

**INITIATIVE MEASURE TITLE AND SUMMARY  
PREPARED BY CITY ATTORNEY  
PURSUANT TO ELECTIONS CODE SECTION 9203**

Title:

An Ordinance Creating an Overlay Zoning District and Requiring Voter Approval of Major Development Projects

Summary:

This initiative, if adopted by a majority of the Laguna Beach electorate voting on the matter, and if subsequently certified by the California Coastal Commission as a Local Coastal Program Amendment, would amend the Laguna Beach Municipal Code to create a “Beautiful Laguna Overlay Zoning District” designation (Overlay District).

The proposed Overlay District covers all property in the City located within 750 feet of the centerline of either State Route 1 (Coast Highway) or State Route 133 (Laguna Canyon Road/Broadway).

The initiative would establish special requirements for any “Major Development Project” within the Overlay District. A “Major Development Project” is defined to mean improvements or changes to improvements on a property, including change of use, that significantly increase density, traffic, or intensity of use by having one or more of the following effects:

- 1) Exceeds 22,000 square feet of total gross floor area;
- 2) Worsens traffic by causing 200 or more additional “Average Daily Trips” (as is further defined);
- 3) Worsens parking by providing fewer than the “Reasonably Necessary Number of Parking Spaces” (as is further defined);
- 4) Exceeds the height standards in the Overlay District;
- 5) Combines two or more contiguous lots to create a single parcel exceeding 7,500 square feet of lot area, or exceeding 6,000 square feet of lot area within the Downtown Specific Plan, with exceptions; or
- 6) Causes a “Cumulative Effect,” defined as when considered together with other “Cumulative Properties” (as is further defined) will cause more than 800 “Average Daily Trips” or the construction of more than 88,000 square feet of gross floor area.

The initiative would require every “Major Development Project” within the Overlay District to be submitted to the voters for approval at either a regular or a special election after the City Council has first approved a zone change for the purpose of removing the subject property from the requirements of the Overlay District. The City Council’s approval must include a finding that the benefits of the “Major Development Project” to the City outweigh the protections of the Overlay District. A description of the scope and main features of the project would need to be included in the sample ballot materials provided to the voters.

Properties within the Overlay District would retain their underlying zone designation and any development of those properties would be required to meet specified new standards – including maximum standards for density, development intensity, development size, parking, and height – in addition to meeting the development standards of the underlying zone.

The requirements of the Overlay District would not apply to the following: single-family residential projects; exclusively residential projects of nine or fewer units; 100% affordable housing projects; public or private schools; hospitals; museums; houses of worship; the in-kind repair, replacement, restoration or reconstruction of existing buildings damaged by a disaster; projects approved before the effective date of the initiative if a vested right to complete the project has been acquired; or a “Minor Modification to a Major Development Project” (as is further defined).

Dated: July 28, 2021



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Philip D. Kohn, City Attorney

# Laguna Residents First

By and for Laguna Residents, State of California PAC No: 1421491  
PO Box 285, Laguna Beach, CA 92652

Ms. Ann Marie McKay, City Clerk  
City of Laguna Beach  
505 Forest Avenue  
Laguna Beach, California 92651

RECEIVED  
JUL 28 2021  
City Clerk's Office  
City of Laguna Beach, CA

July 28, 2021

RE: Replacement of Notice of Intent to Circulate Petition

Dear Ms. McKay,

Per the process outlined in your recent letter to us regarding possible defects in the Notice of Intent to Circulate Petition, we, the undersigned, hereby transmit to you a replacement Notice of Intent to Circulate Petition that is signed by three proponents.

Also, attached you will find a statement, as required by 9609 (a) of the Elections Code regarding the use of signatures gathered for this initiative.

We request that you forward this to the City Attorney forthwith for preparation of a title and summary.



David Raber  
1085 Canyon View Drive,  
Laguna Beach, CA 92651



Merrill Anderson  
611 High Dr ,  
Laguna Beach, CA 92651



Gene Felder  
2680 Park Ave  
Laguna Beach, CA 92651

## INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

JUL 28 2021

## Notice of Intent to Circulate Petition

City Clerk's Office  
City of Laguna Beach, CA

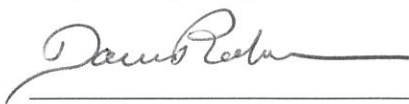
Notice is hereby given by the persons whose names appear below of their intention to circulate the petition within the City of Laguna Beach for the purpose of amending the Municipal Code to require voter approval for major development projects. A statement of reasons for the proposed action as contemplated in the petition is as follows:

Laguna Beach is in a unique location, at the mouth of a canyon opening onto the ocean, served only by Coast Highway and Laguna Canyon Road; therefore increases in traffic are of paramount concern for community issues such as public safety, public health, and the quality of life. Due to the natural limitations of the physical size of the city and proximity to the beach, the current level of development dictates the need for careful management of further intensification of land use in the city. The look and feel of Laguna Beach - including rural and eclectic Laguna Canyon, walkable commercial districts, tree-lined streets, and a variety of low-scale buildings, all of which work together to create a welcoming atmosphere for visitors and residents alike - requires protection. Over the years, Laguna Beach has developed unique commercial districts consisting of an "Organic Mosaic" of individual buildings that were built and then redeveloped at different times by different owners. The years have left Laguna with a pleasing and eclectic pattern of development that should be preserved by continuing essential elements of the current height and density zoning provisions of development. As the city evolves and changes with the times, major development should:

- Be unique; not part of large, monolithic developments;
- Be responsible, so that each development project mitigates the impact it has on its neighbors, Laguna residents, and visitors including traffic, parking, scale, public safety, and aesthetic impacts;
- Be innovative in finding ways to honor the celebrated value of Laguna Beach's look and feel.

Therefore, we submit "An Initiative to Create the Beautiful Laguna Overlay Zoning District and Require Voter Approval for Major Development Projects"

Original Signed by: NAME PROPONENTS



DAVID RABER 1085 Canyon View Dr,  
LAGUNA BEACH, CA



MERRILL ANDERSON 611 HIGH DR.  
LAGUNA BEACH, CA 92651



EUGENE H. FEZDER JR 2680 PARK AVE  
LAGUNA BEACH CA 92651

**To the City Council of the City of Laguna Beach:**

We, the undersigned, registered and qualified voters of the State of California, residents of the City of Laguna Beach, present to the City Council of the City of Laguna Beach this petition and request that the following proposed ordinance be adopted by the Council without alteration, or submitted immediately to the registered and qualified voters of the City of Laguna Beach for their adoption or rejection at an election, as provided by law.

**The proposed ordinance reads as follows:**

The people of the City of Laguna Beach find that:

(a) WHEREAS, Laguna Beach is in a unique location, at the mouth of a canyon opening onto the ocean, served only by Coast Highway and Laguna Canyon Road, increases in traffic are of paramount concern for community issues such as public safety, public health, and the quality of life;

(b) WHEREAS, due to the natural limitations of the physical size of the city and proximity to the beach, the current level of congestion dictates the need for careful management of further intensification of land use in the city;

(c) WHEREAS, the look and feel of Laguna Beach and its welcoming environment – including the peaceful transition through Laguna Canyon from the rural outer Canyon to the semi-rural and eclectic inner Canyon and on to the coastline with its walkable commercial districts, tree-lined streets, and variety of low-scale buildings – requires protection

(d) WHEREAS, over the years, Laguna Beach has developed unique commercial districts consisting of an “Organic Mosaic” of individual buildings that were built and then redeveloped at different times by different owners, creating a pleasing and eclectic pattern of development that should be preserved by continuing essential elements of the height and density through the implementation of a zoning overlay that will continue to apply these development standards to new developments in our City’s unique most visible and used areas;

(e) WHEREAS, as the city evolves and changes with the times, development should:

- Be unique, not part of large, monolithic developments.
- Be responsible, so that each development mitigates the impact it has on its neighbors, Laguna residents, and visitors. This includes parking, scale, public safety, and aesthetic impacts.
- Be innovative and compatible in finding ways to honor the well-known value of Laguna's look and feel.

Now, therefore, the People of the City of Laguna Beach do ordain as follows:

## **Section 1. Code Amendment.**

This ordinance shall be known as “An Initiative to Create the Beautiful Laguna Overlay Zoning District and Require Voter Approval for Major Development Projects.” This ordinance creates Chapter 25.60 of the Laguna Beach Municipal Code.

## **Section 2. Chapter 25.60**

### **25.60.01 Purpose.**

It is the purpose of this ordinance to:

(a) Establish an overlay zone applicable in the most visible areas of Laguna Beach, to set standards for Major Development Projects, as defined below, to ensure that large new development projects do not exceed height, density, and parking requirements to preserve the existing scale and atmosphere in these districts;

(b) Give the voters of Laguna Beach the ability to determine whether Laguna Beach should allow Major Development Projects, by requiring discretionary approval from the City Council for such development projects through a zone change to remove the property from the Beautiful Laguna Overlay Zoning District, followed by voter approval, thereby ensuring maximum public participation in major land use changes proposed in Laguna Beach;

(c) Ensure that the voters of Laguna Beach receive all necessary and accurate environmental information on proposals for Major Development Projects, so that they can intelligently vote on any such proposal;

(d) Protect the public health, safety and welfare, and the quality of life, for all persons living or working or visiting in Laguna Beach.

### **25.60.02. Definitions.**

The definitions set forth in this section apply to the provisions of this chapter only and do not affect any other provision of law.

(a) “As-Built Condition” means the baseline conditions existing at the time Laguna Beach issues the notice of preparation of an environmental impact report for the Major Development Project, or, where no such notice is issued, on the date the application for the Major Development Project is deemed complete by the City of Laguna Beach.

(b) “Average Daily Trips” means the number of motor vehicle trips that a development project would generate on a daily basis. Trips generated shall be calculated by using the most recent version of the Trip Generation Manual of the Institute of Transportation Engineers (“ITE”) in effect on the date the City of Laguna Beach issues the notice of preparation of an environmental impact report for a Major Development Project or, where no such notice is issued, on the date the application for the Major Development Project is deemed complete. Further, a Daily Trip is a motor vehicle either leaving or arriving at said property during a given day

(c) “Building Height” means one or more of the following:

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

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

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

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

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

4. Exception: Provided they do not exceed the maximum height limit of 36 feet, and provided further that no structure in excess of the specified building height shall be used for additional living or floor space, the following items may be permitted to a height in excess of that permitted within a zone in the Beautiful Laguna Overlay Zoning District when approved by the design review board pursuant to the procedures and findings of Chapter 25.05 as applicable: structures for the sole purposes of housing elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, skylights, spires, flagpoles, broadcasting and receiving antennae and chimneys.

5. A commercially reasonable amount of mechanical rooftop equipment not to exceed six feet in height and with adequate setback and visual protection so as to not be visible from the street is exempted.

6. Utilizing a rooftop for any purpose beyond access for maintenance purposes may be permitted as long as the structure complies with all applicable zoning, permitting and building and safety regulations. Any permanent structures on the roof to accommodate such purposes, including railings or handrails, may not exceed the overall height limit for the building specified in 25.60.03. The use of only temporary equipment and fixtures such as, but not limited to, food and drink preparation areas, umbrellas, tables, and lights may be permitted as long as there is 6 ft. or more of height between the finished grade of the roof and the overall height limit, and it complies with all applicable zoning, permitting and building and safety regulations. Existing rooftop construction is not subject to these limitations.

(d) "Combining Lots" means the merger of two or more parcels subject to the requirements of California Government Code Section 66451 et.seq.

(e) "Cumulative Effect" means the development project, when considered together with other Cumulative Properties, will cause more than 800 Average Daily Trips or will cause the construction of more than 88,000 square feet of gross floor area. Cumulative Effects shall be calculated by summing the square footage of the gross floor area and summing the average daily trips of the applicable Cumulative Projects with those of the development project under consideration.

(f) “Cumulative Properties” means developments within one-half mile from the development project under consideration, and that are located in the city of Laguna Beach, and are within 750 feet of the center-line of either CA State Route 1 or CA State Route 133 (except properties defined in section 25.60.03 (c)), and are over 3000 sq. ft. of gross floor area, and that meet any of the following criteria:

1. Developments where a building permit was issued in the last eight years excluding developments where the permit was terminated, vacated, surrendered, or reverted under provisions 25.60.04.(i), or
2. Developments submitted to be reviewed in the last 8 years, other than those where the review process was formally terminated, or the permit was terminated, vacated, surrendered, or reverted under provisions of 25.60.04(i), or
3. Developments that are awaiting voter approval.

(g) “General Plan” means the General Plan of the City of Laguna Beach in effect as of the effective date of this ordinance, or as may be amended pursuant to this ordinance.

(h) “Major Development Project” means improvements or changes to improvements on a property, including change of use, that significantly increase density, traffic, or intensity of use by any of the following in Laguna Beach, except those specified in 25.60.03(c), and except a Minor Modification of a Major Development Project:

1. Exceeds 22,000 sq. ft. of total gross floor area; or
2. Worsens traffic by causing 200 or more additional Average Daily Trips; or
3. Worsens parking by providing fewer than the Reasonably Necessary Number of Parking Spaces; or
4. Construction that exceeds the height standards in the Beautiful Laguna Overlay Zoning District as set forth in section 25.60.03 (d); or
5. Combines two or more contiguous lots to create a single parcel exceeding 7,500 square feet of lot area, or exceeding 6,000 square feet of lot area in the area subject to the Downtown Specific Plan, except lot combinations involving lots that were less than 1,200 square feet on or before December 31, 2020 shall be excluded from the calculation; or
6. Causes a Cumulative Effect, as defined in subdivision (e).

(i) “Minor Modification of a Major Development Project” means improvements or changes to improvements, including change of use on a property that meets all the following criteria:

1. Does not increase gross floor area as defined by the project’s approved building plans by more than 5% over what it was 8 years prior; and
2. Does not worsen traffic by causing more than a negligible increase in Average Daily Trips, as determined by the Director of Community Development upon consideration of the specific use of the modification, location of the property, and peak usage times; and
3. Does not worsen parking by providing fewer than the Reasonably Necessary Number of Parking Spaces. For Minor Modifications, the Director of Community Development may grant an exemption of up to two parking spaces based on the specific use of the modification, location of the property, sufficient existing parking availability, and peak usage times; and
4. Does not increase the Building Height.

(j) "Municipal Code" or "Laguna Beach Municipal Code" means the Municipal Code of the City of Laguna Beach.

(k) "Project Proponent" means any person, firm, association, syndicate, partnership, limited liability company, limited liability partnership, corporation, trust, or any other legal entity applying to Laguna Beach for entitlements for a development project. If Laguna Beach itself initiates the change, it shall be deemed the Project Proponent for the purposes of this ordinance.

(l) "Reasonably Necessary Number of Parking Spaces" means

1. Two (2) parking spaces per 1,000 square feet of gross floor area for:
  - i. Furniture stores, appliance stores, machinery rental or sales stores (excluding motor vehicle rental or sales) and similar establishments which handle only bulky merchandise; or
  - ii. Commercial service establishments, such as shoe repair, tailor, dry cleaning, TV repair or other uses of a similar nature.
2. Four (4) parking spaces per 1,000 square feet of gross floor area for:
  - i. Medical offices and clinics, including chiropractors, optometrists, and dentists;
  - ii. General office and other business, technical, service, administrative or professional offices.
  - iii. Hair salons or barbershops;
  - iv. Other personal service establishments including tanning salons, nail salons, fitness centers, spas, massage services or uses of a similar nature;
  - v. General retail stores;
  - vi. Art galleries;
  - vii. Commercial banks, savings and loan offices, other financial institutions;
  - viii. Shopping centers;
  - ix. Food stores, grocery stores, supermarkets or similar uses and caterers.
  - x. Liquor stores, convenience stores or mini-markets
3. One (1) space for each 100 square feet of gross floor area, including outdoor seating area(s), or 1 space per 3 seats whichever is greater for:
  - i. Group counseling/meetings;
  - ii. Entertainment, including bars, cocktail lounges, night clubs;
  - iii. Food services including, but not limited to restaurants, drive thrus, take-outs, fast-food and full-service, bakeries, ice cream stores, juice bars, delicatessens.
4. For multi-family residential buildings and/or artist's joint living and working quarters constituting Major Scale Development, the Reasonably Necessary Minimum Number of Parking Spaces means: 1 1/2 spaces for every studio or 1-bedroom unit; 2 spaces for every unit with 2 or more bedrooms; 1 additional guest space for 4-bedroom units; and 1 additional guest space for every 4 bedrooms thereafter.
5. For bed and breakfast inns and hotels/motels, the Reasonably Necessary Minimum Number of Parking Spaces means: 1 space for each guest room, which opens to a public way or corridor, yard or court, plus 1 additional space for every 15 guest rooms or fraction thereof, plus 2 spaces per each residence.
6. For assembly halls, conference facilities, or clubs, the Reasonably Necessary Minimum Number of Parking Spaces means: 1 space for each 3 fixed seats or 1 space for each 35

square feet of assembly area, whichever is greater.

7. For mixed uses, the Reasonably Necessary Minimum Number of Parking Spaces for any structure where more than one of the uses in 1-6, above, is conducted shall be calculated by combining the Reasonably Necessary Parking Spaces for each use listed above that is conducted in the structure in proportion to the uses being conducted.

8. Parking requirements for structures and uses not specifically set forth in this section shall be determined by the director of community development. Determination shall be based on the requirements specified herein for the most comparable structure or use specified. Determination may be appealed as provided in section 25.60.05. .

9. Incidental Use - The use of up to 3 per cent of total floor area or 50 sq. feet of floor area per lot, whichever is greater, for the incidental serving of food and beverage in permitted retail space, is exempted from additional parking requirements. The use of up to 25% of the total floor area or 500 sq. ft of floor area, whichever is less for holding classes or workshops in permitted retail space is exempted from additional parking requirements.

10. Credit—The calculation of Reasonably Necessary Minimum Number of Parking Spaces shall include a credit for parking space exemptions or credits granted prior to December 31, 2020, or for exemptions or credits granted after that date provided that commensurate public benefit can be demonstrated and it can be shown that there is no impact to parking and noise in adjoining neighborhoods. Such determination shall be made by the Planning Commission and may be appealed as provided in section 25.60.05.

11. Proximity of parking – Net parking requirements must be met by providing spaces no further than 250 ft. from the main entrance to the building, however up to 50% of net parking required may be provided further from the property provided that it is serviced by valets during business hours.

12. If the City elects to offer a fee in lieu of requiring some or all required on-site parking spaces then in addition to any other conditions, restrictions, or limitations imposed by the city, that fee shall not be less than 80% the Value of Additional Parking Spaces for the first 25 spaces per property, nor less than 100% of the Value of Additional Parking Spaces for spaces above 25.

(m) “Specific Plan” means any Specific Plan in effect as of January 1, 2020 or any Specific Plans as may be amended pursuant to this ordinance or any new Specific Plans which shall be approved by both the Laguna Beach City Council as well as the voters of Laguna Beach pursuant to this ordinance.

(n) “Value of Additional Parking Spaces”: means the value of land and all development and construction costs that would be required to build and operate incremental public parking spaces as periodically calculated by the city. In no case shall the Value of Additional Parking Spaces be less than the value of land plus the cost of planning, design, construction, and debt servicing costs.

#### **25.60.03 Beautiful Laguna Overlay Zoning District**

(a) Purpose. The purpose of the Beautiful Laguna Overlay Zoning District is to allow for the

establishment of special land use regulations, standards, and procedures in the most visible and most used sections of Laguna Beach by imposing maximum standards for density, development intensity, development size, parking, and height, to ensure that these sections will be protected and enhanced by compatible development.

(b) Location and Application: The Beautiful Laguna Overlay Zoning District applies to all property located in the city of Laguna Beach within 750 feet of the center-line of either CA State Route 1 or CA State Route 133.

(c) Exceptions. The requirements of the Beautiful Laguna Overlay Zoning District do not apply to any of the following development projects or circumstances:

1. Single-family residential development projects.
2. Exclusively residential development projects of nine or fewer units, or any exclusively residential development project greater than nine units where the units over nine are due solely to the issuance of a density bonus pursuant to Government Code section 65915 or other state-mandated density bonus laws for the provision of affordable housing.
3. Development projects consisting exclusively of 100 percent affordable residential units affordable to Low Income, Very Low Income, or Extremely Low Income households as defined by the United States Department of Housing and Urban Development. A single on-site managers unit may also be included without removing an otherwise 100 percent affordable project from this exception to the requirements of section 25.60.04.
4. Any development project that would qualify as a Major Development Project consisting solely of the development of a public or private K-12 school, hospital, museum, or house of worship.
5. The repair, replacement, restoration, or reconstruction of any existing building, structure or improvement, whether conforming or nonconforming, which has been damaged by fire, flood, wind, earthquake, or other disasters, up to the original size, placement and density subject to any other applicable requirements of the Laguna Beach Municipal Code. Such repair, replacement, restoration, or reconstruction may exceed the original height of the structure by up to ten percent pursuant to this exclusion so long as it does not exceed the maximum permitted height as set forth herein.
6. This ordinance shall not apply to prevent the completion of a site-specific development that depends on a Major Development Project approved before the effective date of this ordinance, if before such date, the holder of any permit or other entitlement for use for such development has lawfully and in good faith acquired a vested right, under state law, to carry out the development to completion
7. This ordinance shall not apply to a Minor Modification to a Major Development Project.

(d) Property Development Standards. All development in the Beautiful Laguna Overlay Zoning District shall meet the development standards of the underlying zone. In addition, the following standards are the maximum permissible development standards in the Beautiful Laguna Overlay Zoning District. Any proposed development that does not comply with any of these standards must obtain a zone change and voter approval of the zone change as set forth in section 25.60.04.

1. Major Development Project: any development project that exceeds any of the thresholds of a Major Development Project as defined in section 25.60.02 does not meet the Property Development Standards in the Beautiful Laguna Overlay Zoning District. Such a project shall be deemed a Major Development Project.

2. Height. The following standards are maximum height standards in Beautiful Laguna Overlay Zoning District. The height standards of a property's underlying base zone apply, in addition to the below standards.

i. A development project that exceeds the height standards set forth below, as measured according to the Building Height definition of 25.60.02(c), is a Major Development Project and must comply with the procedures set forth in section 25.60.04.

ii. Notwithstanding any of the additional limits set forth below, no building or structure in the Beautiful Laguna Overlay Zoning District shall exceed thirty-six feet in height.

iii. For properties in the Downtown Specific Plan Area zoned CBD-1 Resident Serving, CBD-2 Downtown Commercial, CBD Visitor Commercial, CBD Office, or CBD Central Bluffs, height shall be limited as follows: A variety of building heights currently contributes to the unique character of downtown. Many existing buildings are in excess of the following height standards and would be classified nonconforming. The mix of these nonconforming structures along with new construction that conforms to the height standards will preserve the diversity of building heights that presently exists in the downtown. Therefore, in order to protect the heritage and existing scale and character of the downtown with its diversity of building heights; preserve public views of the beach, ocean and hillsides; and maintain sufficient light, air and solar access to the streetscape, the following building height standards shall apply:

A. Building height (per the Building Height definition in section 25.60.02) shall not exceed 12 feet or 1 floor, including parking garage floor levels with access ramps located outside the structure's ground floor footprint. Notwithstanding the Building Height definition Exception (4), the maximum height, including roof, chimneys, vents, mechanical equipment, mechanical enclosures, elevator shafts, stairways and other such structural elements required for the operation of the building shall not exceed an additional 6 feet, if approved by the design review authority. Per the Building Height definition, subterranean floors shall also be exempt from the above height measurement limit. Subterranean floors shall also be exempt from the one (1) floor limit. Compensatory height exemptions may be granted for those properties where the first habitable level must be raised above the floodplain elevation.

B. Existing buildings that exceed the allowable height (as set forth herein this section) will become nonconforming, with the exception that nonconforming structures shall be allowed to add 10 percent or 100 square feet, whichever is less, as long as said addition does not violate the existing building or maximum height envelope.

C. Subject to a conditional use permit, properties located in the CBD Office District may be allowed an exemption for a second floor addition, provided the second floor addition is used for long-term low-income, housing restricted to City employees, senior citizen (60 years and older), housing for the disabled, or business and professional offices exclusive of medical or dental offices. The maximum height of such a building (per the Building Height definition), including roof, chimneys, vents, mechanical equipment, mechanical enclosures, elevator shafts, stairways and other such structural elements required for the operation of the building, shall be 24 feet.

D. Buildings shall provide a pedestrian orientation and scale consistent with the Downtown Design Guidelines; incorporation of one-story elements and/or roofline variation into the development project, and the use of material changes, window variations and overhanging building elements to distinguish the upper floor from the ground floor may be necessary to achieve a desirable pedestrian orientation and scale.

E. In the CBD Central Bluffs Zone only, outdoor dining facilities located on roof decks shall be allowed to exceed the maximum building height, subject to Design Review Board approval. Access to such facilities shall be open to the general public and not limited to patrons.

iv. For properties zoned CA Civic Arts District, height shall be limited as follows: Building height shall be limited to 12 feet or one story, with an additional 6 feet allowed for the roof area and mechanical equipment enclosures. Exceptions to allow additional building height may be approved by the City Council upon recommendation of the Planning Commission. Approval requires a Conditional Use Permit that makes all of the following findings in addition to those otherwise required by Title 25 of the Municipal Code:

A. The development project includes desirable public benefit uses including, but not limited to, student housing for students enrolled in an accredited four-year art college within the City, affordable artist housing and work space, significant arts-related uses, parking garages and/or public buildings that meet the intent of the Civic Art District;

B. The development project is designed and sited to minimize massing adjacent to CA Route 133; and it uses the Laguna Canyon hillside to minimize the visual perception of the structure's height and mass;

C. The development project contributes to a diversity of building styles and heights in the Civic Art District;

D. The development project emphasizes the pedestrian orientation and village character that has been established in the Central Business District; and

E. The building envelope does not exceed thirty-six (36) feet in elevation at its highest point as measured from existing grade and including all roof

elements and mechanical features that meet the goals of the Civic Art District.

v. For properties zoned C-1 Local Business District, height shall be limited as follows: The following building height limits represent the maximum heights permitted and may be reduced as determined appropriate by the design review authority.

A. 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                                        | 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                                        | 30 ft.                                                                                  |
| 5+ to 10                                      | 25 ft.                                                                                  |
| Over 10                                       | 20 ft.                                                                                  |

B. The height of any building (per the Building Height definition in section 25.60.02) 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.

C. 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.

vi. For properties zoned C-N Commercial Neighborhood Zone, height shall be limited as follows: The following building height limits represent the maximum heights permitted and may be reduced as determined appropriate by the design review authority.

A. 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.                                                |

B. The height of any building (per the Building Height definition in section 25.60.02) 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 (C), 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.

C. 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.

vii. For properties zoned LBP Local Business Professional Zone, height shall be limited as follows: 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.

A. 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                                        | 25 ft.                                                |
| 5+ to 10                                      | 22.5 ft.                                              |
| Over 10                                       | 20 ft.                                                |
| Rear Lot Line Below Street (slope in percent) | Height Permitted Above Upper Curb or Street Elevation |
| 0 to 5                                        | 25 ft.                                                |
| 5+ to 10                                      | 22.5 ft.                                              |
| Over 10                                       | 20 ft.                                                |

B. The height of any building (per the Building Height definition in Section 25.60.02) shall not exceed thirty-six feet, including parking garage floor levels with access ramps located outside the structure's ground floor footprint. Notwithstanding the building height definition Exception (C) 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.

C. 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.

viii. For properties zoned CH-M, Commercial Hotel-Motel Zone, height shall be limited as follows: 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.

A. 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                                        | 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                                        | 30 ft.                                                                                  |
| 5+ to 10                                      | 25 ft.                                                                                  |
| Over 10                                       | 20 ft.                                                                                  |

B. The height of any building (per the Building Height definition in section 25.60.02) shall not exceed thirty-six feet, including parking garage floor level with access ramps located outside the structure's ground floor footprint. The thirty-six-foot height limit includes 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.

C. 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.

ix. For properties zoned SLV South Laguna Village Commercial Zone, height shall be limited as follows:

A. 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 Upper Curb (In Feet)    |
| 0 to 5                                        | 27 ft.                                                 |
| 5+ to 10                                      | 25 ft.                                                 |
| Over 10                                       | 20 ft.                                                 |

B. 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.

x. For properties zoned I Institutional, height shall be limited as follows: The maximum overall height of any building (per the Building Height definition in section 25.60.02) 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. 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.

xi. For properties zoned M1A Light Industrial Zone or M1B Light Industrial Zone, height shall be limited as follows: The maximum height of any building (per the Building Height definition in section 25.60.02) 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. 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.

**25.60.04 Major Development Project Zone Change and Vote of the Laguna Beach Electorate on a Major Development Project.**

(a) Each Major Development Project shall require the approval by City Council of a zone change to remove the property from the requirements of the Beautiful Laguna Overlay Zoning District.

1. The Planning Commission must hold a hearing on any such zone change request, providing at least 10 days notice in at least one newspaper of general circulation or posting in three public places, and delivered to all persons who have requested to receive such notifications. Notice must also be provided at least 10 days in advance to the property owner, the applicant, and owners within 300 feet of the property.
2. The Planning Commission may recommend to City Council to adopt or reject the zone change to remove the property from the Beautiful Laguna Overlay Zoning District. In making its recommendation, the Planning Commission may recommend conditions and mitigating measures to modify the proposal.
3. The City Council must hold a public hearing to consider granting the zone change, providing notice as described in section 1. The City Council may approve, disapprove, or modify the recommendation of the Planning Commission, including the addition or removal of conditions and mitigating measures.
4. In determining whether to grant a zone change to allow for a Major Development Project that exceeds the standards of the Beautiful Laguna Overlay Zoning District, the City Council must make a finding that benefits of the Major Development Project to the City outweigh the protections of the Beautiful Laguna Overlay Zoning District.

(b) A Major Development Project shall be considered to be approved only after approval of the zone change to remove the property from the Beautiful Laguna Overlay Zoning District by both the Laguna Beach City Council and a majority of the Laguna Beach Electorate voting "YES" on a ballot measure asking whether the zone change should be approved at either a regular or special municipal election. An advisory election does not satisfy the voter approval requirement.

(c) The sample ballot materials mailed to the registered voters of Laguna Beach prior to an election shall describe any Major Development Project in a manner that clearly discloses both the scope and main features of the development project (including any and all phases) that the Major Development Project consists of or depends on, and the location and the acreage of the development project site. The description shall clearly compare the proposal and its traffic impacts both to the As-Built Condition and to existing applicable land use designations and zoning classifications, providing accurate comparative data concerning existing as well as proposed densities (in units per acre), intensities of use (in square footage, types of use and traffic impacts), and height. The

description shall disclose the Average Daily Trips of the As-Built condition as compared to the development project at build-out. The description shall include a description of the parking impacts of the development project including, but not limited to the number of parking spaces the development project requires and the number of such spaces provided in kind and in lieu. Easily readable maps shall be used to assist the voters in the proposal description. All of the information called for by this subdivision shall be posted on The City of Laguna Beach's website no later than ten (10) days prior to the Laguna Beach City Council's hearing on a Major Development Project, and such information shall be updated no later than two business days following the Laguna Beach City Council's hearing.

(d) For all Major Development Projects zone changes approved by the Laguna Beach City Council on or after the Effective Date of this ordinance, the resulting election required by this ordinance shall be set for the first regular municipal election following City Council approval of the zone change; or, by mutual agreement with the Project Proponent, the Laguna Beach City Council may call a special municipal election, with the cost of the special election borne solely by the Project Proponent.

(e) The zone change and popular vote required by this ordinance shall be in addition to all other applicable review and approval requirements for such Major Development Project, including environmental review in compliance with the California Environmental Quality Act ("CEQA").

(f) All subsequent City permits and approvals necessary to implement all or part of a Major Development Project shall conform to the development project description presented to voters for approval pursuant to paragraph (b) of this section.

(g) No certificate of occupancy shall be issued for a Major Development Project until the Project Proponent has paid all fees to the City of Laguna Beach, and all mitigation measures required by the Laguna Beach City Council have been fully implemented or the City Council and the Project Proponent have entered into an enforceable agreement to implement all mitigation measures.

(h) Except as provided in Section 5, any permits or approvals issued without voter approval, where such voter approval is required under this ordinance, shall be null and void.

(i) Property removed from the Beautiful Laguna Overlay Zoning District shall revert back to the Beautiful Laguna Overlay Zoning District under any of the following conditions:

1. If construction (other than demolition or grading) fails to begin within 36 months of voter approval, in which case, outstanding permits will be void, unless the holder of the permit has lawfully and in good faith acquired a vested right under state law.
2. Building permits for the project expire or are revoked.
3. The permitted project is resubmitted, or modified, other than a Minor Modification of a Major Development Project as defined in 25.60.02(i).
4. Any covenants to provide public benefit as a condition of the development project are not fulfilled.

### **Section 3. Zoning Designations as of Submittal Date.**

The date the notice of intention to circulate this Initiative was submitted to the City's elections official is referenced herein as the "submittal date." The City's General Plan, Specific Plans, and Zoning Ordinances in effect on the submittal date, and the Zoning Ordinances as amended by this Initiative comprise an integrated, internally consistent, and compatible statement of policies for the

City. In order to avoid the confusion that future changes to the names and references of the various zones in the General Plan, Specific Plans, and the Zoning Ordinance might cause, it is hereby declared by the voters that the voters intend for the Beautiful Laguna Overlay Zoning District to apply to the properties zoned with the designations identified in the Initiative and located within the Beautiful Laguna Overlay Zoning District on the submittal date. No subsequent changes to the zone names or zone boundaries after the submittal date shall be deemed to alter the boundaries or property development standards applicable in the Beautiful Laguna Zoning Overlay District. In the event that any amendments to the General Plan, Specific Plans, or Zoning Codes are adopted between the submittal date and the date that the zoning ordinance are amended by this initiative measure, these amendments shall, to the extent that such interim-enacted provision is inconsistent with the provisions of this Initiative, be amended as soon as possible and in the manner and time required by state law to ensure consistency between the provisions adopted by the Initiative and other elements of the General Plan.

#### **Section 4. Effective date; Update of Zoning Information.**

This Initiative Ordinance shall be binding and effective as of the earliest date allowed by law (the "Effective Date"). The Community Development Department is ordered to update the zoning information and zoning maps to reflect the zoning for the properties included in the Beautiful Laguna Overlay Zoning District within 90 days of the Effective Date. The purpose of the update is solely to reflect the addition of the Beautiful Laguna Overlay Zoning District as adopted in this Initiative.

#### **Section 5. Conflicts with State and Federal Law.**

The provisions of this Initiative Ordinance shall not apply to the extent that they would violate state or federal laws.

This Initiative Ordinance shall not be applied in a manner that would result in an unconstitutional taking of private property.

#### **Section 6. Relationship to Municipal Code.**

If any provision of this Initiative Ordinance conflicts with other provisions contained in the Laguna Beach Municipal Code, the provisions of this ordinance shall supersede any other conflicting provision. This Initiative Ordinance does not alter, modify, or eliminate any zoning requirements of the Laguna Beach Municipal Code.

#### **Section 7. Amendments.**

No provision of this Initiative Ordinance may be amended or repealed except by a vote of the People of Laguna Beach.

#### **Section 8. Judicial Enforcement.**

Any aggrieved person shall have the right to bring an action to enjoin any violation of this ordinance or to enforce the duties imposed on the City of Laguna Beach by this ordinance. The proponents of this Initiative Ordinance, including any organizational sponsor of the Initiative Ordinance, may defend the provisions of this Initiative Ordinance in any litigation brought to challenge the Initiative Ordinance.

## **Section 9. Construction.**

This Initiative Ordinance shall be liberally construed to accomplish its purposes. Nothing herein shall be construed to make illegal any lawful use being made of any land in accordance with City land use and zoning regulations in force before the effective date of this ordinance.

## **Section 10. Consistency with Other Ballot Measures.**

If another ballot measure is placed on the same ballot as this measure and deals with the same subject matter, and if both measures pass, the voters intend that both measures shall be put into effect, except to the extent that specific provisions of the measures are in direct conflict. In the event of a direct conflict, the measure which obtained more votes will control the directly conflicting provisions only. The voters expressly declare this to be their intent, regardless of any contrary language in any other ballot measure.

## **Section 11. Severability.**

If any section, subdivision, clause, sentence, phrase, or portion of this ordinance is declared invalid by a court of competent jurisdiction, the remaining sections, subdivisions, clauses, sentences, phrases, and portions shall remain valid and enforceable. The voters declare that they would have passed all sections, subdivisions, clauses, sentences, phrases, and portions of this ordinance without the section, subdivision, clause, sentence, phrase or portion declared invalid by a court of competent jurisdiction.

## **25.60.05 Review and Appeal Procedures in The Beautiful Laguna Overlay Zoning District.**

### **(a) Scope:**

1. This section applies only to the determinations provided for in sections 25.60.02 (i) and 25.60.02 (l).
2. Determinations may be appealed to the City Council by the applicant or any resident of the City.
3. The City Council's review of any appeal shall be limited to the criteria specified herein.

### **(b) Initiation:**

1. The appeal shall be in writing, filed with the City Clerk, and shall specify the grounds for the appeal.
2. The appeal must be filed within 14 calendar days of the determination.
3. The City Council may, by resolution, set a fee for such appeals. If the City Council sets a fee, payment must be made at the time an appeal is filed in order for the appeal to be accepted.

### **(c) Process:**

1. The City Clerk shall set the appeal for a public hearing before City Council no less than 14 calendar days nor more than 60 calendar days after the receipt and acceptance of the appeal by the City Clerk. Public notice of the hearing shall be given in compliance with section 25.05.065.
2. The City Council may uphold or reverse a decision. Three or more affirmative votes shall be required to reverse the initial decision.
3. A decision on appeal shall be set forth by Resolution of the City Council.

# Laguna Residents First

RECEIVED

JUL 28 2021

By and for Laguna Residents, State of California PAC No: 1421491  
PO Box 285, Laguna Beach, CA 92652

City Clerk's Office  
City of Laguna Beach, CA

Ms. Ann Marie McKay, City Clerk  
City of Laguna Beach  
505 Forest Avenue  
Laguna Beach, California 92651

RE: Notice of Intent to Circulate Petition – Beautiful Laguna Overlay Zoning District

I, MERRILL ANDERSON, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

(Signature of Official) \_\_\_\_\_

Dated this 28 day of JULY, 2021

# Laguna Residents First

RECEIVED

JUL 28 2021

By and for Laguna Residents, State of California PAC No: 1421491  
PO Box 285, Laguna Beach, CA 92652

City Clerk's Office  
City of Laguna Beach, CA

Ms. Ann Marie McKay, City Clerk  
City of Laguna Beach  
505 Forest Avenue  
Laguna Beach, California 92651

RE: Notice of Intent to Circulate Petition – Beautiful Laguna Overlay Zoning District

I, Engene H. Felder Jr, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

(Signature of Official)

Engene H. Felder Jr

Dated this 28 day of July, 2021

# Laguna Residents First

RECEIVED

JUL 28 2021

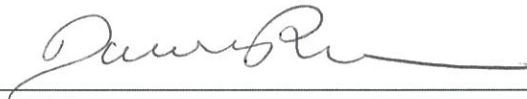
By and for Laguna Residents, State of California PAC No: 1421491  
PO Box 285, Laguna Beach, CA 92652

Ms. Ann Marie McKay, City Clerk  
City of Laguna Beach  
505 Forest Avenue  
Laguna Beach, California 92651

RE: Notice of Intent to Circulate Petition – Beautiful Laguna Overlay Zoning District

I, DAVID RABER, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

(Signature of Official)



Dated this 8th day of July, 2021