

CALIFORNIA COASTAL COMMISSION

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W11b

DATE: August 18, 2022

TO: **Commissioners and Interested Persons**

FROM: Karl Schwing, Deputy Director
Zach Rehm, District Supervisor
Marlene Alvarado, Coastal Program Analyst

SUBJECT: Staff Recommendation on City of Laguna Beach Major Amendment Request No. LCP-5-LGB-22-0016-1 (DSP Table 5-1 Update) for Public Hearing and Commission Action at the September 7, 2022 meeting.

SUMMARY OF LCP AMENDMENT REQUEST NO. LCP-5-LGB-22-0016-1 (MINOR)

The City of Laguna Beach is requesting that the Commission certify a minor amendment to the Implementation Plan (IP) of the City's certified Local Coastal Program (LCP). The LCP amendment includes minor updates to Table 5-1 of the City's Downtown Specific Plan (DSP) to allowed uses and local permit requirements. The DSP is a component of the certified IP.

The City's Land Use Plan ("LUP") was approved 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 IP is comprised of more than 10 documents, including Title 25 of the City's Municipal Code, which is the City's Zoning Code and the City's DSP. The standard of review for the proposed amendment to the IP, pursuant to Sections 30513 and 30514(b) of the Coastal Act, is that the proposed IP amendment conforms with, and is adequate to carry out, the provisions of the certified LUP, as proposed to be amended.

On December 15, 2021, the Commission approved a comprehensive update to the City's DSP with suggested modifications. On February 15, 2022, the City Council introduced Ordinance No. 1667, incorporating the modifications suggested by the Commission pursuant to its approval of this LCP Amendment. On March 9, 2022, the City submitted the ordinance adopted by the City Council to the Executive Director for a determination that the City's action is consistent with the Commission's action. Finally, on April 8, 2022, the Commission concurred with the Executive Director's determination that the action of the City of Laguna Beach accepting certification of

LCP Amendment No. LCP-5-LGB-20-0052-2 with suggested modifications was legally adequate.

This LCP amendment (No. LCP-5-LGB-22-0016-1) incorporates updates to Table 5-1 (Allowed Uses and Permit Requirements) of the recently certified DSP regarding local permit requirements (which would be in addition to coastal development permit requirements) specifically relating to formula-based eating and drinking establishments, as shown in [Exhibit 1, pages 5-6](#).

Local Coastal Program Amendment Request No. LCP-5-LGB-22-0016-1 affects only the implementing ordinances portion of the certified LCP and does not propose any rezoning or land use changes. The LCP amendment request was submitted with City Council Resolution No. 22.009 on April 20, 2022. The Resolution authorizes City staff to submit the LCP amendment to the Coastal Commission for certification. The current LCP amendment request was deemed officially received by Commission staff and determined to be complete on May 4, 2022.

ANALYSIS

Pursuant to Section 30514(c) of the Coastal Act and Title 14 of California Code of Regulations (CCR) Section 13555(a), the Executive Director has determined that the proposed LCP amendment is "minor" in nature. Section 13554(a) of Title 14 of the California Code of Regulations defines a minor LCP amendment as changes in wording which make the use as designated in the zoning ordinances, zoning district maps or other implementing actions more specific and which do not change the kind, location, intensity, or density of use and are consistent with the certified LUP.

The LCP amendment has been determined to be a "minor" LCP amendment because the proposed changes to the City's implementing ordinances are consistent with, and adequate to carry out, the Land Use Plan (LUP) component of the certified LCP. The LCP amendment makes the City's development regulations more specific, and does not change the kind, location, intensity, or density of any uses.

The proposed IP amendment would update the DSP Table 5-1 (Allowed Uses and Permit Requirements) to clarify that formula-based eating and drinking establishments require local permits. DSP Table 5-1 identifies which uses are allowed by-right and which uses will still require Administrative Use Permits, Conditional Use Permits, or Temporary Use Permits, and the City intends to update this table regularly based on market trends. The proposed changes to the certified IP are attached as [Exhibit 1](#). DSP Table 5-1 relates only to local permitting requirements and will not modify coastal development permit requirements as defined in Section 25.07.008 of the certified LCP. The procedure for processing Coastal Development Permits in the City of Laguna Beach is found in Chapter 25.07 of the certified IP.

The proposed changes are consistent with, and carry out, the following LUP policies regarding visitor uses and 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 (as it appears in its entirety in the Technical Appendix):
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.

Land Use Element 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).

Land Use Element 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.

Land Use Element 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.

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

When the Executive Director determines that an amendment is minor, that determination must be reported to the Commission. Interested parties have ten working days from the mailing of notice to submit written objections to the determination that the amendment is minor. If one-third of the appointed members of the Commission request that it be processed as a major LCP amendment, then the amendment shall be set for a future public hearing; if less than one-third of the appointed members of the Commission object to the minor LCP amendment determination, then the amendment is deemed approved, and it becomes a certified part of the LCP immediately. The Executive Director will report this minor LCP amendment determination, and any comments received on it, to the Coastal Commission at its September 7, 2022 meeting. For any questions or needed additional information regarding the proposed amendment or the process under which it is being certified, please contact Marlene Alvarado at the South Coast District Office in Long Beach.