

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 December 05, 2022 (for the December 14, 2022 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 December 2022**

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 December 14, 2022. 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 December 14th.

With respect to the December 14th 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 December 14, 2022 (see attached)

Waivers

- 5-22-0478-W, Car Garage (Seal Beach)
- 5-22-0688-W, AT&T replacement pole (Seal Beach)
- 5-22-0690-W, AT&T replacement pole (Seal Beach)
- 5-22-0861-W, Second Floor Addition and Remodel (Seal Beach)
- 5-22-0864-W, Addition & Interior Remodel (Seal Beach)

Immaterial Extensions

- 5-18-0875-A1-E1, Peter's Landing Marina (Huntington Beach)

Emergency Permits

- G-5-22-0035, OCTA Emergency Permit Mile Post 206.8 (San Clemente)

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November 30, 2022

Coastal Development Permit 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: 5-22-0478-W**Applicant:** Dale Thayer**Location:** 1101 Ocean Avenue, Seal Beach, Orange County (APN: 199-072-01)

Proposed Development: Convert two existing attached 1-car garages into one new 404 sq. ft. ADU, internal remodel of existing two residential units to create three full residential units, relocate and rebuild existing stairs attached to the two-story structure in the rear of the property, install pervious pavers for one additional on-site unenclosed parking, and restore 10' curb-cut at 11th Street for one additional on-street public parking space.

Rationale: The project site is located on a developed 5,500 square-foot lot located 300 feet inland of the public beach, landward of the first public road parallel to the sea, and in an urbanized residential neighborhood. The lot is designated as residential high density in the City of Seal Beach uncertified Zoning Code. The existing two detached residential structures onsite (4 units in the front structure, 2 units in the rear structure) provide five one-car garages and two unenclosed tandem parking spaces for a total of seven parking spaces. The proposal would remove one onsite parking space but would compensate for the loss by restoring an existing curb cut on 11th Street for an additional on-street public parking space. Therefore, the project would not adversely impact public access in the area. Although the project site is not currently sited in a hazardous area, the property may encounter flooding due to sea level rise near the end of the expected lifespan of the development. In response to this issue, the applicant proposes to waterproof the base of the proposed ADU 18" above finished floor elevation, and has acknowledged and agreed that the site may be subject to hazards from flooding and assumed any risks that may result from hazards and flooding in a signed statement. Additionally, the proposed project design is compatible with the character of surrounding development, will not prejudice the City's ability to prepare a certified Local Coastal Program and is consistent with previous Commission action in the area and the Chapter 3 policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its **December 14-16, 2022** 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

Vince Lee
Coastal Program Analyst

cc: File

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Waiver: 5-22-0688-W

Applicant: New Cingular Wireless PCS, LLC

Location: Street right-of-way near 1502 Ocean Ave, Seal Beach, Orange County (APN: 199-093-01)

Proposed Development: Replacement of existing 22'1" above-ground-level utility pole with a new 25-foot above-ground-level utility pole and 5-foot embedment depth. Placement of (1) new (10" diameter x 24" height) canister omnidirectional antenna, (1) Ericsson 4402 radio and (3) new 5G antennas inside (1) new (18" diameter x 78" height) Commscope concealment enclosure. Placement of (1) 10"x15"x18" fiber pull box, (1) 17"x30"x18" WTR/FSB pull box, and (1) 17"x30"x18" Southern California Edison (SCE) distribution pull box. Conduits shall be 2" SCH 40 PVC pipe and connect to existing telecom box.

Rationale: The project is proposed within the street right-of-way within an urbanized neighborhood of Seal Beach approximately 150 ft. inland of the beach. The proposed design of the replacement pole will match the appearance of the existing pole. Once installed, the new pole will have an overall height of 32 ft., consistent with heights of nearby utility structures and compatible with surrounding land uses and the existing urban environment. The applicant will use standard construction methods to install the small cell wireless facility atop the pole. New equipment is not expected to get wet in case of inundation since the weatherproof cabinet that will house the pole's foundation is not anticipated to be subject to flooding hazards over the anticipated life of the structure. The proposed development is expected to begin construction within a couple of months and will not impact access to the beach or require closure of the dedicated beach parking. The pole will be sited in excess of the required 4-ft. clearance for ADA access along the sidewalk. Therefore, the proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and will not prejudice the City's ability to prepare a Certified Local Coastal Program, 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 **December 14-16, 2022** 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

Coastal Development Permit De Minimis Waiver
5-22-0688-W

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

Shahar Amitay
Coastal Program Analyst

cc: Commissioners/File

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November 30, 2022

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

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Waiver: 5-22-0690-W

Applicant: New Cingular Wireless PCS, LLC

Location: Street right-of-way near 116 4th St, Seal Beach, Orange County (APN: 199-148-07)

Proposed Development: Replacement of existing 28'5" above-ground-level streetlight with a new 29'10" above-ground-level streetlight and 5'6" embedment depth. Placement of (1) new (10" diameter x 24" height) canister omnidirectional antenna, (2) Ericsson 4402 radios and (3) new 5G antennas inside (1) new (18" diameter x 65" height) Commscope concealment enclosure. Placement of (1) 10"x15"x18" fiber pull box, (1) 10"x15"x18" power pull box with disconnect, (1) 17"x30"x18" WTR/FSB pull box, and (1) 17"x30"x18" Southern California Edison (SCE) distribution pull box. Conduits shall be 2" SCH 40 PVC pipe and connect to existing telecom box.

Rationale: The project is proposed within the street right-of-way within an urbanized neighborhood of Seal Beach approximately 450 ft. inland of the beach. The proposed design of the replacement pole will match the appearance of the existing pole. Once installed, the new pole will have an overall height of 34'9", consistent with heights of nearby utility structures and compatible with surrounding land uses and the existing urban environment. The applicant will use standard construction methods to install the small cell wireless facility atop the streetlight. New equipment is not expected to get wet in case of inundation since the weatherproof cabinet that will house the pole's foundation is not anticipated to be subject to flooding hazards over the anticipated life of the structure. The proposed development is expected to begin construction within a couple of months and will not impact access to the beach or require closure of the dedicated beach parking. The pole will be sited in excess of the required 4-ft. clearance for ADA access along the sidewalk. Therefore, the proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and will not prejudice the City's ability to prepare a Certified Local Coastal Program, 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 **December 14-16, 2022** 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.

Coastal Development Permit De Minimis Waiver
5-22-0690-W

John Ainsworth
Executive Director

Shahar Amitay
Coastal Program Analyst

cc: Commissioners/File

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PHONE (562) 590-5071



November 30, 2022

Coastal Development Permit Waiver Improvements to Existing Structures or Repair and Maintenance Coastal Act Section 30610

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 13250(c), Section 13252(e), or Section 13253(c), 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: 5-22-0861-W**Applicants:** Kyle & Sarah Elliott**Location:** 400 Emerald Place, Seal Beach, Orange County (APN: 043-283-18)**Proposed Development:** Remodel and add 1,466 sq. ft. of living space on the first and second floors of an existing single-story, 1,392 sq. ft. single-family residence.

Rationale: The project site is located on a developed 5,600 square-foot lot located 1,200 feet inland of the ocean, landward of the first public road parallel to the sea, and in an urbanized residential neighborhood. The lot is designated as residential low density in the City of Seal Beach uncertified Zoning Code. The proposed project does not result in a change in existing residential density or parking spaces, and is compatible with the character of surrounding development and does not have any negative effects on visual or coastal resources, public recreation, or coastal access. Although the project site is not currently sited in a hazardous area, the property may encounter flooding due to sea level rise near the end of the expected lifespan of the development. In response to this issue, the applicants propose to waterproof the base of the proposed residence 36" above finished floor elevation, and have acknowledged and agreed that the site may be subject to hazards from flooding and assumed any risks that may result from hazards and flooding in a signed statement. The proposed project will not prejudice the City's ability to prepare a certified Local Coastal Program and is consistent with previous Commission action in the area and the Chapter 3 policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its **December 14-16, 2022** 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 three (3) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

John Ainsworth
Executive Director

Vince Lee
Coastal Program Analyst

cc: File

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November 30, 2022

Coastal Development Permit Waiver Improvements to Existing Structures or Repair and Maintenance Coastal Act Section 30610

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 13250(c), Section 13252(e), or Section 13253(c), 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: 5-22-0864-W**Applicants:** Eric & Lisa Johnston**Location:** 1500 Emerald Cove Way, Seal Beach, Orange County (APN: 043-282-30)**Proposed Development:** Remodel and add 789 sq. ft. of living space to an existing single-story, 1,242 sq. ft. single-family residence.

Rationale: The project site is located on a developed 9,877 square-foot lot located 1,400 feet inland of the ocean, landward of the first public road parallel to the sea, and in an urbanized residential neighborhood. The lot is designated as residential low density in the City of Seal Beach uncertified Zoning Code. The proposed project does not result in a change in existing residential density or parking spaces, and is compatible with the character of surrounding development and does not have any negative effects on visual or coastal resources, public recreation, or coastal access. Although the project site is not currently sited in a hazardous area, the property may encounter flooding due to sea level rise near the end of the expected lifespan of the development. In response to this issue, the applicants propose to waterproof the base of the proposed residence 36" above finished floor elevation, and have acknowledged and agreed that the site may be subject to hazards from flooding and assumed any risks that may result from hazards and flooding in a signed statement. The proposed project will not prejudice the City's ability to prepare a certified Local Coastal Program and is consistent with previous Commission action in the area and the Chapter 3 policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its **December 14-16, 2022** 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 three (3) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

John Ainsworth
Executive Director

Vince Lee
Coastal Program Analyst

cc: File

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WEB: WWW.COASTAL.CA.GOV



NOTICE OF PROPOSED PERMIT EXTENSION

December 2, 2022**5-18-0875-A1-E1**

On October 7, 2020, the Coastal Commission approved Coastal Development Permit Amendment No. 5-18-0875-A1 (Peter's Landing Marina, PG Marina Investors II) which allowed:

Public fishing improvements, pocket marsh enhancement, eelgrass planting, and water quality improvements within an existing marina.

Notice is hereby given that the applicant has applied for a one-year extension (5-18-0875-A1-E1), which would extend the deadline for the commencement of development under the permit to October 7, 2023.

At: 16400 Pacific Coast Highway, Huntington Beach, Orange County
SLC Lease APNs: 178-023-04, 178-023-05, 178-023-10, 178-451-07, 178-451-10, 178-451-13.
Privately Owned APN: 178-44-10

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 request should contact Meg Vaughn within the 10 working day objection period at the South Coast District office of the Commission at the above address or phone number or meg.vaughn@coastal.ca.gov.

Sincerely,

John Ainsworth
Executive Director

Meg Vaughn
Coastal Program Analyst

Cc: Commissioners/File

CALIFORNIA COASTAL COMMISSION

455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105
PHONE: (415) 904-5200
FAX: (415) 904-5400
WEB: WWW.COASTAL.CA.GOV

**EMERGENCY COASTAL DEVELOPMENT PERMIT**

Emergency CDP G-5-22-0035 (Cyprus Shore Landslide Repair)

Issue Date: November 15, 2022

Permittee: OCTA/SCRRRA

Emergency Location: OCTA Railroad right-of-way (ROW) near milepost 206.8 and shorefront private properties within Cyprus Shores residential area (APNs: 060-231-83, 84, 85, 86, 87, 88, and 060-281-58), City of San Clemente, Orange County.

Emergency Description: In 2021, a pre-existing landslide started to mobilize as a result of severe beach erosion and heavy rains, damaging the rail line and posing serious threat to a critical rail corridor. A total of approximately 26,500 tons of riprap approved by Emergency Permits G-5-21-0039, G-5-21-0057, and G-5-22-0034 were placed on three separate occasions when monitoring data showed significant mobilization of the landslide material. Recent data show that riprap placement alone has not halted the recent landslide movement and that a larger area is now moving, and the pressing concern is the entire ancient landslide may become active. Upcoming ocean conditions and the rainy season may also lead to sudden additional movement of the slope, leading to danger to the blufftop residences and associated utilities, beach goers, and railroad passenger and freight trains.

Emergency Development: Installation of two rows of 118 ground anchors (also called tiebacks) for a total of 236 tiebacks approximately 133-feet into the bluff face to stabilize the landslide and approximately 700 linear feet of two rows of buried grade beams occurring in phases: mobilization and vegetation clearing, earthwork, tieback installation, and slope restoration. Mobilization includes mobilization of up to three rigs for the tieback work and equipment for the beam work. The vegetation on the slope will be removed and erosion control best management practices will be installed. Up to 1.6 acres of vegetation will be removed. Earthwork will occur prior to tieback installation and includes cutting benches into the hillside for installation of tie backs and grading for beams. The grading area will impact approximately 0.8 acre. Tiebacks and beams will be installed with the upper row followed by the lower row. After installation the slope would be restored and revegetated. This structural improvement is intended to stabilize the slope and subsurface movement while long-term (corridor-wide) improvements can be evaluated.

Executive Director's Determination

The Executive Director of the California Coastal Commission hereby finds that: (a) a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services exists (i.e., an "emergency" (see Title 14 California Code of Regulations Section 13009 and California Coastal Act (Public Resources Code) Section 30624); (b) the emergency requires

Enclosure: ECDP Acceptance Form

cc: (via email): Veronica Li (U.S. Army Corps of Engineers); Eric Becker (San Diego Regional Water Quality Control Board) Kenneth Foster (California State Lands Commission);

action more quickly than allowed by the procedures for regular CDPs; (c) the emergency development can and will be completed within 30 days unless otherwise specified by the terms of this ECDP; (d) the emergency development carried out under this ECDP is considered temporary work done in an emergency situation to abate an emergency and is undertaken at Permittee risk; (e) a regular CDP must be obtained for the emergency development to become more than temporary emergency abatement and/or if the Permittee wishes to expand the scope of work beyond that authorized by this ECDP; (f) absent obtaining a regular CDP, the emergency development shall be removed and the affected area restored; and (g) Commission staff will review public comment on the proposed emergency development as time allows.

The emergency development is hereby approved, subject to the conditions listed below.

DocuSigned by:

Karl Schwing

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Karl Schwing, Deputy Director for Orange County, for John Ainsworth, Executive Director

Conditions of Approval

1. The enclosed ECDP acceptance form must be signed by the Permittee and returned to the California Coastal Commission's South Coast District Office within 15 days of the date of this ECDP (i.e., by November 30, 2022). This ECDP is not valid unless and until the acceptance form has been received in the South Coast District Office.
2. All emergency development shall be limited in scale and scope to that specifically identified in the Emergency Permit Application Form dated October 27, 2022 and received in the Commission's South Coast District Office on October 28, 2022. Only that emergency development specifically described in this ECDP and for the specific location listed above is authorized. Any other development requires separate authorization from the Executive Director or the Commission, as applicable.
3. The emergency development authorized on a temporary basis by this ECDP must be completed within 90 days of ECDP issuance (i.e., by February 13, 2023).
4. This ECDP does not obviate the need to obtain necessary authorizations and/or permits from landowners and/or other agencies including but not limited to the Cyprus Shore Community Association, City of San Clemente, State Lands Commission, California Department of Fish and Wildlife, Regional Water Quality Control Board, and U.S. Army Corps of Engineers. The Permittee shall submit to the Executive Director copies of all such authorizations and/or permits upon their issuance.
5. By exercising this ECDP, Permittee acknowledges and agrees that: (a) the emergency development is temporary, is designed to temporarily abate the emergency, and shall be removed unless and until a regular CDP authorizing the work is approved, and provided the Permittee adheres to such regular CDP's terms and conditions; and (b) a regular CDP is subject to all of the provisions of the California Coastal Act (as codified in Sections 30000 to 30900 of the Public

Resources Code) and any applicable Local Coastal Program (LCP) policies and may be conditioned accordingly to avoid and/or to offset coastal resource impacts consistent with the Coastal Act (and LCP as applicable) (including but not limited to requirements for public access provisions (such as offers to dedicate, easements, in-lieu fees, etc.), assumption/disclosure of risks (including deed restrictions), triggers for relocation/removal, offsetting mitigations, etc.). The Permittee acknowledges that review of the CDP application to determine consistency with the Coastal Act (and LCP as applicable) will be based on the conditions the property was legally in prior to initiation of the temporary emergency development that is the subject of this ECDP.

6. By exercising this ECDP, the Permittee acknowledges and agrees in relation to this ECDP and the emergency development that it authorizes: (a) to assume all risks (including all coastal hazard risks, that include but are not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, tidal scour, storms, tsunamis, coastal flooding, landslide, earth movement, and the interaction of all of these, many of which will worsen with future sea level rise); (b) to unconditionally waive any claim of damage and/or liability against the Commission and/or its officers, employees, agents, successors and/or assigns; (c) to indemnify and hold harmless the Commission and its officers, employees, agents, successors and/or assigns against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement, including as it relates to any damages to public and/or private properties and/or personal injury; (d) that any adverse effects to property or people caused by the emergency development shall be fully the responsibility of the Permittee.
7. The Permittee shall reimburse the Commission in full for all Commission costs and attorneys' fees (including but not limited to such costs/fees that are: (a) charged by the Office of the Attorney General; and/or (b) required by a court) that the Commission incurs in connection with the defense of any action brought by a party other than the Permittee against the Commission, its officers, employees, agents, successors and/or assigns challenging the approval or issuance of this ECDP, the interpretation and/or enforcement of ECDP terms and conditions, or any other matter related to this ECDP. The Permittee shall reimburse the Commission within 60 days of being informed by the Executive Director of the amount of such costs/fees. The Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission, its officers, employees, agents, successors and/or assigns.
8. Within 180 days of ECDP issuance (i.e., by May 14, 2023), the Permittee shall either: (a) remove all of the materials placed or installed in connection with the emergency development, and restore all affected areas to their prior condition or better, all subject to Executive Director review and approval (and, in some cases, if directed by the Executive Director, subject to a regular CDP); or (b) submit a complete application (i.e., satisfying the requirements of Title 14 California Code of Regulations Section 13056) for a regular CDP to authorize the emergency development (or for a different project designed to address the emergency

development), including submitting all information and materials requested, and as directed, by the Executive Director if/when the Executive Director determines that such application is incomplete. If such regular follow-up CDP application is withdrawn by the Permittee, or is denied by the Commission, or if it remains incomplete for a period of 180 days after the Executive Director informs the Permittee that the application is incomplete, then all of the materials placed and/or installed in connection with the emergency development shall be removed, and all affected areas shall be restored to their prior condition or better, all subject to Executive Director review and approval (and, in some cases, if directed by the Executive Director, subject to a regular CDP).

9. Failure to meet any of the applicable requirements of Condition 8 above shall constitute a knowing and intentional violation of the Coastal Act and may result in formal enforcement action by the Executive Director and/or the Commission. Such formal action may include: recordation of a Notice of Violation on the Permittee's property; the issuance of a Cease and Desist Order and/or a Restoration Order; imposition of administrative penalties of up to \$11,250 per day per violation; a civil lawsuit (that may result in the imposition of monetary penalties, including daily penalties of up to \$15,000 per violation per day); and/or other applicable penalties and relief pursuant to Coastal Act Chapter 9. In addition, failure to follow and meet all terms and conditions of this ECDP shall also constitute a knowing and intentional Coastal Act violation to which the same actions above may be applied.
10. All emergency development shall be limited to the least amount necessary to temporarily abate the emergency, and shall be undertaken in a time and manner that avoids any and all coastal resource impacts as much as possible, including avoiding impacts to public access. The Permittee shall keep the Executive Director informed regarding emergency development progress, including in terms of any issues encountered that may require adjustment.
11. A licensed civil or geotechnical engineer with experience in slope stabilization structures shall oversee all construction activities and shall ensure that all emergency development is limited to the least amount necessary to temporarily abate the emergency consistent with the terms and conditions of this ECDP.
12. All emergency construction activities shall limit impacts to coastal resources (including public recreational access and the Pacific Ocean) to the maximum extent feasible including by, at a minimum, adhering to the following construction requirements:
 - a. Construction activities shall be limited to no more than a total of 90 days, and shall take place on non-holiday weekdays to the maximum extent feasible.
 - b. All construction activities shall take place during daylight hours (i.e., from one-hour before sunrise to one-hour after sunset). Lighting of the beach and/or intertidal area is prohibited.
 - c. Construction work and equipment operations: shall avoid areas seaward of the tidal extent as much as possible; shall be prohibited in ocean waters and/or

wetted sand (i.e., areas either wet and/or with a noticeable sheen from tidal and/or wave action); and shall avoid beachgoers and beach recreational areas as much as possible.

- d. Any grading of or in intertidal areas shall be prohibited.
 - e. Any construction materials and equipment placed on the beach during daylight construction hours shall be stored beyond the reach of tidal waters. All construction materials and equipment shall be removed in their entirety from the beach area by one-hour after sunset each day that work occurs.
 - f. All construction areas shall be minimized and demarked by temporary fencing designed to allow through public access and protect public safety to the maximum extent feasible, where such areas shall be limited in their spatial extent as much as possible. Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas.
 - g. The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep equipment covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the beach; etc.).
 - h. All construction activities that result in discharge of materials, polluted runoff, or wastes to the beach or the adjacent marine environment shall be prohibited. Equipment washing, refueling, and/or servicing shall not take place on the beach. Any erosion and sediment controls used shall be in place prior to the commencement of construction as well as at the end of each workday.
 - i. All areas impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. Any beach sand that is impacted by construction shall be filtered as necessary to remove any construction debris.
 - j. All contractors shall ensure that work crews are carefully briefed on the importance of observing the construction precautions given the sensitive work environment. Construction contracts shall contain appropriate penalty provisions sufficient to offset the cost of retrieval/cleanup of foreign materials not properly contained and/or remediation to ensure compliance with this ECDP otherwise.
 - k. The Permittee shall notify planning staff of the Coastal Commission's South Coast District Office immediately upon completion of construction. If planning staff should identify reasonable restoration measures, such measures shall be implemented immediately.
13. A qualified biologist or environmental resources specialist acceptable to the Executive Director shall monitor all emergency construction activities to ensure that

adverse impacts to sensitive plant and animal species and/or their habitats are avoided and, where avoidance is not possible, are minimized as much as possible and to the satisfaction of both the monitor and the Executive Director. The monitor shall have the authority to stop emergency construction activities if sensitive species and/or their habitats may be threatened in order to consult with the Executive Director on appropriate impact avoidance and minimization measures.

14. Copies of this ECDP shall be maintained in a conspicuous location at the construction job site at all times, and such copies shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of this ECDP, and the public review requirements applicable to it, prior to commencement of construction.
15. Within 30 days of completion of construction authorized by this ECDP, the Permittee shall submit site plans and cross sections to the Executive Director clearly identifying all development completed under this emergency authorization (comparing the legal pre-emergency development condition to both the emergency condition and to the post-emergency development condition), and a narrative description of all emergency development activities undertaken pursuant to this ECDP. Photos showing the project site before the emergency (if available), during emergency development construction activities, and after the work authorized by this ECDP is complete shall be provided with the site plans and cross sections.
16. A construction coordinator shall be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and the construction coordinator's contact information (i.e., address, email, phone numbers, etc.) including, at a minimum, an email address and a telephone number (with voice mail capabilities) that will be made available 24 hours a day for the duration of construction, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the contact information (e.g., name, address, email, phone number, etc.) and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry. The Permittee shall submit the record of complaints/inquiries and actions taken in response to the Executive Director on a weekly basis, and upon completion of construction activities.
17. Minor adjustments to the requirements above, including deadline adjustments, may be allowed by the Executive Director if the Executive Director determines that such adjustments: (a) are deemed reasonable and necessary to help to temporarily abate the identified emergency, including as emergency conditions may change; (b) are designed to avoid coastal resource impacts (and limit those that are unavoidable) as much as possible; and (c) in the case of deadline extension adjustments, are appropriate in light of circumstances, including that the Permittee has shown diligence in pursuing the emergency development and meeting all ECDP terms and

conditions.

18. By exercising this ECDP, Permittee acknowledges and agrees that this ECDP shall not constitute evidence against and/or a waiver of any public rights which may exist on the property.
19. The Permittee shall disclose this ECDP, including all of its terms and conditions, to any prospective buyer of the affected property during the period of time that any development that is the subject of this ECDP remains on such property.
20. Failure to comply with the terms and conditions of this ECDP may result in enforcement action under the provisions of Coastal Act Chapter 9. The issuance of this ECDP does not constitute admission as to the legality of any development undertaken on the property without a CDP and shall be without prejudice to the California Coastal Commission's ability to pursue any remedy under Coastal Act Chapter 9.

If you have any questions about the provisions of this ECDP, please contact the Commission's South Coast District Office at 301 E. Ocean Blvd., Suite 300, Long Beach, CA 90802, (562) 590-5071.