

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Long Beach, CA 90802-4302
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Filed: 12/30/03
1/6/04
49th Day: waived
2/24/04
Staff: MV-LBN
Staff Report: 1/29/04
Hearing Date: 2/18-20/04

**RECORD PACKET COPY****W9b & c**

STAFF REPORT: APPEAL
SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: County of Orange
Newport Coast Planning Area

LOCAL DECISION: Approval with Conditions

APPEAL NUMBERS: A-5-NPC-03-536
A-5-NPC-04-004

APPLICANT: City of Laguna Beach

PROJECT LOCATION: 1900 Laguna Canyon Road, Newport Coast, Orange County

PROJECT DESCRIPTION: Appeal by the Laguna Canyon Conservancy from
A-5-NPC-03-536 decision of County of Orange granting permit to City of Laguna Beach to establish a city public works/maintenance yard on an 8.5 acre site located in Planning Area 20A.

A-5-NPC-04-004 Appeal by Commissioners Iseman and Wan from decision of County of Orange granting permit to City of Laguna Beach to construct a new City of Laguna Beach municipal corporate yard (to replace the existing facility downtown) and periodic public "festival" parking. The proposal includes: two maintenance/storage/office buildings totaling 20,245 sq. ft., (including such uses as vehicle repair, fleet fueling, street sweeper clean-out, and vehicle washing) with 60 parking spaces for City vehicles only; a separate parking area for up to 190 supervised shared spaces (173 unsupervised spaces) for corporate yard employee/visitor parking and periodic public "festival" parking.

APPELLANTS: Laguna Canyon Conservancy (A-5-NPC-03-536)
Commissioners Wan and Iseman (A-5-NPC-04-004)

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission, after public hearing, determine that a **SUBSTANTIAL ISSUE** exists with respect to the grounds on which the appeal has been filed. The appellants contend that the project approved by the County is inconsistent with policies regarding transportation/circulation, in the certified Local Coastal Program. As described in the findings of the report, the project approved by the County does not include a traffic management program as specifically required by Policy 20 of the LCP. In addition, the LCP policy that requires a traffic management program specifically encourages measures such as rideshare programs, increasing the frequency and range of public transit, and setting aside preferred parking for people who share rides. Although the subject site currently provides these preferred uses, the County's approval does not assure the continuation of these measures. Thus, the locally approved development does not conform to the County of Orange Newport Coast certified Local Coastal Program (LCP). The inconsistency with the LCP raises concerns with regard to a significant coastal resource, public access, on a regional scale. Therefore, staff is recommending that the Commission find that a substantial issue exists with respect to the grounds upon which the appeals were filed.

The motion to carry out the staff recommendation is on pages 6 and 7.

SUBSTANTIVE FILE DOCUMENTS:

County of Orange Newport Coast Certified Local Coastal Program.
Appeal of Laguna Canyon Conservancy
Appeal of Commissioners Wan & Iseman
County Permit Record for PA97-0163
County Permit Record for PA03-0047

I. APPELLANTS' CONTENTIONS

Summary of Appeal Contentions of the Laguna Canyon Conservancy:
A-5-NPC-03-536

- 1) The project approved by the County is inconsistent with the City of Laguna Beach certified LCP in that the City's LCP requires use of the site for public parking as part of the City's Summer Festival Parking Agreement.
- 2) The project approved by the County is inconsistent with the transportation and circulation policies of the Newport Coast LCP, specifically with policies 20 and 21. Policy 20 specifically requires that the coastal development permit include a traffic management program, and that such was not included in the County's

approval. In addition, the County's approval limits the number of public parking spaces available at the subject site which severely limits the frequency, range, and usefulness of the public shuttle system that historically uses the subject site as a pick up point for remote parkers, inconsistent with Policy 20(g).

- 3) The City of Laguna Beach [as applicant] has not complied with the requirements of Policy 21. Consequently, the County has approved a coastal development permit without any alternatives analysis for potential transportation impacts, alternative maintenance facility locations, or provisions for bus parking and storage.
- 4) The County's approval of the project is inconsistent with Section 30210 of the Coastal Act which requires that public access to the coast be maximized. The project approved by the County would result in fewer parking spaces available to the general public at a remote lot served by a free public shuttle system. This reduction in public parking adversely impacts visitor-serving retail and entertainment uses in the City's downtown area, and also adversely impacts visitors to the beach, both of whom would be able to park at the subject site if the public parking spaces were maintained.

Summary of Appeal Contentions of Commissioners Wan & Iseman:

A-5-NPC-04-004

The project approved by the County is inconsistent with the Transportation/Circulation policies of the certified LCP.

The coastal development permit approved by the County is required to be accompanied by a description of specific traffic management program measures. The traffic management program measures to be considered for inclusion in the program include encouraging and assisting in the formation of rideshare groups, setting aside preferred parking for people who share rides, and encouraging increased frequency and range of public transit.

The subject site has been recognized in the past by the Commission as a public parking reservoir (in the City of Laguna Beach's certified LCP). Although the project description includes "visitor parking" and "periodic public 'festival' parking," no details regarding how many parking spaces will remain available for public use or for what time period are included in the County's approval. Without these details, there is no assurance that the project will be consistent with the Transportation/Circulation policies of the certified LCP.

II. LOCAL GOVERNMENT ACTION

Local Coastal Development Permit No. PA97-0163 was approved by the Orange County Planning Commission on May 6, 1998. The subject site was erroneously believed by the County to be in a non-appealable area of the coastal zone. The County was subsequently informed by Commission staff that the site is subject to the appeals jurisdiction of the Coastal Commission. At that time the County sent the Notice of Final Action to the Commission's South Coast District office, where it was received on December 15, 2003. The appeal period for PA97-0163 began on December 16, 2003 and ran through December 30, 2003. An appeal of local coastal development permit PA97-163 was received from the Laguna Canyon Conservancy on December 30, 2003 (see exhibit C), within the allotted ten working day appeal period.

Local Coastal Development Permit No. PA03-0047 was approved by the Orange County Board of Supervisors on December 16, 2003. The Notice of Final Action was received in the Commission's South Coast District office on December 19, 2003. The appeal period for PA03-0047 began on December 22, 2003 and ran through January 6, 2004. An appeal of local coastal development permit PA03-0047 was received from Commissioners Wan and Iseman on January 6, 2004 (see exhibit D), within the allotted ten working day appeal period.

III. APPEAL PROCEDURES

After certification of Local Coastal Programs, the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits. Developments approved by cities or counties may be appealed if they are located within the appealable areas, such as those located between the sea and the first public road paralleling the sea, or within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of a coastal bluff. Furthermore, developments approved by counties may be appealed if they are not a designated "principal permitted use" under the certified LCP. Finally, any local government action on a proposed development that would constitute a major public work or a major energy facility may be appealed, whether approved or denied by the city or county. [Coastal Act Section 30603(a)].

Section 30603(a)(2) of the Coastal Act establishes the project site as being in an appealable area because it is located within 100 feet of a stream.

Section 30603 of the Coastal Act states, in part:

- (a) After certification of its Local Coastal Program, an action taken by a local government on a Coastal Development Permit application may

be appealed to the Commission for only the following types of developments:

- (1) Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.
- (2) Developments approved by the local government not included within paragraph (1) that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.

The grounds for appeal of a local government action approving a Coastal Development Permit for development in the appealable area are stated in Section 30603(b)(1), which states:

- (b)(1)The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program or the public access policies set forth in this division.

The action currently before the Commission is to find whether there is a "substantial issue" or "no substantial issue" raised by the appeal of the local approval of the proposed project. Section 30625(b)(2) of the Coastal Act requires the Commission to hold a de novo hearing on the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds for appeal.

If Commission staff recommends a finding of substantial issue, and there is no motion from the Commission to find no substantial issue, the substantial issue question will be considered moot, and the Commission will proceed to the de novo public hearing on the merits of the project. The de novo hearing may be scheduled at the same hearing or a subsequent Commission hearing. A de novo public hearing on the merits of the project uses the certified LCP as the standard of review. In addition, for projects located between the first public road and the sea, findings must be made that any approved project is consistent with the public access and recreation policies of the Coastal Act. Sections 13110-13120 of the California Code of Regulations further explain the appeal hearing process.

If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have an opportunity to address whether

the appeal raises a substantial issue. The Chair will set the time limit for public testimony at the time of the hearing. As noted in Section 13117 of the California Code of Regulations, the only persons qualified to testify before the Commission at the substantial issue portion of the appeal process are the applicants, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing.

Upon the close of the public hearing, the Commission will vote on the substantial issue matter. It takes a majority of Commissioners present to find that no substantial issue is raised by the local approval of the subject project.

If the appeal is found to raise a substantial issue, at the de novo hearing, the Commission will hear the proposed project de novo and all interested persons may speak. The de novo hearing will occur at a subsequent meeting date. All that is before the Commission at this time is the question of substantial issue.

IV. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

A-5-NPC-03-536

MOTION: I move that the Commission determine that Appeal No. A-5-NPC-03-536 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.

STAFF RECOMMENDATION:

Staff recommends a **NO** vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

RESOLUTION TO FIND SUBSTANTIAL ISSUE:

The Commission hereby finds that Appeal No. A-5-NPC-03-536 presents a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

A-5-NPC-04-004

MOTION: I move that the Commission determine that Appeal No. A-5-NPC-04-004 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.

STAFF RECOMMENDATION:

Staff recommends a **NO** vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

RESOLUTION TO FIND SUBSTANTIAL ISSUE:

The Commission hereby finds that Appeal No. A-5-NPC-04-004 presents a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

V. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description

A-5-NPC-03-536

The project approved by the County includes establishment of a city public works facility including vehicle maintenance, vehicle wash and storage, fuel dispensing; work shops; city solid waste transfer station; offices; public park and ride/local shuttle facilities; three proposed buildings with a total square footage of 21,440 square feet; fuel modification program, creation of a single point of access to accommodate acceleration and deceleration needs of vehicles traveling on Laguna Canyon Road; a City tram stop adjacent to Laguna Canyon Road; application of City parking stall standards (8'4" x either 18 or 19 feet) instead of the County standard of 9' x 18'; provision of 160 parking stalls; preparation of a mitigation plan for the loss of approximately 3 acres of Coastal Sage Scrub habitat on site.

A-5-NPC-04-004

The project approved by the County includes construction of a new municipal corporate yard to replace an existing facility downtown and a parking lot for

periodic public "festival" parking. The project includes two buildings for maintenance, storage and office use with a total of 20,245 square feet of floor area (including such uses as vehicle repair, fleet refueling, street sweeper clean-out, and vehicle washing) with 60 parking spaces for City vehicles only in a gated area; a separate and ungated parking area for 173 parking spaces (or up to 190 supervised shared spaces) for corporate yard employee or visitor parking and periodic public "festival" parking; retaining walls with security fencing above to a maximum exposed height of 14 feet; security lighting; a single monument sign; and fuel modification plans. In addition, the County's approval included allowing an off-street parking modification to allow a reduction in parking stall size from the County's standard (9 feet x 18 feet) to City standard (8 feet – 4 inches x 18 feet) and to permit a portion of the public parking area to be surfaced with gravel rather than an all-weather surface (concrete, asphalt, or decomposed granite).

Although the projects approved by the County in the separate coastal development permits are not exactly the same, the issues raised by each of the projects is the same: inconsistency with the Traffic/Circulation policies of the certified LCP. Consequently, the findings supporting the staff recommendation that the appeals raise a substantial issue, are combined.

The site is owned by the City of Laguna Beach, but has not been annexed by the City. The County's approvals were subject to a number of special conditions (see exhibits F & H). In the certified Land Use Plan portion of the LCP, the subject site is land use designated Tourist Commercial, and public works facilities is a principal permitted use.

B. Factors to be Considered in Substantial Issue Analysis

Section 30625(b)(2) of the Coastal Act states that the Commission shall hear an appeal of a local government action carried out pursuant to Section 30600(b) unless it finds that no substantial issue exists as to conformity with the certified Local Coastal Program or the public access policies of the Coastal Act. The term "*substantial issue*" is not defined in the Coastal Act or its implementing regulations. Section 13115(b) of the Commission's regulations simply indicates that the Commission will hear an appeal unless it "finds that the appellant raises no significant questions". In previous decisions on appeals, the Commission has been guided by the following factors.

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the Local Coastal Program;
2. The extent and scope of the development as approved by the local government;

3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and,
5. Whether the appeal raises local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5.

Staff is recommending that the Commission find that a **substantial issue** does exist with respect to whether the approval of the project is consistent with the provisions of the certified Local Coastal Program for the reasons set forth below.

C. Substantial Issue Analysis

As stated in Section III of this report, the grounds for appeal of a coastal development permit issued by the local government after certification of its Local Coastal Program are specific. In this case, the local coastal development permit may be appealed to the Commission on the grounds that it does not conform to the certified Local Coastal Program. The Commission must then decide whether a substantial issue exists with respect to the grounds on which an appeal has been filed in order to decide whether to hear the appeal de novo.

In making the substantial issue assessment, the Commission typically considers whether the appellants' contentions regarding the inconsistency of the local government action with the certified LCP raise significant issues in terms of the extent and scope of the approved development, the support for the local action, the precedential nature of the project, whether a significant coastal resource would be affected, and whether the appeal has statewide significance.

In this case, the appellants contend that the City's approval of the proposed project does not conform to the requirements of the certified LCP (See Section I and exhibits C and D).

The certified LCP contains the following Transportation/Circulation Policy (in pertinent part):

20. Traffic management program measures, including but not limited to the following, shall be encouraged by the landowner, operators, and

lessees as appropriate at all stages of project development and buildout. Each Coastal Development Permit within an individual planning area shall be accompanied by a description of specific traffic management program measures, as appropriate, which shall be carried out in furtherance of this policy:

- a. Vanpool and carpool programs which encourage and assist people in forming rideshare groups;
- b. Setting aside preferred parking for people who share rides;
- d. Setting up "transportation stores" to disseminate information on bus schedules and ridesharing;
- g. Within the policies of the appropriate transit provider, encourage increased frequency and range of public transit.

The LCP requires preparation of project specific traffic management programs. Policy 20 strongly encourages ride sharing measures to be part of the required traffic management program. The County's approval of the project did not include a traffic management plan. Thus the County's approval is inconsistent with the certified LCP. For this reason the appeal raises a substantial issue with regard to the grounds on which the appeal was filed.

The fact that the County's approval did not include a traffic management plan is particularly significant at the subject site. The LCP policy cited above strongly encourages inclusion of ride sharing measures in the traffic management plans which are required with approval of all coastal development permits. The subject site is uniquely able to provide such measures. The site has a long history of supplying a remote parking reservoir which serves the City's public shuttle service.

The site is ideal for such a use due to its location along Laguna Canyon Road, inland of the downtown area. This location affords an optimum opportunity to capture visitor vehicles traveling from inland (and the freeways) prior to reaching the downtown Laguna area, which is heavily impacted by traffic and limited parking resources. The site is on the north side of Laguna Canyon Road, thus allowing easy access and visibility to cars traveling toward the City's downtown and beaches. The shuttle bus service is provided every 20 minutes and travels between the subject site and the inland end of the City's downtown. The shuttle stops at the art festivals which are located between the subject site and the City's downtown. In addition, the City provides three additional shuttles whose routes overlap with the Laguna Canyon Road shuttle in the downtown area. The additional shuttles travel from the downtown area north along Coast Highway and

back along Cliff Drive (adjacent to the City's beaches) and two additional shuttles travel south along Coast Highway and the City's beaches in that downcoast area as well as to the Aliso Creek Inn. Though not year round, the shuttle system runs throughout the peak use summer months (late June through the end of August) each year.

The assurance of continuation of the historic public shuttle would be appropriately included in the required traffic management program. Although the County's approval of the project included a number of special conditions, none of the conditions address continued use of the subject site as a remote parking reservoir to serve the free public shuttle system. Thus there is nothing in the County's approval that could be interpreted as substituting for the required traffic management program. Questions that need to be specifically addressed within a traffic management program include, but are not limited to:

- How many parking spaces will be available for the exclusive use of the general public?
- For what time period? Hourly? Eight hour stretches?
- Will spaces be available during summer months only?
- If so, how will "summer months" be defined?
- What assurances are there that the public spaces will remain available to the public in the future?

Although the standard of review for the County's approval of the coastal development permit clearly is the County's Newport Coast LCP, the fact that the subject site has been recognized by the Commission as a public parking reservoir should also be considered when processing a coastal development permit for the subject site. It should be noted that the project applicant and owner of the subject site is the City of Laguna Beach. Thus, continued use of the subject site by the applicant (City) to serve the shuttle system is feasible. It appears, from the project description that it is the City's intent to maintain the site for use as a remote parking reservoir to serve the existing shuttle system. However, the City's project also proposed to add a significant amount of development unrelated to the provision of public parking. Consequently the need to address maintenance of the public parking on site is critical. This can be accomplished through preparation of the traffic management program as required by the certified LCP.

In considering whether an appeal raises a substantial issue one factor the Commission considers is the significance of the coastal resources affected by the decision. In this case the coastal resource affected is public access. Public access is a significant coastal resource and maximizing public access is one of the Commission's strongest mandates. Providing public parking is an excellent method of maximizing public access. If adequate public parking is not available

within a certain area, members of the public are less likely to visit the coast.

Another factor the Commission considers in determining whether an appeal raises a substantial issue is whether the appeal raises local issues, or those of regional or statewide significance. In this case, the appeal raises issues of regional significance. The remote public parking reservoir at the subject site does not directly serve local residents. Local residents are typically already able to access the shuttle system from stops within the community. Thus the majority of users of the remote parking lot would be members of the general public from outside the City. Thus the appeal raises issues of regional significance.

Adverse traffic conditions and the lack of adequate parking within the City of Laguna Beach during the peak use periods hampers the ability of visitors to access the beaches and other visitor destinations within the City (such as the visitor serving commercial uses within the City's downtown area).

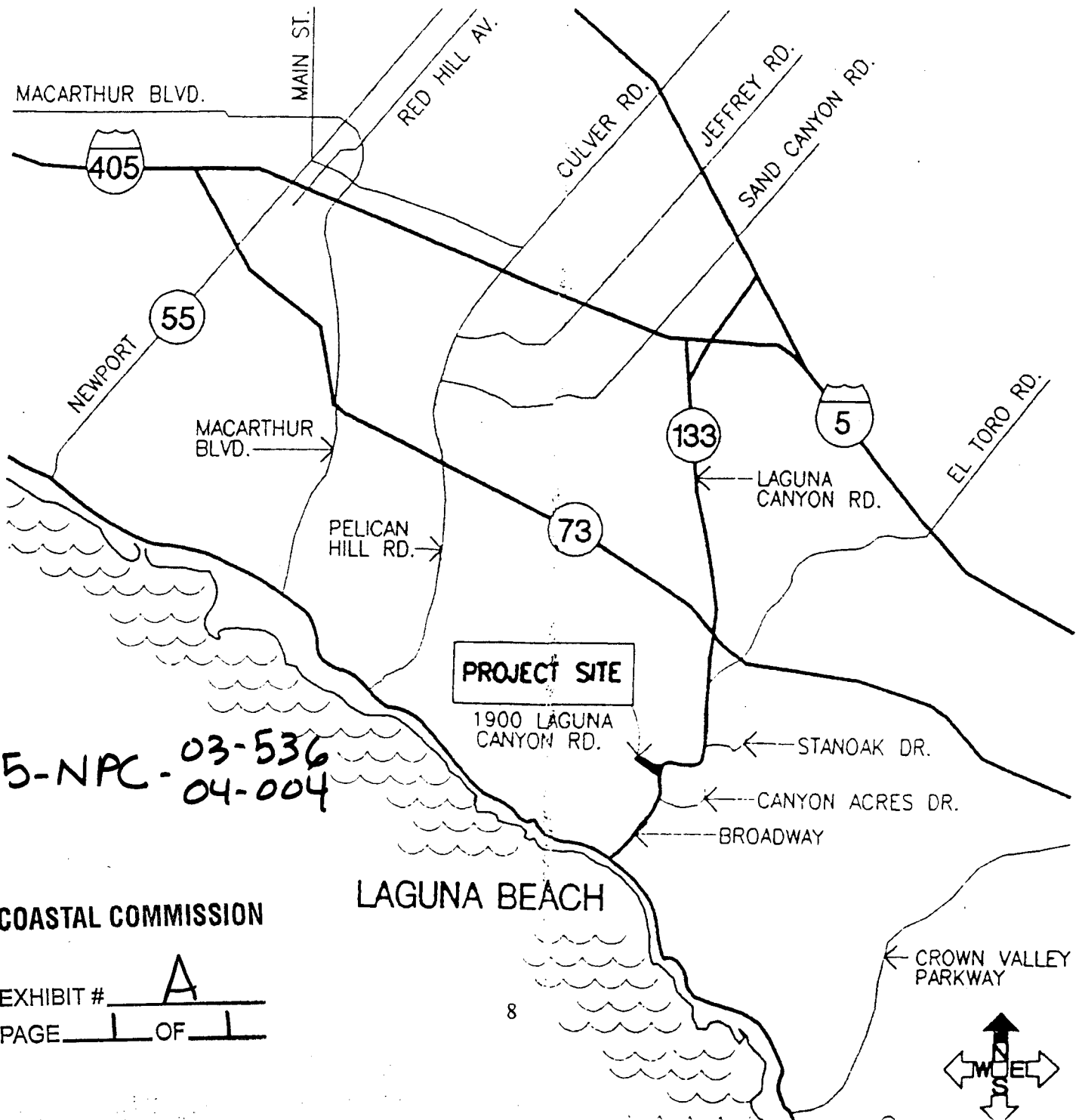
The shuttle system effectively serves as a rideshare group, which is specifically encouraged in the LCP policies cited above. The existing parking reservoir at the subject site currently provides "preferred parking for people who share rides." This is also specifically an encouraged measure under the LCP. Increasing the frequency and range of public transit is also encouraged under the LCP. The use of the subject site to provide parking and pick up for the City's free public shuttle is consistent with this LCP policy. Diminishing the capacity of the City's shuttle system, including loss of available public parking, is inconsistent with these LCP policies. Moreover, the LCP requires each coastal development permit to provide a specific traffic management program. The County's approval of the project did not include such a program.

For these reasons the development approved by the County is inconsistent with the Transportation/Circulation policies of the County's certified LCP. Further, the inconsistency raises issues with regard to a significant coastal resource, public access. Finally, the inconsistency is of regional, not just local concern. Therefore the Commission finds that the appeal raises a substantial issue.

The appellant also raises the issue of the project's consistency with Section 30210 of the Coastal Act. Staff notes that the proposed project would not occur between the sea and the first public road. Thus, pursuant to 30604(b) and (c) of the Coastal Act, the public access policies in Chapter 3 of the Act are not part of the standard of review that either the local government or the Commission (on appeal) uses in evaluating the application. However, the Commission has already found the appeal to raise a substantial issue with respect to other grounds on which it was filed, and the application will be reviewed de novo.

EXHIBIT 2
PROJECT LOCATION MAP

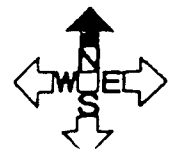
VICINITY MAP



A-5-NPC-03-536
04-004

COASTAL COMMISSION

EXHIBIT # A
PAGE 1 OF 1



STATE OF CALIFORNIA - THE RESOURCES AGENCY

GRAY DAVIS Governor

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4302
(562) 590-5071



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Commission Form D)

Please Review Attached Appeal Information Sheet Prior To Completing This Form. DEC 30 2003

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Laguna Canyon Community of Coastal Wash. Resident
P.O. Box 1379, Laguna Beach, CA 92653
Zip 92653 Area Code (949) Phone No. 497-1224 FAX (949) 497-6357

SECTION II. Decision Being Appealed

1. Name of local/port government: County of Orange

2. Brief description of development being appealed: Relocation of Laguna Beach Community Wash to Act 2

3. Development's location (street address, assessor's parcel no., cross street, etc.): 27701 Laguna Canyon Road, 1/2 mi. north of Canyon Road Dr. (known as "Act 2"), Newport Coast Planning Area 20A

4. Description of decision being appealed:

- a. Approval; no special conditions: _____
- b. Approval with special conditions: _____
- c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-5-NPC-03-536

DATE FILED: 12/30/03

DISTRICT: Long Beach Office

H5: 4/88

A-5-NPC-03-536
COASTAL COMMISSION

EXHIBIT # C
PAGE 1 OF 14

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a. Planning Director/Zoning Administrator
- c. Planning Commission
- b. City Council/Board of Supervisors
- d. Other _____

6. Date of local government's decision: May 6, 1998

7. Local government's file number (if any): PA 97-0163

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

City of Laguna Beach 612 New Town City Manager
505 Forest Ave. Laguna Beach, CA 92651

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

- (1) See attached mailing labels
- (2) _____
- (3) _____
- (4) _____

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

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APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

Attachment A

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Carolyn Wood

Signature of Appellant(s) or Authorized Agent

Date 12-30-03

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date _____

C3

TO: California Coastal Commission: South Coast Area Office
FORM

December 30, 2003

RECEIVED
Coast Reg
DEC 30 2003
CALIFORNIA

Section I Appellant

Laguna Canyon Conservancy
c/o Carolyn Wood, President
P.O.Box 1383, Laguna Beach, CA 92652 and/or
(949) 497-1884 Fax (949) 494-6357
e-mail <lagunacanyonconservancy@cox.net>

2755 Temple Hills Dr.
Laguna Beach, CA 92651

Section II Decision Being Appealed

1. Name of local government: County of Orange
2. Development being appealed: Coastal Development Permit for the Relocation of Laguna Beach Corporate Yard and Maintenance Facilities, from current location (on city owned property next to city hall,) to a box canyon located on Laguna Canyon Road, (city owned property located in unincorporated County of Orange.)
3. Development's location: 22801 Laguna Canyon Road 1/2 mile north of Canyon Acres Drive. (commonly referred to as "ACT V") Newport Coast Planning Area 20A,
4. Description of decision being appealed:
(b). Approval with special conditions:
5. Decision being appealed was made by
(c) Orange County Planning Commission
6. Date of government's decision: May 6, 1998
- 7 Local Government File number (if any): PA97-0163

Section III. Identification of Other Interested Persons:

- a. Name and address of permit applicant:
City of Laguna Beach
c/o John Pietg, Assistant City Manager (new) or Ken Frank, City Manager
505 Forest Ave, Laguna Beach, CA 92651
- b. Names and mailing addresses of those that should receive notice of this appeal.
See attached mailing labels

Section IV. Reasons Supporting This Appeal- see attachment "A"

Section V. Certification

The information and facts stated above are correct to the best of my/our knowledge

President, Laguna Canyon Conservancy
Signature of Appellant

C4

Section IV. Reasons Supporting This Appeal

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Coastal Development Permit PA7-0163 was approved by the Orange County Planning Commission May 6, 1998. The County failed to file notice of decision for Coastal Development Permit (CDP) PA7-0163 within the required time frame. Nor did the County inform the public that this permit was appealable to the Coastal Commission. As a result the public was denied the right of due process.

We believe it can be shown that this CDP was issued prematurely, because the development does not conform to the standards set forth in the certified Newport Coast Local Coastal Program, (LCP) Second Amendment. Nor does it comply with the public access policies set forth in the California Coastal Act.

The Newport Coast Local Coastal Program Second Amendment shows this parcel is zoned "Tourist Commercial" with both Public Works and Parking (including a Parking Structure) as permitted uses. In the Negative Declaration (ND) the County acknowledges the city's parking requirement, but fails to consider its significance as a necessary and critical part of the project. ND, Page 2 states:

The site is also known as the "ACT V" (Abolish Congested Traffic, a committee of five members -V) parking lot. This parking lot is part of the City's parking management plan for the summer art festivals which is overseen by the City. The site provides parking and a shuttle service to and from the festivals and the downtown areas on weekends. It currently provides 200 parking spaces for this use.

While this gives a general description, it is partially incorrect. The use is not just weekends, but everyday for the full 62 to 65 days, that the festivals operate during the summer. The stated current 200 parking spaces is also incorrect. At the time of the ND approval, (May 6, 1998) the 1997 Summer Festival Parking Agreement and for the preceding 11 years listed 318 parking spaces available at ACT V. Except in the 1995 Summer Festival Parking Agreement which listed "318 or 360 with space occupied by Waste Mgmt." (Exhibit A -2)

At the June 2, 1998 Council meeting, the "Agreement for 1998 Summer Parking" was Agenda Item #9 on the Consent Calendar. The City changed the number of parking spaces available at ACT V from 318 spaces to 190 spaces. without first amending the Laguna Beach Local Coastal Program (LCP) as required by the Coastal Act. There was no explanation for this reduction. We questioned the change because the site and parking availability was exactly the same as it had been since 1987. (Exhibit G) However, it was later discovered that the only reason the City reduced this number to 190 spaces was because that was the most they could cram in on weekends after the corporate yard was moved to the site. This was a false attempt to convince the County that they were in compliance 1:1 parking replacement required in Condition No. 40. "Prior to issuance of a building permit, the City of Laguna Beach shall prepare a Parking Management Plan that demonstrates a 1:1 replacement for the parking at the Act V parking lot (project site)."

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The City of Laguna Beach is required under its own LCP (Exhibit B-1) and the yearly Summer Festival Parking Agreement to have 318 parking spaces at the Act V lot served by shuttle bus service. It should be noted that "*Said parking shall not be located in the downtown area,*" as set forth in the original 1980 CDP agreement. (Exhibit C) This number of 318 spaces was recently substantiated in a letter from Teresa Henry, Coastal Commission District Manager to the City, dated October 21, 2003. We agree with the findings and conclusion as stated in said letter.

The County failed to consider the adverse impacts that would result if visitor serving parking availability is reduced over thirty percent. This reduction is in conflict with Section 30210 which requires maximum access. There appears to be a tendency to forget that the public access parking at ACT V is a regional benefit used by visitors from inland Orange County and from other areas in and out of the state of California. The 318 parking spaces at ACT V are required, regardless if the project site is in the County or in the City. It is our understanding that any reduction in or change in the parking plan can not be made until the city of Laguna Beach applies to the Coastal Commission for an amendment to the City's LCP. Therefore our question is how can CDP be approved that will obviously put the City in jeopardy, in violation of its own LCP?

In addition to parking concern there are traffic issues. under LCP Section E
TRANSPORTATION/CIRCULATION POLICIES

No.20 Traffic management program measures, including but not limited to the following, shall be encouraged by the landowner, operator, and lessees as appropriate at all stages of project development and buildout. Each Coastal Development Permit within an individual planning area shall be accompanied by a description of specific traffic management program measures, as appropriate, which shall be carried out in furtherance of this policy:

The City recently hired RBF Consultants to prepare a Downtown Specific Plan Parking and Traffic Management Program, as recommended by the Coastal Commission when Major Amendment Request No. 1-00 to the City of Laguna Beach Certified Local Coastal Program was approved. This study is in process and we have been unable to determine if this section of Laguna Canyon Road is included. If not then: There are no specific traffic management measures provided, therefore the development does not conform with the standards set forth in the certified local coastal program.

No. 20 (g) Within the policies of the transit provider, encourage increased frequency and range of public transit.

If the number of available parking spaces are reduced which will limit the number of cars that can park at the site, it will be in direct conflict with Policy 20 (g). There is no question the key to a successful shuttle service is frequency and frequency is dependent on the amount cars parked and potential riders. Since ACT V was expanded to accommodate approximately 430 parking spaces, (as listed in the 2002 Festival Parking agreement,) and with this increase in ridership, Free Shuttles were added and the frequency increased. If the parking is reduced to a maximum of 200 spaces with the Corporate yard that would mean the potential ridership would be only 50% of that in 2002 and 2003. This could render the shuttles economically infeasible to operate.

Instead of increasing frequency as required in (g), there is a strong possibility frequency will be decreased, therefore the development does not conform with the standards set forth in the certified local coastal program.

No. 21".....the landowner shall prepare and submit a report to the County EMA to be approved by the Planning Commission containing the following information:"

(a) An analysis that determines the source of the trips on the roadway link(s) in question by quantifying: 1) the number of trips which are directly attributable to development located within Planning Areas PA 1 through PA 10, PA 13, PA 14, PA 16 and PA 20; and 2) the remaining number of trips which are regional, through traffic generated from other sources..."

One of the reasons that we wanted the city to do an EIR to consider alternatives to moving the corporate yard to ACT V which would have looked at transportation/traffic issues, such as number of regional trips, traffic patterns, origination/destination potential parking areas, etc. We believe that had this been done the city would have found that there were other options available that would not have destroyed the successful summer parking program. i.e. Nursery could be moved to the small area at the rear of ACT V, The entire bus fleet could be parked at ACT V when the buses are not in use. As it stands we do not believe the city has provided any of the data required in No. 21, therefore the development does not conform with the standards set forth in the certified local coastal program.

The Blue Line Stream was the biggest concern of all when the City decided to get a permit through the County rather annexing the site and processing it through the City. This fact is exemplified in all of the correspondence to the County at the time of the appeal. The City proceeded to alter the course of the on-site Blue Line stream without proper permits. Even if the County had notified the Coastal Commission and had appropriate permits the City failed to follow the requirements and conditions for such alterations as stated in the Negative Declaration for PA 97-0163 (i.e., failure to underground the entire drainage system from the western to eastern edges of the property). We believe the city should be required to correct their mistakes before progressing any further on the project.

Soon after the CDP was issued we believed that the inaccurate and misleading information provided by the city in regard to the parking was grounds for a revocation per:

Section 13105. Grounds for revocation of a permit shall be:

(a) Intentional inclusion of inaccurate, erroneous or incomplete information in connection with a coastal development permit application, where the commission finds that accurate and complete information would have caused the commission to require additional or different conditions on a permit or deny an application;

After many phone calls to the County, Supervisors, Coastal Commission both LA and San Francisco were we told there was no way we could file for a revocation. This was a result of the County's failure to timely and properly notify the public and the decision makers that the decision was appealable to the Coastal Commission.

We still believe that based on the evidence this permit should be revoked and the City should stop paying the number game.

Submitted by: Carolyn Wood, President Laguna Canyon Conservancy (949) 497-1884

C7



Laguna Canyon Conservancy

P.O. Box 1383
Laguna Beach, CA 92652

RECEIVED
South Coast Region

JAN 16 2004

CALIFORNIA
COASTAL COMMISSION

Meg Vaughn
California Coastal Commission
200 OceanGate, 10th Floor
Long Beach, CA 90802-4302

Dear Meg Vaughn,

RE: Appeal A-5-NPC-03-536 (Appeal of CDP PA97-0163)

Please find enclosed a hard copy of Commission Form D, dated December 30, 2003. Appeal of Coastal Development Permit No. PA97-0163 issued by the County of Orange to the City of Laguna Beach for a Corporate Yard Maintenance Facility at 22801 Laguna Canyon Road (or more commonly referred to as Act V, 1900 Laguna Canyon Road.) Also find enclosed a hard copy of our appeal letter.

Should you need any additional information, please contact me by phone at (949) 497-1884 or fax (949) 494-6357 or by e-mail lagunacanyonconservancy@cox.net

Thank you for your consideration of this issue. Please advise us as to what the next step in the appeal process may be.

Sincerely,

Carolyn Wood,
President
Laguna Canyon Conservancy

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CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Ocean Gate, 10th Floor
Long Beach, CA 90802-4302
(562) 590-5071

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT
(Commission Form D)

RECEIVED
South Coast Area Office



JAN 16 2004

CALIFORNIA
COASTAL COMMISSION

Please Review Attached Appeal Information Sheet Prior to Completing This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Laguna Canyon Conservancy, c/o Carolyn Wood, President
P.O. Box 1383, Laguna Beach, CA 92653
(949) 497-1884, FAX (949) 497-6357
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: County of Orange

2. Brief description of development being appealed: Relocation of Laguna Beach Corporation Yard to Act V

3. Development's location (street address, assessor's parcel no., cross street, etc.): 27801 Laguna Canyon Road, 1/2 mi. North of Canyon Access Dr. (known as "Act V"), Newport Coast Planning Area 20A

4. Description of decision being appealed:

- a. Approval; no special conditions: _____
- b. Approval with special conditions: _____
- c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: _____

DATE FILED: _____

DISTRICT: _____

H5: 4/88

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APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a. Planning Director/Zoning Administrator c. Planning Commission
- b. City Council/Board of Supervisors d. Other _____

6. Date of local government's decision: May 6, 1998

7. Local government's file number (if any): PA 97-0163

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:
City of Laguna Beach c/o Ken Frank, City Manager
505 Forest Ave, Laguna Beach, CA 92651

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

- (1) See attached mailing labels
- (2) _____
- (3) _____
- (4) _____

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

Attachment A

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Carolyn Wood
Signature of Appellant(s) or
Authorized Agent

Date 12-30-03

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date _____

C..

Date: December 30, 2003
TO: California Coastal Commission
From: Laguna Canyon Conservancy, Carolyn Wood, President
RE: **Appeal A-5-NPC-03-536 (Appeal of CDP PA97-0163, Laguna Beach)**

The Project:

Coastal Development Permit PA97-0163 was granted by the County of Orange to the City of Laguna Beach for maintenance facilities and related improvements. The project site, located at 1900 Laguna Canyon Road, one-half mile north of Canyon Acres Drive, in Planning Area 20A of the Newport Coast Planned Community/Local Coastal Program. The project site is unincorporated and thus falls under the land-use authority of the County of Orange.

Jurisdiction:

This appeal is made pursuant to Public Resources Code Section 30603, subsections a(2) and a(3). The site is located within 100 feet of a blue-line stream and adjacent (with impacts to) Laguna Coast Wilderness Park, a sensitive coastal resource area. The project site is governed by the Newport Coast LCP. The actions of the applicant, City of Laguna Beach, are further constrained by City of Laguna Beach LCP. On October 21, 2003 Theresa Henry, District Manager for the Commission's Long Beach Office, notified Mr. William V. Melton, of the County of Orange Planning and Development Services Department, that PA97-0163 was appealable pursuant to 30603(a)(2).

History:

The County of Orange Planning Commission approved PA97-0163 on May 6, 1998. At that time through today the County failed to file a notice of decision and further failed to disclose that the action was appealable to the Coastal Commission. As a result the item remained open to appeal indefinitely.

No construction activities took place on the site for approximately two years. In order to maintain the validity of the Coastal Development Permit, the City requested and received a one-year extension of the PA97-0163 expiring on May 21, 2001. After the extension, the City started the construction of a storm drain. This included a 60-inch diameter storm drain approximately 800 feet long. The City originally submitted a grading permit to the County for review and approval, however, under an agreement with the Manager of Subdivision and Grading Services, the City withdrew its application for a grading permit on March 14, 2000 and exercised jurisdiction for the grading of the proposed corporation yard site. Other than the storm drain (of which conformity even with the approved CDP is in question) the project contemplated under the CDP has not been constructed, is not vested and is fully within the discretion of the Coastal Commission to review under 30603.

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Appeal A-5-NPC-03-536 (Appeal of CDP PA97-0163, Laguna Beach)

During 2003 the city of Laguna Beach applied to the County of Orange for a new CDP to amend and replace 97-0163. That item, PA03-0047, is under separate appeal for separate consideration by the commission.

Basis for Appeal:

The standard for review of appeals brought under 30603 is the adopted LCP(s) related to the project and the public access provisions of Chapter 3 of the Coastal Act (30210 through 30214.) This appeal alleges violations of the adopted City of Laguna Beach LCP, the adopted Newport Coast LCP and violations of §30210 et seq. – all relating to the facilitation of public access through parking and transportation.

The CDP violates the parking constraints of the Laguna Beach LCP. Included in the Implementation Plan of the Laguna Beach LCP is the 1991 Summer Festival Parking Agreement. This agreement mandates that the project site will be operated as “free parking for the general public,” and that a total of 318 spaces will be provided for public use. The project under appeal provides 60 parking spaces for City vehicles only; a separate parking area for up to 190 supervised shared spaces (173 unsupervised spaces) for corporate yard employee/visitor parking and periodic public ‘festival’ parking.” This decrease of public parking is in direct contradiction to the adopted LCP. The Summer Festival Parking Plan, a portion of the LCP Implementation Plan clearly shows 318 spaces for the Act V parking lot – no revision to that number has ever been approved by the coastal commission. This parking agreement fulfills the requirements in the LUP Implementation Agreement (see p. 24 of the 1984 technical appendix.)

The CDP violates the transportation and circulation policies of the Newport Coast LCP. Transportation is covered under section E of the Newport Coast LCP. The relevant portions are reproduced below:

Policy 20 – Traffic management program measures, including but not limited to the following, shall be encouraged by the landowner, operator, and lessees as appropriate at all stages of project development and buildout. Each Coastal Development Permit within an individual planning area shall be accompanied by a description of specific traffic management program measures, as appropriate, which shall be carried out in furtherance of this policy:

Policy 20(g) – Within the policies of the transit provider, encourage increased frequency and range of public transit.

Policy 21 - ... the landowner shall prepare and submit a report to the County EMA to be approved by the Planning Commission containing the following information:

(a) An analysis that determines the source of the trips on the roadway link(s) in question by quantifying 1) the number of trips which are directly attributable to development located within Planning Areas PA

C 13

Appeal A-5-NPC-03-536 (Appeal of CDP PA97-0163, Laguna Beach)

1 through PA 10, PA 13, PA 14, PA 16, and PA 20; and 2) the remaining number of trips which are regional, through traffic generated from other sources ...

The CDP approved by the County of Orange does not contain a traffic management program as required by policy 20. Limiting the number of parking spaces severely limits the frequency, range, and usefulness of public transit in violation of 20(g); the transit service discussed in the LCP and operated by the City of Laguna Beach is primarily a park and ride type of service characterized by visitors to Laguna Beach who park in remote lots, such as ACT V and utilize the bus service to reach their final destination. In fact, the very substantial loss of parking at ACT V contemplated in the CDP could result in a 50% decrease in shuttle bus ridership – threatening the financial viability of the transit operation.

The City of Laguna Beach has not, in any fashion, complied with the substantial requirements of policy 21. This has resulted in the approval of a CDP without any alternatives analysis for potential transportation impacts, alternative maintenance facility locations, provisions for bus parking and storage. For example the nursery or specific services could have been relocated or contracted out to accommodate additional parking or shared space – but because no alternatives or traffic analysis was ever completed such options were never considered.

Gross Violations of Public Resources Code Section 30210. The ACT V lot currently provides 430 public parking spaces, the minimum standard in the LCP is 318 spaces, but under the CDP there will be a maximum of 200 spaces. This reduction in parking not only impacts the visitor-serving retail and entertainment uses of Laguna Beach but also visitors to the beach itself who may also park at ACT V or would park in downtown spots which will now be taken by visitors normally parking in ACT V. As all parties are aware, parking is in very short supply in Laguna Beach – it is, in fact, the limiting factor for public access in Laguna Beach. Reducing the parking supply will exacerbate this problem and reduce public access both to the beach and to visitor-serving retail establishments, both protected uses under the Coastal Act.

Irreparable Harm:

If the CDP under appeal is left standing and unchanged, resulting parking loss will destroy local business viability and profits, traffic patterns and circulation, public access, and the overall implementation of the Laguna Beach LCP, the Newport Coast LCP and Section 30210 will be thwarted. The loss of over 100 parking spaces represents a substantial issue with substantial impacts that should be reviewed by the Commission pursuant to 30625(b).

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CALIFORNIA COASTAL COMMISSION

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



APPEAL FROM COASTAL DECISION OF LOCAL GOVERNMENT

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Commissioners Iseman and Wan
200 Oceangate, Suite 1000
Long Beach, CA 90802 (562) 590-5071

SECTION II. Decision Being Appealed

1. Name of local government: County of Orange, Newport Coast

2. Brief description of development being appealed:

Construction of a new City of Laguna Beach municipal corporate yard (to replace existing facility downtown) and periodic public "festival" parking. The proposal includes: two maintenance/storage/office buildings totaling 20,245 sq. ft., (including such uses as vehicle repair, fleet fueling, street sweeper clean-out, and vehicle washing) with 60 parking spaces for City vehicles only; a separate parking area for up to 190 supervised shared spaces (173 unsupervised spaces) for corporate yard employee/visitor parking and periodic public "festival" parking.

3. Development's location (street address, assessor's parcel no., cross street, etc.): 1900 Laguna Canyon Road, Newport Coast segment of Orange County

4. Description of decision being appealed:

a. Approval; no special conditions: _____

b. Approval with special conditions: XX

c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-5-NPC-04-004

DATE FILED: 1/6/04

A-5-NPC-
COASTAL COMMISSION

EXHIBIT # D

PAGE 1 OF 7

DISTRICT: South Coast

5. Decision being appealed was made by (check one):
- a. Planning Director/Zoning Administrator: _____
 - b. Board of Supervisors: XX
 - c. Planning Commission: _____
 - d. Other: _____
6. Date of local government's decision: 12/16/03
7. Local government's file number: PA03-0047

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties.
(Use additional paper as necessary.)

1. Name and mailing address of permit applicant:

City of Laguna Beach
Attn: John Pietig
505 Forest Avenue
Laguna Beach, CA 92651

2. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

a. Not known at this time

b. Carolyn Wood
Laguna Canyon Conservancy
P.O.Box 1383, Laguna Beach, CA 92652

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SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government Coastal Permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page. Please state briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing.

The coastal development permit, PA03-0047, approved by the Orange County Board of Supervisors is inconsistent with the certified Newport Coast Local Coastal Program (LCP). The permit is inconsistent with the certified LCP policies regarding public access (Transportation/Circulation Policies). Following is a discussion of the areas where the County approved permit is inconsistent with specific LCP policies.

Public Access:

The Transportation and Circulation policies of the LCP help to assure that public access to the coast is maintained and enhanced. The certified LCP contains the following policies regarding Transportation/Circulation with respect to Laguna Canyon Road:

Traffic management program measures, including but not limited to the following, shall be encouraged by the landowner, operators, and lessees as appropriate at all stages of project development and buildout. Each Coastal Development Permit within an individual planning area shall be accompanied by a description of specific traffic management program measures, as appropriate, which shall be carried out in furtherance of this policy:

Vanpool and carpool programs which encourage and assist people in forming rideshare groups;

Setting aside preferred parking for people who share rides;

Within the policies of the appropriate transit provider, encourage increased frequency and range of public transit, ...

The subject site currently, and for more than ten years past, has been used as a parking reservoir to serve the City of Laguna Beach's public shuttle service. The site is ideal for such a use due to its location along Laguna Canyon Road, inland of the downtown area. This location affords an optimum opportunity to capture visitor vehicles traveling from inland (and the freeways) prior to reaching the downtown Laguna area. The site is on the north side of Laguna Canyon Road, thus allowing easy access and visibility to cars traveling toward the City's downtown and beaches. The shuttle bus service is provided every 20 minutes and travels between the subject site and the inland end of the City's downtown. The shuttle stops at the art festivals which are located between the subject site and the City's downtown. In addition, the City provides three additional shuttles whose

Local Coastal Development Permit PA97-0163
ACT V / Corporate Yard
Newport Coast
Page 4

routes overlap with the Laguna Canyon Road shuttle in the downtown area. The additional shuttles travel from the downtown area north along Coast Highway and back along Cliff Drive (adjacent to the City's beaches) and two additional shuttles travel south along Coast Highway and the City's beaches in that downcoast area as well as to the Aliso Creek Inn. Though not year round, the shuttle system runs throughout the peak use summer months (late June through the end of August) each year. The lack of adequate parking within the City of Laguna Beach during the peak use periods hampers the ability of visitors to access the beaches and other visitor destinations within the City (such as the visitor serving commercial uses within the City's downtown area).

The shuttle system effectively serves as a rideshare group, which is specifically encouraged in the LCP policies cited above. The existing parking reservoir at the subject site currently provides "preferred parking for people who share rides." This is also specifically an encouraged measure under the LCP. Increasing the frequency and range of public transit is also encouraged under the LCP. The use of the subject site to provide parking and pick up for the City's public shuttle is consistent with this LCP policy. The existing use of the subject site as a parking reservoir to serve the public shuttle system is consistent with these LCP policies. Diminishing the capacity of the City's shuttle system, including loss of available public parking, is inconsistent with these LCP policies. Moreover, the LCP requires each coastal development permit to provide a specific traffic management program. The County's approval of the project did not include such a program.

Further, the subject site is specifically identified in the City of Laguna Beach's certified Local Coastal Program as a parking reservoir for the free public shuttle system. Although the standard of review for the County's approval of a coastal development permit clearly is the County's Newport Coast LCP, the fact that the subject site is identified as a public parking reservoir must be considered when determining whether the proposed project will adversely impact public access. It should be noted that the project applicant and owner of the subject site is the City of Laguna Beach. Thus, continued use of the subject site by the applicant (City) to serve the shuttle system is feasible.

The project description contained in the County's Notice of Final Decision states that the project will include "periodic public 'festival' parking" and identifies up to 190 spaces for "corporate yard employee/visitor parking and periodic public 'festival' parking. It appears that the on-site parking could be used for either corporate yard employees or visitor parking without assuring that a minimum number of spaces are available to serve public parking needs. Also the description indicates that public festival parking will be accommodated, but gives no indication of when or for how long the festival spaces would be available nor does it identify the number of spaces that would be available for festival use. Thus as approved by the County, there does not appear to be any assurance that at a minimum the existing public parking reservoir will remain available to the public and for the length of time (during the summer festivals) that currently exists. Without such assurances, the project cannot be found to maximize public access and thus cannot be found to be consistent with the County's certified LCP, specifically with the policies identified above.

In approving the coastal development permit, the County found: "The development project proposed by the application conforms with the certified Local Coastal Program." The County also made the following findings: "That the project conforms with the public access and public recreation policies of the California Coastal Act." And "That the approval of this application will

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result in no modification to the requirements of the certified land use plan and the approval of the application will result in a project which is in full compliance with the requirements of the certified land use plan." Specifically regarding parking the County found: "The applicable off-street parking requirements are excessive or inappropriate due to the nature of the specific use involved or because of special circumstances applicable to the property." And, "The proposed off-street parking facilities comply with the intent of Section 7-9-145.1." And "That the access, parking and circulation facilities will not result in excess traffic safety hazards." It appears from these findings that the County allowed a reduction in the amount of parking spaces that would typically be required. The parking reduction allowed by the County may not be appropriate at the subject site due to its past and proposed use as a public parking reservoir. In addition, no specific findings addressing the LUP public access polices identified above were included in the County's approval. The County also imposed special conditions on the project in its approval, but none of the special conditions address the continued provision of public parking.

In order to assure that public access is maximized, the coastal development permit must include assurances that the visitor serving public parking and the free public shuttle system will not be diminished by the project approved by the County. No such assurances have been provided. Thus the project is not consistent with the County's LCP regarding public access, specifically the transportation / circulation policies.

It is noted that the proposed use, public works facilities, is allowed in the certified LCP. However, the project in addition to being an allowed use, must also conform to all other provisions of the certified LCP. As outlined above, the approved permit is inconsistent with the certified Local Coastal Program.

NOTE: The above description need not be a complete or exhaustive statement of your reasons of appeal. However, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signature of Appellant(s) or Authorized Agent

Date

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: *Law Alan*
Appellant or Agent

Date: 1/12/04

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

D4

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Page 3

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: Tom Isen
Appellant or Agent

Date: 1/6/84

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

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**PLANNING COMMISSION RESOLUTION # 98-06
ADOPTING PROPOSED FINAL
NEGATIVE DECLARATION PA 97-0163
FOR THE LAGUNA BEACH CORPORATION YARD**

On motion of Commissioner Moody, duly seconded and carried, the following Resolution was adopted:

WHEREAS, Mitigated Negative Declaration ("ND") PA 97-0163 was prepared by the County of Orange in its role as Lead Agency for a proposed coastal development permit for a maintenance yard proposed by the City of Laguna Beach in order to comply with the California Environmental Quality Act ("CEQA") Statutes, Guidelines and County of Orange CEQA procedures; and

WHEREAS, ND PA 97-0163 was circulated for a period of 30 days in accordance with §15105 of the CEQA Guidelines; and

WHEREAS, four comment letters and seven appeal letters were received by the Planning and Development Services Department ("PDSD") during the public review period for ND PA 97-0163; and

WHEREAS, the comments in all letters received were responded to in a staff report and public hearing before the Orange County Planning Commission which took place on May 6, 1998; and

WHEREAS, minor revisions were incorporated into ND PA 97-0163; and

WHEREAS, those minor revisions did not require ND PA 97-0163 to be re-circulated and that the body of the analysis and conclusions remain the same.

NOW, THEREFORE BE IT RESOLVED THAT the Orange County Planning Commission, in its role as both the environmental determination appeal board and the decision-maker for the PA 97-0163, and pursuant to CEQA Guidelines §15074.4.1 regarding substitution of mitigation measures, does find the following:

1. That no substantial evidence was submitted to support a fair argument that a significant effect as a result of project implementation would occur necessitating the preparation of an environmental impact report;
2. That the substitution of additional biological habitat surveys in mitigation measure #2 of the Proposed Final Negative Declaration will address specific concerns raised by the US Department of Fish and Wildlife and Village Laguna in their appeal letter;
3. That the substitute mitigation measure has been incorporated into the proposed final ND on Page 7 and reads as follows:

COASTAL COMMISSION

A. 5 - NPC - 03 - 534

EXHIBIT # F
PAGE 1 OF 12

“In addition to the surveys for the CSS habitat, specific surveys for habitat suitability for the following species will also be performed: Quino checkerspot butterfly (*Euphydryas editha quino*), least Bell’s vireo (*Vireo belii pusillus*) and Foothill Mariposa lily (*Calochortus weedii* var. *intermedius*). In the event that suitable habitat is found, the mitigation plan shall include mitigation for these species in the same manner as outlined above.”;

4. That the substitute mitigation is not only equivalent but is more effective than the previously proposed mitigation measure #2;
5. That a public hearing before the Planning Commission was conducted on May 6, 1998 regarding the appeal of said Negative Declaration and the substitution of a mitigation measure therein;
6. That no re-circulation of said Negative Declaration is required because the substituted mitigation measure was added to Condition 38 of the project;
7. The appeal of said Negative Declaration was denied by vote of the Planning Commission; and
8. The Proposed Final Negative Declaration prepared for PA 97-0163 and as revised by the comment letters and appeal letters is adequate for complying with the California Environmental Quality Act (CEQA).

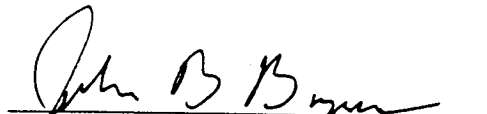
AYES: Commissioners Moody, Nielsen, Goacher, McBurney

NOES: None

ABSENT: Commissioner Long

I HEREBY CERTIFY that the foregoing Resolution No. 98-06 was adopted May 6, 1998 by the Orange County Planning Commission.

ORANGE COUNTY PLANNING COMMISSION


By John B. Buzas, Executive Officer

F₂

FINAL

PA 97-0163

FINDINGS FOR APPROVAL

Planning Commission hearing of May 5, 1998

1. The use or project proposed is consistent with the objectives, policies, general land uses and programs specified by the General Plan.
2. The use, activity or improvement(s) proposed, subject to the specified conditions, is consistent with the provisions of the certified Newport Coast Local Coastal Program, the Orange County Zoning Code and the Newport Coast Specific Plan regulations applicable to the property.
3. Negative Declaration No. PA 97-0163 satisfies the requirements of CEQA for this project and is therefore approved. It was considered and found adequate in addressing the environmental impacts and mitigations for the project prior to its approval. The project will not have a significant effect on the environment.
4. Find that pursuant to Section 711.4(d) (3) of the California Fish and Game Code, this project is subject to the required fees as it has been determined that fish and wildlife resources may be affected by the project. However, these effects have been mitigated in the ND.
5. Find that the proposed project will not have a significant unmitigated impact upon Coastal Sage Scrub habitat and, therefore, will not preclude the ability to prepare an effective subregional Natural Communities Conservation Planning (NC) Program.
6. The location, size, design and operating characteristics of the proposed use will not create unusual noise, traffic or other conditions or situations that may be objectionable, detrimental or incompatible with other permitted uses in the vicinity.
7. The application will not result in conditions or circumstances contrary to the public health and safety and the general welfare.
8. That the permit would not allow development of a project that would contribute to the need for a fire station or library facility for which a fee is required, as that term is defined in Section 7-9-701.
9. The applicable off-street parking requirements are excessive or inappropriate due to the nature of the specific use involved or because of special circumstances applicable to the property.
10. The proposed off-street parking facilities comply with the intent of these regulations as specified by section 7-9-145.1.
11. The proposed project is a principal permitted use under the TC "Tourist Commercial" regulations of the certified Newport Coast Local Coastal Program Second Amendment.

FINAL

PA97-0163

CONDITIONS OF APPROVAL

Planning Commission hearing of May 5, 1998

1. CP NA NA 1/Basic
This approval constitutes approval of the proposed project only to the extent that the project complies with the Orange County Zoning Code and any other applicable zoning regulations. Approval does not include any action or finding as to compliance of approval of the project regarding any other applicable ordinance, regulation or requirement.
2. CP NA NA 2/Basic
This approval is valid for a period of 24 months from the date of final determination. If the use approved by this action is not established within such period of time, this approval shall be terminated and shall thereafter be null and void.
3. CP NA NA 3/Basic
Except as otherwise provided herein, this permit is approved as a precise plan. After any application has been approved, if changes are proposed regarding the location or alteration of any use or structure, a changed plan may be submitted to the Director-EMA for approval. If the Director determines that the proposed change complies with the provisions and the spirit and intent of the approval action, and that the action would have been the same for the changed plan as for the approved plot plan, he may approve the changed plan without requiring a new public hearing.
4. CP NA NA 4/Basic
Failure to abide by and faithfully comply with any and all conditions attached to this approving action shall constitute grounds for the revocation of said action by the Orange County Planning Commission.
5. CP NA NA 5/Basic
Applicant shall defend at his/her sole expense any action brought against the County because of issuance of this permit or, in the alternative, the relinquishment of such permit. Applicant will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. County may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve applicant of his obligations under this condition.
6. CP NA NA 6/BASIC
Fees, dedications, reservations or other exactions imposed on this project are as described in this approval and the reports and actions accompanying this approval. The Applicant has ninety (90) days from the date of approval to protest said fees, dedications, reservations or other exactions pursuant to Government Code Section 66020.

County

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7. DS DS G

GEOLOGY RPT

Prior to the issuance of a grading permit, the applicant shall submit a geotechnical report to the Manager, Development Services, for approval. The report shall include the information and be in a form as required by the Grading Manual.

8. DS DS G

GRADING DEVIATION

Prior to the issuance of any grading permits, if review of the grading plan for this property by the Manager, Development Services, indicates significant deviation from the proposed grading illustrated on the approved tentative tract map, specifically with regard to slope heights, slope ratios, and pad elevations and configuration, the plan shall be reviewed by the Subdivision Committee for a finding of substantial conformance. Failure to achieve such a finding will require processing a revised tentative tract map; or, if a final tract/parcel map has been recorded, a new tentative tract/parcel map or a site development permit application per Orange County Zoning Code Section 7-9-139 and 7-9-150.

9. DS DS RG

DRAINAGE STUDY

Prior to the recordation of a final tract map or to the issuance of any grading permits, whichever comes first, the following drainage studies shall be submitted to and approved by the Manager, Subdivision & Grading Sections Division:

A. A drainage study of the subdivision including diversions, off-site areas that drain onto and/or through the subdivision, and justification of any diversions; and

B. When applicable, a drainage study evidencing that proposed drainage patterns will not overload existing storm drains; and

C. Detailed drainage studies indicating how site grading in conjunction with the drainage conveyance systems including applicable swales, channels, street flows, catch basins, storm drains, and flood water retarding, will allow building pads to be safe from inundation from rainfall run-off which may be expected from all storms up to and including the theoretical 100-year flood.

10. DS DS R

DRAINAGE IMPRO

A. Prior to the recordation of a final tract map or prior to the issuance of any grading permits, whichever comes first, the applicant shall in a manner meeting the approval of the Manager, Subdivision & Grading Sections:

1) Design provisions for surface drainage; and

2) Design all necessary storm drain facilities extending to a satisfactory point of disposal for the proper control and disposal of storm run-off; and

3) Dedicate the associated easements to the County of Orange, if determined necessary.

B. Prior to the recordation of a final tract map, or prior to the issuance of any certificates of use and occupancy, whichever occurs

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✓ Prior to the recordation of a final tract map or prior to the issuance of any grading permit, whichever comes first, and if determined necessary by the Manager, Subdivision & Grading Sections, a letter of consent, in a form approved by the Manager, Subdivision & Grading Sections, suitable for recording, shall be obtained from the upstream and/or downstream property owners permitting drainage diversions and/or unnatural concentrations.

12. BP BP G

CONST NOISE

Prior to the issuance of any grading permits, the project proponent shall produce evidence acceptable to the Manager, Building Permits, that:

(1) All construction vehicles or equipment, fixed or mobile, operated within 1,000' of a dwelling shall be equipped with properly operating and maintained mufflers.

(2) All operations shall comply with Orange County Codified Ordinance Division 6 (Noise Control).

(3) Stockpiling and/or vehicle staging areas shall be located as far as practicable from dwellings.

Notations in the above format, appropriately numbered and included with other notations on the front sheet of grading plans, will be considered as adequate evidence of compliance with this condition.

✓ 13. TE TE G

SIGHT DISTANCE

Prior to the issuance of any grading permits, adequate sight distance shall be provided at all street intersections per Standard Plan 1117, in a manner meeting the approval of the Manager, Transportation Program Division. This includes any necessary revisions to the plan such as removing slopes or other encroachments, including information signs, from the limited use area.

✓ 14. HP HP G

PALEO OBS & SALVAGE

Prior to the issuance of a grading permit, the project applicant shall provide written evidence to the Manager, Subdivision & Grading Section, that a County-certified paleontologist has been retained to observe grading activities and salvage and catalogue fossils as necessary. The paleontologist shall be present at the pregrading conference, shall establish procedures for paleontological resource surveillance, and shall establish, in cooperation with the project developer, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of the fossils. If major paleontological resources are discovered, the paleontologist shall determine appropriate actions, in cooperation with the project developer, which ensure proper exploration and/or salvage. excavated finds shall be offered to the County of Orange, or its designee, on a first-refusal basis. The paleontologist shall submit a follow-up report for approval by the Manager, Coastal & Historical, which shall include the period of inspection, a catalogue and analysis of the fossils found, and present repository of the fossils. These actions, as well as final mitigation and disposition of the resources, shall be subject to approval by the Manager, Coastal & Historical.

15. ER BP G

UNDRGND TANKS

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plan showing the placement of underground storage tanks for the approval of the Manager, Building Plan Check, in consultation with the Manager, Environmental Resources. Further, a copy of the final plans for installation approved by the Health Care Agency for underground storage tank usage shall be on file at the site at all times and shall be available for inspection by representatives of the Environmental Resources.

16. F F U

UNIFORM FIRE CODE

Prior to issuance of certificates of use and occupancy, the applicant shall provide plans or identify measures to comply with standard County procedures for implementing the Uniform Fire Code in the use of any combustible and flammable liquids, above-ground or underground storage of such materials, welding and potential spark production, and building occupancy rating in a manner meeting the approval of the Fire Chief. further, a copy of the approved "UFC Implementation Plan" shall be furnished to the issuance of any certificates of use and occupancy.

17. HC HC NA

HAZARDOUS MATERIALS

All on-site generated waste that meets hazardous materials criteria shall be stored, manifested, transported and disposed of in accordance with the California Code of Regulations Title 22 and to the satisfaction of the Manager, HCA/Hazardous Materials Program. Records of storage, transportation and disposal shall be kept on site and open for inspection by any government agency upon request. Used oil filters should be stored in closed rainproof containers that are capable of containing any used oil and should be managed as specified in Title 22, Chapter 30, Division 4, Section 66828 of the California Code of Regulations.

18. ER ER U

STORAGE

Prior to issuance of certificates of use and occupancy or construction permits for a tank or pipeline, the applicant shall identify the proposed uses and, for specified uses, the applicant shall propose plans and measures for chemical management (including but not limited to storage, emergency response, employee training, spill contingencies and disposal) to the satisfaction of the Manager, Environmental Resources. Chemical management plans shall be approved by the Manager, Environmental Resources in consultation with other agencies such as the Orange County Fire Authority, the Health Care Agency and sewerage agencies to ensure implementation of each agency's respective requirements. Further, a copy of the approved "Chemical Management Plans" shall be furnished to the Manager, Building Inspection, prior to the issuance of any certificates of use and occupancy.

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19. ER SD B

POLLUTANT RUNOFF

Prior to issuance of building permits, permit applicant shall submit for approval of the Manager, Subdivision & Grading Sections, in consultation with the Manager, Environmental Resources, a proposal specifically identifying Best Management Practices (BMPs) that will be used on site to control predictable pollutant run-off.

This proposal shall identify the types of structural and non-structural measures to be used, the location(s) of structures, and assignment of long-term maintenance responsibilities (i.e. the developer, HOA, etc.). Regrading and/or construction of special features to adequately control pollutant run-off may be required.

20. DS DS R

EASMT SUBORD

Prior to the recordation of a final tract map, the subdivider shall not grant any easements over any property subject to a requirement of dedication or irrevocable offer to the County of Orange or the Orange County Flood Control District, unless such easements are expressly made subordinate to the easements to be offered for dedication to the County. Prior to granting any of the said easements, the subdivider shall furnish a copy of the proposed easement to the Manager, Subdivision & Grading Services, for review and approval.

21. ER SD G

POLLUTANT RUNOFF

Prior to issuance of any grading permits, permit applicant shall submit for approval of the Manager, Subdivision and Grading Development Services, a Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used on site to control predictable pollutant runoff. This WQMP shall identify the structural and non-structural measures specified in the Countywide NPDES Drainage Area Management Plan Appendix which details implementation of BMPs whenever they are applicable to a project, the assignment of long-term maintenance responsibilities (specifying the developer, parcel owner, maintenance association, lessee, etc.); and, shall reference the location(s) of structural BMPs.

22. ER DS G

NPDES PERMIT

Prior to issuance of a grading permit, the City shall obtain coverage under the NPDES statewide Industrial Stormwater Permit for General Construction Activities from the State Water Resources Control Board. Evidence that this requirement has been met shall be submitted to the Manager, Subdivision and Grading.

23. F F G

WATER IMPV PLANS

Prior to issuance of any grading permits, water improvement plans shall be submitted to and approved by the Fire Chief to ensure adequate fire protection and financial security is posted for the installation. The water system design and the location of valves will be evaluated and approved by the Fire Chief.

24. F F G

FIRE HYDRANTS

Prior to issuance of any grading permits, the City shall submit to the Fire Chief evidence of the on site fire hydrant system and indicate whether public or private. If the system is private, provisions shall be placed in the CC&RS for the repair and maintenance of the system, in a manner meeting the approval of the Fire Chief.

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25. F F G

WATER AVAILABILITY

Prior to issuance of any grading permits, an Orange County Fire Authority Water Availability Form shall be submitted to and approved by the Engineering Section of the Orange County Fire Department. If sufficient water to meet fire flow requirements is not available, an automatic fire extinguishing system shall be installed in each structure.

26. F F G

FIRE HYDRANT MARKER

Prior to issuance of any grading permits, all fire hydrants shall have a "Blue Reflective Pavement Marker" indicating its location on the street or drive per the Orange County Fire Department Standard. On private property these markers are to be maintained in good condition by the property owner.

27. F F G

STREET PLANS

Prior to issuance of any grading permits, plans for all street and courts, public or private, shall be submitted to and approved by the Fire Chief in consultation with the Manager, Traffic Engineering. The plans shall include sectional view, and indicate the width of the street measured flow line to flow line. All proposed fire apparatus turnarounds shall be clearly marked when a dead-end street exceeds 150 feet or when conditions require it.

28. F F G

STREET PLANS

A. Prior to issuance of any grading permits, the City shall submit and obtain approval from the Fire Chief for street improvement plans with fire lanes shown. The plans shall indicate the locations of red curbing and signage. A drawing of the proposed signage with the height, stroke and color of lettering and the contrasting background color shall be submitted and approved by the Fire Chief.

B. Prior to issuance of the certificate of use and occupancy the approved fire lane marking plan shall be installed.

29. F F G

ACCESS GATES

Prior to issuance of any grading permits, the City shall submit and obtain the Fire Chief's approval of the construction details for any access gate. Contact the Orange County Fire Authority at (714) 744-0403 for a copy of the "Guidelines for Fire Authority Emergency Access".

30. F F NA

FIRE HAZARD

A. Prior to recordation of a subdivision map, the City shall place a note on the map meeting the approval of the Fire Chief that the property is in a very high fire hazard area due to wildland exposure.

B. Prior to recordation of any final map, the City shall place a note on the map meeting the approval of the Fire Chief that the property is in a Special Fire Protection Area and must meet all requirements for

F₉

development within the area or file for an exclusion with the Fire Chief.

C. Prior to issuance of any building permits, the City shall meet all requirements for development and construction within a Special Fire Protection Area, including street widths, Class A roof assemblies, fire sprinklers, etc.

31. F F NA

FUEL MOD PLAN

A. Prior to recordation of any subdivision map, the City shall obtain the Fire Chief's approval, in consultation with the Manager, Environmental and Project Planning of a conceptual fuel modification plan and program. Contact the Orange County Fire Authority Development Review Section at (714) 744-0477 for requirements and clearance of this condition.

B. Prior to issuance of any grading permits, the City shall obtain the Fire Chief's approval, in consultation with the Manager Environmental Project Planning, of a precise fuel modification plan and program. The plan shall indicate the proposed means of achieving an acceptable level of risk to structures by vegetation. Include the method (mechanical or hand labor) for the removal of combustible vegetation and the planting of drought tolerant fire resistant plants.

C. Prior to issuance of building permits, the City shall have completed, under the supervision of the Fire Chief, that portion of the approved fuel modification plan determined to be necessary by the Fire Chief before the introduction of any combustible materials into the project area.

D. Prior to issuance of any certificate of use and occupancy, the remainder of the fuel modification shall be installed and completed under the supervision of the Fire Chief. Further, the installed fuel modification shall be established to a degree meeting the approval of the Fire Chief. The plan shall contain provisions for maintaining the fuel modification zones including the removal of all dead and dying vegetation and the inspection and correction of any deficiencies in the irrigation system three times a year.

32. F F B

HAZARDOUS MATERIALS

Prior to issuance of building permits, the City shall contact the Orange County Fire Authority Hazardous Materials Disclosure Office at (714) 744-0463 to obtain a "Hazardous Materials Business Information and Chemical Inventory Packet". This shall be completed and submitted to the Fire Chief in accordance with the timeframe established by the Fire Chief.

33. F F G/B

HAZARDOUS MATERIALS

Prior to issuance of any grading or building permits, whichever occurs first, the City shall submit to the Fire Chief a list of the quantities of all hazardous, flammable and combustible materials, liquids or gases. These liquids and materials are to be classified according to the "Orange County Fire Department Chemical Classification Handout". Provide a summary sheet listing each hazard class, the total quantity of chemicals stored per class and the total quantity of chemicals used in that class. All forms of materials are to be converted to units of measure in pounds, gallons and cubic feet. Compressed gases and

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34. F F NA UNDERGROUND TANKS
Prior to the installation of any aboveground/underground tanks, plans shall be submitted to the Fire Chief for approval.
35. F F B ARCH. PLAN
Prior to issuance of a building permit, the City shall submit plans for the approval of the Fire Chief. The applicant shall include information on the plans required by the Fire Chief. Contact the Orange County Fire Authority Plans Review Section at (714) 744 0403 for the Fire Safety/Architectural Notes to be placed on the plans.
36. F F NA AUTO. FIRE SYSTEM
All structures greater than 6,000 square feet or structures identified by the Fire Chief shall be protected by an automatic fire sprinkler system, in a manner meeting the approval of the Fire Chief.
37. LU NA NA STATE/FEDERAL PERMITS
Applicant is responsible for acquiring all required regulatory permits which are beyond those administered by the County of Orange. These include 404 and 1600 agreements with both the Army Corps of Engineers and the California Department of Fish and Game respectively prior to issuance of a grading permit.
38. RP RP G FED. ENDANGERED SPECIES
A. Prior to issuance of any grading permit, the City shall have the project site surveyed by a qualified biologist to calculate the total amount of Coastal Sage Scrub (CSS) habitat resources occupied by the California gnatcatcher impacted through construction of the project. CSS habitat resources shall be established in accordance with methodologies contained in the Methods Used to Survey Vegetation of Orange County Parks and Open Space Areas and The Irvine Company Property, February 10, 1993. Presence and absence surveys for the California gnatcatcher shall be based upon survey protocols approved by the U. S. Fish and Wildlife Service (USFWS). CSS resources impact assessment shall include any and all construction-related activities including clearing, grubbing, grading, soils and geology investigations, archaeological and/or paleontological investigations, flood control/drainage devices utility installation, implementation of fuel modification requirements, etc. This CSS acreage will provide the basis for determining the appropriate mitigation given the following options.

The City of Laguna Beach must satisfy the Federal Endangered Species Act by pursuing one of the following options:

Prior to the issuance of a grading permit, the City shall pay an in-lieu mitigation fee to the Nature Reserve of Orange County pursuant to the Central-Coastal NCCP/HCP Implementation Agreement. The Board of Directors of the Nature Reserve of Orange County established the in-lieu fee of \$50,000 per acre. The actual fee shall be based upon the total amount of CSS habitat occupied by the California gnatcatcher established by the surveys identified above and approved by the Executive Director, Orange County Nature Reserve. Should the City pursue satisfaction of the federal Endangered Species Act through the payment of in-lieu mitigation fees, the attached "Mandatory construction conditions Mitigation Measures" shall be applied to the project. F11

Prior to issuance of a grading permit, the City shall obtain the approval of the appropriate permit from the USFWS authorizing the removal of CSS habitat and subsequent take of the California gnatcatcher.

B. In addition to the surveys for Coastal Sage Scrub habitat, specific surveys for habitat suitability for the following species will also be performed: Quino Checkerspot butterfly (*Euphydryas edith quino*), least Bell's vireo (*Vireo bellii pusillus*) and Foothill Mariposa lily (*Calochortus weedii var intermedius*). In the event suitable habitat is found, the mitigation plan shall include mitigation for these species in a manner consistent with those outlined above.

39. RP RP G

FUEL MODIFICATION

Prior to issuance of any grading permit, a landscape and fuel modification plan shall be submitted for review and approval by the Orange County Fire Authority, in consultation with the Executive Director, Nature Reserve of Orange County. All fuel modification requirements shall be provided entirely within the project site. The fuel modification plan shall be consistent with the Orange County Fire Authority Guidelines for Fuel Modification Plans and Maintenance. The plan shall not include invasive plant species that may escape into the adjacent Reserve System and shall promote the use of native species.

40. EP/CP CP B

PARKING MGT. PLAN

Prior to issuance of a building permit, the City of Laguna Beach shall prepare a Parking Management Plan that demonstrates a 1:1 replacement for the parking at the Act V parking lot (project site).

41. CP BP B

LIGHT AND GLARE

Prior to issuance of a building permit, the applicant shall demonstrate that all exterior lighting has been designed and located so that all direct rays are confined to the property in a manner meeting the approval of the Manager, Building Permits.

F12



County of Orange
Planning & Development Services Department

Bryan Speegle
DIRECTOR

300 N. FLOWER ST.
THIRD FLOOR
SANTA ANA, CALIFORNIA

MAILING ADDRESS:
P.O. BOX 4048
SANTA ANA, CA 92702-4048

RECEIVED

CALIFORNIA
COASTAL COMMISSION

NOTICE OF FINAL DECISION

DATE: December 16, 2003

Coastal Development Permit No.: PA03-0047

Date of County Action: 12/16/03 **Action:** Conditionally approved by the Board of Supervisors

Applicant/Address: City of Laguna Beach, 505 Forest Avenue, Laguna Beach, CA 92651

Project Description: Coastal Development Permit to construct a new City of Laguna Beach municipal corporate yard (to replace the existing facility downtown) and periodic public "festival" parking. The proposal includes: two maintenance/storage/office buildings totaling 20,245 sq. ft., (including such uses as vehicle repair, fleet fueling, street sweeper clean-out, and vehicle washing) with 60 parking spaces for City vehicles only; a separate parking area for up to 190 supervised shared spaces (173 unsupervised spaces) for corporate yard employee/visitor parking and periodic public "festival" parking.

Project Location: 1900 Laguna Canyon Road, Laguna Beach. **Assessors Parcel Number:** 495-021-20 & 22; 496-061-20 & 21

AN APPEAL OF THIS PROJECT WAS ACTED ON AS STATED ABOVE.

THE COUNTY'S ACTION ON THE ABOVE PROJECT WAS NOT APPEALED WITHIN THE LOCAL APPEAL PERIOD ENDING NOVEMBER 6, 2003.

County contact: William V. Melton, Project Manager
PDSD/Site Planning Section
P. O. Box 4048, Santa Ana, CA 92702-4048

This project is in the coastal zone and the California Coastal Commission determined the project is an "appealable development" subject to Coastal Commission appeal procedures.

Approval of an "appealable development" may be appealed to the California Coastal Commission but no later than 10 working days after the Coastal Commission receives this Notice. Appeals must be in writing and in accordance with the California Code of Regulation Section 13111. For additional information write to the California Coastal Commission, South Coast Area Office, 200 Oceangate, 10th Floor, Long Beach, CA. 90802-4302, or call (562) 590-5071.

MAIL TO: California Coastal Commission (including: Board resolution with Findings and Conditions, staff reports to the Board and Planning Commission with minutes)
Applicant

COASTAL COMMISSION

A-5-NPC-04-004

EXHIBIT # G
PAGE 1 OF 1

RESOLUTION OF THE BOARD OF SUPERVISORS OF
ORANGE COUNTY, CALIFORNIA
December 16, 2003

WHEREAS, The City of Laguna Beach (Applicant) filed Planning Application PA03-0047 for a Coastal Development Permit to construct a city corporate yard and a summer festival parking area on a City owned 8.52 acre site in Planning Area 20A of the Newport Coast Planned Community/Local Coastal Plan; and,

WHEREAS, The Orange County Planning Commission conducted a duly noticed public hearing on October 22, 2003 and conditionally approved Planning Application PA03-0047 for Coastal Development Permit; and,

WHEREAS, An appeal of the Planning Commission's approval of Planning Application PA03-0047 was filed by the Laguna Canyon Conservancy (Appellant) with the Planning and Development Services Department on November 6, 2003; and,

WHEREAS, The Board of Supervisors conducted a duly noticed public hearing on December 16, 2003 to consider the appeal of the Planning Commission approval of Planning Application PA03-0047.

NOW, THEREFORE, BE IT RESOLVED that this Board does hereby:

1. Find that the decision-maker has considered Negative Declaration PA970163, previously adopted on May 20, 1998, and Addendum PA030047 prior to project approval. The Addendum is approved for the proposed project based upon the following findings:
 - a. The Board of Supervisors has considered the Negative Declaration and finds on the basis of the Initial Study and the comments received that there is no substantial evidence that the project could have a significant effect on the environment, and
 - b. Together, these documents are adequate to satisfy the requirements of CEQA by the decision-maker; and
 - c. The additions, clarifications, and/or changes to the original document caused by the Addendum do not raise new significant issues that were not addressed by the Negative Declaration; and
 - d. The consideration of the Negative Declaration and the approval of the Addendum for the proposed project reflect the independent judgment of the Lead Agency.
2. Deny the Laguna Canyon Conservancy appeal of Planning Application PA03-0047.
3. Uphold the Orange County Planning Commission approval of Planning Application PA03-0047 for Coastal Development Permit, subject to the attached Findings (Appendix A) and Conditions of Approval (Appendix B).

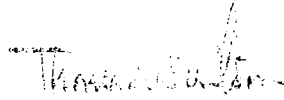
A-5-NPC-04-004

COASTAL COMMISSION

EXHIBIT # 14
PAGE 1 OF 14

The foregoing was passed and adopted by the following vote of the Orange County Board of Supervisors, on December 16, 2003, to wit:

AYES: Supervisors: THOMAS W. WILSON, CHRIS NORBY, BILL CAMPBELL
NOES: Supervisor(s):
EXCUSED: Supervisor(s): CHARLES V. SMITH, JAMES W. SILVA
ABSTAINED: Supervisor(s):



CHAIRMAN

STATE OF CALIFORNIA)
)
COUNTY OF ORANGE)

I, DARLENE J. BLOOM, Clerk of the Board of Orange County, California, hereby certify that a copy of this document has been delivered to the Chairman of the Board and that the above and foregoing Resolution was duly and regularly adopted by the Orange County Board of Supervisors.

IN WITNESS WHEREOF, I have hereto set my hand and seal.



DARLENE J. BLOOM,
Clerk of the Board
County of Orange, State of California



Resolution No: 03-389
Agenda Date: 12/16/2003
Item No: 75



I certify that the foregoing is a true and correct copy of the Resolution adopted by the Board of Supervisors, Orange County, State of California

DARLENE J. BLOOM, Clerk of the Board of Supervisors

By: _____
Deputy

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ADDENDUM

That the decision-maker has considered Negative Declaration PA970163, previously adopted on May 20, 1998, and Addendum PA030047 prior to project approval. The Addendum is approved for the proposed project based upon the following findings:

- a. Together, these documents are adequate to satisfy the requirements of CEQA by the decision-maker; and
- b. The additions, clarifications, and/or changes to the original document caused by the Addendum do not raise new significant issues that were not addressed by the Negative Declaration; and
- c. The consideration of the Negative Declaration and the approval of the Addendum for the proposed project reflect the independent judgment of the Lead Agency.

11	FISH & GAME - EXEMPT	PA030047
That pursuant to Section 711.4 of the California Fish and Game Code, this project is exempt from the required fees as it has been determined that no adverse impacts to wildlife resources will result from the project.		
12	NCCP NOT SIGNIFICANT	PA030047
That the proposed project will not have a significant unmitigated impact upon Coastal Sage Scrub habitat and therefore, will not preclude the ability to prepare an effective subregional Natural Communities Conservation Planning (NCCP) Program.		
13	FENCE AND WALL 1	PA030047
That the height and location of the fence or wall as proposed will not result in or create a traffic hazard.		
14	FENCE AND WALL 2	PA030047
That the location, size, design and other characteristics of the fence or wall will not create conditions or situations that may be objectionable, detrimental or incompatible with other permitted uses in the vicinity.		
15	PARKING MODIFICATION 1	PA030047
That the applicable off-street parking requirements are excessive or inappropriate due to the nature of the specific use involved or because of special circumstances applicable to the property.		
16	PARKING MODIFICATION 2	PA030047
That the proposed off-street parking facilities comply with the intent of Section 7-9-145.1 "Off-Street Parking Regulations" of the Orange County Zoning Code.		
17	PARKING AND CIRCULATION	PA030047
That the access, parking and circulation facilities will not result in excess traffic safety hazards.		

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Appendix B Conditions of Approval PA030047

1 CP CP NA BASIC/ZONING REG PA030047

This approval constitutes approval of the proposed project only to the extent that the project complies with the Orange County Zoning Code and any other applicable zoning regulations. Approval does not include any action or finding as to compliance of approval of the project regarding any other applicable ordinance, regulation or requirement.

2 CP CP NA EXTENDED TIME LIMIT PA030047 (Custom)

This approval is valid for a period of four years from the date of final determination. If the use approved by this action is not established within such period of time, this approval shall be terminated and shall thereafter be null and void.

3 CP CP NA BASIC/PRECISE PLAN PA030047

Except as otherwise provided herein, this permit is approved as a precise plan. If the applicant proposes changes regarding the location or alteration of any use or structure, the applicant shall submit a changed plan to the Director, PDS, for approval. If the Director, PDS, determines that the proposed change complies with the provisions and the spirit and intent of the approval action, and that the action would have been the same for the changed plan as for the approved plot plan, he may approve the changed plan without requiring a new public hearing.

4 CP CP NA BASIC/COMPLIANCE PA030047

Failure to abide by and faithfully comply with any and all conditions attached to this approving action shall constitute grounds for the revocation of said action by the Orange County Planning Commission.

5 CP CP NA BASIC/OBLIGATIONS PA030047

Applicant shall defend at his/her sole expense any action brought against the County because of issuance of this permit. Applicant shall reimburse the County for any court costs and attorneys fees that the County may be required to pay as a result of such action. The County may, at its sole discretion, participate in the defense of any action, but such participation shall not relieve applicant of his/her obligations under this condition.

6 CP CP NA BASIC/APPEAL EXACTIONS PA030047

Pursuant to Government Code Section 66020, the applicant is hereby informed that the 90-day approval period in which the applicant may protest the fees, dedications, reservations or other exactions imposed on this project through the conditions of approval has begun.

7 HP HP G PALEO OBS & SALVAGE PA030047

Prior to the issuance of any grading permit, the project applicant shall provide written evidence to the Manager, Subdivision and Grading, that applicant has retained a County certified paleontologist to observe grading activities and salvage and catalogue fossils as necessary. The paleontologist shall be present at the pre-grade conference, shall establish procedures for paleontological resource surveillance, and shall establish, in cooperation with the applicant,

procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of the fossils. If the paleontological resources are found to be significant, the paleontologist shall determine appropriate actions, in cooperation with the applicant, which ensure proper exploration and/or salvage.

Prior to the release of the grading bond the applicant shall submit the paleontologist's follow up report for approval by the Manager, HBP/Coastal and Historical Facilities. The report shall include the period of inspection, a catalogue and analysis of the fossils found, and the present repository of the fossils. Applicant shall prepare excavated material to the point of identification. The applicant shall offer excavated finds for curatorial purposes to the County of Orange, or its designee, on a first refusal basis. These actions, as well as final mitigation and disposition of the resources, shall be subject to approval by the HBP/Coastal and Historical Facilities. Applicant shall pay curatorial fees if an applicable fee program has been adopted by the Board of Supervisors, and such fee program is in effect at the time of presentation of the materials to the County of Orange or its designee, all in a manner meeting the approval of the Manager, HBP/Coastal and Historical Facilities.

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DRAINAGE STUDY

PA030047

Prior to the issuance of any grading permits, the following drainage studies shall be submitted to and approved by the Manager, Subdivision and Grading:

- A. A drainage study of the project including diversions, off-site areas that drain onto and/or through the project, and justification of any diversions; and
- B. When applicable, a drainage study evidencing that proposed drainage patterns will not overload existing storm drains; and
- C. Detailed drainage studies indicating how the project grading, in conjunction with the drainage conveyance systems including applicable swales, channels, street flows, catch basins, storm drains, and flood water retarding, will allow building pads to be safe from inundation from rainfall runoff which may be expected from all storms up to and including the theoretical 100-year flood.

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DRAINAGE IMPROVEMENTS

PA030047

A. Prior to the issuance of any grading permits, the applicant shall in a manner meeting the approval of the Manager, Subdivision and Grading:

- 1) Design provisions for surface drainage; and
- 2) Design all necessary storm drain facilities extending to a satisfactory point of disposal for the proper control and disposal of storm runoff; and
- 3) Dedicate the associated easements to the County of Orange, if determined necessary.

B. Prior to the issuance of any certificates of use and occupancy, said improvements shall be constructed in a manner meeting the approval of the Manager, Construction.

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DRAINAGE OFFSITE

PA030047

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Prior to the issuance of any grading permit, and if determined necessary by the Manager,

Subdivision and Grading, the applicant shall record a letter of consent, from the upstream and/or downstream property owners permitting drainage diversions and/or unnatural concentrations. The form of the letter of consent shall be approved by the Manager, Subdivision and Grading Services prior to recordation of the letter.

11 EP BP G UNDERGROUND TANKS PA030047

Prior to issuance of any grading permit, the applicant shall provide a plan showing the placement of underground storage tanks for the approval of the Manager, Building Permit Services, in consultation with the Manager, PFRD/ Environmental Resources. Further, a copy of the final plans for installation approved by the Health Care Agency for underground storage tank usage shall be on file at the site at all times and shall be available for inspection by representatives of PFRD/ Environmental Resources.

12 EP F/BI U UFC IMPLEMENTATION PA030047

Prior to issuance of certificates of use and occupancy, the applicant shall provide plans or identify measures to comply with standard County procedures for implementing the Uniform Fire Code in the use of any combustible and flammable liquids, above-ground or underground storage of such materials, welding and potential spark production, and building occupancy rating in a manner meeting the approval of the Fire Chief. Further, a copy of the approved "UFC Implementation Plan" shall be furnished to the Manager, Building Inspection Services, prior to the issuance of any certificates of use and occupancy.

13 EP H NA WASTE DISPOSAL PA030047

Applicant/operator shall store, manifest, transport, and dispose of all on-site generated waste that meets hazardous waste criteria in accordance with California Code of Regulations Title 22 and in a manner to the satisfaction of the Manager, HCA/Hazardous Materials Program. Applicant shall keep storage, transportation, and disposal records on site and open for inspection to any government agency upon request.

14 F F B WATER AVAILABILITY PA030047
[Com] Service Code: 1.12.1

Prior to the recordation of a subdivision map, the issuance of any grading permits or the issuance of a building permit, whichever occurs first, the applicant shall provide evidence of adequate fire flow. The "Orange County Fire Authority Water Availability for Fire Protection" form shall be signed by the applicable water district and submitted to the Fire Chief for approval. If sufficient water to meet fire flow requirements is not available an automatic fire extinguishing system may be required in each structure affected.

15 F F RBU AUTOMATIC FIRE SPRINKLER PA030047
[Com] Service Codes: 1.18-1.26

A. Prior to the recordation of a subdivision map, a note shall be placed on the map stating that all commercial structures exceeding 6,000 square feet (per amendment) and all structures exceeding fire department access requirements shall be protected by an automatic fire sprinkler system in a manner meeting the approval of the Fire Chief.

B. Prior to the issuance of a building permit, the applicant shall submit plans for any required automatic fire sprinkler system in any structure to the Fire Chief for review and approval. Please contact the Orange County Fire Authority at (714) 744-0499 to request a copy of the "Orange County Fire Authority Notes for New NFPA 13 Commercial Sprinkler Systems."

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C. Prior to the issuance of a certificate of use and occupancy, this system shall be operational in a manner meeting the approval of the Fire Chief.

16 F F G **ACCESS GATES** PA030047
[Com] Service Code: 1.13

Prior to the issuance of any grading permits, the applicant shall obtain the approval from the Fire Chief for the construction of any gate across required fire department access roads. Please contact the Orange County Fire Authority at (714) 744-0499 or visit the Orange County Fire Authority website to obtain a copy of the "Guidelines for Design and Installation of Emergency Access Gates and Barriers."

17 F F B **COMBUSTIBLE CONSTRUCTION LETTER** PA030047
[Com] No OCFA Service Code (Usually Received with 1.12.1)

Prior to the issuance of a building permit for combustible construction, the builder shall submit a letter on company letterhead stating that water for fire-fighting purposes and all-weather fire protection access roads shall be in place and operational before any combustible material is placed on site. *Building permits will not be issued without Orange County Fire Authority approval obtained as a result of an on-site inspection.* Please contact the Orange County Fire Authority at (714) 744-0499 to obtain a copy of the standard combustible construction letter.

18 F F B **BUILDING USE LETTER** PA030047
[Com] No OCFA Service Code (Submit upon Request)

Prior to the issuance of any building permits, the applicant shall submit a detailed letter of intended use for each building on site to the Fire Chief for review and approval.

19 F F SB **ARCHITECTURAL BUILDING PLANS** PA030047
[Com] Service Codes: 1.14-1.17

Prior to the issuance of a building permit, the applicant shall submit architectural plans for the review and approval of the Fire Chief if required per the "Orange County Fire Authority Plan Submittal Criteria Form." Please contact the Orange County Fire Authority at (714) 744-0499 for a copy of the Site/Architectural Notes to be placed on the plans prior to submittal.

20 F F BU **FIRE ALARM SYSTEM** PA030047
[Com] Service Codes: 1.36-1.38

A. Prior to the issuance of a building permit, plans for the fire alarm system shall be submitted to the Fire Chief for review and approval. Please contact the Orange County Fire Authority at (714) 744-0499 or visit the Orange County Fire Authority website to obtain a copy of the "Guideline for New and Existing Fire Alarm Systems."

B. This system shall be operational prior to the issuance of a certificate of use and occupancy.

21 F F B **STORAGE TANKS** PA030047
[Com] Service Codes: 1.41 & 1.42

Prior to the issuance of a building permit or installation of an aboveground or an underground tank, plans shall be submitted to the Fire Chief for review and approval. Please contact the Orange County Fire Authority at (714) 744-0499 or visit the Orange County Fire Authority website to obtain a copy of "Guidelines for Private Use Dispensing of Motor Vehicle Fuel from Protected or Multi-Hazard Aboveground Storage Tanks," or "Guidelines for the Installation and Modification

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of Underground Storage Tanks at Fuel Dispensing Stations."

22 F F GBU FIRE HYDRANTS PA030047 (Custom)
[Com] Service Code: 1.12.1, 1.29, 1.30

A. Prior to the issuance of any grading permits or the issuance of a building permit occurs first, the applicant shall submit a fire hydrant location plan to the Fire Chief for approval.

B. Prior to the issuance of a building permit, the applicant shall submit evidence of a fire hydrant system to the Fire Chief and indicate whether it is public or private. If private, it shall be reviewed and approved by the Fire Chief prior to building permit. The applicant shall make provisions for the repair and maintenance of the system, meeting the approval of the Fire Chief. Please contact the Orange County Fire Authority at (714) 744-0499 or visit the Orange County Fire Authority website for a copy of the "Orange County Private Fire Hydrant &/or Sprinkler Underground Piping."

C. Prior to the issuance of any certificate of use and occupancy, all fire hydrants shall have a blue reflective pavement marker indicating the hydrant location on the street as approved by the Fire Chief, and must be maintained in good condition by the property owner. Please contact the Orange County Fire Authority at (714) 744-0499 or visit the Orange County Fire Authority website for a copy of the "Guideline for Installation of Blue Dot Hydrant Markers."

D. An additional fire hydrant is required along the access road per the CFC Table N. The proposed on-site fire hydrants must be placed no farther than three (3) feet from the access road.

23 F F RG FIRE ACCESS ROADS PA030047 (Custom)
[Com] Service Code: 1.12.1

A. Prior to the issuance of any grading permits or the issuance of a building permit, the applicant shall obtain approval of the Fire Chief for all fire protection access roads to within 10 feet portions of the exterior of every structure on site. Please contact the Orange County Fire Authority at (714) 744-0499 or visit the Orange County Fire Authority website to obtain a copy of the "Guidelines for Emergency Access."

24 F F BU STREET MARKINGS PA030047 (Custom)
[Com] Service Code: 1.12.2

A. Prior to the issuance of any grading or building permits, the applicant shall submit a plan to obtain approval from the Fire Chief for fire lanes on required fire access roads less than 10 feet wide. The plans shall indicate the locations of red curbs and signage and include a copy of the proposed signage including the height, stroke and colors of the lettering and its background. Please contact the Orange County Fire Authority at (714) 744-0499 or visit the Orange County Fire Authority website to obtain a copy of the "Guidelines for Emergency Roadways and Fire Lane Requirements."

B. Prior to the issuance of any certificate of use and occupancy, the fire lanes shall be established in accordance with the approved fire lane plan. The approved Fire Master Plan shall include a fire lane map, provisions which prohibit parking in the fire lanes and a method of enforcement.

25 F F RRB FIRE HAZARD NOTIFICATION PA030047 (Custom)
[Com] Service Codes: 1.5 & 1.7

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B. SFPA Area Notification. Prior to the issuance of a building permit, a note shall place a note on the plan meeting the approval of the Fire Chief that the property is in a "Special Fire Protection Area" and must meet all requirements for development within the area or file for an exclusion with the Fire Chief.

C. Prior to the issuance of a building permit, the applicant shall place a note on the map meeting the approval of the Fire Chief that all requirements for development and construction within a "Special Fire Protection Area," including increased street widths, Class A roof assemblies, fire sprinklers, etc. will be met. Please Contact the Orange County Fire Authority at (714) 744-0499 or visit the Orange County Fire Authority website to obtain a copy of the "Guidelines for Development within Special Fire Protection Areas and Instructions for Request for Exclusion from SFPA."

26 F F GBU FUEL MODIFICATION PA030047 (Custom)
[Com] Service Codes: 1.9 & 1.10

A. Prior to the issuance of a preliminary grading permit, the applicant shall obtain approval from the Fire Chief in consultation with the Manager, Subdivision and Grading Services, for a conceptual fuel modification plan and program. Please contact the Orange County Fire Authority at (714) 744-0499 or visit the Orange County Fire Authority website to obtain a copy of the "Guideline for Fuel Modification Plans and Maintenance."

B. Prior to the issuance of a precise grading permit, the applicant shall obtain approval from the Fire Chief in consultation with the Manager, Subdivision and Grading Services, for a precise fuel modification plan and program. The plan shall indicate the proposed means of modifying vegetation to reduce the risk to structures. Please contact the Orange County Fire Authority at (714) 744-0499 or visit the Orange County Fire Authority website to obtain a copy of the "Guideline for Fuel Modification Plans and Maintenance."

C. Prior to the issuance of a building permit, the developer, under the supervision of the Fire Chief, shall have completed the portion of the approved fuel modification plan determined to be necessary before the introduction of any combustible materials into the project area. Approval shall be subject to an on-site inspection.

D. Prior to the issuance of any certificate of use and occupancy, the fuel modification shall be installed and completed under the supervision of the Fire Chief with an approved plant pallet. The CC&Rs or other approved documents shall contain provisions for maintaining the fuel modification zones, including the removal of all dead and dying vegetation. The fuel modification zones shall be subject to triennial inspections.

E. Applicant should be apprised that fuel modification needs for the proposed project may not be satisfied by use of Laguna Coast Wilderness Park land to fulfill Orange County Fire Authority requirements. Recreation Element of the Orange County General Plan, Regional Recreation Component, Policy 22, Page VII-50, states as follows; "Adequate development setbacks for proposed development adjacent existing and proposed regional recreation facilities shall be sought without encroachment into regional recreation facilities to . . . (b) accommodate Fire Authority needs (e.g., fuel modification areas, fire access roads/trails)."

27 F F SGB HAZARDOUS MATERIALS PA030047 (Custom)
[Com] Service Code: 1.39

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A. Prior to the issuance of a grading or building permit, the applicant shall submit to the Fire Chief a list of all hazardous, flammable and combustible liquids, solids or gases to be stored, used or

handled on site. These materials shall be classified according to the Uniform Fire Code and a document submitted to the Fire Chief with a summary sheet listing the totals for storage and use for each hazard class. Please contact the Orange County Fire Authority at (714) 744-0499 or visit the Orange County Fire Authority website to obtain a copy of the "Guideline for Completing Chemical Classification Packets."

28 SG SG G GEOLOGY REPORT PA030047

Prior to the issuance of a grading permit, the applicant shall submit a geotechnical report to the Manager, Subdivision and Grading, for approval. The report shall include the information and be in the form as required by the Grading Manual.

29 EP SG G FLOODPLAIN PA030047 (Custom)

Prior to the issuance of a grading permit, the applicant shall delineate on the grading plan the floodplain, which affects the property, in a manner meeting the approval of the Manager, Subdivision and Grading Services.

30 SG SG RG CROSS LOT DRAINAGE PA030047 (Custom)

Prior to the issuance of any grading permit, and if determined necessary by the Manager, Subdivision and Grading, the applicant shall record a letter of consent from the affected property owners permitting offsite grading, cross lot drainage, drainage diversions and/or unnatural concentrations. The applicant shall obtain approval of the form of the letter of consent from the Manager, Subdivision and Grading Services before recordation of the letter.

31 HB HG B HBP LANDSCAPING PLAN PA030047 (Custom)

Prior to issuance of any building permits, a landscape/screening plan shall be submitted to the Manager, PFRD/HBP Program Management by the applicant for review and approval. The plan shall help screen visible areas of the project as viewed from adjacent Laguna Coast Wilderness Park including, but not limited to buildings, waste transfer area, material storage bin and striped storage bays. Planting of Sycamore trees should be incorporated as a component of the submitted plant palette of the landscape/screening plan

32 HBP HBP B FENCING PA030047 (Custom)

Prior to issuance of building permits, a resource protection fencing and signage plan shall be submitted to the Manager, PFRD/HBP Program Management for review and approval

33 SG SG/BI GU PRIVATE LANDSCAPING PA030047

A. Prior to the issuance of precise grading permits, the applicant shall prepare a detailed landscape plan for the project area which shall be approved by the Manager, Subdivision and Grading. The plan shall be certified by a licensed landscape architect or a licensed landscape contractor, as required, as taking into account approved preliminary landscape plan (if any), County Standard Plans for landscape areas, adopted plant palette guides, applicable scenic and specific plan requirements, water conservation measures contained in Board Resolution 90-487. and Board Resolution 90-1341 (Water Conservation Implementation Plan).

B. Prior to the issuance of certificates of use and occupancy, applicant shall install said landscaping and irrigation system and shall have a licensed landscape architect or licensed landscape contractor, certify that it was installed in accordance with the approved plan.

C. Prior to the issuance of any certificates of use and occupancy, the applicant shall furnish said installation certification, including an irrigation management report for each landscape irrigation

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system, and any other implementation report determined applicable, to the Manager, Building Inspection Services

34 HBP BP/HBP BU LIGHT AND GLARE PA030047 (Custom)

A. Prior to issuance of any building permit, the applicant shall demonstrate that all exterior lighting has been designed and located so that all direct rays are confined to the property in a manner meeting the approval of the Manager, Building Permit Services.

B. Prior to issuance of building permits, plans for exterior lighting in corporate and public parking areas, with sectional views, shall be reviewed and approved by the Manager, PDSD/Building Permits, in consultation with the Manager, PFRD/HBP Program Management.

C. Prior to issuance of certificates of use and occupancy, field measurement, evaluation and adjustment of exterior lighting shall be performed in a manner satisfactory to the Manager, PFRD/HBP Program Management. The lighting manufacturer will be required to make low-level, light measuring instruments available for use in the field testing. The applicant shall energize exterior lighting for the testing in a manner acceptable to the Manager, PFRD/HBP Program Management, in consultation with the Senior Park Ranger, Laguna Coast Wilderness Park. Adjustment and testing of exterior lighting shall be repeated as necessary to minimize stray light, to the satisfaction of the Manager, PFRD/HBP Program Management, in consultation with the Senior Park Ranger, Laguna Coast Wilderness Park.

35 BP BP G CONSTRUCTION NOISE PA030047

A. Prior to the issuance of any grading permits, the project proponent shall produce evidence acceptable to the Manager, Building Permit Services, that:

(1) All construction vehicles or equipment, fixed or mobile, operated within 1,000' of a dwelling shall be equipped with properly operating and maintained mufflers.

(2) All operations shall comply with Orange County Codified Ordinance Division 6 (Noise Control).

(3) Stockpiling and/or vehicle staging areas shall be located as far as practicable from dwellings.

B. Notations in the above format, appropriately numbered and included with other notations on the front sheet of the project's permitted grading plans, will be considered as adequate evidence of compliance with this condition.

36 SG SG G SIGHT DISTANCE PA030047

Prior to the issuance of any grading permits, the applicant shall provide adequate sight distance per Standard Plan 1117 at all street intersections, in a manner meeting the approval of the Manager, Subdivision and Grading. The applicant shall make all necessary revisions to the plan to meet the sight distance requirement such as removing slopes or other encroachments from the limited use area in a manner meeting the approval of the Manager, Subdivision and Grading Services.

37 SG SG G WATER QUALITY MANAGEMENT PLAN PA030047 (Custom)

Prior to the issuance of any grading or building permit, the applicant shall submit for review and approval by the Manager, Subdivision and Grading Services Division, a Water Quality

Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used onsite to control predictable pollutant runoff. This WQMP shall identify, at a minimum, the routine structural and non-structural measures specified in the appropriate NPDES Drainage Area Management Plan (DAMP). The WQMP shall:

- Address Site Design BMPs (as applicable) such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas,
- Discuss regional water quality and/or watershed programs (if applicable),
- Include the applicable Routine Source Control BMPs as defined in the DAMP,
- Incorporate Treatment Control BMPs as defined in the DAMP (for all priority projects),
- Identify how all construction materials, wastes, grading or demolition debris, and stockpiles of soil, aggregates, soil amendments, etc. shall be properly covered, stored, and secured to prevent transport into local drainages or coastal waters by wind, rain, tracking, tidal erosion or dispersion.
- Describe how the applicant will ensure that during any public right-of-way construction, all BMP's and control measures shall be outside of the right-of-way area and within the project site,
- Describe the long-term operation and maintenance requirements for the Treatment Control BMPs,
- Identify the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs,
- Describe the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs,
- Demonstrate how surface runoff and subsurface drainage shall be directed to the nearest acceptable drainage facility, via sump pumps if necessary,
- Specify that onsite surface drainage and any sub-drain systems shall not discharge over the bluffs or hilltops,
- Demonstrate that all roof drains shall be required to connect into a tight-line drainage pipe or swales that drain to the nearest acceptable drainage facility,
- Require that landscaping plans for slopes exceeding one acre and all upland common areas shall utilize only native, drought-tolerant landscape materials,
- Demonstrate that irrigation system plans shall not include irrigation lines for the bluff-side of a coastal parcel.

38 SG SG U COMPLIANCE WITH THE WQMP PA030047 (Custom)

Prior to the issuance of a Certificate of Use and Occupancy, the applicant shall demonstrate compliance with the WQMP in a manner meeting the satisfaction of the Manager, Subdivision and Grading Services Division including:

- Demonstrate that all structural best management practices (BMPs) described in the project's WQMP have been implemented, constructed and installed in conformance with approved plans and specifications,
- Demonstrate that the applicant has complied with all non-structural BMPs described in the project's WQMP,
- Demonstrate that an adequate number of copies of the project's approved WQMP are available for the future occupants,
- Submit for review and approval an Operations and Maintenance (O&M) Plan for all structural BMPs for attachment to the WQMP,
- Submit financial security in the form of cash or a letter of credit equal to or exceeding the estimated annual cost of operation and maintenance of the BMP's as described in the

WQMP and O&M Manual,

- File for a special investigation from the County of Orange for a date (12) twelve months after the issuance of a Certificate of Use and Occupancy for the project to verify on-going compliance with the approved WQMP and O&M Plan.
- Demonstrate that the applicant has recorded the final approved Water Quality Management Plan (WQMP) and Operations and Maintenance (O&M) Plan.

39 SG SG BU CHEMICAL MANAGEMENT PA030047 (Custom)

Prior to the issuance of building permits for any tank or pipeline, the uses of said tank or pipeline shall be identified and the applicant shall submit a Chemical Management Plan as an element of a WQMP with all appropriate measures for chemical management (including, but not limited to, storage, emergency response, employee training, spill contingencies and disposal) in a manner meeting the satisfaction of the Manager, Building Permit Services in consultation with the Public Facilities and Resources Department, the Orange County Fire Authority, the Orange County Health Care Agency and wastewater agencies, as appropriate, to ensure implementation of each agency's respective requirements. A copy of the approved "Chemical Management Plans" shall be furnished to the Manager, Building Inspection Services, prior to the issuance of any Certificates of Use and Occupancy.

40 SG SG G STORMWATER POLLUTION PREVENTION PLAN PA030047 (Custom)

Prior to the issuance of any grading or building permits, the applicant shall demonstrate compliance under California's General Permit for Stormwater Discharges Associated with Construction Activity by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number or other proof of filing in a manner meeting the satisfaction of the Manager, Subdivision and Grading Services Division. Projects subject to this requirement shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). A copy of the current SWPPP shall be kept at the project site and be available for County review on request.

41 EP NA G STATE/FEDERAL PERMITS PA030047 (Custom)

Applicant is responsible for acquiring all required regulatory permits which are beyond those administered by the County of Orange. These include 404 and 1600 agreements with both the Army Corps of Engineers and the California Department of Fish and Game respectively prior to issuance of a grading permit.

42 RP RP G FED. ENDANGERED SPECIES PA030047 (Custom)

A. Prior to issuance of any grading permit, the City shall have the project site surveyed by a qualified biologist to calculate the total amount of Coastal Sage Scrub (CSS) habitat resources occupied by the California gnatcatcher impacted through construction of the project. CSS habitat resources shall be established in accordance with methodologies contained in the Methods Used to Survey Vegetation of Orange County Parks and Open Space Areas and The Irvine Company Property, February 10, 1993. Presence and absence surveys for the California gnatcatcher shall be based upon survey protocols approved by the U. S. Fish and Wildlife Service (USFWS). CSS resources impact assessment shall include any and all construction—related activities including clearing, grubbing, grading, soils and geology investigations, archaeological and/or paleontological investigations, flood control/drainage devices utility installation, implementation of fuel modification requirements, etc. This CSS acreage will provide the basis for determining the appropriate mitigation given the following options.

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The City of Laguna Beach must satisfy the Federal Endangered Species Act by pursuing one of the following options:

Prior to the issuance of a grading permit, the City shall pay an in-lieu mitigation fee to the Nature Reserve of Orange County pursuant to the Central-Coastal NCCP/HCP Implementation Agreement. The Board of Directors of the Nature Reserve of Orange County established the in-lieu fee of \$50,000 per acre. The actual fee shall be based upon the total amount of css habitat occupied by the California gnatcatcher established by the surveys identified above and approved by the Executive Director, Orange County Nature Reserve. Should the City pursue satisfaction of the federal Endangered Species Act through the payment of in-lieu mitigation fees, the attached "Mandatory construction conditions Mitigation Measures" shall be applied to the project.

or,

Prior to issuance of a grading permit, the City shall obtain the approval of the appropriate permit from the USFWS authorizing the removal of CSS habitat and subsequent take of the California gnat catcher.

B. In addition to the surveys for Coastal Sage Scrub habitat, specific surveys for habitat suitability for the following species will also be performed: Quino Checkerspot butterfly (*Euphydryas edith quino*), least Bell's vireo (*Vireo bellii pusillus*) and Foothill Mariposa lily (*Calochortus weedii var intermedius*). In the event suitable habitat is found, the mitigation plan shall include mitigation for these species in a manner consistent with those outlined above.

43 CP NA NA CITY OR COUNTY APPROVALS PA030047 (Custom)

In the event the City of Laguna Beach assumes permit authority for grading permits, building permits and use and occupancy permits, then the conditions of approval that reference a County authority for condition approval, the condition shall mean the corresponding City permit authority.

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