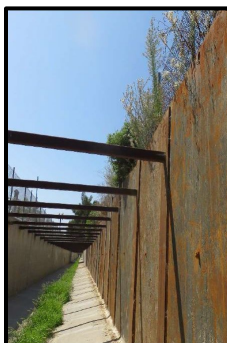




COMMUNITY DEVELOPMENT DEPARTMENT PLANNING COMMISSION STAFF REPORT

Meeting Date:	May 18, 2022
Agenda Item No:	5.2
Staff Contact:	Arlen Beck, Associate Planner (949) 715-0821 abeck@lagunabeachcity.net
Project Location:	Laguna Canyon Channel, located between Laguna Canyon Frontage Road and Woodland Drive APN: 641-223-01
Case:	Design Review 22-0735 and Coastal Development Permit 22-0736
Applicant:	Austin Morgan, Project Manager, for Orange County Public Works 714-647-3981 austin.morgan@ocpw.ocgov.com
Commissioners within a 500' Radius:	None

Executive Summary: Orange County Public Works requests approval of Planning Commission Design Review and a Coastal Development Permit for the replacement of a public utility structure located in the Arts District of the Downtown Specific Plan area. Design review is required for the removal and replacement of approximately 1,200 linear feet of the Laguna Canyon Channel from upstream of Laguna Canyon Frontage Road to downstream of Woodland Drive. The project consists of removal and replacement of the concrete channel in-kind, modifications to pedestrian crossings, replacement of hardscape and landscaping, and removal of existing trees adjacent to the project limits that pose a risk to the channel. Staff finds the application consistent with the intent and purpose of the Arts District, as well as the goals and policies of the Downtown Specific Plan, the City's General Plan and Local Coastal Program. The following staff report provides an analysis of the request with a recommendation for approval subject to conditions.



**Existing Project
Site Conditions**



Location Map

BACKGROUND: The proposed project site is located within the Arts District of the Downtown Specific Plan area, with a General Plan land use designation of Central Business District. The Laguna Canyon Channel (“Channel”) is owned and maintained by the Orange County Flood Control District (“District”); however, the project area is located within the right-of-way jurisdiction of several different agencies, as shown in Figure 1 below.



Figure 1. Project Site – Rights-of-Way

Orange County Public Works (“County”) is the applicant and is replacing the Channel on behalf of the District. The project site is approximately 1,200 linear feet located from upstream of Laguna Canyon Frontage Road to downstream of Woodland Drive. In 1958, the District constructed the rectangular concrete channel, which is 12 feet wide and has a wall height that is between 8.5 to 9.5 feet tall. During heavy storm events in February 2019, approximately 265 feet of the left side Channel wall failed and collapsed. An investigation determined the primary contributor to the failure was the adjacent mature trees, and that an emergency repair was needed to maintain flood protection to the community. In March 2019, a temporary repair was implemented to fix the collapsed wall, remove adjacent trees, and add bracing to prevent additional failures. The Channel adjacent to the Frontage Road Mini-Park was not braced, and the wall tilt in that section is above what is considered allowable. Therefore, the proposed project includes the replacement of the Channel between Laguna Canyon Frontage Road and Woodland Drive with a permanent solution.

On April 6, 2021, the City Council received an update from the County regarding plans for permanent repairs to restore the structural integrity of the concrete channel and considered potential City funded enhancements to improve visual aesthetics adjacent to the Channel such as decorative sidewalk and fencing and enhanced landscaping. The City Council unanimously voted in the affirmative to (1) direct staff to pursue the enhanced aesthetics improvements along the Laguna Canyon Channel between Frontage Road and Woodland Drive with the County of Orange and return to the City Council with the cooperative agreement to implement and fund the improvements; and (2) direct staff not to pursue covering the portion of Laguna Canyon Channel between Frontage Road and Woodland Drive due to the high estimated cost of \$8 million.

On August 4, 2021, the Planning Commission received an introductory presentation from the County regarding the Laguna Canyon Channel Replacement Project and reviewed the proposal in concept. The Planning Commission provided comments regarding the proposal, all of which have been addressed and the responses are attached in Exhibit A of the staff report. The project construction is scheduled to start in September 2022 and is expected to last six months. The project will consist of three construction phases to maintain as many parking spaces available as possible during construction, as shown in Figure 2 on the following page.

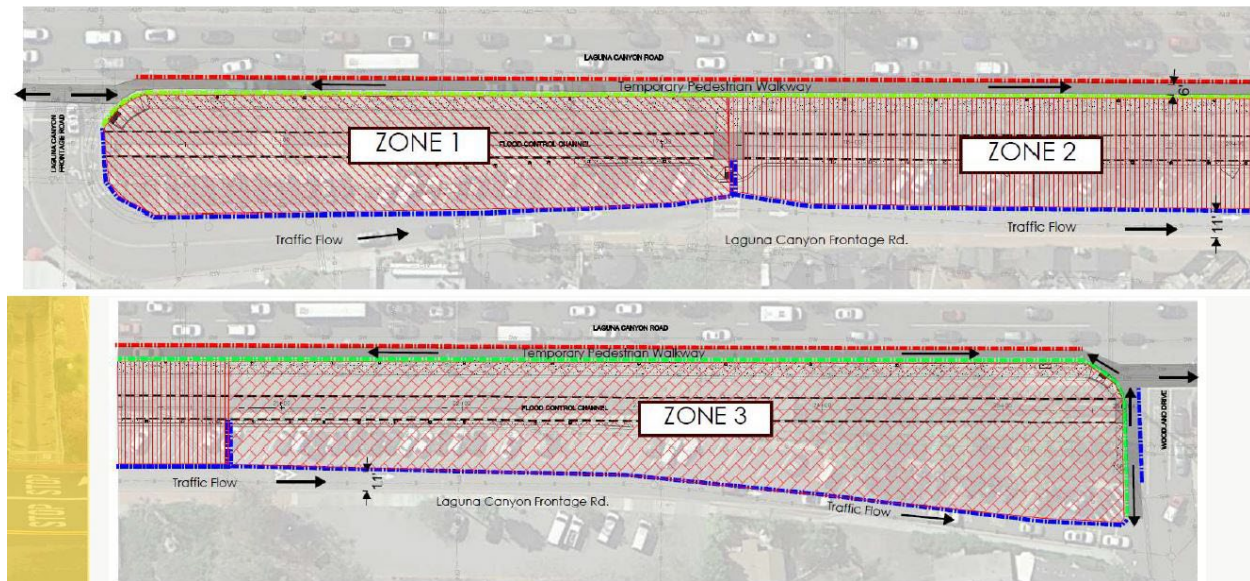


Figure 2. Construction Phasing

Ames Construction, the contractor for the project, is requesting approval of a Temporary Use Permit (TUP) to allow for the temporary placement of two construction office trailers, storage yard, and parking at 113 Canyon Acres Drive from August 1, 2022, to April 30, 2023. The project site would be used as a construction staging area for the duration of the Laguna Canyon Channel Replacement Project. The TUP is subject to review and approval by the Planning Commission as agenda item No. 5.3 at the May 18, 2022, Planning Commission meeting.

Public notice for the May 18, 2022, Planning Commission meeting was posted at the property, sent by mail to the surrounding property owners and tenants, the California Coastal Commission, others who have requested notification, and published in the local newspaper. The public notice indicated that this project is located within a non-appealable area of the Coastal Zone, however, subsequent to the posting of the public notice, it was found that the project is in an appealable area of the Coastal Zone.

STAFF ANALYSIS: The District's Channel was developed in the late-1950's, prior to adoption of the Downtown Specific Plan in 1989. The public utility use and structures are deemed conforming pursuant to Laguna Beach Municipal Code (LBMC) Section 25.56.018¹.

Project Overview

The County proposes to remove and replace approximately 1,200 linear feet of the rectangular concrete channel in-kind, reconfigure pedestrian crossings to improve pedestrian safety and circulation, replace hardscape and landscaping, and remove existing trees adjacent to the project limits that pose a risk to the Channel. Planning Commission Design Review and a Coastal Development Permit are requested for the replacement of a public utility structure located in the Arts District of the Downtown Specific Plan area.

This replacement project is to maintain the current flood protection and the original geometry will be maintained. Any channel enhancements or modifications are not feasible at this time as the channel is under sized. To upgrade this channel and convey 100-year flows, a secondary storm drain system is needed under Laguna Canyon Road in the future. At that time, studies can be completed to explore enhancement options to the existing channel. This project will involve relocating several below and aboveground utilities which will be more accessible after project completion.

The existing Arts District sign located at the southern entrance of Laguna Canyon Frontage Road will be salvaged and reinstalled in the same location after the channel construction. The Arts Commission has reviewed the project site for inclusion of public art on August 9, 2021 and has determined that the area has sufficient public art. The existing bus stop art bench and wooden shade structure will be protected-in-place. The existing art bike racks located north of the bus stop will be salvaged and reinstalled in the same location after the channel construction. The existing OCTA bus stop bench will be salvaged and reinstalled in the same location.

Design Review 22-0735

The County proposes to reconstruct the Channel in its current size and location with no capacity improvements. Additional project components include enhanced aesthetics improvements similar to the Village Entrance Project. Specifically, enhanced design features that will be installed as part of the project include a five-foot-tall tubular steel fence with concrete posts and a new integrally colored and textured concrete sidewalk similar to the Village Entrance. The incremental cost difference between the upgraded fence and colored concrete versus the AC pavement and the District's standard chain link fencing will be the City's funding responsibility. Examples of the proposed enhancements are shown in Figure 3, on the next page.

¹ LBMC 25.56.018: Regardless of any other provisions of this title, any public utility use existing in any building or structure, or on any premises at the time of the adoption of the ordinance codified herein shall be deemed to be a conforming use or a conforming building or structure as the case may be, in whatever district said use is conducted or whatever district said building structure or premises are located. (Ord. 1282 § 1, 1994).

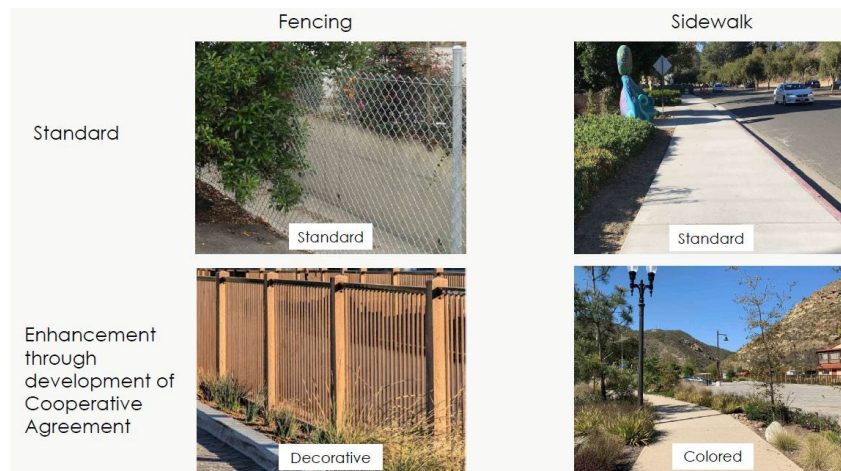


Figure 3: Enhancements through Cooperative Agreement

Downtown Specific Plan – Urban Design Guidelines Compliance

Physical improvements subject to design review should be designed and located in a manner which best satisfies the Downtown Specific Plan urban design guidelines, which focus on the composition of good design and represent the design interests and priorities of the City. As evaluated below, staff finds the proposal generally consistent with the following applicable design guidelines.

Landscaping | Design Guideline No. 7: *Use drought tolerant, low maintenance vegetation to the extent feasible.*

All proposed landscaping is drought tolerant, low maintenance vegetation and complies with LBMC Chapter 19.01, Water Efficient Landscape.

Landscaping | Design Guideline No. 10: *Consider visual contributions to the public realm through the use of private landscaping.*

The proposed landscaping will bring an additional seven new street trees along Laguna Canyon Road. Through the development of a cooperative agreement the sidewalk color will match that of the Village Entrance area and the overall landscaping is intended to match that of the Village Entrance area.

Landscaping | Design Guideline No. 11: *Design with consideration for proper management of stormwater and irrigation.*

All irrigation is proposed to be drip irrigation and will have virtually no runoff.

Design Review Criteria

The proposed site improvements are required to be designed in a manner which best satisfies the design review criteria specified within LBMC Section 25.05.040(H). As evaluated in the proceeding pages and noted in the Resolution, staff finds the proposal consistent with all applicable design review criteria.

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

General traffic circulation will remain unhindered during construction with impacts to parking minimized to the greatest extent possible. Parking between Laguna Canyon Frontage Road and Woodland Drive along Laguna Canyon Road will be closed for the full duration of the project to provide a consistent pedestrian detour. The two northbound travel lanes will remain open for the duration of construction along Laguna Canyon Road. At each work zone, the parking along Laguna Canyon Frontage Road will be closed and lane width reduced to facilitate the work area. Water barriers with screen fencing will be used to reduce the visual impacts of construction, provide site security, and maintain a safe construction site. In general, while construction is active in one work zone, parking along the Laguna Canyon Frontage Road in the other two work zones will remain open to the greatest extent possible.

The pedestrian detour along Laguna Canyon Road will occur within the on-street parking lane. Concrete K-rails will be used to protect pedestrians from vehicular traffic with screened fencing between the pedestrian path and the work area to secure the project site and to reduce visual impacts. Periodic openings in the K-rail will occur at each work zone with proper delineators, crash barriers, and flaggers (when necessary) to provide equipment access to the site. Temporary ADA compliant ramps will be installed to ensure the path is ADA accessible.

Since the existing sidewalk along Laguna Canyon Road will be closed and parking eliminated for the duration of construction, the three pedestrian crossings will be closed during construction. To maintain access to the existing sidewalk along the Laguna Canyon Frontage Road during construction, a temporary pathway will be provided along Woodland Drive adjacent to the site with screened fencing and water barriers to protect pedestrians from vehicles. Temporary striping will be used to delineate the lane reductions during construction.

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

Not applicable. No above ground building or structure is proposed.

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

The proposed project will incorporate design elements, such as the channel fencing and adjacent sidewalk, that will match the Village Entrance area. In addition, the landscaping is proposed to match the recommendations of the Landscape and Scenic Highways Resource Document. Hardscape improvements are also proposed, which will include pavers to be installed at the pedestrian crossing areas of the Channel.

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

The County explored multiple options to protect the existing trees between the Channel and Laguna Canyon Road. The County hired an arborist and they determined that “the only way to prevent the risk of root encroachment along the wall would be a full tree removal.” An engineer was also hired to perform a structural evaluation of the channel wall. The engineer determined the tree roots applied “very large lateral pressures against the walls” which was “very detrimental to the wall and likely led to the collapse.” To protect the Channel and maintain current flood control protection, the County must remove the remaining trees. In order to construct the Channel, a shoring system approximately 4 feet behind the existing channel wall is required. With an average tree distance of 5.5 feet from the channel wall, all the trees must be removed to safely install the shoring. Based on the recommendations from the arborist, engineer, and to safely install the shoring, it was determined that the trees will need to be removed between Laguna Canyon Road and the Channel.

This project must follow the Caltrans requirements for new trees within their right-of-way. The Caltrans Highway Design Manual Topic 901 denotes the requirements for installing trees within the Caltrans right-of-way. Caltrans defines large trees to have a trunk greater than 4" in diameter. They specify that large trees can be planted for speeds 35 mph and under if the tree is at least 18" from the curb face. They also specify for speeds 40 mph and greater that the trees are minimum of 18" from curb face and 30' minimum from edge of traveled way. Certain species might require additional distance from the edge of traveled way. After receiving comments from the Planning Commission, City Staff, and the public, the County incorporated small new street trees within decomposed granite (DG) tree wells at the back of the curb along Laguna Canyon Road into the project plans. Since the Laguna Canyon Road speed limit is 45 mph, this approach provides the opportunity to install seven new 24" box Western Redbud (*Cercis occidentalis*) trees along Laguna Canyon Road, ensures that trees are at least 10' from the channel to align with the District's policies, and is the most feasible option considering numerous existing underground utilities.

The channel adjacent to the Frontage Road Mini-Park cannot be accessed along Laguna Canyon Road due to high voltage overhead SoCal Edison distribution power lines. The existing Frontage Road Mini-Park will be used for construction access and will be temporarily impacted. Benches and trash receptacles will be salvaged and reinstalled. The rock curb, boulders, decomposed granite, planting, and irrigation will be replaced as part of this project. The County proposes to take photos to document the existing site conditions and direct the contractor to reconstruct the park in accordance with the existing photos and the Frontage Road Mini-Park record drawings.

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

The proposed project is consistent with the objectives and policies of the City's Downtown Specific Plan, General Plan, and Local Coastal Program (LCP). The proposed project has been found to adhere to Land Use Element Policies 9.1, and 9.12; and Open Space and Conservation Element Policies 4F and 4G as evaluated below.

Land Use Element Policy 9.1: *Ensure well-maintained and sufficient public infrastructure to serve the community.*

The project complies with Land Use Element Policy 9.1 in that this will replace damaged infrastructure that is needed to protect the community.

Land Use Element Policy 9.12: *Continue to consider flood hazards when reviewing projects within the 100-year floodplain.*

The project is located within the 100-year floodplain and will mitigate future flood hazards by repairing the damaged flood control channel.

Open Space and Conservation Element Policy 4F: *Water Conservation and Native Plants Ensure that development encourage water conservation, efficient irrigation practices and the use of native or drought tolerant non-invasive plants appropriate to the local habitat to minimize the need for fertilizer, pesticides, herbicides and excessive irrigation. Prohibit the use of invasive plants, and require native plants appropriate to the local habitat where the property is in or adjacent to Environmentally Sensitive Areas (ESAs).*

All proposed landscaping is drought tolerant, low maintenance vegetation and complies with LBMC Chapter 19.01, Water Efficient Landscape.

Open Space and Conservation Element Policy 4G: *Minimize Construction Impacts Ensure that all development minimizes erosion, sedimentation, and other pollutants in runoff from construction-related activities to the maximum extent practicable. Ensure that development minimizes land disturbance activities during construction (e.g., clearing, grading and cut-and-fill), especially in erosive areas (including steep slopes, unstable areas and erosive soils), to minimize the impacts on water quality.*

The project has conditions of approval which require that all Best Management Practices (BMPs) be followed during the construction process.

Historic Preservation. *Destruction or alteration to properties with historic significance, as identified in the city's historic resources inventory or historic register, should be avoided whenever possible. Special preservation consideration should be given to any structures over forty-five years old.*

Not Applicable. The project does not propose any destruction or alteration to any properties of historic significance.

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

In order to implement the Laguna Canyon Channel Replacement Project, much of the existing landscaping must be removed and reestablished throughout the project area. The intent of the landscape design is to provide a quality, cost-effective, functional, and visually appealing

landscape program that will enhance the area consistent with other projects within the Laguna Canyon Road corridor. The plant palette will be an extension of what was utilized at the Village Entrance Project, which incorporated low water-use and California native plants. In addition, a few plants that are unique to the area around the Sawdust Art Festival will be employed in the design.

The landscape theme also incorporates rock cobble and boulders to add texture and a variety of materials to the design. The landscape design lengthens the aesthetic of the Village Entrance, expanding the gateway arrival experience into Laguna Beach, while also creating an inviting entrance to the Sawdust Art Festival area for both pedestrians and motorists along Laguna Canyon Road. See Attachment B of Exhibit B, Project Plans, for the Concept Landscape Plan and Tree Removal Plan.

The subject site is located within Zone 4 – Laguna Canyon Road: Canyon Acres to Frontage Road intersection as specified in the City's Landscape and Scenic Highways Resource Document. The landscape plan generally incorporates the recommended plantings from the resource document.

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

Not applicable. The proposed project does not involve any lighting additions or improvements.

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

The proposed project is compatible with the existing development in the neighborhood in that the request is to replace the existing channel in-kind. The landscaping and hardscape upgrades will bring the project area to match that of the Village Entrance area, which will add to the visitor-serving atmosphere of the neighborhood.

Pedestrian Orientation. *Commercial development design shall enhance and encourage pedestrian uses. Incorporation of articulated building masses, compact open spaces and courtyards, mixed use developments, use of landscaping as part of design, and orientation to pedestrian access should be maximized.*

The existing pedestrian bridges that traverse the channel do not meet ADA standards. The project proposes to demolish the most southern pedestrian bridge, closest to the Laguna Canyon Frontage Road entrance. The bridge north of the most southern bridge that is in front of the Sawdust Festival building and next to the Sawdust Festival bus stop will be replaced with a 22-foot-wide ADA compliant crossing. The most northern bridge crossing near Woodland Drive will be removed and relocated to Woodland Drive, where an eight-foot ADA

compliant crossing will be installed. See Attachment C of Exhibit B, Project Plans, for the Proposed Pedestrian Crossings Concept Plan.

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

Not Applicable. The proposed project will not diminish the privacy of neighboring properties.

Public Art. *Public art is encouraged and shall be displayed where feasible or required by the Art in Public Places ordinance.*

On August 9, 2021, the Arts Commission reviewed the project site for inclusion of public art and determined that the area has sufficient public art. Landscaping in the project limits is to complement the existing public art. Furthermore, it is found that the project is exempt from LBMC Chapter 1.09, Art in Public Places Ordinance in that the project scope is for the reconstruction of a structure damaged by a flood.

Sign Quality. *Signs shall be incorporated into the architecture of the structure and shall be made of high quality materials, be simple in design and be visually compatible with the surrounding physical environment in terms of color, scale and size. Use of natural materials in the construction of signs is encouraged.*

Not Applicable. No signs are required or proposed.

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

Not applicable. This criterion does not apply.

Swimming Pools, Spas and Water Features. *Swimming pools, spas and water features shall be located, designed and constructed where: (a) Geology conditions allow; (b) Noise produced by circulatory mechanical pumps and equipment is mitigated; and (c) Any associated fencing or other site improvements are compatible with neighboring properties.*

Not Applicable. A swimming pool, spa, or water feature are not included in the proposed project scope.

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

The proposed Channel replacement and associated improvements to the sidewalk and channel fencing will serve to protect and enhance the area, and are not anticipated to impact existing

views from neighboring properties. In addition, the proposed landscaping does not include any plants that are taller than the existing landscaping.

Coastal Development Permit 22-0736

The proposed project constitutes development for which a Coastal Development Permit is required and is located within an appealable area of the Coastal Zone. The proposed project complies with the following CDP review criteria pursuant to Municipal Code Section 25.07.012(F). Specifically, the proposed project is the reconstruction of the existing flood control channel in-kind and will have no greater impact upon the environment than the existing structure.

No. 1. The proposed development will not encroach upon any existing physical accessway legally utilized by the public or any proposed public accessway identified in the adopted local coastal program land use plan.

The project complies with this CDP review criteria in that it does not encroach upon any existing physical accessway legally utilized by the public or any proposed public accessway identified in the adopted local coastal program land use plan.

No. 2. The proposed development will not adversely affect marine resources, environmentally sensitive areas, or archaeological or paleontological resources.

Policy 8-J(1) and Section 30240 require development within ESA to be a use dependent upon the resource. While flood control is not a use dependent upon the resource in the same manner as a use such as nature study, it must occur within the location of the creek. Even though the project is not a use dependent upon the resource, the project may still be approved if it satisfies the more specific requirements regarding allowable development in streams 30236 which allows this type of development for the protection of existing structures and public safety. Were the project not approved, increased flooding event that threaten public safety will occur, similar to what has happened in the recent past with flooding in the canyon.

No. 3. The proposed development will not adversely affect recreational or visitor-serving facilities or coastal scenic resources.

The proposed development is scheduled to take place between September 2022 through April 2023 to avoid any adverse effects to the Sawdust Festival and surrounding visitor-serving facilities.

No. 4. The proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas and will provide adequate buffer areas to protect such resources.

This review finding does not apply to the project in that it is not located adjacent to any parks or recreation areas with environmentally sensitive habitats or scenic resources.

- No. 5. *The proposed development will minimize the alterations of natural landforms and will not result in undue risks from geological and erosional forces and/or flood and fire hazards.*

Section 30236 requires that channelization of streams be limited to flood control projects with no other method for protecting existing structures and public safety within the flood plain. In this case the proposed project will protect the surrounding existing development located along Laguna Canyon Frontage Road and will protect and enhance the existing public access way parallel to the creek which is necessary for public safety in the area. While there are policies that encourage the creek to be restored to a natural condition, the District has determined that is not feasible at this time. Alternatives that were considered including increasing the capacity of the creek, possibly by widening the creek bed, but that would not be less environmentally damaging. The proposed project is consistent with the LCP policies for protection of streams.

- No. 6. *The proposed development will be visually compatible with the character of surrounding areas, and where feasible, will restore and enhance visual quality in visually degraded areas.*

Policy 9-C(a) states “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.” Policy 9-C(a) requires a 25 foot setback for new development located near a blue line stream, however that does not apply to channelized sections of the stream without habitat value, so in this case the 25 foot setback is not applicable. Because the project is within the channelized section of the stream without habitat value, the requirement for no disturbance to major vegetation does not apply in this case to the surrounding trees. Some of the existing trees (5 Pine trees and 3 Sycamore trees) are proposed to be removed due to their health and impact on the concrete channel. 8 new native trees are proposed to be planted including Western Redbud and Sycamore trees. The LCP calls for this type of native landscaping and tree screening to protect the scenic quality of the canyon in Policies 2, 4 and 8 of the Laguna Canyon Annexation Area Specific Plan. The project is also consistent with Policy 9-M requires necessary structural flood control projects to be revegetated and camouflaged.

- No. 7. *The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.*

Historical records research regarding cultural resources did not reveal any known resource sites within the project area, therefore the project is unlikely to impact archaeological, or paleontological resources.

- No. 8. *The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities.*

This review criteria does not apply to this project in that the project is replacing a flood channel that does not require any utilities, access roads, drainage facilities, or other facilities.

- No. 9. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.*

Other public services are not required for this project.

The proposed project also complies with the following CDP review findings pursuant to Municipal Code Section 25.07.012(G). Specifically, the proposed project conforms with the applicable provisions of the certified Local Coastal Program as evidenced in previous Municipal Code compliance sections; the project is not located between the sea and the first public road paralleling the sea; and the project is exempt from CEQA under the Class 2 categorical exemption.

- No. 1. The project is in conformity with all the applicable provisions of the certified local coastal program.*

Several of the LCP policies require that streams be preserved and protected in a natural state. Policy 9-F of the Open Space Conservation Element calls for restoration of natural drainage courses which retain their natural function. Laguna Canyon Creek is identified as a blue line stream on the USGS 7.5 Minute Quadrangle Series, and therefore is also considered an “Environmentally Sensitive Area” (ESA), per policy 9-C(a). This section of Laguna Canyon Creek is entirely channelized and lacks significant habitat value within the creek bed and is not in a natural state. policy 8-J requires detailed biological assessments for all development proposed in ESAs and requires uses within the ESA to be dependent upon the resource. Because the creek bed itself does not contain habitat value, the County preformed an inventory and assessment of trees surrounding the creek in the project location.

- No. 2. Any development located between the sea and the first public road paralleling the sea is in conformity with the certified local coastal program and with the public access and public recreation policies of Chapter 3 of the Coastal Act.*

The project site is not located between the sea and the first public road paralleling the sea. This review finding is not applicable.

- No. 3. The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.*

Pursuant to the California Environmental Quality Act (CEQA), a MND has been adopted by the County in May 2013 (SCH# 2012111011). In addition, the proposed project is exempt from CEQA under the Class 2 categorical exemption in that the existing channel would be replaced in-kind, no expansion to capacity, and located in the same area.

Public Correspondence

Staff received emails from two different individuals, and the County has provided responses to address the public’s comments, both of which are attached as Exhibit C in this staff report.

California Environmental Quality Act (CEQA) Determination

Environmental review for a County-Wide Long-Term Routine Maintenance Permitting Program, which included the Laguna Canyon Channel Replacement Project, consisted of preparation of an Initial Study (IS), certification of a Mitigated Negative Declaration (MND) and adoption of a Mitigation and Monitoring Plan/Program by the County in May 2013. Pursuant to the California Environmental Quality Act (CEQA), a MND has been adopted (SCH# 2012111011).

Additionally, pursuant to CEQA Guidelines, Section 15302 (Replacement or Reconstruction), staff recommends that the Planning Commission determine that the proposed project is exempt from CEQA under the Class 2 categorical exemption in that the existing channel would be replaced in-kind, no expansion to capacity, and located in the same area.

RECOMMENDATION: Staff recommends that the Planning Commission approve Design Review 22-0735 and Coastal Development Permit 22-0736, subject to the discussion provided in the staff report and the findings in the attached Resolution.

ATTACHMENTS: Exhibit A: Concept Review Response to Comments
Exhibit B: Project Plans
Exhibit C: Public Correspondence and Response to Comments
Exhibit D: August 4, 2021, PC Meeting Minutes
Resolution