

ORDINANCE NO. 1704

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH, CALIFORNIA AMENDING CERTAIN PORTIONS OF CHAPTER 25.16 OF THE LAGUNA BEACH MUNICIPAL CODE AND THE CITY'S LOCAL COASTAL PROGRAM TO STREAMLINE REVIEW OF ARTIST OCCUPANCY PERMIT APPLICATIONS AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA

WHEREAS, the City of Laguna Beach (“City”) adopted Chapter 25.16 of the Laguna Beach Municipal Code with the objective of providing opportunities for economically constrained artists to create artwork within the City by facilitating combined working and living units specifically for artists;

WHEREAS, artists desiring to reside in a unit designated for both working and living purposes must secure an artist occupancy permit in accordance with the procedures set forth in Section 25.16.030 of the Laguna Beach Municipal Code;

WHEREAS, the City remains committed to encouraging occupancy of artist working and living units to enable artists to reside and produce art within these spaces;

WHEREAS, on April 8, 2024, the Laguna Beach Arts Commission reviewed this Ordinance and recommended that the City Council adopt this Zoning Ordinance; and

WHEREAS, on April 17, 2024, the Laguna Beach Planning Commission held a duly noticed public hearing to review and consider recommending to the City Council approval of this draft Zoning Ordinance Amendment and Local Coastal Program Amendment amending Sections 25.16.030, 25.16.040, and 25.16.050 of the Laguna Beach Municipal Code to streamline the review process for obtaining artist occupancy permits;

WHEREAS, the Planning Commission has determined that the proposed amendments to the Laguna Beach Municipal Code are in general conformance with the City’s General Plan and recommended approval of this Ordinance;

WHEREAS, acknowledging the necessity of a streamlined review process, the City Council desires to revise Chapter 25.16 of the Laguna Beach Municipal Code; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have been met.

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

SECTION 1. The recitals above are true and correct and are each incorporated by reference and adopted as findings by the City Council.

SECTION 2. Section 25.16.030 of the Laguna Beach Municipal Code (Authorization – Artist Occupancy Permit Required) is amended to read as follows (additions made in underline and deletions made in ~~strikethrough~~):

The use and occupancy of an artist’s working and living unit shall be for artists and their household. Each artist who proposes to occupy an artist working and living unit shall first obtain written confirmation from the community development director or his/her designee, that the type of proposed art work to be created is appropriate in the proposed zoning designation where the unit is located. A completed application for an artist occupancy permit may then be submitted to the community development department for review, ~~and consideration, and decision~~ by the ~~artist review panel~~ Community Development Director or his/her designee. In addition, each artist who may potentially occupy an artists working and living unit shall comply with not less than three of the following requirements when submitting a completed application:

- (A) Submit evidence of a body of work, created in the last three years, as documented in support materials such as compact disks (CDs), slides, video and/or audio tapes, production photographs, scripts or works of fiction, non-fiction or poetry. Support materials shall be labeled with the artist’s name, date of work and any other required information;
- (B) Submit evidence that the artist has formal training in the arts, as documented in a resume that summarizes such training;
- (C) Submit evidence that the artist has presented his or her work in exhibition, performance, readings or comparable public programming, as documented in a resume, sample programs/invitations, catalogs, press clips or similar official documentation;
- (D) Submit three letters of recommendation from artists and/or arts professionals (such as curators, producers or teachers) who are recognized within the arts community and who will attest that the applicant is a working artist as defined below.

~~Upon submission of a complete application, artist review panel shall meet within thirty days to review the artist occupancy permit application and either approve or deny the application. The Community Development Director or his/her designee will review and either approve or deny an artist occupancy permit application within thirty days of submission of a complete application. Any decision~~ Decisions made by the Community Development Director or his/her designee ~~artist review panel~~ may be appealed to the city council in accordance with Section 25.05.070. Upon ~~certification by the artist review panel~~ approval of the application, the artist may submit tenant improvement plans to the community development department for any desired or necessary modifications to the unit for review and approval by the community development and the fire departments.

SECTION 3. Section 25.16.040 of the Laguna Beach Municipal Code (Definitions) is amended to read as follows (additions made in underline and deletions made in ~~striketrough~~). Except as amended, all other provisions of Section 25.16.040 shall remain in full force and effect:

~~"Artists' review panel" means a subcommittee, appointed by the city council, consisting of three members of the city's arts commission, one of whom shall be a working artist, established for the purpose of reviewing and certifying each artist who proposes to occupy an artist's working and living unit.~~

SECTION 4. Section 25.16.050 of the Laguna Beach Municipal Code (Minimum Requirements for Artists' Working and Living Units) is amended to read as follows (additions made in underline and deletions made in ~~striketrough~~). Except as amended, all other provisions of Section 25.16.050 shall remain in full force and effect:

(A) Development Standards. The development standards of the applicable allowable zone identified in subdivision (1) shall be the development standards for an artist's working and living development project. In the event of a conflict between the development standards set forth in the applicable allowable zone and the standards in this chapter, the provisions of this chapter shall take precedence. All artists' working and living units shall be designed to comply with applicable building code standards. The type of artwork created in an artists' working and living unit shall be consistent with allowable uses and compatible with requirements of the zoning district in which it is located. The city reserves the right to perform on-site inspections to determine compliance with this chapter, the artist occupancy permit and the conditional use permit.

...

(14) Future additions, modifications or enlargements of structures, and modification of sizes of floor areas designated as residential dwelling area and working space shall require review by the planning commission and the approval of an amendment to the conditional use permit. Any subsequent change in the approved type(s) of artist(s) and/or artwork(s) shall require subsequent review in accordance with Section 25.16.030 ~~by the artist review panel including artist certification.~~

SECTION 5. This proposed ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to State CEQA Guidelines, as it is not a “project” and has no potential to result in a direct or reasonably foreseeable indirect physical change to the environment. (14 Cal. Code Regs. § 15378(a).) Further, this Ordinance is exempt from CEQA as there is no possibility that this Ordinance or its implementation would have a significant negative effect on the environment. (14 Cal. Code Regs. § 15061(b)(3).) This Ordinance merely changes duties of application review from an artist review panel to the Community Development Director or designee. There is no possibility that this Ordinance or its implementation would have a significant negative effect on the environment.

SECTION 6. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 7. The City Council hereby requests that the California Coastal Commission consider, approve, and certify LCP Amendment 24-0520 to amend Title 25, as set forth herein, in accordance with LBMC Section 25.07.026(E). The City Council hereby

acknowledges that, if the California Coastal Commission certifies the amendment without any suggested modifications, the amendment is effective immediately pursuant to 14 CCR Section 13544(b). If the California Coastal Commission conditionally certifies the amendment with suggested modifications, however, the amendment is effective upon the City's acknowledgment of receipt of the California Coastal Commission's action, the City's acceptance and agreement to any such terms and modifications, and the City's final action to satisfy the terms and modifications pursuant to 14 CCR Section 13544(c).

SECTION 8. The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance and shall cause the same to be published in the manner required by law in the City of Laguna Beach.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Laguna Beach, California, at a regular meeting of the City Council held on the 23rd day of July, 2024.

Sue Kempf, Mayor

ATTEST:

Ann Marie McKay, City Clerk

I, Ann Marie McKay, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance No. 1704 was introduced at a regular meeting of the City Council on July 9, 2024, and was finally adopted at a regular meeting of the City Council of said City held on July 23, 2024, by the following vote:

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| AYES: | COUNCILMEMBER(S): | Orgill, Weiss, Whalen, Rounaghi, Kempf |
| NOES: | COUNCILMEMBER(S): | None |
| ABSENT: | COUNCILMEMBER(S): | None |

City Clerk, City of Laguna Beach, CA