

ORDINANCE NO. 1701

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH, CALIFORNIA, AMENDING CERTAIN PORTIONS OF TITLE 25 OF THE LAGUNA BEACH MUNICIPAL CODE AND THE CITY'S LOCAL COASTAL PROGRAM; AND DETERMINING THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED PURSUANT TO PUBLIC RESOURCES CODE SECTION 21166

WHEREAS, State law requires the City of Laguna Beach ("City") to adopt and maintain a general plan that contains certain mandatory elements, describes the City's long-term goals, and develops policies and programs to achieve those goals; and

WHEREAS, one of the mandatory elements of a general plan is the housing element, which must be updated every eight (8) years as provided in the State Housing Element Law (Government Code § 65580, et seq.) pursuant to Government Code Section 65302(c); and

WHEREAS, between December 2020 and January 2023, the City undertook the process of updating the City's Housing Element by approving a work plan and schedule, undertaking public meetings, and conducting public workshops; and

WHEREAS, following this process, on January 24, 2023, the City Council adopted Resolution No. 23.010 to adopt General Plan Amendment 21-8426 for a revised 6th Cycle (2021-2029) Housing Element (the "Housing Element"); and

WHEREAS, on February 7, 2023, the California Department of Housing and Community Development certified that Housing Element, finding it in full compliance with State Housing Element Law; and

WHEREAS, certain changes to the General Plan and Municipal Code are appropriate in order to implement the newly-adopted Housing Element; and

WHEREAS, in carrying out these certain changes, the City has prepared amendments to the Housing Element, Land Use Element, and Titles 1 & 25 of the Laguna Beach Municipal Code; and

WHEREAS, the Land Use Element of the General Plan and Title 25 of the Laguna Beach Municipal Code are both components of the City's certified Local Coastal Program; and

WHEREAS, on December 6, 2023, the Planning Commission held a duly noticed public hearing and voted unanimously to recommend that the City Council approve Zoning Ordinance Amendment 23-1250, Local Coastal Program Amendment 23-1251, & General Plan Amendment 23-1350 to amend portions of Chapters 1.09 (Art in Public Places), 25.02 (Establishing Districts and Limiting the Uses of Lands Therein), 25.05 (Administration), 25.08 (Definitions and Standards), 25.10 (R-1 Residential Low Density Zone), 25.12 (R-2 Residential Medium Density Zone), 25.14 (R-3 Residential High Density Zone), 25.15 (R/HP Residential/Hillside Protection Zone), 25.16 (Artists' Work/Live), 25.18 (Local Business-Professional Zone), 25.19 (C-N Commercial-Neighborhood Zone), 25.20 (C-1 Local Business District), 25.25 (SLV, South Laguna Village Commercial Zone), 25.28 (I Institutional Zone), 25.39 (Specific Plan (Sarah Thurston Park)), 25.46 (MH Mobilehome Zone), and 25.52 (Parking Requirements), and add Chapter 25.96 (Housing Programs and Incentives), and amend the Land Use Element and Housing Element of the General Plan; and

WHEREAS, on February 27, 2024, the City Council held a duly noticed public hearing to consider the Planning Commission's recommendation and the testimony and evidence presented to the City Council, and directed staff to address Council's comments and return to Council with revised documents implementing those changes; and

WHEREAS, on May 28, 2024, the City Council held a duly noticed public hearing to consider the revised draft Housing Element, Land Use Element, and Ordinance amending Titles 1 and 25 and the testimony and evidence presented to the City Council; and

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

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

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

SECTION 2. The City Council of the City of Laguna Beach hereby finds that no further environmental review is required because none of the conditions in Public Resources Code Section 21166 and/or State CEQA Guidelines Section 15162 are triggered by the proposed amendments to the Laguna Beach Municipal Code. CEQA Guidelines Section 15162 provides an exemption for projects with a prior Negative Declaration, provided no substantial changes are proposed that involve new significant environmental effects, or otherwise involve a substantial increase in the severity of previously identified significant effects, and provided further there is no new information of substantial importance to the prior Negative Declaration determination. The proposed amendments fall within the scope of the Housing Element update, for which the City adopted a Negative Declaration on January 11, 2022, and implement the programs of the 6th Cycle Housing Element. The analysis and findings contained within the previously adopted Negative Declaration remain valid. The proposed housing amendments therefore do not require preparation of subsequent environmental documentation. The previously adopted Initial Study/Negative Declaration is available for public review on the City's website at the following link: <https://www.lagunabeachcity.net/government/departments/community-development/planning-zoning/current-projects/housing-element-update>.

SECTION 3. Paragraph (B)(1) of Section 25.05.070 (Appeals and requests for review of discretionary decisions) of the Laguna Beach Municipal Code is hereby amended to add text in underline and bold as follows:

(B) **Appealability of Decisions.**

(1) All decisions regarding administrative use permits (Section 25.05.020), administrative design review (Section 25.05.040(B)(3)), coastal development permits (Section 25.05.050 and Chapter 25.07), conditional use permits (Section 25.05.030), design review (Section 25.05.040), interpretations (Chapter 25.06), reasonable accommodation (Section 25.05.080), **home occupation permits (Section 25.96.040)**, temporary use permits (Section 25.05.035) and variances (Section 25.05.025), of the planning commission, board of adjustment/design review board or director of community development may be appealed to the city council by the applicant or any owner of property within three hundred feet of the subject property. Appeals of any determinations and requirements regarding coastal development permit processing, including exemptions, determinations relative to appealable development, etc. shall be as described in Chapter 25.07.

SECTION 4. Paragraph (B) of Section 25.05.075 (Revocation) of the Laguna Beach Municipal Code is hereby amended to add text in underline and bold as follows:

(B) Procedures.

(1) Initiation. A revocation or modification of any administrative use permit, conditional use permit, temporary use permit, **home occupation permit**, variance or design review approval may only be initiated by the authority that granted the approval or by the director of community development.

(2) Review Authority. An approval may only be revoked or modified by the authority that granted the approval. An approval may be revoked or modified only if one or more of the following findings can be made:

(a) That the administrative use permit, conditional use permit, temporary use permit, **home occupation permit**, variance or design review approval was obtained by negligent or intentional misrepresentation (e.g., erroneous facts or information was presented by the applicant) or fraud;

(b) That one or more of the conditions of approval have not been met or are not presently in compliance;

(c) That the use is in violation of any statute, ordinance, law or regulation; or

(d) That the use permitted is detrimental to the public health, safety or welfare or constitutes a public nuisance.

(3) In the event a variance is approved regarding existing nonconformities and the nonconforming structure is removed in the process of construction, a public hearing shall be held by the decision-making body responsible for granting the variance. If the evidence presented indicates the nonconforming structure was in fact removed as part of construction related to implementation of the variance, then the decision making body shall proceed with the revocation process as outlined in subsections (B)(3) through (B)(5) of this section.

(4) Prior to revocation, a noticed public hearing shall be held. Public notice shall be subject to the provisions of Section 25.05.065.

(5) Not less than thirty days prior to the hearing date, a written notice of intention to revoke the permit or privilege granted shall be mailed to the applicant.

(6) Revocations shall be made by resolution, with the exception of revocations by the director of community development which shall be by written notice.

(7) All revocations made by the planning commission, design review board or director of community development may be appealed to the city council subject to the appeal procedures of Section 25.05.070.

SECTION 5. Section 25.08.002 (Words Beginning with “A”) of the Laguna Beach Municipal Code is hereby amended in alphabetical order to add text in underline and bold and delete text in strikethrough and bold as follows:

25.08.002 Words Beginning with “A.”

The following are definitions for words beginning with “A”:

...

“Accessory dwelling unit” means an attached, detached, or converted dwelling unit that is ancillary to a primary dwelling unit. See Chapter 25.17 for more detailed standards related to accessory dwelling units. See also, “Junior accessory dwelling unit;” . . .

“Affordable housing” means one or more housing units that will be affordable to households at extremely low income, very low income, low income, and moderate-income levels. Qualifying income levels are based on household size and published annually by the State Department of Housing and Community Development. Generally, housing that costs less than 30-percent of household income is considered affordable to these groups; . . .

“Apartment” means a ~~dwelling unit~~ self-contained housing unit typically rented or leased, that occupies part of a building, generally on a single floor;

“Apartment house” means a multiple-family dwelling;

...

SECTION 6. Section 25.08.006 (Words Beginning with “C”) of the Laguna Beach Municipal Code is hereby amended in alphabetical order to add text in underline and bold and delete text in strikethrough and bold as follows:

25.08.006 Words Beginning with “C.”

The following are definitions for words beginning with “C”:

...

“Commercial uses” means those uses other than residential, religious or public educational uses, permitted to the C-1, ~~C-2, C-5~~, CH-M and C-N, and SLV zones;

“Commercial zone” means the C-1, ~~C-2, C-5~~, CH-M and C-N, and SLV zones;

...

“Condominium” means an undivided interest in common in a portion of real property coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map, or condominium plan in sufficient detail to locate all boundaries thereof. The unit is typically owned by the occupant;

...

SECTION 7. Section 25.08.008 (Words Beginning with “D”) of the Laguna Beach Municipal Code is hereby amended in alphabetical order to add text in underline and bold and delete text in strikethrough and bold as follows:

25.08.008 Words Beginning with “D.”

The following are definitions for words beginning with “D”:

...

“Density bonus” means an incentive-based tool under California state law that allows a developer to receive incentives for providing affordable or inclusionary housing, including a density increase over the otherwise maximum allowable residential density;

...

SECTION 8. Section 25.08.010 (Words Beginning with “E”) of the Laguna Beach Municipal Code is hereby amended in alphabetical order to add text in underline and bold and delete text in strikethrough and bold as follows:

25.08.010 Words Beginning with “E.”

The following are definitions for words beginning with “E”:

...

“Emergency shelter” has the same meaning as in California Government Code Section 65582(d), as that section may be amended from time to time, and includes housing with minimal supportive services for people experiencing homelessness and is limited to occupancy of six months or less. No individual or household may be denied emergency shelter because of an inability to pay;

...

~~“Extended care facility” means an establishment devoted to: (1) providing medical, nursing or custodial care for individuals over a prolonged period, such as during the course of a chronic disease or the rehabilitation phase after an acute illness or injury; and/or (2) provides or coordinates oversight and services to meet the residents’ individualized scheduled needs and assistance with activities of daily living, based on the residents’ assessments and service plans and their unscheduled needs as they arise. An extended care facility includes an intermediate care facility, a skilled nursing facility, a convalescent home, a nursing home, a rest home, a recovery center and an assisted living facility.~~

SECTION 9. Section 25.08.012 (Words Beginning with “F”) of the Laguna Beach Municipal Code is hereby amended to add text in underline and bold and delete text in strikethrough and bold as follows:

25.08.012 Words Beginning with “F.”

The following are definitions for words beginning with "F":

...

~~"Family day care home, large," means a home which provides family day care for seven to twelve children inclusive, including children who reside at the home, for periods of less than twenty-four hours per day (see child care and nursery school);~~

"Family day care" means a day care facility licensed by the State of California, located in a residential unit where residents of the dwelling provide care and supervision for children under the age of 18 for periods of less than 24 hours a day;

Small. A facility that provides care for 8 or fewer children, including children who reside at the home and are under the age of 10;

Large. A facility that provides care for 9 to 14 children, including children who reside at the home and are under the age of 10;

...

SECTION 10. Section 25.08.016 (Words Beginning with "H") of the Laguna Beach

Municipal Code is hereby amended in alphabetical order to add text in underline and bold and delete text in strikethrough and bold as follows:

25.08.016 Words Beginning with "H."

The following are definitions for words beginning with "H:"

...

~~"Home occupation" means a home-based business that is accessory to the primary residential use of the dwelling unit and that maintains the character and livability of the surrounding neighborhood. See Section 25.96.040 for more detailed standards related to home occupations. any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental to the use of the structure for dwelling purposes and which does not change the character thereof or does not adversely affect the uses permitted in the zone of which it is a part. Home occupation may be engaged in when permitted by this title provided the category of home occupation has been approved by the commission as valid and conforming with the criteria and conditions stated below. Any individual home occupation must conform to the following:~~

~~(a) No employment of help other than the members of the resident family,~~

~~(b) No use of material or mechanical equipment not recognized as being part of normal household or hobby uses nor recognized as material or equipment used in the creation of fine art,~~

~~(c) There shall be no newspaper or other advertising carried on, which identifies the address of the residence as a place of business,~~

~~(d) The use shall not generate pedestrian or vehicular traffic beyond that normal to residences in the area,~~

~~(e) It shall not involve the use of commercial vehicles for delivery or pickup of materials or equipment to or from the premises,~~

~~(f) No unsightly storage of materials and/or supplies, indoor or outdoor for purposes other than those permitted in the zone in which it is located,~~

~~(g) It shall not involve the use of signs or structures other than those permitted in the zone of which it is a part,~~

~~(h) No more than one room in the dwelling shall be employed for the home occupation,~~

~~(i) In no way shall the appearance of the structure be so altered or the conduct of the occupation within the structure be such that the structure may be reasonably recognized as serving a nonresidential use (either by color, materials, or construction, lighting, signs, sounds or noises, vibrations, etc.),~~

~~(j) There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential purposes;~~

~~“Home occupations, commercial” means a commercial use conducted within a single-family dwelling, duplex or triplex located in the applicable zones, provided that the building or unit is principally the domicile of the shop owner. Commercial home occupations may be engaged in when permitted by this title, provided the category of home occupation has been approved by resolution of the planning commission as valid and conforms with the criteria and conditions below. Any individual commercial home occupation must conform to the following:~~

~~(a) Only one commercial use shall be applicable per property,~~

~~(b) The building must be structurally sound,~~

~~(c) Commercial use not to exceed twenty-five percent of the existing square footage; in multifamily properties, the square footage of the commercial unit shall be based only upon the unit within which it exists.~~

~~Exemption: Not more than . . . of a detached unit on a lot upon which the resident resides may be used for a home occupation,~~

~~(d) All uses and arrangements shall be subject to the review and approval of the fire marshal,~~

~~(e) All roofing to be noncombustible or fire retardant,~~

~~(f) No unprotected openings or nonrated walls less than five feet from the side and rear property lines except openings adjacent to a street or alley,~~

~~(g) All exterior alterations, modifications or additions to the exterior of the buildings, including signs, are subject to design review,~~

~~(h) Parking standards for all residential units, plus the commercial requirement, must be provided on-site,~~

~~(i) An identification sign shall be allowed, size limited to twenty-five percent of that allowed by the zone,~~

~~(j) Each commercial use shall have a separate entrance and be separable from the residential use,~~

~~(k) There shall be no outdoor storage;~~

SECTION 11. Section 25.08.019 (Words Beginning with “J”) is hereby added to the

Laguna Beach Municipal Code to add text in underline and bold and delete text in strikethrough and bold as follows:

25.08.019 Words Beginning with “J.”

The following are definitions for words beginning with “J”:

“Junior accessory dwelling unit” means a dwelling unit that is no more than 500 square feet in size and contained entirely within a single-family residence. See Chapter 25.17 for regulations related to Junior Accessory Dwelling Units;

SECTION 12. Section 25.08.022 (Words Beginning with “L”) of the Laguna Beach Municipal Code is hereby amended in alphabetical order to add text in underline and bold and delete text in strikethrough and bold as follows:

25.08.022 Words Beginning with “L.”

The following are definitions for words beginning with “L”:

...
“Low barrier navigation center” has the same meaning as in California Government Code Section 65660(a), as that section is amended from time to time, and includes a Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing;

SECTION 13. Section 25.08.032 (Words Beginning with “R”) of the Laguna Beach Municipal Code is hereby amended in alphabetical order to add text in underline and bold and delete text in strikethrough and bold as follows:

25.08.032 Words Beginning with “R.”

The following are definitions for words beginning with “R”:

“Reasonable accommodation” means providing disabled persons flexibility in the application of land use and zoning regulations and procedures, or even waiving certain requirements, when necessary to eliminate barriers to housing opportunities. See Section 25.05.080;

“Residential facility, assisted living” means a facility that provides a combination of housing and supportive services for the elderly or functionally impaired, including personalized assistance, congregate dining, recreational, and social activities. These facilities may include medical services. The residents in these facilities require varying levels of assistance;

...
“Residential housing, special needs” means dwelling units that accommodate specific demographic or occupational groups which call for specific housing types. Such groups include the elderly (age sixty-five and above), the disabled, female headed households, large families, farmworkers, homeless persons or families (including transitional and supportive

housing), and extremely low, very low, low and moderate-income persons, as defined in the city's housing element.

...
"Rest home." See ~~Extended care facility~~;

SECTION 14. Section 25.08.034 (Words Beginning with "S") of the Laguna Beach

Municipal Code is hereby amended in alphabetical order to add text in underline and bold and delete text in strikethrough and bold as follows:

25.08.034 Words Beginning with "S."

The following are definitions for words beginning with "S":

...
"Senior citizen" shall have the same meaning as the term is defined in Civil Code Section 51.3, as that section may be amended from time to time.

...
"Supportive housing" has the same meaning as in California Government Code Section 65650(a), as that section is amended from time to time, and includes dwelling units with no limit on length of stay, that are occupied by the target population as defined in subdivision (d) of Section 53260 of the California Health and Safety Code, and that are linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live and, where possible, work in the community. See also, "Target population;"

SECTION 15. Section 25.08.036 (Words Beginning with "T") of the Laguna Beach

Municipal Code is hereby amended in alphabetical order to add text in underline and bold and delete text in strikethrough and bold as follows:

25.08.036 Words Beginning with "T."

The following are definitions for words beginning with "T":

...
"Target population" means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people;

...

“Transitional Housing” has the same meaning as in California Government Code Section 65582(j), as that section may be amended from time to time, and includes housing that has a predetermined end point in time and operated under a program that requires the termination of assistance, in order to provide another eligible program recipient the service pursuant to Govt. Code Section 1954.12. The program length is typically no less than six months;

...

SECTION 16. Chapter 25.96 (Housing Programs and Incentives) is hereby added to the Laguna Beach Municipal Code to read in its entirety as follows (with additions shown in bold and underline):

Chapter 25.96 (Housing Programs and Incentives)

25.96.010 Density bonuses.

(A) Purpose. The purpose of Section 25.96.010 is to allow density bonuses and other affordable housing incentives to qualifying projects in accordance with State law.

(B) Density Bonus and Affordable Housing Incentives. The density bonuses and other affordable housing incentives required by State law, including, but not limited to, Government Code Section 65915 et seq., shall be available to applicants on the terms and conditions specified in State law.

25.96.020 Lot consolidation incentives.

(A) Intent and Purpose.

1. The City intends to encourage the development of affordable housing and senior citizen housing by allowing property owners to consolidate smaller lots into larger lots for certain qualifying projects.

2. An applicant may request lot consolidation incentives at the time a lot line adjustment application is filed with the City pursuant to the requirements of Section 21.08.030.

3. All requested incentives shall be granted as a matter of right for qualifying projects.

(B) Qualifying Projects.

1. The following projects are permitted to consolidate smaller lots into larger lots in accordance with the provisions of this Section: (1) a 100% affordable housing rental or ownership development project; and (2) a 100% senior citizen housing development project.

a. For purposes of this Section, “100% affordable housing rental or ownership development project” and “100% senior citizen housing development project” includes mixed-use projects containing ground floor commercial provided the residential square footage is at least 85% of the project’s gross floor area.

b. For purposes of this Section, a “100% senior citizen housing development project” means that each housing unit shall consist only of occupants who are senior citizens 55 years of age or older. Notwithstanding the foregoing, a housing unit may

consist of one occupant who is a senior citizen 55 years of age or older and one occupant who is not a senior citizen so long as the occupant who is not a senior citizen is at least 45 years of age or older and providing primary physical or economic support to the qualifying senior citizen.

2. The housing units will be deed-restricted as either 100% affordable housing units for no fewer than 35 years, restricting housing costs to levels of extremely low-, very low-, low-, and moderate-income households, or deed-restricted as 100% senior citizen housing development units for no fewer than 35 years.

3. All parcels proposed to be merged are located in one or more of the following zones, only: R-3, Residential High Density; LBP, Local Business-Professional; C-N, Commercial-Neighborhood; C-1, Local Business District; CH-M, Commercial Hotel-Motel; SLV, South Laguna Village Commercial; and I, Institutional.

4. The proposed lot consolidation would not exceed a total lot size of 25,000 square feet.

(C) Lot consolidation incentives. Qualifying projects are eligible for any and all of the following incentives:

1. Setbacks. A setback reduction of up to five feet is allowed, except when adjacent to existing single-family and two-family residential. The setback reduction may be increased to 10 feet if at least 25% of the housing units are restricted to very low- or extremely low-income households.

2. Parking. Required parking for all residential units in the project, inclusive of accessible and guest parking spaces, shall be reduced to 0.5 spaces per unit. The approval authority may further reduce or waive the parking requirement if a peer-reviewed parking study finds that the proposed project adequately provides for and promotes the use of alternative modes of transportation such as ride-sharing, carpools, vanpools, public transit, bicycle, and walking, and where the reduced parking requirement will not adversely impact public access to beaches, parks, open spaces, and trails.

3. Open space. Reduction in common and/or private open space requirements, up to a maximum of 50%. The open space reduction may be increased to 70% if at least 25% of the housing units are restricted to very low- or extremely low-income households.

4. Building permit and planning application fees. All City building permit and planning application fees for the development of the 100% affordable housing rental or ownership development project shall be refunded following the final inspection and finalization of the building permit. This refund does not include any development impact fees or direct costs for consultant fees associated with project review, including any peer reviews, except as expressly authorized with a development agreement. Subsequent projects to enlarge, alter, or reconstruct the project are not eligible for refund.

25.96.030 Infill and mixed-use housing projects.

(A) Intent and Purpose. The City intends to promote housing production in the City's mixed-use zones and to implement the goals, objectives, policies, and programs of the City's Housing Element. Mixed-use development, including infill housing on sites with existing commercial buildings, expands the City's mix of housing types, including additional rental housing opportunities. Further, it promotes a village-style mix of resident-serving businesses to serve the resident population, enhances vitality, reduces auto dependency, and promotes more efficient use of land and infrastructure.

(B) Applicability. The following exceptions from the development standards shall apply to the C-N, C-1, and SLV zoning districts only.

(C) Development standard exceptions. Provided that the property owner agrees to enter into a recorded covenant with the City, ensuring that the residential units will not be converted to short-term lodging units as defined in Chapter 25.23, the following development standard exceptions shall apply. The covenant shall be in a form approved by the City Attorney and binding upon all future owners and successors in interest. The approval and recordation shall occur prior to issuance of building permits.

1. Additional Building Setback Waiver. Compliance with the additional building setback required by Section 25.50.004(D) shall be waived for no more than two exclusively residential floor levels that provides two or more residential units immediately above the ground floor, provided that the following conditions are met:

(a) At least half of these residential units, rounded to the nearest whole number, do not exceed 700 square feet in gross floor area (halves are rounded up); and

(b) The residential plate height does not exceed nine feet and, if the residential floor level is also the uppermost floor, the roof height does not exceed 16 feet above the residential finished floor.

2. Nonconforming Open Space. Residential uses that are proposed above an existing commercial ground floor level may reduce the nonresidential open space required by the zoning district in which the project is located only as necessary to accommodate access improvements, bicycle storage, and trash storage serving the residential use.

3. Nonconformities – Major Remodel. Residential additions that constitute a major remodel of an existing building or structure as defined in Section 25.56.006(D) shall not be required to bring nonconformities associated with the non-residential use or uses into compliance with this Title, including nonconforming parking, provided that the project constitutes a major remodel due to the size of the floor area addition only. This exception does not apply when a project meets one or more of the major remodel demolition thresholds.

25.96.040 Home occupations.

(A) Intent and Purpose. The City intends to further community goals for connecting jobs and housing in a compact way, with potential benefits including greater home affordability and sustainability, reduced costs of childcare, and supporting entrepreneurial opportunities and the creation of new businesses. The requirements of this section are also intended to ensure that home occupations remain subordinate to the residential use, that the residential viability of the dwelling is maintained, and that the use will not be a detriment to the character and livability of the surrounding neighborhood. Finally, these requirements respond to the unique needs of the resident artist community by maximizing flexibility for artists proposing to create their work at home.

(B) Allowed uses. The following are deemed appropriate business activities when conducted by the occupants of a dwelling and their employees in a manner accessory to the primary residential use and compatible with the characteristics of the surrounding neighborhood. Home occupations may be allowed within a conforming or legal, nonconforming residential use and shall be limited to the following activities.

1. Art and craft work, including ceramics, painting, photography, and sculpture. Direct retail sales are allowed at the premises by appointment;

2. Art, music, and similar fine-art related lessons, and academic tutoring;

3. Cottage food operators preparing and packaging home kitchen-prepared foods to be sold directly to the public or indirectly through restaurants and food markets. A direct sale may be fulfilled in person at the dwelling unit by appointment provided that the unit maintains its residential exterior appearance and all food and beverage products are consumed off-site;

4. Hair, nail, facial, and similar personal care;

5. Massage therapy;

6. Office-type uses, including an office for an accountant, architect, attorney, consultant, insurance agent, licensed therapist, technical advisor, or writer;

7. Physical therapists and personal trainers;

8. Psychology and psychiatric offices; and

9. Other uses the Community Development Director deems to be of the same general character as those listed above, and not detrimental to the surrounding neighborhood.

(C) Prohibited Uses. The following business activities are prohibited in a dwelling unit:

1. Adult business activities;

2. Animal hospitals, clinics, and kennels, and any commercial uses that involve the breeding, grooming, or training of dogs, cats, or other animals on the premises;

3. Assembly of an industrial nature;

4. Carpentry and cabinet making (does not prohibit a normal wood-working hobby operation);

5. Construction and landscaping businesses that provide on-site storage of goods, equipment, and materials to be utilized in the operation of the business;

6. Gun and weapon sales;

7. Hazardous uses. Hazardous uses are generally those uses that involve storage of large quantities of hazardous materials that readily support combustion or pose a health hazard;

8. Medical clinics, medical offices, laboratories, and pharmacies, except those permitted above;

9. Manufacturing;

10. Marijuana growing, processing, or retail sales;

11. Motor vehicle repair, servicing, painting, storage, or washing;

12. Personal self-storage (mini-storage);

13. Retail sales, direct (i.e., stock on hand and customers coming to the residence), except as permitted above;

14. Schools (does not including tutoring/counseling or art, music, and similar fine-art related lessons);

15. Storage, including personal self-storage (mini-storage), except as an accessory use to an otherwise permitted business activity. Storage may not displace required parking;

16. Tattoo shops;

17. Welding and machining; and

18. Other uses determined by the Community Development Director not to be incidental to, or compatible with, surrounding uses.

(D) Authorization – Permits Required.

1. Home Occupation Permit. An applicant seeking a Home Occupation Permit shall file an application with the Community Development Department. The form and

content of the application shall be as specified by the Community Development Director and shall be subject to a fee established by resolution of the City Council. Applications are subject to Planning and Building approval and may require a safety inspection.

(a) In addition to any other application requirements specified by the Community Development Director, the application shall include a business operations narrative, interior floor plan, and a description of any proposed building or site improvements associated with the business use. The floor plan shall indicate the planned location for the home occupation, total living area square footage, and living area square footage devoted to the home occupation.

2. Business License. A Business License must be maintained at all times when a residential unit is being used for home occupation purposes.

3. Building Permit. A Building Permit is required for any construction, moving, alteration, conversion, improvement, repair, or demolition of a structure. In accordance with State and federal accessibility standards, improvements to make the unit or portions of the unit accessible to persons with disabilities may be required when the business premises is proposed to be open to the public, including employees that do not reside in the unit.

(E) Denial. A Home Occupation Permit shall be denied if the Community Development Director determines that the nature of the business activity and its location create a reasonable potential for it to be operated in an objectionable manner due to fumes, odor, dust, smoke, gas, noise, vibrations, traffic, or parking that are or may be detrimental to properties and occupants in the neighborhood, and/or to any other uses and occupants on the same property.

(F) Appeal. The decision of the Community Development Director may be appealed in accordance with the provisions of Laguna Beach Municipal Code Section 25.05.070.

(G) Change of operations. Any proposed operational changes or change in the type of business activity shall require an amended Home Occupation Permit.

(H) Revocation. The Home Occupation Permit may be revoked in accordance with Laguna Beach Municipal Code Section 25.05.075.

(I) Operating standards. Home occupations shall comply with all of the following operating standards.

1. Accessory use. The home occupation shall be clearly secondary to the full-time use of the dwelling unit as a residence and shall not alter the appearance of the dwelling. A maximum of one-half (1/2) of the habitable area of the dwelling may be devoted to business activities.

2. Advertising.

a. Advertising signs on or off the site shall not be allowed in residential zones.

b. Advertising signs are allowed in mixed-use and commercial zones only as follows:

i. One vinyl decal window sign, not to exceed 10% of the window area, up to a maximum of 10 square feet, except in the Downtown Specific Plan area the limit is 5 square feet. Letter heights shall not exceed 8 inches.

ii. For multi-tenant commercial properties, the home occupation may be listed on a directory sign identifying the name and location of the on-site businesses.

3. Building Code. The home occupation shall not create a conflict with the standards of the latest adopted edition of the California Building Code, including standards for habitability.

4. Customer vehicle trips. Home occupations shall not generate more than 12 additional customer or client vehicle trips (6 car visits) to the dwelling each day, or up to 24 additional vehicle trips (12 car visits) each day in mixed-use and commercial zones.

5. Deliveries. The frequency of deliveries shall not exceed that normally and reasonably occurring for a residence, nor shall the types of vehicles.

6. Direct access. There shall be at least 1 direct access between the home occupation and living spaces within the dwelling unit.

7. Employees. No more than one employee, other than the resident(s) of the unit, shall be permitted on site at any given time in residential zones. A maximum of two employees other than the resident(s) of the unit shall be allowed in mixed-use and commercial zones. Non-resident employee parking shall be provided in residential zones at a rate of one on-site space per employee, which may be uncovered and/or tandem and located in the front or side setback, and must be located on private property.

8. Enclosed uses. All work shall be performed entirely indoors unless otherwise approved pursuant to the Home Occupation Permit. Outdoor business activities may only be approved if the Community Development Director finds such activities to be compatible with surrounding uses.

9. Motor vehicles. There shall be no motor vehicles used or kept on the premises, except residents' and employees' passenger vehicles. Notwithstanding the foregoing, one commercially licensed automobile, pickup truck, or van may be allowed for home occupations located in mixed-use and commercial zones. The commercial vehicle associated with the home occupation shall not be parked on the street.

10. Objectionable effects. No home occupation use shall be operated in a manner detrimental to properties or occupants in the neighborhood due to fumes, odor, dust, smoke, gas, noise, vibrations, light trespass, traffic, or parking.

11. Operator. The residence must be inhabited by the operator of the business. Working and living spaces may not be leased separately.

12. Safety, occupancy classification. Activities conducted and materials used shall not change the fire safety or occupancy classifications of the premises. The use or storage of flammable, explosive, or combustible materials shall at all times comply with all applicable ordinances or regulations.

13. Special and/or temporary events. Special and/or temporary events associated with the home occupation shall be required to follow the permit process for temporary uses established by Section 25.05.035 (Temporary Use Permits).

14. Utility services modifications. The home occupation use shall not have utility service modifications, other than those required for normal residential use, that would be classified as commercial or industrial in load or design. An exception may be granted by the Building Official for 400-600 amp electric service.

15. Visibility. The home occupation accessory use and storage associated with such use must not be visible from the adjoining public right-of-way and from neighboring residential properties.

16. Alterations.

a. Interior Alterations. Any proposed alterations to the interior of the dwelling unit for purposes of conducting the home occupation accessory use which would render it unsuitable for residential use shall be prohibited.

b. Exterior alterations. Any proposed alterations to the exterior of the dwelling unit for purposes of conducting the home occupation accessory use shall not include exterior features that are uncustomary for residential dwelling units.

c. Any proposed alterations to the exterior or interior of the structure supporting the home occupation accessory use are subject to the procedures and requirements identified in Title 25 of the Laguna Beach Municipal Code.

17. Visitors and visitor hours. Business-related visitors are allowed by appointment and limited to no more than 2 at any one time, or 4 at any one time in mixed-use and commercial zones. Visitor hours shall be limited to 7:00 a.m. to 7:00 p.m.

25.96.050 Single room occupancy units.

(A) Intent and Purpose. The purpose of this section is to regulate the development and operation of single room occupancy residential land uses to create housing opportunities for persons of lower incomes and special housing needs, including but not limited to persons with disabilities, seniors, foster youth aging out of the foster system, and formerly homeless individuals; to provide safety and comfort for such persons; and to integrate these uses into the neighborhoods and districts in which they are located.

(B) Definitions. For the purposes of this Section, the term "Single room occupancy" or "SRO" shall mean a facility with six or more dwelling units for persons of lower income where each unit has a minimum floor area of one hundred and fifty square feet and a maximum floor area of four hundred square feet. These dwelling units must be offered on a monthly basis or longer. For the purposes of this definition, "lower income" has the meaning set forth in Health and Safety Code Section 50079.5.

(C) Applicability. An SRO facility shall be allowed in the C-1 (Local Business District), CH-M (Commercial Hotel-Motel Zone), M-1A (Light Industrial), and M-1B (Light Industrial) zones.

(D) General Standards. SRO facilities must comply with the following requirements:

1. Tenants. Each SRO unit must be occupied by a single individual or by two individuals who are living together as a domestic unit.

2. Occupancy. A minimum of 15 percent of the units shall be designed for double occupancy.

3. Facility Management. An SRO facility with 10 or more SRO units shall provide on-site management and a manager's unit. An SRO use with fewer than 10 units shall provide an on-site management office with a minimum size of 100 square feet.

4. Parking. Parking shall be provided at a minimum ratio of 0.5 spaces per SRO unit, plus one space for an SRO facility employee on shift.

5. Common Area. Each SRO development shall have a common area of a minimum size of 400 square feet, designed to be furnished for the use and comfort of the tenants. The common area shall be located within the building. Where deemed appropriate by the responsible review authority, outdoor common patios may be considered toward meeting the common area requirement. Dining rooms, recreational rooms, or other similar areas that are accessible to tenants, and as approved by the responsible review authority,

may be considered common areas. Common areas shall not include storage rooms, the main lobby, laundry facilities, hallways, restrooms, or kitchens.

6. Mail. Mailboxes shall be provided for each unit and located in the main lobby in plain view of the reception desk.

7. Computer Access. A minimum of one computer with internet access shall be available in a common area accessible to tenants.

8. Laundry Room. Common laundry facilities shall be provided at a rate of one washer and one dryer per each eight units.

(E) Standards for individual units.

1. Floor Area. Each SRO unit shall comply with the following unit size requirements:

	Minimum Size	Maximum Size
One-person unit (single occupancy)	150	220
Two-person unit (double occupancy)	221	400

2. Each SRO unit shall be provided with the following minimum amenities:

a. Each unit shall be pre-wired for telecommunications services, which may include wireless telecommunications infrastructure.

b. If full bathrooms are not provided in each unit, one full bathroom with toilet, sink, and shower shall be provided on each floor, at a ratio of one per three units, with doors lockable from the inside.

c. If full kitchens are not provided in each unit, shared kitchen facilities shall be provided on each floor, at a ratio of one per twenty units on each floor, consisting of a range, sink with garbage disposal, and refrigerator.

d. If laundry facilities are not provided in each unit, common laundry facilities shall be provided, at a ratio of one washing machine and one drying machine per six units, on the premises.

(F) Operational Standards.

1. Management Plan. Prior to the issuance of a Certificate of Occupancy or commencement of the SRO use, the SRO facility applicant shall submit a management plan to the Director of Community Development containing information regarding the development's projected staffing needs, emergency procedures, security need and plan, application procedures for renting SRO units, and proposed rental rates for SRO units. The plan shall be solely for informational purposes; said plans shall not be subject to discretionary review and/or approval.

2. Rents. The individual SRO units shall not be for sale. All SRO units shall be for rent only.

3. Length of Stay. SRO units shall not be for rent for less than 31 days.

25.96.060 Transitional housing, supportive housing, and low barrier navigation centers.

(A) Intent and purpose. The City intends to allow transitional housing, as defined in Government Code Section 65582(j), and supportive housing, as defined in Government Code Section 65650(a), and low barrier navigation centers, as defined in Government Code Section 65660(a), consistent with State law to ensure equality of treatment for all residential uses regardless of the occupant. Supportive housing is generally described as permanent housing linked to a range of support services designed to enable residents to maintain stable housing

and lead fuller lives. Transitional housing is generally described as a type of housing used to facilitate the movement of people experiencing homelessness into permanent housing and independent living. A low barrier navigation center is generally described as a housing first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.

(B) Permitted zones.

1. Transitional housing shall be permitted in any zone that allows residential uses, including mixed-use zones, and subject only to the provisions and development standards applicable to residential uses of the same type in the same zone. The same shall apply to supportive housing, except that supportive housing is not permitted in single-family zones, including the R-1 and RHP Zones.

a. Supportive housing shall satisfy all of the requirements of California Government Code Section 65651(a).

b. If the supportive housing development is located within one-half mile walking distance of a public transit stop, no parking spaces are required for the units occupied by supportive housing residents per Government Code Section 65654.

2. Low barrier navigation centers shall be permitted in any nonresidential zone that allows multifamily uses. Low barrier navigation centers shall be allowed by right if the application is in compliance with the following development and management standards:

a. The low barrier navigation center offers services to connect people to permanent housing through a services plan that identifies services staffing;

b. The low barrier navigation center is linked to a coordinated entry system, so that staff in the interim facility or staff who co-locate in the facility may conduct assessments and provide services to connect individuals to permanent housing;

i. "Coordinated entry system" is generally described as a centralized or coordinated assessment system developed pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.

c. The low barrier navigation center complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code;

d. The low barrier navigation center has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information Systems, as defined by Section 578.3 of Title 24 of the Code of Federal Regulations; and

e. The low barrier navigation center complies with the development standards established for emergency shelters in Section 25.48.040 of the Zoning Code.

f. Approval by the Community Development Director is required prior to the establishment of any low barrier navigation center. The permit shall be a ministerial action without discretionary review or a hearing.

3. Subsection (B)(2) of this Section shall remain in effect until January 1, 2027. As of January 1, 2027, subsection (B)(2) shall sunset automatically without action of the City unless State law is amended to require this subsection to be in effect beyond that date.

25.96.070 Inclusionary Housing Program.

(A) Purpose. The City intends to establish a Citywide inclusionary housing program that provides requirements and procedures to develop housing that would be affordable to households of extremely low, very low, low, or moderate incomes, meet the City's regional share of housing needs, and implement the goals and objectives of the General Plan and Housing Element.

(B) Definitions. The following definitions shall apply to this Section:

1. "Adaptive Reuse Project" means any change of use from nonresidential use to dwelling units, guest rooms or joint living and work quarters to, or within, a building, or portion of a building, that was constructed in accordance with building and zoning codes in effect prior to July 1, 1974, or which has been determined to be a historically significant building.

2. "Affordable housing cost" means the housing cost for dwelling units as defined by California Health and Safety Code Section 50052.5 for owner-occupied housing and the affordable rent for rental units as defined by California Health and Safety Code Section 50053, as applicable.

3. "Affordable housing covenants" means the plan that is part of the affordable housing agreement which ensures the continued affordability of inclusionary housing units in a particular development and describes the real estate and financial terms and requirements of the inclusionary housing units.

4. "Affordable housing site plan" means the plan that is part of the affordable housing agreement which provides the location of the inclusionary housing units within the overall development project.

5. "Area median income" or "AMI" means the annual median income for Orange County, adjusted for household size, as published periodically in the California Code of Regulations, Title 25, Section 6932, or its successor provision, or as established by the City of Laguna Beach in the event that such median income figures are no longer published periodically in the California Code of Regulations.

6. "Certificate of occupancy" is the permit issued by the City of Laguna Beach Building Division authorizing the occupancy of a residential unit and/or non-residential space and/or building.

7. "Construction scheduling and phasing" shall apply to the construction area as identified in the affordable housing site plan and shall include the estimated timing for each phase of construction.

8. "Contiguous property" means any parcel of land that is:

- a. Touching another parcel at any point;**
- b. Separated from another parcel at any point only by a public right-of-way, private street or way, or public or private utility, service, or access easement; or**
- c. Separated from another parcel only by other real property of the applicant which is not subject to the requirements of this Section at the time of the planning permit application by the applicant.**

9. "Conversion" means changing a non-residential use to residential use, including but not limited to remodeling and use permits.

10. "Historically significant building" means any building meets the criteria for listing on the California Register of Historical Resources.

11. “Housing in-lieu fund” means the fee fund where all acquired in-lieu fees shall be deposited. Deposited fees may be expended for any costs directly related to the production or preservation of affordable housing in the City of Laguna Beach. Collected fees could also be used for City staff that conduct periodic inspections to ensure that the constructed inclusionary housing units comply with the affordable housing agreement, affordable housing site plan, inclusionary housing plan, affordable housing covenants, and all other City and zoning requirements.

12. “Inclusionary housing plan” means the plan that is part of the affordable housing agreement, which describes the design, features, timing, and affordability of the inclusionary housing units as required by this Section.

13. “Inclusionary housing unit” means a dwelling unit required by this Section to be affordable to extremely-low, very-low, low, or moderate income households.

14. “Low-income household” shall have the definition given in California Health and Safety Code Section 50079.5.

15. “Market rate unit” means a new dwelling unit in a development that is not an inclusionary housing unit and can be purchased or rented at market rates. These units are not considered to be affordable units.

16. “Moderate income household” shall have the definition given in California Health and Safety Code Section 50093(b), except that for the purposes of moderate income rental inclusionary units that are located upon the same site as the market rate residential rental units, “moderate income household” means a household earning no more than eighty percent of area median income.

17. “Nonresidential use” means any use other than dwelling units, guest rooms or joint living and work quarters.

18. “Physical needs assessment” means a report by a qualified housing professional identifying those items that are necessary repairs, replacements and/or maintenance at the time of the assessment or that will likely require repair or replacement within three years of the assessment. Estimated cost of repairs should be included in the assessment. All required repairs must be completed prior to occupancy of the repaired inclusionary housing unit.

19. “Planning permit” means a tentative parcel or tract map, condominium conversion, design review, conditional use permit, coastal development permit, development agreement, or any discretionary permit excluding general plan amendments, zoning and rezoning, annexation, specific plans, and area development policies.

20. “Very-low income household” means a household earning no more than the amount defined by California Health and Safety Code Section 50105.

(C) Applicability and Provisions of Inclusionary Housing Units. The provisions of this Section shall apply to all development that will result in ten or more residential units or lots, including new development, conversion, adaptive reuse, redevelopment, and/or subdivision. These applicable developments will be required to comply with this Section and provide inclusionary housing units at an affordable housing cost, which is limited to 30% of a household’s income.

(D) Exempt Projects. This Section shall not apply to any of the following:

1. Projects that are not proposing residential units or lots.

2. Projects which are developed in accordance with the terms of a development agreement that expressly provides for a different amount of inclusionary units from that specified in this Section.

3. Developments for which a planning permit application has been formally submitted to the City and accepted by the City before January 1, 2024. Should the planning permit for an approved project expire or be revoked by the City, the requirements of this Section shall then apply if a new planning permit application is resubmitted for the project.

4. Adaptive reuse projects, as defined by this ordinance, for which planning or building permit applications are submitted to the City of Laguna Beach between the effective date of this Ordinance and two years thereafter.

5. The Director of Community Development may exempt a development from the requirements of this Section if applicable federal, state or local laws are changed which result in conflict with this Section.

(E) Inclusionary Housing Requirements. All development that will result in ten or more residential units will be required to comply with this Section and provide inclusionary housing units. If inclusionary housing units are required, the following provisions shall apply:

1. Either for-sale or rental inclusionary housing units may be provided, subject to the following affordability requirements for each unit type.

a. If the applicant chooses to provide for-sale inclusionary housing units, 15% of the total number of dwelling units proposed with the development shall be made available for purchase to moderate income households.

b. If the applicant chooses to provide rental inclusionary housing units, 15% of the total number of dwelling units proposed with the development shall be made available for rent to moderate income households, or 10% if restricted to very-low or low income households.

c. If both for-sale and rental units are being provided, the for-sale units shall comply with those provisions described in subsection (E)(1)(a) above. The rental units shall comply with those provisions described in subsection (E)(1)(b) above.

2. In calculating the required total number of inclusionary housing units, a minimum of one unit shall be required. Any fractions above the minimum one inclusionary housing unit may be satisfied with payment of a fraction of the inclusionary housing in-lieu fee (e.g. a 1.3 inclusionary housing unit requirement may build one inclusionary unit onsite and pay 0.3 of the inclusionary housing in-lieu fee).

3. If an applicant owns or controls contiguous properties, the applicant shall not avoid the requirements of this Section by submitting piecemeal planning permit applications. The first planning permit application for the development shall identify all contiguous properties under common ownership and control, as applicable.

(F) Timing of Construction of Inclusionary Housing Units. The applicant's inclusionary housing plan shall indicate the scheduling and phasing for construction of the required inclusionary housing units. The City shall review the proposed construction scheduling and phasing with its review and approval of the inclusionary housing plan. The latest that any inclusionary housing unit could be built would be current with the last market rate unit for the overall development project.

(G) Design of Inclusionary Housing Units. The exterior and interior design and appearance of the inclusionary housing units shall be similar in function to the design and

appearance of the residential development as a whole. Additionally, the inclusionary housing units shall include the same laundry, recreation, and other facilities that are made available to the market rate housing units.

(H) Incentives for Inclusionary Housing Units

1. Applicants that are required to provide inclusionary housing units can apply those benefits that are described in Chapter 25.96 Affordable Housing Programs and Incentives, which allow density bonuses, parking reductions and other benefits for providing affordable housing units.

2. Density bonus shall allow higher densities for development if affordable units are provided pursuant to California Government Code Section 65915 et seq., and Section 25.96.010 et seq. of the City of Laguna Beach Municipal Code.

3. Certain owners of properties with inclusionary housing units are eligible to apply for a Welfare Exemption for Low Income Rental Housing. Owners are also eligible to apply for other local, state and national financial benefits, where applicable.

(I) Applicant Options for Providing Inclusionary Housing Units. To comply with the City's inclusionary housing requirements, applicants may construct their required inclusionary housing units either on-site within the overall proposed project site or off-site on other dedicated property; pay in-lieu fees; or reconstruct other existing residential units, subject to the following provisions:

1. Applicants may construct their required inclusionary housing units on-site within the project.

2. Applicants may construct their required inclusionary housing units off-site within the City of Laguna Beach. If construction of the required inclusionary housing units occurs off-site, the applicant must also acquire and manage the off-site property.

3. Applicants may pay in-lieu fees. The in-lieu fee shall be established by City Council resolution and updated annually. All in-lieu fees shall be paid prior to the last certificate of occupancy that is issued for the overall proposed development.

4. Applicants may acquire and reconstruct existing market rate residential units, subject to the following provisions. These types of market rate residential units can be acquired by the applicant, then reconstructed in accordance with City building procedures and requirements, then converted to affordable inclusionary housing units.

a. If the existing units are occupied, the applicant shall assume the costs for noticing, relocating the existing residents, and complying with all state and county requirements related to relocation.

b. The existing residential units cannot be a nonconforming use.

c. The reconstructed residential units shall comply with all current applicable Building and Fire Codes and requirements.

d. A physical needs assessment shall be prepared and submitted to the City. The assessment shall evaluate each existing residential unit to be acquired and reconstructed, the property upon which it is located, any associated common area, and describe all existing structures and properties that need repair, replacement and/or maintenance.

e. If existing residential units are owner-occupied, then the reconstructed inclusionary housing unit shall continue to be owner-occupied. If the existing residential units are rentals, the applicant may choose to have the inclusionary housing unit be either renter or owner-occupied.

f. The bedroom count of the reconstructed inclusionary housing units shall be the same as the required bedroom count that would be required for the inclusionary housing unit in the overall development project.

5. Applicants may choose any combination of the options described in subsections (I)1 - 4 above to comply with the provisions of this Section. Should an applicant choose to select a combination of options, the City shall review these proposals on a project-by-project basis to ensure that the required number of inclusionary housing units are ultimately provided.

6. Applicants, at a minimum, shall provide the following information, regardless if the required inclusionary housing units are constructed on- or off-site:

a. Schedules for acquiring property or existing residential units, construction activities, and final inspections shall be provided.

b. Inclusionary housing units shall not be eligible for credits or transfers.

7. All in-lieu fees shall be deposited into the housing in-lieu fund. Deposited fees may be expended for any costs directly related to the production or preservation of – or conversion to – extremely-low, very-low, low and moderate-income housing and special needs housing/facilities in the City of Laguna Beach.

8. All on-site or off-site inclusionary housing units, regardless if the units are for sale or rental, shall be subject to the design standards, requirements, and procedures described in this Section.

(J) Affordable Housing Agreement. Applicants that are required to provide inclusionary housing units, in accordance with the provisions of this Section, shall prepare an affordable housing agreement that describes the design and location of the inclusionary housing units and their affordability requirements. The following describes those plans that shall be included in the affordable housing agreement and how the affordable housing agreement will be approved by the City.

1. Plans Included in the Affordable Housing Agreement.

a. Affordable Housing Site Plan. These plans shall show the location of the inclusionary housing units within the overall project site.

b. Inclusionary Housing Plan. These plans shall describe the inclusionary housing units that will be provided, as follows:

i. Will the inclusionary housing units be for-sale or rental.

ii. How will the inclusionary housing requirements be satisfied pursuant to this Section.

iii. The number of inclusionary housing units that are required and will be provided, unit types, number of bedrooms and baths, unit size, design features and amenities, etc.

iv. Anticipated construction activities, phasing, and completion schedule.

v. How will the inclusionary housing units be marketed.

vi. How will tenant incomes be verified for rental inclusionary units (if applicable).

vii. Provide a financing program for the ongoing administration and monitoring of rental inclusionary units.

viii. How will the affordability of the inclusionary housing units be maintained.

ix. Any other information that is necessary to evaluate the compliance of the affordability of the inclusionary housing units with the provisions of this Section and the City's affordable housing agreement requirements.

c. Affordable Housing Covenants. These covenants shall ensure the continued affordability of inclusionary housing units in the overall development.

i. Affordable housing covenants shall include the following, as applicable: inclusionary housing and regulatory terms, promissory notes, deeds of trust, resale restrictions, rights of first refusal, options to purchase, and/or other relevant financial and administration documents.

ii. Affordable housing covenants shall require that all inclusionary housing units remain affordable to the targeted income group for no less than 25 years for rental units and 15 years for ownership units. A longer term of affordability may be required if the development receives a subsidy of any type, including, but not limited to, loan, grant, mortgage financing, mortgage insurance, or rental subsidy, and whether the subsidy program requires a longer term of affordability. The covenant shall be in a form approved by the City Attorney and binding upon all future owners and successors in interest.

iii. Affordable housing covenants shall require that the owner provide a copy of the Income and Computation and Certification Form(s) to the City annually.

2. Approval of the Affordable Housing Agreement.

a. For those developments that are required to provide inclusionary housing units, the affordable housing site plan and inclusionary housing plan shall be reviewed as part of the overall development's planning permit application.

b. The affordable housing agreement, including the affordable housing site plan, inclusionary housing plan, and affordable housing covenants shall be approved by City Council resolution, prior to issuance of any building permit for the overall development.

c. Upon submittal, the Community Development Director, or designee, shall determine if the affordable housing agreement, including the affordable housing site plan, inclusionary housing plan, and affordable housing covenants are complete and conform to the provisions of this Section and City's housing requirements.

d. The City Council can also establish fees for the ongoing administration and monitoring of the inclusionary housing units. Said fees can be updated periodically, as required.

e. The approval and recordation of the affordable housing covenant shall occur prior to issuance of building permits.

(K) Monitoring and Enforcement. All applicants shall either construct their required inclusionary housing units or pay appropriate in-lieu fees, prior to issuance of the last certificate of occupancy for the overall development project. To ensure that the constructed inclusionary housing units are properly maintained and have incorporated satisfactorily into the overall development project, the following provisions shall be implemented.

1. City staff may conduct periodic inspections to also ensure compliance with the affordable housing agreement, affordable housing site plan, inclusionary housing plan, affordable housing covenants, conditions of approval, and all other City and zoning requirements. The City Council may adopt fees to cover the costs for City inspections and monitoring. These fees shall be deposited into the housing in-lieu fund.

2. The City shall evaluate the effectiveness of this Section every three years after the operative date of this Section. Subsequent revisions to this Section will require City Council review and approval.

(L) Adjustments or Waivers. Adjustments and/or waivers from the provisions and requirements of this Section may be considered by the City on a project-by-project basis. Adjustments and/or waivers of the following circumstances and conditions may be proposed by the applicant, subject to City approval. Procedures and requirements for City review and approval of any adjustment or waiver request are described as follows.

1. Circumstances and Conditions.

a. Developments for which a planning permit has been approved by the City prior to enactment of this Section shall be waived from the provisions and requirements of this Section. However, should the planning permit expire or is revoked by the City, the requirements of this Section shall then apply if a new planning permit application is resubmitted for the project.

b. An applicant may propose an alternative method of meeting the inclusionary housing requirements described in this Section. The Director of Community Development may approve the recommended alternative if determined that the alternative will provide as much or more affordable housing units; the alternative will benefit the same or lower income levels; affordable units will be constructed of the same or superior design quality; and the alternative will provide greater public benefit.

2. City Review and Approval of Adjustment and Waiver Requests.

a. Any request for a waiver or adjustment shall be submitted to the City concurrently with the planning permit application, affordable housing site plan, or inclusionary housing plan for the particular development.

b. The applicant is responsible for presenting substantial evidence to support the requested waiver or adjustment.

c. The decision-making body for the planning permit application may exempt a development from the requirements of this Section or approve any adjustment or waiver request if the applicant provides substantial evidence to support said exemptions or requests, and if applicable federal, state or local laws are changed which conflict with this Section.

SECTION 17. Section 25.05.080 (Reasonable accommodation) of the Laguna Beach

Municipal Code is hereby amended to add text in underline and bold and delete text in strikethrough and bold as follows:

25.05.080 Reasonable accommodation.

(A) Applicability. A reasonable accommodation in the land use, zoning and building context means providing individuals with disabilities or developers of housing for people with disabilities, flexibility in the application of land use, zoning and building code, regulations, policies, practices and procedures, or even waiving certain requirements, when it is necessary to eliminate barriers to **fair** housing opportunities. A request for reasonable accommodation may be made by any person with a disability, their representative, or any entity, when the application of a zoning, land use or

building code, regulation, policy or practice acts as a barrier to fair housing opportunities. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment, or anyone who has a record of such impairment. The section is intended to apply to those persons who are defined as disabled under the Federal Fair Housing Act, **and** the California Fair Employment and Housing Act, **and the Americans with Disabilities Act (the Acts)**. A request for reasonable accommodation may include a modification or exception to the rules, standards, and practices for the siting, development, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

(B) Application Requirements.

1. Requests for reasonable accommodation shall be submitted in the form of a letter to the ~~director~~ **Director** of ~~community~~ **Community development** **Development** and shall contain the following information:

- a. The applicant's name, address, and telephone number;
- b. Address of the property for which the request is being made;
- c. **Name and address of the property owner and the owner's written consent to the application;**
- d. The current actual use of the property;
- e. **Verifiable documentation of the individual's disability status used as**

the basis for the claim that the individual is considered disabled under the Acts;

f. The zoning, land use, or building code provision, regulation, policy, or practice from which reasonable accommodation is being requested, including an explanation of how application of the existing zoning, land use or building code provision, regulation, policy or practice precludes reasonable accommodation;

g. Why the reasonable accommodation is necessary to make the specific property accessible to the individual;

h. A determination, prepared by a qualified professional, of whether or not the request would result in adverse impacts to wetlands, environmentally sensitive habitat areas, public access and/or public views. **This requirement may be waived by the Community Development Director if the record clearly demonstrates that no such potential adverse impacts would result from the reasonable accommodation; and**

i. ~~Supporting documentation, including without limitation plans. Any additional information deemed necessary by the Community Development Director to facilitate proper consideration of the request, consistent with fair housing laws.~~

2. Within thirty days of receipt of a request for reasonable accommodation, the reviewing authority shall make a determination as to whether all necessary information has been submitted **in compliance with Section 25.05.080(B)(1)**. If additional information is necessary to adequately analyze the request, the applicant shall be notified in writing, within the thirty-day period, of the specific additional information needed.

3. Review and Other Land Use Applications. If the project for which the request for reasonable accommodation is being made also requires some other discretionary approval (including, but not limited to: conditional use permit, coastal development permit, design review, variance, general plan amendment, zone change, etc.), then the applicant shall file the information required by Subsection (b) above together for the concurrent review with the application for

discretionary approval. Review of coastal development permit applications shall be as described in Chapter 25.07.

(C) Review Authority.

1. Director of Community Development. ~~Request for r~~Reasonable accommodation **applications** shall be reviewed by the ~~D~~irector of ~~C~~ommunity ~~D~~evelopment (~~D~~irector), or his/her designee if no approval is sought other than the request for reasonable accommodation.

2. Other Review Authority. Requests for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the authority reviewing the discretionary land use application. **The application will also be coordinated for review by the Building Division.**

(D) Review Procedure.

1. Director Review. The Director, or **their** designee, shall make a written determination within forty-five days of the date the application is determined to be complete per subsection (B)(2) above, and either grant, grant with conditions, or deny a request for reasonable accommodation in accordance with Section 25.05.080(E) (Findings and ~~D~~ecision).

2. Other Reviewing Authority. The written determination on whether to grant, grant with conditions, or deny the request for reasonable accommodation shall be made by the authority responsible for reviewing the discretionary land use application in compliance with the applicable review procedure for the discretionary review. The forty-five-day deadline described above shall be superseded by any deadlines for the discretionary review, and the longer deadline shall apply. The written determination to grant or deny the request for reasonable accommodation shall be made in accordance with Section 25.05.080(E) (Findings and decision).

(E) Findings and Decision.

1. Findings. The written decision to grant, grant with conditions, or deny a request for reasonable accommodation shall be consistent with the Acts and shall be based on consideration of the following factors:

a. **Use.** Whether the housing, which is the subject of the request, will be used by an individual disabled under the Acts;

b. **Necessity.** Whether the request for reasonable accommodation is necessary to make the specific housing available to an individual with a disability under the Acts;

c. **Undue Financial Burden.** Whether the request for reasonable accommodation would impose an undue financial or administrative burden on the ~~C~~ity;

d. **Request Results in Change of Land Use or Zoning.** Whether the request for reasonable accommodation would require a fundamental alteration in the nature of a city program or law, including, but not limited to, land use and zoning;

e. **Surrounding Uses.** Potential impact on surrounding uses;

f. **Subject Property Adequacy. The p**Physical attributes of the **subject** property and structure(s) **would warrant approval of the requested reasonable accommodation(s);**

g. **No Alternative Reasonable Accommodation. No other A**alternative reasonable accommodations **would provide an which may provide an** equivalent level of benefit;

h. **No Adverse Environmental Impact.** Whether the request for reasonable accommodation would adversely impact wetlands, environmentally sensitive habitat areas, public access and/or public views; and, if it does have such an impact, whether the request can be accomplished under a feasible alternative approach that eliminates or minimizes those impacts. Mitigation must be included to address significant adverse impacts; **and**

i. **Least Impact.** The feasible alternative to be implemented is the feasible alternative resulting in the least adverse impact on wetlands, environmentally sensitive habitat areas, public access and/or public views.

2. **Conditions of Approval.** In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation is appropriate based on the factors considered in subsection (E)(1). In addition, the reviewing authority may impose a condition that the Ceity has the right to terminate any approved exterior reasonable accommodation when it has been determined that the approved reasonable accommodation is no longer necessary.

(F) **Appeal of Determination.** A determination by the reviewing authority to grant, grant with conditions, or deny a request for reasonable accommodation may be appealed to the city council in compliance with Appeals Section of the Zoning Code (Section 25.05.070).

SECTION 18. Chapter 25.19 (C-N Commercial-Neighborhood Zone) of the Laguna Beach Municipal Code is hereby amended to add text in underline and bold and delete text in strikethrough and bold as follows:

25.19.001 Intent and purpose.

This zone is intended to serve the shopping and commercial service needs of local residents. Principal activities are commercial retail functions, service oriented businesses, office/professional uses, and ~~limited residential uses~~ **single- and multi-family residential as part of a mixed-use site**. The commercial-neighborhood zone differs from the local business-professional zone in that it features a stricter orientation to resident-serving businesses and greater limitations on residential uses.

25.19.002 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, conducted entirely within an enclosed building unless otherwise noted:

- (A) Art galleries, studios and supplies;
- (B) Bakery, retail, wherein bakery goods may be baked on the premises and are sold at retail on the premises;
- (C) Book shop/sales;
- (D) Business and professional offices;
- (E) Cafés, full-service restaurants, delicatessens and tea rooms with or without outdoor seating not serving alcoholic beverages. (Drive-in restaurants are not permitted);
- (F) Clothing, shoes, retail sales;
- (G) Collectable shops;
- (H) Drug stores/pharmacy;
- (I) Financial offices: banks, savings and loan, etc.;
- (J) Florist including outdoor display;
- (K) Furniture and antique sales, including home furnishings;
- (L) Handicraft/hobby shops, including retail sales;

- (M) Interior design services/home decorating studios;
- (N) Jewelry stores;
- (O) Laundry and/or dry-cleaning establishments (coin-operated or attendant-operated);
- (P) Market/grocery store;
- (Q) Medical or dental offices or clinics;
- (R) Musical instrument sales and supplies;
- (S) Packaging and/or postal services;
- (T) Paper reproduction or copy services;
- (U) Personal service shops (barber/beauty, etc.);
- (V) Pet grooming and supplies, excluding overnight boarding of animals;
- (W) Photographers, photo processing and photographic galleries;
- (X) Philanthropic and charitable institutions other than those of a correctional nature;
- (Y) Records, video and audio tapes, retail sales and rentals;
- (Z) Retail or service businesses primarily serving needs of local residents;
- (AA) Retail supply stores, including, but not limited to, toys, yardage, hardware, paint, auto parts, plumbing, sporting goods, appliances, garden supplies, etc., all of a neighborhood scale and orientation with no open storage of materials or equipment;
- (BB) Specialty foodstores, retail;
- (CC) Trade services: custom dressmaking, shoe repair, tailor, clock repair, electric appliance repair, etc.

(DD) Residential uses, subject to the following:

1. It shall be designed as part of a mixed-use commercial site and satisfy one of the following criteria:

a. Located above the ground floor level; or

b. Located on the ground floor, subject to the following additional

requirements:

i. The residential use is separated from the highway, with a commercial use fronting the highway; and

ii. The commercial use has a useable, enclosed depth of no less than 30 feet at any point, measured perpendicular to the highway or primary street, except for areas used for open space, pedestrian circulation, or vehicular access. This standard may be modified by the Planning Commission if it finds that the ground-floor commercial use would meet the functional needs of a commercial tenant and provide sufficient street presence to encourage healthy levels of pedestrian activity, or when necessary to comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

2. It shall comply with the property development standards of this Chapter.

a. Exceptions. As provided by Section 25.96.030, exceptions from certain development standards shall be granted when the property owner agrees not to convert any of the residential units to short-term lodging use, thereby preserving the City's long-term housing stock.

3. The required number of parking spaces shall be 0.5 spaces for each dwelling unit located within a quarter mile walking distance of a fixed public transit stop and not exceeding 700 square feet in gross floor area, and one space for all other dwelling units. Residential parking may be covered or uncovered. Parking requirements may also be modified or reduced pursuant to Section 25.52.006. Applicants may request to purchase in-

lieu parking certificates in a lump sum or amortized basis to satisfy all or part of the residential parking requirement.

(EE) Residential care facility, small unlicensed as an integral part of commercial development, subject to the residential standards established by subsection (DD) above and:

(1) no outdoor smoking, (2) fire and building code inspection and compliance, and (3) maximum occupancy of six persons;

(FF) Residential care facility, small licensed, as an integral part of commercial development, subject to the residential use standards established by subsection (DD) above and:

(1) no outdoor smoking, (2) fire and building code inspection and compliance, and (3) maximum occupancy of six persons; and

(GG) Supportive or affordable housing.

25.19.004 Uses permitted subject to aAAdministrative uUse pPermit.

The following may be permitted subject to the granting of an aAAdministrative uUse pPermit as provided for in Section 25.05.020 of this title:

- (A) Short-term lodging as defined and specified in Chapter 25.23 of this title.

25.19.006 Uses permitted subject to eConditional uUse pPermit.

The following uses may be permitted subject to the granting of a eConditional uUse pPermit as provided in Section 25.05.030. The existing balance of resident-serving uses in the same vicinity and zone shall be a consideration when reviewing conditional use permit applications.

(A) Automobile service stations and mini-markets, provided that all sales and service other than gasoline and oil dispensing shall be conducted and confined within enclosed buildings;

(B) Cafés, full-service restaurants, delicatessens and tea rooms with or without outdoor seating serving alcoholic beverages (drive-in restaurants are not permitted);

(C) Take-out restaurants, with indoor and/or outdoor seating only as authorized under the conditional use permit;

(D) Car wash;

(E) Health clubs;

(F) Hotels and motels;

(G) Outdoor display of merchandise;

(H) Plant nursery, including outdoor display of merchandise;

~~(I) Residential uses (excluding time shares) as an integral part of commercial development, but limited to not more than fifty percent of the gross floor area and there shall be at least two thousand square feet of lot area for each dwelling unit;~~

~~(J)(I) Veterinary clinics, including overnight boarding for care;~~

~~(K)(J) Liquor sales;~~

~~(L)(K) Artists' joint living and working units, as defined in Chapter 25.16;~~

~~(M)(L) Extended care facility Residential facility, assisted living;~~

~~(M)(N) Residential care facility, general as an integral part of commercial development, but limited to not more than fifty percent of the gross floor area and there shall be at least two thousand square feet of lot area for each dwelling unit subject to: (1) no outdoor smoking, (2) fire and building code inspection and compliance, and (3) one thousand feet separation from any other general residential care facility;~~

~~(O) Residential care facility, small unlicensed as an integral part of commercial development, but limited to not more than fifty percent of the gross floor area and there shall~~

~~be at least two thousand square feet of lot area for each dwelling unit subject to: (1) no outdoor smoking, (2) fire and building code inspection and compliance, and (3) maximum occupancy of six persons;~~

~~(P) Residential care facility, small licensed, as an integral part of commercial development, but limited to not more than fifty percent of the gross floor area and there shall be at least two thousand square feet of lot area for each dwelling unit subject to: (1) no outdoor smoking, (2) fire and building code inspection and compliance, and (3) maximum occupancy of six persons; and~~

~~(Q) Residential housing, special needs; as an integral part of commercial development, but limited to not more than fifty percent of the gross floor area and there shall be at least two thousand square feet of lot area for each dwelling unit; and~~

~~(N)(R)~~ Other uses the planning commission deems, after conducting a public hearing, to be similar to and no more obnoxious or detrimental to the public, health, safety and welfare of the neighborhood than any use listed above. Such uses shall be inclusive of uses expressly allowed in the C-1 zone, but shall not include those uses listed exclusively as industrial or light industrial uses in the M-1B or M-1A zones.

25.19.007 Uses within the Commercial/Tourist Corridor Land Use Designation.

When any portion of this zone is located within the Commercial/Tourist Corridor designation of the Land Use Plan, uses are permitted as specified in Sections 25.19.002, 25.19.004, and 25.19.006 except for the following uses which are subject to the granting of a conditional use permit as provided in Section 25.05.030 and further provided that in any case, the use shall not exceed fifty (50) percent of the gross floor area of the entire structure and shall be located above the ground floor level.

(A) Financial offices: banks, savings and loan, etc.;

(B) Packaging and/or postal services;

(C) Paper reproduction or copy services;

(D) Pet grooming and supplies, excluding overnight boarding of animals;

(E) Trade services: custom dressmaking, shoe repair, tailor, clock repair, electric appliance repair, etc.

(F) Such other uses as the planning commission may deem, after public hearing, to be similar to and not more obnoxious or detrimental to the welfare of the neighborhood in which it is located than any use listed above. (This does not mean to include any type of use which is specifically relegated to or prohibited in the M-1B or M-1A zones.)

25.19.008 Property development standards.

The following property development standards shall apply to all land and structures in this zone.

(A) Lot Area and Dimension Standards. No requirements.

(B) Yard Area, Building Setback, Open Space and Coverage Standards **for Nonresidential and/or Mixed Uses.**

1. The general provisions of Chapter 25.50 shall apply, except as modified herein.

2. Front Yards. A front yard open space equal to five feet times the lot frontage shall be provided and maintained on each lot. Said open space shall be used for landscaping, pedestrian access or similar pedestrian facilities, accessible to the general public. Said open space may be used for open-air seating areas to serve adjacent interior restaurant uses. Walls not higher than four

feet may be erected within said open space, as approved by design review. The dimension parallel to the front lot line must exceed the dimension perpendicular to the front lot line.

3. Side Yards. No requirement, unless the side lot line abuts a different zone, in which case the side yard shall be at least equal to the minimum required for that zone; if the side lot line abuts a street or alley, the setback shall be a minimum of five feet.

4. Rear Yards. No requirement, unless the rear lot line abuts a different zone, in which case the rear yard shall be at least equal to the minimum rear yard required for that zone; if the rear lot line abuts a street or alley, the setback shall be a minimum of five feet.

5. Open Space Requirements.

a. Open space shall equal twenty-five percent of the nonresidential gross floor area, exclusive of parking and driveways, which area may be used for the purposes outlined in subsection (B)(2) of this section. ~~This open space is in addition to that required for residential uses and in conformance with the standards outlined in Section 25.50.010.~~

~~b. Additional open space shall be provided for residential uses equaling a minimum of forty percent of the total gross living areas.~~

~~c. All open space requirements are subject to the standards of Section 25.50.010.~~

6. Space Between Buildings. No requirement, except as required by design review.

(C) Fences and Walls. The provisions of Section 25.50.012 shall apply.

(D) Design Review. All buildings, structures and improvements are subject to design review as provided in Section 25.05.040.

(E) Building Height Standards. The following building height limits represent the maximum heights permitted and may be reduced as determined appropriate by the design review authority.

1. The height of any building shall not exceed the applicable height limits shown below measured vertically to any point along the applicable reference line that creates a horizontal plane longitudinally over the entire lot:

Rear Lot Line Above Street (slope in percent)	Height Permitted Above Rear Lot Line Elevation (at every point along the rear lot line)
0 to 5	22 ft.
5+ to 10	17 ft.
Over 10	12 ft.

Through Lot (slope in percent)	Height Permitted Above Upper Curb or Street Elevation
0 to 5	27 ft.
5+ to 10	25 ft.
Over 10	20 ft.

Rear Lot Line Below Street (slope in percent)	Height Permitted Above Upper Curb or Street Elevation
0 to 5	27 ft.
5+ to 10	25 ft.
Over 10	20 ft.

2. The height of any building (per the building height definition in Municipal Code Section 25.08.016) shall not exceed thirty feet and two floors, including parking garage floor levels with access ramps located outside the structure's ground floor footprint. Notwithstanding the building height definition Exception (4), the thirty-foot height limit shall include roof chimneys, vents, mechanical equipment, mechanical enclosures, elevator shafts, stairways and other such structural elements required for the operation of the building. Per the building height definition, subterranean floors are exempt from the height measurement limit. Subterranean floors shall also be exempt from the two floor limit.

3. The provisions of Section 25.50.004(D) pertaining to additional building setbacks shall apply to the front and rear setbacks.

4. Notwithstanding the front lot line definition and exception process of Section 25.08.022, the front lot line shall be the property line abutting the most primary or highest capacity road classification.

(F) **Parking Garage Setbacks, Entrances and Standards.** Parking lots and any portion of a parking garage structure built at or above the exterior natural or finish grade elevation, whichever is lower, shall adhere to the yard setbacks specified in this zone. Parking garage floor levels built below the exterior natural or finish grade elevation, whichever is lower, may be built to the property lines provided a landscape/hardscape plan is provided and approved by the design review authority addressing the above grade areas within the required above grade setbacks. Subterranean parking garage levels shall be designed to accommodate the growth of street trees. Notwithstanding the above language, no subterranean parking garage level(s) shall be allowed within the required bluff top setback area.

Parking garage accessways or entrances shall be designed to diminish their impacts by minimizing their size and architecturally integrating amenities, such as gates, landscaping and special paving, and their placement shall maximize pedestrian safety.

See the provisions of Chapter 25.52 for additional parking requirements.

(G) **Access and Improvement Standards.** The provisions of Chapter 25.53 shall apply.

(H) **Access From Streets.** For lots which possess frontage on Coast Highway and another street, the design review **board authority** may require secondary or sole access to be provided from the secondary street as determined appropriate for proper circulation.

(I) **Signs.** The provisions of Chapter 25.54 shall apply.

(J) **Loading Space.** Loading spaces shall be provided as required by the design review **board authority**.

(K) **Trash and Outdoor Storage Areas.** Areas for trash or outdoor storage shall be provided. Such areas shall be enclosed and architecturally screened in such a manner as to conceal all trash or stored material from public view and shall be subject to approval by the design review **board authority**.

(L) **Landscaping.** Landscaping shall be provided subject to design review approval.

25.19.010 Performance standards.

Areas within the commercial-neighborhood zone are usually located in close proximity to residential areas and frequently share a functional and/or visual relationship with these areas. It is therefore necessary for special attention to be placed on the compatible design and orientation of

development in the commercial-neighborhood zone. The following performance standards shall be used for the purpose of evaluating the development proposals in the commercial-neighborhood zone. The standards are general in nature and are to be applied on a site-specific basis. They are intended to serve as a guide for achieving proper design and to supplement other design criteria used by the design review **board authority**.

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

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

(C) Architectural styles and features shall be compatible with and complimentary to nearby residential structures to the extent commercial and residential structures share a visual relationship. Rooflines shall be compatible with the historic character of the surrounding area; gabled roofs are encouraged adjacent to the South Laguna Village Community zone.

(D) Landscaping shall be utilized and designed to help make commercial development more compatible with nearby residential areas to the extent practicable.

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

SECTION 19. Chapter 25.20 (C-1 Local Business District) of the Laguna Beach

Municipal Code is hereby amended to add text in underline and bold and delete text in strikethrough and bold as follows:

25.20.002 Intent and purpose.

This zone is intended for the local retail business and commercial needs of the city, including certain highway-related uses, and ~~limited residential uses~~ **single- and multi-family residential as part of a mixed-use site**, maintaining a design character in keeping with the intent, purpose and guidelines of Section 25.05.040. It is intended to implement the applicable provisions of the general plan, as amended from time to time.

25.20.004 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:

- (A) Stores or shops for retail business, and any of the following uses, all conducted entirely within an enclosed building, with the exception that the sale or dispensing of alcoholic beverages for off-premises consumption shall be prohibited within two hundred yards of Main Beach. (See map "A").
1. Bakery, retail, wherein all bakery goods are baked on the premises, and are sold at retail on the premises,
 2. Barbershops, beauty parlors, chiropody or similar personal service shops,

3. Cafés, full-service restaurants and tearooms not serving alcoholic beverages and with no dancing or entertainment,
4. Handicraft shops,
5. Laundry, self-service and where there are no outside drying lines,
6. Market, food and beverage,
7. Photographic galleries,
8. Theaters.

(B) Residential uses, subject to the following:

1. It shall be designed as part of a mixed-use commercial site and satisfy one of the following criteria:

a. Located above the ground floor level; or

b. Located on the ground floor, subject to the following additional requirements:

i. The residential use is separated from the highway, with a commercial use fronting the highway; and

ii. The commercial use has a useable, enclosed depth of no less than 30 feet at any point, measured perpendicular to the highway or primary street, except for areas used for open space, pedestrian circulation, or vehicular access. This standard may be modified by the Planning Commission if it finds that the ground-floor commercial use would meet the functional needs of a commercial tenant and provide sufficient street presence to encourage healthy levels of pedestrian activity, or when necessary to comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

2. It shall comply with the property development standards of this Chapter.

a. Exceptions. As provided by Section 25.96.030, exceptions from certain development standards shall be granted when the property owner agrees not to convert any of the residential units to short-term lodging use, thereby preserving the City's long-term housing stock.

3. The required number of parking spaces shall be 0.5 spaces for each dwelling unit located within a quarter mile walking distance of a fixed public transit stop and not exceeding 700 square feet in gross floor area, and one space for all other dwelling units. Residential parking may be covered or uncovered. Parking requirements may also be modified or reduced pursuant to Section 25.52.006. Applicants may request to purchase in-lieu parking certificates in a lump sum or amortized basis to satisfy all or part of the residential parking requirement.

(C) Residential housing, special needs, and Supportive or affordable housing; and

(B)(D) Any of the following uses, not necessarily within an enclosed building:

1. Automobile parking lot for the convenience of customers, patrons and employees of other permissible uses on the same site,
2. Greenhouses and plant nurseries,
3. Full-service restaurants or cafes for the serving of meals and refreshments other than alcoholic beverages to customers at tables in the open, in connection with a café or full-service restaurant which is operated within a building.

25.20.005 Uses permitted subject to ~~a~~Administrative ~~u~~Use ~~p~~Permit.

The following may be permitted subject to the granting of an ~~a~~Administrative ~~u~~Use ~~p~~Permit as provided for in Section 25.05.020 of this title:

- (A) Short-term lodging as defined and specified in Chapter 25.23.

25.20.006 Uses permitted subject to ~~e~~Conditional ~~u~~Use ~~p~~Permit.

The following uses may be permitted subject to the granting of a ~~e~~Conditional ~~u~~Use ~~p~~Permit as provided for in Section 25.05.030:

- (A) Automobile service stations; provided that all sales and service other than gasoline and oil dispensing shall be conducted and confined within enclosed buildings. Furthermore, no tire retreading or recapping, battery rebuilding or manufacture, steam cleaning or painting shall be permitted;
- (B) Automobile, motorized bicycle and bicycle repair facilities; provided, that all activities are conducted within an enclosed building;
- (C) Cafés, full-service restaurants and dining rooms serving alcoholic beverages and/or providing entertainment to customers;
- (D) Churches;
- (E) Commercial automobile parking lots and structures;
- (F) Take-out restaurants, with indoor and/or outdoor seating only as authorized under the conditional use permit;
- (G) Drive-in restaurants;
- (H) Establishments for the sale of alcoholic beverages for consumption on the premises and/or providing entertainment to customers;
- (I) Hospitals and ~~extended care facilities~~ **residential facilities, assisted living**;
- (J) Hotels and motels, excluding those devoted to time-share uses, limited to one room or suite for each six hundred 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;
- (K) Massage establishments;
- (L) Recreation facilities, all;
- (M) Public and private schools;
- (N) Temporary arts and crafts festivals and sales, either within buildings or open-air, limited to not more than sixty days' duration;
- (O) Trailers occupied for uses other than habitation;
- ~~(P) Commercial home occupation, subject to the standards in Chapter 25.08, Definitions and Standards;~~
- ~~(Q)~~**(P)** Outdoor display of merchandise, subject to the following conditions:
1. Required parking is not reduced by the display,
 2. All display is confined to ground or street floor level on the site,
 3. Every portion of a lot used for outdoor displays shall be considered as a part of the gross floor area in use, except where vehicles are displayed for sale or rent,
 4. Location of another activity utilizing outdoor display of merchandise within one thousand feet may be grounds for denial of a conditional use permit;
- ~~(R)~~**(Q)** Car washes;

~~(S)~~**(R)** 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;

~~(F)~~**(S)** The following uses may be permitted subject to the granting of a conditional use permit as provided in Section 25.05.030 and shall not exceed fifty percent of the gross floor area of the entire structure and shall be located above the ground floor level:

1. Business colleges,
2. Custom dressmaking, millinery, tailoring, shoe repairing and similar trades,
 - (3) Lodges, fraternities and sororities, with no living accommodations,
 - (4) Medical and dental clinics and treatment rooms,
 - (5) Musical, theatrical and dancing schools,
 - (6) Nursery schools,
 - (7) Offices, business and professional,
 - (8) Paint, paper hanging, decorating, carpentry, plumbing, electrician, reupholstering and handyman shops, all of a neighborhood service and repair nature and with no open storage of materials or equipment,
 - (9) Philanthropic and charitable institutions other than those of a correctional nature,
 - (10) Private clubs (not including nightclubs), with no living accommodations, except for one caretaker unit,
 - (11) Sign painting, not including the business of sign manufacturing,
 - (12) Studios, except for producing motion pictures,
 - (13) Utility offices, exchanges and substations,
 - (14) Artists' joint living and working units, as defined in Chapter**

25.16;

~~(14) Residential uses, subject to the following minimum conditions:~~
~~(a) It shall meet the density provisions and yard and open space provision of the R-3 zone,~~

~~(b) It shall be designed as a part of a commercial development, and shall not exceed fifty percent of the gross floor area used for commercial activities, exclusive of parking,~~

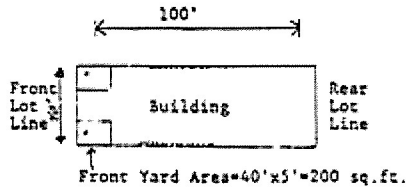
~~(15) Residential housing, special needs, and~~

~~(16)~~**(15)** Such uses as the planning commission may deem, after public hearing, to be similar to and no more obnoxious or detrimental to the welfare of the neighborhood in which it is located than any use listed above. This does not mean to include any type of use which is specifically relegated to or prohibited in the M-1**B** or M-1A zones.

25.20.008 Property development standards.

The following property development standards shall apply to all land and structures in the C-1 zone:

- (A) Lot Area and Dimension Standards. No requirements.
- (B) Design Review. All building structures and improvements are subject to design review as provided for in Section 25.05.040.
- (C) Yard Area, Building Setback, Open Space and Coverage Standards.
 1. The general provisions of Chapter 25.50 shall apply, except as modified herein.



2. Front Yards. A front yard open space equal to five feet times the lot frontage shall be provided and maintained on each lot. Said open space shall be used for landscaping, pedestrian access or similar pedestrian facilities, accessible to the general public. Said open space may be used for open-air seating areas to serve adjacent interior restaurant uses. Walls not higher than four feet may be erected within said open space, as approved by design review. The dimension parallel to the front lot line must exceed the dimension perpendicular to the front lot line.

3. Side Yards. No requirement, unless the side lot line abuts a different zone, in which case the side yard shall be at least equal to the minimum required for that zone.

4. Rear Yards. No requirement, unless the rear lot line abuts a different zone, in which case the rear yard shall be at least equal to the minimum required for that zone. See additional rear yard requirements in Sections 25.50.004(D) and 25.50.008(E) of this title.

5. Open Space Requirements. Open space shall equal twenty-five percent of the nonresidential gross floor area, exclusive of parking and driveways, which area may be used for the purposes outlined in Section 25.20.008(C)(2). **Mixed-use properties with residential uses shall not be required to provide additional open space beyond what is required for the nonresidential uses. This open space is in addition to that required for residential uses and subject to the standards outlined in Section 25.50.010.**

6. Space Between Buildings. No requirement, except as required by design review.

7. Fences, Walls. The provisions of Section 25.50.012 of this title shall apply.

(D) Building Height Standards. The following building height limits represent the maximum heights permitted and may be reduced as determined appropriate by the design review authority.

1. The height of any building shall not exceed the applicable height limits shown below measured vertically to any point along the applicable reference line that creates a horizontal plane longitudinally over the entire lot:

Rear Lot Line Above Street (slope in percent)	Height Permitted Above Rear Lot Line (at every point along the rear lot line)
0 o 5	22 ft.
5+ to 10	17 ft.
Over 10	12 ft.
Through Lot (slope in percent)	Height Permitted Above Upper Curb or Street Elevation
0 o 5	30 ft.
5+ to 10	25 ft.
Over 10	20 ft.

Rear Lot Line Below Street (slope in percent)	Height Permitted Above Upper Curb or Street Elevation
0 to 5	30ft.
5+ to 10	25 ft.
Over 10	20 ft.

2. The height of any building (per the building height definition in Municipal Code Section 25.08.016) shall not exceed thirty-six feet, including parking garage floor levels with access ramps located outside the structure's ground floor footprint. This thirty-six-foot height limit shall include roof chimneys, vents, mechanical equipment, mechanical enclosure, elevator shafts, stairways and other such structural elements required for the operation of the building. Per the building height definition, subterranean floors are exempt from the height measurement limit.

3. The provisions of Section 25.50.004(D) pertaining to additional building setbacks shall apply to the front and rear setbacks.

4. Notwithstanding the front lot line definition and exception process of Section 25.08.022, the front lot line shall be the property line abutting the most primary or highest capacity road classification.

(E) Parking Garage Setback, Entrances and Standards. Parking lots and any portion of a parking garage structure built at or above the exterior natural or finish grade elevation, whichever is lower, shall adhere to the yard setbacks specified in this zone. Parking garage floor levels built below the exterior natural or finish grade elevation, whichever is lower, may be built to the property lines provided a landscape/hardscape plan is provided and approved by the design review authority addressing the above grade areas within the required above grade setbacks. Subterranean parking garage levels shall be designed to accommodate the growth of street trees. Notwithstanding the above language, no subterranean parking garage level(s) shall be allowed within the required bluff top setback area.

Parking garage accessways or entrances shall be designed to diminish their impacts by minimizing their size and architecturally integrating amenities, such as gates, landscaping and special paving, and their placement shall maximize pedestrian safety.

See the provisions of Chapter 25.52 for additional parking requirements

(F) Access and Improvement Standards. The provisions of Chapter 25.53 shall apply.

(G) Signs. The provisions of Chapter 25.54 shall apply.

SECTION 20. Section 25.02.006 (Commercial Zones) of the Laguna Beach Municipal

Code is hereby amended to add text in underline and bold and delete text in strikethrough and bold as follows:

25.02.006 Commercial zones.

The **mixed-use**/commercial zones are as follows:

(A) **Local Business-Professional Zone;**

- (B) C-1: (Local) Business Zone;
- (C) C-N: Commercial-Neighborhood Zone;
- (D) CH-M: Commercial Hotel-Motel Zone.
- (E) SLV: South Laguna Village Commercial Zone.**

SECTION 21. Chapter 25.25 (SLV, South Laguna Village Commercial Zone) of the

Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

25.25.001 Intent and Purpose.

The South Laguna Village Commercial Area is intended to serve the commercial needs of local residents, with an emphasis on resident-serving retail. Office uses on the second floor, **and** street-level retail uses, **and single- and multi-family residential as part of mixed-use sites** are encouraged. Building design should be pedestrian-friendly with parking not visible from Coast Highway. The regulations of this zone are intended to enhance a pedestrian-scale of development and preserve the existing, eclectic character of the South Laguna Village commercial area.

25.25.002 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, conducted entirely within an enclosed building unless otherwise noted:

- (A) Art gallery or studio
- (B) Banks, savings and loan;
- (C) Bakery;
- (D) Barber shop, beauty salon, day spa and nail salon;
- (E) Bookstore;
- (F) Clothing, shoes, retail sales;
- (G) Drug store, pharmacy;
- (H) Florists and flower stands;
- (I) Furniture and antique sales;
- (J) Handicraft or hobby shop;
- (K) Jewelry store;
- (L) Music and record store;
- (M) Musical instrument, sales, supplies, repair;
- (N) Office uses, including business and professional, medical and dental office or clinic, or financial office, except for conversion from ground-floor retail;
- (O) Paper reproduction or copy shop;
- (P) Packaging and/or postal services;
- (Q) Pet grooming and supplies, excluding overnight boarding;
- (R) Photographers, photo processing and photographic galleries;
- (S) Plant nursery;
- (T) Retail supply stores, including but not limited to yardage, hardware, art supplies, kitchen and bath goods, etc., with no open storage of materials or equipment;
- (U) Specialty food store;
- (V) Trade services: custom dressmaking, shoe repair, tailor, clock repair, electric appliance repair, etc.

(W) Residential uses, subject to the following:

1. It shall be designed as part of a mixed-use commercial site and satisfy one of the following criteria:

a. Located above the ground floor level; or

b. Located on the ground floor, subject to the following additional requirements:

i. The residential use is separated from the highway, with a commercial use fronting the highway; and

ii. The commercial use has a useable, enclosed depth of no less than 30 feet at any point, measured perpendicular to the highway or primary street, except for areas used for open space, pedestrian circulation, or vehicular access. This standard may be modified by the Planning Commission if it finds that the ground-floor commercial use would meet the functional needs of a commercial tenant and provide sufficient street presence to encourage healthy levels of pedestrian activity, or when necessary to comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

2. It shall comply with the property development standards of this Chapter.

a. Exceptions. As provided by Section 25.96.030, exceptions from certain development standards shall be granted when the property owner agrees not to convert any of the residential units to short-term lodging use, thereby preserving the City's long-term housing stock.

3. The required number of parking spaces shall be 0.5 spaces for each dwelling unit located within a quarter mile walking distance of a fixed public transit stop and not exceeding 700 square feet in gross floor area, and one space for all other dwelling units. Residential parking may be covered or uncovered. Parking requirements may also be modified or reduced pursuant to Section 25.52.006. Applicants may request to purchase in-lieu parking certificates in a lump sum or amortized basis to satisfy all or part of the residential parking requirement.

(X) Residential care facility, small unlicensed subject to the residential use standards established by subsection (W) above and: (1) no outdoor smoking, (2) fire and building code inspection and compliance, and (3) maximum occupancy of six persons;

(Y) Residential care facility, small licensed, subject to the residential use standards established by subsection (W) above and: (1) no outdoor smoking, (2) fire and building code inspection and compliance, and (3) maximum occupancy of six persons; and

(Z) Supportive or affordable housing.

25.25.006 Uses permitted subject to a eConditional uUse pPermit.

The following uses may be permitted subject to the granting of a eConditional uUse pPermit as provided in Section 25.05.030. The existing balance of resident-serving uses in the same vicinity and zone shall be a consideration when reviewing conditional use permit applications.

(A) Café, restaurant, delicatessen and tea room, with outdoor seating, serving of alcoholic beverages, and/or entertainment only as authorized under the conditional use permit (drive-in restaurants are not permitted);

(B) Market or grocery store, or mini-market;

(C) Dry cleaning/laundry facilities;

(D) Office uses, when a conversion of ground-floor retail space is proposed;

~~(E) Residential uses (excluding time shares) as an integral part of commercial development, but limited to not more than fifty percent of the gross floor area;~~

~~(F)(E) Veterinary clinic, including overnight boarding for care;~~

~~(G)(F) Outdoor display of merchandise;~~

~~(H)(G) Liquor sales;~~

~~(I)(H) Artists' joint living and working units, as defined in Chapter 25.16;~~

~~(J)(I) Philanthropic and charitable institutions;~~

~~(K)(J) Automobile service stations;~~

~~(L)(K) Health clubs;~~

~~(M)(L) Short-term lodging as defined and specified in Chapter 25.23 of this title;~~

~~(N)(M) Extended care facility Residential facility, assisted living;~~

~~(O)(N) Residential care facility, general subject to: (1) no outdoor smoking, (2) fire and building code inspection and compliance, (3) one thousand feet separation from any other general residential care facility, and (4) being an integral part of commercial development, but limited to not more than fifty percent of the gross floor area; and~~

~~(P) Residential care facility, small unlicensed subject to: (1) no outdoor smoking, (2) fire and building code inspection and compliance, (3) maximum occupancy of six persons, and (4) being an integral part of commercial development, but limited to not more than fifty percent of the gross floor area;~~

~~(Q) Residential care facility, small licensed, subject to: (1) no outdoor smoking, (2) fire and building code inspection and compliance, (3) maximum occupancy of six persons, and (4) being an integral part of commercial development, but limited to not more than fifty percent of the gross floor area; and~~

~~(R) Residential housing, special needs as an integral part of commercial development, but not limited to not more than fifty percent of the gross floor area; and~~

~~(S)(O) Other uses the planning commission deems, after conducting a public hearing, to be similar to and no more obnoxious or detrimental to the public, health, safety and welfare of the neighborhood than any use listed above.~~

25.25.008 Property development standards.

The following property development standards shall apply to all land and structures in this zone.

(A) Lot Area and Dimension Standards. Parcels shall not be further subdivided for development purposes or otherwise reduced in size.

(B) Yard Area, Building Setback, Open Space and Coverage Standards for Nonresidential and/or Mixed Uses.

1. The general provisions of Chapter 25.50 shall apply, except as modified herein.

2. Front Yards. A front yard open space equal to five feet times the lot frontage shall be provided and maintained on each lot.

a. Said open space shall be used for landscaping, pedestrian access or similar pedestrian facilities, accessible to the general public. Said open space may be used for open-air seating areas to serve adjacent interior restaurant uses. The dimension parallel to the front lot line must exceed the dimension perpendicular to the front lot line.

b. Opaque walls shall be limited to three feet if erected within said open space.

c. Side Yards. No requirement, except where a building on the adjacent lot maintains a side yard setback, an abutting side yard of not less than three feet shall be provided, with no ground floor architectural projections allowed in such side yard. In the case where the side

lot line abuts a different zone, the side yard shall be at least equal to the minimum required for that zone; if the side lot line abuts a street or alley, the setback shall be a minimum of five feet.

4. Rear Yards. No requirement, unless the rear lot line abuts a different zone, street or alley, in which case the rear yard setback shall be a minimum of five feet.

5. Open Space Requirements. Open space shall equal twenty-five percent of the nonresidential gross floor area, exclusive of parking and driveways, which area may be used for the purposes outlined in subsection (B)(2) of this section. ~~This open space is in addition to that required for residential uses and in conformance with the standards outlined in Section 25.50.010.~~ **Mixed-use properties with residential uses shall not be required to provide additional open space beyond what is required for the nonresidential uses.**

6. Space Between Buildings. No requirement, except as required by design review.

(C) Fences and Walls. Except as provided in subsection (B)(2)(b) of this section, the provisions of Section 25.50.012 shall apply.

(D) Parapets. Parapet walls shall not be permitted, unless the design review **board authority** determines that use of a parapet wall(s) would not reduce the compatibility of the project with the site and adjacent properties or the parapet wall(s) is found to be necessary to screen roof-mounted equipment.

(E) Design Review. All buildings, structures and improvements are subject to design review as provided in Section 25.05.040.

(F) Building Height Standards.

1. No building or structure in this zone shall have a height greater than the following:

Rear Lot Line Above Street (slope in percent)	Maximum Height Permitted Above Rear Lot Line (in feet)
0 to 5	22 ft.
5+ to 10	17 ft.
Over 10	12 ft.
Through Lot (slope in percent)	Height Permitted Above Upper Curb Elevation
Or	
Rear Lot Line Below Street (slope in percent)	Maximum Height Permitted Above Curb Elevation (in feet)
0 to 5	27 ft.
5+ to 10	25 ft.
Over 10	20 ft.

2. Building height shall be limited to two stories, not to exceed the above height limits or twenty-two feet, excluding roof, as measured from the curb, whichever is more restrictive. No point of the building elevation height shall exceed thirty feet as measured from natural or finished grade, whichever is more restrictive. These building heights represent the maximum permitted and may be reduced as determined appropriate by the design review board.

3. Refer to Chapter 25.51 for other standards related to building height. The provisions of Section 25.50.004(D) pertaining to additional building setbacks shall apply only to the rear setback.

(G) Parking Garage Setbacks, Entrances and Standards. The provisions of Chapter 25.52 shall apply. Parking lots and any portion of a parking garage structure built at or above the exterior natural or finish grade elevation, whichever is lower, shall adhere to the yard setbacks specified in this zone. Parking garage floor levels built below the exterior natural or finish grade elevation, whichever is lower, may be built to the property lines provided a landscape/hardscape plan is provided and approved by the design review authority addressing the above grade areas within the required above grade setbacks. Subterranean parking garage levels shall be designed to accommodate the growth of street trees. Notwithstanding the above language, no subterranean parking garage level(s) shall be allowed within the required bluff top setback area.

Parking garage accessways or entrances shall be designed to diminish their impacts by minimizing their size and architecturally integrating amenities, such as gates, landscaping and special paving, and their placement shall maximize pedestrian safety.

See the provisions of Chapter 25.52 for additional parking requirements.

Incentives. The city council may approve a conditional use permit, upon recommendation by the planning commission, to reduce the parking standards required under Chapter 25.52 in accordance with the incentives provision in such chapter. Additionally, the parking standards may be reduced in accordance with the following conditions:

1. The proposed use is a sidewalk café having outdoor seating that is available to the general public, as well as restaurant customers, and contributes positively to the local pedestrian environment. The parking reduction may be granted on a temporary, seasonal or permanent basis and shall be limited to a maximum of five parking spaces; or

2. The proposed use is a restaurant that primarily serves the needs of the local residents and contributes positively to the character of the South Laguna Village commercial area. The parking reduction for this type of use shall be limited to a maximum of three parking spaces; or

3. The proposed use is a beauty salon or barber shop that is determined to primarily serve the needs of the local residents. The parking reduction shall be limited to a maximum of one parking space.

(H) Access and Improvement Standards. The provisions of Chapter 25.53 shall apply.

(I) Access from Streets. For lots which possess frontage on Coast Highway and another street, the design review **board authority** may require secondary or sole access to be provided from the secondary street as determined appropriate for proper circulation.

(J) Signs. The provisions of Chapter 25.54 shall apply, except as modified herein.

1. Window signs, which means any sign that is placed upon, within or behind a window, fewer than three feet from such window and which is visible from the exterior of the window, shall be limited to a maximum of ten percent of the window area, up to a maximum of five square feet and three window signs per site.

2. Individual logos (company symbol or trademark) on any exterior commercial sign shall be limited in size, as determined by the planning commission.

(K) Loading Space. Loading spaces shall be provided as required by the design review **board authority**.

(L) Trash and Outdoor Storage Areas. Areas for trash or outdoor storage shall be provided. Such areas shall be enclosed and architecturally screened in such a manner as to conceal all trash

or stored material from public view and shall be subject to approval by the design review **board authority**.

(M) Landscaping. Landscaping shall be provided subject to design review approval, except that parking lot landscaping shall, at a minimum, conform to the standards specified in Chapter 25.52.

25.25.010 Performance standards/design criteria.

The South Laguna Village commercial zone is located in close proximity to residential areas; commercial properties frequently share a functional and/or visual relationship with residential properties. It is therefore necessary for special attention to be placed on the compatible design and orientation of development in the South Laguna Village commercial zone. The following performance standards shall be used for the purpose of evaluating the development proposals in this zone. The standards are general in nature and are to be applied on a site-specific basis. They are intended to serve as a guide for achieving proper design and to supplement other design criteria used by the design review **board authority**.

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

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

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

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

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

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

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

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

SECTION 22. Chapter 25.18 (Local Business-Professional Zone), Section 25.18.002

(Uses Permitted) of the Laguna Beach Municipal Code is hereby amended to add text in underline and bold and delete text in strikethrough and bold as follows:

25.18.002 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, conducted entirely within an enclosed building:

- (A) Personal service shops (barber/beauty, etc.);
- (B) Medical or dental offices and clinics;
- (C) Drugstore/pharmacy;
- (D) Business and professional offices;
- (E) Interior design services;
- (F) Laundry and/or dry cleaning establishments (coin- or attendant-operated);
- (G) Health clubs;
- (H) Custom dressmaking, millinery, tailoring, shoe repair and similar trades;
- (I) Philanthropic and charitable institutions other than those of a correctional nature;
- (J) Paper reproduction or copy service;
- (K) Packaging and postal services;
- (L) Furniture and antique sales, including home furnishing;
- (M) Child day care; **and**

~~(N) Commercial home occupations, subject to the standards in Section 25.08.016.~~

(N) Supportive or affordable housing;

(O) Residential care facility, small unlicensed subject to the residential use standards established by subsection Q) below and: (1) no outdoor smoking; (2) fire and building code inspection and compliance; and (3) maximum occupancy of six persons;

(P) Residential care facility, small licensed subject to: (1) no outdoor smoking; (2) fire and building code inspection and compliance; and (3) maximum occupancy of six persons;

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

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

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

SECTION 23. Chapter 25.18 (Local Business-Professional Zone), Section 25.18.004

(Uses permitted subject to conditional use permit) of the Laguna Beach Municipal Code is hereby amended to add text in underline and bold and delete text in strikethrough and bold as follows:

25.18.004 Uses permitted subject to a eConditional ~~u~~Use ~~p~~Permit.

The following uses may be permitted subject to the granting of a eConditional ~~u~~Use ~~p~~Permit as provided for in Section 25.05.030.

- (A) 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;
- (B) Bakery, retail wherein all bakery goods are baked on the premises and are sold at retail on the premises;
- (C) Bookshop/sales;
- (D) Handicraft/hobby shops including retail sales;
- (E) Florist;
- (F) Clothing, retail sales;
- (G) Musical instrument sales and supplies;
- (H) Plant nursery, including outdoor display of merchandise;
- (I) Financial offices: banks, savings and loan, etc.;
- (J) Cafes, full-service and take-out restaurants and tea rooms (Drive-in restaurants are not permitted);
- (K) Establishments serving alcoholic beverages;
- (L) Establishments with dancing and/or entertainment;
- (M) Delicatessen;
- (N) Market, food and beverage;
- (O) Liquor sales;
- (P) Galleries, art, photographic, etc.;
- (Q) Art studios and supplies, including artists' joint living and working units, as defined in Chapter 25.16;
- (R) Outdoor display of merchandise;
- (S) Pet grooming and supplies store excluding overnight boarding of animals;
- (T) **Extended care facility Residential facility, assisted living;**
- (U) Nursery school;
- (V) Churches;
- (W) Bed and breakfast inn, as defined and specified in Chapter 25.22 of this title;
- (X) Auto parking lot/garage;
- ~~(Y) Residential uses (excluding time-share uses) subject to the following standards:~~

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

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

~~(Z)(Y) Residential care facility, general subject to: (1) no outdoor smoking; (2) fire and building code inspection and compliance; and (3) one thousand feet separation from any other general residential care facility;~~

~~(AA) Residential care facility, small unlicensed subject to: (1) no outdoor smoking; (2) fire and building code inspection and compliance; and (3) maximum occupancy of six persons;~~

~~(BB) Residential care facility, small licensed subject to: (1) no outdoor smoking; (2) fire and building code inspection and compliance; and (3) maximum occupancy of six persons.~~

~~(CC) Residential housing, special needs; and~~

~~(DD)(Z) 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.~~

SECTION 24. Chapter 25.10 (R-1 Residential Low Density Zone), Section 25.10.004

(Uses permitted) of the Laguna Beach Municipal Code is hereby amended to add text in underline and bold and delete text in strikethrough and bold as follows:

25.10.004 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:

(A) Single-family dwelling except those devoted to time-share use;

(B) Child care, subject to the standards in Chapter 25.08;

(C) Guest house or guest room, subject to the following conditions:

1. The lot contains not less than seven thousand square feet,

2. There is not more than one guest house or one guest room on any one lot,

3. There is no kitchen within such guest house or guest room,

4. The floor area of the guest house is not in excess of three hundred square feet,

5. Such guest house or room is used by the occupants of the main building or their guests or servants and is not rented, let or hired out whether the compensation for hire is paid directly or indirectly in money, goods, wares or merchandise,

6. Such guest house shall utilize the same vehicular access as serves the main dwelling unit;

~~(D) — Home occupations subject to the standards in Chapter 25.08;~~

~~(E)(D) Public parks, playgrounds and beaches, and such recreation, refreshment and service buildings as are purely accessory, and incidental thereto;~~

~~(F)(E) Mobilehomes and factory built housing not meeting Uniform Building Code standards (subject to downtown specific plan Ch. 25.40 herein and located only where specified in the housing element of the general plan of Laguna Beach, and not being subject to lot design and setback requirements unless required pursuant to design review deliberations);~~

~~(G)(F) Residential care facility, small licensed, subject to: (1) no outdoor smoking, (2) fire and building code inspection and compliance, and (3) maximum occupancy of six persons; and~~

~~(H)(G) Residential housing, special needs Affordable housing.~~

SECTION 25. Chapter 25.12 (R-2 Residential Medium Density Zone), Section 25.12.004 (Uses permitted) of the Laguna Beach Municipal Code is hereby amended to read in part as follows:

25.12.004 Uses permitted.

- (A) Single-family dwellings, except those devoted to time-share use;
- (B) Child care, subject to the standards in Chapter 25.08, Definitions and Standards;
- (C) Guest houses and guest rooms, subject to the density standards as set forth in Section 25.12.008;
- ~~(D) Home occupations, subject to the standards in Chapter 25.08, Definitions and Standards;~~
- ~~(E)~~(D) Two-family dwellings, except those devoted to time-share use;
- ~~(F)~~(E) Public parks, playgrounds and beaches, and such recreation, refreshment and service uses and buildings as are purely accessory and incidental thereto;
- ~~(G)~~(F) Residential care facility, small licensed, subject to: (1) no outdoor smoking, (2) fire and building code inspection and compliance, and (3) maximum occupancy of six persons; and
- ~~(H)~~(G) **Residential housing, special needs. Supportive or affordable housing.**

SECTION 26. Chapter 25.12 (R-2 Residential Medium Density Zone), Section 25.12.006 (Uses permitted subject to conditional use permit) of the Laguna Beach Municipal Code is hereby amended to add text in underline and bold and delete text in strikethrough and bold as follows:

25.12.006 Uses permitted subject to 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 of this title:

- (A) Church;
- (B) Nursery school, preschool;
- (C) Recreation facilities, municipal and public;
- (D) Public and private schools;
- (E) ~~Extended care facility~~ **Residential facility, assisted living;**
- (F) Structures attached at common lot lines;
- (G) Utility substation;
- (H) Bed and breakfast inn, as defined and specified in Chapter 25.22 of this title;
- (I) Artists' joint living and working units, as defined and specified in Chapter 25.16 of this title; and
- (J) Such other uses as the planning commission may deem, after a public hearing, to be consistent with the intent and purpose of this zoning district and similar to and no more obnoxious or detrimental to the public health, safety and welfare, than other permitted uses.

SECTION 27. Chapter 25.14 (R-3 Residential High Density Zone), Section 25.14.004

(Uses permitted) of the Laguna Beach Municipal Code is hereby amended to add text in underline and bold and delete text in strikethrough and bold as follows:

25.14.004 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:

- (A) Single-family and two-family dwellings, except those devoted to time-share use;
- (B) Multifamily dwellings, except those devoted to time-share use;
- (C) **Residential housing, special needs Supportive or affordable housing;**
- (D) Child care, subject to the standards in Chapter 25.08, Definitions and Standards;
- (E) Guest houses and guest rooms, subject to the density standards of Section 25.14.008;
- ~~(F) Home occupations, subject to the standards in Chapter 25.08, Definitions and Standards;~~
- ~~(G)(F)~~ Public parks, playgrounds and beaches, and such recreation, refreshment and service uses and buildings as are purely accessory and incidental thereto; and
- ~~(H)(G)~~ Residential care facility, small licensed, subject to: (1) no outdoor smoking, (2) fire and building code inspection and compliance, and (3) maximum occupancy of six persons.

SECTION 28. Chapter 25.14 (R-3 Residential High Density Zone), Section 25.14.006(A)

(Uses permitted subject to conditional use permit) of the Laguna Beach Municipal Code is hereby amended to repeal the phrase “extended care facility” and replace it with “residential facility, assisted living.”

SECTION 29. Chapter 25.15 (R/HP Residential/Hillside Protection Zone), Sections 25.15.006 (Uses permitted) of the Laguna Beach Municipal Code are hereby amended to repeal Paragraph E, “Home occupations, subject to standards in Chapter 25.08,” and re-letter the remaining paragraphs in alphabetical order and repeal the phrase “residential housing, special needs” and replace it with “Affordable housing.”

SECTION 30. Chapter 25.16 (Artists’ Work/Live), Section 25.16.050(A)(1) (Minimum requirements for artists’ working and living units) of the Laguna Beach Municipal Code is hereby amended to add text in underline and bold and delete text in strikethrough and bold as follows:

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

1. Artists' working and living units may be developed only in the following zones (collectively, the "allowable zones"), subject to a conditional use permit: M-1A and M-1B Light Industrial, C-N Commercial-Neighborhood, **C-1 Local Business District**, LBP Local Business Professional, Downtown Specific Plan—CBD-Arts District, CBD-Office, CBD-Central Bluffs, CBD-1 Resident Serving, CBD-2 Downtown Commercial, R-2 Residential Medium Density and R-3 Residential High Density. Artists' working and living units are not allowed in any other zones in the City.

SECTION 31. Chapter 25.28 (I Institutional Zone), Section 25.28.020 (Uses permitted subject to conditional use permit) of the Laguna Beach Municipal Code is hereby amended to repeal the phrase "Residential housing, special needs" and replace it with "Supportive or affordable housing" and repeal the phrase "extended care facilities" and replace it with "Residential facility, assisted living."

SECTION 32. Chapter 25.39 (Specific Plan (Sarah Thurston Park)), Section 25.39.040 (Uses permitted subject to a conditional use permit) of the Laguna Beach Municipal Code is hereby amended to repeal Paragraph A, "Home occupations," and re-letter the remaining paragraphs in alphabetical order and repeal the phrase "Rest home" and replace it with "Residential facility, assisted living."

SECTION 33. Chapter 25.46 (MH Mobilehome Zone), Section 25.46.004 (Uses permitted) of the Laguna Beach Municipal Code is hereby amended to repeal Paragraph D, "Home occupations subject to standards in Chapter 25.08," and re-letter the remaining paragraphs in alphabetical order.

SECTION 34. Chapter 25.52 (Parking Regulations), Section 25.52.006(H) (Special provisions – Off-site parking spaces) of the Laguna Beach Municipal Code is hereby amended to add text in underline and bold and delete text in strikethrough and bold as follows:

(H) Off-Site Parking Spaces. Additional parking that is required for an intensification of nonresidential uses, **or residential uses in mixed-use zones, not involving floor area additions to an existing building envelope,** may be satisfied by providing off-site parking spaces subject to the approval of a conditional use permit and coastal development permit where required and compliance with the following minimum standards: **Except for infill housing projects in mixed-use zones that create new housing units, the intensification of use may not involve floor area additions.**

1. The property providing the off-site parking spaces shall be located on one site and within ~~six hundred~~**600** feet of the establishment **or residential use,** and shall be deed restricted in a form satisfactory to the City (such as a reciprocal parking easement), binding the off-site parking to the use; **and**

2. The off-site parking spaces shall be available at all times during which the business or commercial use is open or operating. **For residential uses, the off-site parking shall be available at all times;**

3. The proposed off-site parking spaces are not necessary to satisfy the parking requirements of the property on which the parking spaces are located; **and**

4. The applicant, as part of the application for the conditional use permit, shall submit a detailed parking plan indicating the location of the proposed off-site parking spaces. The off-site parking spaces shall be located so that they safely and adequately serve the purpose for which they are intended. The following factors, among others as deemed appropriate, shall be considered:

- a. Proximity of the off-site parking spaces,
- b. Traffic circulation to and from the off-site parking spaces,
- c. Ease and safety of pedestrian access to and from the off-site parking spaces,

and

d. The type of use of the property on which the off-site parking spaces are located (for example, off-site parking may not be appropriate for high turnover uses such as fast food restaurants and may be problematic);

SECTION 35. Chapter 25.52 (Parking Regulations), Section 25.52.006(G)(1) (Special provisions – Incentives) of the Laguna Beach Municipal Code is hereby amended to add text in underline and bold and delete text in strikethrough and bold as follows:

(G) Incentives. The City Council may approve a conditional use permit and a coastal development permit when required, upon recommendation by the approval authority, to reduce the parking standards required under this chapter where the proposed use provides for and promotes the use of alternative modes of transportation such as ride-sharing, carpools, vanpools, public transit, bicycle and walking; and where the reduced parking requirement will not adversely impact

public access to beaches, parks, open spaces, and trails and one or more of the following conditions apply:

1. The proposed use is a very low or low income, ~~or disabled,~~ **or senior** housing project;

SECTION 36. Chapter 25.52 (Parking Regulations), Section 25.52.012(A) (Minimum parking spaces) of the Laguna Beach Municipal Code is hereby amended to add text in underline and bold and delete text in strikethrough and bold as follows:

(A) Minimum Parking Spaces. At least the minimum number of parking spaces required shall be provided pursuant to the requirements specified under Municipal Code Section 25.52.012(G), unless otherwise specified in this Ordinance **or as required by applicable State law.**

Exception: Where an interior division is proposed within an existing commercial structure, the result of division shall not create more than three additional individual tenant spaces or be less than 500 square feet in size. Subject to Planning Commission review and approval of a Conditional Use Permit and a coastal development permit where required, division of an existing commercial structure may exceed three additional tenant spaces when each space is less than 500 square feet. At the discretion of the Director of Community Development, an engineered parking impact assessment may be required as a component of the Conditional Use Permit and/or Coastal Development Permit application for a tenant space division. When required, the engineered parking impact assessment must identify measures to offset adverse impacts due to lack of parking.

SECTION 37. Chapter 25.52 (Parking Regulations), Section 25.52.012(G) (Number of required spaces) of the Laguna Beach Municipal Code is hereby amended to add text in underline and bold and delete text in strikethrough and bold for the identified Structures and Uses as follows:

(G) Number of Required Spaces.

Structures and Uses	Required Off-Street Parking
<u>Residential Uses</u>	
Dwelling, single-family or two-family	2 covered spaces per dwelling unit plus an additional space when the gross floor area of each residence is 3,600 or more square feet. The required additional parking space shall be provided as uncovered parking unless the applicant can provide justification that the additional covered parking space will not increase the appearance of mass and bulk. <u>Exception: covered spaces are not required for single- and two-family dwellings in commercial zones with existing or proposed non-residential uses on the same building site.</u>

	Subject to approval the approving authority's approval discretion, the required parking may be provided as tandem parking. See Section 25.52.008(D).
Dwelling, multi-family	1 1/2 spaces for every studio or 1-bedroom unit; 2 spaces for every unit with 2 or more bedrooms and 1 additional guest space for 4 units and every 4 thereafter. At least 50% of the spaces must be covered. Of the covered and uncovered spaces, 50% of each may be compact-sized. Exception: (1) <u>Covered spaces are not required for Artist's joint living and working quarters and multi-family dwellings in commercial zones with existing or proposed non-residential uses on the same building site need not provide covered spaces;</u> (2) The city may reduce or waive parking requirements for housing projects with units committed to long-term, low-income or senior citizen's housing, e.g., as defined under the Federal Government Section 8 Housing or its equivalent.
...	...
Health Uses	
...	...
<u>Rest home Assisted living facilities,</u> home for the aged, nursing home and recovery center	1 space for each 3 beds.
...	...

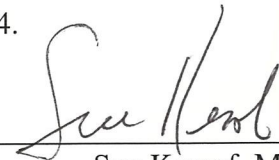
SECTION 38. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 39. The City Council hereby requests that the California Coastal Commission consider, approve, and certify LCP Amendment 23-1251 to amend Title 25, as set forth herein, in accordance with LBMC Section 25.07.026(E). The City Council hereby acknowledges that, if the California Coastal Commission certifies the amendment without any suggested modifications, the amendment is effective immediately pursuant to 14 CCR Section 13544(b). If the California Coastal Commission conditionally certifies the amendment with suggested modifications, however, the amendment is effective upon the City's acknowledgment of receipt of the California Coastal Commission's action, the City's acceptance and agreement to any such terms and modifications, and the City's final action to satisfy the terms and modifications pursuant to 14 CCR Section 13544(c).

SECTION 40. The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance and shall cause the same to be published in the manner required by law in the City of Laguna Beach.

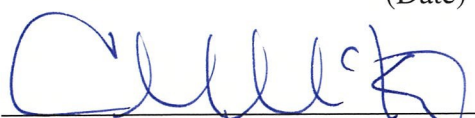
SECTION 41. The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at City Hall, 505 Forest Avenue Laguna Beach, CA 92651. The custodian of the record of proceedings is the Director of Community Development.

ADOPTED this 11th day of June, 2024.



Sue Kempf, Mayor

ATTESTED ON: JUNE 12, 2024
(Date)



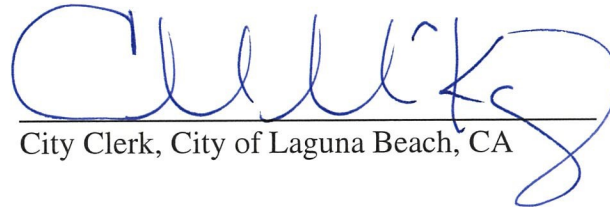
Ann Marie McKay, City Clerk

I, Ann Marie McKay, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance No. 1701 was introduced at a regular meeting of the City Council on May 28, 2024, and was finally adopted at a regular meeting of the City Council of said City held on June 11, 2024, by the following vote:

AYES: COUNCILMEMBER(S): Orgill, Weiss, Whalen, Rounaghi, Kempf

NOES: COUNCILMEMBER(S): None

ABSENT: COUNCILMEMBER(S): None



City Clerk, City of Laguna Beach, CA