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CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
245 W. BROADWAY, STE. 380
P.O. BOX 1450
LONG BEACH, CA 90802-4416
(310) 590-5071

Page 1 of 5
Permit Application No. 5-96-048
Date 4/18/96



ADMINISTRATIVE PERMIT

APPLICANT: Esslinger Family Trust
Laguna Terrace Park

PROJECT DESCRIPTION: Removal of 2,000 to 2,500 cubic yards of sediment from the mouths of four tributary canyons within the Hobo Canyon drainage in the upstream end of the Laguna Terrace (Mobile Home) Park.

PROJECT LOCATION: 30802 So. Coast Highway, Laguna Beach, Orange County
Laguna Terrace Park (Mobile Home Park)
(nearest cross street: M Street)

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:
Wednesday, May 8, 1996 at 9:00 a.m.
Hyatt Regency-Long Beach
200 South Pine Avenue, Long Beach (310) 491-1234

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.

PETER DOUGLAS
Executive Director

By: Meg Vaughn
Meg Vaughn

Title: Staff Analyst

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

The Executive Director hereby determines that the proposed development is a category of development which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an administrative permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3, and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:A. Project Description

The applicant proposes to remove 2,000 to 2,500 cubic yards of sediment from the mouths of four tributary canyons within the Hobo Canyon drainage from the upstream end of the Laguna Terrace (Mobile Home) Park. The sediment accumulated as a result of the 1994-95 winter storm season. The sediment removal is proposed to create storage capacity for sediment and debris carried by future storm flows. The sediment to be removed will be disposed of at Bee Canyon County landfill, located outside the coastal zone.

The proposed project is part of an overall drainage improvement project for the mobile home park. This portion of the project has been separated out to allow it to go forward while additional information is prepared for the remainder of the project. It was determined to be appropriate to separate out this portion of the project because it will not have any adverse impacts on environmentally sensitive habitat areas.

B. Environmentally Sensitive Habitat Area

Section 30240 of the Coastal Act states:

(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.

The subject site is located within the Hobo Canyon area. Hobo Canyon was identified in the recently mapped South Laguna Biological Resource Values map as a Very High Value Habitat. The subject site is located at the edge of the High Value Habitat area. The biological assessment prepared for the overall Laguna Terrace drainage improvement project identifies coastal sage scrub in the vicinity of the debris removal project. Coastal sage scrub has been consistently found by the Commission to be environmentally sensitive habitat. The biological assessment prepared by John M. Tetteimer and Associates is dated January 1996 and was updated on February 12, 1996, March 15 and 20, 1996. The March 15, 1996 update letter states:

"Coastal sage scrub habitat surrounds invasive species such as arundo, tree tobacco, and palm trees adjacent to the footprint of the sediment removal areas. The sediment removal will not impact coastal sage scrub habitat."

The proposed sediment removal project will not have direct adverse impacts on the environmentally sensitive coastal sage scrub habitat. However, there must be assurance that construction methods will not damage the coastal sage scrub habitat. If the coastal sage scrub in the project vicinity is flagged and the contractors are made aware of its presence and the need to avoid it, the environmentally sensitive habitat will be protected. As a condition of approval, the coastal sage scrub habitat shall be flagged for the duration of the project and the contractors shall be made aware of the presence of the coastal sage scrub and the requirement to avoid impacts to it. Therefore, as conditioned, the

Executive Director determines that the proposed project is consistent with Section 30240 of the Coastal Act which requires protection of environmentally sensitive habitat area.

C. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with the Chapter 3 policies of the Coastal Act.

The Laguna Beach Local Coastal Program was certified with suggested modifications, excluding several areas of deferred certification (including the Hobo Canyon area, at the July, 1992 Commission hearings. The City accepted the Commission's suggested modifications and the Commission subsequently concurred with the Executive Director's determination of adequacy on January 13, 1993.

The Laguna Beach LCP was effectively certified on January 25, 1993 after Notice of the Certification of the Local Coastal Program was filed with the Secretary of Resources. The Commission is reviewing this project because it is in an area of deferred certification.

The proposed development, as conditioned, will not create adverse impacts on coastal access or coastal resources under Chapter 3 of the Coastal Act. Therefore, the Executive Director determines that approval of the project will not prejudice the City's ability to prepare a Local Coastal Program for this area of deferred certification.

D. Consistency with the California Environmental Quality Act (CEQA)

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the environmentally sensitive habitat policies of the Coastal Act. Mitigation measures including flagging the coastal sage scrub in the vicinity of the project site will minimize all adverse impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Executive Director determines that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

SPECIAL CONDITIONS:

1. Flagging of Coastal Sage Scrub

The coastal sage scrub in the vicinity of the sediment removal project shall be flagged and contractors shall be made aware of its presence and the requirement to avoid impacts to it.

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

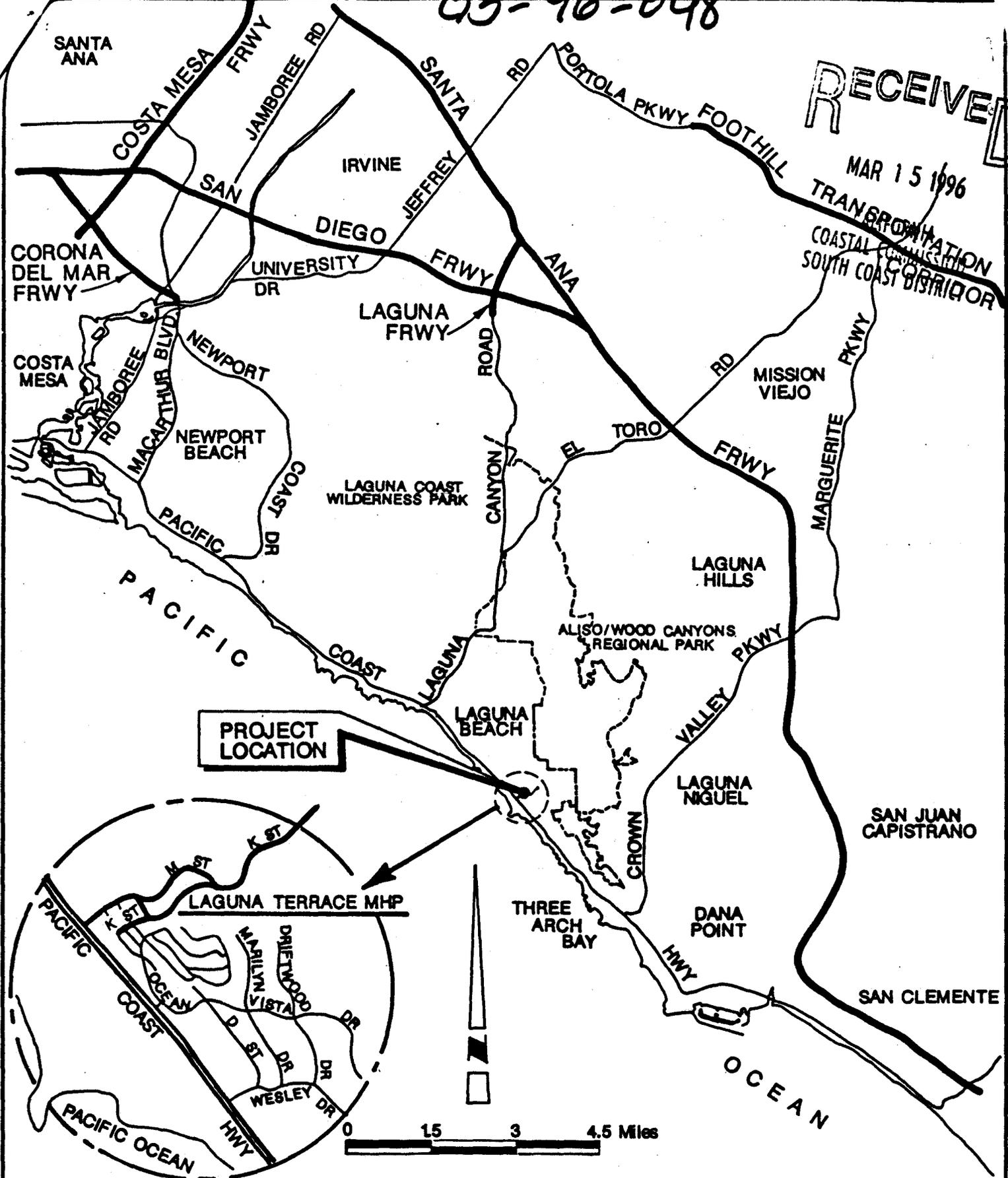
I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's Signature

Date of Signing

65-96-048

RECEIVED
MAR 15 1996



ENLARGED DETAIL
N.T.S.

John M. Tettemer
JOHN M. TETTEMER & ASSOCIATES, LTD.
ENGINEERING MANAGEMENT PLANNING
3151 Airway Avenue, Suite Q-1 Costa Mesa, California 92626

LAGUNA TERRACE PARK PROJECT
5-96-048
LOCATION MAP

DATE
3-96
EXHIBIT
A

65-96-048

* impacts to CSS NOT from debris removal

LEGEND

- JURISDICTIONAL WATERS
- ▨ STRUCTURE FOOTPRINT AND LIMIT OF SEDIMENT REMOVAL

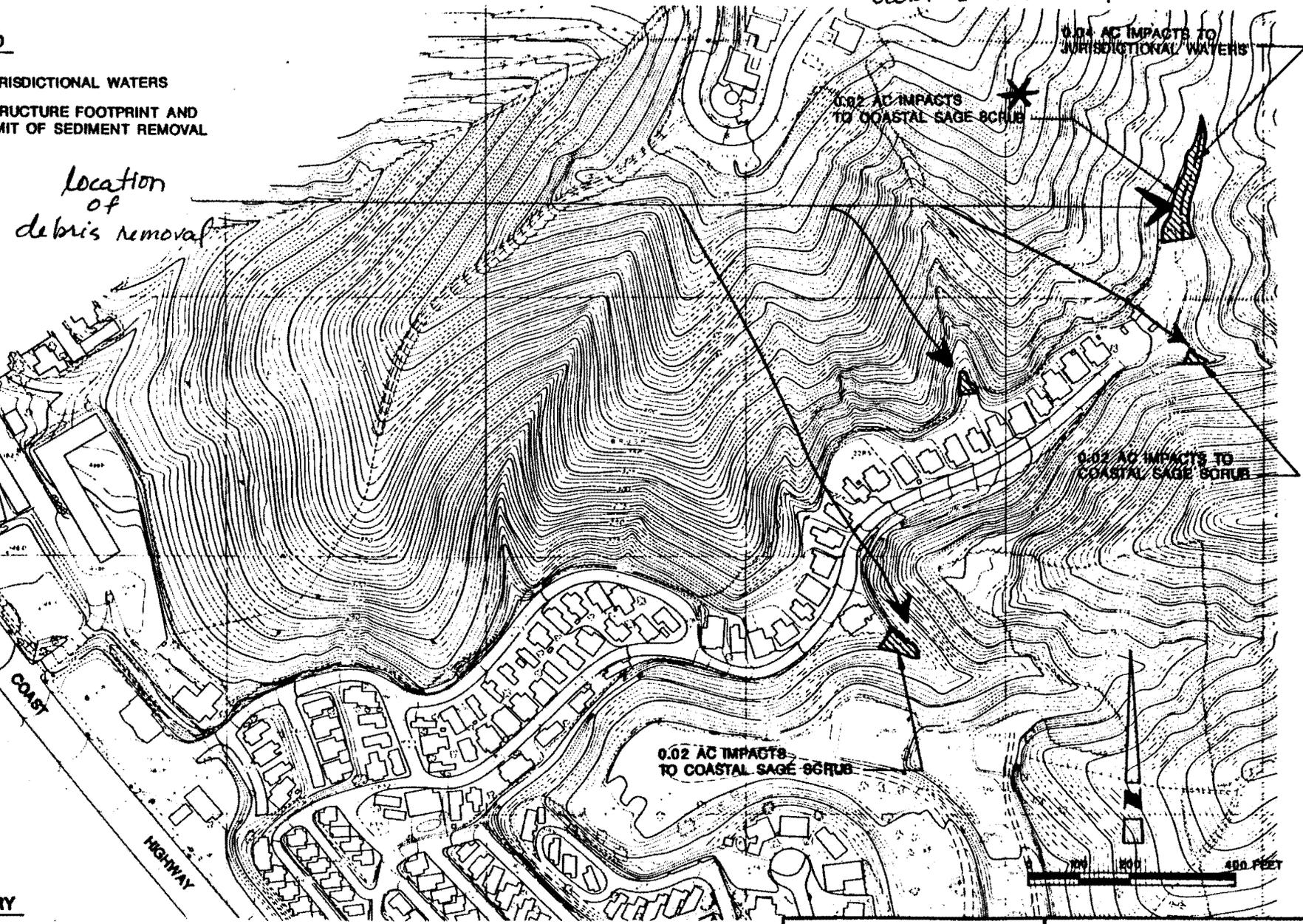
Location of debris removal

RECEIVED

MAR 15 1996

CALIFORNIA COASTAL COMMISSION SOUTH COAST DISTRICT

PACIFIC COAST HIGHWAY



SUMMARY

IMPACTS TO JURISDICTIONAL WATERS 0.04 AC.
 IMPACTS TO COASTAL SAGE SCRUB 0.06 AC

5-96-048
Exhibit B

John M. Fetterman
 JOHN M. FETTERMAN & ASSOCIATES, LTD.
 ENGINEERING MANAGEMENT PLANNING
 5131 Airway Avenue, Suite Q-1 Costa Mesa, California 92626

LAGUNA TERRACE PARK PROJECT
 DELINEATION AND IMPACTS TO JURISDICTIONAL WATERS AND COASTAL SAGE SCRUB