

Department of Public Works

Bureau of Engineering  
Report No. 2

May 8, 2015  
CD No. 11

**CONSIDERATION OF AN APPEAL OF CITY ENGINEER'S APPROVAL OF COASTAL DEVELOPMENT PERMIT (CDP) 10-04 FOR THE VENICE DUAL FORCE MAIN PROJECT**

**RECOMMENDATIONS**

1. Deny the appeal.
2. Approve issuance of Local CDP 10-04.

**TRANSMITTALS**

1. Appeal of Richard Lysle, received April 6, 2015.
2. Final Environmental Impact Report (EIR), dated December 2007.
3. Draft EIR, dated December 20, 2005.
4. Findings and Statement of Overriding Considerations, dated December 2007.
5. Copy of the Mitigation Monitoring Program and Addendum, dated December 2007 and September 2009.
6. California Environmental Quality Act Notice of Determination, dated January 14, 2010.
7. Final Staff Report for CDP 10-04, dated March 25, 2015.
8. Notice of Decision for CDP 10-04, dated March 25, 2015.
9. Council Report regarding 2009 Traffic Study and Addendum to Findings and Mitigation Monitoring Program, dated November 23, 2009.
10. "Frequently Asked Questions" (FAQ) Fact Sheet, dated February 2015.
11. Report from the Board of Public Works (Board) to City Council, dated February 25, 2008.

**DISCUSSION**

***Background***

Los Angeles Municipal Code (L.A.M.C.) § 12.20.2 *et seq.* authorizes the City Engineer to issue CDPs and establishes the Board's authority to hear appeals. Mr. Richard Lysle (the appellant) filed an appeal of the City Engineer's decision to approve a CDP for the proposed action to construct a new force main sewer line in the communities of Venice, Marina del Rey, and Playa del Rey (Transmittal No. 1).

The project requires CDPs from the City, Los Angeles County, and California Coastal Commission, as portions of the project alignment cross multiple jurisdictions of the coastal zone.

***Project Description and Background***

The Venice Dual Force Main Project involves the construction and operation of a new 54-inch diameter force main sewer extending approximately two miles in length from the existing Venice Pumping Plant (VPP) (at 140 Hurricane Street in the community of Venice) to a junction structure over an existing sewer in the community of Playa Del Rey on Vista Del Mar near Waterview Street. Wastewater conveyed by the VPP originates from coastal areas to the north and east of the VPP, including the Marina Del Rey community within Los Angeles County. From the VPP, the new force main sewer would proceed east under the Grand Canal along Marquesas Way, then southeasterly on Via Marina to a portion of Los Angeles County Parking Lot 13, and then under the Marina Del Rey and Ballona Creek channels to a point on the south side of Ballona Creek at Pacific Avenue. From there, the sewer would continue south along Pacific Avenue and Vista Del Mar to connect to a junction structure at the North Outfall Sewer (NOS) in Vista Del Mar near Waterview Street. This junction structure can route flow to the NOS or to the Coastal Interceptor Sewer (CIS).

The majority of the new 54-inch line would be constructed using the micro-tunneling (boring) method. The cut-and-cover construction method would be used along approximately 900 feet of Vista Del Mar from the vicinity of Surf Street southeast to the junction structure at the NOS. Once completed, the new force main sewer would be used in tandem with the existing 50-year old force main sewer that is located under Dockweiler State Beach.

The purpose of the project is to increase sewage conveyance capacity during peak wet weather events, provide redundancy and reliability to the sewage conveyance system, and allow maintenance and repair of the existing sewer pipe to occur.

***CEQA and CDP Approvals***

The City certified the Venice Dual Force Main Project EIR (which includes the Final EIR (Transmittal No. 2) and Draft EIR (Transmittal No. 3)), and adopted the Findings and Statement of Overriding Considerations (Transmittal No. 4) and Mitigation Monitoring Program (Transmittal No. 5) on January 12, 2010 (Council File No. 08-0504). The Notice of Determination (Transmittal No. 6) was filed on January 14, 2010.

As a Responsible Agency, the Los Angeles County Regional Planning Commission adopted findings under the Venice Dual Force Main Project EIR, adopted their own Mitigation Monitoring and Reporting Program, and approved Local Coastal Development Permit No. 201400003 on February 25, 2015, for the Venice Dual Force Main Project. Portions of the project on Marquesas Way and Via Marina in Marina del Rey lie within the coastal zone under jurisdiction of Los Angeles County.

May 8, 2015  
Page 3

Regarding the City CDP, the public hearing notice for CDP application 10-04 was sent to over 5,000 interested parties on December 16, 2014. A public hearing was held at 6:30 p.m. on January 21, 2015, at the Westchester Senior Citizens Center located at 8740 Lincoln Boulevard. Over 45 people attended, 19 people provided oral comments, and 20 comment letters were received. As discussed in the Final Staff Report (Transmittal No. 7), issues raised include concerns regarding the chosen project alignment and the following issues related to the construction phase: emergency vehicle access, traffic impacts to residents, boaters, visitors, and businesses, noise impacts, pedestrian and bicycle access, construction hours, tree removals, impacts to street tree roots, geological issues; and coordination of the construction schedule with other projects and events in the area. These issues are adequately addressed through adopted CEQA mitigation measures, permit conditions as part of CDP 10-04, adopted Los Angeles County CDP 201400003 permit conditions, and existing technical studies.

Prior to the public hearing, community briefings and open houses were held the evenings of October 22, 2014 at Burton Chase Park in Marina del Rey, November 19, 2014, at the Westchester Senior Citizens Center, and January 8, 2014 at the Venice Library. Notices for these meetings, along with the public hearing on January 21, 2015, were published in the local paper *The Argonaut*. Direct mail notices were also sent to a mailing list of over 5,000 stakeholders; and stakeholder presentations were made at the Venice, Westchester-Playa del Rey, and Del Rey Neighborhood Councils, along with the Small Craft Harbor Commission, Design Control Board of the Small Craft Harbor Commission, Marina Lessees Association, and others. A Bureau of Engineering (BOE) project website: <http://eng.lacity.org/projects/vpp/> also provided information and status updates.

### ***Coastal Act Requirements***

The following six findings are required by the L.A.M.C. § 12.20.2 *et seq.* in order for a CDP to be issued:

1. That the development is in conformity with Chapter 3 of the California Coastal Act of 1976 (commencing with Section 30200 of the California Public Resources Code);
2. That the permitted development will not prejudice the ability of the City of Los Angeles to prepare a Local Coastal Program that is in conformity with Chapter 3 of the California Coastal Act of 1976;
3. That the Interpretative Guidelines for Coastal Planning and Permits as established by the California Coastal Commission, dated February 11, 1977, and any subsequent amendments thereto have been reviewed, analyzed, and considered in the light of the individual project in making its determination;

4. That the decision of the permit granting authority has been guided by any applicable decision of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code;
5. If the development is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone, that the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976; and,
6. Any other finding or findings as may be required for the development by the California Environmental Quality Act.

A Notice of Decision (Transmittal No. 8) was issued on March 25, 2015. Mr. Richard Lysle submitted an individual appeal on April 6, 2015. The Municipal Code requires that any appeal filed with the City Engineer shall be heard and decided within 30 days of filing such appeal, with notice having been mailed to the required parties at least ten days prior to such hearing. Action on any appeal must be in writing, and if the appeal is granted, in whole or in part, such decision must set forth wherein the permit granting authority erred in its action on the permit under the above enumerated findings.

### ***Grounds for Appeal***

The appeal is based on the following assertions:

- 1) The EIR and related documents are out of date. The documents made available to the public do not include new information of substantial importance.
- 2) The EIR and related public documents are incomplete, conclusory, and do not include adequate consideration of the "Beach Route" alternative, which would take much less time to complete, cost much less, will cause less disruption to the environment and will reduce adverse environmental impacts.
- 3) Appellant incorporates by reference all grounds for appeal mentioned by other residents and interested parties at the public meetings or otherwise communicated to the City.

### ***Analysis***

- 1) The appeal does not demonstrate that the project conflicts with the six findings identified above regarding the project's conformance to coastal act requirements. The certified EIR accurately describes the project and no substantial changes in the project description have occurred since adoption of the EIR in 2010. The legal adequacy of the certified EIR was upheld by the Los Angeles Superior Court via final judgment in September 2011 in *County of Los Angeles v. City of Los Angeles*, Los Angeles Superior Court Case No. BS124959. In fact, the Los Angeles County Regional Planning

May 8, 2015  
Page 5

Commission, as a responsible agency, recently reviewed and adopted the Findings of the EIR on February 25, 2015, to support the issuance of a local Los Angeles County CDP for the project as described in the EIR.

The appellant is concerned that the certified EIR does not adequately address cumulative traffic impacts that may occur due to related projects occurring within the vicinity of Via Marina in Marina del Rey during construction of the Venice Dual Force Main project. In 2009, at the request of Los Angeles County, an update to the traffic study and cumulative traffic impacts analysis was conducted (Transmittal No. 9). The 2009 updated traffic study included 38 related projects prepared with the assistance of the County of Los Angeles, and included the projects listed by the appellant. The 2009 updated traffic study is available at the City's website at:

[http://clkrep.lacity.org/onlinedocs/2008/08-0504\\_rpt\\_boe\\_11-23-09.pdf](http://clkrep.lacity.org/onlinedocs/2008/08-0504_rpt_boe_11-23-09.pdf).

As a result of the 2009 updated traffic study, an Addendum to the Mitigation Monitoring Program was prepared incorporating additional mitigation measures to address traffic impacts during construction. The Mitigation Monitoring Program, including the Addendum, was adopted with the final EIR in 2010 and is available on the BOE project environmental webpage:

[http://eng.lacity.org/techdocs/emg/venice\\_pumping\\_plant.htm](http://eng.lacity.org/techdocs/emg/venice_pumping_plant.htm).

No increase in the severity of traffic impacts was found as a result of the traffic study update.

Finally, as part of obtaining a coastal development permit from Los Angeles County for the portion of the project within their jurisdiction (specifically Marina del Rey), BOE staff have worked with staff from Los Angeles County Regional Planning, Public Works, and Beaches and Harbors departments for almost a year to address any remaining concerns. These efforts included revising traffic mitigation plans for the project to retain southbound left-turn pockets on Via Marina, identifying areas for emergency vehicle access, and coordination efforts for special events.

Also, as discussed in the Final Staff Report, three traffic-related permit conditions are included in the City local coastal development permit, TRA-9, TRA-10, and TRA-11, which require: a minimum through lane in each direction be available on Via Marina at all times; that southbound left turn lanes on Via Marina be retained; all driveway entrances and exits on Marquesas Way, Via Marina, and Pacific Avenue shall remain unobstructed during construction, including access to Dell Alley; and quarterly meetings shall occur with City and County staff once construction has begun to ensure the

effectiveness of traffic control plans and determine if any changes are needed. Traffic control plans are required to address access for pedestrians and cyclists and maintain public transit connections.

The appellant is concerned about inadequate emergency access. As previously discussed, the traffic control plans also address access for emergency vehicles. Copies of these plans were submitted as part of the Los Angeles County CDP application package and are available for download through a link from the BOE project website. As discussed in the FAQ Fact Sheet (Transmittal No. 10), for the Via Marina portion of the alignment, south of Marquesas Way, traffic control design provides a minimum of one lane in each direction. Emergency vehicles will have access to the opposing lane of traffic if needed, but also to closed sections of the roadway in case there are vehicles in the opposing lane. The areas available for emergency vehicle access are noted in blue on the project's traffic control exhibits. The traffic control plans have been reviewed and are on track for approval by Los Angeles County Public Works as the City has incorporated their comments.

The appellant asserts that no contact has been made with emergency responders about the project. The Los Angeles County Fire Department, in support of the City's CDP request from Los Angeles County, submitted a letter requiring notification of Los Angeles County Fire Station 110 at least three days in advance of any street closures or water service interruptions. In addition, in March 2015 City representatives did consult with first responder stations in the Venice Dual Force Main Project traffic control plan area, including the Los Angeles County Sheriff Station (with Operations Sergeant Anthony Easter) and Los Angeles County Fire Station 110 (with Captains Chell and Howell) in Marina del Rey and Los Angeles County Fire Station 63 (with Captains Winn and Clemens) in Venice. Coordination will continue as needed throughout the permitting and construction phase.

- 2) The appellant asserts that the certified EIR did not adequately consider the Beach Route alternative for the project alignment. Once again, the legal adequacy of the certified EIR was upheld by the Los Angeles Superior Court via final judgment in September 2011. In any case, this alternative was co-equally considered in the Draft EIR, as it was presented as a potential route in Chapter 4 "Alternatives Under Consideration" and potential impacts from the route were included throughout the technical analysis. Among the three potential construction methods available (tunneling, micro tunneling, and cut and cover), the beach route was thoroughly analyzed utilizing tunneling and micro tunneling methods. The cut and cover method of construction for the beach route was not deemed viable (as discussed on pages 4-5 of the Draft EIR). A summary of the analysis conducted was presented in Table 3.3.1 of the Final EIR (see page ES-16) and discussed on page ES-18 in the section titled "Hurricane Street/Dockweiler Beach Segment of the Beach Alignment." As documented in the

May 8, 2015  
Page 7

February 25, 2008 report from the Board to City Council recommending certification of the EIR and approval of the project, "Cut and cover along the beach was not considered because the method would result in a relatively shallow sewer, which could be vulnerable to damage from future coastal erosion processes" (page 6, Transmittal No. 11).

In addition, the FAQ Fact Sheet available on the BOE project website summarizes the various reasons the Via Marina alignment was selected, including agency input requesting the City to avoid the beach.

Mr. Lysle is concerned about utility relocations required on Via Marina. As the new force main sewer line will be installed using the micro tunneling method at depths greater than 40 feet, many of the existing utilities shall be avoided. Most of the utilities are located just 2-4 feet below surface. Sewer, oil, and water lines could be located at slightly greater depths. Ground surface excavation is required in four locations on Via Marina to create the deep shafts to enable micro tunneling construction. Potential conflicts at these locations have been addressed with the utility companies. As required by Los Angeles County Public Works as part of the Los Angeles County CDP, the existing 10-inch Los Angeles County water line shall be relocated during construction.

Further, the BOE standard practices consider issues related to existing utilities in many stages of the project design and delivery process. Existing utilities are considered as part of the constructability review when selecting a sewer alignment. During the design phase, preliminary design plans were sent out to private utility companies for utility coordination purposes. The feedback received was used to verify and supplement the existing utilities shown on city records and was reflected in the final design. In the final design phase, the best constructible option was identified by considering the least amount of impacts or fewest relocation of existing utilities. Prior to any ground excavation, DigAlert shall be contacted and will mark existing underground utilities.

Mr. Lysle raises other concerns related to vibration impacts from construction. As discussed on pages 5 to 126 of the draft EIR, no significant vibration impacts from micro-tunneling activities are predicted for the Marquesas Way/Via Marina alignment. Los Angeles County Public Works, as part of the permit conditions for the Los Angeles County CDP, require the City to submit a report addressing the measures taken to protect the existing clay sewer lines against vibration during construction to the satisfaction of Los Angeles County Public Works. In addition, the City shall submit a pre- and post-construction closed circuit television video for the nearby County sewer lines to the satisfaction of Los Angeles County Public Works. A link to the Los Angeles County CDP permit requirements for the project is available on the BOE project website.

Mr. Lysle is also concerned about hazards related to abandoned oil wells. The Hazards

chapter of the draft EIR discusses the abandoned oil wells along the proposed alignment routes and provides a map on pages 5-79 (see Figure 5.7-1). This issue was also addressed in the FAQ Fact Sheet, which notes that geotechnical investigations were conducted in 2008 and 2014. Based on information from these studies and California Division of Oil, Gas, and Natural Resources records, City staff adjusted the project alignment to avoid known and potential wells during construction on Via Marina. A sealed construction method shall also be used during micro tunneling to prevent the release of any gases that may be naturally occurring or related to prior oil field operations.

The appellant is concerned about tree removals and impacts on birds. The Project will require the removal of five mature trees in County Lot 13. As required by City CDP permit condition AES-1B, the trees will be replaced within 60 days after construction is completed with 48 inch box specimens of the same species. Tree removals will take place in accordance with the Marina del Rey Local Coastal Program tree management policies, which require biological surveys prior to removal to avoid impacts to nesting birds. To protect street tree roots along Via Marina during construction, City CDP permit condition AES-1A requires the contractor to consult with a registered consulting arborist.

The appellant has asserted that there is no cost estimate available for the “Beach Route.” However, cost estimates for all alternatives were presented and considered in the Findings and Overriding Considerations adopted by City Council. As stated on pages 29-30 of the Findings, for the Dockweiler Beach Alignment, the boring method was estimated to cost \$54 million and the mining method was estimated to cost \$65 to \$68 million. An updated estimate of the construction costs for the adopted Via Marina alignment will be presented to the Board when the construction contract for the project is advertised.

Finally, the appellant continues to question the reasons why the Via Marina alignment is the adopted project alignment. This discussion is available in the adopted Findings and Overriding Considerations and is also addressed in the FAQ Fact Sheet. Regarding the completeness of the discussion in the final EIR of the Beach Route alternative, the final EIR incorporates the analysis contained in the draft EIR and technical appendices, which thoroughly addressed three project alignments: Dockweiler Beach, Pacific Avenue, and Via Marina with a combination of different construction methods.

- 3) As no other appeals were received, this response is focused on the concerns raised by Mr. Lysle’s appeal and addressed above.

***Conclusion***

In consideration of the foregoing, staff recommends that the Board find that the City Engineer did not err in his decision to approve a CDP and that the Board deny the appeal.

Department of Public Works  
Bureau of Engineering  
Report No.2

May 8, 2015  
Page 9

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Respectfully submitted,



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