

## Laguna Beach Municipal Code

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The intent and purpose of this chapter is to establish a specific plan for the Arch Beach Heights Tract and it is enacted pursuant to the authority of Article 9, Chapter 3 of Division 7 of the Government Code of the state of California. It is recognized that the subject area, because of its lot configuration, topographical situation, historical development pattern and proximity to necessary public services has special problems which must be solved with specific planning solutions, development controls and public actions. It is the intent of this portion of the Arch Beach Heights Specific Plan to apply guidelines and controls over private development, which guidelines and controls will be more specifically suited to meet the special needs and problems of the area in a manner which will best protect the health, safety and welfare of the residents both within the subject area and within the remainder of the city. (Ord. 795 § 1, 1974).

**25.35.020 Description.**

The property to be included within the specific plan is described as all of the land shown on the final subdivision map of Arch Beach Heights dated April 18, 1911, and recorded in Book 7, pages 9 and 10, Miscellaneous Maps, Orange County, California. (Ord. 795 § 1, 1974).

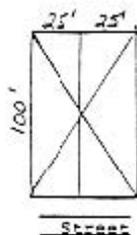
**25.35.030 Uses permitted.**

All uses permitted in the R-1 zone, subject to the standards of the R-1 zone, the Uniform Building Code, the subdivision ordinance, and other development policies, are permitted, except as modified in this specific plan. (Ord. 795 § 1, 1974).

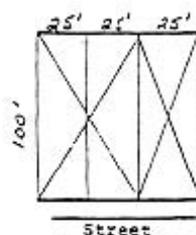
**25.35.040 Development standards.**

Lot Area and Dimensions, Existing Building Sites. Vacant legal building sites in existence on April 17, 1974 shall continue to remain legal building sites, except that adjacent vacant building sites under the same ownership on and after April 17, 1974, shall meet the following minimum standards: Lot area—five thousand square feet; lot width—fifty feet; lot depth—eighty feet, except as otherwise shown in the following examples:

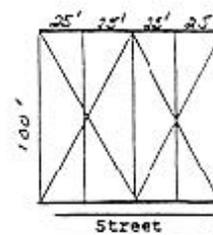
Example 1:  
2 adjacent singularly-  
owned 25' x 100'  
vacant lots = 1  
building site



Example 2:  
3 adjacent singularly-  
owned 25' x 100'  
vacant lots = 2  
building sites



Example 3:  
4 adjacent singularly-  
owned 25' x 100'  
vacant lots = 2  
building sites



(Ord. 832 § 13, 1975; Ord. 795 § 1, 1975).

### **25.35.045 Exemption from lot combination requirements.**

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Any parcel for which a valid building permit application was pending prior to April 17, 1974 shall be exempt from the requirements of Sections 25.35.040 and 25.35.050. (Ord. 795 § 1, 1974).

### **25.35.050 Title report.**

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Applications for building permits on vacant lots shall be accompanied by a title report showing the record ownership of the subject lot, and all lots sharing a common lot line with the subject lot, on and after April 17, 1974, up to the time of the building permit application, to ascertain whether said lots are owned by the same person. (Ord. 832 § 14, 1975; Ord. 795 § 1, 1974).

### **25.35.060 Lot area and dimensions, existing non-building sites.**

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Parcels existing as of April 17, 1974, which are not legal building sites shall not be made building sites unless they meet all lot area and dimension requirements, street improvement requirements, and other development standards in effect at the time they are made building sites. (Ord. 832 § 15, 1975; Ord. 795 § 1, 1974).

### **25.35.065 Lot combinations.**

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A vacant building site may be combined with one or more vacant lots that are not building sites provided that:

- (A) The gross floor area on the combined lot does not exceed 1.7 times the buildable area of the original, building site. Gross floor area shall be as defined in Section 25.08.012 of this title and buildable area shall be as defined in Section 25.35.150 of this chapter. Except as set forth in subsection (E) of this section, this standard shall represent the maximum allowable gross floor area. The actual development allowed may be less due to localized conditions identified during the design review process.
- (B) All proposed development shall be subject to the applicable standards of the Arch Beach Heights specific plan, except that a lot combination combining a vacant building site with one or more vacant lots that are not building sites does not qualify for the building permit points granted under Section 25.35.150 of this chapter.
- (C) All proposed development shall be subject to design review requirements, goals and criteria, and processing as identified in Section 25.05.040 of this title.
- (D) Special Findings Required. The following special findings must be made by the design review board when approving development proposed for lot combinations:
  - (1) The encroachment of development into the vacant lot areas that were not building sites results in protection or enhancement of public and/or private views.
  - (2) The proposed development minimizes development-related impacts on the neighborhood and streetscape that would otherwise be permitted on the original, building site under current zoning regulations.
  - (3) The proposed development will have no adverse impact on environmentally sensitive areas (ESAs) including, but not limited to, high and very high value habitat.
  - (4) The proposed development, after the incorporation of reasonable mitigation measures, will not have any significant adverse impacts on non-ESA high or very high value habitat.
  - (5) The proposed development is in conformity with all applicable provisions of the general plan, including the certified local coastal program and the zoning code (Title 25).
- (E) The floor area limit may be increased by the design review board when, in addition to the findings cited above, it is determined that the mass and scale of the project are compatible with the neighborhood pattern of development; it has been demonstrated that there are homes of comparable size within the immediate neighborhood; and the project is deemed a superior example of hillside development in accordance with the city's design guidelines for hillside development as adopted by Resolution No. 89-104 or as amended thereafter. (Ord. 1485 § 8, 2008; Ord. 1347 § 1, 1998).

### **25.35.070 Design review.**

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- (A) All new residences and accessory structures, and additions to existing residences and accessory structures, are subject to the design and review as per the zoning ordinance. The design review board shall be guided by the development standards set forth in Section 25.35.080 in addition to the normal design review criteria.
- (B) Design review shall be limited to those standards set forth in Sections 25.35.080 and 25.40.005. Additional guidelines may be adopted by resolution of the city council, upon recommendation of the design review board, when such guidelines are deemed warranted.
- (C) In the event that a project is disapproved by the design review board, the design review board shall state in writing the subsections of Section 25.35.080 or 25.40.005, or the guidelines adopted by resolution of the city council, upon which such disapproval is based, and shall further state the reason disapproval of the project is justified by said subsections or guidelines. (Ord. 944 § 1, 1978; Ord. 929 § 1, 1978; Ord. 795 § 1, 1974).

### **25.35.080 Design review development standards.**

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- (A) Intent and Purpose. It is the intent and purpose of this section to establish design review standards and controls over public and private development in the Arch Beach Heights Tract. It is recognized that the area has specific design constraints relating to its visibility from the city below, historic development pattern and potential for fire. In this respect, it is the declared intent of the city that this section shall serve the following purposes:
- (1) To establish standards and policies that will promote and enhance quality design, site relationships, and other aesthetic considerations of development in the Arch Beach Heights Tract.
  - (2) To improve and augment the controls now included in ordinances related to planning and building in order to promote development which is in the best interest of the public safety and welfare.
  - (3) To recognize the interdependence of land values and aesthetics and to implement these standards in the best interest of the city.
- (B) Standards.
- (1) All designs shall demonstrate an individuality of design, which should be achieved primarily through a manipulation of the volume of the structure rather than by means of nonessential architectural details.
  - (2) While individuality of design should be achieved, the thrust should be scaling down rather than duplication of existing bulk and size of existing structures.
  - (3) Lot coverage shall not exceed that specified in the zoning ordinance for R-1 development.
  - (4) All designs shall limit areas of large blank walls by carefully planned windows, porches, and smaller volumes.
  - (5) Harsh boxlike structures, and structures which make extensive use of glossy surfaces, or strong, glaring colors, shall be avoided.
  - (6) On downhill homes, all designs shall avoid vertical repetitive detailing which adds to the illusion of height.
  - (7) All designs shall minimize roof penetration by grouping all plumbing vents and ducts together.
  - (8) All vents, gutters, downspouts, louvers, exposed flashings, and service doors shall be treated as architectural design elements, and shall be painted to coordinate with the color scheme of the structure.
  - (9) Roof decks should not be permitted above the uppermost story, nor should parapets, walls, protective roof deck railings or stair enclosures exceed the roof height of the uppermost story, except as approved by design review.
  - (10) All exterior lighting should relate to the design of the structure, and the light emitted shall not adversely affect neighboring properties, exceed that reasonably necessary for security purposes, nor detract from the aesthetics of the property.
  - (11) All landscape plans shall address the functional aspects of landscaping such as drainage, erosion prevention, wind barriers, shade, sound absorption, dust abatement, and reduction of glare.

- (12) Landscaping shall be used in front and rear yards to relieve solid, unbroken elevations and to soften continuous wall expanses.
- (13) All designs shall incorporate the use of shrubbery and trees to reduce the appearance of height.
- (14) The area between the underside of the building and finished grade should be completely enclosed, except as approved by design review.
- (15) There shall be provided a storage area for at least two garbage and trash containers, minimum forty-gallon capacity each, completely enclosed from view, easily accessible to the street. Such areas shall be protected by at least one-hour fire rating.
- (16) A general storage area of at least four hundred cubic feet, completely enclosed from view, shall be provided within each garage or carport, except as approved by design review.
- (17) All developments should seek to minimize the difference between the natural grade and the finished project height by such methods as split level or stepping down the building along with the grade. (Ord. 944 § 1, 1978; Ord. 929 § 1, 1978; Ord. 795 § 1, 1974)

### **25.35.090 Yard, building setbacks.**

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(A) Front Yard. The front yard shall be as specified for R-1 development in the zoning regulations. The front yard carport is provided within the main building area. A driveway within the front yard must observe the standard side yard requirement, in order to allow room for landscaping.

(B) Side Yards. Side yards shall be as specified for R-1 development in the zoning regulations. Exceptions shall be as follows:

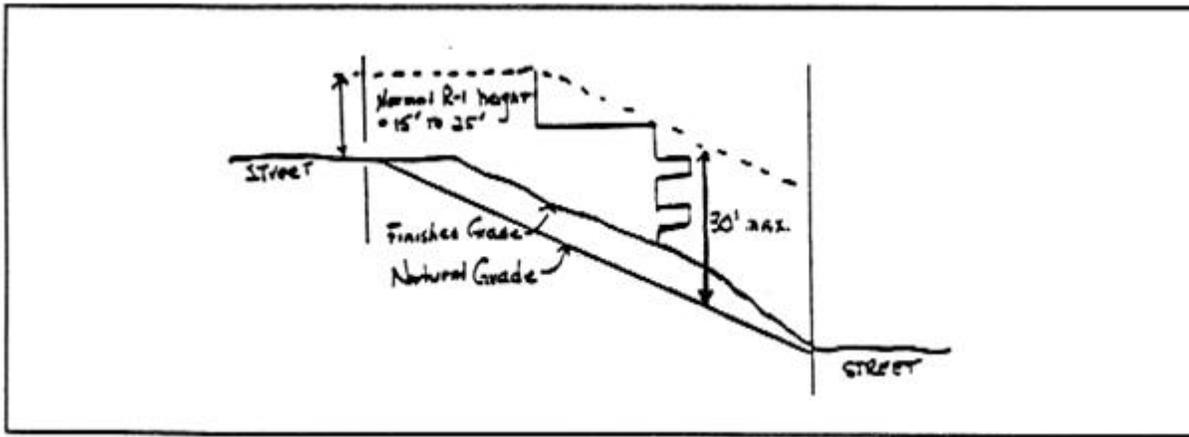
- (1) On lots fifty feet or less in width, a dwelling unit may observe a zero sideyard setback on one side of the lot provided that:
  - (a) Dwelling units sharing a common zero setback are of an integrated design and are constructed concurrently; and
  - (b) The opposite side yard is at least twenty percent of the lot width, with a minimum of six feet required. Encroachment not exceeding six feet in horizontal dimension may observe a minimum four feet side yard.
- (2) No redistribution of required side yards shall be permitted for lots greater than fifty feet in width.
- (3) The vertical plane of glazed openings when projected horizontally to an adjacent building within ten feet shall be no closer than six feet to any glazed opening in such adjacent building.

(C) The placement of trees, shrubs and other landscape features which reduce the side yard pedestrian passageway clearance to less than three feet is discouraged. (Ord. 1221 § 1, 1991; Ord. 1049 §§ 1 and 2, 1983; Ord. 949 § 1, 1978; Ord. 832 § 16, 1975; Ord. 795 § 1, 1974)

### **25.35.100 Building height.**

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Building height shall be as specified for R-1 development in the zoning ordinance, except that the height of any building shall not exceed thirty feet at any point above the finished grade or natural grade, whichever is the lesser. (Ord. 795 § 1, 1974).



### 25.35.110 Parking.

There shall be provided on each lot at least four parking spaces per dwelling unit, two of which must be within a garage or carport. The size of each parking space shall measure at least eight and one-half feet by eighteen feet without obstruction. Tandem parking spaces are permitted. Two conforming, uncovered parking spaces may be located in the front setback. Parking spaces in the rear setback must be considered as accessory structures, maintaining a minimum five-foot setback from the main building, and covering no more than thirty-five percent of the required rear yard area. (Ord. 832 § 17, 1975; Ord. 795 § 1, 1974).

### 25.35.120 Utilities.

All utility service connections shall be placed underground. There shall be no exposed wiring, piping, ducts, conduits or other electrical, plumbing and mechanical equipment, except electrical and gas meters. (Ord. 795 § 1, 1974).

### 25.35.130 Park fee requirement.

A park fee, as provided in Section 21.08.130 of this code, shall be collected prior to the issuance of a building permit. Park fees shall be used for the provision of park, open space, and recreation uses and areas within or immediately adjacent to the area covered by this specific plan. (Ord. 1007 § 1, 1981; Ord. 795 § 1, 1974).

### 25.35.140 Application for design review.

Applications for design review shall be accompanied by the following minimum exhibits:

- (A) Landscaping, grading and drainage plans, showing existing and proposed topography at two-foot contour intervals, plant types, sizes and locations, planting details, underground sprinkler system and drainage system for the entire site, excepting rear yards;
- (B) Site plan and details, showing all site constructions including paved areas, storage areas, fences, trash enclosures, stairways, decks, patios, etc.;
- (C) Tabulation of lot area and open land area;
- (D) A site plan showing the precise location of all buildings on adjacent lots, their entranceways, window openings, and outdoor living areas, all in relation to the proposed building and lot, accurately drawn to scale;
- (E) Preliminary floor plans, elevations, architectural and site details, color and material samples of exterior surfaces. These exhibits, when approved, will be part of all construction requirements to be met prior to occupancy, and will be used to assure that the entire site layout and design is compatible with the design of the residence, will assure a reasonable degree of residential privacy, and will be compatible with other improvements in the neighborhood. (Ord. 832 § 18, 1975; Ord. 795 § 1, 1974).

### 25.35.150 Qualifications for building permit.

(A) **Points Required.** Any proposed project shall earn a minimum of five points through the following system, prior to an application for design review being accepted. Project applicant has the opportunity to select from subsection (D) of this section the method of earning points to overcome environmental constraints associated with the project site.

(B) **Environmental Constraints.**

Slope: Lots with an average slope exceeding thirty percent;

Open Space: Lots that are shown on the city’s map of environmentally sensitive areas as being entirely or partially within an “Open Space Preserved” area;

Fire Hazard: Development which places a new building within five feet of a property line.

(C) **Basic Point Rating.** The following table indicates the basic number of points awarded to projects before bonus points are earned. Projects with five points or more need not earn additional points. Projects with less than five points must earn bonus points as provided in subsection (D).

(D) **Bonus Point Ratings.** Bonus points may be earned by any one or combination of the following methods:

(1) **Lot Combination:**

Combination with one adjacent lot—2 points.

Combination with two adjacent lots—4 points.

(2) **Maximum Height Reduction:**

Maximum height reduced by 5 feet—1 point.

Maximum height reduced by 10 feet—2 points.

(3) **Floor Area Ratio:**

(a) **25’ x 100’ lot:**

Gross structural area does not exceed 1.4 times buildings area—1 point.

Gross structural area does not exceed 1.1 times buildable area—2 points.

(b) **50’ x 100’ or larger lot:**

Gross structural area does not exceed .8 times buildable area—1 point.

Gross structural area does not exceed .6 times buildable area—2 points.

“Gross structural area” means the total square footage of all structures (not including the area allocated for required parking).

“Buildable area” means the total area of the parcel minus the area of all required setbacks pursuant to the local zoning regulations.

(4) **Density Relief:**

Dedication of a 25’ x 100’ building site—4 points.

(a) **Adjacent property owner will have the first right of refusal (dedicated open space).**

(b) **Property owners on the same street between adjacent intersections will have second right of refusal (dedicated open space).**

(c) **If dedication has been refused for six months from the offer, point credit will be given as if it had been accepted. Lot will retain same building status. (Ord. 959 § 1, 1978; Ord. 951 § 1, 1978).**

Existing Condition                      Number of Environmental Constraints

<b>Building Site Type</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>

<b>Building Site Type</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>
3 or more 25' x 100' lots combined	7 points	6 points	5 points	4 points
2 25' x 100' lots	6 points	5 points	4 points	3 points
1 25' x 100' lot (No adjacent vacant lot)	5 points	4 points	3 points	3 points
1 25' x 100' lot (with adjacent vacant lot)	3 points	2 points	1 point	1 point

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