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Prepared May 27, 2022 for June 10, 2022 Hearing

To: Commissioners and Interested Persons
From: Dan Carl, Central Coast District Director
Robert Moore, Coastal Planner

Subject: City of Capitola LCP Amendment Number LCP-3-CAP-21-0083-1 (Parklets)

The City of Capitola proposes to amend its LCP by adding provisions to allow commercial restaurant use (i.e., tables, chairs, food, and beverage service, etc.) of portions of the City's public road rights-of-way subject to identified criteria. Such restaurant use would be limited to portions of existing sidewalks and parking spaces, where the latter could include deck structures (often referred to as "parklets"). The City allowed twelve such parklets as a public safety response to the COVID-19 pandemic starting in 2020, and the proposal builds on lessons learned from their operation, including specific siting, design and operational standards. In particular, the proposal would limit sidewalk dining to the City's commercial and visitor-serving zoning districts immediately adjacent to participating restaurants, and would limit parklets to a maximum of up to 25 parking spaces in the Capitola Village area nearest Capitola Beach. Any sidewalk use would require that at least 4 feet of sidewalk (and at least 5 feet in the Village) remain free and clear for general public use at all times. Restaurants would be allowed to operate parklets between 7am to 10pm, and would be required to operate a minimum of 5 days per week. Such sidewalk and parklet use would only be allowed provided coastal resources are not adversely impacted, and only if such uses support a safe, inviting, and lively public realm.

Although initially a COVID-19 response, the City recognized that allowing some restaurant use of the City's rights-of-way served to help activate the street environment and to provide popular opportunities to enliven the public commons, and now sees the proposed amendment as a means to provide clearer direction to do the same thing moving forward. At the same time, the City understands that the public right-of-way currently provides for important public utility, especially for high-demand parking near the beach in the Village, and has thus decided to limit the program accordingly. For example, the 25 parking spaces in the Village that could be used for parklets is limited to about 13% of available Village parking spaces, and sidewalks there would be required to remain easily passable. Impacts are further limited by the fact that the City has developed some 455 public parking lot spaces in recent years within walking distance to the beach (also served by a free seasonal beach shuttle), and 90 additional

public parking spaces are available in adjacent areas.¹ In addition, the use of any one parking space would require the provision of two new bike parking spaces, and the City proposes additional offsetting measures (e.g., reestablishing some 60 public benches in the Village area). Finally, the program would require the use of high-quality materials and designs meant to ensure that the ambiance of these public thoroughfares, and the viewsheds of which they are a part, are not degraded.

Staff is generally supportive of the City's efforts to energize these City streets in these ways, including as the Village and its surrounding area is a prime visitor destination along California's Central Coast, and it is extremely popular not only for beach going but also for the Village's shops, restaurants, and bars just off the sand. At the same time, staff is concerned that the use of such public spaces for commercial endeavors has the potential to reduce general public access. Although the City has done what it can to limit and offset such impacts, including in terms of all of the public access amenities that the City provides for public enjoyment every day, such concerns remain, especially if the program does not operate and function as envisioned in the Village area. To address such concerns, staff worked closely with City staff on potential modifications to ensure that CDPs under the program can be reevaluated (initially at 3 years, and thereafter on 5-year intervals), including to provide both a potential regulatory backstop as well as a means of facilitating appropriate adaptation and changes over time. Additional suggested modifications clarify CDP requirements.

With such changes, staff believes that the proposed amendment is consistent with and adequate to carry out the LCP's Land Use Plan (i.e., the standard of review for this proposal), and City staff is in agreement with the staff recommendation. Therefore, staff recommends that the Commission approve the amendment with suggested modifications. The required motions and resolutions are found on page 5 below.

Staff Note: LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on May 25, 2022. The proposed amendment affects the LCP's Implementation Plan, and the 60-working-day action deadline is August 17, 2022. Thus, unless the Commission extends the action deadline (it may be extended by up to one year), the Commission has until August 17, 2022 to take a final action on this LCP amendment.

Therefore, if the Commission does not take a final action in this case at the June 2022 Commission meeting (e.g., if the Commission instead chooses to postpone/continue LCP amendment consideration), then staff recommends that, as part of such non-final action, the Commission extend the deadline for final Commission action on the proposed amendment by one year. To do so, staff recommends a YES vote on the motion below. Passage of the motion will result in a new deadline for final Commission action on the proposed LCP amendment. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion: I move that the Commission extend the time limit to act on City of Capitola Local Coastal Program Amendment Number LCP-3-CAP-21-0083-1 to

¹ So, all told, the up to 25 parklet spaces would account for 3.4% of Village/beach parking spaces.

August 17, 2023, and I recommend a yes vote.

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CORRESPONDENCE

1. MOTIONS AND RESOLUTIONS

Staff recommends that the Commission, after public hearing, approve the proposed LCP amendment with suggested modifications. To do so, the Commission needs to first deny the amendment as submitted (via voting yes to reject), and then approve it subject to the City making modifications (via voting yes to certify the amendment if it is modified). Each action requires its own motion and vote, and thus the Commission needs to act on two motions to implement this recommendation.

A. Deny the Implementation Plan Amendment as submitted

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in rejection of the Implementation Plan amendment as submitted and adoption of the following resolution. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion: *I move that the Commission reject Implementation Plan amendment Number LCP-3-CAP-21-0083-1 as submitted by the City of Capitola, and I recommend a **YES** vote.*

Resolution: *The Commission hereby denies certification of LCP amendment Number LCP-3-CAP-21-0083-1 as submitted by the City of Capitola and adopts the findings set forth below on grounds that the Implementation Plan amendment as submitted does not meet the requirements of and is not in conformity with the certified Land Use Plan. Certification of the amendment 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 as submitted.*

B. Certify the Implementation Plan Amendment with Suggested Modifications

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in certification of the amendment with suggested modifications and the adoption of the following resolution and the findings in this staff report. The motion passes only by an affirmative vote of a majority of the Commissioners present:

Motion: *I move that the Commission certify Implementation Plan amendment Number LCP-3-CAP-21-0083-1 if it is modified as suggested in this staff report, and I recommend a **YES** vote.*

Resolution: *The Commission hereby certifies Implementation Plan amendment Number LCP-3-CAP-21-0083-1 if modified as suggested and adopts the findings set forth in this staff report on the grounds that the Implementation Plan amendment with the suggested modifications will meet the requirements of and be in conformity with the certified Land Use Plan. Certification of the amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amendment 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 that will result from certification of the amendment if modified.

2. SUGGESTED MODIFICATIONS

The Commission hereby suggests modifications to the proposed LCP amendment, which are necessary to make the requisite LUP consistency findings. If the City of Capitola accepts the suggested modifications within six months of Commission action (i.e., by December 10, 2022), by formal resolution of the City Council, the modified amendment will become effective upon the Executive Director reporting to the Commission that this acceptance has been properly accomplished. See **Exhibit 2** for suggested modifications, where text in underline and ~~cross-out~~ represents additions and deletions, respectively, proposed by the City, and text in double underline and ~~double cross-out~~ denotes text to be added/deleted by the Commission.

3. FINDINGS AND DECLARATIONS

A. Description of Proposed LCP Amendment

The proposed amendment would replace existing LCP Implementation Plan (IP) Section 17.96.170 that regulates sidewalk dining (i.e., where restaurants use portions of public sidewalks for outdoor seating use) with a new section that regulates both sidewalk dining as well as outdoor dining within public parking spaces (i.e., where restaurants use an outdoor dining deck, or “parklet,” that converts an existing parking space to a dining pavilion for outside restaurant use). In terms of such parklets, the proposed amendment identifies a series of requirements and procedures to authorize the creation and operation of these outdoor dining decks, much of which emanate from the City’s experience from twelve such parklets allowed temporarily as a public safety response to the COVID-19 pandemic starting in 2020.²

Specifically, the proposed amendment identifies two types of outdoor dining spaces: sidewalk dining and street dining decks. Sidewalk dining would be defined as “the use of an outdoor sidewalk area within the public-right-of-way, by a private business that is an eating and drinking establishment, for eating and drinking activities.” Street dining decks would be defined as “a platform or similar level surface within the public right-of-way and extending beyond the curb and into a roadway or on-street parking area for use by a private business that is an eating or drinking establishment.” In essence, sidewalk dining allows for allocating restaurant space on a public sidewalk and a street dining deck allows for allocating restaurant space on a newly constructed platform on a public road/parking space (commonly referred to as a ‘parklet’). For both, the amendment proposes siting, design and operational standards and requirements. Sidewalk dining is allowed in the LCP’s commercial and visitor-serving zoning districts³

² The City indicates that these temporarily allowed parklets would no longer be allowed two months after Coastal Commission certification of this LCPA, and would need to also meet the new LCP provisions moving forward.

³ The Mixed-Use Neighborhood (MU-N), Community Commercial (C-C), Regional Commercial (C-R), and Mixed-Use Village (MU-V) zoning districts (see **Exhibit 3**).

immediately adjacent to the restaurant it serves with a minimum of 5 feet of unobstructed sidewalk width in the busy Capitola Village area and 4 feet in other zoning districts.⁴ Street dining decks would only be allowed in the Capitola Village area within the LCP's MU-V district on the Esplanade, and Monterey, Capitola, and San Jose Avenues (see **Exhibit 3**). All outdoor dining spaces would be required to be sited and designed so as not to interfere with any utility boxes or other street infrastructure, to use decorative materials such as painted wood and steel, to apply up to one business identification sign, to properly manage trash/recyclables and keep the site clean, to not have any music or amplified sound, and to operate between 7am to 10pm a minimum of 5 days per week. No more than 25 parking spaces would be allowed to be used for street dining decks in the Village, and each parking space taken up by a dining deck would require that either two on-site bike parking spaces (integrated into the dining deck or on restaurant property) be created or an in-lieu fee provided to the City to be used toward creation of a central bike parking location in the Capitola Village area.

Finally, the ordinance specifies the permitting requirements and required findings for all outdoor dining facilities. On the latter, it must be determined that the use of such public space for commercial restaurant purposes is consistent with the LCP, will not adversely impact coastal resources, and is designed in such a manner as to support a safe, inviting, and lively public realm. The amendment also provides for two types of dining decks: a prototype street dining deck (that would use a design pre-authorized and approved by the City) or a custom street dining deck (that could be designed by an individual applicant/business). For the prototype, the City would be the permit holder and would allow individual business to essentially 'sign-on' to its provisions so as to avoid separate CDP review processes for individual dining deck applications, thereby offering a streamlined permitting approach.⁵ Conversely, if an individual applicant/business wanted to pursue their own deck designs, then they could apply for their own CDP for a custom deck. In either case, all such decks would be subject to all applicable provisions of the proposed LCP amendment (IP Section 17.96.170) as well as the rest of the City's certified LCP.

Please see **Exhibit 1** for the proposed IP amendment text.

⁴ Note that the Capitola Wharf is zoned MU-V, and the proposed amendment would allow for 'sidewalk' seating near the restaurant at the end of the wharf. However, the Wharf is located in the Commission's CDP jurisdiction, where the standard of review for any CDPs is the Coastal Act. So, while the City's LCP, including as amended here, can provide guidance to the Commission should it consider a CDP application for such seating on the Wharf, such guidance is non-binding, and the Commission does not intend its action here on this proposed LCP amendment to have any bearing on its potential future consideration of any such CDP, which would be evaluated against the Coastal Act on its own merits.

⁵ Specifically, the City intends to undertake a public process to develop the prototype, and then would apply for a CDP that would be intended to authorize such decks over up to 25 parking spaces in the Village. Then, individual businesses could pursue use of such prototype under the City's CDP, provided such businesses agree to abide and be bound by the CDP's terms and conditions.

B. Consistency Analysis

Standard of Review

The proposed amendment affects the IP component of the City of Capitola LCP. The standard of review for IP amendments is that they must be consistent with and adequate to carry out the policies of the certified LUP.

Applicable Land Use Plan Policies

The proposed amendment raises primarily public access and public viewshed issues and questions, particularly in the Capitola Village and Wharf areas. Applicable LUP policies include:

LUP Policy I-1: *It shall be the policy of the City of Capitola to maintain and enhance access to Capitola Beach, Village, and Wharf while maintaining and enhancing the existing character of Capitola Village and the surrounding residential areas. The intensity of new development shall be limited to the availability of parking and other alternative transportation systems, such as a shuttle bus and remote parking. Implementation: a) Develop a Capitola Village/Beach parking program that will provide 300 to 400 new parking places for Village Beach users. b) Require adequate parking for new users, such parking to be provided at sites outside the Village area within walking distance or remote and served by shuttle system ... c) Protect adjacent residential neighborhoods from parking intrusions while providing for public access to viewpoints and recreation areas. ...*

LUP Policy II-1: *It shall be the policy of the City of Capitola to provide safe and adequate pedestrian access to and along the shoreline as designated in the Shoreline Access Plan (see Maps II-1,2, and 3). ...*

LUP Policy II-2: *It shall be the policy of the City of Capitola to maintain the existing shuttle bus system so that it serves as an alternative to automobile use and parking within the Village. Furthermore, the City shall continue to seek out and implement other parking alternatives that may become available in the future... . Implementation: a) The City shall continue to provide a free summer beach shuttle program on summer weekends and summer holidays from a remote lot or lots ...*

LUP Policy II-8: *Complete restoration of the wharf as a free access public fishing pier and develop small, low intensity facilities that provide complementing public services (i.e. food service facilities, fishing/boating accessory shop, maintenance and repair operations, water taxi service, public restrooms, etc.). ...*

LUP Policy II-9: *Provide adequate parking nearby to support the wharf uses (specifically boat launching activities) and establish operational guidelines that minimize conflicts between pedestrians and Wharf traffic. ...*

LUP Policy II-12: *Develop a scheme for safe bicycle connection between Cliff Drive and Park Avenue and improve bicycle parking facilities [in the Capitola Village area]. ...*

LUP Policy II-14: Maintain a commitment to all existing access walkways and paths to Capitola Beach. ...

LUP Policy III-1: It shall be the policy of the City of Capitola to maintain the natural features, visual resources, and unique character of the Capitola Village. This includes maintenance of the particular scale and character of Capitola Village, retaining its special ability to serve both Capitola residents and visitors, protecting its natural features and views, and recognizing its historical continuity extending from the Camp Capitola period through the present. A commitment shall be made to maintaining the level of current activity in the Central Village area and/or intensifying activity and increasing capacity only in ways consistent with the current scale and character of Capitola Village...

LUP Policy III-5: Permitted development shall not block or detract from public views to and along Capitola's shoreline.

LUP Policy III-11: Public spaces and pedestrian paths in Capitola Village should be maintained and improved where necessary. Pedestrian use of these elements should always be of primary importance. Public pathways should be landscaped where appropriate to improve the appearance of the path. ...

LUP Policy III-12: Maintenance and emphasis on small individual businesses oriented primarily to the pedestrian, and discourage large scale conglomerations of shops surrounded by off-street parking. Establish a desirable range to the size and scale of the Village commercial facilities including square footage and street frontage. The intensity of development shall be limited to the availability of parking or alternative transportation systems such as a shuttle bus and remote parking. Relate sign and access regulations to pedestrian movement and physical character appropriate to particular areas in the Central Village. ...

LUP Policy IV-1: The City shall designate the following areas as visitor-serving and/or recreation uses: a) The Capitola Village commercial area (retail, restaurants, lodging, etc.)...; c) The Wharf...

LUP Policy IV-2: Areas designated as visitor serving and/or recreational shall be reserved for visitor support services or recreational uses. Permissible uses include, but are not limited to hotels, motels, hostels, campgrounds, food and drink service establishments, public facilities, public beaches, public recreation areas or parks, and related rental and retail establishments.

As is clear from the above policies, the LUP seeks to prioritize public access and visitor-serving opportunities in Capitola Village. Capitola Beach and the adjoining Village area are the City's most popular coastal zone visitor destination, and both are in high demand. The Village is also very compact, leading to less than free-flowing vehicular circulation at most times, and parking is at a premium for coastal visitors, especially nearest the beach. Combine all of that with significant pedestrian foot traffic and it is clear that the Village is a vibrant and popular beach-fronting space that can be at times overtaxed by the sheer number of visitors. The LUP recognizes all of this, and it

includes provisions to provide for the bulk of Village/beach public parking needs immediately outside the Village (mostly within public parking lots just outside of the Village proper) and includes other transportation options such as a free summer beach shuttle and pedestrian connections. Finally, the City's LUP also includes policies geared towards beautifying the City; improving the visual and physical connectivity between the walkways and the adjoining visitor-serving businesses and amenities; and allowing for periodic updates/improvements to continue to improve access/the visitor experience to and through the Village and the beach.

Analysis

The proposed amendment is meant to provide a regulatory vehicle to authorize outdoor restaurant dining in certain portions of the public right-of-way, including in the Village in up to 25 existing public parking spaces. These parklets have grown immensely in popularity in recent years in coastal California, in large part as byproduct of COVID-19 pandemic response and the need to eat and recreate outside, and it is no different in Capitola. The amendment's primary intent is to accommodate a limited number of parklets that can serve to help better activate the street environment and broaden visitor opportunities, all subject to certain limits and standards to protect against potential impacts, particularly related to public coastal access. In particular, any loss of public parking, particularly in heavily trafficked, prime visitor-serving areas such as Capitola Village where parking is already scarce and at a premium, may have impacts to the recreating public, especially those coming from more inland areas and not fortunate enough to live close to such amenities. In other words, while sidewalk dining and parklets can serve as popular opportunities to enliven the public commons by changing and expanding visitor-serving opportunities, such use of the public's space for private commercial use must be balanced against potential public impacts; here primarily in terms of public access and public views.

Capitola Village itself includes 195 public parking spaces, all in the form of on-street parking.⁶ In addition, City public parking lots and related areas just outside the Village proper (but within Village/beach walking distance (about a quarter-mile/5-minute walk from the beach)) provide an additional 545 public parking spaces, and have been part of a concerted City effort to move parking and traffic outside the Village core as much as possible.^{7,8} The maximum of 25 public parking spaces that could be repurposed to

⁶ According to the City, during summer weekends these Village parking spaces are typically completely occupied between 11am and 4pm daily, and it is not unusual for them to be full on other summer days and other times throughout the year as well.

⁷ For example, a City project in 2013 added another 220 public parking spaces to this parking lot area, known locally as the (upper and lower) Pacific Cove Parking Lot. The City also provides a free shuttle from the parking lot to the Village and the beach that runs from 8am to 10pm on weekends and holidays between Memorial Day and Labor Day. The City indicates that these lots are rarely full, with full capacity reached about 25 days out of the year for a few hours on each day.

⁸ It is noted that all of these public parking areas, both in the Village and in the City parking lot, are currently paid parking. In the evaluation of this amendment, it came to light that although the certified LCP includes a series of specific paid parking parameters for such areas, there is no CDP that authorized such fees. The City is preparing a CDP application to resolve those issues, which will be heard at a later date. In any case, the Commission in its LCP amendment action here intends its action to be neutral in terms of

visitor-serving commercial use under the proposed program translates to around 13% of all in-Village parking, and around 3% of all public parking available for the Village/beach overall. As such, the City has purposefully limited the program to limit its use of public parking spaces as a means of balancing benefits against potential impacts.

Still, though, those up to 25 parking spaces would no longer be available for public use. The City reasons that their conversion to parklets has its own intrinsic public value that serves to offset the loss of public parking and private commercial restaurant use of public space. For example, during the summer season such parklets can serve as an alternative for visitors to the often-crowded Capitola Beach providing, as the City argues, both an easing of impacts on natural resources at Capitola Beach, and an improved visitor experience. Under the proposed program, parklets are also required to be ADA accessible, offering an easy-to-access option for disabled persons to be able to enjoy with views along the Esplanade and of the coastline. Requirements under the proposed amendment for high-quality dining deck designs – including requirements for use of high-quality, attractive materials, and a prototype design that includes decorative planters and other pedestrian-oriented features – are also intended to help to activate restaurant frontage along the Esplanade and improve the visual character of the Village relative to parked cars. And while some number of parking seekers would be displaced to other available public parking areas, as indicated above, the City has calculated that a single parking space can accommodate up to three dining tables.⁹ In other words, the City argues that the benefits to visitors from the program outweigh any impacts to those same visitors. In addition, the use of any parking space for a parklet would require the provision of two new bike parking spaces, and the City proposes additional offsetting measures (e.g., reestablishing some 60 public benches in the Village area).¹⁰ Similar arguments are presented as it relates to sidewalk dining, including ensuring that any such operations allow for a free flow of pedestrians (e.g., at least 5 feet of clear path sidewalk space in the Village). The Commission concurs that the program should be able to operate without significant public access and public view impacts for these reasons.

At the same time, and while the Commission is generally supportive of the City's efforts

such future CDP application, and retains all of its discretion to evaluate such future CDP on its merits at that time independent of its action on this LCP amendment.

⁹ With typical 1-hour turnover for a dining party, the City also notes that that translates to up to 9 multi-person dining parties enjoying the space in contrast to one car and its passengers over a 3-hour period, or 27 such dining parties versus 3 cars over a 9-hour period.

¹⁰ To this point the City also independently makes a great effort to provide for and enhance public use and enjoyment of the Village and beach areas, and argues that this too can offset any perceived impacts from the program. For example, the City cites to its popular Junior Lifeguard program (serving around 1,000 children each summer); public restrooms at both Esplanade Park (just above the beach) and Capitola Wharf; on-duty lifeguards 7 days a week, and staff dedicated to trash removal on weekends throughout the year. The City also points to its upcoming efforts to rehabilitate the Capitola Wharf (an over \$8 million enhancement project) and opportunities for better regional multi-modal tie-ins via an electric bikeshare partnership (between Santa Cruz County, the Cities of Santa Cruz, Capitola, and Watsonville, and U.C. Santa Cruz and Cabrillo College) as well as upcoming Regional Transportation Commission bike and pedestrian trail improvements slated for the Santa Cruz Branch Line corridor that runs right through Capitola (and just inland of the Village).

to energize these City streets in these ways, including as the Village and its surrounding area is a prime visitor destination along California's Central Coast, and it is extremely popular not only for beach going but also for the Village's shops, restaurants, and bars just off the sand, the Commission is also clear-eyed that the use of such public spaces for commercial endeavors has the potential to reduce general public access. Although the City has done what it can to limit and offset such impacts, including in terms of all of the public access amenities that the City provides for public enjoyment every day, such concerns remain, especially if the program does not operate and function as envisioned in the Village area. To address such concerns, it is appropriate to provide for periodic reevaluation, including to provide both a potential regulatory backstop as well as a means of facilitating appropriate adaptation and changes over time. Suggested modifications are thus included to require a 3-year recertification of CDPs issued under the program upon review for LCP consistency and changed circumstances in regard to impacts to coastal resources, and subsequent required recertification every 5 years thereafter. This modification is necessary for timely review of program performance and to allow for correction where necessary, as well as to build-in an opportunity to evaluate the overall program and alternatives at the same time. See **Exhibit 3** for suggested modifications.

And finally, while the amendment lists the requirements and findings needed for City Administrative and Design Permits, and mentions that a CDP is also needed in the coastal zone in conformance with the LCP, it is a bit unclear which standards are intended to govern CDP review. Suggested modifications thus make clear that all LCP requirements, including those specified in this amendment, are applicable standards of review for CDP purposes. Again, see **Exhibit 3** for suggested modifications.

As so modified, the IP amendment can be found consistent with the City of Capitola's certified LUP.

C. California Environmental Quality Act (CEQA)

CEQA Section 21080.5(d)(2)(A) prohibits a proposed LCP or LCP amendment from being approved if there are feasible alternatives and/or feasible mitigation measures available that would substantially lessen any significant adverse effect that the LCP or LCP amendment may have on the environment. Although local governments are not required to satisfy CEQA in terms of local preparation and adoption of LCPs and LCP amendments, many local governments use the CEQA process to develop information about proposed LCPs and LCP amendments, including to help facilitate Coastal Act review. In this case, the City exempted the proposed amendment from environmental review, citing CEQA Sections 15305 and 15311, which provide for categorical exemption from CEQA in the case of minor alterations of land use limitations (Section 15305) and accessory structures (Section 15311).

The Coastal Commission is not exempt from satisfying CEQA requirements with respect to LCPs and LCP amendments, but the Commission's LCP/LCP amendment review, approval, and certification process has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA (CCR Section 15251(f)). Accordingly, in fulfilling that review, this report has discussed the relevant coastal resource issues with the proposal, has

addressed all comments received, and has concluded that the proposed LCP amendment is expected to result in significant environmental effects, including as those terms are understood in CEQA, if it is not modified to address the coastal resource issues identified herein (all above findings are incorporated herein in their entirety by reference). Accordingly, it is necessary for the Commission to suggest modifications to the proposed LCP amendment to ensure that it does not result in significant adverse environmental effects. Thus, the proposed LCP amendment as modified will not result in any significant adverse environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A).