


MEMORANDUM

DATE: October 14, 2013
TO: John Pietig, City Manager
FROM:  John Montgomery, Community Development Director
SUBJECT: Village Entrance Project – Visitor-Serving Parking

Background

The Coastal Act and Coastal Commission policy guidance require both protection of existing public beach parking and encouragement of an adequate supply of parking for beach parking demand. Laguna Beach is an older City that was not designed for the high amount of beach parking that is needed to accommodate the current demand generated by both tourists and residents, much less future demand. Solutions encouraged by the Coastal Commission include: construction of new parking structures, use of valet parking to increase the number of cars using one lot, shuttle programs, joint-use parking and eliminating neighborhood exclusionary parking programs.

Attached to this memorandum is a copy of an email from Karl Schwing, Coastal Commission Orange County Area Supervisor, responding to staff's inquiry about Coastal Act parking requirements. Mr. Schwing references various Coastal Act sections regarding protecting the public's right to access the shoreline and water and recreational opportunities. In the email Mr. Schwing states that the Coastal Commission has been "concerned about any loss of public parking." He also points out that staff is open to integrated programs that address the access issue through a combination of methods.

City Local Coastal Program

The City's Local Coastal Program (LCP) consists of many policy and regulatory components including, but not limited to: Land Use and Open Space/Conservation General Plan Elements, Downtown Specific Plan, Land Use and Zoning Maps, and Municipal Code Title 25 (Zoning Code). Policy guidance in the City's adopted LCP directly related to visitor-serving parking is as follows:

Prior to the May 9, 2012 Coastal Commission certification of the revised Land Use Element, there was a policy in the Element that is also contained in the present Transportation, Circulation and Growth Management Element, which says: "*When approving changes in intensity of land uses in the Central Business District, preserve all existing parking by assuring replacement on a one-for-one basis.*" (Policy 6H)

In the Downtown Specific Plan, there is a section entitled "Topic 5: Parking, Circulation and Public Transit." Policy 7 of that topic says: "*Maintain city-owned central parking lots for short-term parking needs.*" Policy 8 says: "*Locate additional parking structures on the periphery of the Central Business District.*"

ACT V Conditions of Approval

On June 7, 2005, the Coastal Commission granted a Coastal Development Permit (CDP) with standard and special conditions (see attached copy of the ACT V Coastal Development Permit) for the City to construct a new municipal corporate yard to replace an existing facility downtown and a parking lot for corporate yard employees and public parking. Special Condition 1B requires that in addition to the 207 public parking spaces provided at ACT V, the City shall provide 190 public parking spaces at the Village Entrance site. Any changes to this condition requires an amendment to the CDP. Special Condition 2 requires that during the summer Art Festivals season (July and August), the City shall maintain 170 parking spaces at the ACT V site and served by a public shuttle.

Summer Festival Parking Plan

The City, Art-A-Fair, Festival of Arts and Sawdust Art Festival enter into an annual agreement establishing a parking plan for the summer festivals. This agreement includes fees for operating the ACT V parking lot and locations of parking spaces in the immediate Festival parking areas and trolley and bus services. Festival representatives, as well as the Laguna Beach Chamber of Commerce, Visitors Bureau, a City Council representative and staff meet as the “Festival Coordinating Committee” to discuss plans for each season and focus on parking, transit and budget issues. In general, any reduction in parking for the summer festivals is problematic.

Conclusion

A new project at the Village Entrance site requires a CDP, which is appealable to the Coastal Commission. In addition, the ACT V CDP will most likely need to be amended. Coastal staff will be concerned about the net effect of the project on existing visitor-serving facilities. If either access or public parking spaces are being reduced or negatively impacted, coastal staff will endeavor to rectify the City’s project to mitigate the negative impact to these visitor-serving facilities.

Montgomery, John CD

From: Montgomery, John CD
Sent: Tuesday, October 15, 2013 8:24 AM
To: Montgomery, John CD
Subject: FW: Question on Removal of parking

From: "Schwing, Karl@Coastal" <Karl.Schwing@coastal.ca.gov>
Date: October 14, 2013 at 4:09:05 PM PDT
To: "'Larson, Ann CD'" <alarson@lagunabeachcity.net>
Cc: "Vaughn, Meg@Coastal" <Meg.Vaughn@coastal.ca.gov>
Subject: RE: Question on Removal of parking

Hi Ann,

The Commission's concern with and authority related to parking comes from Chapter 3 of the Coastal Act, as follows:

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Section 30210 of the Coastal Act protect the publics' right to access the shoreline and water and recreational opportunities. Section 30252 of the Coastal Act requires that public access to the coast be maintained and enhanced by supplying adequate parking to support new development and by encouraging the use of public transit and non-automobile circulation to serve the transit needs of new development.

The City's own LCP also contains a number of policies that relate to the need to provide parking as well as non-automobile forms of transit to assist the public with visiting the coast. Your LCP also contains provisions related to supplying parking in the vicinity of the development it is intended to serve as well as the idea of utilizing remote parking. Have a look in the recently updated Land Use Element and in the Downtown Specific Plan. I found quite a few relevant policies there. Just search for the term

“parking”. There may be more specificity in the IP, but I can’t provide that info on such short turn-around.

Yes, the Commission’s willingness to change the amount of parking available to the general public and where that parking would be provided is all very context-specific. In some cases, like those where regional visitation is largely auto-dependent, the Commission has been concerned about any loss of public parking. In some other cases the Commission has been open to a parking program where a good balance of some amount of public parking remains where it is needed most (e.g. near the accessways/beach), with an additional pool of parking available elsewhere when higher demand calls for it. There would need to be a simple/easy/free or low-cost way of getting from that parking area to the beach, and other non-auto alternative forms of transit available, enhanced bike/pedestrian paths, etc. as well. The key is clearly demonstrating that the program would work well, and in fact improve (and not adversely affect) public access. Perhaps have a back-up plan if the parking management doesn’t work out as hoped.

At our last meeting, since we were talking about all of this in the context of the village entrance/corporate yard site, there may be other relevant conditions/requirements in the related coastal development permits. I haven’t been able to dig into those, but attached is a copy of the corporate yard findings. I would need to talk further with Meg about what else may be relevant (but she is out of the office today).

Karl Schwing
California Coastal Commission
South Coast Area Office/Long Beach
KARL.SCHWING@COASTAL.CA.GOV

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

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Date: December 13, 2006
Permit No: A-5-NPC-04-004



CORRECTED COPY
COASTAL DEVELOPMENT PERMIT

On **June 7, 2005**, the California Coastal Commission granted to **City Of Laguna Beach, Attn: John Pietig, Assistant City Manager** Coastal Development Permit **A-5-NPC-04-004**, subject to the attached Standard and Special Conditions, for development consisting of: **The applicant is proposing to construct a new municipal corporate yard (i.e. public works facility) to replace an existing facility downtown and a parking lot for corporate yard employees and public parking.** More specifically described in the application file in the Commission offices.

The development is within the coastal zone in Orange County at **1900 Laguna Canyon Road (Unincorporated), Newport Coast.**

Issued on behalf of the California Coastal Commission on December 13, 2006.

PETER DOUGLAS
Executive Director

By: *m/laughlin*
Title: Coastal Program Analyst

ACKNOWLEDGMENT

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part, that: "A public entity is not liable for injury caused by the issuance . . . of any permit . . ." applies to the issuance of this permit.

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 CAL. ADMIN. CODE SECTION 13158(a).

12/15/06 *John Pietig*
Date Signature of Permittee

Please sign and return one copy of this form to the Commission office at the above address.

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STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS:

1. **Public Parking**

- A. As proposed, the applicant shall construct and maintain a minimum of 207 public parking spaces at the subject site that shall be reserved for exclusive use by the general public (e.g. no Corporate Yard/employee parking). Public use of said parking shall be maximized and shall be available from July through August, at a minimum. The public parking at the subject site shall be available no less than one hour before the opening time of the earliest art festival and one hour after the closing time of the latest art festival. Additional on-site parking (i.e. in excess of the 207 public, on-site spaces) that is vacated by employees or other users shall be made available for public use, where feasible. In addition, the applicant shall provide shuttle service, available to the general public, from the subject site to the City's downtown, for the same time period.
- B. In addition to the 207 public parking spaces identified in part A of this condition, the applicant shall provide 190 new public parking spaces in the area of the existing City Corporate Yard and City Employee Parking lot consistent with the

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proposed Traffic and Parking Management Program, dated 3/23/2004, revised 4/11/2005. As proposed, these spaces shall be reserved for use by the general public at all times. The parking spaces shall be open and available for use by the general public prior to commencement of the first summer art festival season following the occupation of the buildings authorized by this coastal development permit. Any changes to the Traffic and Parking Management Program shall require an amendment to this permit unless the Executive Director determines that none is required.

- C. **Prior to issuance of the coastal development permit**, the applicant shall submit, for the review and approval of the Executive Director, evidence of approval of a coastal development permit or evidence that the development is exempt from permit requirements or otherwise does not require a coastal development permit for the construction of the 190 public parking spaces described in B above.

2. Public Art Festival Parking – Interim Impacts

Prior to construction and public availability of the new 190 public parking spaces proposed at the existing corporate yard site and City employee parking lot, the applicant shall maintain a minimum of 170 parking spaces at the ACT V site available to the general public for the duration of the Summer Art Festival season (at a minimum during the months of July and August). These public parking spaces shall be served by the public shuttle described in Special Condition 1.A. for the same time period. As necessary, construction activity at the ACT V site shall be modified, curtailed or halted to accomplish the previously cited goals of this special condition.

3. Signage Program

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, a plan for signage to advertise the availability of and direct the public toward use of the public parking authorized by this coastal development permit.
1. Plans shall identify all signs including location, dimensions, materials and colors, as well as sign text, size and orientation. All plans shall be of sufficient scale and detail to verify the location, size and content of all signage, during a physical inspection of the premises.
 2. The plan shall incorporate signs that identify the location of public parking, duration of parking allowed, cost, hours of operation of the parking lot, and the availability of public shuttle service, in conformance with the requirements of Special Condition 1 of this permit.
- B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to

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the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. Fuel Modification

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, a revised fuel modification plan that reflects the revisions made to the corporation yard facilities depicted on the plan titled Revised Site Plan and Building Study, 2005 – Revised City of Laguna Beach Public Parking & Corporation Yard, dated 3/18/05. As proposed, no more than 1.44 acres of coastal sage scrub, at a minimum, shall be impacted by fuel modification, including vegetation thinning, clearance and plant palette controls.

1. Plant species within the fuel modification area shall be those that are native and appropriate to the habitat type but acceptable to the relevant fire authority for fuel modified zones.
2. The final fuel management plan shall have received final approval from the relevant fire authority and the submittal shall include written evidence of said approval.
3. Proposed and future development shall conform to the requirements of the approved final fuel management plan.
4. The final fuel management plan shall include a statement that any future changes to the plan, including any changes required by the relevant fire authority or other resource agencies, shall be reported to the Executive Director of the Coastal Commission, and shall require an amendment to this permit or a new coastal development permit prior to implementation of those changes unless the Executive Director of the Coastal Commission determines that no amendment or new permit is required.

B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

5. Lighting

Exterior night lighting shall be shielded and directed so that light is directed toward the ground and away from sensitive biological habitat.

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6. Water Quality

- A. The permittee shall undertake development in accordance with the approved Water Quality Management Plan (WQMP), dated 4/1/04, revised 4/15/05, prepared by Fuscoe Engineering. In addition to the specifications in the WQMP, the applicant shall evaluate options for additional source control and treatment control of polluted runoff from the vehicle maintenance paved parking area prior to discharge to the storm drain system and CDS Unit. Best management practices (BMPs) for pre-treatment of runoff before it enters the storm drain system and CDS Unit shall be implemented, if determined to be feasible with respect to the structural integrity of the parking area. The WQMP shall be updated to include additional source control and treatment control BMPs, if applicable, and the updated WQMP shall be submitted for review and approval of the Executive Director prior to issuance of the permit. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.
- B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

7. General Construction Responsibilities

- A. The permittee shall comply with the following construction-related requirements:
 1. Prior to commencement of any work approved by this permit, a temporary barrier or work area demarcation (such as but not limited to flagging, staking or plastic mesh fencing) shall be placed between the construction areas and off-site habitat area. All temporary flagging, staking, fencing shall be removed upon completion of the development. No grading or construction shall occur beyond the limits of the project as identified on the plan titled Revised Site Plan and Building Study, 2005- Revised City of Laguna Beach Public Parking & Corporation Yard, prepared by Peyo & Associates, dated 3/18/2005.
 2. Any inadvertent impacts to the adjacent park and habitat area outside Planning Area 20A by the proposed development shall be reported to the Executive Director within 24 hours of occurrence and shall be mitigated. Such mitigation shall require an amendment to this permit or a new permit unless the Executive Director determines that no amendment or new permit is required.

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3. No construction materials, debris, or waste shall be placed or stored where it may encroach upon adjacent park or habitat areas or enter any drainage;
 4. Construction materials, chemicals, debris and sediment shall be properly contained and secured on site to prevent the unintended transport of material, chemicals, debris, and sediment into habitat areas and coastal waters by wind, rain or tracking. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of construction-related materials, and to contain sediment or contaminants associated with construction activity, shall be implemented prior to the on-set of such activity. BMPs selected shall be maintained in a functional condition throughout the duration of the project. A pre-construction meeting shall be held for all personnel to review procedural and BMP/GHP guidelines.
 5. Disposal of debris and excess material. Debris and excess material shall be disposed or recycled at a legal disposal/recycling site. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is required. No debris or excess material shall be placed on or within adjacent park or habitat areas.
 6. Debris and sediment shall be removed from the construction areas as necessary to prevent the accumulation of sediment and other debris which may be discharged into habitat areas and coastal waters.
 7. Any and all debris resulting from construction activities shall be removed from the project site within 7 days of completion of construction.
- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a revised site access, staging, work area and equipment storage plan(s) which conforms with the requirements of subsection A.1 through A.7 of this special condition. The permittee shall undertake development in accordance with the approved final plan(s). Any proposed changes to the approved final plan(s) shall be reported to the Executive Director. No changes to the approved final plan(s) shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

8. Regional Water Quality Control Board Approval

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, applicant shall provide to the Executive Director a copy of a permit issued by Regional Water Quality Control Board, or letter of permission, or evidence that no permit or permission is required. The applicant shall inform the Executive Director of any changes to the project required by the Regional Water Quality Control Board. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

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9. Abandon Local Coastal Development Permit PA97-0163

- A. By acceptance of coastal development permit A-5-NPC-04-004, the applicant agrees to abandon any and all rights and entitlements that may exist pursuant to local coastal development permit PA97-0163 approved by the County of Orange or any effort to finalize that permit or make it effective by pursuing authorization from the Coastal Commission through the appeal of that local permit, under Coastal Commission File number A-5-NPC-03-536.
- B. **Prior to issuance of the coastal development permit**, the applicant shall submit, for the review and approval of the Executive Director, written evidence that PA97-163 and appeal A-5-NPC-03-536 have been abandoned.

10. Final Project Plans

- A. **Prior to issuance of the coastal development permit**, the applicant shall submit, for the review and approval of the Executive Director, final project plans that substantially conform with the plans submitted to the Commission, titled 2005 – Revised City of Laguna Beach Public Parking & Corporation Yard Revised Site Plan & Building Study, dated 03/18/2005 and with all of the special conditions of this coastal development permit. Final project plans include, but are not limited to, site plans, floor plans, grading plans, elevations, landscaping and fuel modification plans.
- B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

11. Revised Landscape Plan

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, two (2) full sized sets of a revised planting plan prepared by an appropriately licensed professional which demonstrates the following:
 - (1) The subject site will be planted and maintained to protect adjacent habitat. To minimize the likelihood that native plants in the adjacent habitat will be displaced, landscaping shall consist of native non-invasive plant species that are appropriate to the natural habitat type. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant

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species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be utilized within the property;

- (2) All planting will be completed within 60 days after completion of construction;
- (3) All required plantings will be maintained in good growing condition through-out the life of the project, and whenever necessary, will be replaced with new plant materials to ensure continued compliance with the landscape plan;

B. The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

12. Future Development

This permit is only for the development described in Coastal Development Permit No. A-5-NPC-04-004. Pursuant to Title 14 California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(b) shall not apply to the development governed by Coastal Development Permit No. A-5-NPC-04-004. Accordingly, any future improvements to the development authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require an amendment to Permit No. A-5-NPC-04-004 from the Commission or shall require an additional coastal development permit from the Commission.

13. Local Government Approval

This action has no effect on conditions imposed by a local government pursuant to an authority other than the Coastal Act, including the terms and conditions of the PA03-0047. In the event of conflict between the terms and conditions imposed by the local government and those of this coastal development permit, the terms and conditions of Coastal Development Permit A-5-NPC-04-004 shall prevail.

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14. Deed Restriction

PRIOR TO ANY CONVEYANCE OF THE PROPERTY THAT IS THE SUBJECT OF THIS COASTAL DEVELOPMENT PERMIT, the permittee shall submit to the Executive Director for review and approval documentation demonstrating that the landowner has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.