ORDINANCE NO. 1730

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH, CALIFORNIA, AMENDING ITS LOCAL COASTAL PROGRAM AND MUNICIPAL CODE TO MODIFY TITLE 25 (ZONING), TITLE 21 (SUBDIVISIONS), AND TITLE 22 (EXCAVATING, GRADING, AND FILLING) TO STREAMLINE THE DESIGN REVIEW AND OTHER PERMIT PROCESSES; AND FINDING SAID ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT UNDER CEQA GUIDELINES SECTION 15301

WHEREAS, the City of Laguna Beach, California ("City") is a municipal corporation, duly organized under the California Constitution and laws of the State of California; and

WHEREAS, pursuant to the police powers delegated to it by the California Constitution, the City has the authority to enact laws which promote the public health, safety, and general welfare of its citizens; and

WHEREAS, the City is located within the California State Coastal Zone; and

WHEREAS, periodically the City identifies sections of its Local Coastal Program and Municipal Code that are outdated, unclear, conflict with other Municipal Code sections, or warrant modifications to improve or enhance the functions and operations of the City; and

WHEREAS, the City Council desires to amend its Local Coastal Program and Municipal Code to streamline the design review and other permit processes within the City; and

WHEREAS, all other legal prerequisites to the adoption of this Ordinance have occurred.

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

SECTION 1. Recitals. The recitals set forth above are true and correct and are hereby adopted as findings in support of this Ordinance as if fully set forth herein.

SECTION 2. Code Amendment. Section 25.05.015 (Form of application, fees, and permit compliance.) of Chapter 25.05 (Administration) of Title 25 (Zoning) is hereby amended to read as follows (additions shown in underline and deletion shown in ~~strikethrough~~):

(A) Prescribed by the Director of Community Development.

(1) The Director of Community Development shall prescribe the form and scope of all variances, changes of district boundaries or reclassifications, general plan amendments and all other planning or development applications as identified in Chapter 25.05, and of accompanying data to be furnished so as to assure the fullest practicable presentation of facts for proper consideration of the matter and for the permanent record. Forms for such purposes may be provided.

(2) Each planning and development application shall include verification by at least one of the owners of property involved or their authorized agent attesting to the truth and correctness of all facts and maps presented with such application.

(3) Applications filed pursuant to this Title shall be numbered consecutively in the order of their filing and shall become a part of the permanent official records of the Department of Community Development and shall be attached thereto and permanently filed therewith copies of all notices and actions pertaining thereto.

(B) Complete Planning and Development Applications.

(1) Except as otherwise prescribed by law, no later than 30 calendar days after receipt of a planning or development application, the Department of Community Development shall determine whether the application is complete or incomplete.

(2) In the event an application is determined to be incomplete, the applicant shall be notified as to additional materials required to continue processing the application.

(3) Within 30 calendar days of receipt of supplemental materials requested for applications previously determined incomplete, the Department of Community Development shall determine whether the application is complete.

(4) A decision determining an application to be incomplete may be appealed by the applicant. The fee for such appeal is to be determined by City Council resolution.

(C) Signatures. If signatures of persons other than the applicant are required, or offered in support of or in opposition to the application, they may be received as evidence of notice having been served upon them of the pending application or as evidence of their opinion on the pending issue, but they shall in no case infringe upon or govern in the free exercise of the powers vested in the City of Laguna Beach.

(D) Filing Fee Collection. Before accepting for filing any request or application submitted relative to Title 25 of this Code, the Department of Community Development shall charge and collect a filing fee for each such request or application as determined by resolution of the City Council to cover the cost of making maps, sending out notices, and other incidental administrative expenses involved in the handling of the matter, including written staff reports. <u>An application cannot be deemed complete without the payment of the require application fee.</u>

(D) Refund of Filing Fees. Refund of all or any portion of the filing fees may be ordered by the Director of Community Development.

(E) Conformance by Officials. All officials or public employees vested with the duty or authority to issue permits or licenses where required by law shall conform to the provisions of this Title.

(F) Application. The provisions of this Title shall apply to all buildings, improvements, lots and premises, or portions thereof, owned, leased, operated or controlled by the City or any Department or officer thereof, or by any other municipal or quasi-municipal corporation or government, or any Department, Board or officer thereof.

(G) <u>Expiration of Application. If an applicant fails to provide any additional information requested by the Department of Community Development within ninety (90) days of the date the application was deemed incomplete, the application shall expire and have no force and effect, unless otherwise required by state law. After the expiration of an application, future City consideration shall require the submittal of a new, complete application and associated filing fees.</u>

<u>SECTION 3.</u> Code Amendment. Subsection (H)(1) of Section 25.05.025 (Variances) of Chapter 25.05 (Administration) of Title 25 (Zoning) is hereby amended to read as follows (additions shown in <u>underline</u> and deletion shown in ~~strikethrough~~):

(A) Effective Date/Expiration Date.

(1) Decisions on Variance applications by the Board of Adjustment or Planning Commission, as applicable, shall become effective ~~ten business~~ 14 calendar days after the date of the decision, unless appealed to the City Council.

SECTION 4. Code Amendment. Subsection (I)(1) of Section 25.05.030 (Conditional Use Permits) of Chapter 25.05 (Administration) of Title 25 (Zoning) is hereby amended to read as follows (additions shown in underline and deletion shown in ~~strikethrough~~):

(I) Effective Date/Expiration Date.

(1) Decisions on Conditional Use Permit applications by the Planning Commission shall become effective ~~ten business~~ 14 calendar days after the date of the decision, unless appealed to the City Council.

SECTION 5. Code Amendment. Section 25.05.040 (Design Review) of Chapter 25.05 (Administration) of Title 25 (Zoning) is hereby repealed and replaced to read as follows:

(A) Intent and Purpose.

(1) The design review process is intended to achieve the following goals:

(a) That development projects comply with the applicable standards and design review findings and criteria;

(b) That development projects focus on quality designs, within a neighborhood context that results in creative design solutions for the City;

(c) That development occurs with an orderly and harmonious appearance, including associated facilities, such as signs, landscaping, and parking areas;

(d) That the development review process considers public and private views;

(e) That public health, safety, and general welfare throughout the City is paramount;

(f) That there is effective implementation of the applicable general and specific plan policies; and

(g) That development projects comply with the policies of the certified Local Coastal Program, including, but not limited to, the shoreline access, open space, environmentally sensitive habitat, hillside protection, and visual resource policies.

(2) Approval Authority.

(a) The Design Review Board or Planning Commission, as appropriate, is the approval authority for Design Review projects identified in Section 25.05.040(B)(1).

(b) The Community Development Department is the approval authority for projects that are Exempt from Design Review (Zone Clearance), as specified in Section 25.05.040(B)(2).

(c) The Director of Community Development is the approval authority for Administrative Design Review as specified in Section 25.05.040(B)(3).

(d) The Director of Community Development, at his or her sole discretion, is authorized to refer projects that are subject to Administrative Design Review or exempt from Design Review, as specified in Sections 25.05.040(B)(3) and 25.05.040(B)(2), to the Design Review Board or Planning Commission, as appropriate. In determining whether to make such a referral, the Director may consider whether the project:

i. Could alter significant physical characteristics within an unusually sensitive or highly visible area;

ii. May create impacts on surrounding properties, based on staff review of the project or issues identified in prior Design Review proceedings; or

iii. Presents other circumstances that, in the Director's judgment, warrant review by the Design Review Board or Planning Commission.

(e) Development Subject to Design Review, Exempt from Design Review (Zone Clearance), and Administrative Design Review may still require a Coastal Development Permit pursuant to the provisions of Chapter 25.07.

(B) Development Subject to Design Review, Exempt from Design Review (Zone Clearance), and Administrative Design Review.

(1) Design Review. Design Review before the Design Review Board or Planning Commission, as appropriate, at a public hearing shall be required for the following projects:

(a) Demolition, alteration, or addition that constitutes a major remodel. A landscape plan and an exterior lighting plan is required for such major remodel;

(b) All new buildings, except as otherwise provided in Section 25.05.040(B)(2) relating to ADUs and new primary dwelling units. A landscape plan and an exterior lighting plan is required for new buildings under this subsection;

(c) Any improvement that exceeds a height of 15 feet, measured in accordance with the definition of "Height, building" in Chapter 25.08 (from the finished floor or from natural or finished grade, whichever is more restrictive or lower). A landscape plan and an exterior lighting plan is required for such improvement;

(d) Major modifications, alterations, or other actions pertaining to historic resources that do not qualify for administrative approval under Section 25.05.040(B)(3);

(e) Any development in an environmentally sensitive area, unless a licensed professional has determined, subject to peer review, that the proposed development does not impact the environmentally sensitive area;

(f) Grading in excess of 20 cubic yards outside the building footprint, except as specified in Section 22.10.010(e);

(g) Retaining walls in excess of 5 feet in exposed height;

(h) 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 and fuel modification;

(i) Shoreline and bluff protective devices;

(j) Portable and in-ground swimming pools and spas more than 3 feet above adjacent, legal ground elevation, except for portable spas that do not exceed 600 gallons;

(k) New vehicular access to streets or alleys, including the widening of an existing driveway at the street to a width greater than the minimum required by Section 25.52.008(I)(2);

(l) Commercial or industrial parking and loading areas;

(m) Permanent chain link or similar type of woven metal fences, and vinyl fences that do not simulate natural material;

(n) Trash storage or enclosures, except as provided in Section 25.05.040(B)(2) and Section 25.05.040(B)(3);

(o) Modification of a primary dwelling unit, which was approved in conformance with Chapter 25.13, that conflicts with the objective development and design standards set forth in Chapter 25.13.

(p) Major Capital Improvement Project, which means a project undertaken by the City that is determined by the Community Development Director, in consultation with other affected department heads, to require review by the Planning Commission prior to approval by the City Council of design and/or construction documents, based on the project's proposed scope in terms of environmental, aesthetic, and/or land use effects on the community. Typical examples of a Major Capital Improvement Project include, but are not limited to, the following:

i. New or substantial alterations to parks, public buildings, community facilities, reservoirs, or bridges;

ii. New or substantial alterations to drainage structures which involve significant changes to grades, hillsides, habitats, or views;

iii. Street improvements which involve substantial expansion of right-of-way, removal of existing facilities, removal of significant vegetation (unless part of a fuel modification project or program) and/or major changes to community character;

iv. Design programs for city-wide features which are visible to the general public and contribute to community character, including but not limited to beach and park accessways, promenades, bridges, trails, and the City-owned property, where Festival of Arts and Pageant of the Masters is hosted.

(2) Exempt from Design Review (Zone Clearance). The following types of projects shall require the issuance of zone clearance in compliance with Chapter 25.05.045, rather than design review. For avoidance of doubt, the zone clearance process shall not be used for any of the below projects that are in an environmentally sensitive area (unless a licensed professional has determined, subject to peer review, that the proposed development does not

impact the environmentally sensitive area); such projects are subject to Design Review under (B)(1).

(a) Demolition, alteration, or addition that does not constitute a major remodel;

(b) An improvement that does not exceed a height of 15 feet, measured in accordance with the definition of “Height, building” in Chapter 25.08 (from the finished floor or from natural or finished grade, whichever is more restrictive or lower);

(c) In-kind replacement of improvements for repair and maintenance;

(d) Interior modifications to existing structures that do not modify the exterior of such structures;

(e) Re-roofing of buildings or structures which do not result in white or light colored roofs, provided there are no changes to the dimensions, square footage, or roof pitch, and which will not result in glare through the use of materials, such as asphalt shingles or stainless steel, both at the determination of the Community Development Director;

(f) Annual weed abatement;

(g) Fuel modification project or program;

(h) Accessory dwelling units, only as set forth in Chapter 25.17;

(i) Grading of 20 cubic yards or less outside the building footprint, except as specified in Section 22.10.010(e);

(j) Retaining walls 5 feet or less in exposed height;

(k) Hardscape that does not increase impervious surfaces, or that is proposed to comply with applicable fire prevention standards as determined by the Fire Official, and complies with all other applicable provisions of this chapter;

(l) Fences, walls and hedges that comply with Section 25.50.012 ("Fences, walls, hedges, latticework and screens"). For avoidance of doubt, this excludes permanent chain link or similar type of woven metal fences, and vinyl fences that do not simulate natural material, which are subject to design review under (B)(1);

(m) Decks, slabs, terraces, or patios elevated 3 feet or less above the adjacent, legal ground elevation;

(n) Landscaping of any vegetation, plants, bushes, or trees within the buildable area that is less than 15 feet at maintained height when measured from ground elevation adjacent to the location of the vegetation, plant, bush, or tree, provided that the plans identify and require that the landscaping is to be maintained at or below the heights reflected in the plans;

(o) Landscaping of any vegetation, plants, bushes, or trees in the rear or side yard at less than 6 feet at maintained height and in the front yard at less than 4 feet at maintained height when measured from the ground elevation adjacent to the location of the vegetation plant, bush, or tree, provided that the plans identify and require that the landscaping is to be maintained at or below the heights reflected in the plans;

(p) Artwork approved through the procedures outlined in Chapter 1.09 ("Art in Public Places");

(q) Trash storage within the side yard when screened from public view by a wall or fence at least 4 feet in height and does not impact required access for the property;

(r) Railings;

(s) Skylights with operable automatic night shades;

(t) Portable and in-ground swimming pools and spas no more than 3 feet above adjacent, legal ground elevation, and portable spas that do not exceed 600 gallons;

(u) Water features;

(v) Mechanical equipment, including, but not limited to, air conditioners and pool/spa equipment, that meet the requirements of Section 7.25.130(c);

(w) Above-ground utility structures, which are below 4 feet in height when measured from adjacent, legal ground elevation, when incorporating colors, finishes, and landscaping to minimize visual impact, as determined by the Community Development Director, provided that the plans identify and require that the landscaping is to be maintained at or below the heights reflected in the plan and not to exceed the height of such above-ground utility structures;

(x) Temporary on-grade removable accessory structures used as play sets, swing sets, other similar unenclosed recreation equipment, and storage sheds provided that:

i. the structure does not exceed 120 square feet in size,

ii. the height is less than 12 feet above adjacent, legal ground elevation, and

iii. minimum required setbacks of the underlying zone are met unless it receives administrative design review approval;

(y) Certain telecommunication facilities subject to the provisions of Chapters 11.06 and 25.55;

(z) New primary dwelling unit, only as set forth in Chapter 25.13;

(aa) Modification of a new primary dwelling unit, which was approved in conformance with Chapter 25.13, that continues to meet the objective development and design standards set forth in Chapter 25.13.

(bb) De Minimis Capital Improvement Projects. For purposes of this subsection, capital improvement projects undertaken by the City may be deemed de minimis and subject to zone clearance pursuant to the Zoning Code based on the project's proposed scope in terms of environmental, aesthetic, and/or land use effects on the community, or are emergency projects determined by the Community Development Director to be necessary to preserve the health, safety, or welfare of the community. Examples of de minimis capital improvement projects include but are not limited to the following:

i. Fuel modification project or program;

ii. Emergency projects;

iii. Roadway or trail improvements within existing rights-of-way;

iv. Pipeline, such as storm drain and sewer, installation, repair and maintenance; minor alterations to utilities;

v. Alterations and repairs to parking lots;

vi. Small habitat restoration projects as defined in Section 15333 of the CEQA Guidelines;

vii. Sign replacements in the same size with similar materials, at the determination of the Community Development Director;

viii. In kind replacement of improvements for repair and maintenance;

ix. Similar projects as determined by the Community Development Director in consultation with other affected department heads.

(3) Administrative Design Review. Administrative Design Review before the Community Development Director or designee shall be required for the following projects and as set forth below:

(a) The following projects are subject to the administrative design review process. For avoidance of doubt, the administrative design review process shall not be used for improvements that are in an environmentally sensitive area (unless a licensed professional has determined, subject to peer review, that the proposed development does not impact the environmentally sensitive area); such improvements are subject to design review under (B)(1).

i. Landscaping of any vegetation, plants, bushes, or trees within the buildable area that is 15 feet or higher at maintained height when measured from the ground elevation adjacent to the location of the vegetation, plant, bush, or tree;

ii. Landscaping of any vegetation, plants, bushes, or trees in the rear or side yard at 6 feet or higher at maintained height and in the front yard at 4 feet or higher at maintained height when measured from the ground elevation adjacent to the location of the vegetation plant, bush, or tree;

iii. Decks, slabs, terraces, or patios elevated more than 3 feet above the adjacent, legal ground elevation;

iv. Minor alterations to historic resources consisting of replacement or modification of doors and windows; the addition of first floor porches and decks; the replacement of roofing material or building siding; minor improvements to landscaping, hardscape, walls, fences, arbors, and other landscape features; and similar minor site or building alterations, provided that any such alteration has been reviewed for conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995, Weeks and Grimmer), as amended from time to time, as determined by the Community Development Director, or other similar

generally accepted resource, as determined by the Community Development Director;

v. Mechanical equipment, including, but not limited to, air conditioners and pool/spa equipment that do not meet the requirements of Section 7.25.130(C);

vi. Additional covered or tandem parking as specified in Section 25.52.012(G);

vii. Decorative features such as fence posts, brick or stone columns which may extend up to twelve inches above the maximum allowable height within the front yard;

viii. Revocable Encroachment Permits when not associated with a project requiring a Design Review Board or Planning Commission decision;

ix. Re-roofing of buildings or structures which result in white or light colored roofs and which may result in glare through the use of materials, such as asphalt shingles or stainless steel, both at the determination of the Community Development Director;

x. Roof alterations that change the dimensions, square footage, or roof pitch;

xi. Detached fireplaces;

xii. Skylights without operable automatic night shades;

xiii. Telecommunication facilities subject to the provisions of Chapters 11.06 and 25.55 unless otherwise exempt;

xiv. Above-ground utility structures, which are four 4 or higher in height when measured from adjacent, legal ground elevation;

xv. Trash storage located within the front yard setback, screened from public view by a wall or fence 4 feet in height (3 feet on a corner lot) and not impacting required access for the property;

xvi. Extensions of time for design review permits;

xvii. Minor Capital Improvement project, which means a project undertaken by the City that may be reviewed and approved administratively, based upon a determination by the

Community Development Director, in consultation with other affected department heads, based on the project's proposed scope in terms of environmental, aesthetic, and/or land use effects on the community. Typical examples of minor capital improvement projects include, but are not limited to the following:

1. Alterations to existing facilities resulting in exterior design changes;

2. Roadway or trail extensions within existing rights-of-way;

3. Replacement or renovation of damaged facilities or structures resulting in exterior design changes;

4. Small additions to existing structures resulting in exterior design changes;

5. Construction or demolition of small structures resulting in site or building design changes; and

6. Slope and wall repair for public infrastructure.

(b) Except for decks, slabs, terraces, or patios elevated more than 3 feet above the adjacent, legal ground elevation (Section 25.05.040(B)(3)(a)(iii)) and minor alterations to historic resources (Section 25.05.040(B)(3)(a)(iv)), the Community Development Director may waive the requirement for a public hearing on a design review permit for the projects identified in Section 25.05.040(B)(3)(a), when no other entitlement is required, if all of the following occur:

i. Mailed Notice. The City shall mail or deliver notice to issue administrative design review permit not requiring a public hearing to all persons and agencies required to be notified Section 25.05.065 and with all of the information required in Section 25.05.065 at least ten days before the end of the public comment period. In addition, the notice of waiver of public hearing for the pending action shall contain all of the following:

1. A statement that a public hearing will be held upon the written request of any person provided that such request is received by the Department within fifteen (15) working days from the date of sending the notice;

2. The date of the notice;

3. A statement that the project is appealable in accordance with Section 25.05.070;

4. The final date to submit a request for a hearing;

5. The date the design review permit will be granted if there is no hearing;

6. A project description and a statement of why the project qualifies for a waived public hearing;

7. A statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal any action taken by the City on such design review application;

8. A statement that the project plans are available at the Community Development Department for inspection during normal operating hours of the City.

ii. Publication of Notice. The City shall publish a notice to issue administrative design review permit not requiring a public hearing one time at least ten days before the end of the public comment period. Such notice shall contain all the information required in subsections (B)(3)(b)(i)(1) through (B)(3)(b)(a)(8) of this section above Such notices shall be posted in three public places, including one at the project site, or in a newspaper with general circulation in the City.

iii. If no request for public hearing is received by the Community Development Department within fifteen (15) working days from the date of sending the notice pursuant to subsection (B)(3)(v)(ii) of this section, the permit is deemed approved.

iv. An appeal of a decision on an administrative design review application is subject to the provisions of Section 25.05.070.

(c) Upon receipt of a request for a hearing, or in the Community Development Director's discretion not to waive the public hearing requirement, the Community Development Department shall schedule the matter for a public hearing and issue notice of such hearing consistent with the provisions of Section 25.05.065 and shall be subject to the following process:

i. Staking Requirements for Administrative Design Review. If the Director of Community Development or his or her designee otherwise determines that a project should be staked, the staking requirements of subsections (C)(2) of this section shall be followed, except that the construction and certification of the staking shall be completed at least 14 calendar days prior to the public hearing.

ii. Deliberation and Action on Administrative Design Review Applications. The Director of Community Development or his or her designee shall conduct a public hearing for the designated administrative design review projects. After consideration of all testimony and evidence presented at the public hearing and the Design Review Findings specified in subsection (I) of this section, the Director of Community Development or his or her designee shall either approve, conditionally approve, or deny the application in writing. An appeal of a decision on an administrative design review application is subject to the provisions of Section 25.05.070, and Section 25.07.016 when a coastal development permit is required.

(C) Application. Application for design review shall be made by a property owner or authorized agent. Applications shall contain such information as prescribed by the Director of Community Development.

(1) Early Neighbor Communication. The applicant shall communicate with owners of property within 300 feet of the applicant's property notifying them of the proposed project. Such communication should take place prior to deciding on a final design to help resolve potential conflicts. Communication efforts shall include notification mailed to all property owners within 300 feet of the applicant's property. The noticing must be prepared and mailed by a professional listing service. Certification to the accuracy, completeness of the list, and date the notice was mailed is required to be provided by the company, along with a copy of the materials sent. Early neighbor communication must be completed prior to being scheduled for a hearing date. The following information shall be included in the early neighbor notification notice:

(a) Applicant contact information.

(b) Location of the proposed project.

(c) A description of the proposed project.

(d) Information on how to participate in the design review process.

(2) Staking Requirements.

(a) A staking plan shall be prepared as specified on the most current zoning and design review submittal checklist. Staking poles and connecting ribbons, which accurately represent the full extent of the proposed structure, including decks and eaves, shall be constructed at least 21 calendar days prior to the first public hearing. At least 21 calendar days prior to the first public hearing, the location and height of the staking poles must be certified as accurate by a registered land surveyor or registered civil engineer licensed to conduct land surveys in the State of California. If complete and certified project staking is not in place at least 21 calendar days prior to the first Design Review Board or Planning Commission public hearing date or 14 calendar days prior to the administrative design review public hearing, the project shall be continued to a later date. Neither the applicant, a relative of the applicant, nor any other person possessing a financial interest in the property or the project may certify the location and height accuracy of the staking poles. If the project is modified during the design review process because of a view consideration, privacy or other concerns that the design review authority determines is necessary to restake, the project shall be re-staked and re-certified at least 14 calendar days prior to any subsequent public hearing.

(b) Staking poles shall be removed by the applicant within 20 calendar days after the City's final decision on the design review application, after all local appeals are exhausted. The applicant's failure to remove the staking poles within the prescribed time period shall result in any remedies at law, including but not limited to code enforcement remedies.

(3) Biological Report Requirements. Prior to deliberation and action on a design review application, the applicant shall submit a biological report that is prepared by a professional in the fields of wildlife biology or botany for any proposal to clear native vegetation on undeveloped parcels that are located within or adjacent to areas designated high or very high value on the city's biological values maps and any other areas that contain environmentally sensitive habitat resources except for annual weed abatement and approved fuel modification programs.

(4) Fire Safety Standards Review. Prior to deliberation and action on a design review application for new construction and major remodels, the Fire Department or Building Division of the Community Development Department, as applicable, shall serve as the review authority for purposes of reviewing and approving or conditionally approving applications, including proposed fuel modification programs. Fuel modification programs or Alternative Materials and Methods (AM&Ms) requests, when

determined necessary by the applicable review authority, are required for any parcel having an "FM"—Fuel Modification designation or Very High Fire Hazard Severity Zone on the City's Geographic Information Mapping system. The Cal Fire-designated Very High Fire Hazard Severity Zone is an overlay zone, and does not change the underlying zoning of Title 25. The review authority's conditions of approval relating to public safety may not subsequently be modified by the design review authority without the review and approval of the Fire Department or Building Division of the Community Development Department, as applicable.

(D) Filing Fee. Prior to accepting an application, the Department of Community Development shall charge and collect a filing fee as determined by resolution of the City Council.

(E) Public Notice. Public notice 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.

(F) Deliberation and Action on Applications.

(1) The authorities responsible for reviewing and making decisions on design review applications under Section 25.05.040(B)(1) are as follows:

i. The design review board shall conduct a noticed public hearing on design review applications for all single-family or two-family developments, including associated public right-of-way improvements.

ii. The planning commission shall conduct a noticed public hearing on all other design review applications, including but not limited to: residential development of three-families or more, all projects located in the downtown specific plan area, all non-residential development, public works projects, and projects for which the planning commission is the primary discretionary review authority, such as approval of a conditional use permit.

(2) Upon the conclusion of the public hearing on a design review application, and the consideration of all testimony and evidence presented at the public hearing, the approval authority shall approve, conditionally approve or deny the application. Determinations of design review applications shall be by majority vote of the voting members of the approval authority present.

(3) The approval, conditional approval, or denial of design review applications by the approval authority shall be based upon the design review findings set forth in subsection (I) this section. Additional findings and review criteria

are specified in Section 25.07.012(F) and (G) when an associated Coastal Development Permit is required. Additional review criteria contained in specific plans and/or zoning overlays shall apply to projects located in areas covered by any such specific plans and/or zoning overlays.

(4) The approval, conditional approval or denial of design review applications by the approval authority shall be accompanied by written findings correlated with the design review findings set forth in subsection (I). Section 25.07.012(G) requires written findings to be made when approving or conditionally approving an associated Coastal Development Permit.

(5) Written notice of the approval, conditional approval or denial of design review applications shall be provided to the applicant or authorized agent within 14 calendar days of the date of the decision of the approval authority.

(6) Landscaping Conditions. The approval authority shall condition all landscaping approvals with maintained growth height limits for all vegetation that potentially impacts views. The landscaping shall be installed in accordance with the approved landscape plans. Thereafter, the landscaping shall be continuously maintained (including replanting, as necessary) in compliance with the approved landscaping plans, unless such plans are subsequently modified pursuant to Section 25.05.060. Certain landscaping is subject to zone clearance pursuant to subsection (B)(2) of this section and must be maintained at approved heights.

(7) Applications for design review approval constitute applications for a "permit" as that term currently is used in California Government Code Section 65009(c)(1), and as hereafter may be amended.

(G) Design Guidelines. "Design Guidelines" is a publication that has been developed by the City to assist designers in understanding the Design Review criteria. These guidelines complement the zoning regulations provided for in this Title by providing conceptual examples of potential design solutions and design interpretations. The guidelines are general and may be utilized with flexibility in their application to specific projects.

(H) Design Review Criteria. The design review criteria are as follows:

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

(2) Design Articulation. Within the allowable building envelope, the appearance of building and retaining wall mass should be minimized. Articulation techniques including, but not limited to, separation, offsets,

terracing and reducing any one element of the structure into smaller components, may be used to reduce the appearance of mass.

(3) Environmental Context. Development should preserve and, where possible, enhance the City's scenic natural setting. Natural features, such as existing heritage trees, rock out-cropping, ridgelines, and significant watercourses should be protected. Existing terrain should be utilized in the design and grading should be minimized except when necessary to balance other design review criteria.

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

(5) Historic Preservation. Destruction, alteration, or other actions pertaining to historic resources must be consistent with Chapter 25.45.

(6) 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.

(7) Lighting and Glare. Adequate lighting for individual and public safety shall be provided in a manner which does not significantly impact neighboring properties. Reflective materials and appurtenances that cause glare or a negative visual impact (e.g. skylights, white rock roofs, high-gloss ceramic tile roofs, reflective glass, etc.) should be avoided or mitigated to a level of insignificance in those locations where those surfaces are visible from neighboring properties.

(8) Neighborhood Compatibility. Development shall be compatible with the existing development in the neighborhood and respect neighborhood character. Neighborhood character is the sum of the qualities that distinguish areas within the City, including historical patterns of development (e.g., structural heights, mass, scale or size), village atmosphere, landscaping themes and architectural styles.

(9) Pedestrian Orientation. Commercial and mixed-use with commercial development design shall maintain, to the maximum extent possible, the existing pedestrian orientation and improve upon it, when feasible. Design techniques that support a pedestrian orientation may include articulated building masses, frequent building entrances, display windows near the sidewalk, outdoor activity spaces, and appropriate use of landscaping and lighting. Blank walls should be avoided, to the maximum extent feasible.

Commercial development design shall enhance and encourage pedestrian uses. Incorporation of articulated building masses, compact open spaces and courtyards, mixed use developments, use of landscaping as part of design, and orientation to pedestrian access should be maximized to the extent feasible.

(10) Privacy. The placement of activity areas (e.g., decks, picture windows and ceremonial or entertainment rooms) in locations that would result in a substantial invasion of privacy of neighboring properties should be minimized.

(11) View Equity. The development, including its landscaping, shall be designed to protect existing views from neighboring properties without denying the subject property the reasonable opportunity to develop. View equity is intended to balance preservation of views with the right to develop property.

(I) Design Review Findings. In order to approve a design review permit application, the reviewing authority shall make all of the following findings:

(1) The proposed design of the project complies with all applicable provisions of the Laguna Beach Municipal Code, including any applicable specific plan; and

(2) The physical improvements and site developments are designed and located in a manner that achieves consistency with the design review criteria specified in Section 25.05.040(H).

(J) Appeals. Appeals of the design review authority are subject to the provisions of Section 25.05.070, and Section 25.07.016 when a Coastal Development Permit is required.

(K) Effective Date/Expiration Date.

(1) A Design Review decision shall become effective 14 calendar days after the date of the decision, unless appealed in accordance with Section 25.05.070.

(2) Design Review approval shall lapse and become void two years following the effective date if the privileges authorized by design review are not executed or utilized or, if construction work is involved, such work is not commenced within such two-year period and diligently pursued to completion.

(3) The Director of Community Development or his or her designee may grant approval, through the administrative design review process, a two-year extension of time and, after that initial extension of time, a final one-year extension of time. Such time extensions shall be requested in writing by the

applicant or authorized agent prior to the expiration of the beginning two-year approval period or a subsequently approved extension of time.

(4) Extension of Time Findings. An extension of time of the beginning two-year approval period may be granted by through the administrative design review process, if each of the following findings can be made:

(a) The zoning codes or standards applicable to the circumstances of the originally approved design review have not materially changed; and

(b) The neighborhood character has not changed so as to be materially inconsistent with the findings made when design review was originally approved.

(L) Reapplication Waiting Period. After denial of a project, no design review application for a project located on the same parcel or building site may be filed or accepted for filing for six months.

(M) The actual development allowed after the application of the design review findings and criteria 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."

SECTION 6. Code Amendment. Chapter 25.05 (Administration) of Title 25 (Zoning) is hereby amended to add Section 25.05.045 (Zone Clearance) to read as follows:

Section 25.05.045 (Zone Clearance)

(A) Purpose. Zoning clearance is the procedure used by the City to verify that a proposed use or structure complies with the activities allowed in the applicable zoning district and the development standards and other provisions of this Zoning Code.

(B) Applicability. Where this Zoning Code requires a zoning clearance as a prerequisite to establishing a use or structure, a zoning clearance shall be required at the time of the Department's review of any of the following:

(1) Initiation of a Use. A zoning clearance shall be obtained before the initiation or commencement of any use of land not requiring the construction of a structure.

(2) Change of Use. Whenever a use is proposed to be changed or intensified, whether or not the new or intensified use involves a new lessee, operator, or owner, a zoning clearance shall be obtained.

(3) Building Permit, Grading Permit, or Other Construction Permit. A zoning clearance shall be obtained before the City issues a new or modified building permit, grading permit, or other construction-related permit required for the alteration, construction, modification, moving, or reconstruction of any structure.

(C) Review and Approval

(1) The Community Development Department shall issue the zoning clearance after first determining that the request complies with all Zoning Code provisions and other adopted criteria and policies applicable to the proposed use or structure.

(2) An approval may be in the form of a stamp, signature, or other official notation on approved plans, a letter to the applicant, or other certification, at the discretion of the Community Development Director.

(3) Appeals. The Department's action on a zone clearance request may be appealed in accordance with Section 25.05.070.

(4) Coastal Development Permit. A coastal development permit may still be required in accordance with Chapter 25.07.

SECTION 7. Code Amendment. Chapter 25.05 (Administration) of Title 25 (Zoning) is hereby amended to add Section 25.05.060 (Subsequent Modification to Approved Permits) to read as follows:

Section 25.05.060 (Subsequent Modification to Approved Permits).

(A) Subsequent Modification to Coastal Development Permits.

(1) After a coastal development permit has been approved, modification of the approved plans and/or any conditions imposed, including additions or deletions, are subject to review in accordance with Chapter 25.07 (Coastal Development Permits), including Section 25.07.012(I) and Section 25.07.016(C).

(B) Subsequent Modification to Other Approved Permits.

(1) Development or a use authorized through an administrative use permit, variance, conditional use permit, temporary use permit, and design review permit issued by the City in compliance with the City's Code shall be established only as approved by the review authority, and in compliance

with any conditions of approval, except where a change to the project is approved in compliance with this section.

(2) Application. An applicant shall request a proposed change in writing and shall also furnish appropriate supporting information and materials explaining the reasons for the request.

(3) Minor Changes Approved by the Community Development Director without a Public Hearing.

(i) The Community Development Director may authorize minor changes to an approved permit without a public hearing, where the Director first finds that the changes:

a. Are consistent with the requirements of the City's Zoning Code; and

b. Do not involve a feature of the project that was a basis for findings for an exemption, negative declaration, mitigated negative declaration, or environmental impact report for the project; and

c. Do not involve a feature of the project that was specifically addressed or was the subject of a condition(s) of approval for the project or that was a specific consideration by the applicable review authority in the project approval; and

d. Do not result in an expansion or change in operational characteristics of the use; and

e. Do not alter the facts in support of the findings required by Section 25.07.012(G).

(ii) The Director may choose to refer any requested change to the original review authority for review and final action.

(C) Changes to Other Permits Approved by the City.

(1) Changes Approved by Original Review Authority. A proposed change that does not comply with the criteria identified in subsection (B)(3) of this section (Minor Changes Approved by the Director without a Public Hearing) may only be approved by the original review authority for the project through a new permit application filed and processed in compliance with the application provisions of Chapter 25.05.

(2) Conditions. If a proposed change is approved by the reviewing body, all terms and conditions of the original approval shall remain in effect, unless specifically removed or modified by the reviewing body. If a proposed

change is denied by the reviewing body, the terms and conditions of the original permit shall remain in effect.

SECTION 8. Code Amendment. Subsection (C) of Section 25.05.065 (Public Notice) is hereby amended to read as follows (additions shown in underline and deletion shown in ~~strikethrough~~):

Section 25.05.065 Public Notice.

. . .

(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 case numbers for the proposed development ~~related project case numbers, and project name, if any~~;

(7) The project applicant's name;

(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 Section 25.07.014, and Section 25.07.020 for emergency coastal development permit.

SECTION 9. Code Amendment. Subdivision (E) of Section 25.05.065 (Public Notice) of Chapter 25.05 (Administration) of Title 25 (Zoning) is hereby amended to read as follows (additions shown in underline and deletion shown in ~~strikethrough~~):

(E) Posting of Public Hearing Notices. Notice of a public hearing shall be posted in three public places within the City, including on the project site, not less than ten 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.

SECTION 10. Code Amendment. Section 25.05.070 (Appeals and Requests for Review of Decisions) is hereby repealed and replaced with the following:

Section 25.05.070 Appeals and Requests for Review.

(A) Purpose. It is the intent and purpose of this section to provide standardized procedures for appeals and requests for review with respect to planning and development applications and requests.

(B) Allowed Appeals.

(1) Community Development Director Decisions.

(i) Any decision by the Community Development Director or designee on a ministerial permit may be appealed to the Planning Commission or Design Review Board, as applicable, provided that the only allowed grounds for appeal shall be that the decision of the Community Development Director or designee has not complied with the applicable provisions of this Zoning Ordinance. Appeals of any determinations and requirements regarding coastal development permit processing, including exemptions, determinations relative to appealable development, etc. shall be as described in Chapter 25.07.

(ii) Any decision by the Community Development Director or designee on a discretionary permit may be appealed to the Planning Commission or Design Review Board, as applicable. Appeals of any determinations and requirements regarding coastal development permit processing, including exemptions, determinations relative to appealable development, etc. shall be as described in Chapter 25.07.

(2) Planning Commission and Design Review Board Decisions. Any decision rendered by the Planning Commission and Design Review Board may be appealed to the City Council. Similarly, any decision rendered by a board, committee, or commission appointed by the City Council will be processed in the same manner as set forth herein for the Planning Commission and Design Review Board decisions. Appeals of any determinations and requirements regarding coastal development permit processing, including exemptions, determinations relative to appealable development, etc. shall be as described in Chapter 25.07.

(3) Requests for Review. On its own initiative, the City Council may review any decision rendered by the Community Development Director, Planning Commission, or Design Review Board as follows:

(i) Decision to Review

a. One Council member may initiate review of a Community Development Director or Planning Commission/Design Review Board decision, respectively, by filing a written request with the City Clerk, within 14 calendar days after the date of the decision.

b. The Council shall consider the "request for review" at its next regularly scheduled meeting.

c. If the Council votes to review the decision, a subsequent review hearing shall be scheduled to consider the merits of the review. Either action shall require an affirmative majority of the legislative body vote.

d. Where the City is the applicant or affected property owner, the City Manager may initiate proceedings for review of the decision or determination by written request to the City Clerk within 14 calendar days of the decision or determination.

(ii) Applicant Notification. At the time the review body votes to initiate review, the applicant shall be informed of the aspects of the application and the decision that the review authority will consider.

(iii) Notice of Hearing. Notice of the hearing shall be provided and the hearing shall be conducted in compliance with Section 25.05.065.

(iv) A request for review shall not require any statement of reasons from the member(s) calling for review and therefore shall not represent support of or opposition to an application. No fee shall be required for a request for review. There shall be a presumption that the reason for the request is that the application may be of significant concern to the community or significant importance to the quality of life within the community and/or applicable land use policies and regulations. There shall be no inference or implication of bias or prejudgment due to a request for review being filed.

(C) Filing and Processing of Appeals.

(1) Form of Appeal and Timing.

(i) Appeals, other than City Council review, shall be submitted in writing and filed with the Community Development Department or City Clerk, as applicable, on a City application form, within 14 calendar days after the date the decision is rendered by the Community Development Director or Planning Commission/Design Review Board.

(ii) Appeals to the Planning Commission/Design Review Board and City Council shall include a statement specifying the basis for the appeal and the specific aspect of the decision being appealed.

(2) Filing Fees.

(i) Appeals shall be accompanied by the filing fee set by the City Council's Fee Resolution when the application is filed with the Community Development Department or City Clerk, as applicable. No appeal shall be accepted or deemed filed unless such payment is made.

(ii) Where more than one appeal is allowed, and if more than one appeal is filed, then following the filing expiration date for appeals, the City Clerk shall prorate the required appeal fee among the total number of appeals and refund the excess amount paid by each appellant.

(iii) The Community Development Director is authorized to waive the filing fee for appeals upon a showing of good cause.

(3) Effect of Filing. The filing of an appeal in compliance with this Chapter shall have the effect of suspending the effective date of the decision being appealed, and no further actions or proceedings shall occur in reliance on the decision being appealed except as allowed by the outcome of the appeal.

(4) Notice to Applicant. If the appellant is not the applicant, a copy of the appeal shall be provided to the applicant within seven days of its filing.

(5) Report and Scheduling of Hearing. When an appeal has been filed, the Community Development Director shall prepare a report on the matter. The City shall schedule the matter, in its sole discretion, within ninety (90) days of the filed appeal, for consideration by the appropriate appeal body identified in Section 25.05.070(B). All appeals shall be considered during public hearings with notice provided in compliance with subsection (C)(6). The City may consolidate hearings on all timely filed appeals for the same project.

(6) Notice Requirements. Public notice of the hearing for the appeal or request for review shall be subject to the provisions of Section 25.05.065, 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) Withdrawal of Appeal. Once filed, an appeal may only be withdrawn by a written request submitted to the Community Development Director, with the signatures of all persons who filed the appeal.

(D) Hearing on Appeal.

(1) Upon the hearing of an appeal, the Planning Commission/Design Review Board, shall conduct a de novo hearing on the underlying application but shall be limited to the grounds specifically stated in the notice of appeal, if an appeal was filed. The Planning Commission/Design Review Board shall exercise its independent judgment as to the evidence. Nevertheless, there shall be a presumption that the decision or determination made by the approval authority was reasonable, valid, and not an abuse of discretion; and the appellant, if there is one, shall have the burden of proof of demonstrating otherwise by a preponderance of the evidence, including plans, presented. Abuse of discretion is established when (a) the agency has not proceeded in the manner required by law; (b) the order or decision is not supported by the findings; (c) the findings are not supported by evidence.

(2) Upon the hearing of an appeal or request for review, the City Council shall conduct a de novo hearing on the underlying application but shall be limited to the grounds specifically stated in the notice of appeal, if an appeal was filed. The City Council shall exercise its independent judgment as to such evidence. Nevertheless, there shall be a presumption that the decision or determination made by the approval authority was reasonable, valid, and not an abuse of discretion; and the appellant, if there is one, shall have the burden of proof of demonstrating otherwise by a preponderance of the evidence, including plans, presented. Abuse of discretion is established when (a) the agency has not proceeded in the manner required by law; (b) the order or decision is not supported by the findings; (c) the findings are not supported by evidence.

(3) Hearings are subject to the provisions of Section 25.07.016 when a coastal development permit is required.

(E) Action on Appeal.

(1) At the hearing, the appeal body shall conclude the proceedings with one of the following actions.

(i) Affirmation or Reversal. The appeal body may, by resolution, affirm, affirm in part and reverse in part, or reverse the action that is the subject of the appeal.

(ii) Additional Conditions. When reviewing an appeal, the appeal body may adopt additional conditions of approval involving or related to the subject matter of the appeal.

(iii) Remand. The City Council may, but shall not be required to, remand the matter back to the Planning Commission/Design Review Board, as applicable, for further consideration. The Planning Commission/Design Review Board, as applicable, shall not be allowed to remand the matter back to the Community Development Director.

(2) Deadlocked Vote.

(i) By Planning Commission/Design Review Board. In the event an appeal from an action of the Community Development Director results in a deadlocked vote by the Planning Commission/Design Review Board, the determination, interpreting decision, judgment, or similar action, the appeal shall be forwarded to the City Council for the City Council's proceedings on the appeal, as specified in this Section.

(ii) By City Council. In the event that an appeal from an action of the Planning Commission/Design Review Board results in a deadlocked vote by the City Council, the action of the Planning Commission/Design Review Board (or Community Development Director), as appropriate, shall become final.

SECTION 11. Code Amendment. Chapter 25.07.006 (Definitions) of Chapter 25.07 (Coastal Development Permits) of Title 25 (Zoning) is hereby amended to add the following definition in alphabetical order of the existing list of definitions:

"Director of Community Development" and "Community Development Director" shall mean the Director of the Community Development Department at the City of Laguna Beach and his or her designee.

SECTION 58. Code Amendment. Subsection (B) of Section 25.07.008 (Exemptions) of Chapter 25.07 (Coastal Development Permits) of Title 25 (Zoning) is hereby amended to as follows (additions shown in underline and deletion shown in ~~strikethrough~~):

(B) Record of Exemptions. Consistent with Section 25.07.014(A) of this chapter, the Community Development Director shall maintain a record of all development

within the coastal zone that were exempted from the requirements of the coastal development permit process. ~~This record shall be available on the City's website.~~ The record of exemption shall include the name of the applicant, the location of the project, and a complete description of the project. For exemptions issued for development that is appealable to the Coastal Commission, the Community Development Director shall also provide notification to the Executive Director of the Coastal Commission of any record of exemptions within seven (7) calendar days of the exemption determination or issuance.

SECTION 13. Code Amendment. Section 25.07.012 (Procedures) of Chapter 25.07 (Coastal Development Permits) of Title 25 (Zoning) is hereby amended to add Subdivisions (J) and (K) to read as follows:

(J) Subsequent Modification to Approved Coastal Development Permits.

(1) Development or a use authorized through a coastal development permit issued by the City in compliance with the City's certified Local Coastal Program shall be established only as approved by the review authority, and in compliance with any conditions of approval, except where a change to the project is approved in compliance with this section.

(2) Application. An applicant shall request a proposed change in writing, and shall also furnish appropriate supporting information and materials explaining the reasons for the request.

(3) Minor Changes Approved by the Community Development Director without a Public Hearing.

(i) The Community Development Director may authorize minor changes to an approved coastal development permit without a public hearing, where the Director first finds that the changes:

a. Are consistent with the requirements of the certified Local Coastal Program; and

b. Do not involve a feature of the project that was a basis for findings for an exemption, negative declaration, mitigated negative declaration, or environmental impact report for the project; and

c. Do not involve a feature of the project that was specifically addressed or was the subject of a condition(s) of approval for the project or that was a specific consideration by the applicable review authority in the project approval; and

d. Do not result in an expansion or change in operational characteristics of the use; and

e. Do not alter the facts in support of the findings required by Section 25.07.012(G).

(ii) The Director may choose to refer any requested change to the original review authority for review and final action.

(4) Changes to Coastal Development Permits Approved by the City.

(i) Changes Approved by Original Review Authority. A proposed change that does not comply with the criteria identified in subsection (J)(3) of this section (Minor Changes Approved by the Director without a Public Hearing) may only be approved by the original review authority for the project through a new permit application filed and processed in compliance with the application provisions of Chapter 25.07 (Coastal Development Review Procedures)

(ii) Conditions. If a proposed change is approved by the reviewing body, all terms and conditions of the original approval shall remain in effect, unless specifically removed or modified by the reviewing body. If a proposed change is denied by the reviewing body, the terms and conditions of the original permit shall remain in effect.

(5) Amendments to Coastal Development Permits Approved by the Coastal Commission. Amendments to coastal development permits approved by the Coastal Commission within an area where the Coastal Commission continues to exercise original permit jurisdiction shall not be processed by the City and instead shall be processed by the Coastal Commission.

(K) Staking Requirements.

(1) A staking plan shall be prepared as specified on the most current zoning and coastal development permit submittal checklist. Staking poles and connecting ribbons, which accurately represent the full extent of the proposed structure, including decks and eaves, shall be constructed at least 21 calendar days prior to the first public hearing. At least 21 calendar days prior to the first public hearing, the location and height of the staking poles must be certified as accurate by a registered land surveyor or registered civil engineer licensed to conduct land surveys in the State of California. If complete and certified project staking is not in place as required, the project shall be continued to a later date. Neither the applicant, a relative of the applicant, nor any other person possessing a financial interest in the property or the project may certify the location and height accuracy of the staking poles. If the project is modified during the review process and the reviewing body determines it is necessary to restake, the project shall be re-

staked and re-certified at least 14 calendar days prior to any subsequent public hearing.

(2) Staking poles shall be removed by the applicant within 20 calendar days after the final project decision. The applicant's failure to remove the staking poles within the prescribed time period shall result in any remedies at law, including but not limited to code enforcement remedies.

(3) The Community Development Director may waive this requirement in writing in the Community Development Director's sole discretion.

SECTION 14. Code Amendment. Section 25.07.026 (Local Coastal Program amendments) of Chapter 25.07 (Coastal Development Permits) of Title 25 (Zoning) is hereby repealed and replaced with the following:

(A) Purpose and Intent. The City Council may amend the Local Coastal Program when required by public necessity, convenience, and general welfare or protection of coastal resources, or where required by specific policies in the Local Coastal Program by following the procedure specified in this Chapter. For purposes of this Section, amendments of a certified Local Coastal Program includes, but is not limited to, any action by the City that authorizes the use of a parcel of land other than a use that is designated in the certified local coastal program as a permitted use of the parcel, except for temporary uses as defined in Section 25.05.035. Such amendments will not take effect until effectively certified by the Coastal Commission.

(B) Application

(1) Proposals

(a) Initiation. An amendment to the Local Coastal Program may be initiated by:

(i) Resolution of Intention of the City Council;

(ii) Property owners, or their duly authorized agents, by filing a complete and verified application with the Community Development Department for amendments to the LCP involving their property.

(iii) Any person authorized to undertake a public works project or proposing an energy facility development may request to amend the local coastal program, if the purpose of the proposed amendment is to meet public needs of an area

greater than that included within such certified local coastal program that had not been anticipated by the person making the request at the time the local coastal program was before the Coastal Commission for certification.

(b) Contents of Amendment Applications. The amendment application shall include:

(i) All policies, plans, standards, objectives, diagrams, drawings, maps, photographs, and supplementary data related to the amendment in sufficient detail to allow review for conformity with the requirements of the Coastal Act. Written documents should be readily reproducible. An amendment application may also need to include, where applicable, a readily identifiable public access component as set forth in California Code of Regulations Section 13512.

(ii) The application shall be accompanied by a map drawn to scale showing the location of the property concerned and the location of all highways, streets and alleys, public easements or Offers to Dedicate Public Easements and all lots and parcels of land within a distance of 500 feet from the exterior boundaries of the property involved. The accuracy of such map shall be the responsibility of the applicant.

(iii) A discussion of the amendment's relationship to and effect on the other sections of the certified LCP.

(iv) An analysis that meets the requirements of California Code of Regulations Section 13511 that demonstrates conformity with the requirements of Chapter 6 of the Coastal Act.

(v) Any environmental review documents, pursuant to CEQA, required for all or any portion of the amendment to the LCP.

(vi) An indication of the zoning measures or implementation that will be used to carry out the amendment (unless submitted at the same time as the amendment to the Local Coastal Program).

(c) Any application made pursuant to Paragraph (B)(1)(a)(ii) and (iii), above, shall be in writing and signed and verified by the owner of the land involved or by his authorized agent. If a person other than the owner makes the application, written authorization to act on behalf of the owner shall be submitted with such application. The application shall show or be accompanied by the legal description of the property for which the amendment is requested, and the street

address or addresses, if any, or other common description of the premises.

(2) Review of Filing. An amendment to a certified LCP together with all necessary attachments and exhibits shall be deemed "submitted" after having been received and found by the Community Development Director to be in proper order and legally adequate to comply with this Section. The Community Development Director shall cause a date of receipt stamp to be affixed to all LCP submissions on the day they are so received and a stamp of the date of submittal on the day they are found to be properly submitted.

(C) LCP Amendment Hearing and Notice. Upon receipt in proper form of an LCP amendment application, or upon receipt of a Resolution of Intention from the City Council, the Community Development Department shall set a public hearing before the Planning Commission.

(1) Notice of Public Hearings. Notice of public hearings shall be given at least ten (10) days prior to the hearing. Such notice shall state the nature of the proposed change, location of the affected area, and the time(s) and place(s) of the scheduled hearing(s) and for accepting comments on the proposed amendment.

(a) For Amendments to LCP, the notice shall be provided as follows:

(i) By mail to all of the following parties:

(1) Any member of the public who has so requested;

(2) Each local government contiguous with the area that is the subject of the Amendment;

(3) Local governments, special districts, or port or harbor districts that could be directly affected by or whose development plans should be considered in the Amendment;

(4) Regional, state and federal agencies that may have an interest in or be affected by the amendment;

(5) Local libraries and media;

(6) The Coastal Commission.

(7) Any reference in this subchapter to "interested parties" or "public agency" shall include the aforementioned persons or groups.

(ii) By posting the draft amendment to the City's website in a format that can be downloadable.

(iii) By placing a display advertisement of at least one-fourth page in newspaper having the greatest circulation within the area affected by the proposed action.

(b) Following a public hearing, the Planning Commission shall recommend approval, modification, or denial of the proposed amendment to the City Council. The recommendation shall be by resolution carried by the affirmative vote of not less than the majority of the entire Commission. It shall be transmitted to the City Council within forty (40) days after the rendering of a decision. Such decision is final and conclusive and may not be reconsidered except upon referral by the City Council.

(2) Council Hearing and Notice. After receipt of the Planning Commission's recommendation, the City Council shall hold a public hearing and shall give notice in the same manner as required for the Planning Commission in this Section above.

(3) Council Decision. After the required hearing, the City Council shall take actions on the Amendment by resolution or ordinance, as applicable, to either approve, modify, or deny the proposed amendments.

(D) Required Findings. Before approval of any LCP Amendment, the City Council must make the finding that such amendment meets the requirements of, and is in conformity with, the LCP and the policies of Chapter 3 the California Coastal Act.

(E) Certification of Local Coastal Program Amendments.

(1) Submittal to Coastal Commission. Any amendment approved by the City shall be submitted to the Coastal Commission in accordance with Sections 30510, 30512, 30513 and 30514 of the Public Resources Code and Sections 13551 and 13552 of the California Code of Regulations.

(2) Effective Certification. An amendment to the Commission-certified Local Coastal Program shall not become effective after City Council adoption until the amendment is submitted pursuant to the requirements of Section 13551 et seq. of the California Code of Regulations and is effectively certified by the California Coastal Commission pursuant to the requirements of Section 13544 et seq. of the California Code of Regulations.

(3) Amendments Pursuant to PRC 30515 (Public Works Project or Energy Facility Development). LCP Amendments approved by the Coastal Commission pursuant to Public Resources Code Section 30515 shall be effectively certified upon final action by the Coastal Commission.

SECTION 15. Code Amendment. Section 25.08.004 (Words beginning with "B.") of Chapter 25.08 (Definitions and Standards) in Title 25 (Zoning) is hereby amended to add the following definition in alphabetical order:

"Buildable Area" means the total area of the parcel minus the area of all required setbacks pursuant to the local zoning regulations.

SECTION 16. Code Amendment. Section 25.08.010 (Words beginning with "E.") of Chapter 25.08 (Definitions and Standards) in Title 25 (Zoning) is hereby amended to add the following definition in alphabetical order:

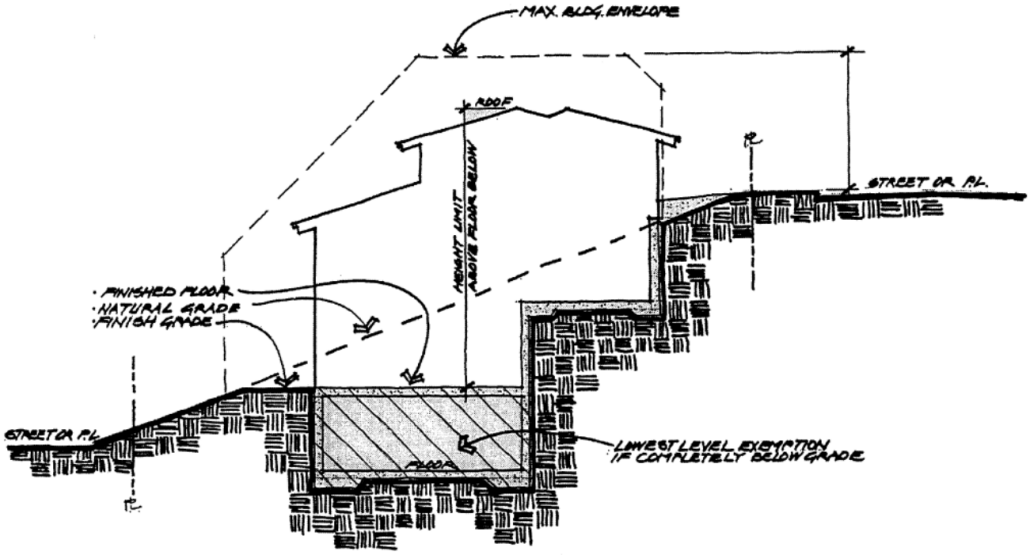
"Environmentally Sensitive Area" has the same meaning as the term is defined in the Open Space and Conservation Element Policy 8-I, which is as follows: "Environmentally Sensitive Areas (ESA's) as defined in Section 30107.5 of the California Coastal Act shall be identified and mapped on a Coastal ESA Map. The following areas shall be designated as Enviornmentally Sensitive Areas: Those areas shown on the Biological Resource Values Map in the Open Space/Conservation Element as "Very High" habitat value, and streams on the Major Watersheds and Drainage Courses Map which are also streams as identified on the USGS 7.5 Minute Quadrangle Series and any other areas which contain environmentally sensitive habitat resources as identified through an on-site biological assessment process, including areas of "High" and "Moderate" habitat value on the Biological Resources Values Map and areas which meet the definition of ESA's in Section 30107.5 of the Coastal Act, including streams, riparian habitats, and areas of open coastal waters, including tidepools, areas of special biological significance, habitats of rare or endangered species, near-shore reefs and rocky intertidal areas and kelp beds." "Environmentally Sensitive Area" also includes slopes of 30% or greater and other areas designated as an "Environmentally Sensitive Area" on a map adopted by resolution of the City Council.

SECTION 17. Code Amendment. Section 25.08.016 (Words beginning with "H.") of Chapter 25.08 (Definitions and Standards) in Title 25 (Zoning) is hereby amended to modify the definition for "Height, building" (additions shown in <u>underline</u>):

"Height, building" means one or more of the following:

(a) The vertical distance from any point on the finished roof surface, <u>including any roof-mounted or rooftop appurtenance,</u> to the finished floor surface of the lowest floor measured directly below or to the natural or finished grade, whichever is more

restrictive or lower. If the entire lowest floor, measured from the finished floor surface of the floor above, is located completely below natural or finished grade, whichever is more restrictive, then the building height shall be measured to the top of the finished floor of the next level directly above that subterranean level;



(b) For purposes of measuring the height above the front lot line, an applicant may have the option of measuring by one of the following two options:

(1) The vertical distance from the curb, street centerline or property line to the highest point of the roof, whichever is the applicable measurement as required under the specific chapters of this title. The elevation of the curb shall be taken on top of the curb at a point created by the intersection of the curb and a line perpendicular to and intersecting the midpoint of the front lot line. In the event, there is no curb, height shall be measured from the centerline of the street to the top of the roof. The elevation of the centerline of the street shall be taken at a point created by the intersection of the centerline and a line perpendicular to and intersecting the midpoint of the front lot line; or

(2) At every point along the curb or street center line.

(c) For purposes of measuring the height above the rear lot line, the elevation of the rear lot line shall be taken at every point along the rear property line.

(d) Exception: Provided they do not exceed a maximum height limit set forth in Chapter 25.51, and provided further that no structure in excess of the specified building height shall be used for additional living or floor space, the following items may be permitted to a height in excess of that permitted within a zone when approved by the design review board pursuant to the procedures and findings of Chapter 25.05 as applicable: structures for the sole purposes of housing elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, skylights, spires, flagpoles, broadcasting and receiving antennae and chimneys.

(e) For development proposed on the seaward side of Pacific Coast Highway, where topography allows, no structures shall be constructed above the finish elevation of Pacific Coast Highway at the right-of-way line.

SECTION 18. Code Amendment. Section 25.08.018 (Words beginning with "I.") of Chapter 25.08 (Definitions and Standards) in Title 25 (Zoning) is hereby amended to add the following definition in alphabetical order:

"Improvement" means any building, structure, feature, or object constituting a physical addition to real property or a structure on real property, or any part of such addition. Improvements include the construction of streets and all related appurtenances bridges, utilities, pedestrian ways, bikeways, trails, or landscaping and irrigation in connection with an approved development or public works project, whether involving the subdivision of land or not.

SECTION 19. Code Amendment. Section 25.08.022 (Words beginning with "L.") of Chapter 25.08 (Definitions and Standards) in Title 25 (Zoning) is hereby amended to add the following definitions in alphabetical order:

"Landscaping" means an area devoted to or developed and maintained with native or exotic plantings, lawn, groundcover, gardens, trees, shrubs, and other plant materials, and associated decorative outdoor landscape elements.

"Landscape plans" means plans prepared to depict proposed landscaping and irrigation on a development site, which include a planting plan and an irrigation plan drawn to the same scale as the grading plan, that clearly and accurately identify specified plants, irrigation layout equipment, finish grades and drainage, specifications and construction details, plan sheet numbers, and drawing date of plans.

SECTION 20. Code Amendment. Subdivision (E)(1)(c) and (E)(1)(d) of Section 25.10.008 (Property development standards) of Chapter 25.10 (R-1 Residential Low Density Zone) of Title 25 (Zoning) is hereby amended as follows (additions shown in underline and deletion shown in ~~strikethrough~~):

(E) Yards

. . .

(1) General Provisions

. . .

(c) The maximum lot area which may be occupied by habitable enclosed building space and covered off-street parking shall depend on lot size. For lots ~~four thousand~~ 4,000 square feet and under, site coverage shall not exceed forty-four percent; for lots greater than ~~four thousand~~ 4,000 square feet and less than 8,000 square feet, the maximum site coverage shall be calculated using the formula below; and for lots ~~eight thousand~~ 8,000 square feet and over, site coverage shall not exceed ~~thirty-five~~ 35 percent. ~~The maximum site coverage percentage permissible on any residential lot shall be calculated using the following formula:~~

$$\text{Building Site Coverage (\%)} = 35 + \frac{(8{,}000-A) \times 9}{4{,}000}$$

Where A = lot area (square feet)

For example, if the lot area is ~~six thousand six hundred twenty-five~~ 6,625 square feet, the maximum allowable building site coverage would be calculated as follows:

Lot Area (A) = 6,625 square feet

$$\text{Building Site Coverage (\%)} = 35 + \frac{(8{,}000-A) \times 9}{4{,}000}$$

$$= 35 + \frac{(1{,}375) \times 9}{4{,}000}$$

$= 35 + 3.094$

BSC (%) = 38.09

(d) The Design Review Board is authorized to modify the building site coverage requirement identified in subsection 25.10.008(E)(1)(c), above, upon a finding that ~~shall only be modified by the design review board when~~ it is necessary to preserve views, preserve privacy, reduce heights, or to maintain neighborhood development patterns. In no event shall the Design Review Board modify such requirement by more than five percentage points.

SECTION 21. Code Amendment. Subdivision (E)(3)(a)(2) of Section 25.10.008 (Property Development Standards) of Chapter 25.10 (R-1 Residential Low Density Zone) in Title 25 (Zoning) is hereby amended as follows (additions shown in underline and deletion shown in ~~strikethrough~~):

(E) Yards

. . .

(3) Side Yard.

(a) The width of each side yard shall be not less than ~~ten~~ 10 percent of the average lot width, but in no case less than ~~three~~ 3 feet; except that when the average lot width is ~~forty~~ 40 feet or greater, no side yard shall be less than ~~four~~ 4 feet.

. . .

2) Side yards shall not be used for accessory buildings, clotheslines, ~~air conditioning or pool equipment,~~ the storage of trailers, boats, campers or other materials, or the regular or constant parking of automobiles or other vehicles, except for the required additional parking space when approved by the Design Review Board in accordance with Section 25.52.012(f).

SECTION 22. Code Amendment. Chapter 25.13 (Objective Development and Design Standards for New Primary Dwelling Units) is hereby added to Title 25 (Zoning) to read as follows:

25.13.010 Purpose

These Objective Development and Design Standards (ODDS) are established to:

(A) Provide clear, objective, and measurable standards for qualifying new primary dwelling unit development throughout the City;

(B) Streamline the review of qualifying new primary dwelling unit projects to address housing needs of all income levels; and

(C) Maintain Laguna Beach's architectural quality and diversity.

25.13.020 Applicability

(A) Alternative Permitting Pathway. This Chapter is intended as an optional alternative approval pathway for new primary dwelling units within a single-family residential zone in lieu of the discretionary permitting process described in Laguna Beach Municipal Code Section 25.05.040 which might apply to such projects. This Chapter applies to the development of new primary units within a single-family residential zone. It also may be used to approve additions or modifications to a new primary unit within a single-family residential zone previously approved under the provisions of this Chapter, provided that the additions and modifications comply with the development standards and design standards set forth by this Chapter.

(B) Non-Compliance with Objective Standards. Projects that do not comply with all provisions of this Chapter may seek discretionary review and approval pursuant to the City's development review process set forth in Section 25.05.040.

25.13.030 Relationship to Laguna Beach Municipal Code

(A) These objective development and design standards are additive to the requirements of the single-family residential zoning district in which the new primary dwelling unit project is proposed as set forth in the Laguna Beach Municipal Code Title 25 (Zoning) or any other provisions of the Laguna Beach Municipal Code.

(B) Conflicts. Where the provisions of this Chapter conflict with the single-family residential zoning district requirements of the zoning district in which the new primary dwelling unit project is proposed as set forth in the Laguna Beach Municipal Code Title 25 (Zoning), the regulations of this Chapter prevail.

(C) Major Remodels. A project that would constitute a major remodel does not constitute a new primary dwelling unit for purposes of this Chapter and is not eligible to proceed under this Chapter.

25.13.040 Administration

(A) Application Processing.

(1) At the time of filing a permit application, the applicant shall state whether the process is to be processed in accordance with this Chapter.

(2) A new primary dwelling unit project that meets the requirements in this Chapter is not subject to discretionary design review in accordance with Section 25.05.040 but may still require a discretionary coastal development permit in accordance with Chapter 25.07.

(3) Structures and site improvements proposed at the same time as the new primary dwelling unit, other than the new garage and landscaping authorized by this Chapter, may require discretionary design review in accordance with Section 25.05.040.

(B) Application Requirements.

(1) The Director of Community Development shall prescribe the form and scope of the application form in accordance with Section 25.05.015.

(2) A complete permit application shall include all the materials listed on such application form, including the materials and information listed below:

(a) A landscape plan with mature growth height limits and maintenance schedules (type and frequency of pruning) for all vegetation.

(b) An exterior lighting plan.

25.13.040 Objective Development Standards

(A) Building Height.

(1) The height of the new primary dwelling unit and new garage authorized by this Chapter shall not exceed a height of 15 feet, measured in accordance with the definition of "Height, building" in Chapter 25.08.

(2) The new primary dwelling unit and new garage authorized by this Chapter shall not exceed a single story, measured in accordance with the definition of "Height, building" in Chapter 25.08.

(B) Yard Setbacks.

(1) Side Yards.

(a) The side yard setbacks are at least 20% greater than the requirement imposed by the underlying zone.

(b) No redistribution of the required side yards shall be permitted.

(2) Front and Rear Yards.

(a) The front and rear yard setbacks are at least 20% greater than the requirements imposed by the underlying zone.

(b) Reduced building setbacks in accordance with Section 25.50.004(E) shall not be permitted.

(3) Permitted Projections.

(a) Permitted projections into required yards in accordance with Section 25.50.008 shall be measured from the setbacks required by this Chapter.

(4) Special Subdivision Map Setback.

(a) In any case where a special subdivision map building setback applies, the building setback shall be at least 20% greater than that requirement.

(C) Maximum Floor Area for New Primary Dwelling Unit and New Garage.

(1) New Primary Dwelling Unit.

(a) A new primary dwelling unit shall not exceed a gross primary unit floor area of 1,500 square feet.

(b) A new, second primary dwelling unit shall not exceed a gross primary unit floor area of 800 square feet.

(c) For purposes of this paragraph, "gross primary unit floor area" shall include all habitable floor area and all other enclosed building areas that are attached to the unit, including non-habitable mechanical and storage areas, but not including the garage.

(2) New Garage.

(a) Each new primary dwelling unit shall have a new garage that accommodates two parking spaces that shall not exceed a gross garage floor area of 400 square feet

(b) For purposes of this paragraph, "gross garage floor area" shall include all enclosed building areas for the garage, including non-habitable mechanical and storage areas.

(3) For purposes of this paragraph, the "floor area" is calculated from the outside structural wall, including retaining walls when below grade.

(D) Maximum Floor Area for the Lot.

(1) The maximum permitted gross floor area on a lot shall not exceed the floor area ratio set forth in Table A, based on the gross lot area.

(2) For purposes of this paragraph, “gross floor area” means the areas that are attached or detached to the unit, including non-habitable mechanical and storage areas, but not including the garage.

(3) For purposes of this paragraph, the floor area is calculated from the outside structural wall, including retaining walls when below grade.

(4) Notwithstanding (D)(1), above, a lot shall be permitted sufficient gross floor area to comply with mandatory state law, including to allow the following:

(a) First primary dwelling unit: the unit shall not exceed 1,500 square feet, provided that the unit complies with this Chapter.

(b) Second primary dwelling unit: the unit shall not exceed 800 square feet, provided that the unit complies with this Chapter.

(c) Accessory Dwelling Unit: the unit shall not exceed 850 square feet for studio or one bedroom and 1,000 square feet for two bedrooms, provided that the unit complies with Chapter 25.17.

(d) Junior Accessory Dwelling Unit: the unit shall not exceed 500 square feet, provided that the unit complies with Chapter 25.17.

(E) Landscaping.

(1) Buildable Area. Landscaping of any vegetation, plants, bushes or trees within the buildable area shall not exceed 15 feet at maintained height when measured from the adjacent, legal ground elevation.

(2) Rear and Side Yards. Landscaping of any vegetation, plants, bushes or trees within the rear and side yards shall not exceed a maintained height of 6 feet.

(3) Front Yard. Landscaping of any vegetation, plants, bushes or trees within the front yard shall not exceed a maintained height of 4 feet on a non-corner lot and 3 feet on a corner lot.

(F) Lighting. Exterior lighting must be fully shielded and aimed downward.

(G) Roof Decks.

(1) No new primary dwelling unit shall include a roof deck.

(2) For purposes of this paragraph, a "roof deck" means a deck above the uppermost story of a building, with no access from interior living space at the same floor level.

Table A

Maximum Floor Area Ratio

Gross Lot Area (sq. ft.)	**Maximum Floor Area Ratio**
0 – 2,499	0.60
2,500 – 2,999	0.50
3,000 – 3,499	0.43
3,500 – 3,999	0.38
4,000 – 4,499	0.34
4,500 – 4,999	0.31
5,000 – 5,999	0.28
6,000 – 6,999	0.25
7,000 – 7,999	0.22
8,000 – 8,999	0.20
9,000 – 9,999	0.18
10,000 and over	0.17

25.13.040 Objective Design Standards

A new primary dwelling unit project authorized by this Chapter shall comply with objective design standards established by resolution of the City Council.

SECTION 23. Code Amendment. Sections 25.15.002 (Intent and Purpose) and 25.15.004 (Design Criteria) of Chapter 25.15 (R/HP Residential/Hillside Protection Zone) in Title 25 (Zoning) are hereby amended as follows (additions shown in underline and deletion shown in ~~strikethrough~~) with re-numbering and re-lettering to occur in numerical and alphabetical order:

Section 25.15.002 (Intent and Purpose)

The intent and purpose of this zone is to allow for low-intensity, residential development that addresses concerns for public health and safety and promotes the design criteria set forth in Section 25.15.004. All new development in this zone shall be sensitive to the hillside terrain and to the environmental constraints and shall provide for the conservation of existing natural open space lands, unique landforms, scenic hillsides and sensitive biological habitats. These environmental constraints include potential danger from fire, slope failure and erosion, as well as the difficulty of emergency evacuation. Protection of the physical environment, public views and aesthetic qualities associated with undeveloped lands is of critical concern in this zone. Low-intensity agricultural uses and passive, recreational uses are also appropriate for this zone.

Section 25.15.004 (Design Criteria)

The area included in the residential/hillside protection zone encompasses a substantial amount of the city's undeveloped hillsides. Not only does this land incorporate some of the most undisturbed physical environments in the city, it also supports many environmentally sensitive habitats. These included rare species of flora or fauna, significant watercourses, ridgelines and unique landforms such as rock outcroppings and caves. In addition, land within this zone typically contains physical conditions such as steep topography and geologically sensitive areas which amplify the environmental and safety concerns of this zoning district.

The following design criteria have been established to help ensure that future development proposals take the proper steps to avoid adverse impacts on these unique resources. ~~In addition, all development proposals shall be subject to the zoning standards and design review procedures of this chapter and shall be strictly evaluated for conformance with the city's general plan, with particular emphasis on the open space and conservation element. As part of the environmental review process for any project, the city shall require detailed environmental studies to identify specific impacts, measures to avoid those impacts and, when allowable impacts are unavoidable, the necessary mitigation measures.~~

(A) ~~To ensure compliance with the applicable General Plan policies, a~~All development proposals shall be subject to the following criteria:

(1) Building Site. Development ~~Buildings and other improvements~~ should be located on ~~a~~ slopes of less than thirty percent and shall be situated such that they do not adversely impact any environmentally sensitive areas, and should minimize impacts to ridgelines, geologic hazard areas and unique landforms.

(2) Mass and Scale. The height and scale of the building(s) should respect the natural surroundings and unique visual resources by incorporating designs which minimize bulk and mass, follow natural topography and minimize visual intrusion on the natural landscape.

(3) Building Size. In addition to the mass and scale of the residence, the total square footage shall also be maintained at a size compatible with the open space characteristics of the hillsides. Residential designs should blend in with the surroundings, while minimizing their prominence to public view.

As such, larger lots shall not necessarily enable the development of correspondingly larger homes.

(4) ~~Architectural Style. The architectural style, including materials and colors, should be compatible with the natural setting by encouraging designs which blend in with the surroundings.~~

(5) ~~Grading. Development proposals should minimize grading of hillside areas by encouraging designs which follow the natural grade while maintaining a building mass and scale that is sensitive to topography.~~

(6) Landscaping. The proposal should maintain native vegetation to the greatest extent possible and should include the provision of additional native vegetation to mitigate potential visual impacts and erosion concerns associated with the development proposal. Invasive plantings shall be prohibited.

(7) Fuel Modification. The development proposal should address the required fuel modification as part of the initial application and should integrate fuel modification provisions into the site plan in such a way as to minimize impact on existing native vegetation and areas of visual prominence. Alternative means to thinning and/or removal of native vegetation for fire hazard management such as minimizing the building envelope, and/or siting of the structure(s) away from hazard areas, and/or use of fire retardant design and materials are preferred where feasible. The fuel modification plan shall be in compliance with all Fire Department fuel modification requirements, and may qualify as development requiring a coastal development permit that is subject to the provisions of Chapter 25.07, including instances when such a plan constitutes development that is not exempt pursuant to Section 25.07.008 because it would impact environmentally sensitive habitat areas.

SECTION 24. Code Amendment. Subsection J (Fences and Walls) of Section 25.15.010 (Property development standards) of Chapter 25.15 (R/HP Residential/Hillside Protection Zone) in Title 25 (Zoning) is hereby amended as follows (additions shown in underline and deletion shown in ~~strikethrough~~):

(J) Fences and Walls. All fences and walls shall be subject to ~~the provisions of Section 25.50.012 as well as~~ the following standards:

(1) Except as provided for in subsection (2) below, any fencing shall be located within ~~one hundred~~ 100 feet of the ~~main dwelling~~ principal structure. If no ~~dwelling~~ principal structure exists on the lot, a fence is not permitted.

(2) Requests for security or safety fences which are not addressed in the Building Code may be exempt from the provisions of subsection (1) above~~below~~, subject to design review board approval which includes a finding that the fence is necessary for the preservation of public health, safety and welfare.

SECTION 25. Code Amendment. Subsection P (Open Space) of Section 25.15.010 (Property development standards) of Chapter 25.15 (R/HP Residential/Hillside Protection Zone) in Title 25 (Zoning) is hereby added to read as follows:

(O) Open Space. As a condition of approval of any new development in the "Residential/Hillside Protection" designation, the offer of a permanent open space easement over that portion of the property not used for physical development or service shall be required to promote the long-term preservation of these lands. Only consistent open space uses shall be allowed by the easements. Except for passive recreation, trails or trail-related rest areas, development shall not be allowed in this easement area. The offer of easement shall be in a form and content approved by the City and shall be recorded and run with the land, and shall be irrevocable for 21 years from recordation. The creation of homeowner's or other organizations, and/or the preparation of open space management plans may be required by the City to provide for the proper utilization of open space lands.

SECTION 26. Code Amendment. Section 25.15.012 (Required findings) of Chapter 25.15 (R/HP Residential/Hillside Protection Zone) of Title 25 (Zoning) is hereby repealed.

SECTION 27. 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.~~, consistent with the definition of "artist" as provided in this Chapter.

~~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 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 28. 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 ~~strikethrough~~). 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 29. 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 ~~strikethrough~~). 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 art work 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 art work(s) shall require subsequent review in accordance with Section 25.16.030 ~~by the artist review panel including artist certification~~.

SECTION 30. Code Amendment. Subsection B (Design Review) of Section 25.24.005 (Property development standards) of Chapter 25.24 (Lagunita Zone) of Title 25 (Zoning) is hereby amended as follows (additions shown in underline and deletion shown in ~~strikethrough~~):

(B) Design Review.

(1) Intent and Purposes. The intent and purpose of this section is to establish design review standards and controls over private development in the Lagunita residential community. It is recognized that there are unique

design aspects inherent in the Lagunita community that need to be preserved and enhanced, particularly with respect to preserving existing views and view corridors. The design criteria, as established herein, shall be utilized for all projects proposed within the Lagunita Zone. Prior to any discretionary review by the city, and to the extent permitted by law, the Lagunita Community Association shall conduct its own project review. The Association will submit a letter of comment to the city for its consideration prior to the design review board's review of the applicant's plans, to the extent permitted by law. The adoption of these design criteria will guide and ensure that all future growth contributes to preservation of the Lagunita community character.

(a) All buildings, structures, and improvements shall be evaluated on criteria in Section 25.05.040, and on the following additional view preservation criteria: a prime consideration for the Design Review Board in reviewing development applications including its landscaping shall be the maintenance of views and view corridors. For purposes of this chapter, a "view corridor" shall be defined as a vista or scenic field of vision enjoyed from a residence between and/or above other structures of buildings. Property development standards for the Lagunita Zone shall represent the maximum allowable building envelope. The actual development allowed might be less than that designated by the general standards for the Lagunita Zone because of localized conditions identified during the design review process.

SECTION 31. Code Amendment. Section 25.25.010 (Performance Standards/design criteria) of Chapter 25.25 (SLV, South Laguna Village Commercial Zone) in Title 25 (Zoning) is hereby amended as follows (additions shown in underline and deletion shown in strikethrough):

The South Laguna Village commercial zone is located in close proximity to residential areas; commercial properties frequently share a functional and/or visual relationship with residential properties. It is therefore necessary for special attention to be placed on the compatible design and orientation of development in the South Laguna Village commercial zone. In conducting its review, the design review authority shall consider preservation of the character and integrity of residential areas and maintaining an appropriate visual and functional interrelationship between residential and commercial uses, by applying the standards and criteria set forth below. ~~The following performance standards shall be used for the purpose of evaluating the development proposals in this zone.~~ The standards are general in nature and are to be applied on a site-specific basis. They are intended to serve as a guide for achieving proper design and to supplement other design criteria used by the design review authority.

(A) New development shall be designed to be compatible with nearby residential areas. ~~This shall involve preservation of the character and integrity of residential areas and maintaining an appropriate visual and functional interrelationship between residential and commercial uses.~~ Potentially intrusive design elements such as traffic circulation and light and glare shall be designed to avoid interference with the residential environment.

(B) The height, scale, mass and bulk of buildings shall not be overbearing in relation to nearby residential structures. Height, scale, mass and bulk shall also be a function of their proximity to residential structures, with buildings in close proximity made to adhere to a similar scale of development. ~~Potential view impediments shall also be considered.~~

(C) The first floor of buildings should be located at the grade of the adjacent Coast Highway public sidewalk, and the building frontage on Coast Highway should be utilized for retail uses.

(D) All parking facilities, including surface parking, tuck-under parking or parking structures, must be designed to maintain a pedestrian-friendly streetscape through screening, minimizing size, integrating the opening with the overall architecture, and using aesthetic amenities such as gates, landscaping and special paving.

(E) Architectural styles and features shall be compatible with and complimentary to nearby residential structures to the extent commercial and residential structures share a visual relationship. All architectural planning and design should maintain and/or enhance the diverse architectural character of the South Laguna Village commercial zone. Rooflines shall be compatible with the historic character of the surrounding area. Gabled roofs are a defining feature of the zone, contribute substantially to the area's character, and are strongly encouraged.

(F) Landscaping shall be utilized and designed to help make commercial development more compatible with nearby residential areas to the extent practicable. Clustered, informal planting schemes are encouraged to reflect a natural, unstructured theme. Landscape themes should include diversity in height, form, texture and color of plant material as well as a mixture of container sizes for particular plant types to achieve an informal theme. Existing landscape that enhances the scenic character of the zone should be preserved.

(G) Commercial signage shall be designed so as not to interfere with residential areas. This shall involve the lighting, location, orientation and size of signs.

(H) ~~Every use shall operate in such a manner as to not be objectionable to adjacent residential neighborhoods.~~

SECTION 32. Code Amendment. Section 25.28.040 (Design criteria) of Chapter 25.28 (Institutional Zone) of Title 25 (Zoning) is hereby repealed.

SECTION 33. Code Amendment. Section 25.35.070 (Design Review) of Chapter 25.35 (Specific Plan (Arch Beach Heights)) is hereby amended as follows (additions shown in underline and deletion shown in ~~strikethrough~~) with re-numbering and re-lettering to occur in numerical and alphabetical order:

Section 25.35.070 Design review.

(A) ~~All new residences and accessory structures, and additions to existing residences and accessory structures, are subject to the design and review as per the zoning ordinance.~~ The design review board shall be guided by the development standards set forth in Section 25.35.080 in addition to the normal design review ~~criteria~~ findings in Section 25.05.040.

(B) ~~Design review shall be limited to those~~ Projects requiring design review shall be subject to the standards set forth in Sections 25.35.080 ~~and 25.40.005. Additional guidelines may be adopted by resolution of the city council, upon recommendation of the design review board, when such guidelines are deemed warranted~~.

(C) ~~In the event that a project is disapproved by the design review board, the design review board shall state in writing the subsections of Section 25.35.080 or 25.40.005, or the guidelines adopted by resolution of the city council, upon which such disapproval is based, and shall further state the reason disapproval of the project is justified by said subsections or guidelines.~~

SECTION 34. Code Amendment. Section 25.35.080 (Design Review development standards) of Chapter 25.35 (Specific Plan (Arch Beach Heights)) is hereby amended as follows (additions shown in underline and deletion shown in ~~strikethrough~~) with re-numbering and re-lettering to occur in numerical and alphabetical order:

25.35.080 (D~~esign review d~~evelopment standards.)

(A) Intent and Purpose. It is the intent and purpose of this section to establish ~~design review~~ development standards and controls over public and private development in the Arch Beach Heights Tract. It is recognized that the area has specific design constraints relating to its visibility from the city below, historic development pattern and potential for fire. In this respect, it is the declared intent of the city that this section shall serve the following purposes:

(1) To establish standards and policies that will promote and enhance quality design, site relationships, and other aesthetic considerations of development in the Arch Beach Heights Tract.

(2) To improve and augment the controls now included in ordinances related to planning and building in order to promote development which is in the best interest of the public safety and welfare.

(1) To recognize the interdependence of land values and aesthetics and to implement these standards in the best interest of the city.

(B) Standards.

(1) ~~All designs shall demonstrate an individuality of design, which should be achieved primarily through a manipulation of the volume of the structure rather than by means of nonessential architectural details.~~

(2) ~~While individuality of design should be achieved, the thrust should be scaling down rather than duplication of existing bulk and size of existing structures.~~

(3) Lot coverage shall not exceed that specified in the zoning ordinance for R-1 development.

(4) ~~All designs shall limit areas of large blank walls by carefully planned windows, porches, and smaller volumes.~~

(5) ~~Harsh boxlike structures, and structures which make extensive use of glossy surfaces, or strong, glaring colors, shall be avoided.~~

(6) ~~On downhill homes, all designs shall avoid vertical repetitive detailing which adds to the illusion of height.~~

(7) ~~All designs shall minimize roof penetration by grouping all plumbing vents and ducts together.~~

(8) ~~All vents, gutters, downspouts, louvers, exposed flashings, and service doors shall be treated as architectural design elements, and shall be painted to coordinate with the color scheme of the structure.~~

(9) Roof decks ~~should~~ shall not be permitted above the uppermost story.~~,~~ ~~nor should~~ ~~p~~Parapets, walls, protective roof deck railings ~~or~~ and stair enclosures shall not exceed the roof height of the uppermost story~~, except as approved by design review~~.

(10) ~~All exterior lighting should relate to the design of the structure, and the light emitted shall not adversely affect neighboring properties, exceed that~~

~~reasonably necessary for security purposes, nor detract from the aesthetics of the property.~~

(11) ~~All landscape plans shall address the functional aspects of landscaping such as drainage, erosion prevention, wind barriers, shade, sound absorption, dust abatement, and reduction of glare.~~

(12) ~~Landscaping shall be used in front and rear yards to relieve solid, unbroken elevations and to soften continuous wall expanses.~~

(13) ~~All designs shall incorporate the use of shrubbery and trees to reduce the appearance of height.~~

(14) The area between the underside of the building and finished grade should be completely enclosed~~, except as approved by design review~~.

(15) There shall be provided a storage area for at least two garbage and trash containers, minimum forty-gallon capacity each, completely enclosed from view, easily accessible to the street. Such areas shall be protected by at least one-hour fire rating.

(16) A general storage area of at least 400 cubic feet, completely enclosed from view, shall be provided within each garage or carport, except as <u>otherwise</u> approved by design review.

(17) ~~All developments should seek to minimize the difference between the natural grade and the finished project height by such methods as split level or stepping down the building along with the grade.~~

<u>SECTION 35.</u> All references to adopting a specific plan "pursuant to the authority of Article 9, Chapter 3, of Division 7 of the California Government Code" and "pursuant to the authority of Article Chapter 3 of Division 7 of the California Government Code" shall be repealed and replaced with the following language: "pursuant to the authority of Article 8 of Chapter 3 of Division 1 of Title 7 of the California Government Code."

<u>SECTION 36.</u> Code Amendment. Section 25.44.060 (Architectural design criteria) of Chapter 25.44 (Three Arch Bay Zone) of Title 25 (Zoning) is hereby amended as follows (additions shown in <u>underline</u> and deletion shown in ~~strikethrough~~) with re-numbering and re-lettering to occur in numerical and alphabetical order:

Section 25.44.060 ~~Architectural design criteria~~ Design Review

Intent and Purpose. It is the intent and purpose of this section to establish design review standards and controls over private development in the Three Arch Bay residential community. It is recognized that there are unique design aspects inherent in the community appearance that need to be preserved and enhanced. These design criteria will be utilized for all projects in this zone reviewed by the city. Applicants should note that prior to city review, and to the extent permitted by law, the Three Arch Bay Community Association will conduct its own plan review. The Association will submit a letter of comment to the city for its consideration and review prior to city approval of the applicant's plans to the extent permitted by law. The adoption of these design criteria will guide and ensure that all future growth contributes to a preservation of the community character.

Findings. In order to approve a design review permit, the City's reviewing authority must make the following findings in addition to the findings at LBMC Section 25.05.040(I):

(A) While individuality of architectural style should be achieved, the design should conform to the established small-scale building character which is sensitive to existing topography and view preservation.

(B) ~~All designs shall protect the privacy and views of neighboring properties especially in side and rear yard areas by providing architectural relief from large blank walls by proper placement of windows, porches, architectural pop-outs and other similar features.~~

(C) ~~The minimum roof pitch on any building or structure shall be 3:12. Flat roofs and roof decks are prohibited.~~

(D) ~~Roof-mounted solar collectors shall not be visible from any street view; the solar collector shall not exceed the ridge elevation of the roof.~~

(E) ~~All development shall strive to be compatible with surrounding homes and the community with respect to architectural character, style, scale, mass and color.~~

(F) ~~Walls and fences should tie directly to the main building, enclosing only active use areas. Both wood and wrought iron fencing can be used when the material and color are compatible with the main building.~~

(G) All landscape and hardscape plans shall address the functional aspects of landscaping such as drainage, erosion prevention, wind barrier, shade, sound absorption, dust abatement and reduction of glare.

(1) Landscaping, as required, shall be provided in accordance with the community design and landscape guidelines as adopted by Resolution No. 89-104 and as hereafter amended.

(2) All residential and landscaping design shall preserve surrounding views of the ocean and, whenever possible, utilize trees and other vegetation to complement this viewshed.

SECTION 37. Code Amendment. Section 25.44.050 (Property development standards) of Chapter 25.44 (Three Arch Bay Zone) in Title 25 (Zoning) is hereby amended to add subsection M (Roof Pitch) to read as follows:

(M) Roof Pitch. The minimum roof pitch on any building or structure shall be 3:12. Roof decks are prohibited.

(1) Roof Pitch Exception. To preserve identified neighborhood view corridors, the design review authority may approve a roof pitch of not less than 2.5:12.

SECTION 38. Code Amendment. Chapter 25.49 (Diamond/Crestview Specific Plan) of Title 25 (Zoning) is hereby amended as follows (additions shown in underline and deletion shown in ~~strikethrough~~):

Section 25.49.010 Intent and purpose.

The intent and purpose of this chapter is to establish a specific plan for the Diamond/Crestview area pursuant to the authority of California Government Code Sections 65450 et seq. It is recognized that there is a need for a comprehensive planning program to address the unique issues associated with the Diamond/Crestview area and that this need is best served through the establishment of a specific plan. The Diamond/Crestview Specific Plan contains goals, policies, and development standards ~~and design guidelines~~.

Section 25.49.020 Description and application.

The specific plan covers a forty-one acre area of Tract 764 and is generally located west of Arch Beach Heights, north of the Loma Tract, east of Woods Cove and south of Bluebird Canyon. The physical boundaries of the specific plan area are delineated on Attachment D attached hereto.

Section 25.49.030 Development regulations.

All development regulations of the Diamond/Crestview Specific Plan area are contained within the text of the document. These regulations include goals, policies, and development standards~~and design guidelines~~. All other ordinances and sections of the Laguna Beach Municipal Code shall also apply to the specific plan area, unless such standards are inconsistent with the provisions of the specific plan, in which case, the specific plan shall apply.

SECTION 39. Code Amendment. Section 25.45.004 (Definitions) of Chapter 25.45 (Historic Preservation) in Title 25 (Zoning) is hereby amended as follows (additions shown in underline and deletion shown in ~~strikethrough~~):

"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. Generally, a resource shall be considered to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources. The absence of a fully executed and recorded written historic resource preservation agreement between a property owner and the City shall not, on its own, be considered conclusive evidence that the property is not listed on the City's historic register.

SECTION 40. Code Amendment. Subsection B (Designation Procedures) of Section 25.45.006 (Historic register designation, criteria and procedures and removal from register) of Chapter 25.45 (Historic Preservation) in Title 25 (Zoning) is hereby amended as follows (additions shown in underline and deletion shown in ~~strikethrough~~):

(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.~~

SECTION 41. Code Amendment. Subsection (A) of Section 25.45.008 (Incentives to properties on the city's historic register) of Chapter 25.45 (Historic Preservation) of Title 25 (Zoning) is hereby amended as follows (additions shown in underline and deletion shown in ~~strikethrough~~):

(A) Parking. The following benefits are subject to Design Review Board approval, except when a conditional use permit is required for the project, in which case the ~~City Council~~ Planning Commission shall be the ~~final~~ approval authority~~, with a recommendation from the Planning Commission~~.

SECTION 42. Code Amendment. Section 25.45.010 (Procedures for alteration of an historic resource) of Chapter 25.45 (Historic Preservation) in Title 25 (Zoning) is hereby amended as follows (additions shown in underline and deletion shown in ~~strikethrough~~) with re-numbering and re-lettering to occur in numerical and alphabetical order:

(A) ~~Review. Prior to the issuance of a building permit to remodel or alter any historic resource, City staff shall review the proposed changes to determine if the proposal is consistent with the design review criteria, 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.~~

(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 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.~~

(A) Any action pertaining to a historic resource that qualifies for Administrative Design Review pursuant to Section 25.05.040(B)(3) may be approved administratively pursuant to the procedures set forth in that section, provided that such approval shall be based on finding that the proposed action is consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995, Weeks and Grimmer), as amended from time to time, as determined by the Community Development Director, or other similar generally accepted resource, as determined by the Community Development Director, in addition to other required findings. Before the project is scheduled for Administrative Design Review pursuant to Section 25.05.040(B)(3), Heritage Committee must review the project and make a recommendation on the project.

(B) Major modifications, alterations, or other actions pertaining to historic resources that do not qualify for Administrative Design Review shall require approval of a design review permit pursuant to Section 25.05.040(B)(1). Before the project is scheduled before the Design Review Board or Planning Commission, as appropriate, the Heritage Committee must review the project and make a recommendation on the project.

(C) Historic Resource Assessment. To evaluate whether a property is a historic resource or whether a project has effects on a historic resource, the Community Development Director may require a historic resource assessment report as follows:

(1) The Community Development Director may require a historic resource assessment report, paid for by the City, be prepared prior to the review of the project to evaluate whether the property is a historic resource.

(2) The Community Development Director may require a historic resource assessment report, paid for by the applicant, be prepared prior to the review of the project to evaluate the impacts of the project on the historic resource.

(D) 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, as defined in California Code of Regulations, Title 14, Division 3, Chapter 11.5, Appendix A, as amended from time to time, that is to be retained.

SECTION 43. Code Amendment. Section 25.45.012 (Historic property disclosure) of Chapter 25.45 (Historic Preservation) of Title 25 (Zoning) shall be amended to read as follows:

Section 25.45.012 Historic property disclosure.

~~(A)~~ Agent Disclosure. If a 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.~~

SECTION 44. Code Amendment. Subsection (B)(6) of Section 25.50.012 (Fences, Walls, Hedges, Latticework and Screens) of Chapter 25.50 (General Yard and Open Space Provisions) of Title 25 (Zoning) is hereby amended as follows (deletion shown in ~~strikethrough~~):

(6) Pedestrian entry features which only includes arbors, arched entries, arcades or finials may exceed the maximum allowable fence height in any yard subject to ~~design review as provided for in Section 25.05.040 and~~ the following standards:

(a) The maximum height shall not exceed 8 feet;

(b) The maximum pedestrian entry width shall not exceed 6 feet;

(c) The maximum width of each side of the pedestrian entry for which there is proposed an architectural transition from the nominal fence height shall not exceed 3 feet.

SECTION 45. Code Amendment. Subsection (G) of Section 25.52.006 (Special provisions) of Chapter 25.52 (Parking Requirements) of Title 25 (Zoning) is hereby amended as follows (additions shown in underline and deletion shown in ~~strikethrough~~):

(G) Incentives. The ~~City Council~~Planning Commission may approve a conditional use permit, and a coastal development permit when required~~, upon recommendation by the approval authority,~~ to reduce the parking standards required under this chapter where the proposed use provides for and promotes the use of alternative modes of transportation such as ride-sharing, carpools, vanpools, public transit, bicycle and walking; and where the reduced parking requirement will not adversely impact public access to beaches, parks, open spaces, and trails and one or more of the following conditions apply:

(1) The proposed use is a very low or low income, disabled, or senior housing project;

(2) The proposed use is a sidewalk cafe having outdoor seating available to restaurant customers, and when the outdoor seating is located on public property or right-of-way, to the general public as well, which contributes positively to the local pedestrian environment. The parking reduction may be granted on a temporary or seasonal basis and shall be limited to a maximum of five spaces; and

(3) The proposed use incorporates innovative parking solutions, such as a shuttle service program provided by the entity whose parking requirement has been reduced. Any proposed innovative parking solution shall provide parking mitigation measures at an equivalent ratio to the parking spaces required by Section 25.52.012(G) for the proposed intensification of use. An innovative parking solution shall be described in a detailed program which includes, but is not limited to, the number of otherwise required parking spaces that will not be provided, a detailed description of the proposed innovative solution, a detailed description of how the innovative solution provides an equivalent ratio to the number of parking spaces that would have been required without the innovative solution, and a detailed description of how the proposed solution is expected to offset impacts from the reduction in required parking spaces, supported by studies and/or examples. An example of a program for innovative parking solutions might include, but not be limited to, a shuttle service program provided by the entity whose parking requirement has been reduced that indicates the

number and capacity of shuttle vehicles, the range of shuttle services, where shuttle vehicles are stored and the hours of shuttle service operation. At the discretion of the Director of Community Development, peer review of such a program may be required and paid by the applicant.

A parking study shall be prepared by a qualified engineer, retained by the entity whose parking requirement has been reduced, that reviews efficiencies, effectiveness and/or problems of the approved innovative parking solutions at one year and at five years from the date of their approval; and the study shall be provided to the City for review and assessment.

This Subsection 25.52.006(G)(3) shall expire five years from the date of effective certification of LCP-5-LGB-19-0139-1. If innovation solutions have been implemented pursuant to this section, and the required engineered parking studies demonstrate the effectiveness of those innovative parking solutions, a Local Coastal Program amendment may be requested to retain this subsection for an extended period. Such an LCPA shall include all necessary supporting documentation with submittal of the LCP amendment request.

SECTION 46. Code Amendment. Subdivision (D) of Section 25.54.010 (Signs permitted on private property) of Chapter 25.54 (Sign Regulations) in Title 25 (Zoning) is hereby amended as follows (additions shown in underline and deletion shown in ~~strikethrough~~):

(D) Master Sign Programs. A master sign program shall be submitted for review and approval in relation to new office or shopping center construction or substantial façade improvements of an existing office or shopping center, when either contain four or more businesses or uses prior to the issuance of any sign permits. (See the master sign program submittal requirements in Section 25.54.018(A).) In order to assure aesthetic compatibility, the ~~approval authority~~ Planning Commission may establish whatever conditions are deemed necessary to maintain appropriate design, continuity and harmony of the signage for the site.

SECTION 47. Code Amendment. Subdivisions (E), (F), and (G) of Section 25.54.018 (General Permit Procedures) of Chapter 25.54 (Sign Regulations) in Title 25 (Zoning) is hereby amended as follows (additions shown in underline and deletion shown in ~~strikethrough~~):

(E) Signs Eligible for Administrative Approval. Except for luminous tube signs, signs may be eligible for administrative review and approval by the director of community development, if they meet the following criteria. At the discretion of

the director, such signs may be referred to the ~~appropriate approval authority~~ the Planning Commission for review. Eligible signs include:

(1) Signs in compliance with an approved master sign program;

(2) Signs that meet all of the following conditions:

(a) The sign(s) must meet all applicable design standards as set forth in this chapter, including but not limited to Section 25.54.010 and Tables 1 and 2 at the end of this chapter;

(b) The sign(s) ~~shall~~ must not cause the total signage to exceed the maximum allowable sign area for the site; and

(c) The letter or font height must ~~shall~~ not exceed ~~eight~~ fourteen inches.

(3) Temporary signs which comply with the requirements of Section 25.54.020. Temporary signs or temporary sign programs for city council approved special events are not eligible for administrative approval.

(4) Replacement of signs previously authorized by a sign permit provided that the sign meets all applicable design standards as set forth in this chapter, including but not limited to Section 25.54.010 and Tables 1 and 2 at the end of this chapter.

(5) Signs that are not eligible for Administrative Approval shall be considered by the Planning Commission.

(F) Appeals ~~of a Determination by the Community Development Director~~. Any person disagreeing with a determination of the Community Development Director or Planning Commission shall have the right to appeal in accordance with the appeal provisions in Section 25.05.070~~to the appropriate approval authority. The appeal must be filed within ten business days after such determination and shall be heard at the next regular meeting of the appropriate approval authority~~.

(G) Creativity Encouraged. ~~Except for the community development department director, the approval authority~~ The Planning Commission may, at ~~his or her~~ its discretion, grant permits for signs not otherwise in conformance with this chapter up to a twenty-five percent increase in allowable sign area or height, if it finds the sign design to be extraordinarily creative and significantly contributing to the charm and character of Laguna Beach.

SECTION 48. Code Amendment. Subdivision (A) of Section 25.54.026 (Arts Organizations) of Chapter 25.54 (Sign Regulations) in Title 25 (Zoning) is hereby added to read as follows:

25.54.026 Arts and cultural organizations

(A) Signs, Façade Changes and Sign Programs for Arts and Cultural Organizations. It is recognized that certain public benefit non-profit arts and cultural organizations, ~~specifically~~ such as the Festival of Arts, the Sawdust Festival, the Art-A-Fair, the Laguna Playhouse, the Laguna Art Museum and the Laguna College of Art and Design, conduct annual or ongoing special events which have special needs in terms of the audience or patrons they serve which may not be adequately addressed by the sign requirements applicable to private commercial enterprises.

(B) Criteria. ~~The above a~~ Arts organizations and cultural organization may apply for and receive approval for sign permits or sign programs, including façade changes, from the planning commission in accordance with the provisions of this section. The proposed plans for a sign, façade change or sign program must: (1) specify the size and design for each sign or façade change; (2) the maximum display term; and (3) the location of each sign. The planning commission has complete discretion for these specifications, regardless of the other provisions of this chapter. The approved signs, façade changes or sign programs shall minimize clutter, be compatible with the village character of Laguna Beach, reflect an integration with the site's surroundings, promote the purpose and mission of the arts organization and not significantly differ from the historic pattern of the arts and cultural organization's signage and façade presentation.

(C) Administrative Approval. The planning commission may authorize administrative approval by the director of community development for new signs or changes to existing signs subject to and in accordance with an approved sign program. The planning commission may establish special criteria for such administrative approvals by the director when it approves an arts and cultural organization's sign program.

(D) Commercial Events. Signs for any type of private commercial events located at an arts and cultural organization's site shall require separate sign permits and be subject to the requirements of this chapter.

SECTION 49. Code Amendment. Subdivision (H) of Section 25.55.006 (Permits Required) of Chapter 25.55 (Wireless Communication Facilities) is hereby added to read as follows:

Section 25.55.006 (Permits Required)

In addition to the permit requirements described below, the permit requirements of Chapter 25.07 Coastal Development Permits remain applicable except when inconsistent with federal law.

. . .

(H) Exemptions. Wireless Communications Facilities owned and operated by the City or other local or regional public agency do not require a permit under this Chapter. Such exempt wireless communications facilities shall fully comply with other applicable requirements of the Laguna Beach Municipal Code.

SECTION 50. Code Amendment. Section 25.56.011 (Major Remodels) is hereby added to Chapter 25.56 (Nonconforming Buildings, Lots, and Uses) of Title 25 (Zoning) to read as follows:

Section 25.56.011 (Major Remodels)

Whenever modifications to an existing building or structure constitute a major remodel, the construction shall be classified as a new building or structure subject to the current development standards of the subject zone, and all requirements applicable to the construction of a new building or structure including undergrounding requirements, required dedication of on- and off-site improvements, and payment of new development fees.

SECTION 51. Code Amendment. Chapter 25.58 (Amendments to General Plan) is hereby added to Title 25 (Zoning) to read as follows:

Chapter 25.58 (Amendments to General Plan)

25.58.010 Purpose

The purpose of this chapter is to establish procedures for making changes to the General Plan, as provided for in applicable law when there are reasons to do so. These circumstances include, without limitation, changes in applicable law, in the public interest, property owner interest, opportunities that were unanticipated at the time of General Plan adoption or the last amendment, or as required by State law.

25.58.020 Applicability

(A) The procedures of this chapter apply to all proposals to change the content of the General Plan.

(B) The City Council, by resolution, shall establish and from time to time amend a schedule of fees imposed for any initiation or application to change the content of the General Plan.

25.58.30 Initiation of Amendments

(A) Request. A request to initiate an amendment to the General Plan may be submitted by an applicant or the City. This request must occur before the City processes any applications associated with the request to amend the General Plan.

(B) Initiation Factors. The following factors must be considered by the City Council for the initiation of a non-City applicant's proposed General Plan amendment:

(1) The amendment proposed appears to be consistent with the Guiding Principles and Goals of the General Plan;

(2) The amendment proposed appears to have minimal to no material effect on the community or the General Plan;

(3) The amendment proposed provides additional public benefit to the community as compared to the existing land use designation or policy;

(4) Public facilities appear to be available to serve the affected site, or their provision will be addressed as a component of the amendment process; or

(5) The amendment proposed is required under other rules or regulations.

(C) Public Hearing. The City Council will consider, deliberate, and act upon the initiation of all proposed General Plan amendments at a duly noticed public hearing. If the General Plan Amendment request is not initiated, then the General Plan Amendment application will not be processed by the City.

(D) Expiration. If a request to initiate a General Plan Amendment is approved by City Council, a General Plan Amendment application must be submitted within two years from the date of initiation. If no application for a General Plan Amendment is submitted within this time period, the approved initiation shall expire, become null and void, and shall not be subject to an extension.

25.58.040 Planning Commission Hearing and Recommendation

(A) Hearing. Following City Council initiation and project processing by the City, the Planning Commission must conduct a duly noticed public hearing.

(B) Recommendation to Council. Following the public hearing, the Planning Commission must make a written recommendation on the adoption or amendment of the General Plan or any Element thereof based on the findings listed below. A recommendation for approval must be made by a resolution carried by an affirmative vote of not less than a majority of the Planning Commission

membership in accordance with California Government Code Section 65354. The Director must promptly transmit to the City Council the Planning Commission's written recommendation, together with any maps, charts, studies, or other materials, including any required environmental analysis.

(C) Required Findings. The Planning Commission must make all of the following findings in its recommendation to the City Council:

(1) The amendment is consistent with the guiding principles and goals of the General Plan.

(2) The amendment is deemed to be in the public interest.

25.58.050 City Council Hearing and Action

(A) Council Hearing. Before acting upon any proposed General Plan Amendment, the City Council must hold a duly noticed public hearing.

(B) Council Action. After the conclusion of the hearing, the City Council may approve, modify, or deny the proposed General Plan amendment. If the Council proposes any substantial modification not previously considered by the Planning Commission during its hearings, the proposed modification must first be referred back to the Planning Commission for its recommendation.

(C) Required Findings. The City Council must make all of the following findings to amend the General Plan:

(6) The amendment is consistent with the guiding principles and goals of the General Plan.

(7) The amendment is deemed to be in the public interest.

SECTION 52. Section 21.08.030 (Lot Line Adjustments exempted.) of Chapter 21.08 (Subdivisions) in Title 21 (Plats and Subdivisions) is hereby amended as follows (additions shown in underline and deletion shown in ~~strikethrough~~):

Section 21.08.030 (Lot Line Adjustments exempted.)

(A) In accordance with Section 66412(d) of the California Government Code, a lot line adjustment between two or more existing building sites, or between parcels of land contained within an existing building site, where the land taken from one building site is added to an adjacent building site, or where interior parcel lines are eliminated for the purpose of consolidation, and where a greater number of parcels than originally existed is not thereby created, is exempt from this Chapter, provided

the lot line adjustment is approved by ~~the City Council of~~ the City of Laguna Beach and observes the following requirements:

(1) The project site described in the proposal consists of legal building sites as defined in Title 25 (Zoning) of this code;

(2) The proposal does not create one or more building site(s);

(3) Any land taken from one site will be added to an adjacent site and no additional sites will result from the lot line adjustment;

(4) The project complies with the requirements of the California Environmental Quality Act;

(5) The proposal is consistent with the general plan;

(6) The parcels proposed to be adjusted by the lot line adjustment comply with all applicable zoning regulations or, in the case of existing, legal nonconforming lots, do not significantly or adversely increase the extent of such nonconformity;

(7) The lot line adjustment, in and of itself, will not result in the need for additional improvements and/or facilities;

(8) The proposal does not include any lots or parcels created illegally;

(9) The project does not impair any existing access, create a need for new access, impair any existing easements or create a need for any new easements serving any adjacent lots or parcels.

(B) Application. Lot line adjustment applications shall be filed by the legal owner(s) on a form prescribed by the Director of Community Development and submitted with a fee as established by resolution of the City Council. Since the forms, if approved, must be filed for record with the Orange County recorder they shall be drawn in a clear, legible, and professional manner using conventional surveying or civil engineering techniques. An acceptable current title report, excerpt or lot book report that verifies the legal ownership of the parcels under consideration shall be submitted.

(C) Approval Authority. All lot line adjustments are considered development and therefore require a Coastal Development Permit in the Coastal Zone. Other permits may also be required.

(1) An application for a lot line adjustment shall be reviewed in conjunction with whatever other permits are required for the project in the underlying zone; the approval authority for the lot line adjustment shall be the same as the approval authority for the permits required by the underlying zone or other City rule or policy.

(2) In the case where the project only requires a lot line adjustment and a coastal development permit, the project applications may be approved or denied by the Director of Community Development. The Department of Community Development shall set a public hearing date before the Director of Community Development or designee and noticing shall be provided in accordance with the requirements of Section 25.05.065 and Section 25.07.014.

(D) Recording. Any failure to file for the record an approved lot line adjustment form within ninety days from the date of approval by the ~~City Council~~ Director of Community Development, or from the date of a final decision, whichever is later, shall result in a termination of approval unless prior to expiration an application for extension not to exceed an additional ninety days is submitted in writing for approval by the Director of Community Development.

SECTION 53. Code Amendment. Section 22.10.010 (Permits required) of Chapter 22.10 (Permit Required) of Title 22 (Excavating, Grading, and Filling) is hereby amended to add subsection (e)(6) to read as follows:

(e) Exceptions. A grading permit shall not be required for any of the following conditions, but in all other respects the provisions of this title shall apply:

. . .

(6) Backfill for a swimming pool if authorized by a valid building permit.

SECTION 54. Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council of the City of Laguna Beach hereby declares that it would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 55. CEQA. This Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Section 15301 because it consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. Here, the action meets the exemption because the City is amending its code to improve procedural efficiencies and to comply with state law. The City is not authorizing new uses that are not already established within the City through this ordinance. Furthermore, under State CEQA Guidelines Section 15265, CEQA does not apply to activities and approvals pursuant to the Coastal Act necessary for the preparation and adoption of a local coastal program because the Coastal Commission's LCP review and approval procedures have been found to be functionally equivalent to the environmental review process. Therefore, the adoption of the Ordinance amending the City's local coastal program is statutorily exempt from CEQA. City staff is directed to cause to be filed within five calendar days a notice of exemption with the County and State Clearinghouse.

SECTION 56. Effective Date. This Ordinance shall become effective upon the certification of this Local Coastal Program Amendment by the California Coastal Commission.

SECTION 57. Local Coastal Program Amendment. The City Council hereby requests the California Coastal Commission consider, approve, and certify this LCP Amendment as set forth in Exhibit A 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 13522(c).

SECTION 58. Publication. The City Clerk shall certify to the adoption of this Ordinance. Not later than fifteen (15) days following the passage of this Ordinance, the Ordinance, or a summary thereof, along with the names of the City Council members voting for and against the Ordinance, shall be published in a newspaper of general circulation in the City.

ADOPTED this 21st day of July, 2026.

_____
Mark Orgill, Mayor

ATTESTED ON: _____
(Date)

_____
Ann Marie McKay, City Clerk

APPROVED AS TO FORM:

_____
Megan Garibaldi, City Attorney

I, Ann Marie McKay, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance No. 1730 was introduced at a regular meeting of the City Council on June 23, 2026, and was finally adopted at a regular meeting of the City Council of said City held on July 21, 2026, by the following vote:

AYES:	COUNCILMEMBER(S):	Kempf, Rounaghi, Whalen, Jones, Orgill
NOES:	COUNCILMEMBER(S):	None
ABSTAIN:	COUNCILMEMBER(S):	None
ABSENT:	COUNCILMEMBER(S):	None

_____

City Clerk, City of Laguna Beach, CA