

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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July 7, 2009

Th3c

ADDENDUM

To: Commissioners and Interested Parties

From: John Ainsworth, Deputy Director
Gary Timm, Coastal Program Manager
Charles Posner, Staff Analyst

Re: Permit Application 5-09-093 (City of Los Angeles) - Grand Canal Tide Gates.

Clarification of Special Condition Three

Special Condition Three states:

Operation of Tide Gates – Post Construction

In order to enhance tidal exchanges and improve water quality in the Venice Canals, the permittee shall coordinate the operation of the Grand Canal tide gates and the Ballona Lagoon tide gates located at the southern end of Ballona Lagoon, so that both sets of tide gates will be operated in a manner that maximizes water circulation and sustains and enhances biological productivity throughout the entire canal system. **WITHIN NINETY DAYS OF COMMENCEMENT OF THE APPROVED DEVELOPMENT**, the permittee shall provide the Executive Director with a tide gate schedule of operation and a report on the implementation of an automated tide gate operating schedule. Consistent with the need to limit the potential for flooding, the tide gates shall be operated in a manner that maximizes water circulation and sustains and enhances biological productivity by allowing the incoming and outgoing tides to rise and fall naturally in Ballona Lagoon, Grand Canal, and the Venice Canals north of Washington Boulevard.

The City has expressed a concern that this condition may require the City to implement an automated tide gate operation as part of this coastal development permit. This is not the intent of the condition. The intent of the condition is to: a) ensure that the tide gates are operated (manually or automatically) in a manner that maximizes water circulation in the canals by allowing the incoming and outgoing tides to rise and fall naturally, consistent with the need to limit the potential for flooding, and b) require the City to provide staff with a tide gate schedule of operation and a report on the potential for the future implementation of an automated tide gate operating schedule, should funding allow. Special Condition Three does not require the City to automate the tide gates.

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Filed: 5/11/2009
49th Day: 6/29/2009
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Staff: Charles Posner - LB
Staff Report: 6/18/2009
Hearing Date: July 9, 2009
Commission Action:



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STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-09-093

APPLICANT: City of Los Angeles Department of Public Works

AGENT: William Jones, Environmental Specialist

PROJECT LOCATION: 200 Washington Boulevard (at Grand Canal bridge), Venice, City of Los Angeles, Los Angeles County.

PROJECT DESCRIPTION: Replace the five existing Grand Canal tide sluice gates in the same location with new tide gates, including structural repairs to the existing gate supports and water pipes. The project will be done in two phases using temporary cofferdams so there will be no reduction in canal flushing.

LOCAL APPROVAL: City of Los Angeles Emergency Repair Project No. E6000907.

SUMMARY OF STAFF RECOMMENDATION

The proposed project is within the Commission's area of original jurisdiction (wetlands and submerged lands in Grand Canal) and in an environmentally sensitive habitat area (ESHA). The tide gates control flooding and regulate tidal flushing (with seawater) in the Venice Canal system north of Washington Boulevard. The City states that the tide gate replacement project is an emergency action that must be implemented as soon as possible in order to maintain service essential to public health and safety because the existing tide gates are deteriorated and inoperable.

Staff is recommending that the Commission **APPROVE** a coastal development permit for the proposed development with special conditions that minimize adverse impacts to water quality and sensitive habitat areas. The special conditions require the permittee to continue regular canal flushing (at least twice a week) and to implement measures to minimize adverse environmental impacts during the project, and to develop and implement a post-project automated tide gate schedule in order to enhance water quality and biological productivity. The recommended special conditions begin on Page Three. **See Page Two for the motion 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 5-91-584 & amendments (City of LA – Venice Canals).
3. Coastal Development Permit 5-01-289 (City of LA – Grand Canal Restoration).
4. Coastal Development Permit 5-06-236 (City of LA – Grand Canal Pump Station).
5. Coastal Development Permit 5-08-294 (City of LA - Ballona Lagoon West Bank Rest.).
6. Biological Assessment Report, Venice Tide Gates Emergency Replacement (E6000907), by Wm. Jones, City of Los Angeles Bureau of Engineering, 5/5/2009.

STAFF RECOMMENDATION:

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

MOTION: *"I move that the Commission approve with special conditions Coastal Development Permit 5-09-093 per the staff recommendation."*

The staff recommends a **YES** vote. Passage of the motion will result in **APPROVAL** of the coastal development permit application with special conditions, and adoption of the following resolution and findings, as set forth in this staff report or as modified by staff prior to the Commission's vote. The motion passes only by an affirmative vote of a majority of Commissioners present.

I. Resolution: Approval with Conditions

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a

diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

1. Project Timing

In order to minimize adverse impacts on least tern foraging in Grand Canal during the least tern nesting season (March-October), the approved project shall be completed, including removal of the temporary coffer dams and restoration of the site to its pre-project condition, prior to the end of February 2010. The permittee shall notify the Executive Director in writing of the commencement of the approved project, and also upon completion.

2. Operation of Tide Gates – During Construction

This permit does not authorize any reduction in the canal flushing schedule. During the entire tide gate replacement project approved by this coastal development permit (including installation and removal of the cofferdams), the permittee is required to maintain water quality and biological productivity in the Venice Canals north of Washington Boulevard by regularly opening the tide gates to allow flushing with seawater from the canal segment south of Washington Boulevard (Ballona Lagoon). Consistent with the need to limit the potential for flooding, the tide gates shall be operated in a manner that maximizes water circulation and sustains and enhances biological productivity.

3. Operation of Tide Gates – Post Construction

In order to enhance tidal exchanges and improve water quality in the Venice Canals, the permittee shall coordinate the operation of the Grand Canal tide gates and the Ballona Lagoon tide gates located at the southern end of Ballona Lagoon, so that both sets of tide gates will be operated in a manner that maximizes water circulation and sustains and enhances biological productivity throughout the entire canal system. **WITHIN NINETY DAYS OF COMMENCEMENT OF THE APPROVED DEVELOPMENT**, the permittee shall provide the Executive Director with a tide gate schedule of operation and a report on the implementation of an automated tide gate operating schedule. Consistent with the need to limit the potential for flooding, the tide gates shall be operated in a manner that maximizes water circulation and sustains and enhances biological productivity by allowing

the incoming and outgoing tides to rise and fall naturally in Ballona Lagoon, Grand Canal, and the Venice Canals north of Washington Boulevard.

4. Protection of Marine Resources

The permittee shall implement the following project staging and construction best management practices in order to minimize adverse environmental impacts and the unpermitted deposition, spill or discharge of any liquid or solid into coastal waters (which include Ballona Lagoon and the Venice Canals):

- A. 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. No large mechanical equipment or vehicles are permitted in the canal. Large mechanical equipment (e.g., vehicles and cranes) shall be restricted to the bridge and adjacent roads.
- D. Sheet piling shall be driven by vibration methods to minimize noise impacts.
- E. Fish and wildlife shall be removed with care from the work area, especially during the dewatering phase.
- F. 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.
- G. 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.
- H. 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.
- I. 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.

5. Protection and Restoration of Native Vegetation

In order to protect native plants and habitat near the work area from damage, the permittee shall erect construction fencing, prior to commencement of construction, along the borders of the approved work area. Any areas of native vegetation that are disturbed by the project shall be restored with native plants that are appropriate for the canal habitat, consistent with the recommendations set forth in the Biological Assessment Report, Venice Tide Gates Emergency Replacement (E6000907), by Wm. Jones, City of Los Angeles Bureau of Engineering (5/5/2009). The restored vegetation areas shall be monitored for at least two years in order to ensure full restoration of the site to its condition prior to the project.

6. Public Access along Grand Canal

Except for the temporary disruptions that will occur during the completion of the approved development, the permittee shall not interfere with public pedestrian access along the sidewalks that run along the east and west banks of Grand Canal.

7. 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.

8. 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. No changes to the approved plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The proposed project is the removal of five existing tide gates in Grand Canal and their replacement with five new tide gates in the same location (See Exhibits). The tide gates are necessary to control flooding and regulate tidal flushing (seawater) in the Venice Canal system north of Washington Boulevard. The proposed work includes structural repairs to the existing concrete and steel tide gate supports that are attached to the Washington Street Bridge, and repairs to the five 36-inch diameter water pipes that run under the bridge (Exhibit #4). A wooden platform, located above the tide gates and next to the bridge, will be removed and replaced in the same location. Electrical circuitry will be replaced so that the tide gates can be automatically operated, instead of opened and closed manually as has been the practice in the past. The City states that the existing tide gates are deteriorated and inoperable.

The streets next to the project (Washington Boulevard and Strongs Drive) will be used for construction staging and equipment storage (Exhibit #3). The project will be carried out in two phases using two temporary cofferdams so there will be no reduction in the amount of canal flushing. The City plans to commence construction immediately upon receipt of the coastal development permit because the project has been deemed an emergency action that must be implemented as soon as possible. The proposed project is expected to take less than three months to complete.

The certified Venice LUP designates Grand Canal as an Environmentally Sensitive Habitat Area (ESHA). Therefore, the City has proposed to minimize construction impacts by carrying out the proposed project in two phases so that water quality and biological productivity will not be adversely affected. Tidal flushing of the canals will continue during the entire project (at least two times a week) as the proposed phasing plan will keep at least two of the five water pipes open so that the tides can come and go. Phase One involves the construction of a temporary semi-circular cofferdam (using sheet piles) around two of the tide gates (Gates G4 and G5), plugging their two associated water pipes, dewatering the work area within the cofferdam, then making the necessary repairs and parts replacements (Exhibit #3). Sheet piling was selected in lieu of sandbags for construction of the two temporary cofferdams in order to minimize the cofferdams' footprints. Phase Two will commence once the temporary cofferdam used in Phase One is removed. Phase Two involves the construction of the second temporary semi-circular cofferdam (using sheet piles) around three of the tide gates (Gates G1, G2 and G3), plugging their three associated water pipes, dewatering the work area within the cofferdam, and making the necessary repairs and parts replacements.

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.



Grand Canal Tide Gates, May 5, 2009 (CP)

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.

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 tide 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 a second set of tide gates (the gates subject to this permit application) 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 Venice Canals system is a popular visitor destination in Southern California. 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 neighborhoods located north and south of Washington Boulevard are residential communities consisting of multi-family and single family homes located along the open waterway. Grand Canal is located about two 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 that run along both sides of Grand Canal separate the private residences from the canal.

C. Protection of Sensitive Habitat Areas and Marine Resources

Grand Canal is the seawater connection between Ballona Lagoon and the Venice Canals located north of Washington Boulevard (Exhibit #1). The two thousand-foot long section of Grand Canal south of Washington Boulevard is a remnant of an original tidal lagoon (Ballona Lagoon). The two thousand-foot long section of Grand Canal north of Washington Boulevard was created out of marshland as part of the "Venice of America" subdivision in 1905. The set of five tide gates subject to this permit application, at the Washington Boulevard bridge, control the flow of seawater between the northern and southern segments of Grand Canal (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).

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 Coastal Act requires the protection of the biological productivity of coastal waters and 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 Land Use Plan (LUP) also sets forth the following policies that require the protection of the marine resources in the Venice Canals. Certified LUP Policy IV.A.1 specifically requires that, "The canal tidal gates located beneath the Washington Boulevard bridge shall be operated in a manner that sustains and enhances biological productivity in the canals by ensuring maximum water circulation."

- **Policy IV. A. 1. Canals Rehabilitation Project.** *The canal area north of Washington Boulevard shall continue to be maintained as a unique coastal, environmental and social resource, as provided by the Venice Canals Rehabilitation Plan approved by Coastal Commission Coastal Development Permit 5-91-584. The goals and objectives of the rehabilitation plan shall continue to be implemented in order to improve water quality, bank stability, public access, and biological productivity. The canal tidal gates located beneath the Washington Boulevard bridge shall be operated in a manner that sustains and enhances biological productivity in the canals by ensuring maximum water circulation.*
- **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 that 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.

The proposed project involves the replacement of these five tide gates in the same location, on the north side of the Washington Boulevard bridge. The City has proposed to minimize construction impacts by carrying out the proposed project in two phases so that tidal flushing of the canals will continue during the entire project (at least two times a week). The proposed phasing plan will keep at least two of the five water pipes open for regular flushing. Each phase involves the construction of a temporary semi-circular cofferdam (using sheet piles) and dewatering the work area within the cofferdam, keeping at least two of the five water pipes open as the project is completed (Exhibit #3). Sheet piling was selected in lieu of sandbags for construction of the two temporary cofferdams in order to minimize the cofferdams' footprints. The work area of the two phases extends about twenty feet north of the bridge and will temporarily impact 336 square feet of submerged canal area. About seventy square feet of the canal banks will be temporarily affected by the project. There is no new permanent fill or permanent habitat displacement proposed.

Water quality and biological productivity in the canals will not be adversely affected by the proposed project. Special Condition Two requires the City to maintain water quality and biological productivity in the Venice Canals during the project by regularly flushing the canals with seawater. The proposed project will benefit the ESHA by replacing dilapidated tide gates with new ones that can operate automatically a manner that sustains and enhances biological productivity in the canals by ensuring maximum water circulation, as required by the policies of the Coastal Act and the certified LUP. Special Condition Three requires the City to coordinate

the operation of the Grand Canal tide gates and the Ballona Lagoon tide gates located at the southern end of Ballona Lagoon, so that both sets of tide gates will be operated in a manner that maximizes water circulation and sustains and enhances biological productivity throughout the entire canal system. The City is also required to provide the Executive Director with a tide gate schedule of operation and a report on the implementation of an automated tide gate operating schedule. The standard for the tide gate schedule is that the tide gates shall be operated in a manner that maximizes water circulation and sustains and enhances biological productivity by allowing the incoming and outgoing tides to rise and fall naturally, consistent with the need to limit the potential for flooding. 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 development. The proposed project also includes provisions to minimize the adverse impacts of the proposed construction of the cofferdams. These mitigating construction measures include standard best management practices to protect the waters of the canal from polluted runoff and the following specific restrictions:

- No large mechanical equipment or vehicles are permitted in the canal. Large mechanical equipment (e.g., vehicles and cranes) shall be restricted to the bridge and adjacent roads.
- Sheet piling shall be driven by vibration methods to minimize noise impacts.
- Fish and wildlife shall be removed with care from the work area, especially during the dewatering phase.

Special Condition Five requires the City to protect and restore native vegetation consistent with the recommendations set forth in the Biological Assessment Report, Venice Tide Gates Emergency Replacement (E6000907), by Wm. Jones, City of Los Angeles Bureau of Engineering (5/5/2009). This report identifies native plants that will be temporarily impacted in the project area, including saltbush, pickleweed, sea lettuce, and filamentous algae. No eelgrass was reported to be present in the project area. Any areas of native vegetation that are disturbed by the project must be restored with native plants that are appropriate for the canal habitat. The restored vegetation areas will be monitored for at least two years. Only as conditioned does the proposed project comply with the ESHA and marine resource policies of the Coastal Act.

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 complete the approved project, including removal of the temporary coffer dams and restoration of the site to its pre-project condition (except for ongoing monitoring of vegetation), prior to the end of February 2010 when least tern nesting commences. Only as conditioned does the proposed project comply with the ESHA and marine resource policies of the Coastal Act.

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 permanent 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 project and by the special conditions of the permit. Therefore, 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.

In regards to the public access resources at the project site, public walkways currently exist along both banks of Grand Canal. The walkways are part of the Grand Canal/Ballona Lagoon public trail system described in the certified Venice Land Use Plan. The proposed project may temporarily close the public sidewalks north of the bridge while two phases of the project are being completed, but both phases of the project will be completed in less than three months, and only one side of the canal should be closed during each phase.

Special Condition Six of the permit prohibits the City from interfering with public use of the sidewalk, except for the temporary disruptions that will occur during the project. Only as conditioned does the proposed project comply with the public access and recreation policies of the Coastal Act.

E. Hazards

The Coastal Act states that new development must minimize risks to life and property in certain hazardous areas and not create or contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area.

Section 30253 of the Coastal Act states, in part:

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.

Developments located in or near the ocean have the potential for damage caused by wave energy, floods, seismic events, storms and erosion. No development near the water can be guaranteed to be safe from hazard. The proposed project is located within Grand Canal, a coastal waterway. The project area is susceptible to flooding due to its low elevation in relation to sea level. In the past, periods of heavy precipitation occurring at the same time as high tidal levels have resulted in higher than normal tide levels. The City and county operate tidal gates to control the water level in the canals. One purpose of the proposed project is to protect the public from flooding. In addition, the sandy substrata beneath the site make the area susceptible to liquefaction during seismic events. Although the proposed project is in an area at high risk from hazards, the project will not create or contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area. Therefore, the proposed project is consistent with Section 30253 of the Coastal Act.

F. 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.

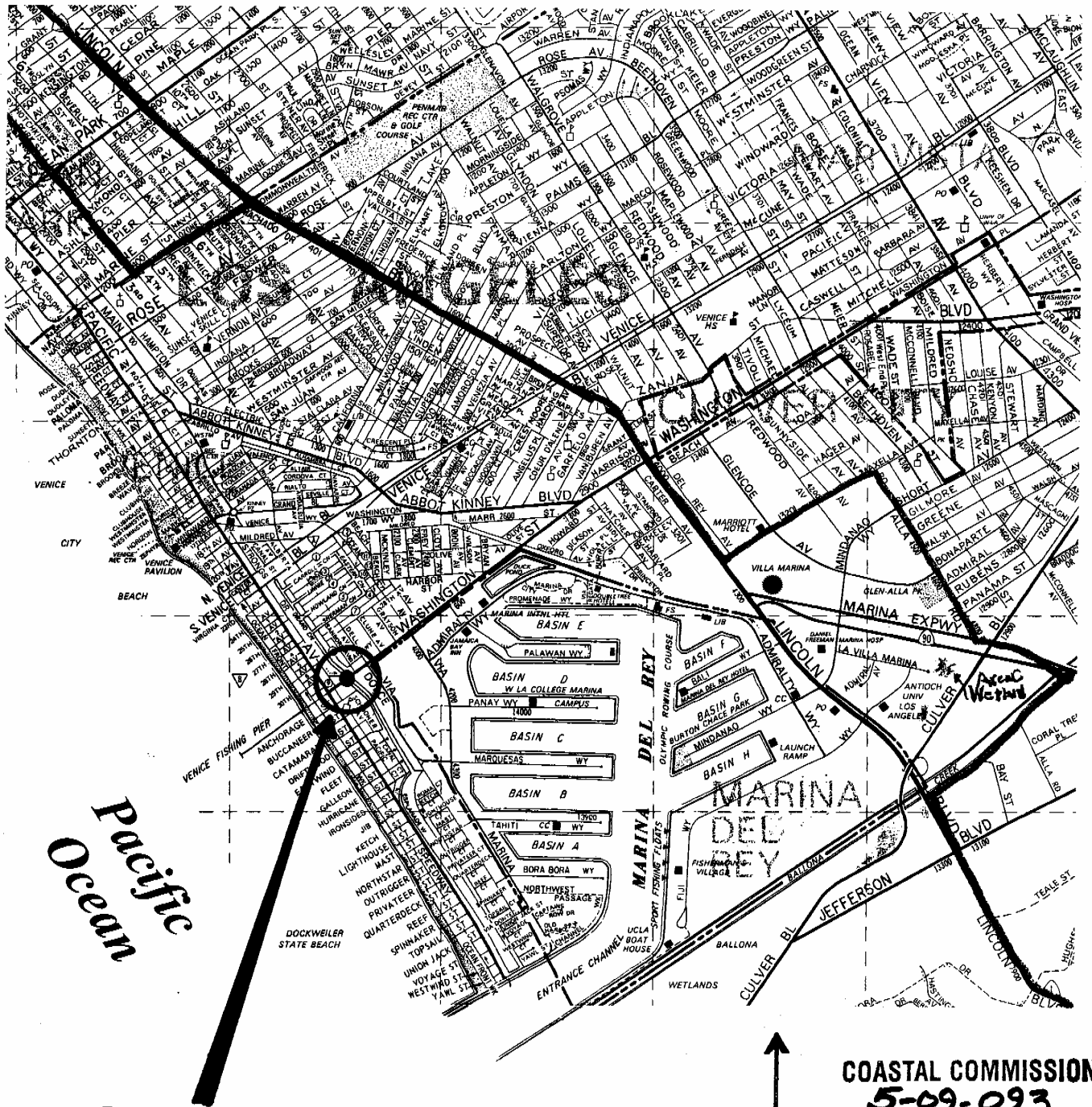
The City of Los Angeles does not have a certified Local Coastal Program for the Venice area. The City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001. The proposed project, as conditioned, conforms to the policies of the certified Venice LUP. Therefore, approval 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.

G. 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 City of Los Angeles is the lead agency for the proposed project. On November 3, 2008, the City of Los Angeles Department of Public Works issued an Emergency Notice of Exemption for the proposed project finding that, "This project involves emergency repairs made to public service facilities, necessary to maintain service essential to the public health, safety or welfare." 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

Grand Canal Tide Gates



COASTAL COMMISSION
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EXHIBIT # 1
PAGE 1 OF 1

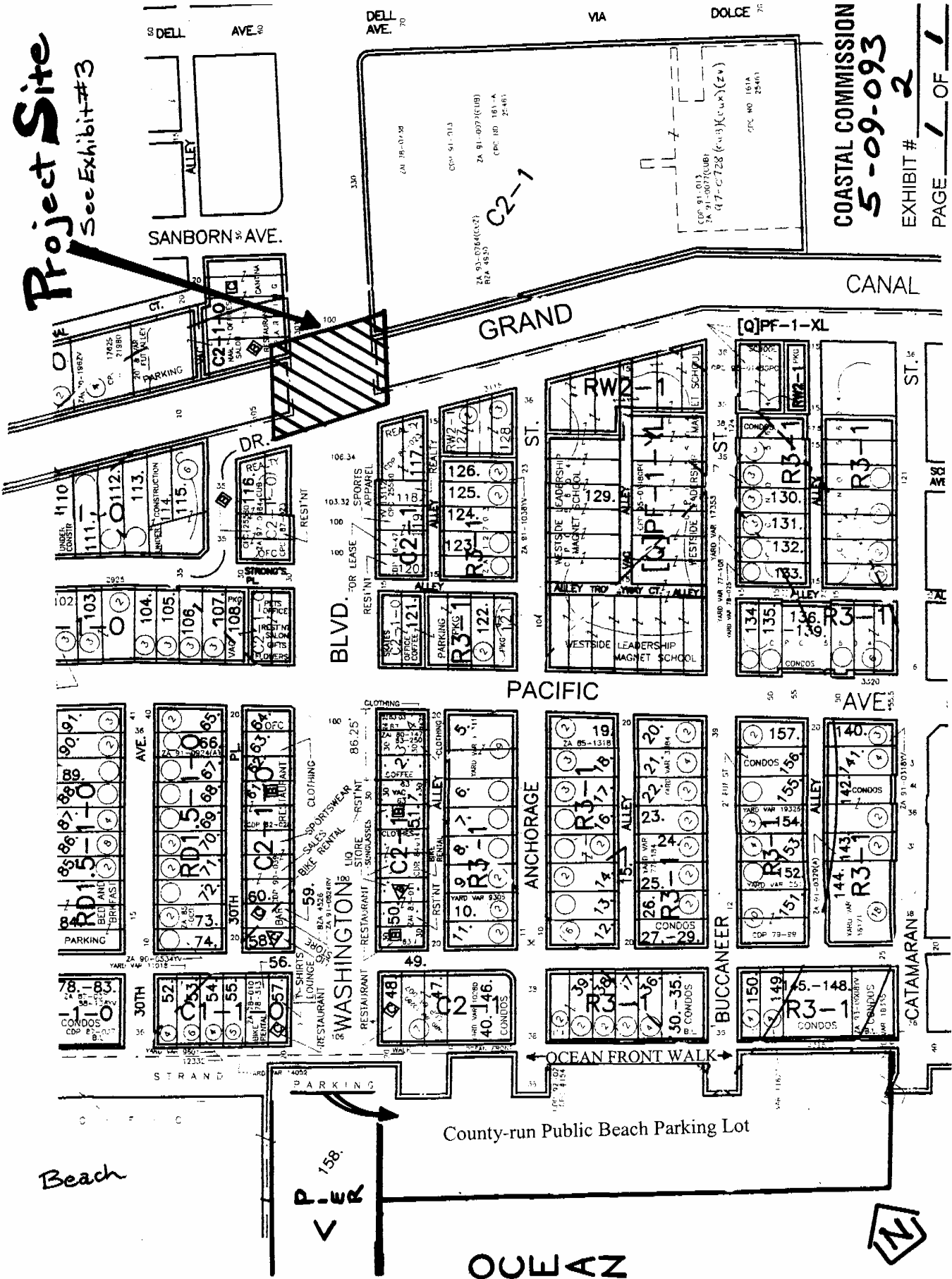
Project Site

See Exhibit #3

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EXHIBIT # 2

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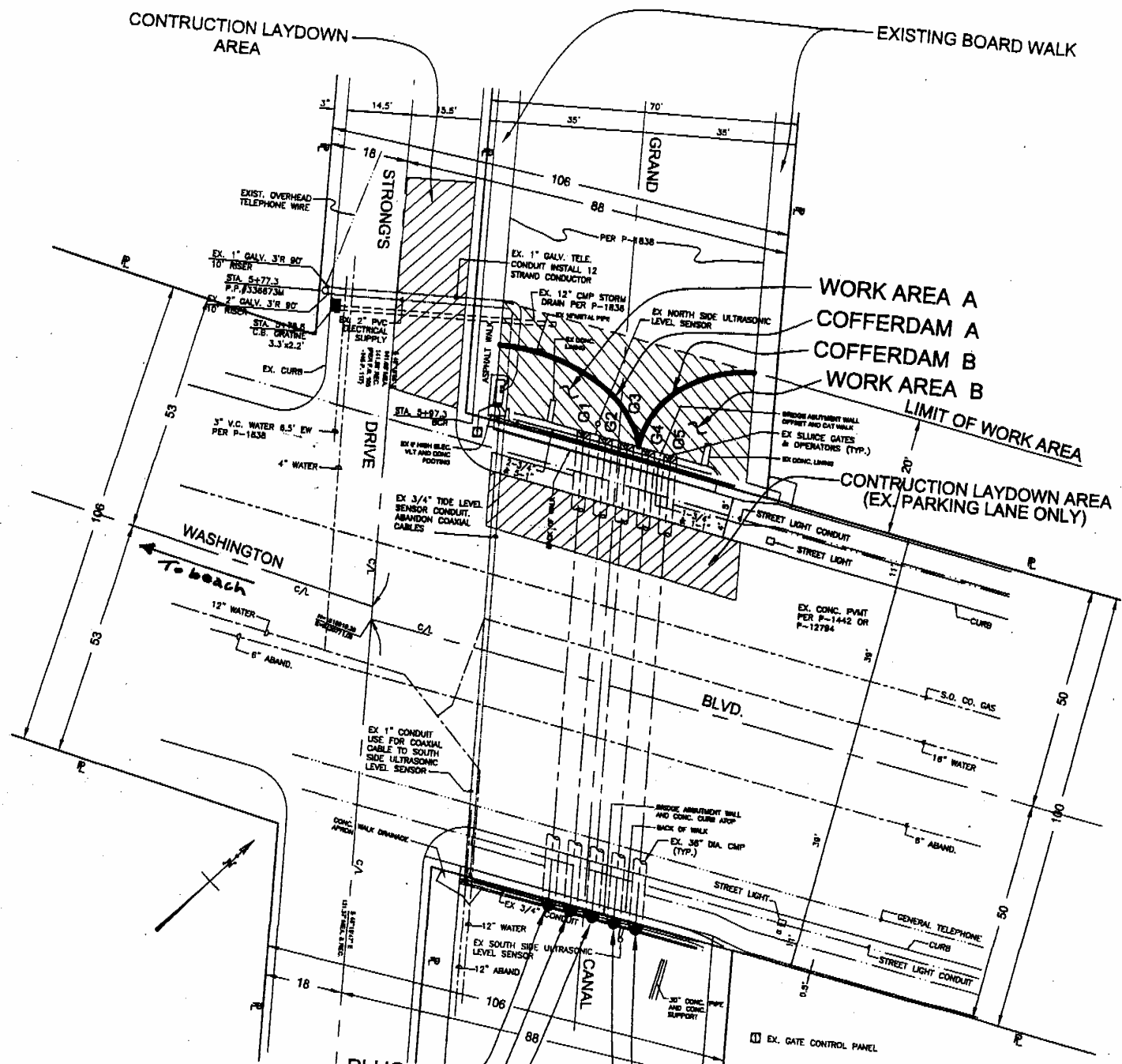
Beach

P.I.E.R.

County-run Public Beach Parking Lot

OULAZ





PHASE I:

1. INSTALL FOR HIGH TIDE WATER COFFERDAM B
2. INSTALL THE PLUGS B1 AND B2
3. DEWATERING THE WORK AREA B
4. DISCONNECT AND CAP THE EXISTING ELECTRICAL CONDUITS FOR GATES G4 & G5
5. REMOVE THE EXISTING No.4 AND No.5 GATES AND OPERATORS
6. REPAIR THE HEADWALL IN WORK AREA B PER CRACK REPAIR DETAIL ON SHT C-2
7. INSTALL THE NEW GATES AND OPERATORS FOR GATES G4 & G5
8. RECONNECT THE ELECTRICAL CONDUITS FOR GATES G4 & G5
9. REMOVE THE PLUGS B1 AND B2
10. REMOVE THE COFFERDAM B

PHASE II:

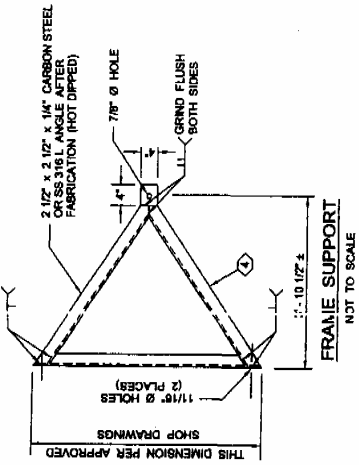
11. INSTALL FOR HIGH TIDE WATER COFFERDAM A
12. INSTALL THE PLUGS A1, A2, AND A3
13. DEWATERING THE WORK AREA A
14. DISCONNECT AND CAP THE EXISTING ELECTRICAL CONDUITS FOR GATES G1, G2 & G3
15. REMOVE THE EXISTING GATES G1, G2 & G3 AND OPERATORS
16. REPAIR THE HEADWALL IN WORK AREA A PER CRACK REPAIR DETAIL ON SHT C-2
17. INSTALL THE NEW GATES AND OPERATORS FOR GATES G1, G2 & G3
18. RECONNECT THE ELECTRICAL CONDUITS FOR GATES G1, G2 & G3
19. REMOVE THE PLUGS A1, A2 AND A3
20. REMOVE THE COFFERDAM A

Plan



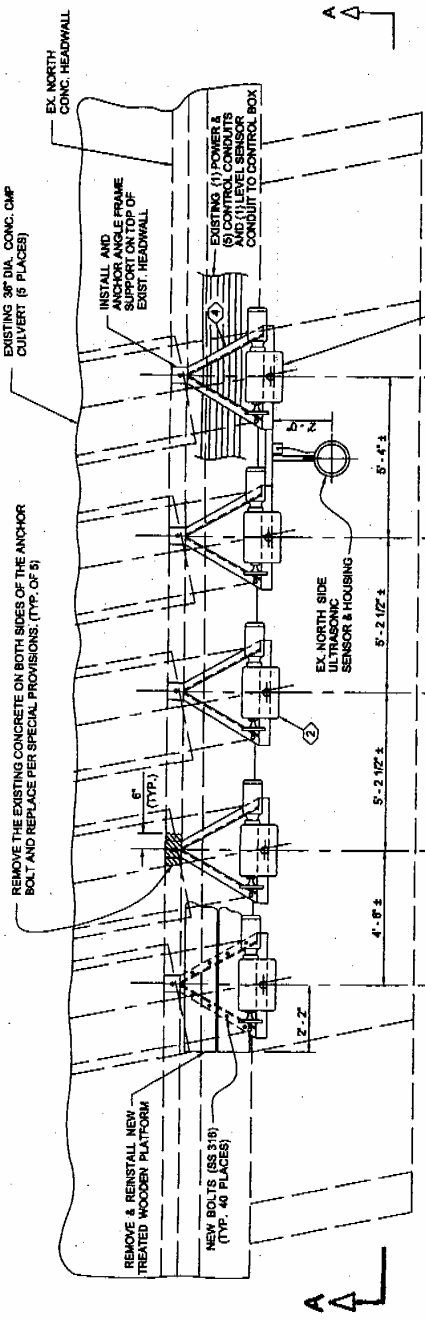
COASTAL COMMISSION
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EXHIBIT # 3
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- NOTES:**
- ① CANAL GATE 36" DIA. OPENING WATERMAN INDUSTRIES MODEL C-20 OR EQUAL
 - ② ELECTRIC MOTOR OPERATED GATE FRAME TORQUE MODEL L120 OR EQUAL
 - ③ EX ULTRASONIC SENSOR HOUSING GATE FRAME SUPPORT

FRAME SUPPORT
NOT TO SCALE



PLAN

REMOVE EXIST. SLIDE GATES AND OPERATORS AND INSTALL NEW GATES AND OPERATORS (TYP. 5 PLACES) SEE SPECIAL PROVISION FOR DETAILS

1/8" THICK SS 316 SHEET FROM TOP OF ANGLE FRAME TO GATE HEAD ANGLE FASTENED TO SS BOLTS (TYP. OF 5) 1/4" DIA

EXISTING (1) POWER & (5) TUBE LEVEL SENSOR CONDUIT SPECIAL PROVISIONS

REMOVE UNTIL SOUND WOODEN PLATFORM WITH NEW 2x4" BOLTS (SS 316) (TOTAL 40 BOLTS)

2 1/2" x 2 1/2" x 1/4" SS 316 ANGLE FRAME SUPPORT

2x4 ANCHOR BOLT 6' EMBEDMENT LENGTH (SS 316)

REMOVE UNTIL SOUND WOODEN PLATFORM WITH NEW 2x4" ANCHOR BOLT AND REPLACE PER SPECIAL PROVISIONS

EXIST. CONCRETE PER D-13360

EXIST. CONCRETE PER D-13360

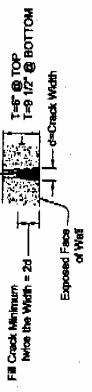
EX 3/4" PHILLIPS FLUSH SHELL WITH 6" SS 316 STUD BOLT 6" SS 316 HEX NUT

EXIST. CONCRETE PER D-13360

EXIST. CONCRETE PER D-13360

EXIST. CONCRETE PER D-13360

EXIST. CONCRETE PER D-13360



CRACK REPAIR DETAIL

SECTION A-A

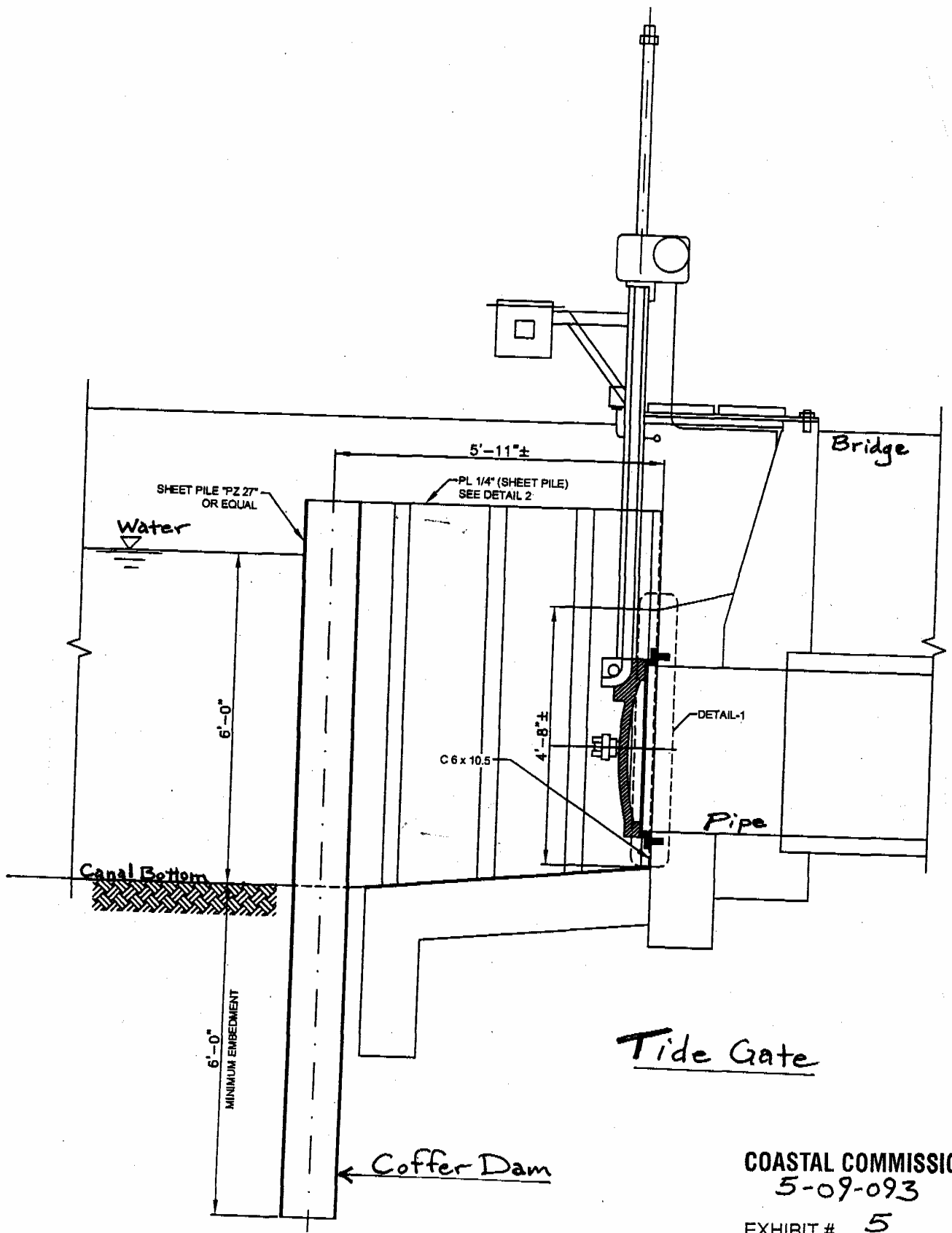
SECTION B-B

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EXHIBIT # 5

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