

To: Coastal Staff and Commissioners

From: Mark and Sharon Fudge

Re: Laguna Beach LCP-A (LCP-5-LGB-19-0139-1)

Date: October 2, 2020

Dear Coastal Staff and Commissioners,

Thank you for the opportunity to comment on the proposed changes to the City of Laguna Beach's LCP as proposed by LCP-5-LGB-19-0139-1. We are in support of the suggested modifications as shown in the staff report dated September 24, 2020 if the amendment is passed. However, we believe that the amendment is premature as the City has not yet adequately provided the needed parking spaces to allow for new development in the City as required by the certified LCP. These spaces are currently under consideration but past proposals have been historically unsuccessful due to many local factors such as budget constraints and citizen opposition. Especially relevant is the fact that the long awaited Downtown Specific Plan (DSP) is in the queue for review at the Commission. These amendments to the LCP should be looked at together for cumulative impacts.

The City's stated purpose of this amendment is *to attract, retain, and expand business within the City* (Staff report Summary). This purpose may or may not be appropriate for a spatially restricted area such as Laguna Beach. One must ask the questions "how much is too much?" and "Is it necessary to stuff 10 pounds of development into a 5 pound bag?" These questions have not been asked or answered. The lack of parking, combined with expansion of development, not only impacts public access, but neighborhood character and the quality of life for the citizens of beach and coastal communities. Below are some of our concerns and suggestions for your consideration.

Public Access

Both the Coastal Act and the certified Laguna Beach LCP are very clear about potential negative impacts to public access posed by development. Maintaining and improving Public Access is one of the most important mandates of the Coastal Act. The City's certified LCP recognizes that there is a balance between development and negative impacts that it seeks to solve by providing a large supply of public parking. However, this supply has not yet been provided - a balance has not yet been achieved.

Coastal Act Section 30252(4) requires that the location and amount of new development maintain and enhance public access to the coast by providing adequate parking facilities.

Public Access (as discussed in the Land Use Element) -

*Public access to the coast and to visitor amenities including visitor serving commercial uses such as art galleries, restaurants, shopping and overnight accommodations, as well as to public parks, trails and open spaces, is a high priority under the City's certified LUP. **One way the LUP promotes public access is to require that new development provide adequate parking to serve its needs so that parking that would otherwise be available to the general public (via on-street spaces and/or in public parking lots) is not usurped by the users of the private commercial development.** The goal of providing adequate parking with new or intensified development is to assure that visitors who must travel from out of the area to get to the coast are not precluded from enjoying the beaches and coastal amenities due to lack of a place to park. However, more recently, new ways to promote public access and also help minimize energy consumption and vehicle miles traveled in individual cars, have been prioritized by the City and the State. Methods include promoting public transit and bicycling. Policymakers must balance the requirements of ensuring adequate parking to serve an individual development with alternate methods of promoting public access. This is particularly true with regard to those visitors who have few alternatives to driving to the coast in vehicles, especially those coming from an hour or more drive inland, and perhaps those traveling with children. For these and similar visitors, options other than private vehicle are not always feasible. Therefore, **the LUP recognizes the need to maintain this delicate balance by maintaining a large supply of public parking while allowing new development**, especially visitor serving development, to occur in a spatially constrained city.*

Concern: This LCP amendment allows what may be excessive cumulative impacts to public access because 1) there is nothing requiring a review of cumulative impacts (considering past and possible future requests for parking requirement relaxation); and 2) there is nothing in the plan that addresses the maintenance of a large supply of public parking while allowing new development as recognized in the LCP.

Suggestion: Do not put the cart before the horse by allowing reductions in parking requirements while there is still a lack of supply of public parking alternatives.

Comments on Suggested Modifications

- **Suggested Modification No. 1 (page 6)**

Section 25.52.006(D) Add new subsection 25.52.006(D)(6) and re-number the following subsections as appropriate:

*(D) Valet Parking. Valet parking on a lot, whether proposed on-site or off-site to fulfill parking requirements, or **off-site for non-required parking requirements**, requires approval of a conditional use permit. The application shall include a parking plan and program providing the following minimum information ...*

Concern: The language 'non-required parking requirements' is contradictory.

Suggestion: strike the portion of the sentence or replace it with ‘off-site for additional non-required parking’.

We are supportive of Suggested Modification No. 1.

- **Suggested Modification No. 2 (page 7)**

Section 25.52.006(E), modify as shown below:

*(E) Special Parking Districts - In-Lieu Parking Certificates. **For areas designated by the city council to be hardship areas** and for which special districts are formed for the purpose of providing central or common parking facilities and/or improving public transit, the City Council may grant relief from the requirements of this section,*

Concern: What are ‘hardship areas’? There is no known definition in the LCP. How are they designated?

Suggestion: Define ‘hardship areas’ and the designation process.

We are supportive of the limitations of in-lieu certificates as proposed by Suggested Modification No. 2

- **Suggested Modification No. 3 (page 10)**

Section 25.52.006(G), modify as shown below:

A parking study shall be prepared by a qualified engineer, retained by the entity whose parking requirement has been reduced, that reviews efficiencies, effectiveness and/or problems of the approved innovative parking solutions at one year and at five (5) years from the date of their approval; and the study shall be provided to the City for review and assessment.

Concern: There is no process for public involvement in the review of the innovative parking solutions. The people most likely to be adversely impacted have no avenue to register their input.

Suggestion: Require review of the parking study (at one year and at five years) at a public, noticed hearing. The study should also have a specific and consistent ‘baseline’ of impacts to pre-project conditions.

We are supportive of the proposed changes in Suggested Modification No. 3 - especially of maintaining public rights of way and access at sidewalk cafes.

- **Major Remodel (Page 12/13 of the Staff Report)**

In addition, Section 25.52.004(E)(1) is proposed to be changed (in part) as follows:

*(1) When a new building is constructed or ~~when more than fifty percent of the gross floor area of an existing building is proposed to be remodeled or reconstructed~~ **a major remodel is***

proposed, or a use is changed to a use which has a greater parking requirement, or when the floor area of an existing building is enlarged, ...

*LUE Glossary : "Alteration of or an addition to an existing building or structure that increases the square footage of the existing building or structure by 50% or more; or demolition, removal, replacement and/or reconstruction of 50% or more of the existing structure; **greater specificity shall be provided in the Laguna Beach Municipal Code.**"*

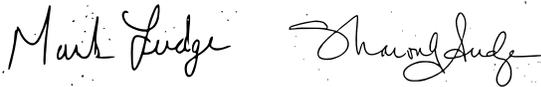
Concern: The term 'major remodel' is has not been adequately described with 'greater specificity' in the municipal as directed by the LUE GLOSSARY entry. Due to this lack, the term is still subject to misinterpretation and inconsistency.

Suggestion: Do not change portions of the LCP related to 'major remodel' until a comprehensive and consistent definition is certified.

In conclusion, the LCP and Coastal Act both require that *someone* (whether public or private) provides adequate parking to mitigate for the impacts of development. In this case however, there is really no provision of parking and thus the amendment allowing for reductions in parking requirements only exacerbates the issues caused by over-development in the Coastal Zone.

Thank you for your work. Although we are not in support of the amendment, the modifications represent a great improvement to the amendment as submitted and we ask that the Commission include all of the modifications if the proposal is approved. We are available, as always, for any questions you may have.

Sincerely,

Handwritten signatures of Mark Fudge and Sharon Fudge in cursive script.

Mark and Sharon Fudge

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