

**CALIFORNIA COASTAL COMMISSION**

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**RECORD PACKET COPY**

Filed: February 6, 2001  
49th Day: March 27, 2001  
180th Day: August 5, 2001  
Staff: ALK-LB *ALK*  
Staff Report: May 24, 2001  
Hearing Date: June 12-15, 2001  
Commission Action:

**Item Th 19f****STAFF REPORT: REGULAR CALENDAR**

**APPLICATION NUMBER:** 5-01-044

**APPLICANT:** County of Orange

**AGENT:** Mark Esslinger, Project Planner

**PROJECT LOCATION:** 2202 Mesa Drive, Newport Beach (Orange County)

**PROJECT DESCRIPTION:** Closure and revegetation of existing Mesa Area riding arena and establishment of a new day-use equestrian park, including a lunging arena and a riding arena adjacent to the Delhi Channel.

**LOCAL APPROVALS RECEIVED:** City of Newport Beach Use Permit No. 3680 and associated Negative Declaration approved by the Planning Commission at its September 21, 2000 meeting.

**SUBSTANTIVE FILE DOCUMENTS:** City of Newport Beach Certified Land Use Plan (LUP)

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**SUMMARY OF STAFF RECOMMENDATION:**

The County of Orange is proposing the creation of a new equestrian park on a vacant, denuded property adjacent to the Delhi Channel, a concrete lined drainage course leading to the Upper Newport Bay in the Santa Ana Heights Area of the City of Newport Beach. The project also involves the closure and revegetation of the existing Mesa Area riding arena, thereby focusing current equestrian use to the newly created equestrian facility. The major issues of the staff report include water quality, preservation of environmentally sensitive habitat area (ESHA) and maintenance of public access.

Staff recommends the Commission **APPROVE** the proposed development with seven (7) special conditions requiring 1) use of construction best management practices (BMPs); 2) appropriate disposal of construction debris; 3) submittal of a final drainage and erosion control plan; 4) submittal of a manure management plan; 5) evidence of Regional Water Quality Control Board (RWQCB) approval; 6) submittal of a landscaping plan for revegetation and monitoring; and 7) maintenance of public access during construction.

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## **I. STAFF RECOMMENDATION:**

Staff recommends that the Commission **APPROVE** the permit application with special conditions.

### **MOTION:**

*I move that the Commission approve CDP #5-01-044 pursuant to the staff recommendation.*

Staff recommends a **YES** vote. This will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

### **RESOLUTION TO APPROVE THE PERMIT WITH CONDITIONS:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

## **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 enter the Delhi Channel or Upper Newport Bay;
- (b) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
- (c) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control sedimentation impacts to coastal waters (including the Delhi Channel) during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into Upper Newport Bay and a pre-construction meeting to review procedural and BMP guidelines;
- (d) Construction debris and sediment shall be removed from construction areas adjacent to the Delhi Channel 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 of in accordance with 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. Final Drainage and Erosion Control Plan

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, two (2) full size copies of a finalized Drainage and Erosion Control Plan which conform to the conditions of approval and mitigation measures of City of Newport Beach Use Permit No. 3680 and its associated Negative Declaration, attached as Exhibit 4. The plan shall also demonstrate that runoff shall be collected and directed in a non-erosive manner through vegetated areas for filtration purposes prior to direct discharge into the Delhi Channel, which leads to Upper Newport Bay. The drainage system shall be engineered in such a manner as to prevent the discharge of sediment or fine particulates into the channel.
- B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. Operation of Facility and Manure Management Plan Requirements

- A. In accordance with the applicant's proposal, the equestrian facility shall be a day use facility only. No livestock may be boarded overnight.
- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, a Manure Management Plan. The plan shall include management practices for the collection, storage, and disposal of manure. Manure shall be collected and disposed of offsite in a manner and location prescribed in the approved plan.
- C. Any additional or intensified use of the site for livestock maintenance and/or recreation purposes shall require an amendment to Coastal Development Permit No. 5-01-044.

5. Regional Water Quality Control Board Approval

**PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall provide to the Executive Director a copy of a permit issued by the Regional Water Quality Control Board, or letter of permission, or evidence that no permit or permission is required. The applicant shall inform the Executive Director of any changes to the project required by the Regional Water Quality Control Board. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is required.

6. Landscaping Plan for Revegetation and Monitoring

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a landscaping plan prepared by a licensed landscape architect or qualified resource specialist, which demonstrates the following:
  - (a) All planting shall provide 90 percent coverage within 90 days and shall be repeated if necessary to provide such coverage;
  - (b) All plantings shall be maintained in good growing condition, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan;
  - (c) Landscaped areas on the Mesa Area and surrounding the equestrian facility shall be planted and maintained for erosion control, water quality improvement (filtration) and native habitat enhancement purposes. To minimize the need for irrigation and minimize encroachment of non-native plant species into adjacent existing native plant areas, all landscaping shall consist of native, drought resistant plants. Invasive, non-indigenous plant species that tend to supplant native species shall not be used;
- B. The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

- C. Five years from the date of issuance of Coastal Development Permit No. 5-01-044 the applicant shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed landscape architect or qualified resource specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this special condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

7. Maintenance of Public Access

The construction activities and staging of construction materials authorized pursuant to Coastal Development Permit No. 5-01-044 shall avoid obstruction of public access from Mesa Drive to the Upper Newport Bay available via the Department of Fish and Game (DFG) public access trail, as shown in Exhibit 3.

In the event that the DFG trail is obstructed to free passage during construction, the applicant shall provide an alternative public access route between Mesa Drive and the Upper Newport Bay. After construction, the trail shall be restored to previously existing conditions and opened to unobstructed public use.

#### **IV. FINDINGS AND DECLARATIONS:**

The Commission hereby finds and declares:

##### **A. Project Location, Description and Background**

###### Project Location

The project site is located on County property in the Santa Ana Heights Area of the City of Newport Beach. The property abuts the Delhi Flood Control Channel to the west, a residential property to the east, Mesa Drive to the north and Upper Newport Bay to the south (Exhibits 1 & 2). The project area is a vacant, flat, denuded site approximately 2.5 acres in size, located in an area of predominately large residential lots designated R-A (Residential Agriculture). A Department of Fish and Game (DFG) unimproved public access easement traverses the westernmost property boundary of the site, leading from Mesa Drive to the Upper Newport Bay. The County of Orange Santa Ana Heights Regional Trail and Upper Newport Bay Bikeway circle the Upper Newport Bay. The Mesa Connector trail leads from the lower project area to the existing Mesa Area riding arena.

###### Project Description

The County of Orange is proposing to create a day-use equestrian facility to serve existing horse enthusiasts in the subject area. As proposed by the applicant, the project will be a small-scale, primarily neighborhood facility. The purpose of the new riding arenas, or rings, will be for the exercising and training of horses. There is currently an informal riding arena sited on the Mesa Area above the project site with a local trail connector to the Santa Ana Heights Regional Trail and Upper Newport Bay Bikeway. As part of the proposed project, the Mesa Area will be closed and revegetated with native species. The Mesa Connector trail will remain open to the public, but be fenced along its perimeter to avoid disturbance of the newly established vegetation.

The proposed riding arena (80' x 160'), lunging arena (70' x 140') and small holding pen will be enclosed by 5 foot high pipe-rail fencing. (Site Plan and fencing examples included as Exhibit 3.) Minor grading (approximately 100 cubic yards, 50 cy cut and 50 cy fill to balance on site) is proposed for site preparation, drainage and trenching of a new water line. The water line is necessary to provide water for the horses and for a sprinkler system intended to control dust. Water will be brought to the site from the County's Harbors, Beaches and Parks hook-up at the regional trail and bikeway.

No further development is proposed. No formal organized events are planned for the site on an on-going basis. A Special Event Use Permit must be obtained from the City of Newport Beach for any temporary event to be held at the site. No employees or overnight boarding are proposed. No lighting is proposed. Access to the facility is available via the County of Orange Harbors, Beaches and Parks regional trail and bikeway system and Mesa Drive. Vehicle trips onto the site will be limited to County maintenance vehicles. All other access will be by foot, horseback or bicycle.

###### Standard of Review

The Newport Beach Land Use Plan (LUP) was effectively certified by the Coastal Commission on May 19, 1982. Until such time as an Implementation Plan (IP) is certified, the Commission retains permit issuance jurisdiction for this area. The Coastal Act is applied as the standard of review in the current analysis, while the City's LUP is used as guidance.

**B. 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.*

Section 30232 of the Coastal Act states, in pertinent part:

*Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials.*

Newport Harbor (Lower Newport Bay) is a critical coastal water body on the Federal Clean Water Act 303(d) list of "impaired" water bodies. The designation as "impaired" means the quality of the water body cannot support beneficial recreation and aquatic uses. The listing is made by the California Regional Water Quality Control Board, Santa Ana Region (RWQCB), and the State Water Resources Control Board (SWRCB), and confirmed by the U.S. Environmental Protection Agency. Further, the RWQCB has targeted the Newport Bay watershed, which would include the Upper Newport Bay, for increased scrutiny as a higher priority watershed under its Watershed Management Initiative. Consequently, projects which could have an adverse impact on water quality should be examined to assure that potential impacts are minimized.

**1. Construction Impacts to Water Quality**

As discussed previously, the applicant is proposing to formalize a local equestrian facility on a vacant site adjacent to the Delhi Channel. The Delhi Channel drains to the Upper Newport Bay. Construction impacts will include minor grading of the arena areas and installation of fencing.

Storage or placement of construction materials, debris, or waste in a location subject to wave erosion and dispersion or which may be discharged into coastal waters via rain carried by the storm water system 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 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. 1 outlines construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris. The condition reiterates and expands upon the requirements imposed by the City of Newport Beach through Mitigation Measures 8 and 9 of the Negative Declaration (Exhibit 4).

Finally, since the applicant has indicated that the contractor will have the discretion of selecting a disposal site at the time of construction, Special Condition No. 2 requires that the applicant dispose of all 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 would require an amendment or new coastal development permit.

Only as conditioned for appropriate storage of construction materials and equipment does the Commission find that the proposed development is consistent with Sections 30230, 30231 and 30232 of the Coastal Act.

## **2. Post-Construction Impacts to Water Quality**

The proposed project involves the formalization of a local equestrian facility, which has the potential to affect current drainage and water quality in the subject area. The project involves the closure of an existing riding facility on the Mesa and establishment of a new facility on the lower portion of the vacant property. While the type of runoff will not change, the pattern and amount of runoff will change as a result of site grading, concentrated ridership and watering for dust control. As such, the proposed development will affect the amount and direction of runoff currently entering the Upper Newport Bay. Consequently, appropriate erosion control measures are required.

In addition, animal waste is known to contribute to contamination. Continued discharge of potentially polluted runoff from the subject site would have significant adverse impacts on water quality in the Upper Newport Bay. As such, appropriate containment and disposal of manure is necessary.

In its approval of the project, the City of Newport Beach conditioned the project for incorporation of various post-construction water quality measures, including the following:

- *A siltation, dust, and debris plan shall be submitted and be subject to approval by the Building Department. The plan shall be a complete plan for dust control and temporary and permanent facilities to minimize any potential impacts from silt, debris, and other water pollutants. (In particular, the plan shall address the manner in which manure and other debris will be removed.) A copy of the plan shall be forwarded to the California Regional Water Quality Control Board, Santa Ana Region.*
- *The velocity of concentrated runoff from the project shall be evaluated and erosive velocities controlled as part of the project design.*
- *The landscape plan shall include a maintenance program, which controls the use of fertilizers and pesticides.*
- *The project shall incorporate all appropriate BMP's pursuant to the NPDES requirements. These BMP's shall be subject to the approval of the Public Works Department.*
- *The applicant shall utilize a variety of special BMP's to mitigate water quality impacts. These BMP's shall be incorporated into a Manure Management Plan to the satisfaction of the City of Newport Beach. Such BMP's shall include, but not be limited to, selections from the BMP's listed in the Pierce County, Washington, and Santa Monica Bay Restoration project web sites (see attached), which are summarized below:*
  - ◆ *Covering the ground with vegetation, mulch sawdust, or other absorbent material;*
  - ◆ *Planting vegetation on the channel bank to prevent erosion;*
  - ◆ *Using vegetated biofilters;*
  - ◆ *Using grassy or vegetated swales to filter runoff before it enters the channel;*
  - ◆ *Using fencing to limit how close animals can get to the channel;*



- ◆ *Shoveling up manure, rather than hosing it down;*
- ◆ *Locating manure storage areas where storm runoff will not wash nutrients into the channel;*
- ◆ *Covering and providing proper containment (berm) around manure storage areas;*
- ◆ *Storing manure in fly-tight containers with lids or other equivalent methods;*
- ◆ *Using catch basin inserts i.e. Water Quality Inlets (S16 in the DAMP);*

*Facility design considerations include depicting the location and orientation of the riding arena and specifying the location(s) where temporary boarding of horses would occur, such that impacts of manure would be minimized. For example:*

- ◆ *Locate temporary stables such that runoff is directed away from the channel;*
- ◆ *Provide minimum setbacks for temporary stables;*
- ◆ *Design the project grading to maximize filtration and infiltration of runoff before it reaches the channel (maybe using vegetated swales);*
- ◆ *Install gutters or diversion terraces to divert runoff away from areas where manure build-up is anticipated.*

The water quality measures listed above were adapted from other equestrian projects and locations, and may not directly apply to the current project. For example, the proposed project involves the creation of a day use facility to be used for exercising horses. The only "temporary boarding" or "temporary stables" proposed will be used for short-term resting and watering. No overnight boarding is proposed.

The applicant has agreed to incorporate these water quality measures into the final project design where feasible. (A listing of all City-imposed mitigation measures and conditions of approval can be found in Exhibit 4.) However, the final Drainage and Erosion Control Plan and associated Manure Management Plan have not been submitted for Commission review. Therefore, the Commission imposes Special Conditions No. 3 and No. 4.

Special Condition No. 3 requires the applicant to submit a Drainage and Erosion Control Plan, consistent with City water quality measures cited above, showing that site runoff from the arenas are collected and directed in a non-erosive manner through vegetated areas for filtration purposes prior to direct discharge into the Delhi Channel. This will serve to control erosion and sedimentation of the channel. (The establishment of vegetated areas around the equestrian facility will be discussed further in Section C, ESHA.)

Special Condition No. 4 requires the applicant to submit a Manure Management Plan for the proposed facility. The plan must include management practices for the collection, storage, and disposal of manure. Manure shall be collected and disposed of offsite in a manner and location prescribed in the approved plan. The applicant has indicated that County maintenance personnel will be responsible for carrying out all necessary manure disposal. Additionally, in accordance with the applicant's proposal, the special condition requires the equestrian facility to be a day use only facility. No horses, ponies or similar livestock may be kept overnight. The condition also informs the applicant that any additional or intensified use of the site for livestock maintenance and/or recreation purposes requires an amendment to this coastal development permit.

Since the proposed project has the potential to affect water quality, the development requires review by the Regional Water Quality Control Board (RWQCB). At the time of this staff report, evidence of final RWQCB review and sign-off had not yet been received. The RWQCB Santa Ana Region submitted comments on the Draft Negative Declaration, which have been incorporated into

the City's conditions of approval. The comment letter, included as Exhibit 5, indicates that further Water Board review may be required. Consequently, the proposed development has yet to be found in conformance with current water quality standards by the RWQCB. To ensure that the project is acceptable to the RWQCB and will not adversely affect water quality, Special Condition No. 5 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 incorporation of water quality measures, submittal of a manure management plan and review by the RWQCB does the Commission find the proposed development to be consistent with Sections 30230, 30231 and 30232 of the Coastal Act.

### **C. Environmentally Sensitive Habitat Area (ESHA)**

Section 30240(b) 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 adjacent to the Delhi Channel, which drains to the Upper Newport Bay. The Upper Newport Bay is a designated ecological reserve. Consequently, it is imperative that the project be sited and designed so as not to result in adverse impacts to the sensitive resources of the Upper Newport Bay. As discussed in the previous section, water quality impacts are of particular concern. Also important is the revegetation of the Mesa Area. Past equestrian use on the Mesa has damaged the native vegetation. The currently proposed project involves the reestablishment of native plantings along the Mesa. Low-level fencing (shown in Exhibit 3) will be erected to protect the new plantings from disturbance.

While the proposed project involves the revegetation of the Mesa area, no other landscaping is currently proposed. As described previously, the equestrian park will be sited on the lower portion of the site, adjacent to the Delhi Channel. The area is currently devoid of vegetation. As vegetation can serve to filter contaminants from runoff prior to entering a water body, staff is recommending that the applicant create vegetated areas around the new riding and lunging arenas. Special Condition No. 6 requires submittal of a Landscaping Plan for revegetation of the Mesa Area and establishment of vegetation around the equestrian facility for filtration purposes. The condition requires the use of native, drought-tolerant species.

The special conditions of this staff report are designed to protect and enhance the Upper Newport Bay an environmentally sensitive habitat area. Therefore, as conditioned, the Commission finds that the proposed development is consistent with Section 30240(b) of the Coastal Act and the policies of the certified LUP.

### **D. Public Access and Recreation**

Section 30210 states, in pertinent part:

- In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall*

*be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Section 30211 states, in pertinent part:

*Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

The proposed development, which occurs between the nearest public road and the sea, includes the construction of a new equestrian facility. The site is currently a wide, vacant swath of land used for equestrian, biking, and pedestrian purposes. A Department of Fish and Game (DFG) public accessway exists along the western perimeter of the project site leading from Mesa Drive to the Upper Newport Bay (Exhibit 2). Obstruction of the DFG's trail would adversely affect public access to the Santa Ana Heights Regional Trail and Upper Newport Bay Bikeway. Although the equestrian facility is not considered a regional recreational destination, the DFG accessway and County regional trail system provide opportunities for the public to visit and view the Upper Newport Bay. During construction of the equestrian park, equipment and material storage may hinder access to the regional trail and/or the Mesa Connector Trail by obstructing the DFG trail along the Delhi Channel. To assure that construction activities do not affect public access during this period, the Commission imposes Special Condition No. 7.

Special Condition No. 7 requires the DFG public access trail to remain open during construction. The condition restricts the placement of equipment or material in such a manner that would obstruct continued public access along the trail. As conditioned, the project is consistent with Section 30210 of the Coastal Act. Therefore, the Commission finds that the proposed development is consistent with the public access and recreation provisions of the Coastal Act.

#### **E. Traffic, Circulation and Parking**

Section 30252 of the Coastal Act states, in pertinent part:

*The location and amount of new development should maintain and enhance public access to the coast by...(4) providing adequate parking facilities or providing substitute means of serving the development with public transportation.*

As described previously, the applicant is proposing to formalize the current equestrian use of the subject area by creating a new riding arena and lunging arena. The existing Mesa top arena will be closed and revegetated. Equestrian activities will then be focused at the lower park site. No additional vehicle trips will be generated by the formalization of the current equestrian use at this location. The facility will continue to serve existing users from the surrounding neighborhood. Many are expected to ride to the site on horseback. For those driving to the site with a horse trailer, parking is currently available on Mesa Drive. Mesa Drive provides adequate parking for off-site users. The project will not intensify the use of the site; therefore, additional parking is not required. Based on information submitted by the applicant, in addition to what staff has observed, there is no indication that adverse traffic, circulation or parking impacts will result from the proposed project. Consequently, the Commission finds that the proposed project is consistent with Section 30252 of the Coastal Act.

## **F. Scenic and Visual Resources**

Section 30251 of the Coastal Act states, in relevant part:

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas...*

The proposed riding and lunging arenas will not obstruct public views either to or from the Upper Newport Bay. The site of the proposed project is a level, low-lying area within the surrounding Santa Ana Heights neighborhood. As such, the proposed 5-foot high pipe rail fencing encircling the new arenas will not obstruct public views of the water. Additionally, as viewed from the Upper Newport Bay inland, the project will not create adverse visual impacts due to its substantial setback from the County's regional trail and bikeway.

In addition, the proposed project is consistent with other landscaping and aesthetic features in the vicinity. The project will result in the creation of a public equestrian park with native landscaping within an area of rural, large lot residential development. Also, no substantial landform alteration will occur—only minor grading for site preparation. Accordingly, the proposed project will not obstruct views to or from the Upper Newport Bay, will minimize alteration of natural landforms and is visually compatible with the character of the surrounding area. Therefore, the Commission finds the proposed development to be consistent with Section 30251 of the Coastal Act.

## **G. Land Use Plan**

Section 30604 of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified local coastal program. The permit may only be issued if the Commission finds that the proposed development will not prejudice the ability of the local government to prepare a local coastal program which conforms with the Chapter 3 policies of the Coastal Act.

The Newport Beach Land Use Plan was effectively certified on May 19, 1982. The proposed development is consistent with the policies of the certified Land Use Plan. Therefore, the Commission finds that approval of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program (Implementation Plan) for Newport Beach that is consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a).

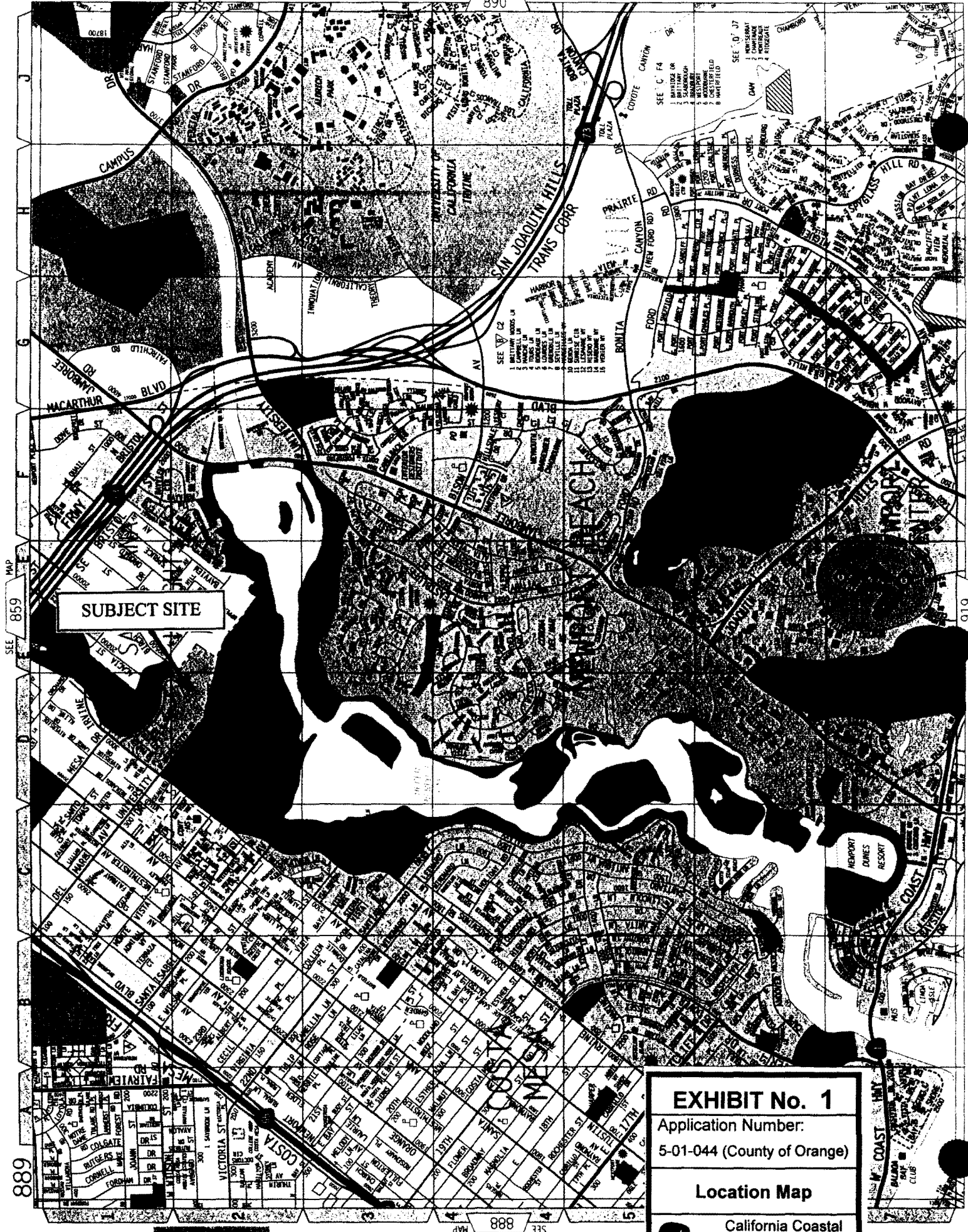
## **H. California Environmental Quality Act (CEQA)**

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 an urbanized area. Development already exists on and around the subject site. In addition, the proposed development has been conditioned, as follows, to assure the proposed project is consistent with policies of the Coastal Act: 1) use of construction best

management practices (BMPs); 2) appropriate disposal of construction debris; 3) submittal of a final drainage and erosion control plan; 4) submittal of a manure management plan; 5) evidence of Regional Water Quality Control Board (RWQCB) approval; 6) submittal of a landscaping plan for revegetation and monitoring; and 7) maintenance of public access during construction.

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.



SUBJECT SITE

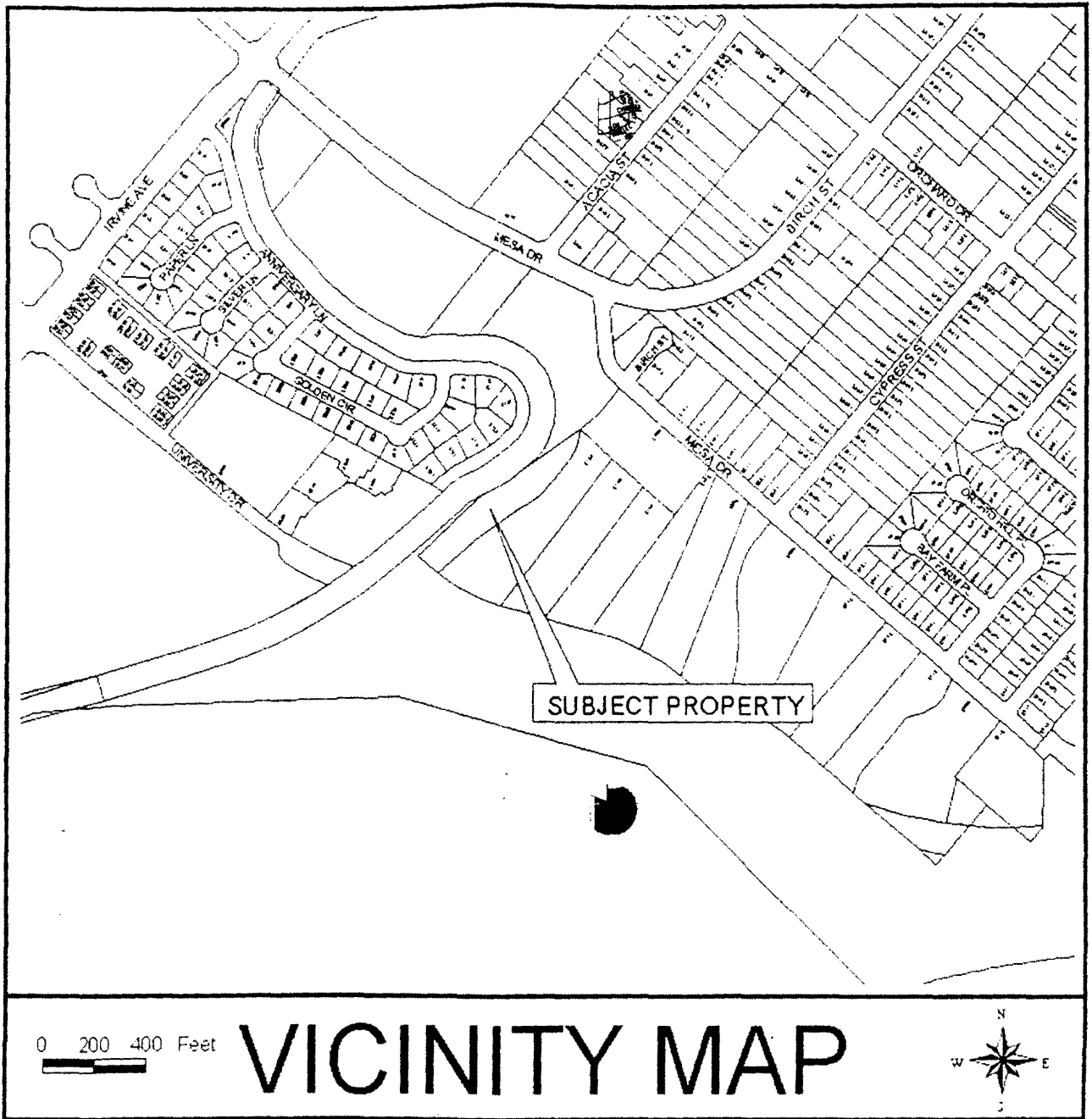
# EXHIBIT No. 1

Application Number:

5-01-044 (County of Orange)

## Location Map

California Coastal Commission



CITY OF NEWPORT BEACH  
 PERMIT TO CONSTRUCT NO. 0124-2001  
 This project complies with all applicable planning regulations  
 and policies.  
 There are no other planning purposes. No  
 building restrictions are involved from  
 the California Coastal Commission.  
 PLANNING DEPARTMENT  
 By [Signature]

**RECEIVED**  
 South Coast Reg.

FEB 6 2001

CALIFORNIA  
 COASTAL COMMISSION

**EXHIBIT No. 2**

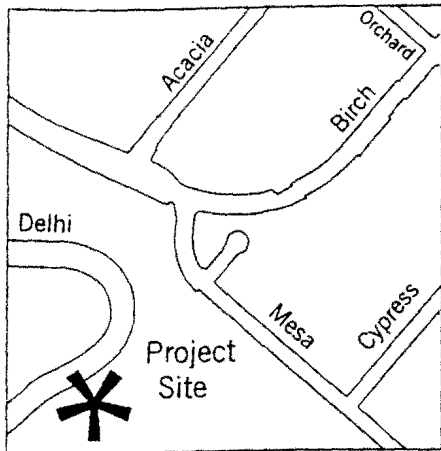
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 5-01-044 (County of Orange)

**Vicinity Map**

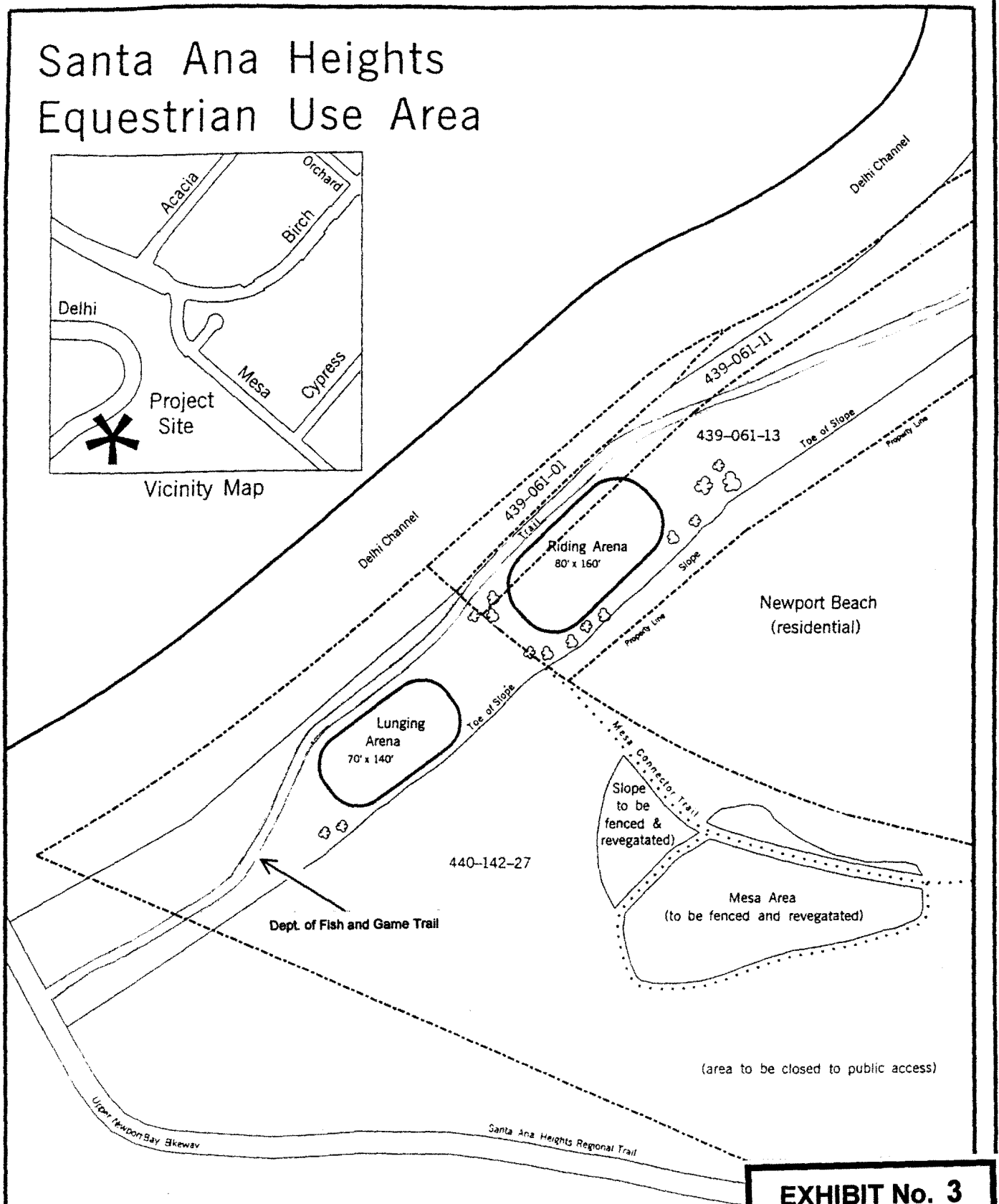
California Coastal  
 Commission

EFFECTIVE  
 Date: \_\_\_\_\_

# Santa Ana Heights Equestrian Use Area



Vicinity Map



Scale: 1" = 100'

**EXHIBIT No. 3**

Application Number:

5-01-044 (County of Orange)

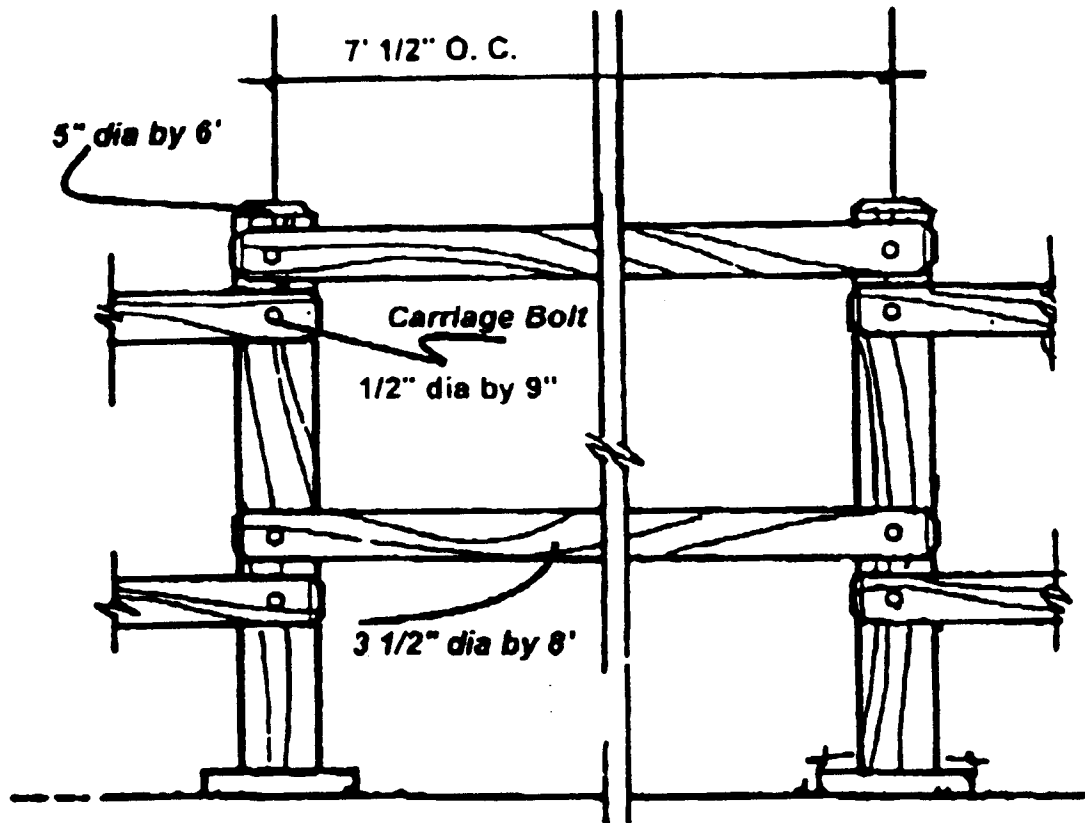
**Site Plan**

California Coastal  
Commission

1/2



## STANDARD TRAIL FENCE



ALL WOOD TO BE PRESSURE TREATED LODGEPOLE AVAILABLE FROM:  
C & E LUMBER COMPANY  
2692 NORTH TOWNE AVENUE  
POMONA, CA 91767  
(909) 626-3591 FAX (909) 626-4583

### POSTS:

Posts are to be buried 2' deep with a remainder of 4' above ground. At the least 6" of gravel base will be placed over 90% compacted subgrade to allow proper drainage. The post will be set over the gravel and tamped in to cause a solid, sturdy post to which the railing can be attached. Use concrete if necessary to achieve Proper support. A blend of both techniques can be used.

### RAILINGS: POSTS:

Railings are to be bolted to the post using carriage bolts as per the drawing. The railings will be attached so that the protrusion of the railing is facing the trail user side. The carriage bolts shall be installed so that the smooth end will face the trail user side.

Exhibit 3  
Standard Trail Fence

2/2



# CITY OF NEWPORT BEACH

P.O. BOX 1768, NEWPORT BEACH, CA 92658-8915

PLANNING DEPARTMENT  
(949) 644-3208

## NOTICE OF FINAL APPROVAL

DATE: October 6, 2000  
TO: Mark Esslinger  
FROM: Planning Director  
SUBJECT: Use Permit No. 3680

Please be advised that Use Permit No. 3680 was approved by the Planning Commission at its meeting of September 21, 2000, and became effective on October 5, 2000. The final findings and conditions of approvals are attached. Any deviation from them or the applications and plans on file in the Planning Department may require an amendment to the application(s) mentioned above for the project.

Applicant: County of Orange

Location: 2202 Mesa Drive, Santa Ana Heights

Description Request to establish a park providing equestrian recreational opportunities for the public and nearby residents of Santa Ana Heights, and restoring the area known as "the mesa," which overlooks the back bay that has been damaged by equestrian activities, with native vegetation.

Should you have any questions, please contact our office.

Very truly yours,  
PLANNING DEPARTMENT  
Patricia L. Temple, Director

By Ginger Varin  
Ginger Varin  
Executive Secretary Planning Commission

Enclosure: ☒ Approved Planning Commission minutes with Final Findings and Conditions of Approval  
☐ Approved Council minutes with Final Findings and Conditions of Approved  
☐ Approved minutes

cc: Property Owner (if not applicant)

3300 Newport Boulevard, Newport Beach

### EXHIBIT No. 4

Application Number:  
5-01-044 (County of Orange)

### City Conditions and Mitigation Measures



California Coastal  
Commission

Ayes: McDaniel, Kiser, Agajanian, Selich, Gifford, Kranzley  
Noes: Tucker  
Absent: None

EXHIBIT "B"  
FINDINGS FOR DENIAL OF  
USE PERMIT NO. 3682

Findings:

1. The approval of Use Permit No. 3682 will, under the circumstances of the case be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or be detrimental or injurious to property or improvements in the neighborhood or the general welfare of the City for the following reasons:
  - Adequate parking is not provided on-site for the proposed use.
  - The municipal parking lots are filled mainly by beach users and tourists in the area, particularly on weekends when the nail salon is open, and therefore, will not provide the additional parking spaces required for the use.

\*\*\*

**SUBJECT:** Santa Ana Heights Equestrian Park (County of Orange, applicant)  
2202 Mesa Drive

- Use Permit No. 3680
- Acceptance of a Negative Declaration

Item No. 2  
UP No. 3680  
Acceptance of a  
Negative Declaration

Request to establish a park providing equestrian recreational opportunities for the public and nearby residents of Santa Ana Heights, and restoring the area known as "the mesa," which overlooks the back bay that has been damaged by equestrian activities, with native vegetation.

Approved

Ms. Garcia noted that a packet containing additional response to comments had been distributed this evening. These additional mitigation measures can be added in response to the California Regional Water Quality Control Board comments. They are more specific requirements of the existing mitigation measures incorporated currently in the Negative Declaration. She then presented a visual presentation noting the following:

- Proposed Santa Ana Heights Equestrian Park is located in the Santa Ana Heights unincorporated area, portions of which are in the City.
- Area is surrounded by rural, equestrian, large lots.
- Area is County owned and maintained.
- Park is proposed for day use with no lighting required.

- No structures on site.
- No boarding facilities.
- No employees.
- Access to the site will be from the County Regional Trail.
- Minor grading on site is proposed to create the riding and lunging areas.
- The Mesa is currently owned by the County and has no improvements on it.
- The County will do re-vegetation of native plants on the Mesa.
- Nearby private properties and golf course were exhibited.
- Parking area at the Interpretive Center is not paved.

At Commission inquiry, staff answered that the facility belongs to the County and there will be no liability on the City's part with approval of the project.

Ms. Garcia noted that this facility is a park and the County will be maintaining it. It will have to go through Coastal Commission review. The adjacent property owner had noted his concern that a telephone is placed out at the Interpretive Center for emergency use. Public notice of this project was given to property owners within a 300-foot radius. Fencing will be in place while the re-vegetation is in process on the Mesa.

Ms. Temple added that a communication was received from the Planning and Development Services Department of the County of Orange with comments on the Negative Declaration. Staff has reviewed these comments. They do not identify any new impacts not identified in the initial study. However, they are suggesting some revisions to the language of the proposed mitigation measures to make them more precise and detailed. These can be incorporated and adopted as part of the Negative Declaration without re-circulation since the standards for re-circulation are not present.

Public comment was opened.

Mark Esslinger, Project Planner for Santa Ana Heights Redevelopment Project Area noted that he looks forward to working with City staff. He clarified:

- Corral or holding pen rather than stalls.
- No animals are to be left over night or boarded.
- We will have to obtain a permit from the Orange County Flood Control District to ensure that their concerns are satisfied with regard to minimizing the impacts of runoff.

At Commission inquiry he noted:

- This is a small-scale limited neighborhood facility.
- A Manure Management Plan will be provided to the City.
- There will be a sprinkler system in place to control dust.
- A firm experienced in designing equestrian facilities will be hired. That plan will then be submitted to the City for approval.
- Minimal landscape if required by the City will include any drought resistant trees.

- Residential uses have access to this trail through Mesa Drive that connects to the Back Bay trail that leads to the project site and equestrian bridge.
- This facility can accommodate a small number of horses.
- Parking design at Interpretive Center will not allow horse trailers.
- No formal organized events will take place at this site.
- He agreed to add a condition that a Special Event Use Permit shall be required from the City for any event at the site.
- Access to the site is to be from the existing Santa Ana Heights Regional Trail.
- Mitigation measures recommended by the Water Quality Control Board are acceptable to the County.
- Park Rangers, Code Enforcement officers and Sheriff Deputies will provide public safety.
- Purpose of the rings will be for the exercising and training of the horses.

Mr. Jeff Dickman of the County of Orange Harbors, Beaches and Parks noted that the Mesa area will be re-vegetated and will be fenced off during that period. The trail use will be next to the mesa. The horses will be prohibited on the Mesa because it will be a plant habitat.

Hollie Jarvis, Mesa Drive resident made herself available for questions by the Planning Commission, indicating support for the project.

Public comment was closed.

**Motion** was made by Commissioner Tucker to approve Use Permit No. 3680 and Acceptance of a Negative Declaration as amended by incorporating the changes in the letters submitted by the County and the Water Quality Control Board and addition of dust control in Mitigation Measure 3 as well as the addition of the requirement for a Special Event Use Permit.

Ayes: McDaniel, Kiser, Agajanian, Selich, Gifford, Kranzley, Tucker  
Noes: None  
Absent: None

**EXHIBIT "A"**  
**FINDINGS AND CONDITIONS OF APPROVAL FOR**  
**USE PERMIT NO. 3680**  
**Mitigated Negative Declaration**

**A. Mitigated Negative Declaration:**

Findings:

1. An Initial Study and Mitigated Negative Declaration have been prepared in compliance with the Environmental Quality Act (CEQA), the State CEQA Guidelines, and City Council Policy K-3.
2. The contents of the environmental document have been considered in the

various decisions on this project. On the basis of the analysis set forth in the Initial Study and Mitigated Negative Declaration, including the mitigation measures listed, the proposed project does not have the potential to significantly degrade the quality of the environment.

3. There are no long-term environmental goals that would be compromised by the project.
4. No cumulative impacts are anticipated in connection with this or other projects.
5. There are no known substantial adverse affects on human beings that would be caused by the proposed project.

Mitigation Measures:

1. During construction activities, the applicant shall ensure that the project will comply with SCAQMD Rule 402 (Nuisance), to reduce odors from construction activities.
2. During construction activities, the applicant shall ensure that the project will comply with SCAQMD Rule 402 (Nuisance), to reduce odors from construction activities. During construction activities, the applicant shall ensure that the following measures are complied with to reduce short-term (construction) air quality impacts associated with the project: a) controlling fugitive dust by regular watering, or other dust palliative measures to meet South Coast Air Quality Management District (SCAQMD) Rule 403 (Fugitive Dust); b) maintaining equipment engines in proper tune; and c) phasing and scheduling construction activities to minimize project-related emissions.
3. A siltation, dust, and debris control plan shall be submitted and be subject to approval by the Building Department. The plan shall be a complete plan for **dust control and** temporary and permanent facilities to minimize any potential impacts from silt, debris, and other water pollutants. (In particular, the plan shall address the manner in which manure and other debris will be removed.) A copy of the plan shall be forwarded to the California Regional Water Quality Control Board, Santa Ana Region.
4. The velocity of concentrated runoff from the project shall be evaluated and erosive velocities controlled as part of the project design.
5. The landscape plan shall include a maintenance program, which controls the use of fertilizers and pesticides.
6. The project shall incorporate all appropriate BMP's pursuant to the NPDES requirements. These BMP's shall be subject to the approval of the Public Works Department.
7. Construction activities shall be limited to the hours of 7:00 a.m. and 6:30 p.m.

Monday through Friday and 8:00 a.m. and 6:00 p.m. on Saturday; construction activities are prohibited on Sunday or any federal holiday.

8. Construction equipment shall not be stored within any streambed. Fueling, lubrication, and maintenance equipment shall not be located within any streams or areas where contaminants could be washed into a water body.
9. No waste material shall be discharged to any drainage areas, channels or streams. Spoil sites shall not be located within any streams or areas where spoil material could be washed into a water body.
10. The applicant shall utilize a variety of special BMPs to mitigate water quality impacts. These BMPs shall be incorporated into a Manure Management Plan to the satisfaction of the City of Newport Beach. Such BMPs shall include, but not be limited to, selections from the BMPs listed in the Pierce County, Washington, and Santa Monica Bay Restoration project Web Sites (see attached), which are summarized below:

- Covering the ground with vegetation, mulch sawdust, or other absorbent material;
- Planting vegetation on the channel bank to prevent erosion;
- Using vegetated biofilters;
- Using grassy or vegetated swales to filter runoff before it enters the channel;
- Using fencing to limit how close animals can get to the channel;
- Shoveling up manure, rather than hosing it down;
- Locating manure storage areas where storm runoff will not wash nutrients into the channel;
- Covering and providing proper containment (berms), around manure storage areas;
- Storing manure in fly -tight containers with lids or other equivalent methods;
- Using catch basin inserts i.e., Water Quality Inlets (§ 16, in the DAMP);

Facility design considerations include depicting the location and orientation of the riding arena and specifying the location(s) where temporary boarding of horses would occur, such that impacts of manure would be minimized. For example:

- Locate temporary stables such that runoff is directed away from the channel;
- Provide minimum setbacks for temporary stables;
- Design the project grading to maximize filtration and infiltration of runoff before it reaches the channel (maybe using vegetated swales);
- Install gutters or diversion terraces to divert runoff away from areas where manure build-up is anticipated.

Some of the above BMPs, as well as others, may involve facility design considerations, which could impact the layout and configuration shown on the approved Site Plan. It may therefore be appropriate to consider the

need for any revisions to the project Site Plan before project approval is considered. It also appears that the Condition SC 8-4 should be modified to clarify that all structural and post-construction nonstructural BMPs selected for this project will be identified and described in detail in a WQMP that will be required to be prepared pursuant to the provisions of the County DAMP.

**B. Use Permit No. 3680:**

Findings:

1. The Land Use Element of the General Plan and Local Coastal Program Land Use Plan designate the site for "Single Family Detached" residential use and an equestrian park is permitted within this designation.
2. The approval of Use Permit No. 3680 will not, under the circumstances of the case be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or be detrimental or injurious to property or improvements in the neighborhood or the general welfare of the City and further, the use is consistent with the legislative intent of Title 20 of this Code. Also, the waiver of parking will not be detrimental to surrounding properties for the following reasons:
  - The equestrian arena will facilitate the equestrian usage in the Santa Ana Heights area and will complement the existing equestrian, pedestrian, and bicycle trail facilities that currently serve the area.
  - The equestrian park is consistent with the policies of the Santa Ana Heights Specific Plan.
  - The facility will not necessitate extensive construction and development activity that would adversely affect adjacent land uses, including the residential development and Upper Newport Bay Nature Preserve.
  - The equestrian arena does not include stables, short or long-term features that would allow the keeping of animals, rather the facility is to be operated as a day-use facility only.
  - The project is compatible and complementary to the existing and surrounding land uses.
  - No significant environmental impacts will occur as a result of the proposed project.
  - The design of the proposed improvements will not conflict with any easements acquired by the public at large for access through or the use of the property within the proposed development as no public easements other than utility easements that serve the property are present.



Conditions of Approval:

1. Development shall be in substantial conformance with the approved site plan and floor plan, except as noted below.
2. Disruption caused by construction work along roadways and by movement of construction vehicles shall be minimized by proper use of traffic control equipment and flagmen. Traffic control and transportation of equipment and materials shall be conducted in accordance with state and local requirements. The applicant shall obtain a haul route permit from the Public Works Department for the removal of all construction materials, excavated dirt and debris from the site.
3. Fencing for the lunging area, riding arena, trail fencing along the Delhi Channel shall be limited to 5 feet in height.
4. A minimum 6-foot high chain-link fence shall be installed at the eastern property line between the subject property and the adjacent residential property.
5. The facility is for day-use only and no site lighting is permitted.
6. All "guide" or directional signs for the project shall be subject to the review and approval of the Public Works Department.
7. Address signs for the equestrian park shall be posted at the Mesa Drive entrance and on the subject property to facilitate identification of the site by emergency personnel and the public.
8. The Planning Commission may add to or modify conditions of approval to this Use Permit or recommend to the City Council the revocation of this Use Permit upon a determination that the operation which is the subject of this Use Permit causes injury, or is detrimental to the health, safety, peace, morals, comfort, or general welfare of the community.
9. This Use Permit shall expire unless exercised within 24 months from the date of approval as specified in Section 20.80.090A of the Newport Beach Municipal Code.
10. ***Special Events held at the facility shall be subject to a Special Event Permit approved by the City pursuant to Chapter 5.10 of the Newport Beach Municipal Code.***

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SUBJECT:

**Mariner's Mile Strategic Vision & Design Framework  
Amendment No. 906**

**Item No. 3  
A 906**



# California Regional Water Quality Control Board Santa Ana Region

Internet Address: <http://www.srwqcb.org/rwqcb>  
1717 Main Street, Suite 400, Riverside, California 92501-3348  
Phone (909) 782-4130 - FAX (909) 781-6281



RECEIVED BY  
PLANNING DEPARTMENT  
CITY OF NEWPORT BEACH

SEP 15 2000  
AM 7,8,9,10,11,12,1,2,3,4,5,6 PM

September 13, 2000

Eugenia Garcia  
Associate Planner  
City of Newport Beach  
Planning Department  
3300 Newport Boulevard  
P.O. Box 1788  
Newport Beach, CA 92658-8915

## RESPONSE TO THE NOTICE OF COMPLETION FOR THE NEGATIVE DECLARATION OF SANTA ANA HEIGHTS EQUESTRIAN PARK (SCH #2000091049), NEWPORT BEACH, ORANGE COUNTY

Dear Eugenia Garcia:

Staff of the Regional Water Quality Control Board, Santa Ana Region (RWQCB), have reviewed the Notice Of Completion for the above referenced project. The Notice of Intent for this same project was received on August 14, 2000. We request a 30-day review period to submit our comments to insure a response back.

1. The project description indicates that surface runoff from the proposed project will enter the Delhi Channel. Non-point source pollution could negatively affect water quality of upper Newport Bay and the Ecological Reserve. Newport Bay has been included on the Clean Water Act Section 303(d) list of impaired waterbodies due in part to nutrients and sedimentation. Potential impacts to water quality from daily runoff and storm water runoff from this site should be evaluated.
2. Appropriate best management practices (BMPs) should be developed and implemented during construction and post-development to control the discharge of pollutants, prevent sewage spills, and to avoid tracking of sediments into the streets, storm water conveyance channels, the Delhi Channel, and Upper Newport Bay.
3. RWQCB personnel have determined that this project may require coverage under the State Water Resources Control Board's General Construction Activities National Pollutant Discharge Elimination System (NPDES) Storm Water Permit. Please contact Mark Smythe (909) 782-4998 with the Regional Board's Storm Water Section to further discuss your project.
4. A Storm Water Pollution Prevention Plan (SWPPP) may be required to be submitted to the Regional Water Board prior to the start of the project. Proper erosion and sediment controls must be utilized to prevent runoff during excavation, construction, and site remediation.
5. Construction equipment should not be stored within the streambeds. Fueling, lubrication, and maintenance equipment should not be located within any streams or areas where contaminants could be washed into a waterbody.
6. No waste material should be discharged to any drainage areas, channels or streams. Spoil sites should not be located within any streams or areas where spoil material could be washed into a waterbody.

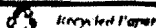
If you have any questions, please call me at (909) 782-3221 or you may contact Wanda Smith at (909) 782-4468.

Sincerely,

Stephanie M. Gasca  
Planning Section - Coastal Waters

cc: Scott Morgan - State Clearinghouse

California Environmental Protection Agency



**EXHIBIT No. 5**

Application Number:  
5-01-044 (County of Orange)

**Letter from RWQCB**



California Coastal  
Commission