

CALIFORNIA COASTAL COMMISSION

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

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49th Day: 7-29-96
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Staff: JLR J7K
Staff Report: 6-18-96
Hearing Date: July 9-12, 1996
Commission Action:



RECORD PACKET COPY

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 5-96-072

APPLICANT: City of Los Angeles Bureau of Engineering

PROJECT LOCATION: Northerly terminus of Marquette Street (off Las Casas Ave.),
Pacific PalisadesPROJECT DESCRIPTION: construct a 24" plastic pipe storm drain, approximately
100 feet in length, to include a concrete box energy dissipator located on a
slope adjacent to the terminus of Marquette Street.

LOCAL APPROVALS RECEIVED: Approval in Concept, City of Los Angeles

COASTAL ISSUES: (1) Natural Hazards
(2) Biological ProductivitySUMMARY OF STAFF RECOMMENDATION:

Staff is recommending approval with a special condition regarding natural hazards.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, 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 Acknowledgement. The permit is not valid and construction 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 construction has not commenced, the permit will expire two years from the date on which the Commission voted on the application, or in the case of administrative permits, the date on which the permit is reported to the Commission. Construction 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 construction must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions 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 of 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.

III. SPECIAL CONDITIONS

1. City Assumption of Risk

Prior to issuance of the Coastal Development Permit, the applicant shall submit a signed document which provides that: (a) the applicant understands that the site may be subject to extraordinary hazard from landslides, storms, flooding, slumping and erosion and the applicant assumes the liability from such hazards; and (b) the applicant unconditionally waives any claim of liability on the part of the Commission and agrees to indemnify and hold harmless the Commission, its officers, agents and employees relative to the Commission's approval of the project for any damage due to such hazards.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

A. Project Description and Location

The applicant proposes to construct a 24" plastic pipe storm drain to include a concrete box energy dissipator. The subject site is located on a slope of Las Pulgas Canyon in Pacific Palisades, a planning subarea of the City of Los Angeles. The canyon is undeveloped within this area and contains a water course that flows year round. Following is a more detailed project description as submitted by the City:

A Coastal Development Permit (CDP) application for the above-captioned project is attached for your consideration. The project will construct a storm drain system to convey flows from Marquette Street to the watercourse in Las Pulgas Canyon. The old storm drain at this location has been displaced due to storm activity and the inherently poor structural integrity of local geology. A 24" diameter plastic drain pipe will be entrenched in the undeveloped portion of the right-of-way for Marquette Street. The concrete box outlet structure has been designed to control erosion of the watercourse. The project also includes work within the developed roadway which does not require a CDP, including pavement repair, curb and gutter, chain link fence and wooden warning rail...

Marquette Street is located west of Las Pulgas Canyon in the Pacific Palisades area. The street slopes towards and terminates at the west cliff face of the canyon. The west cliff face is approximately 50 feet high and portions are near vertical. A year round active stream is at the bottom of the canyon. Currently, rain and irrigation water collect at the west end of Marquette street and then flow surficially into the adjacent canyon. Runoff from Marquette Street has eroded a deep erosion gully into the cliff face. During periods of heavy rainfall the erosion gully migrates headward destroying the roadway. The sides of the erosion gully are near vertical.

B. Natural Hazards:

Section 30253 of the Coastal Act provides in part:

New Development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The proposed storm drain is located on the slope of a canyon at the terminus of Marquette Street. The subject site is located in an area that is subject

to natural hazards. Natural hazards common to this area include landslides, erosion, flooding and slumping. The applicant's Geotechnical report, prepared by the City of Los Angeles Department of Public Works, dated December 27, 1995, acknowledges that older landslide debris is located on the south side of the erosion gully and a more recent landslide is located in the lower portion of the eroded gully. The applicant's geologic report concludes that the project, as designed, to include an energy dissipator, hand excavation, minimum use of heavy equipment, entrenchment of the pipe and backfilling of the trench will minimize runoff at the site. However, erosion of the site will continue due to natural forces, but at a greatly reduced rate.

Natural hazards common to this area include landslides, erosion, flooding and erosion. Within the Pacific Palisades area, the Commission, in previous permit actions on development has found that there are certain risks associated with hillside development that can never be eliminated. The proposed project includes measures to assure geologic stability and minimize risks from natural hazards. Because of the uncertainty of future natural hazards that may occur on the site, the Commission is imposing a special condition requiring the City to submit evidence to indemnify and hold harmless the Commission's approval of the project for any damage due to natural hazards. Only as conditioned for an assumption of risk, can the Commission find that the proposed project is consistent with Section 30253 of the Coastal Act.

C. Biological Productivity of Coastal Streams

The following Coastal Act Sections are relevant:

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.

The proposed project involves replacement of a portion of a damaged storm drain that discharges into Las Pulgas Canyon. According to information submitted by the City, the site has been previously subjected to severe

erosion and contains no vegetation considered to have any significant ecological value. Following is an excerpt from a City report:

Most of the excavation will take place within a severe erosion gully that has been created by runoff from the roadway. This erosion gully is largely unvegetated (see enclosed photos). An informal biological site survey was conducted on 04-05-96 when the site was posted. Substantial additional earth movement has occurred since the enclosed were taken. Vegetation present at the site is largely opportunistic ruderal species. Ivy and anise were observed on the slopes; miscellaneous grasses are growing near the watercourse where the outlet structure will be located. The vegetation is not considered to have any significant ecological value. The slope to either side of the erosion gully is covered with ivy and it is likely that the ivy will encroach upon the erosion gully over time.

The outlet structure is an integral component of the drain system which is necessary to limit erosion of the watercourse. It would not be environmentally superior to eliminate it. Relocation is not recommended due to the existing geology. The structure must be located so that it discharges directly into the watercourse, otherwise, a channel will erode between the structure and the watercourse.

In addition, the City obtained permit approval from the California Department of Fish and Game (CDFG) that the proposed project, as designed, will have no adverse impact of water quality or natural resources. Following is excerpt from a CDFG letter:

The Department of Fish and Game (Department) has reviewed the information, photographs and designs you provided by letter dated May 10, 1996 regarding the Marquette Street Terminus Erosion Control Project (E4000167). Based on the following: (1) The designs and information provided indicate appropriate measures will be taken to minimize impacts to fish and wildlife resources to less than substantially adverse levels, including but not limited to the fact that the proposed facilities will not be located within the existing watercourse, all work will be completed without disturbance to the watercourse, and the erosion outlet structure is designed to dissipate hydraulic energy and minimize erosion of the watercourse.

Therefore, the Commission finds that the proposed project has been designed to minimize adverse impacts on natural resources. The Commission further finds that, as designed, the proposed project will protect and enhance biological productivity within the streambed of Las Pulgas Canyon, consistent with the provisions of Section 30230 and 30231 of the Coastal Act.

D. Local Coastal Program:

Section 30604 (a) of the Coastal Act states that:

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 this 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).

The City of Los Angeles has not prepared a draft Land Use Plan for this planning subarea. However, approval of the proposed development, as conditioned to minimize risks from natural hazards, will not prejudice the City's ability to prepare a certifiable Local Coastal Program. The Commission, therefore, finds that the proposed project is consistent with Section 30604 (a) of the Coastal Act.

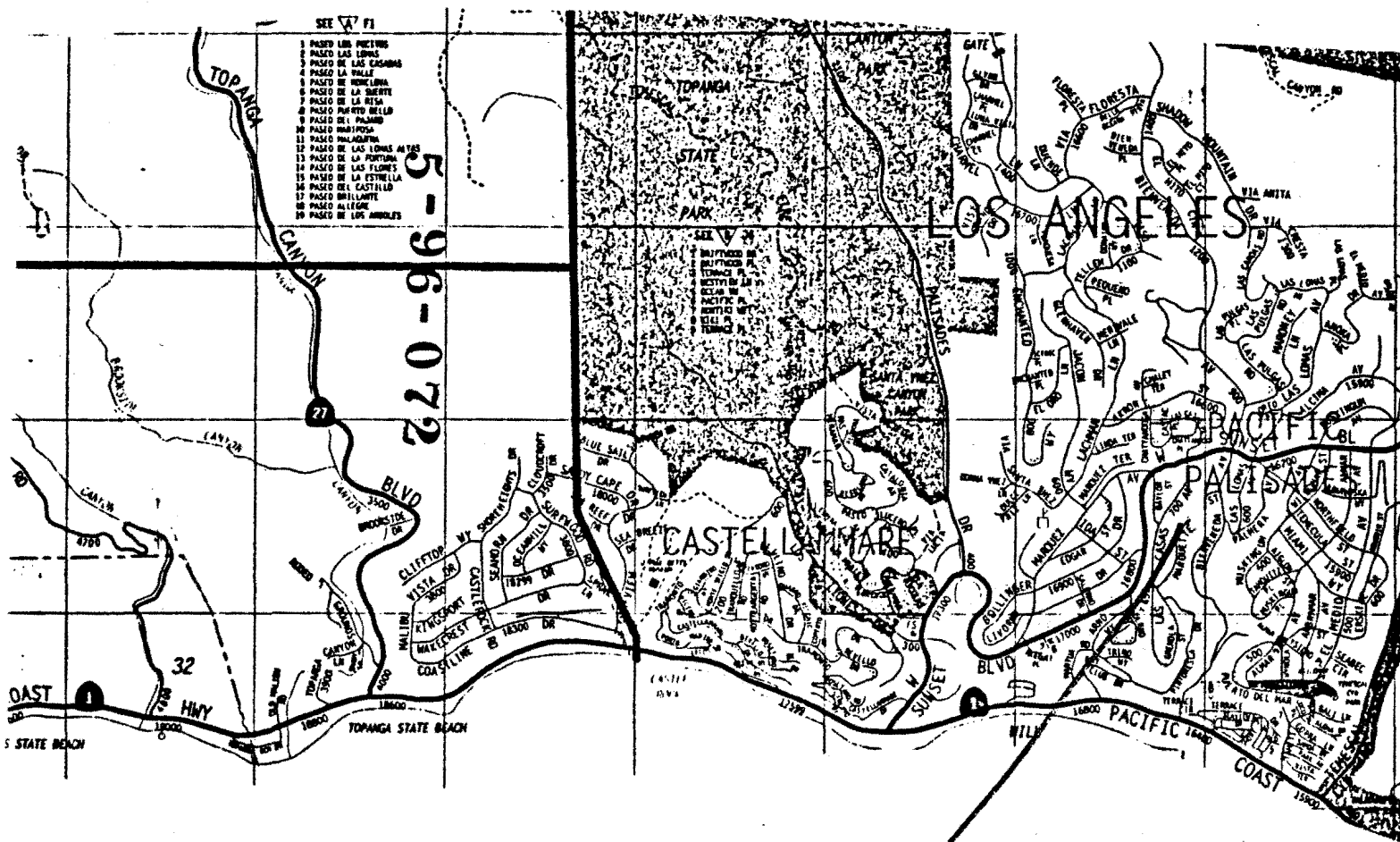
E. Consistency with the California Environmental Quality Act (CEQA).

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of the Coastal Development Permits to be supported by a finding showing the permit, as conditioned, 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 has been conditioned in order to be found consistent with the natural hazards policies of the Coastal Act. Mitigation measures included in the applicant's geotechnical report will assure geologic stability and minimize risks from natural hazards. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

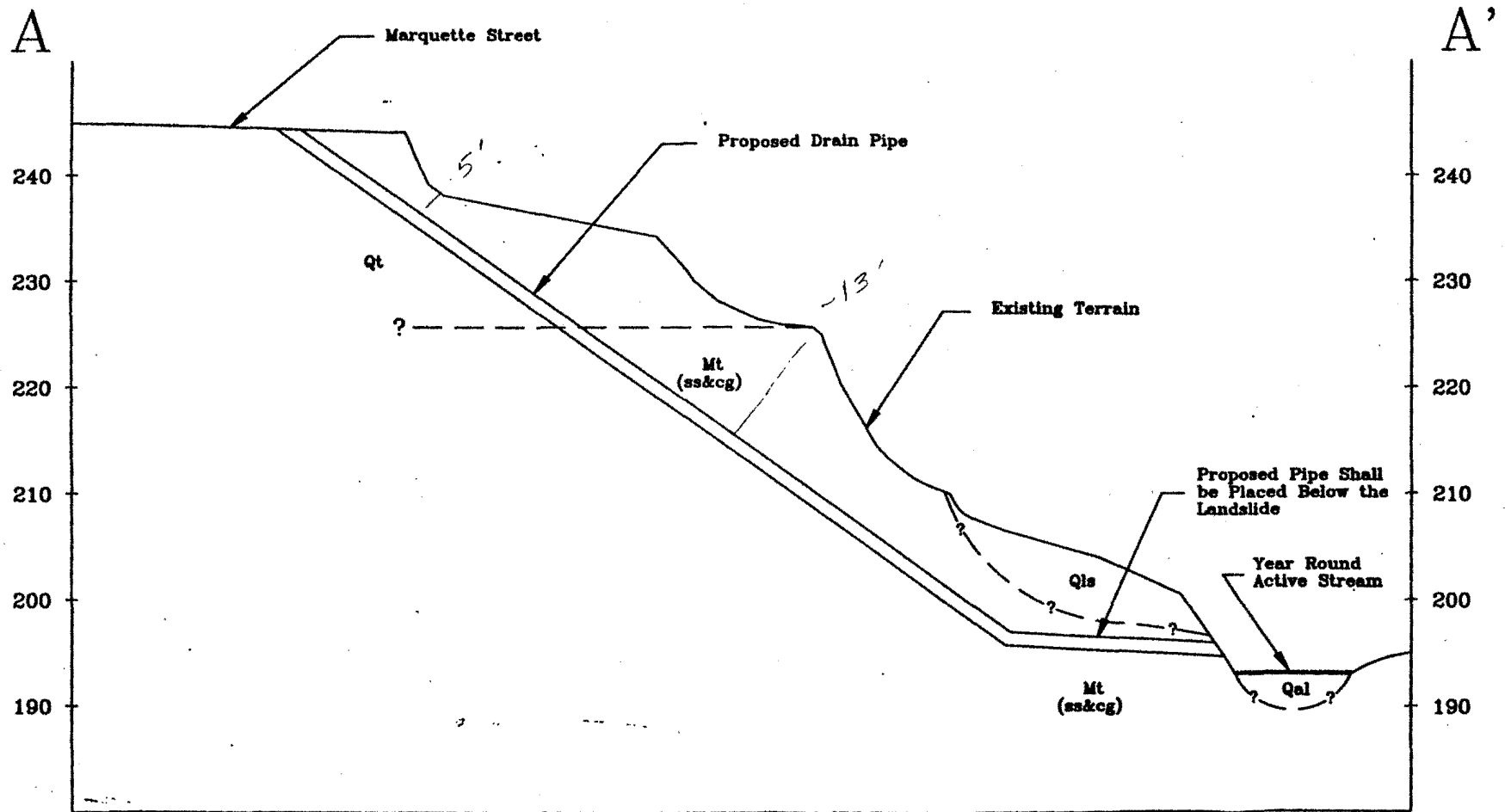
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5-96-072

Exhibit A
5-96-072



W.O. E4000167
 Marquette Street Erosion Control

Section A-A'

Scale H&V: 1"=10'

BUREAU OF ENGINEERING STRUCTURAL AND GEOTECHNICAL ENGINEERING DIVISION		
FIGURE 2		
File No. 95-130-2	Date 11/29/85	
Drawn by P.C.	Chk. by P.C.	Sup. by M.P.B.

5-96-072
 Exp. file C

Section A-A''
 Scale H&V

190

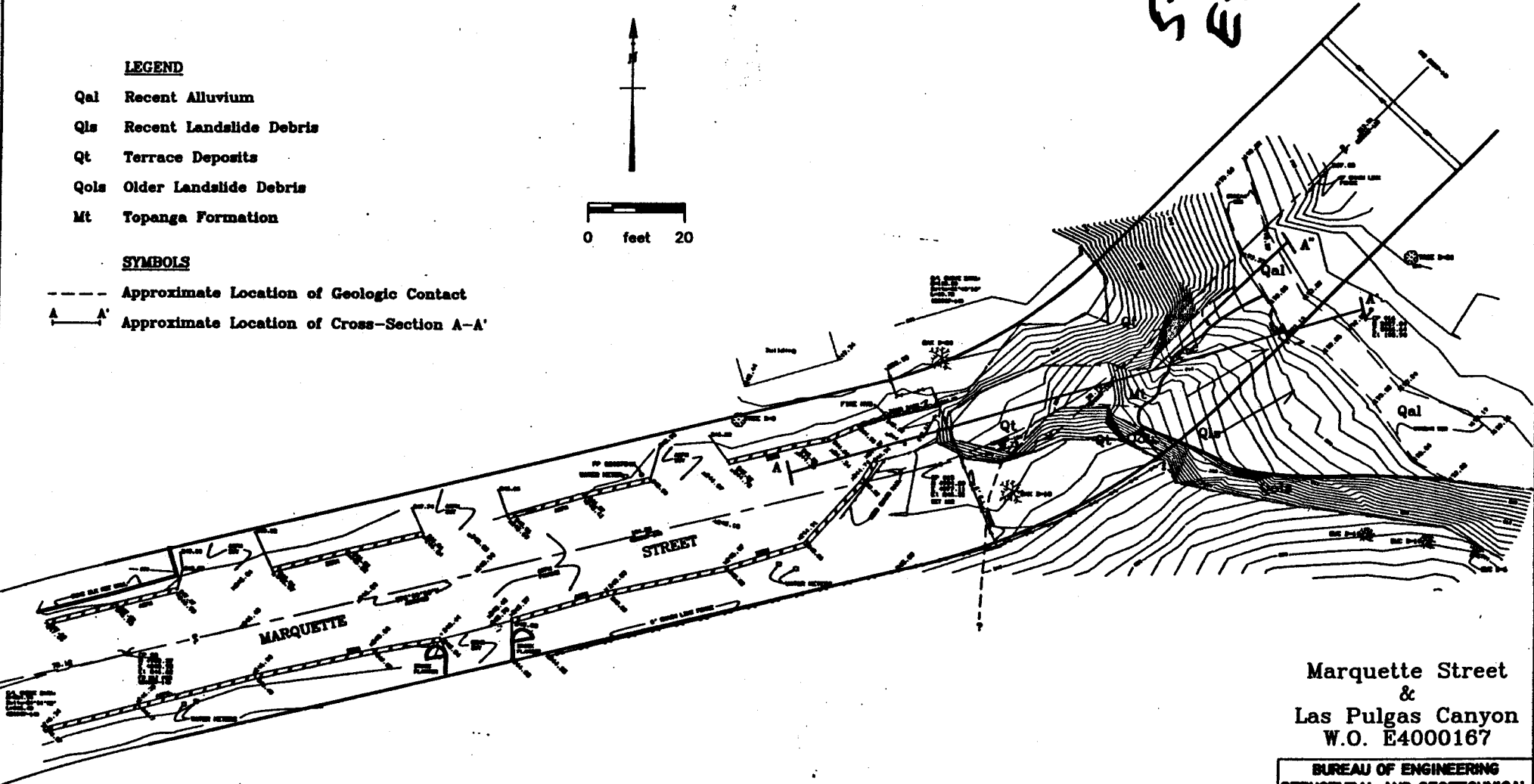
S-96-072
Exhibit D

LEGEND

- Qal Recent Alluvium
- Qls Recent Landslide Debris
- Qt Terrace Deposits
- Qols Older Landslide Debris
- Mt Topanga Formation

SYMBOLS

- Approximate Location of Geologic Contact
- A—A' Approximate Location of Cross-Section A-A'



Marquette Street
&
Las Pulgas Canyon
W.O. E4000167

BUREAU OF ENGINEERING STRUCTURAL AND GEOTECHNICAL ENGINEERING DIVISION	
FIGURE 1	
File No. 95-130-1	Date 11/29/95
Drawn by P.C.	Checked by P.C. Design by M.P.B.

Looking toward stream bed



1 OF 10



5-96-072 Exhibit E

Looking toward St. Terminus Arch Ex. fence. Kei A Dec 95

SI FO 8



5-96-072
Exhibit F

looking @ Ex. camp and toward St. terminus.

December 95

Kevin. Argaman.