

Measure Q – 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 are categorically 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 process that enabled the Montage project?

A: Yes, the Montage proposal received significant input directly from the voters. Those iterations eventually led to a very appropriate project for our community.

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, and that are seeking exemptions from the baseline 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 have been for decades.

Q: Is this retroactive?

A: No. It only applies to projects that are submitted after the approval date of Measure Q. 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.

Q: Shouldn't we just leave this all to City Council and Staff to decide?

A: For large redevelopment projects that will have a lasting impact on the city it is important that developers feel a direct sense of responsibility to the residents as they propose major changes to the Laguna environment. The Montage development was, for example, positive because the developers sensed the community's interest in the project. That was an incentive to carefully consider and mitigate impacts on the community. The process outlined here is an efficient and effective way to ensure this for other projects of this magnitude in town.

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 of 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 (i.e. height, parking impact, or generates a disproportionate share of incremental traffic) 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

Q: Don't we already have ordinances protecting us specifying the maximum height of buildings?

A: Yes, there is an overall height limit ordinance, but that is just another law that was passed by City Council. Exemptions can also be granted City Council or the law can be changed by City Council depending on who is sitting on City Council. Note that the law requires a much lower height, just one story high in many very visible parts of downtown, including most properties near the beach. Imagine three-story (36') buildings on Lower Forest Ave and Ocean Ave. That would transform the Laguna Beach look into Huntington Beach or what Dana Point is becoming.

The Ballot Initiative simply preserves the entire height restrictions that are currently in place; everything from the overall 36' high overall limits to the lower limits in place for the most visible parts of our town. Ballot Initiative provisions such as this can only be changed by a vote of the residents, not the whims of the current City Council.

Q: Exactly how many on-site parking places will Measure Q 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 4 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 Measure Q 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. Measure Q 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. Does this put an end to grandfathered or other parking exemptions that are already in place?

A. No. All parking exemptions such as grandfathers parking and historic property exemptions and other types of parking exemptions created before 12/31/2021 are valid for determining how many parking spaces a property needs to provide.

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 1,200 sq. ft.

One of the things that work about Laguna is that time has left us with a wonderful "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.

Q: What is the difference between combining lots and lot line adjustments?

A: Lot line adjustments are a simple over-the-counter mechanism for moving the lot lines for a few contiguous lots under the same ownership. Measure Q does not impede the use of lot line adjustments.

More complex lot combinations require the formal lot combination process. Measure Q has limits for how many lots can be combined before it would need to come to a vote.

Q. Does this require the voters to approve new mechanical equipment, such as air conditioners, on the roofs of buildings?

A. No. Measure Q specifically exempts a commercially reasonable amount of mechanical rooftop equipment as long as it has adequate setback and visual protection.

Q. What happens if the State passes a law that conflicts with Measure Q.

A. Measure Q has specific wording that acknowledges that all current and future state laws take precedence over any of its terms. This keeps the provisions of the Initiative on a firm legal standing with all State laws.

Other Questions:

Q: How was the definition of a “Major” development project LRF Ballot Initiative created?

A. In the case of height limits and parking requirements, the LRF Ballot Initiative’s guidelines are codified directly from regulations that have been in place here for decades but are now being liberalized by City Council. The remaining guidelines were the result of a thorough analysis of specific commercial sites in Laguna Beach, the results of capacity planning studies that the City has commissioned, discussions with land-use experts and urban economists, and a review of successful resident-initiated ballot initiatives that have been enacted in places like Costa Mesa and Newport Beach.

Q: There is the term “Passed by the Electorate” in Measure Q. What does that mean?

A: Elections are decided by the Electorate, but the word Electorate gets used in two contexts. In a broad sense, it means all voters. In the outcome of an election, it means the subset of voters who actually voted. People who don’t vote don’t have a say in the election. That is how all elections work. Falsely claiming that "Electorate" means something else in this context is distorting reality.

For more details, see a letter from the Measure Q’s lawyer to the City Attorney regarding this issue at <https://lagunaresidentsfirst.org/documents/ElectorateLetter.pdf>

Visit lagunaresidentsfirst.org and view the full Measure Q for further details