

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
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Filed: 05-29-98  
49th Day: 07-17-98  
180th Day: 11-25-98  
Staff: RMR-LB **RMR**  
Staff Report: July 23, 1998  
Hearing Date: August 11-14, 1998  
Commission Action:

**STAFF REPORT: REGULAR CALENDAR**

APPLICATION NO.: 5-98-151

APPLICANT: Esslinger Family Trust

AGENT: John Tetteimer & Assoc.

PROJECT LOCATION: 30802 S. Coast Highway, Laguna Beach, Orange County

PROJECT DESCRIPTION: Construction of a 140 foot long, 3 foot wide ditch and placement of an 18 inch wide storm drain pipe. Grading consists of 50 cubic yards of cut and 15 cubic yards of fill.

**SUMMARY OF UNRESOLVED ISSUES:**

Staff informed the applicant's agent of the special condition. The agent does not object to the special conditions. Therefore, there are no unresolved issues with respect to the staff recommendation.

**SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends approval of the proposed project with special conditions regarding provision of a landscaping plan, flagging of coastal sage scrub and location of the disposal site for excess cut dirt.

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 Permits 5-95-286 and 5-95-286A (Esslinger Family Trust/Laguna Terrace Park)

## 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. Landscape Plan

Prior to the issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, a landscaping and erosion control plan for the disturbed area of the slope. The plans shall incorporate the following criteria:

- (a) All graded areas on the slope shall be planted and maintained for erosion control and preservation of native vegetation. To minimize the need for irrigation and to screen or soften the visual impact of development all landscaping shall consist of native drought tolerant plants. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- (b) All graded slope areas shall be stabilized with planting at the completion of the project. The applicant shall submit a plant list for the review and approval of the Executive Director. Planting will consist of native species using accepted planting procedures,

consistent with the approved landscape plan and fire safety requirements, if applicable. Such planting shall be adequate to provide 80 percent coverage within one year and shall be repeated, if necessary, to provide such coverage. This requirement applies to all disturbed soils.

- (c) At the conclusion of one year following revegetation of the disturbed areas of the slope the applicant shall submit a report by a qualified landscape consultant verifying that the slope revegetation is proceeding on course and has met the goals set in subsection "c" above. If the landscaping has not met the goals the report shall outline measures to ensure compliance.
- (d) Should grading take place during the rainy season (November 1-March 31), sediment basins (including debris basins, desilting basins, or silt traps) or other methods (including straw bales and silt curtains) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from run-off waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location.

## 2. Removal of Excess Cut Dirt

Prior to the issuance of the Coastal Development Permit the applicant shall submit in writing, for the review and approval of the Executive Director, the location of the proposed dump site for all excess cut material. If the disposal site is within the coastal zone a coastal development permit shall be required.

## 3. Flagging of Coastal Sage Scrub

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

## IV. Findings and Declarations

The Commission hereby finds and declares:

### A. Project Description

The proposed development consists of the construction of a 140 foot long and 3 foot wide ditch and placement of an 18 inch wide storm drain pipe. The proposed 18 inch wide storm drain pipe would lead from a 50 foot by 50 foot retention basin and connect with a 48 inch wide storm drain pipe. Grading consists of 50 cubic yards of cut and 15 cubic yards of fill. The proposed development will adversely impact 0.04 acres of coastal sage scrub.

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. 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.

This permit is the final segment in the installation of a new storm drain system for the trailer park. Previous permits were approved by the Commission for an outlet structure at Pacific Coast Highway, new storm drain lateral lines in side canyons, desilting structures in the main side canyons, and a new main storm drain line in the street right-of-way. The original storm drain system was inadequate to handle the volume of storm water flowing through the trailer park, which was subject to flooding and mudflows.

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. The flooding threat has been addressed by the construction of the in-road storm drain system.

#### B. Project History

There have been three prior permits and a permit amendment issued by the Commission for storm drain improvements at this site, CDPs G5-95-286, 5-96-048, 5-95-286 and 5-95-286A.

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. 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.

## 4. 5-95-286A

This permit was approved by the Commission in May 1998 and 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"). The main line will terminate at a proposed 60 inch outfall structure. Lateral "D" is the subject of CDP 5-98-151.

## C. Environmentally Sensitive Habitat Area

Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The subject site is located within the Hobo Canyon area. The Laguna Terrace Trailer Park begins just inland from PCH and meanders back into the canyon. The developed areas of the trailer park are generally disturbed, with high value habitat occurring further back into the canyon and on the slopes above the trailer park. Hobo Canyon is identified in the South Laguna Biological Resource Values Map as a Very High Value Habitat. The development site is located at the edge of the High Value Habitat Area. Coastal sage scrub has been consistently found by the Commission to be environmentally sensitive habitat.

In a letter dated May 29, 1998 the applicant's agent stated that the proposed ditch and storm drain pipe (Lateral "D") will result in the displacement of approximately 0.04 acres of coastal sage scrub habitat. The applicant's agent also states that the construction zone will be staked and the site revegetated once the project is complete.

The project site consists of 140 feet of 18 inch storm drain pipe connecting a 50 foot long by 50 foot wide by 6 foot deep retention basin with the main storm drain line of the trailer park. The retention basin is located above the main portion of the trailer park and is surrounded by development on three sides. It is not located in a pristine area of habitat.

Nonetheless, the project will result in the loss of coastal sage scrub habitat on a north-facing slope. The applicant's agent has indicated that the site will be revegetated with coastal sage scrub once the project is complete. The applicant's agent has also indicated that a temporary sprinkler system will be used to irrigate the site.

However, the applicant has not submitted a plant list nor has the applicant included provision for replacing plants which die nor providing any success criteria. For this reason the Commission finds that the applicant shall be conditioned to comply with a landscaping special condition. This landscaping special condition provides that the applicant shall submit a plant list for the approval of the Executive Director, shall provide for an 80% plant coverage after one year and shall provide a report to the Executive Director one year after the landscaping has been installed.

In addition, the applicant has not indicated where the excavated dirt will be taken. Special condition 2 requires that the applicant submit in writing a letter stating where the dirt will be disposed. If the dirt is disposed in the coastal zone a coastal development permit may be required. Finally, special condition number 3 requires that the applicant flag existing coastal sage scrub in the vicinity of the construction zone so that contractors can avoid impacts to coastal sage scrub resources.

Only as conditioned does the Commission find that the proposed development is consistent with Section 30240 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 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.

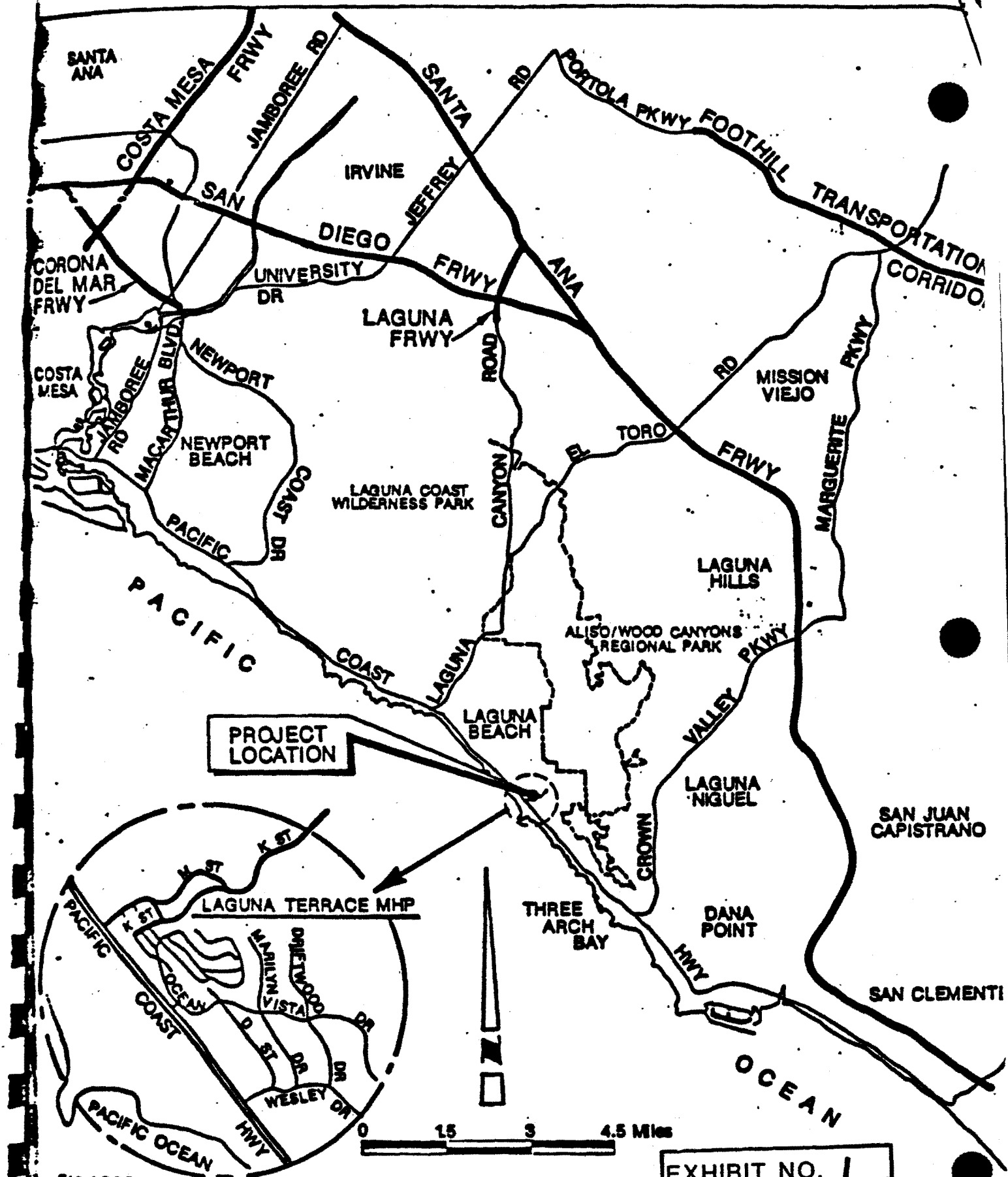
The proposed coastal development permit, as conditioned to conform with a landscaping plan, location of disposal site for excess cut dirt, and staking of coastal sage plants during construction will not create adverse effects on coastal access or coastal resources under Chapter 3 of the Coastal Act. 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 habitat protection policies of Section 30240 of the Coastal Act. Mitigation measures; special conditions requiring conformance with a landscaping plan, location of disposal site for excess cut dirt, and staking of coastal sage plants during construction, 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.


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ENLARGED DETAIL  
N.T.S.

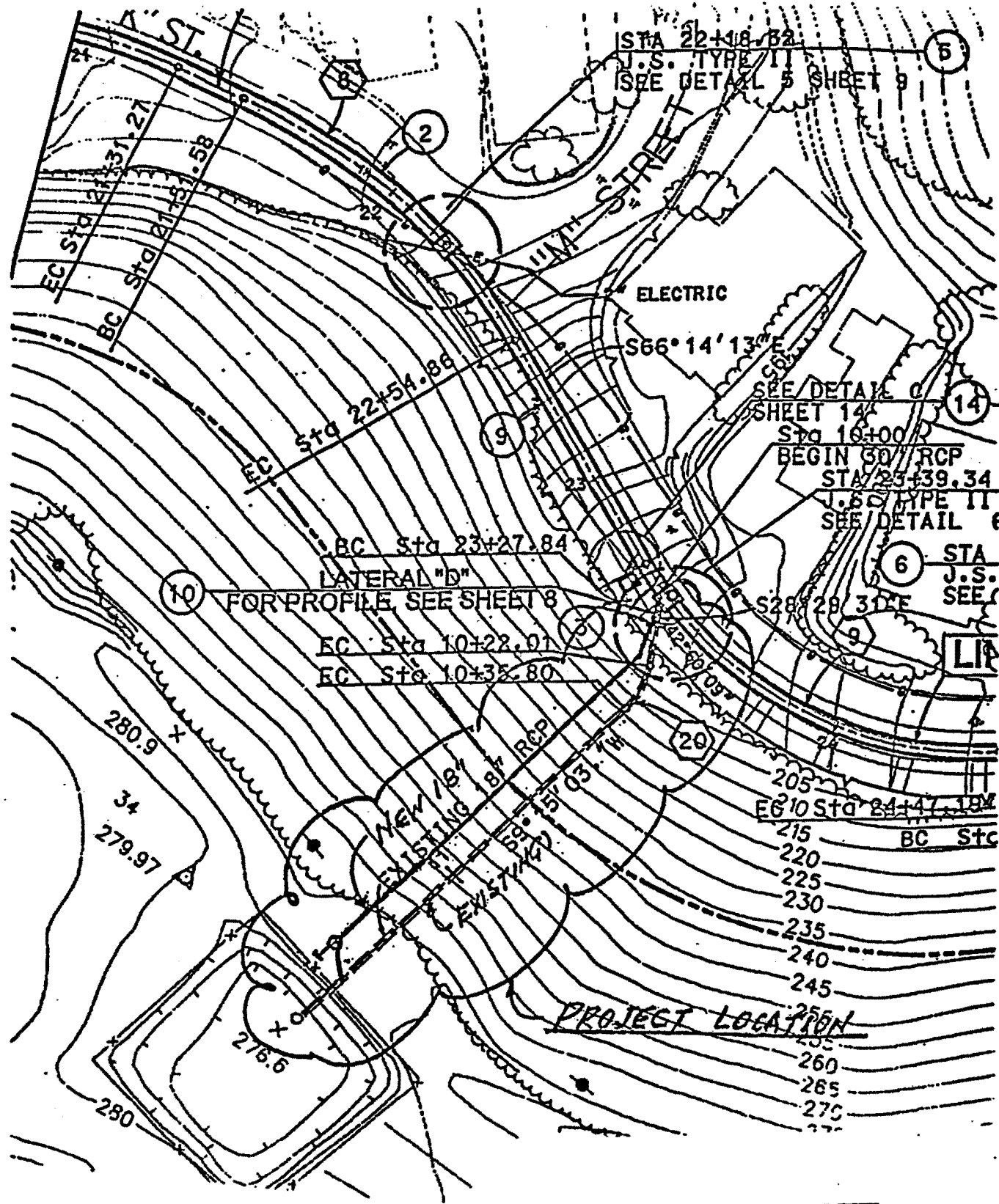


**John M. Tettemer**  
 JOHN M. TETTEMER & ASSOCIATES, LTD.  
 ENGINEERING MANAGEMENT PLANNING  
 3151 Arroyo Avenue, Suite G-1 Costa Mesa, California 92626

LAGU	EXHIBIT NO. 1
	APPLICATION NO. <b>5-98-151</b>
	<b>LOCATION</b>
	 California Coastal Commission

DATE <b>1-96</b>
FIGURE <b>1</b>





Outlet Structure

Lateral "B"  
30"

Lateral "C"  
24"

Lateral "D"  
18"

Lateral "E"  
18"

LINE "A"

Retention

Lateral "F"  
18"

SHEET 6

SHEET 5

SHEET 4

PACIFIC COAST

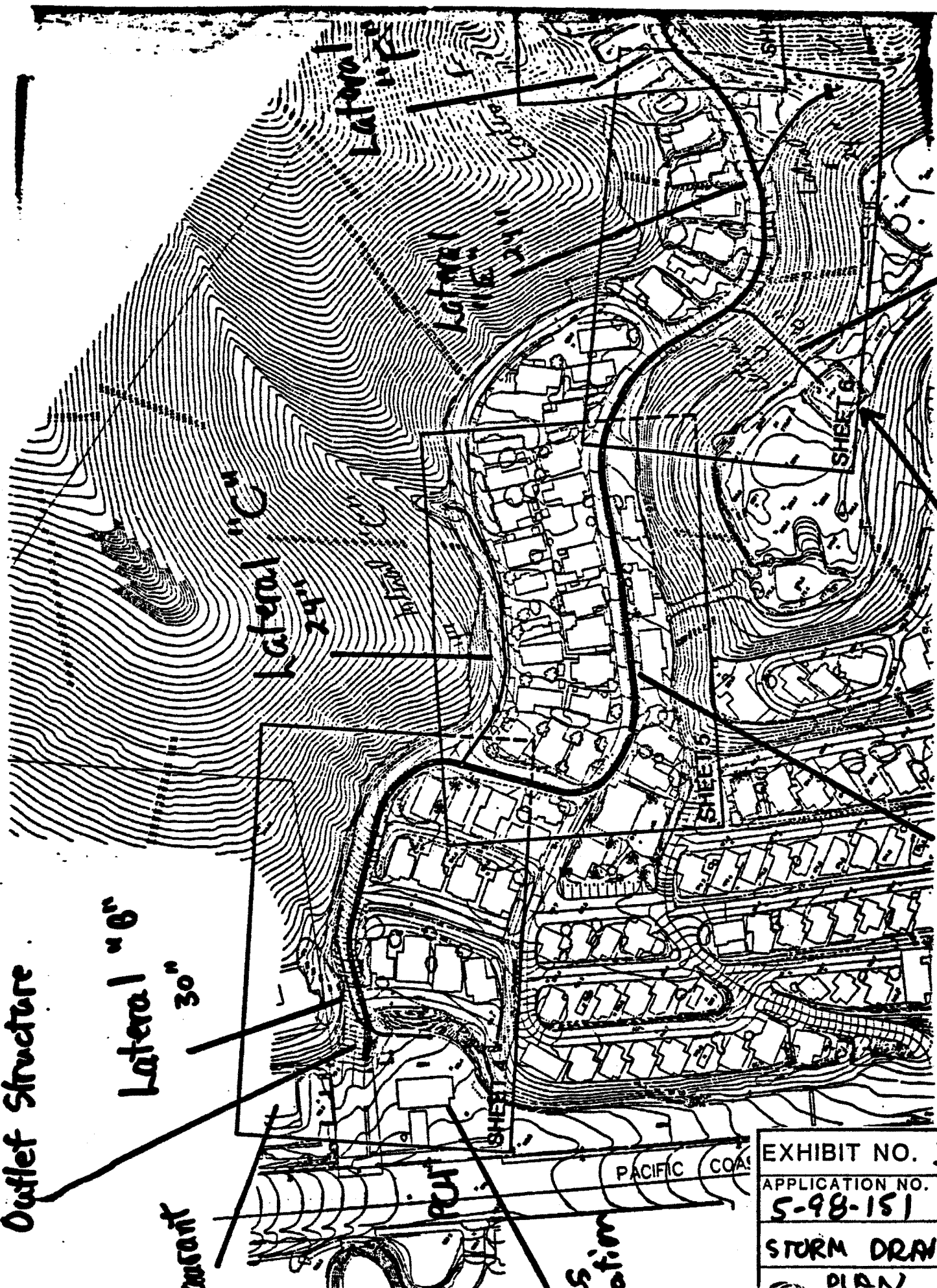
EXHIBIT NO. 3

APPLICATION NO.

5-98-151

STORM DRAIN

PLAN





May 29, 1998

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

RECEIVED  
JUN 1 1998

CALIFORNIA  
COASTAL COMMISSION

Re: Application No. 5-98-151

Dear Robin:

In your letter of April, 1998, you requested additional information regarding slope disturbance that will be caused during construction of the stormdrain lateral. We have completed an additional site visit and determined that two to three lemonadeberry trees will be removed along with other coastal sage habitat, however, there is no sage present in this area of the slope.

Construction of the stormdrain lateral will require a ditch 140 feet long by 3 feet wide. However, as noted in our original application, the overall construction footprint on the slope will be an area approximately 20 feet wide by approximately 95 feet long. Due to steep slope conditions, a backhoe will be used to excavate the materials. Excavation will take place from the top and bottom of the slope, which will temporarily displace 0.04 acre of coastal sage habitat.

Construction monitoring will consists of tagging all the trees not being displaced and staking the construction zone. Once construction is complete, the area will be returned to its natural grade and revegetated with coastal sage scrub.

If you have any further questions, please call me.

Sincerely,


Darlene A. Shelley  
Vice President

DAS/cf

ENGINEERING MANAGER

3151 Airway Avenue, Suite Q-1 Costa Mesa, California 92626 714 434-9080

009-07 D8105LTR

EXHIBIT NO. 4
APPLICATION NO. 5-98-151
LETTER
 California Coastal Commission