

CALIFORNIA COASTAL COMMISSION

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

Th 7a

June 21, 2012



TO: Commissioners and Interested Persons

FROM: Charles Lester, 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. 3-10 (Temporary Use Permits Implementation Plan Amendment) is legally adequate. For Commission review at its July 11-13, 2012 meeting in San Diego.

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 submitted Major Local Coastal Program Amendment Request No. 3-10 for Commission certification pursuant to City Council Resolution No. 10.102. The changes proposed by the City to the Implementation Plan are reflected in City Council Ordinance No. 1534. The intent of the amendment is to streamline the Temporary Use Permit approval process for minor, short-term (five days or fewer) events. As submitted by the City the amendment would make three changes to subsection 25.05.035 at subsections (E), (F), and (I). In Subsection (E) the City proposed to add language that, in addition to public notice required for temporary use permits, for any project that also requires a coastal development permit, the public notice requirements for coastal development permits shall also apply. Subsection (F) introduces new language that would allow some temporary use permits to be issued by the Director of Community Development when the event is both five days or less and minor in nature. Subsection (I) changes the effective date of an approved temporary use permit from ten business days to fourteen calendar days (unless appealed). Local Coastal Program Amendment 3-10 affects only the Implementation Plan portion of the certified LCP.

The issue that was raised by the amendment involved proposed language changes that made it unclear whether the streamlined temporary use permit procedure would also apply to development subject to a coastal development permit. To address this issue, the Commission adopted one suggested modification in order to clarify that the proposed streamlined temporary use permit process does not apply to development that is also subject to approval of a coastal development permit, consistent with the City's intent for the proposed change. The Commission found that the suggested modification would bring the proposed Implementation Plan amendment into conformity with the policies of the certified Land Use Plan at its hearing on January 11, 2012.

On May 1, 2012, the Laguna Beach City Council adopted Resolution 12.046 acknowledging receipt of the Coastal Commission action and accepting and agreeing to the suggested modifications. Also on May 1, 2012, the Laguna Beach City Council approved Ordinance No. 1565 which incorporated the Commission's suggested modification to LCPA 3-10. The City has submitted the modifications to the Executive Director for a determination that they are consistent with the Commission's action on January 11, 2012.

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. 3-10 shall

City of Laguna Beach LCPA 3-10
Executive Director's Determination
Page 2

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 (to be sent after Commission endorsement).

City of Laguna Beach LCPA 3-10
Executive Director's Determination
Page 3

STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY

Edmund G. Brown, Jr., Governor

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



July XX, 2012

John Montgomery
Director of Planning
505 Forrest Avenue
Laguna Beach, CA 92651

Re: Effective Certification
City of Laguna Beach Local Coastal Program Amendment No. 3-10
(Temporary Use Permits Implementation Plan Amendment)

Dear Mr. Montgomery:

We are pleased to notify you that on July X 2012, 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. 3-10 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)(E).

City of Laguna Beach LCP Amendment 3-10 was submitted for Commission certification pursuant to City Council Resolution No. 10.102. The changes proposed to the Implementation Plan are reflected in Ordinance No. 1534.

On January 11, 2012, the Commission approved LCP Amendment No. 3-10 with suggested modifications. On May 1, 2012, the Laguna Beach City Council adopted Resolution No. 12.046 acknowledging receipt of the Coastal Commission action and accepting and agreeing to the suggested modifications. Also on May 1, 2012, the City Council adopted Ordinance No. 1565 amending the Local Coastal Program Implementation Plan by incorporating the modifications suggested by the Commission. On July X, 2012, the Commission concurred with the Executive Director's determination that the City Council's acceptance of the Commission's suggested modification was legally adequate.

On behalf of the Coastal Commission, I would like to congratulate the City on the completion of LCP Amendment 3-10. 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

LGB LCPA 3-10 TUPs IPam drft filert ltr 6.21.12 mv

LGB-MAS-LCPA-3-10

COASTAL COMMISSION

EXHIBIT # A

PAGE 1 OF 1

City of Laguna Beach LCPA 3-10
Executive Director's Determination
Page 4



RECEIVED
South Coast Region

MAY 23 2012

CALIFORNIA
COASTAL COMMISSION

May 22, 2012

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

Subject: Local Coastal Program Amendment No. LGB-MAJ 3-10 (Temporary Use Permits)

Dear Karl:

On May 1, 2012, the City Council approved Ordinance No. 1565 that includes the Coastal Commission suggested modifications to the City's Implementation Plan dealing with Temporary Use Permits and approved Resolution 12.046 requesting certification that the modifications are consistent with the Coastal Commission's action on January 11, 2012.

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

LGB-MAJ-LCPA-3-10
COASTAL COMMISSION

EXHIBIT # B
PAGE 1 OF 7

RESOLUTION NO. 12.046

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH, CALIFORNIA, RESUBMITTING LOCAL COASTAL PROGRAM AMENDMENT 2010-05 AND REQUESTING ITS CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION

WHEREAS, on January 11, 2012, the California Coastal Commission denied Local Coastal Program Amendment 2010-05 (Coastal Commission Reference Number 3-10) as submitted, and approved the amendment, if certain specified ordinance subsections are modified as suggested; and

WHEREAS, the City Council, after giving notice as prescribed by law, held at least one public meeting regarding the proposed modified Laguna Beach Local Coastal Program Amendment 2010-05, and the City Council finds that the proposed amendment is consistent with the Certified Laguna Beach Coastal Land Use Plan and Chapter 6 of the California Coastal Act; 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, THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH DOES RESOLVE AND ORDER as follows:

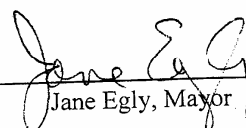
SECTION 1: That the Laguna Beach Local Coastal Program Amendment 2010-05 as modified is hereby approved, consisting of: Ordinance No. 1565. A copy of the aforesaid ordinance is attached hereto as Exhibit A, and is incorporated by reference as though fully set forth herein.

LGB-MAJ-LCPA-3-10
B2


1 SECTION 2: That the California Coastal Commission is hereby requested to
2 consider, approve and certify Laguna Beach Local Coastal Program Amendment No. 2010-
3 05 as modified.

4 SECTION 3: That pursuant to Section 13551(b) of the Coastal Commission
5 Regulations, Laguna Beach Local Coastal Program Amendment No. 2010-05 as modified
6 will automatically take effect immediately upon California Coastal Commission approval, as
7 provided in Public Resources Code Sections 30512, 30513 and 30519.
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11 ADOPTED this 1st day of May, 2012.
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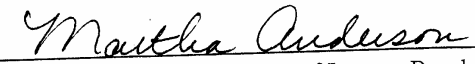
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14 
Jane Egly, Mayor

15 ATTEST:

16
17 
18 Martha Anderson
City Clerk

19 I, MARTHA ANDERSON, City Clerk of the City of Laguna Beach, California, do
20 hereby certify that the foregoing Resolution No. 12.046 was duly adopted at a Regular
Meeting of the City Council of said City held on May 1, 2012, by the following vote:

- 21 AYES: COUNCILMEMBER(S): Boyd, Iseman, Pearson, Rollinger, Egly
22 NOES: COUNCILMEMBER(S): None
23 ABSTAIN: COUNCILMEMBER(S): None
24 ABSENT: COUNCILMEMBER(S): None
25

26 
27 Martha Anderson
City Clerk of the City of Laguna Beach, CA

28
2 LGB-MAJ-LCPA-3-10
B3

ORDINANCE NO. 1565

**AN ORDINANCE OF THE CITY OF LAGUNA BEACH
AMENDING SECTION 25.05.035 OF THE LAGUNA BEACH
MUNICIPAL CODE; RELATING TO TEMPORARY USE
PERMITS**

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

SECTION 1: Section 25.05.035 ("Temporary Use Permits") of the Laguna Beach Municipal Code is hereby amended to read in their entirety as follows:

25.05.035 Temporary use permits.

- (A) Intent and Purpose. The intent of this section is to accommodate reasonable requests for interim or temporary uses when such activities are desirable for the community, or are temporarily required in the process of establishing a permitted use or constructing a public facility. Temporary uses allowed under this section shall be consistent with the health, safety and general welfare of persons residing and working in the community, shall be conducted so as not to cause any detrimental effects on surrounding properties and the community, and shall not violate any other ordinance or regulation of the City.
- (B) Uses Permitted Subject to Temporary Use Permit.
- (1) The following uses may be permitted in residential zones:
 - (a) Construction. Temporary structures, garages or sheds;
 - (b) Parking and storage of earthmoving or construction equipment, when that parking or storage is incidental to an ongoing construction activity;
 - (c) Storage of materials incidental to a public works project, subdivision or construction activity;
 - (d) Tract home or lot sales office;
 - (e) Events which require closure of public streets to traffic;
 - (f) Temporary parking lots other than existing lots;
 - (g) Such other uses as the Planning Commission may by resolution deem to be within the intent and purpose of this section.
 - (2) The following uses may be permitted in nonresidential zones. Uses permitted in the industrial zones shall require special consideration to assure that those uses are compatible with the intent of those zones.
 - (a) Art and handicraft shows (out of doors);
 - (b) Carnivals;
 - (c) Christmas tree sales;
 - (d) Concerts;
 - (e) Farmers market;
 - (f) Horse shows and animal exhibitions;
 - (g) Outdoor merchandise and display stands;

LGB-MAJ-LCPA-3-10

City of Laguna Beach LCPA 3-10
Executive Director's Determination
Page 8

- (h) Sporting events;
 - (i) Street vendors, temporary sales booths, sidewalk sales or enterprises of a similar nature;
 - (j) Tents or canvas/plastic enclosures;
 - (k) Those temporary uses permitted in Section 25.05.035(B)(1);
 - (l) Such other uses as the Planning Commission may by resolution deem to be within the intent and purpose of this section.
- (C) Applications. Applications for a temporary use permit shall be made by the property owner or an authorized agent. Applications shall contain such information as prescribed by the Director of Community Development.
- (D) Filing Fee. Prior to accepting an application for a temporary use permit, the Department of Community Development shall collect a filing fee, as determined by resolution of the City Council.
- (E) Public Notice. All temporary use permit applications referred to the Planning Commission shall be subject to the public notice provisions of Section 25.05.065(B) and (C) whereby public notice is mailed to property owners within three hundred feet of the subject property; except that newspaper advertising shall not be required. If a Coastal Development Permit is required pursuant to Chapter 25.07, the public notice provisions of Section 25.07.014 shall also be required.
- (F) Approvals.
- (1) The Director of Community Development shall approve, approve in part, conditionally approve or deny applications for temporary use permits in the R-1 zone and for short-term events (five days or less) deemed minor by the Director of Community Development in any zone. Applications for temporary parking lots are excluded. At the discretion of the Director of Community Development, temporary use permit applications may be referred to the Planning Commission. Determination shall be made within twenty business days of receipt of the application unless the matter is referred to public hearing.
 - (2) In addition to a Temporary Use Permit, a Coastal Development Permit must be obtained for those temporary uses that involve development that requires a Coastal Development Permit as described in Chapter 25.07, Coastal Development Permits. The procedure to obtain a Coastal Development Permit shall be as described in Chapter 25.07.
 - (3) The Planning Commission shall approve, approve in part, conditionally approve or deny all other applications for temporary use permits. The Commission shall make written findings that the project is consistent with applicable general plan policies. Public hearing for temporary use permits shall be scheduled not more than twenty business days following acceptance of a complete application.
 - (4) Written notice of determination shall be mailed to the applicant or authorized agent within ten business days of the decision of the Director of Community Development or the Planning Commission.
- (G) Conditions of Approval. Conditions of approval may include but are not limited to:
- (1) Regulations of hours;

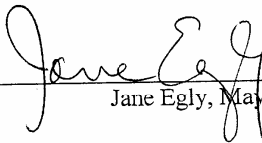
City of Laguna Beach LCPA 3-10
Executive Director's Determination
Page 9

- (2) Requirement of bonds or other guarantees for cleanup or removal of structures or equipment;
 - (3) Return of temporary use site to its original state within a specified period of time;
 - (4) Regulation of permit duration;
 - (5) Regulation of signs and advertising;
 - (6) Regulation of lighting;
 - (7) Regulation of public-address or sound system;
 - (8) Regulation of gas, smoke, noise, fumes, vibrations or other nuisances;
 - (9) Referral to design review;
 - (10) Such other conditions as are deemed necessary to protect the health, safety and welfare of the community and to assure compliance with the intent and purpose of this section.
- (H) Appeals. Appeals are subject to the provisions of Section 25.05.070.
- (I) Effective Date/Expiration Date. Planning Commission decisions on temporary use permit applications shall become effective fourteen calendar days after the date of the decision, unless appealed to the City Council. Temporary use permits may be authorized for a maximum three year time period.
- (J) Revocation. Revocations are subject to the provisions of Section 25.05.075.

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: 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 1st day of May, 2012.



Jane Egly, Mayor

ATTEST:



Martha Anderson
City Clerk

LGB-MAS-LCPA-3-10

B6

City of Laguna Beach LCPA 3-10
Executive Director's Determination
Page 10


I, Martha Anderson, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance No. 1565 was introduced at a regular meeting of the City Council on April 17, 2012 and was finally adopted at a regular meeting of the City Council of said City held on May 1, 2012 by the following vote:

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

NOES: COUNCILMEMBER(S): None

ABSTAIN: COUNCILMEMBER(S): None

ABSENT: COUNCILMEMBER(S): None


City Clerk, City of Laguna Beach, CA

LGB-MAJ-LCPA-3-10