

CALIFORNIA COASTAL COMMISSION

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

December 22, 2010

**W6a****TO:** Commissioners and Interested Persons**FROM:** Peter Douglas, Executive Director
Sherilyn Sarb, Deputy Director
Teresa Henry, South Coast District Manager
Karl Schwing, Orange County Area Supervisor**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. 3-08 is legally adequate. For Commission review at its January 12-14, 2011 meeting in Long Beach.**STAFF RECOMMENDATION**

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

BACKGROUND

The City of Laguna Beach requested to amend its certified Local Coastal Program (LCP) to make three unrelated changes to the certified LCP: Part 1) land use designate and zone the 8.52 acre site at 1900 Laguna Canyon Road (known as ACT V) to Public/Institutional land use designation and Institutional zone; Part 2) amend Land Use Element Policy 12-F to allow exceptions to an existing 500 square foot size limit for buildings located in Public Recreation and Parks land use designation for structures deemed by the City as necessary to provide public benefit uses; and, Part 3) make changes to the Implementation Plan to clarify how building heights are measured and parking garage regulations, within certain zones. Proposed LCP Amendment Request No. 3-08 was submitted for Commission certification by City Council Resolution Nos. 07.077, 08.064, and, 08.072. On March 10, 2010, the Commission approved the amendment subject to suggested modifications to bring the amendment into conformity with the policies of Chapter 3 of the Coastal Act, and the land use plan.

Part 1 of the amendment request, related to the 'Act V' site on Laguna Canyon Road, was approved by the Commission as submitted. However, Parts 2 and 3 raised issues with regard to protection of public views, public access and public recreation. In Part 2, concerns were raised that eliminating the 500 square foot limit on structures in the Public Recreation and Parks land use designation, would lead to oversize structures on beaches that have adverse public view impacts, and would displace public recreational area. The Commission suggested modifications that included a new 2,000 square foot footprint limitation on such structures, among other criteria. The City adopted those suggested modifications, but also adopted alternative language to address concerns they had about their ability to implement a planned lifeguard headquarters reconstruction. Since the City adopted alternative language, that component of the amendment is being processed as a resubmittal (see LGB-MAJ-4-10 on this same agenda), and it is not included as part of this Executive Director concurrence. With regard to Part 3, public view issues were raised by a

proposed increase in the maximum height limit in the Local Business/Professional zone, and, a proposed deletion of language that requires, where feasible, development seaward of Coast Highway be lower than the centerline of Coast Highway. The Commission's suggested modifications re-inserted the language the City had deleted, among other refinements. Part 3 also contained language that would have allowed below grade parking garages for commercial structures to be constructed within a bluff edge setback. Modifications were suggested to prohibit such structures from being constructed in the setback.

On July 2, 2010, the Laguna Beach City Council adopted Resolution No. 10.083 acknowledging receipt of the Coastal Commission action and, except for their proposed changes to Policy 12-F, accepting and agreeing to the suggested modifications to the City's Local Coastal Program and also requesting final certification by the California Coastal Commission. The City has submitted the modifications to the Executive Director for a determination that they are consistent with the Commission's action on March 10, 2010 (Exhibit #2).

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. 3-08 (except for the changes to Policy 12-F that are being processed as a separate resubmittal) 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).

RECOMMENDATION

Staff recommends that the Commission CONCUR with the Executive Director's determination as set forth in the attached letter (a letter that substantially conforms with Exhibit #1 to be sent after Commission endorsement).

CALIFORNIA COASTAL COMMISSION

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



January ##, 2011

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

Subject: **EFFECTIVE CERTIFICATION OF LAGUNA BEACH LOCAL COASTAL PROGRAM AMENDMENT 3-08, PARTS 1 AND 3**

Dear Mr. Montgomery:

We are pleased to notify you that on January 12, 2011, the Commission concurred with the Executive Director's determination that the action of the City of Laguna Beach accepting certification of Local Coastal Program (LCP) Amendment No. 3-08, parts 1 and 3, with suggested modifications was legally adequate. Therefore, the LCP amendment will be fully effective upon filing of the notice of the Commission's certification with the Secretary of the Resources Agency as provided by Public Resources Code Section 21080.5(d)(2)(v).

The City of Laguna Beach requested to amend its certified Local Coastal Program (LCP) to make three unrelated changes to the certified LCP: Part 1) land use designate and zone the 8.52 acre site at 1900 Laguna Canyon Road (known as ACT V) to Public/Institutional land use designation and Institutional zone; Part 2) amend Land Use Element Policy 12-F to allow exceptions to an existing 500 square foot size limit for buildings located in Public Recreation and Parks land use designation for structures deemed by the City as necessary to provide public benefit uses; and, Part 3) make changes to the Implementation Plan to clarify how building heights are measured and parking garage regulations, within certain zones. Proposed LCP Amendment Request No. 3-08 was submitted for Commission certification by City Council Resolution Nos. 07.077, 08.064, and, 08.072.

On March 10, 2010, the Commission approved the amendment subject to suggested modifications to bring the amendment into conformity with the policies of Chapter 3 of the Coastal Act, and the land use plan. On July 2, 2010, the Laguna Beach City Council adopted Resolution No. 10.083 acknowledging receipt of the Coastal Commission action and, except for their proposed changes to Policy 12-F (Part 2), accepted and agreed to the suggested modifications to the City's Local Coastal Program and also requested final certification by the California Coastal Commission. On January 12, 2011, the Commission concurred with the Executive Director's determination that the City Council's acceptance of the Commission's suggested modification was legally adequate.

Please note that although LGB-MAJ-3-08 originally included changes to Policy 12-F of the certified Land Use Plan, the City decided to adopt alternative language. Thus, that component of the amendment request (Part 2) is being processed separately as a resubmittal, pursuant to the requirements of Coastal Act Section 30512(b) and Section 13541 of the Commission's regulations (see LGB-MAJ-4-10). You will receive separate notification regarding the status of that resubmittal.

Please forward three copies of the entire updated Local Coastal Plan as approved by the Commission to the South Coast District office at your earliest convenience.

On behalf of the Coastal Commission, I would like to congratulate the City on the completion of LCP Amendment 3-08. If you have any questions, please contact Meg Vaughn at our Long Beach office (562) 590-5071.

Sincerely,

Teresa Henry
District Manager

cc: Ann Larson, Planning Manager

EXHIBIT# 1

Page 1 of 1

Application Number:

LGB-MAJ-3-08



California Coastal
Commission



RECEIVED
South Coast Region

JUL 19 2010

CALIFORNIA
COASTAL COMMISSION

July 16, 2010

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

Subject: Local Coastal Program Amendment 3-08

Dear Karl:

On July 2, 2010, the City Council approved Resolution 10.083 approving suggested modifications by the Coastal Commission. The modifications are reflected in Exhibit A attached to the resolution. The City requests certifications that the modifications are consistent with the Coastal Commission's action on March 10, 2010.

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 Manager
Community Development

Attachment

cc: Community Development Director
File

JUL 19 2010

CALIFORNIA
COASTAL COMMISSION

RESOLUTION NO. 10.083

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH, CALIFORNIA, ADOPTING LOCAL COASTAL PROGRAM AMENDMENT 3-08 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 make changes to the Implementation Plan to clarify how building heights are measured and specify parking garage regulations within certain commercial zones; and

WHEREAS, on March 10, 2010, the California Coastal Commission approved Local Coastal Program Major Amendment No. 3-08 with modifications; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) this proposed Laguna Beach Local Coastal Program Amendment 3-08 is exempt pursuant to Section 15061(b)(3) of the State CEQA Guidelines; and

WHEREAS, the City Council after conducting a legally noticed public hearing, reviewed and considered all documents, testimony and other evidence presented on the Coastal Commission proposed modifications to Local Coastal Program Amendment 3-08; and

WHEREAS, the City Council of the City of Laguna Beach intends to implement the Local Coastal Program in a manner fully consistent and in conformance with the California Coastal Act;

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Laguna Beach hereby approves and takes the following actions:

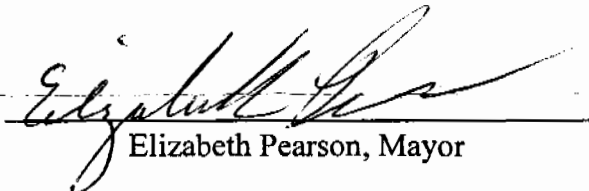
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1. General Plan Amendment 3-08. The City Council does resolve and order that the modifications to Local Coastal Program Implementation Plan 3-08 specified in Ordinance 1524 attached hereto as Exhibit "A" is hereby approved.

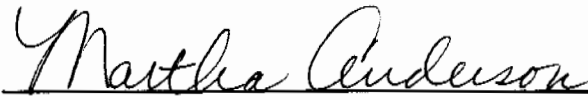
2. Local Coastal Program Amendment 3-08. Staff is hereby directed to forward the approved modifications to the California Coastal Commission and that the Executive Director/Coastal Commission makes a determination that the modifications are consistent with the Coastal Commission's action on March 10, 2010 regarding LCP Amendment No. 3-08.

3. That pursuant to Section 13551(b) of the Coastal Commission Regulations, Laguna Beach Local Coastal Program Amendment 3-08 will take effect automatically upon Executive Director/Coastal Commission certification that the City has complied with the Commission's March 10, 2010 action, as provided in Public Resources Code Sections 30512, 30513 and 30519.

ADOPTED this 6th day of July, 2010.


Elizabeth Pearson, Mayor

ATTEST:


City Clerk


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I, MARTHA ANDERSON, City Clerk of the City of Laguna Beach, California, do hereby certify that the foregoing Resolution No. 10.083 was duly adopted at a Regular Meeting of the City Council of said City held on July 6, 2010, by the following vote:

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

NOES: COUNCILMEMBER(S): None

ABSENT: COUNCILMEMBER(S): None



City Clerk of the City of Laguna Beach, CA

EXHIBIT "A"

ORDINANCE NO. 1524

**AN ORDINANCE OF THE CITY OF LAGUNA BEACH
AMENDING PORTIONS OF SECTIONS 25.08.016, 25.18.008,
25.19.008, 25.20.008, 25.21.006 AND 25.25.008 OF THE LAGUNA
BEACH MUNICIPAL CODE; ALL RELATING TO HEIGHT AND
PARKING GARAGE REGULATIONS IN THE CITY'S
COMMERCIAL ZONES**

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

SECTION 1: Amend Section 25.08.016 regarding the "Height, building" zoning definition by adding the following Subsection (5) to read in its entirety as follows:

(5) For development proposed on the seaward side of Pacific Coast Highway, where topography allows, no structures shall be constructed above the finish elevation of Pacific Coast Highway at the right-of-way line.

SECTION 2: Subsection (F) (2) ("Building Height Standards") and (G) ("Parking Standards") of Section 25.18.008 ("Property Development Standards" of the **LB/P Local Business/Professional Zone – Chapter 25.18**) of the Laguna Beach Municipal Code is hereby amended to read in their entirety as follows:

(F) (2) The height of any building (per the Building Height definition in Municipal Code Section 25.08.016) shall not exceed 36 feet, including parking garage floor levels with access ramps located outside the structure's ground floor footprint. Notwithstanding the Building Height definition Exception (4) this 36-foot height limit shall include roof chimneys, vents, mechanical equipment, mechanical enclosure, elevator shafts, stairways and other such structural elements required for the operation of the building. Per the Building Height definition, subterranean floors are exempt from the height measurement limit.

(G) **Parking Garage Setbacks, Entrances and Standards.** Parking lots and any portion of a parking garage structure built at or above the exterior natural or finish grade elevation, whichever is lower, shall adhere to the yard setbacks specified in this Zone. Parking garage floor levels built below the exterior natural or finish grade elevation, whichever is lower, may be built to the property lines provided a landscape/hardscape plan is provided and approved by the design review authority addressing the above grade areas within the required above grade setbacks. Subterranean parking garage levels shall be designed to accommodate the growth of street trees. Notwithstanding the above language, no subterranean parking level(s) shall be allowed within the required bluff top setback area.

Parking garage accessways or entrances shall be designed to diminish their impacts by minimizing their size and architecturally integrating amenities, such as gates, landscaping and special paving, and their placement shall maximize pedestrian safety.

See the provisions of Chapter 25.52 for additional Parking Requirements.

SECTION 3: Subsection (F) (“Parking Standards”) of Section 25.19.008 (“Property Development Standards” of the **CN Commercial-Neighborhood Zone – Chapter 25.19**) of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

- (F) **Parking Garage Setbacks, Entrances and Standards.** Parking lots and any portion of a parking garage structure built at or above the exterior natural or finish grade elevation, whichever is lower, shall adhere to the yard setbacks specified in this Zone. Parking garage floor levels built below the exterior natural or finish grade elevation, whichever is lower, may be built to the property lines provided a landscape/hardscape plan is provided and approved by the design review authority addressing the above grade areas within the required above grade setbacks. Subterranean parking garage levels shall be designed to accommodate the growth of street trees. Notwithstanding the above language, no subterranean parking garage level(s) shall be allowed within the required bluff top setback area.

Parking garage accessways or entrances shall be designed to diminish their impacts by minimizing their size and architecturally integrating amenities, such as gates, landscaping and special paving, and their placement shall maximize pedestrian safety.

See the provisions of Chapter 25.52 for additional Parking Requirements.

SECTION 4: Subsection (E) (“Parking Standards”) of Section 25.20.008 (“Property Development Standards” of the **C-1 Local Business District – Chapter 25.20**) of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

- (E) **Parking Garage Setback, Entrances and Standards.** Parking lots and any portion of a parking garage structure built at or above the exterior natural or finish grade elevation, whichever is lower, shall adhere to the yard setbacks specified in this Zone. Parking garage floor levels built below the exterior natural or finish grade elevation, whichever is lower, may be built to the property lines provided a landscape/hardscape plan is provided and approved by the design review authority addressing the above grade areas within the required above grade setbacks. Subterranean parking garage levels shall be designed to accommodate the growth of street trees. Notwithstanding the above language, no subterranean parking garage level(s) shall be allowed within the required bluff top setback area.

Parking garage accessways or entrances shall be designed to diminish their impacts by minimizing their size and architecturally integrating amenities, such as gates, landscaping and special paving, and their placement shall maximize pedestrian safety.

See the provisions of Chapter 25.52 for additional Parking Requirements.

SECTION 5: Subsection (E) (“Parking Standards”) of Section 25.21.006 (“Property Development Standards” of the **CH-M Commercial Hotel-Motel Zone – Chapter 25.21**) of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

- (E) **Parking Garage Setbacks, Entrances and Standards.** Parking lots and any portion of a parking garage structure built at or above natural or finish grade elevation, whichever is lower, shall adhere to the yard setbacks specified in this Zone. Parking garage floor levels built below natural or finish grade elevation, whichever is lower, may be built to the property lines provided a landscape/hardscape plan is provided and approved by the design review authority addressing the above grade areas within the required above grade setbacks. Subterranean parking garage levels shall be designed to accommodate the growth of street trees. Notwithstanding the above language, no subterranean parking garage level(s) shall be allowed within the required bluff top setback area.

Parking garage accessways or entrances shall be designed to diminish their impacts by minimizing their size and architecturally integrating amenities, such as gates, landscaping and special paving, and their placement shall maximize pedestrian safety.

See the provisions of Chapter 25.52 for additional Parking Requirements.

SECTION 6: Subsection (G) (“Parking Standards”) of Section 25.25.008 (“Property Development Standards” of the **SLV, South Laguna Village Commercial Zone – Chapter 25.25**) of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

- (G) **Parking Garage Setbacks, Entrances and Standards.** The provisions of Chapter 25.52 shall apply. Parking lots and any portion of a parking garage structure built at or above the exterior natural or finish grade elevation whichever is lower, shall adhere to the yard setbacks specified in this Zone. Parking garage floor levels built below the exterior natural or finish grade elevation, whichever is lower, may be built to the property lines provided a landscape/hardscape plan is provided and approved by the design review authority addressing the above grade areas within the required above grade setbacks. Subterranean parking garage levels shall be designed to accommodate the growth of street trees. Notwithstanding the above language, no subterranean parking garage level(s) shall be allowed within the required bluff top setback area.

Parking garage accessways or entrances shall be designed to diminish their impacts by minimizing their size and architecturally integrating amenities, such as gates, landscaping and special paving, and their placement shall maximize pedestrian safety.

See the provisions of Chapter 25.52 for additional Parking Requirements.

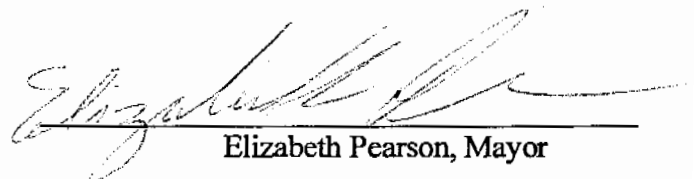
Incentives. The City Council may approve a Conditional Use Permit, upon recommendation by the Planning Commission, to reduce the parking standards required under Chapter 25.52 in accordance with the incentives provision in such Chapter. Additionally, the parking standards may be reduced in accordance with the following conditions:

- (1) The proposed use is a sidewalk café having outdoor seating that is available to the general public, as well as restaurant customers, and 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 5 parking spaces; or
- (2) The proposed use is a restaurant that primarily serves the needs of the local residents and contributes positively to the character of the South Laguna Village commercial area. The parking reduction for this type of use shall be limited to a maximum of 3 parking spaces; or
- (3) The proposed use is a beauty salon or barber shop that is determined to primarily serve the needs of the local residents. The parking reduction shall be limited to a maximum of 1 parking space.


SECTION 7: 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 8: 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 July, 2010.

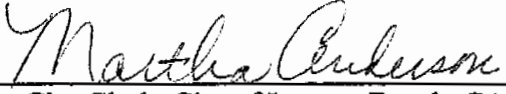

Elizabeth Pearson, Mayor

ATTEST:


City Clerk

I, Martha Anderson, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance No. 1524 was introduced at a regular meeting of the City Council on June 15, 2010 and was finally adopted at a regular meeting of the City Council of said City held on July 6, 2010 by the following vote:

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



City Clerk, City of Laguna Beach, CA