

STATE OF CALIFORNIA - THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

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Th4f

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49th Day: 8/11/98
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Staff: CP-LB
Staff Report: 7/16/98
Hearing Date: August 13, 1998
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 5-98-250

APPLICANT: City of Los Angeles Department of Public Works

AGENT: Kelvin Lew, Environmental Associate II

PROJECT LOCATIONS: 3602 Pacific Avenue (Lot 17, Block 2, Silver Strand),
3600-3614 Canal Court (Lots 1-4, Block 2, Silver Strand),
3700-3708 Canal Court (Lots 1-2, Block 3, Silver Strand),
Venice, City of Los Angeles, Los Angeles County.

PROJECT DESCRIPTION: Excavation of abandoned oil well heads, removal of
contaminated soils, reabandonment of wells, and backfill
with imported clean soils.

Lot Area	4,000 sq. ft. (per lot approx.)
Building Coverage	0 sq. ft.
Pavement Coverage	0 sq. ft.
Landscape Coverage	0 sq. ft.
Parking Spaces	0
Zoning	RD1.5-1
Plan Designation	Medium Density Residential
Ht abv fin grade	0 feet

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission grant a permit for the proposed development with conditions relating to the protection of marine resources in Grand Canal and Ballona Lagoon. The applicant agrees with the recommendation.

LOCAL APPROVAL RECEIVED:

1. City of Los Angeles Local Coastal Development Permit No. 97-01,
Issued May 4, 1998.

SUBSTANTIVE FILE DOCUMENTS:

1. Coastal Development Permits 5-98-056, 057 & 058 (MDR Properties).

STAFF NOTE: The City has applied for a Coastal Development Permit from the Coastal Commission because the proposed project is located in the dual permit area of Venice in the City of Los Angeles. Two Coastal Development Permits, one from the City and one from the Commission, are required for development in the dual permit area. The City of Los Angeles does not have a certified Local Coastal Program (LCP) for Venice.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, 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. 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 this permit is reported to the Commission. 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 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 or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, 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. Protective Buffer

In order to create a ten foot wide protective buffer between the waters of Grand Canal and the work sites, the applicant shall erect a six foot high fence along the length of the canal-fronting sites prior to any excavation, placement of heavy machinery, removal of vegetation, or any other site preparation. The ten foot wide buffer shall be created by erecting a six foot high fence on the inland side of the public sidewalk that runs along the west bank of Grand Canal. Public access along the public sidewalk shall not be interrupted. A 24 inch high silt curtain shall be attached along the bottom of the fence. There shall be no grading, stock piling, vegetation removal, trash disposal, equipment storage, placement of fill, or any other development within the protective buffer area established between Grand Canal and the fence. The fence shall be maintained and shall remain in place until the completion of all development approved by this permit.

If the location of an oil well or the size of the heavy equipment require an encroachment within ten feet of the bank of Grand Canal in order to complete the proposed project, the applicant shall submit a detailed canal protection plan, for the review and approval of the Executive Director, prior to any encroachment into the protective buffer. At a minimum, the canal protection plan must provide a protective buffer and a containment berm between the proposed work and the canal. The buffer must be as wide as possible. No encroachment within ten feet of Grand Canal shall occur without the Executive Director's approval of a detailed canal protection plan.

2. Containment Berms

In order to protect the waters of Grand Canal from runoff from the work sites, the permittee shall place 1.5 foot high containment berms constructed of dirt and/or sandbags around all excavation and soil

storage sites prior to the commencement of excavation and soil movement. The berms shall not be placed within the protective buffer established by special condition one above. The berms shall be maintained and shall remain in place until the completion of the oil well reabandonment and backfilling.

3. Drainage

All drainage on the site shall be directed away from Grand Canal. No runoff or waste from the site shall be permitted to enter the waters of Grand Canal.

4. Disposal of Excavated Materials

This Coastal Development Permit does not permit the applicant or its agents to dispose or place within the coastal zone any fill or other materials that have been removed from the project sites. In addition, the applicant shall not discard or dump construction materials, toxics, debris or refuse into any waterway.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The City of Los Angeles proposes to reabandon four old oil wellheads located on seven vacant lots near Grand Canal in Venice (Exhibit #2). The seven lots are currently City-owned, but will soon be transferred to private ownership after the oil wellheads are reabandoned and the sites are restored. The seven lots, which are located within a residentially zoned and developed area, will probably be developed with private residences after the City transfers the titles.

The wellheads on the lots must be reabandoned in order to meet the current standards of the State of California. The previous oil well abandonments do not meet the State's current standards. The four known oil wellheads, which were previously abandoned some time prior to 1970, are currently buried about six feet under ground and not producing any oil. The oil well reabandonment process, which is regulated by the California Department of Conservation (Division of Oil and Gas), involves the excavation of the wellheads and filling the first six hundred vertical feet of the wells with cement, thereby plugging the wells.

The City also proposes to remove and dispose of the contaminated soils on the seven lots. An estimated 5,500 tons of soils are contaminated with oil and asphalt deposits. The contaminated soils will be excavated with heavy machinery and removed to an offsite recycling facility. Any additional unknown wellheads that are encountered during excavation of the sites will be abandoned. The excavations will be backfilled and compacted with clean imported soil after all wells are reabandoned.

B. Habitat Protection

The Coastal Act contains policies which address development in or near coastal waters. The proposed project is located directly adjacent to the coastal waters of Grand Canal (Exhibit #2). Grand Canal is located up stream from Ballona Lagoon, within the Ballona Wetlands system.

The Ballona wetlands system, including Ballona Lagoon and Grand Canal, is habitat for many species of marine biota including the state and federally listed endangered least tern. The Commission has found that Ballona Lagoon and Grand Canal are sensitive habitat areas that must be protected from negative impacts associated with development.

Sections 30230, 30231 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 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.

Grand Canal and Ballona Lagoon are wetlands 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. Ballona Lagoon, located approximately two hundred feet south of the site, 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 two thousand feet west of Ballona Lagoon.

Ballona Lagoon and its banks are a complex marine environment consisting of several associated but different types of habitats. In 1995, the Commission approved the Ballona Lagoon Enhancement Plan allowing the California Coastal Conservancy, the City of Los Angeles, and the Ballona Lagoon Marine Preserve to undertake a restoration project to improve the habitat and public access opportunities provided by Ballona Lagoon. The following findings were made by the Commission when it approved Coastal Development Permit 5-95-152 for the Ballona Lagoon Enhancement Plan:

The banks of the lagoon above the high water line provide upland coastal dune habitat consisting of upland coastal strand terrestrial vegetation. Many diverse species of flora and fauna utilize the resources provided by the habitats found in and adjacent to Ballona 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 show that the terrestrial vegetation is now dominated by exotic plant species, such as ice plant, castor bean, and fennel. Native plants include alkali weed and sand verbena.

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].

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 and Grand Canal be maintained and restored by controlling runoff and maintaining natural vegetation buffer areas.

Section 30240 of the Coastal Act requires that environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and development adjacent to environmentally sensitive habitat areas shall be designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

The introduction of urban runoff, including pesticides, garden fertilizers, and runoff from impervious surfaces, can reduce the water quality of the Venice Canals which directly impacts the biological productivity of the Ballona wetlands system. In order to protect the biological productivity of the Venice Canals and Ballona Lagoon, the Commission has consistently conditioned projects along the waterways to protect the sensitive habitat areas from negative impacts by requiring vegetated buffers, front yard setbacks, pervious yard areas, and drainage devices to absorb and filter rainwater and site drainage before it enters the lagoon and canals. The Commission's requirements are consistent with the recommendations of the Santa Monica Bay Restoration Project Action Plan to reduce non-point source pollutants.

In this case, the proposed project involves excavation of sites next to Grand Canal, reabandonment of oil wellheads, and backfilling of the sites. On May 14, 1998, the Commission approved three similar oil well abandonment projects on several lots situated on the west bank of Ballona Lagoon [See Coastal Development Permits 5-98-056, 5-98-057 & 5-98-058 (MDR Properties)]. In the approval of Coastal Development Permits 5-98-056, 5-98-057 and 5-98-058, the Commission required the applicant to reduce any adverse impacts associated with the project by establishing a protective buffer between the lagoon and the work site with a six foot high fence placed along the entire length of the site. No work would occur within the waters of the lagoon or within the protective lagoon buffer area established between the lagoon and the fence. A condition of approval prohibited any runoff from the site from entering Ballona Lagoon. Containment berms were also required around the work areas.

The same requirements are placed on this permit in order to protect the waters of Grand Canal and Ballona Lagoon. A protective buffer and containment berms are necessary for the proposed project to conform with and carry out the requirements of Sections 30230, 30231 and 30240 of the Coastal Act which require the protection of marine resources and environmentally sensitive habitat areas.

Therefore, this permit is conditioned to require the applicant to provide a ten foot wide protective buffer between the waters of Grand Canal and the work

sites located next to Grand Canal. The applicant shall erect a six foot high fence along the length of the sites prior to any excavation, placement of heavy machinery, removal of vegetation, or any other site preparation. The ten foot wide buffer shall be created by erecting a six foot high fence on the inland side of the public sidewalk that runs along the west bank of Grand Canal. Public access along the public sidewalk shall not be interrupted. A 24 inch high silt curtain shall be attached along the bottom of the fence. There shall be no grading, stock piling, vegetation removal, trash disposal, equipment storage, placement of fill, or any other development within the protective buffer area established between Grand Canal and the fence. The fence shall be maintained and shall remain in place until the completion of all development approved by this permit. Only as conditioned is the proposed development consistent with the marine resource policies of the Coastal Act.

If the location of an oil well or the size of the heavy equipment require an encroachment within ten feet of the bank of Grand Canal in order to complete the proposed project, the applicant shall submit a detailed canal protection plan, for the review and approval of the Executive Director, prior to any encroachment into the protective buffer. At a minimum, the canal protection plan must provide a protective buffer and a containment berm between the proposed work and the canal. The buffer must be as wide as possible. No encroachment within ten feet of Grand Canal shall occur without the Executive Director's approval of a detailed canal protection plan.

In addition, in order to protect the waters of Grand Canal from runoff from the work sites, the permit is conditioned to require the applicant to place 1.5 foot high containment berms constructed of dirt and/or sandbags around all excavation and soil storage sites prior to the commencement of excavation and soil movement. The berms shall not be placed within the protective buffer established by special condition one. The berms shall be maintained and shall remain in place until the completion of the oil well reabandonment and backfilling.

Finally, this Coastal Development Permit does not permit the applicant or its agents to dispose or place within the coastal zone any fill or other materials removed from the site. The applicant shall not discard or dump construction materials, toxics, debris or refuse into any waterway. Only as conditioned is the proposed development consistent with Sections 30230, 30231 and 30240 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 this division and that the permitted development will not prejudice the ability of the local government to prepare a Local

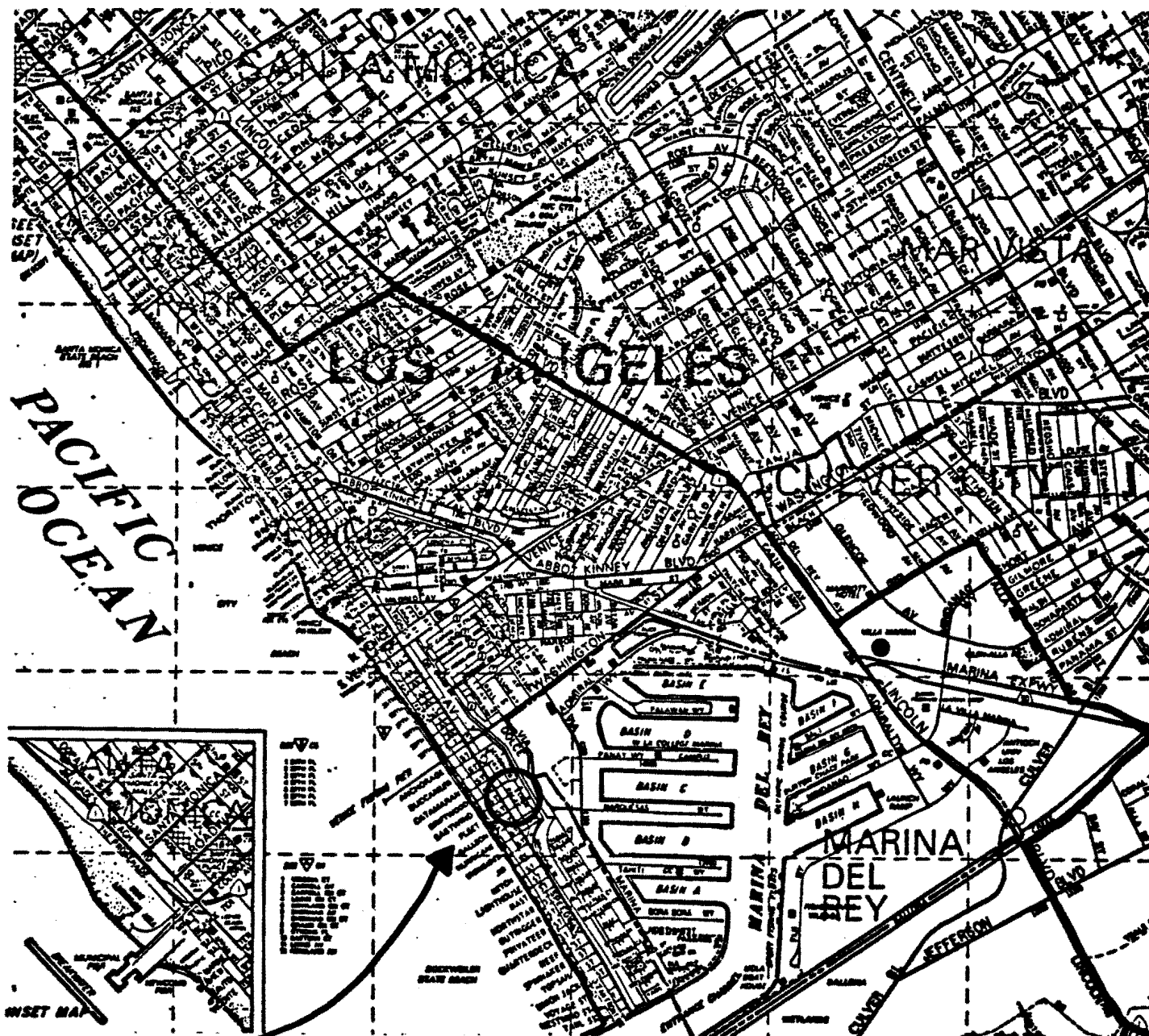
Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). A denial of a Coastal Development Permit on grounds it would prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (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 project, only as conditioned, is consistent with the habitat, coastal access, and recreation policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, 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).

D. California Environmental Quality Act

Section 13096 of the California Code of Regulations requires Commission approval of 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)(A) 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 effect which the activity may have on the environment.

The proposed project, only as conditioned, is consistent with the habitat and coastal access policies of the Coastal Act. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.



Site

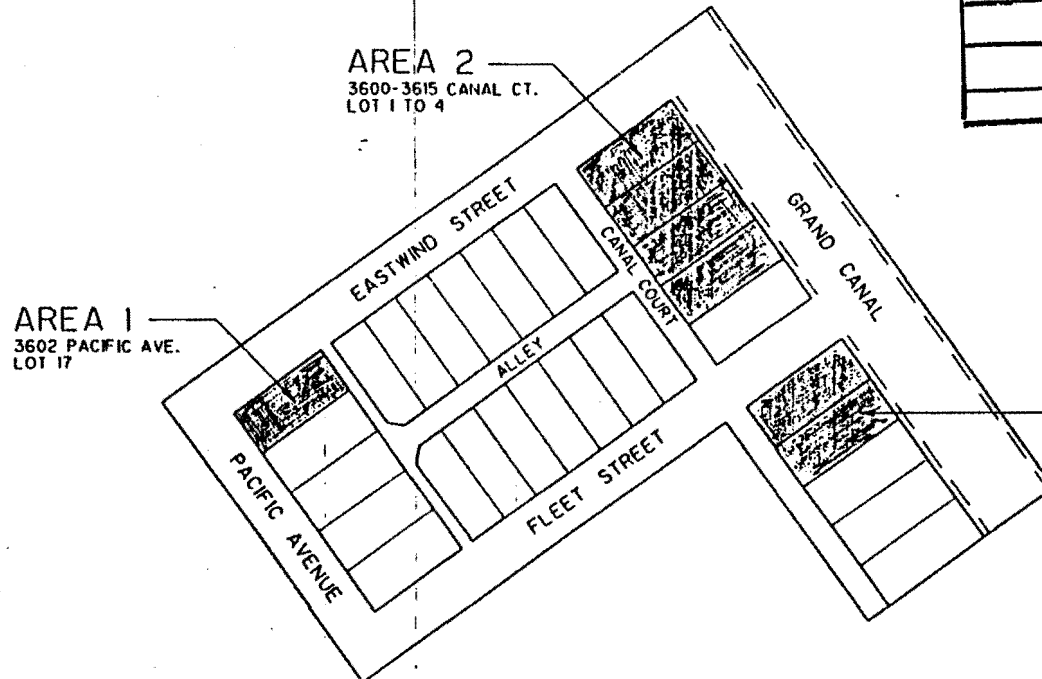
COASTAL COMMISSION

5-98-250

EXHIBIT # 1

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STATUS UNDER THE CALIFORNIA COASTAL ACT OF 1976	
DATE	DISPOSITION
	PERMIT WAIVED
	APPROVED IN CONCEPT
5/4/98	APPROVED K. LWS
	REF. NO.
	COASTAL COMM. NO.



The proposed project consists of the removal of existing oil wells and the remediation of any oil contamination of the above referenced sites.

The lots are currently vacant.

LADPW/GS SILVER

RECEIVED
JUN 23 1998
CALIFORNIA
COASTAL COMMISSION

1" = 100'
50 0 100
APPROXIMATE SCALE

5-98-250

COASTAL COMMISSION

5-98-250

EXHIBIT # 2

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CDM

environmental engineers, scientists,
planners, & management consultants