EMERALD BAY LOCAL COASTAL PROGRAM

ORANGE COUNTY ENVIRONMENTAL MANAGEMENT AGENCY

SEPTEMBER 1989

EMERALD BAY LOCAL COASTAL PROGRAM

ORANGE COUNTY ENVIRONMENTAL MANAGEMENT AGENCY

EMERALD BAY

LOCAL COASTAL PROGRAM

Approved by:

The Orange County Planning Commission

On January 24, 1989

Approved by:

The Orange County Board of Supervisors

On February 22, 1989 and July 11, 1989

Certified by:

The California Coastal Commission

On September 13, 1989

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I. Introduction

EMERALD BAY
LOCAL COASTAL PROGRAM

I. INTRODUCTION

This Local Coastal Program (LCP) comprises the Land Use Plan (LUP) and Implementing Actions Program (IAP) for the Emerald Bay Community and adjacent land in southern Orange County (Figure 1).

The Coastal Act of 1976 sets forth state-wide goals concerning the environment within the coastal zone. To achieve these goals the Act mandates each local government to prepare a "local coastal program" for areas within the coastal zone under its jurisdiction. Accordingly, the underlying objectives of the County's Emerald Bay Local Coastal Program are to:

1. Protect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and man-made resources.

2. Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.

3. 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.

4. Assure priority for coastal-dependent and coastal related development over other development on the coast.

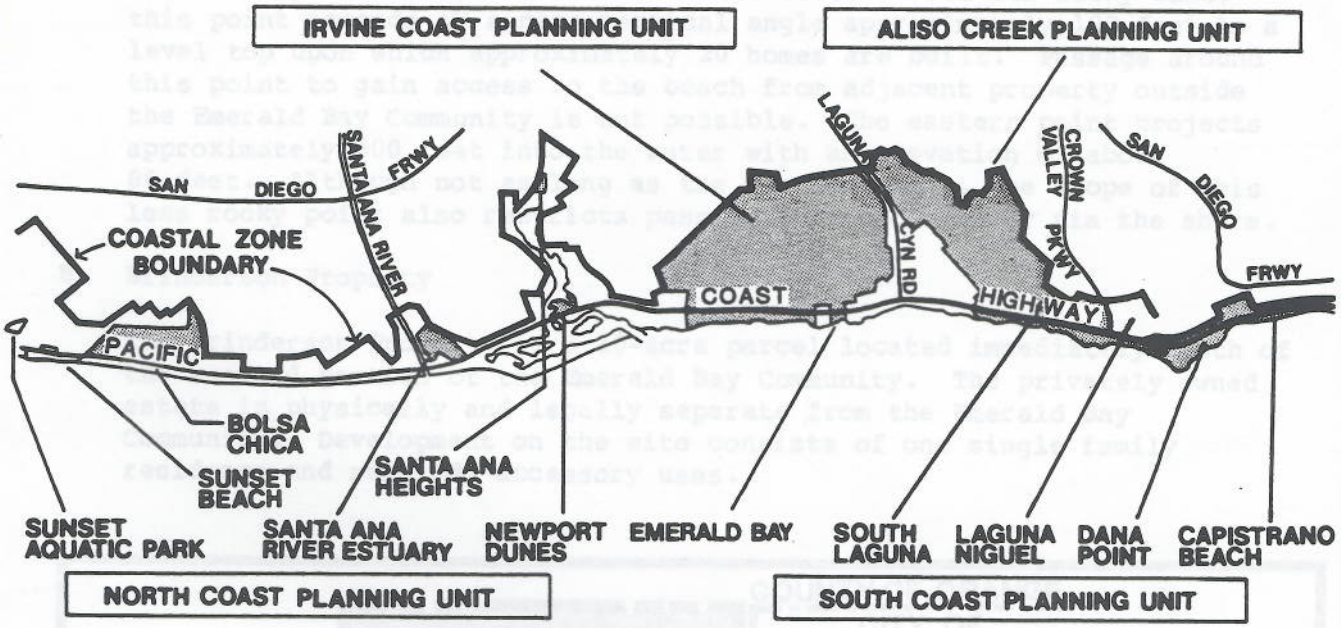
5. Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

Consistent with the policies of the Act, this LCP focuses on the protection of coastal resources through orderly, comprehensive planning, and the regulation of development in the coastal zone. The LCP consists of a Land Use Plan (LUP) and an Implementing Actions Program (IAP) comprising policy guidelines and regulatory requirements, respectively. The policies contained in Chapter 2 are the core of the Land Use Plan in that they establish parameters for evaluating future development projects within the LCP area. The LUP sets forth the measures that the County should take to achieve the degree of resource protection required by the Coastal Act and serves as the foundation for the IAP (ordinances) which will carry out the land use plan through zoning.

The Emerald Bay LCP area is composed of the Emerald Bay Community and the Brinderson Property (Figure 2). The LCP recognizes these properties as separate and provides specific land use policies accordingly.

A. Emerald Bay

Emerald Bay is a private, locked gate community of single family custom homes located on the coast at the northern boundary of the City of



Incorporated

Unincorporated

0 4000' 8000'

REGIONAL LOCATION MAP

Emerald Bay

LOCAL COASTAL PROGRAM

SOUTH COAST PLANNING UNIT

ENVIRONMENTAL MANAGEMENT AGENCY
COUNTY OF ORANGE

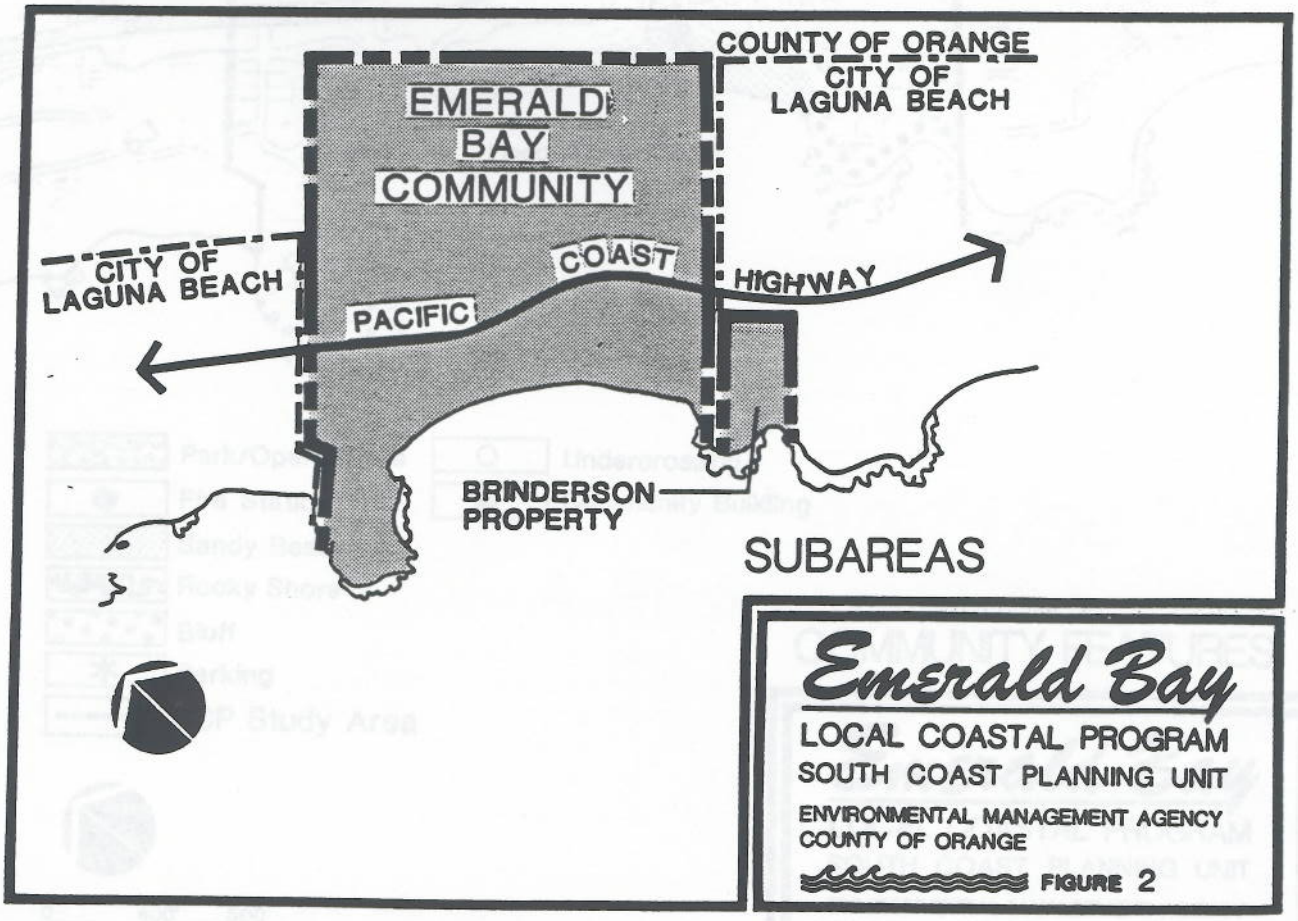
FIGURE 1

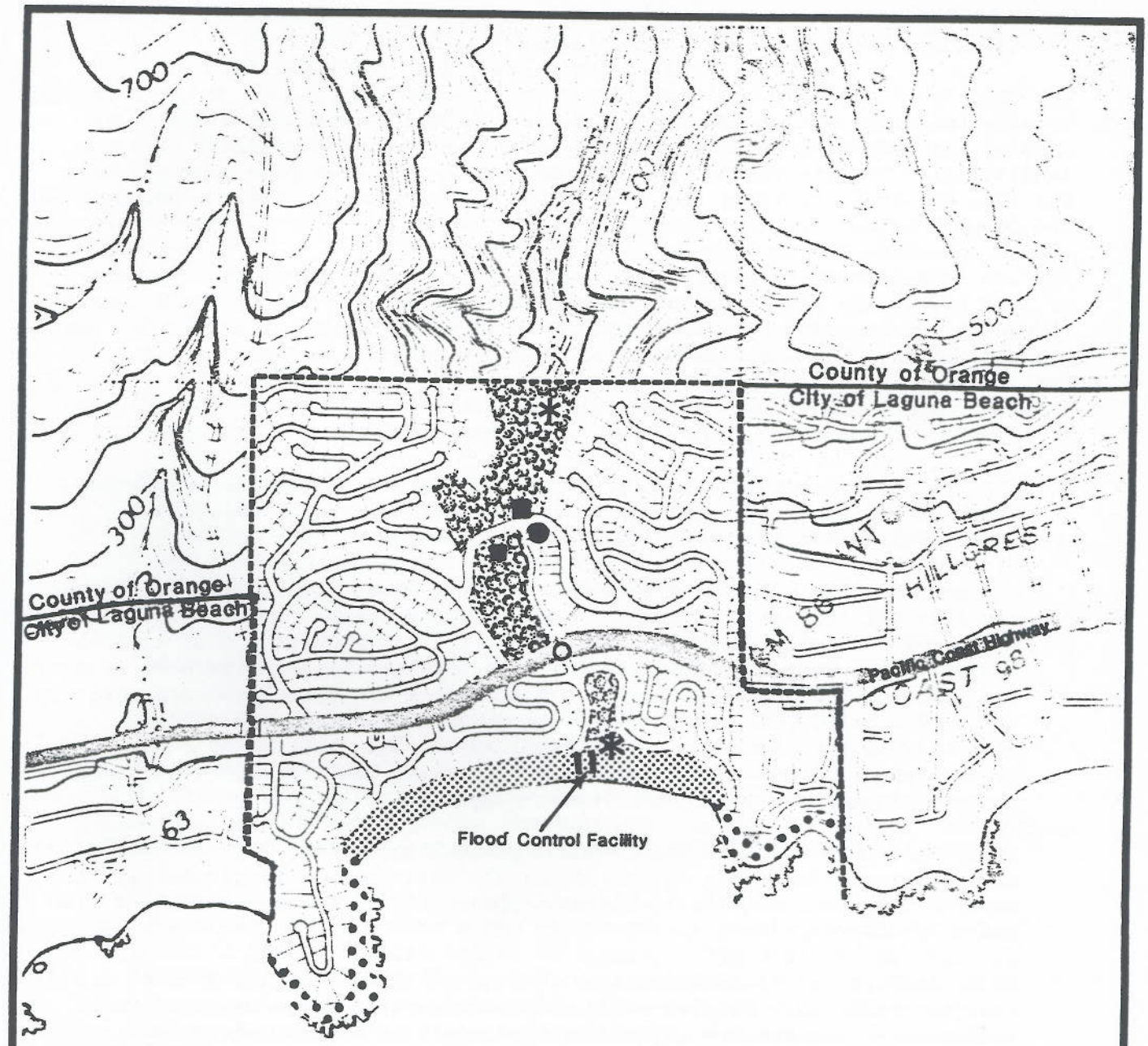
Laguna Beach. All roads within the community as well as the recreational amenities are owned and maintained by the Emerald Bay Community Association.

The dominant feature of the seaward portion of this community is a 2,000-foot long sandy beach which is isolated from adjacent beaches by two points projecting several hundred feet into the ocean (Figure 3). The largest of the two points, located at the west end of the beach, extends approximately 900 feet into the water. From its rocky base, this point ascends at a near vertical angle approximately 100 feet to a level top upon which approximately 20 homes are built. Passage around this point to gain access to the beach from adjacent property outside the Emerald Bay Community is not possible. The eastern point projects approximately 300 feet into the water with an elevation of about 80 feet. Although not as long as the western point, the slope of this less rocky point also restricts passage to the community via the shore.

B. Brinderson Property

The Brinderson Property is a 10-acre parcel located immediately south of the seaward portion of the Emerald Bay Community. The privately owned estate is physically and legally separate from the Emerald Bay Community. Development on the site consists of one single family residence and related, accessory uses.





Park/Open Space
Fire Station
Sandy Beach
Rocky Shore
Bluff
Parking
LCP Study Area
Undercrossing
Community Building

0 400' 800'

COMMUNITY FEATURES

Emerald Bay

LOCAL COASTAL PROGRAM
SOUTH COAST PLANNING UNIT

ENVIRONMENTAL MANAGEMENT AGENCY
COUNTY OF ORANGE

FIGURE 3

II. Land Use Plan

A. Resources Component

EMERALD BAY

LOCAL COASTAL PROGRAM

II. LAND USE PLAN

The Land Use Plan (LUP) 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. The last section, Land Use Plan Policies, provides new development guidelines to insure conformity with the Coastal Act.

The LUP is sufficiently detailed to indicate the kinds, locations and intensity of land uses. The plan incorporates relevant portions of the County's General Plan, sets forth appropriate resource protection and development policies and, where necessary, lists implementing actions consistent with Coastal Act Section 30108.5.

A. Resource Component

The Coastal Act provides policy guidelines for the protection of a broad range of environmental elements including marine, water, biological, cultural and historic, and scenic and visual resources.

Marine resources are protected under Sections 30230 and 30231. The former requires maintenance, enhancement and, where feasible, restoration of marine resources. It also calls for protection of areas and species of special biological or economic significance. Furthermore, it requires that uses of the marine environment be carried out such that the biological productivity of coastal waters is sustained. Section 30231 protects biological productivity and the quality of coastal waters and other water bodies through required control and management of waste water discharges, runoff, surface flows and use of ground water supplies.

Section 30236 promotes water resource protection by limiting substantial alterations of waterways to necessary: (1) water supply projects, (2) flood control projects, and (3) development projects for the improvement of fish and wildlife habitat.

Biological resources, particularly environmentally sensitive habitat areas, are protected under Section 30240. Only those uses dependent upon such biological resources are allowed within sensitive habitat areas. Development proposed adjacent to sensitive habitat areas must be compatible with and designed to prevent impacts to such biological resources.

Cultural and historic resources are addressed in Section 30244 which requires mitigation measures in conjunction with development that will have an adverse impact on archaeological and paleontological resources.

Scenic and visual qualities of the coastal zone are protected as a public resource under Section 30251. New development must be sited and designed such that views to and along the ocean and scenic coastal areas are preserved, visual compatibility with the character of surrounding areas is achieved, and the alteration of natural landforms is minimized. Related to these ends is the assurance sought by Section 30253 that new development will neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way

require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The foregoing Coastal Act policies influence resource management planning for the Emerald Bay LCP area. Five major topics are identified and discussed below.

- Permanent protection of environmentally sensitive habitat areas; opportunities for location of buffer zones adjacent to sensitive habitat areas and parks.

- Maintenance and enhancement of marine resources, and ocean and ground water quality.

- Mitigation measures required for development that may adversely affect archaeological and paleontological resources.

- Geologic, flood, erosion and fire hazard protection.

- Protection and enhancement of existing views to and along the ocean and other scenic vistas; measures to ensure that new development will be visually compatible with surrounding areas and will minimize the alteration of natural landforms.

1. Environmentally Sensitive Habitat Areas

Environmentally sensitive habitat areas are defined as "any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments (Coastal Act, Section 30107.5)." The intent of the Coastal Act is preservation of significant habitat resources.

A report by Donald Bright and Associates indicates that the rocky intertidal habitat areas along the north and south promontory points harbor a highly diverse number of species. The dominate species are California Mussel (Mytilus californianus), Ochre Seastar (Piaster ochraceaus), Barnacles (Balanus sp.), periwinkle (littorina sp.), limpets (Lottia sp.), chitons (Nuttalina sp., Mopalia), shore crabs (Pachygrapsus crassipes), turban snails (Tegula) and sea anemone (anthopeura spp.). A variety of subtidal habitats in the Emerald Bay waters have also been documented. Giant kelp (Macrocystis pyrifera) is the dominant organism.

The Bright report concludes that while the oceanographic characteristics of Emerald Bay are not unique, the marine resources, which provide habitat for various marine life, are worthy of protection from 1) overexposure to human activities, 2) air pollution, and 3) pollution from sewage outfalls and storm drainage systems. It should be noted that the quality and value of these habitats is generally less significant than that of the nearby state designated Marine Life Refuge areas of Irvine Coast and Laguna Beach.

No officially recognized rare, endangered, or threatened species are known or expected to exist within the Emerald Bay LCP area.

2. Watershed Management

The Emerald Bay area is approximately 95 percent developed and, thus, new development poses minimal threat of degradation to coastal water quality due to runoff. Notwithstanding, vacant infill parcels with development potential may contribute silt and toxic substances through runoff waters from construction, grading and vegetation removal which could cumulatively damage marine resources.

Available survey data indicate that the soil types (e.g., Capistrano, Myford and Cieneba sandy loam) in the LCP area have a moderate to high erosion hazard potential if exposed. Enforcement of the County's Grading and Excavation Code will serve to minimize development impacts on marine water quality through erosion control requirements and procedures.

3. Environmental Hazards

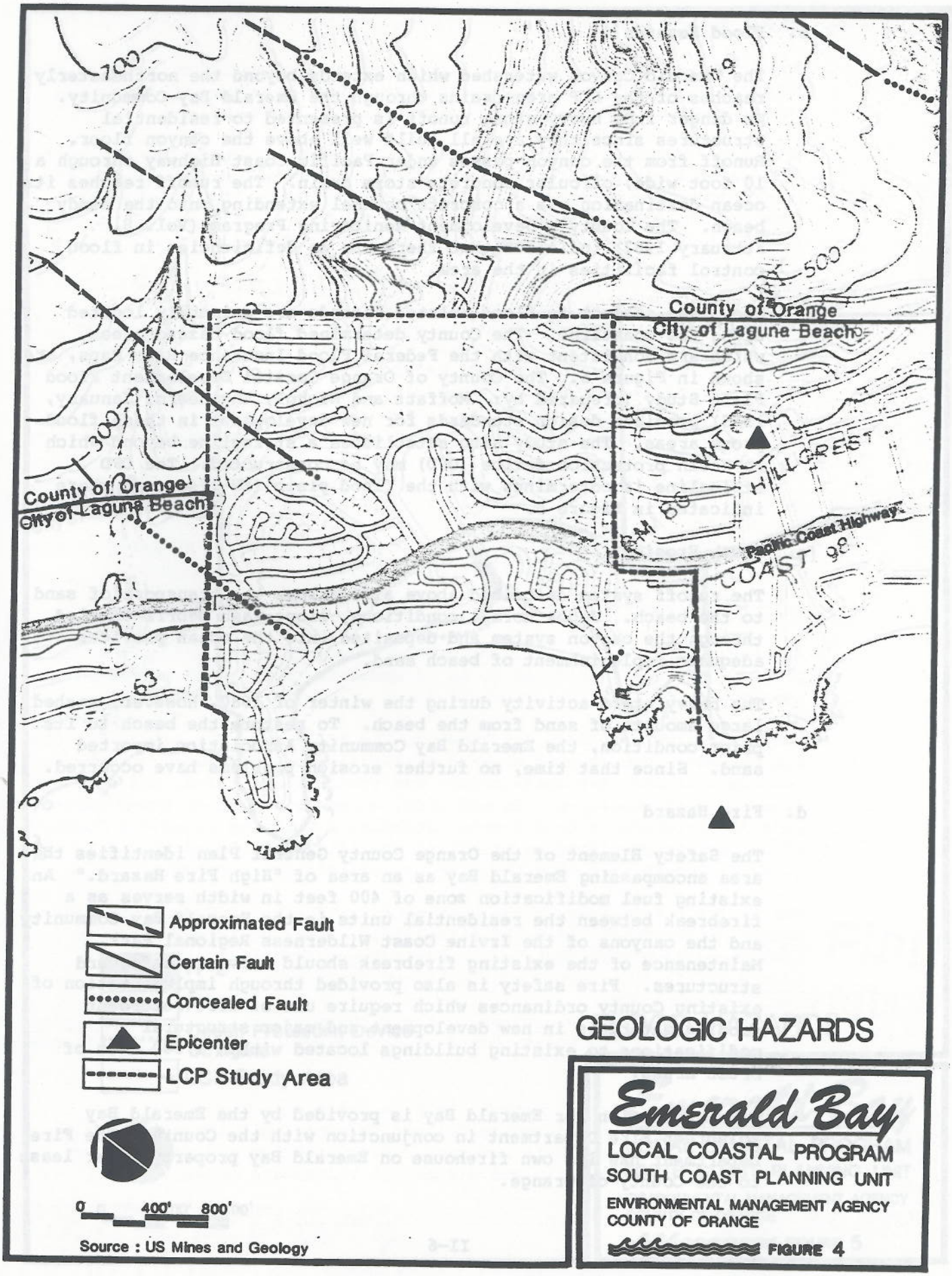
a. Geologic Hazards

Three geologic units are present in the LCP area: igneous bedrock, sedimentary bedrock, and unconsolidated deposits. There are two kinds of igneous rock. One, the Intrusive Volcanic material from the antesite classification, is found in the promontory points and three other pockets within the LCP area.

Three sedimentary bedrock units from the Miocene period exist in the area. The Monterey Formation is comprised of shale, siltstone and sandstone. This formation is generally stable and is found in the interior flanks of the points which form Emerald Bay. The San Onofre Breccia is composed of blue-grey and green schist-breccia, sandstone and conglomerates. Landslides have occurred in this formation which is found in the inland portion of the LCP area; however no landslides have been documented. The Bommer member of the Topanga Formation consists of massive sandstone with siltstone interbeds. When exposed, this porous and permeable bedrock will erode into caves. The Topanga-Bommer bedrock is found in the northeastern reaches of the LCP area.

The environmental hazards which may affect new and existing development are faults and earthquake activity (Figure 4). Several faults are thought to exist in this LCP area, none of which are apparent on the surface. Figure 4 indicates the approximate location of two earthquake epicenters. The first was the epicenter of six mild quakes (magnitude equal to 2.0) between 1934 and 1935. A second epicenter, located approximately 1,000 feet offshore, was the site of a moderate trembler (magnitude equal to 4.5) in 1969.

No landslide, soil creep, or mudflow areas have been identified within the LCP area.


County of Orange
City of Laguna Beach
County of Orange
City of Laguna Beach
Pacific Coast Highway
HILLCREST
COAST
700
500
300
63
Approximated Fault
Certain Fault
Concealed Fault
Epicenter
LCP Study Area
0 400' 800'
Source : US Mines and Geology
GEOLOGIC HAZARDS
Emerald Bay
LOCAL COASTAL PROGRAM
SOUTH COAST PLANNING UNIT
ENVIRONMENTAL MANAGEMENT AGENCY
COUNTY OF ORANGE
FIGURE 4

b. Flood Hazards

The Emerald Canyon watershed which extends beyond the northeasterly reaches of the LCP area drains through the Emerald Bay Community. No danger from heavy storm runoff is presented to residential structures since they are all built well above the canyon floor. Runoff from the canyon passes under Pacific Coast Highway through a 10 foot wide, circular concrete storm drain. The runoff reaches its ocean destination via a concrete channel extending onto the sandy beach. The County's Development Monitoring Program (Vol. 8, February 1987) indicates that there are no deficiencies in flood control facilities in the area.

The areas subject to flood related hazards are primarily located along the coastline. The County determined flood hazard areas, which are consistent with the Federal Flood Insurance Rate Maps, are shown in Figure 5. The County of Orange Coastal Development Flood Plain Study (prepared by: Moffatt and Nichol, Engineers; January, 1985) provides design standards for new development in these flood prone areas. The study also establishes a stringline beyond which no ocean protection device (OPD) may be constructed. The OPD stringline is coterminus with the flood plain (FP-3) except where indicated in Figure 5.

c. Beach Erosion

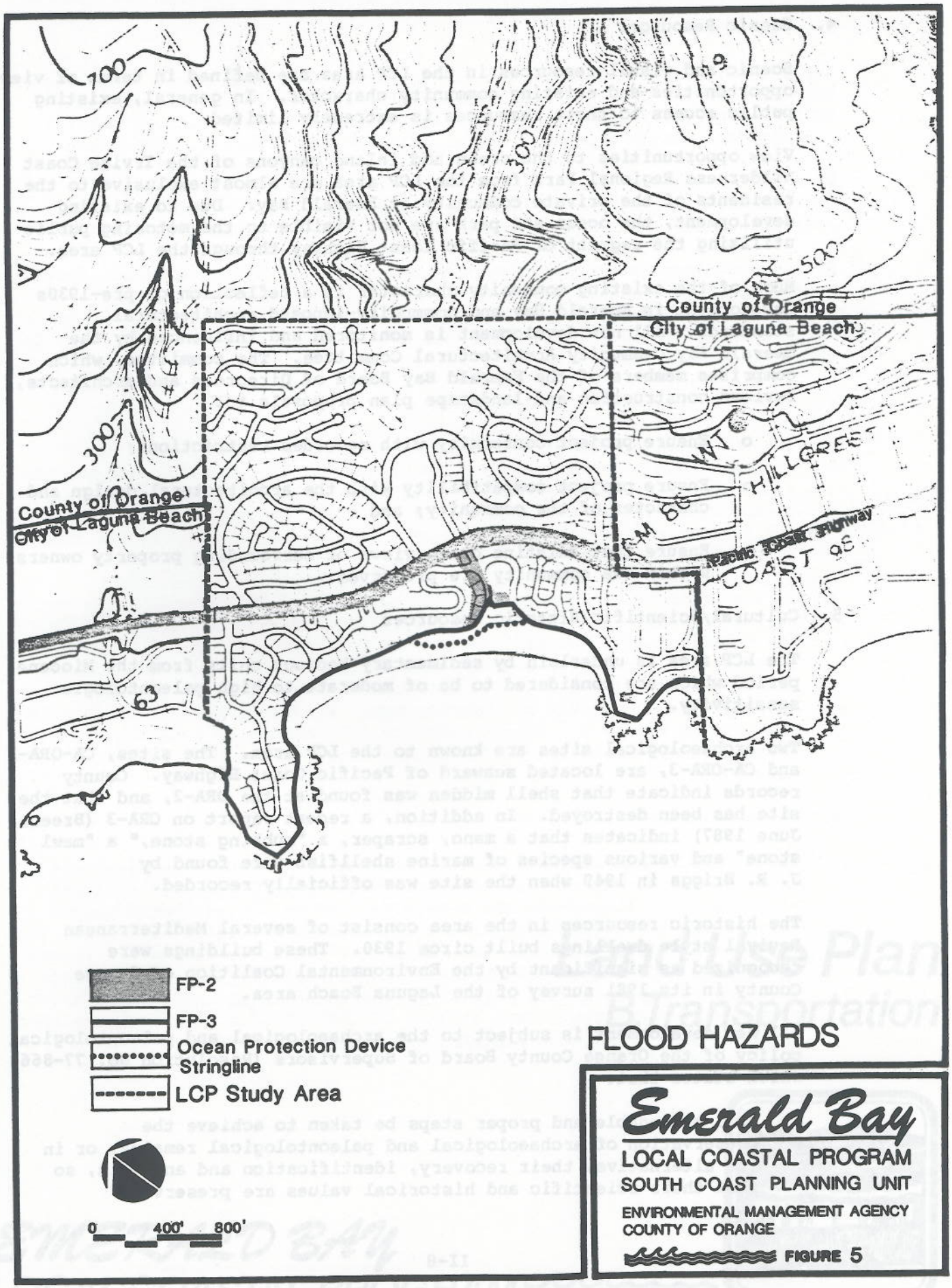
The runoff system described above also allows the transport of sand to the beach. Under normal conditions, slope-wash debris carried through the canyon system and deposited into the ocean provides adequate replenishment of beach sand.

The heavy storm activity during the winter of 1980, however, washed large amounts of sand from the beach. To restore the beach to its prior condition, the Emerald Bay Community Association imported sand. Since that time, no further erosion problems have occurred.

d. Fire Hazard

The Safety Element of the Orange County General Plan identifies the area encompassing Emerald Bay as an area of "High Fire Hazard." An existing fuel modification zone of 400 feet in width serves as a firebreak between the residential units in the Emerald Bay Community and the canyons of the Irvine Coast Wilderness Regional Park. Maintenance of the existing firebreak should serve to safeguard structures. Fire safety is also provided through implementation of existing County ordinances which require use of fire retardant roofing materials in new development and major structural modifications to existing buildings located within 1,000 feet of brush areas.

Fire protection for Emerald Bay is provided by the Emerald Bay Volunteer Fire Department in conjunction with the County. The Fire Department has its own firehouse on Emerald Bay property under lease to the County of Orange.



FLOOD HAZARDS

Emerald Bay

LOCAL COASTAL PROGRAM

SOUTH COAST PLANNING UNIT

ENVIRONMENTAL MANAGEMENT AGENCY
COUNTY OF ORANGE

FIGURE 5

4. Scenic Resources

Scenic and visual resources in the LCP area are defined in terms of view opportunities and existing community character. In general, existing public access to these resources is extremely limited.

View opportunities to the ocean and inland canyons of the Irvine Coast Wilderness Regional Park from the LCP area are almost exclusive to the residents of the private community at Emerald Bay. Due to existing development, the ocean and park are not visible to the motoring public utilizing the segment of Pacific Coast Highway through the LCP area.

Much of the existing community character is a reflection of pre-1930s development in Emerald Bay and community-imposed architectural standards. All new development is monitored and influenced by the Emerald Bay Community Architectural Committee. The committee, which comprises members of the Emerald Bay Board of Directors and architects, reviews construction and landscape plan proposals to:

- Ensure project conformity with recorded restrictions;
- Ensure project compatibility with the architectural design and character of the community; and
- Ensure that existing ocean views of surrounding property owners within the community are preserved.

5. Cultural/Scientific/Historic Resources

The LCP area is underlain by sedimentary bedrock units from the Miocene period which are considered to be of moderate to high paleontologic sensitivity.

Two archaeological sites are known to the LCP area. The sites, CA-ORA-2 and CA-ORA-3, are located seaward of Pacific Coast Highway. County records indicate that shell midden was found at the ORA-2, and that the site has been destroyed. In addition, a recent report on ORA-3 (Breece, June 1987) indicates that a mano, scraper, a "rubbing stone," a "mawl stone" and various species of marine shellfish were found by J. R. Briggs in 1949 when the site was officially recorded.

The historic resources in the area consist of several Mediterranean Revival style dwellings built circa 1930. These buildings were recognized as significant by the Environmental Coalition of Orange County in its 1981 survey of the Laguna Beach area.

All new development is subject to the archaeological and paleontological policy of the Orange County Board of Supervisors (Resolution No. 77-866) which states that:

> "all reasonable and proper steps be taken to achieve the preservation of archaeological and paleontological remains, or in the alternative, their recovery, identification and analysis, so that their scientific and historical values are preserved."

Land Use Plan
B. Transportation

EMERALD BAY
LOCAL COASTAL PROGRAM

B. Transportation Component

The Coastal Act requires maintenance and enhancement of public access to the coast in conjunction with new development (Sections 30212.5, 30252 and 30253). Section 30212.5 encourages the balanced distribution of public facilities, including parking areas. Section 30252 further encourages alternative modes of transportation, provision of adequate parking and balanced land use planning (i.e., residential, service commercial, employment and recreation). Under Section 30253, new development must be designed to minimize energy consumption and vehicle miles traveled.

Because new development opportunities are curtailed by the near build-out condition of the existing community, maintenance and enhancement of circulation, parking and land uses will be limited to that necessary to support the existing pattern of development. Transportation facilities and services are described below.

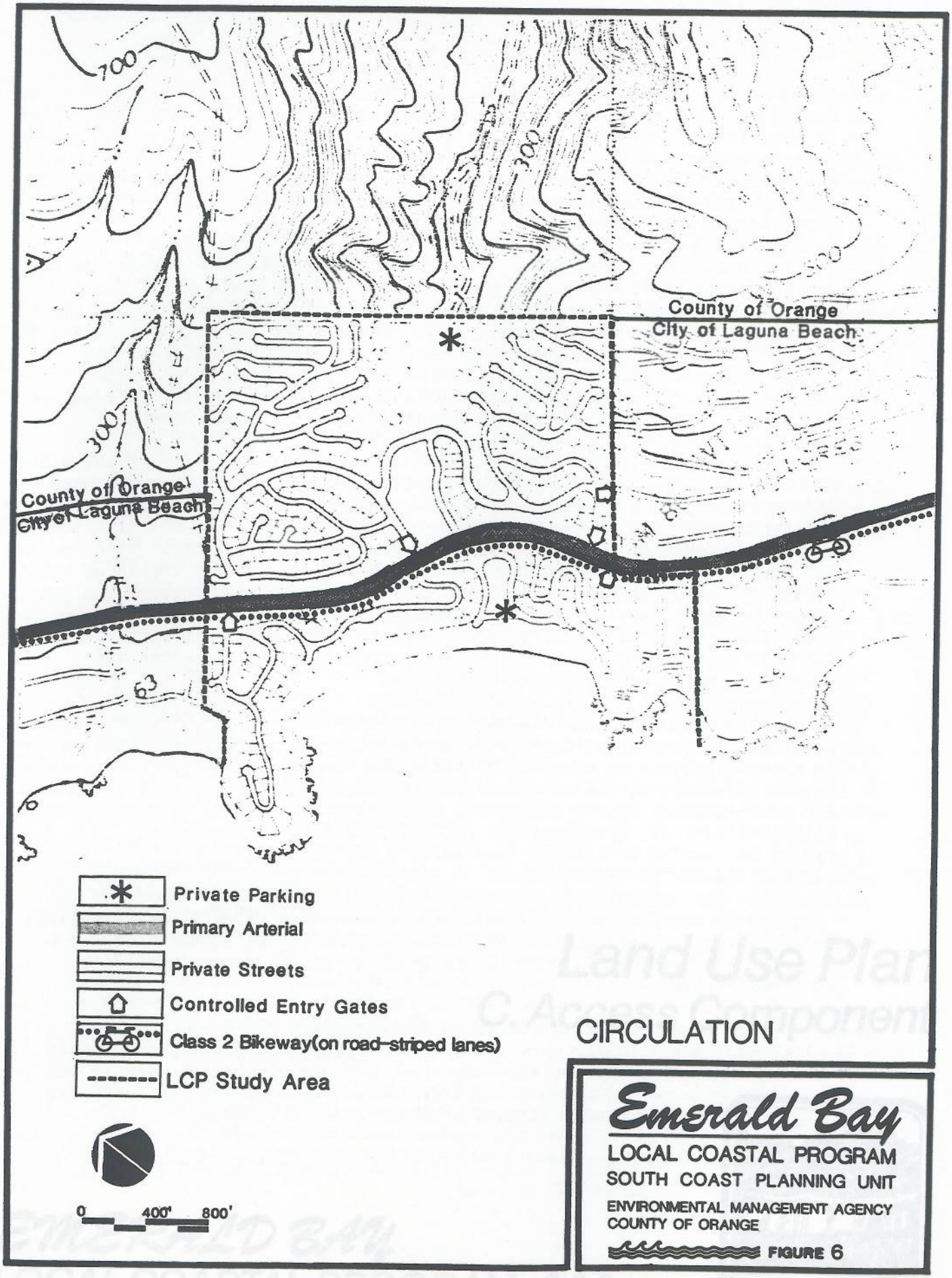
1. Regional and Local Circulation

The LCP area is divided by Pacific Coast Highway (PCH), an arterial highway which parallels the entire Orange County coastline and provides regional access to the LCP area (Figure 6). Direct access to the community is via several controlled gates off of Pacific Coast Highway. The streets within the community are owned and maintained by the Emerald Bay Community Association.

In the vicinity of Emerald Bay, PCH consists of four travel lanes and a painted median. The roadway shoulder accommodates bicyclists traveling the Pacific Coast. By definition, the bikeways are Class 2 on-road facilities. Along this segment of PCH, the Master Plan of Countywide Bikeways identifies a Class 1, off-road bikeway. Public parking opportunities along PCH are nonexistent. Private parking facilities are depicted in Figure 6. Transit service is provided by both the Orange County Transit District (OCTD) and the Laguna Beach Municipal Transit Lines.

2. Scenic Highway

The entire length of Pacific Coast Highway is designated a Viewscape Corridor on the Master Plan of Scenic Highways. The County's visual resources vary throughout the coastline. Traveling southeast on PCH through the LCP area and adjoining development in Laguna Beach, the view corridor narrows, providing intermittent views to the ocean and inland hillsides. Traveling in a northwesterly direction, the view corridor broadens as it approaches Crystal Cove State Park and the Irvine Coast. Scenic vistas and the visual quality of the Corridor will be maintained and enhanced, consistent with the objectives of the Master Plan of Scenic Highways.



CIRCULATION

Emerald Bay

LOCAL COASTAL PROGRAM
SOUTH COAST PLANNING UNIT

ENVIRONMENTAL MANAGEMENT AGENCY
COUNTY OF ORANGE

FIGURE 6

Land Use Plan
C. Access Component

EMERALD BAY
LOCAL COASTAL PROGRAM

C. Access Component

Historically the shoreline has been recognized as a valuable resource to be shared by all people. The doctrine that tidelands are held in public trust is embodied in the Commerce Clause of the United States Constitution and has been interpreted by the Courts as giving the public the right to use the Nation's navigable waters. In California, the Constitution guarantees the public right to coastal access. Article 10, Section 4 of the California Constitution states that:

> No individual, partnership, or corporation, claiming or possessing the frontage or tidal lands of a harbor, bay, inlet, estuary, or other navigable water in this State, shall be permitted to exclude the right-of-way to such water whenever it is required for any public purpose, nor to destroy or obstruct the free navigation of such water; and the Legislature shall enact such laws as will give the most liberal construction to this provision, so that access to the navigable waters of this State shall be always attainable for the people thereof.

The Coastal Act of 1976 declares that one of the primary goals of the State for the coastal zone is to "maximize public access to and 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 (Section 30001.5)." The Coastal Act contains policies which require that the existing legal rights of public access to the coast be enforced, and that reasonable requirements for public access be established in new developments along the coast. Furthermore, the Coastal Act requires that recreational use of the oceanfront be protected and that support services for recreational visitors be protected and provided, including lower cost services.

This component identifies Coastal Act policies related to shoreline access and visitor-serving and commercial-recreational facilities[1],and applies them to the particular characteristics and needs of Orange County. The existing developed nature of the LCP area, its long standing as a private community, and the lack of existing visual and physical public access to the ocean, will limit any new opportunities for public access to the coast.

1. Emerald Bay

Emerald Bay is a private, locked-gate community which is characterized by hillside areas and a steep walled canyon on the inland side and a cove beach and bluff/rocky shore areas on the oceanward side of the community.

Access to the community is gained by residents through the use of several electrically controlled, card keyed gates and a guarded main entrance. Once inside the community, residents obtain access to the cove beach by utilizing the private street system, the Pacific Coast Highway undercrossing (from the inland side of Pacific Coast

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[1]Refers to Coastal Act Sections 30210, 30211, 30212, 30212.5, 30213, 30214, 30220, 30221, 30222, 30223 and 20250(c).

Highway), and a small parking facility adjacent to the beach. As mentioned earlier, the private street system and all recreation facilities within the community are owned by the Emerald Bay Community Association.

Section 30212(a) of the Coastal Act requires that public access from the nearest public roadway to the shoreline be provided in new development projects except where adequate access exists nearby. Furthermore, Section 30214(a) provides that public access policies shall be implemented in a manner to take into account certain circumstances such as the "need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter."

Coastal development permits are required by this LCP for projects defined by the Coastal Act as new development projects that may not have direct adverse impacts upon existing public access to or along the beach. Examples of such projects which the Emerald Bay Community Association may undertake include, but are not limited to, utilizing different materials in, or changing the size of, existing structures or facilities maintained by the Association, constructing new recreational, administrative or security facilities, planting major new landscaping, internal street improvements, etc. Requiring public access to or along the beach at Emerald Bay as a condition of a permit for such a new development project would violate the Constitutional rights of the Association not to have its property taken without paying just compensation, see Nollan v California Coastal Commission, 87 Daily Journal D.A.R. 3834, decided June 26, 1987.

On the other hand, it is possible that the Association may request development permits for projects between Pacific Coast Highway and the sea that directly adversely impact the existing public access to or along the beach at Emerald Bay. Examples of such projects include, but are not limited to, the construction of ocean protective devices at sea or construction on the beach that adversely affects the public right to approach the beach from the sea or utilize the beach seaward of the high tide line. Also, the construction of major projects that eliminate or limit the use of existing recreational facilities within the Emerald Bay Community could cause residents of the Community to utilize overcrowded nearby public recreational facilities, thus adversely impacting public use of such facilities. The construction of major new residential facilities within the Emerald Bay Community which significantly increase the density or intensity of use could be of such magnitude that they result in substantial overcrowding of the beach at Emerald Bay, thus causing Emerald Bay residents to utilize nearby public beaches, thus adversely impacting public use of these facilities if they are presently overcrowded.

In these cases, approval of the development could have substantial direct adverse impact upon the existing public access to or along the beach. In these situations, access conditions that directly mitigate these adverse impacts would not violate the Association's rights not to

have its property taken without paying just compensation. See Nollan v California Coastal Commission, supra. The access policies contained in Section E reflect this understanding of the Nollan case findings.

2. Brinderson Property

Since the Brinderson Property is not within the Emerald Bay Community proper, public access opportunities for this parcel must be considered independently. The property owner has obtained a coastal development permit (CDP No. 5-86-380, July 10, 1986) for the demolition and reconstruction of a single family residence. The Coastal Commission's findings for approval did not require public access on the basis that the project was not considered a "new development" pursuant to Coastal Act Section 30212.

For more information regarding Brinderson Property access requirements see P.II.24, paragraph 7.a.

Land Use Plan

D. New Development Component

EMERALD BAY

LOCAL COASTAL PROGRAM

D. New Development Component

Coastal Act policy 30205 provides guidance for the location of new development in the Coastal Zone. These guidelines, in concert with the Act's provisions for the protection of scenic and visual qualities (Section 30251), accommodation of alternative modes of transportation (Section 30252), protection against environmental hazards (Section 30253), and provision of adequate public works facilities (Section 30540) serve as the framework for design of the Land Use Plan.

The LCP area is an established residential community with support recreational facilities. The new development opportunities which exist consist of infill parcels comprising approximately five (5) percent of the Emerald Bay Community. The Brinderson Property is an existing single family estate with redevelopment in kind within the foreseeable future. Existing public works facilities will accommodate build-out of the present pattern of development.

1. Development Intensity

The Land Use Element of the County's General Plan designates the Emerald Bay LCP area, 1B Suburban Residential. Accordingly, this Land Use Plan assigns the following residential and open space designations to specific areas as shown in Figure 7.

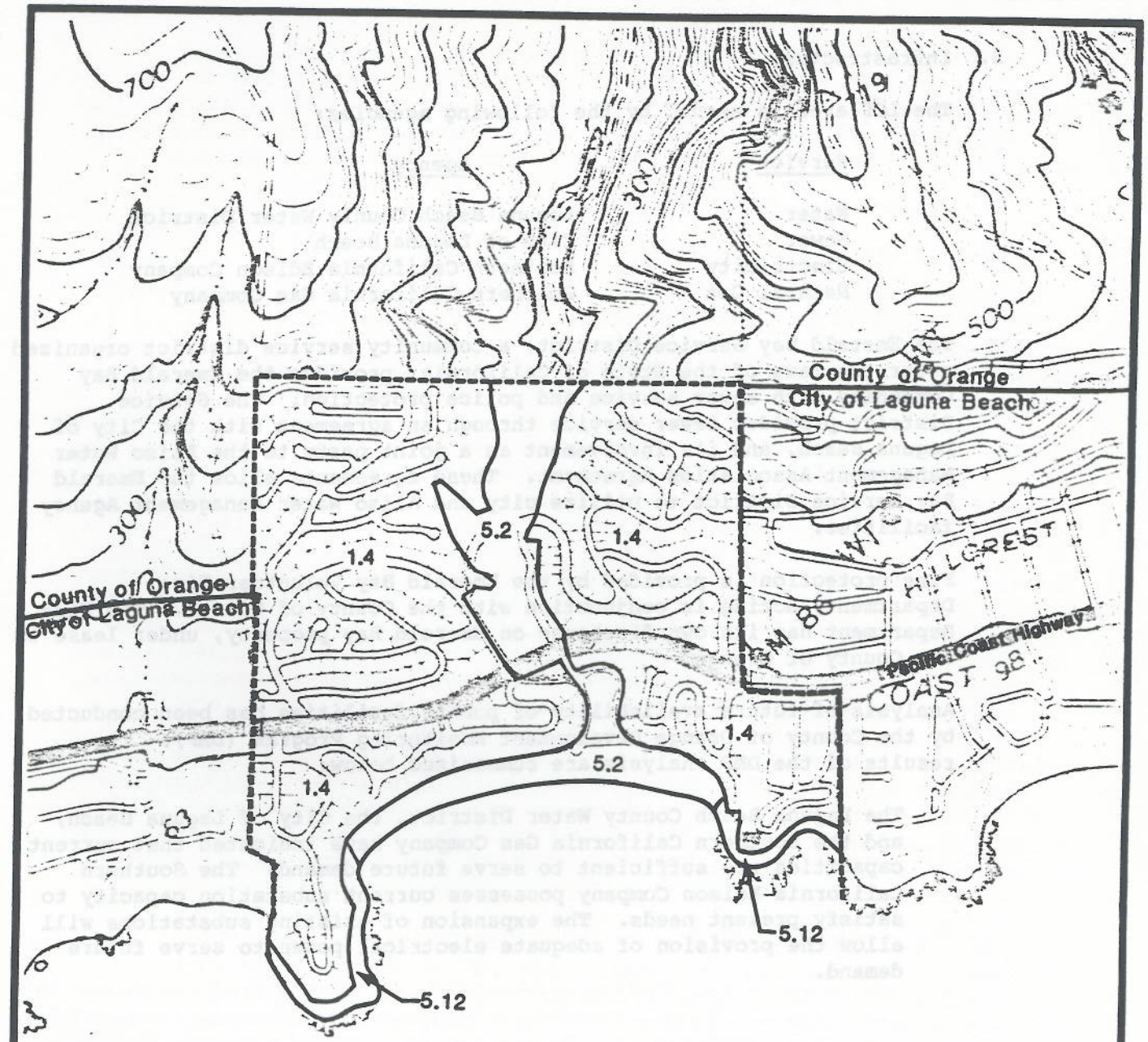
- Medium Density Residential (1.4) which provides for a density range of 3.5 to 6.5 dwelling units per acre and is intended to allow single family detached units on standard size lots with some townhouses or cluster arrangements.

- Recreation (5.2) which refers to lands primarily suitable to serve the outdoor recreational needs of the residents of an area or region.

- Conservation (5.12) lands which require preservation in a natural state on behalf of the public interest. It is the intent of this subcategory that only those uses which are of a passive recreational nature (such as viewpoints); of limited active recreational nature (such as hiking and equestrian trails); required for scientific study and interpretation; or those public service, facility and utility uses absolutely required for public safety, health and welfare are to be considered compatible.

2. Housing

Development within the Emerald Bay LCP area will be consistent with the County's Housing Element. The applicable housing policy requires new residential development proposals involving thirty or more dwelling units to be twenty-five percent affordable as defined in the Housing Element. The Element's Voluntary Component policies apply to all other residential projects.



1.4	Medium Density Residential (3.5-6.5 du/ac)
5.12	Conservation
5.2	Recreation
-------	LCP Study Area

0 400' 800'

LAND USE

Emerald Bay

LOCAL COASTAL PROGRAM
SOUTH COAST PLANNING UNIT

ENVIRONMENTAL MANAGEMENT AGENCY
COUNTY OF ORANGE

FIGURE 7

3. Infrastructure

The LCP area is served by the following agencies:

Service	Agency
Water	Laguna Beach County Water District
Sewer	City of Laguna Beach
Electricity	Southern California Edison Company
Natural Gas	Southern California Gas Company

The Emerald Bay Service District, a community service district organized under the laws of the State of California, provides the Emerald Bay Community with sewer service and police protection. The Service District provides sewer service through an agreement with the City of Laguna Beach, and its involvement as a joint party to the Aliso Water Management Association Agreement. These agreements allow the Emerald Bay Service District to utilize city and Aliso Water Management Agency facilities.

Fire protection is provided by the Emerald Bay Volunteer Fire Department, acting in conjunction with the County of Orange. The Fire Department has its own firehouse on Emerald Bay property, under lease to the County of Orange.

Analysis of future availability of public facilities has been conducted by the County of Orange Development Monitoring Program (DMP). The results of the DMP analysis are summarized below:

The Laguna Beach County Water District, the City of Laguna Beach, and the Southern California Gas Company have indicated that current capacities are sufficient to serve future demand. The Southern California Edison Company possesses current substation capacity to satisfy present needs. The expansion of existing substations will allow the provision of adequate electrical power to serve future demand.

Land Use Plan

E. Land Use Plan Policies

EMERALD BAY

LOCAL COASTAL PROGRAM

E. Lane Use Plan Policies

The Policies listed below address the issues identified in the previous components of this Land Use Plan and provide the guidance necessary to fulfill the intent of the Coastal Act within the Emerald Bay LCP.

1. Resource Management - Watershed

   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.

2. Environmental Hazards - Geologic Hazards

   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.

3. Environmental Hazards - Fire Hazards

   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.

4. Cultural/Scientific/Historic Resources

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 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. In 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.

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 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.

1) 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.

6. Park Maintenance Access - Emerald Bay

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.

7. Pubic 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.

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.

III. Implementing Actions Program

EMERALD BAY
LOCAL COASTAL PROGRAM

III. IMPLEMENTING ACTIONS PROGRAM

The Coastal Act mandates inclusion of implementation measures in all local coastal program submittals. The land use plan portion of the Emerald Bay LCP contains a number of policies and land use designations to guide development in the coastal area. These policies, along with the adopted land use designations, require effective regulatory implementing actions in order to provide assurances of future development consistency with Coastal Act policies.

A. Zoning

Certain provisions of the Orange County Zoning Code will ensure that new development conforms with the policies of the Land Use Plan. The zoning districts and areas of applicability are depicted in Figure 8. The pertinent Orange County Zone Code (Appendix) districts and permit procedures in effect on the date this LCP is certified shall apply.

The R1, Single-Family Residence district regulations are applicable to new development projects within the Emerald Bay Community and The Brinderson Property. Open space areas including private park, beach and bluff areas are governed by the OS, Open Space district. Three overlay districts, Coastal Development, Flood Plain and Sign Restrictions, and their respective Zoning Code regulations will provide further guidance for new development with designated areas (Figure 8).

Zoning Code Sections 7-9-118 and 7-9-150 set forth the permit procedures. Zoning Code Section 7-9-118.5 lists development projects which are exempt from the coastal development permit requirement. That list is hereby expanded to include the construction of a single-family residence on a vacant lot which meets all of the following:

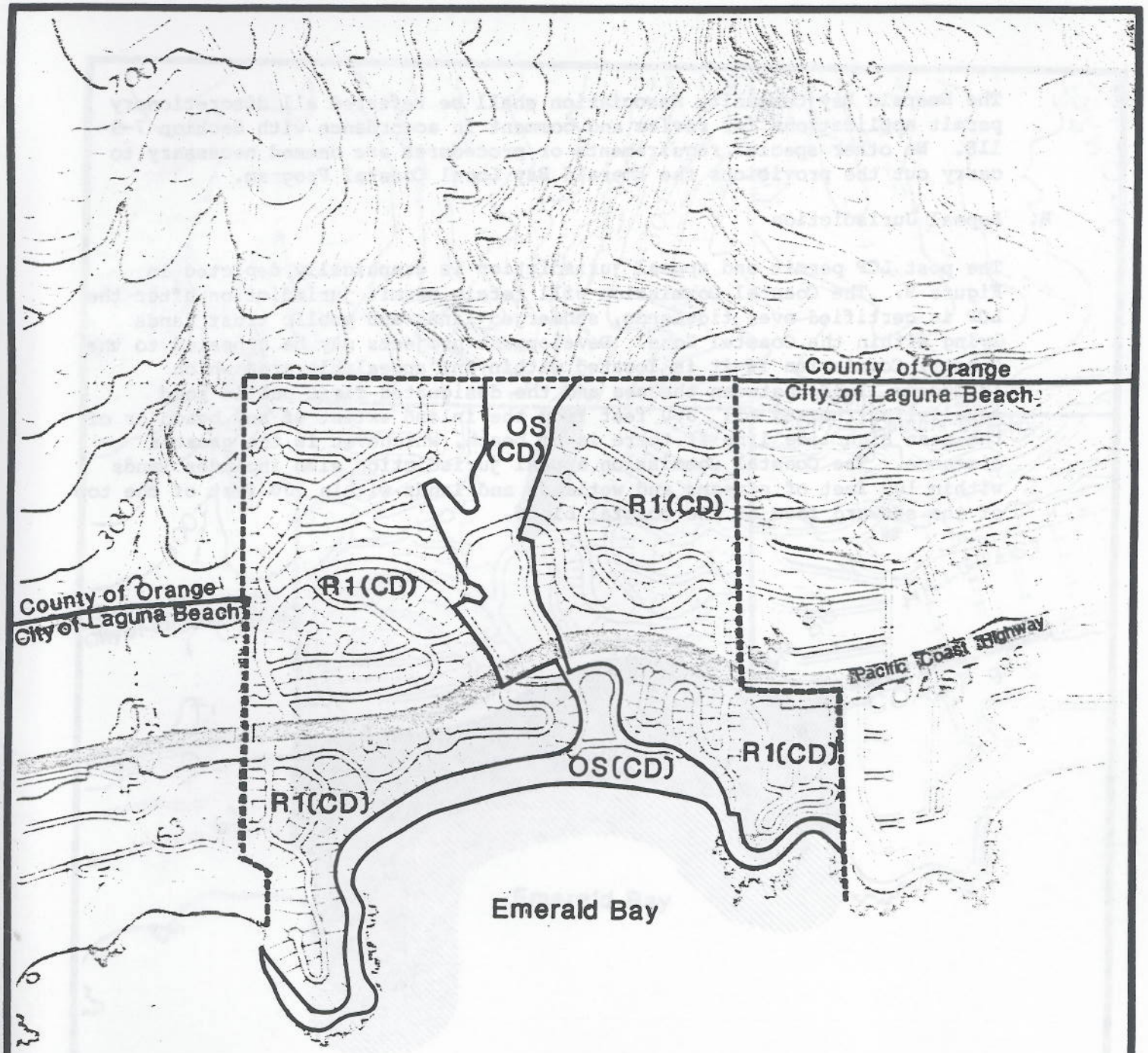
1. It is not located between the first public road and the sea or immediately adjacent to the inland extent of any beach or of the mean high tide line where there is no beach.

2. Is a legal lot as of the effective date of LCP certification and conforms with the minimum lot size and lot use designations of the applicable general plan and zoning ordinances.

3. Is not located within an area known to the affected local government, or designated by any other public agency, as a geologic hazard area or a flood hazard area, or, if located within such an area, it has been determined by the affected local government to be a safe site for the construction of a single-family residence.

4. Is no more than 250 feet from an existing improved road adequate for use throughout the year.

5. Can be served by an adequate water supply that is legally available for use either by means of a well or by means of a connection to a water system with sufficient capacity to serve such lot or lots; provided, that no such connection shall require the extension of an existing water main which would have the capacity of serving four or more additional single-family residential structures.



R1	Single-Family Residence
OS	Open Space
(CD)	Coastal Development Overlay
--------	LCP Study Area

0 400' 800'

Note 1: Scenic Highway Overlay(SH) applicable to within 25' of the ultimate ROW for PCH

Note 2: Floodplain Overlay (FP) applicable as indicated on Flood Insurance Rate Map Community-Panel number 060212 0074A and County SR and FP-2 and FP-3 areas established by Ordinance number 3223

ZONING

Emerald Bay

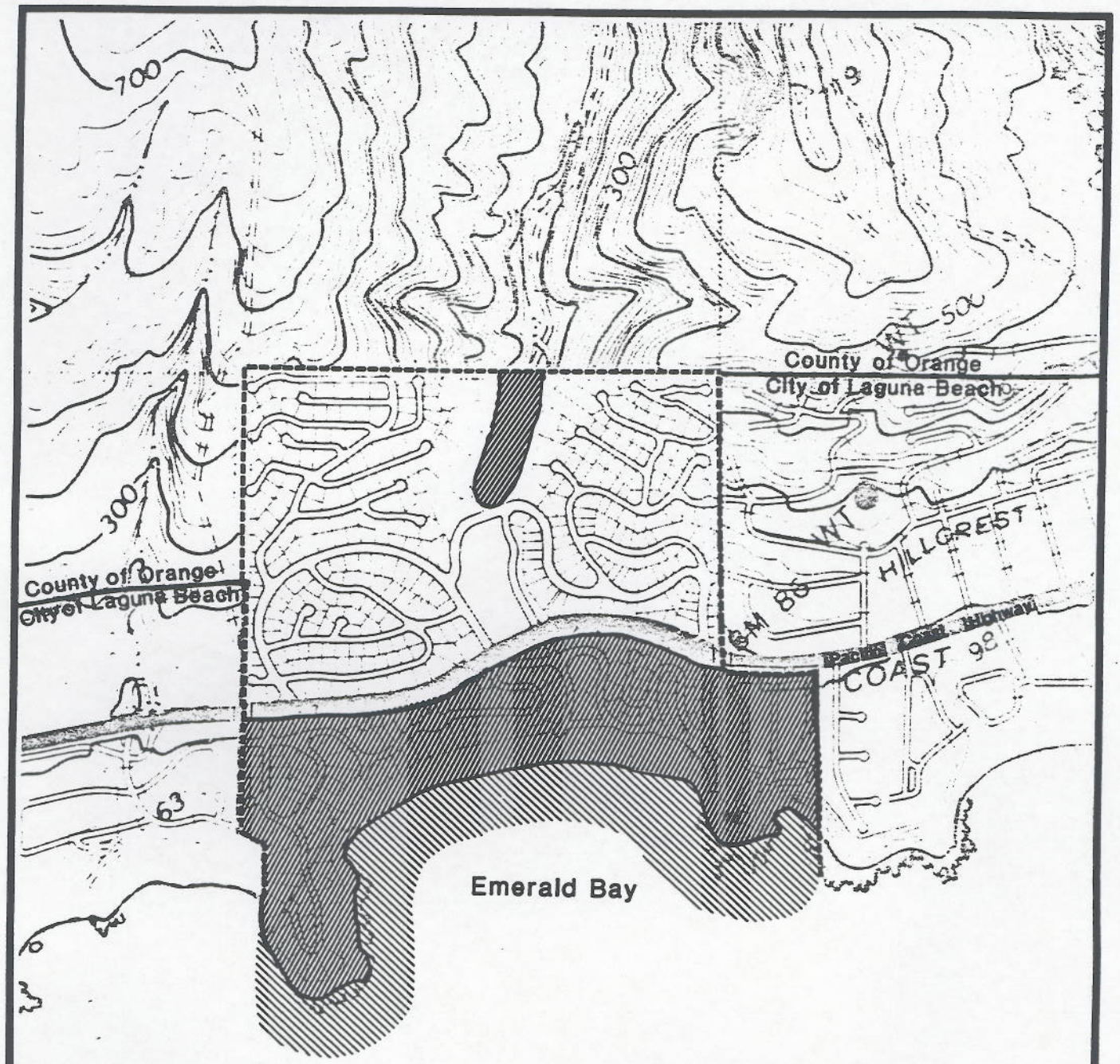
LOCAL COASTAL PROGRAM
SOUTH COAST PLANNING UNIT
ENVIRONMENTAL MANAGEMENT AGENCY
COUNTY OF ORANGE

FIGURE 8

The Emerald Bay Community Association shall be referred all discretionary permit applications for review and comment in accordance with Section 7-9-118. No other special requirements or procedures are deemed necessary to carry out the provisions the Emerald Bay Local Coastal Program.

B. Appeal Jurisdiction

The post LCP permit and appeal jurisdiction is graphically depicted in Figure 9. The Coastal Commission will retain permit jurisdiction after the LCP is certified over tidelands, submerged lands and public trust lands lying within the Coastal Zone. Development projects may be appealed to the Coastal Commission if it is located within any appealable area which includes: lands between the sea and the designated first public road paralleling the sea or: 300 feet from the inland extent of any beach or of the mean high tide line if there is no beach, whichever is the greater distance. The Coastal Commission appeal jurisdiction also includes lands within 100 feet of streams and wetlands and lands within 300 feet of the top of the seaward face of the coastal bluff.



POST LCP CERTIFICATION PERMIT AND APPEAL JURISDICTION

Coastal Commission Permit Jurisdiction

Coastal Commission Appeal Jurisdiction

LCP Study Area

0 400' 800'

Emerald Bay

LOCAL COASTAL PROGRAM

SOUTH COAST PLANNING UNIT

ENVIRONMENTAL MANAGEMENT AGENCY
COUNTY OF ORANGE

FIGURE 9