

**CALIFORNIA COASTAL COMMISSION**

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

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Hearing Date: September 10, 2002  
Commission Action:



## Item Tu9i

### RECORD PACKET COPY

#### STAFF REPORT: REGULAR CALENDAR

**APPLICATION NUMBER:** 5-02-278

**APPLICANT:** Robert MacKenzie **AGENT:** N/A

**PROJECT LOCATION:** 5115 Via Donte (Lot 1, Block 13, Del Rey Beach Tract), Venice, City of Los Angeles, Los Angeles County.

**PROJECT DESCRIPTION:** Excavate and inspect an abandoned oil/natural gas well within the protected lagoon buffer on a vacant lagoon-fronting lot, then reabandon well and restore the disturbed area with native plants.

Lot Area	4,550 square feet
Building Coverage	0 square feet
Pavement Coverage	0 square feet
Landscape Coverage	1,200 square feet
Parking Spaces	0
Zoning	RD1.5-1
Plan Designation	Single Family Residence
Ht above final grade	0 feet

**LOCAL APPROVAL:** City of Los Angeles Planning Department Approval, Case No. DIR2002-2368 (SPP), 6/7/02.

#### **SUBSTANTIVE FILE DOCUMENTS:**

1. City of Los Angeles certified Venice Land Use Plan, 6/12/01.
2. Coastal Development Permit A-266-77 (ILA) & amendment.
3. Coastal Development Permit 5-95-152 (Ballona Lagoon Enhancement Plan).
4. Coastal Development Permit Application 5-02-193 (MacKenzie).
5. California Department of Conservation letter dated June 20, 2002 (Exhibit #4).

#### SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission grant a coastal development permit for the proposed development with special conditions to protect Ballona Lagoon during the excavation and inspection of the abandoned wellhead that exists under the site on the east bank of the lagoon. The conditions include the provision of a temporary construction buffer and containment berm between the excavation site and the water, protection of the public access path, and a requirement to develop and implement a site restoration plan. The applicant agrees with the recommendation. **See Page Two for motion.**

**STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application with special conditions:

**MOTION:** *"I move that the Commission approve Coastal Development Permit 5-02-278 pursuant to the staff recommendation."*

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**I. Resolution: Approval with Conditions**

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned 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 of the Coastal Act. Approval of the permit 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 development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

**II. Standard Conditions**

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. Special Conditions

#### 1. Temporary Construction Buffer

No runoff or waste from the wellhead excavation site shall be permitted to enter the waters of Ballona Lagoon. In order to create a temporary construction buffer between the waters of Ballona Lagoon and the wellhead excavation work site, and to protect the lagoon from runoff from the excavation site, the permittee shall carryout the project in compliance with the following provisions:

- A. Prior to any excavation or placement of heavy machinery within fifty feet of the water, the permittee shall erect a six-foot high fence with a silt curtain and sandbag containment berm along the length of the site (parallel to the lagoon's shoreline). The fence, silt curtain and containment berms, which shall contain all runoff and waste from the excavation site, shall be placed a minimum of fifteen feet from the mean high tide line as shown on **Exhibit #4 of the staff report dated 8/22/2002**). The permittee shall attach a 24-inch high silt curtain along the bottom of the fence and place a 24-inch high containment berm constructed of sand-filled bags along the inland side of the fence. The fence and containment berm shall be maintained and shall remain in place until the completion of the wellhead inspection and reabandonment.
- B. There shall be no foot traffic, stock piling, grading, vegetation removal, trash disposal, equipment storage, placement of fill, or any other development within the temporary construction buffer area established between the waters of the lagoon and the fence.
- C. In order to be preserved and replanted upon completion of the work, all native plants within the work area shall be transplanted and saved to be replanted when the wellhead work is completed and the site is restored.
- D. The permittee shall remove the fence and containment berm, and commence restoration of the wellhead excavation site consistent with the requirements of **Special Condition Four**, within 48 hours of the wellhead reabandonment.
- E. In the event that the location of the wellhead or the size of the heavy equipment require an encroachment within fifteen feet of the lagoon's high water line in order to complete the proposed wellhead excavation project, the permittee shall submit a detailed lagoon protection plan, for the review and approval of the Executive Director, prior to any encroachment into the fifteen-foot temporary construction buffer. At a minimum, the lagoon protection plan must provide a temporary construction buffer and a containment berm between the proposed work and the mean high tide line of the lagoon. The temporary construction buffer must be as wide as possible (from the water to the fence). No encroachment within fifteen feet of the lagoon's high water line shall occur without the Executive Director's approval of a detailed lagoon protection plan.

2. Drainage – Water Quality

This coastal development permit does not authorize any dewatering or other drainage being directed into the waters of Ballona Lagoon or into the City street and stormwater system that drains into the lagoon. Should the proposed project necessitate any dewatering, the applicant shall apply for a Commission-approved amendment to this coastal development permit. The applicant shall obtain approval of the Regional Water Quality Control Board prior to applying to the Commission for any discharge into coastal waters.

3. Ballona Lagoon East Bank Public Access Path

The permittee shall minimize interference with the public's use of the pathway that runs through the site along the east bank of Ballona Lagoon. If the permitted development necessitates a temporary detour of the public access path, the permittee shall submit a temporary detour plan, for the review and approval of the Executive Director. The temporary detour plan shall maintain a safe pedestrian connection through the site on the inland side of the excavation area and temporary lagoon buffer fence required by Special Condition One. The permittee shall provide adequate signage to identify any temporary detour route approved by the Executive Director. A temporary detour route approved by the Executive Director shall be constructed and opened for public use prior to the closing of any portion of the existing public access path.

4. Restoration of Lagoon Buffer Strip

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a restoration plan, for review and approval by the Executive Director, which provides for the restoration of the area disturbed by the proposed wellhead excavation and reabandonment work. The permittee shall commence restoration of the wellhead excavation site within 48 hours of the wellhead reabandonment (i.e. upon completion of the proposed wellhead inspection and reabandonment work), consistent with the restoration plan approved by the Executive Director. The restoration plan shall include the following provisions:

- A. Notification of the Executive Director. The permittee shall notify the Executive Director (in writing) of the date of commencement of the proposed wellhead excavation (i.e. upon installation of the fence and berm required by Special Condition One above). The permittee shall also notify the Executive Director (in writing) of the date the wellhead reabandonment and commencement of the restoration work.
- B. Public Access Path. The east bank public access path shall be restored to its current width in its current alignment, and shall be open for public use within one week of the wellhead reabandonment. The path's drainage system and the split rail fences that run along both sides of the path shall be replaced or repaired as necessary to pre-project condition. The applicant shall provide before and after photographs which shall be used to verify that the path has been restored to its pre-project condition.

C. Native Vegetation. Within one week of the wellhead reabandonment, the permittee shall landscape the remainder of the disturbed area consistent with a landscape plan prepared and submitted to the Executive Director for review and approval. The landscape plan shall include the use of the native plants that shall be dug up and preserved during the proposed wellhead excavation. The landscape plan, which shall also include additional southern California native plants appropriate to the natural habitat type, shall be consistent with all of the following requirements:

- (i) No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or as may be identified from time to time by the State of California shall be utilized on the property. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property.
- (ii) All landscaping shall be maintained by the permittee or successor(s)-in-interest until it is established to pre-project condition. The applicant shall provide before and after photographs which shall be used to verify that the native vegetation has been restored to its pre-project condition. All required plantings shall be maintained in good growing condition through-out the life of the project, and whenever necessary, shall be replaced with new plant materials which conform to the requirements of this condition to ensure continued compliance with the landscape plan.
- (iii) The landscape plan shall include a map showing the type, size and location of all plant materials that will be on the developed site, the irrigation system, topography of the developed site, and all other landscape features, and a schedule for installation of plants. The plan shall also include a schedule for the routine inspection and replacement of any failed plantings. The landscape plan to be submitted to the Executive Director shall be accompanied by an analysis prepared by a licensed Landscape Architect or a qualified Resource Specialist that documents that the landscape plan includes the appropriate size and types of plants for the Ballona Lagoon habitat area.
- (iv) Monitoring. Two years from the date of the completion of the installation of landscaping as required by the restoration plan, the permittee shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this special condition. The monitoring report shall include photographic documentation of plant species and plant coverage.
- (v) If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or

supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan. The applicant or successor in interest shall implement the supplemental landscaping plan approved by the Executive Director and/or seek an amendment to this permit if required by the Executive Director. An annual monitoring report shall be submitted each year until a licensed Landscape Architect or qualified Resource Specialist certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this special condition.

The permittee shall undertake the development in accordance with the restoration plan approved by the Executive Director. Any proposed change to the approved restoration plan shall be reported to the Executive Director. No change to the approved restoration plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

5. Disposal of Excavated Materials

This coastal development permit does not permit the applicant or its agents to dispose or place within the coastal zone any fill or other materials removed from the site. In addition, the applicant shall not discard or dump construction materials, toxics, debris or refuse in the lagoon buffer or into any waterway.

6. Conformance with the Requirements of the Resource Agencies

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit evidence to the Executive Director, which demonstrates that the California Department of Fish and Game has been notified by certified mail of the proposed project and its proximity to Ballona Lagoon. The applicant shall, through the acceptance of this permit, agree to comply with all requirements and mitigation measures of the California Department of Fish and Game. The applicant shall also comply with requirements and mitigation measures of the California Department of Conservation regarding the existence of wells on the site, and the Regional Water Quality Control Board and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and the marine environment. If any resource agency requires a change to the plans previously approved by the Commission or the Executive Director, such a change shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

#### **IV. Findings and Declarations**

The Commission hereby finds and declares:

##### **A. Project Description**

The applicant proposes to excavate and inspect an abandoned oil/natural gas wellhead located within the lagoon buffer strip that occupies the western thirty feet of the lagoon-fronting property (Exhibit #4). The California Department of Conservation's Division of Oil, Gas and Geothermal Resources has determined that the abandoned well must be inspected, tested, and reabandoned to current standards (Exhibit #4). After the inspection and any necessary testing, the applicant proposes to reabandon the well to current State standards and restore the disturbed area with native plants.

The proposed well excavation and inspection involves disturbing a previously restored habitat area on the east bank of Ballona Lagoon, and the possible temporary disruption of the public's use of the lagoon buffer public access path. The applicant has agreed to minimize the disturbance of the lagoon buffer as much as possible.

The project site is a 4,550 square foot vacant lot located in the Venice area referred to as the "Silver Strand area." Ballona Lagoon, which fronts the site, is a tidal lagoon and a designated ESHA (Environmentally Sensitive Habitat Area – See Exhibit #3). Coastal Development Permit Application 5-02-193, for a new 45-foot high single family residence, is being processed concurrently with this application. The applicant expects to complete the proposed wellhead work prior to the commencement of construction of the proposed single family residence.

##### **B. Ballona Lagoon – Protection of ESHA & Marine Resources**

Ballona Lagoon is located in the Silver Strand/Marina Peninsula area of Venice in the City of Los Angeles, adjacent to the Marina del Rey entrance channel (Exhibit #3). The lagoon is an artificially confined tidal slough, 150-200 feet wide, covering approximately sixteen acres of open water and wetland area. It is an integral part of the larger Venice Canals/Ballona Lagoon wetlands system. Seawater enters the wetlands system through County-operated tidal gates (under Via Marina) which control the flow from the Marina del Rey entrance channel into Ballona Lagoon. The certified Venice LUP designates the 4,000-foot long lagoon and its banks as an Environmentally Sensitive Habitat Area (ESHA).

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

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act states:

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

Section 30240 of the Coastal Act states:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

The certified Venice LUP also includes the following policies that require the protection of marine resources. The certified Venice LUP states (emphasis added to most relevant parts):

**Policy IV.B.1.b Ballona Lagoon – Permitted Uses**

*Only uses compatible with preservation of this habitat shall be permitted in and adjacent to the lagoon. **Uses permitted in or adjacent to the lagoon shall be carried out in a manner to protect the biological productivity of marine resources and maintain healthy populations of marine organisms.** Such uses as open space, habitat management, controlled nature study and interpretation, and passive public recreation such as bird watching, photography, and strolling shall be encouraged and promoted. No fill shall occur in Ballona Lagoon unless it is consistent with Coastal Act Section 30233 and is the least environmentally damaging alternative. No untreated runoff shall be directed into the lagoon.*

**Policy IV.B.2.d Ballona Lagoon Buffer Strip – Permitted Uses**



*Permitted uses within the buffer strip shall be limited to open space, habitat management, nature study and interpretation for educational purposes and pedestrian walkways for passive recreation such as bird-watching, photography and strolling. Landscaping in the buffer strip shall consist of native plants and shrubs. Non-native species shall be phased out and the area restored as feasible. (For more detailed, refer to the Ballona Lagoon Enhancement Plan.)*

Ballona Lagoon is a wetland which is protected under the Coastal Act and LUP policies stated above. Ballona Lagoon and the attached Venice Canals system is an Environmentally Sensitive Habitat Area (ESHA) as defined by Section 30107.5 of the Coastal Act and as identified in the certified Venice LUP (Exhibit #3). In addition to being important wetlands, the lagoon is a critical habitat area for the California least tern, Sterna antillarum browni. The California least tern is a State and federally listed endangered species. The lagoon is a critical habitat area because the California least tern feeds on top smelt and other small fish while nesting at the protected nesting site on Dockweiler Beach located less than two thousand feet west of Ballona Lagoon (Exhibit #3).

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

The banks of the lagoon above the high water line provide upland coastal habitat consisting of upland coastal strand terrestrial vegetation. Many species of flora and fauna utilize the resources provided by the habitats found adjacent to Ballona Lagoon. The two native vegetation regimes associated with the lagoon are upland terrestrial vegetation and intertidal salt marsh vegetation. The intertidal salt marsh exists within a narrow band around the lagoon with upland vegetation occupying the majority of the available surface area on the lagoon banks. The intertidal salt marsh vegetation consists of pickleweed, jaumea, salt grass and alkali heath. Although identified as an historic native coastal strand community, recent surveys show that the terrestrial vegetation is now dominated by exotic plant species, such as ice plant, castor bean, and fennel. Native plants include alkali weed and sand verbenia.

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

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

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

The certified Venice LUP limits the types of uses and development that are permitted to occur in the lagoon buffer, where the wellhead excavation is proposed. The proposed wellhead excavation and inspection is a necessary cautionary activity that is compatible with the preservation of habitat adjacent to the lagoon, but only if the proposed project is carried out in a manner to protect the biological productivity of marine resources. As conditioned, the proposed project is consistent with the certified Venice LUP. The conditions of approval are discussed below.

The certified Venice LUP and Sections 30230 and 30231 of the Coastal Act require that marine resources be maintained, enhanced, and restored in a manner that will sustain the biological productivity of all species of marine organisms in coastal waters, and that the biological productivity and water quality of Ballona Lagoon be maintained and restored by controlling runoff and maintaining natural vegetation buffer areas. Section 30240 of the Coastal Act requires that environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and development adjacent to environmentally sensitive habitat areas shall be designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

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

### **Temporary Construction Buffer**

In this case, the applicant has proposed to reduce any adverse impacts associated with the proposed project by establishing a temporary construction buffer between the lagoon and the work site with a six-foot high safety fence placed along the entire length of the site. No work would occur within the waters of the lagoon or within the temporary construction buffer area established between the lagoon and the fence. The conditions of approval prohibit any runoff from the site from entering Ballona Lagoon (Special Conditions One & Two).

Special Condition One includes specific provisions to protect the waters of the lagoon from adverse impacts of the proposed wellhead excavation. The applicant is required to:

- Provide a fifteen-foot wide temporary construction buffer between the lagoon and the six-foot high safety fence. The fence shall be located at least fifteen feet from the mean high tide elevation of the lagoon as shown on the plans submitted with the application (Exhibit #4).
- Provide the fence and a two-foot high containment berm of sand bags along the length of the site prior to any excavation or placement of heavy machinery within fifty feet of the water.
- Provide a 24-inch high silt curtain shall be attached along the bottom of the safety fence.

There shall be no foot traffic, stock piling, grading, vegetation removal, trash disposal, equipment storage, placement of fill, or any other development within the temporary construction buffer established between the lagoon and the fence. The fence shall be maintained and shall remain in place until the completion of the wellhead inspection and reabandonment.

The sand bag containment berm, situated inland of the fence, is necessary to contain any drainage or oil spill from the work area. The proposed temporary construction buffer and containment berm would implement the Commission's requirements that were placed on a prior oil well reabandonment project that was approved near the site (Coastal Development Permit 5-98-056). The temporary construction buffer and the containment berm are necessary for the proposed project to conform with and carry out the requirements of the Venice LUP and Sections 30230, 30231 and 30240 of the Coastal Act.

The applicant anticipates that there is sufficient room on the lagoon bank to provide the required fifteen-foot temporary construction buffer between the water and the excavation site. If, however, the location of the oil well or the size of the heavy equipment require an encroachment within fifteen feet of the lagoon's mean high tide line in order to complete the proposed project, the applicant shall submit a detailed lagoon protection plan, for the review and approval of the Executive Director, prior to any encroachment into the fifteen-foot temporary construction buffer. At a minimum, the lagoon protection plan must provide a temporary construction buffer and a containment berm between the proposed work and the mean high tide line of the lagoon. The temporary construction buffer must be as wide as possible between the fence and the water. No encroachment within fifteen feet of the lagoon's mean high tide line shall occur without the Executive Director's approval of a detailed lagoon protection plan.

Also, this permit does not permit the applicant or its agents to dispose or place within the coastal zone any fill or other materials removed from the site. The applicant shall not discard or dump construction materials, toxics, debris or refuse into any waterway (Special Condition Five). Additional approvals may be required from State or Federal agencies. As a condition of approval, the Commission requires that the applicant notify the California Department of Fish and Game of the proposed project and its proximity to Ballona Lagoon (Special Condition Six).

The applicant shall, through the acceptance of this permit, agree to comply with all requirements and mitigation measures of the California Department of Fish and Game. The applicant is also required to comply with requirements and mitigation measures of the California Department of Conservation regarding the existence of wells on the site, and the Regional Water Quality Control Board and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and the marine environment.

If any resource agency requires a change to the plans previously approved by the Commission or the Executive Director, such a change shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required. Only as conditioned is the proposed project consistent with Sections 30230, 30231 and 30240 of the Coastal Act.

### **Site Restoration**

Special Condition Four requires the development and submittal of a restoration plan to restore the area to its pre-project condition. Upon completion of the proposed wellhead reabandonment, the applicant shall restore the site and revegetate it with native plant species appropriate to the lagoon habitat. Special Condition Four also requires the applicant to restore the public access path to its pre-project condition. As part of the restoration plan, the applicant is required to preserve the native plants that exist now on the site by transplanting them during the wellhead excavation work, and then replanting them in the lagoon buffer as part of the restoration. The applicant shall monitor the restoration work for at least two years to ensure a full and complete restoration of the native vegetation. If, after two years, the vegetation and the site is not fully restored to its pre-project status, the applicant is required to continue the restoration until the site is fully restored. Only as conditioned is the proposed development consistent with Sections 30230, 30231 and 30240 of the Coastal Act.

### **C. Public Access and Recreation**

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

Section 3010 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, in part:

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

A public access path currently exists through the site along the east bank of Ballona Lagoon (Exhibit #4, p.1). The existing path is part of a continuous trail system that provides public access and recreational opportunities along the lagoon and the rest of the Venice waterways. The Coastal Act and the policies of the certified Venice LUP protect public access to and along the banks of Ballona Lagoon and the Venice Canals.

Although the applicant has agreed to minimize the disturbance of the lagoon buffer as much as possible, the proposed well excavation and inspection involves the possible temporary disruption of the public's use of the lagoon's east bank public access path. Special Condition Three requires that the permittee minimize interference with the public's use of the pathway that runs through the site along the east bank of Ballona Lagoon. If the permitted development necessitates a temporary detour of the public access path, the permittee shall submit a temporary detour plan, for the review and approval of the Executive Director. The temporary detour plan shall maintain a safe pedestrian connection through the site on the inland side of the excavation area and temporary lagoon buffer fence required by Special Condition One. The permittee shall provide adequate signage to identify any temporary detour route approved by the Executive Director. A temporary detour route approved by the Executive Director shall be constructed and opened for public use prior to the closing of any portion of the existing public access path.

Additionally, Special Condition Four also requires the applicant to restore the public access path to its pre-project condition within one week of the completion of the wellhead reabandonment. Only as conditioned does the Commission find that the proposed project is consistent with the public access and recreation policies of the Coastal Act.

#### **D. 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 certified the Venice LUP on June 12, 2001.

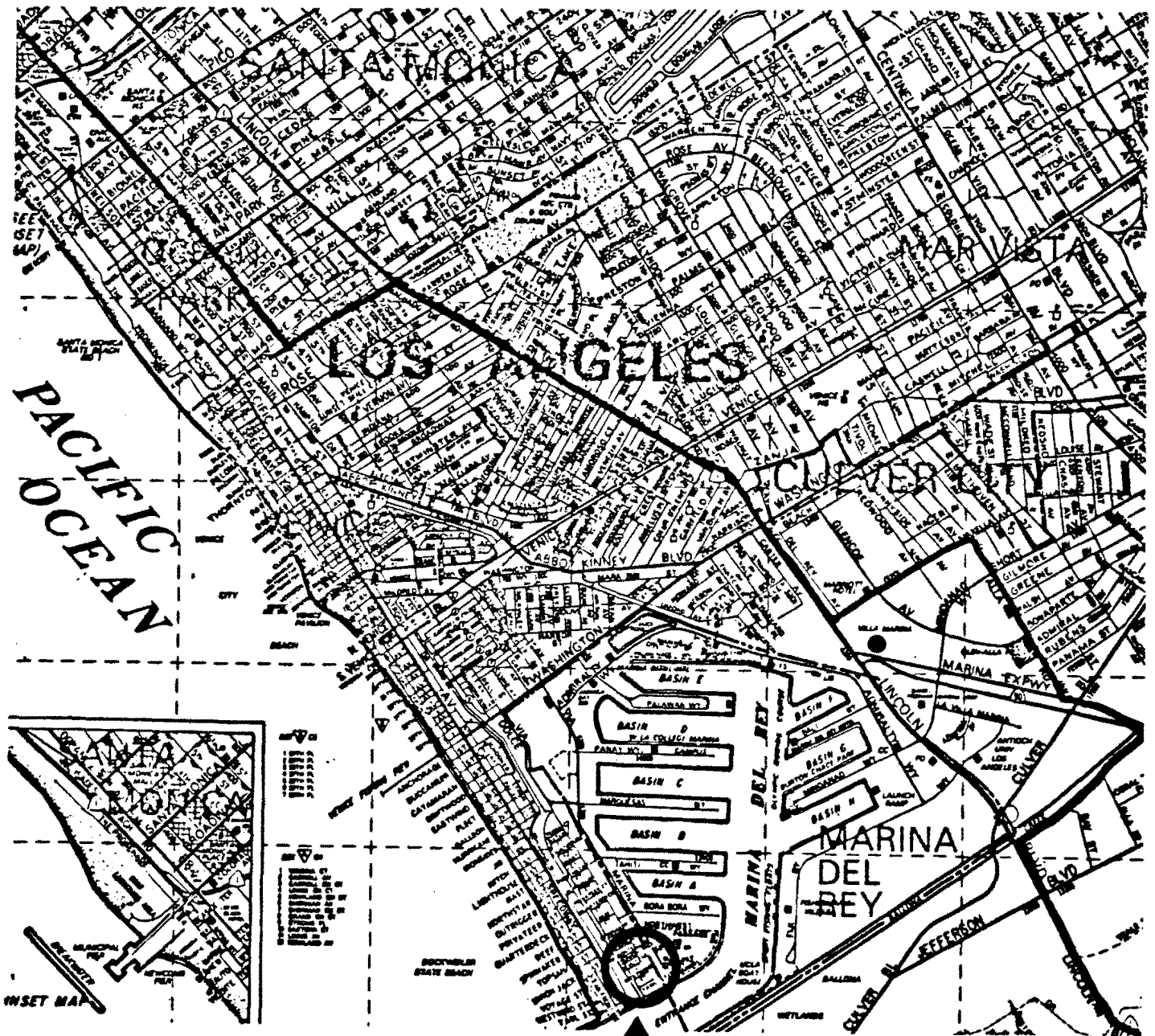
The proposed project, as conditioned, conforms to the proposed Venice LUP. The proposed project, as conditioned, is also consistent with the Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

#### **E. 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, 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 as conditioned can be found consistent with the requirements of the Coastal Act to conform to CEQA.

# Silver Strand / Del Rey Beach Tracts



Site

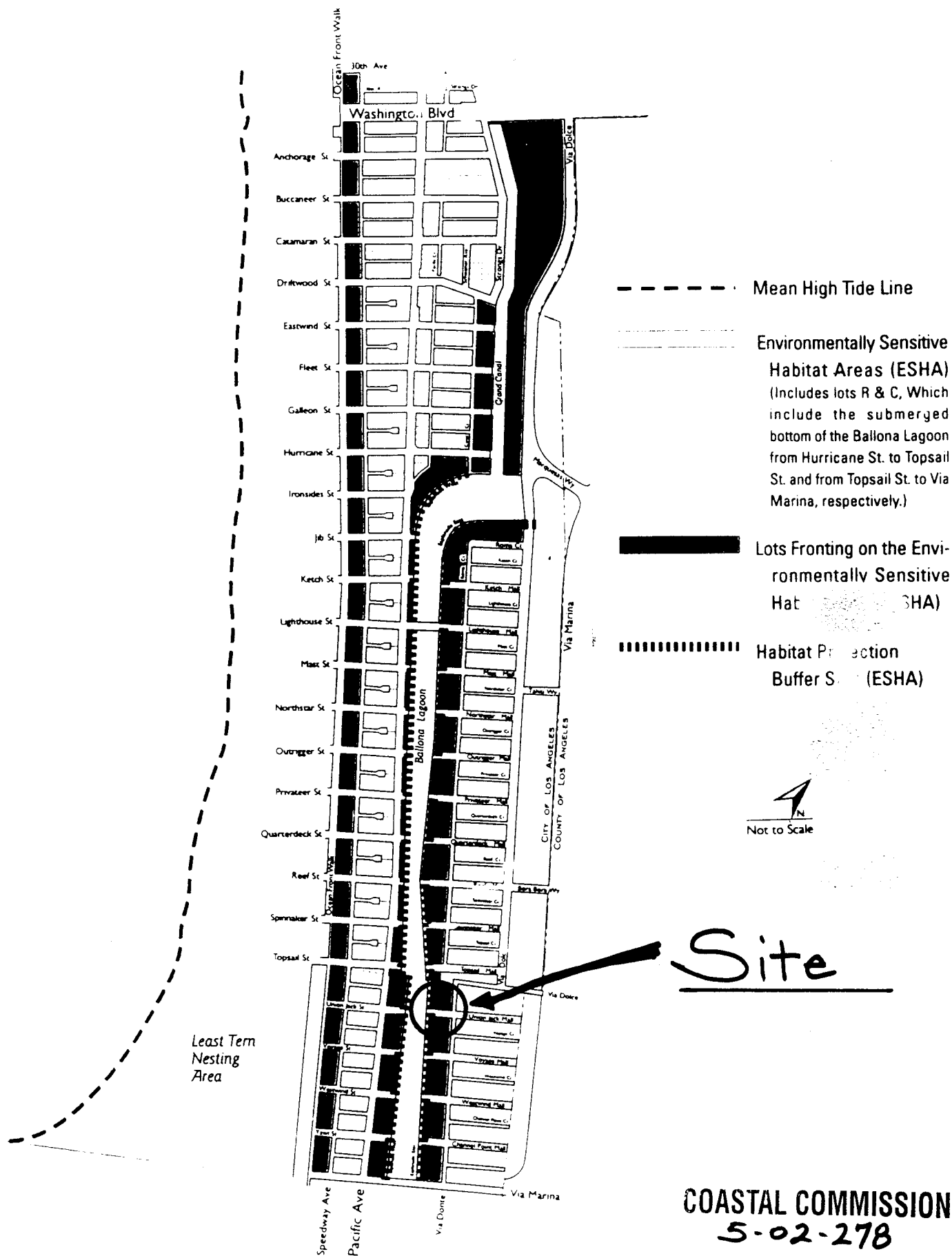
COASTAL COMMISSION  
5-02-278

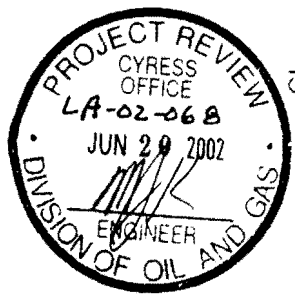
EXHIBIT # 1

PAGE 1 OF 1

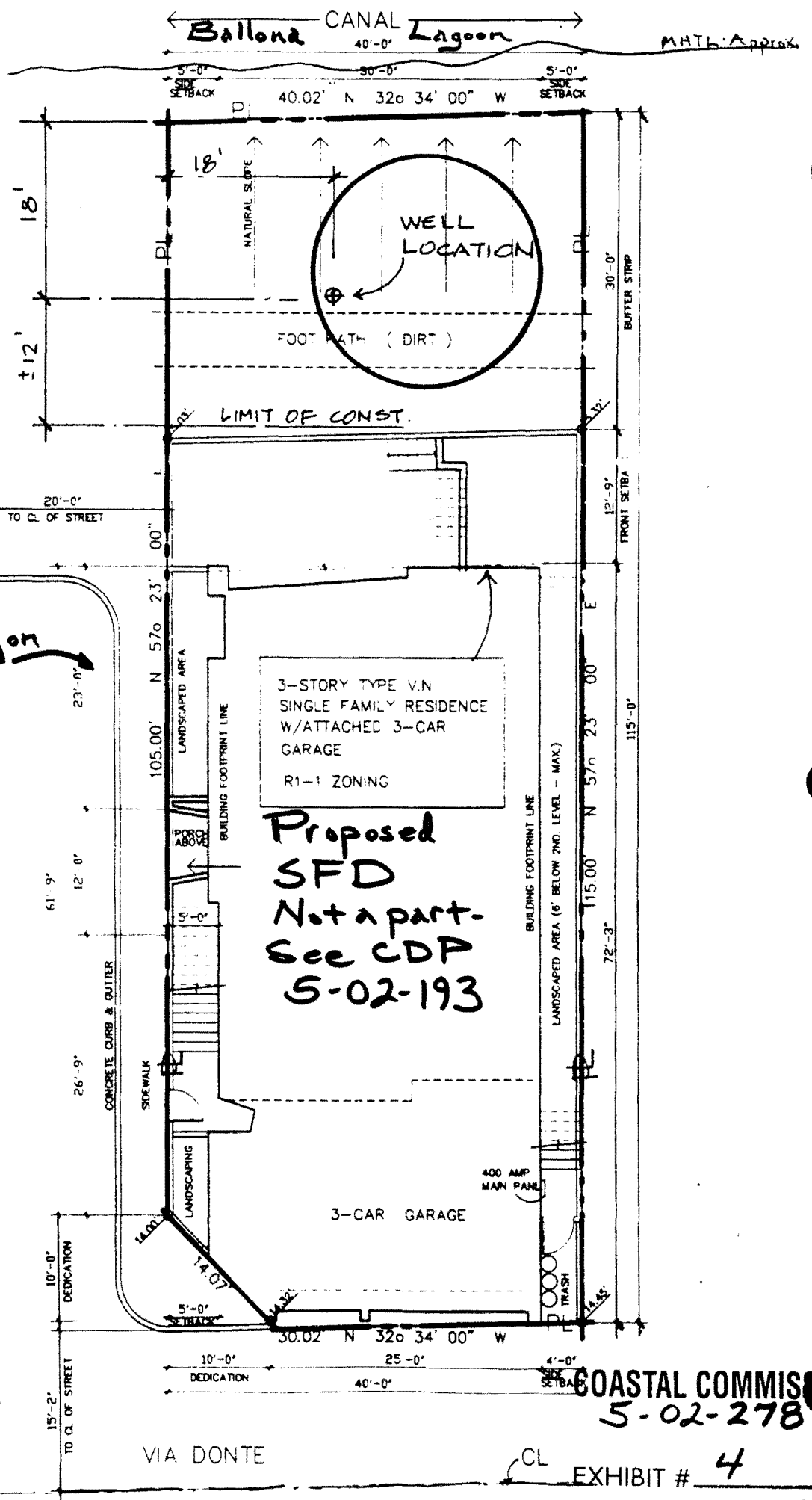








**SITE PLAN.**



## DEPARTMENT OF CONSERVATION

5816 Corporate Ave., Suite 200  
Cypress, CA 90630  
(714) 816-6847  
FAX (714) 816-6853



**RECEIVED**  
South Coast Region

June 20, 2002

JUL 1 2002

CALIFORNIA  
COASTAL COMMISSION

**Mr. Charles Posner**  
California Coastal Commission  
200 Oceangate, 10<sup>th</sup> Floor  
Long Beach, CA 90802

Applicant: Alegre - Mackenzie, LLC  
Project Name: Single Family Dwelling  
Project Address: 5115 Via Donte, Marina Del Rey, 90292  
Division Reference Number: LA-02-068

Dear Mr. Posner:

The Department of Conservation's Division of Oil, Gas, and Geothermal Resources has received and reviewed the above referenced project application and submits the following recommendations and requirements.

If during construction, any additional wells are uncovered, please contact us immediately. Remedial plugging and reabandonment may be required.

Division policy requires that soil contaminated by hydrocarbons shall be remediated or disposed of in accordance with local, state, or federal laws. If any saturated soil or seepage is detected during construction, please contact us immediately.

Enclosed are your copies of our Construction Site Plan Review. If you should have any questions, please call Robert Samuelian at (714) 816-6847. Your cooperation is appreciated.

COASTAL COMMISSION  
5-02-278

EXHIBIT # 4  
PAGE 2 OF 3

THE RESOURCES AGENCY  
DEPARTMENT OF CONSERVATION  
DIVISION OF OIL, GAS, AND GEOTHERMAL RESOURCES  
PLAN REVIEW

Applicant: Aiegre - Mackenzie, LLC  
Project Name: Single Family Dwelling  
Project Address: 5115 Via Donte, Marina Del Rey, 90292  
Division Reference Number: LA-02-068

The staff of the Division of Oil, Gas, and Geothermal Resources has reviewed the attached project site plan and determined the following:

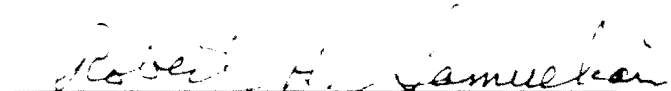
- ☒ The subject well ~~must~~ be abandoned or reabandoned to current standards (or equivalent) of the Division of Oil, Gas, and Geothermal Resources.
- B. The subject well has been abandoned or reabandoned to current standards (or equivalent) of the Division of Oil, Gas, and Geothermal Resources.
- C. The subject well was not abandoned to current standards, but no additional well work is required.
- D. The well is active, therefore, no abandonment is required at this time. Active wells must have adequate clearance and access for well workover equipment. We recommend that the well and associated equipment be enclosed with fencing in accordance with the provisions of Sections 1778 (a) and (e) of the California Code of Regulations, publication number PRC04.
- E. The required well work cannot be performed because the well could not be located.
- F. A well vent system approved by the city or county permitting agency is recommended.
- ☒ A Division leak test prior to issuing a building permit is required.
- H. A Division approved leak test has been completed.

COMPANY/OPERATOR	WELL DESIGNATION/API NO.	FIELD/COUNTY	A	B	C	D	E	F	G	H
Blue Ridge Oil Co., Ltd.	"Bland" 1 (037-14337)	Playa Del Rey/LA	X						X	

Total number of wells: -1-

Date: June 20, 2002





Robert H. Samuelian  
Construction Site Engineer  
Division of Oil, Gas, & Geothermal Resources

**Note:** This Plan Review expires one year from the date shown on the "Project Review" stamp.