

CALIFORNIA COASTAL COMMISSION

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W13a

ADDENDUM

DATE: December 13, 2022

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **ADDENDUM TO ITEM W13a, COASTAL DEVELOPMENT PERMIT APPLICATION NO. 5-21-0910 FOR THE COMMISSION MEETING ON December 14, 2022.**

This addendum is designed to achieve the following objectives. First, it updates the record by supplementing it with correspondence that Commission staff received after the staff report was issued and provides responses (in Section I) to some of the issues raised in the recent correspondence. Second, it makes changes to the staff report findings and adds one new special condition, and adds a new exhibit to the staff report (Exhibit 11, attached) in Section II. Third, this addendum acknowledges the request of Joyce Stanfield Perry, Juaneño Band of Mission Indians, Acjachemen Nation, received on 12/7/2022 to consult with Commission staff on this project, and the request received 12/12/2022 to review the Cultural Resources Treatment and Monitoring Plan, when available. Together with Ms. Perry, Coastal Commission staff will determine a consultation date as soon as possible.

I. RESPONSES TO COMMENTS

As of the date of this addendum, Commission staff have received a number of comments, including comments from the U.S. Fish & Wildlife Service, the State Coastal Conservancy, the City of Laguna Beach, a professional archaeologist, neighbors of the project site, and managers of the Ranch at Laguna Beach. Commission staff responses to comments that raise Coastal Act and/or certified LCP issues are below. Staff recommended changes to the staff report findings and the addition of three new special conditions are in Section II below. In addition, public comments have been received regarding the public trail required by CDP A-5-LGB-14-0034 at the Ranch site, from Andi Culbertson, the Sierra Club/Penny Elia and Mark and Sharon Fudge. Staff summarizes and responds to those comments below and recommends changes to the findings of the staff report in Section II below. All written comments are available on the correspondence tab on the agenda.

- 1) Response to comments made by USFWS in correspondence dated 12/8/2022 and 12/12/2022. The comments object to language in the staff report indicating USFWS's (as an Aliso Creek Estuary Restoration project proponent) support of the proposed project's road re-alignment. Staff notes that this language in the staff report is attributed to the applicant, but nevertheless acknowledges USFWS's objection. The road re-alignment was originally proposed as permanent, but based on discussion with Coastal Commission district staff, the applicant (SCWD) revised the project to make the re-alignment temporary during construction only, with the road alignment restored to its existing alignment after construction of the lift station replacement project was complete. Subsequent to that interim change, and based upon further discussion with Coastal Commission staff, the applicant revised the road re-alignment portion of the project back to the original proposal because the re-alignment as proposed would be consistent with the LCP's creek bank setback and would provide safer access to the SCWD facilities and to the Ranch resort. However, upon further consideration of the concerns raised by USFWS (and the State Coastal Conservancy, discussed below), staff is recommending that the realigned portion of Country Club Drive and the location of the public trail access be recognized as temporary authorization only. Staff is making this revised recommendation in order to support significant habitat restoration, which is expected to commence adjacent to the subject site in the next five to ten years.

USFWS also requests changes to Special Condition No. 2 to require more specific actions by the SCWD in the future in conjunction with the future implementation of the Aliso Creek Estuary restoration project. The requested changes are: 1) that SCWD collaborate with restoration project proponents to allow for development of public parking spaces on SCWD's property as needed to replace spaces lost with the future restoration project (requested replacement parking not to preclude necessary access to SCWD facilities); and 2) that the proposed road re-alignment be temporary only, in order to retain flexibility in accommodating future replacement public parking at the SCWD site in conjunction with the future restoration project.

Rather than make the USFWS's requested changes to Special Condition No. 2, staff is recommending an additional special condition, Special Condition No. 11. Special Condition No. 11 states that the roadway and public trail alignments are temporarily authorized only, and that the permanent authorization be coordinated with the Aliso Estuary Project, consistent with Special Condition No. 2.

Although, the specific details of the requested future accommodation of public parking on the applicant's site are not yet known, including the number and location of parking spaces, Special Condition No. 11 outlines a path to facilitate successful restoration. Approval of the road realignment and public trail location as temporary only allows the greatest flexibility to accommodate a significant and desirable habitat restoration project in the near future.

Implementation of recommended Special Condition No. 11 will not impose future requirements that are undefined. Rather it builds into the proposed project the necessary flexibility to best protect and restore habitat. The SCWD has expressed support for restoration of the Aliso Creek Estuary. Special Condition No. 2 as currently reflected in the staff report requires the applicant to agree to work in good faith to accommodate the restoration project to the fullest extent feasible in light of SCWD's obligations to provide water and sewer service.

The USFWS has also raised, in phone conversations with Commission staff, the question of how the originally proposed outlet structure can be removed from the project with the introduction of increased impermeable area resulting from the permanent road re-alignment. Regarding this question, the first full paragraph on page 23 of the staff report states:

“The applicant has subsequently indicated that the proposed project could move forward without the outlet structure in the creek. That is, the outlet structure is not necessary for the overall project to succeed and the absence of the outlet structure would not jeopardize the site. The outlet structure would create adverse habitat impacts in the creek ESHA, and no mitigation for those impacts is proposed. Moreover, the outlet structure is not an integral project component and is not necessary to protect coastal resources from adverse impacts associated with a potential sewage spill, and the applicant has indicated the remainder of the project is viable without the outlet structure.”

The applicant has reiterated their position that “the outlet structure was a project enhancement and is not needed” in correspondence dated 12/13/2022. In any case, to address concerns raised by USFWS (and also by the State Coastal Conservancy), staff is recommending additional findings regarding the future estuary project, as outlined in Section II b, below. Special Condition No. 1.A.2 requires a revised site drainage plan depicting project drainage without the outlet structure. In addition, staff is recommending two additional Special Conditions to address USFWS concerns regarding site drainage. If the Regional Water Quality Control Board or other resource agency(ies) with review authority over the project, requires changes to the project, including changes to site drainage, review by the Commission’s Executive Director will be required. This will be required via imposition of a newly recommended Special Condition No. 9, as reflected in Section II below. In addition, Special Condition No. 10 is recommended to require a Drainage and Polluted Runoff Control Plan to assure protection of water quality related to the proposed site drainage. Moreover, Special Condition No. 11, which authorizes the re-aligned road and related increased impervious surfaces as temporary only, allows any impacts from the increased impervious surface area on water quality and/or on the creek’s habitat to be revisited at the time permanent authorization is sought through a CDP amendment. If permanent authorization is not received in the future, the road realignment must be removed.

The USFWS comments also include, as an attachment, its comment letter on the Mitigated Negative Declaration prepared for the subject lift station replacement project (3/29/2021). That letter requests the road re-alignment be temporary, which is addressed above. It also raises three additional concerns: 1) tidewater goby critical habitat impacts; 2) coastal California gnatcatcher impacts; and 3) a recommendation that focused sensitive plant surveys be conducted prior to construction due to the potential for the federally threatened big-leaved crownbeard and other sensitive plant species to occur within the project footprint.

Potential impacts to the tidewater goby – The proposed development will not impact tidewater goby because none are present at this time. Tidewater gobies have not been present in the creek since 1977. When the Coastal Commission considers whether environmentally sensitive habitat is present, it considers conditions as they

currently exist. The USFWS-identified critical habitat (see Exhibit 11, attached to this addendum) includes upland area on the subject site. The area mapped as critical habitat on the SCWD property is upland, dry land that is developed or disturbed. The Commission does not consider this to be sensitive habitat. It is important to note that the concerns expressed about placement of the permanent road re-alignment in this area of the subject site on the future restoration project are not that the area is intended to be restored to tidewater goby habitat, but that it should be reserved for future public parking.

The USFWS letter also states: “In addition, the proposed drainage outlet into Aliso Creek will permanently impact [future] breeding habitat for tidewater goby by replacing a portion of the existing soft bottom stream channel with concrete and rip rap.” Special Condition No. 1 of the staff report requires that the outlet structure be removed from the proposed project.

The USFWS letter also raises concerns that the increased flow rate due to the proposed road re-alignment’s increased impervious surfaces on site could adversely impact critical habitat for the tidewater goby. However, as stated above, no tidewater goby is present at the site.

Potential impacts to the coastal California gnatcatcher – the USFWS letter recommends that protocol surveys for the gnatcatcher be completed and measures to avoid, minimize, and mitigate potential impacts to the gnatcatcher be identified. As stated in the staff report, in the first paragraph on page 22:

“However, laurel sumac scrub may be considered ESHA in some circumstances, for example, when occupied by the federally threatened and S2 ranked Coastal California gnatcatcher (*Poliioptila californica californica*). During a survey conducted on October 20, 2020 in conjunction with preparation of the Report, no Coastal California gnatcatchers were detected in the project vicinity. Subsequently, six focused Coastal California gnatcatcher surveys were completed during the 2021 breeding season per the current USFWS protocol for the species. All six protocol surveys failed to detect any Coastal California gnatcatchers in the survey area. Thus, impacts to 0.042 acre of Laurel sumac scrub does not constitute impacts to ESHA, and no mitigation is required.”

The USFWS letter also recommends a focused plant survey for big-leaved crownbeard. A focused survey for special-status plants, including big-leaved crownbeard, was conducted on May 6, 2021. No special-status plants or reptiles were observed during the survey.

- 2) Response to comments from the State Coastal Conservancy’s letter dated 12/9/2022. Similar to the comments of USFWS, discussed above, the letter from the Coastal Conservancy requests stronger language to Special Condition No. 2 that would require SCWD to agree to provide future measures to support the restoration project. More specifically, the Coastal Conservancy letter requests that SCWD, as part of the current lift station project, agree to provide future public parking, obtain permits and entitlements, and relocate affected infrastructure within the restoration site, as well as SCWD’s participation in future development agreements related to access, ownership, and management of the restored estuary.

The State Coastal Conservancy has requested changes to the last sentence of Special Condition No. 2. Specifically, the requested changes are shown in underline; deletions shown in ~~strike through~~:

This may Permittee's cooperation shall include, but is not necessarily limited to, consideration of the accommodation of public access and parking, obtaining permits and entitlements, site planning, the necessary relocation of affected infrastructure within the Restoration Project site, providing relevant information on permittee's operations and infrastructure, and participating in the development of agreements related to access, ownership, and management of the restored Aliso Estuary.

The changes requested by the SCC are intended to facilitate the future adjacent restoration project. However, rather than make changes to Special Condition No. 2, staff is recommending the addition of Special Condition No. 11. As discussed above in the response to USFWS comments, the addition of Special Condition No. 11 is intended to facilitate accommodation of the restoration project, expected to be implemented in the near future (within five to ten years).

- 3) Response to comments made by archaeologist Patricia Martz, PhD in emailed correspondence dated 12/7/2022. In these comments, Dr. Martz, a professional archaeologist, notes that sensitive cultural resources have been documented in the project vicinity (at the Ranch resort, inland of and adjacent to the subject site). Dr. Martz recommends that, in addition to the monitoring required by Special Condition No. 6 Cultural Resource Treatment and Monitoring Plan, a professional archaeologist should conduct a records and literature search at the South Central Information Center at Cal State University, Fullerton, and that those records be used to avoid the recorded site. The Mitigated Negative Declaration prepared for the proposed project states:

"A records search was conducted on October 17, 2016, at the SCCIC [South Central Coastal Information Center]. The records search results indicate that a total of 20 cultural resources studies have been conducted within ½ mile of the Project site. Of these 20 studies, four were adjacent to the Project site. The entire Project site has not been previously surveyed based on the results of the records search. The records search results also indicate that six cultural resources have been previously recorded within ½ mile of the Project site. These sites include four prehistoric sites (30-00008, 30-00009, 30-000074, 30-000583) consisting of shell middens, a burial, and a rock shelter, and two historic-period sites (30-176779 and 30-177513) consisting of a bridge and an interceptor sewer and tunnel. The SCCIC records search results indicate that no historical or archaeological resources have been previously documented within the Project site."

In addition, Special Condition No. 6 requires: "The monitoring plan shall ensure that any prehistoric archaeological or paleontological or Native American cultural resources that are present on the site and could be impacted by the approved development will be identified so that a plan for their protection can be developed." The Cultural Resource Treatment and Monitoring Plan required by Special

Condition No. 6 will assure that the records search conducted as part of the MND be applied to the proposed project.

- 4) Response to comments made by Culbertson, Elia and Fudge. Andi Culbertson via 12/8/2022 email and Penny Elia via emails received and phone conversation on 12/8/2022 and, subsequently in a letter received 12/9/2022, raise concerns about the public access trail required by CDP A-5-LGB-14-0034 at the Ranch property that is inland of and adjacent to the subject site. They each expressed concern with the length of time it is taking to provide the required trail, pointing out that the Ranch still has not opened trail access to the public. In addition, both express concern regarding the location of the public access trail. Coastal Commission staff is actively working with the City of Laguna Beach and the Laguna Canyon Foundation to determine a final alignment for and other steps toward implementation of that trail. However, the project proposed via CDP Application 5-21-0910 has no relation to that trail (other than the public trail proposed at the subject site will ultimately connect to it and both trail segments are needed in order to connect the Aliso and Wood Canyons Wilderness Park with Aliso Beach). Nothing in the currently proposed SCWD development will interfere with the on-going process to provide the public trail that is planned to cross the Ranch property, nor will it benefit any one potential alignment of the trail across the Ranch property over another. To clarify that the current project is not related to the public access required as part of the Ranch CDP, staff recommends the addition of findings as shown in Section II.

Comments regarding the public trail at the SCWD site were received from Mark & Sharon Fudge on 12/9/2022. They raise the concern that if the SCWD public trail is opened to the public before the Ranch public trail is open, it will only serve the owners and patrons of the Ranch, and not the public. They request that the trail not be developed or opened to the public until the Ranch trail is open to the public. However, the SCWD public trail will provide a public use, even if opened before the Ranch public trail is open.

Members of the public who park at the existing parking lot on the south side of Aliso Creek could easily walk from that side, along Coast Highway, and then along the new SCWD public trail on the north side of the creek. In addition, members of the public who are visiting Aliso Beach could walk through the tunnel under Coast Highway and to the SCWD public trail. The sidewalk on the Coast Highway bridge over the creek affords lovely views of the creek and canyon. Use of the SCWD trail by the public would provide different perspectives and pleasant views of the creek, canyon, and habitat of the area. Views of the creek from the south side are largely obscured by vegetation.

Moreover, SCWD is proposing to construct the trail now as part of the proposed development, rather than only offering an easement. Delaying the construction of a public trail would be inconsistent with the requirements of the Coastal Act to promote public access. Further, it could introduce potential logistical difficulties (possibly for the SCWD, but also for Coastal Commission staff in tracking and following up) in assuring the trail is built at some later date, under a separate construction project. Finally, the offer to dedicate the public trail easements has been recorded by the Ranch as part of that project's CDP approval (A-5-LGB-14-0034). Progress is actively being made on planning, funding, and constructing that trail. So that construction and opening the SCWD public trail now in conjunction with

the proposed project will provide both useful public access immediately and in the future when it connects to the inland portions of the trail.

Ms. Elia also raised concerns that the vehicle wash that will be included on-site will use potable water, rather than recycled water. Regarding the proposed vehicle wash, Commission staff asked whether the vehicle wash was appropriate at the site. The applicant responded as follows:

“The placement of the vehicle wash area on the project site is proposed to be located at the existing lift station site east of the existing SCWD maintenance building. Placement of the vehicle wash area at the existing lift station site is appropriate because SCWD’s fleet and vehicle maintenance operations are located along Country Club Drive and the disposal of the water from the wash bay can be conveyed a short distance to the proposed lift station site. The placement of a vehicle wash area in the vicinity of the proposed lift station allows water from the wash bay to be collected and conveyed into a proposed sewer that eventually leads to the proposed lift station and ultimately to the treatment plant east of the project site. The wash bay within the maintenance vehicle wash area is proposed with a grated drain that is lower in elevation compared to the four corners of the wash bay (see Sheet 61 of the Project Plans, Appendix M of the CDP Application). Water from the wash bay would not be conveyed to or impact Aliso Creek because it would be collected at the grated drain, conveyed to a proposed sewer and then to the proposed lift station.”

With regard to the use of potable vs recycled water, staff has directed this question to the applicant, but has not yet received a response.

- 5) Miscellaneous Comments. One letter received regarding the proposed project raises questions as to lighting impacts, both from the SCWD’s proposed facility and from car headlights on the re-aligned road. The SCWD’s lighting is addressed in the staff report on page 26, stating:

“Lighting in areas adjacent to sensitive habitat areas such as Aliso Creek can result in adverse impacts on the habitat. Proposed project lighting includes: three double-arm pole-mounted street lights located in the area between the SCWD access road and the proposed, re-aligned Country Club Drive; one single-arm pole-mounted area light at the entrance to the new lift station; and miscellaneous wall-mounted low wattage area lights around the new pump station facilities. All lights are downward facing and pole-mounted lights will include shielding. All lights are night-sky compliant. Because the proposed lighting will be low wattage, downward directed, shielded, and night-sky compliant, the proposed project lighting will have no adverse impacts on ESHA or sensitive habitat.”

With regard to headlights on the re-aligned road, the number of cars traveling along Country Club drive is not expected to be affected by the proposed development. The letter writer is concerned that headlights will be directed into his home as a result of the road re-alignment. However, all residential development in the area is at a higher elevation than Country Club Drive, so it is unclear what this concern is based on. In any case, the Coastal Act protects habitat from adverse lighting

impacts, but impacts to existing residential development located above the level of car headlights are not protected by the Coastal Act or the City's certified LCP.

The Creekside HOA raises the question of compensation for impacts due to the proposed project's construction. That is not a Coastal Act or LCP issue.

A letter from Mike Beanan questions whether sewer facilities should be located in Aliso Canyon. But that question is beyond the scope of the current project.

II. ADDITIONS TO STAFF REPORT

The following are changes to the staff report dated 12/1/2022. Language to be added is shown in underlined text, and language to be deleted is identified by ~~strikethrough~~.

- a) On page 11 of the staff report, following Special Condition No. 8, add the following three additional special conditions, Special Condition No. 9, Special Condition No. 10 and Special Condition No. 11:

9. Resource Agencies

The permittee shall comply with all requirements, requests and mitigation measures from the Regional Water Quality Control Board (RWQCB) and other agencies with review authority over the project; with respect to preservation and protection of water quality and marine environment. Any change in the approved project that may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

10. DRAINAGE AND POLLUTED RUNOFF CONTROL PLAN

A. Prior to issuance of the Coastal Development Permit, the permittee shall submit for the review and approval of the Executive Director, two (2) copies of a final Drainage and Runoff Control Plan, including supporting calculations. The plan shall be prepared by a licensed civil engineer or qualified licensed professional and shall incorporate Best Management Practices (BMPs) including site design and source control measures designed to control pollutants and minimize the volume and velocity of stormwater and dry weather runoff leaving the developed site. In addition to the specifications above, the consulting civil engineer or qualified licensed professional shall certify in writing that the final Drainage and Runoff Control Plan is in substantial conformance with the following minimum requirements:

1. BMPs should consist of site design elements and/or landscape based features or systems that serve to maintain site permeability, avoid directly connected impervious area and/or retain, infiltrate, or filter runoff from rooftops, driveways and other hardscape areas on site, where feasible
2. Runoff shall be conveyed off site in a non-erosive manner.
3. Should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the

applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

B. The final Drainage and Runoff Control Plan shall be in conformance with the site/development plans approved by the Coastal Commission. Any changes to the Coastal Commission approved site/development plans required by the consulting civil engineer/water quality professional or engineering geologist shall be reported to the Executive Director. No changes to the Coastal Commission approved final site/development plans shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.

11. TEMPORARY ROAD AND PUBLIC TRAIL ALIGNMENT

By acceptance of this permit, the applicant acknowledges that the proposed public trail alignment and the realigned segment of Country Club Drive are only temporarily authorized, and that permanent authorization of the public trail alignment and road realignment must be coordinated with the Aliso Estuary Restoration Project. To permit permanent authorization of the public trail and realigned road, the applicant would need an amendment to this coastal development permit, either concurrent with or following Coastal Act authorization for the Aliso Estuary Restoration Project. Such an amendment to this permit must include adjustments to the trail alignment and re-aligned road (and any other associated development) as necessary to conform with the final plan for the Aliso Estuary Restoration Project as negotiated consistent with Special Condition 2. If Coastal Act authorization of the Aliso Estuary Restoration Project is not pursued by the proponent of that project within 10 years of the Commission's action on this coastal development permit (5-21-0910), the temporary trail shall be deemed authorized and the realigned road shall be removed and the prior alignment of Country Club Drive restored unless the applicant seeks final authorization for the temporary road alignment through an amendment to this coastal development permit. This deadline may be extended in writing by the Executive Director for good cause. Removal of the realigned road and restoration of its prior alignment shall be pursuant to a plan submitted by the applicant to the Executive Director for review and approval.

- b) Add the paragraphs following the last paragraph on page 15:

An offer to dedicate public trail easements has been recorded by the Ranch over portions of the Ranch property as part of that project's CDP approval (A-5-LGB-14-0034). The City, the Laguna Canyon Foundation and Coastal Commission staff are making progress on planning, funding, and constructing that trail; the Ranch has paid \$250,000 to the City to help fund this process, as required by A-5-LGB-14-0034. Nothing in the proposed development will interfere with that on-going process, nor will it benefit any one potential alignment of the trail across the Ranch property over another.

Other than the connection to the Ranch trail, the public trail being provided with the proposed SCWD project has nothing to do with the public trail that is being planned to cross the Ranch property.

- c) Add the following paragraph on page 23, after the first full paragraph:

The proposed road re-alignment will introduce additional impermeable area to the site. The proposed outlet structure is required to be removed from the project because no mitigation to offset its impacts to habitat were included with the proposed project. The applicant has indicated that the outlet structure is not necessary for the overall project to succeed and the absence of the outlet structure would not jeopardize the site. However, if the Regional Water Quality Control Board, or other resource agencies with review authority, determines that changes to the project are required, such as changes to project drainage, Special Condition No. 9 requires that such changes be submitted to the Executive Director to determine whether an amendment to this CDP is required. In addition, Special Condition No. 10 requires submittal of a Drainage and Polluted Runoff Control Plan, to assure protection of water quality related to the proposed project. Finally, Special Condition No. 11 authorizes the road realignment only temporarily, for a period of up to ten years (which may be extended by the Executive Director for good cause). Temporary authorization would allow impacts that may be identified in the future from the increased impervious area, to be addressed in conjunction with a request to make the realignment permanent, or eliminated by removal of the realigned road (and related impervious area) if permanent authorization does not occur.

- d) Add the following paragraphs following the list at the bottom of page 24:

The USFWS has objected to the language in No. 5 above. USFWS is a restoration project proponent and it does not support the realigned road as a permanent road. USFWS has concerns that a permanent road in the proposed location will constrain the SCWD project site from supporting restoration of the estuary because the permanent road alignment potentially makes it more difficult for replacement public parking to be provided north of Aliso Creek. If adequate replacement parking is not available and that leads to a requirement to retain existing public parking in the County's beach overflow parking lot on the south side of the creek, this will have significant impacts to the restoration's ability to create habitat that would successfully support re-introduction of the threatened tidewater goby to the restored area. USFWS's objection to the permanent road re-alignment is noted.

In support of the concerns described above, the USFWS has requested changes to Special Condition No. 2, to include:

1. SCWD will allow for development of parking spaces within the SCWD property north of Aliso Creek to help accommodate the loss of public parking south of Aliso Creek for the purposes of Restoration Project, except that parking will not preclude necessary access to buried pipelines and other SCWD facilities.

2. SCWD will collaborate with the Aliso Creek Restoration Project proponents on the siting and design of public parking and necessary SCWD actions to construct public parking and access associated with the Restoration Project.

3. The roadway will be considered a temporary alignment pending coordination with the Aliso Creek Restoration Project proponents to identify opportunities for parking that are approved by SCWD.

The applicant, SCWD, has indicated that the proposed project including the road realignment will not preclude future accommodation of the Aliso Creek Estuary Restoration project. In order to assure that the proposed road realignment will not interfere with maximum flexibility to accommodate the restoration project, Special Condition No. 11 authorizes the road realignment only temporarily, for a period of up to ten years (which may be extended by the Executive Director for good cause). If the currently proposed road alignment interferes with the habitat restoration, different alignment(s) or removal of the road in the area of the realignment may be considered via the CDPA required by Special Condition No. 11 for permanent authorization of the road realignment. The Commission fully supports restoration of the Aliso Creek Estuary in a manner that successfully supports re-introduced tidewater goby to the site. Coastal Commission staff, including the Commission's Senior Staff Ecologist, are actively participating in development of the restoration project. The Commission also recognizes SCWD's primary obligations and authority to provide water and sewer service.

- e) Add the paragraph after the last full paragraph on page 25:

In addition, Special Condition No. 11 authorizes the public trail alignment temporarily for up to ten years (which may be extended by the Executive Director for good cause). A CDP amendment will be required to make the trail alignment permanent, unless a CDP amendment to make the realigned road permanent is not granted, in which case the public trail will be automatically deemed permanently authorized.

- f) Make the following changes to the first full paragraph on page 27 and add the additional paragraph following the first full paragraph on page 27:

Because the subject site is located immediately adjacent to the significant future estuary restoration project, it is important that the proposed project both not include any development that could interfere with the future restoration, and that the applicant agree to cooperate with the restoration project to the extent feasible as more specifics of the restoration plan are developed. The applicant has indicated its intent to support the restoration project to the extent feasible. In order to memorialize the applicant's stated intent to support the estuary restoration, **Special Condition No. 2** requires the applicant to work in good faith to accommodate the Aliso Estuary Restoration project to the fullest extent feasible (in light of SCWD's obligations and authority to provide water and sewer service) and to work cooperatively with the Aliso Estuary Restoration project proponents, including but not necessarily limited to the Laguna Ocean Foundation. This may include, but is not necessarily limited to, consideration of accommodation of public access, to the extent feasible.

It is possible the currently proposed road realignment may not be the alignment most conducive to future estuary restoration. To address this possibility, Special Condition No. 11 only temporarily authorizes the proposed road realignment, and

allows consideration of a permanent alignment in conjunction with a future CDP amendment. Such a CDP amendment is required by the special condition to include adjustments to both the public trail alignment and the re-aligned road (and associated other development) as necessary to conform with the final plan for the Aliso Estuary Restoration Project, consistent with Special Condition No. 2. If within 10 years of Commission action on this CDP application the permanent road re-alignment has not been authorized pursuant to an approved CDPA, the realigned portion of the road must be removed (and the trail alignment will be deemed authorized).

- g) Make the following changes to the last paragraph at the bottom of page 30 that carries over to the top of page 31:

A connection between AWCWP and the ocean, across the Ranch Resort and SCWD properties, is identified ~~as desirable~~ in the certified LCP OS/C Element's Figure 5. It is also identified ~~as desirable~~ in the Aliso Viejo and Laguna Niguel certified LCPs. Aliso Viejo and Laguna Niguel border AWCWP on the inland side of the park. In addition, regarding this connection, Orange County Parks Resource Management Plan prepared (2009) for AWCWP states: "The AWMA Road [public trail within the park] exits AWCWP through the Aliso Creek Golf Course [now called "The Ranch at Laguna Beach"] and ends at PCH [Coast Highway] and the Beach parking lot. At present, this is not an authorized connection from the Park to Aliso Beach Park. A connection from AWCWP to Aliso Beach Park would be desirable."

- h) Add the paragraph following the paragraph in the section titled Drainage Plan, on page 33:

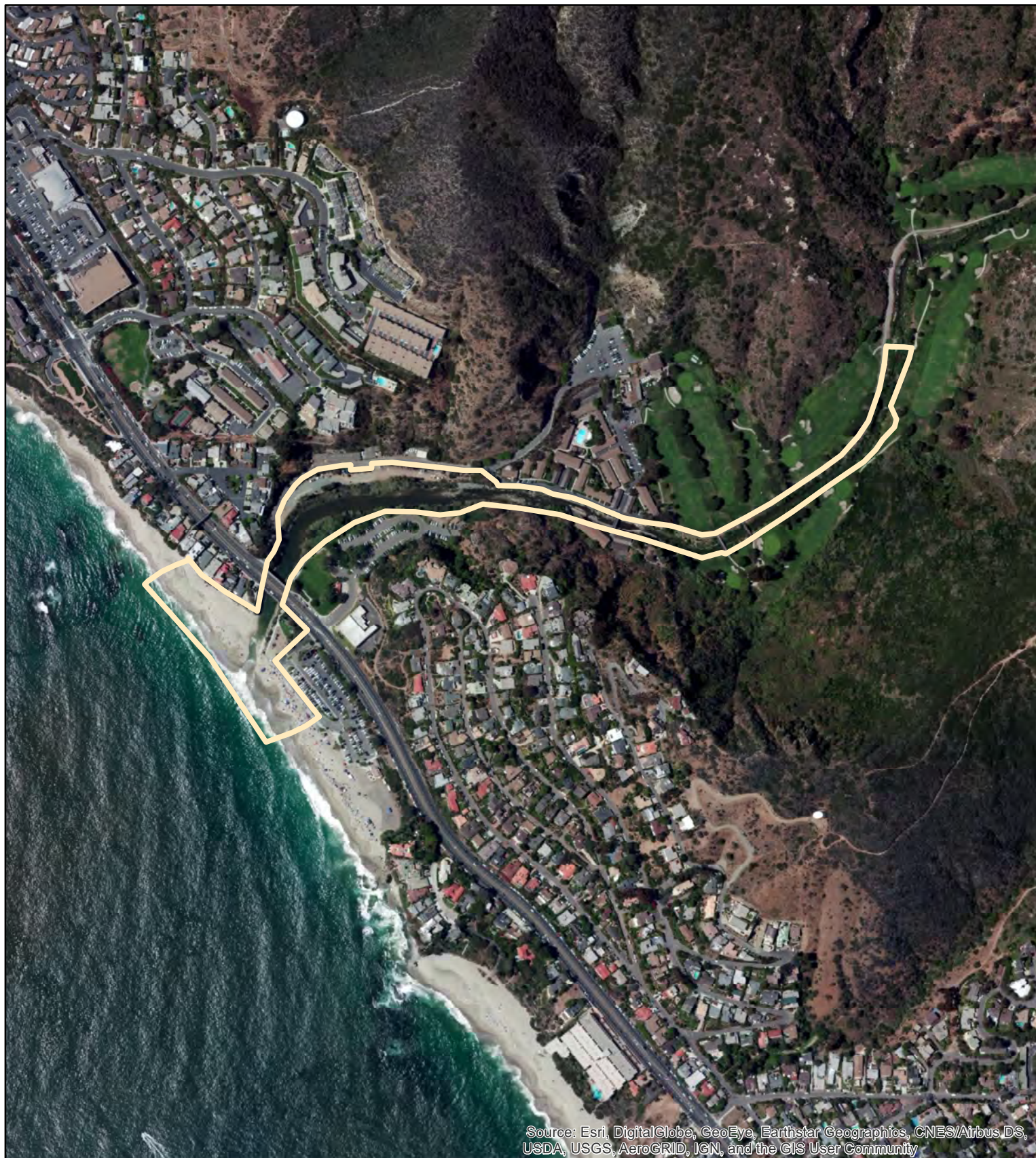
In addition, the proposed road realignment will add impervious square footage to the project site. To address possible adverse impacts to water quality from the increase in impervious area, Special Condition No. 9 requires that if the Regional Water Quality Control Board or other agencies with review authority over the project require changes to the project as approved, those changes shall be submitted to the Executive Director for a determination as to whether the changes require an amendment to the CDP. Also, Special Condition No. 10 requires submittal of a Drainage and Polluted Runoff Control Plan that includes specific Best Management Practices (BMPs) to reduce erosion and polluted runoff from the site.

5-21-0910 South Coast Water District
(SCWD)

EXHIBIT 11

(1 page)

Tidewater Goby Critical Habitat



FWS Critical Habitat
Tidewater goby critical habitat in Aliso Creek
Coastal California gnatcatcher
Orange County



For illustrative purposes only.



DR 03/2022