

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: REGULAR CALENDAR

Application Number:	5-15-0810
Applicant:	City of Los Angeles (Dept. of Public Works)
Agents:	Dr. Jan Green Rebstock and Jim Kennedy
Location:	Area beneath Hurricane Street, Marquesas Way, Via Marina, Pacific Ave, Culver Boulevard, Vista del Mar, and Marina del Rey Channel, City of Los Angeles and Los Angeles County.
Project Description:	Construct 54-inch diameter force main sewer approximately two miles in length.
Staff Recommendation:	Approval with Conditions.

SUMMARY OF STAFF RECOMMENDATION

The City of Los Angeles, Department of Public Works ("City") proposes to construct an approximately two mile long force main sewer under portions of Venice, Marina del Rey, and Playa del Rey. The new 54-inch line would be constructed mostly using the micro-tunneling (boring) method with the cut-and-cover construction method used along approximately 900 feet of Vista del Mar in Playa del Rey. Potential impacts of the proposed project are construction related; operation of the force main sewer will not impact public access or coastal resources.

Construction staging will have temporary impacts on public access to the coast because it will require the temporary closure of a portion of Los Angeles County Parking Lot 13 along Via Marina, the temporary closure of two County-operated public parking lots on either side of the 62nd Ave/Pacific Ave intersection, the temporary closure of up to 26 street parking spaces at a time, and temporary lane closures on several streets in the City and County of Los Angeles. The project EIR indicated that the proposed alignment was the only option that allowed through traffic at all times and maintained access to all driveways of residences and businesses.

Another Coastal Act issue is potential adverse impacts to marine resources and biological productivity, which the applicant indicates will be minimized through the construction of the new force main sewer in the proposed alignment under City and County streets inland of Venice Beach, Dockweiler Beach, and the Pacific Ocean. The new force main sewer will allow the existing 54-year-old force main sewer under Dockweiler Beach to be repaired and used as a redundancy (back-up) during rare events when excess stormwater is discharged into the sewer system, and when the new sewer needs to be maintained and repaired. Once the new force main sewer is constructed, the risk of a spill onto the beach or into coastal waters will be substantially reduced. Finally, during construction there will be temporary impacts to trees which may provide habitat for birds. To address these concerns, the City included mitigation measures in the project description to minimize closures of public streets and public parking areas during construction, proposed a robust set of construction and post-construction best management practices to minimize the risk of a spill, and agreed to survey any trees within the construction area for nesting birds and replace any trees removed during construction at a two-to-one ratio.

To ensure conformance with the Chapter 3 policies of the Coastal Act, Commission staff recommends special conditions intended to maintain and enhance coastal resources and biological productivity. The special conditions would require the City to: 1) undertake development in accordance with the approved permit; 2) conduct a biological survey of the trees within 300 feet of the project site and avoid impacts to nesting birds; 3) replace any trees removed during construction at a two-to-one ratio; 4) implement construction best management practices; 5) avoid impacts to cultural resources; 6) comply with the requirements of the resource agencies; 7) assume the risks of the development; and 8) assume liability for the Commission's costs and attorney's fees.

Commission staff therefore recommends that the Commission **approve** Coastal Development Permit 5-15-0810, as conditioned.

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EXHIBITS

Exhibit 1 – Vicinity Map

Exhibit 2 – Project Plans

Exhibit 3 – Construction Staging in Public Parking Lots

Exhibit 4 – Alternative Sewer Alignments and Location of Cultural Site

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 5-15-0810 subject to the conditions set forth in the staff recommendation.*

Staff recommends a **YES** vote of the foregoing motion. Passage of this motion will result in conditional approval of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby approves Coastal Development Permit No. 5-15-0810 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 will 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 applicant 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 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 applicant 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. **Approved Development.** Coastal Development Permit No. 5-15-0810 only authorizes the development expressly described and conditioned herein. The applicant shall undertake development in accordance with the approved coastal development permit. Any proposed changes to the development, including any change to the sequence of construction, shall be reported to the Executive Director. No changes to the approved development shall occur without a Commission-approved amendment to this coastal development permit or a new coastal development permit unless the Executive Director determines that no amendment or new permit is required.
2. **Construction and Noise Level Restrictions.** By acceptance of this permit, the applicant agrees to retain the services of a qualified biologist, or an environmental resources specialist with appropriate qualifications acceptable to the Executive Director, to conduct a biological survey of the trees and habitat areas in each of the locations where physical impacts to trees or habitat, or noise impacts to nesting birds, may occur, including but not limited to the jacking sites, the receiving sites, the area where open trench tunneling is implemented, and the construction staging areas. Prior to (but within seven days of) commencement of any demolition or construction activities between February 15 and August 31, the biologist or environmental resources specialist shall conduct a breeding behavior and nesting survey for birds protected by the United States Fish and Wildlife Service, California Department of Fish and Wildlife, the Migratory Bird Treaty Act, and California species of special concern within 300 feet of all construction sites referenced above. The biologist or environmental resources specialist shall continue to monitor the area around all active construction sites a minimum of once per week during bird nesting season (February 15 to August 31).

If any occupied nests of any species identified in the categories above are discovered, the trees shall be preserved and construction activities within 300 feet of the nests shall be monitored to ensure that noise levels do not exceed 65 dB peak within 300 feet of the nests until the nests are vacated, juveniles have fledged, and there is no evidence of subsequent attempts at nesting. The applicant shall implement a larger buffer from the nest area if the biologist or environmental resources specialist recommends a larger buffer.

The applicant shall implement construction noise reduction measures such as sound shields made from plywood or sound-board, or molded sound shields to minimize noise to the maximum extent feasible. Bright upward shining lights shall not be used during construction. Construction employees shall not bring pets (e.g. dogs and cats) to the construction site.

3. **Replacement of Trees Removed During Construction.** The applicant shall carry out the approved development in a manner which preserves existing trees to the maximum extent feasible. The applicant has indicated that five existing trees are proposed to be removed during the course of construction. In order to minimize impacts to biological productivity, the applicant shall:
 - A. Instruct project contractors to implement staging and construction activities to avoid removal of existing trees, including the five trees proposed to be removed if feasible.
 - B. If all trees cannot feasibly be protected in place, all trees which are removed shall be replaced at a two-to-one ratio, within 500 feet of the location where the trees are removed. With the exception of three *Pinus pinea* (Italian stone pine) which may be replaced like-for-like at the location where they are removed, all replacement trees shall be drought tolerant, non-invasive species native to Southern California.
 - C. Submit a report following construction activities, subject to the review and approval of the Executive Director, indicating the location and species of all trees removed during construction and the location and species of all replacement trees planted.
4. **Water Quality.** In order to minimize adverse environmental impacts and the unpermitted deposition, spill or discharge of any liquid or solid into the sea, the applicant shall implement the following construction-related and operational best management practices:
 - A. Machinery or construction materials are prohibited at all times in the subtidal and intertidal zones.
 - B. Staging and storage of construction machinery and storage of debris shall not take place on any sandy beach.
 - C. Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material.
 - D. Netting, sandbags, tarps and/or other forms of barriers shall be installed between the shoreline and work areas and equipment storage areas to prevent any unpermitted material from entering the sea.
 - E. 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 the waters of the sea. Stockpiled fill shall be stabilized with geofabric covers or other appropriate cover.
 - F. Spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner.
 - G. Construction vehicles operating at the project site shall be inspected daily to ensure there are no leaking fluids. If there are leaking fluids, construction vehicles shall be serviced immediately. Equipment and machinery shall be serviced, maintained, and washed only in confined areas specifically designed to control runoff and prevent discharges into the sea. Thinners, oils or solvents shall not be discharged into sanitary or storm sewer systems.

- H. All floatable debris and trash generated by construction activities within the project area shall be disposed of as soon as possible or at the end of each day.
- I. All grading and excavation areas shall be properly covered and sandbags and/or ditches shall be used to prevent runoff from leaving the site, and measures to control erosion must be implemented at the end of each day's work.
- J. In the event that lead-contaminated soils or other toxins or contaminated material are discovered on the site, such matter shall be stockpiled and transported off-site only in accordance with Department of Toxic Substances Control rules and/or Regional Water Quality Control Board regulations.
- K. At the end of the construction period, the applicant shall inspect the project area and ensure that all debris, trimmings, trash, and construction materials have been removed from the area and taken to an appropriate location.

The applicant shall include the requirements of this condition on all plans and contracts issued for the project. The applicant shall implement and carry out the project staging and construction plan during all staging and construction activities.

5. **Cultural Resources.** The applicant shall prepare an archeological and paleontological monitoring plan that shall incorporate the following measures and procedures:

- A. The monitoring plan shall ensure that any prehistoric or historic archaeological or paleontological cultural resources that are present on the site and could be impacted by the approved development will be identified so that a plan for their protection can be developed. To this end, the cultural resources monitoring plan shall require that archaeological and Native American monitors be present during all grading operations unless the applicant submits evidence, subject to the review and approval of the Executive Director, that a more complete survey of cultural resources adjacent to and within a one-half mile radius of the project site finds no cultural resources. If cultural resources are found adjacent to, or within a one-half mile radius of the project site, the applicant may choose to prepare a subsurface cultural resources testing plan, subject to the review and approval of the Executive Director, in-lieu of proceeding with development with the presence of archaeological and Native American monitors on the site during grading activities. If the subsurface cultural resources testing plan results in the discovery of cultural resources, the applicant shall prepare a mitigation plan, which shall be peer reviewed and reviewed by the appropriate Native American tribe, and shall apply for an amendment to this permit in order to carry out the mitigation plan.

There shall be at least one pre-grading conference with the project manager and grading contractor at the project site in order to discuss the potential for the discovery of archaeological or paleontological resources.

- B. Archaeological monitor(s) qualified by the California Office of Historic Preservation (OHP) standards, Native American monitor(s) with documented ancestral ties to the area appointed consistent with the standards of the Native American Heritage Commission (NAHC), and the Native American most likely descendent (MLD) when State Law mandates identification of a MLD, shall monitor all project grading, if required in the approved cultural resources monitoring plan required above.
 - C. If required by the above cultural resources monitoring plan to have archeological and Native American monitors present during grading activities, the applicant shall provide sufficient archeological and Native American monitors to assure that all project grading that has any potential to uncover or otherwise disturb cultural deposits is monitored at all times;
 - D. If any archaeological or paleontological, i.e. cultural deposits, are discovered, including but not limited to skeletal remains and grave-related artifacts, artifacts of traditional cultural, religious or spiritual sites, or any other artifacts, all construction shall cease within at least 50 feet of the discovery, and the applicant shall carry out significance testing of said deposits in accordance with the "Cultural Resources Significance Testing Plan Procedures". The applicant shall report all significance testing results and analysis to the Executive Director for a determination of whether the findings are significant.
 - E. If the Executive Director determines that the findings are significant, the applicant shall seek an amendment from the Commission to determine how to respond to the findings and to protect both those and any further, cultural deposits that are encountered. Development within 50 feet of the discovery shall not recommence until an amendment is approved, and then only in compliance with the provisions of such amendment.
6. **Conformance with the Requirements of Other Agencies.** The applicant shall comply with all permit requirements and mitigation measures of the California Department of Fish and Wildlife, the Regional Water Quality Control Board, the U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and the marine environment. Any changes to the approved project which are 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.
7. **Assumption of Risk, Waiver of Liability and Indemnity Agreement.** By acceptance of this permit, the applicant, on behalf of a) itself; b) its successors and assigns, and c) any other holder of the possessory interest in the development authorized by this permit, acknowledges and agrees: i) that the site may be subject to hazards from waves, flooding, earthquakes, and other unforeseen events; ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury

or damage from such hazards; iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; and v) to agree to include a provision in any subsequent sublease or assignment of the development authorized by this permit requiring the sublessee or assignee to submit a written agreement to the Commission, for the review and approval of the Executive Director, incorporating all of the foregoing restrictions identified in i through v.

8. **Liability for Costs and Attorney's Fees.** By acceptance of this permit, the applicant agrees to reimburse the Coastal Commission in full for all Coastal Commission costs and attorney's fees – including (1) those charged by the Office of the Attorney General, and (2) any court costs and attorney's fees that the Coastal Commission may be required by a court to pay – that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the applicant against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this permit. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.

IV. DUAL PERMIT JURISDICTION AREA

Within the areas specified in Section 30601 of the Coastal Act, which is known in the City of Los Angeles permit program as the *Dual Permit Jurisdiction* area, the Coastal Act requires that any development which receives a local coastal development permit also obtain a second (or "dual") coastal development permit from the Coastal Commission. For projects located inland of the areas identified in Section 30601 (i.e., projects in the *Single Permit Jurisdiction* area), the City of Los Angeles local coastal development permit is the only coastal development permit required.

The proposed project site is located partially within the County of Los Angeles permit jurisdiction in the certified area of Marina del Rey, partially within the Commission's area of original jurisdiction under the Marina del Rey Channel, and partially within the *Dual Permit Jurisdiction* area in the City of Los Angeles. On February 12, 2015, Los Angeles County Regional Planning Commission approved Coastal Development Permit No. 201400003 for the portion of the project within its jurisdiction. On May 8, 2015, the City of Los Angeles Board of Public Works denied a local appeal and completed the City's final local action to approve Coastal Development Permit No. 10-04 for the portion of the project within the *Dual Permit Jurisdiction* area. The scope of the Commission's review of the proposed project is the area within its original jurisdiction and the *Dual Permit Jurisdiction* area where a permit from the Commission is required to compliment the local coastal development permit issued by the City of Los Angeles. Chapter 3 of the Coastal Act is the standard of review.

V. FINDINGS AND DECLARATIONS

A. PROJECT LOCATION AND DESCRIPTION

The proposed project is the construction of a new 54-inch diameter force main sewer extending underground approximately two miles in length from the existing Venice Pumping Plant (at 140 Hurricane Street) to a junction structure with an existing sewer in Playa del Rey on Vista del Mar near Waterview Street (**Exhibit 1** and **Exhibit 2**). Wastewater that is conveyed by the Venice Pumping Plant originates from coastal areas to the north and east, including the Marina del Rey community within the County of Los Angeles. From the Venice Pumping Plant, the force main sewer would proceed east under the Grand Canal along Marquesas Way, then southeasterly on Via Marina to a portion of Los Angeles County Parking Lot 13, and then under the Marina del Rey and Ballona Creek channels to a point on the south side of Ballona Creek at Pacific Avenue. From there, the sewer would continue south along Pacific Avenue and Vista del Mar to connect to an existing underground junction structure at the North Outfall Sewer (NOS) on Vista del Mar near Waterview Street. That junction structure routes flows to both the NOS and the Coastal Interceptor Sewer. The new 54-inch line would be constructed using the micro-tunneling (boring) method along 90% of its length, with the cut-and-cover construction method used along approximately 900 feet of Vista del Mar from the vicinity of Surf Street southeast to the junction structure at the NOS.

Small-Diameter Micro-Tunneling (Boring)

Boring is a trenchless construction method which utilizes hydraulic jacks to push pipes through the ground behind a remotely operated tunnel boring machine (TBM). Unlike conventional trenching techniques that require excavation for the entire length of pipeline, excavation for tunneling is limited to the endpoints of each reach at designated launching (jacking) and receiving pits. The launching pit contains the hydraulic jacks used to push the pipes, and the receiving pit is used to recover the TBM at the end of each drive or reach.

The tunnel face is coated with a thick liquid (“slurry”), which is a mixture of the excavated soil (“muck”) and bentonite (a natural clay mineral). Keeping the slurry pressurized in a closed chamber behind the cutter-head of the TBM prevents groundwater and excess soil material from entering the TBM. This process also minimizes tunneling-induced ground settlements and associated damage to existing utilities and buildings along the tunnel alignment. A mixture of the excavated muck and slurry is pumped from the TBM to a slurry-processing plant on the surface, where soil particles are extracted from the slurry with vibrating screens and cyclones (air separators). The extracted soil is hauled away for disposal off-site, and the cleaned slurry is pumped (recycled) back to the TBM. The slurry-processing plant, remote control cabin for operating the TBM, as well as cranes and other construction equipment, are located near the jacking pit within a secured construction zone.

The equipment setup is site specific, depending on available space. The jacking pipe, which is made of reinforced concrete or steel, serves as a temporary tunnel liner. Upon completion of the tunnel reach, the carrier pipe will be inserted and the annular space between it and the jacking pipe will be filled with grout.

Each construction site will be enclosed with concrete k-rail and occupied with construction equipment or personnel continuously from the time the pit is excavated to the time that the pit is completed. Traffic lanes will not be re-opened during periods when construction shaft sites may be inactive but construction in the area has not been completed. However, construction shall be phased so that traffic controls are not required along the entire alignment at the same time. Jacking sites would be at least 30 feet wide (to accommodate a pit with a minimum pit length dimension of 20 feet and room for equipment movement) and an area of 10,000 to 12,000 square feet. Receiving sites would be at least 25 feet wide (to accommodate a pit with a minimum pit dimension of 15 feet and room for equipment movement) and an area of 5,000 square feet. See **Exhibit 2** for the location of shaft sites and portions of the project that will be constructed using micro-tunneling.

Cut-and-Cover Construction

Cut-and-cover construction is a very common method of linear pipeline construction and replacement. The contractor would not start work in all areas on a cut-and-cover site at the same time, but rather would proceed with finishing and restoring relatively short segments. Underground utilities that conflict with the construction would be temporarily relocated or supported as necessary. The 54-inch pipe would be placed on a 1-foot gravel bed on top of a 1-foot concrete mud slab placed at the bottom of an approximately 8-foot wide and 15-foot deep trench. A shoring-installation crew would get a head-start driving sheet piles approximately 200 to 300 feet in front of the pipeline crew. The latter would excavate approximately 80 feet of trench every day and pour the concrete mud slab. The next day, 80 feet of pipe would then be installed and backfilled. This approach would yield an effective production rate of about 40 feet of completed pipe installation per day. Subsequent to pipe installation, a third crew would extract shoring, restore curbs and utilities, and repave about 600 feet of roadway every three weeks. With this approach, major construction activities could be limited to within relatively short segments at any given time. This scenario is only proposed for an approximately 900-foot area on Vista del Mar from Surf Street southeast to the junction structure of the NOS (**Exhibit 2**).

Existing Force Main Sewer

The Venice Pumping Plant's existing 48-inch-diameter force main sewer, built under Dockweiler Beach in 1958, is a force main (pressurized pipeline) that conveys the plant's wastewater flows to the Hyperion Treatment Plant. The existing force main sewer can handle approximately 60% of the flows that could otherwise be pumped through the Venice Pumping Plant when all five of its pumps are running at full capacity (such as during peak wet weather flows). When flows into the pumping plant exceed flows out of the plant, there is a risk of wastewater overflowing into Grand Canal and Ballona Lagoon, which are both designated as Environmentally Sensitive Habitat Areas (ESHA).

The new force main sewer would be capable of operation in tandem with the existing 54-year old force main sewer located under Dockweiler Beach. Upon completion of the new force main sewer, the existing pipe will undergo repairs and will only be used during periods of heavy rain or when the new sewer is temporarily out of service due to repair and maintenance.

Extent of Project Construction

Construction of the project would occur in and along various streets and parking lots in the project area. Eleven micro-tunneling pits would be placed along the alignment, including Hurricane Street, Marquesas Way, Via Marina, Pacific Avenue, Culver Boulevard, and Vista Del Mar. Cut-and-cover construction would occur along Vista Del Mar. In addition, staging areas would be located in public parking lots operated by the County of Los Angeles: County Lot 13 and two County-operated public parking lots on either side of the 62nd Ave/Pacific Ave intersection (**Exhibit 3**).

The City plans to begin construction in late 2016 and construction may last up to three years, although it will be completed in phases and the majority of the development will be 40 to 65-feet below the surface of City and County streets. The tunnel under Grand Canal will be 23 feet below sea level and 19 feet below the bottom of the canal. The tunnel under the Marina del Rey Channel will be 45 feet below sea level and 22 feet below the bottom of the channel. The tunnel under Ballona Creek will be 45 feet below sea level and 34 feet below the bottom of the creek.

For more detailed information, see **Exhibit 2** for the full proposed alignment of the force main sewer. Full plans and the permit file are available in the Commission's South Coast District Office and additional documents and exhibits are on the City's website:
<http://eng.lacity.org/projects/vpp/>.

B. PROJECT HISTORY

The City of Los Angeles proposed the project in 2005 as a matter of public safety, in order to provide a redundancy (back-up) sewer pipe and allow for repairs and maintenance to the existing pipe under Dockweiler Beach, which has not been repaired or manually inspected for 54 years. The proposed project has been presented to the public at numerous meetings and the City set up a special webpage for the project. Residents and property owners within 500 feet of the proposed alignment have been notified by mail and additional notices have been published in local newspapers.

The City circulated a Notice of Preparation of Draft Environmental Impact Report (EIR) on May 2, 2005. Commission staff commented on the Notice of Preparation, encouraging the City to choose a route that avoided the beach and minimized disruption of public access to the coast. Staff also cited concerns related to sea level rise, coastal erosion, and least tern nesting areas. Representatives of the Los Angeles Regional Water Quality Control Board, U.S. Environmental Protection Agency, Santa Monica Bay Restoration Commission, Santa Monica Baykeeper and the Department of Public Works Bureau of Sanitation also supported a more inland alignment of the force main sewer because of concerns of a potential spill on the beach. The City published a Draft EIR on December 20, 2005. The City received comments and held a public hearing on the Draft EIR on February 23, 2006. The City published a Final EIR in December 2007 and the City Council certified the EIR on January 12, 2010.

In February 2010 the County of Los Angeles sued the City of Los Angeles to halt the project. The County asserted that the City did not have the legal right to construct a sewer within a County street without the County's permission when another equally feasible alternative that is entirely within City boundaries is available, and that the City's approval of the project violated

the California Environmental Quality Act. The County claimed that a route under Pacific Avenue (analyzed in the EIR) was the superior alignment. The trial court initially ruled in favor of the County, but the City appealed and in March 2013 the Court of Appeals reversed the trial court's ruling and remanded the case to the trial court for further proceedings. On remand, the trial court entered judgment in February 2014, permitting the proposed project to go forward, subject to the City's requirement to obtain construction and coastal development permits from the County.

On February 12, 2015, the Los Angeles County Regional Planning Commission approved Coastal Development Permit No. 201400003 for the portion of the project within its jurisdiction. On May 8, 2015, the City of Los Angeles Board of Public Works denied a local appeal and completed the City's final local action to approve Coastal Development Permit No. 10-04 for the portion of the project within the *Dual Permit Jurisdiction* area in Venice and Playa del Rey. The subject coastal development permit application was submitted to the Commission on June 17, 2015 and filed August 30, 2015.

The City has secured or is in the process of securing from Los Angeles County: geotechnical/grading/hauling permits, a road permit, a construction encroachment permit, a flood permit, and a right of entry permit. The City received permits from the Army Corps of Engineers on March 23, 2015 and April 1, 2015. The City consulted with the Regional Water Quality Control Board and the California Department of Fish and Wildlife and determined that permits were not required. **Special Condition 6** requires that any changes to the approved project which are required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed changes shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

C. PUBLIC ACCESS

Coastal Act section 30210 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.

Coastal Act section 30211 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.

Coastal Act section 30212 states, in relevant part:

*(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:
(2) adequate access exists nearby*

Construction activities will cause temporary impacts to public access within the immediate and surrounding vicinity of the project alignment. Traffic circulation will be constrained but maintained during construction activities. All three alternatives identified in the EIR for the project would have traffic impacts, but the chosen route (including the portion along Via Marina which Los Angeles County objected to) was the only option that allowed through traffic at all times and maintained access to all driveways of residences and businesses. With the narrower Pacific Avenue alignment alternative, some private driveways would have been blocked, full closure of two intersections would have occurred, and extensive detours would have been required, adversely affecting school buses and public transit. The alternative to tunnel under portions of public beaches would have required partial closures of the beaches and beach parking lots, which would have had adverse impacts on public beach access and public recreation. The proposed alignment and associated construction activities require partial lane closures on Hurricane Street and Marquesas Way in the Venice community, Via Marina in Los Angeles County, and Pacific Avenue, Culver Boulevard, and Vista Del Mar in Playa del Rey (**Exhibit 2**). One lane of access in each direction will remain unobstructed at all times.

Up to 11 parking spaces on Hurricane Street, 19 parking spaces on Pacific Avenue, and 39 parking spaces on Vista del Mar will be temporarily restricted during construction, although not all at the same time. Temporary parking reductions at Los Angeles County Parking Lot 13 will occur due to construction staging activities, but 73 of the 136 spaces will remain available for public use at all times (**Exhibit 3**). At the parking lots on either side of the 62nd Ave/Pacific Ave intersection, 44 parking spaces will be closed off during construction, but three other public parking lots around Del rey Lagoon within 1,000 feet of the impacted parking lots and Dockweiler Beach will not be impacted by construction and will continue to provide public access to the coast, consistent with Coastal Act Sections 30210 and 30211.

Pedestrian and bicycle access to and along the coast will be maintained, although alternative routes may be identified by signage. Five public transit stops will be relocated within ¼ mile of their original locations.

Because the proposed development is the least damaging environmental alternative, because it impacts existing streets and public parking resources to the minimum extent necessary to carry out the development, and because public access to the coast will be available nearby throughout construction, the proposed development is consistent with Coastal Act Section 30212. In conclusion, the Commission finds that as proposed by the applicant to minimize impacts to public access, the proposed project is consistent with the public access and recreation policies of Chapter 3 of the Coastal Act.

D. MARINE RESOURCES AND BIOLOGICAL PRODUCTIVITY

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.

Section 30240(b) of the Coastal Act states:

(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 those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Section 30250(a) of the Coastal Act states:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

The Coastal Act contains policies that address development in or near coastal waters. The proposed project is located near coastal waters of the Pacific Ocean. No work is proposed in the water. The tunnel under Grand Canal will be 23 feet below sea level and 19 feet below the bottom of the canal. The tunnel under the Marina del Rey Channel will be 45 feet below sea level and 22 feet below the bottom of the channel. The tunnel under Ballona Creek will be 45 feet below sea level and 34 feet below the bottom of the creek. Sections 30230 and 30231 of the Coastal Act require the protection of biological productivity, public recreation, and marine resources. The permit is conditioned to protect these marine resources.

The primary objective of the project is to eliminate the risk of a spill of the aging sewer pipeline under Dockweiler Beach, which has not been repaired or manually inspected in 54 years. The proposed installation of a new sewer pipeline and the retention of the existing sewer pipeline as a redundancy measure subject to use during repairs or high flow events will decrease the risk of a sewage leak onto the beach or into coastal waters.

Due to the project's location near coastal waters, it is necessary to ensure that construction activities will be carried out in a manner that will not adversely affect water quality or marine resources. The potential adverse impacts to water quality and marine resources include discharges of contaminated runoff and sedimentation during construction. The applicant has proposed a list of best management practices for the repairs and abandonments and for excavation and stabilization of the tunnel. In order to prevent adverse impacts to marine resources and biological productivity, the Commission imposes **Special Condition 4**, which requires the applicant to implement construction best management practices.

Section 30250(a) requires that new development shall be located where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In this case, the applicant has indicated that construction activities will require the removal of five existing trees in the vicinity of Los Angeles County Parking Lot 13. Three of the trees are *Pinus pinea* (Italian stone pine) and two of the trees are *Melaleuca quinquenervia* (paper bark), which the applicant has indicated will be re-planted in the same location like-for-like based on a special condition of Los Angeles County's coastal development permit. Because the trees subject to removal are mature trees and the proposed replacement trees are saplings (48-inch box trees), the applicant's original proposal would not fully mitigate impacts to trees and the biological productivity they support. The Commission therefore imposes **Special Condition 3** requiring the applicant to implement staging and construction activities to avoid removal of existing trees, including the five trees proposed to be removed if feasible, and to replace all trees which are removed at a two-to-one ratio, within 500 feet of the location where the trees are removed. With the exception of three *Pinus pinea* (Italian stone pine) which may be replaced like-for-like at the location where they are removed, all replacement trees shall be drought tolerant, non-invasive species native to Southern California. The applicant has agreed to plant an additional five drought tolerant, non-invasive trees native to Southern California in the vicinity of the parking lot, subject to consultation with the County and the Executive Director.

The five trees in the parking lot subject to removal are not known to support nesting birds and the parking lot is not in an environmentally sensitive habitat area. However, in order to ensure that the proposed project will not have significant adverse effects on coastal resources in that area, including impacts to nesting birds consistent with section 30250(a), and in the portion of the project adjacent to environmentally sensitive habitat areas (including the Grand Canal and Ballona Lagoon) consistent with Coastal Act Sections 30250(a) and 30240 (b), the Commission imposes **Special Condition 2**. The condition requires the applicant to conduct a biological survey of the trees and habitat areas in each of the locations where physical impacts to trees or habitat or noise impacts to nesting birds may occur, including but not limited to the jacking sites, the receiving sites, the area where open trench tunneling is implemented, and the construction staging areas. Prior to (but within seven days of) commencement of any demolition or construction activities between February 15 and August 31, a biologist or environmental resources specialist shall conduct a breeding behavior and nesting survey for birds protected by the United States Fish and Wildlife Service, California Department of Fish and Wildlife, the Migratory Bird Treaty Act, and California species of special concern within 300 feet of all construction sites referenced above. The biologist or environmental resources specialist shall continue to monitor the area around all active construction sites a minimum of once per week during bird nesting season (February 15 to August 31).

Special Condition 2 requires that if any occupied nests of any species identified in the categories above are discovered, the trees shall be preserved and construction activities within 300 feet of the nests shall be monitored to ensure that noise levels do not exceed 65 dB peak within 300 feet of the nests until the nests are vacated, juveniles have fledged, and there is no evidence of subsequent attempts at nesting. The applicant shall implement a larger buffer from the nest area if the biologist or environmental resources specialist recommends a larger buffer.

In order to ensure that birds and coastal visitors are not disturbed by construction activities, Special Condition 2 further requires the applicant to implement construction noise reduction measures such as sound shields made from plywood or sound-board, or molded sound shields to minimize noise to the maximum extent feasible. In order to avoid impacts to bird nesting and roosting, bright upward shining lights shall not be used during construction. In order to avoid impacts to birds and adjacent sensitive habitat area, construction employees shall not bring pets (e.g. dogs and cats) to the construction site.

In order to be sensitive to nearby residents, the City has proposed additional noise reduction techniques, as identified in the EIR. These mitigation techniques will be implemented at all times (including when birds are not nesting but may be roosting) and will prevent adverse impacts to public recreational activities such as fishing along the Marina del Rey Channel.

The Commission finds that only as conditioned will the proposed project ensure that marine resources and biological productivity are protected as required by Sections 30230, 30231, 30240, and 30250 of the Coastal Act.

E. DEVELOPMENT

Section 30253 of the Coastal Act states:

New development shall:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (b) 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.*
- (c) Be consistent with the requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.*
- (d) Minimize energy consumption and vehicle miles traveled*
- (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.*

The Coastal Act states that new development must minimize risks to life and property and not create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area. The City of Los Angeles and its consultants have studied the geology of the area where the new force main sewer is proposed. During preparation of the EIR, the City analyzed the feasibility of the proposed construction methods and considered two alternative alignments (**Exhibit 4**).

URS Corporation completed a Noise and Vibration Technical Study on October 5, 2005. Leighton Consulting, Inc. completed a geophysical survey on August 7, 2014. The consultant assessed the presence of abandoned oil wells along the proposed alignment and evaluated the locations of 10 proposed boring locations for detectable underground utilities or subsurface obstructions. The survey discovered 25 “anomalies” which may affect construction activities and offered suggestions for further review by the City prior to project construction. The City also identified 15 potential sites which handle or have handled hazardous waste within one mile of the site, but determined that these sites do not pose a significant risk to the proposed project. The EIR determined that, of the three alternative sewer tunnel alignments considered, the Via Marina corridor contains the fewest soil contamination sites and oil/gas wells, and therefore has the lowest risk of accidental hazardous material spills.

The engineering, geotechnical, and hazards studies and analyses conducted by the City and its contractors have determined that the proposed alignment is the least damaging environmental alternative. The proposal to locate the development underground and as far away from the public beach and the Pacific Ocean is consistent with Section 30253 of the Coastal Act because it minimizes risks to life and property in an area which is subject to hazards caused by severe storms and sea level rise. The EIR considered the alternative of locating a portion of the force main sewer line under Dockweiler Beach, but concluded that co-locating the new sewer alongside the old sewer would diminish the benefit of redundancy for system reliability and adds the risk that a threat to one sewer could also cause a failure in the nearby second sewer. As the existing force main is located on the beach, constructing an additional line some distance away from the existing one was considered prudent in the event of a natural disaster, such as an earthquake or tsunami event.

All development located in or near the ocean has the potential for damage caused by wave energy, floods, seismic events, storms, and erosion. The proposed project is located within 1000 feet of the Pacific Ocean and underneath three tidally influenced coastal waterways and is susceptible to natural hazards. The Commission routinely imposes conditions for assumption of risk in areas at high risk from hazards. **Special Condition 7** ensures that the applicant understands and assumes the potential hazards associated with the development.

Coastal Act section 30620(c)(1) authorizes the Commission to require applicants to reimburse the Commission for expenses incurred in processing CDP applications. See also 14 C.C.R. § 13055(g). Thus, the Commission is authorized to require reimbursement for expenses incurred in defending its action on the pending CDP application. Therefore, consistent with Section 30620(c), the Commission imposes **Special Condition 8**, requiring reimbursement of any costs and attorney’s fees the Commission incurs “in connection with the defense of any action brought by a party other than the applicant challenging the approval or issuance of this permit.” The Commission finds that only as conditioned is the proposed project consistent with Section 30253 of the Coastal Act.

F. CULTURAL RESOURCES

Section 30244 of the Coastal Act states:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

The proposed site has been disturbed from past construction activities and paleontological sensitivity is considered low. The project EIR included an archaeological and paleontological investigation (Greenwood and Associates, 2005), which analyzed records of known cultural resources within ½ mile of the project location. The investigation included the following in the conclusion of the report: “One archaeological site is recorded in the vicinity of the southern alignment at Vista del Mar [**Exhibit 4**]. The location of the site has been repeatedly impacted by development. It is possible that if the location retains any integrity, then remnants may be present under pavement of Vista del Mar. However, in our opinion, there is insufficient evidence that a cultural resource is present and no impacts are expected.” Through the Mitigation Monitoring Program for the proposed project, the City has included mitigation measures to avoid impacts to cultural resources, including the commitment that an archaeologist qualified to recognize and assess both prehistoric and historical resources shall monitor all excavation.

The Commission has previously required applicants proposing large or deep grading activities to monitor all grading and construction activities within areas with potential archaeological or paleontological resources and has also required appropriate mitigation measures regarding avoidance, if feasible, and monitoring, excavation, reporting and recovery and curation, where avoidance is not feasible. To ensure that the project is consistent with past Commission actions and section 30244 of the Coastal Act, the Commission imposed **Special Condition 5**. As part of the condition, the City shall prepare an archeological and paleontological monitoring plan that shall require that archaeological and Native American monitors be present during all grading operations, unless the applicant submits evidence that a more complete survey of cultural resources finds no cultural resources adjacent to, or within a one-half mile radius of the project site.

Once a site is determined to contain significant cultural resources, a Treatment Plan (Mitigation Plan) shall be prepared and reviewed by the appropriate Federal and State reviewing agencies. The Treatment Plan will outline actions to be implemented to mitigate impacts to the cultural resources found at the site(s). The Executive Director will require an amendment if there is significant additional excavation required or there is a significant change in area of disturbance or change in the type of excavation procedures.

In the event that human remains are found, the Los Angeles County Coroner’s Office must be notified in compliance with state law, and they in turn will request the Native American Heritage Commission to determine the cultural affiliation.

The Commission finds, therefore, that as conditioned, the proposed project is consistent with Section 30244 of the Coastal Act.

G. 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) which conforms with Chapter 3 policies of the Coastal Act:

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).

The City of Los Angeles does not have a certified Local Coastal Program for the Venice area or the Playa del Rey area. The City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The certified Venice LUP is advisory in nature and may provide guidance.

As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Venice Land Use Plan. 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.

H. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 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 purposes of CEQA review. The City of Los Angeles certified the Final Environmental Impact Report for the proposed project and adopted a Mitigation Monitoring Program to mitigate the identified impacts on January 12, 2010.

Furthermore, the proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, in the form of special conditions, which require the applicant to undertake development in accordance with the approved permit, conduct a biological survey of the trees within 300 feet of the project site and avoid impacts to nesting birds, replace any trees removed during construction at a two-to-one ratio, implement construction best management practices, and avoid impacts to cultural resources.

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

environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts to marine resources and biological productivity, is the least environmentally damaging feasible alternative and complies with the applicable requirements of the Coastal Act to conform to CEQA.

Appendix A – Substantive File Documents

1. City of Los Angeles Certified Land Use Plan for Venice (2001)
2. City of Los Angeles Coastal Development Permit No. 10-04 (2015)
3. Los Angeles County Coastal Development Permit No. 201400003 (2015)

Exhibit 1

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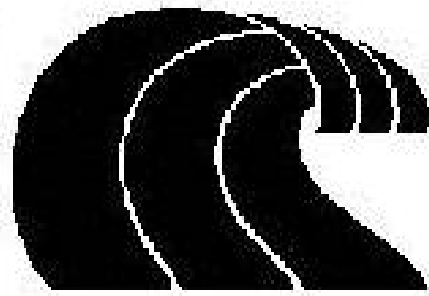
Venice Dual Force Main

Project Location Map

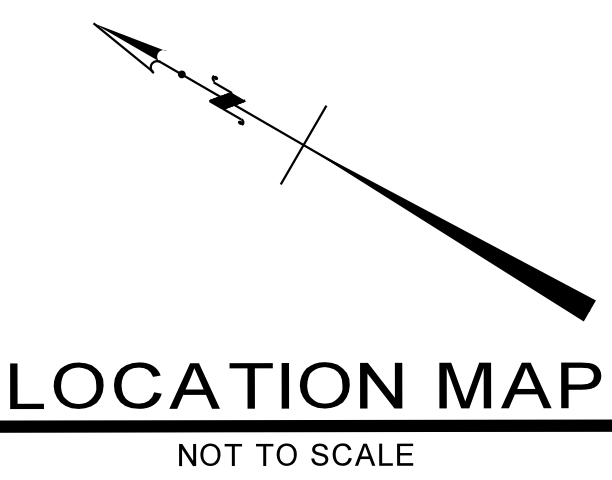
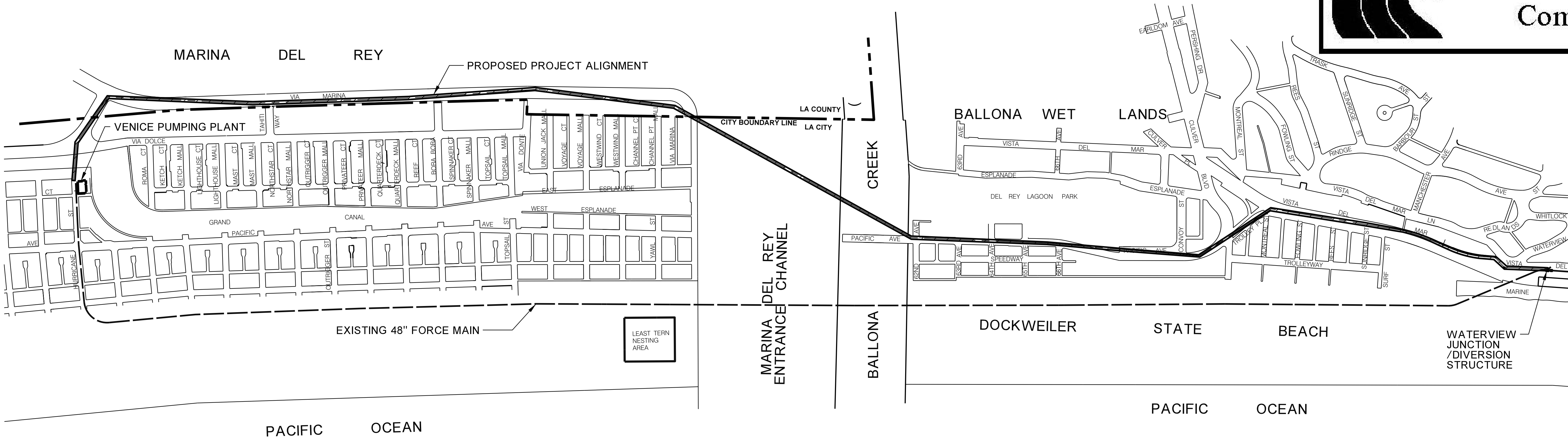
BUREAU OF ENGINEERING
DEPARTMENT OF PUBLIC WORKS
CITY OF LOS ANGELES
VENICE DUAL FORCE MAIN

Exhibit 2

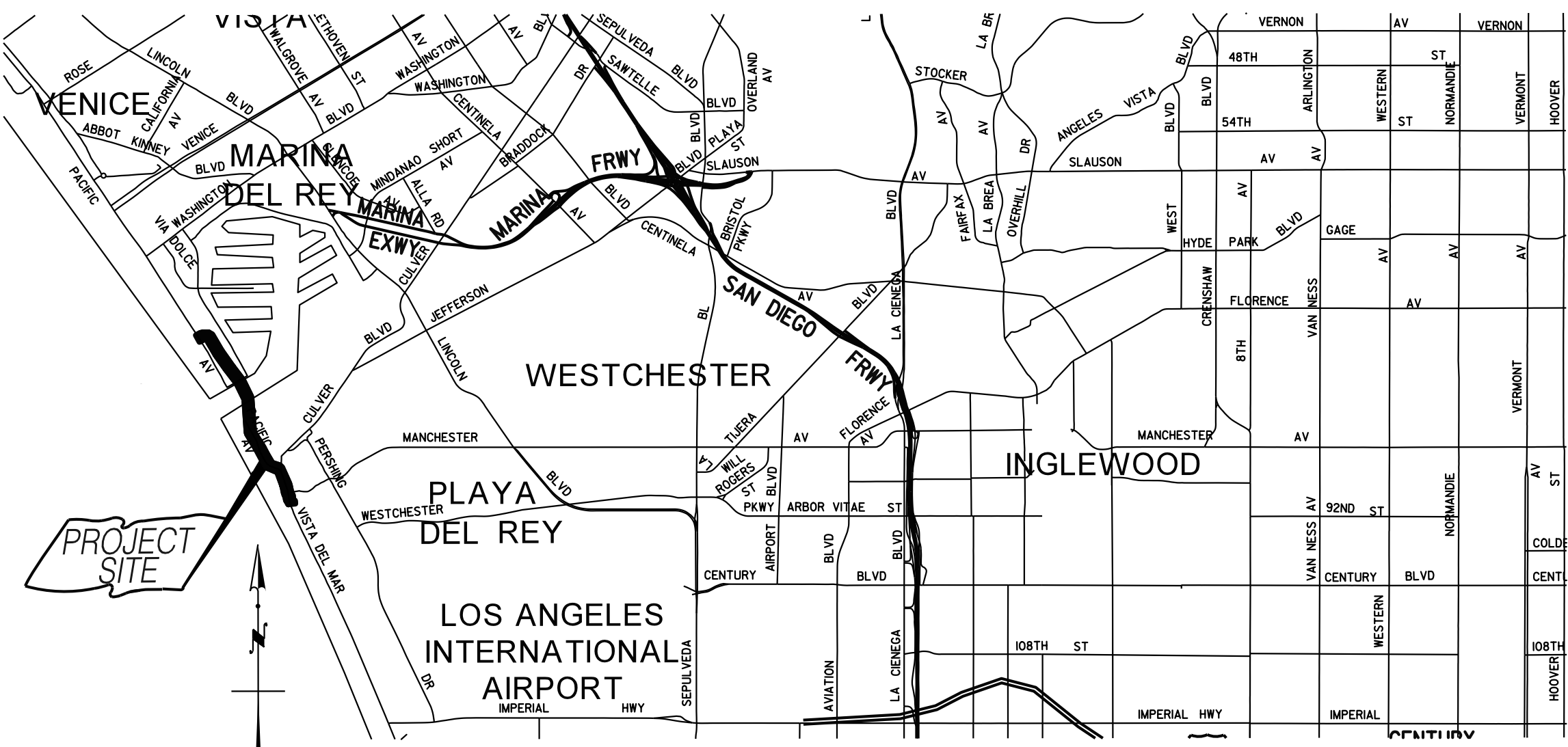
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LOCATION MAP
NOT TO SCALE



VICINITY MAP
NOT TO SCALE

WASTEWATER CONVEYANCE ENGINEERING DIVISION

SAMARA ALI-AHMAD, P.E.
ACTING DIVISION ENGINEER



PROJECT TEAM

WASTEWATER CONVEYANCE ENGINEERING DIVISION KEITH HANKS, P.E. GROUP MANAGER SEAN ZAHEDI, P.E. PROJECT MANAGER OSCAR GUTIERREZ, PROJECT ENGINEER RONALD RUGAMAS PROJECT ENGINEER CAN CHOW ENGINEERING DESIGNER	WASTEWATER CONVEYANCE CONSTRUCTION DIVISION HARSHAD B. SHAH, P.E. DIVISION ENGINEER	STRUCTURAL ENGINEERING DIVISION SHAILESH PATEL, S.E. DIVISION ENGINEER FARID R. BAHER, S.E. SENIOR STRUCTURAL ENGINEER	GEOTECHNICAL ENGINEERING DIVISION CHRIS JOHNSON, P.E. GROUP MANAGER	SURVEY DIVISION TONY PRATT CHIEF SURVEYOR JAMES LANTRY SURVEY SUPERVISOR
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REVISIONS	WORK ACCEPTED	INDEX NO.

DEPUTY CITY ENGINEER/PROGRAM MANAGER	DATE
CITY ENGINEER	DATE

COVER SHEET
VENICE DUAL FORCE MAIN
MARINA DEL REY, CALIFORNIA

WORK ORDER NO. SZC11631
DRAWING NO. R-1
SHEET 1 OF 129

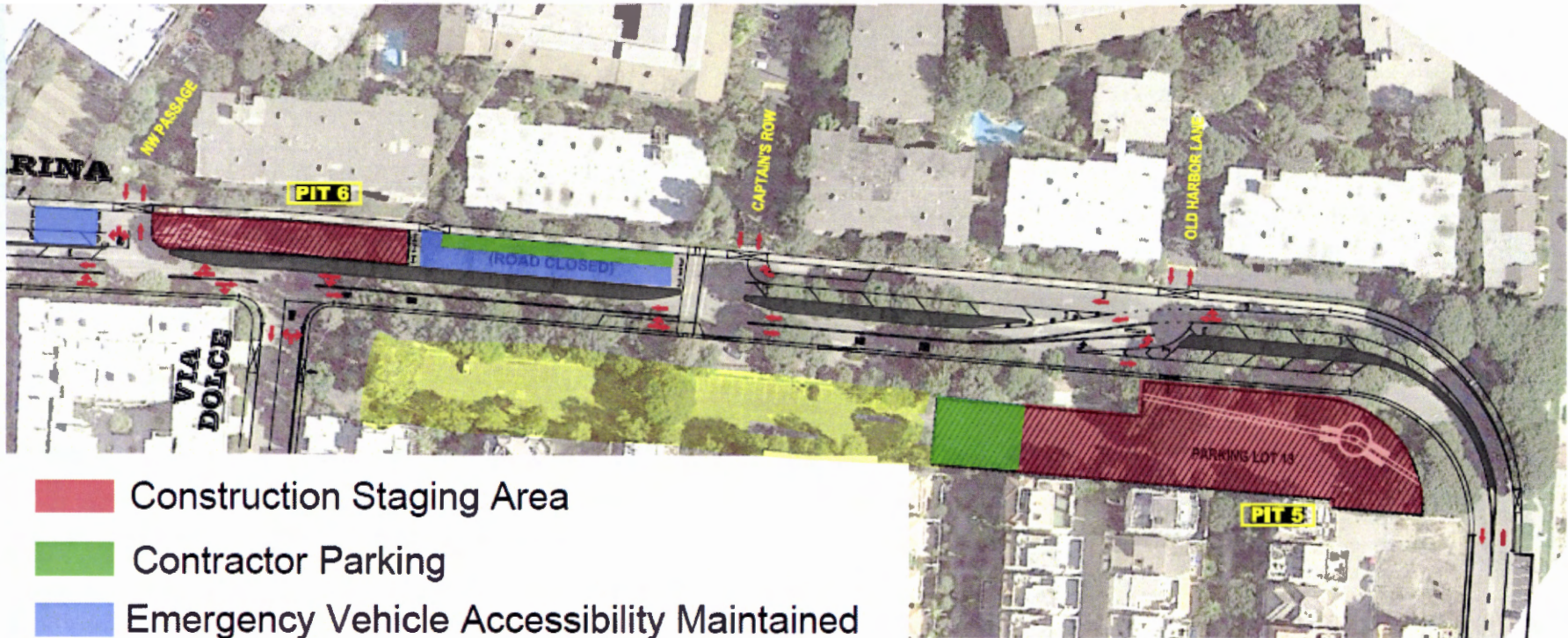
Exhibit 3

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Pit 5: County Lot 13







-  Construction Staging Area
-  Contractor Parking
-  Emergency Vehicle Accessibility Maintained
in Closed Roadway Section
-  PARKING TO REMAIN AVAILABLE THROUGHOUT
CONSTRUCTION (73 STALLS)

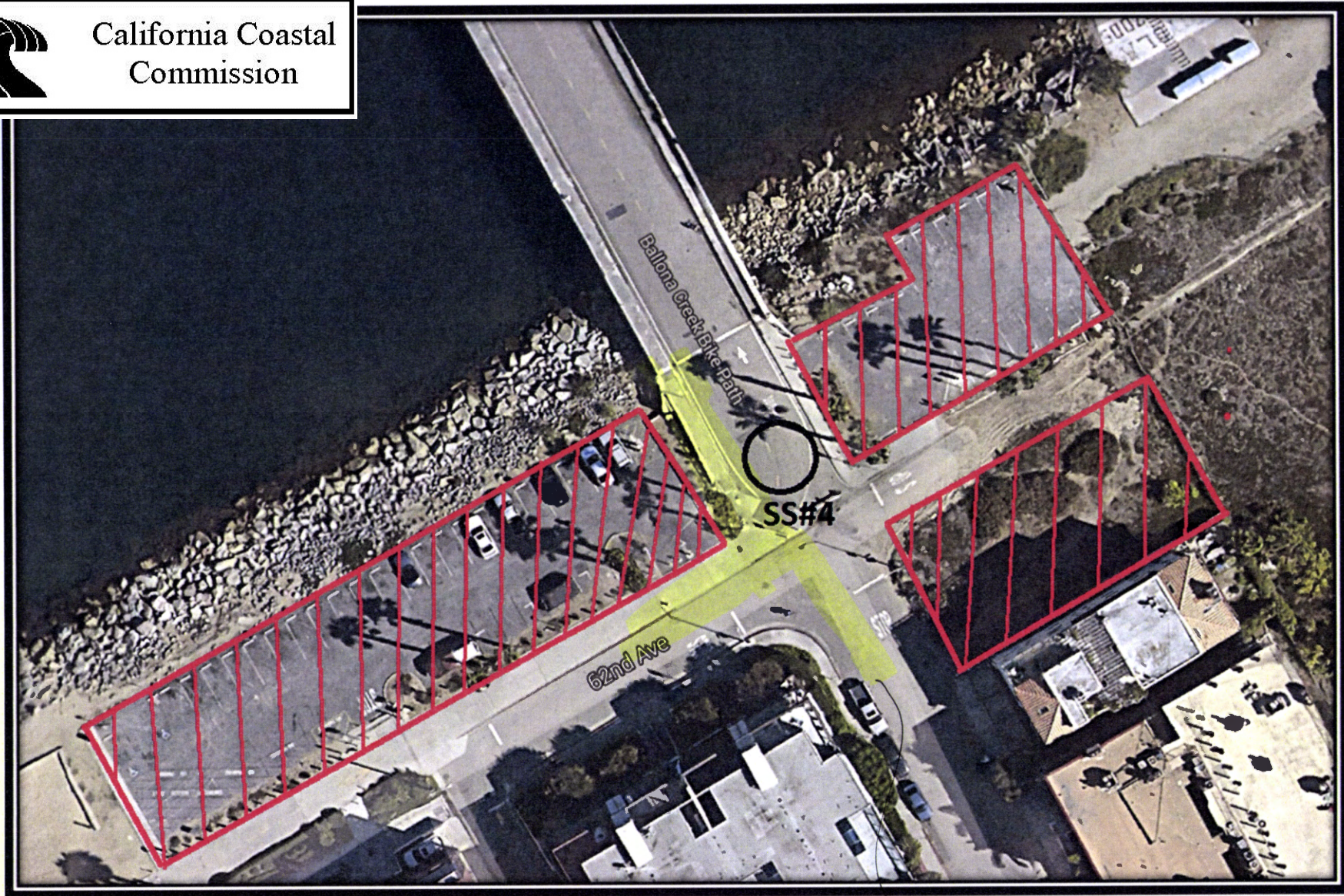
Exhibit 3

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62nd Ave & Pacific Ave



NOTE: PED + BIKE ACCESS WILL BE
MAINTAINED THROUGHOUT
CONSTRUCTION

Exhibit 4

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GENERAL LOCATION OF CULTURAL FINDINGS



Project No.: 29870322

Project: VENICE PUMPING PLANT DUAL FORCE MAIN EIR

Figure 2