



## COMMUNITY DEVELOPMENT DEPARTMENT PLANNING COMMISSION STAFF REPORT

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<b>Meeting Date:</b>	May 18, 2022
<b>Agenda Item No:</b>	5.3
<b>Staff Contact:</b>	Kate Kazama, Associate Planner  (949) 497-0748   <a href="mailto:kkazama@lagunabeachcity.net">kkazama@lagunabeachcity.net</a>
<b>Project Location:</b>	113 Canyon Acres Drive   APN: 641-201-21
<b>Case:</b>	Temporary Use Permit 21-10006 and Coastal Development Permit 22-0776
<b>Applicant:</b>	Ames Construction
<b>Commissioners within a 500' Radius:</b>	None

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**Executive Summary:** The applicant requests a Temporary Use Permit and Coastal Development Permit to allow for the temporary placement of construction office trailers, storage yard, and parking from August 1, 2022, to April 30, 2023, at 113 Canyon Acres Drive (currently vacant). The project site would be used to place two construction trailers and store construction equipment and materials for the duration of the Laguna Canyon Flood Channel replacement project, which would remove and replace approximately 1,200 linear feet of the Laguna Canyon Flood Channel within the Arts District of the Downtown Specific Plan area. The following staff report provides an analysis of the request with a recommendation for approval, subject to conditions.

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**Project Street Frontage**



**Location Map**

**BACKGROUND:** The project site is located within the R-2, Residential Medium Density Zone. The approximately 31,000-square-foot lot is currently vacant, with site improvements limited to perimeter fencing and asphalt paving. A channelized segment of the Laguna Canyon flood control channel delineates the property to the west. The property is situated within a predominantly residential area, including the Sarah Thurston Park Specific Plan area to the south, which provides for a diversity of residential land uses including single-family and multi-family dwellings. Development constraints include the presence of a 100-year floodplain and a watercourse adjacent to Milligan Drive. The project site is accessed via gated entries at the Canyon Acres Drive and Milligan Drive frontages.

Due to the lot's size, location and gentle grade (1-2% average slope), the site has hosted a variety of temporary uses over the years, including the Art-A-Fair grounds in the early- to mid-1980s, a pre-paid summer festival parking lot in 1989, a staging area during the 1993 wildfire, a temporary pre-school from 2003-2004, temporary housing for victims of the Bluebird Canyon landslide from 2005-2010, and most recently a temporary storage yard for the Milligan Bridge improvement project in 2016-2017.

The applicant's request is being filed in conjunction with a separate request by Orange County Public Works for the replacement of a public drainage structure approximately 400 feet south of 113 Canyon Acres Drive and located in the Arts District of the Downtown Specific Plan area. The construction project consists of the removal and in-kind replacement of approximately 1,200 linear feet of the concrete channel, modifications to pedestrian crossings, replacement of hardscape and landscaping, and removal of existing trees adjacent to the project limits that pose a risk to the channel. The channel replacement request is also being presented at the Planning Commission's May 18, 2022, meeting and is subject to a separate application (Design Review 22-0735 and Coastal Development Permit 22-0736).

**STAFF ANALYSIS:** The purpose of the Residential Medium Density Zone is to provide for medium-density residential use, generally maintaining the same residential character as found in the R-1, Residential Low Density Zone. Pursuant to Laguna Beach Municipal Code (LBMC) Section 25.05.035(B)(1), temporary structures for construction purposes and the parking or storage of construction equipment and material incidental to an ongoing construction activity are permitted uses in residential zones subject to the granting of a temporary use permit.

The applicant is requesting approval for the placement of two, 720-square-foot construction office trailers to be occupied by the Construction Management Risk Office (CMAR) and Orange County Public Works (OCPW), Monday through Friday between the hours of 6:00AM and 4:00PM, to store construction material, equipment, and tools in both open air and enclosed spaces, and to establish temporary employee personal vehicle parking (20 spaces). A trash receptacle will also be placed on-site for collection of daily waste. The perimeter of the property is currently secured by an eight-foot-high wooden fence on the east property line and a 5.5-foot-high chain link fence on the remaining property lines. The applicant has indicated that construction work at 113 Canyon Acres Drive will be limited to the connection of water and sewer systems, which is scheduled to occur at the beginning of August, 2022. All other construction activity will occur off-site, with the staging area facilitating the transporting of construction materials and equipment to the channel replacement site. The project is expected to take construction crews approximately six months to complete. Should delays occur, the applicant anticipates that a nine-month temporary use permit will allow for sufficient time to complete the channel replacement project. The project site will be restored to its preexisting condition once construction has been completed.

The storage yard would be partially located within the 100-year floodplain. Because construction would coincide with the rainy season, the applicant will be responsible for monitoring weather events. If it is determined that the site is at imminent risk of flooding, the applicant would be required to relocate all equipment and materials in a timely manner (see Condition No. 11).

#### Temporary Use Permit (TUP) Findings

Pursuant to LBMC Section 25.05.035(A), the intent of the temporary use permit is to accommodate reasonable requests for interim or temporary uses when such activities are desirable for the community *or are temporarily required in the process of establishing a permitted use or constructing a public facility*. A temporary use permit may be granted if the following findings can be made. Staff believes that each of the required finding can be made to grant the request, as noted below:

**Finding No. 1:** *The temporary use is consistent with the General Plan.*

The temporary use is consistent with the objective and policies of the City's General Plan in that the proposed temporary use is being filed in conjunction with the Laguna Canyon channel replacement project which is an action to ensure well-maintained and sufficient public infrastructure to serve the community (Land Use Element Policy 9.1). Therefore, this finding can be made.

**Finding No. 2:** *The proposed temporary use is a reasonable request for an interim or temporary use desirable for the community, and is consistent with the health, safety, and welfare of persons residing and working in the community.*

The proposed temporary use is a reasonable request desirable for the community and is consistent with the health, safety, and welfare of persons residing and working in the community in that the associated channel replacement project would help ensure the City is adequately prepared for potential hazards and natural disasters (Land Use Element Policy 9.3). Therefore, this finding can be made.

**Finding No. 3:** *The proposed temporary use, as conditioned, will have no detrimental effects upon surrounding properties and the community, and will not violate any other ordinance or regulation of the City.*

Staff believes necessary conditions related to impacts on adjacent properties and uses such as Condition No. 14, which requires lighting to be dimmed, relocated, or if necessary, turned off to address light trespass or excessive glare impacting the adjacent properties and Condition 1, which allows the Director of Community Development to review and modify conditions of approval if deemed necessary have been imposed to protect the public health, safety, and general welfare and ensure continued land use compatibility. Additionally, the proposed use has been reviewed for compliance with the Laguna Beach Municipal Code. Therefore, this finding can be made.

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

Pursuant to CEQA Guidelines Section 15304(e), this project is classified as exempt development from CEQA under the Class 4 categorical exemption because the proposed project consists of a minor, temporary use of land having negligible or no permanent effects on the environment. The construction staging, storage, and office uses will occupy the site for an approximately six- to nine-month period, with the site restored to its preexisting condition at the conclusion of the off-site construction project. Additionally, the project would not have a negative effect on biologically sensitive resources given the site has been improved with pavement and the project site is not located or near a High or Very High Value Habitat Zone. Finally, there is no evidence of any unusual environmental circumstances that might give rise to a reasonable possibility that the project will have a significant effect on the environment.

**Coastal Development Permit (CDP) Determination**

The proposed project constitutes development for which a Coastal Development Permit is required and appealable to the California Coastal Commission. The proposed project complies with the following CDP review criteria pursuant to Municipal Code Section 25.07.012(F). Specifically, the proposed project does not encroach upon any existing accessways; does not affect any environmentally sensitive or scenic resources; and has been sited and designed to minimize visual impacts to the surrounding areas by separating the equipment staging and material laydown areas from the abutting single-family residence to the east and limiting the quantity of light fixtures to two.

- No. 1. The proposed development will not encroach upon any existing physical accessway legally utilized by the public or any proposed public accessway identified in the adopted local coastal program land use plan.
- No. 2. The proposed development will not adversely affect marine resources, environmentally sensitive areas, or archaeological or paleontological resources.
- No. 3. The proposed development will not adversely affect recreational or visitor-serving facilities or coastal scenic resources.
- No. 4. The proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas and will provide adequate buffer areas to protect such resources.
- No. 5. The proposed development will minimize the alterations of natural landforms and will not result in undue risks from geological and erosional forces and/or flood and fire hazards.
- No. 6. The proposed development will be visually compatible with the character of surrounding areas, and where feasible, will restore and enhance visual quality in visually degraded areas.
- No. 7. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.
- No. 8. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities.
- No. 9. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.

The proposed project also complies with the following CDP review findings pursuant to Municipal Code Section 25.07.012(G). Specifically, the proposed project conforms with the applicable provisions of the certified Local Coastal Program as evidenced in previous Municipal Code compliance sections; the project is not located between the sea and the first public road paralleling the sea; and the project is exempt from CEQA under the Class 4 categorical exemption.

- No. 1. The project is in conformity with all the applicable provisions of the certified local coastal program.
- No. 2. Any development located between the sea and the first public road paralleling the sea is in conformity with the certified local coastal program and with the public access and public recreation policies of Chapter 3 of the Coastal Act.
- No. 3. The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

**CONCLUSION:** Staff believes that the site is uniquely suited for the requested purposes given the lot's size and proximity to the Laguna Canyon channel replacement construction site. Proximity, access, and availability have been taken into account with the selection of this property, which remains

vacant. Moreover, a review of Code Enforcement records did not reveal any complaints related to the temporary construction storage yard use for the 2015-2016 bridge improvement project. The intent of the temporary use permit is to accommodate reasonable requests for interim or temporary uses when such activities are desirable for the community *or are temporarily required in the process of establishing a permitted use or constructing a public facility*. Temporary structures for construction purposes and the parking or storage of construction equipment incidental to an ongoing construction activity are considered appropriate temporary uses of land in residential areas.

**RECOMMENDATION:** Staff recommends that the Planning Commission approve Temporary Use Permit 21-10006 and Coastal Development Permit 22-0776, subject to the discussion provided in the staff report and the findings in the attached Resolution.

**ATTACHMENTS:** Exhibit A: Application  
Exhibit B: Site Plan  
Resolution



# CITY OF LAGUNA BEACH

## TEMPORARY USE PERMIT APPLICATION (Planning Commission)

See reverse side for filing instructions

TUP Number \_\_\_\_\_

### I. PROPERTY OWNER/APPLICANT INFORMATION:

DATE: 3/7/2022

Legal Owner KK Investment Properties, LLC, a California Limited liability Company

Telephone 949-584-0500

Address 127 Canyon Acres, Laguna Beach CA 92651

Applicant Ames Construction

Telephone 951-733-5418

Address 391 N Main Street, Suite 302, Corona CA 92880

### II. PROPERTY INFORMATION:

Location 113 Canyon Acres Drive, Laguna Beach, CA 92651

Suite NA

Assessor Parcel Number 641-201-21

Current/Previous Use Empty, Not in Use/ Unknown

Building/Suite Square Footage \_\_\_\_\_ Parking Spaces Provided 0

### III. PROPOSED TEMPORARY USE:

Describe the proposed temporary use(s). Include information about the dates and times of the proposed event(s), the nature of the events and how impacts will be mitigated, such as for any anticipated traffic, parking, trash, noise and light glare impacts.

The proposed temporary use for 13 Canyon Acres Drive Property is to serve the Laguna Canyon Channel Replacement Project (LCCRP). Once the project has been deemed complete, this Temporary Use Permit request will be presented before the Planning Commission in conjunction with the channel replacement request.

The total duration of this permit is nine months ( August 1st, 2022 to April 30th, 2023).

This property will be used for placement and daily occupation of two construction office trailers(Construction management Risk (CMAR) office and and Orange County Public Work (OCPW) office), temporary storage of construction material (open air), temporary storage of small tools and equipment(Connex-enclosed), temporary equipment staging area (open air) and employee personal vehicle parking (20 parking stalls) generally between 6:00AM and 4:00PM (Mon- Fri). However, the construction related activity will only occur between the hours of 7:30 -6:00pm per the City's noise ordinance. All other activities that do not produce noise may occur outside of these hours. A trash dumpster will be available for the collection of daily waste. The perimeter of the property will be secured with 5.5' chainlink fence and 8' wooden fence on easterly side.

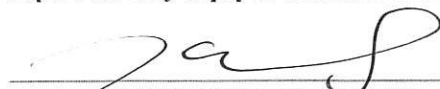
The purpose of this permit is to utilize the property to store construction materials, to stage equipment overnight, to make available for employees. There will be minor construction at the beginning (August 2022) to connect water and sewer systems, but most of the time, the property will not have any construction activities other than transporting construction materials and equipment for LCCRP.

The property is located within the 100-year floodplain. If it is determined that the site is at imminent risk of flooding, all the materials, 2 trailers will be relocated temporary.

### IV. AFFIDAVIT:

I hereby certify that all the above information contained in this application is, to the best of my knowledge and belief, true and correctly represented and that I have read and understand Chapter 25.05.035 of the Laguna Beach Municipal Code.

That licensee and permittee does hereby, understand that a standard condition of approval will be imposed requiring me to defend, hold harmless and indemnify, at my expense, the City, the City Council and other City bodies and members thereof, officials, officers, employees, agents and representatives from and against any and all third-party claims, actions or proceedings to attack, set aside, void or annul the approval, or any associated determination made pursuant to the California Environmental Quality Act, including the City's defense costs and expenses as well as costs, expenses or damages a court may require the City to pay as a result of such claim, action or proceeding.

  
APPLICANT'S SIGNATURE

Terry Lee

  
PROPERTY OWNER'S SIGNATURE  
By 

**CITY OF LAGUNA BEACH  
TEMPORARY USE PERMIT APPLICATION  
Planning Commission**

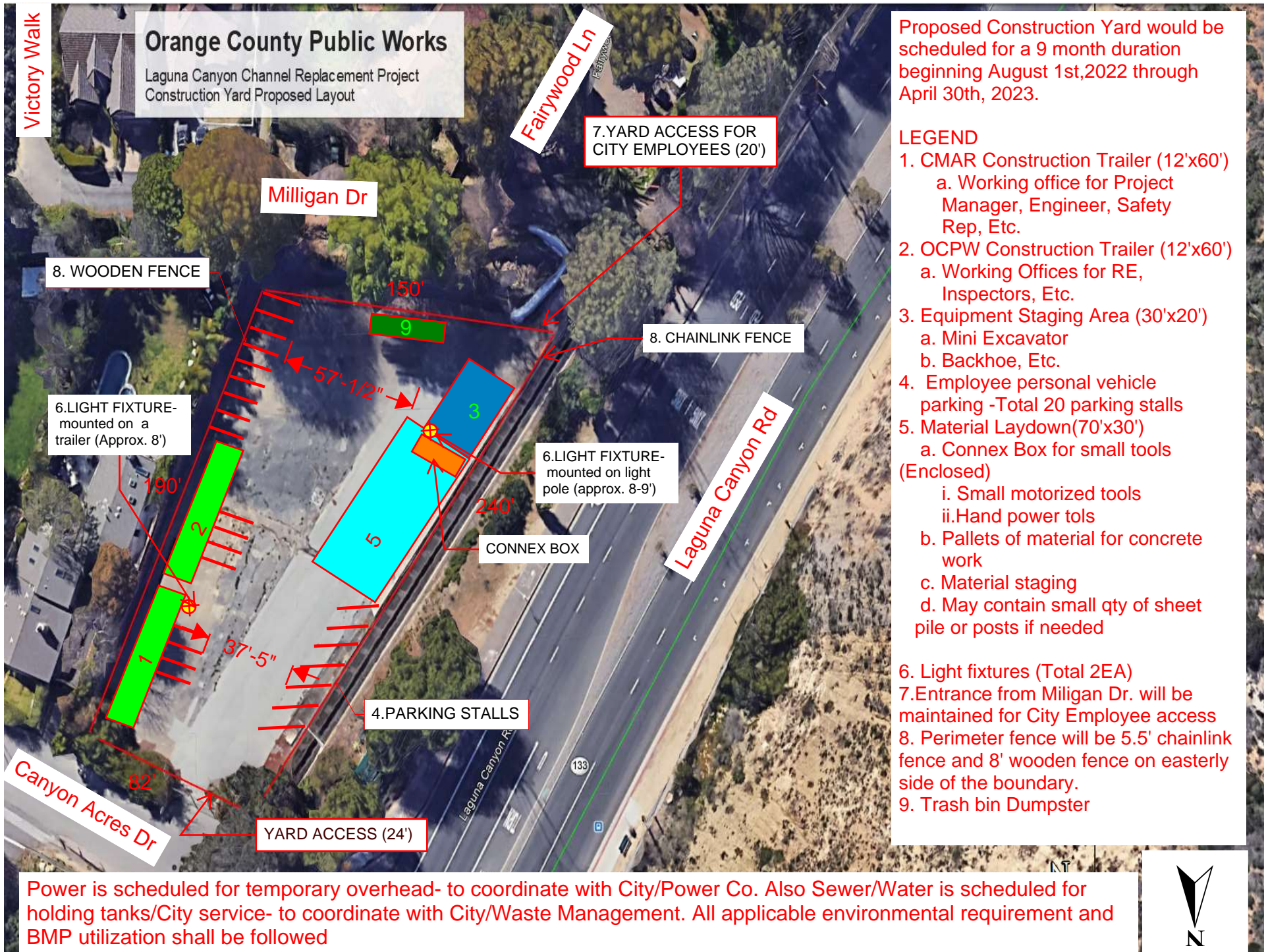
***FILING INSTRUCTIONS***

- Submit a complete Temporary Use Permit application (at least 90 days prior to the date of the proposed event/use) and pay a fee of \$529.00. Incomplete applications or insufficient information could delay the processing of the application.
- Submit a plot plan and floor plan on 8 ½" x 11" paper, containing the following information:
  1. Dimensions of existing and proposed temporary structures.
  2. North arrow and the scale of the drawing.
  3. Adjacent streets and alleys.
  4. Existing and proposed parking areas, drawn to City standards.
- If the Temporary Use Permit application is for a tent, please note that the Fire Department will review the application and will usually recommend conditions of approval. The tent must have the appropriate fire rating and exiting and occupancy loading requirements will be reviewed for compliance. Typically, the Fire Department must make an inspection prior to use of the tent structure.
- Submit any photographs that would assist in the description of the temporary use proposal.
- Submit an address list and radius map (8 ½" x 11" paper) of all ***property owners*** within a 300-foot radius of the subject property, and for all ***tenants or residents*** within 100 feet of the subject property. The address list of labels must be in a 3-across by 10-down format on 8-1/2" x 11" paper and include the assessor's parcel number on each address. **The list must be compiled by a professional listing service, utilizing the latest equalized County Tax Assessors' rolls.** A certification letter, signed by a representative of the listing service and attesting to the accuracy of the address list, must be submitted. Addressed, stamped envelopes (with the City of Laguna Beach return address) must be supplied for the entire number of property ***owners, residents and tenants***. The listing service, either prior to or currently with the submittal of the temporary use application, must submit the required noticing package independently of the Temporary Use Permit application.

**It is also recommended that the applicant be present at all meetings at which the request is being considered.**

**FILING DEADLINE: Complete applications must be submitted before 12:00 noon the Wednesday that is two (2) weeks prior to the public hearing and at least 90 days prior to the date of the proposed event/use.**







## LIGHT FIXTURE (TOTAL 2)



**Konlite LED Outdoor Area Light - 100W -  
Type III - 120-277V - 13800 Lumens - 5000K  
- 250W Equal**

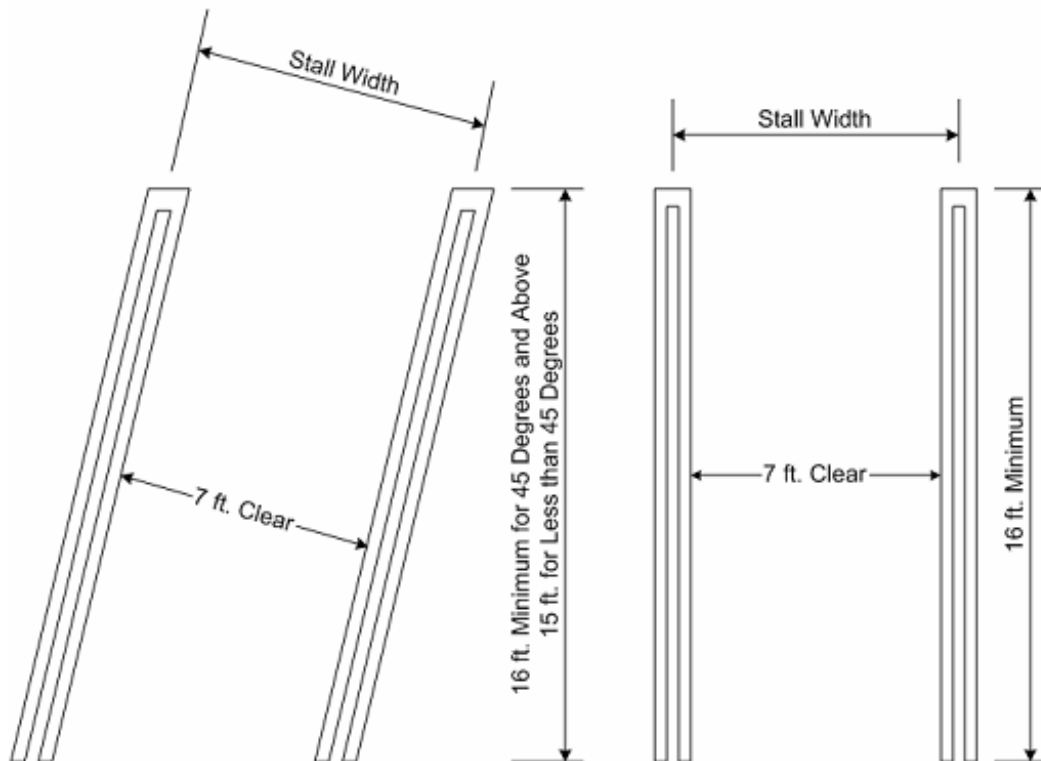
Product Search Code: 20-0202

KONLITE | SKU: RDAL02041005KDNWML3D

★★★★★ 3 reviews | [2 answered questions](#) — [Ask a question](#)

## PARKING STALL DIMENSION

### STANDARD PARKING STALLS



Compact Parking Stalls

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**RESOLUTION NO. 21-10006**

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF LAGUNA BEACH  
APPROVING **TEMPORARY USE PERMIT 21-10006 AND COASTAL  
DEVELOPMENT PERMIT 22-0776**  
**AT 113 CANYON ACRES DRIVE**

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WHEREAS, on May 18, 2022, the Planning Commission adopted Resolution No. 21-10006, approving Temporary Use Permit (TUP) 21-10006 and Coastal Development Permit (CDP) 22-0076 to allow for the temporary placement of construction office trailers, storage yard, and parking from August 1, 2022 through April 30, 2023;

WHEREAS, on August 20, 2021, an application was filed by the contractor of the Laguna Canyon flood control channel replacement project, requesting a Temporary Use Permit and Coastal Development Permit, to allow for the temporary placement of construction office trailers, storage yard, and parking from August 1, 2022, through April 30, 2023; and

WHEREAS, on May 5, 2022, a public notice announcing the May 18, 2022, Planning Commission meeting was mailed to the California Coastal Commission, all property owners within a 300-foot radius, and tenants within a 100-foot radius; and

WHEREAS, the Planning Commission carefully considered the oral and documentary evidence and arguments presented at the hearing; and

WHEREAS, the proposed project is exempt from the provisions of the California Environmental Quality Act in accordance with Section 15304(e), Class 4, Minor Alterations to Land – Minor Temporary Use, because the proposed project consists of a minor, temporary use of land having negligible or no permanent effects on the environment. The construction staging, storage, and office uses will occupy the site for an approximately six- to nine-month period, with the site restored to its preexisting condition at the conclusion of the off-site construction project. Additionally, the project would not have a negative effect on biologically sensitive resources.

Finally, there is no evidence of any unusual environmental circumstances that might give rise to a reasonable possibility that the project will have a significant effect on the environment; and

WHEREAS, the Planning Commission has made the following findings with regard to **Temporary Use Permit 21-10006:**

1. The temporary use is consistent with the objective and policies of the City's General Plan in that the proposed temporary use is being filed in conjunction with the Laguna Canyon channel replacement project which is an action to ensure well-maintained and sufficient public infrastructure to serve the community (Land Use Element Policy 9.1).
2. The proposed temporary use is a reasonable request for an interim or temporary use desirable for the community, and is consistent with the health, safety and general welfare of persons residing and working in the community in that the associated channel replacement project would help ensure the City is adequately prepared for potential hazards and natural disasters.
3. The Conditions stated in the decision are deemed necessary to protect the public health, safety and general welfare in that provisions have been included to ensure continued land use compatibility.

WHEREAS, the Planning Commission has made the following criteria and findings regarding **Coastal Development Permit 22-0076:**

1. The project is in conformity with the General Plan, the Zoning Code, and all other components which comprise the City's Local Coastal Program. Temporary structures for construction purposes and the parking or storage of construction equipment and materials incidental to an ongoing construction activity are permitted uses in residential zones subject to the granting of a Temporary Use Permit.
2. The project, which is not located between the sea and the first public road paralleling the sea,

is in conformity with the certified Local Coastal Program and with the public access and public recreation policies of Chapter 3 of the Coastal Act.

3. The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act. Pursuant to CEQA Guidelines Section 15304(e), the proposed project is exempt from CEQA under the Class 4 categorical exemption since the proposed project consists of a minor, temporary use of land having negligible or no permanent effects on the environment.

NOW, THEREFORE, BE IT RESOLVED that **Temporary Use Permit 21-10006** and **Coastal Development Permit 22-0776** are hereby granted to the following extent:

**Approval to allow for the temporary placement of construction office trailers, storage yard, and parking for the duration of the Laguna Canyon Channel Replacement project from August 1, 2022, through April 30, 2023.**

BE IT FURTHER RESOLVED, that the following condition(s) are set forth to protect the health, safety and welfare of the community and to assure the intent and purpose of the regulations:

1. The Temporary Use Permit shall be subject to review and modification to the conditions of approval by the Director of Community Development, if written complaints are received or operating conditions warrant revisions to mitigate a potential impact.
2. It is understood that the conditions of approval apply herein to any future owners or lessees operating under this Temporary Use Permit. This means in legal terms that the conditions of approval for the Temporary Use Permit shall be and hereby are obligations of and binding upon the applicant and his/her heirs, successors, assigns, agents and representatives. Failure to comply with such conditions, and each of them, and any other related federal, state and local regulations may be



grounds for modification or revocation of the Temporary Use Permit.

3. If required, a Certificate of Use and Occupancy shall not be issued until City staff has verified compliance with all conditions of approval.

4. In the absence of specific provisions or conditions herein to the contrary, the application and all plans or exhibits attached to the application are relied upon, incorporated and made a part of this resolution. It is required that such plans or exhibits be complied with and implemented in a consistent manner with the approved use and other conditions of approval. Such plans and exhibits for which this Temporary Use Permit has been granted shall not be substantially changed or a substantially amended except pursuant to a subsequent Temporary Use Permit as might otherwise be required or granted pursuant to the terms of Title 25 of the City of Laguna Beach Municipal Code.

5. No additions, enlargements or modifications to the use of structures for which this Temporary Use Permit has been granted shall be allowed except pursuant to a subsequent Temporary Use Permit or Variance as might otherwise be required or granted pursuant to the terms of Title 25 of the City of Laguna Beach Municipal Code.

6. The permittee shall defend, hold harmless and indemnify, at his/her/its expense, the City, the City Council and other City bodies and members thereof, officials, officers, employees, agents and representatives (collectively, the City) from and against any and all third-party claims, actions or proceedings to attack, set aside, void or annul the approval of this Temporary Use Permit, or any associated determination made pursuant to the California Environmental Quality Act. This obligation shall encompass all costs and expenses incurred by the City in defending against any claim, action or proceeding, as well as costs, expenses or damages the City may be required by a court to pay as a result of such claim, action or proceeding.

7. This Temporary Use Permit is valid from August 1, 2022, through April 30, 2023.
8. Failure to comply with the above conditions may be grounds for modification or revocation of the Temporary Use Permit.
9. The proposed use is temporary and any future requests for a construction storage yard, including any extension of time of this approval, shall require a new application to be reviewed and approved by the Planning Commission.
10. Construction hours shall be limited to 7:30 a.m. to 6:00 p.m., Monday through Friday.
11. The permittee shall monitor weather reports to maintain constant surveillance during inclement weather conditions. In the case of a weather emergency with a reasonable probability of flooding along Laguna Creek, the Building Official/Floodplain Administrator may in his or her sole discretion require the removal of any materials and structures from the site within 12 hours and a temporary suspension of the permitted activities. Activities may not be restored until the Director of Public Works reviews the weather and flood conditions and confirms that it is safe to proceed.
12. The permittee shall not, by act or omission, allow, cause or permit any “prohibited discharge” (as defined in Laguna Beach Municipal Code Section 16.01.020) into the City’s storm water drainage system.
13. The lot shall be cleared of trash and debris daily.
14. On-site exterior lighting shall be turned off on a daily basis at end of operating hours.
15. The Director of Community Development may require any lighting to be dimmed or relocated to address light trespass or excessive glare impacting the adjacent residential property.

NOW THEREFORE BE IT RESOLVED that the above decision was approved and

rendered on May 18, 2022 (the “Effective Date”).

ADOPTED this 18th day of May, 2022.

AYES: Commissioner(s)

NOES: Commissioner(s)

ABSENT: Commissioner(s)

ATTEST:

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Steve Goldman, Chairperson  
Planning Commission  
City of Laguna Beach, California

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Russell W. Bunim, AICP  
Zoning Administrator  
City of Laguna Beach, California