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STATE OF CALIFORNIA—THE RESOURCES AGENCY PETE WILSON, *Governor*

CALIFORNIA COASTAL COMMISSION
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Staff: RMR/LB
Staff Report: April 15, 1998
Hearing Date: May 12-15, 1998
Commission Action:

STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: 5-95-286A

APPLICANT: Esslinger Family Trust AGENT: John Tettemer & Assoc.

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

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Construction of interim flood protection facilities consisting of street modifications, installation of a 30 inch storm drain Lateral "B" and two catch basins, construction of four debris control structures, and 50 foot by 45 foot by 6 foot deep detention/desilting basin.

DESCRIPTION OF AMENDMENT: Installation of a 60 inch diameter main storm drain line in the roadways of the mobile home park, a concrete outlet structure at the entrance to the mobile home park, and 5 side canyon drain pipes (Laterals "C" 24 inch, and "E" 24 inch, "F" 12 inch, "G" 18 inch, and "H" 24 inch).

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission determine that the proposed permit amendment, as conditioned, is consistent with the requirements of the Coastal Act. As a condition of approval the applicants are required to comply with geologic recommendations. The proposed development is consistent with the development previously approved by the Commission.

ISSUES OF CONTROVERSY:

The trailer park, located within a canyon, and an inadequate storm drain system were existing prior to passage of the Coastal Act. The proposed development would minimize risks to life and property from flooding and mud flows in the trailer park. There are two issues of controversy posed by this development. First, is whether the replacement of a 30 inch diameter storm drain pipe with a 60 inch diameter storm drain pipe would increase the existing runoff sheet flow hazard on Pacific Coast Highway? Second, will the increase in runoff flow have adverse impacts downstream? The applicant's hydrologist has been communicating with CALTRANS (see Exhibit 10) but has been unable to resolve the issues.

Staff was concerned that increasing the diameter of the main storm drain line from 30 inches to 60 inches would exacerbate to the existing flooding situation on Pacific Coast Highway. CALTRANS and the City of Laguna Beach expressed the same concerns in conversations and/or correspondence with staff. However, neither the City of Laguna Beach nor CALTRANS have permit jurisdiction over the development. The State Department of Housing and Community Development has jurisdiction over the trailer park. No construction will take place on property owned by CALTRANS. Staff requested that the applicant provide CALTRANS with all hydrological data and the application was therefore not agendized so that the applicant and CALTRANS could work to identify any project impacts and resolve their differences. CALTRANS was not aware of the proposed development until staff contacted them in November 1997. CALTRANS then sent staff a letter objecting to the project because it would contribute to flooding on Pacific Coast Highway (see Exhibit 9). In a later letter (Exhibit 10, letter of April 6) CALTRANS expressed concern about the increase in runoff downstream from the proposed project.

The applicant has responded to Commission staff and CALTRANS concerns. The applicant maintains that the previously permitted and proposed improvements will not adversely affect the existing flooding situation on Pacific Coast Highway (PCH). The data supplied by the applicant's hydrologist show that the proposed development is a significant improvement over the prior on-site storm drain system and that, while not eliminating flooding effects off-site, the project improves the situation. The Commission engineer has confirmed this conclusion based upon the applicant's data.

With respect to the downstream impacts, the applicant's hydrologist stated that the size of the storm drain pipe under the highway remains the same and therefore capacity has not been increased. The applicant's hydrologist also maintains that the storm drain improvements restore the storm drain system to its original discharge capacity. In other words, when the trailer park storm drain system was new it could discharge up to 77 cfs. With degradation of the system the discharge was reduced to 35 cfs. Now the system discharge is back up to 77 cfs.

Both of these issue areas are unresolved between the applicant's hydrologist and CALTRANS.

However, in the absence of definitive data by CALTRANS, staff is recommending that the Commission approve the project with a special condition regarding conformance with geotechnical recommendations.

LOCAL APPROVALS RECEIVED: Approval from the Department of Housing and Community Development

SUBSTANTIVE FILE DOCUMENTS: City of Laguna Beach Certified Local Coastal Program, Emergency Coastal Development Permit G5-95-286 (Esslinger), Coastal Development Permit 5-96-048 (Esslinger Family Trust/Laguna Terrace Park), Coastal Development Permit 5-95-286 (Esslinger Family Trust/Laguna Terrace Park), Laguna Terrace Park Hydrology Report by Tettemer & Assoc. dated September 17, 1997, Letter to CALTRANS from John Tettemer & Assoc. dated April 7, 1998.

PROCEDURAL NOTE: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

1) The Executive Director determines that the proposed amendment is a material change,

2) Objection is made to the Executive Director's determination of immateriality, or

3) The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

In this case, the Executive Director has determined that the proposed amendment is a material change. If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. [14 California Code of Regulations Section 13166].

Pursuant to Section 13166 of the California Code of Regulations, the Executive Director has determined that this amendment is material and therefore is bringing it to the Commission for their review. If the applicants or objector so request, the Commission shall make an independent determination as to whether the proposed amendment is material. 145 Cal. Code Reg.

STAFF NOTE:

The proposed development consists of storm drain improvements in the right of way of streets in an existing mobile home park. Three permits have previously been issued for development consisting of removal of sediment in canyons, construction of sediment barriers, construction of a 30 inch reinforced concrete pipe (RCP) and catch basins (Lateral "B"), construction of a desilting basin, and improvements to the surface streets to facilitate runoff flow. The improvements permitted by these permits are constructed.

The 270th day under the permit Streamlining Act for this permit application is June 14, 1998. A 90 day waiver was received on 03-11-98. Therefore, the Commission has two hearings in which to act on this permit prior to the 270th day deadline.

Emergency Permit G5-95-286 was issued on December 21, 1995. Administrative Permit 5-95-048 was issued on April 18, 1996. Coastal Development Permit 5-95-286 was approved by the Commission in August 13-16, 1996 and the permit was issued on August 20, 1996. Materials submitted for this amendment were incorrectly identified as CDP 5-95-048A and were subsequently renumbered as 5-95-286A. A detailed description of these permits are included in the "Project Description" section of this staff report.

In addition, the Esslinger Family Trust has two trustees responsible for separate portions of the trailer park. The bulk of the storm drain system is included in CDP 5-95-286A. However, application 5-98-151 was submitted in March 1998 for a 140 foot long 18 inch in diameter storm drain line which connects the retention basin with the main storm drain line (Lateral "D"). This application was deemed incomplete in April 1998 because there may be coastal sage scrub involved and the applicants did not provide any data on

impacts to coastal sage scrub or mitigation for lost resources in the form of revegetation.

The construction of the development proposed by this permit has already commenced. Therefore, an unpermitted development finding is included in this staff report. However, because the construction is located in the road right-of-way there is no projected damage to sensitive coastal resources located in the canyon.

STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval With Conditions

The Commission hereby approves the amendment to the coastal development permit, subject to the conditions below, on the grounds that the proposed amendment, as conditioned, is consistent with the requirements 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 effects on the environment within the meaning of the California Environmental Quality Act.

II. Special Conditions

1. Conformance with Geologic Recommendations

Prior to the issuance of the Coastal Development Permit, the applicant shall submit, for the review and approval of the Executive Director, plans signed and stamped by the geotechnical consultants. The plans shall include recommendations of the geotechnical consultants regarding installation of the storm drain system, placement of catch basins, and design features of the outlet structure. These plans shall include the signed statement of the geotechnical consultant certifying that these plans incorporate the recommendations contained in the geotechnical investigation prepared by John Tettemer and Associates dated December 12, 1995, the Hydrology Report dated September 17, 1997, and a letter dated April 7, 1998.

The approved development shall be constructed in accordance with the plans approved by the Executive Director. Any deviations from said plans shall be submitted to the Executive Director for a determination as to whether the changes are substantial. Any substantial deviations shall require an amendment to this permit or a new coastal development permit.

IV. Findings and Declarations:

The Commission hereby finds and declares as follows:

A. Project Description

The proposed development consists of the installation of a 2,534 linear feet storm drain facility main in the right-of-way of a mobile home park, lateral drains and an outlet structure. The pipe for the storm drain varies from 48

to 60 inches in diameter for the main line (Line "A")and 12 to 30 inches in diameter for the five lateral storm drains (Laterals "C" and "E"-"H") (see Exhibits 2a and 2b). The main line will terminate at a proposed 60 inch outfall structure (see Exhibit 3a and 3b). The storm drain pipe (Lateral "D") leading from the retention basin to the main storm drain line is not a part of this permit. A separate CDP application (5-98-151) has been submitted for lateral storm drain line "D".

The proposed development is located in a mobile home trailer park along the mouth of the downstream end of "Hobo Canyon" in the South Laguna area of the City of Laguna Beach (see exhibit 1). The trailer park and the existing inadequate storm drains were constructed prior to passage of the Coastal Act. The trailer park is located inland of Pacific Coast Highway. To the north is a restaurant and to the south is a gasoline station (see Exhibit 2a and 3a). Across Pacific Coast Highway are the private residential communities of Blue Lagoon and Lagunita.

Hobo Canyon is identified in the South Laguna Biological Resource Values Map as "Very High Value Habitat" because of the quality of the coastal sage scrub habitat. The trailer park is located at the edge of the coastal sage scrub habitat. Neither emergency permit G5-95-286 nor administrative permit 5-96-048 (both Esslinger Family Trust) included work which had potential impacts on coastal sage scrub. However, coastal development permit 5-95-286 (Esslinger Family Trust) did include as part of the submittal a Streambed Alteration Agreement from the California Department of Fish and Game regarding impacts to 0.04 acres of stream. The Agreement includes provision for revegetation where coastal sage scrub would be disturbed and is included with staff report 5-95-286 (see Exhibit 10, Exhibit G).

The original storm drain system consists of a 30 inch diameter corrugated metal pipe under the mobile home park which collects runoff on site and delivers it to a 30 inch storm drain pipe which runs parallel to Pacific Coast Highway south to the gas station and then connects with a 30 inch reinforced concrete pipe at Pacific Coast Highway (see Exhibit 3a). The 30 inch CALTRANS pipe runs underneath PCH and connects to a 36 inch subterranean pipe in a ravine between the private communities of Blue Lagoon and Lagunita. This 36 inch pipe outlets to a surface street and catch basin which connects with a 48 inch pipe which outlets on the seawall of Blue Lagoon.

Previous permits (see project history) have addressed the immediate concerns caused by sediment blockage of side canyons. The mudflow threat from the side canyons has been addressed by the removal of accumulated sediment and the construction of sediment containment barriers.

Potential and actual impacts to coastal sage scrub resources were addressed in prior permits.

B. Project History

Prior permit history for this site consists of Emergency Permit G5-95-286, Administrative Permit 5-96-048, and Coastal Development Permit 5-95-286. These permits have all been issued.

The storm drain improvements have been submitted in pieces. However, at completion the system would include the new 48 inch to 60 inch main line (Line

"A"), seven lateral storm drains and catch basins, a retention basin, four debris control/sediment barrier structures on the main and side canyons, a concrete outlet structure at the entrance to the mobile home park, removal of existing sediment which accumulated in the bottom of side canyons, and improvements to surface streets. In addition, the applicants installed a polyester resin lining in the 30 inch connector pipe which runs from the gasoline station to the development site.

1. Emergency Permit G5-95-286

On December 21, 1995 the Executive Director issued Emergency Permit G5-95-286 to the Laguna Terrace Mobile Home Park for drainage improvements consisting of: removal of existing speed bumps, construction of wooden barriers, asphalt curbs and catch basins. The emergency permit was granted because debris and mud flows from rainstorms required immediate action to prevent damage to the trailer park mobile home structures and prevented access by emergency vehicles. The materials submitted with the emergency permit application indicate that the existing 30 inch diameter corrugated metal storm drain pipe was inadequate to collect storm runoff and that during high runoff flows sediment entered the mobile home park and park buildings.

The emergency permit was issued on December 21, 1995 and an Emergency Permit Acceptance Form was received on January 3, 1996. The Emergency Permit expressly did not include approval of: retaining walls, rail & timber debris control structures, regrading of "M" St., removal of sediment, construction or refurbishment of storm drains or construction of the desilting basin.

2. Coastal Development Permit 5-96-048

Coastal Development Permit application 5-96-048 (Esslinger Family Trust) was approved on the Administrative Calendar on May 8, 1996. The permit was issued for 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 (see Exhibit 5). There was one special condition which stipulated that any coastal sage scrub in construction areas would be flagged so that contractors would avoid impacts to the native vegetation.

The applicants sent a letter acknowledging the acceptance of the permit and special condition and also filed a "Notice of Commencement of Construction" on June 18, 1996.

3. Coastal Development Permit 5-95-286

Coastal Development Permit 5-95-286 is the follow-up permit for Emergency Permit G5-95-286. On August 16, 1996 the Commission approved coastal development permit 5-95-286 on the Regular Calendar for 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 (see Exhibit 4). The permit was approved with two special conditions. Special Condition 1 stipulated that any change to the Streambed Alteration Agreement resulting in a change to the approved project would require an amendment to the permit. Special Condition 2 stipulated that the applicant notify selected public agencies of the availability of the removed sediment for beach nourishment purposes. On August 20, 1996 the permit was issued.

The specific plans approved by the Commission included a 30 inch RCP storm drain and two catch basins along lower "M" St., the desilting basin, and four debris control barrier structures on the main canyon and side canyons.

C. Flood 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.
>
> (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.

1. Existing Situation

The site is located at the terminus of Hobo Canyon in the City of Laguna Beach. The trailer park predates the Coastal Act. During severe rains the trailer park is subject to flooding, mud flows and associated damage to residential structures. In addition, in severe storm events sheet flow traverses the trailer park and ends up on Pacific Coast Highway. The original 30" storm drain pipe and storm drain system was old, in disrepair and inadequate to protect the existing mobile home park from flooding and mud flows.

Currently, site stormwater traverses the site in two ways: through the storm drain system and by sheet flow over surface streets. The existing storm drain system in the trailer park consists of a 30 inch main storm drain corrugated metal pipe with three 12 inch side canyon inlets. There were no sediment retention barriers or catch basins constructed with the original storm drain system. The original 30 inch corrugated metal pipe is rusted, silted up and runoff seeps into surrounding soils. The 30 inch corrugated metal pipe connected directly with the 30 inch storm drain pipe which takes runoff to the gasoline station, which then connects to the CALTRANS 30 inch reinforced concrete pipe which takes the runoff under the freeway (see Exhibit 3a). The hydrologist retained by the applicant calculates that the carrying capacity of the existing 30 inch pipe is 35 cubic feet per second (cfs). Runoff which is not captured on-site or which exceeds the capacity of the existing drainage system traverses the site as sheet flow, eventually ending up at the entrance to the mobile home park, the gasoline station and ultimately on Pacific Coast Highway.

The City, CALTRANS and the applicants all acknowledge that current storm water runoff from the trailer park contributes to sheet flow on Pacific Coast Highway. There are two issues posed by this development. First, does the project minimize risks to life and property in the trailer park from flooding and mud flows? Second, does the project minimize risks to life and property on the adjacent property and Pacific Coast Highway as a result of any additional flooding caused by the increased size of the storm drain pipe from 30 inches to 60 inches?

2. Proposed Project

The storm drain line improvements consist of the primary 60 inch storm drain pipe and five side canyon drains (see Exhibits 2a and 2b). On site plans the 60 inch pipe is referred to as "Line A". The side canyon inlets or "laterals" are sized as follows: lateral B, 30 inch; lateral C, 24 inch; lateral E, 24 inch; lateral F, 12 inch; lateral G, 18 inch; and lateral H, 24 inch. Lateral "D" is being applied for under a separate permit 5-98-151, which is currently incomplete. Lateral "B" and catch basins was approved under CDP 5-95-286. There are a total of seven inlet structures where the side laterals meet the main 60 inch line.

The outlet structure at the termination of the 60 inch storm drain line consists of an open box structure (see Exhibit 3a and 3b). The box structure houses the terminus of the 60 inch storm drain outlet, a side lateral 30 inch storm drain outlet (Lateral "B") and the 30 inch reinforced concrete pipe (i.e., connector) which takes the runoff to a junction behind the gasoline station and thence via a 30 inch CALTRANS pipe under Pacific Coast Highway. The 30 inch connector pipe is at the lowest elevation in the box structure. When looking from Pacific Coast Highway towards the project the outlet structure resembles a mouth. From the mouth there is a 4 foot wide and 17 foot long tongue of grouted stone and concrete which rises 0.5 feet in elevation from the 30 inch connector pipe. At the seaward extent of the concrete tongue there is a one foot high wall. The difference in elevation from the height of the tongue wall and the 30 inch connector is 1.5 feet. During a flood event runoff is brought to the box structure via the 60 inch pipe and one lateral 30 inch pipe and forced into the 30 inch connector pipe. Excess water which is unable to flow through the 30 inch connector pipe flows up the grouted stone tongue. In a severe storm event runoff will build up and flow over the tongue onto the frontage area and then onto Pacific Coast Highway.

Runoff is collected in seven of the side lateral drains and taken to the main 60 inch line. One side lateral (Lateral "B") connects directly to the outlet structure. The outlet structure is designed to maximize the carrying capacity of the existing 30 inch connector pipe, which is 77 cfs.

3. Storm Drain System Analysis

The original storm drain system was antiquated, in a state of disrepair and did not provide protection to the existing development. Sheet flow runoff on steep steets poses obvious safety hazards as well. During storm events the trailer park was subject to flooding and mud flows down the main canyon and the side canyons. The carrying capacity of the original 30 inch diameter main storm drain line and three lateral drains is assessed by the applicant's hydrological consultants at 35 cfs.

Under the existing situation the total runoff of the watershed draining into the trailer park is calculated to be 361 cfs, with the existing storm drain capacity calculated to be 35 cfs. This leaves a difference of 326 cfs which either percolates into the soil or enters the trailer park as sheet flow. The new storm drain pipe has a capacity of 380 cfs. Runoff collected in the proposed storm drain system is taken to the concrete inlet structure at the entrance to the trailer park.

The new storm drain system, consisting of reinforced concrete pipe, delivers runoff to the outlet structure at the entrance to the trailer park. The outlet structure is designed to utilize the maximum carrying capacity of the existing 30 inch connector pipe (77 cfs). This is an increase of 42 cfs which would otherwise end up as sheet flow runoff. Additionally, the improvements reduce the total on-site cfs from 361 to 322 cfs.

The new storm drain system has been designed so that there are catch basins at the intersection of the 6 side canyon drains and the 60 inch drain, and two catch basins on "M" St. (Lateral "B") above the box structure. These catch basins will hold additional runoff, which the hydrological consultant estimated at 20-30 cfs. The detention/desilting basin will hold another 7-8 cfs.

These improvements result in the capture of an estimated 30 cfs in addition to the difference in cfs between the old and new project (42 cfs). However, the major project improvement is the design of the concrete outlet structure to maximize the carrying capacity of the existing 30 inch connector pipe from its current use of 35 to its maximum of 77. This 42 cfs is runoff that under the existing system would eventually end up on PCH.

The improved storm drain system will increase the amount of water capable of being transported through the trailer park. The existing storm drain system is inefficient and does not utilize the capacity of the 30 inch connector pipe. While the new improvements increase the amount of runoff which can be taken to the 30 connector pipe it also is more efficient in that the maximum carrying capacity of the existing 30 inch connector pipe is utilized.

Staff was concerned that increasing the capacity of the storm drain pipe diameter from 30 inches to 60 inches would also increase the adverse impacts of flooding on PCH. CALTRANS expressed similar concerns. The amount of water which flows through the trailer park is a constant. Runoff which does not percolate into the soil will either enter the storm drain system or end up as sheet flow across the trailer park roads, eventually ending up on PCH. The improvements will reduce flooding in the trailer park by expanding the storm drain capacity and eliminating sheet flow. This, in turn, means that more runoff will be delivered to the concrete outlet structure at the entrance to the mobile home park. Other factors remaining the same, this translates into more sheet flow on Pacific Coast Highway.

The technical consultants for the applicants maintain that the improvements to the storm drain system will not worsen the flooding situation on Pacific Coast Highway. The technical consultants submitted a letter (Exhibit 10) discussing the storm drain improvements. They maintain that the storm drain improvements will actually reduce flooding on Pacific Coast Highway because the proposed project improves the efficiency of the storm drain system as well as reducing the sediment load. The applicant's hydrologist contends that the system improvements do increase the runoff from 35 cfs to 77 cfs but that they are merely restoring the pipe to its original capacity of 77 cfs. This almost doubles the amount of water which can be taken off site and consequently reduces the amount of runoff available for sheet flow. The existing 30 inch connector pipe is capable of handling the extra runoff generated by the increased efficiency.

In addition, the improvements previously approved by the Commission in permits 5-96-048, G5-95-286 and 5-95-286 were implemented to reduce the amount of silt and sediment carried in the storm drain and also through the trailer park and onto PCH. Reduction of the amount of silt and sediment improves the carrying capacity of the storm drain system. Therefore, the four sediment control barriers constructed in the main and side canyons are instrumental in trapping sediment and enabling the flow of runoff through the storm drain system. Finally, the catch basins, retention basin and debris control structures will also capture runoff in excess of the capacity of the lateral storm drain pipes which carry runoff to the main line.

Under the proposed storm drain system there will still be flooding of PCH during major storm events. The question for staff and the Commission is whether the new storm drain system results in any additional impacts caused by implementation of the larger storm drain system. Based upon the data provided by the applicant's consultants the proposed storm drain improvements, although not eliminating the possibility of flooding on PCH, increase the carrying capacity efficiency of the existing 30 inch connector pipe, holds some runoff on-site via the catch basins and desilting basin, and reduces the potential for mud flows through the trailer park and onto PCH. The applicant's maintain that the improvements do not increase the risk of flooding on PCH.

The 30 inch CALTRANS pipe under PCH connects with a 36 inch subterranean pipe in a ravine separating the private communities of Blue Lagoon and Lagunita. This 36 inch pipe then outlets onto a street with a catch basin which connects to a 48 inch pipe which outlets on the Blue Lagoon seawall.

The CALTRANS hydrologist maintains that the improvements have worsened the flooding situation on PCH because the storm drain improvements collects the runoff from the entire park and delivers it to one location, the outlet structure at the entrance to the park. The CALTRANS hydrologist maintains that under the original storm drain project runoff occurred as sheet flow which was dispersed throughout the park and not concentrated at one location. However, CALTRANS has not provided any data to support this contention, except to state that during the recent winter storm events there was flooding over PCH and into the Blue Lagoon community. A representative of the Blue Lagoon community told staff that the Board of Directors has not taken a position on whether to object to the proposed improvements, in part because of the unusual severity of the storms.

The geotechnical reports include specific recommendations regarding the placement and construction of the storm drain lines and the concrete outlet structure. In order to ensure that the development is constructed according to geotechnical recommendations the applicant is being conditioned to submit plans signed and stamped by the geotechnical consultants. Only as conditioned does the Commission find that the proposed development is consistent with Section 30253 of the Coastal Act.

Based upon the information provided by the geotechnical consultants, the Commission concludes that the proposed development will minimize risks to life and property within the trailer park and on PCH from flooding and mud flows, and is consistent with the provisions of Section 30253 of the Coastal Act.

D. 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 Ce certification of the Local Coastal Program was filed with the Secretary of Resources. The Commission is reviewing this project because it is an an area of deferred certification.

The proposed amendment to the coastal development permit, as conditioned to conform with geotechnical recommendations, 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.

E. Consistency with the 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 amendment to the coastal development 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 flooding and geologic stability policies of Section 30253 of the Coastal Act. A mitigation measure; special conditions requiring conformance with geologic recommendations, will minimize all adverse effects. As conditioned, 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.

F. Unpermitted Development

Although development has taken place prior to Commission action on this coastal development permit application, consideration of the application by the Commission is based solely upon the Chapter 3 policies of the Coastal

Act. Approval of the permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a Coastal Development Permit.

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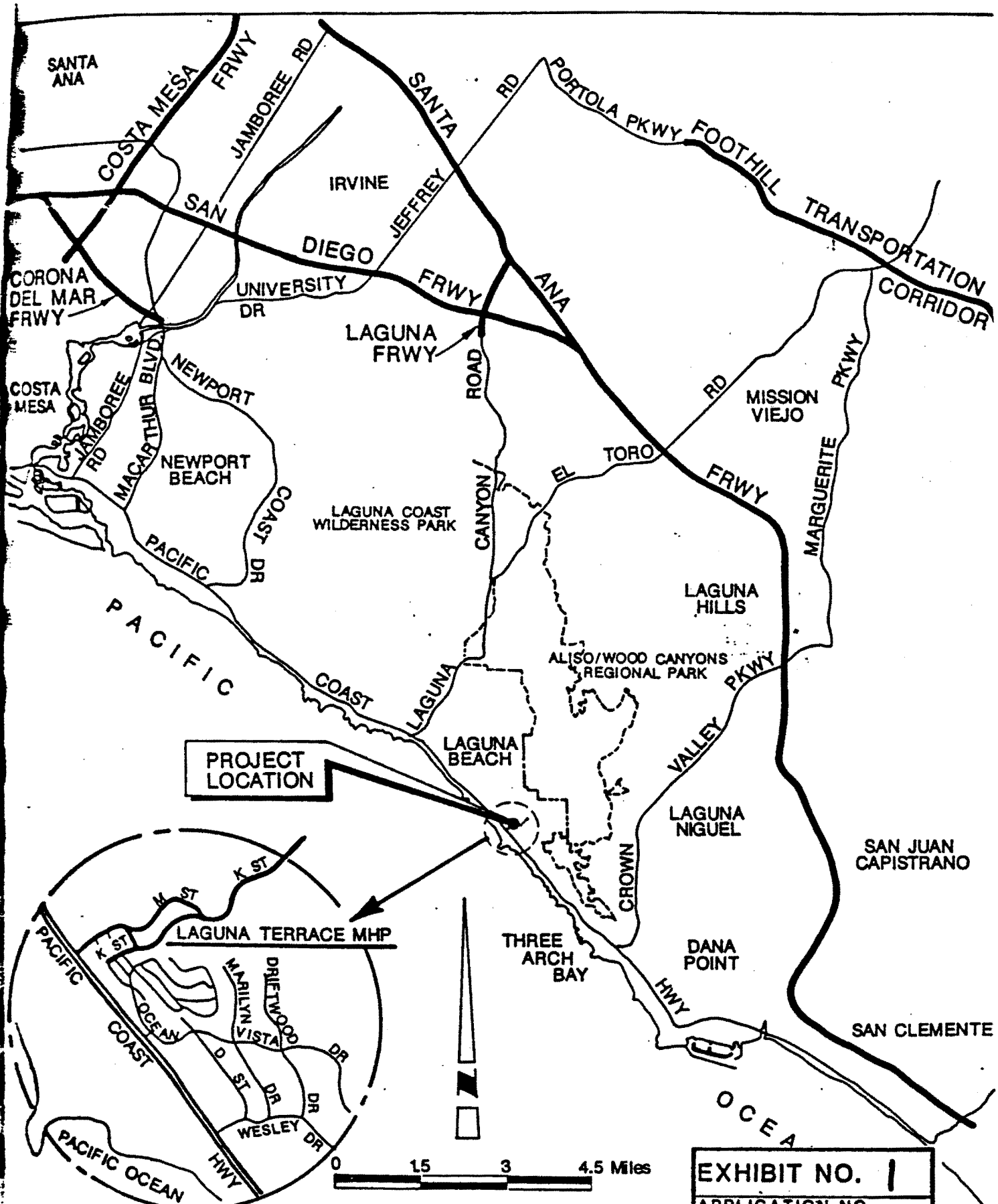

EXHIBIT NO. 1
APPLICATION NO. 5-95-286A
VICINITY
California Coastal Commission

John M. Tettemer & Associates, Ltd.
Engineering Management Planning

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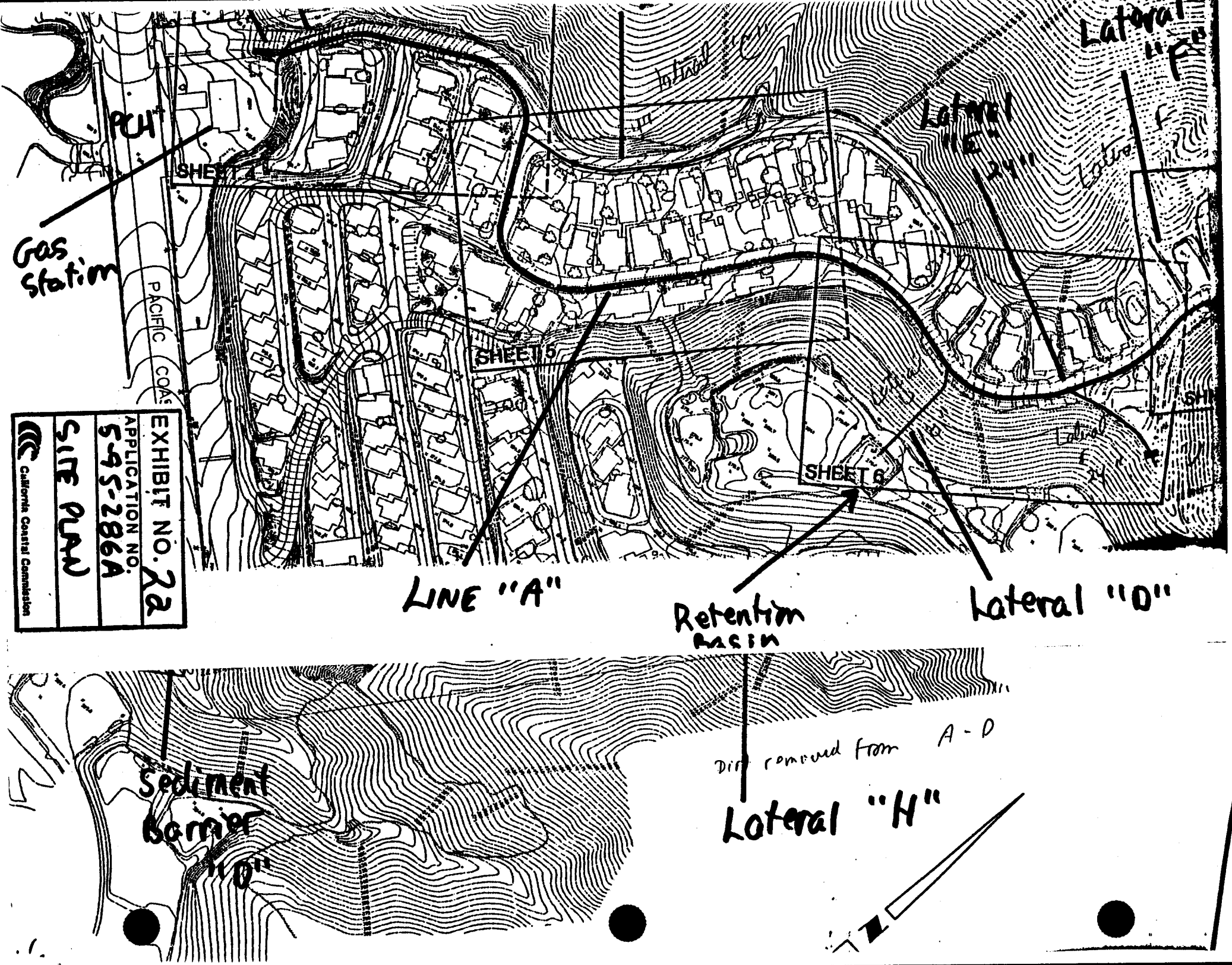

PCH
SHEET 4
SHEET 5
SHEET 6
PACIFIC COAST
Gas station
LINE "A"
Retention Basin
Lateral "D"
Lateral "E"
Lateral "F"
Sediment barrier "G"
Lateral "H"
Dirt removed from A-D
EXHIBIT NO. 2a
APPLICATION NO. 5-95-286A
SITE PLAN
California Coastal Commission

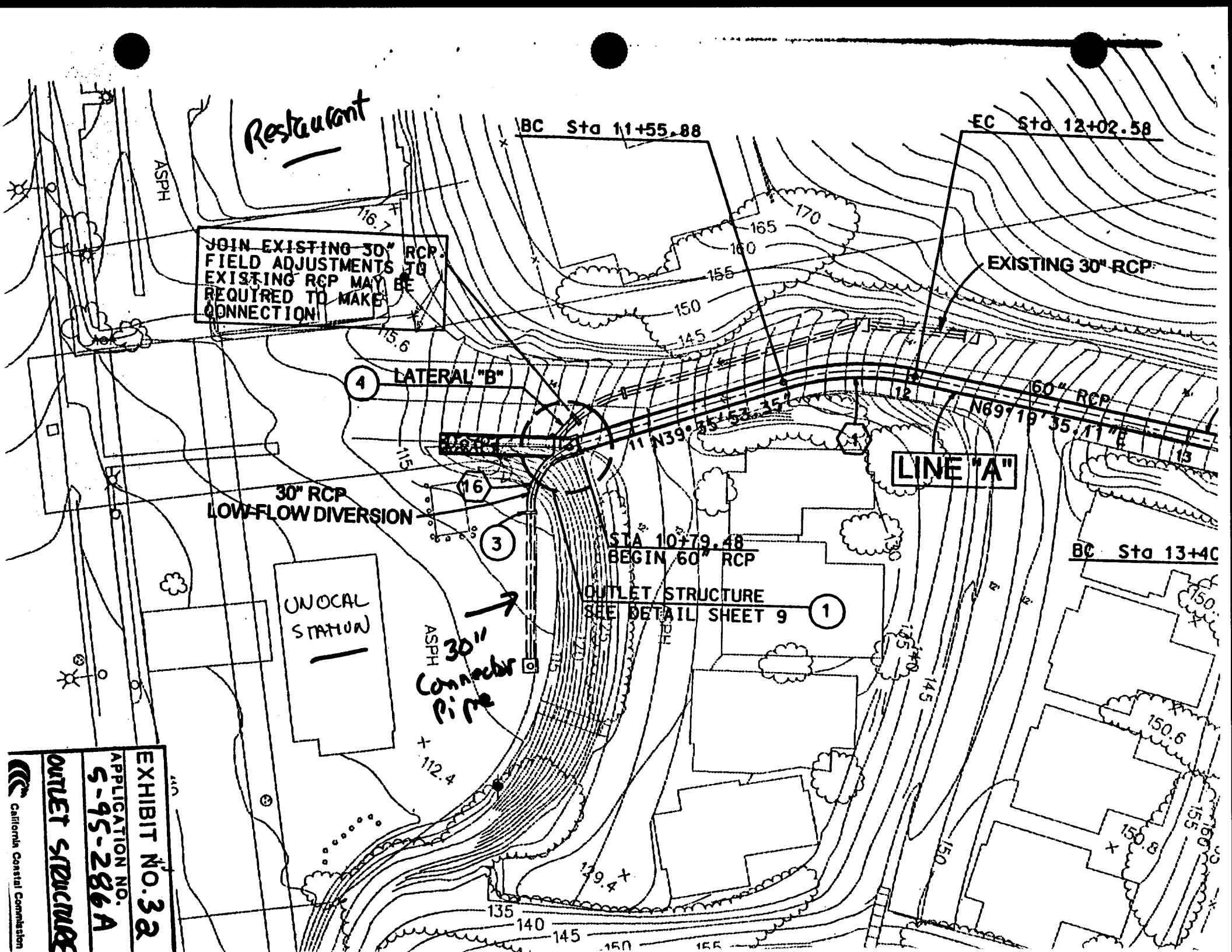
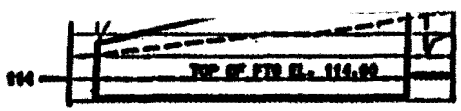
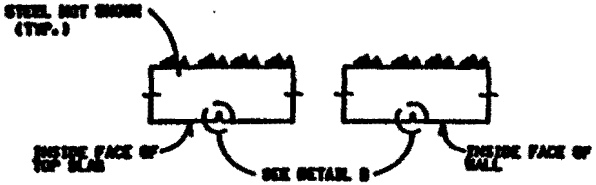


EXHIBIT NO. 32
APPLICATION NO. 5-95-286A
OUTLET STRUCTURE

California Coastal Commission



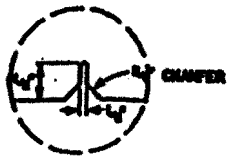
ELEVATION
SCALE: 1"= 4'



PLAN
DETAIL 1
SCALE: 1"= 4'

WEAKENED PLANES
DETAIL A
SCALE: NONE

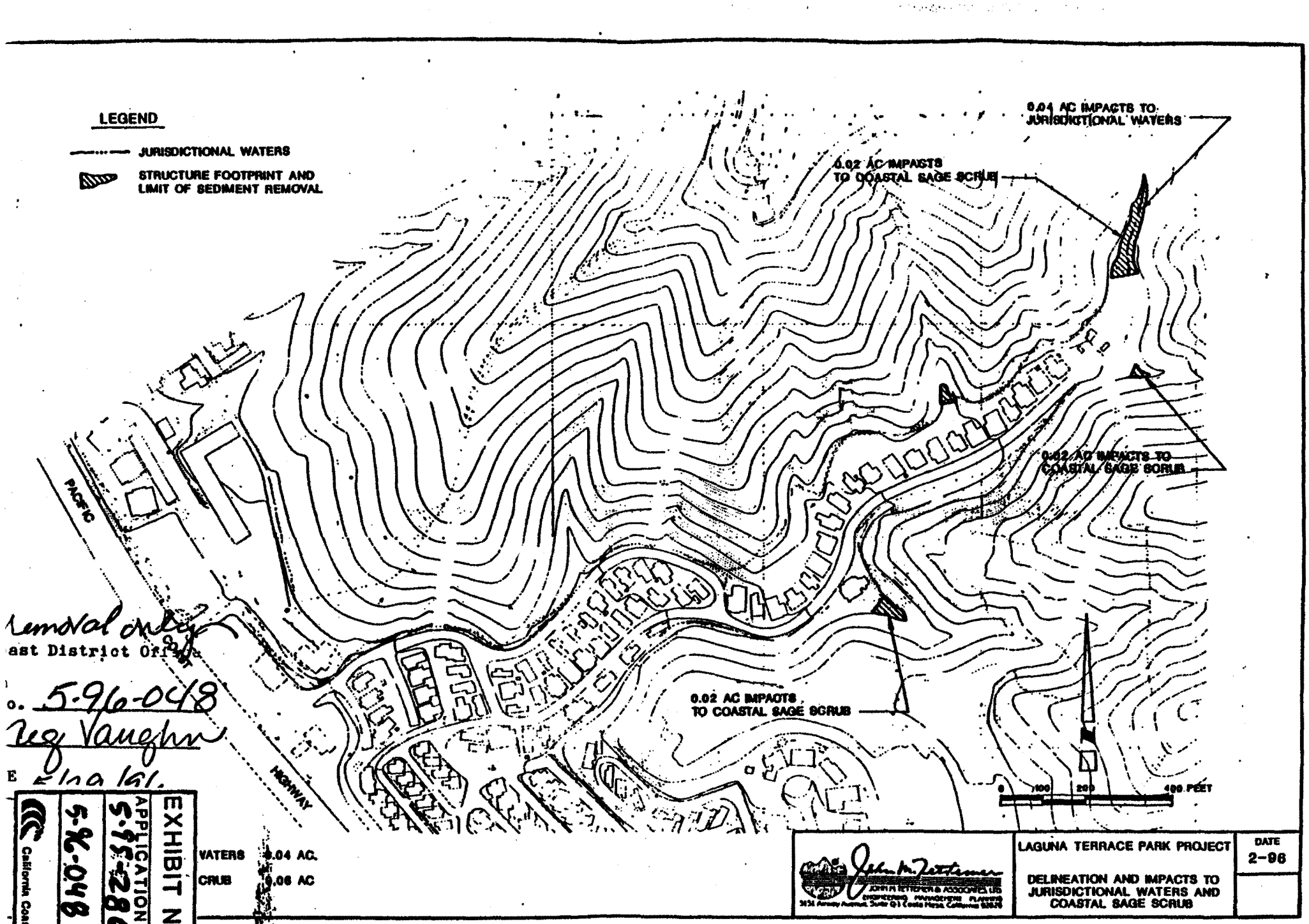
JOINT MAY BE FORMED WITH ½" HARDBOARD AND CUT BACK TO THE ROOT OF THE CHAMFER ON THE EXPOSED FACE.



DETAIL B
SCALE: NONE

EXHIBIT NO. 36
APPLICATION NO. 5-85-286A
Outlet Structure
California Coastal Commission

EXHIBIT NO. 4
APPLICATION NO.
5-95-286A
SITE
PLAN 5-95-286



removal only
ast District Office

o. 5-96-048
Reg Vaughn
E Ena Isl.

EXHIBIT NO. 5
APPLICATION NO. 5-95-286A
5-96-048 Plan
California Coastal Commission

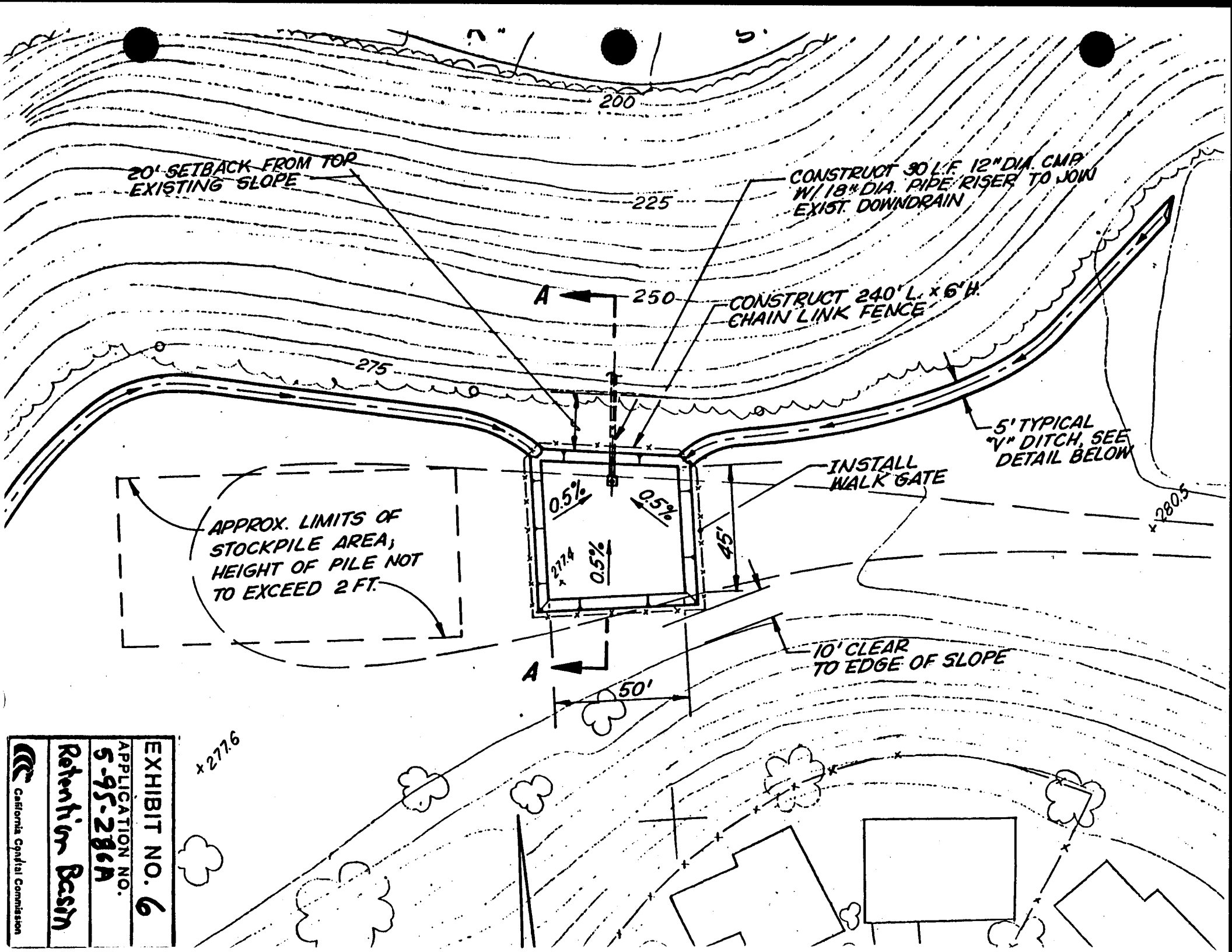


EXHIBIT NO. 6

APPLICATION NO. 5-95-286A

Retention Basin

California Coastal Commission

6680 Folsom Blvd.
Sacramento, CA 95819
(916) 445-8100

38 Civic Center Plaza, Rm. 430
Santa Ana, CA 92701
(714) 558-4241

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF CODES AND STANDARDS

APPLICATION FOR PERMIT TO CONSTRUCT

ID No. CU-0054

☑ MP ☐ ACC/S ☐ MHI

INSTRUCTIONS

A. ACCESSORY STRUCTURES COMPLETE ITEMS 1, 2, 4, 6
B. MOBILEHOME INSTALLATION COMPLETE ITEMS 1, 2, 5, 6
C. PARK UTILITIES ALTERATION AND ADDITIONS COMPLETE ITEMS 1, 2, 3, 4, SUPPLEMENT
D. NEW PARKS AND PERMANENT BUILDINGS COMPLETE ITEMS 1, 2, 3, 4, SUPPLEMENT
E. RETURN ALL COPIES WITH REQUIRED FEES.

3 Description of Work: Replace existing storm drain with upgraded system. Approx. 2,534 Ft. Diameter varies from 42" to 60" at outfall structure at Coast Highway.

Valuation

CLOSED BY
DATE CLOSED

1
Park Name: Laguna Terrace Park
Park Address: 30802 South Coast Hwy. #K2
Uninc. ___ Inc. X City/County: Laguna Beach ZIP: 92651
Park Owner: Stephen W. Esslinger Tel. No.: 499-3000
Address: 30802 South Coast Hwy. #K2 ZIP
Applicant: Laguna Terrace Park, Inc. State I.C. No.
Address: 30802 South Coast Hwy. #K2 Tel. No.
Architect/Engineer: John Tettemer & Ass No.
Address: 3151 Airway Ave. #Q-1 Tel. No.: 434-9080
Costa Mesa, CA
Lender's Office: Branch
Address:

4 MOBILEHOME ACCESSORY STRUCTURES
☐ New ☐ Relocated Standard Plan Approval No.
☐ Awning ☐ Carport ☐ Porch ☐ Cabana ☐ Other
Owner/Tenant Lot No.

5 MOBILEHOME INSTALLATION
Owner/Tenant Lot No.
SERIAL NO. DATE OF MFGR.
DESCRIPTION
INSIGNIA OR HUD LABEL NO.

2 CONTRACTOR/OWNER BUILDER
I certify that the following Contractor's License No. ___ and Classification ___ is in full force and effect.
I certify that I am exempt from Section 7031.5 of the Business and Professions Code, Division 3, Chapter 9, Contractors' License Law, under the following section:
Owner, Section 7044 ☐ Minor work under $100; Section 7048 ☐
Employee working for wages only, Section 7053 ☐
Other:

WORKERS' COMPENSATION REQUIREMENTS
State Compensation Insurance Policy No. ___ ☐ Certificate On File with HCD Expiration Date ___

EXEMPTION
I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the Workers' Compensation Laws of California.

...rtificate, the applicant for the permit should become ...mpensation provisions of this code, he shall forthwith ... Section 3700 or his permit shall be deemed revoked.

Information I have provided is correct and agree ... ...ordance with applicable provisions of the Health ... Contractors' License Law and related laws and ... Illinois, and I acknowledge that any representation to ... incident to the application for this permit and other entry ...ide such inspection.

...LICANT

...ANT; 2, AREA OFFICE; 3, DIV; 4, ASSESSOR

6
Approved: Mobilehome Park Owner/Operator/Manager
(SIGNATURE REQUIRED)

RECEIVED
SEP 17 1997
CALIFORNIA COASTAL COMMISSION

DIVISION PROCESS RECORD

APPLICATION
LOCAL APPROVALS
PLANNING
FIRE
HEALTH
PUBLIC WORKS 8-7-97
DATE 9-4-97
ISSUED BY
EXPIRES 9-4-98

DIVISION USE ONLY

COL. NO. MP750172-18
FEE REC'D $3,079.25
ROUTE TO ERIMES
ROUTED BY R RUIZ
DATE 9/3/97

UPON DEPARTMENT APPROVAL TO REISSUE, AND PAYMENT OF FEES, THIS PERMIT IS ISSUED ONLY FOR ITEMS VALIDATED BELOW

PERMIT NO. MP750172-18

MH ACC/S	
MP	$2,039.50
BLDG	
MHI	
MISC.	
PECR	$1,019.75
S.M.I.	
ISSUE	$ 20.00
TOTAL	$3,079.25

EXHIBIT NO. 5
APPLICATION NO. 5-95-286A
HCD APPROVAL

5-96-048A

RECEIVED
SEP 17 1997
CALIFORNIA
COASTAL COMMISSION

APPLICATION FOR COASTAL DEVELOPMENT PERMIT

APPENDIX B

LOCAL AGENCY REVIEW FORM

SECTION A (TO BE COMPLETED BY APPLICANT)

Applicant: Esslinger Family Trust and Laguna Terrace Park

Project Description: Replace Storm Drain facilities in a private street. Approximately 2,534 feet long, diameter of 42 inches to 60 inches. Terminates at Coast Highway with a 60 inch out fall. Does not change existing offsite conditions.

Location: 30802 S. Coast Highway, Laguna Beach

Assessor's Parcel Number: 056-240-55 and 656-191-23

SECTION B (TO BE COMPLETED BY LOCAL PLANNING OR BUILDING INSPECTION DEPARTMENT)

Zoning Designation: "MOBILEHOME" 10 du/ac

General or Community Plan Designation: VILLAGE MED/LOW DENSITY 8-10 du/ac

Local Discretionary Approvals

☒ Proposed development meets all zoning requirements and needs no local permits ~~other than building permits~~.

☐ Proposed development needs local discretionary approvals noted below.

Needed	*Received*	
☐	☐	Design/Architectural review
☐	☐	Variance for
☐	☐	Rezone from
☐	☐	Tentative Subdivision/Parcel Map No.
☐	☐	Grading/Land Development Permit No.
☐	☐	Planned Residential/Commercial Development Approval
☐	☐	Site Plan Review
☐	☐	Condominium Conversion Permit
☐	☐	Conditional, Special, or Major Use Permit No.
☐	☐	Other

CEQA Status

☐ Categorically Exempt *Class* _____ *Item* _____

☐ Negative Declaration Granted (Date) _____

☐ Environmental Impact Report Required, Final Report Certified (Date) _____

☒ Other NOT A CITY "PROJECT" - DEFER TO HCD.

Prepared for the City/County of LAGUNA BEACH by CHRIS KREPHANN

Date 8/7/97 Title PRINCIPAL PLANNER.

EXHIBIT NO. 8
APPLICATION NO. 5-95-286A
LAGUNA APPROVAL
California Coastal Commission

11-20

PETE WILSON, Governor

STATE OF CALIFORNIA—BUSINESS AND TRANSPORTATION AGENCY PETE WILSON, G

DEPARTMENT OF TRANSPORTATION
DISTRICT 12
2501 PULLMAN STREET
SANTA ANA, CA 92705

November 11, 1997

RECEIVED
NOV 13 1997
CALIFORNIA
COASTAL COMMISSION

Mr. Robin Maloney- Rames
CALIFORNIA COASTAL COMMISSION
South Coast Area
245 W. Broadway, Suite 380
P.O. BOX 1450
Long Beach, CA. 9080-4416

Subject: Laguna Terrace Mobil Home Park

Dear Mr. Maloney-Rames:

Thank you for the opportunity to review and comment on the proposed drainage improvement for the Laguna Terrace Mobile Home Park. Caltrans has the following comments for your information.

1. It appears that the surface water pattern at the proposed 60" RCP outlet structure has been changed from sheet flow to concentrated flow. This concentration of flow resulted in the increase of both velocity and volume prior to its discharge onto the city street and Pacific Coast Highway.

2. The proposal will divert the current flooding problem from the Mobil Home Park to the State Highway which results in potential liability and increased maintenance responsibility to the State.

3. A detention basin should be considered and provided upstream, to detain any additional runoff to be carried by the proposed 60" RCP. Or to extend the proposed 60" RCP to other proper discharge location without damaging the State Highway.

Please continue to keep us informed of future developments which could potentially impact our State Transportation Facilities. If you have any questions, please contact me at (714) 724-2020 or Tan Nguyen at (714)-724-2073.

Sincerely

Roger Kao, Chief
Hydraulics Brancl

cc: Frank Lin
Tam Nguyen

EXHIBIT NO. 9
APPLICATION NO.
5-95-286A
Caltrans Letter
California Coastal Commission

JOHN M. TETTEMER & ASSOCIATES LTD.

March 9, 1998

Mr. Robin Maloney-Rames
California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802

Re: Amendment Coastal Development Permit
Number 5-96-048
Laguna Terrace Park/Esslinger Family Trust

Dear Robin:

We are currently working with the California Department of Transportation to resolve the issues they raised in their November 11, 1997 letter regarding our proposed project. In order to allow us enough time to come to an acceptable resolution, we are requesting a 180-day waiver on our Amendment Application.

Thank you for granting us the waiver and we will contact you as soon as we have reached consensus with Caltrans. If you have any questions please call.

Sincerely,

Darlene A. Shelley
Vice President

cc: Alan Swanson

ENGINEERING MANA
5151 Airway Avenue, Suite Q-1 Costa Mesa, California 92626 714 434-9(

EXHIBIT NO. 10
APPLICATION NO. 5-95-286A
Letters
California Coastal Commission

STATE OF CALIFORNIA—BUSINESS AND TRANSPORTATION AGENCY PETE WILSON, Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 12
3501 PULLMAN STREET
SANTA ANA, CA 92705

COPY JAN 6 1998

Mr. Alan A. Swanson
John M. Tettemer & Associates, LTD
3151 Airway Ave. Suit Q-1
Costa Mesa, CA 92626

Subject: Laguna Terrace Mobile Home Park

Dear Alan:

Thank you for letting us have the opportunity to review the proposed drainage improvement for the Laguna Terrace Mobile Home Park. We have reviewed the revised Hydrology and Hydraulic report that was submitted to us on January 6, 1998. The report does not address the split flow analysis at the outlet structure and existing 30" RCP, nor the analysis of the proposed energy dissipator. The submitted WSPG model ignored the effect of the designed baffle blocks; therefor, assumption of 75cfs flow into the existing 30" RCP is questionable.

We are not convinced that the flow of 388cfs in the 60" RCP can split 75cfs into the existing 30" RCP with the high velocity and the angle of almost 90 degree. We still concern about the additional flow of 17cfs for 25-year storm and 26cfs for 100-year storm to PCH where the flooding problem already exist. Also, it appears that more discharge to PCH due to the reduction of flow to the existing 30" RCP.

We will not withdraw our comments to the California Coastal Commission until further engineering analysis is done based on the above concern.

If you have any questions, please call me at (714) 724-2073 or Tan Nguyen at (714) 724-2073.

Sincerely,

Roger Rao, Chief
Hydraulics Branch
Caltrans, District 12

JOHN M. TETTEMER & ASSOCIATES, LTD.

April 2, 1998

Mr. Roger Kao
Chief, Hydraulics Branch
Department of Transportation
District 12, Office of Hydraulics

Dear Mr. Kao:

The purpose of this letter is to address the comments issued on January 26,1998 by your office concerning the "Laguna Terrace Park Hydrology Report" published by John M. Tettemer & Associates Ltd., (JMTA) in December of 1997.

The following repeats each comment followed by our response.

Comment # 1

The report does not address the split flow analysis at the outlet structure and existing 30" RCP, nor the analysis of the proposed energy dissipator. The submitted WSPG model ignored the effect of the designed baffle blocks; therefore the assumption of the 75 cfs flow into the existing 30" RCP is questionable... We are not convinced that the flow of 388 cfs in the 60" RCP can split 75 cfs into the existing 30" RCP with the high velocity and the angle of almost 90 degrees.

Response

The flow split in the outlet structure was analyzed considering two conditions. First, the existing 30" RCP carries approximately 35 cfs and flows directly into the 30" RCP outlet pipe. Secondly, the designed baffle block in front of 60" RCP creates an abrupt rise in the channel invert and subsequently creates a hydraulic jump. The hydraulic jump pushes the hydraulic grade line (HGL) above the soffit of the structure, creating a pressure flow condition in the system. Our analysis conservatively neglects the pressurized flow in the system and considers the HGL to be at the soffit of the structure, which would force approximately 77 cfs flow into the 30" RCP outlet pipe. This condition, in addition to the 35 cfs flow entering the outlet structure from the upstream 30" RCP, will ensure that the existing 30" RCP outlet pipe will carry at least 75 cfs. A copy of the hydraulic analysis as described above is attached.

Comment # 2

We are still concerned about the additional flow of 17 cfs for 25-year storm and 26 cfs for 100-year storm to PCH where the flooding problem already exists.

Response

We have refined the hydrology calculations for the pre- and post-improvement conditions. The analysis for the pre-improvement condition considers the actual flow capacity of the existing storm drain laterals delivering to the existing 30" CMP. Specifically, the model was revised to include the flow capacity of the existing 12" CMP laterals downstream of drainage areas C-2 and D-2, and the existing 30" CMP downstream of drainage area A-6. The result of the revised analysis indicates that the total street flow for the pre-improvement condition at PCH is 361 cfs compared to 322 cfs street flow for the post-improvement condition. This shows that the storm drain improvement has reduced the flooding at PCH and improved the existing condition. This result is primarily due to the capacity of the new system to deliver the design flow rate to the existing 30" RCP storm drain under the gas station.

Comment # 3

Also, It appears that there is more discharge to PCH due to the reduction of flow to the existing 30" RCP.

Response

Please note our response to comment No. 1 which indicates that the full flow capacity of the 30-inch RCP can be delivered by the new system. The revised pre-improvement analysis has indicated that the system inlets do not have the capacity to deliver the full flow pipe design discharge. Calculations indicate that, for the pre-improvement condition, only 44 cfs in the 100-year storm can be delivered to the 30-inch RCP under PCH.

Supporting hydrologic and hydraulic calculations along with related graphics were delivered and discussed with you during our meeting held on April 1, 1998.

As you may be aware the Coastal Commission Permit is pending receipt of a revised response from your office. Your review of the hydraulic analyses and concurrence with the results is requested.

If you have any questions, please feel free to call Mansour Vahid or me.

Sincerely,

AAS

Alan A. Swanson
Senior Vice President

AAS/pf

cc: Stephen Esslinger

STATE OF CALIFORNIA—BUSINESS AND TRANSPORTATION AGENCY
DEPARTMENT OF TRANSPORTATION
DISTRICT 12
2501 PULLMAN STREET
SANTA ANA, CA 92705
PETE WILSON, Governor

APR 7 1998

April 6, 1998

COPY

Mr. Alan A. Swanson
John M. Tettemer & Associates, LTD
3151 Airway Ave. Suite Q-1
Costa Mesa, CA 92626

Subject: Laguna Terrace Mobile Home Park
30802 So. Coast Highway, Laguna Beach

Dear Alan:

We have reviewed the 3rd revision of Hydrology and Hydraulic calculations submitted to us on April 1, 1998. Following are our comments:

1. Your Hydrology is 200 cfs less than City of Laguna Beach Master plan of drainage. You indicated in the meeting on April 1, 1998 that the Engineering assumption for the city's hydrology done by Boyle Engineering was not appropriate and that was the reason for the discrepancy. We need a letter from the City of South Laguna Beach to concur with your conclusion.

2. Your hydrology calculations shows the increase of 24 cfs at node 404 (PCH) due to the storm drain improvement from Laguna Terrace Mobile Home Park. We have expressed Caltrans' concern about the increase of flow in our previous letters and that the excess flow should be detained.

3. Your hydraulics calculations shows that the flow in Caltrans' existing 30" RCP will be increased from 44 cfs to 75 cfs (almost double). A complete hydraulics analysis of the existing 30" RCP is needed to justify that there is no impact to PCH (water burps out from inlets on PCH) and downstream properties (erosion at outlet due to increase of flow and velocity). Caltrans concerns about the liability of conveying more water to the downstream. You should inform the owners of properties down stream of PCH about the potential impact to their properties.

We always want to work with you on this issue to ensure the safety of the traveling public and private properties downstream PCH.

If you have any questions please call me at (714) 724-2020 or Tan Nguyen at (714) 724-2073.

Sincerely

Roger Kao, Chief
Hydraulics Branch
Caltrans, District 12

C: Steve May, City of South Laguna Beach
Robin Maloney-Rames, California Costal Commission
Gail Farber, Caltrans

STATE OF CALIFORNIA—THE RESOURCES AGENCY

F 6a

PETE WILSON, Governor

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 condit[illegible] the proposed development on the grounds that the development conformity with the provisions of Chapter 3 of the Californi[illegible] 1976, will not prejudice the ability of the local government jurisdiction over the area to prepare a local Coastal Program

EXHIBIT NO. 11
APPLICATION NO. 5-95-286

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 though 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 downdrain 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. Tettemer 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.

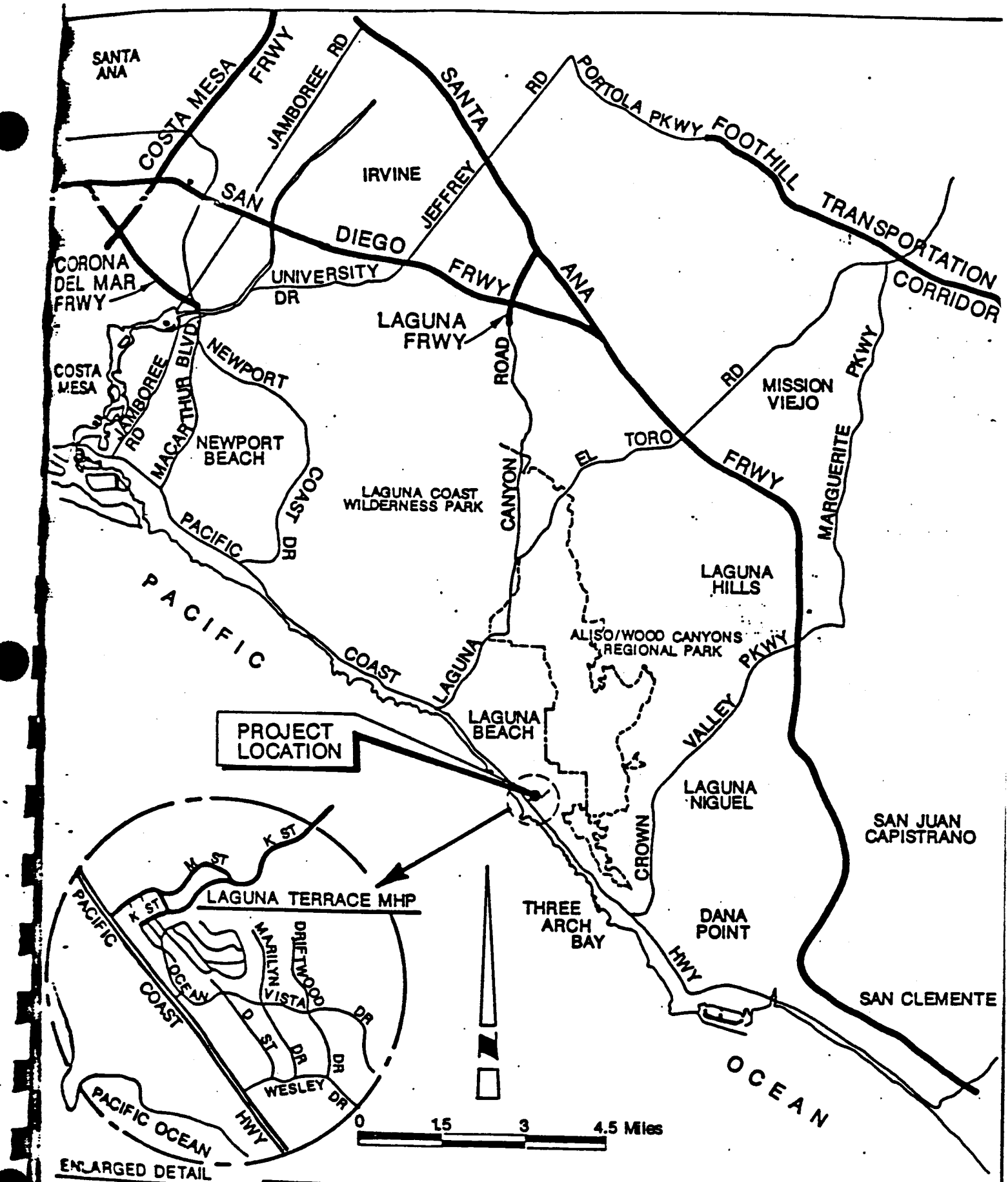
H. California Environmental Quality Act

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

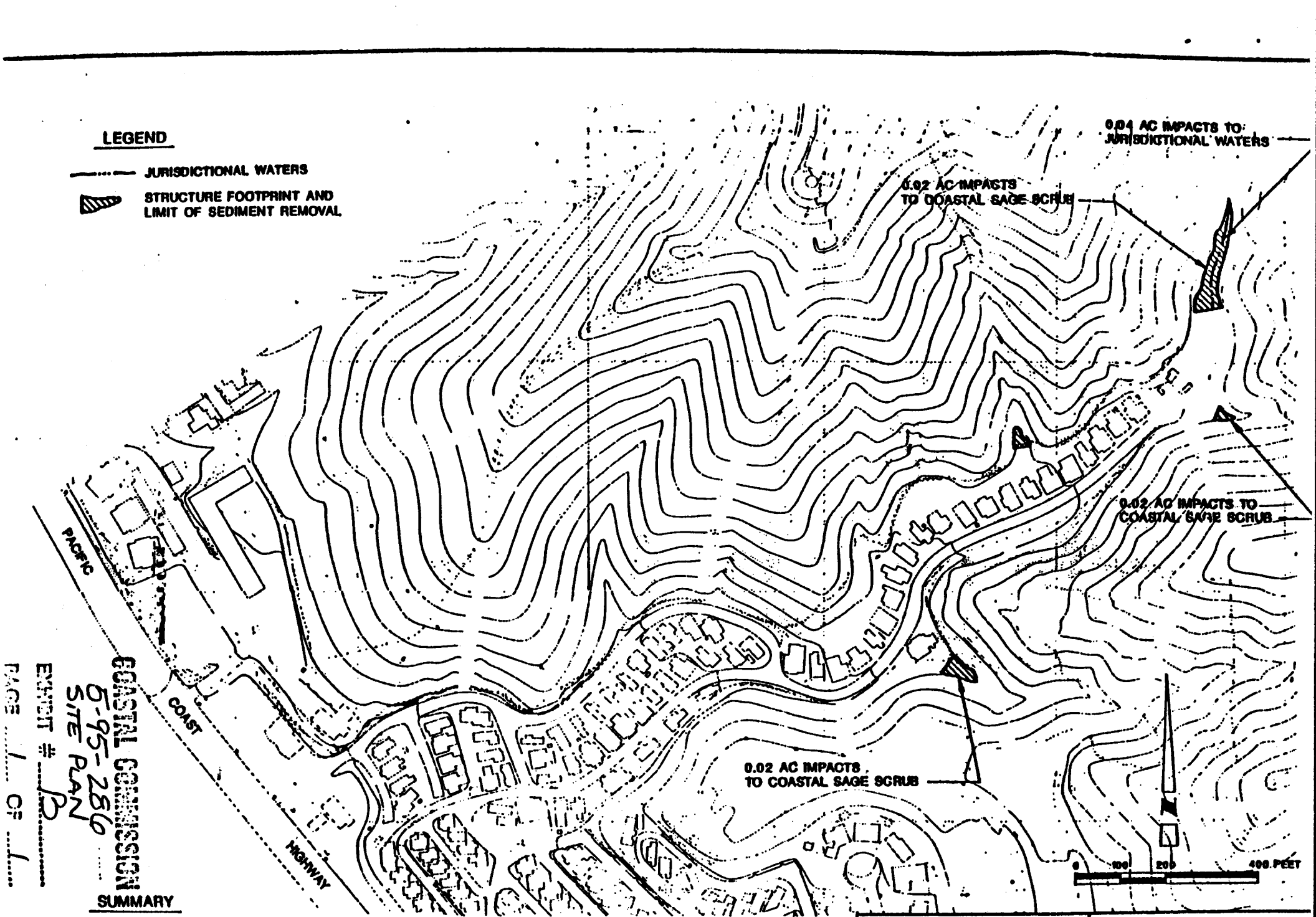


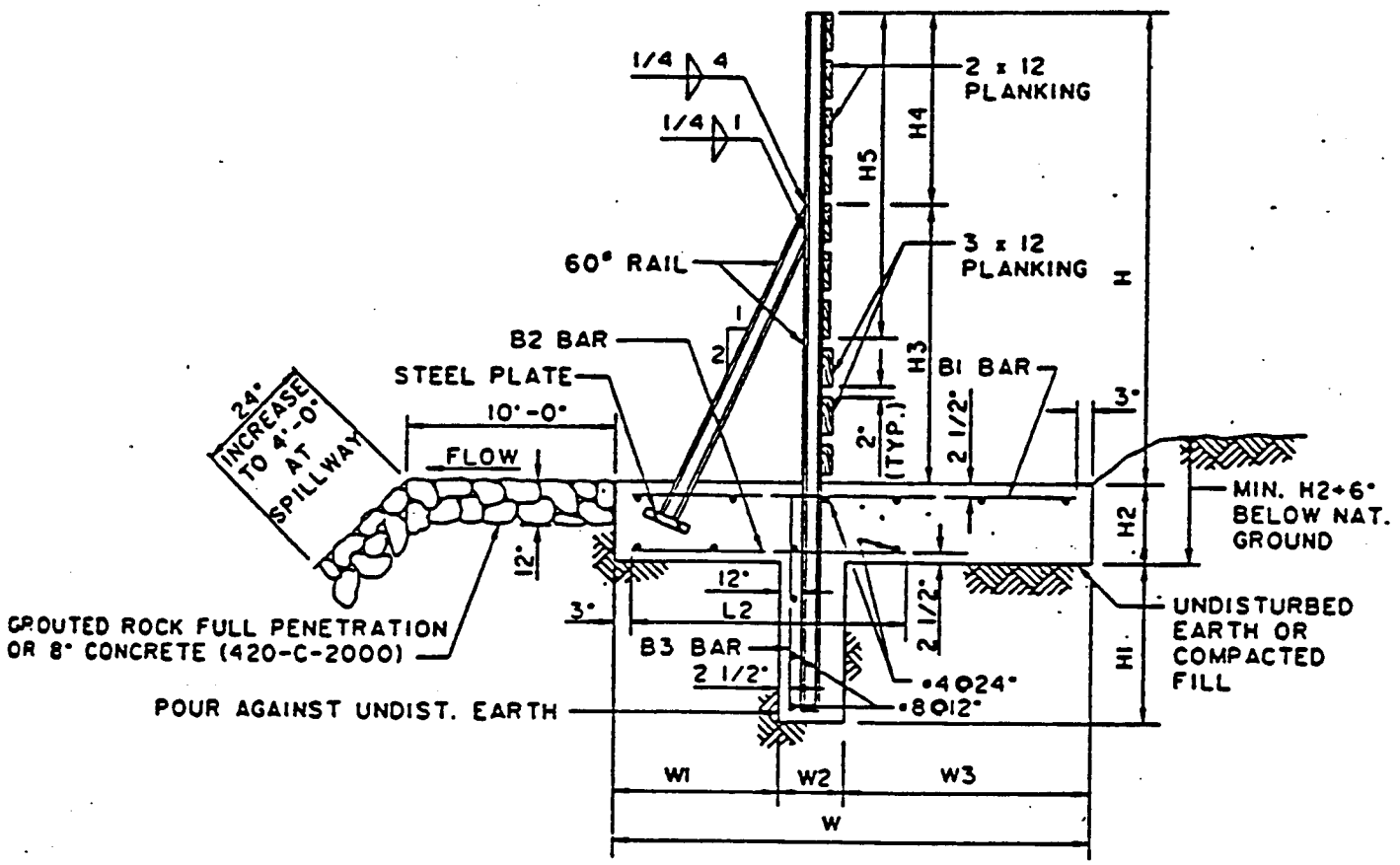
John M. Tettemer & Associates Ltd.
Engineering Management Planning
3151 Airway Avenue, Suite G-1 Costa Mesa, California 92626

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

DATE
1-96

FIGURE
1





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

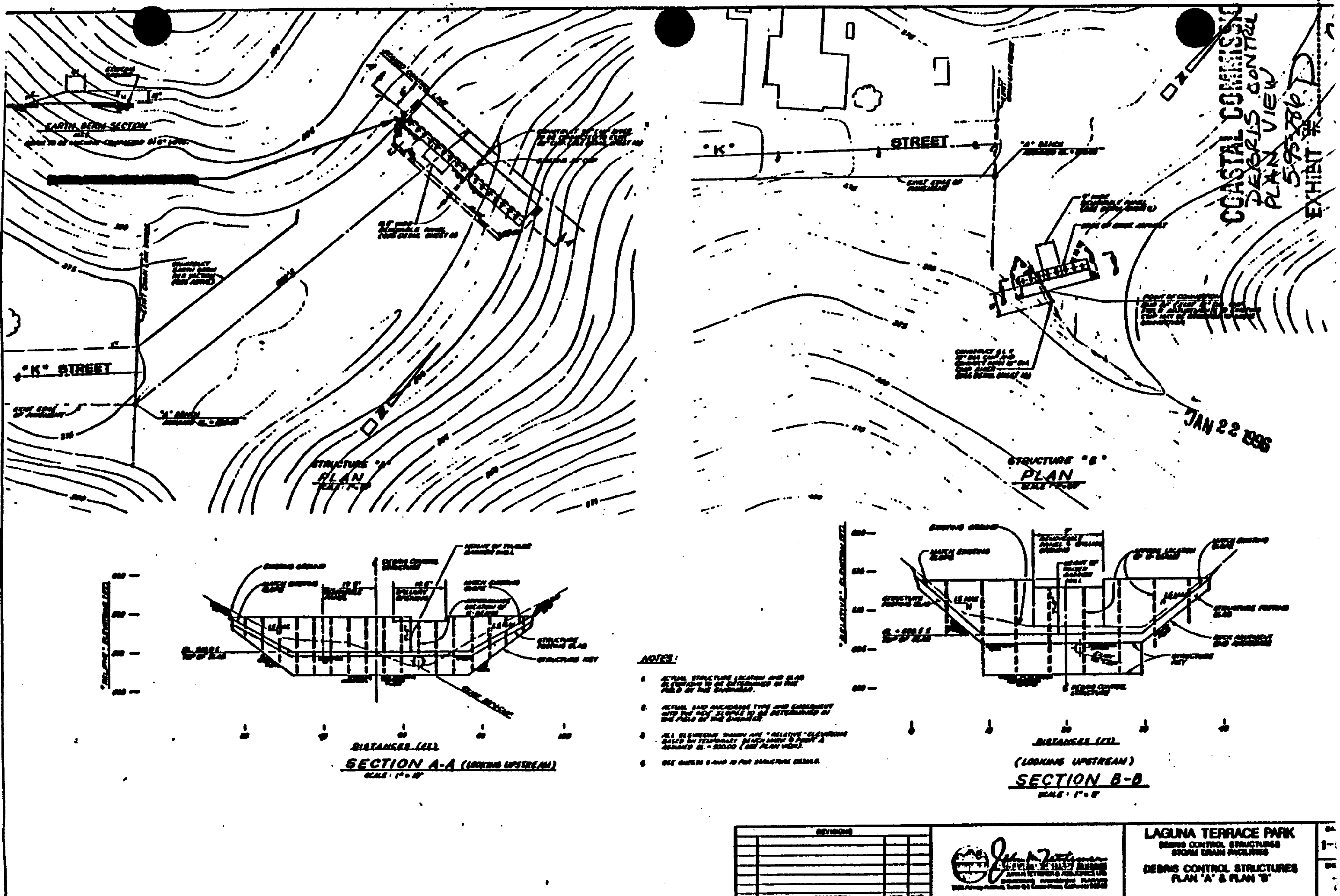
John M. Tettemer & Associates, Ltd
Engineering Management Planning
5131 Airway Avenue, Suite Q-1 Costa Mesa, California 92626

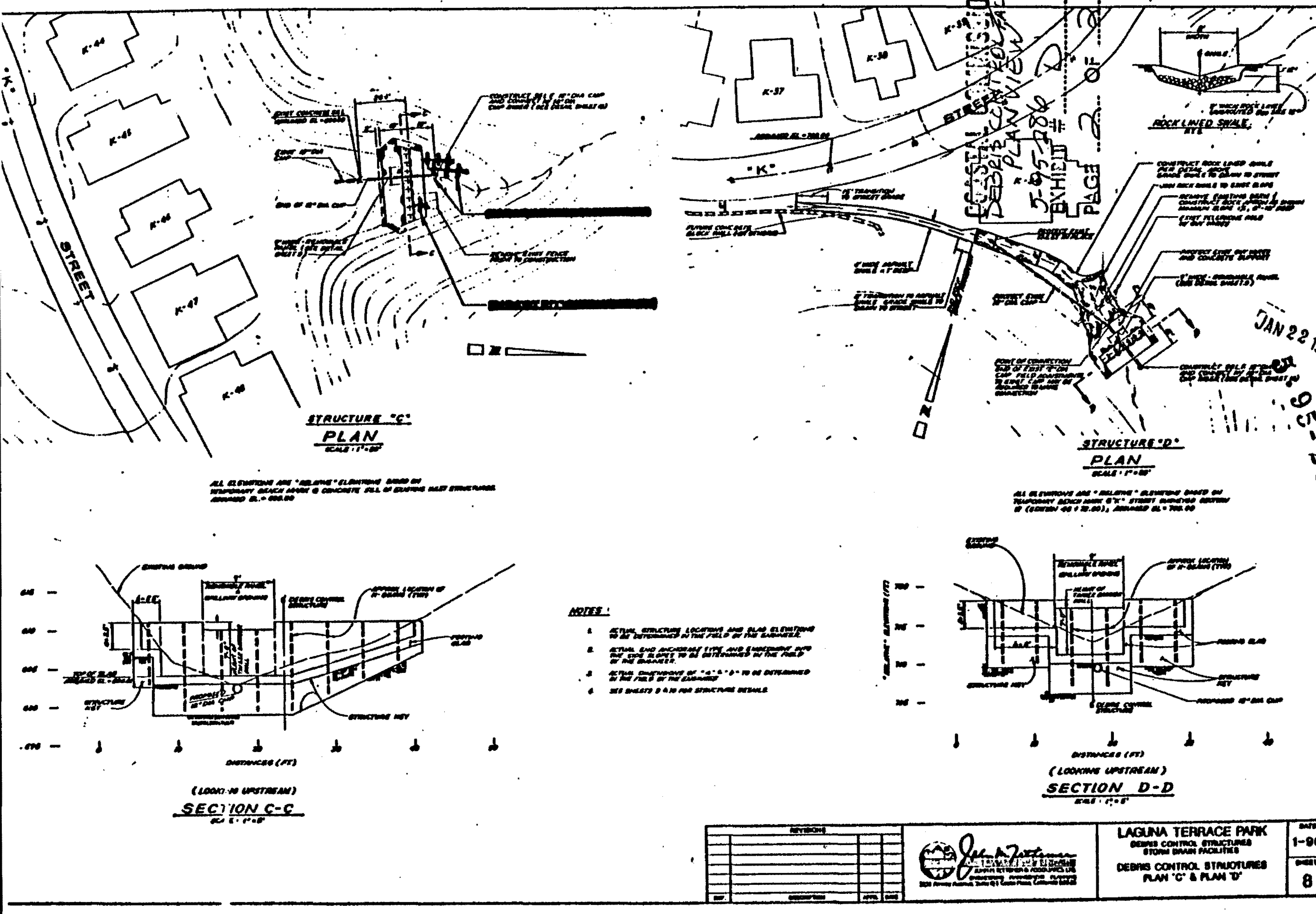
LOS ANGELES COUNTY PUBLIC WORKS

TYPICAL STEEL BEAM AND TIMBER DESIGN

DATE 1-96

FIGURE 2


EARTH BERM SECTION
"K" STREET
STRUCTURE "A"
PLAN
"K"
STREET
STRUCTURE "B"
PLAN
JAN 2 2 1996
COASTAL COMMISSION
DEBRIS CONTROL
PLAN VIEW
5-95-286
EXHIBIT # D
DISTANCES (FT.)
SECTION A-A (LOOKING UPSTREAM)
NOTES:
(LOOKING UPSTREAM)
SECTION B-B
LAGUNA TERRACE PARK
DEBRIS CONTROL STRUCTURES
STORM DRAIN FACILITIES
DEBRIS CONTROL STRUCTURES
PLAN "A" & PLAN "B"


STREET
"K"
K-44
K-45
K-46
K-47
K-48
K-37
K-38
STRUCTURE "C"
PLAN
STRUCTURE "D"
PLAN
ROCK LINED SWALE
NOTES :
(LOOKING UPSTREAM)
SECTION C-C
DISTANCES (FT)
(LOOKING UPSTREAM)
SECTION D-D
STRUCTURE KEY
REVISIONS
LAGUNA TERRACE PARK
DEBRIS CONTROL STRUCTURES
STORM DRAIN FACILITIES
DEBRIS CONTROL STRUCTURES
PLAN "C" & PLAN "D"
DATE
1-96
SHEET
8
COASTAL COMMISSION
DEBRIS CONTROL FACIL.
PLAN VIEW
5-95-286
EXHIBIT # D
PAGE 2 OF 2
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
5-95-280
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 precluded 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.

5. 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 100% survival thereafter and/or shall attain 75% cover after 3 years and 90% cover after 5 years for

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.

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.

7. 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.

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

CONCURRENCE

(Operator's name)

(signature) 12/28/95 (date)

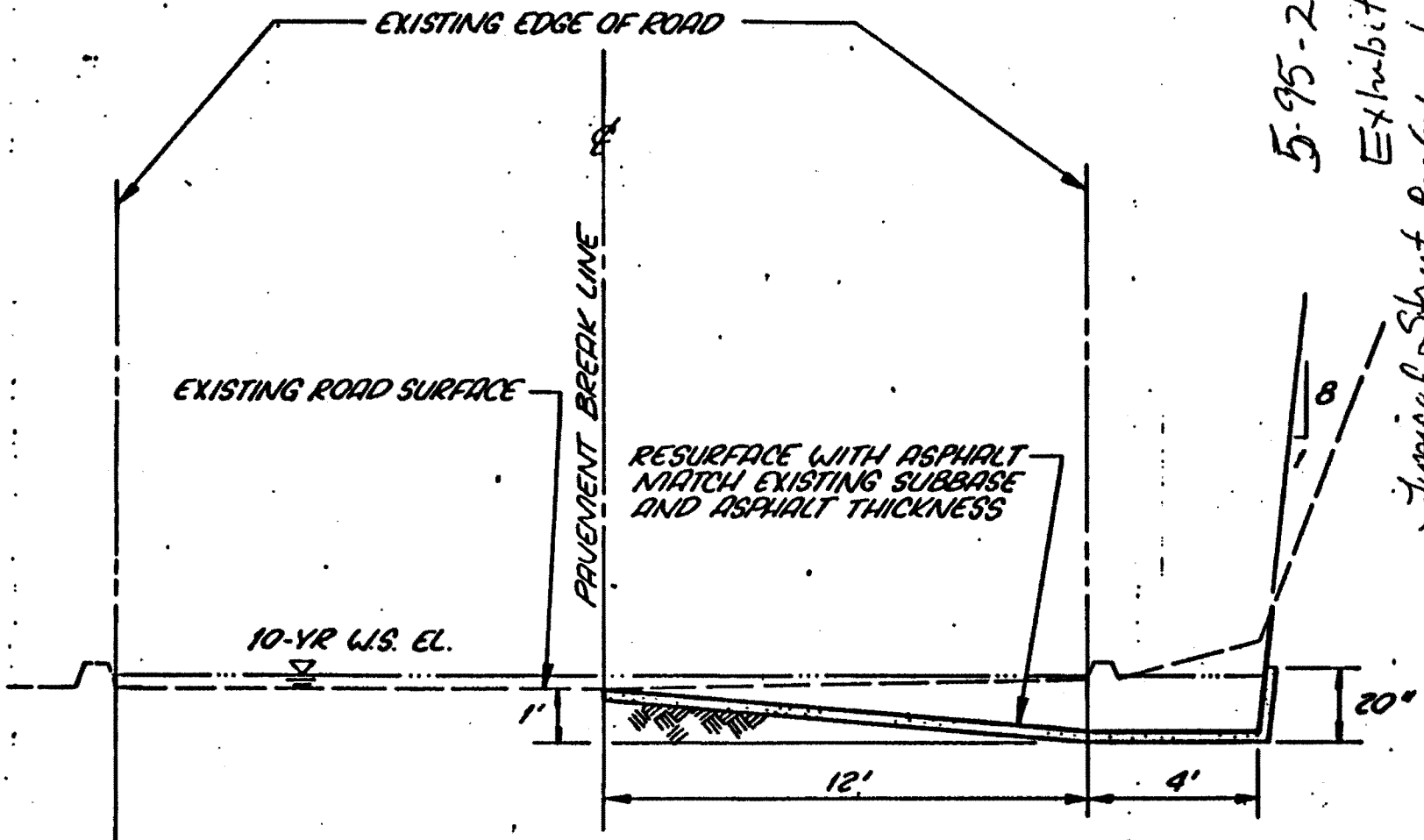
President, Laguna Terrace Park

California Dept. of Fish and Game

(signature) 1-2-96 (date)

Warden Dan Sforza #407

5-95-286
Exhibit F
Typical Street Re-Grading
Cross Section



SECTION 4

SCALE: 1"=4'

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 94244-2090
(916) 653-4875
FAX: (916) 653-2588

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.

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).

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 C. Kobetich
Carlsbad Field Supervisor

William E. Tippets
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

G3

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.