

**Chel, Lisette CC**

**From:** Johnson, Christa CM  
**Sent:** Thursday, December 03, 2015 3:55 PM  
**To:** Chel, Lisette CC; Pfof, Greg CD; Jung, Wendy CD; Larson, Ann CD; Pietig, John CM  
**Cc:** Brissinger, Ashley AS  
**Subject:** Documents for tonight's meeting  
**Attachments:** GAC Recommendations 11-17-15.docx; LBCC Parking Recommendations.docx

**Importance:** High

These just in from the Chamber of Commerce for tonight's joint meeting. Lisette, can you distribute them to the City Council and Planning Commission or does CDD staff need to distribute to the PC?

Thank you, Christa

*Christa Johnson*  
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**From:** Laura Henkels [mailto:laura@lagunabeachchamber.org]  
**Sent:** Thursday, December 03, 2015 3:44 PM  
**To:** Johnson, Christa CM <cjohnson@lagunabeachcity.net>  
**Subject:** Documents for tonight's meeting

Hi Christa,

Attached are the documents we would like to submit for tonight's meeting.

Thank you so much.

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All the best,

Laura Ann Henkels  
Executive Director

**Laguna Beach Chamber of Commerce....Your First Call!!!**  
**Laguna Beach Chamber of Commerce & Civic Association**  
 357 Glenneyre Street  
 Laguna Beach, CA 92651  
 (949) 494-1018

## SECTION V: LAND USE DISTRICTS

### **Introduction**

Downtown Laguna Beach has distinct geographic areas that contribute to the diversity and character of the City as a whole. The intent of the Downtown Specific Plan is to promote, preserve and enhance these areas by creating special Land Use Districts that provide for the particular land uses and development standards appropriate for each area. These development regulations are intended to implement the goals and policies of the Specific Plan text (Section III). The goals and policies, together with the Downtown Design Guidelines and the development standards contained herein, form the development regulations for the Specific Plan area. All other ordinances and sections of the Laguna Beach Municipal Code shall also apply to the Downtown Specific Plan Area, unless such standards are inconsistent with the provisions of the Specific Plan, in which case the Specific Plan shall apply. Title 25 of the Municipal Code (Zoning) is referenced throughout this Chapter as supplemental development standards. The Specific Plan Area is composed of the following Land Use Districts, which are demarcated on the Land Use Districts Map.

CBD Downtown Commercial

Civic Art District

CBD Central Bluffs

CBD Multiple-Family Residential

CBD Office

CBD Public Parks

## CBD DOWNTOWN COMMERCIAL

**Intent and Purpose** A major portion of the downtown provides a balance of resident- and visitor-serving businesses. Preservation of this balance will ensure an economically viable downtown attractive to year-round residents, as well as summertime visitors. The intent and purpose of this District is to maintain a proper mix of resident- and visitor-serving businesses.

**Uses Permitted** Buildings, structures and land shall be used and building and structures shall hereafter be erected, designed, structurally altered or enlarged only for the following uses. Those uses denoted with an asterisk (\*) cannot be classified as a formula-based business as defined in the General Provisions of this Specific Plan.

1. Art galleries, provided that a substantial portion of the merchandise shall be original or numbered limited edition artwork
2. Bakeries
3. Banks, financial offices
4. Bookstores and magazine sales
5. Camera sales and processing
6. Clothing stores\*
7. Drug stores/pharmacies
8. Dry cleaning/laundry facilities that utilize a closed cycle, dry-to-dry technology which meets the latest permissible exposure level standards for typical compounds of the federal and/or state government, whichever is more restrictive
9. Florists and flower stands
10. Food establishments with off site preparation of food; heating allowed on site\*
11. Furniture sales
12. Home accessories
13. Jewelry stores\*
14. Ice-cream stores/confectionaries
15. Institutional uses, including but not limited to churches, schools, libraries, and municipally owned or operated buildings
16. Markets, grocery stores and health food stores, with the exception that the sale or dispensing of alcoholic beverages for off-premises consumption in establishments which are 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
17. Music studios
18. Music/record stores
19. Offices (only when located on the second floor)
20. Packaging and postal services
21. Recreational facilities
22. Residential uses (excluding time-shares) subject to the following: There shall be no more than one dwelling unit for each 2,000 square feet of lot area; however, historically significant houses which appear on the City's historical resource inventory may add residential units at a density of one unit per 1,000 square feet of lot area, provided the historic structure is preserved. Residential density credits shall be based on the lot size on which the structure is

located and shall not include adjoining parcels or lots under the same ownership; these residential density credits shall not apply if the historically significant building is demolished.

23. Retail supply stores, including but not limited to yardage, hardware, auto parts, plumbing, appliances, paint and glass, garden supplies, art supplies, etc., with no open storage of materials or equipment
24. Shoe stores
25. Theatres

**Uses Permitted Subject to a Temporary Use Permit** Temporary uses may be permitted subject to the provisions of Section 25.05.035. In addition, the following uses may be permitted subject to a Temporary Use Permit:

1. Seasonal specialty stores within buildings, limited to not more than forty-five consecutive days duration
2. Art and handicraft shows (either within buildings or out-of-doors) limited to not more than three consecutive days duration

**Uses Permitted Subject to a Conditional Use Permit** The following uses may be permitted subject to the granting of a Conditional Use Permitted as provided for in Chapter 25.05 .030 and subject to the general and special findings of the Specific Plan. Those uses denoted with an asterisk (\*) are classified as a formula-based business as defined in the General Provisions of this Specific Plan and must meet the Special Findings for such a business as noted in this Specific Plan.

1. Automobile parking lot
2. Clothing stores\*
3. Establishments for the on-premises consumption of alcoholic beverages and entertainment, provided that such establishment also provides full food service
4. Full-service/take-out restaurants, with indoor and/or outdoor seating, serving of alcoholic beverages and entertainment only as authorized under the Conditional Use Permit
5. Hotels and motels, excluding those devoted to time-share uses, limited to one room or suite for each six hundred square feet of land area. No added residential density shall be allowed. Hotel units may include kitchen facilities when approved as part of a conditional use permit. The conditional use permit shall formally establish the number of units permitted to have kitchen facilities and the permitted type and extent of kitchen facilities. All hotel units may include refrigeration facilities
6. Jewelry stores\*
7. Massage establishments
8. Medical offices and clinics
9. Mixed commercial/residential uses as an integral part of a commercial development, subject to the following standards: a) Residential uses shall be limited to the second floor b) There shall be no more than one dwelling unit for each 1,000 square feet of lot area
10. Offices on the ground floor
11. Personal service shops, including but not limited to barber shops, beauty salons, tanning salons, nail salons, etc.

12. Pet grooming and supplies stores, excluding overnight boarding of animals
13. Retail sales that contribute to the diversity and character of the downtown, with the exception that the sale or dispensing of alcoholic beverages for off-premise consumption in establishments which are 5,000 square feet or less in size, or sell alcoholic beverages as its principal business, shall be prohibited within two hundred yards of Main Beach
14. 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 use listed above

**Property Development Standards** See the General Provisions Section of this Specific Plan for the development standards.

*Note: The Chamber of Commerce would like to have the concept of "formula based businesses" in its current form removed and revised so that successful, established businesses that can efficiently serve the resident population can feel welcome to have a presence in Laguna.*

**From the existing Downtown Specific Plan:**

**Formula-based Business.**

~~A formula-based business means a use or business which offers merchandise and/or services using a formulaic or mass-marketing approach. All business or store locations are identifiable through standardized architecture, storefronts, merchandise and/or services, store layout and decor, signs, uniforms or other similar features.~~

**Special Findings, Formula-based Business.**

~~The following special findings are required for formula-based businesses:~~

- ~~1. The business offers merchandise and/or services that serve the current unmet needs of the resident population.~~
- ~~2. Although the formula-based business may have other store locations throughout the country, state or region, the business will enhance the destination quality of the Downtown Specific Plan area and not exhibit a local/regional saturation.~~
- ~~3. Both exterior and interior appearance and presentation of the business is compatible with the existing scale of development, distinctive architecture and pedestrian orientation of the established village character~~

**LBCC Parking Recommendations:**

- 1) Adopt the parking code used by Carmel-by-the-Sea for commercial projects:

<http://www.codepublishing.com/CA/CarmelbytheSea/mobile/?pg=Carmel17/Carmel1738.html#17.38.040>

| Land Use  | Basis for Requirement  | Land Use District Parking Factors |    |    |    |
|---|--|-----------------------------------|----|----|----|
|   |  | CC                                | SC | RC | R4 |
| Commercial Retail or Service Uses Not Otherwise Specified in This Table | Spaces per 600 Square Feet of Commercial Floor Area or per Business/Shop Space, Whichever is Greater | 1                                 | 1  | 1  | 1  |

*Parking Adjustment In-Lieu Fees. The Planning Commission may authorize the satisfaction of parking requirements through the granting of a use permit and the payment of in-lieu fees when on-site parking is not practical or when on-site parking is prohibited by City policies. Parking adjustments shall not decrease the number of parking spaces required by this chapter. The practicality of providing parking on-site shall be evaluated by using the criteria set forth in subsection (B)(2) through (B)(4) of this section. Standards for participation in the in-lieu fee program are established in CMC 17.38.040, Parking In-Lieu Fee Program. Applicants for use permits authorizing the use of in-lieu fees to adjust on-site parking shall also demonstrate both of the following:*

1. *The parking for which the adjustment is sought is not required for serving hotel or motel uses.*
2. *The applicant has diligently pursued meeting the parking requirements both on-site and off-site, but has been unsuccessful in meeting the requirement, or that the site is located within the central commercial (CC) land use district where on-site parking is prohibited. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).*

...

*B2. The project site for which the parking requirement applies is 5,000 square feet or less in size and has less than 50 feet of street frontage.*

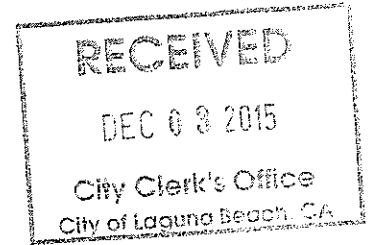
*B3. The construction of required driveway(s) for on-site parking would result in the excessive loss of curb parking on street.*

*B4. The topography, size, shape or peculiar conditions of the site or the existing development on the site would make the provision of on-site parking impractical.*

- 2) Allow the purchase of in-lieu parking in areas outside DTSP. Other areas in Laguna Beach could be considered parking hardship areas like the Downtown. The in-lieu parking fees should be used for improvements in the hardship area for which they are collected.
- 3) Create an alternative to in-lieu parking that allows for purchase of spaces by annual contribution to a transit fund.
- 4) Develop publicly owned, centralized parking facilities, throughout the City, financed through in lieu parking fees and parking receipts. These facilities alleviate the need for individual projects to provide parking on-site - a difficulty in many areas of Laguna Beach.

- 5) Give credit for innovative parking solutions. Example - mechanical parking, shuttle services, shared parking.
- 6) With the availability and success of the trolley system, parking requirements throughout the City should be reduced.
- 7) De-couple parking from use in the Downtown and treat the entire area like a mall where people will park in one space and walk around. This is task 2.4 in the MIG DSP Update Scope of work. (Update?)

DRAFT



December 3, 2015

Dear City Council and Planning Commission,

After review of the retail- use memos and recommendations for retail and commercial uses and conditional use permits, we have the following observations and comments:

*We generally agree*

- that identification of certain permitted uses, with an emphasis on resident-serving ones, could serve as an incentive and reduce the need for CUPs.
- that fees should be reduced for resident-serving businesses.
- that we need a building maintenance ordinance.
- that simplifying the approval process might help to reduce uncertainty.
- that specific saturation levels should be established for problematic uses that could over proliferate.

*We'd like more information about the following:*

What is "alcohol + one," and how would this use affect the retail mix? What is the problem it is intended to solve?

Have the survey results, particularly those critical of the current process, been reality-tested? It's said that the CUP "could potentially be impacting the economic vitality of Downtown," but where is the evidence that it is? On the contrary, the downtown is said to have many strengths (p. 34) and to be "one of the most vibrant and pedestrian-friendly downtowns out of the five communities examined" (p. 14).

What criteria were used in selecting the retail cities analyzed? Should Carmel and Malibu have been included? How can annual sales be compared with Newport's, where people are buying boats? What might we learn from Carmel's experience with managing its retail mix?



How is the use of the CUP process in the current plan “inconsistent with how the CUP process should be used according to the Laguna Beach Municipal Code”? The code (25.05.030) says that the purpose of the CUP process is to allow uses to be “modified to the extent that they can be made compatible and harmonious with adjacent uses” and consistent with the General Plan.

How do we maintain “a balanced retail mix that also allows for flexibility of business types” while streamlining and in some cases eliminating the need for the CUP process?

How will formula-based businesses be addressed, particularly with respect to the recommendation to modify Topic 3, Policies 6 and 8?

What mechanism will be used to maintain the retail and food use mix with the proposed modification of Topic 3, Policies 9 and 10?

What outdoor noise level is suggested to replace the current requirement of 60 decibels as required in Topic 3, Policy 15?

How will entertainment uses be controlled with the proposed modification of Topic 3, Policies 16 and 17?

*Finally, we have the following concerns:*

That combining the CBD-1 and the CBD-2 zones could reduce the number of resident-serving businesses by eliminating an area designed to be a refuge for these uses.

That encouraging more food-related uses could drive out retail uses and dramatically change the retail mix, especially since the proposed new use for food service that does not require a kitchen would be going into former retail spaces rather than former traditional food service spaces.

That an administrative use permit process would be a needless complication if certain uses were simply permitted.

That rather than eliminating the parking lots on Ocean Avenue, we should be examining ways to beautify them and to implement design features and appropriate peripheral uses that will better integrate them into the downtown ambience.

That the Central Bluffs should be considered as part of comprehensive recommendations, since they affect the retail and entertainment mix.

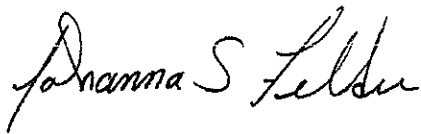
That changes to the current methods of handling formula-based businesses could negatively impact the character of the downtown.

That key policies that should be preserved weren't identified at the beginning of the revision process.

That the proposed schedule does not appear to provide sufficient opportunity for public response to Sections III and IV (Issue Statement and Policies and Urban Design) of the document.

We appreciate the opportunity to raise these concerns and hope that you'll address them.

Sincerely,

A handwritten signature in black ink that reads "Johanna S. Felder". The signature is written in a cursive style with a large initial 'J' and 'F'.

Johanna Felder

President Village Laguna