

CALIFORNIA COASTAL COMMISSION

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

Filed: 5/7/96
49th Day: 6/25/96
180th Day: 11/3/96
Staff: MV-LB
Staff Report: 7/25/96
Hearing Date: 8/13-16/96
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-95-286

APPLICANT: Esslinger Family Trust
Laguna Terrace Park

AGENT: John M. Tettemer & Associates
Paone, Callahan, McHolm & Winton

PROJECT LOCATION: Laguna Terrace Mobile Home Park
30802 So. Coast Highway, Laguna Beach, Orange County

PROJECT DESCRIPTION: Construction of interim flood protection facilities including street modifications, installation of catch basins, modifications to the storm drain system, construction of debris control structures, and a detention/desilting basin.

LOCAL APPROVALS RECEIVED:
California Department of Fish & Game Streambed Alteration Agreement No. 5-585-95

SUBSTANTIVE FILE DOCUMENTS: Emergency Coastal Development Permit G5-95-286 (Esslinger); Coastal Development Permit 5-96-048 (Esslinger Family Trust/Laguna Terrace Park); Streambed Alteration Agreement 5-585-95; City of Laguna Beach Local Coastal Program; South Laguna Biological Resource Values Map.

SUMMARY OF STAFF RECOMMENDATION: Staff recommends approval of the proposed project with two special conditions which require that: 1) any changes to the signed Streambed Alteration Agreement require approval of an amendment to this permit; and 2) if suitable, the sediment removed from the proposed debris control structures be offered for beach replenishment.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

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 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.

III. Special Conditions:

1. Streambed Alteration Agreement

Any changes to Streambed Alteration Agreement 5-585-95 between the applicant and the Department of Fish and Game that will result in a change to the permitted project shall require an amendment to this permit.

2. Beach Replenishment

Sixty days prior to sediment removal from the debris control facilities, the applicant shall notify in writing the City of Laguna Beach, the County of Orange Department of Harbors, Beaches and Parks, and the California Department Parks and Recreation of the intent to remove the sediment and its availability for possible beach replenishment. If any of these agencies express written interest in use of the sediment for beach replenishment, the applicant shall make the sediment available to the interested agency for that purpose. If none of the above agencies express interest in use of the sediment, the applicant may deposit the sediment at an approved dump site.

The Executive Director shall receive a copy of the letter of notification at the same time it is sent to the agencies listed above.

IV. Findings and Declarations.

The Commission finds and declares as follows:

A. Project Description

The applicants propose to construct flood protection and sediment control measures that are able to accommodate storms up to a 10-year event. The subject site is an existing mobile home park (Laguna Terrace Park) located along the floor of the downstream end of "Hobo Canyon" in the South Laguna area of the City of Laguna Beach. The proposed development will occur within the existing developed areas and along the park's perimeter. Although heavily vegetated, the steepness of the adjacent canyon walls and the canyon bottom itself create the possibility of significant sediment laden flows occurring during high intensity rainfall. The applicants have indicated that the proposed project is considered an interim solution which will be in place until a long-term flood control solution is identified and implemented. A future long term flood control project will require a future coastal development permit. The subject site is located inland of Coast Highway. Specific components of the project are described below.

The applicant has entered into Streambed Alteration Agreement No. 5-585-95 with the California Department of Fish and Game. The signed agreement is attached as exhibit E. The applicant is bound by the agreement. The streambed alteration agreement was submitted as part of the permit application. The requirements outlined in the streambed alteration agreement are included as part of the proposed development.

The subject site is located within the City of Laguna Beach. Laguna Beach has a certified Local Coastal Program (LCP). However, at the time the LCP was certified, five geographical areas were deferred certification. The subject site is located within one of the areas of deferred certification, the Hobo Canyon area. Because the subject site is located in an area of deferred certification, the coastal development permit is processed through the Coastal Commission rather than the local government. The standard of review is the Chapter 3 policies of the Coastal Act.

Street Modifications

Portions of storm flow are carried within the existing streets of the mobile home park. In order to increase the streets' carrying capacities the following are proposed: 1) construction of containment barricades consisting of two or three 2" x 12" timber planks bolted to steel pipe set in concrete footings; 2) removal of selected speed bumps and installation of a new speed bump to better direct the drainage flow; and 3) construction of standard and rolled curbs as needed to better direct storm flows.

"M" Street is proposed to be regraded to increase the crossfall to 1 vertical to 12 horizontal (see exhibit F). The regrading will lower the northwesterly

side of the street approximately 1 foot. From the new lowered point, a 4-foot wide low-flow area will be created. A portion of the existing canyon wall will be removed. From the western edge of the 4-foot low-flow area, a near vertical slope will be constructed until the new slope joins the existing slope. The new road subgrade and low-flow area will be resurfaced with asphalt.

Catch Basins and Storm Drain System

Near the downstream end of the project, along the lower portion of "M" Street, two conventional curb-type catch basins, each approximately four feet square by five feet deep, are proposed. In addition, a new section of storm drain is proposed to collect and convey a portion of the street flows into the existing storm drain.

The catch basins will collect storm flows equal to the downstream storm drain capacity. The flows will be carried by 24-inch and 30-inch diameter concrete pipes, of a combined length of 241 feet, which will connect to a newly constructed manhole. The manhole will provide a junction structure and a point of access for future inspection of the storm drain system.

A liner is proposed to be emplaced within approximately 130 linear feet of an existing 30-inch diameter CMP (corrugated metal pipe) to restore the structural integrity and hydraulic capacity of that portion of the storm drain system.

Debris Control Structures

Debris control structures at the mouths of four canyons tributary to the mobile home park site are proposed to reduce the amount of sediment entering the developed portion of the park (see exhibit B). The structures vary in dimension depending on the size of the tributary area and the topography. Three of the structures are proposed to be 7 feet high and one will be 9 feet, four inches high. The length of the structures will vary from 25 to 75 feet. A graphic depicting the typical design is attached as Exhibit C.

A corrugated metal pipe either exists and will be extended or will be placed in the bottom of each canyon to provide a controlled outlet for very small storms. Excavation into the banks adjacent to each structure is proposed to properly key the structures into the terrain. Steel H beams will be placed and concrete footings will be poured around them. Horizontal timber planks will be U-bolted to the steel beams with 2-inch openings between the planks.

The debris control structures are proposed to be cleared, on an as-needed basis, of accumulated sediment. A removable panel will be part of each of the structures and will allow equipment access to the sediment. The location of the disposal site is not known at this time. If the disposal site is located within the coastal zone an amendment to this permit or a new coastal development permit is required.

Detention/Desilting Basin

Approximately 200 cubic yards will be excavated to construct a detention/desilting basin. The basin is proposed to be located in an area currently used as a work/storage utility lot. V-ditches leading into the basin are proposed to be constructed. The basin is proposed to prevent plugging of the existing inlet to the drowndrain that flows onto "K" Street.

Stairways

Two pedestrian access stairways are proposed to be constructed down the slope from M Street to P Street and from S Street to the back of the existing Unocal station. The stairways are required as part of the project by the Laguna Beach Fire Department to provide additional exits from the park in the event of an emergency such as fire. The stairway to P street will be 28 feet long and 4 feet wide with 22 steps. The stairway to the Unocal station will be 25 feet long and 4 feet wide with 24 steps. The stairway structures will include railings and 6 x 4 foot landings. No sensitive habitat exists in the vicinity of the proposed stairways.

B. Project Background

During the winter rainy season of 1994-95, the combination of high intensity rainfall and the unstable hillsides of Hobo Canyon led to high-velocity, sediment laden flows within the mobile home park. During these high-velocity runoff events, sediment and debris from the tributary canyons entered the park resulting in sediment deposition on the streets and within the park buildings. In addition to the storm damage, park residents were potentially in jeopardy due to limited emergency vehicle access caused by the debris flow.

In the past sandbagging was used in attempts to control storm flows. Sandbagging proved to be inadequate during severe storms and is not an acceptable interim or long-term solution. Without drainage improvements, the park could face additional storm damage from unmanaged runoff and sediment and debris deposition in the park. The proposed drainage improvement measures are necessary to protect the existing development.

The proposed development was first submitted as an emergency permit request. Only portions of the proposed development qualified for an emergency coastal development permit. The development that did qualify was approved under emergency coastal development permit G5-95-286. Development approved under the emergency permit was removal of existing speed bumps; construction of a new speed bump; construction of wooden barriers placed near the street edge (one to three 2" x 12" x 10 feet timber planks bolted to steel pipe set in concrete footings); construction of six inch standard asphalt curbs where hydraulic and field conditions indicate; construction of rolled curbs where vehicular access is necessary; construction of two to three new catch basins (conventional curb-type, approximately 4' square by 5' deep). Emergency permits are required to be followed up by regular coastal development permit applications. The currently proposed development includes both the development approved under the emergency permit and the additional development that did not qualify.

A related project at the subject site was approved under administrative coastal development permit 5-96-048 on May 8, 1996. Development approved under coastal development permit 5-96-048 was 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.

C. Environmentally Sensitive Habitat Areas

Section 30240 of the Coastal Act states:

(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 has been identified in the South Laguna Biological Resource Values map as a Very High Value Habitat. The proposed project is intended to prevent flooding of the mobile home park, which was constructed in the canyon prior to the Coastal Act. The proposed construction will occur along the streets of the mobile home park and along the perimeter of the mobile home park. The debris control facilities are proposed to be located along the edge of the existing development, where the transition into open land begins. The open land area supports a large area of environmentally sensitive habitat area (ESHA) including coastal sage scrub. The biological assessment prepared by John M. Tetterer and Associates is dated January 1996 and was updated on February 12, 1996, March 15 and 20, 1996. Regarding three of the four debris control facilities' locations, the biological assessment states:

"Coastal sage scrub habitat surrounds invasive species such as arundo, tree tobacco, and palm trees within or adjacent to the footprint of the debris control structures and sediment removal areas. As a result of construction and maintenance of three of the proposed debris control structures, 0.06 acre of coastal sage scrub habitat will be impacted. The location of the impacts is depicted on Figure 3 [included in this staff report as Exhibit B]. In addition, 0.04 acre of coastal sage scrub habitat may be temporarily impacted during construction."

Because of rapid development in the Orange County region, the coastal sage scrub community which 8-10 years ago was still widespread is today considered threatened according to many biologists. United States Fish and Wildlife research indicates that 70-90% of the coastal sage scrub habitat in Orange County has been fragmented and destroyed. One of its obligate species, the California gnatcatcher, has been listed as a threatened species. Coastal sage scrub is considered an environmentally sensitive habitat as defined by Section 30107.5 of the Coastal Act because it is rare and valuable habitat that is easily disturbed or degraded by human activities. Coastal sage scrub has been consistently found by the Commission to be environmentally sensitive habitat.

Impacts to coastal sage scrub habitat will occur due to three of the proposed debris control structures. The applicant considered alternatives to the proposed design including earth embankments and earth embankments with excavated basins. The earth embankment alternative would include constructing an embankment of compacted fill, seven to nine feet high, at the mouths of the four drainage areas. This alternative would require construction of access roads to the upstream side of the embankment to provide a means for sediment removal. This alternative was not chosen because: 1) the project footprint and habitat impacts from the embankment and access road would significantly exceed the proposed alternative; 2) import of fill material for the embankment would increase traffic impacts to the mobile home park and public streets significantly beyond what is anticipated from the proposed alternative; 3) construction would be impracticable and disruptive to the community; and 4) concrete overflow spillways and energy dissipators would be required on all embankments increasing the foot print of the structures.

The earth embankments with excavated basins alternative would include lower compacted fill embankments, approximately five to seven feet in height, constructed at the mouths of the four drainage areas. This alternative would also require construction of access roads, but with a lower volume of required material. Basin excavation upstream of the embankments would be necessary to provide additional storage of sediments. The basin excavation would affect adjacent natural side slopes and related habitat. In addition, free drainage of the excavated basins may not be possible, creating the need for temporary pumping operations to dewater stored sediments. This alternative was not selected for the same reasons described above and because the need for pumping operations is undesirable.

The proposed alternative will not require construction of an access road, instead taking access from the existing developed area that does not support sensitive habitat. Impacts from each of the three alternatives considered would be permanent. Construction impacts from the proposed alternative will occur but are considered minimal because no access road is required, the impacts will be temporary and the overall project footprint is minimized. The proposed alternative is considered the least environmentally damaging feasible alternative.

The California Department of Fish and Game (CDFG) has reviewed the proposed project. In oral communications with Commission staff, and in a letter dated February 2, 1995 forwarded to Commission staff from CDFG staff, CDFG indicated that in this case, they are not requiring mitigation for the impacts to coastal sage scrub because of the very limited amount of sensitive vegetation impacted (see exhibit G). The proposed development will occur adjacent to a large, open ESHA area. In addition, the site is located on the fringe of existing development. As stated above the coastal sage scrub that will be impacted surrounds invasive, undesirable vegetation such as tree tobacco and arundo. The majority of vegetation that would be impacted is not ESHA. Further, because the proposed development is located at the very edge of the open land, the proposed project will not preclude protection of the remainder of the high value habitat located throughout Hobo Canyon.

The Commission finds that although the project will have some adverse impacts on environmentally sensitive habitat area, for the reasons stated above, the impacts will not significantly degrade the adjacent area and will be compatible with continuance of the area as ESHA. Therefore, the Commission finds the proposed project is consistent with Section 30240(b) of the Coastal Act.

D. Streambed

The biological assessment prepared for the project by John Tettemer Associates dated January 1996 identifies 0.04 acre of impact to "Waters of the U.S. and the State" (jurisdictional waters). The 0.04 acre of impact will occur due to construction of one of the debris control facilities (see Exhibit B). The narrow streambed is sandy bottom with a few small castor bean and tree tobacco plants which are considered invasive species. The project area, except within the footprint of the debris control facility, will remain soft bottom streambed after construction is completed. The stream flows only during rainstorms.

The area of impact is not wetland habitat. The area is not considered wetland habitat because it does not currently support wetland vegetation and lacks

hydric soils. In fact, as stated previously, the general area supports coastal sage scrub type vegetation, which establishes under dry conditions. No wetlands will be filled or otherwise impacted by the project. The project impacts upland and streambed. The streambed functions as a drainage during rainstorms. The determination that wetland habitat is absent from the site is supported by the biological consultant.

Section 30236 of the Coastal Act states:

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain 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.

The proposed project will result in alteration of a streambed due to placement of the debris control facility. The proposed project is a flood control project necessary to protect existing structures in the floodplain. The debris control facility is proposed to trap debris flow at the mouth of the tributary canyon and reduce the amount of sediment entering the developed portion of the mobile home park. As the sediment laden flows from the upstream watershed approach the structure, the sands, gravel, and other organic debris will be trapped behind the barrier. The structures are proposed to be cleared of collected sediment on an as-needed basis. Each of the debris control facilities are proposed to include a removable panel which will allow equipment access to the sediment for removal. No impacts to sensitive habitat, wetland or streambed are expected from the debris removal.

The applicant has entered into Streambed Alteration Agreement No. 5-858-95 with the CDFG. The signed agreement is attached as exhibit E. The streambed alteration agreement was submitted by the applicant as part of the permit application. The streambed alteration agreement requires that adjacent ESHA be flagged during construction to prevent impacts. It also prohibits vegetation removal from March 15 through July 15 to avoid impacts to nesting birds. In addition, the agreement requires all staging and storage areas for equipment and materials to be located outside of the streambed. Pollutants from project related materials are prohibited from entering or being placed near the streambed. All excess materials are required to be removed from the site when work is completed. Equipment maintenance is prohibited from being done within or near the stream channel. The streambed alteration agreement is included as part of the project. The conditions of the streambed alteration agreement adequately assure protection of the streambed and adjacent ESHA. The applicant is bound by the streambed alteration agreement and it is part of the proposed project. Consequently, the project does not have to be separately conditioned herein. However, any future changes to the streambed alteration agreement that effect the project as approved by the Commission would need to be reviewed by the Commission to assure continued protection of the streambed and ESHA.

The streambed alteration agreement also includes the following requirements: 1) restoration of any stripped or exposed areas with vegetation native to the area; 2) the stream channel be returned as nearly as possible to its original configuration without creating erosion problems; and 3) all necessary revegetation shall be monitored.

The applicant has agreed to the requirements of Streambed Alteration Agreement 5-585-95. The Streambed Alteration Agreement requires that the project incorporate best management practices such as those listed above. In addition, the Streambed Alteration Agreement assures that any adverse impacts created by the project will be avoided. The proposed project can be found consistent with Section 30236 of the Coastal Act only if the Streambed Alteration Agreement is carried out. Any changes to Streambed Alteration Agreement 5-585-95, shall require, as a condition of approval of this permit, an amendment to this coastal development permit. Therefore, as conditioned, the Commission finds that the proposed project is consistent with Section 30236 of the Coastal Act.

E. Beach Replenishment

Section 30233(d) of the Coastal Act states:

(d) Erosion control and flood control facilities constructed on water courses can impede the movement of sediment and nutrients which would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for such purposes are the method of placement, time of year of placement, and sensitivity of the placement area.

The project description includes maintenance removal of the debris collected by the four debris control facilities on an as-needed basis. The debris removal is necessary for on-going effectiveness of the proposed drainage system improvements. Without the proposed debris collection, and previous to development of the area, the debris would have continued downstream to replenish the local beaches. The cumulative effect of flood control facilities such as that proposed is the narrowing of beaches which decreases sandy beach area available for access and recreation, increases erosion and, potentially, storm damage.

In order to off-set the potential negative result of the proposed project, the sediment should be made available for beach replenishment. The agencies responsible for the beaches in the subject area are the City of Laguna Beach, the Orange County Harbors, Beaches & Parks Department, and the State Parks Department. By notifying the responsible beach agencies of the availability of the sediment, the potential for beach replenishment is increased and impacts to the littoral zone, including loss of sandy beach area, erosion, and storm damage, are minimized. As a condition of approval, the applicant shall notify in writing the City of Laguna Beach, the County of Orange Harbors, Beaches & Parks, and the State Parks Department of the availability of the sediment for possible beach replenishment. Therefore, as condition, the Commission finds that the proposed project is consistent with Section 30233(d) of the Coastal Act.

F. Hazard

Section 30253 of the Coastal Act states, in part:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

During the heavy rainstorms of the winter of 1994, the development at the subject site was subjected to severe debris and mud flows. Significant property damage resulted from the storms. The proposed drainage improvements will minimize risk to life and property due to flooding during future storm events. Therefore, the Commission finds that the proposed project is consistent with Section 30253 of the Coastal Act.

G. 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 to require an amendment to this permit for any changes to the streambed alteration agreement and to notify the agencies responsible for the local beaches of the availability of sediment for beach replenishment, will not create adverse impacts on coastal access or coastal resources under Chapter 3 of the Coastal Act. Therefore, the Commission finds that approval of the project will not prejudice the City's ability to prepare a Local Coastal Program for this area of deferred certification.

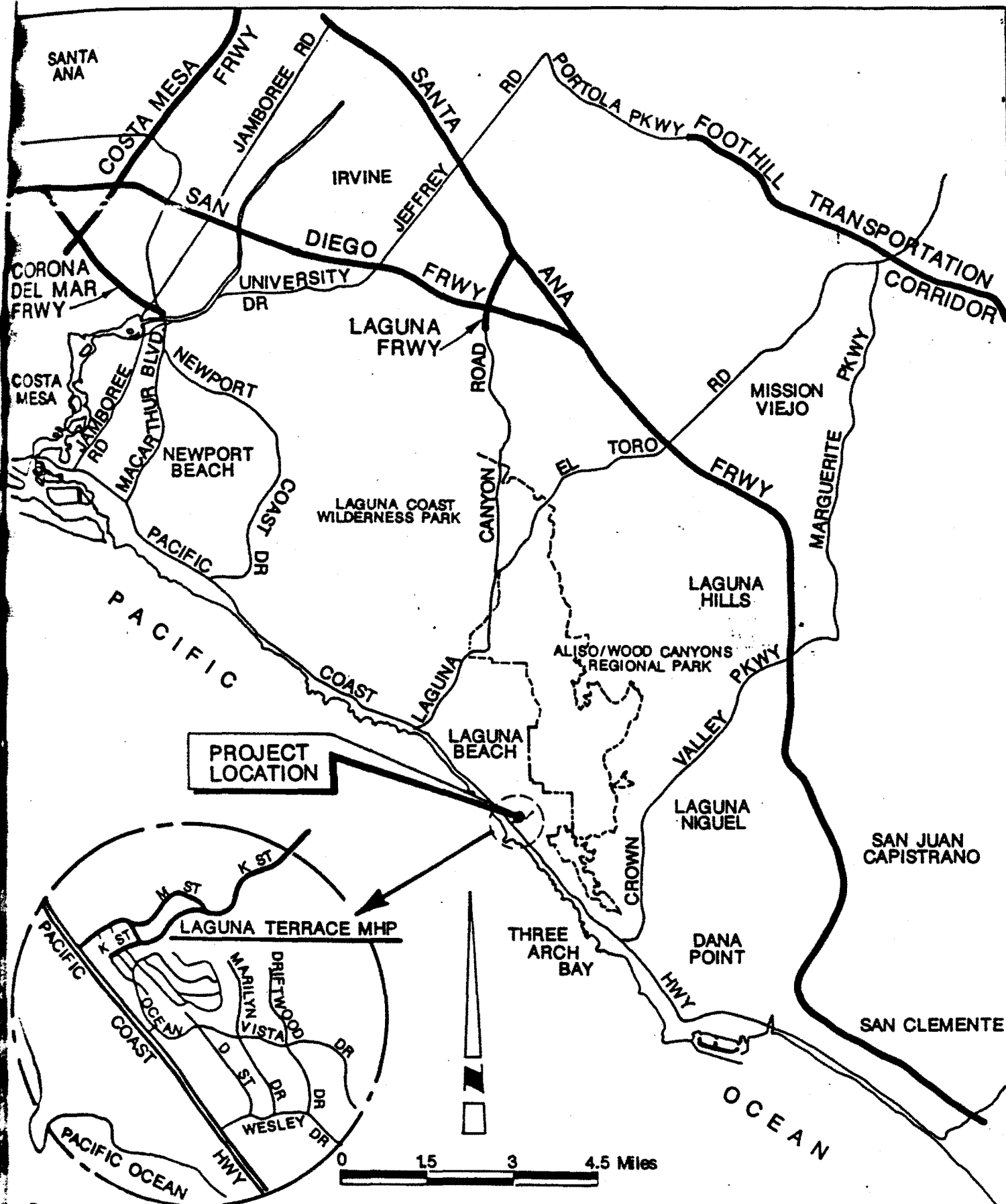
H. California Environmental Quality Act

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 sensitive habitat policies of the Coastal Act. Mitigation measures, including requiring an amendment to this permit for changes to the streambed alteration agreement and notification of the agencies responsible for the

local beaches of the availability of sediment for beach replenishment, 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 Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

7097F





ENLARGED DETAIL
N.T.S.

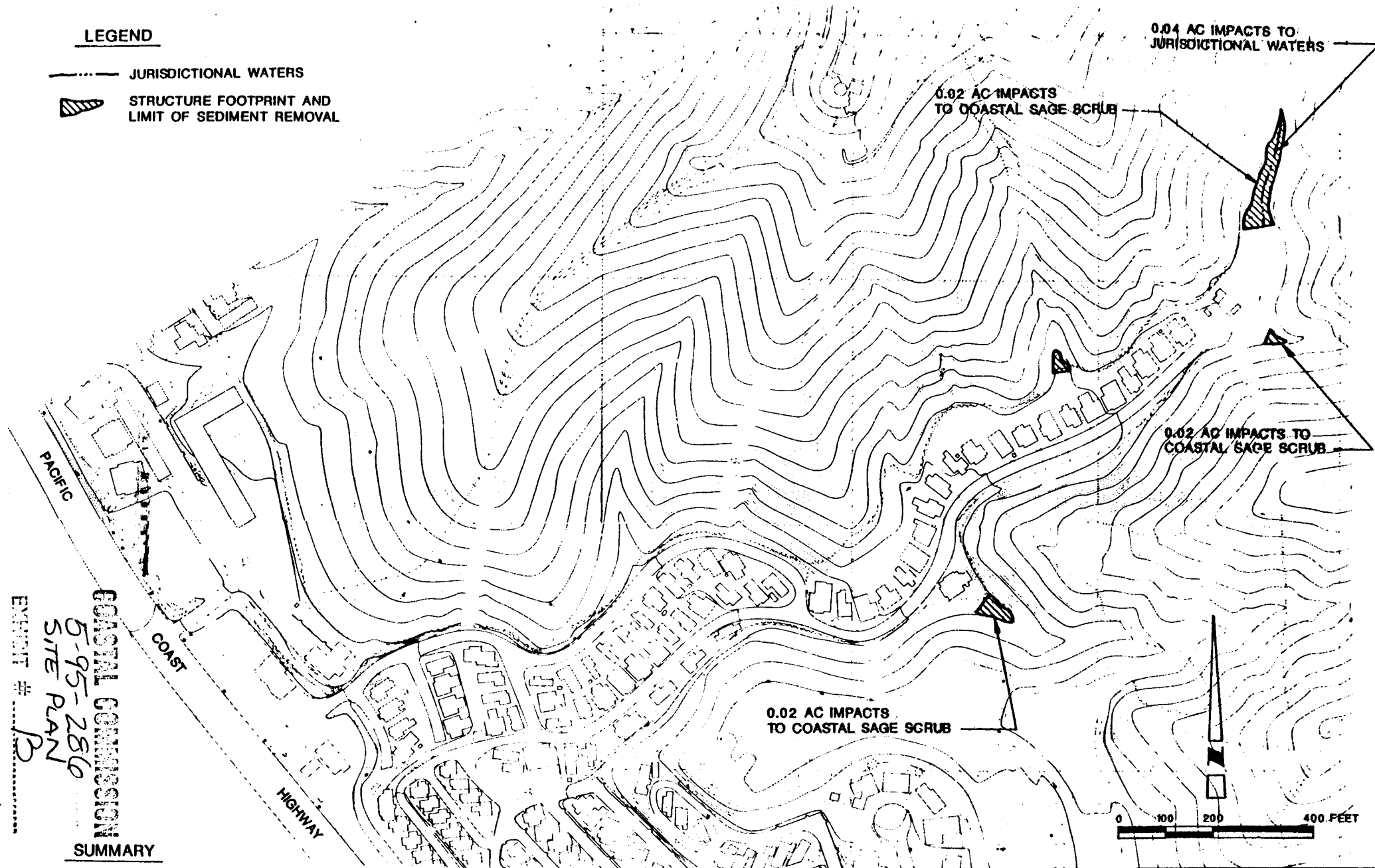
John M. Tettemer
 JOHN M. TETTEMER & ASSOCIATES, LTD.
 ENGINEERING MANAGEMENT PLANNING
 3151 Airway Avenue, Suite 0-1 Costa Mesa, California 92626

LAGUNA TERRACE PARK PROJECT
 5-95-286
 LOCATION MAP
 EXHIBIT A

DATE 1-96
FIGURE 1

LEGEND

-  JURISDICTIONAL WATERS
-  STRUCTURE FOOTPRINT AND LIMIT OF SEDIMENT REMOVAL



PACIFIC
 COAST
 HIGHWAY

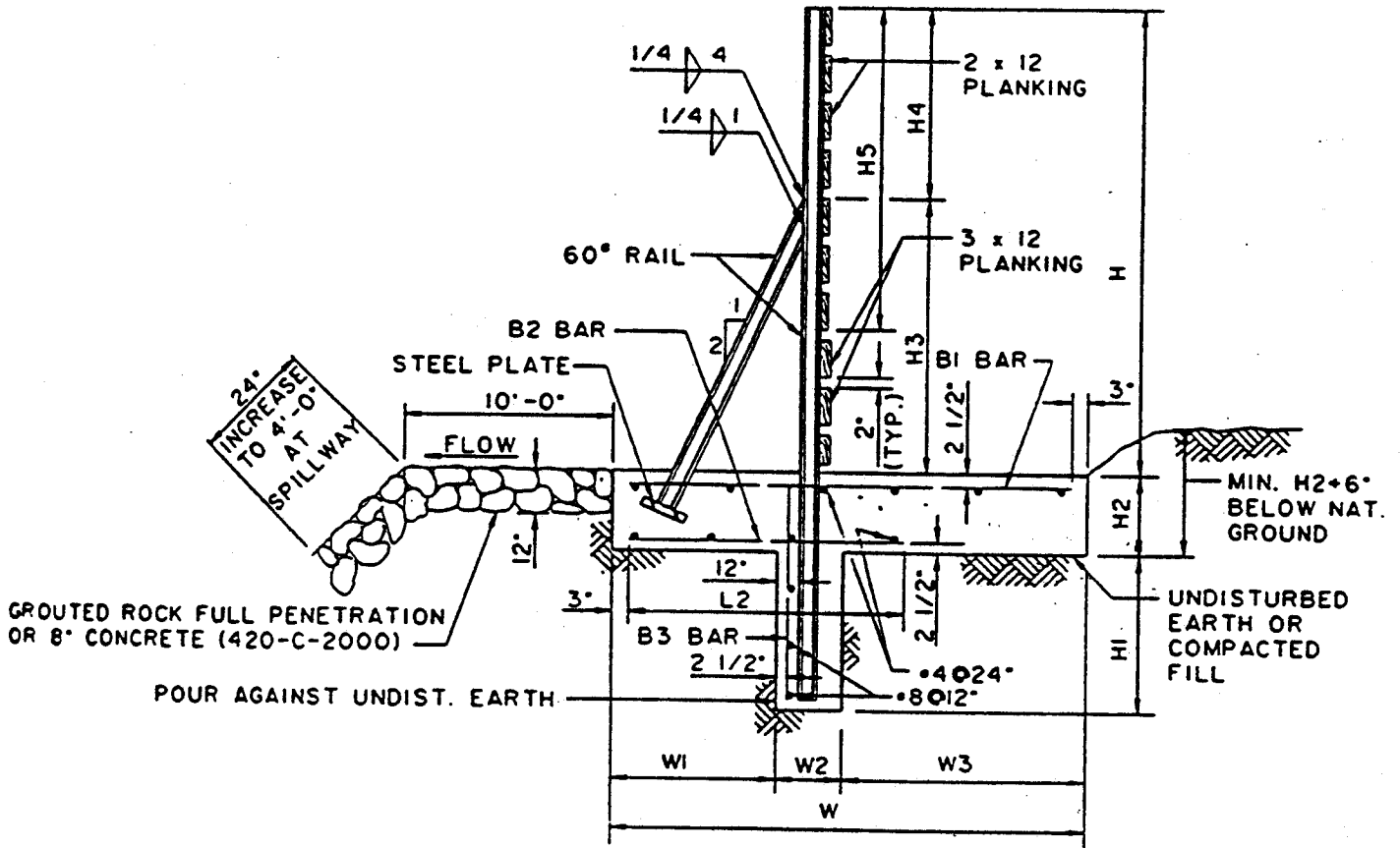
PAGE 1 OF 1
 EXHIBIT # B
 COASTAL COMMISSION
 5-95-280
 SITE PLAN
 SUMMARY

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



John M. Tettemer
 JOHN M. TETTEMER & ASSOCIATES, LTD.
 ENGINEERING MANAGEMENT PLANNING
 3131 Arroyo Avenue, Suite Q-1 Costa Mesa, California 92626

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

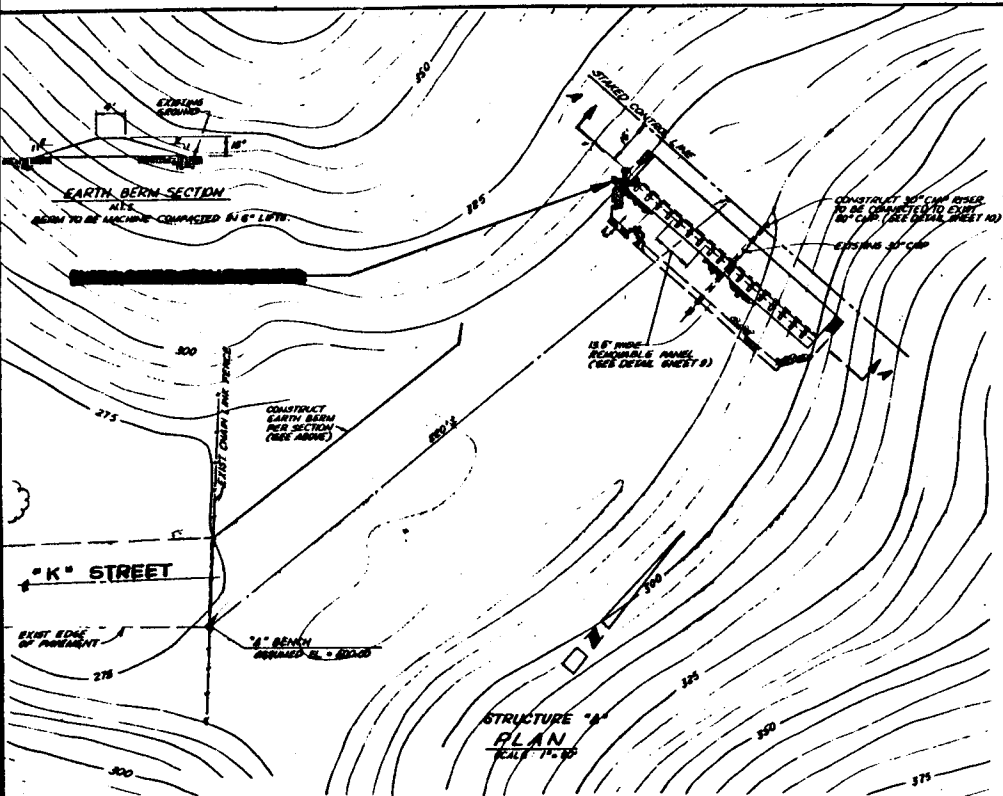


COASTAL COMMISSION
 5-95-286
 DEBRIS CONTROL
 FACILITY X-SECTION
 EXHIBIT # C
 PAGE 1 OF 1

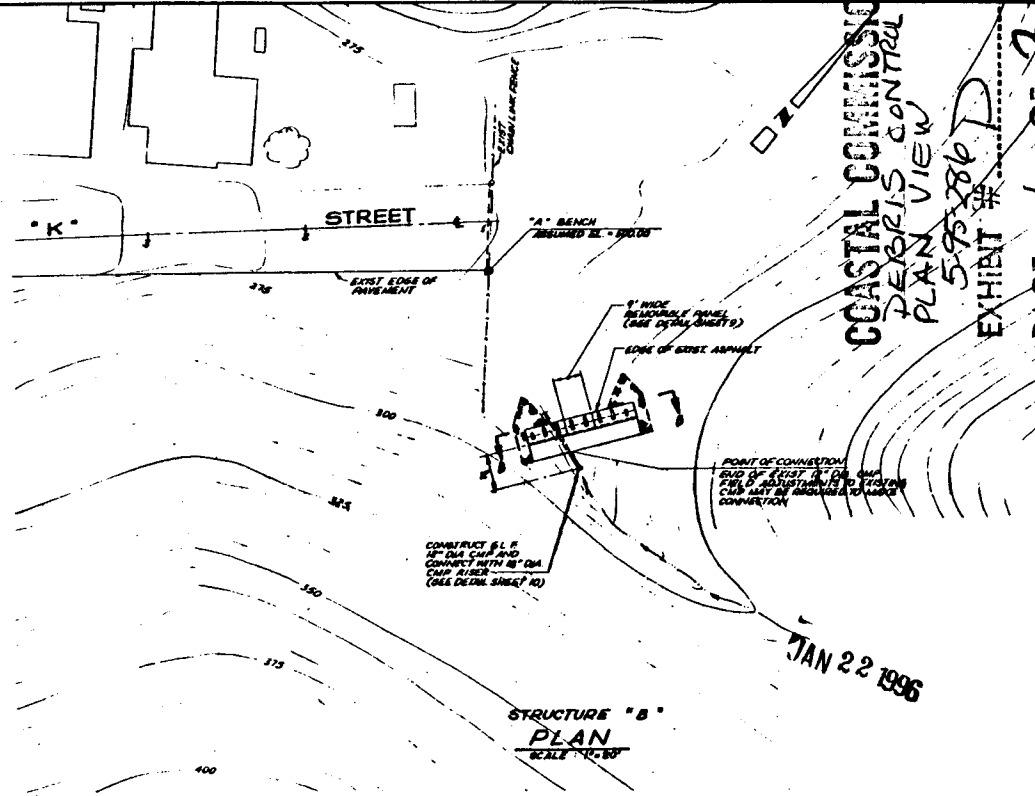
John M. Tetterer
 JOHN M. TETTERER & ASSOCIATES, LTD.
 ENGINEERING MANAGEMENT PLANNING
 5151 Airway Avenue, Suite Q-1 Costa Mesa, California 92626

LOS ANGELES
 COUNTY PUBLIC WORKS
 TYPICAL STEEL BEAM
 AND TIMBER DESIGN

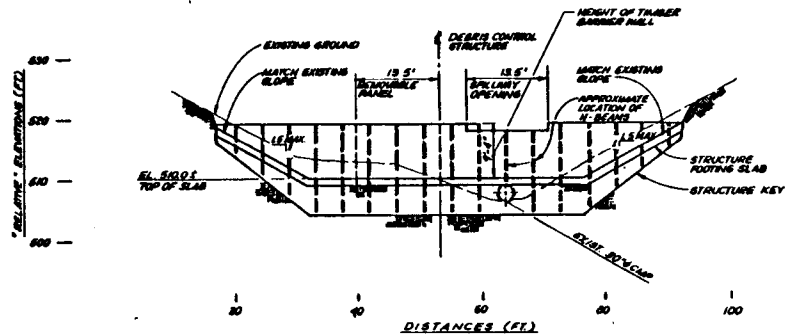
DATE
 1-96
 FIGURE
 2



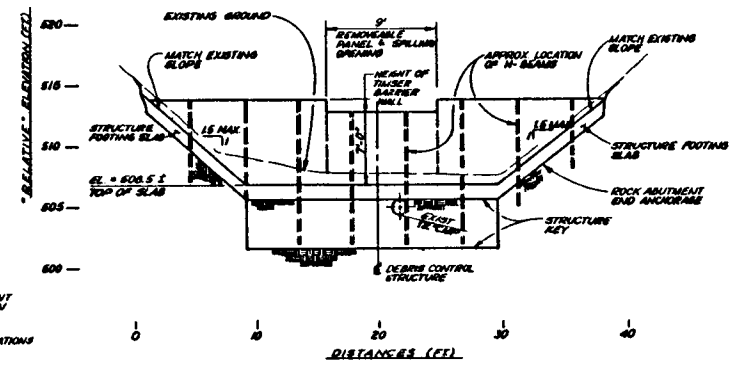
**STRUCTURE "A"
PLAN
SCALE: 1" = 50'**



**STRUCTURE "B"
PLAN
SCALE: 1" = 50'**



**SECTION A-A (LOOKING UPSTREAM)
SCALE: 1" = 5'**



**SECTION B-B
SCALE: 1" = 5'**

- NOTES:**
1. ACTUAL STRUCTURE LOCATION AND SLAB ELEVATIONS TO BE DETERMINED IN THE FIELD BY THE ENGINEER.
 2. ACTUAL END ANCHORAGE TYPE AND EMBODIMENT INTO THE SIDE SLOPES TO BE DETERMINED IN THE FIELD BY THE ENGINEER.
 3. ALL ELEVATIONS SHOWN ARE "RELATIVE" ELEVATIONS BASED ON TEMPORARY BENCH MARK B POINT A ASSUMED EL = 500.00 (SEE PLAN VIEW).
 4. SEE SHEETS 9 AND 10 FOR STRUCTURE DETAILS.

COASTAL COMMISSION
DEBRIS CONTROL
PLAN VIEW
 EXHIBIT # 575286
 PAGE 1 OF 2

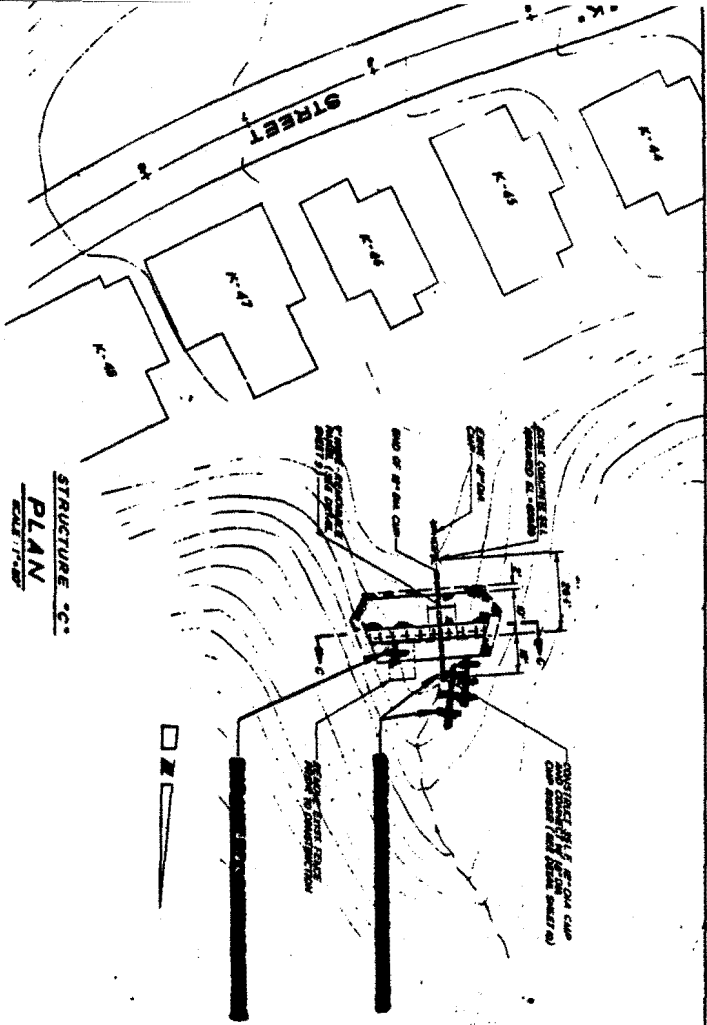
JAN 22 1996

REVISIONS			
NO.	DESCRIPTION	APPROV.	DATE



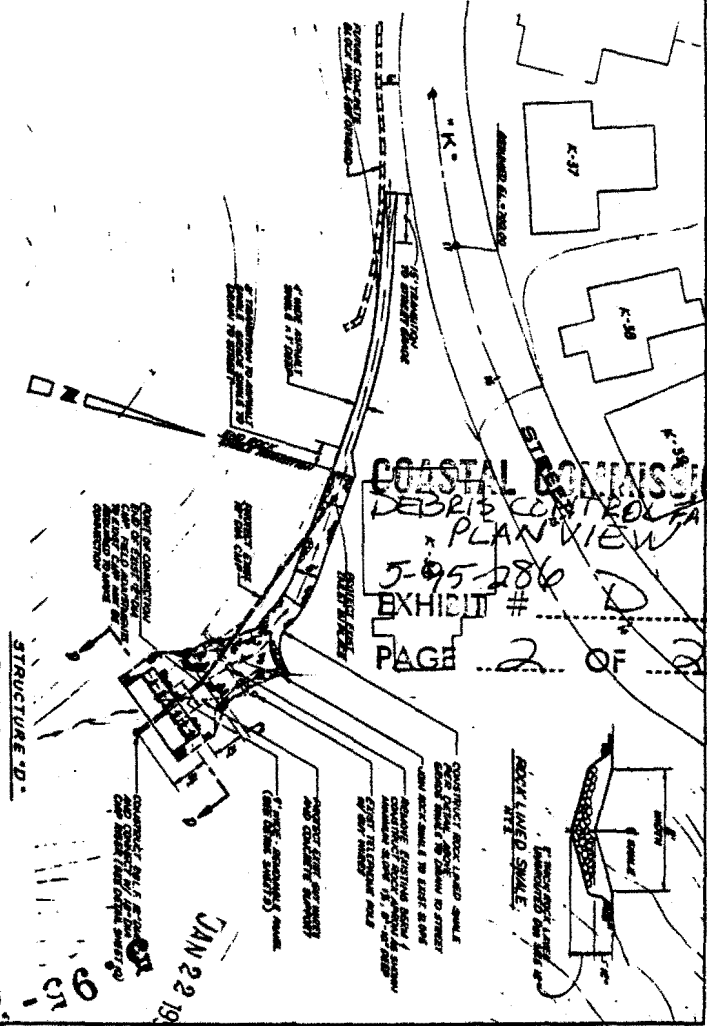
LAGUNA TERRACE PARK
 DEBRIS CONTROL STRUCTURES
 STORM DRAIN FACILITIES
DEBRIS CONTROL STRUCTURES
 PLAN "A" & PLAN "B"

DATE: 1-96
 SHEET: 7



STRUCTURE - C
PLAN
SCALE: 1/4"

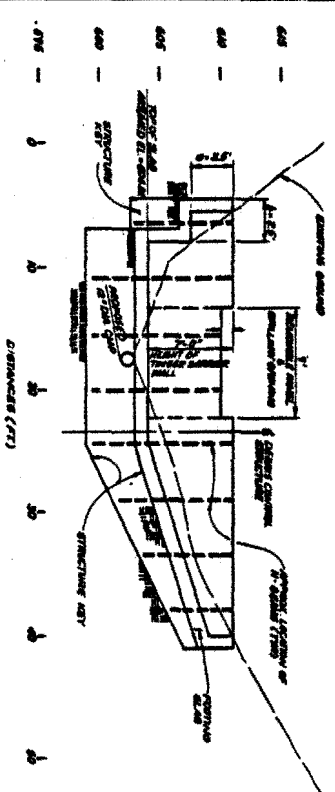
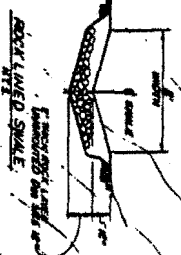
ALL ELEVATIONS ARE "AS BUILT" ELEVATIONS BASED ON
TEMPORARY ADJUSTMENT OF 0.2' STREET ELEVATION
D (GENERAL) OF 1.0000. ADJUSTED EL. 700.00



STRUCTURE - D
PLAN
SCALE: 1/4"

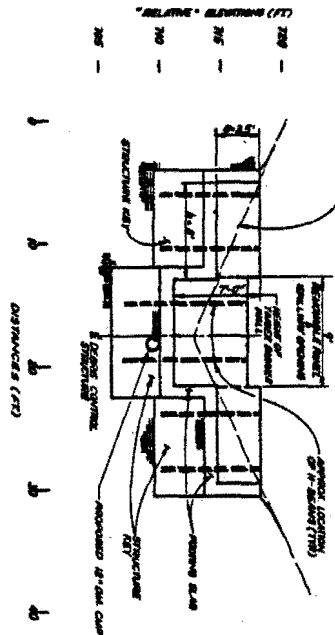
ALL ELEVATIONS ARE "AS BUILT" ELEVATIONS BASED ON
TEMPORARY ADJUSTMENT OF 0.2' STREET ELEVATION
D (GENERAL) OF 1.0000. ADJUSTED EL. 700.00

COASTAL COMMISSION
DEBRIS CONTROL FACILITY
PLAN VIEW
5-95-286
EXHIBIT # 2
PAGE 2 OF 2



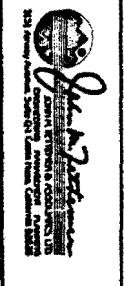
(LOOKING UPSTREAM)
SECTION C-C
SCALE: 1/8"

- NOTES:
1. SEE STRUCTURE C PLAN FOR THE LOCATION OF THE STRUCTURE.
 2. SEE STRUCTURE C PLAN FOR THE LOCATION OF THE STRUCTURE.
 3. SEE STRUCTURE C PLAN FOR THE LOCATION OF THE STRUCTURE.
 4. SEE STRUCTURE C PLAN FOR THE LOCATION OF THE STRUCTURE.



(LOOKING UPSTREAM)
SECTION D-D
SCALE: 1/8"

NO.	REVISION	DATE



LAGUNA TERRACE PARK
DEBRIS CONTROL STRUCTURES
STORM DRAIN FACILITIES
DEBRIS CONTROL STRUCTURES
PLAN C & PLAN D

SHEET 8

JAN 22 1996

JAN 10 1996

CALIFORNIA DEPARTMENT OF FISH AND GAME

330 Golden Shore, Suite 50
Long Beach, California 90802

Notification No. 5-585-95
Page 1 of 4

AGREEMENT REGARDING PROPOSED STREAM OR LAKE ALTERATION

THIS AGREEMENT, entered into between the State of California, Department of Fish and Game, hereinafter called the Department, and Darren Esslinger of Laguna Beach, State of California, hereinafter called the Operator, is as follows:

WHEREAS, pursuant to Section 160 of California Fish and Game Code, the Operator, on the 21 day of December, 1995, notified the Department that they intend to divert or obstruct the natural flow of, or change the bed, channel, or bank of, or use material from the streambed(s) of, the following water(s): Hobo Canyon runoff, Orange County, California,

WHEREAS, the Department (represented by Dan Sforza has made an inspection of subject area on the 21 day of December, 1995, and) has determined that such operations may substantially adversely affect existing fish and wildlife resources including: all aquatic resources and wildlife in the area.

THEREFORE, the Department hereby proposes measures to protect fish and wildlife resources during the Operator's work. The Operator hereby agrees to accept the following measures/conditions as part of the proposed work.

If the Operator's work changes from that stated in the notification specified above, this Agreement is no longer valid and a new notification shall be submitted to the Department of Fish and Game. Failure to comply with the provisions of this Agreement and with other pertinent code sections, including but not limited to Fish and Game Code Sections 5650, 5652, 5937, and 5948, may result in prosecution.

Nothing in this Agreement authorizes the Operator to trespass on any land or property, nor does it relieve the Operator of responsibility for compliance with applicable federal, state, or local laws or ordinances. A consummated Agreement does not constitute Department of Fish and Game endorsement of the proposed operation, or assure the Department's concurrence with permits required from other agencies.

This Agreement becomes effective the date of Department's signature and terminates December 1996 for project construction only. This Agreement shall remain in effect for that time necessary to satisfy the terms/conditions of this Agreement.

COASTAL COMMISSION
CDFG Streambed Alteration
Agreement
E-5-95-286
EXHIBIT # E
PAGE 1 OF 4

STREAMBED ALTERATION CONDITIONS FOR NOTIFICATION NUMBER: 5-585-95

The following provisions constitute the limit of activities agreed to and resolved by this Agreement. The signing of this Agreement does not imply that the Operator is excluded from doing other activities at the site. However, activities not specifically agreed to and resolved by this Agreement shall be subject to separate notification pursuant to Fish and Game Code Sections 1600 et seq.

2. The Operator proposes to alter the streambed to alleviate flood problems. The Operator proposes to impact 0.04 acres of stream. The project is located at Hobo Canyon, west of P.C.H. with access from M Street

The agreed work includes activities associated with No. 2 above. The project area is located In Hobo Canyon runoff in Orange County. Specific work areas and mitigation measures are described on/in the plans and documents submitted by the Operator, and shall be implemented as proposed unless directed differently by this agreement.

The Operator shall not impact more than 0.04 acres of stream.

3. Disturbance or removal of vegetation shall not exceed the limits approved by the Department. The disturbed portions of any stream channel or lake margin within the high water mark of the stream or lake shall be restored to their original condition under the direction of the Department. Restoration shall include the revegetation of stripped or exposed areas with vegetation native to the area.

6. Installation of bridges, culverts, or other structures shall be such that water flow is not impaired. Bottoms of temporary culverts shall be placed at stream channel grade; bottoms of permanent culverts shall be placed at or below stream channel grade.

7. Equipment shall not be operated in wetted areas (including but not limited to ponded, flowing, or wetland areas) without the prior written approval of the Department.

8. Preparation shall be made so that runoff from steep, erodible surfaces will be diverted into stable areas with little erosion potential. Frequent water checks shall be placed on dirt roads, cat tracks, or other work trails to control erosion.

9. Water containing mud, silt or other pollutants from aggregate washing or other activities shall not be allowed to enter a lake or flowing stream or placed in locations that may be subjected to high storm flows.

10. Structures and associated materials not designed to withstand high seasonal flows shall be removed to areas above the high water mark before such flows occur.

11. The perimeter of the work site shall be adequately fenced/flagged to prevent damage to adjacent riparian habitat.

12. If a stream's low flow channel, bed or banks/lake bed or banks have been altered, these shall be returned as nearly as possible to their original configuration and width, without creating future erosion problems.

13. The Operator shall not remove vegetation within the stream from March 15 to July 15 to avoid impacts to nesting birds.

14. Staging/storage areas for equipment and materials shall be located outside of the stream/lake.

15. All planting shall have a minimum of 80% survival the first year and hereafter and/or shall attain 75% cover after 3 years and 90% cover after 5 years for

CENTRAL COMMISSION

5-95-286

EXHIBIT # E

PAGE 2 OF 4

the life of the project. If the survival and cover requirements have not been met, the operator is responsible for replacement planting to achieve these requirements. Replacement plants shall be monitored with the same survival and growth requirements for 5 years after planting.

Page 3 of 4

STREAMBED ALTERATION CONDITIONS FOR NOTIFICATION NUMBER: 5-585-95

16. All planting shall be done between October 1 and April 30 to take advantage of the winter rainy season.

17. An annual report shall be submitted to the Department by Jan. 1 of each year for 5 years after planting. This report shall include the survival, % cover, and height of both tree and shrub species. The number by species of plants replaced, an overview of the revegetation effort, and the method used to assess these parameters shall also be included. Photos from designated photo stations shall be included.

18. Access to the worksite shall be via existing roads and access ramps.

19. Spoil sites shall not be located within a stream/lake, where spoil shall be washed back into a stream/lake, or where it will cover aquatic or riparian vegetation.

20. Raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to aquatic life, resulting from project related activities, shall be prevented from contaminating the soil and/or entering the waters of the state. These materials, placed within or where they may enter a stream/lake, by Operator or any party working under contract, or with the permission of the Operator, shall be removed immediately.

21. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete or washings thereof, oil or petroleum products or other organic or earthen material from any construction, or associated activity of whatever nature shall be allowed to enter into or placed where it may be washed by rainfall or runoff into, waters of the State. When operations are completed, any excess materials or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any stream or lake.

22. The Operator shall comply with all litter and pollution laws. All contractors, subcontractors and employees shall also obey these laws and it shall be the responsibility of the operator to ensure compliance.

23. No equipment maintenance shall be done within or near any stream channel or lake margin where petroleum products or other pollutants from the equipment may enter these areas under any flow.

24. The Operator shall provide a copy of this Agreement to all contractors, subcontractors, and the Operator's project supervisors. Copies of the Agreement shall be readily available at work sites at all times during periods of active work and must be presented to any Department personnel, or personnel from another agency upon demand.

25. The Operator shall notify the Department, in writing, at least five (5) days prior to initiation of construction (project) activities and at least five (5) days prior to completion of construction (project) activities. Notification shall be sent to the Department at 330 Golden Shore, Ste 50, Long Beach, CA 90802, Attn: ES.

26. The Department reserves the right to enter the project site at any time to ensure compliance with terms/conditions of this Agreement.

COASTAL COMMISSION

5-95-286

EXHIBIT # E

PAGE 3 OF 4

17. The Department reserves the right to suspend and/or revoke this Agreement if the Department determines that the circumstances warrant. The circumstances that could require a reevaluation include, but are not limited to, the following:

- a. Failure to comply with the terms/conditions of this Agreement.
- b. The information provided by the Operator in support of the Agreement/Notification is determined by the Department to be incomplete/inaccurate.
- c. When new information becomes available to the Department representative(s) that was not known when preparing the original terms/conditions of this Agreement.
- d. The project as described in the Notification/Agreement has changed, or conditions affecting fish and wildlife resources change.

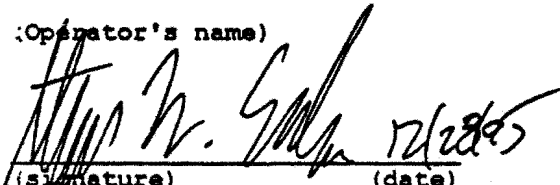
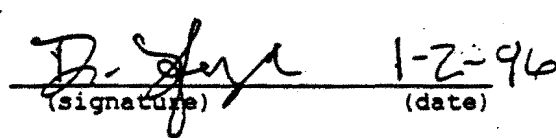
Page 4 of 4

STREAMBED ALTERATION CONDITIONS FOR NOTIFICATION NUMBER: 5-585-95

CONCURRENCE

(Operator's name)

California Dept. of Fish and Game

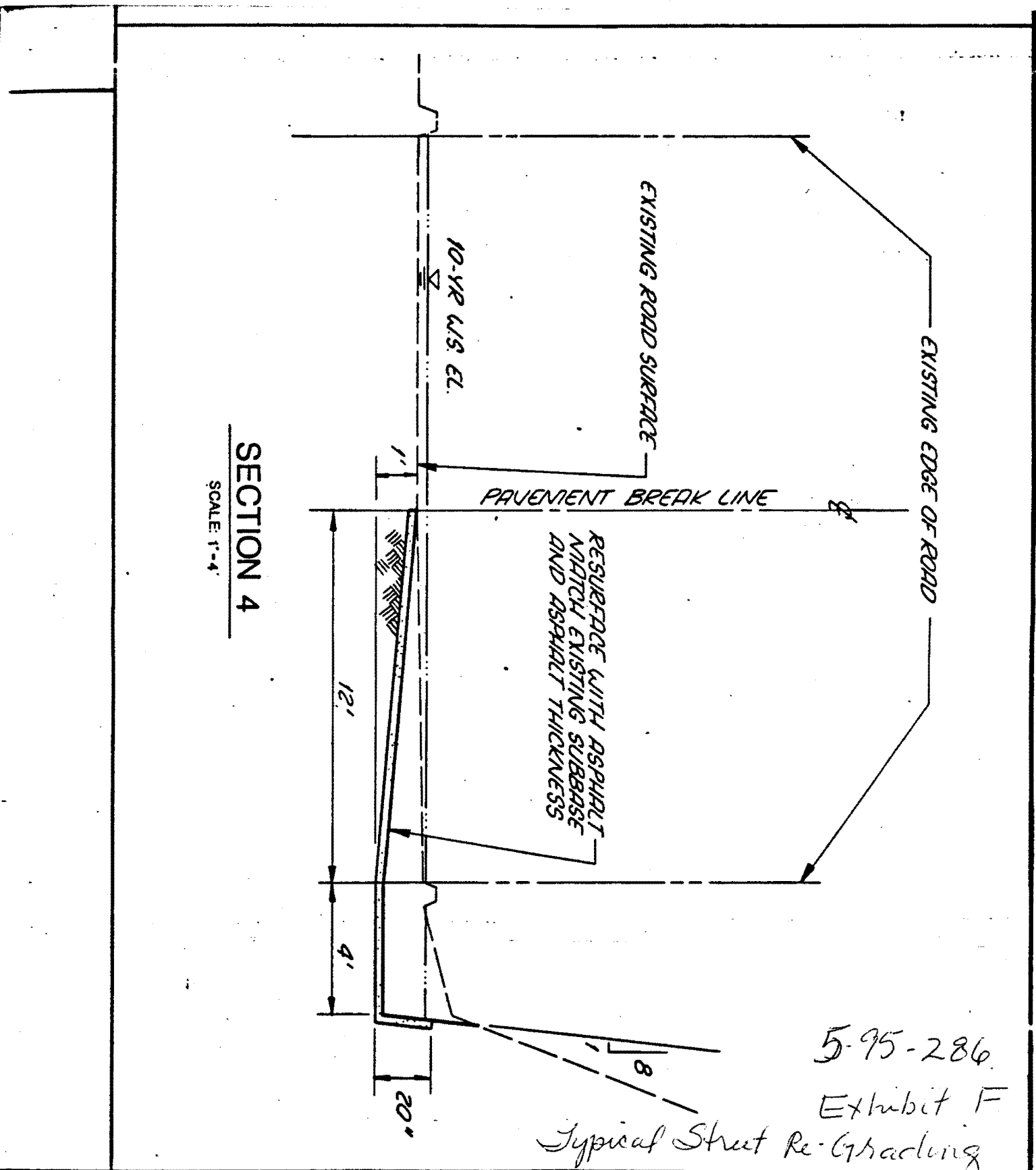
 (signature) (date) (signature) (date)

President, Laguna Terra Park Warden Dan Sforza #407

COASTAL COMMISSION

5-95-286

EXHIBIT # E
PAGE 4 OF 4



SECTION 4

SCALE: 1"=4'

5-95-286

Exhibit F

Typical Street Re-Grading
Cross Section



U.S. Fish & Wildlife Service
 2730 Loker Avenue West
 Carlsbad, CA 92008
 (619) 431-9440
 FAX: (619) 431-9618



CA Dept. of Fish & Game
 1416 Ninth Street
 PO Box 944209
 Sacramento CA 95824-2009
 (916) 653-2588
 FAX: (916) 653-2588

RECEIVED

MAY 7 1996

**CALIFORNIA
 COASTAL COMMISSION
 SOUTH COAST DISTRICT**

February 2, 1995

All Jurisdictions

**Specific Exemptions to and Recommended Format For
 Reviewing Requests For Interim Habitat Loss Permits**

Dear Jurisdiction:

The California Department of Fish and Game (CDFG) and U.S. Fish and Wildlife Service (USFWS), which administer the Natural Community Conservation Planning (NCCP) program, are providing the following clarification for the minimum criteria for projects that would be subject to the interim habitat loss (Special 4(d) Rule) process. These clarifications will reduce the number of projects needing an interim habitat loss permit if they have minor impacts to coastal sage scrub habitat and are not within "core" habitat areas. We are also providing clarification to the jurisdictions regarding submitting their "NCCP Findings." These changes and clarifications are as follows:

Coastal Sage Scrub Losses Exempt from 4(d) Review

All projects that occur in low value habitat and projects in medium value habitat outside of identified preserve planning areas, cause the loss of less than 1.0 acres of coastal sage scrub habitat that is not occupied by California gnatcatchers, and would not otherwise preclude design of the reserve system are exempt from the Federal and State interim habitat loss (Special 4(d) Rule) approval process. Mitigation for these projects will conform with all other underlying resource protection requirements of the jurisdictions, an enrolled jurisdiction's 4d guidelines or the guidelines provided in the joint DFG/USFWS letter of December 30, 1993, and CEQA. All losses of coastal sage scrub must still be reported by the jurisdictions to the subregional accounting entity and counted toward the subarea/subregional 5% loss allocation, except as specified below.

COASTAL COMMISSION
 CDFG Letter
 EXHIBIT # 9
 PAGE 1 OF 5

A jurisdiction may allow coastal sage scrub loss in excess of the 5% for those minor projects (less than 1.0 acres) whose development poses a minimal risk to overall coastal sage scrub conservation if they meet the above habitat criteria and can show that the project mitigation contributes to the regional conservation effort.

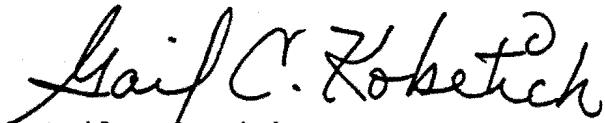
Coastal sage scrub losses that are the result of mandated health and safety orders (e.g., weed abatement) are also exempt from the interim habitat loss process. Habitat that is occupied by California gnatcatchers that will be disturbed by these orders should be coordinated with the USFWS to ensure compliance with the Endangered Species Act. These losses will not require mitigation, but shall be recorded and reported to the appropriate jurisdiction and the subregional accounting entity and counted toward the subarea/subregional 5% loss allocation.

Making the NCCP Interim Habitat Loss Findings

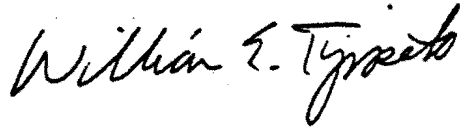
We are also requesting that jurisdictions participating in the NCCP provide concise and consistent information that will facilitate the uniform review, processing and reporting of interim losses under the 4(d) special rule. Reporting approved losses to the subregional 5% loss coordinator is important to ensure that all jurisdictions are being treated equitably. The USFWS and DFG have become aware of isolated instances in which clearing of coastal sage scrub has occurred prior to issuance of a loss permit. Participation in the interim habitat loss process presumes that all coastal sage scrub losses have met the NCCPs conditions for approval. The attachment clarifies what information is needed in the habitat loss application so that it conforms with the Southern California Coastal Sage Scrub Natural Community Conservation Planning Process Guidelines (CSS Process Guidelines).

NCCP Jurisdictions
February 2, 1995
Page Three

We request that this information be provided in each interim habitat loss permit application which will be processed under the provisions of the 4(d) special rule. This minimum level of information will make it possible for our staff to evaluate the appropriateness of the requested habitat loss. Addressing these points will not necessarily involve complicated, detailed discussions. If the impacts are obviously insignificant this should be easily demonstrated. If you have any questions or need more information please contact Bill Tippets, NCCP Supervisor at (619) 688-4267, or Nancy Gilbert, Multiple Species Coordinator at (619) 431-9440.



Gail Kobetich
Carlsbad Field Supervisor



Larry L. Eng, Ph.D.
NCCP Program Manager

Attachment

cc: Department of Fish and Game

Mr. Banky Curtis
Sacramento

Mr. Bill Tippets
San Diego

Ms. Nancy Gilbert
U.S. Fish and Wildlife Service

Information Necessary For The Evaluation Of A Request
For A Habitat Loss Permit Under The 4(d) Rule.

The CSS Process Guidelines Section 4.2.g, PROCESS FOR SECURING INTERIM APPROVALS FOR COASTAL SAGE SCRUB (CSS) HABITAT LOSS, details specifically the procedure for allowing local jurisdictions to benefit from the 4(d) rule. The following questions should be answered descriptively, not as "yes" or "no" responses, where appropriate based on the biological technical report for the proposed project. *Attach a map, of appropriate scale, to show the location of the proposed project, and indicate on it the major vegetation communities and sensitive biological resources present. Also indicate areas to be impacted by project activity.*

4.2.g(1) (a) The habitat loss does not cumulatively exceed the 5% guideline.

1. Compare the proposed project losses of CSS in relation to the initial allocation of 5% habitat loss for that jurisdiction or subregion. Ensure that the proposed CSS habitat losses for the project do not result in the cumulative loss for the jurisdiction or subregion exceeding the remaining allowable CSS habitat loss.
2. Attach a copy of the reporting summary being provided to the subregional lead agency (or other body functioning to track losses) for tracking the subregional CSS loss "account." For special districts within a jurisdiction (i.e. School District, Water District) submit 4(d) findings to the local jurisdiction. Loss of habitat will be attributed to the local jurisdiction (i.e. subarea).

4.2.g(1) (b) The habitat loss will not preclude or prevent connectivity between areas of high habitat values.

1. Describe quality (high, intermediate or low) of CSS habitat as outlined by the flow chart contained in the NCCP Conservation Guidelines, and the proposed project's direct and indirect impacts.
2. Describe the on-site habitat in the context of surrounding off-site areas of natural habitat and features. It is important to delineate the habitat's functional relationship to regional habitat conditions. In other words, discuss whether the property falls within a possible wildlife linkage or core area, etc. Determine if the proposed project will impact or foreclose on the ability to create a viable preserve in the subarea and subregion.

4.2.g(1)(c) The habitat loss will not preclude or prevent preparation of the subregional NCCP.

1. Evaluate the proposed loss of CSS habitat in a regional context, and whether the proposed project will affect the preparation or implementation of the subregional plan. Discuss sensitive biological resources on-site and proposed impacts to these resources in a regional context.
2. Is the loss strategically located? Demonstrate that the location of the loss will not isolate important CSS habitat from other natural resources and habitats important for the subregional NCCP plan.
3. Provide a map illustrating the relationship of the proposed project to other important natural resources in the area.

4.2.g(1)(d) The habitat loss has been minimized and mitigated to the maximum extent practicable in accordance with 4.3.

1. Characterize the mitigation measures proposed for the project and describe how they provide for the long-term conservation of CSS habitat within the context of the proposed sub-regional plans. Enumerate the mitigation measures proposed for the impacts described above for all target and sensitive species. All projects should result in "no net loss" of CSS habitat quality within the subregion.

A determination should also be included regarding the following:

4.2(g)(2) Habitat loss will not appreciably reduce the likelihood of survival and recovery of listed species in the wild.

4.22(g)(3) Habitat loss is incidental to otherwise lawful activities.