

CALIFORNIA COASTAL COMMISSION

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Staff: Fernie Sy-LB
Staff Report: September 21, 2006
Hearing Date: October 11-13, 2006
Commission Action:

**STAFF REPORT: REGULAR CALENDAR**

APPLICATION NUMBER: 5-06-038

APPLICANT: Seal Beach Animal Care Center; Attn: Karen Palmer

PROJECT LOCATION: 1700 Adolfo Lopez Drive, City of Seal Beach (County of Orange)

PROJECT DESCRIPTION: Construction of a 2,500 square foot, one-story cat facility. 508 cubic yards of grading for recompaction purposes is proposed. The lot size is approximately 70,5150 square feet and currently on site is an existing one-story, 4,145 square foot building

SUMMARY OF STAFF RECOMMENDATION:

Commission staff is recommending **APPROVAL** of the proposed project subject to **Eight (8) Special Conditions** requiring: **1)** submittal of final project plans; **2)** submittal of final construction staging plans; **3)** conformance with certain requirements related to the storage and management of construction debris and equipment; **4)** submittal of a final water quality management plan; **5)** submittal of final landscaping plans; **6)** adherence to requirements for exterior lighting; **7)** submittal of an archaeological monitoring plan; and **8)** acknowledging future development. The major issues of this staff report concern the project's adherence to the habitat, water quality, archaeological, and public access policies of the Coastal Act.

Section 30600(c) of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified Local Coastal Program. The City of Seal Beach does not have a certified Local Coastal Program. Therefore, the Coastal Commission is the permit issuing entity and the standard of review is Chapter 3 of the Coastal Act

LOCAL & OTHER AGENCY APPROVALS RECEIVED: City of Seal Beach Planning Department Approval-In-Concept dated January 19, 2006.

SUBSTANTIVE FILE DOCUMENTS: *Cultural Resources Survey of the Seal Beach Animal Care Center Building Project Seal Beach, California* prepared by EDAW, Inc. dated April 2006; Letter to Seal Beach Animal Care Center from Commission staff dated March 2, 2006; Letter to Commission staff from the Seal Beach Animal Care Center dated May 11, 2006; and Letter to Commission staff from the Seal Beach Animal Care Center August 15, 2006.

LIST OF EXHIBITS

1. Location Map
 2. Site Plan/Drainage and Run-Off Control Plan
 3. Elevation Plans
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I. STAFF RECOMMENDATION, MOTION AND RESOLUTION OF APPROVAL

MOTION: *I move that the Commission approve Coastal Development Permit No. 5-06-038 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

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. FINAL PROJECT PLANS

- A. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit, for the Executive Director's review and approval, two (2) full size sets of final project plans (i.e. site plan, floor plans, elevations, grading, foundation, etc.).
- B.** The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans 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 required.

2. CONSTRUCTION STAGING AREA PLANS

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the permittee shall submit, for the Executive Director's review and approval, two (2) full size sets of final construction staging area plans, which indicate that the construction staging area(s) and construction corridor(s) will avoid impacts to wetlands.

(1) The plan shall demonstrate that:

- (a) Construction equipment, materials or activity shall not occur outside the staging area and construction corridor identified on the site plan required by this condition; and
- (b) Construction equipment, materials, or activity shall not be placed in any location which would result in impacts to the Los Alamitos Retarding Basin (LASRB), which contains wetlands and is approximately 200-feet West of the project site.

(2) The plan shall include, at a minimum, the following components:

(a) A site plan that depicts:

1. limits of the staging area(s);
2. construction corridor(s);
3. construction site;
4. location of construction fencing and temporary job trailers with respect to existing wetlands.

- B.** The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans 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 required.

3. STORAGE OF CONSTRUCTION MATERIALS, MECHANIZED EQUIPMENT AND REMOVAL OF CONSTRUCTION DEBRIS

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

- (1) No construction materials, debris, or waste shall be placed or stored where it may be subject to water, wind, rain, or dispersion;
- (2) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
- (3) Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters;
- (4) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control dust and sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters; and
- (5) All construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.

B. Best Management Practices (BMPs) designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity shall be implemented prior to the on-set of such activity. Selected BMPs shall be maintained in a functional condition throughout the duration of the project. Such measures shall be used during construction:

- (1) The applicant shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. It shall be located as far away from the receiving waters and storm drain inlets as possible;
- (2) The applicant shall develop and implement spill prevention and control measures;
- (3) The applicant shall maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than 50-feet away from a stormdrain, open ditch or surface water; and

- (4) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.

4. WATER QUALITY MANAGEMENT PLAN (WQMP)

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit for the review and approval of the Executive Director, two (2) copies of a final water quality management plan (WQMP) for the post-construction project site, prepared by a licensed professional, and shall include plans, descriptions, and any necessary supporting calculations. The final plan shall demonstrate substantial conformance with the drainage and run-off control plan received on January 31, 2006. In addition to the specifications above, the plan shall conform with the following requirements:

- (1) The WQMP shall incorporate site design and source control Best Management Practices (BMPs) as well as good housekeeping practices designed to address, the volume, velocity and pollutant load of stormwater, and dry weather or other nuisance runoff flows leaving the developed site;
- (2) Source Control and Good Housekeeping Practices appropriate for Animal Care and Handling Facilities in urbanized areas including but not limited those specified herein (4. A. 1-14), shall be promoted through, among other means, an employee training program.
- (3) For landscaping, low maintenance practices and materials shall be utilized in order to minimize irrigation demands and the use of fertilizers and other landscaping chemicals;
- (4) Trash, recycling and other waste containers, as necessary, shall be provided. All waste containers anywhere within the development shall be covered, watertight, and designed to resist scavenging animals;
- (5) Regularly sweep and clean animal keeping areas to collect and properly dispose of droppings, uneaten food, and other potential runoff pollutants;
- (6) Do not hose down to storm drains or to receiving waters those areas that contain potential stormwater pollutants;
- (7) Do not allow any wash waters to be discharged to storm drains or to receiving water without proper filtration or other treatment;
- (8) If animals are kept in unpaved and uncovered areas, the ground must either have vegetative cover or some other type of ground cover such as mulch;
- (9) If animals are not leashed or in cages, the area where animals are kept must be surrounded by a fence or other means that prevents animals from moving away from the controlled area where BMP's are used;

- (10) Runoff from rooftops and other impervious surfaces shall be directed to permeable areas on site, wherever feasible;
- (11) Any runoff leaving the site shall be conveyed in a non-erosive manner;
- (12) The applicant shall arrange for regular vacuum sweeping of all paved parking lot areas, with a minimum frequency of monthly service to occur during the storm season (October 15th – April 15th), in order to prevent dispersal of pollutants that might collect on those surfaces;
- (13) It is the applicant's responsibility to maintain the drainage system and the associated structures and BMPs in a functional and operative condition, and in accordance with manufacturer's specifications for the life of the project.
- (14) Debris and other water pollutants removed from any structural BMP(s) during clean-out shall be contained and disposed of in a proper manner; and

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans 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 required.

5. LANDSCAPE PLAN

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, two (2) full sized sets of final landscaping plans that demonstrate the following:

- (1) The plan shall demonstrate that:
 - (a) All landscaping shall consist of native drought tolerant non-invasive plant species. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property. Any existing landscaping that doesn't meet the above requirements shall be removed.
 - (b) All planting shall provide 90 percent coverage within 90 days and shall be repeated if necessary to provide such coverage;
 - (c) All plantings shall be maintained in good growing condition throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan;
- (2) The plan shall include, at a minimum, the following components:

- (a) A map showing the type, size, and location of all plant materials that will be on the developed site, the temporary irrigation system, topography of the developed site, and all other landscape features, and
- (b) a schedule for installation of plants.

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 required.

6. LIGHTING

Exterior night lighting shall be shielded and directed so that light is directed toward the ground and away from wetland areas located in the Los Alamitos Retarding Basin (LARB) approximately 200-feet West of the project site.

7. ARCHAEOLOGICAL MONITORING PLAN

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, two (2) sets of an archeological monitoring plan prepared by a qualified professional, that shall incorporate the following measures and procedures:

- (1) The applicant shall comply with all recommendations and mitigation measures contained in the *Cultural Resources Survey of the Seal Beach Animal Care Center Building Project Seal Beach, California* prepared by ED AW, Inc. dated April 2006 and as further modified by the conditions below;
- (2) If any cultural deposits are discovered during project construction, including but not limited to skeletal remains and grave-related artifacts, traditional cultural sites, religious or spiritual sites, or artifacts, the permittee shall carry out significance testing of said deposits and, if cultural deposits are found to be significant, additional investigation and mitigation in accordance with this special condition including all subsections shall be undertaken. No significance testing, investigation or mitigation shall commence until the provisions of this special condition are followed, including all relevant subsections;
- (3) If any cultural deposits are discovered, including but not limited to skeletal remains and grave-related artifacts, traditional cultural sites, religious or spiritual sites, or artifacts, all construction shall cease in accordance with subsection B. of this special condition;
- (4) In addition to recovery and reburial, in-situ preservation and avoidance of cultural deposits shall be considered as mitigation options, to be determined

in accordance with the process outlined in this condition, including all subsections;

- (5) Archaeological monitor(s) qualified by the California Office of Historic Preservation (OHP) standards, Native American monitor(s) with documented ancestral ties to the area appointed consistent with the standards of the Native American Heritage Commission (NAHC), and the Native American most likely descendent (MLD) when State Law mandates identification of a MLD, shall monitor all project grading;
- (6) The permittee shall provide sufficient archeological and Native American monitors to assure that all project grading that has any potential to uncover or otherwise disturb cultural deposits is monitored at all times;
- (7) If human remains are encountered, the permittee shall comply with applicable State and Federal laws. Procedures outlined in the monitoring plan shall not prejudice the ability to comply with applicable State and Federal laws, including but not limited to, negotiations between the landowner and the MLD regarding the manner of treatment of human remains including, but not limited to, scientific or cultural study of the remains (preferably non-destructive); selection of in-situ preservation of remains, or recovery, repatriation and reburial of remains; the time frame within which reburial or ceremonies must be conducted; or selection of attendees to reburial events or ceremonies. The range of investigation and mitigation measures considered shall not be constrained by the approved development plan. Where appropriate and consistent with State and Federal laws, the treatment of remains shall be decided as a component of the process outlined in the other subsections of this condition.
- (8) Prior to the commencement and/or re-commencement of any monitoring, the permittee shall notify each archeological and Native American monitor of the requirements and procedures established by this special condition, including all subsections. Furthermore, prior to the commencement and/or re-commencement of any monitoring, the permittee shall provide a copy of this special condition, the archeological monitoring plan approved by the Executive Director, and any other plans required pursuant to this condition and which have been approved by the Executive Director, to each monitor.

- B.** If an area of cultural deposits, including but not limited to skeletal remains and grave-related artifacts, traditional cultural sites, religious or spiritual sites, or artifacts, is discovered during the course of the project, all construction activities in the area of the discovery that has any potential to uncover or otherwise disturb cultural deposits in the area of the discovery and all construction that may foreclose mitigation options or the ability to implement the requirements of this condition shall cease and shall not recommence except as provided in subsection C. and other subsections of this special condition. In general, the area where construction activities must cease shall be no less than a 50-foot wide buffer around the cultural deposit.

- C.** An applicant seeking to recommence construction following discovery of the cultural deposits shall submit a Significance Testing Plan for the review and approval of the Executive Director. The Significance Testing Plan shall identify the testing measures that will be undertaken to determine whether the cultural deposits are significant. The Significance Testing Plan shall be prepared by the project archaeologist(s), in consultation with the Native American monitor(s), and the Most Likely Descendent (MLD) when State Law mandates identification of a MLD. The Executive Director shall make a determination regarding the adequacy of the Significance Testing Plan within 10 working days of receipt. If the Executive Director does not make such a determination within the prescribed time, the plan shall be deemed approved and implementation may proceed.
- (1) If the Executive Director approves the Significance Testing Plan and determines that the Significance Testing Plan's recommended testing measures are de minimis in nature and scope, the significance testing may commence after the Executive Director informs the permittee of that determination.
 - (2) If the Executive Director approves the Significance Testing Plan but determines that the changes therein are not de minimis, significance testing may not recommence until after an amendment to this permit is approved by the Commission.
 - (3) Once the measures identified in the Significance Testing Plan are undertaken, the permittee shall submit the results of the testing to the Executive Director for review and approval. The results shall be accompanied by the project archeologist's recommendation as to whether the findings are significant. The project archeologist's recommendation shall be made in consultation with the Native American monitors and the MLD when State Law mandates identification of a MLD. The Executive Director shall make the determination as to whether the deposits are significant based on the information available to the Executive Director. If the deposits are found to be significant, the permittee shall prepare and submit to the Executive Director a supplementary Archeological Plan in accordance with subsection D. of this condition and all other relevant subsections. If the deposits are found to be not significant, then the permittee may recommence grading in accordance with any measures outlined in the significance testing program.
- D.** An applicant seeking to recommence construction following a determination by the Executive Director that the cultural deposits discovered are significant shall submit a supplementary Archeological Plan for the review and approval of the Executive Director. The supplementary Archeological Plan shall be prepared by the project archaeologist(s), in consultation with the Native American monitor(s), the Most Likely Descendent (MLD) when State Law mandates identification of a MLD, as well as others identified in subsection E. of this condition. The supplementary Archeological Plan shall identify proposed investigation and mitigation measures. The range of investigation and mitigation measures considered shall not be constrained by the approved development plan. Mitigation measures considered may range from in-situ preservation to recovery and/or relocation. A good faith

effort shall be made to avoid impacts to cultural resources through methods such as, but not limited to, project redesign, capping, and placing cultural resource areas in open space. In order to protect cultural resources, any further development may only be undertaken consistent with the provisions of the Supplementary Archaeological Plan.

- (1) If the Executive Director approves the Supplementary Archaeological Plan and determines that the Supplementary Archaeological Plan's recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, construction may recommence after the Executive Director informs the permittee of that determination.
- (2) If the Executive Director approves the Supplementary Archaeological Plan but determines that the changes therein are not de minimis, construction may not recommence until after an amendment to this permit is approved by the Commission.

E. Prior to submittal to the Executive Director, all plans required to be submitted pursuant to this special condition, except the Significance Testing Plan, shall have received review and written comment by a peer review committee convened in accordance with current professional practice that shall include qualified archeologists and representatives of Native American groups with documented ancestral ties to the area. Names and qualifications of selected peer reviewers shall be submitted for review and approval by the Executive Director. The plans submitted to the Executive Director shall incorporate the recommendations of the peer review committee. Furthermore, upon completion of the peer review process, all plans shall be submitted to the California Office of Historic Preservation (OHP) and the NAHC for their review and an opportunity to comment. The plans submitted to the Executive Director shall incorporate the recommendations of the OHP and NAHC. If the OHP and/or NAHC do not respond within 30 days of their receipt of the plan, the requirement under this permit for that entities' review and comment shall expire, unless the Executive Director extends said deadline for good cause. All plans shall be submitted for the review and approval of the Executive Director.

F. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans 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 required.

8. FUTURE DEVELOPMENT

This permit is only for the development described in Coastal Development Permit No. 5-06-038. 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. 5-06-038. Accordingly, any future improvements to the animal care facility authorized by this permit, including 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. 5-06-038 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable

certified local government.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT LOCATION AND DESCRIPTION

The project site is located at 1700 Adolfo Lopez Drive in the City of Seal Beach, Orange County (Exhibit #1). The lot size is approximately 70,5150 square feet and is currently zoned as Public Land Use//Recreational (PLU/R) in the City of Seal Beach Zoning Code (not certified by the Commission) and currently on site is an existing one-story, 4,145 square foot building. To the North of the project site is the Boeing Specific Plan Area, now under development for the Pacific Gateway Business Park. To the East of the project site are the existing Seal Beach Animal Care Center facility and the public works and facilities yard, while to the West of the project site are vacant space and the Los Alamitos Retarding Basin. To the South of the project site is the existing dog exercise yard, the Hellman Water Quality basin, the Heron Point residential development and to the Southwest of the project site are the Hellman Ranch oil fields.

The Seal Beach Animal Care Center (hereafter referred to as SBACC) currently houses cats and dogs (both strays and owner relinquished) and is a no-kill shelter run by volunteers with a Board selected by members and funded by donations and minimal adoption fees. At any given time there can be 25-35 dogs and 65 or more cat and kittens on the premises. All attempts are made to return strays to their owner. After 96 hours, the animal becomes available for adoption to the public.

Currently on site is an existing one-story, 4,145 square foot building used to shelter both the dogs and cats. The applicant is proposing a new free standing one-story, 2,500 square feet cat facility building on the same lot to be used to shelter and care for cats that are either available for adoption or to be returned to owners (Exhibits #2-3) The new building will be totally self sufficient from the current building. Previously, the applicant had proposed a one-story, 384 square foot modular (tuff shed) building to serve as an education and introduction building located on the front of the property of the existing facility; however, the applicant has since revised the proposed project to not include this tuff shed building. Therefore, the Commission is imposing **Special Condition No.1**, which requires submittal of final project plans, which only show current project elements. In order to level the lot, the proposed project also includes 508 cubic yards of grading for recompaction purposes. There currently seven (7) parking spaces on site. The proposed project results in one (1) additional parking space for a total of eight (8) parking spaces. Parking spaces are required for the volunteers and the potential adopters.

B. BIOLOGICAL RESOURCES AND WATER QUALITY

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30240(b) of the Coastal Act states:

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The proposed development is occurring approximately 200-feet East of the Los Alamitos Retarding Basin (LARB), which contains wetland areas. The proposed development does not include any fill of these adjacent wetlands. The Los Alamitos Retarding Basin is approximately 30-acres, which serves as a drainage tributary area of approximately 3,584 acres and provides 242 acres of storage volume for a 100-year storm. Wetland habitat does occur within the basin, which also provides foraging habitat for a number of wildlife species (i.e. *Light Footed Clapper Rail*, *California Least Tern* and *Tricolored Blackbird*).

One of the main reasons for preserving, expanding, and enhancing Southern California's remaining wetlands is because of their important ecological function. First and foremost, wetlands provide critical habitat, nesting sites, and foraging areas for threatened or endangered species. Wetlands also serve as migratory resting spots on the Pacific Flyway a north-south flight corridor extending from Canada to Mexico used by migratory bird species. In addition, wetlands serve as natural filtering mechanisms to help remove pollutants from storm run-off before the run-off enters into streams and rivers leading to the ocean. Further, wetlands serve as natural flood retention areas.

Moreover, preserving, expanding, and enhancing Southern California's remaining wetlands is particularly critical because of their scarcity. As much as 75% of coastal wetlands in southern California have been lost, and, statewide up to 91% of coastal wetlands have been lost.

Development, including grading and the construction of structures, could cause impacts upon adjacent wetlands by discharging silt to the wetlands. In addition, occupation and use of structures adjacent to wetlands can cause disturbances to the biological resources in the wetlands.

Section 30240(b) of the Coastal Act requires that development in areas adjacent to environmentally sensitive habitat areas, such as wetlands, must be sited and designed to prevent impacts, which would significantly degrade those areas. In addition, Section 30231 of the Coastal Act requires that the biological productivity and quality of coastal waters and wetlands be maintained.

If construction equipment and staging is not appropriately managed, adverse impacts upon the Los Alamitos Retarding Basin, which contains wetland areas, could occur. For instance, soil stockpiles could erode causing sedimentation of wetlands. In addition, if not sited appropriately, construction equipment and activity could cause trampling of the wetlands. Thus, a construction staging plan is

necessary in order to demonstrate that construction equipment or activity shall not occur outside the staging area and identified construction corridor and that construction equipment and activity shall not be placed in any location, which would result in impacts to wetlands. The plan should include, at a minimum, the following components: a site plan that depicts the limits of the staging area(s); construction corridor(s); construction site; the location of construction fencing and temporary job trailers with respect to existing wetlands. The applicant has not submitted a construction staging plan. Thus, the Commission imposes **Special Condition No. 2**, which requires the applicant to submit a final construction staging plan.

In addition, in order to ensure that construction and materials are managed in a manner which avoids impacts to adjacent wetlands, the Commission imposes **Special Condition No. 3**, which requires that construction materials, debris, or waste be placed or stored where it will not enter storm drains or be subject to tidal erosion and dispersion; removal of debris within 24 hours of completion of construction; implementation of Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed such that construction debris and sediment are properly contained and secured on site and to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking.

During storm events, the pollutants which have collected upon the roof and upon other impervious surfaces created by the proposed project may be discharged from the site into the storm water system and eventually into coastal waters which can become polluted from those discharges. Water pollution can result in decreases in the biological productivity of coastal waters. In addition, impervious surfaces magnify peak flows dramatically which can lead to erosion. In order to mitigate these impacts, the applicant has submitted a drainage run-off and control plan that shows drainage on site will be directed to permeable areas (Exhibit #2). Furthermore, the applicant states that the new building is for cats only and there are no outdoor runs or rooms for the cats. All rooms will be contained within the new building structure. In addition, the applicant states in regards to current water quality practices, the only source of waste confinement for cats is litter boxes and those boxes are emptied into plastic bags and disposed of in the dumpster. In regards to dogs, excrement is scooped up and put in plastic bags within plastic containers, which are eventually disposed of in the dumpsters. Dog urine is washed down by hose into the drains. These practices are for both the outdoor dog exercise yard and confined dog areas within the existing building. While the applicant has proposed measures to deal with post construction water quality, additional measures are necessary. The applicant's proposed measures did not cover things such as sweeping of the expanded paved parking area or maintenance of the drainage system. Therefore, it is necessary to impose **Special Condition No. 4**, which requires that the applicant submit a final water quality management plan (WQMP).

The applicant has stated that landscaping is proposed and has submitted plans. However, the submitted landscaping plans did not clearly show the species being proposed. The placement of any vegetation that is considered to be invasive which could supplant native vegetation should not be allowed. Invasive plants have the potential to overcome native plants and spread quickly. Invasive plants are generally those identified by the California Invasive Plant Council (<http://www.cal-ipc.org/>) and California Native Plant Society (www.CNPS.org) in their publications. Furthermore, any plants in the landscape plan should only be drought tolerant to minimize the use of water (and preferably native to coastal Orange County). The term drought tolerant is equivalent to the terms 'low water use' and 'ultra low water use' as defined and used by "A Guide to Estimating Irrigation Water Needs of Landscape Plantings in California" prepared by University of California Cooperative Extension and the California Department of Water Resources dated August 2000 available at <http://www.owue.water.ca.gov/landscape/pubs/pubs.cfm>. Thus, the Commission

has imposed **Special Condition No. 5**, which requires the applicant to submit a final landscape plan with only landscaping consisting of native drought tolerant non-invasive plant species.

An additional concern is the impact lighting may have upon the adjacent Los Alamitos Retarding Basin, which contains wetlands. Thus, **Special Condition No. 6** has been imposed, which requires that all replaced or new lighting within the development shall be directed and shielded so that light is directed toward the ground and away from the wetlands.

In order to assure that no impacts to wetlands or water quality occur with the proposed project, **Special Conditions No. 2, 3, 4, 5, and 6** have been imposed which require submittal of final construction staging plans; conformance with certain requirements related to the storage and management of construction debris and equipment; submittal of a final water quality management plan; submittal of final landscaping plans; and adherence to requirements for exterior lighting. As conditioned, the Commission finds that the proposed project is consistent with Coastal Act Sections 30231 and 30240(b) of the Coastal Act.

C. ARCHAEOLOGY

Section 30244 of the Coastal Act states:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

The project area is situated at the base of the northern portion of "Landing Hill", a low rise that separates the extensive wetlands of Alamitos Bay on the West and Anaheim Bay on the Southeast and is located in an area where archaeological remnants have been discovered. In order to analyze the archaeological resources of the site, the applicant has submitted: (*Cultural Resources Survey of the Seal Beach Animal Care Center Building Project Seal Beach, California* prepared by EDAW, Inc. dated April 2006). Archaeological work on Landing Hill began in 1954 and discovered a series of 10 discrete prehistoric shell midden deposits along the top and sides of the hill, designating them LH-1 through LH-10. These sites were later recorded by the Pacific Coast Archaeological Society as CA-ORA-256 through -265. The sites ranged from 1,800 square meters to more than 15,000 square meters in size with surface materials consisting mainly of marine shell along with limited numbers of flaked and groundstone artifacts exposed by periodic discing. Recently, investigations have been focused on five (LH-5 through LH-9) of the sites as well as CA-ORA-1472 immediately West of Seal Beach Boulevard. These sites are located in the Heron Point residential area and numerous inhumations and a large number of artifacts and faunal remains have been discovered. With the exception of LH-9, these sites have been removed during construction of the Heron Point residential development. The project site is presently being used as a parking lot for volunteers and visitors to the SBACC and is devoid of any vegetation. On April 2, 2006, the project site was intensively surface surveyed for any cultural remains. The survey found a few scattered pieces of fragmentary marine shell (primarily *Chione* and *Argopecten*), along with considerable amounts of modern debris, including glass and asphalt. The survey concluded that due to the discovery of the modern debris with the fragmentary remnants of marine shell that the site is in a highly disturbed area. Since grading is proposed with the project, there exists a possibility that buried archaeological sites could be discovered. Thus, the survey recommends that grading of the site be monitored by a qualified archaeologist and a Native American.

Although no intact cultural deposits were found pursuant to the subsurface archaeological investigation recently completed, it is nevertheless possible that significant resources may yet exist at the site. Section 30244 of the Coastal Act requires that should such resources exist at the site, reasonable mitigation measures are required. The proposed site grading offers the optimum opportunity to review the site for artifacts. Monitoring the site during grading activities would allow identification of any heretofore undetected cultural resources. If such resources are found, then appropriate mitigation measures, as required by Section 30244, need to be developed. Thus, in order to assure that development is undertaken consistent with Section 30244 of the Coastal Act, the Commission imposes **Special Condition No. 7**, which requires the applicant to submit an archaeological monitoring plan. Therefore, as conditioned, the project is consistent with Section 30244 of the Coastal Act

D. PUBLIC ACCESS

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

The subject site is located adjacent to the inland boundary of the coastal zone, approximately 1 ½ miles inland of the beach. Nevertheless, Seal Beach Boulevard and Westminster Avenue are both arterials that lead to the coast and visitor-serving coastal amenities (Exhibit #1).

There are currently seven (7) parking spaces on site. The proposed project results in one (1) additional parking space for a total of eight (8) parking spaces. Parking spaces are required for the volunteers and the potential adopters. The project site is in an area (approximately 1 ½ miles inland of the beach) where the general public typically would not park for access to the beach. Thus, with the proposed project, there is no significant potential for adverse impacts to public beach access as a result of any parking deficiency. However, to assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission imposes **Special Condition No. 8**, a future improvements special condition.

Therefore, as conditioned, the Commission finds adequate access is available nearby, sufficient parking is provided on site and thus, the proposed development is consistent with Section 30210 of the Coastal Act.

E. LOCAL COASTAL PROGRAM

Section 30600(c) of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified local coastal program. The permit may only be issued if the Commission finds that the proposed development will not prejudice the ability of the local government to prepare a Local Coastal Program, which conforms with Section 30604 of the Coastal Act.

On July 28, 1983, the Commission denied the City of Seal Beach Land Use Plan (LUP) as submitted and certified it with suggested modifications. The City did not act on the suggested modifications within six months from the date of Commission action. Therefore, pursuant to Section 13537(b) of the California Code of Regulations, the Commission's certification of the land

use plan with suggested modifications expired. The LUP has not been resubmitted for certification since that time.

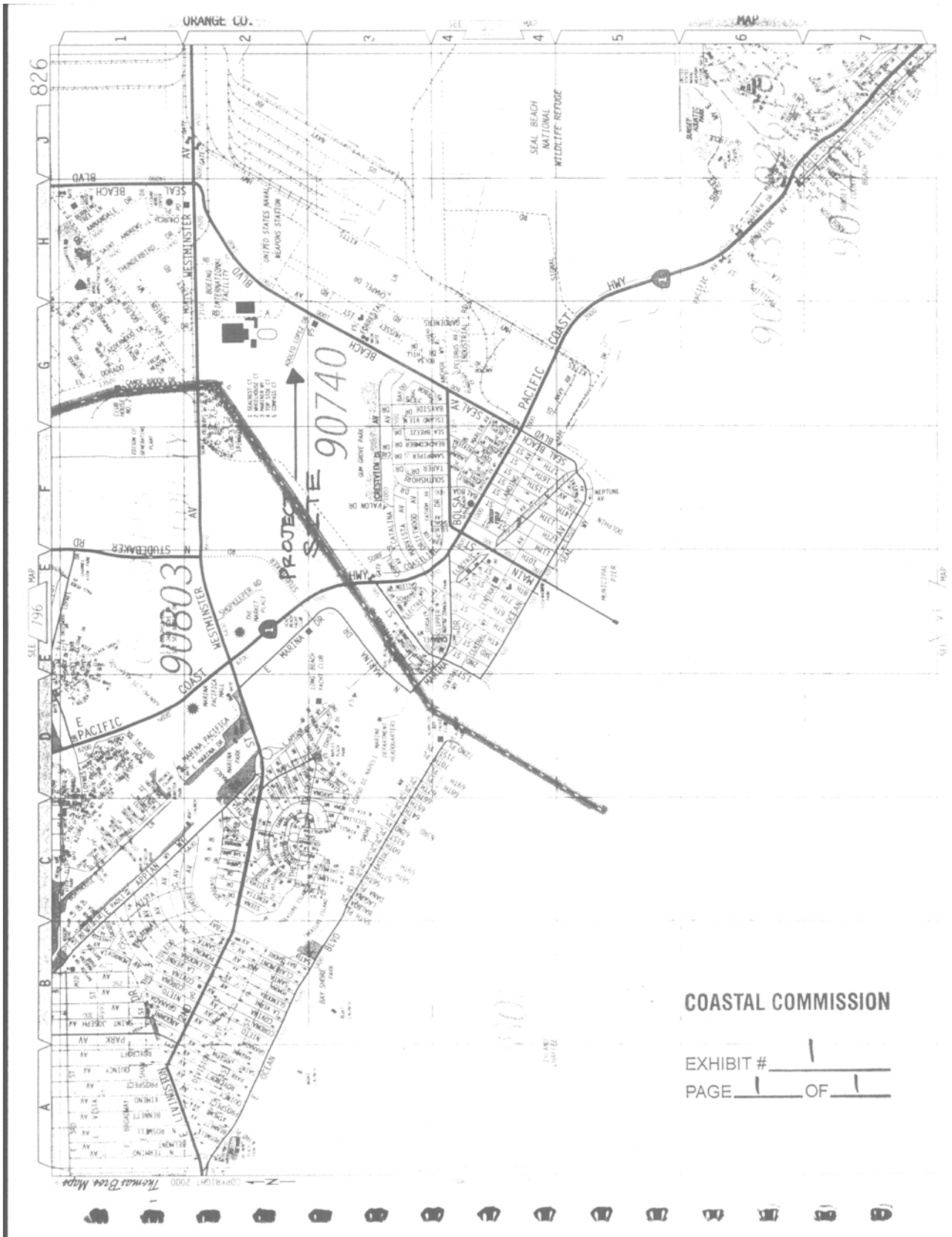
The proposed development, as conditioned, is consistent with the Chapter Three policies of the Coastal Act. Therefore, the Executive Director finds that approval of the proposed development, as conditioned, would not prejudice the ability of the City to prepare a certified coastal program consistent with the Chapter 3 policies of the Coastal Act.

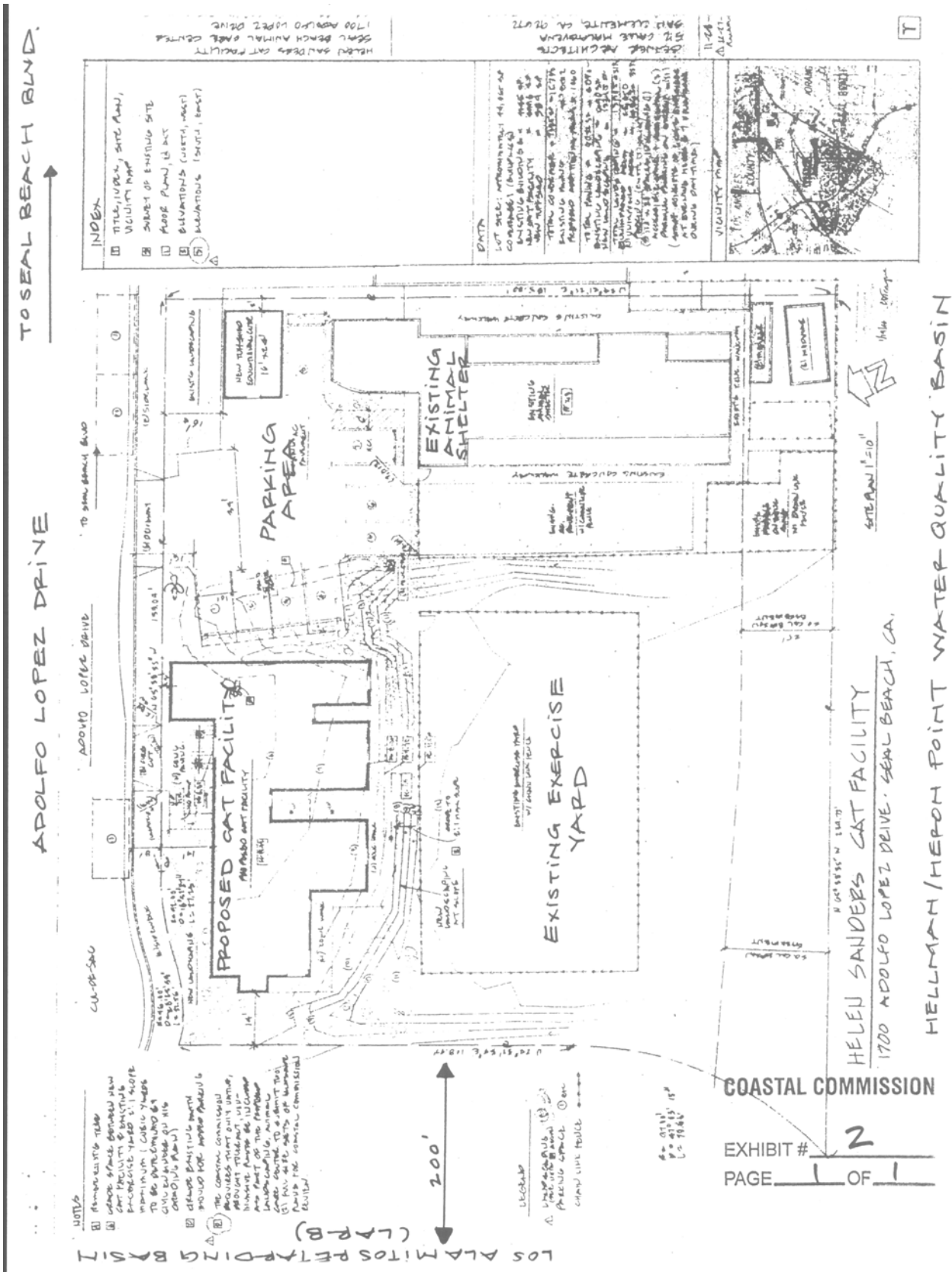
F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096(a) of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications 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 further feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project is located in an urban area. All infrastructure necessary to serve the site exists in the area. As conditioned, the proposed project has been found consistent with the hazard, biological resource and water quality protection, visual resource and public access policies of Chapter 3 of the Coastal Act. Mitigation measures include: **1)** submittal of final project plans; **2)** submittal of final construction staging plans; **3)** conformance with certain requirements related to the storage and management of construction debris and equipment; **4)** submittal of a final water quality management plan; **5)** submittal of final landscaping plans; **6)** adherence to requirements for exterior lighting; **7)** submittal of an archaeological monitoring plan; and **8)** acknowledging future development.

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse effect, which the activity may have on the environment. Therefore, 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.





- INDEX**
- 1 TIE-IN, UNDER, SITE AREA, VICINITY MAP
 - 2 AREA OF EXERCISE SITE
 - 3 ADOLF LOPEZ DRIVE
 - 4 ELEVATIONS (WEST, EAST)
 - 5 ELEVATIONS (SOUTH, NORTH)

DATA

LOT AREA: 14,142 SQ FT
 COVERAGE: 100%
 EXISTING BUILDING: 10,000 SQ FT
 NEW BUILDING: 10,000 SQ FT
 TOTAL COVERAGE: 20,000 SQ FT
 EXISTING ANIMAL SHELTER: 10,000 SQ FT
 NEW EXERCISE EXERCISE YARD: 10,000 SQ FT
 EXERCISE EXERCISE YARD: 10,000 SQ FT
 TOTAL EXERCISE EXERCISE YARD: 20,000 SQ FT
 TOTAL EXERCISE EXERCISE YARD: 20,000 SQ FT



- NOTES**
1. EXERCISE EXERCISE YARD
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 18. EXERCISE EXERCISE YARD
 19. EXERCISE EXERCISE YARD
 20. EXERCISE EXERCISE YARD

COASTAL COMMISSION
 EXHIBIT # 2
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HELEN SANDERS CAT FACILITY
 1700 ADOLFO LOPEZ DRIVE - SEAL BEACH, CA.

HELLMAN/HEPHON POINT WATER QUALITY BASIN

TO SEAL BEACH BLVD.

ADOLFO LOPEZ DRIVE

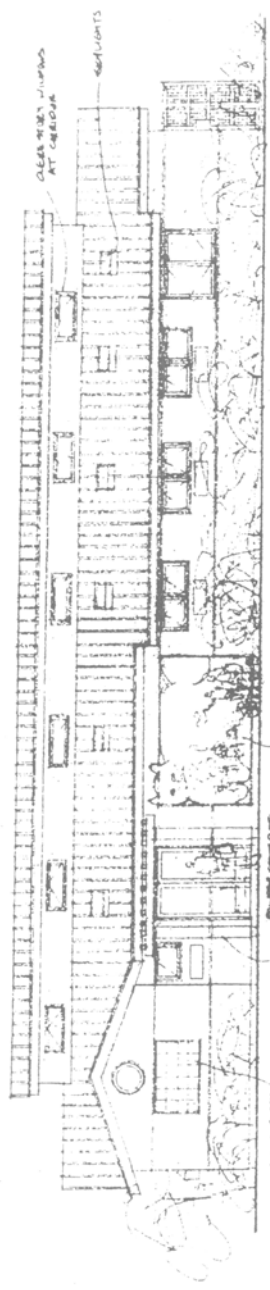
LOS ALAMOS PFTYFD-19 BRN 1

Hold U SAUTER'S CONT FACILITY AT THE
 State School Animal Care Center
 1754 ABBOTT LANE, DEER

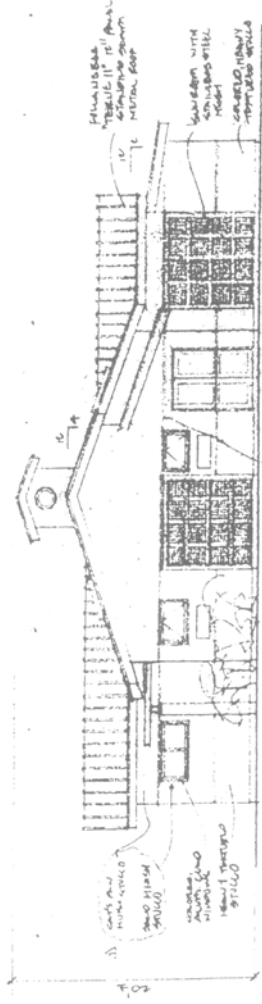
GEORGE HAZLITZ
 512 CALLE MANRIQUEJA
 SAN JUAN, P.R. 00912

11/28
 11/28/87

2



NORTH ELEVATION (FRONT)



WEST ELEVATION (SIDE)

ELEVATIONS

COASTAL COMMISSION

EXHIBIT # 3
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