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STAFF REPORT: REGULAR CALENDAR

Application No.: 5-21-0910

Applicant: South Coast Water District (SCWD)
Taryn Kjolsing

Agents: Michael Houlihan, ESA
John Loague, AKM Consulting Engineers

Location: 31104 Country Club Drive, Laguna Beach, Orange County
APNs: 056-240-35, 056-240-36, 056-240-61, 656-071-13

Project Description: Demolition of Sewer Lift Station No. 2 and construction of a replacement sewer lift station in a different location on-site; replacement of an existing drainage pipeline and construction of a new outlet structure in Aliso Creek; construction of a new intertie between the new sewer lift station and the City's North Coast Interceptor (NCI) sewer pipeline; installation of new odor control scrubber, and storage garage and maintenance vehicle wash. The proposed project also includes re-alignment of a 1,000-foot section of Country Club Drive and construction of a public trail. Grading of 11,745 cubic yards cut and 7,569 cubic yards of fill material re-used on site, resulting in 4,176 cubic yards export to be disposed offsite.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

South Coast Water District (SCWD) provides water and wastewater services to approximately 35,000 residents, 1,000 businesses, and 2 million visitors per year in south coastal Orange County. The District's service area includes the communities of Dana Point, South Laguna, and areas of San Clemente and San Juan Capistrano. SCWD's proposed development would replace an antiquated sewer lift station, originally constructed in 1953, with a new sewer lift station. The proposed project also includes construction of a new intertie between the new sewer lift station and the City's North Coast Interceptor (NCI) sewer pipeline. Construction of the replacement sewer lift station and the intertie are proposed to significantly reduce the chance of future sewer spills into Aliso Creek and the ocean. The project site is located at 31104 Country Club Drive, Laguna Beach, just north of Aliso Creek, and about 300 feet east of Coast Highway (**Exhibit 1**).

In addition, the proposed project includes re-alignment of approximately 1,000 feet of Country Club Drive, construction of a new storm drain outlet structure in Aliso Creek, construction of a new sewage grinder within a new below-grade vault next to the proposed lift station, construction of a new grouted rip rap drainage feature north/uphill of the proposed lift station, construction of a maintenance vehicle wash and storage garage, installation of new odor control scrubber, grading, dewatering, new walls and gates around the SCWD facility, hardscape, underground utilities, drainage improvements, new communication system, landscaping, lighting, and fuel modification. Portions of existing sewer pipelines related to the existing lift station will be abandoned in place, new pipelines will be constructed, and new pipeline connections established. New pipelines will be emplaced via both open cut and trenchless construction methods. Except for limited portions of the public access trail, all project work will be set back 25 feet from the top of the bank of Aliso Creek.

Excavation is proposed to accommodate below grade structures associated with the new lift station. The maximum depth of excavation will be 44 feet below grade to accommodate the new lift station's wet and dry wells. Dewatering will be required during excavation. Landscaping with only native plants is proposed. All exterior project lights will be night-sky compliant and downward facing. Pole-mounted lights include shielding.

Construction and implementation of a new six-foot-wide public access trail across the subject site connecting the public access easement on the adjacent Ranch Resort to South Coast Highway and Aliso Beach (via the existing culvert and trail under the highway) are also proposed.

The storm drain outlet structure proposed in Aliso Creek would impact 0.039 acres of environmentally sensitive riparian habitat. No mitigation for these impacts is proposed. Staff recommends the Commission **Special Condition No. 1,** requiring that the outlet structure be deleted from the project. As conditioned, the proposed

development would have no impacts on environmentally sensitive habitat area (ESHA).

Staff is recommending approval of the proposed development subject to eight special conditions which require: 1) revised plans indicating no impacts to riparian ESHA will occur, and subject to the review of construction professionals and the Commission's Executive Director; 2) cooperation with the future estuary restoration plan; 3) acknowledgement that changes to portions of the project located on land not owned by the applicant may require an amendment or new CDP; 4) recordation of a deed restriction for public access in the area of the public trail prior to any future conveyance of the property; 5) implementation of an approved public access management plan; 6) implementation of an approved Cultural Resources Treatment Plan; 7) the applicant's assumption of risk; and 8) implementation of construction best management practices.

The subject site falls within the City's LCP permit jurisdiction and the Coastal Commission's retained permit jurisdiction. The applicant has requested and the City has agreed to process this CDP application as a single, consolidated CDP pursuant to Coastal Act Section 30601.3. Under the consolidated permit provisions, the standard of review for the entire project is the Chapter 3 policies of the Coastal Act, with the certified LCP as guidance. As conditioned, the proposed project is consistent with the habitat, cultural resources, public access, and water quality protection standards of the Coastal Act and certified LCP.

Staff is recommending that the Commission **APPROVE** Coastal Development Permit application 5-21-0910 as conditioned. The motion is on page 5.

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I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve Coastal Development Permit 5-21-0910 pursuant to the staff recommendation.

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

Resolution:

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

II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment**. The permit is not valid and development shall not commence until a copy of the permit, signed by the applicant 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. **Interpretation**. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. **Assignment**. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land**. These terms and conditions shall be perpetual, and it is the intention of the Commission and the applicant to bind

all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. Revised Project Plans
A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, revised project plans, prepared by a qualified professional, which shall reflect the following:

1. the storm drain outlet structure originally proposed on the bank of Aliso Creek shall be deleted from all project plans;
2. a revised site drainage plan depicting project drainage without the outlet structure;
3. no storage or industrial yard area shall be located in the area south of the proposed road alignment (in the area between the road and the creek);
4. the public access trail corridor as described in Special Condition Nos. 4 and 5;
5. all area owned by the South Coast Water District located between the approved road alignment and the top of bank of Aliso Creek (other than the public trail) shall be planted with native vegetation, in areas where there is no existing native vegetation, compatible with the Aliso Creek riparian habitat; and
6. a landscape plan for the site depicting the types and locations of exclusively native plants compatible with the surrounding natural areas shall be included.

B. The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

2. Agreement to Cooperate with the Aliso Estuary Restoration Project
By acceptance of this permit, the permittee agrees to continue to work in good faith to accommodate the Aliso Estuary Restoration project to the fullest extent feasible in light of SCWD's obligations and authority to provide water and sewer service. The permittee shall continue to work cooperatively with the Aliso Estuary Restoration Project proponent (including at this time, but not necessarily limited to, the Laguna Ocean Foundation) for that proponent to bring that project to fruition to the extent feasible for the permittee. This may include, but is not necessarily limited to, consideration of accommodation of public access.

3. Grouted Rip Rap Drainage Feature
If any changes to the proposed grouted rip rap drainage feature located north/uphill of the proposed lift station are required by the owner of the property on which that

drainage feature is to be located (Laguna Greenbelt), those changes shall be submitted to the Executive Director for a determination as to whether the changes require an amendment to this permit or a new CDP. No changes to the approved development shall occur without a CDPA or new CDP unless the Executive Director determines that none is legally required.

4. Public Access Requirement.
A. Public Access Trail. Consistent with the permittee's proposal, the permittee shall provide a public access easement for recreational trail uses consistent with the terms and conditions of this coastal development permit in the following location (as generally shown in **Exhibit 2**): a six-foot-wide public access trail corridor located south of and as close as possible to the re-aligned Country Club Drive and north of the top of bank of Aliso Creek, extending from the public trail access on the Ranch at Laguna Beach property at the easterly boundary of the permittee's property to the existing pedestrian path rest area located approximately 175 feet west of Coast Highway. From the rest area, a five-foot wide public access trail corridor will extend along the existing paved and marked pedestrian path to Coast Highway.

B. PRIOR TO CONVEYANCE OF THE SUBJECT PROPERTY, **and in order to implement the applicant's proposal,** the permittee shall execute and record documents(s) in a form and content acceptable to the Executive Director, restricting the use and enjoyment of the parcel, and providing public access and recreational uses in perpetuity as described in **Special Conditions 4.A and 5** and as shown on **Exhibit 2** of this staff report dated December 1, 2022**.**

The recorded document(s) shall include a legal description and corresponding graphic depiction of the legal parcel(s) subject to this permit and a metes and bounds legal description and a corresponding graphic depiction, drawn to scale, of the designated public access area(s) prepared by a licensed surveyor based on an on-site inspection of the public access area(s). The deed restriction shall be recorded free of prior liens and any other encumbrances that the Executive Director determines may affect the interest being conveyed. The deed restriction shall run with the land in favor of the People of the State of California, binding successors and assigns of the applicant or landowner in perpetuity.

5. Public Access Management Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a Public Access Management Plan which describes the operation of the proposed public trail on the SCWD site, including but not necessarily limited to, the following:

> **A.** The permittee shall construct the proposed six-foot-wide public access trail as generally located and depicted on Exhibit 2. This six-foot wide public access trail shall connect to the existing approximately five-foot wide trail to the west, extending the public access trail to Coast Highway. No development, as defined in Section 30106 of the Coastal Act, shall occur within the public access corridor except for

the following: grading and construction necessary to complete public access amenities, vegetation removal and planting in accordance with the final landscaping plan, installation of hardscape, utilities, public access trail amenities (e.g. benches, trash cans), and signage as necessary to promote public use of the trail, and repair and maintenance. No interference with public use of the public access trail corridor may occur, including, but not limited to, physical obstructions on the public trail, signage limiting use of the trail, and/or guards or gates or similar measures that restrict public access, except as temporarily required for planned or emergency maintenance or repairs as described in subsection C below.

B. The permittee shall open and make the trail available to the public upon the cessation of heavy-truck trips needed for construction, including after completion of the substantive truck hauling of soil and materials associated with the construction of the proposed lift station from and to the site and no later than six weeks from completion of demolition of the existing lift station. The permittee shall notify the Executive Director of the opening of the public access trail.

C. The public access trail shall be free of charge and available to the general public 24 hours a day, except in very limited cases of public safety emergencies and as temporarily required to allow SCWD planned repair and maintenance activities. Any such closure shall be limited to the shortest duration safely feasible and shall be reported to the Commission's Executive Director prior to trail limitation for planned repair and maintenance, or as soon as possible in the case of documented emergencies. If closure of the trail is necessary due to public safety emergencies or for repair and maintenance activities, a detour shall be provided to Country Club Drive with construction flag persons on Country Club Drive to ensure safety of pedestrians detouring around the activities.

D. The public access trail corridor and improvements shall be ambulatory, including that the boundaries and amenities (e.g., trail, benches, trash receptacles, etc.) shall move within the permittee's (or its successor) property if relocation and/or reconstruction of public access amenities are necessary to retain their continuity and/or utility in response to erosion and related fluvial or coastal hazards.

The Permittee shall undertake development in conformance with the approved Public Access Management Plan unless the Commission amends this permit so as to relieve the Permittee of this obligation, or the Executive Director issues a written determination that no amendment is legally required for any proposed minor deviations.

6. Cultural Resources Treatment and Monitoring Plan.

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a Cultural Resources and Treatment Monitoring Plan prepared by a qualified professional archaeologist, which shall incorporate the following measures and procedures:

1. The monitoring plan shall ensure that any prehistoric archaeological or paleontological or Native American cultural resources that are present on the site and could be impacted by the approved development will be identified so that a plan for their protection can be developed. The methods of protection of Tribal Cultural Resources shall be developed in consultation with the appropriate Native American tribal government(s). To this end, the cultural resources monitoring plan shall require that archaeological and Native American monitors be present during all grading operations and subsurface construction activity that has the potential to impact cultural resources. If the site is a shared prehistoric territory, one Native American monitor from each affected tribe shall be present during all ground disturbance.

2. There shall be at least one pre-grading conference with the project manager and grading contractor at the project site to discuss the potential for the discovery of archaeological/cultural or paleontological resources. Prior to grading operations, a copy of all archeological documents and reports shall be provided to the Native American monitors.

3. Archaeological monitor(s) qualified by the California Office of Historic Preservation (OHP) standards, Native American monitor(s) with documented ancestral ties to the area appointed consistent with the standards of the Native American Heritage Commission (NAHC), and the Native American most likely descendent(s) (MLD) when State Law mandates identification of an MLD, shall monitor all project grading and subsurface construction activity (such as trenching for utilities) that has the potential to impact cultural resources, as required in the approved cultural resources monitoring plan required above.

4. The permittee shall provide sufficient archaeological and Native American monitors to assure that all project grading and subsurface construction activities that have any potential to uncover or otherwise disturb cultural deposits are monitored at all times.

5. If any archaeological or paleontological, or cultural deposits, are discovered, including but not limited to skeletal remains and grave related artifacts, artifacts of traditional cultural, religious or spiritual sites, or any other artifacts relating to the use or habitation sites, all construction shall cease. Treatment of the discovery shall be determined by the appropriate monitor or the MLD. Significance testing may be carried out only if acceptable to the affected Native American Tribe(s), in accordance with the attached "Cultural Resources Significance Testing Plan Procedures" (Appendix B). The permittee shall report all discovered resources as soon as possible, by phone and/or by email to the Executive Director. The permittee shall provide the significance testing results and analysis to the Executive Director, if applicable.

B. If the Executive Director determines that the discovery is significant or that the treatment method preferred by the affected Native American tribe(s) is in conflict with the approved development plan, the permittee shall seek an amendment from

the Commission to determine how to respond to the discovery and to protect both those and any further cultural deposits that are encountered. Development shall not recommence until an amendment is approved, and then only in compliance with the provisions of such amendment.

7. Assumption of Risk, Waiver of Liability and Indemnity.

By acceptance of this permit, the permittee acknowledges and agrees (i) that the site may be subject to hazards, including but not limited to storms, flooding, and erosion, all of which will may worsen with future sea level rise; (ii) to assume the risks to the permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

8. Construction Best Management Practices.
A. The permittee shall comply with the following construction-related requirements and shall do so in a manner that complies with all relevant local, state and federal laws applicable to each requirement:

(1) Construction materials, debris, or waste shall be placed or stored so as to prevent such materials from entering the waters of the State or covering aquatic or riparian vegetation.
(2) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
(3) Construction debris and sediment shall either be removed from construction areas or covered, contained, and enclosed on all sides ahead of forecasted rain and high wind events to prevent the accumulation of sediment and other debris which may be discharged into coastal waters;
(4) Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control dust and sedimentation impacts to Aliso Creek and other coastal waters during construction. BMPs shall include, but are not limited to, placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters; and
(5) All construction materials, excluding lumber, metals, masonry and other items that do not cause or create sedimentation, shall be covered and enclosed on all sides, and stored as far away from a storm drain inlet and receiving waters as possible.

B. Best Management Practices (BMPs) designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction

activity shall be implemented prior to the onset of construction. Selected BMPs shall be maintained in a functional condition throughout the duration of the project. The following measures shall be implemented during construction:

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

IV. FINDINGS AND DECLARATIONS

A. Project Description and Location

The South Coast Water District (SCWD) proposes demolition of the existing sewer lift station and construction of a new sewer lift station (SCWD's Lift Station No. 2), construction of a new intertie between the new sewer lift station and the City's North Coast Interceptor (NCI) sewer pipeline, re-alignment of approximately 1,000 feet of Country Club Drive, construction of a new storm drain outlet structure in Aliso Creek, construction of a new sewage grinder within a new below-grade vault next to the proposed lift station, construction of a new grouted rip rap drainage feature north/uphill of the proposed lift station, construction of a maintenance vehicle wash and storage garage, installation of new odor control scrubber, grading, dewatering, new walls and gates around the SCWD facility, hardscape, underground utilities, drainage improvements, new communication system, landscaping, lighting, and fuel modification. Portions of existing sewer pipelines related to the existing lift station will be abandoned in place, new pipelines will be constructed, and new pipeline connections established. New pipelines will be emplaced via both open cut and trenchless construction methods. Also proposed is construction and implementation of a six-foot-wide public access trail across the site, connecting the public access easement on the adjacent Ranch Resort to South Coast Highway and Aliso Beach (via the existing culvert and trail under the highway). Construction of both the replacement sewer lift station and the intertie are proposed in order to significantly reduce the chance of future sewer spills into Aliso Creek and the ocean.

The project site is located just north of Aliso Creek, about 20 feet above mean sea level, approximately 750 feet east of the Aliso Beach and 300 feet east of Coast Highway (**Exhibit 1**). The project site encompasses approximately 1.2 acres along Country Club Drive in the City of Laguna Beach in southwestern Orange County. Except for limited portions of the public access trail, all project work will be set back 25 feet from the top of bank of Aliso Creek.

Sewer Lift Station

The proposed project includes demolition of the South Coast Water District's Sewer Lift Station No. 2 and construction of a replacement sewer lift station. The lift station was originally constructed in 1953, nearly seventy years ago. The existing lift station has not failed, but the applicant has indicated that it is at imminent risk of failure, which necessitates the proposed replacement project. The existing lift station is deficient in a number of ways, including: the wet well is undersized and has inadequate storage capacity, which results in surcharging of the upstream gravity sewers; the size of the existing pumps is inadequate to pump the peak wet weather flow from the site to the Coastal Treatment Plant; there is poor maintenance access; pump removal is difficult, the existing equipment is antiquated; and the existing structure does not meet current codes for seismic design.

Various critical components of the existing lift station facility have required repair over the years to reduce the potential for lift station failures and service interruptions which could lead to sewage overflow and spill. Due to the age of the lift station, parts that need to be replaced are no longer available for order and purchase, which requires that the parts be individually manufactured. If there is a failure at the lift station, the emergency storage capacity of approximately 15,000 gallons is considered to be inadequate. The applicant estimates that if the proposed lift station replacement project did not occur, the potential for a sewage overflow and spill increases each year the lift station is not replaced. This risk is high especially during rain events.

If the lift station were to fail, initially the sewage overflow would occur within the well of the lift station. However, depending on the size of the spill, sewage could spill out of the facility and eventually be conveyed into Aliso Creek. An overflow of the emergency storage area would cause an overflow at the sewer manhole located in the Aliso Creek Beach parking lot which is approximately 7.5 feet lower than the top of the wet well at the existing lift station. An overflow at the Aliso Beach parking lot would result in sewage flow into the ocean.

Because the lift station is a critical sewer facility, the existing lift station must remain operational during the approximately two-year construction period of its replacement. In order to accommodate this, the new lift station will be constructed in a different location on site.

The proposed lift station includes two above ground structures separated by approximately 37.5 feet: a generator building that is approximately 26 feet wide by 38.7 feet long by 18 feet high, and an electrical/control (pump) building that is approximately 17.4 feet wide by 37.3 feet long by 18 feet high.

On the ground level within the generator building, a 3,000-gpm, 475 horsepower diesel pump with a 250-gallon sub-base fuel tank and a 550 Kilowatt diesel generator with a 660-gallon subbase fuel tank is proposed. The diesel pump is operated in the event of total electric pump failure, pump control panel failure, or if the electric pumps are mechanically damaged and not keeping up with the influent flow. The generator is started and operates automatically during a commercial power failure. It is shutdown automatically when commercial power is restored. The generator building includes three ½ hp, 3,050 cubic feet per minute (cfm) roof mounted fans. The walls and ceiling are covered in acoustic panels to control the transmission of noise from the building. The doors will have a minimum Sound Transmission Class (STC) rating of 49 dB. The louver blades will be perforated and packed with inert, vermin-proof and moisture-proof mineral fiber to provide acoustical performance.

The proposed lift station will include a subterranean reinforced concrete wet well and dry well structure that measures 85 feet long by 37.3 feet wide by 38 feet deep. The dry well consists of two levels (mid-level and lower level) beneath the ground floor that encompass approximately 31.2 feet in length, 37.3 feet in width and 38 feet in depth.

The dry well mid-level floor is 14 feet below the ground floor. The dry well lower level floor is 21 feet below the mid-level floor and 35 feet below the ground floor. The walls and ceiling of the proposed lift station's dry well lower and mid-level rooms will be lined with acoustic panels to control reverberation and the transmission of noise from the building.

The lift station will include: three 250 horsepower (hp), 3,000 gallons per minute (gpm), immersible main pumps driven by dedicated variable frequency drives; one 7.5 hp 900 gpm, submersible wet well transfer pump; one 7.5 hp, 7,000-cubic feet per minute (cfm), exhaust fan and ductwork; 5-ton underhung bridge crane; valves, piping and instrumentation on the lower and mid-levels of the dry well. The pump building on the ground floor will be air conditioned by a 5-ton packaged unit. The proposed pumps are expected to result in less energy use and criteria pollutant emissions compared to the existing pumps. The electrical/control building will house three 250 hp variable frequency drives, electrical distribution panels, lift station SCADA[1]/Control Panel, and the AC system ductwork.

Intertie

The proposed project also includes construction of a new, 16-inch, polyvinyl chloride (PVC), intertie sewer pipeline connecting the SCWD's new lift station and the City of Laguna Beach's existing sewer pipeline known as the North Coast Interceptor (NCI).[2] The proposed intertie between the two sewer facilities will provide backup sewer capacity in emergency situations, as well as during required maintenance activities. The intertie will allow the City and SCWD to redirect wastewater transmission flow into one another's facility when it is necessary to bypass one or the other sewer transmission pipeline. The intertie will provide the SCWD and the City of Laguna Beach a secondary means for conveying sewage flows to the Coastal Treatment Plan[3] in the event of an emergency situation with either agency's pipeline. That is, the emergency intertie would allow for wastewater to flow from one sewer line to the other in case of an emergency in one of the lines (such as a break or blockage). The intertie is intended to protect against potential future spills. The cost and benefits of this portion of the project are shared between SCWD and the City.

While the existing lift station has not failed to date, in November 2019, the City of Laguna Beach's sewer pipeline (NCI) experienced a significant sewer spill into Aliso Creek (upstream of the subject site, near the Ranch Resort's golf course). As part of the settlement agreement with the San Diego Regional Water Quality Control Board related

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[1] Supervisory Control and Data Acquisition (SCADA) is a system of software and hardware elements that allows industrial organizations to: control industrial processes locally or at remote locations; monitor, gather, and process real-time data; directly interact with devices such as sensors, valves, pumps, motors, and more through human-machine interface (HMI) software; and record events into a log file.

[2] The proposed intertie is depicted on Plan Sheets 46 – 50 on **Exhibit 3**.

[3] The Coastal Treatment Plan, located approximately one mile east/inland of the subject site, is operated by the South Orange County Wastewater Authority (SOCWA) **Exhibit 1**.

to that spill, the City agreed to an enhanced compliance action (ECA). The ECA includes construction of the proposed intertie. By providing an interconnection between the SCWD's new lift station and the City's NCI sewer pipeline (intertie), emergency backup storage is created for use by either entity during emergencies and during required maintenance activities.

Storm Drain Outlet Structure

The proposed project includes construction of a new storm drain outlet structure. The proposed outlet structure includes a 42-inch reinforced concrete drainage (RCP) pipe, concrete wing walls, shelf, and cut-off wall that would extend into the creek bank. In addition, approximately 20 by 12 feet of ¼ ton rip rap would be placed at the base of the RCP pipe. The rip rap, wing walls and cut-off wall are intended to protect the outlet structure from erosion. The outlet structure would extend from above the proposed head wall at approximately elevation 17.0 feet down the creek bank to approximately elevation 0.0 feet which is two feet below the Aliso Creek stream. Construction of the outlet structure would impact 0.039 acre of riparian ESHA. The outlet structure is not an integral project component and is not necessary to protect coastal resources from adverse impacts associated with a potential sewage spill, and the applicant has indicated the remainder of the project is viable without the outlet structure.

Re-Alignment of Country Club Drive

The proposed project also includes re-alignment of approximately 1,000 feet of Country Club Drive, allowing for separate access roads to the SCWD facilities and to the Ranch Resort. The new part of the road leading to the Ranch Resort will be constructed in an undeveloped area currently used for SCWD storage. The area is currently devoid of any vegetation. The proposed road re-alignment will meet the LCP-required 25-foot setback from the top of the creek bank. Most of the SCWD's underground facilities are located within existing Country Club Drive. Re-aligning the road will allow most of SCWD's maintenance activities to occur on the SCWD road, separate from the road to the Ranch Resort. In addition, the re-alignment will allow for better emergency access.

Construction and Opening of Public Access Trail

The proposed project includes construction of a public access trail that will be open and available to the public upon completion of construction. The public access trail will be located south of and adjacent to the re-aligned Country Club drive, as shown **Exhibit 2**. The public access trail would extend across the SCWD's property from the Ranch Resort to Coast Highway, connecting the public access easement on the Ranch property to Coast Highway, and ultimately to the Aliso Beach (via an existing underpass). Although the required public trail easement related to the Ranch site is not yet finalized or open to the public, the proposed public access trail at the subject site will be the final link in the long sought "trail to the sea" which extends approximately 18 miles inland, through the Aliso and Wood Canyons Wilderness Park, to the foothills of the San Ana Mountains in San Bernardino. Once the required public trail on the Ranch is finalized and open, and the public trail on the subject site is complete, both of which are pending, the trail to the sea will be complete.

Communication System

The proposed project includes installation of a SCADA/control panel. SCADA stands for Supervisory Control and Data Acquisition (SCADA). It is a system of software and hardware elements that allows industrial organizations (such as SCWD) to control industrial processes locally or at remote locations; monitor, gather, and process real-time data; directly interact with devices such as sensors, valves, pumps, motors, and more through human-machine interface (HMI) software; and record events into a log file. The SCADA/control panel will communicate with the SCWD's central SCADA center via radio telemetry, which would include an on-site, approximately 40-foot high, pole mounted antennae. The pole diameter is 9.5 inches at the base of the pole and 4.5 inches at the top of the pole. The proposed antennae at the top of the pole would be 6 inches wide and 37-inches long. (**Exhibit 3**, Plan Sheets 13 & 136)

Bio-Scrubber

A two-stage bio-scrubber will be installed in the area where the existing lift station site will be demolished after the existing structures have been removed. The bio-scrubber will treat foul air from the new wet well and upstream sewer. The scrubber will be mounted outdoors on a concrete pad. Its approximate dimensions are 19 feet long by 8 feet wide by 9.5 feet high. The scrubber capacity is 3,000 cubic feet per minute (cfm), and will include a 5-hp skid mounted fan, control panel and nutrient tank. The nutrient tank contains an aqueous solution of fertilizer and is sprayed over the first stage biological filter bed to provide nutrients and moisture for bacteria within an inert media. The second stage media in the scrubber is activated carbon and is used to remove any hydrogen sulfide not captured by the first stage media.

Grouted Rip Rap Drainage Feature

The new lift station location is impacted by a drainage feature that cuts through the upslope terrain behind the property, discharging behind the proposed lift station location. Although the slope behind the site is considered relatively stable, loose material in the drainage gully behind the site may cause mud flows during rainfall. To protect the site from drainage and mud flows, a grouted rip rap drainage protection feature, perimeter wall, and box drain are proposed to collect and convey the runoff around the proposed lift station structure. Existing drainage from uphill/north of the proposed lift station location will be collected and directed around the new lift station building via installation of a proposed grouted riprap drainage feature. This drainage feature will direct the hillside drainage to a proposed 2-feet-wide by 3-feet-deep concrete drain box that will surround the new lift station on two sides (north and west). The proposed grouted rip rap feature will include, in addition to the grouted rip rap, debris posts and a concrete apron at its base (**Exhibit 3**, Plan Sheet 34). The grouted rip rap will be located at the base of an erosional feature, just uphill of the new lift station. Although the proposed grouted rip rap will displace vegetation, none of the vegetation impacted is significant habitat and so no mitigation is required. This grouted rip rap will be located on property owned by the Laguna Greenbelt. The Greenbelt has declined to be a co-applicant in this CDP application, but has approved the construction

on its property (**Exhibit 4**). **Special Condition No. 3** requires that any changes to the proposed drainage feature that may be required by the property owner (Laguna Greenbelt) be submitted to the Executive Director for a determination of whether the change triggers the need for an amendment or new permit, or that none is legally required.

Excavation

Grading comprised of approximately 11,745 cubic yards cut and 7,569 cubic yards of fill material re-used on site is proposed, resulting in 4,176 cubic yards export to be disposed of offsite. The maximum depth of excavation will be 44 feet below existing grade to accommodate the new lift station's wet and dry well structures. In addition to the excavation necessary to accommodate the new lift station's wet and dry wells, excavation to accommodate the sewer grinder vault to a depth of 25 feet below grade, new sewer access structures (manholes) to depths of approximately 20 feet below grade, and the NCI valve vault and sump pump to a depth of approximately 7 feet below grade. Grading is also necessary to accommodate various pipeline work.

Dewatering

Excavation to depths up to 44 feet below grade will necessitate dewatering. Dewatering wells will consist of a slotted plastic casing installed in an oversized augered hole that is backfilled with gravel pack material, specifically sized based upon the native formation grain size to prevent native material from passing through into the well. Water collected by the wells will be pumped to a baffled tank, which will settle any material that may have penetrated the well gravel pack. The water will then be decanted from the tank, and discharged to an existing drain pipe located adjacent to and east of the proposed lift station site. Construction dewatering will be performed in accordance with the requirements of an NPDES Permit that is to be obtained by the contractor from the Regional Water Quality Control Board. General requirements for dewatering, including monitoring and reporting, are specified by the San Diego Regional Water Quality Control Board Order R9-2015-0013.

Landscaping

Landscaping plans submitted with the subject CDP application include fuel modification measures that are no longer being proposed. The applicant has agreed that non-native plants/trees will be removed within the proposed landscape areas and that all site landscaping will be native plantings and, more particularly, that the area between the re-aligned Country Club Drive to the SCWD's southern property line (roughly adjacent to the top of creek bank) will be natives compatible with the adjacent riparian habitat. Revised landscape plans reflecting the current landscape proposal are required by **Special Condition No. 1**, which requires revised project plans. The revised landscaping plans will also include the proposed native plant palette.

Lighting

Proposed project lighting includes three double-arm pole-mounted street lights located in the 5-foot area between the SCWD's access road and re-aligned Country Club Drive;

one single-arm pole-mounted area light at the entrance to the new lift station; and miscellaneous wall-mounted low wattage area lights around the new pump station and garage. As proposed, all lights on the project site will be night-sky compliant and downward facing. Pole-mounted lights include shielding. The wall-mounted lights are photo controlled, but can also be manually turned off by a switch inside the building.

Fuel Modification

Fuel modification required by the Laguna Beach Fire Department includes removal of dead palm fronds only from the Mexican fan palms located on the banks of Aliso Creek. No vegetation thinning will occur on the hillside above the subject site due to steepness of the slope (neither one-time or on-going vegetation clearance will occur). The stand of Mexican fan palms (that function as riparian habitat at this site) which were to be removed in compliance with the City's fire fuel modification standards, will now be protected in place and regularly maintained by the SCWD, in accordance with requirements determined by the City of Laguna Beach Fire Marshall. Consequently, no riparian habitat will be disturbed by the project's required fuel modification.

Construction Staging

Once Country Club Drive is re-aligned to its proposed new location, the section of the existing Country Club Drive that will no longer be used for access to the Ranch Resort will be used for construction staging. This area is located between the proposed re-aligned Country Club Drive and the existing SCWD facilities. This area encompasses approximately one-third of an acre. Once construction is complete, this area of existing development will be used for SCWD access, maintenance, and storage.

B. Biological Resources

Coastal Act Section 30240:

> (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.
>
> (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Coastal Act Section 30236:

> Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (l) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3)

developments where the primary function is the improvement of fish and wildlife habitat.

In addition, the City's certified Land Use Plan Open Space/Conservation (OSC) Element includes the following habitat protection policies:

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.

8-K As a condition of new development in South Laguna, require the identification of environmentally sensitive areas, including chaparral and coastal sage scrub. Intrusion into these areas for wildlands fuel modification programs should not be permitted.

8-N Preserve the preservation of existing drought-resistant, native vegetation and encourage the use of such vegetation in landscape plans.

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.

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 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.

9-Ca a. Streams on the Major Watershed and Drainage Courses Map which are also streams as 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 a [sic] 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 on 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 of the feasible alternative measures, such as modifications to the size, siting and design of any proposed structures, have been exhausted.

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.

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

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

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

9-V 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.

Laguna Beach LCP OSC Element Policy 8-I designates as Environmentally Sensitive Area streams that are mapped on the Major Watersheds and Drainage Courses Map which are also streams as identified on the USGS 7.5 Minute Quadrangle Series. The City has not yet prepared a Major Watersheds and Drainage Courses Map for the South Laguna area, but Aliso Creek appears as a stream on the USGS map. These OSC Element policies promote the preservation of natural drainages, including Aliso Creek, and the use of native plants in landscape plans.

Coastal Act Section 30240(b) requires that development adjacent to environmentally sensitive habitat areas (ESHA) be sited and designed to prevent impacts which would significantly degrade the ESHA and to be compatible with the continuance of the ESHA. This is also reflected in Laguna Beach LCP OSC Element Policy 8-J 2. Coastal Act Section 30236 allows alterations of streams for flood protection under certain circumstances, only when adequate mitigation is provided. These Coastal Act and LUP policies require the protection and preservation of natural drainage features and environmentally sensitive areas.

The subject site is located within and adjacent to Aliso Creek (**Exhibit 1**). Based on the policies cited above, Aliso Creek, including its banks and related riparian habitat, is ESHA. A Biological Technical Report was prepared for the proposed project by ESA, dated February 2021 (Report). The Report surveyed the project site and 100 feet of surrounding area for vegetation and land cover types. The Coastal Commission's senior staff ecologist has reviewed the site and the applicant's Biological Technical Report, and found Aliso Creek, including its banks, to be ESHA. Even though some of the creek bank vegetation is not native, these areas were determined to be ESHA based on the habitat function they serve. The vegetation and land cover types are depicted on the Vegetation Communities and Land Cover Types map (**Exhibit 6**). The report mapped

the habitat communities and related areas of impact on site as follows:

Table A
Project Impacts on Vegetation Communities/Land Cover Types

Impact Area	Vegetation Communities/Land Cover Type	Acres of Impact
Area within Limits of Disturbance	Laurel Sumac Alliance	0.042
	Mexican Fan Palm Alliance	0.019
	Giant Reed Stands	0.020
	Ornamental	0.275
	Developed	0.499
	Disturbed	0.491
Subtotal Area of Impact		1.346
Area Outside Limits of Disturbance and Within Fuel Modification Area	Mexican Fan Palm Alliance	0.033
	Ornamental	0.025
	Disturbed	0.091
Subtotal Area of Impact		0.149
Total Area of Impact		**1.495**
Source: ESA, 2022.		

The creek bank vegetation impacted by the proposed project is dominated by giant reed stands (Arundo donax) and Mexican fan palm alliance. Of the areas of site disturbance caused by the proposed development, only the areas of Mexican fan palm alliance and giant reed stands rise to the level of ESHA. While these plants are not native, they constitute ESHA in this case based on the riparian functions they provide at the subject site. The ESHA is located along the creek bank adjacent to the subject site and would be impacted due to the proposed construction of the storm drain outlet structure.

The Report also surveyed the site and surrounding 100 feet for wildlife. Regarding this the Report states:

> "A general habitat assessment for wildlife was performed while visiting the survey area. No special-status species were detected. The vegetation within the survey area may provide foraging and cover habitat for avian species, including year-round residents, seasonal residents, and migrating songbirds. Several bird species were observed within the survey area and include but are not limited to: mallard (*Anas platyrhynchos*), American coot (*Fulica americana*), house sparrow (*Passer domesticus*), yellow-rumped warbler (*Setophaga coronate*), common yellowthroat (*Geothlypis trichas*), and white-crowned sparrow (*Zonotrichia leucophrys*). One mammal species was observed within the survey area, Audubon cottontail (*Sylvilagus audubonii*). All wildlife species observed within the survey area are indicated in Appendix A, *Floral and Faunal Compendia*. No special-status wildlife species were detected within the survey area."

The Report mapped Laurel sumac scrub (*Malosma laurina* Shrubland Alliance) within and adjacent to the project footprint. A portion of the Laurel sumac scrub (0.042 acre) will be disturbed by the project (construction of the grouted rip rap drainage feature). Laurel sumac scrub is a specific type of coastal sage scrub where laurel sumac makes up more than 50 percent of the relative plant cover or is greater than 30 percent relative cover and co-dominant in the shrub canopy with either California buckwheat (*Eriogonum fasciculatum*) or black sage (*Salvia mellifera*). The rarity status of laurel sumac scrub is G4 S4 and therefore does not rise to the level of ESHA based on its presence alone.[4] However, laurel sumac scrub may be considered ESHA in some circumstances, for example, when occupied by the federally threatened and S2 ranked Coastal California gnatcatcher (*Polioptila californica californica*). During a survey conducted on October 20, 2020 in conjunction with preparation of the Report, no Coastal California gnatcatchers were detected in the project vicinity. Subsequently, six focused Coastal California gnatcatcher surveys were completed during the 2021 breeding season per the current USFWS protocol for the species. All six protocol surveys failed to detect any Coastal California gnatcatchers in the survey area. Thus, impacts to 0.042 acre of Laurel sumac scrub does not constitute impacts to ESHA, and no mitigation is required.

Outlet Structure

The proposed storm drain outlet structure is separate from the sewer-related elements of the project and includes a 42-inch reinforced concrete drainage (RCP) pipe, concrete wing walls, shelf, and cut-off wall that would extend into the creek bank and creek. In addition, approximately 20 by 12 feet of ¼ ton rip rap would be placed at the base of the RCP pipe (**Exhibits 3 & 10**). The rip rap, wing walls and cut-off wall are intended to protect the outlet structure from erosion. The outlet structure would extend from above the proposed head wall at approximately elevation 17.0 feet down the creek bank to approximately elevation 0.0 feet which is two feet below the Aliso Creek stream.

Impacts to riparian ESHA would result from the proposed construction of the outlet structure within the creek and on the creekbank (0.039 acres of impact). The storm drain outlet structure might be deemed an allowable use based Coastal Act Section 30236 which allows substantial alterations of streams for flood control projects. However, such a structure is only consistent with Section 30236 when the best mitigation feasible is incorporated into the project. However, in this case, no mitigation to offset impacts to the riparian ESHA of Aliso Creek is proposed.

The applicant initially considered use of mitigation credits from the San Luis Rey mitigation bank, located outside the coastal zone in San Diego County. But that

[4] Based on California Department of Fish and Wildlife (CDFW) guidance, the Commission considers areas the support native plants and/or animals with a Nature Serve rarity status of G1-G3 (G = Global) and/or S1-S3 (S = State) and natural communities with a rarity status of G1-G3 and/or S1-S3 to be environmentally sensitive habitat areas or ESHA.

mitigation option was not acceptable due the distance from the area of impact and its location outside the coastal zone. In addition, details regarding use of the mitigation bank or how credits were to be applied were not clear. The applicant sought other mitigation options, but was unable to find a mitigation site location or to develop the necessary Habitat Mitigation and Monitoring Plan needed to offset impacts to the creek ESHA that would result from construction of the outlet structure.

The applicant has subsequently indicated that the proposed project could move forward without the outlet structure in the creek. That is, the outlet structure is not necessary for the overall project to succeed and the absence of the outlet structure would not jeopardize the site. The outlet structure would create adverse habitat impacts in the creek ESHA, and no mitigation for those impacts is proposed. Moreover, the outlet structure is not an integral project component and is not necessary to protect coastal resources from adverse impacts associated with a potential sewage spill, and the applicant has indicated the remainder of the project is viable without the outlet structure. The proposed impacts to the creek ESHA without any offsetting mitigation would be inconsistent with Coastal Act Sections 30240 and 30236. **Special Condition No. 1** requires that the outlet structure be removed from the proposed project and that revised plans reflecting its removal be submitted. If the outlet structure is removed from the proposed project, impacts to ESHA will be eliminated, and the project could be found to be consistent with Coastal Act Section 30240(b) regarding development adjacent to ESHA. The project would also be consistent with Section 30236 regarding alteration of streams, because no alteration to the stream would occur. With removal of the outlet structure from the project, the project would be consistent with the LCP-required 25-foot setback from the top of the bank, and with the other LUP/OSC policies cited above, particularly those requiring protection of natural drainages.

Another benefit of eliminating the outlet structure from the proposed project is that it will allow greater flexibility at the time of the Aliso Estuary Restoration project (described below) moves forward. If, at that time, an outlet structure is desirable and consistent with the Coastal Act and LCP policies, the outlet structure design and location that best fits the Restoration project could be developed, without having to consider removal or reconstruction of one that had only recently been constructed. Or no future outlet structure may be needed. By eliminating the outlet structure now, greater flexibility as to whether it is necessary, and if so, the ultimate type and location of outlet structure that best serves the future restoration project, can be determined in conjunction with that future project.

Road Re-Alignment

The proposed project includes permanent re-alignment of an approximately 1,000-foot section of Country Club Drive on the subject site. The proposed re-alignment would allow access to the SCWD facilities to be separated from the access road to the Ranch Resort. Although this would result in increased paved area closer to the creek, the increase in paved area would occur in an area currently used by SCWD for storage, in an unvegetated, hard pack, bare dirt area. No habitat or vegetation would be displaced

due to the road re-alignment. The re-alignment would improve views to the creek by removing the storage area from the area between the road and the creek. The area owned by SCWD between the re-aligned roadway and the creek will be planted with native plants compatible with the adjacent riparian habitat. In addition, the entire re-aligned roadway will be set back at least 25 feet from the top of the stream bank (the road's setback distance varies, but it is never closer than 25 to the top of the creek bank, **Exhibit 2**).

The applicant has indicated that the proposed road re-alignment is needed for the following reasons:

1. **Lift Station No. 2 Construction Area** – It provides the necessary area to construct not only the proposed lift station structure, but also the appurtenant piping required for the project, while maintaining uninterrupted traffic access to the Ranch Resort property.

2. **SCWD Access Area** – The permanent road will be located in an area historically utilized by SCWD for staging operations. The area north of a realigned Country Club Drive, adjacent to the SCWD facilities, would then be used by the District for this storage and staging purpose, which is a more efficient use of the property. It is the minimum space necessary for this purpose. This is a safer configuration for the SCWD as the District will no longer need to contend with traffic entering and leaving the Ranch Resort when working at the maintenance shops or lift station.

3. **Traffic Disruption** – Most of the District's underground facilities are located within existing Country Club Drive. Maintenance activities often occur in the roadway which can cause it to be temporarily closed, or reduced to one lane while work is occurring. This can cause dangerous conditions for District workers and persons traveling to the Ranch Resort property. Re-aligning Country Club drive away from the majority of the District's facilities significantly reduces this concern.

4. **Emergency Access** – The proposed realigned road will be wider and provides better access for emergency vehicles to the Ranch Resort. The SCWD access area can also be used in an emergency situation for ingress and egress from the area.

5. **Road Alignment** – The proposed road re-alignment has been carefully coordinated with key project stake holders including: the Ranch Resort, City of Laguna Beach, and the Aliso Estuary Restoration Project proponents. All support the realigned road and its location. As designed, the road minimizes curves to the maximum extent possible and provides the safest configuration for vehicular traffic that can be developed, without encroaching into the 25-foot setback area from the top of creek bank.

The proposed road re-alignment will not impact any sensitive habitat and will be set back a minimum of 25 feet from the top of the creek bank. It will provide safer use for SCWD purposes and for vehicular access to the Ranch Resort. With the proposed setback from the top of the creek bank and the proposal to plant the area of SCWD property between the re-aligned road and the creek with native plants compatible with the ESHA, the proposed road re-alignment will be compatible with the continuance of the adjacent Aliso Creek riparian ESHA as required by Section 30240(b) of the Coastal Act. It will be consistent with Coastal Act Section 30236 because no stream alteration will occur. The proposed road re-alignment is also consistent with the creek bank setback required by the City's certified LUP, and with the other LUP/OSC policies cited above.

However, a landscape plan showing the types of natives to be planted on site has not yet been received. **Special Condition No. 1** requires submittal of revised plans. These required revised plans must include a landscape plan that depicts the types and locations of the proposed native planting, as well as the native plant palette.

Public Access Trail

The proposed project includes construction of a six-foot-wide, public access trail adjacent to and south of the re-aligned portion of Country Club Drive. Limited portions of the proposed public trail will extend slightly into the 25-foot setback from the top of creek (**Exhibit 2**). However, there is already a four-foot-wide path in this area that is currently available only to guests of the Ranch Resort. This existing private trail extends from the Ranch property all the way to Coast Highway. The western-most part of the existing trail, starting approximately 175 feet east of Coast Highway, is a five-foot-wide path. Due to constraints of the existing road (not to be altered in this area) and the creek bank, expansion of the trail to six feet in this area is not currently feasible. No changes are proposed to the existing five-foot-wide trail, except that it will be made available to the public. The proposed six-foot-wide trail alignment and the existing five-foot-wide trail alignment are adjacent to ESHA, but will not extend into any ESHA. The proposed trail is located as far away from the ESHA as is feasible. Trail use in this area has not created adverse impacts on the ESHA. Continued use of the trail will not create impacts that would degrade the adjacent ESHA and would be compatible with the continuance of the ESHA. In addition, much of the area near the proposed six-foot-wide trail supports non-natives, which will be replaced with native plants. Finally, as required by **Special Condition Nos. 4 and 5**, the trail will be relocated in the event of future erosion and related fluvial or coastal hazards. Thus, the proposed trail is consistent with Section 30420 of the Coastal Act.

Fuel Modification

As originally proposed, the project would have impacted 0.033 acres of riparian habitat area (Mexican fan palm alliance, which, while not native, constitutes riparian habitat based on the habitat function it provides). This area of impact would have occurred along the creek bank. However, working together with the City of Laguna Beach Fire

Department, the applicant was able to revise the fuel modification proposal to be limited only to removal of dead fronds from the palms, with no further fuel modification necessary in the riparian habitat area. Fuel modification will not impact any other sensitive habitat areas. The Coastal Commission's senior staff ecologist has reviewed the fuel modification dead palm frond removal plan and determined that no habitat impacts would accrue from the proposed dead frond removal. Thus, as proposed, the project fuel modification will have no adverse impacts on ESHA or sensitive habitat.

Project Lighting

Lighting in areas adjacent to sensitive habitat areas such as Aliso Creek can result in adverse impacts on the habitat. Proposed project lighting includes: three double-arm pole-mounted street lights located in the area between the SCWD access road and the proposed, re-aligned Country Club Drive; one single-arm pole-mounted area light at the entrance to the new lift station; and miscellaneous wall-mounted low wattage area lights around the new pump station facilities. All lights are downward facing and pole-mounted lights will include shielding. All lights are night-sky compliant. Because the proposed lighting will be low wattage, downward directed, shielded, and night-sky compliant, the proposed project lighting will have no adverse impacts on ESHA or sensitive habitat.

Aliso Estuary Restoration Project

Aliso Creek in the area adjacent to the project site represents a coastal lagoon estuary. Historically, prior to development, the Aliso Creek Estuary supported wide swaths of wetland habitat, including vegetated marsh, along the banks of Aliso Creek and was a critical ecosystem for estuary plants and wildlife. The mouth of the estuary likely only opened during periods of high rainfall, when high creek flows broke through the beach berm. However, over time, these wetlands were filled in and developed. Impacts to the historic estuary have resulted in the loss of much of estuary habitat, function, and wildlife.

An Aliso Estuary Restoration project is currently in the planning stages. A Conceptual Restoration Plan has been developed for the Aliso Creek Estuary. The future Aliso Creek Estuary Restoration Plan would restore the estuary ecosystem by expanding the channelized estuary, creating new wetland habitats, reducing dry-weather creek inflows, improving water quality, and reducing artificial breaching of the estuary mouth. The goal of the conceptual restoration plan is to restore the estuary ecosystem such that it will support native estuary plants and wildlife and a range of estuary ecosystem functions. One of the restoration project's goals is the re-introduction of the tidewater goby to the ecosystem. Although once a part of the estuary ecosystem, the tidewater goby has not been present at the site for decades. The Laguna Ocean Foundation (LOF) is the lead point of contact for the restoration project. The current status of the restoration project is that an entity to serve as the lead agency for CEQA purposes is being sought. This planned future restoration project would occur immediately adjacent to (south of) the subject site. It is important that the proposed lift station replacement project not interfere with the planned future restoration project.

As proposed, no part of the lift station replacement project will extend beyond the required 25-foot setback from the top of the creek bank (with the minor, limited exception of some segments of the public access trail (**Exhibit 2**). The proposed development will be contained entirely within the SCWD property boundaries. A letter from the LOF supports the lift station project and requests SCWD's cooperation with the future restoration project (**Exhibit 7**).

Because the subject site is located immediately adjacent to the significant future estuary restoration project, it is important that the proposed project both not include any development that could interfere with the future restoration, and that the applicant agree to cooperate with the restoration project to the extent feasible as more specifics of the restoration plan are developed. As proposed, the project will not interfere with the ability for the estuary to be restored. In addition, the applicant has indicated its intent to support the restoration project to the extent feasible. But because the restoration project is still in the development phases, the applicant SCWD cannot agree to what has not yet been developed in specific detail. In order to memorialize the applicant's stated intent to support the estuary restoration, **Special Condition No. 2** requires the applicant to work in good faith to accommodate the Aliso Estuary Restoration project to the fullest extent feasible (in light of SCWD's obligations and authority to provide water and sewer service) and to work cooperatively with the Aliso Estuary Restoration project proponents, including but not necessarily limited to the Laguna Ocean Foundation. This may include, but is not necessarily limited to, consideration of accommodation of public access, to the extent feasible.

Conclusion: Biological Resources

As conditioned, SCWD's lift station replacement project is compatible with the continuance of the adjacent Aliso Creek riparian ESHA as required by Section 30240 of the Coastal Act. In addition, as conditioned, the project is consistent with the creek bank setback required by the City's certified LUP, and with the other LUP/OSC policies regarding protection of natural drainages and native landscaping, cited above.

C. Archeological and Tribal Cultural Resources

Section 30244 of the Coastal Act states:

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

In addition, the City's certified Land Use Plan Open Space Conservation Element includes the following archaeological and tribal cultural resources protection policies:

12-A 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.

12-C Development adjacent to a place, structure or feature found to be of historical significance shall be designed so that the uses permitted and the architectural design will protect the visual setting of the historical site.

12-D Preserve cultural/scientific sites, including geologically unique formations having archaeological significance.

The California coastal zone has been home to native populations for thousands of years. Both Coastal Act Section 30244 and the LUP OSC policies cited above, require the protection of archaeological resources. The subject development involves ground disturbance that could impact archeological, including tribal cultural, resources. Consistent with similar projects in the area, the Native American Heritage Commission (NAHC) provided a Sacred Lands File (SLF) Search to the applicant. The SLF search was completed with positive results for the presence of Native American cultural resources in the vicinity of the Area of Potential Effects. The NAHC recommended contacting local tribes with ancestral ties to the area. In accordance with AB 52 requirements, the applicant reached out to the tribes listed on the NAHC contact list with a description of the project and received one response. The applicant consulted with Chairman Andrew Salas of the Gabrieleno Band of Mission Indians – Kizh Nation, who described the high sensitivity of the area and requested Native American monitoring during all project ground disturbing activities.

In accordance with the Commission's Tribal Consultation procedures, staff notified all potentially affected tribal entities listed on the Native American Heritage Commission contact list via letter emailed on August 29, 2022 and included a narrative description of the proposed project and maps depicting the described site. A response was received from Christina Conley, a representative of the Gabrielino Tongva Indians of California. On September 14, 2022, Commission staff consulted with Ms. Conley. Ms. Conley described the high cultural sensitivity of the area and shared that the Gabrielino Tongva Indians of California are always concerned when there is earth disturbance, such as is included with the proposed project. She added that monitoring by both Native Americans and an archaeologist is critically important with earth disturbing projects, including this one.

Special Condition 6 requires the applicant to submit a Cultural Resource Treatment and Monitoring Plan that must be reviewed and approved by the Executive Director prior to issuance of the permit. This plan will ensure that appropriate Native American monitors and archeological professionals are present during all ground-disturbing activities and that any resources found are treated in accordance with best practices, including best practices identified through consultation with the appropriate tribal governments. As conditioned, the project can be found consistent with Section 30244 of the Coastal Act.

D. Public Access

Coastal Act Section 30210 states:

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

The LUP Land Use Element includes the following land use category:

> Public Recreation and Parks. Lands designated for public recreation are those owned and maintained by the City, County, or State and developed for active or passive recreational activity. These park facilities are distributed throughout the community, with neighborhood parks principally serving the needs of local residents and oceanfront beach parks performing a more regional function. (Unclassified beaches and tidelands are designated as Public Recreation and Parks.)

The LCP Implementation Plan (Title 25 Zoning Code) describes the Recreation Zone as follows:

> The Recreation zone is intended to recognize areas that are suitable for active, outdoor recreational use; to assure permanent availability of lands for public parks, beaches, and recreational uses; and to identify private lands utilized for recreational purposes. Permitted uses should not detract from prominent natural improvements, except as specified in this chapter.

Section 25.42.008(D) of the City's certified LCP Implementation Plan (Title 25 Zoning Code) allows public utilities buildings and structures within the Recreation Zone subject to approval of a conditional use permit. In addition, the City's certified Land Use Plan Open Space Conservation Element includes the following public access and trails policies:

Public Access

3-L Procure public access in South Laguna as shown in Figure 5, consistent with Coastal Act policies and other legal requirements.

Figure 5 of the certified LUP Open Space Conservation Element depicts existing and future public trails in the South Laguna area of the City. A trail from Aliso & Wood Canyons Wilderness Park, across the Ranch Resort and SCWD property, to Coast Highway is shown on Figure 5 (**Exhibit 8**).

Topic 6: Master Plan of Trails

Policy 4 Require as a condition of development approval, the dedication and improvement of public trail easements.

Policy 8 Preserve a continuous open space corridor within the hillsides in order to preserve natural resources and recreational opportunities.

Policy 9 Provide public pedestrian access to Open Space/Recreation areas, except where it is inconsistent with public safety or the protection of fragile coastal resources.

Coastal Act Section 30210 requires that public access be maximized and that new development maintain and enhance public access to the coast. This Coastal Act requirement is re-stated in the LCP's Coastal Technical Appendix. In addition, the certified LUP encourages public trail dedications, promotes hillside open space corridors for recreational opportunities, and requires public pedestrian access in Open Space Recreation areas, with limited exceptions.

A 'trail to the sea' has long been sought by the Coastal Commission, County of Orange, Cities of Laguna Beach, Aliso Viejo and Laguna Niguel, and residents and visitors to the general project vicinity. This 'trail to the sea' would connect the Aliso & Wood Canyons Wilderness Park (AWCWP) and inland areas of Orange County and beyond to Aliso Beach, located just a few hundred feet west of the project site. Such a trail would provide an important non-automobile regional linkage between the beach and inland areas.

Currently a public trail Class 1 Bikeway[5] stretches inland approximately 18 miles from AWCWP all the way to the foot of the Santa Ana Mountains, at the intersection of Santiago Canyon, El Toro, and Live Oak Canyon Roads. This trail is roughly located along the path of Aliso Creek. The goal of the 'trail to the sea' is to provide a public trail that stretches from these inland mountain foothills all the way to the ocean.

A connection between AWCWP and the ocean, across the Ranch Resort and SCWD properties, is identified as desirable in the certified LCP OS/C Element's Figure 5. It is also identified as desirable in the Aliso Viejo and Laguna Niguel certified LCPs. Aliso Viejo and Laguna Niguel border AWCWP on the inland side of the park. In addition, regarding this connection, Orange County Parks Resource Management Plan prepared (2009) for AWCWP states: "The AWMA Road [public trail within the park] exits AWCWP through the Aliso Creek Golf Course [now called "The Ranch at Laguna Beach"] and ends at PCH [Coast Highway] and the Beach parking lot. At present, this is not an

[5] Caltrans describes Class I bikeways, also known as bike paths or shared-use paths, as facilities with exclusive right of way for bicyclists and pedestrians, away from the roadway and with cross flows by motor traffic minimized. Some systems provide separate pedestrian facilities.

authorized connection from the Park to Aliso Beach Park. A connection from AWCWP to Aliso Beach Park would be desirable."

A public parking lot is located at the inland entrance to AWCWP. It is adjacent to Alicia Parkway, a major arterial and thus major public access route to the park trailhead. And, as stated above, there is an existing public trail/Class 1 Bikeway immediately inland from AWCWP, running roughly along Aliso Creek, that extends inland approximately 18 miles. A public trail easement was required at the Ranch Resort property as part of that CDP approval (A-5-LGB-14-0034). Thus, although the required public trail easement related to the Ranch site is not yet finalized or open to the public, a public trail connecting the Ranch's public trail easement, across the SCWD property, to Coast Highway would establish the final link in this long-sought 'trail to the sea.' Once the required public trail at the Ranch is finalized and open, and the public trail on the subject site is complete, both of which are pending, the 'trail to the sea' will be complete.

The land use designation and zoning at the subject site is Public Recreation and Parks and Recreation, respectively. Utilities, such as the SCWD facility, are allowed within this designation and zone. However, currently no public recreational use is available on the site. In providing the long-sought last link in the 'trail to the sea', the higher priority public recreational use would be provided on the site that is designated for such use.

The applicant has proposed to construct and open a minimum six-foot-wide public access path at the site, to be located just south of the re-aligned Country Club Drive (**Exhibit 2**). This new six-foot-wide public trail will connect with an existing five-foot-wide trail in the last approximately 175 feet from Coast Highway. The five-foot wide trail will become open to the public. The proposed public access trail will connect the public trail at the Ranch property to Coast Highway. At Coast Highway there is a public sidewalk that connects to a public undercrossing that leads to Aliso Beach. The public access path proposed in conjunction with this project will complete the long-sought 'trail to the sea,' from foothills of San Bernadino, 18 miles inland, to Aliso Beach.

Special Condition No. 4 requires a deed restriction of the proposed public access easement area if SCWD ever conveys the property. In addition, **Special Condition No. 5** requires that the applicant construct the public trail as proposed, and that the public trail be open and available to the general public upon cessation of heavy-truck trips needed for the lift station project construction and no later than six weeks from completion of demolition of the existing lift station. These two special conditions assure that implementation of a public access trail across the site will occur as proposed by the applicant.

As discussed below the subject site is within a flood hazard area. It is important that the public access trail be retained on site even if future flooding or other hazards damage the trail. Therefore, the applicant is required by **Special Conditions 4 and 5** to agree to relocate the public trail if it cannot be maintained in the location currently proposed. As conditioned, the proposed development is consistent with the public access polices of the Coastal Act and the City's certified LCP.

E. Hazards

Coastal Act Section 30253 states, in part:

> New development shall do all of the following:
>
> (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
>
> (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The subject site is located adjacent to Aliso Creek, a blue line stream with water flowing year-round. The subject site is located within the Aliso Creek 100-year flood hazard zone. The proposed above ground structures' ground floor elevation would be a minimum of one foot above the 100-year base flood elevation (three feet above existing grade). In addition, CoSMoS mapping indicates the subject site is located outside expected sea level rise hazard areas (**Exhibit 9**). However, Aliso Canyon has a history of flooding. For example, the area now occupied by the Ranch Resort and golf course was subjected to severe flooding in 1969, 1992, and the winter of 1997/98 (the development was then known as Aliso Creek Inn), with mud in the 1997/98 flood filling structures at the site up to about three feet deep.

Aliso Creek velocities were evaluated in a U.S. Army Corps of Engineers report entitled Aliso Creek Mainstem Ecosystem Restoration Study, Orange County, California, dated 2017. In that report, hydraulic velocity information for various flood frequencies for Aliso Creek was provided in the vicinity of Country Club Drive. According to the USACE Report, the velocities associated with the flood frequencies are not high enough to subject the existing northern bank of Aliso Creek to erosion during 2-year flood frequency storm events to 500-year storm frequency storm events. In addition, the ground floor elevation of the proposed lift station structures would be raised 3 feet above the existing grade. Because the lift station structures would be elevated above the 100-year flood levels, the proposed lift station structures are not expected to be impacted by 100-year flood levels. Nevertheless, risk level cannot be known with certainty into the future. Additionally, the roadways and trails may be impacted by storms and the applicant is required to maintain these facilities pursuant to Special Conditions 4 and 5. For this reason, **Special Condition 7** requires the applicant to acknowledge the risk to the site due to its location in a 100-year flood zone via assumption of risk. With the required assumption of risk by the applicant, the project is consistent with Section 30253 regarding minimizing risk.

F. Water Quality

Section 30230 of the Coastal Act states:

> Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

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

The proposed development has the potential for the construction-related discharge of polluted runoff from the project site into the waters of Aliso Creek. Aliso Creek enters the ocean at Aliso Beach, approximately 500 feet from the project site. The storage or placement of construction material, debris, or waste in a location where it could be discharged into the street or storm drain and ultimately into coastal waters could result in an adverse effect on the marine environment.

Drainage Plan

The applicant has indicated that the storm drain outlet structure is not necessary to the success of the proposed project. **Special Condition No. 1** requires revised plans that indicate that the outlet structure has been deleted from the project. This means a revised final drainage plan is needed. The applicant has indicated that site drainage will continue to enter the creek via the same 12-inch drain pipe as exists under current conditions. The proposed project includes construction of a grouted rip rap drainage feature north/uphill of the proposed lift station. This is intended to protect the slope from excessive erosion and to prevent mud filled storm flows from interfering with operation of the lift station. It is important that site drainage not create adverse impacts to the creek. To that end, **Special Condition No. 1** requires that, among the revised plans to be submitted, a revised site drainage plan be provided.

Construction Dewatering

The Geotechnical Evaluation prepared in conjunction with the proposed project's Mitigated Negative Declaration by AKM Consulting Engineers dated 6/5/2020 found groundwater at a depth of approximately 12 feet below the ground surface. The

Geotechnical Evaluation previously encountered groundwater at a depth of approximately 10 feet below the ground surface during their preliminary geotechnical evaluation in 2016. Historic high groundwater for the site is reported at approximately 5 feet below the ground surface.

The proposed project includes excavation to depths up to 44 feet below the surface elevation. Due to high groundwater and poor soil conditions, deep soil mixing and sheet piling on all four sides of the proposed excavation for the new lift station is proposed to be utilized during excavation. The deep soil mixing is intended to address the liquefaction concerns of the existing soils. The sheet piles will create a cofferdam to allow for excavation and prevent groundwater intrusion. Similar shoring activities would occur for pipeline and utility construction related to the proposed project.

Dewatering is expected to be necessary in the open excavation to lower and control groundwater levels and hydrostatic pressures. Dewatering activities for the proposed lift station project will also be necessary during excavation for other elements of the proposed project (e.g., sewer grinder vault, sewer access structures (manholes), NCI valve vault and sump pump). Dewatering will include treatment prior to disposing the groundwater to Aliso Creek and will require monitoring systems to comply with San Diego Regional Water Quality Control Board requirements.

Proposed dewatering wells will consist of a slotted plastic casing installed in an oversized augered hole that is backfilled with a gravel pack material, specifically sized based upon the native formation grain size to prevent native material from passing through into the well. Water collected by the wells will be pumped to a baffled tank, which will settle any material that may have penetrated the well gravel pack. The water will then be decanted from the tank, and discharged to an existing drain pipe located adjacent to and east of the proposed lift station site. Construction dewatering will be performed in accordance with the requirements of an NPDES Permit that is to be obtained by the project contractor from the Regional Water Quality Control Board. General requirements for dewatering, including monitoring and reporting, are specified by the San Diego Regional Water Quality Control Board Order R9-2015-0013.

Construction BMPs

The proposed development includes implementation of unspecified typical construction water quality Best Management Practices (BMPs). To further assure protection of water quality, the Commission imposes **Special Condition No. 8**, which identifies construction-related measures to be incorporated into the project during construction including, but not limited to, appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters. As conditioned, the project is consistent with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

G. Local Coastal Program (LCP)

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3.

The City of Laguna Beach Local Coastal Program was certified with suggested modifications, except for the areas of deferred certification, in July 1992. In February 1993 the Commission concurred with the Executive Director's determination that the suggested modification had been properly accepted and the City assumed permit issuing authority at that time.

The subject site falls within the City's LCP permit jurisdiction and the Coastal Commission's retained permit jurisdiction (proposed outlet within Aliso Creek). The applicant has requested, and the City of Laguna Beach has agreed, to process this CDP application as a single, consolidated CDP pursuant to Coastal Act Section 30601.3. Section 30601.3 of the Coastal Act provides that where a project is located in both the Coastal Commission's and a local government's coastal development permit jurisdiction, a single, consolidated coastal development permit for the entire project may be processed by the Coastal Commission if the applicant and local government agree to that process. Under the consolidated permit provisions, the standard of review for the entire project is the Chapter 3 policies of the Coastal Act, with the certified LCP as guidance. As conditioned, the proposed project is consistent with the habitat, cultural resources, public access, and water quality protection standards of the Coastal Act and certified LCP.

H. California Environmental Quality Act (CEQA)

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

The South Coast Water District is the lead agency responsible for certifying that the proposed project is in conformance with CEQA. The SCWD prepared a Mitigated Negative Declaration for the proposed project, finding that the project was consistent with the requirements of CEQA with mitigation. However, Section 13096(a) of the Commission's administrative regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application,

as conditioned by any conditions of approval, is consistent with any applicable requirements of CEQA.

The proposed project has been conditioned to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, in the form of special conditions, require: 1) revised plans indicating no impacts to riparian ESHA will occur, among other things; 2) cooperation with the future estuary restoration plan; 3) any changes to project located on land not owned by the applicant require a CDPA or new CDP unless Executive Director determines none is legally required; 4) recordation of a deed restriction for public access in the area of the public trail prior to any future conveyance of the property; 5) implementation of an approved public access management plan; and 6) implementation of an approved Cultural Resources Treatment Plan; 7) the applicant's assumption of risk; and 8) implementation of construction best management practices.

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and complies with the applicable requirements of the Coastal Act to conform to CEQA.

APPENDIX A

SUBSTANTIVE FILE DOCUMENTS

1. Coastal Development Permit Application File 5-21-0910 (SCWD)
2. City of Laguna Beach certified Local Coastal Program
3. South Coast Water District Lift Station No. 2 Replacement Project Mitigated Negative Declaration, ESA, February 2021
4. Biological Technical Report, ESA, February 2021
5. Geotechnical Evaluation, AKM Consulting Engineers, June 5, 2020