

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD., SUITE 300
LONG BEACH, CALIFORNIA 90802-4830
(562) 590-5071 FAX (562) 590-5084
WWW.COASTAL.CA.GOV



F12

Prepared March 24, 2022 (for the April 08, 2022 Hearing)

To: Commissioners and Interested Parties
From: Karl Schwing, South Coast District Deputy Director
Subject: South Coast District Deputy Director's Report for Orange County for April 2022

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, Executive Director Concurrence, and emergency CDPs for the South Coast District Office are being reported to the Commission on April 08, 2022. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's South Coast District Office in Long Beach. Staff is asking for the Commission's concurrence on the items in the South Coast District Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on April 8th.

With respect to the April 8th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

Items being reported on April 08, 2022 (see attached)

Waivers

- 5-21-0709-W, Existing garage (Sunset Beach)
- 5-21-0800-W, Arundo (Laguna Beach)
- 5-21-0872-W, Mark Younglove (Newport Beach)

Immaterial Extensions

- 5-18-0094-E2, Pickup Seawall and Dock Project (Newport Beach)

Emergency Permits

- G-5-22-0005, Laguna Sands, Inc (1585 S. Coast Hwy, Laguna Beach, Ca 92651)
- G-5-22-0006, Sea Lion HOA (Laguna Beach)
- G-5-22-0015, Laguna wildfire (Fmz 20 And 21.
City Of Laguna Beach)

Executive Director Concurrence

- 5-LCP-LGB-20-0052-2

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March 23, 2022

**Coastal Development Permit Waiver
Improvements to Existing Structures
or Repair and Maintenance
Coastal Act Section 30610**

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13250(c), Section 13252(e), or Section 13253(c), Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 5-21-0709-W

Applicant: Lido and Farah Helferich

Location: 16671 Pacific Ave, Sunset Beach (Orange County) (APN(s):178-524-09)

Proposed Development: An addition of 101 square feet to an existing detached 454 square foot garage, associated with an existing 1,250 square foot single-family residence and an existing 429 square foot residential unit located above the detached garage. Gutters and downspouts are proposed on the structure and ground drains and a trench drain are proposed on the street side of the property. No additional work is proposed to the existing single-family residence nor the existing residential unit above the garage. Post project, the detached garage will be 555 square feet.

Rationale: The subject site is a 2,970 square foot beachfront lot designated as Residential High Density in the City of Huntington Beach Zoning Code, which serves as guidance in Sunset Beach since the Huntington Beach LCP does not apply to the uncertified area. The proposed project will reduce the onsite parking from six parking spaces to five parking spaces. The Commission typically requires two parking spaces per full housing unit. Thus, post project the project site will continue to provide the required onsite parking. Directing storm drain runoff to permeable surfaces is consistent with the marine protection policies of the Coastal Act. The proposed project design is compatible with the character of surrounding development and does not have any negative affects on visual or coastal resources, public recreation or coastal access. Also, the proposed development will not prejudice the City's ability to prepare a Certified

Coastal Development Permit Waiver
5-21-0709-W

Local Coastal Program and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its **April 8, 2022** meeting. If three (3) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth
Executive Director

Original on File signed by:

Fernie Sy
Coastal Program Analyst

cc: Commissioners/File

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March 23, 2022

**Coastal Development Permit De Minimis Waiver
Coastal Act Section 30624.7**

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 5-21-0800-W

Applicant: OC Parks (Attn: Mark Estoque)

Location: 31131 Pacific Coast Hwy, Laguna Beach, Orange County (APN:056-240-36)

Proposed Development: Manage the presence of Arundo donax within and adjacent to the Aliso Creek Channel Mouth upstream of Pacific Coast Highway by trimming all Arundo onsite to a maximum 6-in. height to remove above-ground vegetation. This trimming will be maintained for up to one year by periodic (approximately 3-month intervals) cutting. Trimmed vegetation will be disposed in dumpsters and hauled off-site. No heavy mechanized equipment will be used for Arundo trimming. Water quality best management practices will be utilized to prevent pollutants from entering the Aliso Creek Channel.

Rationale: The project site is located adjacent to the Aliso Creek Channel landward of PCH. This project does not propose to remove Arundo donax at the root, so the project would not destabilize the creek banks. In addition, the project would not involve heavy mechanized machinery, so biological resources would not be adversely impacted by the project. The proposed water quality measures include an Erosion Sediment Chemical Control Plan, tracking controls, onsite retention, reduction, and proper management of storm water pollutant discharges. The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act. In addition, the project is consistent with the Laguna Beach LCP.

This waiver will not become effective until reported to the Commission at its April 2022 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth
Executive Director
cc: Commissioners/File

Amrita Spencer
Coastal Program Analyst

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March 18, 2022

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 5-21-0872-W

Applicant: Mark Younglove

Location: 517 36th St, Newport Beach (Orange County) (APN(s): 423-081-08)

Proposed Development: Move existing 10-foot x 14-foot floating dock east by 2-feet to make more centered with bulkhead. No changes to dock structure, piles or gangway are proposed.

Rationale: The subject site is associated with the residentially zoned, harbor-front lot in Newport Beach, Orange County. The proposed dock float is consistent with the size and configuration of similarly situated docks in the area, and is consistent with past Commission-issued permits. The proposed dock does not result in any further encroachment into the Rialto Canal and also meets the City of Newport Beach Harbor Permit Policy in that it does not extend channelward beyond 30 feet from the Bulkhead Line. The dock will be used for boating related purposes to serve the adjacent single-family residence. Single-family residences and associated private boat docks characterize the subject site and the surrounding area. No in water work is proposed. Any potential addition/expansion to the floating dock system, whether temporary or permanent, even if not required to be attached to the bulkhead or a pile in the bay, would constitute development as defined in section 30106 of the Coastal Act, would be located in Newport Bay within the Commission's retained jurisdiction and would necessitate review and approval by the Coastal Commission. Based on a survey conducted on October 15, 2021, no eelgrass or Caulerpa species have been found in the vicinity. Historically, eelgrass has not been found in this area. To protect water quality, the applicant has proposed construction responsibilities and debris removal measures and also post construction best management practices. The proposed development will not result in adverse impacts to coastal access, coastal resources,

Coastal Development Permit De Minimis Waiver
5-21-0872-W

public recreation or coastal views. The proposed development is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its **April 8, 2022** meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth
Executive Director

Original on File signed by:

Fernie Sy
Coastal Program Analyst

cc: Commissioners/File

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NOTICE OF PROPOSED PERMIT EXTENSION

Date: March 23, 2022
To: All Interested Parties
From: Amber Dobson, South Coast District Manager
Fernie Sy, Coastal Program Analyst
Subject: **Extension to Coastal Development Permit (CDP) No. 5-18-0094**
Applicant: Todd Pickup

Original CDP Approval

CDP No. 5-18-0094 was approved by the Coastal Commission on December 12, 2018, and provided for the following landside and waterside development: Reinforcement of an existing seawall involving new earth anchors, deadmen and a seawall cap; and removal of a 10-foot by 12-foot pier platform and 1,152 square foot boat dock system with a 3-foot by 18-foot gangway, and replacement with a 1,105 square foot boat dock system and a 3-foot by 24-foot gangway, all associated with an existing single-family residence on a bayfronting lot.

Previous CDP Extension

The expiration date of CDP No. 5-18-0094 was previously extended by one year to December 12, 2021. The Commission's reference number for this previous extension was **CDP No. 5-18-0094-E1**.

Proposed CDP Extension

The expiration date of CDP No. 5-18-0094 would be extended by one year to December 12, 2022. The Commission's reference number for this proposed extension is **CDP No. 5-18-0094-E2**.

Executive Director's Changed Circumstances Determination

Pursuant to Title 14, Section 13169 of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that there are no changed circumstances affecting the approved development's consistency with the certified City of Newport Beach Local Coastal Program and/or Chapter 3 of the Coastal Act, as applicable.

Coastal Commission Review Procedure

The Executive Director's determination and any written objections to it will be reported to the Commission on Friday, April 8, 2022. If three or more Commissioners object to the Executive Director's changed circumstances determination at that time, a full hearing on whether changed circumstances exist will be scheduled pursuant to the Commission's regulations.

If you have any questions about the proposal or wish to register an objection,

please contact Fernie Sy at ferniesy@coastal.ca.gov in the South Coast District office.

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**EMERGENCY PERMIT**

Issue Date: 1/28/2022
Emergency Permit No. G-5-22-0005

APPLICANT:

Laguna Sands, Inc.
1585 S Coast Hwy, Laguna Beach, CA 92651

LOCATION OF EMERGENCY:

1585 S Coast Hwy, Laguna Beach, CA 92651, Orange County
APN 644-217-09

EMERGENCY WORK:

Replace four existing steel structural columns supporting units 3, 4, 23, 24, 33, and 34 on the seaward side of the structure, inland of the pool. Install temporary stud walls and shoring during construction.

This letter constitutes approval of the emergency work your representative has requested be done at the location listed above. I understand from the provided information that an unexpected occurrence in the form of façade upgrades and maintenance work exposed four corroded steel columns which have not been exposed since the buildings construction in the 1960s, requires immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services pursuant to 14 Cal. Admin. Code Section 13006. The Executive Director of the California Coastal Commission hereby finds that:

- (a) An emergency exists that requires action more quickly than permitted by the procedures for administrative or ordinary coastal development permits (CDPs), and that the development can and will be completed within 30 days unless otherwise specified by the terms of this Emergency Permit; and
- (b) Public comment on the proposed emergency development has been reviewed if time allows.

The emergency work is hereby approved, subject to the conditions in the attached pages.

Sincerely,
John Ainsworth
Executive Director

DocuSigned by:

Karl Schwing

Karl Schwing

Enclosures: Acceptance Form

Deputy Director, Orange County

CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance Form must be signed by the PROPERTY OWNER and sent to the Coastal Commission's South Coast District office within 15 days.
2. Only that work specifically described in this permit and for the specific property listed above is authorized. Work is further limited by the submitted plans. Any additional work requires separate authorization from the Executive Director.
3. All work shall take place in a time and manner to minimize any potential damages to any coastal resources, including terrestrial habitat and water quality, and to minimize impacts to public access. The coastal resource impact avoidance measures referenced in the project application shall be implemented throughout construction. Construction materials, equipment, or debris shall not be stored where it will be or could potentially be subject to wave erosion and dispersion, or subject to direct impacts from rain. Water quality shall be protected through best management practices including, but not limited to proper disposal of construction waste at designated sites and minimization of construction runoff through proper containment and stockpiling.
4. The work authorized by this permit must be completed within thirty (30) days of the date of this permit, or as extended by the Executive Director through correspondence.
5. In exercising this permit, the applicant agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.
6. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies, including but not limited to the City of Laguna Beach, California Department of Fish & Wildlife, U.S. Fish & Wildlife, U.S. Army Corps of Engineers, and the California State Lands Commission.
7. Within 30 days of issuance of this Emergency Permit, or as extended by the Executive Director through correspondence, for good cause, the applicant shall submit to the City of Laguna Beach a complete follow-up Coastal Development Permit (CDP) Application that satisfies the requirements of Section 13056 of Title 14 of the California Code of Regulations. If the City of Laguna Beach determines that the follow-up CDP application is incomplete and requests additional information, the applicant shall submit this additional information within 60 days, or within additional

time as established by the City. If such a follow-up CDP application is withdrawn by the applicant or is denied by the City, or if the follow-up CDP application remains incomplete for a period of sixty (60) days after the City informs the applicant that the application is incomplete, the emergency-permitted development shall be considered unpermitted until the issue is remedied in compliance with the Coastal Act.

8. Failure to a) submit a complete follow-up CDP Application that complies with Condition 7 above, or b) remove the emergency development and restore all affected areas to their prior condition after consultation with CCC staff, and consistent with the Coastal Act (if required by this Emergency Permit) by the date specified in this Emergency Permit, or c) comply with all terms and conditions of the required follow-up CDP, including any deadlines identified therein, or d) remove the emergency-permitted development and restore all affected areas to their prior condition after consultation with CCC staff and consistent with the Coastal Act immediately upon denial of the required follow-up CDP will constitute a knowing and intentional violation of the Coastal Act¹ and may result in formal enforcement action by the Commission or the Executive Director. This formal action could include a recordation of a Notice of Violation on the applicant's property; the issuance of a Cease and Desist Order and/or a Restoration Order; imposition of administrative penalties for violations involving public access; and/or a civil lawsuit, which may result in the imposition of monetary penalties, including daily penalties of up to \$15,000 per violation per day, and other applicable penalties and other relief pursuant to Chapter 9 of the Coastal Act. Further, failure to follow all the terms and conditions of this Emergency Permit will constitute a knowing and intentional Coastal Act violation.
9. In the follow-up Coastal Development Permit (CDP) Application, the applicant must provide to the City of Laguna Beach the total scope and percentage of demolition and alteration of structural elements to the structure since 1975. In the follow-up permit, the City of Laguna Beach shall determine if the scope of improvements or alterations to the structure constitutes a major remodel and shall require non-conformities to be corrected, if required by the Local Coastal Plan.

¹ The Coastal Act is codified in sections 30000 to 30900 of the California Public Resources Code. All further section references are to that code, and thus, to the Coastal Act, unless otherwise indicated.

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**EMERGENCY PERMIT**

Issue Date: 1/28/2022
Emergency Permit No. G-5-22-0006

APPLICANT:

Sea Lion Homeowners Association
31684 Sea Bluff Lane
Laguna Beach, CA

LOCATION OF EMERGENCY:

On the beach seaward of 31684 Sea Bluff Lane, Laguna Beach, Orange County

EMERGENCY WORK:

Removal of an existing detached 35 foot tall, 24 inch diameter storm drain pipe.

This letter constitutes approval of the emergency work your representative has requested be done at the location listed above. I understand from the provided information that an unexpected occurrence in the form of storm conditions on Jan. 21 and 22, 2022 damaged the existing storm drain pipe and detached it from the storm drain system which requires immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services pursuant to 14 Cal. Admin. Code Section 13006. The Executive Director of the California Coastal Commission hereby finds that:

- (a) An emergency exists that requires action more quickly than permitted by the procedures for administrative or ordinary coastal development permits (CDPs), and that the development can and will be completed within 30 days unless otherwise specified by the terms of this Emergency Permit; and
- (b) Public comment on the proposed emergency development has been reviewed if time allows.

The emergency work is hereby approved, subject to the conditions in the attached pages.

Sincerely,
John Ainsworth
Executive Director

Karl Schwing
Karl Schwing

Deputy Director, Orange County

Enclosures: Acceptance Form

CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance Form must be signed by the PROPERTY OWNER and sent to the Coastal Commission's South Coast District office within 15 days.
2. Only that work specifically described in this permit and for the specific property listed above is authorized. Replacement of the pipe is not authorized by this permit and requires a separate CDP. Any additional work requires separate authorization from the Executive Director.
3. All work shall take place in a time and manner to minimize any potential damages to any coastal resources, including terrestrial habitat and water quality, and to minimize impacts to public access. BY ACCEPTANCE OF THIS PERMIT, the applicant agrees to install temporary plastic sheeting on the bluff face to prevent bluff erosion during storm events. Plastic sheeting shall remain in place until the pipe replacement is complete. The coastal resource impact avoidance measures referenced in the project application shall be implemented throughout construction. Construction materials, equipment, or debris shall not be stored where it will be or could potentially be subject to wave erosion and dispersion, or subject to direct impacts from rain. Water quality shall be protected through best management practices including, but not limited to proper disposal of construction waste at designated sites and minimization of construction runoff through proper containment and stockpiling.
4. The work authorized by this permit must be completed within thirty (30) days of the date of this permit, or as extended by the Executive Director through correspondence.
5. In exercising this permit, the applicant agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.
6. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies, including but not limited to the City of Laguna Beach, California Department of Fish & Wildlife, U.S. Fish & Wildlife, U.S. Army Corps of Engineers, and the California State Lands Commission.
7. Within 30 days of issuance of this Emergency Permit, or as extended by the Executive Director through correspondence, for good cause, the applicant shall submit to the City of Laguna Beach a complete follow-up Coastal Development Permit (CDP) Application that satisfies the requirements of Section 13056 of Title 14

of the California Code of Regulations. If the City of Laguna Beach determines that the follow-up CDP application is incomplete and requests additional information, the applicant shall submit this additional information within 60 days, or within additional time as established by the City. If such a follow-up CDP application is withdrawn by the applicant or is denied by the City, or if the follow-up CDP application remains incomplete for a period of sixty (60) days after the City informs the applicant that the application is incomplete, the emergency-permitted development shall be considered unpermitted until the issue is remedied in compliance with the Coastal Act.

8. Failure to a) submit a complete follow-up CDP Application that complies with Condition 7 above, or b) remove the emergency development and restore all affected areas to their prior condition after consultation with CCC staff, and consistent with the Coastal Act (if required by this Emergency Permit) by the date specified in this Emergency Permit, or c) comply with all terms and conditions of the required follow-up CDP, including any deadlines identified therein, or d) remove the emergency-permitted development and restore all affected areas to their prior condition after consultation with CCC staff and consistent with the Coastal Act immediately upon denial of the required follow-up CDP will constitute a knowing and intentional violation of the Coastal Act¹ and may result in formal enforcement action by the Commission or the Executive Director. This formal action could include a recordation of a Notice of Violation on the applicant's property; the issuance of a Cease and Desist Order and/or a Restoration Order; imposition of administrative penalties for violations involving public access; and/or a civil lawsuit, which may result in the imposition of monetary penalties, including daily penalties of up to \$15,000 per violation per day, and other applicable penalties and other relief pursuant to Chapter 9 of the Coastal Act. Further, failure to follow all the terms and conditions of this Emergency Permit will constitute a knowing and intentional Coastal Act violation.

¹ The Coastal Act is codified in sections 30000 to 30900 of the California Public Resources Code. All further section references are to that code, and thus, to the Coastal Act, unless otherwise indicated.

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**EMERGENCY PERMIT**

Issue Date: March 15, 2022
Emergency Permit No: G-5-22-0015

APPLICANT:

City of Laguna Beach Fire Department
505 Forest Ave., Laguna Beach, CA 92651

LOCATION OF EMERGENCY:

City-designated Fuel Modification Zone (FMZ) 20 encompasses the canyons and hillsides bounded roughly on the west by Ceanothus Drive, Alta Loma Drive, Holly Drive, and Ocean View Street; on the south by West Street, Valido Road, and Paseo del Sur; and wrapping around East Georges Way, Mar Vista Avenue, and Eagle Rock Way; City-designated FMZ 21 is located on the hillsides to the east of the neighborhoods between Eagle Rock Way to the north and Vista Del Sol to the south, City of Laguna Beach, Orange

County (APNs: 658-191-01, 658-201-03, 056-070-10, 056-070-11, 056-070-12, 056-070-09, 056-070-08, 658-201-05, 056-070-05, 056-070-07, 056-070-13, 056-061-31, 056-061-30, 056-070-15, 056-070-06, 056-070-04, 056-070-17, 056-070-16, 056-061-29, 056-061-32, 056-062-34, 056-070-36, 056-070-03, 056-061-17, 056-061-18, 056-070-18, 056-062-35, 056-061-19, 056-070-19, 056-062-36, 056-062-16, 056-062-25, 056-062-15, 056-062-14, 056-062-13, 056-062-37, 056-062-12, 056-062-11, 056-070-26, 056-062-40, 056-062-03, 056-062-27, 056-062-28, 056-062-26, 056-031-19, 056-062-38, 056-062-05, 056-062-18, 056-062-06, 056-031-20, 056-062-07, 056-062-08, 056-062-17, 056-062-24, 056-031-16, 056-062-41, 056-091-17, 056-091-22, 056-031-17, 056-031-18, 056-093-01, 056-091-21, 056-091-20, 056-087-03, 056-087-02, 056-087-01, 056-231-17, 056-091-19, 056-091-16, 056-091-04, 056-051-88, 056-051-87, 658-201-11, 658-201-10, 056-091-15, 056-091-02, 056-091-09, 056-091-03, 056-091-05, 056-092-39, 056-091-06, 056-092-23, 056-092-31, 056-091-24, 056-091-07, 056-091-23, 056-092-34, 056-092-03, 056-092-07, 056-092-04, 056-231-38, 056-231-19, 056-231-20, 056-092-05, 056-092-43, 056-092-06, 056-092-33, 056-092-16, 056-092-17, 056-092-09, 056-092-42, 056-092-18, 056-094-02, 056-092-10, 056-231-21, 056-092-11, 056-094-03, 056-092-19, 056-092-20, 056-094-04, 056-094-07, 056-092-22, 056-092-21, 056-092-40, 056-092-37, 056-094-08, 056-130-47, 056-130-39, 056-130-38, 056-145-24, 056-145-20, 056-145-28, 056-144-23, 056-231-41, 056-144-13, 056-231-42, 056-144-20, 056-144-21, 056-144-22, 056-144-18, 056-144-09, 056-144-29, 056-144-30, 056-092-45, 056-092-46, 056-130-65, 056-145-25, 056-231-33, 056-145-23, 056-130-34, 056-145-26, 056-144-24, 056-145-22, 056-130-64, 056-145-27, 056-231-45, 056-144-31)

EMERGENCY WORK:

Vegetation removal as necessary to reduce the risk of wildfire threat to residential and public structures at City-designated Fuel Modification Zones (FMZ) 20 (7.9 acres) and 21 (12.5 acres). Fuel management methods will focus exclusively on hand crews due to the presence of special-status species and steepness of topography. Most perennial root systems are to remain, and native vegetation waste is to be mulched and left on-site to minimize erosion. Non-native vegetation waste is to be transported to a green waste recycling facility or landfill if not recyclable. Exclusion areas within both FMZs will be established to avoid disturbance of known cultural resources, big-leaved crownbeard, bigpod ceanothus chaparral, and lemonade berry scrub. Fuel modification activities within 50 feet of either side of the blue-line ephemeral drainages would be entirely avoided, except for the removal of invasive pampas grass.

PERMIT RATIONALE

This letter constitutes approval of the emergency work you or your representative has requested to be completed at the location listed above. I understand from your information that an unexpected occurrence in the form of a fire hazard due to the growth of non-native fire-prone vegetation requires immediate action to prevent or mitigate loss or damage to

life, health, property or essential public services. 14 Cal. Code of Regs. Section 13009.
The Executive Director of the Coastal Commission hereby finds that:

- (a) An emergency exists that requires action more quickly than permitted by the procedures for administrative or ordinary coastal development permits (CDPs), and that the development can and will be completed within 45 days unless otherwise specified by the terms of this Emergency Permit; and
- (b) Public comment on the proposed emergency development has been reviewed if time allows.

The emergency work is hereby approved, subject to the conditions listed on the attached pages.

Sincerely,

John Ainsworth
Executive Director

By: Karl Schwing, Deputy Director, Orange
County

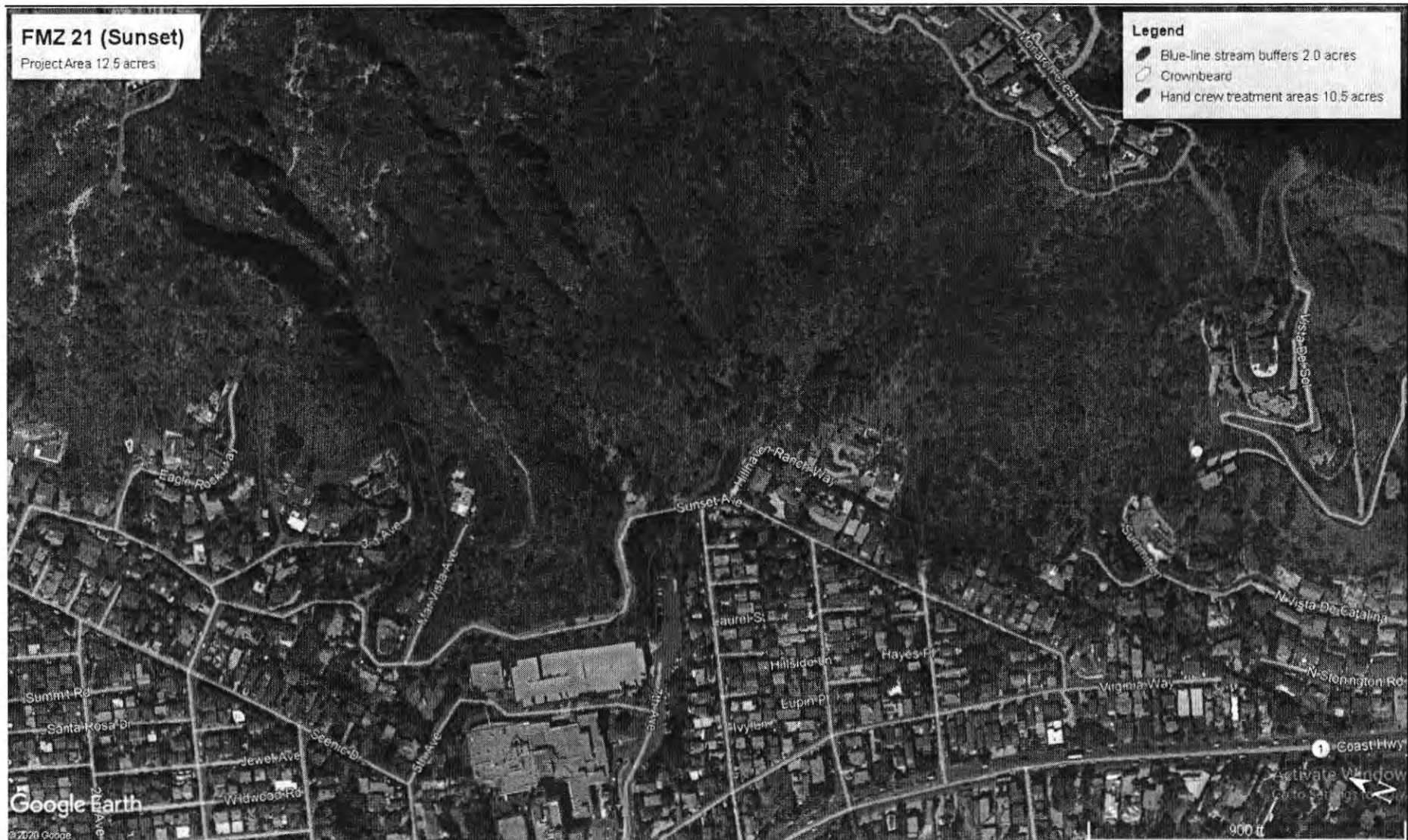
cc: Local Planning Department
Enclosure: Emergency Permit Acceptance Form

CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance form must be signed by the permittee and returned to the Commission's South Coast District office within 15 days.
2. Only that work specifically described in this permit and for the specific property listed above is authorized. Any additional work requires separate authorization from the Executive Director.
3. All work shall take place in a time and manner to minimize any potential damages to any resources, including wildlife.
4. The work authorized by this permit must be completed within 60 days of the date of this permit, unless extended in writing by the Executive Director for good cause.
5. The applicant recognizes that the emergency work is considered to be temporarily authorized pursuant to this permit. The applicant must obtain a regular coastal development permit for the work undertaken pursuant to this permit as part of an ongoing plan to assess and address, as necessary, fire hazards on the property, and to mitigate for impacts to coastal resources. A regular permit would be subject to all of the provisions of the Local Coastal Program and may be conditioned accordingly.
6. In exercising this permit, the applicant agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.
7. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies, including but not limited to the California Department of Fish & Wildlife, U.S. Fish & Wildlife, and U.S. Army Corps of Engineers.
8. All vegetation removal shall occur by hand; no goats will be used.
9. Non-native plant cuttings and seeds removed as part of the subject fuel modification activities shall be removed from the site and shall not be left on the soil where they remain a seed source. When a biologist determines that a plant has already gone to seed, and where seeds are already on the ground, the applicant is not required to collect such seeds.
10. All vegetation removal shall be limited to the area within 100 feet from property lines. The applicant shall notify all affected property owners to coordinate the fuel modification on all affected properties.
11. Special status plant species (e.g., big-leaved crownbeard (*Verbesina dissita*), Bigpod Ceanothus Chaparral (*Ceanothus megacarpus*), and Lemonade Berry Scrub (*Rhus integrifolia*)) at the project site shall not be disturbed. Both native and non-native plants that are required overstory to big-leaved crownbeard, located within the proposed work area, will be flagged for avoidance by work crews, and protected under the guidance of a qualified biologist who shall be on site during all plant removal activities. The minimum area preserved as overstory shall be the area within 15 feet surrounding the big-leaved crownbeard. Non-natives within 15 feet of crownbeard which are not providing overstory for the crownbeard may be removed.
12. Root systems of native perennial plants shall be left intact to preserve soil stability.

13. Within 48 hours prior to commencement of fuel modification activities, a qualified biologist shall conduct a biological survey for any special status plant species including, but not limited to, big-leaved crownbeard, Bigpod Ceanothus Chaparral, Lemonade Berry Scrub, cliff spurge (*Euphorbia misera*), fish's milkwort (*Polygala cornuta* var. *fishiae*), and western dichondra (*Dichondra occidentalis*) and any nesting birds and special status animal species such as nesting gnatcatchers. All special status plant species identified shall be flagged prior to commencement of fuel modification activities. If an active nest of any bird species is documented, no fuel modification activities within 300 feet of the nest shall be allowed until the chicks have fledged.
14. All work shall be conducted by qualified contractors with experience in fuel modification activities within sensitive habitat. A minimum of one qualified biologist for each three contractors shall be present on-site and shall monitor all fuel modification activities. If work is phased so that workers remain grouped in one area, then the ratio of 1:3 may be reduced. Workers may collect (rake and haul) plant matter which has already been trimmed without the supervision of a biologist.
15. Pre-project biological conditions shall be documented via photographing the site, mapping, and other appropriate documentation. Post-project conditions shall be similarly documented and an analysis prepared identifying all impacts to native plant species caused by the proposed project. The pre- and post-project biological condition documentation shall be submitted in conjunction with the follow-up regular CDP application, along with a mitigation plan for direct impacts to very high value habitat.





CALIFORNIA COASTAL COMMISSION

South Coast District Office
301 E. Ocean Blvd., Suite 300
Long Beach, CA 90802
(562) 590-5071



March 24, 2022

TO: Commissioners and Interested Persons

FROM: Karl Schwing, District Director
Amber Dobson, District Manager
Marlene Alvarado, Coastal Program Analyst

RE: Concurrence with the Executive Director's determination that the action by the City of Laguna Beach accepting certification of LCP Amendment No. LCP-5-LGB-20-0052-2 with suggested modifications is legally adequate. For Commission review at the April 2022 meeting.

The Commission's South Coast District office received a request to amend the Implementation Plan portion of the City of Laguna Beach certified Local Coastal Program (LCP). The request was submitted with City Council Resolution No. 20.053. Amendment Request No. LCP-5-LGB-20-0052-2 would comprehensively update the Downtown Specific Plan and to amend provisions in the Sections 25.16.050 and 25.40.010 of the City's Zoning Code (Title 25). The Downtown Specific Plan contains provisions, design guidelines, land use districts and development standards specific to the downtown area.

On December 15, 2021, the Commission approved the LCP Amendment with suggested modifications to ensure the requested modifications do not result in adverse impacts to public access to the coast. On February 15, 2022, the City Council introduced Ordinance No. 1667, incorporating the modifications suggested by the Commission pursuant to its approval of this LCP Amendment. On March 9, 2022, the City submitted the ordinance adopted by the City Council (see attachment) to the Executive Director for a determination that the City's action is consistent with the Commission's action.

Pursuant to Section 13544 of the California Code of Regulations, Title 14, Division 5.5, the Executive Director must determine that the action taken by the City of Laguna Beach acknowledging receipt and acceptance of and agreement with the Commission's certification of the above-referenced LCP amendment with suggested modifications is legally adequate and report that determination to the Commission. In this case, the Executive Director has determined that the City's action is legally adequate. Unless a majority of the Commissioners object to the Executive Director's determination, the certification of City of Laguna Beach Implementation Plan Amendment No. LCP-5-LGB-20-0052-2 shall become effective upon the filing of the required Notice of Certification with the Secretary of Resources as provided in Public Resources Code Section 21080.5(d)(2)(E).

STAFF RECOMMENDATION

Staff recommends that the Commission concur with the Executive Director's determination that the City's action is legally adequate.

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1 **WHEREAS**, on July 21, 2020, the City Council adopted Resolution No. 20.053 and
2 approved the second reading of and adopted Ordinance No. 1648 to amend the Downtown Specific
3 Plan and Sections 25.16.050 and 25.40.010 of the Municipal Code; and

4 **WHEREAS**, on December 15, 2022, the California Coastal Commission approved, with
5 modifications, LCP Amendment No. 19-4482 (LCP-5-LGB-20-0052-2) to amend the Downtown
6 Specific Plan and Sections 25.16.050 and 25.40.010 of the Municipal Code; and

7 **WHEREAS**, on January 14, 2022, a public notice was published in the Daily Pilot, providing
8 notice of a public hearing before the City Council on January 25, 2022; and

9 **WHEREAS**, on January 25, 2022, the City Council conducted a duly noticed public hearing
10 and reviewed and considered all documents, testimony and other evidence presented at a first reading
11 of an Ordinance and voted to introduce the Ordinance; and

12 **WHEREAS**, on February 15, 2022, the City Council conducted a legally noticed public
13 meeting and reviewed and considered all documents, testimony and other evidence presented at a
14 second reading of an Ordinance and voted to adopt the Ordinance;

15 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH**
16 **DOES RESOLVE** as follows:

17 **SECTION 1.** Local Coastal Program Amendment No 19-4482 is hereby approved,
18 consisting of an update to the Downtown Specific Plan and amendments to Sections 25.16.050 and
19 25.40.010 of the Laguna Beach Municipal Code relating to the Artists' Work/Live and Downtown
20 Specific Plan provisions with the Coastal Commission's suggested modifications, as attached in
21 Exhibit A and incorporated herein by reference.

22 **SECTION 2.** The City's LCP, including LCP Amendment No. 19-4482, shall be carried out
23 fully in conformity with the California Coastal Act.
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1 **SECTION 3.** An Initial Study and Negative Declaration for the project was prepared
2 and circulated on October 21, 2019, in accordance with the provisions of the California
3 Environmental Quality Act (CEQA). The Initial Study and Negative Declaration concluded that the
4 project would not have environmental effects that will cause a substantial adverse impact on the
5 environment. The public comment period for the Negative Declaration ended on November 20,
6 2019, and the comments submitted were considered with the review of the project. The City Council
7 finds and determines on the basis of the whole record that there is no substantial evidence that the
8 project will have a significant effect on the environment, and that the Negative Declaration reflects
9 the City's independent judgment and analysis. The City Council adopted the Negative Declaration
10 on July 21, 2020. The location and custodian of the documents or other material which constitute the
11 record of proceedings upon which the City Council's decision is based in the office of the City Clerk
12 of the City of Laguna Beach, 505 Forest Avenue, Laguna Beach, California. Additionally, Public
13 Resources Code Section 21080.5, a provision of CEQA, and Section 15265(c) of the State CEQA
14 Guidelines shift the burden of CEQA compliance to the California Coastal Commission in connection
15 with preparation or amendment to a Local Coastal Program (LCP). The Coastal Commission's LCP
16 review and approval procedures have been found to be functionally equivalent to the environmental
17 review process.

20 **SECTION 4.** Pursuant to Section 13551(b) of the Coastal Commission Regulations, LCP
21 Amendment No. 19-4482 shall take effect upon the Executive Director of the California Coastal
22 Commission reporting to the Coastal Commission his determination that Local Coastal Program
23 Amendment 19-4482 is consistent with the action taken by the Coastal Commission.
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ADOPTED this 15th day of February 2022.



Sue Kempf, Mayor

ATTEST:



Ann Marie McKay, City Clerk

I, ANN MARIE MCKAY, City Clerk of the City of Laguna Beach, California, do hereby certify that the foregoing Resolution No. 22.013 was duly adopted at a Regular Meeting of the City Council of said City held on February 15, 2022, by the following vote:

AYES: COUNCILMEMBER(S): Blake, Whalen, Kempf

NOES: COUNCILMEMBER(S): Iseman, Weiss

ABSTAIN: COUNCILMEMBER(S): None

ABSENT: COUNCILMEMBER(S): None



City Clerk of the City of Laguna Beach, CA

ORDINANCE NO. 1667

**AN ORDINANCE OF THE CITY OF LAGUNA BEACH AMENDING
THE DOWNTOWN SPECIFIC PLAN AND SECTIONS 25.16.050 AND
25.40.010 OF THE LAGUNA BEACH MUNICIPAL CODE AS
MODIFIED AND APPROVED BY THE CALIFORNIA COASTAL
COMMISSION RELATING TO THE UPDATE OF THE DOWNTOWN
SPECIFIC PLAN**

WHEREAS, on July 21, 2020, the City Council approved Ordinance No. 1648 to amend the Downtown Specific Plan and provisions of the Laguna Beach Municipal Code relating to the update of the Downtown Specific Plan, adopted Resolution No. 20.053 to request that the California Coastal Commission (“Commission”) approve Local Coastal Program Amendment 19-4482, and adopted a Negative Declaration pursuant to the California Environmental Quality Act; and

WHEREAS, on December 15, 2021, the Commission approved LCP Amendment 19-4482, with modifications; and

WHEREAS, on January 14, 2022, a public notice was published in the Daily Pilot, providing notice of a public hearing before the City Council on January 25, 2022; and

WHEREAS, on January 25, 2022, the City Council conducted a duly noticed public hearing, at which time all testimony received was made part of the public record, and approved the introduction of the proposed Ordinance and passed it to a second reading;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH DOES ORDAIN as follows:

SECTION 1. The Downtown Specific Plan is hereby amended as shown in Exhibit “A,” attached hereto and incorporated by this reference.

SECTION 2. The City Council finds and determines that the modifications to the Downtown Specific Plan adopted by this Ordinance are consistent with the General Plan of the City of Laguna Beach.

SECTION 3. Section 25.16.050(A)1) of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

Artists' working and living units may be developed only in the following zones (collectively, the "allowable zones"), subject to a conditional use permit: M-1A and M-1B Light Industrial, C-N Commercial-Neighborhood, LBP Local Business Professional, Downtown Specific Plan--CBD-Arts District, CBD-Office, CBD-Central Bluffs, CBD-1 Resident Serving, CBD-2 Downtown Commercial, R-2 Residential Medium Density and R-3 Residential High Density. Artists' working and living units are not allowed in any other zones in the City.

SECTION 4. Section 25.40.010 of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

25.40.010 Intent and purpose.

(A) The intent and purpose of this chapter is to establish a specific plan for the downtown area pursuant to the authority of Article 9, Chapter 3 of Division 7 of the California Government Code. It is recognized that there is a need for a comprehensive planning program to address the unique issues associated with the community's downtown area and that this need is best served through the establishment of a specific plan for the downtown. The Downtown Specific Plan contains goals and policies, downtown design guidelines, land use districts and development standards all of which form the development regulations for the specific plan area. All other ordinances and sections of the Laguna Beach Municipal Code shall also apply to the downtown specific plan

area, unless such standards are inconsistent with the provisions of the specific plan, in which case the specific plan shall apply.

- (B) As market trends and needs change from time to time, it may be beneficial to incentivize or to limit certain uses in the Downtown. Review and changes, if any, to permitting requirements for different land uses may be subject to annual review and approval at noticed public hearings by the Planning Commission and City Council. (The “permitting requirements” referred to herein relate to local entitlements such as Conditional Use Permits, Administrative Use Permits, and Temporary Use Permits and do not relate to or affect coastal development permit requirements which are subject to the provisions of Chapter 25.07.) As applicable, changes to permitting requirements must continue to adhere to the “Special Findings Required for Certain Uses” section of the Specific Plan due to their potential impact on the character of the Downtown. Changes to these permitting requirements require an LCP amendment.

SECTION 5. An Initial Study and Negative Declaration for the project was prepared and circulated on October 21, 2019, in accordance with the provisions of the California Environmental Quality Act (CEQA). The Initial Study and Negative Declaration concluded that the project would not have environmental effects that will cause a substantial adverse impact on the environment. The public comment period for the Negative Declaration ended on November 20, 2019, and the comments submitted were considered with the review of the project. The City Council finds and determines on the basis of the whole record that there is no substantial evidence that the project will have a significant effect on the environment, and that the Negative


Declaration reflects the City's independent judgment and analysis. The City Council adopted the Negative Declaration on July 21, 2020. The location and custodian of the documents or other material which constitute the record of proceedings upon which the City Council's decision is based in the office of the City Clerk of the City of Laguna Beach, 505 Forest Avenue, Laguna Beach, California. Additionally, Public Resources Code Section 21080.5, a provision of CEQA, and Section 15265(c) of the State CEQA Guidelines shift the burden of CEQA compliance to the California Coastal Commission in connection with preparation or amendment to a Local Coastal Program (LCP). The Commission's LCP review and approval procedures have been found to be functionally equivalent to the environmental review process.

SECTION 6. If any portion of this Ordinance, or the application of any such provision to any person or circumstance, shall be held invalid, the remainder of this Ordinance to the extent it can be given effect, of the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this Ordinance are severable.

SECTION 7. This Ordinance is intended to be of Citywide effect and application. All ordinances and provisions of the Laguna Beach Municipal Code and Sections thereof inconsistent herewith shall be hereby repealed to the extent of such inconsistency and no further.

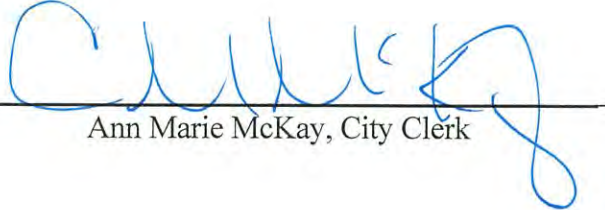
SECTION 8. The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance and shall cause the same to be published in the same manner required by law in the City of Laguna Beach. This Ordinance shall become effective at a subsequent Commission meeting when the Commission concurs with the Executive Director's Determination that the City's adopted modifications are consistent with the prior Commission action taken and legally adequate.

ADOPTED this 15th day of February 2022.



Sue Kempf, Mayor

ATTEST:



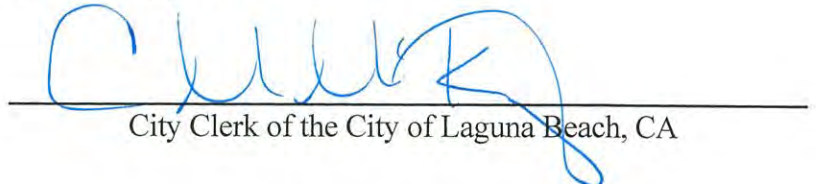
Ann Marie McKay, City Clerk

I, Ann Marie McKay, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council on January 25, 2022, and was finally adopted at a regular meeting of the City Council of said City held on February 15, 2022, by the following vote:

AYES: COUNCILMEMBER(S): Blake, Whalen, Kempf

NOES: COUNCILMEMBER(S): Iseman, Weiss

ABSENT: COUNCILMEMBER(S): None



City Clerk of the City of Laguna Beach, CA

ROSS PRICE * : \$107.27

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Color Spec. B/W

Preview

CITY OF LAGUNA BEACH:
ADOPTION OF **ORDINANCE NO. 1667**
AMENDING THE DOWNTOWN SPECIFIC PLAN

Adoption of Ordinance No. 1667 entitled "AN ORDINANCE OF THE CITY OF LAGUNA BEACH AMENDING THE DOWNTOWN SPECIFIC PLAN AND SECTIONS 25.16.050 AND 25.40.010 OF THE LAGUNA BEACH MUNICIPAL CODE AS MODIFIED BY THE CALIFORNIA COASTAL COMMISSION RELATING TO THE UPDATE OF THE DOWNTOWN SPECIFIC PLAN" was introduced at the City Council meeting of January 25, 2022, and adopted on February 15, 2022, on the following 3-2 vote: AYES: Blake, Whalen, Kempf, OES: Iseman, Weiss, ABSENT: None.

For Marie McKay, City Clerk