

## **Beautiful Laguna Overlay Zone Ballot Initiative – Frequently Asked Questions**

### **Overview Questions**

**Q: Does this apply to the entire city?**

A: No. It is targeted at the most visible and congested parts of Laguna. That is the area within 750 ft. of Laguna Canyon Road or Coast Highway.

**Q: Does this affect single-family residences?**

A: No. Single-family residences, as well as duplexes, and any residential properties of 9 units or less are completely exempted, as are developments used exclusively as houses of worship, museums, K-12 schools, or low-income housing, or other projects protected by California Law.

**Q: Is this similar to the law that created the overlay zone for the Montage?**

A: Yes, both require voter approval for large-scale commercial development to proceed. As in the case of Montage, completed development plans are submitted to voters for final ratification.

**Q: Will this prevent development in Laguna?**

A: No. The voters will be reviewing and voting on development plans for large developments in Laguna. We anticipate that well thought- out projects, such as Montage, will win voter approval.

**Q: Does this replace the current zoning requirements?**

A: No. All of the existing zone regulations remain in place. An overlay zone adds a baseline standard so that very large development projects in the most visible and congested parts of town will need to be approved by the voters before they can proceed.

**Q: How tall can buildings be?**

A; Height limits that are currently in place are preserved, including the absolute height limit of 36 ft, and the more restrictive height limits that are currently in place for some parts of downtown. Height limits will remain as they are today.

**Q: Is this retroactive?**

A: No. It only applies to projects that are submitted after the approval date of the ballot initiative. Projects completed or in development are grandfathered.

**Q: Is this legal?**

A: Yes. The California State Constitution enables residents to enact legislation through the ballot initiative process. Creating this overlay zoning district is a good example of the legislative process that residents of many other California cities have enacted.

**Q: Is this fair?**

A: Yes. Zoning and land-use law have been at the foundation of this country's legal system from the beginning. Whether we are investing in a home, a car, the stock market, or a bond, we all benefit from an orderly, fair, and informed market. Having development standards for what becomes of our town in the future will help maintain the premium land values that we all bought into when we moved here.

**Specific Issues:**

**Q: If someone wants to develop a large hotel or something similar, what process would they follow?**

A: The process starts just as it does today. First, the developer draws up detailed plans for the project, including a full architectural rendering, and analysis on issues such as geologic stability, parking, and traffic impacts. The City Staff reviews those plans, makes recommendations, then Planning Commission reviews all of this and makes a decision that can be appealed to City Council.

If the developer plans a large project that exceeds any of the thresholds in the overlay zone, such as exceeding height, increases the parking impact, or generates a disproportionate share of incremental traffic, or any of the other major development criteria, then the plans are summarized into a ballot initiative that will be brought before the voters to give a simple thumbs up or thumbs down. If the majority of residents feel that the project will have a positive impact then the developer proceeds. If not, then it's back to the drawing boards.

**Q: Who pays for the Beautiful Laguna Overlay Zone Ballot Initiative ballot initiative?**

A: Creation and circulation of the ballot initiative that you will be voting on in 2022, if enough signatures are gathered, has been paid for by voluntary contributions to the Laguna Residents First PAC. Since the measure is targeted to be on the State's General Election in November 2022, there is no incremental cost to have the measure on the General Election ballot.

Once the new overlay zone is on the books as law, then any ballot initiative to remove a project from its provisions will be paid for by the developer.

**Q: Exactly how many on-site parking places will the ballot initiative require?**

A: The formula for required parking spaces comes directly from the City's on-site parking requirements that are in place as of June 2021, and have been in place for decades. The formula varies by use, such as 3 parking spaces for each 1,000 sq. ft of retail space and 10 spaces for each 1,000 sq. ft. of restaurant or bar space. More details can be found on page 6 of the ballot initiative under "Reasonably Necessary Number of Parking Spaces."

Do the customers in each business use exactly that many spaces? Of course not. The current requirements are general, and provide a benchmark so that new projects can be required to do their fair share to help solve the parking problem rather than make it worse.

**Q: What if there is no land for parking near a new project?**

A: The city has always offered the option of allowing the developer to contribute to a parking fund rather than build their own parking. This will continue. This is designed to be a break-even proposition for the city. The concept is that all of the parking-in-lieu fees can be combined to build a shared parking structure if one is needed. The ballot initiative encourages this reuse and sharing of parking spaces by offering a reduced allowance when parking is provided in this fashion.

**Q. Why is there so much emphasis on requiring parking?**

A. Regardless of where it is, or who pays for it, building parking lots is expensive. Including the value of the land, it ends up being over \$100,000 per space. While some developers wish that the residents would pay for incremental parking spaces for their new developments, we encourage all residents to join with the vast majority of other California communities to ensure that each new development mitigates its social burden on the existing environment and quality of life.

**Q. What if someday we all have self-driving and self-parking cars, or can get rides in a driverless car?**

A. Sounds great. That's the nice thing about having voters consider large projects. When the day comes that we hardly need any parking places then we will all greet those new, large projects that don't provide any incremental parking with more enthusiasm than we would have way back in the busy, congested Summer of 2021.

**Q. Can a large development project that is destroyed by something like a flood or fire be rebuilt?**

A. Yes. It provides for the repair, replacement, restoration, or reconstruction of any existing building, structure, or improvement, whether conforming or nonconforming, which has been damaged by fire, flood, wind, earthquake, or other disasters, up to the original size, placement and density subject to any other applicable requirements of the Laguna Beach Municipal Code.

**Q. What is the issue with combining lots?**

A. Within the overlay district, lot combination is limited to 7,500 sq. ft (6,000 sq.ft downtown) without voter approval. There is also an exemption for cleaning up very small lots of less than 1,000 sq. ft.

One of the things that really works about Laguna is that time has left us with a nice "Organic Mosaic" of shops, restaurants, and other buildings in the most visible parts of town. Time has been kind to Laguna because of this. Laguna Residents would want to look carefully if someone is buying up a block or so of property, then redeveloping the whole thing into a large, monolithic destination. That may work for the "Shopping Center " look or in the redeveloped downtown vibe in some of the other coastal towns, but would need resident concurrence here because of the unique value that Laguna has, and brings to both residents and visitors alike.

**Please visit [lagunaresidentsfirst.org](http://lagunaresidentsfirst.org) and view the full ballot initiative for terms, definitions, exemptions, and details**