

CALIFORNIA COASTAL COMMISSION

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Hearing Date: November 14-17, 2000
Commission Action:



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STAFF REPORT AND RECOMMENDATION ON APPEAL SUBSTANTIAL ISSUE

APPEAL NUMBERS: A-5-LGB-00-183 and A-5-LGB-00-184

LOCAL GOVERNMENT: City of Laguna Beach

DECISIONS: Approval with Conditions

APPLICANT: Scott Thompson **AGENT:** Morris Skenderian Associates

PROJECT LOCATION: 1369 North Coast Highway, Laguna Beach (Orange County)

PROJECT DESCRIPTION: The applicant proposes to construct and operate a mixed use car-wash, retail, and residential development on Pacific Coast Highway in the City of Laguna Beach. The site is located in an area designated as a Local Business/Professional land use and as a C-N Commercial Neighborhood zone.

APPELLANTS: Ed Finkbeiner and Steve Ball

SUMMARY OF STAFF RECOMMENDATION & ISSUES TO BE RESOLVED:

The staff recommends that the Commission, after a public hearing, determine that **NO SUBSTANTIAL ISSUE EXISTS** with respect to the grounds on which appeals number A-5-LGB-00-183 and A-5-LGB-00-184 have been filed because the project, as conditioned by the City of Laguna Beach, is consistent with the certified Laguna Beach Local Coastal Program and the public access policies of the Coastal Act.

Appeal contentions cited inconsistency with LCP policies related to public access, recreation, and visitor serving commercial opportunities. Staff recommends that the Commission determine that these contentions do not raise a substantial issue of consistency with the certified LCP.

PROCEDURAL NOTE:

The current staff report and recommendation analyzes both local approvals related to the project being appealed: A-5-LGB-00-183 for the mixed use development and A-5-LGB-00-184 for the subdivision of one lot into two. Although the staff report combines the analysis for the two local actions being appealed, the Commission must vote separately on the question of whether the appeals of each local action raises substantial issue. The two necessary motions are provided on page 2.

This staff report addresses only the question of substantial issue. If the Commission determines that a substantial issue exists, a staff report for a de novo permit will be prepared.

SUBSTANTIVE FILE DOCUMENTS:

- City of Laguna Beach Local Coastal Program (LCP).
- City of Laguna Beach materials submitted as the file for Coastal Development Permits 99-39B and 00-08 and Conditional Use Permit 00-02 issued by the City of Laguna Beach.

LIST OF EXHIBITS:

1. Vicinity Map
2. Appeals Jurisdiction Map
3. Project Plans and Elevations
4. Notice of Final Action and Resolution of Approval for CDP No. 99-39B (Subdivision)
5. Notice of Final Action and Resolution of Approval for CDP No. 00-08 (Car Wash)
6. Copy of the Appeals by Stephen Ball and Edward Finkbeiner
7. Response to appeal by Morris Skenderian & Associates

**I. STAFF RECOMMENDATION FOR NO
SUBSTANTIAL ISSUE:**

**A. MOTION AND RESOLUTION FOR NO SUBSTANTIAL ISSUE WITH REGARD TO
APPEAL NO. A-5-LGB-00-183**

The staff recommends that the Commission make the following motion and adopt the following resolution:

Motion: *I move that the Commission determine that Appeal No. A-5-LGB-00-183 raises NO Substantial Issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

Staff Recommendation:

Staff recommends a **YES** vote. This would result in the finding of no substantial issue and the adoption of the following findings and declarations. A majority of Commissioners present is required to pass the motion.

Resolution to Find No Substantial Issue:

The Commission hereby finds that Appeal No. **A-5-LGB-00-183** presents **NO SUBSTANTIAL ISSUE** with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the certified Local Coastal Plan and/or the public access policies of the Coastal Act.

**B. MOTION AND RESOLUTION FOR NO SUBSTANTIAL ISSUE WITH REGARD TO
APPEAL NO. A-5-LGB-00-184**

The staff recommends that the Commission make the following motion and adopt the following resolution:

Motion: *I move that the Commission determine that Appeal No. A-5-LGB-00-184 raises NO Substantial Issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

Staff Recommendation:

Staff recommends a **YES** vote. This would result in the finding of no substantial issue and the adoption of the following findings and declarations. A majority of Commissioners present is required to pass the motion.

Resolution to Find No Substantial Issue:

The Commission hereby finds that Appeal No. **A-5-LGB-00-184** presents **NO SUBSTANTIAL ISSUE** with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the certified Local Coastal Plan and/or the public access policies of the Coastal Act.

II. SUBSTANTIAL ISSUE FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. APPEAL PROCEDURES

i. Appealable Development

Section 30603 of the Coastal Act states:

- (a) After certification of its Local Coastal Program, an action taken by a local government on a Coastal Development Permit application may be appealed to the Commission for only the following types of developments:*
 - (1) Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.*
 - (2) Developments approved by the local government not included within paragraph (1) that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.*

Sections 30603(a)(1) of the Coastal Act establishes the project site as being appealable by its location between the sea and first public road (Exhibit 1 and 2).

ii. Grounds for Appeal

The grounds for appeal of an approved local CDP in the appealable area are stated in Section 30603(b)(1), which states:

- (b)(1) The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program or the public access policies set forth in this division.*

Section 30625(b)(2) of the Coastal Act requires a de novo hearing of the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds for appeal. If Commission staff recommends a finding of substantial issue, and there is no motion from the Commission to find no substantial issue, the substantial issue question will be considered moot, and the Commission will proceed to the de novo public hearing on the merits of the project. The de novo hearing will be scheduled at the same hearing or a subsequent Commission hearing. A de novo public hearing on the merits of the project uses the certified LCP as the standard of review. In addition, for projects located between the first public road and the sea, findings must be made that any approved project is consistent with the public access and recreation policies of the Coastal Act. Sections 13110-13120 of the California Code of Regulations further explain the appeal hearing process.

The grounds for the current appeal include contentions that the approved development does not conform to the standards set forth in the certified LCP regarding the provision of visitor serving commercial recreation facilities and public access and/or the public access policies set forth in the Coastal Act.

iii. Qualifications to Testify before the Commission

If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission at the substantial issue portion of the appeal process are the applicants, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing.

The Commission will then vote on the substantial issue matter. It takes a majority of Commissioners present to find that no substantial issue is raised by the local approval of the subject project.

If a substantial issue is found with a subsequent de novo hearing, the Commission will hear the proposed project de novo and all interested persons may speak. Any De Novo hearing will occur at a subsequent meeting date. All that is before the Commission at this time is the question of substantial issue.

B. LOCAL GOVERNMENTS ACTION

On March 21, 2000, the Laguna Beach City Council approved Coastal Development Permit 99-39B for the subdivision of Lot 2 of Tract 1087 into two parcels (Exhibits 3 and 4). The existing lot was split zoned R-1 (Residential Low Density) and C-N (Commercial-Neighborhood). The subdivision split the lot into individual parcels for the R-1 zone and C-N zone. The approval required a variance for the size of the residential lot which is 50 feet wide rather than the minimum 70 feet normally required. The approval was subject to twelve special conditions which required: 1) development of the parcels shall comply with applicable local provisions; 2) the proposed subdivision shall not conflict with existing public easements; 3) the applicant shall defend, hold harmless and indemnify the City and its representatives for any legal action related to the approval; 4) the permit shall expire after 24 months; 5) a final parcel map is to be submitted for review and approval; 6) appropriate utilities shall be provided; 7) a park and recreation fee shall be paid; 8) a drainage fee shall be paid; 9) the applicant shall conform with local ordinances regarding public art; 10) a deed restriction shall be recorded acknowledging potential hazards and shall waive liability claims related to such against the City; 11) a water quality control plan shall be submitted for review and approval; and 12) a site specific geotechnical study shall be prepared prior to any grading or construction on the site.

The City of Laguna Beach submitted their Notice of Final Local Action regarding Coastal Development Permit 99-39-B to the Commission on May 3, 2000. An appeal period was opened and an appeal was received by the Commission within 10 working days, on May 15, 2000.

In addition, on April 4, 2000, the Laguna Beach City Council approved Coastal Development Permit 00-08 and Conditional Use Permit 00-02 for a mixed use commercial and residential development consisting of a car wash with ancillary retail sales and a residential studio unit at

1369 N. Coast Highway, Laguna Beach, Orange County (Exhibits 3 and 5). The approval was subject to forty-two special conditions requiring among them: 1) modifications to the project require an amendment; 2) a final follow-up geologic study shall be prepared to provide grading and foundation design; 3) required implementation of measures to minimize impacts from construction related noise; 4) requirements to minimize noise from operation of the car wash including the installation of sound walls and use of equipment with noise reducing components; 5) establishment of an operation period of 7-6 Monday through Friday, and 8-6 on Saturday, and 9-6 on Sunday; 6) a requirement to implement a plan to encourage employee use of alternative transportation modes including public transit, carpooling, use of bicycles and walking and a requirement for the applicant to provide free bus passes to employees; 7) a requirement that all vehicles using the facility, including employee parking, shall be located on site at all times; 8) a requirement to work with CalTrans to re-stripe Pacific Coast Highway to prohibit westbound left turns into the property; 9) a requirement to relocate the centerline of Cliff Drive; 10) a requirement to maintain a drive aisle on the project site to facilitate the ease of movement of vehicles on the site and to prevent cars from backing up and onto public streets; and 11) a requirement that retail sale of merchandise is limited to auto-related accessories except that candy, snacks, beverages, newspapers and magazines may be sold within a 100 square foot area.

The City of Laguna Beach submitted their Notice of Final Action regarding Coastal Development Permit 00-08 to the Commission on May 1, 2000. An appeal period was opened and an appeal was received by the Commission within 10 working days, on May 15, 2000.

C. APPELLANTS' CONTENTIONS

The appellants argue that the proposed project will have adverse impacts upon visitor serving commercial opportunities in the City, adverse impacts upon public access to the nearby Crescent Bay beach, and that the proposed project is an inappropriate use of the site (Exhibit 6). The appellants summarized their contentions as follows:

The proposed use is inappropriate at this location because 1) it is in violation of Coastal Act Section 30222, which establishes a high priority for the use of private lands for visitor-serving commercial recreation facilities designed to enhance public opportunities for coastal recreation, because this approval adds another resident serving car related use, at one intersection, which results in a "glut" of automobile oriented business at this prime location; 2) due to it's design and internal circulation plan, the project as proposed, will adversely impact the primary pedestrian access to Crescent Bay beach; 3) the majority of customers for the car wash will come from south of the proposed car wash, and the primary entrance from Cliff Drive will create a conflict with automobile access to Crescent Bay beach; 4) provision of inadequate on-site parking, for all the uses proposed, creates competition for on street parking currently used by scuba divers, beach goers and residents, in violation of Land Use Plan (LUP) Policies 2-K; and 2-N; 5) inappropriate use for northern entrance to Laguna Beach; 6) proposed project is inconsistent with Coastal Act Policies, as implemented in the approved Local Coastal Implementation Plan, which consists of Land Use Element; Title 25, the City Zoning Ordinances; and a variety of other local planning documents, as discussed below.

The appellants contend that the proposed car wash will result in a glut of resident serving car related uses in the project area. In addition, the appellants contend that the presence of the car wash will have an adverse impact upon an adjacent hotel which provides a visitor serving commercial use in this part of the City of Laguna Beach.

Also, the subject site is presently zoned C-N (Commercial Neighborhood). However, prior to 1994, the site had been zoned C-1 (Local Business-Professional). The Commission certified the change with suggested modifications in Laguna Beach LCP Amendment 1-94. An issue raised by the LCP amendment was the potential prohibition of visitor serving commercial oriented uses in the project area. The Commission addressed this issue by requiring that the uses previously allowed under the C-1 designation (which included some visitor serving uses) be also allowed in the C-N district, subject to a conditional use permit. In addition, in order to encourage an ongoing evaluation of whether certain resident serving uses were becoming too predominant in certain areas, the Commission re-inserted pre-existing language in the implementation ordinance for the C-N zoning district which required that "the existing balance of resident serving uses in the same vicinity and zone shall be a consideration when reviewing conditional use permit applications." The appellants contend that the local governments approval of the project did not consider the existing balance of resident serving uses when reviewing the proposed project. As a result, the local government's approval of the proposed car wash results in an inappropriate glut of car related resident serving uses in the project area.

The appellants also contend that the proposed project will adversely impact the public's ability to access nearby Crescent Bay beach. As approved, vehicles travelling northbound on Pacific Coast Highway will not be allowed to make a direct turn into the car wash. Rather, northbound vehicles will have to turn left at the signal at Cliff Drive and then make a quick right into the car wash. The appellants contend that, due to the circulation design of the car wash, vehicles will be forced to back up onto Cliff Drive which will in turn adversely affect the public's ability to use Cliff Drive as an access point to Crescent Bay beach. In addition, the appellants contend that the relocation of the centerline of Cliff Drive, as required as a condition of approval, will narrow the walkway used by pedestrians to access Crescent Bay beach.

The appellants also contend that the proposed project does not provide adequate on-site parking to serve patrons of the car wash and retail use, its employees, and the proposed studio apartment. The appellants contend that since on-site parking is inadequate, off-site public street parking will be required to support the use. The appellants contend that since patrons, employees, and any occupants of the studio apartment may need to use off-site public street parking, such persons will displace the public from parking spaces which are needed by beach visitors. Therefore, the proposed project will have an adverse impact upon the public's ability to access Crescent Bay beach.

Finally, regarding the proposed subdivision, the appellants contend that since the approved 50 foot wide residential lot does not provide the minimum 70 foot width normally required by the zoning code, that there is not adequate space on the proposed lot to site a residential structure in a manner which would avoid impacts from the adjacent commercial use. The appellants also state that the residential lot was not meant to provide the buffer between commercial uses and residential uses.

D. SUBSTANTIAL ISSUE ANALYSIS

i. Project Description, Location and Background

The proposed project site is a vacant lot located at 1369 N. Coast Highway, City of Laguna Beach, Orange County. The project site is located at the northern end of the City at the corner of Coast Highway (a.k.a. Pacific Coast Highway) and Cliff Drive on the seaward side of Coast Highway.

Coastal Development Permit 99-39B was approved by the Laguna Beach City Council on March 21, 2000, for the subdivision of the subject site (Lot 2 of Tract 1087) into two parcels. The existing lot was split zoned R-1 (Residential Low Density) and C-N (Commercial-Neighborhood). The subdivision split the lot into individual parcels for the R-1 zone and C-N zone. Upon subdivision, the commercial lot is approximately 100 feet by 192 feet, and the residential lot is approximately 50 feet by 192 feet. The approval required a variance for the size of the residential lot because it doesn't meet the minimum 70 foot width normally required.

In addition, on April 4, 2000, the Laguna Beach City Council approved Coastal Development Permit 00-08 and Conditional Use Permit 00-02 for a mixed use commercial and residential development consisting of a car wash with ancillary retail sales and a residential studio unit. The proposed development consists of a three-level (one subterranean) 6,922 square foot "primary" building, a detached 557 square foot detail garage, and an 885 square foot carport (vacuum) area. The primary building consists of a 3,380 square foot subterranean level containing a 2,697 square foot parking garage, a 427 square foot mechanical room, and a 256 square foot employee room. The main level of the primary building consists of an 825 square foot retail and administration area, a 1,640 square foot wash tunnel, and a 378 square foot attached detail garage. The upper level of the primary building contains 699 square feet of habitable area including an office and a studio apartment.

ii. Analysis of Consistency with Certified LCP and Public Access Section of the Coastal Act

As stated in Section A (iii) of this report, the local CDPs may be appealed to the Commission on the grounds that it does not conform to the standards set forth in the certified Local Coastal Program (LCP) or the public access policies of the Coastal Act. The Commission must assess whether the appeal raises a substantial issue as to the project's consistency with the certified LCP or the access policies of the Coastal Act.

In making that assessment, the Commission considers whether the appellants' contentions regarding the inconsistency of the local government action with the certified LCP raise significant issues in terms of the extent and scope of the approved development, the support for the local action, the precedential nature of the project, whether a significant coastal resource would be affected, and whether the appeal has statewide significance.

In the current appeals of the project approved by the City of Laguna Beach the appellants contend that the City's approval of the project does not conform to various provisions of the certified LCP and requirements set forth in the Coastal Act. Not all of the contentions raised can be considered valid appeal arguments, as the grounds for an appeal are limited to an allegation that the development does not conform to the certified LCP or the public access policies of the Coastal Act.

For clarification, the appellants' contentions have been grouped into the following categories: Valid and Invalid. Valid contentions follow. Invalid contentions are addressed on page 16 of the current staff report.

iii. Valid Contentions

Those contentions determined to have valid grounds for appeal are included in the subsequent section. Section (a) describes those contentions that are found to raise a substantial issue and

Section (b) addresses those which are not found to raise substantial issue with the City's certified LCP and public access provisions of the Coastal Act.

a. Substantial Issue

There are no contentions which raise a substantial issue.

b. No Substantial Issue

The following contentions raise no substantial issue of consistency with the policies and standards set forth in the certified LCP.

Resident Serving Commercial Uses vs. Visitor Serving Commercial Uses

As noted in Section C. of these findings and found in Exhibit 6, the appellants contend that the proposed project is generally inconsistent with the visitor serving recreation policies of Section 30222 of the Coastal Act and the regulations which implement this policy in the certified LCP. Section 30222 of the Coastal Act gives priority to use of private lands suitable for visitor-serving commercial recreational facilities over private residential, general industrial, or general commercial development. Section 30222 of the Coastal Act is implemented in the City's LCP through land use designations and zoning.

Visitor serving commercial uses are the principle permitted use in the City's "Commercial/Tourist Corridor" land use designation. Visitor serving commercial uses are also permitted in the City's "Central Business District" land use designation. These land use designations place a priority on visitor serving commercial uses in those portions of the city where such uses are most suitably accommodated. There are other land use designations such as the "Local Business/Professional" land use designation, where visitor-serving commercial uses may be placed. However, the "Local Business/Professional" designation does not place a priority on visitor serving commercial uses. The subject site has the "Local Business/Professional" land use designation. The certified LCP describes the "Local Business/Professional" land use designation as follows:

This category allows a mixture of limited commercial development and office-professional uses to serve the needs of the resident population. Local retail uses are allowed, as are office-professional uses which cater to the needs of the community. Residential development is also considered a permissible use. Mixed use developments, whereby residential and commercial/professional uses are integrated together, are also permitted. Residential uses are encouraged with commercial uses requiring a conditional use permit.

The "Local Business/Professional" land use designation is implemented through land use zoning found in the implementation plan for the certified LCP. The subject site has a zoning designation of "C-N Commercial-Neighborhood Zone." Section 25.19.002 describes those uses which may occur in the C-N zone without a conditional use permit, including art galleries, bakeries, book shops, cafes and restaurants, drug stores, financial offices, among others. Section 25.19.006 describes other uses that are allowed in the C-N zone, subject to a conditional use permit, as follows:

25.19.006 Uses permitted subject to a conditional use permit.

The following uses may be permitted subject to the granting of a conditional use permit as provided in Section 25.05.030. The existing balance of resident-serving uses in the same vicinity and zone shall be a consideration when reviewing conditional use permit applications.

(A) Automobile service stations and mini-markets, provided that all sales and service other than gasoline and oil dispensing shall be conducted and confined within enclosed buildings;

(B) Cafes, restaurants, delicatessens and tea rooms with or without outdoor seating serving alcoholic beverages;

(C) Car wash;

(D) Health clubs;

(E) Hotels and motels;

(F) Outdoor display of merchandise;

(G) Plant nursery, including outdoor display of merchandise;

(H) Residential uses (excluding time shares) as an integral part of commercial development, but limited to not more than fifty percent of the gross floor area and there shall be at least two thousand square feet of lot area for each dwelling unit;

(I) Veterinary clinics, including overnight boarding for care;

(J) Liquor sales;

(K) Other uses the planning commission deems, after conducting a public hearing, to be similar to and no more obnoxious or detrimental to the public, health, safety and welfare of the neighborhood than any use listed above. Such uses shall be inclusive of uses expressly allowed in the C-1 zone, but shall not include those uses listed exclusively as industrial or light industrial uses in the M-1 or M-1A zones. (Ord. 1294 § 2, 1995; Ord. 1285 § 3 (part), 1994; Ord. 1187 § 3(8) (part), 1989; Ord. 1147 § 2 (part), 1988).

Section 25.19.006 (C) of the certified implementation plan specifically states that a car wash is a use that is permitted subject to a conditional use permit. In addition, Section 25.19.006 (H) of the certified implementation plan authorizes a residential use in conjunction with a commercial development subject to a conditional use permit. The development approved by the City of Laguna Beach at the subject site, pursuant to a conditional use permit, is a car wash (a commercial use) and a residential use (which is an integral part of the commercial use). Accordingly, the proposed project is consistent with the land use and zoning designation contained in the City's certified LCP. Therefore, the approval of a car wash and residential use at the subject site raises no substantial issue as to conformity with the land use and zoning designations of the property in the certified LCP.

Section 25.19.006 of the certified LCP provides that "[t]he existing balance of resident-serving uses in the same vicinity and zone shall be a consideration when reviewing conditional use permit applications". The appellants contend that the City failed to comply with Section 25.19.006 in the coastal development permit approval. The appellants state that there are several car-related resident serving uses in the project area and that the proposed car wash would add another such use, resulting in a glut of car related uses. According to the appellants, the presence of an overabundance of car related uses would be inconsistent with Section 25.19.006.

Existing land uses surrounding the subject site include a hotel which is adjacent to the subject site, a muffler repair shop which is across Cliff Drive from the subject site, and a gas station, a "quickie" market, and a hotel which are across Coast Highway from the subject site. Two of the existing land uses, the muffler shop and the gas station could be considered auto-related uses. The addition of the car wash would change that number to three auto related uses. The

appellants argue that the addition of this third auto related use would result in a "glut" of such uses in this area.

However, there are several uses which are visitor serving or provide a visitor serving function in the project area which balance the presence of the largely resident serving auto related uses. For instance, there are two hotels in the project area which provide visitor serving tourist accommodation. In addition, at this location, the existing "quickie" market provides a visitor serving function by making food, beverages, sunscreen and other products available to beach visitors using nearby Crescent Bay beach. Accordingly, resident serving uses are balanced with visitor serving uses in this area, consistent with Section 25.19.006 of the implementation plan of the certified LCP. Therefore, the contention that the proposed project results in an imbalance between visitor serving and resident serving uses in the area raises no substantial issue.

Traffic, Parking and Public Access

The appellants contend that the proposed development will cause adverse impacts upon the public's ability to access Crescent Bay beach due to inadequate on-site traffic circulation and attendant offsite impacts upon traffic circulation, an inadequate quantity of on-site parking to support the use, and potential adverse impacts upon pedestrian access to the beach. Several policies in the certified LCP address these issues of public access and parking. These policies include:

Land Use Element, Policy 2-I: The City shall pursue funding for planning and development of a peripheral parking program to increase access to its beaches.

Land Use Element, Policy 2-K, in relevant part: New development shall provide adequate on-site parking for all demands created by the development...

Land Use Element, Policy 2-N: The City shall increase its standards for parking in new development to reflect the actual parking needs of the development and to assure that parking needs generated by the new development will not usurp on-street visitor parking.

Open Space/Conservation Element, Policy 3-M: The provision, maintenance and enhancement of public non-vehicular access to the accessway shall be of primary importance when evaluating future improvements, both public and private.

Relevant public access policies of the Coastal Act include:

Section 30210: In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211: Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

The appellants contend that public access to Crescent Bay beach will be reduced because of adverse traffic circulation and access conditions to the site, as well as adverse traffic circulation issues on the project site.

The proposed project is located on the corner of Cliff Drive and Coast Highway. Cliff Drive provides direct access from Coast Highway to Crescent Bay beach. The public commonly uses Cliff Drive as their access point to Crescent Bay beach. Meanwhile, access to the project site will be available on both Coast Highway and Cliff Drive. Southbound traffic on Coast Highway will access the car wash by turning right either at the driveway on Coast Highway or by turning right on Cliff Drive and turning right again at the driveway on Cliff Drive. Northbound traffic will only be able to access the car wash by turning left on Cliff Drive at the existing stop light, and turning right into the car wash using the driveway on Cliff Drive. The appellants contend that this circulation pattern will cause conflicts with the public who access Crescent Bay beach using Cliff Drive.

In their approval of the project, the City of Laguna Beach considered the impacts upon traffic circulation which could occur from the proposed project. According to a traffic study prepared by a licensed traffic engineer (LSA Associates), the proposed project will only incrementally increase traffic at the project site compared with existing conditions (i.e. vacant lot). However, the proposed project would not adversely change traffic conditions in the project area. The traffic analysis analyzed the issues raised by the appellants regarding ingress and egress to the project site, including the availability of on-site space for vehicles to cue and the potential for vehicle cueing to spill over onto the public street. The traffic analysis concluded, given all the potential variables, that the level of service (a commonly used measurement in traffic analyses) provided at the intersection would not significantly change. The traffic analysis was reviewed by a third party independent reviewer (Linscott, Law & Greenspan) who agreed with the conclusions of LSA Associates.

The traffic analysis also compared traffic conditions between the proposed use and the previous use of the project site (as a gas station). The gas station was closed and demolished several years ago. The traffic analysis concluded that the proposed project generates significantly less traffic in the project area than the previous gas station. According to the traffic study, the proposed project would generate less than half of the traffic generated by a gas station at the subject site. Therefore, traffic conditions in the project area would improve when comparing the previous use to the proposed use.

Certain recommendations were made by the traffic consultant, the independent traffic study reviewer, the California Department of Transportation, as well as the City's engineering staff to assure that any potential issues related to traffic circulation were mitigated. These recommendations were included in the project design and/or imposed as special conditions of approval including: 1) prohibiting left hand turns from Coast Highway directly into the project site to minimize cross-traffic hazards; 2) requiring that a drive aisle remain clear so that vehicles accessing the project site from Cliff Drive would not cue onto Cliff Drive or Coast Highway; and 3) realigning the centerline of Cliff Drive to allow easier ingress to the project site.

The appellants contend that one of the mitigation measures, the realignment of the centerline of Cliff Drive, will have an adverse impact upon pedestrian public access to Crescent Bay beach because the realignment will result in narrowing the pedestrian walkway. However, there is no indication in the City's file that any pedestrian walkways will be narrowed. Furthermore, the proposed project includes the construction of a new sidewalk which would enhance pedestrian public access to Crescent Bay beach by providing a paved usable walkway where there is presently no usable walkway.

Finally, Section 25.52.012 of the certified LCP identifies the parking requirements for certain categories of development. Section 25.52.012(f) states that a full-service car wash, as proposed, must have "[a] parking reservoir area shall be provided which equals in size the area required for parking three (3) times the number of parking spaces provided inside the car wash facility. These spaces may be parked in tandem." According to the local governments approval, the proposed project requires 22 parking spaces on site. According to the local governments approval, the proposed project provides 45 parking spaces on site. Of the 45 spaces, five are provided in a subterranean garage, two of which are dedicated for the residential studio, and the other three are committed as employee parking. The remaining parking spaces are described as occurring in the dry area, access aisle, vacuum area, back-up vacuum area, wash tunnel and tunnel entry, holding bay, and the detail garages.

The appellants contend that the City's approval is erroneously counting certain areas as parking spaces which are not really parking spaces but are travel lanes and working areas which should not be counted toward the parking requirement. The appellants also contend that the proposed project and the approval do not take into account the parking spaces necessary for the estimated 18 employees necessary to operate the car wash. The appellants contend that there is not enough parking to support the use on the project site. Therefore, employees and patrons of the proposed project will use off-street public parking, displacing beach visitors from these public parking spaces. Finally, the appellants contend that, pursuant to Section 25.52.004(a) of the certified LCP, the City should have exercised its ability to require more parking spaces than that which is enumerated under Section 25.52.012(f).

The proposed project is a car wash with ancillary retail sales and a residential studio apartment. As required under the LCP, the proposed project provides a minimum of two dedicated parking spaces for the residential unit. In addition, there are 3 parking spaces dedicated for employee parking, even though there is no requirement in the LCP to provide dedicated employee parking. The remaining 40 parking spaces on site are available for use by either employees or patrons of the car wash and ancillary retail sale establishment. It must be noted that the proposed project is typically providing service to the vehicle brought by the patron. The patron would typically wait for the service to be completed on their vehicle and then depart the site with the vehicle. While waiting for service on the vehicle, the patron might visit the retail store for a beverage, snack, magazine, or auto-related accessory. The retail store would not typically attract patrons whom are not also obtaining a car wash or car detail. Even if one were to visit the retail store and not the car wash, there are parking locations on-site which would not interfere with the circulation of cars obtaining a car wash. In addition, there are at least 7 parking spaces, in addition to the 3 subterranean spaces, where employees could park without interfering with the operation of the facility. Furthermore, the local governments approval includes a special condition which prohibits the use of on-street parking spaces by either patrons or employees. In addition, in order to decrease the parking demand from employees, the special conditions of approval require that public transit passes be provided by the car wash to those employees wishing to use public transit.

The appellants have contended that the proposed development is inconsistent with the certified LCP and the public access policies of the Coastal Act because the development would increase traffic in the project area and interfere with the public's ability to access Crescent Bay beach. The appellants have also contended that the project would interfere with pedestrian traffic and would not provide enough parking spaces on site to support employees and patrons of the establishment. However, an independently peer-reviewed traffic study prepared by a licensed professional shows that traffic would not adversely change in the project area as a result of the proposed development. In fact, the traffic study shows that, compared with the previous gas

station use at the site, traffic would decrease. In addition, the proposed project provides for the installation of a sidewalk where there is presently no sidewalk, thus improving rather than decreasing access conditions for pedestrians. Finally, the proposed project provides more than the quantity of parking spaces required by the certified LCP. For these reasons, the appellants contentions do not raise a substantial issue as to the conformity of the proposed project with the certified LCP and public access policies of the Coastal Act.

Inconsistency of Subdivision with Lot Width Standards

Land Use Element, Policy 10-C: Discourage the approval of subdivision requests that do not conform to design and zoning standards, especially to the creation of flag lots.

Coastal Development Permit 99-39B approves subdivision of the subject site into two lots, one of which is a 50 foot wide residential lot. The lot created for residential purposes already has the residential land use and zoning designation under the certified LCP, therefore no change in land use or zoning was required. The appellants argue that the proposed development should be required to conform with the minimum 70 foot wide residential lot standard contained in the Section 25.10.008 of the implementation plan of the certified LCP. The appellants contend that by approving a lot that is more narrow than the 70 feet normally required, the lot owner wishing to construct a house will have a limited ability to avoid impacts from the adjacent car wash use. The appellants also argue that the residential lot is being inappropriately used as a buffer between the proposed car wash and the adjacent residential areas.

Section 25.10.008 of the certified LCP does establish a 70 foot minimum lot width standard. However, Section 25.05.025 of the certified LCP also establishes a procedure by which variances to such standards may be granted. Section 25.10.008 of the certified LCP implements, for residential lots, Land Use Element Policy 10-C which states that subdivisions not conforming with adopted standards should be discouraged. As noted in the narrative regarding land recycling (Topic 10) of the Land Use Element of the City's certified LCP, the purpose of establishing lot dimension standards is to discourage high density development on steep hillsides where geologic hazards are present. In addition, minimum lot dimensions are meant to address potential issues related to interference with public view corridors and open space areas. The proposed subdivision does not raise any of the issues which were intended to be addressed by Policy 10-C and Section 25.10.008 of the certified LCP. The proposed development is not on a steep hillside or in an area of high geologic hazards. In addition, the proposed development does not interfere with any public view corridors or open space areas. Therefore, the proposed deviation from the 70 foot wide residential lot width standard does not raise any substantial issue with respect to conformity with the certified LCP.

Significance of Issues Raised by Appeals

The appellants contentions do not raise significant concerns in terms of the project being precedential setting, that a significant coastal resource would be adversely affected, or that the appeal has statewide significance. Basically this is a dispute between local residents regarding the compatibility of a car wash adjacent residential areas. The project site is in a built out commercial area. The certified Local Coastal Program clearly contemplates and authorizes the use of the subject site for the proposed development. The proposed development is not inconsistent with any land use or zoning designation in the certified LCP.

Moreover the development as approved by the City would not have an adverse impact on public access. While the development will be served by Cliff Drive, which provides public access to Crescent Bay beach, the information upon which the local governments action is based clearly

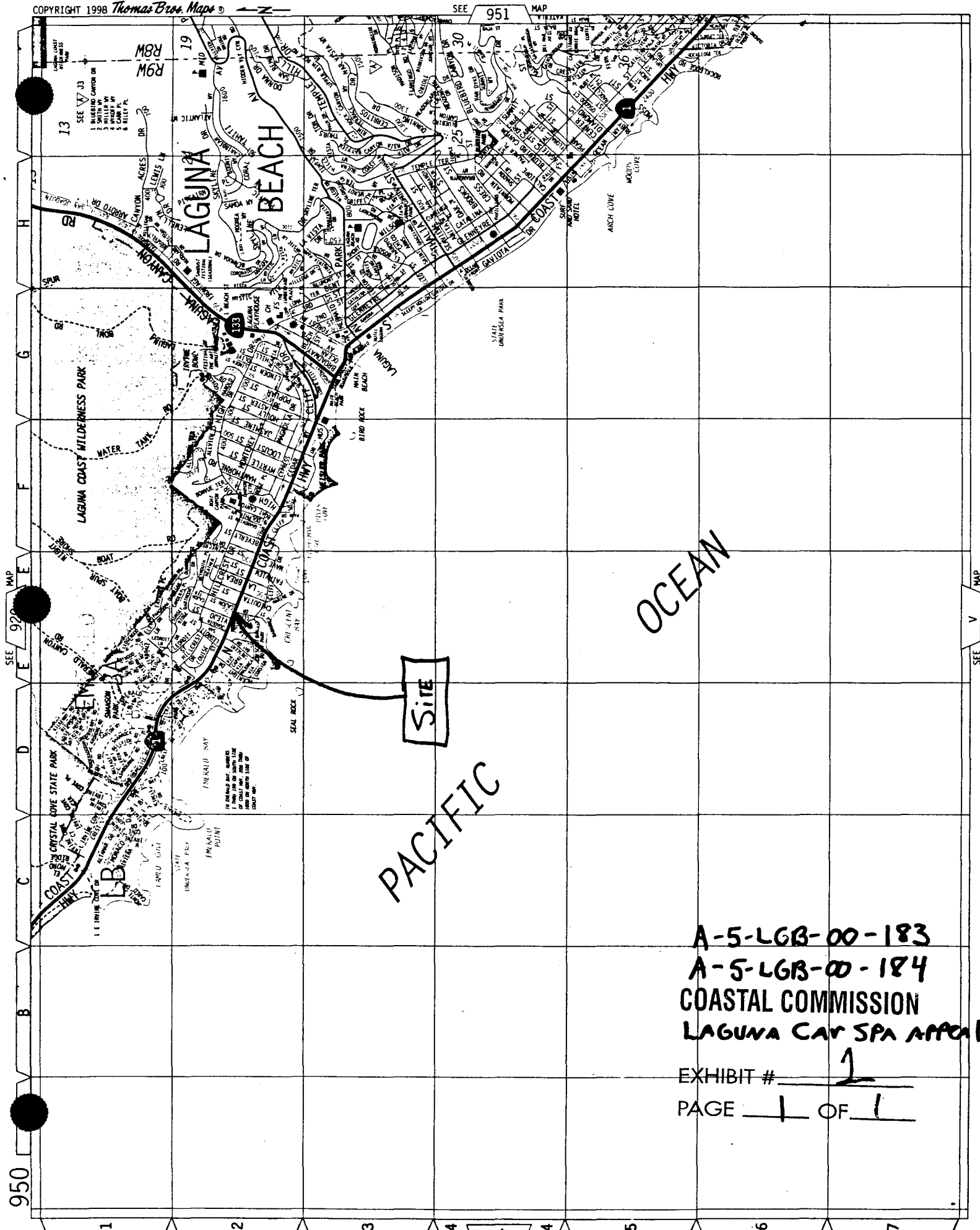
shows that the proposed project will not have any adverse impact upon the public's ability to access Crescent Bay beach. Therefore, the Commission finds that the subdivision and mixed use commercial and residential development as approved by the city raises no substantial issue with respect to the grounds on which it was appealed or conformance with the public access policies of the Coastal Act.

iv. Invalid Contentions

Not all of the contentions raised by the appellants can be considered valid appeal grounds, as the grounds for an appeal are limited to an allegation that the development does not conform to the certified LCP or the public access policies of the Coastal Act.

Some of the appellants' contentions cite project inconsistency with policies (and the absence of policies) within the local governments local planning documents which are not a part of the certified LCP. For instance, the appellants cite a lack of a noise ordinance to implement certain noise related goals and policies within the City's General Plan. The lack of a noise ordinance does not raise an issue related to the consistency of the proposed project with the certified LCP or with the public access policies of the Coastal Act. Therefore, the appellants contention that the City is in violation of the General Plan because it hasn't adopted an adequate noise ordinance is not a valid grounds for appeal of the coastal development permit.

In addition, the appellants contend that the City of Laguna Beach does not have sufficient staff to monitor the proposed project and to assure that the project complies with the conditions of approval. This contention does not raise an issue of the projects conformity with the City's certified LCP or the public access policies of the Coastal Act, therefore, the contention is not a valid grounds for appeal of a coastal development permit.



OCEAN

PACIFIC

SITE

A-5-LGB-00-183
 A-5-LGB-00-184
 COASTAL COMMISSION
 LAGUNA CAR SPA Appeal

EXHIBIT # 1
 PAGE 1 OF 1

...



SITE

EXHIBIT # 2

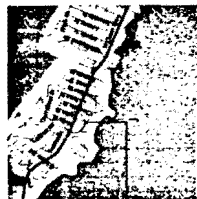
PAGE 1 OF 1

COASTAL COMMISSION

LAGUNA CAR SPA & SUBDIVISION

PROJECT NAME

VICINITY MAP



SITE

PROJECT DATA

PROJECT ADDRESS
1000 N. COAST HWY.
LAGUNA BEACH, CA 92653

LEGAL DESCRIPTION
ACRES 0.000000

APPLICABLE CODES
SUBDIVISION
ZONING

OCCUPANCY

ZONING ANALYSIS (CAN PORTION OF LOT ONLY)

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REVISIONS

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4	4		
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SHEET INDEX

NUMBER	DESCRIPTION
1	COVER SHEET
2	NOT A PART OF THIS SET
3	SITE PLAN / MAIN LEVEL FLOOR PLAN
4	TENTATIVE PARCEL MAP
5	FLOOR PLANS / SECTION
6	OPEN SPACE PLAN

CONSULTANTS / CONTACTS

ARCHITECT: JAMES J. JAMES & ASSOCIATES
CONTACT: JAMES J. JAMES
LAGUNA BEACH, CA 92653
TEL: 949-441-1814

ENGINEER: JAMES J. JAMES & ASSOCIATES
CONTACT: JAMES J. JAMES
LAGUNA BEACH, CA 92653
TEL: 949-441-1814

LANDSCAPE ARCHITECT: JAMES J. JAMES & ASSOCIATES
CONTACT: JAMES J. JAMES
LAGUNA BEACH, CA 92653
TEL: 949-441-1814

LAGUNA CAR SPA
1369 N. COAST HWY.
LAGUNA BEACH, CA

ANSA
ARCHITECTS

DATE	REVISION
10/17/2000	1
10/17/2000	2
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10/17/2000	1
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OCT 17 2000

CALIFORNIA
COASTAL COMMISSION

RECEIVED
OCT 20 2000

CONDITIONAL USE PERMIT SET

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LAGUNA CAR SPA
1369 N. COAST HWY
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LAGUNA CAR SPA
1369 N. COAST HWY
LAGUNA BEACH, CA

OCT 17 2000

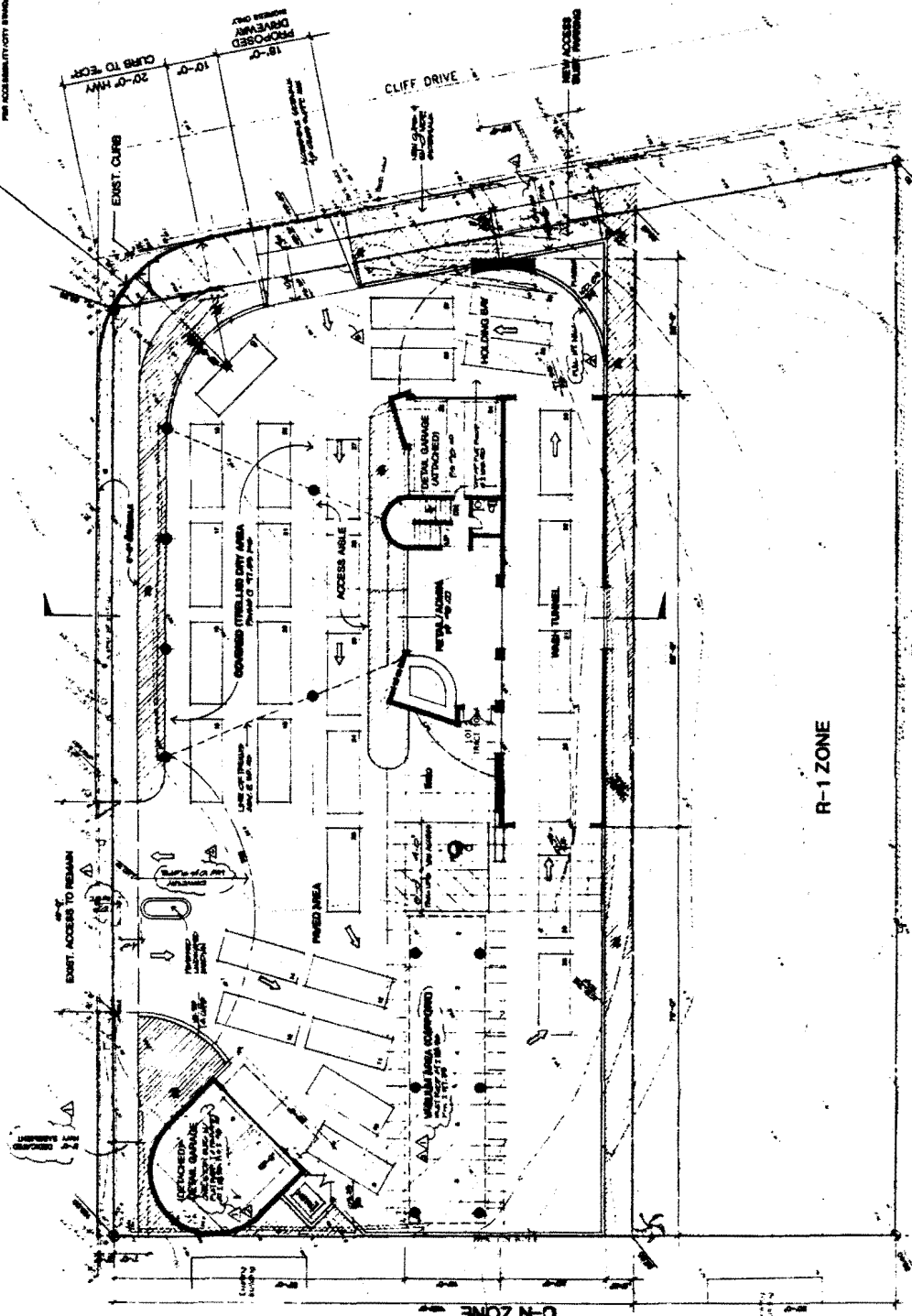
NORTH COAST HWY.

PROPOSED MODIFIED
CURB AND CURB RAMP
PER ACCESSIBILITY STANDARDS

PROPOSED
DRIVEWAY
18'-0"
10'-0"
20'-0" HWY
EXIST. CURB
CURB TO 75'0"

CLIFF DRIVE

NEW ACCESS
DRIVE



R-1 ZONE

O-N ZONE

COASTAL COMMISSION

EXHIBIT # 3
PAGE 2 OF 5

SITE D

DATE: 10/17/00
 SCALE: 1"=40'

TENTATIVE PARCEL MAP
 LOT 2, TRACT 1087
 LAJOLLA BEACH, CALIFORNIA

PACIFIC COAST HIGHWAY

REVISED PER
 SITE PLAN

CLIFF DRIVE

PARCEL 1 (C-R ZONE)
 18,666 SQ. FT.

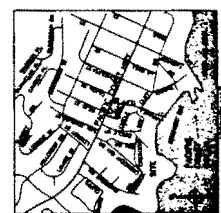
PARCEL 2 (R-1 ZONE)
 10,055 SQ. FT.

COASTAL COMMISSION

EXHIBIT # 3
 PAGE 3 OF 5

TOAL ENGINEERING, INC.
 Civil Engineering, Land Planning, Surveying
 1200 Camino Del Mar, Suite 200
 San Clemente, California 92673
 Tel: (949) 441-1111
 Fax: (949) 441-1112

OCT 17 2000



GENERAL NOTES:
 1. THE PROPOSED DEVELOPMENT IS LOCATED WITHIN THE LAJOLLA BEACH MAP 1087, LOT 2, TRACT 1087, LAJOLLA BEACH, CALIFORNIA.
 2. THE PROPOSED DEVELOPMENT IS LOCATED WITHIN THE LAJOLLA BEACH MAP 1087, LOT 2, TRACT 1087, LAJOLLA BEACH, CALIFORNIA.
 3. THE PROPOSED DEVELOPMENT IS LOCATED WITHIN THE LAJOLLA BEACH MAP 1087, LOT 2, TRACT 1087, LAJOLLA BEACH, CALIFORNIA.

LEGEND:
 PROPOSED DEVELOPMENT
 EXISTING DEVELOPMENT
 EXISTING ROADWAY
 EXISTING UTILITY
 EXISTING FENCE
 EXISTING WALL
 EXISTING CURB
 EXISTING DRIVEWAY
 EXISTING SIDEWALK
 EXISTING PARKING
 EXISTING LANDSCAPE
 EXISTING TREES
 EXISTING SHRUBS
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 EXISTING SOIL
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 EXISTING SILT
 EXISTING LOESS
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 EXISTING COLLUVIUM
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 EXISTING GLACIAL DEPOSIT
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 EXISTING QUATERNARY DEPOSIT
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 EXISTING CRETACEOUS DEPOSIT
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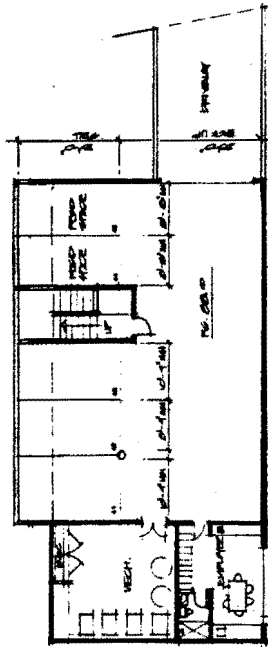
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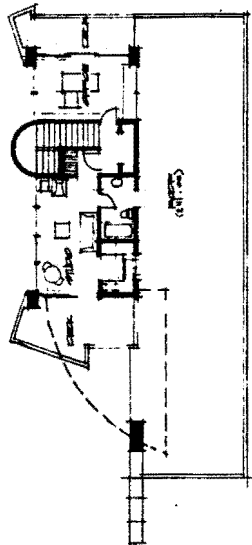
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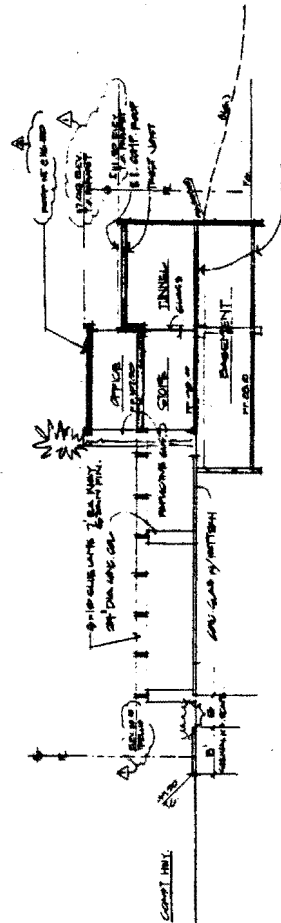
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SUBTERRANEAN PLAN



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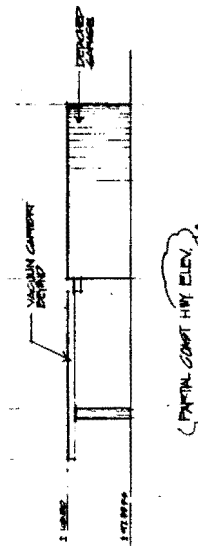


SECTION

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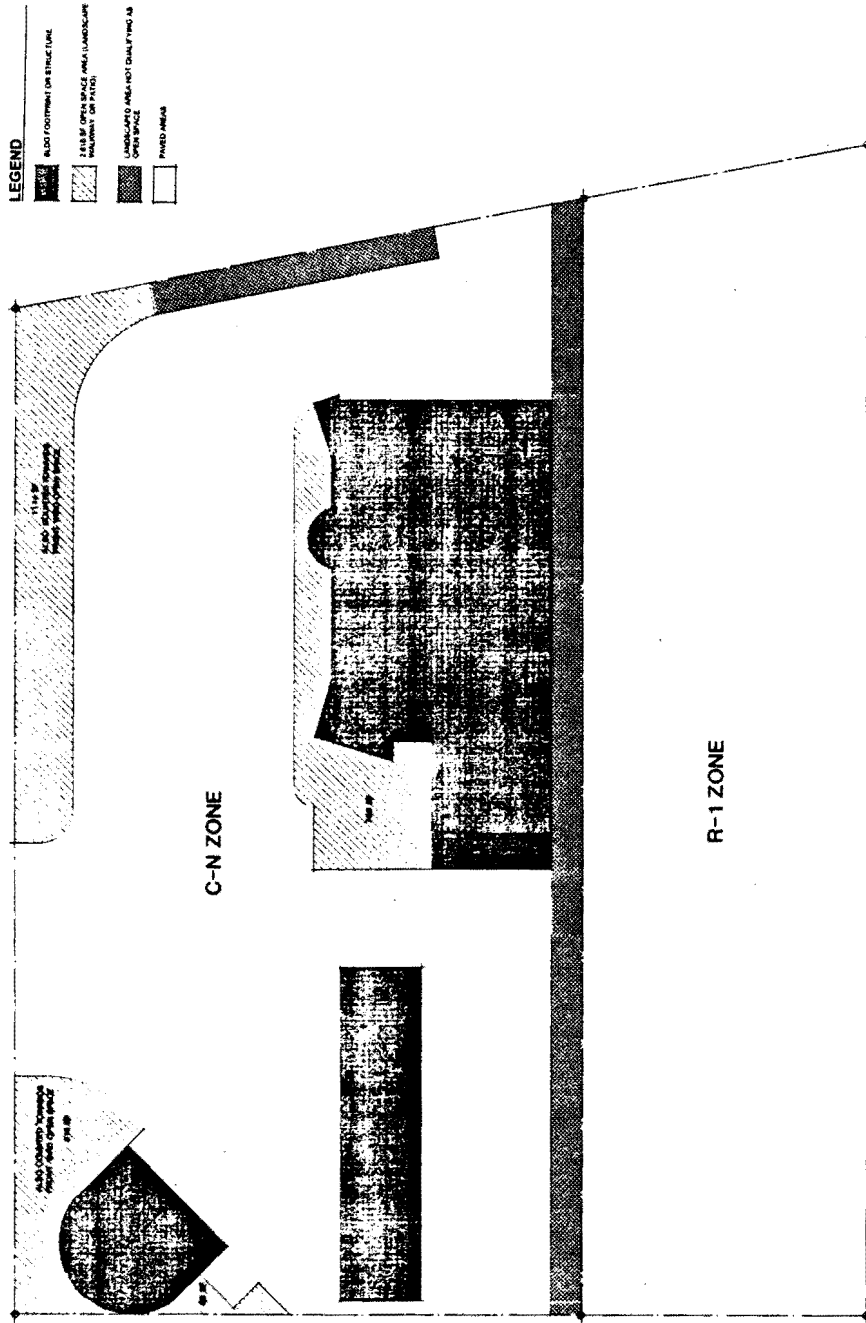
COASTAL COMMISSION

EXHIBIT # 3
PAGE 4 OF 5



COASTAL COMMISSION

EXHIBIT # 3
PAGE 5 OF 5



5-L6B-00-105



**NOTICE OF FINAL LOCAL ACTION
FOR COASTAL DEVELOPMENT PERMITS**

RECEIVED

MAY 09 2000

CALIFORNIA
COASTAL COMMISSION

Date: May 1, 2000

The following project is located within the City of Laguna Beach Coastal Zone:

Location: 1369 North Coast Highway, Laguna Beach, CA 92651

Coastal Development Project No: 99-39B

Project Description: Tentative Parcel Map 99-119 and Coastal Development Permit 99-39B to subdivide Lot 2 of Tract 1087 into two parcels for the purpose of creating two legal building sites. The subdivision line is at the location of the zoning boundary line (C-N and R-1 Zoning Districts). Variance 6594 was requested to allow a reduced width of 50', versus 70' for a parcel located in the R-1 Zoning District.

Applicant: Morris Skenderian & Associates for Scott Thompson

Mailing Address: 2094 South Coast Highway, Laguna Beach, CA 92651

On 2/23/00, a coastal development permit application for the project was:

- ☐ approved
- ☒ approved with conditions
- ☐ denied

Local appeal period ended: Project was reviewed by the City Council on 2/23/00.

This action was taken by: ☒ City Council

The action did not involve a local appeal; in any case, the local appeal process has been exhausted. Findings supporting the local government action and any conditions imposed are found in the attached resolution.

This project is:

- ☒ (X) appealable to the Coastal Commission pursuant to Coastal Act Section 30603. An aggrieved person may appeal this decision to the Coastal Commission within 10 working days following Coastal Commission receipt of this notice. Applicants will be notified by the Coastal Commission if a valid appeal is filed. Appeals must be in writing to the appropriate Coastal Commission district office and in accordance with the California Code of Regulation Section 13111. The Coastal Commission may be reached by phone at (562) 590-5071 or by writing to 280 OceanGate, 10th Floor, Long Beach, CA 90802-4416.

COASTAL COMMISSION

Attachment: Staff Report and Resolution conditionally approving the project.

EXHIBIT #

4

PAGE

1

OF 43

Subdivision Approval

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RESOLUTION NO. 00.021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH, CALIFORNIA APPROVING TENTATIVE PARCEL MAP 99-119, VARIANCE 6594, COASTAL DEVELOPMENT PERMIT 99-39B AND THE ASSOCIATED MITIGATED NEGATIVE DECLARATION FOR 1369 NORTH COAST HIGHWAY.

WHEREAS, an application was filed by the prospective owner of property located at 1369 North Coast Highway, requesting approval of Tentative Parcel Map 99-119 to subdivide Lot 2 of Tract 1087 into two parcels, located in the R-1 Residential Low Density and C-N Commercial Neighborhood Zoning Districts, Variance 6594 to allow the proposed R-1 lot width to be 50 feet versus 70 feet as required in the R-1 Zoning District and Coastal Development Permit 99-39B in accordance with the provisions of Municipal Code Sections 21.08, 25.05.025, and Chapter 25.07; and

WHEREAS, on February 23, 2000, the Planning Commission conducted a legally noticed public hearing and, after reviewing all documents and testimony, voted to recommend that the City Council approve Tentative Parcel Map 99-119, Variance 6594 and Coastal Development Permit 99-39B; and

WHEREAS, the proposal is considered a "project" pursuant to the California Environmental Quality Act; and

WHEREAS, a Mitigated Negative Declaration has been prepared and distributed for public review from February 3, 2000 through February 23, 2000; and

WHEREAS, on March 21, 2000, the City Council conducted a legally noticed public hearing and, after reviewing all documents and testimony, desires to conditionally approve

COASTAL COMMISSION

EXHIBIT # 4
PAGE 2 OF 43

1 Tentative Parcel Map 99-119, Variance 6594, Coastal Development Permit 99-39B and
2 the associated Mitigated Negative Declaration; and

3 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH
4 does RESOLVE and ORDER as follows:
5

6 SECTION 1. The City Council has made the following findings regarding Tentative
7 Parcel Map 99-119:

8 1. The Tentative Parcel Map for the proposed subdivision is consistent with the
9 specified objectives, policies and programs of the General Plan adopted by the City of
10 Laguna Beach.

11 2. The site for the proposed subdivision is physically suitable for the type of
12 development allowed because the proposed subdivision complies with Municipal Code
13 Chapter 21.08 – Subdivisions and Chapter 25 – Zoning, and the proposed variance to allow a
14 reduced R-1 lot width can be justified by the proposed lot size, surrounding R-1 lots having
15 comparable widths, and the relation of the proposed property line to the split between the R-1
16 and C-N Zones.
17

18 3. The design of the proposed subdivision is not likely to cause substantial
19 environmental damage, including injury to fish, wildlife or their habitat, because of the
20 relatively minor nature of the proposed subdivision of a split-zoned lot into two parcels and
21 because the project site is not identified in the City's Open Space/Conservation Element as
22 having high or very high value habitat.
23

24 4. The design of the proposed subdivision is not likely to cause serious public health
25 problems because all potential development shall be serviced by public water and sewer
26

27 **COASTAL COMMISSION**

28 EXHIBIT # 4
PAGE 3 OF 43

1 systems, and the design and construction of all utilities shall be in accordance with the City
2 and utility company construction standards.

3 5. The design of the proposed subdivision and potential improvements will not
4 conflict with existing public easements in that the project has been conditioned to not conflict
5 with any existing easements.
6

7 6. The proposed subdivision will not interfere with the public's right of access to the
8 sea in that the proposed subdivision is not located on a coastal lot.

9 7. The conditions stated in this resolution are deemed necessary to protect the public
10 health, safety and general welfare and these conditions have been included to ensure
11 continued land use compatibility.
12

13 8. The proposed subdivision and potential development will not substantially impede
14 views of the ocean, will minimize the alteration of natural landforms, and will be visually
15 compatible with the character of the surrounding area in that any proposed development will
16 require review and approval by the City's Design Review Board.

17 9. The proposed subdivision complies with all applicable provisions of the General
18 Plan in that the subdivision and potential development will be designed so as not to impede
19 public views, to provide varied setbacks, to minimize landform alteration, to preserve high
20 value habitat and to provide for erosion control.
21

22 10. The proposed subdivision will not have a significant adverse impact on the
23 environment within the meaning of the California Environmental Quality Act in that an
24 initial study was prepared, and it was found that the proposed subdivision will result in
25 physical changes to the project area, but that these effects are considered insignificant due to
26 the incorporation of City policies and Municipal Code standards. The Mitigated Negative
27
28

EXHIBIT # 4

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1 Declaration for this project addresses potential environmental impacts related to the proposed
2 subdivision, as well as impacts related to a prior Conditional Use Permit application to
3 establish a mixed-use on the C-N Zoned parcel, which was denied by the City Council in
4 December, 1999. Any reference to development of either parcel within the Mitigated
5 Negative Declaration shall not be construed as entitlement for any such development under
6 this approval. Any subsequent development of either parcel shall require separate project
7 review for compliance with City policies and Municipal Code standards and analysis under
8 the provisions set forth within the California Environmental Quality Act.
9

10 SECTION 2. The City Council has made the following findings with regard to
11 Variance 6694:
12

13 1. There are special circumstances applicable to the property involved, including
14 size, shape, topography, location or surroundings which cause the strict application of the
15 Zoning Ordinance to deprive such property of privileges enjoyed by other property in the
16 vicinity and under identical zoning classification in that the proposed R-1 parcel is proposed
17 for subdivision at the location of the zone boundary between the R-1 and C-N Zones, and
18 that other R-1 zoned properties in the vicinity are less than the required 70 foot width
19 required by the zoning standard, and that the overall lot size of 10,055 square feet exceeds
20 the minimum lot size of 6,000 square feet in the R-1 Zoning District.
21

22 2. Such variance is necessary for the preservation and enjoyment of a substantial
23 property right of the applicant, which right is possessed by other property owners under like
24 conditions in the same vicinity and zone in that other R-1 zoned properties in the vicinity are
25 less than the required 70-foot width required by the zoning standard and the proposed
26 residential lot is zoned R-1.
27
28

COASTAL COMMISSION

EXHIBIT # 4
PAGE 5 OF 43

1 3. The granting of the variance will not be detrimental to the public health, safety,
2 convenience and welfare or injurious to property or improvements in the vicinity in which
3 the property is located in that conditions have been incorporated into the project to
4 effectively mitigate potential impacts.
5

6 4. The granting of such variance will not be contrary to the objectives of the Zoning
7 Ordinance or General Plan in that the proposed R-1 parcel is in compliance with all zoning
8 standards other than lot width, the proposed parcel size exceeds the required R-1 lot size,
9 there are other R-1 properties in the vicinity that are 50 feet in width and the proposed C-N
10 zoned parcel is in compliance with the Municipal Code.
11

12 SECTION 3. The City Council has made the following findings with regard to
13 Coastal Development Permit 99-39B.

14 1. The project is in conformity with all the applicable provisions of the General Plan,
15 including the Certified Local Coastal Program and any applicable specific plans in that the
16 proposed project has been conditioned to minimize potential impacts and risks from geologic
17 hazards, the project must comply with Title 22, which sets forth rules and regulations to
18 rigorously control all aspects of grading, including cut and fill operations, water runoff and
19 soil erosion.
20

21 2. Any development located between the sea and first public road paralleling the sea
22 is in conformity with the certified Local Coastal Program and with the public access and
23 public recreation policies of Chapter 3 of the Coastal Act in that any future development of
24 the project site will require compliance with City policies, Municipal Code standards and
25 CEQA, and park and recreation fees shall be paid for the proposed subdivision of Lot 2,
26 Tract 1087 in compliance with public recreation policies.
27

COASTAL COMMISSION

EXHIBIT # 4

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1 3. The proposed subdivision will not have any significant adverse impact on the
2 environment within the meaning of the California Environmental Quality Act in that an
3 environmental analysis has not identified any potentially significant impacts related to the
4 proposed subdivision.
5

6 SECTION 4. The City Council hereby adopts and certifies the Mitigated Negative
7 Declaration according to the provisions of the California Environmental Quality Act. The
8 Mitigated Negative Declaration for this project addresses environmental impacts identified
9 for a prior application that has been denied, as well as potential environmental impacts
10 associated with the subject subdivision. Any reference to development of either parcel
11 within the Mitigated Negative Declaration shall not be construed as entitlement for any such
12 development under this approval. Any subsequent development of either parcel shall require
13 separate project analysis under the provisions set forth within the California Environmental
14 Quality Act.
15

16 NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves
17 Tentative Parcel Map 99-119, Variance 6594, and Coastal Development Permit 99-39B
18 subject to the following conditions, which have been set forth to protect the health, safety
19 and welfare of the community and to assure the intent and purpose of the regulations:
20

21 1. The potential development of the subject parcels created by this subdivision shall
22 comply with all applicable provisions of the Municipal Code, policies, fees and standards
23 which are in effect at the time of application for development.

24 2. The proposed subdivision shall not conflict with any existing public easements.

25 3. The landowner/subdivider shall defend, hold harmless and indemnify, at his/her its
26 expense, the City, City Council and members thereof, its committees, boards, officials
27
28

1 officers, employees, agents and representatives from any and all third party claims, actions or
2 proceedings to the attack, set aside, void or annul and approval of this Tentative Parcel Map,
3 which action is brought within the time period provided for in California Government Code
4 Section 66499.37, as same may be amended. This obligation shall encompass all costs and
5 expenses incurred by the City in defending against any claim, action or proceeding, as well
6 as costs or damages the City may be required by a court to pay as a result of such claim
7 action or proceeding. The City shall notify the landowner/subdivider in the defense of any
8 claim, action or proceeding within a timely manner of receipt of the same. If the City fails to
9 promptly provide notification, the landowner/subdivider shall not be responsible to defend
10 indemnify or hold harmless the City. The City shall cooperate with the landowner/subdivide
11 in the defense of any claim, action or proceeding.
12

13
14 4. Twenty-four (24) months from the date the Tentative Parcel Map is conditionally
15 approved by the City Council, approved Parcel Map 99-119 shall expire. As allowed by the
16 Subdivision Map Act, as amended, a one (1) year extension of the conditional approvals may
17 be requested by written application to the Department of Community Development for
18 processing, if filed prior to the approved subdivision expiration.
19

20 5. Within twenty-four (24) months of the approval of the Tentative Parcel Map, or as
21 otherwise provided by law, a Final Parcel Map based upon field survey shall be submitted
22 and deemed complete for review and approval. An incomplete or inaccurate Final Parcel
23 map shall not be deemed submitted pursuant to the Subdivision Map Act. Prior to the
24 recordation of the Final Map, the surveyor/engineer preparing the map shall tie the boundary
25 of the map into the Horizontal Control System established by the County Surveyor as
26

27 **COASTAL COMMISSION**
28

EXHIBIT # 4
PAGE 8 OF 43

described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Sub-article 18, as may be amended.

6. Prior to approval of the Final Parcel Map by the City, the subdivider shall demonstrate that all public utilities to serve the subdivision shall be designed and constructed in accordance with City codes and standards and the requirements of the serving utility company, including gas, electric, telephone, water, sewer, drainage and cable television. All utilities shall be installed underground. Existing utilities and/or easements which interfere with new construction shall be relocated at the property owner's expense and as approved by the affected utility provider and the City. Street, sewer, water, gas, electric, telephone, cable television and drainage improvement plans for the entire project shall be completed, subject to the approval of the City and utility company, prior to the approval of the Final Parcel Map.

7. Prior to the approval of the Final Parcel Map by the City, the developer shall pay a park and recreation fee. This fee is estimated to be \$13,069, based on the proposed 10,052 square foot R-1 parcel, but shall conform to the required adjustments for inflation and real property market value changes at the time of filing for the Final Parcel Map approval.

8. Prior to approval of the Final Parcel Map by the City, the developer shall pay a drainage fee applicable to the Central Local Drainage Area. The fee is estimated to be \$6,031 but shall conform to the required adjustments of the Engineering News Record Construction Cost Index.

9. Prior to the issuance of a grading or building permit, the applicant shall have complied with Municipal Code Chapter 1.09 for the provision of Art in Public Places.

10. Prior to approval of the Final Parcel Map by the City, a deed restriction acknowledging the potential fire, erosion, landslide, mudslide, earthquake and flooding

COASTAL COMMISSION

1 hazards of the site and waiving liability claims against the City shall be filed and recorded
2 with the Orange County Clerk and Recorder.

3
4 11. Prior to issuance of a grading or building permit, the applicant shall submit a
5 water quality control program designed to implement the best management practices and
6 other control measures implemented as part of the National Pollution Discharge Permit to the
7 City for review and approval. The program shall identify a procedure for comparing the pre-
8 and post-development water quality conditions from the project site.

9
10 12. Prior to issuance of a grading or building permit for each parcel, the applicant
11 shall submit a site specific geotechnical study in compliance with Title 22 of the Municipal
12 Code, and as recommended by the project geologist.

13 ADOPTED this 21st day of March 2000.

14 Kathleen Blackburn
15 Kathleen Blackburn, Mayor

16 ATTEST:

17 Verna L. Rollinger
18 City Clerk

19 I, VERNA L. ROLLINGER, City Clerk of the City of Laguna Beach, California, do
20 hereby certify that the foregoing Resolution No. 00.021 was duly adopted at a Regular
21 Meeting of the City Council of said City held on March 21, 2000, by the following vote:

22 AYES: COUNCILMEMBER(S): Peterson, Iseman, Dicterow, Freeman,
23 Blackburn

24 NOES COUNCILMEMBER(S): None

25 ABSENT COUNCILMEMBER(S): None

26 Verna L. Rollinger
27 City Clerk of the City of Laguna Beach, CA

28 COASTAL COMMISSION

ROLL CALL

AYES: COUNCILMEMBERS: Iseman, Dicterow, Freeman, Blackburn
NOES: COUNCILMEMBERS: Peterson

3. RESOLUTION NO.00.020 AUTHORIZING STAFF TO APPLY FOR USED OIL RECYCLING BLOCK GRANT AND AGREEMENT #00-15 FOR DOOR-TO-DOOR HAZARDOUS WASTE COLLECTION BY CURBSIDE INC. APPROVED (73)

Jamie Pendleton said the City has funds to host a local household waste collection event and proposes a two-week program at the end of May. Staff recommends a contract with Curbside Inc. which would allow residents to call a toll-free number and request delivery of a box in which to place any hazardous materials. Curbside Inc. would then pick the box up. Staff is also requesting approval of a resolution authorizing staff to submit an application to the California Integrated Waste Management Board for a block grant to augment future collection programs.

Councilmember Peterson would like the letter advising residents of the Curbside program to also specify that the Sand Canyon facility is available year round and that *Laguna Pete's* allows motor oil dropoffs. He said the cost of the program bothered him but he understood the reason and supported the staff recommendation.

Moved by Councilmember Peterson, seconded by Councilmember Dicterow and carried unanimously to approve Agreement #00-15 between the City of Laguna Beach and Curbside Inc. of Orange, CA, for door to door collection of Household Hazardous Waste (mailer to be sent to residents) for an amount not to exceed \$27,000 and authorize the City Manager to execute the agreement; and adopt Resolution No.00.020 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH, CALIFORNIA, AUTHORIZING THE SIXTH CYCLE USED OIL RECYCLING BLOCK GRANT."

PUBLIC HEARINGS

4. APPROVED TPM 99-119. VARIANCE APPLICATION 6594 AND COASTAL DEVELOPMENT PERMIT 99-39b AT 1369 N. COAST HIGHWAY (85)

Director of Community Development Butterwick said subdivision of the subject property would create two legal parcels—one fronting Coast Highway and the second fronting Cliff Drive. The property currently has split zoning with the proposed parcel 1 zoned as Commercial-Neighborhood and the proposed parcel 2 as R-1. A variance would be required since the width of the lot along Cliff Drive is 50 feet, rather than the required 70 feet for new R-1 lots. The parcel size, however, exceeds the minimum for an R-1 property by about 4,000 square feet. The Planning Commission felt the split was appropriate and justified the variance based on the size of the lot and the fact that other lots in the immediate area had similar frontage.

Mayor Blackburn opened the public hearing.

Todd Skenderian representing the property owner said that Butterwick's comments represented the application and he requested approval.

Mayor Blackburn closed the public hearing.

Moved by Councilmember Dicterow, seconded by Councilmember Peterson and carried

COASTAL COMMISSION

EXHIBIT #

PAGE 11 OF 43

unanimously to adopt Resolution No.00.021 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH, CALIFORNIA APPROVING TENTATIVE PARCEL MAP 99-119, VARIANCE 6594, COASTAL DEVELOPMENT PERMIT 99-39B AND THE ASSOCIATED MITIGATED NEGATIVE DECLARATION FOR 1369 NORTH COAST HIGHWAY."

5. DENIED APPEAL AND UPHELD APPROVAL OF THE JOINT DESIGN REVIEW BOARD AND PLANNING COMMISSION FINAL COMPLIANCE REVIEW AND APPROVAL OF THE ITEMS SPECIFIED IN CONDITION #1 OF RESOLUTION NO.00.004 WHICH CONDITIONALLY APPROVED THE RESORT, CONDOMINIUMS AND PARK AREAS IN RELATION TO THE TREASURE ISLAND DESTINATION RESORT COMMUNITY PROJECT AT 30801 COAST HIGHWAY (67)

Councilmember Iseman said she filed the appeal because she felt the part of the project that belongs to the City deserves scrutiny from the public as well as the Council. She questioned the vagueness of the cost to the City and also had concerns about the use of artificial stone rather than what is found on site.

Assistant Director of Community Development, John Montgomery, said one condition of the Council's approval on January 11 was a compliance review of many detailed items of the City park associated with Treasure Island. The joint Planning Commission/Design Review Board conducted that review on February 16 and voted 9-1 to approve the park furniture and related items. Regarding the artificial stone, Montgomery said that natural materials will be evaluated during excavation and used if appropriate.

Councilmember Iseman said that while the artificial stone might be visually indistinguishable from real stone, she wondered if the product had been tested in an oceanfront environment, since anything near the ocean generally requires higher maintenance. She also could not imagine a five star resort with artificial rock.

Morris Skenderian said the new synthetic stone is quite realistic, less expensive and lighter than natural stone. Because it does not have the weight of natural stone, it does not require costly structural enhancements. He said that usable, on-site breccia stone could be integrated with the synthetic stone for walls or landscaping, but it would be cost prohibitive to chisel the larger pieces to the size they need. Skenderian said he had seven years personal experience with the proposed material and his contractor has ten. He said it would weather from natural processes that would age any kind of stone.

Bill Burton, landscape architect, said the intention is to disturb as few trees as possible along Coast Highway. Some palms may be removed to open the view corridor. There will be shade trees throughout the public areas.

Mayor Blackburn opened the public hearing.

Public Testimony: Ann Christoph said the City should have a commitment from the developer as to how much the City has to pay, including how much is already owed for consulting costs.. She said that if the project is to integrate into Laguna Beach, it should take advantage of what Laguna has to offer, with genuine quality built into the design. The details should be straightforward, practical and artistic, not trendy or pretentious. The materials should be what they appear and people should feel welcome and comfortable. She would like to see real stone even if meant using less. She thought picnic tables should be provided and said the park benches should also be simple. Actual lighting fixtures and plans should be

COASTAL COMMISSION

EXHIBIT # 4

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City of Laguna Beach
AGENDA BILL

No. 4
Meeting Date: 3/21/00

SUBJECT: TENTATIVE PARCEL MAP 99-119, VARIANCE 6594 AND COASTAL DEVELOPMENT PERMIT 99-39B AT 1369 NORTH COAST HIGHWAY

SUMMARY OF THE MATTER: The applicant proposes to subdivide Lot 2 of Tract 1087 into two parcels. The proposed lot line is located at the boundary separating the R-1 Residential Low Density and C-N Commercial Neighborhood Zoning Districts. A Variance is requested to allow the proposed R-1 parcel to be 50 feet wide, versus the R-1 Zone standard of 70 feet wide.

This subdivision came before the City Council in December, 1999, along with an appeal of a Conditional Use Permit to establish a car wash on the C-N-zoned portion of the property. On December 14, 1999, after hearing public input, the City Council voted 3-to-2 to deny the proposed project; however, the findings necessary to deny the Subdivision and related applications were not discussed. Therefore, the proposed Subdivision, related Variance and Coastal Development Permit have been re-reviewed by the Planning Commission for recommendation to the City Council. After hearing public input and discussing the proposed project on February 23, 2000, the Planning Commission voted 4-to-0 to recommend City Council approval of the proposed project. Please refer to the attached Planning Commission staff report and meeting minutes for further project information.

COASTAL COMMISSION

EXHIBIT # 4
PAGE 13 OF 43

RECOMMENDATION: It is recommended by the Planning Commission that the City Council:

Adopt the Resolution conditionally approving Tentative Parcel Map 99-119, Variance 6594, Coastal Development Permit 99-39B and the Mitigated Negative Declaration/Mitigation Monitoring Program, based on the findings outlined in the attached Resolution.

Appropriations Requested: \$ None

Submitted by: [Signature]

Fund: _____

Coordinated with: _____

Attachments: PC Staff Report and draft Minutes of

2/23/00, Resolution

Approved: [Signature]
City Manager

**CITY OF LAGUNA BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

AGENDA ITEM: No. 8 **DATE:** 2/23/00

TO: PLANNING COMMISSION

CASE: Tentative Parcel Map 99-119, Variance 6594, and
Coastal Development Permit 99-39B

APPLICANT: Morris Skenderian & Associates for Scott Thompson

LOCATION: 1369 North Coast Highway **COASTAL COMMISSION**

**ENVIRONMENTAL
STATUS:** Mitigated Negative Declaration **EXHIBIT #** 4

PREPARED BY: Carolyn Martin, Senior Planner **PAGE** 14 **OF** 43

REQUESTED ACTION: The applicant proposes to subdivide Lot 2 of Tract 1087 into two parcels for the purpose of creating two legal building sites. A Variance is requested to allow a reduced R-1 parcel width of 50 feet, versus the required 70-foot width, for the proposed subdivision. The proposed project also requires a Coastal Development Permit. No development of either parcel is proposed with this application.

BACKGROUND: The unimproved 28,721 square foot project site, located at the southwest corner of North Coast Highway and Cliff Drive, is zoned both C-N Commercial Neighborhood and R-1 Residential Low Density. The northerly 100 feet (18,666 square feet) of the subject property is zoned C-N Commercial Neighborhood, and has a General Plan designation of Local Business/Professional. The southerly 50 feet (10,055 square feet) is zoned R-1 Residential Low Density Zoning District, with a General Plan designation of Village Low Density (3-7 dwelling units/acre). A gas/service station was constructed on the site in 1954 and remained in operation until the station's demolition in 1989. Contaminated soil identified at the site in 1989 was remediated in 1991, and a letter of clearance has been provided by the Orange County Health Care Agency.

The original proposal included a Conditional Use Permit application to establish a mixed use, which included a car wash and a residential unit. The proposed subdivision, related Variance and Coastal Development Permit applications were previously reviewed by the Planning Commission on June 23, August 25, October 13, and November 17, 1999. At its regularly scheduled meeting of November 17, 1999, after hearing public testimony and discussing the applications, the Planning Commission voted unanimously to recommend that the City Council approve the proposed Tentative Parcel Map, related Variance, Coastal Development Permit and Mitigated Negative Declaration.

On December 14, 1999, the proposed subdivision and an appeal of the Conditional Use Permit approving the car wash were presented to the City Council. After hearing public input, the Council voted three-to-two to overturn the Conditional Use Permit approval. However, the Council did not discuss nor make findings for approval or denial of the proposed subdivision. Therefore, the subdivision, Variance and related Coastal Development Permit applications remain open and are subject to Planning Commission and City Council review and action.

STAFF ANALYSIS: The applicant proposes to subdivide the subject site at the location of the zoning boundary line, creating two legal parcels (Exhibit B). There have been no revisions since the application for subdivision was originally filed with the City. The proposed R-1 parcel will front onto Cliff Drive. The proposed C-N parcel will front onto North Coast Highway and Cliff Drive. The Zoning Ordinance specifies a minimum lot width of 70 feet for new R-1 parcels. Since the applicant proposes to subdivide the property at the point where the R-1 Zone begins, the proposed R-1 lot will be only 50 feet wide. Therefore, the applicant is requesting a Variance from the lot width standard. Due to the greater lot depth of approximately 201 feet (the R-1 lot depth standard is 80 feet), the proposed lot size of 10,055 square feet exceeds the minimum 6,000 square foot R-1 lot area standard. Additionally, the majority of the lots in the adjoining R-1 Zoning District are approximately 50 feet in width. If a 70-foot lot width were required for the R-1 parcel, the new parcel would maintain a split-zone condition unless re-zoned. The proposed subdivision complies with all other related Municipal Code standards and General Plan policies.

ENVIRONMENTAL ANALYSIS: A Mitigated Negative Declaration was completed for the subdivision and the previously denied mixed-use development. Since City Council action was not taken on the Tentative Parcel Map, Variance and related Coastal Development Permit, the Mitigated Negative Declaration was re-posted for public review from February 3 through February 23, 2000. The environmental analysis indicates that the proposed project is not anticipated to create potentially significant environmental impacts.

The associated Mitigated Negative Declaration also addresses environmental impacts related to a previously denied mixed-use project. Should the proposed subdivision and associated Mitigated Negative Declaration be approved, such approval will not grant any entitlement for the development of either parcel. Any future development of either parcel will require separate analysis for compliance with City policies and Municipal Code standards, as well as analysis for compliance with the California Environmental Quality Act.

RECOMMENDATION: Staff recommends that the Planning Commission recommend City Council approval of Tentative Parcel Map 99-119, Variance 6594, Coastal Development Permit 99-39B and the associated Mitigated Negative Declaration, subject to the conditions outlined in the draft City Council Resolution.

ATTACHMENTS: Exhibit A: Application
Exhibit B: Location Map/Tentative Tract Map
Exhibit C: Mitigated Negative Declaration
Draft City Council Resolution

COASTAL COMMISSION

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CITY OF LAGUNA BEACH
CALIFORNIA
APPLICATION FOR VARIANCE

TO BOARD OF ADJUSTMENT

VARIANCE NO: _____

DATE: 4.1.99

I hereby request a Variance from the R-1 (sec. 25.10.008)(B)(1) provisions of the Zoning Ordinance, and submit the following information:

APPLICANT Laguna Car Spa (See agent info.) TELEPHONE (949)376-1706

MAILING ADDRESS 1890 S. Coast Hwy, Laguna Beach, CA 92651

I am: _____ the recorded owner of the subject property.

_____ purchasing the property.

XX _____ lessee of the property.

_____ agent authorized by the owner.

AGENT: H. Skenderian & Assoc.
2094 S. Coast Hwy. #3
Laguna Beach, CA 92651
(949) 497-3374

REQUEST PERMISSION TO: Vary from R-1 standards, section 25.10.008 (B)(1)

and provide 50'-0" lot width in lieu of required minimum of 70'-0"

for proposed subdivision.

on land situated at 1369. N. Coast Hwy.
(address)

located on the south side of said street between Cliff Dr.
(N,S,E,W) (cross street)

and Viejo St. in the CN/R-1 zone.
(cross street)

ASSESSOR'S PARCEL NO: AP 053-134-08

THE COMPLETE LEGAL DESCRIPTION OF THIS SUBJECT PROPERTY IS: (Attach separate sheets if lengthy)

In the City of Laguna Beach, County of Orange, State of CA,

being Lot 2 of Tract No. 1087 H.M. 35/12-13.

State your justification for this request, to include the following: (attached additional sheets if necessary):

1. What are the special circumstances applicable to the property involved, including size, shape, topography, location or surroundings which cause the strict application of the zoning ordinance to deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification:

Refer to supplement.

COASTAL COMMISSION

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2. Why is the requested variance necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the same vicinity and zone:

Refer to supplement

3. Why will the granting of the variance not be detrimental to the public health, safety, convenience and welfare or injurious to property or improvements in the vicinity in which the property is located:

Refer to supplement

4. Why will the granting of the variance not be contrary to the objectives of the zoning ordinance and the General Plan:

Refer to supplement

Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

No variance granted or authorized by the Board of Adjustment shall become effective until after an elapsed period of twenty days from and after the date of the action authorizing such variance.

I hereby certify that all of the information in this application is, to the best of my knowledge and belief, true and correctly represented and that I have read and understood Chapter 25.44 (Variances) of the Laguna Beach Municipal Code.

SUP
Signature of Applicant

If owner is other than Applicant:

Owner's Name: Radigan Co. (Mike Flynn)

Signature: Mike Flynn

Address: 2021 First Ave., #16

Seattle, WA 98121

DO NOT WRITE BELOW THIS LINE

RECEIVED BY DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: _____ BY: _____

ENVIRONMENTAL CLEARANCE: DATE: _____

BY: _____

LETTER REQUESTING ADDITIONAL INFORMATION DATE: _____

BY: _____

NOTICE OF APPLICATION ACCEPTANCE DATE: _____

BY: _____

BOARD OF ADJUSTMENT HEARING DATE: _____

BY: _____

PUBLIC NOTICE MAILED: _____

BY: _____

BOARD OF ADJUSTMENT DECISION DATE: _____

BY: _____

APPEAL PERIOD ENDS: _____

BY: _____

APPEAL FILED DATE: _____

BY: _____

COUNCIL HEARING SCHEDULED: _____

BY: _____

COUNCIL DECISION DATE: _____

BY: _____

FINAL ACTION BY: ☐ BOARD OF ADJUSTMENTS ☐ CITY COUNCIL

☐ DENY

☐ APPROVED SUBJECT TO

CONDITIONS

☐ APPROVED AS SUBMITTED

COASTAL COMMISSION

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COASTAL COMMISSION

Supplement to Variance Justification
Non-conforming lot width for R-1 parcel

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1. Special Circumstances

Special circumstances are applicable to this property in that a split zone occurs accommodating both C-N and R-1 zones within the parcel. The proposed subdivision would occur along the existing boundary line separating the two zones. The previously established boundary line currently provides a 50 foot lot width for the R-1 portion of the property. If the required 70'-0" width were provided for the R-1 portion, the new parcel would maintain the split-zone condition and would not be consistent with the C-N zone along Coast Hwy.

Therefor, there are special circumstances with regard to split zone conditions which cause the strict zoning ordinance to deprive the property owner of privileges enjoyed by other property in the same vicinity.

2. Preservation and Enjoyment

The non-conforming condition resulting from the existing split zone, is within the general development pattern of the neighborhood in that most residences in the immediate vicinity maintain 50 feet of lot width. The split zone line is also consistent with the depths of all C-N zoned parcels along Coast Hwy. (see attached zoning map).

Therefor, the variance is necessary for the preservation and enjoyment of a substantial property right, which right is possessed by other property owners under like conditions in the same vicinity and zone.

3. Public Health and Safety

The Zoning Ordinance considers certain criteria (setbacks, height, coverage, etc.) for future development of this parcel that would be based on the non-conforming lot width. The zoning standards would thus apply proportionately to this parcel and would be no more lenient or impacting than standards set forth for conforming parcels.

Therefor, the granting of this variance will not be detrimental to public health, safety, convenience and welfare, or injurious to property or improvements in the vicinity.

4. Zoning Ordinance and General Plan

The objective of the Zoning Ordinance and General Plan is to assure compatibility of design and construction with adjacent structures by guiding, controlling, and regulating growth and development within the city.

The proposed non-conforming condition is not contrary to the objectives of the Zoning Ordinance or General Plan since it conforms to the spirit and intent and is no more impacting than other surrounding non-conforming conditions. The non-conforming condition is also within the development pattern and scale of the immediate area.

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SITE DATA

TENTATIVE PARCEL MAP

TOAL ENGINEERING, INC.

TENTATIVE PARCEL
MAP NO. 99-119

COASTAL COMMISSION

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PACIFIC COAST HIGHWAY

CLIFF DRIVE

PARCEL 1 (C-1 ZONE)
12,000 SQ. FT.

PARCEL 2 (P-1 ZONE)
10,000 SQ. FT.

LOT 7

LOT 6

LOT 5

LOT 4

LOT 3

0166

City of Laguna Beach

505 Forest Avenue

Laguna Beach, CA 92651

(949) 497-0713

DATE POSTED: 10/27/99

RE-POSTED: 2/3/00

COMMENT PERIOD: 10/27/99 - 11/17/99

SECOND COMMENT PERIOD: 2/3/00 - 2/23/00

PROJECT: TPM 99-119, CUP 99-11 & CDP 99-39

VA 6594

MITIGATED NEGATIVE DECLARATION

The Community Development Department has evaluated the project described below in accordance with State Guidelines for the implementation of the California Environmental Quality Act to determine its potential impacts on the environment. It has been found that this project, as proposed, will not have a significant effect on the environment. Should the project change from that reviewed by the evaluator, this Mitigated Negative Declaration may no longer be valid, and environmental review again becomes a requirement prior to any discretionary action.

Project Title: Tentative Parcel Map 99-119, Conditional Use Permit 99-11, Variance 6594 and Coastal Development Permit 99-39

Specific Project Location: 1369 North Coast Highway, SWC of North Coast Highway and Cliff Drive.

City: Laguna Beach

County: Orange

Zip: 92651

Project Description

The applicant proposes to subdivide Lot 2, Tract 1087 into two parcels. The purpose of the subdivision is to create two legal parcels on a lot that is currently zoned both C-N Commercial Neighborhood and R-1 Residential Low Density. The subdivision would occur along the southerly 50 feet of the lot, coinciding with the zone split. A Variance is requested to allow the proposed R-1-zoned parcel to have a reduced lot width of 50', versus the required 70' R-1 lot width. The applicant requests a Conditional Use Permit to establish and operate a car wash that includes a residential studio unit and ancillary retail, in the C-N Zoning District. A Coastal Development Permit is also required for the proposed subdivision and car wash use project.

Reasons for Finding

EXHIBIT #

4

The proposed applications are not anticipated to create environmental impacts that cannot be mitigated to a level of insignificance.

The Initial Study for the above project is available at Department of Community Development, City Hall, 505 Forest Avenue, Laguna Beach. The Initial Study was conducted by Carolyn Martin, Senior Planner, on October 27, 1999. Any person may file comments on the proposed Negative Declaration. This must be done in writing, stating specific environmental reasons, within 20 days of the posted date shown above and should be delivered to the Community Development Department.

City of Laguna Beach
505 Forest Avenue
Laguna Beach, CA 92651

(949) 497-0713

DATE POSTED: 10/27/99
COMMENT PERIOD: 10/27/99 - 11/17/99
PROJECT: TPM 99-119, CUP 99-11 & CDP 99-39
VA 6594

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The Community Development Department has evaluated the project described below in accordance with State Guidelines for the implementation of the California Environmental Quality Act to determine its potential impacts on the environment. It has been found that this project, as proposed, will not have a significant effect on the environment. Should the project change from that reviewed by the evaluator, this Mitigated Negative Declaration may no longer be valid, and environmental review again becomes a requirement prior to any discretionary action.

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Reasons for Finding

The proposed applications are not anticipated to create environmental impacts that cannot be mitigated to a level of insignificance.

The Initial Study for the above project is available at Department of Community Development, City Hall, 505 Forest Avenue, Laguna Beach. The Initial Study was conducted by Carolyn Martin, Senior Planner, on October 27, 1999. Any person may file comments on the proposed Negative Declaration. This must be done in writing, stating specific environmental reasons, within 20 days of the posted date shown above and should be delivered to the Community Development Department.

COASTAL COMMISSION

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**INITIAL ENVIRONMENTAL STUDY
CITY OF LAGUNA BEACH, CALIFORNIA**

1. Project Title: Tentative Parcel Map 99-119, Conditional Use Permit 99-11, Variance 6594 and Coastal Development Permit 99-39
2. Lead Agency Name and Address: City of Laguna Beach
Community Development Department
505 Forest Avenue
Laguna Beach, California 92651
3. Contact Person and Phone Number: Carolyn Martin, Senior Planner
(949) 497-0398
4. Project Location: 1369 North Coast Highway; Southwest corner of North Coast Highway and Cliff Drive
5. Project Sponsor's Name and Address: Morris Skenderian & Associates
2094 South Coast Highway, #3
Laguna Beach, CA 92651
(949) 497-3374
6. General Plan Designation: Commercial/Tourist Corridor and Village Low Density (3-7 DU/Acre)
7. Zoning: C-N Commercial-Neighborhood and R-1 Residential Low Density
8. Description of the Project: The applicant proposes to subdivide Lot 2, Tract 1087 into two parcels. The purpose of the subdivision is to create two legal parcels on a lot that is currently zoned both C-N Commercial Neighborhood and R-1 Residential Low Density. The subdivision would occur along the southerly 50 feet of the lot, coinciding with the location of the zone change from C-N to R-1. A variance is required to allow the proposed R-1-zoned parcel to be less than the required 70' lot width. The applicant also requests a Conditional Use Permit to establish and operate a mixed use that includes a car wash with ancillary retail, and a residential studio unit in the C-N Zoning District (subdivided lot located at the northwest corner of North Coast Highway and Cliff Drive). The proposed R-1-zoned parcel is not proposed for development at this time. A Coastal Development Permit is also required for the proposed subdivision and mixed-use project.
9. Surrounding Land uses and Setting: The 28,271 square foot project site, which is located on North Coast Highway, between Cliff Drive and Viejo Street, is surrounded by commercial uses (mini-market and gasoline station) to the north, single family residential to the south, a vacant lot to the east (with auto repair contiguous to the easterly lot), and a motel use to the west.
10. Other public agencies whose approval is required (e.g. permits, financing approval, or participation agreement): CalTrans

COASTAL COMMISSION

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

	Aesthetics		Air Quality		Biological Resources
	Cultural Resources		Geology / Soils		Hazards & Hazardous Materials
	Hydrology / Water Quality		Land Use / Planning		Mineral Resources
X	Noise		Population / Housing		Public Services
	Recreation	X	Transportation / Traffic		Utilities / Service Systems
	Mandatory Findings of Significance				

DETERMINATION: On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	
I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.	X
I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.	
I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.	
I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.	

Carolyn Martin
Signature

10/27/99
Date

Carolyn Martin, Senior Planner
Name

COASTAL COMMISSION

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Issues and Supporting Information Sources	Sources	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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1. AESTHETICS Would the project:					
a) Have a substantial adverse effect on a scenic vista?	2			X	
The City's Scenic Highway Element designates Pacific Coast Highway as a scenic highway. However, the project site is not considered a scenic vista. The proposed development will require review and approval by the Design Review Board prior to issuance of a building permit. Such review will reduce potentially significant aesthetic impacts to a level of insignificance.					
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings or historic buildings within a scenic highway?					X
No such resources exist on the proposed project site.					
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	1, 2			X	
The proposed project is subject to Design Review prior to project construction. Through its review and approval, the Design Review Board will mitigate any potentially significant visual impacts to a level of insignificance.					
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	1			X	
The potential development of the proposed two parcels could create light and glare impacts to residents on the north side of North Coast Highway. Any potential development will require review and approval by the City's Design Review Board, which will evaluate proposed improvements and mitigate potentially significant light and glare impacts to a level of insignificance.					
2. AIR QUALITY (Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.) Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?					X
The proposed project, which is relatively small in scope, does not conflict with or obstruct implementation of an air quality plan.					
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?					X
The proposed car wash does not violate any air quality standard and is not identified by the South Coast Air Quality Management District as a use having the potential to create a significant impact on the environment.					

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Issues and Supporting Information Sources	Sources	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	6, 9			X	
---	------	--	--	---	--

The proposed car wash will generate additional vehicular traffic to the site, which will nominally increase emissions in the area. Based on the traffic generation studies, the proposed car wash will generate less traffic than the previous gas station at the site. Additionally, the CEQA Air Quality Handbook does not identify a car wash as a use with the potential of creating a significant air quality impact on the environment. Therefore, potential air quality impacts of the proposed project are anticipated to be less than significant.

d) Expose sensitive receptors to substantial pollutant concentrations?	6, 9			X	
--	------	--	--	---	--

The proposed car wash will generate additional vehicular traffic to the site, which will nominally increase emissions in the area. Based on traffic generation rates, the proposed car wash will generate less traffic than the previous gas station at the site. Additionally, the CEQA Air Quality Handbook does not identify a car wash as a use with the potential of creating a significant air quality impact on the environment. Therefore, potential air quality impacts of the proposed project on sensitive receptors will be less than significant.

e) Create objectionable odors affecting a substantial number of people?					X
---	--	--	--	--	---

The proposed project is not anticipated to create objectionable odors.

3. BIOLOGICAL RESOURCES Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?					X
--	--	--	--	--	---

The proposed project is not anticipated to cause such an impact.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?					X
--	--	--	--	--	---

The proposed project is not anticipated to cause such an impact.

COASTAL COMMISSION

Issues and Supporting Information Sources	Sources	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption or other means?					X
---	--	--	--	--	---

The project site is not a federally protected wetlands nor will it impact a wetlands.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites?					X
---	--	--	--	--	---

The proposed project is not anticipated to have such effects.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?					X
---	--	--	--	--	---

The proposed project does not conflict with any local policies or ordinances protecting biological resources.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other local, regional or state habitat conservation plan?					X
---	--	--	--	--	---

The proposed project does not conflict with any habitat conservation plan.

4. CULTURAL RESOURCES Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?					X
---	--	--	--	--	---

The proposed project will not cause an adverse change to any historical resource.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?					X
--	--	--	--	--	---

The proposed project will be constructed on a previous gas station site and is not anticipated to effect archaeological resources.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?					X
---	--	--	--	--	---

The previously developed project site does not have unique paleontological resources or unique geologic features.

COASTAL COMMISSION

Issues and Supporting Information Sources	Sources	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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d) Disturb any human remains, including those interred outside of formal cemeteries?					X
--	--	--	--	--	---

The proposed project will be constructed on a previously developed site and is not anticipated to disturb any human remains.

5. GEOLOGY AND SOILS Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:					
---	--	--	--	--	--

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	11			X	
--	----	--	--	---	--

The project site is not located on a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map.

ii) Strong seismic ground shaking?	3,4,5			X	
------------------------------------	-------	--	--	---	--

Although no active faults pass through the project site, it is located in close proximity to several faults. Therefore, the site may potentially be impacted by fault ruptures. According to the project geologist, the proposed development is considered feasible and safe from a geotechnical viewpoint, subject to the incorporation of several recommendations into the design and construction. The implementation of Building Code requirements, in combination with the recommendations of the project geologist, will provide minimum criteria for seismic design. Such requirements and recommendations will reduce any potential impacts to prospective occupants and buildings to a level of insignificance.

iii) Seismic-related ground failure, including liquefaction?	3,4,5			X	
--	-------	--	--	---	--

According to the project geologist, review of the Seismic Hazards Zones Map for the Laguna Beach Quadrangle indicates the site is not located within a zone of required investigation for liquefaction or earthquake induced landslides. The potential for liquefaction or earthquake-induced landslides is considered to be very low. Additionally, the implementation of Building Code requirements and recommendations within the geologic report will provide minimum criteria for seismic design. Such requirements and recommendations will reduce any potential impact to prospective occupants and buildings to a level of insignificance.

iv) Landslides?	3,4,5			X	
-----------------	-------	--	--	---	--

According to the project geologist, review of the Seismic Hazards Zones Map for the Laguna Beach Quadrangle indicates the site is not located within a zone of required investigation for earthquake induced landslides. The potential for earthquake induced landslides is considered to be very low. The project geologist also notes that since the site is gently sloping it will not be affected by gross or surficial instability. Additionally, the implementation of Building Code requirements and recommendations within the geologic report, will provide minimum criteria for seismic design. Such requirements and recommendations will reduce any potential impact to prospective occupants and buildings to a level of insignificance.

COASTAL COMMISSION

Issues and Supporting Information Sources	Sources	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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b) Result in substantial soil erosion or loss of topsoil?					X
---	--	--	--	--	---

The proposed project is not anticipated to result in substantial soil erosion or loss of topsoil.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?					X
--	--	--	--	--	---

The proposed project site is not located on a geologic unit or soil that is unstable or would become unstable as a result of the project.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	3, 4, 5			X	
--	---------	--	--	---	--

According to the project geologist, surficial soil materials exhibit a low to medium expansion potential and contain low concentrations of soluble sulfates based on laboratory testing performed as a part of this investigation. Implementation of Building Code requirements and recommendations of the project geologist will provide minimum criteria for project design. Such requirements and recommendations will reduce any potential impact to prospective occupants and buildings to a level of insignificance.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?					X
---	--	--	--	--	---

The proposed project will be connected to the City's sewer system.

6. HAZARDS AND HAZARDOUS MATERIALS Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	3			X	
--	---	--	--	---	--

The proposed project is not anticipated to use hazardous materials. The Uniform Building Code requires that the water used for the proposed car wash be drained through a grease and sand interceptor, prior to discharge into the sanitary sewer. Additionally, the City contracts with the Aliso Water Management Agency to periodically monitor the quality of car wash water that is being discharged into the City's sewer system. In combination, these requirements will mitigate potentially significant impacts to a level of insignificance.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?					X
---	--	--	--	--	---

COASTAL COMMISSION

No such effects are anticipated with the proposed project.

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Issues and Supporting Information Sources	Sources	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?					X
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No such effects are anticipated with the proposed project.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?					X
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The project site is not included on a list of hazardous materials sites pursuant to Government Code Section 65962.5.

e) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?					X
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No such effects are anticipated with the proposed project.

f) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?					X
--	--	--	--	--	---

No such effects are anticipated with the proposed project.

7. HYDROLOGY AND WATER QUALITY Would the project:

a) Violate any water quality standards or waste discharge requirements?	3			X	
---	---	--	--	---	--

The Uniform Building Code requires that the water used for the proposed car wash be drained through a grease and sand interceptor, prior to discharge into the sanitary sewer. Additionally, the City contracts with the Aliso Water Management Agency to periodically monitor the quality of car wash water that is being discharged into the City's sewer system. In combination, these requirements will mitigate potentially significant impacts to a level of insignificance.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?					X
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No such effects are anticipated with the proposed project.

COASTAL COMMISSION

Issues and Supporting Information Sources	Sources	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?					X
--	--	--	--	--	---

No such effects are anticipated with the proposed project.

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?					X
---	--	--	--	--	---

No such effects are anticipated with the proposed project.

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	3			X	
---	---	--	--	---	--

Existing site drainage will be modified with the potential development of the proposed car wash facility. Related impacts will be limited to an incremental increase in runoff from surfaces associated with the development of the individual buildings. The proposed increase is considered insignificant as the proposed project is relatively small in scope and replaces previous development at the site.

f) Otherwise substantially degrade water quality?					X
---	--	--	--	--	---

No such effects are anticipated with the proposed project. The water used by the car wash facility will be drained through a grease and sand interceptor prior to discharge into the City's sewer system.

g) Place housing within 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?					X
--	--	--	--	--	---

The project site is not located within a 100-year flood hazard area.

h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?					X
---	--	--	--	--	---

The project site is not located within a 100-year flood hazard area.

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?					X
--	--	--	--	--	---

No such effects are anticipated with the proposed project.

COASTAL COMMISSION

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Issues and Supporting Information Sources	Sources	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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j) Inundation by seiche, tsunami or mudflow?	2, 3			X	
--	------	--	--	---	--

According to the Safety Element of the General Plan, the tsunami hazard is considered to be low for the elevations above the principal sea cliffs in Laguna Beach. Additionally, potentially significant impacts of a seiche are unlikely. The application of the Uniform Building Code is anticipated to reduce potentially significant impacts a level of insignificance.

8. LAND USE AND PLANNING Would the project:

a) Physically divide an established community?					X
--	--	--	--	--	---

The proposed commercial mixed-use project will not divide an established community as it is proposed to be located in the Commercial-Neighborhood Zoning District and is an allowable use, subject to a Conditional Use Permit. An auto-related use (gasoline station) previously occupied the proposed project site and two auto-related uses are currently established within the immediate project vicinity.

b) Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to a general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	1			X	
---	---	--	--	---	--

A variance from the R-1 Zone lot width standard of 70' is required for the proposed subdivision, which includes a 50' wide R-1 lot. The purpose for the request for deviation from the standard is that the zone changes from R-1 to C-N at the point of the proposed subdivision. The average depth of the proposed R-1 zoned lot is 201', versus the required 80'. Additionally, the approximate proposed lot size is 10,055 square feet, versus the minimum R-1 lot size of 6,000 square feet. Due to the existing split zone, the fact that the proposed residential lot is 4,055 square larger than required by the code, and the fact that many of the lots in the area are less than 70' wide with many of them being close to 50' in width, the proposed 50' lot width can be justified. Therefore, the proposed reduced lot width will have less than a significant impact on the environment.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?					X
---	--	--	--	--	---

The proposed project is not anticipated to conflict with any habitat or natural conservation plan.

9. MINERAL RESOURCES Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?					X
--	--	--	--	--	---

No such effect is anticipated with the proposed project.

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?					X
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The proposed project site is not identified by the City as a mineral resource recovery site.

COASTAL COMMISSION

Issues and Supporting Information Sources	Sources	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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10. NOISE Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	1, 2, 7, 13			X	
---	-------------	--	--	---	--

According to the Municipal Code, General Plan and the Noise Impact Study completed for the proposed project, the car wash is not anticipated to generate noise levels that exceed City standards or applicable standards of other agencies.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?					X
---	--	--	--	--	---

No such effects are anticipated with the proposed project.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	7, 13		X		
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According to the project Noise Impact Study and addenda, the traffic on North Coast Highway generates the majority of the ambient noise in the project vicinity. The Noise Impact Study and addenda indicate that the proposed car wash will introduce new noise-generating activities on the project site; however, the resulting exposure of neighboring properties to new single event noise sources on the project site would not exceed what has been experienced under the existing condition. The projected incremental traffic increase along North Coast Highway would create less than a significant noise impact and no mitigation is required for traffic noise. The study states that there would be no potentially significant noise impacts to off-site noise sensitive uses (hotel and residential uses) from the proposed on-site operations. An addendum to the traffic study recommends that the car wash not begin operation until 9:00 a.m. on Sundays, in order to mitigate potential noise impacts to the adjacent motel occupants. A 6' high sound wall is required to mitigate potentially significant noise impacts to future occupants of the proposed R-1 lot, immediately west of the proposed car wash boundary. The study also recommends temporary mitigation measures for project construction noise, as well as permanent mitigation for potential impacts to the occupant(s) of the proposed on-site residential unit. Incorporation of the recommended mitigation measures is anticipated to reduce any potentially significant noise impacts to a level of insignificance.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	7, 13		X		
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The Noise Impact Study and addenda conclude that the proposed car wash will not create a substantial temporary or periodic increase in ambient noise levels in the project vicinity. The study recommends temporary noise mitigation, due to potentially significant project construction noise impacts, as well as permanent mitigation for potential impacts created by periodic increases in noise levels to the occupant(s) of the proposed on-site residential unit. Additionally, the construction of a 6' high sound wall is recommended to mitigate potentially significant noise impacts to future occupants of the proposed R-1 lot, immediately west of the proposed car wash boundary. Incorporation of the recommended mitigation measures is anticipated to reduce any potentially significant temporary or periodic increases in ambient noise levels in the project vicinity to a level of insignificance.

COASTAL COMMISSION

Issues and Supporting Information Sources	Sources	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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11. POPULATION AND HOUSING Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?					X
---	--	--	--	--	---

No such effects are anticipated with the proposed project.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?					X
---	--	--	--	--	---

The proposed project will not eliminate any existing housing.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?					X
---	--	--	--	--	---

The proposed project will not eliminate any existing housing or displace people.

12. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					X
---	--	--	--	--	---

The proposed project is not anticipated to negatively impact governmental facilities or public services.

i) Fire protection?					X
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ii) Police protection?					X
------------------------	--	--	--	--	---

iii) Schools?					X
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iv) Parks?					X
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v) Other public facilities?					X
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COASTAL COMMISSION

Issues and Supporting Information Sources	Sources	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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13. RECREATION

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?					X
--	--	--	--	--	---

The proposed project is not anticipated to have such an effect.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?					X
---	--	--	--	--	---

The proposed project is not anticipated to have such an effect.

14. TRANSPORTATION / TRAFFIC Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	6, 10			X	
--	-------	--	--	---	--

The proposed car wash will create an incremental increase in traffic to the project site; however, the site was previously improved with a gas station, which has a higher trip generation rate. According to the project traffic engineer, the proposed project is anticipated to generate approximately 635 average daily trips (318 vehicles), 66 weekday p.m. peak hour and 76 Saturday midday peak hour trips. The anticipated average daily trips is considered to be less than significant, particularly since traffic generation data indicates that a gas station use at the project site could generate approximately 1350 average daily trips and 116 weekday p.m. peak hour trips.

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	6, 10			X	
--	-------	--	--	---	--

According to the Traffic Impact Analysis, the study area intersections (Viejo Street, Cliff Drive and Beverly Street) are forecast to continue to operate with satisfactory levels of service (LOS C or better) in both weekday and Saturday peak hours with the addition of project traffic to the existing traffic base at the three intersections. Therefore, the traffic generated by the proposed car wash will have a less than significant impact on the roads and highways.

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Issues and Supporting Information Sources	Sources	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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c) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	6, 10			X	
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The proposed project will not substantially increase hazards due to a design feature or incompatible uses. Access to the proposed project site has been designed to mitigate potentially significant impacts to a level of insignificance. Westbound (or northbound) ingress to the site will be off Cliff Drive, versus left turns into the project site from the center lane between Cliff Drive and Viejo Street. This design is anticipated to eliminate potentially significant impacts that could be caused by competing east and westbound traffic utilizing the center left turn lane between Cliff Drive and Viejo Street on North Coast Highway. Eastbound (or southbound) ingress and all egress from the project site will be from and to North Coast Highway. According to the project traffic engineer and the independent traffic consultant, the project site design provides safe circulation within and around the project site.

d) Result in inadequate emergency access?					X
---	--	--	--	--	---

No such effects are anticipated with the proposed project.

e) Result in inadequate parking capacity?	1, 6		X		
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The proposed car wash use, including the detail areas, requires 22 on-site parking spaces. According to the Zoning Ordinance, the required parking spaces for a car wash use may be parked in-tandem. The applicant proposes to provide a total of 45 parking spaces on-site. Although no parking mitigation is recommended by the project traffic consultant, staff recommends the following mitigation measures to avoid potential employee and overflow parking off-site within the surrounding residential areas. 1) All vehicles utilizing the car wash be parked on-site at all times; 2) The applicant/property/business owner shall implement a written plan, which requires employees to park on-site and whenever possible, to carpool, bicycle, walk or ride the bus; and 3) The property owner shall provide bus passes to all employees.

f) Conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?					X
---	--	--	--	--	---

The proposed project does not conflict with any alternative transportation policies, plans or programs.

15. UTILITIES AND SERVICE SYSTEMS Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?					X
---	--	--	--	--	---

No such effects are anticipated with the proposed project.

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?					X
--	--	--	--	--	---

No such improvements are necessary for the proposed project.

COASTAL COMMISSION

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Issues and Supporting Information Sources	Sources	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?					X
---	--	--	--	--	---

No such improvements are necessary for the proposed project.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?					X
--	--	--	--	--	---

The proposed project site has access to sufficient water supplies and does not require new or expanded entitlements.

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?					X
---	--	--	--	--	---

No negative effects are anticipated with the proposed project.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?					X
--	--	--	--	--	---

No negative effects are anticipated with the proposed project.

g) Comply with federal, state and local statutes and regulations related to solid waste?					X
--	--	--	--	--	---

The proposed projects will be required comply with all statutes related to solid waste.

COASTAL COMMISSION

EXHIBIT # 4
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MANDATORY FINDINGS OF SIGNIFICANCE

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

No; the proposed subdivision for a single family residence and car wash do not have the potential to degrade the quality of the environment, nor significantly impact biological habitat or wildlife, as City codes and the mitigation measures incorporated herein will reduce any potentially significant impact to a level of insignificance.

- b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects.)

No; the proposed project will not create cumulatively considerable impacts, as the vacant building site had previously been improved with a gas station, and the mitigation measures incorporated herein will reduce any potentially significant impact to a level of insignificance.

- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

No; the proposed project will not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly, as the vacant building site had previously been improved with a gas station and any potentially significant impacts related to the proposed development will be mitigated to a level of insignificance.

COASTAL COMMISSION

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18. SOURCE REFERENCES

1	City of Laguna Beach Municipal Code (Chapter 25 - Zoning Ordinance and Chapter 21.08 Subdivisions)
2	City of Laguna Beach General Plan - Land Use, Housing, Open Space/Conservation, Safety, Transportation, Circulation & Growth Management, Noise and Scenic Highways Elements
3	Uniform Building Code Standards; International Conference of Building Officials; 1994
4	Preliminary Geotechnical Investigation (Proposed Single Family Residence) , Geofirm, 5/12/99
5	Preliminary Geotechnical Investigation (Proposed Car Wash), Geofirm, 5/12/99; Traffic Addendum of 7/16/99
6	Traffic Impact Analysis (Proposed Car Wash), LSA Associates, Inc. 5/11/99; Addenda of 7/16/99 and 9/16/99
7	Noise Impact Study (Proposed Car Wash), LSA Associates, Inc. 5/11/99; Addenda of 7/19/99 and 10/26/99
8	Geo-environmental Review of Documents for Soil & Groundwater Contamination, Geofirm, 11/6/98
9	California Environmental Quality Act (CEQA) Air Quality Handbook; SCAQMD, 4/93
10	Independent Site Access Analysis, LL&G, 9/16/99; Review of Revised Plan, LL&G, 9/29/99
11	Division of Mines & Geology, Special Publication 42
12	Geoenvironmental Review of Documents for Soil and Groundwater Contamination; Geofirm; 11/98
13	Laguna Car Spa Noise Comments (response to attorney and neighbor questions), LSA Associates, Inc. 10/21/99

COASTAL COMMISSION

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8. Tentative Parcel Map 99-119 and Coastal Development Permit 99-39B to subdivide Lot 2 of Tract 1087, for the purpose of creating two legal parcels on a lot that is currently zoned C-N Commercial Neighborhood and R-1 Residential Low Density. Variance 6594 is requested to allow the proposed residential parcel to be 50' wide, versus the R-1 standard width of 70'. The project site is located at 1369 North Coast Highway. (The proposed subdivision was previously heard by the Planning Commission and City Council; however, a decision was not rendered by the City Council on the subdivision, related variance and coastal development permit.)

Kathy Lottes summarized the staff report.

Questions of Staff: Commissioner Pearson received clarification from staff that the Commission would be reviewing the issue of the land subdivision only.

Commissioner Vail received clarification from staff that the Mitigated Negative Declaration that was prepared did address the proposed subdivision. He also verified that a new Negative Declaration would be required if the applicant proposed a use that was substantially different than what was addressed in the current Negative Declaration.

In response to Commissioner Kinsman's question regarding the necessity for the Commission to review the same project that they had previously approved, Ms. Lottes stated that staff wanted to confirm the Commission's approval for the subdivision. She noted that the appeal that was reviewed by the City Council did not take direct action on the subdivision issue.

Commissioner Chapman received confirmation of the Commission's vote for approval on the subdivision issue.

Public Testimony in Support of the Project: Todd Skenderian, representing the applicant, stated that the entire project was heard by the City Council as one proposal and that staff suggested that the Planning Commission could review the subdivision only on a more simplistic level. Mr. Skenderian noted that the parcel conditions for approval of a lot split meet the City requirements and conditions.

Ed Finkbiner, resident at 280 Viejo Street, was not opposed to the lot split, but felt the Negative Declaration should be used for the lot split only.

Eric Peterson, resident at 1435 North Coast Highway, wanted to know what the applicant's plans were for the property, since it was being reviewed "piecemeal".

Rebuttal: Mr. Skenderian stated that the applicant was not prepared to discuss the use at this time, but that he would like the lot split in order to allow for more flexibility in future uses.

DRAFT

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Commissioners' Comments: Commissioner Pearson was in favor of the subdivision and could support the variance.

Commissioner Vail stated that he was in favor of the project as proposed. He said that the City has to uphold the criteria, but the CEQA issues would not be addressed until a specific project is submitted.

Commissioner Kinsman was in favor of the lot split as proposed and felt that the area would be served better with the lot split because it would provide a buffer between the residential neighborhood and the commercial lot. She was in favor of using the same variance findings.

Commissioner Chapman was in favor of the proposal because 50' lots are standard for the area.

Commissioner Vail agreed with Commissioner Kinsman that the lot split would create a buffer for future use of the commercial lot.

Motion CK Second BC Action Recommend City Council approval of Tentative Parcel Map 99-119, Variance 6594, Coastal Development Permit 99-39B and the associated Mitigated Negative Declaration, subject to conditions. Motion carried 4-0.

Vote: Chapman Y Grossman Absent Kinsman Y Pearson Y Vail Y

REGULAR BUSINESS

DRAFT

9. Minutes – Approval of the minutes of the February 9, 2000 regular meeting was continued to March 8, 2000.
10. Departmental Reports
11. Commissioners' Reports
12. Adjourn – The meeting adjourned at 11:00 p.m. to the regular Planning Commission meeting on March 8, 2000 at 7:00 p.m.

COASTAL COMMISSION

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SLGB-00-079



RECEIVED
MAY 12 2000

NOTICE OF FINAL LOCAL ACTION
FOR COASTAL DEVELOPMENT PERMITS

CALIFORNIA
COASTAL COMMISSION

Date: April 27, 2000

RECEIVED
MAY 01 2000

The following project is located within the City of Laguna Beach Coastal Zone:

Location: 1369 North Coast Highway, Laguna Beach, CA 92651

CALIFORNIA
COASTAL COMMISSION

Coastal Development Project No: 00-08

Project Description: Conditional Use Permit 00-02 and CDP 00-08 to allow the construction and operation of a mixed-use that includes a car wash with ancillary retail sales and a second-story residential studio unit at a vacant building site located at the southwest corner of North Coast Highway and Cliff Drive. The project site is located in the Commercial Neighborhood Zoning District.

Applicant: Morris Skenderian & Associates for Scott Thompson

Mailing Address: 2094 South Coast Highway, Laguna Beach, CA 92651

On April 4, 2000, a coastal development permit application for the project was:

- ☐ approved
- ☒ approved with conditions
- ☐ denied

CAR WASH APPROVAL
COASTAL COMMISSION

Local appeal period ended: Project was reviewed by the City Council on appeal.

This action was taken by: ☒ City Council
☐ Design Review Board
☐ Planning Commission

EXHIBIT # 5
PAGE 1 OF 13

The action (X) did () did not involve a local appeal; in any case, the local appeal process has been exhausted. Findings supporting the local government action and any conditions imposed are found in the attached resolution.

This project is:

- ☐ not appealable to the Coastal Commission
- ☒ appealable to the Coastal Commission pursuant to Coastal Act Section 30603. An aggrieved person may appeal this decision to the Coastal Commission within 10 working days following Coastal Commission receipt of this notice. Applicants will be notified by the Coastal Commission if a valid appeal is filed. Appeals must be in writing to the appropriate Coastal Commission district office and in accordance with the California Code of Regulation Section 13111. The Coastal Commission may be reached by phone at (562) 590-5071 or by writing to 200 Oceangate, 10th Floor, Long Beach, CA 90802-4416.

RESOLUTION NO. 00.027

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH, CALIFORNIA, DENYING THE APPEAL OF CONDITIONAL USE PERMIT 00-02, COASTAL DEVELOPMENT PERMIT 00-08 AND THE ASSOCIATED MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM FOR 1369 NORTH COAST HIGHWAY.

WHEREAS, an application was filed by the owner of property located at 1369 North Coast Highway, requesting approval of Conditional Use Permit 00-02 to establish and operate a mixed-use which includes a car wash with ancillary retail and a studio residence in the C-N Commercial Neighborhood Zoning District, and Coastal Development Permit 00-08 in accordance with the provisions of Municipal Code Chapters 25.05 and 25.07; and

WHEREAS, on March 8, 2000, the Planning Commission conducted a legally noticed public hearing and, after reviewing all documents and testimony, voted to approve Conditional Use Permit 00-02 and Coastal Development Permit 00-08; and

WHEREAS, a Mitigated Negative Declaration has been prepared and distributed for public review from February 16, 2000 through March 8, 2000; and

WHEREAS, on April 4, 2000, the City Council conducted a legally noticed public hearing of an appeal of the Planning Commission decision and, after reviewing all documents and testimony, desires to conditionally approve Conditional Use Permit 00-02, Coastal Development Permit 00-08 and the associated Mitigated Negative Declaration and Mitigation Monitoring Program; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH does RESOLVE and ORDER as follows:

SECTION 1. The City Council has made the following findings with regard to Conditional Use Permit 00-02.

1 1. The site for the proposed uses is adequate in size and topography to accommodate such uses
2 and all yards, spaces, walls and fences, parking, loading and landscaping are adequate to
3 properly adjust such use with the land and uses in the vicinity in that the site has been designed
4 to comply with the zoning standards of the C-N Zoning District, Design Review approval is
5 required prior to project construction and conditions and mitigation measures have been
6 incorporated herein to minimize potential impacts on surrounding properties.
7

8 2. The site for the proposed uses has access to streets and highways adequate in width and
9 pavement type to carry the quantity and kind of traffic generated by the proposed use in that the
10 proposed project is anticipated to generate less traffic than the gas station that previously
11 occupied the site, and North Coast Highway and Cliff Drive have adequate width and pavement
12 type to carry the anticipated project traffic.
13

14 3. The proposed uses will not have substantial adverse effects upon abutting property in that
15 conditions and mitigation measures have been incorporated herein to minimize any potential
16 impacts to neighboring properties and the surrounding neighborhood.
17

18 4. The proposed uses are consistent with the objectives and policies of the City's General Plan
19 in that the proposed project site is not located on a scenic vista and the proposed mixed use is
20 conditionally permitted in the C-N Zoning District.
21

22 5. The conditions stated in the decision are deemed necessary to protect the public, health,
23 safety and general welfare in that such conditions and mitigation measures shall minimize any
24 potential impacts to neighboring properties and the surrounding neighborhood.
25

26 **SECTION 2.** The City Council has made the following **findings** with regard to
27 **Coastal Development Permit 00-08.**
28

1 The project is in conformity with all the applicable provisions of the General Plan, including
the certified Local Coastal Program, in that the proposed project has been conditioned to

1 minimize potential impacts and risks from geologic hazards, and the project must comply with
2 Title 22, which sets forth rules and regulations to rigorously control all aspects of grading,
3 including cut and fill operations, water runoff and soil erosion.

4
5 2. Any development located between the sea and the first public road paralleling the sea is in
6 conformity with the certified Local Coastal Program and with the public access and public
7 recreation policies of Chapter 3 of the Coastal Act in that the project site is designed to not
8 impede public access, nor will the proposed project conflict with recreation policies.

9 3. The proposed development will not have any significant adverse impacts on the environment
10 within the meaning of the California Environmental Quality Act in that mitigation measures
11 have been incorporated into the project approval to mitigate potential impacts on the
12 environment.
13

14 SECTION 3. The City Council hereby adopts and certifies the Mitigated Negative
15 Declaration and associated Mitigation Monitoring Program according to the provisions of the
16 California Environmental Quality Act.

17 NOW, THEREFORE, BE IT RESOLVED that the City Council hereby denies the
18 appeal and approves Conditional Use Permit 00-02 and Coastal Development Permit 00-
19 08, subject to the following conditions, which have been set forth to protect the health,
20 safety and welfare of the community and to assure the intent and purpose of the regulations:

21 1. The Conditional Use Permit shall be subject to review if written complaints are received, and
22 shall be subject to administrative review one (1) year after issuance of the certificate of use to
23 determine if the approved conditions of approval are in compliance. These reviews may result
24 in a formal noticed public hearing before the Planning Commission. After the public hearing on
25 the matter, the Planning Commission may require immediate condition compliance and the
26
27
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COASTAL COMMISSION

1 conditions of approval or proceed with revocation of the Conditional Use Permit as specified in
2 Municipal Code Section 25.05.075.

3 2. Failure of the applicant to comply with the conditions of approval herein, and each of them,
4 and any other related federal, state and local regulations may be grounds for revocation of the
5 Conditional Use Permit, in addition to other remedies that may be available to the City.
6

7 3. This Conditional Use Permit shall not become effective until Final Parcel Map 99-119,
8 Variance 6594, Coastal Development Permit 99-39-B and the associated Mitigated Negative
9 Declaration/Mitigation Monitoring Checklist have been approved by the City Council.

10 4. This Conditional Use Permit shall not become effective until any required Design Review
11 Board approval has been obtained. Should the Design Review Board determine that any
12 proposed trees and/or the upper building level, including the residential studio unit, creates
13 negative height and/or view-related impacts to surrounding properties, the Design Review
14 Board may determine that any proposed trees and/or the upper level shall be modified or
15 removed. Should any proposed trees require modification and/or removal, the Design
16 Review Board shall ensure that ample landscaping has been provided to adequately screen
17 the proposed facility. The Design Review Board shall also ensure that any project lighting is
18 designed in such a manner so as to avoid glare impacts to properties overlooking the site and
19 such lighting shall be directed onto the site thereby avoiding spillover onto adjacent
20 properties.
21

22 5. The proposed uses shall not open, inaugurate or commence until after the City has issued a
23 Certificate of Use and Occupancy; and such certificate shall not be issued until after City staff
24 has verified compliance with all applicable conditions of approval.
25

26 **COASTAL COMMISSION**

27 EXHIBIT # 5
28 PAGE 5 OF 13

1 6. If the use authorized under this Resolution and Conditional Use Permit is abandoned or
2 terminated for any reason for a period of at least one year, the Conditional Use Permit shall
3 automatically expire and become void.

4
5 7. A City business license shall be obtained prior to the operation of any business use permitted
6 by this Conditional Use Permit.

7 8. No proposed change or modification to the specifically permitted car wash with ancillary
8 retail and residential studio unit shall be allowed except pursuant to a subsequent or amended
9 Conditional Use Permit granted pursuant to the terms of Title 25 of the Municipal Code.
10 Should the Design Review Board require that the proposed residential studio unit be removed
11 due to potential height and/or view impacts upon neighboring properties, a subsequent
12 Conditional Use Permit amendment for the car wash shall not be required, unless modification
13 of the car wash project is proposed.
14

15 9. Prior to issuance of a grading or building permit, a follow-up study of the geologic/soil
16 conditions shall be conducted to provide recommendations pertaining to grading and
17 foundation design. The project architect shall demonstrate that all recommendations of the
18 project geologist, as confirmed by the City's independent consultant, have been incorporated
19 into the project design.
20

21 10. Prior to issuance of a grading or building permit, the applicant shall provide the City a
22 plan demonstrating that during all project site excavation and on-site grading, the project
23 contractors shall equip all construction equipment, fixed or mobile, with properly operating
24 and maintained mufflers consistent with manufacturers' standards (Mitigation Measure).

25 11. Prior to issuance of a grading or building permit, the applicant shall submit a plan to
26 the City demonstrating how the project contractor shall **COASTAL COMMISSION**
27

1 equipment so that emitted noise is directed away from sensitive receptors to the west and
2 north of the project site (Mitigation Measure).

3 12. Prior to issuance of a grading or building permit, the applicant shall submit a plan to the
4 City demonstrating how the construction contractor shall locate equipment staging in areas
5 that will create the greatest distance between construction-related noise sources and noise
6 sensitive receptors to the west and north of the site (Mitigation Measure).

7 13. During all project site construction, any construction-related activities shall be limited
8 to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday, in compliance with the
9 Municipal Code. No construction shall be allowed on Sundays and public holidays
10 (Mitigation Measure).

11 14. Prior to issuance of a grading or building permit to construct the car wash facility, the
12 applicant shall apply for a permit and construct a temporary perimeter construction wall or a
13 permanent six-foot high free-standing concrete block wall along the southwesterly car wash
14 facility boundary, between the R-1 and C-N Zones (Mitigation Measure).

15 15. Prior to issuance of a building permit final, the applicant shall construct a six-foot high
16 free-standing sound wall between the R-1 Zone and the C-N Zone. Such wall shall mitigate
17 long-term operational noise impacts to future occupants of the new R-1 zoned site, along the
18 southwesterly boundary of the car wash site (Mitigation Measure).

19 16. Prior to issuance of a grading or building permit, the applicant shall submit plans
20 demonstrating that dual glazing and mechanical ventilation shall be installed in the on-site
21 residential studio unit to mitigate long-term operational noise impacts to the future
22 occupant(s) (Mitigation Measure).

COASTAL COMMISSION

23 EXHIBIT # 5
24 PAGE 7 OF 13

1 17. Prior to issuance of a grading or building permit, the applicant shall submit to the City
2 plans demonstrating that the equipment used in the car wash tunnel shall be isolated from the
3 walls shared by the second floor residence to mitigate long-term operational noise impacts to
4 the future occupant(s) (Mitigation Measure).

5
6 18. The car wash may operate from 7:00 a.m. until 6:00 p.m. Monday through Friday,
7 from 8:00 a.m. to 6:00 p.m. on Saturday, and from 9:00 a.m. to 6:00 p.m. on Sunday
8 (Mitigation Measure).

9
10 19. Prior to issuance of a building permit final, the applicant shall submit to the City a plan
11 demonstrating that all employees will either park on-site or whenever possible, carpool,
12 bicycle, walk or ride the bus. Such plan shall also demonstrate that the property owner shall
13 provide free bus passes as an incentive to all car wash employees who desire to regularly use
14 such transit to get to and from work (Mitigation Measure).

15 20. All vehicles utilizing the mixed-use facility, including employee parking, shall be
16 located on-site at all times.

17 21. No vehicle(s) shall be repaired at the project site, nor shall any vehicle(s) be parked at
18 the project site for the purposes of sale or other activity unrelated to the car wash operation
19 or the on-site residence.

20
21 22. Prior to issuance of a grading or building permit, the applicant shall submit plans
22 showing that all mechanical equipment, such as blowers, air conditioners, and exhaust fans
23 installed in new construction or reconstruction of all structures are located or enclosed such
24 that noise is minimized to the greatest extent possible when they are operating, including
25 the location and installation of the mechanical vacuum equipment underground (Mitigation
26 Measure).
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COASTAL COMMISSION

1 23. Prior to issuance of a building permit, the applicant shall work with the City and
2 Caltrans to have the center lane of North Coast Highway, between Viejo Street and Cliff
3 Drive, re-striped in such a manner so as to prohibit westbound left turns into the project
4 site. Such striping improvements shall be subject to the approval of Caltrans.
5

6 24. Prior to issuance of a building permit final and certificate of occupancy, the applicant
7 shall relocate the centerline of Cliff Drive, along the car wash frontage, approximately
8 three feet to the south.
9

10 25. Prior to the issuance of a grading or building permit, the applicant shall submit plans
11 showing that the 150' drive aisle off Cliff Drive shall be marked to prohibit parking and to
12 ensure clear drive aisle flow-through. A car wash employee shall attend the drive aisle
13 during all operating hours to ensure that vehicles entering the site off Cliff Drive shall at no
14 time obstruct ingress to the project site.
15

16 26. The applicant shall limit the quantity of hand-held, high-pressure blow dryers to a
17 maximum of four within the outside drying area and one in each of the two detail garages, for
18 a total of six dryers. The hand-held dryers shall use "plastic components," versus metal
19 components. Should the City receive complaints from adjacent property owners of excessive
20 noise emitted from the blow-dryers, the Planning Commission may re-evaluate the blow
21 dryers and determine if they should be modified or removed.
22

23 27. Any signs to be located on the car wash structure shall be located below the second floor
24 level, and window advertising of merchandise sold within the ancillary retail area shall be
25 prohibited.
26

COASTAL COMMISSION

27 EXHIBIT # 5
28 PAGE 9 OF 13

1 28. The honking of horns or whistling at the project site to indicate when vehicle servicing
2 has been completed shall be prohibited. The applicant shall implement an inaudible system
3 to inform customers when their vehicle has been completed.

4 29. Retail sales of merchandise shall be limited to auto-related accessories, with the
5 exception that candy, snacks, beverages, newspapers and magazines may be sold only within
6 a maximum 100 square foot area of the accessory retail space.

7 30. The maximum noise levels at the project site shall not exceed the following at the
8 specified property boundaries: 73.1 Leq dBA (north boundary), 63.6 Leq dBA (south
9 boundary), 66.8 Leq dBA (east boundary), and 63.8 Leq dBA (west boundary), during all
10 hours of business operation **Monday through Friday**; and the maximum noise levels shall
11 not exceed the following: 71.9 Leq dBA (north boundary), 63.9 Leq dBA (south boundary),
12 66.0 Leq dBA (east boundary), 63.3 Leq dBA (west boundary) during all hours of business
13 operation **Saturday and Sunday**.

14 31. Should the operational characteristics of the car wash cause traffic queuing on Cliff
15 Drive, the Planning Commission shall re-evaluate the project and identify alternative
16 solutions, including the potential closure of the Cliff Drive access.

17 32. Six months from the commencement of the car wash operation the Planning Commission
18 shall hold a public hearing to review the operation for compliance with the approved
19 Conditional Use Permit. Any areas of non-compliance or significant impacts noted by
20 neighbors may result in a modification to the conditions of this Conditional Use Permit.

21 33. Prior to issuance of a grading permit, the applicant shall submit a landscaping plan for
22 review by the Zoning Department and review and approval by the Design Review Board.
23 Such plan shall address methods of screening the car wash operation from view of the
24 adjacent motel.
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COASTAL COMMISSION

1 34. All employee carpool pick-ups and drop-offs shall occur on-site.

2 35. The property owner/manager shall use best efforts to discourage employees from
3 arriving earlier than one-half hour prior to the commencement of his/her work shift or the
4 opening of the business day, and shall encourage employees to leave the property within one
5 half hour of the end of his/her work shift or the closure of the business day, whichever is
6 more restrictive in either case.
7

8 36. The property owner/manager shall ensure that mechanical equipment, including but not
9 limited to ventilation systems and components associated with the operation of the car wash
10 process, be maintained in proper working condition at all times to minimize potential noise
11 impacts, due to failure or deterioration of such equipment.
12

13 37. The property owner shall enclose the northerly wall of the vacuum bay to further
14 mitigate noise and aesthetic impacts to the adjacent motel.

15 38. The property owner shall install and properly maintain ball valves on all vacuum hose
16 nozzles to reduce "hissing" noises.

17 39. Hand-held buffers shall only be used within the detail garages, and no more than one
18 buffer shall be used within a garage at any given time.

19 40. Prior to issuance of a building permit final, the owner/manager shall install air actuated
20 tunnel doors at the wash tunnel exist, to further mitigate potential noise impacts to residents
21 on Viejo and Cajon Streets. Such doors will automatically close when the blower is activated
22 and will only open when the blower is deactivated.
23

24 41. The property owner/manager shall use best efforts to ensure that employees stay on-site
25 during work-related breaks and lunch hours and utilize the employee lounge, and that best
26 efforts are made to minimize and discourage off-site employee loitering, social gathering and
27 off-site foot travel circulation.
28

COASTAL COMMISSION

1 42. Conditional Use Permit 00-02 (CUP) is personal to Laguna Car Spa, LLC ("LCS"), and
2 shall terminate and be ineffective on the date that is sixty (60) days after the date: (a) LCS
3 ceases being the operator of the car wash business at 1369 North Coast Highway; or (b) Scott
4 Thompson (or an estate planning trust created for the benefit of Scott Thompson and/or his
5 family) ceases to own at least fifty-one percent (51%) of the ownership interests in LCS.
6 Notwithstanding the foregoing, as to (a) above, LCS may obtain financing with respect to its
7 operation of the car wash, and in connection therewith, LCS may secure the payment of such
8 financing by giving a trust deed, pledge, collateral assignment or other security interest in its
9 interest in the car wash. In such event, the CUP shall not terminate and shall remain in effect
10 if LCS ceases being the operator of the car wash as a result of a foreclosure, deed-in-lieu of
11 foreclosure or similar action as to such financing. In addition, LCS may convert to or merge
12 with a corporation or other form of business entity and such action shall not cause a
13 termination of the CUP so long as the conditions (a) and (b) above remain satisfied.
14

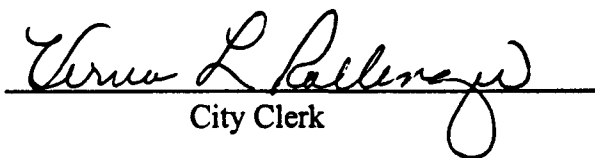
15 ADOPTED this 4th day of April, 2000.
16

17
18 

19 Kathleen Blackburn, Mayor

20 COASTAL COMMISSION

21 ATTEST:

22 
23 City Clerk

24 EXHIBIT # 5
25 PAGE 12 OF 13

26 I, VERNA L. ROLLINGER, City Clerk of the City of Laguna Beach, California, do
27 hereby certify that the foregoing Resolution No. 00.027 was duly adopted at a Regular
28 Meeting of the City Council of said City held on April 4, 2000, by the following vote:

AYES: COUNCILMEMBER(S): Peterson, Dictierow, Blackburn

NOES: COUNCILMEMBER(S): Iseman, Freeman

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ABSENT: COUNCILMEMBER(S): None

Verna R. Pellegrini
City Clerk of the City of Laguna Beach, CA

COASTAL COMMISSION

EXHIBIT # 5
PAGE 13 OF 13

FILE COPY

STATE OF CALIFORNIA - THE RESOURCES AGENCY

GRAY DAYE Governor

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 OceanGate, 10th Floor
Long Beach, CA 90802-4302
(562) 890-5071

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT
(Commission Form D)

RECEIVED
MAY 15 2000

CALIFORNIA
COASTAL COMMISSION

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

STEPHEN L. BALL 125 VIEDO ST. LAGUNA BEACH, CA. 92651 949 264 1285

Zip

Area Code

Phone No.

SECTION II. Decision Being Appealed

1. Name of local government: CITY OF LAGUNA BEACH, CA. SEE ATTACHED

2. Brief description of development being appealed: AUTOMATED CAR WASH

3. Development's location (street address, assessor's parcel no., cross street, etc.): 1369 NORTH COAST HIGHWAY LAGUNA BEACH, CA 92651

4. Description of decision being appealed:

- a. Approval; no special conditions: _____
- b. Approval with special conditions: X
- c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-5-LGB-00183 & 184

DATE FILED: 5/15/00

DISTRICT: South Coast/Long Beach

HS: 4/88

COASTAL COMMISSION
APPEAL

EXHIBIT # 6

PAGE 1 OF 18

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a. ☐ Planning Director/Zoning Administrator c. ☐ Planning Commission
- b. ☒ City Council/Board of Supervisors d. ☐ Other _____

6. Date of local government's decision: April 4, 20007. Local government's file number (if any): cdp 00-08 and cdp 99-39SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant: SCOTT THOMPSON SEE ATTACHED

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) SCOTT THOMPSON SEE ATTACHED(2) MORRIS SEENDELIAN & ASSOCIATES SEE ATTACHED(3) THE RADIGAN COMPANY, PROPERTY OWNER "(4) BELINDA BLACKER SEE ATTACHEDJIN LEE WALLIE SEE ATTACHEDSECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

COASTAL COMMISSION

EXHIBIT # 6PAGE 2 OF 18

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

SEE ATTACHED

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Stephen L. Tol

Signature of Appellant(s) or
Authorized Agent

Date

5-15-00

NOTE: If signed by agent, appellant(s)
must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____ to act as my/our
representative and to bind me/us in all matters concerning this
appeal.

Glenn T. [Signature]

Signature of Appellant(s)

Date

5-15-00

COASTAL COMMISSION

EXHIBIT #

6

PAGE

3

OF

18

ATTACHMENT TO APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT
(Commission Form D)

SECTION I. Appellant(s)

Ed Finkbeiner	280 Viejo St.	Laguna Beach, CA	92651	949-497-5275
Steve Ball	255 Viejo St.	Laguna Beach, CA	92651	949-464-1285

SECTION II. Decision Being Appealed

1. City of Laguna Beach, 505 Forest Ave. Laguna Beach, 92651 949-497-3311
2. Development being appealed: Automated Car Wash, Retail Sales and Apartment located on Ocean Side of North Coast Highway, Tentative Parcel Map, and Variance. See Attached.
3. 1369 North Coast Highway, Laguna Beach, CA. 92651, located at N/W corner of Cliff Drive and North Coast Highway.
4. Description of decision being appealed:
 1. Approval; no special conditions: _____
 2. Approval with special conditions: X _____
 3. Denial: _____
5. Decision being appealed was made by (check one):

a. _____ Planning Director/Zoning Administrator	c. _____ Planning Commission
b. <u> X </u> City Council/Board of Supervisors	d. _____ Other _____
6. Date of Local Government's Decision: April 4, 2000
7. Local Government's file number (if any): cdp 00-08 and cdp 99-39

COASTAL COMMISSION

EXHIBIT # 6
PAGE 4 OF 18

Attachment - SECTION III. Identification of Other Interested Persons:

Give the names and addresses of the following parties. (Use additional paper as necessary.)

1. Name and mailing address of permit applicant:

- (1) Scott Thompson c/o Sweetwater Car Wash
1890 South Coast Highway, Laguna Beach, CA. 92651 949-376-1706
FAX 949-376-1837
- (2) Morris Skenderian & Associates - Agent/Architect
(Contact: Todd Skenderian)
2094 South Coast Highway, Laguna Beach, CA. 92651 949-497-3374
FAX 949-497-9814
- (3) The Radigan Company (Property Owner)
Contact: Mike Flynn
2021 First Ave., #TG
Seattle, WA 98121 Phone # not available

b. Names and mailing addresses as available of those who testifies either verbally or in writing) at the city/county/port hearing (s). Include other parties which you know to be interested and should receive notice of this appeal.

- (1) Belinda Blacketer - Attorney for Ed Finkbeiner and Steve Ball
2971 South Coast Hwy.
Laguna Beach, CA 92651
949-497-4439 FAX 949-376-9519
- (2) Jinger Wallace, Pres. Village Laguna
P.O. Box 1309,
Laguna Beach, CA 92652

COASTAL COMMISSION

EXHIBIT # 6
PAGE 5 OF 18

Attachment to SECTION II (2) Description of Project:

Zoning: The zoning for this area of Laguna Beach is Commercial-Neighborhood, or C-N. The previous zoning was Commercial or C-1. The zone was changed by the city of Laguna Beach in 1994 to C-N, which necessitated a modification to the Local Coastal Program.

Uses Proposed: The Applicant requested a Conditional Use Permit (00-02) and Coastal Development Permit (00-08) for a vacant commercial parcel (18,666 sq. ft.) to establish and operate a mixed use, which consists of an automated car wash (with hand drying); with "ancillary" retail use, and an office and residential studio apartment located on the second floor, and a lower level with access from Cliff Drive, with parking for 5 cars and an employee lunchroom.

The Car Wash is contained in a 2 story building, with a 4 car space automated "wash tunnel", 2 "detail spaces" enclosed in a garage, and a 700 sq. ft. retail area located on the ground floor. The apartment and office are located on the second floor. The other two "detail spaces" are located in a separate building located on the front north corner of the property, next to the adjacent motel. There are 4 vacuum stations located on the western side of the property, also next to the adjacent motel. Also proposed are 8 drying areas which line the drive way entrance into the car wash, off of Cliff Drive (4 spaces on either side).

Attachment - SECTION IV. Reasons Supporting This Appeal

This project is located within 300 ft. of the bluff above Crescent Bay Beach, on the corner of north Coast Highway and Cliff Drive, the main vehicular and pedestrian access to Crescent Bay beach.

The proposed use is inappropriate at this location because 1) it is in violation of Coastal Act Section 30222, which establishes a high priority for the use of private lands for visitor-serving commercial recreation facilities designed to enhance public opportunities for coastal recreation, because this approval adds another resident serving car related use, at one intersection, which results in a "glut" of automobile oriented business at this prime location; 2) due to it's design and internal circulation plan, the project as proposed, will adversely impact the primary pedestrian access to Crescent Bay beach; 3) the majority of customers for the car wash will come from south of the proposed car wash, and the primary entrance from Cliff Drive will create a conflict with automobile access to Crescent Bay beach; 4) provision of inadequate on-site parking, for all the uses proposed, creates competition for on street parking currently used by scuba divers, beach goers and residents, in violation of Land Use Plan (LUP) Policies 2-K; and 2-N; 5) inappropriate use for northern entrance to Laguna Beach; 6) proposed project is inconsistent with Coastal Act Policies, as implemented in the approved Local Coastal

COASTAL COMMISSION

Implementation Plan, which consists of Land Use Element; Title 25, the City Zoning Ordinances; and a variety of other local planning documents, as discussed below.

This project is proposed for one of the last three vacant, undeveloped lots at the entrance to North Laguna. Located directly across North Coast Highway, is a Circle K, and a Shell Gas Station, with full service, a mechanic, and hand car washing and detailing. Across Cliff Drive is a Midas Muffler Shop. Approval of this car wash would make four "resident serving" car related businesses at this intersection. While they may be available to serve visitors, these uses are primarily residential. Few tourists come to Laguna Beach to have their car washed, or serviced.

Next door to the proposed car wash is a hotel, which is an tourist commercial serving use, which has all the rooms located on the second floor (above the hotel parking located under the rooms). This car wash will have an adverse impact on the hotel use, which is an existing tourist serving use.

Previous Action:

This same project was denied by the City Council on December 14, 1999. To quote from the City of Laguna Beach Staff Report, dated 3/8/00, "... In December, 1999, after reviewing the project and public input, the City Council voted three-to-two to sustain the appeal and deny the proposed project. Findings specified for the denial include:

- 1) The proposed uses will have substantial adverse effects upon abutting property in that the applicant failed to demonstrate that the cumulative impacts of the proposed project will not create substantial adverse effects on the neighboring properties and surrounding neighborhood; and
- 2) The proposed car wash is not an appropriate use at the subject location on North Coast Highway, which is designated as a Scenic Highway."

The Staff Analysis stated "The current project proposal is identical to the previous application, except that several operational and noise reduction measures have been incorporated into the present application." (The majority of the City Council members had stated that noise generation or reduction was not an issue for them.)

Change of C-1 to C-N - Previous Coastal Commission Action (Balancing of Uses):

The "existing balance of resident serving uses in the same vicinity and zone" was not taken into consideration in the subsequent approval of the proposed project, as required by Municipal Code Section 25.05.30. The loss of this lot for a visitor serving use, will further reduce Tourist Commercial opportunities in this area of Laguna Beach. The approval of what is considered a "low priority" use at the entrance to Laguna Beach and the main access to one of the largest visitor and resident family serving beaches, Crescent Bay, will adversely impact public access to the beach for a number of reasons. (This beach is the only one with a restroom between Heisler

COASTAL COMMISSION

Park and Crystal Cove State Park.)

In 1994 and 1995, the Coastal Commission and Coastal Staff was concerned at that time that there would be a decrease of tourist-visitor serving uses if this zone change was adopted as proposed. Therefore the Coastal Commission required that the C-N zone be amended to allow the Planning Commission to add any uses that are expressly allowed in the C-1 zone and also that the "existing balance of resident serving uses in the same vicinity and zone shall be a consideration when reviewing conditional use permit applications."

The Coastal Commission Staff Report (dated September 28, 1994 at page 7) states in part, with regard to the previous C-1 zoning:

"The current zoning places a priority on visitor serving uses, such as restaurants, handicraft shops and retail. Lower priority uses, such as car washes, schools and hospitals, require a conditional use permit. Lowest priority uses are only allowed if limited to less than 50% of the gross floor area and if located above the ground floor level. These uses include offices, trade services such as dressmaking and shoe repair, and private clubs."

Under the Coastal Commission Staff Report heading "8. Visitor Serving Commercial Uses, at page 7, the staff wrote:

"The proposed amendment would result in a decrease in the number of parcels which provide a priority for visitor serving uses and the loss of some significant visitor serving uses entirely."

The certified Land Use Plan states, under Neighborhood Commercial Facilities, at page 26, and quoted in the Coastal Commission Staff Report (at page 7) :

"Traditionally, resident shopping needs have been interspersed with visitor-serving facilities and other miscellaneous land uses, creating problems of access and convenience, and land use inefficiencies, with residents and visitors competing for limited parking opportunities. The City lacks sufficient commercial vacant land to centralize or integrate these services."

The Coastal Commission Staff Report uses the terms "Neighborhood Commercial" and "Local Business/Professional" interchangeably. The Coastal Commission staff went on to address the reasons for keeping the wording of Section 25.19.006 "The existing balance of resident/serving uses in the same vicinity and zone shall be considered when reviewing conditional use permit applications." as follows:

COASTAL COMMISSION

"... the existing balance of resident serving should remain a consideration when reviewing permits. Without such review a lack of one kind of use and a glut of another could result. Review of the balance of existing uses allows for larger than single parcel consideration of potential impacts. Additionally, express consideration of the intensity of use as it relates to neighborhood compatibility could limit the amount of visitor serving uses which have already been determined to be allowable uses in the C-N zone. . . . If the paragraph remains unchanged, visitor serving commercial development would not be discouraged."

To deal with this, the C-N ordinance was amended to allow C-1 uses in the C-N Zone, with approval of a discretionary Conditional Use Permit. The Coastal Commission's intent in doing this was to allow resident serving uses to predominate in these residential areas near the city's beaches, but to require that the resident serving uses be balanced with tourist commercial and that a "glut" of similar uses be avoided.

Circulation Plan: Existing access to Crescent Bay beach will be adversely impacted. The nature of the intersection, with the double signal light compounds the problems of conflict. The Cliff Drive/NCH/Viejo intersection is not a true "T". It is a "dog leg". There are two signals within a short distance of each other. There is also a center turn lane along the frontage of 1369 which will lead to substantial conflicts between cars; and pedestrians and cars in the existing intersection, even though left turns will be prohibited.

Cliff Drive leads to one of the most popular spots in the area, namely Crescent Bay beach.

Cliff Drive is the entrance to a residential neighborhood and popular beach and the conflicts beach users and resident serving uses will be greatly increased.

CalTrans will not allow traffic going north on North Coast Highway, to turn into the car wash across south bound traffic. Therefore all north bound traffic coming to the car wash on North Coast Highway, will turn left onto Cliff Drive, and then make a quick right turn into the car wash.

When there are cars emerging from the wash tunnel, or being moved from the drying areas, the traffic attempting to enter will back up on Cliff Drive, causing a traffic problem on Cliff and North Coast Highway.

To accommodate the increased use of Cliff Drive, the center line of Cliff Drive will have to be moved 3 feet to the south of the present center line.

This reduces the travel lane and narrows the available walkway for pedestrians down Cliff Drive to the beach at Crescent Bay. Cliff Drive is used as the main vehicular and pedestrian access to Crescent Bay from North Coast Highway and the areas above the highway. Beginning early in the morning, the scrubby

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arrive and park on North Coast Highway, Cliff Drive and adjacent residential streets. As the Divers leave, the tourists come and park on the same streets for the day.

The multitude of children, babies, toddlers, beach equipment, baby equipment, bicycles, wagons and parents, singles and seniors who use this beach is overwhelming, especially during warm weekends and summers. These are the same type of days that attract dirty cars. The potential for serious injury, where car wash patron, or car wash valet encounters beach going pedestrian in the street (as there is no where else to walk) is significant. See attached photos.

It was stated during an earlier hearing that if the car wash is crowded, "they will just come back later." However, to get back to Laguna they will have to turn around somewhere past the car spa and head back to town. This means a left turn at Crescent Bay Drive, Mc Knight Drive or at Smithcliffs. Coming into Laguna, from the north, and finding the "car spa" busy, they will have to turn into Cliff Drive, and make a U-turn, to get back out, to get back to the traffic signal and turn left on North Coast Highway from Cliff.

This conflict between the internal circulation plan, which requires the cars to be in a constant state of movement, and the surrounding street circulation problems, will increase the existing conflicts between those who frequent the area and people bringing their cars to be washed.

Parking: The project applicant states that they will have up to 18 employees during the operating hours of the car wash. The City states that the number of Parking Spaces required by the Parking Ordinance of Laguna Beach for these uses is 22 spaces. The Applicant states 26 spaces are required. 5 parking spaces are provided on the lower, or underground level of this project, 2 of these 5 are required by the upstairs apartment. The other 17 or 21 "provided parking spaces" are actually car storage spaces required for operation of the intended uses. The applicant claims that with "valet" parking provided by the employees, the proposed project will actually provide 45 spaces.

The Land Use Plan states at page 34 and 35, that the following are the policies of the City of Laguna Beach:

2-K "New Development shall provide adequate on-site parking for all demands created by the development . . ." and

2-N "The City shall increase its standards for parking in new development to reflect the actual parking needs of the development and to assure that parking needs generated by the new development will not usurp on-street visitor parking."

COASTAL COMMISSION

This project does not provide adequate parking for the uses proposed, nor for the number of employees required to operate this type of car wash. Nor is there adequate public transportation within the City of Laguna Beach to get these employees to work before the Car Wash opens or on Sundays.

The City has not adopted more stringent standards for parking, in accordance with the LUP, but has relaxed both the standards and the application of the standards for parking requirements, as evidenced in the approval of this project.

One of the more creative applications of the requirements of the Parking Ordinance has been done in this project. Not only are the actual areas where the permitted "uses" take place counted as parking spaces, such as the wash tunnel, the detail areas, and the drying areas, but even the driveways required for interior circulation are being counted as parking spaces. If you can fit a car in it, the applicant is counting it as a parking space and the City is allowing this to be done.

Laguna Beach has become the city which satisfies the additional parking requirements due to intensification of uses by approving "valet parking" for everything. The cars are no longer actually stored, but kept moving in a perpetual shell game. This is not only illogical, and carries the valet parking concept too far, but results in the new uses usurping the existing on-street visitor parking.

The wash tunnel (4 cars) and the detail areas (4 cars) are the uses that generate the need for parking spaces. They cannot be used as parking spaces as well. They cannot be counted as parking spaces to satisfy the parking requirements. The travel lanes should not be counted as parking spaces either, as these are needed to move the cars through the car wash.

Another reason the parking provided is inadequate according to the LUP, is that the Parking Ordinance was not written to require adequate parking for this kind of hybrid "hand wash/ automated car spa" use.

The Parking Ord. states at "25.52.004, under General provisions.

(a) Minimum Requirements. The parking requirements established are to be considered as the minimum necessary for such uses permitted within the respective zones and where discretionary permits are required, these requirements may be increased if it is determined that the parking standards are inadequate for a specific project. . . . "

This project requires a CUP, which is a discretionary approval. Therefore it is incumbent upon the City to require parking for the 18 employees which the project proponent states will be working on the lot daily. The use is labor intensive, something not contemplated by the parking requirements for an "old-fashioned, automated" car wash. In accordance with the Land Use Plan and the

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Parking Ordinance, the time to assure that adequate parking is provided based on the uses proposed was during the discretionary approval process, such as the granting of a Conditional Use Permit. This was not done.

Employee parking: Municipal Code Section 25.52.012 (c) (1) states "the number of employees for a business shall be equal to the greatest number of employees during any shift of work." under the section on how to "determine the number of required parking spaces".

Yet the only other place that the term "employees" is used or mentioned in the current parking ordinance for Laguna Beach is here and under the requirements for a "Public utility facility" which requires one space for each employee, with a minimum of two. The City has eliminated the specific requirement for employee parking in all other uses, in spite of the Policies contained in the Land Use Plan.

The City of Laguna Beach is in violation of the Coastal Act and the City's LUP, because it has eliminated the requirement for employee parking, and does not require it during a discretionary approval.

Do we believe that "employees" float to work. Some provision for requiring employee parking must be added back into the Parking Ord. or the City will come to a halt due to the employees "phantom" cars.

When the City of Laguna Beach amended their Parking Ordinance to delete parking for employees of businesses, the City did not eliminate subsection (c) of Municipal Code Section 25.52.012 included therein.

Auto Wash, Mechanical; Auto Detailing; Car wash, Full-service; or Car Spa?

The type of car wash that was contemplated by the Parking Ordinance (before the invention of "car spas") was the kind where they hand vacuum the car, and send it through the wash tunnel. The water was blown off at the end of the tunnel. They even advertised that the car was never "touched" by the human hand. Then they began to wipe the water off quickly at the end with a cloth. This is the "Beacon Bay" type of car wash.

The Code states that "Auto wash, mechanical means the washing of cars using an assembly line method in which vehicles are moved through a series of sprays and brushes or any washing process in which steam is employed".

The number of employees in that type of car wash are minimal, and the car wash was entirely automated. Retail sales and food/beverage services were not considered an "ancillary use" to a car wash when the ordinance

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was originally adopted.

"Detailing" was added to the parking ord. to provide for those kinds of car washes like the "Hand Job", where they keep the car most of the day and spend a couple of hours working on it. And even the parking required for that use is not adequate because no car storage for finished cars is required. Retail sales were NOT contemplated for this personal service use.

A "Car Spa" is a hybrid or multiple use: A "car spa" is designed to pamper both car and owner. As such, it ADDS (to the old fashioned waiting area) other services which "pamper and/or cater to" the owner. The owner stated that it is NOT an AUTOMATED CAR WASH in concept. I agree. Therefore the parking requirements for an "old style" automated car wash where the cars owners sat on hard benches in the sun and couldn't wait to get out the place, should not apply either.

More "hand detailing" is done to each car. The average car stays on the site longer. While waiting for this "hand drying" to be done, it is the nature of a "Car Spa" to hope that the waiting car owner will t tempted by a variety of items for sale, and for the consumption of food and drink. This results in additional income to the business.

To provide adequate parking as required by the LUP, the City must determine the parking required for multiple uses by one owner/operator within one Project: When the LUP was written, parking was required based on all the different uses on a project site, or within a building.

Just as parking for a retail, office and residential use within one building is figured on the amount of parking required by the square footage of each use, staff required parking based on the various uses proposed within a site, building, or individual business, unless they were closely related in type and needed to operate the proposed business.

While the provisions for parking for new businesses within Laguna have been changed, the need for additional parking in the City has not.

There has been no amendment to the parking ordinance to do away with this requirement, but somehow staff and commission has changed the application of the ordinance.

Loss of On-Street Parking Because adequate, actual, and viable parking spaces have not been provided on-site for this project, there will be a significant loss of on-street visitor

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parking in the area surrounding the proposed car wash, which will impact the ability of visitors to use a very popular beach.

Crescent Bay is a popular beach for both residents and tourists. If there is not enough parking provided on the car wash site for the 18 employees, and the customers and the cars after they are detailed, but before they are picked up by their owners, then the overflow will be parked on the surrounding streets.

The Newport Car Spa, is similar in size and location to the proposed Sweetwater Car Wash, and it is so busy that the cars which have been "detailed" and finished have to be parked on the surrounding streets because there is no room on the "car spa" lot.

The Local Coastal Plan states that on-site parking must be adequate for new projects so that new uses in the Coastal Zone do not compete with visitors for limited on-street and other existing parking resources. It would seem that recent modifications to the Parking Ordinance and informal interpretations have rendered this requirement meaningless with regard to this project.

(NOTE: Careful study of the municipal code proves that the definition section no longer bears any relationship to the parking ordinance's use of terms. Employee parking requirements must be added back into the code. Loading Zones must be required for all new businesses that will have truck deliveries.)

The City is in violation of the General Plan because it has not adopted an adequate updated Noise Ordinance for the City of Laguna Beach.

The only Noise Standards in the City are contained in the Zoning Code for the M-1 and the M-1A zones. The only significant amendment to the Noise Ordinance adopted in 1942 by the City of Laguna Beach is the section outlawing leaf blowers in 1994.

This lack of an updated Noise Ordinance is a significant omission by the City of Laguna Beach, which has not implemented the Noise Goals and Policies within the General Plan.

Noise levels are an issue here, because the rooms of the Hotel next door are all on the second floor, and a 6 foot wall on the boundary line of the property will not muffle the noise from the car wash sufficiently to prevent the Visitors rooms from being adversely impacted. A low priority coastal use, such as a car wash, should not be allowed to negatively impact an established visitor serving use.

The Existing AMBIENT NOISE LEVELS

Mon-Fri

Sat-Sun

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North boundary	(North Coast Highway)	73.1 Leq dBa	71.9 Leq dBa
South boundary	(Residential on Circle Way)	63.9 Leq dBa	63.9 Leq dBa
East boundary	(Cliff Drive)	66.0 Leq dBa	66.0 Leq dBa
West boundary	(Hotel-all rooms on 2 nd floors)	63.8 Leq dBa	63.3 Leq dBa

The project is inappropriate for the particular location as proposed and approved.

There is not sufficient staff assigned to code compliance efforts at City Hall to assure compliance with the 40+ Conditions which the City adopted in an attempt to make this project in compliance with the Local Coast Program. The neighbors will have to purchase a noise meter and use it to enforce the conditions, because City Staff won't be out there monitoring the noise. Complaints are only taken at the counter if the person complaining is willing to sign their name. Other City's do not have this requirement, or keep the complaints confidential. If the City can't or won't enforce the condition, the complaining neighbor is soon regarded by Staff as a "crank".

Who determines when "queuing" on Cliff Drive is a problem. Do the neighbors have to sit there with a Video camera to prove it ?

The purpose of Conditions is to assure the neighbors that the project will NOT adversely impact them if built as proposed, not force them to become the City's inspectors.

Specifically Conditions # 1 - 15 and #17 - 25 simply restate existing City Requirements and do not contain any provisions that any other construction project (of this size and in a similar location) would not have to meet. Condition #16 simply restates the rights of the Design Review Board regarding its rights and duties in reviewing the project.

Condition # 26 and 27 only applies to the Residential Homes located directly behind the Car Wash and does nothing to mitigate noise heard in the upstairs bedrooms of the homes to the west, and noise which will impact the economic viability of The Crescent Bay Inn rooms next door to the west, since all of the sleeping units are located on the second floor, and sound carries up.

The main entrance driveway to the hotel is located on the west side of the hotel property, and the driveway referred to in the December 2, 1999 LSA Noise Supplement is the access to the garage parking on the lower level of the hotel. All rooms are located on the upper level, significantly above the allowed height of any wall which could be required along this boundary.

Conditions #28 and 29 benefit the Car Wash apartment only. If the Apartment limited to Manager use only ? That was the original justification for it, and the only way to make

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the parking for it work.

Condition #30 setting operating hours creates a conflict with Conditions #31 and 32. Condition #31 states that employees must "park on-site" (in one of 3 actual spaces available). Condition #32 states that employees must car pool, bicycle, walk or ride the bus. And that the property owner must provide free bus passes to employees.

In the future, the "property owner" could be different from the "car wash operator". How will the City enforce the requirement that the "property owner" furnish bus passes to the car wash employees? In addition, the City already provides FREE bus passes to any person employed in the City of Laguna Beach (a 50 punch pass). Or did the staff forget.

Using the bus will not be much of a Mitigation Measure on weekends. The first City bus does not reach this corner until 10:00 a.m. on Saturdays, but the car wash proposes to open at 8:00 a.m. On Sundays, there is no City bus in operation, but the car wash plans to open at 9:00 a.m. So no employee will ride the City bus on the two busiest days of the week, when parking conflicts in the area are the worst.

Opening at 7:00 a.m. on week days, 8:00 a.m. on Saturday, and 9:00 a.m. on Sunday will greatly impact the peace and tranquility of the surrounding residents, and hotel guests and adversely impact property values.

Condition #33 only restates what should be existing regulations regarding vehicle sales or repairs on site. There are already at least 6 car wash/detail businesses in Laguna Beach, and the City does not currently keep them from doing repairs on site, or having cars for sale.

Condition #34 does not address the noise from the 6 hand held, high pressure blow dryers or the 8 polish buffers which are high pitched, hand held, electric buffers which will be used in the detail area. The noise from the 8 polish buffers (4 detail spaces, one man on each side of a car) has not been quantified or addressed in any Noise Report or supplemental noise report done for this project.

Conditions # 35, 36, and 37 do not solve the resident's problems with regard to the traffic circulation problems generated by this proposed project. # 36 does remove existing on street beach parking spaces along Cliff Drive, reducing Beach access to Crescent Bay Beach in conflict with the Coastal Act.

Who regulates compliance with Condition # 37, (the queuing problem)? How will this condition be verified. Is Kyle Butterwick, as Director of the Planning Dept., actually going to personally enforce these conditions on a daily basis as set forth in the Mitigation Monitoring Program?

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Condition # 40, while prohibiting honking and whistles is admirable, how is the Director of Community Development going to enforce this Condition of Approval ?

Condition # 42 is the only condition which may protect the residents, but it has no real teeth or penalty, and based on conflicts with the wording and terms of Conditions # 22, 23, 24, 25 26, 27, 28, 29, 38 and 40 it is unknown how these will be enforced if Condition #42 is controlling. In some cases they remedies they set forth are conflicting. This happened because they were written BEFORE the ambient noise levels were established.

Condition # 43 requires the Planning Commission to "re-evaluate the project and identify alternative solutions, including the potential closure of the Cliff Drive Access" should the "operational characteristics of the car wash cause traffic queuing on Cliff Drive". However, this is the only condition which uses the mandatory term "shall".

The time to identify "alternative solutions" to a potential problem is before the project is approved, during the CEQA process, not after the applicant has built the project, and incurred further substantial investment of capital, time and effort. This condition is in violation of CEQA, and is also almost impossible to enforce as discussed earlier herein.

Condition # 44 requires a Public Hearing 6 months after the car wash opens to "review the operation for compliance with the approved Conditional Use Permit. Any areas of non-compliance or significant impacts noted by neighbors may result in a modification to the conditions of this Conditional Use Permit."

What is a "significant impact" ? What is the definition ? Who determines what is significant ? How is it determined ?

The term "may" is permissive, not mandatory. Therefore it gives the neighbors no assurance that the City will actually adopt further conditions, or even modify the current conditions to deal with any problems. Condition #44 has no teeth.

What is the City or the Coastal Commission's liability if the car wash were forced to significantly change its operation or even close, if the Conditions must be changed after the 6 month trial period?

While the Conditions as written would lead the neighbors to believe that they are protected if the car wash has more significant adverse impacts than expected after it is approved, it is doubtful that any Court in Orange County would actually allow the City to shut this use down if the Conditions are violated. Nor would the Courts allow a significant change in the operations of the use, if that change posed a significant adverse financial impact to the owners of the recently approved use.

It is useless to "close the barn door after the cow is gone" as the saying goes.

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This use, if approved, could generate years of expensive litigation trying to enforce the Conditions, or litigating what the conditions mean or how they are enforced.

Lot Split - TPM 99-119 / CDP 99-39:

The Land Use Plan states that all new lots created should meet the requirements of the minimum standard. Allowing another residential lot that does not meet the zoning standard of a 70 ft. width, limits the ability of any new owner of the lot to build a home which is not impacted by the adjacent car wash use.

A buffer was supposed to be provided between any new commercial use and the surrounding Residential homes in the area, according to the minutes of the meetings on the original change in zone from C-1 to C-N. At no time was the resulting R-1 lot considered the "buffer" between uses. For this use, the findings for a Variance cannot be made.



September 27, 2000

Steve Rynas, District Supervisor
California Coastal Commission
200 Oceangate, 10th floor
Long Beach, CA 90802-4302

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CALIFORNIA
COASTAL COMMISSION

RE: Commission Appeal No. A-5-LGB-00-183 (CDP 00-08) & 184
(CDP 99-39B)

Dear Steve,

This office represents Mr. Scott Thompson who on April 4, 2000 received Laguna Beach City Council approval for Conditional Use Permit 00-02, Coastal Development Permit 00-08, the Mitigated Negative Declaration/Mitigation Monitoring Program, and adoption of Resolution 00.027 for a mixed-use facility including a car wash with ancillary retail sales and a residential studio unit at 1369 N. Coast Hwy.

Prior to that approval, on March 21, 2000 the City Council also approved Tentative Parcel Map 99-119, Variance Application 6594, Coastal Development Permit 99-39B, the Mitigated Negative Declaration/Mitigation Monitoring Program, and adoption of Resolution 00.021 to subdivide Lot 2 of Tract 1087 into two parcels, separating R-1 (Residential Low Density) and C-N (Commercial-Neighborhood) zone designations.

It is our understanding that your office received an appeal dated May 15, 2000, for the above referenced permits. After a review by this office, it appears that the appeal is based on numerous land use issues governed by the City of Laguna Beach and not necessarily any local coastal issues mandated by the California Coastal Commission.

LOCAL COASTAL PLAN COMPLIANCE

According to section 25.07.012 (G) of the City's Municipal Code, a Coastal Development Permit application may be approved or conditionally approved only after the approving authority has reviewed the development project and made all the of the following findings:

1. (That) The project is in conformity with all the applicable provisions of the General Plan, including the certified local coastal program and any applicable specific plans.

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Resolution 00.027 approved by the City stated that *"The project is in conformity with all the applicable provisions of the General Plan, including the certified local coastal program, in that the proposed project has been conditioned to minimize potential impacts and risks from geologic hazards, and the project must comply with Title 22, which sets forth rules and regulations to rigorously control all aspects of grading, including cut and fill operations, water runoff and soil erosion."*

2. (That) Any development located between the sea and the first public road paralleling the sea is in conformity with the certified local coastal program and with the public access and public recreation policies of Chapter 3 of the Coastal Act.

Resolution 00.027 approved by the City stated that *"Any development located between the sea and the first public road paralleling the sea is in conformity with the certified Local Coastal Program and with the public access and public recreation policies of Chapter 3 of the Coastal Act in that the project site is designed to not impede public access, nor will the proposed project conflict with recreation policies."*

3. (That) The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

Resolution 00.027 approved by the City stated that *"The proposed development will not have any significant adverse impacts on the environment within the meaning off the California Quality Act in that mitigation measures have been incorporated into the project approval to mitigate potential impacts on the environment."*

The findings found in Resolution 00.021 for the approved subdivision cites similar language to the findings referenced above.

The mitigated negative declaration was prepared for the project by the City's Department of Community Development and reviewed in accordance with State Guidelines for the implementation of the California Environmental Quality Act to determine its impacts on the environment. It was found through an initial study prepared on October 27, 1999 and later amended on February 2, 2000 that the project does not have a significant effect on the environment. In addition to the three CDP findings referenced above, "Mandatory Findings of Significance" were also identified in the initial study and stated the following:

1. *The proposed project does not have the potential to degrade the quality of the environment, nor significantly impact biological habitat or*

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wildlife, as City codes and the mitigation measures incorporated herein will reduce any potentially significant impact to a level of insignificance

2. The proposed project will not create cumulatively considerable impacts, as the vacant building site had previously been improved with a gas station, and the mitigation measures incorporated herein will reduce any potentially significant impact to a level of insignificance.

3. The proposed project will not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly, as the vacant building site had previously been improved with a gas station and any potentially significant impact related to the proposed development will be mitigated to a level of insignificance.

The Mandatory Findings of Significance are based on the following environmental factors which were considered to "potentially" have impacts by the proposed project:

<u>Environmental factor</u>	<u>Evaluation</u>
a. Aesthetics	No impact to less than significant impact
b. Air quality	No impact to less than significant impact
c. Biological resources	No impact
d. Cultural resources	No impact
e. Geology and soils	No impact to less than significant impact
f. Hazards & Hazardous materials	No impact to less than significant impact
g. Hydrology and water quality	No impact to less than significant impact
h. Land use and Planning	No impact
i. Noise	No impact to less than significant with mitigation incorporated
j. Population and housing	No impact
k. Public services	No impact
l. Recreation	No impact
m. Transportation/traffic	No impact to less than significant with mitigation incorporated
n. Utilities and service systems	No impact

APPELANT ISSUES

The arguments identified in the appeal include 1) the inappropriateness of the use at this site due to its resident serving quality, 2) the vehicular impact to pedestrian access, 3) traffic, 4) parking, 5) the inappropriateness of the use at

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this site due to location, and 6) inconsistency with governmental agency policies and codes.

Items (1) & (5): Inappropriateness of use due to its resident serving quality and location.

The appellant states that the existing balance of resident serving uses in the vicinity and zone was not taken into consideration per section 25.05.030 of the City's Municipal Code. This section actually deals with the compatibility of a proposed use with adjacent uses and not necessarily a balance of uses. The proposed project complies with this section in that it was "modified to the extent that it was made compatible and harmonious with adjacent uses with the adoption of several conditions and revisions to the original request".

With regard to the balance of uses, there currently is no carwash of this type in North Laguna. Therefore, the approved use adds to the existing balance of land uses in the immediate area within the C-N zone, including a hotel, a motel, an automotive repair station, a convenience store, etc.

The appellant cites that "loss of this lot will further reduce tourist commercial opportunities". During the mid 1990's, the City adopted a zone change in this section of the City from C-1 to C-N and a General Plan Amendment from Commercial/Tourist Corridor to Local Business Professional ("LBP"). The amended LBP designation was implemented to establish a land use area which would better serve the needs of the resident population. The claim by the appellant that the approved use is considered "low priority" is therefore incorrect since the C-N zone features "principal activities as commercial retail functions, service oriented businesses, office/professional uses, and limited residential uses" and features "a stricter orientation to resident-serving businesses" than other zones. Since the C-N zone specifically allows a car wash subject to the granting of a conditional use permit, it is in strict compliance with the LBP land use designation.

ITEMS (2), (3) & (4): Vehicular impact to pedestrian access, traffic and parking.

The appeal cites numerous access, circulation, and traffic impacts which conflict with a traffic and circulation report prepared by LSA and Associates for the approved project. LSA originally prepared a positive and supporting report for the project with certain conditions and also included specific modifications based on recommendations by Fred Agah and Danny Pishdadian of Cal-Trans. 12th District Operations, Steve May with the City of Laguna Beach Public Works Department, the City of Laguna Beach Planning Department and Jim Otterson with Linscott Law & Greenspan (an independent third party traffic consultant hired by the City). Both traffic and noise factors are documented by the City and consultants to have less than significant impacts with mitigation incorporated.

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The appellant's claims on traffic, circulation and noise are only opinion based and have no factual or technical basis. Since the initial review of this project by the City's Planning Commission on June 23, 1999, the appellant has failed to provide valid documentation from licensed professional engineers which would support such claims. Each and everyone of the applicant's studies and/or reports were prepared by licensed professional engineers and consultants experienced in their respective fields.

ITEM (6): Inconsistency with governmental agency policies and codes.

As identified in Resolutions 00.021 & 00.027, the approved project complies with local and state requirements based on the municipal code and mitigation measures resulting from technically based analyses. With regard to the approval of the subdivision which required a variance for substandard lot width, specific findings were made by the City Council which are identified in Resolution 00.021.

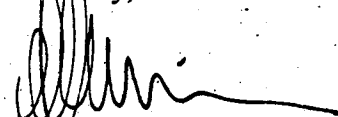
CONCLUSION

The referenced permits for this project were approved in conjunction with numerous agency reviews and independent consultants including the City's Planning Dept., Public Works Dept., Planning Commission, and City Council, an independent third party traffic consultant and geologist, and Cal-Trans. All potential impacts have been addressed through conditions of approval and a mitigation program. As identified in the City's staff reports, the project complies in every aspect with the City's Land Use Element, Municipal Code, and Local Coastal Plan.

It is my understanding that it is Coastal Commission staff's goal to schedule the appeal for the November 2000 agenda. I am hopeful that this document can assist you in achieving that goal and in finding that there lies no substantial issues with regard to this project.

Please contact me with any questions or concerns regarding this City of Laguna Beach approved project.

Sincerely,



Todd Skenderian

CC: Scott Thompson

Encl: Agenda Bill No. 11 dated April 4, 2000
Agenda Bill No. 4 dated March 21, 2000

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