

CALIFORNIA COASTAL COMMISSION

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**F15a**

October 15, 1998

TO: Commissioners and Interested Persons

FROM: Deborah Lee, South Coast District Director
Teresa Henry, South Coast District Manager
Stephen Rynas, Orange County Area Supervisor

SUBJECT: REVISED FINDINGS ON THE CITY OF LAGUNA BEACH LOCAL COASTAL PROGRAM AMENDMENT 1-98 FOR THE TREASURE ISLAND AREA OF DEFERRED CERTIFICATION

SUMMARY OF STAFF REPORT**SUMMARY OF COMMISSION ACTION**

At the Commission meeting of August 13, 1998, the Commission reviewed the City of Laguna Beach Local Coastal Program Amendment 1-98 for the Treasure Island Area of Deferred Certification. At the opening of the public hearing Commission staff made two oral revisions to the staff recommendation. The first modification was the deletion of gates from the entrances to the Residential Estates planning area and the provision for public access through the Residential Estates planning area for purposes of public access to the coast via the bluff top park. The second modification deleted references to Appendix E from the Treasure Island Local Coastal Program. Appendix E contains the Conditions of Approval and EIR Mitigation Monitoring Program. Though references to Appendix E were eliminated, certain appropriate development standards referenced in Appendix E were added to the LCP. These modifications relate primarily to project phasing, physical improvements required prior to issuance of a coastal development permit for a final tract map, and preserving vegetation. Appendix E was deleted from the LCP amendment since conditions of approval are incorporated at the time a coastal development permit is issued, not at the time a planning document such as this LCP amendment is adopted. Extensive public testimony and subsequent Commission discussion occurred before the Commission voted on the matter. Prior to the Commission vote staff incorporated into its recommendation the provision for a twenty foot development setback from the inland boundary of the bluff park as suggested by the Commission. The purpose of the twenty foot development setback is to maintain an adequate width for the park in the event bluff erosion

reduces the width of the park. In its action the Commission denied the amendment as submitted and approved the amendment with the suggested modifications contained in this staff report.

DESCRIPTION OF THE SUBMITTAL

The Treasure Island Local Coastal Program is a project specific amendment (Specific Plan) to the City of Laguna Beach Local Coastal Program (LCP). This LCP amendment is for a thirty (30) acre coastal bluff-site formerly used as a 268 unit private lock gate trailer park. The Treasure Island Area of Deferred certification is located in the southern portion of the City of Laguna Beach on the seaward side of Pacific Coast Highway just north of Aliso Beach. A vicinity map showing the location of Treasure Island is appears in Figure 1 on page 59.

The LCPA would allow for a resort complex consisting of a resort center on 10.63 acres. The resort center will provide 200-275 visitor serving overnight accommodations mixed between a hotel, resort villas and residence villas. A maximum of 18 Residential estates will be allowed on 5.80 acres. Public benefits of the LCP comprise the dedication of approximately 13.6 acres into public ownership and the enhancement of public access to the site. The public amenities consist of: three vertical public accessways to the beach, lateral public access along a blufftop park, a walkway along Pacific Coast Highway, a 3.55 acre Marine Reserve which includes pocket beaches, Goff Island and rocky points, 2.70 acre sand beach, 6.24 acre bluff-top park, 1.17 acre Coast Highway Scenic Corridor, a 0.3 acre resort garden adjacent to Coast Highway, the construction of a fifty space parking lot, and access to the site and the shoreline. Approval of this LCP amendment by the Commission results in approval of the Land Use Plan and implementing regulations covering this area of deferred certification. The City of Laguna Beach will issue the coastal development permits authorizing construction for this project.

SUMMARY OF STAFF RECOMMENDATION

Commission staff recommends that the Commission adopt the following revised findings in support of the Commission's Action **DENYING** the proposed Local Coastal Program Amendment 1-98 for the Treasure Island Area of Deferred Certification (City of Laguna Beach), as submitted, and **APPROVING** the proposed Local Coastal Program Amendment 1-98 as revised by the suggested modifications. The motions to accomplish this begin on page 8.

ADDITIONAL INFORMATION

For further information, please contact Stephen Rynas at the South Coast District Office of the Coastal Commission at: 562-590-5071. The proposed Treasure Island Local Coastal Program Amendment to the City of Laguna Beach LCP is

available for review at the Long Beach Office of the Coastal Commission or at the Planning Department for the City of Laguna Beach. The City of Laguna Beach Planning Department is located at 505 Forest Avenue, Laguna Beach, CA 92651. John Montgomery is the contact person for the City's Planning Department, and he may be reached by calling **949-497-0713**.

I. EXECUTIVE SUMMARY

The Treasure Island Local Coastal Program is a project specific amendment to the City of Laguna Beach Local Coastal Program. Treasure Island totals thirty acres in size and is an Area of Deferred Certification. The LCP area is located in the southern portion of the City of Laguna Beach on the seaward side of Pacific Coast Highway just north of Aliso Beach. The vicinity map is shown in Figure 1 located on page 59. The site was previously used as a private 268 space trailer park. When the City's Local Coastal Program was certified by the Commission in 1993 certification of this area was deferred pending resolution of public access concerns.

The major component of the Specific Plan approved under this LCP amendment is a resort complex. The resort complex will cover approximately 11 acres of this thirty acre site. The resort complex will provide 200-275 visitor serving accommodations mixed between a hotel, resort villas, and residence villas.

Public benefits of the LCP amendment comprise the dedication of nearly 14 acres into public ownership and the enhancement of public access to the site. Specific public benefits include: three vertical public accessways to the beach, lateral public access along a blufftop park, a walkway along Pacific Coast Highway, a 3.6 acre Marine Reserve, 2.7 acre sand beach, 6 acre bluff-top park, a 1.2 acre scenic Corridor along Pacific Coast Highway, and a fifty space public parking lot.

When the Commission certified the Laguna Beach LCP in 1993, the Treasure Island area was withheld certification since the site did not provide public access. The current proposal addresses the public access concerns since it will allow extensive public access to and recreational use the LCP area. The Commission's action on the Treasure Island LCP amendment resolved five issues of controversies:

1) THE EXTENT OF PUBLIC ACCESS ALLOWED IN THE RESORT CENTER

The resort center contains both visitor overnight accommodations and private residential development. The Treasure Island Specific Plan as submitted perpetuated a gated residential community on a portion of the LCP area. Further, it lacked policies which clearly established the ability of the public to utilize the site on a casual basis. Additionally some of the development policies would have allowed resort and residential development to occur

Executive Summary

adjacent to the public trail. To resolve the public access concerns the Commission adopted recommendations to incorporate policies which guarantee the public's ability to access the entire Specific Plan area on a casual basis, to require that development be setback twenty (20) feet from the inland boundary of the blufftop park, to park in the Resort Center's parking garage and to provide public access to the coastal bluff top trail through the Residential Estates Planning Area when it is subdivided.

2) THE PROVISION OF A FUNICULAR

As submitted the plan would have allowed for an optional funicular. The funicular would have been located on the coastal bluff face to facilitate the conveyance of hotel guests, the public, and handicapped persons to the beach. Construction of this funicular may have required the construction of shoreline protective devices. Further, it would be an adverse visual impact as the funicular would have to traverse the bluff face. To resolve these potential concerns the Commission adopted modifications to delete the funicular.

3) IMPLEMENTATION OF A PHASING PLAN

The Coastal Act favors projects which provide coastal access and visitor serving facilities. To assure that public amenities are provided, the Commission typically requires that the public benefits be completed prior to or concurrent with low priority residential development. The LCP, as submitted, allowed private residential development which is a low priority use in the coastal zone. However, the LCP, as submitted, did not specifically mandate that the public improvements be completed prior to or concurrent with the low priority residential development. To assure that the public benefits proposed under this Specific Plan are provided before the low priority residential component, the Commission has adopted revisions to the phasing plan to require that the public amenities be provided prior to or concurrent with the grand opening of the Resort Center and prior to the lower priority private residential development.

4) THE RELATIONSHIP OF PRIVATE VIEWS AND PUBLIC VIEWS

The Specific Plan serves a variety of purposes for the City of Laguna Beach. Consequently it contains policies for the protection of private views which are under the purview of the City of Laguna Beach. The Coastal Act mandates the protection of public views. The Specific Plan does not distinguish between public and private view policies. To clarify this, the Commission has adopted a suggested modification that specifically states that private view concerns are not part of the coastal development permitting process and can not be appealed to the Commission.

5) PROTECTION OF ENVIRONMENTALLY SENSITIVE HABITAT

The Specific Plan as submitted did not contain a policy equivalent to section 30240 of the Coastal Act which would assure that development occurring in environmentally sensitive areas would be limited to only uses dependent on those resources and that development adjacent to environmentally sensitive habitat and parks shall be sited and designed to prevent impacts which would significantly degrade habitat and recreation area. The Treasure Island area contains environmentally sensitive habitat areas in the form of coastal bluffs and a shoreline which requires protection. To assure that environmentally sensitive habitat areas are protected the Commission has adopted suggested modifications which conform to the requirements of Section 30240 of the Coastal Act.

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II. COMMISSION RESOLUTIONS FOR ADOPTING REVISED FINDINGS FOR DENIAL, AS SUBMITTED, AND APPROVAL OF THE CITY OF LAGUNA BEACH LCP AMENDMENT 1-98 FOR THE TREASURE ISLAND AREA OF DEFERRED CERTIFICATION WITH SUGGESTED MODIFICATIONS	
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Following a public hearing, staff recommends the Commission adopt the following motion and findings. The appropriate motion to introduce each resolution and a staff recommendation is provided just prior to each resolution.

Note: Only those Commissioners on the prevailing side of the Commission's action are eligible to vote on the following motions. The list of prevailing Commissioners who voted to deny the LCPA, as submitted and the prevailing Commissioners who voted to approve the LCPA with suggested modifications is listed following each motion.

Motion #1

"I move that the Commission adopt the following revised findings in support of the Commission's denial of the City of Laguna Beach LCP Amendment 1-98 for the Treasure Island Area of Deferred Certification (as submitted)."

Prevailing Commissioners:

Commissioner Herron, Commissioner Brothers, Commissioner Dettloff, Commissioner Flemming, Commissioner Johnson, Commissioner Nava, Commissioner Potter, Commissioner Reilly, Commissioner Tuttle, Commissioner Wan, and Chairman Areias

Staff Recommendation

Staff recommends a **YES** vote and the adoption of the following resolution and findings. An affirmative vote by a majority of the prevailing Commissioners is needed to pass the motion.

Resolutions

Resolution #1

The Commission hereby adopts the findings set forth below denying, as submitted, the City of Laguna Beach LCPA 1-98 for the Treasure Island Area of Deferred Certification on the grounds that the findings support the Commission's decision of August 13, 1998 and accurately reflect the reasons for it.

Motion #2

"I move that the Commission adopt the following revised findings in support of the Commission's approval with suggested modifications of the City of Laguna Beach LCP Amendment 1-98 for the Treasure Island Area of Deferred Certification."

Prevailing Commissioners:

Commissioner Herron, Commissioner Brothers, Commissioner Dettloff, Commissioner Flemming, Commissioner Johnson, Commissioner Nava, Commissioner Potter, Commissioner Reilly, Commissioner Tuttle, and Chairman Areias

Staff Recommendation

Staff recommends a YES vote and the adoption of the following resolution and findings. An affirmative vote by a majority of the prevailing Commissioners is needed to pass the motion.

Resolution #2

The Commission hereby adopts the findings set forth below approving the City of Laguna Beach LCPA 1-98 for the Treasure Island Area of Deferred Certification, with suggested modifications, on the grounds that the findings support the Commission's decision of August 13, 1998 and accurately reflect the reasons for it.

III. PROCEDURAL PROCESS (LEGAL STANDARD FOR REVIEW)

STANDARD OF REVIEW: The standard of review for land use plan amendments is found in Section 30512 of the Coastal Act. This section requires the Commission to certify an LUP amendment if it finds that it meets the requirements of Chapter 3 of the Coastal Act. Specifically, Section 30512 states: *"(c) The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200). Except as provided in paragraph (1) of subdivision (a), a decision to certify shall require a majority vote of the appointed membership of the Commission."*

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission must act by majority vote of the Commissioners present when making a decision on the implementing portion of a Local Coastal Program.

COMMISSION VOTING PROCESS: Pursuant to Section 13540 of the Commission's regulations certification of the local coastal program is contingent on specific written findings (this report) being adopted by majority vote of the members prevailing on the motion.

HEARING LIMITATION: Comments from the public concerning the revised findings will be limited to discussing the adequacy of the revised findings to support the Commission's action of August 13, 1998.

PROCEDURAL REQUIREMENTS: Pursuant to Section 13551(b) of the California Code of Regulations, a resolution for submittal must indicate whether the local coastal program amendment will require formal local government adoption after Commission approval, or is an amendment that will take effect automatically upon the Commission's approval pursuant to Public Resources Code Sections 30512, 30513 and 30519. Further, this certification is subject to suggested modifications by the Commission. Therefore, this local coastal program amendment will not become effective until the City of Laguna Beach formally adopts the suggested modifications and complies with all the requirements of Section 13544 including the requirement that the Executive Director determine the City's adoption of the amendment to the Land Use Plan and Implementation Program is legally adequate.

IV. BACKGROUND

A. History of Treasure Island LCP Area

This amendment to the City of Laguna Beach Local Coastal Program covers a 30 acre area known as Treasure Island. This site was formerly developed as a private 268 space trailer park. The LCP area was developed as a trailer camp in 1931, with a major expansion in 1955. By 1964 it was fully developed as a 268 space trailer park. The mobile home park was closed on March 15, 1996.

A previous redevelopment project was proposed for the site in 1981 when the site was within the jurisdiction of the County of Orange. The prior proposal was for a 540 unit timeshare lodge with underground parking, 60 affordable housing rental units, a cliff-side restaurant, amphitheater, swimming pools, and tennis courts. The previous proposal was never constructed.

When the Laguna Beach Local Coastal Program (LCP) was certified in July 1992, Treasure Island was one of the four areas of deferred certification due to public access concerns since the area was a lock gate community. The City of Laguna Beach accepted the Commission's suggested modifications to the LCP submittal and the Commission subsequently concurred with the Executive Director's determination of adequacy on January 13, 1993.

B. Development Concept

1. PUBLIC ACCESS AND OPEN SPACE CONCEPT

In addition to the dedication of the 2.70-acre Sand Beach, the 3.55-acre Marine Reserve which includes pocket beaches, rocky points and Goff Island, and the 6.24-acre Bluff-top Park dedicated to the City in fee and/or public easement, the Resort Development Area will implement a variety of public open space areas and coastal access improvements which will be protected by public easements granted to the City. This includes :

- A 25- to 35-foot-wide Scenic Highway Landscape Corridor/ ROW dedication along the entire 1/3-mile of the site adjacent to Coast Highway as envisioned by the City's General Plan, with an enhanced walkway, subdued signage and street furniture, and landscape/hardscape treatment designed to provide public enjoyment and clearly visible coastal access opportunities.

Background

- Two signalized vehicular entries into the resort from Coast Highway:
 - * A northerly entry for the Resort Center Hotel and Resort Villas, and the Residence Villas and Residential Estates, opposite the driveway for the Aliso Creek Plaza Shopping Center; and
 - * A southerly entry for the Resort Center Hotel and public parking area opposite Wesley Drive.
- Coastal access from Pacific Coast Highway:
 - * An ADA-compliant coastal access walkway from the southerly resort entry, along the Bluff-top Park in front of the Resort Center, and down a new gently-sloping ramp that will be constructed to the back of the Sand Beach; and
 - * A second coastal access walkway from the northerly resort entry near the high point of Coast Highway, through the Resort Center, to the top of the new beach access ramp. The focal point of the Resort Development Area will be the mixed-use Resort Center.
 - * Three vertical access ways to the beach from the bluff-top park.

2. RESORT CENTER CONCEPT

The 10.63-acre Resort Center will provide between 200 and 275 visitor-serving overnight accommodations within a Resort Hotel and potentially within Resort Villa units that could be individually owned but must be operated by the Resort Hotel Developer/Operator as visitor-serving accommodations during most of the year.

At least 60% of all Resort Center accommodations must be owned by the Resort Hotel Developer/Operator.

The Resort Hotel is planned to include both conventional view-oriented guest rooms/suites and dispersed bungalow rooms/suites, and will include most of the public gathering and function areas of the resort, including:

- a variety of restaurants, lounges, and food/beverage areas (approximately 245-360 seats);
- an approximately 8,000-square-foot ballroom comfortably accommodating 300 or more people for sit-down dining and dancing with a live band, plus an

Background

additional approximately 13,000 square feet of banquet/break-out meeting rooms and pre-function foyers;

- a full-service health spa and exercise gym; and
- a multi-level parking structure with sufficient spaces to serve guests, visitors, and employees.

Resort Villas are planned to provide additional overnight accommodations within the Resort Center. Resort Villas may be individually owned (as condominiums) but must be fully managed by the Resort Center Hotel operator as overnight accommodations during all but 60-90 days of the year, when they can be occupied by their owners. Resort Villas may be multiple-keyed (up to 4 keys per Resort Villa) to increase the number and variety of overnight accommodations available to the public.

Residence Villas are an optional type of condominium Villa which will be permitted within the Resort Center only under very specific conditions. Nineteen Residence Villas (the maximum 37 dwelling units minus the maximum 18 Residential Estates) are permitted. To construct Residence Villas, all of the following must be met and, if met, the owner of a Residence Villa would not be subject to occupancy restrictions:

- A minimum of 200 hotel rooms/overnight accommodations must be owned by the Resort Hotel developer/operator, and must be available to the public year round;
- Each of the hotel rooms/accommodations must contain a minimum of 480 square feet of enclosed living space;
- At least 160 of the hotel rooms/accommodations must afford resort guests an ocean view from inside the room; and
- The Residence Villas must conform with the site development standards and requirements of the City's R-3 Zone, and with maximum height and setback restrictions as set forth in Specific Plan Chapter 11.

The **Resort Garden** is a 0.30-acre public garden or open space area located in the northern portion of the site, adjacent to the Coast Highway Scenic Corridor.

RESIDENTIAL ESTATES: A maximum of 18 Residential Estates will be developed on a maximum 5.80-acre area at the north end of the Resort Development Area, inland of the Bluff-top Park. In terms of their design, Residential Estates are

Background

planned as view-oriented custom resort homes, which will have full access to all services and amenities within the Resort Center.

Residential Estates must conform with site development standards which are generally consistent with the City's R-1 Zone, including the following:

- A larger minimum lot area of 7,000 square feet (R-1 is 6,000 square feet); and
- A maximum height envelope of 25 feet — and less in front of the Blue Lagoon condominium project — as set forth in LCP Section 11.3.

3. RESOURCE MANAGEMENT PROGRAM

The Resource Management Program (RMP) is the one of the major components of the Treasure Island Specific Plan. The purpose of the RMP is to comprehensively implement the Resource Protection Policies (i.e., the coastal/marine, physical, cultural, and visual/scenic resources policies) providing the necessary requirements and regulations to effectively serve as the Implementing Actions Program for the Land Use Plan (LUP) portion of the LCP.

The Resource Management Program has five (5) primary objectives:

- a) Designate a Treasure Island Marine Reserve for Planning Area 1 and propose its candidacy for Ecological Reserve status. The Ecological Reserve designation would extend off-shore for a distance of 1,200 feet from mean high tide, and would restrict certain uses within the coves and tidepool areas (e.g., fishing, gathering, etc.). This level of protection will help ensure the ongoing conservation of this fragile ecosystem and "sustainable" use of coastal resources within this stretch of the Laguna Beach shoreline.
- b) Create a public Bluff-top Park that protects the bluff face and bluff-top resources while offering passive recreation and view appreciation of the coastal/marine resources from the top of the terrace.
- c) Provide and improve public access to a dedicated public sand beach area with a full range of resort and general public opportunities for active and passive recreation within the Coastal Zone.
- d) Provide and improve the adjacent portion of the Coast Highway Scenic Corridor to protect and enhance the existing public streetscape and views of the site and coastline.

Background

- e) Provide three reasonable public view corridors through the resort community which, while not precluding development within the boundaries of the corridor, will require the maintenance of a preponderance of the existing ocean views.

V. SUMMARY OF PUBLIC PARTICIPATION

The City of Laguna Beach held twenty-one public hearings regarding the Treasure Island Destination Resort Community Local Coastal Program (LCP) Amendment. Fourteen of the hearings were held before the Planning Commission and seven of the hearings were held before the Laguna Beach City Council. The hearings were for both the LCP and the Environmental Impact Report (EIR) for the Treasure Island Destination Resort Community (State Clearinghouse number 96031023). The public review period for the DEIR (August 25, 1997) was for 45 days and ran from August 26, 1997 to October 9, 1997. Comments received from the public and various public agencies on the DEIR are contained in volume three of the FEIR.

Planning Commission EIR/LCP Hearings

- ◆ September 17, 1997 (LCP & DEIR presentations)
- ◆ October 1, 1997 (geotechnical/earth resources; hydrological analysis; coastal engineering & marine biology)
- ◆ October 8, 1997 (air quality/noise assessments; traffic and circulation & aesthetics/view impact)
- ◆ October 22, 1997 (Americans with Disabilities Act; cultural and scientific resources; fiscal impact & land use and recreation)
- ◆ December 10, 1997 (DEIR Comments and drafts of Response to Comments, Mitigation Monitoring Program, Statement of Findings and Statement of Overriding Considerations)
- ◆ January 7, 1998 (LCP Amendment)
- ◆ January 10, 1998 (Legal issues; land use; parking; resort center; & time share issues)
- ◆ January 14, 1998 (Resort limitations; conference facilities; concrete slab and pier & gated access)
- ◆ January 21, 1998 (Resort limitations; view issues & height limits)
- ◆ January 28, 1998 (Resort development limitations)
- ◆ March 11, 1998 (Amended LCP review)
- ◆ March 18, 1998 (Amended LCP review and resort limitations)
- ◆ March 25, 1998 (Amended LCP review continuation)
- ◆ April 15, 1998 (EIR certification and LCP approval recommendation)

PUBLIC PARTICIPATION

City Council EIR/LCP Hearings

- ◆ January 27, 1998 (EIR & LCP presentations)
- ◆ February 10, 1998 (EIR & LCP)
- ◆ March 17, 1998 (LCP review continuation)
- ◆ March 24, 1998 (EIR & LCP)
- ◆ April 28, 1998 (EIR & LCP)
- ◆ May 5, 1998 (Resort development limitations)
- ◆ June 2, 1998 (EIR certification and LCP approval)

Numerous comments were received from the public during the EIR and LCP public hearing process. Comments received were highly divergent and varied from those highly in favor of the proposed LCP and those opposed. The public comments received are summarized below.

Those in **SUPPORT** of the proposed LCP amendment expressed the following:

- Public access to the beach
- Dedication of the beach and blufftop park as low cost visitor serving uses
- Development of a resort as a visitor serving use
- Adequate environmental protections, including blufftop setbacks to help preserve the bluff
- The provision of public parking
- Positive fiscal impact to the City and service agencies
- Protection of marine/ecological reserve
- Removal of illegal, nonconforming cement slab and pier
- Provision of County maintenance access to Aliso Beach
- Special School District mitigation
- LCP is consistent with City's general plan; no general plan policies are amended
- New and adequately-sized conference facilities will allow local events to be held, such as School Power functions
- Extensive landscaping proposed

Those in **OPPOSITION** to the proposed LCP amendment expressed the following:

- Private views from Blue Lagoon condominiums and other private residences will either be eliminated or dramatically reduced
- Public views from Coast Highway, Fred Lang Park and the shopping center across the street will either be eliminated or dramatically reduced
- Concern over noise and traffic impacts
- Proposed residential use should either be reduced or eliminated
- Inadequate environmental analysis and/or mitigation or protections, including inadequate blufftop setback and protections
- Proposed development is too intense

PUBLIC PARTICIPATION

- Inadequate public parking
- Gated access, want public streets and access; proposed street widths are too narrow
- Proposed LCP is not consistent with City's general plan
- Inadequate landscape plan
- Structural heights are too high

VI. LAND USE PLAN SUGGESTED MODIFICATIONS

Suggested Modifications: The Commission certifies the following, with modifications as shown. Language proposed by City of Laguna Beach is shown in normal straight type. Language recommended by the Commission for ~~deletion~~ is shown in ~~line-out~~. Language proposed to be *inserted* by the Commission is shown in *boldface italics*.

The addition of new policies or the deletion of submitted policies will result in the renumbering of subsequent policies. Policies which must be simply renumbered and do not otherwise require any modifications will not be shown. Below are the suggested modifications.

In their August 13, 1998 action the Commission, as a global suggested modification, deleted the reference to Appendix E titled "Conditions of Approval and EIR Mitigation Monitoring Program". Therefore all references to Appendix E are deleted from the Treasure Island Specific Plan.

A. Section 3.1.2 Coastal/Marine Resources Policies

4. Marine boating ~~and fishing (including spear fishing)~~ activity shall be ~~prohibited~~ *restricted* in sensitive cove and rocky shoreline areas within the LCP Area *as depicted in Figure 9.2-3 of the Resource Management Plan.*

6. *Propose to the State Fish and Game Commission that it designate* ~~Designate~~ a Treasure Island Marine Reserve ~~up from the shoreline seaward out to 1,200 feet offshore~~ and propose its candidacy for Ecological Reserve status *to the State Department of Fish and Game, the State Fish and Game Commission, and the California State Lands Commission. The area to be proposed is depicted in Figure 9.2-3 of the Resource Management Plan.*

8. All drainage facilities and erosion control measures within the LCP Area shall be designed and constructed to protect coastal/marine resources in accordance with the Orange County Flood Control District Design Manual and Title 22, "Excavation, Grading and ~~Excavation~~ *Filling*," of the Laguna Beach Municipal Code.

16. The Resort Villas area of the site shall generally be graded to direct flow toward local streets and away from the bluffs. Sites that are too low to surface drain to the street shall be required to provide a private drainage system *designed to protect and minimize significant adverse impacts on the marine environment and stability of the bluffs* in conjunction with the City's review of the project-level CDP for the Resort Villas.

17. Roof drainage from the Resort Villas shall be directed toward local streets and away from the bluffs. Sites that are too low to surface drain to the street shall be required to provide a private drainage system ***designed to protect and minimize significant adverse impacts on the marine environment and stability of the bluffs*** in conjunction with the City's review of the project-level CDP for the Resort Villas.

19. The Landowner/Master Developer shall prepare the final plans for the removal of the concrete slab and pier. The City shall obtain the required State and Federal permits for the removal of the existing improvements and construction of the rock groin/sea wall as identified in Policy 18 above. ***The removal of the concrete slab and pier including construction of a new rock groin/sea wall, if necessary, shall be completed prior to or concurrent with the Resort Center grand opening.***

B. Section 3.2.2 Physical Resource Policies

2. Where development areas adjoin bluffs, all buildings and ~~habitable~~ structures, ***including swimming pools and other development associated with residential and resort development,*** shall be set back a sufficient distance from the bluff edge (i.e. a minimum of 25 feet) to be structurally safe from projected bluff erosion for a minimum of 50 years. Prior to the issuance of ~~building~~ ***coastal*** permits, geotechnical engineering reports shall be required by the City of Laguna Beach to determine this setback. ***All buildings and structures, including swimming pools and other development associated with residential and resort development, shall be setback an additional 20 feet from the inland Bluff Top Park boundary in order to accommodate inland relocation of the Bluff Top Park should the park decrease in width due to bluff erosion. The 20 foot development setback area shall be conveyed to the City of Laguna Beach in the form of an easement at the time of subdivision for the purpose of relocating the Bluff Top Park as specified above. The following development may be allowed within the development setback area pursuant to coastal development permits: landscaping, rear yard property line fences, and uncovered patios and similar minor development pursuant to section 25.50.008 of the Laguna Beach Zoning Code. Any such coastal development permit shall require the applicant to acknowledge and agree to remove the development should the park boundary need to be move inland as specified above.***

3. ~~Resort buildings and habitable structures shall be set back a minimum of 25 feet from the face of the existing or, in the area of the new ramp, future edge of the bluff, whichever is the more restrictive in terms of minimizing the resort development area and maximizing the area of open space dedication, except that exceptions may be granted for view kiosks, interpretive~~

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~~overlooks, and other public structures within park and recreation areas or along coastal access corridors as part of an approved Coastal Development Permit.~~

Resort buildings and all structures associated with resort development, including swimming pools, spas and similar development, shall be set back a minimum of 20 feet from the inland Bluff Top Park boundary. The development set back area shall be conveyed to the City of Laguna Beach in the form of an easement at the time of subdivision for the purpose of relocating the Bluff Top Park should the park decrease in width due to bluff erosion. The following resort development may be allowed within the development setback area pursuant to coastal development permits: landscaping, rear yard property line fences, and uncovered patios and similar minor development pursuant to section 25.50.008 of the Laguna Beach Zoning Code. Any such coastal development permit shall require the applicant to acknowledge and agree to remove the development should the park boundary need to be move inland as specified above. View kiosks, interpretive overlooks, and other public structures within the Bluff Top Park or along coastal access corridors shall be sited a sufficient distance from the bluff edge to be structurally safe from bluff erosion. Park facilities may be moved inland into the development setback area to achieve structural safety or if the park is relocated landward as specified above as part of an approved Coastal Development Permit.

9. ***Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.***
10. ***Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.***

C. Section 3.3.2 Cultural Resource Policies

6. ***Where development would adversely impact archaeological or paleontological resources, reasonable mitigation measures shall be required.***

D. Section 3.4.2 Visual and Scenic Resource Policies

2. Three reasonable public view corridors *towards the ocean* shall be provided and shall total 500 feet in width *along Pacific Coast Highway*. The establishment of a view corridor shall not preclude development *within* the boundaries of the corridor, but rather will require the maintenance of a preponderance of the ocean views through a constant width corridor from ~~the residences above~~ the Aliso Creek Plaza Shopping Center, Coast Highway, and Fred Lang Park *as depicted in Figure 9.2-3 of the Resource Management Plan*.
19. *The Treasure Island Specific Plan contains policies concerning the protection of both private and public views. Only views from public locations are protected under the Coastal Act. Therefore, the coastal development permit process shall not be used to regulate private view issues.*

E. Section 4.2.1 Coastal Access and Recreation Policies

6. *Lower cost recreational uses, visitor serving uses, and public access opportunities have priority over private residential uses. Accordingly, the public recreation and public access facilities shall be constructed and opened to public uses prior to construction of residential development and prior to or concurrent with the opening of the resort center.*

F. Section 4.2.2 Public Walkway/Trail Policies

5. *Public pedestrian accessways into and through the Residential Estates and Residence Villas areas to the bluff top park and beach accessways shall be allowed, shall not be gated, and shall be signed identifying the public's ability to access the area. The bluff top park shall provide three public accessways to the shoreline consistent with Policy 3 of Section 6.2.2.*

G. Section 4.2.3 Public Parking Policies

1. *A minimum of Fifty (50) general public parking spaces (i.e., spaces in addition to those required for overnight accommodations and patrons/users of Resort Center facilities) shall be provided in the public bluff top park as depicted in Figure 10.1-1 (Conceptual Development Plan). A reasonable fee may be charged for such public parking, ~~comparable to~~ *not to exceed* that charged at other public beaches in Orange County.*

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2. Except where required for public safety purposes, such as for new access entrances, existing public parking spaces along Coast Highway adjacent to the Resort shall not be eliminated. ***Parking spaces eliminated shall be replaced on a one to one basis through the provision of new parking spaces.***
3. ***The resort center parking structure shall provide a minimum of twenty (20) public parking spaces in addition to those required for overnight accommodations, employees of the Resort Center, and other uses of the Resort Center. The number of dedicated public parking spaces can be adjusted based on a shared parking analysis which documents the availability of surplus parking that can be used by the public. Additionally, signs shall be placed at the main entrance to the resort and at the parking structure informing the public of the availability of public parking.***

H. Section 4.2.4 Shoreline Area Policies

1. All recreation, operations, and maintenance planning for the Sand Beach and Marine Reserve shall be done in coordination with the City of Laguna Beach, ~~and~~ the County of Orange Harbors, Beaches and Parks Department, *the California Department of Fish and Game, and the California State Lands Commission.*

I. Section 5.2.2 Local Roads and Circulation Policies

3. The primary entry to the Residential Estate and Residence Villas area ~~may~~ ***shall not*** be controlled by ~~any security gate system, provided and shall provide~~ that sufficient stacking distance and guaranteed public safety service access (i.e., for police, fire, paramedic, lifeguard, and other emergency vehicles) ~~is provided~~ to the satisfaction of the City's Fire and Police Departments. ~~The gate may incorporate a guard or key activated resident/visitor access system. More than one gate may be used to separate different areas within the Residential Estate and Residence Villa area.~~ ***Pedestrian public access consistent with Policy 5 of Section 4.2.2 shall be allowed.***
7. The walkway described in (6) above shall be designed so as to:
 - a) be usable by City and/or County beach maintenance and emergency access vehicles, and

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- b) be usable, either by itself and/or in conjunction with a parallel wheelchair ramp of reduced slope, to provide disabled persons (pursuant to the Federal Americans with Disabilities Act (ADA) and California Title 24 Disabled Access Standards) access to the Sand Beach. ~~In addition, by mutual agreement between the City and Landowner/Master Developer, coastal access for disabled persons may be provided by another means such as a funicular or other system.~~

- ~~9. In addition to the new southerly ramp identified in (6) above, the developer of the Resort Center may propose additional coastal access for resort guests including a funicular that connects the bluff top area near the top of the new ramp with the Sand Beach.~~

Since the modifications to policies 7 and 9 eliminate the funicular, the portions of all other policies, regulations, and guidelines concerning the funicular are also deleted from the Treasure Island Specific Plan.

J. Section 5.2.3 Parking Policies

1. Required parking for the Resort Center shall be based upon a Resort Center Shared Parking Analysis to be prepared by a City-qualified/licensed Traffic Engineer in conjunction with the Program EIR for the Treasure Island LCP. Such Shared Parking Analysis shall consider the size, mix, and operation of guest rooms, restaurants, ~~and~~ banquet/conference/meeting space within the resort, *employees, and beach related public parking pursuant to Section 4.2.3 policy number 3. Employees shall be encouraged to use alternative transportation means.* Such study shall consider relevant methodologies for such facilities prepared by recognized authorities such as *the* Urban Land Institute. It is acknowledged that such a study, in consideration of the economies of shared parking, may result in a total parking requirement for mixed uses that, in total, is less than the sum of the parking requirements that would apply to the individual uses within the resort, as otherwise similarly provided for in City Zoning Ordinance Section 25.52.012(f).
6. Off-site ~~leased~~ parking may be utilized *consistent with Chapter 25.52 of the City's Zoning Code* to satisfy a portion of the Resort Center's required parking, *provided that the location of the off-site parking is vacant and under the same ownership as the Resort Center* ~~of the off-site spaces are not necessary to satisfy the parking requirements of the site on which the spaces are located.~~ *The off-site parking shall be landscaped to soften the visual impact of the parking facility. Additionally, events or other activities which trigger the requirement to use off-site parking shall not adversely impact the*

public's ability to use the 70 parking spaces designated for public access purposes.

K. Section 6.1 Scope

This chapter sets forth the Land Use Plan policies for the Resort Development Area, including the Resort Center and Residential Estates. This includes land use and design policies as well as policies relating to local roads, infrastructure and facilities that complement the land use development. *The Resort Center design guidelines in Chapter 14 are advisory in nature.*

L. Section 6.2.1 Resort Center Policies

2. The Resort Center *shall be open to the general public and* shall include meeting, conference, and banquet facilities. The precise size of facilities will be set forth in the project-level Coastal Development Permit for the Resort Center.
5. The Resort Center may contain a health club/spa which provides health and recreational opportunities to both guests and ~~residents of the local community~~ *the general public.*
11. The Resort Center shall *be at least 10.63 acres of the developable area and shall* include a 0.3 acre resort garden or open space area at the northern end of the property adjacent to Coast Highway. *Developable area does not include any easements, fee dedications, park land, beaches, bluffs or public access areas, except for the Resort Garden.*
12. *The Resort Center Hotel and Resort Villas shall be operated with daily linen service, central lobby, front desk check-in and central guest registration with management available on a 24-hour basis. The Resort Center shall be staffed with full time management staff. The Resort Center accommodations shall be managed and controlled through a central reservation system for the life of the project.*

M. Section 6.2.2 Resort Center Design Policies

3. To accommodate the guest rooms and required meeting/banquet space within the vertical and horizontal limits of the site, the resort shall step or cascade down from the level of Coast Highway to the elevation of the Bluff-top Park.

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- c. The design **shall incorporate the three existing vertical public accessways** ~~may propose a funicular which would pass to allow public access~~ over the bluff and allow for convenient beach access from the public coastal access walkway to the back of the public Sand Beach. **One or more of the vertical public accessways may be modified to meet ADA requirements. Modifications shall minimize significant adverse impacts on shoreline sand supply.**
10. The Resort Center shall incorporate adequate off-street parking, including not only parking for resort guests **and employees**, but ~~potentially~~ public parking spaces as set forth in LCP Section 4.2.3. Utilization of a subterranean parking structure for required Resort Center parking is preferred to minimize visual impacts from Coast Highway and adjacent areas.

N. Section 6.2.4 Residential Estates Design Policies

5. **The Residential Estates Planning area shall be subdivided in a manner which allows residents, guests, and the general public access to the bluff-top park and beach accessways required by Policy 5 of Section 4.2.2. This public access opportunity shall be included in the comprehensive signage program as required by Policy 3 of Section 4.2.1.**

O. Section 7.2.1 Phasing Policies

5. Public open space shall be dedicated and the planned public and visitor-serving facilities shall be provided **prior to or concurrently** ~~and in proportion to~~ **with private resort development. Specific phasing requirements are contained in the implementation sections.**
7. The Master Phasing Plan ~~should consider~~ **shall incorporate** the following technical factors as part of the development process:
10. **Phasing. Backbone infrastructure grading shall include the entire site, including the Resort Center's below-grade structures. Coastal development permits shall not be issued for the single family homes (Residential Estates) or Residence Villas until: 1) the master grading of the entire site has been finalized; 2) the backbone infrastructure has been constructed; and 3) the Resort Center's (Hotel, Resort Villas and any associated parking structures) foundations have been built and approved by the City. The phasing requirements of any subsequent development agreement shall be consistent with Land Use Policies 4.2.1 number 6 and 7.2.1 number 5 which require**

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that all public access and public recreation amenities shall be completed and available to the public concurrent with the opening of the resort center.

VII. IMPLEMENTATION PROGRAM SUGGESTED MODIFICATIONS

Suggested Modifications: The Commission certifies the following, with modifications as shown. Language proposed by City of Laguna Beach is shown in straight type. Language recommended by the Commission for ~~deletion~~ is shown in ~~line-out~~. Language proposed to be *inserted* by the Commission is shown in **boldface italics**. The addition of new regulations or the deletion of submitted regulations will result in the renumbering of subsequent regulations. Regulations which must be simply renumbered and do not otherwise require any modifications will not be shown.

If there is a difference in language between the certified LUP Modifications and the implementation modifications contained in this section, the Land Use Plan Suggested Modifications shall take precedence. Below are the suggested modifications.

A. *Section 9.3.1 Bluff Preservation Requirements*

~~RMP Regulation 7 (LUP Section 3.2.2 - Policy Nos. 1, 4, and 5):~~

~~A funicular (e.g., a cable car tramway) from the Resort Center to the Sand Beach may be proposed and permitted through the Bluff-top Park next to and below the Resort Development Area (see Figure 9.2-3) for the purpose of providing safe public access - including disabled and other assisted public access - as well as for providing assistance for resort supported beach activities and services on the beach. Any funicular shall be sized and designed in consultation with the City of Laguna Beach and its designated project geologist.~~

B. *Section 9.5.1 Visual and Scenic Resources Protection Requirements*

This section implements LUP policies set forth in LCP Section 3.4.

Nine (9) viewpoints for the evaluation of visual and scenic issues were established by the City of Laguna Beach and utilized in the Treasure Island Program EIR. This evaluation provides the basis for a comprehensive approach to protecting the views and scenic resources within the Specific Plan Area - and utilizes site photographs, cross-sections, computer-generated 3-dimensional views, and artist renderings to illustrate the appearance of the project. ~~Two~~ **Three** of the viewpoints analyzed are relevant to the protection of public views and viewsheds as depicted in Figure 9.2-3, and described below.

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The RMP also creates continuous public pedestrian viewpoints from within the Bluff-top Park and Resort Center which afford uninterrupted tidepool and upcoast/ downcoast ocean views.

RMP Regulation 12 (LUP Section 3.4.2 - Policy No. 1):

Figure 9.2-3, Resource Management Plan, provides the locations for three (3) public view corridors from Coast Highway, Fred Lang Park, and ~~residences above~~ the Aliso Creek Plaza Shopping Center:

1. **View 1:** From Coast Highway at the northerly resort entrance to the Resort Center and Residential Estates, a 100-foot-wide corridor will be provided at the signalized entry opposite the Aliso Creek Shopping Center, looking west/southwest across Coast Highway toward the ocean.
2. **View 2:** From Coast Highway at the primary southerly entrance to the Resort Center, a 100-foot-wide corridor will be provided at the signalized entry opposite Wesley Drive looking southwest over the Sand Beach toward the ocean.
3. **View 3:** From Coast Highway at the southerly end of the Bluff-top Park and Resort Center opposite Fred Lang Park, a 300-foot-wide corridor will be provided looking southwest over the Bluff-top Park and Sand Beach to the ocean.

RMP Regulation 13 (LUP Section 3.4.2 - Policy No. 14,15,16,17):

Section 11.3, Building Height Regulations and Standards, sets forth maximum building height envelopes based upon the Resource Management Plan and view analysis process used for the Program EIR, to ensure the preservation of scenic resources and the establishment of three public view corridors as set forth in this section.

Additionally, the regulations and site development standards for the Resort Center and Residential Estates limit noise walls/fences to six feet in height, and require that all proposed walls along Coast Highway be designed to optimize public views into the site.

~~C. Section 9.5.2 Visual and Scenic Resources Regulations~~

~~Section 11.2, Building Height Regulations and Standards, sets forth maximum building height envelopes based upon the Resource Management Plan and view analysis process used for the Program EIR, to ensure the preservation of scenic resources and the establishment of three public view corridors as set forth in this section.~~

~~Additionally, the regulations and site development standards for the Resort Center and Residential Estates limit noise walls/fences to six feet in height, and require that all proposed walls along Coast Highway be designed to optimize views into the site.~~

D. Section 9.7.1 Public Land Dedication Program

RMP Regulation ~~14~~ 14 (LUP Section 4.2.1):

The conveyance of fee title and easements may be implemented through and subject to a Development Agreement between the Landowner/Master Developer and the City of Laguna Beach pursuant to California Government Code Section 65864 *et seq.* The Development Agreement would vest the development rights of the Landowner/Master Developer ~~under~~ **consistent with the certified LCP and other applicable entitlements.** Among other provisions, it could also establish specific terms and mechanisms for the conveyance of Specific Plan Land Dedication Areas into public ownership **consistent with the certified LCP. All provisions of any such Development Agreement shall be consistent with the Treasure Island Specific Plan.**

E. Section 10.4.4 Access and Parking within the Resort Center

3. Public Parking

~~A minimum of Fifty seventy public parking spaces within the site will be made available for non-guest beach and park users on a prevailing fee basis. Such A minimum of fifty public parking spaces will be located primarily at the southern portion of the site, and any fee shall not exceed that charged at other public beaches in Orange County, either on the surface and/or within a parking structure, as approved in a Coastal Development Permit for the Resort Center. The remaining spaces (a minimum of twenty spaces) shall be~~

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provided within the parking structure of the Resort Center. The public parking implements the policies set forth in LUP Section 4.2.

4. Parking for Resort Center Employees and Public Agency Employees

The City shall require that the Landowner/Master Developer provide incentives for the employees of the development to carpool, use public transit, and other transportation means that will reduce the number of employees who singularly drive to work. ~~The City and/or Landowner/Master Developer may conduct a shared parking analysis for the Alice Creek Plaza Shopping Center and other parking areas within the local area to ascertain if there are parking spaces that could be available for off-site employee parking.~~ Provisions will be made by the Resort Center operator to ensure that public employees working as lifeguards and/or in connection with the Marine Reserve can also park in the parking structure or elsewhere within the Resort Center.

- 6. *Consistent with Land Use Policy number 5 of Section 4.2.2 and Policy number 5 of Section 6.2.4, the streets within the Resort Center shall be designed such that public pedestrian access shall be provided from Pacific Coast Highway through the Residential Villas and Residential Estates to the Bluff-Top Park and coastal public accessways. The pedestrian public access shall not be gated. The vehicular system also shall not be gated. No guards shall be permitted. The comprehensive signage plan as required by Policy 3 of Section 4.2.1 shall include this public access opportunity.***

F. Section 10.9.2 Conceptual Phasing Schedule

2d. Physical Improvement Requirements

Prior to issuance of a coastal development permit for a final tract map, the Landowner/Master Developer shall make the following improvements. Street improvements shall be designed by a civil engineer and submitted for City review and approval. Such plans shall show improvements and earthwork substantially in compliance with the approved LCP Amendment, current Municipal Code standards and certified FEIR or subsequent City-approved CEQA documentation:

- a) Vertical access as specified in Policy 3c of Section 6.2.2.*
- b) Lateral access as specified in Section 4.2.2 of the LCP.*
- c) Removal of the concrete slab and pier and follow-up ramp base stabilization as specified in Policy 18 of Section 3.1.2.*

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- d) **Bluff-top Park and Garden Area as specified in Section 11.6.5 of the LCP.**
- e) **Public Restrooms as specified in Section 11.5.2 of the LCP.**
- f) **Public parking as specified in Section 4.2.3 of the LCP.**
- g) **Drainage and irrigation improvements as specified in Chapter 11 of the LCP.**
- h) **Landscaping, including irrigation and lightscape, in the scenic highway easement area along Coast Highway.**
- i) **All other improvements as specified in the LCP.**

3c. Public Land Dedications and Improvements

Public improvements will occur in conjunction with the Resort Center and Residential Estates construction. ~~Certain public improvements along Coast Highway or otherwise adjacent to the Residential Estates may be completed following the opening of the Resort Center. However, in~~ *In* terms of public coastal access and facilities serving the Sand Beach and Marine Reserve, the public improvements ~~are projected to~~ **shall be complete and available for public use** at the time of the grand opening of the Resort Center ~~and are subject to Laguna Beach City Council conditions as reiterated in LCP Appendix E-1(18), Physical Improvement Requirements.~~

G. Section 11.1.2 Special Provisions

1. Public Infrastructure and Utilities Permitted

Public infrastructure and utility buildings, structures, and facilities C including, but not limited to, electrical, gas, water, sewage, drainage, telephone, and cable television, and their storage, distribution, treatment, and/or production required to carry out development C are permitted in all Planning Areas within the Specific Plan Area, subject to a Coastal Development Permit approved pursuant to LCP Chapter 13, Discretionary Permits and Procedures. **All utilities shall be underground.**

2. Water Quality Management Plan

Prior to the approval of any Final Tract Map, the Landowner/Master Developer shall submit a Water Quality Management Plan (WQMP) to the City's Community Development Department, for review and approval.

The WQMP shall identify specific source control measures (i.e., Best Management Practices or "BMPs") to be implemented to reduce the discharge of pollutants to storm water facilities during all phases of project

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development. These source reduction measures are articulated in the National Pollution Discharge Elimination System (NPDES) Permit No. CA 8000180. The WQMP shall also establish responsibilities for maintenance of water facilities.

The Landowner/Master Developer shall construct a system to direct the summer nuisance water to the sewer system upon concurrence by the water agency with jurisdiction over the project site. *All of the site's non-residential landscape irrigation shall utilize a reclaimed water distribution system, which shall be reviewed and approved by the water agency with jurisdiction over the project site.*

6. ***Tree/Vegetation Preservation.*** *To the extent possible, arborist-identified specimen trees and shrubs within the site, including any candidate heritage trees, except for eucalyptus which are rapidly grown from smaller stock, shall be boxed and replanted within the Resort. Trees along Coast Highway shall be pruned at least once a year. A detailed Master Landscape Plan shall be developed for the entire site and reviewed and approved as part of the Master Coastal Development Permit. The City's Landscape Architect shall provide a written report to the Planning Commission and Design Review Board regarding the proposed landscaping.*

H. Section 11.3.4 Specific Height Limits Within Resort Development Planning Area

6. ***A noise wall/fence higher than six (6) feet above the centerline of Coast Highway shall not be allowed in the Resort Center and the wall's specific height will be determined by an acoustical study during the construction-level design phase. Any proposed walls along Coast Highway should be designed to optimize the views into the site.***

I. Section 11.4.2 Principal Permitted Uses

8. ***Sea walls, rock groins, and similarly engineered structures to protect marine resources, property, and/or the public health, safety, and welfare, in particular pursuant to LCP Appendix E-1(3) only when required to serve coastal dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. (This includes the removal of the concrete slab and the installation of the groin wall on Goff Island as described in Policy 18 of Section 3.1.2.)***

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9. Remedial grading required to resolve geotechnical/soils engineering problems associated with the permitted development of ~~any~~ **this** Planning Area and/or to satisfy engineering requirements for related infrastructure and other permitted uses and development.
10. Drainage facilities and other infrastructure and/or utilities required to serve the permitted development of ~~any~~ **this** Planning Area and/or to satisfy engineering requirements for related infrastructure and other permitted uses and development.

J. Section 11.4.5 Site Development Standards

5. *Any development proposed or undertaken on any tidelands, submerged lands, or on public trust lands, whether filled or unfilled, lying within the coastal zone remains under the jurisdiction of the Coastal Commission. If the proposed development is consistent with the Chapter 3 Policies of the coastal Act, a coastal development permit for such development shall be issued by the Coastal Commission.*

K. Section 11.5.2 Principal Permitted Uses

3. ~~Visitor serving commercial recreation activities and related portable facilities/vehicles~~ **Portable facilities that require no construction on the beach and provide or support visitor serving commercial recreation activities shall be allowed** within a designated area toward the back of the beach near the public beach ramp to serve visitors to the beach, including, but not limited to, food and drink sales, rental facilities for beach/outdoor recreation goods, and other public visitor-serving facilities which may or may not be directly associated with the Resort Center.
7. **ADA accessible, public restrooms** ~~Restrooms~~, but not in Planning Area 2, the Sand Beach.
10. Drainage facilities and other infrastructure and/or utilities required to serve the permitted development of ~~any~~ **this** Planning Area and/or to satisfy City engineering requirements for related infrastructure and other permitted uses and development.
11. **Public Coastal coastal** access ramps, stairways, ~~funiculars~~, and similar and related improvements, ~~including sea walls~~ to facilitate safe and convenient public access to the Sand Beach and Bluff-top Park

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12. Remedial grading required to resolve geotechnical/soils engineering problems, associated with the permitted development of ~~any~~*this* Planning Areas Area and/or to satisfy engineering requirements for related infrastructure and other permitted uses and development.

L. Section 11.5.3 Uses Permitted Subject to a Temporary Use Permit per Chapter 13 (Discretionary Permits and Processing Procedures)

3. *Special events may be allowed on the beach subject to the review and approval of a Temporary Use Permit by the Planning Commission provided that:*

- a. *General public access to public areas shall not be restricted; and*
- b. *Alcohol or alcoholic beverage service on the beach shall not be allowed.*

M. Section 11.6.2 Principal Permitted Uses Requiring a Coastal Development Permit per Chapter 12

1. Mixed-use Resort Hotel and Resort Villas within Planning Area 4a (Resort Center), including the following types of accommodations and visitor-serving uses, which may be located in one or more buildings:
 - a. A minimum of 200 and a maximum of 275 overnight and extended-stay visitor accommodations (i.e., Resort Hotel guest rooms, bungalows, and Resort Villa keys). *The hotel developer/owner shall own at least sixty (60%) percent of the Resort Center accommodations.*
 - c. Public/private roads, ~~controlled entry gates~~, and on-/off-street parking areas, garages, motorized cart paths, and pedestrian walkways, stairways, and bridges.

2. Residence Villas within Planning Area 4a (Resort Center):

The Landowner/Master Developer shall be entitled to the balance of 37 residential dwelling units, after subtracting the number of Residential Estates approved for Planning Area 6, as Residence Villas (condominiums) within the Resort Center. Residence Villas shall be architecturally compatible with the Resort Villas and shall not be multiple-keyed accommodations. The maximum

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area allocated to Residence Villas within the Resort Center shall be 1.5 acres, and the Residence Villas shall be an integral part of the Resort Center, generally located on the northern part of the site. This right to develop Residence Villas within the Resort Center is applicable only if the Landowner/Master Developer builds a minimum of 200 accommodations (keys) that would be owned by the Resort Center developer/ operator and that would be available to serve visitors every day; each of those accommodations (keys) must contain a minimum of 480 square feet of enclosed living space; and at least 160 of those accommodations (keys) must afford guests with an ocean view from inside the unit. If the Landowner/Master Developer satisfies this condition (i.e., 200 accommodations (keys) *owned by the hotel developer* of 480 square feet with 160 having ocean views), the owners of the Resort Villas may stay in all or a portion of the Resort Villa for up to 90 days within each calendar year *otherwise the occupancy shall be limited to a total of 60 days each calendar year*. The owners of the Residence Villas would not be subject to any occupancy restrictions.

3. A Residential Estates Area (Planning Area 6), including single-family homes and the following related uses:
 - b. Private roads, ~~controlled entry gates~~, and on-/off-street parking areas, garages, motorized cart paths, and pedestrian walkways, stairways, and bridges to connect to the Resort Center, including connections above or below a coastal access walkway.

N. Section 11.6.4 Prohibited Uses

4. *Timeshares*
5. *Gates or other controlled entry devices or structures on public or private roads.*

O. Section 11.6.5 Site Development Standards

1. Resort Center Area

C. Building setbacks:

- i. From Coast Highway Right-of-Way: Twenty-five (25) feet [ten (10) feet for underground parking].
- ii. From Adjacent Private Property Lines: Twenty-five (25) feet.

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- iii. From the Bluff-top Park: ~~Ten (10) feet.~~ **Residential and resort development shall be set back a minimum of twenty (20) feet from the inland Bluff-top Park boundary. Pursuant to policies 2 and 3 of Section 3.2.2 of the LUP, the 20 foot set back area shall be conveyed as an easement to the City of Laguna Beach at the time of subdivision for the purpose of inland relocation of the Bluff-top Park should the park width decrease due to bluff erosion. Limited encroachments into the easement area may be allowed as specified in Section 3.2.2 of the Land Use Plan.**
- iv. From the Edge of Bluff: Not less than twenty-five (25) feet, or more if determined to be required as a geotechnical setback for shallow foundations as set forth in ~~PDF 1-2 (see Mitigation Monitoring Program, Appendix E-2)~~ by a professionally prepared geotechnical study approved by the City Engineer.
- v. From Public Coastal Access Walkways and Facilities: ~~No minimum~~ **Not Less than ten (10) feet to accommodate a landscaped buffer between private property and public facilities.**

2. Residential Estate Area

- c. **Rear Yard building setback requirements shall be the same as those for the Resort Center Area (see 11.6.5.1c). All other setback regulations shall be established by the R-1 Zoning Property Development Standards.**

P. Section 11.7.3 Parking Requirements for Resort Uses/Areas

4. Open Space, Conservation, and Recreation Uses

The Resort Center shall provide and maintain ~~fifty (50)~~ **a minimum of seventy (70) public parking spaces available to non-guests and visitors of the Resort Center who want to use the Sand Beach, Bluff-top Park, and/or Marine Reserve. ~~The fifty~~ A minimum of fifty (50) public parking spaces shall be located primarily in the southern portion of the project and a minimum of twenty (20) additional public spaces shall be located in the Resort Center parking facility.**

The Resort Center parking shall be designed to accommodate at least 50 ADA-modified vans with 8 foot 2 inches of height clearance. The Resort Center may not charge fees for public use of these spaces in excess of the

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fees charged for public parking by the County at other public beaches in Orange County.

Q. Section 12.3.1 Refinements

~~Refinements (minor adjustments) to the Treasure Island Specific Plan, including refinements to the Chapter 10 conceptual development plans identified in Section 12.1 shall be allowed by review and approval of the Planning Commission. All refinements to the Treasure Island Specific Plan must be consistent with the intent and purpose of the approved Treasure Island Specific Plan.~~

1. Refinements to Planning Area Boundaries and Acreages

~~Planning Area boundaries are depicted on Figure 8.2-1, Specific Plan Map. The gross acreage for each planning area is shown on Figure 8.2-2, Specific Plan Table.~~

~~A planning area boundary generally depicted on the Specific Plan Map may be adjusted. Precise planning area boundaries shall be established initially by the recordation of a Tract Map. Adjustments to planning area boundaries depicted on Figure 8.2-1, not to exceed fifteen percent (15%) of the acreage shown on the Specific Plan Table, may result from technical refinements during the first Tract Map or later subdivision map process. Adjustments may involve only adjacent planning areas.~~

2. Other Permitted Refinements

~~The following administrative refinements to the Treasure Island Specific Plan may also be made:~~

- ~~A. **Conceptual Circulation/Transportation Plan** — Modifications and/or refinements in Section 10.3, Public Circulation and Transportation Improvements, will be allowed, provided such changes are generally consistent with the intent and purpose of the Specific Plan.~~
- ~~B. **Conceptual Phasing Schedule** — The Conceptual Phasing Schedule in Section 10.9 may be modified provided that the schedule is consistent with the phasing requirements set forth in Appendix E, Conditions of Approval (especially E-1(17)) and EIR Mitigation Monitoring Program.~~
- ~~C. **Design Guidelines** — Minor modifications and/or refinements to the design guidelines contained in the Chapter 14 of Treasure Island~~

Implementation Program Modifications

~~Specific Plan may be granted, provided such changes are generally consistent with the community design concept.~~

~~In addition to the Specific Plan Refinements, Alternative Development Standards for land use development may be approved in conjunction with Coastal Development Permits as set forth in Section 13.2.~~

R. Section 12.3.2 Amendments

All proposed Specific Plan changes ~~other than those identified in Section 12.3.1 above or to chapters originally adopted by ordinance as (identified in Section 12.1)~~ shall be considered amendments to the Treasure Island Specific Plan and shall be processed and acted upon pursuant to amendment provisions contained in Government Code Section 65453, and in the same manner as a zoning ordinance text amendment, pursuant to the City of Laguna Beach Zoning Ordinance.

The Planning Commission and City Council shall find in approving or conditionally approving an amendment that there is not a conflict with the intent, purpose, and objectives of the Treasure Island Local Coastal Program *and that the amendment shall be carried out in a manner fully in conformity with the California Coastal Act.*

Any amendment to the Treasure Island Specific Plan shall be subject to the California Coastal Act, and ~~may~~ *shall* be subject to certification by the California Coastal Commission.

S. Section 13.2.2 Coastal Development Permits

1. Master Coastal Development Permit

The Treasure Island Resource Management Program shall *not* serve as the Master Coastal Development Permit for the Conservation Planning Area and the Open Space and Recreation Planning Areas, ~~and no other Master CDP shall be required.~~

Since this modification eliminates the Resource Management Program from serving as a Master Coastal Development Permit, the portions of all policies, regulations, and guidelines referencing the Resource Management Program as being a Master CDP shall be deleted.

T. Section 13.2.4 Content of Applications

3. Alternative Development Standards

With approval of a Coastal Development Permit, Alternative Development Standards may be established without an LCP amendment where the standards pertain to: setbacks to interior streets; local residential street widths; rear and side yard setbacks, **walls and fences, landscaping; signage; lighting, and sidewalks** for development not bordering **or within** a Conservation or Open Space and Recreation Planning Area; ~~lot dimensions; walls and fences; landscaping; signage; lighting;~~ loading, trash, and storage areas; vehicular driveways and ~~sidewalks;~~ outdoor storage areas; ~~and/or modifications for off-street parking requirements.~~ Alternative Development Standards other than those specified above will require an LCP amendment.

A CDP application proposing to establish Alternative Development Standards shall require a public hearing before the Planning Commission, with public notification per Zoning Code Section 25.05.065. ***The approval of Alternative Development Standards through a CDP shall require findings that coastal resources will not be adversely impacted and that the Alternative Development Standards will not change the kinds, intensity, or use of the underlying land.***

U. Section 13.6 Emergency Permits

The Director of Community Development may issue Emergency Permits consistent with the requirement of Section 25.07.020 of the Laguna Beach Zoning Code.

V. Appendix A Glossary of Terms

- 2. *Bluff Top - The "top of bluff" is defined as the point of the slope profile where the gradient of the ground surface exceeds 45 percent (24 degrees). This is illustrated in Figure 4.1.11 of the "Final Environmental Impact Report for Treasure Island Destination Resort Community" (Volume 1).***

VIII. FINDINGS FOR DENIAL OF THE CITY OF LAGUNA BEACH'S LAND USE PLAN AMENDMENT, AND APPROVAL WITH MODIFICATIONS

The Commission hereby finds and declares as follows. The following pages contain the specific findings for denial of the City of Laguna Beach Land Use Plan Amendment, as submitted, and approval with modifications.

RESOURCE PROTECTION POLICIES

a. Denial of the Land Use Plan Amendment as Submitted

The Coastal Act contains numerous policies for the protection of marine resources, environmentally sensitive habitat areas, and development occurring on coastal bluffs. The LCP amendment area is on oceanfront land, includes a coastal bluff, and proposes an area for Ecological Reserve designation (Figure 3) which would be located between Goff Island and the rock outcropping in the center of the site out to 1200 feet off-shore. The geologic conditions and hazards found in the LCP amendment area have been studied. The Treasure Island LCP notes that the site's terrace has been substantially altered by slope failures, grading, and the construction of storm drains coming from Pacific Coast Highway. The development contemplated under the Treasure Island LCP proposes to protect some of the bluff in its current condition and to restore degraded areas.

To assure that development contemplated by this LCP will not have an adverse impact on the environment, the LCP must contain policies and development standards which protect coastal resources. Section 30253 of the Coastal Act requires that new development shall be designed to minimize risks to life and property in areas of high geologic, flood and fire hazard. Section 30232 of the Coastal Act requires that the biological productivity and quality of coastal waters shall be maintained. Section 30240 of the Coastal Act requires that environmentally sensitive habitat areas shall be protected against significant disruptions of habitat values and only uses dependent on those resources shall be allowed within those areas.

The Treasure Island Local Coastal Program contains policies promoting the protection of coastal resources. For example the Treasure Island LCP has incorporated the coastal and marine resource policies of Sections 30230, 30231, and 30235 of the Coastal Act as policies under Section 3.1.2 of the LCP which encompasses the marine resources policies. The LCP contains water quality

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management and flood control policies to manage storm runoff, to minimize erosion, and to prepare a storm water pollution prevention plan. Finally, three policies of the LCP address the potential for bluff erosion. Policies 2 and 3 require that all resort buildings and habitable structures be setback a sufficient distance from the bluff face to protect the structure for a minimum of fifty (50) years. Further, at a minimum, structures will not be placed closer than 25 feet from the bluff edge. Policy 4 further protects the bluffs by requiring that the development drainage system be designed to reduce and, where possible, avoid any new contributions to bluff erosion and instability. Other bluff protection measures in the LCP amendment include policies to prevent scouring along the base of the bluffs and to discourage pedestrians from leaving designated areas and paths.

Though the LCP amendment contains policies for a development setback, to promote protection of water quality and the marine environment some of the policies are inadequate and an equivalent policy to Section 30240 of the Coastal Act is missing. For example Policies 4 and 6 in Section 3.1.2 of the Specific Plan state that certain activities that could adversely affect the sensitive cove and rocky shoreline area shall be prohibited, but an adequate map identifying the areas subject to this prohibition has not been provided. Further, since the land seaward of the mean high tide line belongs to the State of California, the State Lands Commission and the Department of Fish and Game should be consulted concerning the designation and management of resources seaward of the mean high tide line.

Policies 16 and 17 of Section 3.1.2 as submitted would allow rainfall runoff, if the site is too low, to be directed to the bluff face. However, these policies do not provide any guidance in terms of how the flows will be managed to minimize adverse impacts to water quality or bluff stability. These policies must be modified to provide guidance for assuring that runoff which is not directed to the street is discharged in a manner that will not adversely impact bluff stability, coastal water quality and the marine environment.

Though the Treasure Island LCP contains policies which are protective of the environment a policy similar to that of Section 30240 does not exist. Section 30240 of the Coastal Act requires that environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. Further, development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas and shall be compatible with the continuance of those habitat and recreation areas. The lack of a policy similar to Section 30240 in the Specific Plan means that the requirements of Section 30240 mandating the protection of environmentally sensitive habitat are not implemented through the Treasure Island Specific Plan. The lack of this policy in the LCP implies that development which could significantly disrupt habitat values could be allowed if not expressly prohibited. Furthermore, the lack of this policy could allow development

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(adjacent to parks and recreation areas) which would significantly degrade the adjacent park and recreation areas such as the proposed bluff top park under the Treasure Island LCP.

The Treasure Island LCP in Section 3.2.2 contains policies related to development occurring adjacent to the coastal bluffs. The policies recognize that any development which occurs must be setback a sufficient distance to assure that development will minimize risk to life and property, and that the structures will be safe from erosion for a period of fifty years. Though the LCP contains these policies they lack specificity for defining how to manage the impact of bluff erosion on the development that may be occurring near the bluff tops. For example, erosion could reduce the width of the bluff top park and make it unusable to the general public as a park or for lateral access along the bluff top. To assure that the bluff top continues to possess an adequate width Policies 2 and 3 of Section 3.2.2 must be modified to clarify a development setback which incorporates procedures for assuring that the park is not decreased in size due to bluff erosion.

Consequently, based on the deficiencies identified above, the Treasure Island LCP amendment is not in conformance with nor is it adequate to carry out the Coastal Act. Therefore, for the reasons discussed above, the Commission finds that the resource protection policies of the Laguna Beach LCP amendment for the Treasure Island Area of Deferred Certification must be denied.

b. Approval as Modified

To resolve the concerns identified in the denial findings some of the policies of the Treasure Island Specific Plan have been modified and new policies have been added. To address the lack of a policy similar to Section 30240 of the Coastal Act Section 30240 has been added to Section 3.2.2 of the Treasure Island Specific Plan. Section 30240 has been added as Policies number 9 and 10. To assure that marine resources are protected and that water quality is preserved the Commission is requiring that Figure 9.2-3 be revised to show the boundaries of the Marine Reserve, wording has been added to the Policies 16 and 17 of Section 3.1.2 of the LCP to require that drainage be designed to protect the marine environment and to protect bluff stability. Additionally language has been added to Policy 6 to require that the California State Lands Commission and the California Department of Fish and Game be consulted on the designation and management of the resources within the proposed ecological reserve. Policies 2 and 3 of Section 3.2.2 of the LCP amendment have been modified to require that a twenty foot easement be created just inland of the park boundary for the entire length of the park. This easement will serve as a development setback area which can be used in the event of bluff erosion as part of the bluff top park. To assure future availability of the twenty foot easement area for this purpose, only minor development such as landscaping, rear yard property fences, and uncovered patios would be allowed.

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These structures would be allowed under a coastal development permit, which as a condition of approval, states that the installed improvements are to be removed should the park boundary be moved inland into the easement area. Therefore, as modified the Commission finds that the land use plan amendment is in conformance with and adequate to carry out the policies of the Coastal Act.

CULTURAL RESOURCES AND VISUAL RESOURCE POLICIES

a. Denial of the Land Use Plan Amendment as Submitted

Significant archeological sites have historically been recorded and excavated within the LCP amendment area. To assure adequate mitigation resulting from development contemplated by this LCP, the LCP contains policies for protecting the cultural resources located on-site. The Cultural Resource Policies are contained in Section 3.3.2. In terms of Cultural Resources the Treasure Island LCP, as submitted, has several policies which require that cultural resources be surveyed, that the recommendation of the *Most Likely Descendants* be obtained, and that cultural deposits be preserved either *in situ*, if feasible, or through data recovery. These cultural resources policies however do not specifically require, consistent with Section 30244 of the Coastal Act, that adequate mitigation measures be provided where development would adversely impact archeological and paleontological resources.

The visual resource policies of the LCP are contained in Section 3.4.2. In general, the LCP proposes to improve the scenic resources through restoration and enhancement of visually degraded areas through the use of setbacks, edge treatments, landscaping, and view corridors. Though the plan contains many policies which promote the improvement of visual resources, some policies are not adequate. For example the LCP, as submitted, contains policies for the protection of both public views and private views. Section 30251 of the Coastal Act states that scenic resources should be protected as a resource of public importance. Policy 2 of Section 3.4.2 calls for a view corridor for the benefit of the private residences above the Aliso Creek Shopping Center. Consequently the visual resource policies do not clearly distinguish between public views and private views. To be consistent with Section 30251 of the Coastal Act, the LCP must be modified to clearly require that, for purposes of the coastal development permitting process, it is the public views that must be protected. Further, the Commission finds that the funicular since it would traverse the bluff face would be an adverse visual impact. Consequently the funicular must be deleted from the Specific Plan. The Coastal Act protects public views and the Specific Plan must be revised to make this distinction.

For the reasons discussed above, the Commission finds that the Laguna Beach LCP Amendment for the Treasure Island Area of Deferred Certification is not in

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conformance with nor is it adequate for carrying out the Coastal Act and therefore, must be denied as submitted.

b. Approval as Modified

To assure that adverse visual impacts from the proposed development are minimized the funicular has been deleted. The deletion of the funicular results in a global change to the suggested modifications. This means that all language referencing the funicular in any policies, regulations, or graphics is to be deleted from the Treasure Island LCP. Further, Policy 2 of Section 3.4.2 has been modified to delete the reference to the residences above the Alisio Creek Shopping Center and a new policy has been added as Policy 19 of Section 3.4.2 to clarify that only public views are subject to the coastal development permitting process. To address mitigation requirements for Cultural resources that are adversely impacted by development a new policy, Policy 6 has been added to Section 3.3.2 of the LCP. Therefore, as modified, the Commission finds that the land use plan amendment is in conformance with and adequate to carry out the Cultural and Visual Resource Protection policies of the Coastal Act.

PUBLIC ACCESS, RECREATION, AND PHASING POLICIES

a. Denial of the Land Use Plan Amendment as Submitted

The land use plan amendment as submitted contains extensive provisions for public amenities in the form of open space dedications, a bluff top park, a beach in what was formerly a lock gate community where the public had no right of access. The Treasure Island LCP proposes to promote public access and recreation through a system of walkways, a new public bus stop, public parking, a public beach, and a managed interpretive program for the tidepool area. These public amenities however are being undertaken in conjunction with private development for a primarily high end resort and private residential development. The Coastal Act mandates that lower cost recreational uses, visitor serving uses, and coastal access opportunities have priority over private residential development. The proposed gated residential community contemplated in the Residential Planning Area is inconsistent with the public access policies of the Coastal Act since it would not facilitate public access to the bluff top park and the beach area below. The phasing plan specifies when public amenities are to be provided as the private development progresses. However, the phasing plan does not adequately comply with the priorities of the Coastal Act.

Section 30212 of the Coastal Act requires that public access shall be provided when new development occurs. Sections 30212.5, 30213, 30214, and 30252 of the Coastal Act require that new development promote and maintain public access to the coast. Section 30212.5 requires that public facilities be distributed

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throughout an area to mitigate against the impacts of overcrowding and overuse by the public of any single area. Section 30213 encourages the provision of lower cost visitor serving recreational facilities. Section 30214 of the Coastal Act states that the public access policies shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances of each case. Finally, Section 30252 of the Coastal Act requires that new development should maintain and enhance public access to the coast through improved transit service, by providing adequate parking or substitute means of serving the development with public transportation, and by assuring that the recreational needs of new residents will not overload nearby coastal recreation areas.

Though, the Land Use Plan of the Treasure Island Specific Plan designates a bluff top park, a sand beach and associated trails; for the benefit of the public in an area where the public has not previously had public access opportunities, the Land Use Plan Amendment does not adequately implement Coastal Act access and recreation policies cited above. For example the Land Use Plan is silent in terms of the public's ability to use the resort center area itself, the plan does not contain assurances that the public can traverse the residential planning area to get to the bluff top park and beach, that parking would be adequate, or that the phasing plan would guarantee that public benefits of the proposed development would be provided prior to the residential development or concurrent with the resort hotel and facilities development.

The public access policies of the Coastal Act contemplate that new development shall promote coastal access. Figure ES-4 (See Figure 4 on page 62) of the LCP is a graphic which identifies areas that will be open to the public and the conceptual circulation plan. The conceptual circulation plan covers both public access trails and the road system. Figure ES-4, as submitted, does not specifically show that the public has the ability to traverse the private residential development for purposes of accessing the coastal bluff-top park and nearby accessways to the shoreline. The public trail system depicted in Figure ES-4 (See Figure 4 on page 62) does not provide vertical access through the residential area to the bluff top trail. Further, as submitted, Policy 3 of Section 5.2.2 contemplates that the primary entry into the Residential Planning Area would be controlled by a security gate system. The gated security system that would have been authorized by the LCP would have also allowed for a guard. Based on the lack of vertical access to the bluff top park and the presence of a gated entry and guard system; public use of the residential streets would be discouraged for two reasons. First, pedestrians would have minimal incentive to traverse the residential area since the lack of vertical access precludes their ability to reach a recreational destination such as the beach. Second, the presence of the gated security system creates a psychological and physical barrier that discourages the public from entering what is perceived of as a private community. Policies which assure the public's capability to traverse the residential area to reach coastal recreational opportunities and which would

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maximize public access must be added to the Specific Plan to bring it into compliance with the public access and recreation policies of the Coastal Act.

Section 30252 of the Coastal Act requires that proposed development must provide adequate parking. Sections 4.2.3 and 5.2.3 of the Treasure Island Specific Plan contain the parking policies. The policies contained in these two sections do not affirmatively state that the public has the ability to use the resort center parking structure. Policy 2 of Section 4.2.3, as submitted, allows the elimination of public parking spaces on Pacific Coast Highway but does not require that these parking spaces be replaced. Additionally Policy 6 in Section 5.2.3 opens the door for allowing inadequate on-site parking. Policy 6 would allow off-site leased parking which implies that the parking structure could be designed to allow insufficient on-site parking. Inadequate on-site parking would have an adverse impact on the public's ability to access the coast since. This policy also does not contain language for providing incentives for employees to use alternative means of transportation consistent with Section 30252 of the Coastal Act. Moreover, the FEIR parking study contemplates that the resort center parking structure would be available to the public for beach access. To assure that the public has the ability to use the Resort Center on a casual basis and has the right to use the parking structure, policies must be added.

In terms of the phasing policy, Section 7.2.1 of the Treasure Island Specific Plan contains the phasing policies. Policy 5 states that open space dedications and visitor serving facilities shall be provided concurrently and in proportion to private resort development. This policy, however, does not explicitly assure that public amenities will be fully available by the grand opening of the Resort Center. One example of this concern is condition number 3 of the Appendix E (Conditions of Approval and EIR Mitigation Monitoring Program) regarding the concrete slab and pier at Goff Island. It would allow the Resort Center project to proceed in the event that permitting for the demolition and reconstruction was somehow delayed. Furthermore, the proposed residential development is a lower priority use in the Coastal Zone. Consequently, improvements serving the public must be provided concurrent with the grand opening of the Resort Center and prior to the residential development. To assure that the public amenities are provided by the opening of the Resort Center the phasing plan must be revised through suggested modifications.

Policy 7 of Section 7.2.1 contains the technical factors that the Master Phasing Plan should consider as part of the development process. The Master Phasing Plan is a critical component of the implementation plan for defining how demolition, grading and scheduling will be phased. As submitted, Policy 7 only states that the Master Plan should consider these activities, not that it will consider these activities. Consequently Policy 7 of Section 7.2.1 must be modified to explicitly state that these factors shall be considered as part of the development process.

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For the reasons discussed above the Commission finds that the public access, recreation, and phasing policies of the Laguna Beach LCP Amendment for the Treasure Island Area of Deferred Certification are not in conformance with nor are they adequate for carrying out the Coastal Act and therefore must be denied as submitted.

b. Approval as Modified

To assure that the general public will have maximum opportunities for public access and that project phasing will guarantee that the public amenities proposed are provided, policies have been revised and added to LCP Sections 4.2.1, 4.2.2, 4.2.3, 5.2.2, 5.2.3, 6.2.4, and 7.2.1. These modifications, overall, clarify: 1) that the phasing plan require that the public benefits be constructed and available to the general public prior to the construction of the residential development and prior to or concurrent with the opening of the resort center, 2) that public access will be maximized (including the prohibition of gating or the posting of guards) through the residential community, 3) that the Resort Center parking structure will be available for general public use, and 4) that any parking spaces which are eliminated on Pacific Coast Highway will be replaced on a one for one basis.

To assure that the general public will have full access to the Resort Center Policy 2 of Section 6.2.1 of the LCP has been modified to clarify that the Resort Center will be open to the general public. A new policy, Policy 3 has been added to Section 4.2.3 to state that the Resort Center parking structure shall provide a minimum of twenty (20) public parking spaces in addition to those required for overnight accommodations and the other resort uses. In conjunction with these revisions, Policy 1 of the Section 4.2.3 has been modified to clarify that fifty (50) parking spaces will be provided in the public bluff top park as depicted in Figure 10.1-1 (Conceptual Development Plan) and that any fee which is charged can not exceed that charged at other public beaches in Orange County.

The Treasure Island LCP, as submitted, contains a residential area. As submitted Policy 3 of Section 5.2.2 would allow access through the residential area to be controlled by a security gate system. Further, though a pedestrian trail is depicted within the residential area as shown Figure ES-4 (See Figure 4 on Page 62) of the LCP it does not lead to the coastal bluff top park. To assure that the public will have unobstructed ability to walk through the residential development into the western most portion of the bluff top park, the Commission finds it necessary to modify Policy 3 of Section 5.2.2. Specifically, this policy has been modified to eliminate any gate system and to be consistent with Policy 5 of Section 4.2.2. Policy 5 of Section 4.2.2 requires that public accessways to the bluff top park be provided.

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The Treasure Island LCP contemplates that for purposes of public safety, such as new access entrances, that public parking spaces on Pacific Coast Highway may be eliminated. This is expressed in Policy 2 of Section 4.2.3. This policy however, does not state that the parking spaces which are eliminated will be replaced. The loss of public parking opportunities on Pacific Coast Highway would be an adverse impact to coastal access. To assure that parking which is lost is replaced, Policy 2 of Section 4.2.3 has been modified to require that any parking spaces which are eliminated shall be replaced on a one for one basis.

To improve the public's ability to traverse the residential area (as pedestrians) for purposes of coastal access new policies has been added. Policy 5 of Section 4.2.2 states that public pedestrian access to and through the residential areas shall be allowed, shall be signed, and shall not be gated. To further promote public access, Policy 5 of Section 6.2.4. requires that the subdivision of the residential area shall be done in such a manner that the general public, as well as residents, will have pedestrian access to the bluff-top park and the beach accessways and that a guard may not be posted at the entrance to the residential community which would discourage the public from using this area to access the bluff-top park.

Policy 1 of Section 5.2.3 has been modified to promote the use of alternative transportation to comply with Section 30252 of the Coastal Act which states, in part, that new development should be designed to provide substitute means of serving the development with public transportation. Policy 6 of Section 5.2.3 has been modified to allow off-site parking consistent with Section 25.52 of the City's Zoning Code. This section of the Zoning Code requires that off-site parking must be within 300 feet of the development under consideration. The City requested permitting off-site parking to accommodate event parking, such as weddings and conventions. To assure that this parking would be available on a permanent basis, this policy also includes a requirement that the off-site parking location be vacant and under the same ownership as the resort complex.

To clarify the phasing plan to assure that public amenities be provided concurrent with the grand opening of the resort and prior to low priority residential development, Sections 4.2.1 and 7.2.1 have been modified to specify that all public open space dedication and visitor serving facilities shall be open and available to the general public prior to or concurrent with the opening of the Resort Center. In line with the phasing requirement Policy 19 in Section 3.1.2 of the LCP has been modified to require that the removal of concrete slab and pier and the construction of a new groin wall will be completed prior to or concurrent with the opening of the Resort Center. Further a new policy, Policy 10 has been added to Section 7.2.1 of the LCP to require: 1) that the backbone infrastructure grading will include the entire site, and 2) that coastal development permits will not issued for the single family homes until certain conditions have been met. These conditions of approval require that the grading of the entire site has been completed, that the backbone infrastructure has been constructed, and the Resort Center's foundation have been

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approved and built. Additionally, any subsequent development will be consistent with the phasing requirements of Land Use Policies 4.2.1 number 6 and 7.2.1 number 5 which require that all public access and public recreation amenities be completed and available to the public concurrent with the opening of the resort center.

The suggested modifications discussed above are necessary to assure that public access and public recreation will be maximized consistent with Sections 30212.4, 30213, 30214, and 30252 of the Coastal Act and to conform the Treasure Island LCP with the provisions of the Coastal Act. Therefore, as modified, the Commission finds that the land use plan amendment is in conformance with and adequate to carry out the policies of the Coastal Act.

RESORT CENTER POLICIES

a. Denial of the Land Use Plan Amendment as Submitted

The land use policies defining how the Resort Center, the Resort Villas, and Residence Villas will be managed are contained in Chapter 6 of the Treasure Island LCP. Specifically this chapter sets forth the Land Use Plan policies for the Resort Center Development Area including the Resort Center and Residential Estates. This includes land use and design policies as well as policies relating to local roads, infrastructure and facilities. Policies contained in this chapter describe the development as a visitor serving resort which contains meeting, conference, banquet, and parking facilities beyond the overnight accommodations. Further this chapter is closely linked to Chapter 14 which contains the Design Guidelines for the Resort Center. These Design Guidelines, though a part of this LCP amendment, are guidelines and not Land Use Plan policies. To assure that this distinction is recognized, Section 6.1 which is the introduction to this chapter must be modified to clarify that the Design Guidelines contained in Chapter 14 are advisory in nature.

The land use policies contained in Section 6.2.1 clearly establish the intent of providing visitor serving commercial opportunities. The policies, however, do not maximize the public's access opportunities by clearly guaranteeing that the public has the ability to traverse or use the site on a casual basis. For example Policy 2 of Section 6.2.1 states that the Resort Center will have meeting, conference, and banquet facilities. However it does not specifically state that the Resort Center would be open to the public on a casual basis. Policy 5 of Section 5.2.1 states that the health club which is proposed would be available to guest and local residents. This is another policy that must be modified to guarantee that the general public would have the ability to use the Resort Center. Finally, Policy 11 of Section 6.2.1 identifies that the Resort Center will contain a 0.3 acre resort garden. This policy however, does not clearly identify if the resort garden is part of the 10.63 acre developable area or if it is part of the identified public open space,

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conservation, and recreation areas. To clarify this ambiguity Policy 11 must be modified.

For the reasons discussed above the Commission finds that the Laguna Beach LCP amendment for the Treasure Island Area of Deferred Certification is not in conformance with nor is it adequate to carry out the Coastal Act. Therefore, the Commission finds that the Resort Development Policies of the Laguna Beach LCP amendment for the Treasure Island Area of Deferred Certification must be denied.

b. Approval as Modified

To resolve the concerns identified in the denial findings some of the policies of the Treasure Island Specific Plan have been modified and a new policy has been added. The introduction section has been modified to clarify that Chapter 14 is purely advisory in nature. Policy 2 of Section 6.2.1 has been modified to add text that the entire Resort Center shall be open to the general public. Along the same lines, Policy 5 of Section 6.2.1 has been modified to state that the Resort Center health club will be open to both guests and the general public which would include residents of the local area. Policy 11 of Section 6.2.1 has been modified to clarify that the 0.3 acre garden is part of the 10.63 acres of developable area. Further, the developable area has been defined as not including any easements, park land, beaches, bluffs, or public access areas. Additionally, a new policy, Policy 12 has been added to Section 6.2.1. This new policy requires that the Resort Center Hotel and Resort Villas shall be operated as a hotel with central guest registration and daily linen service. This guarantees that the Resort Center will operate as a hotel as opposed to private residential units. Policy 3 of Section 6.2.2 has been modified to require that the Resort Center incorporate the three existing vertical beach public accessways to allow the public to have access to the coastline. Further, the construction of the public accessways may be modified to meet ADA requirements. However, to comply with Section 30235 of the Coastal Act, these modifications shall minimize significant adverse impacts on shoreline sand supply. Policy 10 of Section 6.2.2 has been modified to require that the resort center shall provide adequate parking for resort guests, employees, and the general public. This conforms to Section 30252 of the Coastal Act which requires that development provide adequate parking. Finally, a new policy, Policy 5 has been added to Section 6.2.4 of the LCP. This new policy states that when the Residential Estates Planning area is subdivided, it shall be subdivided in a manner which allows residents, guest and the general public to access the bluff top park and the beach. This modification is consistent with the revisions made to Policy 5 of Section 4.2.2 and Policy 3 of Section 4.2.1 which implement the public access policies of the Coastal Act. Therefore, as modified, the Commission finds that the Resort Development Policies of the Laguna Beach LCP Amendment for the Treasure Island Area of Deferred Certification is in conformance with and adequate to carry out the policies of the Coastal Act.

IX. FINDINGS FOR DENIAL OF THE CITY'S IMPLEMENTATION PROGRAM AMENDMENT, AND APPROVAL WITH MODIFICATIONS

The Commission hereby finds and declares as follows.

As submitted the Implementation Program amendment to the Laguna Beach Local Coastal Program for the Treasure Island Area of Deferred certification is not adequate to carry out the Land Use Plan Amendment. Further, the Commission has also made revisions, through suggested modifications, to the Land Use Plan portion of the Treasure Island Specific Plan. To assure that the Implementation Program is adequate to implement the Land Use portion of the Treasure Island Specific Plan the following changes have been made.

To assure that land alterations are minimized consistent with Sections 30235 and 30251 of the Coastal Act and to assure that new development requiring additional shoreline protection is not permitted at beach level, regulations authorizing the optional funicular have been deleted. The funicular would have been placed on the bluff face and would have potentially required shoreline protection. An alternative to the funicular exists as the existing trail can be redesigned to provide handicapped access to the shoreline. Consequently, Regulation 7 in Section 9.3.1 has been deleted. The effect of this deletion is that all references to the funicular shall be deleted from the Treasure Island Specific Plan.

Through a suggested modification, Section 3.4.2 of the Land Use Plan was modified to clarify that three public view corridors would be provided through the LCP area. Consistent with this revision to the Land Use Plan, Section 9.5.1 has been modified to state that three of the nine viewpoints established are public views as depicted in Figure 9.2-3 of the Treasure Island Specific Plan. Additionally, Section 9.5.2 has been deleted and re-inserted as Regulation 13 in Section 9.5.1 to implement Section 3.4.2. This revision establishes the building height regulations and standards as a specific regulation for implementing Section 3.4.2 regarding the protection of Visual and Scenic Resources.

The development proposal for the Resort Center contemplates a development agreement. Regulation 14 of Section 9.7.1 specifies the nature of the development agreement. Under the development agreement the landowner would be vested with certain development rights. However, the criteria stated in Regulation 14 does not explicitly require that the development agreement be consistent with the certified Treasure Island Local Coastal Program. To assure that development occurs consistent with the certified Treasure Island Local Coastal Program language

Implementation Program Findings

has been added to Regulation 14 stating that any adopted development agreement shall be consistent with the certified Treasure Island Local Coastal Program.

To implement the parking and access policies of the Land Use Plan, in conformance with the Commissions suggested modifications to the Land Use Plan, two sections of the implementation program have been modified. Section 10.4.4 and Section 11.7.3 have been modified. The parking and public access policies were revised in the Land Use Section to make clear that the Resort Center Parking structure would be available to the general public for parking, that the public will have the ability to enter the Residential Estates Planning Area for purposes of accessing the bluff top park, and that incentives will be provided to employees to carpool or to use public transit, or other alternative means to get to work.

Section 10.4.4 of the Implementation Program contains regulations to implement the parking policies contained in the Land Use Plan. The regulations cited above have been modified to be consistent with Sections 4.2.3 and 5.2.3 of the Treasure Island Specific Plan by requiring that a minimum of seventy parking spaces be provided, that fifty spaces will be in the southern portion of the LCP area, that twenty will be in the parking structure and that the fee charged for the fifty space lot not exceed that charged at other public beaches in Orange County. Sub-section 10.4.4.4 has been modified to require that the Landowner/Master Developer provide incentives for employees of the development to carpool, use public transit, and other transportation means that will reduce the number of employees who singularly drive to work. Further, a new sub-section was added, number 10.4.4.6 to require that public pedestrian access will be provided from Pacific Coast Highway through the Residential Villas and Residential Estates to the bluff top park, that public access will not be gated, and no guards will be allowed. Further, the comprehensive public signage plan will incorporate this public access opportunity through the Residential Planning Area so that the public is made aware of this opportunity.

Section 11.7.3 has been modified to be consistent with Section 10.4.4 by requiring that the Resort Center will provide a minimum of seventy (70) public parking spaces. A minimum of fifty spaces would be located in the southern portion of the project with a minimum of twenty spaces in the Resort Center parking facility.

Section 7.2.1 of the LCP, a part of the Land Use Plan, was modified to require that phasing plan complete the public amenities prior to or concurrent with the opening of the Resort Center. To bring the implementation plan into conformance with the phasing plan Section 10.9.2 has been modified. Section 10.9.2 of the Specific Plan describes the public conceptual phasing schedule. As submitted this section would allow certain undefined public improvements along Pacific Coast Highway to be completed following the opening of the Resort Center. Further, Section 10.9.2 did not define the nature and extent of improvements that would be completed following the opening of the Resort Center nor did it provide a timeline for when

Implementation Program Findings

these improvements would have to be completed. Therefore this Section as submitted would not be adequate to implement the Land Use Plan Amendment. Through a suggested modification this section has been revised to delete the reference to allowing certain, but undefined, improvements to be undertaken after the opening of the Resort Center and to require specific improvements prior to issuance of the coastal development permit for a final tract map. This language implements and is consistent with the Land Use Plan, as modified, requirement that the public improvements be completed by the grand opening of the resort center and prior to residential development.

The Land Use Plan portion of the Treasure Island Specific Plan contains policies for protecting visual resources, and the protection of water quality. To implement these Land Use Policies, several sub-sections of Section 11.1.2 have been modified. Sub-section 11.1.2.1 has been modified to state that all utilities will be placed underground to avoid adverse visual impacts. Sub-section 11.1.2.2 has been modified to require that all of the site's non-residential landscape irrigation will utilize reclaimed water. Sub-section 11.1.2.6 has been added to require that appropriate trees and vegetation be preserved and that a Master Landscape Plan be developed. Additionally, a new sub-section has been added to Section 11.3.4 to require that any wall constructed adjacent to Coast Highway can not be greater than six feet tall and must be designed to optimize views into the LCP area.

Section 30235 of the Coastal Act allows seawalls when required to serve coastal dependent uses or to protect existing structures from erosion. Portions of this policy have been incorporated into Section 3.1.2 of the Land Use Plan which allows the removal of the existing concrete slab at Goff Island and its replacement with a shoreline protective device. As submitted, Section 11.4.2 of the Implementation Plan would allow seawalls in the Conservation Planning Area as a principal permitted use. Seawalls in a conservation area are generally not allowed since the purpose of a conservation area is to protect it in a natural state which means that a seawall would be unnecessary. The Commission, however, recognizes that occasionally seawalls may be necessary for construction of public amenities such as coastal access trails. The Land Use Plan contemplates seawalls for very narrow purposes, one is Goff Island and the other is protection of public access ramps to the shoreline. At least one access ramp needs to be constructed to meet the requirements of the American Disabilities Act. To assure that all the criteria of Section 30235 of the Coastal Act are implemented and to reduce the potential for indiscriminate construction of shoreline protective devices, Section 11.4.2 has been modified to limit seawalls only when required to serve coastal dependent uses or to protect existing structures, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

Further, Section 11.4.2 has also been modified to state that any remedial grading or other infrastructure necessary can only be associated with the development allowed within the Conservation Planning Area. As submitted, Section 11.4.2

Implementation Program Findings

would have allowed remedial grading or other infrastructure necessary for development outside the Conservation Planning Area to occur. This would have been incompatible with the intent of managing this area for purposes of conservation.

The Laguna Beach Local Coastal Program amendment for the Treasure Island Area of Deferred Certification contains policies for the management of areas just offshore of the project site. Section 3.1.2 of the amendment proposes the creation of a Treasure Island Marine Reserve including restrictions on boating and fishing. Areas seaward of the mean high tide land, for purposes of issuing coastal development permits remain under the jurisdiction of the Coastal Commission. To avoid the potential for misunderstanding, Policy 5 has been added to Section 11.4.5 to clarify that any development seaward of the mean high tide line remains under the purview of the Coastal Commission and that the standard of review is the Coastal Act.

As submitted, the policies of Section 11.5.2 concerning principal permitted uses lacked language which explicitly stated that construction on the beach, even to support portable facilities, would not be allowed and that the restrooms would be public. Chapter 4 contains the public access and recreation policies of the LCP amendment. These policies promote public lateral access along the beach and that visitor serving facilities avoid or mitigate adverse impacts to coastal resources and processes. The construction of permanent fixtures on the beach, even if they support temporary structures, can adversely impact the public's ability to traverse the beach and can affect shoreline processes. Therefore, the language of Section 11.5.2 must be clarified to explicitly state that construction on the beach is not allowed and that facilities, such as restrooms must be available to the public. Portable facilities that provide beach or recreational support are allowed if located on the landward portion or back beach area.

Temporary events present a unique problem in terms of assuring public access consistent with the recreation and public access policies of the Coastal Act. Though temporary in nature, they can have the impact of excluding the public from significant portions of the beach while they are underway. Consequently, temporary events need to be regulated to assure that the public still has the ability to recreate at the beach. Section 11.5.3 of the Treasure Island Specific Plan identifies the uses permitted subject to a Temporary Use Permit. To assure that a temporary event will not adversely affect the public's ability to access and use the coastline a new sub-section has been added. Sub-Section 3 states that the Planning Commission may approve special events held on the beach so long as general public access will not be restricted.

The Land Use Plan portion of the Treasure Island Specific Plan was modified through suggested modification to assure that the hotel will operate by providing overnight accommodations to the general public, that the public will have the ability

Implementation Program Findings

to traverse the Residential Planning Area, that the Residential Planning Area will not be gated, and that a development setback easement be provided. To be consistent with the changes made to the Land Use Plan Sections 11.6.2, 11.6.4, and 11.6.5 have been modified. Section 11.6.4 has been revised to state that timeshares and gating of the access through the residential area are prohibited.

Section 11.6.5 of the Treasure Island Specific Plan contains the site development standards. Section 11.6.5 as submitted does not require that buildings be setback from coastal access walkways and facilities. Allowing structures to be built adjacent to a coastal access walkway or facilities would discourage the public from using it, creates conflicts between property owners and the public, and would present a adverse visual impact. Further, the Commission imposed in Policies 2 and 3 of Section 3.2.2 of the Land Use Plan a requirement for a twenty foot development setback from the inland property line of the bluff top park. The purpose of this development setback is to allow the park to be moved inland to protect the public access and recreation opportunities should erosion reduce the width of the park. Consistent with setback policies of the Land Use Plan Section 11.6.5 has been modified to require that buildings be setback a minimum of twenty feet from the inland property line of the bluff top park.

The California Code of Regulations in Article 15 discusses amendments to certified LCPs. Amendments to a certified LCP are required when there are changes to the kinds, location, intensity or density of uses covering areas certified by the Commission. Further, the Commission has adopted a de minimis amendment process for changes to a certified LCP provided there are no coastal impacts. Section 12.3.1 of the Treasure Island Specific Plan contains language which defines refinements to the plan that do not require an LCP amendment and which LCP revisions trigger the requirement for an amendment. However, as submitted the language is not consistent with Article 15 of the California Code of Regulations and does not provide adequate guidance for determining when an LCP amendment is required. Consequently, Section 12.3.1 has been deleted. Deleting Section 12.3.1 will allow the Commission to evaluate any proposed amendment to the LCP and to determine the appropriate form that the amendment should take. Consistent with this change to Section 12.3.1, Section 12.3.2 has been modified to delete references to Section 12.3.1.

In approving an LCP amendment, the Commission is not approving a coastal development permit. Section 13.2.2, as submitted, states that the Resource Management Plan will serve as the Master Coastal Development Permit for the Conservation Planning Area and the Open Space and Recreation Planning Areas. Once the Commission effectively certifies the Treasure Island Area of Deferred Certification, coastal development permitting authority passes to the City of Laguna Beach. Section 13.2.2 of the Treasure Island Specific Plan has been modified to state that the Resource Management Plan shall not serve as the Master Coastal

Implementation Program Findings

Development Permit since the action that is before the Commission is the approval of the LCP amendment and not a coastal development permit.

The use of alternative development standards can trigger the requirement for an LCP amendment when they affect coastal resources such as public access and development adjacent to the bluff edge. Alternative standards that may not have impacts on coastal resources include loading areas, trash requirements, and vehicular driveways. Alternative development standards are proposed in Section 13.2.4 which allow alternative development standards to be approved through a coastal development permit. To assure that coastal resources are not adversely impacted this section has been modified. This section has been modified to allow certain development such as walls, fences, landscaping, signage, lighting, and sidewalks not bordering or within a Conservation or Open Space Recreation Area can be approved provided that findings are made that coastal resources will not be impacted and that the alternative development standards not affect the use, intensity, or density of land use. In the event these findings can not be made, an LCP amendment shall be required.

To assure that the City of Laguna Beach has the ability to issue emergency coastal development permits, Section 13.6 has been added to specify that the Director of Community Development may issue Emergency Permits consistent with Section 25.07.020 of the Laguna Beach Zoning Code.

One of the major development concerns of this specific plan is development on and adjacent to coastal bluffs. As submitted, the Glossary of Terms does not contain a definition for the top of bluff. Through a suggested modification, the definition for the top of bluff from the FEIR has been added to the Glossary of Terms to assure that this concept is applied for determining allowable construction activities and appropriate setback criteria.

Therefore, the Commission finds that only as modified is the Implementation Program in conformance with and adequate to carry out the policies of the Laguna Beach Land Use Plan Amendment for the Treasure Island Area of Deferred Certification.

X. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with a local coastal program (LCP). Instead, the CEQA

CEQA Consistency

responsibilities are assigned to the Coastal Commission. Additionally, the Commission's Local Coastal Program review and approval procedures have been found by the Resources Agency to be functionally equivalent to the environmental review process. Thus, under Section 21080.5 of CEQA, the Commission is relieved of the responsibility to prepare an environmental impact report for each local coastal program submitted for Commission review and approval. Nevertheless, the Commission is required when approving a local coastal program to find that the local coastal program does conform with the provisions of CEQA.

The Land Use Plan amendment as originally submitted raised a number of concerns regarding the Chapter 3 policies of the Coastal Act and thus cannot be found to be consistent with and adequate to carry out the Chapter 3 policies of the Coastal Act. The Land Use Plan amendment, as submitted, is not adequate to carry out and is not in conformity with the policies of Chapter 3 of the Coastal Act with respect to: protection of marine resources, cultural resources, public access, and the provision of adequate parking.

The Commission, therefore, has suggested a number of modifications to bring the Land Use Plan amendment into full conformance with the requirements of the Coastal Act. Specifically, the Commission certification action provides for: a development setback from the inland border of the bluff top park in order to maintain the size of the park, a phasing plan to guarantee that the public amenities will be provided in a timely manner, enhanced protection of marine resources, public access through the residential planning area grounds including a prohibition on gating the residential area, and the provision for adequate parking. As modified, the Commission finds that approval of the Land Use Plan amendment will not result in significant adverse environmental impacts under the meaning of the California Environmental Quality Act.

Relative to the Implementation Program, the Commission finds that approval of the Implementation Program with the incorporation of the suggested modifications to implement the Land Use Plan would not result in significant adverse environmental impacts under the meaning of CEQA. Absent the incorporation of these suggested modifications to effectively mitigate potential resource impacts, such a finding could not be made.

Specifically, the Implementation Plan, as modified, would: further define when public improvements are to be provided, require the incorporation of the conditions of approval, when LCP amendment would be required, and that alternative development standards can not result in adverse impacts to coastal resources or change the land use, intensity, and density of the underlying land.

Given the suggested mitigation measures, the Commission finds that the City of Laguna Beach Local Coastal Program for the Treasure Island Area of Deferred Certification Amendment, as modified, will not result in significant unmitigated

CEQA Consistency

adverse environmental impacts under the meaning of the CEQA. Further, future individual projects would require coastal development permits, either issued by the City of Laguna Beach or, in the case of areas of original jurisdiction, by the Coastal Commission. Throughout the coastal zone, specific impacts associated with individual development projects are assessed through the CEQA environmental review process; thus, an individual project's compliance with CEQA would be assured. Therefore, the Commission finds that there are no feasible alternatives under the meaning of CEQA which would reduce the potential for significant adverse environmental impacts which have not been explored

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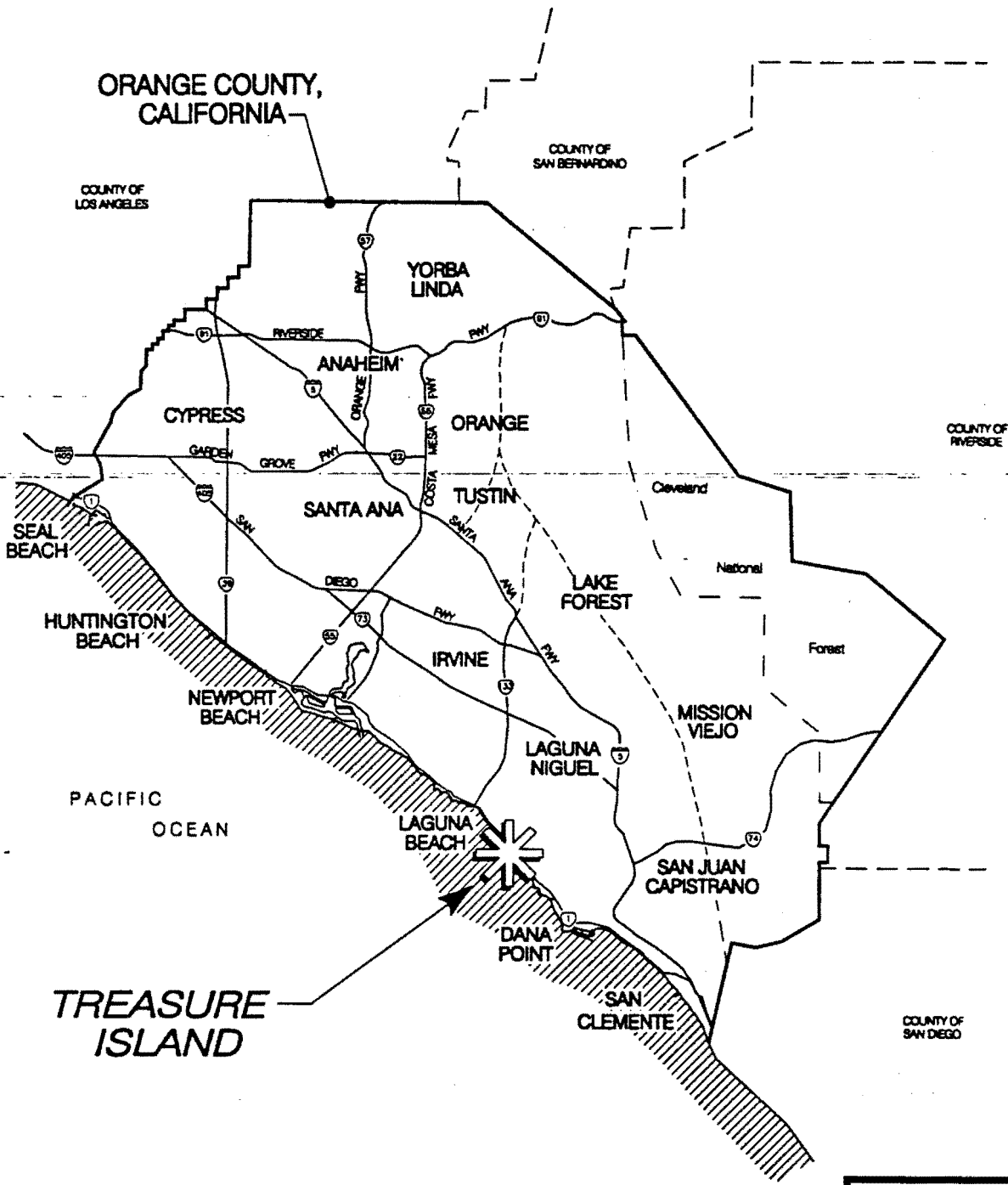


Figure 1
 City of Laguna Beach
 LCP
LOCATION MAP
 California Coastal
 Commission

Treasure Island
 LAGUNA BEACH, CALIFORNIA
 Local Coastal Program

REGIONAL LOCATION MAP

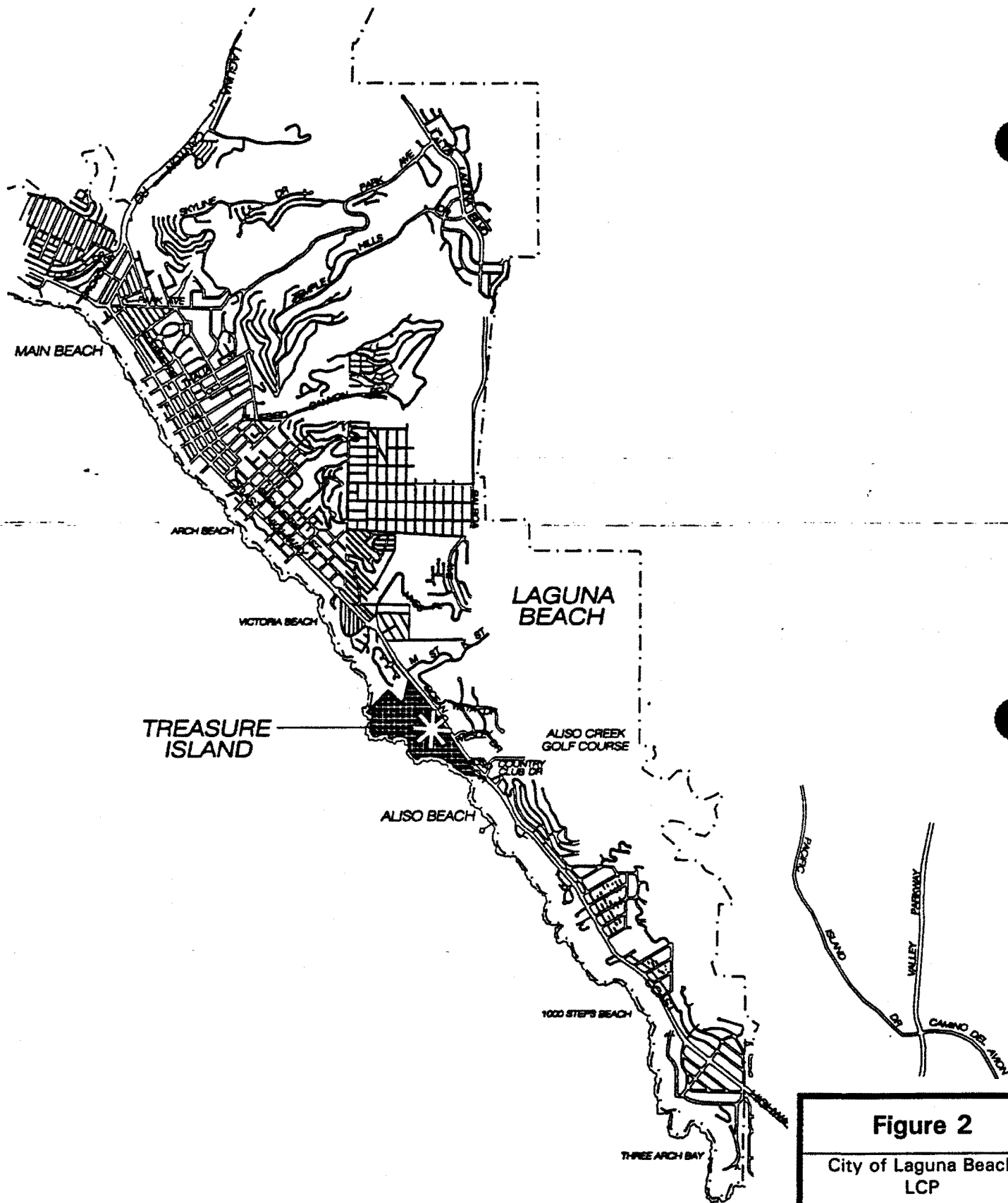
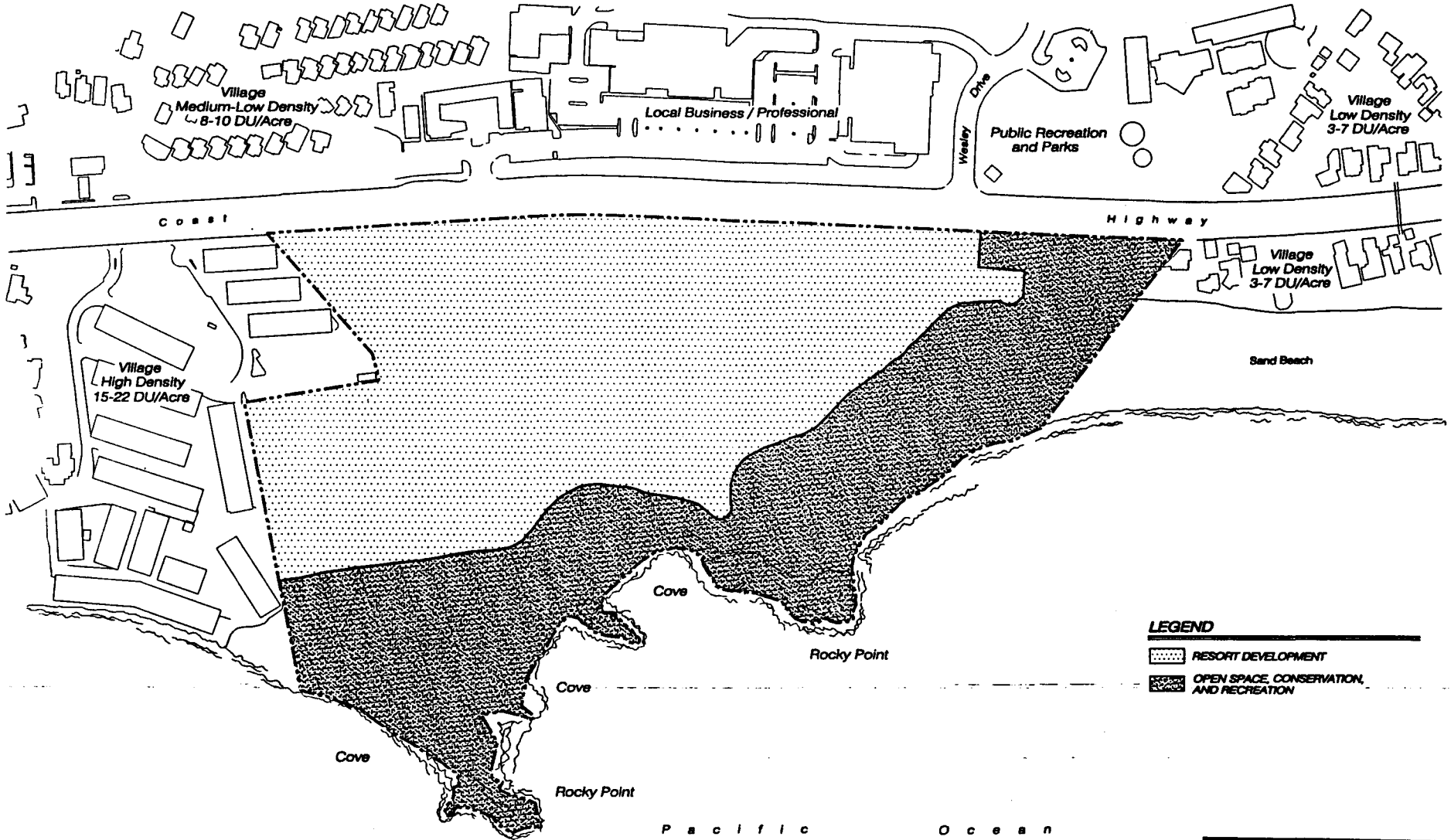


Figure 2
 City of Laguna Beach
 LCP
Vicinity Map
 California Coastal
 Commission

VICINITY MAP

Treasure Island
 LAGUNA BEACH, CALIFORNIA
 Local Coastal Program



LEGEND

-  RESORT DEVELOPMENT
-  OPEN SPACE, CONSERVATION, AND RECREATION

Treasure Island
LAGUNA BEACH, CALIFORNIA

Local Coastal Program

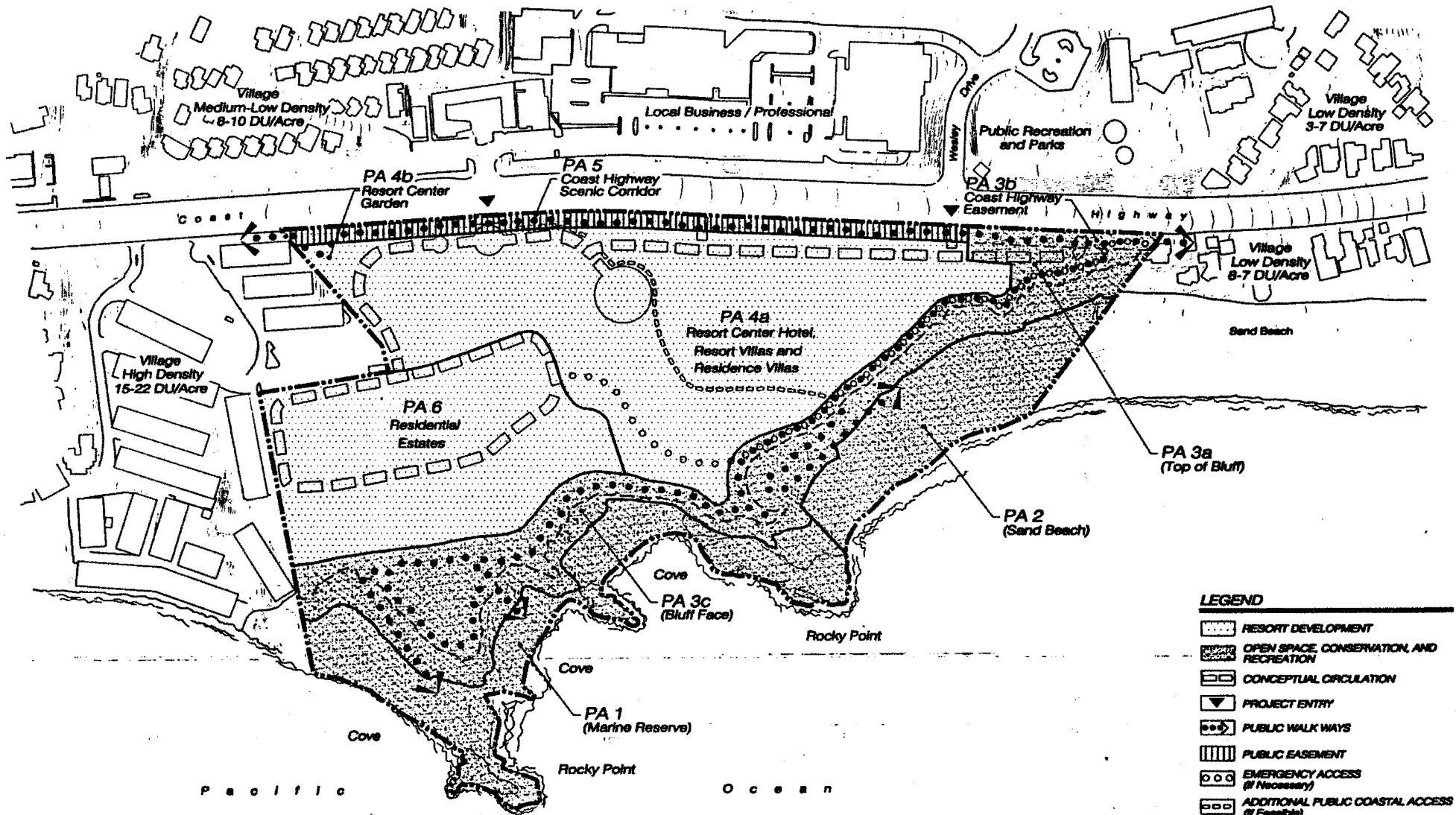
Figure 3

City of Laguna Beach
LCP

LAND USE PLAN



California Coastal
Commission



Treasure Island
LAGUNA BEACH, CALIFORNIA
Local Coastal Program

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Figure 4
City of Laguna Beach LCP
Specific Plan Map
California Coastal
Commission