

CALIFORNIA COASTAL COMMISSION

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Staff: Charles Posner - LB
Staff Report: 5/28/2008
Hearing Date: June 11, 2008
Commission Action:

**W9a&b****STAFF REPORT: DE NOVO & REGULAR CALENDAR**

APPLICATION NUMBER: 5-06-236 **APPEAL NUMBER:** A5-VEN-07-397

APPLICANT: City of Los Angeles Department of Public Works

AGENT: Sean Zahedi, Project Manager

APPELLANT: John Davis

PROJECT LOCATION: 3500-3900 Grand Canal Esplanade (Venice Sewage Pumping Plant), Venice, City of Los Angeles, Los Angeles County.

PROJECT DESCRIPTION: Replacement of a damaged sluice gate within the City of Los Angeles sanitary sewer system, including the installation of a 980-foot long temporary above-ground sewer bypass pipe (with portable pumps) along the west bank of Grand Canal, between Hurricane Street and Driftwood Street.

LOCAL APPROVAL: City of Los Angeles Local Coastal Development Permit No. 06-07.

SUMMARY OF STAFF RECOMMENDATION

On December 12, 2007, the Commission determined that the appeal raised a substantial issue with respect to the grounds on which the appeal was filed because the local coastal development permit did not include clear delineation between the portion of the project approved within the City's permit jurisdiction and the portion of the project proposed within the Commission's area of original jurisdiction (wetlands and submerged lands in Grand Canal).

The proposed project is situated on the west bank of Grand Canal, an environmentally sensitive habitat area (ESHA). Staff is recommending that the Commission **APPROVE** two coastal development permits – one on de novo review of an appeal (A-5-VEN-07-397) and one dual permit application (5-06-236) – for the proposed development with special conditions to protect public access along Grand Canal and to minimize adverse impacts to sensitive habitat areas. The special conditions would require the permittee to provide a detailed revegetation plan to mitigate the temporary impacts to the plants on the canal bank (at a 4:1 ratio), schedule the project to begin in September in order to avoid adverse impacts to coastal recreation and the California least tern, and to implement specific measures to minimize adverse impacts to water quality and sensitive habitat areas. The recommended special conditions begin on Page Four. **See Page Three for the motions to carry out the staff recommendation.** The applicant agrees with the recommendation.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles certified Land Use Plan for Venice, 6/12/2001.
2. Coastal Development Permit 5-01-257/A5-VEN-01-279 (City of LA - Ballona Lagoon).
3. Coastal Development Permit 5-01-289/A5-VEN-01-280 (City of LA – Grand Canal)
4. Coastal Development Permit 5-95-152 & amendments (City of LA - Ballona Lagoon).
5. Coastal Development Permit 5-91-584 & amendments (City of LA – Venice Canals).
6. City of Los Angeles Mitigated Negative Declaration for the Venice Pumping Plant Sluice Gate Replacement Project (CEQA), SCH No. 2005121076, 6/14/2007.
7. Vegetation Assessment Report Update, Venice Pumping Plant Sluice Gate Repair Project, by Wm. Jones, City of Los Angeles Bureau of Engineering, 3/18/2008.

STAFF NOTE:

The proposed development involves two distinct and separate types of coastal development permit jurisdiction: the City's and Commission's "*Dual Permit Jurisdiction*" area and the Commission's "*Original Jurisdiction*" area. The proposed development is partially located in the waterway and on the west bank of Grand Canal (Exhibit #4). Grand Canal is an extension of the sea, connected to the Pacific Ocean by Ballona Lagoon and the Marina del Rey entrance channel (Exhibit #2). The portion of the proposed project situated on the canal bank above the submerged area of the canal is within the coastal zone area of the City of Los Angeles that has been designated in the City's permit program as the "*Dual Permit Jurisdiction*" area pursuant to Section 13307 of the California Code of Regulations.

Pursuant to Section 30601 of the Coastal Act and Section 13307 of Title 14 of the California Code of Regulations, any development located in the Dual Permit Jurisdiction that receives a local coastal development permit from the City must also obtain a permit from the Coastal Commission. The City-approved local coastal development permit for the proposed project was appealed to the Commission (by John Davis) on November 1, 2007 (Appeal No. A5-VEN-07-397). On December 12, 2007, the Commission determined that the appeal raised a substantial issue with respect to the grounds on which the appeal was filed. Therefore, the Commission will hear the appeal as a de novo permit application.

The proposed project is also partially located seaward of the mean high tide line of Grand Canal within the Commission's area of *Original Jurisdiction*. Pursuant to Section 30519 of the Coastal Act, any development located within the Commission's area of original jurisdiction requires a coastal development permit from the Commission.

In this case, the required "dual" Coastal Commission coastal development permit application and the required coastal development permit application for development proposed within the Commission's area of original jurisdiction have been combined into one application which the City has submitted for Commission review and action (Coastal Development Permit Application 5-06-236). In order to minimize duplication, Commission staff has combined the de novo appeal permit (A5-VEN-07-397) and dual coastal development permit application (5-06-236) into one staff report and one Commission hearing.

Because there are two permits involved, the Commission's approval, modification or disapproval of the proposed project will require two separate Commission actions: one action for the de novo review of the appeal of the City's permit and one action for the dual coastal development permit application. Staff is recommending that the Commission approve both permits with the following identical special conditions and findings.

The Commission's standard of review for the proposed development in both the *Dual Permit Jurisdiction* area and within its area of original jurisdiction is the Chapter 3 policies of the Coastal Act. The City of Los Angeles certified Land Use Plan (LUP) for Venice is advisory in nature and may provide guidance.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolutions to **APPROVE** the coastal development permits with special conditions:

MOTION I: *"I move that the Commission approve with special conditions Coastal Development Permit A5-VEN-07-397 per the staff recommendation."*

MOTION II: *"I move that the Commission approve with special conditions Coastal Development Permit 5-06-236 per the staff recommendation."*

The staff recommends two **YES** votes. Passage of the motions will result in **APPROVAL** of the de novo permit (A5-VEN-07-397) and dual coastal development permit application (5-06-236) with identical special conditions, and adoption of the following resolutions and findings, as set forth in this staff report or as modified by staff prior to the Commission's vote. Each motion passes only by an affirmative vote of a majority of Commissioners present.

I. Resolution: Approval with Conditions of A5-VEN-07-397

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. Resolution: Approval with Conditions of 5-06-236

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.

III. Standard Conditions of Coastal Development Permits A5-VEN-07-397 & 5-06-236

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.

IV. Special Conditions of Coastal Development Permits A5-VEN-07-397 & 5-06-236**1. Project Timing**

In order to minimize adverse impacts on least tern foraging in Grand Canal during the least tern nesting season, and also to minimize adverse affects on coastal recreation during the summer, the approved development shall commence in September and be scheduled for completion within seven months (prior to the end of March). All work shall be completed as quickly as possible without undue delay. The temporary bypass pipeline is not permitted to remain in place for more than seven months. The permittee shall notify the Executive Director in writing of the commencement of the installation (and the subsequent removal) of the temporary bypass pipeline.

2. Public Access along Grand Canal

Except for the temporary disruptions that will occur during the installation and removal of the temporary bypass pipeline system, the permittee shall not interfere with public pedestrian access along the sidewalk that runs along the west bank of Grand Canal.

3. Revegetation Plan

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a detailed revegetation plan, consistent with the following provisions, for the review and approval of the Executive Director.

- A. The revegetation plan shall include a map showing the type, size and location of all plant materials that will be planted on the west bank of Grand Canal to mitigate

the project impacts at a minimum four-to-one ratio (replacement to impact), a temporary irrigation system (if necessary), and a schedule for the installation of the plants.

- B. The revegetation 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 revegetation plan includes the appropriate size and types of plants for the Ballona Lagoon habitat area and appropriate performance standards for the first five years of the restoration project.
- C. All vegetation planted on the site will consist of native plants typically found on the banks of the Ballona wetlands (e.g., pickle weed and salt grass). As much as possible, the seeds and cuttings employed shall be from local sources adjacent to Ballona Lagoon, the Venice Canals, and the Ballona wetlands. Los Angeles and Orange County native plant nurseries and dunes may be used as alternative sources if the local sources cannot supply all of the necessary plant materials. Prior to the first planting cycle, the permittee shall provide the Executive Director with the quantities and sources of all plants used in the project.
- D. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. 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.
- E. Revegetation shall commence as soon as possible following removal of the temporary bypass pipeline system and preparation of the soil. The existing native vegetation and all required plantings shall be maintained in good growing condition throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan. Revegetation activities may continue during the least tern nesting season.
- F. Planting will maintain views of the water from the public areas.
- G. Monitoring. The permittee shall actively monitor the site, remove non-natives and reinstall plants that have failed for at least five years following the initial planting. The permittee will monitor and inspect the site no less than once each thirty days during the first year that follows the initial planting. Thereafter, the permittee will monitor the site at least once every ninety days or on the City’s regular landscape maintenance schedule, whichever is more frequent. Five years from the date of permit issuance, the permittee shall submit for the review and approval of the Executive Director, a revegetation monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the revegetation is in conformance with the revegetation plan approved pursuant to this condition. The monitoring report shall include photographic documentation of

plant species and plant coverage. If the revegetation monitoring report indicates the revegetation is not in conformance with or has failed to meet the performance standards specified in the revegetation plan approved pursuant to this permit, the permittee shall submit a revised or supplemental revegetation plan for the review and approval of the Executive Director. The revised revegetation 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 permittee shall implement the supplemental revegetation plan approved by the Executive Director and/or seek an amendment to this permit if required by the Executive Director.

The permittee shall undertake development in accordance with the final plans approved by the Executive Director. To ensure compliance, the City shall include the requirements of this condition on all plans and contracts issued for the project. Any proposed changes to the approved final plans 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.

4. Resource Agencies

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

5. Protection of Marine Resources

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

- A. A site plan that identifies the specific locations of all construction staging activities and equipment and materials storage areas. Construction staging activities and equipment and materials storage areas shall not be located on any beach, wetland or environmentally sensitive habitat area, except as specifically permitted by this coastal development permit.
- B. The storage or stockpiling of soil, silt, other organic or earthen materials, or any materials and chemicals related to the construction, shall not occur where such materials/chemicals could pass into coastal waters. Any spills of construction

equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible.

- C. Construction equipment and vehicles shall be inspected daily to ensure there are no leaking fluids. If there are leaking fluids, the construction equipment shall be serviced immediately. Equipment and machinery shall be serviced, fueled, maintained and washed only in confined areas specifically designed to control runoff and prevent discharges into coastal waters. Thinners, oils or solvents shall not be discharged onto the ground or into sanitary or storm sewer systems.
- D. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than fifty feet away from all stormdrains, open ditches and surface waters.
- E. All floatable debris and trash generated by construction activities within the project area shall be disposed of at the end of each day, or as soon as possible.
- F. Measures to control erosion must be implemented at the end of each day's work.

The City shall include the requirements of this condition on all plans and contracts issued for the project. The permittee shall implement and carry out the project staging and construction plan during all construction, staging and cleaning activities consistent with the plan approved by the Executive Director.

6. Permit Compliance

All development must occur in strict compliance with the proposal as set forth in the application, subject to any special conditions imposed herein. Any deviation from the approved plans must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

V. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The proposed project is the replacement of a damaged sluice gate within the Venice Sewage Pumping Station located on the west bank of Grand Canal at Hurricane Street in Venice (Exhibit #2). The damaged sluice gate, which is inside the existing pumping plant, must be repaired in order to ensure the efficient and safe conveyance of sanitary sewer flows into the wastewater collection system. In order to replace the damaged sluice gate, the sewage flow must be temporarily redirected, or bypassed around the pumping plant. This will be accomplished by the installation of a 980-foot long temporary above-ground sewer bypass pipeline along the west bank of Grand Canal, between Hurricane Street and Driftwood Street (Exhibit #3).

The proposed temporary bypass pipeline, which would be in place for about seven months, is a thirty-inch diameter pipe inside double containment pipe (Exhibit #5). The southern end of the temporary bypass pipeline would be located at an existing manhole within Grand Canal (Exhibit #4). The northern end of the temporary bypass pipeline would be located at an existing manhole in the Strong's Drive right-of-way near the intersection of Driftwood Street (Exhibit #3). A set of four portable pumps would be placed at each end of the proposed temporary bypass pipeline (Exhibit #4). This segment of Strong's Drive and Driftwood Street, at the northern end of the temporary bypass pipeline, would be closed to vehicular traffic during the entire sluice gate repair project. The Grand Canal sidewalk will be temporarily closed during construction of the temporary bypass pipeline, but the sidewalk will remain open during the completion of the sluice gate repair project.

The project staging area is the vacant City-owned lot at Hurricane Street on the west bank of Grand Canal, next to the existing pumping plant (Exhibit #3). The certified Venice LUP designates Grand Canal as an Environmentally Sensitive Habitat Area (ESHA). The Los Angeles City Council adopted a Mitigated Negative Declaration for the proposed project on October 23, 2007 (SCH No. 2005121076).

The City has designed the proposed temporary bypass pipeline to minimize adverse impacts to Grand Canal and the wetland vegetation that grows on its banks. The 980-foot long temporary bypass pipeline will be supported by timber footings spaced ten feet apart and designed to cantilever the pipeline above the upper canal bank (Exhibit #5). A total of 95 four-inch square timber support posts (10.89 square feet) would be placed on the upper edge of the canal bank, between the general line of wetland vegetation and the edge of the existing concrete sidewalk that runs along Grand Canal (as far from the water as possible). The temporary bypass pipeline would be placed along the water-side edge of the existing concrete sidewalk (within three feet of the edge of the concrete); so as to minimize any impacts to wetland vegetation and to not block the public's use of the sidewalk.

The general upper limit of wetland vegetation, comprised primarily of pickleweed and salt grass, was measured to be between four and nine feet (down the canal bank) from the edge of the existing concrete sidewalk that runs along Grand Canal. Most of the upper canal bank, where the bypass pipeline would be placed, is vegetated with non-native grasses, ruderal and

weedy non-native plant species. No permanent fill is proposed that would displace any wetland habitat, but some native vegetation (about 341 square feet of salt grass and pickle weed) on the upper canal bank will be temporarily affected by the placement of the temporary bypass line and its timber support footings (Vegetation Assessment Report Update, Venice Pumping Plant Sluice Gate Repair Project, by Wm. Jones, City of Los Angeles Bureau of Engineering, 3/18/2008). The City proposes to mitigate the temporary impacts to native vegetation by replanting pickle weed and salt grass on the canal bank once the temporary bypass line is removed at the end of the sluice gate repair project.

In order to prevent any spills into the canal, the pumps and discharge manifolds will be located in bermed containment areas. The proposed project includes other features (i.e., double containment pipes, sandbag barriers, valved collection pockets, etc.) designed to minimize the potential for any spills into the canal. Temporary construction fencing and noise-reducing enclosures will be placed around the portable pumps, and the containment and staging areas. The temporary bypass pipeline, its supports, pumps, and containments berms would all be removed at the conclusion of the sluice gate repair project, which is expected to take no more than seven months to complete.

B. Grand Canal

The Venice Canals are a unique cultural, historic and scenic resource of Southern California. The canals, which were created out of marshland as part of the "Venice of America" subdivision in 1905, provide a sense of character and history for the Venice community. They also provide public access, recreation, and wildlife habitat. The canals, along with adjacent Ballona Lagoon, support some of the last remaining pockets of coastal wetland habitat in Los Angeles County.

The canals system fell into disrepair in the 1920s, and many of the original canals were filled by the City in 1927. The residents in the area have been attempting to restore the remaining canals since the 1960s. The Venice Canals located north of Washington Boulevard were rehabilitated in the mid-1990s (see Coastal Development Permit 5-91-584 & amendments). The section of Grand Canal located south of Washington Boulevard is a remnant of an original tidal lagoon (Ballona Lagoon), and is the only segment of the remaining canals that has yet to be rehabilitated. A sewer line runs down part of the center of this segment of Grand Canal, buried beneath its muddy bottom (Exhibit #4).

Grand Canal is an integral part of the larger Venice Canals/Ballona Lagoon wetlands system and the Ballona Creek watershed. Grand Canal is connected to the northern end of Ballona Lagoon (Exhibit #2). Seawater enters the wetlands system through tidal gates which control the flow from the Marina del Rey entrance channel into Ballona Lagoon. The seawater then flows through Ballona Lagoon and into Grand Canal to another set of tidal gates located beneath Washington Boulevard. Grand Canal is the only hydrologic connection between Ballona Lagoon and the canals located north of Washington Boulevard (Exhibit #1).

As stated above, the certified Venice LUP designates the wetland habitat in Grand Canal as an Environmentally Sensitive Habitat Area (ESHA). Unfortunately, the wetland habitat in Grand Canal (i.e., salt marsh, sidebanks, mudflats, and marine habitat) is negatively affected by the canal's proximity to human activity, urban runoff, abundance of invasive non-native vegetation, and the scattered isolated pocket nature of the wetlands. Despite this, Grand Canal provides

habitat for a variety of benthic invertebrates, fish and shorebirds [Grand Canal Wetland Enhancement Assessment, by Michael Josselyn, PhD, February 24, 1998.].

California hornshells are the dominant epifaunal organisms, although it is expected that polychaetes and mollusks live in the mud bottom of the canal. Seven species of fish have been documented and are known to inhabit the canals: Topsmelt is the most abundant species, followed by California killifish, bay pipefish, longjaw mudsuckers, halibut, arrow goby, and diamond turbot. Fish eating birds such as pelicans, egrets and green herons are often seen foraging at the water's edge. Willets, dowitchers and dabbling ducks also forage on the mud banks, while domesticated ducks are attracted by food and water left by nearby human residents. Grand Canal is a critical habitat area for the brown pelican and California least tern, *Sterna antillarum browni*. No other Federal or State listed endangered species are known to inhabit or to visit the Venice Canals.

Grand Canal is located approximately one mile north of the Venice Beach California least tern colony, one of the largest and most productive colonies of California least terns remaining in the state (Exhibit #1). The California least tern, *Sterna antillarum browni*, is a Federal and State listed endangered species. The least tern is migratory and generally arrives in the project area each year in early April, and departs in early autumn. Least terns capture small fish for their newly hatched chicks in the nearby ocean, wetlands, lagoons, and canals. These fish include northern anchovies, gobies, topsmelt, various surf perch, killifish, mosquitofish, and other lagoon and estuarine fish species.

The area surrounding the Venice Canals is developed with a variety of residential uses and visitor-serving commercial uses that cater to local residents and the thousands of coastal visitors who are attracted to Venice Beach. The Grand Canal neighborhood located south of Washington Boulevard is a residential community consisting of multi-family and single family homes located along the open waterway. The neighborhood is located about four blocks from Venice Beach, one of the most popular visitor destinations in Los Angeles. Most of the residences front on the canals and are accessed from the rear by alleys which run behind the homes. Public walkways, which are currently severely damaged or completely deteriorated, run along both sides of Grand Canal and separate the private residences from the canal. The Venice Canals system is a popular visitor destination in Southern California.

C. Protection of Sensitive Habitat Areas and Marine Resources

The two thousand-foot long section of Grand Canal south of Washington Boulevard, where the proposed project is located, is a remnant of an original tidal lagoon (Ballona Lagoon). The proposed project abuts a 1,100-foot long segment of the west bank of Grand Canal, immediately north of where the canal connects to the deeper and wider Ballona Lagoon (Exhibit #2). The canal's bottom and banks, for the most part, are comprised of soft sand and mud. Native wetland vegetation competes along the banks with introduced weeds and escaped cultivars. The certified Venice Land Use Plan (LUP) designates both Ballona Lagoon and Grand Canal as Environmentally Sensitive Habitat Areas (ESHAs - Exhibit #2).

The Commission's responsibility to protect Grand Canal and Ballona Lagoon is established by the habitat protection policies of the Coastal Act. These policies are also incorporated into the certified Venice LUP.

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.

In addition, the wetland protection policies of the Coastal Act require the protection of the biological productivity of wetland areas.

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 certified Venice LUP identifies Grand Canal and Ballona Lagoon as ESHAs, and requires that all development shall be compatible with the continuance of the ESHAs. The Coastal Act policies of the certified LUP require that the development maintain healthy populations of marine organisms or that development shall be sited and designed to prevent impacts that would significantly degrade such areas, and that development shall be compatible with the continuance of such habitat areas.

The certified Venice LUP also sets forth the following policies that require the protection of the marine resources in the Venice Canals.

- **Policy IV. A. 2. Permitted Uses.** *Uses permitted in or adjacent to the canals shall be implemented 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 use of walkways for birdwatching, photography, and strolling shall be encouraged and promoted.

Grand Canal and the rest of the Venice Canals are part of the Ballona Lagoon seawater system. Ballona Lagoon is connected to the southern end of Grand Canal (Exhibit #2). The northern Venice Canals are connected to Grand Canal (the segment south of Washington Boulevard) by five three-foot diameter pipes that pass beneath the Washington Boulevard Bridge. The pipes have slide gates on the north side of Washington Boulevard, which are operated by the City of Los Angeles to allow flushing of the Venice Canals. All of the water in the Venice Canals, except for discharges from stormdrains and other sources, originates in the Marina del Rey entrance channel and must pass through Ballona Lagoon and Grand Canal before it reaches the furthest northern reaches of the canals system. The water from the canals is also discharged through the same tide gates during outgoing tides.

As previously stated, Grand Canal is a wetland and an Environmentally Sensitive Habitat Area (ESHA) protected by the above-stated Coastal Act policies. Unfortunately, the wetland habitat in Grand Canal (i.e., salt marsh, sidebanks, mudflats, and marine habitat) is negatively affected by the canal's proximity to human activity, urban runoff and the abundance of invasive non-native vegetation. Despite this, Grand Canal provides habitat for a variety of benthic invertebrates, fish and shorebirds [See Grand Canal Wetland Enhancement Assessment, by Michael Josselyn, PhD, February 24, 1998.]

California hornshells are the dominant epifaunal organisms, although it is expected that polychaetes and mollusks live in the mud bottom of the canal. At least seven species of fish have been documented and are known to inhabit the canals: Topsmelt is the most abundant species, followed by California killifish, bay pipefish, longjaw mudsuckers, halibut, arrow goby, and diamond turbot. Fish eating birds such as brown pelicans, egrets and green and blue herons are often seen foraging at the water's edge. Willets, dowitchers and dabbling ducks also forage on the mud banks, while domesticated ducks are attracted by food and water left by nearby human residents. Grand Canal is a critical habitat area for the California least tern, *Sterna antillarum browni* (a Federal and State listed endangered species). Grand Canal is located approximately one mile north of the Venice Beach California least tern colony, one of the state's largest and most productive nesting colonies of California least terns.

In order to prevent the proposed project from adversely affecting the foraging ability of the California least tern in Grand Canal, Special Condition One requires the City to schedule the project to commence after the end of the normal foraging season (September 1) and be completed by March 30, the start of the foraging season. In order to be completed by March 30 (so as to not adversely affect least terns foraging), the proposed project must commence in September (of this year or a subsequent year). Only as conditioned does the proposed project comply with the ESHA and marine resource policies of the Coastal Act.

The proposed project involves repairs to the Venice Sewage Pumping Station located on the west bank of Grand Canal at Hurricane Street in Venice (Exhibit #2). The damaged sluice gate, which is inside the existing pumping plant, must be repaired in order to ensure the efficient and safe conveyance of sanitary sewer flows into the wastewater collection system. In order to replace the damaged sluice gate, the sewage flow must be temporarily redirected, or bypassed around the pumping plant. This will be accomplished by the installation of a 980-

foot long temporary above-ground sewer bypass pipeline along the west bank of Grand Canal, between Hurricane Street and Driftwood Street (Exhibit #3).

Section 30233 of the Coastal Act permits the diking, filling or dredging of wetlands only in very limited circumstances. In this case, the proposed project involves no filling of wetlands or permanent displacement of any habitat, as the impacts of the proposed project will be temporary. The temporary impacts to marine resources will be adequately mitigated by the measures already incorporated into the design of the proposed temporary bypass pipeline and by the special conditions of the permit.

The City has designed the proposed temporary bypass pipeline to minimize adverse impacts to Grand Canal and the wetland vegetation that grows on its banks. The 980-foot long temporary bypass pipeline will be supported by timber footings spaced ten feet apart and designed to cantilever the pipeline above the upper canal bank (Exhibit #5). A total of 95 four-inch square timber support posts (10.89 square feet) would be placed on the upper edge of the canal bank, between the general line of wetland vegetation and the edge of the existing concrete sidewalk that runs along Grand Canal (as far from the water as possible). The temporary bypass pipeline would be placed along the water-side edge of the existing concrete sidewalk (within three feet of the edge of the concrete); so as to minimize any impacts to wetland vegetation and to not block the public's use of the sidewalk.

The general upper limit of wetland vegetation, comprised primarily of pickleweed and salt grass, was measured to be between four and nine feet (down the canal bank) from the edge of the existing concrete sidewalk that runs along Grand Canal. The proposed bypass pipeline would be placed on the upper edge of the canal bank, above the general upper limit of wetland vegetation. Most of the upper canal bank, where the bypass pipeline would be placed, is vegetated with non-native grasses, ruderal and weedy non-native plant species. No permanent fill is proposed that would displace any wetland habitat, but in a few locations some native vegetation (about 341 square feet of salt grass and pickle weed) on the upper canal bank will be temporarily affected by the shadow of the of the temporary bypass line and its timber support footings (Vegetation Assessment Report Update, Venice Pumping Plant Sluice Gate Repair Project, by Wm. Jones, City of Los Angeles Bureau of Engineering, 3/18/2008).

The City proposes to mitigate the temporary impacts to native vegetation by replanting pickle weed and salt grass on the canal bank once the temporary bypass line is removed at the end of the sluice gate repair project. Special Condition Three of the permit requires the City to provide a detailed revegetation plan to mitigate the temporary impacts to the plants on the canal bank at a four-to-one ratio. The revegetation plan must include a planting and monitoring schedule to ensure that the west bank of Grand Canal is restored once the temporary bypass pipeline is removed. Only as conditioned does the proposed project comply with the ESHA and marine resource policies of the Coastal Act.

The Ballona Wetlands system is habitat for many species of marine biota, including the state and federally listed endangered least tern. Section 30240, 30230 and 30231 of the Coastal Act protect sensitive habitat and marine resources from the negative effects of polluted runoff. The City has proposed several measures to protect the water quality and marine resources in the canal. In order to prevent any spills into the canal, the pumps and discharge manifolds will be located in bermed containment areas. The proposed project includes other features (i.e., double containment pipes, sandbag barriers, valved collection pockets, etc.) designed to

minimize the potential for any spills into the canal. Special Condition Five of the permit requires the City to implement additional specific measures to minimize adverse impacts to water quality and sensitive habitat areas. Only as conditioned does the proposed project comply with the ESHA and marine resource policies of the Coastal Act.

In conclusion, the proposed project, as conditioned by the permit, is compatible with the habitat and has been designed to prevent impacts that would significantly degrade the ESHA. The disruption of the existing ESHA by the proposed project has been reduced below a level of significance by the proposed construction plans and by the special conditions of the permit.

D. 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 public access and recreation policies of the Coastal Act require that maximum access and recreational opportunities be provided and that development shall not interfere with public access. The certified Venice LUP protects public access along the banks of all of the Venice Canals. Therefore, the proposed development must be designed to preserve and enhance existing access opportunities along Grand Canal. The proposed project is conditioned to conform with the following Coastal Act policies that protect and encourage public access and recreational use of coastal areas.

Section 30210 of the Coastal Act states:

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

Section 30211 of the Coastal Act states:

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

Section 30213 of the Coastal Act states, in part:

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

The certified Venice LUP contains the following policies that specifically protect the existing Grand Canal public trail system:

Policy II. C. 2. Grand Canal Pedestrian Access. *The three existing public rights-of-way from the Grand Canal to Strongs Drive and Pacific Avenue shall be improved and appropriately signed. South of Washington Boulevard, the public walkways that provide public pedestrian access along both sides of Grand Canal shall be improved and appropriately signed.*

Policy II. C. 4. Venice Canals. *The Venice Canals Walkways have been fully rehabilitated and shall be maintained for public access. The Department of Transportation shall provide signs on Venice Boulevard which direct the public to the Venice Canals Historic District and the existing Venice Canals Walkways.*

Shoreline recreation resources in the Venice area include: Venice Beach, Ballona Lagoon, the Venice Canals, walk streets, and the Marina del Rey north jetty which lies partly in the jurisdiction of the City of Los Angeles. Venice Beach is a publicly owned sandy beach, which provides direct access to the entire oceanfront shoreline and is readily accessible to pedestrians and bicyclists. The walk streets in the North Venice and Marina Peninsula neighborhoods provide excellent pedestrian access to the beach. It is a goal of the Coastal Commission and the City to protect these public resources.

In regards to the public access resources at the project site, a concrete sidewalk currently exists along the entire west bank of Grand Canal. The existing sidewalk, on City property, is part of the Grand Canal/Ballona Lagoon public trail system described in the certified Venice Land Use Plan. The proposed project will temporarily close the public sidewalk while the temporary bypass pipeline is being installed next to it (between the sidewalk and the waters of the canal), but the sidewalk will remain open for public access once the bypass pipeline is functioning (for up to seven months). Special Condition Two of the permit prohibits the City from interfering with public use of the sidewalk, except for the temporary disruptions that will occur during the installation and removal of the temporary bypass pipeline. Only as conditioned does the proposed project comply with the public access and recreation policies of the Coastal Act.

The proposed temporary bypass pipeline will also adversely affect vehicular access along Strong's Drive where it intersects with Driftwood Street, at the northern end of the pipeline (Exhibit #3). This segment of public street would be closed to vehicular traffic during the entire sluice gate repair project (up to seven months), and will disrupt the normal traffic patterns for residents and beachgoers who use on-street parking spaces in the project area. In order to reduce the potential for congestion on these streets during the peak beach use season (congestion adversely affects coastal access), Special Condition One requires the City to schedule the project to commence in September after the beach use typically declines from its peak in the summer, and to complete the project before the start of the next summer. Only as conditioned does the proposed project comply with the public access and recreation policies of the Coastal Act.

E. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program (LCP) that 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.

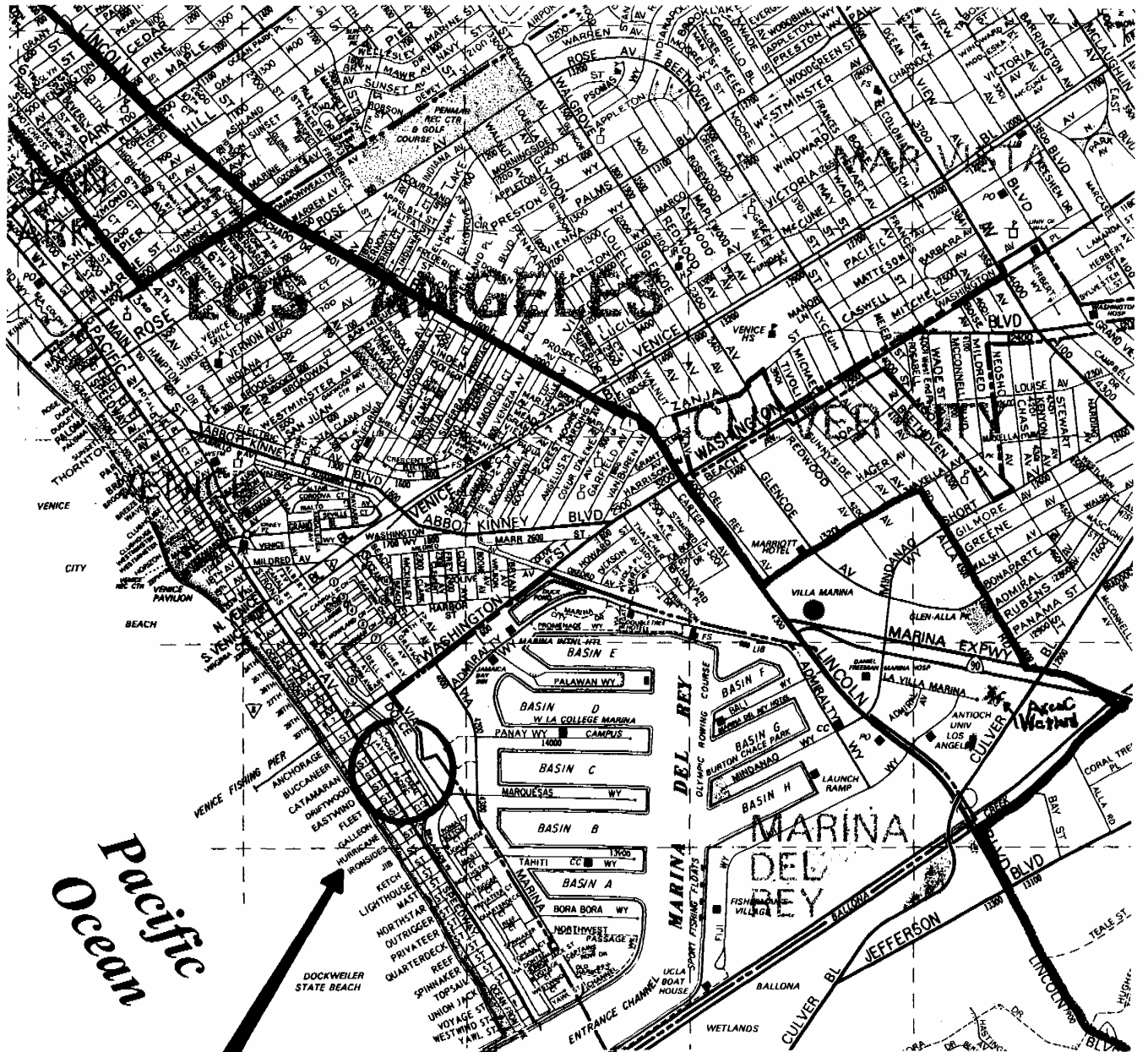
The City of Los Angeles does not have a certified Local Coastal Program for the Venice area. The City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001. The proposed project, as conditioned, conforms to the policies of the certified Venice LUP. Therefore, approval 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 (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 Los Angeles City Council adopted a Mitigated Negative Declaration for the proposed project on October 23, 2007 (SCH No. 2005121076). 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 that 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.

VENICE, CA



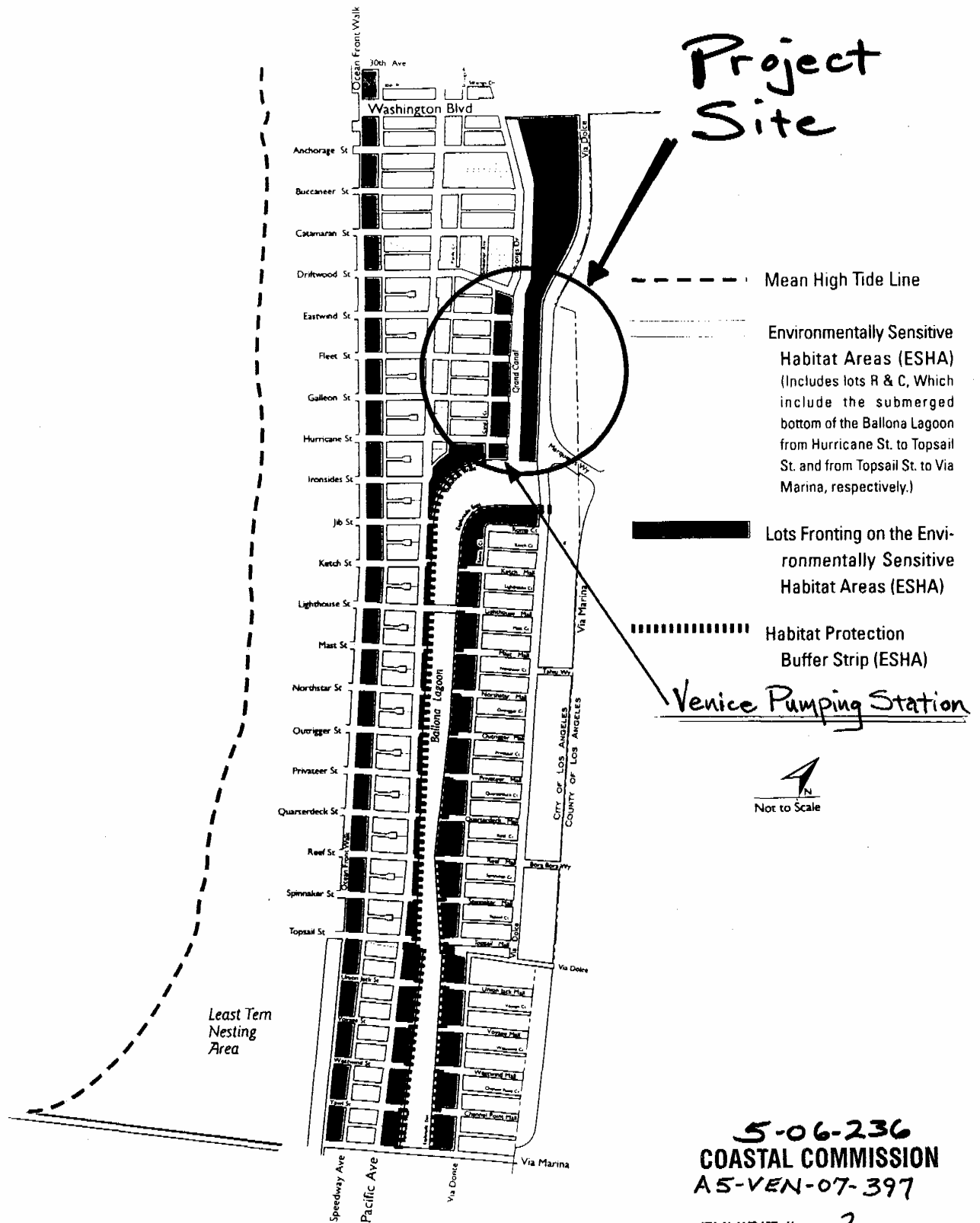
Pacific Ocean

Site: Grand Canal



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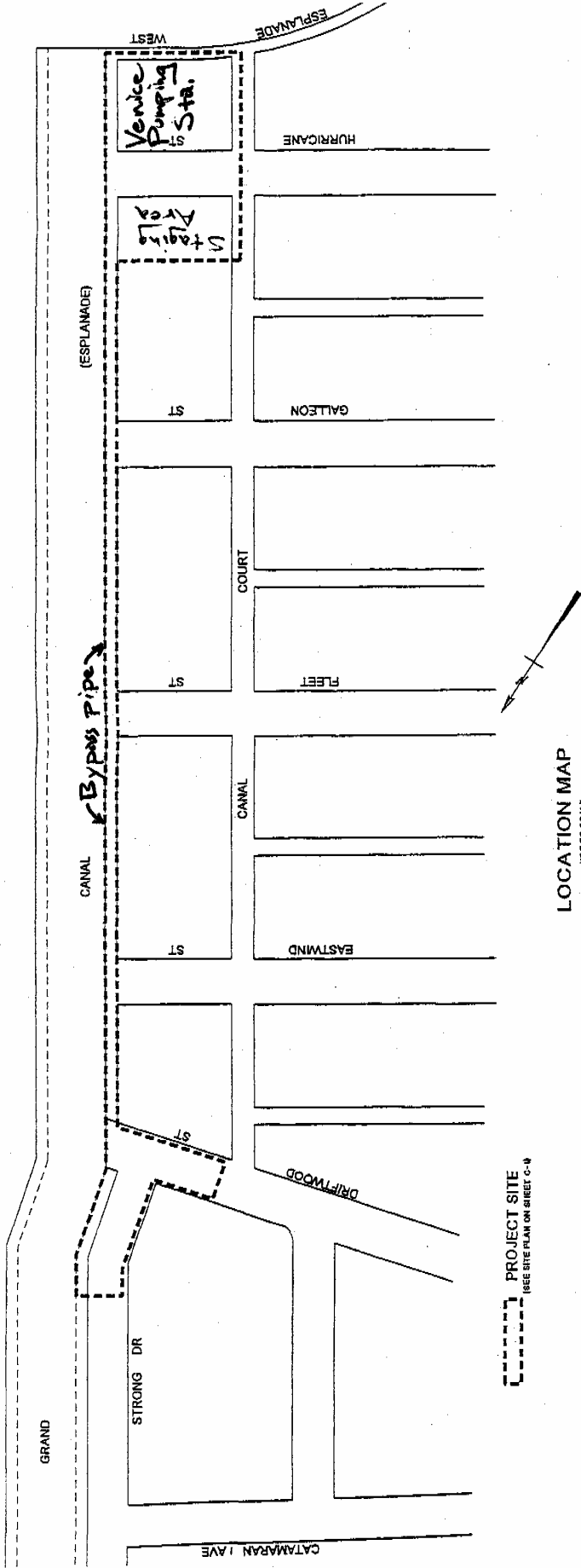
LUP
Exhibit 22c
Environmentally Sensitive Habitat Areas

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EXHIBIT # 2
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BUREAU OF ENGINEERING
DEPARTMENT OF PUBLIC WORKS
CITY OF LOS ANGELES

VENICE PUMPING PLANT SLUICE GATE REPLACEMENT



WASTEWATER CONVEYANCE ENGINEERING DIVISION

WAYNE A. LAWSON, P.E.
DIVISION ENGINEER

PROJECT TEAM

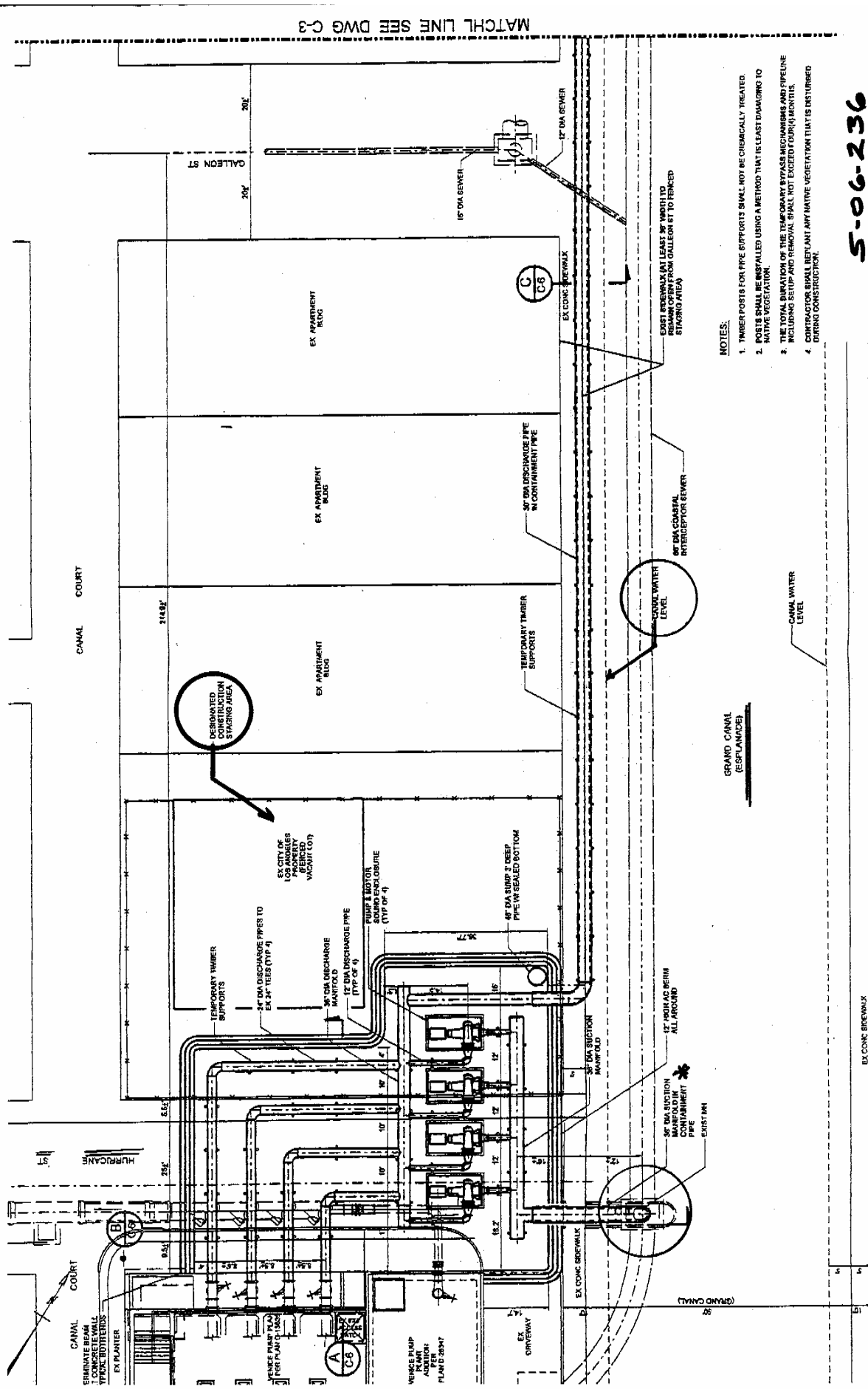
| | | | | |
|--|---|--------------------------------------|--|---|
| WASTEWATER CONVEYANCE ENGINEERING DIVISION | WASTEWATER CONVEYANCE CONSTRUCTION DIVISION | STRUCTURAL ENGINEERING DIVISION | GEOTECHNICAL ENGINEERING DIVISION | SURVEY DIVISION |
| HARSHAD SHAH, P.E. GROUP MANAGER | SONSAK SARNAKUL, P.E. GROUP MANAGER | SEAN ZAKEDI, P.E. PROJECT MANAGER | W.O. SANGALANG, P.E. PROJECT ENGINEER | REGINALD CANTRELL CADD GROUP MANAGER |

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EXHIBIT # 3

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THOMAS GUIDE PAGE T91, GRID J-9
VICINITY MAP
NOT TO SCALE



MATCH LINE SEE DWG C-3

NOTES:

1. TIMBER POSTS FOR PIPE SUPPORTS SHALL NOT BE CHEMICALLY TREATED.
2. POSTS SHALL BE INSTALLED USING A METHOD THAT IS LEAST DAMAGING TO NATIVE VEGETATION.
3. THE TOTAL DURATION OF THE TEMPORARY BYPASS MECHANISMS AND PIPELINE INCLUDING SETUP AND REMOVAL SHALL NOT EXCEED 1000 MONTHS.
4. CONTRACTOR SHALL REPLANT ANY NATIVE VEGETATION THAT IS DISTURBED DURING CONSTRUCTION.

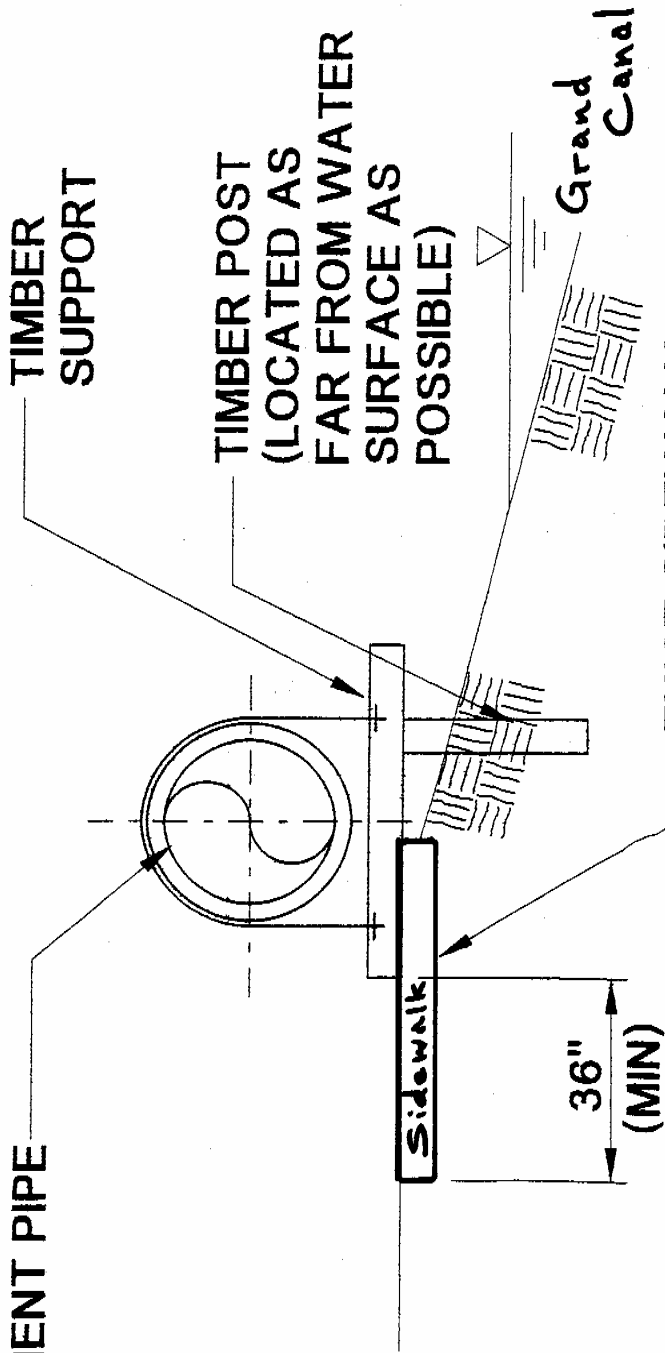
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BYPASS SITE PLAN 1



**Portion of project within
 Commission's Original Juris.*

30" DIA DISCHARGE PIPE
IN CONTAINMENT PIPE



West / East

EXIST SIDEWALK
(AT LEAST 36" WIDTH
TO REMAIN OPEN FROM
GALLEON ST TO FENCED
STAGING AREA)

SECTION

C

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EXHIBIT # 5
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