

CALIFORNIA COASTAL COMMISSION

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**TH 5a**

Filed: 11/5/10
49th Day: 12/24/10
180th Day: 5/4/11
Staff: Al J. Padilla-LB
Staff Report: 12/20/10
Hearing Date: 1/12-14/11
Commission Action:

STAFF REPORT: CONSENT CALENDAR
COASTAL DEVELOPMENT PERMIT AND CONSISTENCY CERTIFICATION

APPLICATION NUMBER: 5-10-261
FEDERAL CONSISTENCY NO: CC-058-10
APPLICANT: City of Los Angeles Department of Public Works
PROJECT LOCATION: 1200 Vista Del Mar, (Seaward of Hyperion Treatment Plant),
Playa Del Rey, City of Los Angeles

PROJECT DESCRIPTION: Re-ballast Hyperion Treatment Plant's 5 mile outfall by importing approximately 20,000 cubic yards of 8,10, and 12-minus rock ballast and placing it along the sides of the last 3.5 miles of the outfall pipe. Discharge of the rock ballast will be localized to reduce sedimentation and turbidity.

SUBSTANTIVE FILE DOCUMENTS: California Environmental Quality Act Class 1
Categorical Exemption, 2009. CDPs: 6-05-22; CDP Nos. 6-86-456, 6-90-233, 6-92-78, 6-93-140 and 6-95-148.

SUMMARY OF STAFF RECOMMENDATION:

Commission staff has combined the staff report for the coastal development permit and the consistency certification. Staff is recommending that the Commission concur with the consistency certification and approve the coastal development permit with a special condition regarding submittal of all regulatory agency approvals. **See Page Two for the motions to adopt the staff recommendation.**

Commission staff is recommending **APPROVAL** of the proposed project with Special Conditions regarding: 1) submittal of U.S. Army Corps of Engineers final approval; and 2) best management practices.

STAFF RECOMMENDATION, MOTION AND RESOLUTION OF APPROVAL**A. COASTAL DEVELOPMENT PERMIT:**

Staff recommends that the Commission adopt the following resolutions to **APPROVE** the coastal development permit application and Consistency Certification:

MOTION I: *I move that the Commission approve coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all permits included on the consent calendar. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.

RESOLUTION TO APPROVE THE PERMIT:

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

B. CONSISTENCY CERTIFICATION

MOTION II: *I move that the Commission **concur** with the City of Los Angeles' consistency certification CC-058-10 that the project described therein is fully consistent with the enforceable policies of the California Coastal Management Program.*

Staff Recommendation:

The staff recommends a **YES** vote on the motion. Passage of this motion will result in an agreement with the certification and adoption of the following resolution and findings. An affirmative vote of the majority of the Commissioners present is required to pass the motion.

Resolution to Concur with Consistency Certification:

The Commission hereby **concurs** with the consistency certification made by the City of Los Angeles for the proposed project, finding that the project is consistent with the enforceable policies of the California Coastal Management Program.

III. 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.

IV. SPECIAL CONDITIONS**1. U.S. Army Corps of Engineers Approval**

PRIOR TO COMMENCEMENT OF CONSTRUCTION, the permittee shall provide to the Executive Director a copy of the final permit issued by U.S. Army Corps of Engineers, or letter of permission, or evidence that no permit or permission is required. The applicant shall inform the Executive Director of any changes to the project required by the U.S. Army Corps of Engineers. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is required.

2. Best Management Practices

Best Management Practices (BMPs) designed to prevent spillage and/or runoff of construction related materials, sediment or contaminants associated with construction activity, and to minimize turbidity during construction, shall be implemented prior to the on-set of such activity and during such activity. Selected BMPs shall be maintained in a functional condition throughout the duration of the project.

V. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

Re-ballast Hyperion Treatment Plant's 5 mile outfall by importing approximately 20,000 cubic yards of 8,10 and 12-minus rock ballast and placing it along the sides of the last 3.5 miles of the outfall pipe. Discharge of the rock ballast will be localized to reduce sedimentation and turbidity.

The existing 144 inch diameter reinforced concrete outfall pipe discharges treated waste water from the Hyperion Treatment Plant located inland of Vista del Mar. The pipe extends approximately 5 miles offshore from Dockweiler State Beach in the Playa del Rey community of the City of Los Angeles.

The re-ballasting rock will be placed along the last 3.5 miles of the 5-mile outfall. Ballast rock will be placed on each side of the outfall up to its spring line (half full) with horizontal shoulder of 4-feet and side slopes of 1 vertical to 1.5 horizontal. The re-ballasting will cover an area of approximately 233,700 square feet along the 3.5 mile project area and will be limited to the area that was covered by existing ballast rock. Inspection of the outfall pipe indicates that the existing rock ballast, due to settlement into the seabed, no longer provides adequate protection for the pipe. Ballast provides stability during extreme storms, seismic conditions, and pipe failure. All of the proposed work will occur from a barge. The rock that will be used for re-ballasting will be loaded from a quarry on Catalina. As a result, no construction activity or storage of equipment will occur on the beach and no impacts to public access will occur.

The project will incorporate the use of Best Management Practices to minimize impacts and the rock will be dropped from no higher than 4 ft. above its delivery location to minimize turbidity. Rock placement will utilize a rock box or tremie system that consists of a watertight pipe or funnel shape hopper at its upper end and a loose plug at the bottom end to allow localized discharge of ballast to reduce sedimentation and turbidity during placement and prevent extraneous fill of adjacent ocean bottom outside the target fill area.

The proposed project has been reviewed by the various regulatory agencies, including Department of Fish and Game, National Marine Fisheries (NMF) and United States Army

Corps of Engineers (USACE). The USACE will be coordinating with NMF for issuance of the USACE final permit. Since other agencies will be issuing permits associated with the subject project, Special Condition No. 1 has been attached which requires the applicant to submit copies all other state or federal permits to assure that no revisions to the project occur without Executive Director review or amendment to the subject permit.

The proposed project is located approximately 1.5 miles to 5 miles from the shoreline. Since a portion of the project is beyond the 3 mile limit, and the Commission's original permit jurisdiction, USACE (Corps) approval is required. The City has applied to the Corps for a general permit to authorize the fill activity. Pursuant to the federal Coastal Zone Management Act, the location and the Corps' general permit triggers the requirements for a consistency certification. The City has submitted both a coastal development permit application and a consistency certification to the Commission. In order to facilitate Commission review of these items, both the coastal development permit application and the consistency certification will be combined and heard at the same time.

B. Applicant's Consistency Certification

The City of Los Angeles has certified that the proposed activity complies with California's approved coastal management program and will be conducted in a manner consistent with such program.

C. Biological Resources

Coastal Act policies 30230, 30233, 30240 and 30251 limit fill of open coastal waters and restrict the alteration of natural landforms and protect sensitive habitats. In this case, the fill is a permitted use as an incidental public service. Section 30231 of the Coastal Act requires that coastal waters are protected and runoff minimized.

The proposed development has been designed so as to not have an adverse impact on any sensitive habitat and will not result in adverse impacts to water quality, as adequate turbidity control measures will be provided and no adverse impacts will occur to any marine habitat. Special Condition no. 2 requires the applicant to incorporate best management practices during construction. Thus, as conditioned, the project is consistent with the resource protection policies of Chapter 3 of the Coastal Act.

D. Public Access.

Since the project is located at least 1,000 ft. offshore and beyond the surf zone, the proposed development will not have an adverse impact on public access to the coast or to nearby recreational facilities. As conditioned, the proposed development conforms to Sections 30210 through 30214, Sections 30220 through 30224, Section 30252 and Section 30604(c) of the Coastal Act.

E. Local Coastal Program

Coastal Act section 30604(a) states that, prior to certification of a local coastal program (“LCP”), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The City of Los Angeles has neither a certified LCP nor a certified Land Use Plan for the Playa de Rey planning area. However, the subject project is located in the Pacific Ocean within the Commission’s original jurisdiction. Thus, the Coastal Commission retains permit jurisdiction in this area and Chapter 3 of the Coastal Act remains the legal standard of review. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the City of Los Angeles to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

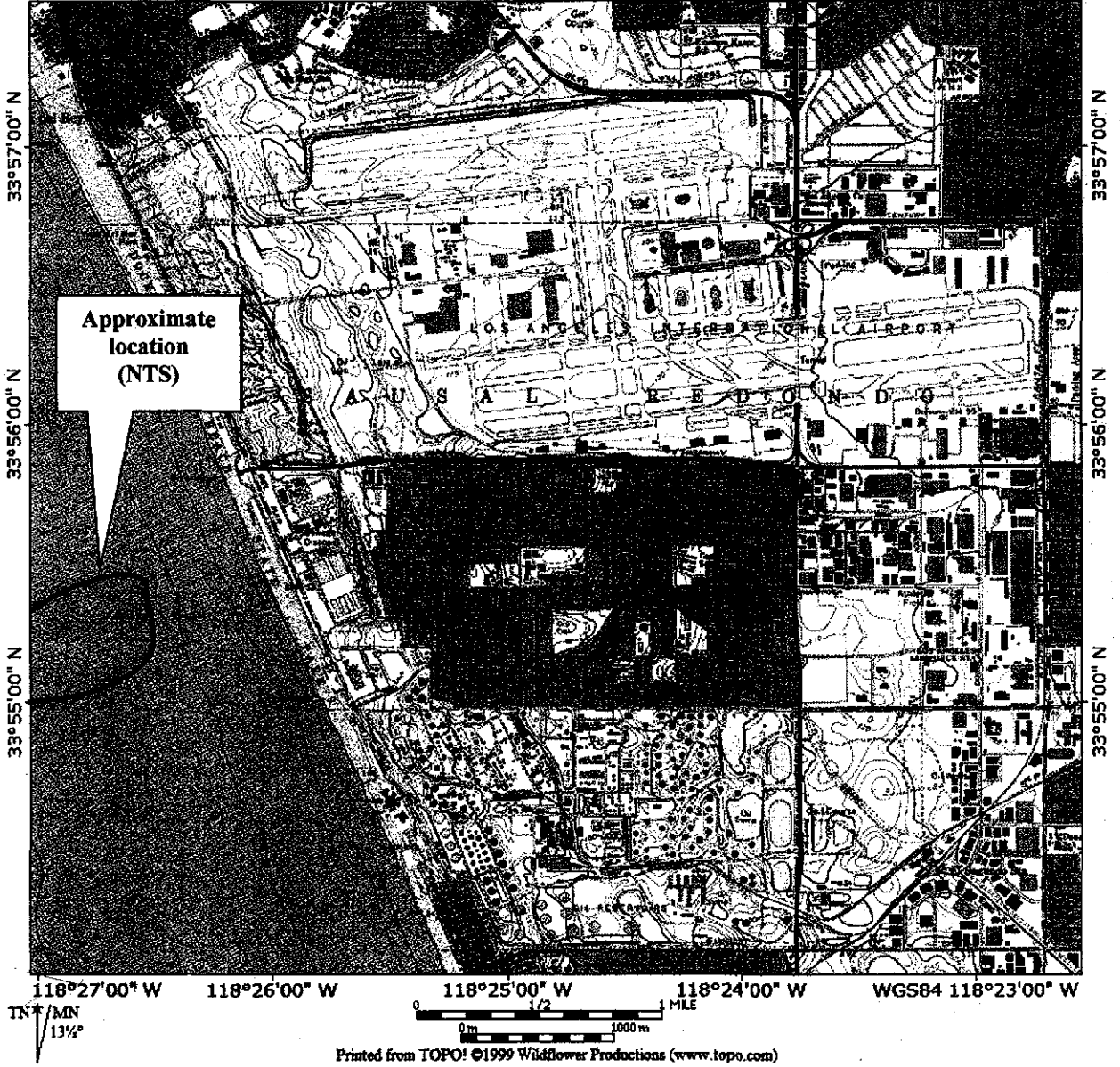
F. California Environmental Quality Act

Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

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

TOPO! map printed on 08/10/10 from "HTP.tpo" and "Untitled.tpg"

118°27'00" W 118°26'00" W 118°25'00" W 118°24'00" W WGS84 118°23'00" W



Note: 5-Mile Outfall extends beyond map boundary.

EXHIBIT NO. <i>1</i>
Application Number <i>5-10-26/CC 058-10</i>
<i>Vicinity Map</i>
California Coastal Commission

PROJECT TITLE SHEET	PROJECT NO.	DATE
PROJECT NO. 5-10-261/CC-058-10	DATE	
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PROJECT NO. 5-10-261/CC-058-10	DATE	

LOS ANGELES DEPARTMENT OF PUBLIC WORKS BUREAU OF ENGINEERING

HYPERION TREATMENT PLANT FIVE-MILE OUTFALL REBALLASTING

BUREAU OF ENGINEERING DEPARTMENT OF PUBLIC WORKS CITY OF LOS ANGELES

HYPERION TREATMENT PLANT FIVE-MILE OUTFALL REBALLASTING

HYPERION TREATMENT PLANT EL SEGUNDO PACIFIC OCEAN

5-MILE OUTFALL

PLAN SCALE: 1" = 100'

LEGEND: PROJECT AREA

VICINITY MAP NOT TO SCALE

LOS ANGELES INTERNATIONAL AIRPORT GENERAL AVIATION HYPERION TREATMENT PLANT PACIFIC OCEAN

ENVIRONMENTAL ENGINEERING DIVISION

KENNETH R. REDD, P.E. DIVISION ENGINEER / WASTEWATER TREATMENT PLANT PROGRAM MANAGER

PROJECT MANAGEMENT: MICHAEL SANULLO, P.E. ASSISTANT DIVISION ENGINEER; RICK MAYER, P.E. PROJECT MANAGER; AZADEH ABGASHAM PROJECT ENGINEER

PROJECT DESIGN: EDICK B. CHANAN, P.E. ASSISTANT DIVISION ENGINEER; HENRY W. YIM, P.E. LEAD STRUCTURAL ANAL. ENGINEER; ALEJANDRO MORENO CIVIL ENGINEERING ASSOCIATE

CONSTRUCTION MANAGEMENT: NASEER B. EL-SHAHER, P.E. ACTIVE ASSISTANT DIVISION ENGINEER

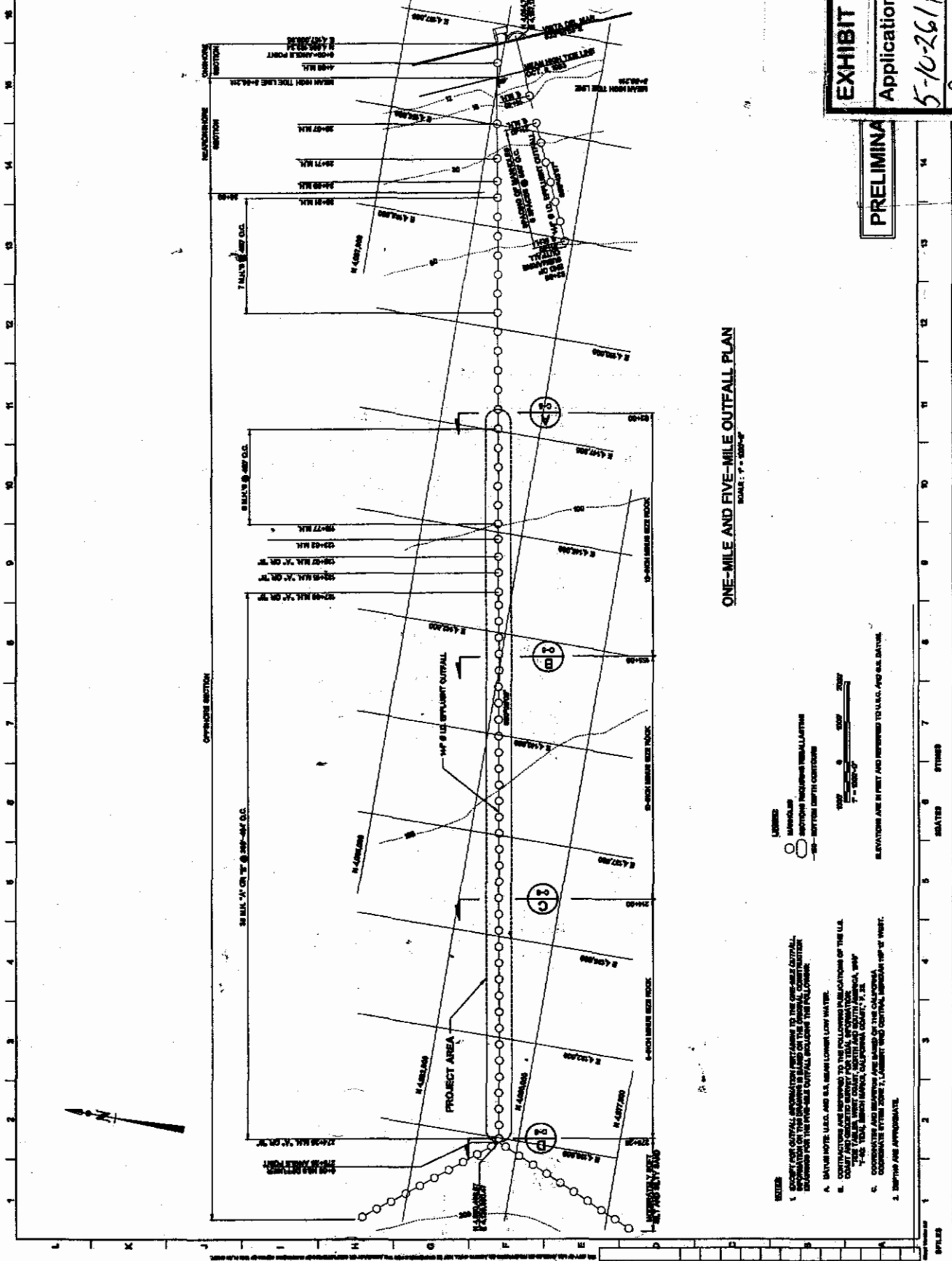
SUPPORT SERVICES

PRELIMINARY

EXHIBIT NO. 2
 Application Number
 5-10-261/CC-058-10
 Location of Project
 California Coastal Commission

DEPARTMENT OF PUBLIC WORKS
 BUREAU OF ENGINEERING
 OFFICE NO. 2285
 PROJECT NO. _____
 DATE _____
 DRAWN BY _____
 CHECKED BY _____
 APPROVED BY _____
 TITLE: LAYOUT OF OCEAN OUTFALLS
 PROJECT: ONE-MILE AND FIVE-MILE OUTFALLS
 SHEET NO. _____ OF _____
 SCALE: 1" = 1000'-0"

EXHIBIT NO. 3
 Application Number
 5-10-261/CC058-10
 Project M/2a
 California Coastal Commission

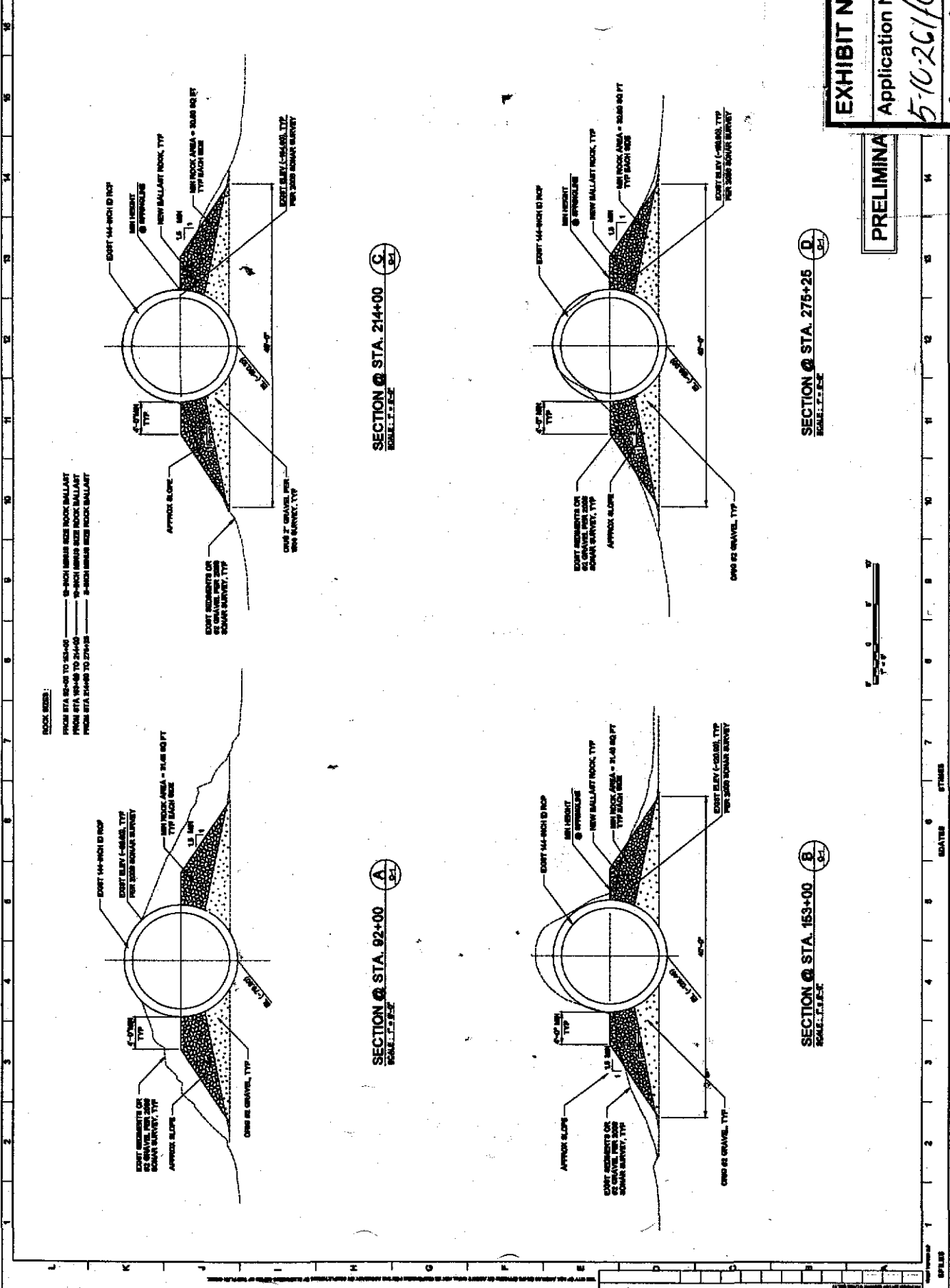


ONE-MILE AND FIVE-MILE OUTFALL PLAN
 SCALE: 1" = 1000'-0"

PRELIMINARY

- NOTES:
 1. COUNTY HAS OBTAINED APPROVAL FROM THE U.S. COAST AND GEODETIC SURVEY FOR THE PROJECT AREA AND THE OUTFALLS. THE PROJECT AREA AND THE OUTFALLS ARE SHOWN ON THE PLAN IN BLACK ON THE ORIGINAL. CONSULTATION SHOULD BE MADE WITH THE U.S. COAST AND GEODETIC SURVEY FOR THE PROJECT AREA AND THE OUTFALLS.
- DATE: NOV. 1963. AND U.S. COAST AND GEODETIC SURVEY.
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 - THE U.S. COAST AND GEODETIC SURVEY HAS PROVIDED COORDINATE DATA FOR THE PROJECT AREA AND THE OUTFALLS. COORDINATE DATA FOR THE PROJECT AREA AND THE OUTFALLS ARE SHOWN ON THE PLAN IN BLACK ON THE ORIGINAL. CONSULTATION SHOULD BE MADE WITH THE U.S. COAST AND GEODETIC SURVEY FOR THE PROJECT AREA AND THE OUTFALLS.
 - DEPT. OF PUBLIC WORKS.

EXHIBIT NO. 4
 Application Number
 5-10-261/CC-058-10
Cross Sections
 California Coastal Commission



PRELIMINA



STATIONING: 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100