

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
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(562) 590-5071

October 22, 2008



# Th12a

**TO:** Commissioners and Interested Persons

**FROM:** Peter Douglas, Executive Director  
Sherilyn Sarb, Deputy Director  
Karl Schwing, Supervisor, Regulation & Planning, Orange County Area  
Gabriel Buhr, Coastal Program Analyst

**SUBJECT:** Concurrence with the Executive Director's determination that the action of the City of Laguna Beach, accepting certification with suggested modifications of Major LCP Amendment LGB-MAJ-2-07 is legally adequate. For Commission review at its November 12-14, 2008 meeting in Long Beach.

## **STAFF RECOMMENDATION**

Staff recommends that the Commission concur with the Executive Director's determination that the City's action is legally adequate.

## **BACKGROUND**

On February 2, 2007, the City of Laguna Beach submitted Major Local Coastal Program (LCP) Amendment Request No. 2-07 for Commission certification pursuant to City Council Resolution No. 07.004. Local Coastal Program (LCP) Amendment No. 2-07 proposed to revise and update the City's Downtown Specific Plan and the Implementation Plan (IP) portion of the Local Coastal Program.

LCP Amendment request No. 2-07 includes changes to Topic 5 (Parking, Circulation and Public Transit) and Topic 10 (Civic Art District) of the Downtown Specific Plan; additionally changes to Section V (Civic Art Property Development Standards) were also proposed to reflect the prior mentioned policy updates. Some of the more notable changes to the ordinance include 1) removal of a three in-lieu parking space per development limit for proposed public/private partnership projects within the Civic Art District, provided that the City Council finds that the proposed development is consistent with the policies of the District; 2) expand the exceptions to the existing height development standards within the Civic Art District to include public/private partnership projects provided that the City Council finds that the proposed development is consistent with the policies of the District. The focus of the Commission's review was on ensuring that the exceptions to the parking requirements did not result in adverse impacts upon public access and that issuance of more than three in-lieu parking spaces per development did not occur until a plan for use of the funds for replacement parking is in place.

On September 2, 2008, the Laguna Beach City Council adopted Resolution No. 08.077 acknowledging receipt of the Coastal Commission action and accepting and agreeing to the suggested modifications to the City's Downtown Specific Plan and the Implementation Plan (IP) portion of the Local Coastal Program.

The City has submitted the modifications to the Executive Director for a determination that they are consistent with the Commission's action on April 9, 2008 (see attachment). The City inserted one minor change to its approved modifications with the intent to clarify that the original existing available three in-lieu fee parking spaces for commercial development within the Civic Art District was not deleted by the Commission approved suggested modifications. This minor change does not lessen or change the intent of the suggested modifications approved by the Commission at the April 2008 hearing.

As provided in Section 13544 of the California Code of Regulations, the Executive Director must determine whether the City's action is legally adequate and report that determination to the Commission. In this case, the Executive Director has determined that the City's action is legally adequate. Unless the Commission objects to the Executive Director's determination, the certification of Laguna Beach LCP Amendment No. 2-07 shall become effective upon the filing of the required Notice of Certification with the Secretary of Resources as provided in Public Resources Code Section 21080.5(d)(2)(E).

### **SUGGESTED MODIFICATIONS**

Certification of City of Laguna Beach LCP Amendment Request No. 2-07 was approved by the Commission subject to the following modifications.

The City's proposed additions are shown as underlined text.

The City's proposed deletions are shown as ~~strike-out text~~.

The Commission's suggested additions are shown in ***bold, italic, underlined text***.

The Commission's suggested deletions are shown in ***bold, italic, underlined, strike-out text***.

#### **Suggested Modification No. 1**

Section III, Topic 5 Parking, Circulation, and Public Transit, Policy 11:

11. Require either onsite parking, in-lieu fees (limited to a maximum of three (3) per building site unless additional certificates are approved by the City Council as part of a public/private partnership project), or other fee as may be established through a parking ***and traffic*** management program, for all parking demands resulting from an intensification of use. ***A parking management program shall be subject to approval of No in-lieu certificates shall be issued until a parking and traffic management program is completed and is approved as*** a Local Coastal Program Amendment.

#### **Suggested Modification No. 2**

Section III, Topic 5 Parking, Circulation, and Public Transit, Policy 15:

15. Limit the number of in-lieu certificates that can be purchased for an individual building site to three (3) certificates unless additional certificates are approved by the City Council as part of a public/private partnership project or limit in accordance with a downtown parking ***and traffic*** management program. ***A parking management program shall be subject to approval of No in-lieu certificates shall be issued until a parking and traffic management program is completed and is approved as*** a Local Coastal Program Amendment.

**Suggested Modification No. 3**

Section V, Civic Art District, Property Development Standards:

**Property Development Standards:** The following property development standards shall apply to all land structures in this District. Height, story and parking exceptions for private or public projects may be allowed if determined by the City, ~~in its sole and absolute discretion,~~ that the project confers desirable public benefits. The intent of these exceptions is to allow future development of private/public partnership projects compatible with the goals of the Civic Art District.

**RECEIVED**  
South Coast Region

SEP 25 2008

1 CALIFORNIA RESOLUTION NO. 08.077  
2 COASTAL COMMISSION

3 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
4 LAGUNA BEACH, CALIFORNIA, APPROVING MODIFICATIONS  
5 TO THE DOWNTOWN SPECIFIC PLAN / LOCAL COASTAL  
6 PROGRAM AMENDMENT NO. 2-07 AND REQUESTING  
7 CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

8 WHEREAS, the City filed an application with the Coastal Commission for a Local  
9 Coastal Program Amendment to amend certain provisions of the Laguna Beach Downtown  
10 Specific Plan made by the City Council on January 16, 2007; and

11 WHEREAS, on April 10, 2008, the California Coastal Commission approved Local  
12 Coastal Program Major Amendment No. 2-07 with modifications; and

13 WHEREAS, the City Council after conducting legally noticed public hearings,  
14 reviewed and considered all documents, testimony and other evidence presented on the  
15 Coastal Commission proposed modifications to Local Coastal Program Amendment 2-07;  
16 and

17 WHEREAS, the City of Laguna Beach intends to carry out the Local Coastal  
18 Program, as amended, in a manner fully consistent with the California Coastal Act;

19 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA  
20 BEACH does RESOLVE and ORDER that the modifications to Local Coastal Program  
21 Amendment 2-07 outlined in Exhibit "A" attached hereto are hereby approved.

22 BE IT FURTHER RESOLVED that staff is hereby directed to accurately and  
23 consistently amend the text of the Laguna Beach Downtown Specific Plan to reflect the  
24 modifications approved of and stipulated in Exhibit "A" of this Resolution.

25 AND BE IT FURTHER RESOLVED as follows:

26 SECTION 1. That staff is hereby directed to forward the approved modifications to  
27 the California Coastal Commission and that the Executive Director/Coastal Commission  
28

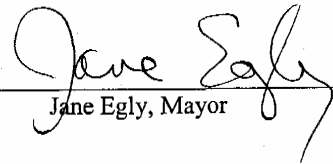
Laguna Beach LCPA 2-07  
Downtown Specific Plan  
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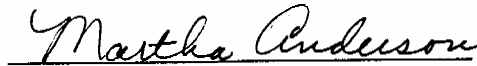
makes a determination that the modifications are consistent with the Coastal Commission's action on April 10, 2008 regarding LCP Amendment No. 2-07.

**SECTION 2.** That pursuant to Section 13551(b) of the Coastal Commission Regulations, Laguna Beach Local Coastal Program Amendment No. 2-07 will take effect automatically upon Executive Director/Coastal Commission certification that the City has complied with the Commission's April 10, 2008 action, as provided in Public Resources Code Sections 30512, 30513 and 30519.

ADOPTED this 2<sup>nd</sup> day of September, 2008.

  
Jane Egly, Mayor

ATTEST:

  
City Clerk

I, MARTHA ANDERSON, City Clerk of the City of Laguna Beach, California, do hereby certify that the foregoing Resolution No. 08.077 was duly adopted at a Regular Meeting of the City Council of said City held on September 2, 2008, by the following vote:

AYES: COUNCILMEMBER(S): Pearson, Iseman, Boyd, Kinsman, Egly  
NOES COUNCILMEMBER(S): None  
ABSENT COUNCILMEMBER(S): None

  
City Clerk of the City of Laguna Beach, CA

**EXHIBIT "A"**

**SECTION 1.** Policies 11 and 15 of Topic 5 of Section III – Issue Statements and Policies of the Downtown Specific Plan is hereby amended to read in its entirety as specified below:

11. Require either onsite parking, in-lieu fees (limited to a maximum of three (3) per building site unless additional certificates are approved by the City Council as part of a public/private partnership project), or other fee as may be established through a parking and traffic management program, for all parking demands resulting from an intensification of use. No in-lieu certificates (beyond the initial three per building site) shall be issued until a parking and traffic management program is completed and is approved as a Local Coastal Program Amendment.
15. Limit the number of in-lieu certificates that can be purchased for an individual building site to three (3) certificates unless additional certificates are approved by the City Council as part of a public/private partnership project or limit in accordance with a downtown parking and traffic management program. No in-lieu certificates (beyond the initial three per building site) shall be issued until a parking and traffic management program is completed and is approved as a Local Coastal Program Amendment.

**SECTION 2.** The first paragraph of the Property Development Standards of the Civic Art District portion of Section V – Land Use Districts is hereby amended to read in its entirety as specified below:

**Property Development Standards:** The following property development standards shall apply to all land and structures in this District. Height, story and parking exceptions for private or public projects may be allowed if determined by the City that the project confers desirable public benefits. The intent of these exceptions is to allow future development of public/private partnership projects compatible with the goals of the Civic Art District.

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