

**CALIFORNIA COASTAL COMMISSION**

SOUTH COAST DISTRICT OFFICE  
301 E. OCEAN BLVD., SUITE 300  
LONG BEACH, CALIFORNIA 90802-4830  
(562) 590-5071 FAX (562) 590-5084  
WWW.COASTAL.CA.GOV



# W10

**Prepared August 27, 2020 (for the September 09, 2020 Hearing)**

**To:** Commissioners and Interested Parties  
**From:** Karl Schwing, South Coast District Deputy Director  
**Subject:** **South Coast District Deputy Director's Report for Orange County for September 2020**

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, and emergency CDPs for the South Coast District Office are being reported to the Commission on September 09, 2020. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's South Coast District Office in Long Beach. Staff is asking for the Commission's concurrence on the items in the South Coast District Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on September 9th.

With respect to the September 9th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

**Items being reported on September 09, 2020 (see attached)**

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**Waivers**

- 5-19-1312-W, Marilynn Tom (Huntington Beach)

**Immaterial Amendments**

- 5-03-529-A1, OC Fresca, LLC (San Clemente)
- 5-15-1670-A1-E3, South Orange County Wastewater Authority (Aliso And Wood Canyons Wilderness Park, Unincorporated Orange County)

**Immaterial Extensions**

- 5-09-105-E6, 86 S La Senda (Laguna Beach)

**Emergency Permits**

- G-5-20-0037, City of Laguna Beach- Repair to Moss St Beach Staircase (Laguna Beach)

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August 26, 2020

## **Coastal Development Permit Waiver De Minimis Waiver Coastal Act Section 30624.7**

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

**Waiver:** 5-19-1312-W

**Applicant:** Marilyn Tom

**Location:** 3838 Humboldt Drive, Huntington Beach, Orange County  
(APN: 178-053-44)

**Proposed Development:** Remove and replace an existing 3 ft. x 35 ft. finger, remove and replace the decking of a 6.5 ft. x 16 ft. section of the headwalk and remove and replace the decking of the existing 3 ft. x 18 ft. gangway. No pile work or fill of coastal waters is proposed.

**Rationale:** The subject site is associated with the residentially zoned, harbor front lot in Huntington Harbour in the City of Huntington Beach, Orange County. The proposed dock float is consistent with the size and configuration of similarly situated docks in the Huntington Harbour area, and is consistent with past Commission issued permits. The dock will be used for boating related purposes to serve the adjacent single-family residence. Single-family residences and associated private boat docks characterize the subject site and the surrounding area. No in water work is proposed. Based on a survey conducted on October 31, 2019, no eelgrass or *Caulerpa Taxifolia* has been found in the vicinity. Historically, eelgrass has not been found in this area. To protect water quality, the applicant has proposed construction responsibilities and debris removal measures and also post construction best management practices. The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its **September 9-11, 2020** meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

John Ainsworth  
Executive Director

Fernie Sy  
Coastal Program Analyst

cc: Commissioners/File

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August 27, 2020

**NOTICE OF PROPOSED PERMIT AMENDMENT**

Coastal Development Permit Amendment No. **5-03-529-A1**

**To:** All Interested Parties

**From:** John Ainsworth, Executive Director

**Subject:** Permit No. **5-03-529** granted to **Yuji Enterprise** for:  
Addition of 49 new outdoor seats at existing restaurant for evening seating  
(5 pm to 11 pm) without providing any additional onsite parking spaces.

**Project Site:** 1814 N El Camino Real, San Clemente, Orange County  
(APN: 4411024031)

The Executive Director of the California Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following change(s):

Extend the existing restaurant's outdoor patio operating hours from evening hours only (5 pm to 11 pm) to all operational hours (11 am to midnight on Mon-Fri and 8 am to midnight on Sat-Sun) without providing additional onsite parking spaces. Add an outdoor bar structure that would not add to the existing 49 seating capacity. Implement Transportation Demand Management measures including employee ride share/carpooling program, employee transit fare reimbursement program, and short-term bicycle parking stalls. The Commission's reference number for this proposed amendment is **5-03-529-A1**. See **Exhibit A** for the proposed changes to these conditions.

**FINDINGS**

The Executive Director has determined this amendment to be IMMATERIAL within the meaning of section 13166(b) of the Commission's regulations.<sup>1</sup> Pursuant to section 13166(b)(1), if no written objection to this notice of immaterial amendment is received at the Commission office listed above within ten (10) working days of mailing said notice, the determination of immateriality shall be conclusive, and the amendment shall be approved (i.e., the permit will be amended as proposed).

Pursuant to section 13166(b)(2), if a written objection to this notice of an immaterial amendment is received within ten (10) working days of mailing notice, and the executive director determines that the objection does not raise an issue of conformity with the

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<sup>1</sup> The Commission's regulations are codified in Title 14, Division 5.5 of the California Code of Regulations.

## Notice of Proposed Permit Amendment

5-03-529-A1

Coastal Act or certified local coastal program if applicable, the amendment shall not be effective until the amendment and objection are reported to the Commission at its next regularly scheduled meeting. If any three Commissioners object to the executive director's designation of immateriality, the amendment application shall be referred to the Commission to be reviewed as a material amendment at a subsequent Commission meeting. If no three Commissioners object to the executive director's designation of immateriality, that designation shall stand, and the amendment shall become effective.

Pursuant to section 13166(b)(3), if a written objection to this notice of an immaterial amendment is received within ten (10) working days of mailing notice, and the executive director determines that the objection does raise an issue of conformity with the Coastal Act or a certified local coastal program if applicable, the amendment application shall be referred to the Commission to be reviewed as a material amendment at a subsequent Commission meeting.

The Executive Director has determined this proposed amendment to be "immaterial" for the following reason(s):

The existing commercial historic structure is non-conforming with regard to parking. The existing restaurant, which was constructed in 1941, not including the 49 seat outdoor patio area, currently has a maximum of 119 seats and 13 parking spaces. The City Municipal Code Section 17.64.050, which is not certified by the Commission, requires one parking space per five seats for restaurants in this zone. Accordingly, the existing 49 outdoor seats would typically require 10 additional parking spaces. The North Beach area currently has an adequate parking supply to accommodate the project's parking demand. The City's parking study survey<sup>2</sup> indicated that peak parking occupancy in the North Beach area occurred at 9 am on Saturday morning, when 267 out of the total inventory of 623<sup>3</sup> parking spaces (43 percent) were occupied. The largest source of off-street public parking is located directly south of the project site, where peak parking occupancy occurred at 11 am on Saturday, when 135 out of 248 parking spaces (54 percent) were occupied. Therefore, the addition of parking demand (10 spaces) for the extension of operating hours for the 49 outdoor seats will not have a significant impact on parking demand and public access opportunities in the area. Therefore, the amendment does not have the potential to create adverse impacts, either individually or cumulatively, on coastal resources or public access to and along coastal waters.

If you wish to register an objection to the processing of this amendment application as an immaterial amendment, please send the objection in writing to the address above.

If you have any questions about this notice, please contact Vince Lee at the phone number provided above.

cc: Commissioners/File

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<sup>2</sup> 2018 North Beach Parking Study, by City of San Clemente, January 2019.

<sup>3</sup> Includes both public and private parking spaces in the North Beach area.



## **EXHIBIT A – Standard and Special Conditions pursuant to CDP No. 5-03-529 through CDP Amendment No. 5-03-529-A1**

**NOTE:** Exhibit A includes all standard and special conditions that apply to this permit, as approved by the Commission in its original action and modified and/or supplemented by CDP Amendment No. 5-03-529-A1. This will result in one set of adopted special conditions.

### **Standard Conditions**

1. **Notice of Receipt and Acknowledgment.** The permit amendment 5-03-529-A1 is not valid and development authorized by permit amendment 5-03-529-A1 shall not commence until a copy of the permit amendment, signed by the applicant or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the applicant to bind all future owners and possessors of the subject property to the terms and conditions.

### **Special Conditions**

#### **1. Hours of Operation**

The outdoor seating approved herein may be only be utilized for patron seating between the hours of 11 am to midnight on Mon-Fri and 8 am to midnight on Sat-Sun ~~5 pm to 11 pm daily.~~

The permittees shall undertake development in accordance with the approved hours of operation. Any proposed changes to the approved hours of operation shall be reported to the Executive Director. No changes to the approved hours of operation program shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

#### **2. Future Improvement**

This coastal development permit (5-03-529) is only for the development, located at 1814 North El Camino Real, in the City of San Clemente, County of Orange, as expressly described and conditioned herein. Any future improvements or development as defined in Section 30106 of the Coastal Act, including, but not limited to, an increase in square footage, an expansion of hours or days of operation, or any other change in the intensity or use of the property, shall require an amendment to this permit or a new coastal development permit from the Coastal Commission or its successor agency.

**CALIFORNIA COASTAL COMMISSION**

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



August 27, 2020

**OBJECTION TO EXECUTIVE DIRECTOR'S DETERMINATION**

**To:** Commissioners and Interested Parties

**From:** Karl Schwing, Deputy Director South Coast District – Orange County  
Amber Dobson, District Manager, South Coast District  
Zach Rehm, Supervisor, Regulation & Planning, South Coast District  
Meg Vaughn, Coastal Program Analyst

**Re: Extension of Coastal Development Permit 5-15-1670-A1-E3  
(South Orange County Wastewater Authority (SOCWA) and Orange County Parks)  
Aliso and Wood Canyons Wilderness Park, unincorporated Orange County  
(APN(s): 120-191-79, 120-191-80, 120-191-81, 639-011-07, 639-011-08, 639-011-16, 639-011-18, 639-011-20, 639-011-25, 639-021-05, 639-031-03, 655-041-18, 655-051-03, 655-051-04, 655-051-05)**

On May 26, 2020, a request to extend Coastal Development Permit 5-15-1670-A1 for an additional one-year period was received in the Coastal Commission's South Coast District office. This extension request is the proposed project's third extension request. Coastal Development Permit 5-15-1670-A1 was approved on June 8, 2016. CDP amendment 5-15-1670-A1 amends Coastal Development Permit P-78-4365. CDP P-78-4365 authorized: Improvements to the existing 2.5 million gallon per day (MGD) South Coast County Water District (SCCWD) Sewage Treatment Plant to upgrade treatment, approved by the Coastal Commission in 1978. CDP amendment 5-15-1670-A1 authorized: Replace two existing, 4" diameter, ductile iron force main sludge transport pipelines with one, 6" diameter, high density polyethylene (HDPE) force main sludge transport pipeline; creek bank stabilization within Aliso Creek; and mitigation including restoration of riparian and upland habitat in Wood Canyon (more specifically described in the application filed in the Commission offices).

On July 31, 2020, the South Coast District Office in Long Beach issued notices of the Executive Director's determination that there are no changed circumstances that may affect the development's consistency with the Chapter 3 policies of the Coastal Act or with the certified LCPs for County of Orange Aliso Viejo segment and the City of Laguna Niguel. As required by Section 13169 of Title 14 of the California Code of Regulations, the Executive Director is reporting this determination to the Commission at its September 9, 2020 meeting, along with a response to the objections that were received within the ten working-day objection period.

Within the ten working-day objection period (August 3 through August 17, 2020), during which time any person may object to the Executive Director's determination, the South Coast District Office received three letters (two emails, one letter) of objection (attached). The first letter, from the Laguna Bluebelt Coalition (LBC) dated August 4, 2020, and received in the

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Commission's South Coast District office August 4, 2020, objects, requesting that the "old deteriorating poorly engineered sludge line through the Aliso Creek Wilderness Park" be retired. In addition, the LBC letter points out that Aliso Creek drains into protected coastal receiving waters, and the project pipelines are adjacent to Aliso Creek. The letter also points out that a healthy ocean and biological resources cannot be achieved without healthy creeks and modern wastewater facilities. Finally, the LBC letter attached a 9/16/2014 City of Laguna Beach Agenda Bill with recommended actions regarding "holistic water management within South Orange County and the City of Laguna Beach to promote and champion alternative water sources, and reduce the impacts of water discharges on local receiving waters."

A second correspondence was received from Penny Elia of the Sierra Club's Save Hobo Canyon Task Force, addressing the extension request. In this correspondence, the question is raised as to whether new environmental studies will be required due to the four years that have elapsed since the Commission's original approval (June 8, 2016). In addition, the correspondence states: "...the environmental community has opposed this sludge line for many, many years due to environmental impacts. We are all interested in making sure there are recent environmental studies conducted before any work moves forward. In four years things have dramatically changed in Aliso Canyon and Creek. These must be taken into consideration, but SOCWA is not known for its environmental stewardship on any level."

The third letter, from Village Laguna, was received in the South Coast District Office on August 8, 2020 and indicates that the project was dependent on a future federal construction project for erosion control that now seems less likely to be pursued; states that an arundo removal project from within Aliso Creek has improved the condition of the creek; and notes that according to a press release about a year ago (near the time of the second extension request), the applicant (SOCWA) planned to conduct "an evaluation of the treatment plant's size, cost, and technology with a view to optimizing its long-term value to the region." The Village Laguna letter states that "a wilderness park is no place for a sewer pipe and that twenty-first century solutions to sewage treatment were available that would allow the removal of this one."

In addition, the applicant (SOCWA) has submitted a Memorandum (8/19/2020) responding to the objections from Sierra Club and Laguna Bluebelt Coalition (LBC). The Village Laguna Letter was received after SOCWA's response. All four letters/emails are attached.

It may be worth noting that the delay in obtaining issuance of the CDPA 5-15-1670-A1 and commencing construction of the project approved under the CDPA has been due to on-going work on condition compliance requirements and fulfilling additional requirements established in the FEIR. In addition to working with Coastal Commission staff, SOCWA has also been working with the U.S. Fish & Wildlife Service and U.S. Army Corps of Engineers on Section 7 consultation. Moreover, in the interim between when the third extension application was submitted and now, the final condition compliance has occurred and, if this extension request is granted, CDPA 5-15-1670-A1 can be issued.

Section 13169(c) of Title 14 of the California Code of Regulations states, in part, that in order to deny an extension request, objections must identify changed circumstances that may



affect the consistency of the development with the Coastal Act. In the case of Coastal Development Permit Amendment 5-15-1670-A1, the standard of review is consistency with the two certified LCPs within whose jurisdiction the subject project falls, the City of Laguna Niguel and the Aliso Viejo segment of the County of Orange.

**Laguna Bluebelt Coalition** letter raises concerns related to:

**Objection:** Erosion in Aliso Creek exposing sewer lines which may lead to sewage spills; to avoid this the objection letter encourages retirement of the deteriorating pipes.

**Response:** The project is proposed to address this very concern. The proposed project includes some erosion protection in the form of creek bank stabilization where the threat from erosion is greatest. But more importantly, the proposed project is intended to address the issues raised by the aging, deteriorating pipes, which are the greatest threat to effluent leakage/spill into the creek, by replacing them. The goal of the project is to PREVENT leakage of the pipes precisely because it could have very negative impacts on Aliso Creek, the surrounding habitat, and to receiving waters downstream of the creek. By replacing the nearly 40-year-old pipes with new pipes, the likelihood of effluent leakage from the pipes will be significantly reduced. The age and condition of the subject pipes were known at the time the Commission acted on this project. In addition, it is important to note that the subject pipeline is not an ocean discharge pipeline. Rather, it conveys the byproduct of primary and secondary wastewater treatment stages called sludge and thickened water activated sludge from the downstream Coastal Treatment Plant (CTP) to the upstream Regional Treatment Plant, located outside the coastal zone. The applicant states that the CTP produces effluent that consistently meets standards for ocean discharge, even though it is not an ocean discharge pipeline. This objection does not identify any new or changed circumstance that would affect the development's consistency with the Coastal Act or with the certified LCPs of the City of Laguna Niguel and Aliso Viejo segment of the County of Orange.

**Objection:** A 2019 Thanksgiving Day pressure valve failure along Aliso Creek North Coast Interceptor Pipeline operated by the City resulted in a spill of 1.7 million gallons of raw sewage to Laguna's State Marine Protected Areas.

**Response:** As stated in the objection sentence above, the pipeline in question is operated by the City of Laguna Beach, not the applicant SOCWA. The importance of preventing spills or leakage from the pipelines into the creek, surrounding habitat and receiving waters is recognized by all and is the point of the proposed pipeline replacement.

**Objection:** We have better technology now to handle sludge on-site.

**Response:** The objector does not identify any specific technology that would avoid the need for the pipelines at all. Moreover, in objection letters from LBC for each of the last two extensions, specific technologies were identified by LBC. However, all of these were considered at the time of the original Coastal Commission action on the project, and the Commission found none of the options to be preferable to the approved project. Although the

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current objection letter does not identify any specific better technology, other technologies were considered by the Commission and the proposed alternative accepted. This consideration of alternatives is reflected in the Adopted Findings for the original project, and is also reflected in responses to objections to both of the past extension requests (see attached Response to Objection Letters for Extension Requests 1 and 2). This objection does not identify any new or changed circumstance that would affect the development's consistency with the Coastal Act or with the certified LCPs of the City of Laguna Niguel and Aliso Viejo segment of the County of Orange.

**Agenda Bill:** The LBC also attached a 9/16/2014 City of Laguna Beach Agenda Bill with recommended actions that include recommendations for water and wastewater management that was adopted by the City of Laguna Beach (attached). Of the recommendations listed, none conflict with the project approved under CDPA 5-15-1670-A1. The last recommendation on the Agenda Bill states: "Request SOCWA to continue to evaluate the feasibility and costs of new technologies at Coastal Treatment Plant and other SOCWA facilities to minimize the environmental impacts on sewer infrastructure within the Aliso and Wood Canyon Wilderness Park and to provide an update to the City Council in May 2015." Nothing in the approved project prevents SOCWA from doing that. But in the meantime, the existing pipes are at the end of their functioning lives, and this must be addressed now to avoid leakage/spillage into Aliso Creek and surrounding and downstream habitat. This objection does not identify any new or changed circumstance that would affect the development's consistency with the Coastal Act or with the certified LCPs of the City of Laguna Niguel and Aliso Viejo segment of the County of Orange.

**Sierra Club** letter raises concerns related to:

**Concern:** It has been four years since the project was approved, things in Aliso Canyon and Creek have dramatically changed, and there should be recent environmental studies conducted before the project moves forward.

**Response:** The correspondent has not specified what changes to the canyon and creek have occurred, nor which environmental studies should be updated. However, the studies related to the original project include: the Biological Technical Report, Habitat Mitigation & Monitoring Plan, and the Archaeological Investigation. Starting with the Archaeological Investigation: cultural resources are known to be present within the area of the pipeline alignment. As proposed and as conditioned, the project will avoid these sensitive resources by leaving the existing pipeline in place for the 660 feet where the pipeline alignment and sensitive cultural resources overlap. Rather than trench in this area to install new pipeline, the project will retain the existing pipes in place and the new pipeline will be connected to the existing pipelines in this area. This circumstance and this process is described in detail in the Adopted Findings for the project. The location of the cultural resources are not expected to have moved over the course of four years. In any case, all project grading and earth disturbance is required to be monitored by archaeological and Native American monitors, with the ability to stop work. Special Condition No. 22 of the approved project outlines the requirements related to protection of cultural resources. As required by Special Condition No. 22, the applicant submitted a revised Construction Monitoring Treatment Plan that incorporates all the

requirements of the Special Condition. The applicant is required to implement the approved plan.

With regard the Biological Technical Report: the Biological Technical Report mapped the various habitat types within the project vicinity. Based on the information in the Biological Technical Report, impacts to biological resources as a result of the project were identified and are described in detail in the Adopted Findings for the project. Most of the proposed project will occur within the existing, unpaved maintenance road. This road is used daily by SOCWA to monitor and maintain the pipelines and is also a public trail. No habitat is disturbed by trenching within this road. Because this road is used daily by SOCWA and hikers, it is not expected that habitat has developed within the roadway. The area of disturbance occurs where the project veers off the existing maintenance road. These are the areas of the project where habitat will be disturbed. No change to this area of disturbance has been proposed by the applicant or approved under the project approval. No change to the area of impact is expected. These areas of impact are required to be mitigated, as described in the Adopted Findings for the project, and reflected in the revised Habitat Mitigation & Monitoring Plan.

Finally, with regard to the Habitat Mitigation & Monitoring Plan: a revised Habitat Mitigation & Monitoring Plan was required under Special Condition No. 18 of the approved project. Special Condition 18 requires that all impacts to wetland/riparian habitat be mitigated at a ratio of 4:1 (mitigation:impact) and that all impacts to special status upland habitat be mitigated at a ratio of 3:1 (mitigation:impact). The applicant has submitted the required revised Habitat Mitigation and Monitoring Plan, which has been accepted as meeting the requirements of Special Condition No. 18 of the approved project. The applicant is required to implement the approved plan.

In summary, this objection letter did not specify what the changes to the canyon and creek have occurred, nor which environmental studies should be updated. This objection does not identify any new or changed circumstance that would affect the development's consistency with the Coastal Act or with the certified LCPs of the City of Laguna Niguel and Aliso Viejo segment of the County of Orange.

**Village Laguna** letter raises objections related to:

**Objection:** The Project Relies on a Federal Erosion Control Project that Now Seems Unlikely to be Implemented.

**Response:** Although the specific federal project is not identified, it appears to be the USACE led feasibility and alternative analysis for a project that was contemplated along Aliso Creek including creek restoration and streambed stabilization<sup>1</sup>. The Commission's review of the subject pipeline project did consider this potential, future federal project, but in terms of the length of time the subject creek bank stabilization component of the project would potentially be needed. Without the USACE project it is possible the creek bank stabilization would not

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<sup>1</sup> More recently described in: Aliso Creek Mainstem Ecosystem Restoration Study, Draft Integrated Feasibility Report, Environmental Impact Statement/Environmental Impact Report USACE, September 2017



protect the pipelines for the life of the subject project. This was recognized in the Commission's approval of the SOCWA pipeline project.

When considering the pipeline project, the Commission was aware that the USACE project was not a certainty. The Commission's Adopted Findings for the pipeline project recognize the potential future project contemplated by the USACE as being in the *feasibility and alternatives* consideration stage, not a project certain. If future work related to the project approved under CDPA 5-15-1670-A1 is needed, that would require approval of a CDP amendment or a new CDP. If the USACE project were ever to be proposed, it would also require approval from the Coastal Commission. The pipeline project as approved by the Coastal Commission, allows the minimum amount of work necessary to protect both the pipeline replacement and the existing pipelines at the subject site for the near term future.

In recognizing that the USACE project was still in the feasibility study stage, it was recognized that the proposed pipeline project was not expected to be the final solution. It was also recognized at that time, that the pipelines must be replaced and protected in the interim (between the approved project and any future solution to address Aliso Creek erosion issues) to avoid pipe failure and the resulting impacts to the surrounding habitat, the creek, and to public health and safety. The fact that the USACE project was only in the feasibility stage was known at the time the Commission acted on the SOCWA pipeline project. Therefore, this objection does not identify any new or changed circumstance that would affect the development's consistency with the Coastal Act or with the certified LCPs of the City of Laguna Niguel and Aliso Viejo segment of the County of Orange.

**Objection:** The Village Laguna objection letter states: "Second, the large-scale removal of arundo from the creek bed has greatly improved the condition of the creek and its prospects, and this may have implications for SOCWA's construction plans."

**Response:** The letter does not provide any further detail on this comment, including no details on what the implications may be. Further, it does not describe the location or extent of the arundo removal. It is not clear why the referenced arundo removal would affect the approved pipeline project. This objection does not identify any new or changed circumstance that would affect the development's consistency with the Coastal Act or with the certified LCPs of the City of Laguna Niguel and Aliso Viejo segment of the County of Orange.

**Objection:** The Village Laguna objection letter states: "Finally, when we wrote last year about the second extension SOCWA had requested, it had just been reported that the agency was planning to conduct 'an evaluation of the treatment plant's size, cost, and technology with a view to optimizing its long-term value to the region.' We suggest that, another year later, the best time for this evaluation might be before this costly pipeline has been installed."

**Response:** Based upon this language, it appears that SOCWA may be planning a near-term future evaluation of its facilities. It does not appear that this evaluation has occurred. A contemplated future evaluation cannot be considered new or changed circumstances, because the evaluation has yet to occur and it is not known when, if ever, it will occur. Moreover, if a future evaluation does occur, it would likely take some time to complete, and then, once complete, additional time to implement any potential recommendations that may



result. In the meantime, the aging deteriorating pipes, if left unaddressed, pose a threat to surrounding habitat should leakage or spillage occur due to the existing pipes' condition. This objection does not identify any new or changed circumstance that would affect the development's consistency with the Coastal Act or with the certified LCPs of the City of Laguna Niguel and Aliso Viejo segment of the County of Orange.

**Conclusion:**

Based on the above, the Executive Director has concluded that the objection letters do not identify any changed circumstances that may affect the development's consistency with the Chapter 3 policies of the Coastal Act or with the certified LCPs of the City of Laguna Niguel and Aliso Viejo segment of the County of Orange. As required by Section 13169(c) of Title 14 of the California Code of Regulations, the Executive Director is reporting this conclusion to the Commission along with a copy of the objection letters. If three Commissioners object to the extension on the grounds that there may be circumstances that affect the development's consistency with the Coastal Act, the Executive Director shall schedule the extension for a public hearing in accordance with Section 13169(d) of Title 14 of the California Code of Regulations. If three Commissioners do not object to the extension, the time for commencement of development shall be extended for one year from the expiration date of the permit. In this case, the approval of the extension request would extend the expiration date of Coastal Development Permit 5-15-1670-A1 until June 8, 2021, one year from the previous date of expiration.

## Re: SOCWA Sludge Line Extension - year four

Mike beanan <conxtns@hotmail.com>

Tue 8/4/2020 9:36 AM

To: Penny Elia <greenp1@cox.net>; Vaughn, Meg@Coastal <Meg.Vaughn@coastal.ca.gov>

Cc: Schwing, Karl@Coastal <Karl.Schwing@coastal.ca.gov>; Dobson, Amber@Coastal <Amber.Dobson@coastal.ca.gov>; Engel, Jonna@Coastal <Jonna.Engel@coastal.ca.gov>

 2 attachments (1,013 KB)

SOCWA Extension.pdf; Laguna MPAs & Wastewater Map.jpg;

Hi Meg,

In 2014, the city of Laguna Beach passed a resolution to modernize the Coastal Treatment Plant operated by SOCWA. Last year, the City committed to Zero Liquid Discharge (ZLD). As yet, there is no progress on either of these two commitments.

Resolutions are great but require timely implementation. The erosion of Aliso Creek continues with each major storm event to expose sewage lines - a topic of key concern for the 2005 Army Corp of Engineers failed SUPER Project. A 2019 Thanksgiving Day pressure valve failure along Aliso Creek North Coast Interceptor Pipeline operated by the City resulted in a spill of 1.7 million gallons of raw sewage to Laguna's State Marine Protected Areas.

As Penny points out, SOCWA has a poor record of protecting Aliso Creek from old, deteriorating sewage lines and ongoing sewage spills (or undetected leaks in the five mile pipeline buried dangerously next to Aliso Creek). Additionally, the City has no recycled water system to upcycle wasted wastewater for beneficial reuse and reduce ocean discharges of up to 10 million gallons of secondary sewage daily next to local MPAs (Please see attached).

Please urge SOCWA to retire an old, deteriorating, poorly engineered sludge line through the Aliso Creek Wilderness Park draining to protected coastal receiving waters. We have better technology now to handle sludge on-site.

We cannot achieve a healthy ocean and biological resources without healthy creeks and modern wastewater facilities.

Many thanks for protecting California's biological resources consistent with Coastal Act Section 30231.

Mike Beanan  
Laguna Bluebelt Coalition

WASTEWATER ADVISORY TASK FORCE RECOMMENDATIONS :

[http://lagunabeachcity.granicus.com/MetaViewer.php?view\\_id=3&clip\\_id=400&meta\\_id=30776](http://lagunabeachcity.granicus.com/MetaViewer.php?view_id=3&clip_id=400&meta_id=30776)

Zero Liquid Discharge (9/10/2019):

[https://lagunabeachcity.granicus.com/MetaViewer.php?view\\_id=3&event\\_id=664&meta\\_id=75964](https://lagunabeachcity.granicus.com/MetaViewer.php?view_id=3&event_id=664&meta_id=75964)

## Granicus

City of Laguna Beach AGENDA BILL No. Meeting Date: 9/10/19 SUBJECT: ENVIRONMENTAL SUSTAINABILITY  
COMMITTEE WORK PLAN 2019-2021 SUMMARY OF THE MATTER:

[lagunabeachcity.granicus.com](https://lagunabeachcity.granicus.com)

### 2011 California Code

#### Public Resources Code

#### DIVISION 20. CALIFORNIA COASTAL ACT [30000 - 30900]

#### ARTICLE 4. Marine Environment

#### Section 30231

**Universal Citation:** CA Pub Res Code § 30231 (through 2012 Leg Sess)

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

*(Added by Stats. 1976, Ch. 1330.)*

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**From:** Penny Elia <greenp1@cox.net>

**Sent:** Tuesday, August 4, 2020 8:54 AM

**To:** Vaughn, Meg@Coastal <Meg.Vaughn@coastal.ca.gov>

**Cc:** Schwing, Karl@Coastal <Karl.Schwing@coastal.ca.gov>; Dobson, Amber@Coastal <amber.dobson@coastal.ca.gov>; Engel, Jonna@Coastal <jonna.engel@coastal.ca.gov>

**Subject:** SOCWA Sludge Line Extension - year four

Good morning, Meg -

Hope all is well.

I received the notice of extension on the SOCWA sludge line yesterday in the mail.

Could you or Jonna please let me know if there will be new environmental studies required given that this is the fourth year the County has requested an extension.

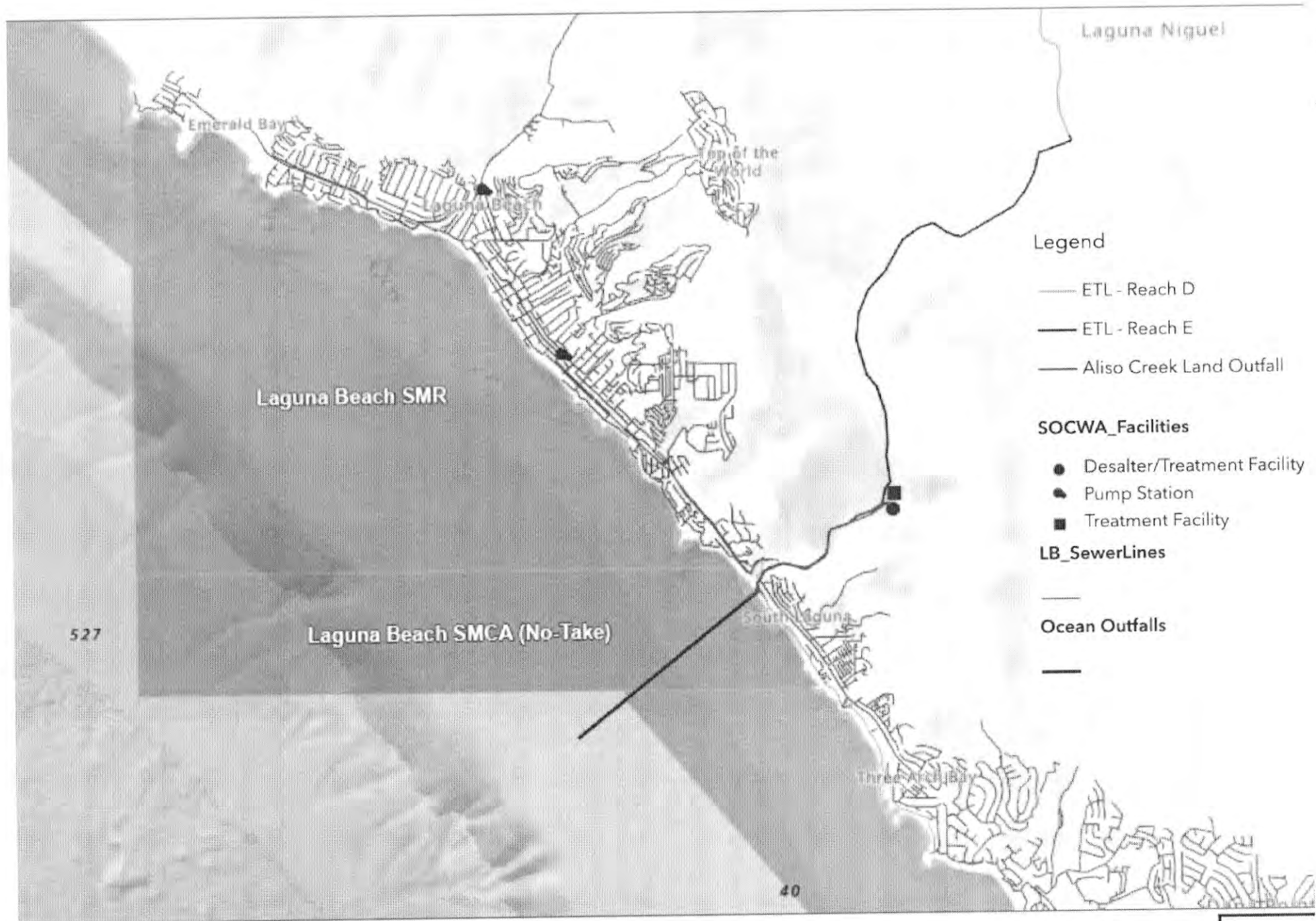
As you probably know, the environmental community has opposed this sludge line for many, many years due to environmental impacts. We are all interested in making sure there are recent environmental studies conducted before any work moves forward. In four years things have dramatically changed in Aliso Canyon and Creek. These must be taken into consideration, but SOCWA is not known for its environmental stewardship on any level.

Thanks very much.

Best -

Penny Elia  
Save Hobo Aliso Task Force  
Sierra Club





City of Laguna Beach  
AGENDA BILL

No. **14**  
Meeting Date: 9/16/14

**SUBJECT: WASTEWATER ADVISORY TASK FORCE RECOMMENDATIONS**

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**SUMMARY OF THE MATTER:**

The Wastewater Advisory Task Force was formed in July 2013 after consideration of potential environmental impacts related to the Coastal Treatment Plant Export Sludge Force-main Replacement Project located within Aliso Canyon. Concurrently, the State of California has been facing an extreme long-term drought that is impacting water use, but is also expanding the potential for advancing alternative water supplies. There is a need for holistic water management within South Orange County and the City of Laguna Beach to promote and champion alternative water sources, and reduce the impacts of water discharges on local receiving waters. The Wastewater Advisory Task Force considered these issues during the development of Task Force recommendations.

The initial Task Force goals were:

- To develop recommendations for South Orange County Wastewater Authority's (SOCWA) long-range strategic plan, focusing on sustainable, cost-effective, and environmentally sound wastewater management that respects the integrity of the Aliso and Wood Canyons Wilderness Park and coastal receiving waters.
- To gather and assess information on current operations and on twenty-first-century technologies through interviews with and presentation by SOCWA staff, University of California at Irvine faculty and graduate students, other invited speakers, and the Internet to present to City Council, recommendations for upgrades, improvements, and possible removal of sewer infrastructure from the Aliso and Wood Canyons Wilderness Park.
- The task force will consider and comment on the financial impacts of its recommendations.

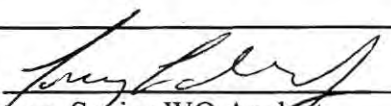
The Task Force was comprised of two City Councilmembers (Councilmembers Whalen and Dicterow), five interested residents (Michael Beanan, Mark Christy, Jane Egly, Cathleen Greiner and Derek Plaza) and City Staff (David Shissler and Tracy Ingebrigtsen). In order to meet the Task Force goals, the group

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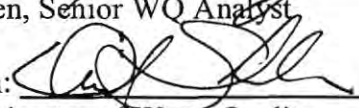
**RECOMMENDATIONS:** It is recommended by the Wastewater Advisory Task Force that the City Council adopt the Wastewater Task Force Action Statements and Recommended Actions as stated beginning on Page 2.

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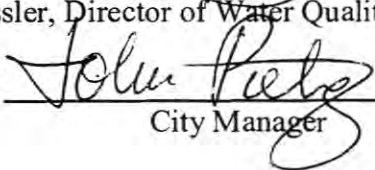
Appropriations Requested: \_\_\_\_\_

Submitted by:   
Tracy Ingebrigtsen, Senior WQ Analyst

Fund: \_\_\_\_\_

Coordinated with:   
David Shissler, Director of Water Quality

Attachments: \_\_\_\_\_

Approved:   
City Manager

invited expert speakers to describe wastewater treatment plant operations, possibilities and constraints for current water supplies, and explore alternative water supplies and reuse technologies. The Task Force membership met seven times and heard presentations from the following groups:

- SOCWA - Detailed understanding of the Coastal Treatment Plant - facilities overview, operating budget, capital improvement plan and facility plan.
- Laguna Beach County Water District – Recycled Water Potential
- South Coast Water District – Reclamation System Project at the Coastal Treatment Plant
- Fire Chief LaTendresse – Fuel Modification Zones
- Orange County Chapter of WaterReuse - Direct Potable Reuse

Finding a continued long term solution to the task force goals will take ongoing collaboration among multiple agencies and groups as well as the development and use of alternative sources of water. The complexities of this issue require long-term consideration and action. The final recommendations are categorized into Action Statements and Specific Recommended Actions.

## **RECOMMENDATIONS:**

The Wastewater Advisory Task Force recommends the City Council adopt the following Action Statements and Recommended Actions.

### **A. Adopt Wastewater Task Force Action Statements:**

1. Quantify Water Availability of all potential sources (Potable, Recycled, Stormwater, and Direct Potable Reuse) for existing and future Laguna Beach uses.
2. Encourage Self Reliance by developing, supporting and participating in regional efforts for aggressive water conservation, full water reuse technologies, and other emerging water capture, use/re-use strategies that will stretch our current water supplies to the maximum extent possible.
3. Support Interagency Collaboration for regional expansion of existing, new, and future water supplies and reducing the waste of water.
4. Participate in the development of Long-Range strategic plans for sustainable, cost-effective, environmentally sound water and wastewater management. Establish metrics for measuring progress, and support economic incentives to promote the use of alternative water supplies.
5. Support Outreach and Education efforts to inform the public about their local water cycle including; water supply, availability and sources, water waste/urban runoff impacts, wastewater discharge impacts, and emerging water capture, use/re-use strategies.

### **B. Adopt Wastewater Task Force Recommended Actions:**

1. Develop an area map showing Laguna Beach and surrounding area water sources including potable and recycled water.
2. Support and participate on the South Orange County Regional Recycled Water Committee to facilitate/develop a long range plan to maximize the re-use of wastewater supplies.

3. Request that the City of Laguna Beach become a participant in the SOCWA Recycled Water Permitting Committee (PC2 SO).
4. Send letters of support to State elected officials, the California Association of Sanitation Agencies and the Water Reuse Foundation supporting legislation, regulations, research and initiatives for the acceptance of Direct Potable Reuse.
5. Work with other agencies in the South Orange County Watershed Management Area (SOCWMA) to develop Feasibility Studies for the use of alternative water supplies (Direct Potable Reuse, Storm/Urban Water Capture and Reuse) within South Orange County and the City of Laguna Beach.
6. Request SOCWA to continue to evaluate the feasibility and costs of new technologies at Coastal Treatment Plant and other SOCWA facilities to minimize the environmental impacts on sewer infrastructure within the Aliso and Wood Canyon Wilderness Park and to provide an update to the City Council in May 2015.




## SOCWA Sludge Line Extension - year four

Penny Elia <greenp1@cox.net>

Tue 8/4/2020 8:54 AM

To: Vaughn, Meg@Coastal <Meg.Vaughn@coastal.ca.gov>

Cc: Schwing, Karl@Coastal <Karl.Schwing@coastal.ca.gov>; Dobson, Amber@Coastal <Amber.Dobson@coastal.ca.gov>; Engel, Jonna@Coastal <Jonna.Engel@coastal.ca.gov>

 1 attachments (812 KB)

SOCWA Extension.pdf;

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Hope all is well.

I received the notice of extension on the SOCWA sludge line yesterday in the mail.

Could you or Jonna please let me know if there will be new environmental studies required given that this is the fourth year the County has requested an extension.

As you probably know, the environmental community has opposed this sludge line for many, many years due to environmental impacts. We are all interested in making sure there are recent environmental studies conducted before any work moves forward. In four years things have dramatically changed in Aliso Canyon and Creek. These must be taken into consideration, but SOCWA is not known for its environmental stewardship on any level.

Thanks very much.

Best -

Penny Elia  
Save Hobo Aliso Task Force  
Sierra Club



John Ainsworth, Director  
Coastal Commission  
South Coast District Office  
301 East Ocean Blvd. Suite 300  
Long Beach, CA 90802

August 8, 2020

Re: Extension Request 5-15-1670-A1-E3

Dear Director Ainsworth,

Since the Commission issued the permit for SOCWA's sludge pipeline replacement, there have been a number of changes on the ground that seem to us to merit the Commission's revisiting the project.

First of all, the project as presented was admittedly dependent on a proposed federal construction project for erosion control, and now that project is apparently not going to be pursued.

Second, the large-scale removal of arundo from the creekbed has greatly improved the condition of the creek and its prospects, and this may have implications for SOCWA's construction plans.

Finally, when we wrote last year about the second extension SOCWA had requested, it had just been reported that the agency was planning to conduct "an evaluation of the treatment plant's size, cost, and technology with a view to optimizing its long-term value to the region." We suggest that, another year later, the best time for this evaluation might be before this costly pipeline has been installed.

When the pipeline replacement was approved, trucking the sludge was identified as the environmentally superior alternative. Our position, then as now, was that a wilderness park was no place for a sewer pipe and that twenty-first-century solutions to sewage treatment were available that would allow the removal of this one. A hearing on the permit extension would allow the commissioners to assess the degree to which the project is appropriate to today's conditions.

Sincerely,

Johanna Felder  
President, Village Laguna



South Orange County Wastewater Authority

## MEMORANDUM

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**To:** Meg Vaughn, California Coastal Commission (CCC)  
**From:** Jason Manning, South Orange County Wastewater Authority (SOCWA)  
**Subject:** Response to Opposition Letters Re: Coastal Development Permit Amendment No. 5-15-1670-A1-E3  
**Date:** August 19, 2020  
**cc:** Mike Metts, Dudek; Bianca Juarros, Dudek

---

On behalf of the South Orange County Wastewater Authority (SOCWA), this memorandum is provided in response to the opposition letters received on August 4, 2020, by the Save Hobo Aliso Task Force of the Sierra Club (SC) and on August 4, 2020 by the Laguna Bluebelt Coalition (LBC) in regards to the Coastal Development Permit Amendment (CDPA) No. 5-15-1670-A1-E3.

The issues presented in the aforementioned opposition letters are similar to those presented in the 2019 opposition letters received during the ten working-day objection period associated with the last extension request. As such, the content of this memo is largely a reiteration of the Response to Opposition Letter memo dated July 31, 2019.

In the August 22, 2019 Staff Response to Objection Letters addressing the 2019 opposition letters, the Executive Director concluded that the objection letters did not identify any changed circumstances that may affect the development's consistency with the Chapter 3 policies of the Coastal Act or with the certified LCPs of the City of Laguna Niguel and Aliso Viejo segment of the County of Orange. At the September 11, 2019 CCC hearing, Commissioners concurred with this conclusion, thereby granting the extension request.

Through submittal of this memo, SOCWA hopes to demonstrate that there are still no changed circumstances affecting the proposed development's consistency with the Coastal Act and urges the CCC to keep this as an immaterial extension, consistent with the South Coast District Deputy Director's Report for Orange County, prepared July 31, 2020 for the August 13, 2020 CCC hearing.

### 1 Background

SOCWA prepared a Final Environmental Impact Report (FEIR) for the Coastal Treatment Plant (CTP) Export Sludge Force Main Replacement Project (proposed project) (Dudek 2013; State Clearing House (SCH) No. 2011051010). The proposed project would replace approximately 16,600 feet of two existing parallel 4-inch pipelines between the CTP and Alicia Parkway. The proposed project would replace the existing force mains with a single 6-inch force main made of high density polyethylene (HDPE), which would minimize future corrosion and joint separation challenges. The pipeline is proposed to be constructed on the east side of Aliso Creek, parallel to Moulton Niguel Water District's sewer line within

the existing dirt utility access road right-of-way. The FEIR was adopted by the SOCWA Board of Directors in 2013.

In 2015, SOCWA proposed improving a section of the creek bank along Lower Aliso Creek to provide erosion protection and improved stability for the existing infrastructure in the area, as well as for the proposed force main replacement pipeline. This improvement allows for natural revegetation along the berm between the groins/dikes and does not require any fill in the low flow channel or removal of existing channel banks. In addition to these stabilization features, the alignment of the pipeline would be slightly revised in two locations. As such, an Addendum to the FEIR was prepared and approved by the SOCWA Board of Directors in September of 2015 to reflect these minor modifications to the proposed piping alignment that further reduces impacts on the surrounding habitat. A CDPA Application was filed on November 24, 2015 for the proposed project, including the creek bank stabilization modifications. On June 8, 2016, the CCC granted SOCWA a CDPA for the changes approved, and a Notice of Intent to Issue Permit (NOI) was issued on June 26, 2016. SOCWA signed the NOI on July 7, 2016, acknowledging the CCC's action and agreeing to all conditions imposed.

From June 8, 2016 to the present, SOCWA has been working to fulfill the special conditions specified in the CCC's CDPA, as well as fulfilling permitting requirements established in the FEIR. SOCWA worked closely with the U.S. Fish and Wildlife Service (USFWS) and the U.S. Army Corps of Engineers (USACE) on the Section 7 consultation to address potential impacts to federally listed species, namely the California gnatcatcher and least Bell's vireo. The USFWS concluded their consultation with the USACE on September 24, 2018. On October 10, 2018, the USACE issued a provisional Nationwide Permit for the project. On October 25, 2018, the Regional Water Quality Control Board (RWQCB) issued an amendment to the Section 401 Water Quality Certification to reflect the updated project alignment and greater mitigation requirements. A CDPA Extension was issued August 9, 2018 to allow SOCWA to continue Condition Compliance for one year. During that time, SOCWA proceeded in the preparation and submittal of Special Conditions 18 (Revised Habitat Mitigation & Monitoring Plan), 21 (Creek Bank Stabilization Final Design Plans), and 22 (Area of Potential Archeological Significance). On May 30, 2019, CCC received an additional CDP Extension Application to fulfill the remaining CDPA Special Condition: Special Condition 17 (Public Access Plan). The Executive Director's report presented at the July 10-12, 2019 CCC hearing, determined that there were no changed circumstances affecting the proposed project's consistency with the Coastal Act. As previously stated, the extension was ultimately granted at the September 11, 2019 CCC hearing, extending the expiration date until June 8, 2020, one year from the previous date of expiration.

On May 26, 2020, the CCC received an additional CDP Extension Application primarily to allow for construction to start in the fall of 2020. SOCWA has provided Special Condition 17 submittals to CCC multiple times in 2019, and most recently in July 2020, incorporating specified requirements of the CCC that result in significantly expanded public access to the Aliso and Wood Canyon Wilderness Park. The final version, which will incorporate one minor clarification per CCC staff's request, will be submitted shortly. The July 31, 2020 Notice of Extension Request indicates that the Executive Director has determined that there are no changed circumstances affecting the proposed development's consistency with the Coastal Act. Nevertheless, two objection letters have been submitted. This memo hopes to adequately address these objection letters for CCC's consideration.

The opposition letter received on August 4, 2020 by the LBC reflects the Coalition's desire to advance protection of the Laguna Beach State Marine Protected Areas. The proposed project was undertaken with the explicit objective of protecting the Aliso Creek watershed from the damage that would result from failure of the existing cast iron pipelines. Given this shared general objective, this memorandum is intended to offer clarity to the key issues. Furthermore, the LBC opposition letter asserts project alternatives for the proposed project, however, does not state opposition to the CDPA Extension Application. It is SOCWA's opinion that the LBC letter does not provide any new information that identifies changed circumstances that may affect the consistency of the proposed project with the Coastal Act or LCP.



Similarly, the opposition letter received on August 4, 2020, by the Save Hobo Aliso Task Force of the Sierra Club (SC) reflects the writer's opposition to SOCWA's existing cast iron pipelines and concern for the environment. The proposed project is designed to replace the deteriorating pipelines to protect the environment and the Aliso Creek watershed. Given this shared general objective, this memorandum is intended to offer clarity to the key issues. Similarly, the SC opposition letter states the environmental community's long-term opposition to proposed project, but does not state opposition to the CDPA Extension Application. It is SOCWA's opinion that the SC letter also does not provide any new information that identifies changed circumstances that may affect the consistency of the proposed project with the Coastal Act or LCP.

The following memorandum responds to the received letters' main points, presenting that the circumstances still have not changed.

## 2 Proposed Alternatives & Modernizations

Under the California Environmental Quality Act (CEQA), the certified FEIR for the proposed project considered all alternatives presented as part of the scoping process and as part of public outreach efforts for the project and presented all alternatives in the FEIR. The FEIR analyzed a reasonable range of alternatives as required under Section 15126.6 of the CEQA Guidelines. As discussed in the FEIR and Biological Resources Technical Report, SOCWA has duly assessed potential impacts to biological resources, including potential impacts or conflicts to the Central-Coastal Subregion NCCP/HCP. SOCWA has sought to avoid and minimize these effects to the extent practicable by various means, including by designing the proposed project within an existing disturbed access road. In addition, the CEQA process requires EIRs go through a 45-day public review period in which the lead agency must respond to every individual comment received in relation to the proposed project. During this process, SOCWA addressed many comments concerned with the environmental implications of the proposed project, including comments similar to those included in the opposition letters received in August 2020.

The modernization of SOCWA's treatment plants for enhanced effluent reuse remains a potential future objective. SOCWA operates three wastewater treatment plants that were constructed in various stages from 1965 to 1985 that vary in size but operate in similar modes centering on conventional activated sludge technology. SOCWA continues to review overall technologies as a means of advancing resource recovery and for making the operation of the treatment plants more efficient.

### 2.1 Ocean Wastewater Discharges

The CTP produces effluent that consistently meets standards for ocean discharge. However, the proposed project is not related to ocean discharge. This project will not result in a change to ocean discharge from the CTP.

### 2.2 On-site Co-generation

The proposed project will improve the efficiency of the existing operation by replacing the old and corroding 4-inch cast iron pipeline with a smooth surfaced 6-inch pipeline. The 6-inch, high density polyethylene pipeline will be able to move the sludge more easily, thus lowering the energy requirement to operate the CTP. The Regional Treatment Plant (RTP) currently operates a co-generation facility where digesters produce biogas that produce the electricity for the RTP. If the biosolids were kept on-site and not sent to the RTP, the RTP would not meet the minimum requirement of biosolids to operate self-sufficiently and would thus need to rely more on natural gas. In its current design, the electricity generated by the biogas system offsets power that would otherwise be purchased from investor-owned utilities. Therefore, it would not be more efficient to implement on-site co-generation.

In addition, as discussed in the FEIR, sludge production at the CTP is currently not projected to increase substantially in the future. Therefore, the new 6-inch export sludge force main is projected to accommodate the long-term needs of the CTP in a more efficient manner, thus maintaining a reduced energy demand for years to come. Furthermore, the Solids Handling Alternative, analyzed in Section 8.3.5 of the Draft EIR includes such a facility with on-site co-generation. However, as concluded in the DEIR, the Solids Handling Alternative does not offer any energy recovery benefit that does not already exist; this alternative was not selected as the preferred alternative.

New sludge processing technologies are continuously reviewed by SOCWA for potential application at all of its treatment plants. SOCWA has investigated the use of new sludge processing technologies at the two treatment plants that currently have solids handling systems. The drawback for these innovative technologies is that they have minimal operational longevity in the wastewater treatment industry and are therefore speculative as to long-term viability and proven operational cost. If problems were to be encountered with the new technology at the CTP, the facility would need to reroute its sludge through the existing export pipelines or via trucking. The trucking option would require approximately 5 to 7 round trips per day through the Aliso and Wood Canyons Wilderness Park (AWCWP). In the future, should SOCWA elect to add an innovative technology, the existing systems would continue to be used when start-up and operational problems could be encountered with innovative technologies.

## 2.2 Sludge Transport with Brine Water

The new export sludge pipeline was designed to handle the waste solids flow from the CTP. The conveyance of brine water from the existing South Coast Water District reverse osmosis facility would result in a higher total dissolved solids level of the recycled water produced for the Moulton Niguel Water District, potentially creating a reduction in applications for reuse. In other words, the water would have a higher salt content, limiting that water from reuse for landscape irrigation where there is a sensitivity to higher salinity. The proposed project does not address additional options for production of recycled water at the RTP.

## 2.3 Riparian and Estuary Restoration

The new force main alignment is designed to minimize impacts to wetlands, riparian, and coastal sage scrub communities to the greatest extent feasible by siting the alignment in an existing, maintained access road and within disturbed vegetation communities, wherever feasible, while taking into account the location of known cultural resources and the erosive conditions of Aliso Creek.

The final proposed project alignment was ultimately selected taking into account multiple rounds of input and guidance from local, state, and federal agencies during the environmental resource permitting process including, but not limited to, the USACE, the California Department of Fish and Wildlife, the RWQCB, the CCC, and the USFWS. Construction of the project would include minimal vegetation removal within a temporary 20 foot-wide construction easement for trenching and placement of the 6-inch force main and for installation of the three rock groins. To our knowledge, the project does not involve disruption of recently restored riparian areas as the focus of prior giant cane (*Arundo donax*) removal efforts in the area largely focused on the active floodway of Aliso Creek, not along the bank where the creek bank improvements are proposed. SOCWA is required to and will mitigate for permanent and temporary impacts to wetlands, non-wetland waters, and riparian habitats at a 4:1 ratio, with temporary impacts, totaling 0.0604 acre, being restored in-place within the impact footprint, yielding an off-site mitigation acreage requirement of 0.82 acre, which will be fulfilled in Wood Canyon, a vegetated perennial tributary to Aliso Creek within the AWCWP. Given the minimal severity of the impact, the 4:1 mitigation ratio is more than adequate to compensate for project impacts to wetlands and riparian communities.

It is important to note that in addition to the mitigation requirements imposed on the project by the environmental resource agencies, the proposed bank improvements will also encourage natural revegetation as the installation of the three rock groins will redirect flows along the channel bank away from the bank

and allow for capture of sediment upstream of the groins/dikes. These groins/dikes will result in the natural accretion of sediment at the lower bank, which will encourage the recruitment of riparian and wetlands vegetation in the area. The groins/dikes would extend out from the channel bank approximately 20 feet across the berm to the edge of the low flow channel. The top-width of the groins/dike would be approximately 5 feet. The median size of the dike rock would be 24 inches with a maximum of 36 inches. This improvement allows for natural revegetation to occur along the berm between the groins/dikes and does not require any fill in the low flow channel or removal of existing channel banks.

Reforestation of Aliso Canyon is not an element of the proposed pipeline project.

Special Condition 18, Revised Habitat Mitigation and Monitoring Plan, has since been filed as complete by CCC staff.

## 2.4 New Water Resources for Inland Beneficial Reuse

A repurposing of the pipeline to handle recycled water produced at the CTP could certainly be considered in the future. However, that is not an element of the current project.

## Conclusion

SOCWA would like to thank you for your time and consideration of this important public health and safety project. The approval of this CDPA Extension will advance an essential public infrastructure improvement project to replace two 35-year-old deteriorating cast iron sludge force mains with a new HDPE pipeline, thereby assuring reliability and preventing failures that could adversely impact the adjacent Aliso Creek and the AWCWP. SOCWA has worked diligently for many years to site and design the pipeline to avoid and minimize impacts within the AWCWP and ensure protection of the environment and the protection of coastal resources, including sensitive biological and archaeological resources. SOCWA's success in addressing the inherent environmental challenges is documented by the many permits issued by multiple environmental resource agencies addressing protection of the Aliso Creek watershed and the environmental resources within the AWCWP. This important project is ready for implementation, and the requested CDPA extension is requested to accommodate a fall 2020 construction start. Through submittal of this memo, SOCWA hopes to demonstrate that there are still no changed circumstances affecting the proposed development's consistency with the Coastal Act and urges the CCC to keep this as an immaterial extension, consistent with the South Coast District Deputy Director's Report for Orange County, prepared July 31, 2020 for the August 13, 2020 CCC hearing. We very much appreciate the time CCC staff has taken to conduct a comprehensive analysis of the proposed project.

**CALIFORNIA COASTAL COMMISSION**

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



August 22, 2019

**OBJECTION TO EXECUTIVE DIRECTOR'S DETERMINATION**

**To:** Commissioners and Interested Parties

**From:** Karl Schwing, Deputy Director South Coast District – Orange County  
Meg Vaughn, Coastal Program Analyst

**Re: Extension of Coastal Development Permit 5-15-1670-A1-E2  
(South Orange County Wastewater Authority (SOCWA) and Orange County Parks)  
Aliso and Wood Canyons Wilderness Park, unincorporated Orange County  
(APN(s): 120-191-79, 120-191-80, 120-191-81, 639-011-07, 639-011-08, 639-011-16, 639-011-18, 639-011-20, 639-011-25, 639-021-05, 639-031-03, 655-041-18, 655-051-03, 655-051-04, 655-051-05)**

On May 31, 2019, the applicant's representative (Dudek) submitted a request to extend Coastal Development Permit 5-15-1670-A1 for an additional one-year period. This extension request is the proposed project's second extension request. Coastal Development Permit 5-15-1670-A1 was approved on June 8, 2016. CDP amendment 5-15-1670-A1 amends Coastal Development Permit P-78-4365. CDP P-78-4365 authorized: Improvements to the existing 2.5 million gallon per day (MGD) South Coast County Water District (SCCWD) Sewage Treatment Plant to upgrade treatment, approved by the Coastal Commission in 1978. CDP amendment 5-15-1670-A1 authorized: Replace two existing, 4" diameter, ductile iron force main sludge transport pipelines with one, 6" diameter, high density polyethylene (HDPE) force main sludge transport pipeline; creek bank stabilization within Aliso Creek; and mitigation including restoration of riparian and upland habitat in Wood Canyon (more specifically described in the application filed in the Commission offices).

On July 2, 2019, the South Coast District Office in Long Beach issued notices of the Executive Director's determination that there are no changed circumstances that may affect the development's consistency with the Chapter 3 policies of the Coastal Act or with the certified LCPs for County of Orange Aliso Viejo segment and the City of Laguna Niguel. As required by Section 13169 of Title 14 of the California Code of Regulations, the Executive Director reported this determination to the Commission at its July 10, 2019 meeting.

Within the ten working-day objection period (July 3 through July 15, 2019), during which time any person may object to the Executive Director's determination, the South Coast District Office received two letters of objection (attached). The first letter, from the Laguna Bluebelt Coalition dated July 10, 2019, and received in the Commission's South Coast District office July 11, 2019, objects based on the concern that "emerging new science, advanced wastewater technologies and Private Public Partnership models" should be considered with the proposed development. More specifically, the letter identifies potential options regarding the on-site co-generation of sludge biosolids; potential use of brinewater with sludge transport to reduce ocean discharges of constituents of concern to receiving waters; questions the proposed development's relationship to recent riparian and estuary restoration projects; and argues that the applicant (SOCWA) should intercept dry weather flows in Aliso Creek



and direct them to the SOCWA's Regional Treatment Plant for treatment and then to inland beneficial re-use. The second letter, from Village Laguna, was received in the South Coast District Office on July 15, 2019 and indicates that the project was dependent on a future federal construction project for erosion control that now seems less likely to be pursued; states that an arundo removal project from within Aliso Creek has improved the condition of the creek; and notes that according to a recent press release, the applicant (SOCWA) plans to conduct an evaluation of the treatment plant's size, cost, and technology with a view to optimizing its long-term value to the region. The second letter states that "*a wilderness park is no place for a sewer pipe and that twenty-first century solutions to sewage treatment were available that would allow the removal of this one.*" In addition, the applicant (SOCWA) has submitted a letter responding to the first objection letter from Laguna Bluebelt Coalition (LBC). All three letters are attached.

Section 13169(c) of Title 14 of the California Code of Regulations states, in part, that in order to deny an extension request, objections must identify changed circumstances that may affect the consistency of the development with the Coastal Act. In the case of Coastal Development Permit Amendment 5-15-1670-A1, the standard of review is consistency with the two certified LCPs within whose jurisdiction the subject project falls, the City of Laguna Niguel and the Aliso Viejo segment of the County of Orange.

The first letter (from the Laguna Bluebelt Coalition) raises concerns related to:

1. **On-Site Co-generation:** The LBC objection letter indicates that incorporating modern on-site biofuel technologies would eliminate the need for the pipeline. The letter states that on-site co-generation of biosolids would provide power for wastewater re-use and enhance local water security and reliability. However, SOCWA does operate a co-generation facility at its Regional Treatment Plant (RTP located at the upstream end of the subject pipeline from the Coastal Treatment Plant, CTP). The RTP co-generation plant produces biogas that provides the electricity for that plant. SOCWA states, in its response letter of 7/31/2019 (attached), "*If the biosolids were kept on-site [CTP] and not sent to the RTP, the RTP would not meet the minimum requirement of biosolids to operate self-sufficiently and would thus need to rely on natural gas.*"

Moreover, this option was considered in the project's 2013 FEIR. In addition, treatment of solid waste at the Coastal Treatment Plant (CTP) was described as a potential project alternative in the findings adopted by the Coastal Commission (page 33) in its action on the pipeline project. Therefore, this objection does not constitute a new or changed circumstance that would affect the development's consistency with the Coastal Act or with the certified LCPs of the City of Laguna Niguel and Aliso Viejo segment of the County of Orange.

2. **Sludge Transport with Brinewater:** The LBC objection letter indicates that brinewater should be the transporting liquid when sludge is transported through the pipeline from the Coastal Treatment Plant (CTP), located at the downstream end of the pipeline and within Aliso and Wood Canyons Wilderness Park to the Regional Treatment Plan (RTP), located at the upstream end of the pipeline and outside the coastal zone. The LBC objection letter indicates that brinewater typically includes a number of contaminants of emerging concern and that transporting the sludge from the CTP to the RTP with co-mingled brinewater "*will facilitate advanced processing at the Regional Treatment Plan (RTP) as biofuel and additional reclaimed water for Moulton Niguel Water District's (MNWD) leading recycled water system.*" And, the letter continues, this in turn would eliminate the

CTP brinewater from the Aliso Creek Ocean Outfall. SOCWA's response to this option is: "... *the water would have a higher salt content, limiting that water from reuse for landscape irrigation where there is sensitivity to higher salinity.*" In addition, SOCWA states: "*The CTP produces effluent that consistently meet standards for ocean discharge. However, the proposed project is not related to ocean discharge. This project will not result in a change to ocean discharge from the CTP.*" In addition, the addition of brinewater to the sludge being piped would not eliminate the need for or affect the subject pipeline project as the pipeline would still be required even if the brinewater is added. Therefore, this objection does not identify any new or changed circumstance that would affect the development's consistency with the Coastal Act or with the certified LCPs of the City of Laguna Niguel and Aliso Viejo segment of the County of Orange.

3. **Riparian and Estuary Restoration:** The LBC objection letter states that the project will disrupt recently restored riparian habitats and so the habitat mitigation ratio should exceed 4:1. The objection letter does not provide specifics regarding the type and location of the restoration project referenced in the objection letter, or how the pipeline project would disrupt the restoration. The letter further explains that centuries of destructive grazing practices eliminated natural habitats that managed stormwater flows in Aliso Creek and that the SOCWA and other pipeline infrastructure along the creek are consequently subjected to heavy erosion and costly repairs. The LBC letter indicates that SOCWA should restore the surrounding alluvial plain. However, the history of grazing in the area was known at the time the Commission acted on the project.

In addition, the Commission's review of the original project recognized unavoidable habitat impacts resulting from the proposed project, and imposed mitigation requirements to offset the impacts. The project impacts have already been reduced to the minimum necessary to accomplish the goals of the project. All habitat impacts from the project are required to be mitigated and the applicant has agreed to implement the required habitat mitigation. If the identified project impacts include an area that was recently restored, those impacts will continue to be addressed by the required mitigation. No change to the project footprint is proposed or approved by this extension request. Therefore, this objection does not identify any new or changed circumstance that would affect the development's consistency with the Coastal Act or with the certified LCPs of the City of Laguna Niguel and Aliso Viejo segment of the County of Orange.

4. **New Water Resources for Inland Beneficial Reuse:** The LBC objection letter states that dry weather urban runoff continues to weaken and erode the Aliso Creek streambanks which threatens SOCWA pipelines. In addition the letter states: "*Dry weather creek flows are the result of unpermitted discharges throughout the Aliso Watershed.*" The letter then suggests that SOCWA should be required to intercept these flows and direct them to the RTP for treatment and beneficial re-use. However, SOCWA does not contribute to these flows, which originate throughout the Aliso watershed. Moreover, the presence of dry weather flows in Aliso Creek and the various sources for the dry weather flows were known at the time the Commission acted on the pipeline project. And, collection of dry-weather flows would require the pipeline work approved by the Commission. Therefore, this objection does not identify any new or changed circumstance that would affect the development's consistency with the Coastal Act or with the certified LCPs of the City of Laguna Niguel and Aliso Viejo segment of the County of Orange.

The second objection letter (from the Village Laguna) raises the following concerns:

1. **The Project Relies on a Federal Erosion Control Project that Now Seems Unlikely to be Implemented:** Although the specific federal project is not identified, it appears to be the USACE led feasibility and alternative analysis for a project that was contemplated along Aliso Creek including creek restoration and streambed stabilization<sup>1</sup>. The Commission's review of the subject pipeline project did consider this potential, future federal project, but in terms of the length of time the subject creek bank stabilization component of the project would potentially be needed. Without the USACE project it is possible the creek bank stabilization would not protect the pipelines for the life of the subject project. This was recognized in the Commission's approval of the SOCWA pipeline project.

When considering the pipeline project, the Commission was aware that the USACE project was not a certainty. The Commission's adopted findings for the pipeline project recognize the potential future project contemplated by the USACE as being in the *feasibility and alternatives* consideration stage, not a project certain. If future work is needed, that would require approval of a CDP amendment or a new CDP. If the USACE project were ever to be proposed, it would also require approval from the Coastal Commission. The pipeline project as approved by the Coastal Commission, allows the minimum amount of work necessary to protect both the pipeline replacement and the existing pipelines at the subject site for the near term future.

In recognizing that the USACE project was still in the feasibility study stage, it was recognized that the proposed project was not expected to be the final solution. It was also recognized at that time, that the pipelines must be protected in the interim (between the approved project and an ultimate solution to address Aliso Creek erosion issues) to avoid pipe failure and the resulting impacts to the surrounding habitat, the creek, and to public health and safety. The fact that the USACE project was only in the feasibility stage was known at the time the Commission acted on the SOCWA pipeline project. Therefore, this objection does not identify any new or changed circumstance that would affect the development's consistency with the Coastal Act or with the certified LCPs of the City of Laguna Niguel and Aliso Viejo segment of the County of Orange.

2. **Arundo Removal from the Creek has Occurred:** The Village Laguna objection letter states: *"Second, the large-scale removal of arundo from the creek bed has greatly improved the condition of the creek and its prospects, and this may have implications for SOCWA's construction plans."* The letter does not provide any further detail on this comment, including no details on what the implications may be. Further, it does not describe the location or extent of the arundo removal. Similar to the restoration issue raised in the Laguna Bluebelt Coalition objection letter, it is not clear how the referenced arundo removal affects the approved pipeline project. Please see response No. 3 above to the LBC objection letter. Therefore, this objection does not identify any new or changed circumstance that would affect the development's consistency with the Coastal Act or with the certified LCPs of the City of Laguna Niguel and Aliso Viejo segment of the County of Orange.
3. **SOCWA is Evaluating the Treatment Plant's Size, Cost & Technology:** The Village Laguna objection letter states: *"Finally, when the project was proposed SOCWA was conducting a facility plan that presumably by now has suggested some new directions for the treatment plant. Now,*

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<sup>1</sup> More recently described in: Aliso Creek Mainstem Ecosystem Restoration Study, Draft Integrated Feasibility Report, Environmental Impact Statement/Environmental Impact Report USACE, September 2017



*according to a recent press release, after making "necessary improvements" it plans to conduct "an evaluation of the treatment plant's size, cost, and technology with a view to optimizing its long-term value to the region. We suggest that the time for this evaluation may be before this pipeline has been installed."* Based upon this language, it appears that SOCWA may be planning a near-term future evaluation of their facilities. It does not appear that this evaluation has occurred. A contemplated future evaluation cannot be considered new or changed circumstances, because the evaluation has yet to occur and it is not known when, if ever, it will occur. Therefore, this objection does not identify any new or changed circumstance that would affect the development's consistency with the Coastal Act or with the certified LCPs of the City of Laguna Niguel and Aliso Viejo segment of the County of Orange.

Therefore, the Executive Director has concluded that the objection letters do not identify any changed circumstances that may affect the development's consistency with the Chapter 3 policies of the Coastal Act or with the certified LCPs of the City of Laguna Niguel and Aliso Viejo segment of the County of Orange. As required by Section 13169(c) of Title 14 of the California Code of Regulations, the Executive Director is reporting this conclusion to the Commission along with a copy of the objection letters. If three Commissioners object to the extension on the grounds that there may be circumstances that affect the development's consistency with the Coastal Act, the Executive Director shall schedule the extension for a public hearing in accordance with Section 13169(d) of Title 14 of the California Code of Regulations. If three Commissioners do not object to the extension, the time for commencement of development shall be extended for one year from the expiration date of the permit. In this case, the approval of the extension request would extend the expiration date of Coastal Development Permit 5-15-1670-A1 until June 8, 2020, one year from the previous date of expiration.



**CALIFORNIA COASTAL COMMISSION**

South Coast District Office  
301 E Ocean Blvd., Suite 300  
Long Beach, CA 90802-4302  
(562) 590-5071



## **NOTICE OF EXTENSION REQUEST FOR COASTAL DEVELOPMENT PERMIT, AS AMENDED**

August 27, 2020

**5-09-105-E6**

On July 12, 2012, the California Coastal Commission granted Coastal Development Permit No. 5-09-105. Beginning in 2014, and recurring annually, the Commission granted several extensions of that permit, and on August 10, 2018, the Commission granted an amendment to the still-un-issued Permit (Amendment No. 5-09-105-A1) that restarted the two-year clock for the commencement of development. Notice is hereby given that Steve and Lisa Bair have applied for another one-year extension (5-09-105-E6), extending the deadline for the commencement of development under the now-amended permit to August 10, 2021 based on the dates provided in the amended permit, dated May 13, 2019.

for: Major addition to an existing single-story single-family residence consisting of 307 cu. yds. cut/fill grading to construct a semi-subterranean, 860 sq. ft. new lower level within the footprint of the existing residence to include 2 bedrooms, 2 baths, family room plus a 326 sq. ft. utility/storage room; addition of a lower level paved patio with outdoor spa and shower, outdoor half spiral stair to access new lower level; repairs to existing 355 sq. ft. wood balcony deck; plus interior remodel of existing portion of residence.

at: 86 La Senda, Laguna Beach (Orange County) (APN: 056-193-50)

Pursuant to Section 13169 of the Commission Regulations, the Executive Director has determined that there are no changed circumstances affecting the proposed development's consistency with the Coastal Act. The Commission Regulations state that "if no objection is received at the Commission office within ten (10) working days of publishing notice, this determination of consistency shall be conclusive... and the Executive Director shall issue the extension." If an objection is received, the extension application shall be reported to the Commission for possible hearing.

Persons wishing to object or having questions concerning this extension application should contact the district office of the Commission at the above address or phone number.

Sincerely,

John Ainsworth  
Executive Director

Marlene Alvarado  
Coastal Program Analyst

cc: Commissioners/File

**CALIFORNIA COASTAL COMMISSION**

SOUTH COAST DISTRICT OFFICE  
301 E. OCEAN BLVD., SUITE 300  
LONG BEACH, CALIFORNIA 90802-4830  
PH (562) 590-5071 FAX (562) 590-5084  
[WWW.COASTAL.CA.GOV](http://WWW.COASTAL.CA.GOV)

**EMERGENCY PERMIT**

Issue Date: August 6, 2020  
Emergency Permit No. G-5-20-0037

**APPLICANT:**

City of Laguna Beach  
Attn: Thomas Perez  
505 Forest Ave  
Laguna Beach, CA 92651

**LOCATION OF EMERGENCY:**

Moss Street Beach, Laguna Beach, Orange County  
(Latitude: 33.52554, Longitude: -117.76817)

**EMERGENCY WORK:**

Installation of 2.5-ft. high, 3-ft. wide wood stairs and a base of sandbags to existing concrete public stairway. Temporary installation will allow public access to Moss Street beach via the existing stairway.

This letter constitutes approval of the emergency work your representative has requested be done at the location listed above. I understand from the provided information that an unexpected occurrence in the form of a 2.6 ft. space between the bottom stair step and the sand level, caused by high tides at Moss Cove, requires immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services pursuant to 14 Cal. Admin. Code Section 13006. The Executive Director of the California Coastal Commission hereby finds that:

- (a) An emergency exists that requires action more quickly than permitted by the procedures for administrative or ordinary coastal development permits (CDPs), and that the development can and will be completed within 30 days unless otherwise specified by the terms of this Emergency Permit; and
- (b) Public comment on the proposed emergency development has been reviewed if time allows.

The emergency work is hereby approved, subject to the conditions in the attached pages.

Sincerely,  
John Ainsworth  
Executive Director

DocuSigned by:

A handwritten signature in black ink, appearing to read "Karl Schwing", is placed over a digital signature line.

B86800D758CA4C4  
Karl Schwing

Deputy Director, Orange County

Enclosures: Acceptance Form

**CONDITIONS OF APPROVAL:**

1. The enclosed Emergency Permit Acceptance Form must be signed by the PROPERTY OWNER and sent to the Coastal Commission's South Coast District office within 15 days.
2. Only that work specifically described in this permit and for the specific property listed above is authorized. Work is further limited to the submitted Site Plans. Any additional work requires separate authorization from the Executive Director.
3. All work shall take place in a time and manner to minimize any potential damages to any coastal resources, including terrestrial habitat and water quality, and to minimize impacts to public access. The coastal resource impact avoidance measures referenced in the project application shall be implemented throughout construction. Construction materials, equipment, or debris shall not be stored where it will be or could potentially be subject to wave erosion and dispersion, or subject to direct impacts from rain. Water quality shall be protected through best management practices including, but not limited to proper disposal of construction waste at designated sites and minimization of construction runoff through proper containment and stockpiling.
4. The work authorized by this permit must be completed within thirty (30) days of the date of this permit, or as extended by the Executive Director through correspondence.
5. In exercising this permit, the applicant agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.
6. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies, including but not limited to the City of Laguna Beach, California Department of Fish & Wildlife, U.S. Fish & Wildlife, U.S. Army Corps of Engineers, and the California State Lands Commission.
7. Within 30 days of issuance of this Emergency Permit, or as extended by the Executive Director through correspondence, for good cause, the applicant shall submit to the City of Laguna Beach a complete follow-up Coastal Development Permit (CDP) Application that satisfies the requirements of Section 13056 of Title 14 of the California Code of Regulations. If the City of Laguna Beach determines that the follow-up CDP application is incomplete and requests additional information, the applicant shall submit this additional information within 60 days, or within additional

time as established by the City. If such a follow-up CDP application is withdrawn by the applicant or is denied by the City, or if the follow-up CDP application remains incomplete for a period of sixty (60) days after the City informs the applicant that the application is incomplete, the emergency-permitted development shall be considered unpermitted until the issue is remedied in compliance with the Coastal Act.

8. Failure to a) submit a complete follow-up CDP Application that complies with Condition 7 above, or b) remove the emergency development and restore all affected areas to their prior condition after consultation with CCC staff, and consistent with the Coastal Act (if required by this Emergency Permit) by the date specified in this Emergency Permit, or c) comply with all terms and conditions of the required follow-up CDP, including any deadlines identified therein, or d) remove the emergency-permitted development and restore all affected areas to their prior condition after consultation with CCC staff and consistent with the Coastal Act immediately upon denial of the required follow-up CDP will constitute a knowing and intentional violation of the Coastal Act<sup>1</sup> and may result in formal enforcement action by the Commission or the Executive Director. This formal action could include a recordation of a Notice of Violation on the applicant's property; the issuance of a Cease and Desist Order and/or a Restoration Order; imposition of administrative penalties for violations involving public access; and/or a civil lawsuit, which may result in the imposition of monetary penalties, including daily penalties of up to \$15,000 per violation per day, and other applicable penalties and other relief pursuant to Chapter 9 of the Coastal Act. Further, failure to follow all the terms and conditions of this Emergency Permit will constitute a knowing and intentional Coastal Act violation.

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<sup>1</sup> The Coastal Act is codified in sections 30000 to 30900 of the California Public Resources Code. All further section references are to that code, and thus, to the Coastal Act, unless otherwise indicated.