

CALIFORNIA COASTAL COMMISSION

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

April 17, 2008

**W 20a**

TO: Commissioners and Interested Persons

FROM: Peter Douglas, Executive Director
Sherilyn Sarb, Deputy Director, South Coast District (Orange County)
Karl Schwing, Supervisor, Regulation & Planning, Orange County Area
Meg Vaughn, Staff Analyst

SUBJECT: Concurrence with the Executive Director's determination that the action of the City of Laguna Beach accepting certification with suggested modifications of Major LCP Amendment No. 1-07B (Section 25.05) is legally adequate. For Commission review at its May 7-9, 2008 meeting in Marina del Rey.

STAFF RECOMMENDATION

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

BACKGROUND

On January 30, 2007, the City of Laguna Beach submitted Major Local Coastal Program (LCP) Amendment Request No. 1-07B for Commission certification pursuant to City Council Resolution No. 04-068. Laguna Beach LCPA 1-07B makes changes to Section 25.05 of the City's Zoning Code (Title 25). Section 25.05 is titled "Administration" and provides standards for most of the City's permitting processes. Section 25.05 includes procedures for processing the City's Administrative Use Permits, Variances, Conditional Use Permits, Temporary Use Permits, Design Review, as well as public notice requirements, appeals, and revocations of those permits. Section 25.07 provides the standards for the City's coastal development permitting process. No changes to Chapter 25.07 are included in LCPA 1-07B.

On March 4, 2008, the Laguna Beach City Council adopted Ordinance No. 1482 amending Section 25.05 of Title 25 of the City's Zoning Code (Implementation Plan) by incorporating the suggested modifications approved by the Coastal Commission on August 8, 2007. Ordinance No. 1482 also includes the City's response to the Commission's suggested modifications on Major Local Coastal Program Amendment Request No. 2-06 that was also approved on August 8, 2007. The Commission's review of whether Ordinance No. 1482 is legally adequate with regard to the Commission's suggested modifications on LCPA No. 2-06 will be addressed as a separate matter.

The City has submitted the modifications to the Executive Director for a determination that they are consistent with the Commission's action on August 8, 2007 (see attachment).

As provided in Section 13544 of the California Code of Regulations, the Executive Director must determine whether the City's action is legally adequate and report that determination to the Commission. In this case, the Executive Director has determined that the City's action is legally adequate with regard to LCPA 1-07B. Unless the Commission objects to the Executive Director's determination, the certification of Laguna Beach LCP Amendment No. 1-07B shall become effective upon the filing of the required Notice of Certification with the Secretary of Resources as provided in Public Resources Code Section 21080.5(d)(2)(E).



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March 12, 2008

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

Subject: Local Coastal Program Amendment

Dear Karl:

March 4, 2008, the City Council approved Ordinance 1482 amending portions of Section 25.05.040 and adding Section 25.05.050 as suggested by the Coastal Commission. All of the other modifications approved by the Coastal Commission for LCP Amendment 1-07B were accepted. Please certify the ordinance that reflects all of the approved modifications with the exception of the requirement for City approved fuel modification programs or City annual weed abatement activities to prepare biological reports; a requirement to prepare biological reports for areas mapped as containing or adjacent to areas identified as having moderate habitat value and requiring biological reports for parcels that are already developed but contain undeveloped areas. The rationale for not approving these suggested modifications is contained in the attached February 19, 2008 City Council Agenda Bill and minutes.

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

Sincerely,

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

Ann Larson
Planning Administrator
Community Development

Attachment

cc: Community Development Director
File

COASTAL COMMISSION

EXHIBIT # A
PAGE 1 OF 4

LGB LCPA 1-07B
CERTIFICATION REVIEW

ORDINANCE NO. 1482

AN ORDINANCE OF THE CITY OF LAGUNA BEACH AMENDING PORTIONS OF SECTION 25.05.040 AND ADDING SECTION 25.05.050 OF THE LAGUNA BEACH MUNICIPAL CODE, RELATING TO DESIGN REVIEW AND COASTAL DEVELOPMENT PERMITS

The City Council of the City of Laguna Beach does hereby ORDAIN as follows:

SECTION 1: Subdivision (A) ("Intent and Purpose") of Section 25.05.040 ("Design Review") of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

25.05.040 Design Review

(A) Intent and Purpose. The design review process consists of a review of a proposed development by the approval authority of either the Design Review Board or Planning Commission as specified herein and is intended to provide the following:

- (1) That development projects comply with the applicable standards and design guidelines and criteria;
- (2) That development projects focus on quality designs, within a neighborhood context that results in creative design solutions for the City;
- (3) That development occurs with an orderly and harmonious appearance, including associated facilities, such as signs, landscaping and parking areas;
- (4) That the development review process minimizes contentiousness;
- (5) That the development review process balance public and private views;
- (6) That public health, safety and general welfare throughout the City is paramount; and
- (7) That there is effective implementation of the applicable general and specific plan policies, which encourage the preservation and enhancement of the particular character and unique assets of the City.
- (8) That development projects comply with the policies of the certified Local Coastal Program Land Use Plan including, but not limited to, the shoreline access, open space, environmentally sensitive habitat, hillside protection and visual resource policies.

Modification
per LGBLLPA
1-07B

SECTION 2: Subdivision (C)(3) ("Biological Report Requirements") and Subdivision (C)(4) ("Fire Department Review and Approval") of Section 25.05.040 ("Design Review") of the Laguna Beach Municipal Code are hereby amended to read in their entirety as follows:

25.05.040(C) Design Review Application

- (3) Biological Report Requirements. Prior to deliberation and action on a design review application, the applicant shall submit a Biological Report that is prepared by a professional in the fields of wildlife biology or botany

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Exhibit A
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March 4, 2008

for any proposal to clear native vegetation on undeveloped parcels that are located within or adjacent to areas designated high or very high value on the City's Biological Values Maps and any other areas that contain environmentally sensitive habitat resources, except for annual weed abatement and approved fuel modification programs.

- (4) Fire Department Review and Approval. Prior to deliberation and action on a design review application for new construction and major remodels involving 50% or more of an existing structure, the Fire Department shall review and approve or conditionally approve applications, including proposed fuel modification programs. Fuel modification programs or AM&Ms are required for any parcel having a "FM" – Fuel Modification designation on the City's Geographic Information Mapping System. The Fire Department conditions of approval relating to public safety may not subsequently be modified by the approval authority without the Fire Department's review.

SECTION 3: Section 25.05.050 ("Coastal Development Permits") of the Laguna Beach Municipal Code is hereby added to Title 25 to read in its entirety as follows:

modification
per
LGB LCPA 1-07B

Section 25.05.050 Coastal Development Permits.

In addition to any permits required, any development within the coastal zone that constitutes development as defined in Section 25.07.006(D) that is not exempt pursuant to 25.07.008, requires approval of a Coastal Development Permit pursuant to Chapter 25.07.

SECTION 4: This Ordinance is exempt from compliance with the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines.

SECTION 5: This Ordinance is intended to be of City-wide effect and application. All ordinances and provisions of the Laguna Beach Municipal Code and sections thereof inconsistent herewith shall be hereby repealed to the extent of such inconsistency and no further.

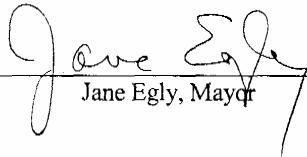
SECTION 6: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such invalidity shall not affect the validity of this entire Ordinance or any of the remaining portions hereof. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, subdivision, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

SECTION 7: 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. This Ordinance shall become effective on the expiration of thirty (30) days from and after the date of its adoption.

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Exhibit A
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ADOPTED this 4th day of March, 2008.

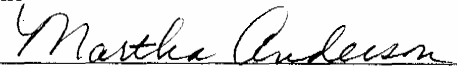

Jane Egly, Mayor

ATTEST:


City Clerk

I, Martha Anderson, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance No. 1482 was introduced at a regular meeting of the City Council on February 19, 2008, and was finally adopted at a regular meeting of the City Council of said City held on March 4, 2008, by the following vote:

- AYES: COUNCILMEMBER(S): Schneider, Boyd, Kinsman, Egly
- NOES: COUNCILMEMBER(S): Iseman
- ABSTAIN: COUNCILMEMBER(S): None
- ABSENT: COUNCILMEMBER(S): None


City Clerk, City of Laguna Beach, CA

LGB LLPA 1-07B

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