

CALIFORNIA COASTAL COMMISSION

South Coast District Office
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W12e

5-21-0641 (CITY OF LAGUNA BEACH)
MARCH 9, 2022

EX PARTE

EX PARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner: Roberto Uranga

- 1) Name or description of project: City of Laguna Beach, Orange County
Application No. 5-21-0641 (City of Laguna Beach, Orange Co.)
- 2) Date and time of receipt of communication: March 2, 2022 at 11:00am
- 3) Location of communication: Virtual
(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)
- 4) Identity of person(s) initiating communication:
Penny Elia
- 5) Identity of person(s) on whose behalf communication was made:
Save Hobo Aliso Viejo
- 6) Identity of persons(s) receiving communication:
Roberto Uranga
- 7) Identity of all person(s) present during the communication:
Penny Elia Celina Luna

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

I met with Penny Elia from Save Hobo Aliso Viejo who brought up several concerns including:

The staff report is recommending fuel mod commencing at 100' from the property line versus 100' from the structure. Mitigation restoration ratio of .5:1 is not adequate and is in stark contrast to all of the other mitigation restoration ratios employed by CCC up and down the coast, and specifically here in Laguna Beach. There is no defined mitigation restoration site for this aggressive fuel mod proposal in the staff report, nor a diagram or mapping of the proposed mitigation restoration site at Hobo Aliso Ridge in the Exhibits. There is a vague reference only in the staff report, but no solid plan. There is no clarity as to how the LBFD will protect and preserve the two existing restoration sites. Overall, the mapping and diagrams in the exhibit mislead the reader and inaccurately describe the ESHA and endangered species coverage in this area, i.e. coding large swaths as "ornamental" when there is Big-Leaved Crownbeard, riparian habitat and other elements of Southern Maritime Chaparral (ESHA) that have been completely ignored

03/02/2022
Date


Signature of Commissioner

TIMING FOR FILING OF DISCLOSURE FORM: File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication. This form may be filed with the Executive Director in addition to the oral disclosure.

EXPARTE COMMUNICATION DISCLOSURE FORM
Filed by Commissioner Donne Brownsey

1) Name or description of project: March 9, 2022 Agenda, Item W 12e, Ap #5-21-0641

2) Date and time of receipt of communication:
March 3, 2022 at 3pm

3) Location of communication
On Phone

4) Identity of person(s) initiating communication:
Penny Elia

5) Identity of person(s) on whose behalf communication was made:
Penny Elia

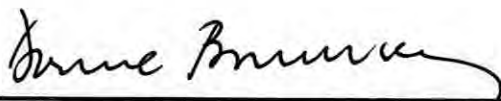
6) Identity of persons(s) receiving communication:
Donne Brownsey

7) Identity of all person(s) present during the communication:
Brownsey & Elia

Complete, comprehensive description of communication content:

Elia described her frustration and opposition to the City of Laguna Beach's fuel modification plan as it will decimate restoration areas that had been established as mitigation for other permits. Further, she believes that the presence of one biologist is insufficient to monitor the work of multiple crews employed by the City and the Fire Dept who have a history of not following the plans and removing native plants and trees. She noted that the plan cites clearing 100ft from the property line when the more appropriate metric is 100ft from the structure (residence). Otherwise: ESHA and restored habitat is targeted instead of private property. Finally she is opposed to the use of chain saws-period.

Date March 3, 2022



Signature of Commissioner Donne Brownsey

- Lbfd’s longstanding unwillingness to work with CCC, including the fact that the Lbfd has already required unpermitted fuel mod by Hometown America in Hobo Canyon all along the slopes of K Street during the 2021 nesting season resulting in the destruction of Big-Leaved Crownbeard and ESHA/Southern Maritime Chaparral. This violation is not addressed in the staff report, but has been reported via photo documentation to permitting and enforcement staff several months ago. Recent phone conversations with Lbfd staff in which they refused to take action on a true fire danger was because, and I quote, “that’s the CCC’s jurisdiction – we don’t want to go near there.” What a contradiction given their intense desire to conduct aggressive fuel mod.
- The staff report is recommending fuel mod commencing at 100’ from the property line versus 100’ from the structure. Homeowners in this high fire danger area should be responsible for lowering the fuel load on their properties instead of the Lbfd and CCC staff insisting that it always be taken out of our open spaces and wildlands. In 1993, after the big fire in Laguna Beach, the Lbfd required homeowners to take responsibility for the fuel load, but that program has not been implemented since.
- Mitigation restoration ratio of .5:1 is not adequate and is in stark contrast to all of the other mitigation restoration ratios employed by CCC up and down the coast, and specifically here in Laguna Beach. The impacts that will be created by this aggressive fuel modification in one of the most sensitive biological areas of Laguna Beach cannot possibly be mitigated with a .5:1 ratio. Staff states that this is not considered development so no need for greater mitigation, but by definition this proposed fuel mod is an intensification of use and violates the City’s LCP and the Coastal Act. The proposed fuel mod is not designed to maximize the preservation of sensitive resources and is not adequately mitigated.
- There is no defined mitigation restoration site for this aggressive fuel mod proposal in the staff report, nor a diagram or mapping of the proposed mitigation restoration site at Hobo Aliso Ridge in the Exhibits. There is a vague reference only in the staff report, but no solid plan.
- There is no clarity as to how the Lbfd will protect and preserve the two existing restoration sites managed by SCE and Hometown America, and the OCTA preserve restoration sites are another big question mark. SCE is to “coordinate” with the City on providing them entry into the property, but no mention of how their restoration site will be protected during this aggressive fuel mod. Same applies to Hometown America, with only a small mention of mitigation restoration “should” there be impacts and destruction. It’s not a matter of “should” there be impacts, this is inevitable based on the City’s history of conducting fuel mod. Will CCC staff be requesting a report from the current restoration site management teams to assess the appropriate mitigation for the Lbfd’s impacts?
- Overall, the mapping and diagrams in the exhibit mislead the reader and inaccurately describe the ESHA and endangered species coverage in this area, i.e. coding large swaths as “ornamental” when there is Big-Leaved Crownbeard, riparian habitat and other elements of Southern Maritime Chaparral (ESHA) that have been completely ignored. This is just one example of many mapping errors in the Exhibit that accompanies the staff report. The current exhibits lead the Commissioners to believe there is little habitat value in areas where there is actually high-value habitat.
- The “drainage course” that is mentioned is actually a mapped watercourse and contains not only riparian habitat, but also Big-Leaved Crownbeard. This is an area that was subject to CCC enforcement action that included restoration. Now, it is being considered for fuel mod contrary to Coastal Act policies to protect this type of area, and the City’s LCP policies that should also protect watercourses and streams.

- The ratio of 1:3 biologists overseeing crew conducting the fuel mod is completely inadequate given the past destruction that has occurred. In the past, CCC staff has required a 1:1 ratio to protect and preserve this special area and the endangered species. Previous emergency permits for this sensitive area have required a much higher biologist to crew coverage. Why is this not in place for this CDP given the past problems associated with too few biologists overseeing the project?
- Chainsaws, according to prior emergency permits, have been prohibited. They are simply too impactful for this sensitive area. A chainsaw has never been considered a “hand tool” under any circumstances and has been a topic of much debate between CCC staff and the City in the past. What changed?
- Unable to locate substantive documentation, i.e. where is the Mitigated Negative Declaration that staff advises provides the City with proper CEQA compliance. That MND should be provided in substantive documents, but substantive documents don’t appear to be included in this report.
- Who pays for this fuel modification program? The land is still owned by The Athens Group and they have not only refused to pay for fuel mod in the past, but they defaulted on their property taxes over the years in excess of \$300,000.
- Fire officials concede that wind-driven wildfires can carry embers over 2 miles rendering firebreaks useless. Wildfires are influenced by hot, dry winds yet the proposed Public Works Program omits installing a perimeter irrigation system for Fuel Mod Zones A & B (FMZ A&B) as recommended in the City's Fire Department Fuel Modification Guidelines adopted in 2005 and incorporated in the City's Local Coastal Program (LCP). Lacking sufficient irrigation, the proposed Public Works Development remains inadequate in achieving wildfire protection consistent with the LCP.