CALIFORNIA COASTAL COMMISSION

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W7b

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 Staff:
 M.Stone-LB

 Staff Report:
 6/19/2014

 Hearing Date:
 7/9/2014

STAFF REPORT: CONSENT CALENDAR

Application No.: 5-14-0568

Applicant: City of Los Angeles Department of Public Works

Location: 362 Temescal Canyon Road (App. 550-feet north of Pacific

Coast Highway), Pacific Palisades, City of Los Angeles,

County of Los Angeles.

Project Description: Phase II of the Temescal Canyon Park Stormwater Best

Management Practices Project, involving construction of: 1) approximately 416 square foot treatment building; 2) 120-foot

long, 6" diameter stormwater pipeline from an existing

reservoir to the new treatment building; 3) 2,530-foot long, 8" diameter water distribution line from the new treatment facility to existing Temescal Canyon Park irrigation system; and 4) 10-foot wide access road to the new treatment building

from Temescal Canyon Road.

Staff Recommendation: Approval with conditions

I. MOTION AND RESOLUTION

Motion:

I move that the Commission **approve** the 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 of the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

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

II. STANDARD CONDITIONS:

This permit is granted subject to the following 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 on which the Commission voted on the application. 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 of 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:

This permit is granted subject to the following special conditions:

- 1. **Biological Surveys and Monitoring.** By acceptance of this Coastal Development Permit, the applicant agrees to retain the services of a qualified independent biologist or environmental resource specialist with appropriate avian survey and noise monitoring qualifications acceptable to the Executive Director. The qualified biologist or resource specialist will conduct surveys of trees on and adjacent to the project site (within 300 feet of any construction activities), just prior to any construction activities and once a week upon commencement of construction activities that include grading/dredging or use of other heavy equipment, and that will be carried out between December 1st and September 30th, inclusive. All surveys shall be submitted to the Executive Director of the Coastal Commission. In the event that the surveys identify any sensitive species exhibiting reproductive or nesting behavior on or adjacent to the project site (within 300 feet of any construction activities), the following measures shall be implemented:
 - a) A qualified biologist shall be present at all weekly construction meetings and during all significant construction activities including pile driving, jack hammering (concrete demolition) or other hardscape demolition, to ensure that nesting birds are not disturbed by construction related noise.
 - b) The qualified biologist shall be onsite monitoring birds and noise every day at the beginning of the project during the concentrated heavy equipment use.
 - c) The qualified biologist shall review the 2006 guidance issued by the USFWS for estimating the effects of auditory and visual disturbance to northern spotted owls and marbled murrelets. Should more recent guidance be available from the USFWS on this issue, however, the qualified biologist shall review and rely on the most recent guidance instead of the 2006 version.
 - d) The following list of variables, considered critical by the USFWS, shall be monitored by the qualified biologist assigned to this project: types of sound sources, distances from the sound sources to the birds, level of ambient noise in the environment, levels of anthropogenic (human-generated) noise, sound-modifying features of the environment, visual cues correlated with the noise, and behaviors associated with sound sources including startle movements, changes in foraging or reproductive rituals, interruption feeding young, nest abandonment, etc.

2. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris.

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

- a) No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.
- b) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.
- c) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
- d) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
- e) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- f) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- g) Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.
- h) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
- Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- j) The discharge of any hazardous materials into any receiving waters shall be prohibited.
- k) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials.
 Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related

- petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
- Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs)
 designed to prevent spillage and/or runoff of demolition or construction-related
 materials, and to contain sediment or contaminants associated with demolition or
 construction activity, shall be implemented prior to the on-set of such activity.
- m) All BMPs shall be maintained in a functional condition throughout the duration of construction activity

IV. FINDINGS AND DECLARATIONS:

A. PROJECT DESCRIPTION AND LOCATION

The proposed project is located in the immediate vicinity of Temescal Canyon Park, which is northeast of the Temescal Canyon Road and Pacific Coast highway (PCH) intersection in the Pacific Palisades Community Plan area of the City of Los Angeles (**Exhibit 1**). The proposed improvements would be located along Temescal Canyon Road, and within Temescal Canyon Park, an approximately 36 acre City park that extends over ¾ miles along both sides of Temescal Canyon Road from PCH (**Exhibit 2**). The Park consists of hardscaped and landscaped areas, including playground equipment, shade structures, benches, restroom facilities, and open lawn areas.

The proposed project area is part of the Santa Monica Bay Watershed and consists of a drainage area of approximately 1,600 acres that drains into the existing Los Angeles County Storm Drain in Temescal Canyon Road, which ultimately drains to the Santa Monica Bay via an outlet located at the end of Temescal Canyon Road at Will Rogers State Beach. Urban runoff draining for this tributary area contains numerous pollutants, such as bacteria, oil and grease, suspended solids, metals, and other pollutants, with the potential to degrade water quality and contribute to frequent exceedences of beach water quality standards that cause a significant number of beach closure days.

The City of Los Angeles is proposing Phase II of the Temescal Canyon Park Stormwater Best Management Practices Project that will consist of the construction of an approximately 416 square foot treatment building; 120-foot long, 6 inch diameter stormwater pipeline from an existing underground reservoir to the new 416 square foot treatment building; 2,530-foot long, 8 inch diameter water distribution line from treatment facility to existing Temescal Canyon Park irrigation system; and a 10-foot wide access road to the treatment building from Temescal Canyon Road.

The purpose of Phase II is to implement on-site stormwater disinfection and beneficial reuse of water for irrigation of Temescal Canyon Park, thereby promoting water conservation. The 416 square foot treatment building will include a booster pump; self-cleaning 200 micron filter; 330 gallon sodium-hypochlorite double-contained tank or a tablet chlorinator. The storm water disinfection process will consist of: the pumping of water from the existing raw water storage tank (Phase I) through an in-line filter and then injecting chlorine before the water enters the treated water storage tank. The treated water will be pumped down for each irrigation event at Temescal Canyon Park. The resulting processed water will be in conformance with the Tier III Standards as

found in the *Guidelines for Harvesting Rainwater, Stormwater, and Urban Runoff for Outdoor Non-Potable Uses* as prepared by the Los Angeles County Department of Public Health, Environmental Health Division (September 2011).

The treatment building will be located in the southeast corner of the park behind the existing 330 square foot restroom facility. The ridgeline, hillside, and trees all screen the treatment building from views from Pacific Coast Highway and the entrance to Will Rodgers State Beach. As located, the proposed building will not have a significant visual impact within the park and will not interfere with recreational space within the park. In addition, there will be a temporary loss of park area during construction of the project. The construction site is estimated to be about 4.06 acres, which represents approximately 10.6 percent of the total park area, however, once construction is complete there will only be a permanent loss of park area of 416 square feet, which represents 0.025 percent of the total park area. Again, no adverse impacts to public access or recreational opportunities are expected.

The proposed development, as indicated in the project plans, will remove an Aleppo Pine, Pear, Pine, Stone Pine, and Sycamore tree (Exhibits 5 and 6). There will be no other impacts to any of the other trees in the area. The nesting season varies depending on the species, but is generally February 15th through August 15th for most birds and January 31st through September 1st for raptors. Accordingly, prior to commencement of construction, a nesting bird survey shall be conducted to identify and protect any sensitive species found to be nesting in the trees in the vicinity of the project site. To ensure that the proposed project will not impact any potential nesting **Special Condition No. 1** is added to require biological surveys prior to start of construction and monitoring if construction takes place during the nesting season (December 1st through September 30th).

Best Management Practices (BMPs) will be implemented for the construction and operation of Phase II, and will be detailed in a *Stormwater Pollution Prevention Plan* (SWPPP), which will be in compliance with the latest *National Pollutant Discharge Elimination System Stormwater Regulations* (NPDES). BMPs include, but may not be limited to: good housekeeping activities; preventative maintenance; spill response; material handling and storage; employee training; waste handling/waste recycling; and erosion control and site stabilization. **Special Condition No. 2** ensures that the applicant complies with Best Management Practices during construction.

At the time of the adoption of the Initial Study and Mitigated Negative Declaration for the Temescal Canyon Park Stormwater Best Management Practices Project, Phase II was conceptual in nature. The potential impacts of Phase II was considered within the Initial Study, however, additional CEQA review of Phase II was required prior to Phase II final design. On May 6, 2013 it was determined that Phase II was in conformance with the Temescal Canyon Park Stormwater Best Management Practices Project Mitigated Negative Declaration. No new significant environmental effects or increase in severity of environmental effects that were previously identified under the provisions of CEQA Guidelines were found for Phase II.

Phase I of the Temescal Canyon Stormwater Best Management Practices project was approved by the Commission in February 2011, and included construction of an underground 24 foot deep by 14 foot long by 14 foot wide stormwater diversion structure; dry-weather return diversion structure; hydrodynamic separator; an approximately 1.25 million gallon stormwater detention tank; installation of two 6 foot long by 2 foot wide by 6 foot high above ground electrical cabinets;

demolition of an existing restroom facility and construction of a new 330 square foot Americans with Disabilities Act (ADA) compliant restroom facility; replacement of playground equipment; and restoration of the site.

The proposed Temescal Canyon Park Stormwater Best Management Practices project will result in improved water quality and will support the City's efforts to comply with current and future stormwater regulations for Santa Monica Bay beaches, including the Santa Monica Bay Beaches Wet Weather Bacteria Total maximum Daily Load (TMDL). The TMDL, adopted by the Los Angeles Regional Water Quality Control Board (RWQCB) includes a number of interim compliance goals that began in the fall of 2009. To improve water quality and address these compliance needs, the City implemented several projects to reduce the amount of bacteria-laden stormwater runoff that drains into Santa Monica Bay. The proposed Temescal Canyon Park Stormwater Best Management Practices Project is one of these projects. The proposed project focuses on TMDL compliance by diverting portions of the wet-weather flow from the storm drain in Temescal Canyon Road through a diversion pipe to a system that would screen trash, sediment, and oil and grease, and then go to an underground stormwater detention tank (approximately 1.25 million gallons capacity). Stormwater stored in the tank would be held for approximately seventy-two hours following a storm event, and then pumped at a controlled rate from the tank into a force main and ultimately to the Hyperion Treatment Plant.

B. BIOLOGICAL RESOURCES

The proposed development will have no significant adverse impact on adjacent habitat, recreation areas, or parks. Therefore, the Commission finds that the project conforms with Section 30240(b) of the Coastal Act.

C. WATER QUALITY

The proposed work will be occurring in a location where there is a potential for a discharge of polluted runoff from the project site into coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be carried into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction and post construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters and for the use of ongoing best management practices following construction. As conditioned, the Commission finds that the development conforms with Sections 30230 and 32031 of the Coastal Act.

D. VISUAL RESOURCES

The project site is located approximately 850' north of the centerline of Pacific Coast Highway, and approximately 250' east of the centerline of Temescal Canyon Road. Views to and from the ocean near the project site are limited to areas adjacent to Temescal Canyon Road. Accordingly, no adverse impacts to visual resources are expected. Thus, the proposed development is consistent with Section 30251 of the Coastal Act.

E. PUBLIC ACCESS

The proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

F. RECREATION

The proposed development, as submitted, does not interfere with public recreational use of coastal resources and conforms with Sections 30210 through 30214 and Sections 30220 through 30223 of the Coastal Act regarding the promotion of public recreational opportunities.

G. DEVELOPMENT

The development is located within an existing developed area and is compatible with the character and scale of the surrounding area. However, the proposed project raises concerns that future development of the project site potentially may result in a development which is not consistent with the Chapter 3 policies of the Coastal Act. To assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission finds that a future improvements special condition must be imposed. As conditioned the development conforms with the Chapter 3 policies of the Coastal Act.

H. 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 Pacific Palisades area of the City of Los Angeles has neither a certified LCP nor a certified Land Use Plan. As conditioned, the proposed development will be consistent with Chapter 3 of the Coastal Act. Approval of the project 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 of the Coastal Act.

I. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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

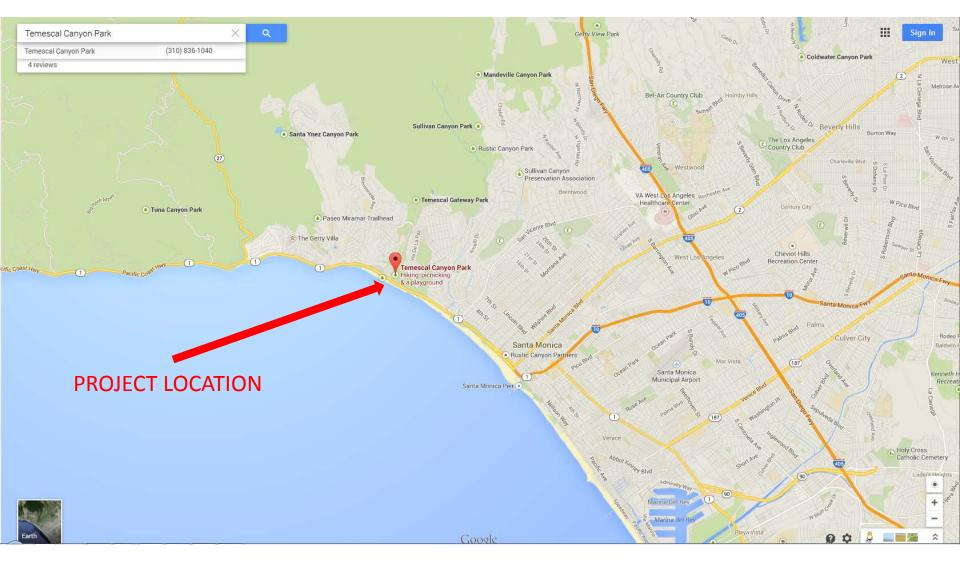
As conditioned, there are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

Therefore, the proposed project is found to be consistent with CEQA and the policies of the Coastal Act.

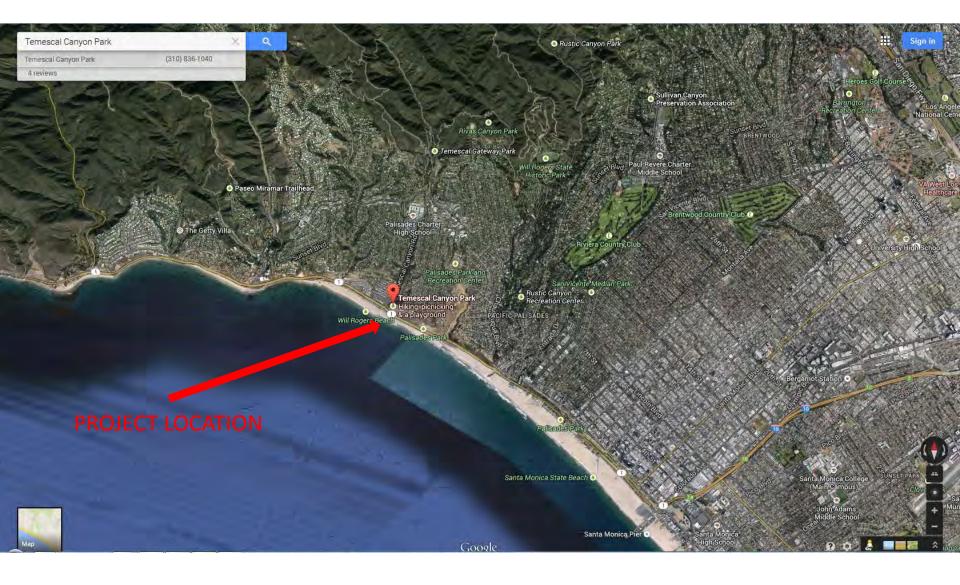
APPENDIX A

Substantive File Documents: Coastal Development Permit Application File No. 5-14-0568; Final Mitigated Negative Declaration Temescal Canyon Park Stormwater Best Management Practices (BMP) Project (2009); Limited Geotechnical Evaluation Sewer Pipeline Rehabilitation Temescal Canyon Road and Pacific Coast Highway, Los Angeles, California, by Ninyo and Moore (2008); Reevaluation of the Mitigated Negative Declaration for the Temescal Canyon Park Stormwater Best Management Practices Project; Updated Geotechnical Report Temescal Canyon Park Stormwater BMP Project – Phase 2, by Ninyo and Moore, April 25, 2014.

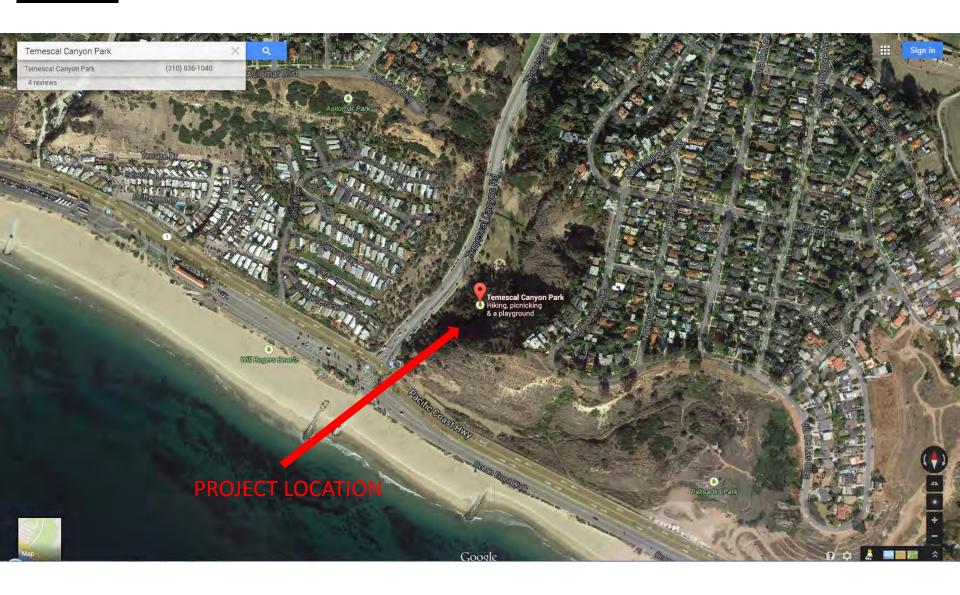


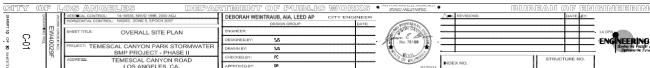






EXHIBIT# 2
Aerial Photograph
2 of 2
Application Number:
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California Coastal
Commission





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