

April 9, 2003

**Honorable Chairman and Members of the
Hermosa Beach Planning Commission**

**Regular Meeting of
April 15, 2003**

SUBJECT: PROPOSED GENERAL PLAN UPDATE & LOCAL COASTAL PROGRAM STATUS

GENERAL PLAN UPDATE

Recommendation:

That the Planning Commission receive and file this report.

Background:

On March 18, 2003 the Planning Commission directed staff to proceed with a public notice inviting the public to participate in drafting the scope of work for the proposed General Plan Update. The work scope is used in preparing a request for proposal (RFP) to be issued to qualified planning consultants to prepare the Update. The Commission expressed interest in a detailing the work scope and involving the public in order to provide direction and to reduce time and eliminate unnecessary work on the document.

Analysis:

Staff has obtained cost estimates for the proposed citywide public mailing as the first step in the RFP process. Since the General Plan Update is a costly undertaking and since the City Council has expressed interest in Updating the General Plan subject to funding availability, the Council must be apprised of the mailing and Commission direction. Staff will prepare a report for the April 22, 2003 meeting of the City Council. Following receipt of that report and based on the direction of the City Council, staff will proceed with the mailing.

LOCAL COASTAL PROGRAM UPDATE

Background:

The California Coastal Act requires that each city prepare a Local Coastal Program consisting of a Local Coastal Plan (LCP) and Local Implementation Plan (LIP) for approval by the California Coastal Commission in order to obtain local permit authority for projects within the coastal zone. On May 9, 2000 the City Council reviewed and approved the City's Local Coastal Plan and Implementation Plan for submittal to the Coastal Commission. The City has prepared four versions of the LCP; one preliminary draft and three final drafts. Each of the documents was reviewed and discussed at length with Commission staff, with the intent of resolving differences. However, after two and one-half years of meetings on these differences regarding the LCP, staff has determined that it is not possible to satisfactorily resolve them. Therefore, staff recommends that the Council review the documents, and authorize their submittal for Coastal Commission hearing without further modification. The City currently has a grant for preparing the LCP which will largely be completed with final submittal of these documents. On February 25, 2003 staff presented a status report to The City Council and was directed to proceed with the LCP as originally drafted in 2000.

Analysis:

The City submitted three revised Local Coastal Programs to the Coastal Commission. Upon review of the latest revised draft document, the Commission staff made numerous additional changes which are described below:

1. Water Quality Ordinance Applied to the Coastal Zone. Coastal staff required changes to the City's storm water regulations and the entire storm water ordinance reproduced in the LIP. Coastal staff also want sections of the Coastal Act referenced in the LIP similar to the City of Malibu LCP.
2. The City's draft LCP and LIP already includes water quality requirements by reference to Chapter 8.44 of the City's Municipal Code. Staff believes that instead of reproducing them in their entirety in the coastal plan, they should be included by reference only. The City has a compliant water quality ordinance in the Municipal Code and it is redundant to place the entire water quality ordinance in the LIP. The City's water quality ordinance was recently amended to comply with the very stringent 2002 NPDES permit adopted by the Regional Water Quality Board. The ordinance does not need to be revised further by the Coastal Commission. Furthermore, if all of the City's water quality ordinances are placed in the LCP, then every time the Regional Board amends the NPDES permit or the permit requires adoption of amendments to our ordinance, it will be necessary to engage in the time consuming task of also amending the LCP with public hearings at Planning Commission, City Council and the Coastal Commission. The City could be out of compliance with NPDES requirements due to the length of the review and hearing process. In addition, two-thirds of the City is not in the Coastal Zone and the City may have different and potentially conflicting requirements with two sets of water quality regulations applicable within and outside of the Coastal Zone.
3. Temporary Events in the Coastal Zone. Coastal staff wants the City to include a temporary events ordinance in the LIP and the requirement to issue a Coastal Development Permit for temporary events. The Commission staff want the policy amended and reproduced as part of the LIP. The Commission staff assert that the temporary events section in the LIP is inadequate and must clarify inconsistency between an 8 day guideline for events and the 14 day guideline in the Municipal Code and that the City must set a separate threshold for time sensitive events between Memorial Day and Labor Day with notification to the California Coastal Commission and the Los Angeles County.
4. The City's draft LIP includes reference to the City's current policy and a proposed Ordinance. The temporary events policy was recently approved by Council and a draft ordinance has been prepared for City Council approval. Furthermore, the City does not have special events which last over 8 days in the period between May to September and some events are outside of the Coastal Zone. The LIP provides that "The City Council shall adopt an annual calendar of major Temporary/Special Events on or before March 31 of every year." (Please see attached draft ordinance.)
5. Parking in the Coastal Zone. Coastal staff want the City to provide annual tracking for parking supply in the downtown to provide a count of all on-street and off-street parking.

The City does not need to identify all on-site and off-site parking in the downtown and the rest of the coastal zone relative to the LIP. The LIP provides for an in-lieu parking program up to 100 spaces. Upon issuance of 100 in lieu parking spaces, the City is required to construction new parking. There is no reason to annually count parking and provide this count to the Commission, since the City may simply identify the number of in-lieu parking spaces approved annually to comply with the 100 space threshold. The tracking of in-lieu approvals (though discretionary permits and the City's annual budget) is far easier than annually surveying all of the parking in the coastal zone.

6. Categorical Exclusions will not be accepted in the draft LCP and LIP. The Commission staff will not include a section in the LIP providing for exclusions from the requirement to obtain a coastal development permit for single family dwellings. Currently, single family development is exempt from the requirement for discretionary permits if the project is consistent with the requirements of the City's Municipal Code. Approximately one-half of the City is located in the Coastal Zone and approximately one-third of this area is comprised of single family zoned property, which will be subject to discretionary review by the City if it is not excluded from coastal development permit requirements. The City has argued that this is an unreasonably burden on single family zoned property which is currently subject only to a waiver requirement for a coastal development permit. (ie. the owner must apply to Coastal Commission and the permit requirement is waived.) If the Commission recommendations are enacted, the City will be responsible for preparing a public notice and conducting a hearing for development on such property.

The City's original draft LIP provided for coastal development permit exclusions for single family development not located within the "appealable" area and was redrafted to include a reserved section in the plan for eventual inclusion of such exclusions. The Coastal staff rejected even the reference to a section in the LIP reserved for Categorical Exclusions. Commission staff have required that the City request such exclusions at a later date which they may or may not accept. Recently they have rejected categorical exclusions in the Manhattan Beach and the Redondo Beach LCPs.

Staff believes that the above requirements are unreasonable and that the LCP should be presented to the Coastal Commission as prepared without further revision. The City has participated in good faith and made many adjustments to accommodate Coastal staff. Ultimately, the decisions regarding approval of the LCP resides with the Coastal Commission, not staff, and the document presented is consistent with the Coastal Act and the direction of the City Council. Pursuant to Council direction, staff is resubmitting the LCP to Coastal Commission as originally prepared.

Sol Blumenfeld, Director
Community Development Department