

**CALIFORNIA COASTAL COMMISSION**

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**TH14b**

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49th Day: 1/09/08  
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Staff: Al Padilla-LB  
Staff Report: 1/16/08  
Hearing Date: 2/6-8/08  
Commission Action:

**STAFF REPORT: REGULAR CALENDAR****APPLICATION NUMBER:** 5-07-295**APPLICANT:** City of Los Angeles, Department of Public Works**PROJECT LOCATION:** Via de las Olas & Friends Street, Pacific Palisades, City of Los Angeles

**PROJECT DESCRIPTION:** Realign gravity sewer discharge piping of the Via de las Olas sewer and stormdrain line. Approximately 1,100 feet of existing sewer line in Via de las Olas/Friends Street will be abandoned and filled with slurry; 4 to 6 maintenance holes will be completely or partially removed; approximately 700 feet of new 8-inch sewer and 27-inch stormdrain High Density Polyethylene (HDPE) lines, and related structures installed by open cut trenching; approximately 500 feet of 8-inch and 27-inch HDPE installed by directional drilling down hillside to Potrero Canyon; approximately 750 feet of new 8-inch sewer line and related structures installed by open cut trenching through Potrero Canyon tying into an existing structure adjacent to Pacific Coast Highway; and existing approximately 600 feet of existing HDPE above ground line located on slope will be removed.

**LOCAL APPROVALS RECEIVED:** City of Los Angeles CDP No. ZA 2005-06**SUMMARY OF STAFF RECOMMENDATION:**

The major issues of this staff report are construction and geologic hazards. Staff recommends **APPROVAL** of the proposed development subject to special conditions which require 1) landscaping and restoration of disturbed areas; 2) adherence to construction related responsibilities including Best Management Practices; 3) adherence to final approved construction plans; 4) placing applicant on notice that debris disposal within the coastal zone will require a new permit or an amendment to this permit; and 5) placing applicant on notice that the site may be subject to hazards and the applicant assumes the risk.

**Staff Note:**

The proposed development is within the coastal zone area of the City of Los Angeles. Section 30600(b) of the Coastal Act allows local government to assume permit authority prior to certification of a local coastal program. Under that section, the local government must agree to issue all permits within its jurisdiction. In 1978, the City of Los Angeles chose to issue its own coastal development permits.

Within the areas specified in Section 30601, which is known in the City of Los Angeles permit program as the "Dual Permit Jurisdiction" area, the Coastal Act requires that the development which receives a local development permit also obtain a permit from the Coastal Commission. Section 30601 requires a second coastal development permit from the Commission on all lands located (1) between the sea and the first public road, (2) within 300 feet of the inland extent of a beach, or the sea where there is no beach, (3) on tidelands or submerged lands, (4) on lands located within 100 feet of a wetland or stream, or (5) on lands located within 300 feet of the top of the seaward face of a coastal bluff, or (6) any development which constitutes a major public works project.

The proposed improvements are located within 300 feet of the inland extent of a beach and is a major public works project. Therefore, the proposed project is a dual permit jurisdiction project. For development within or considered as dual jurisdiction, after the local government approves a permit, a second permit is required from the Commission under the requirements of section 30601, in addition to the Commission's action on this appeal. The City issued a coastal development permit (ZA 2005-06) for the project in November 2005. The permit was not appealed to the Commission. This application is for the Commission's dual permit.

#### **I. STAFF RECOMMENDATION:**

**MOTION:**        *I move that the Commission approve Coastal Development Permit No. 5-07-295 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 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. 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. **Landscaping**

1. All sloped areas disturbed by trenching or grading, located outside of the existing roadway or graded areas, shall be hydroseeded with native plant seed mix. The native plant seed mix shall consist of, to the greatest extent practical, native plants typically found within the Pacific Palisades/Malibu mountains area. The applicant shall submit, for the review and written approval of the Executive Director, a list of plants used for the seed mix.
2. Sloped areas disturbed by trenching or grading will be stabilized immediately with jute matting or other BMP's to minimize erosion during the raining

season (November 1 to March 31) if vegetation from hydroseeding have not been fully established.

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

2. **STORAGE OF CONSTRUCTION MATERIALS, MECHANIZED EQUIPMENT AND REMOVAL OF CONSTRUCTION DEBRIS**

The permittee shall comply with the following construction-related requirements:

- (a) No construction materials, debris, or waste shall be placed or stored where it may run off into the adjacent canyons;
- (b) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of construction;
- (c) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control sedimentation impacts to sensitive habitat areas, during construction, to include the following, at minimum: placement of sand bags around drainage inlets to prevent runoff/sediment transport into the storm drain system; use of debris fences as appropriate, a pre-construction meeting to review procedural and BMP guidelines.

3. **Final Plans**

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

4. **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.

5. **ASSUMPTION-OF-RISK, WAIVER OF LIABILITY, AND INDEMNITY AGREEMENT APPLICABLE TO CITY OF LOS ANGELES.**

- A. By acceptance of this coastal development permit, the applicant, City of Los

Angeles, acknowledges and agrees (i) that the site may be subject to hazards from erosion, landslides and earth movement; (ii) to assume the risks to the applicants and to the property that is the subject of this permit, of injury, damage, or death 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, (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 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 proposed project includes:

Realign gravity sewer discharge piping of the Via de las Olas sewer and stormdrain line. Approximately 1,100 feet of existing sewer line in Via de las Olas/Friends Street will be abandoned and filled with slurry; 4 to 6 maintenance holes will be completely or partially removed; approximately 700 feet of new 8-inch sewer, 27-inch storm drain lines High Density Polyethylene (HDPE), and related structures, installed by open cut trenching; approximately 500 feet of 8-inch HDPE pipe installed by directional drilling down hillside to Potrero Canyon; approximately 750 feet of new 8-inch sewer line and related structures installed by open cut trenching through Potrero Canyon tying into an existing structure adjacent to Pacific Coast Highway; and existing approximately 600 feet of existing HDPE above ground line located on slope will be removed.

Access pits approximately 30 feet deep will be constructed at the top and bottom of the hillside to facilitate the drilling and construction process. At the completion of the work the pits will be converted to maintenance holes and backfilled to grade. In Potrero Canyon, conventional construction will be utilized to construct a gravity sewer and storm drain to the existing facilities on Pacific Coast Highway.

At present, the sewer and storm drain discharge piping is located over an active landslide in Via De Las Olas Canyon (north of Potrero Canyon). The active landslide continually pulls the pipes apart resulting in inadvertent sewage and storm drain spills. Additionally, the exiting sewer piping discharges into an inactive sewage force main, which has the double effect of sewage backing up the pipeline until it has built up enough head to force the sewage downstream, and when the force main is activated, it forces sewage back up the discharge line and spilling onto the hillside. The proposed project will resolve the existing piping problems resulting from the active landslide and remove the discharge line from connection into the force main.

The project site is located approximately one half mile southeast of the intersection of Temescal Canyon Road and Pacific Coast Highway, north of Potrero Canyon, in Pacific Palisades area of the City of Los Angeles.

The existing sewage system includes gravity sewers beneath Via de las Olas and Friends Street which join at the Via de las Olas bulkhead. The bulkhead separates Via de las Olas from the Via de las Olas landslide to the west. The bulkhead is approximately 105 feet long, retains between 15 to 25 feet of soil, and is constructed of steel beams and wooden lagging. Because of the active landslide the sewage storm drain lines were placed above ground extending from Via de las Olas down to Pacific Coast Highway. However, continued movement has caused the pipe to separate numerous times causing spills. Because of the active slide and continuous spills, the City determined in order to prevent further erosion and spillage onto PCH, the pipe would need to be rerouted.

### **C. Geologic Hazards**

Section 30253 states:

*New development shall:*

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*
- (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.*
- (4) Minimize energy consumption and vehicle miles traveled.*
- (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.*

Section 30253 of the Coastal Act requires new development to minimize risk to life and property in areas of high geologic hazard and assure stability and structural integrity of the subject site and development.

In 1956 an approximately 80-foot long section along the western side of Via de las Olas failed creating a need for a bulkhead, however, the slide has continued to move requiring necessary repairs to the bulkhead and sewer and stormdrain lines. Slope stability problems within Potrero Canyon were recognized at least as early as 1959. In 1991, the Commission approved filling of the canyon with approximately 3 million cubic yards of fill as the City's solution to the landslide problems within the canyon. The filling operation is complete.

As stated, the existing lines are located within the Via de las Olas landslide. The proposed realignment will move the lines south along Via de las Olas to Friends Street and outside of any landslide area, and outside of the remedial slope repair area (Sunspot Motel Landslide). The bulkhead along Via de las Olas will be replaced and the catch basin adjacent to the bulkhead will be removed as a part of the proposed project.

Other alternative locations were considered but ruled out due to geologic issues or considered economically infeasible.

According to the City, the proposed alignment will have a factor of safety of 1.36 (effectively 1.4). Typically, for habitable structures, the City's minimum factor of safety is 1.5, however, the Bureau of Engineering does not hold this factor of safety as an absolute minimum for buried structures such as sanitary sewers. Alternatives to achieving a factor of safety of 1.5 for the project included a 57 foot high buttress fill at the bottom of the slope within Potrero Canyon. The Bureau determined that the increase of factor of safety from 1.4 to 1.5 would not be significant for the type of project being proposed and not cost effective. Furthermore, the additional fill would alter the final approved grade for the Potrero Canyon fill originally approved by the Commission and would further alter the visual appearance of the canyon as viewed from Pacific Coast Highway. Moreover, the downslope alignment was chosen primarily due to the absence of landsliding and faults in this area of the slope. The Bureau believes that the lines will be deep enough to not be damaged by slope failure. Therefore, the report states that efforts to improve the factor of safety beyond 1.4 are not necessary or cost effective.

The report concludes that the proposed pipeline, as designed, will not be impacted by the instability of slope or by displacement along faults. However, in previous actions on hillside development in geologically hazardous areas, the Commission has found that there are certain risks that can never be entirely eliminated. In addition, the Commission notes that the applicant has no control over off-site or on-site conditions that may change and adversely affect the coastal slope on the property. Therefore, based on the information in the applicant's geologic reports, the Commission finds that the proposed project is subject to risk from erosion and/or slope failure (topple) and that the applicant should assume the liability of such risk. Therefore, the applicant should be aware of such risks. The assumption of risk, will place the applicant (City) on notice of the nature of the

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

To ensure measures are incorporated into the project to avoid erosion impacts to the surrounding area this permit is conditioned to require the applicant to incorporate best management practices and all disturbed areas outside of the paved roadways shall be restored and hydroseeded with a native seed mix to reduce soil erosion. As conditioned, the Commission finds that the proposed development is consistent with Section 30253 of the Coastal Act.

**D. WATER QUALITY**

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 development will include trenching, loading debris onto a transport truck and transportation of the debris off-site, use of heavy construction equipment for placing the new sewer and storm drain lines, and pouring concrete and grout for the construction of the new lines and abandonment of the old. These proposed activities will occur adjacent to steep slopes descending into canyons. If not properly controlled, the proposed activities could have adverse impacts upon water quality resulting in impacts to biological productivity within the canyons and coastal waters. For instance, trenching and stockpiling of debris or construction material could have adverse impacts if the debris or construction material is allowed to runoff into the adjacent canyons which could eventually end up in the ocean. Also, storage or maintenance of heavy equipment could result in the release of fuel, oil, lubricants, and other materials which could enter and pollute the watershed and adjacent coastal waters. Washing out trucks could result in the discharge of polluted rinse into coastal waters.

Therefore, the Commission imposes Special Condition No.2 which requires the applicant to implement Best Management Practices. In addition, in order to avoid impacts related to



the discharge of sediment from the construction area, the condition requires the applicant to use measures such as sand bags, hay bales and sediment fences to prevent the discharge of sediment from the construction area to coastal waters.

Finally, since the contractor will be responsible for disposing of all material and debris and the City will prohibit the dumping of excess material on the site through their contract with the contractor, Special Condition No. 5 puts the applicant on notice that disposal of the material within the coastal zone will require an amendment or new coastal development permit.

The proposed project will eliminate water quality problems from continuous line breaks caused by the current alignment. However, only as conditioned for appropriate storage of construction materials and equipment, incorporation of Best Management Practices, and identification of a debris disposal site, does the Commission find that the proposed development is consistent with Section 30230 and 30231 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.*

The City of Los Angeles has not prepared a draft Land Use Plan for this planning subarea. However, the City's work program to develop a Local Coastal Program considers natural hazards as an issue for this area of the City. Approval of the proposed development, as conditioned to minimize risks from natural hazards, will not prejudice the City's ability to prepare a certifiable Local Coastal Program. The Commission, therefore, finds that the proposed project is consistent with the provisions of Section 30604 (a) of the Coastal Act.

#### **F. California Environmental Quality Act**

Section 13096(a) of the Commission's administrative regulations requires Commission approval of coastal development permit applications 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.

For the part of the proposed development that is being approved, with conditions, there are no feasible alternatives or mitigation measures (beyond the conditions imposed) available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.



Figure 2  
Site Location

Scale: One Mile

EXHIBIT NO. 7

Application Number

5-07-295

Vicinity Map

California Coastal Commission

# Aerial of Via De Las Olas Area

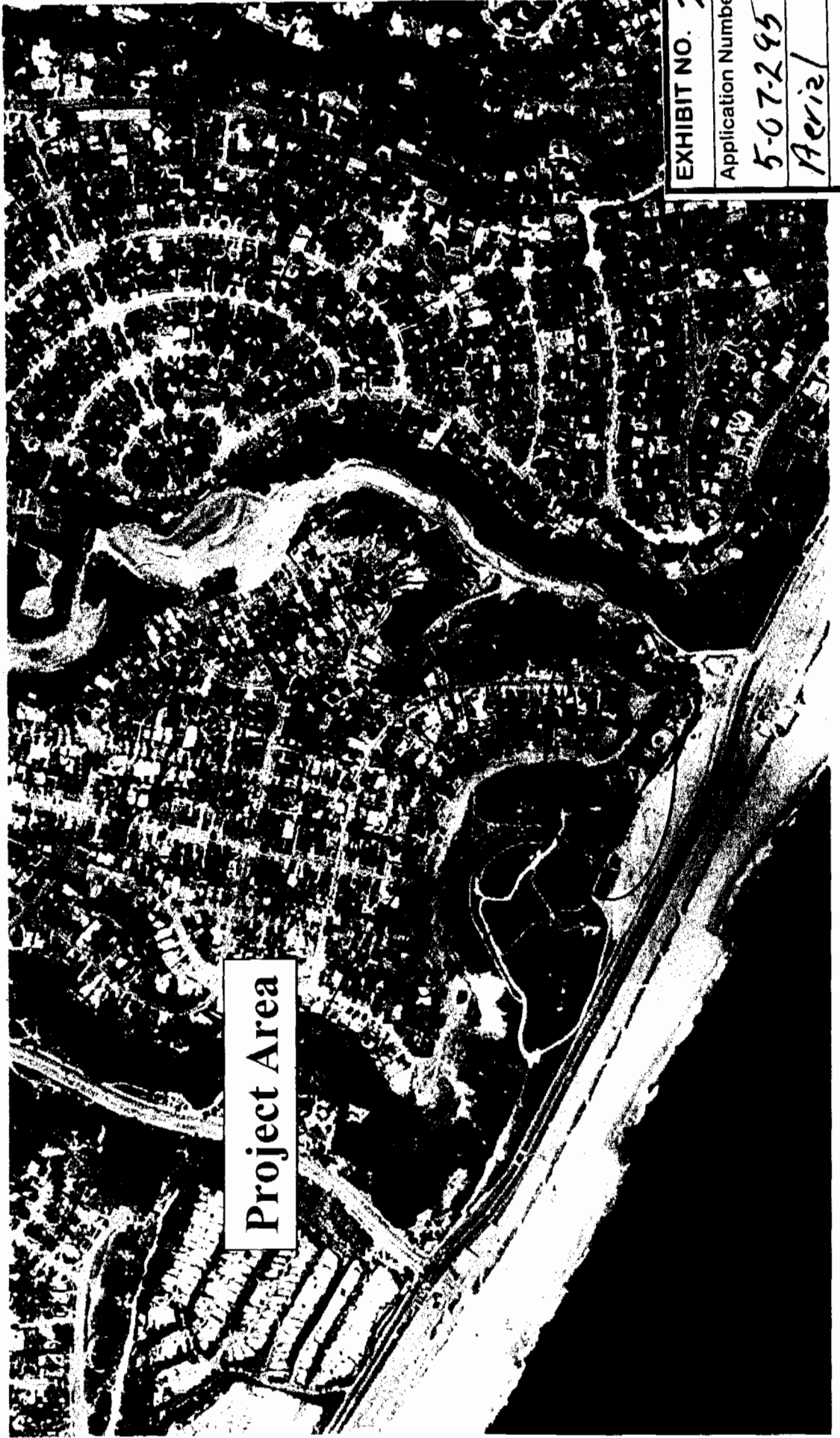
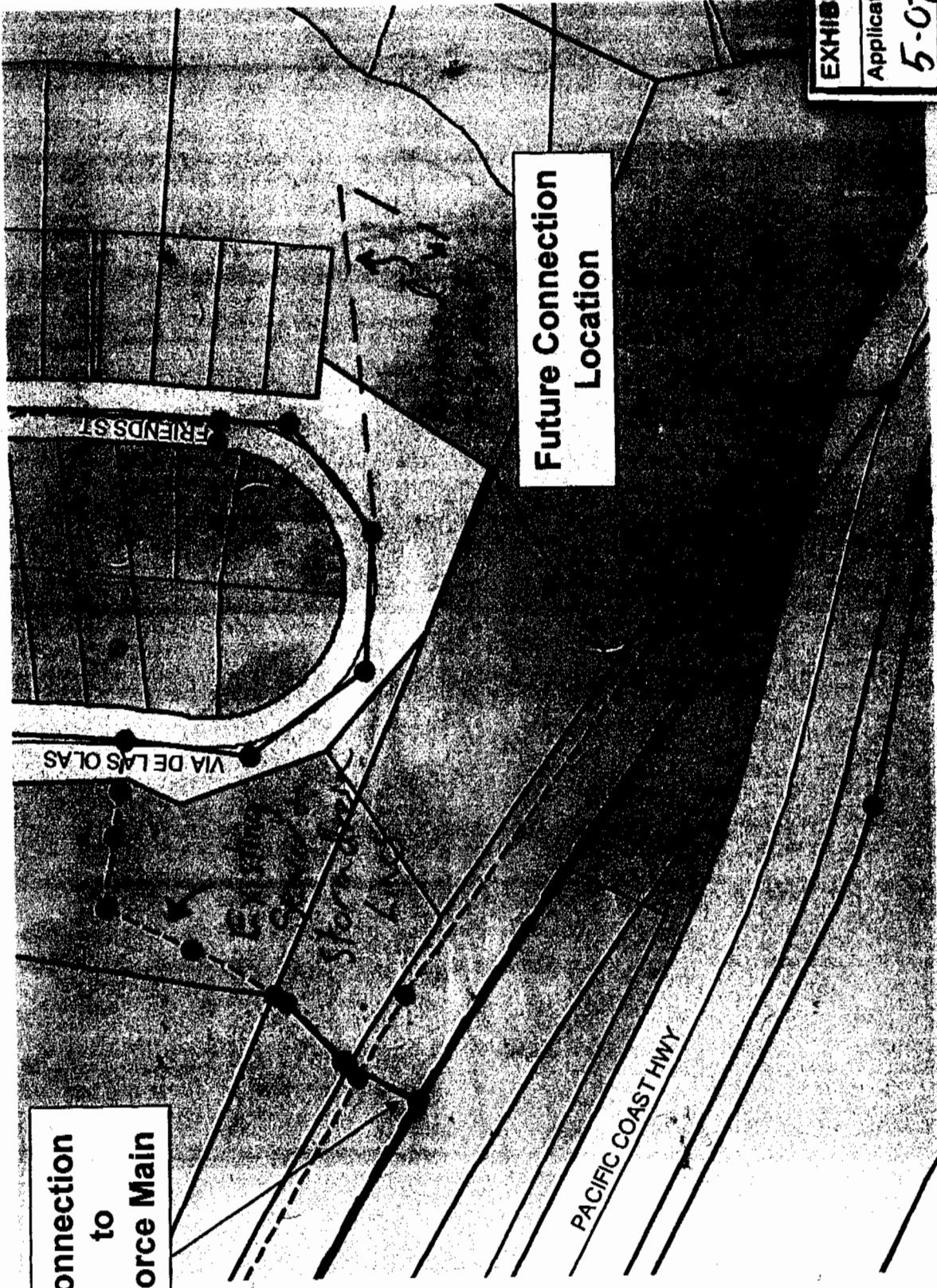


EXHIBIT NO. 2
Application Number 5-07-295
Aerial
California Coastal Commission

# Existing Sewer Facilities



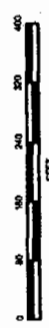
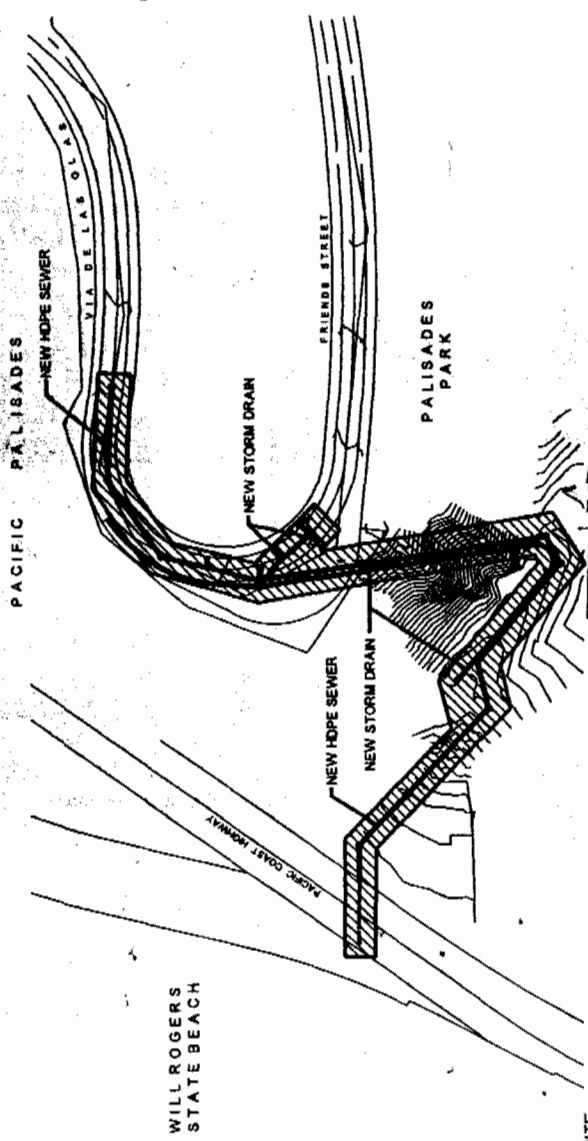
Connection  
to  
Force Main

Future Connection  
Location

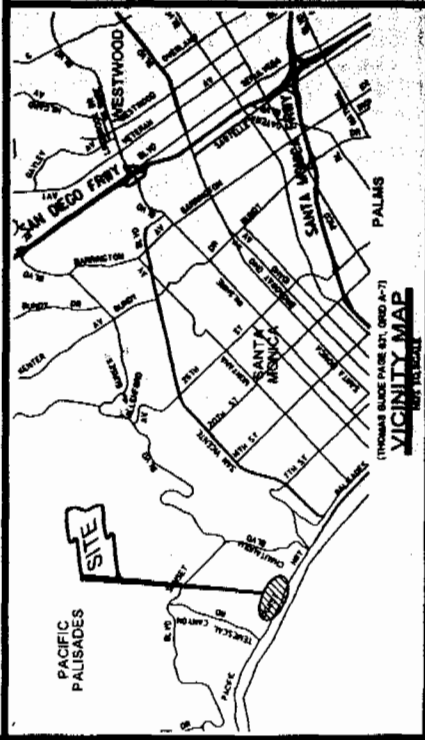
EXHIBIT NO. 3
Application Number 5-07-295
Site Plan
California Coastal Commission

BUREAU OF ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
CITY OF LOS ANGELES

EMERGENCY SEWER REPAIR  
VIA DE LAS OLAS REROUTE SEWER REPLACEMENT



LOCATION MAP  
SCALE 1" = 100'



VICINITY MAP  
(THOMAS BLAKE PARK ST. GRID A-7)  
SCALE 1" = 100'

WASTEWATER CONVEYANCE CONSTRUCTION DIVISION

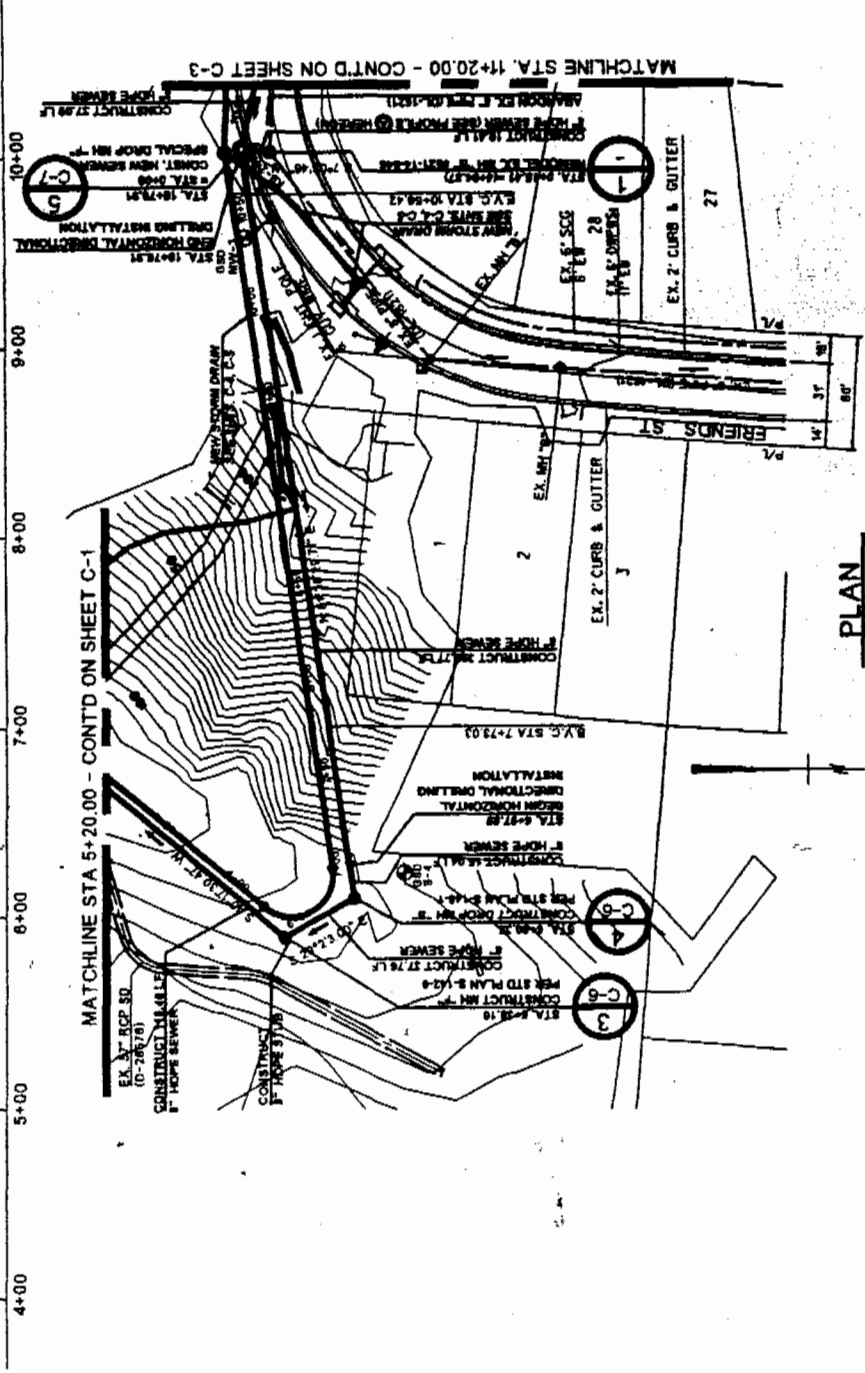
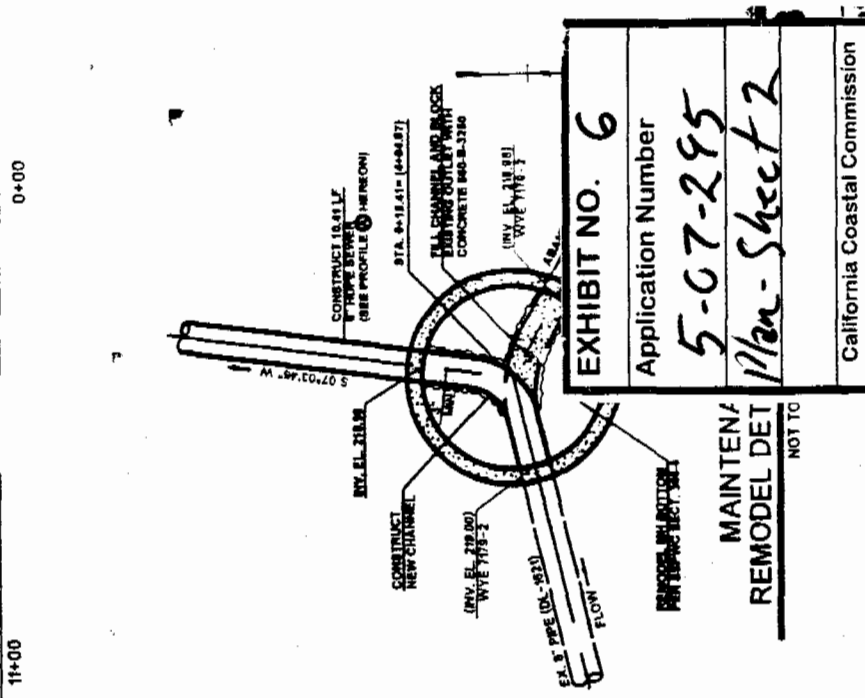
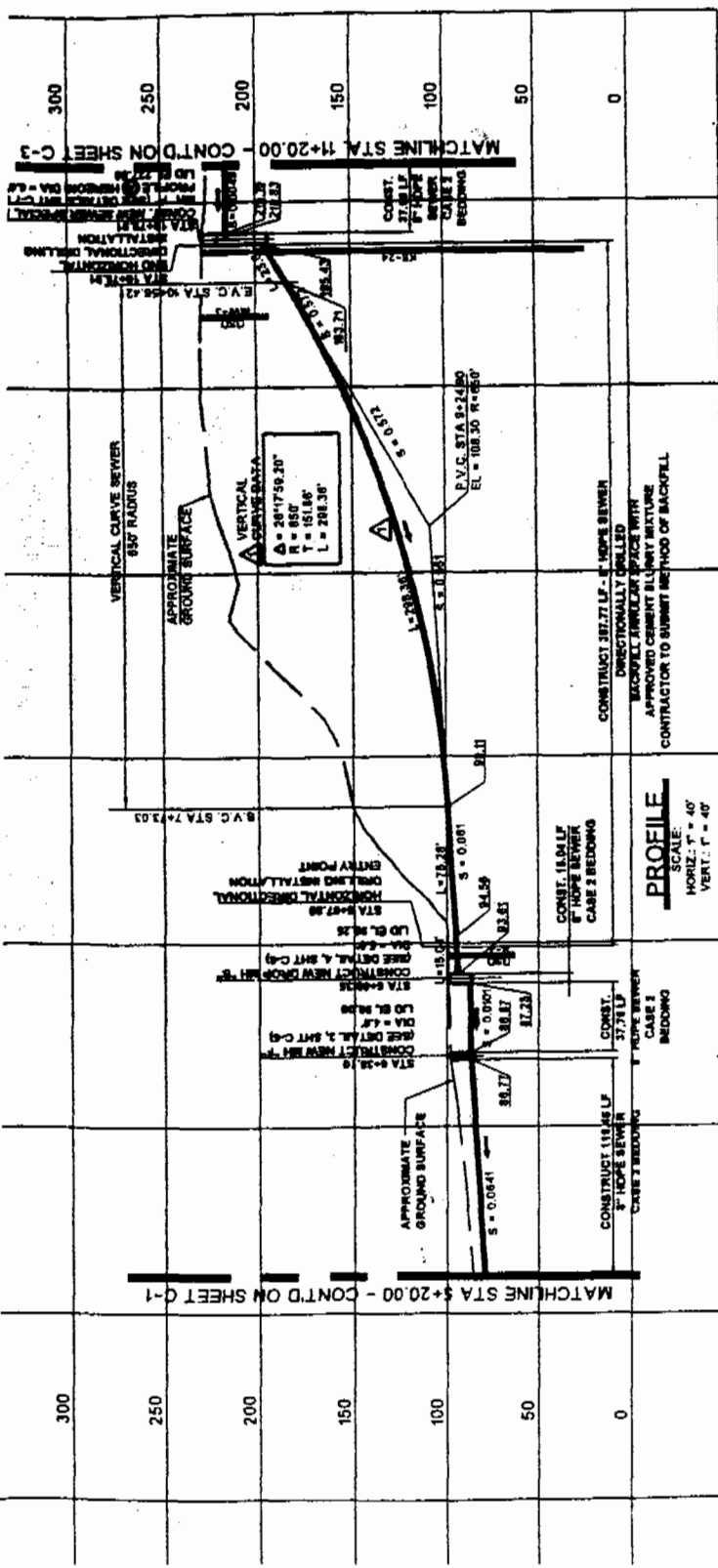
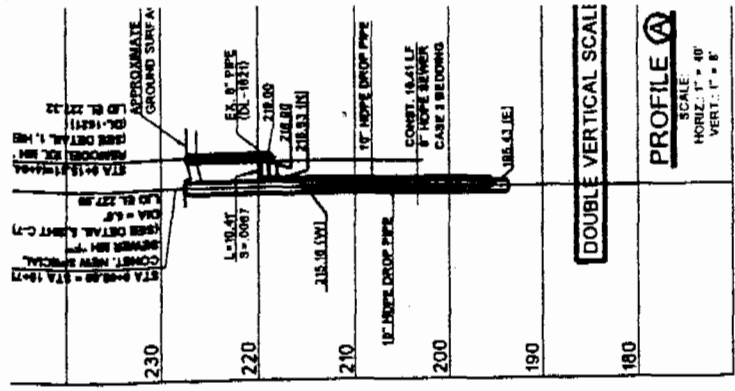
HARSHAD B. SHAH, P.E.  
DIVISION ENGINEER

PROJECT TEAM

- |  |   |  |   |   |
|--|---|--|---|---|
| <p>WASTEWATER CONVEYANCE CONSTRUCTION DIVISION<br/>GROUP MANAGER<br/>RAJIV PATEL, P.E.<br/>CATALINO ESPERITU, P.E.<br/>PROJECT MANAGER<br/>MATTHEW VENABLE, P.E.<br/>PROJECT ENGINEER<br/>REGINALD CAMTRELL<br/>CADD GROUP MANAGER</p> | <p>WASTEWATER CONVEYANCE ENGINEERING DIVISION<br/>DIVISION ENGINEER<br/>WAYNE A. LAWSON, P.E.</p> | <p>STRUCTURAL ENGINEERING DIVISION<br/>DIVISION ENGINEER<br/>SHALESH C. PATEL<br/>FARID R. BAKER, S.E.<br/>SR. STRUCTURAL ENGINEER</p> | <p>GEOTECHNICAL ENGINEERING DIVISION<br/>GROUP MANAGER<br/>CHRISTOPHER F. JOHNSON<br/>THEO SEELY, G.E.<br/>GEO TECH ENGINEER II</p> | <p>SURVEY DIVISION<br/>CHIEF SURVEYOR<br/>TONY PRATT, PLS</p> |
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**EXHIBIT NO. 4**  
Application Number  
**5-07-295**  
*Location Map*  
California Coastal Commission





**EXHIBIT NO. 6**

Application Number  
**5-07-295**

**Plan-Sheet 2**

California Coastal Commission

**MAINTENANCE REMODEL DET**

NOT TO SCALE

**PLAN**



