

**CALIFORNIA COASTAL COMMISSION**

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# F14d

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## STAFF REPORT: REGULAR CALENDAR

**Application No.:** 5-17-0809

**Applicant:** Sanitation District No. 2 of Los Angeles County

**Agent:** Sam Shammass, Supervising Engineer, Facilities Planning

**Location:** Royal Palms Beach, San Pedro, City of Los Angeles, Los Angeles County (APN: 7563-005-900, -904, -905, -907, 7563-002-906, -908, -914)

**Project Description:** Clearwater Program Joint Water Pollution Control Plant (JWPCP) Effluent Outfall Tunnel Project including construction of part of a 21 ft. diameter tunnel, approximately 900 ft. in length within dual permit jurisdiction area, to transport treated wastewater effluent from JWPCP to proposed new manifold structure at White Point/Royal Palms Beach (RPB); excavation of exit shaft at RPB to be used to connect new tunnel to existing ocean outfalls and remove portions of Tunnel Boring Machine; temporary use of maximum 50 of 248 parking spaces, construction of 20 ft. sound wall around perimeter of shaft site, and relocation of payment kiosk, payment meters, lifeguard tower, and public showers; permanent surface structures at RPB limited to vent pipes and access lids for future operation and maintenance.

**Staff Recommendation:** Approval with conditions

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### SUMMARY OF STAFF RECOMMENDATION:

As part of the Clearwater Program, the applicant is proposing to construct an approximately 6.9-mile long, 21 ft. diameter tunnel to transport treated wastewater effluent from the Joint Water Pollution Control Plant (JWPCP) in the City of Carson to the receiving waters of the Pacific Ocean

off Palos Verdes Peninsula. The proposed development also includes the construction of a new manifold structure and exit shaft within the coastal zone at White Point/Royal Palms Beach to connect the new tunnel to existing ocean outfalls and remove portions of tunnel boring machine. Temporary impacts include removal of approximately 50 of 248 parking spaces from public use during construction, construction of a 20 ft. sound wall, relocation of payment kiosk, payment meters, lifeguard tower, and public showers, and easement onto County property. Permanent subsurface easement and acquisitions in fee of portions of County property would also be required. Permanent surface structures are limited to vent pipes and access lids for future operation and maintenance. Work within the coastal zone is proposed to begin in 2023 and terminate in 2025.

The subject project is within the *Dual Permit Jurisdiction* area. Therefore, the Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The certified San Pedro Land Use Plan (LUP) is advisory in nature and may provide guidance. In addition, this project is a public wastewater treatment work and, as such, the Commission is within its purview to evaluate the proposed project in terms of siting, design, and service area per Section 30412.

Existing infrastructure for the 660 mi.<sup>2</sup> Joint Outfall System (JOS) service area is at least 60 years old, in need of inspection and repair, and does not have sufficient capacity to accommodate expected population growth. A no-action alternative poses substantial environmental threats in the future due to damage to infrastructure or capacity exceedance which could result in overflow and flooding of untreated wastewater into communities and various water courses. The proposed new tunnel would provide for the opportunity to repair the existing aged facilities, accommodate expected population growth within the JOS service areas, and not induce further growth. The project is the least invasive proposal to accommodate larger populations in the JOS service area and, as conditioned, has a minimal environmental impact. Staff is recommending **approval** of the proposed coastal development permit with **sixteen (16)** special conditions.

The applicant is in the process of acquiring all pertinent land easements, acquisitions, and permits. **Special Conditions 1 and 2** require all approvals prior to issuance of the Coastal Development Permit (CDP). Generally, CDPs expire two years after issuance, however, because construction is not proposed to begin until 2023 and considering site conditions may change during that period of time, this permit's term would be five years from the date of the Commission's vote on the application (**Special Condition 4**). **Special Condition 3** requires the applicant to comply with the conditions imposed by the City of Los Angeles under CDP 16-10 including the condition for approved activities to comply with the mitigation measures in the Final Environmental Impact Report/Statement (EIR/EIS). The Commission's CDP 5-17-0809 would further mitigate environmental impacts with special conditions summarized below.

Risks to life and property would be minimized under this alternative with **Special Conditions 8, 10, and 13** which minimize geologic instability by incorporating recommendations from a geotechnical report, conditioned to be developed after surveying the project area no longer than one year prior to construction, into the final project plans and controlling erosion and protecting water quality through the development, approval, and implementation of a construction and pollution prevention plan and post-construction landscaping. **Special Condition 7** would mitigate adverse impacts to archaeological resources by requiring work to stop and consultation with an appropriate archaeologist and/or Native American consultant if resources are unearthed. Maximum public

access to White Point/Royal Palms Beach would be maintained during the approximately three years of proposed construction through compliance with the approved site plans (**Special Condition 5**) and the submittal, approval, and implementation of a public access management plan (**Special Condition 12**). The proposed project would not significantly impact views of the coast. Upon restoration of the project site, public views of the coast would be enhanced through landscaping requirements (**Special Condition 13**) and, upon approval (**Special Condition 6**), installation of a new security fence (**Special Condition 14**). Impacts on localized water quality would be minimized through the implementation of the construction and pollution prevention plan described above and, while water quality in the Pacific Ocean may be impacted by the project through continued disposal of secondary treated wastewater, the volume of wastewater would be reduced through recycling and reuse and the JWPCP would continue to be held accountable for maintaining compliance with its NPDES permit. No permanent inundation of the project site is expected due to sea level rise during the infrastructure's lifetime and any temporary inundation from storm surge would be accommodated in the project's design, so, **Special Condition 15** is imposed to prohibit future shoreline protective devices and **Special Condition 16** acknowledges the applicant's assumption of risk, waiver of liability, and indemnity. The general White Point/Royal Palms Beach area contains designated Significant Ecological Areas (SEAs) and Environmentally Sensitive Habitat Areas (ESHA); however, the project site and immediately adjacent areas do not. **Special Condition 9 and 11** would minimize impacts to SEAs and ESHA by requiring a biological survey and report of the project site prior to construction, incorporating recommendations into final plans, and directing lighting, when needed, only to applicable areas.

As conditioned, the siting and design of the proposed project is consistent with the Chapter 3 policies of the Coastal Act and San Pedro's certified LUP.

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### APPENDICES

Appendix A – Substantive File Documents

### EXHIBITS

[Exhibit 1 – Vicinity Map/JOS Service Area](#)

[Exhibit 2 – Alternatives](#)

[Exhibit 3 – Proposed Tunnel Alignment](#)

[Exhibit 4 – Coastal Zone Boundaries](#)

[Exhibit 5 – Project Site/Shaft Site](#)

[Exhibit 6 – Site Plans](#)

[Exhibit 7 – Sea Level Rise Projections](#)

## I. MOTION AND RESOLUTION

### Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 5-17-0809 pursuant to the staff recommendation.*

Staff recommends a YES vote. Passage of this motion will result in approval of the permit as conditioned 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 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. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
3. **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.
4. **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. **Proof of Legal Ability to Conduct Work on all Properties and to Comply with Conditions.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall provide 1) proof of the permittee's ability to carry out the project on any lot on which the project encroaches, and 2) proof of the applicant's ability to comply with all the terms and conditions of this coastal development permit. No land subject to this coastal development permit may be developed until and unless all terms and conditions relating to the project as a whole have been met and agreed to in writing by all parties with ownership interest.
2. **Other Agency Approvals.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall provide to the Executive Director a copy of a permit, or letter of permission, or evidence that no permit or permission is required for the project subject to this coastal development permit, issued by the following entities: City of Los Angeles; City of Rancho Palos Verdes; County of Los Angeles; Sanitation Districts of Los Angeles County; Los Angeles Regional Water Quality Control Board; State Water Resources Control Board; State Lands Commission; California Office of Historic Preservation; California Department of Fish and Game; U.S. Fish and Wildlife Service; National Marine Fisheries Service; Environmental Protection Agency, Region 9; U.S. Army Corps of Engineers; and the Gabrielino-Tongva Tribe. The applicant shall inform the Executive Director of any changes to the project required by the cited entities. 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 legally required.
3. **Conditions Imposed by Local Government.** This action has no effect on conditions imposed by the City of Los Angeles pursuant to an authority other than the Coastal Act. The permittee shall be responsible for satisfying all terms and conditions of this coastal development permit in addition to any other requirements imposed by other local government permit conditions. In the event of conflict between terms and conditions imposed by the local government and those of this coastal development permit, the terms and conditions of this coastal development permit shall prevail within the dual permit jurisdiction area.
4. **Term of Permit.** If development has not commenced, the permit will expire five 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.
5. **Submittal of Final Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, two full size sets of design and construction plans that conform with the general, civil, structural, mechanical, and electrical plans compiled by Sanitation District No. 2 of Los Angeles County for the JWPCP Tunnel project dated May 10-12, 2017 and received in the Commission's office on October 3, 2017, titled, *JWPCP Effluent Outfall Tunnel: Draft Drawing Set, Review Copy – Not for Construction.*

6. **Submittal of Fence Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant will submit, for the review and written approval of the Executive Director, a fence plan showing the design and location of the fence. The fence shall be designed to blend with the site and protect public views to the fullest extent practical.
7. **Archaeological and Cultural Resources.**
  - A. In the event that buried archaeological resources are discovered during ground-disturbing activities, work will stop in that area and within 30-feet of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures. Treatment measures may include development of avoidance strategies, capping with fill material, mitigation of impacts through data recovery programs such as excavation or detailed documentation, or monitoring by a qualified archaeologist during construction-related ground-disturbing activities. During cultural resources monitoring, if the qualified archaeologist determines that the sediments being excavated are previously disturbed or unlikely to contain significant cultural materials or fossils, the qualified archaeologist can specify that monitoring be reduced or eliminated. A report of findings, with an appended itemized inventory of specimens, will be prepared and will signify completion of the mitigation.
  - B. The stonewall fragment located along the project's western property line, as generally depicted in **Exhibit 6**), shall be protected from any damage. A warning fence shall be placed around the stonewall fragment with posts, to advise construction workers to keep a safe distance away to prevent any damage to the wall from occurring.
8. **Geologic and Coastal Hazards.**
  - A. PRIOR TO CONSTRUCTION, the applicant shall submit, no longer than one year from the projected date of construction at the White Point Park site, for the review and approval of the Executive Director:
    1. A site-specific geotechnical report for the project which addresses stabilization of temporary and permanent slopes and excavations to reduce risks to structures and construction workers associated with landslides, mudslides, or ground failure and hazards associated with projected sea level rise. The report shall be prepared and certified by an appropriate professional (i.e., civil, geotechnical, or other appropriate engineer, engineering geologist, or architect). All final design and construction plans shall be consistent with all recommendations contained in the report approved by the Executive Director. If the report identifies changed circumstances, such as, increased sea level rise, increased bluff erosion, landslides, or other geologic hazards that would create a hazardous situation not accounted for by the project proposal and coastal development permit, as herein conditioned, an amendment to this coastal development permit will be necessary, unless the Executive Director determines that no amendment is legally required.
    2. Evidence that an appropriate licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all of the recommendations specified in the above-referenced

geologic evaluation approved by the California Coastal Commission for the project site.

- B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans or to the geologic conditions near the project site (i.e., landslides, cliff retreat, or flooding) shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

9. **Biological Resources.**

- A. PRIOR TO CONSTRUCTION the applicant shall submit, no longer than six months from the projected date of construction at the White Point Park site, for the review and approval of the Executive Director, a site-specific biological report which addresses species and habitat established in the project area to reduce risks to sensitive coastal and marine biological resources. The report shall include surveys for sensitive plant and animal species within 500 feet of proposed construction. The report shall be prepared and certified by an appropriately trained biologist. All final design and construction plans shall be consistent with all recommendations contained in the report approved by the Executive Director. If the report identifies changed circumstances, including sensitive flora or fauna species that were not identified in the initial biological surveys, and may be adversely impacted by the approved project, an amendment to this coastal development permit will be necessary to address either avoidance and protection measures or mitigation, unless the Executive Director determines that no amendment is legally required.
- B. PRIOR TO CONSTRUCTION, the applicant shall submit, for the Executive Director's review and approval, evidence that an appropriate licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all of the recommendations specified in the above-referenced biological evaluation approved by the California Coastal Commission for the project. The permittee shall undertake development in accordance with the approved final plans. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required. Sensitive species or habitat that becomes established in the project area prior to or during construction shall be reported to the Executive Director. The applicant shall not undertake any activity that would disturb sensitive species or habitat area unless specifically authorized and mitigated under this coastal development permit or unless an amendment to this coastal development permit for such disturbance has been obtained, that addresses either avoidance and protection measures or mitigation, from the Coastal Commission.
- C. If the report identifies changed circumstances, such as, the presence of sensitive flora or fauna species that may be impacted by the approved project, an amendment to this coastal development permit will be necessary, unless the Executive Director determines that no amendment is legally required.



**10. Construction Stockpiling, Staging, Avoidance of Siltation, and Erosion Control.**

A. PRIOR TO CONSTRUCTION, the applicant shall submit, for the review and written approval of the Executive Director, a final Construction and Pollution Prevention Plan prepared and certified by a qualified licensed professional, that demonstrates that all construction, including, but not limited to, clearing, grading, staging, storage of equipment and materials, or other activities that involve ground disturbance; building, reconstructing, or demolishing a structure; and creation or replacement of impervious surfaces, complies with the following requirements:

1. Construction Site Map and Narrative Description. The Construction and Pollution Prevention Plan shall include a construction site map and a narrative description addressing, at a minimum, the following required components:
  - i. A map delineating the construction site, construction phasing boundaries, and the location of all temporary construction-phase BMPs (such as silt fences, inlet protection, and sediment basins).
  - ii. A description of the BMPs that will be implemented to minimize land disturbance activities, minimize the project footprint, minimize soil compaction, and minimize damage or removal of non-invasive vegetation. Include a construction phasing schedule, if applicable to the project, with a description and timeline of significant land disturbance activities.
  - iii. A description of the BMPs that will be implemented to minimize erosion and sedimentation, control runoff and minimize the discharge of other pollutants resulting from construction activities. Include calculations that demonstrate proper sizing of BMPs.
  - iv. A description and schedule for the management of all construction-phase BMPs (including installation and removal, ongoing operation, inspection, maintenance, and training). Identify any temporary BMPs that will be converted to permanent post-development BMPs.
2. Minimize Erosion and Sediment Discharge. During construction, erosion and the discharge of sediment off-site or to coastal waters shall be minimized through the use of appropriate Best Management Practices (BMPs), including:
  - i. Land disturbance during construction (e.g., clearing, grading, and cut-and-fill) shall be minimized, and grading activities shall be phased, to avoid increased erosion and sedimentation.
  - ii. Erosion control BMPs (such as mulch, soil binders, geotextile blankets or mats, or temporary seeding) shall be installed as needed to prevent soil from being transported by water or wind. Temporary BMPs shall be implemented to stabilize soil on graded or disturbed areas as soon as feasible during construction, where there is a potential for soil erosion to lead to discharge of sediment off-site or to coastal waters.
  - iii. Sediment control BMPs (such as silt fences, fiber rolls, sediment basins, inlet protection, sand bag barriers, or straw bale barriers) shall be installed

- as needed to trap and remove eroded sediment from runoff, to prevent sedimentation of coastal waters.
- iv. Tracking control BMPs (such as a stabilized construction entrance/exit, and street sweeping) shall be installed or implemented as needed to prevent tracking sediment off-site by vehicles leaving the construction area.
  - v. Runoff control BMPs (such as a concrete washout facility, dewatering tank, or dedicated vehicle wash area) that will be implemented during construction to retain, infiltrate, or treat stormwater and non-stormwater runoff.
3. Minimize Discharge of Construction Pollutants. The discharge of other pollutants resulting from construction activities (such as chemicals, paints, vehicle fluids, petroleum products, asphalt and cement compounds, debris, and trash) into runoff or coastal waters shall be minimized through the use of appropriate BMPs, including:
- i. Covering stockpiled construction materials, soil, and other excavated materials to prevent contact with rain, and protecting all stockpiles from stormwater runoff using temporary perimeter barriers.
  - ii. Cleaning up all leaks, drips, and spills immediately; having a written plan for the clean-up of spills and leaks; and maintaining an inventory of products and chemicals used on site.
  - iii. Proper disposal of all wastes; providing trash receptacles on site; and covering open trash receptacles during wet weather.
  - iv. Prompt removal of all construction debris from the beach.
  - v. Detaining, infiltrating, or treating runoff, if needed, prior to conveyance off-site during construction.
4. Fueling and maintenance of construction equipment and vehicles shall be conducted off site if feasible. Any fueling and maintenance of mobile equipment conducted on site shall not take place on the beach, and shall take place at a designated area located at least 50 feet from coastal waters, drainage courses, and storm drain inlets, if feasible (unless those inlets are blocked to protect against fuel spills). The fueling and maintenance area shall be designed to fully contain any spills of fuel, oil, or other contaminants. Equipment that cannot be feasibly relocated to a designated fueling and maintenance area (such as cranes) may be fueled and maintained in other areas of the site, provided that procedures are implemented to fully contain any potential spills.
5. Minimize Other Impacts of Construction Activities. Other impacts of construction activities shall be minimized through the use of appropriate BMPs, including:
- i. The damage or removal of non-invasive vegetation (including trees, native vegetation, and root structures) during construction shall be minimized, to achieve water quality benefits such as transpiration,

vegetative interception, pollutant uptake, shading of waterways, and erosion control.

- ii. Soil compaction due to construction activities shall be minimized, to retain the natural stormwater infiltration capacity of the soil.
  - iii. The use of temporary erosion and sediment control products (such as fiber rolls, erosion control blankets, mulch control netting, and silt fences) that incorporate plastic netting (such as polypropylene, nylon, polyethylene, polyester, or other synthetic fibers) shall be avoided, to minimize wildlife entanglement and plastic debris pollution.
6. A delineation of the areas to be disturbed by grading or construction activities including any temporary trenches, staging, and stockpile areas. No construction equipment or materials (including debris) shall be allowed at any time on the beach, in the intertidal zone, or within any Significant Ecological Area or Environmentally Sensitive Habitat Area.
  7. The plan shall include source control Best Management Practices as part of a written plan designed to control dust, concrete, demolition pavement, or pipe removed during construction, and/or construction materials, and standards for interim control and for clean-up. Tarps or other devices shall be used to capture debris, dust, oil, grease, rust, dirt, fine particles, and spills to protect the quality of coastal waters. All sediment waste and debris should be retained on-site unless removed to an appropriate approved dumping location. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place. Contractors shall monitor and contain oil or fuel leaks from vehicles and equipment.
  8. The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: filling or covering all holes in roadways such that traffic can continue to pass over disturbed areas, disturbed soils and trenches with shoring, sand bag barriers, silt fencing, temporary drains and swales, and sediment basins and stabilization of all stockpiled fill. These temporary erosion control measures shall be monitored and maintained at least on a weekly basis until grading or construction operations resume.
- B. PRIOR TO COMMENCEMENT OF CONSTRUCTION the applicant and its contractor(s) shall provide for the review and approval of the Executive Director final plans and plan notes that conform with the requirements of item A above. No work shall take place until the Executive Director approves the plans in writing.
  - C. Conformance with plans. All work shall take place consistent with the plans submitted in compliance with A above.

## 11. Construction Lighting.

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, a lighting plan for the proposed facility. The Plan shall indicate that all construction lighting shall

be minimized and directed onto the construction site and all light shielded from the surrounding beach area.

- B. The permittee shall undertake development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported 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.

**12. Public Access.**

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the review and approval of the Executive Director, two full sized copies of a Public Access Management Plan. The plan shall be prepared by a qualified professional and shall include the following:
  - 1. Provisions, such as, but not limited to, instructions/training and signage to ensure that the public is informed of beach and public access availability.
  - 2. Signage plans shall include, at a minimum, the following components: a sample of each sign and/or stencil and a site plan depicting the location of each sign and/or stencil. Signage shall be posted that specifies allowable use of the public beach and parking lots (including day and time of availability) and applicable restrictions. The signs shall be clearly visible to motorists from Paseo Del Mar and Kay Fiorentino Drive.
- B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

**13. Landscape Plans.**

- A. PRIOR TO COMMENCEMENT OF CONSTRUCTION, the applicant shall submit, in a form and content acceptable to the Executive Director, two full size sets of final landscaping plans prepared by an appropriately licensed professional which demonstrates the following:
  - 1. The plan shall demonstrate that:
    - i. Hydroseeding shall be of native plant species indigenous to the project area, consistent with fire safety requirements. All native plant species shall be of local genetic stock.
    - ii. For two years after hydroseeding occurs, that applicant shall submit, for the review and approval of the Executive Director, annual landscape monitoring reports which address the success of establishment of the native species to minimize erosion at the location of the White Point/Royal Palms Beach shaft site. The report shall be prepared and certified by an appropriately trained professional.

- iii. Landscaped areas not occupied by hardscape shall be planted and maintained for habitat enhancement. To minimize the need for irrigation and minimize encroachment of non-native plant species into adjacent or nearby native plant areas, all landscaping shall consist of native plant species previously found at the project site, as listed in the biological report that was completed as part of the EIR/EIS process. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources (See:<http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>). Any existing landscaping that doesn't meet the above requirements shall be removed.
  - iv. Temporary above ground irrigation to allow the establishment of the plantings is allowed. If using potable water for irrigation, the project shall use water-conserving emitters (e.g. microspray) and drip irrigation. Use of weather-based irrigation controllers and reclaimed water for irrigation is encouraged. The landscaping plan shall show all the existing vegetation and any existing irrigation system along with notations regarding all changes necessary thereto to comply with the requirements of this special condition.
2. The plan shall include, at a minimum, the following components:
- i. A map showing the size and location of the hydroseeding area, a table of all proposed seed types, the irrigation system, topography of the developed site, and all other landscape features, and
  - ii. A schedule for installation of plants.
- B. If the landscape monitoring reports indicate the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the Permittee, or successor in interest, shall submit a revised or supplemental landscape plan for the review and written approval of the Executive Director. The revised or supplemental landscaping plan must be prepared by a licensed Landscape Architect or qualified resource specialist and shall specify measures to remediate those portions of the approved landscaping plan that have failed or are not in conformance with the original approved plan.
- C. The permittees shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

14. **Restore Project Site.** Upon completion of the project, restoration of the project site shall be accomplished. The parking lots and access roads including lifeguard station, showers, parking payment facilities, and entry gate at White Point/Royal Palms Beach shall be restored to their original configuration; the temporary concrete sidewalk shall be removed; the temporary twenty-foot sound wall shall be removed; the White Point/Royal Palms Beach shaft site shall be hydroseeded with local native plants and impacted landscaping shall be restored consistent with **Special Condition 13** above; a new fence consistent with **Special Condition 6** shall be installed; and permanent vents and access lids shall be painted to minimize visual impacts.
15. **No Future Shoreline Protection Device.**
  - A. By acceptance of the permit, the applicant/landowner agrees, on behalf of itself and all successors and assignees, that no shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to this coastal development permit including, but not limited to, the construction of the underground manifold structure, above-ground vents, and any other future improvements in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, landslides, sea level rise, or any other coastal hazards in the future. By acceptance of this permit, the applicant/landowner hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.
  - B. By acceptance of this permit, the applicant/landowner further agrees, on behalf of itself and all successors and assigns, that the landowner shall remove the development authorized by this permit including, but not limited to, the manifold structure if any government agency has ordered that the structures are not to be utilized due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.
16. **Assumption of Risk, Waiver of Liability, and Indemnity.** By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from flooding, sea level rise, erosion and wave uprush; (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; and (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.

## **IV. FINDINGS AND DECLARATIONS:**

### **A. PROJECT DESCRIPTION AND LOCATION**

The proposed project, within the dual permit jurisdiction area of the coastal zone (see Section C below), is part of the Clearwater Program which supported the development of a long-range Master Facilities Plan (MFP) for the Los Angeles County regional Joint Outfall System (JOS). The objectives of the Clearwater Program include: providing adequate system capacity for a growing population, improving the reliability of the existing infrastructure, supporting water reuse and biosolids use, and meeting water quality standards. The JOS serves nearly five million people within approximately seventy cities and communities in Los Angeles County (County). The MFP evaluated the region's wastewater management infrastructure and facilities through the year 2050 and identified, among other recommendations, the need for modification of the existing ocean discharge system for the County. A new onshore tunnel is proposed to convey treated wastewater from the County Sanitation Districts' Joint Water Pollution Control Plant (JWPCP) in the City of Carson through a new manifold structure at the subject site, located between the first public road and the sea at White Point/Royal Palms County Beach (RPB; described in more detail below) in San Pedro, to the four existing ocean outfalls extending approximately one to two miles offshore.

Excavation of the proposed Clearwater Tunnel is planned to begin at the JWPCP West Shaft Site located at 24501 Figueroa Street within the City of Carson in 2018, a little over six miles northeast of RPB and outside the coastal zone ([Exhibit 3](#)). The JWPCP Shaft would be 120 feet below ground surface (bgs) and forty to sixty feet wide and used as the entry and/or exit point for construction workers, tunnel equipment, and excavated material which would be disposed of or possibly repurposed for beneficial uses. The majority of the proposed excavated sand material was determined to be unsuitable for beach replenishment. The underground tunnel, constructed using a tunnel boring machine (TBM) and made of pre-fabricated, steel-reinforced concrete liner segments with watertight gaskets, would be approximately 6.9 miles long, twenty to twenty-two feet in diameter (18 feet internal finished diameter), and would terminate adjacent to the existing ocean outfall manifold structure at the County-owned and operated White Point/Royal Palms Beach. The entire project, beginning outside the coastal zone and terminating within the coastal zone, is expected to take approximately seven years to complete.

Within the coastal zone, the proposed construction activities involve continued underground tunneling using the TBM between 375 and 25 feet bgs roughly following Western Avenue for approximately 3,400 feet from 25<sup>th</sup> Street (coastal boundary) to the RPB site. The City of Los Angeles (City) issued a Coastal Development Permit (CDP 16-10) for the project. The final approximately 900 feet is within the City's dual permit jurisdiction area and is the subject of this permit application ([Exhibit 4](#)). The excavation of a shaft at RPB and construction of the new manifold structure to connect the new tunnel to the existing ocean outfalls is also part of the proposed work within the coastal zone.

White Point/Royal Palms Beach is currently used for activities including picnicking, tide-pooling, fishing, snorkeling, surfing, scuba diving, private events, filmings, and research. Atop the bluff and seaward of Paseo del Mar there are additional recreational areas including a public park and baseball field. On the landward side of Paseo del Mar is the White Point Nature Education Center and Reserve. Single and multi-family residences surround these areas.

The proposed work at RPB is within an area seaward of Paseo Del Mar at the base of a coastal bluff, adjacent to Kay Fiorentino Drive, and inland of the beach. The project location is designated as Open Space in the San Pedro Community Plan. Low Density Residential and other Open Space areas surround RPB. The excavation site, where most of the work would be conducted, is largely within the County Sanitation Districts' property. At this site, a shaft (50 feet bgs and 25 to 35 feet wide) and manifold structure would be constructed beginning in May 2023 ([Exhibit 6](#)). This shaft site, approximately one acre of naturally vegetated land, is separated from the Pacific Ocean by a public parking lot ranging from approximately 40 to 80 feet wide and a rock revetment adjacent to and seaward of the parking lot ([Exhibit 5](#)). Activities at this site would also include removal of the TBM and remaining excavated material, construction of the new manifold structure adjacent to the existing manifold structure, installation of valves controlling the amount of effluent to each of four existing outfalls, and other interconnection work. Additional project components at the RPB site include the construction of a temporary 20 foot tall sound wall, temporary reduction of available parking (use of approximately 50 of 248 spaces for construction purposes), temporary relocation of the payment kiosk, automated payment stations, the lifeguard station, and public showers, installation of a temporary sidewalk, temporary widening of the east entrance gate, and a temporary construction easement onto County property ([Exhibit 6](#)). After construction, the only permanent structures visible to the public would be vent pipes and at-grade access lids. Construction at this site is expected to be completed in October 2025.

A permanent sub-surface access easement of 0.1 acre would need to be obtained from the Los Angeles County Beaches and Harbors Department for future operation and maintenance activities. All easements are anticipated to be secured by spring 2018.

## **B. OTHER AGENCY APPROVALS**

### **Los Angeles County Sanitation District & United States Army Corps of Engineers**

The Los Angeles County Sanitation District (LACSD) and the U.S. Army Corps of Engineers (USACE) analyzed four feasible tunnel alignment alternatives, plus two no-action alternatives, and produced a joint Environmental Impact Report/ Environmental Impact Statement (EIR/EIS). The draft was released in February of 2012 for public review. During the following month, three public hearings were held before the closure of the review period on April 10, 2012. Fifty-two comment letters, oral comments, and comment cards were received. All comments were addressed, no new significant environmental impacts were found (CEQA Guidelines Section 15162), and the final EIR/EIS was adopted November 28, 2012 by the LACSD Board of Directors. The Master Facilities Plan was also approved on this date. On July 31, 2013 the Commander of the USACE, Los Angeles District approved the Record of Decision and issued a provisional permit for the proposed project.

### **City of Los Angeles**

Local Coastal Development Permit application CDP 16-10 was submitted to the City of Los Angeles around June 2016 for the Clearwater Program tunnel, shaft site, and underground manifold structure project. Interested parties and adjacent property owners were invited to a presentation meeting and hearing via letter, email, or flyer. The project presentation meeting and public hearing were held at the San Pedro Public Library on July 12, 2017. Four interested community members were in attendance along with staff from the Bureau of Engineering, Environmental Management



Group and LACSD. Additional comments were received after the meeting. All comments were addressed and CDP 16-10 was approved with conditions on September 21, 2017. The conditions included requirements for submittal of final design plans, a construction traffic management plan, an application for a haul route permit, and plans for landscape restoration. The City also included mitigation measures to minimize impacts to archaeological and paleontological resources to the maximum extent feasible, including protection of the stonewall fragment and consultation with appropriate professionals if resources are found during earth-moving activities within the excavation site (paleontological resources are likely to be destroyed within the tunnel footprint where monitoring is not feasible). In addition, Condition II(c) of the City's CDP requires project activities to comply with all of the relevant mitigation measures listed in the Executive Summary of the Final EIR/EIS.

### **C. STANDARD OF REVIEW/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. The Commission's standard of review for development in the *Dual Permit Jurisdiction* area is the Chapter 3 policies of the Coastal Act. 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.

A portion of the project is within the *Dual Permit Jurisdiction* area. Therefore, the Commission's standard of review for the subject proposed development is the Chapter 3 policies of the Coastal Act. The certified San Pedro LUP is advisory in nature and may provide guidance.

In addition, this project constitutes a "treatment work" according to the definition set forth in the Federal Water Pollution Control Act, as referenced in Section 30120 of the Coastal Act. The FWPCA defines treatment work as follows:

*A) The term treatment works means any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature to implement section 1281 of this title, or necessary to recycle or reuse water at the most economical cost over the estimated life of the works, including intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment, and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process (including land used for the storage of treated wastewater in land treatment systems prior to land application) or is used for ultimate disposal of residues resulting from such treatment. (B) In addition to the definition contained in subparagraph (A) of this paragraph, treatment works means any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste, including storm water runoff, or industrial waste, including waste in combined storm water and sanitary sewer systems. Any application for*

*construction grants which includes wholly or in part such methods or systems shall, in accordance with guidelines published by the Administrator pursuant to subparagraph (C) of this paragraph, contain adequate data and analysis demonstrating such proposal to be, over the life of such works, the most cost efficient alternative to comply with sections 1311 or 1312 of this title, or the requirements of section 1281 of this title. 33 U.S.C. § 1292(2)(A-B)*

As such, the Commission is within its purview to evaluate the proposed project in terms of siting, design, and service area per Coastal Act section 30412, which states, in part:

*(a) The State Water Resources Control Board and the California regional water quality control boards are the state agencies with primary responsibility for the coordination and control of water quality. The State Water Resources Control Board has primary responsibility for the administration of water rights pursuant to applicable law. The commission shall assure that proposed development and local coastal programs shall not frustrate this section. The commission shall not, except as provided in subdivision (c), modify, adopt conditions, or take any action in conflict with any determination by the State Water Resources Control Board or any California regional water quality control board in matters relating to water quality or the administration of water rights.*

*Except as provided in this section, nothing herein shall be interpreted in any way either as prohibiting or limiting the commission, local government, or port governing body from exercising the regulatory controls over development pursuant to this division in a manner necessary to carry out this division.*

*(b) Any development within the coastal zone or outside the coastal zone which provides service to any area within the coastal zone that constitutes a treatment work shall be reviewed by the commission and any permit it issues, if any, shall be determinative only with respect to the following aspects of the development:*

- (1) The siting and visual appearance of treatment works within the coastal zone.*
- (2) The geographic limits of service areas within the coastal zone which are to be served by particular treatment works and the timing of the use of capacity of treatment works for those service areas to allow for phasing of development and use of facilities consistent with this division.*
- (3) Development projections which determine the sizing of treatment works for providing service within the coastal zone.*

*The commission shall make these determinations in accordance with the policies of this division and shall make its final determination on a permit application for a treatment work prior to the final approval by the State Water Resources Control Board for the funding of such treatment works. Except as specifically provided in this subdivision, the decisions of the State Water Resources Control Board relative to the construction of treatment works shall be final and binding upon the commission.*

- (c) *The commission shall provide or require reservations of sites for the construction of treatment works and points of discharge within the coastal zone adequate for the protection of coastal resources consistent with the provisions of this division...*

This provision authorizes the Coastal Commission to evaluate the Clearwater Program as it relates to siting and visual appearance of the development within the coastal zone, the geographic limits of the portions of the JOS within the coastal zone, the timing of use of the treatment work within those service areas, and projections indicating the necessary capacity needed for service areas within the coastal zone. Although this is a limited list of factors, they may implicate several of the policies in Chapter 3 of the Coastal Act. The first of these factors—the siting of a facility—for example, may affect not only aesthetics (see, e.g., section 30251), but also coastal access (see, e.g., sections 30210 to 30212), the nature and extent of any impacts of the project on biological resources and water quality (see, e.g., sections 30230, 30231, and 30240), the nature and extent of geologic stability issues raised by the project (see, section 30253), and whether the project raises archaeological issues (see Section 30244).

#### **D. DEVELOPMENT**

Coastal Act section 30250, *Location; existing developed area*, states, in part:

- (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...*

Coastal Act section 30253, *Minimization of adverse impacts*, states:

*New development shall do all of the following:*

- (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 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.*

Coastal Act section 30254, *Public works facilities*, states, in part:

*New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.*

Coastal Act section 30254.5, *Terms or conditions on sewage treatment plant development; prohibition*, states:

*Notwithstanding any other provision of this law, the commission may not impose any term or condition on the development of any sewage treatment plant which is applicable to any future development that the commission finds can be accommodated by that plant consistent with this division. Nothing in this section modifies the provisions and requirements of Section 30254 and 30412.*

San Pedro Specific Plan section 5.A, *Land Use Regulations, Geological Hazard Areas*, states, in part:

*No building permit shall be issued until the Los Angeles City Engineer has approved assurance by the applicant that the proposed development will neither create nor contribute significantly to the endangerment of road stability or other public improvements.*

### **Growth Accommodation**

The primary intent of Section 30250 of the Coastal Act is to direct new development toward areas where community services are provided and potential impacts to resources are minimized. Section 30250 also requires when siting such development, including the associated supporting infrastructure, that the development be located so as not to cause significant adverse effects, either individually or cumulatively, on coastal resources. Section 30254 of the Coastal Act sets limitations on the approval of new or expanded public works facilities such that their development is scaled to accommodate needs generated by levels of development found by the Commission to be consistent with the Coastal Act. Coastal Act Section 30254.5 places limits on the Commission's ability to impose permit terms or conditions on the development of any sewage treatment plant that would prejudice or otherwise obviate the plant's ability to provide sewage treatment to any Coastal Act-consistent future development that the Commission determines could be accommodated by the plant. Coastal Act Section 30412 further restrains the Commission's actions with regard to water quality issues, especially the development of publicly-owned wastewater treatment works, prohibiting the Commission from taking actions that would be in conflict with the State or Regional Water Quality Boards and limiting the Commission's determinations on the development of such treatment works within the coastal zone to issues regarding: (a) the siting and visual appearance of the treatment works; (b) geographic and temporal limits of service areas; (c) the timing of the use of

capacity of treatment works for those service areas to allow for phasing of development; and (d) the sizing of treatment works as determined by development projections.

In 2010, the JWPCP discharged an average daily flow of approximately 280 million gallons per day (MGD) of treated wastewater serving an approximately 660 square-mile area from the San Gabriel Mountains in the north to San Pedro Bay in the south and from the border of the City of Los Angeles in the west to the border of the County of Los Angeles to the east. The two existing tunnels, built in 1937 (at 8 feet in diameter) and 1958 (at 12 feet in diameter), and using materials including brick, have not been inspected or repaired due to necessary continual use since their construction well over 50 years ago. Population projections by the Southern California Association of Governments forecasts approximately 6.3 million people in the JOS service area by 2050 which translates to a flow of about 612 MGD, 20 MGD beyond current capacity. The proposed tunnel would have the capacity to transport 1,080 MGD which would meet and exceed the projected demand during projected peak wet weather flows in 2050 (927 MGD at the JWPCP), thereby, minimizing the potential for sewage overflow. It would also allow the two existing tunnels (which cannot function independently of one another) to be drained and repaired. Once operable, the two older tunnels could be used if the new tunnel is in need of maintenance or repair.

Because the proposed development involves improvements to the JOS wastewater system capacity, the question arises as to whether the project induces growth that is inconsistent with the Coastal Act. In this case, although the development supports increased flows of wastewater, it is designed to accommodate projected peak wet weather flows and population growth in the service area through 2050. In addition, the project is scaled to accommodate growth which would largely be outside the coastal zone. The proportion of JOS service area within the coastal zone is very small and includes portions of Manhattan Beach, Hermosa Beach, Redondo Beach, Palos Verdes Estates, Rancho Palos Verdes, and Long Beach. These communities are older and are, generally, built out or designated as open space. San Pedro is serviced by the City of Los Angeles' sewer system with outfalls emanating from the Hyperion Treatment Plant located in Playa Del Rey within the City of Los Angeles. In addition, San Pedro is not one of the coastal communities served by the JOS and there are no policies in the San Pedro LUP that explicitly restrict growth in the coastal zone. Thus, the proposed project is consistent with section 30254 of the Coastal Act because intention new tunnel's additional capacity would accommodate peak storm flows and growth expected to occur within and outside the coastal zone and would not be significantly growth inducing.

### **Project Alternatives**

The purpose of the proposed project is to fulfill the Clearwater Program's objectives of creating a wastewater treatment system with the capacity to meet the needs of a growing population, the potential to be maintained and repaired if needed, the reuse of recycled water and biosolids, and the intention, long-term, to meet water quality standards. Twenty-two tunnel alignment alternatives were considered; most of which were eliminated through a multi-step alternative screening process. The Final EIR/EIS analyzed the impacts of six feasible alternatives, four project alignment alternatives, a No-Project Alternative, and a No-Federal-Action Alternative. Alternatives 1 through 4 would begin at the JWPCP at either the East or West shaft site and terminate at the Southwest Marine shaft site, Angels Gate shaft site, or RPB shaft site ([Exhibit 2](#)). Alternatives 1 through 3, additionally, would require changes to the offshore diffusers at the San Pedro or Palos Verdes Shelf. Of these four, Alternative 4 has the fewest construction risks, adverse impacts, and economic costs. Under the No-Project and No-Federal-Action Alternatives, the existing ocean discharge system

would continue to be used and would not be sufficient to accommodate future projected storm flows. In turn, the facilities and neighboring communities could be subject to sewer overflows and emergency discharges. Additionally, any damage incurred during the extended lifetime of the aged facilities would instigate re-direction of discharges to facilities that may not have available capacity.

Alternative 4 is the preferred alternative and subject of this CDP application because it has the least number of shaft sites, the shortest tunnel, and fewest truck trips; would not result in significant, unavoidable, adverse environmental impacts that disproportionately affect minority and low-income populations, and; as proposed, does not involve work in the marine environment.

### **Geologic Hazards**

Coastal Act section 30253 requires that new development be sited and designed to minimize risks to life and property in areas of high geologic hazard, such as the proposed project site. Development must also be designed to assure its stability and structural integrity over time. Thus, the proposed development must be designed to withstand expected stressors from geologic hazards.

According to geophysical surveys, a probabilistic seismic hazard analysis, and geotechnical reports conducted by Fugro West in 2011 and summarized in the Final EIR/EIS, the construction of the tunnel and shaft is susceptible to geologic hazards, such as, landslides, mudslides, and ground failure. The EIR/EIS addresses these potential hazards by requiring geotechnical investigations and incorporation of recommendations made in these investigations into the final plans, thereby making the hazards' impacts less than significant. For the portion of the tunnel within the coastal zone, there are no known landslides above or near the proposed development and deep-seated ground failure is considered a low geologic hazard. The RPB shaft site is also not in a landslide area, however, the adjacent bluff is. There may be weak layers of Altamira Shale below the water table at the shaft site which could result in ground failure due to instability of the site during excavation. Once the shaft is constructed, there would be minimal risk of instability. Seismic hazards exist in the region, due to the site's proximity to the active Palos Verdes Fault and other potentially active seismic sources, but are not considered significant because the probability fault rupture in this area during construction is low and probability of rupture post-construction is not expected to be different that current conditions because of the new manifold structure's similar shape, size, and location compared to the existing facilities. There is no potential for liquefaction at the site. The geotechnical reports conclude that the site will be safe from geologic hazards and not create nor contribute significantly to erosion or geologic instability. However, because the applicant estimates that the project will not start for at least 5 years, over that period geologic conditions may change, i.e., additional erosion, landsliding, bluff retreat, and may affect the approved project and require a redesign from the approved project. Therefore, **Special Condition 8** requires that the applicant submit a final geotechnical report to the Executive Director no later than one year prior to construction at the Royal Palms project site to determine if there are changed circumstances, such as, increased erosion, bluff retreat, flooding, that could affect the approved project and require redesign or modifications. The Executive Director will determine if an amendment to this coastal development permit is legally required.

The National Research Council's 2012 report, *Sea Level Rise for the Coasts of California, Oregon, and Washington: Past, Present, and Future*, includes a high projection of sixty six inches of sea level rise by 2100. At that level, the potential for flooding in a 100-year storm event may temporarily enter the subject project site ([Exhibit 7](#)). A tsunami also has the potential to

temporarily inundate the site, but no permanent inundation is expected during the proposed infrastructure's anticipated lifetime.

The proposed tunnel is below-ground and pressurized with sufficient capacity to accommodate additional flow from storm surge or potential flooding due to sea level rise. The manifold structure, with an economic design life of 75-100 years, is designed to withstand SLR up to 16 feet. If temporarily inundated, there are sump pumps within the pressurized manifold structure that can pump out small amounts of water. If permanently inundated, which is unexpected, the system would operate normally; only access to the structure's vents or lids for maintenance activities would be restricted. As proposed, it is unlikely that the project will require shoreline protection over its lifetime; however, there is a possibility that this area could be threatened in the future by waves and erosion. Given the treatment work's design and approval of the development of this portion of the project site is predicated upon the expectation that this area will not require shore protection, nevertheless, **Special Condition 15** requires the waiver of any rights to construct protective devices that may exist under Public Resources Code Section 30235. As conditioned, the project is consistent with sections 30250(a) and 30253(a) and (b) of the Coastal Act.

Although the geologic risks at this site appear to be low, there is still the potential for the project to be subject to landslides, mudslides, ground failure, and inundation by storm surge and sea level rise. As proposed, based on current geologic conditions, the proposed project would be expected to minimize risks to life and property and maintain structural stability over its projected life; however, with work at the subject site expected to begin in 2023, there is a possibility that over the five years before the permit term would expire (**Special Condition 4**), assumptions and geophysical conditions, including bluff stability with rising sea levels, could vary requiring additional analysis and change to the project. Thus, the Commission imposes **Special Condition 8**, which requires that a site-specific geotechnical survey to be conducted and report be prepared no longer than one year prior to construction and that the recommendations produced be incorporated into the final plans reviewed by a licensed geotechnical expert. If such survey demonstrates that the geological conditions are significantly different than those analyzed in this report or that the project is no longer properly sited and designed to minimize hazards and to be structurally sound, then the applicant shall not commence construction within the coastal zone until the applicant has amended this coastal development permit to address such new conditions or hazards. The plan must be submitted to the Executive Director for review and approval to ensure that the requirements of **Special Condition 8** are met.

In addition, as stated, the majority of the proposed project occurs outside of the coastal zone including tunneling approximately 6.5 miles for the underground pipeline. The project will commence at the head of the tunnel (JWPCP) and will take approximately 5 years before they reach and begin construction at the proposed project site (White Point/Royal Palms Beach). Because of the timing and the need for the applicant to secure funding and acquire contractors, extending the expiration of the Coastal Development Permit from the standard two year period is necessary. **Special Condition 4** establishes the term of the permit for five (5) years following approval of this permit; if a delay in construction within the coastal zone is anticipated, an application to extend the permit would be required.

### **Air Quality and Energy Consumption**

Coastal Act section 20253(c) requires that development be consistent with requirements imposed by the South Coast Air Quality Management District (SCAQMD). Construction and operation of the project would require energy consumption and produce emissions of pollutants primarily in the form of dust and vehicle exhaust; however, compliance with Air Quality Management Plan and SQAQMD rules and regulations is required. In addition, section 30253(d) requires development to minimize energy consumption and vehicle miles traveled.

The City incorporated measures to mitigate impacts on air quality and energy consumption including the recycling of construction debris and the use of newer, fully covered trucks with more fuel efficient engines or covered trucks with particulate matter traps and energy efficient lighting. Limiting greenhouse gas emissions through these efficiency measures minimizes the project's contribution to global warming. **Special Condition 10** further mitigates air quality impacts by conditioning dust control measures at the project site including the use of silt fences or other protective devices. Thus, as conditioned, the proposed project is consistent with Coastal Act sections 30253(c) and (d).

Cumulative impacts from the project as a whole are also minimized. The JWPCP is electrically self-sufficient and sends excess energy to the power grid. The system also reduces demand for imported water by recycling water for reuse in the region and produces biosolids which, through processing, convert to energy and can be used for composted soil amendment.

### **Conclusion**

As it currently exists, the sixty and eighty year old JWPCP effluent outfall tunnel system does not have sufficient capacity to accommodate expected wet weather peak flows and population growth. A no-action alternative would likely pose significant environmental threats in the future because damage to infrastructure or capacity exceedance could result in overflow and flooding of untreated wastewater into communities and various water courses. The project, as conditioned, is the least invasive proposal to accommodate larger wastewater flows in the JOS service area which is largely outside the coastal zone. Risks to life and property are substantially reduced under this alternative with special conditions to minimize geologic instability during excavation and construction and to account for changes in geologic conditions over time (**Special Conditions 4, 8, and 10**). No permanent inundation is expected during the infrastructure's lifetime and any temporary inundation from storm surge is accommodated in the project's design; nevertheless, **Special Condition 15** requires the waiver of any rights to construct protective devices. In addition, impacts to air quality and energy consumption are minimized. Thus, as conditioned, the proposed project is consistent with all relevant provisions of the Coastal Act and San Pedro's certified LUP.

### **E. PUBLIC ACCESS**

Coastal Act section 30210, *Access; recreational opportunities; posting*, states:

*In carrying out the requirements 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, *Development not to interfere with access*, 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.*

San Pedro Specific Plan section 9, *Access*, states, in part:

*Accessways shall not be obstructed by any improvements and shall be kept clear and open for public access, except where public safety considerations require their closure.*

### **Parking**

The general location of the proposed project contains public access points to the White Point/Royal Palms County Beach. During construction, the beach shall remain open with no significant impacts on public access to the beach or recreation facilities as conditioned. The road from Paseo del Mar to the beach parking lots will be open throughout the project. There are a total of 248 legal parking spaces supporting the use of RPB. 36 of these spaces are located in a parking lot at the top of the bluff with an additional approximately 44 street parking spaces on Paseo Del Mar. The lower two lots, adjacent to the excavation site, have 168 available parking spaces. While the reconfiguration of the paved areas immediately seaward of the shaft site would use a maximum of 50 public beach parking spaces for the duration of the project, approximately three years, surveys by Fehr & Peers (which were conducted during peak summer weekends) showed that adequate parking would be available even without the use of 50 of the 248 spaces. Therefore, the project, as proposed, would not have a significant adverse impact on public parking and, thus, access to the beach.

The public might not be aware of the project, so, construction activities may dissuade people from accessing RPB. Therefore, **Special Condition 12** requires signage plans to be developed and submitted to the Executive Director a public access management that shall include signage plans to ensure the public is informed of beach and public access availability.

### **Traffic**

In terms of the impacts of construction traffic on beach access, under CDP 16-10 the City has imposed a number of mitigation measures, including routing construction trucks away from congested streets. The City's permit also requires a construction management plan to be reviewed and approved, as well as, a haul route permit to be acquired prior to construction and excavation. In addition, as proposed, construction is limited to non-peak use times—weekdays—and the main truck route utilizes Western Avenue where the coastal zone only extends to 25<sup>th</sup> Street (and the dual jurisdiction area of the coastal zone only encompasses the intersection of Western and Paseo Del Mar). Therefore, traffic issues would be minimized and, thus, would not have a significant adverse impact on public beach access.

### **Noise**

Temporary construction noise may deter public access to the RPB; however, the majority of the construction work is proposed to occur during weekdays minimizing the noise impacts during peak weekend hours. The City's CDP requires the use of noise-reducing construction practices including limiting work hours and prohibiting unmuffled exhaust. The City's conditions also included noise impact monitoring by a disturbance coordinator following a complaint/response tracking plan

initiated prior to construction and the preparation and implementation of a vibration control plan to reduce ground-borne noise levels. In addition, as proposed the project includes the construction of a 20 foot sound wall. Therefore, as proposed, the project would not have a significant adverse impact on public access to the beach.

### **Conclusion**

As conditioned, maximum access will be maintained during the approximately three years of proposed construction. There is sufficient parking available despite the temporary use of 50 parking spaces during construction. Plus, **Special Condition 12** requires the development of a public access management plan that includes a signage plan to ensure that the public is informed about beach and public access availability while the development is underway. In addition, the City incorporated mitigation measures into CDP 16-10 that shall minimize the impacts of traffic and noise on public access. The siting of the proposed project does not restrict public access to the coast and is consistent with the Chapter 3 policies of the Coastal Act.

## **F. MARINE ENVIRONMENT**

Coastal Act section 30231, *Biological productivity; water quality*, 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 waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

### **Biological Productivity of Coastal Waters**

The White Point/Royal Palms Beach area hosts diverse marine, intertidal, and coastal species and habitats. The lower parking lots separate the construction area from the beach. No project-related activities are proposed within marine waters, the intertidal zone, or the beaches. Adverse impacts to fish and wildlife habitat and water quality could occur, however, from sedimentation or debris accumulation from project excavation (i.e., soils disturbed and removed from the site during shaft construction). This sedimentation or debris could adversely impact biological productivity of coastal waters by, for example, direct ingestion. To mitigate this potential impact, and ensure consistency with the Coastal Act section 30231, **Special Condition 10** requires the development of a construction and pollution prevention plan which would include BMPs to ensure that the project avoids silt or debris accumulation near the project site and minimize threats of entanglement of wildlife.

Noise and vibrations emanating from the excavation site may also impact biota in the marine environment. **Special Condition 9** requires an appropriately trained biologist to survey within a 500 foot radius of the proposed construction areas no longer than six months prior to construction for sensitive species and habitat, submit a report to the Executive Director, and review the project final plans to ensure appropriate measures are in place to protect coastal ecosystems.

According to the Final EIR/EIS, lighting of the construction site also has the potential to impact sensitive species in the surrounding area. Construction is expected to occur largely during daylight hours, so, light use would be minimized at night. In addition, minimum lighting standards would be applied to lighting plans (submitted to the Executive Director for approval) to indicate that light would be directed downward and shielded from the beach (**Special Condition 11**).

Offshore biological productivity may also be impacted by future diffusion of larger volumes of treated wastewater. These impacts are not considered significant given the JWPCP's requirements to meet water quality standards and the relatively low proportion of nutrient input from the treated wastewater relative to the nutrients suspended during natural upwelling (discussed in more detail below).

### **Water Quality**

The JWPCP was awarded the Environmental Protection Agency (EPA) Plant of the Year Award in 2008 for outstanding operations and maintenance programs including pollution prevention. The JWPCP was also awarded the Platinum 14 Award in 2016 for maintaining compliance with National Pollutant Discharge Elimination System (NPDES) permit limits for fourteen consecutive years. The facilities are subject to standards under the Clean Water Act (CWA) through their NPDES permit and conditions imposed by the Los Angeles Regional Water Quality Board. The most recent JWPCP NPDES permit became effective November 1, 2017. The EPA's Effluent Limit Exceedances Report for the JWPCP shows non-compliance in nine of twelve quarters between December 2014 and September 2017. While these were not considered significant violations, the EPA's Detailed Facility Report for the JWPCP identified concentrations of pathogens, pesticides, and Polychlorinated Biphenyls (PCBs) at the ocean outfalls off the Palos Verdes Peninsula. Nutrients identified at the ocean outfalls through the JWPCP receiving water monitoring program were found in relatively small concentrations compared to natural upwelling's resuspension of nutrients. In addition, the operational recycling and reuse of waste and wastewater by the JWPCP also decreases the amount of effluent that is discharged into the Pacific Ocean. There are projects underway to increase future recycling and reuse at the JWPCP. While there may be additional challenges in the future, one of the main objectives of this project is to meet water quality standards and the JWPCP shall continue to implement corrective actions to maintain compliance with permitted pollutant discharge levels to the satisfaction of the Los Angeles Regional Water Quality Control Board.

Direct water quality impacts from project-related activities including shaft construction are mitigated through the imposition of **Special Condition 10**, which requires the incorporation of construction BMPs designed, in part, to minimize silt and debris accumulation and spills of contaminants. The project also impacts water quality by continuing to dispose of secondary treated wastewater off the coast with higher flow volumes expected in the future. This impact is not considered significant because secondary treated water must meet water quality standards imposed and enforced by governmental regional agencies regardless of the volume discharged. **Special Condition 2** requires the applicant to obtain approval from a number of resource agencies including the Los Angeles Regional Water Quality Control Board to ensure the proposed project would not have a significant adverse impact on water quality. As conditioned, the project controls runoff (**Special Condition 10**) and minimizes adverse effects of wastewater discharges (**Special Condition 2**) and is, therefore, consistent with section 30231 of the Coastal Act.

## Conclusion

The proposed project, as conditioned, minimizes adverse impacts to marine resources. **Special Conditions 9 and 10** mitigate the project-related activities' impacts on localized water quality and marine species by imposing BMPs that shall minimize siltation and debris accumulation and by requiring a biologist to monitor the development. While water quality in the Pacific Ocean may be impacted by the project through continued disposal of secondary treated wastewater, the volume of wastewater is reduced through recycling and reuse, the JWPCP is held accountable for maintaining compliance with its NPDES permit, and potential adverse impacts to marine water quality if the project were not implemented would be significantly greater. Considering construction at the subject site is proposed to begin in 2023, there may be changes to conditions and assumptions related to sea level rise at the site; therefore, geologic and biological reports are required before the end of the five year permit term (**Special Conditions 4, 8, and 9**). As conditioned, the siting of the proposed project does not significantly impact marine resources and is consistent with the Chapter 3 policies of the Coastal Act.

## G. ENVIRONMENTALLY SENSITIVE HABITAT AREA

Coastal Act section 30240, *Environmentally sensitive habitat areas; adjacent developments*, states:

- (a) *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources should be allowed in those areas.*
- (b) *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

Portions of coastline surrounding the project site have been designated by both the City and County as Significant Ecological Areas (SEAs) given the diversity of biota found in the marine, shoreline, and coastal scrub habitats. The significant areas are located in the marine environment and landward of the project site and Paseo Del Mar in the White Point Nature Reserve. The location of the majority of the construction work occurring between 2023 and 2025 is within the RPB shaft site which has not been designated as a SEA or ESHA. According to the Final EIR/EIS, the footprint of the site is dominated by non-native grasses and ruderal species, particularly cheeseweed and ice plant. The areas immediately adjacent to the shaft site, including the parking lot, road, and bluff slope, contain mostly non-native and landscape species like Mexican fan palm, Indian fig cactus, Blackwood acacia, Canary Island date palm, and iceplant. These species would not be removed during construction. According to the Final EIR/EIS, coastal sage scrub habitat was also identified near the project area; however, it was low quality, highly fragmented, and adjacent to the road. The coastal sage scrub habitat is unlikely to host California gnatcatchers which are federally listed as threatened under the Endangered Species Act, and would not be removed during construction. The EIR/EIS concludes that the proposed project will not have an adverse impact on biological resources. However, because the applicant estimates that the project will not start for at least 5 years, over that period site conditions can change, i.e., flora or fauna can establish themselves in the construction area, which may affect the approved project and require a redesign or mitigation measures. Therefore, **Special Condition 9** requires that the applicant conduct biological surveys within a 500 foot radius of the proposed construction no longer than six months prior to

construction, submit a biological report to determine biological site conditions closer to actual commencement of construction to ensure the protection of sensitive habitat and species. Once the report is submitted the Executive Director will determine if an amendment to this coastal development permit is necessary.

The project would require removal of vegetation at the shaft excavation site and bluff top area. According to the Final EIR/EIS, the excavation site is mapped as coastal bluff scrub habitat, but the footprint of the site is not on the bluff slope (a characteristic of coastal bluff scrub habitat) and is covered by largely non-native and ruderal species such as cheeseweed and various grasses. Some of these plants would be directly impacted during construction. The relocation of the payment kiosk (and subsequent sidewalk construction) and widening of the east parking lot entrance on top of the bluff would require some landscaping to be temporarily removed. Upon final grading of the site, the shaft excavation area would be hydroseeded with native species previously found in the area (**Special Conditions 13 and 14**). The replanting of the site with native plants as required by **Special Conditions 13 and 14** would help reestablish plants within the disturbed area to help minimize erosion and be compatible with the native plants in the area in accordance with section 30240(b) of the Coastal Act. **Special Condition 13** also requires monitoring of the site for at least two years following the hydroseeding to ensure the establishment of the native vegetation as a measure to minimize erosion onsite, thereby, protecting coastal waters, consistent with Coastal Act sections 30253 and 30231. Existing landscaped areas would also be restored to their previous condition (**Special Condition 14**).

Although the environmentally sensitive areas in the vicinity of the proposed development do not lie within the project's delineated construction and staging areas, and no encroachment by construction personnel and equipment into environmentally sensitive areas is proposed, potential adverse impacts to wildlife habitat could occur from sedimentation or debris accumulation from project excavation (i.e., soils disturbed and removed from the site during shaft construction). To ensure consistency with Coastal Act section 30240(b), **Special Condition 10** requires the development of a construction and pollution prevention plan which would include BMPs to avoid silt or debris accumulation and minimize potential for fuel spills in sensitive habitat or ecological areas. In addition, **Special Condition 9** requires an appropriately trained biologist to survey the site (within a 500 foot radius of proposed construction) no longer than six months prior to construction, submit a biological report for review and approval by the Executive Director, and incorporate appropriate recommendations into the final project plans to ensure SEAs and ESHA are not adversely impacted.

### **Conclusion**

While areas in the general project area contain SEAs and ESHA, the project site, which is immediately adjacent to an access road and parking lot, does not. Any potential impacts to SEAs or ESHA are mitigated through **Special Condition 9 and 10** which require the project site and surrounding areas to be surveyed no longer than six months prior to construction, submittal and approval of a biological report to be incorporated into final plans by an appropriately trained biologist, and implementation of a construction and pollution prevention plan, consistent with section 30240(b) of the Coastal Act. In addition, **Special Conditions 13 and 14** require the restoration and enhancement of the landscaping at the project site. The siting of the proposed project, as conditioned, minimizes, to the maximum extent feasible, impacts to ESHA and is consistent with the Chapter 3 policies of the Coastal Act.

## H. ARCHAEOLOGICAL AND PALEONTOLOGICAL RESOURCES

Coastal Act section 30244, *Archaeological or paleontological resources*, states:

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

### Archaeological Resources

Historically, the project site and surrounding area has hosted stone-age peoples (including ancestors of present-day Gabrieliño-Tongva), explorers like Juan Rodríguez Cabrillo, landlords like the Sepúlveda family who had developed a resort at this location, Japanese-American fisherfolk, and U.S. militia. The Final EIR/EIS indicates there is moderate potential for artifacts from early peoples, the historical White Point Village, or other unknown sources to be disturbed.

A cultural resources evaluation of the White Point ocean outfall system was conducted and included as an appendix to the Final EIR/EIS. The results of archeological surveys identified a number of archeological sites recorded within a half mile of the proposed excavation site; however, no historic resources were identified in the study area. Resources from early peoples, if in the general area, would likely be located offshore due to historically lower sea levels. There is a stonewall fragment at the perimeter of the project site, thought to date back to 1935, eligible for the California Register of Historical Resources. **Special Condition 7** requires a warning fence to be erected around the stonewall fragment, consistent with City measures, to dissuade construction workers from coming altering, damaging, or demolishing. As a potential historic resource, section 30244 requires protection of resources like this wall.

Furthermore, the location of proposed excavation of the shaft is largely, if not entirely, within grounds previously disturbed during the construction of the existing manifold structure and effluent transport tunnels, so, it is unlikely that any resources that may exist here that were not already uncovered. To the extent that there could be archaeological resources that were not discovered during construction of the existing manifold structure, **Special Condition 7** requires work to stop and consultation with a qualified archaeologist or appropriate Native American consultant if such resources are encountered, so steps could be taken to avoid and minimize adverse impacts to the archaeological resources. The siting of the proposed project, as conditioned, minimizes, to the maximum extent feasible, impacts to archeological resources and is consistent with the Chapter 3 policies of the Coastal Act.

## I. AESTHETICS

Coastal Act section 30251, *Scenic and visual qualities*, states, in part:

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of the surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas...*

San Pedro Specific Plan section 10, *Visual resources*, states, in part:

3. *White Point Reservation is designated a public viewsite and all development therein shall provide for public viewing to and along the coast.*
4. *Turn-out and viewsite areas from Paseo Del Mar...shall provide unobstructed views of the ocean.*

## **Views**

Section 10 of the San Pedro Specific Plan designates White Point Reservation and turn-out areas off Paseo Del Mar as viewsites and protects public viewing to and along the coast from these points. The subject project site falls under both those categories and hosts views of the coast from the bluff top and beach. Section 30251 also requires permitted development to protect these views and, where feasible, enhance the visual quality of the area.

The shaft site at the base of the bluff currently hosts a number of man-made structures, including a rusted metal chain-link security fence with barbed wire around the footprint of the area that detracts from the visual quality of the area, two approximately three-foot tall sewer vents, and manifold access lids approximately three square feet in size. The areas immediately surrounding the chain-link fence include paved parking lots and an access road. There are also utility poles, trash receptacles, parking meters, public showers, and a lifeguard stand ([Exhibit 5](#)). On top of the bluff there is a parking lot with entry gates, a payment kiosk, and landscaped areas.

The project, located in a scenic area with views offered along the bluff and access road, proposes temporary removal of the chain-link fence and temporary relocation of the parking meters, public showers, and lifeguard stand at the foot of the bluff. Atop the bluff, the kiosk would be temporarily relocated and the east entry gate would be widened, both requiring temporary removal of some landscaping ([Exhibit 6](#)). The site would generally be restored to its original configuration with some exceptions including replacing the chain-link security fence with a more visually pleasing alternative (**Special Condition 14**) that should enhance the visual quality and scenic views consistent with section 30251 of the Coastal Act. While a fence is necessary for security purposes, the applicant has indicated they will consider other fence designs to ensure security and enhance the visual qualities at the site. Therefore, to ensure compliance with Coastal Act policies, **Special Condition 6** requires fence plans to be submitted to and approved by the Executive Director.

Views of the bluffs directly behind the shaft site from the shoreline inland would be temporarily impacted by the construction and the twenty-foot sound wall surrounding the construction site. The City conditioned the wall to have a mural or similar treatment on the portions visible to the public and relevant project elements to use appropriate paint and low-sheen, non-reflective materials would be used to ensure durability and minimize glare. Similarly, **Special Condition 14** requires permanent structures would be painted with colors that would blend in with the setting. The project would neither temporarily nor permanently restrict views of the ocean from Paseo del Mar at the top of the bluff or from the parking lots and picnic areas below; so, the project complies with the requirements in the Coastal Act and certified San Pedro LUP to protect unobstructed views from designated viewsites. As proposed, the temporary construction would not have a significant adverse impact on scenic resources and, as conditioned (**Special Conditions 6 and 14**), the project would enhance the visual quality of the area.

### **Lighting**

Construction projects can create light pollution by illuminating the surrounding environment which could interfere with coastal views protected by the Coastal Act. Construction is expected to occur largely during daylight hours, so light use would be limited to security lighting and would be minimal during night time, thus minimizing any impacts. Moreover, the temporary sound wall will also help contain the light on the project site. However, lighting, if not shielded to focus light down and onto the project site, could potentially cause visual impacts by creating an illumination that impacts public coastal views from the surrounding area, such as the coastal bluffs. Therefore, **Special Condition 11** requires the applicant to submit and comply with a lighting plan which requires all light to be screened and directed downwards onto the project site to minimize light from illuminating the surrounding areas. These measures ensure that light use during construction would not have a significant adverse impact on scenic resources.

### **Landscaping**

In addition, upon completion of the project, **Special Conditions 13** and **14** requires the project site to be restored to its pre-construction configuration and enhanced by hydroseeding the RPB shaft site with native plants. All other landscaping shall also be restored consistent with **Special Condition 13**. Permanent vents and access lids shall be painted to blend in with the surrounding natural area (**Special Condition 14**). These measures ensure that the visual quality of the area would be enhanced in the area surrounding the project site consistent with section 30251 of the Coastal Act.

### **Conclusion**

As conditioned through **Special Conditions 6, 11, 13, and 14**, the siting and visual appearance of the proposed project does not significantly impact views of the coast and is consistent with the Chapter 3 policies of the Coastal Act.

## **J. LOCAL COASTAL PROGRAM (LCP)**

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program (LCP) that conforms to Chapter 3 policies of the Coastal Act:

*(a) Prior to certification of the Local Coastal Program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3(commencing with Section 30200). A denial of a coastal development permit on grounds it would prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3(commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.*

On September 12, 1990, the Commission certified, with suggested modifications, the land use plan portion of the San Pedro segment of the City of Los Angeles' Local Coastal Program. The certified



LUP contains polices to guide the types, locations, and intensity of future development in the San Pedro coastal zone.

The Commission finds it can approve the development as conditioned. As explained in the above sections, the proposed development is consistent with the policies of the certified LUP. As conditioned, the project will not adversely impact coastal resources or public access. The Commission, therefore, finds that the project as conditioned will be consistent with the Chapter 3 policies of the Coastal Act and will not prejudice the ability of the City to prepare a Local Coastal Program implementation program consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

### **K. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, along with 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.

Reference Section D, Project Alternatives, on page 21 of this staff report for a description of the alternatives considered for this project.

The City is the lead agency for CEQA compliance and has determined that the project is exempt from the provision of CEQA.

As discussed above, the project as conditioned would not have any significant effects on the environment. The proposed project, as conditioned, has been found consistent with the Chapter 3 policies of the Coastal Act. All adverse impacts have been minimized by the recommended conditions of approval and there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, can be found consistent with the requirements of the Coastal Act to conform to CEQA.

### **Appendix A - Substantive File Documents**

- City of Los Angeles Coastal Development Permit 16-10
- Clearwater Program Final EIR/EIS (State Clearinghouse Number: 2008101074)
- Clearwater Program Master Facilities Plan (State Clearinghouse Number: 2008101074)
- Detailed Facility Report (Accessed: January 16, 2018, EPA Enforcement and Compliance History Online)
- Effluent Limit Exceedances Report (Accessed: January 16, 2018, EPA Enforcement and Compliance History Online)
- San Pedro Specific Plan