

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 29, 2022 (for the September 07, 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 September 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 September 07, 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 September 7th.

With respect to the September 7th 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 07, 2022 (see attached)

Waivers

- 5-22-0556-W, West Canada Home (San Clemente)

Immaterial Amendments

- 5-20-0057-A1, Calle Isabella (San Clemente)

CDP Extensions

- 5-18-0642-E2, Leonard Julian Sunset Beach, LLC (Sunset Beach)

Emergency Permits

- G-5-22-0030, City of Laguna Beach (Laguna Beach)

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August 23, 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: 5-22-0556-W**Applicant:** Jonathan Putnins**Location:** 227 West Canada, San Clemente, Orange County (APN: 692-082-25)

Proposed Development: Construct a new detached 2-story, 16 ft. high, 900 sq. ft., 2-unit ADU structure in the rear yard of a 3,800 sq. ft. lot with a triplex. The 3 existing carport parking spaces will be retained.

Rationale: The project site is located on a developed lot located 0.15 mile inland of the ocean, in an urbanized residential neighborhood. The lot is designated Residential Medium (RM) by the City's certified Land Use Plan and the proposed project conforms to the permitted use and development standards for the RM zone. The proposed development was approved in concept by the City's Planning Division on June 28, 2022. The project does not propose any changes to the existing multi-family residence or the 3-car carport. Moreover, the existing driveway provides an additional 3 unenclosed parking spaces. Therefore, the project would not adversely impact public access in the area. 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 the designation in the City's certified Land Use Plan, previous Commission action in the area, and Chapter 3 policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its **September 7-9, 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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August 24, 2022

NOTICE OF PROPOSED IMMATERIAL PERMIT AMENDMENT**Coastal Development Permit Amendment No. 5-20-0057-A1**

To: All Interested Parties

From: John Ainsworth, Executive Director

Subject: Permit No. **5-20-0057** granted to **YG III, LLC and Cotton Point Homeowner's Association** for:

Construction of a 205 ft. long, 4 ft. high retaining wall and backfill behind the wall to restore pre-existing grade within a 15 ft. wide vertical public access easement along the eastern boundary of a property developed with an unpermitted single family residence, removal of existing obstructions within the easement area, construction of a 72-inch high iron fence on top of the proposed retaining wall, and partial demolition of block walls within the vertical public access easement on the northern and southern property boundary.

Project Site: 4125 Calle Isabella, City of San Clemente, Orange County
(APN: 060-311-08 & 060-311-09)

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):

Amend CDP No. 5-20-0057 to incorporate after-the-fact construction of an 8,823 sq. ft., 25 ft.-high, two-story single-family residence with a 4-car garage, a pool, and tennis court. Modify Special Condition 2 to extend the deadline for demonstration of authority to conduct the proposed public access easement restoration. The Commission's reference number for this proposed amendment is **5-20-0057-A1**. See **Exhibit A** for the proposed changes to the conditions.

FINDINGS

The Executive Director has determined this amendment to be IMMATERIAL within the meaning of Section 13166(b) of the Commission's regulations.¹ 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,

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

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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 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 single-family residence and associated accessory structures were constructed on the subject site in 1992. The residence received a building permit from the City of San Clemente in 1990, but never received a coastal development permit, and therefore constitutes unpermitted development in violation of the Coastal Act. This amendment application proposes after-the-fact approval of the existing development and amends Special Condition 2 of the underlying permit to extend the deadline for demonstration of authority to conduct the proposed public access easement restoration.

The subject site is a 36,000 sq. ft. inland lot within the Cotton Point private gated community which is between the first public road and the sea. The subject site is not located on a beach, coastal bluff or coastal canyon. The site is designated as Residential Low Density (RL) in the San Clemente Land Use Plan (LUP), and the existing single-family residence adheres to this land use. The existing development is compatible with the character of surrounding development. Public coastal access exists in the vicinity at Calafia Beach/San Clemente State Park to the north and Trestles accessway in San Diego County to the south. Therefore, the after-the-fact approval of the existing development will not result in adverse impacts to coastal access, coastal resources, public recreation or coastal views, and will not prejudice the City's ability to prepare a Certified Local Coastal Program and is consistent with the land use designation in the City's certified Land Use Plan, past Commission actions in the area, and Chapter Three policies of the Coastal Act.

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In addition, Special Condition 2 of the underlying permit, which required demonstration of authority to restore the future access easement within 6 months of issuance of the underlying CDP, was imposed for prompt resolution of the lot dispute between YG III, LLC and the Cotton Point Homeowner's Association. The dispute has since been resolved and the homeowner (YG III, LLC) has obtained authorization from the Cotton Point Homeowner's Association to undertake the easement work. However, the delayed compliance is within a reasonable timeframe and because the dispute has now been resolved, the proposed extension of deadline for demonstration of authority to conduct the proposed future public access easement restoration is immaterial. The easement restoration work is required to be completed within 2 years of the Commission action on CDP No. 5-20-0057 (May 12, 2023).

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

Notice of Proposed Permit Amendment

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EXHIBIT A – Standard and Special Conditions pursuant to CDP No. 5-20-0057 through CDP Amendment No. 5-20-0057-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. 5-20-0057-A1. Language to be deleted is shown in ~~strike-out~~ and new language is shown in **bold, underlined** font. This will result in one set of adopted conditions.

STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the applicants 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 applicants to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS

NOTE: The Special Conditions below will only apply to the 15' wide access easement portion of the development.

1. **Submittal of Revised Plan.** PRIOR TO THE COMMENCEMENT OF WORK, YG III, LLC shall submit for the review and approval of the Executive Director, two (2) full size sets of revised plans that have been reviewed and approved by the City of San Clemente, which demonstrate the following:
 - A. No improvements other than landscaping and grading are located within the 15' wide vertical access easement.

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- B. The proposed 6-ft wrought iron fences across the easement on the northern and southern border of the property are prohibited and shall be removed from the revised plans.
- C. The entirety of the proposed retaining wall shall be located entirely outside the vertical access easement.
- D. The configuration of landscaping shall be such that it does not regulate, restrict, inhibit, interfere and/or discourage the public's right of access to the sea.

YG III, LLC shall undertake development in accordance with the approved plans within 90 days of the Executive Director's approval of said plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. **Demonstration of Authority to Conduct Proposed Development .** PRIOR TO THE SUBMITTAL OF REVISED PLANS PURSUANT TO SPECIAL CONDITION 1, YG III, LLC shall demonstrate its authority to conduct the proposed development. The demonstration shall take place within 1 year ~~6 months~~ of the date of Commission action of the underlying permit. If, within 1 year ~~6 months~~ of the approval of this permit, YG III, LLC cannot demonstrate its authority to conduct the proposed work on Lot B, the revised plans it submits pursuant to Special Condition 1 shall, in addition to the requirements of that condition, also indicate that the access easement restoration work will be limited to Lot 9 of City of San Clemente Tract No. 10909. All work authorized by this permit shall be completed within 2 years ~~4-year~~ of the date of Commission action of CDP No. 5-20-0057.
3. **Future Improvements.** This permit is only for the development described in coastal development permit (CDP) No. 5-20-0057. Pursuant to Title 14 California Code of Regulations (CCR) Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code (PRC) Section 30610(b) shall not apply to the development governed by the CDP No. 5-20-0057. Accordingly, any future improvements to this structure authorized by this permit shall require an amendment to CDP No. 5-20-0057 from the Commission or shall require an additional CDP from the Commission or from the applicable certified local government. In addition, an amendment to CDP No. 5-20-0057 from the Commission or an additional CDP from the Commission or from the applicable certified local government shall be required for any repair or maintenance identified as requiring a permit in PRC Section 30610(d) and Title 14 CCR Sections 13252(a)-(b).
4. **Landscaping Plan.**
 - A. Vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California

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Exotic Pest Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property. The applicants shall incorporate Best Management Practices (BMPs) into the construction and post-construction phases of the subject development.

B. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

5. Storage of Construction Materials, Mechanized Equipment, and Removal of Construction Debris. The permittees shall comply with the following construction-related requirements:

A. No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion;

B. No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers;

C. Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project;

D. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters;

E. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day;

F. The permittees shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;

G. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the Coastal Zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required;

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- H.** All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
- I.** Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems;
- J.** The discharge of any hazardous materials into any receiving waters shall be prohibited;
- K.** Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible;
- L.** Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity; and
- M.** All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

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NOTICE OF PROPOSED PERMIT EXTENSION

August 26, 2022**5-18-0642-E2**

On August 8, 2019, the Coastal Commission approved Coastal Development Permit No. 5-18-0642 (Leonard Julian Sunset Beach, LLC) which allowed:

Demolition of a commercial car wash and construction of a three story, 35 foot high mixed use structure consisting of a moderately priced 12-unit hotel with eight 3 bedroom units and four 4 bedroom units, and 1,800 square feet of retail space located on the ground floor level. The entire structure will be 25,950 square feet including a 6,117 square foot garage with 32 parking spaces. The project also includes a tentative parcel map to consolidate seven parcels into a single parcel.

Notice is hereby given that the applicant has applied for a second one-year extension (5-18-0642-E2), which would extend the deadline for the commencement of development under the permit to August 8, 2023.

At: 17145 Pacific Coast Highway, Sunset Beach,
City of Huntington Beach, Orange County
(APN: 178-551-31)

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 at the South Coast District office of the Commission at the above address or phone number or at meg.vaughn@coastal.ca.gov

Sincerely,

John Ainsworth
Executive Director

Meg Vaughn
Coastal Program Analyst

Cc: Commissioners/File

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EMERGENCY COASTAL DEVELOPMENT PERMIT

Emergency CDP G-5-22-0030 (City of Laguna Beach Fire Dept.)
Issue Date: August 26, 2022

PERMITTEE: City of Laguna Beach Fire Department

EMERGENCY LOCATION:

Hobo-Aliso Canyon Area: East of Barracuda Way and Loretta Drive (City-designated Fuel Modification Zone 10); and Adjacent to northern terminus of Marilyn Drive and Driftwood Drive, and east of Driftwood Drive and Ocean Vista Drive (City-designated Fuel Modification Zone 11), City of Laguna Beach, Orange County (APNs: 056-240-62, 056-240-67, 056-240-68, 656-035, 03, 656-191-40, 056-240-54, 056-240-56, 056-240-57, 056-240-65, 656-071-13, and 656-071-18))

Emergency Description: An unexpected occurrence in the form of a fire hazard due to the growth of non-native fire-prone vegetation requires immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.

EMERGENCY DEVELOPMENT:

Vegetation removal as necessary to reduce fire hazards at City-designated Fuel Modification Zones (FMZ) 10 and 11. In FMZ 10, no vegetation removal will occur within areas where Crownbeard is present (Crownbeard Exclusion) except that non-natives within 15 feet of crownbeard which are not providing overstory for the crownbeard may be removed. In areas of FMZ 10 where maritime chaparral, disturbed maritime chaparral, maritime chaparral/coastal sage scrub, coastal sage scrub, and disturbed coastal sage scrub occur, vegetation removal is limited to hand removal only. Vegetation removal by goat grazing is permitted only in areas with non-native grassland and ornamental vegetation. These areas are depicted on **Exhibit A.1**. In FMZ 11, no vegetation removal will occur within areas where Crownbeard is present (Crownbeard exclusion) except that non-natives within 15 feet of crownbeard which are not providing overstory for the crownbeard may be removed. No vegetation removal will occur within the Laguna Terrace Restoration Area or within California gnatcatcher habitat (CAGN Habitat Exclusion). In all remaining areas of FMZ 11 vegetation removal will be limited to hand removal only. These areas are depicted on **Exhibit A.2**.

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 action more quickly than allowed by the procedures for regular CDPs; (c) the emergency development can and

Emergency Permit No.: G-5-22-0030 (City of Laguna Beach Fire Dept.)

Issue Date: August 26, 2022

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 work is hereby approved, subject to the conditions listed on the attached pages.

DocuSigned by:

Karl Schwing

Karl Schwing, South Coast District Director, for John Ainsworth, Executive Director

Enclosure: ECDP Acceptance Form

cc: (via email) City of Laguna Beach

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 September 10, 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 received in the Commission's South Coast District Office on August 18, 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 45 days of ECDP issuance (i.e., by October 10, 2022)
4. Only that work specifically described in this permit and for the specific property listed above is authorized. Work in Fuel Modification Zones 10 and 11 is limited to only those areas as depicted on Exhibits A.1 and A.2. Any additional work requires separate authorization from the Executive Director. This emergency permit shall not be construed as authorizing any unpermitted development previously undertaken on the subject property.
5. All work shall take place in a time and manner to minimize any potential damages to any resources, including wildlife.
6. By exercising this ECDP, Permittee acknowledges and agrees that that the emergency development is temporary. CDP 5-21-0461 was conditionally approved by the Coastal Commission on March 9, 2022 for the same development described herein. All work proposed herein is consistent with the development described in that CDP, and particularly as described in Special Condition No. 1 of that CDP. However, the "prior to issuance" special conditions of the permit have not yet been met. The permittee will continue working diligently toward fulfilling the "prior to issuance" requirements of that CDP in a timely manner to avoid the need for another emergency permit for this fuel modification work again next year. CDP 5-21-0461 is part of an ongoing plan to assess and address, as necessary, fire hazards on the property, and to mitigate for impacts to coastal resources. That regular permit is subject to all of the provisions of the California Coastal Act and applicable Local Coastal Program (LCP) policies and has been conditioned accordingly.
7. 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, tsunami, 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.

8. 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.
9. 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.
10. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies, including but not limited to the California Department of Fish & Wildlife, U.S. Fish & Wildlife, and U.S. Army Corps of Engineers.
11. For FMZ 10, all vegetation removal shall occur by hand in areas identified as maritime chaparral, disturbed maritime chaparral, maritime chaparral/coastal sage scrub, coastal sage scrub, and disturbed coastal sage scrub; goats shall only be used in areas with non-native grassland and ornamental vegetation (maintained or non-maintained) and only for the minimum amount of time necessary to achieve the City's targets for fuel reduction in these areas. Grazing Treatment Protocols shall be implemented as detailed in the document titled Laguna Beach Treatment Protocols for Fuel Modification Zones Subject to Coastal Development Permitting, as approved via CDP 5-21-0461. In order to achieve the City's targeted 50% reduction in fuel loading, native plants may be removed in areas where native plant coverage is comprehensive or nearly comprehensive. In areas where native plants are mixed with non-native plants, non-native plants shall be removed first to reach the targeted reduction in fuel loading.
12. For FMZ 11, all vegetation removal shall occur by hand; no goats will be used. No native plants will be removed including, but not limited to, all native woody species, native bunch grasses, and all special status plant species (e.g. big-leaved crownbeard (*Verbesina dissita*)) at the project site.
13. Non-native plant cuttings and seeds removed as part of the subject fuel modification activities shall be removed from the site and shall not be left on the soil where they remain a seed source. When a biologist determines that a plant has already gone to seed, and where seeds are already on the ground, the permittee is not required to collect such seeds.

14. All vegetation removal shall be limited to the area within 100 feet of the edge of developed property line. The permittee shall notify all affected property owners to coordinate the fuel modification on all affected properties.
15. Special status plant species (e.g. big-leaved crownbeard (*Verbesina dissita*)) at the project site shall not be disturbed. Both native and non-native plants that are required overstory to big-leaved crownbeard, located within the proposed work area, will be flagged for avoidance by work crews, and protected under the guidance of a qualified biologist who shall be on site during all plant removal activities. The minimum area preserved as overstory shall be the area within 15 feet surrounding the big-leaved crownbeard. Non-natives within 15 feet of crownbeard which are not providing overstory for the crownbeard may be removed.
16. Root systems of native perennial plants shall be left intact to preserve soil stability.
17. Within 48 hours prior to commencement of fuel modification activities, a qualified biologist shall conduct a biological survey for any special status plant species including, but not limited to, big-leaved crownbeard, cliff spurge (*Euphorbia misera*), fish's milkwort (*Polygala cornuta var. fishiae*), and western dichondra (*Dichondra occidentalis*) and any nesting birds and special status animal species such as nesting gnatcatchers. All special status plant species identified shall be flagged prior to commencement of fuel modification activities. If an active nest of any bird species is documented, no fuel modification activities within 300 feet of the nest shall be allowed until the chicks have fledged.
18. All work shall be conducted by qualified contractors with experience in fuel modification activities within sensitive habitat. A minimum of one qualified biologist for each three contractors shall be present on-site and shall monitor all fuel modification activities. If work is phased so that workers remain grouped in one area, then the ratio of 1:3 may be reduced. Workers may collect (rake and haul) plant matter which has already been trimmed without the supervision of a biologist.
19. PRIOR TO COMMENCEMENT OF FUEL MODIFICATION ACTIVITIES, pre-project biological conditions shall be documented via photographing the site, mapping, and other appropriate documentation. Post-project conditions shall be similarly documented and an analysis prepared identifying all impacts to native plant species caused by the proposed project. While no native or special status plants or their non-native overstory are proposed to be impacted in FMZ 11, and no special status plant species or their non-native overstory are proposed to be impacted in FMZ 10, any inadvertent or unexpected unallowed impacts to native plants or any impacts to special status plant species or non-native plants that are overstory to and necessary for the survival of big-leaved crownbeard, shall be mitigated. The pre- and post-project biological condition documentation shall be submitted within six months of completion of the fuel modification vegetation removal activities, along with a mitigation plan if adverse impacts to special status plant species, necessary overstory, or unallowed adverse impacts native plants occur.
20. PRIOR TO COMMENCEMENT OF FUEL MODIFICATION ACTIVITIES, the permittee shall submit for the review and written approval of the Executive Director, final plans depicting the areas where work is proposed to occur taking into consideration all the requirements and limitations established under these conditions of approval, including but not limited to the areas where goats will be utilized, said areas being restricted to areas dominated by non-native grasses or ornamental vegetation. Such plans shall accurately depict the

location and physical extent of native plants to be avoided and flagged pursuant to these conditions of approval. The permittee shall provide written notification to the Executive Director of the date and time that the work will commence at least two (2) business days prior to commencement of the work. Work shall not commence without the written authorization of the Executive Director.

21. The permittee shall coordinate with Southern California Edison to gain access to the site through the locked gate. The gate shall be locked at the conclusion of each day's activities.
22. The permittee shall avoid fuel modification in any identified active restoration areas, including the following:
 - A. The permittee shall coordinate all activities with the OCTA or OCTA's designated land manager and shall install field markers to delineate the maximum boundaries of the FMZ, as well as the OCTA Pacific Horizon Preserve Boundary. In the event that any active restoration area within the OCTA Pacific Horizon Preserve (**Exhibit B**) is disturbed in the course of or as a result of the proposed work, the permittee shall take all steps necessary, in a timely fashion, to return the disturbed restoration area to the condition in which it existed prior to the disruption caused by the permittee.
 - B. The permittee shall avoid fuel modification in the Hometown America Restoration Site (Ref: CDP No. 5-13-471) (see **Exhibit C**). The permittee shall install field markers to delineate the maximum boundaries of the FMZ, as well as the Hometown America Restoration Site. In the event that any active restoration area within the Hometown America Restoration Site is disturbed in the course of or as a result of the proposed work, the permittee shall take all steps necessary, in a timely fashion, return the disturbed restoration area to the condition in which it existed prior to the disruption caused by the permittee.
 - C. The permittee shall avoid fuel modification in the Southern California Edison pole maintenance and removal and habitat restoration area (Ref: CDP No. 5-17-0506) (see **Exhibit D**). The permittee shall install field markers to delineate the maximum boundaries of the FMZ and the Southern California Edison pole maintenance and removal and habitat restoration area. In the event that any active restoration area within the SCE pole maintenance and removal and habitat restoration area is disturbed in the course of or as a result of the proposed work, the permittee shall take all steps necessary, in a timely fashion, return the disturbed restoration area to the condition in which it existed prior to the disruption caused by the permittee.
23. Copies of this ECDP shall be maintained in a conspicuous location at the fuel modification job site at all times, and such copies shall be available for public review on request. All persons involved with the fuel modification activities shall be briefed on the content and meaning of this ECDP, and the public review requirements applicable to it, prior to commencement of fuel modification.
24. A worksite coordinator shall be designated to be contacted during the proposed work should questions arise regarding the fuel modification activities (in case of both regular inquiries and emergencies), and the worksite 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 fuel modification activities, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the worksite coordinator should be contacted in the case of questions

regarding the fuel modification activities (in case of both regular inquiries and emergencies). The worksite coordinator shall record the contact information (e.g., name, address, email, phone number, etc.) and nature of all complaints received regarding the fuel modification activities, 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 fuel modification activities.

25. 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.
26. 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.
27. 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.
28. 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, by phone (562) 590-5071, or by email southcoast@coastal.ca.gov.

CALIFORNIA COASTAL COMMISSION

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



EMERGENCY PERMIT ACCEPTANCE FORM

TO: CALIFORNIA COASTAL COMMISSISON
SOUTH COAST DISTRICT OFFICE
301 E. OCEAN, SUITE 300
LONG BEACH, CA 90802
southcoast@coastal.ca.gov

RE: Emergency Permit No. G-5-22-0030

INSTRUCTIONS: After reading the attached Emergency Permit, please sign this form and return to the South Coast District Office within 15 working days from the permit's date.

I hereby understand all of the conditions of the emergency permit being issued to me and agree to abide by them.

I also understand that the emergency work is TEMPORARY and that a regular Coastal Permit is necessary to make it a permanent installation as outlined in the emergency permit conditions.

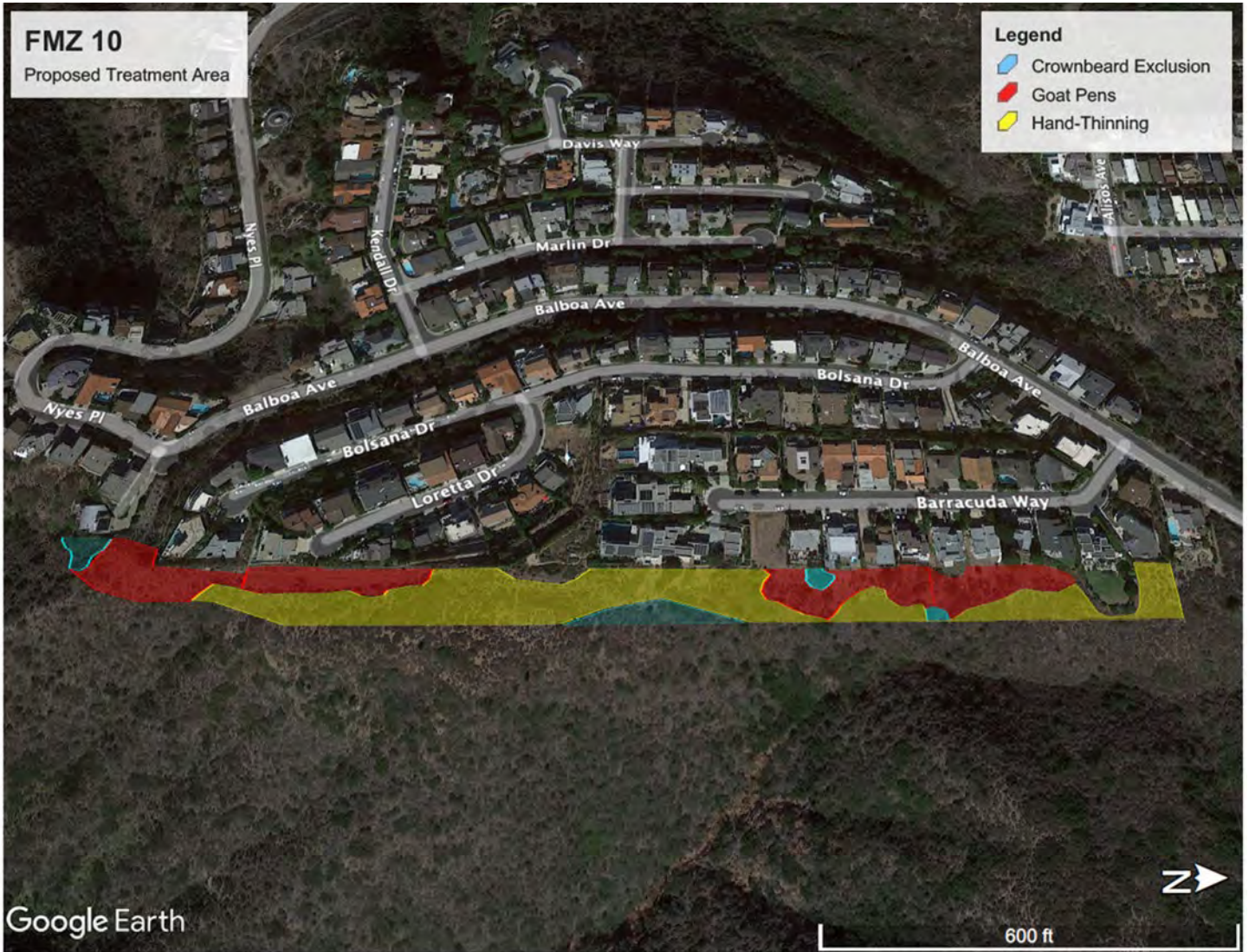
Signature of property owner or
Authorized representative

Name

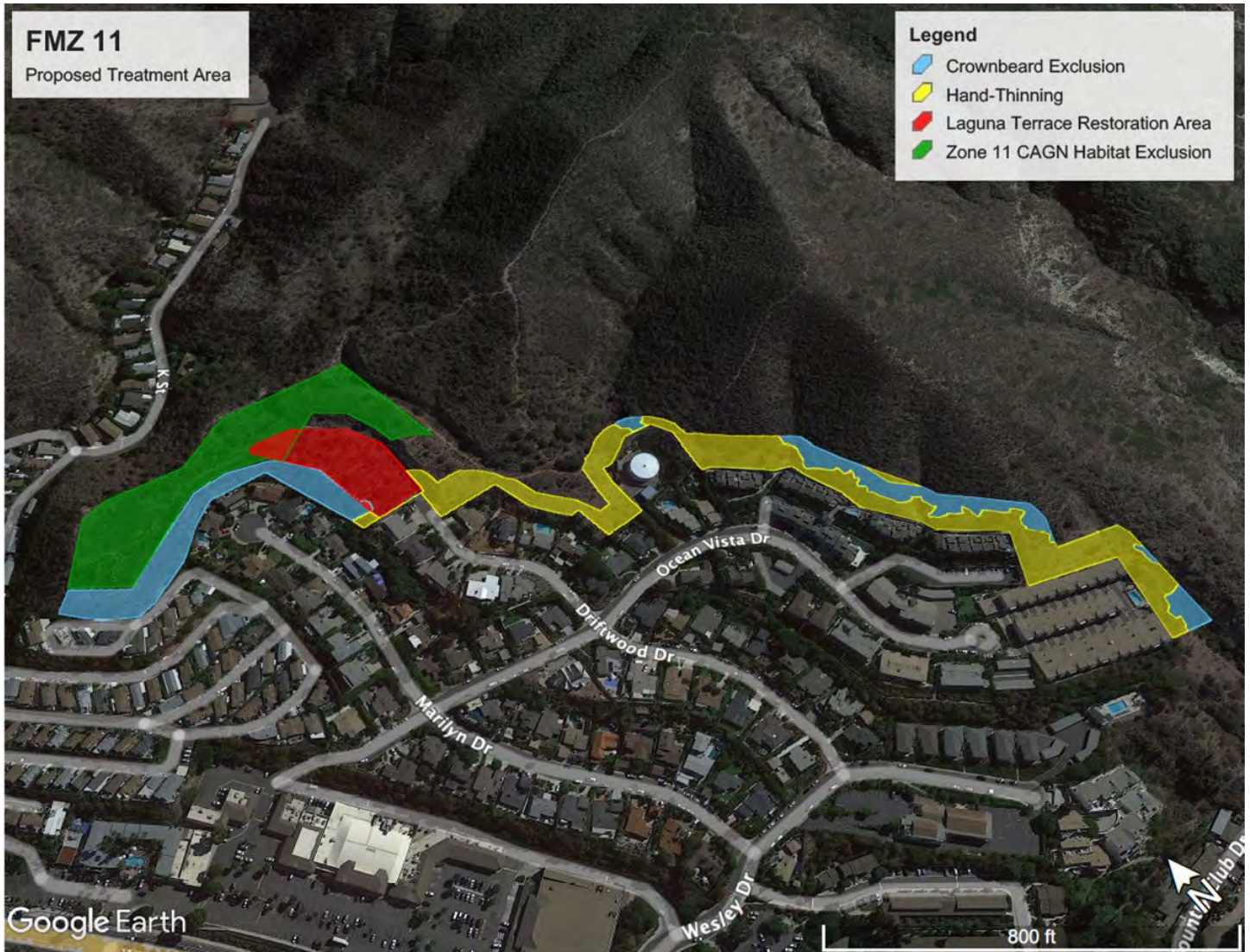
Address

Date of Signing

Location of Emergency – City-designated FMZ 10:

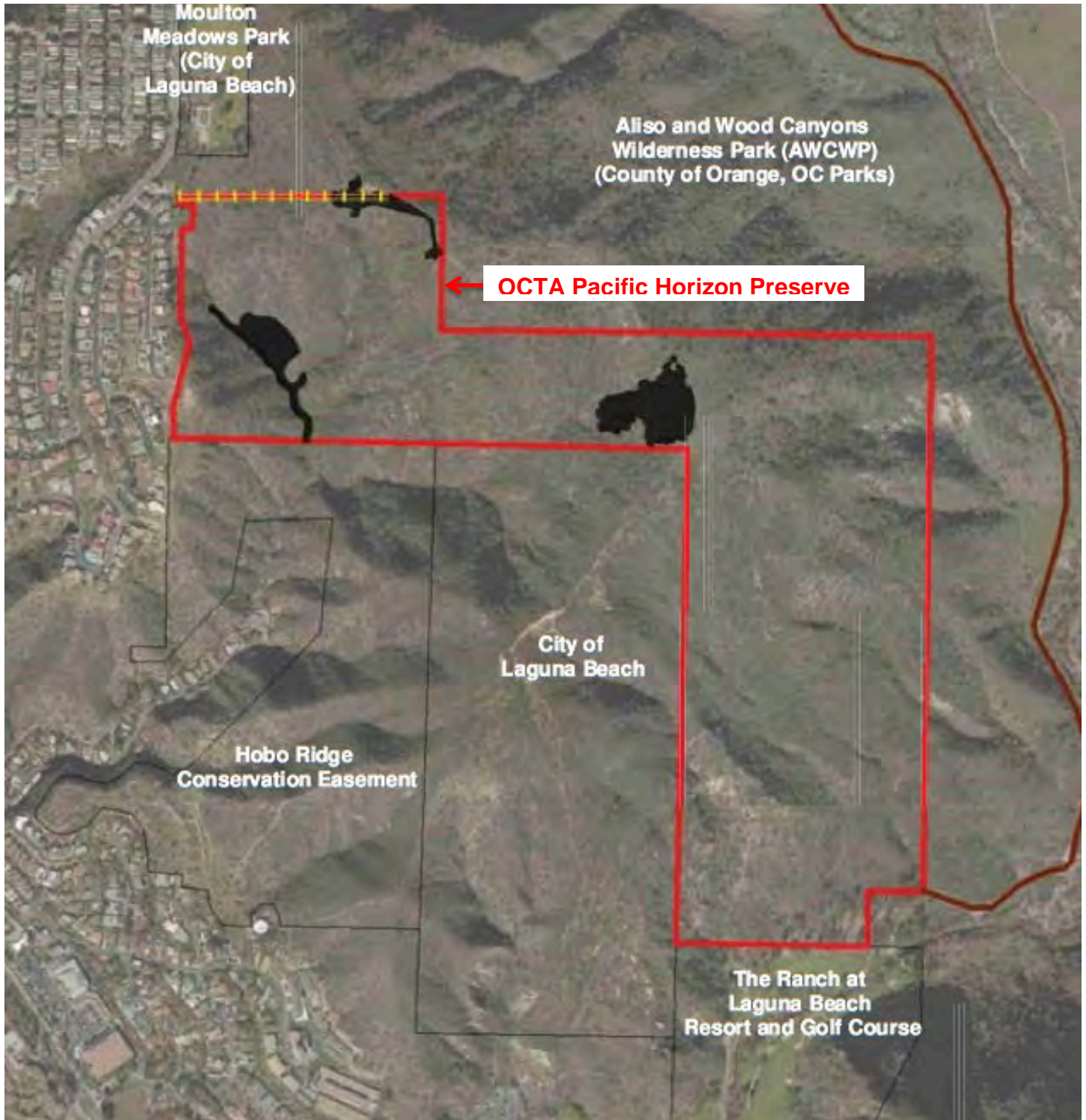


Location of Emergency – City-designated FMZ 11:



Coastal Commission
Exhibit A.2

OCTA Pacific Horizon Preserve



Hometown America Restoration Site



SCE Pole Maintenance and Removal and Restoration Areas



FIGURE 3

LSA

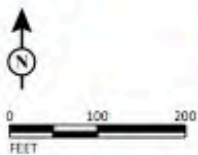
LEGEND

- Drive and Crush Access - Reuse prior path
- Existing Dirt Access Road
- Walking Path to Pole (Approximate)
- Foot Access
- Crane/Vehicle Location (Approximate)

Pole Locations

- Work Complete
- Remove Pole
- Top Half of Pole Needs to be Removed
- Top Half of Pole already Removed. Segments on Ground.

SCE1303B.1447 Driftwood GRM Project
Access Routes



SOURCE: Bing Maps (2015); SCE (2017)