

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



November 20, 2009

Penny Elia
30632 Marilyn Drive
Laguna Beach, CA 92651

Re: Appeal of City Ordinance Establishing Closing Times for Beaches and Parks

Dear Ms. Elia,

On November 13, 2009, we received your appeal regarding the City of Laguna Beach's decision to adopt an ordinance on November 2, 2009, that closes City beaches and parks between the hours of 1:00 a.m. and 5:00 a.m., with certain exceptions. Although the City has taken action to adopt an ordinance, and that ordinance is effective in the coastal zone and within an appealable area, we don't believe this action, per se, is appealable to the Commission at this time. Instead, our position is that the City must obtain Coastal Act authorization in the form of a local coastal program amendment and/or a coastal development permit from the Commission prior to the ordinance being effective in the City.

As of the date of this letter, the Commission has not received any Notice of Final Action (NOFA) on a coastal development permit processed by the City, pursuant to Section 13571 of Title 14 of the California Code of Regulations, for the closure of beaches and parks. Since no action on a coastal development permit has been taken, and there has been no notice to the Commission of such action, we are not considering your appeal "filed" for purposes of 30621 because there is no formal action on a coastal development permit by the City to appeal. We have informed the City that a coastal development permit is required to implement the ordinance adopted on 11/2/09 to close the beaches (see attachment). If the City issues a coastal development permit for the beach closure and sends a NOFA, that decision would be appealable. In addition, if the City claims their action is exempt from coastal development permit requirements, that decision would also be appealable pursuant to Section 30625 of the Coastal Act. At such time as either of those actions occurs, we will ask you to confirm in writing your desire to activate the appeal, at which time it will be considered "filed".

We appreciate your ongoing interest in the protection of coastal resources and your diligence in pursuing your concerns regarding the City's planned beach and park closures. Please do not hesitate to contact me at (562) 590-5071 if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Karl Schwing', written over a light blue horizontal line.

Karl Schwing
Supervisor, Regulation & Planning
Orange County Area

Attachment: Letter from California Coastal Commission to the City of Laguna Beach dated November 13, 2009

cc: John Montgomery, City of Laguna Beach (via email, w/o attachment)
Ann Larson, City of Laguna Beach (via email, w/o attachment)
John Pietig, City of Laguna Beach (via email, w/o attachment)
Ken Frank, City of Laguna Beach (via email, w/o attachment)