

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
 200 Oceangate, Suite 1000
 Long Beach, CA 90802-4302
 (562) 590-5071

Filed: Nov. 26, 2001
 49th Day: Jan. 14, 2002
 Open & Cont. Jan. 8, 2002
 Staff: AM-LB **AM**
 Staff Report: Jan. 17, 2002
 Hearing Date: Feb. 6, 2002
 Commission Action:

**W-20d****STAFF REPORT: APPEAL/SUBSTANTIAL ISSUE****APPEAL NUMBER:** A-5-PPL-01-446**LOCAL GOVERNMENT:** City of Los Angeles**LOCAL DECISION:** Approval with No Conditions**APPLICANT:** City of Los Angeles, Bureau of Engineering**PROJECT LOCATION:** Las Pulgas Canyon (bordered by Grenola St., Bienvenida Ave., Muskingum Pl., Puerto del Mar, and Pacific Coast Highway), Pacific Palisades, City/County of Los Angeles**PROJECT DESCRIPTION:** Replacement of a 40 to 50 year old deteriorating sewer line with a new 2,750 feet of gravity fed sewer line ranging in diameter from 8 to 16 inches at a depth of between 5 and 50 feet. The new sewer line will be constructed by using directional drilling, micro-tunneling, and open trench.**APPELLANTS:** California Coastal Commission Executive Director, Peter Douglas

RECORD PACKET COPY

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 with 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 geologic stability of Las Pulgas Canyon, does not minimize the risk to life and property in an area of high geologic hazard, and does not minimize impacts on environmentally sensitive habitat areas and the biological productivity and quality of coastal waters and streams.

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

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles, Local Coastal Development Permit #01-06 record (Las Pulgas Canyon Sewer Replacement)

I. APPELLANTS' CONTENTIONS

City of Los Angeles Local Coastal Development Permit No. 01-06 (Exhibit #2), approved by the City of Los Angeles, Bureau of Engineers on October 4, 2001, has been appealed by the Executive Director of the Coastal Commission.

The grounds for the appeal by the Executive Director are:

- ◆ The findings within the City's staff report for the Las Pulgas sewer repair indicates that the proposed project would not create a geologic hazard. The staff report continues by stating that Las Pulgas Canyon is known to contain unstable areas and the sewer will be built in such a way that known geologic hazards will not cause sewer failure or risks to life and property. There was no indication that a slope stability analysis was done for this project and there are no conditions and recommendations for construction in a known hazardous area (landslides and erosion). Therefore, without a certified geologic recommendation for the construction in a known geologically hazardous area, without conditions addressing construction in a landslide area, and without any indication of how the project will be constructed without causing sewer failure or risk to life and property, the approved Bureau of Engineering sewer repair project is not consistent with Section 30253 of the Coastal Act.
- ◆ The findings within the City's staff report indicate that the proposed project is adjacent to an Environmentally Sensitive Habitat Area (ESHA). However, there is no indication of the type or location of that ESHA. The findings state that "[t]he land surface will be restored in areas that are disturbed as part of this development...." There are no conditions that would require restoration if any ESHA were impacted and there are no alternatives addressed that would avoid or minimize impacts to the ESHA. Therefore, the City approved project is inconsistent with Section 30230, 30231, and 30240 of the Coastal Act

II. LOCAL GOVERNMENT ACTION

The development approved by the City of Los Angeles Local Coastal Development Permit No. 01-06 involves the replacement of a 40 to 50 year old deteriorating sewer line with a new 2,750 feet of gravity fed sewer line ranging in diameter from 8 to 16 inches at a depth of between 5 and 50 feet. The new sewer line will be constructed by using directional drilling, micro-tunneling, and open trench. The proposed project is located in Las Pulgas

Canyon, a north/south trending canyon between Sunset Boulevard and Pacific Coast Highway (Exhibit #1).

The City of Los Angeles, Bureau of Engineering held a public hearing for the proposed project and Local Coastal Development Permit No. 01-06 on October 2, 2001. On October 4, 2001, the Los Angeles City Engineer issued a Notice of Decision for Local Coastal Development Permit No. 01-06 with no special conditions (Exhibit #2 & #3). The permit was issued on October 26, 2001.

On October 26, 2001, a valid Notice of Final Local Action for Local Coastal Development Permit No. 01-06 was received in the Commission's South Coast District office, and the Commission's required 20 working-day appeal period commenced. The appeal by the Executive Director was filed on November 26, 2001. No other appeals were received. The Commission's required twenty working-day appeal period closed on November 26, 2001. The Commission opened and continued the public hearing for the appeal of Local Coastal Development Permit No. 01-06 at its January 8, 2002 meeting in Los Angeles.

Because the proposed project is located in the City and Commission's "Dual Permit Jurisdiction" area (see Section IV on Page Four), the applicant has submitted a separate coastal development permit application to the Commission for the proposed development (Coastal Development Permit application 5-01-423). Coastal Development Permit application 5-01-423 is incomplete pending receipt of further information so staff can adequately analyze the proposed project.

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 5-01-423 will be combined and scheduled for concurrent action at a 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 that contains all the required information, a 20 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 October 26, 2001. The appeal by the Executive Director was filed on November 26, 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 at its January 8, 2002 meeting in Los Angeles.

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. In contrast, 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 Title 14 of the California Code of Regulations specifies that de novo actions will be heard according to the procedures outlined in Section 13114 and 13057-13096.

IV. DUAL PERMIT JURISDICTION

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 of the Coastal Act, 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, unless appealed to the Coastal Commission.

The proposed development is located within Las Pulgas Canyon, which contains a blue line stream (Exhibit #1). Portions of the project are also located directly seaward of Pacific Coast Highway. This area that is located within 100 feet of a stream and 300 feet of the inland extent of the beach 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 Title 14 of the California Code of Regulations. In addition, the proposed project is a major public works project. Even if the project site were not located in the mapped dual permit jurisdiction area, the applicant would be required to submit a coastal development permit application as required in Section 30601(3) of the Coastal Act.

The City of Los Angeles has not prepared a Land Use Plan for Pacific Palisades. Therefore, the Commission's standard of review for the proposed development in the *Dual Permit Jurisdiction* area is the Chapter 3 policies of the Coastal Act.

In regards to this appeal, if the Commission finds that a substantial issue exists with respect to the City's approval of the Local Coastal Development Permit No. 01-06, 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 5-01-423). 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 5-01-423).

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 5-01-423 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. However, both the de novo permit and Coastal Development Permit application 5-01-423 will not be scheduled until the applicant has submitted adequate

information to the Commission's South Coast District office (see Section VI. E. below for further description of required information).

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-PPL-01-446 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-PPL-01-446 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 proposed project includes the replacement of a 40 to 50 year old deteriorating sewer line with a new 2,750 feet of gravity fed sewer line ranging in diameter from 8 to 16 inches at a depth of between 5 and 50 feet. The new sewer line will be constructed by using directional drilling, micro-tunneling, and open trench. The proposed project is located in Las Pulgas Canyon, a north/south trending canyon between Sunset Boulevard and Pacific Coast Highway (Exhibit #1). The staff report for Local Coastal Development Permit No. 01-06 describes the proposed sewer in three segments. "Segment one begins approximately 240 feet southwest of the dead end at Bienvenida Avenue and goes down Las Pulgas Canyon where it connects to an existing sewer line at Pacific Coast Highway. The other two segments connect to segment one. Segment two begins 120 feet west-southwest before the dead end at Puerto Del Mar, and approximately 50 feet west of the street. Segment three starts just north of the sewage pumping station underneath Muskingum Place (located near an above ground, green electrical box placed near the sidewalk on Muskingum)" (Exhibit #3).

The existing sewer is an 8 to 10-inch diameter vitrified clay pipe. The City staff report indicates that the existing sewer is deteriorated. Current problems, in some cases leaking sewage pipes, have been caused by pipe joint slippage and root intrusion.

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 the Chapter 3 policies of the Coastal Act. In this case, staff has recommended that a substantial issue does exist.

The appellant contends that the local coastal development permit does not adequately analyze and mitigate the potential impacts of the proposed project on the environmentally sensitive habitat area in Las Pulgas Canyon. In addition, the appellant contends that the

local coastal development permit does not minimize the risk to life and property in an area of high geologic hazard and does not assure stability of the site, which could contribute to erosion or geologic instability. The appellant further contends that the local coastal development permit violates Sections 30230, 30231, 30240, and 30253 of the Coastal Act.

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 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 30253 of the Coastal Act states in part:

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding

area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The project, as approved by the City of Los Angeles, Bureau of Engineering, is for the replacement of a 40 to 50 year old deteriorating sewer line with a new 2,750 feet of gravity fed sewer line ranging in diameter from 8 to 16 inches at a depth of between 5 and 50 feet. The new sewer line will be constructed by using directional drilling, micro-tunneling, and open trench (Exhibit #2 & #3). The project is located in Las Pulgas Canyon, bordered by Grenola St., Bienvenida Ave., Muskingum Pl., Puerto del Mar, and Pacific Coast Highway, in the Pacific Palisades area of Los Angeles (Exhibit #1). The substantial issue analysis can only consider the material used by the City in determining consistency with the Chapter 3 policies of the Coastal Act on or prior to the date of approval for Local Coastal Development Permit #01-06. The City has submitted information subsequent to the City's approval. After review of the City record it was discovered that the ESHA in question is a blue line stream located in the bottom of Las Pulgas Canyon. Additional information is also contained in the "dual" coastal development permit application with the Coastal Commission's South Coast District office. This additional information cannot be used in determining if a substantial issue exists with the locally approved coastal development permit. However, such additional information can be used during the de novo coastal development permit.

a. Hazards to Development

Section 30253 of the Coastal Act requires new development to minimize risk to life and property in areas of high geologic hazard and assure stability and structural integrity of the subject site and development. The local coastal development permit indicates that the sewer replacement project would be located on the slopes and near the bottom of Las Pulgas Canyon. There is mention throughout the City's staff report of instability and landslides in this canyon. Las Pulgas Canyon is known to contain several landslides, some of which are continually failing.

Local Coastal Development Permit No. 01-06 does adequately acknowledge that the "Pacific Palisades area has a history of landslides dating back to the 1870's. Soil falls and slope failures have often followed periods of heavy rainfall or road construction. In some cases sewer segments damaged by landslides had to be rerouted around slide areas" (Exhibit #3). The City did analyze the project with respect to consistency with Section 30253 of the Coastal Act. In their findings, the City states that the proposed sewer would not create a geologic hazard. They continue by addressing the fact that Las Pulgas Canyon is known to contain unstable areas. The City concludes in their findings that "the sewer will be built in such a way that known geologic hazards will not cause sewer failure or risk to life and property" (Exhibit #3). While this statement may, on the surface, indicate that the City has proposed the sewer replacement project in a safe manner, there was no supporting evidence, slope stability analysis, and an updated version of the 1992 geotechnical report for the proposed sewer replacement with respect to Las Pulgas Canyon.

Without such technical information, there is no way to know the depth of landslide or fill material, the depth of existing slide planes, the stability of the canyon slopes, or whether or not such landslides are actively moving or have the potential for earth movement. Therefore, lacking such pertinent evidence, the alignment of the locally approved sewer replacement could result in further geologic instability, does not minimize the risk to life and property, and does not assure stability and structural integrity of the site and proposed project. For these reasons, the Commission finds the Local Coastal Development Permit No. 01-06 is inconsistent with Section 30253 of the Coastal Act.

b. Environmentally Sensitive Habitat Area

As previously mentioned, the sewer replacement project would be located in Las Pulgas Canyon. In the bottom of this canyon is a blue line stream, as mapped by the U.S. Geological Survey. Most blue line streams are considered environmentally sensitive habitat areas. They can support sensitive riparian habitat, which, in turn, supports a myriad of vertebrate and invertebrate species. The City's staff report indicates that "the proposed sewer replacement project is adjacent to an ESHA, and not in an ESHA" (Exhibit #3). Section 30240 states that "Development in areas adjacent to environmentally sensitive habitat 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 ... areas."

The locally approved sewer replacement project is adjacent to the ESHA as indicated in the City's staff report. While the City has designed the project to include directional drilling and micro-tunneling, which limits impacts to habitat, the sewer replacement project may still impact the ESHA. Possible impacts include construction phase operation impacts, sedimentation of the stream below the proposed project, alteration of the stream due to possible earth movement caused by the proposed project (see subsection "a." above), and removal of sensitive habitat.

During construction storage or placement of materials, debris, or waste can be subject to erosion or dispersion via rain or wind. In addition, open cuts in the earth left uncovered or unmonitored can further lead to erosion across the subject site, in this case Las Pulgas Canyon. There were no conditions on the project that required the implementation of construction phase Best Management Practices that would limit the likelihood of erosion or dispersion of debris into the blue line stream.

The findings within the City staff report states, "the land surface will be restored in areas that are disturbed as part of this development, though the use of tunneling will keep this to a minimum" (Exhibit #3). The Bureau of Engineering approved the Local Coastal Development Permit No. 01-06 with no conditions. Therefore, there is no mechanism that would require the mitigation or restoration of any ESHA damaged by the sewer replacement project. In addition, the locally approved project did not address the possible impacts during the construction phase of the project, nor did it address the possibility of project induced earth movement that could alter the course of the blue line stream located below the canyon slopes. For these reasons the Commission finds a substantial issue

exists with the Bureau of Engineering's approval of the proposed sewer replacement project with respect to Section 30240 of the Coastal Act.

b. Marine Resources

Las Pulgas Canyon is a north/south trending canyon between Pacific Coast Highway and Sunset Boulevard. The canyon bottom contains a blue line stream that drains a large area of the Pacific Palisades and outlets into the Pacific Ocean. Section 30230 and 30231 of the Coastal Act address the protection of marine resources and the biological productivity and the quality of coastal waters and streams. The staff report for the locally approved coastal development permit indicates, "the purpose of the proposed sewer replacement is to increase the dependability of the sewage lines and eliminate leakage or overflows from the existing sewer lines. This proposed project would protect the public, and the beach and marine environment from sewage overflows (which contain high concentrations of bacteria)" (Exhibit #3).

In the long term, replacing the deteriorated sewer pipes with new, gravity fed sanitary sewer line will decrease the potential from leakage in the older pipes. However, the project must first be found consistent with the Chapter 3 policies of the Coastal Act. As previously discussed in subsections "a." and "b." above, there was not adequate analysis of the landslides in the canyon where the sewer pipe would be located and there were no indications that erosion and dispersion of material from the project site would be controlled. Each of these impacts could ultimately either increase the siltation or significantly alter the course of the blue line stream, which ultimately drains to the ocean. Also, construction debris entering coastal waters or streams may cover soft bottom habitat. Sediment discharged into coastal waters may cause turbidity, which can shade and reduce the productivity of foraging avian and marine species' ability to see food in the water column. For these reasons, the Commission finds that the locally approved coastal development permit No. 01-06 is inconsistent with Section 30230 and 30231 of the Coastal Act.

E. Conclusion

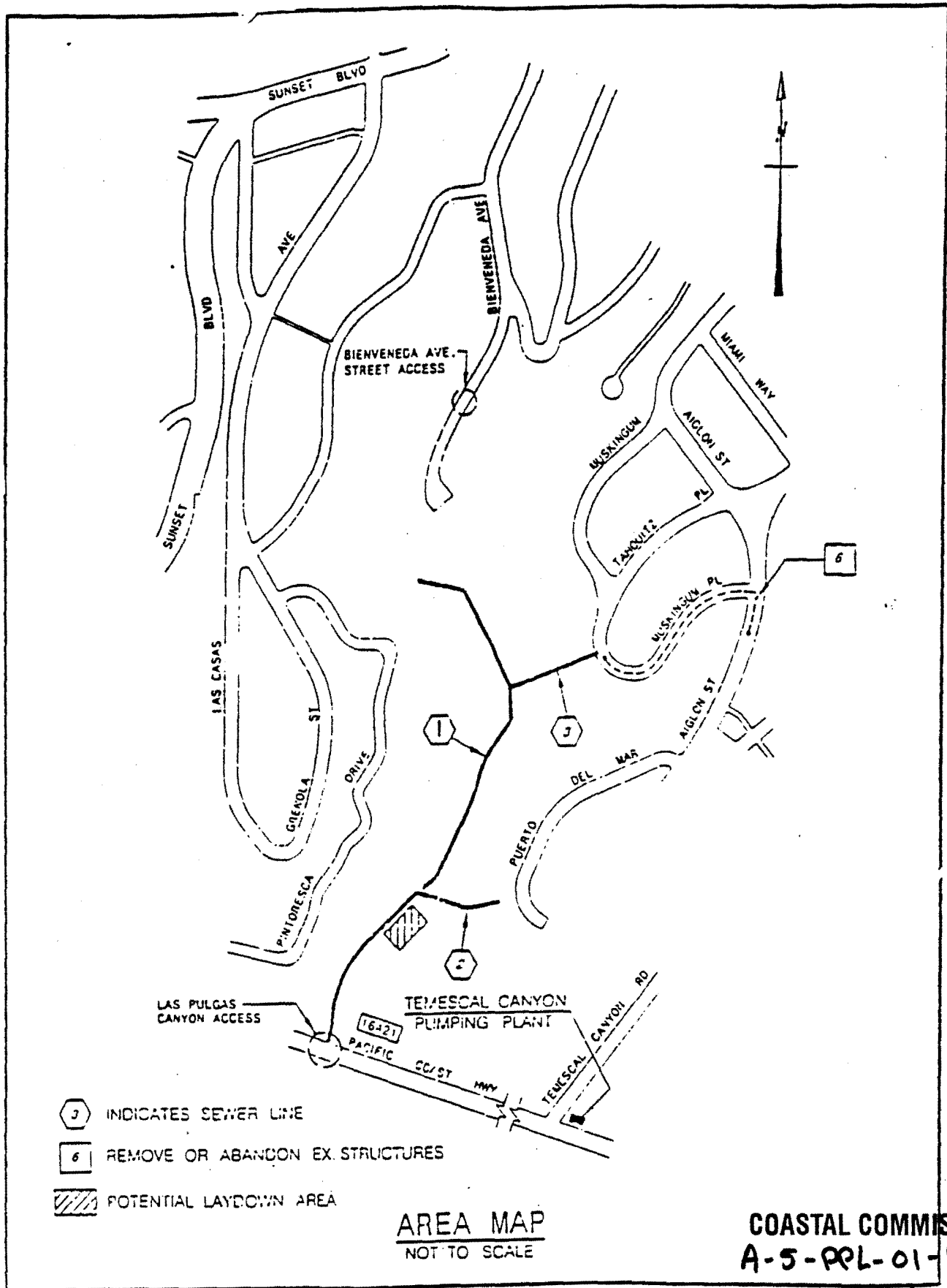
Because of the importance of the Coastal Act issues raised by the appellants, the proposed project must be reviewed and considered by the Commission pursuant to the Chapter 3 policies of the Coastal Act. The Commission finds that a substantial issue exists with respect to the locally approved project's conformance with the Chapter 3 policies of the Coastal Act and with the City's approval of Local Coastal Development Permit No. 01-06 because the local coastal development permit does not adequately analyze the geologic conditions of Las Pulgas Canyon, does not minimize the risk to life and property, and does not mitigate the potential impacts of the proposed project on the environmentally sensitive habitat areas and water quality issues in Las Pulgas Canyon and the surrounding coastal waters.




The Commission will have the opportunity to review and act on the proposed project at the hearing for both the subsequent de novo permit and Coastal Development Permit application 5-01-423, which will be scheduled for concurrent hearing and action. The

Commission staff will not, however, bring the de novo permit and Coastal Development Permit application 5-01-423 back to the Commission until complete information is received by the applicant that will allow staff to adequately analyze the proposed project. Such information includes, but is not limited to, an analysis of the stability of the canyon slopes and how they may impact the proposed sewer. The stability of the existing landslides and nearby landslides should be addressed through quantitative slope stability analysis prepared and certified by a certified engineering geologist. A report indicating which mapped landslides have been historically active or are currently active using geologic, historic and/or survey data shall also be included. In addition, a map shall be drawn showing all areas of ESHA, a description of the ESHA, and the location of the existing and proposed sewer lines, and measures taken to minimize any impacts on the ESHA during or after construction.

The Commissions' actions on the de novo permit and Coastal Development Permit application 5-01-423 will ensure that the proposed project will protect the ESHA, water quality, marine resources, and geologic stability as required by the Coastal Act.

End/am



-  INDICATES SEWER LINE
-  REMOVE OR ABANDON EX. STRUCTURES
-  POTENTIAL LAYDOWN AREA

AREA MAP
NOT TO SCALE

COASTAL COMMISSION
A-5-POL-01-446

EXHIBIT # _____
PAGE 1 OF 1

Figure 1. Area Map

BOARD OF PUBLIC WORKS
MEMBERS

ELLEN STEIN
PRESIDENT

VALERIE LYNNE SHAW
VICE-PRESIDENT

MARIBEL MARIN
PRESIDENT PRO-TEM
STEVEN CARMONA
WOODY FLEMING

JAMES A. GIBSON
SECRETARY

CITY OF LOS ANGELES

CALIFORNIA



RICHARD J. RIORDAN
MAYOR

DEPARTMENT OF
PUBLIC WORKS
BUREAU OF
ENGINEERING

VITALY B. TROYAN, P.E.
CITY ENGINEER

650 SOUTH SPRING ST., SUITE 200
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: 01-06

NAME OF APPLICANT: City of Los Angeles, Bureau of Engineering

DEVELOPMENT LOCATION: Las Pulgas Canyon, N of Pacific Coast Highway in Pacific Palisades

DEVELOPMENT DESCRIPTION: Replacement of an aging sewer with a modern sewer.

1. **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:
 1. 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.
 2. 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.
 3. The development is not 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.
 4. 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.
 5. The Los Angeles Municipal Code Section 12.20.2 (g) authorizes the City of Los Angeles to approve, conditionally approve or disapprove any application for a permit under the California Coastal Act of 1976 and standards as established by Division 5.5, Title 14 of the California Administrative Code.

COASTAL COMMISSION

A-5-PP-01-446

EXHIBIT # 2

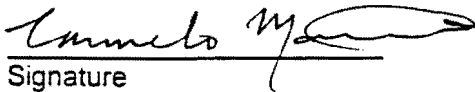
PAGE 1 OF 2

The requirements of CEQA have been satisfied for this project. The City on October 31, 2000 found that the proposed Las Pulgas Canyon Sewer/Temescal Canyon Pumping Plant project is virtually identical in scope to the corresponding portion of the Final Environmental Impact Report for the Sunset Pumping Plant & Force Main in PCH (Final EIR). The proposed project was included in the Final EIR, and the Final EIR was certified by the City Council on December 18, 1992, and filed with the County Clerk on December 21, 1992.

- II. Pursuant to a public hearing held on October 2, 2001 permit application number 01-06 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: _____, pursuant to local government authority as provided in Chapter 7 of the California Coastal Act of 1976.

By _____
Gary Lee Moore
Deputy City Engineer

VII. I, _____, permittee/agent, hereby acknowledge receipt of permit number 01-06 and have accepted its contents.


Signature

10-18-01
Date

COPY

COASTAL COMMISSION

A.S. PPL-01-446

EXHIBIT # 2
PAGE 2 OF 2

BOARD OF PUBLIC WORKS
MEMBERS

ELLEN STEIN
PRESIDENT

VALERIE LYNNE SHAW
VICE-PRESIDENT

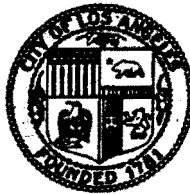
MARIBEL MARIN
PRESIDENT PRO-TEM

STEVEN CARMONA
WOODY FLEMING

JAMES A. GIBSON
SECRETARY

CITY OF LOS ANGELES

CALIFORNIA



RICHARD J. RIORDAN
MAYOR

DEPARTMENT OF
PUBLIC WORKS

BUREAU OF
ENGINEERING

VITALY B. TROYAN, P.E.
CITY ENGINEER

650 SOUTH SPRING ST., SUITE 200
LOS ANGELES, CA 90014-1911

ISSUANCE DATE: OCTOBER 26, 2001
PERMIT #: 01-06

NOTICE OF PERMIT ISSUANCE

Please take notice that the above referenced local Coastal Development Permit was issued on the above date, pursuant to a public hearing on October 2, 2001, and a Notice of Decision on October 4, 2001. This notice is also follows the expiration of the mandatory ten-day appeal period (closing October 15, 2001) in which no appeals were filed.

The applicant should sign one (1) copy of the permit and return it to the:

Bureau of Engineering
Environmental Group
650 South Spring Street, Suite 574
Los Angeles, CA 90014

This permit becomes effective twenty (20) working days from the date this notice is received by the California Coastal Commission, South Coast Area if no further appeal is made.

- [X] The development is in the dual jurisdiction area and will require an additional permit from the California Coastal Commission.
- [] The development is not in the dual jurisdiction area; no additional Coastal Development Permit is required.

Sincerely,

Vitaly B. Troyan, P.E.
City Engineer

Gary Lee Moore
By: Gary Lee Moore
Deputy City Engineer

- Attachments:
- City of Los Angeles Final Staff Report
 - City of Los Angeles Notice of Public Hearing
 - City of Los Angeles Notice of Decision on Local Coastal Development Permit 01-06
 - City of Los Angeles Coastal Development Permit
 - City of Los Angeles Coastal Development Permit Application including Notice of Intent
 - City of Los Angeles Key Map, Plan, Profile, and Structural Drawings

cc: California Coastal Commission

COASTAL COMMISSION
A-5-PPL-01-446

EXHIBIT # 3

PAGE 1 OF 11

ADDRESS ALL COMMUNICATIONS TO THE CITY ENGINEER

AN EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER

Recyclable and made from recycled waste



BOARD OF PUBLIC WORKS
MEMBERS

ELLEN STEIN
PRESIDENT

VALERIE LYNNE SHAW
VICE-PRESIDENT

MARIBEL MARIN
PRESIDENT PRO-TEM

STEVEN CARMONA
WOODY FLEMING

JAMES A. GIBSON
SECRETARY

CITY OF LOS ANGELES

CALIFORNIA



JAMES K. HAHN
MAYOR

DEPARTMENT OF
PUBLIC WORKS

BUREAU OF
ENGINEERING

VITALY B. TROYAN, P.E.
CITY ENGINEER

650 SOUTH SPRING ST., SUITE 200
LOS ANGELES, CA 90014-1911

<http://eng.lacity.org>

COASTAL DEVELOPMENT PERMIT APPLICATION No. 01-06
FINAL
STAFF REPORT

(Under authority of the California Coastal Act, California Public Resources Code § 30600(b).
And Los Angeles City Municipal Code, Chapter 1, Article 2, § 12.20.2)

I. SUMMARY

Project Title: Las Pulgas Canyon Sewer Replacement (W.O. E2002396)

Applicant: The City of Los Angeles, Bureau of Engineering

Project Location: Las Pulgas Canyon

Council District: 11

Community: Pacific Palisades

Engineering District: West Los Angeles

Background: The Pacific Palisades area has a history of landslides dating back to the 1870's. Soil falls and slope failures have often followed periods of heavy rainfall or road construction. In some cases sewer segments damaged by landslides had to be rerouted around slide areas. The existing sewer in Las Pulgas Canyon is an eight to ten inch diameter vitrified clay pipe. It conveys sewage from residential areas above into a larger sewer line underneath Pacific Coast Highway. The existing sewer in Las Pulgas Canyon is 40 to 50 years old and about 20 to 40 feet, or deeper, below the ground surface. The sewer has been re routed in some areas using above ground temporary piping. Current problems with the sewer are related to joint slippage and severe root intrusion. On August 2, 2001, the City of Los Angeles posted a "Notice of Intent" to obtain a Coastal Development Permit for the "Las Pulgas Canyon Sewer/Temescal Canyon Pumping Plant Project" (attached). On August 21, 2001, the Temescal Canyon Pumping Plant project was removed from consideration for the Coastal Development Permit. Therefore, the Coastal Development Permit being applied for now is only for the Las Pulgas Sewer Replacement. On September 20, 2001, the City mailed its "Notice of Public Hearing" for an October 2, 2001 hearing, recommending that the City's Local Coastal Development Permit (Local Permit) be approved (attached). No appeals were filed regarding the Local Permit.

COASTAL COMMISSION

A-5-PPL-01-446

EXHIBIT # 3

PAGE 2 OF 11

ADDRESS ALL COMMUNICATIONS TO THE CITY ENGINEER

AN EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER



Project Description: This proposed project would replace deteriorating sewers in Las Pulgas Canyon. Initially, this proposed project was part of the larger "Sunset Pumping Plant and Force Main in Pacific Coast Highway" project. Due to difficulty in obtaining the necessary easements and because of continuing soil erosion problems in the canyon, this smaller part of the larger project was delayed. During the delay, Bureau staff worked with Las Pulgas Canyon property owners to obtain easements for installing the replacement sewer. One easement still needs to be obtained and the City will obtain the final easement by the end of this year, either through a standard agreement, or through eminent domain. The City is very far along with this step.

The proposed project will replace the existing sewer lines in Las Pulgas Canyon in order to improve the reliability of the local wastewater collection system. Additionally, an interim pumping station and electrical panel on Muskingum Avenue will be taken out of service and removed. Approximately 2,750 feet of gravity fed sanitary sewer lines ranging in diameter from 8 to 16 inches will be installed. Three different construction methods will be utilized: directional drilling, micro-tunneling, and open trench. The depth of the new sewer lines will range from 5 to 50 feet below the ground surface.

The proposed replacement sewer for this project is in Las Pulgas Canyon (Figure 1). The replacement sewer has three segments. Segment one begins approximately 240 feet south west of the dead end at Bienvenida Avenue and goes down Las Pulgas Canyon where it connects to an existing sewer line at Pacific Coast Highway. The other two segments connect to segment one. Segment two begins 120 feet west-southwest before the dead end at Puerto Del Mar, and approximately 50 feet west of the street. Segment three starts just north of the sewage pumping station underneath Muskingum Place (located near an above ground, green electrical box placed near the sidewalk on Muskingum Place).

The City of Los Angeles exercises interim permit authority under the regulations cited on the title page (PRC §30600(b) and LAMC §12.20.2). The project is a dual jurisdiction matter because it is in the "dual jurisdiction zone" (see PRC §30601) and because it is a major public works project (PRC §30601 and CAC §13012).

Unless otherwise stated, the project will be designed, constructed and operated following all applicable laws, regulations and formally adopted City Standards (e.g., Standard Specifications for Public Works Construction and the Work Area Traffic Control Handbook) as specifically adapted by the City of Los Angeles (e.g., Bureau of Engineering's Standard Plans and Master Specifications). The Bureau of Engineering's standards are available via the internet at <http://eng.lacity.org/techdocs/>.

Federal law had required conversion to Systeme International (metric) units by September 1996. Although that deadline has been postponed, the City is in the process of developing comprehensive metric standards. Metrication, if it is implemented prior to construction of the project, could result in minor adjustments in the size of structures described herein. In this context, "minor" means no more than a ten-percent change from the presently specified dimension.

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services, and activities.

Construction Cost: Approximately \$3,000,000. Half a Million is slated for fiscal 2001/2002 and the remaining \$2.5 Million for 2002/2003.

COASTAL COMMISSION

A-5-PPL-01-446

EXHIBIT # 3

PAGE 3 OF 11

Applicable Permits, Permissions and Approvals:

California Environmental Quality Act: The project is virtually identical in scope to the corresponding portion of the Sunset Pumping Plant and Force Main at PCH EIR which was certified by the City Council on December 18, 1992 and filed with the County Clerk on December 21, 1992. Therefore, requirements of CEQA have been satisfied for this project.

National Environmental Quality Act: This is not applicable.

Other: Prior to construction a Coastal Development Permit will be needed from the California Coastal Commission.

Additional permits may be needed from the California Department of Transportation, (an encroachment permit for work in PCH).

Does the project conform to the relevant adopted Community Plans? Yes

Brentwood-Pacific Palisades District Plan. A Part of the General Plan of the City of Los Angeles.

II. STAFF COMMENTS

Questions of Fact

None

Applicable Policies of the California Coastal Act

Under PRC § 30604, a CDP shall be issued if the issuing agency, in this case the City, finds that the proposed development conforms with PRC Chapter 3 (PRC § 30200 *et. seq.*) and the development will not prejudice the ability of the local government to prepare a local coastal program. PRC § 30007.5 acknowledges that "conflicts may occur between one or more policies" of the Coastal Act. Consequently, § 30007.5 continues that "such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources." PRC § 30009 adds that, therefore, the policies "shall be liberally construed to accomplish [the Coastal Act's] purposes and objectives." Thus, this analysis applies all relevant portions of the PRC in this context. Presented below is a discussion of PRC sections specifically applicable to the Project.

1. Public Access (PRC §§ 30210-30214)

PRC § 30210 requires that maximum access and recreational opportunities be provided consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resources areas from overuse. PRC § 30211 requires that the development shall not interfere with the public's right of access to the sea. PRC § 30212 requires that public access to the shoreline not be impeded. There is no public access to or through Las Pulgas Canyon to the sea. Pacific Coast Highway is the first public road paralleling the sea. The project may require encroachment into PCH. Encroachments in PCH require a permit from Cal Trans and will be subject to traffic control measures required by Cal Trans to prevent significant disruption of traffic. Once constructed, the sewer will not affect traffic on PCH. For these reasons, the project will not affect public access to the sea.

COASTAL COMMISSION

A-5-PPL-01-446

EXHIBIT # 3

PAGE 4 OF 11

2. Recreation (PRC §§ 30220-30224)

The replacement sewer will be beneath existing roads and ground surfaces and therefore shouldn't interfere with any future recreation. Las Pulgas Canyon does not contain visitor serving commercial recreational facilities at this time; however, it could in the future. One section of the replacement sewer will be placed in artificial fill that had been placed over a channel. This channel is not a blue line stream. The City believes that over time this artificial fill may erode as the channel re establishes itself. In the even this occurs, the sewer would be left without the support of the soil and could eventually fail. In order to eliminate this risk, a sewer support structure will be placed in the ground now. The sewer support structure will consist of two pilings and suspension cables, some of this will be above ground. The City does not consider the sewer support structure to be an impediment to recreation.

Therefore, the proposed development will not involve water-oriented activities (§ 30220), oceanfront land (§ 30221), aquaculture facilities, and private lands suitable for visitor serving commercial recreational facilities (§§ 30222 and 3022.5).

PRC § 30223 requires upland areas necessary to support coastal recreational uses be reserved for such uses, where feasible. The proposed sewer replacement project does not affect upland areas necessary to support coastal recreational uses. The upland areas lying on the perimeter of Las Pulgas Canyon are primarily residential. The canyon is not a public access to the coastal areas.

3. Marine Environment (PRC §§ 30230-30237)

The proposed development is in a canyon on the north side of Pacific Coast Highway. The canyon is tributary to the Pacific Ocean, however the project itself won't discharge into a marine area, make use marine areas or resources, involve marine resources (§ 30230), the diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes (§ 30233), facilities serving the commercial fishing and recreational boating industries (§§ 30234, and 30234.5), revetments or breakwaters (§ 30235), or the Bolsa Chica wetlands (§ 30237).

Section 30236 requires that the best mitigation measures that are feasible be used for any channelizations, dams, or other substantial alterations of rivers and streams. The project will not involve any channelizations, dams, or other substantial alterations of rivers or streams. Section 30232 requires that safeguards against any spillage of crude oil, gas, petroleum products, or hazardous substances be provided. Spill prevention is required by Bureau of Engineering Master Specifications Section 01571.1.A.1.c. and the proposed project will convey sewage, not substances listed in Section 30232.

PRC §30231 requires that the biological productivity and the quality of coastal waters, streams, wetlands, estuaries and lakes be maintained and where feasible be restored. This section also states that a means of maintaining and restoring these resources is by minimizing the effects of wastewater discharges. The purpose of the proposed sewer replacement is to increase the dependability of the sewage lines and eliminate leakage or overflows from the existing sewer lines. This proposed project would protect the public, and the beach and marine environment from sewage overflows (which contain high concentrations of bacteria).

4. Land Resources (PRC §§ 30240-30244)

The proposed project does not take place in prime or new agricultural land. Additionally the land is not known to be suitable for conversion to agriculture or timberlands. Therefore the proposed development

will not involve prime agricultural land (§ 30241), new agricultural land (§ 30241.5), lands suitable for agricultural conversion (§ 30242), the productivity of soils, nor timberlands (§ 30243).

PRC § 30240 requires that environmentally sensitive habitat areas (ESHAs) be protected *and* that development in areas adjacent to ESHAs 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.

The proposed sewer replacement project is adjacent to an ESHA, and not in an ESHA.

Section VII of the California Coastal Commission's Statewide Interpretive Guidelines for Wetlands and other Wet Environmentally Sensitive Habitat Areas lists Standards for Siting Development Adjacent to Environmentally Sensitive Habitat Areas. It follows PRC § 30240(b) stating:

"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."

The proposed development (with the exception of part of the sewer support structure) will be beneath existing roads or land surface. The land surface will be restored in areas that are disturbed as part of this development, though the use of tunneling will keep this to a minimum. The proposed development maintains the functional capacity of the area and does not significantly degrade it. Therefore the proposed development is consistent with PRC § 30240.

The Coastal Commission allows for restoration in ESHAs under certain conditions.

In this case the proposed development is not in an ESHA; however, the proposed development may allow for protecting the ESHA. The aging sewer system in Las Pulgas Canyon has leaked sewage into the ESHA in the past. The City of Los Angeles believes that replacing the aging sewer with a modern sewer will in fact eliminate leakage of sewage into the ESHA and increase the sewer line's long term dependability, thereby helping to protect surface water quality. As part of the Coastal Development Permit, the City of Los Angeles will submit an application to the California Coastal Commission for this project.

PRC § 30244 requires that archaeological or paleontological areas be protected. No paleontological sites are known to exist in the area; however, the project area is considered an area likely to yield archaeological records. The City of Los Angeles will require a Phase I archaeological survey and construction monitoring by a professional archaeologist.

5. Development (PRC §§ 30250-30255)

No parcels will be created by this development. The Las Pulgas Canyon is bordered by private property, mostly back yards. The canyon is steep and deep and construction equipment needed for the installation of the replacement sewer will be present for that purpose only, it will not be a permanent fixture. Therefore the proposed project will not involve the development or creation of parcels. The sewer line will be entirely below ground surface and won't affect the scenic or visual quality of the coastal area (§ 30251). The sewer support structure will be partially above ground; however it is deep in

COASTAL COMMISSION
 A-5-002-01-446
 EXHIBIT # 3
 PAGE 6 OF 11

the canyon, not in the line of sight of the ocean, and won't negatively affect the scenic or visual quality of the coastal area.

PRC § 30252 requires that the locations and amount of new development should maintain and enhance public access. This does not apply in this case, this proposed project is not "new development" within the meaning of this section.

PRC § 30253 requires that new development minimize risks to life and property in areas of high geologic, flood and fire hazard. Stability and structural integrity shall be assured, and the new development shall not create or contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The Project will minimize risks to life and property. The Project will not contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area. One sewer support structure will be constructed and is designed to hold the sewer line beneath a dirt road which is above a buried channel. In the event the channel re establishes itself through erosion, then the support structure will fully support the weight of the sewer.

- **Geologic Hazard:** The proposed sewer will not create a geologic hazard; however Las Pulgas Canyon is known to contain unstable areas. For this reason the sewer will be built in such a way that known geologic hazards will not cause sewer failure or risks to life and property. Section one of the sewer stretches from Pacific Coast Highway, up the canyon, and up towards Bienvenida Ave. It will be installed using directional drilling, or in some cases open trench construction. Section two of the sewer trends west from the southern portion of Puerto Del Mar to the canyon bottom. It will be installed with microtunneling. Section three of the sewer trends west from the curve on Muskingum Place (south of the intersection of Tahquitz Place and Muskingum Ave.). It will be installed with microtunneling.

The City of Los Angeles, Environmental Data Atlas Maps classify the upper two-thirds of Las Pulgas Canyon and adjacent streets to be in a seismic zone class 2, moderate ground response. There are 7 seismic classes, zero to six, five being an active fault zone, and six being an Alquist-Priolo Special Study Zone. Geotechnical reports prepared by the City of Los Angeles were also reviewed and document that landslides and other earth movement have occurred in Las Pulgas Canyon. Generally the west portion of the canyon (south of Bienvenida Avenue) has sustained significant erosion and landslides have occurred through several areas of the canyon.

- **Flood Hazard:** The canyon bottom is prone to flooding. The slopes have a "medium" risk of mudflows (City of Los Angeles, Environmental Data Atlas Maps). The proposed sewer will not make changes in the canyon's proneness to flooding. The proposed sewer will neither increase nor decrease water flowing into or out of the canyon. Therefore the proposed sewer will not pose a flood hazard to life and property.
- **Fire Hazard:** The proposed sewer will convey sewage which is not flammable. The proposed sewer in this area is gravity fed, there are no electro-mechanical facilities which could pose concerns about fire. Therefore the proposed sewer does not pose a fire hazard.

COASTAL COMMISSION

A-5-PPL-01-446

EXHIBIT # 3

PAGE 7 OF 11

PRC § 30254 requires new public works facilities to be designed and limited to accommodate needs generated by development or uses permitted consistent with the Coastal Act. The proposed replacement sewer replaces a preexisting local sewer service and is therefore permitted development.

PRC § 30255 requires that coastal dependent developments shall have priority over other developments on or near the shoreline.

6. Industrial Development (PRC §§ 30260-30265.5)

The proposed project is not an industrial development nor will it serve industrial development.

Issues of Legal Adequacy of the Application:

None. The City placed notices in conspicuous locations of its intent to adopt a Local Coastal Development Permit (LCDP), mailed approximately 140 notices to nearby property owners of its intent to adopt the LCDP, held a Public Hearing regarding the LCDP, and fully addressed all inquiries from the public. No members of the public objected to the City's intent to adopt the LCDP. Finally, the Los Angeles Municipal Code Section 12.20.2 (g) authorizes the City of Los Angeles to approve, conditionally approve or disapprove any application for a permit under the California Coastal Act of 1976; and, standards as established by Division 5.5, Title 14 of the California Administrative Code.

Public Comment:

The LACMC, Chapter I, Article 2, § 12.20.2(E) requires a Notice of Intent be posted after a CDP application has been filed with the appropriate City office. The Notice must be posted in a conspicuous place, easily read by the public, and as close as possible to the site of the proposed development.

Copies of the Notice of Intent were posted August 2, 2001, at multiple locations on or near the Project site. The Notice of Intent included information as to the nature of the proposed improvements and a contact for further information.

On September 20, 2001, staff mailed public hearing notices to approximately 140 property owners. In this case, most of the Project is within one large parcel in Las Pulgas Canyon. Since many property owners on the rim of the canyon abut this large parcel, the property owners might observe the construction. For this reason, they were notified, although most are much greater than 100 feet from the project.

A public hearing was held at 12:00 PM on October 2, 2001, at the Council of the City of Los Angeles, Eleventh District Office, 1645 Corinth Avenue, Hearing Room, Los Angeles, CA. Five City Staff, two from the Environmental Group, two from the Engineering Group, and one from the Eleventh District Office were present. In addition to staff, two residents and one resident's representative attended. Oral comments were received from all three persons who attended the hearing; however, none of their comments raised concerns about this local coastal development permit. Instead, the three persons asked a number of questions of the City's sewer design staff regarding design and construction aspects of the

Response to Significant Environmental Points Raised:

No significant environmental points were raised.

COASTAL COMMISSION

A.5.PPL.01-446

EXHIBIT # 3

PAGE 8 OF 11

Related Previous Applications:

The City of Los Angeles applied for a local Coastal Development Permit in February 1993. On March 1, 1993, the City of Los Angeles issued a local Coastal Development Permit for the Sunset Pumping Plant and Force Main in Pacific Coast Highway.

Relevant Prior Decisions of the Coastal Commission:

On December 15, 1994, the California Coastal Commission granted to the City of Los Angeles Department of Public Works a Coastal Development Permit (No. 5-93-096). The permit was for development consisting of demolition of the existing Sunset Pumping Plant. The permit also allowed for: construction of a new 4.5 million gallon per day pumping plant, a 0.56 million gallon emergency (sewage) storage facility, an 11,000 foot force main, new gravity sewers, and rehabilitation of two pumping plants and decommission of one pumping plant.

Other Relevant Matters:

Staff was contacted by phone from a number of members of the public prior to the hearing who asked specific questions about the location of the sewer relative to their house. Staff answered their questions and sent them more detailed maps for their use.

The three people that attended the public hearing were looking forward to the project being completed.

Four of the Five easements have been obtained. The fifth easement is for the large parcel in the canyon where the majority of the sewer will be placed. The City of Los Angeles has been working with the property owner to obtain the easement. The City will obtain this easement by the end of this year either through a standard agreement, or through eminent domain. The City is very far along with each of the steps.

Interpretive Guidelines:

The California Coastal Commission *Statewide Interpretive Guidelines* have been reviewed and considered in preparation of the discussion in Section IIB (1-6) of this report.

Local Coastal Program:

The Project is not within an area for which a Local Coastal Program (LCP) has been developed. The Project is however consistent with the Brentwood-Pacific Palisades District General Plan.

III. STAFF RECOMMENDATIONS

A. That the City Engineer finds:

1. 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.
2. 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
A-5-PPL-01-446

EXHIBIT # 3
PAGE 9 OF 11

- 3. The development is not 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.
 - 4. 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.
 - 5. The Los Angeles Municipal Code Section 12.20.2 (g) authorizes the City of Los Angeles to approve, conditionally approve or disapprove any application for a permit under the California Coastal Act of 1976; and, standards as established by Division 5.5, Title 14 of the California Administrative Code.
 - 6. The requirements of CEQA have been satisfied for this project. The City on October 31, 2000 found that the proposed Las Pulgas Canyon Sewer/Temescal Canyon Pumping Plant project is virtually identical in scope to the corresponding portion of the Final Environmental Impact Report for the Sunset Pumping Plant & Force Main in PCH (Final EIR). The proposed project was included in the Final EIR, and the Final EIR was certified by the City Council on December 18, 1992, and filed with the County Clerk on December 21, 1992.
- B. That the City Engineer issue a Coastal Development Permit for this project

IV. RECOMMENDATIONS

Based on the above analysis and the comments received, I recommend adoption of the findings and conclusions recommended by staff.

Ara Kasparian 10/25/01
 _____ Date

Ara Kasparian, Ph.D. Manager
 Environmental Group
 Architectural & Engineering Consulting Services Program
 Bureau of Engineering

DOCUMENT PREPARED BY:

Rick Verget 10/26/01
 _____ Date

Rick Vergets, Environmental Specialist
 Bureau of Engineering

VI. REFERENCES

California Coastal Act, *Public Resources Code*, Division 20, § 30000 *et seq.* 2000

California Coastal Commission. *Statewide Interpretive Guidelines*. 1981

City of Los Angeles. *Municipal Code*, Chapter I, Article 2, § 12.20.2, *et seq.* 1989

City of Los Angeles. *Brentwood-Pacific Palisades District Plan*. Revised 1993

City of Los Angeles. Environmental Data Atlas Maps.

City of Los Angeles Inter Departmental Correspondence, *Sunset Pumping Plant and Force Main – Las Pulgas Canyon Lateral & Bienveneda Avenue Lateral Replacement- Preliminary (97-031)*, 1997

Design Level Geotechnical Investigation Sunset Pumping Plant and Force Main Project Change in Scope 3 Pulga Canyon Lateral for City of Los Angeles, 1992. Geofon Incorporated.

Risk Management Program Sunset Pumping Plant and Force Main Project for the City of Los Angeles. 1995. Geofon Incorporated.

Standard Specifications for Public Works Construction, 1997. BNI Building News

COASTAL COMMISSION

A-5-PPL-01-446

EXHIBIT # 3

PAGE 11 OF 11