

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
2000 Ocean Gate, Suite 1000  
Long Beach, CA 90802-4302  
(562) 590-5071

**Item Tu22b**

Filed: 7/20/01  
49th Day: 9/7/01  
180th Day: N/A  
Staff: CP-LB  
Staff Report: 8/23/01  
Hearing Date: Sept. 11, 2001  
Commission Action:

**RECORD PACKET COPY****STAFF REPORT: APPEAL/SUBSTANTIAL ISSUE**

**LOCAL GOVERNMENT:** City of Los Angeles

**LOCAL DECISION:** Approval without Conditions

**APPEAL NUMBER:** A-5-VEN-01-280

**APPLICANT:** City of Los Angeles Department of Public Works

**AGENT:** Raul Rojas, Deputy City Engineer

**PROJECT LOCATION:** Segment of Grand Canal situated between Washington Boulevard and Ballona Lagoon, Venice, City of Los Angeles.

**PROJECT DESCRIPTION:** Appeal of City of Los Angeles approval of coastal development permit for the rehabilitation of the Grand Canal banks, public walkways and waterway (segment between Washington Boulevard and Ballona Lagoon).

**APPELLANTS:** Coastal Commission Executive Director Peter Douglas  
Coalition to Save the Marina (Attn: John Davis)  
Ballona Wetlands Land Trust (Attn: John Davis)  
Wetlands Action Network (Attn: John Davis)

**SUMMARY OF STAFF RECOMMENDATION**

The staff recommends that the Commission, after public hearing, determine that **a substantial issue exists** with respect to the proposed project's conformance the Chapter 3 policies of the Coastal Act for the following reasons:

The local coastal development permit does not adequately analyze and mitigate the potential impacts that the construction of the proposed project may have on the sensitive habitat areas in and adjacent to Grand Canal.

The motion to carry out the staff recommendation is at **top of Page Seven**.

**SUBSTANTIVE FILE DOCUMENTS:**

1. City of Los Angeles certified Land Use Plan for Venice, 6/12/01.
2. City of Los Angeles Local Coastal Development Permit No. 01-05.
3. Coastal Development Permit Application 5-01-289 (City of LA – Grand Canal).
4. Coastal Development Permit Appeal A5-VEN-01-279 (City of LA - Ballona Lagoon)
5. Coastal Development Permit Application 5-01-257 (City of LA - Ballona Lagoon).
6. Coastal Development Permit 5-91-584 & amendments (City of LA – Venice Canals).
7. City of Los Angeles Mitigated Negative Declaration for the Grand Canal Rehabilitation Project (CEQA), No. BE 097-01, 2/14/01.
8. Biota of the Ballona Region, Los Angeles County, by Ralph W. Schreiber, 1981.

**I. APPELLANTS' CONTENTIONS**

City of Los Angeles Local Coastal Development Permit No. 01-05 (Exhibit #2), approved by the Board of Public Works on June 14, 2001, has been appealed by the Executive Director of the Coastal Commission and by John Davis representing Coalition to Save the Marina, Ballona Wetlands Land Trust and Wetlands Action Network (Exhibit #6).

The grounds for the appeal by the Executive Director are:

- The local coastal development permit does not adequately analyze and mitigate the potential impacts of the proposed project on endangered species (California least tern) and the sensitive habitat areas in and adjacent to Grand Canal.
- The local coastal development permit does not include clear delineation between the portion of the project approved within the City's permit jurisdiction and the portion of the project proposed within the Commission's area of original jurisdiction (wetlands and submerged lands).

The grounds for the appeals filed by John Davis are:

- The proposed project violates the Chapter 3 policies of the Coastal Act (Sections 30230, 30231, 30236, 30240 & 30233) and Policy III.C.2 of the certified Venice LUP.
- The proposed project violates the Clean Water Act, National Environmental Protection Act and the California Environmental Quality Act (CEQA) because an Environmental Impact Report (EIR) has not been prepared and superior environmental alternatives have not been considered.
- The sediments in Grand Canal are contaminated with toxic substances and may negatively affect adjacent waterways if disturbed.

## II. LOCAL GOVERNMENT ACTION

The development approved by City of Los Angeles Local Coastal Development Permit No. 01-05 involves the City Department of Public Work's proposed rehabilitation of Grand Canal between Washington Boulevard and Ballona Lagoon (Exhibit #1). The canal banks, public walkways and waterway will be graded, dredged and reconstructed with a design similar to the Venice Canals rehabilitation project that was completed in the canals located north of Washington Boulevard (see Coastal Development Permit 5-91-584 & amendments).

The City of Los Angeles City Engineer held a public hearing for the proposed project and Local Coastal Development Permit No. 01-05 on May 24, 2001 at the Venice Branch City Library. On May 29, 2001, the City Engineer issued a Decision of Approval for Local Coastal Development Permit No. 01-05 with no conditions. No one appealed the City Engineer's approval of the local coastal development permit.

On June 22, 2001, a valid Notice of Final Local Action for Local Coastal Development Permit No. 01-05 was received in the Commission's South Coast District office in Long Beach, and the Commission's required twenty working-day appeal period commenced.

The appeal filed by John Davis representing Coalition to Save the Marina, Ballona Wetlands Land Trust and Wetlands Action Network was received in the Commission's South Coast District office in Long Beach on July 20, 2001 (Exhibit #6). The appeal by the Executive Director was also filed on July 20, 2001. No other appeals were received. The Commission's required twenty working-day appeal period closed on July 23, 2001.

The Commission opened and continued the public hearing on the appeal of Local Coastal Development Permit No. 01-05 at its August 6, 2001 meeting in Redondo Beach.

Because the proposed project is located in the City and Commission's "Dual Permit Jurisdiction" area (see Section IV on Page Five) and also within the Commission's area of original jurisdiction (submerged lands and wetlands), the City has submitted a separate coastal development permit application to the Commission for the proposed development (Coastal Development Permit Application 5-01-289). Coastal Development Permit Application 5-01-289 is currently incomplete as additional information is needed in order for staff to determine whether the proposed development is in conformity with Chapter 3 of the Coastal Act. One of the items needed to complete the "dual" application is a review of the development by the Department of Fish and Game.

If possible, the public hearings and actions for both the de novo portion of this appeal (if the Commission finds that a substantial issue exists) and Coastal Development Permit Application 5-01-289 will be combined and scheduled for concurrent action at the same future Commission meeting in Southern California.

### III. APPEAL PROCEDURES

Section 30600(b) of the Coastal Act provides that prior to certification of its Local Coastal Program (LCP), a local jurisdiction may, with respect to development within its area of jurisdiction in the coastal zone and consistent with the provisions of Sections 30604, 30620 and 30620.5, establish procedures for the filing, processing, review, modification, approval or denial of a coastal development permit. Pursuant to this provision, the City of Los Angeles developed a permit program in 1978 to exercise its option to issue local coastal development permits.

Sections 13302-13319 of Title 14 of the California Code of Regulations provide procedures for issuance and appeals of locally issued coastal development permits. Section 30602 of the Coastal Act allows *any* action by local government on a coastal development permit application evaluated under Section 30600(b) to be appealed to the Commission. The standard of review for such an appeal is the Chapter 3 policies of the Coastal Act.

After a final local action on a coastal development permit, the Coastal Commission must be noticed within five days of the decision. After receipt of such a notice which contains all the required information, a twenty working-day appeal period begins during which any person, including the applicant, the Executive Director, or any two members of the Commission, may appeal the local decision to the Coastal Commission (Section 30602).

The appeal and local action are then analyzed to determine if a substantial issue exists as to the conformity of the project to Chapter 3 of the Coastal Act [Section 30625(b)(1)]. If the Commission finds that the appeal raises a substantial issue, the Commission then holds a public hearing in which it reviews the coastal development permit as a de novo matter.

In this case, a valid Notice of Final Local Action was received on June 22, 2001. The two appeals were filed on July 20, 2001. Section 30621 of the Coastal Act states that the appeal hearing must be scheduled within 49 days of the receipt of a valid appeal unless the applicant waives the 49-day requirement. In this case, the Commission opened and continued the public hearing on the appeal on August 6, 2001, at its meeting in Redondo Beach.

At this point, the Commission may decide that the appellants' contentions raise no substantial issue of conformity with the Coastal Act, in which case the action of the local government stands, or the Commission may find that a substantial issue exists with respect to the conformity of the action of the local government with the Coastal Act if it finds that the appeal raises a significant question regarding consistency with the Chapter 3 policies of the Coastal Act. If the Commission finds that a substantial issue exists, then the hearing will be continued as a de novo permit request. Section 13321 of the Coastal Commission regulations specifies that de novo actions will be heard according to the procedures outlined in Section 13114.

#### IV. DUAL PERMIT JURISDICTION

The proposed development involves two distinct and separate types of coastal development permit jurisdiction: the City's and Commission's "*Dual Permit Jurisdiction*" area and the Commission's "*Original Jurisdiction*" area.

Section 30601 of the Coastal Act states:

Prior to certification of the Local Coastal Program and, where applicable, in addition to a permit from local government pursuant to subdivision (b) or (d) of Section 30600, a coastal development permit shall be obtained from the Commission for any of the following:

- (1) Developments between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.
- (2) Development not included within paragraph (1) located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream or within 300 feet of the top of the seaward face of any coastal bluff.
- (3) Any development which constitutes a major public works project or a major energy facility.

Within the areas specified in Section 30601, which is known in the City of Los Angeles permit program as the *Dual Permit Jurisdiction* area, the Coastal Act requires that the development which receives a local coastal development permit also obtain a "dual" coastal development permit from the Coastal Commission. For projects located inland of the areas identified in Section 30601 (*Single Permit Jurisdiction*), the City of Los Angeles local coastal development permit is the only coastal development permit required.

The proposed development is located in the waterway and on the banks of Grand Canal (Exhibit #3). Grand Canal is an extension of the sea, connected to the Pacific Ocean by Ballona Lagoon and the Marina del Rey entrance channel (Exhibit #1). The portion of the proposed project situated on canal banks above the submerged area of the canal is within the coastal zone area of the City of Los Angeles that has been designated in the City's permit program as the "*Dual Permit Jurisdiction*" area pursuant to Section 13307 of the California Code of Regulations.

Section 30519 of the Coastal Act states:

- (a) Except for appeals to the commission, as provided in Section 30603, after a local coastal program, or any portion thereof, has been certified and all implementing actions within the area affected have become effective, the development review authority provided for in Chapter 7 (commencing with Section 30600) shall no longer be exercised by the commission over any new development

proposed within the area to which the certified local coastal program, or any portion thereof, applies and shall at that time be delegated to the local government that is implementing the local coastal program or any portion thereof.

(b) Subdivision (a) shall not apply to any development proposed or undertaken on any tidelands, submerged lands, or on public trust lands, whether filled or unfilled, lying within the coastal zone, nor shall it apply to any development proposed or undertaken within ports covered by Chapter 8 (commencing with Section 30700) or within any state university or college within the coastal zone; however, this section shall apply to any development proposed or undertaken by a port or harbor district or authority on lands or waters granted by the Legislature to a local government whose certified local coastal program includes the specific development plans for such district or authority.

The areas specified in Section 30519(b) are known as the Commission's *Original Jurisdiction* area. The proposed project is primarily located seaward of the mean high tide line of Grand Canal within the Commission's area of *Original Jurisdiction*. Pursuant to Section 30519 of the Coastal Act, any development located within the Commission's area of original jurisdiction requires a coastal development permit from the Commission.

In this case, the required "dual" Coastal Commission coastal development permit application and the required coastal development permit application for development proposed within the Commission's area of original jurisdiction have been combined into one application which the City has submitted for Commission review and action (Coastal Development Permit Application 5-01-289). The Commission's standard of review for the proposed development in both the *Dual Permit Jurisdiction* area and within its area of original jurisdiction is the Chapter 3 policies of the Coastal Act. The certified Venice LUP is advisory in nature and may provide guidance.

In regards to this appeal, if the Commission finds that a substantial issue exists in regards to the City's approval of the Local Coastal Development Permit No. 01-05, the subsequent de novo action on the local coastal development permit will also be combined with the required "dual" Coastal Commission coastal development permit application (Coastal Development Permit Application 5-01-289). The matter will not be referred back to the local government.

On the other hand, if the Commission finds that no substantial issue exists in regards to the City's approval of the local coastal development permit, then the local coastal development permit approved by the City will be final, and the Commission will act on the required "dual" Coastal Commission coastal development permit as a separate agenda item (Coastal Development Permit Application 5-01-289).

In order to minimize duplication, Commission staff intends to combine the de novo permit action for this appeal (if the Commission finds that a substantial issue exists) and Coastal Development Permit Application 5-01-289 into one staff report and one hearing for concurrent Commission action. If the Commission finds that a substantial issue exists, staff will schedule a combined hearing at a future Commission meeting in Southern California.

V. **STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE**

The staff recommends that the Commission determine that a substantial issue exists with respect to whether the approval of the project is consistent with the provisions of Chapter 3 of the Coastal Act (commencing with Section 30200), pursuant to PRC Section 30625(b)(1).

Staff recommends a **NO** vote on the following motion:

**MOTION**

*"I move that the Commission determine that Appeal No. A-5-VEN-01-280 raises **NO** substantial issue with respect to the grounds on which the appeal has been filed."*

A majority of the Commissioners present is required to pass the motion.

**Resolution to Find Substantial Issue**

The Commission hereby finds that Appeal No. **A-5-VEN-01-280** presents a substantial issue with respect to conformity with the Chapter 3 policies of the Coastal Act.

VI. **FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

A. **Project Description**

The City of Los Angeles has proposed a major rehabilitation project for the segment of Grand Canal situated between Washington Boulevard and Ballona Lagoon (Exhibit #1). The proposed project is being financed by the City and local residents through the creation of a special assessment district. The goals of the project are to improve the water quality of the entire canals system, improve habitat values, increase public access and recreational opportunities, and to restore the original character of the canals neighborhood. The certified Venice LUP designates the 2,000-foot long project site as an Environmentally Sensitive Habitat Area (ESHA).

The proposed project incorporates elements from two Commission-approved projects that preceded it: the Venice Canals rehabilitation project that was completed in the canals located north of Washington Boulevard (see Coastal Development Permit 5-91-584 & amendments) and the Ballona Lagoon Enhancement Project (see Coastal Development Permit 5-95-152 & amendments). The segment of Grand Canal situated between these two previously completed projects is the only remaining section of this coastal waterway that is yet to be rehabilitated.

The current project proposal includes dredging and mucking out approximately 7,800 cubic yards of accumulated debris and sediments from the segment of Grand Canal situated south of Washington Boulevard (Exhibit #1). All non-native and invasive vegetation in and along the canal will be removed. The canal bottom is proposed to be excavated and re-shaped to a trapezoidal configuration and its original fifty-foot width using small, lightweight excavating machines with rubber tires.

To stabilize the canal banks, the City proposes to construct new 55-degree sloped embankments using concrete Loffelstein blocks like the ones used in the previously completed Venice Canals rehabilitation project (Exhibit #3). A layer of gravel (total of 2,583 cubic yards) is proposed to be placed along the toe of each canal bank to provide support for the new embankments (Exhibit #3). New planting strips on top of the canal banks and the cells of the Loffelstein Blocks will be planted with natural wetland species of plants such as pickleweed and saltgrass (Exhibit #5). The Loffelstein blocks are trough shaped so that they can retain organic materials to support wetland vegetation (Exhibit #4).

Existing sidewalks in good condition, such as the west bank segment between Driftwood Street and Ballona Lagoon, will be preserved in place for public access. In all other sections of the canal banks, the City will install a decomposed granite public access trail similar to the trail that exists along the entire east bank of Ballona Lagoon. The proposed project will provide a continuous public access trail along both sides of Grand Canal effectively linking the existing Venice Canal walkways with the east and west bank Ballona Lagoon trails. No section of Grand Canal will be left without such a trail. A one-meter high split rail fence (with wire fabric) will be erected along the waterside of the Grand Canal accessways to protect the canal habitat area from intrusion by people and domestic animals (Exhibit #4). No bridges over Grand Canal exist south of the Washington Boulevard bridge, and none are proposed as part of this project.

The proposed project also includes the installation of Ultra Urban filters in the existing catch basins that drain into Grand Canal. New filtered catch basins are proposed to be installed at the canal end of each of the alphabet streets (Anchorage, Buccaneer, Catamaran, Driftwood, etc. through Hurricane) to prevent siltation and erosion of the banks (Exhibit #3).

The City has estimated that the proposed project can be completed within twelve months once work commences. No work would occur in the waterway during the least tern-nesting season (April through September). The proposed project will necessitate the damming and draining of Grand Canal prior to the proposed dredging and excavation. In order to allow the maximum number of fish and other creatures to exit the canal (to Ballona Lagoon or the northern canals), the draining will occur at low tide. Any animals remaining are proposed to be safely captured by a qualified biologist and moved to Ballona Lagoon.

In order to preserve the water quantity and quality in the Venice Canals situated north of the project, the City proposes to construct a water bypass pipeline (0.61-meter diameter) and pumping system. Using the proposed bypass pipeline system, the Venice Canals would be flushed at least two times each week.



**B. Grand Canal**

The Venice Canals are a unique cultural, historic and scenic resource of Southern California. The canals, which were created as part of the "Venice of America" subdivision in 1905, provide a sense of character and history for the Venice community. They also provide public access, recreation, and wildlife habitat. The canals, along with adjacent Ballona Lagoon, support some of the last remaining pockets of coastal wetland habitat in Los Angeles County.

The canals system fell into disrepair in the 1920's, and many of the original canals were filled by the City in 1927. The residents in the area have been attempting to restore the remaining canals since the 1960's. The Venice Canals located north of Washington Boulevard have already been rehabilitated (see Coastal Development Permit 5-91-584 & amendments). The segment of Grand Canal that is currently proposed to be rehabilitated is the only canal that has yet to be rehabilitated.

The Grand Canal neighborhood located south of Washington Boulevard is a residential community consisting of multi-family and single family homes located along the open waterway. The neighborhood is located about four blocks from Venice Beach, one of the most popular visitor destinations in Los Angeles. Most of the residences front on the canals and are accessed from the rear by alleys which run behind the homes. Public walkways, which are currently severely damaged or completely deteriorated, run along both sides of the canal and separate the private residences from the canal. The Venice Canals system is a popular visitor destination in Southern California.

Grand Canal and the rest of the Venice Canals are part of the Ballona Lagoon sea water system. Ballona Lagoon connects to the south end of Grand Canal (Exhibit #1). The northern Venice Canals are connected to the project site (Grand Canal) by five three-foot diameter pipes which pass beneath the Washington Boulevard bridge. All five pipes have slide gates on the north side of Washington Boulevard, which are operated by the City of Los Angeles to allow flushing of the Venice Canals. All of the water in the Venice Canals, except for discharges from stormdrains and other sources, originates in the Marina del Rey entrance channel and must pass through Ballona Lagoon and Grand Canal before it reaches the furthest reaches of the canals system. The water is discharged from the canals through the tide gates during outgoing tides at weekly intervals.

**C. Factors to be Considered in Substantial Issue Analysis**

Section 30625(b)(1) of the Coastal Act states that the Commission shall hear an appeal of a local government action carried out pursuant to Section 30600(b) unless it finds that no substantial issue exists as to conformity with Chapter 3 of the Coastal Act. The term "*substantial issue*" is not defined in the Coastal Act or its implementing regulations. Section 13115(b) of the Commission's regulations simply indicates that the Commission will hear an appeal unless it "finds that the appellant raises no significant questions". In previous decisions on appeals, the Commission has been guided by the following factors.

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and,
5. Whether the appeal raises local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5.

Staff is recommending that the Commission find that a **substantial issue** does exist with respect to whether the approval of the project is consistent with the provisions of Chapter 3 of the Coastal Act for the reasons set forth below.

#### **D. Substantial Issue Analysis**

As stated in Section III of this report, the grounds for an appeal of a coastal development permit issued by the local government prior to certification of its Local Coastal Program (LCP) are the Chapter 3 policies of the Coastal Act. Any such local government coastal development permit may be appealed to the Commission. The Commission shall hear an appeal unless it determines that no substantial issue exists as to conformity with Chapter 3 policies of the Coastal Act. In this case, staff has recommended that a substantial issue does exist.

The appellants contend that the local coastal development permit does not adequately analyze and mitigate the potential impacts of the proposed project on endangered species (California least tern) and the sensitive habitat areas in and adjacent to Grand Canal, and violates the Chapter 3 policies of the Coastal Act (Sections 30230, 30231, 30236, 30240 & 30233. Section 30233 of the Coastal Act limits the filling of wetlands and coastal waters.

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 eight specific uses, including restoration.]

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 those resources shall be allowed within those 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 those areas, and shall be compatible with the continuance of those habitat and recreation areas.

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 30236 of the Coastal Act states:

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

The City proposes to enhance and restore the marine resources, water quality and public access opportunities of Grand Canal. While the final result of the proposed project, which includes the planting of native plants and the improvement of the public accessways, may be necessary and consistent with the intent of the Coastal Act and the certified Venice LUP, the

City's approval includes few specifics or limitations on how the proposed project would be implemented. The local coastal development permit also does not adequately analyze and mitigate the potential impacts that the construction of the proposed project may have on the sensitive and endangered species or the marine environment. The City has proposed to minimize impacts to the least tern by limiting construction in the water to occur only outside of the least tern nesting season, but the local coastal development permit does not contain this mitigation. In addition, the local coastal development permit does not assess whether the proposed mitigation will be adequate to minimize the potential permanent impacts to the least tern's foraging area. Therefore a substantial issue exists in regards to the proposed project's conformity with Chapter 3 the Coastal Act.

The City's analysis does not quantify the amount of wetland area that will be lost or gained by the implementation of the proposed project. The local coastal development permit authorizes the removal of all non-native vegetation from the banks of Grand Canal and the grading of the canal banks and channel. A substantial amount of existing wetland area will be impacted by the proposed project. The construction of Loffelstein block embankments may result in the filling of, and destruction of, small pockets of wetland areas that may be saved if alternative bank treatments are utilized. Alternatives bank treatments are considered in the City's Mitigated Negative Declaration for the proposed project, but were rejected in the approval of the local coastal development permit. Loss of wetland area may have adverse impacts to the least tern which forages in the Venice Canals during its nesting season. Section 30233 of the Coastal Act requires that the City implement "the least environmentally damaging alternative" if the proposed project involves the permissible filling of any wetland areas. Therefore a substantial issue exists in regards to the proposed project's conformity with 30233 of the Coastal Act.

In addition, Section 30240 of the Coastal Act requires that ESHA's be protected against any significant disruption of habitat values. The local approval's lack of specificity in identifying which types of construction methods are permitted or not permitted during construction of the project does not carry out the requirement of Section 30240 to protect the ESHA against significant disruption. Significant disruption of the ESHA may cause adverse impacts to the least tern which forages in the Venice Canals during its nesting season. In addition, if the sediments in Grand Canal are contaminated with toxic substances as alleged by the appellant (John Davis), the adjacent waterways which are also ESHA may be negatively affected by the proposed project if adequate mitigation measures to contain toxic materials are not implemented.

The appeal filed by John Davis also asserts that the proposed project violates the Clean Water Act, the National Environmental Protection Act and the California Environmental Quality Act (CEQA). Consistency with these acts is not the standard of review for an appeal of a local coastal development permit issued by the City pursuant to Section 30600(b) of the Coastal Act. The standard of review for an appeal of a local coastal development permit issued by the City pursuant to Section 30600(b) of the Coastal Act is conformity with Chapter 3 of the Coastal Act. In this case, a substantial issue does exist as to whether the proposed project and the local coastal development permit conform to the Chapter 3 policies of the Coastal Act.

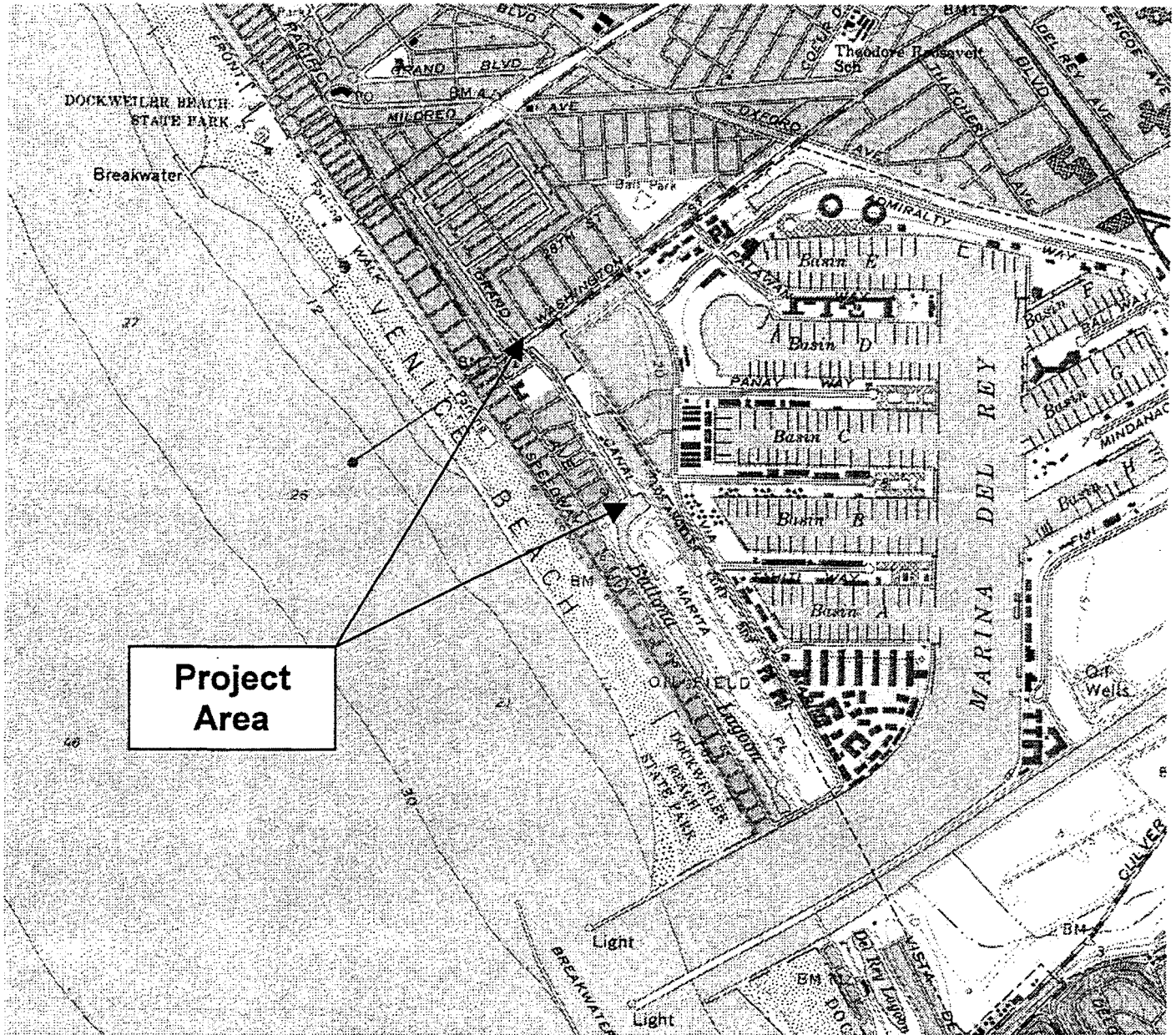
E. Conclusion

Because of the importance of the Coastal Act issues raised to by the appellants, the proposed project must be reviewed and considered by the Commission pursuant to the Chapter 3 policies of the Coastal Act. The Commission finds that a substantial issue exists with respect to the proposed project's conformance the Chapter 3 policies of the Coastal Act and with the City's approval of Local Coastal Development Permit No. 01-05 because the local coastal development permit does not adequately analyze and mitigate the potential impacts of the proposed project of the proposed project on endangered species (California least tern) and the sensitive habitat areas in and adjacent to Grand Canal.

The Commission will have the opportunity to review and act on the proposed project at the subsequent de novo hearing, and after the public hearing for Coastal Development Permit application 5-01-289 which will be scheduled for concurrent hearing and action with the de novo permit. The Commission' actions on the de novo permit and Coastal Development Permit application 5-01-289 will ensure that the proposed project will protect the ESHA, water quality, marine resources, public access, coastal views and lower cost recreational opportunities as required by the Coastal Act.

End/cp

# Grand Canal Rehabilitation Project – Vicinity Map



# VENICE, CA

COASTAL COMMISSION  
A5-VEN-01-280

EXHIBIT # 1

PAGE 1 OF 1

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LOS ANGELES, CA 90014-1911

## COASTAL DEVELOPMENT PERMIT

(Under authority of Sec. 30600(b) of the California Coastal Act of 1976)

**PROJECT TYPE:**                     Public       Private

**APPLICATION NUMBER:**        01-05

**NAME OF PROJECT:**            **GRAND CANAL REHABILITATION PROJECT**

**NAME OF APPLICANT:**        City of Los Angeles, Department of Public Works, Bureau of Engineering

**DEVELOPMENT LOCATION:**    Venice Community Plan Area, West Los Angeles Engineering District

**DEVELOPMENT DESCRIPTION:** This proposed assessment project will rehabilitate the last remaining deteriorated segment of the Ballona Lagoon/Grand Canal/Venice Canals waterway in the community of Venice, California.

This project incorporates elements from two projects that preceded it: the Venice Canals Rehabilitation Project and the Ballona Lagoon Enhancement Project. The Grand Canal between Washington Street and the Ballona Lagoon is the only remaining portion of this large coastal waterway that is yet to be rehabilitated. The project will remove accumulated debris and sediments from the Grand Canal between Washington Street and Ballona Lagoon (circa Hurricane Street). The entire canal will be re-graded and new Loffel Block embankments similar to those existing in the Venice Canals will be installed. All existing non-native and invasive vegetation will be removed from the canal and natural wetland species such as saltgrass and pickleweed will be planted in all Loffel Block cells on all embankments; natural "upland" wetland species will be planted along sidewalks above the upper Loffel Block rows.

Existing sidewalks in good condition will remain; otherwise, a decomposed granite walkway similar to the Ballona Lagoon's east bank trail will be installed. The project includes plans to install a white-painted, one-meter high rail fence with wire fabric between the walkways and the canal embankments to keep human and pet traffic from the canal banks. Also, new side opening storm drain catch basins with Ultra Urban filters will be installed where streets currently drain untreated into the canal in order to improve overall water quality.

- I. **FINDINGS:** In keeping with the findings and recommendations set forth in the adopted staff report incorporated herein by reference, the City of Los Angeles finds that:
- (a) The development is in conformity with Chapter 3 of the California Coastal Act of 1976, and will not prejudice the ability of the City of Los Angeles to prepare a Local Coastal Program in conformity with said Chapter 3.
  - (b) The Interpretative Guidelines established by the Coastal Commission dated August 14, 1978 and any subsequent amendments thereto have been reviewed, analyzed, and considered in the light of the individual project in making this determination, and the decision of the permit granting authority has been guided by any applicable decision of the Coastal Commission.

**COASTAL COMMISSION**

A5-VEN-01-280

EXHIBIT # 2

- (c) If the development is located between the nearest public road and the sea or shoreline of any body of water located within the Coastal Zone, the development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act.
- (d) There are no feasible alternatives, or feasible mitigation measures, as provided in the California Environmental Quality Act, available for imposition by this authority under power granted to it which would substantially lessen any significant adverse impact that the development, as finally permitted, may have on the environment.

- II. Pursuant to a public hearing held on May 24, 2001, at the Venice Branch Public Library, permit application number 01-05 was approved.
- III. This permit may not be assigned to another person except as provided in Section 13170, Coastal Commission Rules and Regulations.
- IV. This permit shall not become effective until the expiration of twenty (20) working days after a COPY of this permit has been received by the California Coastal Commission, South Coast Area, upon which all permittee(s) or agent(s) authorized in the permit application have acknowledged that they have received a copy of the permit and have accepted its contents and unless a valid appeal is filed. If the acknowledgement has not been returned within the time for commencement of construction under Section 13156(g), the executive director shall not accept any application for the extension of the permit.
- V. Work authorized by this permit must commence within two (2) years from the effective date of this permit. Any extension of time of said commencement date must be applied for prior to expiration of the permit.
- VI. Issued: June 14, 2001, pursuant to local government authority as provided in Chapter 7 of the California Coastal Act of 1976.

By \_\_\_\_\_  
Raul Rojas  
Deputy City Engineer

VII. I, Luis Ganaja, permittee/agent, hereby acknowledge receipt of permit number 01-05 and have accepted its contents.

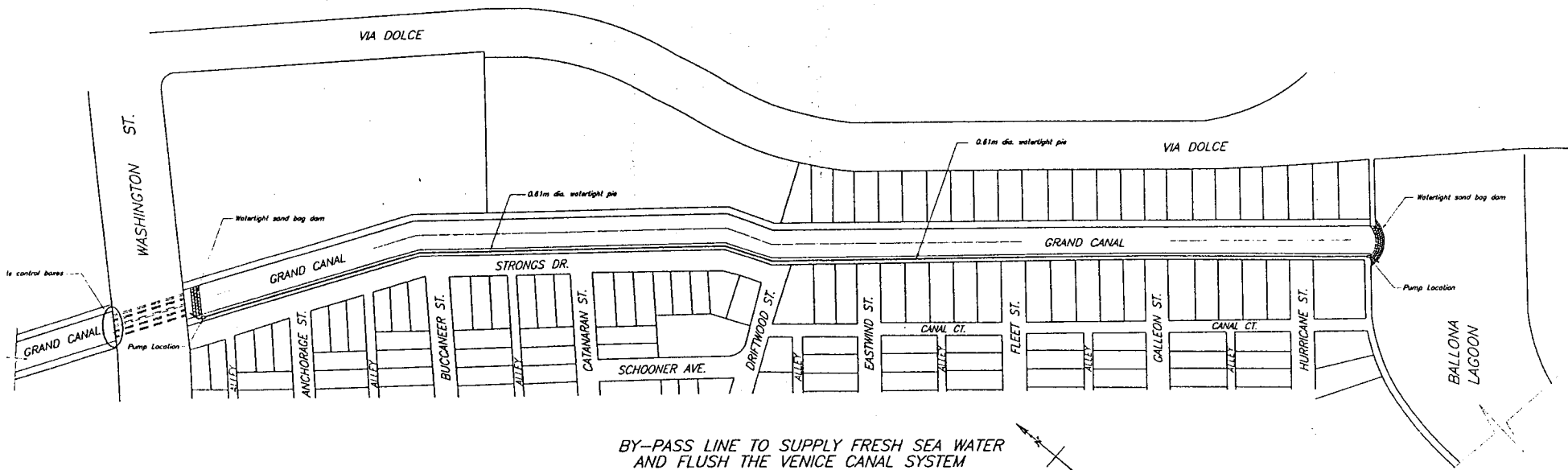
Luis Ganaja  
Signature

6/14/01  
Date

COASTAL COMMISSION

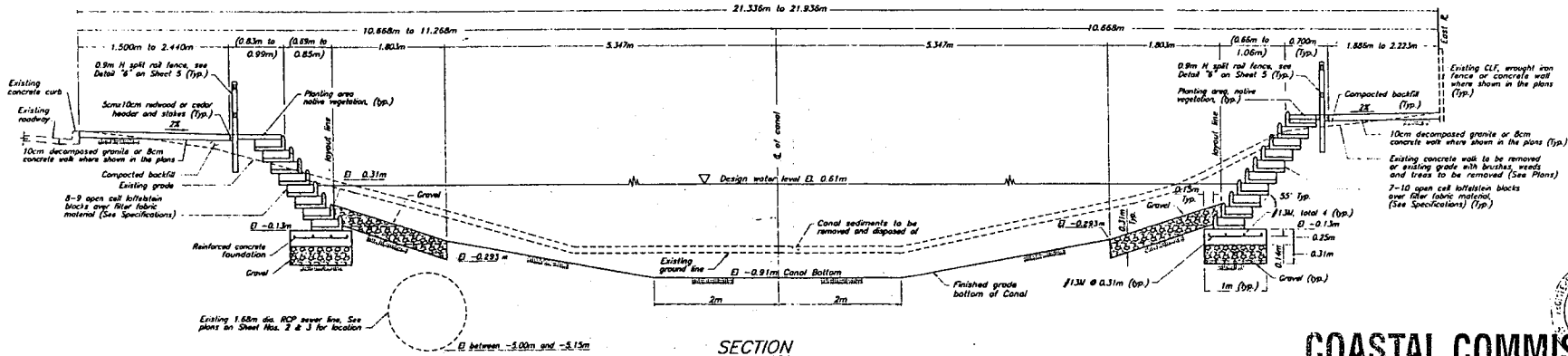
Exhibit # 2





**BY-PASS LINE TO SUPPLY FRESH SEA WATER AND FLUSH THE VENICE CANAL SYSTEM**  
 NOT TO SCALE

Note: See Special Provisions for dewatering of Grand Canal and water pumping system for supplying/flushing of water to the Venice Canal Area.



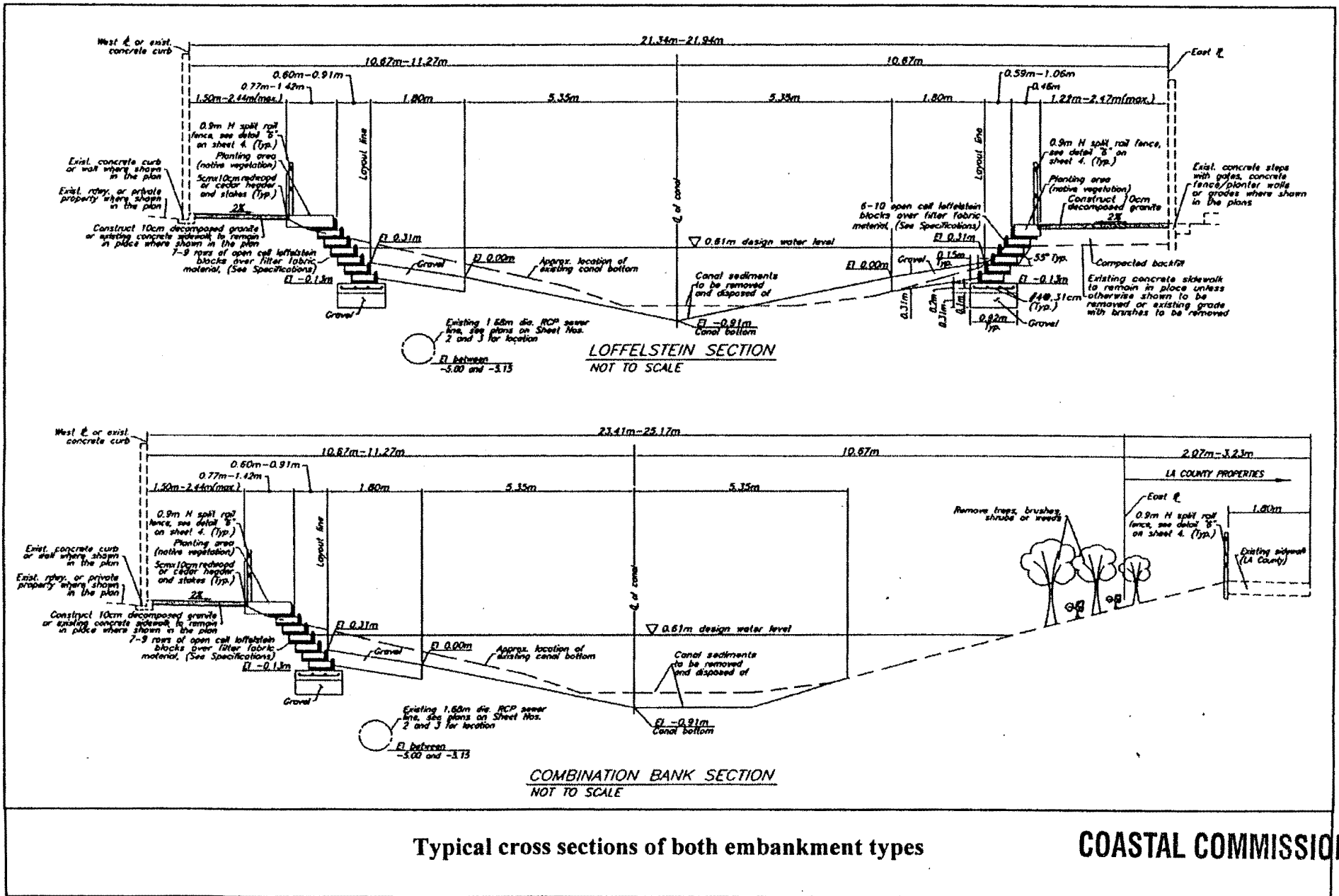
**SECTION**  
 NOT TO SCALE

(Shown at approx. between Sta. 6+20 and Sta. 6+30)

Note: See Plans for back of sidewalk elevations.



**COASTAL COMMISSION**  
 A 5-VEN-01-280  
 GRAND CANAL REHABILITATION



Typical cross sections of both embankment types

COASTAL COMMISSION

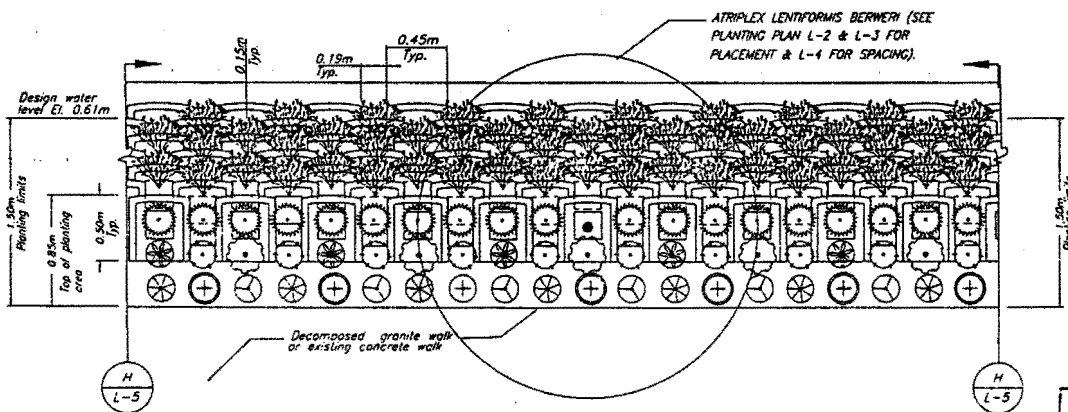
A5-VEN-01-280  
GRAND CANAL

EXHIBIT # 3  
PAGE 2 OF 2



# PLANT LIST

SYMBOL	BOTANICAL NAME (COMMON NAME)	PLANT QUANTITY	SIZE	REMARKS
	<u>SHRUB OR GROUND COVER</u>			
	<i>ATRIPLEX LENTIFORMIS BREWERI</i> (BREWER SALT BUSH)	193	2 1/4" LINER	CONTRACTOR TO CONTRACT GROW
	<i>ISOMERIS ARBOREA</i> (BLADDER POD)	76	2 1/2" X 9 1/2" (FIELD SPOT W/ FLAG)	CONTRACTOR TO CONTRACT GROW
	<i>SALICORNIA VIRGINICA</i> (PICKLE WEED)	18,328	2 1/4" LINER	CONTRACTOR TO CONTRACT GROW (NO PLANT TABLETS)
	<i>DISTICHLIS SPICATA</i> (SALT GRASS)	5,219	2 1/4" LINER	CONTRACTOR TO CONTRACT GROW
	<i>FRANKENIA GRANDIFLORA</i> (ALKALI HEATH)	1,282	2 1/4" LINER	CONTRACTOR TO CONTRACT GROW
	<i>JAUMEA CARNOSEA</i> (JAUMEA)	2,562	2 1/4" LINER	CONTRACTOR TO CONTRACT GROW
	<i>LIMONIUM CALIFORNICUM</i> (SEA LAVENDER)	1,282	2 1/4" LINER	CONTRACTOR TO CONTRACT GROW
	<i>MONARDOCHLOE LITTORALIS</i> (SHORE GRASS)	1,302	2 1/4" LINER	CONTRACTOR TO CONTRACT GROW
	<i>SAUEA CALIFORNICA</i> (SEA BLITE)	1,302	2 1/4" LINER	CONTRACTOR TO CONTRACT GROW
	<i>SALICORNIA SUBTERMINALIS</i> (GLASSWORT)	1,302	2 1/4" LINER	CONTRACTOR TO CONTRACT GROW
	<i>ENCELIA CALIFORNICA</i> (COAST SUNFLOWER)	4	1 GAL.	(FIELD SPOT W/ FLAG)



TYPICAL PLANTING DETAIL @ LOFFELSTEIN BLOCK WALL @ N/W ROW  
(STA. 4+00 TO 7+00)  
Note: SEE PLANTING PLAN SHEET L-3 FOR PLANTING LOCATIONS  
NOT TO SCALE

**COASTAL COMMISSION**

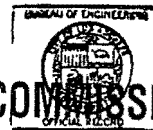
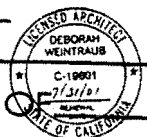


EXHIBIT # 5  
PAGE 1



CITY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS

BUREAU OF ENGINEERING  
VITALY B. TROYAN, P.E. CITY ENGINEER  
ARCHITECTURAL DIVISION  
600 S. SPRING ST., STE 200  
PHONE 847-9384

DEBORAH WEINTRAUB AIA

**REVISIONS**

NO.	DATE

CITY ENGINEER  
DEPUTY CITY ENGINEER  
CITY ARCHITECT

PLANTING DETAIL & PLANT LIST  
A5-VEN-01-280  
GRAND CANAL REHABILITATION PROJECT  
FOR

ARCHITECT  
STRUCTURAL ENG.  
BLDG. MECH. ENG.  
BLDG. ELEC. ENG.

BLDG. NO.  
WORK ORDER NO. E6000570  
PLAN NO.  
DATE 4/12/01  
JOB CAPTAIN RT.  
DRAWN BY RT.  
CHECKED BY GN.  
SHEET NO.

BUREAU OF ENGINEERS  
STATE OF CALIFORNIA

L-5  
OF 5 SHEETS

CALIFORNIA COASTAL COMMISSION

South Coast Area Office  
205 Oceanway, 10th Floor  
Long Beach, CA 90802-4302  
(562) 580-5071

APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENT  
(Commission Form D)



Please Review Attached Appeal Information Sheet Prior To Completing This Form.

July 20, 2001

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Coalition to Save the Marina  
Ballona Wetlands Land Trust  
Wetlands Action Network (310) 303-4867  
Zip Area Code Phone No.

334 Venice W  
Venice CA 900

SECTION II, Decision Being Appealed

1. Name of local/port government: Los Angeles City

2. Brief description of development being appealed: Grand Canal Dredging Project

3. Development's location (street address, assessor's parcel no., cross street, etc.): Grand Canal Venice CA

- 4. Description of decision being appealed:
  - a. Approval; no special conditions:
  - b. Approval with special conditions:
  - c. Denial:

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: \_\_\_\_\_

DATE FILED: \_\_\_\_\_

DISTRICT: \_\_\_\_\_

NS: 4/88

RECEIVED  
South Coast Region

JUL 20 2001

CALIFORNIA  
COASTAL COMMISSION  
A5-VEN-01-280  
COASTAL COMMISSION

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

~~See Attachment~~

Proposed project violates Chapter 3 provisions & policies of the Coastal Act, The Clean Water Act, National Environmental Protection Act, California Environmental Quality Act. Further documentation pending. Also see attachment

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

John Davis (John Davis)  
Signature of Appellant(s) or  
Authorized Agent

Date July 20, 2001

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize \_\_\_\_\_ to act as my/our representative and to bind me/us in all matters concerning this appeal.

\_\_\_\_\_  
Signature of Appellant(s)

Date July 20, 2001

COASTAL COMMISSION  
A5-VEN-01-28

EXHIBIT # 6

PAGE 2 OF 4



Coalition to Save the Marina Inc.  
P.O. Box 9291  
Marina Del Rey CA 90295  
Phone: (310) 572-6477  
Web Site: [SaveTheMarina.Com](http://SaveTheMarina.Com)  
E-Mail: [info@savethemarina.com](mailto:info@savethemarina.com)

JULY 20 2001  
To: City of Los Angeles  
From: The Coalition to Save the Marina, Inc.  
Ballona Wetlands Land Trust  
Wetlands Action Network

**Re: Case No. 01-05**

This project requires an environmental impact report.

The alternative of no project or an environmentally superior alternative has not been considered.

The proposed site is located in an Environmentally Sensitive Habitat Area §30118.5.

The project is not consistent with the policies of the Local Coastal Program as it relates to protections offered to least terns, an endangered species.

Policy 3. C. 2. Page 4-11 Least Tern Nesting Area.

The project is inconsistent with the following sections of the Coastal Act.

§ 30230  
§30231  
§30236  
§30240  
§30233

The submarine sediments of the Grand Canal are contaminated with toxic substances.  
This constitutes a significant impact on the environment.

**COASTAL COMMISSION**

EXHIBIT # 6  
PAGE 3 OF 4

We must consider the impacts upon the Ballona Lagoon and adjacent canals that will occur with the massive disruption of these toxic sediments.

Furthermore, we must consider the environmental consequences that may occur on nearby wildlife areas such as the Oxford basin, Marina del Rey, and the Ballona Wetlands.

The most environmentally superior solution is no project or a project that does not include dredging.

The proposed project is inconsistent with the chapter three policies of the California coastal Act, the Clean Water Act, the Coastal Management Zone Act, the California Environmental Quality Act and the National Environmental Protection Act.

Sincerely,  
John Davis  
Vice President Coalition to Save the Marina

COASTAL COMMISSION

EXHIBIT # 5  
PAGE 4 OF 4