

CALIFORNIA COASTAL COMMISSION

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Filed: 8/18/2003
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Staff: AJP-LB
Staff Report: 11/19/03
Hearing Date: 12/11/03
Commission Action:

TH 20d

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-03-337

APPLICANT: Los Angeles County Department of Public Works

PROJECT LOCATION: Santa Monica Canyon channel, Will Rogers State Beach, Los Angeles County

PROJECT DESCRIPTION: Implementation of a five year periodic ocean storm drain outlet maintenance program at an ocean outlet location on Will Rogers State Beach, and beach contouring activities on the adjacent beach.

LOCAL APPROVALS RECEIVED: California Regional Water Quality Control Board review No. 01-064; Certification of compliance with Department of the Army nationwide Permit No. 200101056-RRF.

SUBSTANTIVE FILE DOCUMENTS: Water Quality Control Plan, Los Angeles Region, June 13, 1994.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends the Commission **APPROVE** the proposed development with five special conditions which require 1) expiration of permit five (5) years from issuance; 2) conformance with the requirements of the Resource Agencies; 3) conformance with proposed Best Management Practices (BMPs); 4) timing of maintenance activities to avoid biological resources; and 5) timing of maintenance activities to avoid public access impacts. As conditioned, the proposed project will be consistent with the Chapter 3 policies of the Coastal Act.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. MOTION, STAFF RECOMMENDATION AND RESOLUTION FOR 5-03-337:

Staff recommends that the Commission make the following motion and adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit #5-03-337 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a permit, subject to the conditions below, for the proposed development, located between the first public road and the sea, and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the provisions of Chapter 3 of the California 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 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 alternative 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. Expiration of Permit

This coastal development permit (5-03-337) shall expire five (5) years from the date of permit approval. Except as provided in Public Resources Code Section 30610 and applicable regulations, and as specifically provided in this condition, any future development as defined in PRC section 30106, including but not limited to, maintenance activities beyond the expiration date of this permit, shall require an amendment to 5-03-337 from the California Coastal Commission or shall require an additional coastal development permit from the California Coastal Commission.

2. Conformance with the Requirements of the Resource Agencies

The permittee shall comply with all permit requirements and mitigation measures of the Regional Water Quality Control Boards approval letter (9/12/01) and U.S. Army Corps of Engineers approval (9/17/01), with respect to preservation and protection of water quality and marine environment. Any change in the approved project, which is required by the above-stated agencies or any other governmental agency, 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.

3. Conformance with Best Management Practices

The applicant shall undertake development in conformance with the Best Management Practices listed in the Water Quality Control Plan for the Los Angeles Region. Additionally, the applicant shall comply with the following:

- (a) No construction materials, debris, or waste shall be placed or stored where it may enter a storm drain or be subject to wave erosion and dispersion;
- (b) Any and all debris resulting from maintenance activities shall be removed from the project site within 24 hours of completion of maintenance activities;
- (c) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of materials, and to contain sediment or contaminants associated with maintenance activities shall be implemented prior to the on-set of such activity. BMPs and GHPs which shall be implemented include, but are not limited to: solid waste

management, off-site vehicle and equipment cleaning, off-site vehicle and equipment maintenance, and a employee/subcontractor training. BMPs shall be maintained in a functional condition throughout the duration of the project.

4. Timing—Biological Resources

To avoid adverse impacts on California grunion, routine maintenance activities shall not occur during the grunion season (March 1 through September 1). By February 25 of each year, the applicant shall obtain the seasonally predicted run schedule for the grunion, as identified by the California Department of Fish and Game.

In the event that emergency maintenance activities must occur during the seasonally predicted grunion run period, the permittee may proceed upon obtaining a written statement from the Executive Director authorizing maintenance activities on specified dates. To obtain such a determination, the permittee must submit a declaration from the Department of Fish and Game stating that construction on the specific dates proposed will not cause adverse impacts to any grunion. The declaration must contain an assessment of the behavior of the grunion found in the area and a statement that the maintenance activity on the specific dates proposed will not adversely impact the grunion.

5. Timing—Public Access

To avoid adverse impacts on public access and recreational use of the beach, all project operations associated with routine maintenance activities shall be prohibited during the "peak use" beach season, defined as the period starting the day before the Memorial Day weekend (May) and ending the day after the Labor Day weekend (September) of any year.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The County of Los Angeles is requesting approval of a five-year periodic maintenance activities program at an ocean storm drain outlet for flood control purposes and beach contouring activities on the adjacent beach. Material removed from the channel will be screened, with trash and other solid material removed and disposed of, and the material will be mixed and spread on the adjoining beach above the mean high tide line. The proposed maintenance activities will not vary significantly from past maintenance activities and will not result in increased storm water capacity in the outlets.

The proposed project is located just east of the intersection of West Channel Road and Pacific Coast Highway, at Will Rogers State Beach, in the Pacific Palisades area of the City of Los Angeles. The cement outlet extends approximately 75 feet seaward of Pacific Coast Highway with a public bicycle path crossing over a portion of the channel. The beach in front of the storm drain is approximately 350 feet in width.

The storm drain outlet will be serviced annually before the storm season (fall period). Maintenance activities will consist of removing sand deposits at the end of the outlet structure and distributing the sand on the beach above the mean high tide line. Typically, maintenance is required when the streambed is either blocked at the end of the outlet structure or the streambed meanders across the beach in either direction. The amount of sand to be removed varies with surf conditions, storm surge and time of year. Depending on the quantity of material to be moved, equipment such as bulldozers, backhoe and front loaders will be used.

Sediment deposits are generally spread out and mixed with the existing sand to restore the aesthetic appearance for beach users. Work will be timed to avoid sensitive resources and to ensure maximum public access. Specifically, activities will be required to avoid grunion breeding season, which is generally from March to September.

To maintain public health requirements for public use, the beaches are routinely sanitized of marine vegetation and human debris deposited on the beach.

B. Marine Resources and Water Quality

Section 30230 of the Coastal Act states, in pertinent part:

Marine resources shall be maintained, enhanced, and where feasible, restored.

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 30232 of the Coastal Act states, in pertinent part:

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials.

Section 30233 (d) of the Coastal Act states:

(d) Erosion control and flood control facilities constructed on water courses can impede the movement of sediment and nutrients which would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for

such purposes are the method of placement, time of year of placement, and sensitivity of the placement area.

Section 30236 of the Coastal Act states:

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

The proposed project involves maintenance of an existing ocean outlet that carries urban runoff to the sea. The project does not constitute channelization or substantial alteration of rivers and streams. The capacity of the existing outlets will not be changed. As such, no additional storm water runoff will result from the proposed project. Furthermore, a low flow storm drain diversion has recently been constructed further up channel. The diversion diverts summer low flows, which have been found to carry the most pollutants during the year, from the channel to a water treatment plant, whereby reducing the amount of pollutants in the channel during the winter months.

The proposed project would involve some use of heavy machinery on sandy beaches or in tidal inlets. Machinery may have oils, greases, heavy metals, and other vehicular fluids on the body of the machine. The Water Quality Control Plan for the Los Angeles Region includes measures designed to minimize the release of vehicular or other contaminants to coastal waters. The list includes BMPs such as off-site cleaning and maintenance of equipment, as well as trash collection and employee education. The County proposes to utilize Best Management Practices (BMPs) when carrying out their maintenance activities. The County also posts public warning signs during and after the berm is breached warning the public of potentially polluted waters and prohibits swimming in the area.

In order to ensure implementation of the proposed BMPs designed to prevent adverse impacts to water quality and marine waters, the Commission imposes Special Condition No. 3. This condition requires conformance with the "Best Management Practices" contained in the Water Quality Control Plan for the Los Angeles Region and requires the implementation of additional BMPs and Good Housekeeping Practices.

C. Biological Resources

Section 30240 (b) of the Coastal Act states,

(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.

The proposed annual maintenance activity involves the use of mechanized equipment to breach storm water outlets and create dredged channels to the ocean for flood control purposes. Removed sand will be mixed and spread on the adjoining beach above the mean high tide line. These activities have the potential to affect marine resources and/or environmentally sensitive habitat areas. Specifically, the surrounding beach area is subject to grunion spawning.

To minimize any potential impacts, maintenance work will be scheduled before and after the grunion spawning seasons. To ensure that maintenance activities do not adversely affect sensitive habitat areas, the Commission imposes Special Condition No. 4, which requires the applicant to comply with specific timing requirements to avoid the grunion season. The Executive Director can authorize an exception to this restriction if information is provided which ensures there will be no impacts to sensitive species. Only as conditioned for avoidance of sensitive biological resources does the Commission find the proposed development consistent with Section 30240 of the Coastal Act.

D. Public Access and Recreation

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 30212(a)(2) of the Coastal Act states, in pertinent part:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(2) adequate access exists nearby

Section 30604(c) of the Coastal Act requires that every coastal development permit issued for any development between the nearest public road and the sea include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3, including 30210 and 30212 identified above. As shown in Exhibit 2, the proposed project sites are located on the beach, between the first public road and the sea.

As described previously, the proposed project consists of ocean outlet maintenance that provides an essential public service for the benefit of residents and visitors. Construction impacts, such as obstruction of lateral or vertical access to the shoreline with trucks and/or equipment, can affect the public's ability to access the beach and recreate on it. Construction related impacts can be partially alleviated by limiting construction work to the off-peak season (fall to early spring) when beach use by the public is typically low. With this in mind, the County intends to carry out routine maintenance activities before and after the popular summer beach use season. The County has also indicated that beach access will not be affected during construction, as alternative access will be provided during maintenance. However, during and immediately following the breaching of the berm, the County posts signs to warn the public and prohibit swimming in the water in the immediate area surrounding the storm drain for health reasons.

To ensure that the proposed maintenance activities minimize impacts to continued public access, the Commission imposes Special Condition No. 5. The condition prohibits routine

maintenance activities to be carried out between the Memorial Day and Labor Day peak summer use period. The Commission finds the proposed development, as conditioned, consistent with the public access policies of the Coastal Act.

E. Local Coastal Program

Section 30604 (a) of the Coastal Act states:

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).

In 1978, the Commission approved a work program for the preparation of Local Coastal Programs in a number of distinct neighborhoods (segments) in the City of Los Angeles. In the Pacific Palisades, issues identified included public recreation, preservation of mountain and hillside lands, and grading and geologic stability.

The City has submitted five Land Use Plans for Commission review and the Commission has certified two (Playa Vista and San Pedro). However, the City has not prepared a Land Use Plan for Pacific Palisades, however, they have recently received a grant to prepare a LCP. In the early seventies, a general plan update for the Pacific Palisades had been completed. When the City began the LUP process in 1978, with the exception of two tracts (a 1200-acre tract of land and an adjacent approximately 300-acre tract) which were then undergoing subdivision approval, all private lands in the community were subdivided and built out. The Commission's approval of those tracts in 1980 meant that no major planning decision remained in the Pacific Palisades. Consequently, the City concentrated its efforts on communities that were rapidly changing and subject to development pressure and controversy, such as Venice, Airport Dunes, Playa Vista, San Pedro, and Playa del Rey.

As conditioned, to address water quality, and public access, approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program in conformity with Chapter 3 of the Coastal Act. The Commission, therefore, finds that the proposed project, as conditioned, is consistent with the provisions of Section 30604 (a) of the Coastal Act.

F. California Environmental Quality Act

Section 13096 of the California Code of Regulations requires Commission approval of a CDP 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 that the activity may have on the environment.

The proposed project, as conditioned, has been found to be consistent with the water quality and public access policies of the Coastal Act. Mitigation measures, in the form of special conditions, requires the use of best management practices (BMPs), conformance with the requirements of the resource agencies, and timing of construction. No further alternatives, or mitigation measures, beyond those imposed by this permit, would substantially lessen any significant adverse impacts which the development would 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.



Site Location



LOS ANGELES AREA



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 Pacific & Southern California
 Coastal Commission

HUNTINGTON BI
EXHIBIT NO. 1
 APPLICATION NO
5-03-337
Vicinity Map

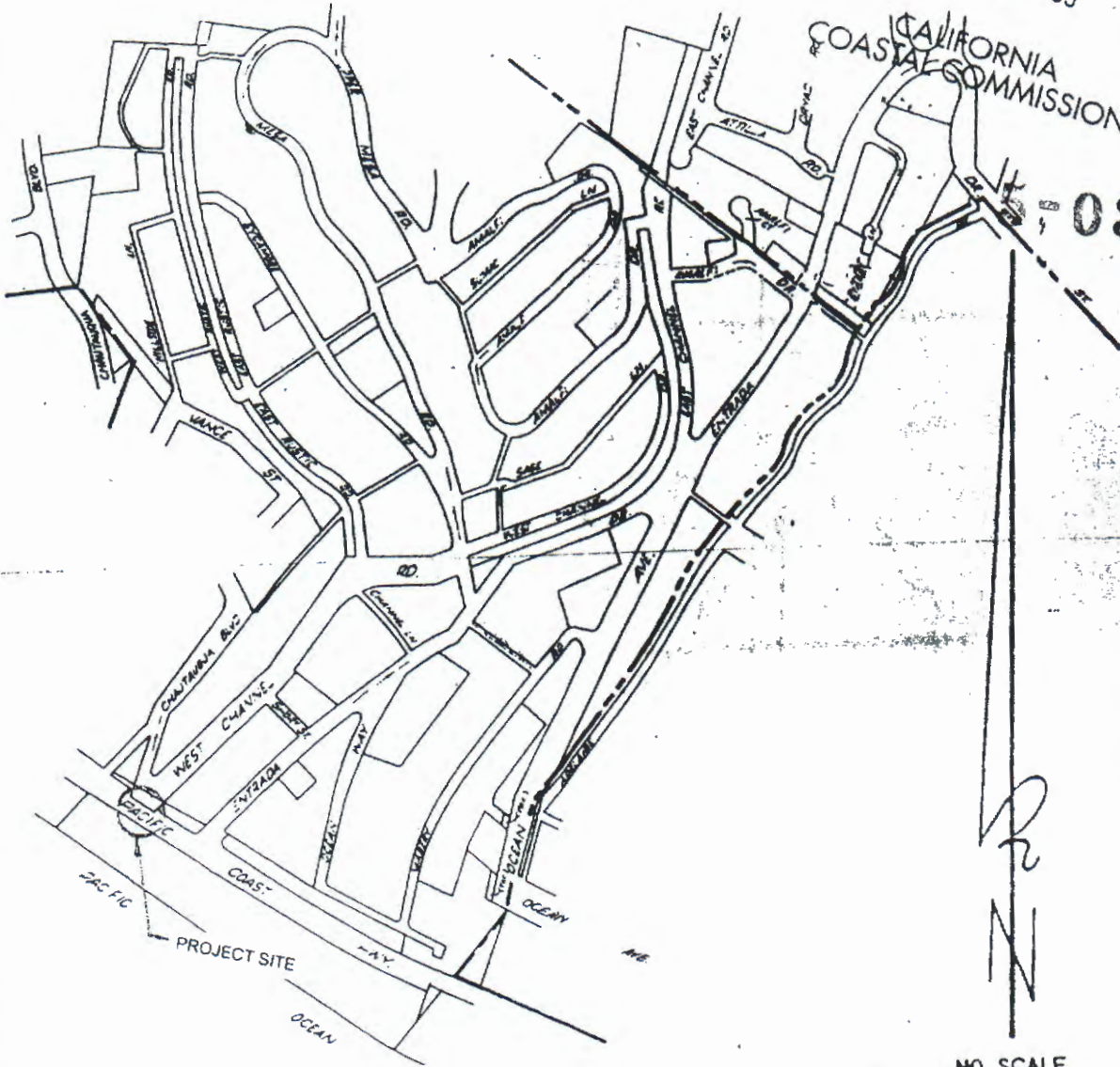
LOS ANGELES COUNTY
DEPARTMENT OF PUBLIC WORKS
SANTA MONICA CANYON CHANNEL

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Coast Region
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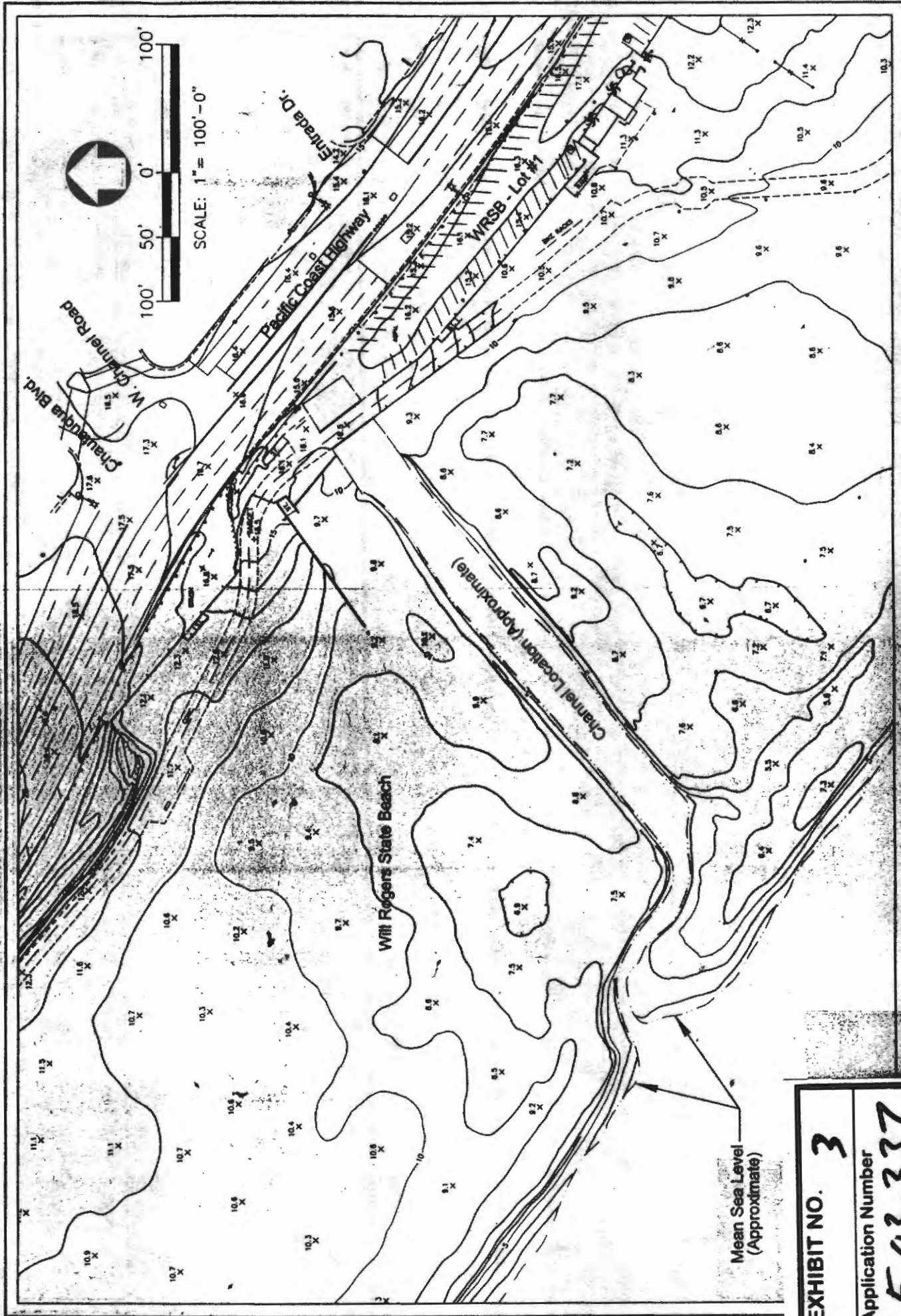


LOCATION MAP

THOM. BROS. 631 - B7

EXHIBIT NO. 2
APPLICATION NO.
5-03-337
Location Map





SANTA MONICA CHANNEL OUTLET - SITE PLAN
 Coastal Development Permit Application
 August 15, 2003

EXHIBIT NO.	3
Application Number	5-03-337
	Site Plan
California Coastal Commission	

Santa Monica Canyon Channel, 100-foot radius map

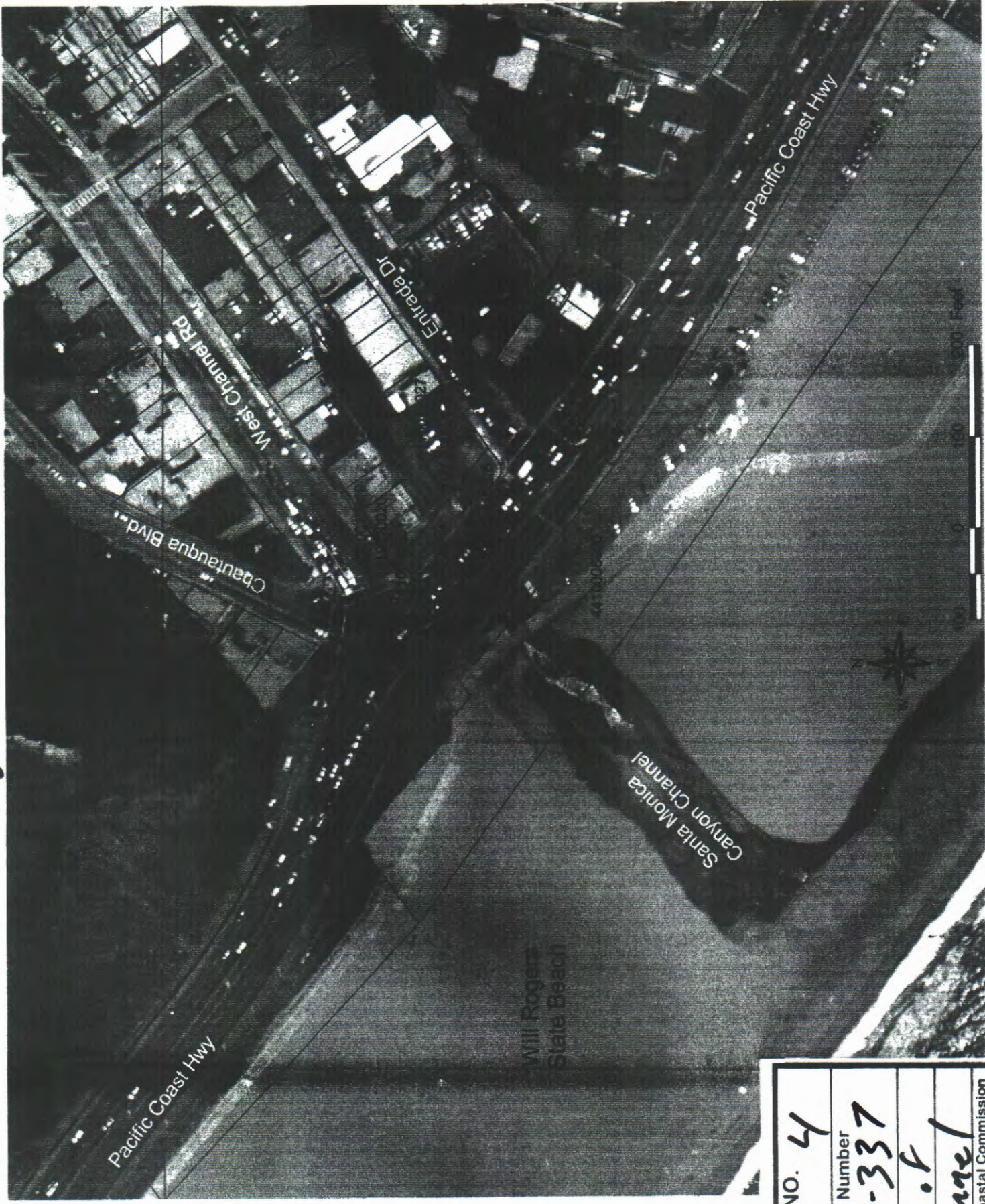
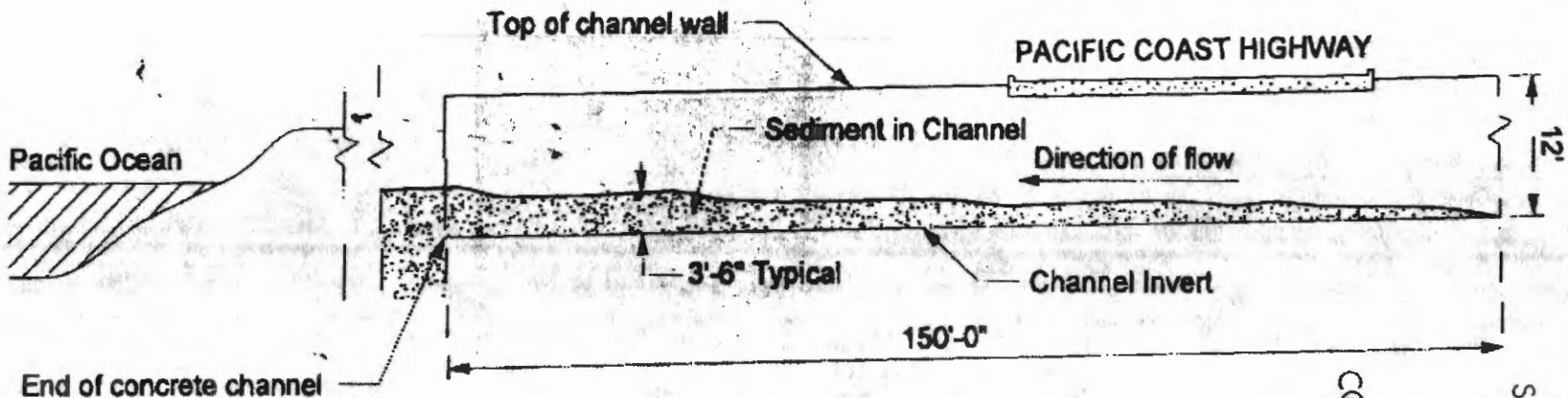


EXHIBIT NO. 4
Application Number 5-03-337
Photo of Channel
California Coastal Commission

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LIMITS
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SIDE VIEW OF CHANNEL

NOT TO SCALE

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EXHIBIT NO. **5**
 Application Number
5-03-337
Side view of Channel
 California Coastal Commission

santa monica cyn channel.dgn

PREPARED BY
 WIN NAING
 DATE
 08-14-03
 SCALE
 N.T.S

Los Angeles County Department of Public Works
SANTA MONICA CANYON CHANNEL
 SEDIMENT BUILD-UP