



CAA PLANNING

December 19, 2023

OC Public Works
Mr. Kevin Canning
Contract Planner
601 N. Ross Street
Santa Ana, CA 92701

Subject: Coastal Development Permit Application for Emerald Bay Service District Sewage Lift Station No. 3 Rehabilitation and Landscape Improvements

Dear Mr. Canning:

On behalf of Emerald Bay Service District (EBSD) and Emerald Bay Community Association (EBCA), CAA Planning, Inc. (CAA) submits this Coastal Development Permit (CDP) application for the replacement of an existing sewage lift station (Lift Station #3) and replanting of existing landscape and hardscape areas along the main beach (project). Lift Station #3 is located in an existing landscaped walkway area slightly to the east of the main beach parking lot at the corner of the main beach and a grassy picnic area. The existing landscape areas proposed to be replanted are located adjacent to the main beach along Emerald Bay and Bay Crest Drive, as shown on the attached Location Map.

The project proposes improvements to the existing sewer system by replacing the existing wet well/dry well, pumps, valves, piping, electrical panels, and appurtenances at Lift Station #3. Minimal site preparation is required to replace the lift station components. Work on the lift station is anticipated to take two months to complete. A temporary bypass system will be provided to handle sewage flow during replacement of the lift station components, as shown on the attached plans.

Lift Station #3 is currently housed within a wood structure which will be removed. The new lift station will be underground with three above ground control panels. A native plant palette will be used for replanting around the new lift station panels. During the replacement of the lift station, a temporary bypass pump station will be installed adjacent to the lift station. The bypass station will be enclosed within construction fencing for safety. Project renderings depicting the existing conditions and the interim conditions (including the temporary bypass station) are attached.

EBCA proposes to replace existing non-native plants with native, non-invasive plants listed on the Calscape website. Portions of existing landscape areas located between the roadway and the beach will be replaced with plant species that include California Buckwheat, Toyon, Giant Wild Rye, Nodding Needlegrass, Cleveland Sage, and Purple Sage. The landscape replacement would begin after the completion of the sewer lift station replacement and is anticipated to take one to two months to complete. The planting plan is included on the attached Landscape Plan.



Mr. Kevin Canning
December 19, 2023
Page 2 of 10

The planting areas have been divided into four areas. The first area (Area-1) is located at the westerly end of Emerald Bay and the main beach parking lot. This area is primarily landscaped with grass with small portions of ground cover. The proposed landscaping would replace portions of the ground cover with grass to match the rest of the area. A minimal planted area is located in the area of the stairs from the walkway to the beach. Hardscape improvements include replacement of the concrete sidewalk, replacement of existing shower wood cover with IPE, a new wood handrail at the stairs, and a new aluminum sign with lettering to match updated Emerald Bay signage. New sewer lift station panels and a new wet well hatch with wood deck will be installed in Area-1 as a part of EBSD lift station improvement.

The second area (Area-2) is located easterly of the main beach parking lot along Bay Crest Drive and adjacent to main beach. This area is landscaped with grass along Bay Crest Drive with ground cover lining the boundary between the grass and the beach. The proposed landscaping would replace portions of the ground cover with native ground-cover species. Hardscape improvements include new wood handrail at the stairs and new landscape lighting.

The third area (Area-3) is located easterly corner of Bay Crest Drive, main beach, and the bluff. This area is extensively landscaped primarily with ground cover. The proposed landscaping would replace portions of the ground cover with native ground-cover species. Hardscape improvements include replacement of concrete sidewalk and wooden boardwalk, new wooden handrail and stairs, replacement of an existing rip rap wall with a board-formed concrete wall, new landscape lighting, and a new aluminum sign to match existing signage.

The fourth area (Area-4) is located adjacent to the main beach parking lot and is depicted on the landscape plan as between Area-1 and Area-2. While the project does not propose replacement of landscape in this area (this area is not landscaped), it does include the replacement of an existing sign and seasonal holiday lighting on four existing Date Palm trees. The proposed sign would be aluminum with white lettering to match updated Emerald Bay signage and provides the rules for use of the beach.

EBCA proposes seasonal holiday lighting from Thanksgiving week until the first week of January. Each year, EBCA installs holiday lighting throughout the community and would like to include the four date palms in the holiday lighting program. One tree is located within the parking lot and the other three trees are located immediately outside the parking lot on the beach.

The holiday lighting is professionally installed and removed each year using a lift positioned in the adjacent parking lot. Light installation does not require machinery or mechanical work from the sand. Approximately 16 strands of commercial-grade LED warm mini-lights (4.8 watts) will be wrapped around the trunks and palm fronds of each tree and illuminated from dusk until 10:00 pm each night during the holiday season.

The trees are located at a sufficient distance from the ocean and no sensitive habitats are identified within the immediate area. The location of the three trees on the beach are approximately 175 feet



Mr. Kevin Canning
December 19, 2023
Page 3 of 10

from the water's edge and there are several homes and other developments located in closer proximity to the ocean.

Local Coastal Program Consistency

The community of Emerald Bay is regulated by the Emerald Bay Local Coastal Program (LCP), which was approved by the County of Orange (County) on January 24, 1989 and was certified by the California Coastal Commission on September 13, 1989. The LCP serves as both the Land Use Plan and the Implementing Actions Program for the Emerald Bay Community. The proposed project is consistent with the Objectives and Land Use Policies of the LCP in the following ways:

Objectives

The LCP has stated objectives to protect, maintain, and, where feasible enhance and restore the overall quality of the coastal zone environment and its natural and man-made resources (Objective 1) and maximize public access along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners (Objective 3).

Lift Station #3 is in need of replacement because it has outlived its useful life. It is part of the Emerald Bay sewer system that serves the residents of the Emerald Bay community. The proposed replacement is necessary to protect water quality, maintain efficiency, and ensure the proper function of the sewer system that serves the residents of Emerald Bay.

The proposed replacement of existing landscaped and hardscape areas will improve the visual quality and establish a palette of native, non-invasive plants adjacent to the main beach along Emerald Bay and Bay Crest Drive. The proposed planting palette would meet the LCP objective to enhance and restore the overall quality of the coastal zone environment by removing landscaping that is in need of a refresh and replacing it with a planting palette that is listed on the Calscape website as appropriate for Emerald Bay.

The holiday lighting program consists of strands of lights which are installed via a boom lift operated from the paved parking lot. These activities do not take place on a beach, wetland, stream, or lake. One tree is located within the paved parking lot and the three others are located on the sandy beach. The improvements (i.e., the strands of holiday lights) will be installed from the paved parking lot and no activities will take place on the sandy beach. The trees are well landward of the mean high tide line. The holiday lighting poses no impact to the environment given the installation from the paved parking lot, distance to the mean high tideline, and inspection to ensure bird nests are not disturbed.

Land Use Policies



Mr. Kevin Canning
December 19, 2023
Page 4 of 10

The Land Use Plan (LOP) consists of four components: Resources, Transportation, Access, and New Development. Each component includes a summary of relevant Coastal Act policies, an identification of issues, a description of existing conditions, and where appropriate, an issue analysis. Land Use Plan contains policies related to Resource Management, Environmental Hazards, Cultural/Scientific/Historic Resources, Public Beach Access, Park Maintenance, and New Development provide the guidance necessary to fulfill the intent of the Coastal Act within the Emerald Bay LCP.

1. *Resource Management*

a. *All construction will be conducted with provisions for the control of sediment transport, and debris originating at the construction site as follows:*

1) *For necessary grading operations, the smallest practical area of land will be exposed at any one time during development, and the length of exposure will be kept to the shortest practical amount of time. The clearing of land should be avoided during the winter rainy season and all measures for removing sediments and stabilizing slopes should be in place before the beginning of the rainy season.*

2) *Sediment basins (including debris basins, desilting basins, or silt traps) will be installed in conjunction with the initial grading operations and maintained through the development process to remove sediment from runoff waters. All sediment shall be retained on site unless removed to an appropriate dumping location.*

3) *Temporary vegetation, seeding, mulching, or other suitable stabilization method will be used to protect soil subject to erosion that have been disturbed during grading or development. All cut and fill slopes shall be stabilized immediately with planting of native grasses and shrubs, appropriate nonnative plants, or with accepted landscaping practices.*

The proposed project consists of the replacement of an existing sewer lift station, replacement of existing landscape and hardscape, and seasonal installation of holiday lighting on trees. The project does not include grading or any other activity that would involve clearing of land, sediment removal, or subject to erosion. The proposed landscape palette includes native species.

2. *Environmental Hazards – Geologic*

a. *Applications for grading and building permits, and applications for subdivision will be reviewed for adjacency to, threats from, and impacts on geologic hazards arising from seismic events, tsunami runup, landslides, beach erosion, or other geologic hazards such as expansive soils and subsidence areas. In areas of known geologic hazards, a geologic report may be required. Mitigation measures shall be required where necessary.*

The proposed project does not involve grading or require grading permits or an application for a subdivision and does not include the construction of new structures. The project



Mr. Kevin Canning
December 19, 2023
Page 5 of 10

proposes to replace an existing sewer lift station, new planting in an existing landscape and hardscape area, and the installation of seasonal holiday lights on trees.

3. *Environmental Hazards – Fire*

a. The County will continue to maintain the existing firebreak inland of Laguna Beach and require roofing materials in conformance with existing County ordinances.

b. Prior to the issuance of any grading permit for development adjacent to open space, including Swanson Park, a fuel modification plan shall be approved by the Fire Chief. The plan shall show the special treatment to achieve an acceptable level of risk in regard to the exposures of structures to flammable vegetation and shall address the method of removal and installation (mechanical or hand labor) and provisions for its continuous maintenance. The approved fuel modification plan shall be installed under the supervision of the Fire Chief and completed prior to the issuance of applicable use and occupancy permits.

The proposed project would have no impact on the existing firebreak as it is located in a developed area of Emerald Bay not in proximity to the firebreak. The project proposes to replace an existing sewer lift station and structure with a new underground lift station, planting in an existing landscaped area, and the installation of seasonal holiday lights on three trees in a developed area not located near the open space.

4. *Cultural/Scientific/Historic*

a. Cultural/Scientific/Historic Resources, including archaeological, paleontological and historic resources, shall be considered through the development permit review process in accordance with applicable federal, state and local laws and policies. Said resources shall be identified, evaluated, preserved or investigated accordingly.

b. Prior to issuance of a grading permit, the project applicant shall provide written evidence to the Chief, EMA/Regulation/Grading Section that a county-certified archaeologist has been retained, shall be present at the pre-grading conference, shall establish procedures for archaeological resource surveillance, and shall establish, in cooperation with the project developer, procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of the artifacts as appropriate. If additional or unexpected archaeological features are discovered, the archaeologist shall report such findings to the project developer and to the Manager, Harbors, Beaches and Parks/Program Planning Division. If the archaeological resources are found to be significant, the archaeologist observer shall determine appropriate actions, in cooperation with the project developer, for exploration and/or salvage. Excavated finds shall be offered to County of Orange, or designee, on a first refusal basis. Applicant may retain said finds if written assurance is provided that they will properly preserved in Orange County, unless said finds are of special significance, or a museum in Orange county indicates desire to study and/or display them at this time, in which case items shall be donated to County, or



Mr. Kevin Canning
December 19, 2023
Page 6 of 10

designee. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the Manager, Harbors, Beaches and Parks/Program Planning Division.

c. Prior to issuance of a grading permit, the project applicant shall provide written evidence to the Chief, EMA/Regulation/Grading Section that a County-certified paleontologist has been retained to observe grading activities and salvage fossils as necessary. The paleontologist shall be present at the pre-grading conference, shall establish procedures for paleontological resource surveillance, and shall establish, in cooperation with the project developer, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of the fossils. If major paleontological resources are discovered, which require long-term halting or redirecting of grading, the paleontologist shall report such findings to the project developer and to the Manager, Harbors, Beaches and Parks/Program Planning Division. The paleontologist shall determine appropriate actions, in cooperation with the project developer, which ensure proper exploration and/or salvage. Excavated finds shall be offered to county of Orange, or designee, on a first refusal basis. Applicant may retain said finds if written assurance is provided that they will be properly preserved in Orange County, unless said finds are of special significance, or a museum in Orange County indicates desire to study and/or display them at this time, in which case items shall be donated to County, or designee. These actions, as well as final mitigation and disposition of the resources shall be subject to approval by the Manager, Harbors, Beaches and Parks/Program Planning Division. The paleontologist shall submit a follow-up report for approval by the Manager, Harbors, Beaches and Parks/Program Planning Division, which shall include the period of inspection, an analysis of the fossils found, and present repository of the fossils.

The proposed project involves only minor site preparation. The proposed work is limited to disturbed areas for the replacement of an existing sewer lift station and landscape and hardscape improvements, and the installation of seasonal holiday lights on trees in a developed area of the Emerald Bay community.

5. *Public Beach Access – Emerald Bay*

a. Public access for pedestrian or bicycle purposes to, or use of the Emerald Bay beach for low intensity recreational uses, shall be required as a condition of any new development project by the Emerald Bay Community Association if such project is located between Pacific Coast Highway and the sea, and if the proposed development project meets the following criteria:

- 1) That the project for which the permit is sought will have a substantial direct adverse impact upon existing public access to or along the Emerald Bay beach or overcrowding the capacity of nearby public beaches.*
- 2) That the requiring of access to or low intensity recreational uses of the beach at Emerald Bay will directly mitigate the adverse impacts on existing public access to, or use of, the*



Mr. Kevin Canning
December 19, 2023
Page 7 of 10

beach caused by the project for which the permit is sought.

b. If public access to the Emerald Bay beach from Pacific Coast Highway is required, it shall consist of a ten (10) foot wide pedestrian and bicycle access easement along the roads and community areas (such as stairways) for the purpose of such public access from Pacific Coast Highway oceanward through the Emerald Bay Community to the beach.

The public access route to the beach will be determined if and when access becomes available to the public.

c. If public access along the Emerald Bay beach is required, it shall consist of lateral access and passive recreational use on and along the beach at Emerald Bay from the mean high tide line 25 feet inland from the daily high water line. In no case shall the area available for public use be closer than ten (10) feet from any pre-existing structure. The easement shall also provide that, in the event the area seaward of the 25-foot line described above is impassable, for example, at extreme high tides, the public shall have the right of pass and repass over that 25-foot portion of the beach to the first of terrestrial vegetation.

l) If access to the beach at Emerald Bay from the sea is required, it shall consist of enhancing the public's ability to land ashore from the water.

d. Nothing in these policies or in the agreement described therein shall be interpreted as affecting the right of the public to use any portion of the beach subject to the public trust.

e. Prior to the issuance of a building permit, required offers to dedicate access easements shall be executed and recorded by the Community Association or its successor-in-interest and shall be recorded free of prior liens and encumbrances except for tax liens and shall run in favor of the People of the State of California, binding the Community Association and their successors-in-interest. Any offer to dedicate easements shall be made to a public agency or private association acceptable to the Coastal Commission and shall be irrevocable for a period of 21 years, such period running from the date of recordation.

f. The elements of any condition and any access program shall be limited to elements directly mitigating the substantial, direct, adverse impacts of the project upon existing public access to, or along, the beach.

The project does not propose new development at Emerald Bay and it does not trigger the requirement for new public access, as it will not have a substantial direct adverse impact upon existing public access to or along the Emerald Bay beach or overcrowding the capacity of nearby public beaches. The project proposes the replacement of an existing sewer lift station that has outlived its useful life and areas of an existing landscaped and hardscape area would be relandscaped with native plants. The project also includes seasonal holiday lighting on four trees as a part of the Emerald Bay Community Association (EBCA) holiday lighting program. There will be no impact to public access of nearby beaches and the project would not lead to overcrowding at nearby public beaches.

6. Park Maintenance Access – Emerald Bay



Mr. Kevin Canning
December 19, 2023
Page 8 of 10

Prior to or concurrent with the issuance of a coastal development permit initiated by the Emerald Bay Community Association, an agreement shall be entered into which allows vehicular access from Emerald Canyon through the Emerald Bay Community to Pacific Coast Highway, for regional park operations and maintenance, and fire and emergency purposes. Said agreement shall limit vehicular access to County Park Rangers and persons working for such Rangers.

The project proposes the replacement of an existing sewer lift station and areas of an existing landscape and hardscape area would be relandscaped with native plants, and the installation of seasonal holiday lighting on trees. The project location is on the Pacific Ocean side of Pacific Coast Highway and would in no way affect maintenance access for regional park operations and maintenance, and fire and emergency.

7. *Public Beach Access – Brinderson Property*

a. Concurrent with an application for a coastal development permit for subdivision purposes, the property owner shall provide a vertical, access easement for public pedestrian purposes. The easement shall provide access to a bluff-top, view-point park to be improved by the property owner and conveyed to the County or its designee.

The proposed project is not located in the area known as Brinderson property. The project location is on the Pacific Ocean side of Pacific Coast Highway and would not impede the vertical pedestrian access easement.

8. *New Development*

a. No development shall be permitted on the sandy beach at Emerald Bay except facilities such as lifeguard towers, volleyball nets and similar recreation facilities.

b. No development shall be permitted on the bluff face designated 5.12 Conservation on Figure 7, Land Use.

The project does not involve new development on the sandy beach at Emerald Bay. The project proposes the replacement of an existing sewer lift station and areas of an existing landscaped area would be relandscaped with native plants, and the installation of seasonal holiday lighting on trees. The sewer lift station is existing development that would be replaced with a more efficient lift station with a smaller footprint than the existing lift station. The existing landscaped and hardscape area is located along and adjacent to the beach. In certain existing landscaped areas, plants will be replaced with native plants appropriate for Emerald Bay. The project also proposes the installation of seasonal holiday lighting on date palms at the edge of the main beach parking lot with three of the trees being located on the sand. Seasonal holiday light installation and removal will be professionally done using a lift positioned in the parking lot. No development or work will occur on the sandy beach.



Mr. Kevin Canning
December 19, 2023
Page 9 of 10

Coastal Development Permit

The proposed project qualifies as “Development” per the County Zoning Code because it proposes the removal of an existing structure and placement of a new structure per §7-9-40.3, and therefore a CDP is required per §7-9-40.4. The project site is located between the ocean and the first public road (Pacific Coast Highway) and is therefore located within the California Coastal Commission appeal jurisdiction as identified in Section III-B of the LCP and delineated on the Post LCP Certification Permit and Appeal Jurisdiction Map.

California Environmental Quality Act

The California Environmental Quality Act (CEQA) allows categorical exemptions for projects that have been determined not to have a significant effect on the environment. (CEQA Guidelines §15300-15332). Following is a brief analysis of why the project is consistent with Class 1, Class 2 and Class 3 categorical exemptions.

Class 1 Categorical Exemption

The Class 1 (Section 15301) exemption provides for the operation, repair, maintenance, permitting, leasing, licensing or minor alteration of existing public or private structures, facilities, mechanical equipment or topographical features, involving negligible or no expansion of the use beyond that existing at the time of the lead agency’s determination. The replacement of the existing lift station and landscaping would not result in the expansion of the sewer system or the lift station itself and the proposed landscaping and hardscape would be within the existing landscape footprint. The lights are installed and removed by hand, and via a boom lift. The boom lift is operated from the paved parking lot and there is no equipment, mechanical or otherwise, placed on the beach. No work is done on the sandy beach. The holiday lights are only present during the holiday season which is outside of bird nesting season. However, in an abundance of caution, the trees undergo a visual inspection to confirm that bird nests are not present prior to the installation of holiday lighting.

The project is exempt under Class 1 Exemption because the lift station and landscaped areas will function in the same capacity as it currently does. The holiday lighting poses no impact to the environment given the installation from the paved parking lot, distance to the mean high tideline, and inspection to ensure bird nests are not disturbed.

Class 2 Categorical Exemption

The Class 2 (Section 15302) exemption consists of replacement or reconstruction of existing structures and facilities where the new facilities will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. As noted in the Class 1 Exemption discussion above, the new lift station components will occupy the same footprint as the existing lift station and will serve in the same capacity. The project is exempt



Mr. Kevin Canning
December 19, 2023
Page 10 of 10

under Class 2 Exemption because the lift station will have the same purpose and capacity as the existing lift station.

Class 3 Categorical Exemption

The Class 3 (Section 15303) exemption consists of construction and location of limited numbers of new, small facilities or structures and installation of new small equipment. The project is exempt under Class 3 Exemption because it is maintenance to an existing sewer system, requiring the replacement of lift station components and the temporary placement of a bypass station for the duration of the lift station maintenance activities.

Conclusion

The proposed sewage lift station is necessary to maintain water quality and the proposed replacement landscape would refresh existing landscaped areas using a planting palette listed on the Calscape website as appropriate for Emerald Bay. Both components of this project will be a benefit to the Emerald Bay community. We appreciate the County's consideration of this project and look forward to working with you. If you have any questions, please contact our office at (949) 581-2888.

Sincerely,
CAA PLANNING, INC.

A handwritten signature in blue ink that reads "Shawna L. Schaffner".

Shawna L. Schaffner

Attachments: Location Map
Lift Station #3 Plans
Landscape Plans
Project Renderings
Holiday Tree Lighting Description

cc: Mike Dunbar, Emerald Bay Service District
Toni Hughes, Emerald Bay Community Association