

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
301 E. Ocean Blvd. Suite 300  
Long Beach, CA 90802-4302  
(562) 590-5071



# F17a

## **A-5-LGB-19-0015 (LAGUNA CANYON CREEK EROSION)**

**OCTOBER 17, 2019**

### **EXHIBITS**

**Exhibit 1 – Vicinity Map**

**Exhibit 2 – Site Plans**

**Exhibit 3 – Proposed Landscaping Plan**

**Exhibit 4 – *Laguna Canyon Creek Erosion Control and Restoration Project*, prepared by Dr. Jonna Engel, CCC Senior Ecologist, October 2, 2019.**

**Exhibit 5 – *Appeal A-5-LGB-19-0015, Laguna Canyon Creek Restoration*, prepared by Dr. Lesley Ewing, CCC Senior Coastal Engineer, September 30, 2019.**

**Exhibit 6 – Appeal by Sharon and Mark Fudge**

**Exhibit 7 – City’s Notice of Final Action for Coastal Development Permit 18-1686**

**Exhibit 8 – City’s Resolution Approving Local Coastal Development Permit 18-1686**

**Exhibit 9 – City’s Response to Issues Raised by the Appeal**





Laguna Canyon Rd

Laguna Beach  
Animal Shelter

20612 Laguna  
Canyon Road

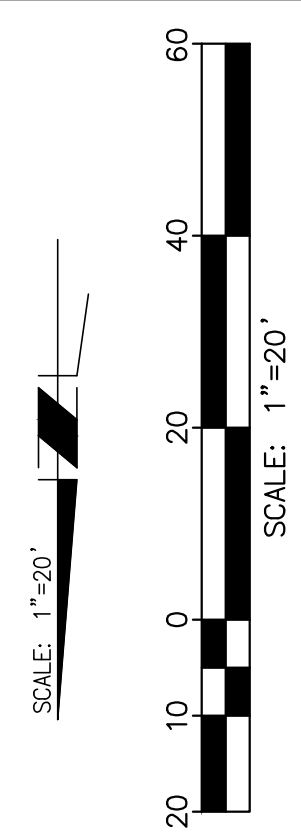
**SURVEYOR'S NOTES:**

THIS IS A TOPOGRAPHIC MAP AND NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION SHOWN HEREON IS RECORD DATA AS SHOWN ON RECORD OF SURVEY 85-1004, FILED IN RECORD OF SURVEY BOOK 109, PAGE 44 IN THE OFFICE OF THE ORANGE COUNTY RECORDER.

THIS SURVEY DOES NOT PURPORT TO DISCLOSE EASEMENTS EXCEPT THOSE SPECIFICALLY DELINEATED HEREON. IF ANY, IF UNDERGROUND UTILITIES, OTHER STRUCTURES OR ZONES, SETBACK AND STREET WIDENING DATA ARE SHOWN HEREON, IT IS FOR INFORMATION ONLY. HAVING BEEN OBTAINED FROM OTHER SOURCES. NO REPRESENTATION IS MADE AS TO THE ACCURACY OR COMPLETENESS OF SAID INFORMATION AND ANY USER OF THIS MAP IS URGED TO CONTACT THE UTILITY OR GOVERNING AGENCY DIRECTLY.

**LEGEND:**

- ANTENNA
- AREA DRAIN - INLET
- BOLLARD
- ✕ CONTROL POINT
- ⊕ ELECTRICAL PULLBOX
- ⊕ FIRE HYDRANT
- ⊕ GUY ANCHOR
- IRRIGATION CONTROL BOX
- ⊕ POWER POLE
- ROOF DRAIN
- SEWER CLEANOUT
- ⊕ SEWER MANHOLE
- SIGN
- STREET LIGHT
- ⊕ WATER METER
- WATER VALVE



**CITY OF LAGUNA BEACH**  
PUBLIC WORKS DEPARTMENT

**SHEET 3 OF 23**

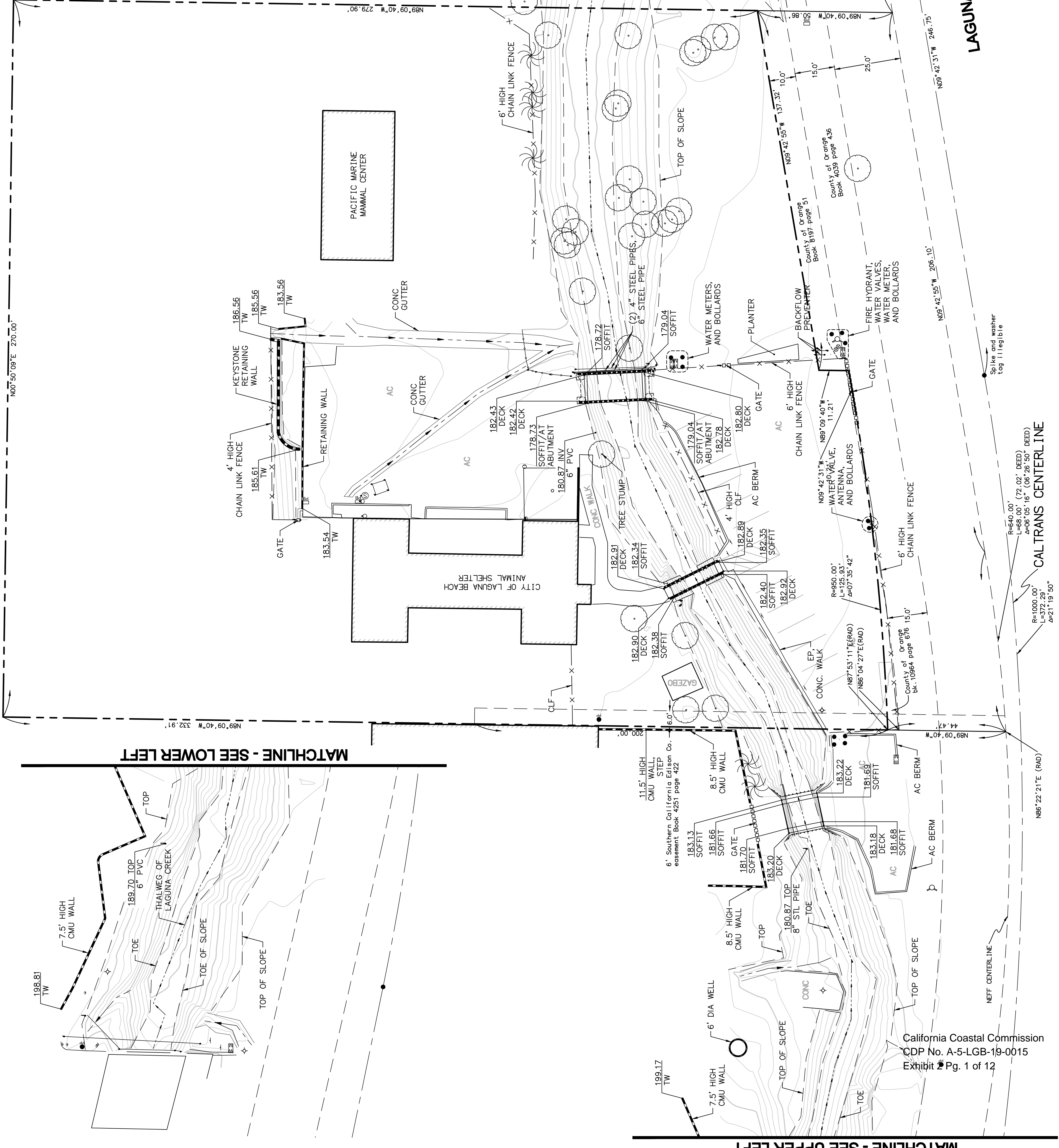
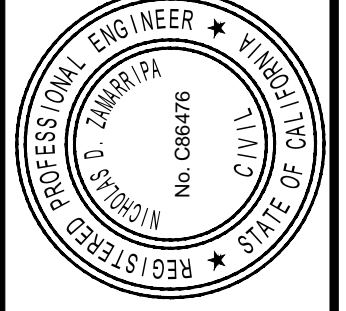
**CAPITAL IMPROVEMENT PROJECT NO. XXXX**  
**ANIMAL SHELTER FLOOD PROTECTION PROJECT**  
**TOPOGRAPHIC SURVEY SHEET**

**CITY OF LAGUNA BEACH PUBLIC WORKS DEPARTMENT**

**RECOMMENDED BY:**  
**Michael Baker INTERNATIONAL**

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Santa Ana, CA 92707  
Phone: (949) 472-3505  
MBAKERINTL.COM

NICHOLAS ZAMARRIPA DATE 08/09/2019

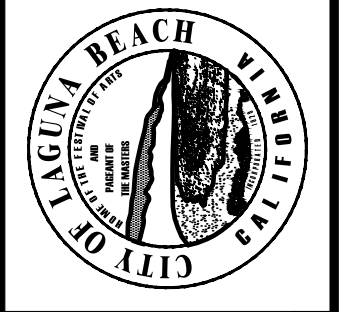


MATCHLINE - SEE LOWER LEFT

MATCHLINE - SEE UPPER LEFT

California Coastal Commission  
CDP No. A-5-LGB-19-0015  
Exhibit 2 Pg. 1 of 12

SEE SHEET 1 FOR APPROVALS

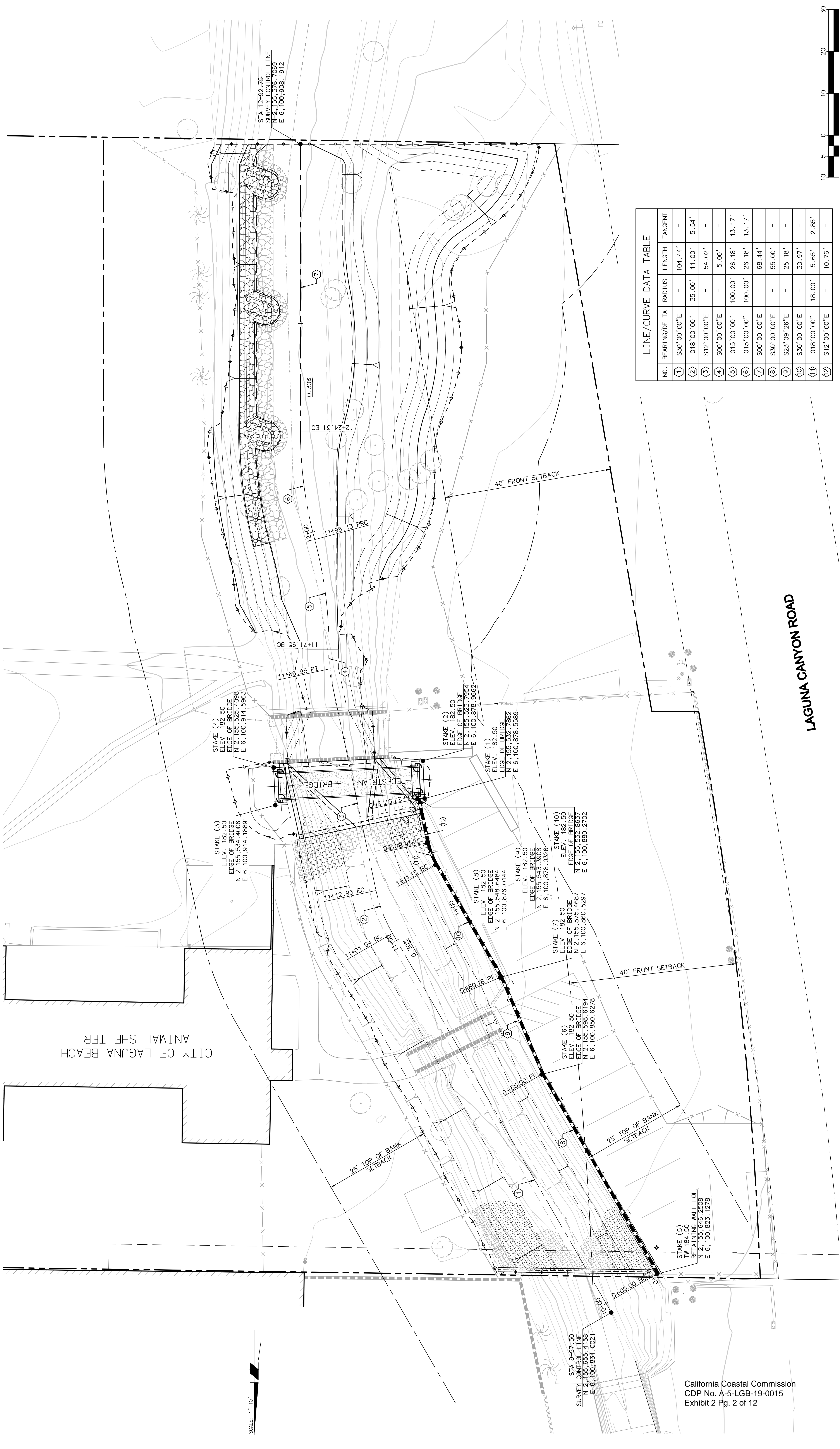


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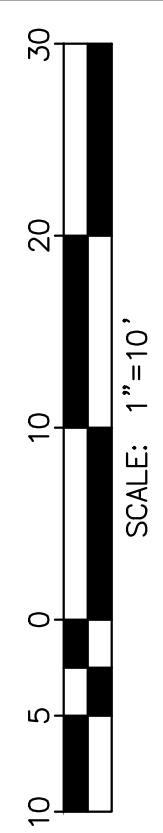
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REVISIONS

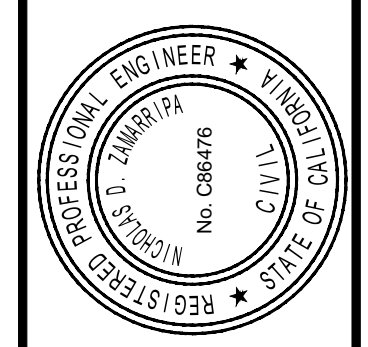
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LINE/CURVE DATA TABLE				
NO.	BEARING/DELTA	RADIUS	LENGTH	TANGENT
①	S30°00'00"E	-	104.44'	-
②	018°00'00"	35.00'	11.00'	5.54'
③	S12°00'00"E	-	54.02'	-
④	S00°00'00"E	-	5.00'	-
⑤	015°00'00"	100.00'	26.18'	13.17'
⑥	015°00'00"	100.00'	26.18'	13.17'
⑦	S00°00'00"E	-	68.44'	-
⑧	S30°00'00"E	-	55.00'	-
⑨	S23°09'26"E	-	25.18'	-
⑩	S30°00'00"E	-	30.97'	-
⑪	018°00'00"	18.00'	5.65'	2.85'
⑫	S12°00'00"E	-	10.76'	-

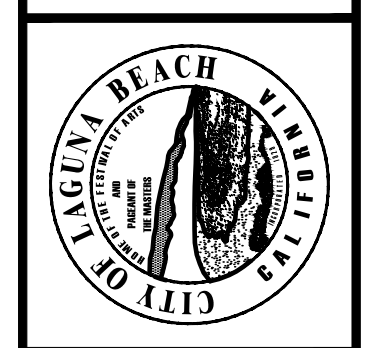


**CITY OF LAGUNA BEACH**  
PUBLIC WORKS DEPARTMENT  
**CAPITAL IMPROVEMENT PROJECT NO. XXXX**  
**ANIMAL SHELTER FLOOD PROTECTION PROJECT**  
**SURVEY CONTROL AND STAKING PLAN**



RECOMMENDED BY:  
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NICHOLAS ZAMARRIPA DATE 08/09/2019

SEE SHEET 1 FOR APPROVALS



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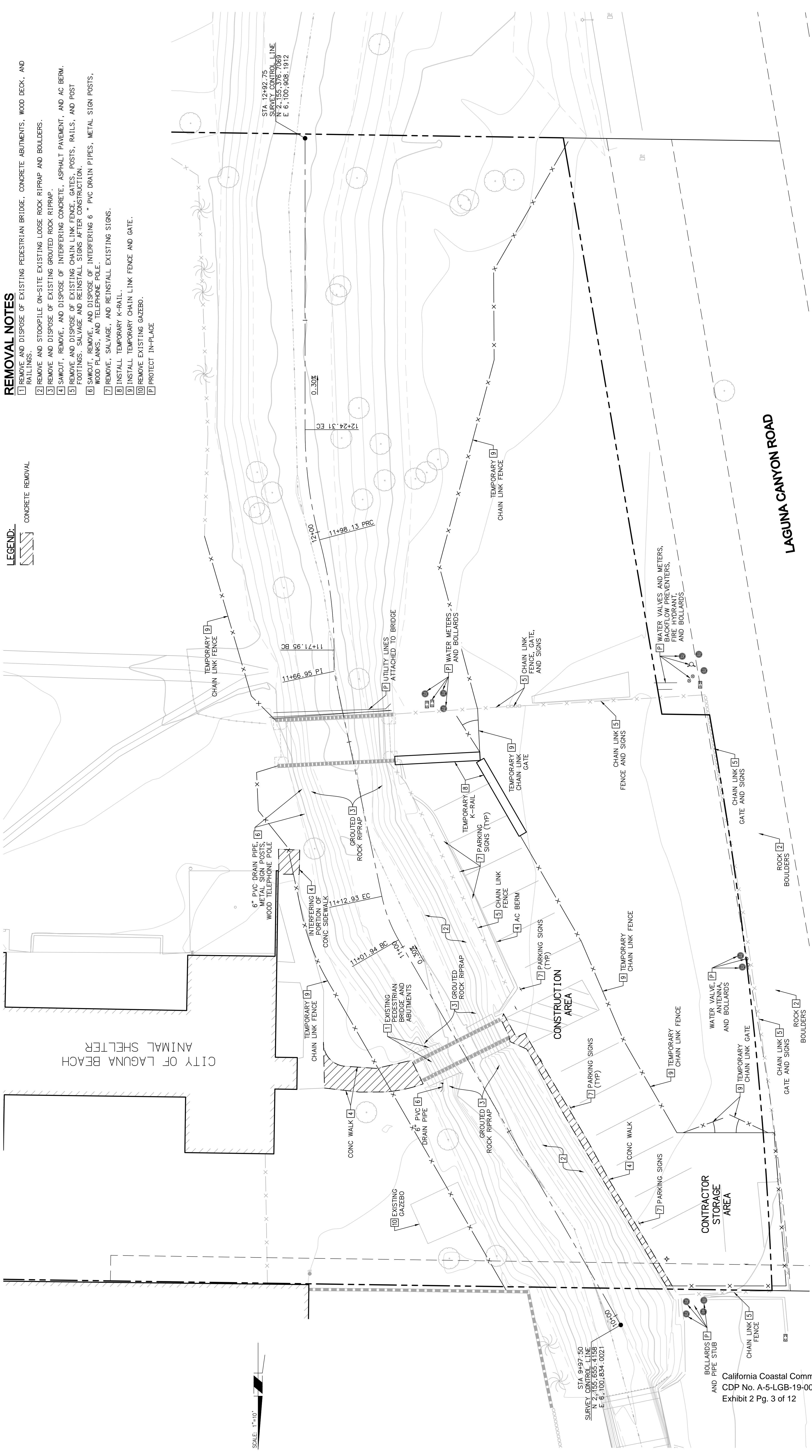
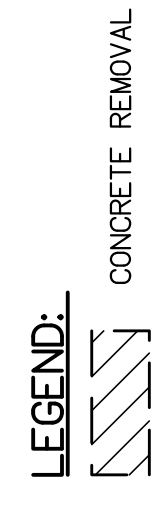
DATE	INITIALS	DESCRIPTION

REVISIONS

DATE	INITIALS	DESCRIPTION

California Coastal Commission  
CDP No. A-5-LGB-19-0015  
Exhibit 2 Pg. 2 of 12

- REMOVAL NOTES**
- 1 REMOVE AND DISPOSE OF EXISTING PEDESTRIAN BRIDGE, CONCRETE ABUTMENTS, WOOD DECK, AND RAILINGS.
  - 2 REMOVE AND STOCKPILE ON-SITE EXISTING LOOSE ROCK RIPRAP AND BOULDERS.
  - 3 REMOVE AND DISPOSE OF EXISTING GROUTED ROCK RIPRAP.
  - 4 SAWCUT, REMOVE, AND DISPOSE OF INTERFERING CONCRETE, ASPHALT PAVEMENT, AND AC BERM.
  - 5 REMOVE AND DISPOSE OF EXISTING CHAIN LINK FENCE, GATES, POSTS, RAILS, AND POST FOOTINGS. SALVAGE AND REINSTALL SIGNS AFTER CONSTRUCTION.
  - 6 SAWCUT, REMOVE, AND DISPOSE OF INTERFERING 6" PVC DRAIN PIPES, METAL SIGN POSTS, WOOD PLANKS, AND TELEPHONE POLE.
  - 7 REMOVE, SALVAGE, AND REINSTALL EXISTING SIGNS.
  - 8 INSTALL TEMPORARY K-RAIL.
  - 9 INSTALL TEMPORARY CHAIN LINK FENCE AND GATE.
  - 10 REMOVE EXISTING GAZEBO.
  - P PROTECT IN-PLACE



REVISIONS		REFERENCES		SEE SHEET 1 FOR APPROVALS		RECOMMENDED BY:	
DATE	INITIALS	DATE	APP'D				

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PUBLIC WORKS DEPARTMENT

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**NICHOLAS ZAMARRIPA**  
REGISTERED PROFESSIONAL ENGINEER  
No. 098476  
STATE OF CALIFORNIA

**CITY OF LAGUNA BEACH**  
CAPITAL IMPROVEMENT PROJECT NO. XXXX  
ANIMAL SHELTER FLOOD PROTECTION PROJECT  
DEMOLITION AND  
TEMPORARY PARKING PLAN

REVISIONS

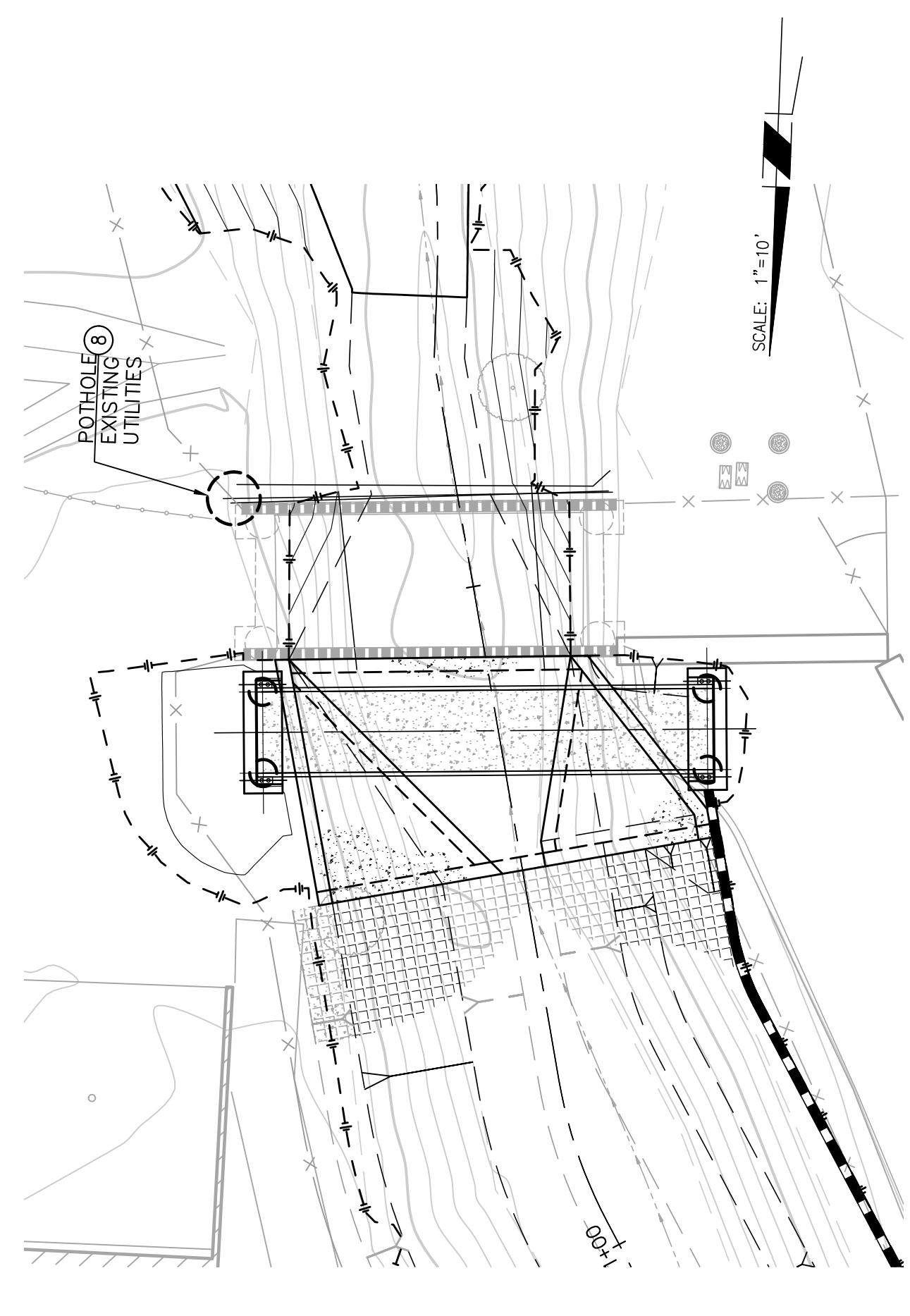
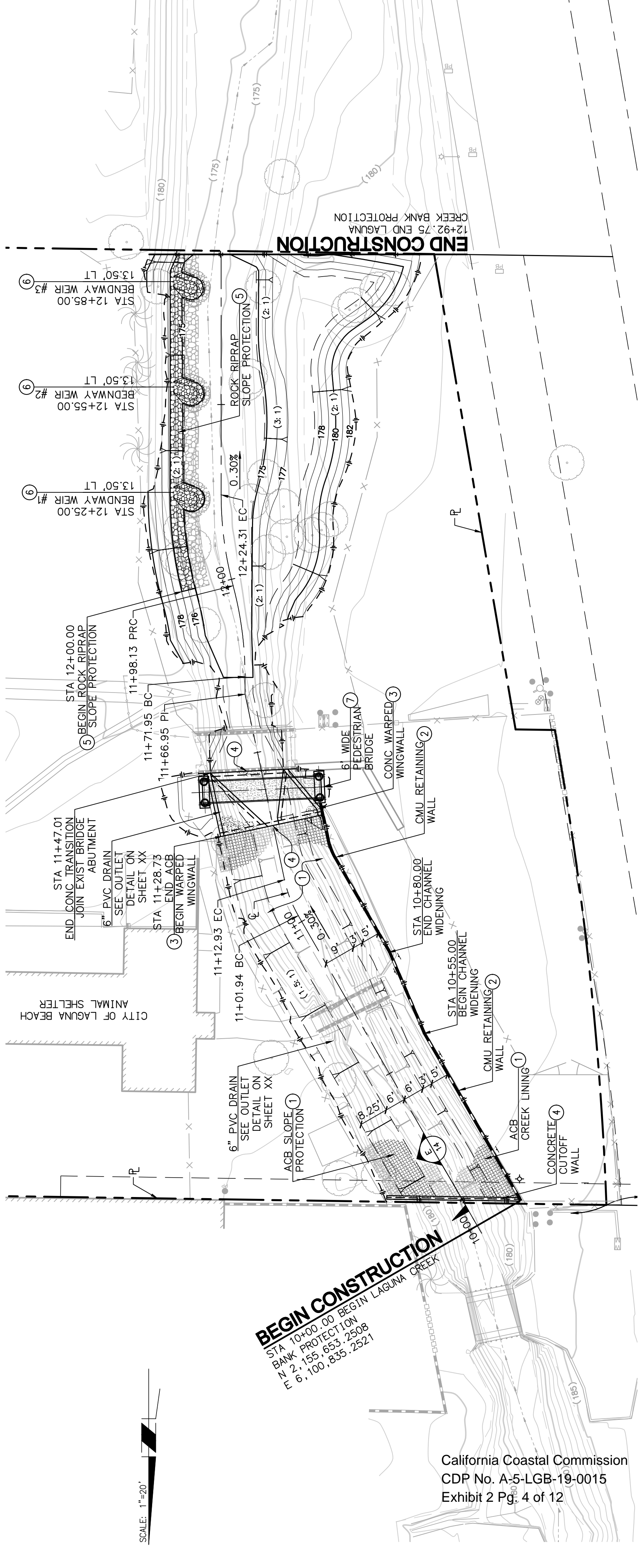
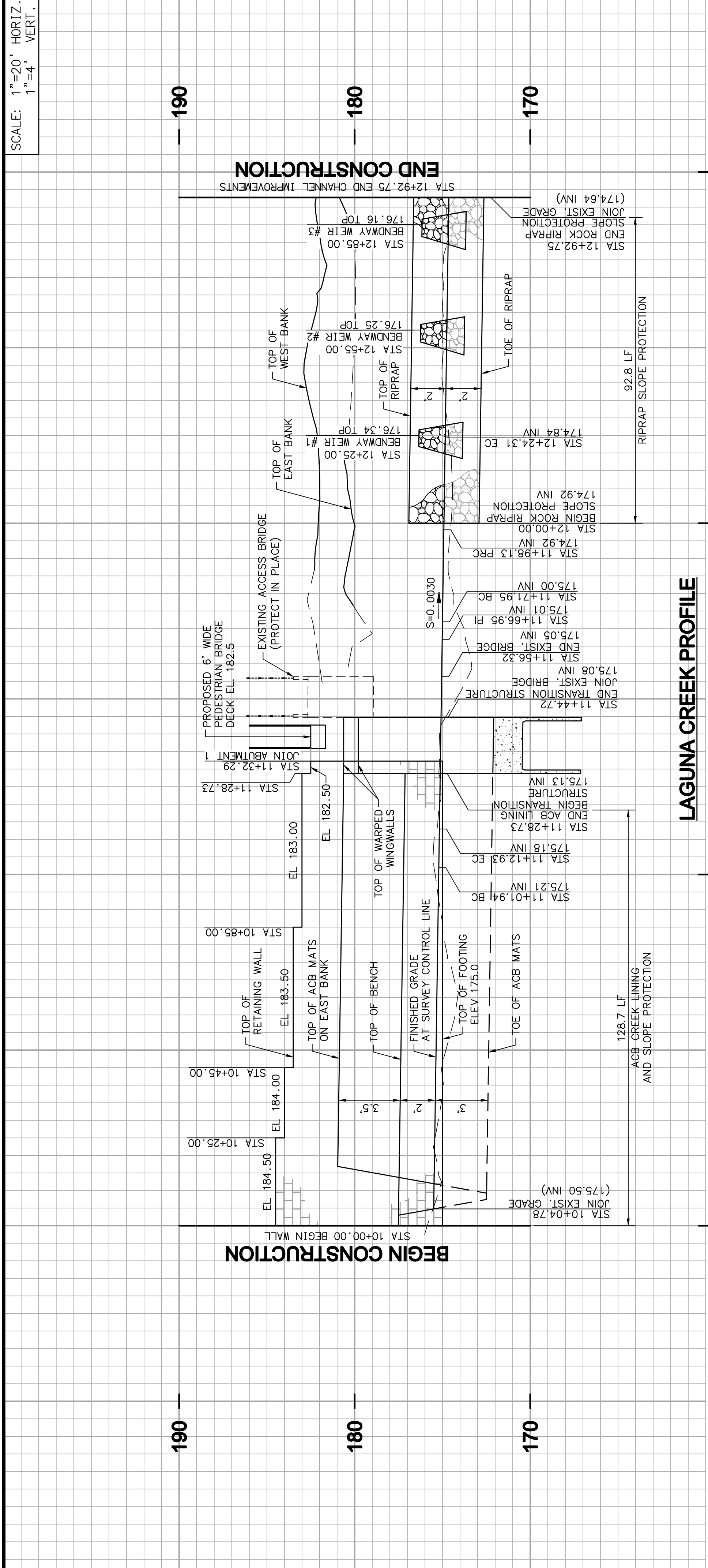
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APP'D

5 OF 23 SHEET

C.I.P. NO. XX

California Coastal Commission  
CDP No. A-5-LGB-19-0015  
Exhibit 2 Pg. 3 of 12

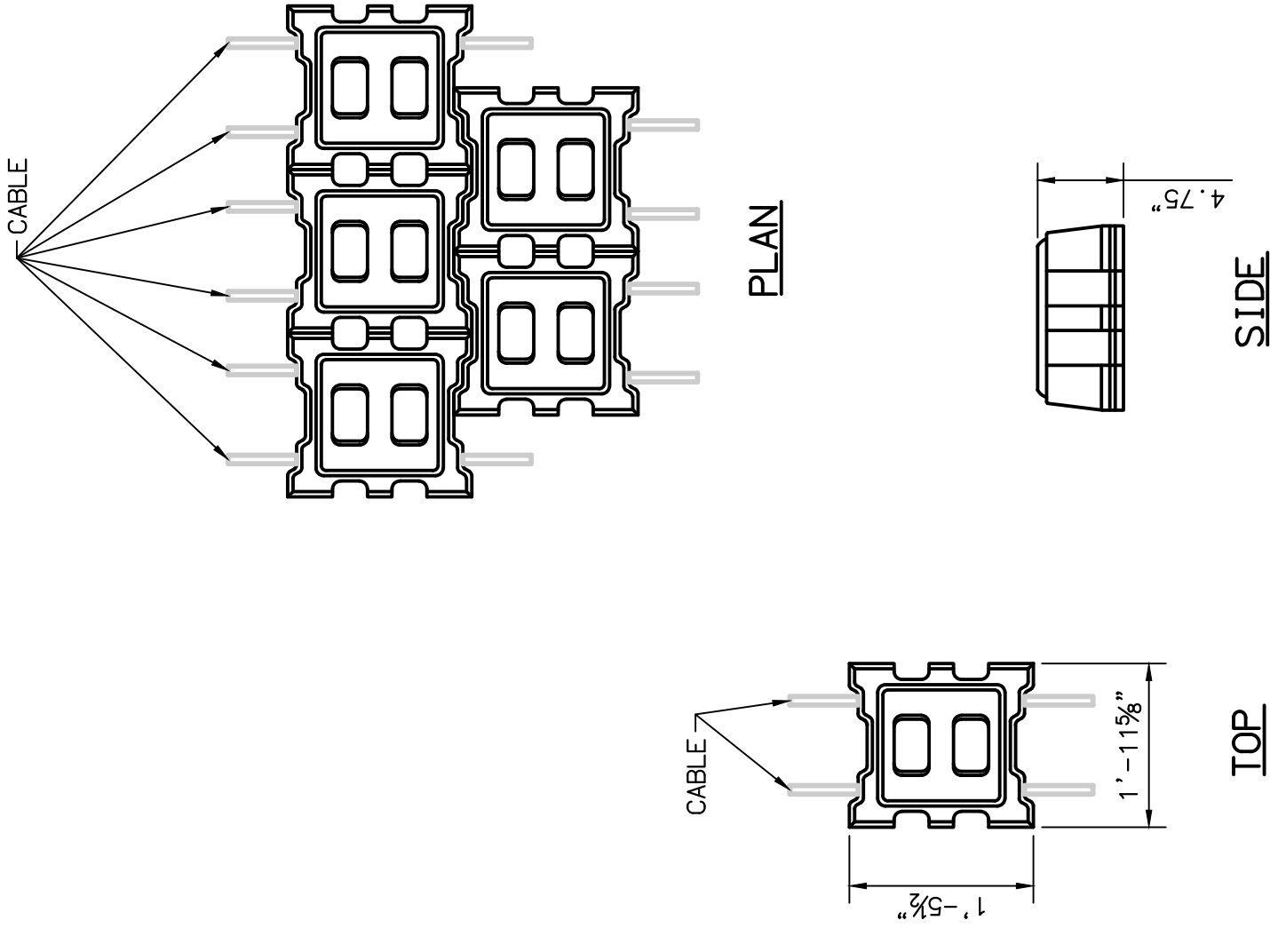


**CONSTRUCTION NOTES**

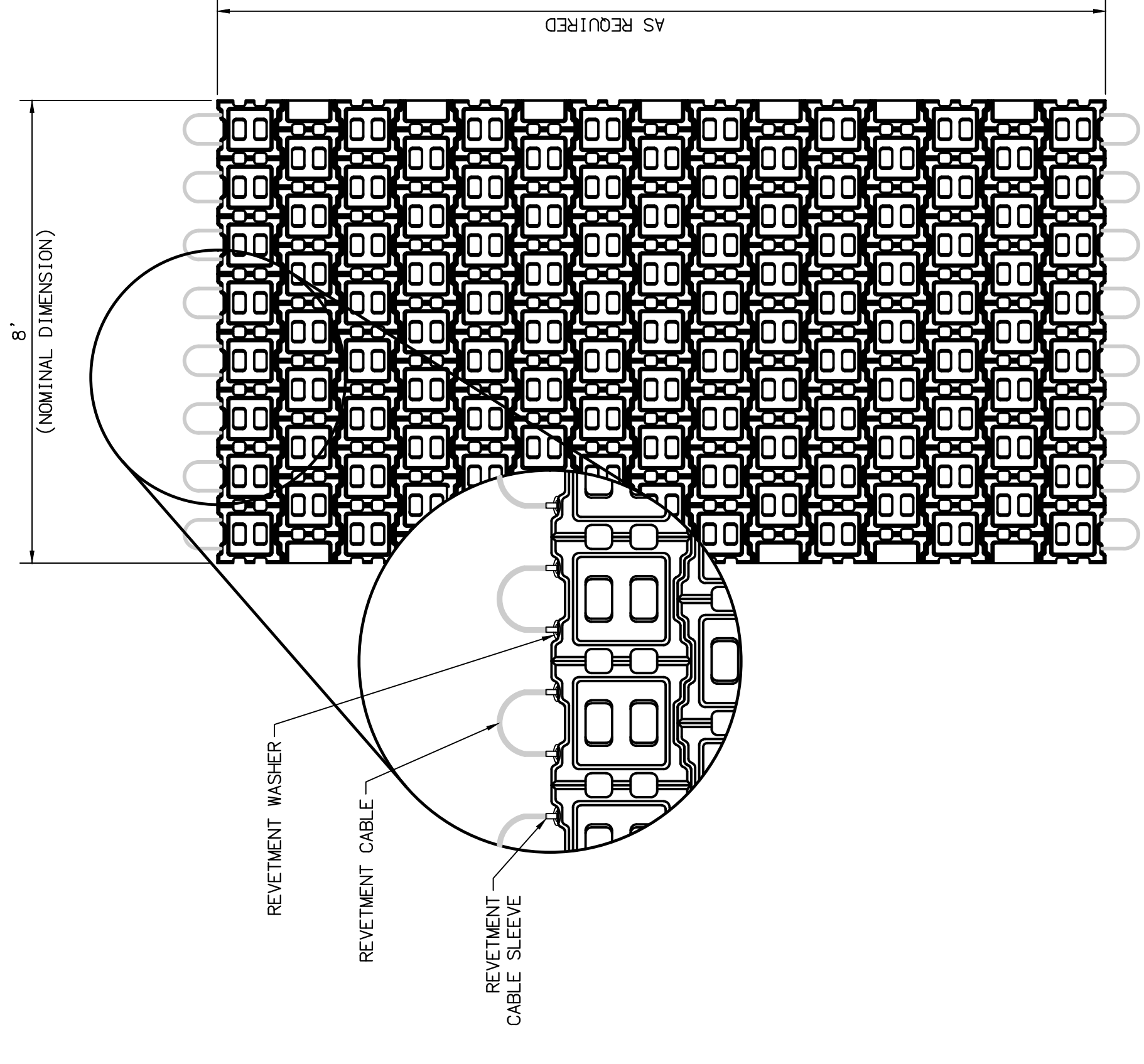
1. INSTALL ARTICULATED CONCRETE BLOCK MATS, ARMORFLEX 40L OR APPROVED EQUAL, PER MANUFACTURER'S SPECIFICATIONS AND DETAILS ON SHEET 7.
2. CONSTRUCT RETAINING WALL PER DETAILS ON SHEET XX. HEIGHT PER PROFILE.
3. CONSTRUCT CONCRETE WARPED WINGWALL TRANSITION STRUCTURE PER DETAILS ON SHEET XX.
4. CONSTRUCT ROCK RIPRAP SLOPE PROTECTION, FACING CLASS ROCK, PER DETAIL ON SHEET XX.
5. CONSTRUCT CONCRETE CUTOFF WALL PER DETAIL ON SHEET XX.
6. CONSTRUCT BENDWAY WEIR, FACING CLASS ROCK, PER DETAIL ON SHEET XX.
7. INSTALL 6" WIDE PEDESTRIAN BRIDGE PER DETAILS ON SHEET XX.
8. CONTRACTOR SHALL POTHOLE ALL EXISTING UTILITIES ATTACHED TO BRIDGE.

<p>REVISIONS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>DATE</th> <th>INITIALS</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	DATE	INITIALS	DESCRIPTION										<p>REFERENCES</p>	<p>SEE SHEET 1 FOR APPROVALS</p>	<p>RECOMMENDED BY:</p> <p><b>Michael Baker INTERNATIONAL</b></p> <p>5 Hutton Centre Drive, Suite 500 Santa Ana, CA 92707 Phone: (949) 472-3505 MBAKERINTL.COM</p> <p>NICHOLAS ZAMARRIPA 08/09/2019 DATE</p>	<p>CITY OF LAGUNA BEACH PUBLIC WORKS DEPARTMENT</p> <p>CAPITAL IMPROVEMENT PROJECT NO. XXXX ANIMAL SHELTER FLOOD PROTECTION PROJECT</p> <p>SHEET 6 OF 23 C.I.P. NO. XX</p>
DATE	INITIALS	DESCRIPTION														

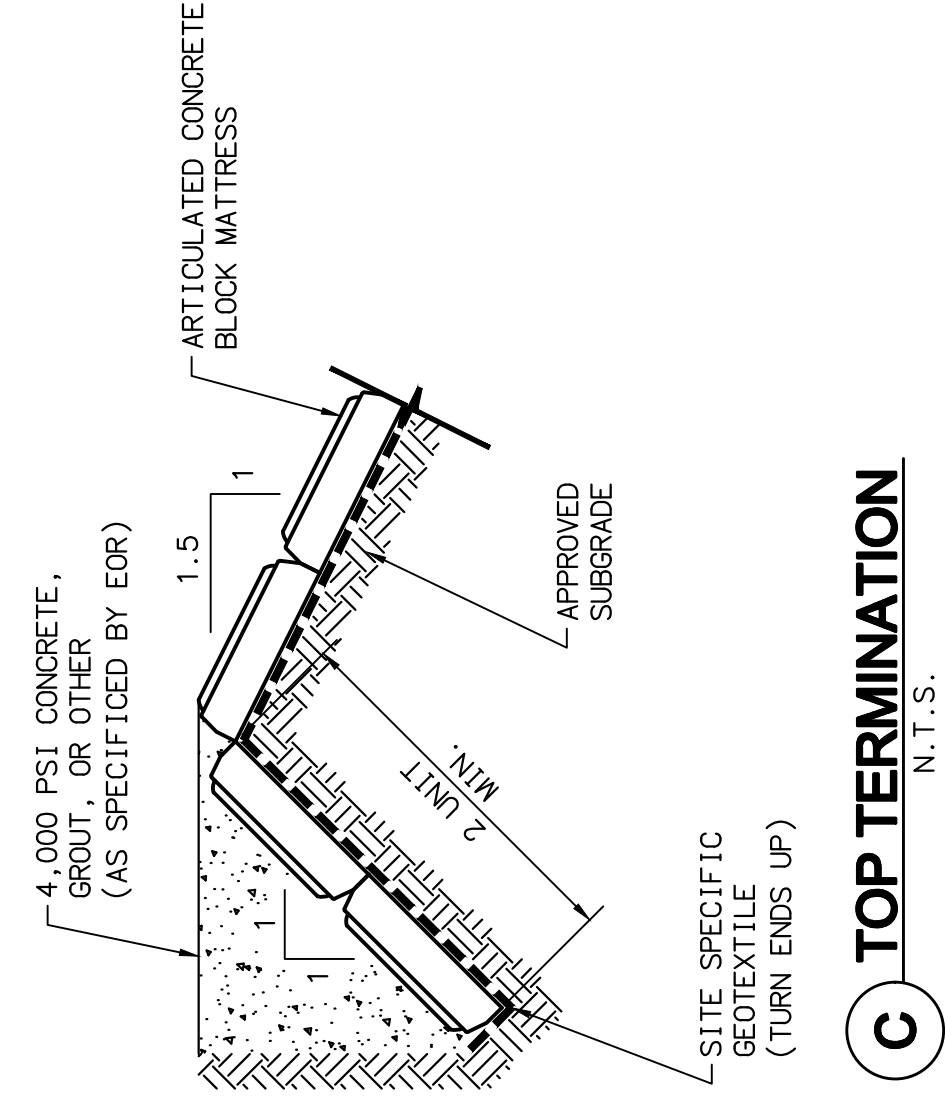
California Coastal Commission  
CDP No. A-5-LGB-19-0015  
Exhibit 2 Pg. 4 of 12



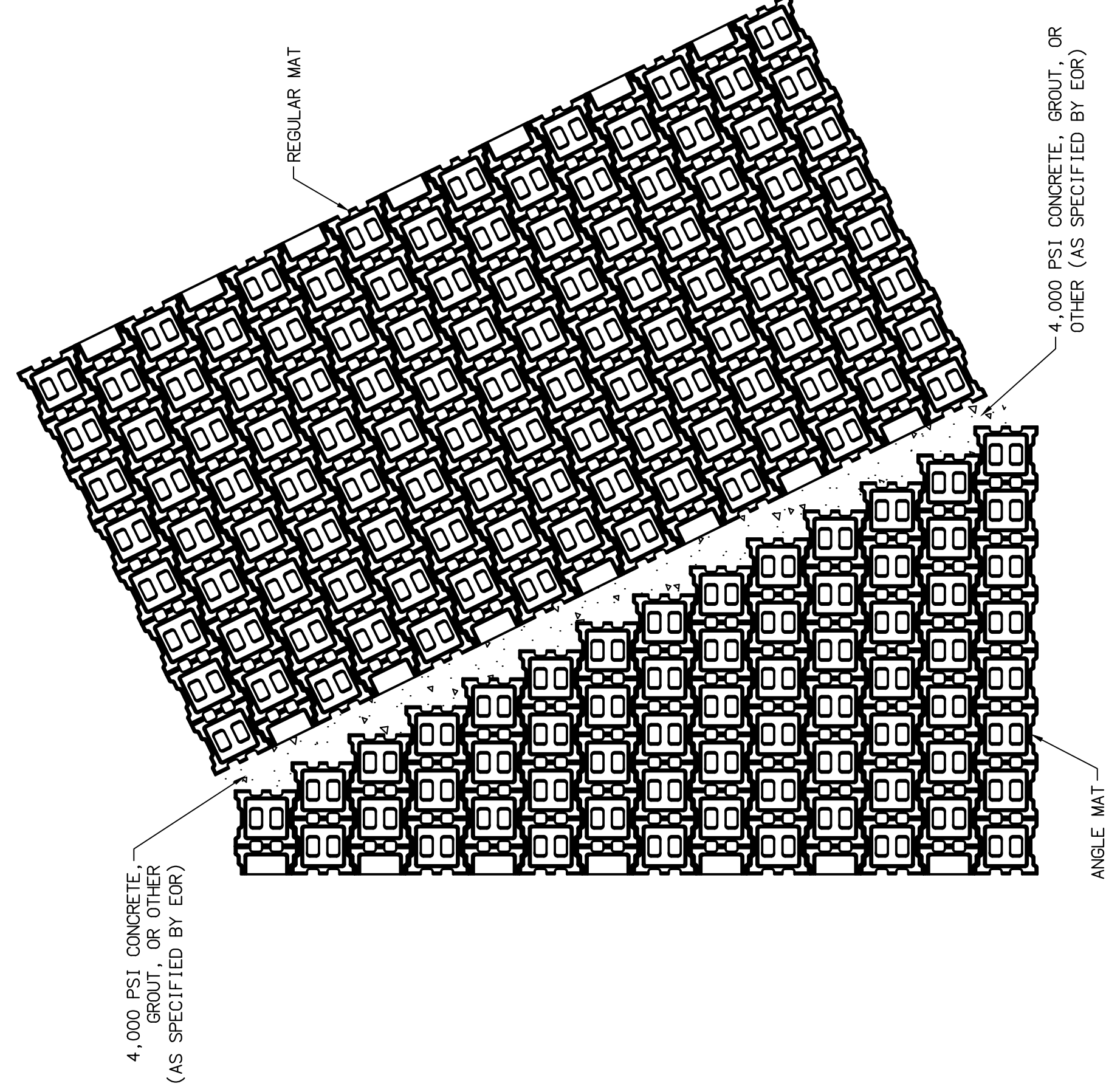
**A TYP. 40L BLOCK**  
N.T.S.



**B TYP. 40L MAT**  
N.T.S.

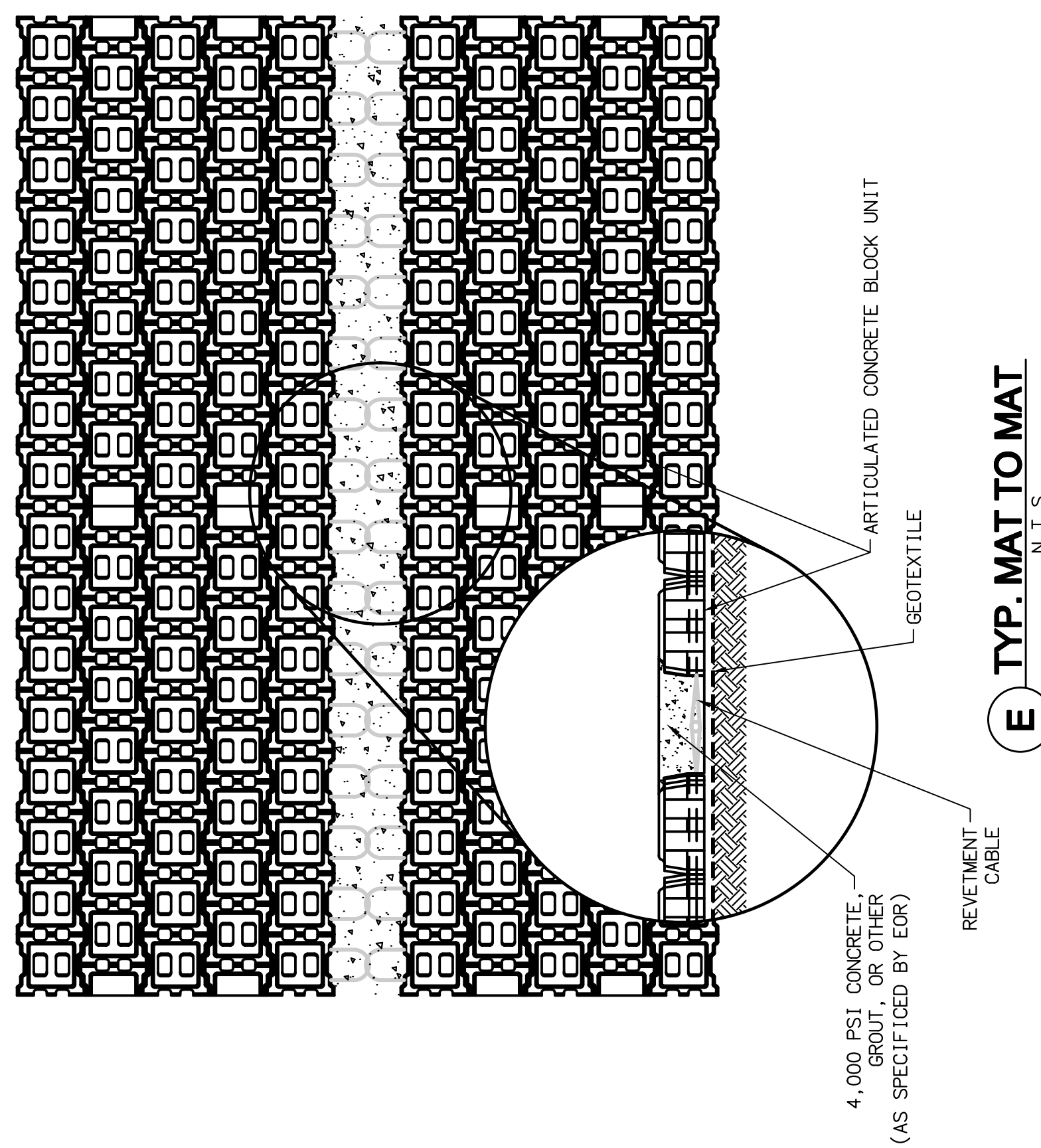


**C TOP TERMINATION**  
N.T.S.



**D TYP. ANGLE MAT**  
N.T.S.

NOTES:  
1. ANGLE MATS WILL BE CONSTRUCTED BY OMITTING THE REQUIRED UNITS SO THE REQUIRED MAT DIMENSIONS CAN BE OBTAINED.



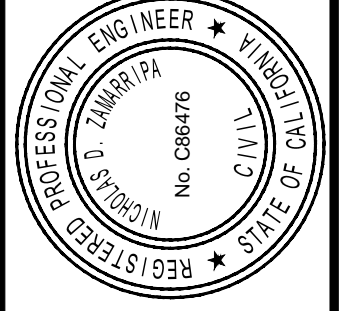
**E TYP. MAT TO MAT**  
N.T.S.



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NICHOLAS ZAMARRIPA  
08/09/2019 DATE



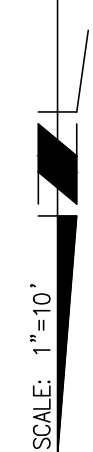
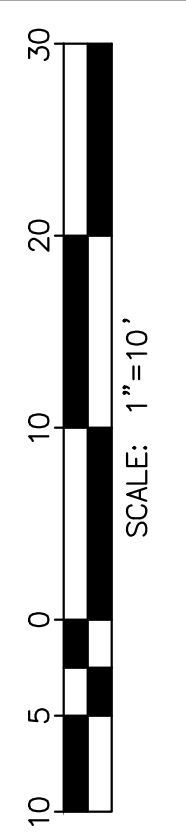
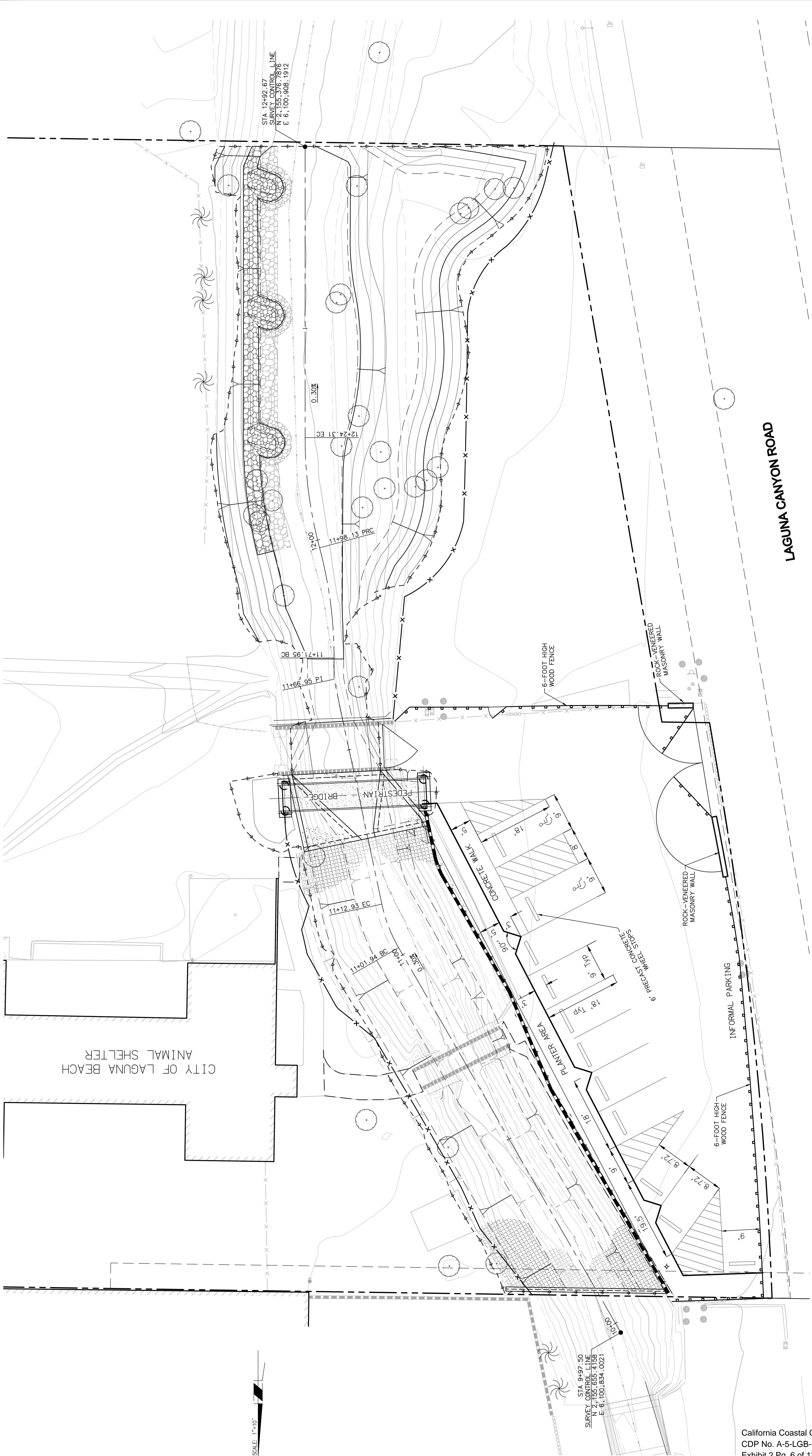
CITY OF LAGUNA BEACH  
PUBLIC WORKS DEPARTMENT  
CAPITAL IMPROVEMENT PROJECT NO. XXXX  
ANIMAL SHELTER FLOOD PROTECTION PROJECT  
ARTICULATED CONCRETE BLOCK DETAILS

SHEET 7 OF 23  
C.I.P. NO. XX

California Coastal Commission  
CDP No. A-5-LGB-19-0015  
Exhibit 2 Pg. 5 of 12

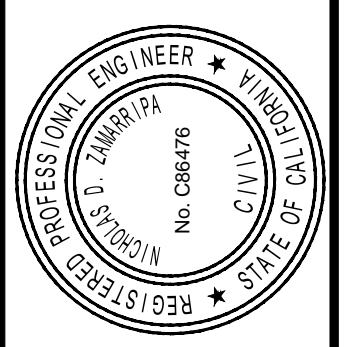


REVISIONS		REFERENCES	
DATE	INITIALS	DATE	APP'D



**CITY OF LAGUNA BEACH**  
PUBLIC WORKS DEPARTMENT

**CAPITAL IMPROVEMENT PROJECT NO. XXXX**  
**ANIMAL SHELTER FLOOD PROTECTION PROJECT**  
**PARKING LOT IMPROVEMENT PLAN**

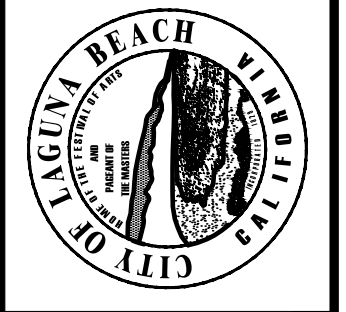


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NICHOLAS ZAMARRIPA DATE 08/09/2019

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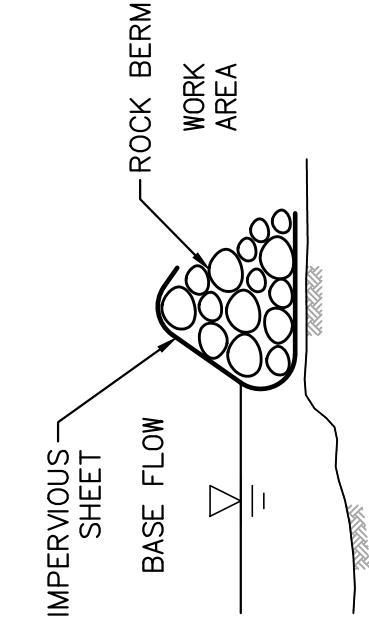
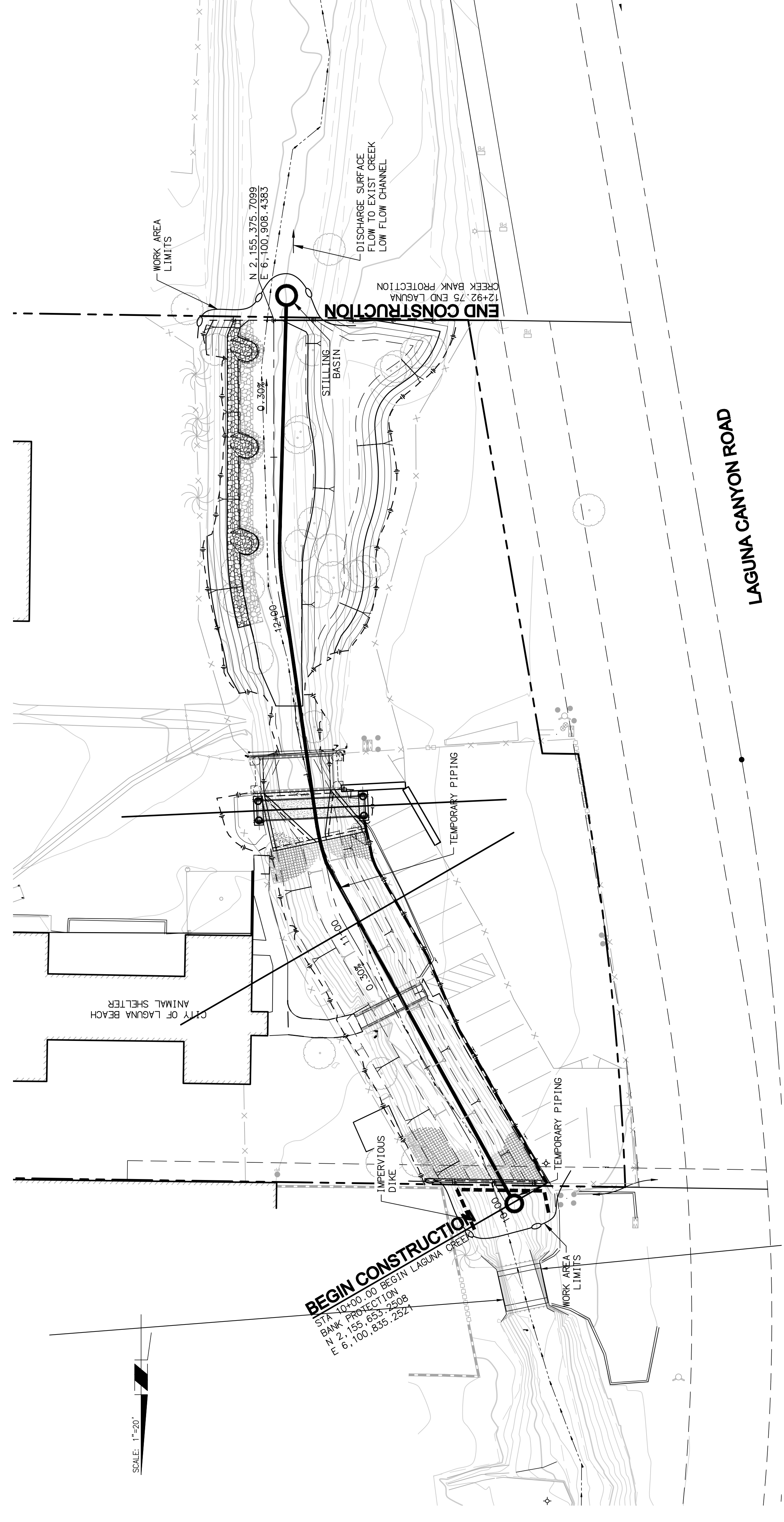
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REVISIONS

DATE	INITIALS	DESCRIPTION

California Coastal Commission  
CDP No. A-5-LGB-19-0015  
Exhibit 2 Pg. 6 of 12

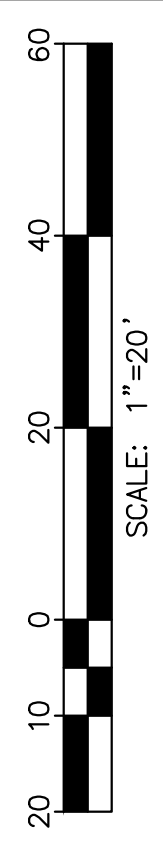
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**IMPERVIOUS DIKE**

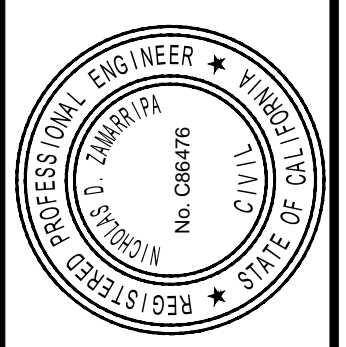
**NOTES**

1. IMPERVIOUS DIKES SHALL BE USED IF NECESSARY TO ISOLATE WORK AREAS FROM STREAM FLOW.
2. CONTRACTOR SHALL NOT DISTURB AREAS OUTSIDE OF THE WORK LIMITS.
3. WATER CONTROL PLAN IS CONCEPTUAL ONLY. FINAL PLAN SHALL BE SUBMITTED BY CONTRACTOR AND MEET THE REQUIREMENT HEREON AND IN THE TECHNICAL SPECIFICATIONS.
4. INSTALL TEMPORARY PROTECTIVE BARRIER ALONG WORK AREA LIMITS.



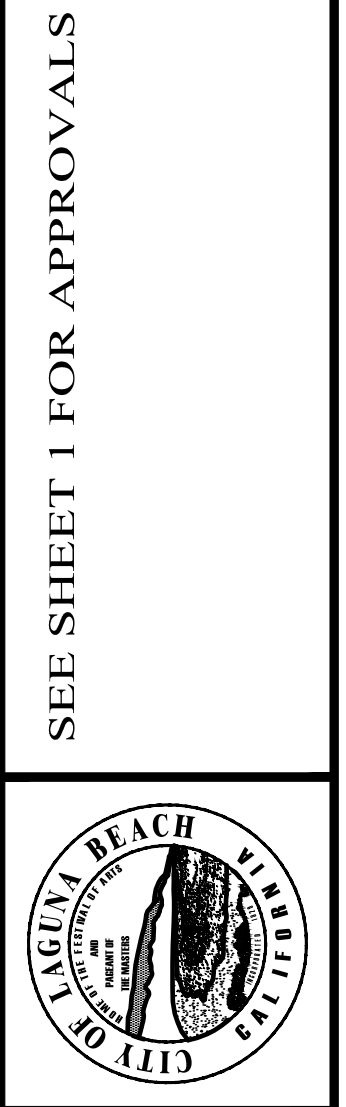
SHEET  
**16**  
OF  
**23**  
C.I.P. NO. XX

**CITY OF LAGUNA BEACH**  
PUBLIC WORKS DEPARTMENT  
**CAPITAL IMPROVEMENT PROJECT NO. XXXX**  
**ANIMAL SHELTER FLOOD PROTECTION PROJECT**  
**WATER CONTROL PLAN**



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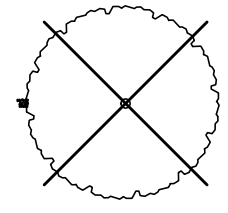
SEE SHEET 1 FOR APPROVALS



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# LEGEND



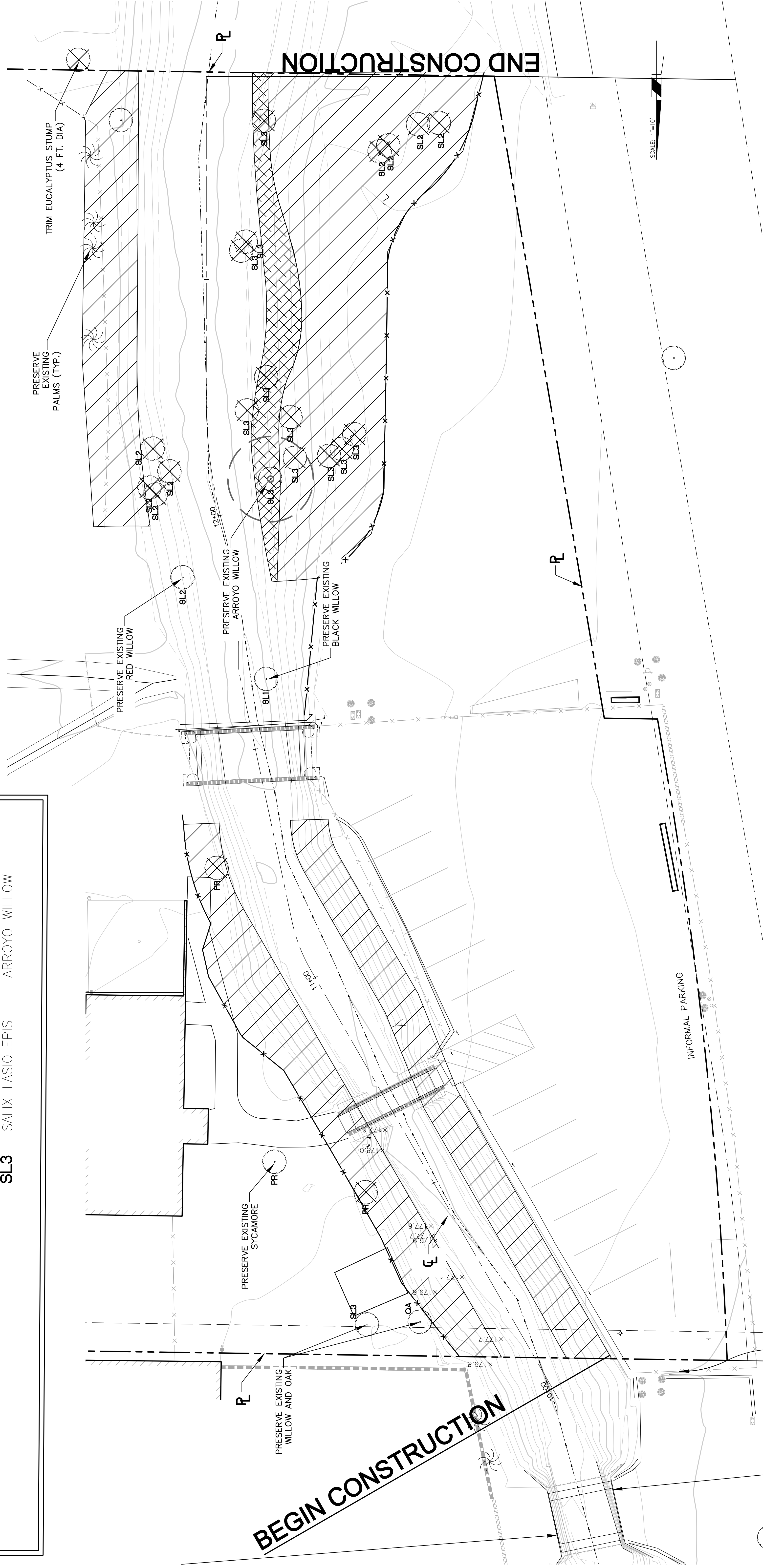
REMOVE EXISTING TREE

## KEY TO SPECIES

- PR PLATANUS RACEMOSA CALIFORNIA SYCAMORE
- QA QUERCUS AGRIFOLIA COAST LIVE OAK
- SL1 SALIX GOODINGII BLACK WILLOW
- SL2 SALIX LAEVIGATA RED WILLOW
- SL3 SALIX LASIOLEPIS ARROYO WILLOW

## REMOVAL NOTES

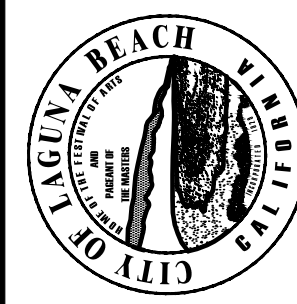
1. MARK TREES TO BE PRESERVED BY TYING A BRIGHTLY COLORED, NON-BINDING RIBBON AROUND THE TRUNK, AND ERECTING PROTECTIVE FENCING AT THE DRIP LINE. PROTECT TREES FROM DAMAGE, AND KEEP THE ENCLOSED AREA FREE OF MECHANIZED CONSTRUCTION ACTIVITY AND MATERIALS STORAGE.
2. STUMP TRIMMING INCLUDES CUTTING NEAR GROUND LEVEL. LEAVE A SMOOTH, HORIZONTAL SURFACE. REMOVE WOOD AND DEBRIS FROM THE PROPERTY AND DISPOSE OF PROPERLY. STUMP GRINDING IS NOT REQUIRED.



California Coastal Commission  
CDP No. A-5-LGB-19-0015  
Exhibit 2 Pg. 8 of 12

DATE	INITIALS	REVISIONS	DESCRIPTION

REFERENCES



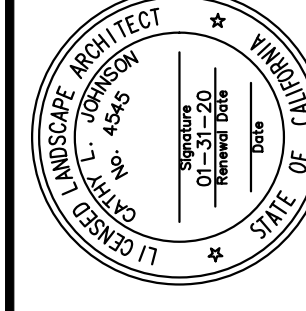
SEE SHEET 1 FOR APPROVALS

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CATHY L. JOHNSON DATE 08/09/2019

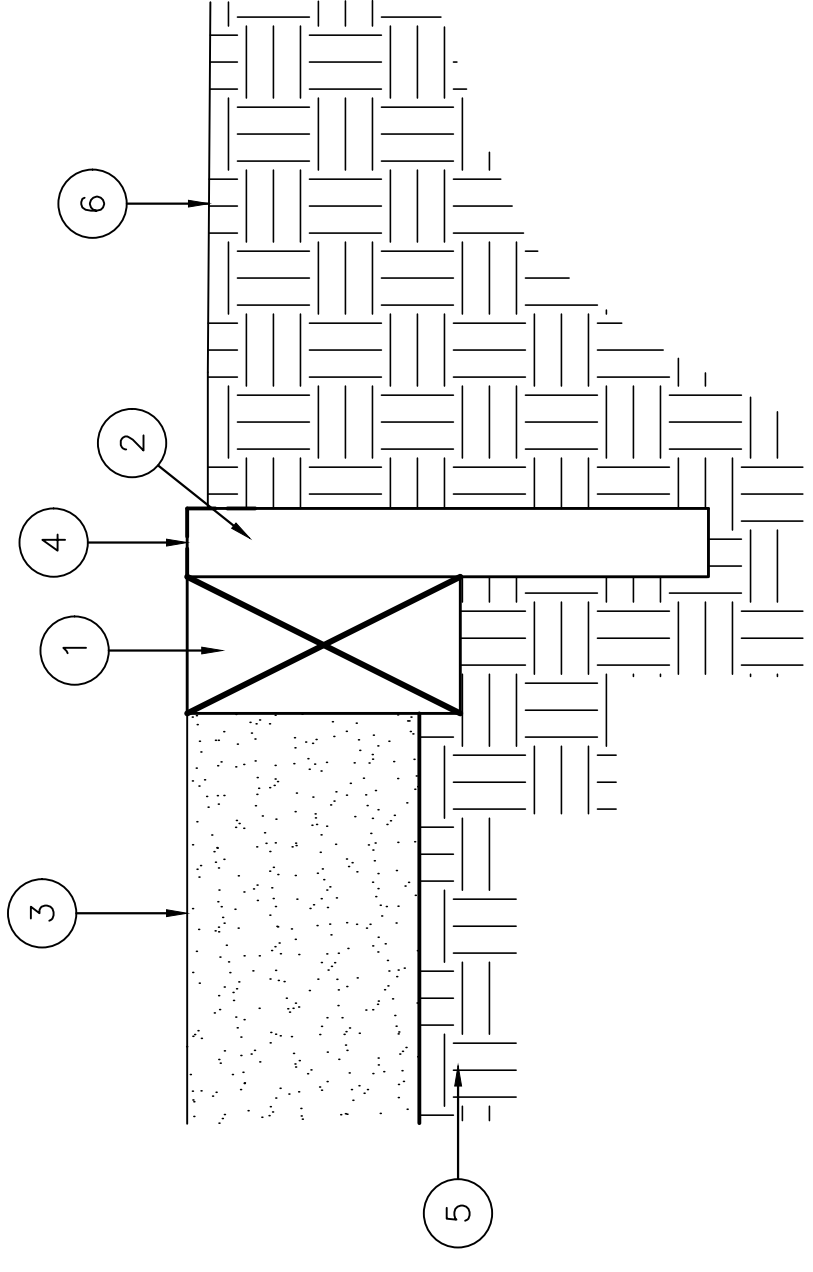


**CITY OF LAGUNA BEACH**  
PUBLIC WORKS DEPARTMENT  
**CAPITAL IMPROVEMENT PROJECT NO. XXXX**  
**ANIMAL SHELTER FLOOD PROTECTION PROJECT**  
**TREE REMOVAL PLAN**

SHEET 17 OF 23  
C.I.P. NO. XX

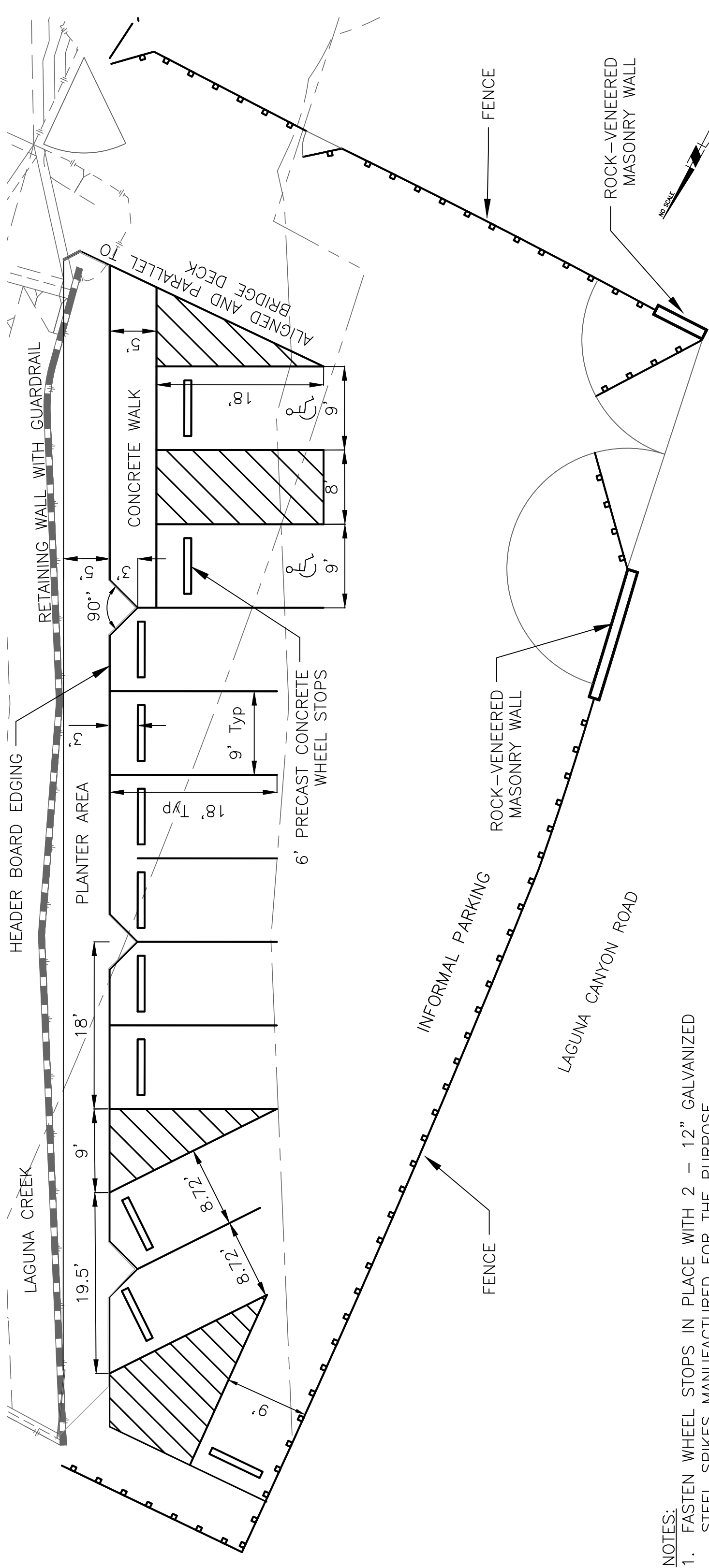


**(C) ROCK VENEER**



1. 2X8 REDWOOD OR PRESSURE TREATED DOUGLAS FIR HEADER.
2. 1X4X18 REDWOOD STAKE @ 4'-0" ON CENTER, 2-16g GALVANIZED NAILS PER STAKE.
3. FINISHED SURFACE.
4. TRIM FLUSH WITH TOP OF HEADER AFTER NAILING
5. COMPACTED SUBGRADE.
6. FINISH GRADE.

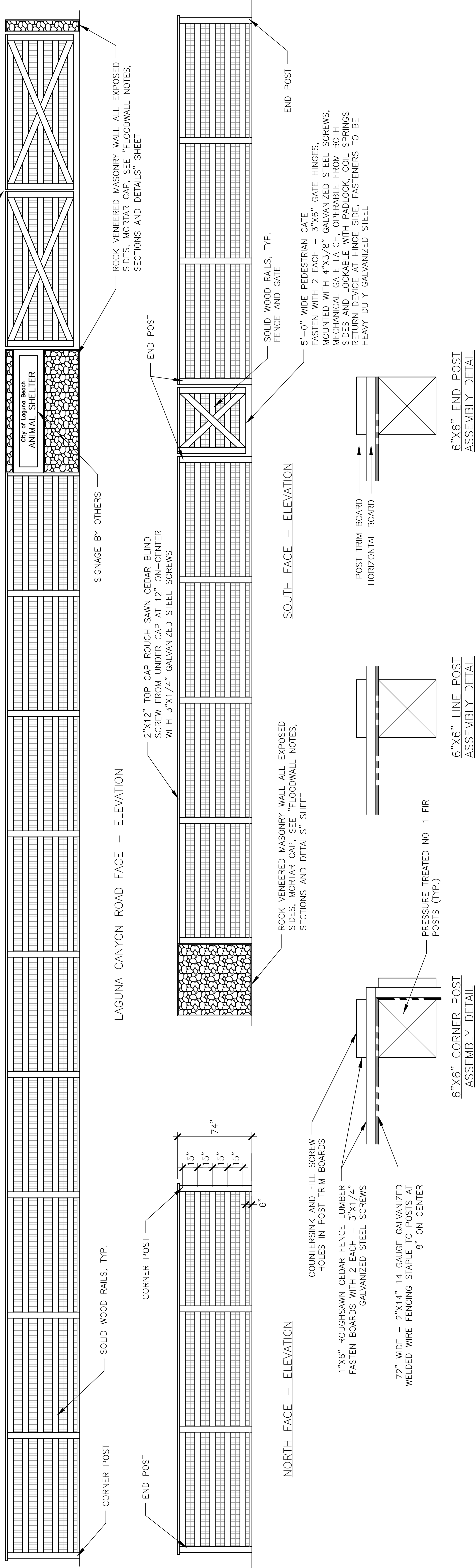
**(B) HEADER BOARD**



- NOTES:**
1. FASTEN WHEEL STOPS IN PLACE WITH 2 - 12" GALVANIZED STEEL SPIKES MANUFACTURED FOR THE PURPOSE.

**(A) PARKING AREA, PLANTER & FENCE LAYOUT**

2-PANEL CENTER-CLOSE MANUAL SWING DRIVE GATE FASTENERS TO BE HEAVY DUTY, GALVANIZED STEEL, FASTEN WITH 2 EACH 3"x6" GATE HINGES, MOUNTED WITH 4"x3/8" GALVANIZED STEEL SCREWS AND MECHANICAL GATE LATCH, LOCKABLE WITH PADLOCK



**(D) FENCE**

DATE	INITIALS	REVISIONS	DESCRIPTION

**REFERENCES**

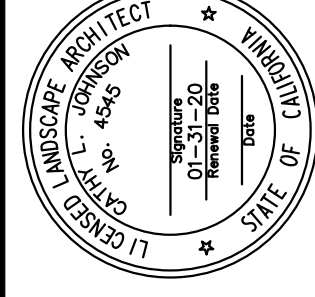


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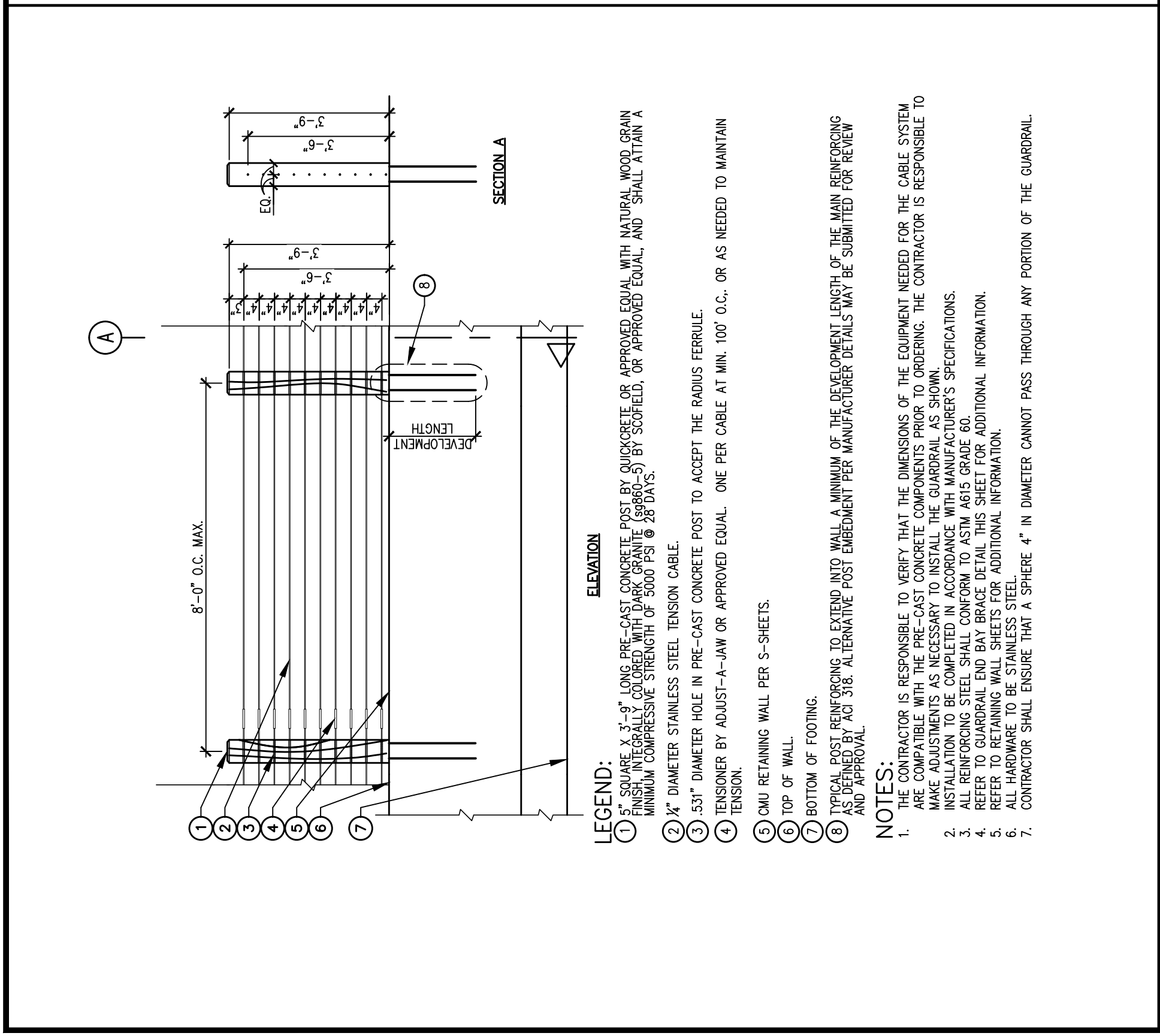


CATHRYN L. JOHNSON  
DATE 08/09/2019

**CITY OF LAGUNA BEACH**  
PUBLIC WORKS DEPARTMENT

**CAPITAL IMPROVEMENT PROJECT NO. XXXX**  
**ANIMAL SHELTER FLOOD PROTECTION PROJECT**  
**FENCE CONSTRUCTION DETAILS**

SHEET 18 OF 23  
C.I.P. NO. XX



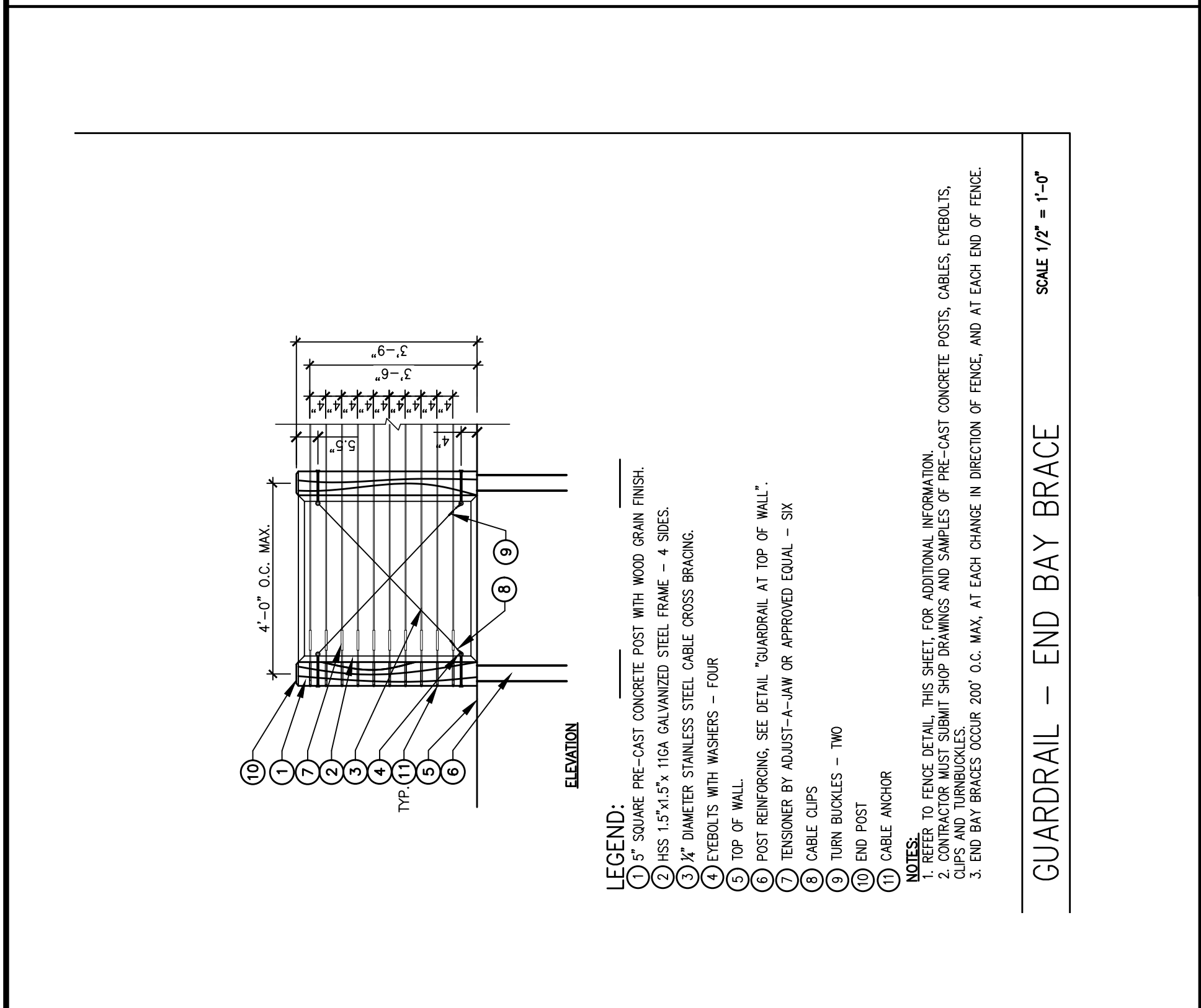
**LEGEND:**

1. 4" DIA. PRE-CAST CONCRETE POST OR APPROVED EQUAL WITH NUTRAL WOOD GRAIN FINISH. FINISH INTEGRALLY COLORED WITH DARK GRANITE (6880-5) BY SCORAD, OR APPROVED EQUAL, AND SHALL ATTAIN A MINIMUM COMPRESSIVE STRENGTH OF 5000 PSI @ 28 DAYS.
2. 1/4" DIAMETER STAINLESS STEEL TENSION CABLE.
3. 1/4" DIAMETER HOLE IN PRE-CAST CONCRETE POST TO ACCEPT THE RADIUS FERRULE.
4. TENSIONER BY ADJUST-A-JAW OR APPROVED EQUAL. ONE PER CABLE AT MIN. 100' O.C. OR AS NEEDED TO MAINTAIN TENSION.
5. 0MU RETAINING WALL PER S-SHEETS.
6. TOP OF WALL.
7. BOTTOM OF FOOTING.

**NOTES:**

1. CONTRACTOR IS RESPONSIBLE TO VERIFY THAT THE DIMENSIONS OF THE EQUIPMENT NEEDED FOR THE CABLE SYSTEM ARE COMPATIBLE WITH THE PRE-CAST CONCRETE COMPONENTS PRIOR TO ORDERING. THE CONTRACTOR IS RESPONSIBLE TO MAKE ADJUSTMENTS AS NECESSARY TO INSTALL THE GUARDRAIL AS SHOWN.
2. ALL REINFORCING STEEL SHALL CONFORM TO ASTM A630 GRADE 60.
3. ALL HARDWARE TO BE STAINLESS STEEL.
4. REFER TO GUARDRAIL END BAY BRACE DETAIL THIS SHEET FOR ADDITIONAL INFORMATION.
5. REFER TO RETAINING WALL SHEETS FOR ADDITIONAL INFORMATION.
6. CONTRACTOR SHALL ENSURE THAT A SPHERE 4" IN DIAMETER CANNOT PASS THROUGH ANY PORTION OF THE GUARDRAIL.
7. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS AND SAMPLES OF PRE-CAST CONCRETE POSTS, CABLES, EXEBOLTS, CLIPS AND TURNBUCKLES.

**(D) CABLE GUARDRAIL AT TOP OF WALL**



**LEGEND:**

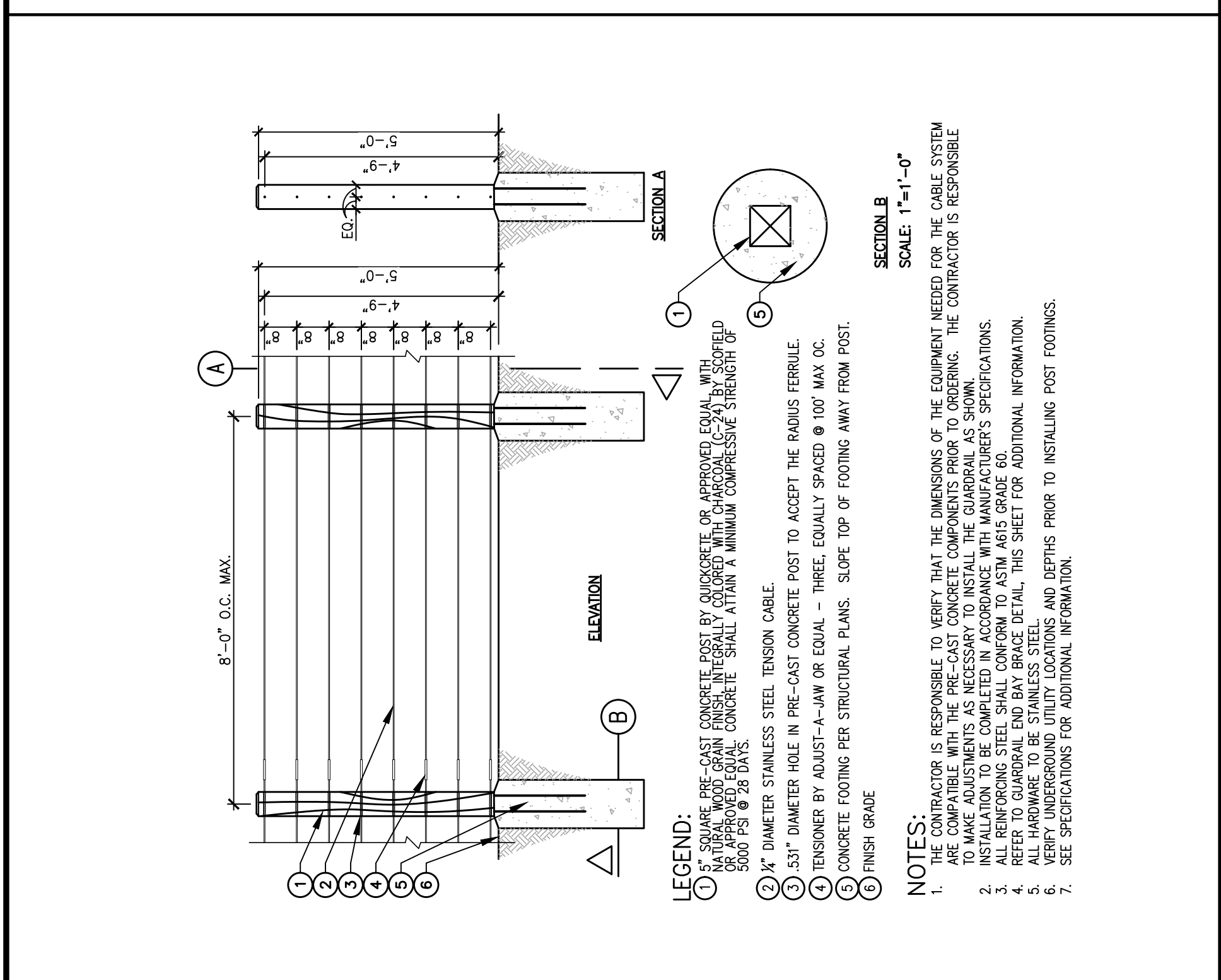
1. 4" DIA. PRE-CAST CONCRETE POST WITH WOOD GRAIN FINISH.
2. 1/4" DIA. PRE-CAST CONCRETE POST WITH WOOD GRAIN FINISH. FINISH INTEGRALLY COLORED WITH DARK GRANITE (6880-5) BY SCORAD, OR APPROVED EQUAL, AND SHALL ATTAIN A MINIMUM COMPRESSIVE STRENGTH OF 5000 PSI @ 28 DAYS.
3. 1/4" DIAMETER STAINLESS STEEL CABLE CROSS BRACING.
4. EXEBOLTS WITH WASHERS - FOUR.
5. TOP OF WALL.
6. POST REINFORCING. SEE DETAIL "GUARDRAIL AT TOP OF WALL".
7. TENSIONER BY ADJUST-A-JAW OR APPROVED EQUAL - SIX.
8. CABLE CLIPS
9. TURN BUCKLES - TWO
10. END POST
11. CABLE ANCHOR

**NOTES:**

1. REFER TO FENCE DETAIL THIS SHEET FOR ADDITIONAL INFORMATION.
2. CONTRACTOR MUST SUBMIT SHOP DRAWINGS AND SAMPLES OF PRE-CAST CONCRETE POSTS, CABLES, EXEBOLTS, CLIPS AND TURNBUCKLES.
3. END BAY BRACES OCCUR 200' O.C. MAX. AT EACH CHANGE IN DIRECTION OF FENCE, AND AT EACH END OF FENCE.

**SCALE 1/2" = 1'-0"**

**(C) CABLE GUARDRAIL - END BAY BRACE**



**LEGEND:**

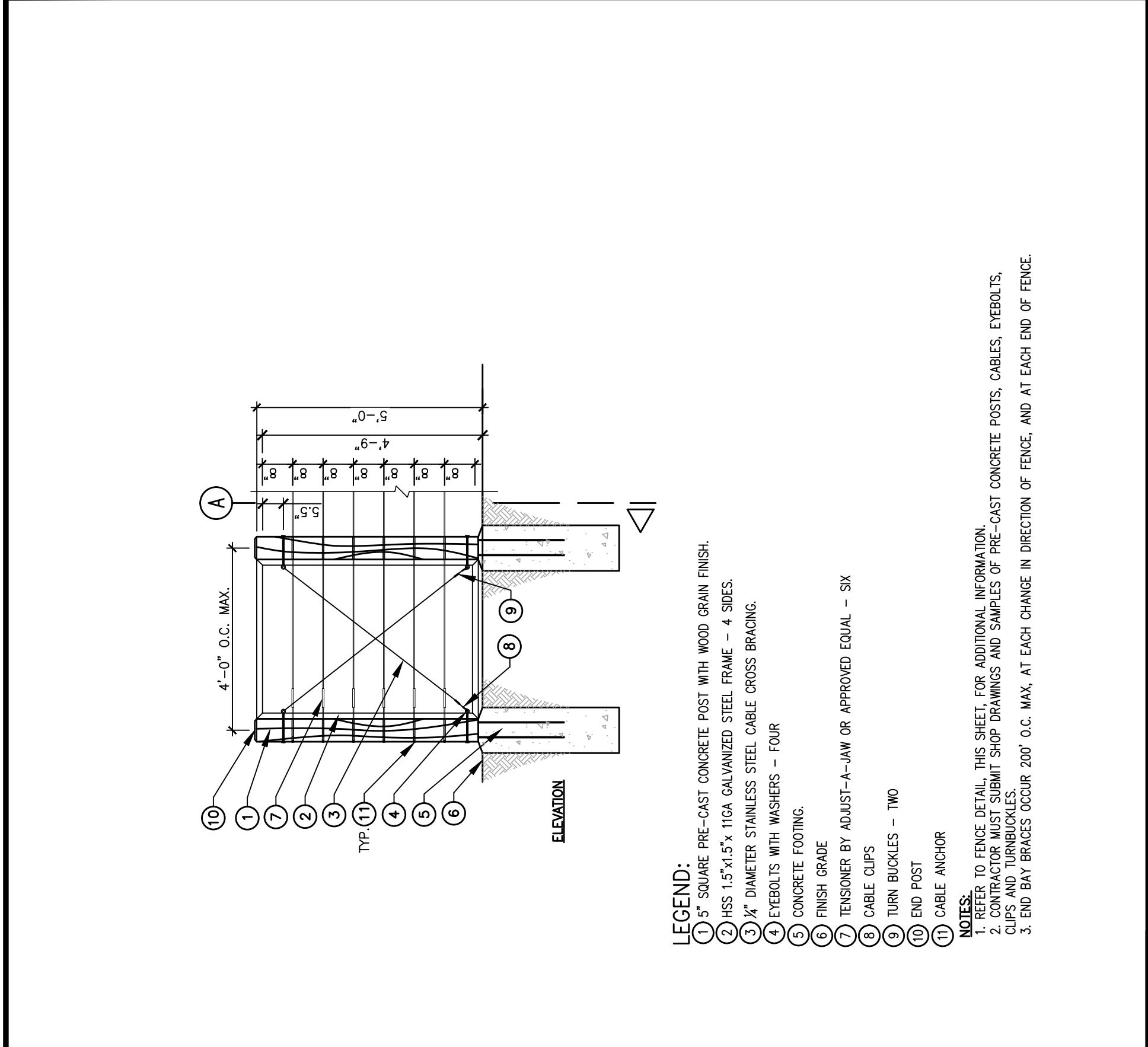
1. 4" DIA. PRE-CAST CONCRETE POST WITH WOOD GRAIN FINISH. FINISH INTEGRALLY COLORED WITH DARK GRANITE (6880-5) BY SCORAD, OR APPROVED EQUAL, AND SHALL ATTAIN A MINIMUM COMPRESSIVE STRENGTH OF 5000 PSI @ 28 DAYS.
2. 1/4" DIAMETER STAINLESS STEEL TENSION CABLE.
3. 1/4" DIAMETER HOLE IN PRE-CAST CONCRETE POST TO ACCEPT THE RADIUS FERRULE.
4. TENSIONER BY ADJUST-A-JAW OR EQUAL - THREE, EQUALLY SPACED @ 100' MAX. OC.
5. CONCRETE FOOTING PER STRUCTURAL PLANS. SLOPE TOP OF FOOTING AWAY FROM POST.
6. FINISH GRADE

**NOTES:**

1. THE CONTRACTOR IS RESPONSIBLE TO VERIFY THAT THE DIMENSIONS OF THE EQUIPMENT NEEDED FOR THE CABLE SYSTEM ARE COMPATIBLE WITH THE PRE-CAST CONCRETE COMPONENTS PRIOR TO ORDERING. THE CONTRACTOR IS RESPONSIBLE TO MAKE ADJUSTMENTS AS NECESSARY TO INSTALL THE GUARDRAIL AS SHOWN.
2. INSTALLATION TO BE COMPLETED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.
3. ALL REINFORCING STEEL SHALL CONFORM TO ASTM A630 GRADE 60.
4. ALL HARDWARE TO BE STAINLESS STEEL.
5. REFER TO GUARDRAIL END BAY BRACE DETAIL THIS SHEET FOR ADDITIONAL INFORMATION.
6. VERIFY UNDERGROUND UTILITY LOCATIONS AND DEPTHS PRIOR TO INSTALLING POST FOOTINGS.
7. SEE SPECIFICATIONS FOR ADDITIONAL INFORMATION.

**SECTION B SCALE: 1" = 1'-0"**

**(B) CABLE FENCE**



**LEGEND:**

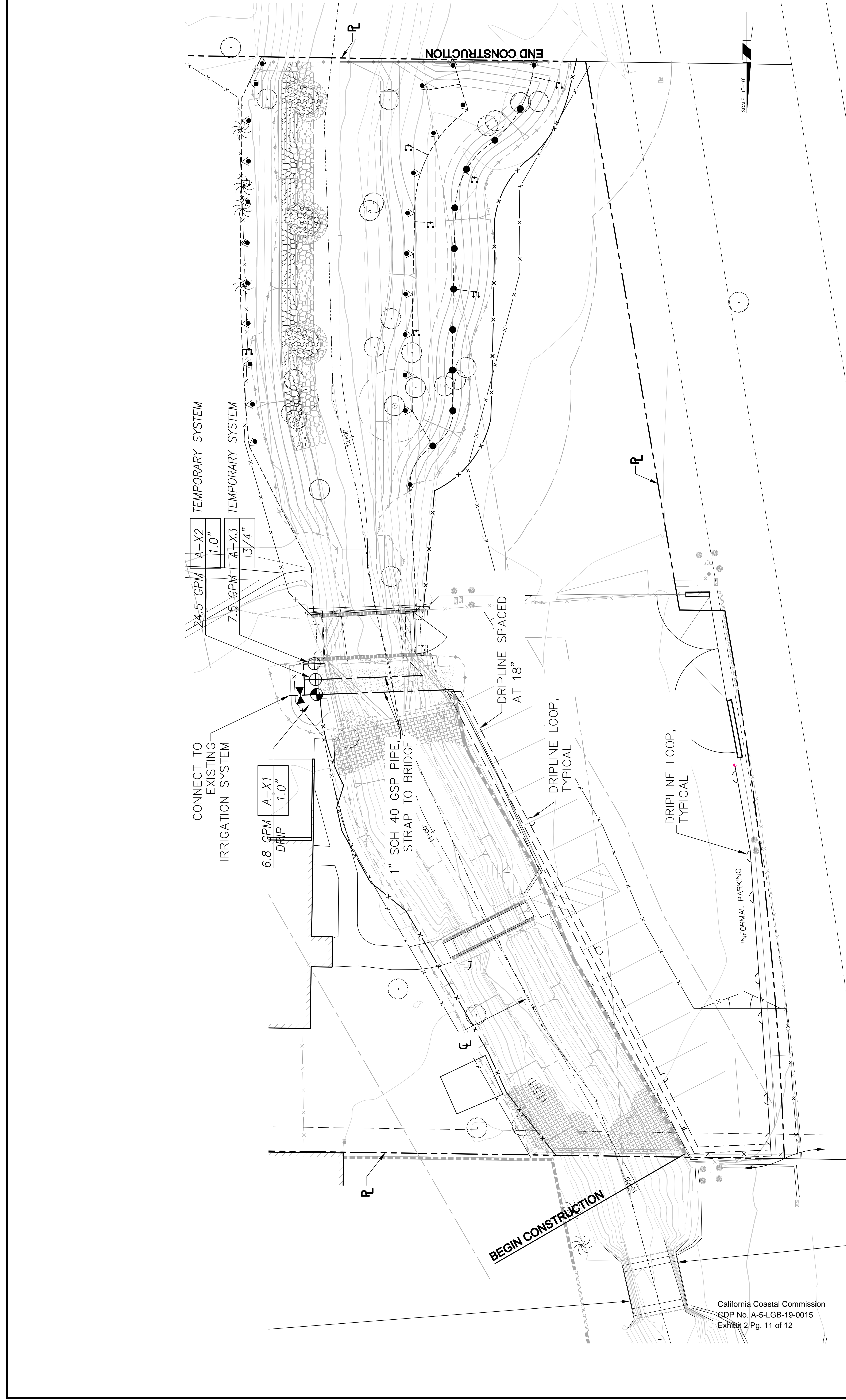
1. 4" DIA. PRE-CAST CONCRETE POST WITH WOOD GRAIN FINISH.
2. 1/4" DIA. PRE-CAST CONCRETE POST WITH WOOD GRAIN FINISH. FINISH INTEGRALLY COLORED WITH DARK GRANITE (6880-5) BY SCORAD, OR APPROVED EQUAL, AND SHALL ATTAIN A MINIMUM COMPRESSIVE STRENGTH OF 5000 PSI @ 28 DAYS.
3. 1/4" DIAMETER STAINLESS STEEL CABLE CROSS BRACING.
4. EXEBOLTS WITH WASHERS - FOUR
5. CONCRETE FOOTING.
6. FINISH GRADE
7. TENSIONER BY ADJUST-A-JAW OR APPROVED EQUAL - SIX
8. CABLE CLIPS
9. TURN BUCKLES - TWO
10. END POST
11. CABLE ANCHOR

**NOTES:**

1. REFER TO FENCE DETAIL THIS SHEET FOR ADDITIONAL INFORMATION.
2. CONTRACTOR MUST SUBMIT SHOP DRAWINGS AND SAMPLES OF PRE-CAST CONCRETE POSTS, CABLES, EXEBOLTS, CLIPS AND TURNBUCKLES.
3. END BAY BRACES OCCUR 200' O.C. MAX. AT EACH CHANGE IN DIRECTION OF FENCE, AND AT EACH END OF FENCE.

**(A) CABLE FENCE - END BAY BRACE**

<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>DATE</th> <th>INITIALS</th> <th>DESCRIPTION</th> <th>DATE</th> <th>APP'D</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>		DATE	INITIALS	DESCRIPTION	DATE	APP'D																					<p>SEE SHEET 1 FOR APPROVALS</p>		<p>RECOMMENDED BY:</p> <p>5 Hutton Centre Drive, Suite 500 Santa Ana, CA 92707 Phone: (949) 472-3505 MBAKERINTL.COM</p> <p>08/09/2019 DATE</p> <p>CATHY L. JOHNSON</p>		<p>CITY OF LAGUNA BEACH PUBLIC WORKS DEPARTMENT</p> <p>CAPITAL IMPROVEMENT PROJECT NO. XXXX ANIMAL SHELTER FLOOD PROTECTION PROJECT CABLE FENCE CONSTRUCTION DETAILS</p>	<p>SHEET 19 OF 23 C.I.P. NO. XX</p>
DATE	INITIALS	DESCRIPTION	DATE	APP'D																												



24.5 GPM	A-X2	TEMPORARY SYSTEM
	1.0"	
7.5 GPM	A-X3	TEMPORARY SYSTEM
	3/4"	

6.8 GPM	A-X1	DRIP
	1.0"	

California Coastal Commission  
 CDP No. A-5-LGB-19-0015  
 Exhibit 2 Pg. 11 of 12

	<b>REVISIONS</b> DATE    INITIALS    DESCRIPTION		<b>REFERENCES</b>	<b>SEE SHEET 1 FOR APPROVALS</b>		<b>RECOMMENDED BY:</b>  5 Hutton Centre Drive, Suite 500 Santa Ana, CA 92707 Phone: (949) 472-3505 MBEAKERINTL.COM CATHY L. JOHNSON    08/09/2019    DATE		<b>CITY OF LAGUNA BEACH</b> PUBLIC WORKS DEPARTMENT <b>CAPITAL IMPROVEMENT PROJECT NO. XXXX</b> <b>ANIMAL SHELTER FLOOD PROTECTION PROJECT</b> <b>IRRIGATION PLAN</b>	SHEET <b>20</b> OF <b>23</b> C.I.P. NO. XX
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**PLANTING LEGEND - PARKING AREA**

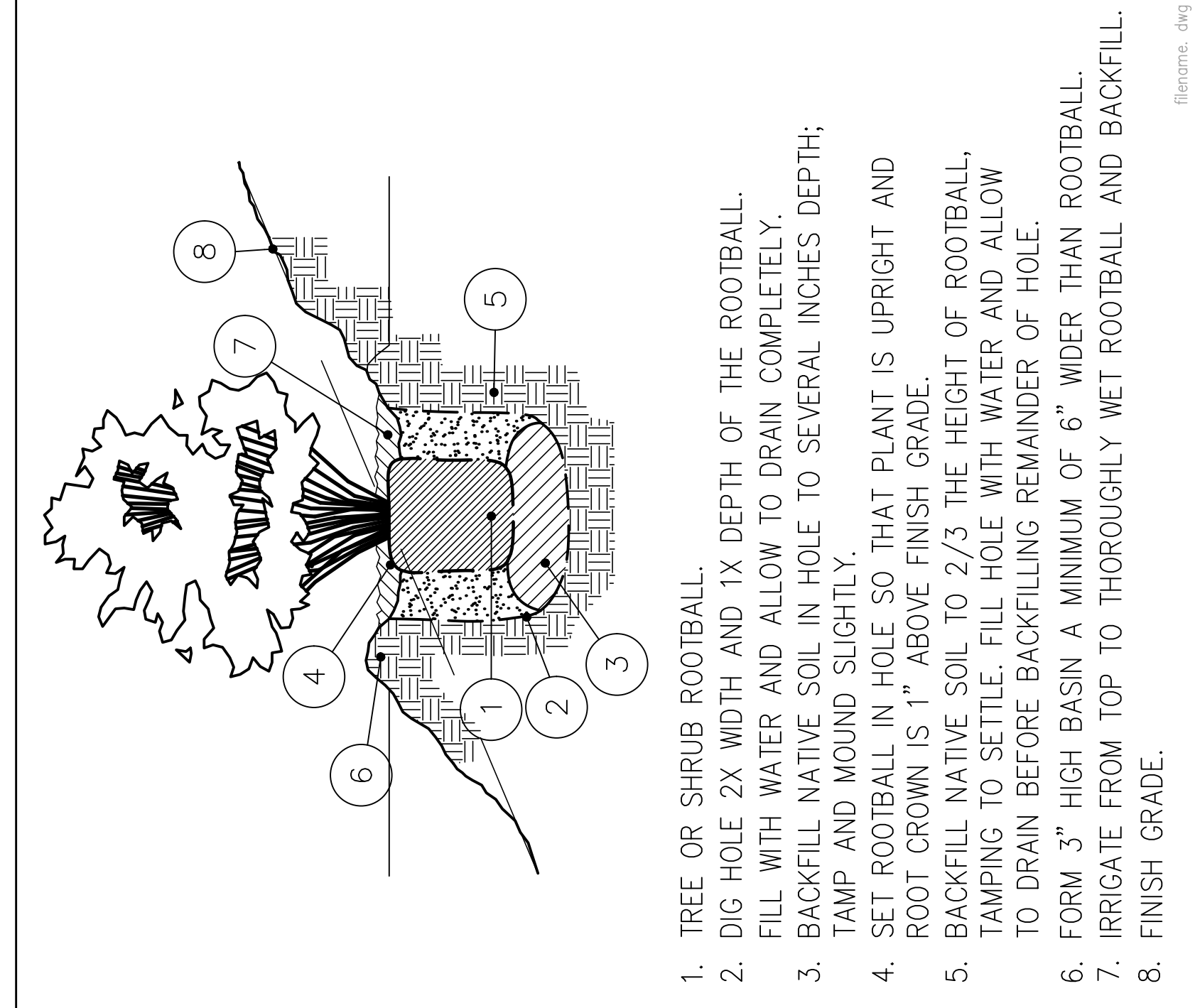
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QUANTITY	NOTES	MATURE SIZE
<b>TREES</b>						
	PLATANUS RACEMOSA	CALIFORNIA SYCAMORE	24" BOX	3	STANDARD, STAKED	60' H x 30' DIA
<b>SHRUBS</b>						
	RHAMNUS CALIFORNICA 'EVE CASE'	COFFEEBERRY	5 GAL	24		4' H x 5' W
	BOUGAINVILLEA 'BARBARA KARST'	BOUGAINVILLEA	5 GAL	7		15' W

**PLANTING LEGEND - CREEK AREA**

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QUANTITY	NOTES	MATURE SIZE
<b>TREES</b>						
	PLATANUS RACEMOSA	CALIFORNIA SYCAMORE	24" BOX	5	STANDARD, STAKED	60' H x 30' DIA
	SALIX LASIOLEPIS	ARROYO WILLOW	24" BOX	3	STANDARD, STAKED	18' H x 15' W
<b>SHRUBS</b>						
	BACCHARIS SALICIFOLIA	MULEFAT	CUTTING	7		10' H x 3.5' W
	JUNCUS MEXICANUS	MEXICAN RUSH	PLUG	49		3' H x 3' W
	MUHLENBERGIA RIENSIS	DEER GRASS	PLUG	29		4' H x 4' W
<b>GROUND COVERS</b>						
	DISTICHILIS SPICATA	SALTGRASS	PLUG	1620	8" ON CENTER	1' H x SPREADING

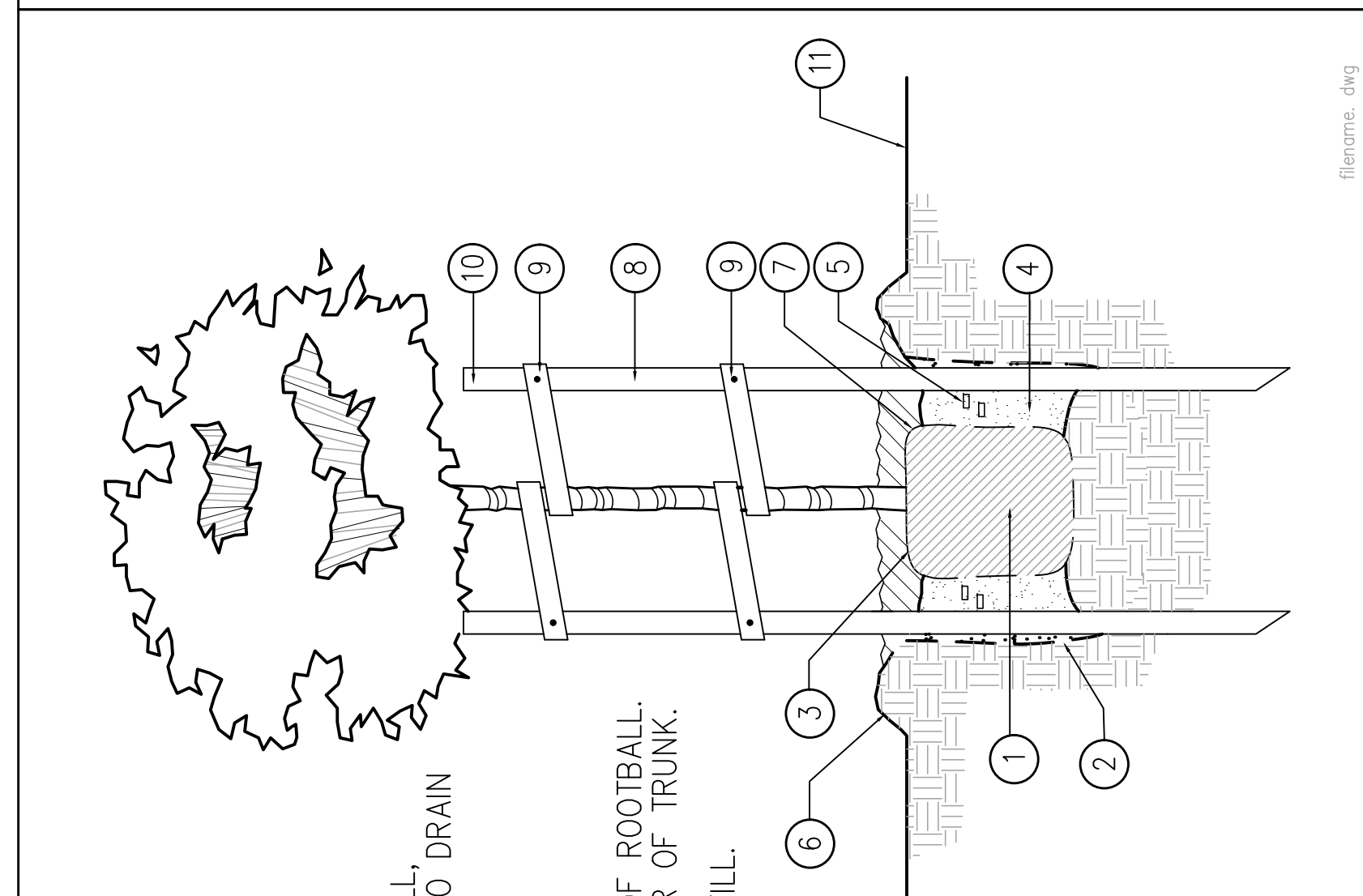
**HYDROSEED**

SYMBOL	BOTANICAL NAME	COMMON NAME	LBS PURE LIVE SEED (PLS) PER ACRE
<b>SEED</b>			
	AMBROSIA PSILOSTACHYA	RAGWEED	2.5
	CAREX PRAEGRACILIS	CALIFORNIA FIELD SEDGE	1.0
	DISTICHILIS SPICATA	SALTGRASS	1.5
	FESTUCA MICROSTACHYS	SMALL FESCUE	3.0
	TRIFOLIUM OBTUSIFLORUM	CREEK CLOVER	1.0
		TOTAL PER ACRE	9.0
APPROXIMATE AREA 5960 SQFT			



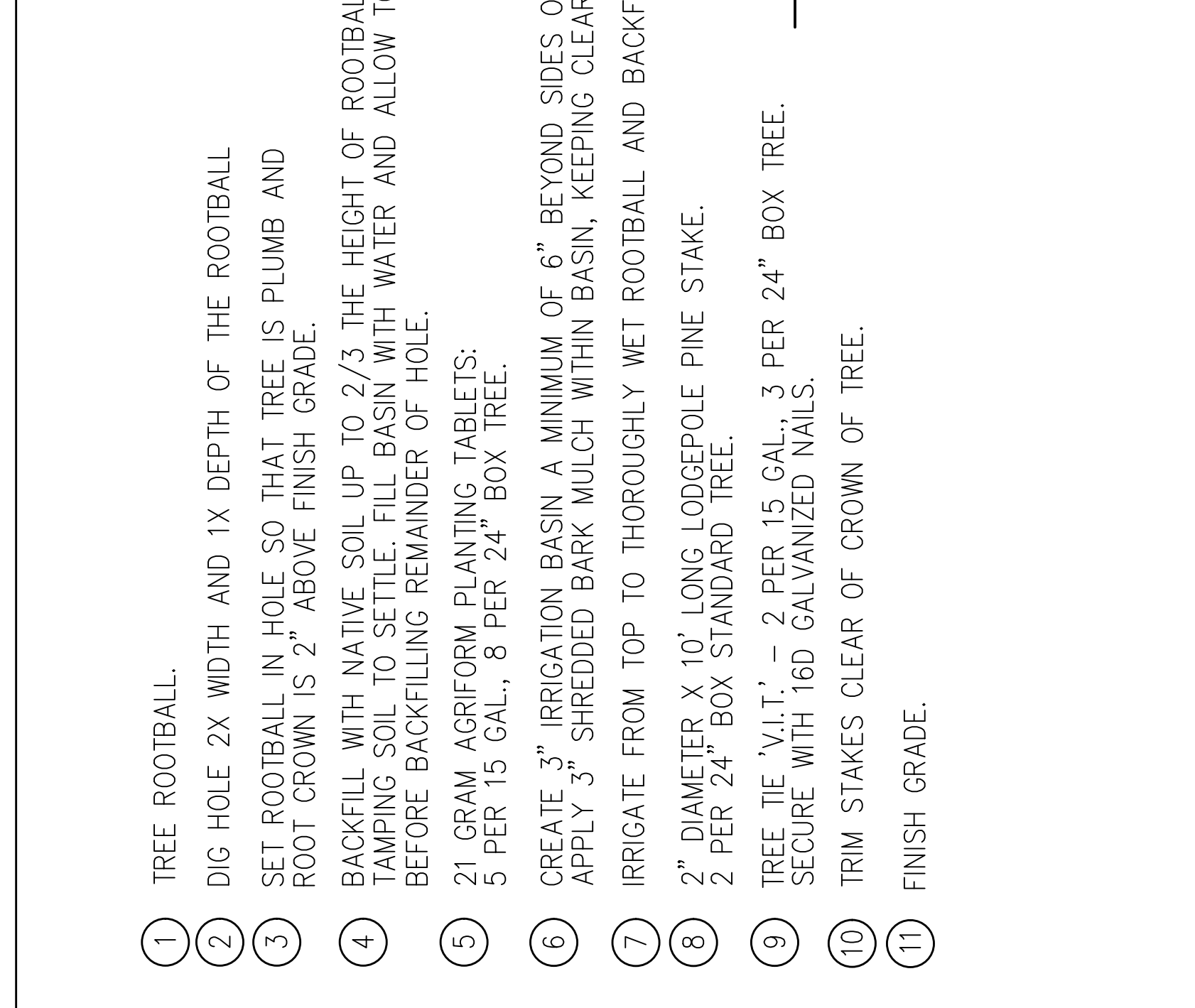
- TREE OR SHRUB ROOTBALL.
- DIG HOLE 2X WIDTH AND 1X DEPTH OF THE ROOTBALL. FILL WITH WATER AND ALLOW TO DRAIN COMPLETELY.
- BACKFILL NATIVE SOIL IN HOLE TO SEVERAL INCHES DEPTH; TAMP AND MOUND SLIGHTLY.
- SET ROOTBALL IN HOLE SO THAT PLANT IS UPRIGHT AND ROOT CROWN IS 1" ABOVE FINISH GRADE.
- BACKFILL NATIVE SOIL TO 2/3 THE HEIGHT OF ROOTBALL, TAMPING TO SETTLE. FILL HOLE WITH WATER AND ALLOW TO DRAIN BEFORE BACKFILLING REMAINDER OF HOLE.
- FORM 3" HIGH BASIN A MINIMUM OF 6" WIDER THAN ROOTBALL.
- IRRIGATE FROM TOP TO THOROUGHLY WET ROOTBALL AND BACKFILL.
- FINISH GRADE.

**A SHRUB AND TREE PLANTING** NO SCALE



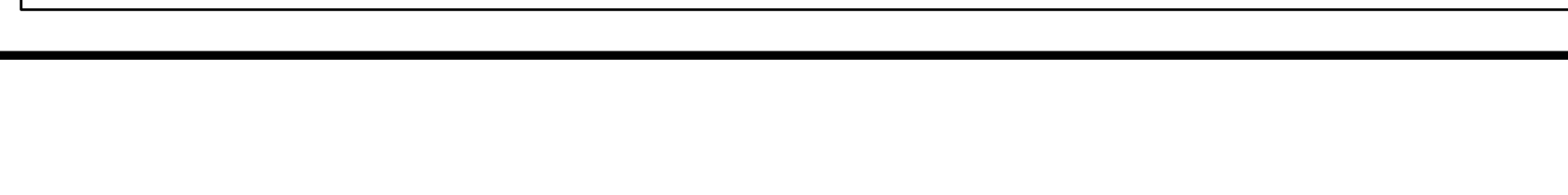
- TREE ROOTBALL.
- DIG HOLE 2X WIDTH AND 1X DEPTH OF THE ROOTBALL. SET ROOTBALL IN HOLE SO THAT TREE IS PLUMB AND ROOT CROWN IS 2" ABOVE FINISH GRADE.
- BACKFILL WITH NATIVE SOIL UP TO 2/3 THE HEIGHT OF ROOTBALL, TAMPING SOIL TO SETTLE. FILL BASIN WITH WATER AND ALLOW TO DRAIN BEFORE BACKFILLING REMAINDER OF HOLE.
- 21 GRAM AGRIFORM PLANTING TABLETS: 5 PER 15 GAL., 8 PER 24" BOX TREE.
- CREATE 3" IRRIGATION BASIN A MINIMUM OF 6" BEYOND SIDES OF ROOTBALL. APPLY 3" SHREDDED BARK MULCH WITHIN BASIN, KEEPING CLEAR OF TRUNK.
- IRRIGATE FROM TOP TO THOROUGHLY WET ROOTBALL AND BACKFILL.
- 2" DIAMETER X 10' LONG LODGEPOLE PINE STAKE.
- 2 PER 24" BOX STANDARD TREE.
- TREE TIE 'V.I.T.' - 2 PER 15 GAL., 3 PER 24" BOX TREE. SECURE WITH 16D GALVANIZED NAILS.
- TRIM STAKES CLEAR OF CROWN OF TREE.
- FINISH GRADE.

**B TREE PLANTING - STANDARD** NO SCALE



- LOCATE PLANTS SPACED EQUIDISTANT (D) APART. D = AS SHOWN ON PLANTING LEGEND.
- DO NOT LOCATE WITHIN BASINS OR CLOSER THAN 24" FROM EXISTING PLANTS/TREES TO REMAIN.

**C CUTTING** NO SCALE



- LOCATE PLANTS SPACED EQUIDISTANT (D) APART. D = AS SHOWN ON PLANTING LEGEND.
- DO NOT LOCATE WITHIN BASINS OR CLOSER THAN 24" FROM EXISTING PLANTS/TREES TO REMAIN.

**D PLUGS** NO SCALE



**D PLUGS** NO SCALE



**D PLUGS** NO SCALE



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**CALIFORNIA COASTAL COMMISSION**

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[WWW.COASTAL.CA.GOV](http://WWW.COASTAL.CA.GOV)

**M E M O R A N D U M**

**FROM:** Jonna D. Engel, Ph.D., Senior Ecologist  
**TO:** Mandy Revell, Coastal Program Analyst  
**SUBJECT:** Laguna Canyon Creek Erosion Control and Restoration Project  
**DATE:** October 3, 2019

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**Documents Reviewed:**

- Brown, J. September 9, 2019. Fuel Modification at 20612 Laguna Canyon Road. Letter from James Brown, City of Laguna Beach Fire Marshall to Mandy Revell, Coastal Program Analyst.
- Michael Baker International. May 1, 2019. Results of an Updated Habitat Assessment for the Animal Shelter Creek Erosion Protection Project – City of Laguna Beach, Orange County, California. Letter addressed to Mr. Perez, Public Works, City of Laguna Beach.
- Michael Baker International. February 2019. Habitat Mitigation and Monitoring Plan: Animal Shelter Creek Erosion Protection Project. Prepared For: City of Laguna Beach.
- 

I have been asked to review the natural resources within and along Laguna Canyon Creek where it runs adjacent to the City of Laguna Beach Animal Shelter and the Pacific Marine Mammal Center (PMMC) at 20612 Laguna Canyon Road. The city is proposing a creek erosion control and restoration project in this area to protect the animal shelter and PMMC buildings and infrastructure that sit right on the eastern edge of the creek bank and to restore the creek ecosystem. I have reviewed aerial photographs, the May 1 and February 2019 Michael Baker International (MBI) biology reports, and visited the site on June 23, 2019 with other Commission staff and Richard Beck from MBI.

Laguna Canyon Creek, a blue-line stream depicted on the Laguna Beach U.S. Geological Survey (USGS) topographic map within the Laguna Canyon Watershed, is unimpeded for most of the watershed. Laguna Canyon cuts through the San Joaquin Hills, runs northeast to southwest, and is drained on the east side by tributaries of San

Diego Creek and on the west side by Laguna Canyon Creek. A majority of the canyon is located within the Laguna Coast Wilderness; small portions are part of Aliso and Wood Canyons Regional Park and the Cities of Irvine, Laguna Beach, Laguna Woods and Aliso Viejo. The Laguna Coast Wilderness, that consists of 7,000 acres of pristine coastal canyon habitats, is connected to the City of Irvine open space and the two combined comprise over 20,000 acres of native unfragmented habitat. In addition to being one of two major creeks in the watershed, Laguna Canyon Creek is an important wildlife corridor that links the upper canyon and hills to the lower canyon and terrestrial/marine interface. Many species of native birds, mammals, reptiles and amphibians travel along creek and stream corridors to forage, migrate, disperse, and locate mates. Riparian habitat alongside creeks and streams is a critical component of wildlife corridors.

Laguna Canyon Creek has been artificially confined along a stretch of developed area adjacent to Laguna Canyon Road and is briefly culverted further toward the ocean within a small developed area. Where it is artificially confined, the creek banks are composed of concrete and grouted and ungrouted rip rap that pre-dates the coastal act. The steep creek banks adjacent to the animal shelter have sections of concrete grouted rip rap, un-grouted rip rap and bare dirt (Figures 1 & 2). The animal shelter building and infrastructure sit immediately adjacent to the creek, on top of the east bank. A parking lot sits right on the edge of the west bank. The narrow creek bottom is natural and supports mostly native vegetation (Figure 3). A pedestrian bridge crosses in the middle of this area to bring staff and visitors to the animal shelter (Figure 4). A vehicular bridge crosses the creek between the animal shelter and the PMMC (Figure 5). The east creek bank adjacent to the PMMC has areas of rip rap and vegetated slope that supports native and non-native species. The west bank across from the PMMC is less steep and does not have any rip rap except that jutting out from under the vehicular bridge. The bank is mostly bare dirt with several old and large willow trees that provide canopy habitat in this area (Figure 6). The creek bottom is much wider in this area and supports mostly native vegetation like the upcreek bottom (Figure 7).

BMI found that the proposed project site supports both native riparian vegetation and non-native vegetation along the banks of Laguna Canyon Creek. The riparian habitat includes the following native species: black willow, *Salix gooddingii*; arroyo willow, *Salix lasiolepis*; western sycamore, *Platanus racemosa*; coast live oak, *Quercus agrifolia*, cattail, *Typha latifolia*, and California bulrush, *Schoenoplectus californicus*. Non-native species include giant reed, *Arundo donax*; black mustard, *Brassica nigra*, and several species of European annual grasses. During our site visit I observed these species along the creek as well as California blackberry, *Rubus irsinus*, along the west bank of the creek across from the animal shelter building.

The Laguna Canyon Creek erosion control and restoration project proposes to remove the existing grouted and ungrouted rip rap in the creek next to the animal shelter and replace it with articulating concrete block (ACB) (Armorflex) lining along both banks to limit erosion and increase channel capacity. The channel bottom would remain natural sediment and cobble/rocks. The project also proposes to remove accumulated

sediment, returning the channel to the as-built design grade to improve flood conveyance and increase capacity. After the ACB is installed it would be sprayed with hydroseed consisting of native riparian herbaceous species. The project also includes a bio-engineered slope protection (rip rap with willow cuttings and three bendway weirs) along the toe of the eastern slope, immediately west of the PMMC. On both sides of the creek below the vehicular bridge the project proposes bank re-contouring followed by planting native understory herbs and shrubs as well as a few native trees per a landscape plan that adheres to the City of Laguna Beach fire municipal codes as the project site is entirely within the Very High Fire Hazard Severity Zone (VHFHSZ).

Coastal Act Section 30107.5 defines “environmentally sensitive area” as:

*...any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*

And Policy 8-I of the Laguna Beach Local Coastal Plan (LCP) Open Space/Conservation Element states:

*Environmentally Sensitive Areas (ESA’s) as defined in section 30107.5 of the California Coastal Act shall be identified and mapped on a Coastal ESA map. The following areas shall be designated as Environmentally Sensitive Areas: Those areas shown on the Biological Resource Values Map in the Open Space/Conservation Element as “Very High” habitat value, and streams on the Major Watersheds and Drainage Courses Map which are also streams as identified on the USGS 7.5 Minute Quadrangle Series and any other areas which contain environmentally sensitive habitat resources as identified through an on-site biological assessment process, including areas of “High” and “Moderate” habitat value on the Biological Resources Values Map and areas which meet the definition of ESA’s in Section 30107.5 of the Coastal Act, including streams, riparian habitats, and areas of open coastal waters, including tidepools, areas of special biological significance, habitats of rare or endangered species, near-shore reefs and rocky intertidal areas and kelp beds.*

Laguna Canyon Creek is a blue-line stream in a nearly pristine coastal watershed within a larger area consisting of over 20,000 square feet of open space. Although the stretch of creek where the proposed creek erosion and restoration project is planned is constrained by development, two crossings, and has sections of grouted and un-grouted rip rap bank, it continues to support native riparian habitat and to provide important creek ecosystem functions and services. Streams and creeks and their associated riparian habitat are rare and threatened throughout California and are easily disturbed and degraded by human activities and development such as channelization and slope stabilization. Therefore I find that Laguna Canyon Creek and the associated riparian habitat is environmentally sensitive habitat (ESHA).

I have reviewed the MBI restoration plans (landscape plans) and recommended that MBI replace coffeeberry, *Rhamnus californica* with California wild rose, *Rosa californica*, remove deer grass, *Muhlenbergia rigens*, and add mugwort, *Artemisia californica*; California blackberry, *Rubus irsinus*; and creeping wild rye, *Leymus triticoides*, for a more appropriate southern California riparian habitat plant palette. On Tuesday, October 1, I spoke with Richard Beck, Practice Executive with MBI, and he confirmed that MBI has incorporated my suggested changes into their revised restoration plans. Given the removal and replacement of the grouted and ungrouted rip rap with ACB that will be hydroseeded with native riparian shrubs and herbs, the removal of invasive species, and restoration of the riparian habitat with native trees, shrubs, and herbs, I find that the creek and riparian habitat ESHA in this area will be significantly improved.



Figure 1. The eastern bank of Laguna Canyon Creek adjacent to the City of Laguna Beach Animal Shelter lined with loose rip rap and bare dirt.



Figure 2. The banks of Laguna Canyon Creek adjacent to the City of Laguna Beach Animal Shelter lined with loose rip rap, concrete lined rip rap, and bare dirt.



Figure 3. The creek bottom adjacent to the City of Laguna Beach Animal Shelter is natural and supports mostly native vegetation.



Figure 4. The pedestrian bridge crossing Laguna Canyon Creek between the parking lot and the City of Laguna Beach Animal Shelter.



Figure 5. The vehicular bridge crossing Laguna Canyon Creek between the City of Laguna Beach Animal Shelter and the Pacific Marine Mammal Center.



Figure 6. The west bank across from the Pacific Marine Mammal Center is wide and quite flat and does not have any rip rap except that jutting out from under the vehicular bridge. The bank is mostly bare dirt with several old and large willow trees that provide canopy habitat in this area.



Figure 7. The creek bottom adjacent to the Pacific Marine Mammal Center is much wider in this area and supports mostly native vegetation like the upcreek bottom.

**CALIFORNIA COASTAL COMMISSION**

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30 September 2019

To Mandy Revell, Coastal Program Analyst

From: Lesley Ewing, Ph.D., Sr. Coastal Engineer *Lesley Ewing*

SUBJECT: Appeal A-5-LGB-19-0015, Laguna Canyon Creek Restoration

SUMMARY: When the alternatives are examined for flood conveyance, the indirect erosion benefits of reducing overbank flows, and the potential for off-site impacts, the proposed alternatives would be ranked as follows, going from best to worst:

- Relocated Public Parking and Channel Widening
- Lowered Parking Lot and Gabion Channel Lining
- Gabion Channel Lining
- Armorflex Lining with Restorative Planting

The cantilevered Parking and Gabion Channel Lining has the potential to cause off-site impacts and I suggest that it be removed from the list of possible alternatives for this reason.

I have reviewed the following two documents for appeal A-5-LGB-19-0015, Laguna Canyon Creek Restoration:

- RBF Consulting (January 2014) Laguna Canyon Creek Erosion Control and Restoration Project: Project Feasibility Report and Alternatives Analysis, Technical Memorandum Final (RBF Project Feasibility Report).
- GeoFirm (May 29, 2018) Preliminary Geotechnical Investigation: Proposed Pedestrian Bridge and Retaining Walls, Laguna Beach Animal Shelter, 206121 Laguna Canyon Road.

I have spoken with staff about this project and, at their request, I am writing this memo to explain the technical aspects of the various alternatives.

The proposed project site is at 20612 Laguna Canyon Road, where Laguna Creek is bordered on one bank by a parking area and Laguna Canyon Road and on the other bank by buildings – the City Animal Shelter and the Pacific Marine Mammal Center. Ongoing erosion is threatening both the animal shelter and the parking area and the City of Laguna Beach has installed grouted riprap and partially improved channel linings along portions of the property. Even with these efforts, Laguna Canyon Creek frequently overtops its banks and floods the animal shelter area. The City is now proposing to undertake long-term erosion protection for the site, provide increased flood conveyance and enhanced stream corridor habitat.

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There have been at least three studies of this section of the creek that were used to develop the RBF Project Feasibility Report, and problems at this site have been a concern for several years. The key factors that were considered for analysis of alternatives were:

- Erosion control
- Flood capacity
- Vegetation/Wildlife
- Aesthetics
- Access/Parking
- Regulatory Permitting
- California Coastal Commission
- CEQA

While all factors are important, I will summarize only the first two that relate to erosion control and flood capacity.

Erosion control criteria were set at “protect existing banks and adjacent facilities from erosion and bank failure” but no further refinement of this analytic factor were provided.

The proposed options for protecting the channel from erosion were:

- Gabion Channel Lining
- Lowered Parking Lot and Gabion Channel Lining
- Relocated Public Parking and Channel Widening
- Cantilevered Parking and Gabion Channel Lining
- Armorflex Lining with Restorative Planting

The RBF Report did not discuss the erosion protection that would result from any of the proposed alternatives. However, each of the conceptual designs showed a general level of bank and channel coverage that should limit bank erosion at the project site as long as the creek are contained within the channel. Some site damage could occur from overbank flows, but, no analysis was provided to address the likely damage to the parking area and Animal Shelter from different amounts of overbank flow. Flood conveyance can be a possible surrogate for bank protection in that bank damage from overflow conditions will happen only when the flood conveyance capacity is exceeded. Also, overflow conditions would be expected to occur less frequently when the flood conveyance rates are higher.

The current channel has a flood conveyance of approximately 600 cfs. “At this flow rate, ponding behind the existing drive access bridge results in water surface elevations equal to the finished floor at the Animal Shelter”. The flood conveyance goal is to achieve a design capacity of about 1,800 cfs, or the volume of water that can be carried within the creek channel before flooding or overbank flows occur. This capacity was established to match the flows that could be carried by the downstream channel. Downstream of the project site is a reinforced culvert that has a capacity of 1,800 cfs and then the bridge with a capacity of 2,000 cfs. The culvert is in a dog park. Damage to the bridge area would be of greater concern, suggest that conveyance less than 2,000 cfs would be desirable to prevent damage to the downstream bridge. The optimal discharge of about 1,800 to 2,000 cfs represents something between the 1-in-10 year storm event (1,100 cfs) and the 1-in-50 year event (2,600 cfs). The proposed goal of 1,800 cfs

would not convey large 1-in-50 year or greater events; however, this level of flood conveyance would match the conveyance of other parts of Laguna Creek and remove the apparent 'bottleneck' that existing along this section of Laguna Creek.

Thus, flood conveyance below 600 cfs would worsen flood conveyance and potential damage from over bank flows at the project site from what is occurring under present conditions. Flood conveyance between 600 and 1,800 cfs would represent increasingly better flood conveyance levels, and potentially less damage from over bank flows at the project site than what occur with present conditions. Flood conveyance between 1,800 and 2,000 cfs is considered optimal for the project site and flood conveyance higher than 2,000 cfs could potentially cause downstream damage from overtopping/over bank flows.

As summarized in Table 3-7 of the RBF Project Feasibility Report, the Relocated Public Parking and Channel Widening could provide up to 2,000 cfs channel capacity and is the only alternative that could achieve the optimal flood conveyance goal. The two gabion channel lining alternatives (Gabion Channel Lining; and, Lower Parking Lot and Gabion Channel Lining) would improve channel conveyance to 1,300 cfs and 1,500 cfs respectively but the project summary notes that these two alternatives would not meet the flood conveyance goal. The preferred alternative of Armorflex Lining with Restorative Planting would improve channel capacity from 600 cfs to 915 cfs. It provides the least flood conveyance increase of all the examined alternatives, yet, the alternatives summary states that this option would "partially address flood conveyance goals"<sup>1</sup>. The Cantilevered Parking and Gabion Channel Lining would provide a channel capacity in excess of 2,000 cfs. This alternative would have the potential to cause off-site damage to the downstream bridge area due to overbank flows. It also has the highest cost and a low potential for restoration.

When the alternatives are examined for flood conveyance, the indirect erosion benefits of reducing overbank flows, and the potential for off-site impacts, the proposed alternatives would be ranked as follows, going from best to worst:

- Relocated Public Parking and Channel Widening
- Lowered Parking Lot and Gabion Channel Lining
- Gabion Channel Lining
- Armorflex Lining with Restorative Planting

The cantilevered Parking and Gabion Channel Lining has the potential to cause off-site impacts and I suggest that it be removed from the list of possible alternatives for this reason. Please feel free to contact me with questions.

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<sup>1</sup> The notes in Table 3-7 concerning flood conveyance goals are not consistent; 915 cfs is considered to partially address the conveyance goals yet higher channel capacities of 1,200 cfs and 1,500 cfs are considered to not meet the goal. The provided summary of the flood improvements was based upon the quantified channel capacity information rather than the tabular notes.

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE  
200 OCEANGATE, 10TH FLOOR  
LONG BEACH, CA 90802-4416



VOICE (562) 590-5071 FAX (562) 590-5084

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

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

**RECEIVED**

**FEB 28 2019**

**SECTION I. Appellant(s)**

Name: **Mark and Sharon Fudge**

Mailing Address: **P.O. Box 130**

City: **Laguna Beach CA 92652**

Phone: **949-481-1100**

**SECTION II. Decision Being Appealed**

1. Name of local/port government: **City of Laguna Beach**

2. Brief description of development being appealed:

Install erosion devices within the creek including articulating concrete block lining along portions of the creek, weirs and rip rap within Laguna Canyon Creek (a Blue-line stream). Remove existing pedestrian bridge, construct a new pedestrian bridge, construct a new retaining wall to support parking lot, wood fencing and landscaping. A variance is needed to encroach into the watercourse setback with bridge supports, hydraulic transition structure, retaining walls, grading, erosion control devices, and fencing at City-owned and operated Animal Shelter facility.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

**20612 Laguna Canyon Road, Laguna Beach CA 92651, APN 629-061-04**

4. Description of decision being appealed (check one):

Approval; no special conditions

**x** Approval with special conditions:

Denial

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

**TO BE COMPLETED BY COMMISSION:**

APPEAL NO: **A-5-LGB-19-0015**

DATE FILED: **February 28, 2019**

DISTRICT: **Southcoast**

California Coastal Commission  
CDP No. A-5-19-0015  
Exhibit 6 p. 1 of 85  
5-LGB-19-0159

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

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

Planning Director/Zoning Administrator

City Council/Board of Supervisors

Planning Commission

**X** Other - Design Review Board

6. Date of local government's decision: January 24, 2019

7. Local government's file number (if any): CDP 18-1686

**SECTION III. Identification of Other Interested Persons**

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

**a. Name and mailing address of permit applicant:**

Mark Tresnik  
300 Forest Ave  
Laguna Beach, CA 92651

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

John Hamil  
20368 Sun Valley  
Laguna Beach, CA 92651

Ann Marie McKay  
PUP Laguna Beach President  
20612 Laguna Canyon  
Laguna Beach, CA 92651

Penelope Milne  
CANDO President  
21505 Arroyo Drive  
Laguna Beach, CA 92651

**SECTION IV. Reasons Supporting This Appeal**

**PLEASE NOTE:**

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, submit additional information to the staff and/or Commission to support the appeal request.

California Coastal Commission

CDP No. A-5-19-0015

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## **Basis for Appeal**

We have standing to make this timely appeal to the California Coastal Commission as follows: We spoke at the hearings on November 29, 2018 and January 24, 2019. We also submitted two (2) letters to the City expressing concerns related to prior permitting and the Initial Study (Exhibits 1 and 2).

The project approval does not comply with the certified LCP and the Coastal Act as follows:

- The City's approval of the permit does not comply with the General Plan or the Municipal Code, and therefore the Local Coastal Program, specifically as it relates to (1) protection, preservation and/or enhancement of natural resources, (2) water quality, (3) visual resources, (4) vegetation and wildlife resources, (5) watercourses, (6) natural hazards and (7) archeo/paleo protections.
- The City did not adequately review the cumulative effects that this project would have on the entirety of the creek.
- The City did not obtain substantial evidence to be able to make the findings required for the issuance of a Coastal Development Permit. The City did not adequately condition the permit despite its probability of causing adverse effects to coastal resources if allowed without mitigations.
- The City ignored the conditions of a previously issued CDP (by the Coastal Commission) which required the area to be brought back to a natural state if the existing project (pedestrian bridge) was removed, demolished or substantially improved.

## **Summary of Appeal points**

- The scope and purpose of the project are unclear.
- Approval ignored the conditions of prior CDP issued by the Coastal Commission.
- Allowed work done (in 2010) without benefit of a CDP to continue without consideration of bringing non-conformities into conformance with the LCP.
- No consideration of the project's effects on the entirety of Laguna Canyon Creek. Instead the City only considered the project at hand - not the cumulative effects to the creek and/or floodplain.
- Cumulative effects were not considered for this Project along with the currently in process permitting expansion of the marine mammal and animal control facilities with a new mixed use facility.
- Flood concerns and use of armoring rather than keeping the creek in a natural state.
- Project allows construction in the stream (caissons and armoring) and without consideration of needed setbacks. The City granted variances for these.
- Project allows the removal of native vegetation in ESHA.

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## **Background**

- **The (City-owned and operated) project's purpose is unclear.**

This project is located at a City owned parcel that has experienced flooding and damage from those floods multiple times in the last century. However, the primary purpose of the project is unclear - is it for restoring the creek? or for flood control? or for erosion control? And if for erosion control, is it for the creek itself or the parking lot or for the Animal Shelter building (which encroaches into the 25 foot setback from the banks of the creek)?

Different documents describe the purpose of the project as *"to restore Laguna Canyon Creek's hydrological and biological functions and values"* and to *"minimize erosion and increase channel capacity"* (Initial Study date November 2018); *"The purpose of the project is to return the Laguna Canyon Creek to its natural state and remove much of the prior interim work that was implemented to provide flood and erosion protection"* (staff report dated November 29, 2018 page 3) and *"The project is intended to provide long-term erosion protection for the site, increased flood conveyance and increased enhancement of the stream corridor through native planting and restoration."* (November 29, 2018 staff report - page 8) and *"The City requests permit ... to protect the Animal Shelter from creek erosion"* (January 24, 2019 staff report - page 1); *"As identified on the Project Feasibility Report, dated January 2014, 'the primary criterion for the plan development is erosion control'"* (January 24, 2019 staff report - page 3). The minutes for the November 29, 2018 meeting show that *"Mr. Nguyen confirmed there were two primary purposes for the project. First, to obtain as much flow increase as possible given the site constraints, and second, to protect the creek from further erosion."* Yet, during the January 24, 2019 meeting he stated that *"The main stated goal from the get-go was to prevent erosion"* to protect the Animal Shelter building.

- **Violation of Prior Permitting and Lack of permitting for other work. (Exhibit 2)**

In our research on this project located at 20612 Laguna Canyon Road, we came upon a Coastal Development Permit issued by the Coastal Commission in 1993 (5-92-363) (attached) for development to *'construct a 10 foot wide concrete creek lining with cut-off walls within Laguna Canyon Creek to protect an existing foot bridge'* at 20612 Laguna Canyon Road (The Animal Shelter). The permit is subject to special conditions - most specifically #4 Removal of the Creek Lining - which states: *"The approval of the subject creek lining is for protection of the existing footbridge only. If the existing footbridge is removed, demolished or substantially improved, the subject creek lining will be removed and the creek bed will be returned to a natural state. Any new bridge proposal in this location shall require a new coastal development permit, and bridge design that does not require channelization of the creek or disruption of the environmentally sensitive area."*

The Initial Study being circulated for the Animal Shelter Creek Erosion Protection Project lists *'Relocation of the existing pedestrian bridge to the south, immediately adjacent to the existing vehicular access bridge to eliminate creek crossings'* as a characteristic of the project. We are making the assumption that the 'existing foot bridge' mentioned in the 1993 CDP is the one slated for removal in the current project proposal. If that is the case, the creek lining needs to be removed and the creek bed returned to a natural state as required by Special Condition #4. This does not appear to be the intent of the current proposal.

The city did not address the previous permitting. The Initial Study does not include any reference to CDP 5-92-363 and it is unclear whether or not the City or the Coastal Commission would be responsible for issuing an amendment or new permit. Standard Condition #3 Compliance states (in relevant part) *“Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.”*

Additionally, it appears there was a ‘Public Works’ project recommended by the Building Official on August 3, 2011 (memo attached) that was to *‘remove the remaining portions of the concrete bridge and install a simple wooden bridge using glue-lam beams as a temporary installation.’* This project was to repair damage done to the bridge by a December 22, 2010 flood. It is unclear whether this work was done or not as it does not appear to have been heard at a public hearing as determined by an online search of meetings (list attached). We made a site visit to the project and found a glue lam pedestrian painted green at the location. We have not found any permits for the work. If development was done in the creek without a CDP, we believe that would constitute a violation of the Coastal Act and/or CDP 5-92-363.

To support this assertion that work has been done at the creek, we also note that the RBF January 2014 Feasibility and Alternatives report (referenced in the Initial Study) states:

- In Section 1.1 - On-going erosion of the channel banks along the creek has threatened the animal shelter facility and is undermining the paved parking lot. The City has installed interim erosion control measures along the channel banks including loose and grouted riprap in an effort to protect the adjacent improvements. The creek now incorporates a variety of partially improved channel linings and sections along the property. The non-cohesive nature of the miscellaneous improvements has resulted limited flood conveyance capacity, erosion and sedimentation problems, and a highly disturbed stream corridor environment. Exotic and/or invasive species have also encroached within the channel limits.
- In Section 1.2 - The creek has experienced significant erosion of the channel banks which has jeopardized the adjacent improvements including a parking lot, two bridge crossings, and the City Animal Shelter and Pacific Marine Mammal Center. The City has recently provided interim protection through the placement of loose riprap. While this interim measure will provide temporary erosion protection, a long-term solution is needed to address the problems at the site including, erosion control, flood capacity, and habitat restoration.

On November 5, 2018, a letter was sent to the CCC and the City asking that they investigate and verify if development has occurred without the required CDPs as we have been unable to find them. Also, we asked for a determination of whether the Coastal Commission or the City will be the governing body for approval of a CDP for this current project would be helpful to the public. To date there has been no response by either the CCC or the City.

During the public hearings (11/29/18 and 1/24/19), the project manager stated that the work done in 2010 was done as the result of an emergency and therefore did not need a CDP. This determination is inconsistent with the Coastal Act. § 30611 states that *‘the requirements of obtaining a permit may be waived upon notification of the executive director of the commission of the type and location of the work within three days of the disaster or discovery of the danger, whichever occurs first. Nothing in this section authorized permanent erection of structures valued at more than twenty-five thousand dollars (\$25,000).’* Since there is no evidence of notification of this work to the executive director by the city the waiver of permit would not be allowable.

§30624 of the Coastal Act provides for the issuance of CDPs without compliance to the procedures of Chapter 7 (Development Controls) ‘in cases of emergency’, **other than an emergency provided for under Section 30611**. This section of the Coastal Act goes on to say that any permit issued pursuant to the provisions of 30624 by the authority shall be scheduled on the agenda of the governing body at its first scheduled meeting after that permit has been issued. This did not occur in this case.

Coastal Act §30610 similarly removes ‘*the replacement of a public works facilities, destroyed by a disaster*’ from the category of developments authorized without permit.

14 CCR §13252(a)(3) relates to ‘repair and maintenance activities’ that require a permit. As stated “*Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams that include (A) the placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials; and (B) the presence, whether temporary or permanent, of mechanized equipment or construction materials. All repair and maintenance activities governed by the above provisions shall be subject to the permit regulations promulgated pursuant to the Coastal Act, including but not limited to the regulations governing administrative and emergency permits.*”

During the public hearings, City staff also alluded to the current project’s removal of the pedestrian bridge as the equivalent of ‘taking care’ of the previous development.

- **In 2010, a 272 sf addition to, and extensive remodel of, the Animal Shelter building was approved with CUP 10-08. No CDP was issued.**

The work done in 2010 increased the intensity of use (as defined in LBMC 25.07.006(G)) of the Animal Shelter because it required more parking (1 space/250 sf) than the previous use - yet no CDP was issued as required. The plans for the project show that the building encroaches into the 25 foot setback from the top-of-bank<sup>1</sup> even though the staff report states that the proposed project is located approximately 30 feet from the top-of-bank. If the building is non-conforming as to setbacks, and enough work was done to compromise the structural integrity of the building (LBMC 25.56.009), the work should have been done in a way to make the building conform. If the Commission chooses to find substantial issue in this appeal, perhaps this could be looked at further in the de novo process.

The approval of the addition and the demolition and re-building of the Shelter was approved by the City Council on May 4, 2010. At that meeting the Project Director stated that ‘*any changes to the creek had to be evaluated with the upstream and downstream parts of the creek.*’ When asked by the City Manager if the Director had observed further deterioration of the creek, the Director stated “*he had not noticed any more creek deterioration*’. The City Manager then said that ‘*the creek may have reached equilibrium*’. Therefore, the Council agreed to transfer \$500,000 funding (of the \$1,400,000 needed for the project) from the

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<sup>1</sup> City Staff reports for these parcels have consistently shown requirements of a 25 foot setback from the top-of-bank of Laguna Canyon Creek.

Animal Shelter Creek Restoration monies into the Animal Shelter Renovation project. Of course, as you've read above, the future showed that the creek had NOT stabilized, and in December of 2010 there was a major flood along Laguna Canyon during which the Animal Shelter (as well as the pedestrian bridge) sustained major damage. Again, the work done to repair the pedestrian bridge after that flood was done without benefit of a CDP as well.

- **No consideration of cumulative effects of 'other projects' proposed at the site and/or 'Other projects' proposed along the reach of Laguna Creek. (Exhibit 3)**

The City has recently approved (in concept) projects at the Pacific Marine Mammal Center (PMMC) (11/13/18). Located at 20652 Laguna Canyon Road - and sharing the bridge used for the Animal Shelter - this concept approval was to update a previous plan from January of 2018 to 'build, install and maintain a new water treatment system on vacant space it already temporarily leases from the City". It will include a 2,000 sf concrete pad to support the installation of an ozone building, sand filters and recovery tank. In order to accommodate the concept, the fence located at the northern end of the parcel will be relocated approximately 10 feet into the current gravel lot (which is used by several different City departments).

The November 2018 amended concept **adds:** (1) a 1600 sf building to house the new water treatment system; (2) a 400 sf expansion of the PMMC building; (3) a 1900 sf expansion of the second level of the existing structure; (4) two additional 2900 gallon pools; (5) bio-retention/ filtration planters and (6) a two-story approximately 1750-2150 sf structure shared between the Animal Shelter and the PMMC, City Animal Control employees, storage, a cattery, telecommunications, shower and water flushing station.

This new project will greatly increase the demands of the new pedestrian bridge being proposed in the subject appeal. It will increase demands on the parking lot and considers further encroachment into the parking lot by fencing. It is a major undertaking.

Additionally, it is our understanding that a project upstream from the subject (Longi/Live Work) has been granted a CDP that includes restoration of the creek as a condition of approval. This work will be done in relatively close proximity to the subject property and may cause effects to the subject - or may be affected itself by the work proposed at the Animal Shelter parcel.

Both the Coastal Act and CEQA address the need for a project to be reviewed in relation to other projects in the area. Whether it be called 'cumulative effects' or 'piecemealing' the idea is to have a broader viewpoint of what this project will cause both upstream and downstream in Laguna Canyon Creek as well as how this project's approval and variances may create a precedent for how future development occurs along the creek. The City's approval did not address these issues.

During this most recent rainy season (February 2019) Laguna Canyon flooded once again. There is new significant erosion along the creek just inland of the subject property and the repair of that area may affect what should or can be done in this project at hand.

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## Appeal

### 1. Natural Resources

The project as approved allows for the removal of 19 trees (with off-site mitigation) and did not emphasize impact avoidance over impact mitigation (LUE Policy 7.4). Fuel modification was not integrated to minimize impacts to existing native vegetation (LUE Action 10.6.1).

The project as approved does not adequately address the following goals, policies, and actions of the General Plan/LCP:

Goal 7 of the Land Use Element is to ‘*Protect, preserve, and enhance the community’s natural resources.*’

*Policy 7.3 Design and site new development to protect natural and environmentally sensitive resources, such as areas of unique scenic quality, public views, and visual compatibility with surrounding uses and to minimize natural landform alterations. (Same as Policy 10.2).*

*Policy 7.4 Ensure that development ... is evaluated to ascertain potential negative impacts on natural resources. Proposed development shall emphasize impact avoidance over impact mitigation. Any mitigation required due to an unavoidable negative impact should be located on-site, where feasible. Any off-site mitigation should be located within the City’s boundaries close to the project, where feasible. (Similar to Policies 5.2 and 10.3)*

Goal 10 of the Land Use Element is to ‘*Ensure that proposals for new development ... are sufficiently evaluated to protect public health and safety and natural resources.*’

*LUE Action 10.2.1 Adopt standards that require new development and related improvements to be located on the most suitable areas of the site so as to maximize safety and the preservation of sensitive resources.*

*LUE Action 10.2.4 Encourage open space dedication to guarantee preservation of natural and sensitive resources whenever appropriate.*

*LUE Policy 10.3 Ensure that all new development ... is evaluated to ascertain potential negative impacts on natural resources, ESHA and existing adjacent development. Any mitigation required due to an unavoidable negative impact should be located on-site, where feasible. Any off-site mitigation should be located within the City’s boundaries close to the project, where feasible. (Similar to Policies 7.4 and 5.2)*

*LUE Action 10.6.1 The development proposal should address the required fuel modification as part of the initial application and should integrate fuel modification provisions into the site plan in such a way as to minimize impact on existing native vegetation and areas of visual prominence. Any required thinning of flammable vegetation shall be conducted outside of the bird nesting season if feasible. Alternative means to thinning and/or removal of native*

*vegetation for fire hazard management such as minimizing the building envelope, and/or siting of the structure(s) away from hazard areas, and/or use of fire retardant design and materials are preferred where feasible.*

## **2. Water Quality and Conservation**

The Initial Study contains conflicting information about whether or not the project will have any potential impacts on WQ. At one point (pg 43) it says potential impacts will only occur during construction, but earlier in the report it says there will be NO impacts. This is a project that is literally IN a watercourse. The Initial Study also does not include any reference to either the General Plan, the LCP or the municipal code in the entire section 4.9 devoted to Hydrology<sup>2</sup>. This would indicate the LCP was not consulted for this section of the IS.

The project as approved allowed variances to encroach into stream bank setbacks instead of preserving them in their natural state (OS/C Policy 4A and 4I). The retaining wall that will be built in the banks of the creek is meant to provide support to the parking lot, not the Animal Shelter building itself.

Some of the plantings approved (such as Bougainvillea) to improve 'visual' aspects of the project, do not meet the directives of the LCP that require native plantings in or adjacent to ESAs.

The project as approved does not adequately address the following goals, policies, and actions of the General Plan/LCP:

*OS/C Policy 4-A: Protect fresh water lakes, streams, waterways and riparian habitats, and preserve the borders and banks of lakes and streams in their natural state.*

*OS/C Policy 4-I: Promote the protection and restoration of offshore, coastal, lake, stream or wetland waters and habitats and preserve them to the maximum extent practicable in their natural state. Oppose activities that may degrade the quality of offshore, coastal, lake, stream or wetland waters and habitat and promote the rehabilitation of impaired waters and habitat.*

*OS/C Policy 4E: Preserve Functions of Natural Drainage Systems. Ensure that development is sited and designed to limit disturbances and to preserve the infiltration, purification, retention and conveyance functions of natural drainage systems that exist on the site to the maximum extent practicable. (We are uncertain if this is CCC certified language or not).*

*OS/C Policy 4F: Water Conservation and Native Plants. Ensure that development encourage water conservation, efficient irrigation practices and the use of native or drought tolerant non-invasive plants appropriate to the local habitat to minimize the need for fertilizer, pesticides, herbicides and excessive irrigation. Prohibit the use of invasive plants, and require native plants appropriate to the local habitat where the property is in or adjacent to Environmentally Sensitive Areas (ESAs). (We are uncertain if this is CCC certified language or not.)*

### 3. Visual Resources

Laguna Canyon has been designated as a unique area of the City, subject to a Specific Plan in order to maintain that status. The project as approved allows the removal of visual resources (trees) and the installation of channel improvements - instead of keeping the creek as natural as possible.

The Initial Study claims that Laguna Canyon Road is not a designated 'state scenic highway', however, the City has determined that it is a 'rural scenic highway'. The citizens of Laguna certainly consider it one of the city's scenic areas. The small scale and rural feel is important to maintain and is protected in the Laguna Canyon Specific Plan. We believe that the presence of a concrete retaining wall and a wooden fence may adversely affect the visual corridor and should be closely examined by the discretionary body.

The natural character of the landscape was not preserved as much as possible due to the introduction of artificial erosion control measures (Armorflex) (OS/C Policy 7-K).

The project as approved does not adequately address the following goals, policies, and actions of the General Plan/LCP:

*LUE Policy 7.3 Design and site new development to protect natural and environmentally sensitive resources, such as areas of unique scenic quality, public view, and visual compatibility with surrounding uses and to minimize natural landform alterations.*

*OS/C Policy 7C Inventory and map positive and negative visual resources from Coast Highway and Laguna Canyon Road for use in reviewing development projects which might impact the view shed of these designated scenic highways, pending funding availability. (We are uncertain if this is CCC certified language or not).*

*OS/C Policy 7-K: Preserve as much as possible the natural character of the landscape (including coastal bluffs, hillsides and ridgelines) by requiring proposed development plans to consider scenic and conservation values, impacts on soil mantle, vegetation cover, water resources, physiographic features, erosion problems, and recontouring and replanting where the natural landscape has been disturbed.*

*The Laguna Canyon Annexation Area Specific Plan (LCASP)(part of the certified LCP) - pg 15: Laguna Canyon Road has been designated by both the City and the County as a rural scenic highway.*

*LCASP Topic 1: Rural Atmosphere GOAL A - Preserve and enhance the rural character of the Laguna Canyon Properties area. Policy 4: Require that new development along Laguna Canyon Road provide landscaping to improve the scenic quality of the Canyon. The planting of native oaks, sycamores, and eucalyptus and shrubs should be encouraged to screen new development from Laguna Canyon Road.*

#### 4. Vegetation and Wildlife Resources

In August of 2017, the Coastal Commission heard and approved a project in close proximity to the subject project (Longi). The staff report findings included the verification that Laguna Canyon Creek (1) is a blue-line stream; and (2) meets the definition of ESA pursuant to the Coastal Act.

Excerpts from Longi A-5-LGB-14-0019 staff report dated 7/28/17 (pg. 19):

*Given the creek's value to the surrounding environment, and the rare and threatened nature of Blue-line streams in the coastal zone, the Commission finds that the provision of the 25-ft. setback, along with the applicant's proposal to restore riparian habitat, meets the intent of the certified LCP to enhance and protect the sensitive habitat of Laguna Canyon Creek.*

And:

*The previous section of this staff report includes a summary of the biological assessment of Laguna Canyon Creek provided by the project's consultant and Commission staff's ecologist Dr. Jonna Engel. Based on those biological assessments, the Commission finds that Laguna Canyon Creek is identified as a "Blue-line" stream and contains riparian habitat. Pursuant to the definition of ESA in Policy 8-I, the Commission further finds that ESA (Laguna Canyon Creek) exists adjacent to the proposed development. As such, the proposed development is required to be designed and sited to prevent impacts which would significantly degrade such areas.*

The Biological Habitat Assessment for the subject project was performed in December of 2013 making the report five years old. There should be an updated report to assess current conditions. It seems odd that the report states there is no indication of wildlife other than aviary. Because the environment is currently 'disturbed' and contains 'no habitat for sensitive species' does not mean there is no opportunity for improvement and eventual return of wildlife to the area. We object to the removal of multiple native trees (see page 28 of I/S). The mitigation for this calls for a 2:1 replacement. We suggest the mitigation should read 'the greater of' either a 2:1 replacement OR the requirements of the Streambed Alteration Agreement. Also, the Initial Study mitigation states that the replacement will occur 'on-site and off-site'. We believe either all mitigation should occur on-site.

The project as approved does not adequately address the following goals, policies, and actions of the General Plan/LCP:

*LUE Action 7.4.3 Review development to minimize adverse impacts to abutting dedicated open-space areas; taking into consideration both the appropriate habitat buffer zones and the required fuel modification zones.*

*OS/C Policy 8-A: Preserve the canyon wilderness throughout the city for its multiple benefits to the community, protecting critical areas adjacent to canyon wilderness, particularly stream beds whose loss would destroy valuable resources.*

*OS/C Policy 8-C: Identify and maintain wildlife habitat areas in their natural state as necessary for the preservation of species.*

*OS/C Policy 8-I: Environmentally Sensitive Areas (ESA's) as defined in section 30107.5 of the California Coastal Act shall be identified and mapped on a Coastal ESA map. The following areas shall be designated as Environmentally Sensitive Areas: Those areas shown on the Biological Resource Values Map in the Open Space/Conservation Element as "Very High" habitat value, and streams on the Major Watersheds and Drainage Courses Map which are also streams as identified on the USGS 7.5 Minute Quadrangle Series and any other areas which contain environmentally sensitive habitat resources as identified through an on-site biological assessment process, including areas of "High" and "Moderate" habitat value on the Biological Resources Values Map and areas which meet the definition of ESA's in Section 30107.5 of the Coastal Act, including streams, riparian habitats, and areas of open coastal waters, including tidepools, areas of special biological significance, habitats of rare or endangered species, near-shore reefs and rocky intertidal areas and kelp beds.*

*OS/C 8-N: Prohibit intrusion of fuel modification programs into environmentally sensitive areas, including chaparral and coastal sage scrub.*

*LCASP pg 11: If the Indians returned today, they could still harvest fruiting Cholla and Laurel Sumac, Elderberry and Wild Buckwheat and their beloved White Sage which blankets the wild areas here. ... and ... In our backyard runs Laguna Creek and it supports a steady stream of migratory birds, nesting ducks, hawks, Blue Heron and Owls, Quail and Turkey Buzzards. Coyotes use the creek as a pathway through the canyon too.*

*LCASP pg 15: Natural vegetation and wildlife habitats are abundant throughout the Canyon area. ...Analysis of the habitat area existing in the Canyon indicates a local relief of 700 feet, perennial stream activity (though the lower stream is now in a conduit) ...Analysis of native vegetation for the entire Canyon (in excess of 30,000 feet in length) indicates the presence of both tree and shrub life forms achieving great size.*

*LCASP pg 25: Topic 4 Biology and Habitat GOAL - Preserve and enhance significant biological resources and wildlife habitats.*

## **5. Watercourses**

The project as approved does not promote the preservation and restoration of natural drainage channels (OS/C Policy 9A) but instead allows for alternate erosion control measures through the installation of Armorflex. The approval allows for the alteration of the stream - but did not properly address what other methods might be available for protection of the Animal Shelter building (OS/C Policy 9B). This building has been altered without the benefit of CDPs in the past and is now requiring extreme measures for protection of these alterations.

There was not an adequate increase in water conveyance (from 600 cfs to approx. 900 cfs, when the goal was 1800 cfs) to meet the intent of OS/C Policy 9H which asks for coordination of drainage structures to transport volumes of runoff equal to that if the watershed were in its natural condition prior to development.

Pages 29 and 35 of the Initial Study discuss the 'removal of excess sediment' and grading activities involved in this project

The project as approved does not adequately address the following goals, policies, and actions of the General Plan/LCP:

*OS/C Policy 9-A: Promote the preservation and restoration of Laguna's natural drainage channels, freshwater streams, lakes and marshes to protect wildlife habitat and to maintain watershed, groundwater and scenic open space.*

*OS/C Policy 9-B: Prohibit filling and substantial alteration of streams and/or diversion or culverting of such streams except as necessary to protect existing structures in the proven interest of public safety, where no other methods for protection of existing structure in the flood plain are feasible or where the primary function is to improve fish and wildlife habitat. This provision does not apply to channelized section of streams without significant habitat value.*

*OS/C Policy 9-C (a): Streams on the Major Watershed and Drainage Courses Map which are also "Blue-line" streams identified on the USGS 7.5 Minute Quadrangle Series, shall be identified and mapped on the Coastal Environmentally Sensitive Areas Map of the Land Use Plan. For these streams, a minimum setback of 25 feet from the top of the stream banks shall be required in all new developments. A greater setback may be necessary in order to protect all riparian habitat based on a site-specific assessment. No disturbance of major vegetation, or development, shall be allowed within the setback area. This provision shall not apply to channelized sections of streams without significant habitat value. Where development is proposed on an existing subdivided lot which is otherwise developable consistent with all City ordinances and other policies of this Plan except that application of this setback would result in no available building site on the lot, the setback may be reduced provided it is maintained at a width sufficient to protect all existing riparian habitat on the site and provided all other feasible alternative measures, such as modifications to the size, siting and design of any proposed structures, have been exhausted.*

*OS/C Policy 9-C(b): Require a setback of a minimum of 25 feet measured from the centerflow line of all natural drainage courses other than streams referenced in 9-C(a) above. Such setback shall be increased upon the recommendation of the City engineer and environmental planner through the environmental review process. However, a variance may be given in special circumstances where it can be proven that design of a proposed structure on an affected lot will preserve, enhance or restore the significance of the natural watercourse. At no time shall grubbing of vegetation, elimination of trees, or disturbance of habitat be allowed within the setback area before or after construction.*

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*OS/C Policy 9-D: Permit extensions of decks and other portions of a structure within the required setback for significant natural drainage areas only if: (a) There are no supports to the ground within the setback areas; and (b) The extensions do not encroach closer than fifteen feet from the centerline of flow.*

*OS/C Policy 9-F: Where possible, require restoration of deteriorated significant natural drainage courses that have been disturbed by development, but which retain potential for natural function.*

*OS/C Policy 9-H: Coordinate, wherever possible, natural and man-made drainage structures so that natural channels will contribute to transport a volume of runoff equal (or as close as possible) to that which would have occurred if the project watershed were in its natural condition before development.*

*OS/C Policy 9-I: Require new development projects to control the increase in volume, velocity and sediment load of runoff from the greatest development areas at or near the source of increase to the greatest extent feasible.*

*OS/C Policy 9-J: Require new developments to maintain runoff characteristics as near as possible to natural discharge characteristics by maintaining the natural conditions of the watershed.*

*OS/C Policy 9-K: Promote preservation and enhancement of the natural drainage of Laguna Beach*

## **6. Natural Hazards (Floods and Fuel Modification)**

- Floods

Substantial flooding has occurred in Laguna Canyon in 1937, 1938, 1941, 1966, 1969, 1978, 1980, 1983, 1995 and 2010 and has caused extensive damage to life and property. (LCASP pg 18-20). The most recent rains in February 2019 also flooded Laguna Canyon and caused road closures and damage (most specifically to an area just inland/upstream from the subject property).

The Initial Study states that the goal for channel capacity is 1800-2000 cfs. The current capacity is 600 cfs and the project as proposed will improve the capacity to 915 cfs. This means the project improves the flow inadequately. After all of the work and expense, it will still be - at most - functioning at 50% of the target flow. However, will even this 50% increase in current conditions create additional flood concerns for downstream properties?

The alternatives discussed in the referenced January 2014 RBF report (RBF Consulting. Laguna Canyon Creek Erosion Control and Restoration Project: Project Feasibility Report and Alternatives Analysis. Technical Memorandum. January 2014.) should be updated as - like the biological analysis - the report is very dated and improvements to flood control methods may have advanced in the time since alternatives were looked at. We asked that the 'alternatives' be made a part of the discussion at the public meeting(s) before the discretionary decision makers and that the Initial Study itself is updated, not just the biological analysis. We specifically prefer

Alternative #3 which results in the greatest environmental improvement as well as improved flow. The project currently provides an overage of parking (41 spaces provided and only 30 required) and with creative solutions might be able to come very close to recapturing all 11 spaces that will be lost if the lower parking lots are removed.

The City's choice to install Armorflex, rather than keep the creek in a natural state does not comply with policies such as LUE Policy 9.13's directive to require non-structural methods (such as preservation) for flood control whenever feasible. Although more costly, these non-structural methods are nonetheless feasible, yet they were not required. OS/C Policy 9M also requires the use of non-structural solutions when feasible. Importantly, the City chose the 'alternative' they did in large part due to the costs involved. There was no discussion of the fact that the City should 'in no instance' be solely responsible for the costs of such improvements (per pg 41 of the LCASP).

The Initial Study (pg 45) states that the project is in an adopted regulatory floodway. This designation requires compliance with LBMC 25.38.056(B)'s requirement for a registered civil engineer's certification demonstrating that the proposed encroachment shall not result in any increase in flood levels - yet there is no such certification in the record. There is no evidence in the record of floodplain development permits as required by LBMC 25.38 (part of the LCP).

- Fuel Modification

It is asserted by the City that this creek bank alteration project needs to comply with Fire Department Fuel Modifications because it is located close to open space. To require fuel mod IN a creek seems counter-intuitive. If Fuel Mod is indeed required, it should conform to policies such as LUE Policy 10.6 which states that fuel modification on public land to protect existing structures (such as is the case here) should be avoided whenever feasible. LUE Action 10.6.1 directs that fuel mod should be integrated in such a way as to minimize impact to vegetation and visual resources. OS/C Policy 8-N simply prohibits the intrusion of fuel mod programs in ESAs - such as Laguna Canyon Creek.

The project as approved does not adequately address the following goals, policies, and actions of the General Plan/LCP:

*LBMC 25.38.056 Floodways (B) Within an adopted regulatory floodway, the city of Laguna Beach shall prohibit encroachments, including fill, new construction, substantial improvements and other development, unless certification by a registered civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.*

*LUE Action 7.3.3 Design and site new development to avoid hazardous areas and minimize risks to life and property from coastal and other hazards.*

*LUE Action 7.3.15 Prepare and periodically update comprehensive studies of seasonal and long-term shoreline change, episodic and chronic bluff retreat, flooding, and local changes in sea levels, and other coastal hazard conditions.*

*LUE Action 7.4.3 Review development to minimize adverse impacts to abutting dedicated open-space areas; taking into consideration both the appropriate habitat buffer zones and the required fuel modification zones.*

*LUE Policy 7.6 Implement individualized fuel modification programs for existing legal building sites whenever environmentally sensitive resources are present.*

*LUE Action 7.6.2 Allow fuel modification alternative means and methods for existing legal building sites in areas where high- and very-high-value habitat may otherwise be impacted and in areas where an Environmentally Sensitive Habitat Area (ESHA) (“ESHA” as defined in the LCP Glossary), may otherwise be impacted.*

*LUE Glossary 42. Environmentally Sensitive Habitat Area (ESHA) - The Coastal Act defines environmentally sensitive area as any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*

*LUE Policy 9.13: Continue to require nonstructural methods for flood control, such as preservation of watershed lands and natural drainage channels, rather than structural methods, such as concrete flood channels whenever feasible.*

*LUE Goal 10: Ensure that proposals for new development ... are sufficiently evaluated to protect public health and safety and natural resources.*

*LUE Action 10.2.1 Adopt standards that require new development and related improvements to be located on the most suitable areas of the site so as to maximize safety and the preservation of sensitive resources.*

*LUE Action 10.3.2 Continue to require in-depth analysis of constraint issues for properties, especially those designated on the City’s hazard maps so that the nature of the constraint and the best options for mitigation or avoidance will be considered at all stage of the approval process since these constraints may affect what development is appropriate for the property.*

*LUE Policy 10.6 Require all fuel modification to be located within the site being developed. Exceptions may be granted for existing legal building sites when findings can be made by the approval authority that other alternatives are not available and a strict application of this provision would endanger environmentally sensitive resources or deny a property owner reasonable use of an already existing legal building site. Fuel modification performed by private property owners cannot go beyond property lines without agreement by the adjacent property owners. Fuel modification on public land to protect existing development should be avoided whenever feasible; if avoidance isn’t feasible, measures must be employed to minimize the amount of fuel modification necessary on public land.*

*LUE Action 10.6.1 The development proposal should address the required fuel modification as part of the initial application and should integrate fuel modification provisions into the site plan in such a way as to minimize impact on existing native vegetation and areas of visual*

*prominence. Any required thinning of flammable vegetation shall be conducted outside of the bird nesting season if feasible. Alternative means to thinning and/or removal of native vegetation for fire hazard management such as minimizing the building envelope, and/or siting of the structure(s) away from hazard areas, and/or use of fire retardant design and materials are preferred where feasible.*

*OS/C 8-N: Prohibit intrusion of fuel modification programs into environmentally sensitive areas, including chaparral and coastal sage scrub.*

*OS/C Policy 9-L: In conjunction with the County of Orange, prepare a flood control plan and program of implementation for Laguna Canyon and all tributaries, pending funding availability.*

*OS/C Policy 9-M: Where feasible, require flood control programs to incorporate non-structural methods, such as preservation of water-shed lands and natural drainage channels, rather than structural methods such as concrete flood channel and engineering works. In cases where structural methods are necessary, drainage structures shall be invisible conveyances, underground and revegetated to camouflage any disturbance created during construction in order to provide the least damaging environmental alternative possible.*

*OS/C Policy 10F: To minimize risk to life and structures, new development located in established floodpxone lands shall incorporate all appropriate measures pursuant to the City's "Flood Damage Prevention and Prohibition Ordinance."*

*LCASP pg 18: There are two approaches to addressing the flooding problems in Laguna Creek. The first approach, increasing the channel capacity, presents potentially significant problems with increased beach erosion and destruction of riparian and marine habitats.*

*LCASP pg 25: Topic Natural Hazards The Specific Plan area is located in the Laguna Canyon and El Toro Canyon watershed area and located along a natural watercourse which drains the watershed area. Floods causing significant damage have occurred ... The channel extending from El Toro Road to just north of Stan Oaks is capable of holding as little as 200 cfs causing extreme danger to the residents from potential flooding. The City's Flood Damage Prevention Ordinance is applicable to all areas located within a 100-year plain. The ordinance and its associated map ensure that mitigation is provided for any development in the flood plain. The flood plain, as it exists in Laguna Canyon, is identified on the map provided at the end of this section.*

*LCASP pg 40; IMPLEMENTATION states: Flood control and sewer improvements will collectively influence the health and safety of residents located in Laguna Canyon - and the public at large. Flood control will require a regional planning effort and funding since the majority of the runoff is generated beyond the City's jurisdiction. ... Capital Improvement Program : It is important to note that any flood control improvements to Laguna Creek will require a going effort between the City, and the Orange County Flood Control District and upstream developers and landowners.*

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*LCASP pg 41: The cost of flood control improvements will depend on the form of control approved. Drainage and flooding impacts are regional as well as localized problems. As such, any expenditures for flood control would need to be shared with surrounding cities and/or the County of Orange. In no instance, should the City or any property owners of the Laguna Canyon Annexation Area be solely responsible for the costs of such improvements.*

## **7. Archeo/Paleo Resources**

Cultural Resources - The Initial Study states that ‘No archeological/paleontological resources are known to exist on the project site. Given the highly disturbed condition of the site, the potential for the project to encounter as yet undiscovered archaeological resources is remote. Additionally, the project would not excavate beyond the design grade of the existing creek. Therefore, the project would not cause an adverse change in the significance of an archaeological/paleontological resource.’ However, it is well known that the general region/location of Laguna contains the possibility of undiscovered resources due to the favorable environment for the settlement and habitation of earlier Native American cultures as well as prehistoric peoples.

According to the Coastal Land Use Plan Technical Appendix, “Camps tended to be located in the inlet estuaries (Laguna Canyon, etc.); the scrub forest found along major drainage channels; ...”. As for Paleontology - the Technical Appendix states that ‘Orange County and the environs in and around Laguna Beach are rich in paleontological resources including both vertebrate and invertebrate fossils.’ The subject project includes grading activities. We would ask that a mitigation be included in the project that includes monitoring by qualified professionals for any ground-disturbing work done during the project since the City did not alter the Mitigated Negative Declaration to include mitigations for such.

The project as approved does not adequately address the following goals, policies, and actions of the General Plan/LCP:

*OS/C Policy 12A: Promote the conservation of land having archaeological and/or paleontological importance, for its value to scientific research and to better understand the cultural history of Laguna Beach and environs.*

*LCASP pg 8: Laguna Canyon has served as a major point of entry to the Laguna Beach area and has been inhabited by humans for over 5,000 years. Nich Magalousis, an archaeologist specializing in Native American Indians, indicates that the Gabrieleno tribe (or a closely related tribe) is considered to be the first to inhabit the Canyon area. Radiocarbon research verified human habitation as far back as 3,000 years B.C.*

*LCASP pg 11: Indians walked the territory stretching alongside Laguna Canyon Road to their hunting camps. Cal Trans archaeologists digging in the greenbelt found ruins of a hunting village here.*

## **The City approved the CDP without the requisite reviews required to make findings:**

LBMC 25.07.012(G) requires that the issuing authority must review the project and make all of the following findings:

1. The project is in conformity with all the applicable provisions of the General Plan, including the Certified Local Coastal Program and any applicable specific plans;
2. Any development located between the sea and the first public road paralleling the sea is in conformity with the certified local coastal program and with the public access and public recreation policies of Chapter 3 of the Coastal Act;
3. The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

Specifically, the project is NOT in conformity with all the applicable provisions of the General Plan, the Certified Local Coastal Program or the Laguna Canyon Annexation Area Specific Plan for the reasons stated above in the appeal.

If the CCC takes jurisdiction of this project under appeal, it would similarly be required to make the findings of compliance with all the applicable provisions of the General Plan and the Laguna Canyon Annexation Area Specific Plan.

## **Conclusions**

The evidence in the record shows a lack of factual *conformity with all the applicable provisions of the general plan, including the certified local coastal program...*' (LBMC 25.07.12G(1)). Substantial Issue should be found and the project should be reviewed in accordance with the certified LCP in a de novo hearing.

## **Exhibits**

1. Letter of concern re: Initial Study (and City responses to that letter)
2. Letter of concern re: CCC issued permit 5-92-363
3. Concept approval of PMMC/Animal Shelter expansion project
4. November 29, 2018 meeting - City staff report (partial) and minutes
5. January 24, 2019 meeting - City staff memo and minutes

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**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

**SECTION V. Certification**

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

*Mark Judge*

*Mark Judge*

\_\_\_\_\_  
Signature of Appellant(s) or Authorized Agent

Date: February 27, 2019

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

**Section VI. Agent Authorization**

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

\_\_\_\_\_  
Signature of Appellant(s)

Date: \_\_\_\_\_

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To: Tri Nguyen, Public Works - City of Laguna Beach  
From: Mark and Sharon Fudge  
Re: Comments on Animal Shelter Creek Erosion Protection Project (SCH#2014121027)  
Date: November 5, 2018

Dear Mr Nguyen,

We are not opposed to a project that would improve conditions in the creek, provide flood improvements and protect the creek from erosion. However, based on the Initial Study's findings, we do have some questions and comments as follows:

1. Visual Resources - The Initial Study claims that Laguna Canyon Road is not a designated 'state scenic highway', however, the City has treated it as such for previous projects at this site. For instance Resolution 13-751 made a finding that the *"proposed modifications to the existing building is not in conflict with the designation of Laguna Canyon Road as a Scenic Highway ..."*. The citizens of Laguna certainly consider it one of the city's scenic areas. The small scale and rural feel is important to maintain and is protected in the Laguna Canyon Specific Plan. We believe that the presence of a concrete retaining wall and a wooden fence may adversely affect the visual corridor and should be closely examined by the discretionary body. This should be similar to the fencing along the creek that was recently approved by the City Council for the Village Entrance project.
2. Biological Resources - The Biological Habitat Assessment was performed in December of 2013 making the report five years old. There should be an updated report to assess current conditions. It seems odd that the report states there is no indication of wildlife other than aviary. Because the environment is currently 'disturbed' and contains 'no habitat for sensitive species' does not mean there is no opportunity for improvement and eventual return of wildlife to the area. We object to the removal of multiple native trees (see page 28 of I/S). The mitigation for this calls for a 2:1 replacement. We suggest the mitigation should read 'the greater of' either a 2:1 replacement OR the requirements of the Streambed Alteration Agreement. Also, the Initial Study mitigation states that the replacement will occur 'on-site and off-site'. We believe either all mitigation should occur on-site, or the 'off-site' location would be indicated at the time of the approval of the project.
3. Cultural Resources - The Initial Study states that *'No archeological/paleontological resources are known to exist on the project site. Given the highly disturbed condition of the site, the potential for the project to encounter as yet undiscovered archaeological resources is remote. Additionally, the project would not excavate beyond the design grade of the existing creek. Therefore, the project would not cause an adverse change in the significance of an archaeological/paleontological resource.'* However, it is well known that the general region/location of Laguna contains the possibility of undiscovered resources due to the favorable environment for the settlement and habitation of earlier Native American cultures as well as prehistoric peoples.

According to the Coastal Land Use Plan Technical Appendix, "*Camps tended to be located in the inlet estuaries (Laguna Canyon, etc.); the scrub forest found along major drainage channels; ...*". As for Paleontology - the Technical Appendix states that '*Orange County and the environs in and around Laguna Beach are rich in paleontological resources including both vertebrate and invertebrate fossils.*' We would ask that a mitigation be included in the project that there be monitoring by qualified professionals for any ground-disturbing work done during the project.

4. Water Quality - The Initial Study contains conflicting information about whether or not the project will have any potential impacts on WQ. At one point (pg 43) it says potential impacts will only occur during construction, but earlier in the report it says there will be NO impacts. This is a project that is literally IN a watercourse. Please correct the IS.

The Initial Study states that the goal for channel capacity is 1800-2000 cfs. The current capacity is 600 cfs and the project as proposed will improve the capacity to 915 cfs. This means the project improves the flow inadequately. After all of the work and expense, it will still be - at most - functioning at 50% of the target flow.

The alternatives discussed in the referenced January 2014 RBF report (*RBF Consulting. Laguna Canyon Creek Erosion Control and Restoration Project: Project Feasibility Report and Alternatives Analysis. Technical Memorandum. January 2014.*) should be updated as - like the biological analysis - the report is very dated and improvements to flood control methods may have advanced in the time since alternatives were looked at. We ask that the 'alternatives' be made a part of the discussion at the public meeting(s) before the discretionary decision makers and that the Initial Study itself is updated, not just recirculated. We specifically prefer Alternative #3 which results in the greatest environmental improvement as well as improved flow. The project currently provides an overage of parking (41 spaces provided and only 30 required) and with creative solutions might be able to come very close to recapturing all 11 spaces that will be lost if the lower parking lots are removed.

Thank you for your consideration of our concerns. We look forward to the public meeting(s) to discuss this important project and ask to be included on any noticing for the project in the future.

Mark and Sharon Fudge  
P.O. Box 130  
Laguna Beach, CA 92652-0130

cc: Greg Pfof, Director of Community Development  
Nancy Csira, Zoning Administrator

Exhibit 1  
pg 2 of 6



## **Response No. 4**

Mark and Sharon Fudge  
PO Box 130  
Laguna Beach, CA 92652-0130  
November 5, 2018

4-1 This comment relates to a CDP issued in 1993 for another project within the vicinity of the Project Site. The noted footbridge and associated "creek lining" would be removed as part of the proposed Project. The footbridge would be relocated adjacent to the existing concrete vehicle bridge to the south thereby eliminating multiple pinch points along the stream coordinator. This approach has been confirmed by the regulatory agencies. Improvements to the embankments of the stream corridor are proposed and would involve a plantable Armorflex lining, defined as the environmentally feasible alternative. The creek bottom is to remain earthen. These improvements are being evaluated and approved pursuant to the City's certified Local Coastal Program; thereby satisfying the need for a new Coastal Development Permit.

4-2 Refer to IS/MND Section 2.6 (page 8), that lists a City of Laguna Beach Coastal Development Permit as an agency approval required for the Project. Because the Project involves a new CDP, conditions of the 1993 permit are being addressed.

4-3 This comment asserts unauthorized work occurred within the Project site vicinity. According to the City of Laguna Beach, the grouted rip-rap around the vehicle bridge was installed in the 1990's due to storm flows eroding earthen banks around the bridge. The smaller, un-grouted rip-rap between the vehicle bridge and pedestrian bridge was put in over filter fabric during the flooding of 2010. However, all the activities listed above are not included in the proposed Project. For CEQA purposes, all environmental impacts analyzed are as a result of the proposed Project as described in Section 2.0.

Whether a previous authorization was or was not authorized would be addressed independent of the current project and does not invalidate the adequacy of the environmental impact analysis in the IS/MND nor does a previous project or action that may have occurred in the vicinity of the project preclude the evaluation of the currently proposed Projects environmental considerations. It should be noted that the emergency repairs currently in place would be removed through implementation of the proposed Project.

4-4 This comment provides supplementary information to substantiate Comments 4-1 to 4-3. This supplementary information does not relate to Project environmental impacts, but environmental impacts of alleged previous work in the Project vicinity. No further response is necessary because no issues related to the adequacy of the environmental impact analysis in the IS/MND were raised.

4-5 This comment is a copy of Comment Letter No. 5, also submitted by Mark and Sharon Fudge on November 5, 2018. Refer to Response 5-1 to 5-6 for response to comments on Comment Letter No. 5.

California Coastal Commission  
CDP No. A-5-19-0015



## Response No. 5

Mark and Sharon Fudge  
PO Box 130  
Laguna Beach, CA 92652-0130  
November 5, 2018

- 5-1 As discussed on IS/MND page 15, Laguna Canyon Road is not listed in the Caltrans state scenic highway program but is a listed "viewscape corridor" per the County of Orange Scenic Highway Plan. As clarified below, most of the hardscape Project improvements will not be visible from Laguna Canyon Road. Additionally, the new wooden fence and native habitat restoration would be an aesthetic improvement over the existing condition. Thus, impacts to aesthetics would be less than significant.

Page 16 of the Public Review Draft IS/MND is revised as follows:

The Laguna Beach General Plan Scenic Highways Element addresses the City's scenic resources, particularly the interface between roadways and adjacent environments having outstanding scenic/aesthetic values. According to this element, Laguna Canyon Road is not a City-designated scenic highway; however, page 3 notes that "it is possible, although not necessary, to have Laguna Canyon Road (State Route 133) placed on the State Plan." The Laguna Beach Landscape and Scenic Highways Resource Document includes Laguna Canyon Road as a Scenic Highway and includes recommended policies for the management and preservation of these roadways.

The Project site encompasses a segment of the Laguna Canyon Creek corridor, which contains a highly modified natural drainage course that is adjoined by various native and non-native trees and vegetation, that are considered visual resources. The Project proposes improvements that are intended to restore the creek's hydrological and biological functions and values. The Project is not designed to damage diminish the visual resource of the corridor the corridor or its resources, rather it would to restore the channel to the as-built design grade thereby partially restoring the creeks hydrologic conveyance with the goal of reducing flooding events and preventing erosion. The channel would also be recontoured to increase flood conveyance and provide increased habitat restoration and enhancement opportunities over the existing conditions. The concrete retaining wall is proposed to be constructed below the existing grade of the adjacent parking area and would not be visible from Laguna Canyon Road/SR-133 or the parking lot immediately above it. Additionally, the proposed wooden fence would be an aesthetic improvement when compared to the existing chain-link fence on-site. Riparian habitat would be replanted with native species and increase native plant species biodiversity. The channel would not be redirected or further constrained widened and would not significantly change the visual character of the existing condition Project site. The proposed Project is small scale, and visually consistent with the surrounding community within Laguna Canyon. Therefore, the proposed Project would not substantially damage scenic resources.



5-2 The Habitat Assessment (Appendix B) is considered current by all involved regulatory agencies and has been actively used to assess biological conditions of the Project site over the last few years. The report has also been accepted and utilized by the Regulatory Agencies as the basis for design, impacts and mitigation. Conditions have not changed substantially since the time of this report in regards plant communities, jurisdictional areas or sensitive resources.

Additionally, the Habitat Assessment (Appendix B, page 9) states "The majority of wildlife observed during the habitat assessment consisted of avian species... No reptiles, mammals, fish, or amphibians were observed during the survey." The report only describes species viewed by project biologists during the site visit and factually describes the habitat as disturbed. The report does not assert there is "no opportunity for improvement and the eventual return of wildlife to the area." It is anticipated that the proposed project improvements would promote the use of the area by a diverse number of species. Restoration and enhancement is proposed (refer to Mitigation Measure BIO-2) to remove invasive species and improve habitat onsite.

The native tree removal is to be mitigated by Mitigation Measure BIO-2, requiring that impacted riparian habitat is replaced at a **minimum 2:1** ratio (emphasis added). This is the minimum amount of mitigation that is required to occur through this IS/MND. If any of the regulatory agencies (including the California Department of Fish and Wildlife through the Streambed Alteration Agreement) requires a higher mitigation ratio than 2:1, the higher mitigation ratio would be complied with. No changes to the IS/MND shall be made in this regard as it would cover the minimum requirement.

As noted in the IS/MND, mitigation is anticipated to occur both on-site and off-site, in compliance with all permit regulations issues by all local, state and federal agencies involved. Onsite mitigation would be pursued to the fullest extent practicable, as required by the involved agencies. Off-site mitigation would then be included as required by the same involved agencies, at a location selected and agreed upon by involved parties. The removal of native trees will allow for recontouring of portions of the streambed to create an expansion and diversity of native plants; including native trees. Off-site mitigation is being proposed due to a highly constrained stream corridor as well as restrictions set forth by fuel modification requirements. The permitting approach to on-site and off-site mitigation has been acknowledged and accepted by the Regulatory Agencies.

5-3 The Project site consists of an engineered flood control facility, that has been highly disturbed throughout the decades. The commenter provides quotes from the Laguna Beach Land Use Plan regarding native American activities and paleontological resources. However, this language is general and applies to the whole city, instead of the specific Project site. The proposed Project would only excavate accumulated materials within the design grade of the existing creek; no other excavation is proposed. As the Project only proposes excavation in areas that have been previously excavated or otherwise subject to maintenance/disturbance, the chance of encountering undiscovered archeological or paleontological resources is remote. Thus, the IS/MND determined no impacts, and is not required to mitigate in this instance.

California Coastal Commission  
CDP No. A-5-19-0015



5-4 The comment asserts there is conflicting information regarding water quality impacts on IS/MND page 43. Page 43 discusses Hazardous Materials thresholds 4.8.c – 4.8.e, with no discussion relating to water quality.

The IS/MND specifically describes potential water quality impacts during the earthwork and construction phase. After construction is complete, the Project would not result in long-term impacts to water quality. Analysis describes several water quality regulations the Project must comply with to ensure impacts are less than significant to surface water and ground water (refer to Impact Thresholds 4.9.a, 4.9.b, and 4.9.c).

5-5 The proposed Project is an improvement over existing conditions and meets the ultimate objective of increasing flood conveyance. Although the proposed improvements would not meet the desired 1,800 to 2,000 cfs, the creek would be able to better accommodate larger events and flood hazard mitigation would be increased over the existing condition. The Project design considered several site constraints, including existing development, downstream flood control facilities and engineering limitations. Project cost and amount of effort required to complete the Project are not CEQA items of concern, and thus no further response is required.

5-6 The Project Feasibility Report and Alternatives Analysis technical memorandum evaluates the current technologies for the type of Project being proposed. The proposed Project uses the latest technological advancements in flood and erosion control management. The use of Armorflex is preferred by all Regulatory Agencies following early project consultation and development. Widening portions of the creek and returning to narrower widths further promotes erosion and sedimentation issues. The goal is to have a uniform facility which promotes the conveyance of a similar volume of water. The loss of parking is not acceptable to the City, current tenants or consistent with the various policies of the Local Coastal Program and Coastal Act. No changes are required to the IS/MND that would warrant recirculation.

To: Karl Schwing - California Coastal Commission  
Greg Pfost - Director of Community Development Laguna Beach  
From: Mark and Sharon Fudge  
Re: CDP 18-1686 - *Animal Shelter Creek Erosion Protection Project*  
Date: November 5, 2018

Dear Karl and Greg,

In our research on this project located at 20612 Laguna Canyon Road, we came upon a Coastal Development Permit issued by the Coastal Commission in 1993 **(5-92-363)** **(attached)** for development consisting of *'construct a 10 foot wide concrete creek lining with cut-off walls within Laguna Canyon Creek to protect an existing foot bridge'* at 20612 Laguna Canyon Road (The Animal Shelter). The permit is subject to special conditions - most specifically #4 Removal of the Creek Lining - which states: *"The approval of the subject creek lining is for protection of the existing footbridge only. If the existing footbridge is removed, demolished or substantially improved, the subject creek lining will be removed and the creek bed will be returned to a natural state. Any new bridge proposal in this location shall require a new coastal development permit, and bridge design that does not require channelization of the creek or disruption of the environmentally sensitive area."*

The Initial Study being circulated for the Animal Shelter Creek Erosion Protection Project lists *'Relocation of the existing pedestrian bridge to the south, immediately adjacent to the existing vehicular access bridge to eliminate creek crossings'* as a characteristic of the project. We are making the assumption that the 'existing foot bridge' in the 1993 permit is the one slated for removal in the current project proposal. If that is the case, the creek lining needs to be removed and the creek bed returned to a natural state as required by Special Condition #4. This does not appear to be the intent of the current proposal.

The Initial Study does not include any reference to CDP 5-92-363 and it is unclear whether or not the City or the Coastal Commission would be responsible for issuing an amendment or new permit. Standard Condition #3 Compliance states (in relevant part) *"Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval."*

Additionally, it appears there was a 'Public Works' project recommended by the Building Official on August 3, 2011 (**memo attached**) that was to 'remove the remaining portions of the concrete bridge and install a simple wooden bridge using glue-lam beams as a temporary installation. This project was to repair damage done to the bridge by a December 22, 2010 flood. It is unclear whether this work was done or not as it does not appear to have been heard at a public hearing as determined by an online search of meetings (**list attached**). We have not found any permits for the work. If development was done in the creek without a CDP, we believe that would constitute a violation of the Coastal Act and/or CDP 5-92-363.

To support this assertion that work has been done at the creek, we also note that the *RBF January 2014 Feasibility and Alternatives* report (referenced in the Initial Study) states:

- In Section 1.1 - *On-going erosion of the channel banks along the creek has threatened the animal shelter facility and is undermining the paved parking lot. The City has installed interim erosion control measures along the channel banks including loose and grouted riprap in an effort to protect the adjacent improvements. The creek now incorporates a variety of partially improved channel linings and sections along the property. The non-cohesive nature of the miscellaneous improvements has resulted limited flood conveyance capacity, erosion and sedimentation problems, and a highly disturbed stream corridor environment. Exotic and/or invasive species have also encroached within the channel limits.*
- In Section 1.2 - *The creek has experienced significant erosion of the channel banks which has jeopardized the adjacent improvements including a parking lot, two bridge crossings, and the City Animal Shelter and Pacific Marine Mammal Center. The City has recently provided interim protection through the placement of loose riprap. While this interim measure will provide temporary erosion protection, a long-term solution is needed to address the problems at the site including, erosion control, flood capacity, and habitat restoration.*

We ask that you investigate and verify if development has occurred without the required CDPs as we have been unable to find them. Also, a determination of whether the Coastal Commission or the City will be the governing body for approval of a CDP for this current project would be helpful to the public.

Thank you,

Mark and Sharon Fudge  
P.O. Box 130  
Laguna Beach, CA 92652-0130

attachments:

Coastal Development Permit 5-92-363  
Memorandum from Building Official dated August 3, 2011  
List of public meetings held for 20612 Laguna Canyon Road (2010-2018)  
Description of current project (Design Review Minutes for 9/27/18 meeting)  
Map  
Letter from Fudges to City re: Comments on project Initial Study

cc: Lisa Haage, CCC  
Andrew Willis, CCC  
Jordan Sanchez, CCC

California Coastal Commission  
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Exhibit 2  
pg 2 of 12

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA  
245 W. BROADWAY, STE. 380  
P.O. BOX 1450  
LONG BEACH, CA 90802-4416  
(310) 590-3071

Page 1 of 3  
Date: February 24, 1993  
Permit No. 5-92-363



RECEIVED

MAR. 2 1993

PLANNING DIVISION COASTAL DEVELOPMENT PERMIT

On January 13, 1993, the California Coastal Commission granted to

CITY OF LAGUNA BEACH

this permit subject to the attached Standard and Special conditions, for development consisting of:

Construct a 10 foot wide concrete creek lining with cut-off walls within Laguna Canyon Creek to protect an existing foot bridge. The project will not impact more than 200 sq.ft. of the creek.

more specifically described in the application file in the Commission offices.

The development is within the coastal zone in Orange County at 20612 Laguna Canyon Road (The Animal Shelter), Laguna Beach.

Issued on behalf of the California Coastal Commission by

PETER DOUGLAS  
Executive Director

By: [Signature]

Title: Staff Analyst

ACKNOWLEDGMENT

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part, that: "A public entity is not liable for injury caused by the issuance. . . of any permit. . ." applies to the issuance of this permit.

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 Cal. Admin. Code Section 13158(a).

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Permittee  
California Coastal Commission  
CDP No. A-5-19-0015  
Exhibit 6 p. 29 of 85

COASTAL DEVELOPMENT PERMIT

Page 2 of 3  
Permit No. 5-92-363

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 on which the Commission voted on the application. 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. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. 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.
7. 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.

SPECIAL CONDITIONS:

1. Compliance with Fish and Game Conditions

Prior to the issuance of a coastal development permit, the applicant shall submit for the review and approval of the Executive Director a signed copy of the California Department of Fish and Game Agreement Regarding Proposed Stream Alteration #5-686-92 (exhibit 2). In addition, the conditions contained in the agreement are a part of this permit, and shall be incorporated into the final design and construction plans of the project.

2. Revised Plans

Within sixty (60) days of the issuance of the coastal development permit the applicant shall submit revised plans, for the review and approval of the Executive Director, that will ensure the successful revegetation of the bottom of the creek bed (i.e. constructing the base of the channel lining below the flowline elevation of the creek, using an open cell concrete material or a concrete matting for the base, and/or a combination of these techniques). This plan shall incorporate and protect the established natural vegetation to the greatest extent possible. Special attention shall be given to restoration of the riparian area around the project and removal of all invasive exotic plants, as directed by the Department of Fish and Game. These revised plans shall also be reviewed and approved by the Department of Fish and Game.

3. Agreement to Protect the Drainage Course During Construction

Prior to issuance of the coastal development permit, in order to protect the drainage course to the greatest extent possible during construction, the applicant shall submit a written agreement, subject to the review and approval of the Executive Director, in which the applicant agrees to (1) place no fill or debris from the grading and construction activities in the drainage course upstream or downstream of the construction area, (2) to protect all existing vegetation outside the limits of construction from disruption as identified on the revised project plans, and (3) all construction debris shall be removed upon completion of the construction.

4. Removal of the Creek Lining

The approval of the subject creek lining is for protection of the existing footbridge only. If the existing footbridge is removed, demolished or substantially improved, the subject creek lining will be removed and the creek bed will be returned to a natural state. Any new bridge proposal in this location shall require a new coastal development permit, and bridge design that does not require channelization of the creek or disruption of the environmentally sensitive area.

NS:tn  
7496E



## Memorandum

Date: August 3, 2011  
To: Carl Hefner, Building Official  
From: Wade Brown, Project Director *W/B*  
Subject: Wooden Pedestrian Bridge Installation  
Animal Shelter at 20612 Laguna Canyon Road

On December 7, 2010, the City awarded a contract for the renovation of the Animal Shelter building only and which did not include improvements to the pedestrian bridge.

On December 22, 2010 a flood damaged the concrete planks of the pedestrian bridge, creek banks, and parking lot of the facility.

As part of the storm cleanup and repair efforts, and not associated with the Animal Shelter Renovation project, the City Council directed the Public Works staff to make minimal and temporary repairs to the bridge while pursuing a long-term improvement project that will improve the flow and capacity of the creek. The long-term improvement project will almost certainly require the removal and replacement of the pedestrian bridge. Obtaining entitlements for this improvement project will take several years.

Therefore, staff selected the least cost option for the minimal and temporary repairs to the bridge which was to remove the remaining portions of the concrete bridge and install a simple wooden bridge using glue-lam beams. As the building inspectors have identified, the glue-lam beams are not weather resistant, or approved for long term exposure to the weather. However, they are primed and painted for sufficient weather protection to serve as a temporary installation.

I recommend that the bridge installation be treated as a Public Works project and not associated with the Animal Shelter Renovation project building permit. The City accepts any maintenance issues associated with the temporary bridge installation, and any necessary repairs required in the future will be conducted as a public works maintenance project until such a time that the bridge is removed for the long-term improvement project.

California Coastal Commission  
CDP No. A-5-19-0015

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20612 Laguna

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## Search Results for "20612 Laguna"

Name	Date	Duration	
Design Review Board Meeting	Sep 27, 2018	04h 10m	<a href="#">Agenda</a> <a href="#">Minutes</a> <a href="#">Video</a>
Item: <a href="#">1. 20612 LAGUNA CANYON ROAD (PUBLIC WORKS), APN 629-061-04 DESIGN REVIEW 18-1685, COASTAL DEVELOPMENT PERMIT 18-1686, VARIANCE 18-1702 AND MITIGATED NEGATIVE DECLARATION City staff: Nancy Csira, Zoning Administrator (949) 497-0332 ncsira@lagunabeachc</a>			
City Council Meeting	Jan 23, 2018	07h 01m	<a href="#">Agenda</a> <a href="#">Minutes</a> <a href="#">Video</a>
Item: <a href="#">6. CONCEPT TO BUILD AND INSTALL A NEW WATER TREATMENT SYSTEM AND ASSOCIATED IMPROVEMENTS AT 20612 AND 20652 LAGUNA CANYON ROAD (PACIFIC MARINE MAMMAL CENTER)</a>			
Item: <a href="#">(2) Authorize the City Manager to sign land use applications and necessary documents required to build and install a water treatment system, associated improvements, and fence relocation on City-owned property located at 20612 and 20652 Laguna Canyon</a>			
City Council Meeting	May 19, 2015	04h 36m	<a href="#">Agenda</a> <a href="#">Minutes</a> <a href="#">Video</a>
Item: <a href="#">10. Authorize the City Manager to approve the Pacific Marine Mammal Center's concept of installing an eight-foot high permanent chain link fence to enclose existing mechanical equipment at 20612 Laguna Canyon Road.</a>			
City Council Meeting	Feb 24, 2015	03h 59m	<a href="#">Agenda</a> <a href="#">Minutes</a> <a href="#">Video</a>
Item: <a href="#">10. Authorize the City Manager to approve the Pacific Marine Mammal Center's concept of installing an emergency electrical generator and additional solar panels onto the city-owned facility located at 20612 Laguna Canyon Road.</a>			
City Council Meeting	Jan 6, 2015	05h 42m	<a href="#">Agenda</a> <a href="#">Minutes</a> <a href="#">Video</a>
Item: <a href="#">9. Authorize the City Manager to approve the Pacific Marine Mammal Center's concept of installing an electrical generator next to the city-owned facility located at 20612 Laguna Canyon Road.</a>			
City Council Meeting	Jun 3, 2014	04h 43m	<a href="#">Agenda</a> <a href="#">Minutes</a> <a href="#">Video</a>
Item: <a href="#">5. Authorize the City Manager to approve the Pacific Marine Mammal Center's concept of installing solar panels on the roof of the city-owned facility located at 20612 Laguna Canyon Road.</a>			

California Coastal Commission  
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Name	Date	Duration	<a href="#">Agenda</a>	<a href="#">Minutes</a>	<a href="#">Video</a>
City Council	Dec 10, 2013	04h 28m	<a href="#">Agenda</a>	<a href="#">Minutes</a>	<a href="#">Video</a>

Item: 11. Authorize the City Manager to execute a ten year lease agreement with the Pacific Marine Mammal Center to continue their use of the facility located at 20612 Laguna Canyon Road and begin temporary use of a small, open space area located in the ad

Planning Commission	May 22, 2013	00h 55m	<a href="#">Agenda</a>	<a href="#">Minutes</a>	<a href="#">Video</a>
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Item: 5. Conditional Use Permit 13-751, Planning Commission Design Review 13-815 and Coastal Development Permit 13-816 for an approximate 612-square-foot, two-story addition and a deck to the Pacific Marine Mammal Center at 20612 Laguna Canyon Road.

Planning Commission	Apr 14, 2010	02h 53m	<a href="#">Agenda</a>	<a href="#">Minutes</a>	<a href="#">Video</a>
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Item: 6. Conditional Use Permit 10-08 for a remodel and an approximate 272 square-foot, one-story addition to the Laguna Beach Animal Shelter at 20612 Laguna Canyon Road.



California Coastal Commission  
 CDP No. A-5-19-0015  
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CONSENT

1. 20612 LAGUNA CANYON ROAD (PUBLIC WORKS), APN 629-061-04 CONTINUED TO 11/29  
DESIGN REVIEW 18-1685, COASTAL DEVELOPMENT PERMIT 18-1686, VARIANCE 18-1702 AND MITIGATED NEGATIVE DECLARATION

City staff: Nancy Csira, Zoning Administrator (949) 497-0332 ncsira@lagunabeachcity.net  
Project Applicant: Tri Nguyen, Project Manager (949) 497-0741 tnguyen@lagunabeachcity.net

The City of Laguna Beach Public Works Department requests design review and a coastal development permit to install erosion devices within the creek including articulating concrete block lining along portions of the creek banks, three bendway weirs and rip rap in the Industrial (I) zone. Proposed improvements include removing the existing pedestrian bridge, installing a prefabricated pedestrian bridge adjacent to the vehicular bridge, new retaining wall with cable railing at edge of the parking lot along creek, wood fencing around the parking lot, and landscaping. A variance is requested to exceed the 4-foot high fence height within the front setback [LBMC 25.50.012(B)(1)] and to encroach into the watercourse setback (bridge supports, hydraulic transition structure, retaining walls, grading, erosion control devices, and fencing) [LBMC 25.50.030(D)].

Ms. Monahan made a motion, seconded by Ms. Neev, to continue Design Review 18-1685, Coastal Development Permit 18-1686, Variance 18-1702 at 20612 Laguna Canyon Road to November 29, 2018. Motion carried unanimously 5-0.

Motion MM Second DN Grant Y Deny\_\_\_ Cont. 11/29 Unan. 5-0  
Neev Y Simpson Y Liuzzi Y Monahan Y Mullen-Kress Y

Figure 1-1: Vicinity Map.

20612 Laguna Canyon Road  
Laguna Beach CA.



Source: Google Earth Pro Aerial

Red line is depicted by Sharon Fudge  
Yellow line by RBF

California Coastal Commission  
CDP No. A-5-19-0015

To: Tri Nguyen, Public Works - City of Laguna Beach  
From: Mark and Sharon Fudge  
Re: Comments on Animal Shelter Creek Erosion Protection Project (SCH#2014121027)  
Date: November 5, 2018

Dear Mr Nguyen,

We are not opposed to a project that would improve conditions in the creek, provide flood improvements and protect the creek from erosion. However, based on the Initial Study's findings, we do have some questions and comments as follows:

1. Visual Resources - The Initial Study claims that Laguna Canyon Road is not a designated 'state scenic highway', however, the City has treated it as such for previous projects at this site. For instance Resolution 13-751 made a finding that the *"proposed modifications to the existing building is not in conflict with the designation of Laguna Canyon Road as a Scenic Highway ..."*. The citizens of Laguna certainly consider it one of the city's scenic areas. The small scale and rural feel is important to maintain and is protected in the Laguna Canyon Specific Plan. We believe that the presence of a concrete retaining wall and a wooden fence may adversely affect the visual corridor and should be closely examined by the discretionary body. This should be similar to the fencing along the creek that was recently approved by the City Council for the Village Entrance project.
2. Biological Resources - The Biological Habitat Assessment was performed in December of 2013 making the report five years old. There should be an updated report to assess current conditions. It seems odd that the report states there is no indication of wildlife other than aviary. Because the environment is currently 'disturbed' and contains 'no habitat for sensitive species' does not mean there is no opportunity for improvement and eventual return of wildlife to the area. We object to the removal of multiple native trees (see page 28 of I/S). The mitigation for this calls for a 2:1 replacement. We suggest the mitigation should read 'the greater of' either a 2:1 replacement OR the requirements of the Streambed Alteration Agreement. Also, the Initial Study mitigation states that the replacement will occur 'on-site and off-site'. We believe either all mitigation should occur on-site, or the 'off-site' location would be indicated at the time of the approval of the project.
3. Cultural Resources - The Initial Study states that *'No archeological/paleontological resources are known to exist on the project site. Given the highly disturbed condition of the site, the potential for the project to encounter as yet undiscovered archaeological resources is remote. Additionally, the project would not excavate beyond the design grade of the existing creek. Therefore, the project would not cause an adverse change in the significance of an archaeological/paleontological resource.'* However, it is well known that the general region/location of Laguna contains the possibility of undiscovered resources due to the favorable environment for the settlement and habitation of earlier Native American cultures as well as prehistoric peoples.

According to the Coastal Land Use Plan Technical Appendix, "*Camps tended to be located in the inlet estuaries (Laguna Canyon, etc.); the scrub forest found along major drainage channels; ...*". As for Paleontology - the Technical Appendix states that '*Orange County and the environs in and around Laguna Beach are rich in paleontological resources including both vertebrate and invertebrate fossils.*' We would ask that a mitigation be included in the project that there be monitoring by qualified professionals for any ground-disturbing work done during the project.

4. Water Quality - The Initial Study contains conflicting information about whether or not the project will have any potential impacts on WQ. At one point (pg 43) it says potential impacts will only occur during construction, but earlier in the report it says there will be NO impacts. This is a project that is literally IN a watercourse. Please correct the IS.

The Initial Study states that the goal for channel capacity is 1800-2000 cfs. The current capacity is 600 cfs and the project as proposed will improve the capacity to 915 cfs. This means the project improves the flow inadequately. After all of the work and expense, it will still be - at most - functioning at 50% of the target flow.

The alternatives discussed in the referenced January 2014 RBF report (*RBF Consulting. Laguna Canyon Creek Erosion Control and Restoration Project: Project Feasibility Report and Alternatives Analysis. Technical Memorandum. January 2014.*) should be updated as - like the biological analysis - the report is very dated and improvements to flood control methods may have advanced in the time since alternatives were looked at. We ask that the 'alternatives' be made a part of the discussion at the public meeting(s) before the discretionary decision makers and that the Initial Study itself is updated, not just recirculated. We specifically prefer Alternative #3 which results in the greatest environmental improvement as well as improved flow. The project currently provides an overage of parking (41 spaces provided and only 30 required) and with creative solutions might be able to come very close to recapturing all 11 spaces that will be lost if the lower parking lots are removed.

Thank you for your consideration of our concerns. We look forward to the public meeting(s) to discuss this important project and ask to be included on any noticing for the project in the future.

Mark and Sharon Fudge  
P.O. Box 130  
Laguna Beach, CA 92652-0130

cc: Greg Pfost, Director of Community Development  
Nancy Csira, Zoning Administrator

California Coastal Commission  
CDP No. A-5-19-0015  
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AGENDA BILL

No. **15**

Meeting Date: 11/13/2018

**SUBJECT: AMENDMENT OF CONCEPT FOR IMPROVEMENT PROJECT AT 20612 AND 20652 LAGUNA CANYON ROAD (PACIFIC MARINE MAMMAL CENTER)**

Background

The Pacific Marine Mammal Center (“PMMC”), a local non-profit organization, has been leasing the City-owned facility, commonly referred to as the “Animal Barn”, located at 20612 Laguna Canyon Road since the 1970’s. The facility is primarily used as a rehabilitation center for sea lions and other marine mammals. The facility is open to the public and provides a wide range of marine mammal educational programs for both children and adults. PPMC also temporarily leases 2,800 square-feet of vacant space on the adjacent City-owned parcel, at 20652 Laguna Canyon Road, as a play area for visiting school groups and summer camp programs. The current lease agreement is set to expire May 31, 2024.

PPMC has developed project plans for improvements to 20612 and 20652 Laguna Canyon Road to serve their mission of rescuing, rehabilitating and releasing marine mammals and inspiring ocean stewardship through research, education and collaboration. Pursuant to PPMC’s lease agreement, any proposed alterations, additions, or improvements to the facility, other than routine maintenance and repair, must be submitted to the City for concept review in advance of submitting any request for zoning approval and building permits.

On January 23, 2018, City Council approved the Pacific Marine Mammal Center’s initial concept of building, installing, and maintaining a new water treatment system on the vacant space it already temporarily leases from the City located at 20652 Laguna Canyon Road. The water treatment concept design will include a 2,000 square-foot concrete pad to support the installation of an ozone building, sand filters, and recovery tank. This new system will be optimized to meet the requirements of providing filtered, temperature controlled, ozonated and/or chlorinated freshwater. In order to accommodate the concept, the fence located on the northern end of the 20652 Laguna Canyon Road parcel will be relocated approximately 10 feet into the current gravel lot. This gravel lot is used by different city departments such as: (a) Marine Safety for lifeguard tower storage during non-peak season; (b) Fire Department as a dedicated turn-around for fire trucks serving the Alternative Sleeping Location, Verizon Building, and Food Pantry; and, (c) Public

**RECOMMENDATION:** It is recommended that the City Council: See Page 3.

Appropriations Requested: \$ \_\_\_\_\_

Submitted By:   
Christa Johnson, Assistant City Manager

Fund: \_\_\_\_\_ **California Coastal Commission**  
CDP No. A-5-19-0015

Coordinated with:   
Jeremy Frimond, Senior Administrative Analyst

Attachments: See Page 3 Exhibit 6 p. 39 of 85

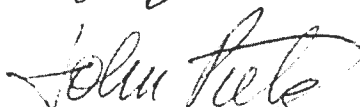
Approved:   
John Pietig, City Manager

Exhibit 3  
pg 1 of 10

Works as a construction staging area. City staff expects the fence relocation to have a slight impact on these operations. PMMC will pay for the cost of building, installing, and maintaining the new water treatment system, associated improvements, and the fence relocation at 20612 and 20652 Laguna Canyon Road. Additionally, the City Council authorized the City Manager to sign land use applications and necessary documents required for the improvement project.

On September 12, 2018, PMMC staff submitted a request to amend the current concept to include: (1) an approximate 1,600 square-foot barn-style building to house the new water treatment system; (2) a 400 square-foot expansion of the first level of the existing PMMC structure to include necropsy and laboratory space; (3) a 1,900 square-foot expansion of the second level of the existing PMMC structure and remodel of the existing second story interior for an educational multipurpose room, offices, and restrooms; (4) two additional 2,900-gallon marine mammal rehabilitation pools; (5) enhancement of approved stormwater conveyance upgrade to include bioretention/filtration planters by storage building and water treatment area; and, (6) a two-story approximately 1,750 to 2,150 square-foot structure shared between the Laguna Beach Animal Shelter and PMMC. A matrix summarizing existing conditions, concepts approved by City council on January 23, 2018, and the revised project seeking concept approval is attached as Attachment 1.

### Two-Story Shared Use Building

The building is proposed to be shared between the Laguna Beach Animal Shelter (LBAS) and PMMC for storage, offices, a cattery, and potential animal evacuation space. In conjunction with the proposed development, priority has been placed on preserving the existing parking shared between the two facilities. Design on this building is ongoing, and being performed under contract to PMMC, at no cost to the City. Joint project planning has resulted in the following uses specifically for LBAS:

- Approximately 285 square-feet for three City Animal Control employees, including a locker room and restroom.
- Approximately 375 square-feet for LBAS storage.
- Approximately 285 square-feet for an additional LBAS Cattery.
- An outdoor shower and water flushing station.
- A 75 square-foot telecommunications room.

### Analysis

City staff has determined that PMMC's request is feasible. The remodeling concept to the first and second story of the "barn-style" building do not exceed the footprint of the current structure. The shared use structure concept will increase the footprint of the campus by approximate 1,750 to 2,150 square feet. However, neither structure will exceed the property line of the leased land. The shared use building will improve operations for both Animal Services and the Animal Shelter. The building will also serve as a potential emergency evacuation site for the Animal Shelter during large storm events. The project also maintains the parking requirements for the property. Lastly, PMMC has assured staff that the shared use building will be constructed at no cost to the City. This proposed structure recognizes the successful partnership between the City and PMMC working to build a joint "campus" for our shared mission of animal care/rescue, rehabilitation, education, and research.

### Next Steps

If the City Council approves PMMC's amended concept, PMMC will need to complete the appropriate development review process to obtain the necessary entitlement and building permits with authorization

Amendment of Concept for Improvement Project at 20612 and 20652 Laguna Canyon Road (Pacific Marine Mammal Center)

November 13, 2018

Page 3 of 3

from the City Council, since the City is the property owner of 20612 and 20652 Laguna Canyon Road. If PMMC receives the necessary entitlements and building permits, City staff will then return with a proposed lease amendment for City Council consideration.

Recommendation

It is recommended that the City Council:

1. Approve the Pacific Marine Mammal Center's amended concept for site improvements as described in the agenda bill on City-owned property located at 20612 and 20652 Laguna Canyon Road conditioned upon obtaining the necessary entitlements and building permits.
2. Authorize the City Manager to sign land use applications and necessary documents required to build and install associated improvements on City-owned property located at 20612 and 20652 Laguna Canyon Road.
3. Upon Pacific Marine Mammal Center's receipt of necessary entitlements, direct the City Manager to present a proposed lease amendment to the City Council for consideration.

Attachments

Attachment 1 – Matrix Summarizing Existing Conditions and Proposed Key Improvements

Attachment 2 – Site Plan for Amended Project Description: PMMC Central Site Improvements

Attachment 3 – Letter from PMMC

Attachment 4 – Current Leased Area

California Coastal Commission

CDP No. A-5-19-0015

Exhibit 6 p. 41 of 85

Exhibit 3  
pg 3 of 10

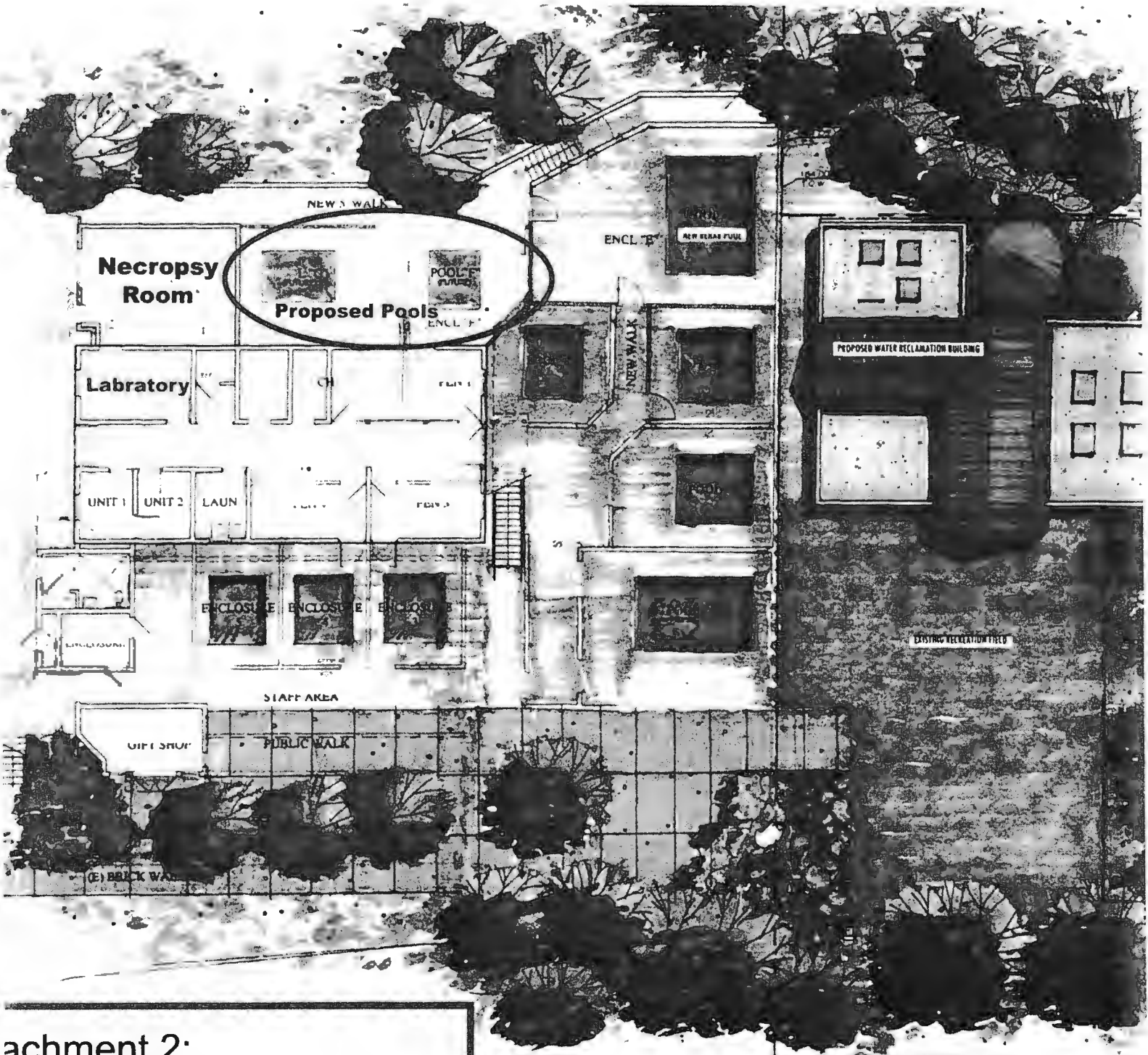
## Attachment 1

### IC Matrix Summarizing Existing Conditions and Proposed Key Improvements

Feature	Existing Feature Conditions at PMMC Facility	Improvements with Concept Approval by Laguna Beach City Council on 1/23/18	Revised Project Seeking Concept Approval by Laguna Beach City Council
Swimming Pools	7 total	8 total	10 total
Equipment Building System	0 sq ft	2,000 sq ft concrete equipment pad with security fencing and a 268 sq ft ozone building	2,000 sq ft total; 1,600 sq ft barn-style building with 400 sq ft concrete equipment pad
Storage Space Building Area	1,915 sq ft	(no addition)	2,315 sq ft total (400 sq ft addition)
Office Space Building Area	2,056 sq ft	(no addition)	3,656 sq ft total (1,900 sq ft addition)
Building Hillside	0 sq ft	0 sq ft	1,750 – 2,150 sq ft total shared with the Laguna Beach Animal Shelter
Drainage Upgrades	0 sq ft	Trapezoidal channel, concrete v-ditch, pool deck and walkway drains	Same as approved on 1/23/18 but with bioretention/filtration planters by Storage Building and Water Treatment Area
Artistic Illustrating	See attached artistic rendering	See attached artistic rendering	See (3) artistic renderings attached to the 10/8/18 letter from PMMC

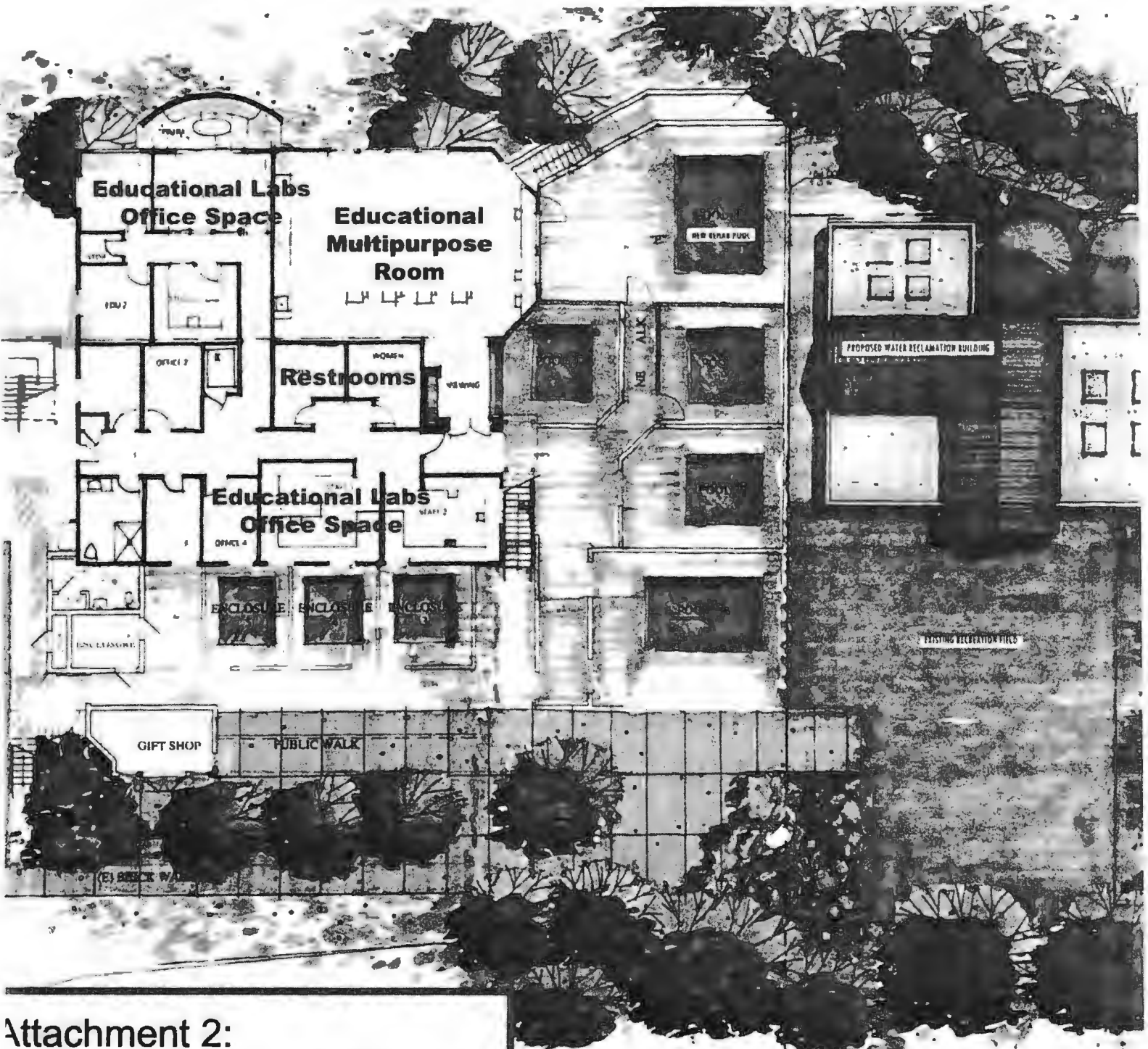
*Exhibit 3  
pg 4 of 10*

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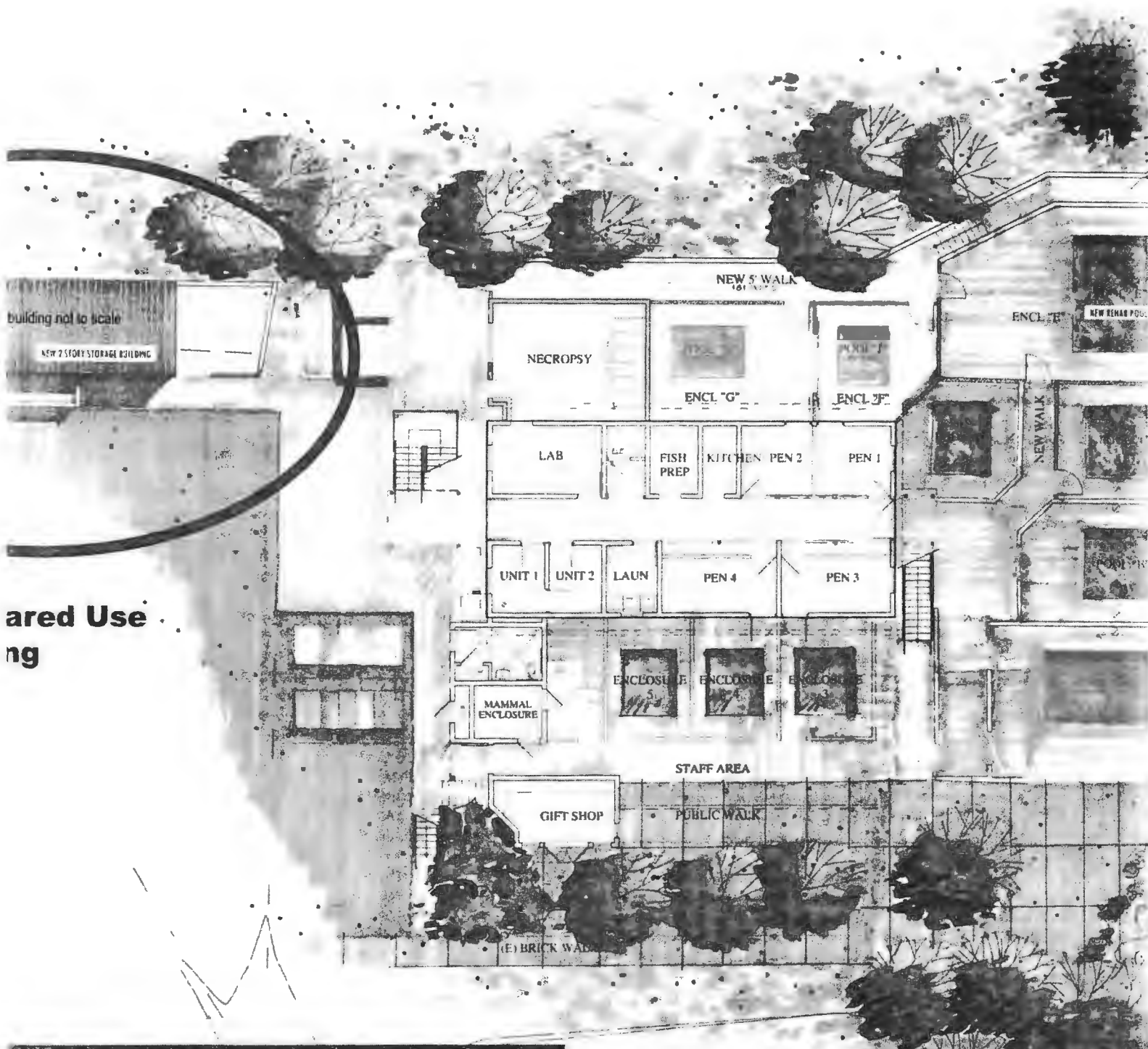
Attachment 2:  
Detailed Project Description of PMMC Central Site

Exhibit 3  
pg 5 of 10



**Attachment 2:**  
Proposed Project Description of PMMC Central Site

Exhibit 3  
pg 6 of 10



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**Attachment 2:**  
Amended Project Description of PMMC Central Site

*Exhibit 3*  
*pg 7 of 10*



November 7, 2018

**Peter Chang**  
Chief Executive Officer

**Keith Matassa**  
Director of Zoological and Conservation Programs

**Michele Hunter**  
Director of Operations/Animal Care

**Daniela Moore**  
Director of Development & Marketing

**Kirsten Donald**  
Director of Education

**Robert A. DiGiovanni Jr.**  
Chief Scientist

**Dr. Kristen Hurn**  
Veterinarian

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## MAIL:

20612 Laguna Canyon Road  
Laguna Beach, CA 92651  
949.494.3050 Phone  
949.494.2802 Fax

[www.pacificmmc.org](http://www.pacificmmc.org)

Ms. Christa Johnson  
Assistant City Manager  
505 Forest Avenue  
Laguna Beach, California 92651

**Subject: Amended Project Description  
Pacific Marine Mammal Center Site Improvements**

Dear Ms. Johnson:

The Pacific Marine Mammal Center (PMMC) is developing project plans for improvements to 20612 and 20652 Laguna Canyon Road to serve our mission of rescuing, rehabilitating and releasing marine mammals and inspiring ocean stewardship. PMMC respectfully provides this letter outlining amendments to our January 4, 2018 letter regarding PMMC Site Improvements (the Project). As illustrated in the attached artistic renderings, the Project will be amended to add the following features:

- A 1,600 square-foot building to house most of the new water treatment/recycling system, incorporating public comment and input from the January 23, 2018 Laguna Beach City Council meeting about matching the existing PMMC "barn" style appearance rather than an "industrial" look.
- A 400 square-foot laboratory room addition to the first level of the existing building, allowing more space to perform anatomical studies on deceased mammals in support of PMMC's nationally recognized ocean pollution research and for compliance with our NOAA/National Marine Fisheries Service Stranding Agreement.
- A 1,900 square-foot educational center addition and renovation of the second level of the existing PMMC building to meet PMMC endowment requirements of expanding and improving our education program.
- Two 2,900-gallon pools covered by the second level addition, providing the required space and protection from the elements to serve our most vulnerable mammals patients. A total of 3 new pools are proposed at PMMC.
- A 2-story, 1,750 to 2,150 square-foot building for PMMC and Laguna Beach Animal Shelter (LBAS) joint use for storage, offices, a cattery, and potential animal evacuation space. Based on previous project public comment, the proposed building architecture will match the existing PMMC "barn" style appearance.

California Coastal Commission

CDP No. A-5-19-0015

Exhibit 6 p. 46 of 85

Exhibit 3  
pg 8 of 10

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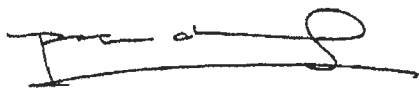
Ms. Christa Johnson  
November 7, 2018  
Page 2

Design of this shared use building is ongoing, and being performed under contract to PMMC, at no cost to the City of Laguna Beach. Joint project planning has resulted in the following building uses specifically for LBAS:

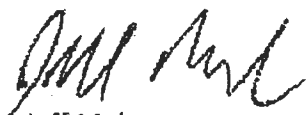
- Approximately 285 square feet for three Laguna Beach Animal Control employees, including a locker room and restroom;
- Approximately 375 square feet for LBAS storage;
- Approximately 285 square feet for an additional LBAS Cattery;
- An outdoor shower and water flushing station; and
- A 75 square foot telecommunications room.

PMMC wants to continue our "good neighbor" relationship with the Laguna Beach Animal Shelter. These proposed improvements will build on the successful public-private partnership of our joint "campus" for our shared mission of animal care/rescue, rehabilitation, education, and research. We look forward to working with the City of Laguna Beach towards mutually agreeable solutions to move the Project forward. Please contact us with any questions regarding this letter.

Sincerely,



Peter Chang  
Chief Executive Officer  
pchang@pacificmmc.org  
949.494.3050



Jeff Meberg  
Board Chair  
jeff.meberg@gmail.com  
714.287.7654

**Attachment 4 Current Leased Area  
Pacific Marine Mammal Center**



**Legend**

Parcel Line

*Exhibit 3  
pg 10 of 10*

53      107      Feet



11/22/2017



Data layers that appear on this map may or may not be accurate, current or otherwise reliable.

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**CITY OF LAGUNA BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

**HEARING DATE:** November 29, 2018

**TO:** DESIGN REVIEW BOARD

**CASE:** Design Review 18-1685  
Coastal Development Permit 18-1686  
Variance 18-1702

**APPLICANT:** City of Laguna Beach  
Public Works Department

**LOCATION:** 20612 Laguna Canyon Road  
A City-owned parcel where the Animal Shelter and Pacific Marine Mammal Center are located along Laguna Canyon Road (State Route 133) and adjacent to the Alternative Sleep Location and Coastal Kennels

**ENVIRONMENTAL STATUS:** Initial Study / Mitigated Negative Declaration

**PREPARED BY:** Tri Nguyen, Public Works Project Manager  
(949) 497-0741  
[tnguyen@lagunabeachcity.net](mailto:tnguyen@lagunabeachcity.net)

**SUBMITTED BY:** Shohreh Dupuis, Assistant City Manager/Director of Public Works

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**REQUESTED ACTION:** The City of Laguna Beach Public Works Department requests design review and a coastal development permit for installing erosion devices, including articulating concrete block lining, weirs and rip rap, within Laguna Canyon Road creek to protect the Animal Shelter from creek erosion. Proposed improvements include removing the existing pedestrian bridge and lining, constructing a new pedestrian bridge adjacent to the vehicular bridge, constructing a new retaining wall with cable railing to support the parking lot, wood fencing around the parking lot perimeter, and landscaping. A variance is requested to exceed the four-foot high fence height within the front setback [LPMC 25.50.012(B)(1)] and to encroach into the watercourse setback (bridge supports, hydraulic transition structure, retaining walls, grading, erosion control devices, and fencing) [LPMC 25.50.030(D)].

**PROJECT SITE DESCRIPTION:** The project site is a City-owned parcel located along the easterly side of Laguna Canyon Road, which is currently home to the Laguna Beach Animal Shelter and Pacific Marine Mammal Center (PMMC). The parcel is situated between Coastal Kennels and the Alternative Sleep Location (ASL). The property is within 300 feet of an undeveloped vegetated area therefore it is required to meet fuel modification standards.

**STAFF ANALYSIS:** The Laguna Beach Animal Shelter and PMMC were severely flooded and sustained major structural damage during winter rain storms in 2010. The project will minimize the potential of future flooding-related damage and protect the creek from further erosion by increasing the channel's flow capacity by approximately 50% through the parcel while improving the biological and riparian habitat of the area. Multiple alternatives were evaluated and reviewed in conjunction with the Army Corp of Engineers, Regional Water Quality Control Board, California Department of Fish & Wildlife, Laguna Beach Animal Shelter, and the Pacific Marine Mammal Center and the resulting concept plan was presented to and approved by the City Council in July 2013. The design was then shared with other project stakeholders, including the Laguna Canyon Foundation, Canyon Alliance of Neighborhoods Defense Organization (CANDO), Bob Borthwick, and has been posted on the City's website for the past several months.

Elements of the proposed improvements and modifications include the following:

- (1) Install articulated concrete block (Armorflex) lining along both channel banks immediately north of the existing vehicular access bridge;
- (2) Remove the existing pedestrian bridge and lining and construct a new pedestrian bridge to the south, immediately adjacent to the existing vehicular bridge;
- (3) Construct an approximately six-foot high concrete retaining wall with cable railing attached to wood-textured posts along the western channel bank adjacent to the parking lot;
- (4) Install bioengineered slope protection (rip-rap and three bendway weirs) along the toe of the eastern slope immediately west of PMMC;
- (5) Remove nineteen existing trees to accommodate stream bank recontouring and meet fuel modification requirements;
- (6) Install landscaping, which includes replanting eleven trees in accordance with Laguna Beach Fire Department (LBFD) fuel modification guidelines and removing non-native and invasive species; and
- (7) Install wood fencing around the Animal Shelter parking lot perimeter.

**Design Review Criteria:** Physical improvements and site developments subject to design review shall be designed and located in a manner which best satisfies the design review criteria specified in this section. Please refer to the *City's Design Guidelines - A Guide to Residential Development* on the City's website, [www.lagunabeachcity.net](http://www.lagunabeachcity.net). The intent of these guidelines is to clarify the criteria that members of the community, the Design Review Board, the City Council and design professionals use in the design review process.

***Access:*** *Conflicts between vehicles, pedestrians and other modes of transportation should be minimized by specifically providing for each applicable mode of transportation. Handicapped access shall be provided as required by applicable statutes.*

The existing pedestrian bridge limits the creek's flow capacity and will be demolished and replaced with a new ADA-compliant pedestrian bridge adjacent to the existing vehicular bridge. No work is planned for the existing vehicular bridge. Access for vehicles and pedestrians will be maintained throughout the course of construction. California Coastal Commission

**Design Articulation:** *Within the allowable building envelope, the appearance of building and retaining wall mass should be minimized. Articulation techniques including, but not limited to, separation, offsets, terracing and reducing the size of any one element in the structure may be used to reduce the appearance of mass.*

The project will install a retaining wall to protect the existing paved parking lot along the westerly side of the channel. The retaining wall will extend from the northerly property limit to the existing vehicular bridge to the south. The retaining wall will function as a berm between the creek and the parking lot situated above and, therefore, reduce its visibility from Laguna Canyon Road. The proposed railing will consist of cable railing attached to wood-textured concrete posts to blend in with the surrounding natural environment. The existing pedestrian bridge will be demolished to increase flow capacity, and a new bridge will be built adjacent to the existing vehicular bridge with reduced obstruction to the creek.

**Design Integrity:** *Consistency with the applicant's chosen style of architecture should be achieved by the use of appropriate materials and details. Remodels should be harmonious with the remaining existing architecture.*

The proposed pedestrian bridge will be a conventional steel truss bridge with a weathered look to blend in with the surrounding environment (see plan sheet 5). The cable railing is attached to wood-textured concrete posts that will be mounted on top of the retaining wall. Cable railing was chosen to minimize view impacts. The retaining wall will be dark tan split-face masonry finish. The perimeter fence will be of a wood fence cross-buck style. All the finishes will contribute to enhance the natural aesthetic of the creek environment.

**Environmental Context:** *Development should preserve and, where possible, enhance the city's scenic natural setting. Natural features, such as existing heritage trees, rock out-cropping, ridgelines and significant watercourses should be protected. Existing terrain should be utilized in the design and grading should be minimized.*

The purpose of the project is to return the Laguna Canyon Creek to its natural state and remove much of the prior interim work that was implemented to provide flood and erosion protection. Accumulated sediment will be removed and the site will be regraded to convey its intended storm flows, thereby providing additional flood protection.

The creek will be widened to improve flood conveyance and will result in the removal of trees mostly in front of PMMC. Since the project is located within the fuel modification zone, all landscaping is required to comply with the City's adopted fuel modification guidelines. In coordination with the California Department of Fish Wildlife (CDFW) and the Laguna Beach Fire Department (LBFD), the proposed landscape plan is the most viable option that provides compliance with fuel modification guidelines while optimizing the number of trees and landscaping that will enhance the creek environment. The maximum allowable quantity of trees to be replanted is eleven. As part of the proposed landscaping, non-native and invasive species will be removed and new native trees and shrubs will be planted, thereby improving the creek's habitat value. The landscaping plan has been approved by LBFD and accepted by CDFW.

The City has coordinated with various regulatory agencies during the design phase for the project, including the United States Army Corp of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and CDFW. The City does not anticipate needing a Caltrans or Orange County encroachment permit, as work will not take place within the respective agencies' rights-of-way.

**General Plan Compliance:** *The development shall comply with all applicable policies of the general plan, including all of its elements, applicable specific plans, and the certified local coastal program.*

Staff and the Planning Commission review all Capital Improvement Program projects for compliance with the General Plan prior to budgeting. The proposed improvements comply with the General Plan and will have less than significant impact on the environment with the noted mitigation measures in the Mitigated Negative Declaration. The following references a selected list of project-conforming policies:

Land-Use Element, Policy 9.11 – Ensure adequate evaluation of environmental impacts...rates of erosion...and safety hazards associated with public facilities and infrastructure improvements.

Land-Use Element, Policy 9.13 – Continue to require nonstructural methods for flood control, such as preservation of watershed lands and natural drainage channels, rather than structural methods such as concrete flood channels whenever feasible.

Open Space-Conservation Element, Policy 9A - Promote the preservation and restoration of Laguna's natural drainage channels...protect wildlife habitat and...maintain watershed, groundwater and scenic open space.

Open Space-Conservation Element, Policy 9K - Promote preservation and enhancement of the natural drainage of Laguna Beach.

**Landscaping:** *Landscaping shall be incorporated as an integrated part of the structure's design and relate harmoniously to neighborhood and community landscaping themes. View equity shall be an important consideration in the landscape design. The relevant landscaping guidelines contained in the City's "Landscape and Scenic Highways Resource Document" should be incorporated, as appropriate, in the design and planned maintenance of proposed landscaping.*

Landscaping has been coordinated to comply with the Lbfd fuel modification guidelines and in cooperation with CDFW to achieve a balance between protecting the creek's natural environment and protecting the existing structures in the event of a fire. The landscape plans have also been shared with PMMC, Laguna Canyon Foundation, and CANDO.

The proposed landscaping will include the removal of non-native and invasive species, and the installation of new native trees and shrubs. This new vegetation will complement the area's intended natural setting and enhance the creek's habitat value.

**Lighting and Glare:** *Adequate lighting for individual and public safety shall be provided in a manner which does not significantly impact neighboring properties. Reflective materials and appurtenances that cause glare or a negative visual impact (e.g., skylights, white rock roofs, high-gloss ceramic tile roofs, reflective glass, etc.) should be avoided or mitigated to a level of insignificance in those locations where those surfaces are visible from neighboring properties.*

Lighting is not part of the project.

**Neighborhood Compatibility:** *Development shall be compatible with the existing development in the neighborhood and respect neighborhood character. Neighborhood character is the sum of the qualities that distinguish areas within the city, including historical patterns of development (e.g., structural heights, mass, scale or size), village atmosphere, landscaping themes and architectural styles.)*

All aspects of the project having visual impacts were designed to take the natural creek environment setting into consideration. The existing chain link fence will be replaced with a wood cross-buck style fence; the cable railing was chosen to minimize view impacts; the dark tan split face masonry retaining wall will blend with the rustic environment setting; the articulated concrete block will allow plants and other native vegetation to grow over it; and the pedestrian bridge will have a weathered look that will blend into the natural environment.

**Privacy:** *The placement of activity areas (e.g., decks, picture windows and ceremonial or entertainment rooms) in locations that would result in a substantial invasion of privacy of neighboring properties should be minimized.*

The proposed improvements will not adversely affect the privacy of adjacent developments.

**Sustainability:** *New development should consider architecture and building practices which minimize environmental impacts and enhance energy efficiency by: (a) reducing energy needs of buildings by proper site and structural design; (b) increasing the building's ability to capture or generate energy; (c) using low-impact, sustainable and recycled building materials; (d) using the latest Best Management Practices regarding waste and water management; and (e) reducing site emissions.*

There are no opportunities for including sustainable design features with the current project.

**View Equity:** *The development, including its landscaping, shall be designed to protect existing views from neighboring properties without denying the subject property the reasonable opportunity to develop as described and illustrated in the city's "Design Guidelines." The "Design Guidelines" are intended to balance preservation of views with the right to develop property.*

The proposed project will not impact views.

**Coastal Development Permit:** To ensure compliance with the certified local coastal program, the following review criteria shall be incorporated into the review for coastal development permits:

*1) The proposed development will not encroach upon any existing physical accessway legally utilized by the public or any proposed public accessway identified in the adopted local coastal program land use plan;*

The proposed project includes construction of a new pedestrian bridge adjacent to the existing vehicular bridge. No encroachment on any physical accessway will occur during or after the construction as the existing pedestrian bridge will not be demolished until the new pedestrian bridge is constructed.

*2) The proposed development will not adversely affect marine resources, environmentally sensitive areas, or archaeological or paleontological resources;*

No adverse effects to the above resources have been identified.

*3) The proposed development will not adversely affect recreational or visitor-serving facilities or coastal scenic resources;*

The proposed development has no adverse effect on the above resources.

*4) The proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas, and will provide adequate buffer areas to protect such resources;*

The project design elements comply with the recently adopted Landscape & Scenic Highway Resource Document and will improve aesthetics. The project proposes to remove built up sediment and invasive species and plant new native trees and shrubs therefore enhancing the creek environment.

*5) The proposed development will minimize the alterations of natural landforms and will not result in undue risks from geological and erosional forces and/or flood and fire hazards;*

The proposed project removes accumulated sediment and regrades portions of the creek to provide for increased flood protection and erosion control for the creek.

*6) The proposed development will be visually compatible with the character of surrounding areas, and where feasible, will restore and enhance visual quality in visually degraded areas;*

The proposed natural looking materials and native landscaping included in the project enhance the compatibility with the character of the site and surrounding area. Elimination of the existing chain link fencing with a wood fence around the parking lot and cable railing along the creek also improves the visual character

7) *The proposed development will not have any adverse impacts on any known archaeological or paleontological resource;*

There are no known archeological or paleontological resources within the existing project limits. The project site is not identified on the City's archaeological and paleontological resource map.

8) *The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and*

The proposed project does not require changes to existing utilities, roads, or other facilities. The proposed project improves drainage because it increases the creek flow capacity, reduces water velocity to lower erosion impacts and does not require temporary access during construction.

9) *Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.*

The proposed project does not decrease the capacity of public services, including solid waste and public roadway capacity.

Findings: The proposed project constitutes development for which a Coastal Development Permit is required since the project involves a major public works project within the coastal zone and the work is within the channel and the pedestrian bridge spans the channelized creek. The City's determination is appealable to the California Coastal Commission. The Design Review Board should consider the following findings for approval:

1. *The project is in conformity with all the applicable provisions of the General Plan, including the Certified Local Coastal Program and any applicable specific plans in that:*

The project is in conformity with all the applicable provisions of the General Plan, including the Certified Local Coastal Program and any applicable specific plans in that the visual impacts of the development have been minimized as the project replaces the chain link fence with a wood cross-buck style fence, the landscape plan incorporates native shrubs and trees, and the project removes non-native and invasive species and restores the creek. The rustic design of the pedestrian bridge will complement the natural creek environment.

The landform alteration is minimal because the proposed grading removes the accumulation of excess sediment and restores the creek to its pre-existing condition.

The watercourse has been protected and will be improved to the greatest extent possible because the project restores Laguna Canyon Creek's hydrological and biological functions. The creek in its current condition has limited flood capacity and has encouraged the settlement of sediment upon which vegetation has been established, further reducing creek capacity. Invasive species have also encroached within the creek limits, further reducing the creek's habitat value and capacity to convey storm flows. The

project is intended to provide long-term erosion protection for the site, increased flood conveyance and increased enhancement of the stream corridor through native planting and restoration.

The property is located within a fuel modification zone as it is within 300 feet of an undeveloped vegetated area. Fire hazards are minimized because a fuel modification plan has been submitted and approved by the Fire Department.

2. *Any development located between the sea and the first public road paralleling the sea is in conformity with the Certified Local Coastal Program and with the public access and public recreation policies of Chapter 3 of the Coastal Act in that:*

The project site is not located between the sea and the first public road paralleling the sea. Therefore, this finding is not applicable.

3. *The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act in that:*

The proposed project complies with applicable rules and regulations based on the initial study and Mitigated Negative Declaration. Any significant adverse impacts on the environment will be mitigated per the Mitigated Negative Declaration prepared by Michael Baker International, dated September 28, 2018.

**Requested Variances:** The applicant requests approval of variances to (A) exceed the 4-foot high fence height within the front setback [LBMC 25.50.012(B)(1)], and (B) to encroach into the watercourse setback (bridge support, hydraulic transition structure, retaining walls, grading, erosion control devices, and fencing) [LBMC 25.50.030(D)]. Pursuant to LBMC Section 25.50.030(D)(4), encroachment variances for the purpose of placing a building or structure within an established watercourse setback area, other than as permitted in subdivision (3) of this subsection may be granted only when the following findings are made in addition to those listed in Section 25.05.025(F).

The Design Review Board/Board of Adjustment must make all the following findings in order to support the granting of a variance:

*(1) There are the special circumstances applicable to the property involved, including size, shape, topography, location or surroundings which cause the strict application of the zoning ordinance to deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification:*

(A) There are special circumstances applicable to the subject property, including its location within the Laguna Canyon Annexation Area Specific Plan, which if the strict application of zoning is applied, will deprive the property of privileges enjoyed by others. The existing six-foot chain link fence was “grandfathered” in connection with the annexation of the area to the City. The existing facilities onsite, including the Animal Shelter and Pacific Marine Mammal Center (PMMC), rely upon the six-foot fence to provide security to the facility, its rescued animals, and medication stored on-site. The PMMC is required to have the six-foot fence as part of its security

protocol with the National Oceanic and Atmospheric Administration (NOAA), which regulates the facility. The variance is requested to replace the six-foot chain link fence with a more aesthetic pleasing wood fence that would be in the same location and at the same height.

(B) There are special circumstances applicable to the property, including the location of the existing structures, that if the strict application of the zoning ordinance is applied, will deprive the property of privileges enjoyed by others. The special circumstance includes the existing structures at its closest point is only six feet from the creek banks due to continued erosion. Also, in 2010, due to the insufficient creek flow capacity, significant flooding at both the Animal Shelter and PMMC occurred that caused the temporary closure of both facilities, significant damage, and monetary loss. To protect the facilities from further loss, a variance is requested to perform work within and adjacent to the creek for a bridge, retaining wall, grading, erosion control devices, hydraulic transition structure, and fencing to be constructed within the 25-foot watercourse setback. Further erosion of the creek bank will create a hazard to the existing structures and risk the continued operation of both facilities. The proposed work has been coordinated closely with regulatory agencies and both on-site facilities including the United States Army Corp of Engineers (USACE), the Regional Water Quality Control Board (RWQCB), California Department of Fish & Wildlife (CDFW), Laguna Beach Fire Department (LBFD), PMMC, and the Laguna Beach Animal Shelter.

*(2) The requested variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the same vicinity and zone:*

(A) The variance is necessary to preserve both the rights of the Animal Shelter and PMMC to operate in a safe and secure facility. PMMC uses the six-foot fence to prevent foot and vehicular traffic from crossing the vehicular and pedestrian bridges during nonworking hours as the fence surrounds the bridge crossings. Without a six-foot fence, the fence height would be inadequate, would be vulnerable to foot traffic crossings, and would violate their agreement with NOAA. The Animal Shelter uses the fence to protect its animals from escaping and to protect the medication stored on-site. The six-foot chain link fence has been in existence since at least the 1970's and was grandfathered at the time of the annexation; therefore, a variance would provide continuity. While the Public Works Department requests to maintain the nonconforming condition, it proposes to replace the chain link fence with a wood fence.

(B) The requested variance is necessary for the preservation and enjoyment of a substantial property right possessed by other owners in the same area because without the project, the continued operation of both facilities, which provide rescue and rehabilitation to both sea and land animals, will be threatened due to the continued erosion and potential flooding of the facilities. The project is of the utmost importance to protect both facilities from future damage and to ensure their continued operation.

*(3) The granting of the variance will not be detrimental to the public health, safety, convenience and welfare or injurious to property or improvements in the vicinity in which the property is located:*

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(A) The granting of the variance will not be detrimental to public health, safety, and convenience and welfare because the proposed six-foot wood fence replaces an existing six-foot chain link fence. The new fence will be in the same location as the existing fence. Furthermore, the proposed fencing material would more suitably complement the neighborhood aesthetics.

(B) The granting of the variance will not be detrimental to the property or surrounding area but will instead provide a benefit to public health, safety, and welfare of the property and surrounding area by increasing the flow capacity through this section of the creek and preventing further erosion of the creek bank therefore providing relief to the structures that are within close proximity to the creek. This will ensure the continued operation of both facilities providing benefits to the surrounding neighborhood and community.

*(4) The granting of the variance will not be contrary to the objectives of the zoning ordinance and the General Plan:*

(A) The granting of the variance will not be contrary to the zoning ordinance, Laguna Canyon Annexation Area Specific Plan or General Plan because the Animal Shelter was constructed prior to City annexation of the area and, therefore, the building and its site components, including the fence were "grandfathered." Many of the sites and buildings within the Laguna Canyon Annexation Area Specific Plan, in which the project site is located, do not comply with current local zoning requirements. The specific plan takes notice that the unorthodox development has created a unique and cohesive neighborhood that residents want preserved. This six-foot wood fence, which replaces a six-foot chain link fence, only further enhances the neighborhood.

(B) The granting of the variance will not be contrary to the zoning ordinance, Laguna Canyon Annexation Area Specific Plan or General Plan because the plan recognizes the unique and unorthodox development within the area. Given the existing building site locations, which are situated within the watercourse setback, were "grandfathered," the Public Works Department proposes to construct within the setback area to preserve the existing building and ensure their continued operation. The work is not detrimental to the objectives of the zoning ordinance and only preserves the uniqueness of the area.

*(5) The granting of the variance will act to preserve, enhance or restore the significance of the watercourse:*

(B) The granting of the variance will help restore the watercourse by removing invasive species, restoring hydrologic and biologic functions of the creek, and planting native species. Interim erosion control measures have been installed along the channel banks to protect the adjacent improvements, and have resulted in partially improved channel linings and sections along the property. These measures have also resulted in limited flood conveyance capacity, erosion and sedimentation, and reduced native habitat value. Invasive species have also encroached within the creek limits, further reducing the creek's capacity to convey storm flows. The project is intended to provide long-term erosion protection for the site and increased flood conveyance and enhancement of the stream corridor.

*(6) The granting of the variance will not likely to impair the functional, scenic and ecological purposes of the watercourse:*

(B) The granting of the variance will not impair the functional, scenic, and ecological purpose of the watercourse. The project proposes to remove invasive species and to plant native species. The project will also consolidate two bridge locations into one site, thereby reducing obstructions within the creek. The project was coordinated with CDFW, whose mission is to ensure conservation of the state's biological resources including animal and plant species.

**General Plan - Watersheds and Watercourses:** Staff has evaluated the watershed and watercourse policies within the Open Space and Construction Element of the General Plan and has determined that the project satisfies the various policies listed. Below is staff's response to each policy listed.

9A *Promote the preservation and restoration of Laguna's natural drainage channels, freshwater streams, lakes and marshes to protect wildlife habitat and to maintain watershed, groundwater and scenic open space.*

The project restores the creeks hydrologic and biologic values by removing noninvasive species, planting native species, and removing previous intermittent repairs to the creek that limited the creek's flow capacity.

9B *Prohibit filling and substantial alteration of streams and/or diversion or culverting of such streams except as necessary to protect existing structures in the proven interest of public safety, where no other methods for protection of existing structures in the flood plain are feasible or where the primary function is to improve fish and wildlife habitat. This provision does not apply to channelized sections of streams without significant habitat value.*

The project removes accumulated sediment, regrades portions of the creek, installs Armorflex along sections of the creek bank, and uses rip rap and bendway weirs to armor portions of the creek bank. This is necessary for public safety and to protect the two existing structures located adjacent to the creek. The structures have sustained previous significant flooding and continued erosion of the creek banks, which continues to threaten the structures' continued viability.

- 9C a) *Streams on the Major Watershed and Drainage Courses Map and the South Laguna and Laguna Canyon Biological Values Maps which are also "blue-line" streams identified on the USGS 7.5 Minute Quadrangle Series, shall be identified and mapped on the Coastal Environmentally Sensitive Areas Map of the Land Use Plan. For these streams, a minimum setback of 25 feet from the top of the stream banks shall be required in all new developments. A greater setback may be necessary in order to protect all riparian habitat based on a site-specific assessment. No disturbance of major vegetation, or development, shall be allowed within the setback area. This provision shall not apply to channelized sections of streams without significant habitat value. Where development is proposed on an existing subdivided lot which is otherwise developable consistent with all City ordinances and other policies of this Plan except that application of this setback would result in no available building site on the lot, the setback may be reduced provided it is maintained at a width sufficient to protect all existing riparian habitat on the site and provided all other feasible alternative measures, such as modifications to the size, siting and design of any proposed structures, have been exhausted.*
- b) *Require a setback of a minimum of 25 feet measured from the centerflow line of all natural drainage courses or streams on the Major Watershed and Drainage Courses Map and the South Laguna and Laguna Canyon Biological Values Maps other than the "blue-line" streams referenced in 9-C(a) above. Such setback shall be increased upon the recommendation of the City Engineer and environmental planner through the environmental review process. However, a variance may be given in special circumstances where it can be proven that design of a proposed structure on an affected lot will preserve, enhance or restore the significance of the natural watercourse. At no time shall grubbing of vegetation, elimination of trees, or disturbance of habitat be allowed within the setback area before or after construction.*

A variance is being requested to construct within the 25-foot watercourse setback as discussed in the variance section above. The project is necessary to protect both existing structures and for public safety of the general public who frequently visit both the Animal Shelter and PMMC. The project also protects vulnerable animals that are being rehabilitated on site. The Design Review Board may approve landscape programs within established setbacks designed to enhance or restore native riparian vegetation or the aesthetic character of the watercourse, which this project is proposed to accomplish.

- 9D *Permit extensions of decks and other portions of a structure within the required setback for significant natural drainage areas only if:*
- a. *There are no supports to the ground within the setback areas; and*
- b. *The extensions do not encroach closer than fifteen feet from the centerline of flow.*

This policy is not applicable to the project.

9E *Require Design Review for development projects which include portions of a natural drainage course.*

The project is being reviewed by the Design Review Board.

9F *Where possible, require restoration of deteriorated significant natural drainage courses that have been disturbed by development, but which retain potential for natural function.*

This project includes restoration work to restore both hydrological and biological functions of the creek. The project restoration work was coordinated with CDFW.

9G *Develop standards for maintenance of free and adequate flow in natural drainage channels.*

This policy is not applicable to the project.

9H *Coordinate, wherever possible, natural and man-made drainage structures so that natural channels will contribute to transport a volume of runoff equal (or as close as possible) to that which would have occurred if the project watershed were in its natural condition before development.*

The project increases the water flow conveyance by approximately 50% and restores the creek's flow capacity to a more natural state. Previous intermittent erosion control measures have limited the creek's flow capacity.

9I *Require new development projects to control the increase in the volume, velocity and sediment load of runoff from the greatest development areas at or near the source of increase to the greatest extent feasible.*

This policy is not applicable to the project.

9J *Require new developments to maintain runoff characteristics as near as possible to natural discharge characteristics by maintaining the natural conditions of the watershed.*

This policy is not applicable to the project.

9K *Promote preservation and enhancement of the natural drainage of Laguna Beach.*

The project restores the creek to its more natural state and improves the water flow conveyance of the creek.

9L *In conjunction with the County of Orange, prepare a flood control plan and program of implementation for Laguna Canyon and all tributaries, pending funding availability.*

This policy is not applicable to the project.

9M *Where feasible, require flood control programs to incorporate non-structural methods, such as preservation of water-shed lands and natural drainage channels, rather than structural methods such as concrete flood channels and engineering works. In cases where structural methods are necessary, drainage structures shall be invisible conveyances, undergrounded and revegetated to camouflage any disturbance created during construction in order to provide the least damaging environmental alternative possible.*

The project proposes to improve the creek's natural drainage.

9N *Notify private property owners on how to inspect and maintain private drainage structures, particularly before the rainy season and during heavy storms.*

This policy is not applicable to the project.

9O *Provide debris collection devices at suitable locations in the major canyon areas prior to the rainy season.*

This policy is not applicable to the project.

9P *Oppose new development within the City's surrounding areas that would result in significant adverse impacts to the City's hydrology.*

This policy is not applicable to the project.

9Q *Periodically review the City Master Plan of Drainage to ensure it promotes the objectives of the City's General Plan.*

This policy is not applicable to the project.

9R *Erosion control measures shall be required for new development in areas designated Hillside Management/Conservation (now referenced as Residential/Hillside Protection), as specified in Title 22 of the City's Municipal Code for properties adjacent to the Aliso Greenbelt. No grading, trenching or similar activity shall be permitted within Aliso/Wood Canyon Watershed during the rainy season from October 1 to April 1.*

This policy is not applicable to the project.

9S *All graded areas shall be planted and maintained for erosion control and visual enhancement purposes. Use of native plant species shall be emphasized.*

Any graded areas will be replanted or reseeded with native species.

9T *Restore and retain Aliso Creek in a natural state and protect the Creek from infringement of new development.*

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This policy is not applicable to the project.

9U *Protect Aliso Canyon Area from any increase in flow which might have adverse impacts on the water quality in Aliso Creek and prevent excessive erosion and sedimentation and emphasize the prevention of siltation from adversely impacting the South Laguna Marine Life Refuge.*

This policy is not applicable to the project.

9V *Actively work with the County on approval of Aliso Viejo Drainage Plan to ensure the integrity of water quality in Aliso Creek.*

This policy is not applicable to the project.

**COMMUNITY INTEREST:** Staff received emails from Laguna Beach Protecting Unwanted Pets (PUP) and met with Canyon Alliance of Neighborhoods Defense Organization (CANDO). Some concerns raised were regarding the fence height around the parking lot, the landscaping, the retaining wall, and the new pedestrian bridge location.

**CEQA:** The City staff has determined the project to be subject to an Initial Study pursuant to the California Environmental Quality Act. The Initial Study culminated in the preparation of a Mitigated Negative Declaration. The Initial Study and Mitigated Negative Declaration (IS/MND) were made available to the public and all affected agencies between October 8, 2018 and November 6, 2018 for review and to submit written comments. Five comments were received during the 30-day comment period. The comments and City's response can be found in *Section 8.0 Response to Comments* of the attached IS/MND. Staff determined that no changes are required to the IS/MND that would warrant recirculation.

**CONCLUSION:** Laguna Canyon has flooded fourteen times causing significant structural damage since the City's incorporation in 1927. (See Metzger & Monahan, "Laguna Beach Flood History 1937-2011." [PDF file].) In 2010, Laguna Beach was hit with a 100-year storm event that caused significant damage to the Animal Shelter, Pacific Marine Mammal Center, and the surrounding properties. History has shown that it is only a matter of time before the next flood occurs. The proposed project implements a long-term solution to increase flood conveyance and protect the creek banks from further erosion.

The proposed improvements have been designed to comply with all applicable development standards. The Board should evaluate the project to determine whether the overall project is consistent with design review criteria.

**ATTACHMENTS:** (1) Preliminary Geotechnical Investigation  
(2) Project Plans  
(3) Initial Study/Mitigated Negative Declaration

MINUTES  
BOARD OF ADJUSTMENT/DESIGN REVIEW BOARD  
REGULAR MEETING AND NOTICED HEARING  
NOVEMBER 29, 2018

A regular noticed meeting of the Board of Adjustment/Design Review Board of the City of Laguna Beach, California, convened at 6:00 p.m. in the City Council Chambers on November 29, 2018.

**Present:** Caren Liuzzi, Meg Monahan, Loraine Mullen-Kress, Debbie Neev, Monica Simpson

**Absent:** None

**Staff Present:** Nancy Csira, Evan Jedynak, Monique Alaniz-Flejter, Elaine Yang, Jim Pechous, Madeleine Pineda

Item 2 was discussed prior to Public Communications (see minutes below).

**PUBLIC COMMUNICATIONS**

None

1. 20612 LAGUNA CANYON ROAD (PUBLIC WORKS), APN 629-061-04 CONTINUED TO 1/24/19

DESIGN REVIEW 18-1685, COASTAL DEVELOPMENT PERMIT 18-1686, VARIANCE 18-1702, AND MITIGATED NEGATIVE DECLARATION

City Staff: Nancy Csira, Zoning Administrator (949) 497-0332 ncsira@lagunabeachcity.net

Project Applicant: Tri Nguyen, Project Manager (949) 497-0741 tnguyen@lagunabeachcity.net

The City of Laguna Beach Public Works Department requests design review and a coastal development permit to install erosion devices within the creek including articulating concrete block lining along portions of the creek banks, three bendway weirs and rip rap in the Industrial (I) zone. Proposed improvements include removing the existing pedestrian bridge, installing a prefabricated pedestrian bridge adjacent to the vehicular bridge, new retaining wall with cable railing at edge of the parking lot along creek, wood fencing around the parking lot, and landscaping. A variance is requested to exceed the 4-foot high fence height within the front setback [LBMC 25.50.012(B)(1)] and to encroach into the watercourse setback (bridge supports, hydraulic transition structure, retaining walls, grading, erosion control devices, and fencing) [LBMC 25.50.030(D)].

**Disclosures:** Ms. Liuzzi stated that the Board received emails from Penny Elia and she personally received phone calls from Ann Christoph and went out to the site twice.

**Project Representative:** Public Works Project Manager, Tri Nguyen introduced gave a visual presentation of the project.

**Board Questions:** Mr. Nguyen confirmed there were two primary purposes for the project. First, to obtain as much flow increase as possible given the site constraints and second, to

protect the creek from further erosion. He also confirmed that alternatives 1 through 4 that were presented to City Council included using gabion baskets and the gabion baskets were not supported by the Army Corps of Engineers. He said the City Council approved alternative 5 using the retaining wall as shown in the City's resource document and the relocation of the pedestrian bridge that was supported by the other agencies.

Richard Beck, Michael Baker International stated they were selected to provide environmental, planning and design work for the project. He explained they are constrained when it comes down to the hydrology. They were required to look in to alternatives that will lessen the impacts to the actual drainage itself from a biological and chemical stand point. There have been several different alternatives. The alternative they prefer would eliminate the parking lot and allow for widening of the creek channel throughout the entire site. However, they didn't want to decrease parking for the animal shelter and mammal center. They also looked at the city owned parking lot that is behind the mammal center and thought about shifting the parking there, but the city has other plans for that lot. Another alternative was to convey the flow to pass through the site so that they could increase capacity and volume of water coming through that included looking at an underground box that would go under the parking lot, around the existing concrete bridge and then reconnect with the creek downstream. The cost as well as the environmental impacts deemed that unfeasible. Finally, they looked at keeping the parking lot, building the entire parking lot on a platform so that it is almost on peers. The cost of that alternative was well beyond the budget and even though those alternatives did take more volume and capacity for various reasons they were no longer deemed feasible. The project can never save the canyon from flood, but what it can do is decrease that small drainage channel and increase the conveyance for what is feasible in the roughly 300 and 400 feet that they have. He stated that the Armorflex discussed are basically concrete blocks with holes. It allows water to go through it and it can also be planted. It is considered the least damaging alternative when it comes to channel work.

Mr. Beck confirmed there are no concrete boxes with the proposal and that the alternative they are proposing increases the capacity within the limits of the project site, also recognizing there can still be issues upstream and downstream of the site.

Ms. Monahan asked how the limit of work was defined. She is wondering why the parking lot for the marine mammal is not included and why there is no landscape development in the right of way on Laguna Canyon Road. Mr. Beck stated that it was based on city parcel boundaries. The private property immediate upstream of the mammal center parking lot is currently gravel and it does not have a chain linked fence. The chain linked fence replacement brought the limits of the project site north to the road way. The parking lot for the marine mammal center will remain as is. No improvements were proposed outside of the fence line as far as planting or other improvements because that would be enter into Caltrans right of way. Ms. Monahan asked if there was a landscape architectural firm associated as a sub consultant. Mr. Beck stated that it is their firm provides landscape architecture.

Ms. Mullen- Kress confirmed that the bridge has been designed to accommodate a fire truck.

Ms. Liuzzi asked staff if they included the minutes of Council discussing the material choices, if they are familiar with the Armorflex that was used in the Costa Mesa channel, and if they are aware that vegetation has not been successful there. Mr. Nguyen stated they did not include the minutes, but that Council was supportive of the Armorflex. Mr. Beck stated that he is familiar with the Armorflex in Costa Mesa but is not familiar with the vegetation. Mr. Nguyen stated that there is a 5-year maintenance plan for all mitigation sites.

Mr. Beck stated that the Amorflex will always be visible. It is difficult to get a 100 percent coverage. Amorflex is pervious where concrete is not, certainly more vegetated than rock or rip rap. Ms. Liuzzi said rip rap lets the water flow in between it.

Ms. Neev asked if the Corp is okay with 900 CSF instead of meeting the goal. Mr. Beck confirmed that the project must be permittable through the Corp and to get a 404 permit, the Clean Water Act by law mandates the applicant selects the least damaging minimizing alternative, which in this case is Armorflex.

**Public Testimony:** Member of CANDO John Hamil, 20368 Sun Valley said his main concern is for the balance of safety, structures, environmental, and appearance. He stated that they believe it is a good solution for the front of the shelter, but he is personally concerned about the south side of the bridge where they are proposing to cut down 19 trees and scraping the creek to make it wider. He states that it is not environmentally sensitive and that those trees are providing shade to the sea lions. He would like a solution that has some trees there. The trees not only provide shade, it cuts down on road noise. The animals are already undergoing a tremendous amount of stress and that would be additional stress. He isn't sure what is being gained by increasing the CFS a small amount, but it's running a big pipe into a little pipe. If the entire creek was being done, then that would make sense.

President of CANDO Penelope Milne, 21505 Arroyo Drive stated that she has concerns about flooding and erosion. The animal shelter lost a huge amount of parking lot in the floods of 2010. These concerns they take seriously, she is unsure why there is a retaining wall. She is assuming it is to increase carrying capacity. You would think if the west bank is higher it would just push water towards the east side. Assuming they actually need a retaining wall, she would hope that they could look for a more natural looking solution. Perhaps they could do a structured concrete, that way it looks natural. She also isn't sure why they would need the wire on top of the retaining wall because they aren't protecting anybody from anything. The pedestrian bridge that you walk across on the other side of the creek doesn't have any barriers. She has concerns that there are 19 trees being removed and only 11 are being replaced. She said that the tree replacement plan is heavy on Sycamores and that that they should take into consideration that the Sycamores are dying. She also stated there is a 10-foot concrete transition structure, but she hasn't seen or heard a description of what it is and they are concerned about that being in the creek.

President of Pup Laguna Beach Ana Marie McKay states that she is not in opposition of the project, but she does have a few concerns about the pedestrian bridge. She doesn't understand how moving the bridge 40 feet would remove any impediments into the creek. By moving the bridge there is no longer an obvious entrance into the animal shelter and it also makes things more dangerous for the animals and the people when they come and go. She also didn't hear in the presentation that it isn't feasible to rebuild where it currently is, they are just going off the preferences of the engineers.

Sharon Fudge, PO Box 130 Laguna Beach requested that staff give clarification that if emergency work is done to fix a bridge, why does it not require a CDP. Staff responded that emergency work after a natural disaster, in order to repair or restore, does not require a Coastal Development Permit. Ms. Fudge then stated that she had comments on the staff report and the contents of it. She stated that Mr. Nguyen said there was on the archeo-paleo map of the city and she stated that Laguna Canyon was not annexed into the city at the time the archeo-paleo map was done. In 2010, the City Council took out money from the creek erosion project \$500,000 and put it toward repair of the animal shelter and then six months later the animal shelter got flooded out. The CFS going from 600 to 915; it's just a big pipe going into a little pipe. There is a need for more security and she would have to disagree on the conditions of the previous CDP being met.

Mark Fudge, PO Box 130 Laguna Beach has concerns when you look at the totality of the project. Last week the City Council expanded a project at the animal shelter and marine mammal center that will be seeking entitlements in the future. He stated that CEQA would tell them to look at all of these projects. The totality of the creek needs to be studied and program EIR needs to be put in place and as these developments come up for approval then it's clear what needs to be done to create a functional creek. He thinks the correct answer is to leave the creek in its natural state. They need to look at the totality of the creek and the totality of the flood issues, no flood analysis has been done for this project. There is no parking or capacity for the creek. The marine mammal center and animal shelter are critical assets to the city.

**Rebuttal:** Mr. Nguyen stated that the project is unique and challenging. It has lots of components that have garnered community interest. He states the project does pursue a worthwhile objective which is to protect and save the animal shelter and marine mammal center future related flood damage as well as continued erosion of the creek. He also states that the tree removal is based upon recontouring of the creek. He will ask to see if it is possible to leave the trees, but states they need to still comply with City fuel modification requirements and Fish and Wildlife. The Fire Department wanted less trees and Fish and Wildlife wanted more trees; there was no compromise. If there is a change to the tree plan, there is a potential delay to the project for another couple years or longer. He stated that he originally spoke with Ms. Milne about possible putting rock veneer on the front side of the retaining wall near the parking lot but after researching the recently adopted resource document it states that the rock or stone should be used in more no rustic areas and that's why it wasn't shown. Flooding occurs when debris washes down the creek and it gets caught up underneath the bridge. The Army Corp of Engineers they made it clear that they

wanted the bridge to be eliminated or consolidated. The consultants did a cultural study of the area and it was determined to not be a known archeological site. They don't see an issue with putting real stone on the wall in front of the fence. The consultant said the tree changes that were recommended would be similar.

Mr. Beck also stated that downstream of the concrete bridge there is no Armorflex proposed. There is mounted dirt and one of the goals is to recontour that slope to a more natural condition. By moving the bridge approximately about 40 to 60 feet downstream connecting it to the other concrete bridge makes it only one bridge crossing. On the building side you have a slope of Armorflex and on the parking lot side you have a slope and a terrace. The terrace was included to increase capacity and the planting area. Unfortunately, with narrow nature of this location there cannot be typical side slopes of a natural stream bed. The cultural report is specific to the project site.

**Board Questions:**

**(16 MINUTES OF THE MEETING WAS NOT RECORDED DUE TO A MALFUNCTION)**

**Board Comments:** Ms. Monahan stated that she like to add more of the willows or sycamores, to soften the look, and she would also like to see that same thing happen down in the parking lot associated with the marine mammal center. She is concerned about the look of the retaining wall; she is also uncomfortable with the look of the fence. She would prefer railing, wood post or cable structure. She also commented that the existing fence does not provide security because anyone can walk around the east end. If security is needed, this needs to be resolved. She understands Mr. Fudge's concerns and states this is under the purview of the City Council. She isn't sure if this is something that she has the ability to determine that they need to look upstream and downstream.

Ms. Simpson concurs with Ms. Monahan, she also states that she knows and understands the engineering that goes in and the reasoning. When a small portion of a creek is done you are looking down stream and you are looking up stream to make sure it is going to work because you don't want to have any problems. She thinks this is very important for flood control. She understand the animal shelter's concern about not having the bridge there, she thinks people will just get use to walking around and it will be much safer to have one less point to clog. Her concerns are to save the mature Sycamore tree and the landscaping. She would like to see more landscaping and aesthetics of the wall. She is not comfortable with the look of the fence; a split rail type fence with a chain-link or mesh behind it and barb wire above it; something transparent, but secure. She is pretty close to approving the overall project.

Ms. Liuzzi concurs with her colleagues. The main problem is the aesthetics. She has concerns about the Armorflex and the visibility. She would like more rustic material that is more aesthetically pleasing. She understands staff looked at the stream in its entirety. She stated one of the public speakers points out that they are doing all this work and if the marine mammal center and animal shelter are going to be there or are going to be relocated because they need bigger space and then you could have made the channel bigger to begin

with. She really would like to see the Armorflex substituted out and she conquers with her colleges about the fence.

Ms. Neev conquers with her colleagues. Additionally, when the project returns, she would like Public Works to expand on their conclusion.

Ms. Mullen-Kress agrees and would like more information about how the Armorflex can be maintained. She thinks if it is planted and maintained it could be fine and that it does seem to be a reasonable material. She would also like to know what else could be done to the landscaping. She stated that the fencing doesn't have to be secure, it could be wood or more rustic and the landscaping options should be improved. Ms. Liuzzi said that the Bluebird Canyon Park wall was a prior suggested solution of the Board that they might consider.

Mr. Beck asked if the recommended landscaping is proposed in the parking areas or in front of the fence on the road side. Ms. Monahan confirmed it is whatever they want to do. Ms. Monahan said she is particularly concerned about the parking lot in front of the animal shelter. There are ways of putting in small tree wells so that there can be some trees along the property line adjacent to Laguna Canyon Road to provided visual relief.

Ms. Monahan made a motion, seconded by Ms. Neev to continue Design Review 18-1685, Coastal Development Permit 18-1686, Variance 18-1702, and Mitigated Negative Declaration at 20612 Laguna Canyon Road to January 24, 2019.

Motion\_\_\_ Second\_\_\_ Grant\_\_\_ Deny\_\_\_ Cont. \_\_5-0\_\_ Unan.\_\_\_\_

Monahan \_\_Y\_\_ Simpson \_\_Y\_\_ Liuzzi \_\_\_Y\_\_ Mullen-Kress \_\_Y\_\_ Neev \_\_Y\_\_

~~2. **1129-1131 GAVIOTA DRIVE (CARTER), APN 644-075-02 WITHDRAWN**~~

~~DESIGN REVIEW 18-1161, COASTAL DEVELOPMENT PERMIT 18-1162, AND CATEGORICAL EXEMPTION [Section 15303, Class (d) and Section 15303, Class 3(e)] LAST HEARD 8/23/18 (SECOND HEARING)~~

~~City staff: Melinda Dacey, Assistant Planner (949) 497-0325 mdacey@lagunabeachcity.net~~

~~Project Applicant: Scott Laidlaw, Architect (949) 645-9982 slaidlaw@lsarchitects.com~~

~~The applicant requests design review and a coastal development permit for modifications to a prior approval and construction within an environmentally sensitive area (oceanfront) in the R-2 (Residential Medium Density) zone. Modifications include drainage improvements to install new sump pump with slot drain. Five caissons for an approved block wall, to modify a condition of approval to have pervious paving within the courtyard to an impervious area and change hardscape to pervious area at the driveway and portions of the side yards.~~

~~The project has been withdrawn/tabled. Zoning Administrator, Nancy Csira said withdrawn and tabled are synonymous in her opinion. They have six months to re-notice the project. The applicant sent a letter that has been forwarded to the Board, explaining that they are working with Coastal Commission and they have no resolution at this point. They have had two non-heard continuances and they decided to withdraw/table the project until they get it worked out.~~

**Disclosures:** None

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CDP No. A-5-19-0015


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**CITY OF LAGUNA BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF MEMORANDUM**

**HEARING DATE:** January 24, 2019  
**TO:** DESIGN REVIEW BOARD  
**CASE:** Design Review 18-1685  
Coastal Development Permit 18-1686  
Variance 18-1702

**APPLICANT:** City of Laguna Beach  
Public Works Department

Approved by:   
Mark Trestik, City Engineer

**LOCATION:** 20612 Laguna Canyon Road  
A City-owned parcel where the Animal Shelter and Pacific Marine Mammal Center are located along Laguna Canyon Road (State Route 133) and adjacent to the Alternative Sleep Location and Coastal Kennels

**ENVIRONMENTAL STATUS:** Initial Study / Mitigated Negative Declaration

**PREPARED BY:** Tri Nguyen, Public Works Project Manager  
(949) 497-0741  
[tnguyen@lagunabeachcity.net](mailto:tnguyen@lagunabeachcity.net)

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This is a second hearing on the matter. This project was previously heard by the Design Review Board (DRB) on November 29, 2018.

The City of Laguna Beach Public Works Department requests design review and a coastal development permit for installing erosion devices, including articulating concrete block lining, weirs and rip rap, within Laguna Canyon Road creek to protect the Animal Shelter from creek erosion. Proposed improvements include removing the existing pedestrian bridge and lining, constructing a new pedestrian bridge adjacent to the vehicular bridge, constructing a new retaining wall with cable railing to support the parking lot, wood fencing around the parking lot perimeter, and landscaping. A variance is requested to exceed the four-foot high fence height within the front setback [LBMC 25.50.012(B)(1)] and to encroach into the watercourse setback (bridge supports, hydraulic transition structure, retaining walls, grading, erosion control devices, and fencing) [LBMC 25.50.030(D)].

At the November 29, 2018 hearing, the Board expressed concerns with the aesthetics of the fence, retaining wall, and articulated concrete blocks. Other concerns included whether Tree #1 could be

preserved, adding landscaped islands in the parking lot, and whether the project's objectives were being achieved.

DRB Comments	Applicant/Staff Response
Review alternative fence options that are more neighborhood compatible, such as the Bluebird Park perimeter fence.	The DRB recommended two fence options. Option 1 included a wood post and wood split rail with wire mesh fence and Option 2 included a wood post and steel picket fence (similar to Bluebird Park). Staff has evaluated both options and recommends Option 1 with a height matching the existing fence. This type of fence is open, rustic, and complies with the adopted Landscape & Scenic Highway Resource Document. Both the Animal Shelter and Pacific Marine Mammal Center indicated support for this type of fence.
Does fencing have to be secure?	The Animal Shelter and Pacific Marine Mammal Center seek to maintain the fence height as a deterrent to opportunistic trespassers. Unfortunately, there is no way to fully secure the facility, but the six-foot high fence would continue to discourage trespassers, similar to the existing condition.
Review if Tree #1 could be saved.	<p>Tree #1 was evaluated to see if there was any way to preserve the tree while maintaining the integrity of the Armorflex. Given that Armorflex needs to be anchored into the top of bank where Tree #1 is located it is not possible feasible to save Tree #1 without compromising the structural integrity of the Armorflex mats. If the Armorflex is not fully anchored, or the tree roots dislodge the mats, further erosion will occur and significantly reduce the usefulness of the Armorflex and the overall project intent.</p> <p>A certified arborist reviewed Tree #1 and the proposed erosion control design and determined that the level of cut and fill required, in addition to the existing erosional undercutting of the tree's root crown, would result in structural failure of the tree.</p> <p>Tree #1 is proposed to be removed as part of the project.</p>
Add landscaped planters in parking lot and tree wells adjacent to fence.	<p>An extended planter pocket will be installed at the northeast corner of the Animal Shelter parking lot and will be planted with native shrubs.</p> <p>Additional landscape planters adjacent to the Animal Shelter parking lot fence were evaluated; however, with limited space due to the gate, trash bins, and parking space requirements, there was no room to install these planters without eliminating a parking space, limiting vehicular access, or blocking the gate from opening/closing.</p> <p>In addition, new landscaping is not part of the funded project scope. Any additional scope items, outside of the extended planter, would need prior approval and funding from the City Council.</p>

<p>Can additional landscaped planters be installed in the Pacific Marine Mammal Center parking lot?</p>	<p>The Pacific Marine Mammal Center has an unmarked gravel parking lot with vehicles double parking due to the limited on-site parking availability. Large buses use this area to drop-off and pick-up school children. Installing landscaped planters will negatively impact existing parking availability and school bus maneuverability which would contradict the project's goals. It is not recommended to install any planters in this area.</p> <p>In addition, new landscaping is not part of the funded project scope. Any additional scope items would need prior approval and funding from the City Council.</p>
<p>Improve aesthetics of retaining wall.</p>	<p>A review of alternate retaining walls and finishes was conducted and two options were selected for further review based on improved aesthetics and feasibility. Option 1 was to use a Borrego variegated split face masonry to better blend with the natural environment. Option 2 was to apply shotcrete over the masonry wall and apply a natural stone/boulder finish to make the retaining wall look more natural. The recommended option is the Borrego variegated split face masonry block wall as it improves aesthetics and can be incorporated within the existing project budget without City Council approval. Option 2 is significantly more expensive and would require City Council review and budget appropriations.</p> <p>Furthermore, a decorative wall would not provide a significant benefit to the community-at-large as approximately only one foot of the retaining wall is visible from Laguna Canyon Road. The creek side of the retaining wall will be planted with vines to soften the wall's appearance.</p> <p>A stacked stone retaining wall is not technically feasible. This type of wall would not provide sufficient structural support.</p> <p>In addition, decorative walls are not part of the funded project scope. Any additional scope items would need prior approval and funding from the City Council.</p>
<p>Review if Armorflex can be substituted for another natural material.</p>	<p>The design engineer performed another technical review to identify any available erosion control options that were not previously evaluated, and determined that there were no other viable options. All previous evaluations were not chosen for reasons because they reduced the flood capacity or were rejected by the approving regulatory agencies. Armorflex is the only viable option that will allow this critical project to move forward.</p>
<p>Provide additional information on how Armorflex can be maintained.</p>	<p>The manufacturer of Armorflex recommends backfilling the Armorflex and seeding the area, which is included as part of the project design. Periodic irrigation during vegetation establishment is also recommended. The manufacturer has provided photo</p>

	documentation of successful vegetation establishment over Armorflex.
Does the Animal Shelter and Pacific Marine Mammal Center plan on relocating their facilities?	The Animal Shelter and Pacific Marine Mammal Center have no intent on relocating their facilities. The Animal Shelter completed a major remodel in 2011. The Pacific Marine Mammal Center will be improving their facilities on its existing site.
Does the project meet both objectives to prevent erosion and flood protection?	As identified on the Project Feasibility Report, dated January 2014, "The primary criterion for the plan development is erosion control." Secondary goals included flood conveyance, habitat restoration, parking, access, and environmental criteria. The primary objective is being met with the long-term erosion control solution. The secondary objectives are being met with improved flood conveyance by 50% and restored natural habitat, while maintaining proper access with no parking reduction.

**CEQA:** The City staff has determined the project to be subject to an Initial Study pursuant to the California Environmental Quality Act. The Initial Study culminated in the preparation of a Mitigated Negative Declaration. The Initial Study and Mitigated Negative Declaration (IS/MND) were made available to the public and all affected agencies between October 8, 2018 and November 6, 2018 for review and to submit written comments. Five comments were received during the 30-day comment period. The comments and City's response can be found in *Section 8.0 Response to Comments* of the IS/MND. Staff determined that no changes are required to the IS/MND that would warrant recirculation.

**CONCLUSION:** Laguna Canyon has flooded fourteen times causing significant structural damage since the City's incorporation in 1927 (See Metzger & Monahan, "Laguna Beach Flood History 1937-2011." [PDF file]). In 2010, Laguna Beach was hit with a 100-year storm event that caused significant damage to the Animal Shelter, Pacific Marine Mammal Center, and the surrounding properties. History has shown that it is only a matter of time before the next flood occurs. The proposed project implements a long-term solution to increase flood conveyance and protect the creek banks from further erosion. The project is urgent and must be completed as soon as feasible. Failure to address the project may impact the health, safety, and welfare of the public and have potential significant impacts on the financial well-being of the City.

The proposed improvements have been designed to comply with all applicable development standards. The Board should evaluate the project to determine whether the overall project is consistent with design review criteria.

**ATTACHMENTS:** (1) Meeting Minutes & DRB Staff Report w/o attachments (11/29/18)  
(2) Meeting Minutes & City Council Staff Report w/o attachments  
(7/16/2013)

**Public Testimony:** John Keith said he was very happy with Waste Management. He said he had issues with "stinky bins." Keith asked if Waste Management would provide a service that would allow residents to send their smelly trash cans back to be cleaned or have them replaced, and he would like the service to be added to the contract.

Davy Clark, Waste Management, noted that Waste Management had a service to clean "stinky bins." He said there was a small fee associated with the service.

City Manager Pietig requested that Waste Management provide contact information along with the cost associated with cleaning the trash bins, and he said he would put the information in the Weekly Updates for the residents.

Doug Corcoran, Director of Operations and Special Projects for Waste Management, thanked the Council and said Waste Management could not imagine not providing service to Laguna Beach. He said City staff was outstanding, very thorough and focused. Corcoran said the proposed contract would make Waste Management a better company and would provide excellent service for the City. He explained how he planned to meet the Diversion Goals.

Mayor Pro Tem Pearson thanked Waste Management for their commitment to Laguna Beach. She said their commitment played a major role in her support for the contract.

City Manager Pietig thanked everyone involved with the contract negotiations.

Moved by Councilmember Whalen seconded by Councilmember Iseman and carried unanimously 5/0 to adopt **Resolution No. 13.048** approving **Franchise Agreement #13-65** with USA Waste of California, dba Waste Management of Orange County, together with the contractor's rate schedules for solid waste handling contained therein, and authorize the City Manager to execute the Agreement on behalf of the City; and authorize a contract amendment to Contract #12-31 with R3 Consulting Group for the amount of 15,300.

22.

ANIMAL SHELTER CREEK EROSION PROTECTION DESIGN UPDATE AND DESIGN CONTRACT AMENDMENT

Director of Public Works Steve May said the current budget included \$700,000 for erosion protection of the Laguna Creek in front of the City's property at the Animal Shelter and the Marine Mammal Center. He said the Council awarded a contract to RBF Consulting to work on design concepts and directed staff to work with the regulatory agencies. May said staff presented design options to the Council one year ago and worked with the Army Corp of Engineers and Fish and Wildlife.

Project Manager Wade Brown presented a map of the proposed design for the project and discussed the design updates in detail. He noted that the preliminary design would include alternatives to the chain link fence surrounding the parking lot.

City Manager Pietig said staff would incorporate alternatives to the chain link fence into the design.

Mayor Pro Tem Pearson said chain link fencing should be minimized.

Councilmember Iseman confirmed that the mattresses were thinner and left more room for the Creek, and she asked if the same type of wall could be used along the creek at the Village Entrance area.

**Public Testimony:** Executive Director for the Marine Mammal Center Keith Mantasa thanked the Council for their support of the project. He said he supported the proposal and would like to discuss options for chain link fence.

Moved by Mayor Pro Tem Pearson seconded by Councilmember Whalen and carried unanimously 5/0 to: 1) Direct staff to proceed with the recommended design alternative using articulated concrete block lining of the channel as described in the Agenda Bill and as depicted on Attachment 1 of the Agenda Bill; 2) Approve a contract amendment to Contract #12-05 with RBF Consulting to complete the preliminary design, environmental documentation, and permitting for the amount of \$77,000; and 3) Direct the City Manager to return to the City Council, after the CEQA and permitting processes, with a project update and recommendations for a contract for preparation of final plans and specifications.

23. ADOPTED RESOLUTION NO. 13.047 DESIGNATING TREES AS CITY HERITAGE TREES ON TEN (10) PROPERTIES LOCATED IN SOUTH LAGUNA

Planning Manager Ann Larson said that in 1987, the South Laguna area was annexed into the City of Laguna Beach, and she said portions of the South Laguna Specific Plan were adopted. She said the Plan referenced that a Heritage Tree inventory had been performed. Larson said the County did not have an ordinance creating a Heritage Tree program and there were no regulations providing protections or restrictions relating to Heritage Trees. She said that due to differences in how the County and City dealt with Heritage Trees, there had been some confusion regarding the status of trees listed in the South Laguna Heritage Tree Inventory. Larson said that in order to clear up the confusion, the City sent out informational letters and a form asking the property owners whether they would like to include or not include their trees on the City's Heritage Tree list. She noted that 19 property owners out of approximately 190 properties with trees on the County's heritage tree inventory requested that their trees be placed on the City's Heritage Tree List. Larson said 91 property owners requested that their trees be listed as Candidate Heritage Trees and not be included on the City's Heritage Tree List. She said that one property on the County's Heritage Tree Inventory was a City Park that contained six trees, and she recommended including the City-owned trees on the City's Heritage Tree List. Larson said the City sent public hearing notices to all property owners within 300 feet and residents within 100 feet of the 19 properties requesting to be placed on the City's Heritage Tree List. She said that as a result of the noticing, it

City of Laguna Beach  
**AGENDA BILL**

No: 22  
Meeting Date: 7/16/13

**SUBJECT: ANIMAL SHELTER CREEK EROSION PROTECTION DESIGN UPDATE  
AND DESIGN CONTRACT AMENDMENT**

**SUMMARY OF THE MATTER:**

On May 1, 2012, the City Council reviewed the following four design alternatives for erosion protection of the Laguna Canyon Creek at the Animal Shelter. Complete descriptions and exhibits of the four alternatives are included in the May 1, 2012 agenda bill that is included, together with the meeting minutes, as Attachment 2.

- Alternative 1 included a rock gabion lining and replacement of the pedestrian bridge.
- Alternative 2 included the same improvements as Alternative 1 and lowered the parking lot to serve as additional floodway.
- Alternative 3 involved relocation of the public parking and widening of the creek with earthen vegetated banks.
- Alternative 4 was similar to Alternative 1, with an added a cantilevered parking deck over part of the creek to allow for additional widening of the creek for increased capacity.

The City Council indicated its preference for Alternatives 2, 1, and 4, in that order, and directed staff to meet with interested parties and to develop a preferred alternative. Staff held meetings with representatives from the Pacific Marine Mammal Center and with the Army Corps of Engineers and the California Department of Fish and Game (now referred to as Fish and Wildlife). In short, none of the above alternatives would be acceptable to the Corps of Engineers. However, an acceptable alternative has been agreed to by the Corps that will provide the desired erosion protection and that will have environmental benefits as well. This alternative design is described in more detail on the following pages. It is recommended here that the City Council direct staff to proceed with preliminary design and processing of environmental documents and permits for this alternative.

(Continued)

**RECOMMENDATION: It is recommended that the City Council:**

1. Direct the City Manager to proceed with the recommended design alternative using articulated concrete block lining of the channel as described in this report and as depicted on Attachment 1;
2. Approve a contract amendment with RBF to complete the preliminary design, environmental documentation, and permitting for the amount of \$77,000; and
3. Direct the City Manager to return to the City Council, after the CEQA and permitting processes, with a project update and recommendations for a contract for preparation of final plans and specifications.

Appropriations Requested: (None)

Fund: \_\_\_\_\_

Attachments: (1) Recommended Design

(2) Council Minutes & Agenda Bill, 5-1-12

Submitted by: Steve May  
Steve May, Director of Public Works

Coordinated with: \_\_\_\_\_

Approved: John Pietig  
John Pietig, City Manager

"Animal Shelter Creek Erosion Protection Design Update"

July 16, 2013

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DISCUSSIONS WITH STAKEHOLDERS AND REGULATORY AGENCIES

The most impacted stakeholder would be the Pacific Marine Mammal Center. Staff met with their representatives several months ago. In general, they favored Alternative 1, which provides a 100% increase in channel capacity with virtually no impact to parking or existing operations. This is very similar to the alternative recommended here. The representatives also recommended that the pedestrian bridge that provides ADA access to the Animal Shelter and the Pacific Marine Mammal Center be relocated next to the existing vehicle bridge. The bridge relocation is included with the recommended alternative. Also, on July 23, 2012, Staff held a publicly noticed scoping meeting at the site, and there were no attendees from the public.

A meeting on July 25, 2012 with representatives from the Army Corps of Engineers and the California Department of Fish and Game was not encouraging. In general, the Army Corps of Engineers does not support the use of gabions for erosion protection. It was plainly stated that our Alternatives 2, 1, and 4 would not be approved. Both agencies recommended the removal of parking to allow the widening the creek using natural vegetated banks. After lengthy discussions, both agencies conceded that significant site constraints, parking issues or cost increases might be mitigating factors and justification for approving a compromise solution. The Department of Fish and Game indicated that they would likely accept any solution agreed to by the Corps.

Since then, the project team has been meeting with the representatives from the Army Corps of Engineers to negotiate a design concept that would be acceptable to all parties. After several months of unsuccessful discussions, the Army Corps of Engineers brought in their hydraulic expert from Missouri for a site meeting. The positive suggestions from that meeting included changing the gabion erosion protection to an articulated concrete block mattress that can be planted with native species, including more trees at the top of the bank to shade out unwanted species and re-contouring the existing creek bank downstream of the vehicle bridge that has been silted in by past flood events. These ideas have been incorporated into the recommended alternative described below.

RECOMMENDED ALTERNATIVE

The recommended alternative is a modified version of Alternative 1 that includes the construction of an articulated concrete block (ACB) mattress channel lining to limit erosion and to increase the channel capacity. The ACB is similar to turfblock that is knitted together with wire strands. The channel would be slightly widened toward the existing parking lot to have a 20-foot base width with the bottom of the ACB mattress extending four feet below the flow line of the creek. The capacity is increased further since the ACB is significantly thinner than the rock gabions originally proposed. A planted terrace is included on the westerly bank with a vertical retaining wall supporting the parking lot. This terrace will provide additional flood capacity and allow the planting of native species to improve the habitat and aesthetics of the creek. Sycamore trees will be planted along the top of the stream banks to shade out some of the non-native invasive plant species that currently are reducing the capacity of the creek.

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The vehicle bridge will be protected in place and the new pedestrian bridge will be located adjacent to the vehicular bridge. This will allow the creek to be widened and reduce the obstructions for floating storm debris. Downstream of the vehicle bridge, rock riprap toe protection would extend along the easterly bank adjacent to the Pacific Marine Mammal Center and would be planted with willows and other native plantings. Silt deposits will be removed from the westerly bank with the area re-contoured around the existing trees. The disturbed areas will be re-planted with native species. The preliminary design will include alternatives to the chain link fence surrounding the parking lot. An exhibit of the Preferred Alternative is included as Attachment 1. Following are some of the advantages of this alternative.

Advantages:

- The project would increase the creek capacity from a flow rate of approximately 600 cfs to approximately 1,500 cfs.
- The project would not result in any impact to parking or access to the site.
- Environmental enhancement would be accomplished through the removal of non-native plants and the replacement with native plants that can grow through the ACB mattress.
- The construction of a planted terrace along the parking lot will increase capacity and improve aesthetics of the stream.
- This alternative is one of the least expensive alternatives.
- Due to the extensive negotiations with the Army Corps of Engineers, the project has a good chance of approval by the resource agencies.

FUNDING, COSTS ESTIMATES, AND DESIGN CONTRACT

At this time it is necessary to award a contract for preliminary engineering. Following is a summary of projected costs, funding needs, and recommendations for award of a preliminary design contract.

Projected Costs and Funding Needs: The current budget includes \$700,000 for the project. It is not possible to accurately estimate the construction costs without more preliminary engineering, although it is expected that the cost could be as much as \$800,000. The costs for the preliminary engineering, final engineering, permit processing, and environmental documentation will be an estimated \$200,000. Therefore, there could be the need for additional funding in the future by as much as \$300,000, which would have to be provided by the Capital Improvement Fund. Following is a summary of projected costs and funding needs.

Summary of Funding and Costs

Item	Amount
Current budget	\$700,000
Preliminary design/CEQA/permitting	(\$ 77,000)
Final design & mitigation monitoring	(\$ 93,000)
Final design contingency	(\$ 30,000)
Construction	(\$800,000)
<b>Total</b>	<b>(\$300,000)</b>

"Animal Shelter Creek Erosion Protection Design Update"

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Preliminary Design Costs and Contract Award: In order to proceed with the project, it is necessary to award a contract for preliminary engineering, permit processing, and environmental documentation. RBF Consulting has completed the conceptual design phase within the \$26,000 approved scope of work. Although the process took much longer than anticipated the delays were certainly not the fault of RBF, and they have done an excellent job negotiating with all agencies to date. RBF consulting has provided a proposal to complete the next design phases. The Preliminary Design phase includes the hydraulic analysis and report, preliminary design plans, preparation of documents for the CEQA process, and preparation and processing of permitting applications. The fee proposed for this work is \$77,000. It is recommended that the City Council approve a contract amendment with RBF for this work.

Final Design Costs Projection: The Final Design phase would occur after the permitting process has been completed and will include the preparation of all plans and documents needed for bidding and construction. Also included in the final design phase of work will be mitigation monitoring of anticipated requirements that will likely be imposed through the entitlement process. The final design and mitigation monitoring phase is projected by RBF to be \$93,000. That number might increase or decrease depending on design features that will be better defined through the preliminary design process. There could be the need for as much as \$30,000 for additional studies that might be required through the CEQA and permitting phases.

PROJECT SCHEDULE:

The project schedule is highly dependent on unknown time frames for the permitting process. Given the previous interactions with the Corps of Engineers, six months has been allocated for that process. However, even if the process goes much quicker than anticipated, the construction process will likely be scheduled for the spring of 2015 to avoid the winter storm season. Following is a probable schedule for the project.

Project Schedule

Preliminary Design Completed	Oct 2013
CEQA and Permits Completed	Mar 2014
Design Review	Mar 2014
Final Design Completed	Aug 2014
Construction Begins	Apr 2015
Construction Completed	Jul 2015

**REGULAR BUSINESS**

**2. HIGH & CLIFF DRIVE STAIRS (PUBLIC WORKS) APPROVED WITH CONDITION**

**DESIGN REVIEW 18-1956, COASTAL DEVELOPMENT PERMIT 18-1957, AND MITIGATED NEGATIVE DECLARATION, LAST HEARD 10/25/18 (SECOND HEARING)**

City staff: Nancy Csira, Zoning Administrator (949) 497-0332 ncsira@lagunabeachcity.net

Project Applicant: Tom Sandefur, Associate Civil Engineer (949) 497-0799 sandefur@lagunabeachcity.net

The Public Works Department requests design review for replacement of public stairs within the public right-of-way at the west end of High Drive at Cliff Drive. Improvements include removal of the existing wood and concrete stairs, and installing a wider concrete stairway, retaining wall and drainage system including grate on High Drive and curb outlet on Cliff Drive, slope stabilizing plants and succulents, and pedestrian foot lighting.

**Project Representative:** City Engineer Mark Fudger said the Public Works Department is seeking approval for a proposed replacement stairway between Cliff Drive and High Drive. The project was previously continued pending two issues; one being the archaeological study along with completing the mitigated negative declaration and the other being changing the plant palette. The studies were circulated for 28 days, no comments were received and the archaeological study requires full time monitoring during the ground disturbance process including demolition and grading activities. The planting has been modified by removing the power barrier hedge of Carissa and proposed replacement plants are Baccharis, Argemone, and Verbena.

**Public Testimony:** Mark Fudger, 31172 Coastal Highway Drive, said he is in support of the project and everything staff has done is appreciated.

**Board Questions:** Ms. Simpson asked for clarification on the materials that will be used on the stone retaining wall. Mr. Fudger said they had proposed one kind of material, but at the public workshop held at the site there were comments made that the material would need to match the Heisler Park cobble stone finish. The design has been revised accordingly.

**Board Comments:** Ms. Moran made a motion, second by Ms. Neev to approve Design Review 18-1956 and Coastal Development Permit 18-1957 at High and Cliff Drive between the North end of Heisler Park and Diver's Cove with the conditions of approval including, but not limited to, adherence to the mitigation plan and monitoring program, making the finding for the Coastal Development Permit similar to the initial staff report of October 25, 2018, and the adoption of the mitigated negative declaration pursuant to the state CEQA guidelines with the determination that the project has no significant effect on the environment with mitigation measures and noting that the wall texture will be the cobble stone finish to match Heisler Park.

Motion\_MM\_\_ Second\_\_DN\_\_ Grant\_\_Y\_\_ Deny\_\_ Cont. \_\_ Unan. 5-0.

Neev\_\_Y\_\_ Simpson \_\_Y\_\_ Liuzzi \_\_Y\_\_ Monahan \_\_Y\_\_ Mullen-Kress \_\_Y\_\_

**3. 20612 LAGUNA CANYON ROAD (PUBLIC WORKS), APN 629-061-04 APPROVED WITH**

## CONDITIONS

DESIGN REVIEW 18-1685, COASTAL DEVELOPMENT PERMIT 18-1686, VARIANCE 18-1702, AND MITIGATED NEGATIVE DECLARATION, LAST HEARD 11/29/18 (SECOND HEARING)

City Staff: Nancy Csira, Zoning Administrator (949) 497-0332 ncsira@lagunabeachcity.net

Project Applicant: Tri Nguyen, Project Manager (949) 497-0741

The City of Laguna Beach Public Works Department requests design review and a coastal development permit to install erosion devices within the creek including articulating concrete block lining along portions of the creek banks, three bend way weirs and rip rap in the Institutional (I) zone. Proposed improvements include removing the existing pedestrian bridge, installing a prefabricated pedestrian bridge adjacent to the vehicular bridge, new retaining wall with cable railing at edge of the parking lot along creek, wood fencing around the parking lot, and landscaping. A variance is requested to exceed the 4-foot high fence height within the front setback [LBMC 25.50.012(B)(1)] and to encroach into the watercourse setback (bridge support, hydraulic transition structure, retaining walls, grading, erosion control devices, and fencing) [LBMC 25.50.030(D)].

**Project Representative:** Tri Nguyen Project Manager with Public Works presented the revised Animal Shelter Erosion project which was in front of the Board last November. It is to prevent erosion, improve the creek's habitat, and increase flood conveyance. The main project components consist of a pedestrian bridge, retaining wall, Armorflex lining, bend way weirs, rip rap, and fencing. He clarified that the project is located within the institutional zone and not the industrial zone. He also clarified that the pedestrian notice mentions a "concrete transition" and that will be located under the pedestrian bridge. The purpose is to allow for a smooth transition between two cross section areas of the creek to prevent turbulence. At the last meeting, the Board provided two recommendations for fencing that would improve the aesthetics. Public Works proposes to go with recommendation #1 which is a wood split rail fence with wire mesh because it complements the building architecture. It will be installed at the same height as existing fence. The Board also requested that there be additional options for retaining walls that improve aesthetics. Public Works has narrowed down to meet the minimum criteria; the first option is a variegated CMU block wall and option two is a CMU block wall with applied shotcrete that is made to look like natural stone or rock. They are looking to move forward with option one given that it meets the Board's criteria for improved aesthetics. There will be vines planted in the creek that will help screen the wall and soften the appearance. The Board and community had concerns that the vegetation would not establish over the Armorflex. The Board requested they provide additional information on how they can be successful with the vegetation and see if there were any other erosion control options that were not yet evaluated. They determined there were no new alternative options. The manufacturer was confident that vegetation could be established over the Armorflex and they provided numerous examples. They made recommendations to improve the chances of success which is to back fill the Armorflex, to seed it, and to periodically irrigate it during the initial landscape establishment. They also reviewed to see if they could modify the Armorflex in order to preserve tree #1 and concurrently hired a certified arborist to review the tree's existing condition. The finding was that the tree would not survive as there would be significant erosional undercutting of the roots. Therefore, they have recommended its removal. They evaluated whether additional landscape planters can be placed inside of the parking lot. They were able to extend the landscape planter on the north east corner of the Animal Shelter parking lot. They will be adding Bougainvillea vines adjacent to the new fence. The project brings a delicate

compromise that allows the project to move forward and achieves the projects goals while taking into consideration much of the feedback and comments received by the public as well as the Board. The project will provide additional protection for the building and provide improvements for health, safety, and welfare of the inhabitants of the building both humans and animals. They recommend approval as well as approval for the recommendations referenced on the power point slide.

**Public Testimony:** John Hamil, 20368 Sun Valley, Homeowners Association, and CANDO said they would prefer having a stone finished retaining wall. He is concerned there are two projects going on at the same time; one occurring in front of the shelter and another in front of the Friends of the Sea lion. He added they all hate to lose trees. The trees are particularly important to the animals. Losing 19 trees, replacing them with 11 trees and planting some in another location doesn't make any sense. He is also concerned that the cable railing across the top of the concrete retaining wall make it look like an industrial project instead of an environmentally sensitive project. They have been trying to reclaim the creek and keep it looking like a creek rather than water that is contained by concrete. CANDO would just like a more natural look to the creek.

Ann Marie McKay, President of Pup Laguna Beach, said they support the project for the most part and appreciates the improvements made to the fence but still has a concern about moving the pedestrian bridge. Part of the concern about moving the pedestrian bridge next to the vehicular bridge is that everyone will be walking on the side of the creek that has no protection and no railing. This increases the chance of something happening. She never saw data showing that it is going to save the flooding from occurring by moving the pedestrian bridge 20 feet. She doesn't see the logic in it. They would just like the bridge in its current location.

Sharon Fudge, 31172 Ceanothus Drive, has concerns about the project and how it does not comply with the Local Coastal Plan. Impacts to the entirety of the creek have still not been addressed. She looked at the initial EIR where they spoke about the cumulative effects and they made a statement that there were no negative impacts, therefore there were no cumulative effects. But cumulative effects may look at positive and negative impacts. If this is a positive aspect to this portion of the creek, what does it mean to the entirety of the creek? This is to manipulate the flow of water and she thinks the project has been positioned as a safety issue to save the erosion of the creek and save the Animal Shelter. She is not sure if it is proper to have this building that was reconstructed in 2010 in a flood plain. They must take these measures to continue to protect the Animal Shelter when there are alternatives and policies of 9B and 9D which prohibit the filling and alteration of streams. She knows by reading the geotechnical report there will be caissons put into the creek.

Mark Fudge, 31172 Ceanothus Drive, said that the project is currently operating under a Coastal Development Permit issued by the Commission with conditions. Some of the conditions have been violated and when they did a restoration on the bridge and replaced it after it was damaged it was in opposition to that permit. When that occurred the coastal development permit that they are operating under requires them to restore the creek to its natural state and the project that they are considering isn't even the proper project to be discussing. He said that the creek needs to be looked at in its entire reach and manipulating the flow in midstream when there is a choke point at the

beach will push a lot of water toward downtown. They have not done anything to open the flow at the beach. The Coastal Act and CEQA require that they don't do the project in pieces. What is needed is an environmental impact report that discusses the entire reach of the creek from El Toro down to Main Beach and it needs to comply with each portion of the work.

**Rebuttal:** Mr. Nguyen said that most of the shade if not all of it comes from the Palm trees and those will remain in place. If the project were to move forward and there would be no grading it is still required to comply with the fuel modification guidelines which means they will still have a significant loss of trees. We will keep some of the mature oaks. The pedestrian bridge has been relocated and the benefits is that it is centrally located between the Pacific Marine Mammal Center and the Animal Shelter. There is no data in terms of obstruction, but obviously the less obstruction there is the better the chances for improvement. The primary reason the bridge being relocated is because the Army Corp of Engineers, who has jurisdiction over the project, requested that they either eliminate or consolidate the bridge. The property was annexed into the City with much of the nonconformities in place. The intent is to protect what is already there. Mr. Nguyen said that they would will double 300 cubic feet per second and that gives a 50% increase over the channel's flow capacity. It is not a small increase and it will help with flood protection. He said that Public Works did not need a permit to do repair work to improve public use of the facilities.

**Board Questions:** Mr. Nguyen confirmed that the fence height is six feet and that it will be a split rail/board fence a little lower than the existing fence. The existing fence is chain link and has a one-foot high wire on top of it. Mr. Nguyen confirmed that a cable railing is proposed on top of the retaining wall along the edge of the creek because the retaining wall will be approximately six feet high. Ms. Monahan confirmed that it would be a safety structure along the top.

Mr. Nguyen confirmed that the cable railing is proposed on the parking lot side. Mr. Nguyen confirmed that if a safety hazard is identified along the walkway that they could install a 42-inch high railing. Mr. Nguyen confirmed that by increasing the capacity of this area that will help hold the water before floods over the top and floods the Animal Shelter.

Ms. Neev reviewed the CEQA document which said very specific goals of what they want the flow to be and the erosion. She asked why the option that was chosen didn't come close to meeting the said goals, and asked for clarification about the comprises and why only 300 CFS has been accepted rather than the said goals. Mr. Nguyen said the primary objective is to prevent erosion to protect the buildings, everything else took second place including flood conveyance, creek habitat restoration, and maintaining parking access. Ms. Neev said that the document addressed both erosion and flood control, but she isn't convinced that the project is adequate for flood control. Public Works believes this is the best project for the existing site conditions and the primary objective which is the erosion control. There are options identified in the technical study where they can cantilever the parking lot and essentially support it like a bridge so that water can flow underneath the parking lot, or they can make a concrete channel similar to the Orange County Flood Control District channel where it is just all concrete and can provide for an ample amount of flood capacity. They did not consider those realistic options because of the cost and the aesthetics.

Richard Beck, Michael Baker Corporation, said they have taken comments from five different California Coastal Commission

agencies and the public. They tried to address as many comments as possible. They selected Armorflex based on the least environmentally damageable practical alternative. To get the project approved, permitted, and to also reach some of the objectives Armorflex was chosen because it has a much lower impact, but can still convey the flows and lead to the increases Mr. Nguyen mentioned.

Ms. Liuzzi asked what the increase of water will do to the businesses downtown because you are basically loading a funnel backwards. She doesn't understand why they are trying to get the water through a little hole to spill out to the ocean. If the project gets approved what does it do to construction that will be going on between Caltrans and the City where the water reaches the ocean. She asked if they are planning to do the construction at the same time as the work on the Coast Highway floodway.

Mr. Trestik said that the increase in capacity at this location will increase capacity in the specific parcel. There are many parcels downstream with many different forms that the stream takes. Sometimes it's in a channel and sometimes it's a dirt path through someone's backyard. By the time it gets to the downtown area there will be no cumulative effect. Caltrans has a project underway where they will be replacing their culvert at Coast Highway due to damage not to increase of capacity. The City also has a project underway at Beach Street that will increase the capacity of the channel and that will be an improvement because from there downstream it doesn't get constricted again.

Mr. Trestik confirmed that downtown improvements are scheduled in 2021. Ms. Liuzzi asked if the current project will be done before they start on the next one or will they be waiting to do it all at once. Mr. Trestik confirmed the current project can be done and if it can't get approved or under construction any time soon it might have to be done under an emergency permit because the Animal Shelter is threatened. Mr. Trestik confirmed whether the channel is wider or narrower the water will be on the street and will go to the same yard; the project will be increasing capacity and reducing velocity.

Ms. Hollen-Kress referenced Mr. Bridge's comment about an environmental impact report and said it takes time. A plan to redo, reinstate, and improve the entire flood change through the canyon gives her visions of another village entrance mess of a delay over the years. It is an improvement and will help protect the Animal Shelter and provides a more even flow.

**Board Comments:** Ms. Simpson said she could approve the project with the changes that the Board recommended and understands it is a safety issue, erosion control issue, and understands the Animal Shelter's concern about safety next to the side walk. A railing can be installed, and she believes it is a much safer situation for the Animal Shelter to have fewer bridges.

Ms. Monahan said she is generally supportive of the project and thinks the cable fencing along the top of the split face wall is an appropriate fence for that location and can support it with the Borrego variegated masonry block. She also agrees with just having a single bridge, believes it fits well in the canyon area, and she can support the project.

Ms. Neev concurred and wished that they could increase the flood component and capacity but does think it would be adequate for erosion control. She agrees with her colleagues regarding the fencing, safety component, and the location of the bridge.

Ms. Liuzzi said she feels not enough work was done and would have liked to see an EIR done including all three projects because they are not that far apart and are all interconnected. She feels uncomfortable that the projects were not done in unison along with mitigation measures and that is why she cannot support the project.

Ms. Mullen-Kress said she can support the project and believes they have investigated the landscaping and understands the reasons for not being able to save more trees. She appreciates the changes and can support the project

Ms. Simpson made a motion, seconded by Ms. Monahan to approve Design Review 18-1685, Coastal Development Permit 18-1686, and Variance 18-1702 at 20612 Laguna Canyon Road with the condition to install a cable railing along the sidewalk adjacent to the Animal Shelter and adherence to the mitigation and monitoring program as recommended in the staff report.

Motion MS Second MM Grant Y Deny \_\_\_\_\_ \_\_\_\_\_ Unan. 4-1.

Monahan Y Simpson Y Liuzzi N Mullen-Kress Y Neev Y

4. 1475 BOUNTY WAY (MOWERY), APN 06-091-14 APPROVED WITH CONDITIONS

DESIGN REVIEW 18-241 AND CATEGORICAL EXEMPTION [Section 15300.2, Class 3(e)]  
City staff: Elaine Yano, Associate Planner (949) 497-7700, eyano@lagunabeachcity.net  
Project Applicant: Theodore Mowery, Owner (714) 231-2020 tjmbusiness77@cox.net

The applicant requests design review for a six-foot high vinyl and wood pool security fence with a five-foot high vinyl gate and five-foot high brick plasters in the pool zone (Code Enforcement).

Ms. Csira said the staff report said that the neighbor had agreed on materials for the fence but that was not correct.

**Project Representative:** Ted Mowery, property owner, said the proposed project is to install a privacy and security fence alongside his swimming pool. The project started in October 2015, when they proposed to install an air conditioning unit and solid white vinyl fencing five feet high between existing brick plasters with the written preapproval from their neighbors. The fence was installed, and it replaced a deteriorating wrought iron fence. In March of 2016, a City's building inspector went out to measure and inspect the fence to make sure it was to code. However, he did not measure the height of the brick plasters. In January 2018, Mr. Mowery received a notice stating a complaint had been lodged against the new vinyl fence. He later learned the complaints were centered on the whiteness of the fence, the height, composition, and obstruction of view. Mr. Mowery said he met with the neighbors throughout the year to discuss amendments to the fence which has resulted in the proposal in front of the Board. They propose to remove the vinyl panels in the southernmost 15 feet of the fence and replace them with wooden slates having approximately two-inch spacing to permit a view through the fence and to allow light penetration.

5 LGB 19-0159

RECEIVED  
South Coast Region

NOTICE OF FINAL LOCAL ACTION  
FOR COASTAL DEVELOPMENT PERMITS

FEB 12 2019

Date: February 8, 2019

CALIFORNIA  
COASTAL COMMISSION

The following project is located within the City of Laguna Beach Coastal Zone:

Location: Animal Shelter Creek Restoration Project, 20612 Laguna Canyon Road, APN 629-061-04 (Public Works CIP#285)

Coastal Development Project No: 18-1686

**Project Description:** The Design Review Board conditionally approved design review and a coastal development permit to construct erosion devices within the creek including articulating concrete block lining along portions of the creek banks, weirs and rip rap within Laguna Canyon Creek to protect the Animal Shelter from creek erosion in the Institutional (I) zone. Improvements include removing the existing pedestrian bridge and lining, constructing a new pedestrian bridge adjacent to the vehicular bridge, hydraulic transition structure, new retaining wall with cable railing to support the parking lot, wood fencing around the parking lot perimeter, grading, and landscaping. Conditions of approval include the installation of cable railing along sidewalk adjacent to Animal Shelter and adherence to the mitigation plan and monitoring program.

**Applicant:** Public Works Department, Tri Nguyen, Project Manager (949) 497-0741

Mailing Address: 505 Forest Avenue, Laguna Beach CA 92651

On January 24, 2019, a coastal development permit application for the project was

- approved
- approved with conditions
- denied

Local appeal period ended February 7, 2019

- This action was taken by:
- City Council
  - Design Review Board
  - Planning Commission

The action  did  did not involve a local appeal; in any case, the local appeal process has been exhausted. Findings supporting the local government action and any conditions imposed are found in the attached resolution.

This project is

- not appealable to the Coastal Commission
- appealable to the Coastal Commission pursuant to Coastal Act Section 30603. An aggrieved person may appeal this decision to the Coastal Commission within 10 working days following Coastal Commission receipt of this notice. Applicants will be notified by the Coastal Commission if a valid appeal is filed. Appeals must be in writing to the appropriate Coastal Commission district office and in accordance with the California Code of Regulation Section 13111. The Coastal Commission may be reached by phone at (562) 590-5071 or by writing to 200 Oceangate, 10<sup>th</sup> Floor, Long Beach, CA 90802-4416

Att: Resolution No. 19.04  
Staff Report  
Plans

California Coastal Commission  
CDP No. A-5-19-0015  
Exhibit 7 p. 1 of 1

**RESOLUTION CDP 19.04**

**A RESOLUTION OF THE CITY OF LAGUNA BEACH  
APPROVING COASTAL DEVELOPMENT PERMIT 18-1686**

Whereas, an application has been filed in accordance with Title 25.07 of the Laguna Beach Municipal Code, requesting a Coastal Development Permit for the following described property located within the City of Laguna Beach:

Public Works CIP #285  
Animal Shelter Creek Erosion Protection  
20612 Laguna Canyon Road  
APN 629-061-04

Whereas, the review of such application has been conducted in compliance with the requirements of Title 25.07, and;

Whereas, after conducting a noticed public hearing, the Design Review Board has found:

1. The project is in conformity with all the applicable provisions of the General Plan, including the certified Local Coastal Program in that the visual impacts of the development have been minimized as the project replaces the chain link fence with a wood fence, the landscape plan incorporates native shrubs and trees, and the project removes non-native and invasive species and restores the creek. The rustic design of the pedestrian bridge will complement the natural creek environment. The landform alteration is minimal because the proposed grading removes the accumulation of excess sediment and restores the creek to its pre-existing condition. The watercourse has been protected and will be improved to the greatest extent possible because the project restores Laguna Canyon Creek's hydrological and biological functions. The creek in its current condition has limited flood capacity and has encouraged the settlement of sediment upon which vegetation has been established, further reducing capacity. Invasive species have also encroached within the creek limits, further reducing the creek's habitat value and capacity to convey storm flows. The project is intended to provide long-term erosion protection for the site, increased flood conveyance, and increased enhancement of the stream corridor through native planting and restoration. The property is located within a fuel modification zone as it is within 300 feet of an undeveloped vegetated area. Fire hazards are minimized because a fuel modification plan has been incorporated and approved by the Fire Department.

2. Any development located between the sea and the first public road paralleling the sea is in conformity with the certified local coastal program and with the public access and public recreation policies of Chapter 3 of the Coastal Act in that this finding is not required as the property is not located between the sea and the first public road.

3. The proposed project, included in the associated Design Review approval 18-1685 and Variance 18-1702, is in compliance with the applicable rules and regulations set forth in the Municipal Code and will not have any significant adverse impacts on the environment within the California Coastal Commission

CDP No. A-5-19-0015

Exhibit 8 p. 1 of 3

meaning of the California Environmental Quality Act in that the proposed project, based on the Initial Study and Mitigated Negative Declaration which incorporates a mitigation plan and monitoring program.

NOW, THEREFORE, BE IT RESOLVED, that a Coastal Development Permit is hereby approved to the extent indicated:

Construction of erosion devices, including articulating concrete block lining, weirs and rip rap, within Laguna Canyon Creek to protect the Animal Shelter from creek erosion. Improvements include removing the existing pedestrian bridge and lining, constructing a new pedestrian bridge adjacent to the vehicular bridge, hydraulic transition structure, new retaining wall with cable railing to support the parking lot, wood fencing around the parking lot perimeter, grading, and landscaping. Conditions of approval include the installation of cable railing along sidewalk adjacent to Animal Shelter and adherence to the mitigation plan and monitoring program.

1. Notice of Receipt and Acknowledgement. The Coastal Development Permit (“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 Community Development Department.

2. Expiration. If development has not commenced within two years from the final action of the approval authority on the application, the permit will expire. Development, once commenced, 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 Community Development Director or permit approval authority.

4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Community Development Department 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 approval authority and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

6. Indemnification. The permittee shall defend, hold harmless and indemnify, at his/her/its expense, the City, the City Council and other City bodies and members thereof, officials, officers, employees, agents and representatives (collectively, the City) from and against any and all third-party claims, actions or proceedings to attack, set aside, void or annul the approval of this land use permit or entitlement or any associated determination made pursuant to the California Environmental Quality Act, the California Coastal Act, and other applicable local and state laws and regulations. This obligation shall encompass all costs and expenses incurred by the City in defending against any claim, action or proceeding, as well as costs, expenses or damages the City may be required by a court to pay as a result of such claim, action or proceeding.

7. Plan Reliance and Modification Restriction. In the absence of specific provisions or conditions herein to the contrary, the application and all plans or exhibits attached to the application are relied upon, incorporated and made a part of this resolution. It is required that such plans or exhibits be complied with and implemented in a consistent manner with the approved use and other conditions of approval. Such plans and exhibits for which this permit has been granted shall not be changed or amended except pursuant to a subsequent amendment to the permit or new permit as might otherwise be required or granted pursuant to the terms of Title 25 of the City of Laguna Beach Municipal Code.


8. Grounds for Revocation. Failure to abide by and faithfully comply with any and all conditions attached to the granting of this permit shall constitute grounds for revocation of said permit.

BE IT FURTHER RESOLVED, that the subject Coastal Development Permit shall not become effective until after an elapsed period of fourteen (14) calendar days from and after the date of the action authorizing such permit.

PASSED on January 24, 2019, by the following vote of the Design Review Board of the City of Laguna Beach, California.

AYES: Neev, Simpson, Monahan, Mullen-Kress  
NOES: Liuzzi  
ABSENT: None  
ABSTAIN: None

ATTEST:

  
\_\_\_\_\_  
Staff Representative  
Board of Adjustment Resolution No. CDP 19.04

  
\_\_\_\_\_  
Chair Mullen-Kress



April 3, 2019

Amber Dobson  
California Coastal Commission  
301 E. Ocean Blvd., Suite 300  
Long Beach, CA 90802-4830

SUBJECT: Response to Commission Appeal Number A-5-LGB-19-0015

Dear Ms. Dobson,

Pursuant to your letter dated March 4, 2019, regarding the California Coastal Commission appeal number A-5-LGB-19-0015, below are responses to the points raised by the appellants.

Although typically City staff does not provide direct opinion or response with regards to Coastal Development Permit appeals, in this case a response is being provided because it is regarding a City project.

**1) The (city-owned and operated) project's purpose is unclear.**

The primary criterion for the proposed project is erosion control. The improvements are required to address recent storm damage and to install improvements that will protect the existing structure adjacent to the channel. As stated in the Design Review Board staff report, "[t]he Laguna Beach Animal Shelter and PMMC were severely flooded and sustained major structural damage during winter rain storms in 2010. The project will minimize the potential of future flooding-related damage and protect the creek from further erosion...".

**2) Approval ignored the conditions of prior CDP issued by the Coastal Commission.**

The prior issued CDP 5-92-363 requires that once the lining is removed that the area be restored to its natural condition. It also states that any new bridge will require a new CDP. The permit does not require that the area be maintained in a natural state in perpetuity. The project fulfills the requirements of the former CDP as the pedestrian bridge is included in the new CDP and it has been considered as part of the project approval.

California Coastal Commission  
CDP No. A-5-19-0015  
Exhibit 9 p. 1 of 7

**3) Allowed work done (in 2010) without benefit of a CDP to continue without consideration of bringing non-conformities into conformance with the LCP.**

In response to damage incurred from a major storm event in 2010, the City performed repair work in the channel. Improvements included placement of rip-rap with fabric underlayment. Improvements were intended to be temporary. In addition to making temporary repairs, the City proposed project that is now under consideration in order to implement permanent repairs. This project will remove the temporary improvements and install the permanent improvements needed to address long-term slope stability.

**4) No consideration of the project's effects on the entirety of Laguna Canyon Creek. Instead the City only considered the project at hand – not the cumulative effects to the creek and/or floodplain.**

This segment of the creek is maintained by each property owner as it crosses through their property. Further downstream, it becomes an Orange County Flood Control District facility and is owned and maintained by the County. The proposed improvements are intended to address erosion on the City's property. The improvements do not increase the flow of water entering the creek (drainage area). Therefore, there are no significant impacts to the remainder of the creek or to the floodplain.

**5) Cumulative effects were not considered for this Project along with the currently in process permitting expansion of the marine mammal and animal control facilities with a new mixed use facility.**

Prior to finalizing the concept plans, several alternatives for this project were evaluated and reviewed in conjunction with multiple stakeholders, including the adjacent Laguna Beach Animal Shelter and the Pacific Marine Mammal Center. The project design does consider the conceptual projects in the area immediately adjacent to this project; however, construction schedules cannot be coordinated because the other projects do not have definite schedules for construction. Because the City's project is needed to address erosion and protect existing structures, improvements must be completed prior to the upcoming rain season. Therefore, the project must proceed on its own. As the other projects move through their entitlements and design, they will be evaluated independently.

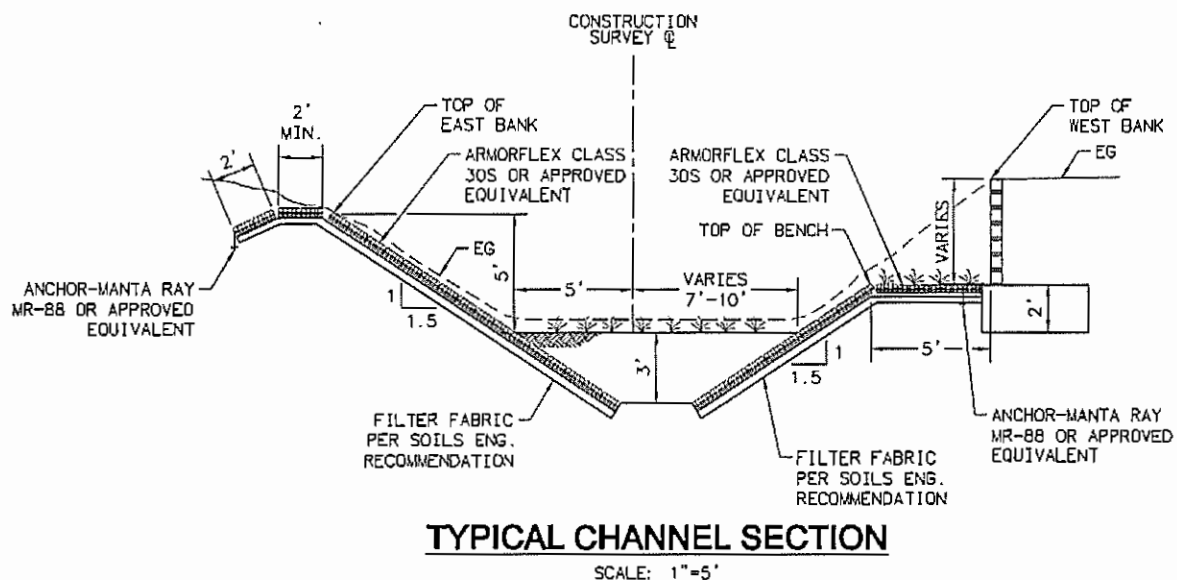
**6) Flood concerns and use of armoring rather than keeping the creek in a natural state.**

The proposed articulated concrete block (Armorflex) lining along both channel banks immediately north of the existing vehicular access bridge is required in order to prevent and control erosion of the creek banks. The channel floor remains a soft bottom, and the proposed Armorflex product

allows plant growth in the open cells. Below is a typical section of the channel where the armoring is proposed.

Landscaping has been coordinated to comply with the Laguna Beach Fire Department (LBFD) fuel modification guidelines and in cooperation with California Department of Fish and Wildlife (CDFW) to achieve a balance between protecting the creek's natural environment and protecting the existing structures in the event of a fire.

The proposed landscaping will include the removal of non-native and invasive species, and the installation of new native trees and shrubs. This new vegetation will complement the area's intended natural setting and enhance the creek's habitat value.



**7) Project allows construction in the stream (caissons and armoring) and without consideration of needed setbacks. The City granted variances for these.**

The proposed project required a variances to (A) exceed the 4-foot high fence height within the front setback [LBMC 25.50.012(B)(1)], and (B) to encroach into the watercourse setback (bridge support, hydraulic transition structure, retaining walls, grading, erosion control devices, and fencing) [LBMC 25.50.030(D)].

The variance requests were reviewed, and the following findings were made:

(1) There are special circumstances applicable to the subject property, including its location within the Laguna Canyon Annexation Area Specific Plan, which if the strict application of zoning is

applied, will deprive the property of privileges enjoyed by others. The existing six-foot chain link fence was “grandfathered” in connection with the annexation of the area to the City. The existing facilities onsite, including the Animal Shelter and Pacific Marine Mammal Center (PMMC), rely upon the six-foot fence to provide security to the facility, its rescued animals, and medication stored on-site. The PMMC is required to have the six-foot fence as part of its security protocol with the National Oceanic and Atmospheric Administration (NOAA), which regulates the facility. The variance is requested to replace the six-foot chain link fence with a more aesthetic pleasing wood fence that would be in the same location and at the same height.

(2) There are special circumstances applicable to the property, including the location of the existing structures, that if the strict application of the zoning ordinance is applied, will deprive the property of privileges enjoyed by others. The special circumstance includes the existing structures at its closest point is only six feet from the creek banks due to continued erosion. Also, in 2010, due to the insufficient creek flow capacity, significant flooding at both the Animal Shelter and PMMC occurred that caused the temporary closure of both facilities, significant damage, and monetary loss. To protect the facilities from further loss, a variance is requested to perform work within and adjacent to the creek for a bridge, retaining wall, grading, erosion control devices, hydraulic transition structure, and fencing to be constructed within the 25-foot watercourse setback. Further erosion of the creek bank will create a hazard to the existing structures and risk the continued operation of both facilities. The proposed work has been coordinated closely with regulatory agencies and both on-site facilities including the United States Army Corp of Engineers (USACE), the Regional Water Quality Control Board (RWQCB), California Department of Fish & Wildlife (CDFW), Laguna Beach Fire Department (LBFD), PMMC, and the Laguna Beach Animal Shelter.

(3) The variance is necessary to preserve both the rights of the Animal Shelter and PMMC to operate in a safe and secure facility. PMMC uses the six-foot fence to prevent foot and vehicular traffic from crossing the vehicular and pedestrian bridges during nonworking hours as the fence surrounds the bridge crossings. Without a six-foot fence, the fence height would be inadequate, would be vulnerable to foot traffic crossings, and would violate their agreement with NOAA. The Animal Shelter uses the fence to protect its animals from escaping and to protect the medication stored on-site. The six-foot chain link fence has been in existence since at least the 1970’s and was grandfathered at the time of the annexation; therefore, a variance would provide continuity. While the Public Works Department requests to maintain the nonconforming condition, it proposes to replace the chain link fence with a wood fence.

(4) The requested variance is necessary for the preservation and enjoyment of a substantial property right possessed by other owners in the same area because without the project, the continued operation of both facilities, which provide rescue and rehabilitation to both sea and land animals, will be threatened due to the continued erosion and potential flooding of the facilities. The project is of the utmost importance to protect both facilities from future damage and to ensure their continued operation.

(5) The granting of the variance will not be detrimental to public health, safety, and convenience and welfare because the proposed six-foot wood fence replaces an existing six-foot chain link

fence. The new fence will be in the same location as the existing fence. Furthermore, the proposed fencing material would more suitably complement the neighborhood aesthetics.

(6) The granting of the variance will not be detrimental to the property or surrounding area but will instead provide a benefit to public health, safety, and welfare of the property and surrounding area by increasing the flow capacity through this section of the creek and preventing further erosion of the creek bank therefore providing relief to the structures that are within close proximity to the creek. This will ensure the continued operation of both facilities providing benefits to the surrounding neighborhood and community.

(7) The granting of the variance will not be contrary to the zoning ordinance, Laguna Canyon Annexation Area Specific Plan or General Plan because the Animal Shelter was constructed prior to City annexation of the area and, therefore, the building and its site components, including the fence, were "grandfathered." Many of the sites and buildings within the Laguna Canyon Annexation Area Specific Plan, in which the project site is located, do not comply with current local zoning requirements. The specific plan takes notice that the unorthodox development has created a unique and cohesive neighborhood that residents want preserved. This six-foot wood fence, which replaces a six-foot chain link fence, only further enhances the neighborhood.

(8) The granting of the variance will not be contrary to the zoning ordinance, Laguna Canyon Annexation Area Specific Plan or General Plan because the plan recognizes the unique and unorthodox development within the area. Given the existing building site locations, which are situated within the watercourse setback, were "grandfathered," the Public Works Department proposes to construct within the setback area to preserve the existing building and ensure their continued operation. The work is not detrimental to the objectives of the zoning ordinance and only preserves the uniqueness of the area.

(9) The granting of the variance will help restore the watercourse by removing invasive species, restoring hydrologic and biologic functions of the creek, and planting native species. Interim erosion control measures have been installed along the channel banks to protect the adjacent improvements and have resulted in partially improved channel linings and sections along the property. These measures have also resulted in limited flood conveyance capacity, erosion and sedimentation, and reduced native habitat value. Invasive species have also encroached within the creek limits, further reducing the creek's capacity to convey storm flows. The project is intended to provide long-term erosion protection for the site and increased flood conveyance and enhancement of the stream corridor.

(10) The granting of the variance will not impair the functional, scenic, and ecological purpose of the watercourse. The project proposes to remove invasive species and to plant native species. The project will also consolidate two bridge locations into one site, thereby reducing obstructions within the creek. The project was coordinated with CDFW, whose mission is to ensure conservation of the state's biological resources including animal and plant species.

**7) Project allows the removal of native vegetation in ESHA.**

The project site, according to the attached Local Coastal Plan, is not within a High or Very High Biologically Sensitive Area. Therefore, this implies that it is not within an ESHA. The existing condition of the site is neither pristine in character, physical complexity or biological diversity. The site in its current condition would be described as a Low Value Habitat given that it is disturbed, impacted, biologically simplified and is of low faunal carrying capacity. Furthermore, that native habitat present at the site (e.g. *Typha latifolia* and *Salix lasiolepis*) is neither rare nor does it support individual rare species as biological resources reports and surveys conducted for the project determined that no endangered or special status species were identified within the project site or its proximity.

The proposed project, although temporarily removing native vegetation proposes to restore it with greater native plant diversity that would increase the functions and values over the existing condition. The proposed improvements protect against further degradation of the creek system and promote increased native plant biodiversity for the long-term. The project is a betterment and would not result in a degradation of native habitat as the intent is to promote increased functions and values of the creek in the few hundred feet where work is proposed.

If you have any questions, please don't hesitate to contact me at (949) 464-6688 or [tperez@lagunabeachcity.net](mailto:tperez@lagunabeachcity.net).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Thomas Perez', with a long horizontal flourish extending to the right.

Thomas Perez, Project Director

Attachment:

- Laguna Beach – Local Coastal Plan

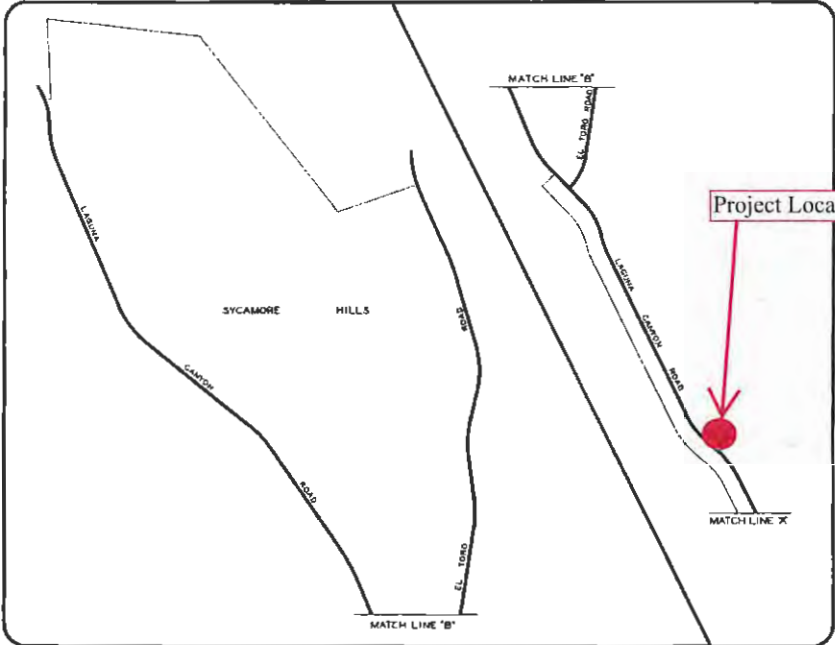
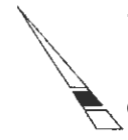
**General Plan  
and  
Local Coastal Plan**

**Biological  
Resource  
Values**

 High Value

 Very High Value

Source: Ecolife Marsh, Laguna Beach Biological Resources Inventory  
BASE MAP REVISED 4/01  
DEPT. OF PLANNING & DEVELOPMENT, PLANNING DIVISION



**City of Laguna Beach**

California Coastal Commission  
CDP No. A-5-19-0015  
Exhibit 9 p. 7 of 7