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<http://eng.lacity.org>

October 6, 2022

The Honorable Nury Martinez
President
Los Angeles City Council

c/o Holly L. Wolcott
City Clerk
City Hall Room 360

CITY ORDINANCE TO PROTECT NATURAL RESOURCES WITHIN DESIGNATED ENVIRONMENTALLY SENSITIVE HABITAT AREAS OF THE BALLONA WETLANDS (C.F. 21-1081) CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) NOTICE OF EXEMPTION (NOE)

Dear President Martinez and Honorable Members:

The attached environmental documentation is being transmitted for City Council's consideration related to the proposed City Ordinance to prohibit entry outside of the hours of operation of the Ballona Wetlands onto the adjacent public right-of-way at Culver Boulevard and Jefferson Boulevard in Council District 11.

RECOMMENDATION

Staff recommends that Council determine the proposed Ordinance to protect natural resources within the Ballona Wetlands Environmentally Sensitive Habitat Area at Culver Boulevard and Jefferson Boulevard, which prohibits entry onto adjacent public right-of way outside of the hours of operation, are categorically exempt under State CEQA Guidelines Article 19, Sections 15307, 15308, and 15311, as Actions by Regulatory Agencies for Natural Resources, Actions by Regulatory Agencies for Protection of the Environment, and as Accessory Structures. Please refer to the attached NOE.

Honorable Nury Martinez
October 6, 2022
Page 2 of 2

If you have any questions, please contact Maria Martin at Maria.Martin@lacity.org or (213) 485-5753.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jose Fuentes".

for

Ted Allen, P.E.
City Engineer

Attachment

TA/JF/mem:ab

Box\EXE_Ready for Signature\TSA\Outbox\Archived\2022\Transmittal_CF21-1081_CEQANOE-Ballona_ORD_10-06-22.pdf

cc: Jose Fuentes, Bureau of Engineering

CITY OF LOS ANGELES
 DEPARTMENT OF PUBLIC WORKS
 BUREAU OF ENGINEERING
 1149 S. BROADWAY, 7th FLOOR
 LOS ANGELES, CALIFORNIA 90015
 CALIFORNIA ENVIRONMENTAL QUALITY ACT
NOTICE OF EXEMPTION
 (Articles II and III – City CEQA Guidelines)

Submission of this form is optional. The form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, California, 90650, pursuant to Public Resources Code Section 21152(b). Pursuant to Public Resources Code Section 21167(d), the filing of this notice starts a 35-day statute of limitations on court challenges to the approval of the project.

LEAD CITY AGENCY AND ADDRESS: City of Los Angeles c/o Bureau of Engineering 1149 S. Broadway, 6 th Floor, MS 939 Los Angeles, CA 90015	COUNCIL DISTRICT 11
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PROJECT TITLE: City Ordinance to protect Natural Resources within Designated Environmentally Sensitive Habitat Areas of the Ballona Wetlands	LOG REFERENCE C.F.: 21-1081
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PROJECT LOCATION: The public right-of-way adjacent to the Ballona Wetlands Environmentally Sensitive Habitat Area (ESHA) on Culver Blvd and Jefferson Blvd., west of Lincoln Blvd. The Project area is located in the West - Playa del Rey Community Plan of the City of Los Angeles (see *Figure 1: Project Location*). T.G.: 702-A2-D2

DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT: The City Ordinance to protect Natural Resources within Designated Environmentally Sensitive Habitat Areas of the Ballona Wetlands (Project or Ordinance) is a proposed municipal ordinance to enhance protections for sensitive environmental resources of the Ballona Wetlands. The Ordinance will prohibit entry onto the adjacent public right-of-way outside of the hours of operation of the Ballona Wetlands Environmentally Sensitive Habitat Area (ESHA). Access will be permitted at all times for any maintenance or public safety purposes by any public agency or the operators of the Ballona Wetlands. Ordinance signs will be posted in the public right-of-way along Culver Boulevard and Jefferson Boulevard. The Ballona Wetlands are an ESHA as defined by California Coastal Act under Sections 30107.5 and 30240 (subparts (a) and (b)). Project beneficiaries include sensitive coastal wetland habitat and sensitive species as well as the community and visitors. Please see the Project description continuation in the narrative for more details. On _____, 2022, the City Council determined the Project was exempt under the California Environmental Quality Act (CEQA) and approved the Project.

CONTACT PERSON Maria Martin	TELEPHONE NUMBER (213) 485-5753
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EXEMPT STATUS: (Check One)	CITY CEQA GUIDELINES	STATE CEQA GUIDELINES
<input type="checkbox"/> MINISTERIAL	Art. II, Sec. 2.b	Sec. 15268
<input type="checkbox"/> DECLARED EMERGENCY	Art. II, Sec. 2.a(1)	Sec. 15269(a)
<input type="checkbox"/> EMERGENCY PROJECT	Art. II, Sec. 2.a(2)	Sec. 15269(b)(c)
<input type="checkbox"/> GENERAL EXEMPTION	Art. II, Sec. 1	Sec. 15061(b)(3)
<input checked="" type="checkbox"/> CATEGORICAL EXEMPTION*	Art. III, Sec. 1 Class(es) 7, 8 and 11	Sec. 15307, 15308, and 15311
<input type="checkbox"/> STATUTORY*	Art. _____	Sec. _____

* See Public Resources Code Sec. 21080 and set forth state and city guidelines provisions.

JUSTIFICATION FOR PROJECT EXEMPTION: This Project is exempt from CEQA pursuant to State CEQA Guidelines Article 19, Sections 15307, 15308, and 15311. Additionally, the project is exempt pursuant to *Los Angeles CEQA Guidelines* Article III, Section 1, Class 8, Actions by Regulatory Agencies for Protection of the Environment; and Class 11, Accessory Structures. None of the limitations at State CEQA Guidelines 15300.2 apply (see attached narrative).

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING

SIGNATURE: Maria Martin <i>Pending Project consideration by Council.</i>	TITLE: Environmental Affairs Officer Environmental Management Group	DATE: <i>TBD</i>
RECEIPT NO.	REC'D BY	DATE

CATEGORICAL EXEMPTION NARRATIVE

I. PROJECT DESCRIPTION (Continued)

The Project is a proposed municipal ordinance to enhance protections for sensitive environmental resources of the Ballona Wetlands ESHA by making it a violation of the City's Municipal Code to leave the designated roadways, walkways, and trails or to violate any posted access regulations, including hours of operation in the adjacent public right-of-way alongside Culver Boulevard and Jefferson Boulevard west of Lincoln Boulevard. If signs are posted, they may be installed within existing poles along the Project alignment. However, it is possible that some pole installation may be needed.

The full Ballona Wetlands ESHA is an approximate 500-acre habitat block located east and north of the residential neighborhoods of Playa del Rey and Westchester; west of Lincoln Boulevard, and south of the City boundary along Ballona Creek; and east of Lincoln Boulevard, south of the Villa Marina neighborhood and the Marina Freeway, and north of Ballona Creek. The public right-of-way affected by this Ordinance is along Culver Boulevard and Jefferson Boulevard west of Lincoln Boulevard adjacent to the Ballona Wetlands.

People have improperly entered the Ballona Wetlands from the public right-of-way proposed for regulation causing adverse impacts to the health of the ESHA by undertaking activities such as disposal of waste and lighting campfires which have caused significant damage the ESHA. This Ordinance would protect the Ballona Wetlands ESHA by reducing illegal access outside of the hours of operation. The Ballona Wetlands are open to the public on designated trails during daylight hours and is entirely closed to the public after sundown.

Existing Conditions:

The Ballona Wetlands site is one of the few remaining marsh habitats in the City of Los Angeles. With both saltwater and freshwater marsh, the Ballona Wetlands support rare or endangered species including the federally endangered El Segundo blue butterfly (*Euphilotes battoides allyni*), the state endangered Belding's savannah sparrow (*Passerculus sandwichensis*), the federally threatened Coastal California gnatcatcher (*Polioptila californica californica*), the federally endangered Least Bell's vireo (*Vireo bellii pusillus*), and the federally endangered Light-footed Ridgway's Rail (*Rallus obsoletus levipes*). Additionally, the wetlands provide estuaries to shelter young fish from many predators and the rough open ocean and provide a refuge for migrating birds. Wetlands also allow for water to gently percolate into the ground and down into underground rivers and aquifers, cleansing the water as it recharges the local groundwater supply.

The major streets in and adjacent to the Ballona Wetlands are Culver Boulevard, Jefferson Boulevard, and Lincoln Boulevard. Per the Mobility Plan 2035 and Standard Plan No. S-470-1 (Standard Street Dimensions), Culver Boulevard is a modified Avenue III or Secondary Highway, and Culver Boulevard is a City of Los Angeles designated Scenic Highway from Vista del Mar to Ballona Creek for Ocean and Marina views and proximity to the Ballona Wetlands (Mobility Plan 2035, 2016). This designation overlaps with the Project area from Nicholson Street to Ballona Creek. Jefferson Boulevard is a Boulevard II or Major Highway Class II, Lincoln Boulevard is a Boulevard I or Major Highway Class I. The public right-of-way where Ordinance signs will be posted are located adjacent to Culver Boulevard and Jefferson Boulevard.

The Project area is located within both the Coastal Zone¹ Commission Authority and the Dual Jurisdictional Coastal Zone (see Figure 2).

Additionally, the Project area is in a known methane zone per data from the California Division of Oil Gas and Geothermal Resources and the City of Los Angeles Department of Building and Safety records. The Project site is also in a very high fire hazard severity zone, a known landslide zone and a liquefaction zone.

II. PROJECT HISTORY

This Ordinance was developed as part of the City's effort to protect coastal resources. Persons regularly enter the ESHA from the public right-of-way abutting the Ballona Wetlands in manners harmful to the ESHA. Harmful activities in the area have included waste disposal and setting campfires. These occurrences are most common adjacent to Culver Boulevard, Jefferson Boulevard, west of Lincoln Boulevard.

Per Council Motion (9/20/21 C.F. 21-1081): It is the City of Los Angeles' responsibility to protect, conserve, restore, and enhance our Environmentally Sensitive Habitat Areas (ESHAs) particularly when natural resources exist. The California Coastal Act policies provide protection for ESHAs, including various types of wetlands, sand dunes, riparian areas, coastal prairies, woodlands and forests, and other biological resources in the coastal zone.

Environmentally Sensitive Habitat Areas (ESHAs) are defined in The Public Resources Code (PRC), DIVISION 20, California Coastal Act [30000 - 30900]:

30240.

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

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

(Amended by Stats. 1991, Ch. 285, Sec. 4.)

The Coastal Act also defines these ESHAs as "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 30107.5).

Numerous public and private projects have been undertaken in the last several decades to enhance and protect habitat in the Ballona Wetlands. The California Coastal Conservancy is currently funding several projects related to the Ballona Wetlands in Los Angeles, including an interagency agreement with the California Department of Fish and Wildlife (CDFW) for design, engineering, and permitting associated with the Ballona Wetlands Ecosystem Restoration project; and a grant to Friends of Ballona

¹ Per LAMC (12.20.2), the Coastal Zone shall mean that land and water areas within the City of Los Angeles as specified on maps prepared by the California Coastal Commission, copies of which are on file with the Department of City Planning and the Office of City Engineer. Such "coastal zone" extends seaward to the City's outer limit of jurisdiction, and generally extends inland 1,000 yards from the mean high tide line of the sea. In significant coastal estuarine, habitat and recreational areas, it extends inland to the first major ridgeline paralleling the sea or five miles from the mean high tide line of the sea, whichever is less, and in developed urban areas, the zone extends inland 1,000 yards.

Wetlands to remove non-native plants and restore native habitat along the margins of the Ballona Wetlands, outside of the Wetlands Restoration area (CA Coastal Conservancy, 2022).

III. ENVIRONMENTAL REVIEW

A. Basis for Categorical Exemption

- Class 11, Accessory Structures, consists of construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to (a) on-premise signs.
- Class 7, Actions by Regulatory Agencies for Natural Resources, consists of actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment. Examples include but are not limited to wildlife preservation activities of the State Department of Fish and Game (currently known as Fish and Wildlife). Construction activities are not included in this exemption.
- Class 8, Actions by Regulatory Agencies for Protection of the Environment, consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

The purpose of this Ordinance is to enhance protections for sensitive environmental resources of the Ballona Wetlands ESHA by making it a violation of the City's Municipal Code to leave the designated roadways, walkways, and trails or to violate any posted access regulations, including hours of operation in the regulated adjacent public right-of-way.

B. Consideration of Potential Exceptions to use of a Categorical Exemption

The State CEQA Guidelines (CCR Sec 15300.2) limit the use of categorical exemptions in the following circumstances:

1. Location. Exemption Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may be significant in a particularly sensitive environment. Therefore, these classes are considered to apply in all instances, except where the project may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

This Project is exempt from CEQA pursuant to State CEQA Guidelines Article 19, Sections 15307 and 15308, Class 7. Actions by Regulatory Agencies for Protection of Natural Resources, Class 8. Actions by Regulatory Agencies for Protection of the Environment. Additionally, although the Project is also exempt under Class 11, the signs will be posted outside of the ESHA and the purpose of the Project is to protect the ESHA. Therefore, this exception does not apply.

2. Cumulative Impact. This exception applies when, although a proposed project may not have a significant impact, the cumulative impact of successive projects of the same type in the same place, over time is significant.

Although the Ballona Wetlands Ecosystem Restoration project will be potentially occurring within the City's Project adjacent areas, the State project is not anticipated to overlap temporally with the sign postings. Furthermore, the placement of the signs involves very minor construction activities that could involve cumulatively significant impacts. Therefore, this exception has no application to this Project.

3. Significant Effect. This exception applies when, although the project may otherwise be exempt, there is a reasonable possibility that the project will have a significant effect due to unusual circumstances.

Land Use - Coastal Zone

The Project site is an area of the Coastal Zone within the dual permit jurisdiction area of the City. Per the California Coastal Act, the City and the Commission work to protect, maintain and enhance coastal areas of Los Angeles especially Pacific Palisades, Venice, Marina del Rey, Playa del Rey, San Pedro and Wilmington. Portions of these zones are highly developed and serviced by public utilities including streets and highways. The proposed Project consists of an Ordinance to protect natural resources and habitat with no significant impacts anticipated. There is no reasonable possibility that the Project will have a significant effect due to unusual circumstances.

Geology and Soils - Landslide

According to NavigateLA, the Project site is located within an Earthquake-Induced Landslide Zone. These are “areas where previous occurrence of landslide movement, or local topographic, geological, geotechnical and subsurface water conditions indicate a potential for permanent ground displacements such that mitigation as defined in Public Resources Code Section 2693(c) would be required.” Portions of land in the City of Los Angeles, particularly within hillside areas, are designated to be within the Landslide zones. The proposed Project consists of an Ordinance to protect natural resources and habitat with no significant impacts anticipated. No new structures for human habitation will be constructed. The Project would not potentially result in or increase vulnerability to damage caused by landslides There is no reasonable possibility that the Project will have a significant effect due to unusual circumstances.

Geology and Soils - Liquefaction

According to NavigateLA, the Project site is located within a designated liquefaction zone, an area mapped for “historic occurrence of liquefaction, or where local geological, geotechnical, and groundwater conditions indicate a potential for permanent ground displacements,” or where “previous occurrence of landslide movement, or local topographic, geological, geotechnical, and subsurface conditions indicate a potential for permanent ground displacements,” according to the Official Map of Seismic Hazards, released by the California Department of Conservation, California Geological Survey. Portions of land in the City, including northern areas along the Santa Monica Mountains, areas along the central belt from Santa Monica to Lynwood, and areas in southern Los Angeles along San Pedro Bay, are designated to be susceptible to liquefaction.

The proposed Project consists of an Ordinance to protect natural resources and habitat with no significant impacts anticipated. No new structures for human habitation will be constructed. The Project would not potentially result in or increase vulnerability to damage caused by by liquefaction and there is no reasonable possibility that the Project will have a significant effect due to unusual circumstances.

Methane Zone

The Project site is located within an area designated by the Zoning Information and Map Access System (ZIMAS) as a methane zone. Throughout the Los Angeles Basin, areas more prone to high methane gas concentrations include former and active oil fields, landfills, and where sub-surface naturally occurring petroleum deposits are present. The Los Angeles Department of Building Safety (LADBS) identified portions of the City to be designated as a methane zone or methane buffer zones including: central belt from Cheviot Hills extending east to Boyle Heights, southern district of Wilmington Heights to pocket areas bordering Aliso Canyon. These areas are densely populated and served by the City’s

infrastructure and transportation network. The proposed Project consists of an Ordinance to protect the Ballona Wetlands ESHA. If signs are posted, work would be occurring within open spaces and open excavation with adequate ventilation. No work in confined spaces is anticipated. It is not uncommon to find the need for protection of coastal and natural resources in these areas and as such this is not an unusual circumstance. Given the Project scope, there is no reasonable possibility that the Project will have a significant effect due to unusual circumstances.

For the reasons stated above, this exception has no application to this Project.

4. Scenic Highway. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.

The proposed Project is not damaging any scenic resources as it is limited to access regulation and minor signage for implementation. The Project site is not within a state designated scenic highway or within sight of any state designated scenic highway. Therefore, this exception has no application to this Project.

5. Hazardous Waste Site. This exception applies when a project is located on a site listed as a hazardous waste site under Government Code Section 65962.5.

As of September 21, 2022, the State Department of Toxic Substances Control (DTSC) (Envirostor database at www.envirostor.dtsc.ca.gov) and the California Regional Water Quality Control Board (RWQCB) (Geotracker database at <https://geotracker.waterboards.ca.gov/>) have not listed the Project site. As such, this exception does not apply.

6. Historical Resources. This exception applies when a project may cause a substantial adverse change in the significance of a historical resource. A significant impact would occur if the project caused a substantial adverse change to a historical resource through demolition, construction, conversion, rehabilitation, relocation, or alteration.

The proposed signs may be installed within existing poles along the Project alignment. However, it is possible that some new pole installation may be needed. Thus, some minor excavation may occur. Per HistoricPlacesLA and City of Los Angeles Planning (NavigateLA) no historic resources are known to occur in the Project site. If unanticipated historical artifacts were encountered, City Engineer Standard Specifications, Section 6-6.2, (Greenbook, 2021) states: "If discovery is made of items of archaeological or paleontological interest, the Contractor shall immediately cease excavation in the area of discovery and shall not continue until ordered by the Engineer." Therefore, during activities in which there will be ground disturbances (i.e., digging, drilling, etc.) if any evidence of archaeological, cultural, or paleontological resources are found, all work within the vicinity of the find shall stop until a qualified archaeologist can assess the finds and make recommendations. No excavation of any finds should be attempted by project personnel unless directed by a qualified archaeologist. Construction activities may continue in other areas. If the discovery proves significant under CEQA (Section 15064.5f; Public Resources Code or PRC 21082), additional work such as testing, or data recovery may be warranted.

The discovery of human remains is always a possibility during ground disturbances; State of California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Los Angeles County Coroner has made a determination of origin and disposition pursuant to PRC Section 5097.98. The Los Angeles County Coroner must be notified of the find immediately. If the human remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission, which will determine and notify a Most Likely Descendent (MLD). The MLD shall complete

the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

As indicated above, the Project is not anticipated to result in a substantial adverse change in the significance of a historical resource. Therefore, no substantial adverse impact to cultural resources is anticipated, and as such this exception does not apply.

IV. REFERENCES

California Coastal Conservancy, Ballona Wetlands Restoration Project, 9/19/22 Update, retrieved September 22, 2022 from <https://scc.ca.gov/projects/south-coast/ballona-wetlands-restoration/>

California Code of Regulations, Title 14, Division 6, Chapter 3 (State CEQA Guidelines), available from <http://leginfo.ca.gov/>

California Department of Transportation (Caltrans). California State Scenic Highway System Map. Retrieved September 22, 2022, from <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca>

California Regional Water Quality Control Board. *Geotracker*. Retrieved December 22, 2021, from [https:// geotracker.waterboards.ca.gov](https://geotracker.waterboards.ca.gov).

City of Los Angeles, Department of City Planning, Parcel Profile Report. Retrieved on September 20, 2022, from *NavigateLA* <http://boemaps.eng.ci.la.ca.us/navigate/>

City of Los Angeles, Department of Public Works Bureau of Engineering. Retrieved on September 20, 2022, *NavigateLA*. <http://boemaps.eng.ci.la.ca.us/navigate/>

City of Los Angeles, Mobility Plan 2035, <https://planning.lacity.org/plans-policies/initiatives-policies/mobility>.

City of Los Angeles, 2002. *Environmental Quality Act Guidelines (C.F.: 02-1507)*

City of Los Angeles, *Municipal Code*, Sec. 12.20.2. *Coastal Development Permits*.

Los Angeles Historic Resources Inventory. HistoricPlacesLA.org

Standard Street Dimensions, 2015. Standard Plan No. S-470-1. City of Los Angeles, Bureau of Engineering. https://eng2.lacity.org/techdocs/stdplans/s-400/S-470-1_20151021_150849.pdf

State of California, Public Resources Code, Div. 13, Sections 21000-21189 (*California Environmental Quality Act*), available from <http://leginfo.legislature.ca.gov/>

State of California, DIV. 20. Sections 30000 - 30900 (*California Coastal Act*), available from <http://leginfo.legislature.ca.gov/>

State Department of Toxic Substances Control. *Envirostor*. www.envirostor.dtsc.ca.gov Accessed September 21, 2022

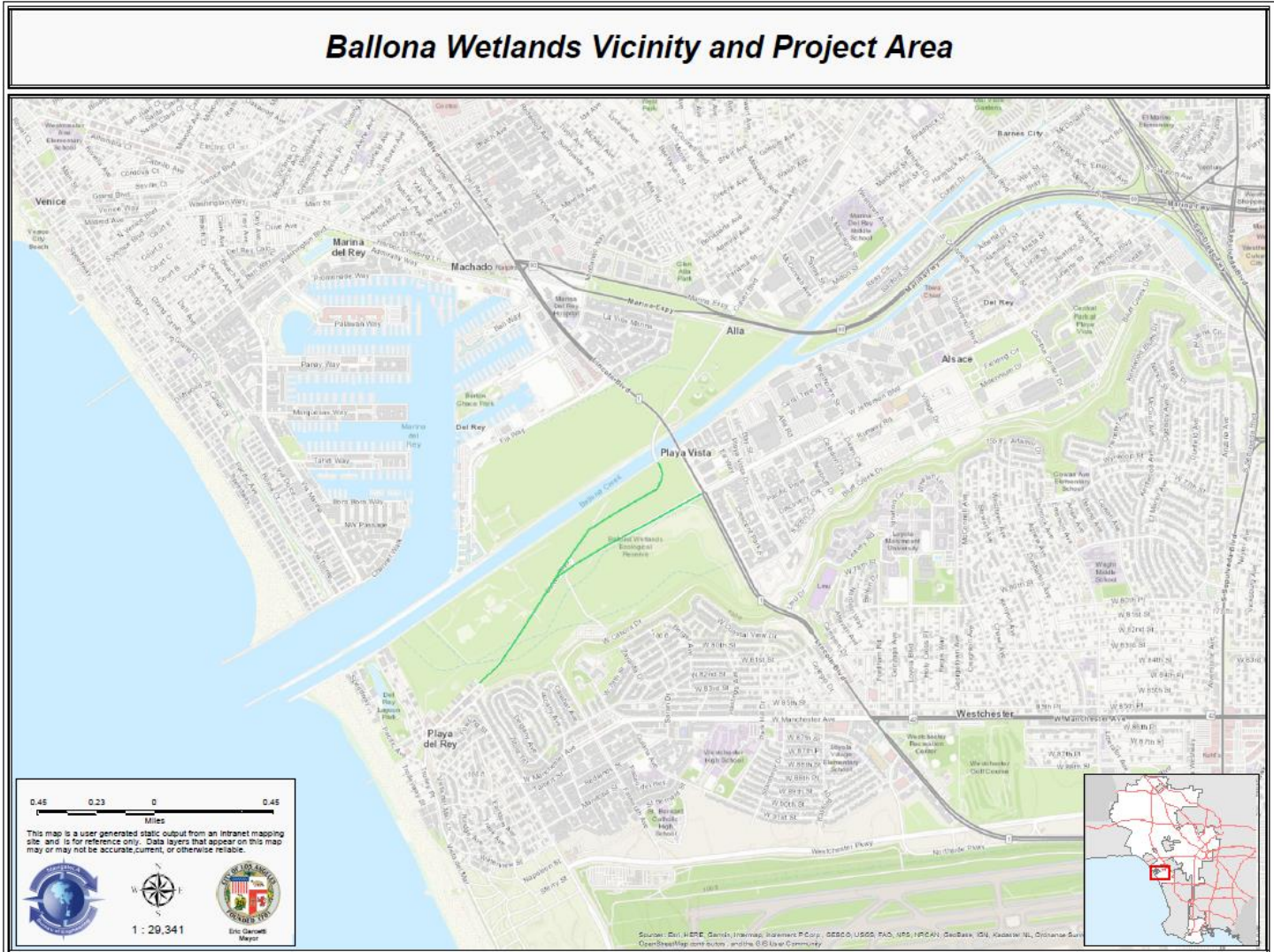


Figure 1. Ballona Wetlands Vicinity and Project Area. Project area marked in green.

