

**CALIFORNIA COASTAL COMMISSION**

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Staff Report: 5/19/05  
Hearing Date: 6/7-10/05  
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.

The de novo portion of this appeal was originally scheduled for the Commission's July 2004 hearing. At that hearing the Commission directed the City to submit additional information necessary to clarify the scope and potential impacts of the project. The matter was continued until the information was provided. On April 19, 2005 the City submitted the requested additional information. The key issues raised at the July 2004 hearing were: consideration of alternative building design, an assessment of the impacts of the reduction in public parking spaces at the ACT V site and its effects on public access including impacts to the viability of the public shuttle, and, clarification of water quality measures to be incorporated at both the ACT V site and the future 190 space public parking lot in the City's downtown area. Since the July 2004 hearing the City has held public workshops on the project and subsequently prepared a revised project design that reduces the footprint of the corporate yard building(s). The proposed redesign, compared to the previously proposed project, would result in an increase in the number of public parking spaces

available at the ACT V site and a reduction in the amount of vegetation clearance necessitated by the required fuel modification program.

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
8. Dated, 8/17/98, prepared by LSA Associates, Inc.
9. Corporation Yard and Public Parking Facility, Traffic and Parking Management Program, dated 3/23/04, revised 4/11/04, prepared by the City of Laguna Beach
10. Traffic Analysis for the Entrance to the Proposed City Yard located on Laguna Canyon Road north of Canyon Acres Road in the City of Laguna Beach, dated 10/5/04, prepared by Transtech.
11. City Employee Parking Lot Traffic Impact Analysis, City of Laguna Beach, dated 11/30/04, prepared by RBF Consulting.
12. Preliminary Water Quality Management Plan, Laguna Beach Existing Maintenance Yard, dated 1/3/05, revised 4/15/05, prepared by Fuscoe Engineering.
13. Water Quality Management Plan, Laguna Beach Corporation Yard and Public Parking Lot, dated 4/1/04, revised 4/15/05, prepared by Fuscoe Engineering.

**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) such that there won't be overlapping or conflicting authorizations for development on the same site.

**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 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 207 public parking spaces at the subject site that shall be reserved for exclusive use by the general public (e.g. no Corporate Yard/employee parking). Public use of said parking shall be maximized and shall be available from July through August, at a minimum. The public parking at the subject site shall be available no less than one hour before the opening time of the earliest art festival and one hour after the closing time of the latest art festival. Additional on-site parking (i.e. in excess of the 207 public, on-site spaces) that is vacated by employees or other users shall be made available for public use, where feasible. In addition, the applicant shall provide shuttle service, available to the general public, from the subject site to the City's downtown, for the same time period.
- B. In addition to the 207 public parking spaces identified in part A of this condition, the applicant shall provide 190 new public parking spaces in the area of the existing City Corporate Yard and City Employee Parking lot consistent with the proposed Traffic and Parking Management Program, dated 3/23/2004, revised 4/11/2005. As proposed, these spaces shall be reserved for use by the general public at all times. The parking spaces shall be open and available for use by the general public prior to commencement of the first summer art festival season following the occupation of the buildings authorized by this coastal development permit. Any changes to the Traffic and Parking Management Program shall require an amendment to this permit unless the Executive Director determines that none is required.
- C. **Prior to issuance of the coastal development permit**, the applicant shall submit, for the review and approval of the Executive Director, evidence of approval of a coastal development permit or evidence that the development is exempt from permit requirements or otherwise does not require a coastal development permit for the construction of the 190 public parking spaces described in B above.

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

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

**3. Signage Program**

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

**4. Fuel Modification**

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, a revised fuel modification plan that reflects the revisions made to the corporation yard facilities depicted on the plan titled Revised Site Plan and Building Study, 2005 – Revised City of Laguna Beach Public Parking & Corporation Yard, dated 3/18/05. As proposed, no more than 1.44 acres of coastal sage scrub, at a minimum, shall be impacted by fuel modification, including vegetation thinning, clearance and plant palette controls.
1. Plant species within the fuel modification area shall be those that are native and appropriate to the habitat type but acceptable to the relevant fire authority for fuel modified zones.
  2. The final fuel management plan shall have received final approval from the relevant fire authority and the submittal shall include written evidence of said approval.
  3. Proposed and future development shall conform to the requirements of the approved final fuel management plan.
  4. The final fuel management plan shall include a statement that any future

changes to the plan, including any changes required by the relevant fire authority or other resource agencies, shall be reported to the Executive Director of the Coastal Commission, and shall require an amendment to this permit or a new coastal development permit prior to implementation of those changes unless the Executive Director of the Coastal Commission determines that no amendment or new permit is required.

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

5. **Lighting**

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

6. **Water Quality**

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

**7. General Construction Responsibilities**

A. The permittee shall comply with the following construction-related requirements:

1. Prior to commencement of any work approved by this permit, a temporary barrier or work area demarcation (such as but not limited to flagging, staking or plastic mesh fencing) shall be placed between the construction areas and off-site habitat area. All temporary flagging, staking, fencing shall be removed upon completion of the development. No grading or construction shall occur beyond the limits of the project as identified on the plan titled Revised Site Plan and Building Study, 2005- Revised City of Laguna Beach Public Parking & Corporation Yard, prepared by Peyo & Associates, dated 3/18/2005.
2. Any inadvertent impacts to the adjacent park and habitat area outside Planning Area 20A by the proposed development shall be reported to the Executive Director within 24 hours of occurrence and shall be mitigated. Such mitigation shall require an amendment to this permit or a new permit unless the Executive Director determines that no amendment or new permit is required.
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 2005 – Revised City of Laguna Beach Public Parking & Corporation Yard Revised Site Plan & Building Study, dated 03/18/2005 and with all of the special conditions of this coastal development permit. Final project plans include, but are not limited to, site plans, floor plans, grading plans, elevations, landscaping and fuel modification plans.

B. The permittee shall undertake development in accordance with the approved final

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

**11. Revised Landscape Plan**

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, two (2) full sized sets of a revised planting plan prepared by an appropriately licensed professional which demonstrates the following:

- (1) The subject site will be planted and maintained for slope stability and erosion control. To minimize the need for irrigation, landscaping shall consist of native and/or drought tolerant non-invasive plant species;
- (2) All planting will be completed within 60 days after completion of construction;
- (3) All required plantings will be maintained in good growing condition through-out the life of the project, and whenever necessary, will be replaced with new plant materials to ensure continued compliance with the landscape plan;
- (4) No permanent in-ground irrigation systems will be installed on site. Temporary above-ground irrigation is allowed to establish plantings;

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

**12. Future Development**

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

**13. Local Government Approval**

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

**14. Deed Restriction**

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

**IV. Findings and Declarations**

The Commission hereby finds and declares:

**A. Project Description**

The proposed project has been revised by the applicant since the time of the County's approval of the local coastal development permit. The project currently proposed by the applicant (the City of Laguna Beach) includes the construction of 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 subject site fronts on Laguna Canyon Road, approximately one and a quarter mile inland of Pacific Coastal Highway and the City's Main Beach. The site, although owned by the City, falls within the Newport Coast area of unincorporated Orange County, and is

subject to the Newport Coast LCP. It is located within Planning Area 20A. The proposed use is consistent with the uses allowed at the site under the LCP. The subject site occupies only a portion of the larger area of Planning Area 20A. Planning Area 20A is surrounded on three sides by the Laguna Coast Wilderness Park. On the fourth side, the site is bounded by Laguna Canyon Road. No part of the project will extend beyond the boundaries of Planning Area 20A.

The corporate yard portion of the project includes one two-story building with a maximum height of 32 feet which will be used for maintenance, storage and office use in a total of 20,610 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 a minimum of 51 parking spaces for City vehicles. The corporate yard will be separated from the remainder of the subject site by a gated fence.

Also proposed at the subject site (ACT V) is a 264 space parking area for corporate yard employees and public parking including public park and ride/local shuttle facilities. Of the 264 spaces, the number available to the general public will fluctuate depending on the number of employees on duty at the corporate yard. Some employees (ranging from a maximum of 57 to a minimum of 15) will always occupy some of the 264 parking spaces. A minimum of 207 parking spaces will be available to the general public during week day hours (6:30 a.m. to 3:30 p.m.). The maximum of 249 parking spaces will be available to the public after 4:30 during the week (some of the employees will leave at 3:30, with most gone by 4:30). The availability of the maximum number of public parking spaces corresponds with the greatest demand for the spaces (Friday evenings and weekends). 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.

Although not part of this coastal development permit, the City is also proposing, in conjunction with the proposed project, to construct a 190 space public parking lot at the location of the existing corporate yard and City employee parking lot.

In addition, the proposed project includes relocation of the existing entry point, and construction of a right turn deceleration lane in Laguna Canyon Road; a City tram stop located within the 264 space parking lot and 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. In addition, 7,000 cubic yards of cut and 7,000 cubic yards of fill will be balanced on site.

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 acres of stream (824 linear feet of mostly unvegetated streambed). The applicant is proposing a mitigation plan that creates a 1.03 acres high water overflow area for the creek in Laguna Canyon.

Approximately 0.8 acres of the 1.03 acres mitigation site is to be planted with riparian vegetation. In addition, approximately 0.8 acre of the slope and berm areas created by the excavation necessary to create the high water overflow area was seeded with coastal sage scrub plant seeds. Thus, the total mitigation area is 1.83 acres. Although mitigation for the loss of streambed is proposed, the certified LCP does not require mitigation for the impacts. [Note: The impacts to the streambed and to coastal sage scrub (excepting fuel modification) have already occurred. The mitigation plan was implemented in 2000.]

In addition, the proposed project includes the complete removal of approximately 3 acres of coastal sage scrub habitat, plus up to an additional 1.44 acres that will be impacted by fuel modification activities (i.e. controlled fire safe native plant palette, thinning, etc.). As described in detail later in this staff report, the loss of streambed and coastal sage scrub are consistent with the certified LCP.

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) in addition to the grading described above, 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. Additional Information Requested at June 2004 Hearing**

The de novo portion of this appeal was originally scheduled for the Commission's July 2004 hearing. At that hearing the Commission directed the City to submit additional information necessary to clarify the scope and potential impacts of the project. The matter was continued until the information was provided. At the July 2004 hearing the Commission requested submittal of a Water Quality Management Plan for the proposed project at the ACT V site that, in addition to what was already included, addressed the specific issue of treating expected pollutants from the parking lot, and an assessment of the water quality measures that would be employed for the 190 space parking lot to be constructed at the current corporate yard near the City's downtown; traffic studies for both the ACT V site and for the 190 space parking lot at the current corporate yard; an indication of the status of the availability of parking at the Laguna Beach College of Arts and Design; consideration of footprint alternatives; and, an assessment of whether a reduced number of public parking spaces at the ACT V site would reduce the viability and frequency of the trolley service.

Since the July 2004 hearing the City held public workshops on the project to address concerns raised at the hearing and subsequently prepared a revised project design that reduces the footprint of the corporate yard building(s). On April 19, 2005 the City submitted the requested additional information. The April 19, 2005 submittal included the following items:

- i. Revised project description and supporting site plan. The revised project reduced the footprint of the previously proposed structures by combining the previously proposed two single story buildings into one, two story building. As a result of the footprint reduction, the fuel modification area is reduced by 20% and the amount of parking available in the general public parking lot was increased from 173 to 264 spaces (although up to 51 of the spaces will be occupied by corporate yard employees' cars).
- ii. The proposed location for the tram shuttle (trolley) stop has been re-located so that it is clearly visible from Laguna Canyon Road (previously it was to have been located further into the proposed parking lot).
- iii. Traffic Analysis for the Entrance to the Proposed City Yard located on Laguna Canyon Road north of Canyon Acres Road in the City of Laguna Beach, dated 10/5/04, prepared by Transtech.
- iv. City Employee Parking Lot Traffic Impact Analysis, City of Laguna Beach, dated 11/30/04, prepared by RBF Consulting.
- v. Corporation Yard and Public Parking Facility, Traffic and Parking Management Program, dated 3/23/04, revised 4/11/04, prepared by the City of Laguna Beach.
- vi. Preliminary Water Quality Management Plan, Laguna Beach Existing Maintenance Yard, dated 1/3/05, revised 4/15/05, prepared by Fuscoe Engineering.

vii. Water Quality Management Plan, Laguna Beach Corporation Yard and Public Parking Lot, dated 4/1/04, revised 4/15/05, prepared by Fuscoe Engineering.

The reduced building footprint allows an increase in the number of public parking spaces that can be provided at the site. If 170 spaces is accepted as the number of public parking spaces historically available at the ACT V site (see below), then the proposed project would result in an increase, rather than a decrease as with the previously proposed project, of public parking spaces available at the site (a minimum of 207 versus 170 spaces). Thus the question regarding the continued viability of the trolley service with reduced parking becomes moot. In addition, because the number of public parking spaces at the ACT V site is not being reduced, the City no longer is considering use of the Laguna Beach College of Art and Design parking lot in the revised project parking management plan.

In addition, the reduced building footprint allows a reduction in the fuel modification area. Under the previous proposal, 1.8 acres of coastal sage scrub would have been removed for fuel modification purposes. The current proposal will reduce the area affected by the fuel modification program by an estimated 20%. The fuel modification program is discussed in greater detail below.

As described above, the ACT V site, though owned by the City of Laguna Beach, is located within an area of unincorporated Orange County, within the Newport Coast LCP jurisdiction area. While the area of the 190 space public parking lot at the former corporate yard site is located within the City's certified LCP jurisdiction. Thus review of that project would be conducted by the City of Laguna Beach with the City's LCP providing the standard of review. Special condition 1B requires that 190 spaces be provided as proposed, and that the applicant (City) provide 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 develop permit) for the 190 parking space project.

At the July 2004 hearing the Commission requested information on water quality measures to be incorporated at the existing corporate yard as it is converted into the proposed 190 space parking lot. In response the City submitted a Preliminary Water Quality Management Plan, Laguna Beach Existing Maintenance Yard, dated 1/3/05, revised 4/15/05, prepared by Fuscoe Engineering. A number of Best Management Practices to be included at the site are described in the WQMP. The site design BMPs to be included are incorporation of vegetative cover that will increase overall pervious area throughout the site, and, the majority of parking lot runoff will be directed to bioswales and landscaped areas for absorption into the soil and minimization of runoff. Source control BMPs to be included are the prohibition of vehicle washing and maintenance and similar activities, landscape management will maintain the area in accordance with acceptable practices for irrigation, fertilizer, and pesticide use, conformance to an appropriate BMP maintenance schedule necessary for continued optimum BMP performance, compliance with the City's water quality ordinance (which is incorporated into the City's certified Implementation Plan), preparation of a spill contingency plan, and various other measures. Treatment

control BMPs will include the aforementioned vegetated strips and swales, and, catch basin inserts, landscaped depression zone that will treat low flows. Although, the final WQMP for the existing corporate yard site will be reviewed under the local coastal development permit to be processed by the City of Laguna Beach, the preliminary WQMP is adequate to find that appropriate measures are feasible and are being considered as part of that project.

In addition, traffic information addressing potential traffic impacts due to placing the 190 space parking lot on the downtown's periphery was requested by the Commission at the July 2004 hearing. The City submitted an analysis titled City Employee Parking Lot Traffic Impact Analysis, prepared by RBF Consulting, dated 11/30/04. The study analyzed the forecast traffic impacts associated with the proposed project during summer conditions during both weekday and weekend peak hours. The study concluded that: "No traffic mitigation measures are required for the proposed project since the addition of the project-generated trips at the study intersections is forecast to result in no significant impacts for forecast year 2006 with proposed project summer weekday and weekend conditions. Although, the coastal development permit for this project would be processed by the City, the study indicates that the proposed project is not expected to create significant adverse impacts to traffic in the vicinity. Thus it is feasible to require the 190 space parking lot be constructed as proposed.

### **C. 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 as some have argued.

#### **D. 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 the subject 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: A two story, 32 feet high (at maximum point), 20,610 square foot building to be used for maintenance, storage and office use (including such uses as vehicle repair, fleet refueling, street sweeper clean-out, and vehicle washing) with 51 parking spaces for City vehicles in a gated area. The project also includes a separate and ungated parking area with 264 parking spaces for corporate yard employees and general public parking. Of the 264 spaces, the number available to the general public will fluctuate depending on the number of employees on duty at the corporate yard (see exhibit L). Some employees (ranging from a maximum of 57 to a minimum of 15) will always occupy some of the 264 parking spaces. A minimum of 207 parking spaces will be available to the general public during week day hours (6:30 a.m. to 3:30 p.m.). The maximum of 249 parking spaces will be available to the public after 4:30 during the week (some of the employees will leave at 3:30, with most gone by 4:30). The availability of the maximum number of public parking spaces corresponds with the greatest demand for the spaces (Friday evenings and weekends).

The art festivals' peak use periods tend to be after 7 pm on Friday evenings and after noon on the weekends. Thus, employee use of the site and peak use of the site by art festival patrons complement one another, rather than conflict.

The number of spaces available to the public prior to the proposed development was 170 spaces. The minimum number of spaces that will be available to the public with the proposed development will be 207. Thus the project would not result in a loss of public parking spaces at the subject site. Instead, it would result in an increase of 37 spaces compared to the number of spaces currently available to the general public.

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 55 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 at the subject site, freeing up an additional 55 spaces. The downtown site can also be configured to provide an additional 5 spaces, bringing the total to 60 new spaces at the downtown site. 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 summer art festival season which occurs throughout 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 and 4/11/05. 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 increase the amount of parking available to the public at the subject site and will continue to provide remote parking that will continue to be served by the public shuttle. As described previously, a minimum of 207 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 provision of a minimum of 207 remote parking spaces served by the public shuttle, the Commission finds the proposed project is consistent with the LCP provisions regarding ridesharing. Furthermore, 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 207 public spaces provided at the subject 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 minimum 207 public parking spaces provided at the subject site and the 190 newly created public parking spaces that will be provided adjacent to the City's downtown will result in a net total of 397 public parking spaces. When the maximum number of spaces are available at the ACT V site, a net total of 439 public parking spaces. This represents a minimum increase of 270 new public parking spaces. It should also be noted that the time at which the maximum number of public spaces available at the ACT V site corresponds with the greater demand periods of weekday evenings and on weekends. 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.

The City's LCP requirement to develop Summer Festival Parking 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 possible 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.

Some have raised issues regarding the safety of the relocated ingress/egress location at the subject site. The existing ingress/egress is located at the north side of the project site along Laguna Canyon Road. The existing tram stop is located outside the parking lot along Laguna Canyon Road, south of the ingress/egress point. With the existing configuration, cars entering and exiting the parking lot do not cross paths with the shuttle trams. The proposed configuration would move the ingress/egress point south, and would be used by both cars and the tram shuttles. Thus, under the proposed configuration, exiting cars and entering shuttle trams would cross paths. In addition, question has been raised with regard to traffic and safety impacts due to City heavy equipment making left turns into the site.

A Traffic Analysis was prepared for the proposed ACT V site by Transtech, dated 10/5/04. The Analysis found that the ten months of the year when the Art Festivals are not functioning and visitor traffic is minimal, "...there should be ample gaps in through traffic on Laguna Canyon Road to safely make left turns into and out of the site." During the peak use periods of July through early September "during afternoon and PM peak, the left turn movements into and out of the facility will experience a significant amount of delay." The Analysis finds that cars exiting the site onto Laguna Canyon Road will likely experience significant delay. However, it finds that the traffic flow along Laguna Canyon Road will not be significantly impacted. The Analysis suggests limiting left turn movements out of the site during the evening hours. This would require right turns out of the site and then a U-turn at the signalized intersection at Canyon Acres Drive. In addition, the Analysis suggests that a traffic signal warrant study be completed after the facility is fully operational. The Analysis, regarding the traffic signal warrant study, states: "When the facility is fully operational, traffic patterns and actual peak hour volumes of project traffic should be examined to see if the driveway meets warrants for signalization." The Analysis finds that traffic flow along Laguna Canyon Road will not be significantly impacted. Only those attempting left turns will be impacted. Typically the Commission is concerned with traffic flow as it effects visitor access. Because the traffic along Laguna Canyon Road will not be significantly impacted by the proposed project, the Commission finds that public access will not be significantly impacted. Further, the LCP does not contain provisions with regard to traffic safety. Thus, decisions regarding left turns on-to and off-of Laguna Canyon Road would be up to the discretion of the City's traffic engineering division. If the City decides to construct a dedicated right turn lane on Laguna Canyon Road south of the project, or to install a traffic signal, such a proposal should be submitted to the Executive

Director of the Coastal Commission to determine whether an amendment to this permit is warranted. This requirement is reflected in Special Condition No. 11.

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. The City has submitted photos of existing signage along Laguna Canyon Road identifying the ACT V parking lot. But the parking signage plan required in the special condition should address both the ACT V site and the downtown site. In addition, it is likely that the signage depicted in the photos at the ACT V site may be removed during construction. For these reasons, the special condition regarding a parking signage plan is imposed.

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. An additional special condition is imposed to clarify that project construction shall not reduce the minimum number of public parking spaces during the summer art festivals. And, a special condition is also 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.

#### **E. 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 estimated additional 1.44 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 the excavation that created the wetland 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 previously proposed development the applicant prepared a fuel modification plan to protect the proposed development against fire hazards. That fuel modification plan was approved by the Orange County Fire Authority. The previously 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). However, a revised fuel modification plan that reflects the City's revisions to the footprint of the proposed structure, must be prepared. The City estimates that with the reduction in the building footprint, the fuel modification plan can be reduced by 20%. Design features such as the fact that the proposed building will be surrounded by paved area, which allows the surrounding vegetation thinning zones to be narrower, which results in the minimization of vegetation removal. Even so, some loss of vegetation, primarily coastal sage scrub, is expected. However, the boundaries of the fuel modification plan will not need to 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, including its anticipated fuel modification area (approximately 1.44 acres), totals only 3.99 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 prepare a fuel modification plan that minimizes impacts to surrounding vegetation, especially coastal sage scrub, while still achieving the required fire protection. 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.

The applicant has indicated that native plants will be used. However, no landscape plan has been submitted. The site is surrounded by coastal sage scrub and, beyond Planning Area 20A, by the Laguna Coast Wilderness Park. Planting at the subject site should not be allowed to disturb these adjacent and nearby native plant areas. Planting the subject site with native plants would assure the undisturbed continuance of the surrounding native plant areas. Therefore as a condition of approval, the applicant shall submit a landscaping plan which incorporates native plantings. As conditioned, the development will not result in significant degradation of adjacent habitat, recreation areas, or parks and is compatible with the continuance of those habitat, recreation, or park areas. Therefore, the Commission finds that the project, as conditioned, conforms with Section 30240(b) of the Coastal Act.

#### **F. 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, Laguna Beach Corporation Yard and Public Parking Lot, dated 4/1/04, revised 4/15/05, consistent with the LCP's requirement to prepare a drainage plan. The City's WQMP includes measures such as directing drainage from the material transfer areas, trash transfer areas, and vehicle wash areas through an oil/water separator and then diverting it to the sewer, indoor maintenance bays are routed through an oil/water separator and diverted to the sanitary sewer, and providing infiltration trenches and bio-retention areas on site. Much of the proposed 264 space parking lot will be gravel, with only a portion paved with an impermeable surface. This will allow infiltration within the gravel area of the parking lot. In addition, drainage from the paved parking area (vehicle maintenance parking) will be directed to a Continuous Deflective Separator (CDS) unit fitted with an oil/water separation baffle and polypropylene absorbent material. The proposed CDS unit is designed to remove trash and debris, sediments, and some oil and grease. These represent the expected pollutants of concern for the parking lot runoff. The CDS unit is very adequate for removing trash and debris from runoff, and in addition has been designed to absorb some amount of oil and grease. The runoff from the paved parking area is likely to contain pollutants associated with automobile and heavy

machinery use, including petroleum hydrocarbons and metals. Because the CDS Unit is not specifically designed to treat or remove these pollutants, other methods should be evaluated to address this concern. Therefore, a special condition is imposed that requires the applicant to evaluate additional source control and treatment control of polluted runoff from the paved parking area prior to discharge to the storm drain system and CDS Unit. The applicant is required to evaluate the additional measures for feasibility with respect to the structural integrity of the parking area. The applicant's determination of feasibility is subject to the review and approval of the Executive Director. To assure that the water quality benefits derived from the WQMP are actually implemented, a special condition is imposed which requires the applicant to carry out the WQMP as proposed, with the inclusion of any applicable source control and treatment control BMPs for the paved parking area. 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.

#### **G. Second Story**

The revised project is proposed to be a 31 foot high (at maximum point), two story structure. Regarding height limits for the subject planning area, the Newport Coast LCP states:

*"The maximum height of facilities will be one-story and thirty-five (35) feet".*

In addition, the LCP states:

*"Building height: One story maximum, except towers, gables, spires, flag poles, chimneys, mechanical equipment, and architectural features will have a maximum height of thirty-five (35) feet".*

The proposed two story structure would be inconsistent with these policies. However, the LCP also allows "alternative development standards." This section of the LCP states:

*"With approval of a CDP, alternative development standards may be established without an LCP amendment where the standards pertain to: ...building height (except for Planning Area PA 6) in areas not visible from Pacific Coast Highway; ..."*

And:

*"The alternative development standards may be approved when it is found that they will result in an equivalent or better project in terms of minimizing adverse impacts and enhancing public benefits to the immediate and surrounding community."*

The subject site is not visible from Pacific Coast Highway and is not located in Planning Area PA6. It is also set well back from the frontage road, Laguna Canyon Road. In addition, although the proposed structure exceeds the recommended height in terms of stories, it is still within the height limit in terms of feet. Typically, the Commission imposes height restrictions to preserve and protect public views, and occasionally to protect ESHA. In this case, the two story structure will not have any adverse impacts on public views or ESHA. While no adverse impacts would result from a two story structure at this site, there are significant public benefits that would result. The increased height allows for a reduced building footprint. The reduced building footprint allows the number of public parking spaces to be provided on site to increase. Increased public parking at this site is especially significant. The site provides a remote parking reservoir that is already served by a public shuttle. The subject site is located on one of only three access roads into the City's downtown area (the other two are Pacific Coast Highway northbound and Pacific Coast Highway southbound). Thus, the opportunity to capture remote potential parkers is great. And by capturing cars before they enter downtown, congestion is decreased. Thus, these features significantly enhance the public benefits with regard to public access (parking) and the direct impacts on ESHA (reduced removal of coastal sage scrub) are also minimized. The alternative development standard of the LCP can only be applied when the alternate results in significant public benefits. In this case, the Commission finds that allowing a second story, and thus a reduced building footprint, results in a significant public benefit, while no adverse impacts are created. Therefore, the Commission finds that it is appropriate, in this case, to allow application of the alternative development standards allowed in the LCP and finds the proposed development to be consistent with the certified LCP.

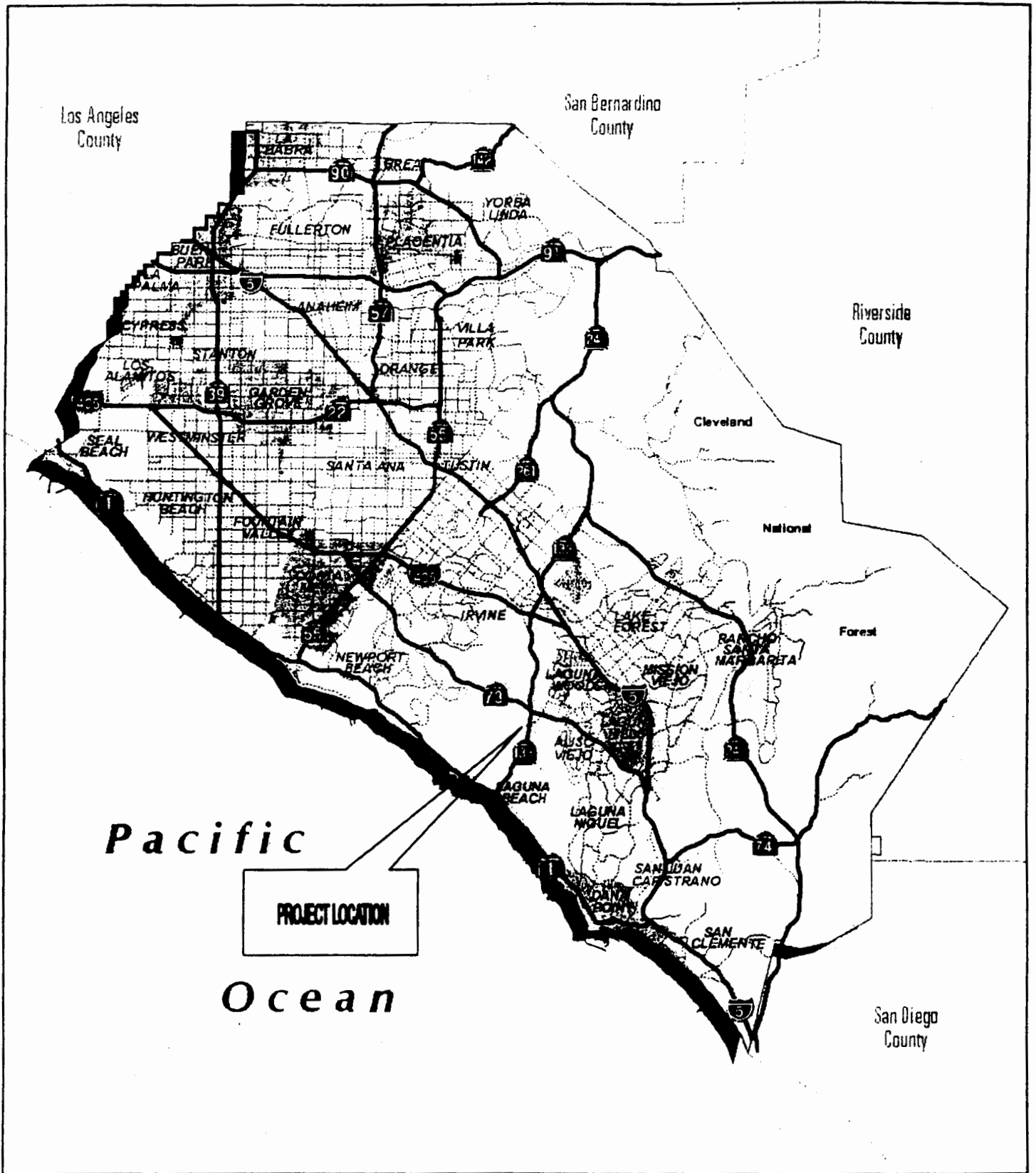
#### **H. California Environmental Quality Act**

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.

A5NPC0-04-004 dN sr 6.05 mv




**EXHIBIT 1**

# REGIONAL LOCATION

Orange County, California

FIG. 204 REGIONAL LOCATION



0 1 2 3 4 5 Miles

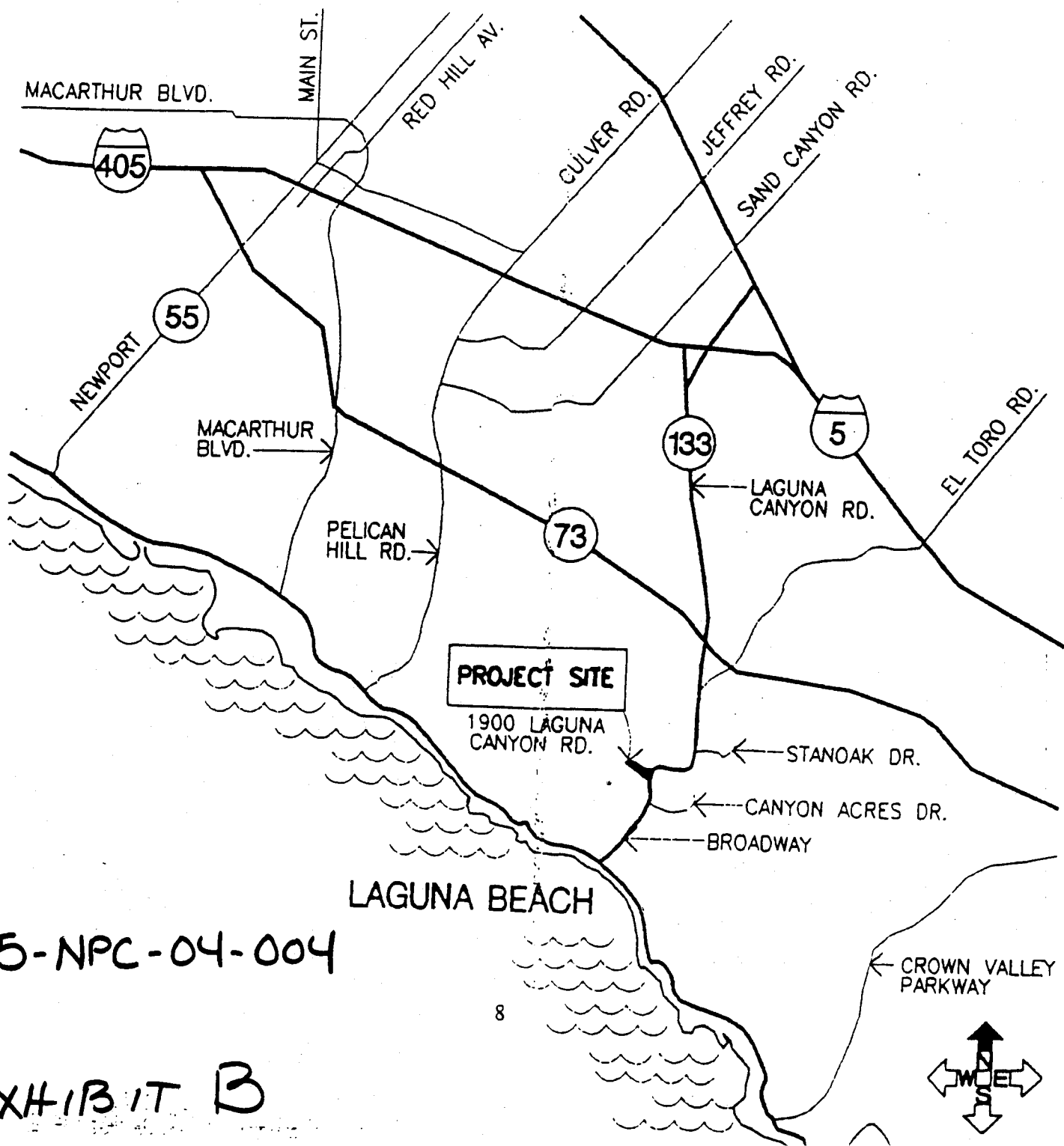
Thomas B. Mathews, Director  
Planning & Development Services Department  
PLANNING & DEVELOPMENT SERVICES DEPARTMENT

A-5-NPP-04-004

EXHIBIT 1

~~EXHIBIT 2~~  
PROJECT LOCATION MAP

# VICINITY MAP



A-5-NPC-04-004

EXHIBIT B

LAGUNA COAST

WILDERNESS

PARK

PROJECT SITE



Laguna Canyon Road

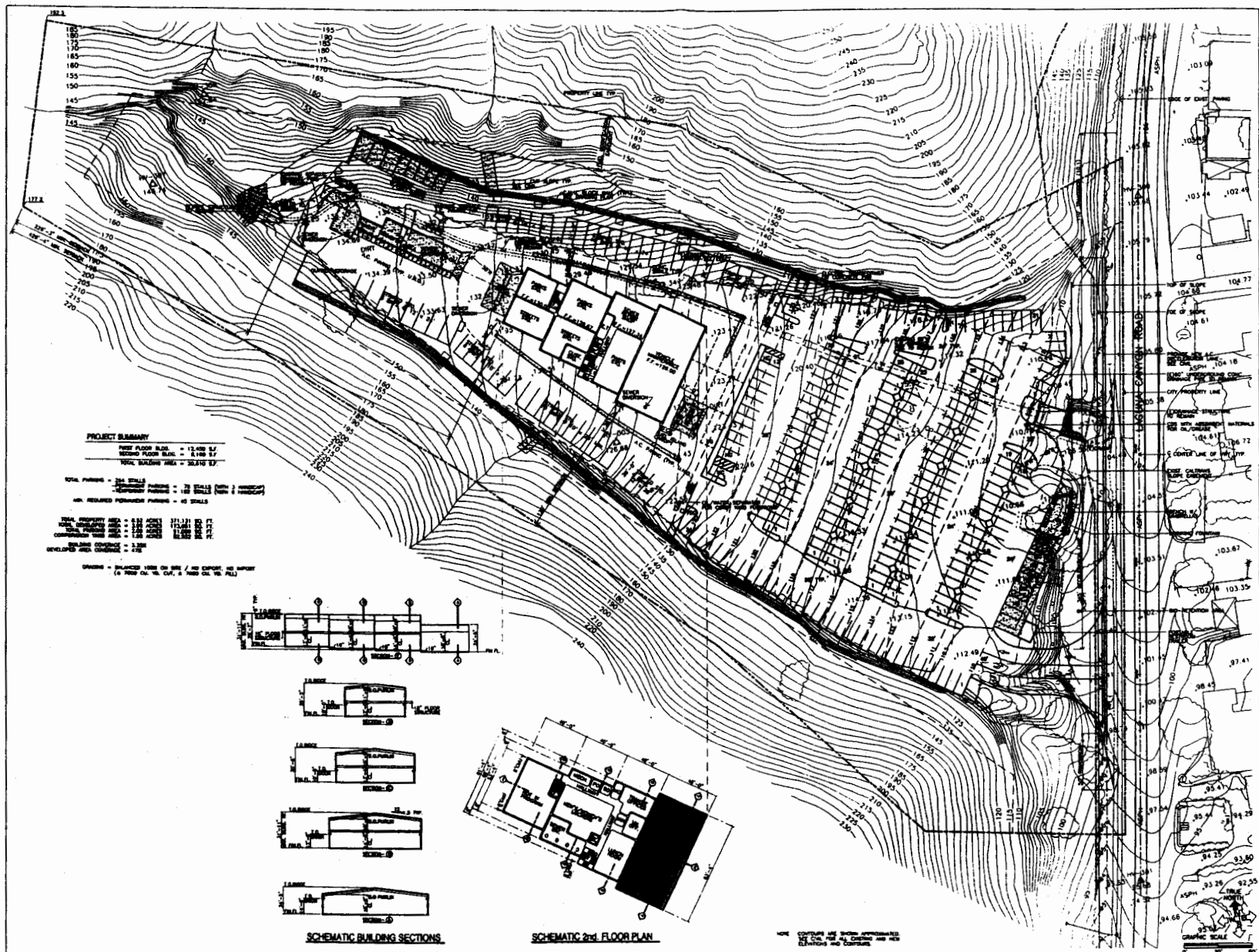
CITY OF LAGUNA BEACH



PA03-0047

A-5-NPC-04-004

EXHIBIT C



**CITY OF LAGUNA BEACH**  
CALIFORNIA

CITY OF LAGUNA BEACH  
600 FOREST AVENUE  
LAGUNA BEACH, CA 92651

**peyo**  
Peyo & Associates Inc.  
Architects + Planning  
151 Canyon Street  
Laguna Beach, CA 92651  
(949)497-4116

SEAL OF MICHAEL J. MICHAELS  
STATE OF CALIFORNIA

Project:  
2006 - REVISED  
CITY OF LAGUNA BEACH  
PUBLIC PARKING &  
CORPORATION YARD

1800 Laguna Canyon Road  
Laguna Beach, CA 92651

Drawing Title:  
REVISED SITE PLAN  
& BUILDING STUDY

No. Revision Date By

Project Number

Drawn by: JAE

Checked by: JAE

Project Architect: MICHAELS

Consultant:

Sheet # 1 of 1

Date: 03/18/2009

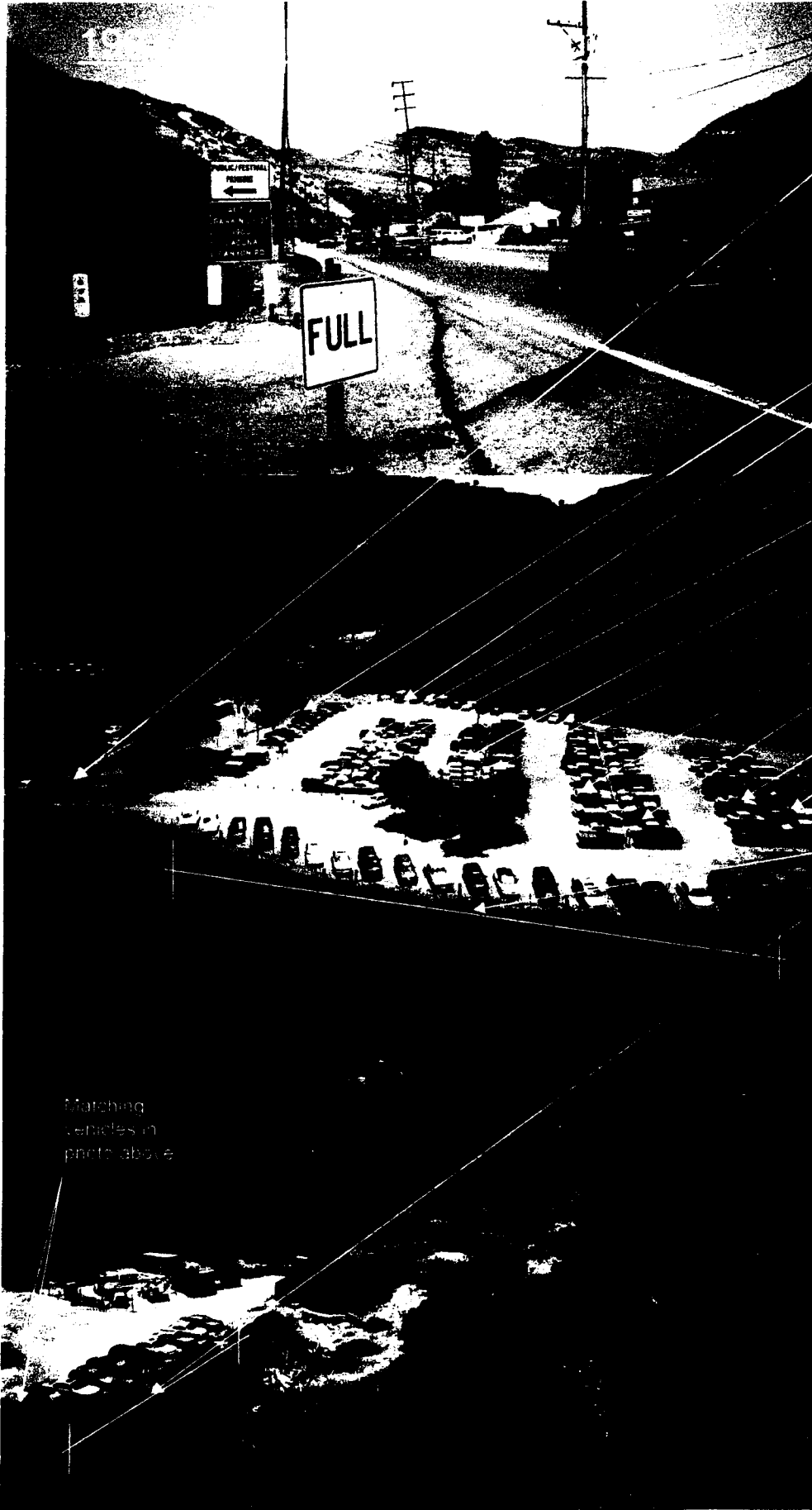
Scale: 1" = 30'-0"

**RA-2**

REVISED PLAN EXHIBIT D  
SITE PLAN  
A-5-NPC-04-004

**RECEIVED**  
Seal of Coast Reg  
APR 19 2009  
CALIFORNIA  
COASTAL COMMISSION





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

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170 Total Cars  
that are visible

Matching  
vehicles in  
photo above

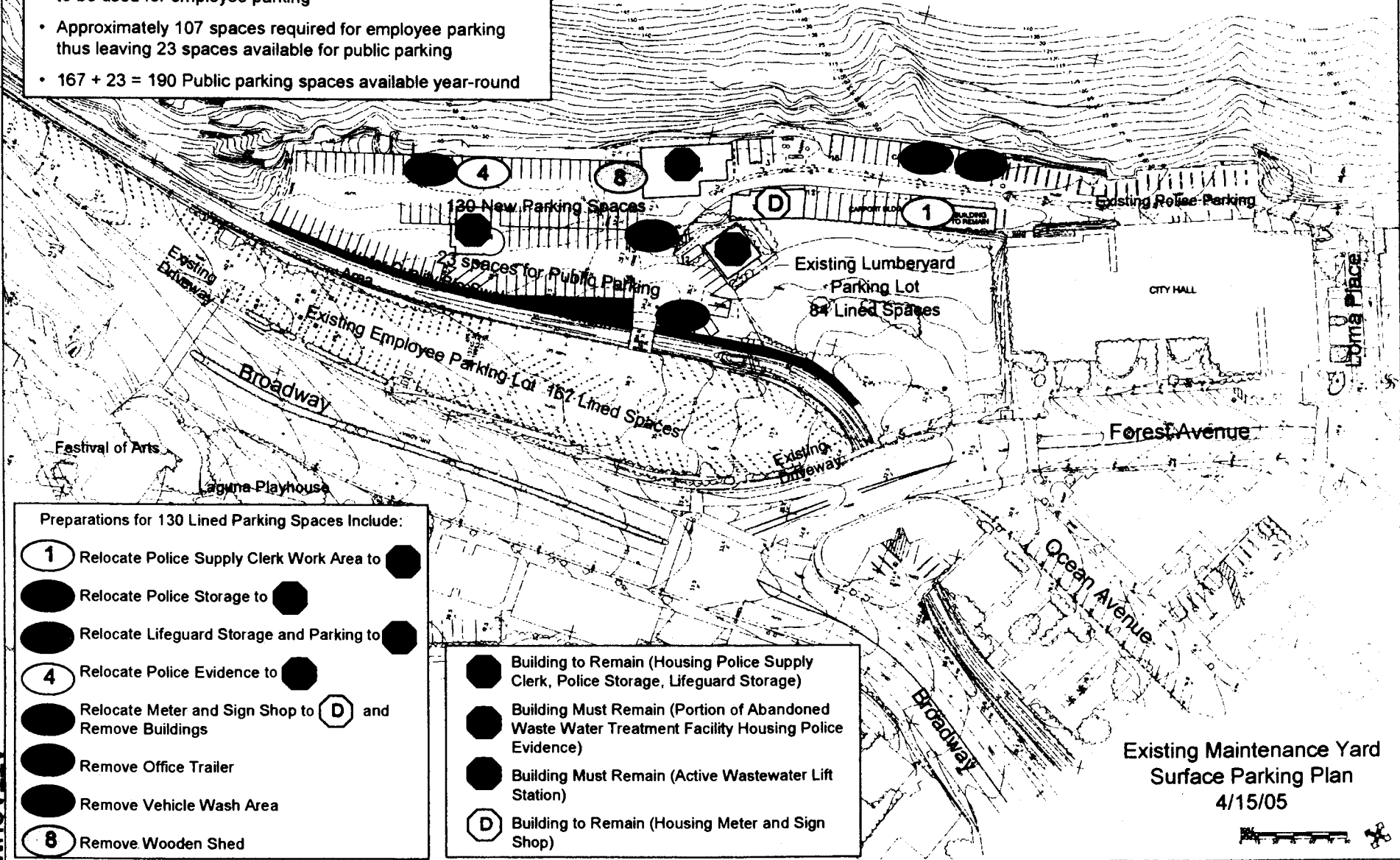
Exhibit #

AFJ - NPC - 04 - 004

EXHIBIT E

# Existing Maintenance Yard Preparations for 190 Public Parking Spaces

- Existing Employee Parking Lot to be converted to Public Parking (167 spaces)
- 130 New spaces created from the vacated maintenance yard to be used for employee parking
- Approximately 107 spaces required for employee parking thus leaving 23 spaces available for public parking
- 167 + 23 = 190 Public parking spaces available year-round



- Preparations for 130 Lined Parking Spaces Include:
- 1 Relocate Police Supply Clerk Work Area to [Symbol]
  - [Symbol] Relocate Police Storage to [Symbol]
  - [Symbol] Relocate Lifeguard Storage and Parking to [Symbol]
  - 4 Relocate Police Evidence to [Symbol]
  - [Symbol] Relocate Meter and Sign Shop to [D] and Remove Buildings
  - [Symbol] Remove Office Trailer
  - [Symbol] Remove Vehicle Wash Area
  - 8 Remove Wooden Shed

- [Symbol] Building to Remain (Housing Police Supply Clerk, Police Storage, Lifeguard Storage)
- [Symbol] Building Must Remain (Portion of Abandoned Waste Water Treatment Facility Housing Police Evidence)
- [Symbol] Building Must Remain (Active Wastewater Lift Station)
- [D] Building to Remain (Housing Meter and Sign Shop)

Existing Maintenance Yard Surface Parking Plan 4/15/05



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 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

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- 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

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

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

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

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

ADOPTED this 18th day of February, 1992.

Robert L. Lantry  
Mayor

ATTEST:

Therese L. Ralinger  
City Clerk

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


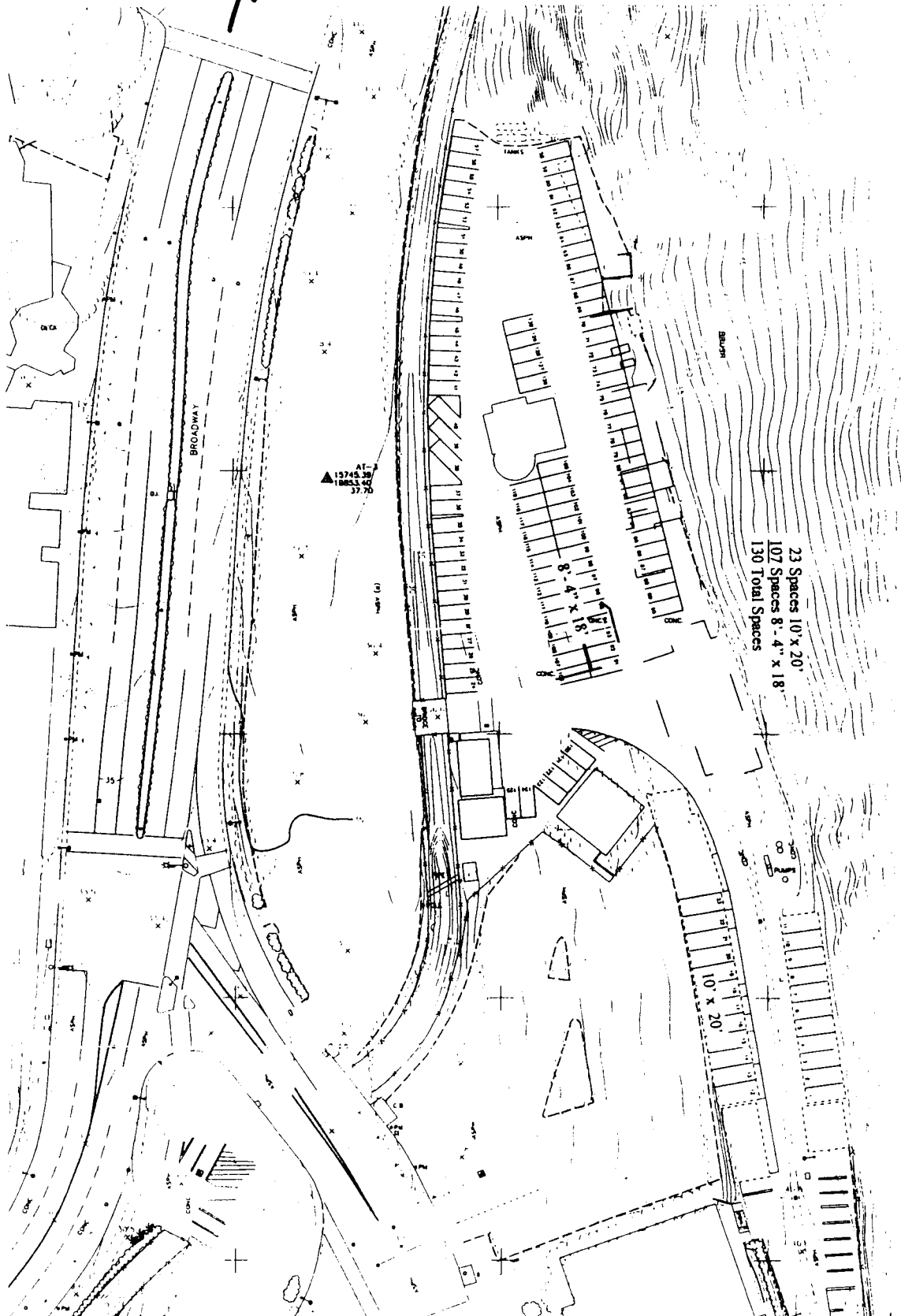
  
City Clerk of the City of  
Laguna Beach, California

EXHIBIT G4  
~~EXHIBIT 3~~

New Parking Lot  
~~at~~ at existing  
 corporate yard

LAGUNA  
 CANYON  
 ROAD



23 Spaces 10' x 20'  
 107 Spaces 8' 4" x 18'  
 130 Total Spaces

15745.36  
 18853.46  
 37.25'

10' x 20'

BEACH/OCEAN

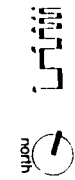


Exhibit III  
 PRELIMINARY  
 SURFACE  
 PARKING  
 LAYOUT  
 Laguna Beach  
 Village  
 Entrance  
 Master Plan  
 City of Laguna Beach  
 Chapter 1

A5NPC-04-004

EXHIBIT ~~III~~

15745.36  
 18853.46  
 37.25'

**OUTDOOR MATERIAL STORAGE AREA**

- Storage Bins / Cabinet / Sheds
- Asphalt to Prevent Seepage
- Draining Gate

**TRASH TRANSFER AREA**

- Grade Breaks
- Oil / Water Separator
- Sewer Diversion

**DESIGNED VEHICLE / EQUIPMENT WASH AREA**

- Capture of all Wash Water
- Oil / Water Separator
- Sewer Diversion

**PROPOSED CDS UNIT**

- All Low-flow runoff from site
- Sized for 100% Impervious Condition
- Absorbent Materials for Oil / Grease Removal

**MATERIAL TRANSFER AREA**

- Grade Breaks
- Direct Sewer Connection

**MAINTENANCE BUILDING**

- Indoor Bays
- Oil / Water Separator
- Sewer Diversion











**FUELING STATION**

- Canopy
- Grade Breaks
- Spill Kit
- Signage
- Oil / Water Separator

**BIORETENTION AREA**

- Depressed Native Landscaped Zone
- Low-flow Runoff from Driveway and Laguna Canyon Road

**LEGEND**

-  MAINTENANCE BUILDING
-  FUELING STATION
-  TRASH AREA
-  VEHICLE WASH AREA
-  ASPHALT PARKING LOT
-  GRAVEL PARKING LOT
-  BIORETENTION AREA
-  STORM DRAIN
-  CROSS SECTION  
(See WQMP typical cross-section exhibit)
-  CDS STORMWATER TREATMENT UNIT

LAGUNA CANYON ROAD



Scale: 1" = 80'  
Revised Date: 4-15-05

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

EXHIBIT I

A-5-NPC-01-001



CALIFORNIA COASTAL COMMISSION  
SOUTH COAST REGIONAL COMMISSION

666 E OCEAN BOULEVARD, SUITE 3107  
P.O. BOX 1450  
LONG BEACH, CALIFORNIA 90801  
(213) 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>

A 5 NRC. 01-004

EXHIBIT L

### Parking Spaces Available For Public Use

Location	Weekdays			Weekends		
	6am to 3:30pm	3:30pm to 4:30pm	After 4:30pm	6am to 3:30pm	3:30pm to 4:30pm	After 4:30pm
Project Site Public Parking Area (264 Spaces)	207	229	249	232	241	239
Re-striped Existing Corporation Yard (130 Spaces)*	130	130	130	130	130	130
Employees Parking Lot (55 vacated employee spaces plus 5 additional spaces for a minimum total of 60)*	60	60	60	60	60	60
Total	397	419	439	422	431	429

