

CALIFORNIA COASTAL COMMISSION

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Th13b

July 27, 2018

TO: Commissioners and Interested Persons

FROM: Steve Hudson, Deputy Director
Teresa Henry, District Manager
Charles Posner, Supervisor of Planning
Amber Dobson, Coastal Program Analyst

SUBJECT: Major LCP Amendment Request No. 1-17 (LCP-5-RDB-17-0045-1) to the City of Redondo Beach Local Coastal Program, for Commission Action at its August 9, 2018 meeting in Redondo Beach.

SUMMARY OF LCP AMENDMENT AND STAFF RECOMMENDATION

The City of Redondo Beach is requesting an amendment to the certified Implementation Plan (IP) portions of its certified Local Coastal Program (LCP). The amendment would impose new development standards in the King Harbor-Pier area by adding specific standards for preserving the Seaside Lagoon and adding five new land use regulations for Coastal Commercial Zones regarding view protection, development of a boat launch, parking regulation, traffic circulation, and adding development types that would be subject to the existing development cap. The LCP amendment request affects only the implementation plan (IP) portion of the certified LCP and does not propose any rezoning or land use changes.

The Commission certified the Redondo Beach Land Use Plan (LUP) in 1981. In 2010, local voters adopted the Redondo Beach Local Coastal Program (LCP) for the King Harbor-Pier area through an initiative measure known as Measure G. Among other things, Measure G instituted a development cap for the Harbor area and included a requirement that a public boat launch be constructed in the Harbor in conjunction with future development as a suggested modification by the Commission. Subsequently, in response to public concern over plans for significant redevelopment of the Harbor area, a group of local residents drafted a local voter initiative known as the King Harbor Coastal Access, Revitalization, and Enhancement Act—or Measure C, for short. Measure C consists solely of amendments to the City's IP and states that its goals are, among other things, "to preserve and expand public access to King Harbor and safe enjoyment of coastal-dependent, water-oriented recreational uses; to strongly discourage removal of existing coastal-dependent land uses; to strongly encourage the construction of a public boat

launch ramp; to protect existing harbor and ocean water views; and to maintain and, where feasible, restore the biological productivity and quality of coastal waters.” City voters passed this measure and the City submitted it to the Commission for certification.

Measure C was composed directly in response to recent proposed projects to redevelop the Harbor. The City of Redondo Beach approved two coastal development permits (CDPs) for a large-scale commercial project, known as the Waterfront Development Project, and a public boat launch facility, both of which were subsequently appealed to the Coastal Commission (substantial issue was found on both appeals in May 2017). Because both these projects fell partially within the Commission’s original jurisdiction, the applicants also applied for CDPs directly to the Commission. The Commission held an informational hearing on all of these permit matters, as well as on the Measure C LCP amendment, in April 2018. These matters included: Waterfront Development Original Jurisdiction Application (5-17-0236) and Appeal (A-5-RDB-16-0092); Public Boat Launch Facility Original Jurisdiction Application (5-17-0235) and Appeal (A-5-RDB-17-0008); and LCP Amendment, Measure C (LCP-5-RDB-17-0045-1).

Subsequent to the Commission’s informational hearing, a Los Angeles Superior Court judge issued a ruling overturning portions of the City’s environmental review related to its approvals for the Waterfront Development and boat launch. The court ordered that the City and developer are precluded from taking further action to pursue the projects until the City corrects particular deficiencies in its environmental review. Given that the applicants are currently prohibited from taking actions to pursue their projects, including by participating in Commission hearings on their permits, and because both the projects appear to be in various stages of possible redesign, Commission staff recently requested that the applicants withdraw their permit applications, and they have done so. Accordingly, the only action before the Commission at this time is the Measure C LCP amendment.

Pursuant to Sections 30513 and 30514 of the Coastal Act, the standard of review for the proposed IP amendment is that it must conform with, and be adequate to carry out, the provisions of the certified LUP. Although many aspects of Measure C do conform with the LUP, some elements of the new land use regulations do not conform with the certified LUP. In particular, Measure C contains a variety of strict development standards for the construction of a future boat launch facility that would likely preclude a boat launch from being constructed on at least two of the four potential boat launch sites in the Harbor (Moles A and B) including the site most recently selected by the City (Mole B), and could also make it more difficult, or possibly infeasible, to construct a boat launch on the other two possible sites (Moles C and D). These standards include very specific requirements related to parking, layout, design and construction. Currently, the LUP requires that a boat launch be constructed in the Harbor in association with new development; thus, imposing new, strict standards that would significantly limit the possibilities for construction of the public boat launch facility undermines the LUP’s directive to construct a boat launch. In order to conform with the LUP’s directive, any new boat launch standards need to be less restrictive.

All four of the possible locations previously identified by the City that could support a boat launch facility are within the Commission’s retained permitting jurisdiction. Therefore, a future boat launch project will need to be found consistent with Chapter 3 policies of the Coastal Act, including the public access and recreation policies of the Coastal Act, rather than with the LCP.

The Measure C LCP amendment—if certified—would serve as guidance in future permit decisions, but would not be the standard of review. Thus, if Measure C provisions that purport to provide mandatory design standards for the boat launch were certified, they would not actually become the standard of review used by the Commission in the future. However, even though Measure C and the LCP would not be the standard of review for future consideration of boat launch permits, it would still be used as guidance, and Measure C may still only be certified if it is fully consistent with the LUP. Accordingly, it is important to ensure that any certified language is appropriate, even if any purportedly mandatory standards may not actually be strictly mandatory.

Measure C also prohibits the construction of new parking structures in the CC-3 Coastal Commercial zone, which encompasses Mole D and adjacent areas with scattered commercial development, including the existing large surface parking lot inland of the Seaside Lagoon and the Plaza parking structure inland of Harbor Dr. (**Exhibit 3**). The Measure also prohibits the expansion of the existing parking structure (Plaza parking) partially within the CC-3 zone on the southeast boundary (**Exhibit 3**, see the red dotted line for “existing structured public parking”). A prohibition on new parking structures and preventing the expansion of the existing structure on the edge of the CC-3 zone would have significant implications for future development of that area due to the fact that other LUP policies also regulate parking. Specifically, existing LUP policies state that the City will “diligently enforce existing parking standards for new development,” and that “existing public parking space in the Harbor-Pier area will not be reduced as a result of further development in the area.” The LUP requires that if existing public parking spaces are removed in the Harbor area, then an equal number of spaces must be provided in the Harbor area.

Measure C’s restriction on new parking structures, in combination with the LUP’s other parking policies, could significantly limit opportunities to develop new coastal-dependent and/or visitor-serving commercial development in the CC-3 zone, that the LCP otherwise allows for in the Harbor area. By effectively precluding conversion of existing surface parking spaces to other visitor-serving uses. Specifically, any new commercial development, except for existing commercial structures that are redeveloped within their existing footprint in this zone, would be located on a site that is currently used for surface parking and would be required to replace any parking spaces lost. In addition, any new commercial development—including redevelopment of existing commercial buildings—would also have to provide additional parking sufficient to serve the new use and the increased demand. However, the development could not provide this replacement or additional parking in a new parking structure within the CC-3 zone or through an expansion of the existing parking structure in the zone. Therefore, the development either could not occur or would have to rely on surface parking spaces in the area, or redevelop a parcel in an adjacent zone (CC-1, CC-2, or CC-4) with a new parking structure. However, some adjacent zones are already limited per the LCP in a manner that would likely preclude structured parking (e.g., CC-1 and CC-2 have height requirements that would not allow for an above-ground parking structure of more than 2 stories). In addition, much of the land within the adjacent zones is already occupied by commercial development, a pier parking structure, harbor and marina uses, and the Seaside Lagoon. The land inland of the harbor (inland of Harbor Dr. and Basin 3) is occupied by residential development, a park, and a hotel. Per the LUP, the commercial development would need to provide the replacement spaces within the Harbor-Pier area, so new development could not rely on satellite parking to satisfy the need for replacement parking.

Because there is no proposal for commercial development at this time, there is uncertainty regarding the number of surface parking spaces that would be removed and the amount of new parking that would be required to support new development. There is also insufficient evidence to determine the amount of parking those adjacent areas might be able to provide or to determine whether such parking would be sufficient to serve both the increased demand and the replacement parking, necessary to support any particular amount of commercial development in the CC-3 zone. Thus, it is not possible to determine the amount of commercial development that still might be allowed within the CC-3 zone (all of the Coastal Commercial zones share a 400,000 sq. ft. development cap per the LCP).

This limitation on new development of structured parking (that would be part of any new commercial development) is at odds with LUP policies that encourage the provision and expansion of lower-cost visitor serving uses and recreational, coastal land uses, which in this harbor and in many harbors around the state includes commercial development specifically “coastal commercial” development per the LCP. The limitation on new parking structures could even impact the expansion of new boating and boating-related facilities, which is inconsistent with LCP policies. For example, if a boat launch facility was proposed on Mole D, it would remove the existing parking spaces for construction of new trailer parking spaces to support the boat launch, and per the LUP, those existing spaces would have to be replaced elsewhere in the Harbor. It is not clear that the site would have sufficient area to provide replacement surface spaces, and if a new parking structure could not be constructed on Mole D for the replaced parking spaces, the development of a boating facility on Mole D (in CC-3) could be infeasible.

Although it is important to provide adequate parking to support coastal land uses and public access, Measure C’s restrictions could have the effect of inadvertently prioritizing current surface parking to the exclusion of other priority coastal land uses. Measure C also contains a variety of other provisions that require preservation of the existing Seaside Lagoon area, require protection of certain views, require new development to provide traffic analyses prior to approval, require preservation of an existing public bike and pedestrian pathway, prohibit a road reconnection through the Harbor, and clarify what development types count toward the LUP’s existing development cap in the Harbor. These provisions are in conformity with the LUP, and no modifications are suggested for them.

Because the Measure C LCP amendment was enacted by voter initiative, it would require another vote of the people to amend the Measure’s provisions. Measure C itself also contains a provision stating that any amendment to it must be submitted to the voters. Accordingly, the provisions of Measure C will be more difficult to amend than other LCP provisions enacted by the City Council, and it is particularly important to ensure that the provisions are fully consistent with, and adequate to carry out, the LUP.

This also means that any suggested modifications approved by the Commission must return to the voters for approval. Because of the recent Senate Bill 415, which requires that local elections be aligned with regularly scheduled statewide elections on even-numbered years, it may not be possible for the City of Redondo Beach to hold a vote on any modifications to Measure C until 2020. However, the City has sued the state, arguing that, as a charter city, it is not governed by SB 415. If the City prevails in litigation, it may be able to hold an election sometime in 2019. In

addition, it may be able to hold a special election sooner, although special elections are costly. If the Commission does certify the Measure C amendment with modifications and the City cannot schedule a vote on the modifications until 2020, it would not be able to meet the Commission's normal 6 month regulatory deadline (Pursuant to Sections 13542 (b) of the Commission's regulations) for accepting any suggested modifications and returning the LCP amendment for approval by the Executive Director, even if the City was granted a 1 year extension pursuant to Section 30517 of the Coastal Act and Section 13535(c) of the Commission's Regulations).

However, the California Supreme Court has held "that statutory procedural requirements imposed on the local legislative body generally neither apply to the electorate nor are taken as evidence that the initiative or referendum is barred. The rule is a corollary to the basic presumption in favor of the electorate's power of initiative and referendum." *DeVita v. Cty. of Napa* (1995) 9 Cal. 4th 763, 786. See also *San Mateo County Coastal Landowners' Assn. v. County of San Mateo* (1995) 38 Cal.App.4th 523 (holding that Coastal Act procedural requirements for LCP amendments did not preclude an initiative to amend the LCP). Accordingly, the normal deadline for having a local jurisdiction accept Commission LCP modifications should not be used in a manner that will thwart the local voters' right to amend the City LCP by initiative, and City voters would thus not be bound by such deadlines. Rather, City voters should be allowed to vote on any modifications to Measure C at the next available, regularly scheduled local election at which the modifications can feasibly be placed on the ballot. If the modifications are approved by the voters, the City shall promptly notify the Executive Director, who will make a determination of the adequacy of that approval and report his determination to the Commission pursuant to Section 13544 of the Commission's regulations. The Resolution for approval contained in this report clarifies that, in certifying the proposed IP Amendment with modifications, the Commission acknowledges the City voters' right to this extended timeframe for approval of any modifications.

Staff recommends that the Commission certify LCP Amendment Request No. 1-17 with the following suggested modifications: 1) change the language of the new land use regulation for the Public Boat Launch Ramp to allow for more flexibility when determining where the boat launch facility should be located; and 2) remove the language that prohibits new parking structures in CC-3 Coastal Commercial zones.

The motions and resolutions to carry out the staff recommendation are found on **Page 8**.

The suggested modifications are on **Pages 9 and 10**. The authors of Measure C do not agree with the Staff recommendation.

STANDARD OF REVIEW

The standard of review for the proposed amendment to the Implementation Plan, pursuant to Public Resources Code Sections 30513 and 30514, is that the proposed IP amendment must conform with, and be adequate to carry out, the provisions of the certified Land Use Plan.

SUMMARY OF PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in Local Coastal Program development. It states:

During the preparation, approval, certification, and amendment of any local coastal program, the public, as well as all affected governmental agencies, including special districts, shall be provided maximum opportunities to participate. Prior to submission of a local coastal program for approval, local governments shall hold a public hearing or hearings on that portion of the program which has not been subjected to public hearings within four years of such submission.

The proposed LCP Amendment is unique in that it was adopted pursuant to a local voter initiative rather than by the City Council. As such, it did not proceed through the usual process of city hearings and review. However, the process of drafting the local initiative, getting it placed on the ballot, campaigning for and against it, and voting on it provided the public with a unique and full opportunity for public participation that complies with the Coastal Act's mandate to maximize public participation. In the context of upholding a local initiative measure that amended an LCP, a court has held that "the initiative process not only met the Coastal Act's public participation standards, but was 'the ultimate of public participation.'" *San Mateo County Coastal Landowners' Assn. v. County of San Mateo* (1995) 38 Cal.App.4th 523, 540-42. Accordingly, the voter initiative process has satisfied the Coastal Act's mandate for public participation in LCP creation and amendment.

The Measure and the suggested modifications in this report are also locally controversial, and many comments have been received throughout the application period.

DEADLINE FOR COMMISSION ACTION

The City submitted the LCP Amendment on June 6, 2017. In letter a dated June 16, 2017, Commission staff deemed the LCP amendment request incomplete and requested that additional materials and information be provided. On June 29, 2017, the Commission's South Coast District office received all of the requested materials to complete the submittal of the LCP amendment request. After reviewing the transmitted documents, the Executive Director determined that the amendment request was in proper order and legally adequate to comply with the submittal requirements of Section 30510 of the Coastal Act and Section 13553 of the California Code of Regulations (Title 14). Therefore, LCP Amendment Request No. 1-17 was deemed officially received as of July 14, 2017. On August 11, 2017 the Commission extended for one year the time limit for its review of the LCP amendment request. As such, the last date for Commission action on this item is September 12, 2018.

FOR ADDITIONAL INFORMATION

The file is available for review at the South Coast District office located at 200 Oceangate, Suite 1000, Long Beach, 90802. The staff report can be viewed on the Commission's website: www.ca.coastal.ca.gov. For additional information, contact Amber Dobson in the South Coast District office at (562) 590-5071.

SUBSTANTIVE DOCUMENTS

1. *Assessment of Measure C against the Coastal Act and the LCP*, by King Harbor CARE ACT Authors, 2017
2. *Administrative Report on the Initiative Measure to Amend the Regulations for CC Zone and PPRO zone*, by the City of Redondo Beach, 2016
3. City of Redondo Beach Major LCP Amendment staff report, RDB-MAJ-2-08, 2008
4. *Record of Interpretation of cumulative floor area ratio limits*, by the City of Redondo Beach, 2016
5. Order R4-2017-0178, NPDES NO. CA0064297 *Waste Discharge Requirements for the City of Redondo Beach, Seaside Lagoon*, by the Los Angeles Regional Water Quality Control Board, 2017

EXHIBITS

1. Commission's Original Jurisdiction
2. Tidelands Map
3. Coastal Commercial Zoning
4. Measure C, King Harbor Coastal Access, Revitalization, and Enhancement Act
5. City Council Resolution No. 1705-142

I. MOTIONS AND RESOLUTIONS

Motion I:

I move that the Commission reject LCP Amendment No. 1-17 to the City of Redondo Beach Implementing Ordinances as submitted.

Staff recommends a **YES** vote. Passage of this motion will result in rejection of Implementation Program and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution I:

The Commission hereby denies certification of the Implementation Plan Amendment No. 1-17 as submitted by the City of Redondo Beach and adopts the findings set forth below on grounds that the amendment as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan. Certification of the LCP Amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures that could substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Plan Amendment as submitted.

Motion II:

I move that the Commission certify LCP Amendment No. 1-17 for the City of Redondo Beach if it is modified as suggested in this staff report.

Staff recommends a **YES** vote. Passage of this motion will result in the certification of the LCP Amendment with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of a majority of the Commissioners present.

Resolution II:

The Commission hereby certifies LCP Amendment No. 1-17 for the City of Redondo Beach if modified as suggested and adopts the findings set forth below on grounds that the Implementation Plan Amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan. Certification of the LCP Amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment. To be effective, City voters will have to approve the Commission's modifications at or before the next regularly scheduled municipal election at which the modifications can be placed on the ballot for voter approval.

II. SUGGESTED MODIFICATIONS

Certification of the LCP amendment is subject to the following modifications. Text added by the suggested modification is **bold and underlined**, and text suggested to be deleted is ~~struck through~~. Only those subsections of the Implementation Plan for which modifications are being suggested are shown below.

SUGGESTED MODIFICATION NO. 1 (TO LAND USE REGULATION (g))

Modify Section 4. Amendment of Redondo Beach Municipal Code Section 10-5.811 (“Additional land use regulations: CC coastal commercial zones”), part of Title 10 (“Planning and Zoning”), Chapter 5 (“Coastal Land Use Plan Implementing Ordinance”), Article 2 (“Zoning Districts”), Division 3 (“C-2, C-3, C-4, C-5A, and CC Commercial Zones”), (g) Public Boat Launch Ramp as follows:

Construction of a public boat launch ramp accessory parking and other accessory facilities shall be required as part of any project that proposes a net increase equal to or greater than 10,000 square feet of floor area within any Coastal Commercial zone in the King Harbor-Pier area.

(1) The public boat launch ramp shall be constructed and fully operational prior to the issuance of the first certificate of occupancy for any structure that is part of such project. The boat launch ramp shall have a minimum of two lanes and shall **provide adequate parking spaces based on a project specific analysis. Parking shall be provided** ~~provide for no less than thirty double-length boat trailer/vehicle parking spaces per lane, adjacent to the ramp or within 500 feet thereof, **if feasible**~~. At least 10% but no more than 25% of the parking spaces shall have a length of at least 55 feet for vehicle and trailer, and no parking space shall have a length of less than 40 feet for vehicle and trailer. The boat launch ramp, the trailer/vehicle parking, and the vehicular access route(s) to the boat launch ramp shall meet current California Department of Boating and Waterways guidelines for the layout, design and construction of small craft boat launching facilities and AASHTO (American Association of State Highway and Transportation Officials) roadway design standards for turn radii and maneuverability of vehicle-boat combinations **to the maximum extent feasible**.

(2) The public boat launch ramp shall be sited and designed so as to avoid any net loss of boat slips, as available on January 1, 2016, and any other interference with or adverse impact on public access to or public use of other coastal-dependent recreational uses, and shall be at a safe distance from any human-powered watercraft launch point and swimming area. The ramp shall be designed to accommodate safe launch and recovery in harbor surge conditions **to the maximum extent feasible**, and shall not be sited in any location where waves topping the outer harbor breakwall may create safety hazards in launching or recovering a water vessel, or risks of damage to vessels, vehicles or trailers, **unless no other locations within the harbor can feasibly support the launch ramp and the City develops a management plan for the public’s safe use of the launch ramp.**

SUGGESTED MODIFICATIONS NO. 2 (TO LAND USE REGULATION (h))

Modify Section 4. Amendment of Redondo Beach Municipal Code Section 10-5.811 (“Additional land use regulations: CC coastal commercial zones”), part of Title 10 (“Planning and Zoning”), Chapter 5 (“Coastal Land Use Plan Implementing Ordinance”), Article 2 (“Zoning Districts”), Division 3 (“C-2, C-3, C-4, C-5A, and CC Commercial Zones”), (h) Limits on Certain New Off-street Parking Facilities as follows:

~~(1) New off-street parking structures, whether proposed as stand-alone structures or as part of a building or larger structure designed for additional uses other than parking, shall be prohibited in the CC-3 Coastal Commercial zone.~~ The parking facility existing on the southeast boundary of the CC-3 Coastal Commercial zone may be refurbished or rebuilt, provided, however, that it shall not be expanded.

III. FINDINGS

The following findings support the Commission's denial as submitted and approval of the proposed LCP Implementation Plan amendment if modified. The Commission hereby finds and declares as follows:

A. Description of the LCP Amendment Request

Recent Related Permit Applications in the Harbor

Over recent years, a developer (CenterCal and its related business entity, Redondo Beach Waterfront, LLC) began working with the City on plans to substantially redevelop the Harbor Area. At the same time, the City undertook a process of finding a suitable location for a public boat launch. These processes resulted in the developer applying for, and the City approving, a coastal development permit (CDP) for a large-scale commercial project known as the Waterfront Project. The developer also applied to the Commission for a CDP for the portion of the Waterfront Project that was in the Commission’s permitting jurisdiction. Likewise, the City approved a CDP for the boat launch and also applied to the Commission for a CDP for the portion of the boat launch in the Commission’s permitting jurisdiction. Both local CDPs were appealed to the Commission, which found substantial issue in May, 2017. The Commission held an informational hearing on all of these permit matters, as well as on the Measure C LCP amendment, in April, 2018. These matters included: Waterfront Development Original Jurisdiction Application (5-17-0236) and Appeal (A-5-RDB-16-0092); Public Boat Launch Facility Original Jurisdiction Application (5-17-0235) and Appeal (A-5-RDB-17-0008); and LCP Amendment, Measure C (LCP-5-RDB-17-0045-1).

Subsequent to the Commission’s informational hearing, a Los Angeles Superior Court judge issued a ruling overturning portions of the City’s environmental review related to its approvals for the Waterfront Development and boat launch. The court ordered that the City and developer are precluded from taking further action to pursue the projects until the City corrects particular deficiencies in its environmental review. After this ruling was issued, CenterCal provided the press with new design sketches for its project that are significantly scaled back from the proposal contained in the permit approved by the City (and that was, until recently, on appeal at the Commission) and in the original jurisdiction permit with the Commission. In addition,

subsequent to the Commission finding substantial issue on the boat launch appeal, the City undertook a new round of public hearings to consider possible new locations for the boat launch. Given that the City and developer are currently prohibited from taking actions to pursue their projects, including by participating in Commission hearings on their permits, and because both the boat launch project and Waterfront Project appear to be in various stages of possible redesign, Commission staff recently requested that the applicants withdraw their permit applications, and they have done so. Accordingly, the only action before the Commission at this time is the Measure C LCP amendment.

LCP Background and Area Description

King Harbor, as it exists today, is a man-made harbor with the last extensions to the outer break wall completed in 1958. The Harbor is comprised of 4 filled moles (Mole A – D) and three harbor basins. A large portion of the Pier and Harbor area is constructed on State Tidelands that were granted to the City of Redondo Beach. Although portions of the uplands are designated tidelands and would normally be under the Commission’s jurisdiction, the Commission has delegated to the City permit authority for the filled tidelands (on Mole D) pursuant to Section 30613 of the Coastal Act (**Exhibit 2**). The eastern portions of the Pier/Harbor area and the Power Plant site are located above State Tidelands.

The Commission certified the Redondo Beach Land Use Plan (LUP) in 1981. In 2002, the City submitted its Implementation Plan (IP), but included an LUP amendment that applied to the harbor and pier area and the power generating plant located west of Catalina Ave (Harbor-Pier area), where most of the coastal recreation resources in the City are located, including a beach. When the LUP amendment proved to be locally controversial, the City requested segmentation separating the Harbor-Pier area (AREA 2) from the rest of the City so the LCP could be certified for the non-controversial areas (AREA 1). The City then withdrew the proposed Harbor-Pier LUP amendment. The Commission approved the segmentation of the City into two areas. The Commission found that development in AREA 1, which was already developed with commercial and residential uses, would not affect the intensity of development or circulation patterns or public access to the shoreline in the Harbor-Pier area and, the City’s LCP was effectively certified for AREA 1 as of September 2003. AREA 2 effectively was deferred certification. In 2008, the City submitted an LCP amendment request to certify AREA 2 and eliminate the previously created geographic segmentation of the City’s Coastal Zone. The Commission approved the LCP amendment and certified the remainder of the City with suggested modifications in 2010, and the modified amendment was approved by City voters as Measure G. The LCP amendment established land use designations and sub-areas for AREA 2, including development standards, and established land use designations and development standards for portions of the Harbor within the Commission’s retained jurisdiction. When the Commission considers permit applications for development within its retained jurisdiction, it uses the Chapter 3 policies of the Coastal Act as the standard of review, rather than the LCP. However, any LCP policies that apply to those retained jurisdiction areas are used as guidance.

Existing LCP Provisions and Proposed Changes

In the certified LUP, the entire harbor has a land use designation of Commercial Recreation, with the exception of the Seaside Lagoon, which has a designation of Parks, Recreation, and Open Space (**Exhibit 3**). The harbor is zoned Coastal Commercial (zones 1-4), which allows for uses

such as snack shops, retail less than 5,000 square feet, food service, hotels, marina uses, office, rental services, public safety, and similar uses.

Measure C is a voter-approved ballot initiative by the citizens of the City of Redondo Beach that was submitted by the City as an LCP amendment. It amends the Implementation Plan (IP) component only of the certified LCP in order to add new development standards for the harbor. It does not propose any deletions or edits to the existing language of the LCP (**Exhibit 4**). Measure C proposes additions to the IP to create new development standards for the Parks and Open Space zone by adding specifics for the Seaside Lagoon, and five new Land Use Regulations for Coastal Commercial Zones for harbor development regarding views, boat launch, parking, traffic, and the development cap.

Measure C, as proposed, would: 1) require maintenance of the current Seaside Lagoon, or if that is not feasible, replacement of the Lagoon with a pool or similar swimming facility; 2) prohibit the Lagoon from being opened to harbor waters; 3) require that new development preserve a percentage of the existing views to the harbor and the ocean; 4) institute new design and safety standards for the development of a required, future public boat launch facility; 5) prohibit new parking structures in one of the Coastal Commercial zones and prioritize coastal dependent parking; 6) require detailed traffic studies for new development proposed within the harbor area; 7) prevent a road connection of Harbor Dr. to Torrance Blvd. for vehicular traffic through the harbor; and 8) require that new development count the square footage of any new parking structures towards the square footage allowed pursuant to the existing development cap for the harbor.

The Seaside Lagoon is an enclosed recreational facility with sandy beach and a saltwater swimming area that is cut off from harbor waters by a revetment. It is located within the Commission's retained jurisdiction and is situated primarily on State Tidelands. Measure C changes the IP's development standards to require that the Seaside Lagoon open space that is "accessible by the public for water-oriented recreational activities" be expanded. However, if expansion of the park's acreage is infeasible, then the open space shall be preserved, which includes the salt water sandy-bottom swimming facility. Specifically, the amendment would prohibit conversion of the Lagoon to an open-water beach with connectivity to the harbor waters. If water quality standards or water supply issues require an alternative to the current Lagoon, then a replacement facility with equivalent water surface area, beach, and amenities (volleyball courts, showers, restrooms, concessions, picnic areas, play structures, and luau shelter) is required.

Pursuant to the amendment, no new or expanded structures, parking, streets or driveways adjacent to the Lagoon would be allowed to impact the open space or degrade the area. If the Lagoon were replaced, a pool or similar recreational facility of equal size must be provided on the site, and would be subject to all state safety and environmental health regulations. Swimming or wading in the opened harbor water would not suffice for a replacement facility. The launch point for human powered watercraft (the existing hand launch facility located on the harbor side of the revetment) must be preserved and expanded within the vicinity of the Lagoon or otherwise at Mole C, D, Basin 1, 2 or 3. Public access signage would be required identifying the Lagoon and the hand launch as public facilities.

The LCP currently has policies to protect harbor and ocean views and requires view corridors. Measure C adds a requirement (§ 10-5.811(f)) that new development in CC-1 and CC-3 zones preserve existing harbor and ocean views, consistent with the views available as of January 1, 2016. Specific views to be protected include: 1) views along north Harbor Dr. (between Beryl St. and Pacific Ave.) where a minimum of 40% of the ground level view shall be preserved; and 2) a minimum of 60% of ground level views shall be preserved from Czuleger Park, subject to survey and verified by selecting specific viewpoints with the broadest ocean and harbor views, at 5 feet above the ground along the east side of the park, at the midpoint of the park on a line running east to west, and in the plaza on the west side of the park. The regulation also requires that story poles be erected 45 days prior to the first public hearing on a CDP application for new development in these zones, and the poles must accurately reflect the footprint, final height, and bulk of the development. The story pole requirement may be waived by the Community Development Director.

The current LCP has a requirement for construction of a public boat launch ramp in association with harbor redevelopment. Measure C would add new requirements (§ 10-5.811(g)) related to the public boat launch ramp. The regulation would clarify that construction of a boat launch ramp and parking and accessory facilities are required as part of any project that proposes a net increase of 10,000 SF of floor area or more in any Coastal commercial zone in the harbor. The requirements for the boat launch specify that it shall be constructed and fully operational prior to the issuance of the certificate of occupancy for a new structure, and it shall have a minimum of 2 lanes and shall provide no less than 30 double-length boat trailer/vehicle parking spaces per lane (i.e., a minimum of 60 spaces) that are within 500 feet or less of the ramp. At least 10%, but no more than 25% of the parking spaces shall be at least 55 feet long. No parking spaces shall be less than 40 feet long. The ramp shall meet the requirements for Department of Boating and Waterways guidelines for layout, design and construction for small craft launching facilities and shall meet AASHTO roadway design standards for turn radii and maneuverability of vehicle-boat combinations.

Measure C would require that the ramp be designed to avoid net loss of any boat slips that are available as of January 2016, shall not have any adverse impact on public access or coastal dependent uses, and shall be located a safe distance from any human-powered watercraft launch point and swimming area. The ramp shall accommodate safe launch and recovery in surge conditions and shall not be located where waves topping the outer breakwall would create safety hazards during launching or recovery. Directional public access signage would also be required for the launch facility.

In addition, Measure C (§ 10-5.811(h)) would prohibit construction of new parking structures in the CC-3 zone. The existing Plaza parking structure can be maintained or replaced, but not expanded. It requires that parking in Coastal Commercial zones be designed to prioritize peak summer demand and coastal-dependent/water-oriented recreational uses. The uses shall not be subject to, or restricted by, valet, reservations, or offsite parking. Shared parking shall not decrease or restrict coastal dependent/water-oriented recreational uses, enforceable standards shall be applied for prioritizing any proposed shared parking, and compliance monitoring is required. Reduced parking fees would apply for frequent users of the harbor for coastal dependent uses.

Measure C also adds a requirement (§ 10-5.811(i)) that any project within the Coastal Commercial zone provide a traffic analysis for peak weekend and weekday use. It also requires maintenance of the existing bike and pedestrian path connecting Torrance Blvd. with Harbor Dr. No new street would be allowed to connect those two roads, and motorized traffic would be limited to emergency vehicles. The area between Harbor Dr. and Torrance Blvd. would be maintained as it is currently, as a vehicular access point to the Pier parking, and could not be redeveloped as a road to provide vehicular traffic through the harbor.

The existing LCP includes a development cap for net new development in the harbor:
Cumulative development for Commercial Recreation district sub-areas 1 – 4 shall not exceed a net increase of 400,000 square feet of floor area based on existing land use on April 22, 2008.
Measure C (§ 10-5.811(j)) modifies the above development cap provisions by requiring that any area for parking in parking structures shall be included in the computation of the cumulative existing development cap for *Commercial Recreation district sub-areas 1 – 4* (Zones CC-1 through CC-4). As a result, the square footage of any new structured parking would be required to be counted against the development cap.

The changes proposed in this LCP amendment are changes that make the zoning ordinances and the certified IP more specific. Suggested modifications are based on the inconsistencies between the Measure and the current certified LUP.

B. Deny the LCP Amendment as Submitted

The standard of review for the proposed amendment to the LCP Implementing Ordinances (IP), pursuant to Sections 30513 and 30514 of the Coastal Act, is that the proposed IP amendment must conform with, and be adequate to carry out, the provisions of the certified Land Use Plan (LUP). The certified LUP sets forth policies to control development, protect coastal resources, and enhance shoreline access. The City's certified LUP contains the following policies:

Land Use Plan - VI. New Development. Section C, Land Use Classifications:
Commercial Recreation-

-Cumulative development for Commercial Recreation district sub-areas 1-4 shall not exceed a net increase of 400,000 sq. ft. of floor area based on existing land use on April 22, 2008.

-New development projects shall include view corridors to the water from N. Harbor Dr.

-New development shall not obstruct views from Czuleger Park to the Ocean.

Land Use Plan - VI. New Development. Section D, Land Use Policies:

1. *Coastal dependent land uses will be encouraged within the Harbor-Pier area. The City will preserve and enhance these existing facilities and encourage further expansion of coastal dependent uses, where feasible. Removal of existing coastal dependent uses shall be strongly discouraged unless such uses are determined to no longer be necessary for the functional operation and utility of the harbor. A public boat launch shall be constructed in*

association with future development projects within the Harbor area.

2. *New development, additions or major rehabilitation projects within the Harbor-Pier area shall be sited and designed to (in part):*
 - a. *Preserve and enhance public views of the water from the moles, pier decks, publically accessible open space and Harbor Dr.*
 - b. *Provide continuous public access to and along the seaward side of the piers...*
 - c. *Be consistent and harmonious with the scale of existing development.*

5. *In conformance with the goals and policies of the California Coastal Act maintain a balanced utilization of coastal zone resources including protection and provision of lower cost visitor serving uses and recreation facilities where feasible.*

Land Use Plan - V. Coastal Recreation. Section E, Recreation Policies:

E. 1. All existing boating and boating-related facilities will be maintained, enhanced and preserved, and where possible, expanded.

All of the existing slips within the Harbor area will be maintained, enhanced, and preserved. If possible, day tie-up slips will be provided for visiting boaters. If it becomes feasible in the future to expand the number of boat slip facilities, these uses will be accommodated within the Harbor-Pier area.

E. 2. Lower cost visitor serving and recreational facilities will be protected, encouraged, and where possible provided.

Land Use Plan - IV. Shoreline Access. Section F, Access Policies:

F. 3. The City will continue to diligently enforce existing parking standards for new development.

F. 9. Existing public parking space in the Harbor-Pier area will not be reduced as a result of further development in the area.

In the event of the removal of existing public parking spaces in the Harbor-Pier area, additional spaces equal in number to those removed must be provided within the Harbor-Pier area.

Seaside Lagoon

The Seaside Lagoon is located off of Portofino Way and is owned and operated by the City of Redondo Beach. The Facility is considered a city park on a 3.98 acre parcel and consists of a 1.4 million gallon man-made saltwater lagoon, a sandy beach area, children's play area, snack bar facilities, and other recreational areas. The Lagoon was constructed in 1962 and has since been open to the public for swimming from Memorial Day to Labor Day (operating season) each year. The surface area of the water in the Lagoon is approximately 1.0 acre with a maximum depth of 7 feet. The Lagoon is separated from the harbor by a rock revetment with underlying sand.

The Measure requires preservation of the publicly accessible, sandy-bottom swimming area and the persistence of a hand launch facility within the harbor, which is consistent with LUP access and recreational policies. The preservation of the Seaside Lagoon and protection of a hand launch facility are priorities of the Measure and are consistent with LUP policy 1, which encourages provision of coastal dependent land uses in the Harbor-Pier area, as well as preservation and enhancement of recreational facilities and expansion of coastal dependent resources. The preservation of the Lagoon and the hand-launch facility is also consistent with LUP Policy 5 and Recreation policy E. 2, which require the protection of lower cost public facilities and recreational uses.

The LUP's land use classifications (Section C of the LUP) for Public or Institutional (P) uses currently allow for development of accessory and concession uses in Parks and Open Space, including the Seaside Lagoon; however, Measure C would clarify that no new or expanded structures in the Seaside Lagoon shall decrease the publicly available open space. The existing accessory uses in the Seaside Lagoon (showers and restrooms, concession structure, picnic and BBQ area, play equipment, and luau shelter) are specified in Measure C as development to be protected. The Measure requires the hand launch be preserved or expanded, and requires signage highlighting the public facilities to maximize public access.

Opponents of the Measure have argued that the restriction on new or expanded structures in the Seaside Lagoon would create internal inconsistencies with current development standards in the LCP. For example, in the current LCP the Seaside Lagoon is subject to land use regulations that allow for accessory uses, concessions, rental stands, and similar uses. Public buildings, community centers, public safety facilities, parking lots, and similar uses would also be allowed under a conditional use permit. As such, any proposed new structures in the Seaside Lagoon would be subject to a Floor Area Ratio (FAR) and the current development cap in the LCP. While the LUP land use category (P) may allow for these uses in the Seaside Lagoon Measure C would restrict new structures only to those that do not reduce the open space. Per Measure C, the City must make findings that any new or expanded structures approved do not reduce the open space (such as temporary structures, or demolition and reconstruction of the existing structures) and new structures would still be subject to the FAR and other LCP development standards. The Measure's requirements for new structures in the Seaside Lagoon therefore place some limits on the extent to which the City may approve uses listed in the LUP; however, the restrictions are not so burdensome or restrictive in this area that they fail to conform with the policies of the LUP.

Critics of Measure C have also argued that disallowing "new or expanded structures" in the lagoon is overly limiting and would prevent necessary accessory structures, such as lifeguard towers or temporary structures. However, the Measure does not prohibit all development in the Lagoon area; rather, it states that new or expanded structures may not reduce the open space for water-oriented recreational uses. Accordingly, temporary structures such as a lifeguard tower would not reduce the open space available for recreational uses, and the existing amenities on site are required to be maintained in any event.

Water for the Lagoon comes from the nearby Redondo Beach Generating Station (Power Plant/AES Site). The power plant operates intake pipes that pull seawater from the Harbor into the AES site to cool the turbines. This water is then discharged back into the harbor. A portion of the water discharged back to the harbor is siphoned off (less than 1%) and directed to the Lagoon to

provide a source of warm swimming water. When the Power Plant is not in operation, the Lagoon water is supplied by tidal influences. A portion of the water in the lagoon seeps into the ground water table, some of the water evaporates, and some may be splashed from the Lagoon as a result of recreational use, and the remaining portion of the water is pumped back into the harbor. Water entering the lagoon is chlorinated and is then dechlorinated before being discharged into the harbor.

The City is using only a small portion of the cooling water from the Power Plant for recreational beneficial use, which would otherwise be discharged directly to the Harbor. To maintain the water level in the Seaside Lagoon, the City discharges roughly 3,200 gallons per minute of dechlorinated saltwater to the harbor when the Lagoon is in use during the summer months, through structures located along the northwest edge of the Lagoon that allow the water to flow by gravity into the harbor. During periods when the Lagoon is not open for public use, the lagoon water is flushed periodically.

The Lagoon faces both water quality and water supply challenges in the future. The City has been fined several times by the L.A. Regional Water Quality Control Board (Water Board) for discharging water into the harbor that exceeds the limits for pollutants. There have been several water quality studies and monitoring reports to address the issue. A 2007 study (source identification study) indicated that the pollutants found (Total Suspended Solids) in the water discharged from the Lagoon are already existing in the harbor. In other words, the pollutants are not coming directly from the Lagoon, but are already in the water supply that is drawn in from the harbor. During high tide, the Lagoon is periodically flooded with water directly from the harbor and the sampling points are submerged with harbor water. Water samples taken during high tide showed exceedances because the water was untreated and came directly from the harbor. The sampling method has since been corrected to take samples outside of tidally influenced areas, and the violation fines have been paid by the City.

The City of Redondo Beach requested more time to bring the Lagoon into full compliance with the Water Board's required discharge limitations or to plan and implement an alternative use for the recreation area. In September 2017, the L.A. Regional Water Quality Control Board issued a permit (NPDES National Pollutant Discharge Elimination System Permit) to the City of Redondo Beach for the operation of the Seaside Lagoon, along with a timeline (Time Schedule Order) to comply. The permit expires in 2022. The permit has made allowances for the quality of the originating harbor water (intake credits) so that the City does not get penalized for the poor water quality when it discharges the water taken in from the harbor, which the City must monitor for TSS and heavy metals. The permit sets the limits for the pollutants and sets a limit on the amount of water that can be discharged from the Lagoon, which the City also must monitor and report to the Board. In 2015, the monitoring reports indicated that the discharge from the lagoon exceeded the water quality standards for bacteria, grease and oil. The City will continue to monitor these pollutants and address them pursuant to the permit.

Apart from the past water quality concerns, the California State Water Resources Control Board in 2010 adopted a new Statewide Water Quality Control policy to eliminate the "once-through" cooling practice used by the AES power plant (and other power plants) by 2020. With that power plant no longer drawing in harbor water to supply the Lagoon, in order to maintain the Lagoon in its existing configuration, the City will need to apply for its own intake permit. The City may be

able to reconfigure the system to use the existing intake pipes that lead to the power plant AES Site. If Measure C is certified, the City will need to explore options for the preservation of the lagoon water supply, or explore a fresh water source or other feasible solutions. If the preservation of the current water supply is not possible, the City would need to propose development of a similar recreational swimming facility within the Seaside Lagoon in order to meet the requirements set forth in Measure C.

Measure C prevents the Lagoon from being opened to harbor waters. Proponents of Measure C have argued that opening the Lagoon to the harbor waters would present health threats to swimmers, would be unsafe by creating conflicting uses between swimmers and boaters or kayakers, and destroy a unique and valuable coastal recreational resource in the City. The lagoon is a coastal dependent resource that serves as a swimming and recreational facility for thousands of people in the summer. As discussed above, if the City cannot economically or logistically support the continued use of the lagoon as a swimming facility due to the changes in the water supply and if it is not feasible to preserve the existing facility, then a replacement facility would be required pursuant to Measure C.

The Seaside Lagoon is currently open during the summer months and the City charges an entrance fee. Measure C does not prevent year-round access to the Lagoon, which could be allowed at any time by the City. As such, Measure C is consistent with the access policies of the LUP.

The current lagoon is situated on a 3.98 acre parcel with approximately 1 acre of water surface area. A replacement swimming and wading facility would be required to have an equivalent water surface area, per Measure C. Opponents have argued that the Measure would require a 1 acre pool be constructed at the site. It could be possible for the “water surface area” to be interpreted as a variety of water-oriented splash grounds, wading pools, as well as a swimming facility, similar to the mix of water-oriented recreational uses that exist in the current lagoon. As long as the total of the water-oriented recreational uses in a replacement facility meets 1 acre, the requirement could be met.

The preservation of the Seaside Lagoon and protection of a hand launch facility conforms with LUP policy 1, which encourages preservation and enhancement of coastal dependent land uses in the Harbor-Pier area. It also conforms with LUP Policy 5 and Recreation policy E. 2, which require the protection of lower cost public facilities and recreational uses. Given that the Lagoon is located on Tidelands, any replacement facility would also need to conform with public trust principles. Likewise, it is important to recognize that the Seaside Lagoon is within the Coastal Commission’s retained jurisdiction. Any coastal development permit for future development at the Seaside Lagoon, regardless of the certification of Measure C, will need to be found consistent with the Chapter 3 policies of the Coastal Act. Certification of Measure C will give guidance to decision makers, but will not be the standard of review. The expansion of the Seaside Lagoon, or the provision of a similar, replacement coastal dependent facility, could be consistent with Coastal Act Chapter 3 policies. However, any such proposal would need to be analyzed to ensure consistency with Coastal Act policies related to hazards, public access, and other resources, as well as with LCP policies, which would be used as guidance.

While Measure C requirements for the Seaside Lagoon are consistent with the LUP, there are other land use regulations that are inconsistent with the current LUP, and therefore the Measure LCP amendment must be denied as submitted.

Harbor and Ocean View Protection

The current LUP requires protection of Harbor and Ocean views for certain points in the harbor. LUP Policy 2 requires that new development preserve and enhance public views of the water from public open space and from Harbor Dr. Measure C would require that development preserve 40% of the existing views from Harbor Dr. and a minimum of 60% of the harbor and the ocean views from Czuleger Park, which would be consistent with the LUP policies.

The LUP Land Use Classifications currently require that development incorporate view corridors from Harbor Dr. and that no development obstruct views from Czuleger Park. Measure C would clarify that view corridors need to preserve a minimum of 40% of existing views from Harbor Dr. and it reiterates the LUP's policies for view protection from Czuleger Park.

The Measure's requirement for story poles would provide an accurate representation of the view impact of any proposed development before a coastal development permit is issued. The requirement is consistent with the LUP's view protection policies. While Measure C requirements for the Harbor and Ocean views are consistent with the LUP, there are other land use regulations that are inconsistent with the current LUP and therefore, the Measure LCP amendment must be denied as submitted.

Boat Launch Facility

A boat launch facility could be located on Mole A, B, C, or D. While the City of Redondo Beach recently submitted an application to construct a boat launch facility on Mole B, it was locally controversial, the project was appealed to the Commission, which found that it raised substantial issue regarding LCP consistency, and it has since been withdrawn. The City continues to explore possible locations and design plans for the boat launch facility and is currently considering boat launch designs on Moles C and D. Over the past years, it has considered locating the boat launch on all four Moles.

The current LUP requires construction of one new public boat launch ramp facility in conjunction with a significant new development in the harbor. However, the priority of the LUP is simply to secure development of a boat launch ramp facility (LUP Policy 1), and the LUP does not currently have requirements regarding the design, layout or facility standards that would be required for a new boat launch. Measure C, in contrast, specifies design requirements that would significantly restrict the possible locations where the launch could be located and would eliminate possible locations that could support development of a boat launch ramp facility. In order to uphold the LUP's requirement that a boat launch be constructed—a requirement that was imposed through a Commission modification on a prior LCP amendment—Measure C must be modified to ensure that its provisions are not so restrictive that a boat launch is unlikely to ever be constructed.

In particular, Measure C would clarify that construction of a boat launch ramp and parking and accessory facilities are required as part of any project that proposes a net increase of 10,000 SF of floor area or more in any Coastal commercial zone in the harbor. Opponents argue that the

Measure could be interpreted as requiring a new boat launch for *every* new development project that proposes 10,000 square feet or more; however, the LUP language is clear enough that this is a one-time requirement. The Measure's requirements for the boat launch further specify that it shall be constructed and fully operational prior to the issuance of the certificate of occupancy for a new structure, and it shall have a minimum of 2 lanes and shall provide no less than 30 double-length boat trailer/vehicle parking spaces per lane (i.e., a minimum of 60 spaces) that are within 500 feet or less of the ramp. At least 10%, but no more than 25% of the parking spaces shall be at least 55 feet long. No parking spaces shall be less than 40 feet long. The ramp shall meet the requirements for Department of Boating and Waterways guidelines for layout, design and construction for small craft launching facilities and shall meet AASHTO roadway design standards for turn radii and maneuverability of vehicle-boat combinations.

Measure C would require that the ramp be designed to avoid net loss of any boat slips that are available as of January 2016, shall not have any adverse impact on public access or coastal dependent uses, and shall be located a safe distance from any human-powered watercraft launch point and swimming area. The ramp shall accommodate safe launch and recovery in surge conditions and shall not be located where waves topping the outer breakwall would create safety hazards during launching or recovery. Directional public access signage would also be required for the launch facility.

Measure C's detailed requirements for the boat launch appear to have the unintended consequence of eliminating at least 2 of the 4 possible locations for the boat launch. Mole A would likely be eliminated due to the current storm surges that overtop the breakwall, which could make it a hazardous location for a boat launch, and Mole B would likely be excluded under Measure C because a Mole B location could not provide the required (minimum 60 spaces) onsite trailer parking and would likely require removal of existing boat slips, which is contrary both to existing LUP policies (LUP Recreation Policy E. 1) as well as the Measure's own requirement that development of a boat launch may not remove any slips from the harbor. In addition, it is not clear that the even the third location for a boat launch ramp at Mole C has sufficient space to allow for construction of a boat launch ramp in compliance with the new proposed parking requirements without impacting the Seaside Lagoon.

The recent project for a boat launch facility located on Mole B (See 5-17-0235, which has since been withdrawn) proposed 32 new parking spaces for vehicles with trailers (20 parking spaces 40 feet long, 6 parking spaces at 50 feet long, and 6 parking spaces at 55 feet long) and 38 regular vehicle spaces. In comparison with the Measure C requirements, the proposed project would not have met the standards because of inadequate trailer parking spaces (28 spaces short), but would have met the standards for the percentage and length of trailer spaces. While the proposal for the boat launch ramp on Mole B had challenges meeting the existing LCP land use requirements and development standards, it is likely feasible to redesign the boat launch siting, design and configuration on Mole B to be consistent with the existing LCP. In contrast, some of the requirements for development of the boat launch imposed by Measure C would likely render both Moles A and B as incapable of supporting a boat launch of any siting, design or configuration, due to the smaller size of the sites and the existing coastal hazards.

An administrative report prepared by the City in 2016 regarding the impact of Measure C states that the City's Marine Engineer does not believe that there is any location in the harbor that

would meet all of the requirements of Measure C for the development of a boat launch facility because of the size of the site that would be required and the storm surge retrieval obligations. Measure C proponents argue that both Moles C and D could feasibly support a boat launch under the Measure's requirements and have drafted boat launch ramp designs that could purportedly be constructed on those Moles in conformance with the current LCP and Measure C. Without a proposed project that is Measure C compliant and without sufficient information regarding each Mole/site's feasibility, the Measure must be modified in order to prevent the LCP from precluding any potential feasible options for the location of the boat launch facility.

The boat launch-related development standards set forth by Measure C are consistent with some policies of the LUP (LUP Policy 5 and Recreation policy E. 2) which require the protection of lower cost public facilities and recreational uses. Development of a public boat launch facility is a priority use, a coastal dependent use, and is consistent with policies that require the provision of recreational uses in the harbor. And while the Measure C requirements are intended to result in a safe and workable design and location for the boat launch facility, they may or may not be attainable or realistic. The City has been working to design and build a boat ramp for many years, so far without success. Imposing additional, strict requirements on the design and location of a boat launch, and effectively eliminating potentially viable options for the location of a public boat launch, is not in conformity with, and will not help carry out, LUP Policy 1, which requires the construction of a boat launch ramp in the Harbor. Accordingly, the Measure C LCP amendment must be denied as submitted and can be certified only as modified.

Finally, all four of the possible locations that could support a boat launch facility are within the Commission's retained permitting jurisdiction. Therefore, a future boat launch project will need to be found consistent with Chapter 3 policies of the Coastal Act, including the public access and recreation policies of the Coastal Act, rather than with the LCP. Although Measure C's policies would not be binding on the Commission even if certified, the Measure would be used as guidance and still should not be certified unless it fully conforms with and is adequate to carry out the certified LUP. Because this standard is not met, the amendment is rejected as proposed, and certified only with modifications.

Off-Street Parking Facilities

Measure C would prohibit new parking structures in the CC-3 zone (Coastal Commercial), which would apply mainly on Mole D. The intent is to preserve the existing surface parking for coastal dependent uses, such as easy access for paddleboard and kayak users near the hand-launch location, and for the protection of views from Harbor Dr. to the ocean. Mole D is currently used predominately for surface parking, although there are a few restaurants and commercial development as well. An existing parking structure (Plaza structure) located inland of Harbor Dr. could be reconstructed, but not expanded.

LUP Access policies F. 3 and F. 9 require the City to enforce existing parking standards for new development—meaning the City must require new development to provide sufficient parking to accommodate the development and uses—and disallow existing parking spaces in the Harbor-Pier area from being reduced. If parking spaces are removed, they must be replaced elsewhere in the harbor. Although the Measure's parking regulations at first appear to reflect this policy, they do not have the same effect.

As described in an administrative report prepared by the City (2016) detailing the impacts of Measure C, the prohibition on a parking structure in CC-3 would require any future development on Mole D to be supported either by surface parking or by offsite parking. However, a new development that is itself located on a former parking lot cannot logically provide replacement surface parking for the removed spaces while also providing adequate surface parking to support the development. There is simply no other space within the CC-3 zone where surface parking can be constructed in order to provide new or replacement parking spaces. Because Measure C would prohibit constructing a parking structure on the site, then the only other option is for new development to provide offsite parking. However, there is limited space for offsite parking nearby within the harbor. Measure C prohibits the expansion of the Plaza structure in the CC-3 zone, but does not place limits on the Pier parking structure, which can be redeveloped and expanded, if necessary and any expansion would count toward the Harbor's development cap.

The City has, in the past, worked to develop shared parking programs and shared parking standards for commercial zones. If the City proposed an amendment to change the current LUP policy that requires replacement of lost harbor parking, or if it applied for an LCP amendment to incorporate shared parking standards that could substitute for replacement of lost parking, then new development within the CC-3 zone would have options that might allow it to provide adequate commercial and coastal dependent use parking. However, that is not proposed at this time. Moreover, Measure C requires that Coastal Commercial zone parking prioritize peak summer demand for coastal dependent uses in the Harbor, without restriction by valet, reservation system, or offsite parking. Measure C acknowledges the possibility of shared parking, as long as it doesn't reduce existing coastal-dependent, water-oriented use parking, and requires monitoring of any such arrangement if approved. If this language was certified, new development within the CC-3 zone would have to provide sufficient offsite parking for commercial uses and, essentially, reserve surface parking for peak summer demand for coastal dependent uses. As with other provisions, this significantly limits the opportunity for new coastal-dependent, visitor-serving, and appropriate commercial and recreational facility development in the CC-3 zone, in contrast to the LUP policies that encourage such uses.

Because there is no current project proposed before the Commission, it is not possible to assess the feasibility of developing a commercial project within CC-3 and obtaining control (either through purchase or lease) of an offsite parcel to construct a parking garage, or assess the feasibility of expanding the existing Pier parking structure in CC-2, in order to be consistent with both the current LUP policies and the Measure C requirements. Neither the City nor Measure C proponents have provided a feasibility study or analysis of vacant or "redevelopable" parcels in the harbor that could support both a commercial development and a parking garage. While it may not be impossible, the Measure C provisions certainly make it more difficult to develop or redevelop in the CC-3 zone, and the actual feasibility at this time is unknown. As such, the Measure does not conform with the LUP's policies that encourage provision and expansion of coastal dependent land uses, provision of lower-cost visitor serving uses and recreation facilities, and expansion of boating and boating-related facilities, all of which could otherwise be more easily constructed on CC-3 land. Although it is important to provide adequate parking to support coastal land uses and public access, Measure C's restrictions could have the effect of locking in current surface parking to the exclusion of other priority coastal land uses.

While some elements of the off-street parking requirements of Measure C are consistent with LUP policies, such as the required reduced parking fee program for frequent harbor users that encourages coastal dependent uses, it is inconsistent with other policies, as described above. In addition to the issues described above, the prohibition on new parking structures in CC-3 is also inconsistent with the existing LUP, which allows “structured parking facilities” in the Commercial Recreation Sub-areas 2 and 3 land use designations (which are in the CC-3 zone). In sum, Measure C’s restriction on parking structures in the CC-3 zone does not conform with the LUP’s requirement that the City “maintain a balanced utilization of coastal zone resources including protection and provision of lower cost visitor serving uses and recreation facilities where feasible.” Rather than allowing a balanced utilization of the CC-3 area, as called for in this policy and allowed under the zoning designation, Measure C would effectively require the CC-3 area to be used predominately as a surface parking lot. Therefore, the amendment cannot be certified as submitted.

The CC-3 zone is within the City of Redondo Beach’s LCP jurisdiction, and therefore the Measure C LCP amendment and suggested modifications would be the standard of review for the City of Redondo Beach’s issuance of a CDP for that area of the Harbor.

Traffic Analysis and Circulation

Measure C requires that any project within the Coastal Commercial zones provide a detailed traffic analysis. It does not appear as though the intent of the language was to have every project submit a traffic analysis, including projects that qualify for exemptions and minor remodels. But in any event, the language of the proposed land use regulation is not inconsistent with the current LUP, and therefore does not require a suggested modification.

The Measure requires preservation of the existing public bike and pedestrian pathway connecting Harbor Dr. To Torrance Blvd. and prohibits a road connection through the Harbor, immediately inland of Basin 3. Emergency vehicles only would have access through the Harbor. This provision does not limit any existing access to the area and is not inconsistent with the current LUP policies; therefore no suggested modification is needed.

Development Cap

Since 2008, the City approved development of the Shade Hotel in the harbor, and as such there is 362,989 sq. ft. remaining of the 400,000 sq. ft. development cap previously imposed by the LCP. Measure C would require any new proposed parking structure square footage of floor area to be counted against the total development cap for the Harbor, reducing the development square footage available for coastal commercial and other development. At this time the LCP is silent on whether the floor area of parking structures counts toward the development cap; it defines “Floor Area” as:

“Floor Area, Gross” shall mean the floor area of the ground floor and any additional stories, and the floor area of mezzanine, lofts, and basements of a structure. All horizontal dimensions shall be taken from the exterior faces of walls, including covered enclosed porches, but not including the area of inner courts or shaft enclosures.

Measure C would amend the LCP to subject the square footage of parking structure floor area within the harbor to the development cap, which would reduce the overall amount of development allowed in the harbor. However, the replacement of the existing parking structure

located in CC-3 would not be subject to the development cap, because it's redevelopment would not result in *net* increase.

When the Commission considered the Redondo Beach LCP for the harbor (RDB-MAJ-08), the Commission found that the 400,000 square foot development cap for the harbor, along with the Floor Area Ratio (FAR) restrictions and height limits, would be sufficient to maintain large areas of open space within and around a proposed development, and with view corridors, would prevent the massing of large structures and preserve the visual aesthetic and recreational value in the area. Several comment letters were received at the time that expressed the sentiment that 400,000 sq. ft. of new floor area represents excessive development for the harbor area, but the Commission found that the low FAR and bonuses for open space would limit the massing and scale of structures sufficiently. At the time, there was no mention of whether or not the development cap included the floor area of structured parking.

The City prepared a *Record of Interpretation* (2016) regarding this issue supported by the contextual reading of the existing LCP, the legislative history of the development cap (imposed by Measure G), contemporaneous interpretation of the term "floor area" at the time of certification, and the meaning of the terms in ordinary usage in other governments, which concluded that the floor area of parking structures does not count toward the development cap. The City followed this interpretation when issuing the coastal development permit for the Shade Hotel in the harbor, which at one time proposed subterranean structured parking.

There is typically a defined difference between gross floor area (the area occupied by a building) and usable or habitable floor area (which typically excludes stairwells, mechanical space, storage, patios, balconies, and garages). The City's LCP does not include parking garages in the calculation of FAR, and would rely on the "usable floor area" square footage. According to the LCP, a proposed development project in the Harbor area must currently meet the low FAR requirement *and* must be consistent with the development cap. Measure C would not change the way the City calculates FAR (it would still exclude structured parking), but it would reduce the overall development potential because parking structure floor area would be subject to the development cap. While it is uncommon to include square footage of parking space in the calculation of floor area counting toward a development cap, the current LUP does not have policies that would preclude the City from doing so. The concern is that the new land use regulation will reduce the amount of Coastal Commercial development potential.

The land use regulation would require parking structures only within the Coastal Commercial zones to be subject to the development cap for the harbor area. The Measure's regulation would not define the floor area any differently for other areas of the City subject to the LCP, nor would it affect the development standards for other parking structures elsewhere in the City subject to the LCP. The standard of review for this issue is the current LUP and the Measure's land use regulation regarding the development cap does not conflict with the LUP. While the square footage of new development dedicated to parking structures is not knowable without an actual proposed project, requiring new parking structures to count toward the development cap would still leave hundreds of thousands of square feet available for commercial, visitor-serving development. For example, the recently withdrawn Waterfront Development project (5-17-0236) proposed a 261,000 square foot new parking garage and proposed to add approximately 312,000 square feet of *net* new development. Had the parking garage floor area been subject to

the 400,000 square foot development cap, the project would not have been consistent with this requirement. If a project proposed less commercial development (approximately 200,000 square feet of net new development) and a smaller parking garage (approximately 150,000 square feet of new parking garage), a reduced development project could be found consistent with the development cap even with the Measure C requirement to include parking garages in that cap.

The standard is whether the provision to include structured parking floor area in the development cap conforms to, rather than conflicts with LUP policies to encourage lower-cost, coastal-dependent and recreational facilities. This requirement does not conflict with the access and recreational LUP policies, rather it conforms with and is adequate to carry out these policies. Although it does limit the extent to which such development can occur, the Measure's regulation would still allow for a significant amount of new coastal commercial development, while also protecting views and the scale/character of the area. However, other land use regulations proposed by the Measure C LCP amendment are not consistent with the certified LUP, and therefore the amendment cannot be certified as submitted.

Conclusion

The new regulations that Measure C would impose on the boat launch facility would likely exclude at least two of the four possible locations that could support such a facility. The Measure also contains a prohibition on the construction of a new parking structure in the CC-3 Coastal Commercial zone, which could effectively limit or preclude new visitor-serving commercial development and recreational resources within the CC-3 zone, in violation of LUP policies that encourage provision of such uses. Therefore, the Measure LCP amendment must be denied as submitted.

C. Certify the LCP Amendment with Suggested Modifications

Only as modified would the proposed amendment conform with, and be adequate to carry out, the provisions of the certified LUP. The proposed LCP amendment is consistent with the policies of the LUP, if modified, and will not result in any adverse impacts to coastal resources.

Proposed Changes That Are Consistent Only If Modified

Most of the changes the Measure C LCP amendment has proposed to the certified Implementation Plan raise no issue with regard to consistency with and adequacy to carry out the policies of the City's certified Land Use Plan. With the exception of changes proposed to the Land Use Regulations for the Boat Launch facility and the Off-Street Parking requirements, no modifications are suggested to the majority of changes proposed by Measure C. However, as described immediately above, changes proposed to the Land Use Regulations for the Boat Launch facility and the Off-Street Parking requirements do raise issue with regard to consistency with and adequacy to carry out the policies of the City's certified Land Use Plan. Below is a discussion of modifications that could be made to the amendment as proposed that would bring it into conformity with and make it adequate to carry out the policies of the certified LUP.

Boat Launch Facility

Because a location for the required boat launch facility has not been finalized, and the City's control over each site fluctuates with lease agreements, and the final design must be found consistent with the LCP, it is important to maintain flexibility as much as possible. The restrictive requirements of Measure C would limit options for siting, and could prevent a public boat launch from being constructed in the harbor, or at least delay construction of a boat launch for years due to the potential difficulty in finding a suitable location.

In particular, Measure C's detailed requirements for the boat launch may have the unintended consequence of eliminating 2 of the 4 possible locations for the boat launch. While the Measure's requirements are intended to result in the best possible and safest design and location for the boat launch facility, they may or may not be attainable or realistic. Eliminating options for the location of a public boat launch could be overly limiting and could negatively impact coastal access by preventing or delaying construction of a boat launch ramp in the future, which conflicts with the LUP requirement (LUP Policy 1) to construct such a facility. Again, all possible locations for the boat launch facility are located within the Commission retained jurisdiction, and at the time of a permit decision the standard of review for the boat launch application would be Chapter 3 policies of the Coastal Act, not the LCP. The Measure and the suggested modifications here would serve as guidance. However, the IP amendment and modifications may still only be certified if they are fully consistent with the LUP.

In order to be consistent with the LUP, suggested modifications are necessary to address the required number of trailer parking spaces. Measure C requires a minimum of 30 vehicle/trailer parking spaces to be located within 500 feet of the ramp. Again, because the location and site design for the boat launch ramp is undecided, it is unknown whether it is feasible for a boat launch location to support the trailer parking requirement, and therefore **Suggested Modification No. 1** modifies the Measure C requirements for parking spaces by adding "if feasible" to the sentence. The Measure would also require the boat launch facility to be designed consistent with the current *California Department of Boating and Waterways guidelines* for the layout, design and construction of small craft boat launching facilities and *American Association of State Highway and Transportation Officials* roadway design standards. The Boating and Waterways and AASHTO guidelines are extensive, and there is insufficient evidence whether all standards could feasibly be met at a location within the harbor. Accordingly, the modification is necessary to avoid precluding possible launch sites. **Suggested Modification No. 1** also modifies the Measure C requirements for compliance with California Department of Boating and Waterways and AASHTO guidelines, and for safe launch and recovery during storm conditions, so that these standards must only be met to the extent feasible, rather than being strict standards.

In the second paragraph, the Measure requires safe launch and recovery, without defining what will be determined to be "safe" in the future. One possible site that could support the boat launch facility already experiences severe wave overtopping during surge conditions. In order to maintain as many possible locations for the future development of the boat launch facility, **Suggested Modification No. 1** would maintain all options by including a sentence that would allow for a launch to be constructed in a overtopped location if no other possible locations could support the launch facility, and as long as the City develops a management plan for the public's safe use of the ramp. In order for the language of Measure C to be consistent with the existing LUP Hazard policies, the measure must be modified to prevent foreclosing possible alternative sites in case no locations within the harbor can feasibly support the launch ramp with these

requirements and the City develops a management plan for the public's safe use of the launch ramp.

Off-Street Parking Facilities

Measure C would prohibit new parking structures in CC-3, Coastal Commercial, mainly on Mole D. LUP Access policies F. 3 and F. 9 require the City to enforce existing parking standards for new development, meaning the City must require new development to provide sufficient parking, and to maintain existing parking spaces in the Harbor-Pier area. If parking spaces are removed, they must be replaced elsewhere in the harbor.

As described above, the space available within the harbor for new development is largely within existing surface parking lots. If development is located on a site with surface parking and thereby removes that parking, it is required to be replaced elsewhere in the harbor, which can be achieved by constructing a parking garage or a subterranean garage onsite. If Measure C was certified as submitted, then a parking structure could not be constructed in CC-3. Because the current LUP requires replacement of existing parking in the Harbor when removed for development, the prohibition of new parking structures in CC-3 would not be consistent with current LUP policies, and **Suggested Modification No. 2** is necessary to remove the prohibition on parking structures in the CC-3 zone.

Conclusion

The modifications suggested to accomplish consistency with the current LUP contained in Section II of this staff report would ensure that all possible locations that could support the required boat launch ramp facility are still viable options and would ensure that any new development of Coastal Commercial structures in the CC-3 zone would be able to meet the current LUP's parking replacement requirements by constructing an onsite parking structure, if needed. If these modifications are made as suggested, the proposed amendment conforms with and is adequate to carry out certified LUP policies.

D. California Environmental Quality Act

Section 21080.9 of the California Public Resources Code – within the California Environmental Quality Act (CEQA) – exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program (LCP). Instead, the CEQA responsibilities are assigned to the Coastal Commission, and the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required, in approving an LCP submittal to find that the approval of the proposed LCP, as amended, does conform with CEQA provisions, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. 14 C.C.R. §§ 13540(f) and 13555(b).

The Measure C voter initiative consists of an IP amendment. As discussed above, the IP amendment as originally submitted does not conform with, and is not adequate to carry out, the policies of the LUP. The Commission has, therefore, suggested modifications to the proposed IP to include all feasible measures to ensure that such significant environmental impacts of new development are minimized to the maximum extent feasible consistent with the requirements of the Coastal Act. These modifications represent the Commission's analysis and thoughtful consideration of all significant environmental issues raised in public comments received, including with regard to potential direct and cumulative impacts of the proposed IP amendment, as well as potential alternatives to the proposed amendment. As discussed in the preceding sections, the Commission's suggested modifications represent the most environmentally protective alternative to bring the proposed IP amendment into conformity with the LUP, as amended, consistent with the requirements of the Coastal Act. Therefore, the Commission finds that there are no other feasible alternatives or mitigation measures under the meaning of CEQA which would further reduce the potential for significant adverse environmental impacts.