

CALIFORNIA COASTAL COMMISSION

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July 29, 1998

MEMORANDUM

TO: Commissioners and Alternate Commissioners

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

SUBJECT: Treasure Island Local Coastal Program Amendment Executive
Summary prepared by the City of Laguna Beach

Under separate cover, the Long Beach Office will be mailing an Executive Summary prepared by the City of Laguna Beach to each Commissioner and Alternate.

CALIFORNIA COASTAL COMMISSION

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July 29, 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: City of Laguna Beach Local Coastal Program Amendment 1-98 for the
Treasure Island Area of Deferred Certification

SUMMARY OF 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 268 private lock gate trailer park. 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. Public benefits include: 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 deny the proposed Local Coastal Program Amendment for the Treasure Island Area of Deferred Certification (City of Laguna Beach), as submitted, and approve the proposed Local Coastal Program Amendment as revised by the suggested modifications. The motions to accomplish this begin on page 12.

MAJOR UNRESOLVED ISSUES

Commission staff and City staff met to discuss the issues raised by the Treasure Island Specific Plan. Commission staff and City staff reached conceptual agreement on the major issues. City staff, however, did not have the opportunity to review the specific suggested modifications contained in this staff report prior to its publishing. Potential areas of difference regarding Commission's staff recommendations are:

- The provision for additional parking in the Resort Center's Parking Structure
- The provision that public pedestrian access through the private residential portion of the Resort Center allow access to the Bluff-Top Trail and the beach accessways.
- The requirement that a guard will not be allowed for the gated private residential development.
- Though City staff has indicated conceptual agreement with the suggested modifications for the phasing plan, City staff has requested that the phasing plan allow maximum flexibility since there are a significant number of contingencies that could affect the timing of construction.

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**.

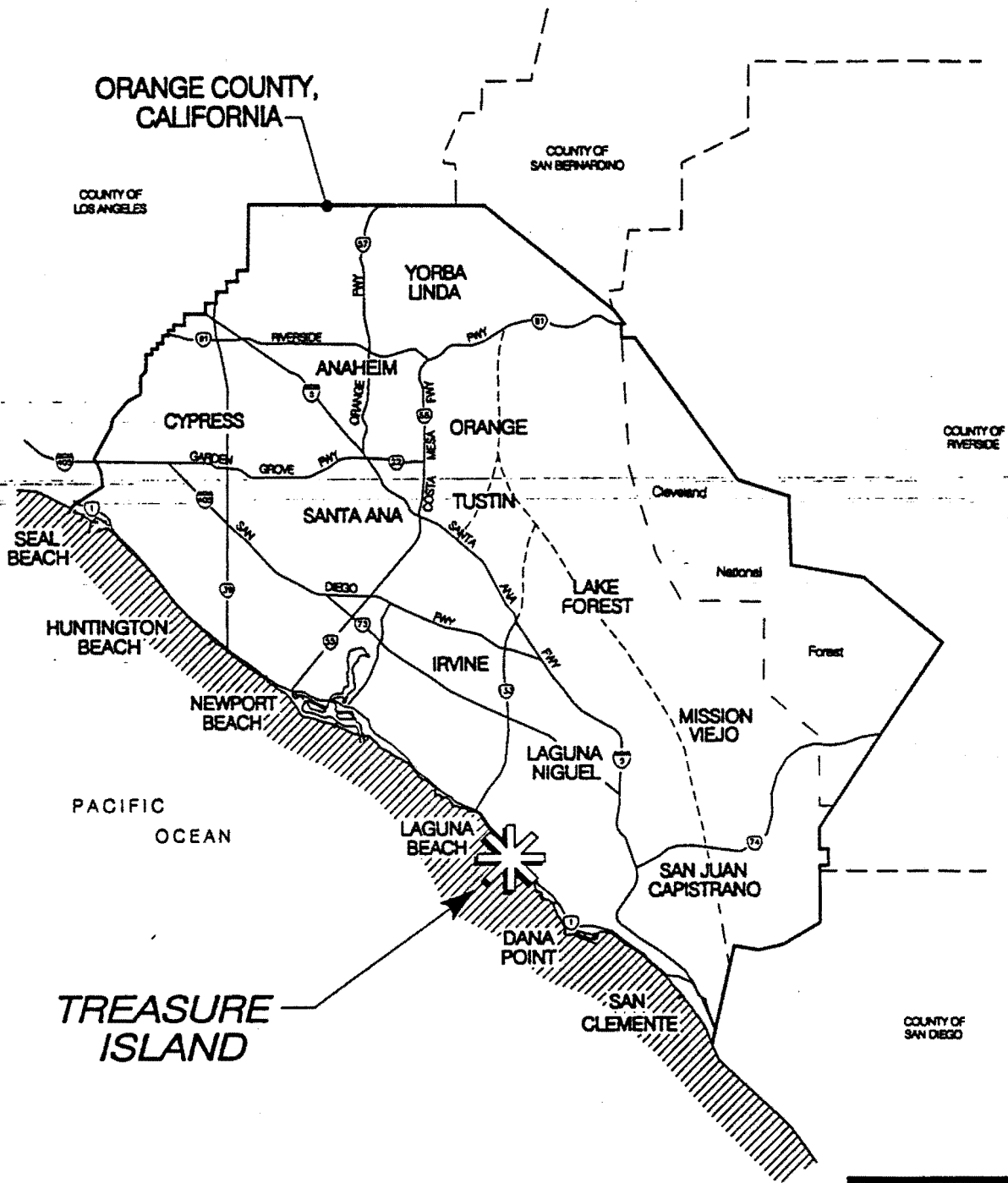


Figure 1

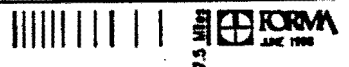
City of Laguna Beach
LCP
LOCATION MAP

California Coastal
Commission

Treasure Island
LAGUNA BEACH, CALIFORNIA

Local Coastal Program

REGIONAL LOCATION MAP



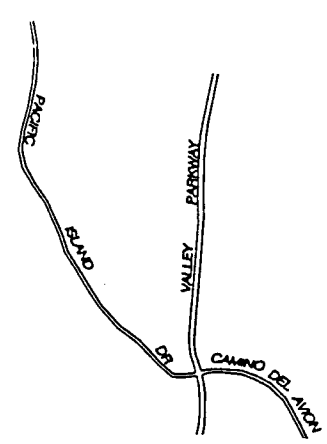
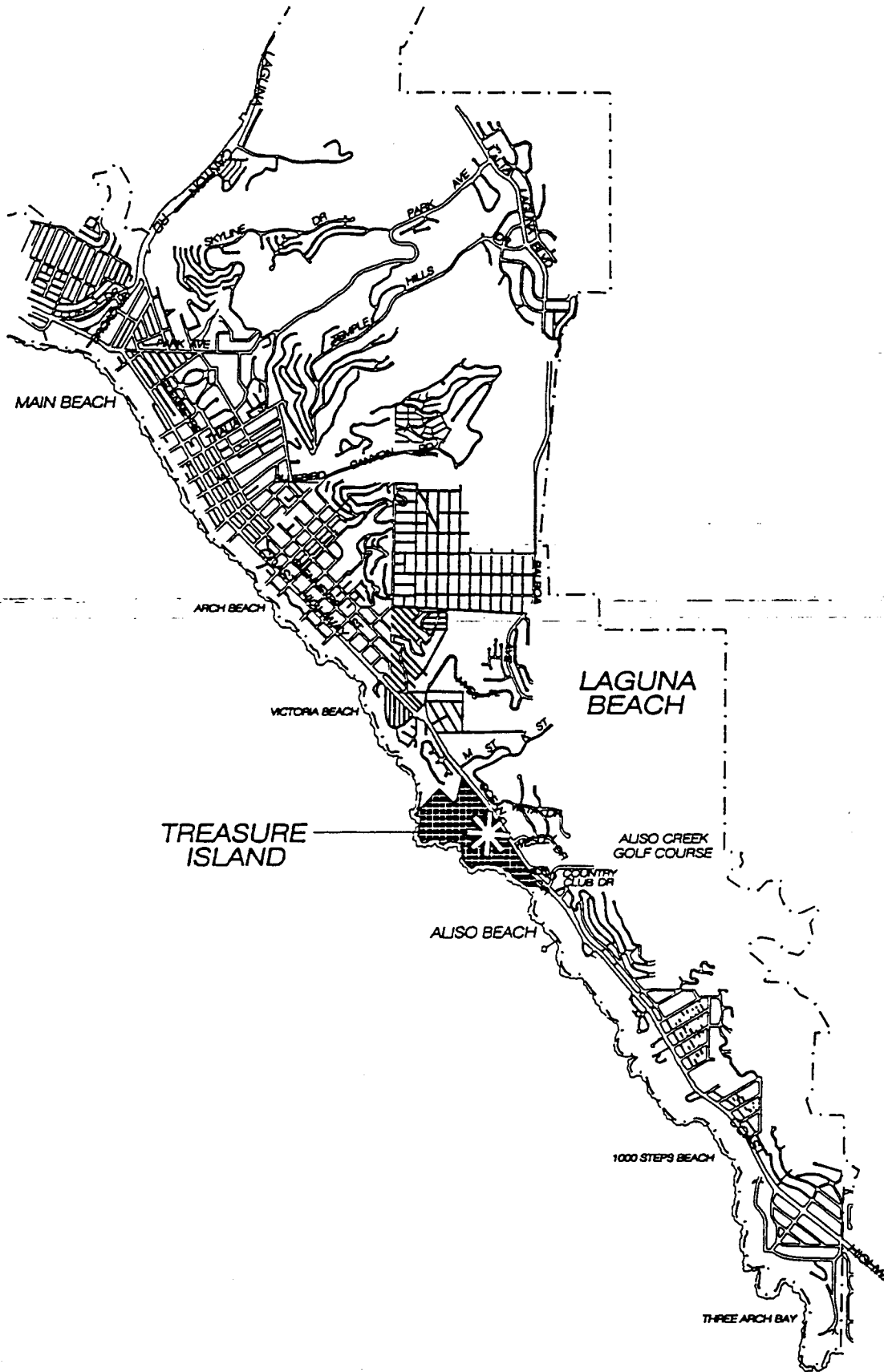
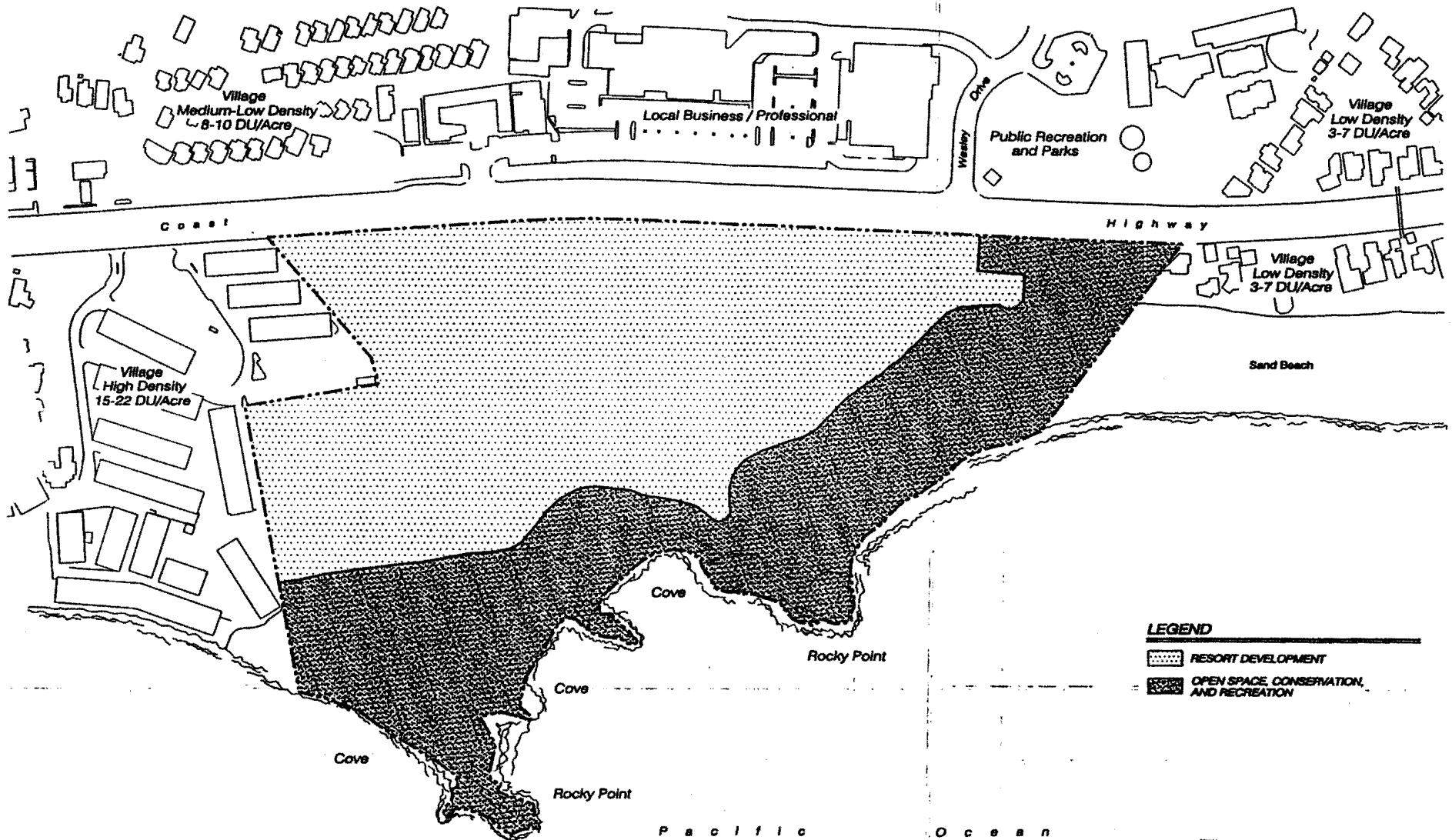


Figure 2
 City of Laguna Beach
 LCP
Vicinity Map
 California Coastal
 Commission

Treasure Island
 LAGUNA BEACH, CALIFORNIA

Local Coastal Program

VICINITY MAP



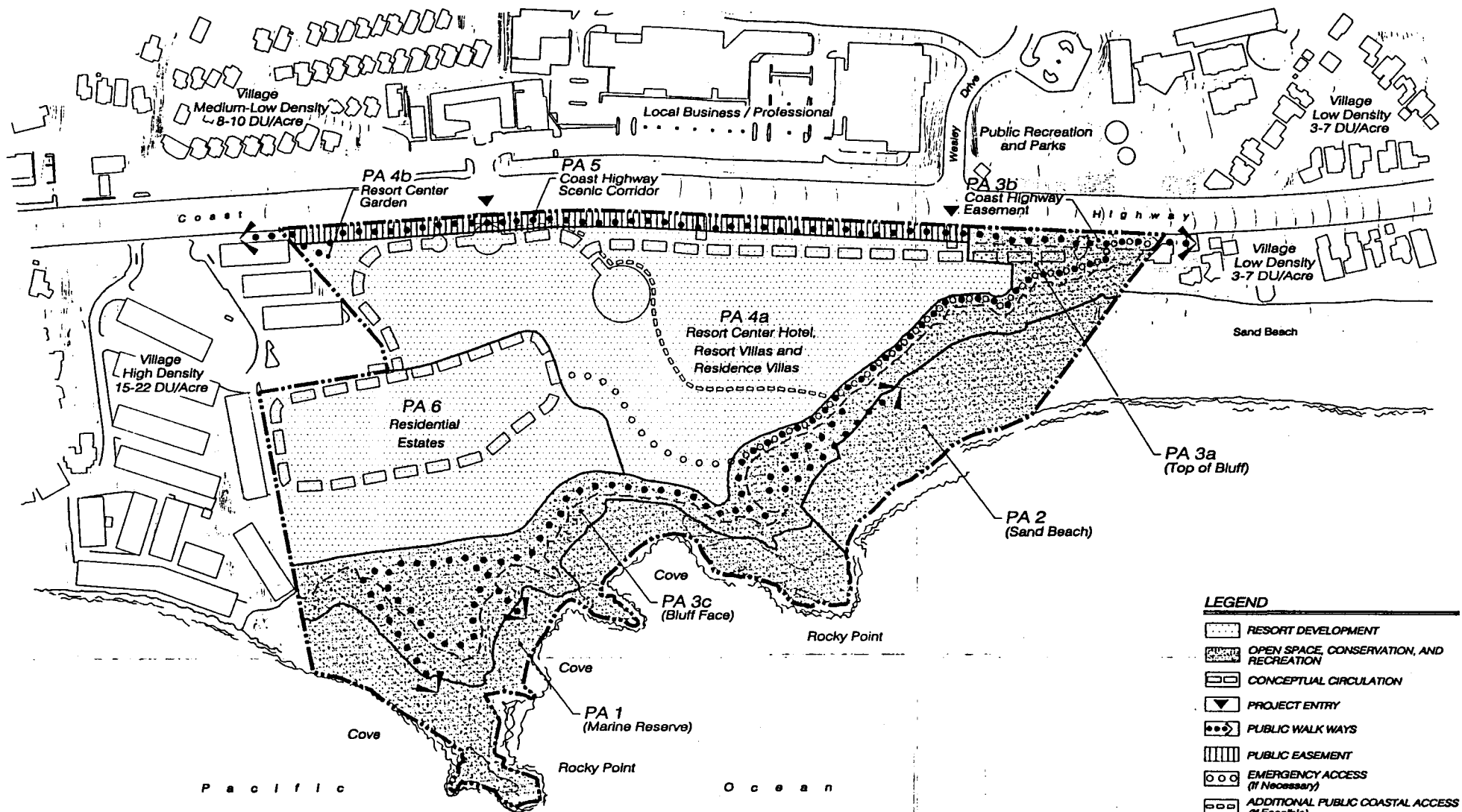
Treasure Island
LAGUNA BEACH, CALIFORNIA

Local Coastal Program

Figure 3

City of Laguna Beach
LCP
LAND USE PLAN

California Coastal
Commission



LEGEND

- RESORT DEVELOPMENT
- OPEN SPACE, CONSERVATION, AND RECREATION
- CONCEPTUAL CIRCULATION
- PROJECT ENTRY
- PUBLIC WALK WAYS
- PUBLIC EASEMENT
- EMERGENCY ACCESS (If Necessary)
- ADDITIONAL PUBLIC COASTAL ACCESS (If Feasible)

Treasure Island
LAGUNA BEACH, CALIFORNIA
Local Coastal Program

for the Treasu

Figure 4

City of Laguna Beach LCP
Specific Plan Map



California Coastal
Commission

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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 site used to contain 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 project proposed under this LCP amendment is for 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. The residence villas and resort villas will be in a private community. Public pedestrian access will be allowed into the private residential areas.

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 a 3.6 acre Marine Reserve, 2.7 acre sand beach, 6 acre bluff-top park, 1.2 acre scenic Corridor along Pacific Coast Highway, public trails along the bluff and to the shoreline, 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 resolves the public access concerns as it will allow extensive public access to the site. Though, the LCP amendment provides public access, the document does contain development components, policies and regulations which are not in full conformity with the Coastal Act. These issues concern:

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

The resort center contains both a hotel and private residential development. The Treasure Island Specific Plan lacks policies which clearly establish the ability of the public to utilize the site on a casual basis. Commission staff has made recommendations to incorporate policies which guarantee the public's ability to access the site on a casual basis, to park in the Resort Center's parking garage and that the public as pedestrians has the ability to traverse the private residential community to access the coastal bluff trail and shoreline accessways.

Executive Summary

2) THE PROVISION OF A FUNICULAR

As submitted the plan would allow for an optional funicular. 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. Commission staff has made a recommendation that the funicular be deleted.

3) IMPLEMENTATION OF A PHASING PLAN

The phasing plan is vague as it does not mandate that public improvements be completed prior to or concurrent with the grand opening of the Resort Center, specifically prior to the low priority residential development. The Coastal Act favors projects which provide coastal access and visitor serving facilities. The LCP would allow private residential development which is a low priority use in the coastal zone. To assure that the public benefits proposed under this Specific Plan are provided before the low priority residential component is completed, Commission staff has made a recommendation to modify 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, Commission staff has made a recommendation for a policy 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 coastal bluffs and shoreline that requires protection. Commission staff recommends the addition of policies which conform to the requirements of Section 30240 of the Coastal Act.

The recommendations made by Commission staff for adoption by the Commission principally relate to clarifying policies. Overall the Treasure Island Specific Plan provides visitor serving uses in the form of a hotel, public access to the site that previously had not public access, and promotes lower cost visitor serving opportunities in the form of trails, parks, and sandy beach.

II. COMMISSION RESOLUTIONS ON CITY OF LAGUNA BEACH

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation is provided just prior to each resolution.

- A. ***RESOLUTION #1 (Resolution to deny certification of the Laguna Beach Land Use Plan Amendment 1-98 for the Treasure Island Area of Deferred Certification, as submitted)***

Motion #1

"I move that the Commission CERTIFY the City of Laguna Beach Land Use Plan Amendment 1-98 for the Treasure Island Area of Deferred Certification, as submitted."

Staff recommendation

Staff recommends a **NO** vote and the adoption of the following resolution and findings. An affirmative vote by a majority of the appointed Commissioners is needed to pass the motion.

Resolution #1

The Commission hereby DENIES certification of the Land Use Plan Amendment for the City of Laguna Beach and adopts the findings stated below on the grounds that the amended Land Use Plan does not meet the requirements of and conform with the policies of Chapter 3 (commencing with Section 30200) of the California Coastal Act to the extent necessary to

Resolutions

achieve the basic State goals specified in section 30001.5 of the Coastal Act; the Land Use Plan, as amended, is not consistent with applicable decisions of the Commission, which guide local government actions pursuant to Section 30625(c); and certification of the Land Use Plan as amended would not meet the requirements of Section 21081 of the California Environmental Quality Act, because there would be significant adverse effects on the environment and there are feasible mitigation measures and/or feasible alternatives that would substantially lessen the significant adverse impacts on the environment.

B. Laguna Beach's Land Use Plan Amendment 1-98 for the Treasure Island Area of Deferred Certification, if modified)

Motion #2

"I move that the Commission CERTIFY the City of Laguna Beach Land Use Plan Amendment 1-98 for the Treasure Island Area of Deferred Certification, if it is modified in conformance with the suggestions set forth in this staff report."

Staff Recommendation

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

Resolution #2

The Commission hereby CERTIFIES the City of Laguna Beach Land Use Plan Amendment 1-98 for Treasure Island and adopts the findings stated below on the grounds that the amendment, as modified, will meet the requirements of and conform with the policies of Chapter 3 (commencing with Section 30200) of the California Coastal Act to the extent necessary to achieve the basic State goals specified in Section 30001.5 of the Coastal Act; the Land Use Plan, as amended, will contain a specific access component as required by Section 30500 of the Coastal Act; the Land Use Plan, as amended, will be consistent with applicable decisions of the Commission, which guide local government actions pursuant to Section 30625(c); and certification of the Land Use Plan amendment, as modified, meets the requirements of Section 21081 of the California Environmental Quality Act, because no additional feasible mitigation measures and no additional feasible alternatives exist which would substantially lessen the significant adverse effects on the environment.

Resolutions

- C. **RESOLUTION #3** (*Resolution to deny certification of the City of Laguna Beach Implementation Plan Amendment for the Treasure Island Area of Deferred Certification, as submitted*)

Motion #3

"I move that the Commission **REJECT** the City of Laguna Beach Implementation Plan Amendment 1-98 for the Treasure Island Area of Deferred Certification as submitted."

Staff Recommendation

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

Resolution #3

The Commission hereby **DENIES** certification of the City of Laguna Beach Implementation Plan Amendment for Treasure Island on the grounds that the amendment does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan. Additionally, there would be significant adverse effects on the environment and there are feasible mitigation measures and/or feasible alternatives that would substantially lessen the significant adverse impacts on the environment.

- D. **RESOLUTION #4** (*Resolution to approve certification of the City of Laguna Beach Implementation Plan Amendment 1-98 for the Treasure Island Area of Deferred Certification, if modified*)

Motion #4

"I move the Commission **APPROVE** the City of Laguna Beach Implementation Plan Amendment 1-98 for the Treasure Island Area of Deferred Certification, if it is modified in conformity with the suggested modifications set forth in this staff report."

Staff Recommendation

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

Resolution #4

The Commission hereby **APPROVES** certification of the City of Laguna Beach Implementation Plan Amendment for Treasure Island, if modified, on the grounds that, the amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan. Additionally, no additional feasible mitigation measures and no additional feasible alternatives exist which would substantially lessen the significant adverse impacts on the environment.

III. PROCEDURAL PROCESS (LEGAL STANDARD FOR REVIEW)

A. 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.

B. 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

Background

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 in May 1995 (verify ??).

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.
- 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

Background

- * 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 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.

Background

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 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

Background

- 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 first major component 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.
- 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.

PUBLIC PARTICIPATION

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 (Sate 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)

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)

PUBLIC PARTICIPATION

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
- 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.

A. Section 3.1.2 Coastal/Marine Resources Policies

4. Marine boating and fishing (including spear fishing) activity shall be prohibited in sensitive cove and rocky shoreline areas within the LCP Area **as depicted in Figure 9.2-3 of the Resource Management Plan.**
6. Designate a Treasure Island Marine Reserve up to 1,200 feet offshore and propose its candidacy for Ecological Reserve status. **The area to be designated will be 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 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 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 Physical Resource Policies

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 Cultural Resource Policies

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

D. Section 3.4 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. Private views affected by the proposed project are not an allowed basis for appeals to the Coastal Commission and remain within the purview of the City of Laguna Beach. 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 access 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 accessways to the shoreline.***

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 ES-5. A reasonable fee may be charged for such public parking, comparable to not to exceed that charged at other public beaches in Orange County.***
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 space 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

Land Use Plan Modifications

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, **and the California Department of Fish and Game.**

I. Section 5.2.2 Local Roads and Circulation Policies

3. The primary entry to the Residential Estate and Residence Villas area may be controlled by a security gate system, provided 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 access shall be allowed consistent with Policy 5 of Section 4.2.2.**
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
 - 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.~~

Since this modification eliminates the funicular, the portions of all policies, regulations, and guidelines concerning the funicular are also deleted from the Treasure Island Specific Plan.

- ~~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.~~

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

Land Use Plan Modifications

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 to satisfy a portion of the Resort Center's required parking, of the off-site spaces are not necessary to satisfy the parking requirements of the site on which the spaces are located.~~

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.**

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.

Land Use Plan Modifications

- c. The design ***shall incorporate the three existing vertical accessways*** ~~may propose a funicular which would pass over the bluff and allow for convenient beach access from the public coastal access walkway to the back of the public Sand Beach.~~ ***If necessary, one or more of the vertical accessways may be modified to meet ADA requirements. Modifications shall not significantly adversely impact 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 allow residents, guest, and the general public access to the bluff-top park and beach accessways. This access opportunity shall be included in the comprehensive signage program.***

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:
 - ***Conditions of Approval and Mitigation Measures contained in Appendix E which concern the phasing of public dedications, the construction of public improvements, and the opening of the public amenities to the public.***

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.

Implementation Program Modifications

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 13 (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 14 (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.

RMP Regulation 15 (LUP Section 3.4.2):

The Conditions of Approval and Mitigation Measures contained in Appendix E shall be incorporated as applicable into all coastal development permits.

~~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 16 (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 the 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. ***Any Development Agreement implemented 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 (a minimum of twenty spaces) shall be 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

~~It is currently envisioned that most if not all~~ ***All*** of the employees of the Resort Center ***who drive to work*** will park on-site in the Resort Center parking structure.

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 Aliso 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. *Pursuant to 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 accessways. The pedestrian access shall not be gated. If the vehicular system is gated a card key or other system shall be used. No guards shall be permitted. The comprehensive signage plan shall include this access opportunity.***

F. Section 10.9.2 Public Conceptual Phasing Schedule

A. 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* terms of public coastal access and facilities serving the Sand Beach and Marine Reserve, the public improvements are projected to be complete 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 11.1.1 Coastal Development Permits

4. Incorporation of Conditions, Requirements, and Standards

All conditions, requirements, and standards indicated graphically or in writing as part of any approved discretionary permit or detailed plan granted by authority of these regulations shall have the same force and effect as these regulations.

The Conditions of Approval and Mitigation Measures contained in Appendix E shall be incorporated, as applicable, into any permits or plans.

Any use or development established as a result of such approved permit or plan, but not in material or substantial compliance with all such conditions, requirements, or standards shall be in violation of this Specific Plan.

H. 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)~~ ***shall be permitted 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 Appendix E condition number 3.***
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.

I. 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 thereby requiring a coastal development permit issued by the Coastal Commission.***

J. Section 11.5.2 Principal Permitted Uses

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. 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
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.

K. Section 11.6.5 Site Development Standards

C. Building setbacks:

- a) From Coast Highway Right-of-Way: Twenty-five (25) feet [ten (10) feet for underground parking].
- b) From Adjacent Private Property Lines: Twenty-five (25) feet.
- c) From the Bluff-top Park: Ten (10) feet.
- d) 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.

Implementation Program Modifications

- e) 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.***

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

M. Section 12.2 Interpretation of the Specific Plan

- ***In the event of any ambiguities or silence contained in this Specific Plan which can not be resolved through the provisions of this LCP, other sections of the Laguna Beach LCP, the policies of the California Coastal Act shall guide interpretation of this Specific Plan.***
- ***In the event of any remaining ambiguities or silence such conflicts shall be resolved in a manner which on balance is the most protective of significant coastal resources.***

N. 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.

Amendments to the Treasure Island Specific Plan are required for changes in the kinds, location, intensity or density of uses. An amendment to the Treasure Island Specific Plan require Coastal Commission certification before it can become effective.

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. ***However, any planning area adjustments which change the land use, intensity, or density of land use of the underlying land shall be processed as a LCP amendment.*** 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.

O. 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.

P. Section 13.2.2 Coastal Development Permits

1. Master Coastal Development Permit

~~The Treasure Island Resource Management Program shall 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.~~

A Master Coastal Development Permit for the Resource Management Program outlined in this Local Coastal Program shall not be required.

Q. 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.***

R. Section 13.5 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.

S. 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).**

T. Appendix E Conditions of Approval

- 17. Phasing.** Backbone infrastructure grading shall include the entire site, including the Resort Center's below-grade structures. ***Coastal development permits Building 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. This phasing requirement may be modified by the City Council in a Development Agreement or other equivalent type of agreement between the City and the Landowner/master Developer. ***Any modifications to the phasing requirements shall be consistent with Land Use Policies 4.2.1 number 6 and 7.2.1 number 5 which require that all public access and public recreation amenities shall be provided and open to the public concurrent with the opening of the resort center.*** The reference in Section 10.9 of the LCP Amendment concerning modification of the Master phasing Plan being the "sole discretion of the Landowner/master Developer" shall be deleted.

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 and environmentally sensitive habitat areas. The LCP area is on oceanfront land and includes an area proposed for Ecological Reserve designation (Figure 3) located between Goff Island and the rock outcropping in the center of the site out to 1200 feet off-shore. Consequently the LCP must contain policies which assure that development will not adversely impact coastal resources. 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. However, some of the policies are incomplete 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 has not been provided. Further, Policies 16 and 18 allow rainfall runoff not to be directed to the street if the site is too low. 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. 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. Consequently, 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 of the Treasure Island Specific Plan. To assure that marine resources are protected and that water quality is preserved Figure 9.2-3 will be revised to show the boundaries of the Marine Reserve, wording has been added to the policies of Section 3.1.2 to require that drainage be designed to protect the marine environment and to protect bluff stability. 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.

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. 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 phasing plan specifies when public amenities are to be provided as the private development progress. However, the phasing plan does not fully 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. Though, the Land Use Plan of the Treasure Island Specific Plan designates a bluff top park, a sand beach and associated trails; the 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 area to get to the bluff top park and beach, that parking would be adequate, and 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.

For example 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. Further, certain policies, such as policy six 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 for employees. This policy also does not contain language for providing incentives for employees to use alternative means of transportation. 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.

The public access policies of the Coastal Act contemplate that new development shall promote coastal access. The submitted public access plan does not show that the public has the ability to traverse the residential development for purposes of accessing

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the coastal bluff-top park and nearby accessways to the shoreline. Further, the site plan shows a guard gate at the entrance to the residential area. The presence of the guard gate would discourage the public from entering the residential area. Policies which assure the public's capability to traverse the residential area and which would minimize the adverse impact of a guard on public access must be added to the Specific Plan.

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. 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.

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 full access to the Resort Center, policies have been added to Section 4.2.2, 4.2.3, and 5.2.3 to clarify that the Resort Center parking structure will be available for general public use, and that Resort Center Parking shall be provided on-site. Policy 6 of Section 5.2.3 has been deleted since it would allow off-site parking.

To improve the public's ability to traverse the residential area as pedestrians for purposes of coastal access a new policies has been added. Policy 5 of Section 4.2.2 states that public pedestrian access to through the residential areas shall be allowed, shall be signed, and shall not be gated. 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 private community which would discourage the public from using this area to access the bluff-top park.

To assure that adequate on-site parking is provided

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,

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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.

To clarify that visual resource issues, Policy 2 of Section 3.4 of the Treasure Island Specific Plan has been modified to specify that the public view corridor will provide public views from public areas. Additionally, consistent with Section 30251 of the Coastal Act a new policy has been added to Section 3.4 of the Treasure Island Specific Plan to make clear that only public views are protected under the coastal development permitting process.

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

As submitted, the Specific Plan does not clearly distinguish between public views and private views. 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. Further, the Cultural Resource Policies do not explicitly require that mitigation will be provided if development would adversely impact cultural resources. For the reasons discussed above, the Commission finds that the Laguna Beach Amendment for the Treasure Island Area of Deferred Certification is not in 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. Further, a new policy has been added to clarify that only public views are subject to the coastal development permitting process. To address mitigation requirement for Cultural resources a new policy has been added to Section 3.3 to require that when development would adversely impact cultural resources that adequate mitigation be provided. 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.

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. Therefore, all references to the funicular shall be deleted from the Treasure Island Specific Plan.

The parking 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. Section 10.4.4 of the Implementation Program contains regulations to implement the parking policies contained in the Land Use Plan. These regulations above been modified to be consistent with Sections 4.2.3 and 5.2.3 of the Treasure Island Specific Plan.

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 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 language has been deleted since the Land Use Plan has been modified to require that public improvements be completed by the grand opening of the resort center and prior to residential development.

Appendix E of the Specific Plan contains numerous conditions of approval that must be included in the coastal development permitting process. Section 11.1.1 of the Specific

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Plan contains the regulations for incorporating conditions, requirements, and standards into the permitting process. The Conditions of Approval are not referenced. To assure that the Conditions of Approval contained in Appendix E are included in the permitting process, Section 11.1.1 has been modified through a suggested modification. The suggested modification states that the Conditions of Approval and Mitigation Measures contained in Appendix E shall be incorporated as applicable in any permits or plans.

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. Further, 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. 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 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.

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 up 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. Consistent with other setback policies Section 11.6.5 has been modified to require that buildings be setback a minimum of ten feet from coastal access walkways and facilities in order to provide a landscape buffer.

Section 12.2 of the Specific Plan provides guidance for interpreting the Specific Plan in cases of any ambiguities or silence. As submitted, Section 12.1 is incomplete since it does not incorporate guidance provided in Section 3.0 of the Specific Plan which states that policies which are most protective of coastal resources shall take precedence. This language has been incorporated through a suggested modification.

Sections 12.3.1 and 12.3.2 of the Treasure Island Specific Plan contain language which define refinements to the plan that do not require an LCP amendment and which LCP revisions trigger the requirement for an amendment. As submitted the language does not provide adequate guidance for determining when an LCP amendment is required. These sections have been modified to state that changes to the use, intensity, or density of land use trigger the requirement for an LCP amendment. Further, Section 13.2.4 allows alternative development standards to be approved through a coastal development permit. This section has been modified to require that

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findings must be made that coastal resources will not be impacted and that the alternative development standards not affect the use, intensity, or density of land use.

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 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 City of Laguna Beach Land Use Plan Amendment No. 1-98.

The Land Use Plan amendment as originally submitted raises 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: enhanced protection of marine resources, public access over the resort center grounds, and the provision for adequate parking. As modified, the Commission finds that approval of the Land Use

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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 proposed 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 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