

CALIFORNIA COASTAL COMMISSION

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W26b

Filed: 07/18/2019
180th Day: 01/14/2020
Staff: LR-LB
Staff Report: 08/22/2019
Hearing Date: 09/11/2019

STAFF REPORT: REGULAR CALENDAR

Application No.: 5-19-0580

Applicant: Orange County Transportation Authority (OCTA)

Location: Northwest edge adjacent to Barracuda Way & Loretta Drive; Southeast edge adjacent to The Ranch at Laguna Beach, Laguna Beach, Orange County (APN 056-240-68)

Project Description: Pacific Horizon Preserve Restoration Plan consisting of: 1) closure of an unauthorized 843 linear foot trail segment and restoration of 0.55 acres of habitat area disturbed by unauthorized trail modifications; 2) erosion repair and bike jump removal along main public access trail; 3) removal of invasive plants within 3.86 acres of the Preserve; 4) repair of 1,114 linear feet of existing fences; 5) installation of signage and three monitoring cameras; and 6) a 5-year authorization period for ongoing restoration of unauthorized trail modifications.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION:

The Pacific Horizon Preserve is an approximately 151-acre preserve owned by the Orange County Transportation Authority (OCTA) as a mitigation site to offset potential impacts from thirteen freeway improvement project covered by Orange County Measure M2. The Preserve is hilly with a main ridgeline running through the middle of the property and canyons draining steep slopes to either side. The preserve features a variety of habitats, including chaparral, grassland, and coastal sage scrub. The applicant, OCTA, proposes a Restoration Plan including closure of an unauthorized off-shoot trail segment through native/sensitive habitat in an area which has been subject to ongoing disturbance by mountain bikers, and restoration of the area with native vegetation and invasive

species removal. Closure of this unauthorized trail segment will in no way preclude public access in the Preserve as it is an off-shoot duplicative trail that connects to the main trail (**Exhibit #1**). Furthermore, the applicant is requesting a 5-year authorization period for ongoing restoration of unauthorized trail modifications. In addition to invasive plant species removal in the trail closure areas, the Plan includes removal of “high priority” invasive species including artichoke thistle, pampas grass, and ice plant within a 3.86 acre area of the preserve. **Exhibit #3** provides a map depicting the areas proposed for invasive plant removal. The Plan also includes 1,114 linear feet of fence line repairs and removal of barbed wire along existing steel 6-foot tall T-posts and replacement with 12.5-gauge barbless wire. **Exhibit #2** provides an aerial view outlining the section of the fence line repair, trail segment proposed to be closed and restored, and overall disturbed lands proposed for restoration.

The project is located within an area of deferred certification of the City of Laguna Beach, so the Coastal Commission is the permitting authority and the standard of review is Chapter 3 of the Coastal Act, while the certified LCP for Laguna Beach provides guidance. The project raises issues under section 30240 of the Coastal Act, because the proposed trail removal and restoration work will occur in sensitive habitat areas that qualify as environmentally sensitive areas. Under section 30240 (a), development that occurs in ESHA must be a use that is dependent on the resource and must not significantly disrupt habitat values. Under section 30240(b), development that occurs adjacent to ESHA or recreation areas must not significantly degrade the habitat and must be compatible with the continuance of the habitat or recreation area. The proposed restoration project is intended to restore native vegetation that has been degraded by unauthorized mountain biking and creation of mountain biking trails and to restore areas degraded by invasive plant species, if implemented as conditioned below, will be successful in doing so. Accordingly, the project is a use that is dependent on the resource, will benefit the sensitive habitat, and will be compatible with the continued existence of the habitat, and can be found consistent with section 30240 of the Coastal Act.

Staff is recommending **approval** of the proposed coastal development permit with **five (5)** special conditions regarding: **1) Submittal of Final Fence Plan; 2) Conformance to Restoration; Maintenance and Monitoring Plan; 3) Scope and Term of Permit Approval; 4) County of Orange Approval; 5) Archaeological Monitoring**

As conditioned below, the project is consistent with Chapter 3 of the Coastal Act.

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APPENDICES

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EXHIBITS

Exhibit 1 – Overall Vicinity Maps

Exhibit 2 – Site Plan/Existing Conditions Including Photographs 1-12

Exhibit 3 – Invasive Plant Species Removal Map

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 5-19-0580 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 Final Fence Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, an As-Built Fence Detail Plan that conforms with the following fence description provided to the Commission by the applicant: *“existing 6-ft. tall metal T-posts will be protected in place and strands of barbed wire will be removed and replaced with three strands of smooth 12.5-gauge barbless wire along an existing approximately 1,114 linear feet of fence line located at the northern Preserve border.”* At a minimum, the Fence Detail Plan shall describe all fence materials, depict the fence location, length, height, dimension, spacing between metal T-posts, number of wires, wire gauge and spacing between wires with the lowest wire strand a minimum 2.5-feet from the ground to ensure wildlife movement is not inhibited.

The permittee shall undertake development in conformance with the approved final plan unless the Commission amends this permit or the Executive Director issues a written determination that no amendment is legally required for any proposed minor deviations.

2. **Conformance to Restoration, Maintenance and Monitoring Plan.** The applicant shall adhere to the submitted Restoration Plan for Disturbed Lands within Pacific Horizon Preserve, dated August 2019, including by submitting annual monitoring reports to the Commission Executive Director for review and approval that must include presentation of monitoring results, assessment of progress toward meeting success criteria, and any adaptive management recommendations. The annual monitoring reports must be submitted to the Commission Executive Director for the first five years of the restoration after permit issuance or for an adjusted time period dependent on restoration success.

The permittee shall undertake development in conformance with the approved Restoration Plan unless the Commission amends this permit or the Executive Director issues a written determination that no amendment is legally required for any proposed minor deviations.

3. **Scope and Term of Permit Approval.** The development authorized by this CDP is limited to the work described in the Restoration Plan for Disturbed Lands within Pacific Horizon Preserve, dated August 2019 and, for a 5-year period following permit issuance, the applicant may continue to remove and restore newly created unauthorized bike trails to pre-existing topographical contours with the use of non-mechanized hand tools to remove soil pilings and re-smooth areas to match surrounding landforms and area revegetation, consistent with the type of work outlined in the approved restoration plan.

4. **County of Orange Approval.** PRIOR TO COMMENCEMENT OF RESTORATION ACTIVITIES ON COUNTY OF ORANGE PROPERTY, the permittee shall provide to the Executive Director a copy of a permit issued by the County of Orange, or letter of permission, or evidence that no permit or permission is required. The permit or letter of permission shall evidence the ability of the applicant to conduct invasive plant species removal and habitat restoration activities within County of Orange public lands as conditioned herein. The permittee shall inform the Executive Director of any changes to the project required by the County of Orange. Such changes shall not be incorporated into the project until the permittee obtains a Commission amendment to this coastal development permit, unless the Executive Director issues a written determination that no amendment is legally required.

5. **Archaeological Monitoring.** By acceptance of this permit, the permittee agrees to: provide 1 archaeological monitor(s) qualified by the California Office of Historic Preservation (OHP) standards and a minimum of 1 Native American monitor from each tribal entity with documented ancestral ties to the area appointed consistent with the standards of the Native American Heritage Commission (NAHC), and the Native American most likely descendent (MLD) when State Law mandates identification of a MLD, to monitor all project grading, excavation work, or site preparation associated with the approved development. The permittee shall provide sufficient archeological and Native American monitors to assure that all project grading and any other subsurface activity that has any potential to uncover or otherwise disturb cultural deposits is monitored at all times. Prior to the commencement and/or re-commencement of any monitoring, the permittee shall notify each archeological and Native American monitor of the requirements and procedures established by this special condition, including all subsections. Furthermore, prior to the commencement and/or re-commencement of any monitoring, the permittee shall provide a copy of this special condition, any archaeological monitoring or research plans, and any other plans required pursuant to this condition and which have been approved by the Executive Director, to each monitor.
 - A. If an area of cultural deposits is discovered during the course of the project, all subsurface activity that has the potential to uncover or otherwise disturb cultural deposits in the area of the discovery or activity that may foreclose mitigation options (not less than 50-foot wide buffer around the discovery) shall cease immediately and shall not recommence except as provided in subsection B hereof; and the project archaeologist shall prepare and submit a Significance Testing Plan, for review and approval of the Executive Director, identifying measures to be undertaken to determine the significance of the find. The Plan shall be prepared in consultation with the Native American monitors, and the MLD when State Law mandates the identification of a MLD. The Executive Director shall determine the adequacy of the Plan and provide written authorization to proceed if it is adequate. The Significance Testing Plan results, along with the project archaeologist's recommendation as to whether the discovery should be considered significant, and the comments of the Native American monitors and MLD when State Law mandates the identification of a MLD, shall be submitted to the Executive Director for a determination of the significance of the discovery. If the Executive Director determines that the discovery is significant, development shall not recommence and the permittee shall submit to the Executive Director a Supplementary Archaeological Plan in accordance with subsection B, below.

B. A permittee seeking to recommence construction/development following discovery of cultural deposits determined to be significant pursuant to the process established in the Significance Testing Plan in subsection A shall submit a Supplementary Archaeological Plan for the review and written approval of the Executive Director, prepared by the project archaeologist in consultation with the Native American monitor(s), and the Native American most likely descendent (MLD) when State Law mandates identification of a MLD. The Supplementary Archaeology Plan shall identify proposed investigation and mitigation measures; in-situ preservation is the preferred mitigation and can be achieved through such methods such as, but not limited to, project redesign, capping, and deeding the cultural resource areas in open space. In order to protect archaeological resources, any further development may only be undertaken consistent with the provisions of the approved Supplementary Archaeological Plan, as well as, to the extent applicable, the original approved archaeological plan.

- (i) If the Executive Director approves the Supplementary Archaeological Plan and determines that the Supplementary Archaeological Plan's recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, construction may recommence after this determination is made in writing by the Executive Director.
- (ii) If the Executive Director approves the Supplementary Archaeological Plan but determines that the changes therein are not de minimis, construction may not recommence until after an amendment to this permit is approved by the Commission to authorize a new archaeological approach.
- (iii) A report verifying compliance with this condition shall be submitted to the Executive Director for review and written approval, upon completion of the mitigation measures detailed in the approved archaeological monitoring plan and/or Supplementary Archaeological Plan required to protect significant archaeological finds.

IV. FINDINGS AND DECLARATIONS:

A. PROJECT LOCATION & DESCRIPTION

The proposed project is within the Pacific Horizon Preserve, previously known as Aliso Canyon Preserve, located in Laguna Beach between Aliso and Wood Canyons Wilderness Park along the northern and eastern boundaries, City of Laguna Beach open space and Hobo Ridge conservation lands to the south/southwest, The Ranch at Laguna Beach (golf course and hotel) to the south, and residential development along the northwest boundary adjacent to Barracuda Way & Loretta Drive in Laguna Beach, Orange County (**Exhibit #1**). Public access to the preserve is available from Moulton Meadows Park on Balboa Avenue in Laguna Beach. The Pacific Horizon Preserve is an approximately 151-acre preserve owned by Orange County Transportation Authority (OCTA) as a mitigation site to offset potential impacts from the 13 freeway improvement project covered by Orange County Measure M2. The Preserve is part of the OCTA's Natural Community Conservation Plan (NCCP). Topography on the property is hilly, with the main ridgeline running through the middle of the property and canyons draining steep slopes to either side. Elevations range from

approximately 40 feet above mean sea level at the southeastern edge of the property to 840 feet above mean sea level at the northwestern edge. The Preserve features a variety of habitats, including chaparral, grassland, and coastal sage scrub communities.

The applicant, OCTA, proposes a Restoration Plan with the following components:

- 1) closure of an unauthorized 843 linear foot trail segment and restoration of 0.55 acres of disturbed area associated with unauthorized trail modifications made by mountain bikers;
- 2) erosion repair and bike jump removal along main public access trail;
- 3) removal of invasive plants over 3.86 acres of the Preserve;
- 4) repair of 1,114 linear feet of existing fence line;
- 5) installation of five “Restoration in Progress – Do not Enter” signs and three monitoring cameras; and
- 6) 5-year authorization period for ongoing trail modification/restoration activities due to possible future unauthorized trail modifications (attributed to mountain bike activities).

The proposed Plan includes closing off an unauthorized off-shoot trail segment through native/sensitive habitat in an area which has been subject to ongoing disturbance by mountain bikers and restoration of the area with native vegetation and invasive species removal. Closure of this unauthorized trail segment will in no way preclude public access in the Preserve as it is an off-shoot duplicative trail that connects to the main trail (**Exhibit 1**). Furthermore, the applicant is requesting a 5-year authorization period for ongoing restoration of possible future unauthorized trail modifications. Such ongoing restoration activities would involve minimal soil decompaction using hand tools such as shovels and pickaxes, and removal of unpermitted development and restoration with native plant species. In addition to invasive plant species removal in the trail closure areas, the Plan includes removal of “high priority” invasive species including artichoke thistle, pampas grass, and ice plant from a 3.86 area of the preserve. **Exhibit 3** provides a map depicting the areas proposed for invasive plant removal. The Plan also includes existing 1,114 linear feet of fence line repairs with the removal of barbed wire along steel 6-foot t-posts and replacement with 12.5-gauge barbless wire. **Exhibit 2** provides an aerial view outlining the section of the fence line repair, trail segment proposed to be closed and restored, and overall disturbed lands proposed for restoration.

STANDARD OF REVIEW

The proposed project is located within a single lot owned by the OCTA. The project site is located within an Area of Deferred Certification of the City of Laguna Beach in Orange County (a certified jurisdiction). Thus, the entire site of the proposed development is located within the Commission’s permit jurisdiction and the standard of review is Chapter 3 of the Coastal Act and the City of Laguna Beach’s certified LCP may be used as guidance (Pub. Res. Code § 30519(b)).

B. PUBLIC ACCESS AND RECREATION

Coastal Act Section 30210 states:

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.

Coastal Act Section 30211 states:

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.

Coastal Act Section 30220 states:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Coastal Act Section 30223 states:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

One of the main tenets of the Coastal Act is the preservation and enhancement of coastal access. As previously stated, the proposed Pacific Horizon Preserve Restoration Plan includes closure of a trail segment, replacement of an existing deteriorating boundary fence with a new fence, new signage, and installation of monitoring cameras.

Trail Closure

Prior to acquisition by the OCTA, this Preserve was privately owned and contained existing dirt trails which have been used by the general public (hikers and mountain bikers). Access to the 151-acre Preserve is available from Moulton Meadows Park on Balboa Avenue in Laguna Beach; parking is available on the public streets as there is no dedicated parking lot. Multiple undesignated and pioneered trails cut across the back of Moulton Meadows Park on County-owned land; some of these trails are coming from Moulton Meadows Linkage and some begin at Moulton Meadows Park then consolidate and run south through the Pacific Horizon Preserve, crossing onto open space owned by the City of Laguna Beach. OCTA proposes to maintain the existing level of public access on the main trail (consisting of two trail segments that total approximately 1,650 feet) that bisects the Preserve north to south and connects with other regional trails (**Exhibit 1**). OCTA is in the process of developing a long-term Public Access Plan to ensure compatibility with biological resource goals and objectives.

Recreational opportunities within the Preserve include passive activities such as walking, jogging, hiking, bird watching, noncompetitive mountain biking, equestrian use, and limited picnicking. Public access within the Preserve is provided within the constraints of protecting habitat and species resources, historical resources, terrain, limits of allowable impacts, existing suitable trails and access points, management costs, and community support. Trails provide low cost recreational opportunities; however trails should be minimized in designated habitat areas where possible to preserve intact and naturally functioning habitat. Minimizing the amount of trails in the Preserve is important as this will limit the edge effects and the proportion of the property that is exposed to potential disturbance. Maintenance of single track trails that form a core system and/or complete a loop within the Preserve, and that do not negatively affect sensitive resources, is one of the goals of the current draft Public Access Plan. The applicant proposes closure of an unauthorized 843 linear foot trail segment and restoration of 0.55 acres of habitat area disturbed by unauthorized trail

modifications. **Exhibit 2** depicts the trail segment proposed for closure in red and depicts the exiting trail to remain open in blue. **Exhibit 1** depicts the existing main trail traversing the Preserve. Closure of this unauthorized trail segment will in no way preclude public access in the Preserve as it is an off-shoot duplicative trail that connects to the main trail.

Fence Repair, New Signage and Cameras

As land stewards of the Preserve, the OCTA must ensure that the trail system is maintained and that new trails are not pioneered through sensitive habitat. Installation of fencing is typically used along trails to discourage off-trail activities and thus maintain Preserve rules and management goals. Ongoing management of the Preserve includes monitoring of permitted activities and unauthorized activities (e.g., use of closed trails, illegal dumping of waste materials and debris, and encroachment) to protect biological resources within the Preserve. Damage caused by off-trail activities is potentially one of the greatest threats to Preserves such as this one near urban population centers. Without enforcement, it is often difficult to change human behavior, especially in areas that have been used historically for activities that are not compatible with biological resource protection (e.g., off-road vehicle use), therefore, monitoring and enforcement consists of patrols by Preserve staff communicating Preserve rules and regulations, safety measures, resource protection measures, and recreational use and access guidelines to public users, thereby reducing future recreational impacts on biological resources. As proposed, existing 6-ft. tall metal T-posts will be protected in place and strands of barbed wire will be removed and replaced with three strands of smooth 12.5-gauge barbless wire along an existing approximately 1,114 linear foot fence line located at the northern Preserve border. The Preserve boundary is not fully fenced; fencing is only located along this northern border in the vicinity of Moulton Meadows Park to control/direct public access to the designated access point at the main trail and away from sensitive habitat communities. Photographs 2 and 3 provided by the applicant and included in **Exhibit 2** depict the existing fence line proposed to be repaired. As only a descriptive narrative of the proposed fence repair is included in the Restoration Plan, **Special Condition 1** requires the applicant submit an As-Built Fence Detail Plan prior to issuance of the permit depicting the fence location, length, spacing between metal T-posts, number of wires, wire gauge and spacing between wires, fence height, dimensions, and description of all fence materials.

As proposed, the Plan includes repairs to existing fencing and new permanent signage reading “Habitat Restoration Area – Do Not Enter” at key access points to restrict public access and limit unauthorized activities in order to protect resources and facilitate public safety. Additionally, monitoring cameras will be installed to monitor both wildlife movement and human use. Proposed signage and camera locations are shown on **Exhibit 4**. Three new camera poles will be placed along the trail on bare, unvegetated ground. The fencing and cameras will ensure that public access and recreational activities are available within the existing designated areas and will assist with enforcement of existing rules. They will not serve to reduce the area available for public for access and recreation.

As proposed, the project would not interfere with the public’s recreational opportunities and is therefore consistent with the public access and recreation policies of the Coastal Act.

C. SCENIC AND VISUAL RESOURCES

Coastal Act Section 30251 states:

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. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The proposed project involves the repair and replacement of portions of an approximately 1,114 linear foot 6-ft. tall T-post/barbed wire fence with three strands of smooth 12.5-gauge barbless wire. The boundary fence is located at the northern Preserve border. The Preserve boundary is not fully fenced; fencing is only located along this northern border in the vicinity of Moulton Meadows Park to control/direct public access to the designated access point at the main trail and away from sensitive habitat communities. Thus, the fence is only noticeable to hikers for a limited section of the trail at the northern entry point to the Preserve, and does not obstruct any canyon vistas or ocean views. Photographs 2, 3, and 9 provided by the applicant and included in **Exhibit 2** depict the existing fence line proposed to be repaired. The proposed metal post/triple wire strand fence is the minimum necessary to achieve the intent of the fence to guide the public onto the trail and away from sensitive habitat communities and maintains open views across the field of vision through the fence. Therefore, the proposed replacement of downed wire fencing with non-barbed wire would not negatively affect public views or visual resources from public vantage points along the main trail. As proposed, the Commission finds that the development conforms to the scenic and visual protection policies of the Coastal Act.

D. BIOLOGICAL RESOURCES

Coastal Act Section 30240 states:

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

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

Site Biological Resources

The applicant provided a biological survey for the entire Preserve titled “Baseline Biological Surveys Technical Report for the Aliso Canyon Property, Measure M2 Freeway Environmental Mitigation Program Acquisition Properties Evaluation in Orange County, California” by Psomas dated October, 2015. Fourteen vegetation types and other areas were found to occur within the Preserve, including 78.18 acres of southern mixed chaparral, scrub (coyote brush scrub, mixed sage scrub, mixed sage-chaparral scrub ecotone, mixed sage-cactus scrub), 1.04 acres of grassland

(annual grassland, Elymus grassland, needlegrass grassland, clustered tarweed field), 1.56 acres barren (cliff/rock), and 3.67 acres developed/non-native (ornamental, ruderal, disturbed).

Additionally, the general surveys included an evaluation of the property's potential to support special status plant and wildlife species. Eight (8) special status plant species were found including for example, intermediate mariposa lily (*Calochortus weedii* var. *intermedius*), paniculate tarplant (*Deinandra paniculata*), many-stemmed dudleya (*Dudleya multicaulis*), big-leaved crownbeard (*Verbesina dissita*), Western dichondra (*Dichondra occidentalis*). Two species of local concern were observed on the property: bushrue (*Cneoridium dumosum*) and spiny redberry (*Rhamnus crocea*). Turkish rugging (*Chorizanthe staticoides*) was observed on the property and is assumed to be Orange County Turkish rugging (*Chorizanthe staticoides* var. *chrysacantha*) based on range. Lance-leaved dudleya (*Dudleya lanceolata*) was also observed on the property. Wildlife species found present included Cooper's hawk, red-tailed hawks, northern harrier, and coastal California gnatcatcher a federally listed Threatened species and a California Species of Special Concern. Intermediate Mariposa Lily (*Calochortus weedii* var. *intermedius*) is a very rare (CNPS listed 1B.2) native perennial herb that is endemic to Southern California, and grows on dry rocky slopes in grasslands chaparral and coastal sage scrub primarily in the South Coast and Peninsular Range regions. It tends to grow in with heavy or rocky soil, at elevations from 0-6200 feet. It is an herbaceous perennial that persists as a bulb after the above-ground parts have dried up. The leaves and stems emerge during the spring but the plants do not bloom until the early summer - Blooming period May to July. Overall, as the site supports eight special status, the entire site is environmentally sensitive habitat area (ESHA).

The report also identified potential threats to these species and their habitats on the property as habitat destruction by hikers and mountain bikers, illegal hunting; the spread of non-native plants and wildlife (e.g., iceplant and pampas grass); and wildland fires. The report recommended development of a Restoration Plan restricting unauthorized access on portions of the property; relocating public trails to avoid impacts on special status plant species; restoring native habitat by removing invasive plants; and maintaining movement opportunities through the property.

The proposed development is a Restoration Plan that involves the restoration of 0.55 acres of disturbed area associated with unauthorized trail modifications made by mountain bikers; erosion repair and bike jump removal along the main public access trail; and the removal of invasive plants within 3.86 acres of ESHA.

Proposed Restoration of Disturbed Areas

The proposed Restoration Plan includes restoration of an approximately 0.23 acre of disturbed area (due to unauthorized mountain bike trails, berms and jumps for mountain bike activities) supporting mixed native scrub and non-native vegetation intermixed with bare areas and erosional cuts, and including 843 linear feet of an off-shoot duplicative trail segment that connects to the main trail. An additional 0.22 acre of native scrub occurring immediately adjacent to proposed trail restoration area will also be subject to "passive restoration" including minor removal of annual weeds and native seed dispersal to promote native habitat infill. **Exhibit 2** provides a map depicting the locations of existing disturbance areas proposed for restoration and includes site photos.

Existing bicycle jumps/berms and erosional cuts pose an immediate threat to plant species of concern (i.e., many-stemmed dudleya and intermediate mariposa lily) and coastal sage scrub habitat for the California gnatcatcher. Therefore, the Restoration Plan includes dismantling of existing bicycle jumps and berms and soil de-compaction using hand tools such as pickaxes and shovels. Erosional cuts due to rain on the main access trail will be filled with native soil from onsite or with sand and gravel. Soil within the proposed off-shoot duplicative trail segment proposed for closure and area restoration will be de-compacted using pick axes, shovels, or a hand-held auger to make areas ready for planting. Use of wheelbarrows for transport of materials, if necessary is also proposed. No equipment staging is proposed. No grading using heavy equipment is not proposed as very minimal soil preparation is required (i.e., soil de-compaction and contouring), all of which is proposed utilizing hand tools. Straw wattles will be installed to secure erosive areas within the restoration sites and to keep restoration seed and cuttings from washing away during natural rain events before plants are sufficiently established. Additionally, all work is proposed to be under the supervision of a qualified biological monitor. Target invasive species in the disturbed area proposed for restoration include iceplant, pampas grass, and fountain grass also pose a threat to plant species of concern. Small quantities of sweet fennel and ruderal vegetation such as Russian thistle, milk thistle, and non-native grasses were also observed within some disturbed areas. All invasive species and ruderal species associated with disturbance will be removed as part of routine maintenance under the proposed Restoration Plan. As proposed invasive species removals will continue over a 5-year period. Once the soil is prepared, the applicant proposes to disperse native seed within the disturbance restoration areas by hand utilizing a coastal sage scrub seed mix. Additionally, prickly pear cactus pads are proposed to be collected on site and planted in strategic areas in groupings to deter entry into the restoration areas and provide an added physical barrier to protect sensitive plant species or special-status plant species and in treated iceplant to provide infill.

The proposed project also includes repair of existing approximately 1,114 linear feet of fence, line located at the northern Preserve border. The Preserve boundary is not fully fenced; fencing is only located along this northern border in the vicinity of Moulton Meadows Park to control/direct public access to the designated access point at the main trail and away from sensitive habitat communities and mapped special status plant species. As proposed, existing 6-ft. tall metal T-posts will be protected in place and strands of barbed wire will be removed and replaced with three strands of smooth 12.5-gauge barbless wire. No new fence T-posts are proposed, therefore, no new ground disturbance impacts are anticipated with the proposed fence line repair. Additionally, the proposed three new camera poles will be placed along the trail on bare, un-vegetated ground (see **Exhibit 2** photographs). The proposed metal post/triple smooth wire strand fencing is the minimum necessary to achieve the intent of the fence to guide the public onto the trail and away from sensitive habitat communities while ensuring wildlife movement is not inhibited. Special Condition 1 requires the applicant submit, prior to issuance of the permit, fence plans that at a minimum provide 2.5-feet between the ground and the wire fencing to ensure wildlife movement is not inhibited. .

After restoration of the identified disturbed area, site conditions may continue to change as individuals create new unauthorized trails and berms/jumps in other areas of the Preserve, therefore, the applicant is requesting the ability to continue to restore any possible future similar disturbances due to mountain bike activity for a 5-year period. **Special Condition 3**

limits development authorized by this CDP approval to the type/scope of work authorized in the Restoration Plan and provides the applicant the ability to remove soil pilings and re-smooth areas to match surrounding landforms and area revegetation; not to exceed the type of work outlined in the Restoration Plan for the requested 5-year period after permit issuance.

Invasive plant species proposed for removal as part of the restoration of disturbed areas includes removal of iceplant which occurs on both the Preserve and on County of Orange Parks property along the Preserve's northern boundary (0.07 acre on the Preserve and 0.13 acre on Parks), see **Exhibit 2**. To ensure success of iceplant removal activities within the Preserve, the applicant is also proposing removal of iceplant in the immediate vicinity on County of Orange public land. The applicant has indicated they have requested approval from the County for the proposed work on County property. As such an approval has not yet been procured, **Special Condition 4** requires the applicant provide a copy of a permit issued by the County of Orange, or letter of permission, or evidence that no permit or permission is required in order for the applicant to conduct invasive plant species removal and habitat restoration activities within County of Orange public lands prior to commencement of such work.

Trail restoration activities will occur adjacent to ESHA and fence repair will occur in ESHA. Coastal Act Section 30240(b) requires 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. Coastal Act Section 30240(a) requires ESHA be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. Restoration of the habitat is a use dependent on the resource, however, in order for the project to be consistent with Sections 30240(a) and (b), the proposed restoration must not result in significant disruption of habitat values. As land stewards of the Preserve, the applicant must ensure that new trails are not pioneered through sensitive habitat. Installation of fencing is typically used along trails to discourage off-trail activities and avoid damage to ESHA caused by off-trail activities. Without fencing, it is often difficult to change human behavior, especially in areas that have been used historically for activities that are not compatible with biological resource protection (e.g., off-trail bike use), therefore, the applicant proposes to repair/maintain existing approximately 1,114 linear foot fence line located at the northern Preserve border to control/direct public access to the designated access point at the main trail and away from sensitive habitat communities. Photographs 2 and 3 provided by the applicant and included in **Exhibit 2** depict the existing fence line proposed to be repaired.

As proposed, existing 6-ft. tall metal T-posts will be protected in place and strands of barbed wire will be removed and replaced with strands of smooth 12.5-gauge barbless wire along an existing approximately 1,114 linear foot fence line located at the northern Preserve border. This style of fencing utilizes a minimal footprint and does not result in significant disruption of habitat values by not impinging upon the existing population of special status plant species or inhibiting the spread of sensitive plants, such as Intermediate Mariposa Lily and Many-stemmed Dudleya found in the fence vicinity, and is in fact intended to protect and restore the degraded habitat and, therefore, is a use dependent on the resource in compliance with Coastal Act Section 30240.

Proposed Invasive Species Removal Areas

Additionally, the proposed Restoration Plan includes the initiation of invasive plant species removal throughout the Preserve, targeting high priority invasive species including iceplant, pampas grass, fountain grass, and artichoke thistle. The Restoration Plan targets removal of 2.34 acres of artichoke thistle and 1.42 acres of pampas grass. **Exhibit 3** provides a map depicting proposed areas for invasive plant removal activities. Small quantities of sweet fennel, Russian thistle, and non-native grasses were noted as well, and will be removed as a part of the overall invasive species removal maintenance activities. These areas proposed for removal of invasive plant species are differentiated from the disturbance areas in that while they are occupied primarily by native plants, slight degradation was noted including thinning cover and presence of annual weeds due to adjacency to the disturbance areas. Passive restoration will include minor weeding and native seed dispersal, as needed.

Removal methods include physical treatment (i.e., hand digging up individual plants and seedlings, cutting of stalks, cutting of seed heads) and chemical treatment (i.e., spot treatment with herbicide). If native plant establishment occurs after initial weed control, follow-up non-native species control is proposed to largely consist of hand-pulling or spot spray to avoid impacts to newly establishing native species and herbicide use shall occur only in areas where native species will not be affected and only after consulting the Preserve Manager.

Additionally, the Restoration Plan proposes to implement best management practices (BMPs) during all invasive species removal activities including chemical herbicide specifications, prevention measures when working in or adjacent to mapped special status plant species, erosion control BMPs during trail maintenance tasks, and implementation of a Nesting Birds Policy to conform to existing regulations and procedures for protection of nesting birds. Retreatment of the target invasive species is proposed to occur over a five-year period for effective control.

Invasive plant species removal will occur in ESHA. Coastal Act Section 30240(a) requires ESHA be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. Restoration of the habitat is a use dependent on the resource, however, in order for the project to be consistent with Section 30240(a), the proposed restoration must not result in significant disruption of habitat values.

As proposed, the Restoration Plan invasive removal work will begin in areas of low concentration and move into areas of higher concentration in order to allow natural regeneration of native plant communities and prevents the invasive species from regaining a foothold. No areas will be left completely devoid of vegetation; if an area is completely cleared of invasive species, native plant material will be immediately introduced through container planting or seed. Additionally, when working in areas adjacent to mapped special-status species locations and sensitive habitats, limits of work, access trails, and maintenance areas will be flagged prior to start of work. Flagging, stakes, and/or construction fencing should will be used to demarcate the inside boundary of the buffer between the project activities and the sensitive habitat/species in order to avoid disturbing native plants during invasive removal activities. Such measures are intended to protect and restore the degraded habitat and will not result in significant disruption of habitat values as required by Coastal Act Section 30240(a).

Restoration Plan Monitoring and Reporting

The applicant is proposing a Restoration Plan monitoring and reporting program consistent with the overarching management directives outlined in the Pacific Horizon Preserve Resource Management Plan (RMP) and Invasive Species Management Plan (ISMP) for the Preserve, which include multiple layers of monitoring for biological resources including targeted wildlife and plant surveys, general stewardship monitoring, and effectiveness monitoring for restoration activities. Monitoring is ongoing in perpetuity as a part of the RMP.

As proposed, active restoration will be qualitatively monitored on a quarterly basis for at least the first year. Following quarterly monitoring in the first year following restoration initiation, qualitative monitoring will continue biannually each year following invasive removals for a five-year period and may occur concurrently with other routine biological monitoring within the Preserve. Qualitative monitoring will consist of documentation of all invasive species removal activities and visual characterization of native plant establishment within the restoration areas in a given year. Monitoring will include a qualitative assessment of native plant cover, including progress toward meeting a 70-percent coverage goal; identification of invasive plant species establishment; and identification of necessary remedial actions, including additional native seeding, adjustments to invasive species plant control methods and timing, and modifications to site protection measures. The goal of monitoring is to assess the effectiveness of recommended invasive species treatment and restoration actions and allow for adaptive management strategies to be implemented in the future, if necessary. The success of the restoration program will be addressed through an adaptive management program as a part of OCTA's ongoing monitoring efforts at the Preserve that continue in perpetuity including planning, implementing, monitoring, and refining management strategies over time.

In addition, annual and five-year mapping of invasive species polygons will be conducted. Annual mapping will focus on areas that function as natural conduits of dispersal including roads, trails, fence lines, streams, and disturbed areas. Mapping of treated invasive species polygons will be updated every five years to assess changes (expansion, reduction, or new infestation) in the treated invasive species population and will assess invasive species distribution within treated areas, threat to sensitive habitats, proximity to conduits of spread such as streams and roads, and provide adaptive management recommendations, as appropriate. The annual report documenting all restoration and invasive management activity is proposed to be submitted to the Preserve Manager and Commission at the end of each year. **Special Condition #2** requires the applicant conform to the proposed Restoration Plan dated August 2019 including submittal of monitoring reports.

Therefore, the Commission finds that the development, as conditioned, does not pose significant adverse impacts that would significantly degrade habitat areas, is a use dependent on those resources, and is compatible with the continuance of those areas consistent with Section 30240 of the Coastal Act.

E. ARCHAEOLOGICAL RESOURCES

Coastal Act Section 30244 states:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

The project site is undeveloped open space in known areas of pre-European occupation by Native Americans. Accordingly, it is possible that archeological/cultural resources may exist on the site. The applicant's consultant, LSA Associates conducted an Archaeological Sensitivity Assessment (ASA) for the Pacific Horizon Preserve in August 2015. No archaeological resources were identified within the boundaries of the Preserve. However, the applicant has provided information on the mapped location of a recorded archeological site within the vicinity of the proposed development. The extent and precise location of such sites are treated as confidential for their protection. Based on the negative results of the field survey and the geomorphological setting of the Preserve, the Preserve is not considered sensitive for the presence of archaeological resources. However, due to the proximity of a known archaeological site, the applicant proposes that any ground-disturbing activities proposed to take place at the northwest boundary of the Preserve be monitored by an archaeologist to ensure the protection of any possible archaeological resources such as marine shell deposits resulting from cultural activities, stones evidencing human use or modification, prehistoric pottery sherds, or other such artifacts or even skeletal remains and grave-related artifacts. Ground disturbing activities may yield cultural materials. The proposed Restoration Plan, therefore, includes archaeological monitoring during any ground disturbance activities associated with the restoration of the decommissioned trail area.

The Coastal Act requires that impacts to archaeological or paleontological resources be reasonably mitigated. Avoidance of impacts to archaeological resources is the preferred alternative, which will avoid mitigation requirements. Therefore, **Special Condition 5** further requires the applicant provide sufficient archeological and Native American monitors to assure that any other subsurface activity that has any potential to uncover or otherwise disturb cultural deposits is monitored at all times. If resources are encountered, **Special Condition 5** provides procedures for the preparation and submittal of a Significance Testing Plan, for review and approval of the Executive Director, identifying measures to be undertaken to determine the significance of the find.

Only as conditioned can the proposed project be found consistent with the certified LCP policies regarding the protection of archaeological/cultural resources.

F. 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 related to intensity and location of development and due to issues of public access arising from the lack of vehicular access to this open space area. However, as discussed above, the proposed development will not further decrease or impact public access within the recently established Preserve. Therefore the Commission finds that approval of this project, as conditioned, will not prejudice the City of Laguna Beach from preparing a total Local Coastal Program for this area of deferred certification that conforms with and is adequate to carry out the Chapter 3 policies of the Coastal Act.

G. 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). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing 1) Submittal of a Final As-Built Fence Plan; 2) Conformance to Restoration; Maintenance and Monitoring Plan; 3) Scope and Term of Permit Approval; 4) County of Orange Approval; and 5) Archaeological Monitoring. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

Appendix A - Substantive File Documents

Restoration Plan for Disturbed Lands within Pacific Horizon Preserve, prepared by Glenn Lukos Associates, dated June 2019

Pacific Horizon (Aliso Canyon) Preserve Resource Management Plan, prepared by Orange County Transportation Authority and ICF, dated September 2018

Baseline Biological Surveys Technical Report for the Aliso Canyon Property, Measure M2 Freeway Environmental Mitigation Program Acquisition Properties Evaluation in Orange County, California prepared by BonTerra Psomas, dated October 2015

Results of Special Status Plan Surveys for the Aliso Canyon Measure M2 Freeway Environmental Mitigation Program Acquisition Properties Evaluation in Orange County, California, prepared by BonTerra Psomas, dated October 5, 2015