

CALIFORNIA COASTAL COMMISSION

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Th12a

DATE: October 26, 2023

TO: Commissioners and Interested Persons

FROM: Karl Schwing, Deputy Director
Shannon Vaughn, District Manager
Zach Rehm, District Supervisor
Meg Vaughn, Coastal Program Analyst

SUBJECT: Major Amendment Request No. LCP-5-LGB-23-0033-2 (Open Space) to the City of Laguna Beach Certified Local Coastal Program, for Public Hearing and Commission Action at its November 16, 2023 meeting.

SUMMARY OF LCP AMENDMENT REQUEST NO. LCP-5-LGB-23-0033-2

The City of Laguna Beach (City) is requesting an amendment to the certified Local Coastal Program (LCP). The amendment would modify the certified Land Use Plan (LUP) map and certified Implementation Plan (Zoning) map. The LUP map would be modified by changing the land use designations of 26 parcels from Residential/Hillside Protection to Permanent Open Space. The Zoning map would be modified by changing the zoning of the same 26 parcels from Residential/Hillside Protection to Open Space/Passive. The LCP amendment would modify both the LUP and the Implementation Plan maps only – not the policies that apply to the land use or zoning designations. The LCP Amendment was submitted for Coastal Commission action via Laguna Beach City Council Resolution No. 23.052. The proposed changes to the LUP map are reflected in the City's General Plan Amendment 2023-0658 and Local Coastal Program Amendment 2023-0660. The proposed changes to the Zoning map are reflected in Ordinance No. 1689.

SUMMARY OF STAFF RECOMMENDATION

The proposed LCP amendment would preserve approximately 300 acres of undeveloped land as open space. The current land use designation and zoning would allow residential development, when certain conditions are met. The proposed land use designation and zoning would allow greenbelts, watershed areas, and wildlife preserves outright. Uses that would also be allowed when certain conditions are met include hiking trails, historical preserves, scientific study and vista points. Additional low impact passive open space uses could be permitted when the uses do not conflict with the open space uses listed above, and when the use will not have a significant effect on the environment.

Coastal Act and LUP policies encourage or require protection of natural open space for all the beneficial uses it provides. The benefits of preserving open space are many. Natural areas add to water and air filtration, recharge groundwater, and protect habitat for plants, animals and beneficial insects. Natural cover plays an important role in reducing the amount of pollutants entering the water supply. Soils filter out many types of contaminants. Natural ground cover can slow the flow of water, allowing sediment to settle, and can stabilize soil on hillsides. The long-term viability of wildlife populations increases with more preserved natural lands. The connections between opens spaces are important to the success of wildlife populations. Maintaining suitable travel corridors helps sustain and replenish existing wildlife populations. Numerous studies have also demonstrated that access to open space for passive recreation, as well as visual access to open space, contributes to humans mental and physical wellbeing. Amending the LCP LUP and Zoning maps as proposed is consistent with Coastal Act and LUP policies promoting the protection of sensitive habitats and visual resources.

The current land use designation and zoning would provide very low density housing, which would likely be high cost/non-affordable due to the low density and construction challenges. In addition, the current land use designation and zoning could allow development in what is likely sensitive habitat if not outright ESHA. Residential development on these parcels would extend the need for fuel modification vegetation removal further into the sensitive habitat. These LCPA changes are being sought consistent with the City's Housing Element, which was recently certified by State Department of Housing and Community Development on Feb 7, 2023.

A Coastal Development Permit (CDP) will continue to be required for development within the subject parcels, including for fuel modification activities. The proposed LCPA will not have any impact on when a CDP is required.

Staff is recommending approval of the LCP Amendment as submitted. With the proposed changes to the Land Use Designation and Zoning maps, the LUP remains consistent with the Chapter 3 policies of the Coastal Act and the IP remains in conformance with and adequate to carry out the policies of the certified Land Use Plan. The motions and resolutions to accomplish this recommendation are found on pages 6 & 7 of this staff report.

DEADLINE FOR COMMISSION ACTION: The proposed LCP amendment submittal was complete on October 9, 2023. The LCPA includes changes to both the LUP and IP. Section 13522 of the California Code of Regulations states that If a land use plan and implementing actions are combined in a total LCP, then the deadline for commission action on the land use plan phase shall apply to commission review of the total LCP. Section 30513 of the Coastal Act requires that the Commission must act on LCPAs that propose changes to the Land Use Plan, within 90 working days of filing. The 90th working day from October 9, 2023 is February 12, 2024, meaning that the last hearing that the Commission may act on this LCPA is the February 2-7, 2024 hearing, unless the deadline for action is extended by the Commission at or before the February 2024 hearing. (There is no Commission meeting in January 2024).

ADDITIONAL INFORMATION

Copies of the staff report are available on the Commission's website at www.coastal.ca.gov. For additional information, contact Meg Vaughn in the South Coast District Office of the Coastal Commission at meg.vaughn@coastal.ca.gov or (562) 590-5071.

Table of Contents

I. PROCEDURAL ISSUES5

A. STANDARD OF REVIEW 5

B. PUBLIC PARTICIPATION 5

C. PROCEDURAL REQUIREMENTS 5

II. MOTIONS AND RESOLUTIONS6

A. APPROVAL OF THE LUP AMENDMENT AS SUBMITTED 6

B. APPROVAL OF THE IP AMENDMENT AS SUBMITTED 7

III. FINDINGS.....7

A. AMENDMENT DESCRIPTION & LOCATION 7

B. APPROVAL OF LCPA AS SUBMITTED 10

C. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) 14

Exhibits

- Exhibit 1 – City Council Resolution No. 23.052
- Exhibit 2 – Ordinance No. 1689
- Exhibit 3 – Proposed LCP Land Use Designation Map
- Exhibit 4 – Proposed LCP Zoning Map
- Exhibit 5 – Existing LCP Land Use Designation Map
- Exhibit 6 – Existing LCP Zoning 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), among others. 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) portion 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 land use plan map amendment is whether it is consistent with the Chapter 3 policies of the Coastal Act. The standard of review for the proposed IP/zoning map amendment, pursuant to Sections 30513 and 30514 of the Coastal Act, is whether the IP as amended 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."

The City Council adopted Local Coastal Program Amendment (LCPA) No. 2023-0660 to amend the LCP land use plan map and Ordinance No. 1689 to amend the IP zoning map. The proposed changes were submitted for Coastal Commission action via City Council Resolution No. 23-052.

The City held two public hearings on the proposed LCPA, on July 11, 2023 and on July 25, 2023. The Planning Commission held a public hearing on the proposed LCPA on May 3, 2023. Three members of the public all spoke in favor of the proposed LCPA at the July 11, 2023 City Council meeting.

C. PROCEDURAL REQUIREMENTS

If the Commission certifies the LCP amendment as submitted, no further City Council action will be necessary, and the amendment will become effective. 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 Sections 13537(d) and 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 the sections cited above and Sections 13544(c) and 13544.5 (c) of Title 14 of the California Code of Regulations, the modified LCP Amendment will become final and effective at a subsequent Commission meeting when the Executive Director reports his or her determination that the City's action in accepting the suggested modifications approved by the Commission for the LCP Amendment 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. In this case, if the Commission decides to deny the proposed LCPA, and approve it with suggested modifications, it is recommended that the Commission grant an extension to the deadline to act, in order to develop the written suggested modifications.

II. MOTIONS AND RESOLUTIONS

A. Approval of the LUP Amendment as Submitted

MOTION I:

I move that the Commission certify Land Use Plan Amendment No. LCP-5-LGB-23-0033-2 as submitted by the City of Laguna Beach.

Staff recommends a **YES** vote. Passage of the motion will result in certification of the land use plan as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO CERTIFY THE LAND USE PLAN AMENDMENT:

The Commission hereby certifies the Land Use Plan Amendment No. LCP-5-LGB-23-0033-2 as submitted by the City of Laguna Beach and adopts the findings set forth below on the grounds that the amendment conforms with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment 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 plan on the environment, or 2) there are no further feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

B. Approval of the IP Amendment as Submitted

MOTION II:

I move that the Commission **reject** the Implementation Plan Amendment for the City of Laguna Beach as submitted.

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Plan Amendment as submitted 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 TO CERTIFY IMPLEMENTATION PROGRAM AS SUBMITTED:

The Commission hereby certifies the Implementation Plan Amendment for the City of Laguna Beach as submitted and adopts the findings set forth below on grounds that the Implementation Plan Amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan as amended, and certification of the Implementation Plan will meet the requirements of 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 Program on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program.

III. FINDINGS

The Commission hereby finds and declares:

A. AMENDMENT DESCRIPTION & LOCATION

The City of Laguna Beach (City) is requesting an amendment to its certified Local Coastal Program (LCP). The amendment would modify the certified Land Use Plan (LUP) map and certified Implementation Plan (IP/Zoning) map. The LUP map would be modified by changing the land use designations of 26 parcels from Residential/Hillside Protection to Permanent Open Space ([Exhibit 3](#)). The IP/Zoning map would be modified by changing the zoning of the same 26 parcels from Residential/Hillside Protection to Open Space/Passive ([Exhibit 4](#)). The LCP amendment would modify both the LUP and the Implementation Plan maps only – not the policies that apply to the land use or zoning designations. Total acreage of the 26 parcels is approximately 300 acres.

Twenty two of the 26 parcels are located on the eastern slope of Laguna Canyon, between development fronting Laguna Canyon Road and the undeveloped open space land near and adjacent to the Top of the World area of Aliso & Wood Canyons Wilderness Park. The 22 parcels extend north and south of the curve in Laguna Canyon Road commonly known as the big bend. These 22 parcels are contiguous to each other. Of the other four parcels,

one parcel (APN 641-171-06) is a stand-alone parcel, located southeast of the intersection of Canyon Acres Drive and Lewellyn Drive. The remaining three parcels (APNs 641-152-07, 641-152-08, and 641-163-41) all abut one another. They are located south of Temple Hills Drive, west of Zell Drive, and north of Bluebird Canyon Drive. All 26 parcels are in undeveloped hillside areas. The Laguna Coast Wilderness Park is located to the west of the subject parcels, on the other side of Laguna Canyon Road. Thus, redesignation of these parcels will preserve area located between Laguna Coast Wilderness Park and Aliso & Wood Canyons Wilderness Park.

The LCP Amendment was submitted for Coastal Commission action via Laguna Beach City Council Resolution No. 23.052. The proposed changes to the LUP map are reflected in the City's General Plan Amendment 2023-0658 and Local Coastal Program Amendment 2023-0660, which are incorporated in Resolution No. 23.052 ([Exhibit 1](#)). The proposed changes to the Zoning map are reflected in Ordinance No. 1689 ([Exhibit 2](#)), which is also incorporated into Resolution No. 23.052.

The City obtained Proposition 12 funding (Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000) to acquire these parcels. Generally, Proposition 12 provides funding to acquire and preserve natural areas, fish and wildlife habitats, and also provides funding to local agencies for various recreational, cultural, and natural areas, among a number of other options. More specifically, Proposition 12 allocated funding to the California Coastal Conservancy (Conservancy) to "acquire land needed to connect important coastal watershed and scenic areas in the Laguna Coast Wilderness Park (Public Resources Code 5096.352(g)). A 2004 reappropriation permitted the Conservancy to use these funds, subject to Division 21 of the Public Resources Code, "to undertake projects for the South Coast Wilderness System of coastal canyons and watersheds in South Orange County, including, but not limited to, properties in Laguna Coast Wilderness Park and Aliso and Woods Canyons Wilderness Park." During the Proposition 12 allocation period (March 7, 2000 through June 30, 2013), the City worked closely with the Laguna Canyon Foundation, the County of Orange, and the Conservancy to acquire the subject parcels, totaling approximately 300 acres for permanent open space preservation.

The existing land use designation at all 26 parcels is Residential/Hillside Protection. The RHP designation is described in the LCP LUE as:

"This category is intended to promote a balanced management program focusing on the preservation of open-space lands and environmentally sensitive areas, while allowing for limited residential development. The area encompassed by this category includes the City's remaining unsubdivided vacant hillside lands, totaling approximately 1,065 acres."

The maximum number of units allowed in this category depends on the slope of the property. The maximum number of units allowed is 3 units/acre on slopes up to and including 10%. The fewest number of units allowed is 0.1 units/acre for slopes of 40 – 45%. No units are allowed on slopes greater than 45%. The LUE also considers other

factors that play a role in the number of allowable units of new development, including: infrastructure capacities, environmental hazards, preservation of environmental goals, and public service costs. The LUE, regarding the RHP land use designation, further states: "The actual development capability of hillside lands is therefore established by analysis of physical constraints and implementation of natural resource protection policies and ordinance requirements."

Although the development capacity is somewhat limited under the current land use designation, no residential development would be allowed under the proposed land use designation. The Permanent Open Space land use designation is described in the LUE as follows:

Permanent Open Space. This category of land use is intended to protect and preserve publicly owned open-space lands of ecological, scenic, cultural, and/or scientific value so that such lands remain a permanent community resource. Lands designated Permanent Open Space must be zoned as either "Open Space/Conservation" or "Open Space/Passive." Uses permitted on lands within this General Plan land use designation are greenbelts, watershed areas, wildlife preserves and marine preserves. For those lands zoned Open Space/Passive the following additional uses are allowed: hiking trails, historical preserves, scientific study and vista points. Additional low impact passive uses may be permitted, subject to a conditional use permit, where the City Council finds that those uses will not conflict with the open-space uses described above and will not have a significant effect on the environment. Any improvements proposed for these lands shall be subject to Planning Commission approval and shall be consistent with design objectives and guidelines adopted by the City to ensure a minimal scenic and environmental impact from any such improvements.

The existing zoning at all 26 parcels is Residential/Hillside Protection. Section 25.002 Intent and Purpose, of the IP (Title 25 Zoning Code), describes the RHP zone as:

The intent and purpose of this zone is to allow for low-intensity, residential development that addresses concerns for public health and safety and promotes the design criteria set forth in Section 25.15.004. All new development in this zone shall be sensitive to the hillside terrain and to the environmental constraints and shall provide for the conservation of existing natural open space lands, unique landforms, scenic hillsides and sensitive biological habitats. These environmental constraints include potential danger from fire, slope failure and erosion, as well as the difficulty of emergency evacuation. Protection of the physical environment, public views and aesthetic qualities associated with undeveloped lands is of critical concern in this zone. Low-intensity agricultural uses and passive, recreational uses are also appropriate for this zone.

The uses allowed in the R/HP zone primarily include single family and accessory dwellings.

The proposed zoning at all 26 parcels is Open Space/Passive. Section 25.41.002 Intent and Purpose of the IP (Title 25 Zoning Code), describes the Open Space/Passive zone as:

This zone is intended to protect and preserve open space lands which are of notable ecological, scenic, cultural, and scientific value so that such land remains a permanent community resource. The open space zone recognizes two land use designations that differ in their allowed intensities of use. The Open Space/Conservation designation is established solely for the purpose of preserving land in its natural state on behalf of the public interest. The Open Space/Passive designation is established to also protect important open space lands while permitting passive recreational use of these areas with trails, viewpoints and other compatible support facilities.

The proposed land use designation, Permanent Open Space, does not allow residential development, and the allowed uses are limited to greenbelts, watershed areas, wildlife preserves and marine preserves. When the zoning designation is Open Space/Passive as is proposed, the additional uses of hiking trails, historical preserves, scientific study and vista points are also allowed.

B. APPROVAL OF LCPA AS SUBMITTED

The Chapter 3 policies of the Coastal Act include the following requirements:

Section 30240:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Section 30251:

The scenic and visual qualities of coastal areas shall be considered and 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 land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department 47 of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The City's certified LCP Land Use Element (LUE) includes the following policies:

Action 1.1.1 Protect natural assets and open-space areas to maintain their role as “carbon sinks.”

Policy 4.1 Develop and adopt a program to protect sensitive coastal resources.

Policy 7.1 Protect dedicated and accepted open space.

Policy 7.2 Maintain the General Plan designation of Permanent Open Space and the Zoning designations of Open Space/Conservation and Open Space/Passive as a method of protecting natural resources.

Action 10.2.4 Encourage open space dedication to guarantee preservation of natural and sensitive resources whenever appropriate.

The City’s certified LCP Open Space/Conservation Element (OSCE) includes the following policies:

4J Promote infiltration of both storm water and dry weather runoff, as feasible, to protect natural hydrologic conditions.

5-E Evaluate City-owned land for public parks and permanent open space, consistent with the purposes and uses set forth in Ordinance No. 1342.

7-J Assume planning and management responsibility for land acquired through the purchase/acquisition of open space easements.

8-A Preserve the canyon wilderness throughout the city for its multiple benefits to the community, protecting critical areas adjacent to canyon wilderness, particularly stream beds whose loss would destroy valuable resources.

8-C Identify and maintain wildlife habitat areas in their natural state as necessary for the preservation of species.

8 - L Preserve and protect fish and/or wildlife species for future generations.

8 - M Preserve a continuous open space corridor within the hillsides in order to maintain animal migration opportunities.

9-K Promote preservation and enhancement of the natural drainage of Laguna Beach

13-A Preserve the function of ridgelines, hillsides and canyons as a link between adjoining open space areas.

13-H Preserve public views of coastal and canyon areas from ridgelines.

14-H Encourage inaccessible hillside property to be dedicated to the city as permanent open space.

14-K The conversion of vacant hillside land into various types of urban development creates inescapable side effects that can potentially damage the natural environment. Loss of valuable habitat, increased runoff and erosion, intrusion into the public viewshed, and the introduction of man-made chemical compounds are often the undesirable by-products of new development. In order to minimize such effects, new development should not create undesirable encroachments into undeveloped hillside areas.

The proposed land use designation is described in the LUE as follows:

Permanent Open Space. This category of land uses is intended to protect and preserve publicly owned open-space lands of ecological, scenic, cultural, and/or scientific value so that such lands remain a permanent community resource. Lands designated Permanent Open Space must be zoned as either "Open Space/Conservation" or "Open Space/Passive." Uses permitted on lands within this General Plan land use designation are greenbelts, watershed areas, wildlife preserves and marine preserves. For those lands zoned Open Space/Passive the following additional uses are allowed: hiking trails, historical preserves, scientific study and vista points. Additional low impact passive uses may be permitted, subject to a conditional use permit, where the City Council finds that those uses will not conflict with the open-space uses described above and will not have a significant effect on the environment. Any improvements proposed for these lands shall be subject to Planning Commission approval and shall be consistent with design objectives and guidelines adopted by the City to ensure a minimal scenic and environmental impact from any such improvements.

Section 25.41.02 of Chapter 25.41 Open Space Zone describes the intent and purpose of the zone as follows:

This zone is intended to protect and preserve open space lands which are of notable ecological, scenic, cultural and scientific value so that such land remains a permanent community resource. The open space zone recognizes two land use designations that differ in their allowed intensities of use. The Open Space/Conservation designation is established solely for the purpose of preserving land in its natural state on behalf of the public interest. The Open Space/Passive designation is established to also protect important open space lands while permitting passive recreational use of these areas with trails, viewpoints and other compatible support facilities.

The Coastal Act policies and LUP sections cited above all encourage or require protection of natural open space for all the beneficial uses it provides. For example, LUE policy 1.1.1 requires protection of open space areas as “carbon sinks,” which are more and more important in this warming world. Also, OSCE policy 8-A specifically requires the preservation of canyon wilderness, such as the 26 subject parcels, for its multiple benefits. The benefits of preserving open space are many. Natural areas add to water and air filtration, recharge groundwater, and protect habitat for plants, animals and beneficial insects. Natural cover plays an important role in reducing the amount of pollutants entering the water supply. Soils filter out many types of contaminants. Natural ground cover can slow the flow of water, allowing sediment to settle, and can stabilize soil on hillsides. The long-term viability of wildlife populations increases with more preserved natural lands. The connections between open spaces are important to the success of wildlife populations. Maintaining suitable travel corridors helps sustain and replenish existing wildlife populations. Numerous studies have also demonstrated that access to open space for passive recreation, as well as for visual access, contributes to humans’ mental and physical wellbeing.

The 26 parcels proposed to be re-designated Permanent Open Space and re-zoned to passive open space, are adjacent to significant open space areas. To the east, upslope of the 22 contiguous parcels, all the land adjacent to the parcels, is undeveloped designated and zoned open space. East of these properties is the extensive open space in the area known as Top of the World area of the Aliso & Wood Canyons Wilderness Park. The western slope of Laguna Canyon in this area and beyond is preserved in open space as part of the Laguna Coast Wilderness Park. Preserving the subject parcels in open space will increase connections between undeveloped open spaces, benefiting wildlife populations as well as humans.

The current land use designation and zoning would provide very low density housing, which would likely be high cost/non-affordable due to the low density and construction challenges. In addition, the current land use designation and zoning could allow development in what is likely sensitive habitat if not outright ESHA. Residential development on these parcels would extend the need for fuel modification vegetation removal further into the sensitive habitat. Lastly, new residential development would further contribute to the already overburdened fire evacuation routes. These LCPA changes are being sought consistent with the City’s Housing Element, which was recently certified by the State Department of Housing and Community Development (HCD) on February 7, 2023.

A Coastal Development Permit (CDP) will continue to be required for development within the subject parcels, including for fuel modification activities. The proposed LCPA will not have any impact on when a CDP is required.

Section 30240 of the Coastal Act requires that sensitive habitat be protected. Section 30251 of the Coastal Act requires that scenic and visual qualities be protected as a resource of public importance. The City’s LCP also includes numerous policies that

encourage and require the protection of open spaces and the benefits derived from it. Thus, the Commission finds that the LUP Land Use Map, as amended, is consistent with the Chapter 3 policies of the Coastal Act; and that the IP Zoning Map, as amended, is consistent with and adequate to carry out the provision of the certified LUP.

C. 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.

The proposed amendments to the LCP Land Use and Zoning maps will provide greater protection of the 26 undeveloped parcels, by limiting development to the types that are more protective of habitat and wildlife, while allowing limited public access if appropriate. The proposed LCP Amendment will be consistent with the habitat protection, visual resource protection, and recreational policies of the Coastal Act. The LCP Amendment will also be consistent with the same types of LUP policies. Thus, the Commission finds that, as amended, the LUP will be in consistent with the Chapter 3 policies of the Coastal Act. And that, as amended, the IP will be in conformance with and adequate to carry out the land use policies of the certified LUP. The Commission finds that approval of the LCP Amendment as proposed will not result in significant adverse environmental impacts under the meaning of CEQA. Therefore, the Commission certifies LCP Implementation Plan Amendment No. LCP-5-LGB-23-0033-2 as proposed.