

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT
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DATE: October 22, 2003

TO: Orange County Planning Commission

FROM: Planning & Development Services Department/Current Planning Services Division

SUBJECT: Public Hearing on Planning Application PA03-0047 for Coastal Development Permit

PROPOSAL: Amend partially implemented approved Coastal Development Permit PA97-0163 to construct a new City of Laguna Beach municipal corporate yard (to replace the existing facility downtown) and periodic public "festival" parking. The current proposal includes: two maintenance/storage/office buildings totaling 20,245 sq. ft., (including such uses as vehicle repair, fleet fueling, street sweeper clean-out, and vehicle washing) with 60 parking spaces for City vehicles only; a separate parking area for up to 190 supervised shared spaces (173 unsupervised spaces) for corporate yard employee/visitor parking and periodic public "festival" parking; retaining walls with security fencing above to a maximum exposed height of 14'; security lighting; a single monument sign (not yet depicted); and, fuel modification plans. Included with this proposal is an off-street parking modification to allow City standards for parking spaces and to allow a portion of the public parking to be gravel rather than an all-weather surface (concrete, asphalt, or decomposed granite). The site is owned by the City of Laguna Beach, but has not been annexed by the City.

LOCATION: The project site located at 1900 Laguna Canyon Road, one-half mile north of Canyon Acres Drive, in Planning Area 20A of the Newport Coast Planned Community/Local Coastal Program. Fifth Supervisorial District

APPLICANT: City of Laguna Beach

STAFF William V. Melton, Project Manager

CONTACT: Phone: (714) 834-2541 FAX: (714) 667-8344

SYNOPSIS: Current Planning Services Division recommends Planning Commission approval of PA03-0047 subject to the attached Findings and Conditions of Approval.

BACKGROUND:

Prior to the processing of the Newport Coast Local Coastal Program Second Amendment, the City of Laguna Beach and the Irvine Company had entered into discussions concerning the city's desire to relocate its current public works yard from its current site, which is adjacent to City Hall and has become too small to adequately accommodate the city's needs, to a larger site. Those discussions resulted in the identification of the project site in Planning Area 20A as the most acceptable location.

When the Second Amendment to the Local Coastal Program was processed in 1996, Planning Area 20A was amended in the following manner. The “principal permitted uses subject to Planning Commission approval” section was modified to include public works facilities in Planning Area 20A. This revision provided the impetus for the city to proceed with its plans to relocate its public works yard from its City Hall location to this location. Since the proposal is a principal permitted use and is not located within an appealable area, as defined in Section 7-9-118 of the Zoning Code, the project is not appealable to the California Coastal Commission.

In May 1998, the Planning Commission approved Planning Application PA97-0163 for Coastal Development Permit to permit the City of Laguna Beach to construct a City maintenance facility on the 8.5-acre site. In addition to this approval, the Planning Commission denied the appeal of the project’s Negative Declaration PA970163 by Village Laguna and finalized the Negative Declaration. The approved Coastal Development Permit included the following uses:

1. The establishment of a city public works facility which included: vehicle maintenance; vehicle wash and storage; fuel dispensing; work shops; city solid waste transfer station; offices; and, public park and ride/local shuttle facilities. There were three proposed buildings with a total square footage of 21,440 square feet.
2. The establishment of a Fuel Modification Program.
3. A single point of access to the site, which was designed to include curb, returns to accommodate the acceleration and deceleration vehicles traveling on Laguna Canyon Road. The plan also included a city tram stop adjacent to Laguna Canyon Road.
4. An off-street parking modification to permit the use of City of Beach parking standards rather than County standards.
5. The preparation of a mitigation plan acceptable to the Director, Reserve of Orange County for the loss of approximately 3 acres (unless shown to be more or less through surveys) of Coastal Sage Scrub resulted from the development of this site.

No construction activities took place on the site for approximately two years. In order to maintain the validity of the Coastal Development Permit, the City requested and received a one-year extension of the PA97-0163 expiring on May 21, 2001. After the extension, the City started the construction of a storm drain. This included a 60-inch diameter storm drain approximately 800 feet long, which was installed in the alignment indicated on the approved plans. The City originally submitted a grading permit to the County for review and approval, however, under an agreement with the Manager of Subdivision and Grading Services, the City withdrew its application for a grading permit on March 14, 2000 and exercised jurisdiction for the grading of the proposed corporation yard site.

As a result of the storm drain construction, and due to the delay in constructing the corporation yard facilities, the disturbed areas have been leveled and covered with gravel. This large gravel covered lot is currently used to stage construction for public projects and summer festival parking. Nearly all of the proposed developed area for the public parking and corporation yard fits within the existing graded gravel lot.

Earlier this year, a joint decision was made by the County and the City that the Coastal Development Permit approved under PA97-0163 was no longer valid because no building construction on the actual city maintenance buildings had been started and the one-year extension had expired. The city submitted this new Planning application for a Coastal Development Permit to complete the construction. The old project and the new proposal are similar in scope with the changes discussed in the Discussion section of this report.

As with the original Coastal Development Permit, the proposed uses at this site include personnel facilities with vehicle, equipment and materials storage for the support and operation of City maintenance services, and tourist serving summer festival parking. The 8.5-acre property (same as the previous) has a total developed area of 3.85 acres; 2.29 acres for the corporation yard and 1.56 acres for the festival parking. The 2.29-acre corporation yard site includes two buildings totaling 20,245 square feet (21,440 square feet in previous approval). Vehicle parking, equipment staging, and material storage will make up the balance of the corporation yard site. Employee parking (58 spaces paved) and temporary summer festival parking (115 spaces unpaved) is located on 1.56 acres (outside corporation yard fenced area) directly adjacent to the corporation yard providing 173 striped parking spaces (up to 190 spaces with supervised parking where visitors are directed to a parking space). A portion of the site is used currently for special events parking under the reference of the “ACT V” parking lot.

SURROUNDING LAND USE: (also see photo on next page)

Direction	Planning Area	Land Use Designation	Existing Land Use
Project Site	20A	Tourist Commercial	Vacant, graded pad use for parking
North	21A	Conservation	Laguna Coast Wilderness Park
South	21B	Conservation	Laguna Coast Wilderness Park
East	City of Laguna Beach		Various mixed commercial
West	21A	Conservation	Laguna Coast Wilderness Park



REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site and occupants of homes within 100 feet of the site. Additionally, a notice was sent to the Laguna Canyon Conservancy, Friends of the Irvine Coast, Village Laguna and the Coastal Commission. A notice was posted at the site, at the 300 N. Flower Building, the Hall of Administration and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to ten County Divisions, Laguna Canyon Conservancy and Friends of the Irvine Coast. As of the writing of this staff report, no comments raising issues with the project, that could not be addressed through the conditions of approval have been received from other County divisions. Friends of the Irvine Coast did not submit comments. Comments from the Laguna Canyon Conservancy are discussed later in this report and submitted as Exhibit 2.

CEQA COMPLIANCE:

Addendum PA030047 to Negative Declaration PA970163 has been prepared for the proposed project. Negative Declaration PA970163 was approved on May 20, 1998. Both the addendum and Negative Declaration PA970163 are attached (Exhibit 3) for the Planning Commission’s consideration and must be approved prior to project approval with a finding that together they are adequate to satisfy the requirements of CEQA. Appendix A contains the required CEQA Finding.

DISCUSSION/ANALYSIS:

As indicated in the Background section of this report, the project proposed is similar to the previous Coastal Development Permit approved under PA97-0163. There are minor changes proposed under this new Coastal Development Permit, which include:

1. The reduction in the number of buildings from three to two.
2. The reduction of 1,195 square feet in total building square footage.
3. The parking area between the shop buildings and Laguna Canyon Road has also changed. The previous approval included 160 paved spaces to be used for both city employee parking and summer festivals. The current proposal increases the number of parking spaces to 173 spaces of which 58 are paved (including 6 handicap spaces) and 115 unpaved (previously all parking was paved). The City has requested a modification to the County off-street parking standards to permit the spaces to be unpaved and the parking space size to be City standard instead of County standard.
4. The site access point has been relocated from the north end of the site to the south end of the site to provide for a deceleration lane on southbound Laguna Canyon Road. This change is required as a result of Caltrans requirements (Laguna Canyon Road is a State highway, SR133).
5. The shuttle bus loading area is moved from a location along Laguna Canyon Road to an area inside the site. This change results in a larger landscaping area along Laguna Canyon Road.
6. The storm drain improvements have been completed and the site rough graded. The grading required to complete this permit will therefore be less than proposed for the original proposal.

Remaining the same is the size and boundary of the site, configuration of the site and uses proposed for the site. City employees would use the permanent paved spaces during working hours and all spaces would be available on the weekend during the City's summer festivals.

Some work on the site has been performed during the period of validity for Coastal Development Permit PA97-0163 (which ended on May 21, 2001). This work included the grading of the site, installation of a storm drain, access to the site from Laguna Canyon Road and use of the site for temporary parking (see photos in Exhibit 4). However, no building permits were issued for the proposed structures, the time to commence construction has expired and the Coastal Development Permit became invalid, thus this current Coastal Development Permit is necessary to complete the project.

When Coastal Development Permit PA97-0163 was approved in May 1998, the Planning Commission also heard an appeal of the Negative Declaration submitted by Village Laguna, Laguna Canyon Conservancy and others. A staff report and a presentation by staff from the Environmental Planning Section pointed out that the appeal letters raised issues with City of Laguna Beach that were unrelated to the environmental impacts with the proposal. The appeal of the Negative Declaration was denied and the Planning Commission found that the Negative Declaration prepared for the proposal satisfied CEQA requirements.

The Laguna Canyon Conservancy (LCC) has submitted comments on the current proposal (Exhibit 2) as they did on the previous proposal. Three major points were brought out in their current comment letter on

why the project should be denied, including: 1) the City has taken too much time to annex the site; 2) the previous Negative Declaration certified for the Coastal Development Permit approved under Planning Application PA97-0163 is not adequate for the current proposal; and, 3) the project does not satisfy the festival parking requirements of the City's Local Coastal Program.

The following is a response to the LCC comments. Regarding point no. 1, it was assumed during project review of PA98-0163 that the City would annex the site in the future. For whatever reasons, the site was not annexed into the City and the County still has Coastal Development Permit jurisdiction. As long as the site remains in the County, and the County has permit authority for a Coastal Development Permit, a Coastal Development Permit must be processed through the County. It should be noted that on June 3, 2003 the Laguna Beach City Council adopted a resolution of intention to annex the site after the project is completed.

Regarding point 2 and CEQA, the Environmental Planning Services Division (EPSD) did a complete initial study on the current proposal and determined that Final Negative Declaration PA970163 adequately addresses all of the major impacts of the proposed project, that no major subsequent changes are proposed with respect to the circumstances surrounding this project, and no new information of significance has become available, that would substantially affect the validity of Final Negative Declaration PA970163. Based on the current initial study, it was determined an Addendum is appropriate for the proposed project in order to provide specific analysis, clarification and address minor technical changes to Final Negative Declaration PA970163 as provided for under CEQA Guidelines Sections 15063, 15064 and 15164. Exhibit 3 attached to this report is the EPSD CEQA determination and associated environmental documentation together with Final Negative Declaration PA970163.

In response to point 3, a copy of the LCC comments were sent to the City to prepare a response because the County has no permit jurisdiction within the City and staff is unaware of the City's LCP and summer festival parking agreements with the Coastal Commission. The City prepared a letter responding to LCC comments related to the City's LCP, one-to-one parking replacement, loss of temporary parking and annexation. (Exhibit 2a). This letter explains how the parking for the project is consistent with the City LCP and provides information on the annexation of the site. This letter also addresses one of the Conditions of Approval of PA97-0163 requiring a parking plan to show a one-to-one replacement of existing parking on the site.

Included in the proposed Coastal Development Permit is a request to modify the off-street parking requirements by allowing City parking standards for the size of parking spaces (this modification was approved under PA97-0163) and to permit the unpaved portion of the parking area to be uncompacted gravel. The County standard parking stall size is 9' x 18' feet while the City standard parking stall size is 8'-4" x 18'. Since the City owns the site and it will be annexed into the City and because this modification was previously approved, staff supports the modification. As for the modification to use a gravel parking area, Planning staff and Traffic Review staff felt that since the proposed gravel parking area is intended to be used only during the limited summer festival periods and fire access to the corporate yard portion of the project is from paved access ways, staff could support this modification. Staff notes that using a non-all-weather parking surface (gravel) is not normally approved, however, as stated previously, paved fire access is provided through the entirety of the site.

Also, the City has requested an extension to the period of project validity. The standard period of validity of a discretionary permit, including this Coastal Development Permit, is two years from the effective date of the permit. The City requests a validity period of four years as explained in a letter dated September 23, 2003 and is included as part of Exhibit 1 of this report. Section 7-9-150.6(a)(2) of the Zoning Code allows for an adjusted period of validity. Staff supports the four year period of validity based on the reasons stated in the September 23, 2003 letter. Condition of Approval No. 2 of Appendix B states the four year validity period.

CONCLUSION:

Staff's review of this proposal found that it is identical in scope, use and purpose as the Coastal Development Permit previously approved under Planning Application PA98-0163 by the Planning Commission in May 1998. The fact is the Newport Coast PC/LCP was modified by the County and approved by the Coastal Commission to permit the proposed use on this site. The same issues that were presented to the Planning Commission in written comments and public testimony regarding the City's LCP and summer festival parking are still present in this current Coastal Development Permit. The City submitted detailed information regarding parking appears to have adequately addressed the City's LCP and associated parking agreements. Staff supports the proposed Coastal Development Permit and makes a recommendation as follows.

RECOMMENDED ACTION:

Planning and Development Services Department/Current Planning Services Division recommends the Planning Commission:

- a. Receive staff presentation and public testimony as appropriate; and,
- b. Approve PA03-0047 for Coastal Development Permit subject to the attached findings and conditions of approval.

Respectfully submitted

(Signed original on file)

John B. Buzas, Manager
Current Planning Services

WVM

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APPENDICES:

- A. Recommended Findings
- B. Recommended Conditions of Approval

EXHIBITS:

- 1. Applicant's Letter of Explanation, including a request for extension of validity
- 2. Comments from Laguna Canyon Conservancy
- 2a. Response to Exhibit 2 from the City of Laguna Beach
- 3. Current Environmental Documentation and previously approved Negative Declaration PA970163
- 4. Site Photos
- 5. Site Plans

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Orange County Planning Commission on this permit to the Board of Supervisors within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$760.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this report, or in written correspondence delivered to the Planning and Development Services Dept.