

CALIFORNIA COASTAL COMMISSION

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Filed: 12/14/06
49th Day: 2/01/07
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Staff: Al J. Padilla-LB
Staff Report: 1/22/07
Hearing Date: 2/14-16/07
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-07-002

APPLICANT: City of Los Angeles

PROJECT LOCATION: Carolina Street, between Shepard Street and Paseo Del Mar, San Pedro, City of Los Angeles

PROJECT DESCRIPTION: Construction of a new approximately 300 foot long , 21-inch diameter storm drain, catch basin, maintenance holes and junction structure along Carolina Street; and replace approximately 345 foot long, 21-inch diameter section of an existing storm drain line along Shepard Street. The new Carolina Street line will connect to the replacement line along Shepard Street. The purpose of the new line along Carolina Street is to limit surface runoff and groundwater infiltration along the Point Fermin coastal bluffs.

LOCAL APPROVALS RECEIVED: City of Los Angeles Local Coastal Development Permit No 06-01

SUBSTANTIVE FILE DOCUMENTS: San Pedro certified LUP, with suggested modifications

SUMMARY OF STAFF RECOMMENDATION:

The major issues of this staff report include possible geologic impacts. Staff recommends APPROVAL of the proposed development with three special conditions including: 1) stockpiling, staging, avoidance of siltation, and erosion control; 2) location of debris disposal site; 3) storm drain water quality best management practices; and, 4) assumption of risk.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. APPROVAL WITH CONDITIONS

The Commission hereby GRANTS a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

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 term or 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. STOCKPILING, STAGING, AVOIDANCE OF SILTATION, AND EROSION CONTROL.**

A. Prior to issuance of a coastal development permit the applicant shall agree in writing to require that the final plans shall minimize construction impacts of the project and that all contracts and other written materials shall include the

requirements listed below. The applicant shall further agree that the final plans shall identify acceptable locations for stockpiling and staging of materials; plans for control of erosion, stockpiled earth from trenches, and cement; as well as plans for the disposal of construction materials. The plans shall contain the following:

1) A delineation of the areas to be disturbed by grading or construction activities including any temporary trenches, staging and stockpile areas.

2) The plan shall include source control Best Management Practices as part of a written plan designed to control dust, concrete, demolition pavement or pipe removed during construction, and/ or construction materials, and standards for interim control and for clean up. All sediment waste and debris should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill. Contractors and City Inspectors shall monitor and contain oil or fuel leaks from vehicles and equipment.

3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: filling or covering all holes in roadways such that traffic can continue to pass over disturbed areas, stabilization of all stockpiled fill, disturbed soils and trenches with shoring, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. These temporary erosion control measures shall be monitored and maintained at least on a weekly basis until grading or construction operations resume.

B. Prior to commencement of construction the applicant and its contractor(s) shall provide for the review and approval of the Executive Director final plans and plan notes that conform with the requirements of item A above. No work shall take place until the Executive Director approves the plans in writing.

C. Conformance with plans. All work shall take place consistent with the plans submitted in compliance with A above.

2. Location of Debris Disposal Site

The applicant shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location outside the coastal zone. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place. The contractor shall be notified of this condition.

3. Storm Drain Water Quality Best Management Practices

The City shall incorporate appropriate BMPs (Best Management Practices) into the design of the new storm drain system, such as:

- a) Stenciling of catch basins or inlets
- b) Regular maintenance to ensure the storm drains and any associated catch basins or other features are cleaned out prior to the storm season, and inspected and cleaned as necessary throughout the season (October 15th – April 15th).

4. Assumption of Risk

A. By acceptance of this permit, the applicants acknowledge and agree: (i) that the site may be subject to hazards from landslides, subsidence, and erosion; (ii) to assume the risks to the applicants and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The applicant proposes to construct a new 645 foot storm drain consisting of a new approximately 300 foot long, 21-inch diameter storm drain line, catch basin with grate, maintenance holes, and junction structure along Carolina Street; and an approximately 345 foot long 21-inch diameter storm drain line to replace a portion of the existing 21-inch diameter line along Shepard Street. The new Carolina Street line will connect to the replacement line along Shepard Street. The project is located in the San Pedro area of the City of Los Angeles. The purpose of the new line is to divert surface runoff that collects along Carolina Street and limit groundwater infiltration along the Point Fermin coastal bluffs to the south by directing it via the new storm drain line to the existing storm drain line along Shepard Street. The replacement line along Shepard Street will vary from 2 to 13 feet deeper than

the existing to receive the new line coming off of Carolina to maintain positive down slope drainage.

The new line along Carolina Street will drain a watershed of approximately 3.2 acres. According to reports, Carolina Street currently drains to the south toward the Point Fermin landslide. The Point Fermin landslide, located to the south of the project site, consists of an area of approximately 6.5 acres (see Exhibit No. 2). The landslide developed along the coastline in 1929. Since then, all residential development was removed from the area by the City, and in the early 1990's, the City erected a wrought iron fence along the perimeter of the area due to safety and public nuisance issues. According to reports, the landslide has been stable since the 1960's; however, street runoff from Carolina Street and the intersecting alley, collects within this low point along the southern end of Carolina Street and flows onto the Point Fermin area and percolates into the ground, which could lead to landsliding and erosion.

The project will be constructed entirely within the existing street right-of-way. Construction staging area will be locate within the right-of-way at the lower end of Pacific Avenue, or within the right-of-way along either Carolina Street or Shepard Street. Street parking will be temporarily impacted during construction. Vehicle access will be maintained and alternative routes around the construction area are available along nearby adjacent streets. Coastal bluff access is to the west, at Point Fermin Park and east at the Pacific Street lookout/parking lot and will not be adversely impacted by the temporary construction activity.

The City will incorporate Best Management Practices into the construction and staging of the project, including debris control, sediment and desilting basins, and sand bagging the construction area. The catch basin will be constructed with a surface grate to prevent debris from entering the drainage system and the City will conduct routine cleanout and maintenance. Trash rack inserts, to trap additional solid debris, are not being proposed due to the potential clogging of the basin which could increase runoff and infiltration in the landslide area, which this system is designed to reduce. The City, consistent with their City wide public educational stenciling program, will include stenciling at the catch basin to help inform the public not to place solid debris and other pollutants into the storm drain.

B. Development

The Coastal Act recognizes that certain types of development, such as the proposed project, may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to determine who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property. As such, the Commission finds that due to the unforeseen possibility landslides, subsidence, and erosion, the applicant shall assume these risks as a condition of approval. Therefore, Special Condition No. 4 requires the applicant to waive any claim of liability against the Commission for damage to life or property that may occur as a result of the permitted development. The applicant's assumption of risk will demonstrate that the applicant is aware of and appreciates the nature of the hazards which

exist on the site and which may adversely affect the stability or safety of the proposed development.

C. Access

The proposed development will not affect the public's ability to gain access to, and/or to make use of, the coast and nearby recreational facilities. Therefore, as proposed the development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

D. Water Quality

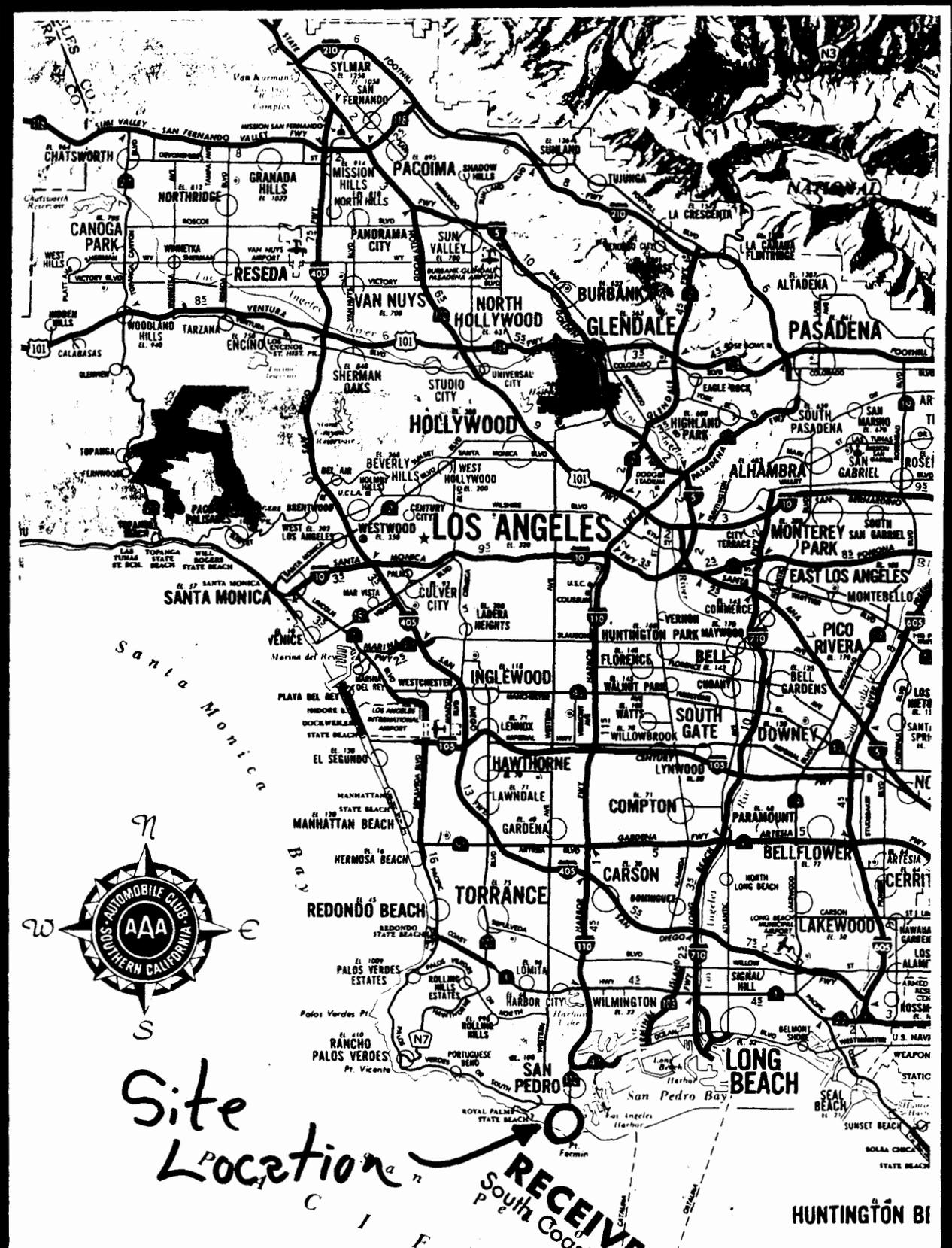
The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The development, as proposed and as conditioned, incorporates design features to minimize the effect of construction and post-construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, reducing runoff through the use of permeable surfaces, and for the use of post-construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

E. Local Coastal Program

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The Land Use Plan for San Pedro was effectively certified on September 12, 1990. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

F. California Environmental Quality Act

As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.



Site
Location

RECEIVED
South Coast Region
CALIFORNIA
COASTAL COMMISSION

LOS ANGELES AREA



EXHIBIT NO. 1
APPLICATION NO. 5-07-002
Vicinity Map
California Coastal Commission

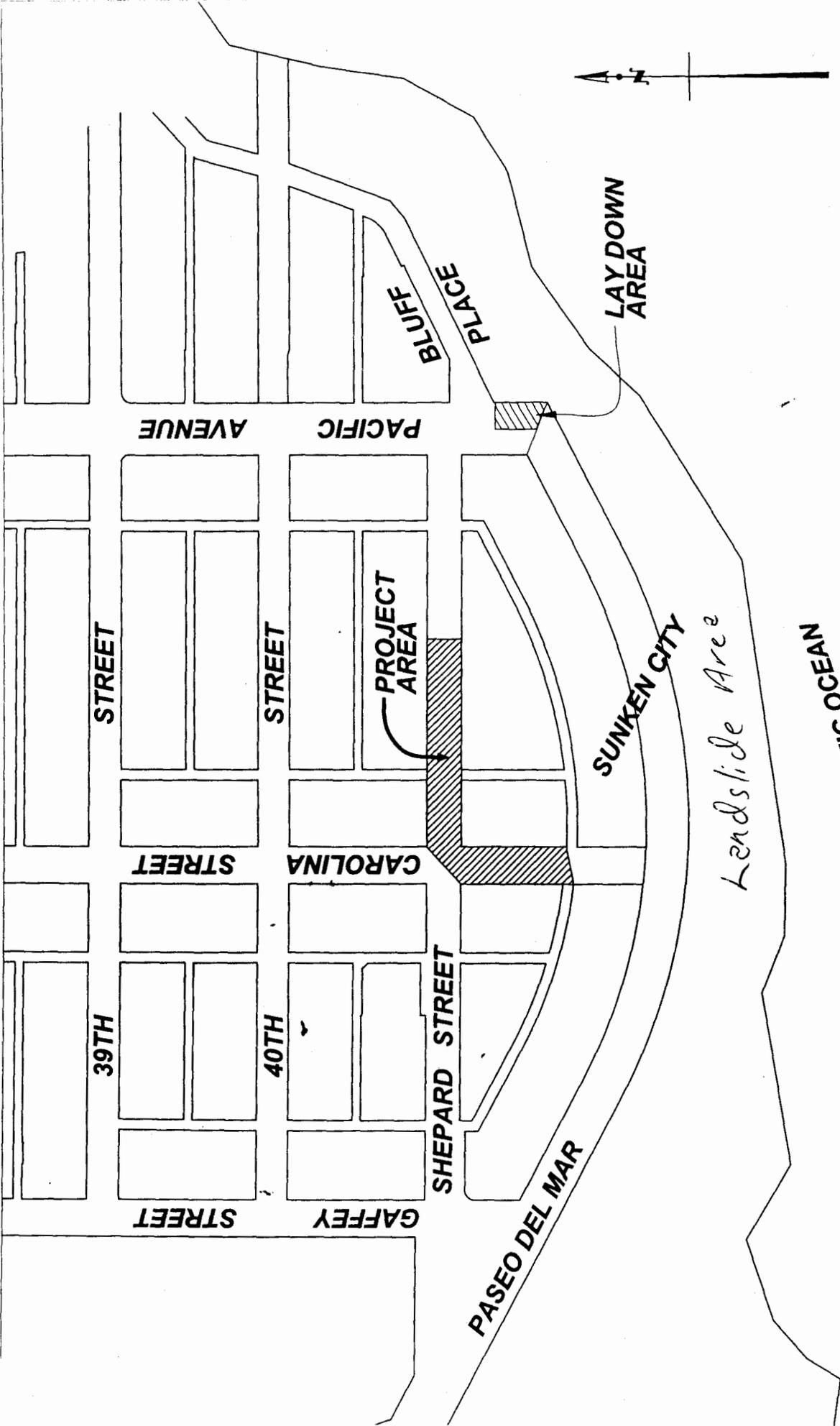


EXHIBIT NO.	2
Application Number	5-07-002
Site Location	Site Location
California Coastal Commission	

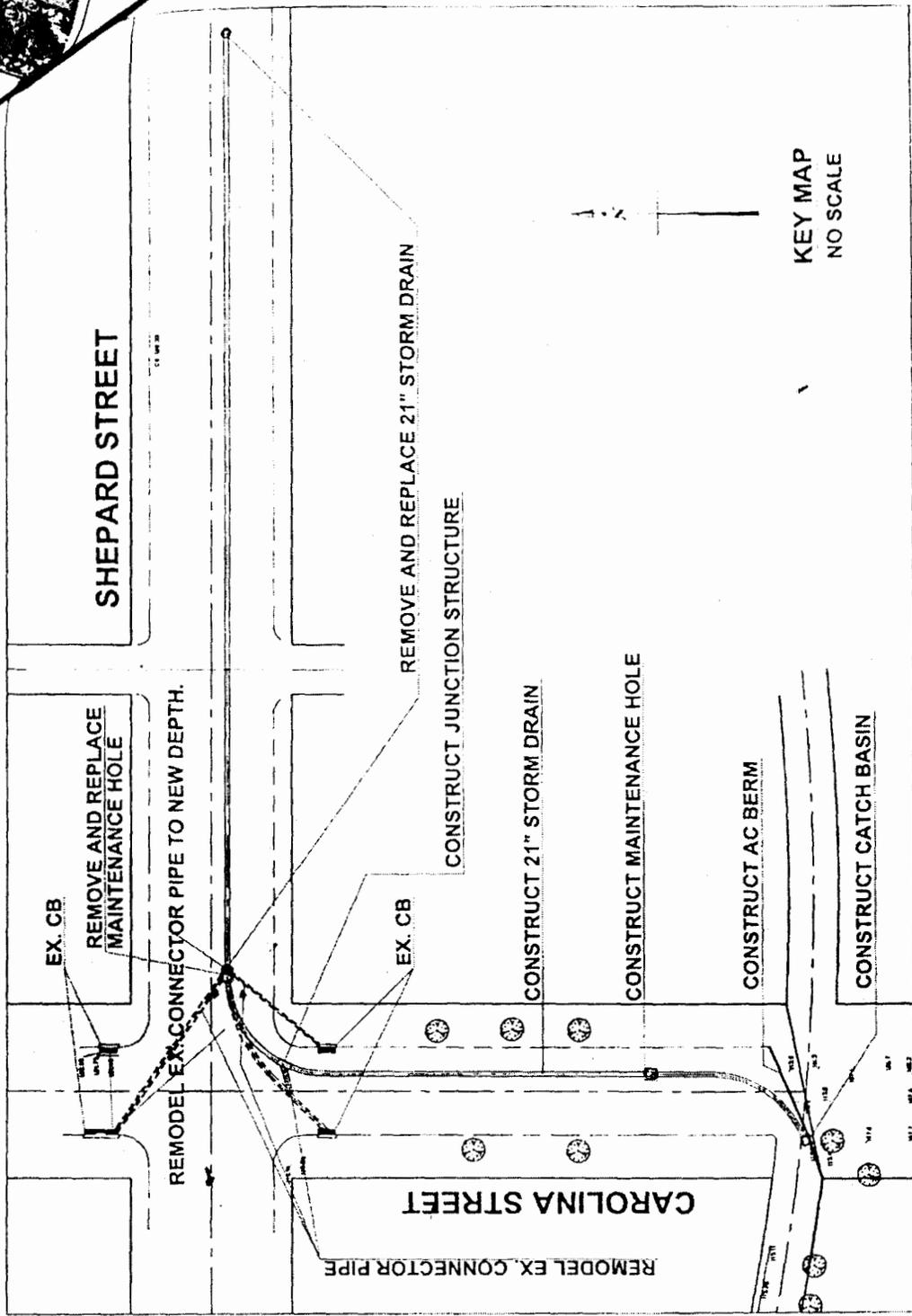
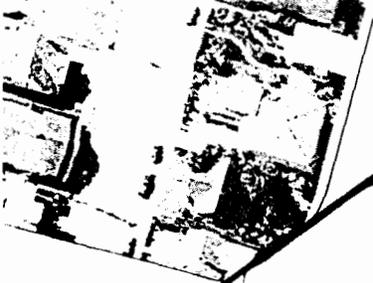


Figure 2

CAROLINA STREET EMERGENCY STORM DRAIN
W.O. SZS11370

EXHIBIT NO.	3
Application Number	5-07-002
	<i>Storm Drain</i>
California Coastal Commission	