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STATE OF CALIFORNIA - THE RESOURCES AGENCY

PETE WILSON, *Governor*

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4302
(562) 590-5071

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STAFF REPORT: PERMIT AMENDMENT

RECORD PACKET COPY

APPLICATION NO.: 5-95-152-A3

APPLICANTS: Ballona Lagoon Marine Preserve (BLMP), California State Coastal Conservancy, and City of Los Angeles

AGENT: Terri S. Vitar, Michael Brandman Associates

PROJECT LOCATION: Ballona Lagoon and lagoon buffer along the east bank, Venice, City of Los Angeles, Los Angeles County.

DESCRIPTION OF PROJECT ORIGINALLY APPROVED (5-95-152):

Restoration and enhancement of Ballona Lagoon including public access improvements, revegetation of the lagoon buffer with native vegetation, and implementation of a five-year monitoring program.

DESCRIPTION OF FIRST AMENDMENT (5-95-152-A1):

Amend previously approved Ballona Lagoon Enhancement Plan to include dredging of a deep water pool, minor grading and channelization in an existing intertidal area, removing a concrete platform structure from the lagoon, converting 0.13 acres of upland area to intertidal habitat area, using dredge materials for beach replenishment, and implementing a revised ten-year monitoring program.

DESCRIPTION OF SECOND AMENDMENT (5-95-152-A2 minor):

Add Lot 1 Block 17 of Silver Strand to the project area, etc...

DESCRIPTION OF CURRENT AMENDMENT REQUEST (5-95-152-A3):

Amend previously approved Ballona Lagoon Enhancement Plan to place protective riprap at the tide gate entrance and implement a revised revegetation plan for the east bank of Ballona Lagoon.

SUMMARY OF STAFF RECOMMENDATION FOR CURRENT AMENDMENT REQUEST

This application represents the applicants' voluntary resolution of an incident in February 1997 involving unpermitted grading on the east bank of Ballona Lagoon. With the successful completion of the proposed project, the applicants will have restored damage that occurred to the east bank vegetation due to the grading. The staff recommends that the Commission determine that the proposed amendment, subject to the condition below, is consistent with the Chapter 3 policies of the Coastal Act. The applicants agree with the recommendation.

SUBSTANTIVE FILE DOCUMENTS:

1. Coastal Development Permit 5-95-152 & amendments.
2. Coastal Development Permit A-266-77 (ILA) & amendment.
3. Ballona Lagoon Enhancement Plan, California State Coastal Conservancy & BLMP, August 1992.
4. Coastal Commission Conceptual Review CP-1-93 for Ballona Lagoon Enhancement Plan (Coastal Conservancy).
5. Ballona Lagoon Enhancement Plan, Phase 1 Implementation, October 20, 1993, California State Coastal Conservancy File No. 87-037.
6. Ballona Lagoon Enhancement Plan, Phase 2 Implementation, May 16, 1996, California State Coastal Conservancy File No. 87-037.
7. Negative Declaration (CEQA) for Ballona Lagoon Enhancement Plan, Phase 1, SCH# 93041063, 10/20/93.
8. Negative Declaration (CEQA) for Ballona Lagoon Enhancement Plan, Phase 2 SCH# 96021062, 3/29/96.
9. California Department of Fish & Game review letter, 7/16/96.
10. U.S. Fish & Wildlife Service review letters, 7/26/95 & 3/5/97.
11. National Marine Fisheries Service review letter, 7/17/95.
12. California Regional Water Quality Control Board letter, 1/4/96.
13. U.S. Army Corps of Engineers Permit Application, 4/25/95.
14. Ballona Lagoon Enhancement Ten-Year Monitoring Plan, July 1996.
15. Birds of Ballona, by Dock & Schreiber in Biota of the Ballona Region, 1981.
16. Coastal Development Permit 5-86-641 (Lee) & amendments.
17. Coastal Development Permit 5-93-156 (Hughes)

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 in the project description which also affects conditions required for the purpose of protecting coastal resources. 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 13166].

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Condition

The Commission hereby grants, subject to the condition below, an amendment to the permit for the proposed development on the grounds that the development and the amendment, as conditioned, 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, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies 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 Condition

Note: The special conditions and all standard conditions of Coastal Development Permit 5-95-152 and amendment 5-95-152-A1 remain in full force and effect and are unaltered by this amendment.

1. No Grading

The approval of amendment 5-95-152-A3 does not permit any grading or allow the use of any heavy machinery on the east bank of Ballona Lagoon. All work in the east bank area shall be conducted with hand tools only.

III. Findings and Declarations

The Commission hereby finds and declares:

A. Amendment Description and Project History

The applicants have requested to amend the permit for the Ballona Lagoon Enhancement Plan in order to receive Commission approval to place protective riprap at the tide gate entrance and to implement a revised revegetation plan for the east bank of Ballona Lagoon.

The restoration work and enhancement of Ballona Lagoon approved by Coastal Development Permit 5-95-152 & amendments (Ballona Lagoon Enhancement Plan) commenced in late February this year. A concrete platform structure was removed from the lagoon, a deep water pool was dredged near the tide gates at

the lagoon entrance, minor grading and channelization improved water circulation, and non-native vegetation was removed from the east bank. In addition, a public overlook has been constructed at the tide gates and the existing public access path on the east bank has been improved. The previous Commission approvals require that a ten-year monitoring program be implemented in order to track the health of Ballona Lagoon and the success of the enhancement project.

Although the Commission has already approved a revegetation plan using native coastal strand plants on the east bank, the Commission must now review the revisions to that plan which have been submitted as part of this amendment request. The revisions to the revegetation plan are necessary because additional areas on the east bank must be revegetated after they were graded in error during the restoration work removing non-native vegetation. The proposed revisions to the revegetation plan involve planting native coastal strand plants in all areas which do not currently have established native plant regimes on the east bank between the water and the public access path (Exhibit #2).

This amendment also requests the Commission's approval for the placement of protective riprap around the tide gate pipes at the lagoon entrance (Exhibit #3). The proposed riprap, which was not shown on the plans previously approved by the Commission, was put in place following the dredging of the previously approved deep water pool at the south end of the lagoon. The proposed riprap was placed around the tide gate pipes to prevent scour and undercutting of the lagoon's banks when water rushes in and out of the lagoon with the tides.

On January 10, 1996, the Commission granted partial approval of the Ballona Lagoon Enhancement Plan by approving Coastal Development Permit 5-95-152 (Ballona Lagoon Enhancement Plan). The Ballona Lagoon Enhancement Plan was developed in 1992 by the California State Coastal Conservancy and the Ballona Lagoon Marine Preserve (BLMP), a non-profit group consisting of members of the local community, to restore and enhance the hydrology, marine habitats, and public recreational opportunities in and adjacent to Ballona Lagoon. The BLMP, the California State Coastal Conservancy, and the City of Los Angeles are co-applicants in the permitting process.

On August 16, 1996, the Commission approved an amendment to Coastal Development Permit 5-95-152 (Ballona Lagoon Enhancement Plan). The first amendment approved the in-water components of the Ballona Lagoon Enhancement Plan which were not approved by the original permit on January 10, 1996. Amendment 5-95-152-A1 approved the following: 1) dredging of a deep water pool at the south end of the lagoon, 2) minor grading and channelization in an existing intertidal area at the north end of the lagoon, 3) removing a 30'x30' concrete platform structure from the lagoon, 4) converting 0.13 acres of upland area on the lagoon's east bank to intertidal habitat area, 5) using dredge materials for beach replenishment, and 6) implementing a revised ten-year monitoring program.

Coastal Development Permit 5-95-152 (Ballona Lagoon Enhancement Plan) was amended a second time in February 1997. Amendment 5-95-152-A2 altered special

condition six of the original approval in order to add Lot 1 Block 17 of Silver Strand Tract to the project area, and to postpone construction activities in the lagoon buffer area located on Lot 4 Block 9 of Silver Strand Tract until such time as the lot owner provides the applicants with written authorization granting right of entry to undertake the development approved by the amended permit. Amendment 5-95-152-A2 was approved as a minor amendment.

Coastal Development Permit 5-95-152 (Ballona Lagoon Enhancement Plan) was issued on February 11, 1997. On February 13, 1997, a restoration groundbreaking ceremony was held at Ballona Lagoon and work commenced shortly thereafter. The first accomplishment of the project was the successful removal of an abandoned cement oil structure from the lagoon. Unfortunately, this success was shortly followed by controversy.

On or about February 21, 1997, the project contractor began to remove non-native vegetation from the east bank of the lagoon to prepare it for revegetation with native plants. Instead of removing the non-native vegetation by hand or with herbicides as called for in the Ballona Lagoon Enhancement Plan, heavy machinery was used to scrape the vegetation from the sandy banks.

Commission staff was notified of alleged grading of the east bank and visited the site on Sunday, February 23, 1997. Staff confirmed that grading had occurred on the east bank of the lagoon which resulted in alteration of the contours of the bank and minor damage to the public access trail. Staff also confirmed that two previously restored areas on the east bank were graded resulting in the removal of established native vegetation. The revised revegetation plan proposed by this amendment includes restoration of the native vegetation to the areas which were graded on the east bank of Ballona Lagoon.

On March 28, 1997, Emergency Permit G-5-95-152 was issued to the applicants in order to allow them to undertake the work necessary to stabilize the graded slopes of the east bank of Ballona Lagoon. The approved emergency work included: 1) regrade the east bank as soon as possible; 2) stabilize the public path; 3) stabilize the slopes through the use of jutte matting; and 4) collect seeds and cuttings from the site.

Emergency Permit G-5-95-152 contained special conditions. Among other things, the special conditions required the applicants to submit as-built project plans and a revised revegetation plan as an amendment to Coastal Development Permit 5-95-152 prior to June 15, 1997. In addition, the special conditions of Emergency Permit G-5-95-152 require that the revegetation of the disturbed portions of the east bank of Ballona Lagoon must commence by September 15, 1997 under a Commission approved revegetation plan.

In compliance with the special conditions of Emergency Permit G-5-95-152 and in cooperation with Commission staff and other resource agencies, the applicants submitted a revised revegetation plan on June 13, 1997. The revised revegetation plan incorporates additional plantings to restore all of the graded areas on the east bank.

The Commission's approval of the current amendment application will allow the applicants to undertake the final component of the approved restoration and enhancement of Ballona Lagoon, the planting of the east bank with native coastal strand vegetation. The plantings and all restoration work must be monitored by the applicants for a ten-year period consistent with the ten-year monitoring plan approved by Amendment 5-95-152-A1.

B. Ballona Lagoon

Ballona Lagoon is located in the Venice Peninsula area of the City of Los Angeles, adjacent to the Marina Del Rey entrance channel (Exhibit #1). The lagoon is an artificially confined tidal slough connecting the Venice Canals to the Pacific Ocean via the Marina del Rey harbor entrance channel. The lagoon is approximately 4,000 feet long and 150-200 feet wide (Exhibit #2). The area of open water and wetland within the lagoon is approximately 16 acres.

The tidal regime in Ballona Lagoon is restricted by an automated tide gate located at the south end of the lagoon. The Los Angeles County Department of Beaches and Harbors operates the tide gate. Three seven-foot diameter pipes connect the lagoon to the waters of the Marina del Rey entrance channel. At present, however, only the central pipe is fitted with an automated tide gate. The outer two pipes are kept closed. The automated tide gate limits the peak tidal elevation in Ballona Lagoon to approximately 2.65 feet above MSL. The low water level (MLLW) in the lagoon is recorded as -1.88 MSL.

The parts of the lagoon situated below the low water level of -1.88 MSL are referred to as subtidal habitat areas because they are habitat areas which are always under water. The parts of the lagoon which are sometimes covered by water, but are exposed when the water is at its lowest level, are referred to as intertidal habitat areas. Intertidal habitat areas, like sand bars and the mudflats located on the east and west banks of the lagoon, are exposed during the lowest tides and are underwater during the highest tides. Upland areas are located above the high water line (+2.65' MSL) and are always dry (except when irrigated and when it rains).

The water depths in the lagoon vary from zero to eight feet depending on the tide level and the location of measurement. After completion the dredging approved by Coastal Development Permit Amendment 5-95-152-A1, the deepest bottom elevations (-6.0) are found in the deep water pool at the south end of the lagoon.

The banks of the lagoon are remnants of coastal sand dunes. The banks are generally steep, varying from 1:1 to 1:2, and are comprised primarily of sandy silt soils. Because of the steepness and composition of the banks, erosion has been a significant problem, especially where street and path drains run into the lagoon. The proposed revegetation of the east bank will contribute to the stabilization of the sandy east bank.

Within the southern end of the lagoon, the submerged area (Lot C) located between Topsail Mall and Via Marina is owned by the Summa Corporation (Exhibit #2, ps.2&3). The Summa Corporation has granted to the City of Los Angeles a

permanent conservation/open space easement over Lot C. This easement allows for subtidal and intertidal habitat maintenance and the preservation of the natural and scenic character of the easement.

The submerged area within the northern two-thirds of the lagoon is Lot R (Exhibit #2, ps. 3-8). Lot R extends north from Topsail Mall to the Grand Canal and has recently been purchased by the City of Los Angeles. The approval of Coastal Development Permit Amendment 5-95-152-A1 added Lot R to the project site. The project site also includes the submerged lands located on Lot C at the south end of Ballona Lagoon, and the east bank of the lagoon between the water and the inland side of the existing public access path from Via Dolce to the tide gate located adjacent Via Marina (Exhibit #2).

Ballona Lagoon is surrounded by a highly urbanized area of single and multiple family residential development. The properties which adjoin the east and west banks of the lagoon are developed with single-family residences. On the east bank of the lagoon, a public access path and lagoon buffer area, both required by Coastal Development Permit A-266-77 (ILA), separate the residential development from the waters of the lagoon. An undeveloped City owned area (Esplanade) comprises part of the forty foot wide lagoon buffer on the east bank. The remainder of the forty foot wide lagoon buffer is comprised of front yard setbacks and 24 to 30 foot wide portions of the lagoon fronting lots which have been dedicated as open space and public access easements. Pursuant to Coastal Development Permit A-266-77 (ILA), each lagoon fronting lot owner on the east bank, as a condition of individual permits for developing their property, is required to offer to dedicate a 24 to 30 foot easement for habitat protection and public access as part of the forty foot wide lagoon buffer.

No work is proposed on the west bank of the lagoon where there are approximately fifty privately owned lots. Approximately half of these lots have been developed with single family residences. On the lagoon side of these lots there is an undeveloped City area (Esplanade) for public access. However, due to bank erosion the majority of the length of the City Esplanade is submerged or within the intertidal area of the lagoon. Many of the lots on the west bank are very narrow allowing insufficient area for the dedications necessary to create a forty foot wide lagoon buffer similar to the buffer on the east bank. Therefore, in past permit actions the Commission has required 25 foot wide buffers between the easterly edge of the Esplanade and the development to ensure that adequate area exists for future public access and habitat protection. However, because of the limited amount and scattering of new development on the west bank of the lagoon, the dedicated areas are for the most part noncontiguous. The City of Los Angeles is currently in the process of obtaining several lots comprising approximately one-third of the west bank.

The north end of Ballona Lagoon connects to the Grand Canal, which is part of the Venice Canals system (Exhibit #2, p.8). The Venice Canals and the Grand Canal are connected by five three-foot diameter pipes which under Washington Street. All five pipes have slide gates on the north side of Washington Street which are operated by the City of Los Angeles to allow flushing of the Venice Canals.

C. Marine Resources

The Coastal Act contains policies which address development in or near coastal waters. The proposed project is located in and adjacent to the coastal waters of Ballona Lagoon. The Ballona wetlands system, including Ballona Lagoon, is habitat for many species of marine biota including the state and federally listed endangered least tern. The Commission has found that Ballona Lagoon is a sensitive habitat area that must be protected from negative impacts associated with development. Sections 30230, 30231, 30233 and 30240 of the Coastal Act require the protection of biological productivity, public recreation and marine resources.

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, in part:

> (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:
>
> (7) Restoration purposes.
>
> (8) Nature study, aquaculture, or similar resource dependent activities.
>
> (b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment

should be transported for such purposes to appropriate beaches or into suitable long shore current systems.

(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...

Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

Ballona Lagoon is a wetland which is protected under the Coastal Act policies stated above. Ballona Lagoon and the attached Venice Canals system is an Environmentally Sensitive Habitat Area (ESHA) as defined by Section 30107.5 of the Coastal Act. In addition to being important wetlands, the lagoon is a critical habitat area for the California least tern, Sterna antillarum browni. The California least tern is a State and Federally listed endangered species. The lagoon is a critical habitat area because the California least tern feeds on topsmelt and other small fish while nesting at the protected nesting site on Dockweiler Beach located less than 2,000 feet west of Ballona Lagoon.

Sections 30230 and 30231 of the Coastal Act require that marine resources be maintained, enhanced, and restored in a manner that will sustain the biological productivity of all species of marine organisms in coastal waters, and that the biological productivity and water quality of Ballona Lagoon be maintained and restored by controlling runoff and maintaining natural vegetation buffer areas.

The objective of the Ballona Lagoon Enhancement Plan is to clean up and enhance Ballona Lagoon for wildlife, fisheries, and people by improving tidal flushing, removing sediment, garbage and other pollutants, enhancing fisheries habitat, restoring native vegetation, and by improving public access facilities. This objective was found to be consistent with Sections 30230 and 30231 of the Coastal Act and previous Commission actions.

Ballona Lagoon and its banks are a complex marine environment consisting of several associated but different types of habitats. The Ballona Lagoon Enhancement Plan will improve the existing wetland habitat which consists of aquatic habitat, intertidal (mudflats) habitat, and upland coastal dune habitat. The approximately 16 acres of open water and wetlands which comprise the lagoon area which lies below the high water line consists primarily of shallow water aquatic habitat and intertidal mudflat habitat. The banks of the lagoon above the high water line have historically provided upland coastal

dune habitat consisting of upland coastal strand terrestrial vegetation. Many diverse species of flora and fauna have utilized the resources provided by the habitats found in and adjacent to Ballona Lagoon.

The Ballona Lagoon Enhancement Plan documents two native vegetation regimes which are found in and along the lagoon. The two native vegetation regimes associated with the lagoon are upland terrestrial vegetation and intertidal salt marsh vegetation. The intertidal salt marsh exists within a narrow band around the lagoon with upland vegetation occupying the majority of the available surface area on the lagoon banks. The intertidal salt marsh vegetation consists of pickleweed, jaumea, salt grass and alkali heath. Although identified as an historic native coastal strand community, recent surveys showed that the terrestrial vegetation was dominated by exotic plant species, such as ice plant, castor bean, and fennel. Native plants include alkali weed and sand verbena. The non-native vegetation has been removed from the east bank of the lagoon, and the revegetation plan proposed by this amendment will restore the native vegetation regimes to the east bank.

The Ballona Lagoon Enhancement Plan also documents several aquatic species and migratory shorebirds which are known to inhabit the valuable habitat provided by Ballona Lagoon. The various bird species utilize the open water, mudflats, and upland habitat areas throughout the lagoon. The habitats used by waterbirds in Ballona Lagoon are mainly the mudflats and open water. The California least tern, a State and Federally endangered species, forages for small fish in the open waters of the lagoon during its spring and summer residency in the area. The mudflats, which are exposed along the margins of the lagoon at low tide, are used extensively by foraging and roosting shorebirds. The most extensive mudflats are found at the extreme north and south ends of the lagoon.

Various surveys conducted by different groups between 1979 and 1989 observed between 35 and 50 different species of birds. The number of birds using the lagoon varies seasonally, with peak number of species and individuals occurring in the winter. The importance of the mudflats was demonstrated by the very low number of birds seen by researchers on days when low tide did not occur during their survey. [Ballona Lagoon Enhancement Plan].

Documented fish species in Ballona Lagoon include sculpin, arrow goby, topsmelt, jacksmelt, California killifish, bay pipefish, longjaw mudsuckers, bat ray, California halibut, and diamond turbot. The plan also documents many marine invertebrates including sea hares, fiddler crabs, California hornshells, and several species of barnacles, mussels, clams, snails, and crabs. [Ballona Lagoon Enhancement Plan].

The currently proposed amendment to the permit for the Ballona Lagoon Enhancement Plan includes the following work in and adjacent to the ESHA that is Ballona Lagoon: 1) placement of protective riprap at the tide gate entrance at the south end of the lagoon (Exhibit #3), and 2) implementation of a revised revegetation plan for the east bank of Ballona Lagoon.

The proposed riprap, which was not shown on the plans previously approved by the Commission, was put in place following the dredging of the previously

approved deep water pool at the south end of the lagoon. The proposed riprap was placed around the tide gate pipes to prevent scour and undercutting of the lagoon's banks when water rushes in and out of the lagoon with the tides. Approximately forty cubic yards of riprap material was placed at the south end of the lagoon. About one-third of the riprap is situated above the high water line and about one-third is located below the low water elevation. Approximately one-third of the riprap is located in the intertidal zone between the high water and low water elevations.

The riprap extends approximately fifty feet on either side of the tide gate pipes that connect the lagoon to the Marina Del Rey entrance channel. The placement of the proposed riprap occurred in an area which was formerly covered by chunks and blocks of old concrete. Therefore, the placement of the riprap did not result in any substantial loss of intertidal mudflat habitat. The rocky intertidal habitat provided by the proposed riprap will be utilized by the marine invertebrates (i.e. sea hares, fiddler crabs, California hornshells, barnacles, mussels, snails) that occupy Ballona Lagoon.

The proposed placement of riprap is subject to the requirements of Section 30233 of the Coastal Act. Section 30233 of the Coastal Act allows dredging and filling in coastal waters and wetlands only under very limited circumstances. Under this section, any approved filling of open coastal waters must be for an allowable use and mitigation measures must be provided to minimize adverse environmental effects. The approved project must also be found to be the least environmentally damaging alternative.

According to Section 30233 of the Coastal Act, filling for restoration purposes is an allowable use. The proposed riprap will protect the banks of the lagoon and the deep water pool from erosion protecting the newly restored fish habitat which is a foraging area for the State and Federally listed endangered least tern and other species. Therefore, the proposed dredging is an allowable use pursuant to Section 30233(a)(7) of the Coastal Act.

The proposed project must also be the least environmentally damaging alternative. In this case, the proposed filling did not result in the reduction of intertidal habitat area. As stated above, the proposed riprap will protect the banks of the lagoon and the deep water pool from erosion, Therefore, the proposed project can be found to be the least environmentally damaging alternative.

The proposed amendment also includes the implementation of a revised revegetation plan for the east bank of Ballona Lagoon. The Commission found in its original approval of Coastal Development Permit 5-95-152 that the revegetation plan was consistent with the marine resource policies of the Coastal Act because it would restore native habitat area with no negative impacts to the existing habitat. The only changes to the previously approved revegetation plan are the inclusion of additional areas to be revegetated with native plants endemic to dunes. Only native plants of the appropriate community are included in the proposed plan (Exhibit #4). Therefore, the Commission finds that the proposed revegetation plan is consistent with the marine resource policies of the Coastal Act.

The Coastal Act requires that mitigation measures be provided to ensure that

the proposed project is the least environmentally damaging alternative. Sections 30230 and 30231 of the Coastal Act require protection of, and encourage the restoration of, areas of special biological significance like Ballona Lagoon. Section 30230 requires that uses of the marine environment be carried out in a manner that will sustain the biological productivity of coastal waters and maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes. Section 30231 requires that water quality be protected and enhanced in order to maintain the biological productivity of all coastal waters. Pursuant to these requirements of the Coastal Act, the amendment request is conditioned in order to require that special protection be provided to protect water quality and sensitive coastal resources during all proposed construction.

Therefore, a condition of approval is placed on the amendment in order to ensure that the resources of Ballona Lagoon are protected during the implementation of the proposed revegetation plan. The condition states that the approval of amendment 5-95-152-A3 does not permit any grading or allow the use of any heavy machinery on the east bank of Ballona Lagoon. All work in the east bank area shall be conducted with hand tools only. As conditioned, the proposed development and amendment is consistent with the marine resource policies of the Coastal Act and will not have any significant adverse impacts on the environment.

D. Public Access and Recreation

One of the basic goals stated in the Coastal Act is to maximize public access and recreation along the coast. The proposed project must conform to the public access and recreation policies contained in Chapter 3 of the Coastal Act. The proposed project is consistent with the following Coastal Act policies which encourage public access and recreational use of coastal areas.

Section 30210 of the Coastal Act states:

> In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30213 of the Coastal Act states:

> Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

A public access path currently exists along the east bank of Ballona Lagoon. A fence separates the public access path from the sensitive habitat areas on the east bank of Ballona Lagoon. This public access path provides excellent public access along the side of the lagoon while protecting the sensitive

habitat and flora and fauna of Ballona Lagoon. The approval of Coastal Development Permit 5-95-152 in January 1996 permitted the improvement and maintenance of the existing public access path and fence. Also approved by the Commission in January 1996 was the construction of a new public viewing platform on top of the tide gate and pipes located at the south end of the lagoon adjacent to Via Marina (Exhibit #2 p.2). The public viewing platform (overlook) has been constructed will soon open for public use with interpretive displays and regulatory signs regarding trail use, habitat protection, domestic pets, littering, etc.

The current amendment request will not affect the previously approved and existing public access and recreation facilities. Therefore, the Commission finds that the proposed amendment is consistent with the public access and recreation policies of the Coastal Act.

E. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development 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 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). A denial of a Coastal Development Permit on grounds it would 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) shall be accompanied by a specific finding which sets forth the basis for such conclusion.

The Venice area of the City of Los Angeles does not have a certified Local Coastal Program. The proposed development and amendment, as conditioned, is consistent with the habitat, access, and recreation policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development and amendment, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

F. California Environmental Quality Act (CEQA)

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a Coastal Development Permit application 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.

Two Negative Declarations for the two phases of the Ballona Lagoon Enhancement Plan considered project alternatives and were certified by the California State Coastal Conservancy on October 20, 1993 and March 29, 1996. The Negative Declarations state that the proposed project will not have a significant effect on the environment.

The Commission's conditions of approval adequately address and mitigate any potential adverse impacts to the environment caused by the proposed project as amended. All adverse impacts have been minimized and there are no additional 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 and amendment, as conditioned, is consistent with the requirements of the Coastal Act to conform to CEQA.

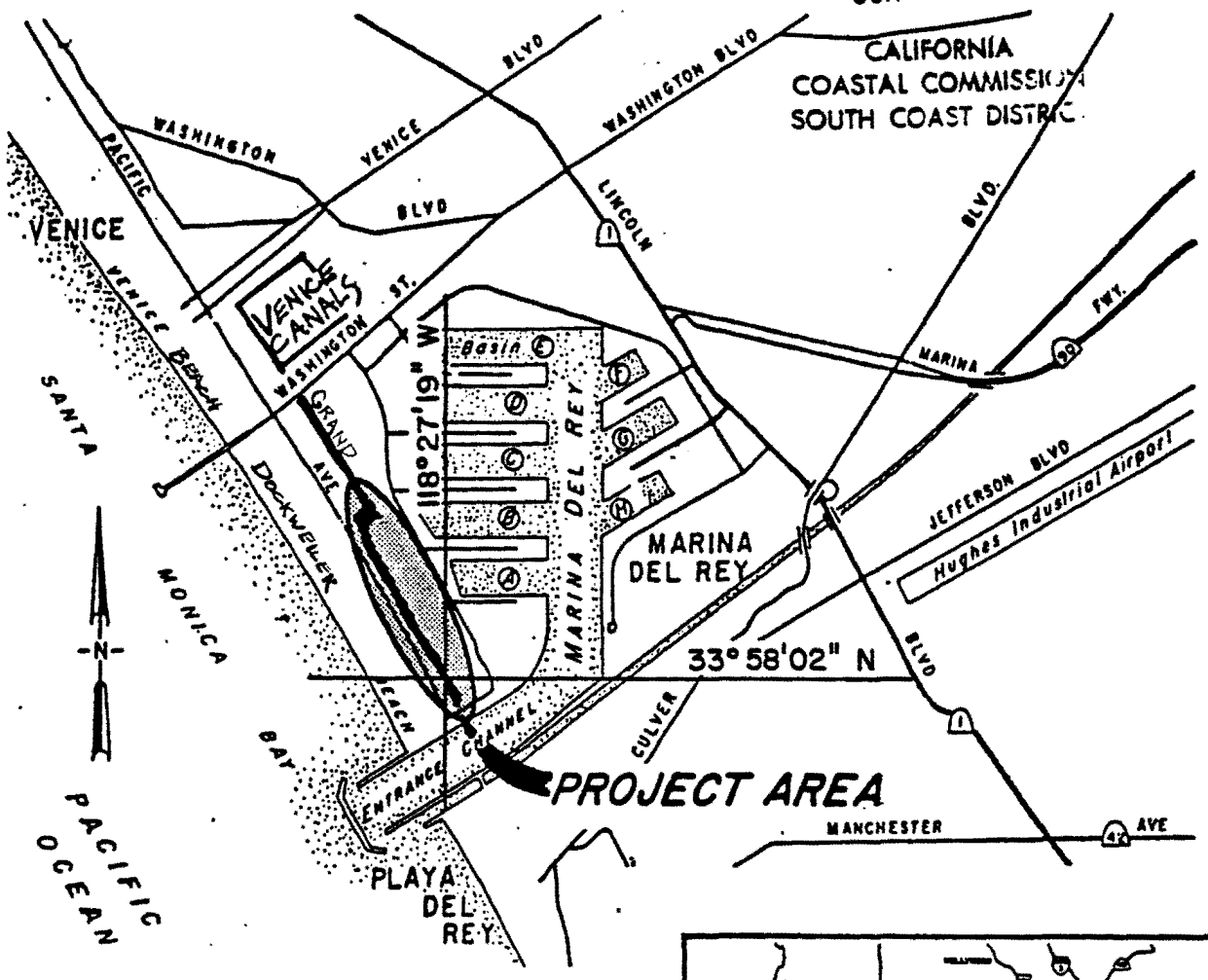
G. Violation

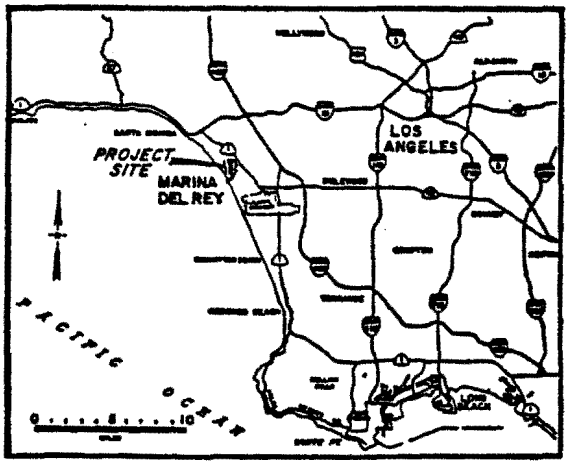
Although some development may have taken place without a valid Coastal Development Permit, or may be inconsistent with Coastal Development Permit 5-95-152 and amendments, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to any violation of the Coastal Act that may have occurred. The Commission will act on this application without prejudice and will act on it as if no unpermitted development has occurred.

9170F:CP

5-95-152

RECEIVED
JUN 15 1995
CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT





PURPOSE: WETLAND RECLAMATION

DATUM:

ADJACENT PROPERTY OWNERS:
SEE ATTACHED LIST

VICINITY MAP

0 1/2 1
MILE

BALLONA LAGOON MARINE PRESERVE
P.O. BOX 9244
MARINA DEL REY, CA. 90295

IN: MARINA DEL REY
AT: BALLONA LAGOON
COUNTY OF: LOS ANGELES
APPLICATION BY: BALLONA LAGOON MARINE PRESERVE

SHEET 1 OF 7 APRIL 19, 1995

COASTAL COMMISSION
5-95-152-A3

EXHIBIT # 1

PAGE 1 OF 1

BALLONA LAGOON MARINE PRESERVE

BALLONA LAGOON ENHANCEMENT PROJECT

MARINA DEL REY, CALIFORNIA

SITE PLAN

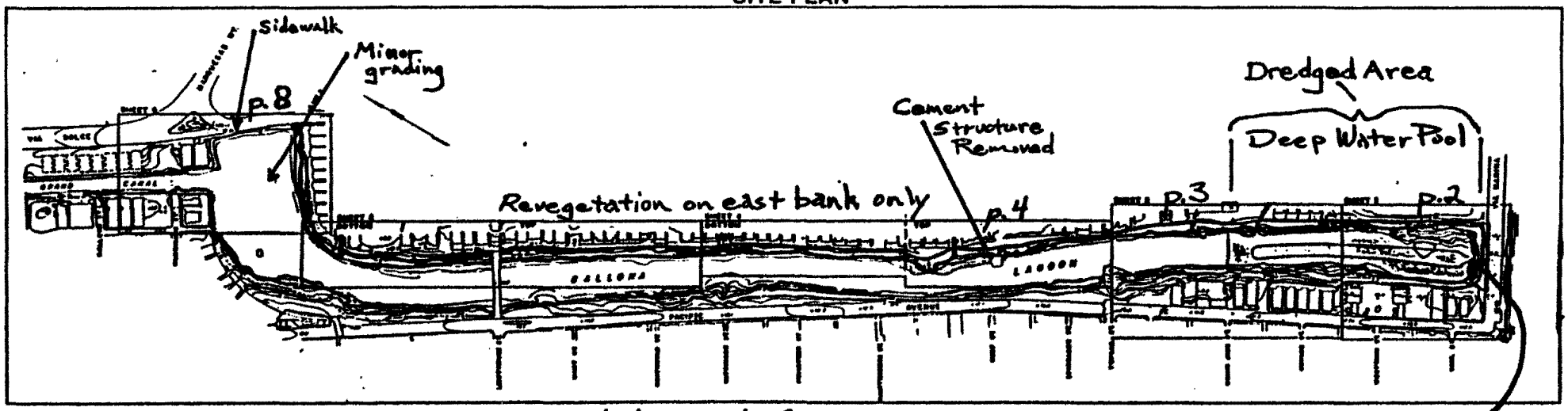
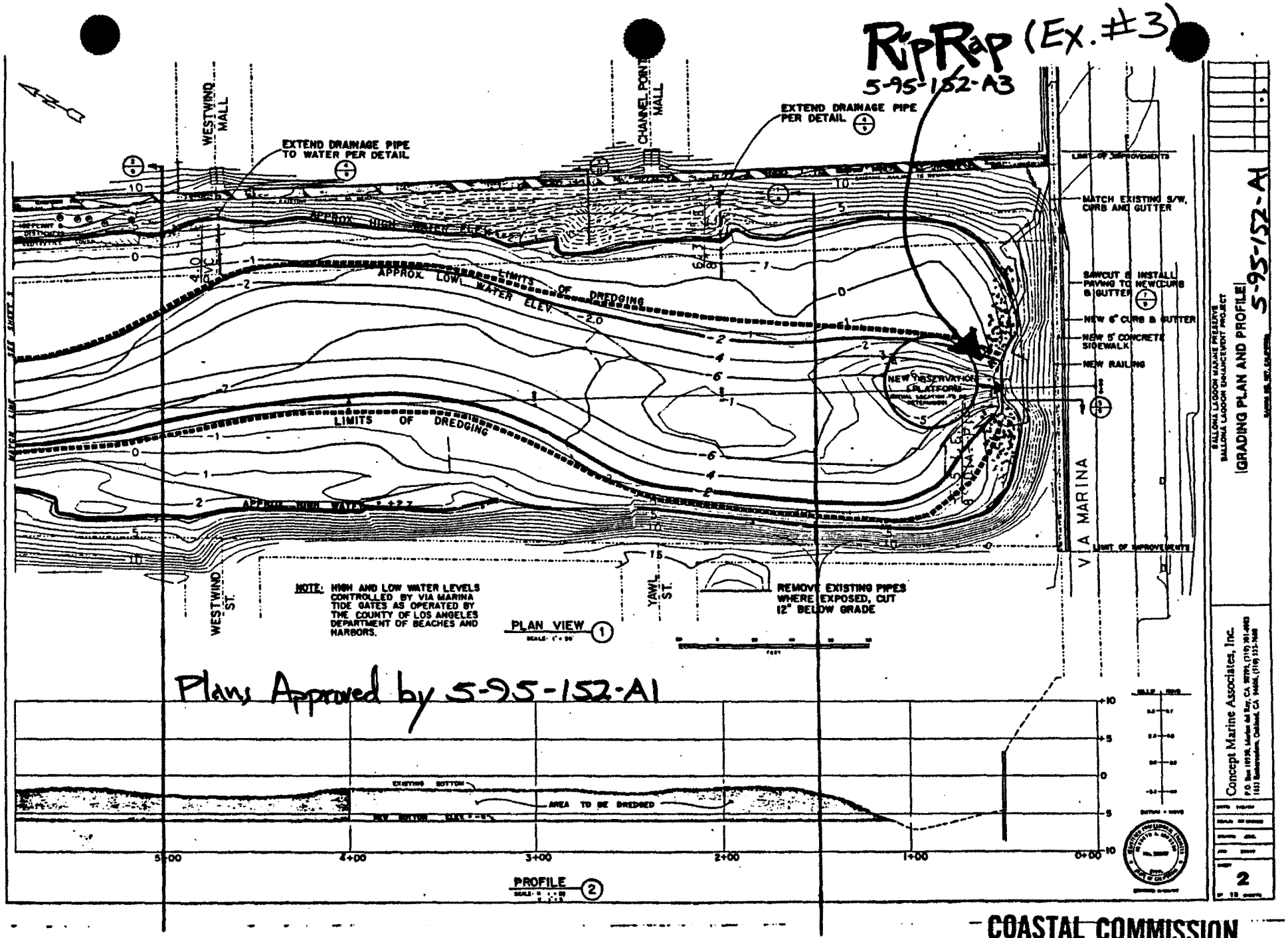


Exhibit #2

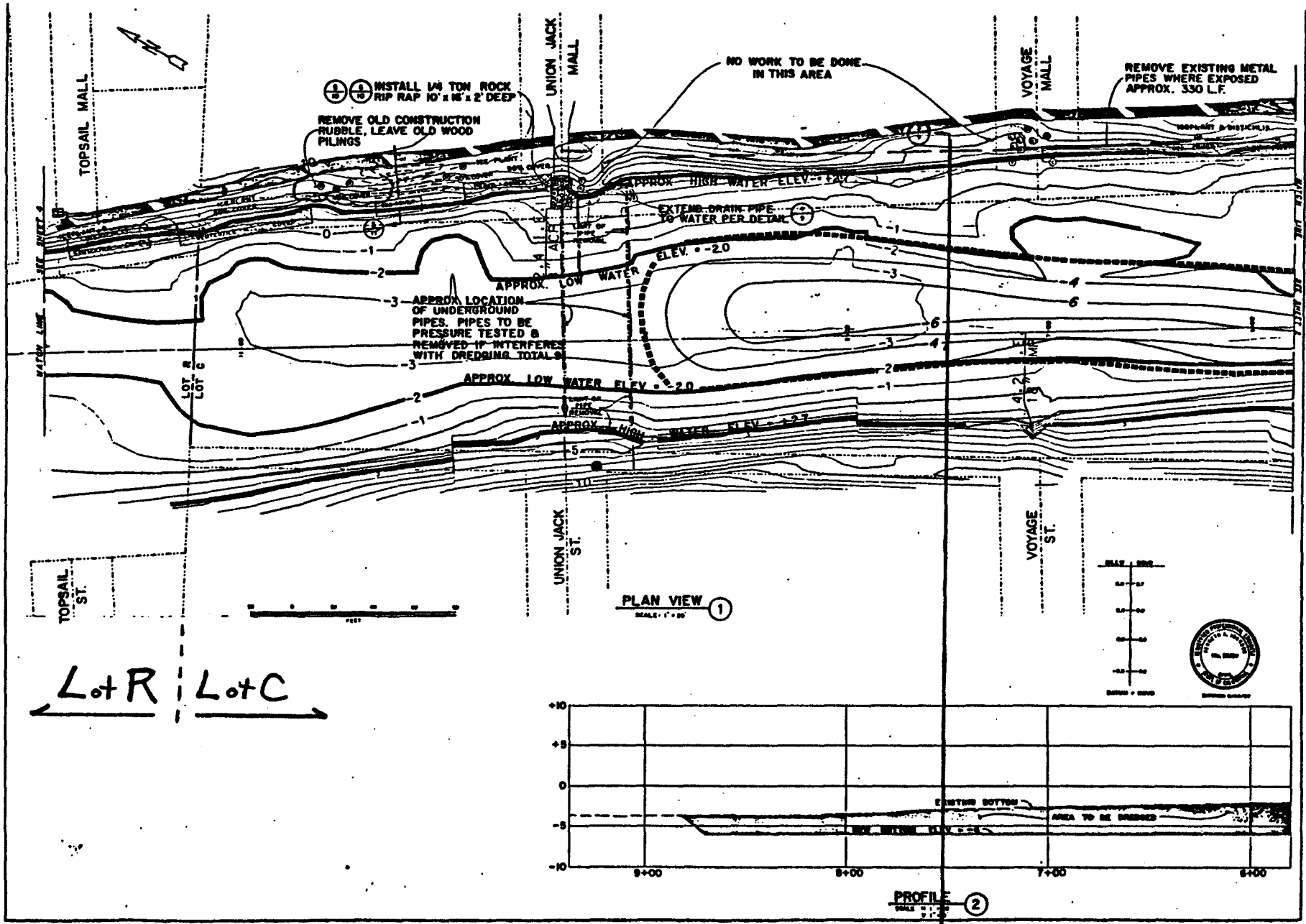
COASTAL COMMISSION
5-95-152-A3
EXHIBIT # 2
PAGE 1 OF 8



COASTAL COMMISSION

EXHIBIT # 2

PAGE 2 OF 8



BALLONA LAGOON MARINE PRESERVE
BALLONA LAGOON ENHANCEMENT PROJECT

GRADING PLAN AND PROFILE

5-95-152-A1

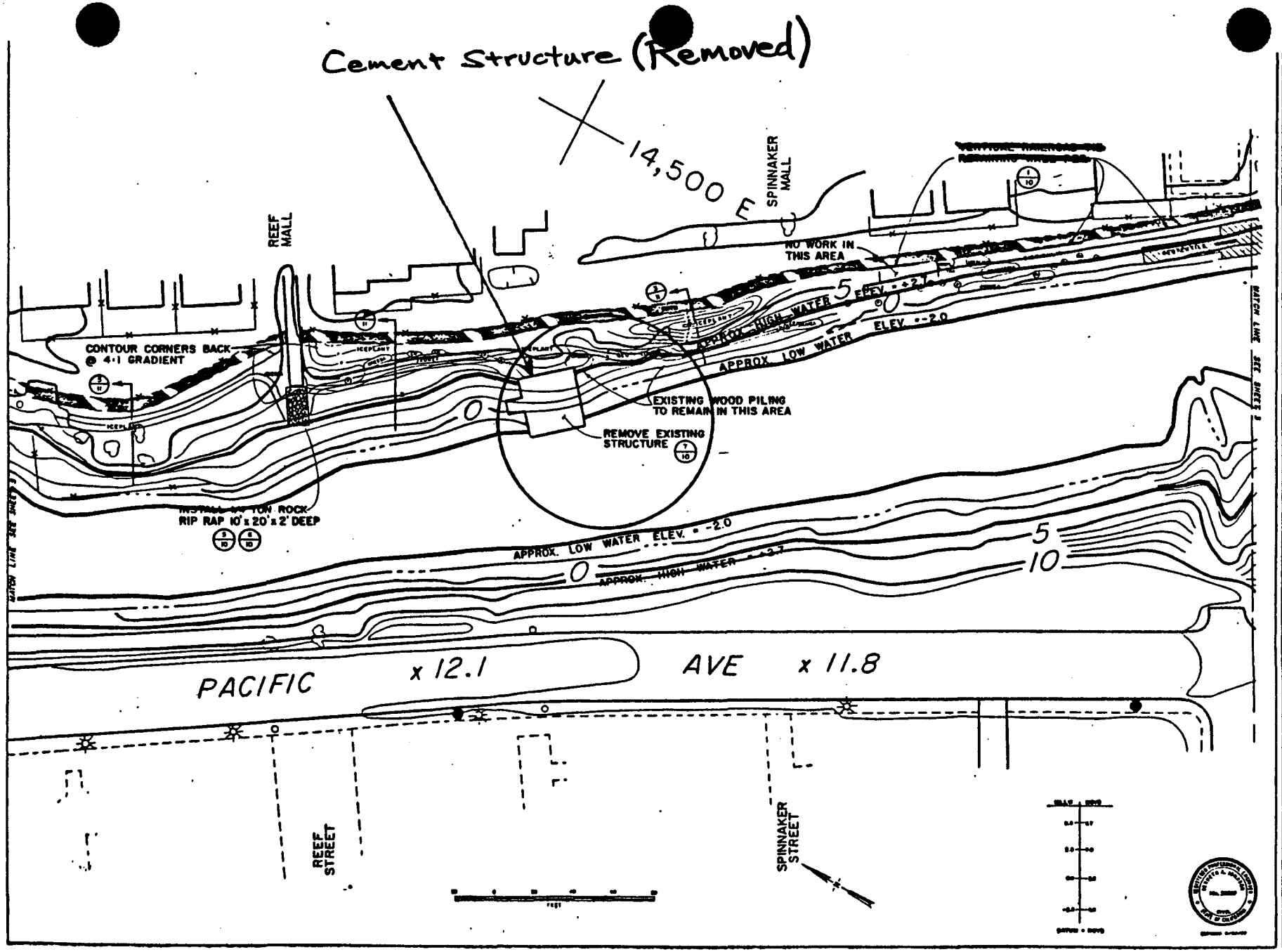
Concept Marine Associates, Inc.

3

COASTAL COMMISSION

EXHIBIT # 2

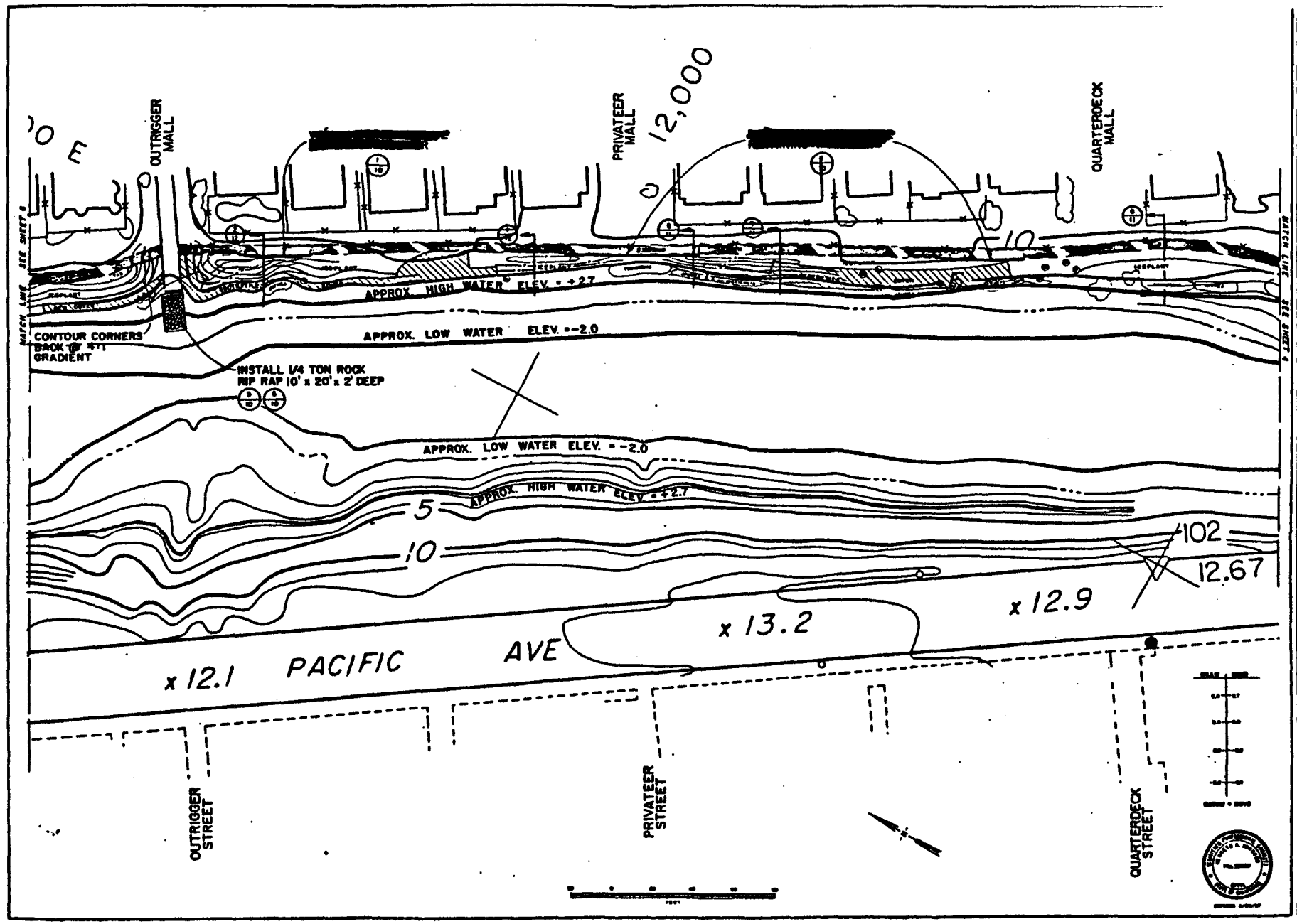
PAGE 3 OF 3



COASTAL COMMISSION

EXHIBIT # 2

PAGE 4 OF 8



COASTAL COMMISSION

EXHIBIT #

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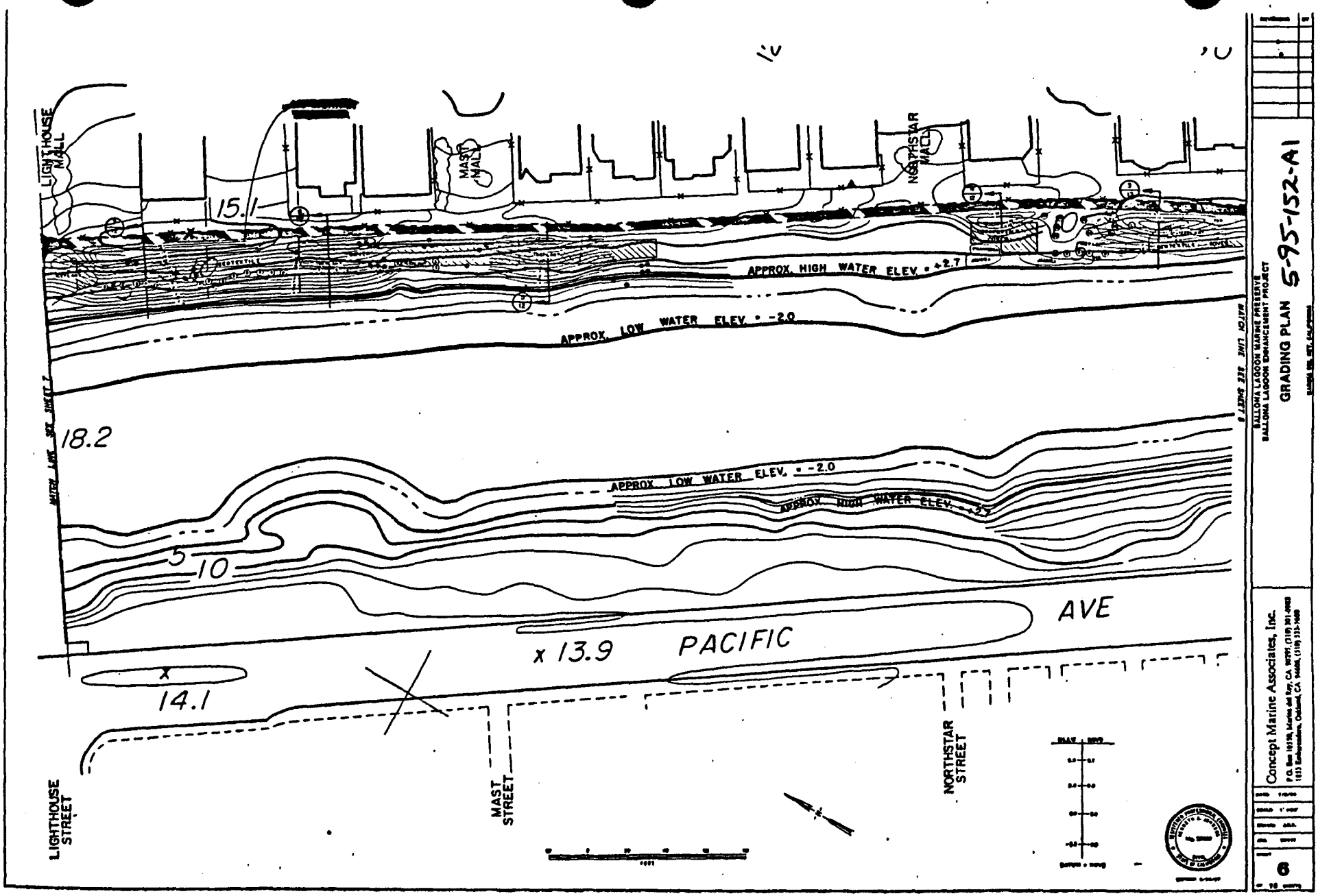
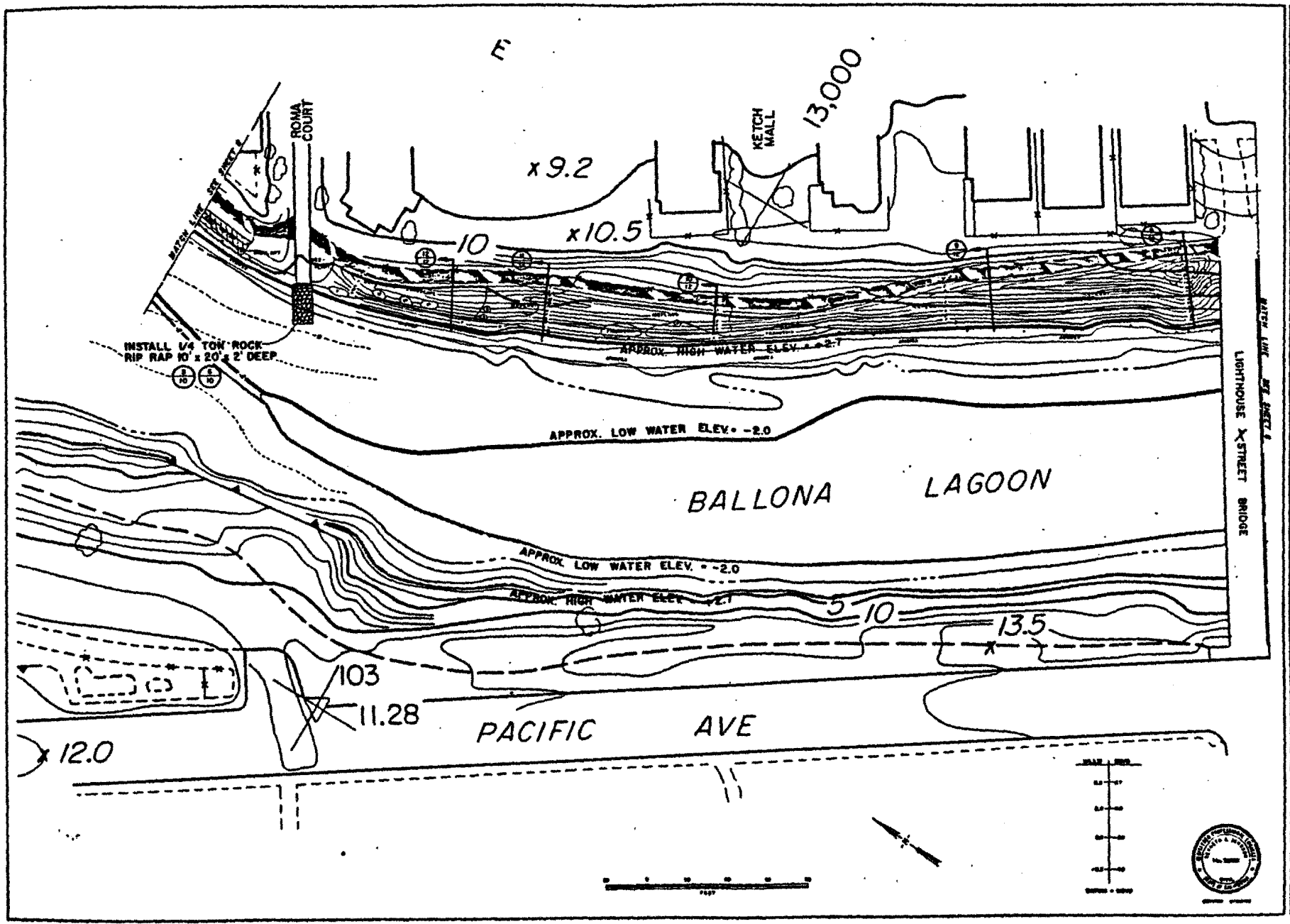


COASTAL COMMISSION

EXHIBIT # 2

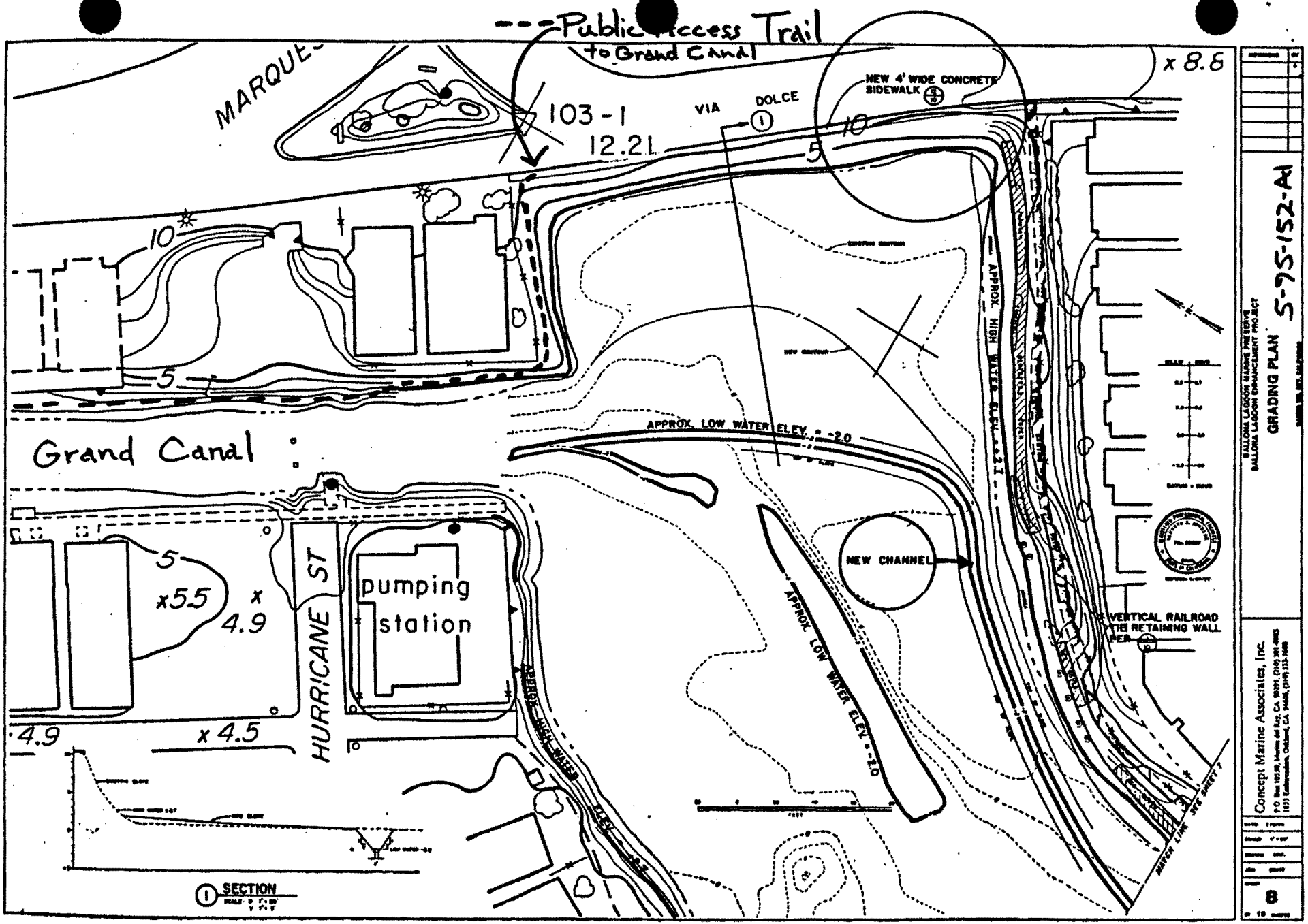
PAGE 6 OF 8



COASTAL COMMISSION

EXHIBIT # 7

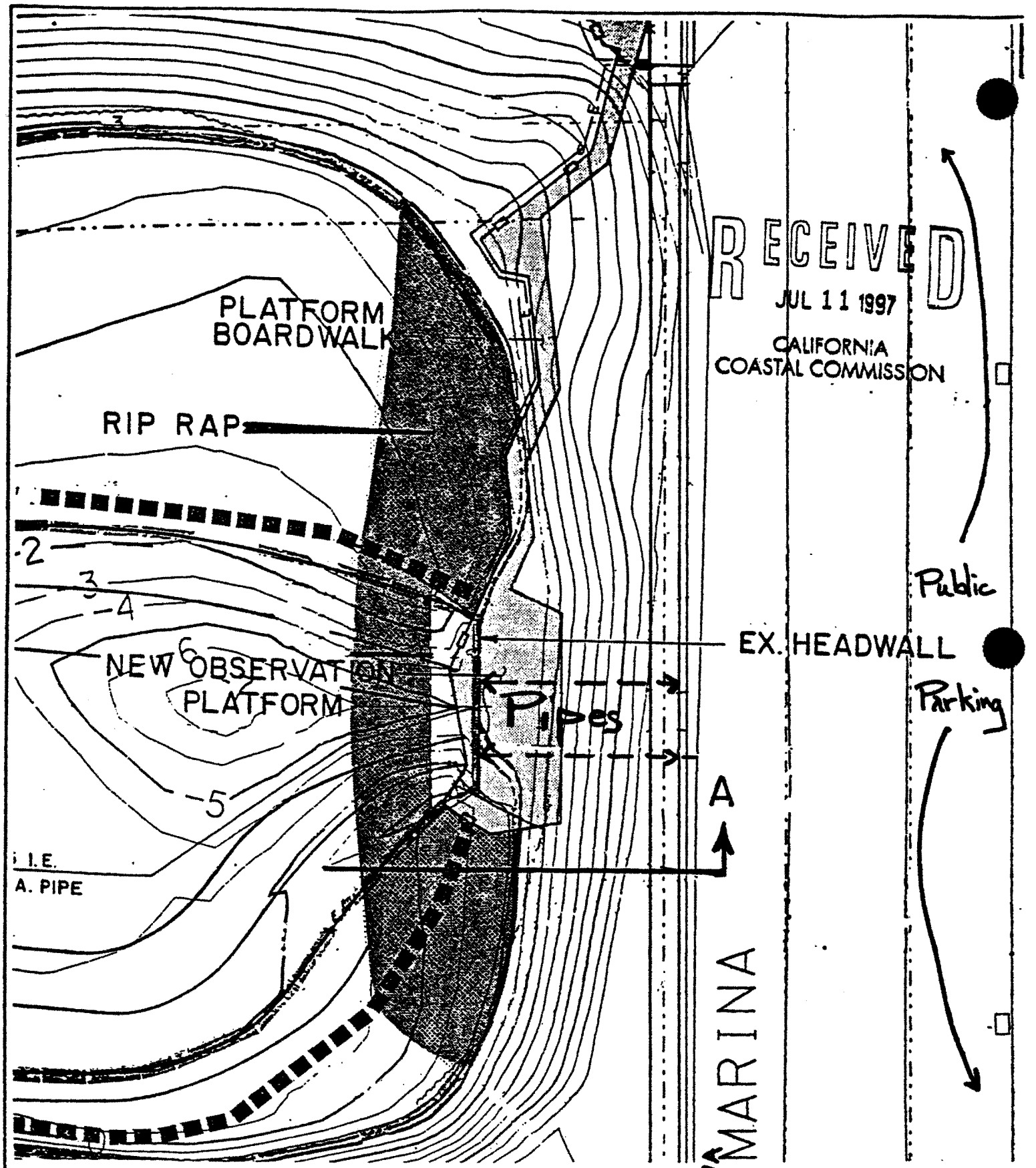
PAGE 7 OF 9



COASTAL COMMISSION

EXHIBIT # 2

PAGE 8 OF 9



PLAN VIEW

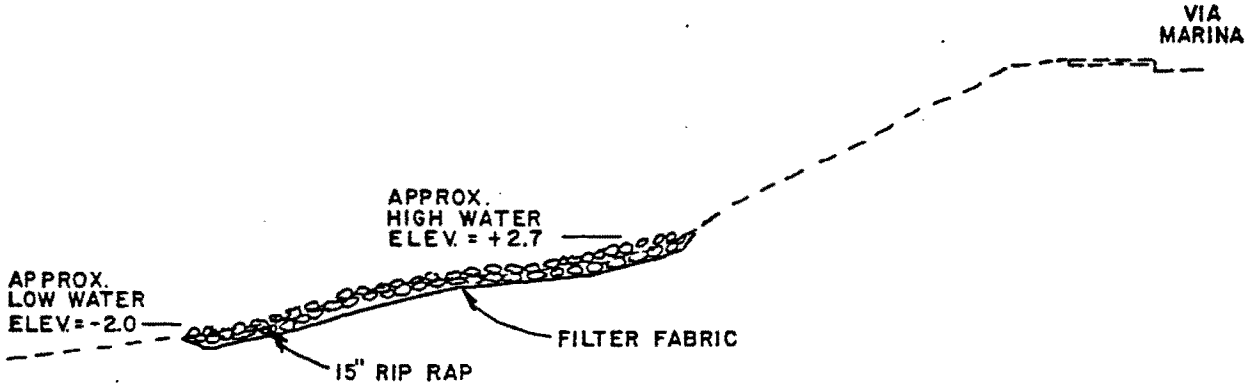
SCALE: 1" = ●'

COASTAL COMMISSION
5-95-152-A3

See Also Exhibit #2, p.2.

EXHIBIT # 3

PAGE 1 OF 2



SECTION A

SCALE: 1" =

BALLONA LAGOON ENHANCEMENT PROJECT

SLOPE PROTECTION
AS BUILT

CONCEPT MARINE ASSOCIATES
JOB No. 29417 JULY 9, 1997

Table 1

Plant species of the Ballona lagoon upland. Plan for planting container plants, planted seed, and cuttings

Included is a complete listing of plant biodiversity of the Ballona region. Perennial species are categorized into: 1) those to be established by setting out at the precise points indicated on the landscape plans, 2) species to be set out at random, and 3) species to be established from broadcast seed. Letter after each name is the code for the landscape plan. Annual species will be reintroduced by broadcast seed only, distributed by each species separately. Details are given in specifications. S planted as seed, C as cutting. Species underlined were present in 1991 prior to revegetation.

Perennial plant species

		SECTION Number per landscape plan																
		1	2	3	4	5	5A	6	7	8	9	10	11	12	13	14	15	total
Plants to be placed by plan position																		
Eriogonum parvifolium	P	150	60	63	50	50	45	100	60	70	67	91	30	78	75	70	71	1221
Lupinus chamissonis	L	40	0	40	65	21	20	50	65	25	40	20	20	48	20	50	36	580
Encelia californica	E	10	0	10	10	8	10	10	7	7	10	4	2	16	8	6	20	142
Haplopappus ericoides	H	15	0	9	12	5	10	15	16	9	11	6	5	8	10	5	15	156
Rhus integrifolia	R	5	0	0	3	3	8	2	1	2	0	2	1	3	3	2	6	43
Isomeris arboria	I	15	0	10	5	11	8	18	9	8	12	6	9	19	7	7	20	170
Opuntia littoralis C	O	50	0	17	19	20	0	110	50	30	30	28	8	39	36	30	55	550
Ambrosia chamissonia	M	15	0	10	15	10	5	6	12	15	12	14	9	28	12	8	18	189
Elymus triticoides	T	10	10	0	10	0	0	0	0	0	0	0	0	0	0	0	0	30
Curcubita foetidissima S	B	5	3	3	3	3	3	4	5	3	2	4	3	5	3	4	3	60
Artemisia californica	A	3	0	5	3	9	9	8	4	8	5	2	8	7	4	4	60	141
Plants to be placed at random																		
Calystegia macrostegia		5	0	10	10	10	5	5	5	5	5	0	5	5	5	5	15	95
Cardionema ramosissimus		10	0	10	15	10	10	10	10	10	10	10	10	10	10	5	20	160
Senecio douglasii		5	0	5	5	5	5	5	5	5	5	5	5	5	5	5	5	75
Corethrogyne filaginifolia		10	0	15	15	15	10	15	10	10	10	10	10	5	5	5	20	165
Galium angustifolia		5	0	5	5	5	5	5	5	5	5	5	5	5	5	5	10	80
Artemisia dracunculus		10	0	5	5	5	5	5	5	5	5	5	5	5	5	5	10	80
Dudleya lanceolata		0	0	10	10	10	10	10	10	10	10	10	10	10	10	10	20	150
Atriplex californica		10	0	15	15	15	10	10	10	10	10	10	10	10	10	5	20	170
Total container plants to be set out		373	73	243	275	215	178	388	299	237	237	232	155	306	233	231	424	4257
approximate segment length, feet		200	420	210	240	230	220	280	230	240	240	230	240	220	220	230	450	4080

Table 2

The complete list of perennial plants that will be installed as container plants or planted directly as seed. Sources of stock and specification of container type of each cited. Stock of all these species are available.

Species	Number	Geographic Source
Nursery stock in gallon pots from seed:		
Rhus integrifolia	43	Ballona
Nursery stock in 600 cc deepots from seed:		
Eriogonum parvifolium	1221	Ballona naturalized
Encelia californica	142	Ballona naturalized
Isomeris arboreus	170	Ballona naturalized
Senecio douglasii	75	Ballona naturalized
Atriplex californica	170	southern California coastal
Artemisia dracununcla	80	southern California coastal
Nursery stock in 600 cc deepots from cuttings:		
Haplopappus ericoides	142	Ballona naturalized
Artemisia californica	141	Ballona bluffs
Elymus triticoides	30	southern California coastal
Nursery stock in 5 inch bands from seed:		
Calystegia macrostegia	95	Ballona naturalized
Cardionema ramossima	160	Ballona bluffs
Corethrogyne filaginifolia	165	Ballona naturalized
Galium amgustifolium	80	Ballona naturalized
Dudleya lanceolata	150	Ballona naturalized
Stock to be planted directly into planting wells as cuttings		
Opuntia littoralis	550	southern California coastal
Stock to be planted directly into planting wells as seed		
Lupinus chamissonia	580	Ballona
Curcubita foetidissima	60	southern California coastal

Table 3

A complete listing of perennial and annual plant species to be established from randomly broadcast seed. Species underlined were present in 1991 prior to revegetation. The quantity of seed spread will depend on local availablility which is limited for most species. Source locality of stock listed. The last nine species of annuals may not be available.

Perennial species: random broadcast seed across all sections

Eschscholtzia californica	El Segundo Dunes
Erysimum suffrutescens	El Segundo Dunes
Croton californica	Ballona
Abronia umbellatum	Ballona
A. maritima	southern California strand
Camissonia chieranthifolia	El Segundo Dunes
Solanum douglasii	El Segundo Dunes
Lotus scoparius	Ballona
Phacelia ramosissima	El Segundo Dunes
Gnaphalium bicolor	Ballona
G. microcephalum	El Segundo Dunes
Marah macrocarpa	El Segundo Dunes
Mirabilis laevis	southern California strand

Annual plant species: broadcast seed, distributed by each species separately.

Stephanomeria virgata	Allow to seed naturally
Heterotheca grandiflora	Allow to seed naturally
Cryptantha clevelandii	Ballona
Festuca megalura	Commercial
Lupinus bicolor	Ballona
L. truncatus	Ballona stock now naturalized
Orthocarpus purpurascens	Ballona stock now naturalized
Lasthenia glabrata	Commercial sources
Chaenactis glabriuscula	Ballona stock now naturalized
Lotus purshianus	Ballona stock now naturalized
L. strigosis	Ballona stock now naturalized
Lepidium lasiocarpum	Ballona stock now naturalized
Descurainea pinnata	Ballona stock now naturalized
Linaria canadensis	Ballona stock now naturalized
Calandrinia ciliata	Ballona stock now naturalized
Chorizanthe californica	El Segundo Dunes
Eriogonum gracile	El Segundo Dunes
Senecio californica	southern California coastal
Plantago erecta	Ballona bluffs
Camissonia lewisii	Ballona wetland
C. micrantha	southern California coastal
Ambylopappus pusillus	southern California coastal
Calandrinia maritima	southern California coastal
Calyptridium monandrum	El Segundo Dunes

Table 4

Intertidal and upper salt marsh plants that will only selectively be propagated at this time.

Perennials to be propagated by cuttings using direct transplant

Salicornia virginica	Ballona
Distichlis spicata	Ballona
Jaumea carnosa	Ballona
Frankenia grandiflora	Ballona
Heliotropium curassavicum	Ballona
Sueda taxifolia	Ballona
Atriplex patula	Ballona
Salicornia subterminale	southern California coastal
Batis maritima	southern California coastal

Perennials to be propagated by container planting

Limonium californica	southern California coastal
Juncus acutus	southern California coastal
Cordylanthus maritimus	southern California coastal
Monanthochloe littorale	southern California coastal
Spartina foliosa	southern California coastal

Annual species that may be broadcast as seed

Cressa truxillensis	Ballona
Spergularia marina	Ballona
Triglochin concinna	southern California coastal