

**CALIFORNIA COASTAL COMMISSION**

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RECORD PACKET COPY

July 18, 2001

**TO:** Commissioners and Interested Persons

**FROM:** Deborah Lee, Deputy Director  
Stephen Rynas, Orange County Area Supervisor  
Meg Vaughn, Coastal Program Analyst

**SUBJECT:** Major Amendment Request No. 1-00 to the City of Laguna Beach Certified Local Coastal Program (For Public Hearing and Commission Action at the August 7-10, 2001 meeting in Redondo Beach).

**SUMMARY OF LCP AMENDMENT REQUEST NO. 1-00**

The City of Laguna Beach Local Coastal Program (LCP) was certified by the Coastal Commission in July 1993. The Downtown Specific Plan is part of the City's certified LCP Implementation Plan. Only the Implementation Plan (IP) portion of the certified LCP is affected by this amendment.

The amendment request is proposed to revise and update the City's Downtown Specific Plan. The amendment is intended to maintain and enhance the vitality and unique village character of the downtown area by encouraging resident serving uses as well as visitor serving uses. In addition, the amendment would also encourage pedestrian use, and improve general attractiveness and cleanliness in the downtown area. Also, a new Civic Art District is proposed which would apply to the arts festivals, City Hall and Village Entrance areas. This new district is proposed to create an "entrance" to the City, and to focus on arts- and civic-related uses, and to enhance pedestrian access and streetscape.

**SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending that the Commission, after public hearing:

1. Deny the amendment request to the Implementation Plan as submitted;
2. Approve, only if modified, the amendment request to the Implementation Plan.

The motions to accomplish this recommendation are found on page 3. The suggested modifications, found on pages 4 through 6, are necessary to ensure that the proposed resident serving policies do not take priority over visitor serving policies, and that public access, especially with regard to parking, is maintained and enhanced. Only if modified as suggested will the Implementation Plan amendment request be consistent with and adequate to carry out the provisions of the certified Land Use Plan (LUP).

### **STANDARD OF REVIEW**

The standard of review for the proposed amendment to the LCP Implementation Plan, pursuant to Sections 30513 and 30514 of the Coastal Act, is that the proposed amendment is in conformance with, and adequate to carry out, the provisions of the certified Land Use Plan (LUP).

### **SUMMARY OF PUBLIC PARTICIPATION**

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

During the preparation, approval, certification, and amendment of any local coastal program, the public, as well as all affected governmental agencies, including special districts, shall be provided maximum opportunities to participate. Prior to submission of a local coastal program for approval, local governments shall hold a public hearing or hearings on that portion of the program which has not been subjected to public hearings within four years of such submission.

The City of Laguna Beach Planning Commission held numerous workshops to discuss revisions to the Downtown Specific Plan from July 9, 1997 to September 22, 1999. The Planning Commission approved the revised Downtown Specific Plan at a public hearing held on November 17, 1999. The first City Council public hearing was held on February 8, 2000. The City Council approved the revised Downtown Specific Plan at a second public hearing on March 28, 2000. Public notices for the public hearings were mailed to interested parties and were printed in the newspaper. Comments expressed at the public hearing included concerns of how the proposed revisions may effect downtown businesses.

### **ADDITIONAL INFORMATION**

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

I. **STAFF RECOMMENDATION**

Staff recommends adoption of the following motions and resolutions:

A. **Deny the amendment to the LCP Implementation Plan as submitted**

**MOTION**

*"I move that the Commission reject Amendment Request No. 1-00 to the City of Laguna Beach LCP Implementation Plan as submitted."*

Staff recommends a **YES** vote which would result in the rejection of the amendment as submitted and the adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

**Resolution to reject the amendment to LCP Implementation Plan as submitted**

*The Commission hereby rejects Amendment Request No. 1-00 to the Implementation Plan of the City of Laguna Beach certified Local Coastal Program, as submitted, for the reasons discussed below on the grounds that it does not conform with, or is inadequate to carry out, the provisions of the Land Use Plan as certified. Approval of the Implementing Actions would not meet the requirements of Section 21080.5(d)(2)(A) of the California Environmental Quality Act in that there are alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effects which the approval of the amendment to the Implementing Actions would have on the environment.*

B. **Approve the amendment to the LCP Implementation Plan if modified**

**MOTION**

*"I move that the Commission certify Amendment Request No. 1-00 to the City of Laguna Beach LCP Implementing Ordinances if it is modified in conformity with the modifications set forth in this staff report."*

Staff recommends a **YES** vote which would result in certification of the amendment with suggested modifications and the adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

**Resolution to certify the amendment to the LCP Implementation Plan if modified**

*The Commission hereby certifies Amendment Request No. 1-00 to the Implementation Plan of the City of Laguna Beach Local Coastal Program, for the reasons discussed below on the grounds that the amended ordinances, maps, and other implementing actions are consistent with, and adequate to carry out, the provisions of the certified Land Use Plan, as provided in Section 30513 of the Coastal Act, if amended according to the suggested modifications stated in Section II of this report. Approval of the Implementing Actions meets the requirements of Section 21080.5(d)(2)(A) of the California Environmental Quality Act in that there are no further feasible*

alternatives or mitigation measures available which would substantially lessen any significant adverse impact that the approval of the Implementing Actions would have on the environment. The Commission further finds that if the local government adopts and transmits its revisions to the amendment to the Implementing Actions in conformity with the suggested modifications, then the Executive Director shall so notify the Commission.

## II. SUGGESTED MODIFICATIONS

Certification of City of Laguna Beach LCP Amendment Request No. 1-00 is subject to the following modifications.

The text as submitted by the City is shown in regular text.

**The suggested additions are shown in bold, italic, underlined.**

~~The suggested deletions are shown in strike-out form.~~

Topic 1 Village Character, Policies, page III-4:

3. ~~Except in the Civic Art District where Design Review will continue to be conducted by the Design Review Board, r~~Review of proposed uses and physical improvements in the downtown shall be conducted by the Planning Commission, and shall include monitoring of the look and feel of the downtown to ensure continuation and enhancement of the village character. An evaluation of "look and feel" is subjective, but will include consideration of some or all of the following qualities: artistic, historic, pedestrian-friendly, consistent in exterior architectural design and color with neighboring properties, and featuring non-mass produced products. In addition, the Arts Commission will review all art features and provide a recommendation.

Topic 3 Downtown Commercial Uses, Policies, pages III-13 and III-15:

2. Maintain present stock of resident-serving businesses and encourage the establishment of additional resident-serving businesses **within the CBD-1 Resident-Serving district.**

Delete proposed Policy 20:

20. ~~Establish a resident-only parking area.~~

Add the following revised Policy 20:

**20. Prepare a Downtown Specific Plan Parking and Traffic Management Program. A resident-only parking area may be considered as part of this plan only if the needs of visitors and beach goers are adequately provided for. The Downtown Specific Plan Parking and Traffic Management Program shall be incorporated into the Downtown Specific Plan and shall be subject to the review and approval of a Local Coastal Program.**

Delete the proposed Policy 21:

21. ~~Consider establishing a downtown employee parking area.~~

Add the following revised Policy 21:

**21. Prepare a Downtown Specific Plan Parking and Traffic Management Program. An employee parking area may be considered as part of this plan only if the needs of visitors and beach goers are adequately provided for. The Downtown Specific Plan Parking and Traffic Management Program shall be incorporated into the Downtown Specific Plan and shall be subject to the review and approval of a Local Coastal Program.**

Topic 5: Parking, Circulation, and Public Transit, Discussion, page III-19, top of page:

**constraints that are specific to the downtown area. Under the current in-lieu fee program, the**

Topic 5: Parking, Circulation, and Public Transit, Discussion, page III-19, first full paragraph:

The adoption of the Downtown Specific Plan in 1989 limited the sale of in-lieu certificates to no more than three per building site. From 1989 through 1998, 74 in-lieu certificates were issued for 10 building sites. Of these 10 building sites, seven sites were issued three or fewer in-lieu certificates. Two other sites, with in-lieu certificates in excess of three, were in accordance with approval granted prior to adoption of the Specific Plan. The last site was granted as an exception due to unusual circumstances, including the removal of street parking. While it is apparent that the limit on in-lieu certificates has been successfully implemented, this limit also restricts the City's ability to assess the full cost of parking to the use that is generating additional parking demand. Further, as long as there are lower cost parking options available, such as off-site parking, business owners have no incentive to purchase in-lieu certificates. **In order to maximize the amount of parking provided with new development, the three certificate per building site limit shall be retained. Issues such as full cost recovery and providing incentives for maximum provision of parking shall be addressed in a new parking development and management system.**

Topic 5: Parking, Circulation, and Public Transit, Policies, pages III-19 and III-20:

1. Locate all-day (~~visitor and employee~~) parking outside the central portion of the downtown.

Add the following new policy after policy 3 and re-number accordingly:

**#. Encourage the establishment of a convenient shuttle service for beach-goers and downtown visitors to encourage use of outlying parking areas. This shuttle service may be combined with the employee shuttle service.**

8. Develop a traffic management plan that will address parking and circulation issues in the Central Business District, including a peripheral parking program for downtown employees, and that addresses all modes of transportation, including walking, biking transit and automobile. **The**

**traffic management plan shall be subject to approval of a Local Coastal Program amendment.**

10. Require either onsite parking, in-lieu fees (limited to a maximum of 3 per building site), or other fee as may be established through a parking management program, for all parking demands resulting from an intensification of use. **A parking management program shall be subject to approval of a Local Coastal Program amendment.**

11. Discourage the use of off-site parking to satisfy parking requirements until or unless such parking can be adequately monitored or replaced through a parking management program fee. **A parking management program shall be subject to approval of a Local Coastal Program amendment.**

12. Provide for convenient resident parking in the Central Business District only when balanced with the need to provide adequate visitor and beach goer parking.

13. Discourage the utilization of metered parking spaces for ~~all-day beach parking or~~ all-day downtown employees, except for all-day parking allowed on Cliff Drive and all-day parking allowed through the Business Parking Permit Program. **Providing incentives that discourage all-day beach goer parking from use of metered spaces may be considered when a parking management program is prepared, as long as public access is maximized. A parking management program shall be subject to approval of a Local Coastal Program amendment.**

14. Limit the number of in-lieu certificates that can be purchased for an individual building site to three (3) certificates or limit in accordance with a downtown parking management program. **A parking management program shall be subject to approval of a Local Coastal Program amendment.**

16. Establish a new parking development and management system that reflects policies 1-15, immediately above. The purpose of establishing this new program will be to implement a simple, equitable system that provides more tangible public benefits. In developing this new program, all due consideration should be given to maximizing public access to the coast and to visitor amenities, maximizing convenience for residents, minimizing uncertainty for business property owners, and transferring from landlords to tenants the benefits of any in-lieu parking certificates allowable under the new program. **The new parking development and management system shall be subject to approval of a Local Coastal Program amendment.**

Topic 10: Civic Art District, Policies, Page III-29:

5. Apply General Plan/Local Coastal Program policies and standards of the Downtown Specific Plan to the Village Entrance site.

### **III. FINDINGS**

The following findings support the Commission's denial of the IP amendment as submitted, and approval of the IP amendment if modified as indicated in Section II (SUGGESTED MODIFICATIONS) of this report.

The Commission hereby finds and declares as follows:

#### **A. Amendment Description**

The City is proposing to amend the certified Local Coastal Program (LCP) Implementation Plan (IP) by revising the existing Downtown Specific Plan (DSP). The DSP is incorporated into the LCP as part of the City's Implementation Plan. The Specific Plan was originally adopted by the City in 1989. It was certified by the Coastal Commission in July of 1993 as part of the City's total LCP certification (which included an amendment to the Land Use Plan and submittal of the Implementation Plan). The revised DSP was approved by the City in March of 2000.

The revisions to the DSP include reorganization and updating of the existing plan. As reflected in the City's LCP amendment submittal letter (see exhibit C) and in conversations with City staff, the City's primary goal in revising the DSP is to maintain and enhance the vitality and unique character of the downtown. By revising and updating the Specific Plan the City hopes to assure that the downtown area remains a vital and working downtown that provides a diversity of services and uses that will appeal to both visitors and residents alike. The City acknowledges that the business generated by visitors to the City is vital to the City's economy.

The City proposes to maintain the vitality and unique character of the downtown area by retaining and encouraging a diversity of uses. In order to do this, the City believes a balance between resident serving and visitor serving uses must be achieved. The proposed amendment, in an effort to achieve this balance, encourages resident serving uses and the promotion of resident parking. This raises some issues with respect to assuring that visitor serving uses and public access (mainly parking) are maintained and not adversely impacted by the proposed revisions. Visitor serving uses and public access are discussed in detail later in this report.

One new zone is proposed to be added, the Civic Art District. The area proposed to be zoned Civic Art District would be changed from the existing Specific Plan zone of CBD- Canyon Commercial (along the northeast side of Laguna Canyon Road) and CBD Office (along the northeast side of Forrest Avenue and 3<sup>rd</sup> Street). The Canyon Commercial District will be eliminated from the Specific Plan under the proposed amendment. An approximately one block area that was formerly zoned Central Business District-Office, will be re-zoned and added to the new Civic Art District area. The new Civic Art District is proposed to provide a focus on arts- and civic-related uses. The grounds of the City's main arts festivals (Festival of Arts, Pageant of the Masters, Sawdust Festival, and Art-A-Fair), as well as the Laguna Playhouse, are all located in this proposed district. Also included within this district are City Hall and other City owned properties. Creation of the Civic Art District is intended to encourage development of an attractive Village Entrance and to create a pedestrian connection between the art festival locations, the downtown business area, and Main Beach Park.

The vitality and unique character of the downtown is proposed to be enhanced by policies and guidelines that improve and encourage the general attractiveness and cleanliness of the area.

Proposed DSP policies will also encourage the provision of landscaping, pedestrian orientation, and unique design features throughout the downtown area. The unique design features include such things as mini-parks, unique sidewalk paving, decorative lampposts, and art in public places. The Urban Design section of the Downtown Specific Plan provides details on how these features will be established. The Urban Design section also addresses cleanliness through trash storage and removal requirements and regular cleaning of common areas.

In addition, the proposed amendment would transfer design review authority from the Design Review Board to the Planning Commission for projects within the Downtown Specific Plan. This is to be effected via a change to the existing Downtown Specific Plan and also a change to Section 25.05.040 (F) of Title 25, the City's Zoning Code. Title 25 is part of the City's certified LCP Implementation Plan.

The existing DSP allows density bonuses in the CBD-1 Resident Serving and CBD Office Districts. These districts allow some residential development subject to the restriction that there shall be no more than one dwelling unit for each 2,000 square feet of lot area. A density bonus of one dwelling unit per 1,000 square feet of lot area is allowed however, if the development is in an historically significant structure (per the City's historical resource inventory). The existing DSP also allows density bonuses in the Multiple-Family Residential District. This district allows one dwelling unit per 2,000 square feet of lot area. A density bonus of one dwelling unit per 1,000 square feet of lot area is allowed for units which are committed to long-term, low-income, senior citizen's housing (as defined under the Federal Government Section 8 Housing Program or its equivalent).

The LCP amendment proposes to retain these allowances for density bonuses. It should be noted that the certified Implementation Plan, at Sections 25.45.006 (F) and 25.18.002 (O), allows these same density bonuses as well. Application of these density bonuses are limited by the fact that the historical structures cannot be significantly altered if the bonus is to apply. Another limiting factor is the downtown areas single story height limit for new development.

## **B. Amendment Location**

The Downtown Specific Plan area includes all of the City's Central Business District and is generally bounded by the Laguna Canyon frontage Road, the Pacific Ocean, Legion Street and Cliff Drive (see exhibit B3). The DSP also encompasses the area called the "Central Bluffs" situated on the south side of South Coast Highway between Laguna Avenue and Sleepy Hollow Lane.

The City considers the downtown area to be the commercial, economic and social center of the community. Regarding the Central Business District, the City's Land Use Element of the certified Land Use Plan states:

*"The Laguna Beach Central Business District (CBD) emerged as the City's first community focal point. Today, this area represents the commercial, as well as the physical, economic and social center of the community. The CBD encompasses some 33 acres of land situated in the downtown basin of the community, generally delineated by Pacific Coast Highway on the south, Broadway to the west, Third Street to the north and Legion Street to the east. Existing land use is characterized by a broad range of commercial-related services, including visitor-serving uses such as restaurants, art galleries, custom boutiques, and local retail establishments catering to the needs of the resident population. In addition,*



*the CBD supports an increasing amount of office/professional uses and financial buildings. Only a few parcels support light industrial or residential uses, and these appear predominantly on the west side of Ocean Avenue, north of Beach Street, near the City's public transportation center. The heterogeneous pattern of land use in the Central Business district has attracted a rich diversity of people and community interests to this area, adding to the vitality and ambiance of this important center of the City."*

Also included within the DSP area is Main Beach Park. Main Beach Park is located at the base of Broadway (the final extension of Laguna Canyon Road) and seaward of Coast Highway. Main Beach Park is popular with visitors and residents alike. The park features an oceanfront boardwalk, landscaped lawns, benches and tables, basketball and volleyball courts, children's play equipment and sanitary restroom facilities.

**C. Visitor Serving Uses**

The Land Use Element of the City's certified Land Use Plan, contains the following policy:

*Encourage pedestrian access and orientation in the Central Business District.*

In addition, the City's certified Land Use Plan (in the Coastal Land Use Plan Technical Appendix) incorporates the following Coastal Act policies regarding visitor serving uses:

**Section 30213 (Part)**

*Lower cost visitor and recreational facilities ... shall be protected, encouraged and where feasible provided. Developments which provide public recreational opportunities are preferred.*

**Section 30222**

*The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general commercial development, but not over agriculture or coastal-dependent industry.*

By incorporating these Coastal Act sections, the City's certified Land Use Plan (LUP) retains the high priority of visitor serving uses over most other uses. Visitor serving uses are preferred because they increase the number of opportunities for the general public to enjoy the coastal zone. Residential and non-visitor uses do not. For example, restaurants in the coastal zone allow non-residents to dine with an ocean view or to eat a casual meal without having to interrupt their day at the beach. Hotels and motels in the coastal zone allow non-residents to extend their stay near the coast and so their enjoyment of coastal amenities overnight. Visitor serving retail shops allow non-residents to purchase supplies for beach use such as sand toys, sunscreen, or beach chairs. Also, for many visitors to the coastal zone, just the experience of shopping in a coastal atmosphere provides a visitor experience. Rental shops serving visitors to the coastal zone allow a visitor to use items such as roller skates, bicycles, or sun umbrellas that a visitor may not own, or which may be difficult to transport from inland locations. These are just a few of the many reasons visitor serving uses have priority over residential and non-visitor commercial uses.

The proposed amendment would add language to the Downtown Specific Plan (DSP) that might be interpreted as diminishing this higher priority. Examples of such language include policies in Topic 3: Downtown Commercial Uses. Listed below are some of the proposed policies.

1. Encourage additional resident-serving businesses and the continuance of existing resident-serving businesses by keeping Ocean Avenue designated as a resident-serving business district.
2. Maintain present stock of resident-serving businesses and encourage the establishment of additional resident-serving businesses.

The proposed amendment would also provide additional incentives to promote resident serving uses. Incentives may include reducing fees for business licenses and City permits. In addition, the proposed amendment would encourage retention of the existing base of retail shops by limiting conversions to food service type and/or formulaic uses and other uses the City fears may be reaching saturation level. The City would limit these potential conversions via the Conditional Use Permit process. Policies in the proposed revised Downtown Specific Plan would require monitoring the land use inventory of downtown businesses. This would be used as a basis for determining when a particular use has reached saturation level. The revised DSP includes a definition of formula based business: "a use or business which offers merchandise and/or services using a formulaic or mass-marketing approach. All business or store locations are identifiable through standardized architecture, storefronts, merchandise and/or services, store layout and décor, signs, uniforms or other similar features."

Although these policies might appear to be encouraging resident serving uses at the expense of visitor serving uses, this is not the case. The Coastal Act as incorporated into the City's certified LUP and other LUP policies do place a higher priority on visitor serving commercial uses, but they are not expected to be the only use provided. Policy No. 1 cited above, merely states that the existing designation be retained; no loss of visitor serving use is proposed. The second policy cited above encourages additional resident serving businesses within the existing land use designations and zones that already allow them. Any change to the existing land use district and zoning (including Downtown Specific Plan District) from would require approval of an LCP amendment. However, it is possible that the second policy may be construed at the time of such an amendment request to support a change from the higher priority visitor serving use to a resident serving use. In order to assure that this does not occur, a modification to the policy has been suggested which clarifies that resident serving uses are encouraged within the CBD-1 Resident Serving District. Therefore, as modified, these policies are consistent with the City's LUP regarding priority of uses.

The DSP encompasses the City's entire downtown area. The City's certified Land Use Plan Land Use Element (LUE) describes the downtown area as follows:

"The Laguna Beach central Business District represents the commercial, economic and social center of the community. The CBD is physically separated from other regions of the City by steep topography and the Pacific shoreline. The physical isolation of the area enhances its identity and function as the community focal point."

One of the prime goals the City hopes to accomplish with the Downtown Specific Plan revision is to maintain the downtown area's unique character and sense of place. In order to do this, an economically viable, diverse downtown that will serve all users, residents and visitors alike, is

necessary. The downtown area's unique character has long been part of its appeal to visitors to the City. The charm of the architecture, the strong art presence, the pedestrian orientation, and abundance of landscaping all contribute to the City's draw as a visitor destination. This ambiance is due to, among other things, the City's many art festivals, the scale of development in the area, the placement of and displays within shop windows that encourage window shopping and provide interest to the pedestrian, and the flower filled planters located throughout the downtown. In order to maintain this ambiance the City feels it is necessary to keep a balance of use types in the area. The City has indicated that the overwhelming demand is for visitor serving uses. But if all uses in the downtown area were to become visitor serving uses to the exclusion of other uses, the very thing that draws many visitors to the area, its unique character, would be lost.

The City's intent with these policies is to maintain a balance of uses, not to exclude or diminish visitor serving uses. This is borne out by the land use categories and zoning applied in the DSP area. The visitor serving core is along Coast Highway and is land use designated and zoned Visitor Commercial. The proposed amendment will not change that. In addition, other land use districts in the DSP area also allow visitor serving uses. The following table lists a sampling of the various visitor serving type uses that are allowed in other districts within the Downtown Specific Plan.

<b>USE:</b>	<b>DISTRICT:</b>	<b>SUBJECT TO:</b>
Restaurants	1. CBD-1 Resident Serving; 2. CBD-2 Downtown Commercial; 3. Civic Art District; 4. CBD Central Bluffs	1. Conditional Use Permit 2. Primary Use  3. Conditional Use Permit 4. Conditional Use Permit
Hotels and Motels	CBD Central Bluffs	Conditional Use Permit
Seasonal Specialty Stores	1. CBD-2 Downtown Commercial; 2. Civic Art District; 3. CBD Central Bluffs	1. Temporary Use Permit  2. Temporary Use Permit 3. Temporary Use Permit
Art Galleries	1. Civic Art District; 2. CBD Central Bluffs	1. Conditional Use Permit 2. Conditional Use Permit
Art & Handicraft Shows	1. CBD-2 Downtown Commercial; 2. CBD Public Parks; 3. Civic Art District; 4. CBD Central Bluffs	1. Temporary Use Permit  2. Temporary Use Permit 3. Temporary Use Permit 4. Conditional Use Permit
1. Ice Cream, Confectioner's, & Bakeries; 2. Bakeries & Cafes	1. CBD-2 Downtown Commercial 2. CBD Central Bluffs	1. Conditional Use Permit  2. Conditional Use Permit

<b>Retail Sales:</b> 1. That contribute to the diversity of downtown; 2. consistent with Civic Art District; 3. custom, handmade, unique merchandise that are primarily visitor serving	1. CBD-2 Downtown Commercial; 2. Civic Art District 3. CBD Central Bluffs	1. Conditional Use Permit 2. Conditional Use Permit 3. Conditional Use Permit
<b>Bed &amp; Breakfast Inn</b> 1. general 2. located in an historic structure	1. CBD Multiple-Family Residential; CBD Central Bluffs 2. CBD Office	1. Conditional Use Permit 2. Conditional Use Permit
<b>Establishments for consumption of alcoholic beverages and entertainment</b>	1. CBD-1 Resident Serving; 2. CBD-2 Downtown Commercial	1. Conditional Use Permit 2. Permitted Use

So although the visitor serving commercial district is appropriately located along Coast Highway (just inland of the beach), significant visitor serving uses are allowed throughout most of the DSP area. And in practice, visitor serving uses exist throughout the City's downtown. The proposed policies intended to encourage resident serving uses will not result in a loss of any of the areas currently zoned visitor serving commercial. The proposed policies encouraging resident serving uses still allow substantial visitor uses throughout the downtown.

Therefore the Commission finds that the proposed amendment is in conformance with and adequate to carry out the visitor serving policies of the City's certified Land Use Plan.

**D. Public Access**

The City's certified Land Use Plan (in the Coastal Land Use Plan Technical Appendix) incorporates the following Coastal Act policies regarding public coastal access:

**Section 30210**

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

**Section 30252 (in part)**

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

The provision of adequate parking facilitates public access. The Downtown Specific Plan area includes Main Beach Park and the visitor serving commercial core along Coast Highway. Other

development in the downtown area, such as the art festivals and unique shops, attracts visitors as well. Inadequate parking in this area would adversely impact coastal zone visitors and beach goers. Depending on the time of year, day, and week, patrons and employees of the downtown businesses, visitors to the art festivals, and beach goers all compete for essentially the same limited number of parking spaces. The demand for parking peaks during the summer months, especially during weekends, when beach use is highest and the summer art festivals are occurring. The parking shortage stems from the City's development history of small lots prior to the imposition of parking standards. Complicating this history, is the limited space within the downtown area due to the boundaries of the Pacific Ocean, Laguna Canyon walls and steep hillsides. Nevertheless maximizing public access opportunities to both the beach and other visitor serving amenities in the area is a very high priority under the City's certified LCP as reflected in the provisions cited above.

The City's certified LUP recognizes the importance of the provision of adequate parking in maximizing public access to the Coast. The policies cited above recognize that adequate parking is a critical component in maximizing public access. These LUP parking policies are intended to assure that new development will not interfere with the provision of maximum access by not providing adequate parking. A parking shortage in the downtown area would adversely affect public access.

1. Parking Preference

As discussed previously, the City's main motivating factor for the proposed revisions to the Downtown Specific Plan is to maintain and enhance the uniqueness and vitality of the area in part by promoting a diversity of uses. The current demand in the area is for visitor serving type uses. These uses are adequately provided for in the proposed Specific Plan update, as described above. In order to balance the existing demand, some of the proposed changes emphasize resident uses. One of the methods the City proposes to use to encourage the use of the downtown by residents is to promote parking available exclusively to residents.

As proposed these policies could result in adverse impacts to public access if visitors and beachgoers were excluded from much of the limited parking that does exist in the downtown area. The City's LCP amendment submittal letter and conversations with City staff indicate that the intent of these policies is to provide incentive for residents to use the downtown businesses rather than seek services out of town. The City has indicated its position that to maintain the vitality of the downtown it should not be converted exclusively to visitor serving use. City staff believes that a major part of the City's attraction to its many visitors, something that sets it apart from other areas, is its unique character and village atmosphere. The City fears that that unique character and vitality would be lost if the existing diversity (resident serving as well as visitor serving) of downtown uses was lost. The City feels that in order to maintain the diversity, and so the vitality, of the downtown a balance of uses must be maintained. The current demand in the area appears to be for visitor serving uses. In order to counterbalance this demand, the City wants to provide incentives for local residents to patronize the downtown. To this end the proposed revisions to the DSP include policies that allow preference to residents.

This is proposed to be accomplished through policies addressing Downtown Commercial Use and Parking, Circulation, and Public Transit. For example, Topic 3 Downtown Commercial Use, Policy 20 is proposed as follows:

*"Establish a resident-only parking area."*

And Topic 3, Policy 21 as proposed would state:

*"Consider establishing a downtown employee parking area."*

Under Topic 5 Parking, Circulation, and Public Transit policy 1 is proposed as follows:

*"Locate all-day (visitor and employee) parking outside the central portion of the downtown."*

Policy 20 of Topic 5 would require that a new parking development and management system be established to improve downtown parking. However, the proposed policy addresses maximizing convenience for residents and business and property owners, but does not mention visitors and beach goers.

As proposed, these policies could provide a basis for increasing the allocation of resident parking at the expense of visitor and beach goer parking. Policy 20 of Topic 3 does not limit the amount or location of a resident only parking area. Based on this policy there is little assurance that prime parking spots (i.e. closest to the beach and in the downtown core) would not all be converted exclusively to resident use. Likewise, no limits are proposed for a possible downtown employee parking area. This raises the same issue of increasing the allocation of resident parking at the expense of visitor and beach goer parking. The Commission recognizes the need for and the benefits that could be derived from a new parking development and management system for the downtown area. However such a system must consider and promote the parking needs of visitor and beach goers as well as residents, business owners and employees, as required by the certified LUP.

The Commission recognizes the benefits of maintaining the unique character and village atmosphere of the downtown area, especially because it enhances the visitor experience. In addition, the Commission recognizes that in promoting visitor serving and beach goer uses as a very high priority, it is not intended to be at the complete exclusion of all other uses within the City's coastal zone. Nevertheless, as proposed, there are no safeguards to assure that in protecting some degree of resident serving use, the parking policies as proposed would not result in adverse impact to public access by loss of visitor and beachgoer parking due to new policies favoring residents. In order to assure that the parking needs of local residents and resident serving businesses are not met at the expense of visitor and beach goers, modifications are suggested to the proposed policies that address parking preferences. These suggested modifications add language to the proposed policies that assure that when allocating existing and/or assigning new parking spaces, visitor and beach goer needs will be considered and adequate provision therefore will be provided.

## 2. Future Parking Master Plan

The proposed revisions to the DSP include policies that refer to the future preparation of a new parking development and management system, parking management program and/or traffic management plan. A parking/traffic program can impact public access (by limiting or otherwise effecting parking as described above). In addition, the program should be incorporated as part of the Downtown Specific Plan because it is intricately connected to it. Any change (including the addition of a parking/traffic plan or any change that could impact public access) to the certified LCP requires review and approval by the Coastal Commission as an LCP amendment in order to be effective. As proposed, the amendment does not refer to the need for an LCP amendment that

a future parking/traffic would generate. To make clear to the City and any readers of the LCP that such a change requires an LCP amendment a modification to the proposed amendment is suggested. The suggested modification would add language stating that inclusion of a future parking/traffic program in the DSP would require approval of an LCP amendment by the Coastal Commission.

3. In-lieu fees

The existing Downtown Specific Plan allows development projects with inadequate parking to buy in-lieu parking certificates to meet the parking requirement. The current DSP limits the number of in-lieu certificates that can be purchased to three per individual building site. The proposed amendment would eliminate the three certificate limitation.

In an area like Laguna Beach's downtown, where development began long before parking standards were considered, a community or shared use parking plan often makes the most sense. The parking in-lieu fee program allows the City to collect fees to go toward construction of community parking lots or structures. Group parking serving more than one use tends to be a more effective method of providing parking in older areas without much space to provide individual parking areas for each use. This is due to the fact that one larger parking area requires dedicating less space to aisles and driveways etc. Also in an area like Laguna's downtown, this allows for a shared use of the parking. Many people who come to the downtown area access more than one use per trip. One person might visit a number of shops and a restaurant. Or one person may visit the City's art festivals, shop and dine all on the same trip. In addition, a beach goer may use some of the downtown shops or casual restaurants. The collection of in-lieu fees assists the City in funding the acquisition and construction of additional parking that will be available to multiple downtown users.

However, there are drawbacks to allowing development to proceed without actually providing parking spaces at the time the use is established. The fee collected is generally not equal to the actual cost of constructing parking spaces. The City estimated the cost to construct a new parking space to be \$22,100. This is based on the City's recent acquisition of a 5,500 square foot parcel for \$245,000. It was estimated that 12 parking spaces could be built on the parcel. Construction cost per space was estimated at \$1,680. The City currently charges \$10,000 per in lieu certificate. Charging full cost recovery for in-lieu certificates is not considered feasible because it would be cost prohibitive to most businesses.

In addition, in-lieu fees create a time gap during which the parking demand is increased thereby increasing the parking shortage with no additional parking provided. The time necessary to provide the additional parking depends on when land becomes available to construct additional parking, and when the City accumulates enough funding to construct the parking. Another issue raised by in-lieu parking fees is that although fees are collected, in some cases they are either not directed appropriately or they are never applied. However, the in-lieu program in Laguna Beach appears to be working effectively. The City does have a Parking In Lieu Account where the fees are deposited and funds are reserved exclusively for construction of parking improvements in the downtown area. The City's 218 space Glenneyre Street parking structure was funded, in part, by in-lieu fees. In addition, the recent acquisition of the 5,500 square foot parcel described above was funded in part by in-lieu fees.

It should be noted that the certified Implementation Plan (Section 25.52.08) already allows in-lieu parking fees in special districts, so eliminating it from the DSP will not eliminate the City's ability to

use in-lieu fees. In addition, eliminating them from the DSP while the Implementation Plan allows them could create an internal inconsistency within the Implementation Plan. The DSP area is the only special parking district within the City.

As proposed to eliminate the three certificate limit, the amendment could theoretically result in unlimited increased development without the provision of immediate additional parking spaces. In the downtown area the shortage of parking is already critical. The Commission recognizes that due to the history of the area some concessions must be made to accommodate parking. Requiring all new development to provide all code required parking immediately simply is not feasible in this area due to its built out nature and limited space. Rather, providing appropriately located parking that serves multiple uses is a preferred option in this area. The in-lieu program in Laguna appears to be a workable solution, as evidenced by the City's application of the in-lieu fees collected to provide additional new parking spaces in the downtown area. However, limiting the number of parking in lieu certificates to three per building sites provides a balance between providing a source of funding for development of much needed new parking with limiting the amount of development allowed to go forward without providing immediate additional parking. Therefore a modification is suggested to retain the three certificate limit per building site for in-lieu parking fees.

4. Business Parking Permits

Policy 13 in Topic 5: Traffic, Circulation and Parking refers to a Business Parking Plan as follows:

*Discourage the utilization of metered parking spaces for all-day beach parking or all-day downtown employees, except for all-day parking allowed on Cliff Drive and all-day parking allowed through the **Business Parking Permit Program** (emphasis added).*

The City uses the Business Parking Permit program (see F) as a method to ease the parking problem in the downtown area. It provides incentives for long term employee parking to occur generally away from the prime spots serving the downtown businesses and beach. The program is limited to employees of the downtown area only, 150 permits a year, and in some areas is limited to Monday through Friday during the school year. In addition, the permit does not guarantee the holder a parking space. Depending on the time of year, approximately 70-115 spaces are available for this permit program.

The Business Parking Permit program is appropriately limited so as not to unduly interfere with visitor and beach-goer use. Its goal is to provide incentives for long term employee parking to occur away from the optimum parking spaces located in the downtown core area. Therefore, the Commission finds the Business Parking Permit program to be consistent with and adequate to carry out the public access policies of the certified Land Use Plan.

5. Alternate Transportation

Section 30254(4) of the Coastal Act is incorporated into the City's certified LUP and states:

*New development shall minimize energy consumption and vehicle miles traveled.*

Energy consumption and vehicle miles traveled can be reduced by the use of alternate forms of transportation. Section 30252 of the Coastal Act, in addition to requiring that adequate parking be provided, also requires that new development promote alternate forms of transit. This Coastal Act



section is expressly incorporated into the City's LUP. In addition, Section 30210 of the Coastal Act is also expressly incorporated into the City's certified LUP. Both of these Sections promote the provision of public access which can be facilitated by use of alternate forms of transportation. The use of alternate transportation facilitates public access by reducing traffic congestion and parking shortages in the coastal zone destination areas.

The Downtown Specific Plan includes a number of policies that promote alternate transportation, including the following:

*Develop a traffic management plan that will address parking and circulation issues in the Central business District, including a peripheral parking program for downtown employees, and that addresses **all modes of transportation, including walking, biking, transit and automobile** (emphasis added).*

**Maintain and promote an effective local transit program and strengthen the summer tram** program through an improved public relations program that includes information about the location of peripheral parking, and through other traffic management efforts. (emphasis added)

In addition Topic 1: Village Character strongly encourages strengthening the pedestrian orientation of the downtown area. This is to be achieved by, among other things, establishing a pedestrian link between the art festival area and Main Beach, promoting pedestrian friendly development, and encouraging the use of small spaces for landscaping and mini-parks, and the placement of art features, benches, sculpture and murals in pedestrian accessible courtyards. The pedestrian friendly orientation of the DSP area encourages people to park on the periphery and stroll through the area and from one destination to the next.

The proposed DSP includes a policy requiring that a convenient shuttle service for downtown employees to encourage use of outlying parking areas. This is an effective method of promoting alternate transportation. However, there is no policy proposed that would establish such a shuttle system for beach goers and downtown visitors. Public access within the downtown area (including the shops and beach areas) would be enhanced by such a shuttle system. In order to maximize public access a modification is suggested which would add a policy to the DSP encouraging the City to establish a shuttle system for the benefit of beach goers and downtown visitors.

In general the DSP recognizes and promotes the use of alternate forms of transportation (walking, biking, and transit) to enhance the downtown area for all users. However, the addition of a policy encouraging a shuttle system for beach goers and downtown visitors would further promote public access by encouraging alternate transit. Therefore the Commission finds that, only as modified, is the proposed amendment consistent with and adequate to carry out the policies of the certified land use plan regarding promotion of alternate forms of transportation.

#### Conclusion

For the reasons described above, the Commission finds that the proposed amendment, only as modified, is consistent with and adequate to carry out the public access policies of the City's certified Land Use Plan.

**E. Review of Proposed Development**

As submitted the revised DSP would have transferred Design Review authority from the Design Review Board to the Planning Commission except for projects in the Civic Art District. This required changing a section of the zoning code outside the DSP. This had not been done at the time the amendment request was submitted. Subsequently, the City Council took action to change Section 25.05.040(F) of Title 25 (the City's zoning code). But at that time the City Council decided to make the change throughout the DSP including the Civic Art District. This is reflected in Ordinance No. 1376 (exhibit D). In order to make the DSP consistent with the City Council's most recent action, as requested by the City, a modification has been suggested to policy 3 of Topic 1 Village Character. This suggested modification is necessary to make the DSP consistent with Section 25.05.040(F) of the zoning code thereby maintaining internal consistency within the City's Implementation Plan. Therefore, as modified, this policy is consistent with and adequate to carry out the City's certified Land Use Plan.

**F. Missing Text**

A portion of the text in the Topic 5: Parking, Circulation and Public Transit section was inadvertently omitted from the amendment submittal due to a typographical error. The omission occurred between the bottom of page III-19 and the top of III-20. The City has since submitted the missing line which should be added to the text. Without it the two sentences are not complete and do not make sense. The sentence should read: "Furthermore, the size and location of consolidated public parking can be designed to address parking demand and traffic circulation constraints that are specific to the downtown area. Under the current in-lieu fee program, the cost of each in-lieu certificate is substantially less than the construction cost of a parking space." The underlined section is the portion that was missing. The missing text has been added as a suggested modification. The suggested modification is necessary for clarity.

**G. California Environmental Quality Act (CEQA)**

Pursuant to the California Environmental Quality Act (CEQA) and the California Code of Regulations [Title 14, Sections 13540(f), 13542(a), 13555(b)] the Commission's certification of this LCP amendment must be based in part on a finding that it is consistent with CEQA Section 21080.5(d)(2)(A). That section of the Public Resources Code requires that the Commission not approve or adopt an LCP:

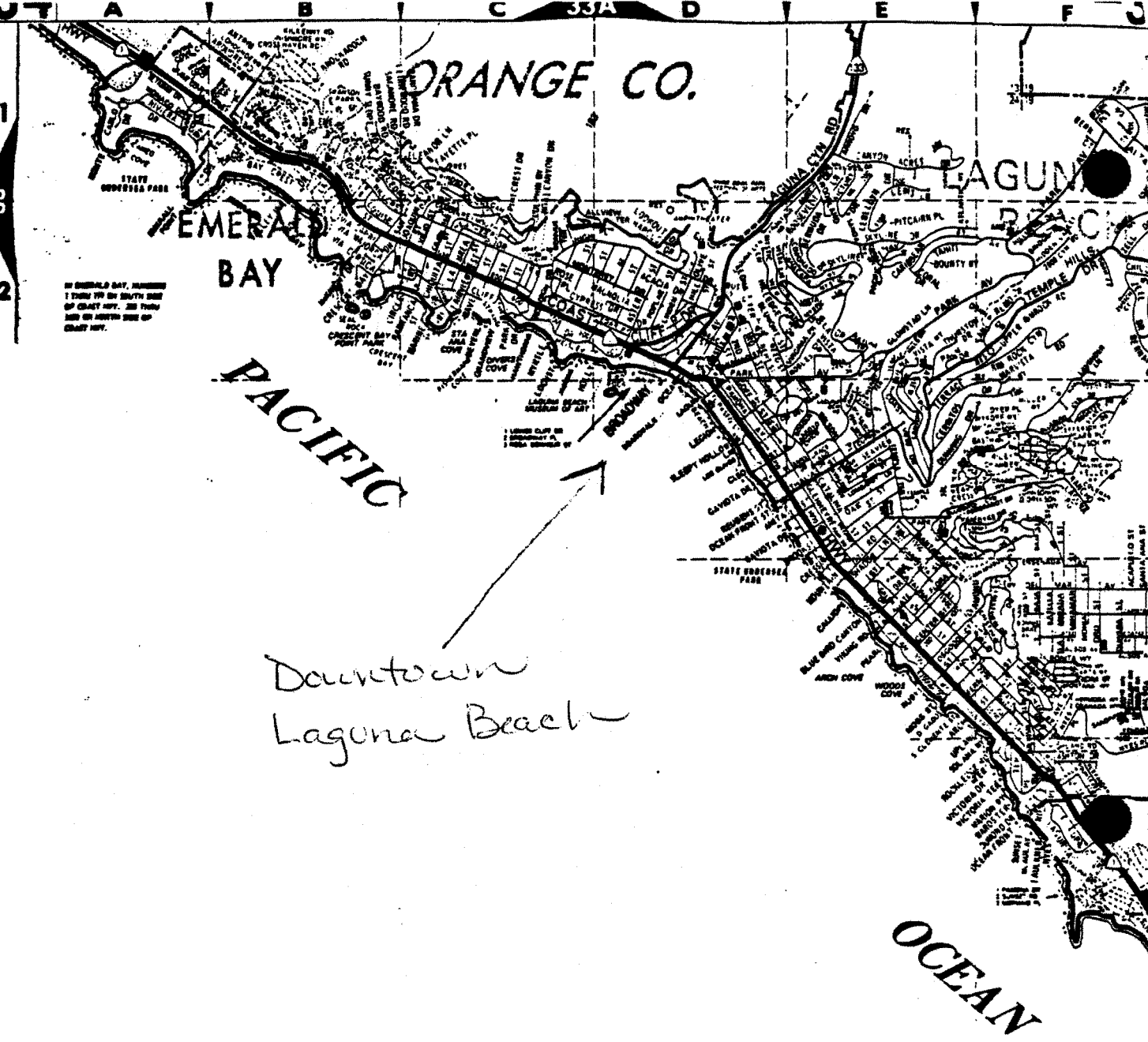
...if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Implementation Plan amendment has been found not to be in conformance with several LUP policies regarding the higher priority of visitor serving uses and maximizing public access. To resolve the concerns identified suggested modifications have been made to the proposed amendment. Without the incorporation of these suggested modifications, the Implementation Plan amendment as submitted, is not adequate to carry out and is not in conformity with the policies of the certified Land Use Plan. The suggested modifications minimize or mitigate any potentially significant environmental impacts of the Implementation Plan amendment. As modified, the Commission finds that approval of the Implementation Plan amendment will not result in significant adverse environmental impacts within the meaning of the California Environmental Quality Act.

The Commission finds that for the reasons discussed in this report, if the LCP amendment is modified as suggested, there are no additional feasible alternatives or feasible mitigation measures available that could substantially reduce any adverse environmental impacts. The Commission further finds that the proposed LCP amendment, if modified as suggested, is consistent with Section 21080.5(d)(2)(A) of the Public Resources Code.

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Downtown  
Laguna Beach

EXHIBIT NO. A
APPLICATION NO.
LGB LCPA 1-00
California Coastal Commission

# VICINITY MAP

ORDINANCE NO. 1367

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH, CALIFORNIA AMENDING THE DOWNTOWN SPECIFIC PLAN/LOCAL COASTAL PROGRAM

---

WHEREAS, on November 17, 1999, the Planning Commission conducted a legally noticed public hearing and, after reviewing and considering all documents, testimony and other evidence presented, voted to recommend that the City Council approve the amended Downtown Specific Plan/Local Coastal Program; and

WHEREAS, on February 8, 2000 and March 28, 2000, City Council conducted legally noticed public hearings and has reviewed and considered all documents, testimony and other evidence presented;

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

SECTION 1. Chapter 25.40 of the Municipal Code is hereby amended to include the attached Exhibit A, the Downtown Specific Plan Area Map.

SECTION 2. The Downtown Specific Plan is hereby amended as shown in Exhibit B, attached hereto.

SECTION 3. This Ordinance is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 21080.9 of the Public Resources Code.

SECTION 4. The amended Downtown Specific Plan/Local Coastal Program is found and determined to be consistent with the General Plan of the City of Laguna Beach and, further, is intended to be carried out in a manner fully in conformity with the California Coastal Act.

SECTION 5. All ordinances and provisions of the Laguna Beach Municipal Code

LGB LCPA 1-00

Exhibit B

B1


and Sections thereof inconsistent herewith shall be hereby repealed to the extent of such inconsistency and no further.

**SECTION 6.** The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published in the same manner required by law in the City of Laguna Beach. This Ordinance is subject to, and effective upon, California Coastal Commission Certification.

ADOPTED this 28th day of March, 2000.

  
\_\_\_\_\_  
Kathleen Blackburn, Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

I, Verna Rollinger, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council on February 8, 2000, and was finally adopted at a regular meeting of the City Council of said City held on March 28, 2000, by the following vote:

AYES: COUNCILMEMBER(S): Iseman, Dicterow, Freeman, Blackburn

NOES: COUNCILMEMBER(S): Peterson

ABSENT: COUNCILMEMBER(S): None


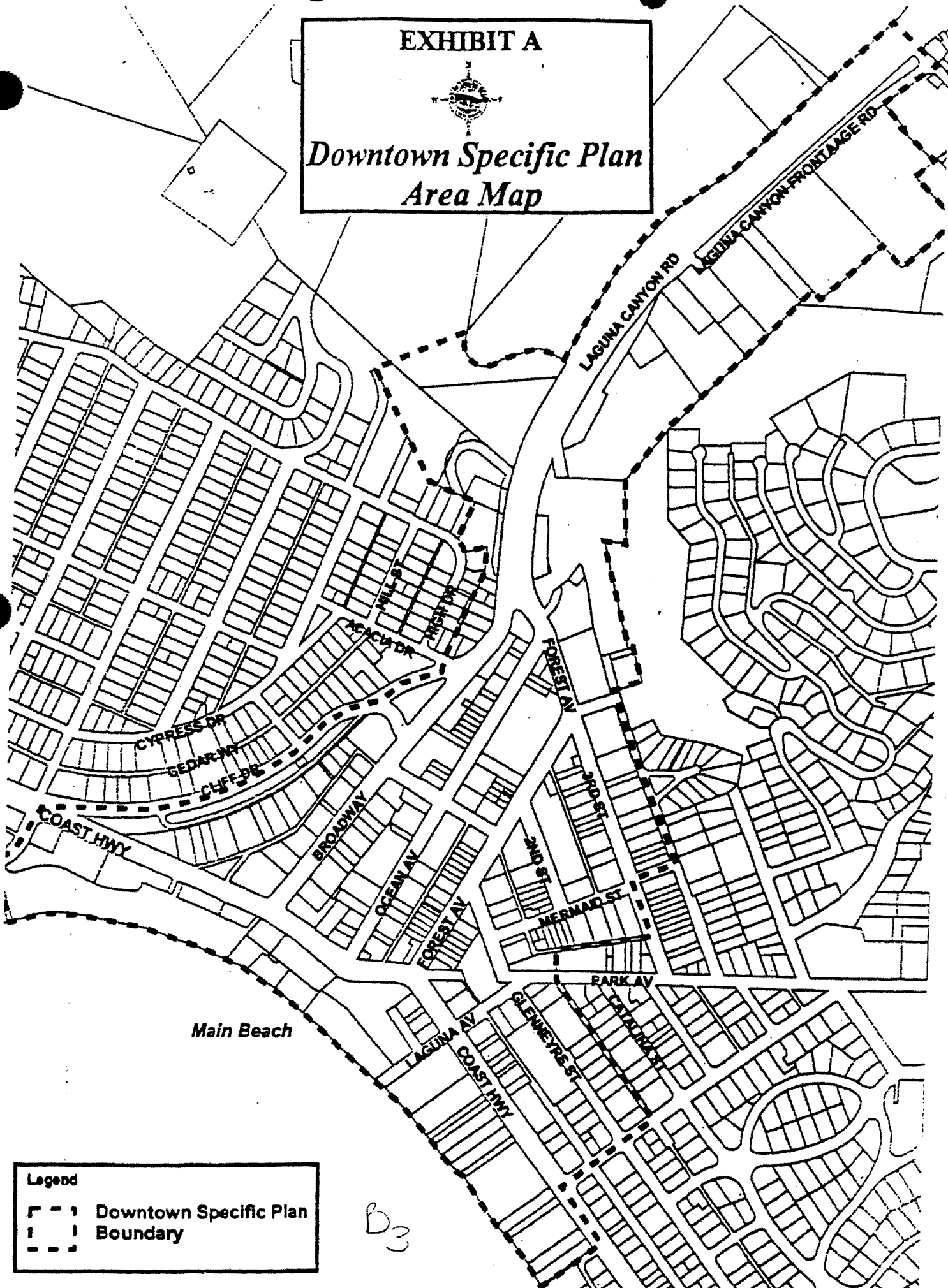
  
\_\_\_\_\_  
City Clerk of the City of Laguna Beach, CA

EXHIBIT A



*Downtown Specific Plan  
Area Map*



Legend

-  Downtown Specific Plan Boundary
-  Boundary

B3



May 15, 20000

RECEIVED  
MAY 17 2000

CALIFORNIA  
COASTAL COMMISSION

Teresa Henry  
South Coast District Director  
California Coastal Commission  
P.O. Box 1450  
Long Beach, CA 90802-4416

Dear Ms. Henry:

The City of Laguna Beach is submitting the Revised Downtown Specific Plan as an amendment to its Local Coastal Program. The Downtown Specific Plan was originally adopted in 1989 and the Plan was included in the City's Local Coastal Program certified by the Coastal Commission in 1993.

Due to the importance of the downtown and preservation of its village character, a review of the Plan was initiated approximately ten years after its adoption. After an extensive series of workshops conducted by the Planning Commission as well as public hearings by the Planning Commission and the City Council, a Revised Downtown Specific Plan was adopted by the City Council on March 28, 2000.

Summary of Public Participation.

Numerous workshops to discuss revisions to the Downtown Specific Plan were held by the Planning Commission from July 9, 1997 to September 22, 1999. Subsequently, after conducting a public hearing on the proposed revisions on November 17, 1999, the Planning Commission unanimously recommended approval to the City Council. The first City Council public hearing was held on February 8, 2000; City Council approved the revisions following a second public hearing on March 28, 2000.

The attached minutes indicate interested parties who attended the workshops and/or public hearings. Public notices for the public hearings were printed in the newspaper. Also attached is a list of neighborhood groups and civic associations that received notices of the downtown workshops and public hearings.

Changes to Policies and Plans Affected by the Amendment.

As discussed in the attached City Council Agenda Bills (dated 1/18/00 and 3/7/00), the Downtown Specific Plan has been extensively reorganized and rewritten to better articulate the vision that the City has for the downtown. There are new policies to encourage commercial vitality, and to improve the general attractiveness and cleanliness in the downtown. A new Civic Art District has been created for the arts festival, City Hall and Village Entrance areas; this new district has been established to provide a focus on arts- and civic-related uses, enhancement of pedestrian access and the streetscape, and development of the Village Entrance site.



Teresa Henry  
May 15, 2000

Re: Revised Downtown Specific Plan  
Page 2

Although extensively rewritten and reorganized, many policies and regulations in the document have not been substantively changed. For example, the conditional use permit process has not been changed in that a conditional use permit will continue to be required for all uses except second-story offices. In addition, the one-story height limit remains; however, in the Civic Art District, a provision has been added to allow a second-story based on certain criteria. Further, except for the addition of the Civic Art District, all land use districts in the Downtown Specific Plan are maintained in the revised Plan.

#### Relationship of the Amendment on Other Sections of the Certified LCP

Except for minor amendments to the zoning code, such as transferring design review authority to the Planning Commission, the Revised Downtown Specific Plan is consistent with other sections of the Certified LCP.

The Revised Downtown Specific Plan does not change or modify the City's Coastal Land Use Plan; additionally, the Revised Downtown Plan does not affect any coastal access policies in the City's Local Coastal Program.

#### Environmental Review

The proposed Amendment will not have a significant impact on the environment in that the Downtown Specific Plan is a legislative measure intended to protect the existing character and density of downtown Laguna Beach. Although development regulations are set forth in this document, any estimation of environmental impacts is extremely speculative at this time; potential environmental impacts, including project-specific and cumulative impacts, will be evaluated on a project by project basis.

#### Zoning Measures to Carry Out Amendments to the Coastal Land Use Plan

Only a few minor amendments to the City's Zoning Code will be necessary in order to carry out the Revised Downtown Specific Plan. These amendments will include transferring design review authority from the Design Review Board to the Planning Commission as well as modifying the current limit of three in-lieu parking certificates per building site. The Revised Downtown Specific Plan does not require any significant change to the City's Zoning Code.

The above summary, plus the attachments, completes the LCP Amendment submittal. Please let me know if you have any questions or need additional information.

Sincerely,



Kyle D. Butterwick  
Director  
Community Development

Attachments: Exhibit A - Minutes, Notices and Listing of Interested Persons  
Exhibit B - City Council Agenda Bills, 1/18/00 and 3/7/00  
Exhibit C - Resolution  
Exhibit D - Revised Downtown Specific Plan

C2

ORDINANCE NO. 1376

AN ORDINANCE OF THE CITY OF LAGUNA BEACH AMENDING MUNICIPAL CODE SECTION 25.05.040 AND THE DOWNTOWN SPECIFIC PLAN REGARDING ASSIGNMENT OF DESIGN REVIEW AUTHORITY IN THE DOWNTOWN SPECIFIC PLAN AREA TO THE PLANNING COMMISSION.

---

WHEREAS, on March 14, 2001, the Planning Commission conducted a legally noticed public hearing and, after reviewing and considering all documents, testimony and other evidence presented, voted to recommend that the City Council approve Zoning Ordinance Amendment 01-02; and

WHEREAS, on April 10, 2001 and May 1, 2001, the City Council conducted legally noticed public hearings and has reviewed and considered all documents, testimony and other evidence presented;

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

SECTION 1. Section 25.05.040 (F) is hereby amended to read in its entirety as follows:

(F) Approval.

(1) The Design Review Board shall approve or deny, at a noticed public hearing, design review applications, except that the Planning Commission shall assume the same authority for design review for all projects located in the Downtown Specific Plan area. Such approval or denial by the Design Review Board or Planning Commission shall be based upon the design review criteria set forth in Section 25.05.040(H). Additional review criteria are specified in Section 25.07.012(F) when an associated coastal development permit is required. Section 25.07.012(G) requires written findings to be made when approving or conditionally approving

LG B LC PA 1-00

Exhibit D,

an associated coastal development permit. Additional review criteria contained in the Downtown Specific Plan shall apply to projects located in the Downtown Specific Plan area.

(2) Design review determinations shall be by majority vote of the appropriate Board's voting members present.

(3) Written notice of determination for design review applications shall be mailed to the applicant or authorized agent within ten business days of the date of the decision of the Design Review Board, Planning Commission, or the Director of Community Development. A written notice of denial shall specifically state wherein the application fails to conform to the design review criteria established for approval under Section 25.05.040(H).

(4) Landscaping Conditions. The Design Review Board or Planning Commission shall condition all landscaping approvals with mature growth height limits and maintenance schedules (type and frequency of pruning) for all vegetation that potentially impacts views. The landscaping shall be installed in accordance with the approved landscape plans. Thereafter, the landscaping shall be continuously maintained (including replanting, as necessary) in compliance with the approved landscaping plans, unless such plans are subsequently revised pursuant to Section 25.05.040(B)(1)(v). Minor landscaping changes may be exempt from design review pursuant to Section 25.05.040(B)(2)(c)(vii).

**SECTION 2.** Policy 3, Topic 1 of the (Revised) Downtown Specific Plan shall be amended to read as follows:

3. Review of proposed uses and physical improvements in the downtown shall be conducted by the Planning Commission, and shall include monitoring of the look and feel of the

downtown to ensure continuation and enhancement of the village character. An evaluation of "look and feel" is subjective, but will include consideration of some or all of the following qualities: artistic, historic, pedestrian-friendly, consistent in exterior architectural design and color with neighboring properties, and featuring non-mass produced products. In addition, the Arts Commission will review all art features and provide a recommendation.

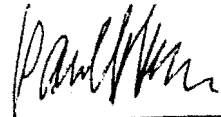
**SECTION 3.** This Ordinance is exempt from compliance with the California Environmental Quality Act (CEQA).

**SECTION 4.** If any portion of this Ordinance, or the application of any such provision to any person or circumstance, shall be held invalid, the remainder of this Ordinance to the extent it can be given effect, of the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this Ordinance are severable.

**SECTION 5.** The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published in the manner required by law in the City of Laguna Beach.

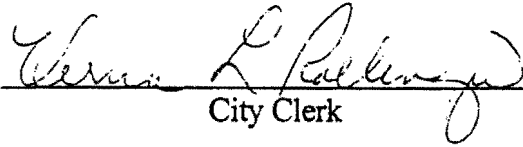
**SECTION 6.** The City Council hereby certifies that this Ordinance is intended to be carried out in a manner fully in conformity with the California Coastal Act and that such Ordinance shall be submitted to the California Coastal Commission for approval, and further, that such Ordinance shall be subject to and effective upon California Coastal Commission approval.

ADOPTED this 1st day of May, 2001.



Paul P. Freeman, Mayor

ATTEST:

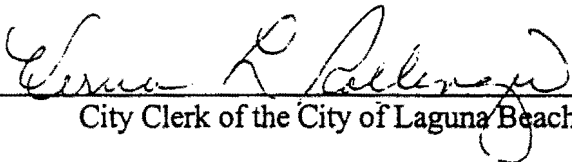
  
\_\_\_\_\_  
City Clerk

I, Verna Rollinger, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council on April 10, 2001, and was finally adopted at a regular meeting of the City Council of said City held on May 1, 2001, by the following vote:

AYES: COUNCILMEMBER(S): Kinsman, Iseman, Dicterow, Baglin, Freeman

NOES: COUNCILMEMBER(S): None

ABSENT: COUNCILMEMBER(S): None

  
\_\_\_\_\_  
City Clerk of the City of Laguna Beach, CA

file

**ORDINANCE NO. 1377**

**AN ORDINANCE OF THE CITY OF LAGUNA BEACH AMENDING THE DOWNTOWN SPECIFIC PLAN, INCLUDING EXPANSION OF THE CIVIC ART DISTRICT BOUNDARIES**

**WHEREAS**, on March 14, 2001, the Planning Commission conducted a legally noticed public hearing and, after reviewing and considering all documents, testimony and other evidence presented, voted to recommend that the City Council approve Zoning Ordinance Amendment 01-03; and

**WHEREAS**, on April 10, 2001 and May 1, 2001, the City Council conducted legally noticed public hearings and has reviewed and considered all documents, testimony and other evidence presented;

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

**SECTION 1.** The Land Use Districts of the (Revised) Downtown Specific Plan, specifically the boundaries of the CBD, Office District and the Civic Art District are hereby amended as shown in Attachment "A".

**SECTION 2.** Topic 10: Civic Art District, of the (Revised) Downtown Specific Plan, shall include the following text change for the second paragraph of the Issue Statement:

The Civic Art District covers the northernmost area of the Downtown Specific Plan. This area, covering approximately 45 acres, extends from the northerly side of Third Street out to the Boys and Girls Club on Laguna Canyon Road, and includes the Festival of Arts grounds.

**SECTION 3.** Criterion 3b pertaining to Building Height in the Civic Art District the (Revised) Downtown Specific Plan shall be amended to read as follows:

LGB LCPA 1-00

Exhibit E,

3 b) the building is designed and sited to minimize visual perception of the building's height and mass, using the Laguna Canyon hillside, where applicable, to minimize such height and mass;

**SECTION 4.** The (Revised) Downtown Specific Plan General Provision A pertaining to Lot Area and Dimension Standards shall be amended to read as follows:

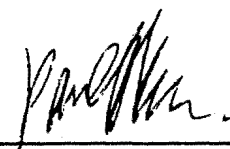
A. Lot Area and Dimension Standards. Parcels shall not be merged together for development purposes that exceed 5,000 square feet except for City-ownership projects; but development may occur on existing parcels that are in excess of 5,000 square feet.

**SECTION 5.** This Ordinance is exempt from compliance with the California Environmental Quality Act (CEQA).

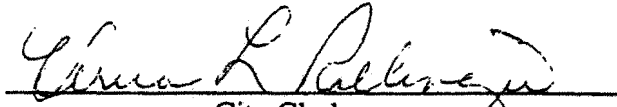
**SECTION 6.** The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published in the manner required by law in the City of Laguna Beach.

**SECTION 7.** The City Council hereby certifies that this Ordinance is intended to be carried out in a manner fully in conformity with the California Coastal Act and that such Ordinance shall be submitted to the California Coastal Commission for approval, and further, that such Ordinance shall be subject to and effective upon California Coastal Commission approval.

ADOPTED this 1<sup>st</sup> day of May, 2001.

  
\_\_\_\_\_  
Paul P. Freeman, Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk


I, Verna Rollinger, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council on April 10, 2001, and was finally adopted at a regular meeting of the City Council of said City held on May 1, 2001 by the following vote:

AYES: COUNCILMEMBER(S): Iseman, Dicterow, Freeman

NOES: COUNCILMEMBER(S): None

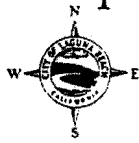
ABSTAIN: COUNCILMEMBER(S): Kinsman, Baglin

ABSENT: COUNCILMEMBER(S): None

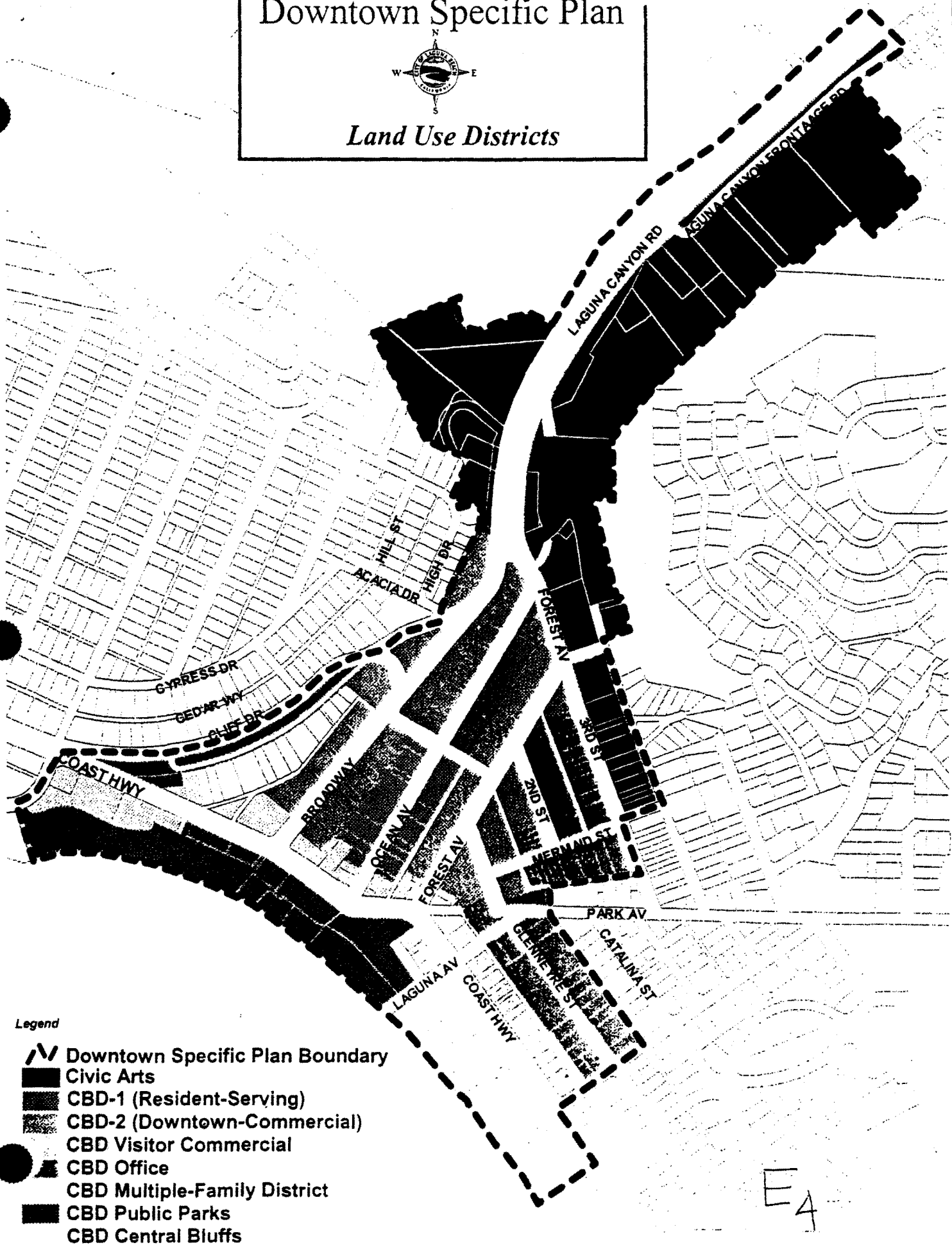
  
\_\_\_\_\_  
City Clerk of the City of Laguna Beach, CA










# Downtown Specific Plan



## Land Use Districts



**Legend**

-  Downtown Specific Plan Boundary
-  Civic Arts
-  CBD-1 (Resident-Serving)
-  CBD-2 (Downtown-Commercial)
-  CBD Visitor Commercial
-  CBD Office
-  CBD Multiple-Family District
-  CBD Public Parks
-  CBD Central Bluffs

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# City of Laguna Beach

## Business Parking Permit

Valid through July 31, 2001

\$180.00

- Available to owners and employees of businesses in the Central Business District (see outlined area on map).
- Only 150 active permits are sold.
- **Proof of employment or business ownership in the Central Business District is required.** A paycheck stub or letter confirming employment from management on business letterhead is acceptable.
- Permit allows parking for a maximum of 12-hours.

**Parking is only allowed at meters on:**

- Cliff Drive between Aster Street and Acacia Drive.
- Mermaid Street between 2<sup>nd</sup> Street and 3<sup>rd</sup> Street.
- 3<sup>rd</sup> Street between Mermaid Street and Forest Avenue.
- Glenneyre parking structure upper level on the Glenneyre Street side Monday - Friday during the school year (9/4/00-6/17/2001).
- City Employee Parking Lot between posted signs; Monday - Friday during the school year (9/4/00-6/17/2001).
- Laguna Canyon Road on the Eastbound side during the school year.

- Permit holder is **not** guaranteed a parking space.
- **This Permit does not allow parking at any other location.**
- Approximately 70 to 115 spaces are available for this permit.

### Important Information For Permit Holders

- ◆ No permit is valid during the Summer Festival Season (July 1-Aug 31) on Laguna Canyon Road or on Frontage Road.
- ◆ Fees are non-refundable.
- ◆ Permits are non-transferable from vehicle to vehicle.
- ◆ **If the vehicle is sold or damaged, remove the old sticker and return it for a replacement for \$2.00.** Without the old sticker, full price and limits apply. The permit holder is responsible for removing and returning the old sticker.
- ◆ Stickers must be permanently affixed to the **bottom front interior driver's side window** to be valid.
- ◆ Cars with convertible tops need to adhere the sticker to the rear bumper driver's side.
- ◆ Permits will be sold at the pro-rated price of \$90 after February 1<sup>st</sup>, 2001.

To purchase a permit, complete the application form, provide proof of employment, include payment and return it to the cashier or mail it to:

City of Laguna Beach  
Attn: Parking Permits  
505 Forest Ave.  
Laguna Beach, CA 92651

**COASTAL COMMISSION**  
LGB LCPA 1-0  
7/7/99

EXHIBIT # F  
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