

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
245 W. BROADWAY, STE. 380
P.O. BOX 1450
LONG BEACH, CA 90802-4416
(310) 590-5071

W 198

Filed: Dec. 5, 1995
49th Day: Jan. 23, 1996
180th Day: Jun. 3, 1996
Staff: JLR-LB ~~JR~~
Staff Report: Dec. 14, 1995
Hearing Date: Jan. 9-12, 1996
Commission Action:

**RECORD PACKET COPY**STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: 5-93-096A

APPLICANT: City of Los Angeles Department of Public Works

PROJECT LOCATION: Pacific Coast Highway between Sunset Blvd. and Potrero Canyon, Pacific Palisades

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Demolish existing underground Sunset Pumping Plant and construct new 4.5 mgd pumping plant to include 0.56 mg emergency storage facility, 11,000 foot force main, new gravity sewers, rehabilitation of two pumping plants and decommission one pumping plant.

DESCRIPTION OF AMENDMENT: Delete the segment of sewer line that is located within Pulga Canyon. The amendment also includes deleting Special Conditions that address development impacts of the Pulga Canyon portion of the project.

PROCEDURAL NOTE: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or
- 3) the proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

In this case, the Executive Director has determined that the proposed amendment is a material change because it affects special conditions of the underlying permit. If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. [14 California Code of Regulations Section 13166]

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission determine that the proposed amendment, as conditioned, is consistent with the requirements of the Coastal Act.

SUBSTANTIVE FILE DOCUMENTS: (1) Final Environmental Impact Report (EIR), SCH #91051026 dated October, 1992
(2) Final Revised Project Feasibility Report dated February, 1991
(3) Geotechnical Report prepared by GEOFON Environmental dated December 21, 1992
(4) Coastal Development Permit No. 5-93-096

STAFF RECOMMENDATION:

Staff recommends that the Commission adopt the following resolution:

1. Approval with Conditions

The Commission hereby grants an amendment to the permit on the grounds that the proposed amendment, as conditioned, is in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II Special Conditions:

The Special Conditions, as modified below, shall now apply to Coastal Development Permit No. 5-93-096:

1. Beach Parking and Access

Prior to issuance of the permit the applicant shall agree to carry out a construction schedule and other measures to minimize impacts on beach access routes (route 1) and beach parking. Pursuant to this requirement the applicant shall provide a construction schedule and beach parking management program that provides, at a minimum:

- a. Construction shall, as much as possible, occur after Labor Day and before Memorial Day.
- b. Access to all County parking lots shall be preserved during construction.
- c. The applicant shall identify road shoulder parking areas on the seaward side of Pacific Coast Highway located in project area. No more than ten (10%) of such area(s) may be disrupted or removed from parking at one time, and in no event shall such area be disrupted during Memorial Day, Fourth of July and Labor Day holidays.

2. Assumption of Risk

By acceptance of this Coastal Development Permit, the City agrees that:

(a) the applicant understands that the project site may be subject to extraordinary hazard from landslides; and (b) the applicant hereby waives any future claims of liability against the Commission or its successors in interest for damage from such hazards.

3. Safety of Adjacent Property/Risk Management

Prior to issuance of the permit, the applicant shall provide for the review and approval of the Commission, a program assessing specific hazards to property adjacent to the project due to earth movement caused by construction at or near canyon bottoms or at the toes of slides. The risk management program shall include detailed maps showing the routing of the pipeline and its relationship to mapped landslides, construction methods, and other methods proposed to avoid activating landslides. After the Commission approves the plan, the program shall be required in contracts and as plan notes on construction drawings. Any additional measures necessary to avoid damage shall be reported to the Executive Director to determine whether a coastal development permit or amendment to this permit is required.

4.1//Environmentally/Sensitive/Habitat

THE/APPLICANT//BY/ACCEPTING/THIS/PERMIT/AGREES/TO/ABIDE/WITH/FULLY
EXECUTED/AGREEMENTS/WITH/THE/CALIFORNIA/DEPARTMENT/OF/FISH/AND/GAME/WITH
RESPECT/TO/PRESERVATION/OF/RIPARIAN/VEGETATION/

5.1//Habitat/Mitigation

PRIOR/TO/ISSUANCE/OF/THE/PERMIT/THE/APPLICANT/SHALL/PROVIDE/FOR/THE
REVIEW/AND/WITTEN/APPROVAL/OF/THE/EXECUTIVE/DIRECTOR//A/HABITAT
RECOVERY/RESTORATION/PLAN/FOR/THE/PROJECT/AREA//THAT/HAS/BEEEN/APPROVED
BY/THE/DEPARTMENT/OF/FISH/AND/GAME//THE/PLAN/SHALL/AT/A/MINIMUM
INCLUDE/

A//CONSTRUCTION/METHODS/THAT/PROTECT/ALL/STREAM/BED/AND/OR/RIPARIAN
HABITAT/FROM/DAMAGE/OR/REMOVAL//DUE/TO/EXCESSIVE_
CLEARANCE//STOCKPILING/AND/OVERSPILL/

B//CONSTRUCTION/METHODS/THAT/ELIMINATE/EXCESSIVE/REMOVAL/OF/COASTAL
SAGE/SCRUB/DUE/TO/EXCESSIVE/CLEARANCE//STOCKPILING/AND/OVERSPILL/

C//A/SCHEDULE/OR/WORK/PROGRAM/GUARANTEEING/THE/COMPLETION/OF/THE
INSTALLATION/OF/RESTORED/HABITAT/AREAS/NO/MORE/THAN/ONE/YEAR/AFTER
THE/COMPLETION/OF/THE/PROJECT//BUT/IN/NO/EVENT/AFTER/JANUARY/1/
1998/

D//IDENTIFICATION/OF/AND/MAPS/DELINEATING/AREAS/OF/COASTAL/SAGE
SCRUB/THAT/WILL/BE/UNAVOIDABLY/DISTURBED/BY/THE/PROJECT//

E//METHODS/TO/ASSURE/ASSESSMENT/OF/ACTUAL/DAMAGE/TO/COASTAL/SAGE
SCRUB/HABITAT/

f) Identification of and maps delineating areas of coastal sage scrub that will be restored. The areas identified for restoration of coastal sage scrub habitat shall be equal to the areas of coastal sage scrub habitat that will be unavoidably disturbed. The restoration ratio, 0.24 acres as described in the EIR. The restored area shall be an area deemed suitable for restoration and located within the Pacific Palisades district of the City of Los Angeles.

g) A detailed monitoring program designed by a qualified coastal sage scrub restoration biologist acceptable to the Executive Director. Said monitoring program shall provide the following:

1) Monitoring reports on the extent of coverage, rate of growth and species composition of all created coastal sage scrub areas shall be submitted to the Executive Director on an annual basis for five years following project completion.

2) The monitoring program shall include provisions for augmentation and maintenance of the restoration efforts, including specific performance standards designed to assure 90% coverage in a five year period. The program shall include criteria to be used to determine the quality and extent of the restoration efforts, which shall include, but not be limited to, survival rates and species composition.

3) At the end of the five year period, a more detailed report prepared in conjunction with a qualified coastal sage scrub restoration biologist shall be submitted to the Executive Director. If the report indicates that the mitigation has been, in part, or in whole, unsuccessful, the applicant shall be required to submit a revised or supplemental mitigation program to compensate for those portions of the original program which were not successful. The revised mitigation program, if necessary, shall be processed as an amendment to the coastal development permit.

6) Deed Restriction for Open Space and Habitat Preservation

Prior to issuance of the coastal development permit, the applicant shall provide written evidence, subject to the review and approval of the Executive Director, that the owner(s) of the mitigation site(s) have executed and recorded a deed restriction which provides the following:

that the mitigation site or sites, as identified in the habitat and wetlands mitigation plans required by Special Condition No. 15 above, shall be restricted to habitat restoration, habitat maintenance, habitat protection, open space, and view preservation uses only.

The mitigation sites shall be described in metes and bounds. The deed

restriction/shall/run/with/the/land,/binding/all/successors/and/assigns/
and/shall/be/recorded/free/of/all/prior/interests/and/encumbrances/which/the
Executive/Director/determines/may/affect/the/interest/being/conveyed.

4. 7/ Siltation

Prior to issuance of permit the applicant shall provide for review and approval of the Executive Director a siltation and erosion control plan to prevent siltation into streams and the Pacific Ocean.

5. 8/ State Lands Commission Review

Prior to issuance of the coastal development permit, the applicant shall obtain a written determination from the State Lands Commission that:

- a) No state lands are involved in the development; or
- b) State Lands are involved in the development, and all permits required by the State Lands Commission have been obtained; or
- c) State Lands may be involved in the development, but pending a final determination of state lands involvement, an agreement has been made by the applicant with the State Lands Commission for the project to proceed without prejudice to the determination.
- d) The applicant shall provide for the review and approval of the Executive Director, an agreement with the California Department of Transportation (Caltrans) for managing traffic during construction. The project will as far as possible protect beach traffic (north bound morning traffic and south bound afternoon traffic) during summer weekends, in addition to protecting business & commuter traffic as required by Department of Transportation.

6. 9/ Evidence of Legal Ability to Use Property

Prior to issuance of the coastal development permit, and subject to the review and approval of the Executive Director, the applicant shall provide evidence of its legal ability to develop on all affected properties on the project site. *including/habitat/restoration/as/conditioned/herein/* Such legal evidence shall include either, 1) written easements, 2) letters of agreement from the affected property owners, including State of California, accompanied by evidence satisfactory to the Executive Director that signees of the letter either own the property and have the legal ability to give permission for development, 3) or have appropriate court orders, granting the City the right to develop, 4) City's title to the property.

III. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

A. Amendment Description and Background

On December 15, 1994 the Commission conditionally approved Coastal Development

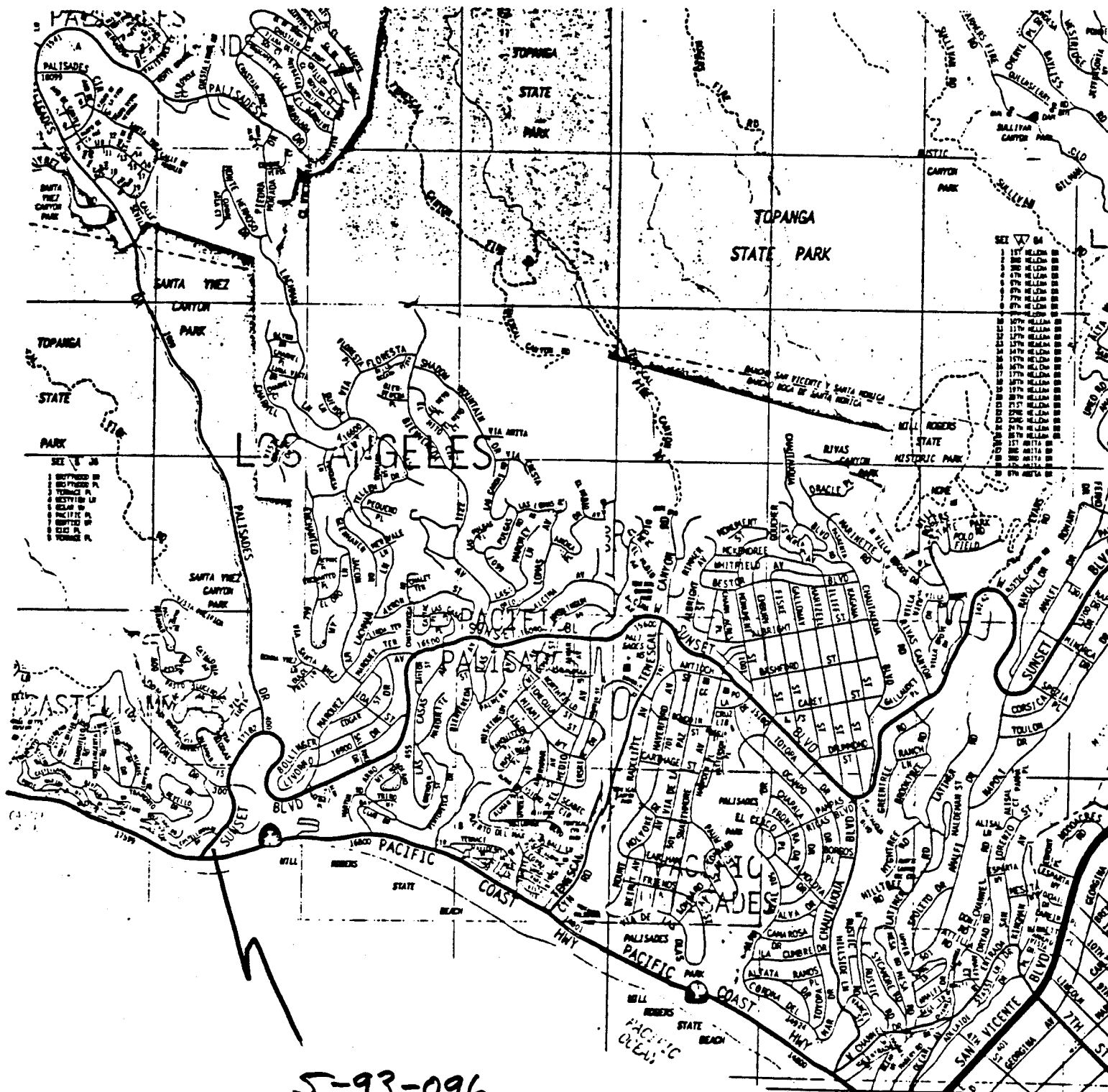
Permit No. 5-93-096. The applicant's original proposal was to demolish an existing underground Sunset Pumping Plant and construct a new 4.5 mgd pumping plant to include 0.56 mg emergency storage facility, 11,000 foot force main, new gravity sewers, rehabilitation of two pumping plants and decommission one pumping plant. The previously approved development includes four main components i.e., the conveyance system, the Sunset pumping plant, the Sunset emergency storage facility and pressurized laterals extending up Temescal and Las Pulga Canyons and Bel Air Bay Club Road (See Exhibit B). The pumping plant and emergency storage facility will be located below the ground. The pipeline along Pacific Coast Highway will be located on the seaward side of the right-of-way. The proposed project was developed to reduce the potential for sewage spills and other malfunctions along a portion of the Coastal Interceptor Sewer and was mandated by a 1987 Settlement Agreement between the City of Los Angeles and the State Regional Water Quality Control Board.

The Commission's previous conditional approval included Special Conditions regarding public access, natural habitat, water quality and natural hazards. As noted above, the original project included three lateral lines in Temescal Canyon, Pulga Canyon and Bel Air Bay Club Road.

B. Pulga Canyon

The applicant has requested an amendment to delete the Pulga Canyon segment of the project. Because this portion of the project had potential adverse impacts on coastal sage scrub, the Commission imposed Special Conditions addressing environmentally sensitive habitat. The applicant has found performing the studies and mapping and obtaining the easement required by the special conditions to be time consuming. In order to enable the remainder of the project to proceed, the applicant is proposing to delete the portion of the project that requires habitat mitigation. Only the Pulga Canyon feeder line has potential habitat impacts and only that portion of the project triggers the open space and mitigation conditions. If applicant removes this portion of the project, the habitat special conditions are no longer necessary. Therefore, the applicant is requesting that the corresponding environmentally sensitive habitat Special Conditions also be eliminated from the permit approval.

The applicant is not requesting any modifications to the special conditions required on the remaining portion of the original permit approval. The Pulga Canyon environmentally sensitive habitat special conditions, which addressed habitat mitigation and a deed restriction for open space and habitat preservation will no longer apply. The remaining special conditions regarding public access, water quality and natural hazards will remain in effect. In the original permit approval, the Commission found that those conditions were necessary in order to find the project consistent with the relevant provisions of Chapter 3 of the Coastal Act. Therefore, the Commission finds that deleting the Pulga Canyon lateral sewer line from the original project, along with the previously imposed relevant special conditions, will have no adverse impacts on coastal resources and is consistent with the Commission's original permit approval.

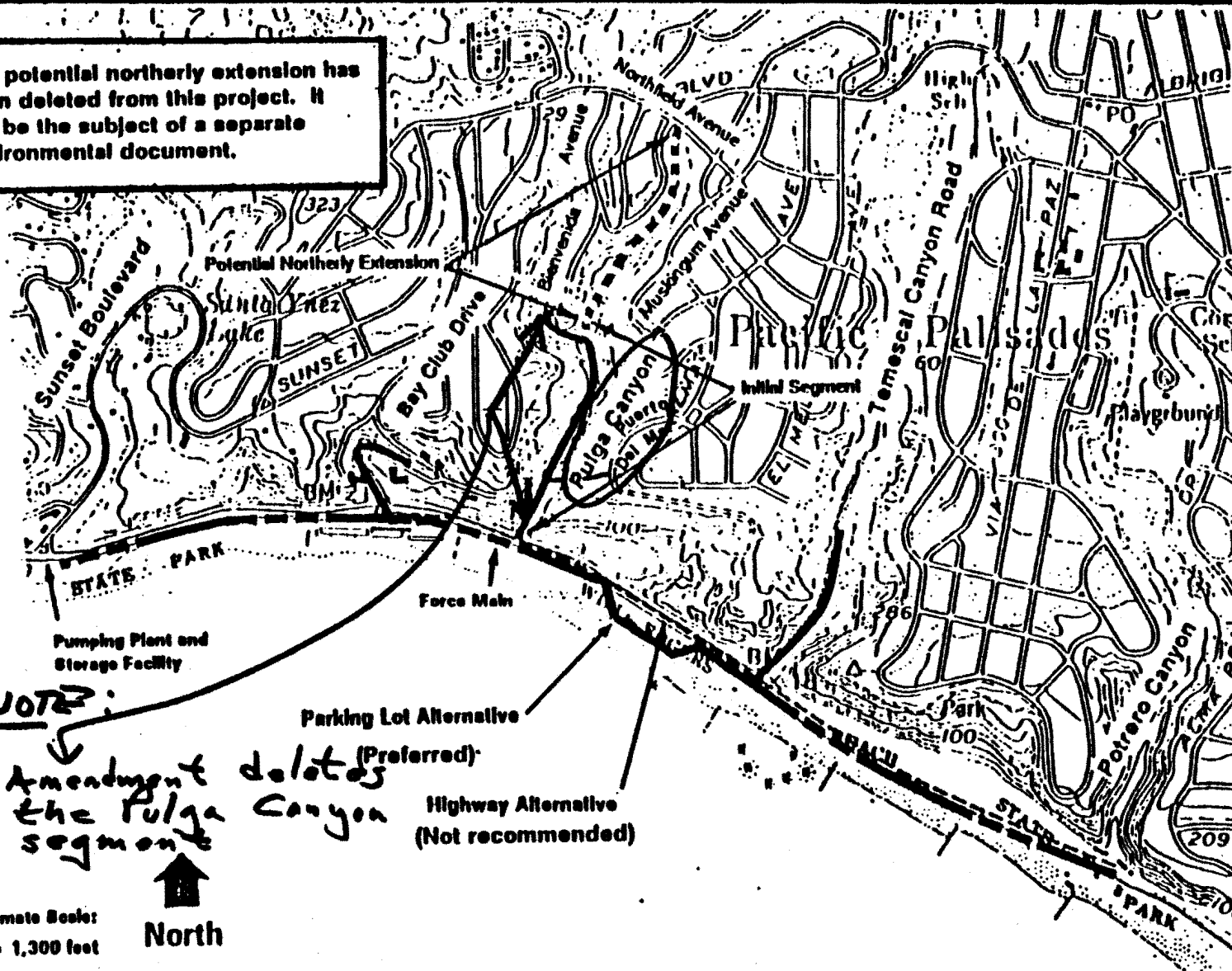


S-93-096

Exhibit A

S-93-096A

The potential northerly extension has been deleted from this project. It will be the subject of a separate environmental document.



Sunset Pumping Plant and Force Main Environmental Impact Report

Revised Figure For Figure S-1
and Figure 1-2
Project Location