

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: REGULAR CALENDAR

Application No: 5-13-471

Applicants: Hometown America, LLC

Agents: Anthony C. Ujueta, Michael J. Grabowski, Neal L. Grabowski—SCI

Location: 30802 South Coast Highway, Laguna Beach, Orange County

Project Description: Request for after-the-fact approval of three unpermitted mobile home park spaces, boundary delineation of the onsite dam maintenance area and utility lot within the mobile home park, implementation of on-site and off-site habitat restoration plans.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The proposed development includes after-the-fact Coastal Act authorization for three mobile home park spaces, which were given local approval by the City of Laguna Beach and the Department of Housing and Community Development, but were not authorized through any coastal development permit. The applicants are also proposing to formalize and delineate the boundaries of a maintenance vehicle turn-around within the park's existing "utility lot," and the boundaries of the annual maintenance area associated with a debris control dam at the inland terminus of K Street. The boundaries of the maintenance area will be surveyed and staked to help protect the open space area during annual maintenance. The applicants are also proposing to restrict for open space all of the area of the property (approximately 22.4 acres) between the outer edge of the existing 20 foot fire management strip of land behind the mobile homes, and the mobile home park property line. Finally, the applicants also propose to implement the habitat restoration generally depicted on the May 21, 2015 plans and the habitat restoration plan that is generally described in the December 7, 2015 letter from Fred M. Roberts. The primary issues raised by the proposed project are protection of sensitive habitat and hazards associated with flood and fire.

Staff is recommending **APPROVAL** of the proposed coastal development permit as conditioned to assure that the proposed project is consistent with the Chapter 3 policies of the Coastal Act. Many of the documents submitted by the applicant are of a preliminary nature and/or need to be updated because the project description was modified since submittal of the original documents. Thus, in

general, the special conditions help implement the applicant's proposal by requiring final plans (e.g. final site plan, final habitat restoration plan, etc.) and a mechanism to apply the use restriction over the proposed open space area. It is staff's understanding the applicant is in agreement with these special conditions. The conditions are: **1)** submittal of revised and final site plans; **2)** submittal of final habitat restoration and monitoring plans; **3)** submittal of a graphic depiction of the open space restriction; **4)** assumption of risk; **5)** future development; **6)** proof of legal ability to comply with conditions; and **7)** generic deed restriction.

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APPENDICES

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EXHIBITS

Exhibit 1—Vicinity Map

Exhibit 2—Mobile Home Space Site Plans

Exhibit 3—Proposed Annual Maintenance Area and Utility Road/Vehicle Turn Around

Exhibit 4—Open Space/Conservation Area

Exhibit 5—Target Restoration Area

Exhibit 6—Proposal for the Laguna Terrace Habitat Restoration Plan

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit No. 5-13-471 pursuant to the staff recommendation.*

Staff recommends a **YES** vote. Passage of this motion 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:

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

This permit is granted subject to the following 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 on which the Commission voted on the application. 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

This permit is granted subject to the following special conditions:

1. Submittal of Revised and Final Plans

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval of the Executive Director, two (2) sets of revised final plans of each type listed below, with drawings to be supplied in size 11" x 17" or larger, scaled, and modified in the following ways:

A. FINAL SITE PLAN

The Revised final site plan shall be in substantial conformance with the site plan titled "Laguna Terrace Mobile Home Park" received May 21, 2015 with the following changes:

1. The final site plan shall include all parcels and lots of land to which the project proposal applies, including the on-site and off-site areas planned for habitat restoration.
2. The final site plan shall identify the location of Restricted Land Uses consistent with the requirements of Special Conditions 2 and 3.
3. The final site plan shall reflect terminology consistent with Special Conditions 2 and 3.
4. A reduction in the size of the vehicle turn-around area within the utility lot at the inland terminus of K Street that is the minimum size necessary to accommodate maintenance vehicles.
5. The correct boundaries of the existing 20 ft. fire management strip of land located behind the mobile home lots shall be depicted. The fire management area is only present where mobile homes are immediately adjacent to the vegetated hillside and is not present along non-combustible areas of the mobile home park where there are no mobile homes (i.e. along roads, potential maintenance areas, annual maintenance areas, or the utility lot).

2. Habitat Restoration and Monitoring Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for review and written approval of the Executive Director, a final revised detailed habitat restoration and monitoring program to restore disturbed habitat in substantial conformance with the "Proposal for Laguna Terrace Habitat Restoration Plan", prepared by Fred M. Roberts, received on December 9, 2015. The revised plan shall identify the final location and size of the proposed on-site and off-site restoration areas. A biologist qualified in the preparation of plans to restore a coastal sage scrub community shall design the revised restoration and monitoring program. The revised restoration and monitoring program shall at a minimum include the following:

- A. Restoration plan including planting map, plant palette, source of plant material, and schedule of plant installation, watering, erosion control, soil fertilization and weed abatement;
- B. Final Success Criteria. The restoration will be considered successful if the overall species composition and the vegetative cover of the dominant perennial species are similar to relatively undisturbed vegetation of the same type in nearby reference areas. Species composition shall be considered similar if all the dominant species and at least 80% of the non-dominant species at the reference site are present at the restored site.

- C. Provisions for monitoring and remediation of the restoration site in accordance with the approved final restoration program for a period of five years or until it has been determined that success criteria have been met or have failed to be met, whichever comes first.
- D. Provisions for submission of annual reports of monitoring results to the Executive Director for the duration of the required monitoring period. Each report shall document the condition of the restoration with photographs taken from the same fixed points in the same directions. Each report shall also include a "Performance Evaluation" section where information and results from the monitoring program are used to evaluate the status of the restoration project in relation to the performance standards. The performance monitoring period shall either be five years or three years without maintenance or remediation, whichever is longer. The final report must be prepared in conjunction with a qualified biologist. The report must evaluate whether the restoration site conforms to the goals, objectives, and performance standards set forth in the approved final restoration program.
- E. The permittee shall monitor and remediate the restoration site in accordance with the approved restoration and monitoring program, including any revised restoration program approved by the Commission or its staff. Any proposed changes to the approved program shall be reported to the Executive Director. No changes to the approved program shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. **Open Space/Conservation Area**

- A. The phrase "Open Space/Conservation Area" (or "OSCA") shall refer to the area generally depicted on **Exhibit 4**, which area will be more precisely identified in formal legal descriptions and graphic depictions prepared by the applicant and submitted for the Executive Director's review and approval prior to issuance of this permit, as described in subsection C of this condition.
- B. As proposed by the applicant, use of the OSCA shall be restricted to open space and habitat conservation purposes as more specifically described in the subsections of this Section B, below. The lands shall be managed as described in those subsections, and no development inconsistent with the purposes of this restriction shall be allowed.
 - 1. The area shall be used for habitat conservation and restoration purposes.
 - 2. The landowner(s) shall accept responsibility for maintenance of and liability associated with the OSCA.
 - 3. No development, as defined in Section 30106 of the Coastal Act, that the Executive Director determines diminishes the habitat value of the area shall occur within the OSCA. All such development is prohibited.
 - 4. No development, as defined in Section 30106 of the Coastal Act, shall occur within the OSCA except for the following:
 - a. if approved by the Coastal Commission as an amendment to this coastal development permit or as a new coastal development permit, the repair and maintenance of existing lawfully installed utilities and drainage/stormwater structures; and
 - b. if approved by the Coastal Commission as an amendment to this coastal development permit or as a new coastal development permit, habitat restoration,

public trails and associated appurtenances such as interpretive signs, benches, and trash cans, and erosion control and repair.

- C. **PRIOR TO ISSUANCE BY THE EXECUTIVE DIRECTOR OF THE NOI FOR THIS PERMIT**, the applicant shall submit for the review and approval of the Executive Director, and upon such approval, for attachment as an Exhibit to the NOI, a formal legal description and graphic depiction of the portion of the subject property affected by this condition, as generally described above and shown on Exhibit 3 attached to this staff report.

4. Assumption of Risk, Waiver of Liability and Indemnity

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from fire, flooding, and other natural hazards; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

5. **Future Development.** This permit is only for the development described in Coastal Development Permit No. 5-13-471. Pursuant to Title 14 California Code of Regulations Section 13253(b) (6), the exemptions otherwise provided in Public Resources Code Section 30610(b) shall not apply to the development governed by Coastal Development Permit No. 5-13-471. Accordingly, any future improvements to the development authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require an amendment to Permit No. 5-13-471 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

6. **Proof of Legal Ability to Comply With Conditions.** **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall demonstrate the permittee's legal ability or authority to comply with all the terms and conditions of this coastal development permit.

7. Generic Deed Restriction

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the landowner(s) has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any

reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION AND LOCATION

The subject site is located within the Laguna Terrace Mobile Home Park and surrounding property in the Hobo/Aliso area of Laguna Beach, at 30802 Coast Highway in Laguna Beach in Orange County (**Exhibit 1**). The Laguna Terrace Mobile Home Park is approximately 48 acres partly developed with a mobile home park located at 30802 South Coast Highway, and partly developed with a private parking lot located at 30782 South Coast Highway, in the City of Laguna Beach, Orange County. The developed part of the mobile home park occupies about 14 acres within and at the mouth of “Hobo Canyon”. The remainder of the land is undeveloped. The site has varied topography, ranging from moderately steep slopes, and moderately sloped to flat areas at the bottom and mouth of “Hobo Canyon” (where the mobile homes, related structures, and parking lot currently exist). The surrounding undeveloped land is a mosaic of vegetation types including southern maritime chaparral, ceanothus chaparral, toyon-sumac chaparral and coastal sage scrub, which is identified in the City’s LCP as high value habitat. In past Commission actions (e.g. 5-12-121) these habitats have been determined by the Commission to be environmentally sensitive habitat area (ESHA).

The applicants are requesting approval of three mobile home park spaces, which were given local approval by the City of Laguna Beach and the Department of Housing and Community Development, but without the benefit of any coastal development permit (**Exhibit 2**). These three mobile home spaces are located on the eastern end of the mobilehome park development on the south side of K Street (Lots 157 and 158), and on the north side of K Street (Lot 155). This coastal development permit only authorizes the three mobile home spaces; not the structures to be constructed on the spaces. Applicants seeking to place mobile homes on the spaces must apply for a separate coastal development permit.

The applicants are also proposing to formalize and delineate the boundaries of an annual maintenance area associated with an existing debris control dam located at the terminus of K Street, which was approved through CDP No. 5-95-286, but did not include clearly defined boundaries for the necessary dam maintenance area (**Exhibit 3**). The dam maintenance area is proposed to be surveyed and staked to define the boundaries and protect the surrounding restricted open space area during maintenance activities. In addition, the applicants are proposing to formalize and delineate the boundaries of an existing utility lot at the end of K Street between the last graded lot (Space 155), and the annual debris dam maintenance area, which will serve as an access road and vehicle turn-around for annual dam maintenance (**Exhibit 3**). This proposed vehicle turn-around will be fenced off to protect surrounding vegetation. There is also an existing 20-foot-wide strip of land behind the mobile home spaces that abut the vegetated hillside, which is maintained for fire hazard mitigation, that will continue to be maintained for those purposes and will be depicted on a final plan proposed to be submitted for Executive Director review and approval (see **Special Condition No. 1**). In addition, the applicants propose on-site re-vegetation of the area surrounding the vehicle turn-around area, and to restrict for open space all of the area of the property (approximately 22.4

acres) located between the outer edge of the 20 ft. fire management strip of land behind the mobile homes and the property line as generally depicted on the May 21, 2015 plans (**Exhibit 4**). Finally, the applicants are proposing to restore approximately one acre of habitat area, on the adjacent property known locally as “Driftwood” (**Exhibit 5**), as generally described in a letter dated December 7, 2015 from Fred M. Roberts (**Exhibit 6**). The adjacent property to be restored is owned by another entity, and although the applicant has obtained permission to conduct restoration activities on the property, the applicant must submit legal proof that the applicant has the legal authority to do so which is required by **Special Condition 6**.

B. HISTORY OF COMMISSION ACTIONS

The Commission has granted several prior coastal development permits (and amendments thereto) on some of the subject site, as follows: coastal development permits G5-95-286, 5-95-286, 5-95-286 A, 5-96-048, 5-98-151, and 5-98-151-A1 which approved various improvements to the mobilehome park’s flood and debris control facilities and to its storm drain system, and the placement of other runoff controls on a portion of the vacant land. In addition, The Commission granted after the fact Coastal Act authorization for a lot line adjustment consolidating several parcels within the property by approving CDP No. 5-12-121.

C. STANDARD OF REVIEW

The subject site is located within the City of Laguna Beach. Laguna Beach has a certified Local Coastal Program (LCP). However, at the time the LCP was certified, five geographical areas were determined to be areas of deferred certification, including Hobo Canyon. The associated certified Land Use Plan expressly referred to the mobile home park as being within the Hobo Canyon area of deferred certification. In fact, since certification of the LCP, the Commission has processed coastal development permits for development proposed within the mobile home park (e.g. G5-95-286, 5-95-286, 5-95-286 A, 5-96-048, 5-98-151, 5-98-151-A1, and 5-12-121) without either the City or the property owners challenging the Commission’s jurisdiction. The City has not subsequently submitted an LCP amendment to apply the LCP to Hobo Canyon. Because the subject site is located in an area of deferred certification, the coastal development permit is processed through the Coastal Commission rather than the local government, and the standard of review is the Chapter 3 policies of the Coastal Act.

D. HABITAT PROTECTION

The subject site contains existing developed areas surrounded largely by undeveloped land incised by ravines with small streams and covered with sensitive habitat. The primary issue raised by the proposed development is whether or not the development can be accommodated in a manner that will not affect the existing sensitive habitat and streams. If the development can be accommodated without impacts to sensitive habitat, the Commission can find the proposed activities to be in conformity with Sections 30233 and 30240 of the Coastal Act.

The subject site contains a variety of streams throughout its terrain. For instance, the U.S. Geological Survey (USGS) map of the subject area, prepared in 1965 (photo revised in 1981) depicts several blue-line streams on the subject site. In addition, other biological analysis prepared for the site validate that streams exist on the site (e.g. see findings for A-5-LGB-10-174 and Letter

dated July 7, 2010, prepared by LSA Associates to Mr. James Lawson titled Technical Evaluation of CCR Title 14, Section 13577(a) Stream Issue, Laguna Terrace Park, Tentative Tract No. 17301, Laguna Beach, California, among others).

Environmentally sensitive habitat areas are defined in Coastal Act Section 30107.5, as follows:

“Environmentally sensitive area” means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Coastal sage scrub and maritime chaparral are sensitive plant communities that are very limited in distribution among the coastal and inland hills of Southern California. Coastal sage scrub in the Laguna Beach area generally consists of summer-dormant soft or suffrutescent aromatic plants that grow to approximately waist height. While its composition can vary, characteristic species generally include: California sagebrush, California buckwheat, orange bush monkey flower, and several species of sage. Southern maritime chaparral is also a low, fairly open plant community, highly dependent on maritime climate. In the Laguna area, southern maritime chaparral is generally characterized by the presence of big podded and/or warty-stemmed ceanothus, bush rue, bladder pod, and spiny or little-leaved redberry, among other species.¹

In this case, the applicants have not prepared a biological report for the subject site, therefore current, precise information about the boundaries of habitat areas is not available. However, there have been biological reports prepared in conjunction with past proposals at the subject site which document the presence of Coastal sage scrub and maritime chaparral. These studies include the South Laguna Biological Resources Inventory prepared by Karlin Marsh for the City of Laguna Beach in 1992, and a Biological Resources Assessment by LSA Associates dated August 17, 2000, among others. Furthermore, both coastal sage scrub and southern maritime chaparral communities have been observed by Commission staff on the subject site. These plant communities are considered by the U.S. Fish and Wildlife Service and the California Department of Fish and Game as “sensitive” or “special status.”² As discussed more fully in two memos written by Commission Ecologist John Dixon (see substantive file documents), the plant communities found on the site serve important ecosystem functions, such as providing habitat for State and federally listed as rare and threatened bigleaf crownbeard, the federally listed as threatened California gnatcatcher, and the rufous-crowned sparrow, a California Species of Special Concern. Each of these species has been observed at the site.³

The southern maritime chaparral and coastal sage scrub communities have been severely impacted by agricultural activities, urbanization, disruption of natural fire regimes, and competition from

¹ Marsh, K. January 20, 1992. South Laguna Biological Resources Inventory. A report prepared for the City of Laguna Beach.

² Evans, K.E. (USFWS). December 21, 2001. Letter to A. Larson (City of Laguna Beach) re: “Draft Environmental Impact Report for the Laguna Beach Driftwood Estates (Tentative Tract Number 16035), City of Laguna Beach, County of Orange, California.”

³ Dixon, John. (CCC). April 16, 2007. Memo to Ryan Todaro re: Habitat Characteristics on the Athens Group LLC property at Hobo Aliso Ridge (formerly known as Driftwood Estates).

invasive species. These rare plant communities are confined to coastal and a few inland areas of Southern California and Baja, Mexico. The US Fish and Wildlife Service reports that urbanization and agricultural conversion have caused the destruction of an estimated 82 to 93 percent of southern maritime chaparral⁴ and an estimated 85 to 90 percent of coastal sage scrub⁵ vegetation in California. As evidenced by these figures, southern maritime chaparral and coastal sage scrub communities are rare and easily degraded by human activities. Consequently, at the subject site, coastal sage scrub and maritime chaparral meet the definition of Environmentally Sensitive Habitat Area (ESHA) under the Coastal Act.

The Coastal Act requires the protection of ESHA and wetland/stream habitat.

Section 30233(d) of the Coastal Act states:

Erosion control and flood control facilities constructed on water courses can impede the movement of sediment and nutrients which would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for such purposes are the method of placement, time of year of placement, and sensitivity of the placement area.

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 such resources shall be allowed within such 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 such areas, and shall be compatible with the continuance of such habitat areas.

Although heavily vegetated, the steepness of the canyon walls and the canyon bottom have historically contributed to significant sediment laden flows to occur during high intensity rainfall in Hobo Canyon. In order to prevent flooding of the mobile home park, which was constructed in the canyon prior to the Coastal Act, several debris control facilities (aka ‘dams’) (among other flood protection facilities within the property), were approved pursuant to CDP No. 5-95-286, including the subject dam located at the inland terminus of K Street. That action included “maintenance

⁴ U.S. Fish and Wildlife Service. 1996. Determination of endangered or threatened status for four southern maritime chaparral plant taxa from coastal southern California and northwestern Baja California, Mexico. Federal Register 61(195): 52370-52384

⁵ US Fish and Wildlife Service. 1993. Determination of threatened status for the California Gnatcatcher. Federal Register 58(59): 16742-16757.

removal of the debris collected by the four debris control facilities on an as –needed basis for the on-going effectiveness of the proposed drainage system improvements.” However, the boundaries of the dam maintenance area were not clearly defined. Thus, the applicant is now proposing to formalize and delineate the boundaries of the dam maintenance area using stakes so that maintenance workers can clearly see the area approved for maintenance, which will help protect the sensitive habitat located nearby.

The debris basins capture sediment that in an undeveloped condition would get delivered to the beaches along Laguna Beach. The Commission previously imposed a Special Condition for beach replenishment (5-95-286) that requires the applicant to make any material suitable for beach nourishment available to local agencies that would use it for that purpose. Nothing in the current action changes this previously imposed requirement nor is there any change to how the material extracted from the basin is processed and disposed. Thus, the proposed project can be found in conformity with 30233(d).

The proposal would also include a vehicle access path to the dam and a turn-around, which are generally located within the utility lot as shown in **Exhibit 3**. Because the utility lot was previously graded (prior to the Coastal Act) and use of the area kept it clear of most vegetation, there are no known sensitive biological resources. The formal delineation of boundaries of the maintenance and vehicle access/turnaround will not result in any adverse impacts on biological resources; in fact the delineation will afford greater protection to the surrounding sensitive habitat. In addition, the applicants are proposing on-site re-vegetation of the bare area surrounding the designated vehicle turn-around area, which will improve the habitat value of current existing site conditions.

Approval of the proposed project will result in after-the-fact authorization of three existing mobilehome spaces (i.e. one 7,033 square feet (Space 155), one 4,079 square feet (Space 157), and one 5,012 square feet (Space 158) (**Exhibit 2**). Staff has determined through historic aerial photos and site visits that no significant biological resources were present on these spaces, as they were graded prior to the Coastal Act and kept largely free of native vegetation through use. Proposed Space 155 (**Exhibit 2**), which is located on the north side of K Street between Lot 154 and the Utility Lot, and Space 157 (**Exhibit 2**) located on the south side of K Street, were both graded prior to the Coastal Act. Utilities such as water, electricity, sewer, gas, and a fire hydrant area also present, but the spaces aren’t occupied by any structures. There are no known biological resources on proposed Spaces 155 and 157, thus, use of these spaces will not result in any adverse impacts on biological resources.

Proposed Space 158 (**Exhibit 2**), which is located on the south side of K Street, was graded prior to the Coastal Act, and is currently occupied by an existing approximately 1,200 square foot manufactured home with a detached 260 square foot one car garage. Review of all information available to staff indicates there are no known biological resources on proposed Space 158, thus, Coastal Act authorization after-the-fact will not result in any adverse impacts on biological resources.

The Utility “Lot” (technically, none of these spaces are separate legal lots; they are all part of a single legal lot established under CDP 5-12-121), is a bare area at the inland terminus of K Street proposed to contain the vehicle turn-around for annual dam maintenance (**Exhibit 3**). This area was also graded prior to the Coastal Act. There are currently several storage containers on the Utility Lot, which will be removed as a part of this permit. As explained above, given the presence of

sensitive habitat and streams surrounding the mobile home park, the configuration of the vehicle turn-around on the site is an important factor in considering whether impacts may occur to coastal resources. Similarly, future development must occur in a manner that protects these resources. For instance, any future change to the configuration of the lots and/or any further division of the lots must be analyzed to identify their individual impacts upon coastal resources. Therefore, the Commission imposes **Special Condition 5** which clarifies that this permit is only for the development described in this action.

The applicants also propose to identify, on a map for the review and approval of the Executive Director, a 20' strip of land contiguous with the mobilehome spaces where they abut vegetated hillside that has been and will continue to be used for fire hazard management. There are no known existing sensitive biological resources in this location. Therefore, maintaining this existing strip of land will not result in any new impacts to sensitive biological resources. **Special Condition No. 1** is imposed to carry out this aspect of the applicant's proposal.

Finally, the applicants are proposing to restrict for open space all of the area of the property (approximately 22.4 acres) located between the outer edge of the 20 ft. fire hazard management strip of land behind the mobile homes and the property line as generally depicted on the May 21, 2015 plans (**Exhibit 4**). **Special Condition No. 3** along with **Special Condition No. 6** would carry out this aspect of the applicant's proposal. They are also proposing to restore approximately one acre of habitat area, on the adjacent property known locally as "Driftwood", as generally described in a letter dated December 7, 2015 from Fred M. Roberts. The Laguna Terrace Habitat Restoration Plan (**Exhibit 6**) has been proposed to offset after-the-fact impacts to Diegan coastal sage scrub and southern maritime chaparral, which occurred during maintenance of the dam, and will focus on one acre of degraded habitat situated on a graded flat space immediately south of the Laguna Terrace Mobile Home Park at the northwest end of Driftwood Drive (**Exhibit 5**). A final habitat restoration and monitoring plan will need to be prepared to carry out this aspect of the applicants proposal, thus the Commission imposes **Special Condition No. 2**. **Special Condition 6** is also imposed by the Commission to ensure the applicant has the legal ability to enter the adjacent "Driftwood" property to conduct the habitat restoration proposed by the applicant.

Therefore, as conditioned, the Commission finds that Coastal Act authorization of the lots and delineation of boundaries of the Utility Lot will be in conformity with Sections 30233(d), and 30240 of the Coastal Act.

E. HAZARDS

Section 30253 of the Coastal Act states that new development shall:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

Approval of the proposed project will approve the use of 3 spaces for mobile homes in a high fire hazard zone which could potentially threaten the mobile homes to be constructed on the three

spaces, and surrounding mobile homes within the park. The applicant maintains a 20 foot strip of land around the existing homes, between the homes and the restricted open space, which will provide some protection to the 3 newly authorized home spaces that will help to mitigate the fire hazard, but will not completely eliminate the risk of fire resulting in damage to the development. Also, the Mobile Home Park is located within a steeply sided canyon where some flood damage and debris flows are possible during extreme weather. The park installed a variety of drainage and debris control improvements under CDP 5-95-086 that help address the risk to the existing park and the 3 new mobilehome spaces. Nonetheless, the risk associated with flooding and debris flow isn't eliminated. Any development in this location involves some inherent risk, and therefore the standard waiver of liability condition has been attached via **Special Condition 4**.

F. UNPERMITTED DEVELOPMENT

Development, including creation of three mobilehome spaces, placement of a mobilehome at one of the spaces, and placement of materials and debris in the area known as the utility lot, has occurred on the property without benefit of the necessary coastal development permits. The applicant is requesting after the fact authorization of the three unpermitted mobilehome spaces in this application. In addition, pursuant to this application, areas of the utility lot will be delineated for vehicle access and the remainder of the utility lot will be planted with appropriate native vegetation. Planting of the utility lot will entail removal of any material and debris remaining in the planting areas of the utility lot. To ensure the planting areas of the utility lot are planted with appropriate native plants, **Special Condition No. 2** requires the applicant to submit for the Executive Director's review and approval, and implement, a habitat restoration and monitoring plan that describes restoration of the utility lot planting areas and the off-site restoration area.

Approval of this application pursuant to the staff recommendation, issuance of the permit, and the applicant's compliance with all terms and conditions of the permit will resolve the issues of the unpermitted creation of the mobilehome spaces and placement of materials and debris in the utility lot. The applicant is not requesting after the fact approval of placement of a mobilehome on one of the spaces through this application, thus enforcement staff will consider options to address this matter. One option, in this situation, is to consider a request for after-the-fact authorization of the development, and, to that end, the applicant had indicated its commitment to request authorization of placement of the mobilehome concurrently with action on this application.

Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to any alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

G. GENERIC DEED RESTRICTION

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes a condition requiring that the property owner record a deed restriction against the property, referencing all of the above Special Conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property. Thus, as conditioned, this permit ensures that any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land,

including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.

H. LOCAL COASTAL PROGRAM

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3.

The City of Laguna Beach Local Coastal Program was certified with suggested modifications, except for the areas of deferred certification, in July 1992. In February 1993, the Commission concurred with the Executive Director's determination that the suggested modification had been properly accepted and the City assumed permit issuing authority at that time.

The subject site is located within the Hobo Canyon area of deferred certification. Certification in this area was deferred due to issues regarding development in sensitive habitat areas. However, the proposed project will not result in any adverse impacts to sensitive habitat areas. Therefore the Commission finds that approval of this project, as conditioned, will not prevent the City of Laguna Beach from preparing a total Local Coastal Program for the areas of deferred certification that conforms with and is adequate to carry out the Chapter 3 policies of the Coastal Act.

I. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA).

The City of Laguna Beach is the lead agency for purposes of CEQA compliance. As determined by the City, this project is categorically exempt from CEQA. As such, the project is exempt for CEQA's requirements regarding consideration of mitigation measures and alternatives. The Commission, however, has conditioned the proposed project in order to ensure its consistency with Coastal Act requirements regarding sensitive habitat. **Special Condition 5** clarifies that this permit relates only to the proposed development and does not alter any other permitting obligations that may exist; and **Special Condition 7** requires recordation of an acknowledgement/notice to present and future owners of the lot configuration that is recognized by the Commission. **Special Condition 1** requires submittal of revised and final plans to ensure the project's consistency with the Coastal Act. **Special Condition 2** requires the submission of a detailed habitat restoration and monitoring program to restore disturbed habitat, and **Special Condition 6** requires that the applicant demonstrate proof of legal authority to conduct the restoration on the adjacent property. **Special Condition 3** clarifies that the restricted open space shall be restricted to habitat conservation purposes. **Special Condition 4** imposes the standard waiver of liability associated with development in an inherent risky location. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project is consistent with the requirements of the Coastal Act and CEQA.

APPENDIX A - Substantive File Documents:

Laguna Beach Local Coastal Program (LCP); California Coastal Commission Notice of Violation of the Coastal Act dated May 23, 2013 sent to Hometown America Communities; Restoration Order CCC-06-RO-03 (Driftwood/Athens) and Consent Cease and Desist and Restoration Orders Nos. CCC-10-CD-02 and CCC-10-RO-02 (Gromet), Consent Cease and Desist Order No. CCC-10-CD-01 and Restoration Order CCC-10-RO-01; City of Laguna Beach Lot Line Adjustment No. LL 95-01; findings and approved plans for Coastal Development Permit Nos. G5-95-286, 5-95-286, 5-95-286 A, 5-96-048, 5-98-151, and 5-98-151-A1, 5-07-440-G; findings on claim of vested rights 5-07-412-VRC; U.S. Geological Survey 7.5" Quadrangle Maps for Laguna Beach and San Juan Capistrano; Map titled *Post LCP Certification Permit and Appeal Jurisdiction, City of Laguna Beach* Map ("post-cert map") adopted by the Commission on September 16, 1993; Letter dated July 7, 2010, prepared by LSA Associates to Mr. James Lawson titled Technical Evaluation of CCR Title 14, Section 13577(a) Stream Issue, Laguna Terrace Park, Tentative Tract No. 17301, Laguna Beach, California; South Laguna Biological Resources Inventory prepared by Karlin Marsh for the City of Laguna Beach in 1992; Biological Resources Assessment by LSA Associates dated August 17, 2000; May 2008 Biological Report by PCR; California Coastal Commission Memorandum from Dr. John Dixon, to Karl Schwing and Louise Warren re: Driftwood Property in Laguna Beach, dated July 14, 2008; California Coastal Commission Memorandum from Dr. John Dixon to Ryan Todaro re: Habitat Characteristics on the Athens Group LLC property at Hobo Aliso Ridge (formerly known as Driftwood estates) dated April 16, 2007; Proposal for Laguna Terrace Habitat Restoration Plan dated 12/7/15 by Fred M. Roberts; Laguna terrace Mobile Home Park Plans received on 5/21/2015.



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COASTAL COMMISSION

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Laguna Terrace Park

COMMUNITY MAP
30802 COAST HWY
LAGUNA BEACH

APN # 056-240-64

Space 155

Space 157
&
Space 158

COASTAL COMMISSION

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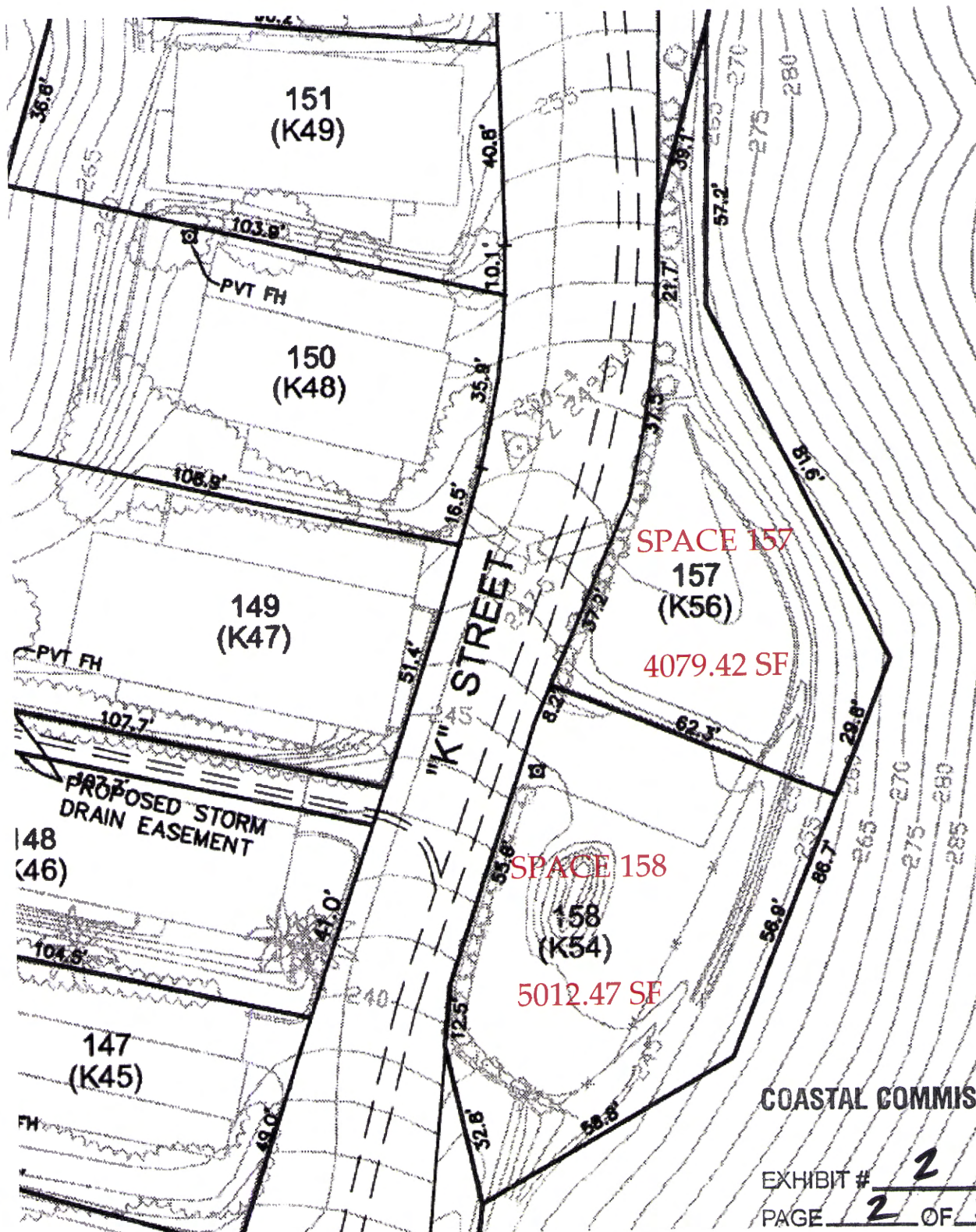
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Laguna Terrace Park

Site Plan Space 157 & 158

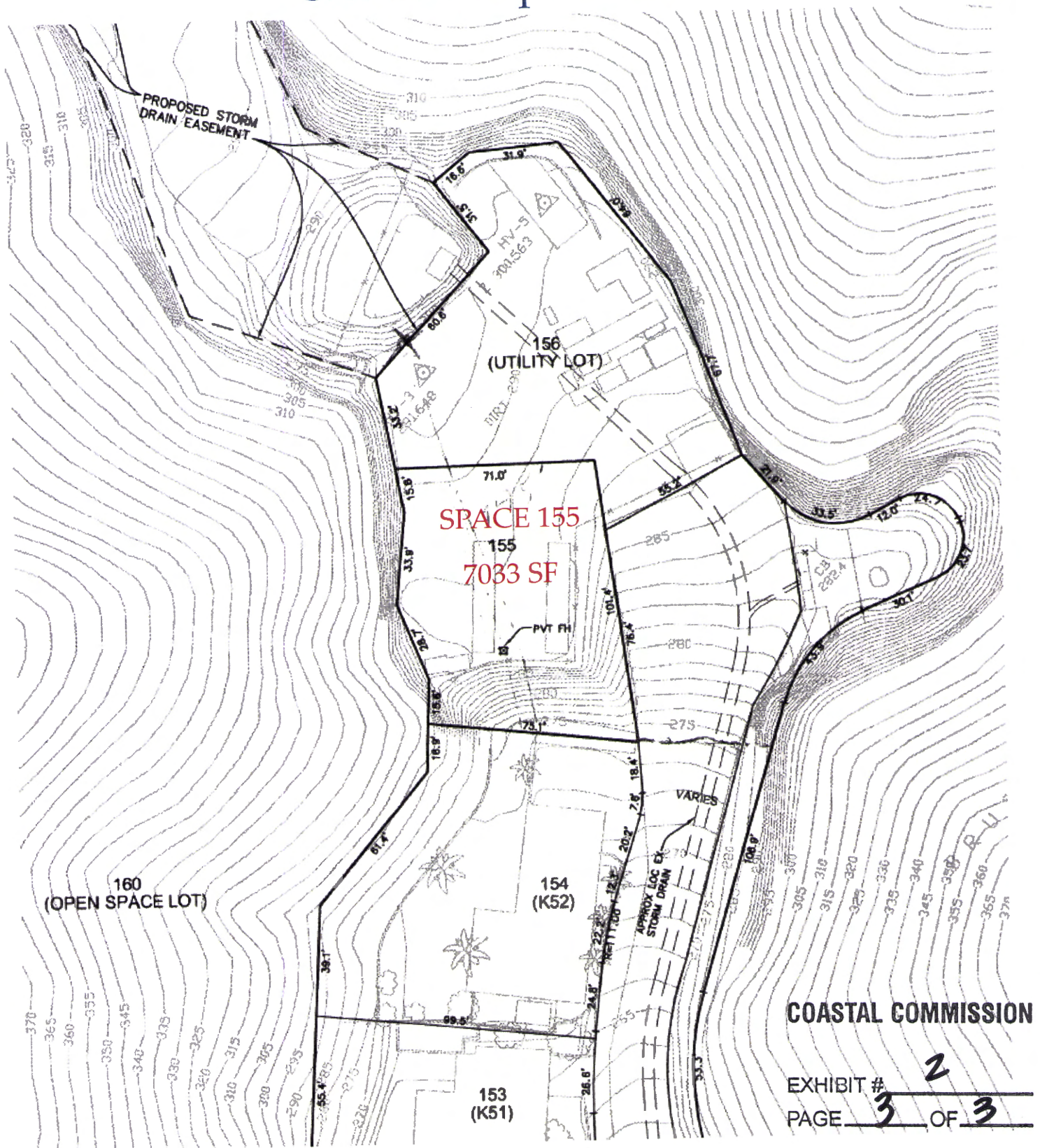


COASTAL COMMISSION

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
Laguna Terrace Park

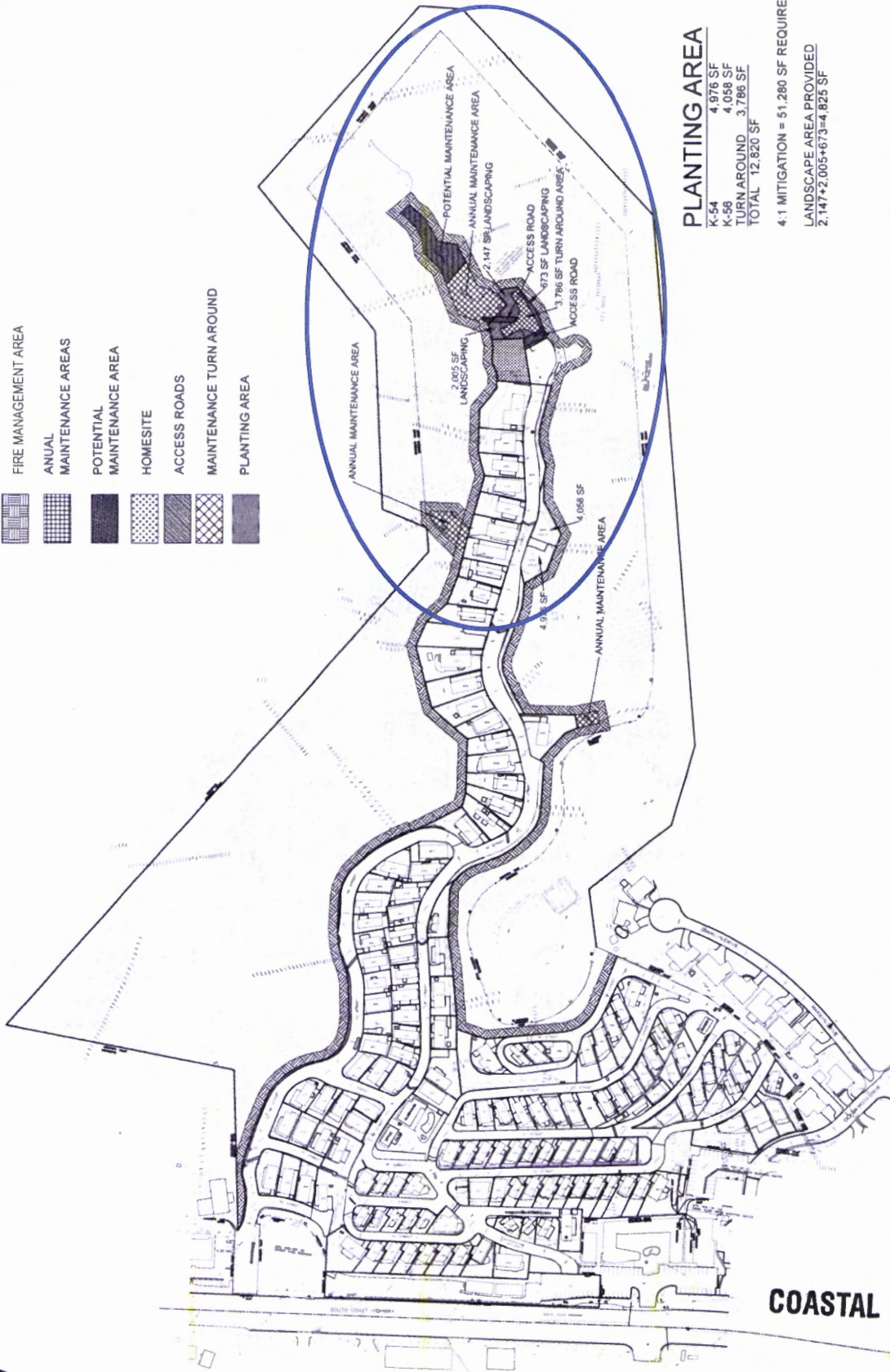
Site Plan Space 155



LAGUNA TERRACE MOBILE HOME PARK

LEGEND

-  FIRE MANAGEMENT AREA
-  ANNUAL MAINTENANCE AREAS
-  POTENTIAL MAINTENANCE AREA
-  HOMESITE
-  ACCESS ROADS
-  MAINTENANCE TURN AROUND
-  PLANTING AREA



PLANTING AREA

K-54 4,976 SF
K-56 4,058 SF
TURN AROUND 3,786 SF
TOTAL 12,820 SF

4:1 MITIGATION = 51,280 SF REQUIRED
LANDSCAPE AREA PROVIDED
2,147+2,065+673=4,825 SF

COASTAL COMMISSION

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LEGEND










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EXHIBIT # 3
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LAGUNA TERRACE MOBILE HOME PARK

LEGEND


-  FIRE MANAGEMENT AREA
-  ANNUAL MAINTENANCE AREAS
-  POTENTIAL MAINTENANCE AREA
-  HOMESITE
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2,147+2,005+673=4,825 SF

 OPEN SPACE /
CONSERVATION
AREA

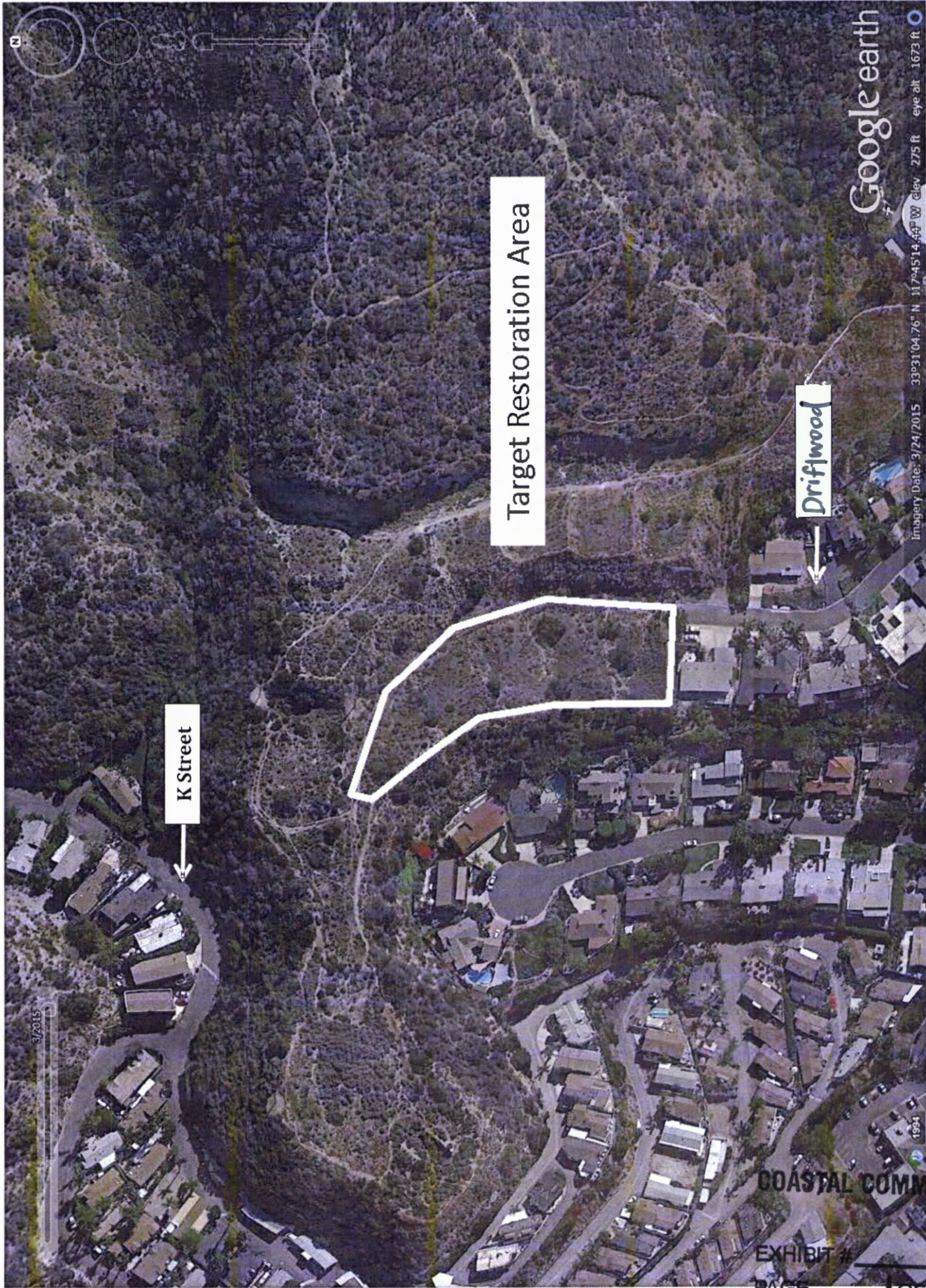
COASTAL COMMISSION

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OF



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South Coast Region

DEC 09 2015

CALIFORNIA
COASTAL COMMISSION

Fred M. Roberts
P.O. BOX 517
SAN LUIS REY, CA 92068

Laguna Terrace – Hometown America
C/O SCI
8780 19th Street #373
Alta Loma, CA 91701

December 7, 2015

Subject: Proposal for Laguna Terrace Habitat Restoration Plan

Fred Roberts, consulting botanist, working with Sandy Leatherman of Leatherman BioConsulting, Inc. are pleased to provide this proposal for the Laguna Terrace Habitat Restoration. Fred Roberts has worked professionally as a Biologist/Botanist in Orange County for over 50 years. Sandy Leatherman of Leatherman BioConsulting, Inc. is located in Orange County and has worked professionally as a Biologist in Orange County for the last 20 years.

The Laguna Terrace Habitat Restoration Plan has been proposed to offset after the fact impacts to Diegan coastal sage scrub and southern maritime chaparral along the margins of the Laguna Terrace Mobile Home Park in association with Coastal Development Permit Application NO. 5-13-471 from the California Coastal Commission. The proposed restoration focusing on one (1)-acre of degraded habitat situated on a graded flat immediately south of the Laguna Terrace Mobile Home Park at the northwest end of Driftwood Drive. The goal of the restoration is to offset the afore mentioned impacts and establish natural vegetation with a character similar to what was anticipated to occur historically at the site and that adjacent to the mobile home park.

SCOPE OF WORK FOR THE HABITAT RESTORATION PLAN

Task A: Research

We anticipate between one and four hours of background research associated with the Restoration Plan. This involves history of the site, Coastal Commission Requirements and expectations, and other aspects that may be important to the development of the plan.

Task B: Field Visits

We will conduct an initial field inspection of the site, likely to require half a day to determine the geographic layout, presence of native species to be retained during the restoration, determine the amount of site preparation necessary (extent of non-native weeds primarily), and better familiarize ourselves with the steps necessary to restore the site.

We will be spending one or two days locating a suitable reference site or site adjacent or near the project site, and conducting transects to quantify the vegetation within the reference site or sites. Establishing a reference vegetation site is a key element in successfully establishing guidelines for the restoration. The density of the native vegetation on the restoration site and creating quantifiable goals to measure success of the restoration.

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Task C: Restoration Plan

We write a habitat restoration plan with the goal of restoring native coastal sage scrub and chaparral habitat to the proposed site with a density and distribution similar to undisturbed habitat adjacent to the restoration site and the habitat along the margin of the Laguna Terrace Mobile Home Park.

The Restoration Plan will include the following:

- a). The restoration Goals.
- b). A detailed description of the current status of the site, including the extent of relic and recently established native shrubs, the extent of non-native weedy, and any other characteristics they may effect restoration, including graphic representations.
- c). Identify restoration actions, including non-native plant species removal, chaparral and coastal sage scrub revegetation, and erosion control.
- d). Identify methods for remedial planting, including a proposed plant palette (the appropriate shrubs species for planting based on reference site data and sources), installation of plants (number and size of individuals), seed collection and application, the equipment used for planting, watering, and identify potential impacts during restoration.
- e). Provide a schedule and timeline for five-years of installation, maintenance, monitoring, and reporting.
- f). The Restoration Plan will identify specific monitoring and management duties, including qualitative and quantitative monitoring, annual reports, and instructions for submitting the final monitoring report.

Task D: Other Direct Costs

We have included an estimate for other direct costs associated with the Restoration Plan, including flagging, report printing and reproduction. This estimate assumes a maximum of three (3) paper copies of the report will be supplied.

Task E. Project Management

As proposed here, we have assumed about 12 hours maybe necessary to provide project management and coordination activities (meetings/ phone coordination) with Laguna Terrace Mobile Homes, regulatory agencies, and other pertinent entities. Additional project management and coordination beyond 12-hours, (e.g., giving presentations to the Coastal Commission) have not been included. Additional meeting hours and coordination time, if necessary will be billed on a time-and-material basis.

Fred Roberts, consulting botanist, and Sandy Leatherman of Leatherman BioConsulting, Inc. would like to thank you for the opportunity to submit this proposal package. If you have any questions or would like additional information, please contact Fred Roberts by telephone at 760-439-6244 or by email at antshrike@cox.net or Sandy Leatherman by telephone at (714) 701-0863 or by email at sandyleatherman@aol.com. Thank you for your time.

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A summary of costs is supplied is attached at the end of this scope of work (Attachment A).

AUTHORIZATION

We would require a retainer of \$700 concurrent with starting the work. If this scope of work, cost estimate, and retainer meet your satisfaction, please execute a copy of the authorization at the end of this letter and return it with the retainer fee as your authorization to conduct the work.

Thank you for the opportunity to present this proposal.

Sincerely,

Fred M. Roberts, Jr.

Fred M. Roberts

AUTHORIZATION

Signature: _____

Anthony C. J. J. J.

Date: _____

12/9/15

COASTAL COMMISSION

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PROPOSAL FOR THE LAGUNA TERRACE HABITAT RESTORATION PLAN

ATTACHMENT A:

HABITAT RESTORATION PLAN COST ESTIMATE

Task	Days/Task	Hours	Billing Rate	Total Amount	Total Per Task
Initial Phase (2015-January 2016)					
Initial Phase Total:					\$7,374.00
TASK 1 Restoration Plan Development*					\$7,374.00
A: Research	1	4	80	\$320.00	
B: Field Visits	3.5	8	80	\$2,240.00	
C: Restoration Plan	5.5	8	80	\$3,520.00	
D: Other Direct Costs (flagging, reports, reproductions)				\$50.00	
E: Project Management **	1.5	8	80	\$960.00	
Estimated Milage					
568 miles				\$284.00	
TOTAL				\$7,374.00	\$7,374.00

* Personnel: Fred Roberts and Sandy Leatherman

** Includes only basic & necessary management & up to 16 hours of meetings. Additional meetings with client, coastal commission charged additional with materials and milage.

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