

From: [Canning, Kevin](#)
To: [Shawna Schaffner](#)
Cc: [Pua Whitford](#)
Subject: CDP Waiver for EBCA Parking Lot Lighting
Date: Wednesday, August 30, 2023 11:09:33 AM
Attachments: [EBCA Parking Lot Lighting Justification Letter.pdf](#)

Please accept this message as confirmation of your request that the proposed parking lot lighting improvements proposed by Emerald Bay Community Association (EBCA). We have concluded that it is exempt from the requirements of a Coastal Development Permit under both County Zoning Code and the Emerald Bay LCP.

The project was reviewed internally, including a discussion with the Deputy Director, and we agree with the justification of the exemption based upon the same findings discussed in your letter (attached).

Please contact me if you have any other questions.

Kevin Canning | Contract Planner | OC Development Services / Planning
601 North Ross Street | Santa Ana, California 92701-4048
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Visit us online for permitting applications/project status at <https://myoceservices.ocgov.com/> or general questions and assistance call 714 667-8888

PLEASE NOTE: My primary work days are now Tuesday thru Thursday, replies to messages received on other days may be delayed.



CAA PLANNING

May 30, 2023

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

Subject: Request for Coastal Development Permit Exemption Waiver, Emerald Bay Community Association Canyon Parking Lot Lighting Improvements

Dear Mr. Canning:

On behalf of Emerald Bay Community Association (EBCA), CAA Planning, Inc. (CAA) submits this Coastal Development Permit (CDP) exemption request for improvements in the Canyon Parking Lot of the Emerald Bay Community. The existing lighting in the parking lot needs to be improved including replacement of existing light poles, installation of new light poles, and associated electrical work. The Canyon Parking Lot is an existing parking lot that provides resident and guest parking for recreational facilities including tennis courts and a swimming pool complex, as shown on the attached Location Map.

The proposed parking lot improvements include the replacement of two existing light poles, installation of three new light poles, and electrical components. The first light pole will be replaced in the lower parking area and the second light pole will be replaced in the main parking area adjacent to the tennis courts. Of the three new light poles, the first would be installed in a small middle parking area that does not currently have lighting, the second would be installed on the outer edge of the main parking area, and the third would be installed at the edge of the main parking area near a back walkway area. The light poles will have 65 watts fixtures to provide adequate lighting for safety and security.

The existing service meter (200 amps, 120/240V, 1 phase, 3 wire) that feeds two existing panels via $\frac{3}{4}$ inch below grade conduit will remain. A new conduit will be installed for the connection to the three new light poles. The locations of the light poles and electrical supply are shown on the attached Electrical Plan.

Local Coastal Program

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 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



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consistent with sound resources conservation principles and constitutionally protected rights of private property owners (Objective 3).

The Canyon Parking Lot provides parking for recreational opportunities in the coastal zone. The proposed improvements to the Canyon Parking Lot meets the objectives of the LCP by providing parking lot lighting for the purpose of maintaining safe and secure parking at a recreational facility.

Coastal Development Permit Exemption

The proposed project qualifies as exempt per the County Zoning Code because it is the improvement to an existing structure (parking lot) per §7-9-40.5(b). The proposed parking lot improvement includes ensuring that adequate lighting is provided for the drivers and pedestrians utilizing the parking lot. In addition to improvements to the existing lighting system, three additional light poles would be installed. This would not increase the size or usage of the parking lot or adjacent recreation facilities. The new lighting will increase safety and security in the existing parking lot.

The County Zoning Code established exceptions to the exemption (§7-9-40.5(b)(1-10)). None of the stated exceptions apply to this project because the project does not involve:

- (1) Improvements on a beach, wetland, seaward of the high tide line, or within 50 feet of a coastal bluff.
- (2) Improvements to any structure located between the sea and the first public road paralleling the sea.
- (3) Improvements to any structure located within significant scenic resources areas as designated by the certified Local Coastal Program or the Coastal Commission.
- (4) Any significant alteration of land form, or removal or placement of vegetation, on a beach, wetland, sand dune, within one hundred (100) feet (fifty (50) feet for a single-family dwelling) of the edge of a coastal bluff, or in an area of natural vegetation designated by the Coastal Commission as significant natural habitat
- (5) Expansion or construction of a water well or septic system.
- (6) Improvements in any area where the Coastal Commission has determined to have a critically short water supply that shall be maintained for the protection of coastal resources or public recreational use. Such improvement would be a major water user not essential to residential use, including, but not limited to, swimming pools and landscape irrigation systems.
- (7) Any improvements when the Coastal Development Permit issued for the original structure indicated that future additions would require a subsequent Coastal Development Permit.
- (8) Improvements to any structure or change in occupancy that would result in an increase in the intensity of the uses on the building site.



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- (9) Improvements that convert any existing structures from a multiple unit rental use or visitor serving commercial use to a condominium, stock cooperative, or time share project.
- (10) Public works facility.

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 two light poles, installation of three new light poles, and associated electrical work would not result in the expansion of the existing parking lot. The project is exempt under Class 1 Exemption because the parking lot will function in the same capacity as it currently does.

Class 2 Categorical Exemption

The Class 2 (Section 15302) exemption consists of replacement or reconstruction of existing structures and facilities where the new structure 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 two of the new parking lot light poles and the electrical system will occupy the same footprint as the existing lighting and will serve in the same capacity. The project is exempt under Class 2 Exemption because the new parking lot lighting will have the same purpose and capacity as the existing parking lot lighting.

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 the replacement of two existing light poles, installation of three additional light poles, and associated electrical work in an existing parking lot.



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Conclusion

The proposed improvements to lighting in the Canyon Parking Lot are necessary to ensure the safety of drivers and pedestrians using the recreational facilities and 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
Electrical Plan
Structural Calculations

cc: Toni Hughes