



## COASTAL DEVELOPMENT PERMIT EXEMPTION NO PERMIT REQUIRED

Date: October 13, 2022

Appealable

Case No.: TUP 22-1989

Non-Appealable

Applicant Name: Victoria Gerard, Laguna Art Museum

Project Location: Heisler Park and Main Beach; various locations

Project Planner: Anthony Viera, Senior Planner

### Project Description:

The Laguna Art Museum is proposing to place seven temporary sculptures at various locations at Main Beach and Heisler Park from 11/3/22 through 11/6/22. The installations have been sited to maintain beach access and beach recreation opportunities and avoid wave impacts. A museum representative will be stationed at each sculpture, which may be viewed at no cost. Sand bags will secure each sculpture and allow for easy removal with no permanent impacts to the environment.

Pursuant to Municipal Code Section 25.07.008 (Exemptions), the proposed development is without risk of adverse environmental effect on coastal resources, including public access, and therefore do not require a Coastal Development Permit (CDP) for the reason(s) checked below:

<input type="checkbox"/> Improvements to Structures Other Than Single-Family. The proposed improvements to an existing structure (including attached fixtures and landscaping) other than single-family dwellings or public works facilities are not classified as one of the following: <ol style="list-style-type: none"><li>1) Nonexemptions (a) through (g) contained in the list above under Improvements to Single-family Homes;</li><li>2) Changes the intensity of use of the structure;</li><li>3) Conversion of an existing multiple-unit residential structure or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold, including but not limited to a condominium or stock cooperative conversion;</li><li>4) Significant alteration of land forms including removal or placement of vegetation on a beach or sand dune, in a wetland or stream, within 100' of the edge of a coastal bluff or stream or in a highly scenic area, and/or in an environmentally sensitive area.</li></ol>
<input type="checkbox"/> Repair and Maintenance. The proposed repair and maintenance activities do not result in an addition to, or enlargement or expansion of, the object of such repair and maintenance activities, and are not classified as one of the following: <ol style="list-style-type: none"><li>a) Repair or maintenance of a sea wall revetment, bluff retaining wall, breakwater, groin, culvert, outfall or similar shoreline work that involves any of the following:<ol style="list-style-type: none"><li>1. Substantial alteration of the foundation including pilings and other surface and subsurface structures,</li><li>2. The placement, whether temporary or permanent, of rip-rap, or artificial berms of sand or other beach material, or any other form of solid material, on a beach or in coastal waters, streams, wetlands, estuaries and lakes, or on shoreline protective works,</li><li>3. The replacement of 20% or more of the materials of an existing structure with materials of a different kind,</li><li>4. The presence, whether temporary or permanent, of mechanized construction equipment or materials on any sand area or bluff or environmentally sensitive area or within 20' of coastal waters or streams;</li></ol></li><li>b) Replacement of 20% or more of a sea wall revetment, bluff retaining wall, breakwater, groin, or similar protective work under one ownership, unless destroyed by natural disaster;</li></ol>



<p>c) Any method of routine maintenance dredging that involves:</p> <ol style="list-style-type: none"><li>1. The dredging of 100,000 cubic yards or more within a 12 month period; or in</li><li>2. The placement of dredge spoils of any quantity within an environmentally sensitive area, or any sand area, within 50' of the edge of a coastal bluff or environmentally sensitive area, or within 20' of coastal waters or streams; or</li><li>3. The removal, sale, or disposal of dredge spoils of any quantity that would be suitable for beach nourishment in an area the Coastal Commission has declared by resolution to have a critically short sand supply that must be maintained for protection of structures, coastal access or public recreational use;</li></ol> <p>d) Any repair or maintenance to facilities or structures or work located in an environmentally sensitive area, any sand area, within 50' of the edge of a coastal bluff or environmentally sensitive area; or within 20' of any coastal waters or streams that include:</p> <ol style="list-style-type: none"><li>1. The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials,</li><li>2. The presence, whether temporary or permanent, of mechanized equipment (excluding small hand tools, such as power saws, hand drills, nail guns) or outdoor storage of construction materials within the areas identified above in this subsection;</li></ol>
<p><input type="checkbox"/> Utility Connections. The installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any development is approved pursuant to Laguna Beach Municipal Code Chapter 25.07.008.</p>
<p><input type="checkbox"/> Destroyed Structures. The replacement of any structure, other than a public works facility, destroyed by natural disaster is exempt, provided such replacement structure is designed and intended for the same use as the destroyed structure and further, such replacement structure does not exceed the floor area, height or bulk of the destroyed structure by more than 10% and is sited in the same location on the same building site as the destroyed structure.</p>
<p><input checked="" type="checkbox"/> Temporary Events on Beach Areas. Temporary events on beach areas that do not meet all of the following criteria:</p> <ol style="list-style-type: none"><li>1. Held between Memorial Day weekend and Labor Day;</li><li>2. Occupy all or a portion of a sandy beach area</li><li>3. Involve a charge for general public admission or seating where no fee is currently charged for use of the same area (not including booth or entry fees)</li></ol>

Please be advised that only the project described above is exempt from the permit requirements of the certified Local Coastal Program for Laguna Beach. Any change in the project may cause it to lose its exempt status. This certification is based on information provided by the project applicant. If any of the submitted information is found to be incorrect or incomplete, this exemption will become invalid, and any development occurring at that time must cease until a Coastal Development Permit is obtained.

Exemption determinations are appealable to the Coastal Commission by the applicant or any person who, in person or through a representative, informed the City of the nature of his or her concerns or who for good cause was unable to do either. The appeal shall be filed with the Coastal Commission within 10 working days from the date of the Coastal Commission receipt and filing of a complete record of exemption. The grounds for appeal to the Commission shall be limited to an allegation that the development is not exempt as set forth above.

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