

CALIFORNIA COASTAL COMMISSION

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January 15, 2009

TO: Commissioners and Interested Persons

FROM: Sherilyn Sarb, South Coast Deputy Director (Orange County)
Teresa Henry, District Manager
Karl Schwing, Supervisor, Regulation & Planning, Orange County Area
Meg Vaughn, Coastal Program Analyst

SUBJECT: Major Amendment Request No. 1-08B to the City of Laguna Beach Certified Local Coastal Program (For Public Hearing and Commission Action at the February 4-6, 2009 meeting in Huntington Beach).

SUMMARY OF LCP AMENDMENT REQUEST NO. 1-08B

Request by the City of Laguna Beach to amend the Implementation Plan (IP) portion of the Local Coastal Program (LCP) by making various changes throughout the Parking Ordinance, Chapter 25.52 of Title 25 (Zoning Code). Ordinance No. 1472 was submitted for Commission action via City Council Resolution No. 07.040.

The provisions included in this amendment that raise public access and visitor serving issues include: 1) new language that inappropriately defines what constitutes an intensification of use and does not require consideration of parking in all cases of new development; 2) new language that removes the existing three-certificate limitation on the City's issuance of in-lieu parking certificates under certain circumstances but without foreseeable plans to construct replacement parking; 3) the relaxation of parking requirements for uses the City is trying to encourage (i.e. incentive uses). Staff is recommending suggested modifications that appropriately define what constitutes an intensification of use and requires that provision of parking be considered for all cases of new development; imposes a requirement for a parking and traffic management program that would identify how in-lieu fees will be used to address parking and traffic management deficiencies before the City allows a use to obtain more than three in-lieu certificates; and requires implementation of transportation demand measures before relaxing parking requirements for incentive uses. Two of the suggested modifications (Nos. 2 and 5) are identical with suggested modification that the Commission made to LCPA 1-07C and that the City subsequently accepted. Suggested modification No. 4 is almost identical with suggested modification that the Commission made to LCPA 1-07C and accepted by the City with the exception of the additional language to allow for a parking reduction when a use is replaced by a use of the same level of intensity. Suggested modification No. 3 closely tracks a suggested modification that the Commission made to LCPA 2-07 and that the City has also accepted. Suggested modification No. 1 is recommended in order to assure that the provision of parking is considered in all development cases, and mirrors Suggested Modification No. 5.

Other changes proposed include: adding language that allows parking demand analyses to consider the number of employees or shifts in the demand calculation; a new requirement that all valet parking, whether it is required to serve a proposed use or is non-required parking, is subject to approval of a conditional use permit, and also outlining information to be submitted when valet parking approval is sought; a new requirement that all commercial lots (meaning parking lots that charge a fee) will require approval of a conditional use permit and outlining the information that must be submitted with an application for approval of a commercial parking lot; and, replacing specific approval authorities (e.g. Planning Commission, Design Review Board) with the term “approval authority.” In addition, the proposed amendment would allow required parking to be located off-site when located within 600 feet of the establishment it serves and when it is owned either by the same entity that owns the property upon which the use generating the demand is located (and is deed restricted for the parking use) or owned by the City if the use is located in the Civic Art District.

The Local Coastal Program Amendment affects only the Implementation Plan portion of the certified LCP. No changes are proposed to the Land Use Plan.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission, after public hearing:

Deny the amendment request to the Implementation Plan **as submitted**.

Approve the amendment request to the Implementation Plan **if modified as recommended**.

The proposed amendment, if modified as recommended, would be in conformance with and adequate to carry out the provisions of the certified Land Use Plan. **The motions to accomplish this recommendation are found on pages 3 & 4.**

STANDARD OF REVIEW

The standard of review for the proposed amendment to the LCP Implementation Plan is conformance with and adequacy to carry out the provisions of the certified Laguna Beach Land Use Plan.

SUMMARY OF PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in Local Coastal Program development. It states:

During the preparation, approval, certification, and amendment of any local coastal program, the public, as well as all affected governmental agencies, including special districts, shall be provided maximum opportunities to participate. Prior to submission of a

local coastal program for approval, local governments shall hold a public hearing or hearings on that portion of the program which has not been subjected to public hearings within four years of such submission.

Public hearings were held for the proposed amendment request on May 15, 2007, May 1, 2007, March 20, 2007, February 14, 2007, and January 10, 2007. Because the proposed zoning ordinance amendment is of city-wide effect, notices were published in the local newspaper.

STAFF NOTE: LCPA 1-08B is part of a single LCPA submittal that includes three separate components. In addition to the subject component, LCPA 1-08B Parking, the LCPA also included component 1-08A which proposed changes to regulations regarding RV parking in residential zones and landscaping requirements in R-1 (Residential Low Density) zones. This staff report addresses only LCPA 1-08B and the changes proposed to Chapter 25.52 of the certified Implementation Plan contained in City Council Ordinance 1472.

ADDITIONAL INFORMATION

Copies of the staff report are available on the Commission's website at www.coastal.ca.gov and at the South Coast District office located in the ARCO Center Towers, 200 Oceangate, Suite 1000, Long Beach, 90802. To obtain copies of the staff report by mail, or for additional information, contact *Meg Vaughn* in the Long Beach office at (562) 590-5071.

I. STAFF RECOMMENDATION

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings.

A. Denial of the IP Amendment as Submitted

MOTION: *I move that the Commission reject the Implementation Plan Amendment No. 1-08B for the City of Laguna Beach as submitted.*

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a **YES** vote. Passage of this motion will result in rejection of Implementation Plan amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY CERTIFICATION OF THE IMPLEMENTATION PLAN AS SUBMITTED:

The Commission hereby denies certification of the Implementation Plan Amendment No. 1-08B submitted for the City of Laguna Beach and adopts the findings set forth below on grounds that the Implementation Plan amendment as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Plan would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Plan as submitted.

B. Approval of the IP Amendment with Suggested Modifications

MOTION: *I move that the Commission certify the Implementation Plan Amendment No. 1-08B for the City of Laguna Beach if it is modified as suggested by staff.*

STAFF RECOMMENDATION:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Plan with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY THE IMPLEMENTATION PLAN WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the Implementation Plan Amendment 1-08B for the City of Laguna Beach if modified as suggested and adopts the findings set forth below on grounds that the Implementation Plan amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Plan amendment if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

II. SUGGESTED MODIFICATIONS

Certification of City of Laguna Beach LCP Amendment Request No. 1-08B is subject to the following modifications.

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

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

The City's proposed additions are shown in **bold, underline**.

The City's proposed deletions are shown in **bold, underline, strike out**.

1. Suggested Modification No. 1

Delete the last sentence of Section 25.52.004(A) as follows:

(A) Minimum Requirements. The parking requirements established are to be considered as the minimum necessary for such uses permitted within the respective zones and where discretionary permits are required. These requirements may be increased upon determination that the parking standards are inadequate for a specific project because that project requires an intense parking demand including, but not limited to, increased use of employees or operational standards. The submission of operational information of a proposed use, such as the number of employees for shifts, when the greatest number of employees is on duty, the hours of operation and the amount of area devoted to particular uses, shall be submitted with all Conditional Use Permit applications. These requirements may be decreased subject to the provisions of Section 25.52.006(G). ***The parking requirements of Chapter 25.52 are only applicable to allowed uses which are considered to be an intensification of use.***

2. Suggested Modification No. 2

Replace proposed Section 25.52.004 General Provisions (E)(1) and (2) with the currently certified version, as reflected below:

(E) Intensification of Use.

(1) When a ***new building is constructed or when more than 50% of the gross floor area of an existing building is proposed to be remodeled or reconstructed, or a*** use is changed to a use which has a greater parking requirement ***or when the floor area within an existing building or suite is subdivided by interior walls to accommodate additional uses,*** or when the floor area of an existing building is enlarged,

then the property owner or applicant shall provide parking or purchase in-lieu parking certificates equivalent to the number of parking spaces required by current parking regulations (up to the maximum allowed in Section 25.52.006(E)) for the proposed use having a greater parking requirement for the uses proposed in the pre-subdivided suite or building, or for the entire building which is enlarged less credit for the following:

- (a) no change
- (b) no change
- (c) no change
- (2) no change
- (3) no change

(4) In-lieu parking certificates, referenced above, are allowed only as described in Section 25.52.006(E) Special Parking Districts – In-Lieu Parking Certificates.

3. Suggested Modification No. 3

Make the following changes to Section 25.52.006 Special Provisions (E) Special Parking Districts – In Lieu Parking Certificates:

(E) Special Parking Districts – In Lieu Parking Certificates. For areas designated by the City Council to be hardship areas and for which special districts are formed for the purpose of providing central or common parking facilities, the City Council may grant relief from the requirements of this section, to the extent that an individual property owner or lessee participates in or contributes to parking in the central facility by acquiring in-lieu parking certificates equivalent to the number of spaces required for his or her individual development, up to a maximum of three certificates for any one site, unless additional certificates are approved by the City Council as part of a public/private partnership project. More than three in-lieu certificates per site shall be allowed only within a Special Parking District for which a parking and traffic management program is completed and is approved as a Local Coastal Program amendment. {Fee and schedule of payment for such in-lieu parking certificates shall be established by resolution of the City Council.} All The timing of the payment of in-lieu parking certificates shall be paid prior to the issuance of the first business license or building permit unless specified differently by the City Council.

4. Suggested Modification No. 4

Replace proposed Section 25.52.006(G) General Provisions with the currently certified version, as reflected below:

Incentives. The City Council may approve a Conditional Use Permit, upon recommendation by the planning commission approval authority, to reduce the parking standards required under this chapter where the proposed use provides for and promotes the use of alternative modes of transportation such as ride-sharing.

carpools, vanpools, public transit, bicycles and walking; and where the reduced parking requirement will not adversely impact public access to beaches, parks, open spaces, and trails and one or more of the following conditions apply:

- (1) The proposed use is a very low or low income, or disabled housing project;
- (2) The proposed use is considered to be of **equal intensity or** less intense than the previous use;
- ~~(3) **The proposed use provides for or promotes the use of alternative modes of transportation such as ride-sharing, carpools, vanpools, public transit, bicycles and walking;**~~
- (3) The proposed use is a sidewalk café having outdoor seating available to the general public as well as restaurant customers, which contributes positively to the local pedestrian environment. The parking reduction may be granted on a temporary or seasonal basis and shall be limited to a maximum of three spaces.

5. Suggested Modification No. 5

Replace proposed Section 25.52.012 Parking Spaces Required (E) Parking Spaces Required for Specific Uses with the currently certified version (with the two changes proposed by the City), as reflected below:

(E) Parking Spaces Required for Specific Uses. No structure or use shall be permitted or constructed unless off-street parking spaces, with adequate provisions for safe ingress and egress, are provided in accordance with the provisions of this Chapter. **The parking requirements of Chapter 25.52 are only applicable to allowed uses which are considered to be an intensification of use.** The following is a categorization of various types of uses and their associated **minimum** parking requirements which may be increased by the **Planning Commission or the Design Review Board approval authority** if it is determined that the parking standards are inadequate for a specific project.

III. FINDINGS

The following findings support the Commission's denial as submitted and approval of the proposed LCP Implementation Plan amendment if modified. The Commission hereby finds and declares as follows:

A. Amendment Description

The City of Laguna Beach has requested to amend the Implementation Plan (IP) portion of the Local Coastal Program (LCP) by incorporating the changes contained in City of Laguna Beach Ordinance No. 1472. Ordinance No. 1472 makes various changes to the City's Parking ordinance, Chapter 25.52. Some of the more significant changes proposed include: adding language that allows parking demand analyses to consider the number of employees or shifts for a use in the analysis; a new requirement that all valet parking is subject to a conditional use permit, whether it is required to serve a proposed use or is non-required parking, and also outlining information to be submitted when valet parking approval is sought; a new requirement that all commercial lots (meaning parking lots that charge a fee) will require approval of a conditional use permit and outlining the information that must be submitted with an application for approval of a commercial parking lot; and, replacing specific approval authorities (e.g. Planning Commission, Design Review Board) with the term "approval authority." In addition, the proposed amendment would allow required parking to be located off-site when located within 600 feet of the establishment it serves and when it is owned either by the same entity that owns the property upon which the use is located (and is deed restricted for the parking use) or owned by the City if the use is located in the Civic Art District.

Also proposed are some changes to the existing table that identifies the number of parking spaces that must be provided with specific uses. One of the changes proposed to this table is adding the ability to require additional parking for auditorium and assembly uses. This change would allow an increased parking requirement for related uses/buildings on the same site as the auditorium/assembly use. The proposed change would also impose a requirement for a shared parking study when the project under consideration (auditorium/assembly) includes 10% or more cumulative addition to the original square footage of all structures on the site. Another proposed change to the parking table would be replacing the current parking requirement for shopping centers from one space per 275 square feet of leasable floor or display area, to instead basing the number of required parking spaces for shopping centers on the specific information and conclusions contained in the newly required shared parking study (as described in Section 25.52.006(C) Shared Parking). Also, a change to this table would allow requiring additional parking spaces for food service and hotel/motel uses based on operational information such as the number of employees for shifts, the time the greatest number of employees is on duty, the hours of operation, and, the amount of area devoted to a particular use.

Most significant of the changes proposed, from a public access standpoint, is the proposal to lift the current limit of three in-lieu parking certificates per site. Currently, certified Section 25.52.006(e) allows the payment of a fee in lieu of providing actual parking spaces (in-lieu fee certificates) “for areas designated by the City Council to be hardship areas and for which special districts are formed for the purpose of providing central or common parking facilities”, and limits the number of in-lieu certificates allowed to no more than three per site. The proposed amendment would eliminate the three certificate limit when “additional certificates are approved by the City Council as part of a public/private partnership project.” The Commission recently approved Laguna Beach LCP Land Use Plan 2-07 (Downtown Specific Plan), subject to suggested modifications. The modifications required that “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.” The current amendment request proposes to add the same language that was proposed under LUPA 2-07 without the requirement for a parking and traffic management program approved as an LCP amendment. It should be noted that the subject amendment, 1-08B, was submitted (January 2, 2008) prior to final action on LCPA 2-07 (November 13, 2008).

Other provisions included in this amendment that raise public access and visitor serving issues include new language that inappropriately defines what constitutes an intensification of use and does not require that the provision of parking be considered in all cases of new development, and, the relaxation of parking requirements for uses the City is trying to encourage (i.e. incentive uses).

Also, recently approved LCPA 1-07C included suggested modifications to Chapter 25.52. Although the suggested modifications to that Section made by the Coastal Commission were accepted by the City via City Council Resolution No. 1485, some of the approved and adopted modifications are not reflected in the currently proposed changes to Section 25.52. These include language regarding intensification of use and limiting the use of in-lieu parking certificates (Section 25.52.004 (E) (1) and (2)); approved reductions to the required number of parking spaces for certain incentive uses (Section 25.52.006(g) Incentives); and replacing language that was eliminated in Section 25.52.012 (E) Parking Spaces Required for Specific Uses regarding when parking is required. Modifications are again suggested to re-insert the omitted modifications previously approved and adopted under LCPA 1-07C. Again, it should be noted that the subject amendment, 1-08B, was submitted (January 2, 2008) prior to final action on LCPA 1-07C (October 16, 2008).

B. Findings for Denial of Implementation Plan Amendment 1-08B as Submitted

The standard of review for amendments to the Implementation Plan (IP) of a certified Local Coastal Program (LCP) is whether the Implementation Plan, as amended by the proposed amendment, will be in conformance with and adequate to carry out, the policies of the certified Land Use Plan (LUP).

Below are the relevant City of Laguna Beach certified LUP policies:

The Coastal Land Use Plan Technical Appendix, a part of the certified LUP, incorporates the following Coastal Act policies:

Section 30210

In carrying out the requirement of Section 2 of Article XV of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30212.5

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30252 (in pertinent part)

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service . . . (3) providing non-automobile circulation within the development (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation . . .

Section 30253(4)

New development shall minimize energy consumption and vehicle miles traveled.

In addition, the Technical Appendix includes discussion regarding the lack of adequate parking within the City.

The certified LUP requires that maximum public access be provided with new development and includes the provision of adequate parking as one of the means of assuring maximum access. The certified LUP also places a higher priority on uses that provide visitor serving opportunities. Access to these higher priority uses must be maximized. The amendment proposes to make changes throughout Chapter 25.52 Parking Requirements. The more significant parking changes proposed by this amendment include re-inserting a standard that the City will only require parking to be provided when a use is intensified, re-inserting a provision allowing parking reductions for development proposals that provide certain incentive uses or conditions, and changes to the in-lieu parking certificate process.

1. Intensification

The proposed language (in Section 25.52.012(E)) that would require parking only when a use is intensified is:

“The parking requirements of Chapter 25.52 are only applicable to allowed uses which are considered to be an intensification of use.”

The proposed amendment would add the above cited new language that would mean that parking would only be required when proposed development represents an intensification of use. However, even when a new use is not an intensification of use, it is appropriate to consider whether additional parking could be provided with redevelopment of the site. For example an existing use could be replaced with the same use at the same site in conjunction with demolition and new construction or partial demolition/re-model of an existing building. Such a circumstance merits at least consideration of whether the demolition would allow for new parking spaces to be accommodated on site. Furthermore, although it appears to be the City’s intent that this provision apply only to commercial areas that were developed prior to creation of current parking standards, as proposed this language would apply to all zones city-wide. The language is proposed in subsection 25.52.012 Parking Spaces Required for Specific Uses. This section establishes general standards that apply city-wide. Thus, there may be areas where parking could be provided when a site redevelops, even when the redevelopment does not result in an intensification of use. Additionally, there is nothing in the language as proposed that would preclude applying this standard to residential development. Such an application could result in new residential development, in cases where there is either no intensification of use or the intensity of use is decreased (either replacing like for like or replacing a duplex with a single family dwelling for example), where no parking could be required. This would be especially problematic in areas where residential development is within close proximity to beach areas, public recreational areas, or visitor serving commercial uses.

The above cited sentence also appears at the end of Section 25.52.004(A). For the same reasons outlined above, that section should be modified to delete that sentence as well.

The proposed amendment also includes new language for determining the amount of parking that would be required when a use is intensified (Section 25.52.004(E)(1)). The proposed new language would require application of one of the following three options for providing parking when a use is intensified: 1) provide code parking for the intensified use only; 2) provide code parking for the use that existed prior to the intensification; or 3) provide all code required parking for the entire building (less credits for certain circumstances). However, the second option is problematic. Where parking demand associated with new development may adversely affect public access, the development should provide adequate parking or alternative modes of transportation.

The Commission recognizes that in older commercial areas (such as the commercial areas in Laguna Beach) it may not be possible, or sometimes even desirable, to require code parking with each development proposal. The Commission further recognizes that always requiring code parking encourages the use of individual cars where that may also not be most desirable. The Commission further recognizes that the City of Laguna Beach does provide a summer shuttle system served by a remote parking area and that other public transit opportunities exist within the City. In addition, many visitors to the City's commercial areas visit more than one use on a single trip. All these circumstances help to support reductions in the number of parking spaces required with development proposals.

Nevertheless, the proposed language that would preclude any parking requirements for all re-development that does not intensify the existing use is still not appropriate. This is particularly true in the City of Laguna Beach where parking and traffic circulation are recognized as issues for a number of different reasons, among them impediments to the provision of public access and accessibility of visitor uses. When a site is re-developed, even when the use is not intensified, it is always appropriate to consider whether additional parking spaces could be provided as necessary to bring the site up to current parking standards. This would be accomplished during the development review process. It should be made clear that when parking deficiencies are allowed to remain, it will not create additional adverse impacts on public access. Furthermore, Section 25.52.006(G) Incentives allows for parking reductions when a proposed use is less intense than the previous use. Thus, when the provision of additional parking is not feasible in cases where a less intense use replaces a higher intensity use, Section 25.52.006(G) allows for parking reductions.

There is no assurance that the proposed elimination of parking requirements when a site is re-developed but the use is not intensified, would preserve, protect or promote public access. The same is also true when a use is expanded, but the parking requirement is determined based on the existing, rather than expanded use. Thus, the changes discussed above regarding parking requirements and intensification of use, do not promote and assure public access. Therefore, the amendment is inconsistent with and inadequate to carry out the public access and visitor serving policies of the certified Land Use Plan and therefore must be denied as submitted.

Furthermore, Section 25.52.004(E)(1) includes language describing what constitutes an intensification of use that reverts back to language prior to modification by the Commission in its approval of LCPA 1-07C. The Commission's modified language was accepted by the City and is effectively certified as of October 16, 2008. The language added by the Commission to Section 25.52.004(E)(1) states (Commission's modification per LCPA 1-07C in **bold, italic, double underline**; City's language to be deleted is in **bold, italic, strikeout**):

“(E) Intensification of Use (1) When a **new building is constructed or when more than 50% of the gross floor area of an existing building is proposed to**

~~be remodeled or reconstructed, or a~~ use is changed to a use which has a greater parking requirement ~~or when the floor area within an existing building or suite is subdivided by interior walls to accommodate additional uses,~~ or when the floor area of an exiting building is enlarged, then the property owner or applicant ... “

The City has indicated it was not their intent to make changes to the accepted modifications. Thus, as proposed the amendment is not consistent with either the Commission's recent action, nor with the City's intent. In approving, LCPA 1-07C, the Commission found that only if modified as suggested, could the language of Section 25.52.004(E) be found to be consistent with and adequate to carry out the policies of the certified Land Use Plan. Those findings are incorporated herein by reference (see exhibit C). Therefore, the language as proposed by the City in LCPA 1-08B also cannot be found to be consistent with or adequate to carry out the policies of the certified LUP and therefore must be denied.

2. Incentives

The amendment also proposes to modify the Incentives Section (25.52.006(G)) by re-inserting the original Incentives language proposed under LCPA 1-07C. The original language was modified by the Commission via a suggested modification that was adopted by the City via City Council Resolution No. 1485.

As stated above, the Commission recognizes that parking reductions are often appropriate. However, every time a parking reduction that could adversely affect public access is granted based on incentives, it should be demonstrated that the use will provide and/or promote alternative forms of transportation. This should not be one of a group of incentive uses. Rather, it should be required of all development that may adversely affect public access and that are seeking reductions in parking requirements based on incentives. As proposed, provision/promotion of alternate forms of transportation would not be required with each parking reduction granted for incentive uses.

The issue raised by parking reductions is whether such reduction would adversely impact public access to the shoreline, recreational opportunities, or visitor amenities. If the incentive uses listed above would create adverse impacts on public access or decrease the availability of visitor opportunities, then the parking reductions cannot be found to be consistent with or adequate to carry out the certified LUP's requirements regarding visitor serving uses and public access. As proposed this section does not include a requirement that an applicant requesting a parking reduction or the City in granting such a reduction demonstrate how visitor uses and public access will be maintained if the reduction is granted.

As proposed, the parking reductions based on incentive uses will not assure protection of public access including access to the shoreline, public recreation, and visitor amenities.

Thus, the proposed amendment is inconsistent with and inadequate to carry out the certified Land Use Plan policies regarding public access and visitor serving use and therefore must be denied.

3. In-Lieu Parking Certificates

Section 25.52.006(E) currently allows the purchase of certificates in lieu of providing parking spaces. This is allowed in areas where the provision of all code required parking is known to be a hardship and the City Council designates the area a Special Parking District. The in-lieu parking program has been part of the Implementation Plan since its initial certification in the early 1990s. The in lieu fees are used by the City to provide additional public parking. The City's 218 space Glenneyre Street parking structure was funded, in part, by in-lieu fees. In addition, the City's acquisition of a 5,500 square foot parcel, intended to provide public parking, was funded in part by in-lieu fees. In lieu parking fees were also used recently to provide thirty-three public parking spaces on a City owned site in the downtown area.

The proposed amendment would eliminate the limit of three in lieu parking certificates per site. The amendment proposes to add the following language to the section that describes the in lieu parking certificate program (City's proposed language in **bold, underline text**):

25.52.006(E) Special Parking Districts – In-Lieu Parking Certificates. For areas designated by the City Council to be hardship areas and for which special districts are formed for the purpose of providing central or common parking facilities, the City Council may grant relief from the requirements of this section, to the extent that an individual property owner or lessee participates in or contributes to parking in the central facility by acquiring in-lieu parking certificates equivalent to the number of spaces required for his or her individual development, up to a maximum of three certificates for any one site, **unless additional certificates are approved by the City Council as part of a public/private partnership project.**

This same language was recently proposed by the City in LCPA 2-07 for the Downtown Specific Plan. In approving LCPA 2-07, the Commission imposed a suggested modification to the City's proposed language. The modified language agreed upon requires that "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." The Commission found that only if modified as suggested, could the proposed amendment be found to be consistent with and adequate to carry out the certified Land Use Plan. The City has accepted the modifications suggested by the Commission, and the modification language is effectively certified. However, the City is again proposing the same language, without the Commission's modification, to apply not just in the Downtown Specific Plan area, but citywide (that is, anywhere the City Council deems a "hardship area").

The proposed amendment would eliminate the three certificate limitation for ‘public/private partnership projects’. Public/private partnership projects, however, are not defined in the City’s LCP. Without a definition of public/private partnership, much is left to interpretation. Furthermore, it is not clear how a determination that a project qualifies as a “public/private partnership” is made or by whom. Moreover, once the determination is made there is no limit at all to the number of in-lieu certificates that may be granted. This could theoretically result in a project being approved, regardless of size or parking demand generated, without any requirement that actual parking spaces be provided and without any assessment of whether this would adversely impact public access.

Also, new language proposed in section 25.52.004(E)(1) would allow the purchase of in-lieu parking certificates without limit or restriction when a use is intensified. However, as described above, Section 25.52.006(E) establishes the procedure for determining when the purchase of in-lieu parking certificates is appropriate. Thus, as proposed, the amendment would create an internal inconsistency within the IP.

In a confined area like many of Laguna Beach’s commercial areas, where development began long before parking standards were considered, a community or shared use parking plan often makes the most sense. The parking in-lieu fee program allows the City to collect fees to go toward construction of community parking lots or structures. Group parking serving more than one use tends to be a more effective method of providing parking in older areas without much space to provide individual parking areas for each use. Also, this allows for a shared use of the parking. Many people who come to the commercial areas access more than one use per trip. The collection of in-lieu fees assists the City in funding the acquisition and construction of additional parking that will be available to multiple downtown users.

However, there are drawbacks to allowing development to proceed without actually providing parking spaces at the time the use is established. The fee collected is generally not equal to the actual cost of constructing parking spaces. Additionally, in-lieu fees create a time gap during which the parking demand is increased thereby increasing the parking shortage with no additional parking provided. The time necessary to provide the additional parking depends on when land becomes available to construct additional parking, and when the City accumulates enough funding to construct the parking. Another issue raised by in-lieu parking fees is that although fees are collected, in some cases they are either not directed appropriately or they are never applied. However, the in-lieu program in Laguna Beach appears to be working effectively. The City does have a Parking In-Lieu Account where the fees are deposited and funds are reserved exclusively for construction of parking improvements in the downtown area.

The City’s certified LUP recognizes the importance of the provision of adequate parking in maximizing public access to the coast. The policies cited above recognize that adequate parking is a critical component in maximizing public access. These LUP parking policies are intended to assure that new development will not interfere with the provision of

maximum access by not providing adequate parking or alternative modes of transportation.

As proposed to eliminate the three certificate limit, the amendment could theoretically result in unlimited increased development without the provision of immediate additional parking spaces or of alternative modes of transportation and without regard to impacts on public access. In many areas of the City, especially nearest the coast, the shortage of parking is already critical. The Commission recognizes that due to the history of the area some concessions must be made to accommodate parking. Requiring all new development to provide all code required parking immediately simply is not feasible due to the City's built out nature and limited space. Rather, providing appropriately located parking that serves multiple uses is a preferred option in this area. The in-lieu program in Laguna appears to be a workable solution, as evidenced by the City's application of the in-lieu fees collected to provide additional new parking spaces in the downtown area.

Currently, the City's certified Downtown Specific Plan requires the establishment of a new parking and traffic management program to better assess the current demands on parking and public access that exist within downtown Laguna Beach before the three certificate limit can be lifted. This standard should be applied to all Special Parking Districts created pursuant to Section 25.52.006(E) in which in-lieu parking certificates are contemplated.

Before payment of a fee is accepted in lieu of the provision of more than three actual, immediate parking spaces, potential impacts and benefits of such actions should be evaluated. This should be accomplished through preparation of parking and traffic management plans for each special parking district. A parking and traffic management plan should identify existing public access constraints, and present potential solutions to alleviate these problems. This way, adverse impacts to public access due to parking constraints related to the granting of in lieu certificates would be minimized.

Expansion of the in-lieu fee program may be one potential solution to the City's parking issues, however until analysis of existing conditions has been conducted, the removal of the three space in-lieu fee certificate limit for new development may be premature, and could create a situation where in-lieu fee certificates are sold without the ability to provide adequate, centralized, replacement parking to serve the District. Once completed, the parking and traffic management plans for the special parking districts should be included within the City's certified LCP.

However, as proposed, none of the measures described above would be included in conjunction with the proposal to lift the three in-lieu parking certificate limit. Thus, there is no assurance that public access opportunities will be protected or maximized when feasible. For these reasons, the proposed IP amendment is inconsistent with and inadequate to carry out the policies of the City's certified Land Use Plan and must be denied.

4. Conclusion

For the reasons described above, the amendment as proposed is not consistent with or adequate to carry out the public access and visitor serving policies of the certified Land Use Plan.

C. Findings for Approval of Implementation Plan Amendment 1-08B if Modified as Recommended

1. Incorporation of Findings for Denial of Implementation Plan Amendment 1-08B as Submitted

The findings for denial of the Implementation Plan amendment as submitted are incorporated as if fully set forth herein.

2. Public Access/Parking

The amendment proposes to make changes throughout Chapter 25.52 Parking Requirements. Of the changes proposed, only three areas raise issues regarding consistency with and adequacy to carry out the certified Land Use Plan. The certified LUP requires that maximum public access be provided with new development and includes the provision of adequate parking and alternative modes of transportation as means of assuring maximum access. The certified LUP also places a higher priority on uses that provide visitor serving opportunities. Access to these higher priority uses must be maximized. The issues raised by the amendment as proposed include: proposed changes to what constitutes an intensification of use and the amount of parking required with new development; changes to the three certificate limit for in-lieu parking certificates; and changes to parking requirements for incentive uses.

Intensification

As proposed, the amendment would not require any parking when a proposed development does not result in an intensification of use (Sections 25.52.0012(E) and 25.52.004(A)). Although this can be appropriate, it is not always appropriate. If an existing use does not provide adequate parking and the new proposal would actually create an opportunity to provide some or all of the parking, then it may be appropriate to require it. The proposed amendment does not allow for review of projects to evaluate whether parking could or should be provided with new development proposals. Even though it may sometimes be appropriate to forgo the parking requirement when a proposed development does not result in an intensification of use, it should be considered and required when it is feasible to do so. The amendment does not do this and so must be denied as submitted. Furthermore, Section 25.52.006(G) Incentives allows for reductions in the parking requirement when a higher intensity use is replaced with a less intense use. Thus, when the provision of additional parking is not feasible in cases where the intensity of use is reduced, would not be required to be provided.

In order to be consistent with and adequate to carry out the public access and visitor policies of the LUP, the amendment must be modified to add language to the section that describes parking standards that apply when a use is intensified (Section 25.52.004(E)), to make clear “intensification of use” includes situations when “a new building is constructed or when more than 50% of the gross floor area of an existing building is proposed to be remodeled or reconstructed.” Suggested modification No. 2 includes this change and will require that development review will include consideration of the parking requirement for such development and address the stated concerns with regard to Section 25.52.004. The Commission previously suggested identical modifications to Section 25.52.004 in LCPA 1-07C, which the City accepted.

In addition, Section 25.52.012(E) must be modified to eliminate the proposed language that would limit the ability to require parking only when a use is intensified (Suggested Modification No. 5). This same change, for the same reasons, must be made to the last sentence in Section 25.52.004(A). As proposed Section 25.52.012(E) and Section 25.52.004(A), parking may not be required in every case where it would be appropriate to require it. If the language is deleted from these sections, however, that would not happen. Instead, consideration of the provision of parking would be considered with all new development. In the case of a less intense use replacing a use of higher intensity, whether and how much parking should be provided can be considered. If the provision of parking is not feasible in such cases, then Section 25.52.006(G) Incentives, would allow parking reductions. However, as it currently exists, Section 25.52.006(G) would not allow parking reductions when the level of intensity remains the same. In order to allow parking reductions for a replacement use of the same intensity (when that use would not create adverse public access impacts), a modification is suggested which would allow a parking reduction in such cases (Suggested Modification 4). With this suggested modification, Sections 25.52.004(A) and 25.52.012(E) could be found to protect public access to beaches, public recreation, and to visitor serving amenities. Therefore, if modified as suggested the proposed amendment would be consistent with and adequate to carry out the public access and visitor serving policies of the certified Land Use Plan.

Incentives

As proposed, the amendment would allow parking reductions as an incentive for certain uses. However, as proposed, the amendment does not require that alternative transportation be provided and/or promoted in order for a reduction to be approved. In addition, there is no requirement that an applicant or the City demonstrate that a requested parking reduction will not result in adverse impacts to public access and visitor use. Without such requirements, there is no assurance that the proposed allowance for parking reductions for incentive uses won’t adversely impact public access. However, if the amendment is modified as recommended to incorporate these requirements into Section 25.52.006(G) Incentives, then the amendment could be found to be consistent with and adequate to carry out the certified LUP policies regarding public access. With Suggested Modification No. 4, parking incentives would be restricted to three categories of projects:

housing for low-income or disabled households, projects that reduce the intensity of use, and sidewalk cafes. An eligible project could receive an incentive only if the project promotes or provides for alternative modes of transportation and would not adversely affect public access. The Commission previously suggested an identical modification to LCPA 1-07C, which the City accepted. Therefore, if modified as suggested, the proposed amendment would be consistent with and adequate to carry out the certified Land Use Plan policies regarding public access and visitor serving uses.

In addition, a modification is suggested to allow development where a change in use that results in the same level of intensity to qualify for a parking reduction under this incentives section. Especially in older, built out, commercial areas provision of code required parking may not be feasible. As long as the parking reduction will not create adverse impacts to public access, the like for like change in use would be acceptable. Thus, Suggested Modification No. 4 is recommended to address this issue. This will still allow parking to be required in these cases when it is feasible to do so.

In-Lieu Parking Certificates

As proposed, Section 25.52.004(E) would allow purchase of unlimited certificates in lieu of providing required parking spaces. However, the standards for when and how many parking in lieu certificates may be used are established in the Section 25.52.006(E) of the Implementation Plan. If the proposed amendment were modified to include a cross reference to Section 25.52.006(E) Special Parking Districts – In Lieu Certificates, there would be no confusion as to which in lieu parking standard controls and appropriate oversight of the use of in lieu parking certificates would be assured. Without such a cross reference, public access would not be assured or maximized, thus the amendment would be inconsistent with and inadequate to carry out the certified Land Use Plan policies regarding public access and visitor serving uses. Therefore, only if modified as suggested (Suggested Modification No. 2) can the proposed amendment be found to be consistent with and adequate to carry out the policies of the certified Land Use Plan.

Furthermore, in Section 25.52.006(E) Special Parking Districts, the amendment proposes to remove the three certificate limit for projects approved by the City Council as part of a “public/private partnership project.” However, as described in the findings for denial of the amendment as submitted, what constitutes a public/private partnership is not defined, how that determination is made and by whom is not clear, and, for projects that are determined to qualify, there is no limit to the number of in-lieu certificates that could be granted.

Before additional in-lieu certificates are granted, an understanding of impacts resulting from granting the certificates should be established. This could be accomplished through preparation of parking and traffic management programs for the special parking districts prior to allowing individual projects within those districts to obtain more than three in-lieu parking certificates.

A modification is suggested that would require completion of a parking and traffic

management study for a special parking district before projects within that district could obtain more than three certificates. The required parking and traffic management study would provide a basis for determining whether proposed developments within that district (whether public private partnerships or not) would adversely impact public access including access to the shoreline, public recreation, and visitor amenities within the project vicinity.

If the amendment were modified such that in-lieu parking certificates were limited to projects within Special Parking Districts (per Section 25.52.006(E)) for which a parking and traffic management program has been prepared and approved via LCP amendment, then the proposed amendment could be found to be consistent with the public access and visitor serving policies of the certified Land Use Plan. Thus, only if modified as suggested (Suggested Modification No. 3) can the proposed amendment be found to be consistent with and adequate to carry out the policies of the certified Land Use Plan.

D. Conclusion

The certified LUP requires that maximum public access be provided with new development and includes the provision of adequate parking as one of the means of assuring maximum access. The certified LUP also places a higher priority on uses that provide visitor serving opportunities. Access to these higher priority uses must be maximized.

For the reasons described above, only if modified as suggested can the proposed Implementation Plan amendment be found to be consistent with and adequate to carry out the public access and visitor serving policies of the City's certified Land Use Plan. Therefore, the Commission finds that, as modified the proposed Implementation Plan amendment is consistent with and adequate to carry out the provisions of the certified Land Use Plan (LUP).

IV. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 21080.9 of the California Public Resources Code – and the California Environmental Quality Act (CEQA) - exempts local governments from the requirement of preparing environmental impact reports (EIRs), among other things, in connection with their activities and approvals necessary for the preparation and adoption of local coastal programs (LCPs). The Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under Section 21080.5 of CEQA, the Commission is relieved of the responsibility to prepare an EIR for each LCP. Nevertheless, the Commission is required, in approving an LCP submittal, to find that the proposal does conform with the provisions of CEQA, and to base any certification on a specific factual finding supporting the conclusion that the proposal "meets the requirements of [CEQA] Section 21080.5(d)(2)(i) ... , which requires that an activity will not be approved or adopted as proposed if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment." 14 C.C.R. Sections

13555(b), 1354(a), and 1354(f). The City of Laguna Beach LCP amendment 1-08B consists of an amendment to the Implementation Plan (IP) only.

As outlined in this staff report, the proposed Implementation Plan amendment would result potential impacts to public access and visitor serving opportunities due to reductions in required parking.

However, if modified as suggested, the IP amendment is in conformity with and adequate to carry out the public access and visitor serving policies of the certified LUP. Therefore, the Commission finds that approval of the Implementation Plan amendment as modified will not result in significant adverse environmental impacts under the meaning of CEQA. Therefore, the Commission certifies LCP amendment request 1-08B if modified as suggested herein.

RESOLUTION NO. 07.040

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH, CALIFORNIA, ADOPTING LOCAL COASTAL PROGRAM AMENDMENT 06-05 AND REQUESTING ITS CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION

WHEREAS, after notice duly given pursuant to Government Code Section 65090 and Public Resources Code Sections 30503 and 30510, the Planning Commission of the City of Laguna Beach held at least one public hearing to consider the adoption of Laguna Beach Local Coastal Program Amendment 06-05; and

WHEREAS, the City Council, after giving notice as prescribed by law, held at least one public meeting regarding the proposed Laguna Beach Local Coastal Program Amendment 06-05, and the City Council finds that the proposed amendment is consistent with the Certified Laguna Beach Coastal Land Use Plan and Chapter 6 of the California Coastal Act; and

WHEREAS, the City Council of the City of Laguna Beach intends to implement the Local Coastal Program in a manner fully consistent and in conformance with the California Coastal Act;

NOW, THEREFORE, the City Council of the City of Laguna Beach does hereby resolve as follows:

SECTION 1: That the Laguna Beach Local Coastal Program Amendment 06-05 is hereby approved, consisting of Ordinance No. 1472 pertaining to amendments to Municipal Code Section 25.52, relating to parking requirements. A copy of the aforesaid Ordinance is attached hereto as Exhibit A, and is incorporated by this reference as though fully set forth herein.

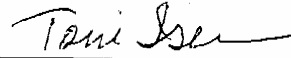
COASTAL COMMISSION
LGB LCPA 1-08B
EXHIBIT # A
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1 SECTION 2: That the California Coastal Commission is hereby requested to
2 consider, approve and certify **Laguna Beach Local Coastal Program Amendment No. 06-**
3 **05.**

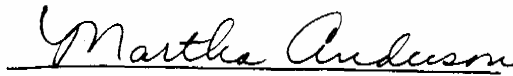
4 SECTION 3: That pursuant to Section 13551(b) of the Coastal Commission
5 Regulations, **Laguna Beach Local Coastal Program Amendment No. 06-05** will
6 automatically take effect immediately upon California Coastal Commission approval, as
7 provided in Public Resources Code Sections 30512, 30513 and 30519.
8

9
10
11 ADOPTED this 15th day of May, 2007.
12

13 

14 Toni Iseman, Mayor

15 ATTEST:

16 
17 City Clerk
18

19 I, MARTHA ANDERSON, City Clerk of the City of Laguna Beach, California, do
20 hereby certify that the foregoing Resolution No. 07.040 was duly adopted at a Regular
21 Meeting of the City Council of said City held on May 15, 2007, by the following vote:

22 AYES: COUNCILMEMBER(S): Boyd, Schneider, Kinsman, Egly, Iseman

23 NOES: COUNCILMEMBER(S): None

24 ABSTAIN: COUNCILMEMBER(S): None

25 ABSENT: COUNCILMEMBER(S): None
26

27 

28 City Clerk of the City of Laguna Beach, CA

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ORDINANCE NO. 1472
AN ORDINANCE OF THE CITY OF LAGUNA BEACH AMENDING
MUNICIPAL CODE SECTION 25.52 REGARDING PARKING.

WHEREAS, on January 10 and February 14, 2007, the Planning Commission conducted a legally noticed public hearings and, and after reviewing and considering all documents, testimony and other evidence presented, voted to recommend that the City Council approve amendments to the parking ordinance; and

WHEREAS, on March 20, May 1, and May 15, 2007, the City Council conducted legally noticed public hearings and has reviewed and considered all documents, testimony and other evidence presented;

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH DOES ORDAIN, as follows:

SECTION 1. Chapter 25.52 is hereby amended to read in its entirety as shown in the attached Exhibit A.

SECTION 2. This Ordinance is exempt from compliance with the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines.

SECTION 3. If any portion of this Ordinance, or the application of any such provision to any person or circumstance, shall be held invalid, the remainder of this Ordinance to the extent it can be given effect, of the application of such provision to person or circumstances other than those as to which it is held invalid, shall not be affected thereby and to this extent the provisions of this Ordinance are severable.

SECTION 4. This Ordinance is intended to be of Citywide effect and application. All ordinances and provisions of the Laguna Beach Municipal Code and Sections thereof

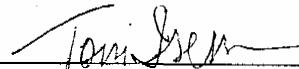
COASTAL COMMISSION
LGB LCBA 1-08B
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inconsistent shall be and the same are hereby repealed to the extent of such inconsistency and no further.

SECTION 5. The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published in the manner required by law in the City of Laguna Beach. This Ordinance shall become effective thirty (30) days from and after the date of its adoption by the City Council.

ADOPTED this 15th day of May, 2007.



Toni Iseman, Mayor

ATTEST:


City Clerk

I, Martha Anderson, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council on May 1, 2007, and was finally adopted at a regular meeting of the City Council of said City held on May 1, 2007, by the following vote:

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


City Clerk of the City of Laguna Beach, CA

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Exhibit A

Chapter 25.52

PARKING REQUIREMENTS

Sections:

- 25.52.002 Intent and purpose.
- 25.52.004 General provisions.
- 25.52.006 Special provisions.
- 25.52.008 Design of parking space facilities.
- 25.52.010 Landscaping, lighting and drainage of parking facilities.
- 25.52.012 Parking spaces required.

25.52.002 Intent and purpose.

The provisions of this chapter have been established to ensure that adequate off-street parking is provided to meet the parking needs of uses located within the city.

25.52.004 General provisions.

- (A) Minimum Requirements. The parking requirements established are to be considered as the minimum necessary for such uses permitted within the respective zones and where discretionary permits are required. ~~These requirements may be increased if it is determined upon determination that the parking standards are inadequate for a specific project, because that project requires an intense parking demand including, but not limited to, increased use of employees or operational standards.~~ ~~The submission of operational information of a proposed use, such as the number of employees for shifts, when the greatest number of employees is on duty, the hours of operation and the amount of area devoted to particular uses, shall be submitted with all Conditional Use Permit applications.~~ ~~These requirements may be decreased subject to the provisions of Section 25.52.006(HG).~~ The

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parking requirements of Chapter 25.52 are only applicable to allowed uses which are considered to be an intensification of use.

(B) Location of Parking.

- (1) Required parking spaces for residential uses shall be located on the same building site and shall be directly accessible from a street or alley improved to subdivision standards or from a usable vehicular right-of-way of record.
- (2) Required parking spaces for nonresidential uses, including hotels, shall be provided on-site.
- (3) Property within the right-of-way of a street (either public or private) shall not be used to provide the minimum parking requirements or loading facilities.

(C) Accessibility and Usability.

- (1) All required parking spaces for commercial and industrial uses shall be designed and maintained so as to be fully and independently usable and accessible during hours of operation. Required parking areas, including residential parking, shall not be used for any purpose which would preclude the use of the area for the parking of motor vehicles. The storage of materials, motor vehicles for sale, recreational vehicles, wrecked or inoperable vehicles or the repair of vehicles in areas designated for off-street parking is prohibited.
- (2) No required parking area or parking space shall be eliminated, reduced or converted in any manner unless equivalent facilities approved by the City are provided elsewhere in conformity with this chapter.

(D) Parking Spaces for the Physically Handicapped. Handicapped parking spaces shall be provided in accordance with the requirements set forth in the state building code and other applicable laws and regulations and shall be counted in fulfilling parking requirements.

(E) Intensification of Use.

- (1) When a use is changed to a use which has a greater parking requirement or when the floor area within an existing building or suite is subdivided by interior walls to accommodate additional uses, or when the floor area of an existing building is enlarged, then the property

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owner or applicant shall provide parking or purchase in-lieu parking certificates equivalent to the number of parking spaces required by current parking regulations for the proposed use ~~having a greater parking requirement, for the uses proposed in the pre-subdivided suite or~~ building, or for the entire building which is enlarged less credit for the following:

- (a) The actual number of parking spaces provided on-site, if any;
 - (b) The number of previously paid for in-lieu parking certificates for the subject premises, if any; and
 - (c) The number of parking spaces that would have been required by the parking regulations in effect in 1958 for the use currently existing on the property, if the building was built prior to that time, minus the actual number of parking spaces provided on-site, if any.
- (2) ~~In a situation where~~ When an enlargement results in the creation of no more than ten percent additional square footage of floor area, ~~and does not exceeding~~ five hundred square feet, ~~the required additional parking shall be provided required~~ for the enlarged area only.
- (3) When an intensification of use is proposed, and when such use and/or building is a portion of a larger premises for which parking spaces are already provided and/or in-lieu parking certificates have been issued and paid for, then any credit for such parking and/or certificates shall be allocated proportionately on a gross square footage basis.

25.52.006 Special provisions.

- (A) Common Parking Areas. Common parking facilities may be provided to satisfy the on-site requirements contained herein if the sum of the spaces in the common facility equals the sum of the spaces required for the individual developments/uses, subject to the following minimum conditions:
- (1) A parking allocation plan shall be approved by the ~~planning commission approval authority~~ showing all common parking areas and shall be kept on file in the Department of Community Development.

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- (2) Where more than one business occurs and common parking areas are utilized, each business must have access to its proportional allotment of the spaces, i.e., no allocation or validation ~~program will be allowed which prevents any tenant from the use of his proportionate~~ allocation of parking.
- (3) A reciprocal parking easement in a form satisfactory to the City shall be executed by the parties involved and by the owner of the property where the parking spaces are located and shall be kept on file in the Department of Community Development. Such agreement shall ensure the continued availability of the number of spaces allocated to each use.
- (B) Joint Use of Parking Spaces. Two or more uses with different hours of operation may utilize the same parking spaces to satisfy their respective parking requirements subject to the granting of a Conditional Use Permit and the following minimum conditions:
- (1) There shall be no conflict or overlap between the hours of operation for each use utilizing the same parking spaces;
- (2) A parking allocation plan showing all jointly used parking shall be submitted prior to approval of the Conditional Use Permit by the ~~planning commission approval authority~~ and shall be kept on file in the Department of Community Development;
- (3) A reciprocal parking easement in a form satisfactory to the City shall be executed by the parties involved and by the owner of the property where the spaces are located and shall be kept on file in the Department of Community Development. Such agreement shall ensure the continued availability of the number of spaces designated for joint use at the periods of time indicated.
- (4) Non-required parking spaces leased by an existing business at an off-site location for use by customers and/or employees of that business that does not conflict with the business hours of the uses, if any, located at the off-site location shall be exempt from these provisions.
- (C) Shared Parking. A reduction from parking space requirements as specified in Section 25.52.012, may be allowed for certain mixed use developments which have different peak hours of operation or

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intensity of use subject to the granting of a Conditional Use Permit and the following minimum conditions:

- (1) ~~A shared parking study prepared by a licensed traffic engineer with experience in performing~~
shared parking studies shall be submitted which demonstrates that the development will result in a more efficient use of proposed or provided parking because the combined peak parking demand is less than the normal standards due to different, offsetting parking activity or intensity patterns of the businesses in the development, or there is a relationship among the uses that results in the attraction of patrons or customers to two or more uses with a single auto trip to the development.
- (2) A shared parking allocation plan showing all shared parking shall be submitted as part of the Conditional Use Permit application. The number of spaces required for an approved shared parking plan shall be based on the number of spaces estimated to be the combined use peak parking demand. In addition, a well-balanced mixture of uses within the development must be demonstrated. ~~No more than thirty five percent of the entire leasable floor area of a development may be allocated for full service restaurants, including any common seating area, and no more than five percent of the entire leasable floor area of a development may be allocated for take-out restaurants, including any common seating area, if allowed.~~
- (D) Valet Parking. Valet parking on a lot, whether proposed on-site to fulfill parking requirements, or off-site for non-required parking requirements, requires approval of a Conditional Use Permit. The application shall include a parking plan and program providing the following minimum information: A parking area providing attendants to park motor vehicles at all times when the use or structure is open may be used to fulfill parking requirements subject to a conditional use permit and presentation of a parking plan and program.
 - (1) Parking space layout, dimension of spaces, drive aisles and valet route (if the proposed parking is located off-site). Parking lot layout and drive aisle widths shall be subject to review and approval by the Fire Department.

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- (2) Operation information of the lot including whether the valet parking is for the use of employees or customers, including the number of the employees, shift hours and hours that the parking lot would be in use.
-
- (3) A plan to minimize noise, loitering and trash adjacent to the off-site valet parking lot.
- (4) The drop-off and pick-up areas must be safe from traffic hazards and be adequately posted.
- (5) ~~The~~ Valet parking ~~area(s)~~ must be off-street and comply with the provisions of Section 25.52.006(aA) and (B), regarding common or joint parking areas.
- (6) If an existing approved off-site valet parking area(s) becomes unavailable for any reason, the associated Business License, Conditional Use Permit and Certificate of Use and Occupancy shall automatically become null and void.
- (7) Existing off-site valet parking operations not conforming to the provisions of this subsection (D) shall, within six (6) months after receiving appropriate written notice from the Community Development Department either obtain approval of a Conditional Use Permit or abate such operations. Valet parking currently operating on-site operations as of June 1, 2007, shall continue to be legal non-conforming unless there is a change in intensity or use.
- (E) Special Parking Districts - In-Lieu Parking Certificates. For areas designated by the City Council to be hardship areas and for which special districts are formed for the purpose of providing central or common parking facilities, the City Council may grant relief from the requirements of this section, to the extent that an individual property owner or lessee participates in or contributes to parking in the central facility by acquiring in-lieu parking certificates equivalent to the number of spaces required for his or her individual development, up to a maximum of three certificates for any one site, unless additional certificates are approved by the City Council as part of a public/private partnership project. ~~(Fees and schedule of payment for such in-lieu parking certificates shall be established by resolution of the City Council.)~~ ~~At~~ The timing of the payment of in-lieu parking certificates shall be paid prior to the issuance of the first business license or building permit unless specified differently by the City Council.

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- (F) Spaces for Bicycles. The ~~planning commission or design review board approval authority~~ may require the provision of bicycle racks or bicycle parking facilities in any development submitted for development review. If such bicycle parking facilities are required, the location and design of such facilities shall be shown on the site plans and shall be subject to approval.
- (G) Incentives. The City Council may approve a Conditional Use Permit, upon recommendation by the ~~planning commission approval authority~~, to reduce the parking standards required under this chapter here one or more of the following conditions apply
- (1) The proposed use is a very low or low income, or disabled housing project;
 - (2) The proposed use is considered to be less intense than the previous use;
 - (3) The proposed use provides for or promotes the use of alternative modes of transportation such as ride-sharing, carpools, vanpools, public transit, bicycles and walking;
 - (4) The proposed use is a sidewalk cafe having outdoor seating available to the general public as well as restaurant customers, which contributes positively to the local pedestrian environment. The parking reduction may be granted on a temporary or seasonal basis and shall be limited to a maximum of three spaces.
- (H) Off-Site Parking Spaces. Additional parking that is required for an intensification of nonresidential uses may be satisfied by providing off-site parking spaces subject to the approval of a Conditional Use Permit and compliance with the following minimum standards:

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- (1) The property providing the offsite parking spaces shall either:
- (a) be under identical ownership as the property on which the business or commercial use is located, is within six hundred (600) feet of the establishment; and for the properties under identical ownership, is deed restricted in a form satisfactory to the City, binding the offsite parking to the use, and recorded with the County Clerk-Recorder; or
 - (b) for uses in the Civic Art District only, be owned by the City.
- (2)(e) The off-site parking spaces shall be available at all times during which the business or commercial use is open or operating.
- (3)(d) The off-site parking spaces shall not be used or counted to satisfy the parking requirements of the property on which the parking spaces are located.
- (4)(e) The applicant, as part of the application for the Conditional Use Permit, shall submit a detailed parking plan indicating the location of the proposed off-site parking spaces. The off-site parking spaces shall be located so that they safely and adequately serve the purpose for which they are intended. The following factors, among others as deemed appropriate, shall be considered:
- (a)(i) Proximity of the off-site parking spaces;
 - (b)(ii) Traffic circulation to and from the off-site parking spaces;
 - (c)(iii) Ease and safety of pedestrian access to and from the off-site parking spaces; and

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~~(d)(iv)~~ The type of use of the property on which the off-site parking spaces are located (for example, off-site parking on property with high turnover uses, such as fast food restaurants, may be problematic).

~~(5)(f)~~ Appropriate signage shall be required at both the business or commercial use and the off-site parking area. Each off-site parking space shall be individually and permanently signed indicating the name of the business or commercial use and the operating hours of such use for which those spaces shall be available.

~~(6)(g)~~ The off-site parking spaces shall be available at no cost to employees, patrons, or customers or business-used vehicles of the business or commercial use that is requiring those spaces. The off-site parking spaces may not be used for paid parking purposes during the operating hours of the business or commercial use that is requiring those spaces.

~~(7)(h)~~ The applicant and the owner of the affected properties (if someone other than the applicant) shall execute and enter into a written agreement in a form satisfactory to the City, and which shall be recorded and kept on file in the Department of Community Development. The agreement shall ensure the continuous availability of the number and location of the off-site parking spaces required for the duration of the business or commercial use and for the operating hours of such use. The term for the business lease and the off-site parking shall be the same time period. The agreement shall contain an acknowledgment by the applicant that the Conditional Use Permit and any associated Business License and/or Certificate of Use shall automatically be revoked and become null and void if any of the required off-site parking spaces becomes unavailable for any reason without the provision of an equivalent number of replacement on-site parking spaces or approved other off-site parking spaces. Any such revocation shall be effective upon the applicant's receipt of written notification by the City.

(I) Commercial Parking Lots. Any commercial parking lot (to mean and include a place maintained for parking of vehicles where such parking is permitted upon payment of a fee), including those that are

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part of a commercial development and/or center and charging a fee for use of required off-street parking, shall obtain approval of a Conditional Use Permit subject to the following minimum requirements:

- (1) A parking study prepared by a licensed traffic engineer with experience in performing parking studies shall be submitted that includes the following minimum information:
 - (a) Demonstrate that the commercial parking lot will result in a more efficient use of proposed or provided parking.
 - (b) Demonstrate that the combined peak parking demand is equal to or less than the normal standards due to different, offsetting parking activity or intensity patterns of the businesses in the development.
- (2) Parking spaces determined to be in excess of those required for the existing uses on-site, if any, may be leased to persons other than those visiting the commercial business at the site. The spaces for the businesses and the spaces leased to others must be clearly identified on the plan.
- (3) All existing commercial pay lots and businesses offering parking for a fee not conforming to the provisions of this subsection (1) shall, within six (6) months after receiving appropriate written notice from the Community Development Department, either obtain approval of a Conditional Use Permit or cease the operation.

25.52.008 Design of parking space facilities.

The following are minimum standards unless otherwise stated:

- (A) Size of Spaces and Parking Bay Dimensions (in feet).
 - (1) Residential (covered in a garage or carport): eight feet eight inches (8'8") by eighteen feet (18') each space. Garage door openings shall have a minimum unobstructed height clearance of six feet eight inches (6'8") and a minimum unobstructed width clearance of eight feet (8') for a single car garage door or sixteen feet (16') for a double car garage door.

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The covering of any residential or commercial parking spaces with tents or canvas/plastic enclosures is prohibited;

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- (2) ~~Parallel parking space: eight feet (8')~~ by twenty-two feet (22') each space;
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- (3) Handicapped Spaces. As required by the most recent version of the California Building Code (Part 2 of Title 24 of the California Code of Regulations);
- (4) All others: eight feet four inches (8'4") by eighteen feet (18') each space;
- (5) Loading space (see subsection (G) of this section): ten feet (10') by thirty-five feet (35') by fourteen feet (14') in height each space;
- (6) Parking Bay Dimensions. The minimum width of each parking bay shall be clear of all obstructions and shall be determined by the stall width and parking angle in accordance with the Parking Table shown below. (Where parking stalls of two bays interlock, the parking bays may overlap.)
- (B) Pavement. All parking stalls, driveways and maneuvering areas shall be paved and permanently maintained with asphalt concrete, concrete or any other stable, all-weather surfacing approved by the Director of Community Development and subject to current City standards.
- (C) Additional Parking Stall Width Requirements. Every parking stall, other than those provided for a one-family or two-family dwelling, which is adjoined on either side of its longer dimension by an obstruction which is located less than three feet (3') from the access aisle measured along the length of the stall shall have its minimum width increased by at least twenty-four inches (24") measured from the obstruction.
- (D) Tandem Parking. Subject to ~~Design Review Board approval authority~~ approval, residential tandem parking is allowed in accordance with Section 25.52.012(F) for a single-family or two-family dwelling. When tandem parking is permitted by the ~~design review board approval authority~~, it may be located in a private garage or parking area as covered or uncovered parking.

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- (E) On-Site Turn-Around. On-site turnaround capability is required when accessing streets in commercial and industrial zones and may be required in residential zones as set forth in Section 25.53.004(C).
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- (F) Encroachment. In all zones, excluding residential, parking areas shall be so designed that no vehicle shall be required to encroach into a street or sidewalk in backing out of a parking space.
- (G) Loading Space Requirements. Loading spaces for the loading and unloading of merchandise and/or supplies may be required for individual uses by the ~~Design Review Board~~ approval authority. Exception: Loading spaces shall be required in accordance with their respective zones as indicated in Chapter 25.18 and Chapter 25.32. The ~~Design Review Board~~ approval authority may modify this requirement when the applicant can demonstrate that impacts to pedestrian safety and off-site traffic circulation are negligible and that the nature of the business does not necessitate the provision of a loading space.
- (H) Striping and Identification.
- (1) Automobile. All nonresidential parking stalls shall be clearly outlined with double lines on the surface of the parking facility (see Chart No. 1).
 - (2) Handicapped. Handicapped spaces, when required, shall be striped and marked according to the applicable State standards.
- (I) Driveways.
- (1) Location. Access driveways to every parking area and garage shall be designed in a manner to provide the minimum practical interference with the use of adjacent property and with pedestrian or vehicular traffic. The driveway locations are subject to the ~~Design Review Board~~ approval authority approval and the City Engineer's review. Access driveways in hillside areas should be located and designed to minimize the effects of hillside grading, drainage runoff, erosion and intrusion into habitat, view-shed and other environmentally sensitive areas.

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- (2) Width. Every private access driveway shall be at least ten feet in width; each common access driveway serving two to four residential units shall be at least sixteen feet (16') wide; all other driveways shall be at least twenty feet (20') wide. The minimum driveway width shall be increased as necessary to provide sufficient clearance and direct access, as measured at right angles, to garage and parking facilities, and shall maintain such additional width for an unobstructed backup area of at least twenty-five feet (25') measured from the face of the garage or parking area, excepting parking bays designed in accordance with subsection (A)(6) of this section.
- (3) Driveway and Ramp Slopes.
- (a) Driveways and vehicle access ways shall not exceed an average gradient of ten percent (10%) within the first twenty feet (20') off a street or alley right-of-way, fourteen percent (14%) for the next one hundred thirty feet (130'), and twelve percent (12%) for the remaining length of the driveway. Exception: In cases where an existing driveway being used for access has to be modified because of an approved public or privately-sponsored street improvement project, such grade may exceed the normal requirements provided the design is approved by the Director of Community Development and the City Engineer. Transition slopes shall be designed to the standards established by the City and commonly known as the construction standards and specifications for the construction of public works in the City.
- (b) For the purpose of calculating the driveway grade, the elevation of the property line or the street plan line (the more restrictive shall apply) shall be a minimum of three and one-half inches (3-1/2") on curbed streets, or five inches (5") on non-curbed streets, above the elevation of the centerline of the street improvement. Access to alley shall be three inches (3") above alley improvement centerline gradient, measured at the property line. Exception: In cases where it can be determined with reasonable certainty that a street will not be the subject of future widening, the

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elevation above the centerline street improvement gradient may be taken at points other than at the property line subject to approval by the Director of Community Development; provided, however, that any driveway grade resulting therefrom does not exceed a ten percent (10%) maximum within the right-of-way.

- (4) Driveway Covers. The covering of access driveways with tents or canvas/plastic enclosures is prohibited.
- (J) Parking Area Design.
 - (1) Internal Circulation. All portions of public parking areas or garages shall be accessible to all other portions thereof without requiring the use of any public street. The ~~Design Review Board~~ approval authority may grant an exception to this requirement when the applicant can show that the impact on street traffic will be negligible and that additional parking beyond the required spaces for the project will be provided.
 - (2) Entrances and Exits. Each entrance to or exit from a public parking area shall be constructed and maintained so that any vehicle entering or leaving the parking area shall, before crossing a pedestrian walk, be clearly visible at a distance of not less than ten feet (10') to a pedestrian approaching such entrance or exit by the pedestrian walk. Exits shall be clearly marked with vehicle stop signs. Appropriate entrance and exit signs shall be maintained on the lot.
 - (3) Bumper Guards. Bumper guards may be required by the ~~Design Review Board~~ approval authority and must be continually maintained.
 - (4) Buffering Residential Zones. When a nonresidential use has a parking area abutting a residential zone, a landscaped buffer (such as a fence, wall, natural berm and/or landscaping) not less than five feet (5') in height or more than six feet (6') in height above the grade in the parking area shall be provided and maintained between the parking lot and the adjoining residential property. Within the required front yard and along the front property line, the height of the buffer shall be not less than two and one-half feet (2-1/2') and not more than

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three and one-half feet (3-1/2'). Any such buffer is subject to ~~Design Review Board~~approval authority approval.

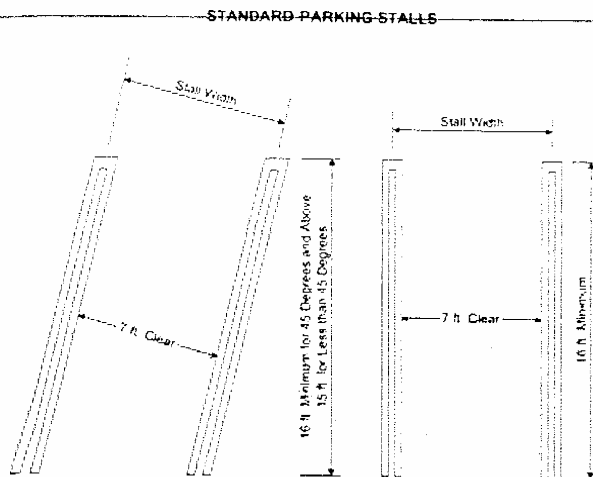
(5) ~~Commercial Parking Lots.~~ A public parking area containing no required parking stalls shall be designed in compliance with Sections 25.05.040, 25.52.008(A) through (K) and 25.52.010.

(K) Carpool Parking. Preferential parking spaces designated for carpool vehicles may be required for certain development as specified in Chapter 25.94.

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Parking Table												
Parking Angle	8' 4" x 18' Stall						9' 0" Stall					
	Aisle	Aisle	1 Row	1 Row	2 Rows	2 Rows	Aisle	Aisle	1 Row	1 Row	2 Rows	2 Rows
	One Way	Two Way	One Way	Two Way	One Way	Two Way	One Way	Two Way	One Way	Two Way	One Way	Two Way
30°	11' 2"	20'	27' 7"	36' 5"	44'	52' 10"	10' 9"	20'	27' 7"	36' 10"	44' 4"	53' 8"
40°	11' 5"	20'	29' 7"	38' 2"	47' 8"	56' 3"	11'	20'	29' 7"	38' 2"	47' 8"	57'
50°	12' 9"	20'	32'	39' 4"	51' 4"	58' 8"	11' 5"	20'	31'	39' 8"	50' 8"	59' 3"
60°	15' 3"	20'	35'	39' 10"	54' 10"	59' 8"	14'	20'	34'	40'	54'	60'
70°	18' 3"	20'	38'	39' 10"	57' 10"	59' 8"	17'	20'	37'	40'	57'	60'
80°	21' 10"	21' 10"	41'	41'	60' 3"	60' 3"	19' 9"	20'	39'	39' 4"	58' 4"	58' 8"
90°	24'	24'	42'	42'	60'	60'	22'	22'	40'	40'	58'	58'
Parking Angle	10' 0" Stall											
	Aisle		Aisle	1 Row	1 Row	2 Rows	2 Rows					
	One Way		Two Way	One Way	Two Way	One Way	Two Way					
30°	9' 4"		20'	27'	37' 9"	44' 9"	55' 5"					
40°	9' 4"		20'	28' 7"	39' 3"	47' 9"	58' 5"					
50°	10'		20'	30' 2"	40' 3"	50' 4"	60' 5"					
60°	10' 5"		20'	31'	40' 8"	51' 8"	61' 3"					
70°	13' 9"		20'	34'	40' 4"	54' 4"	60' 8"					
80°	17' 7"		20'	37'	39' 7"	56' 7"	59'					
90°	20'		20'	38'	38'	56'	56'					

STRIPING FOR PARKING STALLS
Chart No. 1



25.52.010 Landscaping, lighting and drainage of parking facilities.

- (A) Landscaping. In a parking area (excluding the interior of parking garages) where more than five parking spaces are provided, the following conditions apply:
- (1) A minimum of fifteen percent (15%) of the parking lot area shall be landscaped;
 - (2) One fifteen-gallon tree shall be provided for every three (3) parking spaces and shall be arranged so as to achieve the desired shading specified in subdivision (3) of this subsection;
 - (3) Tree species shall be chosen and trees placed so as to produce fifty percent (50%) shading of the parking lot surface within ten years. Demonstration of the fulfillment of this requirement shall be done as part of the landscape plan submittal;
 - (4) Setbacks. All parking lot setbacks shall be landscaped except for areas required for vehicular and pedestrian ingress and egress;
 - (5) All landscaping is subject to ~~design review board~~ approval authority approval.

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- (B) **Unused Space.** Any unused space resulting from the design of the parking area shall be used for landscape purposes, trash containers and/or bicycles.
 - (C) **Landscaped Islands.** All landscaped islands located within parking areas shall be protected from vehicular traffic.
 - (D) **Maintenance of Landscaping.** All landscaped areas shall be adequately watered, trimmed and/or pruned and kept in a healthy and thriving condition free from weeds, debris and trash.
 - (E) **Drainage.** All parking facilities shall be graded and drained so as to provide for the disposal of all surface water on the site and shall be subject to review and approval by the Director of Community Development.
 - (F) **Lighting.** All lighting used to illuminate a parking area shall be designed, located and arranged so as to reflect the light away from any street or adjacent premises.

25.52.012 Parking spaces required.

- (A) **Minimum Parking Spaces.** A minimum of two (2) parking spaces shall be required for all uses/tenancies (excluding multiple-family residential uses and unless otherwise specified herein).
- (B) **Parking Requirements for Unspecified Uses.** Parking requirements for structures and uses not specifically set forth in this section shall be determined by the Director of Community Development, and such determinations shall be based on the requirements for the most comparable structure or use specified.
- (C) **Parking Calculations.** Methods of measurement used to determine the number of required parking spaces shall be based upon the following:
 - (1) The number of employees for a business shall be equal to the greatest number of employees during any shift of work.
 - (2) Gross floor area shall be as defined in Section 25.08.012.
 - (3) Twenty-four inches (24") of bench, pew or other seating space shall be counted as one seat.

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- (4) Outdoor "display area" shall be measured by the sum of the footprint area underneath the objects on exhibit for sale plus the pedestrian viewing area(s), which shall be a minimum of ~~two and one half feet (2 1/2')~~ times the length of the viewing area in front of or around the display. Outdoor display areas of one hundred (100) square feet or less shall not require additional parking.
- (5) Delivery Trucks. Parking calculations are based on the number of spaces required for the public and employees of the proposed use. The number of required parking spaces shall include those required in Section 25.52.012(F) plus any spaces required for their vehicles, such as delivery trucks.
- (D) Fractional Parking Space. Whenever the computation of the number of parking spaces required by this section results in a fractional parking space, the fractional number shall be rounded up to the nearest whole number. Exception: In buildings or complexes (group of two or more commercial establishments, planned, developed, owned and managed as a unit) where the common or joint use of parking areas is proposed and an approved parking allocation plan has been accepted, calculations may result in fractional numbers. When the sum total results in a fractional number, the fractional number shall be rounded to the nearest whole number; however, in no instance shall there be less than two (2) spaces per tenancy.
- (E) Parking Spaces Required for Specific Uses. No structure or use shall be permitted or constructed unless off-street parking spaces, with adequate provisions for safe ingress and egress, are provided in accordance with the provisions of this Chapter. The parking requirements of Chapter 25.52 are only applicable to allowed uses which are considered to be an intensification of use. The following is a categorization of various types of uses and their associated minimum parking requirements which may be increased by the ~~Planning Commission or the Design Review Board~~ approval authority if it is determined that the parking standards are inadequate for a specific project.

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Structures and Uses	Required Off-Street Parking
Residential Uses	
Dwelling, single-family or two family	2 covered spaces per dwelling unit plus an additional space when the gross floor area of each residence is 3,600 or more square feet. The required additional parking space shall be provided as uncovered parking unless the applicant can provide justification that the additional covered parking space will not increase the appearance of mass and bulk. Subject to design review board <u>approval authority</u> approval, the required parking may be provided as tandem parking. See Section 25.52.008(D).
Dwelling, multi-family	1½ spaces for every studio or 1-bedroom unit; 2 spaces for every unit with 2 or more bedrooms and 1 additional guest space for 4 units and every 4 thereafter. At least 50% of the spaces must be covered. Of the covered and uncovered spaces, 50% of each may be compact-sized. Exception: (1) Artist's joint living and working quarters need not provide covered spaces; (2) The City may reduce or waive parking requirements for housing projects with units committed to long-term, low-income or senior citizen's housing, e.g., as defined under the Federal Government Section 8 Housing or its equivalent.
Mobile home	2 covered spaces for each mobile-home with an additional space for 4 or more bedrooms, which spaces may be uncovered and/or in tandem.
Mobile home in Mobile home zone	2 spaces for each mobile home, 1 of which must be covered and may be in tandem but not located in any setback area.
Artist's joint living and working quarters	See type of dwelling unit above.
Bed and breakfast inn	The required number of spaces shall be 2 covered spaces per residence, plus 1 parking space for each guest unit. The guest spaces may be uncovered and/or in tandem.
Guesthouse, guest room	1 space for each guesthouse or guest room, which space may be uncovered and/or in tandem.
Rooming house	2 spaces for each rooming house, plus 1 space for each room to be

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	schedule or as approved by Conditional Use Permit in conjunction with a shared parking study as specified in Section 25.52.006 (C).
Business, professional or trade school	7 spaces for each teaching station.
Dance school or studio	1 space for each 100 square feet of gross floor area.
Library/museum	1 space for each 300 square feet of gross floor area.
Art, music or recording studio (no retail sales)	1 space for each 250 square feet of gross floor area.
Art galleries (indoor or outdoor display and retail sales), except as provided in Sec. 25.52.012(C)(54)	1 space for each 250 square feet of gross floor and display area
Places of Assembly and Recreational Uses	
Auditorium, assembly hall, dancehall, stadium, conference facility, theater, spectator area, club, lodge, church, chapel or mortuary	1 space for each 3 fixed seats and/or 1 space for every 35 square feet assembly area, whichever is more restrictive. <u>Additional parking, if any, for all other related uses/buildings shall be established through a Conditional Use Permit application and shared parking study as specified in Section 25.52.006(C) for any new or remodeled building, when the remodel project involves 10% or more cumulative addition to the original square footage of all the structure(s) at the site.</u>
Skating rink, roller or ice	1 space for each 25 square feet of gross skating area, plus 1 space for each 5 seats or fraction thereof in spectator's area, or 1 space for every 150 square feet of public area not available to skaters, whichever is greater.
Pool/billiards parlor, entertainment center or arcade	1 space for each 150 square feet of gross floor area.
Bowling alley	5 spaces for each lane.
Tennis court/ racquetball court	3 spaces for each court plus any required for other uses.
Health clubs, exercise areas, rooms, aerobics studios	1 space for each 100 square feet of gross floor area, plus any spaces required for other uses.

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Golf driving range	1½ spaces for each 10 linear feet of driving range width.
Golf course	8 spaces for each hole.
Miniature or "Par 3" golf course	3 spaces for each hole.
Swimming pool, commercial public (open to members or nonmembers)	1 space for each 100 square feet of water surface, but not less than 10 spaces for any such use.
Office Uses	
Commercial bank, savings and loan offices, other financial institutions, public or private utility office, mutual ticket agency or similar window service offices	1 space for each 250 square feet of gross floor area. Parking spaces shall include those spaces provided for any drive-up service lanes.
General office and other business, technical, service, administrative or professional offices	1 space for each 250 square feet of gross floor area.
Business and Commercial Uses	
Hair salon or barbershop	1 space for each 1½ chairs or 1 space for each 250 square feet of gross floor area, whichever is greater.
Other personal service establishments including tanning salons, nail salons, massage services or uses of a similar nature	1 space for each 250 square feet of gross floor area.
General retail stores, including outdoor display, except as provided in Sec. 25.52.012(C)(54)	1 space for each 250 square feet of gross floor area.
Shopping Center	1 space for each 275 square feet of leasable floor or display area. To qualify as a shopping center a well balanced mixture of uses must be demonstrated and no more than 35% of the entire leasable floor area may be allocated for full service restaurants, including any common seating area, and no more than 5% of the entire leasable floor area may be allocated for take out restaurants, if allowed, including any common seating area. Where there is an imbalance of high intensity uses, such as restaurants, theaters, entertainment facilities and other such uses, parking calculations shall be based

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	totally or in part on an individual basis. Number of spaces subject to a shared parking study as specified in Section 25.52.006(C).
Hotel/motel	1 space for each room (as defined in Chapter 25.08), which opens to a public way or corridor, yard or court, plus 1 space for each 15 rooms or fraction thereof, plus 2 spaces per each residence. <u>Additional parking may be required based on operational information such as the number of employees for shifts, when the greatest number of employees is on duty, the hours of operation and the amount of area devoted to particular uses.</u>
Hotel/motel with integrated restaurant uses or conference facilities	A 20% reduction from the total parking required for ancillary uses may be granted subject to planning commission approval authority approval. A greater reduction may be allowed, if a traffic study, conducted by a licensed traffic engineer, is submitted and approved by the planning commission approval authority .
Food store, grocery store, supermarket or similar use including outdoor display except as provided in Section 25.52.012(C)(5); and caterer	1 space for each 250 square feet of gross floor and outdoor display area, exclusive of any delivery trucks as required in Section 25.52.012(C)(5).
Convenience store or mini-market, including outdoor display, except as provided in Sec. 25.52.012(C)(5)	10 spaces, plus 1 space for each 250 square feet of gross floor and display area.
Entertainment, including bar, cocktail lounge and night club	1 space for each 100 square feet of gross floor area including outdoor serving area.
Food services including, but not limited to, restaurants, drive thru, take-out, fast-food and full-service; bakery, ice cream store; juice bar; and delicatessen	1 space for each 100 square feet of gross floor area, including outdoor seating area(s), or 1 space per 3 seats whichever is greater. Full service restaurants shall provide no fewer than 5 spaces. <u>Additional parking may be required based on operational information such as the number of employees for shifts, when the greatest number of employees is on duty, the hours of operation and the amount of area devoted to particular uses.</u> The minimum number of spaces for drive-thru restaurants shall be 10 spaces. Parking spaces may include those spaces allocated in drive-thru lane(s). Note: If a proposed use consists of a combination of a retail component and a restaurant and/or entertainment component, each component shall be calculated separately, with the entertainment and restaurant area's component of the gross floor area calculated using the above standards, except that the restaurant's minimum of 5 spaces shall not be required when the restaurant component is clearly ancillary.

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Commercial laundry facility (coin-operated)	1 space for each three washing machines or 1 space for each 250 square feet of gross floor area, whichever is greater.
Automobile service station (excluding the retail sale of beverage and food items)	1 space for each 250 square feet of gross floor area, plus 2 spaces for each lubrication stall or rack.
Automobile service station (inclusive of the retail sale of beverage and food items)	10 spaces, plus 1 space for each 250 square feet of gross floor area, plus 2 spaces for each lubrication stall, rack or pit.
Auto detailing	2 spaces for each washing station.
Car wash, self-service	2 spaces per washing bay. (The washing bays may not be counted as parking spaces.)
Car wash, full-service	A parking reservoir area shall be provided which equals in size the area required for parking three (3) times the number of parking spaces provided inside the car wash facility. These spaces may be parked in tandem.
Automobile, truck, boat or similar vehicle sales or rental establishments	1 space for each 350 square feet of office area, plus 1 space for each 1000 square feet of indoor/outdoor auto sales/display, plus 1 space for each 300 square feet of gross floor area for repair/service areas.
Automobile/motor vehicle repair garages	1 space for each 300 square feet of gross floor area, but not less than 5 per tenancy.
Furniture store, appliance store, machinery rental or sales store (excluding motor vehicle rental or sales) and similar establishments which handle only bulky merchandise	1 space for each 500 square feet of gross floor area, excluding floor area used exclusively for storage or loading but no less than 4 per tenancy.
Commercial service establishments, such as shoe repair, tailor, dry cleaning, TV repair or other uses of a similar nature	1 space for each 500 square feet of gross floor area, but no less than 2 per tenancy.
Wholesale distributor, mail order house, wholesale printing and publishing establishment	1 space for each 250 square feet of office area, plus 1 space for each 1000 square feet of indoor/outdoor storage area.

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Lumberyard, home builder supply	1 space for each 250 square feet of indoor office/sales/ display area, plus 1 space for each 1000 square feet of indoor/outdoor storage area.
Contractor's storage yard	1 space for each 250 square feet of office area, plus 1 space for each 1000 square feet of indoor/outdoor storage area, but no less than 5 spaces for any such use.
Retail plant nursery, garden shop, including greenhouse, lathhouse or similar sales and display establishment	1 space for each 250 square feet of office or indoor sales and display area, plus 1 space for each 1000 square feet of outdoor and greenhouse display or storage area.
Flower stand	1 space for each 250 square feet of sales or display area with a minimum of 2 spaces.
Manufacturing or industrial establishment	1 space for each 500 square feet of gross floor area, including ancillary offices.
Laboratory and research establishment	1 space for each 300 square feet of gross floor area, including ancillary offices.
Warehouse or storage building	2 spaces, plus 1 space for each 1000 square feet of gross floor area.
Public utility facility, including electric, gas, water, telephone and telegraph facility, not having business offices on the premises.	1 space for each employee, but not less than 2 spaces for such facility.

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**Laguna Beach LCPA 1-07C
Findings – Parking**

COASTAL COMMISSION

EXHIBIT # C
PAGE 1 OF 8

Findings for Denial as Submitted

4. Parking Requirements

The amendment proposes to make changes throughout Chapter 25.52 Parking Requirements. Many of the changes consist of clean-up and updates to make the chapter more current and more specific. The more significant parking changes proposed by this amendment include the addition of a standard that the City will only require parking to be provided when a use is intensified, creating a new provision allowing parking reductions for development proposals that provide certain incentive uses or conditions, deleting the provision that allows required parking to be provided off-site, and a new provision for allowing shared use parking under certain conditions.

Some of the changes within the individual ordinances have overlapped and been superseded over the course of years that this amendment covers. The final version of Chapter 25.52, after all the changes occurred, was reviewed for this LCP amendment. Changes proposed to Chapter 25.52 are contained in Ordinance Nos. 1282, 1305, 1306, 1326, 1333, 1354, 1361, 1373, and 1415.

Of the changes proposed, only three raise issues of consistency with and adequacy to carry out the certified Land Use Plan. The certified LUP requires that maximum public access be provided with new development and includes the provision of adequate parking as one of the means of assuring maximum access. The certified LUP also places a higher priority on uses that provide visitor serving opportunities. Access to these higher priority uses must be maximized. The issues raised by the amendment as proposed include the proposed new standard that would require parking to be provided only when a use is intensified, new language on when and how parking is to be required when a use is intensified, and, the creation of incentive uses for which parking could be reduced.

The proposed language that would require parking only when a use is intensified is:

"The parking requirements of Chapter 25.52 are only applicable to allowed uses which are considered to be an intensification of use."

The City staff report prepared for Ordinance No. 1282, which proposes this change, states:

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"A clarification is proposed which states that when there is not an intensification of use or expansion of floor area any proposed allowable use shall be exempt from the parking requirements. This is present City practice, but it has not been clearly codified (Section 25.52.004).

A clarification of how parking is credited is proposed. Almost every city or town older than 20 years [the City staff report is dated 6/23/93] has one or more business areas where, before the passage of any parking or zoning restrictions, buildings were constructed on small lots with relatively little room left for parking. Under these conditions, there are two options: either prohibit the intensification of use or adopt a provision which allows the change under limited circumstances. The policy choice is one of determining which is the lesser of potential evils – parking problems on adjacent streets and properties or vacant buildings. The amendments proposed allow limited intensification of use under limited circumstances. This philosophy is consistent with present ordinance language but clarification changes have been made throughout the ordinances to reflect the exact "limited circumstances" where intensification of use may occur."

The proposed amendment would add new language that parking would only be required when proposed development represents an intensification of use. However, even when a new use is not an intensification of use, it is oftentimes appropriate to consider whether additional parking could be provided with redevelopment of the site. For example an existing use could be replaced with the same use at the same site in conjunction with demolition of the existing building and construction of the new building. Such a circumstance merits at least consideration of whether the demolition would allow for new parking spaces to be accommodated on site. Furthermore, although it appears to be the City's intent that this provision apply only to commercial areas that were developed prior to creation of current parking standards, as proposed this language would apply to all zones city-wide. The language is proposed in two places within Chapter 25.52: in subsection 25.52.004 General Provisions and in subsection 25.52.012 Parking Spaces Required for Specific Uses. Both of these sections establish general standards that apply city-wide. Thus, there may be areas where parking could be provided when a site redevelops even when the redevelopment does not result in an intensification of use. Additionally, there is nothing in the language as proposed that would preclude applying this standard to residential development. Such an application could result in new residential development, in cases where there is either no intensification of use or the intensity of use is decreased (either replacing like for like or replacing a duplex with a single family dwelling for example), where no parking could be required. This would be especially problematic in areas

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where residential development is within close proximity to beach areas, public recreational areas, or visitor serving commercial uses.

The proposed amendment also includes new language for determining the amount of parking that would be required when a use is intensified (Section 25.52.004(e)(1)). [See exhibit 4] The proposed new language would require application of one of the following three options for providing parking when a use is intensified: 1) provide code parking for the intensified use only; 2) provide code parking for the use that existed prior to the intensification; or 3) provide all code required parking for the entire building (less credits for certain circumstances). However, the second option is problematic. Either parking should be provided to meet the expanded demand or the expansion shouldn't be allowed. It would be difficult to justify requiring parking to serve the existing use retroactively (assuming it was legally established).

Also this proposed new section 25.52.004(e)(1) allows the purchase of in-lieu parking certificates without limit or restriction. However, Section 25.52.006(e) establishes the procedure for allowing in-lieu parking certificates to meet the parking requirement. Thus, an internal inconsistency is created by the proposed language in 2.52.004(e)(1).

The Commission recognizes that in older commercial areas (such as downtown Laguna Beach) it may not be possible, or sometimes even desirable, to require code parking with each development proposal. The Commission further recognizes that always requiring code parking encourages the use of individual cars where that may also not be most desirable. The Commission further recognizes that the City of Laguna Beach does provide a summer shuttle system served by a remote parking area and that other public transit opportunities exist within the City. In addition, many visitors to the City's downtown area visit more than one use on a single trip. All these circumstances help to support reductions in the number of parking spaces required with development proposals.

Nevertheless, the proposed language that would preclude any parking requirements for all re-development that does not intensify the existing use is still not appropriate. This is particularly true in the City of Laguna Beach where parking and traffic circulation are recognized as issues for a number of different reasons, among them impediments to the provision of public access and accessibility of visitor uses. Such a parking reduction is appropriate when supported by a parking and traffic study that identifies how visitor access will be maintained and where possible enhanced even though parking is not provided. This can be accomplished when a specific area is identified and an explanation of how public access opportunities will remain is provided. It should be made clear that the areas where the parking reductions are allowed should be served

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by alternative transportation such as public shuttle and bus systems, as well as encouraging the use of bicycles and walking.

The City's certified Downtown Specific Plan recognizes the City's downtown commercial area as one where a reduction in the parking requirements likely would be appropriate, but also specifically requires that a comprehensive Downtown Specific Plan Parking and Traffic Management Program be developed before such reductions can be established throughout the specific plan area. The proposed amendment does not include such information. Thus, there is no assurance that the proposed elimination of parking requirements would preserve, protect or promote public access. Therefore, the amendment is inconsistent with and inadequate to carry out the public access and visitor serving policies of the certified Land Use Plan and therefore must be denied as submitted.

The amendment also proposes to modify the parking standards by adding new subsection 25.52.002(g) [originally proposed as subsection(h), but subsequently modified by other ordinances included in this amendment] allowing parking reductions as incentives for certain uses. The proposed section is as follows:

(g) Incentives. The city council may approve a conditional use permit, upon recommendation by the planning commission, to reduce the parking standards required under this chapter where one or more of the following conditions apply:

(1) The proposed use is a very low or low income, or disabled housing project;

(2) The proposed use is considered to be less intense than the previous use;

(3) The proposed use provides for or promotes the use of alternative modes of transportation such as ride-sharing, carpools, vanpools, public transit, bicycles and walking;

(4) The proposed use is a sidewalk café having outdoor seating available to the general public as well as restaurant customers, which contributes positively to the local pedestrian environment. The parking reduction may be granted on a temporary or seasonal basis and shall be limited to a maximum of three spaces.

As stated above, the Commission recognizes that parking reductions are often appropriate. However, every time a parking reduction is granted it should be demonstrated that the use will provide and/or promote alternative forms of transportation. This should not be one of a group of incentive uses. Rather, it should be required of all developments seeking reductions in parking requirements. As proposed, provision/promotion of alternate forms of transportation is not required with each parking reduction granted.

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The issue raised by parking reductions is whether such reduction would adversely impact public access to the shoreline, recreational opportunities, or visitor amenities. If the incentive uses listed above would create adverse impacts on public access or decrease the availability of visitor opportunities, then the parking reductions cannot be found to be consistent with or adequate to carry out the certified LUP's requirements regarding visitor serving uses and public access. As proposed this section does not include a requirement that an applicant requesting a parking reduction or the City in granting such a reduction demonstrate how visitor uses and public access will be maintained if the reduction is granted.

As proposed, the parking reduction incentives will not assure protection of public access including access to the shoreline, public recreation, and visitor amenities. Therefore, the proposed amendment is inconsistent with and inadequate to carry out the certified Land Use Plan policies regarding public access and visitor serving use.

Section 25.52.006(F) currently allows the purchase of certificates in lieu of providing parking spaces. This is allowed in areas where the provision of all code required parking is known to be a hardship and the City Council designates the area a Special Parking District. The in-lieu parking program has been part of the Implementation Plan since its initial certification in the early 1990s. The in lieu fees are used by the City to provide additional public parking. The City's 218 space Glenneyre Street parking structure was funded, in part, by in-lieu fees. In addition, the City's acquisition of a 5,500 square foot parcel, intended to provide public parking, was funded in part by in-lieu fees. In lieu parking fees were also used recently to provide thirty-three public parking spaces on a City owned site in the downtown area.

The amendment would modify this section to limit the maximum number of in lieu certificates to three for any one site. The amendment also proposes to replace existing language regarding the amount of parking required when an existing use is intensified (25.52.004(e)). The new language proposed includes discussion allowing in lieu parking certificates, but does not specify that the in lieu certificates must be consistent with Section 25.52.006(F) [the current numbering would now make this section 25.52.006(e)]. Without cross referencing to the section that currently provides standards for when in lieu parking certificates are allowed, the amendment could result in the purchase of in lieu certificates for projects where it would be more appropriate to provide on-site parking spaces. In addition, the limit of a maximum of three in lieu certificates per site may not be imposed. Without the cross reference, adequate parking may not be provided, which could adversely impact public access and visitor use, inconsistent with the policies of the certified LUP. Therefore, the proposed amendment is inconsistent

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with and inadequate to carry out the policies of the certified Land Use Plan and therefore must be denied.

Findings for Approval if Modified as Suggested

5. Chapter 25.52 Parking Requirements

The amendment proposes to make changes throughout Chapter 25.52 Parking Requirements. Many of the changes consist of clean-up and updates to make the chapter more current and more specific. Of the changes proposed, only three raise issues regarding consistency with and adequacy to carry out the certified Land Use Plan. The certified LUP requires that maximum public access be provided with new development and includes the provision of adequate parking as one of the means of assuring maximum access. The certified LUP also places a higher priority on uses that provide visitor serving opportunities. Access to these higher priority uses must be maximized. The issues raised by the amendment as proposed include the proposed new standard that would require parking be provided only when a use is intensified, new language on when and how parking would be required when a use is intensified, and the creation of incentive uses for which parking could be reduced.

As proposed, the amendment would not require any parking when a proposed development does not result in an intensification of use. Although this is often appropriate, it is not always appropriate. If an existing use does not provide adequate parking and the new proposal would actually create an opportunity to provide some or all of the parking, then it may be appropriate to require it. The proposed amendment does not allow for review of projects to evaluate whether parking could or should be provided with new development proposals. Even though it may sometimes be appropriate to forgo the parking requirement, it should be required when the opportunity arises and it is appropriate to require it. As proposed, the amendment does not do this and so must be denied.

Therefore, the amendment must be modified to add language to the section that describes parking standards that apply when a use is intensified (Section 25.52.004(E)(1)), to make clear the definition of intensification of use includes situations when "a new building is constructed or when more than 50% of the gross floor area of an existing building is proposed to be remodeled or reconstructed." Suggested modification No. 14 includes this change and will take into account the parking requirement for such development and address the stated concerns with regard to Section 25.52.004.

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In addition, Section 25.52.012(e) must be modified to eliminate the proposed language that would limit the ability to require parking only when a use is intensified (Suggested Modification No. 16). This should be addressed most appropriately in Section 25.52.004 (as modified). As modified, Section 25.52.004 includes within the description of "intensification of use" the types of development described above. However, if Section 25.52.012(e) as proposed is read out of context (e.g. not in conjunction with modified Section 25.52.004(E)(1)), parking may not be required in every case where it would be appropriate to require it. As Section 25.52.004(E)(1) specifically describes parking standards to be applied when a use is intensified, that is the appropriate location for that language, not in Section 25.52.012(e), which applies overall to parking standards in general. If the language is deleted from this section, however, that would not happen. But standards specific to an intensified use could still be applied. With these two suggested modifications, the amendment could be found to protect public access to beaches, public recreation, and to visitor serving amenities. Therefore, only if modified as suggested is the proposed amendment consistent with and adequate to carry out the public access and visitor serving policies of the certified Land Use Plan.

Suggested modification No. 14 also includes the addition of language requested by the City. The certified Implementation Plan, regarding parking requirements, currently allows that "these requirements may be increased if it is determined that parking standards are inadequate for a specific project." Additional language, reflected in suggested modification No. 14, would clarify that the City may require additional information from an applicant in order to determine the appropriate parking demand that a proposed development would generate. The additional information may include, but is not limited to, "operational information of a proposed use, such as the number of employees or operational shifts, when the greatest number of employees is on duty, the hours of operation and the amount of area devoted to particular uses, including hotels." The addition of this language to Section 25.52.004(A) would assist both the City and an applicant in determining the appropriate amount of parking a specific development would require. The provision of adequate parking to serve new development is recognized in the certified LUP as a means of maximizing public access. Therefore, suggested modification 14 is recommended to include this beneficial language.

As proposed, the amendment would allow parking reductions as an incentive for certain uses. However, the amendment does not require that alternative transportation be provided and/or promoted in order for a reduction to be approved. In addition, there is no requirement that an applicant or the City demonstrate that a requested parking reduction will not result in adverse impacts to public access and visitor use. Without such requirements, there is no assurance that the proposed allowance for parking reductions for incentive uses

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won't adversely impact public access. However, if the amendment were modified as recommended to incorporate these requirements into the proposed parking reduction incentives section, then the amendment could be found to be consistent with and adequate to carry out the certified LUP policies regarding public access and visitor serving uses. Therefore, only if modified as suggested (Suggested Modification No. 15) could the proposed amendment be found to be consistent with and adequate to carry out the certified Land Use Plan policies regarding public access and visitor serving uses.

As proposed, Section 25.52.004(e) describes the purchase of certificates in lieu of providing required parking spaces, without any restriction. However, the standards for when and how many parking in lieu certificates may be used is established in the Section 25.52.006(e) of the Implementation Plan. If the proposed amendment were modified to include a cross reference from the new language proposed for Section 25.52.004(e) to Section 25.52.006(e) Special Parking Districts – In Lieu Certificates, there would be no confusion as to which in lieu parking standard controls and appropriate oversight of the use of in lieu parking certificates would be assured. Without such a cross reference, public access would not be assured or maximized, thus the amendment would be inconsistent with and inadequate to carry out the certified Land Use Plan policies regarding public access and visitor serving uses. Therefore, only if modified as suggested (Suggested Modification No. 14) can the proposed amendment be found to be consistent with and adequate to carry out the policies of the certified Land Use Plan.

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