of either the Design Review Board or Planning commission as specified herein and is intended to provide the following:

- (1) That development projects comply with the applicable standards and design guidelines and criteria;
- (2) That development projects focus on quality designs, within a neighborhood context that results in creative design solutions for the City;
- (3) That development occurs with an orderly and harmonious appearance, including associated facilities, such as signs, landscaping and parking areas;
- (4) That the development review process minimizes contentiousness;
- (5) That the development review process considers public and private views;
- (6) That public health, safety and general welfare throughout the City is paramount;
- (7) That there is effective implementation of the applicable general and specific plan policies, which encourage the preservation and enhancement of the particular character and unique assets of the city; and
- (8) That development projects comply with the policies of the certified Local Coastal Program Land Use Plan, including, but not limited to, the shoreline access, open space, environmentally sensitive habitat, hillside protection and visual resource policies.

(B) Development Subject to Design Review.

- (1) All new buildings, structures and physical improvements and relocations, additions, extensions and exterior changes of or to existing buildings, structural and non-structural improvements, including landscaping and grading, shall be subject to design review, except as otherwise provided in Section 25.05.040(B)(2). Examples of physical improvements and site developments subject to design review include, but are not limited to, the following:
 - (a) Commercial or industrial parking and loading areas;
 - (b) New vehicular access to streets or alleys;
 - (c) Retaining walls in excess of five feet in exposed height;
 - (d) Signs, as specified in Chapter 25.54, Sign Regulations;
 - (e) Permanent chain link or similar type metal fences;
 - (f) Telecommunication facilities subject to the provisions of Chapter 25.55;
 - (g) Trash enclosures associated with a commercial use;
 - (h) Public street and sidewalk improvements;
 - (i) Above-ground utility structures;
 - (j) Additions that are 50% or more of the original gross floor area, additions that create a new upper story, additions that exceed a height of 15 feet above the adjacent ground elevation or additions that exceed 10% of the original gross floor area of an existing legal nonconforming structure;
 - (k) Shore protective devices;

- (l) All buildings, structures and physical improvements in environmentally sensitive areas and on lots with a slope greater than thirty percent;
- (m) Grading in excess of twenty cubic yards, except as specified in Section 22.10.010(e);
- (n) Clearing of native vegetation on undeveloped parcels and undeveloped portions of developed parcels, and native vegetation restoration plans, except for City required annual weed abatement;
- (o) Fuel modification programs subject to the provisions of 25.05.040(C)(3) and (4); provided, that once a program has received approval, subsequent approval for maintenance of the fuel modification will be granted by the Director of Community Development, if that maintenance is in conformance with the intent and objectives of the originally approved program;
- (p) All City projects within the scope of this section, except if the City Council waives the requirement of design review if it determines that there are special circumstances applicable to such project which require that the project proceed without delay;
- (~~qf~~) Landscaping review for new development or additions that are fifty percent or more of the original gross floor area, additions that create a new upper story or additions that exceed a height of fifteen feet above the adjacent ground elevation, and for structural improvements within environmentally sensitive areas;
- (~~rs~~) ~~Exterior alterations or additions to structures listed on the historic register per Chapter 25.45, Historic Preservation;~~
- (~~st~~) ~~Proposed demolition of structures listed on the historic resources list pursuant to Chapter 25.45("Historic Preservation");~~
- (~~tu~~) Modifications of previously approved design review plans, including approved landscape plans;
- (~~uv~~) Swimming pools, permanent spas and their associated pool or spa equipment;
- (~~vw~~) Outlining of the outside of buildings or portions thereof with lights. (If such outlining with lights is proposed on a building listed on the ~~City's Historic Resources Inventory and/or~~ City's Historic Register, then the Heritage Committee shall make a recommendation to the approval authority prior to its design review); and
- (~~wx~~) A hedge or hedges located within front, side and/or rear yards that is/are proposed to exceed the maximum allowable fence height, as set forth in Chapter 25.50.

(2) Exceptions. The following shall be exempt from the design review process, unless they are changes associated with approved design review plans, including approved landscape plans:

- (a) Additions to a single-family residence in residential zones that:
 - (i) Are less than fifty percent of the original gross floor area;
 - (ii) Do not create a new upper story and do not exceed a height of fifteen feet above the adjacent ground elevation,
 - (iii) Are in conformance with the zoning regulations; and
 - (iv) Are not within an environmentally sensitive area;
- (b) Interior modifications to existing structures or approved plans, including

those structures and plans approved by the approval authority, except interior alterations to historic structures as outlined in Chapter 25.45, Historic Preservation;

...

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

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

(6) Historic Preservation. Destruction or alteration to ~~properties with historic significance, as identified in the City's historic resources inventory or historic register~~historic resources, should be avoided whenever possible. ~~Special preservation consideration should be given to any structures over forty-five years old.~~See section 25.45 for more information.

...

25.17.030 Minimum requirements.

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

(A) The lot on which the second residential unit is proposed shall be zoned for single-family use only within either the R-1 or the R/HP zones.

(B) A second residential unit may be attached to or detached from the existing dwelling on the building site, with the exception of certain historic structures as described in subsection (O). Attached and detached second residential units shall be allowed on lots having a minimum site area of six thousand square feet, and may range in size from two hundred seventy-five square feet to a maximum of six hundred forty square feet, as follows: The maximum second residential unit size shall be determined by multiplying the square footage of the building site by seven percent. (For example, a maximum second residential unit size of four hundred twenty square feet shall be allowable on a building site of six thousand square feet, and a maximum second residential unit size of six hundred forty square feet shall be allowable on a building site of nine thousand one hundred forty-two square feet or more.)

...

(O) Second residential units shall not be attached to any historic structure listed on the Historic ~~Inventory or~~ Register.

25.18.004 Uses permitted subject to conditional use permit.

(Y) Residential uses (excluding time-share uses) subject to the following standards:

(1) There shall be at least two thousand square feet of lot area for each dwelling unit; however, historically significant houses that appear on the ~~city's historical resource inventory as an "E" exceptional or "K" key rated structure register~~ city's historic register may add residential units at a density of one unit per one thousand square feet of lot area, provided ~~the the "E" or "K" rated~~ structure is preserved. Residential density credit for historically significant buildings shall be based on the lot size on which the structure is located, and shall not include adjoining parcels or lots under the same ownership; these residential density credits shall not apply if the historically significant building is demolished,

(2) The allowable number of dwelling units shall be reduced by one dwelling unit for each one thousand square feet (or fraction thereof) of commercial floor area contained within a building;

25.18.006 Uses permitted subject to administrative use permit.

... (Y) Residential uses (excluding time-share uses) subject to the following standards:

(1) There shall be at least two thousand square feet of lot area for each dwelling unit; however, historically significant houses that appear on the ~~city's historical resource inventory as an "E" exceptional or "K" key rated structure register~~ may add residential units at a density of one unit per one thousand square feet of lot area, provided ~~the the "E" or "K" rated~~ structure is preserved. Residential density credit for historically significant buildings shall be based on the lot size on which the structure is located, and shall not include adjoining parcels or lots under the same ownership; these residential density credits shall not apply if the historically significant building is demolished,

(2) The allowable number of dwelling units shall be reduced by one dwelling unit for each one thousand square feet (or fraction thereof) of commercial floor area contained within a building;

...

25.22.030 Conditional use permit required.

Bed and breakfast inns, pursuant to this chapter, shall be subject to the approval of a conditional use permit as provided for in Section 25.05.030. The approval of such conditional use permit shall be subject to the findings set forth in Section 25.22.060. The applicant(s) for a conditional use permit shall be the owner(s) of the real property on which the bed and breakfast inn is proposed to be established, or his/her authorized agent. The historic structure(s) shall be listed on the city's historic ~~inventory~~ Register at the time of conditional use permit application. The Heritage Committee shall make a recommendation to the planning commission prior to its evaluation of a conditional use permit application to establish a bed and breakfast inn and to request parking reduction incentives under this Ordinance.

25.22.050 Historic preservation incentive.

The following incentive may be allowed for proposed bed and breakfast inns, in addition to those specified in Chapter 25.45 of this title, Historic Preservation. The granting of such incentive shall be conditioned upon a written agreement between the city and property owner that ensures preservation of the building's historic character. Structures listed on the historic register, which are intended to be used as bed and breakfast inns and are located in the R-2 or R-3 residential zones, may be granted a conditional use permit to allow a reduction in parking requirements based on the degree to which the historic character of the building is preserved and/or enhanced. ~~“E” rated structures may be granted up to a seventy-five percent parking reduction, “K” rated structures may be granted up to a fifty percent reduction, and “C” rated structures may be granted up to a twenty-five percent reduction.~~ Historic structures may be granted up to a seventy-five percent reduction. Such incentive shall be reviewed by the heritage committee, and the committee shall make recommendations to the planning commission. After reviewing the heritage committee recommendations at a public hearing, the planning commission shall make recommendations to the city council, which has the final approval authority.

Applications for parking reduction shall include methods to be employed to encourage use of alternative forms of transportation. Whenever a parking reduction is granted, the applicant shall be required to provide and/or promote use of alternate forms of transportation for both employees and guests.

25.38.020 Definitions.

“Historic structure” means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- (4) Individually listed on the Laguna Beach ~~Historic Resources Inventory or the Laguna Beach~~ Historic Register.

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Chapter 25.45 HISTORIC PRESERVATION

25.45.002 Intent and purpose.

25.45.004 Definitions.

25.45.006 Historic Register Designation, Criteria and Procedures and Removal from Register

25.45.008 Incentives to Properties on the City's Historic Register

25.45.010 Procedures to modify a historic resource.

25.45.012 Historic property disclosure.

25.45.014 Procedures for demolition of a historic resource.

25.45.016 Unsafe or dangerous conditions.

25.45.018 Property owned by public agencies.

25.45.020 Property maintenance required.

25.45.022 Illegal demolition-penalty for violations.

~~25.45.002 Intent and purpose.~~

~~25.45.004 General provisions.~~

~~25.45.006 Historic register preservation incentives.~~

~~25.45.008 Procedures for the alteration of historic register structures.~~

~~25.45.010 Procedures for demolition.~~

~~25.45.012 Unsafe or dangerous conditions.~~

~~25.45.014 Illegal demolition—Penalty for violations.~~

25.45.002 Intent and purpose.

The purpose of this chapter is to promote the public health, safety, and general welfare by providing for the identification, protection, enhancement, perpetuation, and use of improvements, buildings and their settings, structures, objects, monuments, sites, places, and areas within the city that reflect special elements of the city's architectural, artistic, cultural, engineering, aesthetic, historical, political, social, and other heritage to achieve the following objectives:

(A) Safeguard the heritage of the city by providing for the voluntary protection of historic resources representing significant elements of its history;

(B) Enhance the visual character of the city by encouraging and providing for the voluntarythe preservation of those buildings ~~which-that~~ make a significant contribution to the older neighborhoods of the city particularly to the designated historic register structures reflecting unique and established architectural traditions;

(C) Foster public appreciation of and civic pride in the beauty of the city and the accomplishments of its past;

(D) Strengthen the economy of the city by protecting and enhancing the city's attractions to residents, ~~tourists~~ and visitors;

(E) Promote the private and public use of historic resources for the education, prosperity and general welfare of the people;

(F) Stabilize and improve property values within the city.

(G) Achieve historic preservation through the encouragement and promotion of voluntary means, consistent with the City's original historic preservation efforts, to the extent permitted by state law.

(H) Recognize that the previous historic resource inventory (adopted by Ordinance No. 82.111) is ineffective for the purposes of creating a presumption of historicity of any property identified thereon.

25.45.004 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

"Character-defining features" include the overall shape of the building, its materials, craftsmanship, decorative details and features, as well as the various aspects of its site and environment. These features exude the historic character of a building.

"Cultural landscape" means a geographic area, including both cultural and natural resources and the wildlife or domestic animals therein, associated with an historic event, activity, or person or exhibiting other cultural or aesthetic values.

"Department" means the City of Laguna Beach's Community Development Department.

"Director" means the City's director of community development, or her/his designee.

"Demolition" means any act which removes all the existing exterior walls, cladding and or roof framing. Demolition for purposes of this chapter does not include activities that constitute a "Major Remodel" as defined in Section 25.08.24 of this title.

"Local Design Guidelines or Style Guide" means a set of guidelines that provide recommendations for treatments of various building systems, such as windows and roofs, as well as information specific to particular architectural styles. This document will provide preferred design examples and guidelines for the alteration of historic resources. Projects which are consistent with these guidelines will typically not create an adverse impact to an historic resource.

"Historic resource assessment" means an historic building or site assessment report to evaluate whether the property meets the eligibility criteria set forth in California Public Resources Code 5024.1(c), or if a project will adversely affect an historic resource. An assessment shall be prepared by a consultant that meets the Secretary of the Interior's (SOI) professional qualifications standards, as defined in the Code of Federal Regulations, (36 CFR 61) or its successor.

"Historic context" means historical patterns that can be identified through the consideration of the history of the property and the history of the surrounding property. Historic context may also relate to an event or series of events, pattern of development, building form, architectural style, landscape, artistic value, use of materials and methods of construction, or be associated with a life of an important person.

"Historic integrity" means the ability of a property to convey its significance. Historic properties either retain integrity (that is, convey their significance) or they do not. Within the concept of integrity, the National Register criteria recognizes seven aspects or qualities that, in various combinations, define integrity. The seven aspects of integrity are location, design, setting, materials, workmanship, feeling and association.

"Historic monitor" means a professional, who meets the qualification standards contained in the Code of Federal Regulations (36 CFR Part 61), who is hired at the applicant's expense to oversee a development project to ensure that the construction and modifications to a historic resource are consistent with the Secretary of the Interior's Standards or as conditioned in the project approval.

"Historic register (or the register)" means the City's list of properties formally designated as historic resources after an application was filed by the property owner. The current list of designated properties will be kept on file at the City Clerk's office. Properties on the California and National Register are automatically eligible for the City's historic register and are not subject to Heritage Committee review for designation.

"Historic resource" means a property or structure that (1) is listed on the City's historic register, (2) is listed on the California Register of Historical Resources, (3) has been officially determined to be eligible for the California Register of Historical Resources by the State Historical Resource Commission, (4) is listed on the National Register of Historic Places, (5) has been officially determined to be eligible for the National Register of Historic Places by the National Park Service, or (6) the City is mandated by law to treat as a historic resource based on substantial evidence in light of the whole record.

"Heritage Committee" means the committee, as established by City Council, that serves an advisory role on matters pertaining to historic preservation as specified within this chapter.

"Mills Act" means the state law set forth in Sections 50280-50290 of the California Public Resources Code, which allows cities to enter into contracts with the owners of structures on the City's historic register who may receive a reduction in property taxes. To qualify as an historic resource, a property must be listed on the City's historic register.

"Replacement In-Kind" means the replacement of a building material or finish with the exact same materials as existing, or with an historically accurate replacement.

25.45.004 General provisions.

~~(A) — Laguna Beach Historic Register. The city clerk shall maintain a current record of historic structures on the city's historic register. Structures identified on the historic resources inventory (which was officially recognized per Resolution 82.111) and those structures identified as heritage structures in the South Laguna Specific Plan shall be referred to as the historic inventory and are eligible to apply for placement on the city's historic register. Structures on the historic resources inventory which are placed on the historic register are classified into three categories of historical significance, "E" Exceptional, "K" Key and "C" Contributive. For a complete description of these categories see the city's historic resources element.~~

~~(B) — Design Review Approval. The building official shall not issue a permit for construction, exterior alteration or enlargement of a building or structure listed on the city's historic register without receiving design review approval during a public hearing. Interior modifications and minor exterior alterations shall be exempt as noted in Section 25.05.040(B)(2)(b) and (c) (design review). The building official shall not issue a permit for demolition of a building or structure listed on the city's historic inventory or register until the procedures for demolition listed in Section 25.45.010 of this chapter have been completed.~~

~~(C) — Heritage Committee. The heritage committee, as established by city council, will serve an advisory role on matters pertaining to historic preservation as specified within this chapter.~~

~~(D) — Designation Procedures.~~

~~(1) Structures identified on the historic inventory shall be placed on the historic register upon submittal of a completed application to the city clerk and recordation of a written agreement between the city and the property owner, acknowledging the owner's obligations and responsibilities to ensure preservation of the historic character of the structure. Applications shall contain information on remodels or exterior alterations made after official recognition of the historic resources inventory (December 21, 1982) or the South Laguna Specific Plan (September 1983), whichever is applicable. There shall be no filing fee for application to the historic register. Only the property owner may apply for placement on the historic register.~~

~~(2) If a structure is not on the historic inventory, but the owner desires inclusion of the structure on the historic register, application shall be made to the heritage committee. Any structure considered for placement on the historic register must be at least fifty years old and the following criteria shall be used in consideration:~~

~~(a) Structures that most retain their original appearance and architectural integrity using the rating system of "E," "K" and "C" as described in the historic resources element of the general plan;~~

~~(b) Structures that most represent character, interest or value as part of the heritage of the city;~~

~~(c) The location as a site of significant historic event;~~

~~(d) The identification with a person or persons or groups who significantly contributed to the culture and development of the city;~~

~~(e) The exemplification of a particular architectural style or way of life important to the city;~~

~~(f) The embodiment of elements of outstanding attention to architectural design, detail, materials or craftsmanship.~~

~~(3) In its consideration of placement on the register, the heritage committee may request information and plans on any future planned changes to the structure. Placement on the register shall be recommended by the heritage committee and finalized by the heritage committee staff liaison. There shall be no filing fee for register consideration.~~

~~(E) Removal from the Historic Register. Removal from the register can be initiated by the property owner or by the city and shall be subject to city council approval with recommendation from the heritage committee.~~

~~(F) Repayment or Restoration of Benefits/Incentives. The decision to remove a structure from the historic register shall be considered at a public hearing by the city council and shall take into consideration repayment or restoration of any utilized benefits/incentives as set forth in Section 25.45.006 of this chapter when (a) the property owner or the city initiates a request to remove the structure from the historic register; or (b) anytime unauthorized modifications to the historic structure are made including demolition and partial demolition of an historic structure. Additional penalties for unauthorized demolition are also specified in Section 25.45.014 of this chapter. Filing fees for removal of a structure from the register shall be determined by resolution by the city council.~~

25.45.006 Historic Register Designation, Criteria and Procedures and Removal from Register.

(A) Purpose and Intent. The purpose of the Laguna Beach historic register is to provide a means to preserve, protect and enhance historic resources within the community, including buildings, structures, sites, objects, districts and cultural or historic landscape features. All historic resources identified subsequent to the effective date of this chapter shall be added to

the register pursuant to the procedures established in this chapter. Properties listed on the register may be identified on-site with an exterior marker or plaque displaying pertinent information about the property. The current list of historic resources on the register will be kept on file with the City Clerk.

(B) Designation Procedures.

(1) The property owner shall complete the application for the proposed designation as a historic resource and inclusion on the register on a form provided by the department, include all information required and file the application with the department.

(2) The Heritage Committee will review the application for designation. In its consideration of placement on the register, the Heritage Committee may request additional information and plans for any future planned changes to the structure. There shall be no application fee for placement on the register.

(3) Recordation of a written historic resource preservation agreement between the City and the property owner, acknowledging the owner's obligations and responsibilities to ensure preservation of the historic character of the resource shall be filed after the property is designated by the Heritage Committee for inclusion on the register. If the owner has applied for incentives, the recordation shall not occur until the owner's request, or the incentive has been acted upon. This agreement shall be recorded with the County and will apply to any subsequent owners. A property approved for the Register shall not be formally designated until the property owner executes the preservation agreement, and it is recorded with the County.

(C) Criteria for Historic Register Listing. Upon submittal of an application by the property owner(s), a building, grouping of buildings, structure, site, object, or district shall be considered for designation by the Heritage Committee if it meets criteria (1) and also one or more of criteria (2) through (11):

(1) The owner of the property voluntarily agrees to the placement on the register;

(2) It is listed on the National Register or the State Register;

(3) It exemplifies the cultural, political, economic, social or historical heritage of the community;

(4) It is identified with a person, events, culture or site significant in local, state or national history;

(5) It is representative of the work of a notable builder, designer, architect, or artist including those of local importance;

(6) It embodies distinguishing architectural characteristics of a style, type, period or method of construction that exemplify a particular architectural style or way of life important to the City;

(7) It embodies elements that represent a significant structural, engineering, or architectural achievement or innovation;

(8) It has a unique location, a singular physical characteristic, or is an iconic visual feature or public view point within the City;

(9) Is one of the remaining examples in the City, region, state or nation possessing distinguishing characteristics of architectural, cultural or historical importance;

(10) Is an iconic landscape, garden, space or public view point that is significant to the history and heritage of the City; or

(11) Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

(D) Findings of the Heritage Committee. Upon review of the application and any supporting material, the Heritage Committee shall adopt findings that the registered property does or does

not meet the both criteria (1) and (2) above, as well as one or more of criteria (3) through (11) of subsection (C) above.

(E) Removal from the Historic Register. Removal from the register can be initiated by the property owner or by the City. An historic resource assessment may be requested as part of the application and will be paid for by the applicant. After the appropriate environmental review, pursuant to the California Environmental Quality Act (CEQA), the decision to remove a resource from the register shall be considered at a public hearing by the City Council following a recommendation from the Heritage Committee, which shall be considered by the City Council during its deliberation regarding the proposed removal.

(F) Repayment or Restoration of Benefits/Incentives. In considering a request for removal from the register, the City Council shall take into consideration repayment or restoration of any utilized benefits/incentives as set forth in Section 25.45.008 of this chapter when (a) the property owner or the City initiates a request to remove the historic resource from the register; or (b) anytime unauthorized modifications to a historic resource on the register are made, including demolition and partial demolition of an historic resource. Additional penalties for unauthorized demolition are also specified in Section 25.45.022 of this chapter. Filing fees for removal of a resource from the register shall be determined by resolution of the City Council.

25.45.006 Historic register preservation incentives.8 Incentives to Properties on the City's Historic Register.

Owners of historic resources Structures listed on the city's historic register are eligible to apply for the following preservation benefits. The consideration of benefits shall occur at a public hearing and the granting of any benefit shall be conditioned upon compliance with the Secretary of Interior's Standards for Rehabilitation; and upon the recordation of a written agreement between the Ceity and property owner that ensures preservation of the historic resource's character defining features building's historic character and identifies any historic incentives granted for the property. Except as described below, the Design Review Board shall conduct a noticed public hearing on design review applications. However, the Planning Commission shall be the body to consider the granting of preservation incentives for all projects located in the downtown specific plan area and for projects that the Planning Commission is the primary discretionary review authority, such as approval of a conditional use permit. If a project would otherwise not be subject to design review, except for the request for a preservation incentives, preservation incentives for the project may be reviewed through administrative design review as provided in Section 25.05.040 (B)(3), except that commercial parking reduction requests may not be granted through administrative design review and may only be granted consistent with the procedures set forth in subsection (A) below. Except as provided below, the notice of public hearing for a project involving preservation incentives shall include a statement that the applicant is requesting approval of preservation incentives and identify the requested benefits. A request for preservation incentives in conjunction with an application to modify an historic resource must receive a recommendation from the Heritage Committee. If a property owner is seeking placement on the register concurrently with the review of the preservation incentive, then formal placement on the register can be noted as a condition of approval of the preservation incentives. The notice of public hearing shall include notice that the applicant is requesting approval of historic preservation incentives and what those requested benefits are.

(A) Parking. The following benefits are subject to Ddesign Rreview Bboard approval, except when a conditional use permit is required for the project, in which case the Ceity Council shall be the final approval authority, upon recommendation by the Pplanning Ccommission. The planning commission shall consider recommendations of the heritage committee.

(1) ~~Historic s~~Single-family dwellings that are nonconforming due to substandard parking shall not be required to provide parking in accordance with Chapter 25.52 ~~of this title~~ when additions are proposed, provided that such additions do not exceed more than fifty percent of the ~~original existing~~ square footage of the structure and that at least one ~~covered~~ parking space has been provided on-site. When a second residential unit is being added to a historic structure under the provisions of Chapter 25.17 (Second Residential Units), parking shall be in accordance with the requirements of that chapter unless modified by the ~~Ceity Ce~~council for purposes of achieving the goals of ~~this chapterthe historic preservation ordinance~~.

(2) ~~Historic m~~Multiple-family dwellings that are nonconforming due to substandard parking shall not be required to provide parking in accordance with Chapter 25.52 when additions are proposed, provided that such additions do not exceed more than fifty percent of the original square footage of the structure and that at least half of the parking spaces required in Chapter 25.52 have been provided.

(3) ~~“E” rated historic structures located in commercial zones may be granted a conditional use permit to allow a reduction in parking requirements up to a maximum of seventy-five percent based on the degree to which the historic character of the building is preserved and/or enhanced. The historic character of the building shall include exterior and visible interior elements if, and only if, integral to the historic building design.~~

~~(4) ——— Historic structures located in commercial zones and which have “K” or “C” ratings may be granted a conditional use permit to allow a reduction in parking requirements up to a maximum of fifty percent based on the degree to which the historic character of the building is preserved and/or enhanced. The historic character of the building shall include all exterior and visible interior elements if, and only if, integral to the historic building design. Projects involving modifications to properties listed on the register that are located in commercial zones may be granted a conditional use permit to allow a reduction in parking requirements up to a maximum of seventy-five percent of the otherwise required parking spaces if the project complies with Secretary of the Interior's Standards (SOIS) or Local Design Guidelines or Style Guide. If the requested incentive involves a reduction of 15 or more spaces, a parking demand study my be required to evaluate the existing or proposed use, potential neighborhood impacts and the available off-site and on-street parking when considering proposed parking reductions.~~

(B) Building Permit and Planning Application Fees. All ~~City~~ building permit and planning application fees for ~~projects involving structures resources placed on the historic register will be refunded for these projects if, following the final inspection and prior to the finalization of the building permit, the heritage committee finds the changes are consistent with approved plans and preserve the historic character of the subject building the City finds the changes are consistent with approved plans and preserve the historic character of the subject building.~~ Variance fees are not subject to refund unless the variance is required to restore and/or maintain an original historic feature of the building. A request for fee refunds does not need to be included in any public notice relating to the project.

(C) Building Code Deviations. The ~~Ceity~~ may allow deviations from Title 14 of this code ~~requirement~~ when findings can be made by the ~~Ddirector of community development~~ that the historic ~~building resource~~ is in conformance with the ~~state of California Historical Building CodeCalifornia Historical Building Code contained within Section 18950-18961 of the California Health & Safety Code.~~ A request for this incentive does not need to be included in any public notice relating to the project.

(D) Additions to ~~Historic~~ Commercial Structures. ~~Historic e~~Commercial ~~historic structures resources on the register~~ may add up to fifteen percent of the existing floor area, not to exceed

five hundred square feet, without providing additional parking and without bringing any existing nonconformities into compliance with current zoning regulations, ~~subject to review and approval by the design review board. The addition must be removed if the historical building is removed from the historic register.~~

(E) ~~Setback Flexibility.~~ Additions to historic ~~structures~~ resources on the register shall be allowed to maintain setbacks up to the line of existing encroachments; provided, that all setbacks as required by the Uniform Building Code are maintained for new construction.

(F) Rear Yard Setback Relief. ~~Rear yard setback relief for new structures or additions to existing resources on the register that are proposed to be constructed within five feet of a rear property line may be approved, subject to design review. New improvements may not encroach into a blufftop setback.~~

(G) Density Bonuses. ~~Properties listed on the register that are located in the R-2 residential medium density zone, the R-3 residential high density zone, or the local business professional zone, may add residential units at a density of one unit per one thousand square feet of lot area, provided the historic resource is preserved. Residential density credit for historically significant buildings shall be based on the lot size on which the structure is located, and shall not include adjoining parcels or lots under the same ownership; these residential density credits shall not apply if the historically significant building is demolished. Density-Bonuses. Historic structures located in the local business professional zone and in the downtown specific plan area may be eligible for residential density bonuses. See Section 25.18.002(O) and the downtown specific plan for applicable provisions.~~

(H) Single-Family Density Bonuses. ~~Properties located in the R-1, residential low density zone may be eligible for residential density bonuses for a second residential unit. See Section 25.17 for applicable provisions.~~

(I) Open Space Requirements. ~~Properties that do not currently provide the required open space area may be enlarged or expanded without providing the required open space if it is determined that the proposed alterations will not diminish or detract from the historic significance of the original resource.~~

(J) Official Recognition. ~~Properties on the historic register shall be eligible for special designation plaques. A request for this incentive does not need to be included in any public notice for the project. Properties on the National or State Register will automatically be qualified.~~

(K) Priority Processing. ~~Properties shall receive priority building and planning/zoning division plan check processing. This incentive does not need to be included in any public notice public notice for the request.~~

(L) Financial Incentives/Mills Act. ~~Owners of properties rated "K" or "E" on the historic register are eligible to apply for a Mill's Act contract. Owners of any historic property resource listed on the historic register are also eligible to apply for any other local, state and national financial benefits, if any.~~

(M) Bed and Breakfast incentives. ~~Refer to Section 25.22.050.~~

(N) Relief from Nonconforming Structure Requirements.

- (1) ~~Structures listed on the historic register may be allowed to add more than~~ Additions that exceed fifty percent of the ~~original existing square-footage of a building may be allowed structure~~ without bringing existing nonconformities into compliance if it is determined that such an addition will not diminish or detract from the historic significance of the original structure, and if such addition is found to be compatible in scale and character with the surrounding neighborhood.

(2) Owners of pProperties located in multifamily zones (R-2 and R-3), where only one unit currently exists, may apply for additional units without bringing existing nonconformities into conformance, if it is determined that the additional unit will not diminish or detract from the historic significance of the original structure, and if such additional unit is found to be compatible in scale and character with the surrounding neighborhood. Requests for this benefit shall be subject to approval by the design review board approval with recommendation of approval provided by the heritage committee.

25.45.01008 Procedures for the alteration of historic register structures.

(A) Review. Prior to the issuance of a building permit to remodel or alter any historic ~~structure resource, City staff shall review the proposed changes to determine if the proposal is consistent with the Secretary of the Interior's Standards (SOIS) or the City's Local Design Guidelines. Interior changes shall not be reviewed unless the changes will alter a character defining features of the historic resource or if the interior area is publicly accessible. (with the exception of minor exterior modifications), the design review board shall review the proposed changes in accordance with Chapter 25.05 of this title and find the proposal consistent with the following applicable rehabilitation guidelines. Interior changes shall not be reviewed unless the changes involve interior elements which are integral to the historical building design. Prior to design review board review of alterations to any historic structures, the heritage committee shall provide a recommendation on the proposed change(s). A structural and historical assessment of the structure to determine if proposed alterations can be accomplished without removing the identified historic character defining features of the structure shall be submitted for heritage committee and design review board consideration. Plans shall be submitted for the alteration of historic structures clearly identifying the actual historic character defining fabric (elements such as siding, windows, doors, moldings, etc.) of the structure that will be retained and/or removed.~~

(B) ~~Rehabilitation Guidelines. The following guidelines shall be used to evaluate any proposed alteration to structures on the historic register:~~

(1) ~~When altering or adding to historically significant structures, the historic character of the original structure shall be retained. Any changes shall be guided by the policies of the city's historic resources element and specific plans where applicable.~~

(2) ~~Alterations and additions to any historically significant or architecturally significant building shall not introduce some new or conflicting element and shall complement the prevailing architecture.~~

(3) ~~Every reasonable effort shall be made to provide a compatible use for the property which requires minimal alteration to the building.~~

(4) ~~The removal or alteration of any historic material or distinctive architectural features shall be avoided.~~

(5) ~~Changes which may have occurred over time are evidence of the history and development of the building. These changes may have acquired significance in their own right and shall be preserved except where such changes have occurred inappropriately.~~

(6) ~~Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be preserved.~~

(7) ~~Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material shall be the same material as the original if at all possible, or shall match in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features.~~

~~shall be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.~~

~~(8) Surface cleaning of historic structures shall be conducted carefully and gently. Sandblasting and other cleaning methods that damage historic materials shall not be utilized.~~

~~(9) Contemporary design for alteration and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural materials, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.~~

~~(10) Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure will be unimpaired.~~

~~(C) Prior to the issuance of a building permit, a preconstruction meeting shall occur and shall consist of the property owner, contractor, inspector assigned to inspect the structure, a city staff member and/or heritage committee member and the project architect. This meeting will be used to convey the obligations and responsibilities of the property owner and his or her contractors and architects in protecting and avoiding destruction of the identified historic fabric that is to be retained.~~

(B) If the project is found to be consistent with the SOIS or the City's Local Design Guidelines, but otherwise requires design review pursuant to Section 25.05.040(B), the Heritage Committee shall make a recommendation to the approval authority prior to design review. Repair or replacement of existing materials with in-kind or historically appropriate materials, in the same location, does not require design review approval. Minor alterations may be subject to Section 25.05.040(B)(3).

(C) If staff believes the project is not consistent with the SOIS and/or the City's Local Design Guidelines, then after the appropriate environmental documentation has been prepared pursuant to CEQA, design review shall be required. The Heritage Committee shall make a recommendation to the approval authority prior to design review.

(D) Historic Resource Assessment Report. If an historic resource assessment has not been prepared for the property, the Heritage Committee or the design review authority may require that an historic resource assessment paid for by the City be prepared prior to the review of the project to evaluate the project impacts to the property.

(E) Environmental Determination. During its review, the design review authority will adopt the appropriate environmental determination pursuant to the CEQA. An historic resource assessment may be required to evaluate a project's potential environmental impact. Projects that comply with the SOIS and the local design guidelines may be eligible for a categorical exemption.

(F) Pre-construction Meeting. Prior to the issuance of a building permit, a preconstruction meeting shall occur and shall consist of the property owner, contractor, inspector assigned to inspect the structure, a City staff member, the project architect/designer and historic monitor (if required). This meeting will be used to convey the obligations and responsibilities of the property owner and his or her contractors and architects in protecting and avoiding destruction of the identified historic fabric that is to be retained.

25.45.012 Historic Property disclosure

(A) Agent Disclosure. If property has been included in the register, the owner of the property or the owner's representative shall, in any real property transaction, provide the buyer of the

property with notice informing the buyer of the property's listing on the register. Distribution of a current Real Property Report issued pursuant to Section 14.76.090 of this code to the buyer shall satisfy the requirements of this subsection.

(B)Penalty. Any person who violates the provisions of subsection (A) of this section shall be subject to the penalties and remedies specified in Section 14.76.090 of this code.

25.45.0140 Procedures for demolition of an historic structure.

The following procedures shall be applied to all ~~historic properties~~structures listed on the identified as an historic resource register and those structures listed on the historic inventory.

(A)Application. An application for demolition of an historic resource shall be filed with the department. Demolition permits require that the applicant obtain a Coastal Development Permit and are subject to compliance with the provisions of CEQA, unless exempt. (A) Demolition permits are subject to compliance with the provisions of the California Environmental Quality Act and Title 14 of this code.

(B)Heritage Committee Review. Upon receipt of a complete application to demolish an historic resource, the department shall, within thirty days, schedule the application to be reviewed by the Heritage Committee for a recommendation to the design review authority.

~~(B) Applicants for demolition of historic buildings which appear on the city's historic inventory or register or as required in this chapter shall make application for a demolition permit with the department of community development.~~

~~(C) Upon receipt of the application to demolish, the department of community development shall, within thirty 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 subject to the provisions of Section 25.05.065, except that if a coastal development permit is required pursuant to Chapter 25.07, noticing for that type of permit shall instead be carried out through the public notice provisions of Section 25.07.014.~~

~~(D) Design Review Board Action. After the appropriate environmental review, pursuant to the California Environmental Quality Act (CEQA), the design review board shall receive a recommendation from the heritage committee and shall address and mitigate the cumulative impacts of allowing the demolition of structures that contribute to the overall neighborhood character or streetscape, but which may be individually insignificant. After conducting the public hearing, the design review board shall take the following action:~~

~~Approve permit, subject to a waiting period of up to ninety calendar days to consider relocation and/or documentation.~~

~~(1) During the waiting period, the applicant shall advertise the proposed demolition in a paper of general circulation in the city once a month for the first two months following the design review board's hearing. Such advertisement shall be one quarter page in size and shall include a photograph of the structure, the address at which the structure proposed for demolition is located, information as to how arrangements can be made for relocation and the date after which a demolition permit may be issued. Evidence of this publication must be submitted to the department of community development prior to issuance of a demolition permit.~~

~~(2) Any application for relocation of the structure shall be filed within the specified waiting period as determined by the design review board.~~

~~(3) The design review board may extend the waiting period up to one hundred eighty days if it determines that relocation is imminent.~~

~~(4) During the continuance period, the heritage committee may investigate relocation of the building or modification of the building for future uses in a way which preserves the~~

~~architectural and historical integrity of the building.~~

~~(5) During the continuance period, the applicant may pursue plan approval.~~

~~(C) Design Review Action. After the appropriate environmental documentation has been prepared pursuant to CEQA, and the Heritage Committee has provided a recommendation, the design review authority shall address any project impacts and identify project alternatives which may mitigate the defined project impacts. The design review authority shall consider project mitigation measures. After conducting the public hearing, the design review authority shall either approve or deny the permit.~~

~~(E) Findings. Prior to the issuance of a demolition permit, the design review board shall make one of the following findings:~~

~~(1) The action proposed is consistent with the purposes of the ordinance and the historic resources element of the general plan; or~~

~~(2) There are no reasonable alternatives to demolition.~~

~~(D) Public Notice. Public notice for the design review hearing shall be subject to the provisions of Section 25.05.065, and Chapter 25.07.~~

~~(E) Demolition Approval. If the design review authority approves a permit for demolition, the permit is subject to a waiting period of ninety calendar days to consider relocation and/or documentation unless building relocation is included as part of the project mitigation measures as adopted by the design review authority.~~

~~(1) During the waiting period, the applicant shall advertise the proposed demolition in a paper of general circulation in the City once a month for the first two months following the design review hearing. Such advertisement shall be one-quarter page in size and shall include a photograph of the resource, the address at which the resource proposed for demolition is located, information as to how arrangements can be made for relocation, and the date after which a demolition permit may be issued. Evidence of this publication must be submitted to the department prior to issuance of a demolition permit.~~

~~(2) Any application for relocation of the resource shall be filed within the specified waiting period as determined by the design review authority.~~

~~(3) The design review authority may extend the waiting period up to one hundred eighty days if it determines that relocation is imminent.~~

~~(4) During the continuance period, the Heritage Committee may investigate relocation of the building or modification of the building for future uses in a way which preserves the architectural and historical integrity of the building.~~

~~(5) During the continuance period, the applicant may pursue plan approval.~~

~~(F) Findings. Prior to the issuance of a demolition permit, the design review authority shall make one of the following findings:~~

~~(1) The action proposed is consistent with the purposes of this chapter and the historic resources element of the general plan; or~~

~~(2) There are no reasonable alternatives to demolition.~~

25.45.012 Unsafe or dangerous conditions.

None of the provisions of this chapter shall be construed to prevent any demolition necessary to correct the unsafe or dangerous conditions of any structure, feature, or part thereof, when such condition has been declared unsafe or dangerous by the building official or the fire chief and where the proposed measures have been declared necessary and permitted by such official to correct such conditions. A City permit is required prior to demolition. However, only such work as is necessary to correct the unsafe or dangerous condition may be performed. In the event any structure or other feature shall be damaged by fire or other calamity, the building official may specify, prior to

the design review authority's commission's review, the amount of repair necessary to correct any unsafe conditions.

25.45.018 Property owned by public agencies

Public agencies that own property in the City shall be notified of the provisions of this chapter and encouraged to seek the advice of the Heritage Committee before the construction, alteration, demolition, or relocation of any historic resource.

25.45.020 Property maintenance required.

- (A) The City's intention is to preserve from deliberate or inadvertent neglect the exterior portions of any historic resource and all interior portions thereof whose maintenance is necessary to prevent deterioration of an historic resource. No owner of any historic resource shall fail to undertake such repairs or maintenance as are necessary to prevent significant deterioration of the property beyond the condition of the property on the effective date the property is identified as an historic resource.
- (B) No owner, lessee, or occupant of any property listed in the register shall fail to comply with all applicable provisions of this code and other ordinances of the City regulating property maintenance, including, without limitation, weed control, garbage, and housing.
- (A)(C) Before the City Attorney files a complaint in a court of competent jurisdiction for failure to maintain the historic property, the director shall notify the property owner, lessee, or occupant of the need to repair, maintain, or restore the property, and shall give the owner a minimum of thirty days within which to perform such work.

25.45.02214 Illegal ~~construction~~demolition—Penalty for violations.

The following penalties shall be determined by the City Council after a public hearing, with a recommendation from the Heritage Committee.

- (A) The removal or demolition of any structure listed on the historic register without an approved demolition permit shall result in a five-year stay in the issuance of a building permit for any new construction at the site previously occupied by the historic structure.
- ~~(B) The removal or demolition of any structure listed on the historic inventory without an approved demolition permit shall result in a two-year stay in the issuance of a building permit for any new construction at the site previously occupied by the historic structure.~~
- ~~(B)(C)~~ In addition to the repayment or restoration provisions of Section 25.45.0064(F) of this chapter, any person who partially demolishes a structure listed on the City's historic inventory or historic register, either in whole or in part, may be subject to an administrative penalty of up to one hundred thousand dollars for each violation. ~~The determination of the application of this provision and the amount of the penalty fee shall be determined at a public hearing by the city council upon recommendation from the heritage committee.~~ The determination shall be based on the extent of the ~~partial~~ demolition and the benefits received, including setback and parking incentives.

25.54.024 Murals.

(B) The following procedures shall govern the approval of mural proposals:

...

(3) Heritage Committee Review Required. If a mural is proposed on a historic structure identified on the city's ~~historic resources inventory and/or city's~~ Historic Register, the heritage committee shall review and make a recommendation regarding the mural proposal prior to the review of the arts commission.

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Section B

Design Review Criteria

The Design Review Board reviews projects on the basis of the applicable property development standards and design review criteria.

The design review criteria that relate to residential development are listed in Municipal Code §25.05.040(H) as follows:

Access

Conflicts between vehicles, pedestrians and other modes of transportation should be minimized by specifically providing for each applicable mode of transportation. Handicapped access shall be provided as required by applicable statutes.

Design Articulation

Within the allowable building envelope, the appearance of building and retaining wall mass should be minimized. Articulation techniques including, but not limited to, separation, offsets, terracing and reducing the size of any one element in the structure may be used to reduce the appearance of mass.

Design Integrity

Consistency with the applicant’s chosen style of architecture should be achieved by the use of appropriate materials and details. Remodels should be harmonious with the remaining architecture.

Environmental Context

Development should preserve and, where possible, enhance the City’s scenic natural setting. Natural features, such as existing heritage trees, rock outcropping, ridgelines and significant watercourses should be protected. Existing terrain should be utilized in the design and grading should be minimized.

General Plan Compliance

The development shall comply with all applicable policies of the General Plan, including all of its elements, applicable specific plans and certified local coastal program.

Historic Preservation

Destruction or significant alteration to properties with ~~historic significance, as identified by the City’s Historic Resources Inventory or Historic Register~~ historic resources, should be avoided whenever possible. ~~Special preservation consideration should be given to any structures over forty five years old.~~

Landscaping

Landscaping shall be incorporated as an integrated part of the structure’s design and relate harmoniously to neighborhood and community landscaping themes. View equity shall be an important consideration in the landscape design. The relevant landscaping guidelines contained in the City’s “Landscape and Scenic Highways Resource Document” should be incorporated, as appropriate, in the design and planned maintenance of proposed landscaping.

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Chapter 8

Historic Preservation

~~“Destruction or significant alteration to historic resources, should be avoided whenever possible.” Destruction or alteration to properties with historic significance, as identified in the City’s Historic Resources Inventory or Historic Register, should be avoided whenever possible. Special preservation consideration should be given to any structures over forty five years old.”-LBMC §25.05.040(H)~~

Historic structures mark the stages of evolution of Laguna Beach and contribute to the City’s character. It is important to preserve them. ~~The Laguna Beach Historic Resources Inventory and Register constitute an active record of historic structures within the city. Structures identified on the Historic Resources Inventory are eligible for placement on the City’s Historic Register (see Municipal Code §25.45).~~ Owners of historic structures who are contemplating modifications to them are encouraged to engage licensed architects, historical resource consultants and design professionals with experience working within the constraints of a historic project to assist in concept development.

Before demolishing a historic structure or altering it in any way, it is important to contact the Zoning or Planning Division to determine the correct procedures. Most projects will require environmental review, a historical report and Heritage Committee review.



This home at 820 Catalina Street was built in the eclectic

Appendix Glossary

Historic structure: A historic building or site that is noteworthy for its significance in local, state or national history or culture, its architecture or design, or its works of art, memorabilia or artifacts.

~~**Historic Inventory:** A historic survey done to identify homes with historical significance built prior to 1935 which retained their original architectural integrity. This survey was adopted as the Historic Inventory in 1982. The Inventory was updated to include homes within South Laguna during the adoption of the South Laguna Specific Plan (1983). The inventory classifies structures into three categories of historical significance, "E" Exceptional, "K" Key and "C" Contributive. For a complete description of these categories see the city's historic resources element.~~

Historic preservation: Maintenance and repair of existing historic materials and retention of the property as it has evolved over time. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

Historic Register: Historic structures are identified as historically significant. These properties were voluntarily placed on the register and are eligible to receive incentives for development. ~~The register classifies structures into three categories of historical significance, "E" Exceptional, "K" Key and "C" Contributive. For a complete description of these categories see the city's historic resources element.~~

Historic rehabilitation: The act or process of making possible a compatible use for a property through repair, alterations and additions while preserving those portions or features that convey its historical, cultural or architectural value.

Historic restoration: The act or process of accurately depicting the form, features and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period.

Historic reconstruction: The act or process of depicting, by means of new construction, the form, features and detailing of a non surviving site, landscape, building, structure or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

Human scale: The appropriate relationship or scale between human beings and the size of the surrounding buildings. Buildings scaled to human physical capabilities have steps, doorways, railings, work surfaces, seating, shelves, fixtures, walking distances, and other features that fit well to the average person.

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Impervious surface: A surface through which water cannot penetrate.

Improvements: Permanent additions to real property that are designed to make the property more useful or to increase its value.