

**CALIFORNIA COASTAL COMMISSION**

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# W11b

DATE: September 24, 2020

TO: Commissioners and Interested Persons

FROM: Karl Schwing, Deputy Director  
Amber Dobson, District Manager  
Zach Rehm, District Supervisor  
Meg Vaughn, Coastal Program Analyst

SUBJECT: Major Amendment Request No. LCP-5-LGB-19-0139-1 (Parking) to the City of Laguna Beach Certified Local Coastal Program, for Public Hearing and Commission Action at its October 7, 2020 remote meeting.

## **SUMMARY OF LCP AMENDMENT REQUEST NO. LCP-5-LGB-19-0139-1**

The City of Laguna Beach (City) requests to amend the Implementation Plan (IP) of the certified Local Coastal Program (LCP) to modify current requirements regarding the amount of parking spaces that must be provided in conjunction with various types of development and to define more specifically when an intensification of use triggers the need for additional parking spaces. More specifically, changes are proposed to the use of in-lieu parking certificates; to add a new incentive (innovative parking solutions) to the existing list of incentives for which a reduction in the number of parking spaces required is allowed; change to an existing incentive regarding outdoor cafes; elimination of the currently required minimum number of two parking spaces required regardless of type of use; allowance off-site valet parking; and change to the number of parking spaces required for interior divisions within an existing commercial structure. All of the changes are proposed to Title 25 of the City's certified Implementation Plan. The City indicates that the larger goal of the proposed LCP amendment is to attract, retain, and expand business within the City.

Changes proposed to Title 25 (zoning code) are reflected in City Council Ordinance No. 1638 ([Exhibit 3](#)). Ordinance 1638 was submitted for Coastal Commission action pursuant to City Council Resolution No. 19.053 ([Exhibit 2](#)). No changes are proposed to the Land Use Plan (LUP) portion of the certified LCP.

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## **SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending **denial** of the Local Coastal Program (LCP) Amendment No. LCP-5-LGB-19-0139-1 as submitted, and **approval** if modified as suggested. The proposed modifications are necessary to preserve public access beach parking for coastal visitors

and clarify that visitor serving uses are the priority type of land use in the portions of downtown and the rest of the City's coastal zone near the public beaches. The suggested modifications are necessary to bring the proposed amendment into conformance with the public access and priority of use provisions of the certified Land Use Plan (LUP). The motions and resolutions to accomplish this recommendation are found on **page 5** of this staff report.

**DEADLINE FOR COMMISSION ACTION:** The proposed LCP amendment was deemed complete on September 4, 2019. A request to extend the deadline to act was granted on November 13, 2019. The final date by which the Commission must act on this LCP amendment request is December 2, 2020.

**ADDITIONAL INFORMATION**

Copies of the staff report are available on the Commission's website at [www.coastal.ca.gov](http://www.coastal.ca.gov). For additional information, contact Meg Vaughn in the South Coast District Office of the Coastal Commission at [Meg.Vaughn@coastal.ca.gov](mailto:Meg.Vaughn@coastal.ca.gov) or (562) 590-5071.

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### Exhibits

- Exhibit 1 – Vicinity Map
- Exhibit 2 – City Council Resolution No. 19.053
- Exhibit 3 – Ordinance No. 1638 (Final Language as Adopted by City)
- Exhibit 4 - Changes to the LCP IP Proposed by the City (Strike Out/Insert Version)
- Exhibit 5 – Map of Public Parking Lots
- Exhibit 6 – Number of Public Off Street Parking Spaces

## **I. PROCEDURAL ISSUES**

### **A. STANDARD OF REVIEW**

The City's Land Use Plan ("LUP") was certified with suggested modifications on June 11, 1985, and effectively certified on March 13, 1986. The City's LUP is comprised of a variety of planning documents including the Land Use Element (LUE), Open Space/Conservation Element, Coastal Technical Appendix, and Fuel Modification Guidelines (of the Safety General Element of the City's General Plan as adopted by Resolution 89.104). The Coastal Land Use Element was updated and replaced in its entirety via LCPA 1-10 in 2012.

The Implementation Plan for the City was certified in 1993, with the City assuming coastal development permit issuing authority at that time. The Implementation Plan (IP) of the City of Laguna Beach certified Local Coastal Program (LCP) is comprised of more than 10 documents, including Title 25 of the City's Municipal Code, which is the City's Zoning Code.

The standard of review for the proposed amendment to the IP, pursuant to Sections 30513 and 30514 of the Coastal Act, is whether the IP would be in conformance with, and adequate to carry out, the provisions of the LUP portion of the City of Laguna Beach's certified LCP.

### **B. 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 City held a number of public hearings on the changes proposed via Ordinance No. 1683. The Planning Commission held a public hearing on October 17, 2018. The City Council held public hearings on March 27, 2018, and May 21, 2019.

The City Council's first public reading of Ordinance No. 1638 was on July 23, 2019. Adoption of the Ordinance occurred at a subsequent public hearing conducted on August 8, 2019. Public testimony at the hearings was generally in support of the changes to the parking requirements proposed via Ordinance No. 1638.

### **C. PROCEDURAL REQUIREMENTS**

If the Commission certifies the LCP amendment as submitted, no further City Council action will be necessary. City staff has indicated that the ordinance will only become final after certification by the Commission, but pursuant to Section 13544(b)(2) of Title 14 of the California Code of Regulations, no further formal action is required. Should the Commission deny the LCP Amendment, as submitted, without suggested modifications, no further action is required by either the Commission or the City, and the LCP amendment is

not effective, pursuant to Section 13542(f). Should the Commission deny the LCP Amendment, as submitted, but then approve it with suggested modifications, then the City Council may consider accepting the suggested modifications and submitting them by resolution to the Executive Director for a determination that the City's acceptance is consistent with the Commission's action. In that scenario, pursuant to Section 13544(c) of Title 14 of the California Code of Regulations, the modified LCP Amendment will become final at a subsequent Commission meeting if the Commission concurs with the Executive Director's Determination that the City's action in accepting the suggested modifications approved by the Commission for LCP Amendment LCP-5-LGB-19-0139-1 is legally adequate. If the City does not accept the suggested modifications within six months of the Commission's action, then the LCP amendment remains uncertified and not effective within the coastal zone.

## **II. MOTIONS AND RESOLUTIONS**

### **A. Denial of the IP Amendment as Submitted**

#### **MOTION I:**

I move that the Commission **reject** the Implementation Plan Amendment No. LCP-5-LGB-19-0139-1 for the City of Laguna Beach as submitted.

Staff recommends a **YES** vote. Passage of this motion will result in rejection of the Implementation Plan amendment 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 Amendment to the Implementation Plan submitted for the City of Laguna Beach certified LCP and adopts the findings set forth below on grounds that the Amendment to the Implementation Plan as submitted does not conform with and is not adequate to carry out the provisions of the certified Land Use Plan. Certification of the Amendment to the Implementation Program would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Amendment to the Implementation Program as submitted.

### **B. Approval of the IP Amendment if Modified as Suggested**

#### **MOTION II:**

I move that the Commission **certify** the Amendment to the Implementation Plan for the City of Laguna Beach certified LCP 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 IP 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 the majority of the Commissioners present.

## **RESOLUTION II:**

The Commission hereby certifies the Amendment to the Implementation Plan for the City of Laguna Beach certified LCP if modified as suggested and adopts the findings set forth below on grounds that the Implementation Plan, as amended by the current proposal and with the suggested modifications will be in conformance with and adequate to carry out the provisions of the certified Land Use Plan. Certification of the Amendment to the Implementation Program 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 Implementation 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.

## **III. SUGGESTED MODIFICATIONS**

Certification of the LCP IP Amendment is subject to the following modifications.

Changes to the IP proposed by the City are shown in **bold, underline**; and deletions are shown in ~~strike-out~~ text.

The suggested modification additions are shown in **bold, double underline**; and deletions are shown in ~~bold, double strike-out~~.

Only those subsections of the LCP Amendment for which modifications are being suggested are shown below. [Exhibit 3](#) contains the final language as adopted/proposed by City. [Exhibit 4](#) shows the City's proposed changes in strike out/insert version.

### **Suggested Modification No. 1**

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:

- (1) Parking space layout, dimension of spaces, drive aisles and valet routes (if the proposed parking is located off-site). Parking lot layout and

drive aisle widths shall be subject to review and approval by the fire department;

(2) Operation information of the lot including whether the valet parking is for the use of employees or customers, including the number of the employees, shift hours and hours that the parking lot would be in use;

(3) A plan to minimize noise, loitering and trash adjacent to the off-site valet parking lot;

(4) The drop-off and pick-up areas must be safe from traffic hazards and be adequately posted;

(5) Valet parking must be off-street and comply with the provisions of Section 25.52.006(A) and (B), regarding common or joint parking areas;

**(6) If the valet parking includes off-site spaces, the property providing the off-site parking spaces shall be restricted by a form satisfactory to the city (such as a reciprocal parking easement), binding the off-site parking location to the use for the duration of the use.**

~~(67)~~ If an existing approved off-site valet parking area(s) becomes unavailable for any reason, the associated business license, conditional use permit and certificate of use and occupancy shall automatically become null and void;

~~(78)~~ Existing off-site valet parking operations not conforming to the provisions of this subsection (D) shall, within six months after receiving appropriate written notice from the community development department, either obtain approval of a conditional use permit or abate such operations. Valet parking currently operating on-site operations as of June 1, 2007, shall continue to be legal nonconforming unless there is a change in intensity or use.

### **Suggested Modification No. 2**

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, to the extent that an individual property owner or lessee participates in or contributes to parking in the central facility **and/or improving public transit** by acquiring in-lieu parking certificates equivalent to the number of spaces required for his or her individual development, **up to a maximum of three certificates for any one site**, ~~up to a maximum of three certificates for any one site, **except as described below**, unless additional certificates are approved by the city council as part of a public/private partnership project. More than three in-lieu certificates per site shall be allowed only within a special parking district for which a parking and traffic management program is completed and is approved as a local coastal~~

program amendment. **The issuance of parking certificates shall be subject to the following:**

**(1) For any request of six or more in-lieu parking certificates, a parking demand study shall be completed to evaluate the proposed intensification, potential neighborhood impacts and available nearby off-site and on-street parking when considering issuance of parking certificates and the number thereof. In lieu parking certificates in excess of three, shall not be approved unless the parking demand study conclusively demonstrates that the Proposed intensification shall will not negatively impact adjacent residential neighborhoods, commercial areas and/or coastal access. Mitigations to offset for potential parking impacts shall be described in detail in incorporated into the parking demand study, and incorporated into and implemented with the project for which the in-lieu certificates are allowed. The maximum number of in lieu parking certificates for any one use shall not exceed 50% of the number of parking spaces required (fractional numbers shall be rounded up). A coastal development permit shall be required with issuance of parking in lieu certificate(s).**

(42) Fees and schedule of payment for such in-lieu parking certificates shall be established by resolution of the city council. The timing of the payment of in-lieu parking certificates shall be paid prior to the issuance of the first business license or building permit unless specified differently by the city council.

**Suggested Modification No. 3**

Section 25.52.006(G), modify as shown below:

(G) Incentives. The City Council may approve a conditional use permit **and a coastal development permit when required**, upon recommendation by the approval authority, to reduce the parking standards required under this chapter where the proposed use provides for and promotes the use of alternative modes of transportation such as ride-sharing, carpools, vanpools, public transit, bicycles and walking; and where the reduced parking requirement will not adversely impact public access to beaches, parks, open spaces, and trails and one or more of the following conditions apply:



(1) The proposed use is a very low or low income, or disabled housing project;

~~(2) The proposed use is considered to be equal intensity or less intense than the previous use;~~

~~(3) The proposed use is a sidewalk cafe having outdoor seating available to the general public as well as restaurant customers, and when the outdoor seating is located on public property or right-of-way, to the general public as well, which contributes positively to the local pedestrian environment. The parking reduction may be granted on a temporary or seasonal basis and shall be limited to a maximum of five ~~three~~ spaces; and~~

**(3) The proposed use incorporates innovative parking solutions, such as a shuttle service program provided by the entity whose parking requirement has been reduced. Any proposed innovative parking solution shall provide parking mitigation measures at an equivalent ratio to the parking spaces required by Section 25.52.012(G) for the proposed intensification of use. An innovative parking solution shall be described in a detailed program which includes, but is not limited to, the number of otherwise required parking spaces that will not be provided, a detailed description of the proposed innovative solution, a detailed description of how the innovative solution provides an equivalent ratio to the number of parking spaces that would have been required without the innovative solution, and a detailed description of how the proposed solution is expected to offset impacts from the reduction in required parking spaces, supported by studies and/or examples. An example of a program for innovative parking solutions might include, but not be limited to, a shuttle service program provided by the entity whose parking requirement has been reduced that indicates the number and capacity of shuttle vehicles, the range of shuttle services, where shuttle vehicles are stored and the hours of shuttle service operation. At the discretion of the Director of**

**Community Development, peer review of such a program may be required and paid by the applicant.**

**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.**

**This Subsection 25.52.006(G)(3) shall expire five years from the date of effective certification of LCP-5-LGB-19-0139-1. If innovation solutions have been implemented pursuant to this section, and the required engineered parking studies demonstrate the effectiveness of those innovative parking solutions, a Local Coastal Program amendment may be requested to retain this subsection for an extended period. Such an LCPA shall include all necessary supporting documentation with submittal of the LCP amendment request.**

**Suggested Modification No. 4**

Section 25.52.006(H), modify as shown below (no suggested modification for Section 25.52.006(H) subsections (2) – (7)):

(H) Off-Site Parking Spaces. Additional parking that is required for an intensification of nonresidential uses, not involving floor area additions to an existing building envelope, may be satisfied by providing off-site parking spaces subject to the approval of a conditional use permit **and coastal development permit where required** and compliance with the following minimum standards:

(1) The property providing the off-site parking spaces shall ~~either:~~

(a) ~~Be~~ located on one site and within six hundred feet of the establishment and ~~is shall be~~ deed restricted in a form satisfactory to the city **(such as a reciprocal parking easement)**, binding the off-site parking to the use, ~~and recorded with the county clerk recorder; or,~~

~~(b) For uses in the civic art district only, be owned by the city.~~

(2) The off-site parking spaces shall be available at all times during which the business or commercial use is open or operating;

**Suggested Modification No. 5**

Section 25.52.012(A), modify as shown below

(A) Minimum Parking Spaces. ~~A minimum of two parking spaces shall be required for all uses/tenancies (excluding multiple family residential uses and~~ **At least the minimum number of parking spaces required shall be provided pursuant to the requirements specified under Municipal Code Section 25.52.012(G), unless otherwise specified in this Ordinance** herein.

**Exception: Where an interior division is proposed within an existing commercial structure**~~business, commercial, industrial office, or similar location, the amount~~ **result of division allowed shall not exceed create more than three additional individual tenant spaces. or** **Each proposed space shall be less than 500 square feet in size for each proposed space. Subject to Planning Commission review and approval of a Conditional Use Permit and a coastal development permit where required, division of an existing commercial structure**~~business, commercial, office or similar use location can~~ **may exceed three additional tenant spaces or be when each space is less than 500 square feet. At the discretion of the Director of Community Development, an engineered parking impact assessment may be required as a component of the Conditional Use Permit and/or Coastal Development Permit application for a tenant space division. When required, the engineered parking impact assessment must identify measures to offset adverse impacts due to lack of parking.**

#### IV. FINDINGS

The Commission hereby finds and declares:

##### A. AMENDMENT DESCRIPTION

The City of Laguna Beach has requested to amend the Implementation Plan (IP) of the certified Local Coastal Program (LCP) to modify to modify current parking requirements and define more specifically when an intensification of use triggers the need for additional parking spaces. The City's submittal letter describes the proposed amendment as intended to: "1) clarify the definition of "intensification of use" to exclude a typical tenant improvement such as an interior remodel that is stimulated by a change in tenancy; 2) allow for offsite valet parking to be considered to satisfy the parking requirements for an intensification; 3) conditionally increase the maximum limits of in-lieu parking certificates that can be issued for any one site; 4) modify the parking incentives associated with sidewalk café outdoor seating credits, and add innovative parking solutions (such as shuttle services) as a permitted incentive type; 5) encouraging small businesses and commercial tenancy sharing floor area opportunities to better compete with internet sales." The various aspects of the proposed amendment are described in more detail below.

All of the changes are proposed to Title 25 of the City's certified Implementation Plan. The City indicates that the larger goal of the proposed LCP amendment is to attract, retain, and expand business within the City. The IP amendment was proposed for Coastal Commission action pursuant to City Council Resolution No. 19.053, and requests action on Ordinance No. 1638.

##### Intensification of Use

The definition of "Intensification of Use" in Section 25.08.018 is proposed to be changed as follows:

"Intensification of use" means a use that is changed to a use which has a greater parking requirement; ~~the subdivision of an existing building or suite by interior walls to accommodate additional uses; and/or; the enlargement of the floor area of an existing building.~~

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, ...

The intent of these changes is to revise the requirement for when an interior remodel/tenant improvement is considered an intensification of use, particularly in terms of whether the requirement to provide additional parking spaces is triggered. This proposed change is described by the City as follows:

“This modification is intended to clarify that commercial interior tenant improvements (that do not include floor area additions and/or expansive re-construction) are not considered an intensification of use, and thus do not require additional parking. As currently written, Municipal Code Section [Title 25] 25.52.004(E)(1) indicates that ‘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 [emphasis added [in original]] or reconstructed’ that change is considered an intensification and thereby subject to the requirement to provide additional parking. The Municipal Code does not specifically define “remodel” and therefore the existing provision language could be interpreted to equate a typical commercial tenant interior space remodel (such as when there is a change in tenancy) with an intensification of use. Therefore, the City Council’s adopted changes remove the existing antiquated language (‘remodel’) and replace it with the City’s specifically defined “major remodel.” The term “major remodel” more appropriately defines an alteration that rises to the level of an intensification of use that requires additional parking consideration.”

The term “major remodel” is defined in the LUE glossary as:

“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.”

#### In lieu Parking Certificates

Currently the IP limits the number of in lieu parking certificates (that the proponent of a particular use may purchase in lieu of providing actual parking spaces) to a maximum of three certificates. The proposed amendment would eliminate that limit, and allow up to five in lieu parking certificates outright, and essentially unlimited in lieu parking certificates when a parking demand study evaluating potential impacts finds there will be no impacts from the proposed intensification of use that triggers the requirement for additional parking spaces. The required parking demand study may consider the use of public on-street parking spaces as a basis for justifying not requiring actual parking spaces. In addition, the proposed amendment would allow parking in lieu fees to be paid annually, rather than in a one-time fee payment. Also, the proposed amendment would newly allow the collected in lieu fees to be directed to improving public transit (in addition to the current direction of fees being allocated solely to the provision of common parking facilities).

#### Incentives

The proposed amendment would modify the existing list of incentives for which a reduction in the number of required parking spaces is allowed by: 1) increasing the number of parking credits allowed for sidewalk cafes from three to five spaces; and by 2) the addition of a new incentive that would allow a parking reduction for “innovative parking solutions.” The proposed amendment would also delete the requirement that outdoor seating for sidewalk cafes be available to the general public in addition to café patrons.

### Other Proposed Changes

The proposed amendment would also allow off-site parking to meet the parking requirement; would remove the requirement for a minimum of two parking spaces for every new business, which as written, is required even when intensification of use is not proposed; would allow off-site valet parking (currently the language is ambiguous, but could be interpreted to allow valet parking only on the same site as the use the parking serves); and would no longer require that off-site parking locations be subject to a deed restriction, and instead would require the off-site location be “restricted in a form satisfactory to the city (such as a reciprocal parking easement), binding the off-site parking to the use.”

The City of Laguna Beach lies almost entirely within the Coastal Zone, with a total area of 8.8 square miles. Geographically, the City of Laguna Beach is surrounded by open space/wilderness parks and is comprised of three main parts: the shoreline, the coastal plain, and the hillsides and canyons ([Exhibit 1](#)). The City’s shoreline extends for approximately 6.2 linear miles. Most of the City’s shoreline is fronted by bluffs, with areas of pocket beaches. The shoreline includes two large sandy beaches: Main Beach adjacent to the City’s downtown area, at the mouth of Laguna Canyon; and Aliso Beach in South Laguna at the mouth of Aliso Canyon. Only two roads provide access into and out of the City (Coast Highway and Laguna Canyon Road), establishing a physical separation from other regions.

There are currently twenty-one parking lots available to the general public in the City ([Exhibit 5](#)). Those lots provide 1,512 parking spaces during the summer season, and 925 spaces during the non-summer season ([Exhibit 6](#)). In addition, there are 925 on street parking spaces available to the general public within the Downtown Specific Plan area. In addition, there are a number of public, on street parking spaces along Coast Highway outside the downtown area.

The City began developing well prior to consideration of current parking standards. Many of the structures in its commercial areas, especially the downtown area located inland of Main Beach, were established long ago. This phenomenon is not uncommon in older coastal cities, such as the older areas of Newport Beach and the Venice area of Los Angeles. Laguna Beach is unique in the way it is hemmed in between the inland hillsides and the coast, making provision of new parking opportunities more challenging. Nevertheless, the City has come up with various parking options through the years. The City operates a free trolley during peak use periods. The trolleys run throughout the City. In addition, the City has established one remote parking lot that is served by the free shuttle, at the site on Laguna Canyon Road known as ACT V. Provision and management of adequate parking facilities remains a critical component of maximizing public access to the City’s beaches, parks, trails, and other visitor amenities.

### **B. DENIAL OF THE LCP AMENDMENT AS SUBMITTED**

As described above, the standard of review for the proposed amendment to the Implementation Plan of the certified Local Coastal Program (LCP) is whether the Implementation Plan, as amended, would be in conformance with, and adequate to carry

out, the policies of the certified Land Use Plan (LUP) portion of the certified LCP. (See Coastal Act sections 30513, 30514.)

The City of Laguna Beach's certified LUP is comprised of four documents: the Land Use Element (LUE); the Open Space/Conservation Element; the Coastal Land Use Plan Technical Appendix; and the Fuel Modification Policies of the City's Safety Element (only the Fuel Modification Policies of the Safety Element are part of the certified Land Use Plan). Each of these four documents provide the objectives and policies of the City's certified Land Use Plan. Of these four documents, the policies cited below are the relevant policies with regard to public access and the provision of adequate parking to serve both needs of commercial development and to promote public access and visitor use of the area. Below are the relevant City of Laguna Beach certified LUP policies:

The **Coastal Land Use Plan Technical Appendix** segment of the certified LUP expressly incorporates the following Coastal Act policies regarding public access and parking:

Section 30210 states:

In carrying out the requirement of Section 2 of Article XV of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30212.5 states:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30252 states (as it appears in its entirety in the Technical Appendix):

The location and amount of new development should maintain and enhance public access to the coast ...

Section 30252(1): The location and amount of new development should maintain and enhance public access to the coast by facilitating the provision or extension of transit service.

Section 30252(3): The location and amount of new development should maintain and enhance public access to the coast by providing non-automobile circulation within the development.

Section 30252(4): The location and amount of new development should maintain and enhance public access to the coast by providing adequate parking facilities or providing substitute means of serving the development with public transportation.

Section 30253(4): New development shall minimize energy consumption and vehicle miles traveled.

Section 30213 states, in relevant part:

Lower cost visitor and recreational facilities...shall be protected, encouraged and where feasible provided. Developments which provide public recreational opportunities are preferred.

The **Land Use Element** of the certified LUP contains the following policies:

**Policy 5.3** Evaluate and, if necessary, modify the commercial parking standards for new development and/or changes of use, especially when such occurrences impact adjacent residential or visitor-serving areas.

**Policy 6.9** Provide public access to designated public areas wherever safe and legally and environmentally appropriate.

**Policy 8.4** Maximize Transit Use

**Action 8.4.1** Coordinate with surrounding cities and governmental agencies to maximize the use of public transportation including buses and metro link. (Ongoing implementation -short-to-long-term.) (Same as Action 1.1 .10)

**Action 8.4.2** Support local street network connectivity and complete streets designed to accommodate all user and multiple transportation modes through context-sensitive solutions. (Medium-term implementation.)

**Action 8.4.3** Support seamless transitions between transportation modes to increase the use of modes with lower emissions for the movement of people and freight. (Ongoing implementation -short-to-long-term.)

**Action 8.4.5** Maintain the existing trolley/bus service and pursue extending the service throughout the year. (Short-term implementation.) (Same as Action 1.1.9)

**Action 8.4.6** Implement steps to enhance and promote public access to parking and transit opportunities along the primary arterials of the Coast Highway corridor, Laguna Canyon Road, and the Downtown, as well as designated collector streets. (Ongoing implementation -short-to-long-term implementation.)

**Action 8.4.7** Plan and develop a peripheral parking program to increase mass transit access to Laguna Beach's visitor-serving beaches and other amenities. The peripheral parking program shall investigate the concept of shared parking, such as the use of public parking lots and underutilized private parking lots that could serve as peripheral parking locations. Implementation of such a program would require a coastal development permit. (Medium-term implementation.)



**Policy 8.6** Promote parking peripheral to the downtown

**Action 8.6.1** Evaluate locations peripheral to the downtown for the potential establishment of public parking to serve the downtown. (Short-to-long-term implementation.)

**Action 8.6.2** Evaluate locations in commercial areas outside the downtown for the potential establishment of public parking. (Medium-to-long-term implementation.)

**Policy 8.8** Evaluate and, if necessary, amend the parking standards to ensure that new development and intensifications of use provide the quantity of parking for the uses proposed.

**Action 8.8.1** Evaluate and update parking standards to ensure sufficient parking for new development and/or an intensification of use. (Medium-term implementation.)

**Action 8.8.2** Develop a comprehensive traffic management/parking program that will include all commercial areas in the City. Such a strategy shall encourage peripheral and shared parking. Implementation of a plan shall be in conformance with the Downtown Specific Plan. (Medium-to-long-term implementation.)

**Action 8.8.3** Ensure that parking standards adequately accommodate a range in size of passenger vehicles. (Short-to-medium-term implementation.)

**Policy 8.9** Continue to manage and enforce a comprehensive parking program for the summer festival season.

**Policy 9.5** Ensure that streetscapes are designed or modified to facilitate safe transit and bicycle and pedestrian movement.

**Action 9.5.3** Require and ensure, during the development review process, that adequate rights-of-way are secured and that adequate public facilities are required to provide transit, bike lanes and pedestrian networks along North Coast Highway, South Coast Highway, Coast Highway, Glenneyre Street, and all streets within the Downtown Specific Plan area. (Ongoing implementation -short-to-long-term.) (Same as Action B.5.2.)

**Policy 9.10** Provide public facilities that meet the varied needs of both residents and visitors.

**Priority Uses**

Section 30213 of the Coastal Act (adopted by the City as a Land Use Plan policy) requires that lower-cost visitor and recreation facilities be protected, encouraged, and where feasible provided. Section 30222 of the Coastal Act (adopted by the City as a Land Use Plan policy) places a higher priority on the provision of visitor-serving uses designed to

enhance public opportunities for coastal recreation over residential, industrial, or general commercial uses.

### **Public Access**

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.

### **In Lieu Parking Certificates**

The LUP recognizes that providing all the required parking with every development is not always feasible or desirable. This is reflected in the current provisions that allow the purchase of in lieu parking certificates. Currently, the LUP limits the number of certificates that can be purchased in lieu of providing actual parking spaces to three certificates per use. As proposed, the amendment would allow up to five in lieu parking certificates outright, and six or more certificates subject to a parking demand study to evaluate "the proposed intensification, potential neighborhood impacts and available nearby off-site and on-street parking when considering issuance of parking certificates and the number thereof."

The intent of the current limit of three is to ensure that the number of actual parking spaces not provided, on a cumulative basis, does not interfere with public access by creating an inability to park near the coast. Although the in lieu parking certificate fees are directed to the provision of common parking, there is typically a lag time between the demand and the provision of common parking spaces. Although recipients of certificates in excess of five spaces must provide a parking demand study, the proposed amendment would essentially remove the upward limit on the number of in

lieu parking certificates, which could lead to significant parking shortages, without any adequate offsetting measures proposed. This in turn would lead to adverse impacts on public access, due to inadequate parking.

The adverse impacts to public access resulting from the proposed amendment would be inconsistent with the various LUP policies cited above. For example, the IP amendment would be inconsistent with Section 30210 which is expressly incorporated into the LUP and requires that public access be maximized. 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. LUE Policy 5.3 requires commercial parking standards be modified if they impact visitor-serving areas. LUE Action 8.4.6 requires that steps be implemented to enhance and promote public access to parking. LUE Policy 8.8 requires that parking standards be evaluated and, if necessary, amended to ensure that new development provides the quantity of parking for the uses proposed. LUE Action 8.8.1 requires that sufficient parking be assured for new development. As proposed, the changes to the IP regarding the in lieu parking certificate program are inconsistent with and inadequate to carry out these policies of the certified LUP.

For this reason, the proposed LCP amendment is inconsistent with and inadequate to carry out the certified LUP and must be denied. As a result, the Commission is recommending suggested modifications to the City's LCPA. The suggested modifications are described in Sections III and IV(C) below.

### Incentives

The certified IP includes provisions that would allow a reduction in the number of required parking spaces as incentives to promote desirable uses. Currently this section of the IP allows these parking reduction incentives for very low or low income, or disabled housing, and for sidewalk cafes with outdoor seating. These incentives are allowed for these specific uses when the proposed use also provides for and promotes the use of alternative modes of transportation such as ride-sharing, carpools, vanpools, public transit, bicycles and walking; and where the reduced parking requirement will not adversely impact public access to beaches, parks, open spaces, and trails.

#### Innovative Parking Solutions

The proposed amendment would add to this list of incentive uses, a new, additional incentive use: "innovative parking solutions." The proposed language includes the use of "a shuttle service program" as a possible innovative parking solution. This newly proposed section would require that any proposal for an innovative parking solution, must be accompanied by "parking mitigation measures at an equivalent ratio to the parking spaces required by Section 25.52.012(G) for the proposed intensification of use." In addition, the proposed amendment would require that the proposed innovative parking solution be described in a "detailed program."

The use of innovative parking solutions is consistent with many of the LUP policies regarding parking, alternative forms of transportation, and public access. For example,

many of the LUE policies cited above promote alternate forms of transportation such as public transit, bicycling, and walking as means of promoting public access. In addition, LUE policies also promote peripheral parking together with transit as a means of promoting public access. As stated above, the Commission recognizes the need to move away from always requiring maximum parking and instead relying on additional and/or alternate means of maximizing public access for all. But it is still a balance. While the proposed new IP incentive to incorporate innovative parking solutions in lieu of providing all otherwise required parking has merit, the effectiveness of such solutions will be in the details. The details are unknown at this time. It is uncertain whether the future innovative solutions would be effective in protecting public access.

The proposed language is vague. An example of the issue raised by the vague language is that it cites as an example of an “innovative parking solution,” the use of a shuttle service program. As proposed, it is not clear whether this means a project proponent could cite use of the City’s existing free trolley service as a basis for reducing their parking demand. The City’s free trolley service is certainly a boon to the promotion of public access, but should not be used separately by individual new uses to avoid providing their own otherwise required parking, or, alternately, their own “innovative parking solution.” The proposed LCPA would have no effect on the City’s existing free trolley service. The City has since clarified that the shuttle service example is not intended to mean the free trolley, but rather a separate shuttle service program provided in conjunction with a new use. Thus, as proposed the vague language would need to be clarified.

In addition, other than the example of the shuttle service program, not much is provided in the proposed IP amendment language to describe what may be allowed as an innovative parking solution. It is understood that the specific details of an innovative solution would not be known now, that is the nature of an innovative idea – it is new and different. However, as proposed, there is no specific requirement to describe the number of otherwise required parking spaces that will not be provided, or to provide a detailed description of the proposed innovative solution, and a detailed description of how the innovative solution provides “an equivalent ratio to the number of parking spaces that would have been required without the innovative solution”, or a detailed description of how the proposed solution is expected to offset impacts from the reduction in required parking spaces, supported by studies and/or examples. Without requiring these details with proposed innovative parking solutions, it is difficult to determine the necessary details of a proposed “innovative parking solution” and to make a reasonable determination as to whether the solution would effectively continue to support public access.

In addition, it is possible that this new incentive may not end up promoting public access as hoped. Because so little is known at this time as to what these possible solutions may be, it is difficult to conclude with certainty that public access will continue to be maximized. To address this issue, this new incentive should be considered a pilot program, and its successes or shortcomings should be evaluated once it has been put into effect and more

is known about the potential innovative solutions and their effectiveness. However, that is not part of the IP amendment as proposed.

#### Sidewalk Café Outdoor Seating

In addition, the proposed amendment would increase the parking reduction allowed when cafes provide outdoor seating from three spaces to five. Also, the proposed amendment would eliminate the requirement that outdoor café seating be available to the general public as well as café patrons. However, if the outdoor seating is located on public property or a public right of way, the general public should not be denied access to the public area. This change in language would effectively allow public land to become privatized, inconsistent with LUP policies regarding public access and priority of use of public land near the coast for visitors. For example, in addition to the public access policies discussed above, Section 30213 of the Coastal Act (adopted by the City as a Land Use Plan policy) requires that lower cost visitor facilities be protected, encouraged, and where feasible, provided. In addition, Section 30222 of the Coastal Act (also adopted by the City as a Land Use Plan policy) places a higher priority on the provision of visitor-serving uses over residential, industrial, or general commercial uses. Excluding the public from seating located on public property would not promote public access and would not be consistent with the LUP policies that place a higher priority on lower cost visitor facilities (such as public seating in public areas).

#### Incentives: Conclusion

The adverse impacts to public access resulting from the proposed amendment would be inconsistent with the various LUP policies cited above. For example, the IP amendment would be inconsistent with Section 30210 which is expressly incorporated into the LUP and requires that public access be maximized. 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. LUE Policy 5.3 requires commercial parking standards be modified if they impact visitor-serving areas. LUE Action 8.4.6 requires that steps be implemented to enhance and promote public access to parking. LUE Policy 8.8 requires that parking standards be evaluated and, if necessary, amended to ensure that new development provides the quantity of parking for the uses proposed. LUE Action 8.8.1 requires that sufficient parking be assured for new development. In addition, the proposed change to eliminate the provision that outdoor café seating also be available to the general public is inconsistent with LUP policies regarding priority of use. As proposed, the changes to the IP regarding the changes to the incentives section of the IP are inconsistent with and inadequate to carry out these policies of the certified LUP.

For this reason, the proposed LCP amendment is inconsistent with and inadequate to carry out the certified LUP and must be denied. As a result, the Commission is recommending suggested modifications to the City's LCP in this regard, described in detail in Section III and IV(C) below.

#### Off Site Valet Parking

The proposed amendment would add language to make clear that when valet parking is part of a project, that the valet parking may be allowed to be provided on site or off site. Currently the language is unclear as to whether off site valet parking is allowed. However, as proposed, the additional language would not require that the off site location be restricted by a form satisfactory to the city (such as a reciprocal parking easement), binding the off-site parking location to the use for the duration of the use. Without such a binding restriction, there is no assurance that the parking will be available to serve the use that requires it for the duration of that use. The potential loss of required parking would not be consistent with the LUP policies regarding provision of adequate parking and public access. For this reason, the proposed LCP amendment is inconsistent with and inadequate to carry out the certified LUP and must be denied. As a result, the Commission is recommending suggested modifications to the City's LCP in this regard, described in detail in Sections III and IV(C) below.

#### Exception to Minimum Required Parking Spaces

This section is also proposing to eliminate the minimum requirement of two spaces for all projects. That change is proposed to be consistent with other proposed changes, including the introduction of innovative parking solutions and allowance for in lieu parking certificates. In addition to that proposed change, the IP amendment would also add a new exception to the minimum number of parking spaces required for any use, when there is an interior division within an existing commercial structure, that does not create more than three distinct interior spaces and when each space is no more than 500 square feet. In addition, the exception would allow an interior division of an existing commercial structure that creates more than three distinct interior spaces, when they are each less than 500 square feet, subject to approval of a Conditional Use Permit. However, as written the proposed exception language is not clear. Rather than allowing the division in existing commercial structures, it is described as being allowed in an "existing business, commercial, industrial office, or similar location," which raises questions as to meaning. For example, what is an industrial office? Is it an office within an industrial use within an industrial zone? Or is it something else? Also, "business" is not a zoning designation, so it is not clear how this would be applied. And adding "or similar location" to the list makes the potential application overly broad. The City has since clarified that the intent is that this new interior division exception is intended to apply to existing commercial structures. The proposed new exception language would also require, at the discretion of the Director of Community Development, an engineered parking impact assessment. But it does not make clear that the engineered parking impact assessment, when required, must identify measures to offset adverse impacts to public parking that may be caused by a new private use.

As proposed, the LCP Amendment could cause an increase in demand and accompanying reduction in supply of parking, the extent of which cannot be analyzed or mitigated due to a lack of detail and the inherent unpredictability of private development on public resources. Cumulatively, implementation of the LCP Amendment could have adverse impacts on coastal access. The potential loss of required parking would not be consistent with the LUP policies regarding provision of adequate parking and public access. For this

reason, the proposed LCP amendment is inconsistent with and inadequate to carry out the certified LUP and must be denied. As a result, the Commission is recommending suggested modifications to the City's LCP in this regard, described in detail in Sections III and IV(C) below.

### **C. APPROVAL OF THE LCP AMENDMENT IF MODIFIED AS SUGGESTED**

#### **Public Access**

The City's LUP provides strong support for public access, both to the coast as well as to other visitor amenities such as parks, trails, and open space areas; and to visitor commercial amenities such as art galleries, restaurants, shopping, and overnight accommodations. The downtown area provides much of the City's visitor serving commercial amenities, but these amenities are available along much of Coast Highway outside the downtown as well. The City's beaches include Main Beach and Aliso Beach, two large sandy beaches; the City is also home to many spectacularly beautiful public pocket beaches below the rising bluffs. The City is surrounded by its "greenbelt," comprised of Laguna Coast Wilderness Park and Aliso & Wood Canyons Wilderness Park which provide many hiking trails. The City is also home to a number of bluff top and ocean front parks, including Crescent Bay Point Park, Heisler Park, and Treasure Island Park, from which you can also access the beach below. In addition, the City is host every summer to four very popular art festivals: Pageant of the Masters, Laguna Art-A-Fair, Festival of Arts, and the Sawdust Festival. All of these serve as major visitor draws to the City. In short, the City is a very popular visitor destination.

The LUP recognizes that providing all the required parking with every development is not always feasible or desirable. This is recognized by the current provisions that allow the purchase of in-lieu parking certificates. Currently, however, the LUP limits the number of certificates that can be purchased in lieu of providing actual parking spaces to three certificates per use. The collection of in lieu parking certificate fees, is directed to the provision of common parking facilities in the impacted area. The use of common parking in the City's commercial areas (especially the downtown area), makes sense as most of the visitors to the area will likely visit more than one destination. For example, a visitor to the beach may also stop at a local store to pick up beach chairs or sunscreen and/or may have a meal in the area. Likewise, patrons of the City's renowned art festivals may also shop and dine in the area. The drawback to the in lieu parking certificates is the lag time that typically exists between when the use that generates the parking demand assumes operation and the ultimate provision of the common parking. The City has used the in lieu parking certificate fees to provide the actual parking spaces over the years. The in lieu fees helped fund construction and maintenance of the Glenn Eyre parking structure, the ACT V remote parking lot, and various other surface parking lots. In addition, the City Council recently (9/8/2020) authorized funding for the design and entitlement process for a new parking structure to be located at 750 Laguna Canyon Road, north of City Hall. However, the size and capacity of the future structure has yet to be determined. Projects under consideration range from 93 to 258 new parking spaces (depending on the number of levels in the

new structure). In any case, the City does use the in lieu parking certificate fees to provide actual new parking spaces.

The intent of the limits to the number of in lieu parking credits that can be applied to a specific project is to ensure that the number of parking spaces not provided, on a cumulative basis, does not interfere with public access due to inability to park near the coast.

The LUP has expressly incorporated Coastal Act Section 30210 which requires public access be maximized, and Section 30213 which protects and encourages lower cost visitor and recreational facilities. The LUP also includes a number of policies that promote public access by requiring that adequate parking be provided with new development. The provision of adequate public parking is a key component in assuring that all members of the public have access to the coast and its amenities, not just those who live relatively nearby. As stated earlier, it is not always feasible for everyone, especially those who must travel from more than an hour inland, to enjoy the coast if there is nowhere to park upon arrival. However, the LUP also recognizes the need to promote public access to the coast and its amenities in ways other than always requiring that all code required parking be provided on site with every development or change in use. Rather, the LUP promotes the use of alternate forms of transportation, including public transit, ride shares, bicycling, and walking. Bicycling and walking, especially, are more effective at promoting public access within the City (more so than to the City), but the use of walking, bicycling, and public transit can reduce the need for parking in that once in the City, a visitor would not need to park and re-park every time they pursue a different activity (a day at the beach may also include walking to lunch without having to move a parked car, for example).

The policies of the certified LUP call for facilitating the provision or extension of transit service, providing non-automobile circulation within the development, and minimizing energy consumption and vehicle miles traveled. LUP policies also encourage establishment of peripheral parking. The LUP also encourages modification of commercial parking standards when needed to avoid impacts to visitor serving uses. The LUP also supports local street connectivity and streets designed to accommodate multiple modes of transportation including bicycles and pedestrians; and the LUP supports lower emission modes of transportation.

Overall, the LUP policies recognize the importance of providing adequate parking as a means of promoting public access. At the same time, however, the LUP policies also recognize there are other methods that may also have positive impacts on public access. The proposed amendment addresses some of these measures.

#### In Lieu Parking Certificates

As described previously, the proposed amendment would newly allow up to five in lieu parking certificates outright for an individual development, and six or more certificates subject to a parking demand study to evaluate “the proposed intensification, potential neighborhood impacts and available nearby off-site and on-street parking when considering issuance of parking certificates and the number thereof.” Currently, the IP



allows a maximum of three in lieu parking certificates per development. The proposed amendment would essentially remove the upward limit on the number of in lieu parking certificates, which could lead to significant parking shortages, without adequate offsetting measures. This in turn would lead to adverse impacts on public access due to inadequate parking.

However, this issue (no upward limit on the number of in lieu certificates), can be remedied through suggested modifications. To that end, a modification is suggested that would retain the current limit on the number of in lieu parking certificates allowed outright, but would allow increases to in the number subject to a parking demand study, and only when the parking demand study conclusively demonstrates that the proposed intensification will not negatively impact adjacent residential neighborhoods, commercial areas and/or coastal access. The suggested modification would also establish a maximum number of in lieu parking certificates for any one use, such that they do not exceed 50% of the total number parking spaces required (fractional numbers shall be rounded up). This suggested modification would allow the City some flexibility in the how and when the parking standards are applied, but also ensure that new development or changes in use provide some parking spaces rather than relying entirely on public parking resources that are also used by coastal visitors.

It is important to note that the City has submitted to the Commission for review another LCP amendment to update the City's Downtown Specific Plan (DSP), which is a component of the certified IP. The DSP currently includes a limit of three in lieu parking certificates for projects in the downtown area. A major consideration under that LCPA will be parking and alternate means of promoting public access such as public transit, walking, biking, etc. The question of the limit of three in lieu parking certificate currently required in the Downtown Specific Plan will be addressed then. In any case, the standard of review for this IP amendment is conformance with and adequacy to carry out the policies of the certified Land Use Plan, not conformance with other portions of the IP. Although internal inconsistencies are to be avoided, there is a path forward to address any inconsistency regarding the limit on the number of in lieu certificates, in the pending Downtown Specific Plan LCPA. Moreover, there will be no inconsistency outside the Downtown Specific Plan boundaries in the rest of the City.

### Incentives

#### Innovative Parking Solutions

The proposed amendment would add to the list a new incentive use to the current list. The proposed new use would be uses that incorporate "innovative parking solutions." The proposed language includes the use of "a shuttle service program" as an example of a possible innovative parking solution. This newly proposed section would require that any proposal that includes an innovative parking solution to include "parking mitigation measures at an equivalent ratio to the parking spaces required by Section 25.52.012(G) for the proposed intensification of use," as well as requiring that the proposed innovative parking solution to be described in a detailed program. The use of

innovative parking solutions is consistent with many of the LUP policies regarding parking, alternative forms of transportation, and public access.

However, the proposed language is vague and raises uncertainties. For example, it is important to make clear that the reference to a shuttle service program does not refer to the City's free public trolley, but rather to a shuttle service provided by the project proponent. The City's free trolley service is certainly a boon to promoting public access, but should not be used by project proponents as a basis to avoid providing otherwise required parking. The proposed LCPA would have no effect on the City's existing free trolley service. The City has since clarified that the shuttle service example is not intended to mean the free trolley, but rather a separate shuttle service program provided in conjunction with a new use.

The City has approved such a shuttle service program in conjunction with a restaurant that provides van pool service for pick up and drop off for restaurant patrons. Use of this shuttle service by patrons means they will not need to park a car at the site. Laguna Beach especially lends itself to this type of "innovative parking solution" in that the City's many hotel patrons may prefer not to move their car. In addition, local residents may prefer to ride the shuttle and avoid the need for parking. Additionally, using the shuttle would be preferable to driving if alcoholic beverages are enjoyed with dinner. Thus, this is a good example of an innovative parking solution, that isn't otherwise provided for in the LCP. The use of innovative solutions appears to be a good way to avoid the need to require the maximum number of parking spaces with every development. However, it is important that the language of the proposed section is clear.

Other than the example of the shuttle service program, not much is provided in the proposed IP amendment language to describe what may be allowed as an innovative parking solution. It is understood that the specific details of an innovative solution would not be known now. However, as proposed, there is no outline to monitor the effectiveness of future innovative solutions. Because this concept is new and unknown, it is important to track its effectiveness in actually reducing the need for parking and still preserving public access. There is basic outline information that should be included with an application for a parking reduction based on use of an innovation parking solution. This should include: a description of the number of otherwise required parking spaces that will not be provided, a detailed description of the proposed innovative solution, a detailed description of how the innovative solution provides "an equivalent ratio to the number of parking spaces that would have been required without the innovative solution," and a detailed description of how the proposed solution is expected to offset impacts from the reduction in required parking spaces. In addition, this information should be supported by studies and/or examples. Without requiring these details with an application for a parking reduction based upon a proposed innovative parking solution, it would be difficult to know the details of the innovative parking solution and to make a reasonable determination as to whether the solution may be expected to effectively continue to maximize public access, even with the reduced parking.

In addition, it is possible that this new incentive may not end up promoting public access as hoped. Because so little is known at this time as to what these possible solutions may entail, it is difficult to conclude with certainty that public access will continue to be maximized. To address this issue, this new incentive should be considered a pilot program, and its successes or shortcomings should be evaluated once it has been put into effect and more is known about the innovative solutions and their effectiveness. However, that is not part of the IP amendment as proposed.

However, these issues with the proposed innovative parking solution incentive can be remedied through suggested modifications. To that end, a modification is suggested that would require more detailed information be included with an application for approval of an innovative parking solution, in order to better understand the specifics of the proposal. In addition, the suggested modification would clarify that the example cited, a shuttle service program, does not refer to the City's free trolley. The suggested modification would also establish that the proposed additional incentive for innovative parking solutions, is essentially a pilot program that will expire in five years, unless the City applies for an LCPA to retain it, based upon information on the program's effectiveness gathered over the five year period. Toward that end, the suggested modification requires a parking study prepared by an engineer that reviews the program's efficiencies, effectiveness and/or problems at one and five years. If the studies demonstrate the effectiveness of the innovative parking solutions, an LCPA to retain the program, including all necessary supporting documentation, may be submitted by the City for Commission action.

#### Sidewalk Café Outdoor Seating

The proposed amendment would also increase the parking reduction allowed when cafes provide outdoor seating from three spaces to five. In addition, the proposed amendment would eliminate the current requirement that outdoor café seating be available to the general public as well as to café patrons. However, if the outdoor seating is located on public property or a public right of way, the general public should not be denied access to this public area. This change in language would effectively allow public land to become privatized, inconsistent with LUP policies regarding public access and priority of use. Excluding the public from seating located on public property would not promote public access and would not be consistent with the LUP policies that place a higher priority on lower cost visitor facilities (such as public seating in public areas). However, this can be remedied with a suggested modification that would insert language requiring that when the outdoor seating is located on public property or right-of-way, the seating must be available to the general public as well as any café patrons.

#### Off Site Valet Parking

The proposed amendment would add language to make clear that when valet parking is part of a project, that the valet parking may be allowed to be provided on site or off site. However, as proposed, the additional language would not require that the off site location be restricted by a form satisfactory to the city (such as a reciprocal parking

easement), binding the off-site parking location to the use for the duration of the use. Without such a binding restriction, there is no assurance that the parking will be available to serve the use that requires it for the duration of that use. The potential loss of required parking would not be consistent with the LUP policies regarding provision of adequate parking and public access. However, if this section were modified as suggested such that the binding agreement is required, the issue would be addressed.

#### Exception to Minimum Required Parking Spaces

The IP amendment would also add a new exception to the minimum number of parking spaces required for any use, when there is an interior division within an existing commercial structure, that does not create more than three distinct interior spaces and when each space is no more than 500 square feet. In addition, the exception would allow an interior division of an existing commercial structure that creates more than three distinct interior spaces, when they are each less than 500 square feet, subject to approval of a Conditional Use Permit. However, as written, the proposed exception language is vague and unclear. If the section were modified as suggested to clarify that the language applies to existing commercial structures and to add that, when a parking impact assessment prepared by a qualified engineer is required, it must identify measures to offset adverse impacts due to lack of parking, the issues would be eliminated.

#### **Conclusion**

If modified as suggested, the LCP amendment will conform with and will be adequate to carry out the public access, including public parking, and priority of use policies of the certified LUP. For the reasons described above, the Commission finds that only as modified is the proposed IP amendment consistent with and adequate to carry out the provisions of the certified LUP.

#### **D. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

As set forth in Section 21080.9 of the California Public Resources Code, the California Environmental Quality Act (CEQA) exempts local governments 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). The Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. (14 CCR § 15251(f).) Nevertheless, the Commission is required in approving an LCP submittal to find that the LCP does conform with the provisions of CEQA, 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 alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

As outlined in this staff report, the proposed LCP Amendment if modified as suggested is a feasible mitigation measure which will be consistent with the policies of the LUP and substantially lessen significant adverse impacts which the proposed LCP amendment will

have with respect to coastal impacts to public access, visitor accommodations, and recreation. Thus, the Commission finds that the LCP Amendment, if modified as suggested, is in conformity with and adequate to carry out the land use policies of the certified LUP. The Commission finds that approval of the LCP Amendment as modified will not result in significant adverse environmental impacts under the meaning of CEQA. Therefore, the Commission certifies LCP Amendment request No. LCP-5-LGB-19-0139-1 if modified as suggested herein.