

**CALIFORNIA COASTAL COMMISSION**

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Staff Report: 6/29/04  
Hearing Date: 7/14-16/04  
Commission Action:

**STAFF REPORT: APPEAL**  
**DE NOVO COASTAL DEVELOPMENT PERMIT**

**LOCAL GOVERNMENT:** County of Orange, Newport Coast LCP Area

**LOCAL DECISION:** Approval with Conditions

**APPEAL NUMBER:** A-5-NPC-04-004

**APPLICANT:** City of Laguna Beach

**PROJECT LOCATION:** ACT V/Corporate Yard – Newport Coast Planning Area 20A  
1900 Laguna Canyon Road, Newport Coast, Orange County

**PROJECT DESCRIPTION:** The applicant is proposing to construct a new municipal corporate yard (i.e. public works facility) to replace an existing facility downtown and a parking lot for corporate yard employees and public parking.

**APPELLANTS:** Commissioners Wan and Iseman

**SUMMARY OF STAFF RECOMMENDATION**

At a public hearing on February 18, 2004, the Commission determined that **a substantial issue existed** with respect to the local government's approval of the proposed development on the grounds that the approval did not conform to the County of Orange certified Local Coastal Program (LCP) for the Newport Coast area.

Staff recommends that the Commission, after a public hearing, **approve a de novo coastal development permit** for the proposed development with special conditions that: 1) assure the provision of public parking as proposed by the applicant; 2) assure no loss of public art festival parking at the subject site during construction; 3) require public parking signage; 4) require the applicant to carry out the fuel modification plan as proposed; 5) require that external lighting be shielded and directed away from ESHA; 6) require a revision to the proposed Water Quality Management Plan to assure that all expected pollutants of concern are addressed; 7) require the applicant to adhere to general construction responsibilities; 8) require approval of the Regional Water Quality Control Board; 9) require the applicant to abandon local coastal development permit PA97-0163; 10) require the submittal of final project plans; 11) require that future development at the site requires an amendment to this permit or a new coastal development permit; 12) clarifies that conditions imposed by the local government remain effective to the extent that they are not in conflict with the conditions of this permit; and, 13) require the applicant, upon conveyance of the property, to record a deed restriction against the property, referencing all of the Special Conditions contained in this staff report.

**SUBSTANTIVE FILE DOCUMENTS:**

1. County of Orange Newport Coast Certified Local Coastal Program.
2. Local Coastal Development Permit Nos. PA97-0163 & PA03-0047.
3. Appeal of Coastal Development Permit No. PA97-0163
4. Appeal of Coastal Development Permit No. PA03-0047.
5. Mitigated Negative Declaration No. PA 970163 & Addendum PA 030047
6. Streambed Alteration Agreement No. 5-360-98, 8/18/98
7. Habitat Mitigation and Monitoring Plan, City Corporation Yard Laguna Beach, California  
Dated, 8/17/98, prepared by LSA Associates, Inc.
8. City's Traffic & Parking Management Plan, 3/23/2004

**STAFF NOTE:**

The action currently before the Commission is the de novo portion of an appeal of a local coastal development permit for development located within the jurisdiction of the certified Newport Coast (Orange County) Local Coastal Program (LCP). The Commission's standard of review for the proposed development is the certified Newport Coast LCP.

The County approved two local coastal development permits for similar development projects at the subject site, PA97-0163 (A-5-NPC-03-536) and PA03-0047 (A-5-NPC-04-004). PA97-0163 was approved by the County in 1998 but was not processed as an action appealable to the Coastal Commission. The project was approved, but the Commission was never notified of the permit, and the applicant (the City of Laguna Beach), began some of the development described in the permit, including some surface grading, placing a drain pipe and backfilling in the streambed, and implementation of a mitigation plan. However, not all work was completed. The City and County determined the local permit had expired and processed a second coastal development permit, PA03-0047. PA03-0047 was approved by the County in 2003. PA03-0047 was processed as an action appealable to the Coastal Commission. Once the County realized the earlier permit should have been processed as an appealable permit and that it had never been finally approved (i.e. no Notice of Final Action had ever been sent to the Commission's district office), the County prepared a Notice of Final Action for the earlier permit (PA97-0163) which was listed as appealable. When the Notice of Final Action was received in the Commission's district office, the Commission's appeal period commenced. Soon thereafter the Notice of Final Action for the more recent permit (PA03-0047) was received in the Commission's district office and the appeal period for that permit was established. Both local coastal development permits were appealed to the Coastal Commission. The appeal of the first permit was designated as A-5-NPC-03-536, and the appeal of the second permit was designated as A-5-NPC-04-004. On February 18, 2004, the Coastal Commission found that both appeals raised a substantial issue.

Both local coastal development permits are for similar development. Each permit would have allowed a slightly different project design at the same site. Both designs could not each be accommodated at the site at the same time. Each of the permits raise similar issues. For these reasons, the project description of A-5-NPC-04-004 has been modified to include all the development proposed by the City (including development that has already occurred) and

development no longer proposed has been eliminated. This report provides a recommendation for that permit only. However, as a condition of approval for coastal development permit A5-NPC-04-004, the applicant is required to abandon the earlier permit (A-5-NPC-03-536/PA97-163).

### **STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application with special conditions:

**MOTION:** *"I move that the Commission approve Coastal Development Permit A-5-NPC-04-004 pursuant to the staff recommendation."*

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

#### **I. Resolution: Approval with Conditions**

The Commission hereby approves, subject to the conditions below, the coastal development permit on the grounds that the development as conditioned will be in conformity with the certified Newport Coast Local Coastal Program, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

#### **II. STANDARD CONDITIONS**

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

**III. Special Conditions:**

**1. Public Parking**

- A. As proposed, the applicant shall construct and maintain a minimum of 111 public parking spaces at the subject site that shall be reserved for exclusive use by the general public (e.g. no Corporate Yard/employee parking). Public use of said parking shall be maximized and shall be available a minimum of the months of July and August. The public parking at the subject site shall be available no less than one hour before the opening time of the earliest art festival and one hour after the closing time of the latest art festival. Additional on-site parking (i.e. in excess of the 111 public, on-site spaces) that is vacated by employees or other users shall be made available for public use, where feasible. In addition, the applicant shall provide shuttle service, available to the general public, from the subject site to the City's downtown, for the same time period.
- B. In addition to the 111 public parking spaces identified in part A of this condition, the applicant shall provide 190 new public parking spaces in the area of the existing City Corporate Yard and City Employee Parking lot consistent with the proposed Traffic and Parking Management Program, dated 3/23/2004. As proposed, these spaces shall be reserved for use by the general public at all times. The parking spaces shall be open and available for use by the general public prior to commencement of the first summer art festival season following the occupation of the buildings authorized by this coastal development permit. Any changes to the Traffic and Parking Management Program shall require an amendment to this permit unless the Executive Director determines that none is required.
- C. **Prior to issuance of the coastal development permit**, the applicant shall submit, for the review and approval of the Executive Director, evidence of approval of a coastal development permit or evidence that the development is exempt from permit requirements or otherwise does not require a coastal development permit for the construction of the 190 public parking spaces described in B above.

**2. Public Art Festival Parking – Interim Impacts**

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

3. **Signage Program**

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, a plan for signage to advertise the availability of and direct the public toward use of the public parking authorized by this coastal development permit.
1. Plans shall identify all signs including location, dimensions, materials and colors, as well as sign text, size and orientation. All plans shall be of sufficient scale and detail to verify the location, size and content of all signage, during a physical inspection of the premises.
  2. The plan shall incorporate signs that identify the location of public parking, duration of parking allowed, cost, hours of operation of the parking lot, and the availability of public shuttle service, in conformance with the requirements of Special Condition 1 of this permit.
- B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. **Fuel Modification**

The applicant shall carry out development in strict conformance with the fuel modification plan as proposed on the plans prepared by Peyo & Associates, dated October 2003. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

5. **Lighting**

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

6. **Water Quality**

- A. **Prior to issuance of the coastal development permit**, the applicant shall submit, for the review and approval of the Executive Director, a revised Water Quality Management Plan that incorporates all of the measures identified in the Water Quality Management Plan, Planning Project No. PA03-0047, dated 6/7/04, and in addition, addresses treatment of run-off containing all anticipated constituents of concern based on the proposed use of the developed site, including but limited to oil and grease from parking areas.

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

**7. General Construction Responsibilities**

- A. The permittee shall comply with the following construction-related requirements:
1. Prior to commencement of any work approved by this permit, a temporary barrier or work area demarcation (such as but not limited to flagging, staking or plastic mesh fencing) shall be placed between the construction areas and off-site habitat area. All temporary flagging, staking, fencing shall be removed upon completion of the development. No work shall occur beyond the limits of the project as identified on the project plans (Precise Fuel Modification Plan, prepared by Peyo & Associates, dated 10/2003).
  2. Any inadvertent impacts to the adjacent park and habitat area outside Planning Area 20A by the proposed development shall be reported to the Executive Director within 24 hours of occurrence and shall be mitigated. Such mitigation shall require an amendment to this permit or a new permit unless the Executive Director determines that no amendment or new permit is required.
  3. No construction materials, debris, or waste shall be placed or stored where it may encroach upon adjacent park or habitat areas or enter any drainage;
  4. Construction materials, chemicals, debris and sediment shall be properly contained and secured on site to prevent the unintended transport of material, chemicals, debris, and sediment into habitat areas and coastal waters by wind, rain or tracking. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of construction-related materials, and to contain sediment or contaminants associated with construction activity, shall be implemented prior to the on-set of such activity. BMPs selected shall be maintained in a functional condition throughout the duration of the project. A pre-construction meeting shall be held for all personnel to review procedural and BMP/GHP guidelines.
  5. Disposal of debris and excess material. Debris and excess material shall be disposed or recycled at a legal disposal/recycling site. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is required. No debris or excess material shall be placed on or within adjacent park or habitat areas.
  6. Debris and sediment shall be removed from the construction areas as necessary to prevent the accumulation of sediment and other debris which may be discharged into habitat areas and coastal waters.
  7. Any and all debris resulting from construction activities shall be removed from the project site within 7 days of completion of construction.

- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a revised site access, staging, work area and equipment storage plan(s) which conforms with the requirements of subsection A.1 through A.7 of this special condition. The permittee shall undertake development in accordance with the approved final plan(s). Any proposed changes to the approved final plan(s) shall be reported to the Executive Director. No changes to the approved final plan(s) shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

8. **Regional Water Quality Control Board Approval**

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

9. **Abandon Local Coastal Development Permit PA97-0163**

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

10. **Final Project Plans**

- A. **Prior to issuance of the coastal development permit**, the applicant shall submit, for the review and approval of the Executive Director, final project plans that substantially conform with the plans submitted to the Commission, titled City of Laguna Beach Public Parking & Maintenance Facility Precise Fuel Modification Plan, dated October, 2003. Final project plans include, but are not limited to, site plans, floor plans, grading plans, elevations, and fuel modification plans.



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

**11. Future Development**

This permit is only for the development described in Coastal Development Permit No. A-5-NPC-04-004. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply to the development governed by Coastal Development Permit No. A-5-NPC-04-004. Accordingly, any future improvements to the development authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require an amendment to Permit No. A-5-NPC-04-004 from the Commission or shall require an additional coastal development permit from the Commission.

**12. Local Government Approval**

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

**13. Deed Restriction**

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



#### **IV. Findings and Declarations**

The Commission hereby finds and declares:

##### **A. Project Description**

The applicant is proposing to construct a new municipal corporate yard (i.e. public works facility) to replace an existing facility downtown. The proposed project also includes a parking lot for corporate yard employees and public parking. Currently the site is used by the City as a construction staging area and as a public parking reservoir during the summer art festivals (July and August).

The corporate yard portion of the project includes two buildings for maintenance, storage and office use in 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), a City solid waste transfer station; and 60 parking spaces for City vehicles only in a gated area. Building A will be 3,940 square feet. Building B will be 16,305 square feet. The proposed buildings will be single story, with building B including a mezzanine. In addition, the proposed project includes revisions to the existing entry point, and construction of a right turn deceleration lane in Laguna Canyon Road; a City tram stop adjacent to Laguna Canyon Road; construction of retaining walls with security fencing above to a maximum exposed height of 14 feet; security lighting; a single monument sign; and a fuel modification program. Grading of 7,900 cubic yards of cut and 6,900 cubic yards of fill (with 1,000 cubic yards of shrinkage expected during the process). In addition, approximately 50,000 cubic yards of soil will be overexcavated and recompacted in the area of the proposed buildings.

Also proposed at the subject site (ACT V) is an, ungated 173 space parking area for corporate yard employees and public parking including public park and ride/local shuttle facilities. The City asserts that the 173 space parking lot can accommodate up to 190 supervised shared spaces. However, it is not clear how the supervision would result in the additional spaces. A portion of the public parking area is proposed to be surfaced with gravel, the remainder will be paved. Landscaping with native plants is also proposed.

The applicant has proposed a Water Quality Management Plan (WQMP) to address drainage from the site. The WQMP identifies a number of Best Management Practices (BMPs) that will be implemented in conjunction with site development. The BMPs include grade breaks, oil/water separator, sewer diversion, indoor bays, use of gravel in portions of the parking lot rather than an impervious surface throughout, a continuous deflection separation (CDS) unit, pre-treatment infiltration trench, and a bio-retention area.

The proposed project includes the loss of approximately 0.24 acre of stream (824 linear feet of mostly unvegetated streambed). In addition, the proposed project includes the complete removal of approximately 3 acres of coastal sage scrub habitat, plus up to an additional 1.8 acres that will be impacted by fuel modification activities (i.e. controlled fire safe native plant palette thinning, etc.). The applicant is proposing a mitigation plan that creates a 1.03 acre high water overflow area for the creek in Laguna Canyon. Approximately 0.8 acre of the 1.03 acre mitigation site is

to be planted with riparian vegetation. In addition, approximately 0.8 acre of the slope and berm areas created by wetland excavation was seeded with coastal sage scrub plant seeds. [Note: The impacts to the streambed and to coastal sage scrub (excepting fuel modification) have already occurred. In addition, the mitigation plan was implemented in 2000.]

The work already completed at the site includes grading of 7,900 cubic yards of cut and 6,900 cubic yards of fill (with 1,000 cubic yards of shrinkage), placement of the drainage pipe within the streambed and backfill over it, and implementation of the mitigation plan.

The subject site is located within the Newport Coast area of unincorporated Orange County. The site is owned by the City of Laguna Beach, but has not been annexed by the City. Although the site is immediately adjacent to the City of Laguna Beach, and the project applicant is the City of Laguna Beach, the site is located within the jurisdiction of County of Orange, Newport Coast certified LCP. Thus the standard of review when considering the proposed development is the Newport Coast certified LCP, not the City's certified LCP. In the certified Land Use Plan portion of the LCP, the subject site is land use designated Tourist Commercial. Public works facilities are identified as a principal permitted use at the subject site. The proposed development is consistent with the LCP's land use designation for the site.

The plans submitted by the applicant are preliminary plans. As a condition of approval the applicant is required to submit final project plans in substantial conformance with the preliminary plans.

The proposed project was approved by the County under local coastal development permits PA97-0163 and PA03-0047. The County's approvals were subject to a number of special conditions. The County's approval was appealed to the Commission and the Commission found that the appeal raised a substantial issue. The project is now before the Commission at the de novo stage of the appeal.

## **B. History of Site**

In 1980 the Commission approved, subject to one special condition, coastal development permit A-80-6746 (Sawdust Festival Corps.) which allowed "erection of artists panels and booths, tram stop, and signs for 12<sup>th</sup> Annual Sawdust Festival. Festival runs concurrently with the Festival of Arts and Pageant of Masters." (See Exhibit J). The special condition of that permit required that: "Prior to issuance of permit, applicant shall: 1. submit plans and evidence of a lease agreement with the City of Laguna Beach for remote parking. Said agreement and plans shall contain a minimum of 405 parking spaces, which may be utilized jointly among festival participants. Said parking shall not be located in the downtown area; and 2. provide agreement with the City of Laguna Beach providing for shuttle bus service to and from the remote parking locations." The special condition did not identify specific locations for the required parking. This special condition appears to have been the genesis for the City's Summer Festival Parking Agreements. Since the time of the 1980 coastal development permit, the City's art festivals and the City have entered into annual agreements to identify parking to serve the summer festivals which occur during the months of July and August. The subject site, known as Act Five (ACT V), has been identified as a parking reservoir in each Summer Festival Parking Agreement since the Commission's

approval of coastal development permit No. A-80-6746 in 1980. The ACT V site is served by a free public shuttle which transports visitors from the remote parking lot to the art festivals and the City's downtown.

The Summer Festival Parking Agreements are approved annually by the City, and the specifics change from year to year. This was true before the City's LCP was certified and has continued in the same manner under the certified LCP. The Agreements identify available parking to be used that year, and, in addition to publicly owned spaces, the Agreement also includes parking at privately owned sites. The ability of publicly owned and especially privately owned sites to provide seasonal parking fluctuates from year to year. Thus, under the annual Agreements, the provision of specific parking locations identified in any given Agreement was never committed for more than one year at a time.

When the City's Local Coastal Program (LCP) was certified by the Commission in 1993, the Summer Festival Parking Agreements were included as part of the LCP (see exhibit G). Included in the LCP submittal from the City was the 1991 Summer Festival Parking Agreement. The 1991 Summer Festival Parking Agreement was included in the LCP submittal as an example of a typical, as well as the most recent, Summer Festival Parking Agreement. The intent of including the sample 1991 Summer Festival Parking Agreement in the LCP submittal was to propose that the City's new LCP would require that the City and the art festival organizers continue to enter into annual Summer Festival Parking Agreements in connection with, and as a condition of approval of, the summer festivals. This intent is reflected in the City's resolution requesting Commission action on the LCP. The City's resolution states that the LCP is comprised of, among other things, the "Summer Festival Parking Agreements." By referencing the agreements (plural) it is clear the LCP required an agreement each year, not that the LCP was to specifically include the 1991 Agreement.

### **C. Public Access/Parking**

The proposed project would result in the relocation of the City's corporate yard from its existing site near the City's downtown to the subject site. The subject site has historically been used as a remote parking reservoir during the summer art festivals, which occur in the months of July and August. The site has been identified for such use in every Summer Festival Parking Agreement since 1980. A fee is charged for parking at the ACT V site. However, the subject site is served by a free public shuttle which transports visitors from the subject site to the City's downtown.

The amount of parking provided for this purpose at the subject site is of some debate. The 1980 through 1997 Summer Festival Parking Agreements indicate that 318 public parking spaces were available at the subject site. From 1998 through 2004, the number of parking spaces identified at the subject site varies from 190 to 430. It should be noted that the 430 space figure reflects the changes to the site created by development (placement of a drain pipe within the onsite streambed and backfilling over it) that increased the size of the flat area on site. However, this was done pursuant to the County approved coastal development permit (PA97-0163), which for reasons described elsewhere in this report, was not actually valid. Thus the flat area available for parking at the subject site was increased without benefit of a valid coastal development permit. Therefore, the 430 space figure does not reflect the site as it existed prior to the unpermitted

work within the streambed. Therefore, the 430 space figure cannot be considered to be an accurate basis for determining the number of parking spaces historically provided at the site.

With regard to the 318 space figure, the City indicates that, although that number was identified in eleven Summer Festival Parking Agreements, it was never an accurate figure. The City surmises that the 318 space figure probably was the total number of cars that parked at the site in one day (i.e. that figure is a total of the number of all cars that entered the site throughout the day, rather than the maximum number of cars that could be accommodated at the same time on the site). To support this assertion, the City submitted a 1997 aerial photo of the site when it was parked at capacity (see exhibit E). The aerial photo depicts a total of 170 cars. It does not appear reasonable, based on the aerial photo, that the site could have ever accommodated 318 parking spaces. Based on the information contained in the 1997 aerial photo of the subject site, the Commission concurs with the City's assertion that the maximum number of parking spaces provided at the subject site was 170 spaces.

The current proposal for the subject site includes relocation of the Corporate Yard from its existing location near the downtown. The proposed corporate yard development 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. The project also includes a separate and ungated parking area with 173 parking spaces for corporate yard employee or visitor parking and periodic public festival parking. The City has indicated that the ungated parking area can actually accommodate up to 190 parking spaces when the parking is "supervised". However, it is unclear how the spaces would be supervised such that room to accommodate 17 additional spaces would be provided. Consequently, the 173 space figure is deemed most appropriate for analysis of the proposed project's parking impact.

The City asserts that the ungated 173 space parking area can actually accommodate up to 190 parking spaces when the site is supervised. Also as corporate yard employees vacate the lot, additional spaces will be available to the general public. Most of the corporate yard employees leave the site by 4:30 p.m. and do not work on the weekend. The art festivals peak use periods tend to be Friday evening and on the weekends. So it is reasonable to conclude that more than 111 spaces will be available to the general public during much of the peak use periods. The Commission encourages maximizing the number of parking spaces available to the public at the subject site, and recognizes that the site, at times, will actually provide more than the 111 public parking spaces described below. The 111 space figure represents the minimum number of public spaces at the site. The City's Traffic and Parking Management Plan requires that when additional spaces are available they will be provided. However, this additional number of spaces is difficult to quantify or rely upon. Thus, the additional spaces have not been included in the project parking analysis.

The City has submitted a Traffic and Parking Management Program for the proposed development as required by Transportation/Circulation Policy 20 in the certified Newport Coast LCP. The Traffic and Parking Management Program indicates that a maximum of 62 corporate yard employees will park in the ungated, 173 space parking area at one time. Based on that, a minimum of 111 parking spaces will remain available to the public. The number of spaces

available to the public prior to the proposed development was 170 spaces. The minimum number of spaces that will remain available to the public with the proposed development will be 111. Thus the project would result in a loss of 59 public parking spaces at the subject site.

The Traffic and Parking Management Program prepared by the City in conjunction with the proposed project states that "once the project is completed, and the existing corporation yard is relocated, the parking area in the existing corporation yard will be re-striped and 130 new parking spaces will be available to the public for the first time." (See Exhibit F). In addition, the Traffic and Parking Management Program indicates that 60 corporate yard employees that currently park in the City employee lot located next to the existing corporate yard downtown, will move out to the relocated corporate yard, freeing up an additional 60 spaces. The City employee parking lot is located along Broadway and Laguna Canyon Road. The City has indicated that it intends to shift City employee parking from the frontage road lot to the area that is now occupied by the existing corporate yard. Ultimately, 190 parking spaces in the existing corporate yard and City employee lot will be converted to public parking. The existing City employee lot is more visible to visitors arriving along Laguna Canyon Road (Laguna Canyon Road and Coast Highway are the only ways to enter or exit the City). In addition, it is in close proximity to the Art Festivals and to the City's visitor serving uses in the downtown area. Moreover, the City's Main Beach is approximately 3 - 4 blocks seaward of the current City employee lot/future public parking lot. And most significantly, the 190 new public parking spaces will be available to the public on a year round basis. The public parking at the subject site is presently only provided during the months of July and August.

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;
  - c. (...)
  - d. Setting up "transportation stores" to disseminate information on bus schedules and ridesharing;
  - e. (...)
  - f. (...)



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

The LCP policies cited above require that a traffic management program be prepared for the proposed project. The City has prepared a Traffic and Parking Management Program, dated 3/23/04. Policies 20a and 20b, above, encourage ride share programs and the establishment of preferred parking for people who share rides. The historic use of the site includes remote parking served by a public shuttle to the City's art festivals and downtown area. Thus, as it currently exists the site meets the rideshare preference identified in the LCP policies. The proposed project will reduce the amount of parking available to the public at the subject site. However, the project will continue to provide remote parking that will continue to be served by the public shuttle. As described previously, a minimum of 111 spaces will remain available to the public on the subject site. Thus, the site will continue to meet the rideshare preference identified in the LCP as well as the requirement to set aside preferred parking for people who share rides. Based on the continued provision of 111 remote parking spaces served by the public shuttle, the Commission finds the proposed project is consistent with the LCP provisions regarding ridesharing. The City provides transportation stores to disseminate information on bus schedules at the subject site and throughout the City. In addition, the City provides the shuttle service at the site as well as a City bus program. Thus, the proposed project and the City generally, are consistent with Policies 20 d and g of the LCP.

Furthermore, in addition to the minimum of 111 public spaces remaining at the site, the City's Traffic and Parking Management Program includes creation of 190 new public parking spaces on the periphery of the downtown. The new parking will be within walking distance to the summer art festivals, the downtown area, and Main Beach. Thus the new public parking proposed by the City will provide meaningful access to much of the City's visitor serving resources. Because the new public parking spaces will be available on the periphery of the downtown, visitors arriving via Laguna Canyon Road will not need to drive through the downtown area to access the parking. Capturing motorists prior to entering the downtown will help minimize traffic congestion downtown. Moreover, the newly created parking at the to-be-vacated corporate yard will be available to the public on a year-round basis. The public spaces at the subject site have only been available during the summer art festival season which runs July through August. Taken together, the 111 public parking spaces remaining at the subject site and the newly created public parking spaces to be provided adjacent to the City's downtown will result in a net increase of 131 new public parking spaces. Thus, as proposed to retain remote parking on site and to provide additional spaces off site, the Commission finds that the project will not adversely impact public access, consistent with the intent of the LCP policies cited above.

Concern has been raised that the loss of remote parking spaces at the subject site will hamper the ability of the City and art festival organizers to develop adequate Summer Festival Parking Agreements in the future. However, the project will result in a net increase of public parking at the sites that are the topic of this application. The on- and off-site parking proposed as part of this project would be available to serve as parking in the Summer Festival Parking Agreements. The proposed project will not create a new impediment to providing parking for the Summer Festival Parking Agreements. The requirement to develop such agreements remains a part of the City's LCP. Nothing in the proposed project eliminates the City LCP requirements relative to

summer festival parking. Furthermore, nothing in this proposal will frustrate the City's ability to enter into future festival parking agreements.

However, it is likely that construction of the proposed corporate yard will commence before the proposed 190 new public parking spaces become available. This is due to the fact that the 190 new spaces cannot be constructed until the existing corporate yard is removed from its current location. If construction of the new corporate yard is on-going during the summer art festival season, July and August, there could be a net loss of public parking spaces available to serve the summer festivals for that season. However, if the timing and method of construction were restricted to prohibit any construction that interferes with the provision of adequate public parking to serve the art festivals, this loss would not occur. Thus, as a condition of approval the applicant is precluded from engaging in any construction that would interfere with the provision of the required 170 public parking spaces at ACT V. Only as conditioned can the proposed project be found to be consistent with the transportation and circulation policies of the Newport Coast LCP.

In order to assure that the project provides the parking as proposed, a special condition is imposed which requires that the applicant carry out the proposed public parking measures. In addition, in order to assure that the public is made aware of the availability of all the public parking included in the proposed project, a special condition is imposed that requires the applicant to prepare and implement a parking signage plan. An additional special condition is imposed to clarify that public parking must remain available at the site during construction. And, a special condition is imposed which requires that any future development at the site requires approval of an amendment to this permit or a new coastal development permit. Only as conditioned can the proposed project be found to be consistent with the transportation and circulation policies of the Newport Coast LCP.

#### **D. ESHA**

The proposed project would result in the loss of approximately 0.24 acres of stream (824 linear feet of mostly unvegetated stream). In addition, the proposed project would result in the direct loss of a total of approximately 3 acres of coastal sage scrub habitat, plus up to an additional 1.8 acres will be impacted by fuel modification activities. The subject site is identified in the LCP as a Category D ESHA (environmentally sensitive habitat area). The Commission's biologist has confirmed the site was appropriately categorized as ESHA (see Exhibit K). Category D ESHA's are described in the LCP as follows:

*"ESHA Category D designates USGS Drainage Courses which are deeply eroded and of little or no riparian habitat value. They are located in Residential and Commercial land use categories and two specific Recreation sites. Typical vegetation includes elderberry, arroyo, coastal scrub, and annual grassland. These drainage courses are often incised as a result of erosion, resulting in rapid runoff and very steep narrow sideslopes generally incapable of supporting riparian habitat. Development will impact most of these ESHA's. The Open Space Dedication and Riparian Habitat Creation Programs will mitigate development impacts."*



In addition, the LCP ESHA policies include the following policy regarding Category D ESHA at certain specified Planning Areas including PA 20A, which is the subject site:

*"Vegetation and drainage courses will be modified or eliminated by development. The Open Space Dedication Programs and Riparian Habitat Creation Program will mitigate any habitat values lost as a result of such drainage course modification or elimination."*

Section 30007.5 of the Coastal Act provides the Commission with the ability to resolve conflicts between Coastal Act policies in the manner that is, on balance, the most protective of significant coastal resources. When the Commission certified the Newport Coast LCP it did so based on this Coastal Act provision. The certification of the LCP, as amended, relied on Coastal Act Section 30007.5 in allowing the development of 2,150 acres of the 9,493 acre LCP area with residential, recreational and tourist commercial uses while requiring that 7,343 acres or 77% of the LCP area be designated and reserved for open space (public and private conservation, recreation and park) uses. In approving the LCP which allows development on 2,150 acres the Commission recognized that some of this area contained environmentally sensitive habitat areas such as streams, and their associated riparian wetlands, coastal sage scrub and other sensitive grassland communities, and scenic hillsides. However, the Commission identified a conflict among Coastal Act policies and found that the coastal resources of the LCP area were, on balance, best protected by concentrating allowable development in certain areas while preserving large expanses of the most environmentally sensitive vegetation and wildlife areas, natural landforms, cultural resources and the provision of new public access and public recreational opportunities. The 2,150 acres is comprised, in part, of Planning Area 20A. The entirety of the proposed development, including all proposed fuel modification, would occur within this planning area.

The impacts to the streambed and coastal sage scrub resulting from the proposed development were anticipated and allowed under the certified LCP. The Open Space Dedication and Riparian Habitat Creation programs mentioned in the LCP policies cited above have occurred and are in place. Therefore, the Commission finds that the proposed development, and the associated impacts to ESHA, are consistent with the ESHA policies of the certified LCP.

The applicant is not required by the LCP to provide mitigation for ESHA impacts beyond the mitigation that occurred through the Open Space Dedication and Riparian Habitat Creation programs noted above. Nevertheless, the applicant has completed a mitigation plan which created a 1.03 acre high water overflow area for the creek in Laguna Canyon. This overflow area was graded such that its soil surface is one foot higher than the bed of the creek, close to the existing water table. Approximately 0.8 acre of the 1.03 acre mitigation site was planted with riparian vegetation. In addition, approximately 0.8 acre of the slope and berm areas created by wetland excavation was seeded with coastal sage scrub plant seeds. The mitigation plan was intended to provide additional riparian vegetation along the Laguna Canyon stream, and to give the stream channel additional water storage capacity during periods of high runoff. The mitigation plan was implemented in late 2000 and, after more than three years in place, is doing well according to the applicant's monitoring.

The subject site contains ESHA. As described above, removal of the on-site ESHA was anticipated and allowed at the time the LCP was certified. However, Planning Area 20A of

which the subject site is a part, fronts on Laguna Canyon Road and the remainder is surrounded by the Laguna Coast Wilderness Park (LCWP). The LCWP is one of the large expanses of environmentally sensitive vegetation and wildlife areas that was identified in the LCP for preservation due to its significant habitat value and to off set the impacts anticipated by development allowed by the LCP. As such, it is extremely important to assure that the proposed development will not result in any adverse impacts to the ESHA adjacent to Planning Area 20A.

The certified LCP requires development abutting an Open Space Planning Area to provide fire protection edge treatment, including fuel breaks or fuel modification. In conjunction with the proposed development the applicant has submitted a fuel modification plan to protect the proposed development against fire hazards. The City's fuel modification plan has been approved by the Orange County Fire Authority. The proposed fuel modification plan is located on City owned land (i.e. will not extend into the adjacent, protected wilderness area) and minimizes removal of vegetation (primarily coastal sage scrub). Vegetation removal is minimized in the plan due to the fact that the proposed building will be surrounded by paved area, which allows the surrounding vegetation thinning zones to be narrower. Even so, some loss of vegetation, primarily coastal sage scrub, is expected. However, the boundaries of the proposed fuel modification plan will not extend beyond the boundaries of the City owned property which is contained within Planning Area 20A where, as described above, the loss of ESHA including coastal sage scrub is allowed by the LCP. As such the fuel modification plan will not extend into the protected ESHA area. The developed project area (3.85 acres), including its fuel modification area (approximately 1.8 acres), totals only 5.65 acres of the 8.52 acre City owned property. The City owned property is only a portion of the larger 17.4 acre Planning Area 20A. In order to assure that vegetation removal is minimized and that the limits of work are contained, a special condition is imposed which requires the applicant to carry out the fuel modification plan as proposed. Only as conditioned is the proposed development consistent the habitat protection policies of the LCP.

In addition, due to the proximity of ESHA protected by the LCP (LCWP), it is necessary to assure that proposed project's construction methods not result in adverse impacts to the ESHA, though none are anticipated. In order to protect the adjacent ESHA, a special condition is imposed which requires the applicant to incorporate certain general construction responsibilities during construction of the proposed development. Only as conditioned is the proposed development consistent the habitat protection policies of the LCP.

An additional way to minimize adverse impacts to these sensitive habitat areas is by controlling light on the project site. Exterior lighting of the new facilities could cause glare and disturb wildlife if not properly controlled. There should be additional buffering elements to address lights located on buildings and lighting for the parking areas. This can be addressed by controlling the direction of light and minimizing the amount of lighting to prevent lighting impacts. To assure that this occurs, a special condition is imposed which requires the applicant to incorporate these measures into the project. Therefore, only as conditioned is the proposed development consistent with LCP requirements regarding protection and preservation of dedicated open space

### **E. Water Quality**

The LCP includes runoff policies and requires the preparation of drainage plans in conjunction with coastal development permits. In addition, the LCP includes the following language:

*"Additional control of non-point sources will be implemented if necessary to comply with State, regional and County standards."*

The City has submitted a Water Quality Management Plan (WQMP) titled Water Quality Management Plan, Planning Project No. PA03-0047, dated 6/7/04, consistent with the LCP's requirement to prepare a drainage plan. The City's WQMP includes measures such as directing drainage from the maintenance/wash areas through an oil/water separator and then diverting it to the sewer, directing site drainage to a continuous deflection separation unit (CDS unit) to capture trash and debris, and providing infiltration trenches and bio-retention areas on site. In general, the WQMP is adequate to improve the water quality of the runoff leaving the site, with one exception. It is not clear whether the parking lot runoff will be directed first to pre-treatment (such as an infiltration trench or bioswale) prior to being directed to the CDS unit. The main pollutants of concern on the site are trash and debris and oil and grease. The CDS unit is very adequate for removing trash and debris from runoff, but it is not specifically designed to absorb oil and grease. In order to address this issue, the proposed plan must be augmented to clarify that runoff from the parking areas will be treated to remove oil and grease. Thus, a condition is imposed which requires the applicant to submit a revised WQMP that demonstrates how oil and grease will be removed from the parking lot runoff. The Commission finds that only as conditioned is the proposed development consistent with the certified LCP's drainage policies.

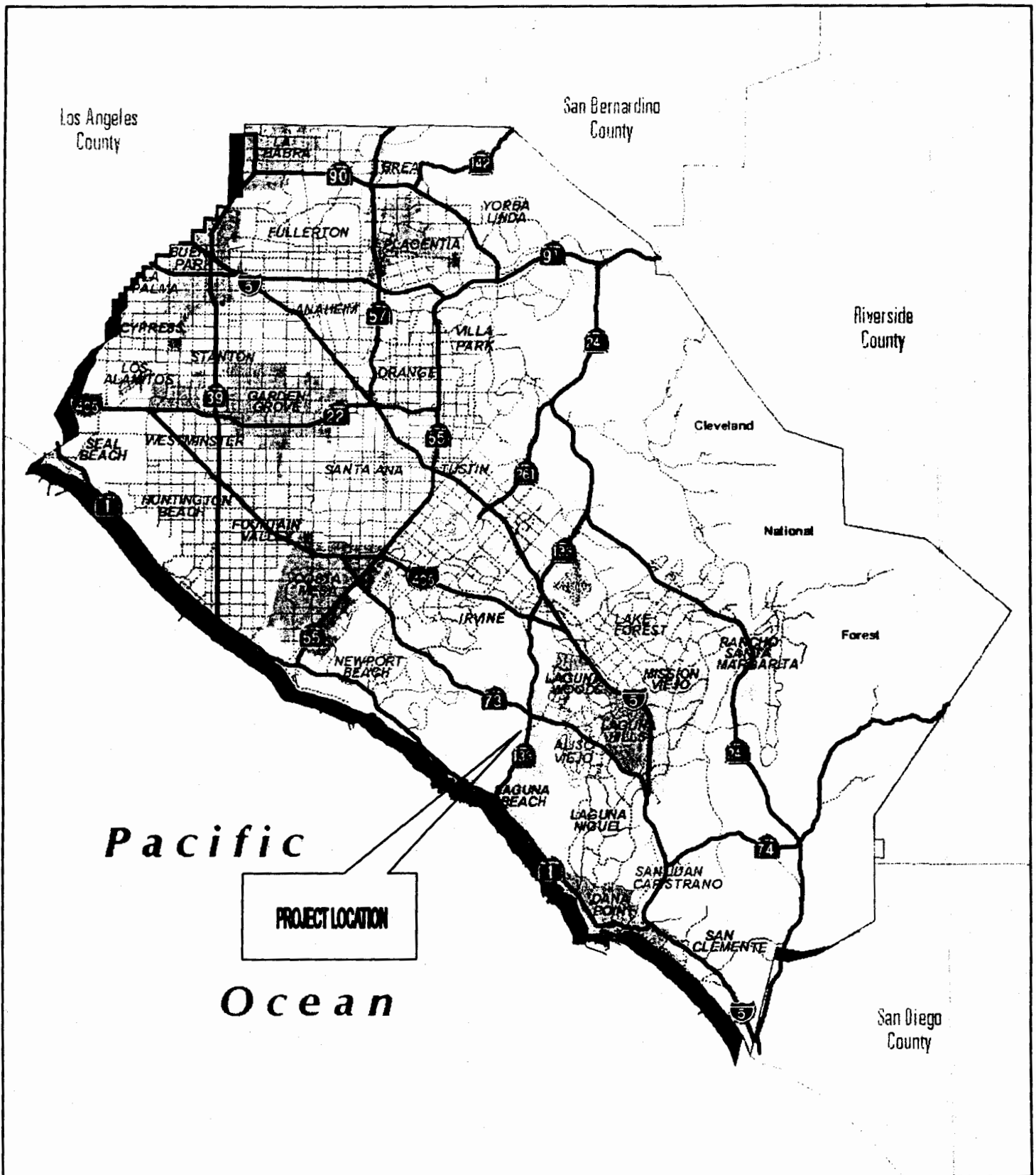
The LCP requires that control of non-point sources be implemented if necessary to comply with regional water quality standards. To assure that the proposed development complies with this requirement, approval from the Regional Water Quality Control Board (RWQCB) must be obtained. Thus a special condition is imposed which requires the applicant to submit evidence of review and any necessary approval from the RWQCB. The Commission finds that only as conditioned is the proposed development consistent with this LCP standard.

### **F. California Environmental Quality Act**

Section 13096 of the California Code of Regulations requires Commission approval of coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project, only as conditioned to protect public access and parking, adjacent ESHA areas, and water quality, is consistent with the certified Newport Coast LCP. The Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least

environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.



**EXHIBIT 1**

# REGIONAL LOCATION

PG 504 Regional Location - Dec 201

Orange County, California

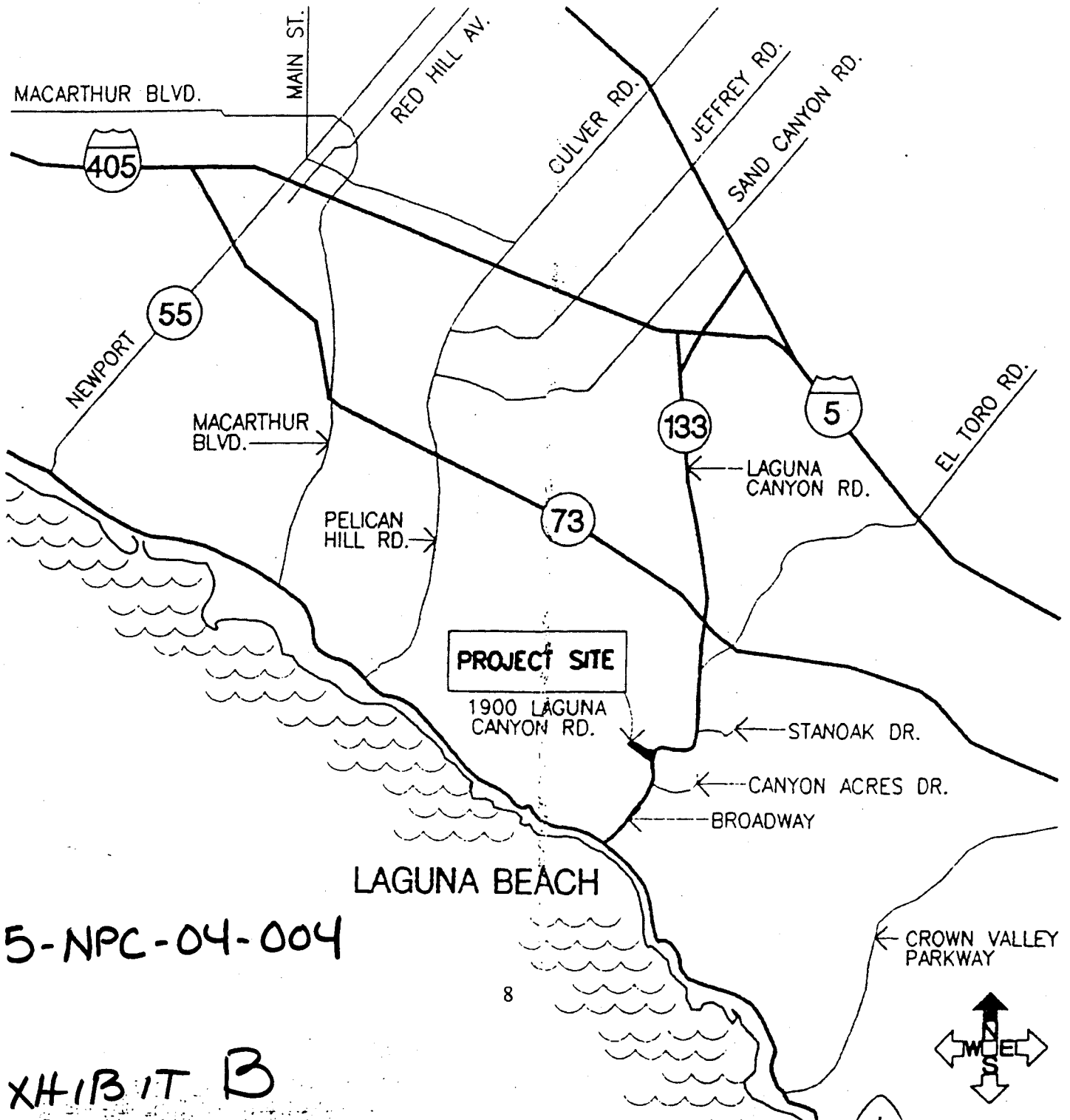
Thomas B. Mathews, Director  
Planning & Development Services Department  
No. 504-5 Planning, 0.16, 0.16

A-5-NPC-04-004

EXHIBIT A

~~EXHIBIT 2~~  
PROJECT LOCATION MAP

# VICINITY MAP



A-5-NPC-04-004

EXHIBIT B

LAGUNA COAST

WILDERNESS

PARK

PROJECT SITE

Laguna Canyon Road

CITY OF  
LAGUNA  
BEACH

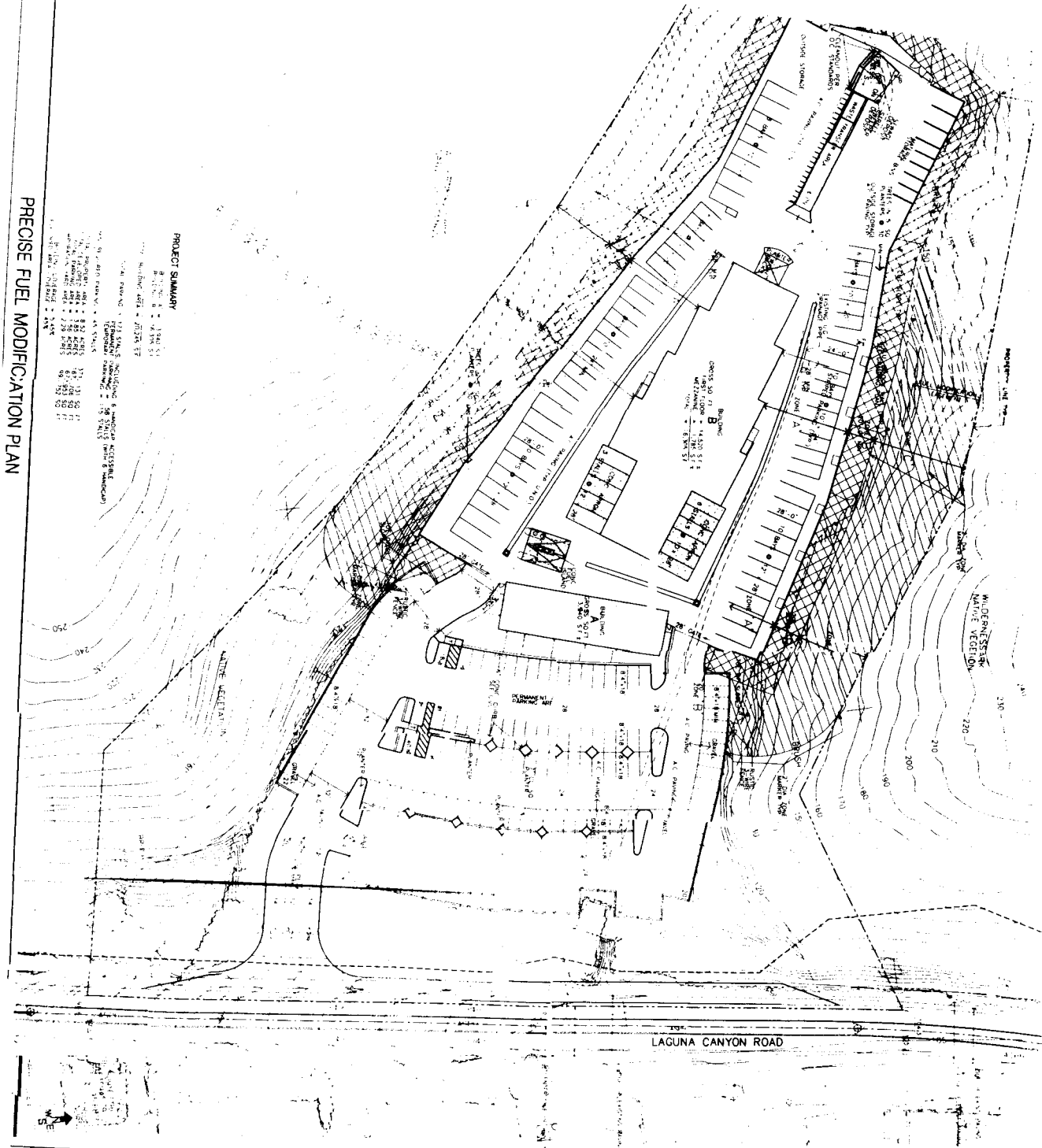


PA03-0047

A-5-NPC-04-004

EXHIBIT C





**PROJECT SUMMARY**

PROJECT NO. 1000-001  
 PROJECT NAME: PRECISE FUEL MODIFICATION PLAN  
 PROJECT LOCATION: 1000 LAGUNA CANYON ROAD, LAGUNA BEACH, CA 92653  
 PROJECT OWNER: CITY OF LAGUNA BEACH  
 PROJECT ENGINEER: [Signature]  
 PROJECT DATE: 10/15/03

**PRECISE FUEL MODIFICATION PLAN**

<p>CITY OF LAGUNA BEACH        LAGUNA BEACH, CA 92653</p>	<p>peyo</p>	<p>1000 Laguna Canyon Road        Laguna Beach, CA 92653</p>	<p>CITY OF LAGUNA BEACH        PUBLIC PARKING &amp;        CORPORATION YARD</p>
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A-5-NPC-04-004 Fuel Mod. / **SITE PLAN** **EXHIBIT D**



1997

city

Note Full Sign in the  
Panorama Photo

Number of Cars

15

12

14

13

13 + some hidden

11 + some hidden

18

18

15

13

19

9

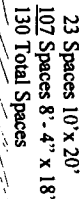
170 Total Cars  
that are visible

Pre-1998  
ACT V  
PARKING  
CAPACITY

A-5-NPC-04-004

EXHIBIT E

LAGUNA  
CANYON  
ROAD



BEACH/OCEAN

PRELIMINARY  
SURFACE  
PARKING  
LAYOUT

**Laguna Beach  
Village  
Entrance  
Master Plan**

EXHIBIT F

studionerlev

III West Green Unadorned  
Euse 1850 13671 901 1850  
Long Beach, CA 90862 13671 901 1851

RESOLUTION NO. 92.014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH APPROVING AND ADOPTING ITS LOCAL COASTAL PROGRAM PURSUANT TO THE CALIFORNIA COASTAL ACT OF 1976

The City Council of the City of Laguna Beach does resolve and determine as follows:

WHEREAS, pursuant to Division 20 Section 3000, et seq of the California Resources Code, the California California Coastal Act, a Local Coastal Program has been prepared; and

WHEREAS, pursuant to Section 30503 of the Public Resources Code and Section 65351 of the California Government Code, the Planning Commission and City Council held duly advertised public hearings on all aspects of said Local Coastal Program, and all interested persons were given opportunity to be heard; and

WHEREAS, the City Council has considered the recommendations of the Planning Commission as well as considered all public testimony, and

WHEREAS, the City Council recognizes that the Local Coastal Program constitutes all of the following documents:

1. Land Use Plan Map, excluding the private locked gate communities in South Laguna known as Blue Lagoon and Three Arch Bay;
2. Laguna Beach General Plan Land Use and Open Space Elements;

*City Council Resolution*

*Laguna Beach Implementation<sup>1</sup> Plan*

*Exhibit*

*A-5-NPC-04-004*

*EXHIBIT (C)*

Attachment B

- 3 Laguna Beach Zoning Maps;
4. Downtown Specific Plan;
5. Laguna Canyon Annexation Area Specific Plan;
6. Laguna Beach Zoning Code, Title 25 of the Municipal Code, including the Coastal Development Permit Ordinance;
7. Title 12.08, Preservation of Heritage Trees;
8. Title 14.78, Geology Reports - Preparation and Requirements;
9. Title 21, Plats and Subdivisions;
10. Title 22, Excavation and Grading;
11. Shoreline Protection Guidelines as adopted by Resolution 88.43;
12. Design Guidelines for Hillside Development as adopted by Resolution 89.104;
13. South Laguna Community Design and Landscape Guidelines as adopted by Resolution 89.104;
14. Fuel Modification Guidelines of the Laguna Beach General Plan Seismic Safety Element, as adopted by Resolution 89.104;
15. Summer Festival Parking Agreements; and

WHEREAS, the preparation and adoption of the Local Coastal Program is statutorily exempt from the California Environmental Quality Act pursuant to Section 21080.9 of the Public Resources Code;

NOW THEREFORE, BE IT RESOLVED that the City Council hereby approves and adopts the City of Laguna Beach Local

1 Coastal Program, subject to and effective upon California  
2 Coastal Commission Certification of said Program as approved  
3 by the City Council;

4 BE IT FURTHER RESOLVED, that the City Council hereby  
5 certifies that the Local Coastal Program is intended to be  
6 carried out in a manner fully in conformity with the  
7 California Coastal Act;

8 BE IT FURTHER RESOLVED that the Local Coastal Program  
9 shall be submitted to the California Coastal Commission for  
10 approval and certification;

11 BE IT FURTHER RESOLVED, that the private locked gate  
12 communities in South Laguna, specifically, Blue Lagoon and  
13 Three Arch Bay, have certification deferred until such time  
14 as coastal access can be resolved.

15 ADOPTED this 18th day of February, 1992.

16  
17 Robert L. Lutting  
18 Mayor

19 ATTEST:

20 Theresa L. Ralinger  
21 City Clerk  
22  
23  
24  
25  
26  
27  
28

EXHIBIT G3

~~Exhibit 3~~

Attachment B



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I, VERNA L. ROLLINGER, City Clerk of the City of Laguna Beach, California, do hereby certify that the foregoing resolution was duly adopted at a Regular Meeting of the City Council of said city held on February 18, 1992, by the following vote:

AYES:	COUNCILMEMBER(S)	Fitzpatrick, Collison, Christe Lenney, Gentry
NOES:	COUNCILMEMBER(S)	None
ABSENT:	COUNCILMEMBER(S)	None


  
City Clerk of the City of  
Laguna Beach, California

EXHIBIT G4

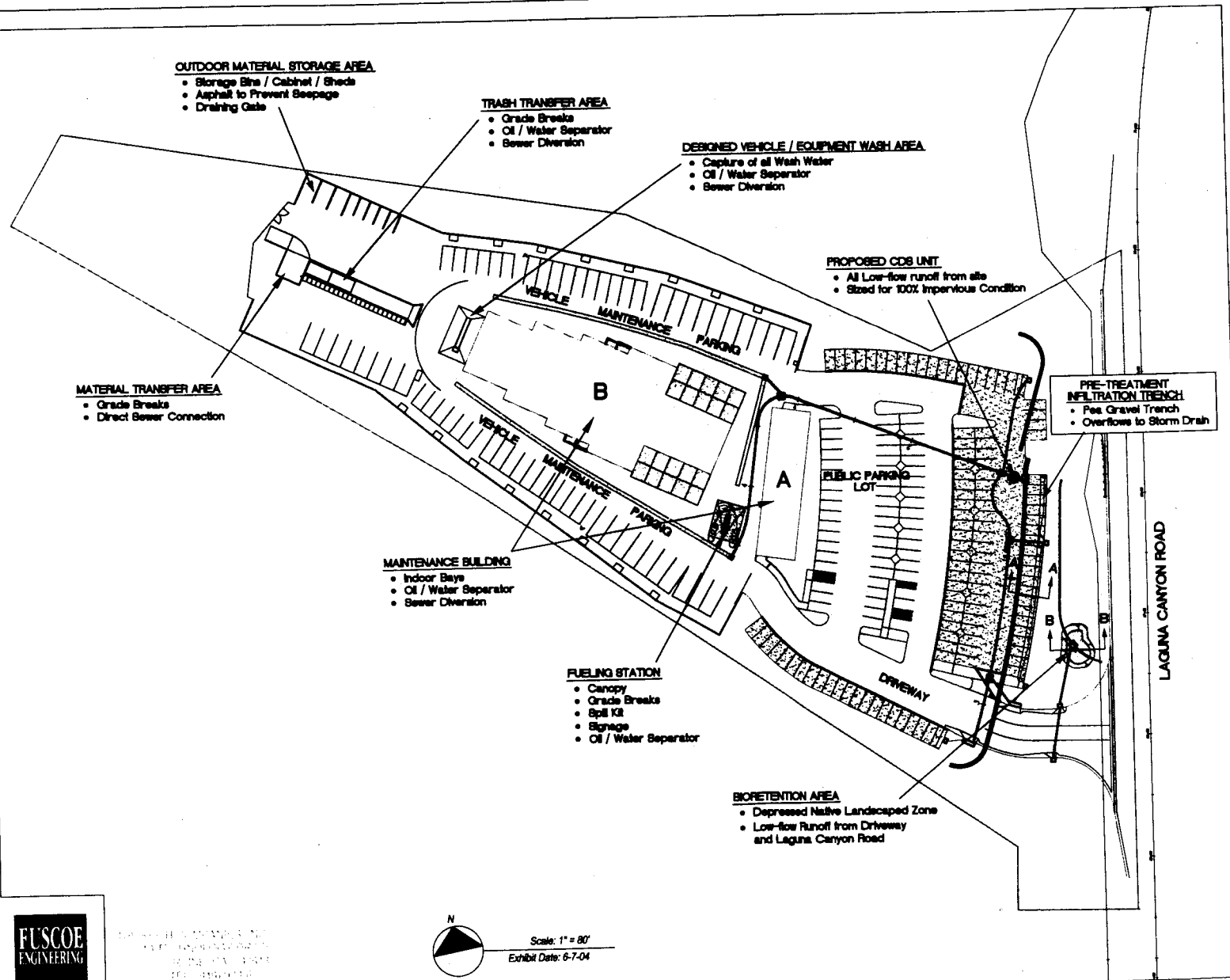
~~Exhibit 3~~

**FUSCOE**  
ENGINEERING

APPROVED FOR THE CITY OF LAGUNA BEACH  
BY THE CITY ENGINEER  
DATE: 6-7-04



Scale: 1" = 80'  
Exhibit Date: 6-7-04



**WATER QUALITY  
MANAGEMENT PLAN  
PUBLIC PARKING AND  
CORPORATION YARD  
THE CITY OF LAGUNA BEACH**

EXHIBIT H  
A-5-NPC-04-004

CHRISTOPHER IRA KOONTZ  
PUBLIC AFFAIRS AND PLANNING SERVICES

June 3, 2004

RECEIVED  
COURT CLERK'S OFFICE

JUN 8 - 2004

Meg Vaughn  
California Coastal Commission  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302

CALIFORNIA  
COASTAL COMMISSION

Dear Meg:

RE: LGAUNA BEACH PARKING APPEALS (ACT V PARKING LOT)

On half of my client, Laguna Canyon Conservancy, I have reviewed materials submitted by the City of Laguna Beach in opposition to the appeal filed against the ACT V Maintenance Yard project. We believe the filings submitted by the City are misleading and feel the commission has no reasonable choice but to sustain the appeal and protect public parking at Act V.

It remains our position that the LCP, specifically the 1991 summer festival parking agreement, requires 318 public parking spaces at ACT V. The proposed project does not provide for that parking and in fact reduces the overall amount of parking available in Laguna Beach. While the City of Laguna Beach now claims that ACT V only has a capacity of 170, they are held to what is in the LCP not what they claim to be historical capacity. In fact, the city's 1987, 1995 and 1997 summer parking plans also list a capacity of 318 at Act V. Because there is simply no way to rationalize this project under the LCP the city is now attempting to rewrite history and change the standards it is held to.

We are especially concerned that the City's claim that parking is available at the Art College and the Olive Street Facility, both of which would be outside the City's control. The only accurate way to evaluate parking in Laguna Beach is to look at spaces protected in perpetuity for public parking.

With respect to the shuttle service, the City now claims that this project will result in increased parking and a new stop, but this is misleading. The new stop will be parking next to City Hall, parking within downtown. The entire purpose of the shuttle service is to provide mobility while keeping traffic and parking *out* of downtown.

The issue of whether the maintenance facility is an expansion is really not substantial to consideration of the project. What is of issue is compliance of this project with the LCP, whether the changes in parking and the situation of maintenance facilities adjacent to ESHA is consistent with the adopted LCP - whether the size of the lot increases or not does not excuse these requirements.

With regards to ESHA impacts and appropriate mitigation, the balancing discussed by the city refers to projects contemplated in the LCP. The adopted LCP notes that Act V will be used for public parking, apparently in its 1992 size. The additional impacts of this new project are not contemplated or balanced in the adopted LCP. Thus, any ESHA impacts from this project are new impacts and have to be mitigated; in fact we believe they are prohibited outright by 30240 as interpreted in the Bolsa Chica decision (*Bolsa Chica Land Trust v. Superior Court* (1999) 71 Cal.App.4th 493.) Even if one follows the balance and mitigation ideas of the City certainly a project subject to Coastal Commission jurisdiction would have that mitigation subject to Commission review. We also note that the proposed fuel modification will further impact ESHA and requires further mitigation.

Furthermore, the overall application for this project is inadequate and incomplete. It is my belief that if this project were a CDP application rather than a local application that was appealed, the file would currently be found incomplete and thus not scheduled for hearing until the applicant provided the necessary information.

Comments In Opposition to Project

A-5-NPC-04-004

EXHIBIT I 1/28

June 3, 2004

Upon further review, it is simply unacceptable that a project that shifts parking and traffic from one part of Laguna Beach to another, contemplates direct and indirect impacts to critical habitat and also has a variety of water quality impacts has undergone only cursory environmental review; an EIR is certainly needed to comply with CEQA. Because a negative declaration has the "terminal effect on the environmental review process" (*Citizens of Lake Murray Area Association v. City Council* (4<sup>th</sup> District 1982) 129 Cal.App.3d 436, 440), an EIR is not only prudent but required to "substitute some degree of factual certainty for tentative opinion and speculation" (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 85).

For years my client has raised issue with the traffic, parking, habitat, and water quality issues of this project. Those objections are well documented in the record, creating a fair argument that environmental impacts exist that should be evaluated in an EIR. The court in *Oro Fino Gold Mining Corporation v. County of El Dorado* (3<sup>rd</sup> District 1990) 225 Cal.App.3d 872, found this type of documented and factual lay testimony and objection sufficient to trigger the need for an EIR. In this case we have more, the city's own conflicting statements regarding the availability of parking (well documented in our previous submittal) point to a further need to address the questions of fact on parking availability and resulting traffic impacts. The glaring lack of analysis of parking and traffic in the record for this project does not mean those impacts do not exist. In fact, "if the local agency has failed to study an area of possible environmental impact, a fair argument may be based on the limited facts in the record. Deficiencies in the record may actually enlarge the scope of fair argument by lending a logical plausibility to a wider range of inferences" (*Sundstrom v. County of Mendocino* (1<sup>st</sup> District 1988) 202 Cal.App.3d 296, 311). Another cornerstone of CEQA broken by this project is the timely adoption of mitigation. A **draft** water quality management plan has just been submitted to the commission, it has never been subject to public review or scrutiny and despite being integral to the project and the understanding of its impacts, it was not considered concurrent with the negative declaration. The "CEQA process demands that mitigation measures timely be set forth, that environmental information be complete and relevant, and that environmental decisions be made in an accountable arena" (*Qual Botanical Gardens Foundation, Inc. v. City of Encinitas* (4<sup>th</sup> District 1994) 29 Cal.App.4<sup>th</sup> 1597, 1605, fn.4). Under CEQA Guidelines §15096 the commission, as responsible agency, has the authority to correct this lapse in environmental review. The need for an EIR is clear. What remains clear is that this project, a violation of the LCP, a threat to public access, and an application lacking CEQA compliance, CalTrans approval and alternatives analysis, should not be approved in any form at this time.

Attached you will find our more detailed analysis of this project. If you should have any questions please do not hesitate to contact me directly at (714) 606-0453.

Sincerely,



Christopher Koontz

Enclosures: Issues Analysis of ACT V

I<sub>2</sub>

JUN 8 - 2004

CALIFORNIA  
COASTAL COMMISSION

**Laguna Canyon Conservancy  
Analysis of California Coastal Commission Appeals  
A-5-NPC-03-536, A-5-NPC-04-004  
ACT V Remote Public Parking Reservoir, Laguna Beach**

**The Project Clearly Violates the City's Own LCP:**

While it is convenient that this is a city project on property owned by the city yet outside the jurisdiction of the city, we feel the City is nevertheless constrained by its own LCP. Clearly ACT V, a remote parking lot along Laguna Canyon Road, was included in the LCP because it is central to the parking and traffic management program of the entire city. The city has in fact not raised concerns regarding ACT V's place in the LCP until now. It is clear that the LCP is valid and binding, that at least 318 remote public parking spaces are required at ACT V under the 1991 festival parking agreement found in the LCP, and that the project proposed at ACT V violates this valid and binding LCP.

The loss of parking will be devastating to local business and beach access. Although ACT V is generally not used for beach access parking, the loss of parking inland will move festival visitors into downtown and deplete already scarce coastal parking. Parking loss, at least 197 spaces, will be severely worse during the construction period when ACT V and the existing corporate yard are both under construction.

The Laguna Beach Strategic Plan suggests "consider[ing] satellite parking with shuttles at City entry points," and "creat[ing] more downtown parking." Oddly enough the city proposal for ACT V works against both these goals.

In their March 23, 2004 correspondence to the commission the city claims that there will be an addition of 310 spaces after their project. This conclusion is capricious and blatantly false. In evaluating this project the commission has two overriding considerations: upholding what is mandated in the adopted LCP, and a general concern for public access including parking and transit operations.

**The Project is Inconsistent with Newport Beach LCP Policies 20 and 21:**

Policy 20 requires traffic management plans and programs to alleviate congestion and maximize parking in Laguna Beach. No traffic management plan was provided to the county in approving this project. In fact, the incomplete management plan submitted to the Coastal Commission on March 23, 2004 has never been subject to any peer or public review and did not in any fashion inform the planning process. An open and comprehensive traffic and alternatives analysis is needed, especially in recognition that SR-133 (Laguna Canyon Road) is one of only two roads in and out of Laguna Beach and carries regional traffic. The purpose of Policy 20 is not to require the city of Laguna Beach to churn out paperwork but rather to actually include traffic provisions in the planning and operation of projects.

Subsection (g) of Policy 20 requires the city to "encourage increased frequency and range of public transit." By reducing parking available at ACT V the City inhibits the functioning of the

Laguna Canyon Conservancy  
Analysis of California Coastal Commission Appeals  
A-5-NPC-03-536, A-5-NPC-04-004  
ACT V Remote Public Parking Reservoir, Laguna Beach

transit system that currently uses ACT V as a park and ride lot. Additionally, design changes to the entrance and exit of ACT V may impact the ability of buses and shuttles to maneuver and utilize ACT V, they may also present safety concerns. These issues have never been analyzed by the City or the approving agency (County of Orange.)

In fact, parking at ACT V had been expanded to 430 spaces in 2001 resulting in a tripling of shuttle usage by 2003. It is questionable that a decrease in the amount of remote parking (as proposed by the applicant) would allow for the continued frequency and use of the shuttle service, if it would leave the service viable at all.

Policy 21 is clear, "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 ... ." The City has simply ignored this requirement. Once again the City has refused to participate in the planning process, has failed to consider alternative projects such as other locations for the city maintenance facility, and has only complied with the traffic management plan in a cursory fashion that sidesteps the public review process.

A comprehensive alternatives analysis would consider options such as modernizing the existing corporate yard, leasing school district property that is vacant during summer months for staging equipment, additional off-site locations for maintenance activities or other ideas which could be brought forward by the public, business and regulatory community.

**The General Parking Problem is Serious and Mandates Concern:**

A simple site visit illustrates that Laguna Beach has a major parking shortage and equally serious traffic congestion problem. These problems hurt local visitor serving businesses and inhibit coastal access. This being so it is disturbing that the proposed project will decrease the amount of available parking and the effectiveness of transit operations. In fact because of ongoing parking and circulation problems in Laguna Beach, the Orange County Transportation Authority this year approved grants to the city of Laguna Beach including: \$100,000 to purchase an additional shuttle bus for summer festival service, and \$40,000 to provide shuttle services between ACT V and the beach for beachgoers and visitors during weekends and holidays throughout the year.

**The City's Project Application is Procedurally Deficient**

When a private or any entity applies for a CDP from the commission they are required to gain all other approvals and permits first. Once substantial issue is found on appeal, as in this case, the project is treated as a CDP application and considered de novo. The City's CDP application is incomplete because it lacks necessary approvals from CalTrans. As illustrated on the final site plans, the City plans to change the interface of the ACT V property with Laguna Canyon Road (SR-133.) This change may have serious traffic and safety implications that need to be reviewed by CalTrans. There is no evidence that such a review has occurred.

In connection with activities at ACT V after the first County approval (remembering that it was not initially appealed because the County falsely claimed that it was not an action appealable to the commission,) construction operations destroyed Coastal Sage Scrub habitat. This is a destruction of ESHA and is prohibited by Section 30240 of the Coastal Act. Not only was this activity illegal under 30240 but also it has never been mitigated or corrected. Additionally, the construction of structures at ACT V may well cause further direct and indirect impacts to ESHA that need to be addressed. While the NCCP agreement does mitigate some impacts on Coastal Sage Scrub per CDFG and USFWS permitting requirements, these are separate regulator requirements than the commission's authority under 30240. NCCP agreements do not void or fulfill the commission mandate to protect ESHA. It is irresponsible to allow a project at ACT V to go forward until these ESHA issues have been resolved.

The City has also failed to fully comply with CEQA, another requirement before a CDP can even be considered, much less issued. The negative declaration adopted by the County of Orange is incomplete in its scope and misleading in its conclusions. A full EIR is needed to fully explore the impacts of this project.

While substantial evidence leaves an EIR defensible from criticism and even scientific contradiction, a mitigated negative declaration, as was submitted with this project, does not get the same free ride. A negative declaration must fully disclose and mitigate any and all environmental impacts, and any reasonable argument regarding further impacts has to be addressed. An EIR is needed for this project because there are issues of interface with habitat, hydrology, traffic, safety, and noise left unaddressed in the negative declaration.

To begin with the negative declaration fails to disclose or analyze indirect impacts of the proposed project. CEQA Guidelines Sections 15064(d)(2) and (3) require that such impact be fully addressed. The movement of the corporate yard will cause disruption of any chemicals, debris or other materials currently kept at the current corporate yard – yet an inventory and analysis of any associated risk has never been done. In fact, while this project sits adjacent to and services Laguna Beach, the impact analysis in the negative declaration is limited to the Crystal Cove State Park and Newport Coast area. This major flaw is compounded by the fact that impacts on transit functioning and resulting traffic patterns are not studied.

This project is yet another in the overall "Village Entrance Project" that has never received full environmental review, instead each project is piece milled and claimed exempt from CEQA or without substantial impacts. The collective impact of moving visitors currently parking at ACT V into downtown is substantial within the meaning of CEQA.

Also absent from the negative declaration is any discussion of the loss of natural coastal sage scrub or other habitat in the proposed project, an impact the applicant has already admitted has occurred and will likely continue to occur. Additionally there is the issue of major alterations to the stream and storm flow system on the project site. The applicant began grading the site in 2000 without securing proper grading permits, proceeded to illegally fill a blue-line stream and then failed to properly install and complete the underground drainage system.

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Because parking traditionally has only occurred during the summer months and the new maintenance facility would be used year round there are potential impacts of light, noise, hydrology and traffic with the proposed project; none are addressed in the negative declaration. In fact the negative declaration does not even discuss the change from summer to year-round use of the project site.

Major mud slides occurred near the project site on February 23, 1998 covering portions of the site in two feet of mud, yet there is no substantial geophysical analysis in the negative declaration nor is there any mitigation or discussion of slope stability. The design elements intended to deal with hydrology in fact create impacts off-site. "Drainage on the site should improve with the redirection and concentration of the flows into both surface and underground drainage," according to the negative declaration, but concentrated drainage will likely increase downstream flooding and may have serious water quality impacts. The project fails to include provisions for on-site detention or treatment of runoff, although with the increase in impervious surface there will certainly be an increase in runoff. Furthermore, the traffic and parking issues addressed more fully earlier in this correspondence are also not addressed in the negative declaration; it clearly fails to meet the requirements of CEQA.

#### **The City's Documentation is Misleading:**

The March 23, 2004 correspondence from the city to the commission includes false and misleading information. To begin with the city has partially completed a traffic management plan, apparently to fulfill the requirements of Newport Coast LCP Policies 20 and 21, but has failed to explain or even acknowledge that the LCP contemplates these as documents that would be completed early in the planning process and included in the local government's decision.

The city now claims that ACT V has a capacity of only 170 spaces, not the 318 required in the LCP and certainly not the 430 that currently exist. The city uses a purported 1997 photograph to "prove" that ACT V only has a capacity of 170 cars. Not only does the 1991 parking agreement found in the LCP list 318 spaces required at ACT V, but the 1987, 1995, and 1997 agreements passed by the city list ACT V capacity at 318. (Exhibit A, B, C) How many cars actually parked at the lot last summer further contradicts the city's claim. If the 1991 figure of 318 is erroneous as the city claims it is difficult to understand why the city did not raise the issue and correct the LCP or subsequent parking agreements. In fact an August 1, 1995 memo from City Manager Ken Frank states "moving the corporation yard to ACT V would cost \$1 million if the land was somehow free. Also, the 320 spaces at the ACT V lot would be lost." (Exhibit D) The minutes to the April 5, 1988 City Council meeting read, "City Manager Frank reported there are 318 spaces on the ACT V lot." (Exhibit E)

The potential loss at ACT V is over the 318 spaces in the LCP. Because of the 2001 expansion parking at ACT V is in fact now over 400 spaces; in a September 10, 2003 memo to Councilmember Elizabeth Pearson, City Manager Kenneth Frank explains, "We estimate we might park as many as 390 to a maximum of 400 spaces." (Exhibit F) In fact the approved 2002 Summer Festival Parking Plan listed 430 spaces at ACT V. (Exhibit G)

Laguna Canyon Conservancy  
Analysis of California Coastal Commission Appeals  
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ACT V Remote Public Parking Reservoir, Laguna Beach

The city's analysis also rests upon the idea that visitors will not be competing with employees for parking, that in addition to the capacity at ACT V and the existing corporate yard there will be the added capacity of employees who have gone home. In this same document it notes that three major festivals (Festival of the Arts, Art-A-Fair, and Sawdust) begin operations at 10 a.m. Clearly a visitor arriving between 10 a.m. and 5 p.m. is competing with city employees for parking. In fact the situation is worse because the city admits, "employee's work schedules are spread throughout the seven-day workweek," meaning during weekend peaks employees and visitors will still be competing with each other for parking. Additionally the city concedes, "during July and August, about 20 transit employees are working from 4:30 p.m. until midnight," the exact peak months and times for festival visitors – more competition for parking.

The city also claims 150 spots at the College of Art to offset losses at ACT V. The College of Art lot is not public, nor is it in the control of the city. There is no guarantee that these spaces will be available in perpetuity. Furthermore, parking at the college is only available during evenings and weekends, once again compounding the weekday problem of few parking spaces where visitors and employees compete. This is not to mention the open question of what happens during construction.

In fact the issue of interim parking during project construction is not truly dealt with in the plan. Because the financing is not necessarily secure, and construction is impossible to time perfectly, there may well be a situation where parking is not available at ACT V, the Olive Street maintenance facility or the existing corporate yard because all are undergoing construction. Additionally, it is impossible to estimate how long it will take to sell the Olive Street property, the proceeds of which are to be used for the new Corporate Yard construction. The applicant has requested a four-year permit duration from the County Orange, the commission would be wise to look at what phasing the corporate yard project over four years will do to traffic, parking, and public access. This horrible scenario is not dealt with in the city plan, in fact no explanation of staging and timing is given in the city's report.

### **Conclusions:**

For the foregoing reasons we ask that the commission deny this project because 1) it does not comply with the adopted Newport Coast or Laguna Beach LCPs 2) the project application is incomplete, and 3) the project results in an unacceptable loss of public access by impacting parking and transit.

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**Laguna Canyon Conservancy  
Analysis of California Coastal Commission Appeals  
A-5-NPC-03-536, A-5-NPC-04-004  
ACT V Remote Public Parking Reservoir, Laguna Beach**

## **Exhibits**

### **Exhibit A**

#### **1987 Summer Festival Parking Plan Space Count Summary**

### **Exhibit B**

#### **1995 Summer Festival Parking Plan Space Count Summary**

### **Exhibit C**

#### **1997 Summer Festival Parking Plan Space Count Summary**

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## Attachment I

SUMMER FESTIVALS PARKING PLAN 1987

	I	II	III	IV
	Number of existing parking spaces permanent	Number of existing parking spaces temporary	Number of parking spaces unsuper- vised	Number of parking super- vised
<u>LOCATION:</u>				
Laguna Canyon Road South Side	75			
Laguna Canyon Road North Side	103			
Laguna Canyon Frontage Road	93			
Irvine Bowl Park Frontage Road	19			
Laguna Yark Parking Lot	81			
Laguna Lumber Yard		25		
The Laguna Church		70		
Foster Concrete		100		
Courtesy Body Shop		90		
Bartlett Center		82		
Laguna Beach Water District		22		
R/W North Side Laguna Canyon Road			71	
Businesses in Festival Area			222	
Act V Parking Lot				318
Moulton Playhouse				73
City Employee's Lot				154
Sewer Treatment Plant				30
Art Institute of Southern California				84
City Nursery				30
Boys' Club				25
SUB-TOTALS:	371	389	293	714
TOTAL NUMBER of parking spaces provided within the festival areas is 1767 spaces.				

- I - This column refers to the number of controlled permanent parking spaces.
- II - This column refers to businesses that charge a parking fee and use their property for summer festival parking. The exception is the Laguna Beach Water District which there is no charge. It is used by city employees. III
- III - This column refers to the number of businesses that are located in the festival areas that after normal hours (daily 8:00 a.m. to 5:00 p.m.) have parking lots that remain open. The parking areas are used without permission of owner. There is no parking fee and lots are unsupervised. The right-of-way on the Laguna Canyon Road is also unsupervised and is available during the festival season.
- IV - This column refers to the number of parking areas that are supervised for summer festival parking.

## 1995 SUMMER FESTIVAL PARKING PLAN

### PERMANENT PARKING SPACES

Laguna Canyon Road, South Side	60
Laguna Canyon Road, North Side	106
Laguna Canyon Frontage Road	90
Irvine Bowl Park Frontage Road	22
Lumber Yard Parking Lot	<u>94</u> (85 Lined)
	372

These are permanent parking spaces that are either metered or supervised.

### TEMPORARY PARKING SPACES

Canyon Auto Repair/Courtesy Auto Body	70
Laguna Beach Lumber Co.	25
Club Postnuclear	75
Art-A-Fair	40
727 Laguna Canyon Road	12
Bartlett Center	92
McCormick Mortuary	<u>40</u>
	354

The majority of these businesses charge a parking fee and use their property for summer festival parking.

### UNSUPERVISED PARKING SPACES

R/W North Side Laguna Canyon Road	71
Businesses in Festival Area	128
Laguna Beach High School Peripheral	<u>126</u>
	325

The businesses in the festival area have parking lots that remain open after normal working hours. The lots are unsupervised and thus have no fee. The unpaved right of way along Laguna Canyon Road and LBHS are two additional unsupervised parking areas.

### SUPERVISED PARKING SPACES

Act V Parking Lot	318 or 360 with space occupied by Waste Mgmt.
Laguna Playhouse	79
City Employee Parking Lot	160 Lined - 220 with attendants
Art Institute	92
City Nursery	30
Boys and Girls Club	<u>20</u>
	699

These parking areas are staffed for summer festival parking.

TOTAL NUMBER OF PARKING SPACES  
PROVIDED WITHIN THE FESTIVAL AREAS: 1,750

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EXHIBIT "A"

1997 Summer Festival Parking Plan

PERMANENT PARKING SPACES

Laguna Canyon Road, South Side	60
Laguna Canyon Road, North Side	106
Laguna Canyon Frontage Road	90
Lumber Yard Parking Lot	94
Ocean Avenue - North of Beach	56
Post Office	16
Forest Avenue, by City Hall	23
Forest Avenue, North of Beach	45
Beach Street	16
Broadway, North of Beach	<u>4</u>
	510

These are permanent parking spaces that are either metered or supervised.

TEMPORARY PARKING SPACES

Club Postnuclear	75
Art-A-Fair	40
Bartlett Center	92
312 Broadway	41
Broadway Plaza (203)	<u>32</u>
	280

The majority of these businesses charge a parking fee and use their property for summer festival parking.

UNSUPERVISED PARKING SPACES

Arroyo/South Side Laguna Canyon Road	71
Laguna Beach High School Lot	<u>126</u>
	197

The businesses in the festival area have parking lots that remain open after normal working hours. The lots are unsupervised and thus have no fee. The unpaved right of way along Laguna Canyon Road and LBHS are two additional unsupervised parking areas.

SUPERVISED PARKING SPACES

Act V Parking Lot	318
Laguna Playhouse	79
City Employee Parking Lot	250
Art Institute	92
City Nursery	30
Boys and Girls Club	<u>30</u>
	799

These parking areas are staffed for summer festival parking.

TOTAL NUMBER OF PARKING SPACES  
PROVIDED WITHIN THE FESTIVAL AREAS: 1,786

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**Exhibits D**  
**Memo from City Manager, Ken Frank**  
**to Village Entrance Task Force**  
**August 1, 1995**

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## MEMORANDUM

**DATE:** August 1, 1995

**TO:** Village Entrance Task Force

**FROM:** Kenneth Frank, City Manager

**SUBJECT:** ESPECIALLY PRELIMINARY ANALYSIS OF PARKING GARAGE  
OPTIONS AT THE VILLAGE ENTRANCE

Attached is an extremely preliminary report which incorporates information provided by the parking consultant with information available in the City files. It is my intention to revise this report as necessary and bring it to the City Council on September 19. This will provide at least one full month for the Village Entrance Task Force to review the attached material and make your preliminary recommendations to the City Council at least as far as the concept of a parking garage is concerned.

The parking consultant would be available to meet with the task force at your next meeting of August 22 at 6:30 p.m. Let me know if the task force would like the parking consultant to attend.

At this point, it appears that a parking garage on the Lumberyard lot is the most cost effective option for increasing the number of parking spaces at the Village Entrance. It requires rearrangement of some of the corporate yard facilities, but there is a good possibility they could remain elsewhere on the Village Entrance project site, i.e., an unused portion of the Lumberyard parking lot. A parking garage at this location would be close to the Central Business District which would be desirable if the goal is to encourage year round use of the structure. A chief disadvantage of option 6 is that it requires more levels to gain substantial additional parking. We placed a yellow ribbon 45 feet high on some of the trees in the Lumberyard lot to illustrate the height of a five story structure. I suspect a parking garage that high would receive a great deal of opposition. For that reason, we suggest a four story maximum which generates about 200 new spaces.

Again, the attached report is preliminary in nature. I am providing a copy to members of the City Council only for their information. The report will be revised prior to the Council meeting at which it is considered.

### Attachment

cc: City Council  
Department Heads

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station, the AWMA sewer line and the flood control easement. Because of those conflicts and because option 6 yields more spaces per floor using the same site, we did not estimate the cost for this scheme.

### Alternative 2

This alternative places the garage in the Corporation Yard. Scheme 2A locates it to the rear of the site adjacent to the steep slope. This option is infeasible because it requires relocation of the AWMA pump station and the Corporation Yard. Scheme 2B locates the structure away from the AWMA facility. As shown on the diagram it is further away from the toe of the slope and crosses the flood channel for the entire length of the garage. It also encroaches onto a portion of the employee parking lot. It's possible that the building could be moved closer to the toe of the slope, but there are some engineering concerns about crossing the flood control channel at an angle. Because alternative 2B encompasses more land than alternative 1 it can house 399 cars on four levels and 525 autos on five floors. The cost of the four level structure would be roughly \$3.1 million (\$7,700 per space) while the five floor garage would be \$4.1 million or \$7,800 per space.

Moving the Corporation Yard to the Act V lot would cost \$1 million if the land were somehow available for free. Also, the 320 spaces at the Act V lot would be lost. A five story garage would house 525 cars for a net increase of 195 new spaces. Adding the \$1 million relocation cost to the construction estimate of \$4.1 million results in a cost of \$26,000 for each new space.

### Alternatives 3 & 4

These options present a wide structure that is ideal for maximizing parking spaces. On only three levels, 520 spaces could be provided. Unfortunately, these similar options conflict with the AWMA pump station, require portions of both the Corporation Yard and the employees' lot, and encompass the flood channel. Moreover, the width of the garage would be fairly imposing to drivers coming into town. Because of these factors, costs were not calculated for these options.

### Alternative 5

Using a portion of the Corporation Yard and locating the garage at the toe of the slope, alternative 5 attempts to minimize the relocation of the Corporation Yard by offering space on the ground level for City vehicles and offices. Nonetheless there would still be some significant costs including relocation of the fuel tanks. This option builds over the AWMA pump station which may be feasible. However, there would have to be access for maintenance of the pumps and this issue needs further clarification. Also, without further study the specific impacts on the Corporation Yard cannot be ascertained. Since it provides substantial numbers of parking spaces and offers the possibility that the AWMA pump station and Corporation Yard would not have to be entirely relocated, a cost estimate was prepared for this option. With three levels (25 feet), 264 spaces could be provided at an estimated cost of \$2.9 million or \$11,000 per space. Adding a fourth level (35 feet) accommodates 392 spaces for about \$3.8 million which is \$9,800 per space. A five story garage would house 520 cars at a cost of \$5 million or \$9,600 per spot.

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**Exhibits E**  
**City of Laguna Beach City Council Minutes**  
**April 5, 1988 Meeting**

senior owners and senior occupants and that the amortization time not be dependent upon keeping the same tenant. Lemney supported legalizing units shown as multiple units on both the tax rolls and in escrow documents.

Fitzpatrick felt the options were to enforce the current law or to change it, feeling this proposal was selective enforcement with the less fortunate being those who didn't have the foresight to develop an additional unit. He felt the need for rental stock shouldn't be dumped in someone else's neighborhood and he wouldn't have it in his neighborhood. Fitzpatrick was concerned about how staff would manage this program, thought it should apply to all recently annexed areas, senior tenants should be allowed to stay for their lifetime, he questioned the fairness and thought poverty should be the standard rather than age.

Moved by Mayor Kenney, seconded by Mayor Pro Tem Gentry and carried 4/1 to adopt the Amortization Plan as outlined by staff with the following modifications:

Tenants sixty years or older may remain in a unit without regard to the amortization deadlines;

Owner occupants who are sixty years or older may retain a second unit until the ownership is transferred;

An owner who has a unit subject to an amortization deadline of one or five years may release that unit if a tenant leaves up to the maximum time period provided that the new tenant is notified of the deadline;

A second unit may be retained until the property is sold if the property appears as a multiple unit on the loan documents and the tax roll as of 1950;

The amortization plan be extended to the newly annexed areas of Old Top of the World and Allview Terrace;

Staff is to come back within one year with a proposed second unit and granny flat ordinance applicable to the entire City.

2. FESTIVAL PERIPHERAL PARKING: ADDITIONAL LOTS TO BE PURSUED ON WEEKENDS (60)

Deputy City Manager Clark reported the Festival Coordinating Committee is recommending that several new peripheral parking locations be added to the 1988 Festival Parking Plan in order to further relieve the summer parking shortage and traffic problems. The Committee reviewed eight locations along Laguna Canyon Road as well as two on Coast Highway and the School District lot. The Committee also considered remote locations such as the Irvine Spectrum.

As a result of its review, the Committee is making the following recommendations to the City Council based on very preliminary discussions with the representatives of the private owners of the various properties.

1. Add a peripheral parking lot at the CTE property. The cost of parking attendants and repair to the turf and sprinklers which may be damaged would be bore by the three festivals. The lot would be operated by the City which would also provide liability insurance. The festivals would also cover the cost of chartering an additional bus to run on the Canyon route in order to reduce the waiting time at the bus stops. (80 Spaces)
2. Add another peripheral parking lot at the Post Office and Telonics properties at big bend. The costs and operations would be handled by the same way as recommended for the GET property. (100+ Spaces)
3. Support the Art-A-Fair in its application for a temporary use permit to operate a parking lot in the M1-A Zone on the southeast corner of Canyon Acres and Laguna Canyon Road. (This location was included in the Festival Parking Plan approved by the City Council on March 1, 1988.) (80 Spaces)
4. Permit a private property owner to operate a parking lot in the R-1 Zone on the northeast corner of Canyon Acres and Laguna Canyon Road (parking lots are currently not permitted as a use in the R-2 Zone).
5. Add a peripheral parking area in the back parking lot at the Boat Canyon Shopping Center in North Laguna. This parking lot would be operated by the City and insured by the City with the costs reimbursed by the three festivals. The operation would be subject to approval of the property owner and the tenants of the shopping center. It would also be necessary to erect one or more temporary signs to alert vehicles entering town from the north on Coast Highway to the park and ride an opportunity.
6. Continue to operate the park and ride program at the school district parking lot on Park Avenue as was done last summer.

The Committee did not support the concept of remote parking locations such as the Irvine Spectrum.

If the City Council approves additional City-operated lots, staff will seek formal consent from the property owners and amend the festival Parking Plan so that the additional costs of the plan are covered by the three festivals. The cost of running the Act V and Institute of Arts lot is \$11,000. This would increase in proportion to the number of additional City staffed lots that are provided.

City Manager Frank reported there are 318 spaces on the Act V Lot, 75 of which are used during the week and all 318 on the weekends.

Alan Adams supported additional lots fir they are revenue generating. Don Black, President of the Chamber of Commerce, expressed the need to think long range and suggested using the school lots for exhibitors. Bruce Hopping suggested hiring local students to manage the lots. Peter Morrison, Thurston Park, opposed the two lots suggested in his neighborhood due to additional traffic and other impacts, noting this is a special community. David Cross, Canyon Acres Drive, speaking for himself and others, was

EX E

concerned about neighborhood impacts, the conflict between automobiles, traffic, aesthetics and the precedent that would parking lots were allowed in the R-2 Zone. He opposed any proposal for parking lots. Deborah Young, Milligan Drive, objected to the proposed use of parking lots in this neighborhood as it is already a bottleneck with heavy traffic. She said the neighborhood is already heavily impacted by traffic from the festivals and suggested the Art-A-Fair site be used for senior housing rather than the Thurston Park site. She also supported the Neighborhood Association's proposal to use parking revenues to purchase the Spitaleri site for a neighborhood park. Steve Schabazi noted this is a residential neighborhood and parking lots are not appropriate. John Harwood, Canyon Acres, said Canyon Acres and Laguna Canyon is a dangerous corner and traffic jam area. He was also concerned about the residential character and lot of children. Elaine Rubenstein opposed the parking lots, especially the Philips lot, asking the Council preserve and respect the quality of life in this neighborhood. Eric Ayres, Canyon Acres, opposed the parking lots, citing safety and congestion. Elisabeth Brown said the Association's proposal was a pragmatic one as there are dozens of vehicles there now (Spitaleri lot). She was concerned the Thurston Park neighborhood not become a walkway between the festival and the parking lot.

Moved by Mayor Pro Tem Gentry, seconded by Councilmember Collison and carried unanimously to pursue the following sites for weekends only: GTE Property, Post Office and Telonics, Boat Canyon and School District.

Kenney suggested looking at employee parking possibly at the high school or Boat Canyon.

3. **LETTER OF OPPOSITION TO IRVINE COAST DEVELOPMENT AGREEMENT TO BE SENT TO ORANGE COUNTY (57)**

The Irvine Company has submitted a Development Agreement with the County of Orange for the purpose of receiving permanent entitlements to the Irvine Coast Planned Community. In the past, the City has not had any significant involvement in the earlier land use approvals associated with the Irvine Coast Project since the majority of the development area is largely removed from the immediate environment of Laguna Beach. An exception to this circumstance involves several pockets of land on the west side of Laguna Canyon Road that are designated in the Irvine Coast Plan for commercial and visitor-serving uses; the City has expressed concern over these designations in past correspondence with the County.

There is one particular provision of the proposed Development Agreement that is of special concern to the City. This provision states that if the subject property is annexed in whole and/or in part to another local agency, the obligations and entitlements of the Development Agreement shall be recognized and carried out by that local agency. The provision attempts to preempt any subsequent land use decisions made by a future local agency. This language could particularly impact the City of Laguna Beach inasmuch as the City is currently pursuing annexation of land in Laguna Canyon.

Staff has prepared a letter to the County stating the City's opposition to the Development Agreement. The County Board of Supervisors is tentatively scheduled to consider this agreement on April 13, 1988.

## **Exhibits F**

**Memo from City Manger, Ken Frank to  
Councilmember Elizabeth Pearson  
September 10, 2003**



## MEMORANDUM

**DATE:** September 10, 2003  
**TO:** Councilmember Elizabeth Pearson  
**FROM:** *KE* Kenneth Frank, City Manager  
**SUBJECT:** PARKING SPACES ASSOCIATED WITH THE NEW CORPORATION YARD

I am responding to your request to review very specific numbers associated with current and proposed parking that is connected with the relocation of the corporation yard and the parks nursery to the Act V lot. The numbers in the left hand column are the numbers which you provided me. My comments are in the right hand column.

### Present Parking Spaces

City Yard Parking	79	I am not sure what this means. It may refer to the Lumberyard Parking. For the last two years, we have not had the public parking within the City corporation yard at the present site.
City Employees Parking Lot	220	This is accurate.
City Nursery	30	This is accurate.
Act V Lot Today	430	This is not accurate. We estimate we might park as many as 390 to a maximum of 400 spaces; we never actually reached 400, but we got close this year.
Total Today	759	We believe the current total is 650.

### Act V Lot with the corporation yard on it

Site Plan proposed	168	This is correct except that under supervised parking we estimate we could get 190 spaces. This is equivalent to the 390 - 400 spaces today, which is achieved only through supervised parking.
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City Yard parking	79	Again, I am not sure what this is, unless you are referring to the Lumberyard Lot.
City Employees Parking Lot	220	This would be correct.
City Nursery	0	We have used zero for planning purposes, although as a practical matter it might be possible, depending upon the way the lots are configured, to have a handful of parking spaces for the Festival at the end of the street.
Spaces added by moving Corporation Yard	85	That is the lowest possible estimate with absolutely no work being done in the yard. We would recommend removing the portable buildings at virtually no cost. In that way, there would be about 120 parking spaces in the existing corporation yard.
Art Institute Parking Lot	0	You did not show any spaces for this lot. The Institute has allowed the City to use the lot for many years. We simply have not used it for the past two years because there was no need. This will provide 144 parking spaces.
Total Spaces After Corporate Yard is Moved	552	This number should be <u>674</u> as follows:
		Act V Lot 190
		City Employees Lot 220
		Old Corp Yard site 120
		Art Institute <u>144</u>
		674

cc: City Council  
Assistant City Manager  
Director of Community Services

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**Exhibits G**  
**Agreement for 2002 Summer Festival Parking**  
**June, 2002**

I<sub>22</sub>

## **AGREEMENT FOR 2002 SUMMER FESTIVAL PARKING**

This Agreement is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2002 by and between the City of Laguna Beach ("CITY"), Art-A-Fair, Festival of the Arts and Sawdust Festival, (collectively known as "FESTIVALS").

WHEREAS, the FESTIVALS are planning to hold art festivals during the summer of 2002; and

WHEREAS, a parking plan for the FESTIVALS must be established by the CITY; and

WHEREAS, costs associated with implementing the parking plan must be reimbursed to the CITY.

NOW, THEREFORE, FOR AND IN CONSIDERATION OF THE MUTUAL PROMISES, COVENANTS, AND CONDITIONS HEREIN CONTAINED, THE PARTIES HERETO AGREE AS FOLLOWS:

### **I 2002 SUMMER FESTIVAL PARKING PLAN**

The CITY and the FESTIVALS agree to the 2002 Summer Festival Parking Plan attached hereto as Exhibit "A." The location of the FESTIVALS and parking areas is attached hereto as Exhibit "B." This plan provides 789 supervised parking spaces to supplement those already available in the area of the FESTIVALS during the summer season.

- A) The CITY agrees to operate the Act V parking lot for a daily fee of \$3. A festival season pass for Act V parking lot is available for \$35 and resident shopper's permits will also be honored at the ACT V lot.
- A) The City Employees' parking lot will be available for a daily fee of \$8 for automobiles only.
- C) Until 7 p.m. spaces will be reserved for buses to park at no charge in spaces on Laguna Canyon Road near the Festival of Arts. After 7 p.m., those spaces will be available for automobiles. Any late arriving buses will be directed to the Act V parking lot.
- D) The City agrees to operate a no fee shuttle service to and from the Act V parking lot. The shuttle service will also stop near the FESTIVALS and various other locations to be identified by the CITY.
- E) The CITY will operate a special parking permit program for residents who live adjacent to the FESTIVALS.
- F) The CITY will provide a parking control officer in the Laguna Canyon area to monitor the resident parking permit program, and to ensure that red painted curbs and fire hydrants remain clear for safety purposes.

II. EXPENDITURES AND REIMBURSEMENTS

The FESTIVALS agree to divide equally and pay to the CITY the costs associated with the operation of the Act V parking lot and Transit/Festival brochure. The estimated expenditures and reimbursements are attached hereto as Exhibit "C".

- A. The FESTIVALS will each be billed the sum of \$7,624 by the CITY on July 15 of the festival season to cover costs of supervision, materials, supplies, and equipment.
- B) At the end of the season, actual costs will be reconciled against the previously collected revenue. Adjustments will be made, as needed.

III. INDEMNIFICATION

Each party hereto agrees to indemnify, defend and hold harmless the other contracting party, its officers, agents, employees and representatives from and against all claims, demands and actions in connection with the negligent or willful conduct of the indemnifying party, its officers, agents, employees, representatives and volunteers in the performance of this agreement.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed.


\_\_\_\_\_  
City of Laguna Beach

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Art-A-Fair

  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Festival of Arts

\_\_\_\_\_  
Date

\_\_\_\_\_  
Sawdust Festival

\_\_\_\_\_  
Date

I 24

## EXHIBIT "A"

### 2002 Summer Festival Parking Plan

#### PERMANENT PARKING SPACES

Laguna Canyon Road, South Side	60
Laguna Canyon Road, North Side	106
Laguna Canyon Frontage Road	90
Lumber Yard Parking Lot	90
Ocean Avenue - North of Beach	56
Post Office	16
Forest Avenue, by City Hall	23
Forest Avenue, North of Beach	45
Beach Street	16
Broadway, North of Beach	<u>4</u>
	506

These are permanent parking spaces that are either metered or supervised.

#### TEMPORARY PARKING SPACES

Fuse	75
Art-A-Fair	40
Festival Center	92
312 Broadway	41
Broadway Plaza (203)	<u>32</u>
	280

The majority of these businesses charge a parking fee and use their property for summer festival parking.

#### UNSUPERVISED PARKING SPACES

Canyon Acres/South Side Laguna Canyon Road	71
Art Institute	140
Laguna Beach High School Lot	<u>126</u>
	337

The businesses in the festival area have parking lots that remain open after normal working hours. The lots are unsupervised and thus have no fee. The unpaved right of way along Laguna Canyon Road and LBHS are two additional unsupervised parking areas.

#### SUPERVISED PARKING SPACES

Act V Parking Lot	430
Laguna Playhouse	79
City Employee Parking Lot	220
City Nursery Area	30
Boys and Girls Club	<u>30</u>
	789

These parking areas are staffed or permitted for summer festival parking.

Total Number of Parking Spaces: 1912

I<sub>25</sub>

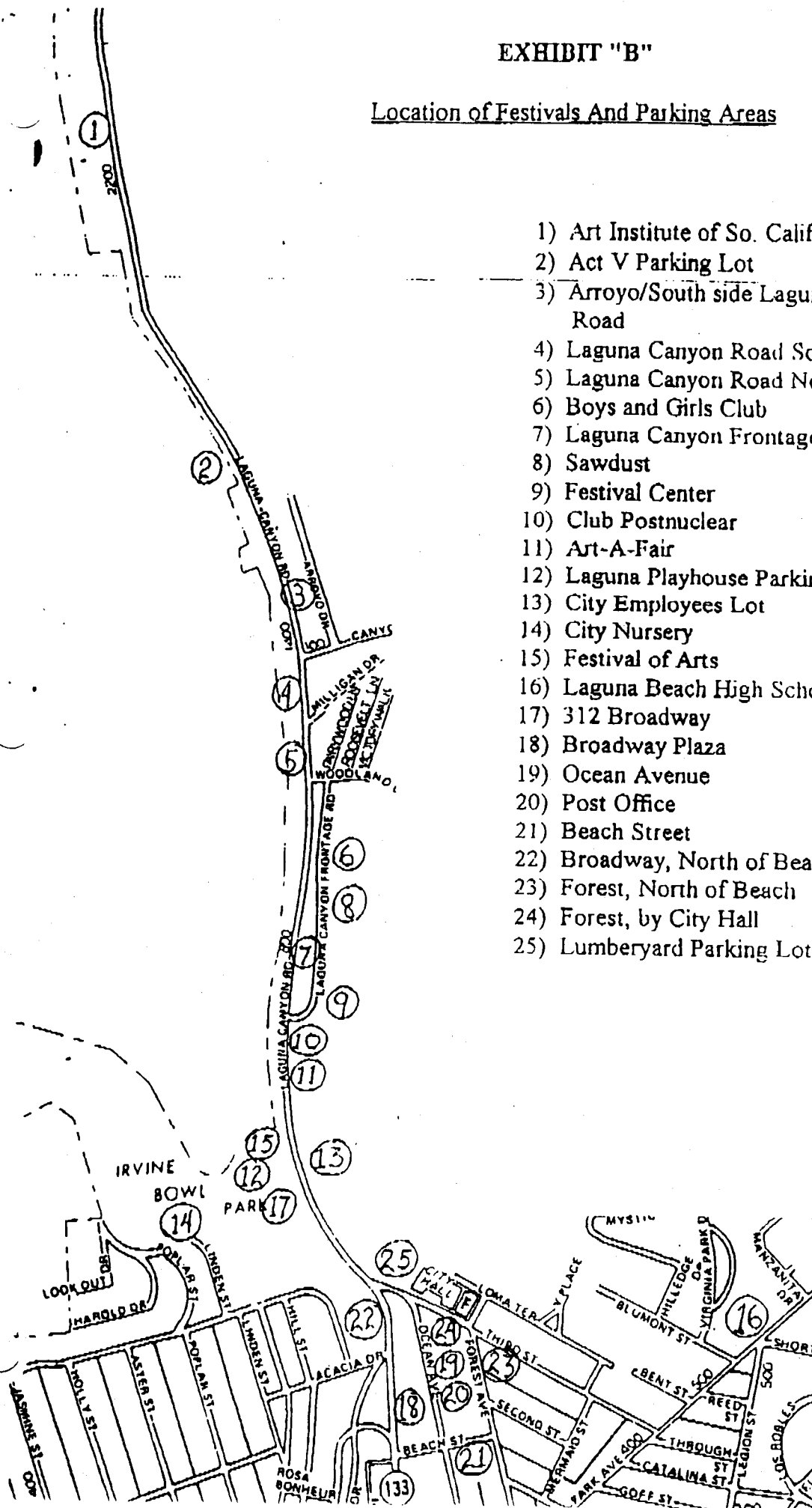
I24



## EXHIBIT "B"

### Location of Festivals And Parking Areas

- 1) Art Institute of So. California
- 2) Act V Parking Lot
- 3) Arroyo/South side Laguna Canyon Road
- 4) Laguna Canyon Road South side
- 5) Laguna Canyon Road North side
- 6) Boys and Girls Club
- 7) Laguna Canyon Frontage Road
- 8) Sawdust
- 9) Festival Center
- 10) Club Postnuclear
- 11) Art-A-Fair
- 12) Laguna Playhouse Parking
- 13) City Employees Lot
- 14) City Nursery
- 15) Festival of Arts
- 16) Laguna Beach High School Lot
- 17) 312 Broadway
- 18) Broadway Plaza
- 19) Ocean Avenue
- 20) Post Office
- 21) Beach Street
- 22) Broadway, North of Beach
- 23) Forest, North of Beach
- 24) Forest, by City Hall
- 25) Lumberyard Parking Lot



## EXHIBIT "C"

### Estimated Expenditures and Reimbursement 2002 Festival Parking Plan

#### Expenditures by City:

Municipal Services (Preparation of lots, signs, and fencing at Act V. Add new gravel, regrade and add additional asphalt paving up to ticket area in Act V lot. Improvement of landscaping/planting in median separating Laguna Canyon Road with Frontage Road.)	\$6,550
Materials and Supplies (Telephone, sanitary, printing, etc.)	3,550
Staff for Act V Lot	9,650
Transit/Festival Brochure (30,000)	<u>2,750</u>
<b>Total</b>	<b>\$ 22,500</b>
Balance Due from '01	<u>372</u>
<b>Total</b>	<b>\$ 22,872</b>

#### Reimbursement to City\*:

Art-A-Fair	7,624
Festival of Arts	7,624
Sawdust Festival	<u>7,624</u>
<b>Total</b>	<b>\$ 22,872</b>

\*Includes \$124 each for balance due from 2001.

I28

## CALIFORNIA COASTAL COMMISSION

## SOUTH COAST REGIONAL COMMISSION

666 E OCEAN BOULEVARD, SUITE 3107

P.O. BOX 1450

LONG BEACH, CALIFORNIA 90801

(714) 590-5071 (714) 846-0648

## COASTAL DEVELOPMENT PERMIT

Permit Type: ☒ Administrative ☐ Standard ☐ Emergency

Application Number: A-80-6746

Name of Applicant: Sawdust Festival Corps.

935 Laguna Canyon Rd., Laguna Beach, CA 92651

Development Location: 935 Laguna Canyon Road

Laguna Beach, CA

Development Description: Erection of artists panels and booths, tram stop, and signs for 12th Annual Sawdust Festival. Festival runs concurrently with the Festival of Arts and Pageant of Masters.

I. Whereas, at a public hearing, held on May 19, 1980

at Torrance by a vote of unanimous xxx

the Commission hereby grants, subject to condition/s, a permit for the proposed development, on the grounds that the development as conditioned will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Conditions: Prior to issuance of permit, applicant shall:

1. submit plans and evidence of a lease agreement with the City of Laguna Beach for remote parking. Said agreement and plans shall contain a minimum of 450 parking spaces, which may be utilized jointly among festival participants. Said parking shall not be located in the downtown area; and

2. provide agreement with the City of Laguna Beach providing for shuttle bus service to and from the remote parking locations.

A-5-NPC-04-004

EXHIBIT J

Condition/s Met On 6/5/80 By [Signature] gp

- III. This permit may not be assigned to another person except as provided in Section 13170 of the Coastal Commission Rules and Regulations.
- IV. This permit shall not become effective until a COPY of this permit has been returned to the Regional Commission, upon which copy all permittees or agent/s authorized in the permit application have acknowledged that they have received a copy of the permit and have accepted its contents.
- V. Work authorized by this permit must commence within two years from the date of the Regional Commission vote upon the application. Any extension of time of said commencement date must be applied for prior to expiration of the permit.
- VI. Issued on behalf of the South Coast Regional Commission on  
June 5, 1980.

[Signature]  
M. J. Carpenter  
Executive Director

I, \_\_\_\_\_, permittee/agent, hereby acknowledge receipt of Permit Number A-80-6746 and have accepted its contents.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature)

J2

## CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD (415) 904-5200  
FAX (415) 904-5400



## MEMORANDUM

FROM: John Dixon, Ph.D.  
Ecologist / Wetland Coordinator

TO: Meg Vaughn

SUBJECT: Laguna Beach Maintenance Yard and Parking Lot

DATE: June 21, 2004

## Documents reviewed:

1. County of Orange. April 20, 1998. Negative Declaration for Laguna Beach Corporation Yard Project.
2. G. Medeiros (County of Orange). December 3, 1997. Memorandum to R. Bailey (County of Orange), subject: city of Laguna Beach Maintenance Yard and Parking Facility.
3. Four photographs of the project site taken in 1997 and 2000 submitted by the City of Laguna Beach.
4. LSA Associates, Inc. August 17, 1998. Habitat mitigation and monitoring plan, City Corporation Yard, Laguna Beach, California. A report to the City of Laguna Beach.

According to the Negative Declaration, the subject project will result in the "redirection of a Blue Line stream and disturbance of approximately 3 acres of coastal sage scrub (CSS) habitat." The mitigation plan indicates that 824 linear feet of stream bed would be impacted and 0.24 acres of the stream would be "removed." The Negative Declaration further states that, "The site is located within the Coastal subarea of the Central and Coastal Subregional NCCP/HCP program area which was approved through an Implementation Agreement on July 17, 1996. Although the project site is located outside of areas designated by the NCCP program as Reserve area, it is immediately adjacent to the Laguna Coast Wilderness Park which is part of the reserve system." The site map and photographs show that the project site is a several acre indentation into a large continuous area of relatively undisturbed coastal sage scrub. In the absence of surveys demonstrating otherwise, the County indicates that it is assumed that all CSS habitat is occupied by California gnatcatchers. Based on the available evidence, I recommend that the CSS and the blue-line stream be considered Environmentally Sensitive Habitat Areas. These habitats are part of a large contiguous area of relatively undisturbed coastal sage scrub that is suitable habitat for the California gnatcatcher and is assumed occupied by that species. Such habitat is rare

A-5-NPC-04-004

Exhibit K

and especially valuable because of their role in the ecosystem and are easily disturbed or degraded by human activities.

The proposed mitigation plan would "create a 1.03 acre high water overflow area for the creek in Laguna Canyon." About 0.8 acre of the overflow area would be planted in riparian vegetation. I could find no plan for CSS mitigation.

K<sub>2</sub>

