

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

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February 16, 2012

**TO:** Commissioners and Interested Persons**FROM:** Charles Lester, Executive Director
Sherilyn Sarb, Deputy Director
Karl Schwing, Supervisor, Regulation & Planning, Orange County Area
Meg Vaughn, Staff Analyst**SUBJECT:** Concurrence with the Executive Director's determination that the action of the City of Laguna Beach accepting certification with suggested modifications of Major LCP Amendment No. 2-10 (Seven Changes Implementation Plan Amendment) is legally adequate. For Commission review at its March 7-9, 2012 meeting in Chula Vista.**STAFF RECOMMENDATION**

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

BACKGROUND

The City of Laguna Beach submitted Major Local Coastal Program (LCP) Amendment Request No. 2-10 for Commission certification pursuant to City Council Resolution No. 10.090. The seven changes to the Implementation Plan are reflected in the following ordinances: No. 1525 (Split Zoned Parcels); No. 1526 (Appeals); No. 1527 (Reasonable Accommodation); No. 1528 (Definition of "Family," "Household," and "Single Housekeeping Unit"); No. 1529 (Administrative Use Permits for Short Term Lodging in the R1 Zone); and No. 1530 (Time Limit for the Restoration of Nonconforming Structures).

Issues raised by the amendment included whether coastal resources (including but not limited to, public access and recreation, public views, and sensitive habitats) are adequately protected by changes proposed via Ordinance Nos. 1525 and 1527. Ordinance No. 1525 did not assure that adequate setbacks will be implemented as necessary to protect coastal resources. Ordinance No. 1527 did not assure that adverse impacts to coastal resources will be avoided, or if unavoidable, minimized and mitigated, nor that the least damaging feasible alternative will be required. In addition, Ordinance No. 1526 did not assure that the requirements of Chapter 25.07 *Coastal Development Permits* would be implemented. To address these issues, the Commission adopted suggested modifications to bring the proposed Implementation Plan amendment into conformity with the policies of the certified Land Use Plan at its hearing on November 2, 2011. Local Coastal Program Amendment 2-10 affects only the Implementation Plan portion of the certified LCP.

On January 10, 2012, the Laguna Beach City Council approved Ordinance No. 1557 which incorporated the Commission's suggested modifications to LCPA 2-10. Also on January 10, 2012 the Laguna Beach City Council adopted Resolution 12.007 acknowledging receipt of the Coastal Commission action and accepting and agreeing to the suggested modifications. The City has submitted the modifications to the Executive Director for a determination that they are consistent with the Commission's action on November 2, 2011.

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As provided in Section 13544 of the California Code of Regulations, the Executive Director must determine whether the City's action is legally adequate and report that determination to the Commission. In this case, the Executive Director has determined that the City's action is legally adequate. Unless the Commission objects to the Executive Director's determination, the certification of Laguna Beach LCP Amendment No. 2-10 shall become effective upon the filing of the required Notice of Certification with the Secretary of Resources as provided in Public Resources Code Section 21080.5(d)(2)(E).

RECOMMENDATION

Staff recommends that the Commission **CONCUR** with the Executive Director's determination as set forth in the attached letter (to be sent after Commission endorsement).

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STATE OF CALIFORNIA – NATURAL RESOURCES AGENCY

Edmund G. Brown, Jr., Governor

CALIFORNIA COASTAL COMMISSION
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



March XX, 2012

John Montgomery
Director of Planning
505 Forrest Avenue
Laguna Beach, CA 92651

Re: Effective Certification
City of Laguna Beach Local Coastal Program Amendment No. 2-10
(Seven Changes Implementation Plan Amendment)

Dear Mr. Montgomery:

We are pleased to notify you that on March X 2012, the Commission concurred with the Executive Director's determination that the action of the City of Laguna Beach accepting certification of Local Coastal Program (LCP) Amendment No. 2-10 with suggested modifications was legally adequate. Therefore, the LCP amendment will be fully effective upon filing of the notice of the Commission's certification with the Secretary of the Resources Agency as provided by Public Resources Code Section 21080.5(d)(2)(E).

City of Laguna Beach LCP Amendment 2-10 was submitted for Commission certification pursuant to City Council Resolution 10.090. The seven changes to the Implementation Plan are reflected in the following ordinances: No. 1525 (Split Zoned Parcels); No. 1526 (Appeals); No. 1527 (Reasonable Accommodation); No. 1528 (Definition of "Family," "Household," and "Single Housekeeping Unit"); No. 1529 (Administrative Use Permits for Short Term Lodging in the R1 Zone); and No. 1530 (Time Limit for the Restoration of Nonconforming Structures).

On November 2, 2011, the Commission approved LCP Amendment No. 2-10 with suggested modifications. On January 10, 2012, the Laguna Beach City Council adopted Resolution No. 12.007 acknowledging receipt of the Coastal Commission action and accepting and agreeing to the suggested modifications. Also on January 10, 2012, the City Council adopted Ordinance No. 1557 amending the Local Coastal Program Implementation Plan by incorporating the modifications suggested by the Commission. On March X, 2012, the Commission concurred with the Executive Director's determination that the City Council's acceptance of the Commission's suggested modification was legally adequate.

On behalf of the Coastal Commission, I would like to congratulate the City on the completion of LCP Amendment 2-10. If you have any questions, please contact Meg Vaughn at our Long Beach office (562) 590-5071.

Sincerely,

Teresa Henry
District Manager

cc: Ann Larson, Planning Manager

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LGB-MAJ-LCPA-2-10
E.D. Concurrence
Exhibit A

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CALIFORNIA
COASTAL COMMISSION

January 23, 2012

Karl Schwing
California Coastal Commission
200 OceanGate, Suite 1000
Long Beach, CA 90802-4302

Subject: Local Coastal Program Amendment No. 2-10 (Seven Changes)

Dear Karl:

On January 10, 2012, the City Council approved Ordinance 1557 that includes the Coastal Commission suggested modifications to various Title 25 Zoning Code subsections and approved Resolution 12.007 requesting certification that the modifications are consistent with the Coastal Commission's action on November 2, 2011.

If you need any further information, please call me at (949) 497-0320.

Sincerely,

A handwritten signature in cursive script that reads "Ann Larson".

Ann Larson
Planning Manager
Community Development

Attachment

cc: Community Development Director
File

LGB-MAJ-LCPA 2-10

E.D. Concurrence

Exhibit B page 1 of

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RESOLUTION NO. 12.007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH, CALIFORNIA, RESUBMITTING LOCAL COASTAL PROGRAM AMENDMENT 2010-04A-C AND REQUESTING ITS CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION

WHEREAS, on November 2, 2011, the California Coastal Commission denied Local Coastal Program Amendment 2010-04A-C (Coastal Commission Reference Number 2-10) as submitted, and approved the amendment, if certain specified ordinance subsections are modified as suggested; and

WHEREAS, the City Council, after giving notice as prescribed by law, held at least one public meeting regarding the proposed modified Laguna Beach Local Coastal Program Amendment 2010-04A-C, 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 RESOLVE AND ORDER as follows:

SECTION 1: That the Laguna Beach Local Coastal Program Amendment 2010-04A-C1 as modified is hereby approved, consisting of: Ordinance No. 1557. A copy of the aforesaid ordinance is attached hereto as Exhibit A, and is incorporated by reference as though fully set forth herein.

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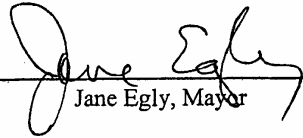
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SECTION 2: That the California Coastal Commission is hereby requested to consider, approve and certify Laguna Beach Local Coastal Program Amendment No. 2010-04A-C, as modified.

SECTION 3: That pursuant to Section 13551(b) of the Coastal Commission Regulations, Laguna Beach Local Coastal Program Amendment No. 2010-04A-C as modified will automatically take effect immediately upon California Coastal Commission approval, as provided in Public Resources Code Sections 30512, 30513 and 30519.

ADOPTED this 10th day of January, 2012.


Jane Egly, Mayor

ATTEST:


City Clerk

I, MARTHA ANDERSON, City Clerk of the City of Laguna Beach, California, do hereby certify that the foregoing Resolution No. 12.007 was duly adopted at a Regular Meeting of the City Council of said City held on January 10, 2012, by the following vote:

AYES: COUNCILMEMBER(S): Boyd, Iseman, Pearson, Rollinger, Egly

NOES: COUNCILMEMBER(S): None

ABSTAIN: COUNCILMEMBER(S): None

ABSENT: COUNCILMEMBER(S): None


City Clerk of the City of Laguna Beach, CA

ORDINANCE 1557

**AN ORDINANCE OF THE CITY OF LAGUNA BEACH, CALIFORNIA
AMENDING THE FOLLOWING SUBSECTIONS OF THE LAGUNA
BEACH MUNICIPAL CODE:**

- **SUBSECTION 25.02.070 REGARDING SPLIT-ZONED PARCELS AND APPLICABLE ZONING REGULATIONS;**
- **SUBSECTION 25.05.070(B)(1) REGARDING GENERAL APPEALS PROCEDURES; AND**
- **SUBSECTION 25.05.080(B) REGARDING APPLICATION REQUIREMENTS, SUBSECTION 25.05.080(D) REGARDING REVIEW PROCEDURE, SUBSECTION 25.08.080(E) REGARDING FINDINGS AND DECISION, AND SUBSECTION 25.08.080(F) REGARDING APPEAL OF DETERMINATION WHICH ARE ALL SUBSECTIONS OF THE REASONABLE ACCOMODATION ORDINANCE.**

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: The City Council does hereby amend Subsection 25.02.070 – Split-Zoned Parcels and Applicable Zoning Regulations of the Laguna Beach Municipal Code to read in its entirety as the following:

25.02.070 Split-Zone Parcels and Applicable Zoning Regulations

A split-zoned parcel is a parcel or subdivided lot with two or more zoning designations or zone areas. All applicable zoning regulations for each particular zone shall be applied separately for each portion of a parcel or subdivided lot which is split-zoned. This includes the front, rear and side yard regulations, regardless of the yard definitions in Municipal Code Chapter 25.08.050, as well as any applicable lot coverage regulations. Greater setbacks from resources may be imposed as necessary to protect resources consistent with the requirement of the certified Local Coastal Program. Resources may include, but are not limited to, environmentally sensitive habitat areas, wetlands, public views, and public trails and accessways.

SECTION 2: The City Council does hereby amend Subsection 25.05.070(B)(1) – Appeals Procedures of the Laguna Beach Municipal Code to read in its entirety as the following:

**25.05.070 Appeals.
(B) Procedures.**

- (1) All decisions regarding Administrative Use Permits (Section 25.05.020), Administrative Design Review (Section 25.05.040(B)(3)), Coastal Development Permits (Section 25.05.050 and Chapter 25.07), Conditional Use Permits (Section 25.05.030), Design Review (Section 25.05.040), Interpretations (Chapter 25.06), Reasonable Accommodation (Section 25.05.080), Temporary Use Permits (Section 25.05.035) and Variances (Section 25.05.025), of the Planning Commission, Board of

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Adjustment/Design Review Board or Director of Community Development may be appealed to the City Council by the applicant, any other property owner within three hundred feet of the subject property, or by a member of the City Council. In those cases where the City is the applicant or an aggrieved property owner, the decision, determination or requirement may be appealed to the City Council by the City Manager. Appeals of any determinations and requirements regarding Coastal Development Permit processing, including without limitation exemptions and determinations relative to appealable development, shall be as described in Chapter 25.07.

SECTION 3: The City Council does hereby amend Subsection 25.05.080(B) – Application Requirements for Reasonable Accommodation of the Laguna Beach Municipal Code to read in its entirety as the following:

- (B) Application Requirements.
- (1) Requests for reasonable accommodation shall be submitted in the form of a letter to the Director of Community Development and shall contain the following information:
 - (a) The applicant's name, address and telephone number.
 - (b) Address of the property for which the request is being made.
 - (c) The current actual use of the property.
 - (d) The basis for the claim that the individual is considered disabled under the Acts.
 - (e) The zoning, land use or building code provision, regulation, policy or practice from which reasonable accommodation is being requested, including an explanation of how application of the existing zoning, land use or building code provision, regulation, policy or practice precludes reasonable accommodation.
 - (f) Why the reasonable accommodation is necessary to make the specific property accessible to the individual.
 - (g) A determination, prepared by a qualified professional, of whether or not the request would result in adverse impacts to wetlands, environmentally sensitive habitat areas, public access and/or public views.
 - (h) Supporting documentation, including without limitation plans.
 - (2) Within 30 days of receipt of a request for reasonable accommodation, the reviewing authority shall make a determination as to whether all necessary information has been submitted. If additional information is necessary to adequately analyze the request, the applicant shall be notified in writing, within the 30 day period, of the specific additional information needed.

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- (3) Review and Other Land Use Applications. If the project for which the request for reasonable accommodation is being made also requires some other discretionary approval (including, but not limited to: Conditional Use Permit, Coastal Development Permit, Design Review, Variance, General Plan Amendment, Zone change, etc.), then the applicant shall file the information required by Subsection (b) above together for the concurrent review with the application for discretionary approval. Review of Coastal Development Permit applications shall be as described in Chapter 25.07.

SECTION 4: The City Council does hereby amend Subsection 25.05.080(D) – Review Procedure, Subsection 25.05.080(E) – Findings and Decision, and Subsection 25.05.080(F) – Appeal of Determination all of the Reasonable Accommodation Ordinance of the Laguna Beach Municipal Code to read in their entirety as the following:

25.05.080

(D) Review Procedure.

- (1) Director Review. The Director, or designee, shall make a written determination within 45 days of the date the application is determined to be complete per Subsection 25.05.080(B)(2) above, and either grant, grant with conditions, or deny a request for reasonable accommodation in accordance with Section 25.05.080(E) (Findings and Decision).
- (2) Other Reviewing Authority. The written determination on whether to grant, grant with conditions, or deny the request for reasonable accommodation shall be made by the authority responsible for reviewing the discretionary land use application in compliance with the applicable review procedure for the discretionary review. The 45 day deadline described above shall be superseded by any deadlines for the discretionary review, and the longer deadline shall apply. The written determination to grant or deny the request for reasonable accommodation shall be made in accordance with Section 25.05.080(E) (Findings and Decision).

(E) Findings and Decision.

- (1) Findings. The written decision to grant, grant with conditions, or deny a request for reasonable accommodation shall be consistent with the Acts and shall be based on consideration of the following factors:
- (a) Whether the housing, which is the subject of the request, will be used by an individual disabled under the Acts.
- (b) Whether the request for reasonable accommodation is necessary to make the specific housing available to an individual with a disability under the Acts.
- (c) Whether the request for reasonable accommodation would impose an undue financial or administrative burden on the City.
- (d) Whether the request for reasonable accommodation would require a fundamental alteration in the nature of a City program or law, including, but not limited to land use and zoning.
- (e) Potential impact on surrounding uses.
- (f) Physical attributes of the property and structures.
- (g) Alternative reasonable accommodations which may provide an equivalent level of benefit.

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- (h) Whether the request for reasonable accommodation would adversely impact wetlands, environmentally sensitive habitat areas, public access and/or public views; and, if it does have such an impact, whether the request can be accomplished under a feasible alternative approach that eliminates or minimizes those impacts. Mitigation must be included to address significant adverse impacts.
- (i) The feasible alternative to be implemented is the feasible alternative resulting in the least adverse impact on wetlands, environmentally sensitive habitat areas, public access and/or public views.
- (2) Conditions of Approval. In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation is appropriate based on the factors considered in Subsection (E)(1) above. In addition, the reviewing authority may impose a condition that the City has the right to terminate any approved exterior reasonable accommodation when it has been determined that the approved reasonable accommodation is no longer necessary.

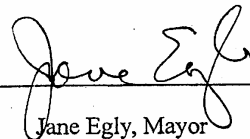
(F) Appeal of Determination. A determination by the reviewing authority to grant, grant with conditions, or deny a request for reasonable accommodation may be appealed to the City Council in compliance with Appeals Section of the Zoning Code (Section 25.05.070).

SECTION 5: Environmental Determination. The City Council finds that the adoption and implementation of this ordinance are exempt from the provisions of the California Environmental Quality Act in that the Council finds there is no possibility that the implementation of this ordinance may have significant effects on the environment.

SECTION 6: This Ordinance shall take effect and be in full force and effect thirty days after final adoption.

SECTION 7: The City Clerk shall certify to the passage of this Ordinance and shall cause this Ordinance to be published or posted as required by law.

ADOPTED this 10th day of January, 2012.



Jane Egly, Mayor

ATTEST:



Martha Anderson

City Clerk

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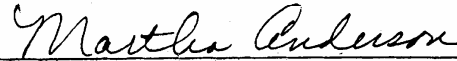
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I, MARTHA ANDERSON, City Clerk of the City of Laguna Beach, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council on December 6, 2011, and was finally adopted at a regular meeting of the City Council of said City held on January 10, 2012, by the following vote:

AYES: COUNCILMEMBER(S): Boyd, Iseman, Pearson, Rollinger, Egly

NOES: COUNCILMEMBER(S): None

ABSENT: COUNCILMEMBER(S): None



City Clerk, of the City of Laguna Beach, CA

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