



HUGH NGUYEN
CLERK-RECORDER

BIRTH AND DEATH RECORDS
FICTITIOUS BUSINESS NAMES
MARRIAGE LICENSES/RECORDS
NOTARY REGISTRATION
ORANGE COUNTY ARCHIVES
PASSPORTS
PROPERTY RECORDS

CITY OF LAGUNA BEACH
505 FOREST AVE
LAGUNA BEACH, CA 92651

Office of the Orange County Clerk-Recorder
Memorandum

SUBJECT: NOTICE OF EXEMPTION

The attached notice was received, filed and a copy was posted on 02/20/2024

It remained posted for 30 (thirty) days.

Hugh Nguyen
Clerk - Recorder
In and for the County of Orange

By: Carina Herrera Deputy

Public Resource Code 21092.3

The notice required pursuant to Sections 21080.4 and 21092 for an environmental impact report shall be posted in the office of the County Clerk of each county *** in which the project will be located and shall remain posted for a period of 30 days. The notice required pursuant to Section 21092 for a negative declaration shall be so posted for a period of 20 days, unless otherwise required by law to be posted for 30 days. The County Clerk shall post notices within 24 hours of receipt.

Public Resource Code 21152

All notices filed pursuant to this section shall be available for public inspection, and shall be posted *** **within 24 hours of receipt** in the office of the County Clerk. Each notice shall remain posted for a period of 30 days.

*** Thereafter, the clerk shall return the notice to the local **lead** agency *** within a notation of the period it was posted. The local **lead** agency shall retain the notice for not less than nine months.

Additions or changes by underline; deletions by ***



ORANGE COUNTY
CLERK-RECORDER
CEQA FILING COVER SHEET

30-02|20|2024-0109

Recorded in Official Records, Orange County
Hugh Nguyen, Clerk-Recorder



50.00

* \$ R 0 0 1 4 7 9 4 3 3 4 \$ *

202485000109 3:33 pm 02/20/24

477 Vitlndx Z01

0.00 50.00 0.00 0.00 0.00 0.00 0.00 0.00

Complete and attach this form to each CEQA Notice filed with the County Clerk-Recorder

TYPE OR PRINT CLEARLY

Project Title

TEMPORARY USE PERMIT 2023-2312 AND COASTAL DEVELOPMENT
PERMIT 2023-2313

Check Document being Filed:

- Environmental Impact Report (EIR)
- Mitigated Negative Declaration (MND) or Negative Declaration (ND)
- Notice of Exemption (NOE)
- Other (Please fill in type):

FILED

FEB 20 2024

ORANGE COUNTY CLERK-RECORDER DEPARTMENT

BY: C.H. DEPUTY

FILED IN THE OFFICE OF THE ORANGE

COUNTY CLERK-RECORDER ON February 20, 2024

Posted for 30 days

DEPUTY CARINA HERRERA

Filing fees are due at the time a Notice of Determination/Exemption is filed with our office. For more information on filing fees and No Effect Determinations, please refer to California Code of Regulations, Title 14, section 753.5.



NOTICE OF EXEMPTION

From: Community Development – Planning Division
505 Forest Avenue Laguna Beach, California 92651

FILED

FEB 20 2024

ORANGE COUNTY CLERK-RECORDER DEPARTMENT

BY: C.H DEPUTY

(above for use by County Clerk-Recorder's Office only)

1. **APPLICANT:** FM Restaurants Las Brisas OpCo, LLC, 361 Cliff Drive, Laguna Beach, CA, 92651 (562) 346-1264
2. **LEAD AGENCY:** City of Laguna Beach, 505 Forest Ave. Laguna Beach, CA, 92651
3. **PROJECT PLANNER:** Louie Lacasella, Senior Administrative Analyst, (949) 497-0736
4. **PROJECT TITLE:** Temporary Use Permit 2023-2312 and Coastal Development Permit 2023-2313
5. **PROJECT LOCATION:** 361 Cliff Drive, Laguna Beach, CA, 92651 (APN: 496-021-02)
6. **DESCRIPTION OF NATURE, PURPOSE AND BENEFICIARIES OF PROJECT:**

To continue the use of outdoor dining until January 1, 2026. No changes regarding the temporary use are proposed from the previously approved Temporary Use Permit.

ENVIRONMENTAL DETERMINATION:

In accordance with the California Environmental Quality Act (CEQA), the recommended action is exempt from further review per State CEQA Guidelines Section 15304 (Class 4 - Minor Alterations to Land). Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve the removal of mature, scenic trees, such as the minor temporary use of land having negligible or no permanent effects on the environment. Here, the approval of Temporary Use Permits to allow outdoor dining will not involve any construction or permanent installation of structures or facilities, and will consist of the placement of furniture, such as tables, chairs and signs required for outdoor dining. Thus, the outdoor dining will consist of minor alterations to land, water, and/or vegetation and fall within the Class 4 exemption. The proposed project is also exempt pursuant to State CEQA Guidelines, Section 15301(Class 1 - Existing Facilities). Class 1 consists of 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 existing or former use." The Outdoor Dining and Parklet Program has been in effect since 2020, and each applicant has already been providing outdoor dining under this program. The adoption of the resolutions today for each applicant merely allows each applicant to continue to provide outdoor dining until 2026. There will be negligible or no expansion of use or permanent effects on the environment.

None of the exceptions outlined in CEQA Guidelines section 15300.2 apply. The project area is developed and does not contain any environmentally sensitive areas. There will be no cumulative impact resulting from successive projects of the same type in the same place, over time, because there are no other historic resources in the project area that are identical or similar to the project and therefore the likelihood of successive projects of the same type in the same place is low. There are no unusual circumstances resulting in a significant impact on the environment, nor will there be damage to scenic resources, including trees, historic buildings, rock outcroppings or similar resources, within a highway officially designated as a state scenic highway because the proposed project area is already developed with a public street that provides parking within the rights-of-way. The project is not located on a hazardous waste site or any other site included on a list compiled pursuant to Government Code section 65962.5. Consequently, additional environmental analysis is not necessary to meet the requirements of the CEQA.

Therefore, the Planning Commission has determined that further environmental evaluation is not required because:

- The project is not subject to CEQA because it "does not involve the exercise of discretionary power," or "will not result in a direct or reasonably foreseeable indirect physical change in the environment," or, "is not a project as defined in Section 15378 of the CEQA guidelines." (Sections 15060(c)(1), (2) & (3)); or,
- "The activity is covered by the commonsense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA" (Section 15061(b)(3)); or,



State of California - Department of Fish and Wildlife
2024 ENVIRONMENTAL DOCUMENT FILING FEE
CASH RECEIPT
 DFW 753.5a (REV. 01/01/23) Previously DFG 753.5a

RECEIPT NUMBER:
 30 — 02/20/2024 — 0109
 STATE CLEARINGHOUSE NUMBER (If applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY CITY OF LAGUNA BEACH	LEAD AGENCY EMAIL	DATE 02/20/2024
COUNTY/STATE AGENCY OF FILING Orange	DOCUMENT NUMBER 202485000109	

PROJECT TITLE

TEMPORARY USE PERMIT 2023-2312 AND COASTAL DEVELOPMENT PERMIT 2023-2313

PROJECT APPLICANT NAME FM RESTAURANTS LAS BRISAS OPCO, LLC	PROJECT APPLICANT EMAIL	PHONE NUMBER (562) 346-1264
PROJECT APPLICANT ADDRESS 361 CLIFF DRIVE	CITY LAGUNA BEACH	STATE CA
		ZIP CODE 92651

PROJECT APPLICANT (Check appropriate box)

- Local Public Agency
 School District
 Other Special District
 State Agency
 Private Entity

CHECK APPLICABLE FEES:

- | | | | |
|---|------------|----|-------|
| <input type="checkbox"/> Environmental Impact Report (EIR) | \$4,051.25 | \$ | 0.00 |
| <input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND) | \$2,916.75 | \$ | 0.00 |
| <input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW | \$1,377.25 | \$ | 0.00 |
|
 | | | |
| <input checked="" type="checkbox"/> Exempt from fee | | | |
| <input checked="" type="checkbox"/> Notice of Exemption (attach) | | | |
| <input type="checkbox"/> CDFW No Effect Determination (attach) | | | |
| <input type="checkbox"/> Fee previously paid (attach previously issued cash receipt copy) | | | |
| <hr/> | | | |
| <input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only) | \$850.00 | \$ | 0.00 |
| <input checked="" type="checkbox"/> County documentary handling fee | | \$ | 50.00 |
| <input type="checkbox"/> Other | | \$ | |

PAYMENT METHOD:

- Cash
 Credit
 Check
 Other
 TOTAL RECEIVED \$ 50.00

SIGNATURE X	AGENCY OF FILING PRINTED NAME AND TITLE CARINA HERRERA, DEPUTY
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