

ORDINANCE NO. 1416

**AN ORDINANCE OF THE CITY OF LAGUNA BEACH AMENDING
MUNICIPAL CODE CHAPTERS 25.05, 25.08, 25.10, 25.12, 25.14, 25.43,
25.44, 25.50, 25.51, 25.52, and 25.56**

WHEREAS, on May 29, 2002, June 3, 2002, June 19, 2002, July 10, 2002, August 14, 2002 and October 9, 2002, the Planning Commission conducted legally noticed public hearings and, after reviewing and considering all documents, testimony and other evidence presented, unanimously voted to recommend that the City Council approve amendments to Municipal Code Chapters 25.05, 25.08, 25.10, 25.12, 25.14, 25.43, 25.44, 25.50, 25.51, 25.52, and 25.56; and

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

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH DOES ORDAIN, as follows:

SECTION 1. Municipal Code Section 25.05.015(A)(1) is hereby amended to read in its entirety as specified below.

25.05.015 Form of application, fees, and permit compliance.

(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.

SECTION 2. Municipal Code Section 25.05.025(A) and (B) regarding variance applications is hereby amended to read in their entirety as specified below.

25.05.25 Variances.

(A) Intent and Purpose. The intent and purpose of this section is to establish procedures whereby parcels or development projects may vary from the provisions of Title 25. Variances

may be granted when there are special circumstances applicable to the property involved, including size, shape, topography, location and surroundings, that would cause the strict application of the zoning ordinance to deprive the property of the privileges enjoyed by other property in the vicinity and zone.

(B) Application.

(1) Application for a variance shall be made by a property owner or authorized agent. Applications shall contain such information as prescribed by the Director of Community Development including, but not limited to, a plot plan drawn to scale showing accurate dimensions of the lot and building site, the proposed location of the building(s) on the lot and accurate dimensions of the building(s), yards and setbacks.

(2) Concept review shall be a prerequisite for design review variance applications, except those involving existing legal nonconformities.

SECTION 3. Municipal Code Section 25.05.040(c) and (e) regarding application

and notice for Design Review is hereby amended to read in their entirety as specified below.

25.05.040 Design Review.

(c) Application. Application for design review shall be made by a property owner or authorized agent and shall include, but not be limited to, a topographic survey completed by a surveyor or civil engineer licensed by the State of California to conduct land surveys, a site plan, floor plans, elevation plans, cross-sections, grading plans, material samples, landscape plans, evidence of neighbor communication and a staking plan.

(1) Early Neighbor Communication. The applicant shall take reasonable steps as established by the City to communicate with owners of property within 300 feet of the applicant's property.

(2) The staking plan shall be prepared as specified on the most current zoning and design review submittal checklist. Ten working days prior to the first public hearing, the staking poles shall be constructed and certified as to location and height by a licensed land surveyor or registered civil engineer licensed by the State of California to conduct land surveys. The staking poles shall accurately represent the proposed building envelope. If a project is modified during the design review process because of a view consideration, the project shall be re-staked and re-certified at least ten days prior to any subsequent public hearing.

25.05.040 Design Review

(e) Public Notice. Public notice shall be mailed to the property owners within three hundred feet of the subject property and is subject to the provisions of Section 25.05.065(B) and (C), except that the requirements for newspaper advertising shall not be required, and the public notice for coastal development permits must be in accordance with Section 25.07.014. A design review application that has been scheduled, noticed and received three non-hearing continuances shall be subject to mandatory re-noticing in accordance with the provisions of Section 25.05.065 (B) and (C).

SECTION 4. Municipal Code Section 25.08.004 regarding words beginning with

“B” is hereby amended to add the definition of “Buildable Area” in its entirety as specified below.

25.08.004 Words beginning with "B."

"Buildable area" means the area of any given lot that is not part of a required front, side or rear yard, as set forth in the property development standards of the applicable zone for said lot.

SECTION 5. Municipal Code Section 25.08.006 regarding words beginning with

"C" is hereby amended to add the definition of "Concept Review" in its entirety as specified below.

25.08.006 Words beginning with "C."

"Concept review" means review by the decision making authority for the purpose of providing the applicant with the authority's preliminary reaction to the general design concept of a proposed project. Such review does not include a formal decision or guarantee of future approval on the application by the decision making authority.

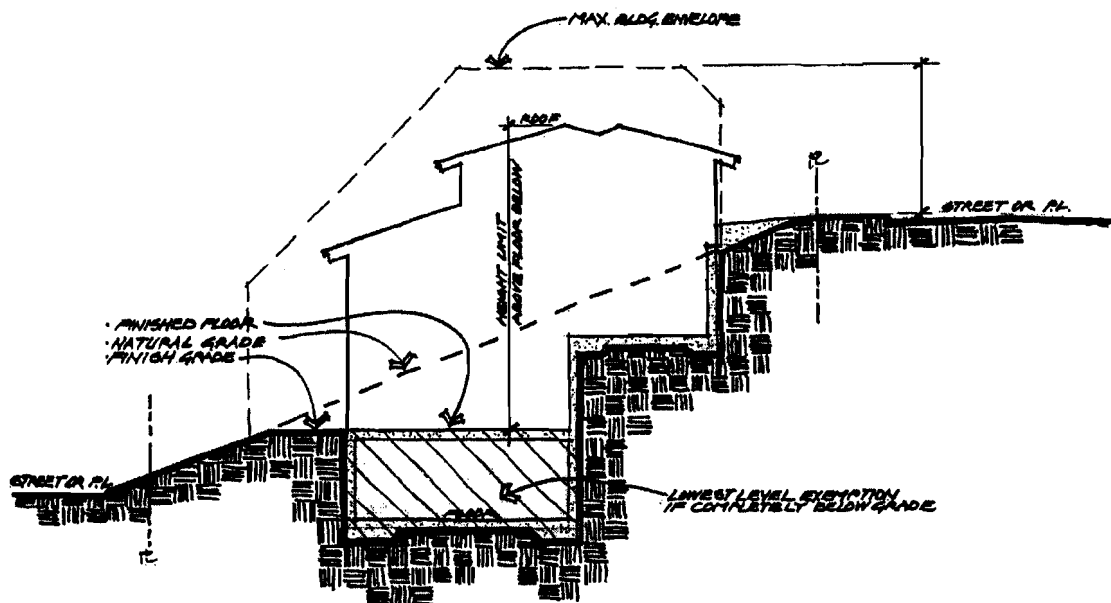
SECTION 6. Municipal Code Section 25.08.016 regarding the definition of

"Height, building" is hereby amended in its entirety as specified below.

25.08.016 Words beginning with "H."

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

(a) The vertical distance from any point on the finished roof surface 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 the 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 purpose of housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, skylights, spires, flagpoles, broadcasting and receiving antennae, and chimneys;

SECTION 7. Municipal Code Section 25.10.008(D)(1)(b) regarding building height modifications in the R-1 zone is hereby deleted and removed in its entirety.

SECTION 8. Municipal Code Section 25.10.008(E)(1)(d) regarding the modification of the building site coverage in the R-1 zone is hereby amended in its entirety as specified below.

25.10.008 Property Development Standards.

(E) Yards

(1) General Provisions

(d) The building site coverage requirement 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.

SECTION 9. Municipal Code Section 25.12.008(D)(1)(b) regarding building height modifications in the R-2 zone is hereby deleted and removed in its entirety.

SECTION 10. Municipal Code Section 25.12.008(H) regarding design review is hereby deleted and removed in its entirety.

SECTION 11. Municipal Code Section 25.14.008(D) (1) (b) regarding building height modifications in the R-3 zone is hereby deleted and removed in its entirety.

SECTION 12. Municipal Code Section 25.43.070(D)(1)(b) regarding building height modifications in the Village Community Zone is hereby deleted and removed in its entirety.

SECTION 13. Municipal Code Section 25.44.050(G)(1)(b) regarding building height modifications in the Three Arch Bay zone is hereby deleted and removed in its entirety.

SECTION 14. Municipal Code Section 25.50.004(D) regarding "Exceptions – Additional Building Setbacks is hereby amended in its entirety as specified below.

25.50.004 Building Setback Lines.

(D) Exceptions -- Additional Building Setbacks.

Where portions of a new building or additions to a building attain a height in excess of fifteen feet above the natural grade of the required front or rear setback, such portions shall maintain, in addition to the required building setback, an additional foot of distance for every foot of height in excess of fifteen feet. Additional building setback datum shall be measured at every point along the setback line.

SECTION 15. Municipal Code Section 25.50.005 regarding building height is hereby deleted and removed in its entirety.

SECTION 16. Municipal Code Section 25.50.008(A) regarding permitted projections into required yards is hereby amended in its entirety as specified below.

25.50.008 Permitted projections into required yards.

(A) Cornices, eaves, belt courses, balconies, greenhouse and bay windows (as defined in Section 25.50.008(E) below) or similar architectural features may cantilever into a required front or rear yard a distance equal to twenty percent of the required front or rear yard. Architectural features (exclusive of balconies) may cantilever into a required side yard a distance equal to forty percent of the required side yard; however, in no event shall any eave, belt course, be constructed less than two and one-half feet, or four feet in the case of greenhouse or bay windows, including the window in an open position, from the side property line, or less than five feet from any other cornice, eave, belt course, greenhouse or bay windows or similar architectural feature on the same lot.

SECTION 17. Municipal Code Section 25.50.010 regarding open space requirements is hereby amended in its entirety as specified below.

25.50.010 Open space requirements.

Where required in this title, excluding the R-1 zone, open space shall meet the following standards:

- (A) It shall contain a minimum area of forty percent of the total gross living areas on the lot;
- (B) At least sixty percent of the total area required shall be located at ground level and shall be open from ground to sky;
- (C) It shall be contained entirely within the buildable area of the lot (as defined by the property development standards of the applicable zone exclusive of Chapter 25.50);
- (D) It shall not include land or structures devoted to parking, storage, trash areas, driveways or other uses, except those uses normally considered as outdoor living such (decks, patios, terraces, atriums, gardens, ornamental and natural landscaped area, barbecues, athletic areas, and similar active and passive outdoor living and recreation space);
- (E) At least one-quarter of the open space requirement shall be immediately accessible to each living unit on the lot and shall be designed to be used primarily for the occupants of the living unit;
- (F) To qualify as open space, the minimum dimension must be six feet, or ten feet if the area is designed for through pedestrian traffic or access.

SECTION 18. Municipal Code Section 25.50.020 regarding ocean front lots is hereby amended in its entirety as specified below.

25.50.020 Oceanfront lots.

(A) A single parcel of land which may be legally described as such or may be one of two or more numbered lots or parts of lots in a recorded plat, meeting all conditions set forth in Section 25.08.022, as amended, shall also include the following:

- (1) A parcel of land extending from a dedicated and improved street through to the Pacific Ocean;
- (2) A parcel of land qualifying as an oceanfront lot is permitted the flexibility of locating accessory structures on any portion of such lot, provided that the yards required by this title are maintained.

(B) Building site coverage shall be calculated using the following formula:

$$\text{Building Site Coverage (\%)} = 35 + \frac{(8000 - A) \times 9}{4000}$$

Where A = lot area as calculated using the building setback lines described in Section 25.50.004(B)(1)(2)(3) or the oceanfront bluff whichever is more restrictive. Where A is less than four thousand square feet, the site coverage shall not exceed forty-four percent of A. Where A is eight thousand square feet and over, site coverage shall not exceed thirty five percent of A.

SECTION 19. Municipal Code Chapter 25.51 entitled Maximum Building Height is hereby amended in its entirety as specified below.

Maximum building height limits.

(A) Notwithstanding any section to the contrary, no building or structure shall exceed thirty-six

feet in height.

(B) 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 20. Municipal Code Section 25.52.008(d) regarding tandem parking is hereby amended in its entirety as specified below.

25.52.008 Design of parking space facilities.

(d)Tandem Parking. Subject to design review board approval, residential tandem parking is allowed in accordance with Section 25.52.012(f) for a single-family or two-family dwelling.

When tandem parking is permitted by the design review board, it may be located in a private garage or parking area as covered or uncovered parking.

SECTION 21. Municipal Code Section 25.52.012 regarding single-family and two-family required off-street parking is hereby amended as follows.

Dwelling, single-family or two-family	2 covered spaces per dwelling unit plus an additional space when the gross floor area of each residence is 3,600 or more square feet. The required additional parking space shall be provided as uncovered parking unless the applicant can provide justification that the additional covered parking space will not increase the appearance of mass and bulk. Subject to design review board approval, the required parking may be provided as tandem parking. See Section 25.52.008(d).
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SECTION 22. Municipal Code Section 25.56.08 regarding adding to or enlarging nonconforming structures is hereby amended in its entirety as specified below.

25.56.08 Adding to or enlarging nonconforming structure.

(A) No building, structure or improvement which is nonconforming shall be added to or enlarged in any manner unless such building, structure or improvement, is made to conform in every respect with the provisions herein set forth for the applicable zoning district.

(B) Exceptions:

(1)Existing legal nonconforming structure located in the R1, R2 or VC zone may be added to or expanded without bringing the existing nonconformities into compliance with the provision

of the applicable zoning district if the proposed structure's addition or modification meets all of the following criteria:

(a) The proposed addition meets all applicable zoning regulations; and

(b) The total floor area per residential structure (with addition) does not exceed 1,500 square feet.

(2) If a building is nonconforming only because of noncompliance with the required yard regulations and access requirements, then additions and enlargements may be made without the need for a variance provided:

(a) The additions and enlargements comply in every respect with the provisions of this title; and

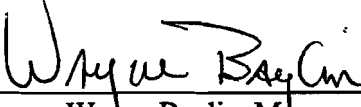
(b) The total aggregate floor area included in all such separate additions and enlargements does not exceed fifty percent of the floor area contained in such building, structure or improvement prior to the making of any such additions and enlargements.

SECTION 23. This Ordinance is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15308 and 15321 of the State CEQA Guidelines.

SECTION 24. This Ordinance is intended to be of Citywide effect and application. All ordinances and provisions of the Laguna Beach Municipal Code and Sections thereof inconsistent herewith shall be hereby repealed to the extent of such inconsistency and no further.

SECTION 25. The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published in the same manner required by law in the City of Laguna Beach. This Ordinance shall become effective thirty (30) days after the final approval by the City Council.

ADOPTED this 19th day of November, 2002.



Wayne Baglin, Mayor

ATTEST:




City Clerk

I, Verna Rollinger, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance No. 1416 was introduced at a regular meeting of the City Council on September 24, 2002 and was finally adopted at a regular meeting of the City Council of said City held on November 19, 2002 by the following vote:

AYES: COUNCILMEMBER(S): Kinsman, Dicterow, Freeman, Iseman,
Baglin

NOES: COUNCILMEMBER(S): None

ABSENT: COUNCILMEMBER(S): None



City Clerk of the City of Laguna Beach, CA

ORDINANCE NO. 1417
AN ORDINANCE OF THE CITY OF LAGUNA BEACH AMENDING
THE DIRECT ACCESS STANDARDS OF THE CITY BY AMENDING
MUNICIPAL CODE SECTIONS 11.40.070 AND 25.53.004 AND ADDING
SECTION 21.12.440

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

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH DOES ORDAIN, as follows:

SECTION 1. Municipal Code Section 11.40.070 regarding the review criteria for road or street extensions is hereby amended to read in its entirety as specified below.

11.40.070 Review criteria.

The review process for street openings or extensions shall include the following:

- (a) Conformity with applicable elements of the General Plan, especially with respect to land use, circulation and public safety policies;
- (b) Consistency with adopted standards of street and grading design as set forth in Titles 21 and 22 of the Municipal Code;
- (c) That development of the building site(s) will not create a foreseeable need for additional variances from the development regulations imposed by virtue of street design or location;
- (d) Conformance with applicable provisions of the Streets and Highways Code of the State of California, especially with regards to street openings and waivers of grade;
- (e) Assurance that the long-term public or private maintenance obligations imposed by the improvement have been adequately addressed and are found to be acceptable, especially with regards to street surfacing, drainage and erosion control and sanitary sewer services;
- (f) Any growth-inducing effects of the proposal shall be investigated and adequately considered.
- (g) Building sites created through a street extension review and approval process shall be provided by roads with direct access, (see Section 25.53.004).
- (h) Secondary emergency access when required or proposed shall be provided by roads with direct access.

SECTION 2. Municipal Code Section 25.53.004 regarding vehicular access requirements is hereby amended to read in its entirety as specified below.

25.53.004 Vehicular access.

(A) For definitions of "access," "street," "driveway," "subdivision standards" and "usable vehicular right-of-way of record" in relationship to a "lot," a "building site" or "parcel," refer to Chapter 25.08, "Definitions and Standards" and Title 21 for definitions and street design standards.

(B) There shall be safe vehicular access from a "usable vehicular right-of-way of record" to off-street parking facilities on the property requiring such facilities.

(C) Vehicular access to lots fronting on arterial and primary residential collector streets shall be such that there shall be a paved turning area on the lot or device to permit motor vehicles to head into the street, as approved by the City Engineer.

(D) Direct access shall be provided to building sites. Access to new building sites created through a street extension or subdivision review and approval process shall be provided by roads with direct access. Secondary emergency access when required or proposed shall be provided by roads with direct access.

SECTION 3. Municipal Code Section 21.12.440 regarding a direct access design

standard is hereby added to read in its entirety as specified below.

21.12.440 Direct access.

Building sites created through a subdivision or street extension review and approval process shall be provided by roads with direct access, (see Section 25.53.004). Secondary emergency access when required or proposed shall be provided by roads with direct access.


SECTION 4. This Ordinance is exempt from compliance with the California Environmental Quality Act (CEQA) pursuant to Section 15061(3) of the State CEQA Guidelines.

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

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


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

ADOPTED this 19th day of November, 2002.



Wayne Baglin, Mayor

ATTEST:



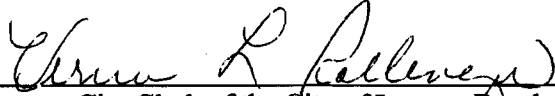
City Clerk

I, Verna Rollinger, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance No. 1417 was introduced at a regular meeting of the City Council on October 1, 2002, and was finally adopted at a regular meeting of the City Council of said City held on November 19, 2002 by the following vote:

AYES: COUNCILMEMBER(S): Kinsman, Dicterow, Freeman, Iseman, Baglin

NOES: COUNCILMEMBER(S): None

ABSENT: COUNCILMEMBER(S): None



City Clerk of the City of Laguna Beach, CA