

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD, SUITE 300
LONG BEACH, CA 90802-4325
VOICE (562) 590-5071
FAX (562) 590-5084



Th9b

SECOND ADDENDUM

February 7, 2022

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **ADDENDUM TO ITEM Th9b, MAJOR LCP AMENDMENT REQUEST NO. LCP-5-LGB-20-0051-3 FOR THE COMMISSION MEETING OF THURSDAY, FEBRUARY 10, 2022.**

This addendum is designed to achieve the following objectives. First, Section I updates the record by supplementing it with correspondence that Commission staff received after the staff report was issued. Second, Section II provides responses to some of the issues raised in the recent correspondence, which responses Commission staff proposes the Commission incorporate into its findings. Finally, Section III provides some minor corrections to the staff report.

I. CORRESPONDENCE RECEIVED

As of February 4, 2022, Commission staff has received 77 letters in support, and 129 letters in opposition to staff's recommendation, which are available online on the Agenda under the Correspondence Tab for this item, as well as in the record file at the South Coast District Office in Long Beach. In addition to the letters posted, staff received additional letters in support and opposition to staff's recommendation and are also available in the record file.

II. RESPONSES TO COMMENTS

Commission staff responds to comments received as indicated below and recommends that the Commission incorporate these responses into its findings. Commission staff hereby revises its recommended findings to incorporate these responses, so that adoption of the staff recommendation will include adoption of these findings.

A few of the letters raised the *Friends of Sierra Madre v. City of Sierra Madre* (2011) 25 Cal. 4th 165 court case, which primarily holds that CEQA compliance is required for projects placed on ballot measures by a public agency (e.g., City Council), not just for projects brought by public initiative (e.g., voter petition). *Friends of Sierra Madre* is distinguishable from the present matter, namely because Laguna Beach's ordinance was neither a ballot measure nor voter initiative. *Friends of Sierra Madre* involves a situation

where a city council tried to avoid CEQA and the expense of environmental impact reports (EIRs) by placing a voter initiative on an election ballot. Further, the initiative would directly delist 29 properties from the city's Register of Historic Resources and Landmarks.

In this case, the City of Laguna Beach did not seek to avoid CEQA requirements. The City hired VCS Environmental to prepare an Initial Study (IS) pursuant to CEQA. VCS determined that the proposed program would not have significant effects on the environment and prepared a Negative Declaration. In 2020, the City considered the IS and Negative Declaration and adopted the Negative Declaration, considering comments and drafting responses to comments. The City properly complied with requirements pursuant to CEQA. Subsequently, the LCP amendment was submitted to the Coastal Commission, and the Commission's review is functionally equivalent to CEQA's EIR process. Commission staff has reviewed the subject amendment application and believe the CEQA analysis is adequate. In addition, the coastal development permit process and requirements guard against significant adverse impacts to the environment as noted in the staff report.

II. CORRECTIONS TO STAFF REPORT

Commission staff recommends the Commission adopt the following changes to the staff report dated January 28, 2022. Language to be added is shown in underlined text, and language to be deleted is identified by ~~strikethrough~~.

a) Correct the last sentence on page 1 as follows:

The City of Laguna Beach (City) has prepared and submitted ~~draft language an~~ amendment request with proposed changes to the Land Use Element (LUE) of the Land Use Plan (LUP) and the Implementation Plan (IP) portion of the City's certified Local Coastal Program (LCP) summarized above.

b) Correct staff's recommendation on page 2 as follows:

Staff is recommending that the Commission, after public hearing:

Deny the amendment request to the Land Use Plan as submitted.

Approve the amendment request to the Land Use Plan if modified as recommended.

Deny the amendment request to the Implementation Plan as submitted.

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

c) Correct Section II.A, following Motion I on page 5 as follows:

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

d) Correct Section II.B, following Motion II on page 6 as follows:

Staff recommends a **YES** vote. Passage of this motion will result in the certification of the LUP 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 appointed Commissioners present.

e) Correct Section IV, first sentence on page 7 as follows:

The following findings support the Commission's denial as submitted and approval of the proposed LCP Land Use Plan and Implementation Plan amendment if modified...