



## CITY OF LAGUNA NIGUEL CITY COUNCIL AGENDA ITEM

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**To:** Honorable Mayor and Council Members

**FROM:** Jonathan Orduna, Community Development Director

**DATE:** November 7, 2023

**SUBJECT:** A Public Hearing to Consider Zoning Code Amendment ZCA 23-02 Introducing an Ordinance Amending Laguna Niguel Municipal Code Section 9-1-95 to Establish Multifamily and Mixed-Use Residential Objective Development and Design Standards for Projects that Qualify for Streamlined Ministerial Review Under State Law; and Determining the Action to be Exempt from the California Environmental Quality Act Under State CEQA Guidelines Section 15061(b)(3).

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### **RECOMMENDATION**

Staff recommends that the City Council open the public hearing, take public testimony, close the public hearing, and then take the following actions:

1. Find that adoption of the proposed ordinance is exempt from the California Environmental Quality Act ("CEQA") because it is an administrative activity that will not result in a direct or reasonably foreseeable indirect physical change to the environment and thus is not a "project" under State CEQA Guidelines Section 15378 (see State CEQA Guidelines, § 15060(c)(2) and (3)). Alternatively, even if adoption of the ordinance did qualify as a project under CEQA, find that it is exempt from CEQA pursuant to Section 15061(b)(3) of the State CEQA Guidelines, which provides that a project is exempt from CEQA where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
2. Waive full reading, make any amendments to, and introduce Ordinance No. 2023-225 by title:

ORDINANCE NO. 2023-225

AN ORDINANCE OF THE CITY OF LAGUNA NIGUEL, CALIFORNIA,  
ADOPTING ZONING CODE AMENDMENT ZCA 23-02 AMENDING LAGUNA  
NIGUEL MUNICIPAL CODE SECTION 9-1-95 TO ESTABLISH MULTIFAMILY  
AND MIXED-USE RESIDENTIAL OBJECTIVE DEVELOPMENT AND DESIGN  
STANDARDS FOR PROJECTS THAT QUALIFY FOR STREAMLINED  
MINISTERIAL REVIEW UNDER STATE LAW, AND DETERMINING THE ACTION

TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT  
UNDER STATE CEQA GUIDELINES SECTION 15061(B)(3)

3. Direct that the proposed ordinance, with any changes, be placed on the agenda for the December 5, 2023, City Council Meeting and adopt the ordinance at that meeting.

**BACKGROUND**

*Recent State Housing Laws*

In recent years, the State of California has enacted a series of housing bills with the overall aim to increase the state's housing inventory and reduce barriers to housing production. Several laws have impacted local land use authority by requiring cities to ministerially review and approve certain eligible residential development projects. Within this context, ministerial review means that an application is reviewed and approved administratively, without discretionary review or a hearing.

As part of this ministerial review process, cities may review projects for compliance with local objective development and design standards. Standards are considered objective if they are measurable and verifiable and involve no subjective judgment by a city official. State law allows cities to impose objective development and design standards on eligible housing projects. The Laguna Niguel Municipal Code contains development standards and community design guidelines. The City's development standards, such as building setbacks to property lines and height limits, do not involve discretion or subjective judgment and are considered objective. However, the City's design guidelines, related to architectural principles and landscaping design, are more qualitative and involve discretion and subjective judgment.

In response to recent state housing law(s), the City has undertaken an effort to prepare objective design standards to apply to new qualifying housing projects that are otherwise exempt from the City's discretionary process and design guidelines. As subsequently described in more detail, these objective design standards are proposed to be incorporated in the Laguna Niguel Municipal Code by reference (Zoning Code Amendment ZCA 23-02). The development of these objective design standards supports the Strategic Plan, Goal #5: Economic and Community Development, Strategy #5: Design Guidelines Update.

**DISCUSSION**

*Zoning Code Amendment ZCA 23-02 (Objective Development and Design Standards Manual)*

Zoning Code Amendment ("ZCA 23-02") proposes to amend Laguna Niguel Municipal Code Section 9-1-95 to incorporate by reference a new standards manual entitled Objective Development and Design Standards Manual ("the Manual"), which is attached as Exhibit 1 to Ordinance No. 2023-225 of Attachment A. The Manual would apply to residential housing development projects when the City's discretionary review is limited or prohibited. The Manual would establish objective standards that support state law

requirements to streamline the processing of housing projects. Qualifying residential projects would be required to meet the objective standards or alternatively, applicants would continue to have the opportunity to pursue design flexibility beyond these objective standards under the City's current discretionary review process.

The purpose of the Manual is to provide the development community, design professionals, general public, and City personnel with objective criteria for eligible new multifamily and mixed-use residential development in the City. These criteria include, for example, objective standards related to site planning, building form, landscaping, and architectural design. Consistent with existing state law, objective standards are those that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant and the public official prior to submittal. The Manual's proposed standards were adapted from the Objective Design Standards Toolkit commissioned by the Orange County Council of Governments (OCCOG) in partnership with design professionals. The standards were customized to better suit Laguna Niguel's character, aesthetics, and the quality of the built environment. The intent of the Manual is to promote the construction of new housing and further City goals in yielding development projects that feature elevated design and architecture.

Design principles and aesthetics are subject to change over time, making it essential for the Manual to remain adaptable. To address this, the proposed Zoning Code regulations (contained within Section 9-1-95) authorize the Community Development Director to initiate amendments to the Manual. Because the Manual is part of the Zoning Code, future amendments would not be effective until they are approved by the City Council in accordance with the procedures set forth in Laguna Niguel Municipal Code Section 9-1-117.4 (Zoning Code Amendments).

If adopted by the City Council, the Manual would apply to multifamily and mixed-use residential projects that qualify for streamlined ministerial review under state law. Should a future applicant desire design flexibility beyond the Manual's objective requirements, then they would still have the option of applying for discretionary approval under the Zoning Code's existing discretionary review process. In other words, applicants would have a choice: (i) pursue streamlined ministerial approval by complying with the Manual's objective standards; or (ii) apply for a discretionary approval (e.g., site development permit) in accordance with the Zoning Code's existing requirements.

#### *Planning Commission Recommendation*

On October 10, 2023, the Planning Commission, as an advisory body to the City Council, held a publicly noticed hearing to consider ZCA 23-02 and the Manual. During the public hearing, the Commission requested two minor changes to the Manual. The requested changes related to permissible roofing materials for the Craftsman architectural style and to retitle the Farmhouse/Ranch architectural style to Modern Farmhouse/Ranch architectural style to clarify that the standard is intended to be a contemporary interpretation. There were no oral public comments made at the meeting. One written public comment letter was submitted on the afternoon of the Planning Commission hearing. During the hearing, the Commission asked City staff and the City's consultant clarifying questions on the Manual.

At the conclusion of the public hearing, the Planning Commission unanimously adopted Resolution No. 23-11 (Attachment B) recommending that the City Council approve ZCA 23-02 adopting the Manual by reference. The Planning Commission also directed City staff to review and assess whether any modifications to the Manual were necessary in response to the comment letter and to revise, if appropriate, prior to finalizing for City Council consideration. The minutes from the Planning Commission hearing are attached as Attachment C.

Following the Planning Commission hearing, staff consulted with the City Attorney's Office regarding the public comment letter and to address those standards where objectivity was called into question. Thereafter, staff made a collection of minor revisions to the Manual to further augment objectivity.

#### *City Council Study Session*

On October 24, 2023, the City Council held a study session regarding the proposed objective development and design standards included in the Manual. The study session provided the Council with an early opportunity to review the proposed Manual, ask questions, and provide general feedback to City staff. There were no oral public comments made at the study session. During the study session, the City Council requested a text edit under Section 2.2 (General & Site Design) to provide additional clarity pertaining to sidewalk connectivity to off-site pedestrian circulation systems. The Manual included as Exhibit 1 of Attachment A includes the requested edit.

#### **PUBLIC NOTICE**

On October 26, 2023, a one-eighth (1/8<sup>th</sup>) page notice of the public hearing describing the project, date, time, and location of the hearing was advertised in the *Orange County Register – Laguna Niguel News* in accordance with Government Code Section 65091(a)(4) for projects affecting over 1,000 property owners. A notice was also posted at City Hall and was made available on the City website. Additionally, the Manual and frequently asked questions on the proposed objective development and design standards were posted on the City website under the Community Development Department webpage.

All public comment letters received as of the publication of this staff report are attached under Attachment D.

#### **ENVIRONMENTAL REVIEW**

Adoption of ZCA 23-02 is exempt from the California Environmental Quality Act ("CEQA") because it is an administrative activity that would not result in a direct or reasonably foreseeable indirect physical change to the environment and is thus not a "project" under State CEQA Guidelines Section 15378. (See State CEQA Guidelines, Section 15060(c)(2) and (3)). Alternatively, even if the adoption of ZCA 23-02 did qualify as a project under CEQA, it is exempt from CEQA under State CEQA Guidelines Section 15061(b)(3), which provides that a project is exempt from CEQA where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Adoption of ZCA 23-02 would not have a significant effect on the environment as it simply

establishes objective design review standards for certain multifamily and mixed-use projects in accordance with state law; it does not authorize any construction or development. Therefore, it is exempt from CEQA. Projects that are subject to discretionary review would be reviewed in accordance with CEQA, and projects that are subject only to ministerial review and approval under state law are exempt from CEQA (under Public Resources Code Section 21080(b)(1)).

## **ANALYSIS**

### *Laguna Niguel Municipal Code – Required Findings*

Laguna Niguel Municipal Code Section 9-1-117.4(d) requires zoning code amendments to be consistent with the Laguna Niguel General Plan. The proposed ZCA 23-02 and the incorporated Manual are consistent with the following Laguna Niguel General Plan Policies:

- Goal 4, Intent: “Laguna Niguel desires to have attractive urban design reflected in development projects which also contribute to more efficient and productive use of land.” The proposed Manual creates a standardized set of design criteria that promotes high-quality architectural projects that are reflective of the community’s aesthetic.
- Policy 4.1: “Emphasize attractive and functional urban design in new development.” The proposed Manual standardizes the City’s design guidelines and other architectural principles intended to yield attractive projects by providing clear direction on building form, massing, and articulation. Standards are included on materials, colors, roofs, doors, windows, and decorative details to ensure quality architecture for multifamily residential and mixed-use development projects.
- Action 3.3.5: “Enact development standards and design guidelines to ensure land use within a mixed-use project complement one another.” The proposed Manual requires mixed-use developments to incorporate site design and architectural elements to complement the coexistence of commercial and multifamily uses within a community.

Also applicable to the required findings included in Laguna Niguel Municipal Code Section 9-1-117.4(d), proposed ZCA 23-02 would not be detrimental to the public health, safety, or general welfare of the City in that it would establish appropriate design and development standards that are consistent with the General Plan, Zoning Ordinance, and other regulations. These standards provide a clear set of architectural and site design requirements for new multifamily residential, including mixed-use developments. The standards are numeric and/or quantifiable and can be measured as opposed to subjective standards, which require interpretation. These standards will ensure development maintains the character and quality of design within the City and support the construction of new housing production by streamlining the approval of housing development for qualifying projects.

## **ALTERNATIVES CONSIDERED**

The City Council may decide not to introduce the proposed ordinance and the existing Laguna Niguel Municipal Code provisions would remain unchanged, thereby limiting the

City's ability to review residential projects that qualify for streamlined ministerial review under state law for design and architecture. The City Council may also decide to direct staff to return with a revised ordinance and/or Manual to be presented at a future City Council meeting.

### **FISCAL REVIEW**

There is no fiscal impact as a result of the introduction of Ordinance No. 2023-225.

### **LEGAL REVIEW**

The City Attorney's Office has reviewed and approved this report and corresponding Ordinance as to form and content.

### **CONCLUSION**

City staff recommends that the City Council open the public hearing, take public testimony, close the public hearing, and then take the following actions:

1. Find that adoption of the proposed ordinance is exempt from the California Environmental Quality Act ("CEQA") because it is an administrative activity that will not result in a direct or reasonably foreseeable indirect physical change to the environment and thus is not a "project" under State CEQA Guidelines Section 15378 (see State CEQA Guidelines, § 15060(c)(2) and (3)). Alternatively, even if adoption of the ordinance did qualify as a project under CEQA, find that it is exempt from CEQA pursuant to Section 15061(b)(3) of the State CEQA Guidelines, which provides that a project is exempt from CEQA where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
2. Waive full reading, make any amendments to, and introduce Ordinance No. 2023-225 by title:

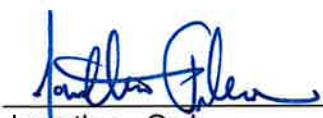
### **ORDINANCE NO. 2023-225**

### **AN ORDINANCE OF THE CITY OF LAGUNA NIGUEL, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT ZCA 23-02 AMENDING LAGUNA NIGUEL MUNICIPAL CODE SECTION 9-1-95 TO ESTABLISH MULTIFAMILY AND MIXED-USE RESIDENTIAL OBJECTIVE DEVELOPMENT AND DESIGN STANDARDS FOR PROJECTS THAT QUALIFY FOR STREAMLINED MINISTERIAL REVIEW UNDER STATE LAW; AND DETERMINING THE ACTION TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT UNDER STATE CEQA GUIDELINES SECTION 15061(B)(3)**

3. Direct that the proposed ordinance, with any changes, be placed on the agenda for the December 5, 2023, City Council Meeting and adopt the ordinance at that meeting.



Tamara S. Letourneau  
City Manager



Jonathan Orduna  
Community Development Director



Erica Roess  
Senior Planner



Scott Smith  
City Attorney



John Morgan  
Development Services Manager



Stephanie Tomaino  
Contract Planner

Attachments:

- A. Ordinance No. 2023-225  
Exhibit 1 - Objective Development and Design Standards Manual
- B. October 10, 2023, Planning Commission Resolution No. 23-11
- C. October 10, 2023, Planning Commission Meeting Minutes
- D. Public Comments

# **ATTACHMENT A**

**Ordinance No. 2023-225**

ORDINANCE NO. 2023-225

AN ORDINANCE OF THE CITY OF LAGUNA NIGUEL, CALIFORNIA,  
ADOPTING ZONING CODE AMENDMENT ZCA 23-02 AMENDING  
LAGUNA NIGUEL MUNICIPAL CODE SECTION 9-1-95 TO ESTABLISH  
MULTIFAMILY AND MIXED-USE RESIDENTIAL DEVELOPMENT  
OBJECTIVE DEVELOPMENT AND DESIGN STANDARDS FOR  
PROJECTS THAT QUALIFY FOR MINISTERIAL REVIEW PER STATE  
LAW; AND DETERMINING THE ACTION TO BE EXEMPT FROM THE  
CALIFORNIA ENVIRONMENTAL QUALITY UNDER STATE CEQA  
GUIDELINES SECTION 15061(B)(3)

The City Council of the City of Laguna Niguel does hereby ordain as follows:

**SECTION 1.**      **FINDINGS.**

The City Council makes the following findings in connection with the adoption of this Ordinance.

1. By the authority granted to the City of Laguna Niguel ("City") by Article XI, Section 7 of the California Constitution, the City has the police power to regulate the use of land and property within the City in a manner designed to promote public convenience and general prosperity, as well as public health, welfare, and safety.
2. In recent years, the State of California has enacted a series of housing legislation with the overall aim to increase the state's housing inventory and reduce barriers to housing production. Several laws have impacted local land use authority by requiring cities to ministerially review and approve certain multifamily and mixed-use residential development projects.
3. This legislation impacts the City's traditional local development review process by enabling qualifying projects to proceed through streamlined ministerial review, bypassing typical discretionary planning applications.
4. As part of this ministerial review process, state law allows cities to review projects for compliance with local objective development and design standards.
5. Zoning Code Amendment ("ZCA") 23-02 (i.e., the "Ordinance") would amend Laguna Niguel Municipal Code Section 9-1-95 to establish objective development and design standards for projects that qualify for streamlined ministerial review under state law.
6. On October 10, 2023 the Planning Commission held a duly noticed public hearing to consider the Ordinance, at which time the Planning Commission considered all evidence presented by City staff and other interested parties;

7. Following the public hearing, the Planning Commission adopted Resolution No. 23-11 recommending that the City Council adopt the Ordinance.
8. On October 24, 2023, the City Council held a special meeting study session regarding the proposed objective development and design standards. During the study session, members of the public were provided with an opportunity to provide public comments on the proposed objective standards.
9. On October 26, 2023, a one-eighth (1/8th) page notice of the public hearing describing the project, date, time, and location of the hearing was advertised in the *Orange County Register – Laguna Niguel News* in accordance with Government Code Section 65091(a)(4) for projects affecting over 1,000 property owners. A notice was also posted at City Hall and was made available on the City's website. Additionally, the Manual and frequently asked questions on the proposed objective development and design standards were posted on the City's website under the Community Development Department webpage.
10. On November 7, 2023, the City Council held a duly noticed public hearing on the Ordinance, at which time the City Council considered the Planning Commission's recommendation as well as all evidence presented by City staff and other interested parties.
11. The City Council finds that the Ordinance and corresponding objective design and development standards are consistent with the goals, objectives, and policies of the General Plan, including:

General Plan Goal 4, Intent, which states "Laguna Niguel desires to have attractive urban design reflected in development projects which also contribute to more efficient and productive use of land." The proposed Manual creates a standardized set of design criteria that promotes high-quality architectural projects that are reflective of the community's aesthetic.

General Plan Policy 4.1, which states: "Emphasize attractive and functional urban design in new development." The proposed Manual standardizes the City's design guidelines and other architectural principles intended to yield attractive projects by providing clear direction on building form, massing, and articulation. Standards are included on materials, colors, roofs, doors, windows, and decorative details to ensure quality architecture for multifamily residential and mixed-use development projects.

General Plan Action 3.3.5, which states: "Enact development standards and design guidelines to ensure land use within a mixed-use project complement one another." The proposed Manual requires mixed-use developments to incorporate site design and architectural elements to complement the coexistence of commercial and multifamily uses within a community.

12. The City Council finds that the Ordinance would not be detrimental to the public health, safety, or general welfare of the City in that it will establish appropriate design and development standards that are consistent with the General Plan, Zoning Ordinance, and other regulations. The proposed standards provide a clear set of architectural and site design requirements for new multifamily residential, including mixed-use developments. The standards are numeric and/or quantifiable and can be measured as opposed to subjective standards, which require interpretation. These standards will ensure development maintains the character and quality of design within the City and support the construction of new housing production by streamlining the approval of housing development for qualifying projects. Therefore, the proposed Ordinance will not adversely affect public health, safety, and general welfare.

**SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).**

Based on the whole record before it, the City Council finds that the adoption of this Ordinance (i.e., ZCA 23-02) is exempt from the California Environmental Quality Act ("CEQA") because it is an administrative activity that will not result in a direct or reasonably foreseeable indirect physical change to the environment and is thus not a "project" under State CEQA Guidelines section 15378. (See State CEQA Guidelines, Section 15060(c)(2) and (3). Alternatively, even if the adoption of the Ordinance did qualify as a project under CEQA, the City Council finds that the Ordinance is exempt from CEQA pursuant to State CEQA Guidelines Section 15061(b)(3), which provides that a project is exempt from CEQA where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The Ordinance will not have a significant effect on the environment as it simply establishes objective design review standards for certain multifamily and mixed-use projects in accordance with state law; it does not authorize any construction or development. Therefore, the City Council finds that this ordinance is exempt from CEQA. As the City receives individual project applications, projects subject to discretionary review will be reviewed in accordance with CEQA, and projects subject to ministerial review and approval under state law will be exempt from CEQA (pursuant to Public Resources Code Section 21080(b)(1)).

**SECTION 3.** Section 9-1-95 of the Laguna Niguel Municipal Code is hereby amended to read in its entirety as follows:

Laguna Niguel Municipal Code Section 9-1-95. – Multifamily and mixed-use residential objective development and design standards

(a) *Purpose and Intent.* The purpose of the objective development and design standards of this section is to provide the development community, design professionals, general public, and City personnel with objective criteria for eligible new multifamily and mixed-use residential development in the City. These criteria include, for example, objective standards related to site planning, building form, landscaping, and architectural design based on Laguna Niguel's character, aesthetics, and the quality of the built environment. Consistent with existing state

law, objective standards are those that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant and the public official prior to submittal. The intent is to promote the construction of new housing and further City goals in yielding development projects that feature elevated design and architecture and foster an enhanced quality of life through the built environment.

- (b) *Applicability and Review.* The provisions of Section 9-1-95 apply to all new multifamily and mixed-use residential projects that qualify for streamlined ministerial review under state law. If a project is subject to development and design review and is not required by state law to be reviewed only against objective standards, it is subject to discretionary design review and findings, as prescribed in Subarticle 9 and Subarticle 11 of this Code.
- (c) *Relationship to Other Regulations.* Eligible housing projects that qualify for streamlined ministerial review under state law must comply with these objective development and design standards and with all applicable development standards in the City's regulatory documents, including but not limited to the Laguna Niguel Municipal Code, and applicable Specific Plans. Where standards conflict, the more restrictive shall apply.
- (d) *Objective Development and Design Standards Manual.* The City of Laguna Niguel's Objective Development and Design Standards Manual ("the Manual") is hereby adopted and incorporated by reference into this Section 9-1-95 as if fully set forth herein. If a provision is inconsistent with state law, it does not impact any other standards.
  - (1) *Accessibility.* The Manual shall be maintained on file with the City of Laguna Niguel Community Development Department ("Department"). Additionally, the Manual shall be made freely accessible to the public and shall be posted on the official City of Laguna Niguel website.
  - (2) *Amendments.* The Manual may be amended in accordance with the following:
    - a. The Director may initiate amendments to the Manual. All proposed amendments shall be reviewed for compliance with state law and any amendment determined to be in violation of state law shall be rejected.
    - b. If a change in state law renders an existing portion of the Manual noncompliant, state law will govern and the Director shall initiate an amendment to bring the Manual into compliance as expeditiously as possible.

- c. No amendment to the Manual will be effective until it is approved by the City Council in accordance with the procedures set forth in Section 9-1-117.4 (Zoning Code Amendments).
- d. All amendments shall be properly documented, and a revision history shall be maintained by the Department. The most current version of the Manual, along with its revision history, shall be available to the public through the City's website and upon request at the Department.

**SECTION 4.**

**SAVINGS CLAUSE.**

Neither the adoption of this Ordinance nor the repeal of any other ordinance of this City shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any penalty or the penal provisions applicable to any violation thereof.

**SECTION 5.**

**SEVERABILITY.**

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

**SECTION 6.**

**EFFECTIVE DATE.**

This Ordinance shall take effect and be in full force and operation thirty (30) days after its final passage and adoption.

**SECTION 7.**

**CITY CLERK'S CERTIFICATION.**

The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted at the duly designated posting places within the City and published once within fifteen (15) days after passage and adoption as required by law; or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and post a certified copy of the text of this Ordinance in the Office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and, within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

**INTRODUCED** for the first reading on the 7<sup>th</sup> day of November, 2023.

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Kelly Jennings, Mayor

ATTEST:

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Marissa Asistin, City Clerk

## CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF ORANGE )ss  
LAGUNA NIGUEL )

I, Marissa Asistin, City Clerk of the City of Laguna Niguel, California, do hereby certify that the foregoing is Ordinance No. 2023-225 which was introduced at a regular meeting of the City Council of the City of Laguna Niguel, California, held on November 7, 2023 by the following vote:

**AYES:**

### NOES:

### **ABSTENTIONS:**

**ABSENT:**

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## Marissa Asistin, City Clerk

# **EXHIBIT 1**

## **Objective Development and Design Standards Manual**



# Laguna Niguel

CALIFORNIA

## OBJECTIVE DEVELOPMENT & DESIGN STANDARDS MANUAL

October 2023

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# SECTION 1. INTRODUCTION

In accordance with Laguna Niguel Municipal Code (LNMC) Section 9-1-95, this Objective Development and Design Standards Manual (Manual) provides a range of objective standards for multifamily and mixed-use residential development projects that qualify for streamlined ministerial approval under state law.

The purpose of objective standards is for applicants to know beforehand what requirements apply to a proposed development and for the applicant to be able to design a project that meets those requirements before submittal. These standards are intended to yield development projects that feature elevated design and architecture and foster an enhanced quality of life through the built environment.

This Manual includes site design and architectural requirements for qualifying multifamily and mixed-use residential projects based on Laguna Niguel's character, aesthetics, and the quality of the built environment.

These objective standards are numeric and/or quantifiable and can be measured as opposed to subjective standards, which require interpretation. Eligible residential projects are required to meet these objective standards. Alternatively, applicants continue to have the opportunity to pursue design flexibility beyond these objective standards under the City's current discretionary review process.

The objective standards are to be utilized during the City development review process to achieve the highest level of design quality, while at the same time allowing for some flexibility necessary to achieve site and building design creativity. All projects will be evaluated and analyzed on their adherence to the objective standards through a design review process that includes a mandatory checklist of applicable objective standards. To satisfy the design review requirements, a project must demonstrate how it complies with the applicable standards.

The Manual organizes these topics into the following broad categories:

- Section 2: General & Site Design Standards
- Section 3: Building Form & Design Standards
- Section 4: Architectural Style Standards
  - Spanish Colonial Revival
  - Craftsman
  - Tuscan
  - Modern Farmhouse/Ranch
  - Modern

# SECTION 2. GENERAL & SITE DESIGN

Site design refers to the arrangement and relationships between buildings, parking areas, common and private open space, landscaping, pedestrian connections, and other ancillary site development. Projects shall also follow the applicable objective requirements of the base zone it is located in, such as setbacks, hillside development standards, parking, and building height.

## 2.1 GENERAL REQUIREMENTS

- a. In addition to complying with this Manual, eligible projects shall conform to all regulations and provisions in the Laguna Niguel Municipal Code (LNMC), Specific Plan(s), and the Laguna Niguel General Plan (including density as determined by the unit capacity of the applicable subprofile area). Except as otherwise required under state law, where standards conflict, the more restrictive applies.
- b. Minimum Affordable Housing Requirement: The greater of (1) whatever affordability requirement is imposed by state law and (2) whatever affordability requirement is imposed by the City through an inclusionary-housing ordinance.

## 2.2 SITE PLANNING AND ORIENTATION

Site planning and orientation shall meet the following standards:

- a. The frontage of any primary building(s) shall be oriented to the primary street. For larger sites with multiple buildings, entries may also be oriented to face internal common open space and landscape paseos.
- b. Excluding the primary building(s) and required access driveway from the public right-of-way, the remainder of the project frontage shall consist of landscaping.
- c. The minimum distance between buildings shall be 10 feet for a single story building. The minimum distance shall increase by 10 feet for each additional story over three (3) stories.
- d. Pedestrian walkways shall connect residential units to areas throughout the site, including vehicle parking areas, bicycle parking areas, common open space, waste and recycling enclosures, and other amenities.

- e. Pedestrian walkways shall be provided with a minimum width of five (5) feet. Pedestrian walkways shall be constructed of firm, stable, and slip-resistant materials such as poured-in-place concrete (including stamped concrete), permeable paving, or concrete pavers.
- f. Windows on facing buildings shall not directly align with one another on site if located opposite each other within a courtyard and less than 40 feet distance between them.
- g. The following off-site generators of pedestrian movements shall be identified and connected via a sidewalk or other pedestrian priority way to the pedestrian circulation system:
  - Parks, and open spaces, including paseos.
  - Schools – public or private.
  - Shopping centers.
  - Bus stops.
- h. Exterior stairwells shall not be directly visible from the street. Exterior stairwells shall be oriented to interior spaces, such as plazas and gathering areas, parking areas, and pedestrian pathways.
- i. Loading and service areas, if proposed, shall be screened from view from the public right-of-way and shall be located behind a building(s).

## 2.3 VEHICULAR ACCESS AND PARKING

Vehicular access and parking shall meet the following standards:

### 2.3.1 ACCESS AND DRIVEWAYS

- a. A maximum of one (1) vehicular access point from the street is permitted per 200 lineal feet of street frontage.
- b. Parking areas shall have an internal circulation system that interconnects drive aisles and parking without requiring street reentry.
- c. On-site guest parking shall be included within the parking area provided for residents, and labeled as guest parking.
- d. Vehicular driveways with access to the public right-of-way shall have sidewalks and pedestrian connections on both sides of driveway.
- e. Entry driveways connecting public streets to the interior of the site shall use enhanced paving treatment with patterned and/or colored pavers, brick, or decorative colored and scored concrete, a minimum of 12 feet deep, and spanning the width of the driveway.

- f. Where a pedestrian walkway intersects with a vehicle accessway, enhanced paving treatment using patterned and/ or colored pavers, brick, or decorative colored and scored concrete shall be used. Pedestrian crossings shall feature enhanced paving with a minimum width of five (5) feet, and span the length of the intersecting drive area.
- g. Gated or other controlled entrances to parking facilities (gates, doors, etc.) shall be designed in accordance with LNMC Section 9-1-35.25.
- h. Vehicle parking areas shall be located, oriented, and/or screened to prevent visual intrusion of vehicle lights into residential units or their usable outdoor space. Where parking areas are located within 15 feet of a residential unit, they shall be located within a garage, carport, or parking structure, or screened by a solid wall, fence, or landscaping at a minimum of 42 inches in height.

### **2.3.2 SURFACE PARKING**

- a. Parking lots shall be placed to the side or rear of buildings. There shall be no vehicular parking between the project's primary frontage and first building(s) with residential units.
- b. A minimum of one (1) landscaped finger island shall be provided per every 10 uncovered spaces. Landscape planters shall be not less than five (5) feet in width. This standard shall not apply to the applicable parking spaces that are covered by shelters (carports).
- c. All end parking stalls shall be adjacent to landscape planters, not less than five (5) feet in width.
- d. Where parking lots accommodate over 40 cars, they shall be broken up into segments or modules of less than 40 spaces by means of intervening landscaping planters and access drives in order to avoid large unbroken expanses of paved area.
- e. Parking spaces shall be separated from buildings by a pedestrian sidewalk, minimum five (5) feet in width, and a landscape planter area, minimum of seven (7) feet in width.
- f. A minimum of one (1) tree shall be provided for every five (5) uncovered spaces. Trees may be planted in landscape planters (see provision a. above) or diamond tree wells. Trees shall be planted evenly (i.e., equal on-center spacing) throughout the parking area. This standard shall not apply to the applicable parking spaces that are covered by shelters (carports).

- g. When trees are required, canopy trees shall be used in parking areas to reduce the impact of large expanses of paving, to provide shade, and to reduce glare and heat buildup. These trees shall have a 30-foot to 40-foot canopy potential and be sized at 24-inch box or larger at the time of installation.
- h. Parking stalls shall be marked by double or hairpin stripes. Other parking lot demarcation requirements shall be in accordance with the provisions contained in the parking regulations portion of LNMC.
- i. Parking areas shall be fully screened from neighboring properties. Screening may be accomplished through building placement, landscaping, fencing, or some combination thereof. Landscaping for screening purposes must be no less than five (5) feet in width from the back of sidewalk or street curb to the parking lot paving (whichever is greater) and shall be no less than 42 inches within 12 months of planting.
- j. Where stalls are perpendicular to walkways or landscaped areas, such walkways or landscaped areas shall be made at least two (2) feet wider than the standard width in order to accommodate front of vehicle overhangs.

### 2.3.3 RESIDENTIAL GARAGES

- a. Garages shall be accessed internally to the site by an access driveway. Garage doors shall be oriented internally within the project site and screened from offsite view from the public right-of-way.
- b. Garages shall be equipped with an automatic door opener and a roll-up sectional or similar garage door which does not extend onto the apron or drive aisle.
- c. Garage doors shall be recessed a minimum of 12 inches from the exterior wall plane to accentuate shadow patterns and visual relief.
- d. Garages shall be designed in the same architectural style selected by the applicant for the residential building(s). Refer to Manual Sections 4.1-4.5 for the approved architectural styles. Building materials, details, and colors for the garage shall be the same as those of the selected architectural style.
- e. Where multiple garages front onto an alley or a common drive aisle, a landscaping planting pocket of at least three (3) feet by three (3) shall be provided between garage doors and planted with groundcover and a minimum 15-gallon size evergreen tree (columnar tree if space is limited).

### 2.3.4 PARKING STRUCTURES

Parking structures shall comply with the LNMC standards (e.g., minimum property line setbacks and height limit requirements) and the following:

- a. Wrap Building Types: Residential units or retail tenant spaces (mixed-use) shall "wrap" around an above-grade parking structure on all sides. No portion of the parking structure shall be visible from beyond the project boundary.
- b. Podium Building Types: Parking structures shall be subterranean (below ground floor residential and commercial units); garage walls shall not extend above finished grade. No portion of the parking structure shall be visible from beyond the project boundary.
- c. Stand-Alone Parking Structure (low-rise building types only, see Manual Section 4.1): Stand-alone parking structures shall include the following:
  - Location: Parking structures shall be located to the rear or side of the primary building such that the primary street frontage holds the principal building which then screens to the extent possible the parking structure.

- Exterior Façade: The exterior appearance of the parking structure shall be designed in the same architectural style as the primary building(s), as selected by the applicant per one of the approved architectural styles of this Manual (Sections 4.1-4.5). A minimum of 30% of the parking structure's exterior elevations shall consist of two (2) or more of the distinctive façade materials of the primary building(s) (excluding stucco or plain concrete), such as decorative tile, brick, stone, wood, fiber cement, or composite wood or stone.
- Landscaping: Excluding the parking structure access driveway(s), the perimeter of a stand-alone parking structure shall include a minimum 10-foot wide landscape planter area on all sides to soften the structure's appearance. The width of the landscape planter shall be increased to a minimum of 20 feet if located adjacent to a boundary property line. A minimum 24-inch box size evergreen trees shall be planted at a maximum spacing of 30 feet on-center along the structure's perimeter.

If any portion of the parking structure is visible from the public right-of-way and does not include a distinctive façade material as described above, vine plantings, minimum five (5)-gallon size, spaced a maximum of 10 feet on-center, shall be planted at the base of this elevation of the parking structure to further soften its appearance. A wire cable or metal trellis shall be affixed to the full height of this portion of the structure's façade to accommodate the vertical growth of the vine plantings.

- d. Any driveway providing two (2)-way access to a parking structure shall have a minimum width of 28 feet.
- e. Parked vehicles at each level within the structure shall be shielded from view from adjoining streets.
- f. 300 feet shall be the maximum length of a parking aisle without being intersected by another parking aisle or driveway.
- g. The parking areas of sloped floor parking structures shall not exceed a grade of 5% as measured across the width of a 90-degree parking stall. The grade of a straight internal ramp shall not exceed fifteen 15%. The grade of a circular ramp shall not exceed twelve 12% as measured at the outside ramp wall.
- h. A straight one-way ramp shall be at least 14 feet in width. A two-way ramp shall be at least 24 feet in width. The minimum outside wall radius of a circular ramp shall be 36 feet.
- i. Structured parking shall be designed such that all lighting is fully shielded and automobile headlamps within the structure are not visible from adjacent buildings, parcels, or streets. The minimum height of screening for automobile headlights shall be 42 inches in height.
- j. All lighting standards on the upper parking level shall comply with the base zoning district height standard. If the top of the structure is visible from existing development or public vantagepoints above, the upper parking level/roof shall be designed with a non-glare surface.

## 2.4 COMMON AND PRIVATE OPEN SPACE

Common and private open space shall be required for all multifamily and mixed-use projects and shall meet the following standards:

### 2.4.1 COMMON OPEN SPACE

- a. Common open space shall be purposefully designed as active or passive recreational facilities.
- b. Minimum of 150 square feet of common open space on-site per unit. Minimum setback areas shall not be used to satisfy common open space requirements.
- c. In projects containing fewer than 10 units, the common open space shall have a minimum width and depth of 25 feet.
- d. Where the required common area is 3,000 square feet or more, the space may be divided among multiple areas, subject to, at least one (1) recreation area is a minimum of 2,000 square feet in area with a minimum width and depth of 25 feet. All other areas shall be at least 750 square feet in area with a minimum width and depth of 15 feet.
- e. Common open space areas shall not be located directly next to arterial streets, service areas, or adjacent commercial development. Alternatively, a minimum of 15-foot-wide dense landscaping planter shall be provided as screening.
- f. An area of usable common open space shall not exceed an average grade of 5%.
- g. Rooftop gardens and outdoor kitchens accessible to all residents may qualify as common open space, subject to the following:
  - Shall be located on the third or higher story.
  - Outdoor structures associated with the useable open space, such as trellises and shade structures shall not exceed the building height limit.
  - At least 15% but no more than 25% of the rooftop shall be landscaped with raised beds for gardening, or other landscaping. All required landscaped areas shall be equipped with automatic irrigation systems and be properly drained.
- h. One (1) active recreational amenity shall be provided for each 30 units or fraction thereof. The following listed amenities satisfy the recreational requirements.
  - Clubhouse or business center.
  - Swimming pool/spa at a minimum of 15 feet by 30 feet or equal surface area (count as two amenities).

- Pocket park or community garden at a minimum of 1,000 square feet and a minimum of 50 feet in at least one (1) direction.
- Recreational courts (tennis, basketball, pickleball, or racquetball).
- Gym/weightlifting facility.
- Children's playground with play equipment.
- Dog run.

#### 2.4.2 PRIVATE OPEN SPACE

Up to 35% of required common open space may be satisfied by private open space.

- a. Minimum of 100 square feet of private open space (e.g., yards, patios) per ground-floor residential unit. No horizontal dimension shall be less than 10 feet.
- b. A minimum of 30% of the residential units above the ground-floor (first story) shall include a minimum of 50 square feet of private open space (e.g., balcony, terrace, or rooftop patio). No horizontal dimension shall be less than five (5) feet.
- c. For stand-alone multistory residential units (e.g., townhomes and multiplex), minimum of 300 square feet of private open space (e.g., yards, decks, patios). No horizontal dimension shall be less than 10 feet.
- d. Private open space shall be accessible to only one (1) unit by a doorway or doorways to a habitable room or hallway of the unit.
- e. Ground-level private open space shall be contiguous to the unit they serve. Fences or walls defining the front yard for ground-level multifamily units shall not exceed three (3) feet in height. Fences or walls defining usable rear yards for ground-level multifamily units shall not exceed six (6) feet in height.
- f. Minimum setback areas shall not be used to satisfy private open space requirements.

## 2.5 LANDSCAPING

Landscaping shall be utilized for all outdoor areas that are not specifically used for parking, driveways, walkways, patios, or recreational space and shall meet the following standards:

- a. A minimum of 15% of the total project area shall be landscaped. For purposes of this Section, "project area" means the horizontal area within the boundaries of a development project, less slope areas with a ratio of 2:1 or steeper.
- b. Plants shall be grouped in high and low maintenance zones and shall coordinate with irrigation plans to minimize the use of water and the placement of irrigation tubing.
- c. Minimum Tree Size: Minimum six (6) feet high at initial planting with at least 50% to be a minimum 24-inch box size. Street trees along project a frontage shall be a minimum 24-inch box in size and consistent with the existing street tree theme or designated street tree, if any. Street trees that drop pods or other fruit shall be prohibited along the public right-of-way.
- d. Maximum Tree Spacing: Street trees along the street frontage shall be planted at a maximum distance of 30 feet on-center. Tree spacing in parkways, entry drives, street medians, parking lot planters, and project boundary areas shall be a maximum average of 30 feet. Trees may be planted either in irregular clusters or at equal intervals provided the preceding average spacing is achieved.
- e. Minimum Shrub Size: Minimum one (1) gallon size with at least 30% to be minimum five (5) gallon size.
- f. Maximum Shrub Spacing: Shrub spacing shall be a maximum of 10 feet.
- g. Groundcover: Minimum four (4) inch pot size at a minimum density of one (1)-foot on-center, or other size and/or density combination to achieve 100% landscape site coverage within 18 months of planting.
- h. Turf areas shall be placed in areas for recreational use only and must have a 10-foot minimum diameter.
- i. Trees shall be selected following local plans, ordinances, approved planting lists, and other guidance that provides direction on tree selection based on specific issues, e.g., fire resistance and community aesthetics.
- j. Provide root barrier when trees are located five (5) feet or closer to any hardscape element or building.
- k. Palm trees shall only be used in community pool areas and as main entry focal points.

- I. Projects shall comply with stormwater retention requirements established in the area and prepare project documents that can be reviewed with the local engineering departments.
- m. Permanent automatic irrigation facilities shall be provided for all landscaped areas.
- n. Decorative paving consisting of stamped concrete or unit pavers shall be employed at common areas such as pools and lounges.
- o. Evergreen trees must be used to soften the appearance of blank walls and provide visual screening but shall not be a replacement for enhanced architecture.
- p. No landscaping greater than three (3) feet in height shall be permissible within an unobstructed vision zone at an intersection. Unobstructed vision zones at uncontrolled, non-signalized intersections shall be located within a triangular area bounded by the curblines located 50 feet back from what would be the point of these curblines' intersection. At controlled signalized intersections, a triangle having 25-foot tangents at the curblines shall apply. For driveways, a similar unobstructed vision triangle shall be utilized featuring 25-foot tangents at the outside line of the driveway.
- q. All planting beds shall be mulched with an appropriate organic material to help retard the growth of weeds and maintain the moisture content of the soil. Layers of mulch shall be two (2) to four (4) inches thick on the soil surface.
- r. Raised curbs of six (6) inches shall be used to separate all planters from street, parking, and loading areas.
- s. Trees and shrubs shall be placed a minimum of five (5) feet away from water meter, gas meter, or sewer laterals; a minimum of eight (8) feet away from utility poles; and a minimum of three (3) feet away from fire hydrants and fire department sprinkler and standpipe connections, unless another dimension is approved by the local authority having jurisdiction.
- t. Pavers and concrete alternatives, of either decorative or permeable type, shall be required for a minimum of 10% of the hard surface of the project.

## 2.6 OUTDOOR LIGHTING

Outdoor lighting shall meet the following standards:

- a. The outdoor lighting intensity within parking lots, driveways, pedestrian walkways, and adjacent areas shall be at least 1.0 footcandle at all points, but shall not exceed an average of 3.0 footcandles over the targeted area to be illuminated. All light sources shall be designed, constructed, mounted, and maintained such that the maximum intensity of illumination, measured 20 feet beyond the project boundary does not exceed 0.2 footcandle more than ambient conditions.
- b. All light sources shall be shielded or recessed so that direct glare and reflections are contained within the boundaries of the parcel, and shall be directed downward and away from adjoining properties and public rights-of-way. Exposed lamps or light sources that are visible offsite are prohibited.
- c. Low voltage accent lighting may be used to highlight trees and similar features within plazas, courtyards, walkways, and other similar outdoor areas, as long as the exposed lamps or light sources are not visible offsite.
- d. Building-mounted security lighting fixtures shall not project above the eave line or roof of the building.
- e. The style of lighting fixtures shall be consistent with the building's design and architectural style.
- f. Street lighting within a development shall be a maximum of 15 feet high.

## 2.7 WALLS AND FENCES

Walls and fences shall meet the following standards:

- a. Wall materials shall be decorative brick, slump stone, tile, textured concrete, stucco on masonry, or steel framing. Plain concrete block walls, chain link, wire mesh, barbed wire, or similar materials for walls/fencing are prohibited.
- b. Wall caps are to be incorporated as a horizontal design element at the top of walls and should not exceed four (4) inches vertical.
- c. Wrought iron or tubular steel fencing, or other transparent types of fencing shall be included within projects where there is a viewshed from the project site.
- d. Walls/fences (including retaining walls, inclusive of any required guardrails) located within 10 feet of a boundary property line shared with the public right-of-way shall not exceed four (4) feet in height. Walls/fences (including retaining walls, inclusive of any required guardrails) located anywhere else on-site shall not exceed six (6) feet in height.

- e. All walls/fences visible beyond the project boundary shall incorporate a landscape planter, minimum of five (5) feet in depth, in front of the wall/fence viewable offsite to soften the structure's appearance. A landscape planter, minimum of 24 inches in depth, shall be incorporated in front of the wall/fence as viewed internally from the multifamily or mixed-use project.
- f. All exterior perimeter walls/fences located along public streets shall have an offset, minimum of five (5) feet deep, for every 50 linear feet of the wall/fence length.
- g. All non-transparent walls/fences located internal to the project site over 42 inches in height and greater than 100 feet in length shall incorporate landscaping at a minimum width of 24 inches on each side of the wall and/or fence to soften the structure's appearance.
- h. Walls/fences defining the front yard (for ground-level multifamily units within 15 feet of a property line) shall not exceed three (3) feet in height from the adjacent sidewalk.
- i. Walls/fences facing an inner courtyard, that are not oriented toward a public right-of-way, shall have greater flexibility for enclosure, but shall not exceed six (6) feet in height.

## 2.8 TRASH ENCLOSURES

Trash enclosures shall meet the following standards:

### Common Trash and Refuse

- a. Trash and refuse areas shall be located within a building or incorporated into the exterior building design. Alternatively, a detached enclosure may be used, subject to the following:
  - The enclosure shall be located to the rear or side of the building and located outside of view from a public right-of-way.
  - Trash and recycling bins shall be located within secured enclosure and having gate or door. Enclosures shall be constructed of solid walls at least six (6) feet high and be covered with a roof or trellis at least 10 feet high.
  - The enclosure shall incorporate the same materials and colors of the primary building design.
  - A minimum five (5)-foot wide landscape planter area shall surround detached enclosures on three (3) sides. In addition to shrub planting, vines shall be planted at the base of the enclosure to deter graffiti and to blend the structure into the landscape.

- b. A minimum five (5)-foot wide landscape planter area shall surround enclosures that are attached on one (1) side to a building. In addition to shrub planting, vines shall be planted at the base of the enclosure to deter graffiti and to blend the structure into the landscape.
- c. Trash and refuse areas shall be accessible for trash collection but shall not block circulation drives near loading areas or conflict with parking.

#### Individual Unit Trash and Refuse

- a. Individual trash containers for use by a single unit (i.e., townhouse/multi-plex) shall be stored as follows:
  - Incorporated within garage areas while still maintaining minimum garage dimensions,
  - Within a cabinet enclosure designed within the footprint of the home with exterior access, or
  - Within a side yard of the home behind a six (6)-foot tall wall or fence.

## 2.9 UTILITIES

Utilities shall meet the following standards:

- a. Ground-mounted mechanical, electrical, and utility equipment (including electrical transformers) shall be concealed within buildings or placed in subsurface vaults. If a utility room or vaulting is not feasible, then all utility equipment shall be purposefully screened from public view and placed adjacent to alleyways (internal streets), within parking areas, or along a secondary street a minimum of 100 feet from any corner intersection with the primary street frontage.
- b. Roof-mounted equipment, including heating, ventilation, and air conditioning units, exhausts, or other utilities shall be completely screened from a horizontal line-of-sight from surrounding roadways and properties. If the building roof is visible from surrounding hillside areas, equipment shall be screened from above. Roof screening shall consist of architectural materials per the architectural style selected by the applicant for the building(s). Refer to Manual Sections 4.1-4.5 for the list of approved materials that correspond to architectural style. For flat roofs, a screen enclosure behind the parapet wall may be used if it is made to appear as an integral part of the building design.
- c. Utilities, including heating, ventilation, and air conditioning units are prohibited from being located on exterior building walls.

## SECTION 3. BUILDING FORM & DESIGN

Building form and design, including, massing, and façade articulation facilitates the distinction of individual units, or groups of units, through varied heights, projections, setbacks, and recesses. Materials and colors emphasize changes and hierarchy in form. Multifamily and mixed-use developments subject to this Manual shall be consistent with one of the following building types and related standards.

### Low-Rise: Mixed-Use or Multifamily

Projects that do not exceed three (3)-stories, and that do not exceed 35 feet in height, are permissible as mixed-use or exclusively multifamily developments.

- Permissible Building Types:
  - Townhome/Multi-Plex (3-Plex and 4-Plex).
  - Garden-Style (multiple side-by-side and/or stacked dwelling units oriented around a courtyard or series of courtyards).
- Allowable Architectural Styles: Spanish Colonial Revival, Craftsman, Tuscan, Modern Farmhouse/Ranch, and Modern. See Section 4 of this Manual.

### Mid-Rise: Mixed-Use

Projects that exceed three (3)-stories, or that exceed 35 feet in height, as permissible by state law or the underlying zoning designation, shall be mixed-use. Mixed-use projects shall consist of a combination of multifamily residential units and one-half of the ground floor of the development to be dedicated to commercial uses (i.e., restaurants and retail businesses).

- Permissible Building Types:
  - Wrap.
  - Podium.
- Allowable Architectural Styles: Spanish Colonial Revival, Craftsman, Tuscan, Modern Farmhouse/Ranch, and Modern. See Section 4 of this Manual.



TOWNHOME



MULTI-PLEX (3-PLEX & 4-PLEX)



GARDEN-STYLE



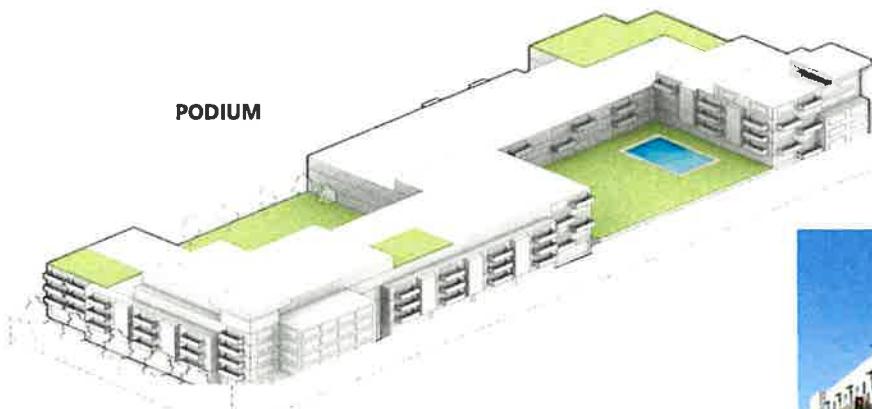
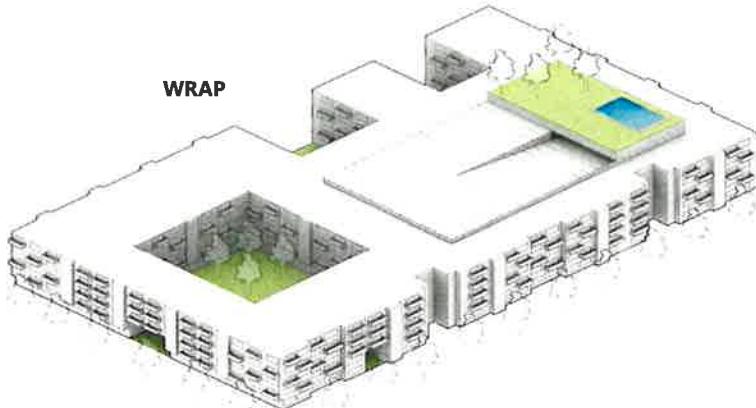
TOWNHOME



MULTI-PLEX



GARDEN



### **3.1 BUILDING TYPES: LOW-RISE TOWNHOME/MULTI-PLEX AND GARDEN**

Low-rise townhome/multi-plex and garden mixed-use or multifamily shall meet the following standards:

- a. Building Height Maximum: 35 feet. Architectural features (e.g., towers) not containing habitable/usable space that enhance the building design are permitted to extend 10 feet above the maximum structure height and shall not occupy more than 20% of the front façade.
- b. Story Limit: Maximum of three (3) stories.
- c. Maximum Upper Floor Massing (% of First Story Footprint): Second Story - 90%, Third Story - 80%.
- d. For townhome/multi-plex projects, each unit shall include an attached two-car garage (e.g., tucked under the units) that is accessible by way of an alley. Driveways lined with garage doors shall not be oriented to public right-of-way streets.
- e. Any development that includes 10 or more units shall provide a minimum of 20% of the total number of units as three (3) bedroom dwelling units.
- f. Each residential building shall include a minimum of three (3) units. The maximum building length shall be 150 feet or six (6) units, whichever is less.
- g. For every 40 feet of building length, there shall be a wall depth change of a minimum of 24 inches that extends vertically for a minimum of one (1) story.

- h. All building masses greater than 20 feet in length shall provide a minimum of three (3) of the following features for articulation:
  - Balconies, minimum depth of five (5) feet.
  - Bay windows (project at least 24 inches but no more than 36 inches).
  - Canopies, awnings, or trellises above doors and windows, minimum depth of three (3) feet.
  - Color and/or material change, consistent with prescribed architectural style.
  - Roof height change, minimum of two (2) feet.
  - Window detail, of either lintels, sills, trims, or wall plane change, a minimum of (4) inches in depth.
- i. Individual entrances for each townhouse/multi-plex unit shall have weather protection, either in the form of a covered porch projection or covered recessed entry. The projection or recess shall have a minimum depth of four (4) feet.
- j. As prescribed by the architectural styles of this Manual (Sections 4.1-4.5), rooflines shall not extend horizontally more than 50 feet in length without at least one of the following prominent changes: variation in roof height of at least 18 inches (as

measured from the highest point of each roofline), variation in roof form (e.g., hipped, gable, shed) and/or variation in architectural elements (e.g., parapets, varying cornices, or chimneys)

k. Along any exterior building walls, material transitions shall only occur on the inside corner of plane change or when material changes occur in same plane, trims, cornices, or other architectural elements shall be used to create a corner for material transition.

l. Exterior entrances to individual units on upper floors are permitted. However, no exterior access corridor providing access to upper-floor units shall be longer than 40 horizontal feet to avoid a "motel-style" appearance.

m. For row-type townhouse/multi-plex developments, individual units shall be distinguished from each other. This may be accomplished through the use of at least two (2) of the following:

- Change in wall plane (24 inches minimum).
- Change in color.
- Change in roof form or height.

60% transparent or translucent glazing measured from finished floor to finished floor (opaque or reflective glass is not permitted). At least 25% of the surface area of the upper floor façades shall be occupied by windows.

c. The sill height of a storefront window shall be no more than 30 inches high measured from the adjacent finished sidewalk.

d. The ground floor shall have a clear floor-ceiling height of at least 12 feet.

e. Ground floor commercial tenant spaces shall have storefront entrances oriented on the façade fronting the primary street.

f. Residential dwelling units shall not be located within the ground floor space and within 20 feet of the building frontage along the primary street.

g. The ground between the curb/sidewalk and the building face of commercial storefronts shall be paved with hard surfaces to maximize the walkable area and provide flexible spaces to accommodate commercial uses (e.g., restaurants with outdoor seating). 24 inch box size street frontage trees shall still be required in planter areas with tree grates spaced at a maximum average of 30 feet.

h. Doors and entryways to stores shall be recessed a minimum of 24 inches to articulate the entrance.

#### Supplemental Standards for Low-Rise Mixed-Use

a. Entrances to ground floor units that have street frontage may be provided through a common lobby entrance and/or by private entrances from the adjacent sidewalk.

b. All ground-floor facades with a commercial or retail use facing onto a primary street shall be a minimum

### **3.2 BUILDING TYPES: MID-RISE MIXED-USE WRAP AND PODIUM**

Mid-rise wrap and podium projects shall be mixed-use (combination of ground floor commercial uses and multifamily units) and shall meet the following standards:

- a. Building Height Maximum: 45 feet. Architectural features (e.g., towers) not containing habitable/usable space that enhance the building design are permitted to extend five (5) feet above the maximum structure height and shall not occupy more than 20% of the front façade.
- b. Story Limit: Maximum of four (4) stories.
- c. Maximum Site Coverage: Not more than 70% of the total project area shall be occupied by a building(s). For purposes of this Section, "project area" means the horizontal area within the boundaries of a development project, less slope areas with a ratio of 2:1 or steeper.
- d. Maximum Upper Floor Massing (% of First Story Footprint): Second Story - 90%, Third Story - 80%, Fourth Story - 75%.
- e. Parking Structure:
  - Wrap Building Types: Residential units or retail tenant spaces (mixed-use) shall "wrap" around an above-grade parking structure on all sides. No portion of the parking structure shall be visible from beyond the project boundary.
  - Podium Building Types: Parking structures shall be subterranean below ground floor residential and commercial units; garage walls shall not extend above finished grade. No portion of the parking structure shall be visible from beyond the project boundary.
- f. Any development that includes 10 or more units shall provide a minimum of 20% of the total number of units as three (3) bedroom dwelling units.
- g. For every 100 feet of building length, there shall be a major wall depth change of a minimum of five (5) feet for a minimum length of 25 feet. The offset shall extend from grade to the highest story.
- h. For every 40 feet of building length, there shall be a wall depth change of a minimum of 24 inches that extends vertically for a minimum of one (1) story.
- i. All building masses greater than 20 feet in length shall provide a minimum of three (3) of the following features for articulation:
  - Balconies, minimum depth of five (5) feet.
  - Awnings, canopies, or trellises above doors and windows, minimum depth of three (3) feet.
  - Color and/or material change, consistent with prescribed architectural style.
  - Roof height change, minimum of two (2) feet.

- Window detail, of either lintels, sills, trims, or wall plane change, a minimum of (4) inches in depth.
- j. Buildings over three (3) stories shall be designed with a horizontal stepback, at a minimum depth of five (5) feet deep, from the front façade above the third floor. The stepback area may be used for residential terraces. Towers or other similar architectural features do not require a stepback, but shall not occupy more than 20% of the front façade.
- k. Along any exterior building walls, material transitions shall only occur on the inside corner of plane change or when material changes occur in same plane, trims, cornices, or other architectural elements shall be used to create a corner for material transition.
- l. As prescribed by the architectural styles of this Manual (Sections 4.1-4.5), rooflines shall not extend horizontally more than 50 feet in length without at least one of the following prominent changes: variation in roof height of at least 24 inches (as measured from the highest point of each roofline), variation in roof form (e.g., hipped, gable, shed) and/or variation in architectural elements (e.g., parapets, varying cornices, or chimneys).
- m. At least one elevator shall be provided in each multifamily building containing 20 or more units, where some of those units have primary access only to the third story or higher stories.
- n. For buildings over 35 feet tall, downspouts shall be incorporated into the interior design of the wall.
- o. Entrances to ground floor units that have street frontage may be provided through a common lobby entrance and/or by private entrances from the adjacent sidewalk.
- p. All ground-floor facades with a commercial or retail use facing onto a primary street shall be a minimum 60% transparent or translucent glazing measured from finished floor to finished floor (opaque or reflective glass is not permitted). At least 25% of the surface area of the upper floor façades shall be occupied by windows.
- q. The sill height of a storefront window shall be no more than 30 inches high measured from the adjacent finished sidewalk.
- r. The ground floor shall have a clear floor-ceiling height of at least 15 feet.
- s. Projecting architectural elements on upper floors may project up to three (3) feet from the façade and into the setback.
- t. Ground floor commercial tenant spaces shall have storefront entrances oriented on the façade fronting the primary street.
- u. Residential dwelling units shall not be located within the ground floor space and within 20 feet of the building frontage along the primary street.
- v. The ground between the curb/sidewalk and the building face of commercial storefronts shall be paved with hard surfaces to maximize the walkable area and provide flexible spaces to accommodate commercial uses (e.g., restaurants with outdoor

seating). 24 inch box size street frontage trees shall still be required in planter areas with tree grates spaced at a maximum average of 30 feet.

- w. Doors and entryways to stores shall be recessed a minimum of 24 inches to articulate the entrance.
- x. No more than 25% of the ground level wall area directly visible from the street shall be left blank.
- y. The ground floor elevation shall consist of at least one (1) of the following:
  - A line of awnings or canopies over ground floor storefronts or amenity space windows extending at least 75% of the elevation width.
  - A different exterior cladding material than the middle/ body separated from the middle/body above with either an overhang or recess of two (2) feet or more, or a horizontal belt course with a dimension of at least 12 inches, consisting of a different color and material separating the base from the middle section.
- z. The cap is at the top of the building and shall include at least one (1) of the following:
  - If the building has a parapet wall, add a cornice feature, consisting of a different material and a depth of at least 12 inches over the wall below.
  - If a building has a pitched roof, an eave overhang of at least two (2) feet.

# SECTION 4. ARCHITECTURAL STYLES

## 4.1 SPANISH COLONIAL REVIVAL

Derived from Spanish/Mediterranean and early Californian influences, the Spanish Colonial Revival styles emerged in the late 19th and early 20th centuries. These styles project a visually rich environment with allusions to regional history. Generally, Spanish Colonial Revival-style buildings are asymmetrically arranged. The style features low-pitched roofs with little or no overhang-covered clay red roofing tiles at rake. These buildings were almost always wood framed with stucco siding. The use of the arch was common, especially for doors, porch entries, and main windows.



## FORM & MASSING

### Required Elements

- a. Asymmetrical façade/elevations.
- b. Three or more roof planes.
- c. At least 50% of the units shall have balconies or window treatments (such as shutters or awnings).
- d. Entrances are recessed at least 12".

### Supplemental Required Elements (at least 1):

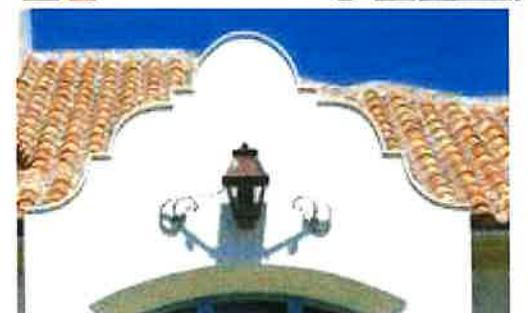
- a. Projections, such as verandas, arcades, balconies.
- b. The ends of building masses shall be stepped down to create a more pedestrian scale.
- c. Focal feature, such as courtyard, tower, or fountain.



# ROOF

## Required Elements

- a. Low pitched (4:12 maximum) cross- or side-gable roofs. The pitch shall remain constant except for a veranda or arcade.
- b. Roof tiles shall consist of two-piece clay or concrete barrel tile (Mission-half-cylinder).
- c. Roof tiles shall use terra cotta, brown earth tones, or rustic red color palette.
- d. Roof tiles shall be stacked, i.e., doubled, tripled, and quadrupled, at the eaves and randomly elsewhere over the roof surface to add texture and richness.
- e. Mud grouting shall be placed between the stacked tiles.
- f. Overhanging eaves (minimum of 24" on elevations that face a public street) with exposed rafter tails or beams.
- g. Hipped roofs shall only be used in combination with gables or on a tower element.
- h. Shed roofs shall only be used in conjunction with verandas.



## MATERIALS & COLORS

### Required Elements

- a. White, cream, or light colored stucco wall with smooth finish (i.e., hand troweled).
- b. Re-sawn wood shall be used as secondary wall material for the following elements:
  - Posts and exposed beams.
  - Railing, spindles and grill work.
  - Shutters, window frames and doors.
- c. If windows have shutters, the shutter's color shall match the accent color that is used for doors or decorative trim.
- d. At least one ironwork element (e.g., railings, hardware, and gates) shall be used.



## DOORS & WINDOWS

### Required Elements

- a. Accent windows shall be less than 20% of the total windows.
- b. The primary facade shall include at least one arched element.
- c. At least 50% of the windows shall be casement windows.
- d. All entrance door surrounds shall be banded with ceramic tile or molded plaster.
- e. All the casement windows and double hung windows shall have wooden frame.
- f. At least two types/shapes of windows shall be used.
- g. A minimum 3" wide flat casing shall be used on all non-recessed casement windows.



## DECORATIVE DETAILS

Projects featuring Spanish Colonial Revival architecture shall include at least six of the following decorative accents and details:



SMALL PORCHES



DECORATIVE TILES



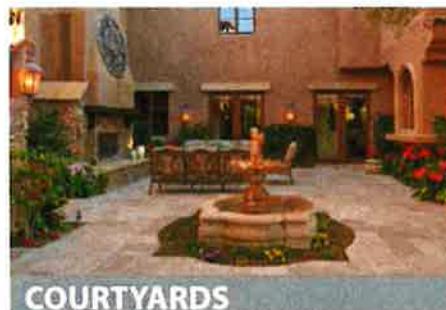
CLAY TILE VENTS



WOOD BRACKETS



WROUGHT IRON RAILING



COURTYARDS



RECESSED NICHES



WINDOW GRILLES



DARK METAL OR WROUGHT IRON  
LIGHT FIXTURE WITH CURVING  
BRACKETS



STUCCO FINISH CHIMNEY  
WITH ROUND OR  
RECTANGULAR OPENINGS



PAIRED WOOD GARAGE  
DOORS WITH IRON  
HARDWARE



FABRIC AWNINGS WITH  
METAL SPEAR SUPPORTS

## 4.2 CRAFTSMAN

The Craftsman, or California Bungalow style, emerged in the early 20th century out of the Arts and Crafts movement. This style is deployed to create a visually rich residential environment with allusions to regional history. As indicated in the accompanying precedent images and illustrative diagram, recognizable elements include low-pitched gabled or hipped roofs, exposed rafters and beams under eaves, decorative brackets and fasteners, full- or partial-width porches, and large columns or piers. Period Craftsman residences often featured exterior cladding of wood shingles or clapboard siding and details such as extended lintels and decorative lighting with geometric detailing.



## FORM & MASSING

### Required Elements

- a. Asymmetrical façade/elevations.
- b. Three or more roof planes on the primary façade.
- c. Front-facing gable roofs.
- d. At least 30% of the street-facing units shall have balconies or porches.
- e. Articulated facades with massing breaks every 25' minimum.
- f. The space between columns and piers shall be either square or vertically rectangle shape with a height to width proportion ratio of no more than 3:1.



## ROOF

### Required Elements

- a. Low- to moderate-pitched gable or hipped roofs (typically from 6:12 to 8:12).
- b. Overhanging eaves (minimum 24" along primary elevation) with exposed rafter tails or beams.
- c. Brackets or knee braces at gabled ends.
- d. Use of asphalt shingle (or fiber cement imitation or imitation synthetic asphalt shingles).
- e. Optional: Chimneys visible at the exterior and located on the side façade are acceptable.



## MATERIALS & COLORS

### Required Elements

- a. Primary walls shall consist of no more than three materials along any vertical section of the building, in addition to glazing and railings, with no more than 90% of the total wall surface in one material. If used, stucco shall be limited to a maximum of 25% of the total wall surface.
- b. Acceptable building materials include smooth stucco, wood shingles and clapboard siding (natural, cement fiber, or engineered) and natural materials, such as arroyo stone or bricks. Brick, stone, and concrete blocks are the most common materials used in the base.
- c. The building color palette shall consist of dark, neutral, earth-toned (derived from natural landscape) colors. Lighter earth-toned colors shall be used for details (columns, rafter tails).
- d. Upper floor exterior walls shall be clad as single-plane expanse of wood, composite wood, shingle, shake, or clapboard siding up to the roof line.



## DOORS & WINDOWS

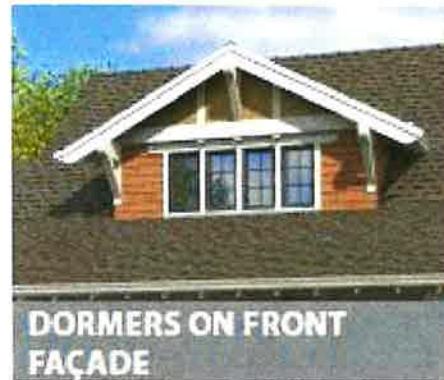
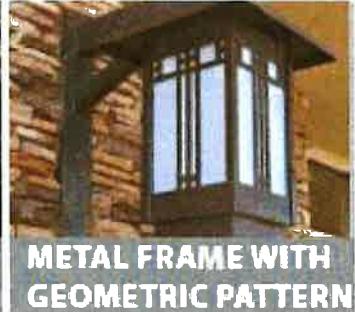
### Required Elements

- a. At least 50% of the windows shall be casement windows.
- b. 80% of the primary windows shall have grilles.
- c. At least two types/shapes of windows shall be used.
- d. Utilize flat wood trims (typically 4½" or 5½" wide) around the primary windows and entry doors.
- e. Window and door trim color shall contrast with color of walls. For example, if the primary building color is a dark color, the accent elements shall consist of a lighter color scheme.
- f. Window and opening compositions shall be either square and/or vertically rectangle shaped and shall be recessed a minimum of 2" from the wall.



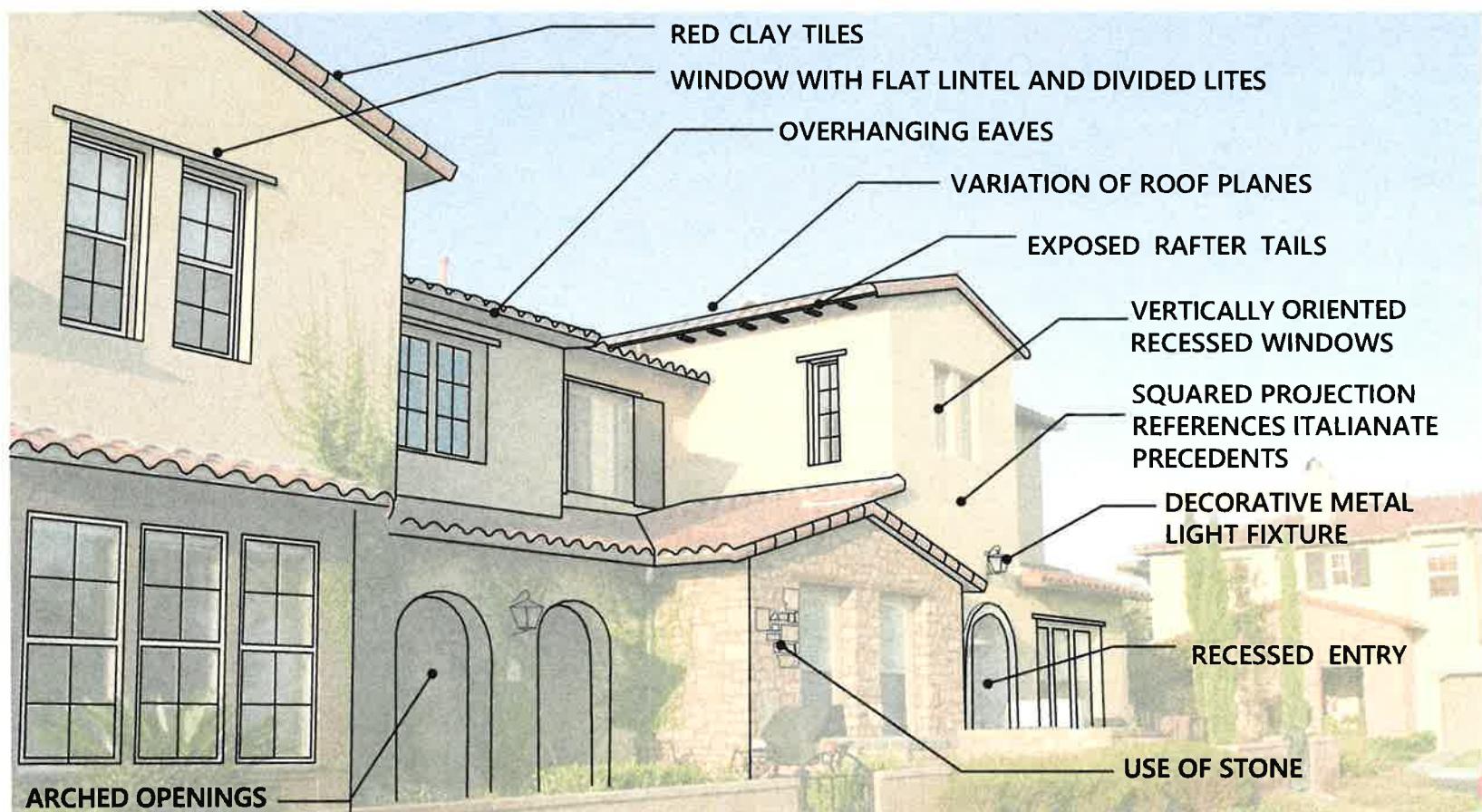
## DECORATIVE DETAILS

Projects featuring Craftsman architecture shall include at least six of the following decorative accents and details:



## 4.3 TUSCAN

Tuscan is an interpretation of traditional Mediterranean architectural style based on precedents found in the Spanish Colonial Revival style joined by rural Italian elements. As indicated in the accompanying precedent images and illustrative diagram, recognizable elements include the use of stone and stucco, light earth tones, and red tiled roofs. Classical elements such as columns and arches and decorative iron work add visual complexity. Squared towers and projections speak to Italianate references. Porches and porticoes are common, as are vertically oriented recessed windows.



## FORM & MASSING

### Required Elements

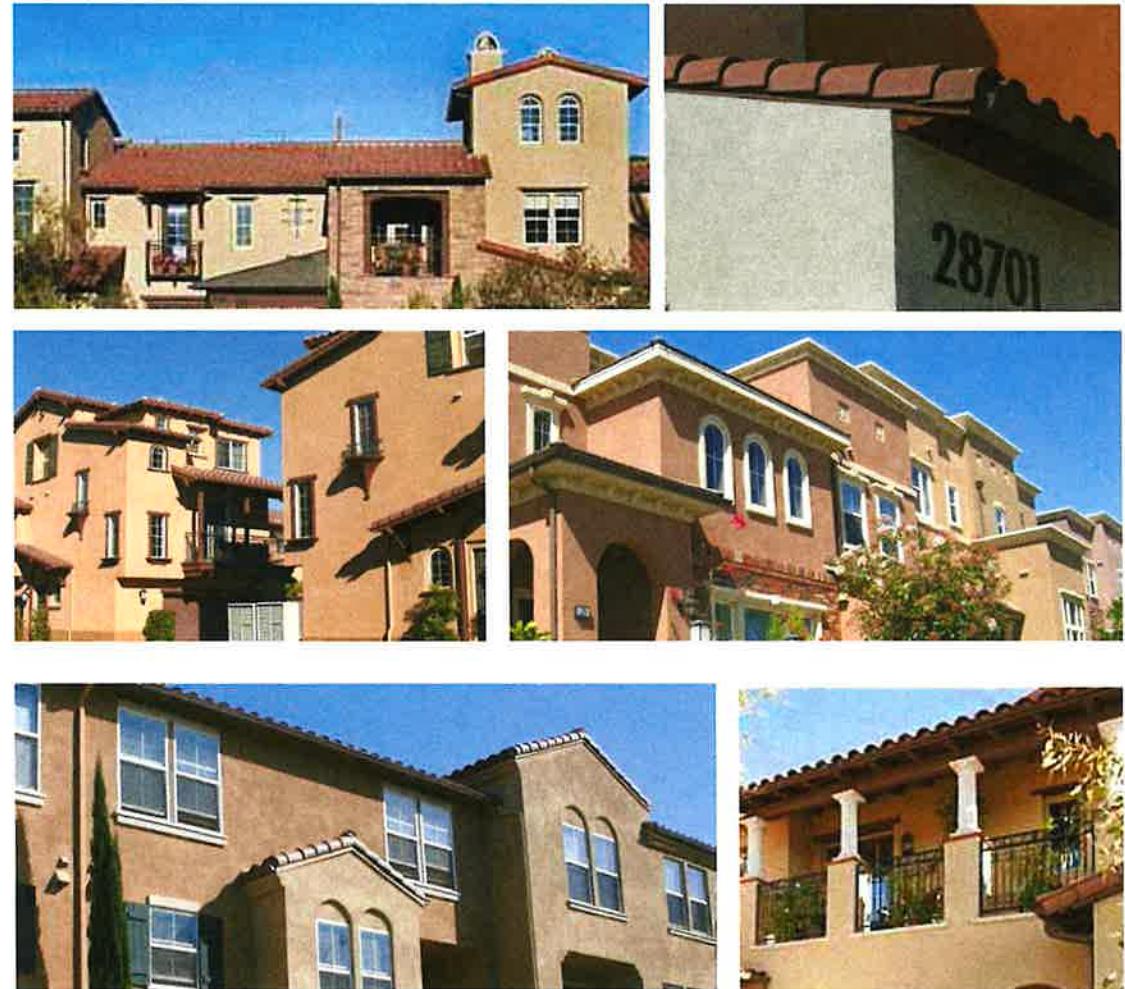
- a. Asymmetrical arrangement of windows and design elements along primary elevation.
- b. Porches, porticoes and/or Juliet balconies.
- c. Recessed entries.



## ROOF

### Required Elements

- a. Flat or low pitched hip or gable roof (maximum 6:12 slope).
- b. Red-toned clay tiles.
- c. Multiple roof levels, at least three.
- d. Overhanging eaves (minimum 12" along primary elevation).
- e. Shaped timber tiles at eaves.



## MATERIALS & COLORS

### Required Items

- a. Incorporate rough-hewn stone as accent feature (minimum of 25% of exterior walls).
- b. Smooth stucco walls in light-toned (low saturation or chroma) colors.
- c. The building color palette shall consist of earth-toned (derived from natural landscape) colors.
- d. Use of brick, stone, or wood columns.



## DOORS & WINDOWS

### Required Elements

- a. Vertically oriented rectangular or arched windows arranged in asymmetrical patterns.
- b. Casement or double-hung sash with flat or arched lintels.
- c. Windows shall be recessed 6" to 12" from outer wall.
- d. A minimum of 60% of casement windows shall be paired with either four-pane patterns for narrow windows and eight-pane patterns for wider windows.

### Supplemental Required Elements (at least 1)

- a. Pediment or framed windows.
- b. Paired decorative shutters.



## DECORATIVE DETAILS

Projects featuring Tuscan architecture shall include at least six of the following decorative accents and details:



SHALLOW JULIET BALCONIES



RFTER EXTENSIONS AND  
BRACKETS



STONE OR STUCCO WINDOW /  
DOOR TRIM



RECTANGULAR OR ARCHED DOOR LIGHT /DARK WOOD



STUCCO OR STONE  
CHIMNEYS



DEEP OVERHANGS



ARCADE OR PORCH AT ENTRY



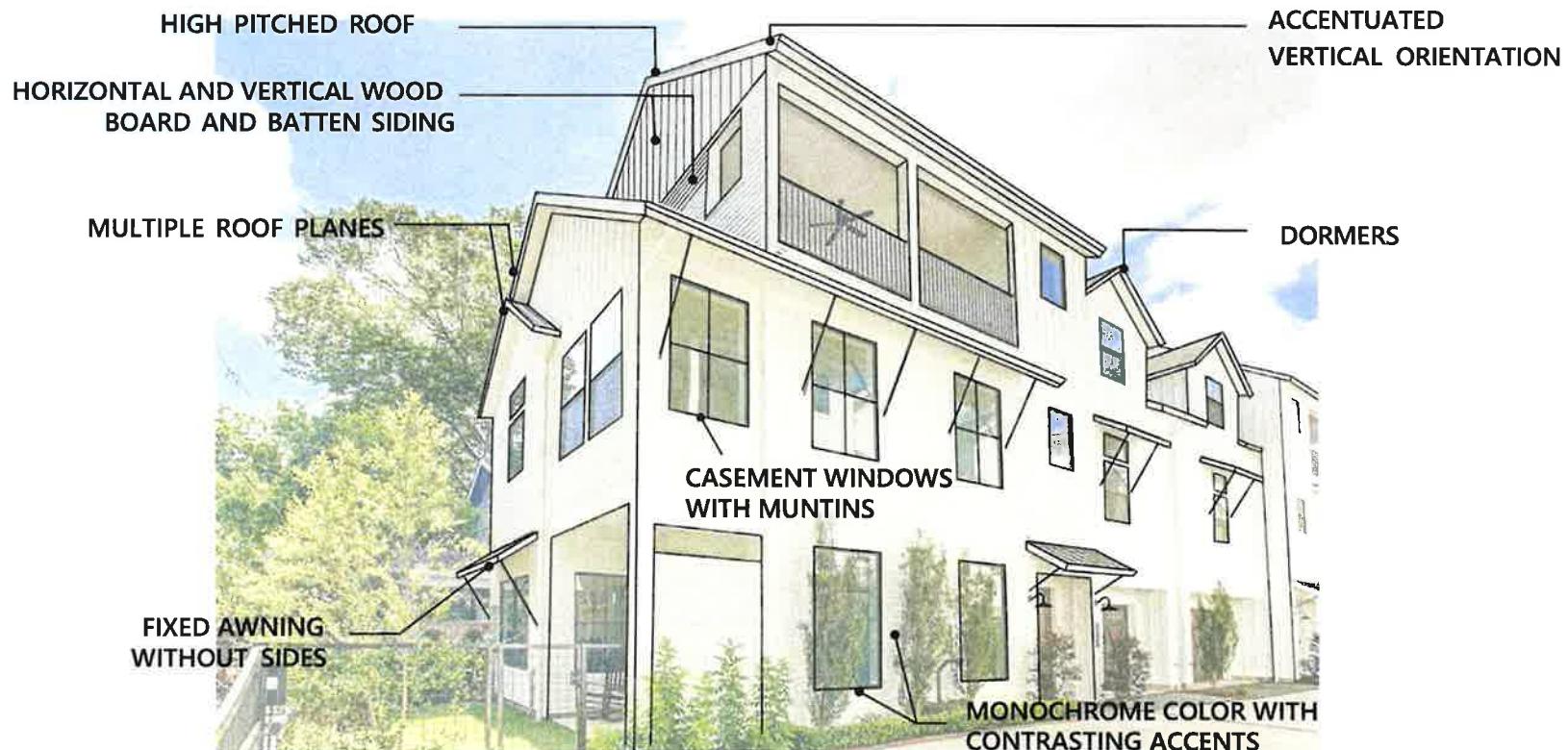
USE OF BRICK, STONE OR WOOD  
COLUMNS



DECORATIVE IRONWORK (WINDOW GRILLES,  
RAILINGS, LIGHT FIXTURES, DECORATIVE  
PLANTERS)

## 4.4 MODERN FARMHOUSE/RANCH

Modern Farmhouse/Ranch is a contemporary interpretation of traditional rural residential forms and materials. This style reflects Orange County's agricultural and ranching history and regional context. As indicated in the accompanying precedent images and illustrative diagram, the style utilizes elements such as vertical or horizontal wood siding, monochrome colors with contrasting accents and sparse or simple ornamentation. Roofs are typically medium to high-pitched. Minimal detailing often includes awnings, porches and wall mounted gooseneck lights.



## FORM & MASSING

### Required Elements

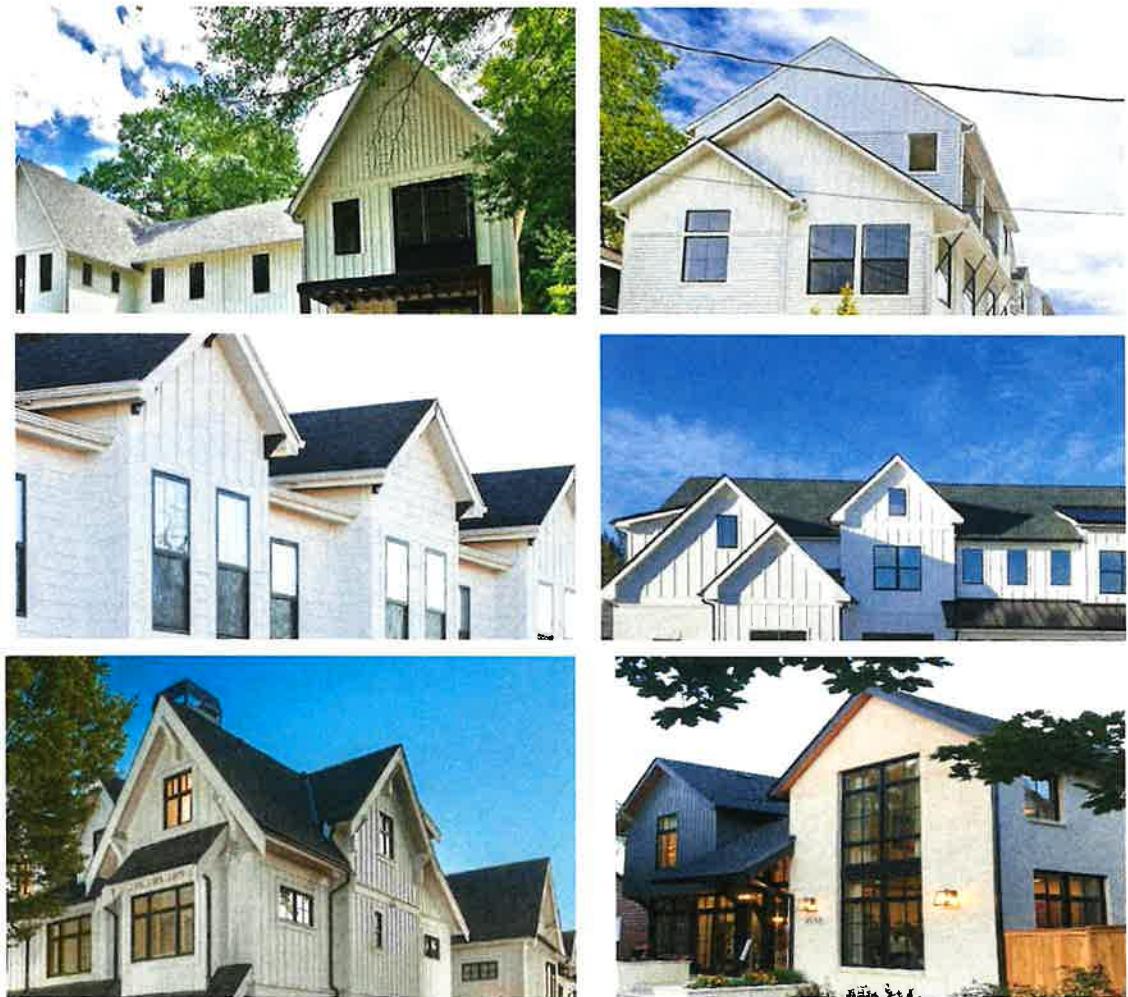
- a. Asymmetrical massing with clean and straight exterior lines.
- b. Repeating shapes and lines.
- c. Incorporate farm and ranch forms inspired by barns, silos, sheds, tank houses, and granary towers.
- d. Multiple gable and shed roof planes.
- e. Covered porches and awnings to break up volumes between lower and upper floors.
- f. Three or more wall planes.



## ROOF

### Required Elements

- a. High-pitched gabled roof or shed roof (minimum 6:12 slope).
- b. Intersecting gable roofs.
- c. Dark asphalt shingle, metal roofs, or synthetic slate shingles.
- d. Triangular rooflines emphasizing the height of the unit.
- e. Large overhangs (minimum 24" in length) above the patio and garage.



## MATERIALS & COLORS

### Required Elements

- a. Utilize board and batten siding, corrugated panels to give texture and variation to exterior walls.
- b. Siding materials include wood, engineered wood, steel, fiber cement.
- c. The building color palette shall consist of light-toned (low saturation or chroma) colors.
- d. Combine contemporary design with rustic unadorned materials, such as metal, wood, and stone.
- e. Stucco is prohibited.



## DOORS & WINDOWS

### Required Elements

- a. At least 60% windows shall be tall and narrow double hung windows with a proportion of 2 or 2.5 times taller than wide.
- b. Groupings of two or three double hung units shall comprise at least 10% of the total window openings.
- c. Accent windows shall comprise no more than 20% of total window openings.
- d. 60% windows shall have grilles.
- e. Minimal molding around window and door openings.
- f. Double hung or casement windows with muntins.



## DECORATIVE DETAILS

Projects featuring Modern Farmhouse/Ranch architecture shall include at least six of the following decorative accents and details:



WIDE FRONT PORCH OR BALCONY WITH SIMPLE COLUMNS



IRON-INSPIRED BARN-STYLE LIGHTING



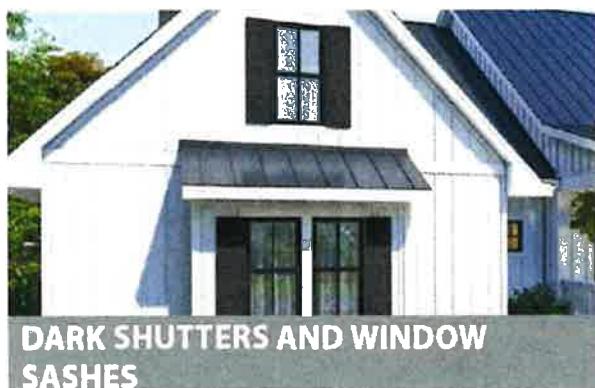
CARRIAGE -STYLE GARAGE DOORS



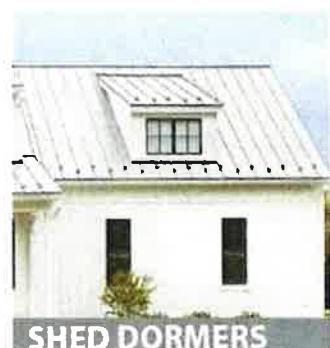
METAL AWNING WITHOUT SIDES



PORCHES WITH ARCHITECTURALLY  
COMPATIBLE CEILING FANS



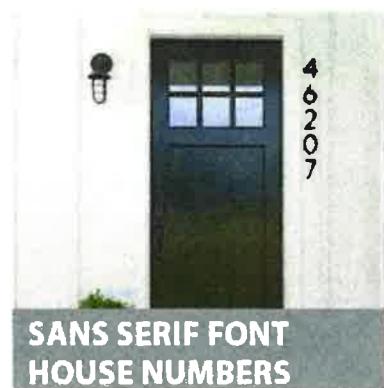
DARK SHUTTERS AND WINDOW  
SASHES



SHED DORMERS



SIMPLE GABLE BRACKETS,  
VENTS AND TRIM



SANS SERIF FONT  
HOUSE NUMBERS

## 4.5 MODERN

Modern is a contemporary style derived from utilitarian precedents, utilizing block forms, contrasting colors and eclectic combinations of materials in modern compositions. This style projects a minimalist, clean aesthetic. Simple rectangular shapes and forms are combined within horizontal and vertical planes to create dynamic lines. Flat roofs reinforce the rectangular shapes and provide an opportunity for outdoor deck areas. Accents are simple and modest, usually taking the form of trellis elements. Modern design also favors strong horizontal and vertical elements, creating a sense of hierarchy while somehow both standing out in stark contrast and blending in with the natural surroundings of the landscaping and neighborhood.



## FORM & MASSING

### Required Elements

- a. An asymmetrical composition with geometric shapes and clean lines.
- b. Articulate the facade using design elements that are inherent to the building. For example, break up building mass by providing vertical and horizontal articulation of facades with step-backs, recesses, projections, and broad roof overhangs to add detail and variety as a byproduct of massing.
- c. Break up the building mass by incorporating elements that define a building's base, middle, and top.
- d. Lack of ornament or moldings. Arches, ornate columns, or window shutters shall be avoided.
- e. Repeating lines and elements.
- f. Three or more wall planes.



# ROOF

## Required Elements

- a. Well-articulated flat or low-pitched shed roofs as the primary roof form (4:12 slope max).
- b. Broad roof overhangs with exposed wood or steel frame encouraged.
- c. Deep overhangs (over 24") on sloped roofs are encouraged.
- d. Tile roof shall be prohibited.
- e. May have roof decks or gardens.



## MATERIALS & COLORS

### Required Elements

- a. Use of traditional materials, such as stone, brick, metal, expansive glass, and wood to display the natural features of the building.
- b. At least three distinctive building materials shall be used on any exterior building wall, in addition to glazing and railings. Any one material must comprise at least 20% of any exterior building wall excluding windows and railings. Distinctive building materials include decorative tile, smooth stucco, brick, stone, wood, fiber cement, or composite wood or stone.
- c. Use of color blocks to accentuate geometric forms and break down massing elements. Use of neon or fluorescent colors are prohibited.
- d. Vinyl siding, large areas of stucco, and imitation stone/rock shall be avoided.



## DOORS & WINDOWS

### Required Elements

- a. 30% units in each building shall include at least one large window (i.e., floor-to-ceiling window, sliding windows, picture window) or unadorned glass door.
- b. Rectangular shape windows and doors.
- c. Window or balcony wrapping around a corner of the building.
- d. Narrow aluminum window frames with square sticking.
- e. Window openings that are recessed or protruding a minimum of 6".



## DECORATIVE DETAILS

Projects featuring Modern architecture shall include at least six of the following decorative accents and details:



## 4.6 ARCHITECTURAL STYLE DEFINITIONS

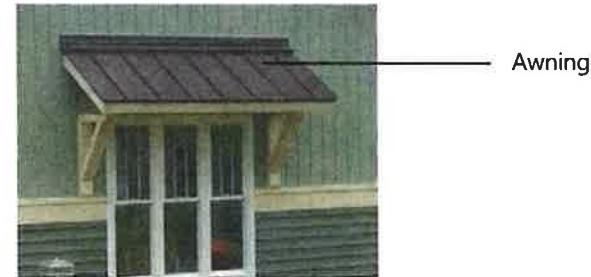
**Accent Window.** Accent windows are supplement. It provides aesthetics value and variance to the building. Window types include transom windows, dormer awning windows, picture windows, arch and circle windows, and art glass.



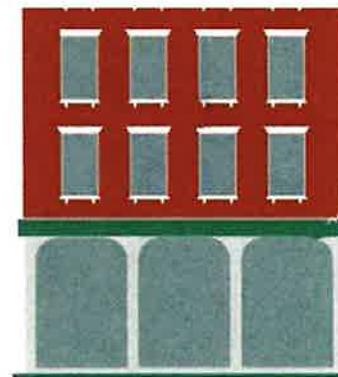
**Arcade.** A roofed passageway or lane. A series of arches supported by columns, piers, or pillars, either freestanding or attached to a wall to form a gallery.



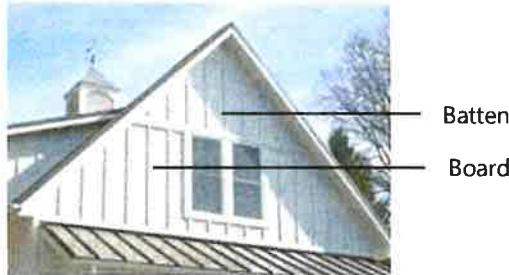
**Awning.** An architectural fabric or metal projection that provides weather protection, building identity, or decoration, and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight frame structure over which a cover is attached.



**Bay.** Any division of a building between vertical lines or planes.



**Board and Batten.** A form of sheathing for wood frame buildings consisting of wide boards, usually placed vertically, whose joints are covered by narrow strips of wood over joints or cracks.



**Bracket.** A projection from a vertical surface providing structural or visual support under cornices, balconies, windows, or any other overhanging member.



**Building Mass (Massing).** Mass refers to the general shape and form as well as size of a building.



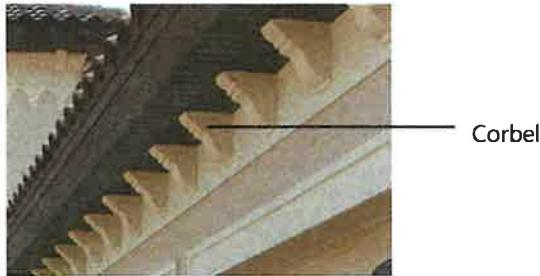
**Cladding.** Building cladding is the application of one material over another to add an extra skin or layer to the building. Commonly used exterior wall cladding materials include brick, vinyl, wood, stone, fiber cement, metal, concrete, and stucco.



**Cornice.** A horizontal molding projecting along the top of a wall, building, etc.



**Corbel.** A structural piece of stone, wood, or metal jutting from a wall to carry a super-incumbent weight, a type of bracket.



**Cornice Return.** Also called an eave return, a cornice return is a graceful way to transition the eave and the main fascia board around the gable end of a house.



**Decorative Gable Vents.** A non-venting louver mounted in the top of the gable.



**Divided Lite:** Individual panes of glass held in place by wood or synthetic material to create a pattern.



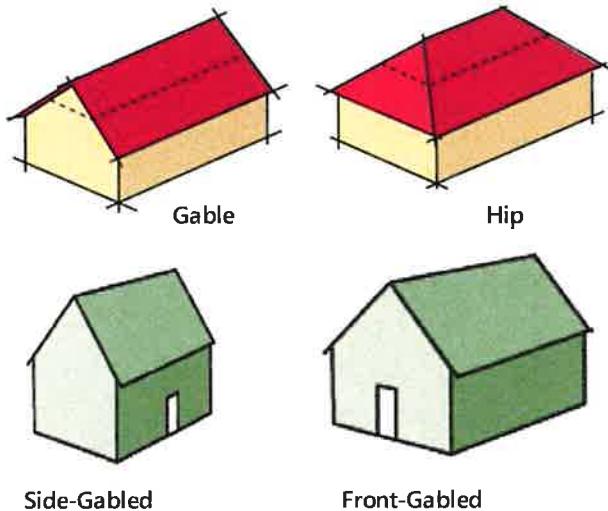
**Dormer:** A structure projecting from a sloping roof usually housing a vertical window that is placed in a small gable, or containing a ventilating louver.



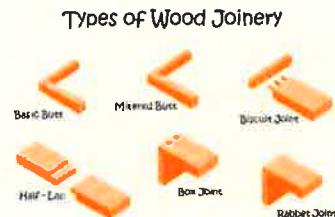
**Front-gabled Roof.** A gabled-roof that faces the road or main entrance.

**Gable Roof.** A roof having a gable at one or both ends; a roof sloping downward in two opposite directions from a central ridge, so as to form a gable at each end.

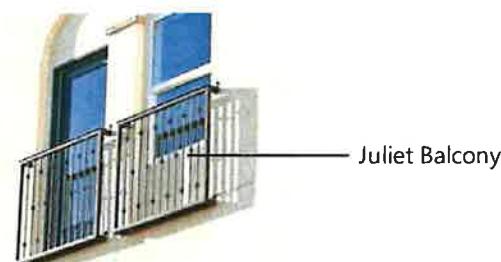
**Hipped Roof.** A roof which slopes upward from all four sides of a building, requiring a hip rafter at each corner.



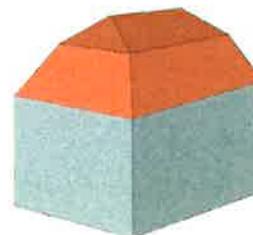
**Joinery.** It is a part of woodworking that involves joining pieces of wood, engineered lumber, or synthetic substitutes (such as laminate), to produce more complex items.



**Juliet Balcony.** A pseudo balcony; a low ornamental railing to a window, projecting but slightly beyond the plane of the window, threshold or sill, having the appearance of a balcony when the window is fully open.



**Mansard Roof.** A type of roof with two slopes on each side.

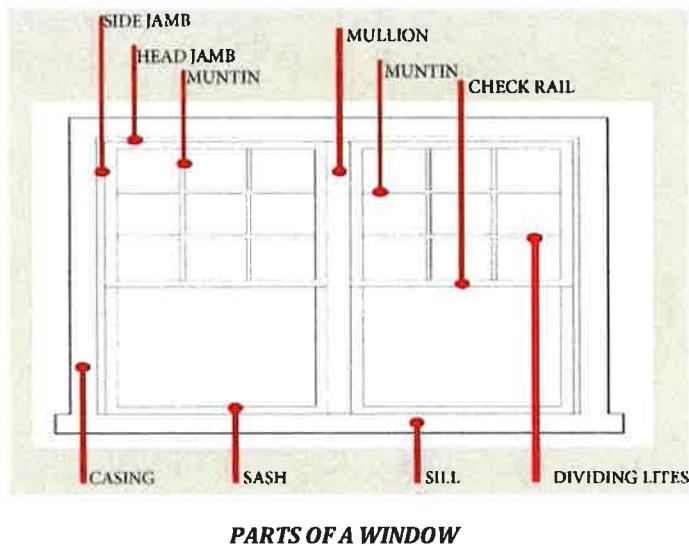


**Mission Parapet.** A low protective wall or railing along the edge of a roof, balcony, or similar structure; in an exterior wall, the part entirely above the roof.



**Mullion.** A dividing piece between the lights of windows, usually taking on the characteristics of the style of the building.

**Muntin.** A secondary framing member to hold panes in a window, window wall, or glazed door; an intermediate vertical member that divides panels of a door.



**Overhanging Eaves.** The projecting overhang at the lower edge of a roof that sheds rainwater.

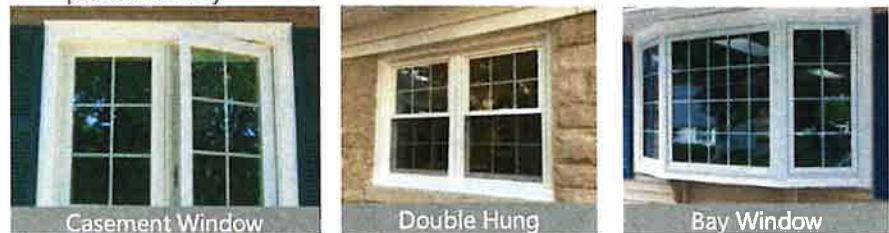


**Pediments.** A low-pitched triangular gable above the doorway or above a window; a triangular gable end of the roof above the horizontal cornice, often with sculpture.



**Primary Window.** Windows that are commonly used and have an independent function. Primary windows shall be able to open from the inside. Window types include casement windows, single-hung, double-hung, slider windows, and bay windows.

Examples of Primary windows



Examples of Accent windows



**Rafter Tails.** The portion of the rafter that hangs over the wall.



**Roof Plane.** The surface of the roof. It could be flat, pitched or at an angle. It is also called the field of the roof.

*These are decorative.*

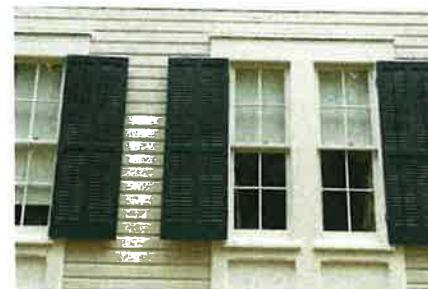
*features not roof planes. 4 Roof Planes*



**Shingle.** A small thin piece of building material often with one end thicker than the other for laying in overlapping rows as a covering for the roof or sides of a building.



**Shutter.** Each of a pair of hinged panels, often louvered, fixed inside or outside a window that can be closed for security or privacy or to keep out light.



**Side-gabled Roof.** A gabled roof that faces either side of the main entrance.

**Sill.** The horizontal exterior member at the bottom of a window or door opening, usually sloped away from the bottom of the window or door for drainage of water and overhanging the wall below.



**Transom Window.** A transom window used above the entry door but can't not open. They are usually as wide as the door (or as wide as the door and the sidelights). They can come in square (rectangular), round top, or elliptical.

**Valance** Grids. Valance grids are similar to the Standard grids but are only across the top of the window or door.



**Verandas.** A raised, covered, sometimes partly closed area, often made of wood, on the front or side of a building.



**Window Sash.** The movable part of a window made up of the vertical and horizontal frame that holds the glass.

**Wingwall.** A smaller wall attached or next to a larger wall or structure.



# **ATTACHMENT B**

**October 10, 2023, Planning Commission Resolution  
No. 23-11**

**RESOLUTION NO. 23-11**

**RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF LAGUNA NIGUEL, CALIFORNIA, RECOMMENDING  
THAT THE CITY COUNCIL APPROVE ZONING CODE AMENDMENT (ZCA) 23-02  
AMENDING LAGUNA NIGUEL MUNICIPAL CODE SECTION 9-1-95 TO ESTABLISH  
MULTIFAMILY AND MIXED-USE RESIDENTIAL DEVELOPMENT OBJECTIVE  
DEVELOPMENT AND DESIGN STANDARDS FOR PROJECTS THAT QUALIFY FOR  
STREAMLINED MINISTERIAL REVIEW UNDER STATE LAW; AND DETERMINING  
THE ACTION TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL  
QUALITY UNDER STATE CEQA GUIDELINES SECTION 15061(B)(3)**

**WHEREAS,**

1. By the authority granted to the City of Laguna Niguel ("City") by Article XI, Section 7 of the California Constitution, the City has the police power to regulate the use of land and property within the City in a manner designed to promote public convenience and general prosperity, as well as public health, welfare, and safety; and
2. Existing state law allows for streamlined ministerial review of qualifying multifamily and mixed-use housing projects. Additionally, it allows local agencies to adopt objective design and development standards for qualifying projects; and
3. The proposed Zoning Code Amendment 23-02 (hereafter "ZCA 23-02") would amend Laguna Niguel Municipal Code Section 9-1-95 to establish objective development and design standards for qualifying multifamily and mixed-use projects; and
4. In accordance with Government Code Section 65091(a)(4) for projects affecting over 1,000 property owners, a one-eighth (1/8<sup>th</sup>) page notice of the public hearing describing the project, date, time and location of the hearing was advertised in the *Orange County Register – Laguna Niguel News* at least 10 days prior to the October 10, 2023 hearing date. A notice was also posted at City Hall and was made available on the City's website.
5. On October 10, 2023 the Planning Commission held a duly noticed public hearing on ZCA 23-02, at which time the Planning Commission considered all evidence presented by City staff and other interested parties.

**NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LAGUNA NIGUEL, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:**

**SECTION 1. Incorporation of Recitals.** The Planning Commission of the City of Laguna Niguel, California, hereby finds that the foregoing recitals are true and correct and are incorporated herein as substantive findings of the Commission.

**SECTION 2. CEQA.** The Planning Commission finds, and recommends that the City Council find, that the adoption of ZCA 23-02 is exempt from the California Environmental Quality Act ("CEQA") because it is an administrative activity that will not result in a direct or reasonably foreseeable indirect physical change to the environment and is thus not a "project" under State CEQA Guidelines 15378 (see State CEQA Guidelines, Section 15060(c)(2) and (3)). Alternatively, even if the adoption of ZCA 23-02 did qualify as a project under CEQA, it would be exempt from CEQA under State CEQA Guidelines Section 15061(b)(3), which provides that a project is exempt from CEQA where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Adoption of ZCA 23-02 will not have a significant effect on the environment as it simply establishes objective design review standards for certain multifamily and mixed-use projects in accordance with state law; it does not authorize any construction or development. Therefore, it is exempt from CEQA. Projects that are subject to discretionary review will be reviewed in accordance with CEQA, and projects that are subject only to ministerial approval are exempt from CEQA (under Government Code Section 21080(b)(1)).

**SECTION 3. Additional Findings.** The Planning Commission finds, and recommends that the City Council find, that ZCA 23-02 meets the findings required for zoning code amendments in accordance with Laguna Niguel Municipal Code Section 9-1-117.4(d). The proposed objective development and design standards ("ODDS") are consistent with and implement the goals and policies of all elements of the Laguna Niguel General Plan and exercise the City's land use powers to protect the health, safety, and welfare of the public. Furthermore, the proposed ODDS is consistent with the following Laguna Niguel General Plan Policies:

- Goal 4, Intent: "Laguna Niguel desires to have attractive urban design reflected in development projects which also contribute to more efficient and productive use of land." The proposed ODDS creates a standardized set of design criteria that promotes high-quality architectural projects that are reflective of the community's aesthetic.
- Policy 4.1: "Emphasize attractive and functional urban design in new development." The proposed ODDS standardizes the City's design guidelines and other architectural principles intended to yield attractive projects by providing clear direction on building form, massing, and articulation. Standards are included on materials, colors, roofs, doors, windows, and decorative details to ensure quality architecture for multifamily residential and mixed-use development projects.
- Action 3.3.5: "Enact development standards and design guidelines to ensure land use within a mixed-use project complement one another." The proposed ODDS requires mixed-use developments to incorporate site design and architectural elements to complement the coexistence of commercial and multifamily uses within a community.

For the above reasons, the adoption of ZCA 23-02 is consistent with the goals, objectives, and policies of the Laguna Niguel General Plan. The Planning Commission also finds ZCA 23-02's amendments to the Laguna Niguel Municipal Code would not be detrimental to the public interest, health, safety, convenience, or welfare of the City in that they will establish

appropriate design and development standards that are consistent with the General Plan, Zoning Ordinance, and other regulations. The proposed ODDS provides a clear set of architectural and site design requirements for new multifamily residential, including mixed-use developments. The standards are numeric and/or quantifiable and can be measured as opposed to subjective standards, which require interpretation. These standards will ensure development maintains the character and quality of design within the City and support the construction of new housing production by streamlining the approval of housing development for qualifying projects. Therefore, the proposed zoning code amendments will not adversely affect public health, safety, or general welfare.

**SECTION 4. Recommendation to City Council.** Based on the entire record before the Planning Commission, all written and oral evidence presented to the Planning Commission, and the findings made in the staff report and this Resolution, the Planning Commission of the City of Laguna Niguel hereby recommends that the City Council adopt ZCA 23-02 as follows:

Laguna Niguel Municipal Code Section 9-1-95. – Multifamily and mixed-use residential objective development and design standards

- (a) Purpose and Intent. The purpose of the objective development and design standards of this section is to provide the development community, design professionals, general public, and City personnel with objective criteria for eligible new multifamily and mixed-use residential development in the City. These criteria include, for example, objective standards related to site planning, building form, landscaping, and architectural design based on Laguna Niguel's character, aesthetics, and the quality of the built environment. Consistent with existing state law, objective standards are those that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant and the public official prior to submittal. The intent is to promote the construction of new housing and further City goals in yielding development projects that feature elevated design and architecture and foster an enhanced quality of life through the built environment.
- (b) Applicability and Review. The provisions of Section 9-1-95 apply to all new multifamily and mixed-use residential projects that qualify for streamlined ministerial review under state law. If a project is subject to development and design review and is not required by state law to be reviewed only against objective standards, it is subject to discretionary design review and findings, as prescribed in Subarticle 9 and Subarticle 11 of this Code.
- (c) Relationship to Other Regulations. Eligible housing projects that qualify for streamlined ministerial review under state law must comply with these objective development and design standards and with all applicable development standards in the City's regulatory documents, including but not limited to the Laguna Niguel Municipal Code, and applicable Specific Plans. Where standards conflict, the more restrictive shall apply.

(d) Objective Development and Design Standards Manual. The City of Laguna Niguel's Objective Development and Design Standards Manual ("the Manual") is hereby adopted and incorporated by reference into this Section 9-1-95 as if fully set forth herein. If a provision is inconsistent with state law, it does not impact any other standards.

(1) Accessibility. The Manual shall be maintained on file with the City of Laguna Niguel Community Development Department ("Department"). Additionally, the Manual shall be made freely accessible to the public and shall be posted on the official City of Laguna Niguel website.

(2) Amendments. The Manual may be amended in accordance with the following:

- a. The Director may initiate amendments to the Manual. All proposed amendments shall be reviewed for compliance with state law and any amendment determined to be in violation of state law shall be rejected.
- b. If a change in state law renders an existing portion of the Manual noncompliant, state law will govern and the Director shall initiate an amendment to bring the Manual into compliance as expeditiously as possible.
- c. No amendment to the Manual will be effective until it is approved by the City Council in accordance with the procedures set forth in Section 9-1-117.4 (Zoning Code Amendments).
- d. All amendments shall be properly documented, and a revision history shall be maintained by the Department. The most current version of the Manual, along with its revision history, shall be available to the public through the City's website and upon request at the Department.

**SECTION 5. Certification.** The Secretary shall certify the adoption of this Resolution.

**PASSED, APPROVED, AND ADOPTED by the members of the City of Laguna Niguel Planning Commission on this 10<sup>th</sup> day of October, 2023.**

**AYES:** Green, Savage-Lebhart, Ferlauto, Hayes, Vahid

**NOES:**

**ABSTAIN:**

**ABSENT:**

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Jonathan Orduna

Community Development Director

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Roger Green

Chairman of the Planning Commission

# **ATTACHMENT C**

**October 10, 2023, Planning Commission Meeting  
Minutes**



## THE CITY OF LAGUNA NIGUEL

### MINUTES OF THE REGULAR MEETING OF THE PLANNING COMMISSION

OCTOBER 10, 2023

#### CALL TO ORDER

By Chair Green at 7:02 p.m.

#### ROLL CALL

**Voting Members Present:** Chair Roger Green  
Vice Chair Savage-Lebhart  
Commissioner Karen Ferlauto  
Commissioner Kathleen Hayes  
Commissioner Pedram Vahid

**Voting Members Absent:** None

**Advisory Members Present:** Community Development Director Jonathan Orduna

**Staff Present:** Deputy Director John Morgan  
Associate City Attorney Ryan Stager  
Senior Planner Erica Roess  
Contract Planner Stephanie Tomaino  
Management Analyst Hannah Tamaddon

#### PLEDGE OF ALLEGIANCE

Led by Commissioner Ferlauto

#### APPROVAL OF MINUTES – May 9, 2023

It was moved by Commissioner Hayes and seconded by Commissioner Vahid to approve the Minutes of the May 9, 2023, Planning Commission meeting. The motion carried 4-0-1.

**AYES:** Green, Ferlauto, Hayes, Vahid  
**NOES:** None  
**ABSTAIN:** Savage-Lebhart  
**ABSENT:** None

## **PUBLIC COMMUNICATIONS**

There were no Public Communications.

## **NOTICED PUBLIC HEARING ITEMS**

1. **Zoning Code Amendment ZCA 23-02 (Objective Development and Design Standards) - PUBLIC HEARING** - An amendment to Laguna Niguel Municipal Code Section 9-1-95 to establish multifamily and mixed-use residential objective development and design standards for projects that qualify for streamlined ministerial review under state law; and determining the action to be exempt from the California Environmental Quality Act under State CEQA Guidelines Section 15061(b)(3).

**Recommended Action:** That the Planning Commission open the public hearing, take public testimony, close the public hearing, and then take the following actions:

- A. Find that adoption of Zoning Code Amendment ZCA 23-02 is exempt from the California Environmental Quality Act ("CEQA") because it is an administrative activity that will not result in a direct or reasonably foreseeable indirect physical change to the environment and thus is not a "project" under State CEQA Guidelines Section 15378 (see State CEQA Guidelines, Section 15060(c)(2) and (3)). Alternatively, even if adoption of ZCA 23-02 did qualify as a project under CEQA, find that it is exempt from CEQA pursuant State CEQA Guidelines Section 15061(b)(3), which provides that a project is exempt from CEQA where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
- B. Adopt Resolution No. 23-11 (Attachment A) recommending that the City Council approve Zoning Code Amendment ZCA 23-02 amending Laguna Niguel Municipal Code Section 9-1-95; and determining the action to be exempt from the California Environmental Quality Act under State CEQA Guidelines Section 15061(b)(3).

Contract Planner Tomaino provided a PowerPoint presentation summarizing the proposed Zoning Code Amendment, consisting of a proposed Objective Development and Design Standards (ODDS) Manual (Manual) to be adopted by reference in the Laguna Niguel Municipal Code. She noted for the record that there was a comment letter submitted subsequent to the agenda packet by the California Housing Defense Fund (CalHDF). Copies of this letter were provided to the Planning Commission on the dais. She explained that in consultation with the City Attorney's office, staff would be reviewing the comment letter to determine if any Manual changes were necessary prior to consideration by the City Council (decision-making authority).

Vice Chair Savage-Lebhart confirmed with Associate City Attorney Stager that the Manual would apply to affordable multi-family housing projects that qualify under special treatment in state law, specifically SB 35, AB 2011, and SB 6.

Vice Chair Savage-Lebhart asked if there was an estimate for how much of Laguna Niguel would be affected by these laws. Deputy Director Morgan answered that they would apply citywide; however, each of the state statutes have mandatory requirements to qualify, depending on the level of affordability, and other factors. Given the City's current land values to date, staff had not yet seen anyone exercise state laws to build a project that would qualify for ministerial review.

Commissioner Ferlauto confirmed with Associate City Attorney Stager that any substantive future amendments to the Manual would first be presented to the Planning Commission for review and recommendation to the City Council.

Commissioner Vahid echoed Contract Planner Tomaino's comment during her presentation that the selection of the architectural styles was based on existing architecture in Laguna Niguel.

Commissioner Hayes inquired about the letter submitted by CalHDF this afternoon and asked if staff expected changes to be made to the Manual. Deputy Director Morgan answered that given the late submission of the letter, staff and the City Attorney's office had not yet completed their thorough review. He added that potential changes may entail finessing some of the language used regarding colors or material choices. He continued that in the case that the Manual was adopted, and a point was later raised regarding subjectivity, the standard would not be applied.

Chair Green confirmed with Contract Planner Tomaino that the Manual would be utilized for projects exempted from City discretionary review by state law. Contract Planner Tomaino added that in addition to the municipal code, staff would ensure compliance with the Manual prior to issuance of a building permit.

Chair Green confirmed with Contract Planner Tomaino that there were existing design review standards as part of the discretionary review process.

Chair Green confirmed with Contract Planner Tomaino that this Manual would allow staff to review development projects that the state has determined must be approved ministerially to ensure they are designed to the high-quality standards we expect in Laguna Niguel.

Chair Green opened and closed the Public Hearing at 7:27 p.m.

Commissioner Ferlauto explained she had spoken to about 15-20 residents and architects in Laguna Niguel, who all concurred that the five architectural styles in the Manual were representative of the community. She added that the architects were very complimentary of the Manual, and congratulated staff for their work.

Commissioner Ferlauto had two suggestions for the Manual. Her first suggestion was on page 32 regarding acceptable roofing material. The Manual currently includes wood as an acceptable roofing material for the Craftsman architectural style. However, due to recent fire concerns, she suggested that "wood" be removed. Commissioner Ferlauto's second suggestion was on page 42 of the Manual currently titled "Farmhouse/Ranch" to add the word "modern" to the title, clarifying that this should be a modern style rather than an old-

fashioned rural farmhouse/ranch style, which was not appropriate for Laguna Niguel.

Deputy Director Morgan thanked Commissioner Ferlauto for her suggestions and agreed that her first suggestion to remove “wood” was consistent with the Building Code. He added that staff’s recommendation would be to update the Manual to the following: “Use of wood or asphalt shingle (or fiber cement imitation or imitation synthetic asphalt shingles.” For the second suggestion, Deputy Director Morgan noted that the Manual describes the farmhouse/ranch style as a contemporary interpretation, but if there was concern from the Planning Commission to emphasize the term modern, the Manual could be updated accordingly.

Vice Chair Savage-Lebhart commented that adding modern with farmhouse/ranch better explained what it was and would be very logical, in terms of the keynote designs in Laguna Niguel, such as the recently approved City Center project.

Commissioner Ferlauto thanked staff for their hard work in completing an excellent Manual that would be used going forward for local development. She noted that as the state continues to enact laws and regulations that reduce local control over development, it is important that Laguna Niguel have in place quantifiable design standards to ensure architectural integrity and defined continuity for the community. Also, she believed developers would welcome direction about what architectural styles would work best in the City. Commissioner Ferlauto concluded that she supported additional affordable housing, and this Manual provides the opportunity for appropriate building in the community.

Vice Chair Savage-Lebhart asked if the listed designs were prescriptive or proscriptive, and if builders were prohibited from using other designs. Contract Planner Tomaino answered that if applicants would like more flexibility beyond what was provided in the Manual, they could request the standard discretionary review process.

Vice Chair Savage-Lebhart commented that the history of this country was filled with resisting centralized government. The trend of increased centralized government at the federal level has mirrored to the state level. In order to overcome nimbysim and other human practices that have slowed development, the state legislature has moved to increasingly broader attempts to control what happens at the local level. Conversely, local governments have tried to maintain as much control as they can. Vice Chair Savage-Lebhart believes the Manual is an excellent response for the time they were in. She was quite impressed with the quality and how easy it was to read and understand. Overall, she endorsed the Manual.

Commissioner Vahid suggested for page 26 to add the word “clay” to red tiled roofs to make it clearer, unless red tile was specific enough. Director Morgan answered that page 38 did specify it to be clay tiles, but if there was interest by the Planning Commission to include this in the opening description of page 26, staff does not have a strong opinion on it.

Commissioner Vahid inquired about the title of the Manual, noting that the Orange County Council of Governments (OCCOG) toolkit and the City of Temecula had “multi-family” and “mixed use” in the title, and asked if it would be beneficial to include these terms. Community Development Director Orduna answered that the Manual as it currently exists is intended to address a framework that was created by state legislation. With streamlining bills continuously under consideration at the state level, staff anticipates that the scope of projects

that will be subject to ministerial review is likely to expand. He noted that if a developer were looking to do a project like this, they would be an experienced, practiced developer who is very familiar with state law. The key language in this instance will be in the zoning code itself that links to the Manual. From that regard, the title of the Manual was not so much important. The Manual title was intentionally left more broad in anticipation of future changes.

Commissioner Hayes asked what staff expected to be coming down the pipeline from the state. Director Orduna answered that he would be happy to discuss outside of the Planning Commission meeting.

Chair Green inquired about the process if a developer opted to change the project design during the plan check process in a manner that conflicted with the Manual. Deputy Director Morgan answered that staff would deem the project noncompliant and unable to proceed. The City would require the applicant to rescind their application and go through the discretionary review process or amend their design to be consistent with what was originally reviewed and consistent with the Manual. Associate City Attorney Stager added that under the Housing Accountability Act, the City has a certain number of days to notify the applicant whether the project was consistent with the Manual. If the project was inconsistent, the City will identify the standards they were not consistent with and from there, it would be a judgement call from the applicant to redesign their project to be consistent with City standards, or pivot and go through the City's discretionary review process to explore other options. Chair Green clarified with Associate City Attorney Stager that the Manual is meant to be clear and objective in what the City would approve without discretionary review. Chair Green noted that they were trying to encourage multi-family affordable housing and he would hate to have a project get stuck in the process. Associate City Attorney Stager explained that the applicant had the option to appeal staff's decision or change their approach and apply for discretionary review. Director Orduna added that discretionary review was always an option for applicants.

Chair Green noted that the Manual outlines a requirement of six decorative details provided as part of the architectural design, and asked if staff could explain where this number came from. Contract Planner Tomaino answered that six was the number recommended by the OCCOG Toolkit.

**It was moved by Commissioner Ferlauto and seconded by Commissioner Hayes to A) find that adoption of Zoning Code Amendment ZCA 23-02 is exempt from the California Environmental Quality Act ("CEQA") because it is an administrative activity that will not result in a direct or reasonably foreseeable indirect physical change to the environment and thus is not a "project" under State CEQA Guidelines Section 15378 (see State CEQA Guidelines, Section 15060(c)(2) and (3)). Alternatively, even if adoption of ZCA 23-02 did qualify as a project under CEQA, find that it is exempt from CEQA pursuant State CEQA Guidelines Section 15061(b)(3), which provides that a project is exempt from CEQA where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; and, B) adopt Resolution No. 23-11, recommending that the City Council approve Zoning Code Amendment ZCA 23-02 amending Laguna Niguel Municipal Code Section 9-1-95; and determining the action to be exempt from the California Environmental Quality Act under State CEQA Guidelines Section 15061(b)(3).**

Associate City Attorney Stager confirmed for the record that this recommendation included amending the Manual to remove the “wood” on page 32 and add “modern” to the title on page 42, as outlined below:

Page 32: “Use of ~~wood~~ or asphalt shingle (or fiber cement imitation or imitation synthetic asphalt shingles.”

Page 42: “Modern Farmhouse/Ranch”

**The motion carried 5-0.**

**AYES:** Green, Savage-Lebhart, Ferlauto, Hayes, Vahid

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

## **OTHER BUSINESS**

**1. Cancellation of the November 28, 2023, and December 26, 2023, Planning Commission Meetings** – When the regularly scheduled second Planning Commission meeting in the month of November occurs near the Thanksgiving holiday, the meeting has traditionally been canceled. The regularly scheduled second meeting in December occurs on a City holiday.

**Recommended Action:** That the Planning Commission cancel the November 28, 2023, and December 26, 2023, Planning Commission meetings.

**It was moved by Commissioner Ferlauto and seconded by Commissioner Vahid to cancel the November 28, 2023, and December 26, 2023, Planning Commission meetings. The motion carried 5-0.**

**AYES:** Green, Savage-Lebhart, Ferlauto, Hayes, Vahid

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

## **REPORTS AND COMMENTS**

### **1. Planning Commission**

Chair Green was pleased that he and Vice Chair Savage-Lebhart were invited to attend a tour by Jamboree Housing with Mayor Jennings and Mayor Pro-Tem Oddo. They were very impressed with the work Jamboree Housing was doing in Anaheim, including the architectural style and design.

Vice Chair Savage-Lebhart added that she was very impressed with the organization and their commitment. Jamboree Housing has been doing work in Irvine for over 20 years. It shows that this work was their purpose, and they were very committed to

seizing opportunities and bringing them to fruition. She concluded that there was such a high need for affordable housing in Anaheim, so it was a great thing to witness.

## **2. Community Development Director and Staff**

Community Development Director Orduna updated the Planning Commission regarding the Strategic Plan 5-Year Update and the community engagement phase of the Comprehensive General Plan Update. As part of this effort, a mailer was sent out citywide. This mailer packet included a survey, which will be used to guide staff in updating the Strategic Plan and the visioning effort of the General Plan Update. The packet also included information regarding the City hosting an Open House for the General Plan Update on Wednesday, October 18 from 6:00 p.m. to 8:00 p.m. at City Hall. This event would be the third community outreach event, with more in the pipeline to conclude in mid-December. At this time, staff will begin drafting the visioning document to be presented to the community and City Council in Spring 2024. Director Orduna invited the Planning Commission to attend the Open House event.

Commissioner Ferlauto asked where the City Center project was in the pipeline. Director Orduna answered that the developers were still working out details as part of their lease with the County of Orange and were regularly updating City staff on their progress. He added that their plans of being a part of the Laguna Niguel community have not changed and they were still very much committed to the project.

Vice Chair Savage-Lebhart inquired about the garage removal that violated setback rules. Associate City Attorney Stager answered that because this was not an agenda item, they were unable to discuss in detail. Director Orduna added that Code Enforcement actions were ongoing. Staff will keep the Commission updated if anything significant develops.

## **ADJOURN**

**The meeting was adjourned at 7:59 p.m.**

## **ATTEST:**

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**Jonathan Orduna**  
**Community Development Director**

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**Roger Green**  
**Planning Commission Chair**

# **ATTACHMENT D**

## **Public Comments**



**Oct 10, 2023**

**City of Laguna Niguel  
30111 Crown Valley Parkway  
Laguna Niguel, CA 92677**

**By Email:** [jorduna@cityoflagunaniguel.org](mailto:jorduna@cityoflagunaniguel.org), [HTamaddon@cityoflagunaniguel.org](mailto:HTamaddon@cityoflagunaniguel.org)

**CC:** [cityclerk@cityoflagunaniguel.org](mailto:cityclerk@cityoflagunaniguel.org), [cityattorney@cityoflagunaniguel.org](mailto:cityattorney@cityoflagunaniguel.org)

**Re:** Zoning Code Amendment ZCA 23-02: Objective Development and Design Standards

Dear Laguna Niguel Planning Commission,

The California Housing Defense Fund (“CalHDF”) submits this letter to remind the Commission of its obligation to abide by all relevant state laws when considering the proposed Objective Design Standards in Zoning Code Amendment ZCA 23-02 (the “proposed standards”), calendared as agenda item 1 at tonight’s meeting. Specifically, the Council must comply with the Housing Crisis Act of 2019 (SB 330), Senate Bill 9 (“SB 9”), and other state housing laws. The proposed standards, as currently drafted, do not adhere to these laws: many of them fail to articulate objective standards.

SB 330 bars cities from “[i]mposing or enforcing design standards [...] that are not objective.” (Gov. Code § 66300, subd. (b)(1)(C).) SB 9 allows cities to impose “objective zoning [...] subdivision [...] and [...] design” standards (but not subjective standards) on SB 9 projects. In addition, the Housing Accountability Act (HAA) renders non-objective standards unenforceable in most circumstances. (See *California Renters Legal Advocacy and Education Fund v. City of San Mateo* (2021) 68 Cal. App.5th 820, 839-44 (overturning city’s denial of housing project based on design guidelines requiring “a transition or step in height” where a building is more than one story taller than its neighbors on the grounds that it was not objective).) SB 330, SB 9, and the HAA define “objective” as “being uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official.” (Gov. Code § 65589.5, subd. (h)(8); Gov. Code § 66300, subd. (a)(7); *see also* Gov. Code § 65852.21, subd. (i)(2) [similar language]; Gov. Code § 66411.7, subd. (m)(1) [similar language].)

Unfortunately, several provisions in Zoning Code Amendment ZCA 23-02 fall short of this requirement. CalHDF urges the Commission to carefully review all the proposed standards for objectivity and specifically points out many egregious examples:

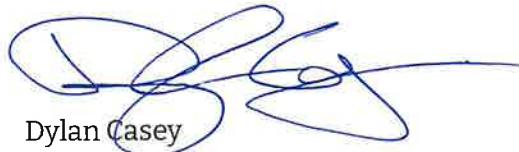
- Section 2.3.2 (f): “Trees shall be distributed relatively evenly throughout the parking area” The phrase “distributed relatively evenly” is not clearly defined or objective. This section is ambiguous and unenforceable without clarification as to that definition.
- Section 2.3.3 (d): “Garages are to be designed consistent with the residential buildings in terms of architectural style and use of the same building materials, details, and colors.” The phrase “designed to be consistent with the residential buildings” is not objective. Overall styles are not cleanly defined, and what counts as “consistent” or “inconsistent” with the building’s style is in the eye of the beholder. An applicant cannot know *ex ante* and with certainty whether their proposed design will satisfy the ordinance, and thus the ordinance is unenforceable on this point.
- Section 2.3.4 (c): “The exterior appearance of the parking structure shall be designed to be consistent with the architectural style of the primary building(s).” Compatibility within a style is not an objective standard, as it cannot be applied uniformly. Architectural styles, and their materials and design details, are subjectively defined and therefore cannot be enforced by the City. Similar language appears in the following:
  - Section 2.7 (d): “The style of the wall or fence shall be consistent with the architectural style of the project.”
  - Section 2.9 (b): “Roof screening shall consist of architectural materials consistent with the overall architectural style of the building.”
  - Section 3.1 (j): “Rooflines shall be vertically articulated at least every 50 feet through the use of architectural elements such as varying roof height, material, and/or form, consistent with the prescribed architectural style.”
  - Section 3.2 (l): “Rooflines shall be vertically articulated at least every 50 feet through the use of architectural elements such as varying roof height, material, and/or form, consistent with the prescribed architectural style.”
- Section 4.1 Materials and Colors (d): “At least one Spanish Colonial decorative ironwork or simulated material (e.g., railings, hardware, and gates).” The phrase “Spanish Colonial decorative ironwork” is not objective. It is not clear what counts as “decorative” or “Spanish Colonial” and the city might, under this language, reject applications based on subjective aesthetic preferences. That is not allowed.
- Section 4.2 Materials and Colors (c): “The building color palette shall consist of dark, neutral, earth-toned color palette, such as browns and greens. However, lighter earth-tones, such as off-white, beige, and light gray paint palettes may also be considered, particularly for details (columns, rafter tails).” It is not clear what counts as “earth-toned.” The City must draft more specific language before it can impose such rules on applicants. Similar language appears in the following:

- Section 4.3 Materials and Colors (c): "The building color palette shall consist of earth tone colors, including brown or beige window frames." It is not clear what counts as coloring "to match fascia or wall materials."
- Section 4.4 Materials and Colors (d): "Monochrome accents of doors, windows or architectural features."
- Section 4.5 Materials and Colors (c): "Use of color blocks to accentuate geometric forms and break down massing elements. Use of neon or fluorescent colors are prohibited."
- Section 4.4 Form and Massing (e): "Geometric forms, industrial materials, limited palette, and repetition." With the exception of repetition, these phrases are not clearly defined and cannot be treated individually. Therefore, this section is not objective and therefore unenforceable. The City must draft more specific language before it can impose such rules.
- Section 4.4 Form and Massing (g): "Facades emphasize verticality." Similarly, the term "emphasize verticality" is not clearly defined, and what counts as "emphasis" or "verticality" is unclear. The City may not enforce this language.

CalHDF appreciates Laguna Niguel's effort to establish objective development and design standards. We remind the City, however, that it must take care to follow the law in doing so. The current proposal needs many revisions before it can be finalized and implemented in accordance with state law.

CalHDF is a 501(c)3 non-profit corporation whose mission includes advocating for increased access to housing for Californians at all income levels, including low-income households. You may learn more about CalHDF at [www.calhdf.org](http://www.calhdf.org).

Sincerely,



Dylan Casey  
CalHDF Executive Director