

CALIFORNIA COASTAL COMMISSION

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

Filed: 3/21/2002
49th Day: 5/9/2002
180th Day: 9/17/2002
Staff: CP-LB
Staff Report: 4/18/2002
Hearing Date: May 7, 2002
Commission Action:

**Item Tu23a****STAFF REPORT: PERMIT AMENDMENT****APPLICATION NUMBER:** 5-91-584-A5**RECORD PACKET COPY****APPLICANT:** City of Los Angeles Bureau of Engineering**AGENT:** James E. Doty, Environmental Supervisor**PROJECT LOCATION:** Howland Canal Court (section east of Dell Avenue), Venice, City of Los Angeles.**DESCRIPTION OF CURRENT (FIFTH) PERMIT AMENDMENT REQUEST:**

Demolish and reconstruct Howland Canal Court (alley east of Dell Avenue) with 6-inch concrete pavement, and upgrade the existing drainage system by installing a perforated pipeline and new catch basins with sediment and oil/grease filters to reduce the amount of pollutants that enter the waterway.

DESCRIPTION OF FOURTH PERMIT AMENDMENT APPROVED ON JULY 10, 2001:

Demolish and reconstruct the Venice Canal courts (alleys west of Dell Avenue) with 6-inch concrete pavement, and upgrade the existing street drains by installing perforated pipelines and new catch basins with sediment and oil/grease filters to reduce the amount of pollutants that enter the waterways.

DESCRIPTION OF PROJECT ORIGINALLY APPROVED ON NOVEMBER 14, 1991:

Rehabilitate the Venice Canals system (north of Washington Boulevard), including excavation of the canals to their original configuration and fifty-foot width, and construction of new embankments and 4.5-foot wide sidewalks along the banks of each canal. Reconstruct seven of the nine existing pedestrian bridges and add handicapped access ramps to the Dell Avenue vehicular bridges. Construct a public boat-launching ramp on banks of Grand Canal between North and South Venice Boulevard.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission grant a permit amendment for the proposed development with conditions relating to: the prevention of adverse impacts to marine resources and compliance with the requirements of the resource agencies. The City agrees with the staff recommendation. **See page two for motion** to carry out the staff recommendation.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles Certified Land Use Plan for Venice, 6/14/2001.
2. Coastal Development Permit 5-91-584 & amendments (Venice Canals Rehabilitation).
3. Coastal Development Permit Amendment 5-91-584-A4 (Canal Courts), 7/10/2001.

PROCEDURAL NOTE:

The Commission's regulations provide for referral of permit amendment requests to the Commission if:

1. The Executive Director determines that the proposed amendment is a material change,
2. Objection is made to the Executive Director's determination of immateriality, or
3. The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

In this case, the Executive Director has determined that the proposed amendment is a material change to the previously approved Venice Canals rehabilitation project. If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. [Title 14 California Code of Regulations 13166].

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution to **APPROVE** the permit amendment request with special conditions:

MOTION: *"I move that the Commission approve the proposed amendment to Coastal Development Permit 5-91-584 pursuant to the staff recommendation."*

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment as conditioned and adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

I. Resolution: Approval with Conditions

The Commission hereby approves the coastal development permit amendment on the grounds that the development as amended and subject to conditions, will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit amendment complies with the California Environmental Quality Act because either: 1) feasible mitigation measures and/or alternatives have been incorporated to substantially

lessen any significant adverse effects of the amended development on the environment, or, 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II. Special Conditions

Note: This permit amendment does not alter the original conditions of Coastal Development Permit 5-91-584 and prior amendments. All previously imposed special conditions still apply to the approved development. The following special conditions apply to the development approved by this permit amendment.

1. Protection of Marine Resources

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall submit a project staging and construction plan, subject to the review and approval of the Executive Director, that includes specific staging and construction measures sufficient to prevent the unpermitted deposition, spill or discharge of any liquid or solid into the waters of the Venice Canals. At a minimum, the plan shall include the following provisions:

- a. The storage or stockpiling of soil, silt, other organic or earthen materials, or any materials and chemicals related to the construction shall not occur where such materials/chemicals could pass into the waters of the Venice Canals. Any spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible.
- b. No heavy machinery (except boats) will be allowed in the intertidal or subtidal zones at any time. Construction vehicles operating within fifty feet of any canal shall be inspected daily to ensure there are no leaking fluids. If there are leaking fluids, the construction vehicles shall be serviced immediately. Equipment and machinery shall be serviced, maintained and washed only in confined areas specifically designed to control runoff and prevent discharges into the Venice Canals. Thinners, oils or solvents shall not be discharged into sanitary or storm sewer systems.
- c. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than fifty feet away from all stormdrains, open ditches and surface waters.
- d. All floatable debris and trash generated by construction activities within the project area shall be disposed of at the end of each day, or as soon as possible.
- e. All grading and excavation areas shall be properly covered and sandbags and/or ditches shall be used to prevent runoff from leaving the site, and measures to control erosion must be implemented at the end of each day's work.

The permittee shall implement and carry out the project staging and construction plan during all construction and cleaning activities consistent with the plan approved by the Executive Director.

2. Conformance with the Requirements of the Resource Agencies

The permittee shall comply with all permit requirements and mitigation measures of the California Department of Fish and Game, Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Any change in the approved project which may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

III. Findings and Declarations

The Commission hereby finds and declares:

A. Amendment Description and Background

On November 14, 1991, the Commission approved Coastal Development Permit 5-91-584 (City of Los Angeles) for the rehabilitation of the Venice Canals north of Washington Boulevard. In 1993, the City completed the permitted dredging, excavation and canal bank reconstruction phases of the Venice Canals rehabilitation project, and constructed new sidewalks along all the canal banks.

More recently, on July 10, 2001, the Commission approved the fourth amendment to Coastal Development Permit 5-91-584 for the reconstruction of some of the deteriorated alleys (courts) and drains within the previously approved Venice Canals rehabilitation project. The July 10, 2001 approval (5-91-584-A4) included only the reconstruction of the courts (Howland Canal Court, Linnie Canal Court, Carroll Canal Court and Grand Canal Courts) and drains located west of Dell Avenue (Exhibit #2). The City stated its intention to apply for another Commission approval to improve the other sections of the canal courts at a later date.

The City is now requesting approval of a permit amendment (5-91-584-A5) for the improvement of the portion of Howland Canal Court situated east of Dell Avenue (Exhibit #2). The currently proposed project is situated entirely on one island that is surrounded by the Venice Canals (Exhibit #2). Because the project site is completely surrounded by water, all of the surface drainage from the courts, public sidewalks and residential properties is ultimately directed into the canals.

The City asserts that the proposed project to improve Howland Canal Court and its drainage system would provide much-needed relief from flooding and minimize pollution in the waterways. First, the City proposes to remove the existing concrete surface of Howland Canal Court and transport it outside of the coastal zone for disposal. The City then proposes to

replace the court's entire drainage system, including the existing storm drain situated at the east end of Howland Canal Court on the west bank of Eastern Canal. The proposed drainage system improvements include the installation of a new perforated underground pipeline that would allow some of the collected runoff to percolate into the ground. New catch basins with sediment and oil/grease filters would also be installed in order to reduce the amount of pollutants that enter the pipeline and the water. Howland Canal Court, which provides vehicular access to the residences in the project area, would then be resurfaced using a six-inch thick layer of new concrete pavement (Exhibit #3). Except for the drain replacement on the west bank of Eastern Canal, no work is proposed to occur in any canal.

B. Description of Project Area

The Venice Canals neighborhood is a predominantly residential community consisting of single family homes located along open waterways. These waterways, which are public rights-of-way created as part of the "Venice of America" subdivision in 1905, provide a sense of character and history for the Venice community. The neighborhood is located about four blocks from Venice Beach, one of the most popular visitor destinations in Los Angeles (Exhibit #1). The canals themselves are also a popular Southern California visitor destination as they provide public access, recreation opportunities, and wildlife habitat. Recreational boating has historically been part of the Venice Canals culture.

The Venice Canals, along with adjacent Ballona Lagoon, support some of the last remaining pockets of coastal wetland habitat in Los Angeles County. The Venice Canals are part of the Ballona Lagoon sea water system and are connected with Ballona Lagoon via Grand Canal. Water enters the canals system from the Pacific Ocean through two sets of tidal gates at Ballona Lagoon and Grand Canal.

The canals system fell into disrepair in the 1920's, and the City filled many of the original canals in 1927. Since the 1960's, residents in the Venice area had been attempting to restore and protect the remaining canals. On November 14, 1991, the Commission approved Coastal Development Permit 5-91-584 (City of Los Angeles) for the rehabilitation of the Venice Canals located north of Washington Boulevard. The rehabilitation project, completed in 1993, involved dredging of the canal channels and construction of new canal banks and new public walkways along the canal banks. A public boat launch ramp and parking area was also approved and constructed at the northern end of Grand Canal between North and South Venice Boulevards. On November 13, 2001, the Commission approved Coastal Development Permit A5-VEN-01-280/5-01-289 (City of Los Angeles) for the rehabilitation of Grand Canal located south of Washington Boulevard.

C. Marine Resources

The Coastal Act contains policies that address development in or near coastal waters. The proposed project is located adjacent to the waters of the Venice Canals (Exhibit #2). The standard of review for the proposed development is the Chapter 3 policies of the Coastal Act, including the following marine resource policies. Sections 30230 and 30231 of the Coastal Act require the protection of biological productivity, public recreation and marine resources.

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The Venice Canals are part of the larger Venice Canals/Ballona Lagoon wetlands system. Seawater enters the wetlands system through tidal gates which the County controls to allow water to flow to and from the Marina del Rey entrance channel and Ballona Lagoon. Seawater flows through Ballona Lagoon to another set of tidal gates located in Grand Canal at Washington Boulevard. The City operates the Grand Canal tidal gates which separate Ballona Lagoon from the Venice Canals located north of Washington Boulevard (Exhibit #1).

The Venice Canals are protected under the Coastal Act policies stated above. The entire canals system is an Environmentally Sensitive Habitat Area (ESHA) as defined in the Coastal Act. In addition to being important wetlands, the canals system is a critical habitat area for the endangered California least tern, Sterna antillarum browni, and many other marine species.

The proposed project involves the removal and replacement of Howland Canal Court (alley east of Dell Avenue) and its underlying drainage system. No work is proposed to occur in the waterways, except for the drain replacement on the west bank of Eastern Canal. No fill is proposed. All work will occur near the waterways, as the proposed site is located on an island surrounded by canals (Exhibit #2). One small area on the west bank of Eastern Canal (where an existing drain exits the island) will be deconstructed by hand in order to install the new and improved street drainage system. This involves the removal of some of the Loffelstein blocks that the canal bank was reconstructed with in 1993, installment of new 18-inch diameter drainpipe, and replacement of the Loffelstein blocks in the canal bank. The native wetland vegetation growing in the cells of the Loffelstein blocks will be replanted as the canal bank is returned to its pre-existing condition.

The proposed drainage system improvements include the installation of a new perforated underground pipeline beneath the court's paving that would allow some of the collected runoff to percolate into the ground before it drains into the canal. New catch basins with sediment

and oil/grease filters would also be installed to reduce the amount of pollutants that enter the water.

The City states that all residues from the demolition activity, pipeline and catch basin installation, and resurfacing of the court will be contained and removed from the work area to be disposed of properly. No materials are proposed to be or permitted to be placed in the waters of any canal. The City has stated in writing that no dewatering of the canals or area around the pipeline installation will be necessary. Therefore, there will be no discharges into the canals and therefore no anticipated negative impacts to marine resources or water quality. However, in order to ensure that the proposed project does not result in any accidental or unanticipated discharges, spills or other activities that could harm marine resources and water quality, the permit amendment is conditioned to require the City to submit plans which incorporate specific construction methods within the proposed project to prevent such occurrences.

Therefore, Special Condition One requires the City, prior to the issuance of the permit amendment, to submit a project staging and construction plan that includes specific staging and construction measures sufficient to prevent the unpermitted deposition, spill or discharge of any liquid or solid into the waters of the Venice Canals. Only as conditioned will the proposed project ensure that marine resources and water quality be protected as required by Sections 30230 and 30231 of the Coastal Act.

Special Condition Two requires the permittee to comply with all permit requirements and mitigation measures of the California Department of Fish and Game, Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. The special conditions of approval adequately address and mitigate any potential adverse impacts to the environment caused by the proposed project. Therefore, as conditioned, the proposed project is consistent with the marine resource policies of the Coastal Act.

D. Public Access and Recreation

One of the basic goals of the Coastal Act is to maximize public access to and along the coast. The Coastal Act has several policies which address the issue of public access to the coast.

Section 30210 of the Coastal Act states:

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

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30213 of the Coastal Act states:

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

Section 30210 of the Coastal Act states that maximum access and recreational opportunities shall be provided for all the people. Therefore, approval of the amendment request shall ensure that public access to the Venice Canals is adequately protected.

The proposed project will temporarily interrupt access to Howland Canal Court as it is undergoing the proposed improvements. This court, however, provides vehicular access to only to the residences in the area. The court does not provide access to any public parking facilities, but does serve as a public pedestrian way. The public sidewalks that run along all of the banks of the Venice Canals provide primary public access in the Venice Canals area (rather than the courts). The proposed project may involve temporary interruption is the use of a short segment of the public walkway when a new pipeline is placed beneath the sidewalk. This potential interruption will be very limited in time and area and will not deny the public from accessing the Venice Canals area. Therefore, the Commission finds that the proposed project will not reduce public access to, along, or through the Venice Canals. The amendment, as conditioned, is consistent with the public access and recreation policies of the Coastal Act.

E. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act:

- (a) Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). A denial of a Coastal Development Permit on grounds it would prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.

The City of Los Angeles does not have a certified Local Coastal Program for the Venice area. The Los Angeles City Council adopted a proposed Land Use Plan (LUP) for Venice on October 29, 1999. On November 29, 1999, the City submitted the draft Venice LUP for Commission certification. On November 14, 2000, the Commission approved the City of Los Angeles Land Use Plan (LUP) for Venice with suggested modifications. On March 28, 2001,

the Los Angeles City Council accepted the Commission's suggested modifications and adopted the Venice LUP as the Commission on November 14, 2000 approved it. The Commission on June 12, 2001 officially certified the Venice LUP.

The certified Venice LUP contains the following relevant policies:

- **Policy IV. E. 1.** *The banks, waterways and public walkways of the Venice Canals, Ballona Lagoon and Grand Canal south of Washington Boulevard shall be periodically maintained by the City or other appropriate entity, to keep these areas free of accumulated trash and wastes, thereby maintaining the biological, water quality, recreational and aesthetic resources of these areas.*
- **Policy V. A. 3. Infrastructure.** *New sewer, storm drain, and water lines shall be installed using the least environmentally disturbing method feasible. The City of Los Angeles Department of Public Works shall develop a comprehensive citywide Storm Water Management Program, as discussed further in Implementation Strategy of Policy IV.C.1 of this LUP, to control stormwater run-off from new public and private developments and, where feasible, to remove pollutants from that run-off. Development of infrastructure shall precede or be constructed concurrently with the construction of developments or in lieu-fee should be paid.*

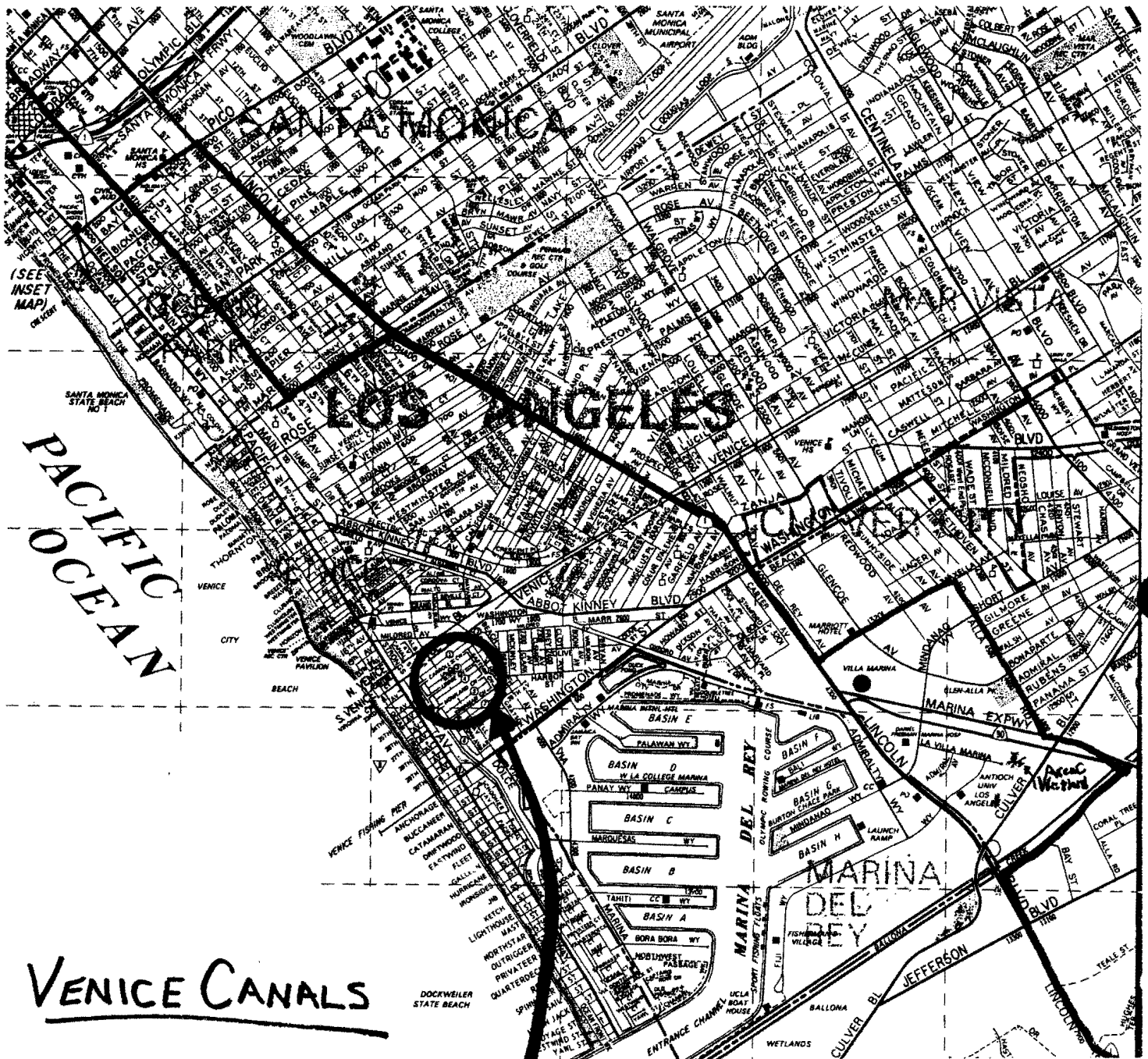
The proposed project does not conflict with any provisions of the certified Venice LUP. The proposed project and amendment, as conditioned, are consistent with the Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

F. California Environmental Quality Act (CEQA)

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project and amendment, as conditioned, has been found consistent with the Chapter 3 policies of the Coastal Act. All adverse impacts have been minimized by the recommended conditions of approval and there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

VENICE, CA



VENICE CANALS

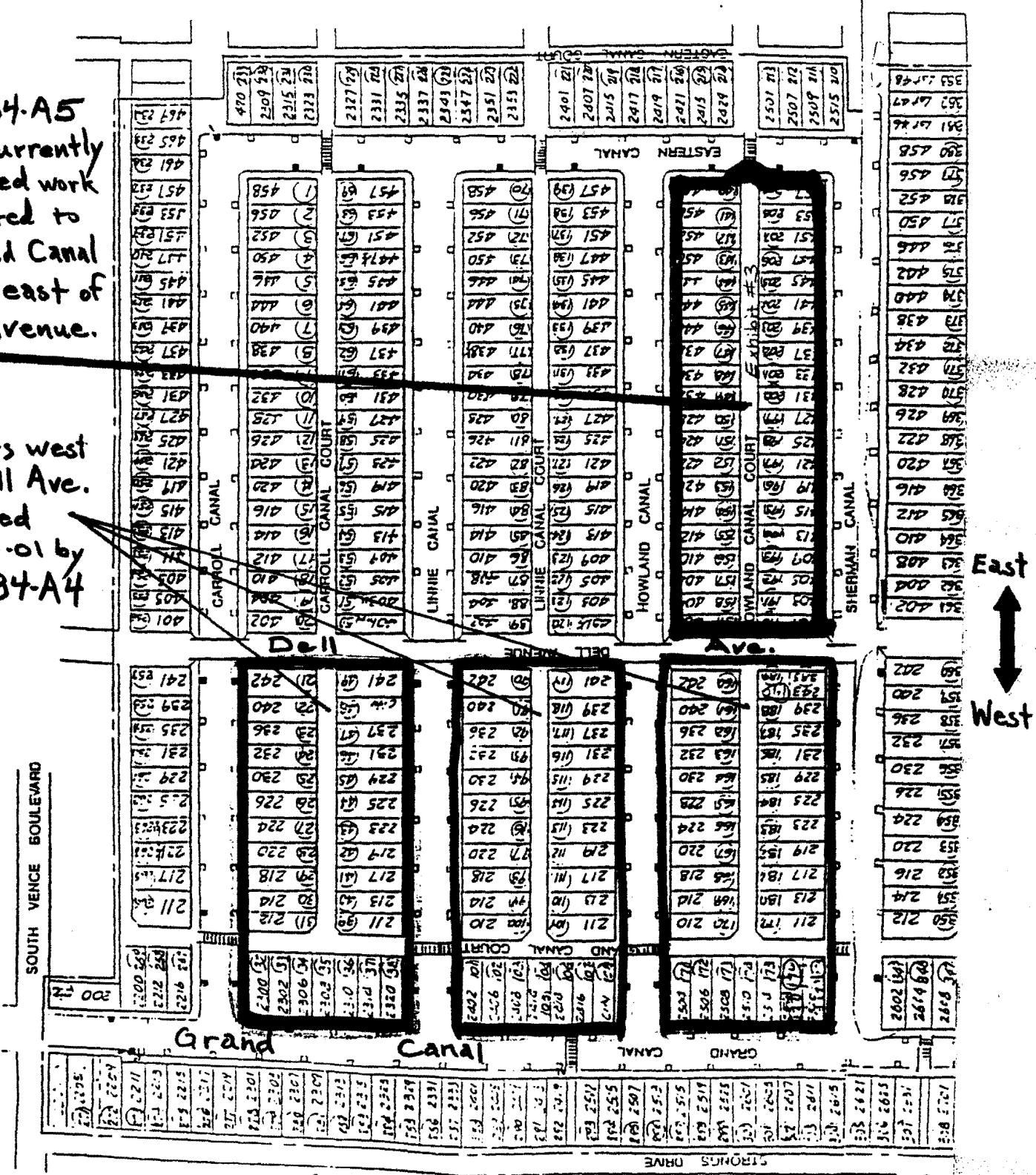
Site

COASTAL COMMISSION
S-91-584-A5

EXHIBIT # 1
PAGE 1 OF 1

5-91-584-A5
 The currently proposed work is limited to Howland Canal Court east of Dell Avenue.

Courts west of Dell Ave. approved 7-10-01 by 5-91-584-A4



Project Area
 See Exhibit #3

North

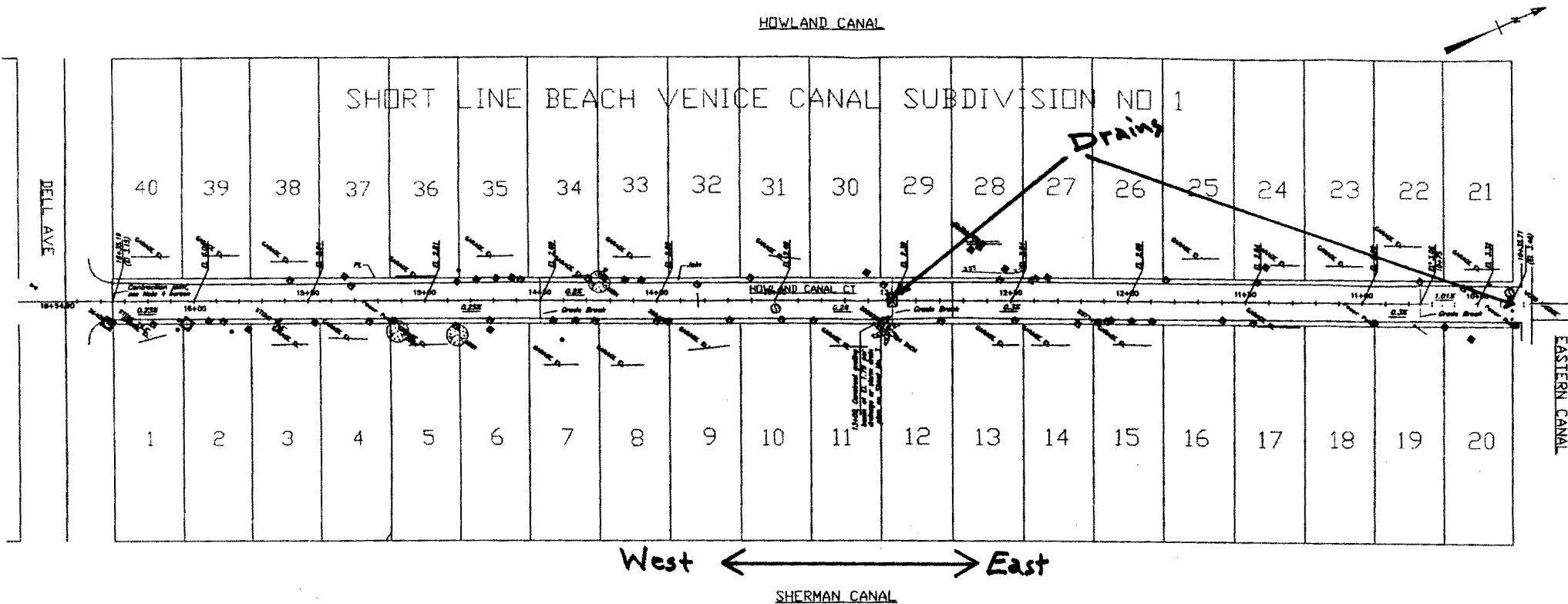
COASTAL COMMISSION
 5-91-584-A5

EXHIBIT # 2

PAGE 1 OF 1

HOWLAND CANAL

SHORT LINE BEACH VENICE CANAL SUBDIVISION NO 1



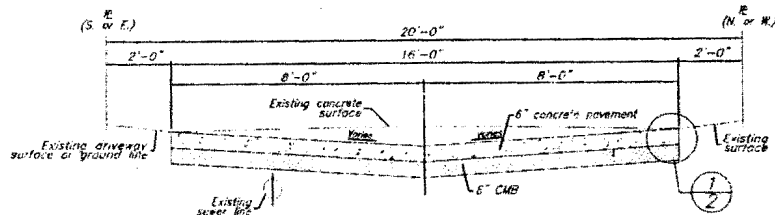
West ← → East

SHERMAN CANAL

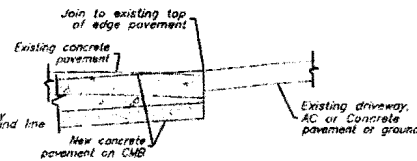
PLAN

Notes:

1. Adjust all sewer access maintenance holes, all water valves and meters, and all survey monuments within the construction limits to finished grades.
2. Remove all existing improvements (including concrete pavement, AC pavement, etc.) interfering with construction activities.
3. All joint lines as shown on the plan shall be sawcut (concrete, AC pavement, tile, stone, etc.).
4. Construction joints at pavement shall be spaced at 16'-0" on center, unless otherwise shown in the plan, (per Standard Plan No. S-430-1).
5. Concrete pavement shall be Class 560-C-3250 as specified in Subsection 201-1 of the Standard Specifications for Public Works Construction.
6. Contractor shall clean out all existing drainage systems draining into the canals.



COURT SECTION



DETAIL

Howland Canal Court (East of Dell Ave.)

COASTAL COMMISSION
5-91-584-A5

EXHIBIT # 3

PAGE 1 OF 1