

CALIFORNIA COASTAL COMMISSION

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Filed: 08-11-98
49th Day: 09-29-98
180th Day: 02-07-99
Staff: RMR/LB RNR
Staff Report: September 16, 1998
Hearing Date: October 13-16, 1998
Commission Action:

**STAFF REPORT: REGULAR CALENDAR**

APPLICATION NO: 5-98-281

APPLICANT: Three Arch Bay Community Services District

PROJECT LOCATION: Three Arch Bay Private Community, Laguna Beach,
Orange County

PROJECT DESCRIPTION: Construction of storm drain improvements consisting of: abandoning an existing storm drain reach on N. Portola and installing two manholes and 78 feet of 18" RCP; abandoning an existing storm drain and installing 125 feet of 12" RCP at Bay Drive and La Senda; constructing a new 330 foot long 24 inch RCP on a slope to eliminate a potential flood threat to existing homes; construction of a 108 foot long trench drain with a 12 inch pipe connecting to an existing catch basin on Mar Vista; installation of a 210 foot long 12 inch wide pipe at Callecita, and cleaning out and repairing existing catch basins.

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permit 5-86-720 (Three Arch Bay Community Services District), CDP Extensions 5-86-720-E1-E9

STAFF NOTE:

In 1986 the Commission approved Coastal Development Permit 5-86-720 for the repair and/or replacement of existing storm drains and catch basins in the Three Arch Bay gated residential community. The plans included provision for new storm drain lines. The permit was approved without any special conditions and was extended nine times. However, the permit was not extended for the 10th time, expired and is no longer valid.

There are essentially three distinct storm drain lines in Three Arch Bay; central, northern and southern (see exhibit 2b). The development proposed in CDP 5-86-720 was a comprehensive permit for improvements to all three storm drain lines. The development proposed in this permit application consists of improvements to or minor additions to segments of existing northern and southern storm drain lines. The applicant has broken the project down into two phases. The first phase is for improvements proposed in this permit application. The second phase is for significant improvements to the central storm drain line (Vista del Sol). Vista del Sol improvements are not included in this permit application.

The improvements proposed in this permit application are to alleviate localized flooding problems. improvements do not involve increasing the overall capacity of the main storm drain lines, replacing major sections of storm drain lines with larger pipes or installation of new coastal bluff/ocean outfalls.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed development with a special condition requiring the submittal of evidence of the review and approval of the Regional Water Quality Control Board.

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, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse effects 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. Regional Water Quality Control Board Approval

Prior to the issuance of a coastal development permit the applicant shall supply, for the review and approval of the Executive Director, written evidence of project review and approval by the Regional Water Quality Control Board.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The proposed development consists of improvements to two separate storm drain lines in the private, gated community of Three Arch Bay (see Exhibit 1). These improvements consist of: abandoning an existing storm drain reach on N. Portola and installing two manholes and 78 feet of 18" pipe; abandoning an existing storm drain and installing 125 feet of 12" pipe at Bay Drive and La Senda; constructing a new 330 foot long 24 inch pipe on a slope to eliminate a potential flood threat to existing homes; construction of a 108 foot long trench drain with a 12 inch pipe connecting to an existing catch basin on Mar Vista; installation of a 210 foot long 12 inch wide pipe at Callecita, and cleaning out and repairing existing catch basins.

In the original submittal, the applicant included plans for the placement of plastic liners in some of the existing storm drain lines in the community. On September 1, 1998 the Executive Director issued an exemption (5-98-074-X) for the installation of 1,300 linear feet of plastic liner into existing storm drain lines. This permit application does not include installation of the plastic liner approved under Exemption 5-98-074-X.

The Three Arch Bay Community consists of an inland portion and a coastal portion, separated by Pacific Coast Highway (PCH). The improvements are located both inland and seaward of PCH. The storm drain system in the Three Arch Bay Community involves essentially three separate storm drain systems, northern, central and southern. Each of the storm drain lines has a separate ocean outfall on the coastal bluff. Each of the storm drain lines connect the inland and coastal portions. The main storm drain line is the central line. No improvements are proposed for the central line. No outfall improvements are proposed in this permit application. No construction is proposed on coastal bluffs, beaches or coastal waters. The carrying capacity of the the major storm drain lines will not be increased by the development proposed in this permit application.

The applicant is proposing storm drain improvements in two phases. The first phase (this permit) involves minor repairs and additions to the northern and southern storm drain lines. The second phase involves improvements to the main central line and a new coastal bluff outfall. Phase II has not been submitted and is not before the Commission at this time. Additional testing is required for Phase 2 and the special district has had difficulty in obtaining easements from homeowners. In August, 1998 the Executive Director issued an exemption for installing a liner in approximately 1300 feet of existing storm drains.

The Three Arch Bay private community is located in South Laguna and is an area of deferred certification. The November 4, 1992 revised findings of the city of Laguna Beach LCP Implementation Plan state that the Irvine Cove, Blue Lagoon, and Treasure Island, Three Arch Bay areas of Laguna Beach were designated as areas of deferred certification based upon unresolved public access issues.

The applicant is the Three Arch Bay Community Services District. The District was approved by the Orange County Board of Supervisors in 1957 and is responsible for: public recreation, street lighting, security services, streets, and storm drain infrastructure. The Three Arch Bay Association granted the District easements for the purpose of constructing, maintaining and repairing pipe lines for drainage only. A discussion of previous permits for storm drain improvements in Three Arch Bay is included in the staff note at the beginning of this staff report.

B. New Development

Section 30250(a) of the Coastal Act contains policies regarding new development. It states:

New residential, commercial or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. ...

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.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The proposed development consists of improvements to an existing storm drain system to correct poorly engineered or inadequate storm drain segments or install new storm drain pipes to correct existing flooding problems. The applicant is also proposing repairs and maintenance improvements to existing catch basins.

1. North Portola Improvements (see Exhibits 2a and 5)

The existing storm drain line at North Portola contains three angle points which reduce the carrying capacity of the pipe and result in flooding to adjacent properties. The applicant is proposing to increase the slope, deepen the existing storm drain as it crosses the street, and replace three of the angle points with a 22.5 foot radius curve. The proposed pipe is 18 inch in diameter and is 78 feet long. Two combination inlets are proposed as well.

2. Bay Drive/La Senda (see Exhibits 2b and 4)

During storm events flooding results at the Bay Drive residence because the existing storm drain pipe is inadequate. The applicant is proposing to construct a 12" diameter, 125 foot long PVC storm drain pipe which connects to a 36 inch storm drain line.

3. Mar Vista (see Exhibits 2b and 7)

Existing storm flows cross two lots on Mar Vista and La Senda. The applicant is proposing to protect these lots by constructing a trench drain with a 108 foot long 12 inch diameter PVC pipe taking the surplus drainage to an existing catch basin on La Senda street.

4. Callecita (see Exhibits 2b and 6)

Three residences on Callecita are subject to overflow nuisance and storm water because of existing undersized inlets. The applicant is proposing to install two larger inlets and a 210 foot long 12 inch diameter PVC pipe to convey the nuisance and storm water.

5. Vista de Catalina (see Exhibits 2a and 3)

The existing storm drain line is inadequate and in poor condition, resulting in debris from erosion and flooding being deposited at residences along Virginia Way. The applicant is proposing to install a 330 feet long 24 inch wide storm drain line along an existing drainage path. Construction of this storm drain line is contingent upon storm drain improvements being implemented by the City of Laguna Beach along Virginia Way to PCH. These improvements are not in the gated community, are located in the certified LCP area of Laguna Beach and do not require a permit from the Coastal Commission.

The applicant is also proposing to repair existing storm drain catch basins and conduct maintenance on these same catch basins. This does not involve the enlargement or creation of new catch basins.

The proposed development consists of minor improvements to an existing storm drain system. The improvements are primarily designed to relieve flooding and erosion problems caused by undersized, poorly engineered or degraded storm drain lines. The improvements will not increase the carrying capacity of the existing storm drain lines nor will they open up vacant areas for development. The proposed development will resolve current flooding problems in the Three Arch Bay community.

Therefore, the Commission finds that the proposed development is consistent with Sections 30250 and 30253 of the Coastal Act.

C. Water Quality

Section 30231 of the Coastal Act contains policies regarding the quality of coastal waters. It states:

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

The proposed development consists of minor improvements to an existing storm drain system. These improvements are designed to reduce flooding and silt laden runoff from impacting existing residences. In the case of improvements to existing storm drain lines, such as North Portola and Bay Drive/La Senda, the improvements are designed to facilitate the flow of stormwater runoff. In the case of Mar Vista, Callecita and Vista de Catalina, the improvements are designed to reduce the impact of stormwater runoff on slopes. This is especially true of Vista de Catalina where stormwater runs down an existing slope and contributes to sedimentation. Construction of the improvements will reduce the amount of sediment being carried in the storm drains and deposited in the ocean.

However, in order to ensure that the applicant complies with any requirements of the Regional Water Quality Control Board, the Commission finds that the applicant shall submit written evidence of review and approval by the Regional Water Quality Control Board. Only as conditioned does the Commission find that the proposed development conforms with Section 30252 of the Coastal Act.

D. Public Access and Recreation

Section 30212 of the Coastal Act states, in relevant part:

- (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:
 - (1) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,
 - (2) adequate access exists nearby, or,
 - (3) agriculture would be adversely affected...

Section 30604(c) of the Coastal Act requires that every coastal development permit issued for any development between the nearest public road and the sea includes a specific finding that the development is in conformance with the public access and recreation policies of Chapter 3 of the Coastal Act.

The proposed development is located in a private, gated residential community between the sea and the first public road. There is no public access across the site to the rocky beach. The development consists of improvements to existing storm drain lines. The development will not enlarge the existing system nor will it increase its capacity to carry storm water.

A public access dedication can be required pursuant to Section 30212 only if it can be shown that the development either individually or cumulatively directly impacts physical public access, i.e., impacts historic public use, or impacts or precludes use of Public Trust Lands. In this instance the development does not directly or indirectly impact access to the ocean or directly impact the beach or rocky shore. The proposed development does not result in an intensification of use but serves to protect existing development.

The development will not create adverse impacts, either individually or cumulatively on public access and will not block public access from the first public road to the shore. Therefore, the Commission finds that the proposed development is consistent with the public access and recreation policies of the Coastal Act.

E. Land Use Plan

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 Three Arch Bay), 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 will not create adverse effects 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.

F. 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 by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the water quality policies of the Coastal Act. There are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified effects, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.



SITE
PACIFIC OCEAN
THREE ARCH BAY

EXHIBIT No. 1	
Application Number: 5-98-281	
Vicinity Map	
California Coastal Commission	

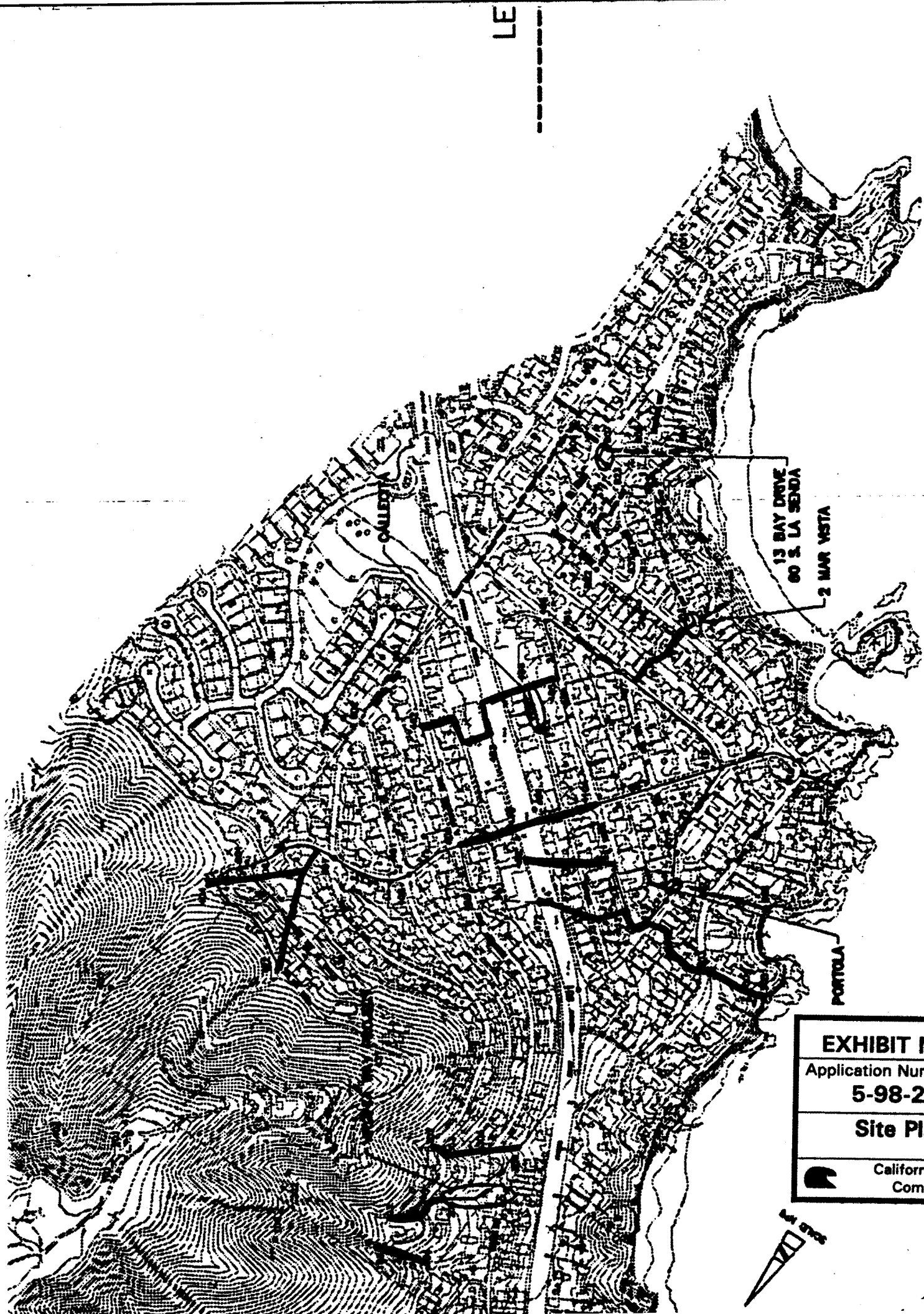


EXHIBIT No. 2

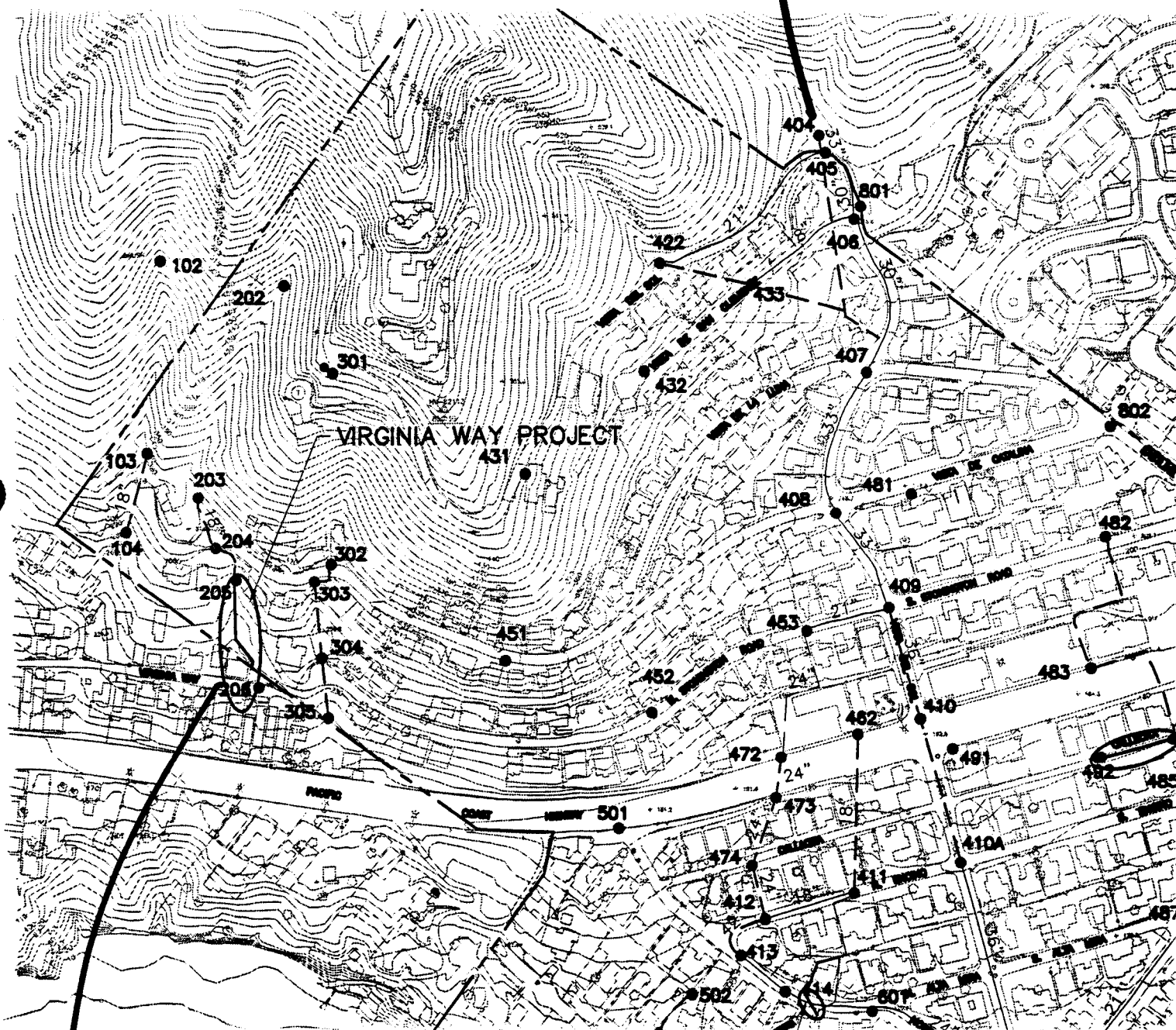
Application Number:
5-98-281

Site Plan



California
Commission

1



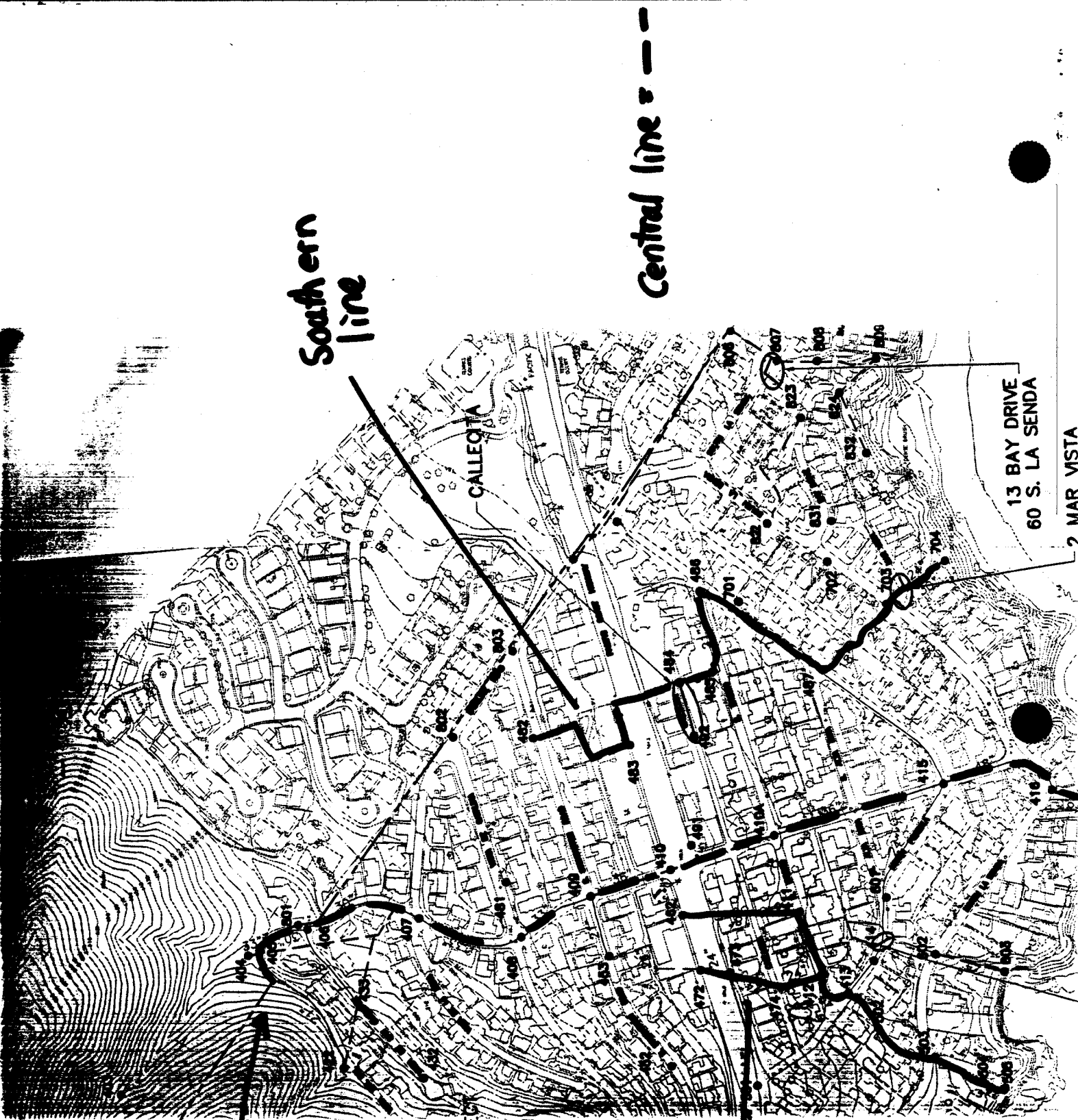
Vista de Calalima

Portola

Application Number:
5-98-281




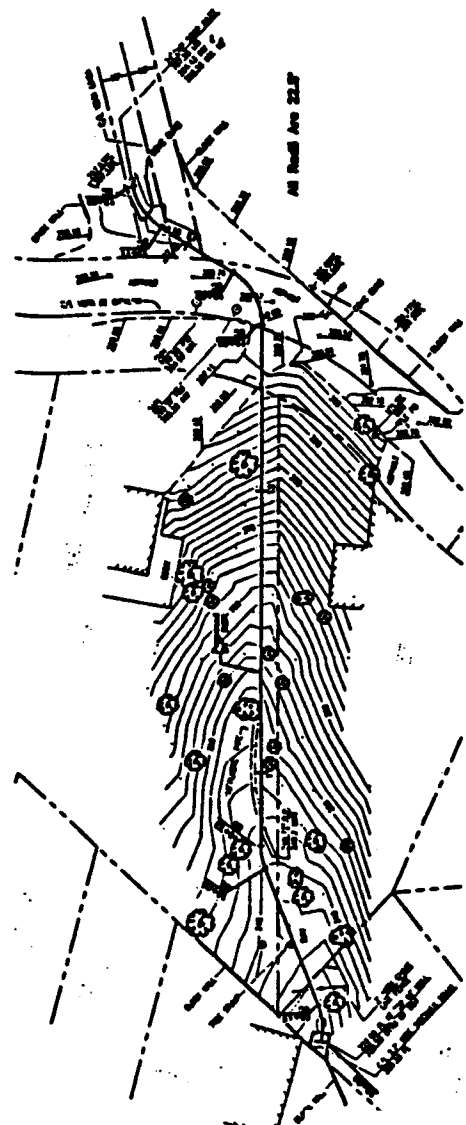
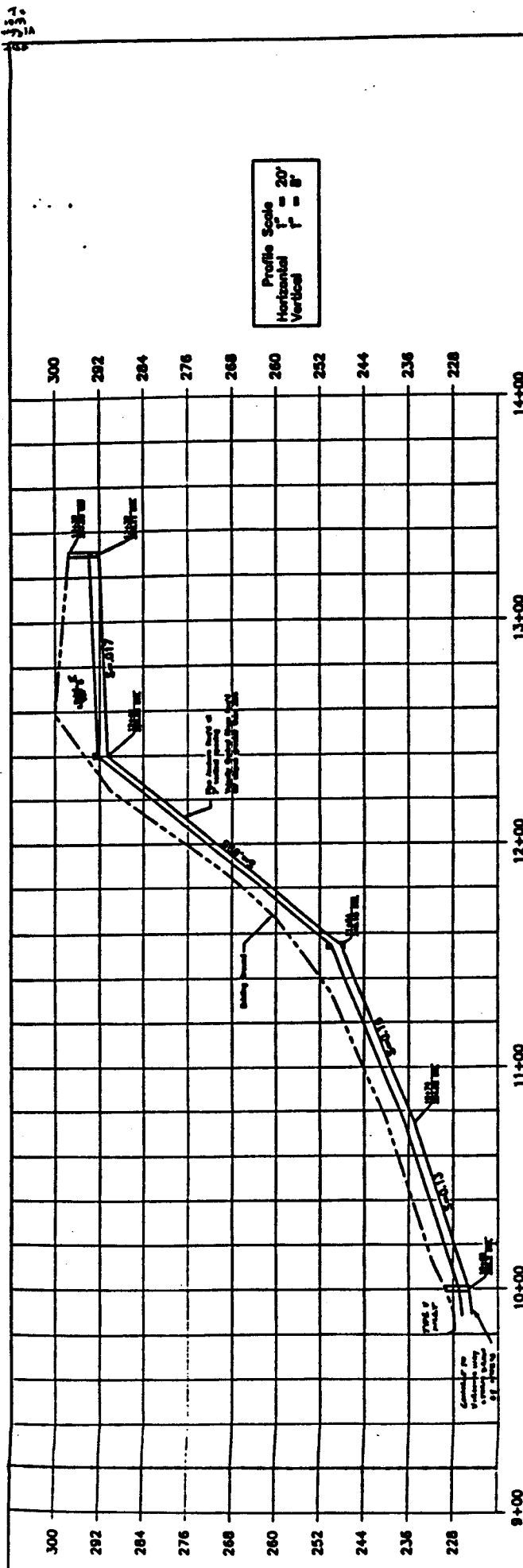
**California Coastal
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Central line
Vista del Sol

northern
line

EXHIBIT No. 2b	
Application Number: 5-98-281	
Central Line	
	California Coastal Commission



Three Arch Bay District		Vista De Catalina Storm Drain		Preliminary Alignment Study	
Project No. 5-98-281		Sheet No. 1 of 1		Scale 1" = 20'	
Project No. 5-98-281		Sheet No. 1 of 1		Scale 1" = 20'	
Project No. 5-98-281		Sheet No. 1 of 1		Scale 1" = 20'	
Project No. 5-98-281		Sheet No. 1 of 1		Scale 1" = 20'	
Project No. 5-98-281		Sheet No. 1 of 1		Scale 1" = 20'	
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Project No. 5-98-281		Sheet No. 1 of 1		Scale 1" = 20'	
Project No. 5-98-281		Sheet No. 1 of 1		Scale 1" = 20'	

EXHIBIT No. 3

Application Number:
5-98-281

Vista de Catalina

California Coastal Commission

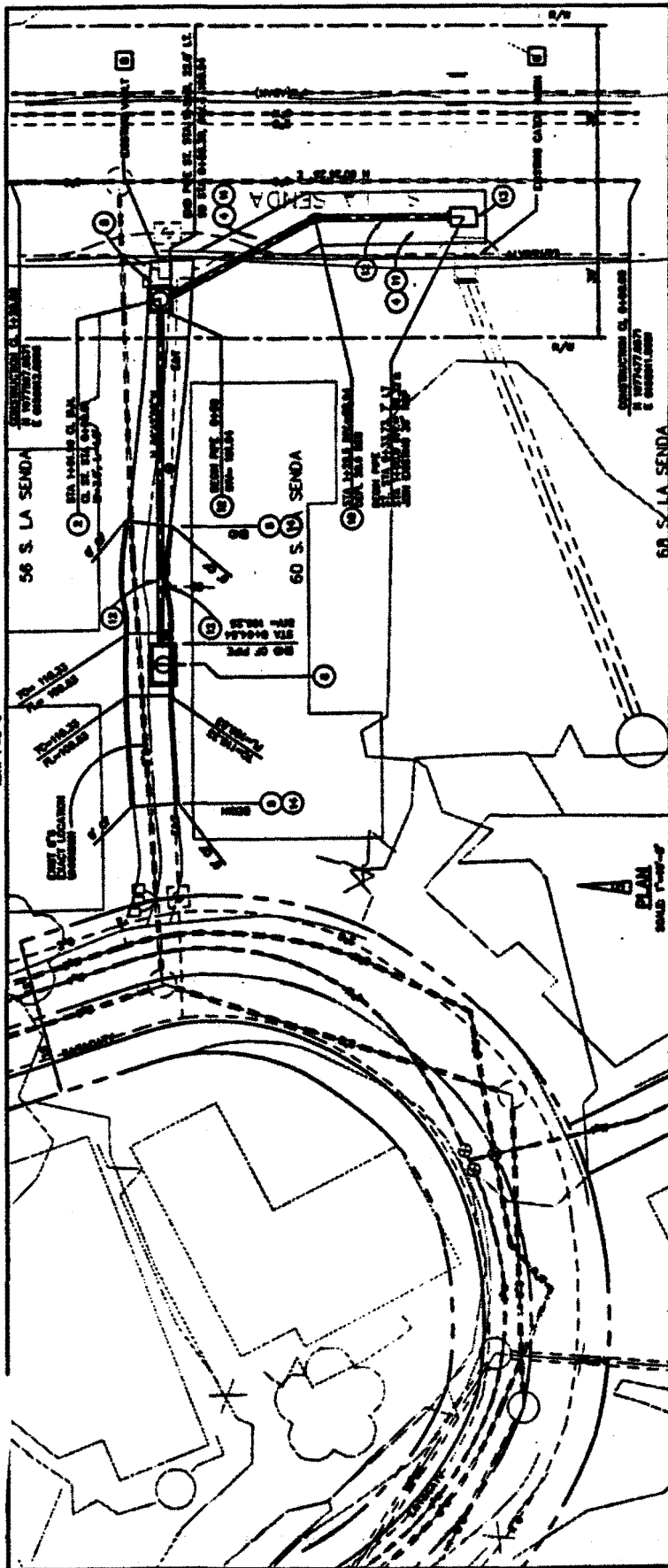
CONSTRUCTION NOTES

- ① CONCRETE ANCHOR STRUCTURE TYPE 1 PER CDDA STANDARD PLAN NO. 100
- ② REMOVE AND REPAIR OF EXISTING ASPHALT PAVING

EXHIBIT No. 4	
Application Number: 5-98-281	
La Senda	
California Coastal Commission	

EYE
 ALTITUDE
 DISTANCE
 10 20 30 40

PROFILE
 WEST 1-2-3-4



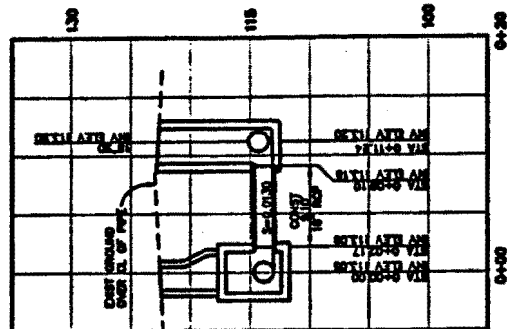
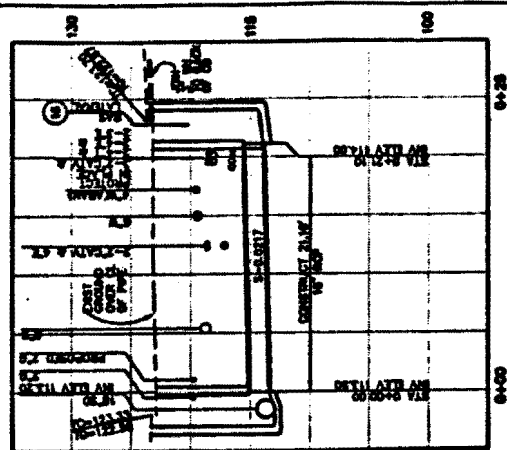
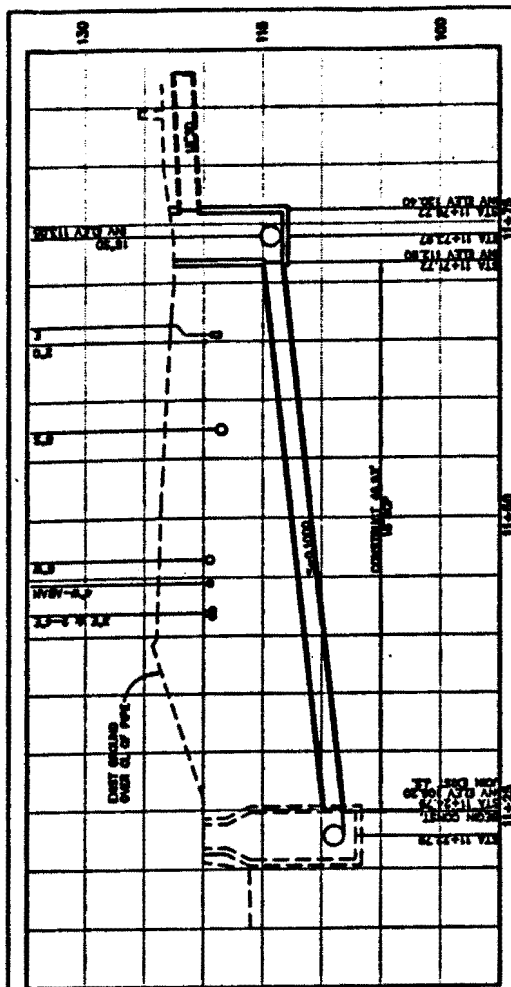
REFERENCES

NOTES

STORM DRAIN IMPROVEMENTS

LA SENDA DRIVE

THREE ARCH BAY



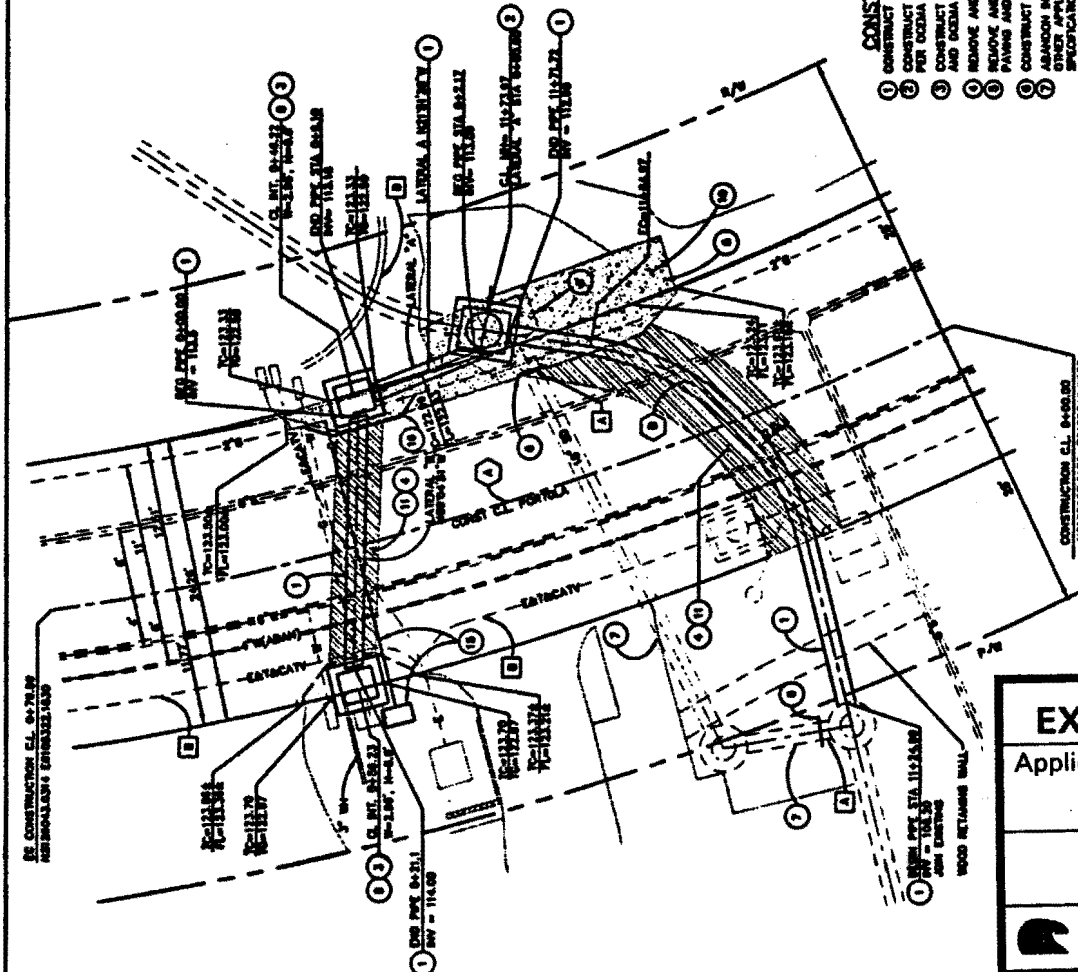
LINE "B"

LINE "A"

PROFILE
VERTICAL CURVE
VERT. 1+25-3

STORM DRAIN IMPROVEMENTS
N. PORTOLA

STORM DRAIN IMPROVEMENTS
N. PORTOLA



CONSTRUCTION NOTES:

1. CONSTRUCT 12" RCP, 1000 PER PLAN.
2. CONSTRUCT ANCHOR STRUCTURE TYPE 1 PER OCEA STANDARD PLAN NO. 1310.
3. CONSTRUCT LOCAL EXPRESSION PER PLAN AND OCEA STANDARD PLAN NO. 1304.
4. REMOVE AND REPAIR OF EXISTING ASPHALT PAVING AND CURB.
5. CONSTRUCT BRICK AND MORTAR PLIN.
6. ANCHOR IN PLACE PER SECTION 306-5 AND ALL OTHER APPLICABLE SECTIONS OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION.
7. CONSTRUCT CATCH BASIN TYPE 10 PER CALTRANS STANDARD PLAN NO. 0740, MODIFIED FOR SIZE 12" & DETAILS 1 AND 2 SHEET 1.
8. REMOVE AND REPAIR OF EXISTING CATCH BASIN.
9. CONSTRUCT 12" CONCRETE, SLOTTED TO MATCH EXISTING COLOR AND FINISH.
10. CONSTRUCT ASPHALT PAVING TO MATCH EXISTING.
11. RECONSTRUCT EXISTING GAS METER AND SERVICE.
12. RECONSTRUCT EXISTING 2" GAS ANCHOR PROPOSED CATCH BASIN.

REFERENCES

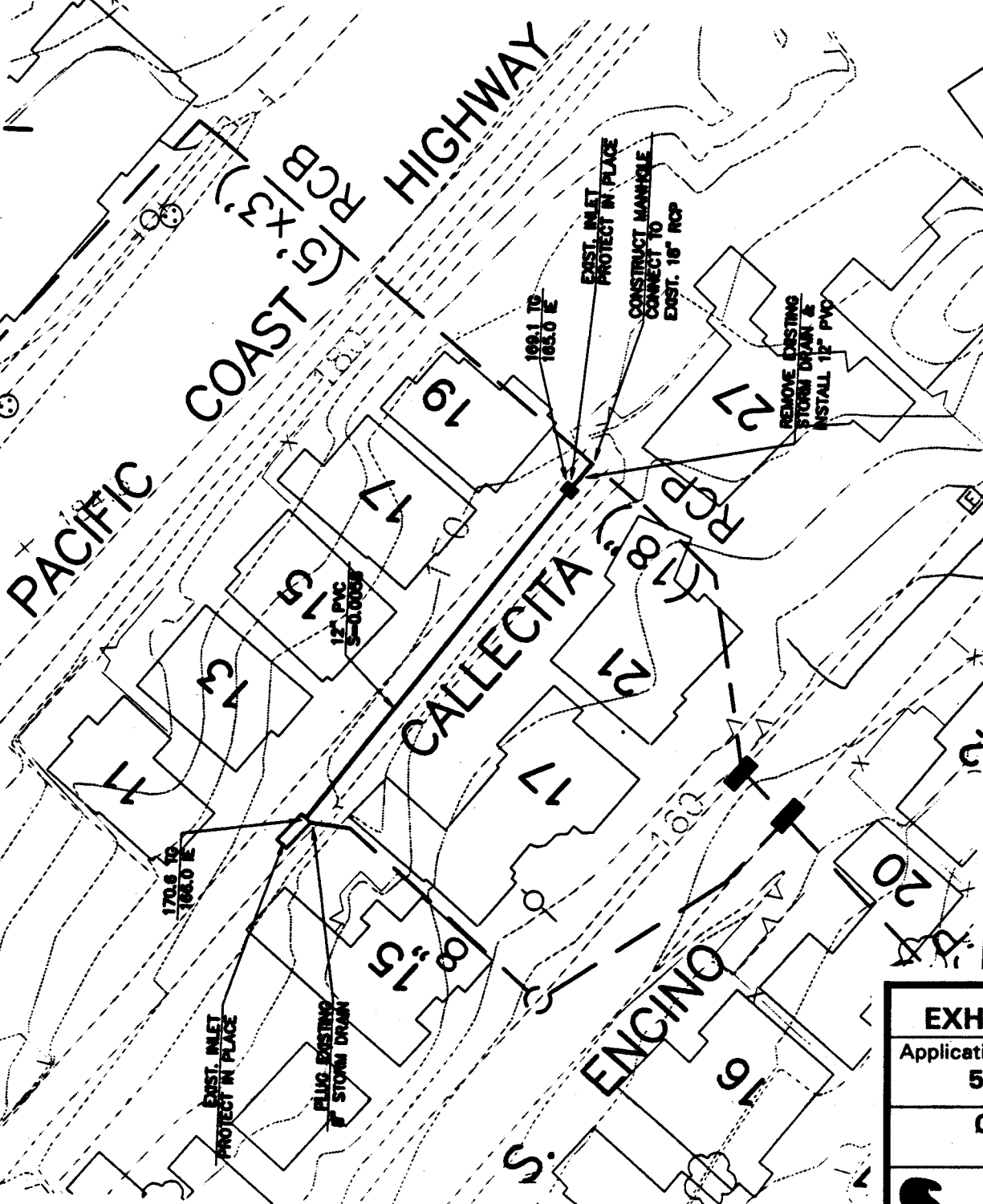
REFERENCE	DESCRIPTION
1	STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION
2	CALTRANS STANDARD PLAN NO. 0740
3	CALTRANS STANDARD PLAN NO. 1304
4	CALTRANS STANDARD PLAN NO. 1310

EXHIBIT No. 5

Application Number:
5-98-281

N. Portola

California Coastal
Commission



SCALE: 1"=20'

STORM DRAIN PIPE
HOUSE ADDRESS

30



THREE ARCH BAY
STORM DRAIN IMPROVEMENTS

7/9/98

EXHIBIT No. 6

Application Number
5-98-281

Callecita



California Coastal
Commission



SCALE: 1" = 30'

TRENCH



STORM



HOUSE

30'



THREE ARCH
STORM DRAIN IMPROVEMENT

7/9/98

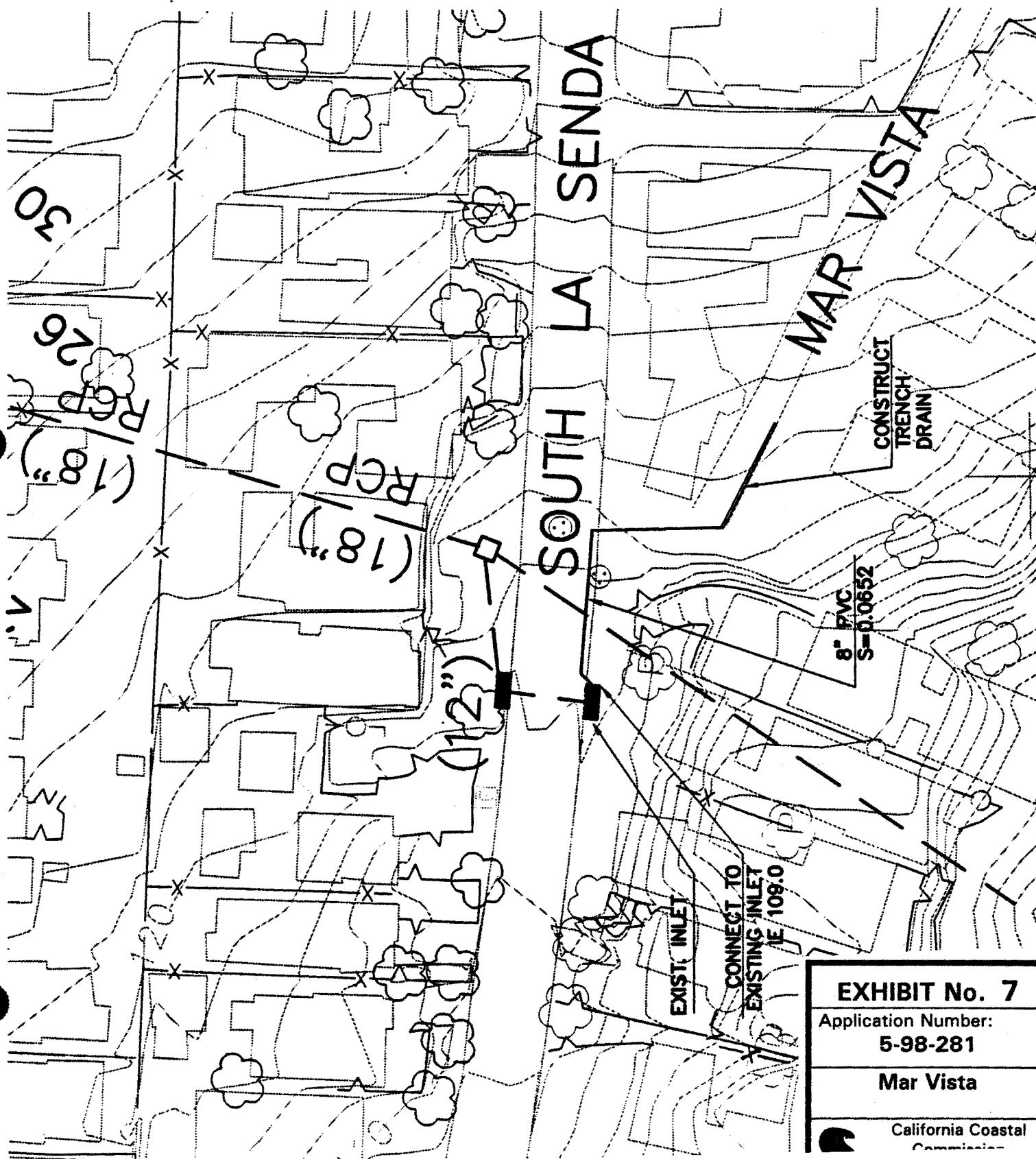


EXHIBIT No. 7

Application Number:

5-98-281

Mar Vista

California Coastal
Commission

