



# 2354 SAN CLEMENTE STREET PROJECT

## RECIRCULATED FINAL INITIAL STUDY/MITIGATED NEGATIVE DECLARATION JUNE 2025

*Prepared for:*

City of Laguna Beach  
505 Forest Avenue  
Laguna Beach, CA 92651

*Prepared by:*

De Novo Planning Group  
180 E. Main Street, Suite 108  
Tustin, CA 92780

D e N o v o P l a n n i n g G r o u p

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A Land Use Planning, Design, and Environmental Firm





## **2354 SAN CLEMENTE STREET PROJECT**

Recirculated

Final Initial Study/Mitigated Negative Declaration

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**LEAD AGENCY: CITY OF LAGUNA BEACH**

505 Forest Avenue  
Laguna Beach, California, 92651  
Contact: Shaveta Sharma, Senior Planner  
ssharma@lagunabeachcity.net

**PREPARED BY: DE NOVO PLANNING GROUP**

180 E. Main Street, Suite 108  
Tustin, California 92780  
Contact: Starla Barker, AICP  
sbarker@denovoplanning.com

June 2025

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## 1.0 INTRODUCTION

The 2354 San Clemente Street (DR-2021-8817/CDP-2021-8819/VAR-2021-8820) Project (referenced herein as “Project” or “2354 San Clemente Street Project”) site is located in the City of Laguna Beach, within the County of Orange. The Project consists of two parcels (APNs 656-122-04 and 656-122-05) totaling approximately 0.4 acre, directly adjacent to the terminus of San Clemente Street. The Project proposes to remove the existing single-family residence, detached guest house, and associated site improvements, and construct a new two-story, 3,583 square-foot single-family residence with attached 528 square-foot two-car garage, elevated deck, pool and spa, hardscaping, and landscaping. Development of the residential structure would be limited to the previously-developed southeastern parcel; the northwestern parcel would remain undeveloped. The Project also proposes street improvements within the adjacent right-of-way, including widening the northern portion of San Clemente Street to between 17 and 21 feet, ultimately terminating in a 32-foot-wide cul-de-sac.

In accordance with the California Environmental Quality Act (CEQA) Guidelines, an Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared for the proposed Project. The City of Laguna Beach circulated a Notice of Intent to Adopt a Mitigated Negative Declaration for the 2354 San Clemente Street Project (Design Review DR-2021-8817; Coastal Development Permit CDP-2021-8819; Variance VAR-2021-8820) to trustee and responsible agencies, the State Clearinghouse, the County Clerk and the public on July 30, 2024. A 30-day public review period was provided from July 30, 2024, to August 29, 2024, to receive public and agency comments on the adequacy of the environmental analysis contained in the Public Review Draft Initial Study/Mitigated Negative Declaration (IS/MND).

Subsequent to completion of the 30-day public review period and prior to consideration of the Project by the Design Review Board, the Project Applicant updated the Alternative Materials and Methods of Construction Design Report, included as Appendix G in the Public Review Draft IS/MND, to reflect the proposed widening of the cul-de-sac, consistent with the Project Description and site plans. There are no modifications to the Public Review Draft IS/MND Project Description, analysis or conclusions in the IS/MND. Appendix G of the Public Review Draft IS/MND has been modified/replaced to include the updated Alternative Materials and Methods of Construction Design Report.

The Recirculated Draft IS/MND was made available for public review and comment pursuant to CEQA Guidelines Sections 15073 and 15105. The public review period commenced on March 7, 2025, and concluded on April 7, 2025. The Recirculated Draft IS/MND and supporting attachments were available for review by the general public at:

- City of Laguna Beach Website: <http://www.lagunabeachcity.net/publicnotices>

The Recirculated Draft IS/MND identifies the potential environmental impacts associated with development of the Project and mitigation measures to reduce the potentially significant impacts. The Responses to Comments, Errata, and Mitigation Monitoring and Reporting Program, together with the Recirculated Draft IS/MND, constitute the Final IS/MND for the proposed 2354 San Clemente Street Project.

## 2.0 RESPONSES TO COMMENTS

### 2.1 Draft IS/MND

During the public review period from July 30, 2024 to August 29, 2024, comments were received on the IS/MND. The following is a list of the public agencies, organizations, and individuals that submitted comments on the IS/MND during the public review period:

| Comment Letter Number | Agency, Organization or Individual  | Letter Dated    |
|-----------------------|---|-----------------|
| 1                     | California Department of Toxic Substances Control<br>Dave Kereazis<br>Associate Environmental Planner<br>HWMP-Permitting Division – CEQA Unit | August 6, 2024  |
| 2                     | California Cultural Resource Preservation Alliance, Inc.<br>Patricia Martz, Ph.D.<br>President  | August 23, 2024 |

Although the CEQA Guidelines do not require a Lead Agency to prepare written responses to comments received on an IS/MND, the City of Laguna Beach has elected to prepare the following written responses with the intent of conducting a comprehensive and meaningful evaluation of the proposed Project. The comment letters and responses follow. The comment letters have been numbered sequentially. The number designations in the responses correlate to the numbered portions of the comment letter.

# COMMENT LETTER 1



**Yana Garcia**  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

Meredith Williams, Ph.D.  
Director  
8800 Cal Center Drive  
Sacramento, California 95826-3200



**Gavin Newsom**  
Governor

### SENT VIA ELECTRONIC MAIL

August 6, 2024

Shaveta Sharma

Senior Planner

City of Laguna Beach

505 Forest Avenue

Laguna Beach, CA 92651

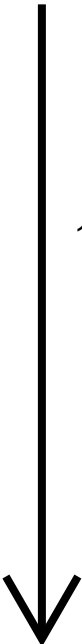
[ssharma@lagunabeachcity.net](mailto:ssharma@lagunabeachcity.net)

RE: MITIGATED NEGATIVE DECLARATION – 2354 SAN CLEMENTE STREET  
PROJECT DATED JULY 30, 2024, STATE CLEARINGHOUSE NUMBER [2024071186](#)

Dear Shaveta Sharma,

The Department of Toxic Substances Control (DTSC) reviewed the Mitigated Negative Declaration (MND) for the 2354 San Clemente Street Project (Project). The Project proposes to remove the existing single-family residence, detached guest house, and associated site improvements, and construct a new two-story, 3,583 square-foot single-family residence with attached 528 square-foot two-car garage, elevated deck, pool and spa, hardscaping, and landscaping. Development of the residential structure would be limited to the previously developed southeastern parcel; the northwestern parcel would remain undeveloped. The Project also proposes street improvements within the adjacent right-of-way, including widening the northern portion of San Clemente Street to between 17 and 21 feet, ultimately terminating in a 32-foot-wide cul-de-sac. The Project would be subject to various City permits and approvals, including, but not limited to the adoption of a Final Mitigated Negative Declaration and Mitigation Monitoring and

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# COMMENT LETTER 1

Shaveta Sharma

August 6, 2024

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Reporting Program; Design Review DR-2021-8817; Coastal Development Permit CDP-2021-8819; and a Variance VAR-2021-8820.

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DTSC recommends and requests consideration of the following comments:

1. If buildings or other structures are to be demolished on any Project sites included in the proposed Project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition, and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with [DTSC's Preliminary Endangerment Assessment \(PEA\) Guidance Manual](#).
2. DTSC recommends that all imported soil and fill material should be tested to assess any contaminants of concern meet screening levels as outlined in the [PEA Guidance Manual](#). Additionally, DTSC advises referencing the [DTSC Information Advisory Clean Imported Fill Material Fact Sheet](#) if importing fill is necessary. To minimize the possibility of introducing contaminated soil and fill material there should be documentation of the origins of the soil or fill material and, if applicable, sampling be conducted to ensure that the imported soil and fill material are suitable for the intended land use. The soil sampling should include analysis based on the source of the fill and knowledge of the prior land use. Additional information can be found by visiting [DTSC's Human and Ecological Risk Office \(HERO\) webpage](#).

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DTSC appreciates the opportunity to comment on the MND for the 2354 San Clemente Street Project. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like any clarification on DTSC's comments, please respond to this letter or via [email](#) for additional guidance.

# COMMENT LETTER 1

Shaveta Sharma

August 6, 2024

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Sincerely,



Dave Kereazis

Associate Environmental Planner

HWMP-Permitting Division – CEQA Unit

Department of Toxic Substances Control

[Dave.Kereazis@dtsc.ca.gov](mailto:Dave.Kereazis@dtsc.ca.gov)

cc: (via email)

Governor's Office of Planning and

Research State Clearinghouse

[State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

Tamara Purvis

Associate Environmental Planner

HWMP - Permitting Division – CEQA Unit

Department of Toxic Substances Control

[Tamara.Purvis@dtsc.ca.gov](mailto:Tamara.Purvis@dtsc.ca.gov)

Scott Wiley

Associate Governmental Program Analyst

HWMP - Permitting Division – CEQA Unit

Department of Toxic Substances Control

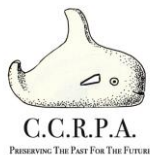
[Scott.Wiley@dtsc.ca.gov](mailto:Scott.Wiley@dtsc.ca.gov)

**Response to Commenter Letter No. 1**

Dave Kereazis, Associate Environmental Planner, HWMP-Permitting Division – CEQA Unit, California  
Department of Toxic Substances Control  
August 6, 2024

- 1-1 The comment is introductory in nature. The comment does not contain any information requiring changes to the Public Review Draft IS/MND. No further response is warranted.
- 1-2 The comment recommends prior to the demolition of buildings within the Project site, surveys should be conducted for hazardous materials such as lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk, with the removal following State regulations. Federal, State and local regulations govern the renovation and demolition of structures where asbestos containing materials and/or lead-based paints or products are present. All demolition that could result in the release of asbestos containing materials and/or lead-based paints or products must be conducted according to federal, State, and local standards. This includes South Coast Air Quality Management District’s Rule 1403, which requires an onsite survey for asbestos containing materials. Additionally, in accordance with City of Laguna Beach Municipal Code Chapter 17.19, Construction and Demolition Waste Disposal, the Project applicant is required to submit a waste management plan to the Director of Public Works prior to demolition. To clarify the regulations the Project would be required to comply with, this information has been updated in Section 3.0, *Errata*, of the Final IS/MND. As discussed in Section 4.9 of the Public Review Draft IS/MND in Response 4.9(a), the level of risk associated with the accidental release of hazardous substances is not considered significant due to the small volume and low concentration of hazardous materials utilized during construction. The construction contractor would be required to use standard construction controls and safety procedures that would avoid and minimize the potential for accidental release of such substances into the environment. The information does not change the analysis or conclusions to the Public Review Draft IS/MND. No further response is warranted.
- 1-3 The comment recommends testing imported soil for contaminants and documenting its origins to ensure suitability during the construction process. As discussed in Section 2.3 of the Public Review Draft IS/MND, the proposed Project would include approximately 520 cubic-yards of cut and 85 cubic yards of fill. Grading in the right-of-way would include 15 cubic yards of cut and 35 cubic yards of fill. Trucks would remove the cut from the site, and imported soil would not be required. However, if imported soil is used during construction, then the Project would be required to comply with local, State, and federal regulations regarding the use of imported soil and fill material. The comment does not contain any information requiring changes to the Public Review Draft IS/MND. No further response is warranted.

# COMMENT LETTER 2



**P.O. Box 54132**  
**Irvine, CA 92619-4132**

**California Cultural Resource Preservation Alliance, Inc.**  
An alliance of American Indian and scientific communities working for  
the preservation of archaeological sites and other cultural resources.

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August 23, 2024

Shaveta Sharma, Senior Planner  
City of Laguna Beach  
505 Forest Avenue  
Laguna Beach, CA 92651

Re: Notice of Intent to Adopt a Mitigated Negative Declaration 2354 San Clemente Street, Laguna Beach, CA 92651

Dear Shaveta Sharma:

Thank you for the notification regarding the above-mentioned project.

As the Laguna Beach coast was densely populated by the ancestors of the Juaneño/Acjachemen prior to European contact, and the property was constructed prior to the enactment of CEQA there is the potential for the presence of buried archaeological resources. Therefore, permits should include mitigation measures, such as monitoring by a qualified archaeologist during ground disturbing activities affecting previously undisturbed soils.

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Sincerely,

Patricia Martz, Ph.D.  
President

**Response to Commenter Letter No. 2**

Patricia Martz, Ph.D., President, California Cultural Resource Preservation Alliance, Inc.  
August 23, 2024

2-1 The comment recommends the Project to include mitigation measures, such as monitoring by a qualified archaeologist during ground disturbing activities affecting previously undisturbed soils. As discussed in Section 4.5 of the Public Review Draft IS/MND in Response 4.5(b), if previously unidentified cultural resources are encountered during ground disturbing activities, the Project Applicant would be required to follow Mitigation Measure CUL-1, where all work within 100 feet of the find is to be suspended until the resource is evaluated by a qualified archaeologist. With implementation of Mitigation Measure CUL-1, the Project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5 and impacts would be less than significant. Additionally, as discussed in Section 4.18 of the Public Review Draft IS/MND in Response 4.18(a), as part of Assembly Bill (AB) 52 tribal consultation, responses to the request for tribal consultation was received by the California Cultural Resource Preservation Alliance. The California Cultural Resources Preservation Alliance responded on April 20, 2023, but they did not request formal consultation; however, they recommended that a literature and records search through the SCCIC be conducted, as well as an archaeological survey, both of which were conducted for the Project site. Measures recommended by California Cultural Resources Preservation Alliance are addressed by Mitigation Measures TCR-1 and TCR-2 as proposed in the Final IS/MND. In the unlikely event where tribal cultural resources are found, the resources would require proper treatment in accordance with applicable laws, State CEQA Guidelines Section 15064.5. State CEQA Guidelines Section 15064.5 protects historical resources, archeological sites, human remains, and dedicated cemeteries.

The Project also includes Mitigation Measure TCR-1, which requires the applicant to engage each of the consulting tribes regarding a Native American Monitor, from the Gabrieleño Band of Mission Indians-Kizh Nation, and the Juaneño Band of Mission Indians, Acjachemen Nation-Belardes. The Project applicant will provide evidence to the City that they have reached an agreement with each of the consulting tribes regarding the designation, responsibilities, and participation of professional Native American Monitor(s) during grading, excavation, and ground-disturbing activities, which requires the retention of a qualified Native American Monitor who would be present during all construction related ground disturbances. In the event tribal cultural resources are unearthed, the City will consult with the Project archaeologist and initiate Native American consultation procedures with the Project's consulting tribes (Gabrieleño Band of Mission Indians-Kizh Nation and the Juaneño Band of Mission Indians, Acjachemen Nation-Belardes). A Cultural Resources and Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with the consulting tribes and all subsequent finds shall be subject to this Plan. Project construction will not resume within the immediate vicinity of the discovery (i.e., not less than the surrounding 50 feet) until a Cultural Resources and Monitoring Treatment Plan is prepared and implemented. The Plan may include, but would not be limited to, reburial, relocating, recording, and/or another culturally appropriate treatment (Mitigation Measure TCR-

2). The comment does not contain any information requiring changes to the Public Review Draft IS/MND. No further response is warranted.

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## 2.2 Recirculated Draft IS/MND

During the public review period from March 7, 2025 to April 7, 2025, comments were received on the Recirculated Draft IS/MND. The following is a list of the public agencies, organizations, and individuals that submitted comments on the Recirculated Draft IS/MND during the public review period:

| Comment Letter Number | Agency, Organization or Individual   | Letter Dated                    |
|-----------------------|--|---------------------------------|
| A                     | California Coastal Commission<br>Dulce Cortez<br>Coastal Program Analyst                       | April 7, 2025                   |
| B                     | California Cultural Resource Preservation Alliance, Inc.<br>Patricia Martz, Ph.D.<br>President | April 6, 2025                   |
| C                     | Fisch Consulting<br>Tony Fisch<br>President  | March 6, 2025<br>March 12, 2025 |
| D                     | Rio Phior<br>Resident  | March 27, 2025                  |
| E                     | Fisch Consulting<br>Tony Fisch<br>President  | April 7, 2025                   |
| F                     | Fisch Consulting<br>Tony Fisch<br>President  | April 7, 2025<br>April 10, 2025 |

Although the CEQA Guidelines do not require a Lead Agency to prepare written responses to comments received on a Recirculated Draft IS/MND, the City of Laguna Beach has elected to prepare the following written responses with the intent of conducting a comprehensive and meaningful evaluation of the proposed Project. The comment letter and responses follow. The comment letter has been numbered sequentially. The number designations in the responses correlate to the numbered portions of the comment letter.

# COMMENT LETTER A

## CALIFORNIA COASTAL COMMISSION

South Coast Area Office  
301 E Ocean Blvd, Suite 300  
Long Beach, CA 90802  
(562) 590-5071



April 7, 2025

Shaveta Sharma, Senior Planner  
City of Laguna Beach  
505 Forest Avenue  
Lagina Beach, CA 92651

Delivered via electronic mail: ssharma@lagunabeachcity.net

**Re: 2354 San Clemente Street (DR-2021-8817/CDP-2021-8819) Project  
Coastal Commission Staff Comments on Mitigated Negative Declaration  
State Clearinghouse No. 2024071186**

Dear Shaveta Sharma:

Coastal Commission staff appreciate the opportunity to review and provide comment on the Mitigated Negative Declaration (MND) for 2354 San Clemente Street project (project). Given the potential for this development to negatively impact Environmentally Sensitive Habitat Areas (ESHA), a mapped watercourse, and fuel modification zone, as well as potential implications for other ongoing projects nearby, additional and more thorough project review will be required as part of any necessary future local Coastal Development Permit (CDP) for the proposed project.

The following comments address, in a preliminary manner, the issue of the Plan's consistency with the City's certified Local Coastal Plan (LCP). This letter is an overview of the main issues Commission staff has identified at this time based on the information that has been presented, and it is not an exhaustive analysis. The comments contained herein are preliminary in nature, and those of Coastal Commission staff only, and should not be construed as representing the official opinion of the Coastal Commissioners.

The MND states that general biological surveys of the 0.51-acre property were completed at the project location, and biologists identified that the vegetation community resembles Natural communities and land cover types within the project site include lemonade berry scrub, non-native woodland, ornamental vegetation, and developed areas. The project site has varied topography, and the undeveloped portion of the site primarily consists of lemonade berry scrub and a small portion of ornamental/toyon-laurel sumac chaparral on the northeast corner of the site.

In short, as correctly identified in Environmental Setting in the MND, it is important that the assessment of the project's impacts to coastal resources contemplate a myriad of LCP policies. For example, except for certain specific instances, environmentally sensitive areas associated with coastal resources are also protected by the LCP. To implement projects within the Coastal Zone, a local coastal development permit (CDP) must be found to protect and enhance coastal resources, and consistent with policies of the LCP for the City of Laguna Beach.

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# COMMENT LETTER A

Therefore, the following are Commission staff's specific comments on the project, broken down by resource.

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## Comments:

### 1.) Habitat Impacts

25.15.012(B) of the Certified Local Coastal Plan for the City of Laguna Beach states that the proposed development will not result in adverse impacts to environmentally sensitive areas, and that any unavoidable, allowable impacts will be minimized following the incorporation of reasonable mitigation measures and so will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act. Native lemonade berry scrub and toyon-laurel sumac chaparral are located within the project site, as well as other high value habitat and may be subject to protection under LCP Policies. If so, this project would not fall under any categories where adverse impacts to sensitive habitat species could be permitted and, therefore, development should be avoided in and around those areas.

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### 2.) Archaeological or Paleontological Resources

25.07.012(F)(7) of the Certified Local Plan for the City of Laguna Beach states the proposed development will not have any adverse impacts on any known archaeological or paleontological resource. In past commission action the commission has stated that cultural resources are likely present in close proximity to the project location. A more detailed archaeological resources survey should be conducted in compliance with the LCP requirements to determine the presence of archaeological resources.

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Please note that the comments provided herein are preliminary in nature. More specific comments may be appropriate as the project develops and site-specific plans are assigned. Coastal Commission staff request notification of any future activity associated with this project or related projects. Additionally, the comments contained herein are those of Coastal Commission staff only and should not be construed as representing the opinion of the Coastal Commission itself. Thank you again for the opportunity to comment on the Mitigated Negative Declaration. We look forward to future collaboration on preservation of coastal resources within the South Coast region. If you have any questions or concerns, please do not hesitate to contact us at the Coastal Commission's Long Beach office.

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Sincerely,

Dulce Cortez  
Coastal Program Analyst

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# COMMENT LETTER A

CCC Staff Comments on Mitigated Negative Declaration for 2354 San Clemente Street  
Page 3 of 3

cc: Shaveta Sharma, Senior Planner, City of Laguna Beach  
Mandy Revell, District Supervisor, California Coastal Commission



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**Response to Commenter Letter No. A**

Dulce Cortez, Coastal Program Analyst  
California Coastal Commission  
April 7, 2025

- A-1 The comment is introductory in nature and does not contain any information requiring changes to the Draft IS/MND. The comment is noted, and no further response is warranted.
- A-2 The comment requests an assessment of the Project's impacts on coastal resources in consideration of a myriad of Local Coastal Program (LCP) policies. As stated in Section 4.4 of the Draft IS/MND, the City adopted a Local Coastal Program in 1993. Components of the LCP include, but are not limited to: A Guide to Residential Development; Coastal Land Use Plan Technical Appendix; Fuel Modification Guidelines; Land Use Element; Open Space and Conservation Element; and Municipal Code Titles 25, Zoning Code. The Project proposes to remove an existing single-family residence, detached guest house, and associated site improvements, and to construct a new two-story, 3,583-square-foot single-family residence with attached 528-square-foot two-car garage, elevated deck, pool and spa, hardscaping, and landscaping. The single-family residence proposed as part of the Project is consistent with the City's land use and zoning for the Project site, as analyzed in Section 4.11 of the Draft IS/MND. The Project is a discretionary project subject to various City permits and approvals, including a Coastal Development Permit. As such, the Project would be reviewed for consistency with the provisions established by these components within the Local Coastal Program, as further discussed below in Responses to Comments A-3 and A-4. This comment does not alter the Draft IS/MND analysis or conclusions, and no further response is warranted.
- A-3 The comment details concerns about the potential impacts on environmentally sensitive areas and compliance with LCP policies. For potential habitat impacts related to the proposed Project, Section 25.15.012(B) of the Certified LCP for the City of Laguna Beach states that the proposed development will not result in adverse impacts to environmentally sensitive areas, and any unavoidable, allowable impacts will be minimized following the incorporation of reasonable mitigation measures.

As stated in Section 4.4 of the Draft IS/MND, *Biological Resources*, the Project site supports approximately 0.11 acre of lemonade berry scrub (0.10 acre within the northwestern parcel and 0.01 acre within the southeastern parcel). As indicated in the Biological Resources Assessment, a search of available resource inventory databases, including the CNDDDB, CNPS Inventory of Rare and Endangered Plants, and CDFW and USFWS occurrences databases, was completed. A literature review was also conducted, including the Laguna Beach General Plan Open Space/Conservation Element, the Laguna Beach Biological Resources Inventory, and the County of Orange Central/Coastal Subregion Natural Community Conservation Plan and Habitat Conservation Plan (NCCP/HCP). Seven special-status plant species were determined to have a moderate to high potential to occur within the vicinity of the Project site: Allen's pentachaeta (*Pentachaeta aurea* ssp. *Allenii*), big-leaved crownbeard, Coulter's saltbush (*Atriplex coulteri*), intermediate monardella (*Monardella hypoleuca* ssp. *Intermedia*), summer holly

(*Comarostaphylis diversifolia* ssp. *Diversifolia*), intermediate mariposa lily (*Calochortus weedii* var. *intermedius*) and thread-leaved brodiaea (*Brodiaea filifolia*). In addition to the records search, four field surveys were conducted: the first on October 31, 2018; the second on August 7, 2019; the third on February 25, 2022; and the fourth on June 16, 2023. The first survey consisted of walking the property footprint to assess the potential for the site to support sensitive biological resources and to map the vegetation on the property. The second survey was conducted to identify woody shrubs allowed within the fuel modification requirements of the City of Laguna Beach. The third survey was conducted to assess the site for special-status plants, including big-leaved crownbeard (*Verbesina dissita*). The fourth survey was conducted to reassess the vegetation on both Project site parcels and to conduct a focused rare plant surveys for big-leaved crownbeard and intermediate mariposa lily.

During the course of the field surveys, no special-status plant species were observed on-site. Seven special-status wildlife species were determined to have a moderate to high potential to occur within the vicinity of the Project site: coast horned lizard (*Phrynosoma blainvillii*), orange-throated whiptail (*Aspidoscelis hyperythra*), coast patch-nosed snake (*Salvadora hexalepis virgulata*), red-diamond rattlesnake (*Crotalus ruber*), northwestern San Diego pocket mouse (*Chaetodipus fallax fallax*), and San Diego desert woodrat (*Neotoma lepida intermedia*). No special-status species were observed during the site surveys.

Project implementation could result in significant impacts to native lemonade berry scrub, which is considered a sensitive natural community on CDFW's Natural Community List. Lemonade berry scrub has lemonade berry as the dominant shrub and may include toyon (*Heteromeles arbutifolia*) and laurel sumac (*Malosma laurina*) as sub-dominants. Although fuel modification is required in areas with lemonade berry scrub (approximately 0.10 acre), the *Alternative Materials and Methods of Construction Design Report* (refer to Appendix G of the Recirculated IS/MND) requires that special-status plant species, such as lemonade berry, not be removed as part of fuel modification activities, in compliance with the City's General Plan Open Space and Conservation Element. In accordance with the City's General Plan, impacts to lemonade berry scrub would be avoided during fuel modification activities through selective thinning of undesirable nonnative shrubs, installation and use of irrigation rotors on galvanized poles within fuel modification Zone A, water cannons to assist with fire-fighting in Zone B, and other additional fire prevention and protection measures as recommended in the *Alternative Materials and Methods of Construction Design Report* (refer to Appendix G). Lemonade berry scrub within Zone C is entirely within the 25-foot setback of the drainage and would be avoided completely. Mitigation Measure BIO-1 would require that construction comply with the Fuel Modification Plan in the *Alternative Materials and Methods of Construction Design Report* and avoid removal of special-status and sensitive community plants, such as lemonade berry scrub, during fuel modification activities.

While no special-status plant species were observed on-site, there is the potential for special-status plant species to occur within the Project area. Mitigation Measure BIO-2 would ensure that, prior to any ground disturbing activities, a focused special-status plant survey be conducted during the appropriate blooming period for any special-status plant species that has a potential to occur on-site. If any special-status plant species are found on-site, the special-status plants will

be tagged for preservation in any fuel modification activities and development on-site shall avoid impacts to these special-status plant populations and focus development within areas mapped as developed or ornamental, which already exhibit disturbance.

Project implementation could result in direct or indirect impacts to nesting birds if vegetation clearing and ground-disturbing activities would occur during the nesting season (generally between February 15 and August 31). Mitigation Measure BIO-3 would ensure compliance with the federal Migratory Bird Treaty Act and California Fish and Game Code by scheduling construction activities outside of nesting season (between September and February), if feasible. With implementation of Mitigation Measures BIO-1, BIO-2, and BIO-3 impacts to candidate, sensitive, or special status species would be reduced to a level that is less than significant.

Therefore, the Project is consistent with LCP Policy 25.15.012(B) and there will be no significant adverse impacts on the environment within the meaning of the California Environmental Quality Act with implementation of mitigation. This comment does not alter the Draft IS/MND analysis or conclusions, and no further response is warranted.

- A-4 The comment raises concerns regarding the potential impacts on archaeological and paleontological resources in compliance with applicable LCP policies, and that a more detailed archaeological resources survey should be conducted in compliance with LCP requirements. As described in Section 4.5, *Cultural Resources*, of the Draft IS/MND and detailed in the supporting Cultural Resources Memo (Appendix B of the Draft IS/MND), there is a low potential for the Project site to contain archaeological resources. This conclusion is based on the results of a records search and archival research, which identified no previously documented cultural resources within or adjacent to the Project site. Additionally, the Project site's steep topography reduces the likelihood of encountering archaeological resources during ground-disturbing activities. However, given the potential for accidental discovery, Mitigation Measure CUL-1 requires that all work within 100 feet of any find be halted until a qualified archaeologist can evaluate the resource and determine appropriate protection measures. To address the potential for accidental discovery of paleontological resources, Section 4.7 of the Draft IS/MND, *Geology and Soils*, includes Mitigation Measure GEO-1, which requires all work within a 25-foot radius of a paleontological discovery to be suspended until a professional paleontologist can assess the find. Implementation of Mitigation Measure GEO-1 ensures that potential impacts to paleontological resources would be reduced to less-than-significant levels. The Errata of the Final IS/MND includes mitigation measures to address potential impacts to tribal cultural resources. Mitigation Measure TCR-1 requires the Project applicant to retain a Native American monitor to be present during all ground-disturbing activities. Mitigation Measure TCR-2 requires that construction activities stop within 50-feet of a find and that the resource be evaluated by a qualified archaeologist in consultation with the appropriate tribal representative. Overall, with the implementation of Mitigation Measures CUL-1, GEO-1, TCR-1, and TCR-2, potential impacts to archaeological, paleontological, and tribal cultural resources would be less than significant. The Project is therefore consistent with LCP Policy 25.07.012(F)(7). This comment does not alter the Draft IS/MND analysis or conclusions, and no further response is warranted.

- A-5 The comment highlights that the comments provided are preliminary and should not be construed as representing the opinion of the Coastal Commission itself. Also, the comment requests that Coastal Commission Staff receives notification of any future activity associated with the Project. The comment is noted, and no further response is warranted.



# COMMENT LETTER B

**P.O. Box 54132**  
**Irvine, CA 92619-4132**

**California Cultural Resource Preservation Alliance, Inc.**  
An alliance of American Indian and scientific communities working for  
the preservation of archaeological sites and other cultural resources.

---

April 6, 2025

Shaveta Sharma, Senior Planner  
City of Laguna Beach  
515 Forest Avenue  
Laguna Beach, CA 92651 Christian Dominguez

Re: 2354 San Clemente Street Project

Dear Shaveta Sharma:

CCRPA always have concerns regarding the cultural sensitivity of the Laguna Beach area because prior to European contact, the Laguna Beach coast was densely populated by the ancestors of the Juaneño/Acjachemen and there is always the potential for the presence of buried archaeological resources.

The project area appears to be culturally sensitive as it is situated in a largely undeveloped area and near a possible source of water. As these elements are known to be associated with pre-contact habitation and archaeological resources can be present beneath structures where the soil has not been disturbed by deep excavations. I was unable to open the thumb drive sent by De Novo Planning Group, so I don't know if the following recommendations were followed: A qualified archaeologist should be hired to conduct a records search at the South Central Coastal Information Center at California State Fullerton to determine whether archaeological sites have been recorded in the vicinity. In any event, we strongly recommend that a qualified archaeologist and culturally related Native American monitor any ground disturbance.

Sincerely,

Patricia Martz, Ph.D.  
President

**Response to Commenter Letter No. B**

Patricia Martz, Ph.D., President  
California Cultural Resource Preservation Alliance, Inc.  
April 6, 2025

B-1 The comment raises concerns regarding the potential impacts on archaeological and paleontological resources within the Project site, and that ground disturbing construction activities in virgin soils should be monitored by a qualified archaeologist and culturally related Native American monitor. The comment questions if recommendations made during AB 52 Tribal Consultation were followed, since the commenter was unable to open the file that was included as part of the Notice of Intent. As described in Section 4.18, *Tribal Cultural Resources*, of the Draft IS/MND, the recommendations from the California Cultural Resource Preservation Alliance (CCRPA) were included as part of the analysis.

As described in Section 4.5, *Cultural Resources*, of the Draft IS/MND and detailed in the supporting Cultural Resources Memo (Appendix B of the Draft IS/MND), indicates that the Project area exhibits a low potential for containing intact buried prehistoric archaeological resources. This conclusion is based on the results of a records search and archival research of the California Historic Resources Information System (CHRIS) at the South Central Coastal Information Center, which identified no previously documented cultural resources within the Project site. Additionally, the Project site's steep topography reduces the likelihood of encountering archaeological resources during ground-disturbing activities. However, given the potential for accidental discovery of both archaeological and paleontological resources during ground-disturbing activities, mitigation measures are included in the Draft IS/MND. Mitigation Measure CUL-1 requires that all work within 100 feet of any find be halted until a qualified archaeologist can evaluate the resource and determine appropriate protection measures. To address the potential for accidental discovery of paleontological resources, Section 4.7 of the Draft IS/MND, *Geology and Soils*, includes Mitigation Measure GEO-1, which requires all work within a 25-foot radius of a paleontological discovery to be suspended until a professional paleontologist can assess the find. Implementation of Mitigation Measure GEO-1 ensures that potential impacts to paleontological resources would be reduced to less-than-significant levels. Section 4.18 of the Draft IS/MND, *Tribal Cultural Resources*, and further revised in Section 3.0 *Errata*, of this Final IS/MND, includes mitigation measures to address potential impacts to tribal cultural resources. Mitigation Measure TCR-1 requires the Project applicant to retain a Native American monitor to be present during all ground-disturbing activities. Mitigation Measure TCR-2 requires that construction activities stop within 50 feet of the find and that the resource be evaluated by a qualified archaeologist in consultation with the appropriate tribal representative. Overall, with the implementation of Mitigation Measures CUL-1, GEO-1, TCR-1, and TCR-2, potential impacts to archaeological, paleontological, and tribal cultural resources would be less than significant. This comment does not alter the Draft IS/MND analysis or conclusions, and no further response is warranted.

# COMMENT LETTER C

**From:** [Sharma, Shaveta CD](#)  
**To:** [abrodkin@denovoplanning.com](mailto:abrodkin@denovoplanning.com)  
**Subject:** FW: 2354 San Clemente St - Recirculated NOI, Recirculated Initial Study/Mitigated Negative Declaration, & Appendices  
**Date:** Friday, March 21, 2025 8:41:25 AM

---

Good morning Ashley,

Please see the attached email on the IS/MND for 2354 San Clemente.

Best,

Shaveta Sharma  
Senior Planner  
505 Forest Avenue  
Laguna Beach, CA 92651  
p. 949.715.0958

---

**From:** Tony Fisch <tony@fischconsulting.com>  
**Sent:** Wednesday, March 12, 2025 4:27 PM  
**To:** Sharma, Shaveta CD <ssharma@lagunabeachcity.net>; Ballard, Maria CD <mballard@lagunabeachcity.net>; Contreras, David CD <dcontreras@lagunabeachcity.net>  
**Cc:** Ballard, Maria CD <mballard@lagunabeachcity.net>; Kempf, Sue <skempf@lagunabeachcity.net>; Whalen, Bob <bwhalen@lagunabeachcity.net>; Contreras, David CD <dcontreras@lagunabeachcity.net>; Jennifer@Wildlife Turner <jennifer.turner@wildlife.ca.govturner>; Brigid@Wildlife Moran <Brigid.Moran@wildlife.ca.gov>; Rio Phior <rio.phior@sagon-phior.com>; Joan Gladstone <joangladstone@cox.net>; Skip Roma <skiproma@yahoo.com>; John Clarke <grikkus@aol.com>; toni Iseman <tiseman2@aol.comni>; Alex Rounaghi <alexrounaghi@gmail.com>  
**Subject:** Re: 2354 San Clemente St - Recirculated NOI, Recirculated Initial Study/Mitigated Negative Declaration, & Appendices

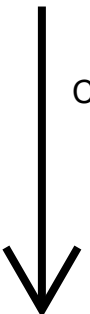
[**NOTICE:** This message originated outside of City of Laguna Beach -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

3/12/2025

## **Public Notice Direct Mailing for 2354 Project CEQA Compliance Continues to be Ignored by the Lead Agency**

CEQA Guidelines § 15072 (Notice of Intent to Adopt a Negative Declaration) mandates public notification requirements that have not been met.

C-1



# COMMENT LETTER C

## Cumulative Impact and Piecemealing Concerns

Your position on cumulative impact and failure to address piecemealing violate **CEQA Guidelines § 15130 (Cumulative Impacts)**, which requires an Environmental Impact Report (EIR).

Our requests for a **Wildfire Hazard Analysis** and an **ADA-compliant evacuation plan (CEQA Guidelines § 15126.2(a))** continue to be ignored for this district and this project. The project's impact on **fire hazard and emergency access risks** remains unaddressed.

If the lead agency fails to consider cumulative impacts, litigation could force a broader **EIR** rather than separate **Mitigated Negative Declarations (MNDs)**. Ignoring fire safety concerns could result in project denial or delays.

We formally request **trusted agency oversight**.

---

## Summary

### 1. § 15072 (Notice of Intent to Adopt a Negative Declaration)

Shaveta, most homeowners in this district do not regularly use the internet for communication and would not have known about this notification without the legally required **direct mailing**. **Direct mailing has not been done**.

**Streets potentially within the notification radius for this Initial Study/Mitigated Negative Declaration include:**

- Lomida Way, Kilo, Juanita, Queda Way, San Clemente St, Alta Vista Way, Nido, Pala, Highland, and Glenneyere.

If Laguna Beach fails to comply with **CEQA Guidelines § 15072**, the city could face serious legal and procedural consequences, including:

### A. Legal Challenges & Litigation

- **Lawsuits:** Noncompliance with CEQA's public notice requirements could lead to legal challenges from community members, environmental groups, or other stakeholders.
- **Writ of Mandate:** A court may require the city to redo the environmental review process, delaying the project.
- **Injunctions:** Courts can halt the project until CEQA requirements are fully met.

### B. Delays & Additional Costs

- **Re-Noticing & Extended Review Periods:** If failure to notify is discovered



C-1  
con't

C-2



# COMMENT LETTER C

late, the city may need to restart the public notification process, delaying project approvals.

- **Administrative Costs:** Additional staff time and legal fees will be required if the process must be repeated.

## C. Invalid Environmental Documentation

- If proper notification is not given, the **Initial Study/Mitigated Negative Declaration (IS/MND)** may be deemed legally inadequate, requiring revision or a full **EIR** if challenged.

## D. Public & Political Repercussions

- **Loss of Public Trust:** Noncompliance may be perceived as a lack of transparency, leading to greater opposition.
- **Council & Agency Scrutiny:** State and local agencies may increase scrutiny of the city's compliance with environmental laws, affecting future approvals.

---

## 2. Piecemealing Concerns Under CEQA

This same project was previously issued an **invalid CEQA exemption** that was proven to be in violation of CEQA law over three years ago. You claim this recent study concludes cumulative impacts to be less than significant. However, there are currently several **active, approved, and proposed residential infill projects including this San Clemente St project.**

In addition to **2354 San Clemente**, there are four projects on **Alta Vista Way (200, 410, 460, and 486)** and one on **Nido**. Three of these projects are in **Diamond Canyon**. All within **500 feet** of each other. **This entire area is an ESHA residing in a coastal zone in an extreme high hazard fire zone. Diamond Canyon is old growth eco interface wild land. It is also a wildlife corridor that includes listed species of special concern.** Multiple projects together have **already increased fire hazards, habitat destruction, evacuation constraints, limiting access to public and emergency services, while increasing traffic bottlenecks. Over development has pushed coyote packs onto San Clemente St and adjacent streets. Laguna Beach Animal services have served this problem several times.**

**CEQA prohibits agencies from artificially segmenting projects to avoid a full environmental review. If multiple residential projects are:**

- **Proposed separately but interrelated** (e.g., part of a larger development or planned growth in the area), and
- **Reasonably expected to be reviewed as a single project,** then reviewing them **individually instead of together** could be considered



C-2  
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C-3

# COMMENT LETTER C

**piecemealing, violating CEQA Guidelines § 15378 and case law (Laurel Heights case, 1988).**

▲ C-3  
con't

## **Cumulative Impacts (CEQA Guidelines § 15130)**

- CEQA requires **cumulative impact analysis** even if the projects are not technically one project.
- The combined impact of developments **worsens fire hazards, evacuation and access constraints, habitat destruction, and infrastructure degradation and strain.**
- The projects are in an **ESHA**, where small changes can lead to **substantial degradation of sensitive ecosystems.**

▼ C-4

## **Avoiding a Full Environmental Review**

- A project **cannot be artificially divided** to qualify for **MNDs** or to avoid preparing a **full EIR.**
- The **32-ft turnout on San Clemente St** appears to be a separate, physically divided section rather than an integrated project component. The turnout, retaining walls and foundation will extend 13 feet into the wild land canyon. There has never been a similar Cul de sac/single entrance dead end street turnout anywhere in this district. There is nothing like it in Laguna Beach.

▼ C-5

We strongly assert that **2354 San Clemente requires an EIR** or that the project should be **denied.**

---

## **3. Our Request for Wildfire Hazard Analysis (CEQA Guidelines § 15126.2(a)) Continues to be ignored. Our request for an adequate and ADA compliant evacuation route has been ignored. In fire we will be evacuated on foot.**

CEQA **requires** fire safety to be a consideration when approving **residential projects on substandard streets in Extreme High Fire Hazard Zones and ESHA.** Fire risk is a **critical environmental impact** that must be analyzed, particularly in wildfire-prone areas.

▼ C-6

## **Key CEQA Considerations for Fire Safety in High-Risk Areas:**

### **Wildfire Hazard Analysis (CEQA Guidelines § 15126.2(a))**

- CEQA mandates that projects in wildfire-prone areas **evaluate fire risk, evacuation routes, emergency access, and firefighting capacity.**
- If a project is located in a **State Responsibility Area (SRA)** or a **Very High Fire Hazard Severity Zone (VHFHSZ)**, additional mitigation measures may



# COMMENT LETTER C

be required.

## Access and Emergency Response (CEQA & Local Fire Codes)

- Residential projects on **substandard streets** (e.g., narrow or dead-end roads) must **evaluate whether fire trucks and emergency responders can safely access the site.**
- If a project worsens fire risk due to **poor road conditions or inadequate evacuation routes**, mitigation or denial may be necessary.

## Environmental Sensitive Habitat Areas (ESHA) Considerations

- **Fuel modification zones and defensible space requirements** must be balanced with protections for **ESHA (e.g., coastal chaparral, wetlands, or designated wildlife corridors).**

## Request for Trustee Agency Oversight

We are formally requesting **trustee agency oversight** on this project and/or the preparation of a **full EIR**.

The **lead agency has failed to properly survey the public**, continues to violate **CEQA compliance**, refuses to respond to public records requests, questions regarding its **failure to conduct initial reviews, fire studies, CEQA compliant evacuation planning**. Since 2020, Laguna Beach has issued **hundreds of CEQA exemptions without study, or reasoning for exemptions**. The city refuses to respond to questions about Piecemealing.

Without proper oversight, these violations will continue to endanger public safety, degrade the environment, and erode trust in local governance.

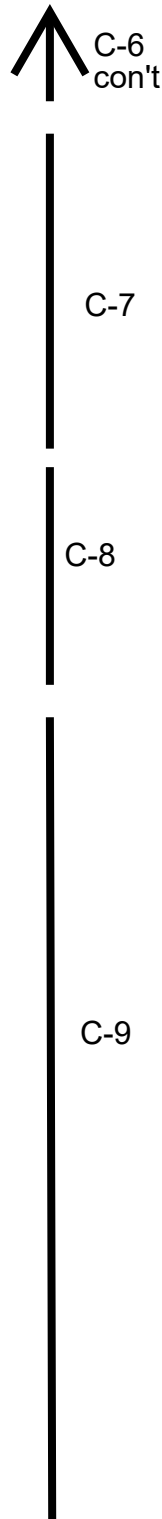
We demand immediate compliance with **CEQA requirements**, proper public notification, and full environmental review of this project.

Thank you

Tony Fisch  
President, Tony Fisch Consulting  
[tony@fischconsulting.com](mailto:tony@fischconsulting.com)

(323) 228-4543 •

This document provides you with certain information that Tony Fisch Consulting (TFC) considers confidential and proprietary including, but not limited to, TFC's ideas



# COMMENT LETTER C

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On Mar 11, 2025, at 5:13 PM, Tony Fisch <[tony@fischconsulting.com](mailto:tony@fischconsulting.com)> wrote:

Shaveta. No one, me included living in this neighborhood received notice by direct mailing. I learned of this through you only. See 2. below.

In Laguna Beach, California, the public notification process for environmental documents under the California Environmental Quality Act (CEQA) involves direct mailing within a specified notification radius. While the exact radius is not specified in the provided sources, the city's **Public Notice Package Requirements** outline the procedures for notifying property owners and occupants about upcoming projects.

[lagunabeachcity.net](http://lagunabeachcity.net)

Thank you.

Tony

Under the California Environmental Quality Act (CEQA), public notification requirements for an Initial Study/Mitigated Negative Declaration (IS/MND) vary based on the project type and location. For a residential infill project, the lead agency must comply with **CEQA Guidelines § 15072** (Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration), which includes:

1. **Publication and Posting:** The lead agency must provide notice by:
  - Publishing it in a newspaper of general circulation.
  - Posting the notice in the area where the project is located.
  - Filing it with the county clerk.

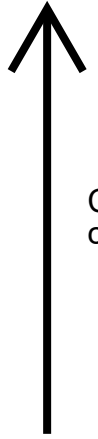
C-10



# COMMENT LETTER C

2. **Direct Mailing:** Notice must be mailed to:

- Property owners and occupants **within 300 feet** of the project site (not 500 feet, unless a local ordinance requires a greater distance).
- Responsible and trustee agencies.
- Anyone who has requested notice.



C-10  
con't

Thank you

Tony Fisch  
President, Tony Fisch Consulting  
[tony@fischconsulting.com](mailto:tony@fischconsulting.com)

(323) 228-4543 •

This document provides you with certain information that Tony Fisch Consulting (TFC) considers confidential and proprietary including, but not limited to, TFC's ideas and recommendations, format, presentation and plans (“Confidential Information”). By receipt of this document, you agree that this document and the Confidential Information contained therein shall not be disclosed to any third party and that the Confidential Information contained therein remains the exclusive ownership of TFC. © 2023 Tony Fisch Consulting

On Mar 11, 2025, at 4:01 PM, Sharma, Shaveta CD  
<[ssharma@lagunabeachcity.net](mailto:ssharma@lagunabeachcity.net)> wrote:

Good afternoon Tony,

Thank you for your comments. Your email will be added to the project file.

**Response to Commenter Letter No. C**

Tony Fisch, President  
Fisch Consulting  
March 6, and March 12, 2025

- C-1 The comment is introductory in nature and does not contain any information requiring changes to the Draft IS/MND. The comment summarizes the main concerns of the resident, and responses are addressed below. The comment is noted, and no further response is warranted.
- C-2 The comment states that the City, as the lead agency, did not properly notice the IS/MND in accordance with CEQA Guidelines Section 15072, since there was not a direct mailing of the notice. Section 15072(b) of the CEQA Guidelines states:

*The lead agency shall mail a notice of intent to adopt a negative declaration or mitigated negative declaration to the last known name and address of all organizations and individuals who have previously requested such notice in writing and shall also give notice of intent to adopt a negative declaration or mitigated negative declaration by at least one of the following procedures to allow the public the review period provided under Section 15105:*

- (1) Publication at least one time by the lead agency in a newspaper of general circulation in the area affected by the proposed project. If more than one area is affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas.*
- (2) Posting of notice by the lead agency on and off site in the area where the project is to be located.*
- (3) Direct mailing to the owners and occupants of property contiguous to the project. Owners of such property shall be identified as shown on the latest equalized assessment rolls.*

The City of Laguna Beach circulated a Notice of Intent to Adopt a Mitigated Negative Declaration for the 2354 San Clemente Street Project (Design Review DR-2021-8817; Coastal Development Permit CDP-2021-8819; Variance VAR-2021-8820) to trustee and responsible agencies, the State Clearinghouse, the Orange County Clerk and the public on July 30, 2024. A 30-day public review period was provided from July 30, 2024, to August 29, 2024, to receive public and agency comments on the adequacy of the environmental analysis contained in the Public Review Draft Initial Study/Mitigated Negative Declaration (IS/MND).

Subsequent to completion of the 30-day public review period and prior to consideration of the Project by the Design Review Board, the Project Applicant updated the Alternative Materials and Methods of Construction Design Report, included as Appendix G in the Public Review Draft IS/MND, to reflect the proposed widening of the cul-de-sac, consistent with the Project Description and site plans. There are no modifications to the Public Review Draft IS/MND Project Description, analysis or conclusions in the IS/MND. Appendix G of the Public Review Draft IS/MND has been modified/replaced to include the updated Alternative Materials and Methods of

Construction Design Report. The recirculation of the IS/MND also provided additional opportunity for the notification of individuals who expressed interest in the Project to review the Public Review Draft IS/MND prior to consideration of the Project by the Design Review Board. The City of Laguna Beach recirculated a Notice of Intent to Adopt a Mitigated Negative Declaration for the 2354 San Clemente Street Project (Design Review DR-2021-8817; Coastal Development Permit CDP-2021-8819; Variance VAR-2021-8820) to trustee and responsible agencies, the State Clearinghouse, the County Clerk and the public on March 7, 2025. A 30-day public review period was provided from March 7, 2025, to April 7, 2025. In accordance with CEQA Guidelines Section 15072(b), the Notice of Intent was posted on the Project site, as well as the San Clemente Street terminus. As such, proper notice to the public was provided, and recirculation of the MND is not required. In addition, pursuant to the request made by Mr. Fisch, the Notice of Intent was sent to Mr. Fisch via the email address provided, as well as any others who requested such notice pursuant to subdivision (b) of CEQA Guidelines section 15072. Political concerns are not within the purview of CEQA or related to the evaluation of potential environmental impacts of the proposed Project. This comment does not alter the Draft IS/MND analysis or conclusions, and no further response is warranted.

- C-3 The comment details concerns related to piecemealing, since there are several residential projects within 500 feet of the proposed Project, including four single-family residential projects on Alta Vista Way, and one on Nido Way, this would result in a violation CEQA Guidelines Section 15378 and case law (Laurel Heights case, 1988). The comment states that the same project was previously issued a CEQA exemption that was in violation of CEQA law three years ago. The comment continues that there are concerns that multiple residential projects would increase fire hazards, habitat destruction, evacuation constraints, limiting access to public and emergency services, and increasing traffic. The commentor asserts that the multiple residential projects should be analyzed as a single project.

There was no project previously approved for the Project site that relied on a CEQA exemption. The previous project that was proposed in 2022, was revised. Pursuant to State CEQA Guidelines Section 15063, the City of Laguna Beach, as Lead Agency, has prepared an Initial Study to determine if the proposed 2354 San Clemente Street Project (Project) would have a significant effect on the environment. The City never approved the Project based on a categorical exemption, and the IS/MND analyzes the Project in its entirety

The residential projects referenced in the comment on Alta Vista Way include a single-family residence that is currently under construction, a single-family residence that has been entitled but does not have building permits issued as of May 2025, a site that a single-family residence was demolished in 2014 with no current applications, and a single-family residence that completed construction in 2023. The residential project referenced on Nido Way is not along the evacuation route for the proposed Project. These project sites have a General Plan land use designation of Village Low Density, which is intended to provide for single-family residential development and has been accounted for under General Plan build-out. As discussed in Section 4.21, Mandatory Findings of Significance of the Draft IS/MND, the proposed Project would not

have cumulatively considerable impacts with adherence to established regulatory frameworks, which would be applicable to the other single-family residential projects in the vicinity.

CEQA Guidelines Section 15378 defines a “project” under CEQA. The proposed Project was determined by the City, as the lead agency, to be a project under CEQA. Although they are within 500 feet of the Project site, the residential projects referenced in the comment are not related to the proposed Project and are not currently under discretionary review, as described above. Therefore, the other residential projects could not be included as part of the proposed Project. The case law referenced in the comment addresses the EIR's analysis of future activity and effects is inadequate under CEQA. The proposed use of the Project site would be the same as the existing use, as it is replacing an existing single-family residential unit.

As described in Section 4.14, *Population and Housing*, of the Draft IS/MND, the Project would not induce substantial unplanned population growth directly through new homes or indirectly through the extension of roads or other infrastructure. The Project proposes to remove an existing single-family residence and construct a new single-family residence in its place. The Project also proposes street improvements to San Clemente Street within the existing right-of-way to provide adequate fire engine turnaround. The Project site has a General Plan land use designation of Village Low Density, which is intended to provide for single-family residential development and has been accounted for under General Plan build-out. The single-family residence proposed as part of the Project replaces the existing single-family residence and detached guest home on the Project site. The Project is consistent with the General Plan for the site.

Further, as discussed in Section 4.21, Mandatory Findings of Significance of the Draft IS/MND, the proposed Project would not have cumulatively considerable impacts. Cumulatively considerable means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. The Project would not substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or substantially reduce the number or restrict the range of a rare or endangered plant or animal. Following compliance with the established regulatory framework and mitigation measures, impacts would be less than significant. As discussed in Section 4.20 of the Draft IS/MND, *Wildfire*, compliance with the City's established regulatory framework, standard engineering practices, and design criteria, which would be verified through the City's development review process would ensure potential impacts associated with wildfire risks, exposure to pollutant concentrations from a wildfire, or the uncontrolled spread of a wildfire beyond existing conditions at the Project site would be less than significant. Additionally, the Project's proposed street improvements would have a beneficial impact on fire protection and emergency services within the Project site and adjacent areas by providing enhanced access for fire engines and emergency response personnel. In addition, the Project would be required to comply with the California Fire Code, as amended, in accordance with Laguna Beach Municipal Code Chapter 15.01, *California Fire Code*. Implementation of all Fire Code requirements would further reduce potential impacts concerning fire protection services. As described in Section 4.17 of the Draft IS/MND, *Transportation*, in Response 4.17(b), the Project proposes to remove the

existing single-family residence and construct a new single-family residence. The Project also proposes street improvements within the adjacent right-of-way. Operation of the Project is anticipated to generate similar amounts of vehicle trips and VMTs when compared to existing conditions, as the existing conditions and proposed conditions both involve single-family residential uses. The proposed street improvements to San Clemente Street would not result in additional vehicle trips and VMT beyond existing conditions, as the improvements would widen the street and construct a cul-de-sac for improved emergency access and would not increase roadway capacity. Therefore, because the Project would not generate substantial new vehicle trips, and would not be cumulatively significant.

Thus, the IS/MND did consider the cumulative impacts of this proposed Project in relation to past, current, and future projects, and determined that the Project's cumulative impacts are less than significant. This comment does not alter the Draft IS/MND analysis or conclusions, and no further response is warranted.

- C-4 The comment states that CEQA requires cumulative impact analysis and that the combined impacts of development projects worsen fire hazards, evacuation and access constraints, impacts to biological resources, and cause infrastructure stain. Additionally, the projects referenced in the comment letter are in a designated Environmentally Sensitive Habitat Area (ESHA), which could lead to substantial degradation of sensitive ecosystems.

As stated in Section 4.4 of the Draft IS/MND, *Biological Resources*, the Project site supports approximately 0.11 acre of lemonade berry scrub (0.10 acre within the northwestern parcel and 0.01 acre within the southeastern parcel). This area is considered a sensitive habitat and qualifies as an ESHA. Project implementation could result in significant impacts to native lemonade berry scrub, which is considered a sensitive natural community on CDFW's Natural Community List. Although fuel modification is required in areas with lemonade berry scrub (approximately 0.10 acre), the *Alternative Materials and Methods of Construction Design Report* (refer to Appendix G) requires that special-status plant species, such as lemonade berry, not be removed as part of fuel modification activities, in compliance with the City's General Plan Open Space and Conservation Element. In accordance with the City's General Plan, impacts to lemonade berry scrub would be avoided during fuel modification activities through selective thinning of undesirable nonnative shrubs, installation and use of irrigation rotors on galvanized poles within fuel modification Zone A, water cannons to assist with fire-fighting in Zone B, and other additional fire prevention and protection measures as recommended in the *Alternative Materials and Methods of Construction Design Report* (refer to Appendix G). Lemonade berry scrub within Zone C is completely within the 25-foot setback of the drainage and would be avoided completely. Mitigation Measure BIO-1 would require that construction comply with the Fuel Modification Plan, provided in the *Alternative Materials and Methods of Construction Design Report*, and avoid removal of special-status and sensitive community plants, such as lemonade berry scrub, during fuel modification activities.

While no special-status plant species were observed on-site, there is the potential for special-status plant species to occur within the Project area. Mitigation Measure BIO-2 would ensure that, prior to any ground disturbing activities, a focused special-status plant survey be conducted

during the appropriate blooming period for any special-status plant species that has a potential to occur on-site. If any special-status plant species are found on-site, the special-status plants will be tagged for preservation in any fuel modification activities and development on-site shall avoid impacts to these special-status plant populations and focus development within areas mapped as developed or ornamental, which already exhibit disturbance. With implementation of Mitigation Measures BIO-1 and BIO-2, impacts to candidate, sensitive, or special status species would be reduced to a level that is less than significant.

As discussed in Section 4.20 of the Draft IS/MND, *Wildfire*, the Project site is identified as being within a VHFHSZ within a Local Responsibility Area (LRA). As such, the Project's landscape plan includes fuel modification zones which would be located primarily in the northwestern parcel. Additionally, the proposed development and street improvements would provide enhanced emergency vehicle access as compared to existing conditions. San Clemente Street is an approximately 275-foot dead-end residential street and does not currently meet the requirement to be considered a fire apparatus road, due to the street being too narrow. However, the junction of San Clemente Street and Alta Vista Way meets the turnaround requirement for a 60-foot "Y" turnaround. The nearest fire hydrant (at the driveway entrance of 2399 San Clemente Street), near the intersection of Alta Vista Way and San Clemente Street, is approximately 250 feet from the Project site, which is within the required minimum fire hydrant spacing distance of 500 feet established by the State Fire Code. The future residence would be accessed via a driveway connecting to San Clemente Street and would have setbacks of approximately 22 feet five inches in the front, 20 feet four inches in the rear, and six feet two inches and nine feet two inches on the southeast and northwest sides, respectively. No parking would be permitted along both sides of northern San Clemente Street. Four fire lane "No Parking" signs would be installed and the curb along the cul-de-sac would be painted red. During construction activities, construction staging would occur on-site; no building materials would be stored in the public right-of-way. A construction staging and management plan would be required to be approved by the City's Building Official prior to the start of construction. A construction staging plan helps ensure construction activities do not result in significant traffic or queuing along roadways within the area that could potentially impede emergency vehicles or impair any emergency evacuation plan. The proposed Project would also comply with applicable portions of the City Municipal Code, including Chapter 15.01, *California Fire Code*, and the City's Landscape/Fuel Modification Guidelines and Maintenance Program. Compliance with the City's established regulatory framework, standard engineering practices, and design criteria, which would be verified through the City's development review process would ensure potential impacts associated with wildfire risks, exposure to pollutant concentrations from a wildfire, or the uncontrolled spread of a wildfire beyond existing conditions at the Project site would be less than significant.

As discussed in Section 4.21 of the Draft IS/MND in Response 4.21(c), the proposed Project would not have cumulatively considerable impacts with adherence to established regulatory frameworks. Compliance with the regulatory requirements would reduce the potential for the incremental effects that would occur with construction and operation of the proposed Project relevant to the environmental topical areas discussed within the Draft IS/MND. As described in Response C-3 above, the IS/MND did consider the cumulative impacts of this proposed Project in

relation to past, current, and future projects, and determined that the Project's cumulative impacts are less than significant. This comment does not alter the Draft IS/MND analysis or conclusions, and no further response is warranted.

- C-5 The comment states that the Project was artificially divided to qualify for an IS/MND and that the 32-foot turnout on San Clemente Street is not part of the Project. The comment states that the Project requires an EIR. As described in Section 2.3 Project Characteristics of the Draft IS/MND, the Project proposed street improvements to San Clemente Street within the existing right-of-way to provide adequate fire engine turnaround. Project street improvements include widening the northern portion of San Clemente Street to between 17 and 21 feet, ultimately terminating in a 32-foot-wide cul-de-sac. No parking would be permitted along both sides of northern San Clemente Street. Four fire lane "No Parking" signs would be installed and the curb along the cul-de-sac would be painted red. As discussed throughout the Draft IS/MND, the Project, which includes the street improvements on San Clemente Street as described in Section 2.3, would not result in significant short-term or long-term environmental impacts that cannot be reduced to a less than significant level with compliance with the established regulatory framework and/or mitigation measures.

Pursuant to State CEQA Guidelines Section 15063, the City of Laguna Beach, as Lead Agency, has prepared an Initial Study to determine if the proposed 2354 San Clemente Street Project (Project) would have a significant effect on the environment. If, as a result of the Initial Study, the Lead Agency finds that there is evidence that mitigation cannot reduce the impact to a less than significant level for any aspect of the proposed Project, then the Lead Agency must prepare an Environmental Impact Report (EIR) to analyze project-related and cumulative environmental impacts. Alternatively, if the Lead Agency finds that there is no evidence that the Project as proposed may cause a significant effect on the environment, the Lead Agency may prepare a Negative Declaration (ND). If the Lead Agency finds that there is evidence of a significant impact, but the impact can be reduced through mitigation, the Lead Agency may prepare a Mitigated Negative Declaration (MND). Such determination can be made only if "there is no substantial evidence in light of the whole record before the Lead Agency" that such significant environmental impacts may occur (PRC Section 21080(c)). Based on the Environmental Checklist Form and supporting environmental analysis provided in Section 4.0, *Environmental Analysis*, the proposed Project would have no impact or a less than significant impact concerning all environmental issue areas, except the following, for which the Project would have a less than significant impact with mitigation incorporated: Biological Resources; Cultural Resources; Geology and Soils; and Tribal Cultural Resources. This comment does not alter the Draft IS/MND analysis or conclusions, and no further response is warranted.

- C-6 The comment states that there was not a wildfire hazards analysis for the Project and that there is not an adequate and ADA compliant evacuation route. The comment continues to summarize the requirements for Wildfire Hazard Analysis in CEQA Guidelines Section 15126.2(a). Section 4.19 of the Draft IS/MND discusses fire risk, evacuation routes, and emergency access. As discussed in Section 4.15 of the Draft IS/MND in Response 4.15(a) service to the Project site by Laguna Beach Fire Department (LBFD) occurs under existing conditions and Project implementation is not

anticipated to increase calls for service or alter response times or other performance objectives. The Project's proposed street improvements would have a beneficial impact on fire protection and emergency services within the Project site and adjacent areas by providing enhanced access for fire engines and emergency response personnel. In addition, the Project would be required to comply with the California Fire Code, as amended, in accordance with Laguna Beach Municipal Code Chapter 15.01, *California Fire Code*. Implementation of all Fire Code requirements would further reduce potential impacts concerning fire protection services. As discussed above in Response C-4, the Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan and compliance with the City's established regulatory framework, standard engineering practices, and design criteria, which would be verified through the City's development review process would ensure potential impacts associated with wildfire risks, exposure to pollutant concentrations from a wildfire, or the uncontrolled spread of a wildfire beyond existing conditions at the Project site would be less than significant. This comment does not alter the Draft IS/MND analysis or conclusions, and no further response is warranted.

C-7 The comment states that the IS/MND must evaluate whether residential projects on substandard streets evaluate whether fire trucks and emergency responders can safely access the site and whether the project would worsen fire risks due to inadequate evacuation routes. As discussed above in Response C-6, as well as in Section 4.19 of the Draft IS/MND in Response 4.19(a), San Clemente Street is an approximately 275-foot dead-end residential street and does not currently meet the requirement to be considered a fire apparatus road, due to the street being too narrow. However, the junction of San Clemente Street and Alta Vista Way meets the turnaround requirement for a 60-foot "Y" turnaround. The nearest fire hydrant (at the driveway entrance of 2399 San Clemente Street), near the intersection of Alta Vista Way and San Clemente Street, is approximately 250 feet from the Project site, which is within the required minimum fire hydrant spacing distance of 500 feet established by the State Fire Code. No parking would be permitted along both sides of northern San Clemente Street. Four fire lane "No Parking" signs would be installed and the curb along the cul-de-sac would be painted red. The proposed development and street improvements would provide enhanced emergency vehicle access as compared to existing conditions. The Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. This comment does not alter the Draft IS/MND analysis or conclusions, and no further response is warranted.

C-8 The comment states that the IS/MND must evaluate ESHA considerations in regard to fuel modification zones and defensible space requirements. As stated in Section 4.4 of the Draft IS/MND, *Biological Resources*, the Project site supports approximately 0.11 acre of lemonade berry scrub (0.10 acre within the northwestern parcel and 0.01 acre within the southeastern parcel). This area is considered a sensitive habitat and qualifies as an ESHA.

Project implementation could result in significant impacts to native lemonade berry scrub, which is considered a sensitive natural community on CDFW's Natural Community List. Although fuel modification is required in areas with lemonade berry scrub (approximately 0.10 acre), the *Alternative Materials and Methods of Construction Design Report* (refer to Appendix G of the Draft

IS/MND) requires that special-status plant species, such as lemonade berry, not be removed as part of fuel modification activities, in compliance with the City's General Plan Open Space and Conservation Element. In accordance with the City's General Plan, impacts to lemonade berry scrub would be avoided during fuel modification activities through selective thinning of undesirable nonnative shrubs, installation and use of irrigation rotors on galvanized poles within fuel modification Zone A, water cannons to assist with fire-fighting in Zone B, and other additional fire prevention and protection measures as recommended in the *Alternative Materials and Methods of Construction Design Report* (refer to Appendix G of the Draft IS/MND). Lemonade berry scrub within Zone C is completely within the 25-foot setback of the drainage and would be avoided completely. Mitigation Measure BIO-1 would require that construction comply with the Fuel Modification Plan, provided in the *Alternative Materials and Methods of Construction Design Report*, and avoid removal of special-status and sensitive community plants, such as lemonade berry scrub, during fuel modification activities.

While no special-status plant species were observed on-site, there is the potential for special-status plant species to occur within the Project area. Mitigation Measure BIO-2 would ensure that, prior to any ground disturbing activities, a focused special-status plant survey be conducted during the appropriate blooming period for any special-status plant species that has a potential to occur on-site. If any special-status plant species are found on-site, the special-status plants will be tagged for preservation in any fuel modification activities. Development on-site shall avoid impacts to these special-status plant populations, focusing development within areas mapped as developed or ornamental which already exhibit disturbance. With implementation of Mitigation Measures BIO-1 and BIO-2, impacts to candidate, sensitive, or special status species would be reduced to a level that is less than significant. This comment does not alter the Draft IS/MND analysis or conclusions, and no further response is warranted.

- C-9 The comment requests trustee agency oversight for the Project. The comment continues with a summary of the comments made on the IS/MND. Per CEQA Guidelines Section 15386, a "Trustee Agency" means a state agency having jurisdiction by law over natural resources affected by a project and include the California Department of Fish and Wildlife (CDFW), the State Lands Commission, the State Department of Parks and Recreation, and the University of California. As stated in Section 4.4 of the Draft IS/MND, *Biological Resources*, no special-status species were observed during the site surveys conducted for the Biological Resources Assessment (see Appendix A of the Draft IS/MND). While no special-status plant species were observed on-site, there is the potential for special-status plant species to occur within the Project area. Mitigation Measure BIO-2 would ensure that, prior to any ground disturbing activities, a focused special-status plant survey be conducted during the appropriate blooming period for any special-status plant species that has a potential to occur on-site. If any special-status plant species are found on-site, the special-status plants will be tagged for preservation in any fuel modification activities and development on-site shall avoid impacts to these special-status plant populations and focus development within areas mapped as developed or ornamental, which already exhibit disturbance. Therefore, the Project would not require regulatory approval from CDFW, and they would not be a trustee agency for the Project. Additionally, the City of Laguna Beach circulated a Notice of Intent to Adopt a Mitigated Negative Declaration for the 2354 San Clemente Street

Project (Design Review DR-2021-8817; Coastal Development Permit CDP-2021-8819; Variance VAR-2021-8820) to trustee and responsible agencies on July 30, 2024 and recirculated a Notice of Intent to Adopt a Mitigated Negative Declaration for the 2354 San Clemente Street Project (Design Review DR-2021-8817; Coastal Development Permit CDP-2021-8819; and Variance VAR-2021-8820) to trustee and responsible agencies on March 7, 2025, which included the CDFW for their review. This comment does not alter the Draft IS/MND analysis or conclusions, and no further response is warranted.

- C-10 The comment states that in Laguna Beach, the public notification process for environmental documents under CEQA involves direct mailing, per the City's Public Notice Package Requirements. As described above in Response C-2, the Recirculated Public Review Draft IS/MND was noticed in accordance with CEQA Guidelines Section 15072(b). CEQA Guidelines Section 15072 does not require direct mailings to property owners. Laguna Beach Municipal Code Section 25.05.065 requires mailing for public hearing notices. The Notice of Intent to Adopt a Mitigated Negative Declaration for the 2354 San Clemente Street Project (Design Review DR-2021-8817; Coastal Development Permit CDP-2021-8819; and Variance VAR-2021-8820) did not include the public hearing notice for the proposed Project. This comment does not alter the Draft IS/MND analysis or conclusions, and no further response is warranted.

# COMMENT LETTER D

**From:** [Sharma, Shaveta CD](#)  
**To:** [abrodkin@denovoplanning.com](mailto:abrodkin@denovoplanning.com)  
**Subject:** FW: Official Survey Comments  
**Date:** Thursday, March 27, 2025 1:02:39 PM

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Ashely,

Another comment for 2354 San Clemente IS/MND. Thanks.

Best,

Shaveta Sharma  
Senior Planner  
505 Forest Avenue  
Laguna Beach, CA 92651  
p. 949.715.0958

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**From:** Rio Phior <rio.phior@sagon-phior.com>  
**Sent:** Thursday, March 27, 2025 10:27 AM  
**To:** Sharma, Shaveta CD <ssharma@lagunabeachcity.net>  
**Subject:** Official Survey Comments

[**NOTICE:** This message originated outside of City of Laguna Beach -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Please include this as a posted comment in regard to an illegal survey process, and more:

**Subject:** Urgent Concerns Regarding MND for 2354 San Clemente St.

City of Laguna Beach,

I appreciate Tony Fisch bringing this matter to your attention, as it sheds light on the piecemeal development happening in our neighborhood. Residents were not informed about this project until a small sign was posted—one I hadn't noticed until Tony pointed it out. When I saw it, I had to ask him what a "recirculated mitigated negative declaration" even meant. Other neighbors have asked the same question and are also wondering why we were not notified by mail, as has been standard practice in the past. No other streets within the project radius were informed either.

Currently, there are six ongoing home construction projects within 500 feet of our street, including three in the preserve canyon. This new proposed project at **2354 San Clemente**

D-1

D-2

# COMMENT LETTER D

**St.** will further encroach into Diamond Canyon—a designated **wildland ESHA (Environmentally Sensitive Habitat Area), coastal zone, and extreme high hazard fire zone**. Our neighborhood is in a **“purple” fire zone**, yet the city has ignored multiple requests to clear overgrown brush in Diamond Canyon, which has accumulated for over 70 years and directly borders our homes.

D-2  
con't

## Fire Safety and Emergency Access Concerns

This project reportedly includes a **turnout extending 13 feet into Diamond Canyon**, which was previously **denied three years ago** due to fire safety risks. The area is already in an extreme high hazard fire zone and sits on a **substandard 20-foot-wide street**. The previous Fire Marshal was heavily involved in rejecting the turnout, yet the **current Fire Marshal has not been consulted and is unaware of the project**. He supports the development of a **fire evacuation plan for our street**, but the city has **refused to respond to our requests** for one.

D-3

This is not just a hypothetical concern—in **November 2022, a fire broke out on our street, making evacuation by car impossible**. People could only escape on foot. There is no **ADA-compliant evacuation solution**, raising serious safety concerns for vulnerable residents, including a blind neighbor and a 92-year-old resident. A former Los Angeles Fire Marshal even warned that allowing fire vehicles near the end of our street could **trap both equipment and personnel**.

## Environmental and Infrastructure Impact

This project proposes a **3,500+ sq. ft. home, storage, garage, a 1,300 sq. ft. deck, and a pool—totaling approximately 7,000 sq. ft. of development in ESHA-designated Diamond Canyon**. Beyond the environmental impact, this would increase traffic from **service vehicles (housekeepers, pool maintenance, gardeners, deliveries) and visitors on an already congested, substandard street**.

We already face serious infrastructure issues:

- **Coyote overpopulation** has worsened due to overbuilding.
- A single parked car at our street entrance can **block trash trucks**, requiring me to personally ask neighbors to move their cars for waste collection.
- **There is no historical precedent for a turnout at the end of a street abutting a canyon in Laguna Beach**. Why was this turnout denied three years ago and now suddenly reintroduced **without fire department oversight**?

D-4

## The City’s Pattern of Negligence

Laguna Beach continues to grant **CEQA exemptions to over 90% of projects**, despite many being located in extreme high hazard fire zones and sensitive coastal ESHA areas with substandard streets. This project was previously deemed **unfit for a CEQA exemption**,

D-5

# COMMENT LETTER D

**requiring a full Environmental Impact Report (EIR) and fire evacuation plan.**

Given that conditions have only **worsened**, how is this project not **again** subject to an EIR and fire evacuation plan? The current declaration is even weaker than before, despite the increased risk. I have lost faith in the city's ability to prioritize public safety over mass development.

**Sincerely,**

**Rio Phior**

Resident, San Clemente St., Laguna Beach, CA  
818-681-0957



D-5  
con't

**Response to Commenter Letter No. D**

Rio Phior, Resident  
March 27, 2025

- D-1 The comment states that residents were not informed regarding the Project until the notice was posted on the site, and that residents were not noticed by mail. As described above in Responses C-2 and C-10, the City of Laguna Beach recirculated a Notice of Intent to Adopt a Mitigated Negative Declaration for the 2354 San Clemente Street Project (Design Review DR-2021-8817; Coastal Development Permit CDP-2021-8819; and Variance VAR-2021-8820) to trustee and responsible agencies, the State Clearinghouse, the County Clerk and the public on March 7, 2025. A 30-day public review period was provided from March 7, 2025, to April 7, 2025. In accordance with CEQA Guidelines Section 15072(b), the Notice of Intent was posted on the Project site, as well as the San Clemente Street terminus. Laguna Beach Municipal Code Section 25.05.065 requires mailing for public hearing notices. The Notice of Intent to Adopt a Mitigated Negative Declaration for the 2354 San Clemente Street Project (Design Review DR-2021-8817; Coastal Development Permit CDP-2021-8819; Variance VAR-2021-8820) did not include the public hearing notice for the proposed Project. This comment does not alter the Draft IS/MND analysis or conclusions, and no further response is warranted.
- D-2 The comment states that there are six ongoing construction projects in the vicinity of the Project site. The comment continues that the proposed Project will further encroach onto Diamond Canyon, which is a designated ESHA, coastal zone, and within an extremely high hazard fire zone. The resident states a concern that the brush in Diamond Canyon is overgrown. Based on the analysis contained in the Draft IS/MND, the proposed Project would not have cumulatively considerable impacts with adherence to established regulatory frameworks. Compliance with existing regulatory requirements would reduce the potential for the incremental effects that would occur with construction and operation of the proposed Project relevant to the environmental topical areas discussed within the Draft IS/MND. The Project is requesting a Coastal Development Permit (CDP-2021-8819) which is consistent with the requirements of a project within the coastal zone.

As described in Section 4.20 of the Draft IS/MND, *Wildfire*, the Project site is located within a VHFHSZ within an LRA and is also considered to be in a Wildland Urban Interface (WUI) area. As required due to the Project's location within a designated VHFHSZ within an LRA, the Project's landscape includes fuel modification zones which would be located primarily in the northwestern parcel. Combustible vegetation would be managed by removing and/or modifying, and partially or totally replacing, such vegetation with more adequately spaced, drought-tolerant fire-resistant plants, in order to provide a reasonable level of protection to structures from wildland fire. Construction of the proposed residential structure, site improvements, and improvements to San Clemente Street would be performed in accordance with City standards. The proposed development and street improvements would provide enhanced emergency vehicle access as compared to existing conditions. This comment does not alter the Draft IS/MND analysis or conclusions, and no further response is warranted.

D-3 The comment states that the proposed turnout at the end of San Clemente Street was previously denied three years ago, and that the Fire Marshal was not consulted as part of the Project. The comment continues that the City has not developed a fire evacuation plan for San Clemente Street, and that there was a fire in November 2022, where evacuation by car was not possible. The Project would be required to comply with the California Fire Code, as amended, in accordance with Laguna Beach Municipal Code Chapter 15.01, *California Fire Code*. Compliance and review of the Project for consistency with the California Fire Code, and with the AM&M Report is under the purview of the City's Building Official. The City's Building Official reviewed and approved the revised AM&M Report (Appendix G of the Revised IS/MND) on March 3, 2025.

As discussed above in Response C-6, as well as in Section 4.20 of the Draft IS/MND, *Wildfire*, in Response 4.19(a), San Clemente Street is an approximately 275-foot dead-end residential street and does not currently meet the requirement to be considered a fire apparatus road, due to the street being too narrow. However, the junction of San Clemente Street and Alta Vista Way meets the turnaround requirement for a 60-foot "Y" turnaround. The nearest fire hydrant (at the driveway entrance of 2399 San Clemente Street), near the intersection of Alta Vista Way and San Clemente Street, is approximately 250 feet from the Project site, which is within the required minimum fire hydrant spacing distance of 500 feet established by the State Fire Code. No parking would be permitted along both sides of northern San Clemente Street. Four fire lane "No Parking" signs would be installed and the curb along the cul-de-sac would be painted red. The proposed development and street improvements would provide enhanced emergency vehicle access as compared to existing conditions. The Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. This comment does not alter the Draft IS/MND analysis or conclusions, and no further response is warranted.

D-4 The comment states that the proposed Project would increase traffic, which would be an issue since the street already has issues including coyote overpopulation, blocked trucks, and the lack of historical precedent for a turnout at the end of a street abutting a canyon in the City. As described in Section 4.17 of the Draft IS/MND, *Transportation*, in Response 4.17(b), the Project proposes to remove the existing single-family residence and construct a new single-family residence. The Project also proposes street improvements within the adjacent right-of-way. Operation of the Project is anticipated to generate similar amounts of vehicle trips and VMTs when compared to existing conditions, as the existing conditions and proposed conditions both involve single-family residential uses. The proposed street improvements to San Clemente Street would not result in additional vehicle trips and VMT beyond existing conditions, as the improvements would widen the street and construct a cul-de-sac for improved emergency access and would not increase roadway capacity. Therefore, because the Project would not generate substantial new vehicle trips. This comment does not alter the Draft IS/MND analysis or conclusions, and no further response is warranted.

D-5 The comment states that the Project was not able to have an exemption to CEQA and requires an EIR and fire evacuation plan. Pursuant to State CEQA Guidelines Section 15063, the City of Laguna Beach, as Lead Agency, has prepared an Initial Study to determine if the proposed 2354 San Clemente Street Project (Project) would have a significant effect on the environment. If, as a result

of the Initial Study, the Lead Agency finds that there is evidence that mitigation cannot reduce the impact to a less than significant level for any aspect of the proposed Project, then the Lead Agency must prepare an EIR to analyze project-related and cumulative environmental impacts. Alternatively, if the Lead Agency finds that there is no evidence that the Project as proposed may cause a significant effect on the environment, the Lead Agency may prepare a ND. If the Lead Agency finds that there is evidence of a significant impact, but the impact can be reduced through mitigation, the Lead Agency may prepare a MND. Such a determination can be made only if “there is no substantial evidence in light of the whole record before the Lead Agency” that such significant environmental impacts may occur (PRC Section 21080(c)). Based on the Environmental Checklist Form and supporting environmental analysis provided in Section 4.0, *Environmental Analysis*, the proposed Project would have no impact or a less-than-significant impact concerning all environmental issue areas, except the following, for which the Project would have a less-than-significant impact with mitigation incorporated: Biological Resources; Cultural Resources; Geology and Soils; and Tribal Cultural Resources.

As described in Section 4.20 of the Draft IS/MND, *Wildfire*, in Response 4.20(a), the Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. The Lbfd Emergency Management Division prepares evacuation routes for the City. The City of Laguna Beach is broken down into 22 different Evacuation Management Zones. Each zone has a specific evacuation map that can be found on the City’s website. The Project site is located in Evacuation Management Zone 1, Arch Beach Heights. Evacuation from the Project site would most likely entail heading southeast on Alta Vista Way, then heading northwest on Glenneyre Street or SR-1, to eventually head north out of the City. Construction staging would occur on-site; no building materials would be stored in the public right-of-way. A construction staging and management plan would be required to be approved by the City’s Building Official prior to the start of construction. A construction staging plan helps ensure construction activities do not result in significant traffic or queuing along roadways within the area that could potentially impede emergency vehicles or impair any emergency evacuation plan. The proposed development and street improvements would provide enhanced emergency vehicle access as compared to existing conditions. This comment does not alter the Draft IS/MND analysis or conclusions, and no further response is warranted.

# COMMENT LETTER E

**From:** Tony Fisch <tony@fischconsulting.com>

**Sent:** Monday, April 7, 2025 6:13 PM

**To:** Sharma, Shaveta CD <ssharma@lagunabeachcity.net>; Ballard, Maria CD <mballard@lagunabeachcity.net>

**Cc:** Contreras, David CD <dcontreras@lagunabeachcity.net>; Alex Rounaghi <alexrounaghi@gmail.com>; Kempf, Sue <skempf@lagunabeachcity.net>; mark.orgill@icloud.com; Palm, Jeffrey@Coastal <jeffrey.palm@coastal.ca.gov>; Turner, Jennifer@Wildlife <jennifer.turner@wildlife.ca.gov>; Kiff, Dave CM <dkiff@lagunabeachcity.net>; Rio Phior <rio.phior@sagon-phior.com>; John Clarke <grikkus@aol.com>; Michael LaRiche <michaellariche@me.com>; Skip Roma <skiproma@yahoo.com>

**Subject:** Alert: MND public survey comments for NOTICE TO ADOPT A RECIRCULATED MND ON 2354 SAN CLEMENTE

[NOTICE: This message originated outside of City of Laguna Beach -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Residents of Laguna Beach are requesting a full Environmental Impact Report (EIR) for the residential development project at 2354 San Clemente St.

Residents of San Clemente St are requesting a fire safety plan and ADA compliant evacuation plan prior to further planning, or project approval.

1. I live at 2370 San Clement St in Laguna Beach. The project cited at 2354 Laguna Beach was proceeding to design review when residents within the project radius received a public hearing notice at the end of January 2025. The City of Laguna Beach violated CEQA compliance by failing to circulate either an initial study or a final version of the MND last summer.

I previously submitted a letter from former Director of Community Development Marc Wiener that I received in spring of 2022 to the city of Laguna Beach, who was required to rescind the previous CEQA exemption on this project. I still have all communications with Mr. Wiener, who committed to directly mailing/contacting all residents within the project radius with any and all surveys related to this applicant should the project return. However, on March 6, 2025, the city emailed me stating they had begun survey recirculation—yet once again The city of Laguna Beach as lead agency failed to direct-mail any residents within the project radius. Prior to the posting I send the lead designer and the department of community development a list of streets within the project radius that needed to be sent this MND recirculation for survey compliance within CEQA Law.

Below I included photos showing that the document posted only at the entrance of Alta Vista Way and San Clemente St. The posting is impossible see, and is not understood by the few residents that viewed it coincidentally. Only one neighbor contacted me after walking over to the posting off the street and asking what it was. Historically the city circulates notices by detailed post card to all residents within the project radius. The post cards explain the hearing, or survey in recognizable language. No other potentially affected streets had the doc posted.

Mailing Requirement:

CEQA **does not always require direct mail to all residents** within a project radius **unless**:

- There is a local agency rule or policy requiring it;
- The **lead agency has committed to doing so** in writing or during public meetings;
- Or the agency has a standard practice of mailing notices to surrounding residents.

That said, **§ 15072(b)(3) strongly encourages** agencies to notify persons and groups who have requested such notice and those known to be **interested or affected**. Many cities **interpret this as requiring mailing** to property owners and residents within a certain radius (e.g., 300 or 500 feet), and some local ordinances **require** this.

**Written Confirmation by the City:**

If the city previously confirmed **in writing** that you would be contacted—especially if that confirmation was given **in response to a request for notice** or as part of

E-1

E-2

# COMMENT LETTER E

prior outreach—it may constitute a **binding commitment** under **CEQA § 21092(b)(3)**. If they failed to follow through, that could potentially be grounds to **challenge the adequacy of public notice**.

**Implications of Failure:**

Failure to properly distribute the NOI (e.g., by not contacting affected residents as promised or required) can **invalidate the CEQA process** if it:

- Denied meaningful public participation,
- Resulted in the omission of relevant environmental comments,
- Or failed to meet the minimum public review requirements.

Under **CEQA Guidelines § 15072**, the lead agency is required to provide notice of the NOI to residents, organizations, and individuals likely to be affected by the project. Specifically, § 15072(b)(3) encourages notice to be provided to **persons who have previously requested notice** or are **known to be affected or interested parties**.

I would like to formally express that:

1. **The residents in there project radius were not notified of the public review period as committed**, despite [being within the project radius / previously requesting notice / written confirmation from the city that we would be contacted].
2. I believe this may constitute a **failure to provide reasonable notice** under CEQA, potentially limiting the opportunity for meaningful public review and input.

Given this, I respectfully request the following:

- Confirmation of the distribution method and recipient list for the NOI.
- Immediate inclusion on the notice list for this and future CEQA notices related to the project.
- I am requesting an extension of the public comment period and asking the lead agency to direct mail the survey to allow adequate time for review and response, as initial notice may have been insufficient or improperly executed.

2. **Our home is located at 2370 San Clemente Street. Our street is located in a Coastal Zone ESHA, adjacent to Diamond Canyon FMZ 19, with half our homes residing within the preserved wildland-urban interface canyon. (FMZ 19) is designated as a Very High Fire Hazard Severity Zone. The canyon contains 70-year-old growth and functions as a critical wildlife corridor that supports several listed species of special concern, including listed flora and fauna.**

The City is currently moving to approve this large residential project at the streets end (2354 San Clemente St). The project would partially reside in the canyon that includes a 32ft turnabout that will extend into the canyon, and the residential parcel is surrounded by six others that are also located within the Very High Fire Hazard Severity Zone. Our street has only one entrance and exit, and it is a substandard roadway—just 20 feet wide. During the California wildfires, we experienced wind gusts of up to 75 MPH. In November 2022, a house directly across the street from our home caught fire. While fire and police responded quickly, it's clear that had the fire spread—or if a fire were to break out at the only exit to our street—we would be trapped with no safe evacuation route. Our only option would be to evacuate on foot, likely into dangerous conditions, as there is no safe house identified nearby and no ADA-compliant, accessible evacuation route down to Catalina (paper street) or Glenneyere Street.

We have repeatedly requested that the City and City Council provide an ADA-compliant evacuation plan and route, especially since the 2354 project would increase both wildfire and general fire risks in a drought. I have submitted this request to both the lead designer of the 2354 project and the Director of Community Development multiple times, but I have received no response.

Fire Marshal Montaghami recommended I reach out to the appropriate staff within the fire department, as there are multiple city departments that coordinate on these issues. The City is the lead agency, and CDFW, the California Coastal Commission, and Cal Fire may serve as Trustee agencies in this matter.

We also face limited access to emergency services due to the bottleneck created by ongoing piecemealed development projects. Currently, there are active or approved projects at 460 Alta Vista Way, 410 Alta Vista Way, 200 Alta Vista, Nedo Way, and a remodel at Alta Vista and San Clemente. The 2354 project would be the sixth, all within a 750-foot radius.

I have formally requested that a new fire study and evacuation plan be implemented before further planning proceeds on the 2354 project. We are in a drought, and the canyon lacks a time-sensitive mitigation plan. The cumulative impact of increased traffic, work trucks, gas and electric equipment, and personnel adds significantly to the risk of fire in this extremely sensitive ESHA.

Please also consider the environmental impact: This development is occurring in a Coastal Zone ESHA. Listed plant species are being removed and are now endangered, along with listed fauna. As a related concern, LBPD Animal Services had to euthanize two coyotes just two months ago—these animals were pushed out of Zone 19 due to overdevelopment and habitat fragmentation.

The Initial Study/Mitigated Negative Declaration for the 2354 San Clemente project is currently under public review and is set to close on April 7, 2025 (with a potential extension). The City's July 2024 report (Page 105, Section 4.20 Wildfire) concluded that wildfire risk would be less than significant. I find this conclusion deeply concerning and implausible, and I am formally requesting a full Environmental Impact Report (EIR) for the 2354 project.

We are aware of the regulatory framework regarding CEQA compliance and the interactions between agencies. Because this project requires programs to comply with CDFW it may require both state and federal permits. This project may require National Environment Quality Act (NEPA) compliance including:

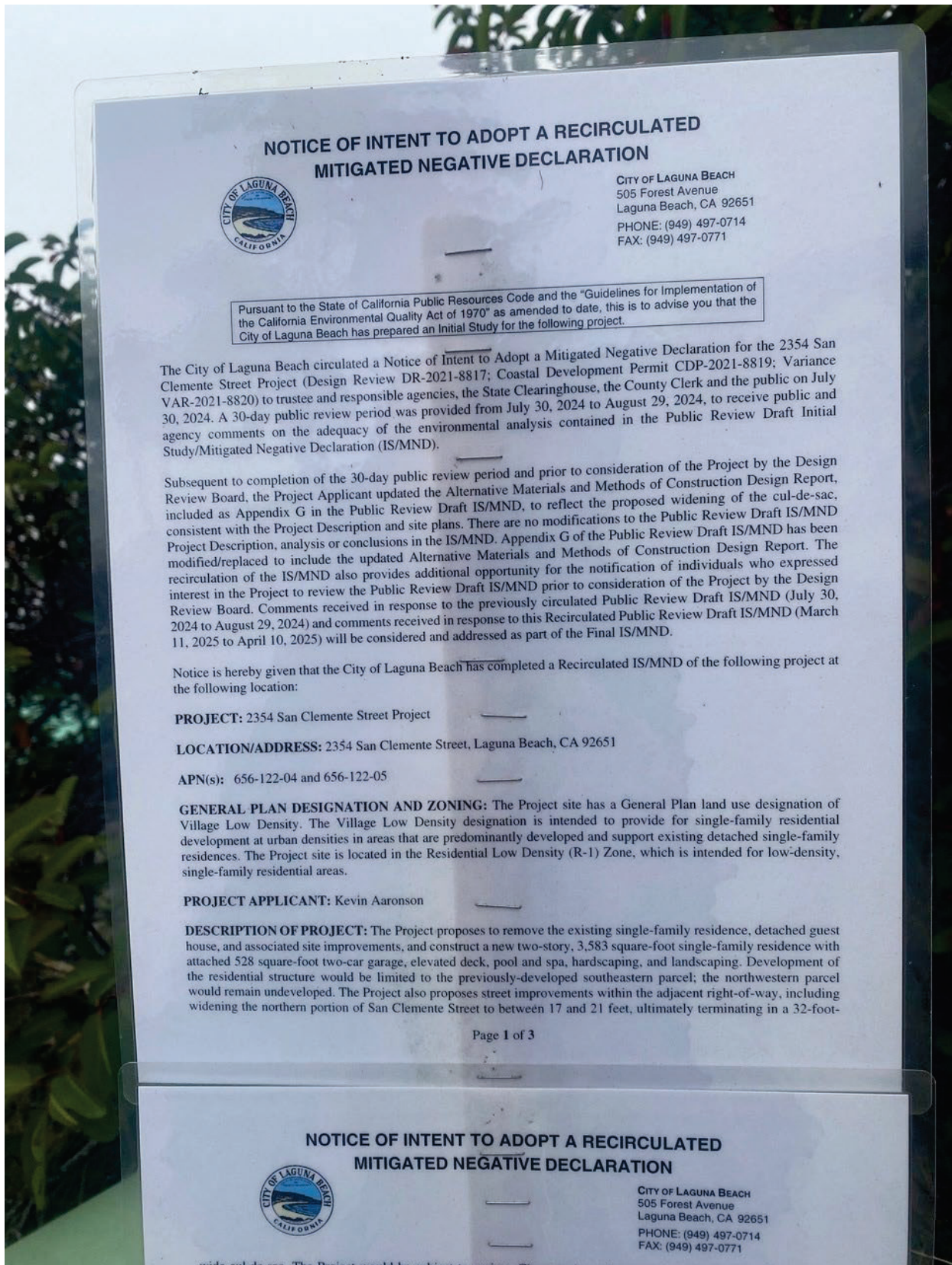
- The City of Laguna Beach (or another local agency) serving as the CEQA lead agency for fire safety or evacuation-related projects.
- CDFW, CCC, and Cal Fire acting as trustee agencies to review and enforce environmental protections related to fire safety, ESHA, and evacuation plans.
- Oversight from these agencies when a project involves coastal permits, habitat conservation plans, or wildfire mitigation.

This notice was almost impossible to see, or understand by the layperson. The city failed to direct mail this per confirmation. It was not posted on adjacent streets within the project radius.

E-2  
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E-3

# COMMENT LETTER E



E-3  
cont

The posting is near impossible to identify.

COMMENT LETTER E



E-3  
con't

# COMMENT LETTER E



E-3  
con't

### 3. Request for Environmental Impact Report (EIR) – 2354 San Clemente Project

Submitted to: City of Laguna Beach, California Coastal Commission (CCC), California Department of Fish and Wildlife (CDFW), and relevant NEPA authorities



F-4

# COMMENT LETTER E

Date: April 7, 2025

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## Public Review Status

The **Initial Study/Mitigated Negative Declaration (IS/MND)** for the **2354 San Clemente project** is currently under public review and is scheduled to close on **April 7, 2025**, with the possibility of an extension.

The City of Laguna Beach's **July 2024 report** (Page 105, Section 4.20: *Wildfire*) concludes that the **wildfire risk is "less than significant."** I find this conclusion deeply **concerning and implausible**, particularly in light of the project's location and cumulative environmental impacts.

Accordingly, I am **formally requesting the preparation of a full Environmental Impact Report (EIR)** for this project.

---

## Request for Document Comparison and Cumulative Analysis

I respectfully request that the **City of Laguna Beach**, the **California Coastal Commission**, **CDFW**, and **NEPA authorities** compare the current MND documents—including the biological analysis—with the materials I previously submitted to **Marc Wiener in January 2022**.

I believe the current MND has failed to adequately consider:

- The **six or seven other projects** either underway or approved **within this Coastal Zone ESHA**, resulting in potential **piecemealing** and **cumulative environmental damage**.
- The presence of **listed species and species of special concern** in the project area.
- **State and county policies** on **wildfire prevention, safety, and evacuation**.

---

## Regulatory Framework and Interagency Oversight

We recognize the complex regulatory framework that governs CEQA compliance and interagency coordination. Given the location and scope of this project, it may **require both state and federal permits**, as well as compliance with the **National Environmental Policy Act (NEPA)** and the **California Coastal Act**.

Oversight may include:

- The **City of Laguna Beach** (or another local agency) acting as the **CEQA lead agency** for components involving fire safety or evacuation planning.
- **CDFW, CCC, and Cal Fire** acting as **trustee agencies** responsible for reviewing and enforcing environmental protections related to **fire safety, ESHA, and evacuation plans**.
- Oversight from these agencies for components involving **coastal development permits, Habitat Conservation Plans (HCPs), and wildfire mitigation measures**.

---

## CEQA Code Sections Ensuring Trustee Agency Oversight

The California Environmental Quality Act (CEQA) outlines specific sections mandating consultation and oversight by trustee and responsible agencies, particularly for sensitive or high-risk projects.

### 1. CEQA Guidelines §15386 – Trustee Agencies

Defines trustee agencies and ensures they are consulted when a project may affect resources under their jurisdiction.

- **CDFW** – Wildlife, endangered species, and habitat conservation
- **CCC** – Coastal zone projects and ESHA protections
- **Cal Fire** – Wildland fire risk in State Responsibility Areas (SRAs)

---

### 2. CEQA Guidelines §15086 – Consultation Requirements

Mandates that lead agencies consult with trustee and responsible agencies during preparation of an **Environmental Impact Report (EIR)** or **Mitigated Negative Declaration (MND)**.

This ensures:

- **Cal Fire** reviews fire protection and evacuation plans
- **CCC** reviews impacts to coastal development and ESHA
- **CDFW** reviews Habitat Conservation Plans and impacts to sensitive species

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### 3. CEQA Guidelines §15065 – Mandatory Findings of Significance

Requires an EIR if a project:

- Substantially affects **rare, threatened, or endangered species**
- Poses significant **wildfire or public safety risks**

---

### 4. CEQA Guidelines §15126.2 & §15126.4 – Significant Effects and Mitigation



E-4  
con't

# COMMENT LETTER E

Requires lead agencies to evaluate:

- **Fire risk and evacuation** (Cal Fire)
- **Habitat degradation** (CDFW)
- **Coastal resource damage** (CCC)

Mitigation measures must be developed in **consultation with trustee agencies**, with **enforcement authority often delegated** to them.

---

## 5. Public Resources Code (PRC) §§21080.3 and 21080.4 – Early Consultation

Requires timely **notification and consultation** with trustee agencies when:

- A **Coastal Development Permit** is required
- **Protected habitats or evacuation routes** may be impacted

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## Conclusion

In light of the project's location within an preserved coastal ZONE ESHA, its cumulative impact with nearby developments, and growing public safety concerns related to wildfire risk, **a full Environmental Impact Report (EIR) is warranted**. I urge the City of Laguna Beach and all relevant agencies to adhere to CEQA's mandates and ensure robust environmental and safety protections for the 2354 San Clemente project.

---

**From:** Tony Fisch <[tony@fischconsulting.com](mailto:tony@fischconsulting.com)>

**Subject:** Item 4.6 - 2354 San Clemente St. This project does not qualify for a categorical CEQA exemption as claimed by the City of Laguna Beach

**Date:** January 26, 2022 at 3:33:03 PM PST

**To:** "[mwiener@lagunabeachcity.net](mailto:mwiener@lagunabeachcity.net)" <[mwiener@lagunabeachcity.net](mailto:mwiener@lagunabeachcity.net)>

Dear Marc,

Please see this email

Thank you

Tony Fisch

President, Tony Fisch Consulting

[tony@fischconsulting.com](mailto:tony@fischconsulting.com)

323-228-4543

Project Address: 2354 SAN CLEMENTE STREET LAGUNA BEACH, CA

Legal Description: LOMA TR LOT 11 BLK 6 AND LOT 12 BLK 6 656-122-04 and 05

Assessor's Parcel Numbers: 656-122-04 and 656-122-05

Applicant's Biological resource assessment for reference, and PDF of Comments attached below. MAP included.

## **SUMMARY COMMENT**

The proposed project is capable of causing a direct or reasonably foreseeable indirect physical change in the environment and, without mitigation or redesign, would create a significant adverse environmental impact to biological resources, community character and residential access to public and emergency services.

## **RECOMMENDATION**

It is recommended that the CEQA exemption/project design not be approved and that further environmental review, mitigation, ERI, and redesign be required.

## **EXPLANATION**

It seems that the developer is asking for the moon in regard to development size and it is up to the City of Laguna Beach and jurisdictional agencies to apply CEQA regulations to protect plants, wildlife habitat, and waterway vegetation, as well as existing community character and residential access to public and emergency services. Currently, the neighborhood works together to preserve valuable open space areas, community character, and preserve access to residences and public services. We cannot accommodate any presence that would adversely and significantly impact our open space area, alter the character of our community, and overburden residential access to public or emergency services.

The development size and Fire Dept.'s fuel modification requirements for this large development conflict with the City's Ordinance on

E-4  
con't

E-5

# COMMENT LETTER E

Open Space preservation and will not protect good quality special-status species habitat, special status species, and sensitive communities, and will possibly introduce invasive species to open space areas. Per the California Environmental Quality Act, further biological study is required, as directed by the publicly accessible biological assessment. Specifically, a seasonal study for special status plant species, a review of fuel modification target plants for protected species and habitat (plants, wildlife habitat and sensitive plant communities), an examination of the proposed planting palette for invasive species, and lighting design accommodation for wildlife species is needed, including protection of migratory bird and raptor nesting sites during construction.

E-5  
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## Biology Overview

The applicant's biologist surveyed the area and assumed other natural vegetation would not be disturbed by the development. This is not the case. To protect such a large structure and one that goes down the slope of the canyon (see profile on Page 13, Section A of Design Plans) to accommodate a pool, game room and oversized deck, the Fire Dept must propose that all vegetation be removed on and around building footprint and that, beyond that, the rest of the vegetation be thinned out by up to 50 percent and all Fire Dept. "target" species be removed to the canyon's drainage path. Thinning is included within Zone C which includes the 25-foot buffer zone of the drainage course (see Page 10 of Dudek's Revised Report). In addition, as mapped by the applicant's biologist in Figure 3 of their report, this would include the lemonade berry scrub community, which is not only a Fire Dept. target removal species, but also a protected special status species habitat and a protected sensitive community. The Fire Dept. has one note in regard to the environment as follows: Note g for Zone A reads that special consideration should be given for rare and endangered species, tree ordinances and any other conflicting regulations, but only around the building footprint (Zone A). Per the biologist's report, this should apply to all fuel modification areas as well and for all protected species and habitats.

E-6

Other plant and wildlife removals would include removals to secure excavations in that the surface soils are unstable and would require surrounding land to be sloped back at a one-to-one ratio while they are excavated and re-engineered to bedrock or more stable material. Design notes conflict with this geotechnical report requirement as the design note says that no excavation will exceed five feet, but the report indicates that excavation may be necessary to 10 feet or more to reach more stable material (Page 8, Geotechnical Report). Therefore, excavation may be deeper and will need to be sloped back, impacting surrounding vegetation. The geotechnical report notes that shoring is difficult and destabilizing in this area, so much so, that neighbors have to be informed of the damage risk to their property if shoring is used.

The size of the development is not only out of character for the neighborhood, but also requires so much fuel modification and slope development/excavation that it significantly impacts the sensitive preserved canyon open space environment. This project is not an exemption to CEQA. If developed as proposed, it would require considerable mitigation, possibly redesign, and a mitigated negative declaration or EIR. Biological impacts are cited in more detail in the next Section of this letter beginning on Page 3 herein.

## Access Overview

Besides being oversized for the neighborhood, other concerns include restricting residential and public service/emergency vehicle access once the project is built. With two onsite parking spaces provided, it is likely that support staff for a structure of this large size will exacerbate access issues on an already crowded street (i.e., gardener, housekeeping, pool service, maintenance vehicles), where trash trucks sometimes cannot get through as it is. In addition, ongoing and prolonged construction parking issues (since 2006) at 460 Alta Vista Way will cumulatively impact the described access as, oftentimes, public service and emergency vehicles cannot turn onto San Clemente Drive due to illegal and never-ending construction parking at this address.

E-7

## DETAILS OF BIOLOGICAL CONCERNS

Special Status Species/Sensitive Communities - The biological assessment indicates that special-status species that occur or could potentially occur within the study area are based on one or more of the following: (1) the direct observation of the species on the property during the biological survey, (2) a record reported in the CNDDDB, or (3) the study area is within the known distribution of a species and contains appropriate suitable habitat.

**Special-Status Plant Species:** While all plant species observed on-site were recorded during the field investigation, the biological assessment indicates it could not be considered a thorough survey for all special-status species because some species would not have been evident as the initial survey was conducted outside of the blooming periods for many of the species with potential to occur within the study area. **The assessment further requires that prior to any impacts to native lemonade berry scrub in the study area, a focused special-status plant survey should be conducted during the appropriate blooming period** for any plant species that has potential to occur within the study area. This includes chaparral ragwort, intermediate monardella, Fish's milkwort, mesa horkelia, and intermediate mariposa lily. If any special-status plant species are found on-site, any development on-site should try to avoid or minimize impacts to these special-status plant populations to the maximum extent possible and concentrate development within areas mapped as developed or ornamental/lemonade berry scrub, which already exhibit disturbance. **If avoidance and/or minimization is not feasible and it is determined that a significant population of special-status plant species will be impacted by the proposed project, mitigation will be required and may include one or more of the following:**

E-8

- Collection of seed, relocation, salvage, and/or transplantation to an on- and/or off-site location, if appropriate for the particular species.
- Payment into a mitigation bank or an in-lieu fee program conserving the impacted resource; and/or
- Off-site compensation through acquisition and protection of high-quality habitat elsewhere.

***The above-described focused study was not provided as part of the public record and could not be evaluated. Until such time as this study is performed or provided for public review, this project does not qualify for a categorical exemption.***

**Sensitive Natural Community:** The biological assessment states that the 0.34 acre of lemonade berry scrub is also considered a protected sensitive natural community. It further states that any development on-site should try to avoid or minimize impacts to this native sensitive natural community, and development should be concentrated within areas mapped as developed or ornamental/toyon sumac chaparral, which already exhibit disturbance. If avoidance and/or minimization is not feasible and it is determined that a portion

# COMMENT LETTER E

of the sensitive natural community will be impacted by the proposed project, **mitigation at a 1:1 mitigation ratio is usually recommended and may include one or more of the following:**

- On- and/or off-site creation, restoration, and/or enhancement;
- Payment into a mitigation bank or an in-lieu fee program conserving the impacted resource; and/or
- Off-site compensation through acquisition and protection of high-quality habitat elsewhere.

***The above-described impact analysis and mitigation are not offered as a part of the project and are not included in the categorical exemption. They could be included in a mitigated negative declaration or an EIR.***

**Wildlife and Wildlife Habitat** -The biological assessment indicates that the northwestern portion of the study area and the drainage are comprised of native chaparral and provide good quality native habitat. The native habitat within the study area is near to open space areas consisting of undeveloped hillsides and canyons. It is considered a habitat patch and likely supports local (wildlife). The assessment concludes that the area is a part of habitat that can be considered a habitat patch and likely supports wildlife movement within it on a local and regional level. The protected special status wildlife named that use this habitat are the coast horned lizard (*Phrynosoma blainvillii*), orange-throated whiptail (*Aspidoscelis hyperythra*), coast patch-nosed snake (*Salvadora hexalepis virgultea*), red-diamond rattlesnake (*Crotalus ruber*), Dulzura pocket mouse (*Chaetodipus californicus femoralis*), and San Diego desert woodrat (*Neotoma lepida intermedia*).

The biological assessment requires that any development on-site should try to avoid or minimize impacts to special-status wildlife species which may occur within the area including impacts to wildlife habitat provided by the native lemonade berry scrub plant community, and that development should concentrate within areas mapped as developed or ornamental/toyon-sumac chaparral, which already exhibit disturbance. In addition, Best Management Practices should be incorporated to make sure that homeowners are educated about the natural resources within their area. Education should emphasize the importance of: Chapter 4. Biological Constraints 2354 San Clemente Street, Laguna Beach 22 ESA / D181209.01 Biological Resources Assessment September 2019 Preliminary - Subject to Revision

- Lighting in backyards being shielded and/or directed away from open space areas to ensure that ambient lighting within open space areas is not increased;

No dumping toxic chemicals down the storm drains;

No planting invasive species<sup>1</sup> within their backyards, particularly those that are adjacent to open space areas or wildlife corridors;

Discouraging outdoor pets, particularly cats, due to predation on native wildlife;

Obeying signs and fencing along open space areas.

<sup>1</sup> Invasive species are considered to be those plant species on the California Invasive Plant Council's (Cal-IPC)

***Target species that are to be removed per the Fuel Modification Plan include Lemonade berry, a sensitive community and habitat for special status species. Therefore, all target species (for removal, thinning or maintenance) should be reviewed for special and sensitive community status, and any planting palette should be reviewed and revised to exclude invasive species by a qualified biologist. This work has not been performed, but is required per Fuel Modification Zone A, Note g. Appropriate alternatives or mitigation should be included in project for all affected zones, as needed per the biological assessment. In addition, any lighting plan should be reviewed for impact to the open space area. Until such time, this project does not qualify for a categorical exemption, and would be more appropriately evaluated under a mitigated negative declaration or an EIR.***

**Regulatory Jurisdiction** - Drainage Area A is described as a jurisdictional feature in the biological assessment, but the area is not mapped in the biological assessment. It is assumed to be the nearby stream and 25-foot buffer area. The assessment states that any development in this area, **including fuel modification impacts**, should try to avoid or minimize impacts to this jurisdictional feature, and concentrate development within areas that already exhibit disturbance. If avoidance and/or minimization is not feasible and it is determined that impacts to jurisdictional feature will occur from the proposed project, the appropriate permits will be obtained from the regulatory agencies (e.g., 404 permit from the USACE, 401 permit from the RWQCB, and Streambed Alteration Agreement from the CDFW) and mitigation will be required at a minimum 1:1 mitigation ratio, which may include one or more of the following:

On-and/or off-site creation, restoration, and/or enhancement of USACE/RWQCB jurisdictional "waters of the U.S."/"waters of the State" and CDFW jurisdictional stream bed and associated riparian habitat;

Purchase of mitigation credits at an agency-approved off-site mitigation bank or in-lieu fee program; and/or

Off-site compensation through acquisition and protection of high-quality habitat elsewhere

The Federal Migratory Bird Act, etc., calls for nest protection for migratory birds and raptors during construction and landscaping. This law should be followed and noted as a part of this project.

***The construction of two storm drains is planned to and within the 25-foot buffer zone to the stream channel, as well as two large energy dissipators. This will divert existing sheet flow to the stream and alter existing drainage patterns in the buffer zone and channel. This will require impact evaluation by the named jurisdictions, and, if required, permitting and appropriate mitigation. In addition, vegetation removal, thinning and maintenance are planned as part of fuel modification in this regulated habitat (Zone C per Page 10 of Revised Dudek Report). These actions also need to be evaluated by appropriate jurisdictional agencies in the same manner. Until such time, this project does not qualify for a categorical exemption. Appropriate construction buffer zones should be established for raptor nests and migratory bird nests as described in the biological assessment.***

E-8  
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# COMMENT LETTER E

↑ E-8  
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Applicant's Biological resource assessment for reference.  
PDF of Comments

The Parcel at 2354 San Clemente is surrounded by 6 environmentally sensitive parcels according to Laguna Beach mapping.

We were sent the following CEQA exemption claim/citing references by the the City Of Laguna Beach Department of Development.

Please visit pages 7-8 using the following link: [CEQA Guidelines](#) for details on Section 15301, Class 1.

The following link will take you to the staff report from this item's first hearing in June of 2021: [MetaViewer.php \(granicus.com\)](#)

Page 13 briefly addresses CEQA with the following excerpt:

**California Environmental Quality Act (CEQA) Determination**

In accordance with the California Environmental Quality Act (CEQA) Guidelines, the project is categorically exempt pursuant to Section 15303 - New Construction or Conversion of Small Structures, in that the project consists of construction and location of limited numbers of new, small structures. There is no evidence of any unusual or special conditions that would result in a significant effect on the environment.

Thank you  
Anthony Fisch  
(323) 228-4543 •

E-9

This document provides you with certain information that Tony Fisch Consulting (TFC) considers confidential and proprietary including, but not limited to, TFC's ideas and recommendations, format, presentation and plans ("Confidential Information"). By receipt of this document, you agree that this document and the Confidential Information contained therein shall not be disclosed to any third party and that the Confidential Information contained therein remains the exclusive ownership of TFC. © 2025 Tony Fisch Consulting

**Response to Commenter Letter No. E**

Tony Fisch, President  
Fisch Consulting  
April 7, 2025

- E-1 The comment summarizes the main concerns in the letter and states that the City failed to properly notify residents of the proposed Project by not mailing residents within the Project vicinity. See Responses C-2 and C-10. This comment does not alter the Draft IS/MND analysis or conclusions, and no further response is warranted.
- E-2 The comment states that photos of the posting are included in the email and that the notice was hard to see and not understood. The comment continues that the City typically circulates notices by post card to all residents in a project radius. The comment states that the residents in the Project radius were not notified of the public review period and that there was a failure to provide reasonable notice under CEQA. The commentor requests confirmation of the distribution method and recipient list for the NOI, being included on the notification list for this Project, and extension of the public comment period. See Responses C-2 and C-10. This comment does not alter the Draft IS/MND analysis or conclusions, and no further response is warranted.
- E-3 The comment states that an EIR is required for the Project, since there are potential cumulative impacts with other development projects in the vicinity, and there are potentially significant and unavoidable wildfire impacts. The comment continues that the Project may require NEPA compliance, if a federal permit is required. Additionally, the notice posted was difficult to see and/or understand. The comment includes photos of the posted notice and pictures of the street. See Responses C-2, C-4, C-6 and C-10 above.

As stated in Section 4.4 of the Draft IS/MND, *Biological Resources*, no special-status species were observed during the site surveys conducted for the Biological Resources Assessment (see Appendix A of the Draft IS/MND). While no special-status plant species were observed on-site, there is the potential for special-status plant species to occur within the Project area. Mitigation Measure BIO-2 would ensure that, prior to any ground disturbing activities, a focused special-status plant survey be conducted during the appropriate blooming period for any special-status plant species that has a potential to occur on-site. If any special-status plant species are found on-site, the special-status plants will be tagged for preservation in any fuel modification activities and development on-site shall avoid impacts to these special-status plant populations and focus development within areas mapped as developed or ornamental, which already exhibit disturbance. Therefore, the Project would not require regulatory approval from the United States Fish and Wildlife Services (USFWS), and they would not require NEPA compliance, since there is no federal agency approval required for the Project. This comment does not alter the Draft IS/MND analysis or conclusions, and no further response is warranted.

- E-4 The comment states that an EIR is warranted for Project due to cumulative impacts due to other projects in the vicinity, NEPA compliance, consultation with trustee and responsible agencies, having potentially significant impacts under CEQA Guidelines Section 15065, potential significant

effects, mitigation must be developed in consultation with trustee agencies, and early consultation with trustee agencies. The comment also adds that the Project is located in an ESHA Zone. See Response F-3 above. Pursuant to State CEQA Guidelines Section 15063, the City of Laguna Beach, as Lead Agency, has prepared an Initial Study to determine if the Project would have a significant effect on the environment. If, as a result of the Initial Study, the Lead Agency finds that there is evidence that mitigation cannot reduce the impact to a less than significant level for any aspect of the proposed Project, then the Lead Agency must prepare an EIR to analyze project-related and cumulative environmental impacts. Alternatively, if the Lead Agency finds that there is no evidence that the Project as proposed may cause a significant effect on the environment, the Lead Agency may prepare a ND. If the Lead Agency finds that there is evidence of a significant impact, but the impact can be reduced through mitigation, the Lead Agency may prepare a MND. Such determination can be made only if “there is no substantial evidence in light of the whole record before the Lead Agency” that such significant environmental impacts may occur (PRC Section 21080(c)). Based on the Environmental Checklist Form and supporting environmental analysis provided in Section 4.0, *Environmental Analysis*, the proposed Project would have no impact or a less-than-significant impact concerning all environmental issue areas, except the following, for which the Project would have a less-than-significant impact with mitigation incorporated: Biological Resources; Cultural Resources; Geology and Soils; and Tribal Cultural Resources. This comment does not alter the Draft IS/MND analysis or conclusions, and no further response is warranted.

- E-5 The comment is on the project that was submitted in 2022 and is not the revised Project that was analyzed in the IS/MND. A Biological Resources Assessment, which included on-site surveys, was prepared for the proposed Project (Appendix A of the IS/MND). Additionally, an AM&M Report was prepared for the proposed Project and reviewed and approved by the Building Official on March 3, 2025. The comment does not contain any information requiring changes to the Public Review Draft IS/MND. No further response is warranted.
- E-6 The comment is on the project that was submitted in 2022 and is not the revised Project that was analyzed in the IS/MND. The proposed Project was not considered exempt from CEQA, and an IS/MND has been prepared for the Project. A Biological Resources Assessment, which included on-site surveys, was prepared for the proposed Project (Appendix A of the IS/MND). Additionally, an AM&M Report was prepared for the proposed Project and reviewed and approved by the Building Official on March 3, 2025. The comment does not contain any information requiring changes to the Public Review Draft IS/MND. No further response is warranted.
- E-7 The comment is on the project that was submitted in 2022 and is not the revised Project that was analyzed in the IS/MND. Emergency evacuation and access for the Project has been analyzed in the IS/MND. The comment does not contain any information requiring changes to the Public Review Draft IS/MND. No further response is warranted.
- E-8 The comment is on the project that was submitted in 2022 and is not the revised Project that was analyzed in the IS/MND. The proposed Project was not considered exempt from CEQA, and an IS/MND has been prepared for the Project. A Biological Resources Assessment, which included on-site surveys, was prepared for the proposed Project (Appendix A of the IS/MND). The comment

does not contain any information requiring changes to the Public Review Draft IS/MND. No further response is warranted.

- E-9 The comment is on the project that was submitted in 2022 and is not the revised Project that was analyzed in the IS/MND. The proposed Project was not considered exempt from CEQA, and an IS/MND has been prepared for the Project. The comment does not contain any information requiring changes to the Public Review Draft IS/MND. No further response is warranted.

# COMMENT LETTER F

I've forwarded your message and supporting details to David Contreras, the City's Director of Community Development. He will be working with the appropriate planner to further review and address the issues you've raised.

While the Fire Department has reviewed your concerns, at this time it does not appear that direct action will be taken by our agency. That said, we recognize the importance of a coordinated approach, and we appreciate your continued engagement in this process.

Please feel free to reach out if you have any additional questions.

Best regards,



**Niko King** | Fire Chief  
Laguna Beach **Fire** Department  
Phone: 949-497-0700  
[nking@lagunabeachcity.net](mailto:nking@lagunabeachcity.net)  
505 Forest Avenue – Laguna Beach, CA 92651

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**From:** Limones, Sarah FD <[slimones@lagunabeachcity.net](mailto:slimones@lagunabeachcity.net)>  
**Sent:** Monday, April 7, 2025 5:29 PM  
**To:** King, Niko FD <[nking@lagunabeachcity.net](mailto:nking@lagunabeachcity.net)>  
**Subject:** Fw: Request for evacuation plan and safe route for San Clemente St Prior to any further approval consideration for 2354 San Clemente St. Case No. Design review 21-8817 Coastal Dev Permit 21-8819, Variance 21-8820

Hi Chief King,

I spoke with Tony, a resident on San Clemente Street, as he has evacuation concerns in relation to a new development project at the end of his street. See his email below. He is having issues getting ahead of Community Development.

Who would be the appropriate person to forward this to?

Thank you,



**Sarah Limones** | Emergency Operations Coordinator  
Laguna Beach **Fire** Department  
Phone: 949-497-0350  
[slimones@lagunabeachcity.net](mailto:slimones@lagunabeachcity.net)  
30516 S. Coast Hwy – Laguna Beach, CA 92651

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**From:** Tony Fisch <[tony@fischconsulting.com](mailto:tony@fischconsulting.com)>  
**Sent:** Monday, April 7, 2025 3:59 PM  
**To:** Limones, Sarah FD <[slimones@lagunabeachcity.net](mailto:slimones@lagunabeachcity.net)>  
**Subject:** Request for evacuation plan and safe route for San Clemente St Prior to any further approval consideration for 2354 San Clemente St. Case No. Design review 21-8817 Coastal Dev Permit 21-8819, Variance 21-8820

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Hi Sarah,

It was great to meet you, and thank you again for your time today.

I live at 2370 San Clemente Street. Our street is located in a Coastal Zone ESHA, within a preserved wildland-urban interface canyon (FMZ 19), which is designated as a Very High Fire Hazard Severity Zone. The canyon contains 70-year-old growth and functions as a critical wildlife corridor that supports several species of special concern, including listed flora and fauna.

The City is currently moving to approve a large residential project at the end of our street (2354 San Clemente). The project would partially reside in the canyon, and the parcel is surrounded by six others that are also located within the Very High Fire Hazard Severity Zone. Our street has only one entrance and exit, and it is a substandard roadway—just 20 feet wide. During the California wildfires, we experienced wind gusts of up to 75 MPH. In November 2022, a house directly across the street from my home caught fire. While fire and police responded quickly, it's clear that had the fire spread—or if a fire were to break out at the only exit to our street—we would be trapped with no safe evacuation route. Our only option would be to evacuate on foot, likely into dangerous conditions, as there is no safe house nearby and no ADA-compliant, accessible route down to Catalina (paper street) or Glenneyere Street.

We have repeatedly requested that the City and City Council provide an ADA-compliant evacuation plan and route, especially since the 2354 project would increase both wildfire and general fire risks. I have submitted this request to both the lead designer of the 2354 project and the Director of Community Development multiple times, but I have received no response.

Fire Marshal Montaghami recommended I reach out to you, as there are multiple city departments that coordinate on these issues. The City is the lead agency, and CDFW, the Coastal Commission, and Cal Fire may serve as Trustee agencies in this matter.

We also face limited access to emergency services due to the bottleneck created by ongoing piecemealed development projects. Currently, there are active or approved projects at 460 Alta Vista Way, 410 Alta Vista Way, 200 Alta Vista, Nedo Way, and a remodel at Alta Vista and San Clemente. The 2354 project would be the sixth, all within a 750-foot radius.

I have formally requested that a new fire study and evacuation plan be implemented before further planning proceeds on the 2354 project. We are in a drought, and the canyon lacks a time-sensitive mitigation plan. The cumulative impact of increased traffic, work trucks, gas and electric equipment, and personnel adds significantly to the risk of fire in this sensitive area.

Please also consider the environmental impact: this development is occurring in a Coastal Zone ESHA. Listed plant species are being removed and are now endangered, along with listed fauna. As a related concern, LBP Animal Services had to euthanize two coyotes just two months ago—these animals were pushed out of Zone 19 due to overdevelopment and habitat fragmentation.

The Initial Study/Mitigated Negative Declaration for the 2354 San Clemente project is currently under public review and is set to close on April 7, 2025 (with a potential extension). The City's July 2024 report (Page 105, Section 4.20 Wildfire) concluded that wildfire risk would be less than significant. I find this conclusion deeply concerning and implausible, and I am formally requesting a full Environmental Impact Report (EIR) for the 2354 project.

Thank you again, Sarah, for your help. Please let me know if you have any questions or if I can provide additional information.

Best regards,  
Anthony Fisch  
2370 San Clemente Street  
Thank you

Tony Fisch  
President, Tony Fisch Consulting  
[tony@fischconsulting.com](mailto:tony@fischconsulting.com)

(323) 228-4543 •

F-1

F-2

F-3

# COMMENT LETTER F

This document provides you with certain information that Tony Fisch Consulting (TFC) considers confidential and proprietary including, but not limited to, TFC's ideas and recommendations, format, presentation and plans ("Confidential Information"). By receipt of this document, you agree that this document and the Confidential Information contained therein shall not be disclosed to any third party and that the Confidential Information contained therein remains the exclusive ownership of TFC. © 2023 Tony Fisch Consulting

# COMMENT LETTER F

**From:** Tony Fisch  
**To:** King, Niko FD  
**Cc:** Contreras, David CD; Rio Phior; Skip Roma; John Clarke; jeffrey@Coastal Palm; Kiff, Dave CM; Alex Bounaghi; mark.ogill@icloud.com; Michael LaRiche; TONI ISEMAN  
**Subject:** Re: Request for evacuation plan and safe route for San Clemente St prior to any further approval consideration for 2354 San Clemente St. Case No. Design review 21-8817 Coastal Dev Permit 21-8819, Variance 21-8820  
**Date:** Thursday, April 10, 2025 4:19:57 PM  
**Attachments:** image001.png  
image.png

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Thank you Chief for looking at potential impacts related to fire safety, wildfire risk, emergency access, evacuation and environmental conditions for this VHFHSZ located in a Coastal ZONE ESHA. As well as CEQA and NEPA compliance. I am currently working with three agencies specifically on this project and our vulnerability in our ZONE and I will be in contact with the U.S. Department of Justice shortly to follow up on compliance failure re: ADA Title II. I am also aware that there is still no mitigation date for this canyon.

F-4

I want to thank you for getting in touch with me and acknowledging that the city of Laguna Beach is lead agency overseeing this project and our specific requests.

We greatly appreciate your service and the exceptional work your team did at 2399 San Clemente in November of 2022 to put out that house fire. It was clear to us that night that because of this substandard single exit street with no evacuation option, or ability to drive off the street with units in the street our survival in a fire on San Clemente would be in great jeopardy, especially in wild fire conditions. Had the wind been up as it was the night prior to this fire, we all might be dead. Draught is also a substantial factor again.

Lastly, with nine development projects either underway, nearing approval, or in initial construction—each located within approximately 750 to 800 feet of one another—there is a substantial risk of **improper segmentation**, or **“piecemealing,”** in violation of **CEQA Guidelines § 15003(h)**. CEQA expressly prohibits segmenting environmental review to avoid evaluating cumulative impacts. These projects appear to be interconnected in scope and timing, which raises serious compliance concerns. One project located at 460 Alta Vista Way has been underway since 2006. The city fails to see that the project is not neglect, or a derelict property. The owner has been penalized, but fails to complete the project. Resident wonder if permits are properly extended.

F-5

The resulting increase in traffic from construction and eventual occupancy already creates dangerous bottlenecks for emergency access and evacuation—particularly in this VHFHSZ and single-exit canyon. If not addressed comprehensively and lawfully, this situation may require **oversight from Trustee or Responsible Agencies**, and if necessary, **judicial review**

**CEQA Guidelines § 15165 and § 15168** – Discuss cumulative impacts and program-level EIRs respectively, reinforcing the requirement to analyze projects comprehensively.

F-6

**CEQA Guidelines § 15003(h)** – States that environmental review *must not be segmented* to avoid evaluating cumulative impacts.

Environmental review must be **comprehensive**, covering the **“whole of the action”**, including related or reasonably foreseeable future projects.

Thank you

Tony Fisch  
President, Tony Fisch Consulting  
tony@fischconsulting.com

(323) 228-4543 •

Fire broke through the roof of 2399. The evening prior to this fire wind gusts were at 25 MPH.



F-7

This document provides you with certain information that Tony Fisch Consulting (TFC) considers confidential and proprietary including, but not limited to, TFC's ideas and recommendations, format, presentation and plans (“Confidential Information”). By receipt of this document, you agree that this document and the Confidential Information contained therein shall not be disclosed to any third party and that the Confidential Information contained therein remains the exclusive ownership of TFC. © 2025 Tony Fisch Consulting

On Apr 10, 2025, at 2:29 PM, King, Niko FD <nking@lagunabeachcity.net> wrote:

Hi Tony,

Thank you again for sharing your concerns regarding the development activity on San Clemente Street and its potential impacts related to wildfire risk, emergency access, and environmental conditions.

**Response to Commenter Letter No. F**

Tony Fisch, President  
Fisch Consulting  
April 7, and April 10, 2025

- F-1 The comment is introductory in nature. The comment does not contain any information requiring changes to the Public Review Draft IS/MND. No further response is warranted.
- F-2 The comment requests that a new fire study and evacuation plan be implemented before the proposed Project is approved, since there could be cumulative impacts due to the other development in the Project vicinity. See Response C-4 above. The comment does not contain any information requiring changes to the Public Review Draft IS/MND. No further response is warranted.
- F-3 The comment states that an EIR is needed for the Project due to wildfire risks. Pursuant to State CEQA Guidelines Section 15063, the City of Laguna Beach, as Lead Agency, has prepared an Initial Study to determine if the proposed Project would have a significant effect on the environment. If, as a result of the Initial Study, the Lead Agency finds that there is evidence that mitigation cannot reduce the impact to a less than significant level for any aspect of the proposed Project, then the Lead Agency must prepare an EIR to analyze project-related and cumulative environmental impacts. Alternatively, if the Lead Agency finds that there is no evidence that the Project as proposed may cause a significant effect on the environment, the Lead Agency may prepare a ND. If the Lead Agency finds that there is evidence of a significant impact, but the impact can be reduced through mitigation, the Lead Agency may prepare a MND. Such determination can be made only if “there is no substantial evidence in light of the whole record before the Lead Agency” that such significant environmental impacts may occur (PRC Section 21080(c)). Based on the Environmental Checklist Form and supporting environmental analysis provided in Section 4.0, *Environmental Analysis*, the proposed Project would have no impact or a less than significant impact concerning all environmental issue areas, except the following, for which the Project would have a less than significant impact with mitigation incorporated: Biological Resources; Cultural Resources; Geology and Soils; and Tribal Cultural Resources. This comment does not alter the Draft IS/MND analysis or conclusions, and no further response is warranted.
- F-4 The comment states that there are potential impacts related to wildfire risks for the proposed Project, and that there was a fire on the street in November 2022. See Responses C-6, C-7 and C-8 above. This comment does not alter the Draft IS/MND analysis or conclusions, and no further response is warranted.
- F-5 The comment states that there are “piecemealing” concerns for the Project, since there are nine development projects either underway, nearing approval, or in initial construction in the Project vicinity. See Response C-3 above. This comment does not alter the Draft IS/MND analysis or conclusions, and no further response is warranted.
- F-6 The comment states that there could be cumulative traffic impacts due to the residential projects in the Project vicinity which could create access issues for emergency access and evacuation. The

comment also states that cumulative impacts must be discussed in the analysis. As described in Section 4.17 of the Draft IS/MND, *Transportation*, in Response 4.17(b), the Project proposes to remove the existing single-family residence and construct a new single-family residence. The Project also proposes street improvements within the adjacent right-of-way. Operation of the Project is anticipated to generate similar amounts of vehicle trips and VMTs when compared to existing conditions, as the existing conditions and proposed conditions both involve single-family residential uses. The proposed street improvements to San Clemente Street would not result in additional vehicle trips and VMT beyond existing conditions, as the improvements would widen the street and construct a cul-de-sac for improved emergency access and would not increase roadway capacity. Therefore, because the Project would not generate substantial new vehicle trips, there would not be resulting cumulative traffic impacts.

Construction staging would occur on-site; no building materials would be stored in the public right-of-way. The Project would be required to obtain approval of a construction staging and management plan from the City's Building Official prior to the start of construction activities. As such, construction activities are not anticipated to result in significant traffic or queuing along San Clemente Street or other roadways within the area that could potentially impede emergency vehicles or impair any emergency evacuation plan. See Responses C-3 and C-4 above. This comment does not alter the Draft IS/MND analysis or conclusions, and no further response is warranted.

- F-7 The comment has a picture of the fire on San Clemente Street in November 2022. The comment does not contain any information requiring changes to the Public Review Draft IS/MND. No further response is warranted.

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## 3.0 ERRATA

### 3.1 Draft IS/MND

Changes to the Public Review Draft IS/MND are noted below. A double underline indicates additions to the text; ~~strike through~~ indicates deletions to the text. Changes have been analyzed and responded to in Section 2.0, Responses to Comments, of this Final IS/MND. The changes to the Public Review Draft IS/MND do not affect the overall conclusions of the environmental document. Changes are listed by page and, where appropriate, by paragraph.

These errata address the comments received on the Public Review Draft IS/MND, which was circulated from July 30, 2024, through August 29, 2024. These clarifications and modifications are not considered to result in any new or substantially greater impacts as compared to those identified in the Draft IS/MND.

#### **SECTION 4.9, HAZARDS AND HAZARDOUS MATERIALS**

##### **Page 64, Paragraph(s) 1-3**

**Less Than Significant Impact.** Generally, the exposure of persons to hazardous materials could occur in the following manners: 1) improper handling or use of hazardous materials or hazardous wastes during construction or operation of future development, particularly by untrained personnel; 2) an accident during transport; 3) environmentally unsound disposal methods; or 4) fire, explosion or other emergencies. The severity of potential effects varies with the activity conducted, the concentration and type of hazardous material or wastes present, and the proximity of sensitive receptors.

Construction activities associated with the proposed Project would include demolition of the existing single-family residence and detached guest house, grading activities, and construction of the cul-de-sac, proposed residential structure, and associated improvements. Federal, State and local regulations govern the renovation and demolition of structures where asbestos containing materials and/or lead-based paints or products are present. All demolition that could result in the release of asbestos containing materials and/or lead-based paints or products must be conducted according to federal, State, and local standards. This includes South Coast Air Quality Management District's Rule 1403, which requires an onsite survey for asbestos containing materials. Additionally, in accordance with City of Laguna Beach Municipal Code Chapter 17.19, Construction and Demolition Waste Disposal, the Project applicant is required to submit a waste management plan to the Director of Public Works prior to demolition.

Project construction activities would involve the routine transport, use, or disposal of hazardous materials, such as petroleum-based fuels or hydraulic fluid used for construction equipment with the potential of accidental release. The level of risk associated with the accidental release of hazardous substances is not considered significant due to the small volume and low concentration of hazardous materials utilized during construction. The construction contractor would be required to use standard construction controls and safety procedures that would avoid and minimize the potential for accidental release of such substances into the environment. Standard construction practices would be observed such that any materials released are appropriately contained and remediated as required by local, State, and federal law.

Operation of the proposed Project, a single-family residence, would not involve the use of hazardous materials creating a significant hazard to the public or the environment. The proposed Project would not

introduce new uses that would involve new or increased use of hazardous materials within the site, and impacts would be less than significant.

### 3.2 Recirculated Draft IS/MND

Changes to the Recirculated Draft IS/MND are noted below. A double underline indicates additions to the text; ~~strikethrough~~ indicates deletions to the text. Changes have been analyzed and responded to in Section 2.0, Responses to Comments, of this Final Recirculated IS/MND. The changes to the Recirculated Draft IS/MND do not affect the overall conclusions of the environmental document. Changes are listed by page and, where appropriate, by paragraph.

These errata address the comments received on the Recirculated Draft IS/MND, which was circulated from March 7, 2025, through April 7, 2025. In addition, as discussed in Section 4.18 of the Public Review Draft IS/MND in Response 4.18(a), in compliance with AB 52, the City of Laguna Beach provided formal notification via email and hardcopy mailing via the United States Postal Service (USPS) to those California Native American Tribal representatives providing notification in accordance with AB 52, including the Gabrieleño Band of Mission Indians - Kizh Nation, on March 31, 2023. Tribes appearing on a Native American Contact List dated February 17, 2023, and provided by the NAHC were also contacted. Responses were received from the California Cultural Resource Preservation Alliance on April 20, 2023, and from the Juaneño Band of Mission Indians, Acjachemen Nation-Belardes on May 3, 2023. The tribal consultation response from the Juaneño Band of Mission Indians indicated that the Project site is located within a sensitive area for tribal resources. In response to the request for consultation, the City engaged the Juaneño Band of Mission Indians, emailing on May 8, 2023, sent the requested Cultural Resources Memo, and requested availability for consultation. A follow up email was sent on June 29, 2023, to inquire if the tribe would like a formal consultation meeting, and if no response was received, the City would take into consideration the tribe's recommendation for active monitoring during ground disturbing activities. The City did not receive a response to the email sent on June 29, 2023. The IS/MND was then published for a 30-day public review period from July 30, 2024 to August 29, 2024.

The IS/MND for the Project was subsequently revised and recirculated for another 30-day review period from March 7, 2025 to April 7, 2025. During this time period, on March 24, 2025, the City received a response from Brandy Salas of Kizh Nation requesting consultation. From March 25, 2025 through May 19, 2025, the City consulted with the Kizh Nation on the tribal cultural resource mitigation measures, including discussion of the Kizh Nation's requested changes to the mitigation measures and the City's further modification to the mitigation measures. On May 19, 2025 the City provided the Kizh Nation with a copy of the revised Mitigation Measures, and requested any additional comments to be received by May 23, 2025. No additional comments on the revised Mitigation Measures were received from the Kizh Nation.

In addition, on April 23 and May 19, 2025, the City also engaged in further consultation with the Juaneño Band of Mission Indians, Acjachemen Nation-Belardes.

In response to consultation with the Gabrieleño Band of Mission Indians - Kizh Nation and the Juaneño Band of Mission Indians, Mitigation Measures TCR-1 and TCR-2 were revised to satisfy concerns raised during consultation. On May 19, 2025, the City provided the Juaneño Band of Mission Indians, Acjachemen Nation-Belardes with a copy of the revised Mitigation Measures. On May 22, the City received a response

indicating the Juaneño Band of Mission Indians, Acjachemen Nation-Belardes approved the revised Mitigation Measures.

Mitigation Measures TCR-1 and TCR-2 have been updated in Section 3.0, *Errata*, of the Final IS/MND to ensure access to the site during ground disturbing activities to tribes that have ancestral ties to the region for monitoring on their own behalf, as well as clarifying the treatment and disposition in the case of discovery of tribal cultural resources on the Project site.

These clarifications and modifications are not considered to result in any new or substantially greater impacts as compared to those identified in the Recirculated Draft IS/MND.

#### **SECTION 4.18, Tribal Cultural Resources**

##### **Pages 98-99**

TCR-1: Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities.

- a) The Project applicant shall ~~retain a Native American Monitor~~ engage each of the consulting tribes regarding a Native American Monitor, from the Gabrieleño Band of Mission Indians-Kizh Nation, and the Juaneño Band of Mission Indians, Acjachemen Nation-Belardes. The Project applicant shall provide evidence to the City that they have reached an agreement with each of the consulting tribes regarding the designation, responsibilities, and participation of professional Native American Monitor(s) during grading, excavation, and ground-disturbing activities. The monitor(s) shall be retained prior to the commencement of any “ground-disturbing activity” for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). “Ground-disturbing activity” shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.
- ~~b) A copy of the executed monitoring agreement shall be submitted to the Director of Community Development, or designee prior to the earlier of the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.~~
- b) The monitor(s) will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered tribal cultural resources (TCRs), including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the Project applicant and the Director of Community Development, or designee upon written request to the Tribe(s).
- c) On-site tribal monitoring shall conclude upon the ~~later~~ earlier of the following (1) written confirmation to the monitor(s) and the Director of Community Development, or designee from a designated point of contact for the Project applicant that all ground-disturbing activities and phases that may involve ground-disturbing activities on the Project site or in connection with the Project are complete; or (2) a determination and written notification by

the monitor to the Director of Community Development, or designee that no future, planned construction activity and/or development/construction phase at the Project site possesses the potential to impact TCRs.

TCR-2: Unanticipated Discovery of Tribal Cultural Resource Objects (Non-Funerary/Non-Ceremonial).

- a) Upon discovery of any tribal cultural resources (TCRs), all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet). The City shall consult with the Project archaeologist and initiate Native American consultation procedures with the Project's consulting tribes (Gabrieleño Band of Mission Indians-Kizh Nation and the Juaneño Band of Mission Indians, Acjachemen Nation-Belardes). The consultation effort is intended to be a meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and, where feasible, seeking agreement on the appropriate treatment and disposition of TCRs discovered. A Cultural Resources and Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with the consulting tribes (Gabrieleño Band of Mission Indians-Kizh Nation and the Juaneño Band of Mission Indians, Acjachemen Nation-Belardes) and all subsequent finds shall be subject to this Plan. Project construction will not resume within the immediate vicinity of the discovery (i.e., not less than the surrounding 50 feet) until a Cultural Resources and Monitoring Treatment Plan is prepared and implemented. The Plan may include, but would not be limited to, reburial, relocating, recording, and/or another culturally appropriate treatment. If it is determined that mutual agreement cannot be reached within 30 days of the initial consultation meeting, the TCR(s) under review shall be reinterred on site in a location free from future ground-disturbing construction activities. This measure does not apply to the finding of human remains which must comply with California Health and Safety Code section 7050.5. and shall not resume until the discovered TCR has been fully assessed by the Native American Monitor. The monitor and will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate, in the Tribe's sole discretion, and for any purpose the Tribe deems appropriate, including for educational, cultural and/or historic purposes.

## 4.0 MITIGATION MONITORING AND REPORTING PROGRAM

The California Environmental Quality Act (CEQA) requires that when a public agency completes an environmental document which includes measures to mitigate or avoid significant environmental effects, the public agency must adopt a reporting or monitoring program. This requirement ensures that environmental impacts found to be significant will be mitigated. The reporting or monitoring program must be designed to ensure compliance during project implementation (Public Resources Code Section 21081.6). Specifically, Public Resources Code Section 21081.6 states:

- (a) *When making findings required by paragraph (1) of subdivision (a) of Section 21081 or when adopting a mitigated negative declaration pursuant to paragraph (2) of subdivision (c) of Section 21080, the following requirements shall apply:*
- (1) *The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead or responsible agency, prepare and submit a proposed reporting or monitoring program.*
  - (2) *The lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.*

This Mitigation Monitoring and Reporting Program (MMRP) has been developed to provide the mechanism by which to monitor mitigation measures outlined in the 2354 San Clemente Street Project IS/MND. The 2354 San Clemente Street Project MMRP has been prepared in conformance with Public Resources Code Section 21081.6 and City of Laguna Beach (City) monitoring requirements.

State CEQA Guidelines Section 15097 provides clarification of mitigation monitoring and reporting requirements and guidance to local lead agencies on implementing strategies. The reporting or monitoring program must be designed to ensure compliance during project implementation. The City of Laguna Beach is the Lead Agency for the 2354 San Clemente Street Project and is therefore responsible for ensuring MMRP implementation. This MMRP has been drafted to meet Public Resources Code Section 21081.6 requirements as a fully enforceable monitoring program.

The MMRP Checklist is intended to provide verification that all applicable mitigation measures relative to significant environmental impacts are monitored and reported. Monitoring will include: 1) verification that each mitigation measure has been implemented; 2) recordation of the actions taken to implement each mitigation; and 3) retention of records in the 2354 San Clemente Street Project file.

This MMRP delineates responsibilities for monitoring the Project but also allows the City flexibility and discretion in determining how best to monitor implementation. Monitoring procedures will vary according to the type of mitigation measure. Adequate monitoring consists of demonstrating that monitoring

procedures took place and that mitigation measures were implemented. This includes the review of all monitoring reports, enforcement actions, and document disposition, unless otherwise noted in the MMRP Checklist. If an adopted mitigation measure is not being properly implemented, the designated monitoring personnel shall require corrective actions to ensure adequate implementation.

The numbering system in the following table corresponds with the IS/MND's numbering system. The MMRP table "Verification" column will be used by the parties responsible for documenting when the mitigation measure has been completed. The City of Laguna Beach will complete ongoing documentation and mitigation compliance monitoring. The completed MMRP and supplemental documents will be kept on file at the City of Laguna Beach Community Development Department.

### Mitigation Monitoring and Reporting Program Checklist

| Mitigation Measures   | Implementation Timing   | Monitoring/ Reporting Methods  | Responsible for Approval/ Monitoring                   | Verification |      |         |
|---|---|--|--|--------------|------|---------|
|   |   |  |  | Initials     | Date | Remarks |
| <b>BIOLOGICAL RESOURCES</b>   |   |  |  |              |      |         |
| <b>Mitigation Measures</b>  |   |  |  |              |      |         |
| BIO-1: Prior to the issuance of any permits for grading or ground disturbing activity, the Project applicant shall include the requirements of the approved Alternative Materials and Methods of Construction Design Report and Fuel Modification Plan to avoid any special status or sensitive community plants, including lemonade berry scrub, during fuel modification activities, on all construction documents and include requirements for tagging special status and sensitive community plants for preservation before any ground disturbing activities begin.                         | Prior to the issuance of grading permit or any ground disturbing activity | Plan review/ Prior to grading or construction activities/ Prior to issuance of any grading permits | Community Development Department Director, or designee |              |      |         |
| BIO-2: Prior to any ground disturbing activities, a focused special-status plant survey shall be conducted during the appropriate blooming period for any special-status plant species that has a potential to occur. If any special-status plant species are found on-site, the special-status plants shall be tagged for preservation in any fuel modification activities and development on-site shall avoid impacts to these special-status plant populations and focus development within areas mapped as developed or ornamental land uses which already exhibit significant disturbance. | Prior to the issuance of grading permit or any construction activity      | Plan review/ Prior to grading or construction activities/ Prior to issuance of any grading permits | Community Development Department Director, or designee |              |      |         |
| BIO-3: To the extent possible, vegetation removal activities (e.g., clearing for future development or thinning for fuel modification) shall occur outside of the nesting season to avoid potential impacts to nesting birds. Nesting activity typically occurs from February 15 to August 31. If construction cannot be scheduled outside of the nesting   | Prior to the issuance of grading permit or any                            | Pre-Construction Nesting Bird Survey/ Prior to construction or grading                             | Community Development Department Director, or designee |              |      |         |

| Mitigation Measures   | Implementation Timing                      | Monitoring/ Reporting Methods   | Responsible for Approval/ Monitoring                          | Verification |      |         |
|---|--|---|---|--------------|------|---------|
|   |  |   |   | Initials     | Date | Remarks |
| <p>season, all suitable habitat within 300 feet of project construction activities shall be thoroughly surveyed for the presence of nesting birds by a qualified biologist before commencement of vegetation removal activities. If any active nests are detected, a buffer of 300 feet (500 feet for raptors), or as determined appropriate by a qualified biologist, will be delineated, flagged, and avoided until the biologist determines that the nesting cycle is complete.</p>  | <p>construction activity</p>               | <p>activities/ Prior to issuance of any grading permits</p>   |   |              |      |         |
| <b>CULTURAL RESOURCES</b>   |  |   |   |              |      |         |
| <b>Mitigation Measures</b>  |  |   |   |              |      |         |
| <p>CUL-1: If previously unidentified cultural resources are encountered during ground-disturbing activities, work within 100 feet of the find shall cease and the Director of Community Development shall be notified and a qualified archaeologist, defined as an archaeologist who meets the Secretary of the Interior’s Professional Qualification Standards for archaeology, shall be contacted immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for the California Register of Historical Resources (CRHR) or National Register of Historic Places (NRHP) eligibility. If the discovery proves to be significant under CEQA and cannot be avoided by the Project, additional work such as data recovery excavation may be warranted to mitigate any significant impacts. In the event an identified cultural resource is Native American in origin, the qualified archaeologist shall consult with the Project owner and the Director of Community Development, or designee, to implement Native American consultation procedures. Construction</p> | <p>During ground-disturbing activities</p> | <p>Notification of Orange County Coroner/ Notification of Native American Heritage Commission if identified remains are Native American in origin</p> | <p>Community Development Department Director, or designee</p> |              |      |         |

| Mitigation Measures  | Implementation Timing               | Monitoring/ Reporting Methods  | Responsible for Approval/ Monitoring                   | Verification |      |         |
|--|-------------------------------------|--|--|--------------|------|---------|
|  |                                     |  |  | Initials     | Date | Remarks |
| shall not resume in the area until appropriate protection and preservation measures are in place and have been approved by the Director of Community Development, or designee, and the qualified archaeologist states in writing that the proposed construction activities would not significantly damage any archaeological resources.  |                                     |  |  |              |      |         |
| <b>GEOLOGY AND SOILS</b>   |                                     |  |  |              |      |         |
| <b>Mitigation Measures</b>   |                                     |  |  |              |      |         |
| GEO-1: If fossils or fossil-bearing deposits are encountered during ground-disturbing activities, work within a 25-foot radius of the find shall halt, the Director of Community Development shall be notified, and a professional vertebrate paleontologist (as defined by the Society for Vertebrate Paleontology) shall be contacted immediately to evaluate the find. The paleontologist shall have the authority to stop or divert construction, as necessary. Documentation and treatment of the discovery shall occur in accordance with Society of Vertebrate Paleontology standards. The significance of the find shall be evaluated pursuant to the State CEQA Guidelines. If the discovery proves to be significant, before construction activities resume at the location of the find, additional work such as data recovery excavation may be warranted, as deemed necessary by the paleontologist. | During ground-disturbing activities | Assessment of resources by a professional vertebrate paleontologist/ If significant under CEQA, verify additional work, such as data recovery excavation, has been implemented | Community Development Department Director, or designee |              |      |         |
| <b>TRIBAL CULTURAL RESOURCES</b>   |                                     |  |  |              |      |         |
| <b>Mitigation Measures</b>   |                                     |  |  |              |      |         |
| <i>Refer to Mitigation Measure CUL-1.</i>  | --                                  | --   | --   |              |      |         |
| TCR-1: Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities.   | During ground-disturbing activities | Grading Plan/ Prior to grading or ground   | Community Development Department                       |              |      |         |

| Mitigation Measures   | Implementation Timing | Monitoring/ Reporting Methods  | Responsible for Approval/ Monitoring | Verification |      |         |
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|   |                       |  |                                      | Initials     | Date | Remarks |
| <p>a) The Project applicant shall engage each of the consulting tribes regarding a Native American Monitor, from the Gabrieleño Band of Mission Indians-Kizh Nation, and the Juaneño Band of Mission Indians, Acjachemen Nation-Belardes. The Project applicant shall provide evidence to the City that they have reached an agreement with each of the consulting tribes regarding the designation, responsibilities, and participation of professional Native American Monitor(s) during grading, excavation, and ground-disturbing activities. The monitor(s) shall be retained prior to the commencement of any “ground-disturbing activity” for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). “Ground-disturbing activity” shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.</p> <p>b) The monitor(s) will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered tribal cultural resources (TCRs), including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be</p> |                       | <p>disturbing activities/ Prior to issuance of any grading permits</p> | <p>Director, or designee</p>         |              |      |         |

| Mitigation Measures   | Implementation Timing               | Monitoring/ Reporting Methods  | Responsible for Approval/ Monitoring                   | Verification |      |         |
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|   |                                     |  |  | Initials     | Date | Remarks |
| <p>provided to the Project applicant and the Director of Community Development, or designee upon written request to the Tribe(s).</p> <p>c) On-site tribal monitoring shall conclude upon the earlier of the following (1) written confirmation to the monitor(s) and the Director of Community Development, or designee from a designated point of contact for the Project applicant that all ground-disturbing activities and phases that may involve ground-disturbing activities on the Project site or in connection with the Project are complete; or (2) a determination and written notification by the monitor to the Director of Community Development, or designee that no future, planned construction activity and/or development/construction phase at the Project site possesses the potential to impact TCRs.</p>               |                                     |  |  |              |      |         |
| <p>TCR-2: Unanticipated Discovery of Tribal Cultural Resource Objects (Non-Funerary/Non-Ceremonial).</p> <p>a) Upon discovery of any tribal cultural resources (TCRs), all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet). The City shall consult with the Project archaeologist and initiate Native American consultation procedures with the Project’s consulting tribes (Gabrieleño Band of Mission Indians-Kizh Nation and the Juaneño Band of Mission Indians, Acjachemen Nation-Belardes). The consultation effort is intended to be a meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties’ cultural values and, where feasible, seeking agreement on the</p> | During ground-disturbing activities | Grading Plan/ Prior to grading or ground disturbing activities/ Prior to issuance of any grading permits | Community Development Department Director, or designee |              |      |         |

| Mitigation Measures  | Implementation Timing | Monitoring/ Reporting Methods | Responsible for Approval/ Monitoring | Verification |      |         |
|--|-----------------------|-------------------------------|--------------------------------------|--------------|------|---------|
|  |                       |                               |                                      | Initials     | Date | Remarks |
| <p>appropriate treatment and disposition of TCRs discovered. A Cultural Resources and Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with the consulting tribes (Gabrieleño Band of Mission Indians-Kizh Nation and the Juaneño Band of Mission Indians, Acjachemen Nation-Belardes) and all subsequent finds shall be subject to this Plan. Project construction will not resume within the immediate vicinity of the discovery (i.e., not less than the surrounding 50 feet) until a Cultural Resources and Monitoring Treatment Plan is prepared and implemented. The Plan may include, but would not be limited to, reburial, relocating, recording, and/or another culturally appropriate treatment. If it is determined that mutual agreement cannot be reached within 30 days of the initial consultation meeting, the TCR(s) under review shall be reinterred on site in a location free from future ground-disturbing construction activities. This measure does not apply to the finding of human remains which must comply with California Health and Safety Code section 7050.5.</p> |                       |                               |                                      |              |      |         |