

CALIFORNIA COASTAL COMMISSION

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

W16b

July 25, 2013

**TO:** Commissioners and Interested Persons**FROM:** Charles Lester, Executive Director
Sherilyn Sarb, Deputy Director
Karl Schwing, Supervisor, Regulation & Planning, Orange County Area
John Del Arroz, 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. 3-11 (Public Notification Procedures)(LGB-MAJ-3-11) is legally adequate. For Commission review at its August 14-15, 2013 meeting in Santa Cruz.**SUMMARY OF 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 (LCP) Amendment Request No. 3-11 (LGB-MAJ-3-11) for Commission certification pursuant to City Council Resolution No. 11.093 which includes Ordinance No. 1555. Laguna Beach LCPA 3-11 amended the Implementation Plan (IP) portion of the City's certified Local Coastal Program (LCP) by making changes to Title 25 Zoning to alter the required content of public hearing notices and to standardize noticing procedures. Laguna Beach LCPA 3-11 made changes to the certified Implementation Plan only.

On January 11, 2013, the Coastal Commission approved with suggested modifications proposed Implementation Plan Amendment No. 3-11. The main issue raised by the amendment was that it was unclear that Sections 25.07.014 and 25.07.026 in the Coastal Development Permits Chapter of the Municipal Code (which is not altered by Laguna Beach Amendment 3-11) takes precedence for the requirements for noticing of Coastal Development Permits and Local Coastal Program Amendments, and not Section 25.05.065, which states the noticing procedures for most of the discretionary permits and public hearings heard by the City (and which is altered by the amendment). The suggested modifications clarified that the noticing provisions in Section 25.07.025 (CDP ordinance) take precedence when a coastal development permit or LCP amendment is involved.

On April 23, 2013 the Laguna Beach City Council adopted Resolution No. 13.015 acknowledging receipt of the Coastal Commission action and accepting and agreeing to the suggested modifications. Also on April 23, 2013, the City Council adopted Ordinance No. 1577 approving revisions to the Implementation Plan by incorporating the Commission's suggested modifications.

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. 3-11 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 (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



August XX, 2013

John Montgomery
Director of Community Development
505 Forest Ave
Laguna Beach, CA 92651

Re: Effective Certification
City of Laguna Beach Local Coastal Program Amendment No. 3-11 (LGB-MAJ-3-11)
(Notification Procedures)

Dear Mr. Montgomery:

We are pleased to notify you that on August XX, 2013, 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. 3-11 (LGB-MAJ-3-11) 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 3-11 was submitted for Commission certification pursuant to City Council Resolution No. 11.093. Laguna Beach LCPA 3-11 reflects the changes to the Implementation Plan reflected in Ordinance No. 1555, as modified by the approved suggested modifications.

On January 11, 2013, the Commission approved LCP Amendment No. 3-11 with suggested modifications. On April 23, 2013, the Laguna Beach City Council adopted Resolution No. 13.015 acknowledging receipt of the Coastal Commission action and accepting and agreeing to the suggested modifications. On April 23, 2013, the City Council adopted Ordinance No. 1577 amending the Local Coastal Program Implementation Plan by incorporating the modifications suggested by the Commission. On August XX, 2013, 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 3-11. If you have any questions, please contact John Del Arroz at our Long Beach office at (562) 590-5071.

Sincerely,

Teresa Henry
District Manager

cc: Ann Larson, Planning Manager



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South Coast Region

MAY 14 2013

CALIFORNIA
COASTAL COMMISSION

May 13, 2013

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

Subject: Local Coastal Program Amendment No. LGB-MAJ 3-11 (Public Notice of Discretionary Permits or Applications)

Dear Karl:

On April 23, 2013, the City Council approved Ordinance No. 1577 that includes the Coastal Commission suggested modifications to the City's Implementation Plan dealing with public notice of discretionary permits and applications and approved Resolution 13.015 requesting certification that the modifications are consistent with the Coastal Commission's action on January 11, 2013.

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

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RESOLUTION NO. 13.015

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH, CALIFORNIA ADOPTING LOCAL COASTAL PROGRAM AMENDMENT 11-08 AND REQUESTING ITS CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION

WHEREAS, after notice duly given pursuant to Government Code Section 65090 and Public Resources Code Sections 30503 and 30510, the Planning Commission of the City of Laguna Beach held at least one public hearing to consider the adoption of Laguna Beach Local Coastal Program Amendment 11-08; and

WHEREAS, the City Council, after giving notice as prescribed by law, held at least one public meeting regarding the proposed Laguna Beach Local Coastal Program Amendment 11-08, 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 hereby resolve as follows:

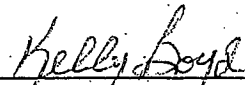
SECTION 1. That the Laguna Beach Local Coastal Program Amendment 11-08 is hereby approved, consisting of Ordinance No. 1577 pertaining to amendments to Title 25 – Zoning. Copies of the aforesaid Ordinance are attached hereto as Exhibit A, and are incorporated by this reference as though fully set forth herein.

SECTION 2. That the California Coastal Commission is hereby requested to consider, approve and certify Laguna Beach Local Coastal Program Amendment No. 11-08.

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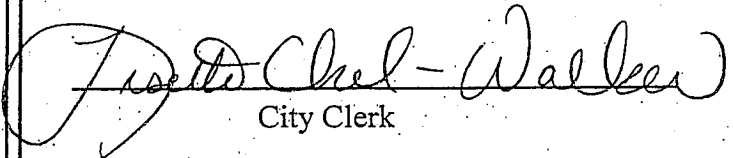
SECTION 3. That pursuant to Section 13551(b) of the Coastal Commission Regulations, Laguna Beach Local Coastal Program Amendment No. 11-08 will automatically take effect immediately upon California Coastal Commission approval, as provided in Public Resources Code Sections 30512, 30513 and 30519.

ADOPTED this 23rd day of April, 2013.



Kelly Boyd, Mayor

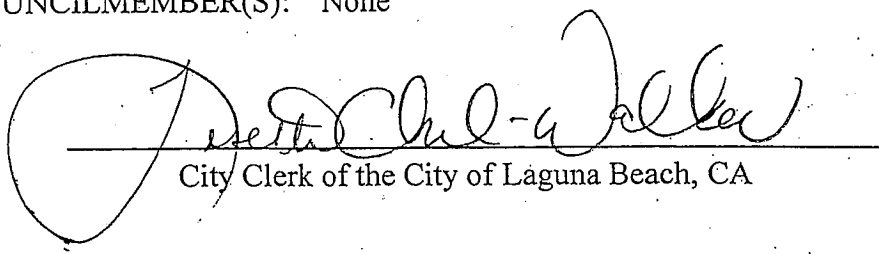
ATTEST:



City Clerk

I, LISETTE CHEL-WALKER, City Clerk of the City of Laguna Beach, California, do hereby certify that the foregoing Resolution No. 13.015 was duly adopted at a Regular Meeting of the City Council of said City held on April 23, 2013, by the following vote:

- AYES: COUNCILMEMBER(S): Whalen, Iseman, Dicterow, Pearson, Boyd
- NOES: COUNCILMEMBER(S): None
- ABSENT: COUNCILMEMBER(S): None



City Clerk of the City of Laguna Beach, CA

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South Coast Region

ORDINANCE NO. 1577

JUL 8 2013

CALIFORNIA
COASTAL COMMISSION

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH AMENDING THE LAGUNA BEACH MUNICIPAL CODE RELATING TO PUBLIC NOTICE OF DISCRETIONARY DEVELOPMENT PERMITS OR APPLICATIONS.

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

SECTION 1: Section 25.05.065 ("Public Notice") of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

25.05.065 Public Notice.

- (A) Intent and Purpose. It is the intent and purpose of this section to provide standardized noticing procedures for discretionary permits or applications which require a public notice, except that if a Coastal Development Permit is required pursuant to Section 25.07, noticing for that type of permit shall instead be carried out through the public notice provisions of Section 25.07.014.
- (B) Public Hearing. A public hearing shall be held by the approval authority (Director of Community Development, Design Review Board/Board of Adjustment, Planning Commission and/or City Council) prior to a decision on a development entitlement permit or application as specified or required in the Laguna Beach Municipal Code and California State law. Public hearings shall require public notice as specified below.
- (C) Content of Public Hearing Notices. All public hearing notices that are mailed, posted or published for a proposed project shall contain the information listed below.
1. Time, date, address and location of the hearing.
 2. Name of the approval authority holding the hearing.
 3. A description of the proposed development and its proposed location.
 4. The environmental determination.
 5. The name, title, telephone and email address of a staff contact person.
 6. All related project case numbers, and project name, if any.
 7. The project applicant's name.
 8. A statement, if applicable, of whether the proposed project is located within the Coastal Zone and appeal procedure; see the Coastal Development Permit noticing requirements specified in Municipal Code Section 25.07.014, and Section 25.07.020 for Emergency Coastal Development Permit.
- (D) Mailing of Public Hearing Notices. Except as noted below, all public hearing notices shall be sent by mail not less than 10 calendar days prior to the date of the public hearing. Administrative Design Review public hearing notices shall be sent by mail not less than 14 calendar days prior to the date of the public hearing. Design Review public hearing notices shall be sent by mail not less than 28 calendar days prior to the date of the public hearing. Public hearing notices shall be mailed to:
1. The project applicant.
 2. The property owner or the owner's duly authorized agent.

3. Each property owner located within 300 feet of the property line of the project site. The list of property owners shall be obtained from the latest equalized Orange County assessment roll and may include any subsequent ownership changes recorded with the County.
4. Each apartment and commercial tenant located within the project site or 100 feet of the property line of the project site.
5. All homeowners' and master community associations governing property within 300 feet of the property line of the project site.
6. Any person or organization that has filed within 6 months prior to the public hearing a written request for public notice.
7. The California Coastal Commission when processing a Coastal Development Permit or Local Coastal Program amendment.
8. Any adjacent City or County jurisdiction that may be affected by the proposed project.
9. Any local agency or district (such as water, sewer or school) that may be affected by the proposed project.

If the number of owners to whom public notice would be mailed is greater than 1,000 then, in-lieu of mailed public notice, the City may provide public notice by placing a display advertisement of at least one-eighth page size in a newspaper of general circulation within the City at least 10 calendar days prior to the hearing. The City's failure to provide notice as described in this section shall not be grounds for invalidation of any permit decision, provided that for projects requiring a Coastal Development Permit, the City has completely complied with all notification procedures as required in Section 25.07.014. A failure to comply with the noticing requirements in Section 25.07.014 may delay the finality of the City's decision on a Coastal Development Permit application.

(E) Posting of Public Hearing Notices. Notice of a public hearing shall be posted on the project site not less than 10 calendar days prior to the date of the public hearing for Administrative Use Permit, Conditional Use Permit, Design Review, General Plan Amendment (for specific property), Heritage Tree, Revocation, Rezone, Street Abandonment, Subdivision (parcel or tentative tract map), Temporary Use Permit (decided by the Planning Commission) and Variance applications.

(F) Publication of Public Hearing Notices. Notice of public hearing shall be published in a newspaper of general circulation within the City at least 10 calendar days prior to the hearing for Appeal (of an entitlement decision of the Design Review Board/Board of Adjustment, Director of Community Development or Planning Commission), Demolition of a Historic Register structure, General Plan Amendment, Local Coastal Program Amendment, Revocation, Rezone, Street Abandonment, Subdivision (parcel or tentative tract map), Variance (decided by the Design Review Board/Board of Adjustment or Planning Commission) and Zoning Ordinance Amendment applications.

SECTION 2: Section 25.05.020(C) (Administrative Use Permit Procedure "Public Notice") of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

(C) Public Notice. Public notice shall be subject to the provisions of Section 25.05.065 except that if a Coastal Development Permit is required pursuant to Section 25.07, noticing

for that type of permit shall instead be carried out through the public notice provisions of Section 25.07.014.

SECTION 3: Section 25.05.025(D) (Variances “Public Notice”) of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

(D) Public Notice. Public notice shall be subject to the provisions of Section 25.05.065, except that if a Coastal Development Permit is required pursuant to Section 25.07, noticing for that type of permit shall instead be carried out through the public notice provisions of Section 25.07.014.

SECTION 4: Section 25.05.030(D) (Conditional Use Permits “Public Notice”) of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

(D) Public Notice. Public notice shall be subject to the provisions of Section 25.05.065, except that if a Coastal Development Permit is required pursuant to Section 25.07, noticing for that type of permit shall instead be carried out through the public notice provisions of Section 25.07.014.

SECTION 5: Section 25.05.035(E) (Temporary Use Permits “Public Notice”) of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

(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, except that if a Coastal Development Permit is required pursuant to Section 25.07, noticing for that type of permit shall instead be carried out through the public notice provisions of Section 25.07.014.

SECTION 6: Section 25.05.040(B)(3)(b) (“Public Notice for Administrative Design Review”) of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

(b) Public Notice for Administrative Design Review. Public notice shall be subject to the provisions of Section 25.05.065, except that if a Coastal Development Permit is required pursuant to Section 25.07, noticing for that type of permit shall instead be carried out through the public notice provisions of Section 25.07.014.

SECTION 7: Section 25.05.040(E) (Design Review “Public Notice”) of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

(E) Public Notice. Public notice shall be subject to the provisions of Section 25.05.065, except that if a Coastal Development Permit is required pursuant to Section 25.07, noticing for that type of permit shall instead be carried out through the public notice provisions of Section 25.07.014.

SECTION 8: Sections 25.05.070(B)(6) and (7) (Appeals “Procedures” Public Notice) of the Laguna Beach Municipal Code are hereby amended to read in their entirety as follows:

(6) Upon the City Clerk’s receipt of a timely and otherwise proper appeal of a decision, determination or requirement of the Planning Commission, Board of Adjustment/Design

Review Board or Director of Community Development, the appeal shall be set for a public hearing before the City Council no less than 14 calendar days nor more than 60 calendar days after receipt of the appeal. Public notice of the hearing for the appeal shall be subject to the provisions of Section 25.05.065, except that the public notice for appeals of Coastal Development Permits shall be instead carried out through the public notice provisions of Section 25.07.014.

(7) Notwithstanding the foregoing and any other provisions of Chapter 25.05, any decision, determination and requirement of the Planning Commission and Board of Adjustment/Design Review Board shall be automatically appealed to the City Council where a member of the Commission or Board has an ownership, leasehold or consulting interest in the property or project which is the subject of the decision, determination or requirement. The appeal shall be set for a public hearing before the City Council no less than 14 calendar days nor more than 60 calendar days after the date of the decision, determination or requirement. Public notice of the hearing for the appeal shall be subject to the provisions of Section 25.05.065, except that the public notice for appeals of Coastal Development Permits shall be instead carried out through the public notice provisions of Section 25.07.014.

SECTION 9: Section 25.05.075(B)(3) (Revocation Public Notice) of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

(3) Prior to revocation, a noticed public hearing shall be held. Public notice shall be subject to the provisions of Section 25.05.065.

SECTION 10: Section 25.08.022 "Lot Line, Front" definition of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

"Lot Line, Front" means the property line or lines separating a lot from streets in the case of an interior lot and the line separating the narrowest street frontage of a lot from the street in the case of a corner lot or reversed corner lot. A lot may have more than one front lot line. Following a 10-day public comment period prior to which public notice was provided in accordance with Section 25.05.065, an exception from the designation for front lot line may be granted by the Design Review Board. The following criteria shall be considered when making an exception designation:

- (1) The front yard designation in the code is inappropriate because of the pattern of neighborhood development;
- (2) The front yard designation in the code is inappropriate because of the historical orientation of the existing structure(s) on the site;
- (3) The proposed orientation more nearly produces the required setback dimensions in all yards;
- (4) The proposed orientation will provide a more harmonious relationship between the development on the subject property and the neighboring properties; and
- (5) The granting of an exception from the designation for front lot line will consider the effect of creating nonconforming structure(s), and mitigate to

the greatest extent possible the nonconforming aspect of the structure(s), in the exception is granted;

SECTION 11: Section 25.45.010(C) (Historic Preservation "Procedures for Demolition") of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

(C) Upon receipt of the application to demolish, the Department of Community Development shall, within 30 days, solicit input from the Heritage Committee prior to scheduling the request for public hearing before the Design Review Board. Public notice for the Design Review Board hearing shall be subject to the provisions of Section 25.05.065, except that if a Coastal Development Permit is required pursuant to Section 25.07, noticing for that type of permit shall instead be carried out through the public notice provisions of Section 25.07.014.

SECTION 12: Section 25.47.050 (Condominium Conversions "Public Notice and Planning Commission Hearings") of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

25.47.050 Public Notice and Planning Commission Hearings.

Upon acceptance of an application for a condominium conversion permit, the Director of Community Development shall cause the matter to be set for hearing before the Planning Commission, the hearing to be not more than 45 days from the acceptance of the application. Public notice of the hearing shall be subject to the provisions of Section 25.05.065, and shall be mailed to all tenants of the project apartments proposed to be converted to condominiums. However, if a Coastal Development Permit is required pursuant to Section 25.07, noticing for that type of permit shall instead be carried out through the public notice provisions of Section 25.07.014. At the public hearing the Commission shall review the application and supporting documentation submitted therewith, and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained.

SECTION 13: Section 25.50.030(B) (Significant Watercourses "Demolition/Deletion Process") of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

(B) Demolition/Deletion Process. Proposals to add or delete watercourses from the Environmentally Sensitive Areas Map, or to change the status of significant watercourses shall be reviewed by the Planning Commission. Public notice shall be subject to the provisions of Section 25.05.065 and 25.07.026. The Planning Commission shall make its determination based on its assessment of the watercourse as it relates to the criteria listed in Subsection (A); provided, however, that a significant watercourse can be deleted only if it is determined that it no longer serves a distinct functional, scenic or ecological purpose. The decision of the Planning Commission may be appealed to the City Council pursuant to Section 25.05.070.

SECTION 14: Section 25.55.006(D) (Telecommunication Facilities "Noticing Requirements") of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

(D) Noticing Requirements. Public notice for telecommunication facility projects subject to Design Review or Conditional Use Permit application processing shall comply with the noticing provisions of Section 25.05.065, except that if a Coastal Development Permit is required pursuant to Section 25.07, noticing for that type of permit shall instead be carried out through the public notice provisions of Section 25.07.014.

SECTION 15: Section 11.50.035 (Revocable Encroachment Permits "Public Notice Required") of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

11.50.035 Public Hearing and Notice Required.

Prior to approval of a Revocable Encroachment Permit by the Design Review Approval Authority, a noticed public hearing shall be held. Public notice shall be subject to the provisions of Section 25.05.065.

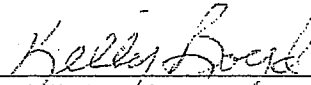
SECTION 16: This Ordinance is exempt from compliance with the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines.

SECTION 17: 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.

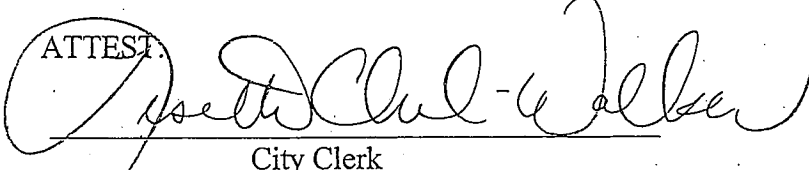
SECTION 18: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such invalidity shall not affect the validity of this entire Ordinance or any of the remaining portions hereof. The City Council hereby declares that 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 19: 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 23 day of April, 2013.



Kelly Boyd, Mayor

ATTEST


City Clerk

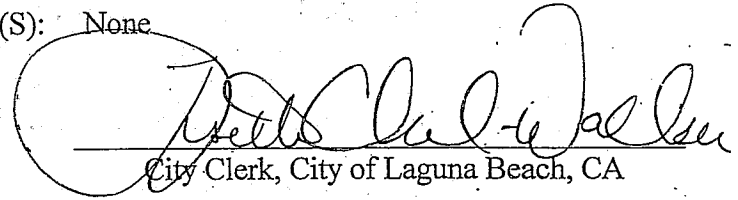
I, Lisette Chel-Walker, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance No. 1577 was introduced at a regular meeting of the City Council on April 9, 2013 and was finally adopted at a regular meeting of the City Council of said City held on April 23, 2013 by the following vote:

AYES: COUNCILMEMBER(S): Whalen, Iseman, Dictorow, Pearson, Boyd

NOES: COUNCILMEMBER(S): None

ABSTAIN: COUNCILMEMBER(S): None

ABSENT: COUNCILMEMBER(S): None



City Clerk, City of Laguna Beach, CA