

CALIFORNIA COASTAL COMMISSION

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

Filed: 4/11/96
49th Day: 5/30/96
180th Day: 10/8/96
Staff: AJP-Long Beach
Staff Report: 5/7/96
Hearing Date: 6/11-14/96
Commission Action:



STAFF REPORT: REGULAR CALENDAR

Th 106

APPLICATION NO.: 5-96-063

APPLICANT: Southern California Gas Company AGENT: Joyce A. Padleschat

PROJECT LOCATION: 8141 Gulana Ave., Playa del Rey, Los Angeles County.

PROJECT DESCRIPTION: Excavation of approximately 500 cubic yards of crude oil impacted soil and site restoration.

Lot area: approximately 15 acres
Plan designation: Wetland/Open space

LOCAL APPROVALS RECEIVED: Approval In Concept #96-013

SUBSTANTIVE FILE DOCUMENTS: Playa Vista Environmental Impact Report No. 90-0200; Playa Vista Land Use Plan.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval with no special conditions

STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval.

The Commission hereby grants a permit for the proposed development on the grounds that the development will be 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. 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. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. 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.
7. 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.

IV. Findings and Declarations.

The Commission finds and declares as follows:

A. Project Description

The applicant proposes to excavate approximately 500 cubic yards of crude oil impacted soil and site restoration. The impacted soil will be loaded and transported by trucks to an off-site thermal desorption treatment facility. Upon completion of excavation the excavated area will be backfilled in tow stages. The first stage will be backfilling to above the water table during the excavation with crushed rock. A geotextile filter fabric will then be placed over the crushed rock. The second stage will consist of backfilling to finished grade after all the excavation activities are completed. Nutrients and amendments will be added to the backfill soil to assist in the growth of natural vegetation.

The project will commence immediately after the applicant has received their coastal permit. The project is expected to be completed within five working days.

The project site is located south of Jefferson Boulevard, just below the Westchester bluffs within the Playa del Rey Trap Area Gas Storage Facility, in Playa del Rey, City of Los Angeles. The area is known as Area B of the Ballona Wetlands in the City of Los Angeles' Land Use Plan.

The site is in the eastern portion of Gas Storage Facility. The area is situated on historic fill materials consisting of sand, clay and construction rubble. The site is along a cyclone fence, which marks the southern property boundary, and within a swale. The swale is man-made, formed by opposing slopes of a well pad on the north and a graded hill to the south.

The site is bounded on the south by residential development, to the west by gas production facilities, and on the north and east by undeveloped land owned by the City of Los Angeles.

Background

Through the California Coastal Act's Local Coastal Program (LCP) process, Los Angeles County developed a Land Use Plan (LUP) for the Ballona Wetlands. The plan divided the area into four subareas, Areas A, B, C, and D (Area D is outside of the coastal zone). The Commission certified the LUP with suggested modifications that were eventually accepted by the County. Several years after the completion of the LUP, the City of Los Angeles annexed parts of the County's LCP area, encompassing Areas B and C, into the City. The City developed an LUP, similar to the County's LUP, and it was certified with suggested modifications, which were accepted by the City.

The City's LUP identified the appropriate land uses for the areas within its jurisdictions. The planning for the 385-acre Area B allow for a minimum 209 acre habitat Management Area, including 175 acres of restored wetlands, buffers and ecological support areas, a public interpretive center; up to

2,333 dwelling units, up to 70,000 square feet of "convenience commercial"; and private recreation open space to serve new residents. For Area C the plan allows for up to 2,032 dwelling units, 50,000 square feet of general office, and 100,000 square feet of retail commercial.

In response to certification of the County of Los Angeles, and later the City of Los Angeles', LUP, the Friends of Ballona Wetlands, and several other groups, filed a law suit challenging the certification of the coastal Land Use Plan (Friends of Ballona Wetlands, et al v. California Coastal Commission, et al. Superior Court of the State of California, County of Los Angeles, Case No. 525-826). Maquire Thomas Partners-Playa Vista (MTP-PV) acquired management control of Playa Vista and worked with the parties involved in the lawsuit to resolve the issues raised by the litigation. Subsequently, Maquire Thomas partners entered into a Settlement Agreement with the Friends of Ballona Wetlands. Under the Settlement Agreement MTP-PV agreed to eliminate residential development on wetlands in Area B, to downscale commercial development substantially, and to eliminate residential development on an eight acre parcel on the southwest border of the salt marsh. These changes would reduce the amount of residential development in Area B from 2,333 dwelling units allowed by the LUP to 1,800 units, and would reduce the amount of commercial development in area B from 70,000 square feet of "convenience commercial" allowed in the LUP to 20,000 square feet. Under these changes, all such development in Area B would be restricted to the area north of Jefferson Boulevard.

B. Wetlands

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30233 of the Coastal Act states

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(7) Restoration purposes.

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.

The Coastal Act clearly recognizes that wetlands are important resources. Coastal wetlands provide spawning, nursery, and foraging areas for many species of marine fish. Coastal wetlands are also essential wintering habitats for many species of migratory shore birds and water fowl that use these areas for resting places during their annual migrations. These Coastal wetlands also provide habitat for many endangered species, including the California least tern, the light-footed clapper rail, the California clapper rail, Belding's savannah sparrow and the salt marsh harvest mouse, to name a few.

As stated the proposed project is located within an area (Area B) that has been identified to contain wetlands and is designated for wetland restoration. While the project site is adjacent to an area designated for wetland restoration, the area is not a mapped wetland. The oil impacted soil and proposed excavation and restoration is located outside of any wetland habitat area as identified under coastal development permit #5-91-463 (see

Exhibit 3). Furthermore, the applicant also conducted a preliminary wetlands delineation survey at the site. The survey concluded, consistent with permit #5-91-463, that the area of the proposed project is outside of any area that is considered wetlands.

In coastal development permit #5-91-463 the Commission approved the development of a 33.3 acre freshwater marsh restoration project within Area B, and a 25 acre riparian corridor located outside of the coastal zone in Area D (east of Lincoln Boulevard). The proposed riparian corridor will be located along the base of the Westchester Bluffs, connection with the southern tip of the proposed freshwater marsh located on the western side of Lincoln Boulevard.

Based on soil sampling conducted by the applicant, approximately 500 cubic yards of soil is impacted. The impacted soil is located within a 6-foot wide swale, which extends approximately 320 feet along the swale plus a bell-shaped area. The source of the oil is unknown, however, the source is not from a ruptured pipe or underground seep.

The overall remedial plan for the site includes excavation of crude oil impacted soil, loading, transportation of excavated materials, verification soil sampling of the excavation, importing fill materials, and site restoration activities. Depending upon depth of contamination and depth to groundwater at individual locations along the swale, construction dewatering may be required during excavation. The excavation activity will be monitored using a portable PID (Photo ionization detector) organic vapor analyzer. An odor mitigation plan consisting of water misting and/or citrus scented misting will be implemented.

Dust suppression will also be managed with water spraying during the excavation and transfer of soil. In the event of rain or windy conditions all stockpiled material will be covered to prevent dispersion of any of the contaminated soils. However, the entire operation will take approximately only five days and stockpiled soil will be picked up immediately (generally within one day).

Construction dewatering will be accomplished by excavating a dewatering trench at the excavation area in five to ten foot intervals. The water will be pumped from the excavation trench to a Baker tank. The water will be pumped into the Gas Company's on-site tank farm and water discharge system which is permitted by the Los Angeles County Sanitation District.

Upon completion the excavated area will be backfilled and the site restored to its original grade. Nutrients and amendments will be added to the backfill soil to assist in the growth of natural vegetation. Access to the site will be via existing access roads that are used to maintain the gas wells in the area.

The clean-up goal will be based on soil screening levels, as published in the Los Angeles Regional Water Quality Control Board document entitled "Soil Screening Levels, Interim Guidance for Remediation of Petroleum Impacted Sites".

The proposed project will eliminate a potential contamination hazard to the surrounding wetlands and the biotic resources of the wetlands and will not

adversely impact any wetland resources within the area. The Commission, therefore, finds that the proposed project will be consistent with past Commission permit action for the area and will be consistent with Sections 30230, 30231, and 30232 of the Coastal Act.

C. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act:

- (a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200 of the division and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

In November 26, 1986, the commission certified, with suggested modifications, the Land Use Plan portion of the City of Los Angeles, Playa Vista segment, Local Coastal Program.

The LUP contains a three-phase development program designed to integrate and coordinate development between Areas A, B, and C. Within each phase, certain infrastructure improvement and habitat enhancement activities were required to occur in conjunction with programmed development in each of the three areas before development programmed for subsequent phases could commence. The proposed project, which is a remedial activity that will enhance any future wetland restoration, will not impact the phasing program of the LUP. The Commission, therefore, finds that the proposed project is consistent with the Chapter 3 policies of the Coastal Act and will not prejudice the ability of the City to prepare a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

D. CEQA

Section 13096 of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

The proposed project is consistent with the applicable policies of the Coastal Act. There are no feasible alternatives or mitigation measures available

which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.

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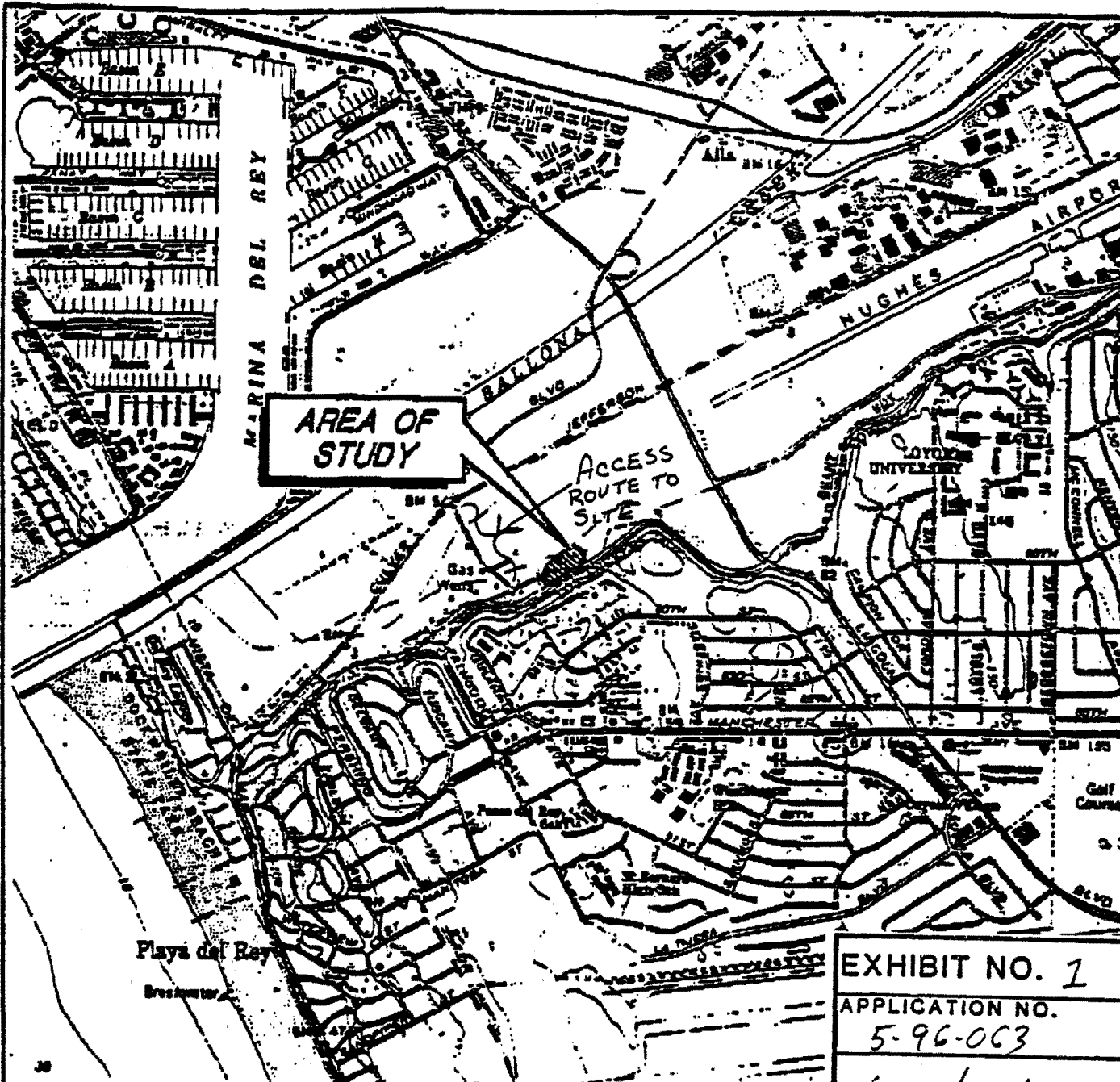


EXHIBIT NO. 1

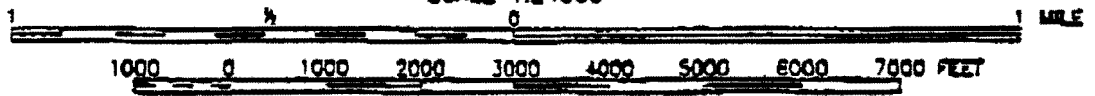
APPLICATION NO.

5-96-063

Vicinity Map



SCALE 1:24000



Harding Lawson Associates
Engineering and
Environmental Services

VICINITY MAP
Southern California Gas Company
Playa Del Rey Gas Storage Facility
Playa Del Rey, California

DRAWN
JCM

PROJECT NUMBER-TASK
25988.4

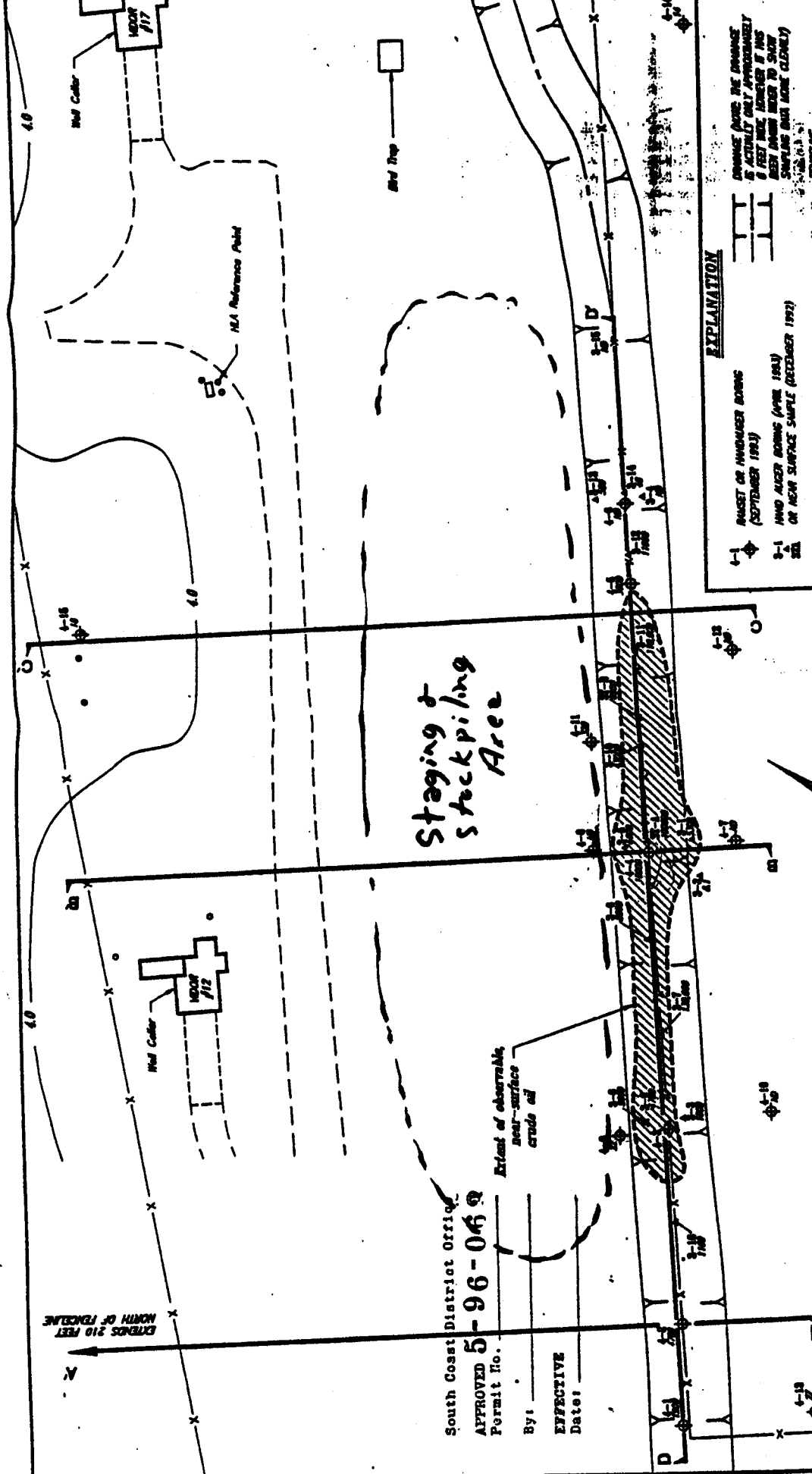
APPROVED
CRS

DATE
10/93

REVISED DATE

PLATE
1

DATE: 11/83



Staging & Stockpiling Area

South Coast District Office
 APPROVED **5-96-069**
 Permit No. _____
 By: _____
 EFFECTIVE Date: _____

Extent of observable near-surface crude oil

EXPLANATION

- 4-15 4-16 4-17 4-18 4-19 4-20 4-21 4-22 4-23 4-24 4-25 4-26 4-27 4-28 4-29 4-30 4-31 4-32 4-33 4-34 4-35 4-36 4-37 4-38 4-39 4-40 4-41 4-42 4-43 4-44 4-45 4-46 4-47 4-48 4-49 4-50 4-51 4-52 4-53 4-54 4-55 4-56 4-57 4-58 4-59 4-60 4-61 4-62 4-63 4-64 4-65 4-66 4-67 4-68 4-69 4-70 4-71 4-72 4-73 4-74 4-75 4-76 4-77 4-78 4-79 4-80 4-81 4-82 4-83 4-84 4-85 4-86 4-87 4-88 4-89 4-90 4-91 4-92 4-93 4-94 4-95 4-96 4-97 4-98 4-99 4-100
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EXHIBIT NO. 2.
APPLICATION NO.
5-96-063
Site Plan



Harding Laveon Associates
 Engineering and
 Environmental Services

PROJECT NUMBER: 25988.4

DATE: 10/83

DATE: 11/83

PAGE 2

SITE PLAN
 Southern California Gas Company
 Playa Del Rey, California

local coastal program

marina del rey/ballona

map 14

PRESENT STATUS OF THE BALLONA REGION








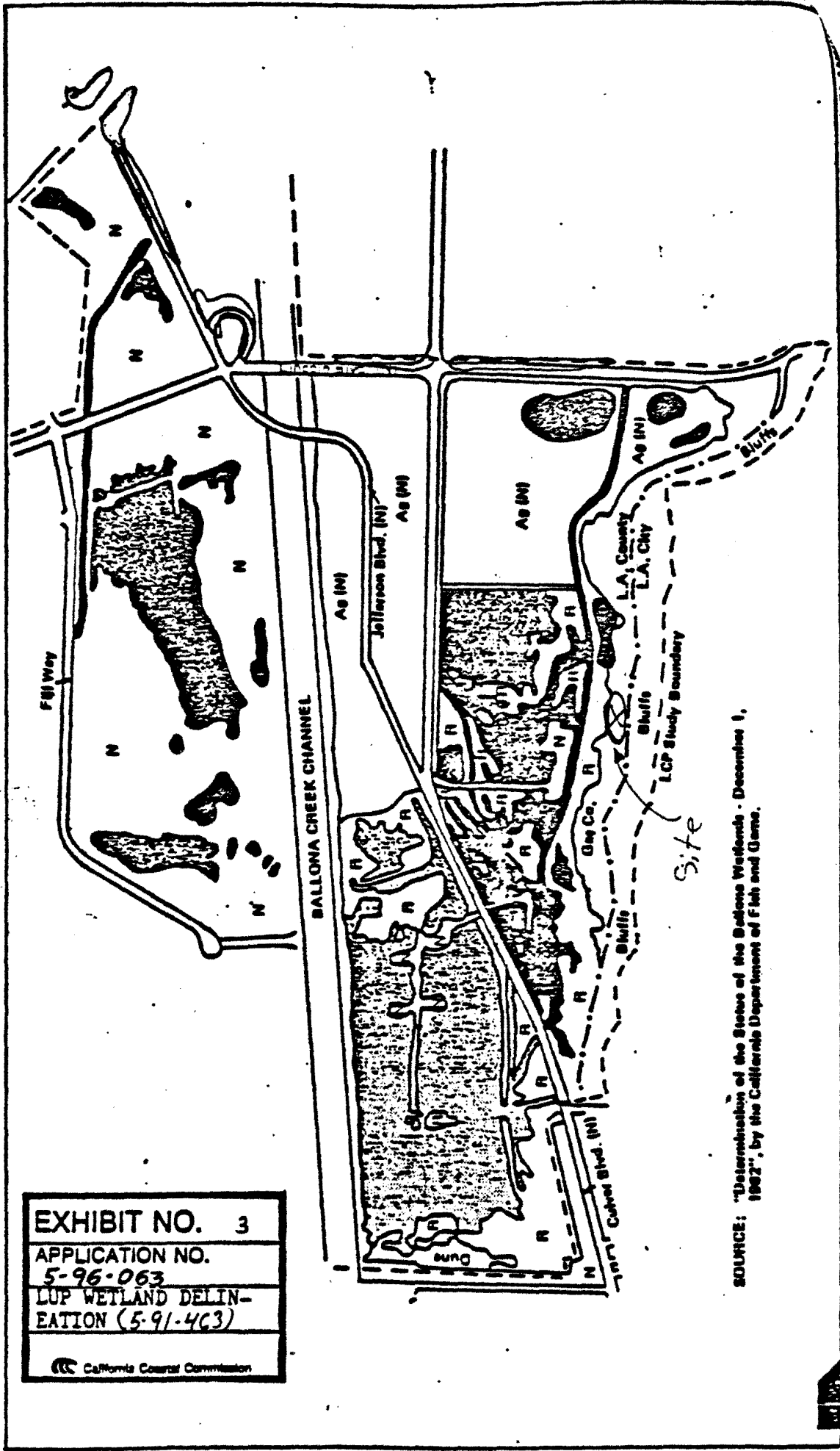
	Non-upgraded wetlands		Formerly restorable former wetland		Former wetlands Agricultural Field
	Degraded wetland		Former wetland not feasibly restorable		Environmentally sensitive upland

EXHIBIT NO.	3
APPLICATION NO.	5-96-063
LUP WETLAND DELINEATION	(5-91-463)
 California Coastal Commission	



SOURCE: "Determination of the Status of the Ballona Wetlands - December 1, 1962", by the California Department of Fish and Game.