

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: REGULAR CALENDAR

Application No.: 5-23-0193

Applicant: Southern California Gas Company
(SoCalGas)

Agent: James Chuang, SoCalGas

Location: 8141 South Gulana Avenue, Playa Del Rey, City of Los Angeles, Los Angeles County (APN: 4115-021-800)

Project Description: Construction of an approximately 244-ft. long colored and textured retaining wall, ranging in height from 4ft. to 7ft. with a soldier pile and lagging system design.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends approval, as conditioned, for Southern California Gas Company (SoCalGas) to construct an approximately 244-ft. long colored and textured retaining wall, ranging in height from 4 ft. to 7 ft. The proposed wall will be constructed using a soldier pile and lagging system design and will be located on and directly adjacent to an existing graded pad within the SoCalGas Playa Del Rey Natural Gas Storage facility in Playa Del Rey, City of Los Angeles, Los Angeles County. The proposed wall is intended to stabilize the toe of an existing slope and to allow access for safe servicing of two existing natural gas storage wells operated by SoCalGas. The proposed project is

located at 8141 South Gulana Avenue and adjacent to the Ballona Wetlands Ecological Reserve (BWER) ([Exhibit 1](#)).

The primary coastal resource issues raised by the project include archeological and tribal cultural resources that may be uncovered during ground disturbing activities, the need for construction best management practices due to the site's proximity to the BWER, protection of visual resources, and potential wildlife and habitat disturbance resulting from the proposed development.

The proposed project is located within lands sacred to multiple tribal groups with ancestral ties to the site, adjacent to the BWER complex in Playa Del Rey. Understanding there are known tribal cultural resources in the project area, Commission staff invited tribal consultation with tribal entities with ancestral ties to the area and consulted with two tribal representatives.

The primary questions raised during tribal consultation were whether ground disturbance could be avoided and, if not, whether the amount of grading for the wall's pile foundation was the minimum necessary and if there were project alternatives that would reduce the amount of grading and ground disturbance, given the high potential for tribal cultural resources to exist at the project site. SoCalGas addressed this concern by providing an alternatives analysis which evaluated six project alternatives and concluded that the proposed project is the alternative that involves the least amount of grading while still fulfilling the project purpose. Staff has reviewed the analysis and concurs that there are no less environmentally damaging alternatives to stabilize the bluff.

Staff is recommending that the proposed project be conditioned to preserve, protect, and minimize potential impacts to water quality, biological resources, visual resources, and archeological and tribal cultural resources. **Special Condition 1** requires that the applicant undertake development in accordance with the approved final plans and the Retaining Wall Project Rendering, which shows the color of the proposed wall. Given the long history of human habitation on this site and the potential to encounter archaeological and cultural resource deposits, **Special Condition 2** requires the applicant submit for review and approval, a Cultural Resources Treatment and Monitoring Plan prepared by a qualified professional. Commission staff also recommends that the Commission impose **Special Condition 3**, which requires the applicant to adhere to all "avoidance and minimization measures" described within the Cabora Drive Slope Repair Project – Biological Resources Assessment Report, dated February 10, 2021, prepared by Blackhawk Environmental, Inc. **Special Condition 4** requires the applicant to comply with project-related requirements to provide for the safe storage of project materials, drainage controls, and safe removal of potentially contaminated soils. Additionally, **Special Condition 5** requires the applicant to submit a landscaping plan that includes landscaping in the areas between the existing gas wells on site and Cabora Drive. This landscaping will act as a vegetated screen of the gas wells from the public view areas in and around the BWER. Finally, the applicant is

required to assume the risks of developing the retaining wall in an inherently hazardous area, per **Special Condition 6**.

The project site is located within the City of Los Angeles dual permit jurisdiction. The applicant received a local CDP (DIR-2021-4408-CDP) from the City of Los Angeles on January 27, 2023. The permit was not appealed to the Commission. There is no certified LCP for this area, however in 1987 the Playa Vista Land Use Plan (LUP) was effectively certified. Therefore, the standard of review for this project is Chapter 3 of the Coastal Act, with the Playa Vista LUP used as guidance. Staff recommends that the Commission find that, as conditioned, the project is consistent with the Chapter 3 policies of this Coastal Act. Thus, staff further recommends that the Commission approve the project as conditioned. The motion to carry out the staff recommendation is on **page 5**. The special conditions begin on **page 6**.

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I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve Coastal Development Permit No. 5-23-0193 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

- 1. Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the applicant or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
- 3. Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
- 5. Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the applicant to bind

all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. **Final Plans.** The permittee shall undertake development in accordance with the approved final construction plans (**received August 29, 2023**) and Cabora Wells Retaining Wall Project Rendering / Photo Log (**received July 21, 2023**). Any proposed changes to the approved final plans and/or rendering shall be reported to the Executive Director. No changes to the approved final plans and/or rendering shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is required.
2. **Cultural Resource Treatment and Monitoring Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a Cultural Resources Treatment and Monitoring Plan prepared by a qualified professional, which shall incorporate the following measures and procedures:
 - a. All representatives of Native American Tribes listed on an updated Native American Heritage Commission (NAHC) contact list for the area shall be invited to consult on the preparation of the monitoring plan and all who accept the invitation shall be allowed to consult and shall be meaningfully considered in the plan's development.
 - b. The monitoring plan shall ensure that any prehistoric archaeological or paleontological or Native American cultural resources that are present on the site and could be impacted by the approved development will be identified so that a plan for their protection can be developed. The methods of protection of Tribal Cultural Resources shall be developed in consultation with the appropriate Native American tribal government(s). To this end, the cultural resources monitoring plan shall require that the representatives of Native American Tribes listed on an updated Native American Heritage Commission (NAHC) contact list for the area be invited to be present and monitor all ground-disturbing activities and arrange for any invited Tribal representative that requests to monitor and a qualified archaeological monitor to be present to observe project activities with the potential to impact archaeological and/or tribal cultural resources. The monitor(s) shall have experience monitoring for archaeological resources of the local area during excavation projects, be competent to identify significant resource types, and be aware of recommended Tribal procedures for the inadvertent discovery of archaeological resources and human remains.
 - c. There shall be at least one pre-grading conference with the project manager and grading contractor at the project site to discuss the potential

for the discovery of archaeological/tribal cultural or paleontological resources. Prior to grading operations, a copy of all archeological documents and reports shall be provided to the Native American monitors.

- d. The permittee shall provide sufficient archaeological and Native American monitors to assure that all project grading and subsurface construction activities that have any potential to uncover or otherwise disturb cultural deposits are monitored at all times.
- e. If any archaeological or paleontological, or cultural deposits, are discovered, including but not limited to skeletal remains and grave-related artifacts, artifacts of traditional cultural, religious or spiritual sites, or any other artifacts relating to the use or habitation sites, all construction shall cease. Should human remains be discovered on-site during the course of the project, immediately after such discovery, the on-site archaeologist and Native American monitor shall notify the County Coroner within 24 hours of such discovery, and all construction activities shall be temporarily halted until the remains can be identified. The Native American group/person deemed acceptable by the NAHC shall participate in the identification process, pursuant to Public Resources Code Section 5097.98. Should the human remains be determined to be that of a Native American, the permittee shall comply with the requirements of Section 5097.98. Within five (5) calendar days of such notification, the permittee shall notify the Executive Director of the discovery of human remains. Treatment of any archaeological, paleontological, or cultural resource discovery shall be determined by the appropriate monitor(s) or the Most Likely Descendant (MLD) when state law mandates the identification of an MLD. Significance testing may be carried out only if acceptable to the affected Native American Tribe(s), in accordance with the attached "Cultural Resources Significance Testing Plan Procedures" ([Appendix B](#)). The permittee shall report all discovered resources as soon as possible, by phone and/or by email to the Executive Director. The permittee shall provide the significance testing results and analysis to the Executive Director, if applicable. A permittee seeking to recommence construction activities shall follow the procedures set forth in [Appendix B](#).

If the Executive Director determines that the discovery is significant or that the treatment method preferred by the affected Native American tribe(s) is in conflict with the approved development plan, the permittee shall seek an amendment from the Commission to determine how to respond to the discovery and to protect both those and any further cultural deposits that are encountered. Development shall not recommence until an amendment is approved, and then only in compliance with the provisions of such amendment.

3. **Biological Resources.** All “avoidance and minimization measures” described within the Cabora Drive Slope Repair Project – Biological Resources Assessment Report, dated February 10, 2021, prepared by Blackhawk Environmental, Inc., shall be strictly adhered to, and incorporated into all final project design plans, construction methodologies and management practices. No changes to the approved “avoidance and minimization measures” shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is required.
4. **Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris.** The permittee shall comply with the following construction-related requirements:
 - a. No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion;
 - b. No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers;
 - c. Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project;
 - d. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters;
 - e. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day;
 - f. The permittee shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;
 - g. All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
 - h. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems;
 - i. The discharge of any hazardous materials into any receiving waters is prohibited;
 - j. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible;

- k. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity; and
- l. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.
- m. During construction of the project, no runoff, site drainage or dewatering shall be directed from the site into any street, alley or stormdrain, unless specifically authorized by the California Regional Water Quality Control Board.

5. Landscaping – Drought Tolerant, Native Plants.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, two (2) sets of landscaping plans, prepared by an appropriately licensed professional which shall include and be consistent with the following:

- a. The area between the existing gas wells on site (McAdams 1 Well and Elliott 1 Well) and Cabora Drive shall be landscaped to serve as a vegetative screen, as feasible, consistent with the vegetation clearance requirements of the Very High Fire Hazard Severity Zone (VHFHSZ) as designated by the Los Angeles City Fire Department. (<https://www.lafd.org/fire-prevention/brush/brush-clearance-requirements>).
- b. All landscaping shall consist of drought tolerant plants native to coastal Los Angeles County and appropriate to the habitat type. Native plants shall be from local stock wherever possible.
- c. 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>).
- d. No permanent in-ground irrigation systems shall be installed on the site. Temporary above ground irrigation is allowed to establish plantings. Use of reclaimed water for irrigation is encouraged. If using potable water for irrigation, only drip or microspray irrigation systems may be used. Other

water conservation measures shall be considered, such as weather based irrigation controllers.

- e. It shall include a planting schedule that indicates that the planting plan shall be implemented within sixty (60) days of completion of construction. Within ninety (90) days of completion of construction, the permittee shall submit for the review and written approval of the Executive Director a landscaping implementation report, prepared by a licensed Landscape Architect or qualified resource specialist that certifies whether the on-site landscaping is in conformance with the landscape plan approved pursuant to this special condition. The implementation report shall include photographic documentation of plant species and plant coverage.
- f. All landscaped areas on the project site shall be maintained in a litter-free, weed-free, and healthy growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements. The permittee, or successor in interest, will submit a landscaping monitoring report for the review and written approval of the Executive Director. The monitoring report shall be submitted three years from the date of the issuance of the coastal development permit for the subject development. The landscaping monitoring report shall be prepared by a licensed Landscape Architect or qualified resource specialist that certifies whether the on-site landscaping is in conformance with the landscape plan approved pursuant to this special condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

The permittee 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 provides a written determination that no amendment is required.

6. **Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the permittee acknowledges and agrees (i) that the site may be subject to hazards, bluff and slope instability, erosion, landslides, or other natural hazards; (ii) to assume the risks to the permittees and the properties that are 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. DUAL PERMIT JURISDICTION AREA

The proposed development is within the coastal zone of the City of Los Angeles. Section 30600(b) of the Coastal Act allows a local government to assume permit authority prior to certification of its local coastal program. Under that section, the local government must agree to issue all permits within its jurisdiction. In 1978 the City of Los Angeles chose to issue its own CDPs pursuant to this provision of the Coastal Act.

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 Act requires that any development that receives a local CDP also obtain such a permit from the Coastal Commission. Section 30601 requires a second CDP from the Commission on all lands located (1) between the sea and the first public road, (2) within 300 feet of the inland extent of a beach, or the sea where there is no beach, (3) on tidelands or submerged lands, (4) on lands located within 100 feet of a wetland or stream, or (5) on lands located within 300 feet of the top of the seaward face of a coastal bluff. Outside that area, the local agency's (City of Los Angeles) CDP is the only coastal development permit required. Thus, it is known as the Single Permit Jurisdiction area.

The project site is located between the sea, or in this case a tidally influenced wetland, and the first public road. The project site is located within the "Dual Permit Jurisdiction" area pursuant to Section 13307 of Title 14 of the California Code of Regulations and Section 30601 of the Coastal Act. SoCalGas received a local CDP ([DIR-2021-4408-CDP](#)) from the City of Los Angeles on January 27, 2023. The permit was not appealed to the Commission and is, therefore, a final action by the City. The subject application is for the Commission's dual permit.

V. FINDINGS AND DECLARATIONS

A. Project Description and Location

The proposed project is located at 8141 South Gulana Avenue within the SoCalGas property and adjacent to the BWER in Playa Del Rey, City of Los Angeles, Los Angeles County ([Exhibit 1](#)). The subject site is located on and directly adjacent to an existing graded pad at the toe of the slope between Veragua Drive and Cabora Drive. The site is currently owned and maintained by the applicant, SoCalGas. The slope has existing erosional features (gullies) and has been reported to have experienced periodic surficial failures in the past and experienced significant slope erosion following storm events in December 2021. The ongoing erosion requires frequent maintenance, particularly after storm events, to remove eroded sediment from the access road and graded pad, to allow for continued access to the two natural gas storage wells (McAdams 1 well and Elliot 1 well) operated by SoCalGas, both of which were drilled prior to the effective date

of the Coastal Act, as well as to remove eroded sediment which can be transported into storm water discharges.

SoCalGas proposes to construct an approximately 244 ft. long colored and textured retaining wall, ranging in height from 4 ft. to 7 ft. [\(Exhibit 2\)](#) The proposed retaining wall is intended to provide structural support to stabilize the slope and provide adequate freeboard to reduce erosion onto the well pads. Currently there is an existing K-rail that runs along the toe of the slope, following its natural contour. The retaining wall would be constructed along a similar alignment as the existing K-rail, however the footprint of the retaining wall is larger than the K-rail, and there will be some cut into the slope associated with its construction. The proposed wall will also include a gutter constructed adjacent to the slope behind the retaining wall conveying runoff to a 4-in. diameter down drain discharging to weep holes.

The retaining wall will be constructed using a soldier pile and lagging system design which will involve drilling 33 2 ft. diameter borings to depths ranging between 15 ft. and 23 ft. below grade. Prefabricated concrete piles (soldier piles) will be placed in the holes. Approximately 5-ft. deep by 2-ft.-wide trenches will be excavated along the length of the bluff adjacent to the soldier piles to pour reinforced concrete footings for the lagging. The wall will be constructed with one foot of freeboard and will extend 4 ft. to 7 ft. above the adjacent ground surface. Continuous concrete lagging will be poured in-place or prefabricated and will retain 3 ft. of soil for a length of 99 ft. measured from the eastern end of the wall and will retain 6 ft. of soil for the remaining 145 ft. of the western end of the wall. Soil and gravel backfill with drainage will be placed on the upslope side of the lagging. The soldier pile and lagging retaining wall will result in the disturbance footprint of approximately 488 sq. ft. The total volume of soil excavated associated with the drilling of the soldier pile borings and the excavating of the footings for the lagging wall will be approximately 65 cubic yards to a depth ranging between 15 ft. and 23 ft. below grade. The excavated soil will be tested by SoCalGas for contaminants. If the soil is uncontaminated, the majority of it will be used as backfill for the retaining wall while the remaining soil will be stockpiled and/or spread in a portion of the SoCalGas facility that is outside of the Coastal Zone. If the soil is found to contain contaminants, it will be disposed of entirely offsite and outside of the coastal zone.

There are two construction staging areas for the proposed project [\(Exhibit 5\)](#). The first is by the west gate of the access road (Cabora Drive). This staging area will be used as a vehicle and equipment parking area. The second staging area is on the graded pad and along the access road (Cabora Drive) adjacent to the project site. This staging area will be used as a materials laydown area and for vehicle parking.

Standard of Review

The Playa Vista Land Use Plan was effectively certified in 1987; however, no implementation plan was submitted, and, thus, there is no certified LCP. Therefore, the

standard of review is Chapter 3 of the Coastal Act, with the Playa Vista LUP used as guidance.

B. Archaeological and Tribal Cultural Resources

Section 30244 of the Coastal Act states:

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

The Playa Vista certified LUP states:

B. 4b. 1. Review potential resource impacts through the County and City's Environmental Guidelines and require appropriate environmental documentation and reasonable mitigation measures as determined by the Department of City Planning and the State Historic Preservation Office.

B. 4b. 4. To ensure proper surface and site recordation, the State Historic Preservation Office shall be notified, along with City Planning Director, if any resource is discovered during any phase of development construction.

The Commission recognizes that the entirety of the State's coastal zone was originally indigenous territory that continues to have cultural significance to Native American tribes. The Commission's Tribal Consultation Policy (adopted on August 8, 2018)¹ recognizes the importance of State efforts to protect Tribal Cultural Resources and improve communication and coordination with Tribes, and it sets out a tribal consultation process that is fully consistent with, and complementary to the nature of, the Commission's goals, policies (including Section 30244), and mission statement. Tribal Cultural Resources can be sites, features, cultural landscapes, sacred places, and objects with cultural value and can also qualify as archeological, paleontological, visual, biological, or other resources that the Commission is tasked with protecting pursuant to the Coastal Act.

Tribal Cultural Resources in Project Area

The California coastal zone has been home to native populations since time immemorial. The larger project area is located within the ancestral settlements of the Gabrielino (Tongva) peoples, which are considered sacred to numerous tribes with territorial, ancestral, and/or cultural ties to the area. Ceremonial and cultural activities continue near this site to the present day.

¹ <https://documents.coastal.ca.gov/assets/env-justice/tribal-consultation/Adopted-Tribal-ConsultationPolicy.pdf>

As a part of this application (CDP No. 5-23-0193) SoCalGas provided a Cultural Resource Study prepared by ASM Affiliates, dated March 18, 2021. The findings of the Cultural Resource Study identified the following:

“The archaeological pedestrian survey did not result in the identification of any prehistoric or historic archaeological sites within the Project parcel. Further, the condition of the Project parcel having been heavily physically modified and retaining minimal intact natural ground surface suggests a very low likelihood that any undocumented or buried cultural materials may be found within the parcel during installation of the new retaining wall. As such, ASM does not recommend any additional archaeological work related to the Project.”

While portions of the project area have sustained substantial ground disturbance, specifically the grading of the pad, even disturbed soils have the potential to contain archeological deposits, human remains, and artifacts. In addition, the proposed piles may impact previously undisturbed soil. Furthermore, the Native American Heritage Commission ran a Sacred Lands File check for this site, which returned positive.

Tribal Consultation

In accordance with the Commission’s Tribal Consultation procedures, on March 21, 2023, via email, Commission staff initiated consultation with all tribes known to have ties to the project area. Consultations with representatives of the Gabrielino Tongva Indians of California occurred on March 28, 2023, and July 31, 2023. During the consultation process, the representatives shared the history and sensitivity of the site and provided feedback on the project scope and proposed conditions of approval outlined by Commission staff. The concerns raised during these calls are summarized in the following subsection.

Tribal Concerns

The main concern described during the consultations was, generally, that this site has high potential for containing tribal cultural resources that could be impacted by grading and grubbing (removal of vegetation) at the site. The representatives voiced concerns regarding the amount of grading and requested to see project alternatives that detail why the project and proposed grading is necessary, and if there are any alternatives that would result in less grading. This alternative analysis is described in more detail below. While a clear preference that avoidance or minimal ground disturbance was stated, if grading is determined to be necessary, the representatives requested that any approved work be very carefully monitored by appropriate Native American monitors.

Alternatives

The alternatives analysis submitted by SoCalGas considered six possible alternatives including the no action alternative and the proposed alternative (soldier pile and lagging system retaining wall). The other alternatives evaluated consisted of cast-in-place

retaining wall, concrete blocks, vertical wall with tiebacks, and abandoning the gas wells in place. The main evaluation criteria were the amount of grading and the practicality of each proposal.

a) No Action Alternative (maintain existing K-Rails)

The No Action alternative would involve leaving the existing concrete K-rails in place along the toe of the slope. According to information contained in the Alternatives Analysis, the 3-ft. K-Rails do not provide adequate height along 145-ft. of the slope to prevent soil sloughing. The 3-ft.-high K-Rails would continue to provide some erosion control along 99-ft. of the slope. However, according to the analysis, an additional foot in height is needed to provide the minimum required freeboard to prevent sediment from overtopping the K-Rails along the 99 ft. portion. Additionally, the analysis states that the K-rails currently result in inadequate conditions for operations and maintenance access to existing well pads due to sloughing of soils, and frequent maintenance. If the K-rails were overtopped, then these conditions would worsen. SoCalGas states that natural gas wells and underground storage are regulated by the Department of Conservation's Geologic Energy Management Division (CalGEM). CalGEM provides regulations for the testing, inspections, and maintenance of the wells to which - SoCalGas must adhere. While the No Action alternative would result in less grading to the pad, this alternative would not achieve the project purpose to provide safe access to the natural gas wells and to reduce maintenance of the well pads, therefore it was determined that this is not a practical alternative.

b) Cast-In-Place Retaining Wall

The Cast-in-Place retaining wall alternative would involve excavating an approximately 6.5 ft. wide 3-ft.-deep trench along 244-ft. of the toe of the slope to construct the reinforced concrete footing for the cast-in-place retaining wall. This alternative would result in approximately 176 cubic yards of grading, and a disturbance footprint of approximately 1,586 sq. ft. The analysis states that this alternative would provide adequate structural support to stabilize the slope and would provide adequate freeboard to reduce erosion onto the well pads. Therefore, this alternative would achieve the stated project purpose to provide safe access to the natural gas wells and to reduce maintenance of the well pads, but it would result in more grading than the proposed project.

c) Concrete Blocks

This alternative would involve excavating an approximately 4-ft.-wide by 2-ft.-deep trench along 244-ft. of the toe of the slope to construct the interlocking concrete block retaining wall. The concrete block alternative would result in approximately 72 cubic yards of grading, and a disturbance footprint of approximately 976 sq. ft. The analysis states that this alternative would provide adequate structural support to stabilize the slope and would provide adequate freeboard to reduce erosion onto the graded pad. Therefore, this alternative would achieve the stated project purpose to provide safe

access to the natural gas wells and to reduce maintenance of the well pads, however it would result in more grading than the proposed project. Additionally, it was noted in the analysis that this alternative is a non-traditional construction method and was not approved by the City of Los Angeles Building Department.

d) Vertical Wall with Tiebacks

This alternative would involve installing tiebacks into the bluff slope in order to support the retaining wall system and counteract the lateral loads that would be imposed on the wall by the bluff material. According to SoCalGas, this type of system is typically used in deep shoring/large retaining applications rather than in relatively small retaining wall systems such as proposed for the project site. The analysis provided states that for the proposed project, the existing bluff soils are not ideal for tiebacks due to their sandy and incohesive nature, raising questions about the practicality of a tieback-supported retaining wall in this setting. Even if a tieback system were technically feasible (e.g. by increasing the number of tiebacks or their length), this alternative would nonetheless require drilling numerous tiebacks into the undisturbed soils of the bluff slope and would not avoid the need for grading of the pad at the foot of the proposed wall. Because tiebacks would still require a full retaining system (e.g., soldier pile and lagging wall), adding tiebacks would increase construction costs without meaningfully reducing the project footprint and impacts. Therefore, retaining walls with tiebacks is not a feasible alternative for this project.

e) Abandon Gas Wells in Place

This alternative would involve abandoning the two wells located on the proposed project graded pad: the McAdams 1 well and the Elliot 1 well. The McAdams 1 well is currently an active Injection/Withdraw well. According to SoCalGas, the remaining lifespan of the McAdams 1 well is a minimum of 10 years. SoCalGas further states that this well will be operating for several decades and is critical to their operations at Playa Del Rey. SoCalGas states that they do not have any plans to drill replacement Injection/Withdraw wells at Playa Del Rey, so if the McAdams 1 well was abandoned SoCalGas would not be able to meet their storage needs. The Playa Del Rey facility is critical to the gas supply for the Los Angeles basin in times of both seasonal cold and hot weather. Playa Del Rey is a peaker facility and is dispatched within minutes when supply is constrained and local gas is needed to prevent curtailments for winter heating and summer cooling.

SoCalGas intends to relocate wells from the wetlands to the subject SoCalGas facility in the future. They are not proposing to increase the number of wells: the total number of wells would remain the same, which is consistent with their analysis that the McAdams 1 well is necessary for their operations. The Elliot 1 well was plugged and abandoned in 2019; however, according to SoCalGas, the well cellar and surface concrete pads remain in place, and periodic inspections are required to evaluate the integrity of the

subsurface piping of the decommissioned well. Therefore, this is not a feasible alternative.

f) Soldier Piles and Lagging System Retaining Wall

The Soldier Piles and Lagging System alternative (proposed project) would involve drilling 33 2-ft. diameter borings to depths ranging between 15 ft. and 23 ft. below grade along 244 ft. of the toe of the slope. This alternative would result in approximately 65 cubic yards of grading, and a disturbance footprint of approximately 488 sq. ft. The analysis states that this alternative would provide adequate structural support to stabilize the slope and would provide adequate freeboard to reduce slope materials from eroding onto the well pads. This alternative would also result in the least amount of disturbance of the four structural walls analyzed. Therefore, it was determined that this is the preferred alternative.

g) Alternatives – Conclusion

Of the alternatives considered, the soldier piles and lagging system retaining wall was determined to disturb the least amount of soil while still fulfilling the project purpose of stabilizing the slope. The other alternatives evaluated either resulted in more grading and ground disturbance or would not sufficiently stabilize the slope and allow for safe access to the gas wells. The abandon-in-place alternative was also determined to be infeasible because, without the operation of the McAdams 1 Well, SoCalGas claims that they would not be able to meet their storage needs. As discussed in this section of the report, the minimization of grading would better protect tribal cultural resources, and thus the proposed project is the most preferable project alternative as it provides adequate protection to the wells and results in the least amount of grading compared to the other stabilization alternatives.

Tribal Cultural Resources Mitigation and Treatment

The potential impacts of the project not only include incidental discovery of tribal resources, but disturbance of a sacred area. While SoCalGas's proposal does involve ground-disturbing activities, the activities are necessary to fulfill the project purpose and to protect the existing gas storage wells. To ensure that the project minimizes and mitigates potential impacts to prehistoric archaeological and tribal cultural resources, consistent with past Commission action, **Special Condition 2** requires SoCalGas to assure that the proposed project remains sensitive to the concerns of the affected Native American groups and requires SoCalGas to provide a Cultural Resources Treatment and Monitoring Plan prepared by a qualified professional, which ensures affected or interested tribal groups are invited to consult on the development of the plan and be present at the site during all excavation activities to monitor the work should they so choose. **Special Condition 2** also requires SoCalGas to notify the Executive Director of any discovery of resources and apply for an amendment to this CDP if project changes are required in order to avoid or mitigate for any impacts to archaeological deposits. Significance testing and data recovery are only permitted if

done in consultation with the affected Native American Tribes, and in accordance with the “Cultural Resources Significance Testing Plan Procedures” ([Appendix B](#)).

Therefore, as conditioned, the proposed project is consistent with Coastal Act section 30244 and the Cultural Heritage Resource protection policies of the certified LUP, as the development will include reasonable mitigation measures to minimize potential adverse impacts to archaeological and tribal cultural resources at the site. The Commission acknowledges that substantial tribal concerns remain with respect to this project and that tribal cultural resources go beyond archeological resources and include visual, biological, and other resources that the Commission is tasked with protecting pursuant to the Coastal Act. Findings relating to the proposed projects’ potential impacts on such resources are included below.

C. Biological Resources

Section 30107.5 of the Coastal Act, defines an environmentally sensitive area as:

"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

The Playa Vista certified LUP states, in part:

B. 2b. 2. The following areas will be protected as necessary ecological support areas: parts of the bluffs and slopes to the south of the Wetlands and north of Cabora Drive and extending from Perishing Drive east to approximately Hastings Avenue; the dunes to the west of Wetlands; and the slightly higher portions of land immediately surrounding the wetlands, the bluff face south of Cabora Drive between Falmouth Avenue and Zayanta Drive, and the buffer areas. Permitted uses in these areas shall be limited to open space, habitat management and controlled nature study and interpretation, designated roadways and the existing and ongoing industrial uses of the Southern California Gas Company...A 100-foot buffer area will be provided between wetlands and other environmentally sensitive

habitat areas and development. In addition, a 5-foot structural set back from the buffer area will be required...

The buffer and structural setback standards shall not apply to the existing and on-going gas company facility in Area B, including necessary well sites located throughout the study area.

Section 30240 requires that only resource-dependent uses that do not significantly disrupt habitat values are permitted in ESHA, and any uses in areas adjacent to ESHA must be sited and designed to prevent impacts that would significantly degrade those areas and must be compatible with their continuance.

The proposed project, including construction and staging areas, would not occur in ESHA, but there are nearby habitats and species at the adjacent BWER that constitute ESHA, approximately 350 ft. North from the proposed work, that must be protected pursuant to Section 30240(b). The BWER is a 577-acre protected area owned and managed by the State of California Department of Fish and Wildlife (CDFW). CDFW is the lead agency for planning, implementation and management of the restoration of the reserve, and the Friends of Ballona Wetlands is a 501(c)(3) nonprofit organization founded in 1978 that has been conducting restoration projects in the BWER with the help of volunteers since 1994. SoCalGas did not coordinate with CDFW on the proposed project; however, as explained in more detail below, the proposed project is not expected to impact any environmentally sensitive habitat areas or the animals and plants that rely on them.

As indicated the proposed project is located adjacent to Southeast Area B of the BWER that has been identified to contain wetlands and is designated for wetland restoration. While the project site is adjacent to an area designated for wetland restoration, the project site itself is not a mapped wetland. SoCalGas submitted a Biological Resources Assessment dated February 10, 2021, which states that field surveys were conducted, and no wetlands were found onsite.

A review of the U.S. Fish and Wildlife Service's (USFWS) list of Threatened, Endangered, Candidate, and Proposed species; and the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDDB) was conducted for the project site, which identified documented occurrences from within two miles of the project site. It was determined that 28 special status species are known to occur in the vicinity of the project site. Of those 28 species, it was determined that three special status bird species have a low potential for occurrence within the project site, this includes the Belding's Savannah Sparrow, the California Least Tern and the Western Burrowing Owl. The Monarch Butterfly was also determined to have a low potential for occurrence. However, none of these special status species were identified in surveys of the site.

The project site contains four vegetation communities and/or land cover types (Bare Ground, Developed, Disturbed Ruderal/non-Native Grassland, and Landscaping

[Iceplant]) and predominately contains non-native grasses and non-native annual plant species commonly associated with altered landscapes. Ten special status plant species are known to occur within the vicinity of the site, however only one species was determined to have a low potential for occurrence at the site, Southern Tarplant; the remaining nine species were determined to be absent due to lack of suitable habitats. Field surveys were conducted of the project site, and no Southern Tarplant was observed.

Indirect temporary impacts associated with construction could negatively affect surrounding sensitive species. No lighting impacts are expected, as no new lighting is proposed with the project and construction will not occur at night when lighting would typically be necessary. However, noise and dust are expected impacts from construction. Temporary noise impacts have the potential to disrupt foraging, nesting, roosting, and denning activities for a variety of wildlife species. However, through the avoidance of the avian nesting season, the use of a biological monitor, and implementation of appropriate BMPs, these impacts are expected to be reduced to a level below significance. SoCalGas has proposed five avoidance and minimization measures intended to eliminate and/or reduce these impacts ([Exhibit 4](#)). The five measures are: (1) the presence of a biological monitor on site during construction within 100 feet of any special status habitat, (2) the use of appropriate construction BMPs to ensure avoidance of any indirect temporary impacts to adjacent special status habitats, (3) avoidance of the nesting bird season, if feasible, and if infeasible then a pre-construction survey shall be performed, (4) no more than 30 days prior to the onset of construction-related activities, a burrowing owl survey shall be conducted to determine the presence or absence of the species, and (5) if the project construction activities are initiated during the raptor nesting season, a nesting raptor survey shall be conducted. **Special Condition 3** requires SoCalGas to adhere to all avoidance and minimization measures. Therefore, as conditioned, the proposed project is sited and designed to prevent any adverse impacts to the ESHA adjacent to project construction and staging areas and can be found consistent with Coastal Act section 30240(b) and the biological resource protection policies of the certified LUP.

D. Hazards

Coastal Act Section 30253 states, in pertinent part:

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 protection devices that would substantially alter natural landforms along bluffs and cliffs.

The Playa Vista certified LUP states:

C. 3b. 11. Grading shall be permitted on the bluffs only to the extent necessary for habitat protection, mitigation of potential geologic hazard, slope stabilization, erosion control, residential development or road construction. However, any grading permitted for such purposes shall minimize landform alteration to the maximum feasible extent, consistent with the above permitted development. Any development on the bluffs shall incorporate adequate standards for grading, drainage control, setbacks and geologic engineering.

Section 30253 of the Coastal Act mandates that new development minimize risks to life and property in areas of high geologic and flood hazard and that new development assure stability and structural integrity and not require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. This policy ensures that natural landform alteration is limited to the minimum amount necessary in order to protect life, property, and public safety.

SoCalGas is proposing a soldier pile and lagging system retaining wall to stabilize the bluff adjacent to the graded pad, which would act as a bluff protective device. SoCalGas conducted an analysis of project alternatives, discussed above in Section B – Archeological and Tribal Cultural Resources. SoCalGas asserts that a ‘no project’ alternative would not address the ongoing impacts from erosion of the bluff, which would prevent safe servicing of the wells and would require additional maintenance of the well pads. SoCalGas also asserts that abandonment of the wells would not be feasible because the McAdams 1 Well is needed to meet the injection/withdrawal needs of the facility and would still require the retaining wall to allow for periodic maintenance of the abandoned wells. Thus, SoCalGas asserts that project alternatives involving the use of bluff protective devices are necessary to prevent further slope erosion. As discussed in the Archeological and Tribal Cultural Resources section of this report, overall minimization of the amount of grading and project footprint would better protect tribal cultural resources, and thus the soldier pile and lagging system retaining wall is the most preferable project alternative and minimizes landform alteration to the maximum extent feasible.

Site Instability

As discussed previously in this report, SoCalGas has established that the infrastructure at the toe of the bluff is in need of protection due to the ongoing erosion of the bluff adjacent to the project site. Without adequate protection of the site, the bluff will continue to be susceptible to slope damage and destabilization, which could be further exacerbated by heavy rainfall events and severe El Niño storms, thus posing additional risk to the infrastructure at the site.

The Commission's staff geologist, Dr. Joseph Street, evaluated the vulnerabilities of the project site and concurs with SoCalGas's analysis that the existing gas wells and well pads are in danger from slope erosion, that stabilization of the bluff is necessary to protect these structures, and that the proposed soldier pile and lagging system retaining wall is the least environmentally damaging feasible alternative.

Long-Term Stability and Maintenance

Finally, Coastal Act section 30253 requires the project to assure long-term stability and structural integrity, minimize future risk, and avoid additional, more substantial protective measures in the future. Critical to the task of ensuring long-term stability, as required by Section 30253, is assurance that the project would be maintained in its approved state. Thus, **Special Condition 1** requires all work to be conducted consistent with SoCalGas's final approved plans, subject to the other special conditions.

Despite SoCalGas's concerted efforts to minimize the inherent risk of development in a geologically hazardous area, dynamic and unpredictable hazards exist that could adversely impact the site. As conditioned, the project minimizes these risks, risk cannot be eliminated entirely. Given that SoCalGas has chosen to undertake the proposed project despite the risks, SoCalGas must assume the risk of development. Thus, **Special Condition 6** requires SoCalGas to assume the risks of the development and waive liability and indemnify the Commission against damages that might result from the proposed installation of the bluff protective device.

Conclusion

As proposed and conditioned, the proposed retaining wall would minimize risks to life and property in an area of high geologic hazards, assure stability, and minimize landform alteration. Therefore, as conditioned, the proposed development is consistent with Section 30253 of the Coastal Act and the hazard policies of the certified LUP.

E. Water Quality

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and 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.

The Playa Vista certified LUP states:

C. 3b. 9. Development adjacent to the bluffs shall incorporate sufficient drainage controls to prevent erosion.

Section 30231 requires that the biological productivity and quality of coastal waters be maintained, to maintain optimum populations of marine organisms, and to benefit and protection of human health. Section 30230 requires that marine resources be maintained, enhanced, and where feasible, restored, and that uses of the marine environment be carried out in a manner that will sustain the biological productivity of coastal waters for long-term commercial, recreational, scientific, and educational purposes.

Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal water via rain or wind would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. Sediment discharged into coastal waters may cause turbidity, which can shade and reduce the productivity of foraging avian and marine species' ability to see food in the water column. To ensure that construction material, debris, or other waste associated with the project activities does not enter the water, **Special Condition 4** outlines construction-related requirements to provide for the safe storage of construction materials and removal of debris from the area.

Additionally, SoCalGas is proposing to construct a gutter adjacent to the slope behind the retaining wall conveying runoff to a 4-in. diameter down drain discharging to weep holes. The drainage features will convey stormwater from the retained slope to existing discharge points. The proposed drainage is intended to improve storm water quality.

For water conservation, any plants in the landscape plan should only be drought tolerant to minimize the use of water. To ensure that onsite landscaping minimizes the use of water the Commission imposes **Special Condition 5**, which imposes landscape controls that require that all vegetated screening landscaped areas consist of native, drought-tolerant plants.

Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of

water quality to promote the biological productivity of coastal waters and to protect human health and the policies of the certified LUP.

F. Visual Resources

Section 30251 of the Coastal Act 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 surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas...

The Playa Vista certified LUP states:

C. 2b. 1. Protect existing views of the wetlands and bluffs from the following locations: Culver Boulevard, from Jefferson intersection to Playa Del Rey; Lincoln Boulevard and Culver Boulevard bridges over Ballona Creek, north and South Ballona jetties.

C. 2b. 2. New development may limit but not obliterate existing views of bluffs from Jefferson Boulevard (Lincoln Boulevard to Culver Boulevard) and Lincoln Boulevard (Culver Boulevard to approximately 2,000 feet south of Jefferson Boulevard).

C. 2b. 4. No further construction shall occur on the face of the bluffs northerly of the northern most boundary of Cabora Drive (easement line, dedicated right-of-way line and property line) from approximately Hastings Avenue to Falmouth Avenue and extending west from Falmouth Avenue to Perishing Drive along the existing City/County boundary line, excepting gas company installations.

C. 2b. 10. Landscaping and plant materials should be used to screen and soften visually obtrusive elements.

C. 7b. 5. In areas where new development occurs, the developer shall provide landscaping (trees, shrubbery) to visually buffer existing or relocated gas or oil wells.

Section 30251 of the Coastal Act requires that the scenic and visual resources of coastal areas be considered and protected as a resource of public importance. In addition, public views to and along the ocean and scenic coastal areas shall be protected. In this case the proposed project is located on and directly adjacent to a graded pad within the SoCalGas property, adjacent to the BWER. The scenic and visual qualities that must be protected in this area consist of the public views from Jefferson Boulevard, Culver Boulevard, and Lincoln Boulevard, which are all roads surrounding

the BWER. Currently, the immediate area is developed with two gas storage wells, a 3-ft.-high K-Rail, and a graded pad.

The proposed retaining wall will be built along the toe of the slope and, as discussed above, is the alternative that minimizes landform alteration. To minimize the visual impacts of the wall from the adjacent roads and wetlands, SoCalGas has proposed to texture and color exposed portions of the wall to match the surrounding bluffs. SoCalGas is also proposing to color and texture the existing retaining wall on site, adjacent to the Elliott 1 Well, to match the appearance of the proposed retaining wall and surrounding bluffs. **Special Condition 1** requires SoCalGas to undertake development in accordance with the approved final construction plans (received August 29, 2023) and the Cabora Wells Retaining Wall Project Rendering / Photo Log (received July 21, 2023) depicting the proposed color of the wall ([Exhibit 3](#)) These design elements are intended to make the wall visually compatible with the surrounding bluff and will minimize the visibility of the wall. Additionally, **Special Condition 5** requires the applicant to submit a landscaping plan that includes landscaping in the areas between the existing gas wells on site and Cabora Drive. This landscaping will act as a vegetated screen of the gas wells from the public view areas described above. The proposed project is located within the Very High Fire Hazard Severity Zone (VHFHSZ) as designated by the Los Angeles City Fire Department. Therefore, the landscaping plan shall be prepared consistent with the vegetation clearance requirements for properties in the VHFHSZ, and the type and extent of vegetation will be dependent on the Los Angeles Fire Department clearance requirements for this area. Thus, the Commission finds the project, as conditioned, consistent with section 30251 of the Coastal Act and the Visual Resource protection policies of the certified LUP.

G. Public Access and Recreation

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30212 of the Coastal Act states, in relevant part:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to

public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

One of the basic goals stated in the Coastal Act is to maximize public access and recreation along the coast. The subject site does not provide public access to the shoreline, and there is no adjoining public access point or public recreation facility that will be affected by the proposed project. The proposed project is located fully within the private SoCalGas facility.

However, it should be noted that on August 1, 2023, Commission staff held a meeting with known interested parties, where concerns were raised regarding potential unpermitted fences across Cabora Drive. The interested parties did not indicate exactly which portion of Cabora Drive they were referring to as it appears there are fences at multiple locations along Cabora Drive. The interested parties claimed that the fences were installed in the early 2000's and that prior to installation, Cabora Drive was a public road used by bird watchers and dog walkers.

SoCalGas provided a Tract Map from 1957 which depicts the portion of Cabora Drive within the SoCalGas facility as a private road used by the City and SoCalGas for maintenance of various utilities ([Exhibit 6](#)). SoCalGas also provided historic aerials from 1957 and 1994 and a survey from 1983, all of which identify the presence of a gate/fence at the western and eastern ends of the SoCalGas parcel ([Exhibit 6](#)). Based off the historic aerial from 1957, it appears that the two fences across Cabora Drive on SoCalGas's property were present prior to the effective date of the Coastal Act. No information was provided regarding the fence on Cabora Drive near Lincoln Boulevard, which is located outside of SoCalGas's property. The matter has been referred to the Commission's enforcement division for further investigation and to consider options for future action to address the matter. However, the proposed project is located approximately 1/2 mile from the fence, and the proposed project will have no bearing or effect on the presence of the fence in question. Therefore, the Commission finds that as proposed the project does not conflict with the public access policies of Chapter 3 of the Coastal Act. Commission review and action on this permit does not constitute a waiver of any legal action with regard to the alleged unpermitted fence near Lincoln Boulevard, nor does it constitute an implied statement of the Commission's position regarding the legality of the development undertaken at the subject site without a coastal permit, or of any other development, except as otherwise expressed herein.

H. Local Coastal Program

Section 30604(a) of the Coastal Act states:

Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the

proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

The property is within the certified Playa Vista Land Use Plan area and designated as an open space area, which allows for development for the public utility facilities operated by SoCalGas. The Playa Vista Land Use Plan was effectively certified in 1987. The proposed project, as conditioned, is consistent with the Land Use Plan. The City has not submitted an implementation plan for the Playa Vista area. Thus, while there is a certified land use plan for the area, the City of Los Angeles does not have a certified Local Coastal Program for the Playa Vista area. The Commission finds that the proposed project as conditioned is consistent with the Chapter 3 policies of the Coastal Act and that approval of the proposed development will not prejudice the City's ability to prepare a local coastal program that is in conformity with the provisions of Chapter 3. The Commission, therefore, finds that the proposed project is consistent with section 30604(a) of the Coastal Act.

I. California Environmental Quality Act (CEQA)

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by findings showing the approval, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. The Commission's regulatory program for reviewing and granting CDPs has been certified by the Resources Secretary to be the functional equivalent of CEQA. (14 CCR § 15251(c).)

In this case, the City of Los Angeles is the lead agency, and the Commission is a responsible agency for the purposes of CEQA. The City of Los Angeles determined that the proposed development is exempt under Sections 15301, 15304, and 15311 of the CEQA Guidelines. As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment, either individually or cumulatively with other past, present, or reasonably foreseeable probable future projects. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

- Coastal Development Permit Application Number 5-23-0193 and associated file documents

APPENDIX B – CULTURAL RESOURCES SIGNIFICANCE TESTING PLAN PROCEDURES

- A. An applicant seeking to recommence construction following discovery of the cultural deposits shall submit a Significance Testing Plan for the review and approval of the Executive Director. The Significance Testing Plan shall identify the testing measures that will be undertaken to determine whether the cultural deposits are significant. The Significance Testing Plan shall be prepared by the project archaeologist(s), in consultation with the Native American monitor(s), and the Most Likely Descendent (MLD) when State Law mandates identification of a MLD. The Executive Director shall make a determination regarding the adequacy of the Significance Testing Plan within 10 working days of receipt. If the Executive Director does not make such a determination within the prescribed time, the plan shall be deemed approved and implementation may proceed.
1. If the Executive Director approves the Significance Testing Plan and determines that the Significance Testing Plan's recommended testing measures are de minimis in nature and scope, the significance testing may commence after the Executive Director informs the permittee of that determination.
 2. If the Executive Director approves the Significance Testing Plan but determines that the changes therein are not de minimis, significance testing may not recommence until after an amendment to this permit is approved by the Commission.
 3. Once the measures identified in the significance testing plan are undertaken, the permittee shall submit the results of the testing to the Executive Director for review and approval. The results shall be accompanied by the project archeologist's recommendation as to whether the findings are significant. The project archeologist's recommendation shall be made in consultation with the Native American monitors and the MLD when State Law mandates identification of a MLD. The Executive Director shall make the determination as to whether the deposits are significant based on the information available to the Executive Director. If the deposits are found to be significant, the permittee shall prepare and submit to the Executive Director a supplementary Archeological Plan in accordance with subsection B of this appendix and all other relevant subsections. If the deposits are found to be not significant, then the permittee may recommence grading in accordance with any measures outlined in the significance testing program.
- B. An applicant seeking to recommence construction following a determination by the Executive Director that the cultural deposits discovered are significant shall submit a supplementary Archeological Plan for the review and approval of the Executive Director. The supplementary Archeological Plan shall be prepared by the project archaeologist(s), in consultation with the Native American monitor(s), the Most Likely Descendent (MLD) when State Law mandates identification of a MLD, as well as others identified in the special condition. The supplementary

Archeological Plan shall identify proposed investigation and mitigation measures. The range of investigation and mitigation measures considered shall not be constrained by the approved development plan. Mitigation measures considered may range from in-situ preservation to recovery and/or relocation. A good faith effort shall be made to avoid impacts to cultural resources through methods such as, but not limited to, project redesign, capping, and placing cultural resource areas in open space. In order to protect cultural resources, any further development may only be undertaken consistent with the provisions of the Supplementary Archeological Plan.

1. If the Executive Director approves the Supplementary Archeological Plan and determines that the Supplementary Archeological Plan's recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, construction may recommence after the Executive Director informs the permittee of that determination.
 2. If the Executive Director approves the Supplementary Archeological Plan but determines that the changes therein are not de minimis, construction may not recommence until after an amendment to this permit is approved by the Commission.
- C. Prior to submittal to the Executive Director, all plans required to be submitted pursuant to this special condition, except the Significance Testing Plan, shall have received review and written comment by a peer review committee convened in accordance with current professional practice that shall include qualified archeologists and representatives of Native American groups with documented ancestral ties to the area. Names and qualifications of selected peer reviewers shall be submitted for review and approval by the Executive Director. The plans submitted to the Executive Director shall incorporate the recommendations of the peer review committee. Furthermore, upon completion of the peer review process, all plans shall be submitted to the California Office of Historic Preservation (OHP) and the NAHC for their review and an opportunity to comment. The plans submitted to the Executive Director shall incorporate the recommendations of the OHP and NAHC. If the OHP and/or NAHC do not respond within 30 days of their receipt of the plan, the requirement under this permit for that entities' review and comment shall expire, unless the Executive Director extends said deadline for good cause. All plans shall be submitted for the review and approval of the Executive Director.