

RESOLUTION NO. 22.009

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH, CALIFORNIA, ADOPTING LOCAL COASTAL PROGRAM AMENDMENT 22-0016 AMENDING TABLE 5-1 (ALLOWED USES AND PERMIT REQUIREMENTS) OF THE DOWNTOWN SPECIFIC PLAN RELATING TO FORMULA-BASED EATING AND DRINKING ESTABLISHMENTS

WHEREAS, pursuant to Article 8 (Specific Plan) of the California Government Code, Section 65453, a specific plan shall be prepared, adopted, and amended in the same manner as a general plan, except that a specific plan may be adopted by resolution or by ordinance and may be amended as often as deemed necessary by the legislative body; and

WHEREAS, in 2015, the City Council initiated a Specific Plan Amendment and Local Coastal Program Amendment to begin the process of updating the Downtown Specific Plan; and

WHEREAS, from 2015-2018, the Planning Commission held numerous public hearings to review and receive public comment regarding amending individual sections of the Draft Downtown Specific Plan (DSP); and

WHEREAS, on August 21, 2019, the Planning Commission received an introduction of the Draft DSP amended as a whole, received public testimony, provided preliminary remarks on the draft document, directed staff to analyze public comments and provide recommendations to the Planning Commission, and continued its review to a special meeting on November 20, 2019; and

WHEREAS, after review of the staff analysis and proposed changes, the Planning Commission recommended City Council approval of the Draft DSP on November 20, 2019; and

WHEREAS, on December 17, 2019, the City Council received an introduction of the Draft DSP, received public testimony, and provided direction to staff on the draft document; and

WHEREAS, on June 16, 2020, the City Council conducted a legally noticed public hearing and reviewed and considered all documents, testimony and other evidence presented as a first reading of an Ordinance and voted to introduce the Ordinance with modifications; and

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WHEREAS, on July 21, 2020, the City Council adopted Resolution No. 20.053 and approved the second reading of and adopted Ordinance No. 1648 to amend the Downtown Specific Plan and portions of Chapters 25.16 (Artists' Work/Live) and 25.40 (Downtown Specific Plan) of the Municipal Code; and

WHEREAS, on December 15, 2022, the California Coastal Commission approved, with modifications, LCP Amendment No. 19-4482 (LCP-5-LGB-20-0052-2) to amend the Downtown Specific Plan and portions of Chapter 25.16 (Artists' Work/Live) and 25.40 (Downtown Specific Plan) of the Municipal Code; and

WHEREAS, on January 14, 2022, a public notice was published in the Daily Pilot, providing notice of a public hearing before the City Council on January 25, 2022; and

WHEREAS, on January 25, 2022, the City Council conducted a duly noticed public hearing, at which time all interested parties were given an opportunity to be heard and present evidence;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH DOES RESOLVE as follows:

SECTION 1. Local Coastal Program Amendment No 22-0016 is hereby approved, amending Table 5-1 (Allowed Uses and Permit Requirements) of the Downtown Specific Plan relating to formula-based eating and drinking establishments, as attached in Exhibit A and incorporated herein by reference.

SECTION 2. The City's LCP, including LCP Amendment No. 22-0016, shall be carried out fully in conformity with the California Coastal Act.

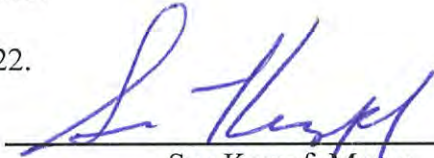
SECTION 3. The California Coastal Commission is hereby requested to consider, approve and certify LCP Amendment 22-0016.

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SECTION 4. LCP Amendment 22-0016 is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15265(a)(1) of Title 14 of the California Code of Regulations and Chapter 3 of the Coastal Act. Additionally, Public Resources Code Section 21080.5, a provision of CEQA, and Section 15265(c) of the State CEQA Guidelines shift the burden of CEQA compliance to the California Coastal Commission in connection with preparation or amendment to a Local Coastal Program (LCP). The Coastal Commission's LCP review and approval procedures have been found to be functionally equivalent to the environmental review process.


SECTION 5. Pursuant to Section 13551(b) of the Coastal Commission Regulations, LCP Amendment No. 22-0016 shall take effect upon Coastal Commission approval, as provided in Public Resources Code Sections 30512, 30513, and 30519.

ADOPTED this 25th day of January 2022.



Sue Kempf, Mayor

ATTEST:



Ann Marie McKay, City Clerk

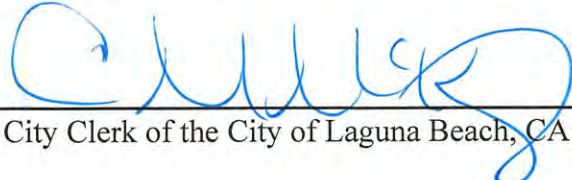
I, ANN MARIE MCKAY, City Clerk of the City of Laguna Beach, California, do hereby certify that the foregoing Resolution No. 22.009 was duly adopted at a Regular Meeting of the City Council of said City held on January 25, 2022, by the following vote:

AYES: COUNCILMEMBER(S): Blake, Whalen, Kempf

NOES: COUNCILMEMBER(S): Iseman, Weiss

ABSTAIN: COUNCILMEMBER(S): None

ABSENT: COUNCILMEMBER(S): None



City Clerk of the City of Laguna Beach, CA

Exhibit A

LCP Amendment 22-0016

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Existing language from the updated Downtown Specific Plan is shown in regular font, new text in **bold/underline** font and deleted text in ~~strikethrough~~ font on the attached Table 5-1.

Revised DSP Update Table 5-1
 January 2022

ALLOWED USES AND PERMIT REQUIREMENTS	Downtown Specific Plan Area Land Use Districts Permit Requirements									
	P	CUP	AUP	TUP	--	DA				
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.	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)		
Formula-Based Eating & Drinking Establishments	CUP	CUP	CUP	CUP	--	--	CUP	CUP	DSP Ch. 5	
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		

- (a) Subject to approval by Director of Community Development.
- (b) Subject to conditions specific only to hours of operation, and other operational issues, not menu.
- (c) Incidental complimentary food and non-alcoholic beverages within apparel stores, jewelry stores, and art galleries aimed at existing in-store customers, not to exceed 3 percent of total gross leasable area. Incidental complimentary food and non-alcoholic and alcoholic beverages within beauty salons and barber shops aimed at existing in-store customers, not to exceed 2% of total gross leasable area. One alcoholic drink per client. Per AB-1322 - no license or permit required.
- (d) Including, but not limited to books/magazines, collectibles, florists, hobbies, luggage and leather goods, musical instruments, stationary, toys/games.
- (1) Park buildings and facilities, owned or operated by a governmental agency, whose function enhances the public's enjoyment of the public park.
- (2) Excluding timeshares and subject to standards outlined in Chapter 5 of the Downtown Specific Plan.
- (3) A substantial portion of the merchandise shall be original or numbered, limited edition artwork.
- (4) Pre-packaged and/or takeout for off-site consumption only with no on-site seating. May include the sale of alcohol for off-site consumption only; however, shall not be allowed within 200 yards of Main Beach.
- (5) The sale or dispensing of alcoholic beverages for off-premises consumption in establishments 5,000 square feet or less in size or sell alcoholic beverages as its principal business shall be prohibited within 200 yards of Main Beach.
- (6) Including, but not limited to yardage, hardware, auto parts, plumbing, appliances, paint and glass, garden supplies, art supplies, office supplies, etc., with no open storage of materials and equipment.

ALLOWED USES AND PERMIT REQUIREMENTS	Downtown Specific Plan Area Land Use Districts Permit Requirements									
	P	Permitted by Right								
<p style="color: red; font-size: small;">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.</p>	CUP	Conditional Use Permit (Section 25.05.030)								
	AUP	Administrative Use Permit (Section 25.05.020)								
	TUP	Temporary Use Permit (Section 25.05.035)								
	--	Not Allowed								
	DA	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	
Retail Uses (Continued)										
Temporary "Pop-Up" Stores	TUP (f)	TUP (f)	TUP (f)	CUP	--	--	TUP (f)	TUP(f)		
Thrift, Consignment	CUP	CUP	CUP	CUP	--	--	CUP	CUP		
Wine Tasting Shops	P	P	CUP	CUP	--	--	P	CUP		
Souvenirs Store (Visitor-Oriented Gifts) (7)	--	CUP	CUP	--	--	--	CUP	CUP		
Branded Stores	P (g)	P (g)	P (g)	CUP (g)	--	--	P (g)	P(g)	Limit of 20 in DSP	
Service Uses										
Animal Grooming	CUP	CUP	--	--	--	--	--	--		
Artists' Studios (8)	P	P	P	P	--	--	P	P		
Child Care	--	--	--	--	P	--	--	--	LBMC §25.08.006	
Dry Cleaning, Laundry Facilities	CUP	CUP	--	CUP	--	--	--	--		
Family Day Care, Large	--	--	--	--	AUP	--	--	--	LBMC §25.10.005	
Financial Institutions	P	P	CUP	P	--	--	CUP	CUP		
Massage Establishments	CUP	CUP	--	CUP	--	--	--	CUP	LBMC Ch. 5.61	
Music Studios (9)	P	P	P	CUP	--	--	P	P		
Packaging and Postal Services	P	P	--	P	--	--	--	--		
Pharmacies	P	P	CUP	CUP	--	--	CUP	CUP		
Printing, Duplicating Services	P	CUP	--	P	--	--	CUP	--		
Fitness (Yoga, Pilates, Barre, Spin, etc.)(10) Space <1,200 square feet gross floor area	P	P	P	P	--	--	P	P		
Fitness (Yoga, Pilates, Barre, Spin, etc.) (10) Space >1,200 square feet gross floor area	CUP	CUP	CUP	CUP	--	--	CUP	CUP		
Hair Salons, Barbers, Nail/Skin Care Salons, Spas	P	P	P	P	--	--	P	P		
Personal Services – Not Listed Above (11)	P	P	CUP	P	--	--	CUP	P		
Special Events										
Temporary Uses (12)	TUP	TUP	TUP	TUP	--	TUP	TUP	TUP	LBMC §25.05.035	
Transportation and Communication Uses										
Parking Facilities	CUP	CUP	CUP	CUP	--	--	CUP	CUP	LBMC Ch. 25.52	
Wireless Communication Facilities	AUP/ CUP	AUP/ CUP	AUP/ CUP	AUP/ CUP	AUP/ CUP	AUP/ CUP	AUP/ CUP	AUP/ CUP	LBMC Ch. 25.55	
Visitor Accommodations										
Bed and Breakfast Inns (13)	--	--	--	CUP	CUP	--	--	CUP	LBMC Ch. 25.22	
Hotels and Motels	--	--	CUP	--	--	--	CUP	CUP		
Short-Term Lodging Units (14)	AUP	AUP	AUP	AUP	--	--	--	AUP	LBMC Ch. 25.23	
Other Uses										
Commercial Home Occupations	CUP	CUP	CUP	P	--	--	CUP	--	LBMC §25.08.016	
Home Occupations	P	P	P	P	P	--	P	P	LBMC §25.08.016	
Dedicated Public Facility (15)	P	P	P	P	P	P	P	P		
Mixed-Use with Residential on Second Floor	CUP	CUP	CUP	P	--	--	--	--	DSP Ch. 5	
Outdoor Display	DA	DA	DA	DA	--	--	DA	DA	DSP Ch. 5	
Planned Integrated Developments	--	--	--	--	--	--	--	CUP	DSP Ch. 5	
Other Uses (16)	CUP	CUP	CUP	CUP	--	--	CUP	CUP		

(f) Exception: Special Temporary Use Permit for DSP area subject to approval by Director of Community Development. Temporary "Pop-Up" stores allowed for up to 90 days.

(g) Branded Stores in any of the Retail Use categories listed in Table 5-1. Merchandise mix must be comparable to most of the applicant's other stores. Store design and architecture must reflect the unique character of Laguna Beach. Limit of 20 total combined branded retail stores within the Downtown Specific Plan Area.

(7) A business with at least 20% of the total display are devoted to unrelated merchandise that is oriented toward visitors, including but not limited to, merchandise bearing words or images representing local place names or other visitor destination, local events.

(8) Including, but not limited to, manufacturing, assembling, compounding or treating of ceramics, jewelry, wood, bone, canvas, cloth, felt, glass, leather, paper, plastics, textiles and yarn.

(9) Including sale and supplies.

(10) Shall comply with exterior noise standards contained in CMC 7.25.040

(11) Including tailoring, shoe repair, optometry, interior design, financial services, and locksmith. All others require a CUP.

(12) One-time, seasonal, or short duration uses.

(13) Provided inn is located in a structure on the City's Historic Register.

(14) Units committed to senior, special needs and/or affordable housing are not eligible for short-term housing.

(15) Parks, walkways, trails, and parklets.

(16) Other uses the Planning Commission deems, after conducting a public hearing, to be similar to and no more obnoxious or detrimental to the welfare of the neighborhood than any listed in Table 5-1.