

MIG Proposed Amendments
Draft Downtown Specific Plan Update
Section V

Released: April 4, 2018

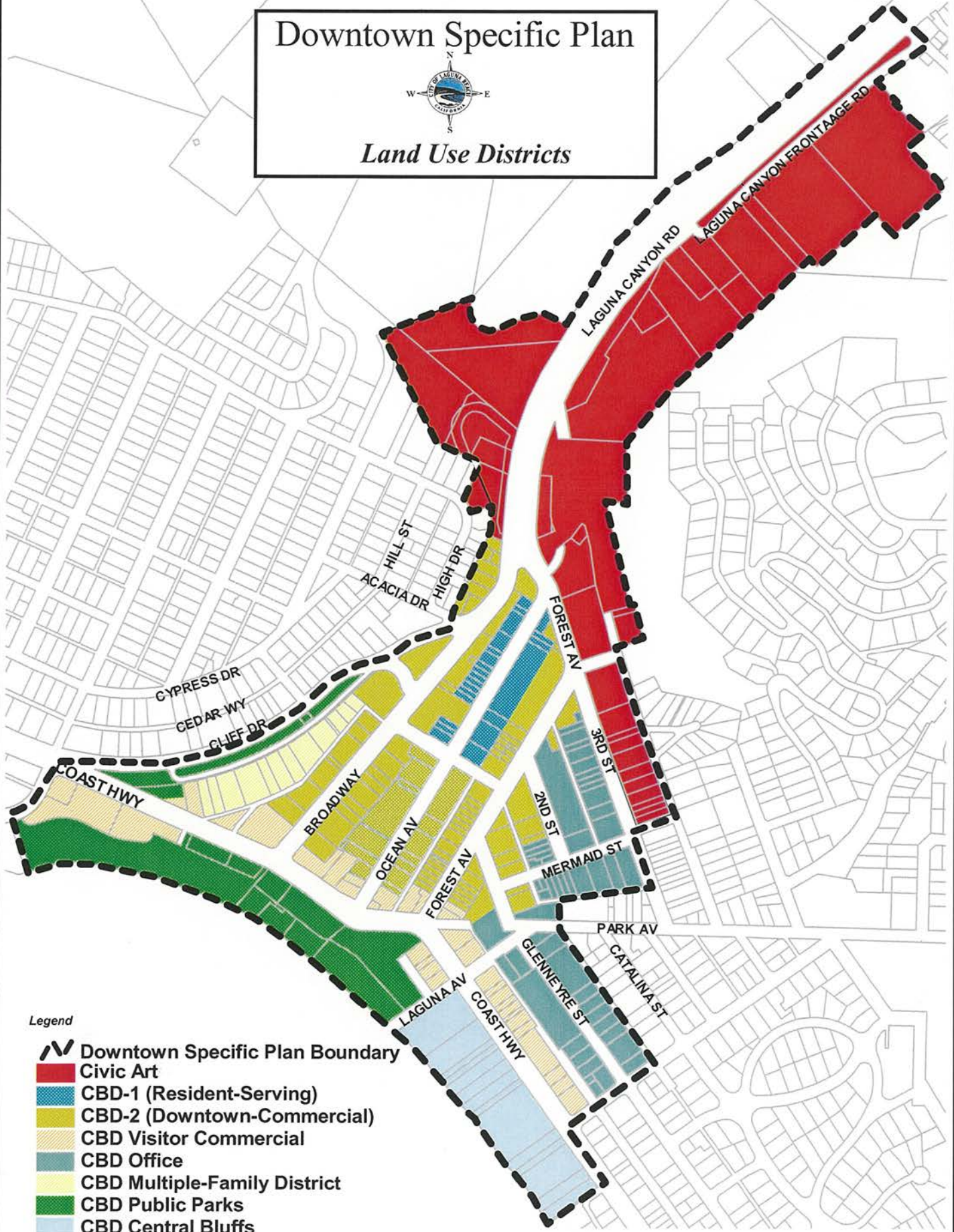
Please note the following version includes proposed amendments to only a portion of Section V for review and discussion by the Planning Commission on April 18, 2018. Topics covered include: Intent and Purpose of Land Use Districts, Permitted Land Uses/Required Entitlements, Permit Processes, Findings and Special Findings for Certain Uses, Allowable Changes in Permitted Use Category per City Council Resolution, and Definitions. Other topics pertaining to Property Development Standards, Special Planning and/or Design Criteria will be reviewed and discussed at a subsequent Planning Commission meeting.

CHAPTER 5
LAND USE DISTRICTS

Downtown Specific Plan



Land Use Districts



Legend

- Downtown Specific Plan Boundary
- Civic Art
- CBD-1 (Resident-Serving)
- CBD-2 (Downtown-Commercial)
- CBD Visitor Commercial
- CBD Office
- CBD Multiple-Family District
- CBD Public Parks
- CBD Central Bluffs

CHAPTER 5: LAND USE DISTRICTS

Introduction

Downtown Laguna Beach has distinct geographic areas that contribute to the diversity and character of the City as a whole. The intent of the Downtown Specific Plan is to promote, preserve and enhance these areas by creating special Land Use Districts that provide for the particular land uses and development standards appropriate for each area. These development regulations are intended to implement the goals and policies of the Specific Plan text (Chapter 3). The goals and policies, together with the Downtown Design Guidelines and the development standards contained herein, form the development regulations for the Specific Plan area. All other ordinances and sections of the Laguna Beach Municipal Code shall also apply to the Downtown Specific Plan Area, unless such standards are inconsistent with the provisions of the Specific Plan, in which case the Specific Plan shall apply. Title 25 of the Municipal Code (Zoning) is referenced throughout this Chapter as supplemental development standards. The Specific Plan Area is composed of the following Land Use Districts, which are demarcated on the Land Use Districts Map.

CBD-1 Resident Serving

CBD-2 Downtown Commercial

Civic Art District

CBD Central Bluffs

CBD Multiple-Family Residential

CBD Office

CBD Public Parks

CBD Visitor Commercial

CBD-1 RESIDENT SERVING

Intent and Purpose Upper Ocean Avenue is predominantly developed with a wide range of service-oriented businesses such as shoe repair, pet grooming, personal service shops, and art supplies, all of which cater to the needs of Laguna Beach residents. Businesses with a service orientation should be encouraged to locate in this area in order to continue and increase the availability of such uses in the community.

Uses Permitted Buildings, structures and land shall be used, and building and structures shall hereafter be erected, designed, structurally altered or enlarged only for the following purposes:

1. Offices (Administrative, business, professional, medical and financial offices) only when located on the second floor
2. Pedestrian pathways, walkways, and trails
3. Public Parks
4. Residential uses (excluding time-shares), only when located on the second floor, subject to the following:
 - a. There shall be no more than one dwelling unit for each 2,000 square feet of lot area; however, historically significant houses which appear on the City's historical resource inventory may add residential units at a density of one unit per 1,000 square feet of lot area, provided the historic structure is preserved. Residential density credits shall be based on the lot size on which the structure is located and shall not include adjoining parcels or lots under the same ownership; these residential density credits shall not apply if the historically significant building is demolished.
 - b. Residential units for affordable housing in mixed-use developments, senior/special needs housing and student housing may be provided at a density of one unit per 1,500 square feet of lot area.

Uses Permitted Subject to a Temporary Use Permit Temporary uses may be permitted subject to the provisions of Section 25.05.035.

1. Art and handicraft shows (either within buildings or out-of-doors) limited to not more than three consecutive days duration
2. Concerts, sporting events, civic events, entertainment; special events
3. Outdoor or open-air markets
4. Seasonal specialty stores within buildings, limited to not more than 45 days duration
5. Temporary parking, subject to special signage, landscaping, and maintenance requirements

Uses Permitted Subject to a Minor Use Permit (MUP): The following uses, unless determined otherwise by City Council Resolution, may be permitted subject to the issuance of a MUP, as required per the general MUP findings and any applicable special findings of this Specific Plan (Note: The City Council may by Resolution allow the following uses to be permitted by right without the need of a MUP. Please consult with the City regarding any changes).

1. Artist studios, that may include, but are not limited to, the manufacturing, assembling, compounding or treating of ceramics, jewelry, wood, bone, canvas, cloth, felt, glass, leather, paper, plastics, textiles, and yarn; only when located on the second floor
2. Automobile parking lot
3. Bookstores and magazine sales
4. Camera sales and processing
5. Custom dressmaking, millinery, tailoring, shoe repair, and similar trades
6. Delicatessen
7. Dry cleaning/laundry facilities
8. Financial offices, banks, credit unions
9. Florists, flower stands
10. Ice cream and confectioner's stores and bakeries
11. Interior design services
12. Music/record stores
13. Musical instrument sales and supplies
14. Paint, paper hanging, decorative, plumbing, electrical, reupholstering, and handyman shops, all of a neighborhood service repair nature, with no open storage of materials or equipment
15. Paper reproduction or copy services
16. Personal service shops including but not limited to barber shops, beauty salon, tanning salons, nail salons, etc.
17. Pet grooming and supplies stores (excluding overnight boarding of animals)
18. Pharmacies
19. Recreational facilities
20. Retail supply stores including but not limited to yardage, hardware, auto parts, plumbing, appliances, paint and glass, garden supplies, art supplies, etc. with no open storage of materials or equipment

Uses Permitted Subject to a Conditional Use Permit The following uses may be permitted subject to the granting of a Conditional Use Permit as provided for in Chapter 25.05.030 and subject to the general and special findings of the Specific Plan (Note: The City Council may by Resolution allow the following uses to be permitted by right without the need of a CUP. Please consult with the City regarding any changes):

1. Cafes, and tea rooms, with indoor and/or outdoor seating, serving of alcoholic beverages, and/or entertainment
2. Commercial home occupations, subject to standards in 25.08.016
3. Establishments for the on-premises consumption of alcoholic beverages, full food service, and entertainment
4. Full-service/take-out restaurants, with indoor and/or outdoor seating, serving of alcoholic beverages and entertainment only as authorized under the Conditional Use Permit
5. Guide shops
6. Institutional uses, including but not limited to churches, schools, libraries, and municipally-owned or operated buildings
7. Liquor sales
8. Markets, grocery stores and health food stores, with the exception that the sale or dispensing of alcoholic beverages for off-premises consumption in establishments which are 5,000 square feet or less in size or sell alcoholic beverages as its principal business shall be prohibited within 200 yards of Main Beach
9. Mixed commercial/residential uses as an integral part of a commercial development, subject to the following standards:
 - a) Residential uses shall be limited to the second floor
 - b) There shall be no more than one dwelling unit for each 1,000 square feet of lot area
10. Office and computer supplies
11. Offices on the ground floor
12. Packaging and postal services
13. Philanthropic and charitable institutions other than those of a correctional nature, only when located on the second floor
14. Retail sales that contribute to the diversity and character of the downtown which are 5,000 square feet or less in size
15. Take-out restaurants and other take-out food establishments, with serving of alcoholic beverages and entertainment
16. Other uses the Planning Commission deems, after conducting a public hearing, to be similar to and no more obnoxious or detrimental to the welfare of the neighborhood than any use listed above

Property Development Standards See the Development Standards Section of this Specific Plan for provisions which apply to all Downtown Land Use Districts.

CBD-2 DOWNTOWN COMMERCIAL

Intent and Purpose A major portion of the downtown provides a balance of resident- and visitor-serving businesses. Preservation of this balance will ensure an economically viable downtown attractive to year-round residents, as well as summertime visitors. The intent and purpose of this District is to maintain a proper mix of resident- and visitor-serving businesses.

Uses Permitted Buildings, structures and land shall be used and building and structures shall hereafter be erected, designed, structurally altered or enlarged only for the following uses:

1. Offices (Administrative, business, professional, medical and financial offices) only when located on the second floor
2. Pedestrian pathways, walkways, and trails
3. Public Parks
4. Residential uses (excluding time-shares), only when located on the second floor, subject to the following:
 - a. There shall be no more than one dwelling unit for each 2,000 square feet of lot area; however, historically significant houses which appear on the City's historical resource inventory may add residential units at a density of one unit per 1,000 square feet of lot area, provided the historic structure is preserved. Residential density credits shall be based on the lot size on which the structure is located and shall not include adjoining parcels or lots under the same ownership; these residential density credits shall not apply if the historically significant building is demolished.
 - b. Residential units for affordable housing in mixed-use developments, senior/special needs housing and student housing may be provided at a density of one unit per 1,500 square feet of lot area.

Uses Permitted Subject to a Temporary Use Permit Temporary uses may be permitted subject to the provisions of Section 25.05.035. In addition, the following uses may be permitted subject to a Temporary Use Permit:

1. Art and handicraft shows (either within buildings or out-of-doors) limited to not more than three consecutive days duration
2. Concerts, sporting events, civic events, entertainment; special events
3. Outdoor or open-air markets
4. Seasonal specialty stores within buildings, limited to not more than 45 days duration
5. Temporary parking, subject to special signage, landscaping, and maintenance requirements

Uses Permitted Subject to a Minor Use Permit (MUP): The following uses, unless determined otherwise by City Council Resolution, may be permitted subject to the issuance of a MUP, as required per the general MUP findings and any applicable special findings of this Specific Plan (Note: The City Council may by Resolution allow the following uses to be permitted by right without the need of a MUP. Please consult with the City regarding any changes).

1. Artist studios, that may include, but are not limited to, the manufacturing, assembling, compounding or treating of ceramics, jewelry, wood, bone, canvas, cloth, felt, glass, leather, paper, plastics, textiles, and yarn; only when located on the second floor
2. Automobile parking lot
3. Bookstores and magazine sales
4. Camera sales and processing
5. Delicatessen
6. Financial offices, banks, credit unions
7. Florists, flower stands
8. Graphic services
9. Ice cream and confectioner's stores and bakeries
10. Interior design services
11. Music/record stores
12. Musical instrument sales and supplies
13. Office and computer supplies
14. Offices on ground floor
15. Packaging and postal services
16. Pet grooming and supplies stores (excluding overnight boarding of animals)
17. Pharmacies
18. Retail sales that contribute to the diversity and character of the downtown which are 5,000 square feet or less
19. Retail stores serving the needs of business and professional uses (including but not limited to office and computer supplies)
20. Stores or shops for retail businesses emphasizing custom, hand-crafted or distinctive merchandise

Uses Permitted Subject to a Conditional Use Permit The following uses may be permitted subject to the granting of a Conditional Use Permitted as provided for in Chapter 25.05.030 and subject to the general and special findings of the Specific Plan (Note: The City Council may by Resolution allow the following uses to be permitted by right without the need of a CUP. Please consult with the City regarding any changes).:

1. Art galleries – numbered, limited edition artwork
2. Automobile parking lot
3. Cafes, and tea rooms, with indoor and/or outdoor seating, serving of alcoholic beverages, and/or entertainment
4. Commercial home occupations, subject to standards in Section 25.08.016
5. Custom dressmaking, millinery, tailoring, shoe repair, and similar trades
6. Dry cleaning/laundry facilities that utilize a closed cycle, dry-to-dry technology which meets the latest permissible exposure level standards for typical compounds of the federal and/or state government, whichever is more restrictive
7. Establishments for the on-premises consumption of alcoholic beverages, full food service, and entertainment
8. Establishments for the on-premises consumption of alcoholic beverages and entertainment
9. Full-service/take-out restaurants, with indoor and/or outdoor seating, serving of alcoholic beverages and entertainment only as authorized under the Conditional Use Permit
10. Full service restaurants, serving alcohol, with indoor and/or outdoor seating, dancing and/or entertainment establishments
11. Guide shops
12. Institutional uses, including but not limited to churches, schools, libraries, and municipally-owned or operated buildings
13. Liquor sales
14. Markets, grocery stores, and health food stores which are 5,000 square feet or less in size (If alcohol dispensing, shall be prohibited within 200 yards of Main Beach)
15. Medical offices and clinics
16. Mixed commercial/residential uses as an integral part of a commercial development, subject to the following standards:
 - a) Residential uses shall be limited to the second floor
 - b) There shall be no more than one dwelling unit for each 1,000 square feet of lot area
17. Music studios
18. Paint, paper hanging, decorative, plumbing, electrical, reupholstering, and handyman shops, all of a neighborhood service repair nature, with no open storage of materials or equipment
19. Paper reproduction or copy services
20. Personal service shops, including but not limited to barber shops, beauty salons, tanning salons, nail salons, etc.
21. Pharmacies
22. Philanthropic and charitable institutions other than those of a correctional nature; only when located on the second floor

23. Playhouses and theaters
24. Recreational facilities
25. Retail supply stores, including but not limited to yardage, hardware, auto parts, plumbing, appliances, paint and glass, garden supplies, art supplies, etc., with no open storage of materials or equipment
26. Other uses the Planning Commission deems, after conducting a public hearing, to be similar to and no more obnoxious or detrimental to the welfare of the neighborhood than any use listed above

Property Development Standards See the Development Standards Section of this Specific Plan for provisions which apply to all Downtown Land Use Districts.

CBD VISITOR COMMERCIAL

Intent and Purpose Pacific Coast Highway between Cliff Drive and Legion Street is an area with pronounced visibility and high pedestrian activity generated by beach visitors. Land use in this area should reflect a diverse range of visitor-serving uses.

Uses Permitted Buildings, structures and land shall be used and buildings and structures shall hereafter be erected, designed, structurally altered or enlarged only for the following uses:

1. Offices (Administrative, business, professional, medical and financial offices) only when located on the second floor
2. Pedestrian pathways, walkways, and trails
3. Public Parks

Uses Permitted Subject to a Temporary Use Permit Temporary Uses may be permitted subject to the provisions of Section 25.05.035.

1. Art and handicraft shows (either within buildings or out-of-doors) limited to not more than three consecutive days duration
2. Concerts, sporting events, civic events, entertainment; special events
3. Outdoor or open-air markets
4. Seasonal specialty stores within buildings, limited to not more than 45 days duration
5. Temporary parking, subject to special signage, landscaping, and maintenance requirements

Uses Permitted Subject to a Minor Use Permit (MUP): The following uses, unless determined otherwise by City Council Resolution, may be permitted subject to the issuance of a MUP, as required per the general MUP findings and any applicable special findings of this Specific Plan (Note: The City Council may by Resolution allow the following uses to be permitted by right without the need of a MUP. Please consult with the City regarding any changes).

1. Artist studios, that may include, but are not limited to, the manufacturing, assembling, compounding or treating of ceramics, jewelry, wood, bone, canvas, cloth, felt, glass, leather, paper, plastics, textiles, and yarn; only when located on the second floor
2. Art galleries – original or numbered, limited edition artwork
3. Bookstores and magazine sales
4. Delicatessen
5. Dry cleaning/laundry facilities
6. Florists, flower stands
7. Hotels and motels (excluding those devoted to timeshare uses) limited to one rental room for each 600 square feet of land area. No added residential density shall be allowed. Hotel units may include kitchen facilities when approved as part of a Minor Use Permit. The Minor Use Permit shall formally establish the number of units permitted to have kitchen

facilities and the permitted type and extent of kitchen facilities. All hotel units may include refrigeration facilities.

8. Ice cream and confectioner's stores and bakeries
9. Pharmacies
10. Recreational facilities
11. Retail sales that contribute to the diversity and character of the downtown which are 5,000 square feet or less
12. Stores or shops for retail businesses emphasizing custom, hand-crafted or distinctive merchandise

Uses Permitted Subject to a Conditional Use Permit The following uses may be permitted subject to the granting of a Conditional Use Permit as provided for in Section 25.05.030 and subject to the required general and special findings of the Specific Plan (Note: The City Council may by Resolution allow the following uses to be permitted by right without the need of a CUP. Please consult with the City regarding any changes):

1. Cafes and tea rooms, with indoor and/or outdoor seating, serving of alcoholic beverages, and/or entertainment
2. Commercial home occupations, subject to standards in Section 25.08.016
3. Establishments for the on-premises consumption of alcoholic beverages, full food service, and entertainment
4. Establishments for the on-premises consumption of alcoholic beverages and entertainment
5. Full-service/take-out restaurants, with indoor and/or outdoor seating, serving of alcoholic beverages, and entertainment establishments
6. Full-service restaurants, serving alcohol, with indoor and/or outdoor seating, dancing and/or entertainment establishments
7. Guide shops
8. Institutional uses, including but not limited to, churches, schools, libraries and municipally-owned or operated buildings
9. Liquor sales
10. Movie theaters and playhouses
11. Mixed commercial/residential uses (excluding time-shares) subject to the following minimum conditions:
12. Philanthropic and charitable institutions other than those of a correctional nature, only when located on the second floor
13. Playhouses and theaters
14. Take-out restaurants and other take-out food establishments, with serving of alcoholic beverages and entertainment only as authorized under the Conditional Use Permit
15. Other uses the Planning Commission deems after conducting a public hearing, to be similar to and no more obnoxious or detrimental to the welfare of the neighborhood than any use listed above

Property Development Standards See the Development Standards Section of this Specific Plan for provisions which apply to all Downtown Land Use Districts.

CBD OFFICE

Intent and Purpose Sections of Second, Third, Mermaid and Glenneyre Streets are characterized by numerous office and professional uses which primarily serve the needs of Laguna Beach residents. Maintaining the office orientation of the area is important since it is likely to experience increased pressure from visitor-serving businesses. This District is intended to ensure the continued availability of medical, dental, law and other professional services offered within the downtown area while allowing for limited residential uses and retail activities.

Uses Permitted Buildings, structures and land shall be used and buildings and structures shall be hereafter be erected, designed, structurally altered or enlarged only for the following purposes:

1. Administrative, business and professional offices
2. Custom dressmaking, millinery, tailoring, shoe repair and similar trades
3. Graphic services
4. Interior design services
5. Medical or dental offices and clinics
6. Packaging or postal services
7. Paint, paper hanging, decorative, plumbing, electrical, reupholstering and handyman shops, all of a neighborhood service repair nature, with no open storage of materials or equipment
8. Paper reproduction or copy services
9. Pedestrian pathways, walkways, and trails
10. Philanthropic and charitable institutions other than those of a correctional nature
11. Public Parks
12. Residential uses (excluding time-shares) and mixed commercial/residential uses subject to the following standards:
 - a) There shall be no more than one dwelling unit for each 2,000 square feet of lot area except for the following:
 - (i) Historically significant houses which appear on the City's historical resources inventory may add residential units at a density of one unit per 1,000 square feet of lot area, provided the historic structure is preserved. Residential density credits shall be based on the lot size on which the structure is located, and shall not include adjoining parcels or lots under the same ownership; these residential density credits shall not apply if the historically significant building is demolished or significantly altered.
 - (ii) Residential units where at least 50% of the units are committed to long-term low-income, senior citizen (60 years and older) and/or disabled housing, i.e., as defined under the Federal Government Section 8 Housing Program or its equivalent, may be provided at a density of one unit per 1,000 square feet of lot area.
 - b) The allowable number of dwelling units shall be reduced by one dwelling unit for each 1,000 square feet (or fraction thereof) of commercial floor area contained within a building.

Uses Permitted Subject to a Temporary Use Permit Temporary uses may be permitted subject to the provisions of Section 25.05.035.

1. Concerts, sporting events, civic events, entertainment; special events
2. Outdoor or open-air markets
3. Temporary parking, subject to special signage, landscaping, and maintenance requirements

Uses Permitted Subject to a Minor Use Permit (MUP): The following uses, unless determined otherwise by City Council Resolution, may be permitted subject to the issuance of a MUP, as required per the general MUP findings and any applicable special findings of this Specific Plan (Note: from time to time, the City Council may by Resolution allow the following uses to be permitted by right without the need of a MUP. Please consult with the City regarding any changes).

1. Bookstores and magazine sales
2. Camera sales and processing
3. Delicatessen
4. Dry cleaning/laundry facilities
5. Financial offices, banks, credit unions
6. Musical instrument sales and supplies
7. Nursery school
8. Pharmacies
9. Recreational facilities
10. Retail sales serving the needs of business and professional uses (including but not limited to office and computer supplies)

Uses Permitted Subject to a Conditional Use Permit The following uses may be permitted subject to the granting of a Conditional Use Permit as provided for in Section 25.05.030 and subject to the required general and special findings of the Specific Plan (Note: The City Council may by Resolution allow the following uses to be permitted by Right without the need of a CUP. Please consult with the City regarding any changes).

1. Artists' joint living and working units, as defined in Chapter 25.16
2. Automobile parking lot
3. Bed and Breakfast Inn, subject to the standards in Section 25.22, provided the inn is located in a structure listed on the City's Historic Resources Inventory
4. Cafes and tea rooms, with indoor and/or outdoor seating, serving of alcoholic beverages, and entertainment
5. Commercial home occupations, subject to standards in Section 25.08.016
6. Dry cleaning/laundry facilities that utilize a closed cycle, dry-to-dry technology which meets the latest permissible exposure level standards for typical compounds of the federal and/or state government, whichever is more restrictive

7. Establishments for the on-premises consumption of alcoholic beverages and entertainment
8. Guide shops
9. Ice cream and confectioner's stores and bakeries
10. Institutional uses, including but not limited to churches, schools, libraries and municipally-owned or operated buildings
11. Liquor sales
12. Markets, grocery stores, health food stores which are 5,000 square feet or less (If alcohol dispensing, prohibited within 200 yards of Main Beach)
13. Nursing homes/convalescent hospital
14. Personal service shops including but not limited to barber shops, beauty salon, tanning salons, nail salons, etc.
15. Playhouses and theaters
16. Retail sales that contribute to the diversity and character of the downtown which are 5,000 square feet or less in size
17. Retail supply stores, including but not limited to toys, yardage, hardware, auto parts, plumbing, sporting goods, home decorating, appliances, garden supplies, etc., all of a neighborhood scale and orientation with no open storage of materials or equipment
18. Take-out restaurants and other take-out food establishments, with serving of alcoholic beverages and entertainment
19. Other uses the Planning Commission deems, after conducting a public hearing, to be similar to and no more obnoxious or detrimental to the welfare of the neighborhood than any use listed above

Property Development Standards

This section to be reviewed and discussed at a later date.

CBD MULTIPLE-FAMILY RESIDENTIAL

Intent and Purpose The area of Lower Cliff Drive is predominantly developed with multiple-family dwellings that supply the community with essential rental housing. Proximity of this residential District to the beach and downtown area promotes daytime and nighttime pedestrian activity in the Central Business District. This District is intended to preserve the existing high-density residential uses in the area immediately south of Jahraus Park.

Uses Permitted The following uses are permitted subject to the standards of the R-3 Zone:

1. Child care, subject to the standards in Chapter 25.08, Definitions and Standards
2. Guest houses and guest rooms, subject to the standards of Section 25.14.008
3. Home occupations, subject to the standards in Chapter 25.08, Definitions and Standards
4. Multiple-family dwellings, except those devoted to time-share use
5. Public parks, playgrounds and beaches, and such recreation, refreshment and service uses and buildings as are purely accessory and incidental thereto
6. Single-family dwellings, except those devoted to time-share use

Uses Permitted Subject to an Administrative Use Permit Large family day care homes may be permitted subject to the granting of an Administrative Use Permit as provided for in Section 25.10.005.

Uses Permitted Subject to a Conditional Use Permit The following uses may be permitted subject to the granting of a Conditional Use Permit as provided for in Section 25.05.030 (Note: from time to time, the City Council may by Resolution allow the following uses to be permitted by right without the need of a CUP. Please consult with the City regarding any changes):

1. Bed and breakfast inn, subject to the standards set forth in Section 25.22, provided the inn is located in a structure listed on the City's Historic Resources Inventory
2. Rest home, nursing home, or home providing child care or care for senior citizens

Property Development Standards

This section to be reviewed and discussed at a later date.

CBD PUBLIC PARKS

Intent and Purpose Main Beach and Jahraus Parks, and Irvine Bowl which has been included in the Civic Art District, are valuable community amenities that provide important recreation opportunities and a unique cultural identity to Laguna Beach. These amenities are intended to be protected, preserved and maintained by the provisions set forth in this District.

Uses Permitted The following uses are permitted in lands located in the Public Land District:

1. Park buildings and facilities, owned or operated by a governmental agency, whose function enhances the public's enjoyment of the public park.
2. Pathways and trails
3. Public Parks, playgrounds and gardens

Uses Permitted Subject to a Temporary Use Permit The following uses may be permitted subject to the granting of a Temporary Use Permit, as provided for in Section 25.05.035:

1. Art and handicraft shows (out-of-doors)
2. Concerts
3. Sporting events
4. Other uses the Planning Commission deems, after conducting a public hearing, to be similar to and no more obnoxious or detrimental to the welfare of the neighborhood than any use listed above

Property Development Standards

This section to be reviewed and discussed at a later date.

CIVIC ART DISTRICT

Intent and Purpose The Civic Art District is envisioned to be the cultural center of the community by providing a focus on arts- and civic-related uses, and by serving as a gateway to the Downtown. The District will link the art festival areas with the downtown shopping area through a mix of civic, cultural, social, innovative, and recreational facilities and activities. The purpose of this area is to nurture a culture of creativity and to become an authentic destination that celebrates the arts. The land use emphasis within this District will be on resident- and visitor-serving uses that embrace creative education, cultural non-profits, artists and designers, performers, innovators, and entrepreneurs. The development of affordable work/live housing and engaging public open spaces is encouraged in order to gather and experience the creative, artist and open-minded community.

Uses Permitted. Buildings, structures and land shall be used and buildings and structures shall hereafter be erected, designed, structurally altered or enlarged only for the following purposes:

1. Pedestrian pathways, walkways and trails
2. Public parks

Uses Permitted Subject to a Temporary Use Permit. Temporary uses may be permitted subject to the provisions of Section 25.05.035:

1. Art and handicraft shows (either within buildings or out-of-doors) limited to not more than three consecutive days duration
2. Concerts, sporting events, civic events, entertainment; special events
3. Outdoor or open-air markets
4. Seasonal specialty stores within buildings, limited to not more than 45 days consecutive duration
5. Temporary parking, subject to special signage, landscaping and maintenance requirements

Uses Permitted Subject to a Minor Use Permit (MUP): The following uses, unless determined otherwise by City Council Resolution, may be permitted subject to the issuance of a MUP, as required per the general MUP findings and any applicable special findings of this Specific Plan (Note: The City Council may by Resolution allow the following uses to be permitted by right without the need of a MUP. Please consult with the City regarding any changes).

1. Art galleries – original or numbered, limited edition artwork
2. Automobile parking lot
3. Bookstores and magazine sales
4. Camera sales and processing
5. Custom dressmaking, millinery, tailoring, shoe repair, and similar trades
6. Florists, flower stands
7. Graphic services

8. Interior design services
9. Music/record stores
10. Musical instrument sales and supplies
11. Retail sales that contribute to the diversity and character of the downtown which are 5,000 square feet or less in size
12. Stores or shops for retail business emphasizing custom, hand-crafted or distinctive merchandise

Uses Permitted Subject to a Conditional Use Permit. The following uses may be permitted subject to the granting of a Conditional Use Permit as provided for in Chapter 25.05.030, and subject to the general and special findings of the Downtown Specific Plan (Note: The City Council may by Resolution allow the following uses to be permitted by right without the need of a CUP. Please consult with the City regarding any changes):

1. Artists' joint living and working units, subject to the standards and findings set forth in Chapter 25.16
2. Artist studios, that may include, but are not limited to, the manufacturing, assembling, compounding or treating of ceramics, jewelry, wood, bone, canvas, cloth, felt, glass, leather, paper, plastics, shells, textiles and yarn
3. Automobile parking lot
4. Cafes and tea rooms, with indoor and/or outdoor seating, serving of alcoholic beverages, and/or entertainment
5. Commercial home occupations, subject to standards in Section 25.08.016
6. Delicatessen
7. Establishments for the on-premises consumption of alcoholic beverages, full food service, and entertainment
8. Establishments for the on-premises consumption of alcoholic beverages and entertainment
9. Full-service/take-out restaurants, with indoor and/or outdoor seating, serving of alcoholic beverages and entertainment
10. Full-service restaurants, serving alcohol, with indoor and/or outdoor seating, dancing and/or entertainment establishments
11. Guide shops
12. Ice-cream and confectioner's stores and bakeries (not subject to the special finding that limits a total of ten such establishments located within the Downtown Specific Plan boundaries)
13. Institutional uses, including but not limited to churches, schools, libraries and municipally-owned or operated buildings
14. Markets, grocery stores, health food stores which are 5,000 square feet or less in size (If alcohol dispensing, prohibited within 200 yards of Main Beach), subject to special findings regarding overconcentration
15. Music studios
16. Nursery school

17. Offices (Administrative, business, professional, medial and financial offices) on the ground floor
18. Philanthropic and charitable institutions other than those of a correctional nature, only when located on the second floor
19. Plant nursery, including outdoor display of merchandise
20. Playhouses and theaters
21. Recreational facilities
22. Retail stores serving the needs of businesses and professional uses (including but not limited to office and computer supplies)
23. Residential (excluding time share) and mixed commercial/residential uses subject to the following standards:
 - a) There shall be no more than one dwelling unit for each 2,000 square feet of lot area except for the following:
 - (i) Historically significant houses which appear on the City's historical resources inventory may add residential units at a density of one unit per 1,000 square feet of lot area, provided the historic structure is preserved. Residential density credits shall be based on the lot size on which the structure is located, and shall not include adjoining parcels or lots under the same ownership; these residential density credits shall not apply if the historically significant building is demolished or significantly altered.
 - (ii) Residential units where at least 50% of the units are committed to long-term low-income, senior citizen (60 years and older) and/or disabled housing, i.e., as defined under the Federal Government Section 8 Housing Program or its equivalent, may be provided at a density of one unit per 1,000 square feet of lot area.
 - b) The allowable number of dwelling units shall be reduced by one dwelling unit for each 1,000 square feet (or fraction thereof) of commercial floor area contained within a building.
24. Take-out restaurants and other take-out food establishments, with serving of alcoholic beverages, and/or entertainment
25. Other uses the Planning Commission deems, after conducting a public hearing, to be similar to and no more obnoxious or detrimental to the welfare of the neighborhood than any use listed above

Design Criteria.

This section to be reviewed and discussed at a later date.

Property Development Standards:

This section to be reviewed and discussed at a later date.

CBD CENTRAL BLUFFS

Intent and Purpose The intent and purpose of this Land Use District is to promote a pedestrian scale, low-intensity balance of tourist-oriented businesses and artists' uses which enhance the natural setting of the bluffs and contribute to the identity of Laguna Beach. The adaptive reuse of existing structures is encouraged, especially for structures listed on the City's Historic Register. This Land Use District is intended to provide the necessary tools to ensure that future development proposals perpetuate the unique character and orientation of the Central Bluffs.

In order to ensure that future development and any expansion of existing structures complies with applicable policies and guidelines, all development proposals shall be subject to the following special planning and design criteria:

Special Planning and Design Criteria

This section to be reviewed and discussed at a later date.

Uses Permitted Subject to a Conditional Use Permit The following uses may be permitted subject to the granting of a Conditional Use Permit as provided for in Section 25.05.030 and subject to the required general and special findings of the Specific Plan (Note: The City Council may by Resolution allow the following uses to be permitted by right without the need of a CUP. Please consult with the City regarding any changes).

1. Art and handicraft shows (out-of-doors)
2. Art galleries, provided that a substantial portion of the merchandise shall be original or limited edition artwork.
3. Bakeries and cafes
4. Bed and Breakfast inns, subject to the standards in Section 25.22
5. Expansions of existing legal, nonconforming structures and/or uses that result in the addition of over 10 percent of the existing square footage or 100 square feet whichever is less.
6. Full-service restaurants, with indoor and/or outdoor seating, serving of alcoholic beverages (limited to onsite consumption), dancing and/or entertainment only as authorized under the Conditional Use Permit
7. Hotels and motels (excluding those devoted to time share uses)
8. Institutions of cultural benefit
9. Planned Integrated Developments
10. Public parks
11. Stores or shops for retail business emphasizing custom, handmade or unique merchandise and which are found to be primarily visitor serving.
12. Other uses the Planning Commission deems, after conducting a public hearing, to be similar to and no more obnoxious or detrimental to the welfare of the neighborhood than any use listed above.

Uses Permitted Subject to a Temporary Use Permit The following uses may be permitted subject to the granting of a Temporary Use Permit, as provided for in Section 25.05.035:

1. Seasonal specialty stores within buildings, limited to not more than sixty-five consecutive days duration
2. Temporary outdoor, open air, vegetable and fresh produce markets

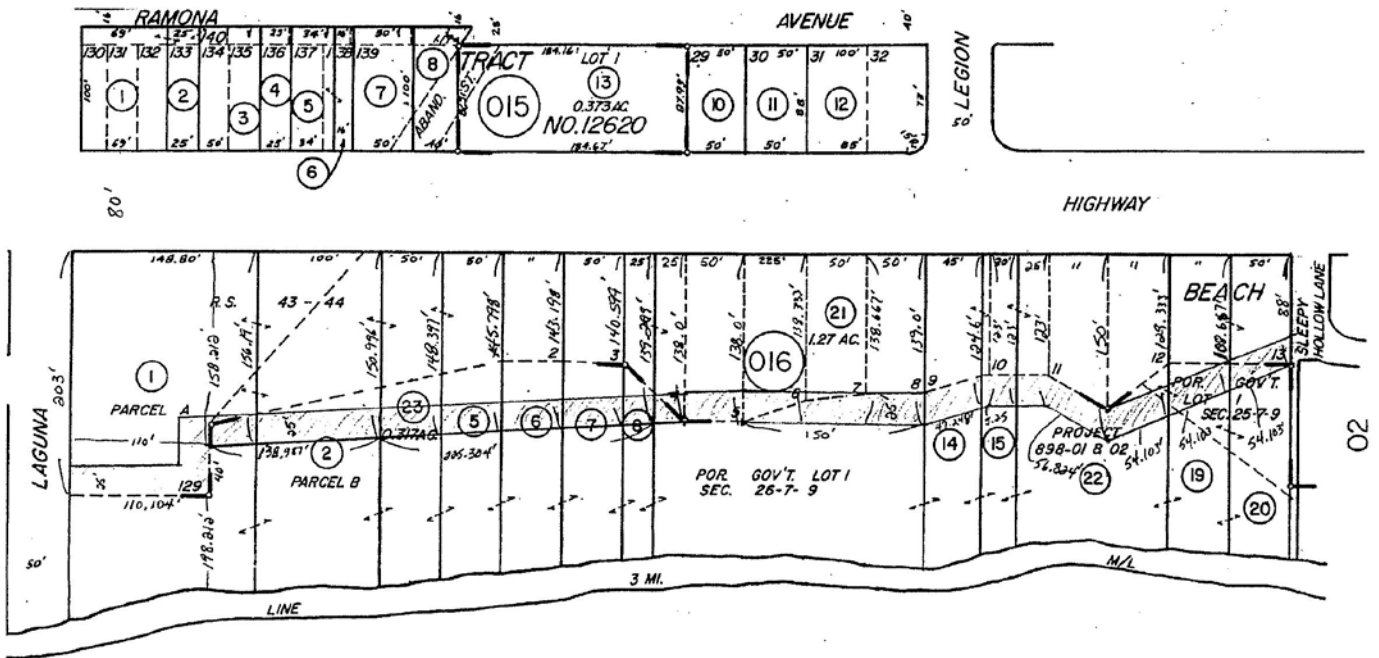
Property Development Standards

This section to be reviewed and discussed at a later date.

Description of Dedication Baseline

A strip of land twenty-five (25) feet in width measured easterly from the following baseline:

Commencing at a point on the most westerly corner of Lot 129 of the Laguna Beach Tract as per map thereof recorded in Book 1, Page 78 of Miscellaneous Record Maps, in the Office of the County Recorder of Los Angeles County, California; thence southeasterly along the southwesterly line of Lot 129 to the most southerly corner thereof; thence northeasterly 40 feet along the southeasterly line of Lot 129 to a point, said point being distant 21.7 feet southwesterly from the most westerly corner of Lot 1 of the Laguna Beach Tract; thence southeasterly to the most westerly corner of Lot 5, Laguna Beach Tract; thence southeasterly along the westerly line of Lot 5 to the most westerly corner of Lot 6; thence southeasterly to a point 25 feet distant westerly of Lot 9 measured along the southwesterly prolongation of the northwesterly line of Lot 9; thence southeasterly to a point 25 feet distant westerly of Lot 10 measured along the southwesterly prolongation of the northwesterly line of Lot 10; thence southeasterly to a point 25 feet distant westerly of Lot 11 measured along the southwesterly prolongation of the northwesterly line of Lot 11; thence southeasterly to a point 25 feet distant westerly of Lot 12 measured along the southwesterly prolongation of the northwesterly line of Lot 12; thence southeasterly to the most southerly corner of Lot 13.



Map of Dedication Baseline

This line follows either the edge of the sea cliff, the projection of the edge of the sea cliff prior to the landslide of the 1920's or is an extension of the Main Beach boardwalk.

DEVELOPMENT STANDARDS

Development Standards

This section to be reviewed and discussed at a later date.

HISTORIC PRESERVATION

There are approximately 65 structures in the Central Business District identified on the City's Historic Resources List which are eligible for placement on the City's Historic Register. Placement on the Register provides property owners with significant preservation incentives such as parking reduction, setback flexibility, building code deviations and density bonuses. Structures placed on the Historic Register are subject to the provisions and incentives set forth in the Historic Preservation Ordinance, established as Chapter 25.45 of the Municipal Code.

MINOR USE PERMIT PROCESS

A Minor Use Permit (MUP) may be approved by the Community Development Director for certain uses as identified within this Specific Plan. In such cases, the following process shall be followed:

- A. **Application.** Applications for a MUP shall be made by the property owner or authorized agent. Applications shall contain such information as prescribed by the Director.
- B. **Filing Fee.** Prior to accepting an application for a MUP, a filing fee as determined by the Resolution of the City Council shall be submitted.
- C. **Approvals.**
 1. Within 10 business days of receiving a complete application, the Director shall render a decision that will either approve, approve in part, conditionally approve, or deny said application.
 2. In making his/her decision, the Director shall make any necessary special findings per this Specific Plan, in addition to the following findings:
 - a. The site is adequate to accommodate the use without adverse impact on abutting property or on parking or traffic circulation in the Downtown area.
 - b. The proposed use is consistent with the intent and purpose of the District in which it is located, and the goals and policies of the Downtown Specific Plan and the City's General Plan.
 - c. The conditions stated in the decision are necessary to protect the public health, safety and general welfare.
- D. **Notice.** Notice of the Director's decision shall be provided to the Applicant and Planning Commission within five (5) business days of said decision.
- E. **Appeals.** The decision by the Director may be appealed to the Planning Commission by the Applicant or any member of the Planning Commission. Any decision of the Planning Commission may be appealed to the City Council. No fee shall be required for such appeal.

**FINDINGS REQUIRED FOR CONDITIONAL USE PERMITS WITHIN THE
DOWNTOWN SPECIFIC PLAN BOUNDARIES**

General Findings Required. In reviewing applications for Conditional Use Permits for the Downtown area, the Planning Commission shall evaluate each proposed use in order to consider its impact on the City. No Conditional Use Permit shall be granted unless all of the following findings can be made:

1. The site is adequate to accommodate the use without adverse impact on abutting property or on parking or traffic circulation in the downtown area.
2. The proposed use will maintain a balanced mix of uses which serves the needs of both local and non-local populations.
3. The granting of the Conditional Use Permit will not produce an incremental effect of similar uses that would be detrimental to the City.
4. The proposed use is consistent with the intent and purpose of the District in which it is located, and the goals and policies of the Downtown Specific Plan and the City's General Plan.
5. The conditions stated in the decision are necessary to protect the public health, safety and general welfare.

**SPECIAL FINDINGS REQUIRED FOR CERTAIN USES THROUGH ISSUANCE OF
MINOR USE PERMITS AND CONDITIONAL USE PERMITS**

Special Findings Required for Certain Uses. Due to their potential impact on the character of the community, it is necessary to require that special findings be made prior to the granting of a Minor Use Permit or Conditional Use Permit for said uses:

- A. **Special Findings, Full-Service Restaurants.** The following special findings are required for "full-service" restaurants as defined in Section 25.08.032:
 1. There are adequate facilities on-site for the closed storage of trash and garbage generated by the use and there will be daily trash pick-up. The storage area is designed so that it can be cleaned; a plan has been submitted and approved for a regular and frequent cleaning schedule of the trash enclosure; and the refuse will be removed without creating a public nuisance and without being placed on the public sidewalks or other public ways.
 2. The business is not classified as a drive-in or fast-food restaurant.
 3. Frozen desserts or other dessert items are incidental menu items.
 4. A total restaurant size (gross square footage) or a maximum number of seats for the restaurant has been established by the Planning Commission for the use.

B. Special Findings, Take-Out Restaurants/Food Services. The following special findings are required for take-out restaurants as defined in Section 25.08.032:

1. There are adequate facilities on-site for storage of trash and garbage generated by the use and there will be daily trash pick-up. The storage area is designed so that it can be cleaned and the refuse removed without creating a public nuisance and without being placed on public sidewalks or other public ways.
2. The business is not classified as a drive-in or fast-food restaurant.
3. The service counter is located within the interior of the business premises and is located and arranged so that patron queues will not spill onto and over public access ways.
4. Frozen desserts or other dessert items are incidental menu items.
5. All products sold for consumption off the premises will be placed in non-CFC (chlorofluorocarbon) containers.
6. The operator of the use authorized by this permit will be responsible for the clean up of all on-site and adjacent public areas, including the sidewalks. A practical plan for monitoring and implementing this clean up will be provided as a condition of the permit.

C. Special Findings, Take-out Restaurants or Take-out Food Establishments Specializing in Certain Dessert Items. In addition to the special findings in Subsection (B) above, the following findings are required for take-out restaurants or food-service establishments specializing in certain dessert items such as ice cream, frozen yogurt, cookies, candy, etc.:

1. The business specializes in the sale of frozen products or other dessert items.
2. There is no more than a total of ten such establishments located within the Downtown Specific Plan Boundaries.
3. All products sold for consumption off the premises, with the exception of cones, will be placed in non-CFC (chlorofluorocarbon) containers.
4. The operator of the use authorized by this permit will be responsible for the clean up of all on-site and adjacent public areas, including sidewalks. A practical plan for monitoring and implementing this clean up will be provided as a condition of the permit.

D. Special Finding, Retail Clothing Stores. The following special finding is required for retail clothing stores:

1. The business is not primarily engaged in the retail sale of bathing suits or T-shirts.

E. Special Finding, Art Galleries. The following special finding is required for retail art galleries:

1. A substantial portion of the merchandise shall be original or numbered, limited edition artwork.

F. Special Findings, Formula-based Business. The following special findings are required for formula-based businesses.

1. The business offers merchandise and/or services that serve the current unmet needs of the resident population.
2. Although the formula-based business may have other store locations throughout the country, state or region, the business will enhance the destination quality of the Downtown Specific Plan area and not exhibit a local/regional saturation.
3. Both exterior and interior appearance and presentation of the business is compatible with the existing scale of development, distinctive architecture and pedestrian orientation of the established village character and results in an enhancement of the look and feel (i.e. character) of the downtown.

G. Special Finding, Second-Story Exemption. The following special finding is required for exemptions to the height limit as permitted under Building Height Standards.

1. Granting of the conditional use permit will not result in an incremental or cumulative effect of second-story exemptions that adversely affect either the scale, character or diversity of building heights in the downtown or the public views of the beach, ocean and hillsides.

H. Special Finding/Requirement, Seasonal Uses that Coincide with the Art Festivals. Businesses may be required to participate in a funding program for seasonal expanded tram service.

ALLOWABLE CHANGE IN USE CATEGORY PER CITY COUNCIL RESOLUTION

As market trends and needs change from time to time, it may be beneficial to incentivize certain uses in the Downtown. As such, land use permitting requirements (“Permitted”, “MUP”, or “CUP”) may be changed by City Council Resolution on an annual basis per staff/consultant recommendation. Changes to permitting requirements for different land uses must be supported and recommended by City staff/consultants and through a noticed public hearing by the City Council. As applicable, land uses that have been changed through resolution must continue to adhere to the “Special Findings Required for Certain Uses” section above due to their potential impact on the character of the downtown.

DEFINITIONS

Fast-food Restaurant. Fast-food restaurant means a business which provides quick food service for consumption on or off the premises in a facility, which is designed to serve a high volume of customers at a high turnover rate. These types of businesses usually have contractual or other arrangements to offer standardized menus, ingredients, food preparation, decor or uniforms. Such a restaurant may or may not provide seating, drive-in, and/or take-out services.

Change of Use. A change of use occurs when any of the following occur: 1) a business offers or proposes to offer merchandise or a mix of merchandise and/or services that are not specified in the approved conditional use permit; 2) a nonconforming business operating without an approved conditional use permit offers or proposes to offer a different category or mix of merchandise and/or new services; 3) a formula business replaces an existing business, even when the general category of merchandise or type of service does not change; 4) a food service or restaurant use enlarges the size of its seating area, or changes some material aspect of its operation and/or presentation of its business.

Formula-based Business. A formula-based business means a use or business which offers merchandise and/or services using a formulaic or mass-marketing approach. All business or store locations are identifiable through standardized architecture, storefronts, merchandise and/or services, store layout and décor, signs, uniforms or other similar features.

Guide Shop. Online-only concept where retailers have a physical, brick and mortar location to allow consumers a “look before you buy” experience.

Recreational Facilities. Includes facilities that are required for or associated with exercise, entertainment, or athletic equipment (gyms, personal fitness, etc.).

MIG Proposed Amendments

Draft Strikethrough/Underline Version (4-4-18)

Downtown Specific Plan

Section V

Please note the following version includes proposed amendments to only a portion of Section V for review and discussion by the Planning Commission on April 18, 2018. Topics covered include: Intent and Purpose of Land Use Districts, Permitted Land Uses/Required Entitlements, Permit Processes, Findings and Special Findings for Certain Uses, Allowable Changes in Permitted Use Category per City Council Resolution, and Definitions. Other topics pertaining to Property Development Standards, Special Planning and/or Design Criteria will be reviewed and discussed at a subsequent Planning Commission meeting.

~~SECTION V~~ CHAPTER 5
LAND USE DISTRICTS

Insert Land Use Districts Map

~~SECTION V~~ CHAPTER 5: -LAND USE DISTRICTS

Introduction

Downtown Laguna Beach has distinct geographic areas that contribute to the diversity and character of the City as a whole. The intent of the Downtown Specific Plan is to promote, preserve and enhance these areas by creating special Land Use Districts that provide for the particular land uses and development standards appropriate for each area. These development regulations are intended to implement the goals and policies of the Specific Plan text (~~Section III~~ Chapter 3). The goals and policies, together with the Downtown Design Guidelines and the development standards contained herein, form the development regulations for the Specific Plan area. All other ordinances and sections of the Laguna Beach Municipal Code shall also apply to the Downtown Specific Plan Area, unless such standards are inconsistent with the provisions of the Specific Plan, in which case the Specific Plan shall apply. Title 25 of the Municipal Code (Zoning) is referenced throughout this Chapter as supplemental development standards. The Specific Plan Area is composed of the following Land Use Districts, which are demarcated on the Land Use Districts Map.

CBD-1 Resident Serving

CBD-2 Downtown Commercial

Civic Art District

CBD Central Bluffs

CBD Multiple-Family Residential

CBD Office

CBD Public Parks

CBD Visitor Commercial

CBD-1 RESIDENT SERVING

Intent and Purpose Upper Ocean Avenue is predominantly developed with a wide range of service-oriented businesses such as shoe repair, ~~tailoring, television repair~~pet grooming, personal service shops, and art supplies, all of which cater to the needs of Laguna Beach residents. Businesses with a service orientation should be encouraged to locate in this area in order to continue and increase the availability of such uses in the community.

Uses Permitted Buildings, structures and land shall be used, and building and structures shall hereafter be erected, designed, structurally altered or enlarged only for the following purposes:

1. Offices (Administrative, business, professional, medical and financial offices) only when located on the second floor
2. Pedestrian pathways, walkways, and trails
- ~~3.~~ Public Parks
- ~~2.4.~~ Residential uses (excluding time-shares), only when located on the second floor, subject to the following:
 - a. There shall be no more than one dwelling unit for each 2,000 square feet of lot area; however, historically significant houses which appear on the City's historical resource inventory may add residential units at a density of one unit per 1,000 square feet of lot area, provided the historic structure is preserved. – Residential density credits shall be based on the lot size on which the structure is located and shall not include adjoining parcels or lots under the same ownership; these residential density credits shall not apply if the historically significant building is demolished.
 - b. Residential units for affordable housing in mixed-use developments, senior/special needs housing and student housing may be provided at a density of one unit per 1,500 square feet of lot area.

Uses Permitted Subject to a Temporary Use Permit Temporary uses may be permitted subject to the provisions of Section 25.05.035.

1. Art and handicraft shows (either within buildings or out-of-doors) limited to not more than three consecutive days duration
2. Concerts, sporting events, civic events, entertainment; special events
3. Outdoor or open-air markets
4. Seasonal specialty stores within buildings, limited to not more than 45 days duration
5. Temporary parking, subject to special signage, landscaping, and maintenance requirements

Uses Permitted Subject to a Minor Use Permit (MUP): The following uses, unless determined otherwise by City Council Resolution, may be permitted subject to the issuance of a MUP, as required per the general MUP findings and any applicable special findings of this Specific Plan (Note: The City Council may by Resolution allow the following uses to be permitted by right without the need of a MUP. Please consult with the City regarding any changes).

1. Artist studios, that may include, but are not limited to, the manufacturing, assembling, compounding or treating of ceramics, jewelry, wood, bone, canvas, cloth, felt, glass, leather, paper, plastics, textiles, and yarn; only when located on the second floor
2. Automobile parking lot
3. Bookstores and magazine sales
4. Camera sales and processing
5. Custom dressmaking, millinery, tailoring, shoe repair, and similar trades
6. Delicatessen
7. Dry cleaning/laundry facilities
8. Financial offices, banks, credit unions
9. Florists, flower stands
10. Ice cream and confectioner's stores and bakeries
11. Interior design services
12. Music/record stores
13. Musical instrument sales and supplies
14. Paint, paper hanging, decorative, plumbing, electrical, reupholstering, and handyman shops, all of a neighborhood service repair nature, with no open storage of materials or equipment
15. Paper reproduction or copy services
16. Personal service shops including but not limited to barber shops, beauty salon, tanning salons, nail salons, etc.
17. Pet grooming and supplies stores (excluding overnight boarding of animals)
18. Pharmacies
19. Recreational facilities
20. Retail supply stores including but not limited to yardage, hardware, auto parts, plumbing, appliances, paint and glass, garden supplies, art supplies, etc. with no open storage of materials or equipment

Uses Permitted Subject to a Conditional Use Permit The following uses may be permitted subject to the granting of a Conditional Use Permit as provided for in Chapter 25.05.030 and subject to the general and special findings of the Specific Plan. (Note: The City Council may by Resolution allow the following uses to be permitted by right without the need of a CUP. Please consult with the City regarding any changes):

- ~~1. Automobile parking lot~~
- ~~2. Bookstores and magazine sales~~
- ~~1. Camera sales and processing~~ Cafes, and tea rooms, with indoor and/or outdoor seating, serving of alcoholic beverages, and/or entertainment
- ~~1.2. Commercial home occupations, subject to standards in 25.08.016~~
- ~~2. Dry cleaning/laundry facilities that utilize a closed cycle, dry-to-dry technology which meets the latest permissible exposure level standards for typical compounds of the federal and/or state government, whichever is more restrictive~~
3. Establishments for the on-premises consumption of alcoholic beverages, full food service, and entertainment, ~~provided that such establishment also provides full food service~~
- ~~4. Financial offices: banks, savings and loan etc.~~
- ~~5. Florists and flower stands~~
4. Full-service/take-out restaurants, with indoor and/or outdoor seating, serving of alcoholic beverages and entertainment only as authorized under the Conditional Use Permit
5. Guide shops
- ~~6. _____~~
6. Institutional uses, including but not limited to churches, schools, libraries, and municipally-owned or operated buildings
7. Liquor sales
8. Markets, grocery stores and health food stores, with the exception that the sale or dispensing of alcoholic beverages for off-premises consumption in establishments which are 5,000 square feet or less in size or sell alcoholic beverages as its principal business shall be prohibited within 200 yards of Main Beach
- ~~9. Medical offices and clinics~~
- ~~10.9.~~ Mixed commercial/residential uses as an integral part of a commercial development, subject to the following standards:
 - a) _____ Residential uses shall be limited to the second floor
 - b) _____ There shall be no more than one dwelling unit for each 1,000 square feet of lot area
- ~~11. Music studios~~
- ~~12. Music/record stores~~
- ~~13.10.~~ Office and computer supplies
- ~~14.11.~~ Offices on the ground floor
- ~~15.12.~~ Packaging and postal services
- ~~16. Personal service shops, including but not limited to barber shops, beauty salons, tanning salons, nail salons, etc.~~

- ~~17. Pet grooming and supplies stores, excluding overnight boarding of animals~~
- ~~18.13. Pharmacies~~Philanthropic and charitable institutions other than those of a correctional nature, only when located on the second floor
- ~~14. Recreational facilities~~Retail sales that contribute to the diversity and character of the downtown which are 5,000 square feet or less in size
- ~~19.15. Take-out restaurants and other take-out food establishments, with serving of alcoholic beverages and entertainment~~
- ~~20. Retail supply stores, including but not limited to yardage, hardware, auto parts, plumbing, appliances, paint and glass, garden supplies, art supplies, etc., with no open storage of materials or equipment~~
- ~~21.16.~~ Other uses the Planning Commission deems, after conducting a public hearing, to be similar to and no more obnoxious or detrimental to the welfare of the neighborhood than any use listed above

Property Development Standards See the ~~General Provisions Section~~Development Standards Section of this Specific Plan for ~~the development standards~~provisions which apply to all Downtown Land Use Districts.

CBD-2 DOWNTOWN COMMERCIAL

Intent and Purpose A major portion of the downtown provides a balance of resident- and visitor-serving businesses. Preservation of this balance will ensure an economically viable downtown attractive to year-round residents, as well as summertime visitors. The intent and purpose of this District is to maintain a proper mix of resident- and visitor-serving businesses.

Uses Permitted Buildings, structures and land shall be used and building and structures shall hereafter be erected, designed, structurally altered or enlarged only for the following uses:

1. Offices (Administrative, business, professional, medical and financial offices) only when located on the second floor
2. Pedestrian pathways, walkways, and trails
- ~~3.~~ Public Parks
- ~~2.4.~~ Residential uses (excluding time-shares), only when located on the second floor, subject to the following:
 - a. There shall be no more than one dwelling unit for each 2,000 square feet of lot area; however, historically significant houses which appear on the City's historical resource inventory may add residential units at a density of one unit per 1,000 square feet of lot area, provided the historic structure is preserved. ~~Residential density credits shall be based on the lot size on which the structure is located and shall not include adjoining parcels or lots under the same ownership; these residential density credits shall not apply if the historically significant building is demolished.~~
 - b. Residential units for affordable housing in mixed-use developments, senior/special needs housing and student housing may be provided at a density of one unit per 1,500 square feet of lot area.

Uses Permitted Subject to a Temporary Use Permit Temporary uses may be permitted subject to the provisions of Section 25.05.035. In addition, the following uses may be permitted subject to a Temporary Use Permit:

1. Art and handicraft shows (either within buildings or out-of-doors) limited to not more than three consecutive days duration
2. Concerts, sporting events, civic events, entertainment; special events
- ~~3.~~ Outdoor or open-air markets
4. Seasonal specialty stores within buildings, limited to not more than 45 days duration
5. Temporary parking, subject to special signage, landscaping, and maintenance requirements

Uses Permitted Subject to a Minor Use Permit (MUP): The following uses, unless determined otherwise by City Council Resolution, may be permitted subject to the issuance of a MUP, as required per the general MUP findings and any applicable special findings of this Specific Plan (Note: The City Council may by Resolution allow the following uses to be permitted by right without the need of a MUP. Please consult with the City regarding any changes).

1. Artist studios, that may include, but are not limited to, the manufacturing, assembling, compounding or treating of ceramics, jewelry, wood, bone, canvas, cloth, felt, glass, leather, paper, plastics, textiles, and yarn; only when located on the second floor
2. Automobile parking lot
3. Bookstores and magazine sales
4. Camera sales and processing
5. Delicatessen
6. Financial offices, banks, credit unions
7. Florists, flower stands
8. Graphic services
9. Ice cream and confectioner's stores and bakeries
10. Interior design services
11. Music/record stores
12. Musical instrument sales and supplies
13. Office and computer supplies
14. Offices on ground floor
15. Packaging and postal services
16. Pet grooming and supplies stores (excluding overnight boarding of animals)
17. Pharmacies
18. Retail sales that contribute to the diversity and character of the downtown which are 5,000 square feet or less
19. Retail stores serving the needs of business and professional uses (including but not limited to office and computer supplies)
20. Stores or shops for retail businesses emphasizing custom, hand-crafted or distinctive merchandise

Uses Permitted Subject to a Conditional Use Permit The following uses may be permitted subject to the granting of a Conditional Use Permitted as provided for in Chapter 25.05.030 and subject to the general and special findings of the Specific Plan (Note: The City Council may by Resolution allow the following uses to be permitted by right without the need of a CUP. Please consult with the City regarding any changes).:

1. Art galleries – numbered, limited edition artwork
2. Automobile parking lot
- ~~1. —~~
- ~~2.3.~~ Bookstores and magazine sales Cafes, and tea rooms, with indoor and/or outdoor seating, serving of alcoholic beverages, and/or entertainment
- ~~4.~~ Camera sales and processing Commercial home occupations, subject to standards in Section 25.08.016
- ~~3.5.~~ Custom dressmaking, millinery, tailoring, shoe repair, and similar trades
- ~~4.6.~~ Dry cleaning/laundry facilities that utilize a closed cycle, dry-to-dry technology which meets the latest permissible exposure level standards for typical compounds of the federal and/or state government, whichever is more restrictive
- ~~7.~~ Establishments for the on-premises consumption of alcoholic beverages, full food service, and entertainment, provided that such establishment also provides full food service
- ~~5.8.~~ Establishments for the on-premises consumption of alcoholic beverages and entertainment
- ~~6. —~~ Financial offices: banks, savings and loan etc.
- ~~7. —~~ Florists and flower stands
- ~~9.~~ Full-service/take-out restaurants, with indoor and/or outdoor seating, serving of alcoholic beverages and entertainment only as authorized under the Conditional Use Permit
- ~~10.~~ Full service restaurants, serving alcohol, with indoor and/or outdoor seating, dancing and/or entertainment establishments
- ~~8. —~~ Guide shops
- ~~9.11.~~ Ice cream and confectioner's stores and bakeries, subject to Special Findings for Take-Out Restaurants or Take-Out Food Establishments Specializing in Certain Dessert items
- ~~12.~~ Institutional uses, including but not limited to churches, schools, libraries, and municipally-owned or operated buildings
- ~~10.13.~~ Liquor sales
- ~~11.14.~~ Markets, grocery stores, and health food stores, with the exception that the sale or dispensing of alcoholic beverages for off-premises consumption in establishments which are 5,000 square feet or less in size or sell alcoholic beverages as its principal business (If alcohol dispensing, shall be prohibited within 200 yards of Main Beach)
- ~~12.15.~~ Medical offices and clinics
- ~~13.16.~~ Mixed commercial/residential uses as an integral part of a commercial development, subject to the following standards:
 - a) Residential uses shall be limited to the second floor
 - b) There shall be no more than one dwelling unit for each 1,000 square feet of lot area
- ~~14.17.~~ Music studios
- ~~15. —~~ Music/record stores

- ~~16.— Office and computer supplies~~
- ~~17.— Offices on the ground floor~~
- ~~18. Packaging and postal services Paint, paper hanging, decorative, plumbing, electrical, reupholstering, and handyman shops, all of a neighborhood service repair nature, with no open storage of materials or equipment~~
- ~~18.19. Paper reproduction or copy services~~
- ~~19.20. Personal service shops, including but not limited to barber shops, beauty salons, tanning salons, nail salons, etc.~~
- ~~20.— Pet grooming and supplies stores, excluding overnight boarding of animals~~
- ~~21. Pharmacies~~
- ~~21.22. Philanthropic and charitable institutions other than those of a correctional nature; only when located on the second floor~~
- ~~22.23. Playhouses and theaters~~
- ~~23.— Recreational facilities~~
- ~~24. Retail sales that contribute to the diversity and character of the downtown, with the exception that the sale or dispensing of alcoholic beverages for off-premise consumption in establishments which are 5,000 square feet or less in size, or sell alcoholic beverages as its principal business, shall be prohibited within two hundred yards of Main Beach~~
- ~~25.— Retail supply stores, including but not limited to yardage, hardware, auto parts, plumbing, appliances, paint and glass, garden supplies, art supplies, etc., with no open storage of materials or equipment~~
- ~~25.—~~
- 26. Other uses the Planning Commission deems, after conducting a public hearing, to be similar to and no more obnoxious or detrimental to the welfare of the neighborhood than any use listed above

Property Development Standards See the ~~General Provisions Section~~ Development Standards Section of this Specific Plan for ~~the development standards. provisions which apply to all Downtown Land Use Districts.~~

CBD VISITOR COMMERCIAL

Intent and Purpose Pacific Coast Highway between Cliff Drive and Legion Street is an area with pronounced visibility and high pedestrian activity generated by beach visitors. Land use in this area should reflect a diverse range of visitor-serving uses.

Uses Permitted Buildings, structures and land shall be used and buildings and structures shall hereafter be erected, designed, structurally altered or enlarged only for the following uses:

1. Offices (Administrative, business, professional, medical and financial offices) only when located on the second floor
2. Pedestrian pathways, walkways, and trails
3. Public Parks
1. ~~Administrative, business, professional, medical and financial offices, only when located on the second floor~~

Uses Permitted Subject to a Temporary Use Permit Temporary Uses may be permitted subject to the provisions of Section 25.05.035.

1. Art and handicraft shows (either within buildings or out-of-doors) limited to not more than three consecutive days duration
2. Concerts, sporting events, civic events, entertainment; special events
3. Outdoor or open-air markets
4. Seasonal specialty stores within buildings, limited to not more than 45 days duration
5. Temporary parking, subject to special signage, landscaping, and maintenance requirements

Uses Permitted Subject to a Minor Use Permit (MUP): The following uses, unless determined otherwise by City Council Resolution, may be permitted subject to the issuance of a MUP, as required per the general MUP findings and any applicable special findings of this Specific Plan (Note: The City Council may by Resolution allow the following uses to be permitted by right without the need of a MUP. Please consult with the City regarding any changes).

1. Artist studios, that may include, but are not limited to, the manufacturing, assembling, compounding or treating of ceramics, jewelry, wood, bone, canvas, cloth, felt, glass, leather, paper, plastics, textiles, and yarn; only when located on the second floor
2. Art galleries – original or numbered, limited edition artwork
3. Bookstores and magazine sales
4. Delicatessen
5. Dry cleaning/laundry facilities
6. Florists, flower stands
7. Hotels and motels (excluding those devoted to timeshare uses) limited to one rental room for each 600 square feet of land area. No added residential density shall be allowed. Hotel units may include kitchen facilities when approved as part of a Minor Use Permit. The

Minor Use Permit shall formally establish the number of units permitted to have kitchen facilities and the permitted type and extent of kitchen facilities. All hotel units may include refrigeration facilities.

8. Ice cream and confectioner's stores and bakeries
9. Pharmacies
10. Recreational facilities
11. Retail sales that contribute to the diversity and character of the downtown which are 5,000 square feet or less
12. Stores or shops for retail businesses emphasizing custom, hand-crafted or distinctive merchandise

Uses Permitted Subject to a Conditional Use Permit The following uses may be permitted subject to the granting of a Conditional Use Permit as provided for in Section 25.05.030 and subject to the required general and special findings of the Specific Plan (Note: The City Council may by Resolution allow the following uses to be permitted by right without the need of a CUP. Please consult with the City regarding any changes):

1. ~~Art galleries, provided that a substantial portion of the merchandise shall be original or numbered, limited edition artwork~~Cafes and tea rooms, with indoor and/or outdoor seating, serving of alcoholic beverages, and/or entertainment
- ~~2.~~ Commercial home occupations, subject to standards in Section 25.08.016
3. Establishments for the on-premises consumption of alcoholic beverages, full food service, and entertainment, provided that such establishment also provides full food service
- ~~2-4.~~ Establishments for the on-premises consumption of alcoholic beverages and entertainment
5. Full-service/take-out restaurants, with indoor and/or outdoor seating, serving of alcoholic beverages, dancing and/or entertainment establishments only as authorized under the Conditional Use Permit
6. Full-service restaurants, serving alcohol, with indoor and/or outdoor seating, dancing and/or entertainment establishments
- ~~3-7.~~ Guide shops
- ~~4.~~ Hotels and motels (excluding those devoted to timeshare uses) limited to one rental room for each 600 square feet of land area. No added residential density shall be allowed. Hotel units may include kitchen facilities when approved as part of a Conditional Use Permit. The Conditional Use Permit shall formally establish the number of units permitted to have kitchen facilities and the permitted type and extent of kitchen facilities. All hotel units may include refrigeration facilities.
8. Institutional uses, including but not limited to, churches, schools, libraries and municipally-owned or operated buildings
- ~~5-9.~~ Liquor sales
10. Movie theaters and playhouses
- ~~6.~~
- 7-11. Mixed commercial/Residential uses (excluding time-shares) subject to the following minimum conditions:

- ~~8. It shall be designed as part of a commercial complex, with residential uses limited to the second floor not to exceed 50 percent of the gross floor area~~
- ~~9. There shall be no more than one dwelling unit for each 1,000 square feet of lot area~~
- ~~10. Stores or shops for retail business emphasizing custom, hand-crafted or distinctive merchandise~~
12. Philanthropic and charitable institutions other than those of a correctional nature, only when located on the second floor
13. Playhouses and theaters
14. Take-out restaurants and other take-out food establishments, with serving of alcoholic beverages and entertainment only as authorized under the Conditional Use Permit
15. Other uses the Planning Commission deems after conducting a public hearing, to be similar to and no more obnoxious or detrimental to the welfare of the neighborhood than any use listed above

Property Development Standards See the ~~General Provisions Section~~Development Standards Section of this Specific Plan for ~~the development standards, provisions which apply to all Downtown Land Use Districts.~~

CBD OFFICE

Intent and Purpose Sections of Second, Third, Mermaid and Glenneyre Streets are characterized by numerous office and professional uses which primarily serve the needs of Laguna Beach residents. Maintaining the office orientation of the area is important since it is likely to experience increased pressure from visitor-serving businesses. This District is intended to ensure the continued availability of medical, dental, law and other professional services offered within the downtown area while allowing for limited residential uses and retail activities.

Uses Permitted Buildings, structures and land shall be used and buildings and structures shall be hereafter be erected, designed, structurally altered or enlarged only for the following purposes:

1. Administrative, business and professional offices
- ~~2. Commercial home occupations, subject to standards in Section 25.08.016~~
- ~~3.2.~~ Custom dressmaking, millinery, tailoring, shoe repair and similar trades
- ~~4.3.~~ Graphic services
- ~~5.4.~~ Interior design services
- ~~6.5.~~ Medical or dental offices and clinics
- ~~7.6.~~ Packaging or postal services
- ~~8.7.~~ Paint, paper hanging, decorative, plumbing, electrical, reupholstering and handyman shops, all of a neighborhood service repair nature, with no open storage of materials or equipment
- ~~8.~~ Paper reproduction or copy services
9. Pedestrian pathways, walkways, and trails
10. Philanthropic and charitable institutions other than those of a correctional nature
11. Public Parks
12. Residential uses (excluding time-shares) and mixed commercial/residential uses subject to the following standards:
 - a) There shall be no more than one dwelling unit for each 2,000 square feet of lot area except for the following:
 - (i) Historically significant houses which appear on the City's historical resources inventory may add residential units at a density of one unit per 1,000 square feet of lot area, provided the historic structure is preserved. Residential density credits shall be based on the lot size on which the structure is located, and shall not include adjoining parcels or lots under the same ownership; these residential density credits shall not apply if the historically significant building is demolished or significantly altered.
 - (ii) Residential units where at least 50% of the units are committed to long-term low-income, senior citizen (60 years and older) and/or disabled housing, i.e., as defined under the Federal Government Section 8 Housing Program or its equivalent, may be provided at a density of one unit per 1,000 square feet of lot area.

- b) The allowable number of dwelling units shall be reduced by one dwelling unit for each 1,000 square feet (or fraction thereof) of commercial floor area contained within a building.

Uses Permitted Subject to a Temporary Use Permit Temporary uses may be permitted subject to the provisions of Section 25.05.035.

1. Concerts, sporting events, civic events, entertainment; special events
2. Outdoor or open-air markets
3. Temporary parking, subject to special signage, landscaping, and maintenance requirements

Uses Permitted Subject to an ~~Administrative~~ Minor Use Permit (MUP): The following uses, unless determined otherwise by City Council Resolution, issuance of a MUP, as required per the general MUP findings and any applicable special findings of this Specific Plan (Note: from time to time, the City Council may by Resolution allow the following uses to be permitted by Right without the need of an MUP. Please consult with the City regarding any changes). ~~Large family day care homes~~uses may be permitted subject to the ~~granting of an Administrative Use Permit as provided for in Section 25.05.020.~~, issuance of a MUP, as required per the general MUP findings and any applicable special findings of this Specific Plan (Note: from time to time, the City Council may by Resolution allow the following uses to be permitted by Right without the need of an MUP. Please consult with the City regarding any changes).

1. Bookstores and magazine sales
2. Camera sales and processing
3. Delicatessen
4. Dry cleaning/laundry facilities
5. Financial offices, banks, credit unions
6. Musical instrument sales and supplies
7. Nursery school
8. Pharmacies
9. Recreational facilities
10. Retail sales serving the needs of business and professional uses (including but not limited to office and computer supplies)

Uses Permitted Subject to a Conditional Use Permit The following uses may be permitted subject to the granting of a Conditional Use Permit as provided for in Section 25.05.030 and subject to the required general and special findings of the Specific Plan (Note: from time to time, the City Council may by Resolution allow the following uses to be permitted by Right without the need of a CUP. Please consult with the City regarding any changes).

1. ~~Art studios and supplies, including A~~artists' joint living and working units, as defined in Chapter 25.16
2. Automobile parking lot
4. —

- ~~2. Auto parking lot/garage~~
- ~~3. Bakery, retail wherein all bakery goods are baked on the premises and are sold at retail on the premises~~
- 4.3. Bed and Breakfast Inn, subject to the standards in Section 25.22, provided the inn is located in a structure listed on the City's Historic Resources Inventory
- ~~5. Bookshop/sales~~
- ~~6. Cafes, restaurants and tea rooms, with indoor and/or outdoor seating, serving of alcoholic beverages, dancing and/or entertainment only as authorized under the conditional use permit~~
4. _____
- ~~7. Clothing, retail sales~~
5. DelicatessenCommercial home occupations, subject to standards in Section 25.08.016
8. _____
- 9.6. Dry cleaning/laundry facilities that utilize a closed cycle, dry-to-dry technology which meets the latest permissible exposure level standards for typical compounds of the federal and/or state government, whichever is more restrictive
- 10.7. Establishments for the on-premises consumption of alcoholic beverages and entertainment
- ~~11. Financial offices: banks, savings and loan, etc.~~
- ~~12. Florist~~
- 13.8. Galleries, art, photographic, etc.Guide shops
- 14.9. Handicraft/hobby shops including retail salesIce cream and confectioner's stores and bakeries
- 15.10. Institutional uses, including but not limited to churches, schools, libraries and municipally-owned or operated buildings
- ~~16. Laundry and/or dry cleaning establishments (coin or attendant operated)~~
- 17.11. Liquor sales
- 18.12. Markets, food and beveragegrocery stores, health food stores which are 5,000 square feet or less (If alcohol dispensing, prohibited within 200 yards of Main Beach)
- ~~19. Musical instrument sales and supplies~~
- ~~20. Nursery school~~
13. Nursing homes/convalescent hospital
21. _____
- ~~22. Outdoor display of merchandise~~
- 23.14. Personal service shops (barber/beauty, etc.) including but not limited to barber shops, beauty salon, tanning salons, nail salons, etc.
- ~~24. Pet grooming and supplies store excluding overnight boarding of animals~~
- ~~25. Plant nursery, including outdoor display of merchandise~~
15. Playhouses or and theaters
- 26.16. Retail sales that contribute to the diversity and character of the downtown which are 5,000 square feet or less in size

- ~~27. Retail stores serving the needs of business and professional uses (including but not limited to office and computer supplies)~~
17. Retail supply stores, including but not limited to toys, yardage, hardware, auto parts, plumbing, sporting goods, home decorating, appliances, garden supplies, etc., all of a neighborhood scale and orientation with no open storage of materials or equipment
- ~~28.18. Take-out restaurants and other take-out food establishments, with serving of alcoholic beverages and entertainment~~
- 29.19. Other uses the Planning Commission deems, after conducting a public hearing, to be similar to and no more obnoxious or detrimental to the welfare of the neighborhood than any use listed above

Property Development Standards The following property development standards shall apply to all land and structures in this District.

1. Building Setback and Yard Area Standards.
 - a. Front yards. An average 5-foot front setback shall be provided. Said setback shall be used for landscaping, pedestrian access or other pedestrian amenities accessible to the general public.
 - b. Side yards. One sideyard setback of no less than five feet shall be provided, however, to encourage interest and relief in the building elevation, the side yard may be reduced to two and one-half feet for the rear half of the side yard.
 - c. Rear yards. No requirement; however, refer to Section 25.53.004(C) for information relative to vehicular access requirements.
 - d. For residential uses, front, side and rear yard setbacks shall be provided in accordance with Section 25.12.008 (C) (1-4), except for projects that involve City participation and that provide housing for seniors, low-income and/or disabled individuals.
2. Access. For properties adjacent to Loma Terrace, any vehicular access shall be encouraged to be taken from Loma Terrace.
3. General Provisions. See the ~~General Provisions Section~~Development Standards Section of this Specific Plan for ~~additional development standards.~~ provisions which apply to all Downtown Land Use Districts.

CBD MULTIPLE-FAMILY RESIDENTIAL

Intent and Purpose The area of Lower Cliff Drive is predominantly developed with multiple-family dwellings that supply the community with essential rental housing. Proximity of this residential District to the beach and downtown area promotes daytime and nighttime pedestrian activity in the Central Business District. This District is intended to preserve the existing high-density residential uses in the area immediately south of Jahraus Park.

Uses Permitted The following uses are permitted subject to the standards of the R-3 Zone:

1. Child care, subject to the standards in Chapter 25.08, Definitions and Standards
2. Guest houses and guest rooms, subject to the standards of Section 25.14.008
3. Home occupations, subject to the standards in Chapter 25.08, Definitions and Standards
4. Multiple-family dwellings, except those devoted to time-share use
5. Public parks, playgrounds and beaches, and such recreation, refreshment and service uses and buildings as are purely accessory and incidental thereto
6. Single-family dwellings, except those devoted to time-share use

Uses Permitted Subject to an Administrative Use Permit Large family day care homes may be permitted subject to the granting of an Administrative Use Permit as provided for in Section 25.10.005.

Uses Permitted Subject to a Conditional Use Permit The following uses may be permitted subject to the granting of a Conditional Use Permit as provided for in Section 25.05.030 (Note: from time to time, the City Council may by Resolution allow the following uses to be permitted by Right without the need of a CUP. Please consult with the City regarding any changes):

1. Bed and breakfast inn, subject to the standards set forth in Section 25.22, provided the inn is located in a structure listed on the City's Historic Resources Inventory
2. Rest home, nursing home, or home providing child care or care for senior citizens

Property Development Standards Except as otherwise provided herein, the provisions of Section 25.14.008 shall apply.

1. Density Bonus. Density may be provided at the rate of 1000 square feet of lot area per unit for residential units, which are committed to long-term low-income, senior citizen and/or disabled housing, i.e., as defined under the Federal Government Section 8 Housing Program or its equivalent.

CBD PUBLIC PARKS

Intent and Purpose Main Beach and Jahraus Parks, and Irvine Bowl which has been included in the Civic Art District, are valuable community amenities that provide important recreation opportunities and a unique cultural identity to Laguna Beach. These amenities are intended to be protected, preserved and maintained by the provisions set forth in this District.

Uses Permitted The following uses are permitted in lands located in the Public Land District:

1. Park buildings and facilities, owned or operated by a governmental agency, whose function enhances the public's enjoyment of the public park.
2. Pathways and trails
3. Public Parks, playgrounds and gardens

Uses Permitted Subject to a Temporary Use Permit The following uses may be permitted subject to the granting of a Temporary Use Permit, as provided for in Section 25.05.035:

1. Art and handicraft shows (out-of-doors)
2. Concerts
3. Sporting events
4. Other uses the Planning Commission deems, after conducting a public hearing, to be similar to and no more obnoxious or detrimental to the welfare of the neighborhood than any use listed above

Property Development Standards The following property development standards shall apply to all land and structures in this District:

1. Minimum Lot Dimensions. No requirement
2. Building setbacks, building height, site coverage and landscaping requirements shall be determined for each development project, and shall be consistent with the Downtown Design Guidelines of this Specific Plan.

CIVIC ART DISTRICT

Intent and Purpose The Civic Art District is envisioned to be the cultural center of the community by providing a focus on arts- and civic-related uses, and by serving as a gateway to the Downtown. The District will link the art festival areas with the downtown shopping area through a mix of civic, cultural, social, innovative, and recreational facilities and activities. The purpose of this area is to nurture a culture of creativity and to become an authentic destination that celebrates the arts. The land use emphasis within this District will be on resident- and visitor-serving uses that embrace creative education, cultural non-profits, artists and designers, performers, innovators, and entrepreneurs. The development of affordable work/live housing and engaging public open spaces is encouraged in order to gather and experience the creative, artist and open-minded community. The Civic Art District is intended to become the cultural center of the community by providing a focus on arts- and civic-related uses and by serving as the gateway to the downtown. The District will link the festival areas with the downtown shopping area through a mix of civic, cultural, social and recreational facilities and activities, and through implementation of an Urban Design Plan that will enhance pedestrian access and create a harmonious streetscape throughout the District. The land use emphasis within this District will be on resident- and visitor serving uses that are compatible with the art festivals.

Uses Permitted. Buildings, structures and land shall be used and buildings and structures shall hereafter be erected, designed, structurally altered or enlarged only for the following purposes:

1. Pedestrian pathways, walkways and trails
2. Public parks

Uses Permitted Subject to a Temporary Use Permit. Temporary uses may be permitted subject to the provisions of Section 25.05.035:

- ~~1. Concerts, sporting events, civic events, entertainment; special events~~
- ~~2. Outdoor or open air markets~~
1. Seasonal Art and handicraft shows (either within buildings or out-of-doors); limited to not more than 65-three consecutive days duration; subject to participation in a parking management plan as required by the Planning Commission. Dates of operation for the shows shall be subject to approval by the Planning Commission.
2. Concerts, sporting events, civic events, entertainment; special events
3. Outdoor or open-air markets
4. Seasonal specialty stores (within buildings), limited to not more than 45 days consecutive duration-
5. Temporary parking, subject to special signage, landscaping and maintenance requirements-
- ~~5.~~

Uses Permitted Subject to a Minor Use Permit (MUP): The following uses, unless determined otherwise by City Council Resolution, may be permitted subject to the issuance of a MUP, as required per the general MUP findings and any applicable special findings of this Specific Plan

(Note: The City Council may by Resolution allow the following uses to be permitted by right without the need of a MUP. Please consult with the City regarding any changes).

1. Art galleries – original or numbered, limited edition artwork
2. Automobile parking lot
3. Bookstores and magazine sales
4. Camera sales and processing
5. Custom dressmaking, millinery, tailoring, shoe repair, and similar trades
6. Florists, flower stands
7. Graphic services
8. Interior design services
9. Music/record stores
10. Musical instrument sales and supplies
11. Retail sales that contribute to the diversity and character of the downtown which are 5,000 square feet or less in size
12. Stores or shops for retail business emphasizing custom, hand-crafted or distinctive merchandise

Uses Permitted Subject to a Conditional Use Permit. The following uses may be permitted subject to the granting of a Conditional Use Permit as provided for in Chapter 25.05.030, and subject to the general and special findings of the Downtown Specific Plan (Note: The City Council may by Resolution allow the following uses to be permitted by right without the need of a CUP. Please consult with the City regarding any changes):

- ~~1. Art galleries~~
- ~~2. Art supplies~~
- ~~3.1. Artists' joint living and working units-Live/Work~~, subject to the standards and findings set forth in Chapter 25.16
- ~~4.2. Artist studios, that may include, but are not limited to, the manufacturing, assembling, compounding or treating of ceramics, jewelry, wood, bone, canvas, cloth, felt, glass, leather, paper, plastics, shells, textiles and yarn~~
3. Automobile parking lot
4. Cafes and tea rooms, with indoor and/or outdoor seating, serving of alcoholic beverages, and/or entertainment
5. Commercial home occupations, subject to standards in Section 25.08.016
- ~~6. Bookstores and magazine sales~~
- ~~6. Camera sales and processing~~Delicatessen
- ~~7.~~
7. Establishments for the on-premises consumption of alcoholic beverages, full food service, and entertainment, provided that such establishment also provides full food service

8. Establishments for the on-premises consumption of alcoholic beverages and entertainment
- ~~9. Florists and flower stands~~
9. Full-service/take-out restaurants, with indoor and/or outdoor seating, serving of alcoholic beverages and entertainment ~~only as authorized under the Conditional Use Permit~~
10. Full-service restaurants, serving alcohol, with indoor and/or outdoor seating, dancing and/or entertainment establishments
11. Guide shops
- ~~10.12. Ice-cream and confectioner's stores and bakeries (not subject to the special finding that limits a total of ten such establishments located within the Downtown Specific Plan boundaries)~~
- ~~11. Graphics and design studios~~
13. Institutional uses, including but not limited to churches, schools, libraries and municipally-owned or operated buildings
- ~~12.14. Markets, grocery stores, health food stores which are 5,000 square feet or less in size (If alcohol dispensing, prohibited within 200 yards of Main Beach), subject to special findings regarding overconcentration~~
- ~~13.15. Music studios~~
- ~~14.16. Music/record stores~~Nursery school
- ~~15. Office and computer supplies~~
17. Offices (Administrative, business, professional, medial and financial offices) on the ground floor
- ~~16.18. Philanthropic and charitable institutions other than those of a correctional nature, only when located on the second floor~~
- ~~17.19. Packaging and postal services~~Plant nursery, including outdoor display of merchandise
- ~~18.20. Playhouses and theaters~~
- ~~19.21. Recreational facilities~~
22. Retail sales that are consistent with the intent and purpose of the Civic Art District stores serving the needs of businesses and professional uses (including but not limited to office and computer supplies)
23. Residential (excluding time share) and mixed commercial/residential uses subject to the following standards:
 - a) There shall be no more than one dwelling unit for each 2,000 square feet of lot area except for the following:
 - (i) Historically significant houses which appear on the City's historical resources inventory may add residential units at a density of one unit per 1,000 square feet of lot area, provided the historic structure is preserved. Residential density credits shall be based on the lot size on which the structure is located, and shall not include adjoining parcels or lots under the same ownership; these residential density credits shall not apply if the historically significant building is demolished or significantly altered.
 - (ii) Residential units where at least 50% of the units are committed to long-term low-income, senior citizen (60 years and older) and/or disabled housing, i.e., as

defined under the Federal Government Section 8 Housing Program or its equivalent, may be provided at a density of one unit per 1,000 square feet of lot area.

b) The allowable number of dwelling units shall be reduced by one dwelling unit for each 1,000 square feet (or fraction thereof) of commercial floor area contained within a building.

24. Take-out restaurants and other take-out food establishments, with serving of alcoholic beverages, and/or entertainment

20.25. Other uses the Planning Commission deems, after conducting a public hearing, to be similar to and no more obnoxious or detrimental to the welfare of the neighborhood than any use listed above

Design Criteria. To ensure that future development and any expansion of existing structures advance the goals of the Civic Art District, all development proposals shall be subject to the following Civic Art District performance criteria.

1. Building scale and design relate to the natural topography and development of the site would result in minimal alteration of natural landforms.
2. Building design and materials are of the highest quality and reflect the cultural arts focus of the district.
3. Development includes public walkways that link to the district-wide pedestrian circulation system as identified in the District Urban Design Plan.
4. Pedestrian amenities, such as benches, display areas for public art, water features, pocket parks and outdoor areas that can accommodate cultural, social and recreational activities, are incorporated into the project design.
5. Landscaping emphasizes native California and other compatible plant materials.
6. The benefits, which accrue to the private development, are balanced by onsite public amenities and enhancement of the streetscape.

Property Development Standards: The following property development standards shall apply to all land and structures in this District. Height, story and parking exceptions for private or public projects may be allowed if determined by the City that the project confers desirable public benefits. The intent of these exceptions is to allow future development of public/private partnership projects compatible with the goals of the Civic Art District.

1. Minimum Lot Dimensions. No Requirement.
2. Building Setback and Yard Area Standards. At a minimum, an average 5-foot landscaped buffer adjacent to the flood control channel or frontage road, except for necessary driveways and pedestrian access, shall be provided, unless otherwise specified in the District Urban Design Plan.
3. Building Height. Building height shall be limited to 12 feet or one story, with an additional 6 feet allowed for the roof area and mechanical equipment enclosures. Exceptions to allow additional building height may be approved by the City Council upon recommendation of the Planning Commission. Approval requires a Conditional Use Permit that makes all of the following findings in addition to those otherwise required by Title 25 of the Municipal Code:
 - a) The project includes desirable public benefit uses including, but not limited to, student housing for students enrolled in an accredited four-year art college within the City, affordable artist housing and work space, significant arts-related uses, parking garages and/or public buildings that meet the intent of the Civic Art District;
 - b) The project is designed and sited to minimize massing adjacent to Laguna Canyon Road; and it uses the Laguna Canyon hillside to minimize the visual perception of the structure's height and mass;
 - c) The project contributes to a diversity of building styles and heights in the Civic Art District;
 - d) The project emphasizes the pedestrian orientation and village character that has been established in the Central Business District; and
 - e) The building envelope does not exceed thirty-six (36) feet in elevation at its highest point as measured from existing grade and including all roof elements and mechanical features that meet the goals of the Civic Art District.
4. Coverage and Open Land Area Requirement. The unique nature of the hillsides in this District requires natural slopes of 45 percent or greater shall be left open and maintained with natural landscaping. During the design review process, additional landscaping or clearing may be required for erosion control or fire protection, or to better integrate the uses on the site with the natural vegetation.
5. General Provisions. See the ~~General Provisions section~~Development Standards Section of this Specific Plan for additional development standards.
6. Access and Improvement Standards. The provisions of Chapter 25.52 shall apply, except that all public pedestrian improvements shall be made in compliance with the Urban Design Plan for the Civic Art District. Exceptions to allow off-site parking may be approved by the City Council, upon recommendation of the Planning Commission in conjunction with an approved Conditional Use Permit that makes all the following required findings in addition to those otherwise required by Title 25 of the Municipal Code:

- a) The off-site parking area provides a substantial component of the required parking within a reasonable distance within the Civic Art District to adequately serve the parking needs of the proposed intensification of use.
- b) The off-site parking spaces are either purchased as in-lieu spaces or are leased. The in-lieu funds shall be allocated only to the in-lieu parking fund and used in the Downtown Specific Plan area. (If leased, a recorded deed restriction on the property with the intensification of use shall indicate the requirement for the off-site lease of parking spaces for the approved use.)

CBD CENTRAL BLUFFS

Intent and Purpose The intent and purpose of this Land Use District is to promote ~~a low profile~~ pedestrian scale, low-intensity balance of tourist-oriented businesses and artists' uses which enhance the natural setting of the bluffs and contribute to the identity of Laguna Beach. The adaptive reuse of existing structures is encouraged, especially for structures listed on the City's Historic Register. This Land Use District is intended to provide the necessary tools to ensure that future development proposals perpetuate the unique character and orientation of the Central Bluffs.

In order to ensure that future development and any expansion of existing structures complies with applicable policies and guidelines, all development proposals shall be subject to the following special planning and design criteria:

Special Planning and Design Criteria

1. Building Scale and Design

- a) Any expansion or new development shall preserve and enhance the character and scale of the Central Bluffs by incorporating "low profile" elements of design (one-story at grade, minimized mass and scale).
- b) Buildings shall be articulated along the Coast Highway frontage to provide interest and relief to the streetscape as well as to create opportunity for pedestrian-oriented spaces (such as open-air seating, mini-parks, plazas and entrances, sculptures, landscaped planters, etc.).
- c) Buildings shall be designed in a manner that is compatible to and integrated with natural topographic features.
- d) Development shall enhance the pedestrian scale and orientation of the Central Bluffs through maximization of open space for public use.

2. View Preservation

- a) Any expansion or new development shall be sensitive to maximizing public views of both the ocean and the bluffs.
- b) As a condition of approval for new building construction, the City shall consider the dedication of open space easements, the construction of view platforms or other view preserving or view enhancing measures.

3. Natural Hazards and Coastal Land Feature Preservation

- a) Any expansion or new development shall balance design considerations and aesthetics with environmental constraints.

- b) New construction on bluff faces and sandy portions of the beach shall be limited to public improvements related to access, view platforms and emergency repair work.
- c) All areas oceanward of and including the 25-foot pedestrian easement shall be dedicated to the City as a condition of development as defined in Section 25.53 of the Municipal Code.
- d) To achieve water conservation goals and to minimize erosion-related impacts to the bluffs, drought-tolerant plants and water-efficient irrigation systems shall be used.
- e) The City shall require the installation of rain gutters and other water transport devices as a condition of approval on blufftop development in order to convey water to the street (away from the bluff side). All water shall be conveyed to the base of the bluff by means of non-erosive devices when conveyance to the street is determined to be impractical.
- f) Any coastal land protective devices shall be reviewed for consistency with the Shoreline Protection Guidelines.
- g) Design solutions should require minimal alteration of natural landforms.
- h) Any proposed development shall preserve existing mature trees and other forms of vegetation to the greatest extent feasible.

4. Pedestrian Access/Orientation

- a) Any expansion or new development shall ensure the continuation and enhancement of the pedestrian scale and orientation of the Central Bluffs.
- b) New development and expansions of existing structures (as defined in Section 25.53 of the Municipal Code) shall be required to dedicate a 25-foot pedestrian access and utility easement at the top of the bluff as delineated on the attached map. This easement may be used for outdoor dining in conjunction with approved restaurants subject to conditional use permit approval, provided that pedestrian movement is not impeded.
- c) The City shall consider the suitability of vertical public access as part of any new construction or where expansion of an existing structure results in the addition of fifty percent or more of the square footage of the building.
- d) The pedestrian experience shall be enhanced by utilizing open spaces for benches, art features, landscaping and mini-parks.
- e) Outdoor activities that enhance pedestrian interest and enjoyment shall be encouraged.

5. Visitor-Serving Uses

- a) When redevelopment is proposed, businesses and uses which enhance the character of the Central Bluffs and which support a tourist orientation shall be encouraged.
- b) Effort shall be made to attract long-term, destination-oriented tourists on a year-round basis.

6. Historic Preservation and ~~Land Recycling~~Infill Development

- a) Any expansion or remodeling shall preserve the original architectural integrity of historically significant buildings.
- b) The demolition of historically significant structures shall be discouraged.
- c) Any property owner of a historic structure shall be encouraged to apply for the City's Historic Register so that incentives such as parking reductions, building and planning application fee waivers and setback flexibility may be considered.
- d) Any proposed expansion or remodel of a historic structure shall be consistent with the guidelines for rehabilitation found within the Historic Preservation Ordinance.
- e) Any proposed intensification that negatively impacts the historical character and/or affects the architectural integrity of existing buildings shall be discouraged.

Uses Permitted Subject to a Conditional Use Permit The following uses may be permitted subject to the granting of a Conditional Use Permit as provided for in Section 25.05.030 and subject to the required general and special findings of the Specific Plan (Note: The City Council may by Resolution allow the following uses to be permitted by right without the need of a CUP. Please consult with the City regarding any changes.)

1. Art and handicraft shows (out-of-doors)
2. Art galleries, provided that a substantial portion of the merchandise shall be original or limited edition artwork.
3. Bakeries and cafes
4. Bed and Breakfast inns, subject to the standards in Section 25.22
5. Expansions of existing legal, nonconforming structures and/or uses that result in the addition of over 10 percent of the existing square footage or 100 square feet whichever is less.
6. Full-service restaurants, with indoor and/or outdoor seating, serving of alcoholic beverages (limited to onsite consumption), dancing and/or entertainment only as authorized under the Conditional Use Permit
7. Hotels and motels (excluding those devoted to time share uses)

8. Institutions of cultural benefit
9. Planned Integrated Developments
10. Public parks
11. Stores or shops for retail business emphasizing custom, handmade or unique merchandise and which are found to be primarily visitor serving.
12. Other uses the Planning Commission deems, after conducting a public hearing, to be similar to and no more obnoxious or detrimental to the welfare of the neighborhood than any use listed above.

Uses Permitted Subject to a Temporary Use Permit The following uses may be permitted subject to the granting of a Temporary Use Permit, as provided for in Section 25.05.035:

1. Seasonal specialty stores within buildings, limited to not more than sixty-five consecutive days duration
2. Temporary outdoor, open air, vegetable and fresh produce markets

Property Development Standards The General Provisions of the Downtown Specific Plan shall apply to all land and structures located in this District unless otherwise indicated below.

1. Lot Area and Dimension Standards. Parcels shall not be merged together for development purposes that exceed 5,000 square feet, but development may occur on existing parcels that are in excess of 5,000 square feet. Exception: The merging of parcels which results in parcels larger than 5,000 square feet may be allowed when a Planned Integrated Development is proposed.

A. Building Setback and Yard Area Standards

1. Front Yard. See dedication requirements for sidewalk improvements along Pacific Coast Highway.
2. Side Yards. Side yards shall be determined on a case-by-case basis and shall be consistent with the Special Planning and Design Criteria established herein.
3. Rear Yard. See G, Land Dedication Requirements.
4. Structures placed on the Historic Register may be eligible for setback flexibility as provided in the City's Historic Preservation Ordinance.

B. Open Space and Landscaping Open space and landscaping shall be determined on a case-by-case basis in accordance with Urban Design Guidelines and applicable policies of the Downtown Specific Plan.

- C. **Building Height Standards** Building height shall be as specified in the ~~General Provisions Section~~ Development Standards Section of the Downtown Specific Plan except for the following:
1. Outdoor dining facilities located on roof decks shall be allowed to exceed the maximum building height, subject to Design Review Board approval. Access to such facilities shall be open to the general public and not limited to patrons.
- D. **Fences & Walls** Fencing and/or walls shall be subject to Design Review Board approval and shall not be allowed if existing views of the Pacific Ocean from South Coast Highway are reduced.
- E. **Access and Improvement Standards** The provisions of Chapter 25.53 shall apply, except as modified in this Specific Plan.
1. On-Site Turnaround. Each lot shall have on-site turnaround capability. Exception: Planned Integrated Developments need not comply with this provision.
 2. Driveway Access. Property under contiguous ownership may be permitted one driveway per 300 feet of street frontage. Such driveway shall not exceed 20 feet in width unless otherwise required for safety reasons, except where abutting a building.
- F. **Parking** The provisions of 25.52 shall apply, except as described below:
1. Parking Incentives.
 - a) Parking credit may be available to sidewalk cafes for outdoor seating, roof deck dining and view platforms open to the public. Outdoor seating should contribute positively to the downtown atmosphere and should be available to the general public (rather than being restricted to restaurant customers). Credit may include, but shall not be limited to reduced in-lieu fees or reduced requirements for additional parking and may be granted on a temporary or seasonal basis. To receive parking credits, the applicant may be required to participate in a funding program for seasonal expanded tram service. Approval for parking credits must be granted by City Council.
 - b) Parking reductions are available to structures placed on the City's Historic Register. Refer to Section 25.45 (Historic Preservation) for specific details.
 2. Parking Structures. Tuck-under parking shall be prohibited and all parking structures shall be designed to provide consistency with the Downtown Design Guidelines pertaining to parking. Any underground parking shall be built above the coastal influence zone (elevation plus twenty-five feet)

G. Land Dedication Requirements This planning area has a distinctive public use orientation and a visitor-serving nature as identified in the Land Use Element of the General Plan. Local experience has shown that such activities are normally associated with heavy pedestrian traffic and have the potential for accelerating seacliff and bluff erosion unless they are properly controlled and mitigated.

The seacliffs along the Central Bluffs generally consist of erosion-prone, relatively soft sandstone structures. Lateral support is being removed by episodic wave-induced bluff retreat, and the remaining cliffs are subject to additional failure from landslides and rockfalls. This erosion rate will be increased by uncontrolled foot traffic and landscape irrigation runoff. These characteristics are typical of those documented elsewhere along the Laguna Beach coastline.

The bluffs consist of a steep, yet traversable, slope that invites foot traffic. These well-traveled paths accelerate erosion and tend to channel runoff into destructive crevasses. If left unchecked, public use may result in eventual health and safety problems by virtue of accelerated seacliff retreat and erosion.

The long-range planning goals, as discussed in the Open Space Element of the City's General Plan, include enhancement of pedestrian circulation as well as protection of environmentally sensitive bluffs. This can best be accomplished by redirecting pedestrian access to improved walkways, thereby retarding the rate of erosion failure.

The dedication of land for bluff preservation purposes is essential if the long-range planning goals of enhanced pedestrian access and environmentally sensitive bluff protection are to be realized. While allowing for appropriate redevelopment, the goals and policies established for this Land Use District are designed to protect the public's historical use of the area, enhance future pedestrian use and minimize bluff erosion rates over the long term. In an effort to accomplish and facilitate these goals and objectives, the following dedications shall be required whenever feasible and to the maximum extent allowed by State law:

1. Expansions of existing structures or any new development (as defined in Section 25.53 of the Municipal Code) shall be required to dedicate a 25-foot pedestrian access and utility easement as described on the attached map. This easement may be used for outdoor dining in conjunction with approved restaurants and other pedestrian-related activities as permitted within this Land Use District.
2. Expansions of existing structures or any new development (as defined in Section 25.53 of the Municipal Code) shall be required to dedicate a portion of the property adjacent to Pacific Coast Highway in order to provide for a ten-foot wide sidewalk.
3. A dedication for public access and recreational purposes shall be required for all land situated on the sandy portion of the beach as a condition of approval for new building construction, additions to buildings, variances or subdivisions on oceanfront property.

4. A dedication of development rights shall be required for all land situated between the sandy portion of the beach and the oceanward edge of the required pedestrian easement (as indicated on the attached map) as a condition of approval for new building construction, additions to buildings, variances or subdivisions on oceanfront property.

H. Flexible Property Development Standards for Planned Integrated Developments

Notwithstanding the aforementioned standards, flexible property development standards may be negotiated as specified below for Planned Integrated Developments when the City determines that sufficient public benefit will be realized from the proposed development.

1. If a proposed Planned Integrated Development incorporates amenities and/or benefits to the City beyond those required by the property development standards, then the City may consider and approve changes to certain property development standards as specified below.

Examples of amenities or benefits to the City may include, but are not limited to the following:

- a) The incorporation of additional open space beyond that required in the development standards, such as additional public accessways and/or view corridors
 - b) The establishment of public art areas or sculpture gardens beyond that required by Municipal Code 1.09 (Art in Public Places)
 - c) The inclusion of significant public amenities accessible to the public such as fountains, chairs, benches, approved lighting, landscaping and rooftop view areas
 - d) The dedication of property for use as a public park
2. If a proposed Planned Integrated Development incorporates significant amenities or benefits, including, but not limited to the above, then the City may consider some or all of the following incentives:
 - a) Bluff top pedestrian access easement averaging. The bluff top setback requirements may be averaged, if topography warrants. However, in no instance shall the minimum width of the setback be less than fifteen feet and in no case shall development either create or contribute to erosion problems or geologic instability of the site or surrounding areas or inhibit public access. Design solutions shall in no case include destruction of cliffs and bluffs by excavation or other means.

- b) Building height averaging. The building height limit may be averaged; however, in no instance shall the maximum building height exceed twenty-four feet from existing grade. Height averaging shall be used only to enhance public viewshed and access and to minimize building mass and bulk.
 - c) Side yard setback redistribution. The side yard setback requirements may be modified to allow for a "zero" setback on one side, if the opposite side is increased to equal the size of the two required yards.
 - d) The City Council may consider reducing permit and/or development fees.
- I. Demolition of Structures located within required easements** As a condition of approval for expansions or remodels (as established in Section 25.53 of the Municipal Code) the City shall require the demolition of any encroachments within dedicated easements.
- J. Conceptual Design Review** All new development and expansions shall be required to submit plans and participate in the Concept Review process as jointly administered by the Design Review Board, Planning Commission, and Arts Commission when relevant.

Description of Dedication Baseline

A strip of land twenty-five (25) feet in width measured easterly from the following baseline:

Commencing at a point on the most westerly corner of Lot 129 of the Laguna Beach Tract as per map thereof recorded in Book 1, Page 78 of Miscellaneous Record Maps, in the Office of the County Recorder of Los Angeles County, California; thence southeasterly along the southwesterly line of Lot 129 to the most southerly corner thereof; thence northeasterly 40 feet along the southeasterly line of Lot 129 to a point, said point being distant 21.7 feet southwesterly from the most westerly corner of Lot 1 of the Laguna Beach Tract; thence southeasterly to the most westerly corner of Lot 5, Laguna Beach Tract; thence southeasterly along the westerly line of Lot 5 to the most westerly corner of Lot 6; thence southeasterly to a point 25 feet distant westerly of Lot 9 measured along the southwesterly prolongation of the northwesterly line of Lot 9; thence southeasterly to a point 25 feet distant westerly of Lot 10 measured along the southwesterly prolongation of the northwesterly line of Lot 10; thence southeasterly to a point 25 feet distant westerly of Lot 11 measured along the southwesterly prolongation of the northwesterly line of Lot 11; thence southeasterly to a point 25 feet distant westerly of Lot 12 measured along the southwesterly prolongation of the northwesterly line of Lot 12; thence southeasterly to the most southerly corner of Lot 13.

Map of Dedication Baseline

This line follows either the edge of the sea cliff, the projection of the edge of the sea cliff prior to the landslide of the 1920's or is an extension of the Main Beach boardwalk.

STANDARDS

GENERAL PROVISIONS DEVELOPMENT

General Provisions Development Standards The following ~~provisions~~ standards shall apply to all Downtown Specific Plan Land Use Districts:

- A. Lot Area and Dimension Standards.** Parcels shall not be merged together for development purposes that exceed 5,000 square feet except for City-ownership projects; but development may occur on existing parcels that are in excess of 5,000 square feet.

- B. Building Setback and Yard Area Standards.** Street corner lots shall provide a corner setback. The setback shall be a diagonal line drawn between two points on the street frontage property lines, where each point is 10 feet distant from the corner or an equivalent setback as approved by the Planning Commission.

- C. Open Space and Landscaping.** Open space and landscaping shall be provided in accordance with the following requirements:
 - 1. Projects which require Design Review approval by the Planning Commission, and which result in an expansion of building square footage, or which result in remodeling, repair or reconstruction of existing structures exceeding \$10,000 in valuation of such work, may require landscape treatment which is deemed by the Commission to be consistent with the Downtown Design Guidelines. Landscaping requirements shall include automatic irrigation systems and may also apply to existing surface parking areas.

 - 2. All projects for new development and/or expansions to create more than 10 percent additional floor area shall provide open space and landscaping according to the following provisions:
 - a) Lots less than 2,500 square feet

Provide ground to sky open space equal to 10 percent of the total lot area.

 - b) Lots greater than 2,500 square feet

Provide open space equal to 25 percent of the total gross floor area. Such open space shall be open to the sky and may be provided at both ground and upper levels. Open space calculations may include landscaping, courtyards, pocket parks, decks and other similar elements as approved by the Design Review Board. A minimum of 40 percent of the open space area shall be vegetated.

 - c) To qualify as open space for commercial development, courtyards, plazas and other pedestrian spaces must be open to the public and directly accessible from the public right-of-way. Landscaped areas must be visually or physically accessible from the public right-of-way.

D. Additional Yard Area, Building Setback, Open Space and Coverage Standards

1. The provisions of Chapter 25.50 shall apply except as modified in this Specific Plan.
2. Where side or rear lot lines abut a different zone, the minimum setback requirement of the abutting zone shall apply.
3. Yard area, building setback, open space and coverage standards may be modified by the Planning Commission when applied to mixed-use residential/commercial development.

E. Building Height Standards. A variety of building heights currently contributes to the unique character of the downtown. Many existing buildings are in excess of the following height standards and would be classified nonconforming. The mix of these nonconforming structures along with new construction that conforms to the height standards will preserve the diversity of building heights that presently exists in the downtown. Therefore, in order to protect the heritage and existing scale and character of the downtown with its diversity of building heights; preserve public views of the beach, ocean and hillsides; and maintain sufficient light, air and solar access to the streetscape, the following building height standards shall apply:

1. Building height (per the Building Height definition in Municipal Code Section 25.08.016) shall not exceed 12 feet and 1 floor, including parking garage floor levels with access ramps located outside the structure's ground floor footprint. Notwithstanding the Building Height definition Exception (4), the maximum height, including roof, chimneys, vents, mechanical equipment, mechanical enclosures, elevator shafts, stairways and other such structural elements required for the operation of the building shall not exceed an additional 6 feet, if approved by the design review authority. Per the Building Height definition, subterranean floors are exempt from the above height measurement limit. Subterranean floors shall also be exempt from the one (1) floor limit. Compensatory height exemptions may be granted for those properties where the first habitable level must be raised above the floodplain elevation.
2. Existing buildings that exceed the allowable height (as set forth herein this section) will become nonconforming, with the exception that nonconforming structures shall be allowed to add 10 percent or 100 square feet, whichever is less, as long as said addition does not violate the existing building or maximum height envelope.
3. Subject to a conditional use permit, properties located in the CBD Office District may be allowed an exemption for a second floor addition, provided the second floor addition is used for long-term low-income, housing restricted to City employees, senior citizen (60 years and older), housing for the disabled, or business and professional offices exclusive of medical or dental offices. The maximum height of such a building (per the Building Height definition), including roof, chimneys, vents, mechanical equipment, mechanical enclosures, elevator shafts, stairways and other

such structural elements required for the operation of the building, shall be 24 feet. (See also "Special Finding, Second-Story Exemptions.")

4. Buildings shall provide a pedestrian orientation and scale consistent with the Downtown Design Guidelines; incorporation of one-story elements and/or roofline variation into the project, and the use of material changes, window variations and overhanging building elements to distinguish the upper floor from the ground floor may be necessary to achieve a desirable pedestrian orientation and scale.
- F. Parapet Walls** Parapet walls shall not be permitted, unless the Planning Commission determines that use of a parapet wall(s) would not reduce the compatibility of the project with the site and adjacent properties.
- G. Enclosed Uses** All permitted or conditional uses, except as otherwise authorized by the Planning Commission, shall be conducted entirely within an enclosed building.
- H. Fences & Walls** The provisions of Section 25.50.012 shall apply.
- I. Space between Buildings** No requirement, except as required by the Planning ~~Commission~~Commission or as specified in this document.
- J. Trash and Outdoor storage Areas**
1. Areas for trash or outdoor storage shall be provided for each use, in a manner that is consistent with the Downtown Design Guidelines pertaining to trash, storage and equipment areas.
 2. A trash compactor of appropriate size and daily trash pickup shall be provided for all restaurant uses.
- K. Mechanical Equipment** No mechanical equipment such as tank ducts, elevator enclosures, cooling towers, mechanical ventilators, public utility vaults, transformers, meter boxes, backflow valves, air conditioning or heating units shall protrude through the allowable building height envelope. Neither shall such equipment be erected, constructed, or maintained or altered anywhere on the premises unless all such equipment and appurtenances are contained within a completely enclosed structure or within a portion of a building having walls or visual screening with construction and appearances similar to and integrated with the main building architectural design.
- L. Access and Improvement Standards** The provisions of Chapter 25.53 shall apply, except as modified in this Specific Plan.
- M. Signs** The provisions of Chapter 25.54 shall apply, except as modified below:
1. Window signs shall be limited to a maximum of 10% of the window area, up to a maximum of five (5) square feet and three (3) window signs per site.

2. Wall signs for individual businesses shall be limited to a maximum of fifteen (15) square feet, except where it can be found that such limited sign size is inconsistent with building size, architecture and setback from the public right-of-way.
3. Individual logos (company symbol or trademark) on any exterior commercial sign shall be limited in size, as determined by the Planning Commission.

N. Parking The provisions of Chapter 25.52 shall apply, except as modified in this Specific Plan.

1. **Parking Incentives** A maximum of three parking credits may be available to sidewalk cafes for outdoor seating; outdoor seating should contribute positively to the downtown atmosphere and should be available to the general public (rather than being restricted to restaurant customers). Credit may include but shall not be limited to reduced in-lieu fees or reduced requirements for additional parking and may be granted on a temporary or seasonal basis. To receive parking credits, the applicant may be required to participate in a funding program for seasonal, expanded tram service. Approval for parking credits must be granted by City Council.
2. **Parking for Senior and Disabled Housing** Parking requirements for housing projects with units committed to long-term senior citizen (60 years and older) and/or disabled housing may be reduced or waived as specified in Chapter 25.52.
3. **Surface Parking Lots** All surface parking lots shall provide, at a minimum, a four-foot wide landscaped setback with appropriate street trees adjacent to all street frontages, excluding necessary driveways. The Planning Commission may require additional buffering, if warranted by special circumstances.
4. **Parking Garages and Tuck-Under Parking Structures** Whenever possible, the first floor above the parking garage or tuck-under parking structure shall be at grade of adjacent public sidewalks and further, shall not exceed five feet above grade along all other frontages; entrances to the structure should be located away from major pedestrian areas and the structure should be designed so as to minimize impacts on pedestrian views.

The following requirements shall apply to all parking structures that are part of a commercial or residential building and are not constructed as a structure dedicated solely to parking purposes.

- a) A minimum 4-foot wide landscaped buffer shall be provided for all areas of parking garages or structures which are above grade, except where abutting a building.
- b) Properties may be permitted one driveway per 150 feet of street frontage. Such driveway shall not exceed 20 feet in width unless otherwise required for safety reasons, except where abutting a building.

- c) All parking structures shall be designed to provide consistency with the Downtown Design Guidelines pertaining to parking.
- O. Alleyway Treatment** Projects which are for exterior alteration and which are located on a site with alley frontage may be required by the Planning Commission to provide alleyway frontage improvements, including display windows, entryways, architectural features and landscape treatment to enhance the alleyway elevation. Alleyway improvements shall be provided in a manner that is consistent with the Downtown Design Guidelines. Landscaping may also be required in accordance with Section C.1, Open Space and Landscaping portion of this General Provision section.
- P. Outdoor Display.** Proper use of outdoor display will enhance the pedestrian experience in the downtown. Outdoor display of merchandise may be permitted subject to a conditional use permit, with the exception that outdoor display which is not visible to pedestrians from the public right-of-way is exempt from the conditional use permit requirement. All conditional use permit applications will be reviewed according to the following standards:
1. Outdoor displays shall not extend into the public right-of-way.
 2. Outdoor displays shall not inhibit adequate ingress and egress to the building.
 3. Outdoor displays should be innovative and enhance the unique character and diversity of the downtown.
 4. Outdoor displays should be compatible with the building.
 5. Outdoor displays that contribute to the pedestrian atmosphere of the downtown, such as flowers and magazine racks, should be encouraged.
 6. Approval of the conditional use permit for outdoor display shall not produce an incremental effect that is detrimental to the City.

HISTORIC PRESERVATION

There are approximately 65 structures in the Central Business District identified on the City's Historic Resources List which are eligible for placement on the City's Historic Register. Placement on the Register provides property owners with significant preservation incentives such as parking reduction, setback flexibility, building code deviations and density bonuses. Structures placed on the Historic Register are subject to the provisions and incentives set forth in the Historic Preservation Ordinance, established as Chapter 25.45 of the Municipal Code.

MINOR USE PERMIT PROCESS

A Minor Use Permit (MUP) may be approved by the Community Development Director for certain uses as identified within this Specific Plan. In such cases, the following process shall be followed:

A. **Application.** Applications for a MUP shall be made by the property owner or authorized agent. Applications shall contain such information as prescribed by the Director.

B. **Filing Fee.** Prior to accepting an application for a MUP, a filing fee as determined by the Resolution of the City Council shall be submitted.

C. **Approvals.**

1. Within 10 business days of receiving a complete application, the Director shall render a decision that will either approve, approve in part, conditionally approve, or deny said application.

2. In making his/her decision, the Director shall make any necessary special findings per this Specific Plan, in addition to the following findings:

a. The site is adequate to accommodate the use without adverse impact on abutting property or on parking or traffic circulation in the Downtown area.

b. The proposed use is consistent with the intent and purpose of the District in which it is located, and the goals and policies of the Downtown Specific Plan and the City's General Plan.

c. The conditions stated in the decision are necessary to protect the public health, safety and general welfare.

D. **Notice.** Notice of the Director's decision shall be provided to the Applicant and Planning Commission within five (5) business days of said decision.

E. **Appeals.** The decision by the Director may be appealed to the Planning Commission by the Applicant or any member of the Planning Commission. Any decision of the Planning Commission may be appealed to the City Council. No fee shall be required for such appeal.

FINDINGS REQUIRED FOR CONDITIONAL USE PERMITS WITHIN THE DOWNTOWN SPECIFIC PLAN BOUNDARIES

General Findings Required. In reviewing applications for Conditional Use Permits for the Downtown area, the Planning Commission shall evaluate each proposed use in order to consider its impact on the City. No Conditional Use Permit shall be granted unless all of the following findings can be made:

1. The site is adequate to accommodate the use without adverse impact on abutting property or on parking or traffic circulation in the downtown area.
2. The proposed use will maintain a balanced mix of uses which serves the needs of both local and non-local populations.

3. The granting of the Conditional Use Permit will not produce an incremental effect of similar uses that would be detrimental to the City.
4. The proposed use is consistent with the intent and purpose of the District in which it is located, and the goals and policies of the Downtown Specific Plan and the City's General Plan.
5. The conditions stated in the decision are necessary to protect the public health, safety and general welfare.

**SPECIAL FINDINGS REQUIRED FOR CERTAIN USES THROUGH ISSUANCE OF
MINOR USE PERMITS AND CONDITIONAL USE PERMITS**

Special Findings Required for Certain Uses. Due to their potential impact on the character of the community, it is necessary to require that special findings be made. ~~In addition to the general findings required above, the following special findings for the uses identified below shall be made~~ prior to the granting of a Minor Use Permit or Conditional Use Permit for said uses:

A. Special Findings, Full-Service Restaurants. The following special findings are required for "full-service" restaurants as defined in Section 25.08.032:

1. There are adequate facilities on-site for the closed storage of trash and garbage generated by the use and there will be daily trash pick-up. The storage area is designed so that it can be cleaned; a plan has been submitted and approved for a regular and frequent cleaning schedule of the trash enclosure; and the refuse will be removed without creating a public nuisance and without being placed on the public sidewalks or other public ways.
2. The business is not classified as a drive-in or fast-food restaurant.
3. Frozen desserts or other dessert items are incidental menu items.
4. A total restaurant size (gross square footage) or a maximum number of seats for the restaurant has been established by the Planning Commission for the use.

B. Special Findings, Take-Out Restaurants/Food Services. The following special findings are required for take-out restaurants as defined in Section 25.08.032:

1. There are adequate facilities on-site for storage of trash and garbage generated by the use and there will be daily trash pick-up. The storage area is designed so that it can be cleaned and the refuse removed without creating a public nuisance and without being placed on public sidewalks or other public ways.
2. The business is not classified as a drive-in or fast-food restaurant.

3. The service counter is located within the interior of the business premises and is located and arranged so that patron queues will not spill onto and over public access ways.
4. Frozen desserts or other dessert items are incidental menu items.
5. All products sold for consumption off the premises will be placed in non-CFC (chlorofluorocarbon) containers.
6. The operator of the use authorized by this permit will be responsible for the clean up of all on-site and adjacent public areas, including the sidewalks. A practical plan for monitoring and implementing this clean up will be provided as a condition of the permit.

C. Special Findings, Take-out Restaurants or Take-out Food Establishments Specializing in Certain Dessert Items. In addition to the special findings in Subsection (B) above, the following findings are required for take-out restaurants or food-service establishments specializing in certain dessert items such as ice cream, frozen yogurt, cookies, candy, etc.:

1. The business specializes in the sale of frozen products or other dessert items.
2. There is no more than a total of ten such establishments located within the Downtown Specific Plan Boundaries.
3. All products sold for consumption off the premises, with the exception of cones, will be placed in non-CFC (chlorofluorocarbon) containers.
4. The operator of the use authorized by this permit will be responsible for the clean up of all on-site and adjacent public areas, including sidewalks. A practical plan for monitoring and implementing this clean up will be provided as a condition of the permit.

D. Special Finding, Retail Clothing Stores. The following special finding is required for retail clothing stores:

1. The business is not primarily engaged in the retail sale of bathing suits or T-shirts.

E. Special Finding, Art Galleries. The following special finding is required for retail art galleries:

1. A substantial portion of the merchandise shall be original or numbered, limited edition artwork.

F. Special Findings, Formula-based Business. The following special findings are required for formula-based businesses.

1. The business offers merchandise and/or services that serve the current unmet needs of

the resident population.

2. Although the formula-based business may have other store locations throughout the country, state or region, the business will enhance the destination quality of the Downtown Specific Plan area and not exhibit a local/regional saturation.
3. Both exterior and interior appearance and presentation of the business is compatible with the existing scale of development, distinctive architecture and pedestrian orientation of the established village character and results in an enhancement of the look and feel (i.e. character) of the downtown.

G. Special Finding, Second-Story Exemption. The following special finding is required for exemptions to the height limit as permitted under Building Height Standards.

1. Granting of the conditional use permit will not result in an incremental or cumulative effect of second-story exemptions that adversely affect either the scale, character or diversity of building heights in the downtown or the public views of the beach, ocean and hillsides.

H. Special Finding/Requirement, Seasonal Uses that Coincide with the Art Festivals. Businesses may be required to participate in a funding program for seasonal expanded tram service.

ALLOWABLE CHANGE IN USE CATEGORY
PER CITY COUNCIL RESOLUTION

As market trends and needs change from time to time, it may be beneficial to incentivize certain uses in the Downtown, As such, land use permitting requirements (“Permitted”, “MUP”, or “CUP”) may be changed by City Council Resolution on an annual basis per staff/consultant recommendation. Changes to permitting requirements for different land uses must be supported and recommended by City staff/consultants and through a noticed public hearing by the City Council. As applicable, land uses that have been changed through resolution must continue to adhere to the “Special Findings Required for Certain Uses” section above due to their potential impact on the character of the downtown.

DEFINITIONS

Fast-food Restaurant. Fast-food restaurant means a business which provides quick food service for consumption on or off the premises in a facility, which is designed to serve a high volume of customers at a high turnover rate. These types of businesses usually have contractual or other arrangements to offer standardized menus, ingredients, food preparation, decor or uniforms. Such a restaurant may or may not provide seating, drive-in, and/or take-out services.

Change of Use. A change of use occurs when any of the following occur: 1) a business offers or proposes to offer merchandise or a mix of merchandise and/or services that are not specified in the approved conditional use permit; 2) a nonconforming business operating without an approved conditional use permit offers or proposes to offer a different category or mix of merchandise and/or new services; 3) a formula business replaces an existing business, even when the general category of merchandise or type of service does not change; 4) a food service or restaurant use enlarges the size of its seating area, or changes some material aspect of its operation and/or presentation of its business.

Formula-based Business. A formula-based business means a use or business which offers merchandise and/or services using a formulaic or mass-marketing approach. All business or store locations are identifiable through standardized architecture, storefronts, merchandise and/or services, store layout and décor, signs, uniforms or other similar features.

Guide Shop. Online-only concept where retailers have a physical, brick and mortar location to allow consumers a “look before you buy” experience.

Recreational Facilities. Includes facilities that are required for or associated with exercise, entertainment, or athletic equipment (gyms, personal fitness, etc.).