

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
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 590-5071



RECORD PACKET COPY  
**Item Th 8d**

Filed: October 3, 2000  
 49th Day: November 21, 2000  
 180th Day: April 1, 2001  
 Staff: ALK-LB **ALK**  
 Staff Report: December 21, 2000  
 Hearing Date: January 9-12, 2001  
 Commission Action:

**STAFF REPORT: REGULAR CALENDAR**

**APPLICATION NUMBER:** 5-00-343

**APPLICANT:** California Department of Parks and Recreation

**AGENT:** Richard Rozzelle, Associate Park and Recreation Specialist

**PROJECT LOCATION:** 8471 N. Coast Highway, Crystal Cove State Park, County of Orange

**PROJECT DESCRIPTION:** Installation of a new wastewater treatment facility, including the placement of an inline chlorinator/dechlorinator structure on a concrete foundation and installation of approximately 60 feet of new underground sewage pipeline. The facility will be surrounded by a 6-foot high chain link fencing.

**APPROVALS RECEIVED:** State Department of Parks and Recreation Notice of Exemption received by State Clearinghouse July 27, 2000.

**SUBSTANTIVE FILE DOCUMENTS:** Crystal Cove State Park Public Works Plan, 1982.

**SUMMARY OF STAFF RECOMMENDATION:**

The applicant is proposing to install a temporary new sewage treatment facility to treat discharge from the El Morro Village Mobile Home Park. The site is located on the inland side of Pacific Coast Highway within Crystal Cove State Park. The facility is intended to serve the mobile home park until such time as the lease with State Parks expires in 2004. The major issue of the staff report is water quality and protection of environmentally sensitive habitat areas (ESHA).

Staff recommends the Commission **APPROVE** the proposed development with four (4) special conditions which require 1) use of construction best management practices (BMPs), 2) the debris disposal site to be located outside the coastal zone, 3) evidence of approval by the Regional Water Quality Control Board (RWQCB); and 4) notification that the applicant must apply for a subsequent permit for any future sewage treatment system at the subject site when the mobile home park leases expire.

**STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution:

**I. APPROVAL WITH CONDITIONS**

The Commission hereby **GRANTS** a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and first public road nearest the shoreline, and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

**II. STANDARD CONDITIONS**

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **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.
5. **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. **Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris**

The permittee shall comply with the following construction-related requirements:

- (a) No construction materials, debris, or waste shall be placed or stored where it may be allowed to enter the creek;
- (b) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of construction;
- (c) Best Management Practices (BMPs) designed to prevent spillage and/or runoff of construction related materials, sediment or contaminants associated with construction activity, shall be implemented prior to the on-set of such activity.

Selected BMPs shall be maintained in a functional condition throughout the duration of the project.

- (d) Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters. Debris shall be disposed at a debris disposal site outside the coastal zone, pursuant to Special Condition No. 2.

2. Location of Debris Disposal Site

The applicant shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location outside the coastal zone. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.

3. Regional Water Quality Control Board Approval

**PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and approval of the Executive Director, written evidence from the Regional Water Quality Control Board demonstrating that the Regional Water Quality Control Board has approved the proposed project. If the Regional Water Quality Control Board requires any substantial changes to the project, as approved by the Commission, the changes shall be submitted to the Executive Director for a determination as to whether the changes require an amendment to this permit. Any changes that require an amendment shall not occur without an amendment to this permit.

4. Future Development

At such time as the lease between the California Department of Parks and Recreation and the El Morro Investment Company expires (December 31, 2004) and the mobile homes are removed from the El Morro Mobile Home Park, the applicant shall remove the development approved by Coastal Development Permit 5-00-343. If a new sewage treatment facility is proposed in its place, the applicant shall apply for a new coastal development permit.

**IV. FINDINGS AND DECLARATIONS:**

The Commission hereby finds and declares:

**A. Project Location and Description**

The subject site is located within Crystal Cove State Park in Laguna Beach, Orange County. The project site is a vacant area located on the inland side of Pacific Coast Highway at the northeastern boundary of the El Morro Mobile Home Park and the State Park, adjacent to Moro Creek (Exhibits 1 and 2).

The applicant for the proposed project is the State Department of Parks and Recreation. The mobile home park is permitted at the subject site until December 31, 2004 through a lease agreement with the State. The mobile homes are currently served by a septic system which discharges wastewater into two (2) leach fields located approximately 250 yards inland of the

mobile home park. The leach fields are sited within the Moro Canyon drainage basin, which drains to the ocean at Crystal Cove State Park, just seaward of Pacific Coast Highway.

The proposed project involves the placement of an "inline" chlorinator/dechlorinator sewage treatment facility that will treat discharge from the mobile home park. Treated discharge will then be taken to the leach fields. Wastewater from the mobile home park septic system is currently sent to the leach fields untreated.

The new chlorinator/dechlorinator structure will be 12' long, 8' wide and 5' high. The facility will be placed on a 20' by 30' concrete foundation and system hook-up will require approximately 60' of new underground sewer pipeline. The underground pipeline installation will necessitate approximately 5 cubic yards of grading (all cut). The excess material will be disposed of outside the coastal zone. A portion of the pipeline will cross Moro Creek in order to connect to an existing sewer line running to the leach fields. The pipes that cross the creek will be secured to concrete footings which are sufficiently set back from the creek banks. These footings will be approximately 2' x 2' x 2'. The proposed project also involves the installation of a 6' high chain link security fencing around the perimeter of the project site (Exhibit 3).

The purpose of the treatment facility is to address the fact that State Parks staff has detected higher levels of coliforms at the Moro Creek mouth than acceptable by State water quality standards. It is not known if the wastewater discharge from the leach fields has contributed to these increased bacteria levels; however, the applicant has indicated that the project, as designed by the State Parks Engineering Division, could only improve current conditions. The project is intended to provide an interim treatment solution to the problem, as the mobile home park is to be removed after the lease expires in December 2004. The site is then intended to be used for camping and day-use activities. At that time, State Parks plans to connect to the municipal sewer line.

The new interim sewage treatment facility is to be sited immediately adjacent to Moro Creek, in an area potentially subject to flood hazard. Typically, new permanent development is not permitted in or near a floodplain. However, the applicant has stated that the site is considered the most feasible and least environmentally damaging alternative based on archaeological and cost constraints. According to the applicant, the site was selected after careful evaluation of other sites within the same general vicinity. Potential archaeological resource sites have been identified at other locations that were considered for the new sewage treatment facility. The applicant chose to avoid siting the facility near such resources. The applicant also evaluated alternative sites at higher elevations to avoid the floodplain. The wastewater would then have to be pumped from the mobile home park to the treatment facility. Due to the costs of engineering and operating such a system and the temporary nature of the proposed project, the applicant chose to site the facility at the subject site, adjacent to Moro Creek.

The applicant has submitted the proposed project to the Regional Water Quality Control Board (RWQCB) for review and approval. Commission staff has contacted the RWQCB San Diego office and has received confirmation that their review of the project is currently underway. RWQCB staff has indicated to Commission staff that their review will focus primarily on the chlorine discharge levels from the facility. Any modifications to the project are expected to be minor engineering or technical recommendations, and would not affect the overall project description provide above. (If significant changes are required, the project will come back to the Commission for review.) Although no formal discharge regulations have been imposed on the applicant by the RWQCB at this time, the proposed project is intended to treat wastewater discharge from the El Morro Mobile Home Park; thereby potentially improving

water quality at the subject site. Water Quality will be discussed further in Section C of the current staff report.

**B. Standard of Review and Consistency with the Crystal Cove Public Works Plan**

Section 30605 of the Coastal Act provides, in pertinent part, that:

*Where a plan for a public works or state university or college or private university development project has been certified by the commission, any subsequent review by the commission of a specific project contained in the certified plan shall be limited to imposing conditions consistent with Sections 30607 and 30607.1.*

Section 30606 of the Coastal Act states:

*Prior to the commencement of any development pursuant to Section 30605, the public agency proposing the public works project, or state university or college or private university shall notify the Commission and other interested persons, organizations, and governmental agencies of the impending development and provide data to show that it is consistent with the certified Public Works Plan or Long Range Development Plan. No development shall take place within 60 working days after the notice.*

Section 13359 of the Commission's Administrative Regulations states:

*(b) The Commission shall...determine whether the proposed development is consistent with the certified public works plan...*

The Crystal Cove Public Works Plan (PWP) was approved by the Commission with conditions on May 20, 1982. Conditions were met on August 26, 1982. The PWP includes the Crystal Cove State Park General Plan, the On-Site Maintenance Plan and the Crystal Cove State Park Historic District Plan. Section 30605 of the Coastal Act, cited above, establishes the standard of review. The first threshold question is whether the specific project is contained in the PWP. If it is, then the Commission's review is limited to the imposition of conditions. The Commission can not deny a project which it previously certified as part of the PWP; however, the Commission can regulate the manner in which the project is carried out to bring it into conformance with the PWP. Therefore, the first question is whether this project is contained in the Certified Public Works Plan.

The Land Use and Facilities Element of the Certified PWP General Plan addresses the mobile home park as follows:

*...the El Morro Mobile Home Park is located around the mouth of the Moro Creek. In lieu of relocation rights, the state has arranged 20-year leases for the current tenants. Removal of the mobile home park will occur after the leases expire...*

*After the mobile home park is removed, day-use activity areas and picnic facilities will be located along both sides of Moro Creek, in Moro Canyon.*

The Certified PWP addresses the wastewater treatment system as follows:

*Both the Moro Cove area (mobile home park) and the Crystal Cove Historic District are now using septic systems for disposal of sewage. As development progresses in the park, facilities should be served by the appropriate sewage district.*

The mobile home leases have been extended and are set to expire on December 31, 2004. Until such time, the existing mobile homes and their associated utilities (including sewer) are an allowable use at the subject site. However, the PWP does not address the installation of a new interim sewage treatment facility to serve the mobile home park prior to its removal. In that respect, the proposed project is a form of development not specifically allowed under the PWP.

Nonetheless, the project is being proposed by a public agency as specified by Section 30605. The State Department of Parks and Recreation, the current landowner, proposes to construct the new treatment facility to mitigate current water quality concerns resulting from wastewater discharge at the existing mobile home park. The project is considered interim as the applicant intends to connect to a municipal sewer line after the mobile home units are removed.

Utilities to serve the mobile home park are allowed under the certified PWP. However, the installation of a new treatment facility is not specifically included in the Certified Public Works Plan and therefore, the project must be reviewed by the Commission through the coastal development permit application process. Special conditions may be imposed in accordance with Sections 30607 and 30607.1. The Commission must use the Coastal Act as the standard of review and the Crystal Cove Public Works Plan as guidance where applicable.

**C. Water Quality**

Section 30230 of the Coastal Act states, in pertinent part:

*Marine resources shall be maintained, enhanced, and where feasible, restored.*

Section 30231 of the Coastal Act states:

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

Sections 30230 and 30231 of the Coastal Act require maintenance and restoration of marine resources and ensure that the biological productivity of coastal waters is upheld and restored where feasible. Specially, Section 30231 requires the quality of coastal waters to be maintained through the minimization of adverse effects of wastewater discharges. Storm water flows and irrigation from El Morro Mobile Home Park eventually discharges into coastal waters via direct runoff to Moro Creek, as well as through seepage into the creek from the nearby leach fields.

**Construction**

Storage or placement of construction materials, debris, or waste in a location subject to entry into Moro Creek and eventual dispersion into coastal waters would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. In addition, the use of machinery in coastal waters (including creek beds) not designed for such use may result in the release of lubricants or oils that are toxic to marine

life. Sediment discharged to coastal waters may cause turbidity which can shade and reduce the productivity of eelgrass beds and foraging avian and marine species ability to see food in the water column. In order to avoid adverse construction-related impacts upon marine resources, Special Condition No. 2 outlines construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris.

Approximately five (5) cubic yards of cut is anticipated in order to install the new sewer lines. The applicant has indicated that the contractor will have the discretion of selecting a disposal site at the time of construction, Special Condition No. 3 requires that the applicant dispose of all cut material and demolition and construction debris at an appropriate location outside of the coastal zone and informs the applicant that use of a disposal site within the coastal zone will require an amendment or new coastal development permit.

#### Wastewater Discharge

The applicant is proposing to install a new chlorinator/dechlorinator facility to treat effluent coming from the septic system serving the mobile home park. Wastewater will be treated with chlorine and then "de-chlorinated" through the in-line system before being released to the nearby leach fields. In effect, the discharged wastewater will be disinfected through this treatment process. Wastewater will then undertake a secondary form of treatment through the filtration process occurring at the leach fields.

The State Parks Engineering Department has designed this project as a way to reduce the level of coliforms that are potentially seeping into the adjacent creek and eventually draining to the ocean. The project will treat the wastewater discharges prior to filtration at the leach field, thereby improving the quality of water entering the ocean at Crystal Cove State Park. As such, the proposed project is intended to minimize "*adverse effects of waste water discharges,*" consistent with Section 30231 of the Coastal Act.

Since the proposed project has the potential to affect water quality, the development requires approval by the Regional Water Quality Control Board (RWQCB). At the time of this staff report, evidence of RWQCB approval had not yet been received. (The applicant initiated contact with the RWQCB San Diego Region prior to the CDP application submittal and Commission staff has confirmed that RWQCB review is currently underway.) Consequently, the proposed development has yet to be found in conformance with current water quality standards by the RWQCB. The RWQCB staff has indicated to Commission staff that their review will focus primarily on the allowable level of chlorine that may be discharged to the leach fields after treatment of the septic system effluent at the new facility. Modifications are expected to relate to specific design methodology and are not anticipated to affect the overall project design. To ensure that the project is acceptable to the Regional Water Quality Control Board and will not adversely affect water quality, Special Condition No. 3 requires that the applicant provide written evidence of RWQCB approval prior to issuance of a coastal development permit. If the RWQCB approval results in changes to the currently proposed project, the applicant may be required to obtain an amendment to the current coastal development permit.

Only as conditioned for appropriate storage of construction materials and equipment, location of an appropriate debris disposal site, and RWQCB approval, does the Commission find that the proposed development is consistent with Sections 30230 and 30231 of the Coastal Act.

**D. Environmentally Sensitive Habitat Area**

Section 30240 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 project site is located within Crystal Cove State Park. While the majority of the park is designed to promote native ecology and to minimize the impact of visitors on park resources, the project site is located in a portion of the park which has been previously disturbed for construction of the mobile home park. The subject site is located directly northeast of the mobile home park, adjacent to Moro Creek. The site of the proposed sewage treatment facility is presently vegetated with a sparse growth of weeds and shrubs. According to the applicant, "...*The sewage treatment facility is not located in an area of sensitive habitats. State Parks Resources Ecologist, David Pryor, surveyed the site and has determined that only one native plant (lemonade berry) will be destroyed during the construction of this project. Furthermore, no state or federally destroyed listed rare, threatened, or endangered species are known within the project area.*" Based on the applicant's statements and Commission staff's visit to the site, the project will not result in a significant adverse affect on plant or animal species at the subject site.

While the site itself is not considered an environmentally sensitive habitat area, it is located within the Moro Creek drainage basin, which discharges to an area designated as a Marine Life Refuge by the California Department of Fish and Game and as an Area of Special Biological Significance (ASBS) by the State Water Resources Control Board. As such, the new sewage treatment facility is located in an area adjacent to an ESHA, within a parks and recreation area, and drains to a site characterized as an ESHA. Therefore, the Commission must assure that the proposed development is appropriately sited and does not result in significant adverse effects to water quality in the surrounding area.

The Commission finds that proposed development has been sited in the most feasible location given the archaeological and engineering constraints of the subject area and the temporary nature of the facility. The proposed sewage treatment facility will provide an interim solution to treat wastewater discharge from the mobile home park until such time as the units are removed. Additionally, the Commission has imposed Special Conditions 1-4 discussed in Section C. These conditions relate to the improvement of water quality both during and after construction of the proposed facility. Only as previously-conditioned does the Commission find that the proposed development is consistent with Section 30240 of the Coastal Act.

**E. California Environmental Quality Act**

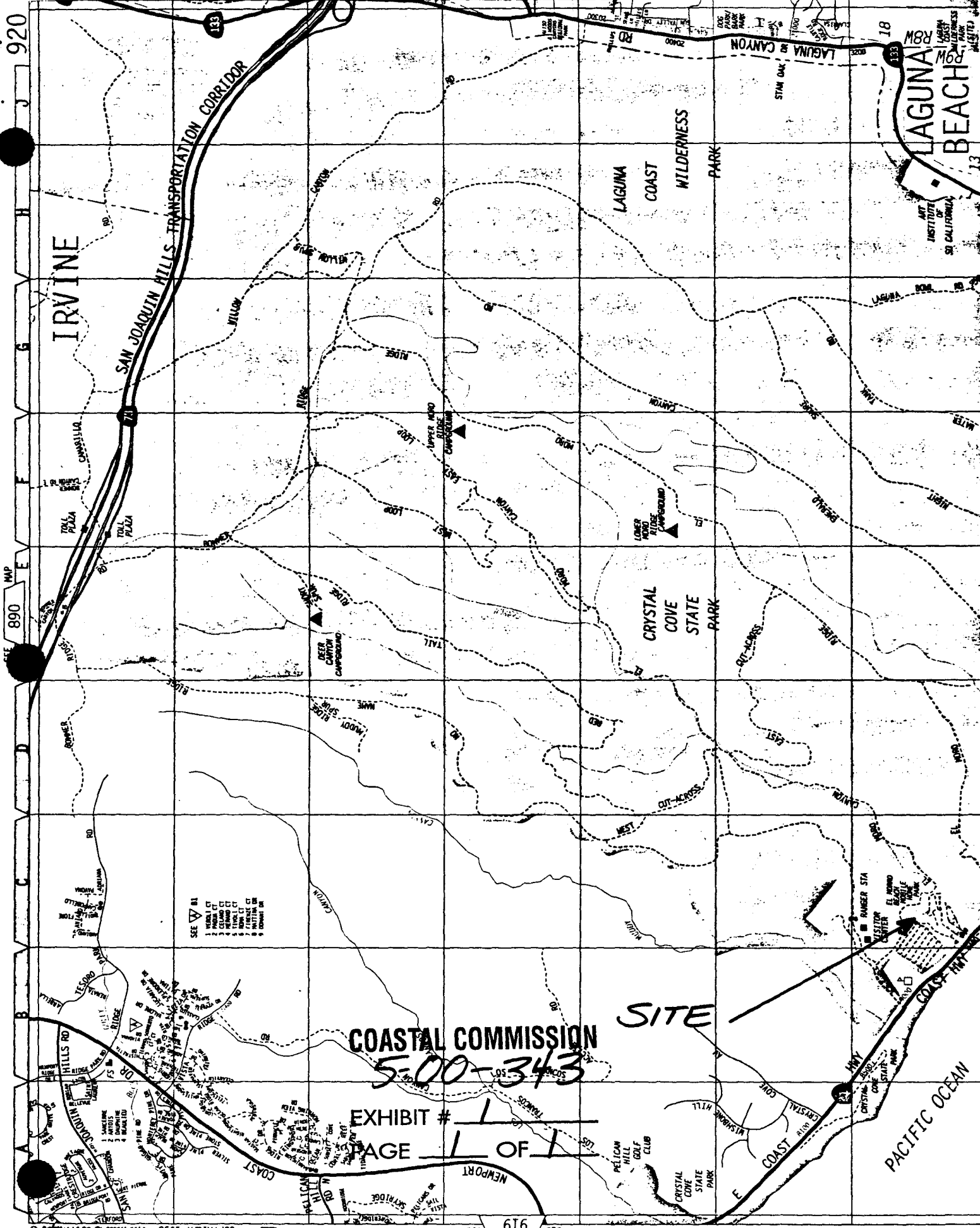
Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California 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 project is located within a State Park adjacent to an existing mobile home park. The proposed development has been conditioned as follows to assure the proposed project is consistent with the water quality and ESHA policies of the Coastal Act: 1) use of construction best management practices (BMPs), 2) the debris disposal site to be located outside the coastal zone, 3) evidence of approval by the Regional Water Quality Control Board (RWQCB); and 4) notification that the applicant must apply for a subsequent permit for any future treatment system at the subject site when the mobile home park lease expires.

As conditioned, no feasible alternatives or feasible mitigation measures are known, beyond those required, which would substantially lessen any identified significant effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with CEQA and the Chapter Three policies of the Coastal Act.





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EXHIBIT # 1

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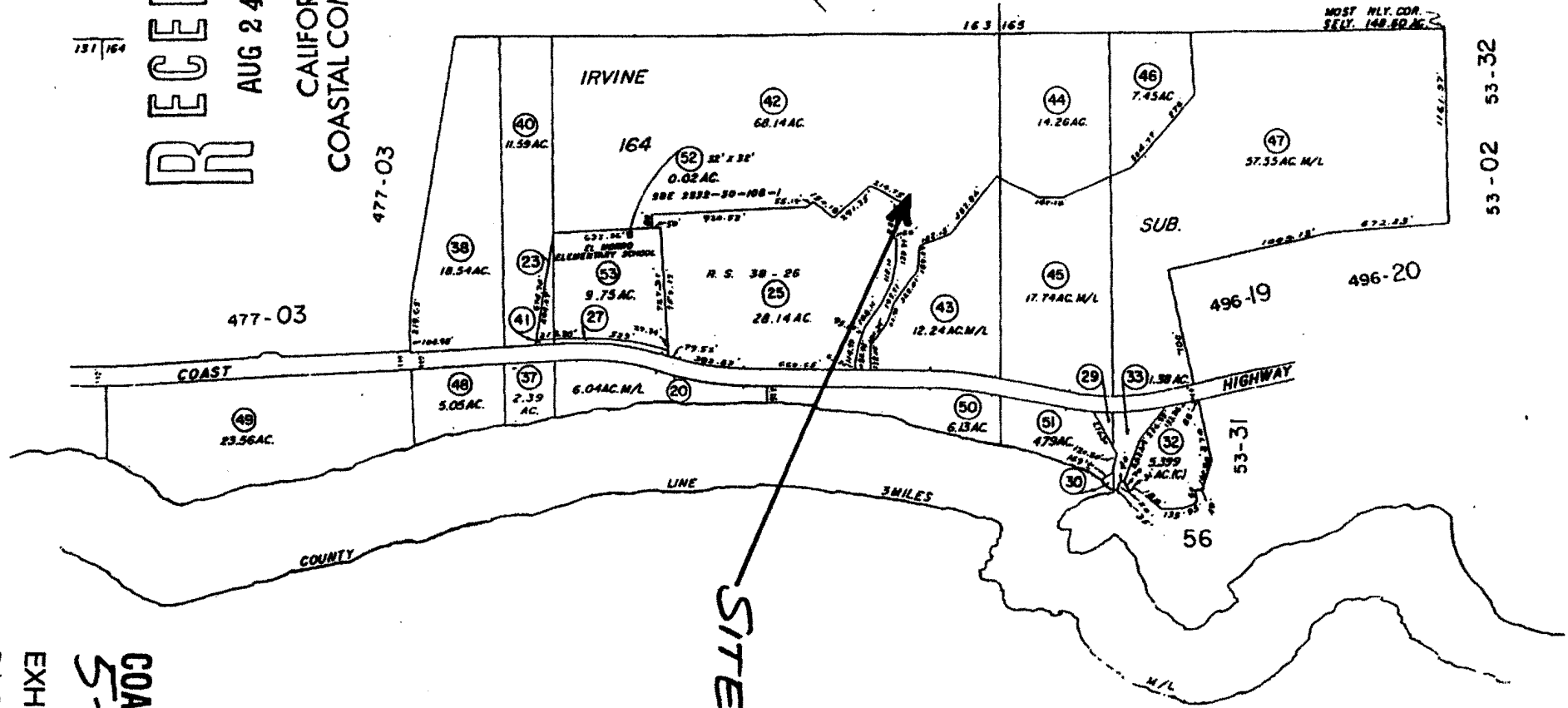
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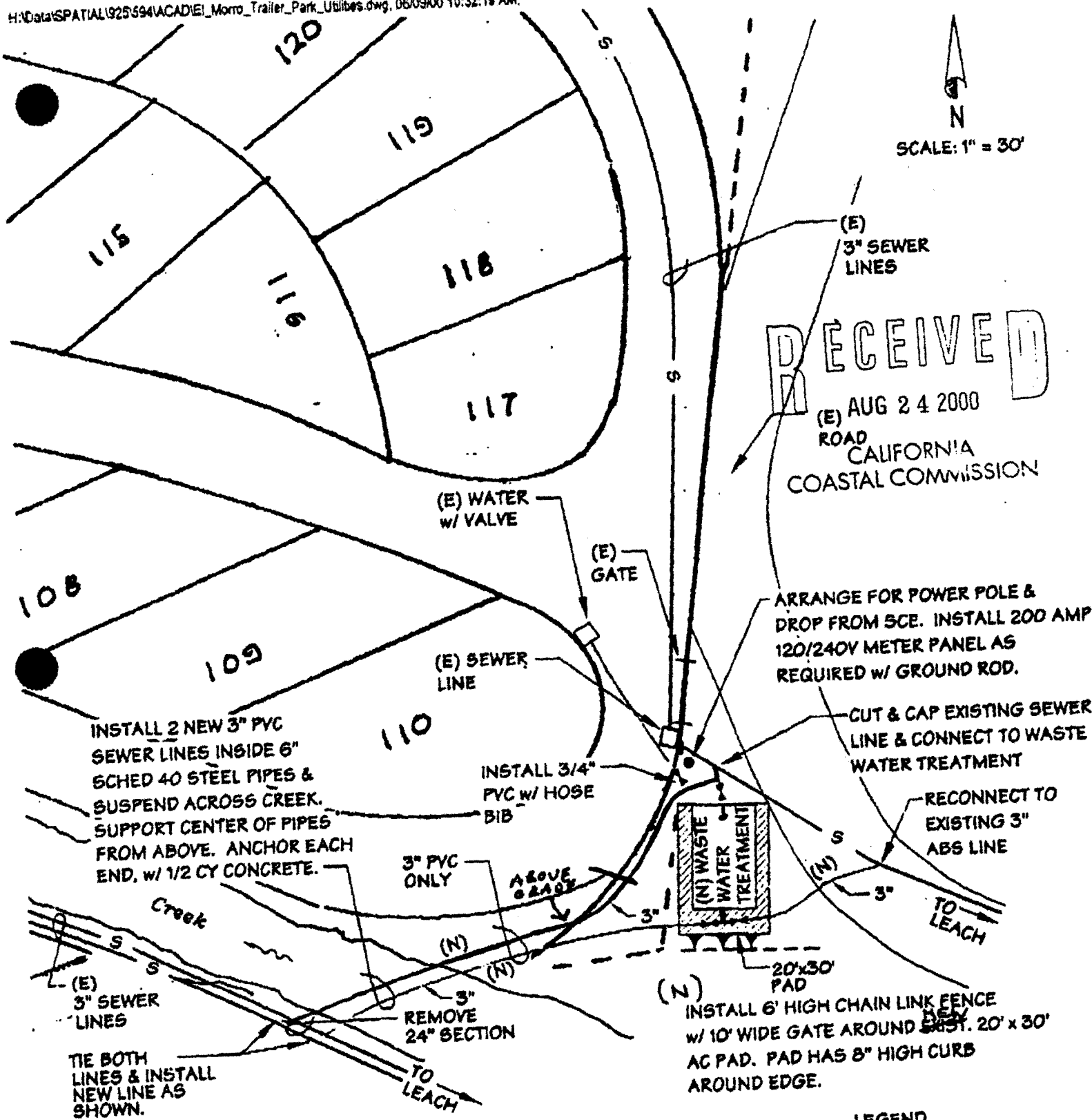
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IRVINE SUB. M.M. 1-88

NOTE: ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

ASSESSOR'S MAP BOOK 120 PAGE 28 COUNTY OF ORANGE

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**LEGEND**

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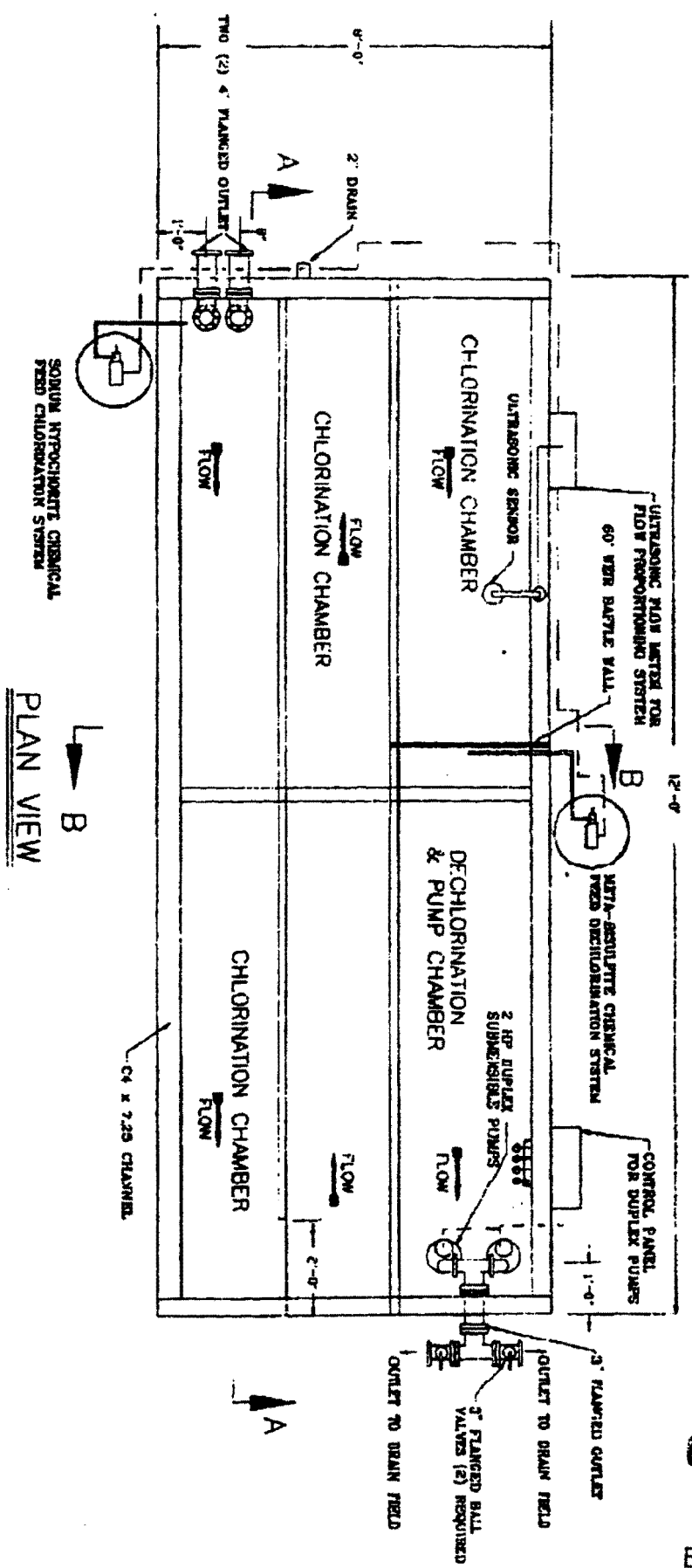
**EL MORRO TRAILER PARK  
NEW INSTALLATIONS**

5-00-343  
EXHIBIT # 3 NOTE: ALL PVC INSTALLED UNDERGROUND

SHEET 3

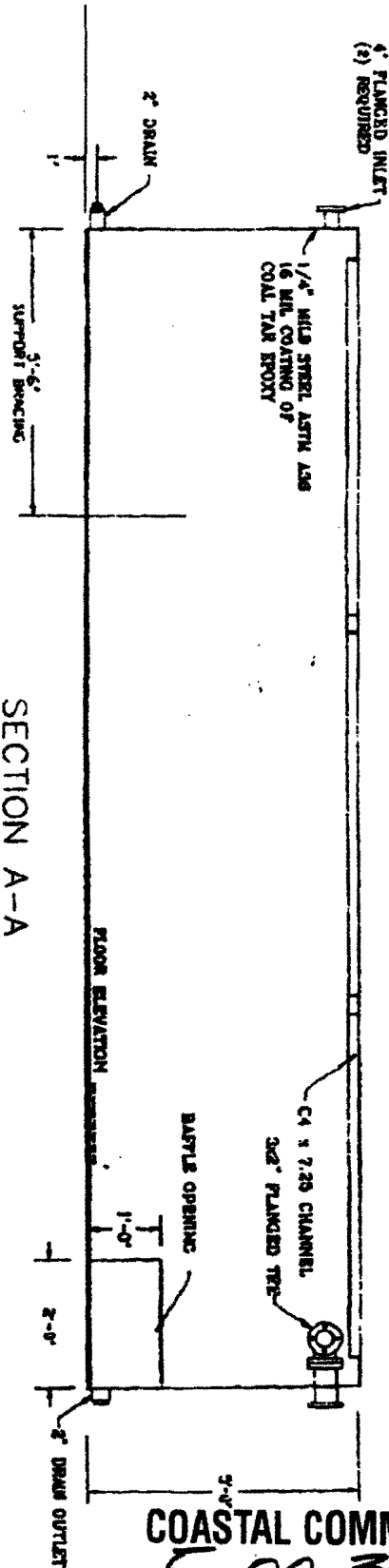
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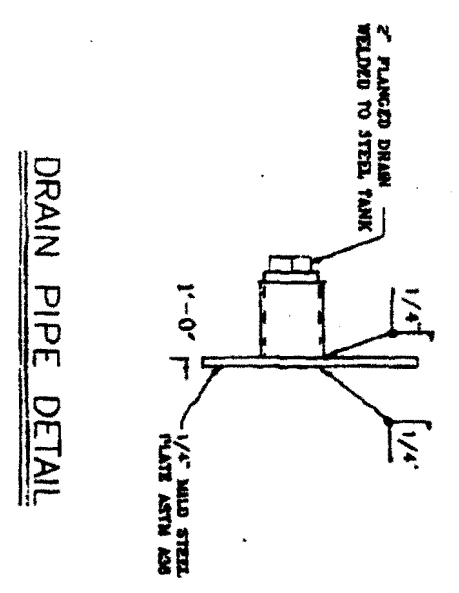


PLAN VIEW

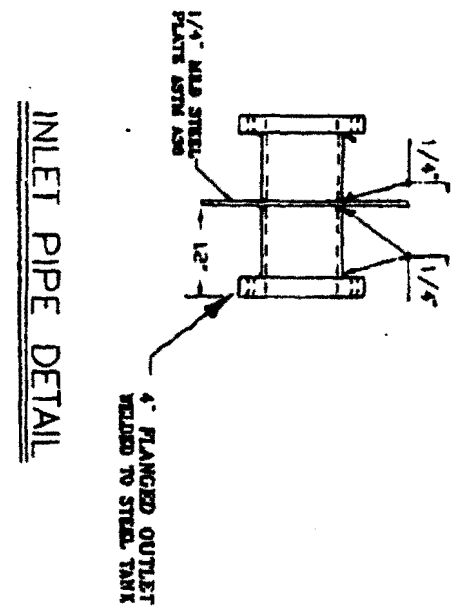
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 EXHIBIT # 3  
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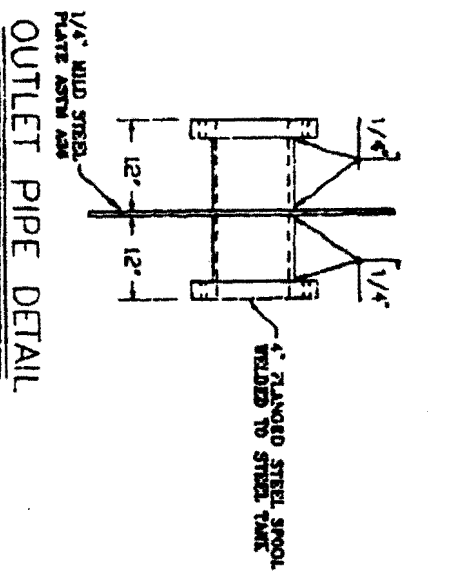
SECTION A-A



DRAIN PIPE DETAIL



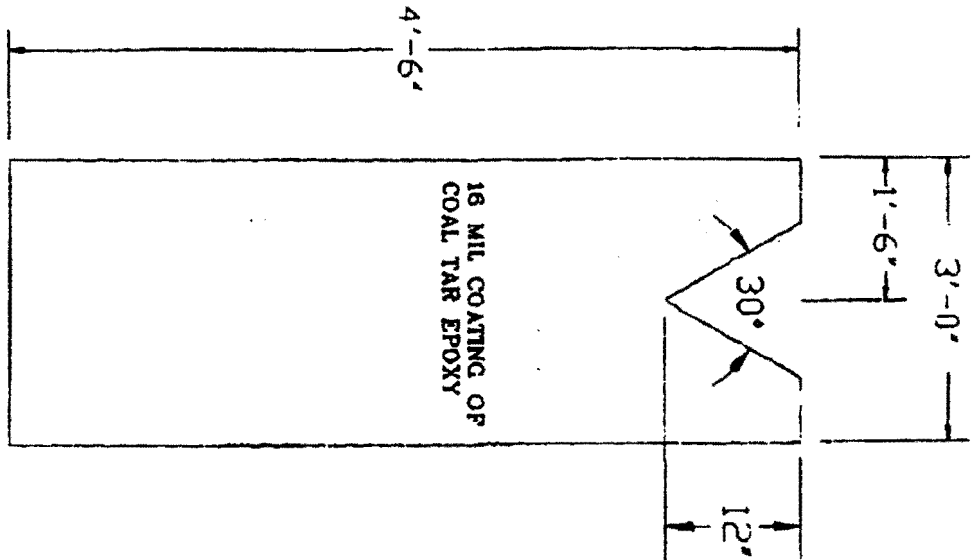
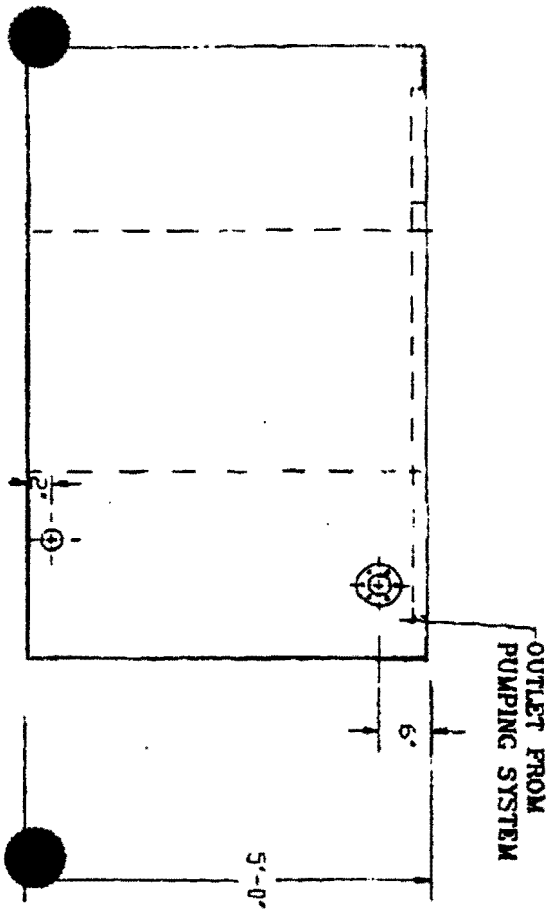
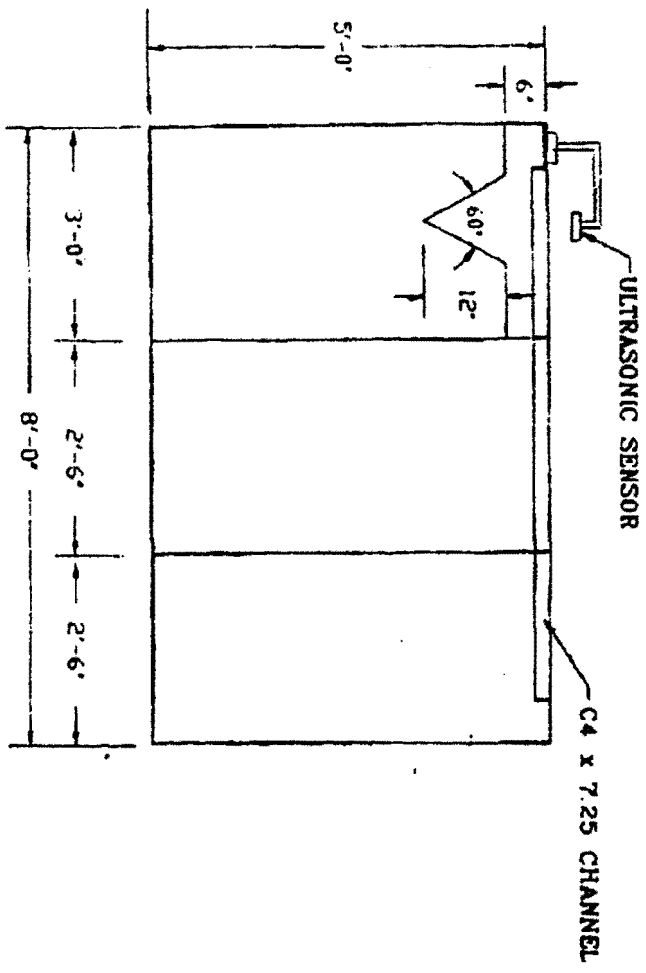
INLET PIPE DETAIL



OUTLET PIPE DETAIL

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