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DATE: November 24, 2021

TO: Commissioners and Interested Persons

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Marlene Alvarado, Coastal Program Analyst

SUBJECT: Major Amendment Request No. LCP-5-LGB-20-0052-2 to the City of Laguna Beach Certified Local Coastal Program, for Public Hearing and Commission Action at the December 15, 2021 meeting.

SUMMARY OF LCP AMENDMENT REQUEST NO. LCP-5-LGB-20-0052-2

The City of Laguna Beach (City) is requesting that the Coastal Commission certify an amendment to the Implementation Plan (IP) portion of the City's certified Local Coastal Program (LCP) to comprehensively update the Downtown Specific Plan and to amend provisions in the Sections 25.16.050 and 25.40.010 of the City's Zoning Code (Title 25). The Downtown Specific Plan contains provisions, design guidelines, land use districts and development standards specific to the downtown area. Section 25.16.050 (Minimum requirements for artists' working and living units) provides standards for artists' work/live units. Section 25.40.010 (Downtown Specific Plan, Intent and Purpose) establishes a specific plan for the downtown area.

The proposed LCP amendment would primarily: (1) add new parking requirement of three spaces for each 1,000 square feet of gross floor area for certain non-residential uses, such as office, retail, and food service in Downtown; (2) allow most uses in Downtown as permit-by-right rather than require a local Condition Use Permit to streamline and reduce barriers to new business; (3) allow the City to change the "Allowed Uses and Permit Requirements Table" by City Council Resolution on an as-needed basis rather than through an LCP amendment; and (4) allow for the re-use of public parking in Downtown.

LCP Amendment No. LCP-5-LGB-20-0052-2 affects only the City's certified IP, which is the implementing ordinances portion of the certified LCP. Changes proposed were submitted pursuant to City Council Resolution No. 20.053 ([Exhibit 1](#)) and are reflected in City Council Ordinance No. 1648 ([Exhibit 2](#)). No changes are proposed to the Land Use Plan (LUP) portion of the certified LCP.

SUMMARY OF STAFF RECOMMENDATION

The City of Laguna Beach (City) has prepared and submitted draft language with proposed changes to the Implementation Plan (IP) portion of the City's certified Local Coastal Program (LCP) summarized above.

Suggested modifications are being made to ensure internal consistency and to preserve public access for coastal visitors, all consistent with Coastal Act and Land Use Plan (LUP) requirements.

Staff is recommending that the Commission, after public hearing:

Deny the amendment request to the Implementation Plan **as submitted**.

Approve the amendment request to the Implementation Plan **if modified as recommended**.

The proposed amendment, if modified as recommended, will be in conformance with and adequate to carry out the provisions of the certified Land Use Plan. **The motions and resolutions to accomplish this are found on pages 5-6.**

DEADLINE FOR COMMISSION ACTION

The LCP amendment application was deemed complete on November 18, 2020. A request to extend the deadline to act was granted on December 9, 2020. The final date by which the Commission must act on this LCP amendment request is January 17, 2022.

ADDITIONAL INFORMATION: Copies of this staff report are available on the Commission's website at www.coastal.ca.gov. For additional information, contact Marlene Alvarado in the Long Beach office at marlene.alvarado@coastal.ca.gov or (562) 590-5071.

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ATTACHMENTS

Attachment A – Suggested Modifications

EXHIBITS

Exhibit 1 – City Council Resolution No. 20.053

Exhibit 2 – City Ordinance No. 1648 (Final Language Adopted by City – DSP and Title 25)

Exhibit 3 – Certified DSP

Exhibit 4 – Strikethrough/Insert Version of Proposed Changes to Title 25

Exhibit 5 – Original and Proposed DSP Land Use District Map

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 (regarding ordinances) and 30514 (regarding amendments) 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."

Ordinance No. 1648: The proposed changes affecting Sections 25.16.050 and 25.40.010 of the Laguna Beach Municipal Code were the subject of two related City Council public hearings on June 16, 2020 and July 21, 2020; as well as one Planning Commission public hearing on August 21, 2019. Because the ordinance is of citywide effect, a 1/4th page notice was published in the Los Angeles Times newspaper.

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-20-0052-2 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** Implementation Plan Amendment No. LCP-5-LGB-20-0052-2 for the City of Laguna Beach as submitted.

Staff recommends a **YES** vote. Passage of this motion will result in rejection of 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** Implementation Plan Amendment No. LCP-5-LGB-20-0052-2 for the City of Laguna Beach certified LCP if it is modified pursuant to the staff recommendation.

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 Amendment to the Implementation Plan 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

The Commission finds and suggests that the following changes (i.e., “suggested modifications”) to the submitted Laguna Beach Downtown Specific (DSP) comprehensive update and to Sections 25.16.050 and 25.40.010 of the City’s Zoning Code (Title 25) are necessary to ensure that the LUP is consistent with and adequate to carry out the policies of Chapter 3 of the Coastal Act. If the City accepts these suggested modifications on the DSP and Sections 25.16.050 and 25.40.010 of the City’s Zoning Code (Title 25) within six months of Commission action, by formal resolution of the City Council, the LCP amendment changes will become effective upon Commission concurrence with the Executive Director finding that the City’s action and the notification procedures for appealable development are legally adequate to satisfy and specific requirements set forth in the Commission’s certification order.

As the LCP amendment submittal includes a comprehensive DSP update to the existing DSP, this comprehensive update is essentially an entirely new DSP for the City of Laguna Beach and it would replace the certified DSP in its entirety. Suggested modifications to the standards of the proposed DSP and Title 25 are shown in [Attachment A](#) (Text added to the City’s proposed zoning code by the suggested modification is **bold and double-underlined**, and text suggested to be deleted is ~~**struck through twice and in bold**~~). [Exhibit 2](#) contains the final language to DSP and Title 25 as adopted/proposed by City. [Exhibit 3](#) consists of the certified DSP. The underlying language of Title 25 shown in [Exhibit 4](#) is certified.

City and Commission staff have worked together to resolve issues related to public coastal access, land use and visitor-serving development, and visual resources. City staff has generated many of the suggested modifications contained herein, either in response to Commission staff concerns or to supplement various sections. Wherever possible, Commission staff has incorporated the City’s suggestions and language changes.

IV. FINDINGS

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

A. AMENDMENT DESCRIPTION

The City of Laguna Beach has requested an amendment to the Implementation Plan (IP) portion of the City's certified Local Coastal Program (LCP). The proposed amendment would modify the certified Implementation Plan by incorporating the changes contained in City Council Resolution No. 20.053 ([Exhibit 1](#)). City Council Resolution No. 20.053 incorporates Ordinance No. 1648. The ordinance is attached as exhibit to this staff report ([Exhibit 2](#)).

This amendment is proposed to comprehensively update the Downtown Specific Plan (DSP) and to amend provisions in the Sections 25.16.050 and 25.40.010 of the City's Zoning Code (Title 25). The DSP is incorporated into the LCP as part of the City's IP. The DSP contains provisions, design guidelines, land use districts and development standards specific to the downtown area. Section 25.16.050 (Minimum requirements for artists' working and living units) provides standards for artists' work/live units. Section 25.40.010 (Downtown Specific Plan, Intent and Purpose) establishes a specific plan for the downtown area.

The proposed LCP amendment would primarily: (1) add new parking requirement of three spaces for each 1,000 square feet of gross floor area for certain non-residential uses, such as office, retail, and food service in Downtown; (2) allow most uses in Downtown as permit-by-right rather than require a local Condition Use Permit to streamline and reduce barriers to new business; (3) allow the City to change the "Allowed Uses and Permit Requirements Table" by City Council Resolution on an as-needed basis rather than through an LCP amendment; and (4) allow for the re-use of public parking in Downtown. The LCP amendment request affects only the IP portion of the certified LCP. The various aspects of the proposed amendment are described in more detail below.

The revisions to the DSP include reorganization and updating of the existing plan. By revising and updating the DSP the City hopes to assure that the downtown area remains a vital and working downtown that provides a diversity of services and uses that will appeal to both visitors and residents alike. The City acknowledges that the business generated by visitors to the City is vital to the City's economy.

Parking

The City is proposing changes to parking requirements for certain non-residential uses in the Downtown based on gross floor area instead of use type. The new parking requirement for certain non-residential uses, such as office, retail, and food service, would be three (3) spaces for each 1,000 square feet of gross floor area, regardless of the type of use that occupies the space ("blended rate approach"). The City's intent is to try to simplify parking requirements in the downtown area for certain non-residential uses.

Uses that have a high demand for parking, such as places of assembly, recreational uses, cultural and educational uses, and visitor accommodations (i.e., hotels) would still be

required to meet standards as identified in Chapter 25.52 (Parking Requirements) of the certified IP.

Permit-by-Right (Local Permitting)

The proposed LCP amendment would allow certain business by-right through a permit-by-right process instead of requiring Conditional Use Permits (CUPs). A CUP is a local entitlement that gives the City flexibility to determine whether a specific land use on a given site will be compatible with the adjacent and nearby permitted uses and the City's General Plan. Uses such as restaurants, bars, and liquor stores in Downtown will continue to need a CUP. Under the permit-by-right process, if businesses meet the DSP standards for the type of uses, the City would administratively issue a business license for the use. The City's LCP amendment submittal letter and conversations with City staff indicate that the purpose of this proposed LCP change is to relax the local permitting process, which the City believes is too restrictive, to help stimulate local economic and business activity.

In addition, the City is proposing to update the "Allowed Uses and Permit Requirements Table" of the DSP to clearly identify which uses will be allowed by-right and which uses will still require CUPs pursuant to a Retail Market Evaluation, which provided an assessment of existing retail conditions and consumer demands and recommendations on which uses should be permit-by-right, conditionally approved through the CUP process or subjected to more stringent requirements. Regardless, this proposal does not affect requirements for issuance of Coastal Development Permits.

Other Proposed Changes to the DSP

The City is proposing to permit artists' work/live units in the CBD-1 Resident Serving and CBD-2 Downtown Commercial land use districts.

Title 25 Amendments

Because Section 25.16.050 (Artists' Work/Live) also specifically references applicable zones that allow artists' work/live units, the City is proposing a minor update to Section 25.16.050 to match the changes being made to the DSP. The City is also updating Section 25.16.050 to reflect the renaming of "Civic Art" District to "Arts" District.

Additionally, the City is proposing a provision to Section 25.40.010 (Downtown Specific Plan) that would provide the City the flexibility to modify the "Allowed Uses and Permit Requirements Table" of the DSP on an as-needed basis by resolution rather than through an LCP amendment. The provision would state: "may be changed by City Council Resolution, upon recommendation of the Planning Commission, on an as-needed basis per staff/consultant recommendation." This amendment summarizes the intent and public hearing process for the intended land use changes. The table would be modified based on market trends.

B. AMENDMENT LOCATION

The Downtown Specific Plan area includes all of the City's Central Business District and is generally bounded by the Laguna Canyon frontage Road, the Pacific Ocean, Legion Street and Cliff Drive (see [Exhibit 2, Page 16](#)). The DSP also encompasses the area called the "Central Bluffs" situated on the south side of South Coast Highway between Laguna Avenue and Sleepy Hollow Lane.

The City considers the downtown area to be the commercial, economic and social center of the community. Regarding the Central Business District, the City's Land Use Element of the certified Land Use Plan states:

"The Laguna Beach Central Business District (CBD) emerged as the City's first community focal point. Today, this area represents the commercial, as well as the physical, economic and social center of the community. The CBD encompasses some 33 acres of land situated in the downtown basin of the community, generally delineated by Pacific Coast Highway on the south, Broadway to the west, Third Street to the north and Legion Street to the east. Existing land use is characterized by a broad range of commercial-related services, including visitor-serving uses such as restaurants, art galleries, custom boutiques, and local retail establishments catering to the needs of the resident population. In addition, the CBD supports an increasing amount of office/professional uses and financial buildings. Only a few parcels support light industrial or residential uses, and these appear predominantly on the west side of Ocean Avenue, north of Beach Street, near the City's public transportation center. The heterogeneous pattern of land use in the Central Business district has attracted a rich diversity of people and community interests to this area, adding to the vitality and ambiance of this important center of the City."

Also included within the DSP area is Main Beach Park. Main Beach Park is located at the base of Broadway (the final extension of Laguna Canyon Road) and seaward of Coast Highway. Main Beach Park is popular with visitors and residents alike. The park features an oceanfront boardwalk, landscaped lawns, benches and tables, basketball and volleyball courts, children's play equipment and sanitary restroom facilities.

C. CONSISTENCY ANALYSIS

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.

1. Public Access and Recreation

A. Applicable LUP Policies

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. 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) 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 by facilitating the provision or extension of transit service.

Section 30252(3) 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 by providing non-automobile circulation within the development.

Section 30252(4) 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 by providing adequate parking facilities or providing substitute means of serving the development with public transportation.

Section 30252(5) 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 by assuring the potential for public transit for high intensity uses such as high-rise office buildings.

Section 30253(4) states (as it appears in its entirety in the Technical Appendix):

New development shall minimize energy consumption and vehicle miles traveled.

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

Policy 4.3 Maintain and enhance access to coastal resource areas, particularly the designated public beaches, by ensuring that access points are safe, attractive, and pedestrian-friendly.

Action 4.3.5 Maintain a range of parking fees at public beaches and parks, in order to maximize public access and recreation opportunities. Changes to existing time limits or hours of operation and substantial changes to parking fees which have the potential to change the intensity of public use of the beach or public access to the ocean shall require a Coastal Development Permit.

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.

Action 7.3.5 Prohibit development on oceanfront bluff faces, except public improvements providing public access, protecting coastal resources, or providing for public safety. Permit such improvements only when no feasible alternative exists and when designed and constructed to minimize landform alteration of the oceanfront bluff face, to not contribute to further erosion of the oceanfront bluff face, and to be visually compatible with the surrounding area to the maximum extent feasible.

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.

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.

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.

Action 8.4.5 Maintain the existing trolley/bus service and pursue extending the service throughout the year.

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.

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.

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.

Action 8.6.2 Evaluate locations in commercial areas outside the downtown for the potential establishment of public parking.

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.

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.

Action 8.8.3 Ensure that parking standards adequately accommodate a range in size of passenger vehicles.

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.

B. Proposed Changes to IP

Chapter 3, Topic 4 (Parking, Circulation and Public Transit) of the proposed DSP update provides background and descriptive text regarding the City's parking requirements and parking management techniques, including public transit, to improve circulation and reduce congestion in the Downtown area. The proposed LCP amendment builds upon the currently certified policies pertaining to parking, circulation, and public transit and consolidates some of these policies into fewer more succinct policies. In addition, the LCP Amendment would remove language that no longer relates to the updated Chapter given the updated policies and context.

The LCP amendment also provides numerous new policies, which include but are not limited to Chapter 3, Topic 4, Policies 7, 8, and 12, which, as proposed, read:

Policy 7. Establish a parking requirement of three (3) spaces for each 1,000 square feet of gross floor area for certain nonresidential uses in the Downtown.

Policy 8. Encourage efficient use of private parking spaces by encouraging privately held development to enter into shared parking lease agreements with the City to allow for public use of private parking spaces after business hours and during the peak summer months. These shared parking agreements may be needed for adaptive re-use of public parking facilities for community-desired events and activities, including but

not limited to, partial street closures and/or implementation of a parklet program during times of the year when an 85 percent target occupancy level is not achievable.

Policy 12. Continue implementation of the smart parking guidance system that allows the City to collect real-time parking occupancy data to inform adjustments to rates for all public parking meters and lots in the Downtown Specific Plan Area. Parking rates may be adjusted gradually and periodically based on parking availability targets and actual vehicle occupancy. A substantial increase in any given year is subject to review and approval of a coastal development permit. The City will continue to periodically review a Parking Management Plan for the summer months that outlines specific strategies to manage the Downtown parking supply efficiently.

According to information provided by the City, Policy 7 is intended to simplify parking requirements in the downtown area for certain non-residential areas. In addition, Policy 8 is intended for more efficient use of the existing parking supply in downtown (public and private). Policy 12 requires that the City continue to implement a smart parking guidance system for real-time parking occupancy data collection; it also touches on adjustments to parking rates. The DSP update also includes updated measures to match the changes proposed to the policies.

The proposed DSP update would also modify a planning and design criteria for natural hazards and coastal land feature preservation in the CDB Central Bluffs district, which would read as follows:

...A 25-foot pedestrian easement shall be dedicated for public pedestrian use as a condition of development as defined in LBMC Chapter 25.53.

In addition, the DSP update would remove "Exhibit E" (the description of Dedication Baseline and a Map of Dedication Baseline), which relates to a 25-foot pedestrian access easement dedication required in the CBD Central Bluffs district.

C. Consistency Analysis - Denial as Submitted and Approval with Suggested Modifications

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 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 hosts four very popular art festivals every summer: 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 certified LUP has expressly incorporated Coastal Act Section 30210 which requires public access be maximized. The LUP also includes a number of policies that promote public coastal 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. 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. Inadequate parking in this area would adversely impact coastal zone visitors and beach goers. Depending on the time of year, day, and week, patrons and employees of the downtown businesses, visitors to the art festivals, and beach goers all compete for essentially the same limited number of parking spaces. Maximizing public access opportunities to both the beach and other visitor serving amenities in the area is a very high priority under the City's certified LCP as reflected in the provisions cited above.

Counterintuitively, the City is currently proposing to relax parking regulations in the downtown area through this IP amendment. The modification would decrease the number of parking spaces required for certain nonresidential uses such as offices, retail and food service to three (3) spaces for every 1,000 square feet of gross floor area. However, the uses that generate a high demand for parking (e.g., places of assembly and recreational uses, cultural and educational uses, and visitor accommodations) would still be required to provide off-street parking pursuant to Chapter 25.52 of the certified LCP.

The parking ratio was based on the City's 2017 Parking Actual Demand Study, prepared by IBI Group, which concludes that based on actual parking demand for the downtown area the parking ratio was observed to be in the range of 2.09 to 2.92 parking spaces per 1,000 square feet of gross commercial floor area. The study also indicated that the total parking supply (including private and public commercial spaces) typically exceeds the parking demand, except during peak periods. To ensure that the target occupancy level of 85% is achievable in the downtown area, the City is also proposing to implement a parking management program to try to promote alternate forms of transportation. The program is also intended to maximize use of existing parking in downtown and of peripheral parking through improved wayfinding signs, interactive mobile applications, dynamic price rate changes, and parking agreements with private commercial owners to promote shared parking. Improved wayfinding signage will better orient visitors and residents and point them to parking facilities and other important destinations. The City also plans to continue their free trolley service and to establish ongoing data collection and monitoring. The study concludes that increasing parking supply does not address the core problem of concentrated demand. The study states, "by reducing the parking standard, future parking supply will be developed in proportion to the actual demand, resulting in fewer underutilized parking spaces."

Regarding shared parking, the study states, "Because many different land uses have different periods of parking demand, they can easily share a common parking facility, thereby limiting the need to provide additional parking." The updated DSP includes new shared parking policies to emphasize the efficient use of existing parking supply and encourage efficient land use, particularly because the study shows that private parking spaces in the DSP area are underutilized during the summer and non-summer months.

It is worth noting that 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).

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 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. 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 to increase mass transit access to Laguna Beach's visitor-serving beaches and other amenities. 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. Alternative forms of promoting public access are also critical in Laguna Beach because the City was developed prior to the imposition of parking standards and, complicating this development history, there is limited space in the downtown area due to the boundaries of the Pacific Ocean, Laguna Canyon walls and steep hillsides. Many buildings in the downtown area were not originally developed with on-site parking, and as such, cannot easily accommodate new uses that will potentially increase the parking requirement. As an example, an existing retail space cannot be converted to a food service unless the site can add on-site parking to meet the parking standard for a change of use.

The Commission recognizes that due to the history of the area some concessions must be made regarding parking. Requiring all new development to provide all code required parking immediately is not feasible in this area due to its built-out nature and limited space. The LUP recognizes that providing required parking with every development is not always feasible or desirable. For example, this is recognized by the current provisions that allow the purchase of in-lieu parking certificates. The in-lieu parking certificate fees are directed toward providing common parking facilities in the impacted area.

The City's IP amendment submittal letter and conversations with City staff indicate that the changes proposed in this IP amendment are intended to simplify parking requirements in the downtown area, but also to optimize the public and private parking supply that already exists in the downtown area that is underutilized and still maximize public access.

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. The currently certified DSP includes general policies pertaining to public access and parking. The DSP update builds upon these policies. In addition, the LCP Amendment would remove language that no longer relates to the updated Chapter given the updated policies and context. Suggested modifications to these policies are necessary to ensure public access is protected. For example, staff suggests modifications to Policy 8 and 9 in Chapter 3 and to Implementation Measure 17 in Chapter 6 to clarify that adaptive re-use of public parking facilities shall be on a limited

or temporary basis to ensure that the City is able to reevaluate impacts to public access throughout the year and ensure that sufficient public parking is available, and the target occupancy level is being achieved. In addition, staff suggests modification to Policy 12 removing the term “substantial” to ensure that any increases to parking rates are carefully evaluated and assessed for potential adverse impacts to public access. As modified, these policies are intended to assure that new development will not interfere with the provision of maximum access by not providing adequate parking.

However, as proposed, there is no outline to monitor the effectiveness of the proposed parking solutions for the downtown area. It is important to track policy effectiveness in actually reducing the need for parking and still preserving public access. To address this issue, these updates to the DSP related to parking should be considered a pilot program, and its successes or shortcomings should be evaluated once it has been put into effect. However, that is not part of the IP amendment as proposed.

As previously stated, the City is also proposing to modify an existing Special Planning and Design Criteria No. 3.c for development in the CBD Central Bluffs district that relates to a required 25-foot public access easement. The City is proposing the following language:

A 25-foot pedestrian easement shall be dedicated for public pedestrian use as a condition of development as defined in LBMC Chapter 25.53.

However, the existing language that would be removed in place of the language copied above in the certified DSP reads:

All areas oceanward of and including the 25 feet pedestrian easement shall be dedicated to the City as a condition of development as defined in Section 25.53 of the Municipal Code.

The certified DSP’s language is currently more protective of the coastal bluffs, which is consistent with the LUP Action 7.3.5, which prohibits development on oceanfront bluff faces, except public improvements providing public access, protecting coastal resources, or providing for public safety. Therefore, a suggested modification is recommended to retain the existing language in the certified DSP.

In addition, the DSP update would remove “Exhibit E” (the description of Dedication Baseline and a Map of Dedication Baseline), which relates to a 25-foot pedestrian access easement dedication required in the CBD Central Bluffs district.

A modification is suggested to retain Exhibit E, and another modification is necessary to add back a reference to the Exhibit E map to Chapter 5, Property Development Standard No. H.1 for CBD Central Bluffs. Another modification is being made to Property Development Standard No. H.1 to remove proposed language regarding the reduction or relocation of a 25-foot easement because the certified DSP language is more consistent with the public access policies of the certified LUP.

Furthermore, a modification is suggested to Chapter 5, CBD Central Bluffs, Property Development Standard I.2 to clarify that subsection I.2.a is referring to bluff top pedestrian access easements and not general bluff top setback requirements.

In addition, minor suggested modifications are being made throughout the background section of the Chapter 3 for providing clarifying language to the chapter text and for internal consistency.

The City is in agreement with all of these suggested modifications.

Conclusion

If modified as suggested, the IP 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.

2. Land Use and Visitor-Serving Development

Cited below are the relevant Laguna Beach certified LUP policies to promote visitor-serving development:

The Coastal **Land Use Plan Technical Appendix** segment of the certified LUP expressly incorporates the following Coastal Act policies regarding priority land uses:

Section 30213 states, in part (as it appears in its entirety in the Technical Appendix):

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

Section 30222 states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general commercial development, but not over agriculture or coastal-dependent industry.

The policies cited below are the relevant policies with regard to promote visitor use of the area. Below are the relevant City of Laguna Beach certified LUP policies:

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

Policy 4.2 Promote policies to accommodate visitors, reduce conflicts between visitor-serving uses/infrastructure and residents, and reduce impacts on the City's natural resources.

Action 4.2.1 Prepare a Coastal Resources Protection Program that includes policies to accommodate visitors, reduce conflicts between visitor-serving uses/infrastructure and neighborhoods/residents, and reduce impacts on the City's natural resources (e.g., potentially provide shuttles from satellite parking areas and visitor destinations that

group facilities such as shops/restaurants/restrooms and establish methods to ensure that designated beach access points and street ends are safe, welcoming and pedestrian-friendly).

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 6.12 Promote mixed-use development in commercial zones, where appropriate, to encourage the provision of lower-cost housing and to reduce traffic trips. Encourage ground floor uses to be commercial and where appropriate, visitor serving.

Action 6.12.1 Evaluate incentives for the development of affordable residential units in conjunction with mixed-use development in commercial zones.

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

B. Proposed Changes to IP

As previously described, this IP amendment proposes to replace the currently certified DSP in its entirety. Chapter 5 (Land Use Districts) includes a Land Use Districts Map (Figure 5.1) which, as submitted, depicts land use district changes proposed under this IP amendment to the currently certified DSP Land Use Districts Map. The City is proposing to rename the “Civic Art” District to “Arts District”. In addition, the City is proposing to reduce the CBD-1 district (resident-serving) by expanding the CBD-2 district (visitor-serving), and proposing to slightly reduce the Arts District and changing it to CBD-Office. In addition, [Exhibit 5](#) shows the proposed DSP Land Use Districts map with annotations detailing these proposed changes. The DSP Land Use District Map does not supersede the certified Land Use Maps or Zoning Maps of the LCP.

The proposed IP amendment will also allow certain business-by-right through a permit-by-right process instead of requiring Conditional Use Permits (CUPs). Uses such as restaurants, bars, and liquor stores in Downtown will continue to need a CUP. In addition, the City is proposing to update the “Allowed Uses and Permit Requirements” tables of the DSP to clearly identify which uses will be allowed by-right and which uses will still require CUPs. The City's intent is to maintain a balance of uses, not to exclude or diminish visitor serving uses. The following table lists a sampling of the various visitor serving type of uses that will no longer require a CUP and will now be permitted by right.

City of Laguna Beach LCP Amendment LCP-5-LGB-20-0052-2

ALLOWED USES AND PERMIT REQUIREMENTS Please note: Permit requirements for different land uses may be changed by City Council Resolution on an annual or as needed basis. Please consult with City staff for current requirements.	Downtown Specific Plan Area Land Use Districts Permit Requirements								
	P CUP AUP TUP -- DA	Permitted by Right Conditional Use Permit (Section 25.05.030) Administrative Use Permit (Section 25.05.020) Temporary Use Permit (Section 25.05.035) Not Allowed Administrative Approval by Director of Community Development (Refer to General Development Standards; Q)							
Land Use	CBD-1	CBD-2	CBD VC	CBD Office	CBD MFR	CBD PP	Arts	CBD CB	Specific Use Regulations
Eating and Drinking Establishments									
With Waiter Service (No Alcohol Service)	P (a)	P (a)	P (a)	CUP (b)	--	--	P (a)	CUP (b)	
With Alcohol Service, Live Entertainment and/or Dancing Ending at or before 10 PM	CUP (b)	CUP (b)	CUP (b)	CUP (b)	--	--	CUP (b)	CUP (b)	
With Alcohol Service, Live Entertainment and/or Dancing Ending After 10 PM	CUP (b)	CUP (b)	CUP (b)	CUP (b)	--	--	CUP (b)	CUP (b)	
With Take-out Service	P	P	P	P	--	--	P	P	
Fast Casual (No Alcohol or Waiter Service)	P	P	P	CUP (b)	--	--	P	P	
Delicatessen (No Alcohol Service)	P	P	P	CUP (b)	--	--	P	P	
Ice Cream, Confectioner, Dessert	CUP (b)	P (b)	P (b)	--	--	--	P (b)	CUP (b)	Limit of 15 in DSP
Incidental Food and Beverages within Retail/Service Establishments	P (c)	P (c)	P (c)	CUP (c)	--	--	P (c)	P (c)	
Office Uses									
Business, Professional (Ground Floor)	CUP	CUP	--	P	--	--	CUP	--	
Business, Professional (Second Floor)	P	P	P	P	--	--	P	P	
Medical, Dental, Clinics	P	CUP	CUP	P	--	--	--	--	
Recreation, Education and Public Assembly Uses									
Convalescent Facilities	--	--	--	CUP	CUP	--	--	--	
Cultural Institutions	--	CUP	CUP	CUP	--	--	CUP	CUP	
Municipally Owned or Operated Buildings	CUP	--	--	CUP	--	P(1)	CUP	--	
Commercial or Community Recreation and Entertainment	CUP	--	CUP	CUP	--	--	CUP	CUP	
Schools, Public and Private	--	--	--	CUP	--	--	CUP	--	
Movie Theaters, with or without dine-in service and alcoholic beverages	P	P	P	CUP	--	--	P	P	
Residential Uses									
Residential (2)	P	P	CUP	P	P	--	--	--	DSP Ch. 5
Artists' Work/Live	CUP	CUP	--	CUP	--	--	CUP	CUP	LBMC Ch. 25.16
Guest Houses, Guest Rooms	--	--	--	--	P	--	--	--	LBMC §25.14.008
Retail Uses									
Art Galleries (3)	P	P	P	CUP	--	--	P	P	
Food, Retail (4)	P	P	P	CUP	--	--	P	P	
Market, Grocery, and Health Food Stores (5)	P	P	--	CUP	--	--	P	--	
Retail Supply Stores (6)	P	P	P	CUP	--	--	P	P	
Apparel, Shoes (Excluding 35%+ T-Shirt SKU's)	P	P	P	CUP	--	--	P	P	
Electronics, Computers, etc.	P	P	P	CUP	--	--	P	P	
Home Furnishings and Accessories	P	P	P	CUP	--	--	P	P	
Jewelry and Accessories	P	P	P	CUP	--	--	P	P	
Optics Stores (Prescription glasses, sunglasses, etc.)	P	P	P	CUP	--	--	P	P	
Specialty Retail (No sale of alcohol or cannabis-related items)	P (d)	P (d)	P (d)	CUP (d)	--	--	P(d)	P(d)	
Recreation, Sporting Goods	P	P	P	CUP	--	--	P	P	
Alcohol Sales (off-sale)	CUP	CUP	CUP	CUP	--	--	CUP	CUP	

The changes to the “Allowed Uses and Permit Requirements” tables will relate only to local permitting requirements and will not modify coastal development permit requirements as defined in Chapter 25.07.008 of the certified LCP.

C. Consistency Analysis - Denial as Submitted and Approval with Suggested Modifications

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.

By incorporating these Coastal Act sections, the City's certified LUP retains the high priority of visitor serving uses over most other uses. Visitor serving uses are preferred because they increase the number of opportunities for the general public to enjoy the

coastal zone. Residential and non-visitor uses do not. For example, restaurants in the coastal zone allow non-residents to dine with an ocean view or to eat a casual meal without having to interrupt their day at the beach. Visitor serving retail shops allow non-residents to purchase supplies for beach use such as sand toys, sunscreen, or beach chairs. Also, for many visitors to the coastal zone, just the experience of shopping in a coastal atmosphere provides a visitor experience. Rental shops serving visitors to the coastal zone allow a visitor to use items such as roller skates, bicycles, or sun umbrellas that a visitor may not own, or which may be difficult to transport from inland locations. These are just a few of the many reasons visitor serving uses have priority over residential and non-visitor commercial uses.

As previously described, the City is proposing a few land use district changes, one of which will slightly reduce the size of the Arts District and change it to CBD-Office. There are two parcels past Loma Place that have an underlying "Public/Institutional" (P/I) land use designation on the certified LUP map but are zoned for CBD-O (Office) in the LCP's certified Zoning Map. The parcels include the Laguna Beach Water District facilities and offices, which are considered an institutional use and are consistent with the P/I land use designation. However, the proposed district change of these parcels from Arts District to CBD-Office is not fully consistent with the underlying land use designation of P/I. The certified LUP defines the P/I designation as follows:

This category refers to the community's public and educational facilities. These facilities include government buildings and public facilities, public festivals, public and private schools, libraries, police and fire stations, special needs housing, charitable uses, and recreational uses.

The P/I designation allows for some offices uses with the caveat that the offices are for or associated with government buildings and public facilities, recreational uses, and the other uses listed above. However, not all office uses such as private offices are consistent with the P/I designation. The proper avenue to ensure consistency with the standard of review (the certified LUP) is to amend both the LUP map and the DSP map concurrently. However, an amendment to the LUP map is not being proposed. Therefore, a suggested modification is recommended to alter the boundary of the Arts District to include the parcels containing the Laguna Beach Water District facilities because the Arts District is fully consistent with the P/I designation, unlike the CBD-Office District.

The City is also proposing a provision to Section 25.40.010 (Downtown Specific Plan) that will provide the City the flexibility to modify the "Allowed Uses and Permit Requirements Table" of the DSP on an as needed basis by resolution rather than through an LCP amendment. The provision will state: "may be changed by City Council Resolution, upon recommendation of the Planning Commission, on an as needed basis per staff/consultant recommendation." This amendment summarizes the intent and public hearing process for the intended land use changes. The table will be modified based on market trends. The City's intent with these policies is to maintain a balance of uses, not to exclude or diminish visitor serving uses.

The "Allowed Uses and Permit Requirements Table" of the DSP will not have an effect on coastal development permit requirements. The procedure for processing Coastal

Development Permits in the City of Laguna Beach is found in Chapter 25.07 *Coastal Development Permits* of the certified IP. However, because the table is being incorporated into the IP, changes to the table and its local permitting requirements require an LCP amendment. However, the Commission may be able to process changes to local permitting requirements not related to coastal development permit requirements through the minor or de minimis LCP procedures. Therefore, a modification is suggested to clarify that coastal development permit requirements are subject to Chapter 25.07 and not Section 25.40.010, and that changes to any permitting requirements require an LCP amendment.

Similarly, a modification is suggested to remove annotations in the updated DSP that state: "Please note: Permit requirements for different land uses may be changed by City Council Resolution on an annual or as needed basis. Please consult with City staff for current requirements."

Other minor suggested modifications are necessary simply to provide clarifying language and definitions. For example, the DSP does not include a definition for "civic-related use". A modification is suggested to include a definition for civic-related uses.

Conclusion

For the reasons described above, only if modified as suggested can the proposed IP amendment be found to be consistent with the City's certified LUP. Therefore, 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.

3. Visual Resources

A. Applicable LCP Policies

The Coastal **Land Use Plan Technical Appendix** segment of the certified LUP expressly incorporates the following Coastal Act policies regarding visual resources:

Section 30251 states:

The scenic and visual qualities of coastal areas shall be protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and where feasible to restore and enhance visual quality in visually degraded areas.

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

Policy 2.8 Require building design and siting to be compatible and integrated with natural topographic features, minimize significant alteration of topography and/or other significant onsite resources, and protect public views...

Policy 2.10 Maximize the preservation of coastal and canyon views (consistent with the principle of view equity) from existing properties and minimize blockage of existing public and private views. Best efforts should be made to site new development in locations that

minimize adverse impacts on views from public locations (e.g., roads, bluff top trails, visitor-serving facilities, etc.).

Policy 3.10 Require building design and siting to be compatible and integrated with natural topographic features, minimize significant alteration of natural topography or other significant on-site resources, and protect public views as specified in the Design Guidelines and Landscape and Scenic Highways Resource Document by maintaining the low-profile character of structures. Require use of appropriate landscaping, special architectural treatments, and siting considerations for projects visible from major highways and arterial streets. Best efforts should be made to site new development in locations that minimize adverse impacts on views from public locations (e.g., roads, bluff-top trails, visitor-serving facilities, etc.).

Policy 7.3 Design and site new development to protect natural and environmentally sensitive resources, such as areas of unique scenic quality, public views, and visual compatibility with surrounding uses and to minimize natural landform alterations.

Action 7.3.5 Prohibit development on oceanfront bluff faces, except public improvements providing public access, protecting coastal resources, or providing for public safety. Permit such improvements only when no feasible alternative exists and when designed and constructed to minimize landform alteration of the oceanfront bluff face, to not contribute to further erosion of the oceanfront bluff face, and to be visually compatible with the surrounding area to the maximum extent feasible.

Policy 10.2 Design and site new development to protect natural and environmentally sensitive resources such as areas of unique scenic quality, public views, and visual compatibility with surrounding uses and to minimize landform alterations.

The **Open Space and Conservation Element** of the certified LUP contains the following policies:

Policy 7-A Preserve to the maximum extent feasible the quality of public views from the hillsides and along the city's shoreline.

Policy 7-K Preserve as much as possible the natural character of the landscape (including coastal bluffs, hillsides and ridgelines) by requiring proposed development plans to preserve and enhance scenic and conservation values to the maximum extent possible, to minimize impacts on soil mantle, vegetation cover, water resources, physiographic features, erosion problems, and require recontouring and replanting where natural landscape has been disturbed.

Policy 7-M New development along Pacific Coast Highway shall preserve existing views where feasible and, where topography allows, new development shall be terraced below the grad of Pacific Coast Highway.

B. Proposed Changes to IP

The City is proposing a few minor changes regarding building height, but no change to the maximum building height requirements are proposed and the changes are consistent with

the currently certified DSP. The proposed changes will make building height standards clearer. In addition, the IP Amendment will allow outdoor dining facilities on roof decks to exceed the maximum building height, subject to Planning Commission Design Review approval.

The City is also proposing the following changes to Policy 4 of the DSP in Chapter 3, Topic 10 (Central Bluffs):

2.4. Augment ~~Enhance~~ existing view corridors and ensure that new development integrates viewshed opportunities.

C. Consistency Analysis - Denial as Submitted and Approval with Suggested Modifications

LUE Policy 2.10, and OSCE Policies 7-A and 7-K require that public scenic and visual qualities of coastal areas be preserved to the maximum extent feasible as resources of public importance. In addition, LUE Policies 2.8, 3.10, 7.3, 10.2, and Action 7.3.5 and OSCE Policy 7-M require, in part, that development be designed and sited in a manner that is visually compatible with surrounding uses and is protective of natural resources including public visual resources, and that development minimize natural landform alterations. Minor suggested modifications are required to ensure public visual resources are protected. For example, regarding additional building height exceptions for development in the CBD Central Bluffs District described in Chapter 5 (Land Use District) of the updated DSP, a suggested modification is being made indicating that height variations shall be used to protect coastal views.

In addition, a suggested modification is necessary to ensure that outdoor dining facilities located on roof decks do not exceed the maximum building height by more than eight feet to avoid adverse impacts to public visual resources.

A minor modification is also suggested to retain the term “enhance” and remove “augment” in proposed Policy 2 (was Policy 4) of the DSP in Chapter 3, Topic 10.

Conclusion

For the reasons described above, only if modified as suggested can the proposed IP amendment be found to be consistent with the City’s certified LUP. Therefore, 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.

4. Clean-Up and Procedural Modifications

Other modifications are suggested for general clean-up, clarification, and internal consistency of the DSP with the certified LCP.

For example, a few modifications are being suggested to replace the term “exemption” with “exception” regarding second-story or other height allowances detailed in the updated DSP. These modifications are to avoid confusion between permit exemptions and general development standard allowances.

Also, a few modifications are being made to correct typographical errors.

Additional minor modifications are suggested to remove any references to documents that are not part of the certified LCP such as the Landscape and Scenic Highways Resource Document and Municipal Code Chapter 7.70.

D. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

On July 21, 2020, after holding multiple noticed public hearings, the Laguna Beach City Council adopted Resolution No. 20.053 approving the LCP Implementation Plan for submittal to the California Coastal Commission. As part of their local action, the City found that pursuant to Sections 15060(c)(2) and 15061(3) of the California Code of Regulations (“California Environmental Quality Act Guidelines”) that the proposed amendment to the LCP Implementation Plan is exempt from further review under the 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 discussed herein, the LCP Implementation Plan as originally submitted does not conform with, and is not adequate to carry out, the policies of the certified LUP. The Commission has, therefore, modified the proposed Implementation Plan to bring the proposed amendment into conformity with the certified LUP and represent the most environmentally protective alternative. As modified, the IP contains specific requirements that apply to development projects and detailed procedures for applicants to follow in order to obtain a coastal development permit. Thus, future individual projects would require coastal development permits, issued by the City of Laguna Beach, and in the case of areas of original jurisdiction, by the Coastal Commission. Throughout the coastal zone, specific impacts to coastal resources resulting from individual development projects are assessed through the coastal development review process; thus, any individual project will be required to undergo environmental review under CEQA. 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. The Commission finds that the proposed LCP amendment if modified as suggested will be consistent with Section 21080.5(d)(2)(A) of the Public Resources Code.