

CALIFORNIA COASTAL COMMISSION

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



TH11

Prepared September 03, 2025 (for the September 11, 2025 Hearing)

To: Commissioners and Interested Parties
From: Steve Hudson, South Coast District Deputy Director
Subject: **South Coast District Deputy Director's Report for Los Angeles County for September 2025**

The following coastal development permit (CDP) waivers, CDP extensions, and immaterial CDP amendment for the South Coast District Office are being reported to the Commission on September 11, 2025. 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 11th.

With respect to the September 11th 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 11, 2025 (see attached)

Waivers

- 5-24-1044-W, Ligthart, New attached ADU (Playa Del Rey)
- 5-25-0377-W, Revere Santa Monica, LLC, Demo & Construct SFR (Santa Monica)
- 5-25-0387-W, Raising Cane's, Convert commercial building to restaurant (Santa Monica)
- 5-25-0428-W, Risse and Shorr, Major remodel of SFR (Hermosa Beach)
- 5-25-0519-W, City of Long Beach, Maintenance of Junipero Parking Lot (Long Beach)

CDP Extensions

- 5-19-0983-E4, NXT2 Shutters PropCo, LLC Construct 5-story residential /commercial mixed use structure (Santa Monica)
- 5-19-0984-E4, NXT2 Beach PropCo, LLC, Construct 5-story residential/commercial mixed use development (Santa Monica)

Immaterial CDP Amendment

- 5-20-0540-A1, County of Los Angeles, Seasonal sand berms (Venice & Dockweiler Beach)

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August 25, 2025

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: 5-24-1044-W

Applicant: Brandon Lighthart

Location: 8104 Billowvista Dr, Playa Del Rey, City of Los Angeles, Los Angeles County (APN: 4115-008-014)

Proposed Development: Construct a 522 sq. ft. accessory dwelling unit (ADU) within the underfloor space of an existing single-family home and add a 216 sq. ft. balcony cantilevered 6 ft. from the north side of the proposed ADU with a 42-in.-high, tempered, bird-safe glass railing.

Rationale: The proposed project is located on a developed 7,428 square-foot residential lot located approximately 0.46 miles inland of the beach on a bluff-top lot in an urbanized residential neighborhood within the Dual Permit Jurisdiction of the City of Los Angeles. The City of Los Angeles issued its final determination (DIR-2024-169-CDP-MEL-HCA) on the project on October 8, 2024. No appeals were filed during the local appeal period, which concluded on October 23, 2024. The Coastal Development Permit (CDP) was not appealed to the Commission. The lot is zoned R1-1 ("One-Family Zone") in the City's uncertified zoning code. As the ADU will be constructed within the footprint of the existing single-family residence, it will not alter the structure's compatibility with the scale of surrounding homes or impact public views. It will also not involve any grading. During construction, the applicant proposes to store materials in the garage, away from the bluff, to prevent potential construction debris and contamination. Additional protective measures include the use of a sock pipe filter and fencing around the perimeter of the site. The proposed deck would be supported by new steel braces utilizing the existing foundation and proposes bird-safe glass to minimize bird strikes. The proposed development will not adversely impact coastal resources,

Coastal Development Permit De Minimis Waiver
5-24-1044-W

public access, or public recreation opportunities, and is consistent with past Commission actions 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 September 10-12, 2025 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.

Sincerely,

Kate Huckelbridge, PhD
Executive Director

Jennifer Doyle
Coastal Program Analyst

cc: Commissioners/File

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August 22, 2025

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: 5-25-0377-W

Applicant: Revere Santa Monica, LLC

Location: 731 Ashland Ave., Santa Monica (Los Angeles County)
(APN: 4287-017-014)

Proposed Development: Demolition of two existing detached one-story single-family dwellings with a wood deck and a detached storage structure; construction of a new 5,580-square-foot, two-story 30-foot-high single-family dwelling with a basement, a separate 2,098-square-foot, two-story 30-foot-high single-family dwelling with an attached 383-square-foot, one-story Junior Accessory Dwelling Unit; 733 cubic yards of cut, 213 cubic yards of fill and 520 cubic yards of export; Native American on-site monitoring for ground-disturbing activities, new landscaping; and a curb cut to create a driveway and provide a total of four parking spaces on a 5,644 square-foot lot.

Rationale: The project site is in an urbanized residential neighborhood, approximately 0.73 miles from the inland extent of the beach, and is not located between the first public road and the sea. The lot is designated as Ocean Park Low Density Multiple Residential in the City of Santa Monica's certified Land Use Plan (LUP). The proposed project is consistent with the land use and development standards of the LUP and the City of Santa Monica Planning Division's Approval-in-Concept (AIC) was approved on July 2, 2025. The proposed development includes a curb cut to accommodate a new driveway providing access to on-site parking. While the curb cut would result in the removal of one on-street parking space, the development would concurrently create four private parking spaces within the subject property. This addition of on-site parking is expected to reduce the demand for street parking by accommodating vehicles that would otherwise park on the street due to the current lack of dedicated parking. The

Coastal Development Permit De Minimis Waiver
5-25-0377-W

proposed development includes the installation of an EcoRain tank infiltration system as well as permeable surfaces (gravel and permeable pavers), area drains, trench drain, and catch basins to minimize water runoff and maximize on site water retention. Fiber rolls and a stabilized construction entrance will be used to control sediment and erosion during construction. The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter 3 policies of the Coastal Act. In addition, the proposed project will not prejudice the City of Santa Monica's ability to prepare a Local Coastal Program that is consistent with the Chapter 3 Coastal Act policies.

This waiver will not become effective until reported to the Commission at its September 2025 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.

Sincerely,

Kate Huckelbridge, PhD
Executive Director

Jennifer Doyle
Coastal Program Analyst

cc: Commissioners/File

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August 26, 2025

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: 5-25-0387-W**Applicant:** Raising Cane's, LuAron Foster**Location:** 1401 3rd St. Promenade, Santa Monica, Los Angeles County (APN: 178-545-05)

Proposed Development: Change of use and conversion of an existing 1,465 sq. ft. ground-floor retail space within a multi-tenant commercial building at 1401 Third Street Promenade into a quick-serve restaurant. Tenant improvements will include interior remodeling and installation of kitchen equipment, food preparation areas, and customer seating. No on-site parking is proposed, consistent with the Santa Monica Downtown Parking District and State Law AB 2097; patrons and employees will utilize existing nearby public parking structures and transit services.

Rationale: The project site is designated Downtwon Commercial in the certified Santa Monica LUP and is located approximately 1,280 feet (0.24 mile) from the beach. There is no parking on site. The change from retail to restaurant constitutes an intensification of use. The proposed change of use could generate an additional demand of eight parking spaces beyond the demand generated by the existing restaurants. However, the project site is located within the City's Downtown Parking District where commercial and visitor serving developments contributed to the establishment of the existing downtown public parking structures. Visitors to the site will utilize the adjacent public parking structures, which are able to accommodate the demand. The applicant plans to utilize construction best management practices such as appropriate handling and disposal of waste. The project plans have been Approved in Concept by the City (May 15, 2025). Therefore, the proposed development will not prejudice the City's ability to prepare a Certified Local Coastal Program, will not adversely impact public access, public recreation, or coastal views, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act. In addition, the proposed project will not prejudice the City of Santa Monica's ability to prepare a Local Coastal Program that is consistent with the Chapter 3 Coastal Act policies.

This waiver will not become effective until reported to the Commission at its **September 10-12, 2025** 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.

Dr. Kate Huckelbridge
Executive Director

Dulce Cortez
Coastal Program Analyst

cc: Commissioners/File

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August 27, 2025

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: 5-25-0428-W

Applicants: Jeffrey Risse and Karen Shorr

Location: 437 28th St., Hermosa Beach, Los Angeles County (APN: 4181007016)

Proposed Development: Major remodel and addition to an existing 16.35-ft. high, 1,062 sq. ft. single family residence, including reconfiguration of the ground floor and a second story addition of 771 sq. ft. living area and 94 sq. ft. roof deck, resulting in a 26-ft. two-story residence with 2-car garage on a 2,412 sq. ft. lot.

Rationale: The site is located in an urbanized neighborhood 0.3 miles from the beach, inland of the first public beach access road. The lot is zoned R-2 Medium Residential by the City and the proposed project conforms to the permitted use for the R-2 zone. The existing residence has a two-car garage, which is consistent with the certified LUP's parking requirements. The project adheres to Hermosa Beach's 30-foot height limit and setback requirements. Runoff will be managed through roof gutters and rain barrels to collect runoff. There are no public coastal views in the project vicinity. The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its **September, 10-12, 2025** 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.

Sincerely,

Kate Huckelbridge, PhD
Executive Director

Mandy Revell
Planning Supervisor

cc: File

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD, SUITE 300
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PHONE (562) 590-5071



August 27, 2025

**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: 5-25-0519-W**Applicant:** City of Long Beach**Location:** Junipero Parking Lot on sandy beach adjacent to terminus of Junipero Avenue, City of Long Beach, Los Angeles County**Proposed Development:** Maintenance of the existing parking lot that involves crack fill, slurry seal, and restriping. No change in footprint or parking spaces.

Rationale: The proposed project is located on public sandy beach within the Commission's retained permit jurisdiction and will not change the overall number of parking spaces within the existing parking lot. This maintenance work will prolong the useful life of the parking lot approximately 10 years. Half of the lot will be closed to the public continuously for 3-4 days and the other half will be closed the following 3-4 days so that a portion of the lot remains open throughout construction. The work will be scheduled during weekdays and post-summer to minimize parking impacts during the peak summer season. No construction staging is proposed for the project. The project will include best management practices including erosion and sediment control and spill prevention to protect water quality. As such, it would not adversely impact public access to and use of the water, is consistent with Chapter 3 policies of the Coastal Act and previous Commission approvals, and will not prejudice the City's ability to implement its LCP in areas adjacent to the Tidelands.

This waiver will not become effective until reported to the Commission at its **September 10-12, 2025** 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.

Dr. Kate Huckelbridge
Executive Director

Vince Lee
Coastal Program Analyst

cc: File

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August 28, 2025

NOTICE OF EXTENSION REQUEST FOR COASTAL DEVELOPMENT PERMIT

Notice is hereby given that NXT2 Shutters PropCo, LLC has applied for a fourth one-year extension (5-19-0983-E4) of 5-19-0983 granted by the California Coastal Commission on July 10, 2020

for: Construction of an 81,630 sq. ft., 5-story mixed-use building with 83 apartment units including 16 affordable units for very-low income households, a corner cafe and a 105,995 sq. ft. 2 level 273 parking space subterranean garage on an existing parking lot.

at: 1828 Ocean Ave, Santa Monica (Los Angeles County) (APNs: 4290-020-045, 4290-020-041)

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. This determination shall be reported to the Commission. The permit expiration date shall be extended for one year from the date the permit would otherwise have expired if "(1) no written objection to the executive director's determination is received within 10 working days after mailing notice, and (2) three [or more] commissioners do not object to the executive director's determination." If an objection is received, the executive director shall review such objection to determine whether the objection identifies a changed circumstance that may affect the development's consistency with the Coastal Act. If the executive director concludes that no such circumstance is identified, the determination and conclusion shall be reported to the Commission along with copies of such objections. If three or more Commissioners do not object to the determination, the time for commencement of development shall be extended for one year from the expiration date of the permit.

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

Sincerely,

Kate Huckelbridge, PhD
Executive Director

Jennifer Doyle
Coastal Program Analyst

cc: Commissioners/File

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August 28, 2025

NOTICE OF EXTENSION REQUEST FOR COASTAL DEVELOPMENT PERMIT

Notice is hereby given that NTX2 Beach PropCo, LLC has applied for a fourth one-year extension (5-19-0984-E4) of 5-19-0984 granted by the California Coastal Commission on July 10, 2020

for: Construction of a 5-story, 47-foot high, 34,750 square foot residential/commercial mixed-use development consisting of 22 market-rate residential units, 3,574 square feet of ground floor commercial space, and a two-level partial subterranean parking garage with 56 parking spaces on a 23,258 square foot vacant beach front lot.

at: 1920-1921 Ocean Front Walk, Santa Monica (Los Angeles County) (APN: 4289-025-005)

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. This determination shall be reported to the Commission. The permit expiration date shall be extended for one year from the date the permit would otherwise have expired if "(1) no written objection to the executive director's determination is received within 10 working days after mailing notice, and (2) three [or more] commissioners do not object to the executive director's determination." If an objection is received, the executive director shall review such objection to determine whether the objection identifies a changed circumstance that may affect the development's consistency with the Coastal Act. If the executive director concludes that no such circumstance is identified, the determination and conclusion shall be reported to the Commission along with copies of such objections. If three or more Commissioners do not object to the determination, the time for commencement of development shall be extended for one year from the expiration date of the permit.

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

Sincerely,

Kate Huckelbridge, PhD
Executive Director

Jennifer Doyle
Coastal Program Analyst

cc: Commissioners/File

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August 28, 2025

NOTICE OF PROPOSED IMMATERIAL PERMIT AMENDMENT

Coastal Development Permit Amendment No. **5-20-0540-A1**

To: All Interested Parties

From: Kate Huckelbridge, PhD, Executive Director

Subject: Permit No. **5-20-0540** granted to **County of Los Angeles Department of Beaches and Harbor** for:

Construction of nine seasonal sand berms for protection of adjacent public beach facilities from winter storm inundation, measuring approximately 15-ft. high and 20-ft. wide, varying in length from 200 to 1,500 ft., and utilizing sand excavated from the dry beach area within a 75-ft. radius of each berm.

Project Site: Venice Beach and Dockweiler Beach, City of Los Angeles, Los Angeles County (APNs: 4116003006, 4116032900, 4129001901, 4131029900, 4225012900, 4226001900, 4226002900)

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):

Removal of two seasonal sand berms from the program and revise Special Condition 5 to extend the authorization another five years to Memorial Day 2030.

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, 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

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

Notice of Proposed Immaterial Permit Amendment

5-20-0540-A1

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 proposed amendment reduces the scope of the seasonal sand berm program by eliminating two sand berm locations (both Hermosa Beach locations), thereby reducing temporary public access impacts from construction of the berms. While the berms take up some, otherwise relatively flat, beach space, they have also been observed to provide alternative beach recreational opportunities. The proposed extension of the original permit term by another five years would provide protection for several existing public beach facilities, including but not limited to public restrooms and parking lots, from wave uprush and erosion associated with winter storms. There is no evidence that adverse coastal resource impacts were incurred during the original permit term and as conditioned with public access, marine resource, and water quality protections, no new impacts are anticipated. The amended project is consistent with the underlying CDP, with previous Commission actions in the area, and with Chapter 3 policies of the Coastal Act.

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 Dani Ziff at dani.ziff@coastal.ca.gov or alternatively at (562) 590 5071.

Dani Ziff
District Supervisor

cc: Commissioners/File

EXHIBIT A – Standard and Special Conditions pursuant to CDP No. 5-20-0540 through CDP Amendment No. 5-20-0540-A1

Notice of Proposed Immaterial Permit Amendment

5-20-0540-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. 5-14-0017-A2. Added language is shown in **bold underline** and deleted language is shown in ~~**bold strikethrough**~~. This will result in one set of adopted special 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 permittee 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 permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS

- 1. Timing of Construction.** All project operations, including, but not limited to, construction, demolition, operation of equipment, sand excavation and placement, or other construction, maintenance, material removal, or activities involving mechanized equipment shall be prohibited on any part of the beach in the project area each year from Memorial Day in May through Labor Day in September to avoid impact on public recreational use of the beach.
- 2. Operational Responsibilities.** By acceptance of this permit, the applicant agrees that:
 - a) The sand berms shall be constructed in accordance with project plans, subject to the timing restrictions specified in Special Condition One (1) above.
 - b) The sand berms shall be removed each year (lowered) prior to Memorial Day, subject to the timing restrictions specified in Special Condition One (1) above. The sand berms shall be lowered to pre-existing beach contours to restore the shoreline and to facilitate recreational use, unless the pre-existing beach

Notice of Proposed Immaterial Permit Amendment

5-20-0540-A1

contours have already been restored naturally through wave action prior to Memorial Day.

- c) No construction materials, debris, or waste shall be placed or stored where it may be subject to wave erosion and dispersion.
- d) Any and all debris resulting from construction activities shall be removed from the beach immediately.
- e) Equipment shall not be in contact with coastal waters at any time.

3. Sensitive Species Monitoring.

- a) The applicant shall retain the services of a qualified biologist or environmental resources specialist with appropriate qualifications acceptable to the Executive Director. The applicant shall provide the environmental monitor's qualifications for review by the Executive Director at least two (2) weeks prior to commencement of project activities. The environmental monitor shall conduct a visual survey of the project site, to determine presence and behavior of the Western Snowy Plover, prior to any excavation, construction, reconstruction, maintenance, or removal activities, associated with the sand berm. Prior to any project activities, the environmental monitor shall examine the beach area to preclude impacts to the federally listed Western Snowy Plover. No excavation, construction, reconstruction, maintenance, or removal activities shall occur until any and all Western Snowy Plovers have left the project area or its vicinity. In the event that the Western Snowy Plover exhibit reproductive or nesting behavior, the applicant shall cease work, and shall immediately notify the Executive Director and federal, state, and local resource agencies. Project activities shall resume only upon written approval of the Executive Director.
- b) By February 25 of each year, the applicant shall obtain the seasonally predicted run schedule for the California grunion, as identified by the California Department of Fish and Wildlife. In the event that excavation, construction, reconstruction, maintenance or removal activities will occur during the seasonally predicted run period and egg incubation period for the California grunion, then the environmental monitor shall document any grunion spawning activity, and if grunion are present in any life-stage, no excavation, construction, reconstruction, maintenance, or removal activities shall occur during the grunion spawning activity below the semilunar high tide mark.
- c) The environmental monitor shall be present during the excavation, construction, reconstruction, maintenance, or removal activities, of the sand berms. The monitor shall identify, in the field, the location of the wrack line at the time of any construction in order to assure compliance with the provisions of **Special Condition 6**. In the event the environmental monitor concludes that the applicant has violated, or is violating, any special condition of this permit, or if any unforeseen sensitive habitat issues arise, the applicant must cease work. The environmental monitor shall immediately notify the Executive Director if activities outside of the scope of Coastal Development Permit 5-20-0540, as amended, occur or if habitat is removed or impacted beyond the scope of the work indicated

Notice of Proposed Immaterial Permit Amendment

5-20-0540-A1

in Coastal Development Permit 5-20-0540, as amended. If significant impacts or damage occur to sensitive wildlife species, the applicant shall stop all work and be required to submit a revised or supplemental program to adequately mitigate such impacts. The revised or supplemental program shall be processed as an amendment to this coastal development permit.

4. Assumption of Risk, Waiver of Liability, and Indemnity Agreement.

- a) By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from storm waves, surges, erosion, and flooding; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project 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 arising from any injury or damage due to such hazards.

- 5. Permit Expiration.** All sand berms approved and constructed pursuant to CDP No. 5-20-0540, as amended, shall be removed prior to Memorial Day weekend of each year, unless further authorization has been granted under the Coastal Act. The approval of this project shall expire on Memorial Day ~~2025~~2030, with a provision for the expiration to be extended for additional time with the approval of an amendment to this permit. Any construction, excavation, or sediment transport activities after the expiration permit approved under this permit will require the issuance of a new coastal development permit or an amendment to this permit.

- 6. Limitations on Construction Activities.** Berm construction activities, including, but not limited to, excavation and deposition of sand, recontouring of sand, and berm maintenance shall be implemented in a manner that avoids the removal or disturbance of wrack to the maximum extent feasible. However, if berm maintenance activities cannot feasibly avoid removal or disturbance, wrack located within the maintenance area shall be removed for the duration of the maintenance work, and subsequently relocated to the area from which it was removed upon completion of the work. Unless temporarily relocated for the duration of maintenance work, this permit does not allow for the removal of wrack from this area with the exception that debris that is entangled in the wrack, and which poses a clear threat to public safety, may be removed by hand as needed.