

CALIFORNIA COASTAL COMMISSION

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

W 13a

February 19, 2009

TO: Commissioners and Interested Persons

FROM: Peter Douglas, Executive Director
Sherilyn Sarb, Deputy Director
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. 3-01 is legally adequate. For Commission review at its March 11-13, 2009 meeting in Monterey.

STAFF RECOMMENDATION:

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

BACKGROUND:

On March 26, 2008, the City of Laguna Beach's submittal of major Local Coastal Program Amendment (LCPA) No. 3-01 was deemed complete. LCPA 3-01 was submitted for Commission certification pursuant to City Council Resolution No. 02.060. LCPA 3-01 reflects changes proposed via City of Laguna Beach Ordinance No. 1379 (South Laguna Village Commercial Zone). LCPA 3-01 amends the certified Local Coastal Program (LCP) Implementation Plan by changing the zoning at the subject site from Commercial Neighborhood to the new South Laguna Village Commercial zone which is intended to enhance the pedestrian-scale of development and preserve the existing, eclectic character of the South Laguna Village Commercial area.

On October 16, 2008, the amendment was approved by the Coastal Commission with suggested modifications (see Exhibit 3 for the suggested modifications) which were necessary to assure consistency with the public access and visitor serving policies of the certified Land Use Plan. The issues raised by the amendment were: 1) whether adequate parking will remain to serve beach goers and visitors generally if the proposed parking incentives are employed as proposed; and, 2) the elimination of short term lodging as an allowable use in the new zone. The suggested modifications required the City to allow short term lodging as a use in the new zone. In addition, the suggested modifications ensured that beach parking resources would not be impacted by requiring that parking standards could only be reduced where the proposed use provides for and promotes the use of alternative modes of transportation such as ride-sharing, carpools, vanpools, public transit, bicycles and walking; and where the reduced parking requirement will not adversely impact public access to beaches, parks, open spaces, and trails.

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On January 6, 2009, the Laguna Beach City Council adopted Resolution No. 09.003 accepting the modifications to LCPA 3-01 and adopted Ordinance No. 1492 incorporating the suggested modifications approved by the Coastal Commission into the City's certified Implementation Plan. The City has submitted the modifications to the Executive Director for a determination that they are consistent with the Commission's action on October 16, 2008 (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. Unless the Commission objects to the Executive Director's determination, the certification of Laguna Beach LCP Amendment No. 3-01 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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CERTIFIED COPY

RESOLUTION NO. 09.003

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH, CALIFORNIA, APPROVING MODIFICATIONS TO THE SOUTH LAGUNA VILLAGE COMMERCIAL ZONE / LOCAL COASTAL PROGRAM AMENDMENT NO. 3-01 AND REQUESTING CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION.

WHEREAS, the City filed an application with the Coastal Commission for a Local Coastal Program Amendment to amend Title 25 by adding Chapter 25.25 entitled the South Laguna Village Commercial Zone; and

WHEREAS, on October 16, 2008, the California Coastal Commission approved Local Coastal Program Major Amendment No. 3-01 with modifications; and

WHEREAS, the City Council after conducting legally noticed public hearings, reviewed and considered all documents, testimony and other evidence presented on the Coastal Commission proposed modifications to Local Coastal Program Amendment 3-01; and

WHEREAS, the City of Laguna Beach intends to carry out the Local Coastal Program, as amended, in a manner fully consistent with the California Coastal Act;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH does RESOLVE and ORDER that the modifications to Local Coastal Program Amendment 3-01 outlined in Exhibit "A" attached hereto are hereby approved.

BE IT FURTHER RESOLVED that staff is hereby directed to accurately and consistently amend the text of Chapter 25.25 to reflect the modifications approved of and stipulated in Exhibit "A" of this Resolution.

AND BE IT FURTHER RESOLVED as follows:

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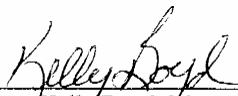
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SECTION 1. That staff is hereby directed to forward the approved modifications to the California Coastal Commission and that the Executive Director/Coastal Commission makes a determination that the modifications are consistent with the Coastal Commission's action on October 16, 2008 regarding LCP Amendment No. 3-01.

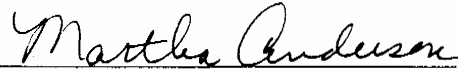
SECTION 2. That pursuant to Section 13551(b) of the Coastal Commission Regulations, Laguna Beach Local Coastal Program Amendment No. 3-01 will take effect automatically upon Executive Director/Coastal Commission certification that the City has complied with the Commission's October 16, 2008 action, as provided in Public Resources Code Sections 30512, 30513 and 30519.

ADOPTED this 6th day of January, 2009.



Kelly Boyd, Mayor

ATTEST:



City Clerk

I, MARTHA ANDERSON, City Clerk of the City of Laguna Beach, California, do hereby certify that the foregoing Resolution No. 09.003 was duly adopted at a Regular Meeting of the City Council of said City held on January 6, 2009, by the following vote:

- AYES: COUNCILMEMBER(S): Pearson, Iseman, Rollinger, Egly, Boyd
- NOES COUNCILMEMBER(S): None
- ABSENT COUNCILMEMBER(S): None


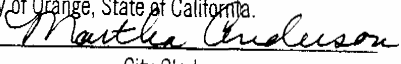
The foregoing instrument is a correct copy of the original on file in this office.
Attest January 15, 2009 
City Clerk of the City of Laguna Beach, City Clerk, City of Laguna Beach, CA
County of Orange, State of California.
By: 
City Clerk

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Exhibit "A"

ORDINANCE NO. 1492

AN ORDINANCE OF THE CITY OF LAGUNA BEACH READOPTING AND MODIFYING CHAPTER 25.25 OF THE LAGUNA BEACH MUNICIPAL CODE, RELATING TO THE SOUTH LAGUNA VILLAGE COMMERCIAL ZONE.

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

SECTION 1. The following zoning standards shall hereby apply to the South Laguna Village commercial area, the boundaries of which are defined in "Exhibit A" attached hereto.

SLV, SOUTH LAGUNA VILLAGE COMMERCIAL ZONE

Sections:

25.25.001	Intent and purpose
25.25.002	Uses permitted
25.25.006	Uses permitted subject to a conditional use permit
25.25.008	Property development standards
25.25.010	Performance Standards/Design Criteria
25.25.020	Streetscape Guidelines

25.25.001 Intent and Purpose

The South Laguna Village Commercial Area is intended to serve the commercial needs of local residents, with an emphasis on resident-serving retail. Office uses on the second floor and street-level retail uses are encouraged. Building design should be pedestrian-friendly with parking not visible from Coast Highway. The regulations of this zone are intended to enhance a pedestrian-scale of development and preserve the existing, eclectic character of the South Laguna Village Commercial area.

25.25.002 Uses Permitted

Buildings, structures and land shall be used, and buildings and structures shall hereafter be erected, designed, structurally altered or enlarged only for the following purposes, conducted entirely within an enclosed building unless otherwise noted:

- (A) Art gallery or studio
- (B) Banks, savings and loan
- (C) Bakery
- (D) Barber shop, beauty salon, day spa and nail salon
- (E) Bookstore
- (F) Clothing, shoes, retail sales
- (G) Drug store, pharmacy
- (H) Florists and flower stands
- (I) Furniture and antique sales

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- (J) Handicraft or hobby shop
- (K) Jewelry store
- (L) Music and Record Store
- (M) Musical instrument, sales, supplies, repair
- (N) Office uses, including business and professional, medical and dental office or clinic, or financial office, except for conversion from ground-floor retail
- (O) Paper Reproduction or Copy Shop
- (P) Packaging and/or postal services
- (Q) Pet grooming and supplies, excluding overnight boarding
- (R) Photographers, photo processing and photographic galleries
- (S) Plant Nursery
- (T) Retail supply stores, including but not limited to yardage, hardware, art supplies, kitchen and bath goods, etc. with no open storage of materials or equipment
- (U) Specialty food store
- (V) Trade Services: custom dressmaking, shoe repair, tailor, clock repair, electric appliance repair, etc.

25.25.006 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) Cafe, Restaurant, delicatessen and tea room, with outdoor seating, serving of alcoholic beverages, and/or entertainment only as authorized under the Conditional Use Permit. (Drive-in restaurants are not permitted.)
- (B) Market or grocery store, or mini-market
- (C) Dry cleaning/laundry facilities
- (D) Office uses, when a conversion of ground-floor retail space is proposed
- (E) 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.
- (F) Veterinary clinic, including overnight boarding for care
- (G) Outdoor display of merchandise
- (H) Liquor sales
- (I) Artists' joint living and working units, as defined in Chapter 25.16
- (J) Philanthropic and charitable institutions
- (K) Automobile service stations
- (L) Health clubs
- (M) Short – term lodging as defined and specified in Chapter 25.23 of this title.
- (N) 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.

25.25.008 Property Development Standards

The following property development standards shall apply to all land and structures in this zone.

- (A) Lot Area and Dimension Standards. Parcels shall not be further subdivided for development purposes or otherwise reduced in size.

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- (B) Yard Area, Building Setback, Open Space and Coverage Standards for Nonresidential and/or Mixed Uses.
- (1) The general provisions of Chapter 25.50 shall apply, except as modified herein.
 - (2) Front Yards. A front yard open space equal to five feet times the lot frontage shall be provided and maintained on each lot.
 - (a) Said open space shall be used for landscaping, pedestrian access or similar pedestrian facilities, accessible to the general public. Said open space may be used for open-air seating areas to serve adjacent interior restaurant uses. The dimension parallel to the front lot line must exceed the dimension perpendicular to the front lot line.
 - (b) Opaque walls shall be limited to three feet if erected within said open space.
 - (3) Side Yards. No requirement, except where a building on the adjacent lot maintains a side yard setback, an abutting side yard of not less than three feet shall be provided, with no ground floor architectural projections allowed in such side yard. In the case where the side lot line abuts a different zone, the side yard shall be at least equal to the minimum required for that zone; if the side lot line abuts a street or alley, the setback shall be a minimum of five feet.
 - (4) Rear Yards. No requirement, unless the rear lot line abuts a different zone, street or alley, in which case the rear yard setback shall be a minimum of five feet.
 - (5) Open Space Requirements. Open space shall equal twenty-five percent of the nonresidential gross floor area, exclusive of parking and driveways, which area may be used for the purposes outlined in subsection B(2) of this section. This open space is in addition to that required for residential uses and in conformance with the standards outlined in Section 25.50.010.
 - (6) Space Between Buildings. No requirement, except as required by design review.
- (C) Fences and Walls. Except as provided in subsection B(2)(b) of this section, the provisions of Section 25.50.012 shall apply.
- (D) Parapets. Parapet walls shall not be permitted, unless the Design Review Board determines that use of a parapet wall(s) would not reduce the compatibility of the project with the site and adjacent properties or the parapet wall(s) is found to be necessary to screen roof-mounted equipment.
- (E) Design Review. All buildings, structures and improvements are subject to design review as provided in Section 25.05.040.
- (F) Building Height Standards.
- (1) No building or structure in this zone shall have a height greater than the following:

(a) Rear Lot Line Above Street		Maximum Height Permitted
(Slope in Percent)		Above Rear Lot Line (in feet)
0 to 5		22
5+ to 10		17
over 10		12
(b) Through Lot		Maximum Height Permitted
(Slope in Percent)		Above Upper Curb Elevation
	or	
(c) Rear Lot Line Below Street		Maximum Height Permitted
(Slope in Percent)		Above Curb Elevation (in feet)

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0 to 5	27
5+ to 10	25
Over 10	20

- (2) Building Height shall be limited to two stories, not to exceed the above height limits or twenty-two feet, excluding roof, as measured from the curb, whichever is more restrictive. The maximum height, including roof and mechanical equipment enclosures, shall not exceed an additional five feet above the twenty-two foot limit. No point of building elevation height shall exceed thirty feet as measured from natural or finished grade, whichever is more restrictive. These building heights represent the maximum permitted and may be reduced as determined appropriate by the design review board.
- (3) Refer to Chapter 25.51 for other standards related to building height. The provisions of Section 25.50.004 (D) pertaining to additional building setbacks shall apply only to the rear setback.
- (G) Parking Standards. The provisions of Chapter 25.52 shall apply, except that setbacks for parking lots shall be five feet from the ultimate right-of-way, sidewalk, alley or adjacent building, and except as modified herein.
- (1) Incentives. The City Council may approve a conditional use permit, upon recommendation by the Planning Commission, to reduce the parking standards required under Chapter 25.52 in accordance with the Incentives provision in such Chapter. Additionally, the parking standards may be reduced where the proposed use provides for and promotes the use of alternative modes of transportation such as ride-sharing, carpools, vanpools, public transit, bicycles and walking; and where the reduced parking requirement will not adversely impact public access to beaches, parks, open spaces, and trails and in accordance with the following conditions:
- (a) The proposed use is a sidewalk café having outdoor seating available to the general public as well as restaurant customers, which contributes positively to the local pedestrian environment. The parking reduction may be granted on a temporary, seasonal or permanent basis and shall be limited to a maximum of five spaces.
- or
- (b) The proposed use is a restaurant that is determined to primarily serve the needs of the local residents and which contributes positively to the character of the South Laguna Village Commercial area. The parking reduction shall be limited to a maximum of three spaces.
- and/or
- (c) The proposed use is a beauty salon or barber shop which is determined to primarily serve the needs of the local residents. The parking reduction shall be limited to a maximum of one space.
- (H) Access and Improvement Standards. The provisions of Chapter 25.53 shall apply.
- (I) Access from Streets. For lots which possess frontage on Coast Highway and another street, the design review board may require secondary or sole access to be provided from the secondary street as determined appropriate for proper circulation.
- (J) Signs. The provisions of Chapter 25.54 shall apply, except as modified herein.
- (1) Window signs, which means any sign that is placed upon, within or behind a window, fewer than three feet from such window and which is visible from the

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exterior of the window, shall be limited to a maximum of 10% of the window area, up to a maximum of five (5) square feet and three (3) window signs per site.

- (2) Individual logos (company symbol or trademark) on any exterior commercial sign shall be limited in size, as determined by the Planning Commission.
- (K) Loading space. Loading spaces shall be provided as required by the design review board.
- (L) Trash and Outdoor Storage Areas. Areas for trash or outdoor storage shall be provided. Such areas shall be enclosed and architecturally screened in such a manner as to conceal all trash or stored material from public view and shall be subject to approval by the design review board.
- (M) Landscaping. Landscaping shall be provided subject to design review approval, except that parking lot landscaping shall, at a minimum, conform to the standards specified in Chapter 25.52.

25.25.010 Performance Standards/Design Criteria

The South Laguna Village Commercial Zone is located in close proximity to residential areas; commercial properties frequently share a functional and/or visual relationship with residential properties. It is therefore necessary for special attention to be placed on the compatible design and orientation of development in the South Laguna Village Commercial Zone. The following performance standards shall be used for the purpose of evaluating the development proposals in this Zone. The standards are general in nature and are to be applied on a site-specific basis. They are intended to serve as a guide for achieving proper design and to supplement other design criteria used by the design review board.

- (A) New development shall be designed to be compatible with nearby residential areas. This shall involve preservation of the character and integrity of residential areas and maintaining an appropriate visual and functional interrelationship between residential and commercial uses. Potentially intrusive design elements such as traffic circulation and light and glare shall be designed to avoid interference with the residential environment.
- (B) The height, scale, mass and bulk of buildings shall not be overbearing in relation to nearby residential structures. Height, scale, mass and bulk shall also be a function of their proximity to residential structures. Height, scale, mass and bulk shall also be a function of their proximity to residential structures, with buildings in close proximity made to adhere to a similar scale of development. Potential view impediments shall also be considered.
- (C) The first floor of buildings should be located at the grade of the adjacent Coast Highway public sidewalk, and the building frontage on Coast Highway should be utilized for retail uses.
- (D) All parking facilities, including surface parking, tuck-under parking or parking structures, must be designed to maintain a pedestrian-friendly streetscape through screening, minimizing size, integrating the opening with the overall architecture, and using aesthetic amenities such as gates, landscaping and special paving.
- (E) Architectural styles and features shall be compatible with and complimentary to nearby residential structures to the extent commercial and residential structures share a visual relationship. All architectural planning and design should maintain and/or enhance the diverse architectural character of the South Laguna Village Commercial

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Zone. Rooflines shall be compatible with the historic character of the surrounding area. Gabled roofs are encouraged.

- (F) Landscaping shall be utilized and designed to help make commercial development more compatible with nearby residential areas to the extent practicable. Clustered, informal planting schemes are encouraged to reflect a natural, unstructured theme. Landscape themes should include diversity in height, form, texture and color of plant material as well as a mixture of container sizes for particular plant types to achieve an informal theme. Existing landscape that enhances the scenic character of the Zone should be preserved.
- (G) Commercial signage shall be designed so as not to interfere with residential areas. This shall involve the lighting, location, orientation and size of signs.
- (H) Every use shall operate in such a manner as to not be objectionable to adjacent residential neighborhoods.

25.25.020 Streetscape Guidelines

Provide streetscape improvements on both sides of the street, including street trees, median improvements and plantings, lighting, benches and related improvements, with reference to the Landscape and Scenic Highways Resource Document or as approved in the Streetscape Capital Improvement Program.

25.25.030 Right-of-Way Dedication Requirement

Pursuant to Chapter 25.53 regarding access and improvement requirements, fifty feet of right-of-way from the Coast Highway centerline shall be dedicated to the City to provide for sidewalk and other street improvements.

SECTION 2: 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 3: 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.

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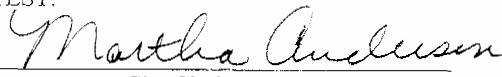
SECTION 4: The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance and shall cause the same to be published in the manner required by law in the City of Laguna Beach. This Ordinance shall become effective on the expiration of thirty (30) days from and after the date of its adoption.

ADOPTED this 6th day of January, 2009.



Kelly Boyd, Mayor

ATTEST:



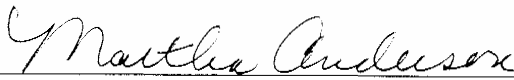
City Clerk

I, MARTHA ANDERSON, City Clerk of the City of Laguna Beach, California, do hereby certify that the foregoing Ordinance No. 1492 was introduced on December 9, 2008, and adopted at a regular meeting of the City Council on January 6, 2009, by the following vote:

AYES: COUNCILMEMBER(S): Pearson, Iseman, Rollinger, Egly, Boyd

NOES: COUNCILMEMBER(S): None

ABSENT: COUNCILMEMBER(S): None



City Clerk, City of Laguna Beach, CA

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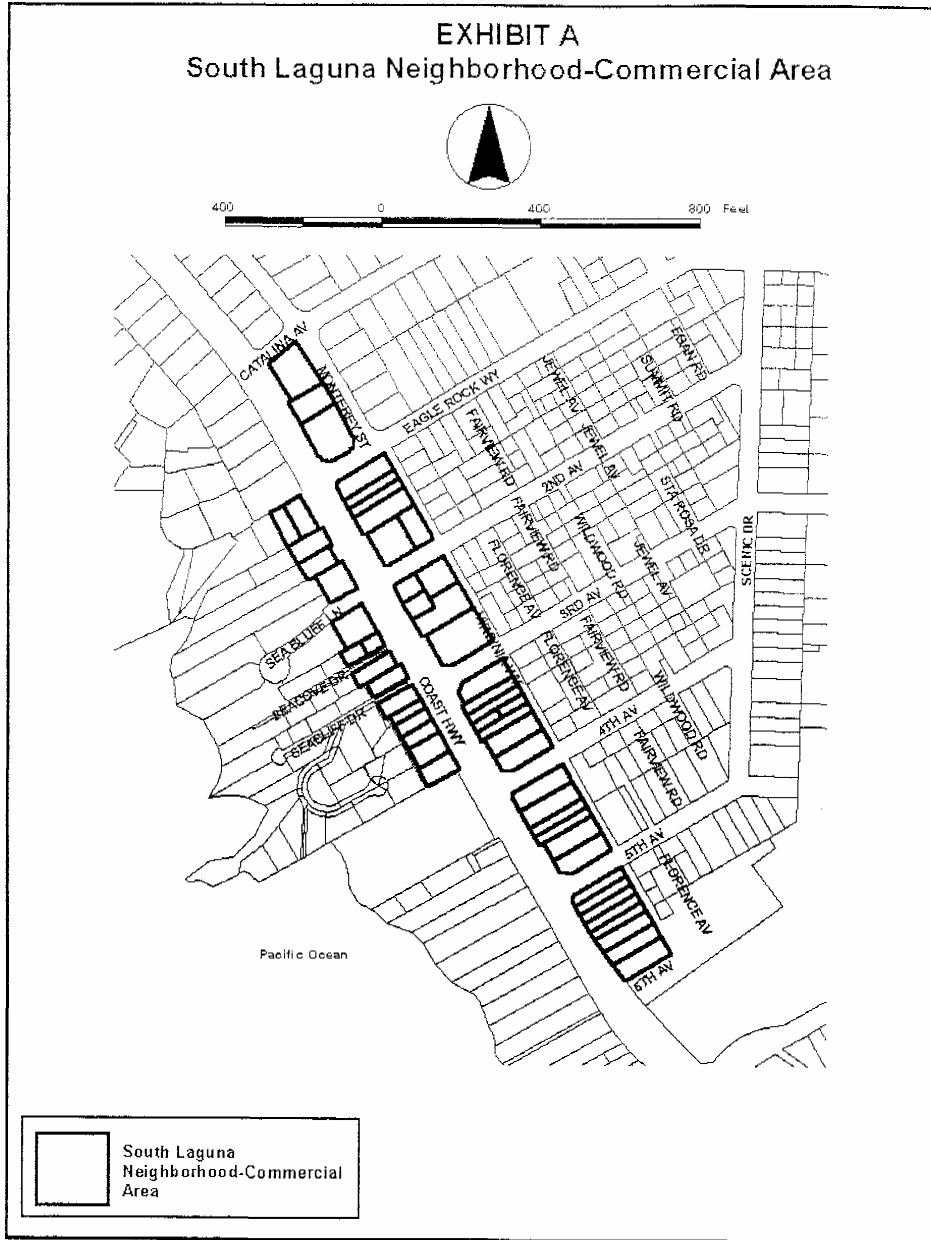


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II. **SUGGESTED MODIFICATIONS**

Certification of City of Laguna Beach LCP Amendment Request No. 3-01 is subject to the following modifications.

The Commission's suggested additions are shown in ***bold, italic, underlined text***.

The Commission's suggested deletions are shown in ***bold, italic, underlined, strike out text***.

1. **Suggested Modification No. 1**

Modify Section 25.25.006 Uses Permitted Subject to a Conditional Use Permit by adding to the list the following use (may be re-lettered and re-ordered within the list as appropriate):

(N) Short – term lodging as defined and specified in Chapter 25.23 of this title.

2. **Suggested Modification No. 2**

Modify Section 25.25.008 Property Development Standards as follows:

- (G) Parking Standards. The provisions of Chapter 25.52 shall apply, except that setbacks for parking lots shall be five feet from the ultimate right-of-way, sidewalk, alley or adjacent building, except as modified herein.
- (1) Incentives. The City Council may approve a conditional use permit, upon recommendation by the Planning Commission, to reduce the parking standards required under 25.52 in accordance with the Incentives provision in such Chapter. Additionally, the parking standards may be reduced ***where the proposed use provides for and promotes the use of alternative modes of transportation such as ride-sharing, carpools, vanpools, public transit, bicycles and walking; and where the reduced parking requirement will not adversely impact public access to beaches, parks, open spaces, and trails and*** in accordance with the following conditions:

- (a) The proposed use is a sidewalk café having outdoor seating ...

No further changes.

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