

ORDINANCE NO. 1650

**AN ORDINANCE OF THE CITY OF LAGUNA BEACH, CALIFORNIA
AMENDING CHAPTERS 25.45, 25.05, 25.17, 25.18, 25.22, 25.38, 25.54, AND 7.70
OF THE LAGUNA BEACH MUNICIPAL CODE RELATING TO HISTORIC
PRESERVATION**

WHEREAS, in 2015, the City embarked upon a process to update its Historic Preservation Program (“Program”), which consists of various policies and regulations contained in, among other places, Chapter 25.45 of the Laguna Beach Municipal Code; and

WHEREAS, the City has held over 30 public meetings, public hearings, workshops and task force meetings to receive input from various City boards and commissions, as well as from members of the public regarding the update; and

WHEREAS, on October 23, 2018, the City Council provided direction to City staff regarding the desired nature of the updated Program, and directed staff to prepare the updated Program, and to take the steps necessary for the City Council to consider the updated Program at a future meeting; and

WHEREAS, the City retained VCS Environmental (“VCS”) to prepare an Initial Study regarding the updated Program, specifically evaluating General Plan Amendment 19-5414, Zoning Ordinance Amendment 17-0289, and Local Coastal Program Amendment 17-0388; and

WHEREAS, VCS prepared an Initial Study and concluded that the proposed Program would not have a significant effect on the environment, and therefore recommended that a Negative Declaration be prepared; and

WHEREAS, the Initial Study/Negative Declaration was prepared and circulated for public comment from January 13, 2020 through February 12, 2020 and was otherwise processed in accordance with the California Environmental Quality Act (“CEQA”), Public Resources Code Section 21000 *et seq.*; and

WHEREAS, a total of five comment letters were received during that time period, and the City has provided detailed and complete written responses to the comments, as well as to additional comments

received after the close of the comment period; and

WHEREAS, the City Council has carefully considered the Initial Study/Negative Declaration, the comments thereon, and the responses to those comments; and

WHEREAS, on February 26, 2020, the Planning Commission conducted a legally noticed public hearing and, and after reviewing and considering all documents, testimony and other evidence presented, voted to recommend that the City Council adopt the amendments to applicable provisions of the Laguna Beach Municipal Code relating to Historic Preservation, and adopt a Negative Declaration pursuant to CEQA; and

WHEREAS, on July 14, 2020, the City Council conducted a legally noticed public hearing and carefully reviewed and considered all documents, testimony and other evidence presented, including the Initial Study/Negative Declaration, the comments thereon, the responses to those comments, and determined to approve a resolution adopting the Negative Declaration; and

WHEREAS, on July 14, 2020, the City Council conducted a legally noticed public hearing on Zoning Ordinance Amendment 17-0289, carefully reviewed and considered all documents, testimony and other evidence presented, and introduced the ordinance and passed it to a second reading, which was conducted on August 11, 2020;

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

SECTION 1: Chapter 25.45 (“Historic Preservation”) of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

Chapter 25.45 - HISTORIC PRESERVATION

Sections:

- 25.45.002 Intent and purpose.
- 25.45.004 Definitions.
- 25.45.006 Historic Register Designation, Criteria and Procedures and Removal from Register
- 25.45.008 Incentives to Properties on the City’s Historic Register
- 25.45.010 Procedures to modify a historic resource.
- 25.45.012 Historic property disclosure.
- 25.45.014 Procedures for demolition of a historic resource.
- 25.45.016 Unsafe or dangerous conditions.
- 25.45.018 Property owned by public agencies.
- 25.45.020 Property maintenance required.
- 25.45.022 Illegal demolition-penalty for violations.

25.45.002 Intent and purpose.

The purpose of this chapter is to promote the public health, safety, and general welfare by providing for the identification, protection, enhancement, perpetuation, and use of improvements, buildings and their settings, structures, objects, monuments, sites, places, and areas within the City that reflect special elements of the City’s architectural, artistic, cultural, engineering, aesthetic, historical, political, social, and other heritage to achieve the following objectives:

- (A) Safeguard the heritage of the City by encouraging the voluntary protection of historic resources representing significant elements of its history;
- (B) Enhance the visual character of the City by encouraging and providing for the voluntary

preservation of those buildings that reflect unique and established architectural traditions that contribute to the older neighborhoods of the City

(C) Foster public appreciation of and civic pride in the beauty of the City and the accomplishments of its past;

(D) Strengthen the economy and improve property values of the City by protecting and enhancing the City's attraction to residents and visitors;

(E) Promote the private and public use of historic resources for the education, prosperity and general welfare of the people;

(F) Stabilize and improve property values within the City; and

(G) Achieve historic preservation through the encouragement and promotion of voluntary additions to the City's Historic Register.

(H) Recognize that the previous historic resource inventory (adopted by Ordinance No. 82.111) is ineffective for the purposes of creating a presumption of historicity of any property identified thereon.

25.45.004 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

"Character-defining features" include the overall shape of the building, its materials, craftsmanship, decorative details and features, as well as the various aspects of its site and environment. These features capture the historic character of a building.

"Cultural landscape" means a geographic area, including both cultural and natural resources and the wildlife or domestic animals therein, associated with an historic event, activity, or person or exhibiting other cultural or aesthetic values.

"Department" means the City of Laguna Beach's Community Development Department.

“Director” means the City’s director of community development, or her/his designee.

“Demolition” means any act which removes all the existing exterior walls, cladding and or roof framing. Demolition for purposes of this chapter does not include activities that constitute a Major Remodel as defined in Section 25.08.24 of this title.

“Local Design Guidelines or Style Guide” means a set of guidelines that provide recommendations for treatments of various building systems, such as windows and roofs, as well as information specific to particular architectural styles. This document will provide preferred design examples and guidelines for the alteration of historic resources. Projects which are consistent with these guidelines will typically not create an adverse impact to an historic resource.

“Historic resource assessment” means an historic building or site assessment report to evaluate whether a property meets the eligibly criteria set forth in California Public Resources Code 5024.1(c), or if a project will adversely affect an historic resource. An assessment shall be prepared by a consultant that meets the Secretary of the Interior’s (SOI) professional qualifications standards, as defined in the Code of Federal Regulations, (36 CFR 61) or its successor.

“Historic context” means historical patterns that can be identified through the consideration of the history of the property and the history of the surrounding property. Historic context may also relate to an event or series of events, pattern of development, building form, architectural style, landscape, artistic value, use of materials and methods of construction, or be associated with a life of an important person.

“Historic integrity” means the ability of a property to convey its significance. Historic properties either retain integrity (that is, convey their significance) or they do not. Within the concept of integrity, the National Register criteria recognizes seven aspects or qualities that, in various combinations, define integrity. The seven aspects of integrity are location, design, setting, materials, workmanship, feeling and association.

“Historic monitor” means a professional, who meets the qualification standards contained in the Code of Federal Regulations (36 CFR Part 61), who is hired at the applicant’s expense to oversee a project

to ensure that the construction and modifications to a historic resource are consistent with the Secretary of the Interior's Standards or as conditioned in the project approval.

"Historic register (or the Register)" means the City's list of properties formally designated as historic resources after an application was filed by the property owner. The current list of designated properties will be kept on file at the City Clerk's office. Properties on the California and National Register are automatically eligible for the City's historic register and are not subject to Heritage Committee review for designation.

"Historic resource" means a property or structure that (1) is listed on the City's historic register, (2) is listed on the California Register of Historical Resources, (3) has been officially determined to be eligible for the California Register of Historical Resources by the State Historical Resource Commission, (4) is listed on the National Register of Historic Places, (5) has been officially determined to be eligible for the National Register of Historic Places by the National Park Service, or (6) the City is mandated by law to treat as a historic resource based on substantial evidence in light of the whole record.

"Heritage Committee" means the committee, as established by City Council, that serves an advisory role on matters pertaining to historic preservation as specified within this chapter.

"Mills Act" means the state law set forth in Sections 50280-50290 of the California Public Resources Code, which allows cities to enter into contracts with the owners of structures on the register who may receive a reduction in property taxes. To qualify as an historic resource, a property must be listed on the register.

"Replacement In-Kind" means the replacement of a building material or finish with the exact same materials as existing, or with an historically accurate replacement.

25.45.006 Historic Register Designation, Criteria and Procedures and Removal from Register.

(A) Purpose and Intent. The purpose of the Laguna Beach historic register is to provide a means to preserve, protect and enhance historic resources within the community, including buildings, structures, sites, objects, districts and cultural or historic landscape features. All historic resources identified subsequent to the effective date of this chapter shall be added to the register pursuant to the procedures established in this chapter. Properties listed on the register may be identified on-site with an exterior marker or plaque displaying pertinent information about the property. The current list of historic resources on the register will be kept on file with the City Clerk.

(B) Designation Procedures.

(1) The property owner shall complete the application for the proposed designation as a historic resource and inclusion on the register on a form provided by the department, include all information required and file the application with the department.

(2) The Heritage Committee will review the application for designation. In its consideration of placement on the register, the Heritage Committee may request additional information and plans for any future planned changes to the structure. There shall be no application fee for placement on the register.

(3) Recordation of a written historic resource preservation agreement between the City and the property owner, acknowledging the owner's obligations and responsibilities to ensure preservation of the historic character of the resource shall be filed after the property is designated by the Heritage Committee for inclusion on the register. If the owner has applied for incentives, the recordation shall not occur until the owner's request, or the incentive has been acted upon. This agreement shall be recorded with the County and will apply to any subsequent owners. A property approved for the Register shall not be formally designated until the property owner executes the preservation agreement, and it is recorded with the County.

- (C) Criteria for Historic Register Listing. Upon submittal of an application by the property owner(s), a building, grouping of buildings, structure, site, object, or district shall be considered for designation by the Heritage Committee if it meets criteria (1) and also one or more of criteria (2) through (11):
- (1) The owner of the property voluntarily agrees to the placement on the register;
 - (2) It is listed on the National Register or the State Register;
 - (3) It exemplifies the cultural, political, economic, social or historical heritage of the community;
 - (4) It is identified with a person, events, culture or site significant in local, state or national history;
 - (5) It is representative of the work of a notable builder, designer, architect, or artist including those of local importance;
 - (6) It embodies distinguishing architectural characteristics of a style, type, period or method of construction that exemplify a particular architectural style or way of life important to the City;
 - (7) It embodies elements that represent a significant structural, engineering, or architectural achievement or innovation;
 - (8) It has a unique location, a singular physical characteristic, or is an iconic visual feature or public view point within the City;
 - (9) Is one of the remaining examples in the City, region, state or nation possessing distinguishing characteristics of architectural, cultural or historical importance;
 - (10) Is an iconic landscape, garden, space or public view point that is significant to the history and heritage of the City; or
 - (11) Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.
- (D) Findings of the Heritage Committee. Upon review of the application and any supporting material, the Heritage Committee shall adopt findings that the registered property does or does not meet the both criteria (1) and (2) above, as well as one or more of criteria (3) through (11) of subsection (C) above.

(E) Removal from the Historic Register. Removal from the register can be initiated by the property owner or by the City. An historic resource assessment may be requested as part of the application and will be paid for by the applicant. After the appropriate environmental review, pursuant to the California Environmental Quality Act (CEQA), the decision to remove a resource from the register shall be considered at a public hearing by the City Council following a recommendation from the Heritage Committee, which shall be considered by the City Council during its deliberation regarding the proposed removal.

(F) Repayment or Restoration of Benefits/Incentives. In considering a request for removal from the register, the City Council shall take into consideration repayment or restoration of any utilized benefits/incentives as set forth in Section 25.45.008 of this chapter when (a) the property owner or the City initiates a request to remove the historic resource from the register; or (b) anytime unauthorized modifications to a historic resource on the register are made, including demolition and partial demolition of an historic resource. Additional penalties for unauthorized demolition are also specified in Section 25.45.022 of this chapter. Filing fees for removal of a resource from the register shall be determined by resolution of the City Council.

25.45.008 Incentives to Properties on the City's Historic Register.

Owners of historic resources listed on the register are eligible to apply for the following preservation benefits. The consideration of granting benefits shall occur at a public hearing and the granting of any benefit shall be conditioned upon compliance with the Secretary of the Interior's Standards for Rehabilitation; and upon the recordation of a written agreement between the City and the property owner that ensures preservation of the historic resource's character defining features and identifies any historic incentives granted for the property. Except as described below, the Design Review Board shall conduct a noticed public hearing on design review applications. However, the Planning Commission shall be the body to consider the granting of preservation incentives for all projects located in the downtown specific

plan area and for projects for which the Planning Commission is the primary discretionary review authority, such as approval of a conditional use permit. If a project would otherwise not be subject to design review, except for the request for a preservation incentives, preservation incentives for the project may be reviewed through administrative design review as provided in Section 25.05.040 (B)(3), except that commercial parking reduction requests may not be granted through administrative design review and may only be granted consistent with the procedures set forth in subsection (A) below. Except as provided below, the notice of public hearing for a project involving preservation incentives shall include a statement that the applicant is requesting approval of preservation incentives and identify the requested benefits. A request for preservation incentives in conjunction with an application to modify an historic resource must receive a recommendation from the Heritage Committee. If a property owner is seeking placement on the register concurrently with the review of the preservation incentive, then formal placement on the register can be noted as a condition of approval of the preservation incentives.

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

(1) Single-family dwellings that are nonconforming due to substandard parking shall not be required to provide parking in accordance with Chapter 25.52 when additions are proposed, provided that such additions do not exceed more than fifty percent of the existing square footage of the structure and that at least one parking space has been provided on-site. When a second residential unit is being added to an historic resource under the provisions of Chapter 25.17 (Second Residential Units), parking shall be in accordance with the requirements of that chapter unless modified by the City Council for purposes of achieving the goals of this chapter.

(2) Multiple-family dwellings that are nonconforming due to substandard parking shall not be required to provide parking in accordance with Chapter 25.52 when additions are proposed, provided that such additions do not exceed more than fifty percent of the original square footage of

the structure and that at least half of the parking spaces required in Chapter 25.52 have been provided.

(3) Projects involving modifications to properties listed on the register that are located in commercial zones may be granted a conditional use permit to allow a reduction in parking requirements up to a maximum of seventy-five percent of the otherwise required parking spaces if the project complies with Secretary of the Interior's Standards (SOIS) or Local Design Guidelines or Style Guide. If the requested incentive involves a reduction of 15 or more spaces, a parking demand study may be required by the City to evaluate the existing or proposed use, potential neighborhood impacts and the available off-site and on-street parking when considering proposed parking reductions.

(B) Building Permit and Planning Application Fees. All City building permit and planning application fees for projects involving resources on the register will be refunded if, following the final inspection and finalization of the building permit, the City finds the changes are consistent with approved plans and preserve the historic character of the subject building. Variance fees are not subject to refund unless the variance is required to restore and/or maintain an original historic feature of the building. A request for fee refunds does not need to be included in any public notice relating to the project.

(C) Building Code Deviations. The City may allow deviations from Title 14 of this code when findings can be made by the Director that the historic resource is in conformance with the California Historical Building Code contained within Section 18950-18961 of the California Health & Safety Code. A request for this incentive does not need to be included in any public notice relating to the project.

(D) Additions to Commercial Structures. Commercial historic resources on the register may add up to fifteen percent of the existing floor area, not to exceed five hundred square feet, without providing additional parking and without bringing any existing nonconformities into compliance with current zoning regulations.

(E) Setback Flexibility. Additions to historic resources on the register shall be allowed to maintain

setbacks up to the line of existing encroachments; provided, that all setbacks as required by the Uniform Building Code are maintained for new construction.

(F) Rear Yard Setback Relief. Rear yard setback relief for new structures or additions to existing resources on the register that are proposed to be constructed within five feet of a rear property line may be approved, subject to design review. New improvements may not encroach into a blufftop setback.

(G) Density Bonuses. Properties listed on the register that are located in the R-2 residential medium density zone, the R-3 residential high density zone, or the local business professional zone, may add residential units at a density of one unit per one thousand square feet of lot area, or in the case of properties within the downtown specific plan boundaries in accordance with the applicable provisions therein, provided the historic resource 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.

(H) Single-Family Density Bonuses. Properties located in the R-1, residential low density zone may be eligible for residential density bonuses for a second residential unit. See Section 25.17 for applicable provisions.

(I) Open Space Requirements. Properties that do not currently provide the required open space area may be enlarged or expanded without providing the required open space if it is determined that the proposed alterations will not diminish or detract from the historic significance of the original resource.

(J) Official Recognition. Properties on the register shall be eligible for special designation plaques. A request for this incentive does not need to be included in any public notice for the project. Properties on the National or State Register will automatically be qualified.

(K) Priority Processing. Properties shall receive priority building and planning/zoning division plan check processing. This incentive does not need to be included in any public notice public notice for the request.

(L) Financial Incentives/Mills Act. Owners of properties on the register are eligible to apply for a Mills Act contract. Owners of any historic resource listed on the register are also eligible to apply for other local, state and national financial benefits, if any.

(M) Bed and Breakfast incentives. Refer to Section 25.22.050.

(N) Relief from Nonconforming Structure Requirements.

(1) Additions that exceed fifty percent of the existing square-footage of a building may be allowed without bringing existing nonconformities into compliance if it is determined that such an addition will not diminish or detract from the historic significance of the original structure, and if such addition is found to be compatible in scale and character with the surrounding neighborhood.

(2) Owners of properties located in multifamily zones (R-2 and R-3), where only one unit currently exists, may apply for one or more additional units without bringing existing nonconformities into conformance, if it is determined that the additional unit(s) will not diminish or detract from the historic significance of the original structure, and if such additional unit(s) is(are) found to be compatible in scale and character with the surrounding neighborhood. Requests for this benefit shall be subject to design review approval following a recommendation by the Heritage Committee.

25.45.010 Procedures for alteration of an historic resource.

(A) Review. Prior to the issuance of a building permit to remodel or alter any historic resource, City staff shall review the proposed changes to determine if the proposal is consistent with the Secretary of the Interior's Standards (SOIS) or the City's Local Design Guidelines. Interior changes shall not be reviewed unless the changes will alter a character defining features of the historic resource or if the interior area is publicly accessible.

(B) If the project is found to be consistent with the SOIS or the City's Local Design Guidelines, but otherwise requires design review pursuant to Section 25.05.040(B), the Heritage Committee shall make a

recommendation to the approval authority prior to design review. Repair or replacement of existing materials with in-kind or historically appropriate materials, in the same location, does not require design review approval. Minor alterations may be subject to Section 25.05.040 (B)(3).

(C) If staff believes the project is not consistent with the SOIS and/or the City's Local Design Guidelines, then after the appropriate environmental documentation has been prepared pursuant to CEQA, design review shall be required. The Heritage Committee shall make a recommendation to the approval authority prior to design review.

(D) Historic Resource Assessment Report. If an historic resource assessment has not been prepared for the property, the Heritage Committee or the design review authority may require that an historic resource assessment, paid for by the City, be prepared prior to the review of the project to evaluate the project impacts to the property.

(E) Environmental Determination. During its review, the design review authority will adopt the appropriate environmental determination pursuant to CEQA. An historic resource assessment may be required to evaluate a project's potential environmental impact. Projects that comply with the SOIS and the local design guidelines may be eligible for a categorical exemption.

(F) Pre-construction Meeting. Prior to the issuance of a building permit, a preconstruction meeting shall occur and shall consist of the property owner, contractor, inspector assigned to inspect the structure, a City staff member, the project architect/designer and historic monitor (if required). This meeting will be used to convey the obligations and responsibilities of the property owner and his or her contractors and architects in protecting and avoiding destruction of the identified historic fabric that is to be retained.

25.45.012 Historic property disclosure.

(A) Agent Disclosure. If a property has been included in the register, the owner of the property or the owner's representative shall, in any real property transaction, provide the buyer of the property with notice informing the buyer of the property's listing on the register. Distribution of a current Real Property Report

issued pursuant to Section 14.76.090 of this code to the buyer shall satisfy the requirements of this subsection.

(B) Penalty. Any person who violates the provisions of subsection (A) of this section shall be subject to the penalties and remedies specified in Section 14.76.090 of this code.

25.45.014 Procedures for demolition of an historic resource.

The following procedures shall be applied to all properties identified as an historic resource.

(A) Application. An application for demolition of an historic resource shall be filed with the department. Demolition permits require that the applicant obtain a Coastal Development Permit and are subject to compliance with the provisions of CEQA, unless exempt.

(B) Heritage Committee Review. Upon receipt of a complete application to demolish an historic resource, the department shall, within thirty days, schedule the application to be reviewed by the Heritage Committee for a recommendation to the design review authority.

(C) Design Review Action. After the appropriate environmental documentation has been prepared pursuant to CEQA, and the Heritage Committee has provided a recommendation, the design review authority shall address any project impacts and identify project alternatives which may mitigate the defined project impacts. The design review authority shall consider project mitigation measures. After conducting the public hearing, the design review authority shall either approve or deny the permit.

(D) Public Notice. Public notice for the design review hearing shall be subject to the provisions of Section 25.05.065, and Chapter 25.07.

(E) Demolition Approval. If the design review authority approves a permit for demolition, the permit is subject to a waiting period of ninety calendar days to consider relocation and/or documentation unless building relocation is included as part of the project mitigation measures as adopted by the design review authority.

- (1) During the waiting period, the applicant shall advertise the proposed demolition in a paper of general circulation in the City once a month for the first two months following the design review hearing. Such advertisement shall be one-quarter page in size and shall include a photograph of the resource, the address at which the resource proposed for demolition is located, information as to how arrangements can be made for relocation, and the date after which a demolition permit may be issued. Evidence of this publication must be submitted to the department prior to issuance of a demolition permit.
 - (2) Any application for relocation of the resource shall be filed within the specified waiting period as determined by the design review authority.
 - (3) The design review authority may extend the waiting period up to one hundred eighty days if it determines that relocation is imminent.
 - (4) During the continuance period, the Heritage Committee may investigate relocation of the building or modification of the building for future uses in a way which preserves the architectural and historical integrity of the building.
 - (5) During the continuance period, the applicant may pursue plan approval.
- (F) Findings. Prior to the issuance of a demolition permit, the design review authority shall make one of the following findings:
- (1) The action proposed is consistent with the purposes of this chapter and the historic resources element of the general plan; or
 - (2) There are no reasonable alternatives to demolition.

25.45.016 Unsafe or dangerous conditions.

None of the provisions of this chapter shall be construed to prevent any demolition necessary to correct the unsafe or dangerous conditions of any structure, feature, or part thereof, when such condition has been declared unsafe or dangerous by the building official or the fire chief and where the proposed

measures have been declared necessary and permitted by such official to correct such conditions. A City permit is required prior to demolition. However, only such work as is necessary to correct the unsafe or dangerous condition may be performed. In the event any structure or other feature shall be damaged by fire or other calamity, the building official may specify, prior to the design review authority's review, the amount of repair necessary to correct any unsafe conditions.

25.45.018 Property owned by public agencies.

Public agencies that own property in the City shall be notified of the provisions of this chapter and encouraged to seek the advice of the Heritage Committee before the construction, alteration, demolition, or relocation of any historic resource.

25.45.020 Property maintenance required.

(A) The City's intention is to preserve from deliberate or inadvertent neglect the exterior portions of any historic resource and all interior portions thereof whose maintenance is necessary to prevent deterioration of an historic resource. No owner of any historic resource shall fail to undertake such repairs or maintenance as are necessary to prevent significant deterioration of the property beyond the condition of the property on the effective date the property is identified as an historic resource.

(B) No owner, lessee, or occupant of any property listed on the register shall fail to comply with all applicable provisions of this code and other ordinances of the City regulating property maintenance, including, without limitation, weed control, garbage, and housing.

(C) Before the City Attorney files a complaint in a court of competent jurisdiction for failure to maintain the historic property, the director shall notify the property owner, lessee, or occupant of the need to repair, maintain, or restore the property, and shall give the owner a minimum of thirty days within which to perform such work.

25.45.022 Illegal construction - penalty for violations.

The following penalties shall be determined by the City Council after a public hearing, following a recommendation from the Heritage Committee.

(A) The removal or demolition of any structure listed on the register without an approved demolition permit shall result in a five-year stay in the issuance of a building permit for any new construction at the site previously occupied by the historic structure.

(B) In addition to the repayment or restoration provisions of Section 25.45.006(F), any person who demolishes a structure listed on the City's register, either in whole or in part, may be subject to an administrative penalty of up to one hundred thousand dollars for each violation. This determination shall be based on the extent of the demolition and the benefits received, including setback and parking incentives.

SECTION 2. Section 25.05.040(B)(1) and (H)(6) (pertaining to Design Review) of the Laguna Beach Municipal Code is hereby modified and amended to delete Section 25.05.040(B)(1)(s) and (t), to re-letter Section 25.05.040(B)(1)(u),(v), (w) and (x) as (B)(1)(s),(t),(u) and (v), respectively, and revise new (B)(1)(u) so as to read in its entirety as follows:

(u) Outlining of the outside of buildings or portions thereof with lights. (If such outlining with lights is proposed on a building listed on the register, then the Heritage Committee shall make a recommendation to the approval authority prior to its design review); and

(H) Design Review Criteria.

(6) Historic Preservation. Destruction or alteration to historic resources should be avoided whenever possible. See section 25.45 for more information.

SECTION 3. Section 25.17.030(O) (pertaining to Second Residential Units) of the Laguna Beach Municipal Code is hereby modified and amended to read in its entirety as follows:

(O) Second residential units shall not be attached to any historic structure listed on the Historic register, unless provided by state law.

SECTION 4. Section 25.18.004(Y)(1) (pertaining to conditional uses in the Local Business Professional Zone) of the Laguna Beach Municipal Code is hereby modified and amended to read in its entirety as follows:

(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, residential historic resources that appear on the city's historical register may add residential units at a density of one unit per one thousand square feet of lot area, provided resource is preserved or modified in a manner consistent with Secretary of the Interior's Standards (SOIS) or Local Design Guidelines or Style Guide. Residential density credit for historically significant resources on the city's register 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 resource is demolished,

SECTION 5. Section 25.18.006(Y)(1) (pertaining to the administrative uses in the Local Business Professional Zone) of the Laguna Beach Municipal Code is hereby modified and amended to read in its entirety as follows:

(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 historical register may add residential units at a density of one unit per one thousand square feet of lot area, provided 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,

SECTION 6. Section 25.22.030 (pertaining to Bed and Breakfast Inns) of the Laguna Beach Municipal Code is hereby modified and amended to read in its entirety as follows:

Bed and breakfast inns, pursuant to this chapter, shall be subject to the approval of a conditional use permit as provided for in Section 25.05.030 of this title. The approval of such conditional use permit shall be subject to the findings set forth in Section 25.22.060 of this chapter. The applicant(s) for a conditional use permit shall be the owner(s) of the real property on which the bed and breakfast inn is proposed to be established, or his/her authorized agent. The historic register properties shall be listed on the city's historic register at the time of conditional use permit application. The heritage committee shall make a recommendation to the planning commission prior to its evaluation of a conditional use permit application to establish a bed and breakfast inn and to request parking reduction incentives under this chapter.

SECTION 7. Section 25.22.050 (pertaining to Bed and Breakfast Inns) of the Laguna Beach Municipal Code is hereby modified and amended to read in its entirety as follows:

The following incentive may be allowed for proposed bed and breakfast inns, in addition to those specified in Chapter 25.45 of this title, Historic Preservation. The granting of such incentive shall be conditioned upon a written agreement between the city and property owner that ensures preservation of the building's historic character. Structures listed on the register, which are intended to be used as bed and breakfast inns and are located in the R-2 or R-3 residential zones, may be granted a conditional use permit to allow a reduction in parking requirements based on the degree to which the historic character of the building is preserved and/or enhanced. Properties on the City's register may be granted up to a seventy-five percent reduction. Such incentive shall be reviewed by the heritage committee, and the committee shall make recommendations to the planning commission. After reviewing the heritage committee recommendations at a public hearing, the planning commission shall make recommendations to the city council, which has the final approval authority.

Applications for parking reduction shall include methods to be employed to encourage use of alternative forms of transportation. Whenever a parking reduction is granted, the applicant shall be required to provide and/or promote use of alternate forms of transportation for both employees and guests.

SECTION 8. Section 25.38.020 (pertaining to Floodplain Management) containing the definition of “Historic Structure” of the Laguna Beach Municipal Code is hereby modified and amended to read in its entirety as follows:

“Historic structure,” for the purpose of this chapter means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- (4) Individually listed on the Laguna Beach Historic Register.

SECTION 9. Section 25.54.024(B)(3) (pertaining to Murals) of the Laguna Beach Municipal Code is hereby modified and amended to read in its entirety as follows:

(3) Heritage Committee Review Required. If a mural is proposed on a historic structure identified on the city’s Historic Register, the heritage committee shall review and make a recommendation regarding the mural proposal prior to the review of the arts commission.

SECTION 10. Section 7.70.060(k) (Good Neighbor Outdoor Lighting) of the Laguna Beach Municipal Code is hereby modified and amended to read in its entirety as follows:

(k) Approved lighting fixtures for any historic resource listed on the register. Nonconforming lighting fixtures consistent with the character of a historic resource on the register may be exempted, subject to the approval of the community development director. Approved fixtures shall be consistent with the architectural period and architecture style of the of the resource and shall not exceed seven hundred fifty lumens (sixty watt incandescent equivalent) and three thousand Kelvin.

SECTION 11. An Initial Study and Negative Declaration for the project was prepared and circulated on January 13, 2020 in accordance with the provisions of the California Environmental Quality Act. The Initial Study and Negative Declaration concluded that the project would not have environmental effects that will cause a substantial adverse impact on the environment. The public comment period for the Negative Declaration ended on February 12, 2020, and the comments submitted were considered with the review of the project. The City Council has carefully reviewed the Initial Study and Negative Declaration, the comments received thereon, and the responses thereto, and it finds that the responses adequately address the issues raised in the comments. The City Council finds and determines on the basis of the whole record that there is no substantial evidence that the project will have a significant effect on the environment, and that the Negative Declaration reflects the City's independent judgment and analysis. The City Council finds that the Negative Declaration has been prepared in accordance with CEQA and the CEQA Guidelines. The City Council adopts the Negative Declaration. The location and custodian of the documents or other material which constitute the record of proceedings upon which the City Council's decision is based is the office of the City Clerk of the City of Laguna Beach, 505 Forest Avenue, Laguna Beach, California.

SECTION 12. If any portion of this Ordinance, or the application of any such provision to any person or circumstance, shall be held invalid, the remainder of this Ordinance to the extent it can be given effect, of the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this Ordinance are severable.

SECTION 13. This Ordinance is intended to be of Citywide effect and application. All ordinances and provisions of the Laguna Beach Municipal Code and Sections thereof inconsistent shall be and the same are hereby repealed to the extent of such inconsistency and no further.

SECTION 14. The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published in the manner required by law in the City of Laguna Beach. This Ordinance shall become effective not less than thirty (30) days from and after

the date of its adoption by the City Council and upon certification of a corresponding Local Coastal Program Amendment by the California Coastal Commission.

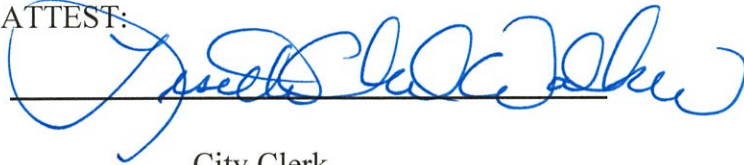
ADOPTED this 11th day of August, 2020.



Bob Whalen, Mayor

MW

ATTEST:



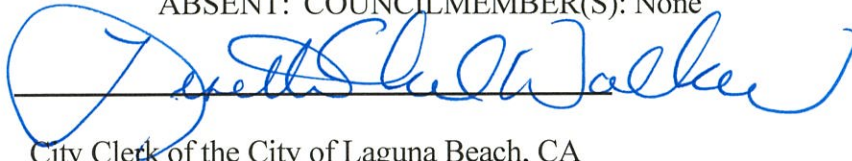
City Clerk

I, Lisette Chel, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council on July 14, 2020, and was finally adopted at a regular meeting of the City Council of said City held on August 11, 2020 by the following vote:

AYES: COUNCILMEMBER(S): Blake, Kempf, Dicterow, Whalen

NOES: COUNCILMEMBER(S): Iseman

ABSENT: COUNCILMEMBER(S): None



City Clerk of the City of Laguna Beach, CA